

**AGENDA**  
**HOSCHTON PLANNING AND ZONING COMMISSION**  
**November 26, 2025, at 6:00 p.m.**  
**Hoschton Community Center**  
**65 City Square, Hoschton, GA, 30548**

Call to Order/Roll Call

Recognitions

Pledge of Allegiance

Moment of Silence

Approval of Minutes (August 27, 2025)

*No Meeting for September or October 2025 due to no agenda items*

Public Comment (*5-minute time limit*)

**NEW BUSINESS**

1. **Z-25-05** Rezoning request: Applicant, Ashishkumar Patel, seeks to rezone from MU/C3 to MU. Parcel H02 051B, 1.38 acres.
2. **Z-25-06** Rezoning request: Applicant, Tim Jenkins, seeks to rezone from PUD to PUD with different conditions. Parcel 114 002A and 114 001B.
3. Discussion for recommendation for 2026 Chair and Co-Chair

Adjourn

**MINUTES**  
**HOSCHTON PLANNING AND ZONING COMMISSION**  
**August 27, 2025, at 6:00 p.m.**  
**Hoschton Community Center**  
**65 City Square, Hoschton, GA, 30548**

Call to Order/Roll Call at 6:02pm by Chair Ace Acevedo

Recognitions Chair Ace Acevedo recognizes being present, Councilmember Tina Brown and Councilmember David Brown

Pledge of Allegiance by Chair Ace Acevedo

Moment of Silence by Chair Ace Acevedo

Approval of Minutes (July 23, 2025) Motion to approve minutes with no changes by Horney, seconded by Viveló and all in favor

Public Comment (5-minute time limit) No comments

**NEW BUSINESS (PUBLIC HEARING ITEMS)**

1. **CU-25-01** Conditional Use Permit: Applicant, Matthew Travis Martin seeks a Conditional Use Permit for an accessory apartment. Parcel H02 051B, .62 acres  
*Motion to approve with no changes by Viveló, seconded by Jonaitis, all in favor*
2. **V-25-03** Variance: Applicant, Matthew Travis Martin, seeks variance to Hoschton Zoning Ordinance Section 6.05 "Accessory Apartment" . Parcel H02 051B, .62 acres. Variance requested for number limit, setbacks, and area minimums requirements.  
*Motion to approve by Viveló, seconded by Horney, discussion was started by Jonaitis to approve with conditions.*  
*Condition being that the dwelling unit be limited to one occupant. Jonaitis made motion to approve with condition, seconded by Viveló, all in favor*

## **TRAINING 101 WITH NORTH GEORGIA REGIONAL COMMISSION**

Adjourn

*Motion to adjourn at 7:22pm by Jonaitis, seconded by Vivello, all in favor*

*Commissioners in Attendance:*

*Mr. Ace Acevedo, Chair*

*Mr. Geoffrey Horney, Co-Chair*

*Mr. Tom Vivello*

*Mr. Chuck Jonaitis*

*Ms. Maegan Reed*

*Mr. Tom Vivello*

*Mr. Mike Osburn*

*Staff Present:*

*Mr. Hu Blackstock, City Planner*

*Ms. Tiffany Wheeler, Finance Director*

*Also Present, Mr. Ben Munro, Media*

2-25-05

# APPLICATION FOR REZONING

CITY OF HOSCHTON, GA  
PLANNING AND DEVELOPMENT  
61 City Square  
Hoschton, GA 30548  
706-654-3034

## Applicant Information:

**Name:**

Ashishkumar Patel

**Address:**

4060 Hwy 53

**City, State, Zip:**

Hoschton, GA 30548

**Phone:**

770-540-0141

**E-mail:**

ashupatel114@gmail.com

## Property Owner Information: *(if different from applicant)*

**Name:**

Ashishkumar Patel and Stewart Christian

**Address:**

4060 Hwy 53

**City, State, Zip:**

Hoschton, GA 30548

**Phone:**

770-540-0141

**E-mail:**

ashupatel114@gmail.com

The property owner, must sign the following form; if the applicant is not the property owner, you must submit evidence of property owner approval to file this application by submitting the property owner authorization form.

## Property Information:

**Tax Map and Parcel Number:**

119 004N1

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**Address (if one has been assigned):**

Hwy 53

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**Acreage of Property:**

1.38 acres

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Note: You must attach a metes and bounds legal description of the property. A boundary survey may be required; submit a copy if available.

**Existing Zoning District:**

MU/C3

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**Proposed Zoning District:**

MU

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**Proposed Use:**

future mixed use site development

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**Property Owner Authorization**

I swear that I am the owner of the property which is the subject matter of this application, as shown in the records of Jackson County, Georgia.

**Name of Owner(s):**

Ashishkumar Patel and Stewart Christian

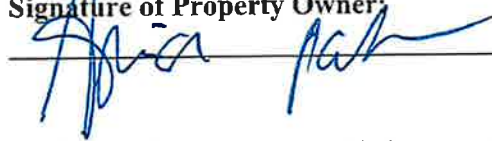
**Address:**

4060 Hwy 53

**Phone Number:**

770-540-0141

**Signature of Property Owner:**



I authorize the person named below to act as applicant in the pursuit of this application.

**Name of Applicant(s):**

\_\_\_\_\_

**Address:**

\_\_\_\_\_

**Phone Number:**

\_\_\_\_\_

Property owner personally appeared before me

\_\_\_\_\_

who swears that the information contained in this authorization is true and correct to the best of his or her knowledge and belief.

\_\_\_\_\_

**Notary Public**

\_\_\_\_\_

**Date**

**CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM  
(REQUIRED TO BE COMPLETED BY APPLICANT)**

O.C.G.A. § 36-67A-3[c] Disclosure of campaign contributions:

When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

- (1) The name and official position of the local government official to whom the campaign contribution was made; and
- (2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

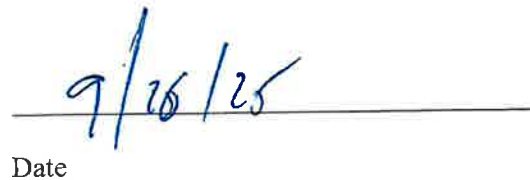
I hereby certify that I have read the above and that (check which one applies):

I have**		I have not	<input checked="checked" type="checkbox"/>
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Within the two years immediately preceding this date, made any contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

\*\*If you have made such contributions, you must provide the data required by this form.

  
Applicant's Signature

  
Date

[application form continues on next page]

## ZONING DECISION CRITERIA

Per Section 8.03 of the Hoschton Zoning Ordinance, the following criteria are applicable to rezoning decisions. The applicant is urged but not required to substantiate the rezoning request by responding to these criteria which provide reasons for approving the application:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

Response:

This property is located in the city limits of Hoschton and this zoning is consistent with current and future land use designations.

- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**

Response:

The mixed use zoning is specifically designed for this location. The tract was previously zoned MU prior to the current C3 designation.

- (c) Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.**

Response:

The property could be used for a car wash as currently zoned

- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

Response:



- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including the character area map and/or future land use plan map.**

Response:

The proposed mixed use zoning is consistent with current usage maps.

- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.**

Response:

An additional car wash location has been approved at another site and this location no longer needs to be a car wash site.

- (g) Whether the proposal would create an isolated zoning district unrelated to adjacent and nearby districts.**

Response:

It would not create an isolated zoning district.

- (h) Whether the proposal would have an impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.**

Response:

No specific plans have been developed for the site at this time.

[application form continues on next page]

To complete your application, attach/submit the following in addition to this completed form:

- \_\_\_\_\_ **Application fee** as established by resolution of the City Council (see fee schedule).  
Make check payable to the City of Hoschton.
- \_\_\_\_\_ **Metes and bounds legal description** of the property.
- \_\_\_\_\_ **Boundary survey plat** of the property; provided, however, that where no survey is available the Zoning Administrator may but is not obligated to, accept a map of the subject property from the Jackson County Tax Assessors or other reliable source.
- \_\_\_\_\_ **Letter of intent** describing the proposed use of the property or other action requested, which may include any special conditions voluntarily made by the applicant as a part of the request.
- \_\_\_\_\_ **Site plan** (15 copies plus digital copy in pdf format) of the property and proposed development at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements. Site plans must show existing roads and streams, flood plains and wetlands where applicable, existing and proposed buildings and structures, parking and loading areas as may be applicable, areas of existing vegetation or parts of the site to be landscaped, conceptual information about drainage and stormwater management, and other information as reasonably required by the Zoning Administrator. Site plans may be waived for rezoning applications for agricultural or residential zoning districts.

Please be advised of the following rezoning procedures:

The zoning administrator will determine whether the application is complete (incomplete applications will not be processed). Public notice of meetings (including sign on property and newspaper notice) of completed applications will be accomplished by the city. A staff report and recommendation will be prepared by the zoning administrator and submitted to the Hoschton Planning and Zoning Commission (which meets once a month) and Hoschton Mayor and City Council (regularly meets once monthly). The Planning and Zoning Commission will make a recommendation on the application, but the final decision is by the Hoschton City Council. Applicants are required to attend the Planning and Zoning Commission meeting and public hearing before the Mayor and City Council. Contact the zoning administrator for specific dates at which your application will be considered.

**FOR OFFICE USE ONLY:**

\_\_\_\_\_ : **APPROVED**

\_\_\_\_\_ : **DENIED**

**AMOUNT PAID:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

**FORM OF PAYMENT:**

☐ **CHECK #** \_\_\_\_\_

☐ **CREDIT CARD**

☐ **CASH**

CITY OF HOSCHTON  
STATE OF GEORGIA

ORDINANCE NO. Z-25-05

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF  
HOSCHTON AND FOR OTHER PURPOSES

**WHEREAS**, Ashishkumar Patel, applicant and Ashishkumar Patel and Stewart Christian, property owners, have applied to rezone a 1.38 acres of property described as tax parcel 119 004N1 from C3 (Commercial Motor Vehicles Service and Repair District) to MU (Mixed-Use District); and

**WHEREAS**, the Property to be rezoned consists of all that tract or parcel of land lying and being in Jackson County Georgia, as described in more detail in Exhibit A which by reference is incorporated herein; and

**WHEREAS**, the City Council of the City of Hoschton has authority pursuant to the Hoschton Zoning Ordinance to amend the City of Hoschton's Official Zoning Map; and

**WHEREAS**, the city's zoning administrator has prepared a report evaluating the criteria for zoning decisions as they pertain to the requested zoning; and

**WHEREAS**, the Hoschton City Council held an advertised public hearing on the application and has complied with all applicable laws and ordinances with respect to the processing of such application; and

**WHEREAS**, it has been determined by the City Council that it is desirable, necessary and within the public's interest to approve the rezoning request, and to amend the City of Hoschton's Official Zoning Map accordingly;

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING  
AUTHORITY OF THE CITY OF HOSCHTON AS FOLLOWS:**

**Section 1.** The Property, legally described in Exhibit A attached to this ordinance, is hereby zoned MU (Mixed-Use District).

**Section 2.** The City Clerk is hereby directed to amend the Official Zoning Map to reflect the zoning classification of the subject property.

So ORDAINED this 18<sup>th</sup> day of December, 2025.

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Debbie Martin, Mayor

This is to certify that I am City Clerk of the City of Hoschton. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

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Jennifer Kidd-Harrison, City Clerk

Approved as to Form:

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Abbott S. Hayes, Jr., City Attorney

**EXHIBIT A**  
**LEGAL DESCRIPTION OF PROPERTY REZONED**

Lot 3 Legal Description, 1.38 Acres

Beginning at a PK Nail on the southwestern right of way intersection of Eagles Bluff Way (R/W Varies) and GA. HWY. 53 (R/W Varies), thence continuing along the western right of way line of GA. Hwy. 53 (R/W Varies) S00° 21' 55"W a distance of 136.90 feet to a point, thence S02° 59' 21"E a distance of 195.02, thence S12° 24' 27"W a distance of 69.72 feet to a point, that point being the POINT OF BEGINNING (P.O.B.), thence continuing along said right of way S12° 24' 27"W a distance of 39.10 feet to a point, thence S13° 45' 09"W a distance of 435.11 feet to a point, thence leaving said right of way N89° 50' 13"W a distance of 33.63 feet to a point, thence N10° 34' 01"W a distance of 349.32 feet to a point, thence N00° 43' 54"E a distance of 120.00 feet to a point, thence S89° 16' 06"E a distance of 208.00 feet to a point on the western right of way line of GA. HWY. 53 (R.W Varies), that point being the POINT OF BEGINNING (P.O.B.).

**CITY OF HOSCHTON, GEORGIA  
ZONING ADMINISTRATOR'S  
REPORT**



**TO:** Planning & Zoning Commission, City of Hoschton  
Mayor and City Council, City of Hoschton

**FROM:** Rich Atkinson, City Planner

**DATE OF REPORT:** January 15, 2025

**SUBJECT REQUEST:** **Z-25-05:** Rezoning from C-3 (Commercial Motor Vehicles Service and Repair District) to MU (Mixed Use District)

**PLAN COMM. HEARING:** November 26, 2025 @ 6:00 p.m.

**CITY COUNCIL HEARING:** December 11, 2025 @ 6:00 p.m.

**VOTING SESSION:** December 18, 2025 @ 6:00 p.m.

**APPLICANT:** Ashishkumar Patel

**OWNER(S):** Ashishkumar Patel & Stewart Christian

**PROPOSED USE(S):** A future mixed-use development

**LOCATION:** Fronting on the east side of Highway 53

**PARCEL(S) #:** 119 004N1

**ACREAGE:** 1.38

**EXISTING LAND USE:** Currently vacant

**SURROUNDING LAND USE AND ZONING:**

**North:** MU, Vacant, INST, Vacant  
**East:** R-1, Apartments  
**South:** C-2, Vacant  
**West:** R-1, R-2, Residential

**RECOMMENDATION:** **Approval**





**Tax Map/Aerial Photograph  
(since subdivided)**

## **HISTORY & SUMMARY OF REQUEST**

The applicant submits this request to rezone Tax Parcel Number 119 004N1 from its current designation of C-3 (Commercial Motor Vehicles Service and Repair District) to MU (Mixed-Use District). The purpose of this rezoning is to facilitate the development of a mixed-use project that aligns with the evolving character and planning goals of the surrounding area.

Historically, the subject property comprised approximately 6.43 acres and was zoned C-1 (Neighborhood Business District) and C-2 (General Commercial Highway Oriented District). In 2019, the property was successfully rezoned to MU via Ordinance RZ-19-02. Subsequent

subdivision activity has resulted in the creation of the current 1.38-acre tract. In 2007, this 1.38-acre parcel was rezoned from MU to R-3 (Multifamily Residential District) pursuant to Ordinance Z-23-07. However, that ordinance included specific conditions of zoning that limited the parcel to a single permitted use: a car wash. This restriction has constrained the site's development potential and is no longer consistent with the broader planning vision for the corridor. The applicant now seeks to restore the MU designation to this parcel in order to unlock a wider range of permitted uses, including residential, retail, office, and service-oriented components. The MU district provides the flexibility necessary to support a vibrant, integrated development that complements adjacent land uses and contributes to the area's long-term economic vitality. This request is consistent with prior zoning actions and reflects a return to the mixed-use framework previously approved by the Hoschton City Council. Staff is in support of this request.

### **STANDARDS GOVERNING EXERCISE OF ZONING POWER**

***Note: The planning commission and City Council may adopt the findings and determinations of staff as written (provided below), or it may modify them. The commission or council may cite one or more of these in its own determinations, as it determines appropriate. The commission or council may modify the language provided here, as necessary, in articulating its own findings. Or, the commission or council can reject these findings and make its own determinations and findings for one or more of the criteria provided below. The commission and council do not need to address each and every criterion, but only those that are relevant to support its own determination.***

Criteria Adopted in the Hoschton Zoning Ordinance (Section 8.03) are shown below followed by staff findings:

**Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

Finding: The proposed request is consistent with the surrounding area. ***(supports request)***.

**Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**

Finding: The MU designation will not adversely affect the surrounding area. The current C-3 zoning conditioned to a car wash is prohibitive. The MU will allow more flexibility and has greater potential for a positive impact on the nearby properties. ***(supports request)***.

**Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.**

Finding: As previously noted, the current zoning designation, as conditioned, imposes significant restrictions. These limitations adversely affect the site's economic viability. In contrast, the MU designation would permit a broader range of uses, thereby enhancing the potential for successful and economically sustainable development. ***(supports request)***.

**Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**



Finding: The modest size of the parcel (1.38 acres) inherently limits its potential impact on local schools and infrastructure. However, since the specific future use of the site remains undetermined, this factor neither supports nor opposes the requested action. ***(mar or may not support the request)***.

**Whether the proposal is in conformity with the policy and intent of the comprehensive plan including the character area map and/or future land use plan map.**

Finding: The future land use map shows the subject property as commercial. Since the specific future use of the site remains undetermined, this factor neither supports nor opposes the requested action. ***(mar or may not support the request)***.

**Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.**

Finding: It is appropriate to rezone this parcel to MU to allow for more flexibility and variety of uses in the current economic market. ***(supports request)***.

**Whether the proposal would create an isolated zoning district unrelated to adjacent and nearby districts.**

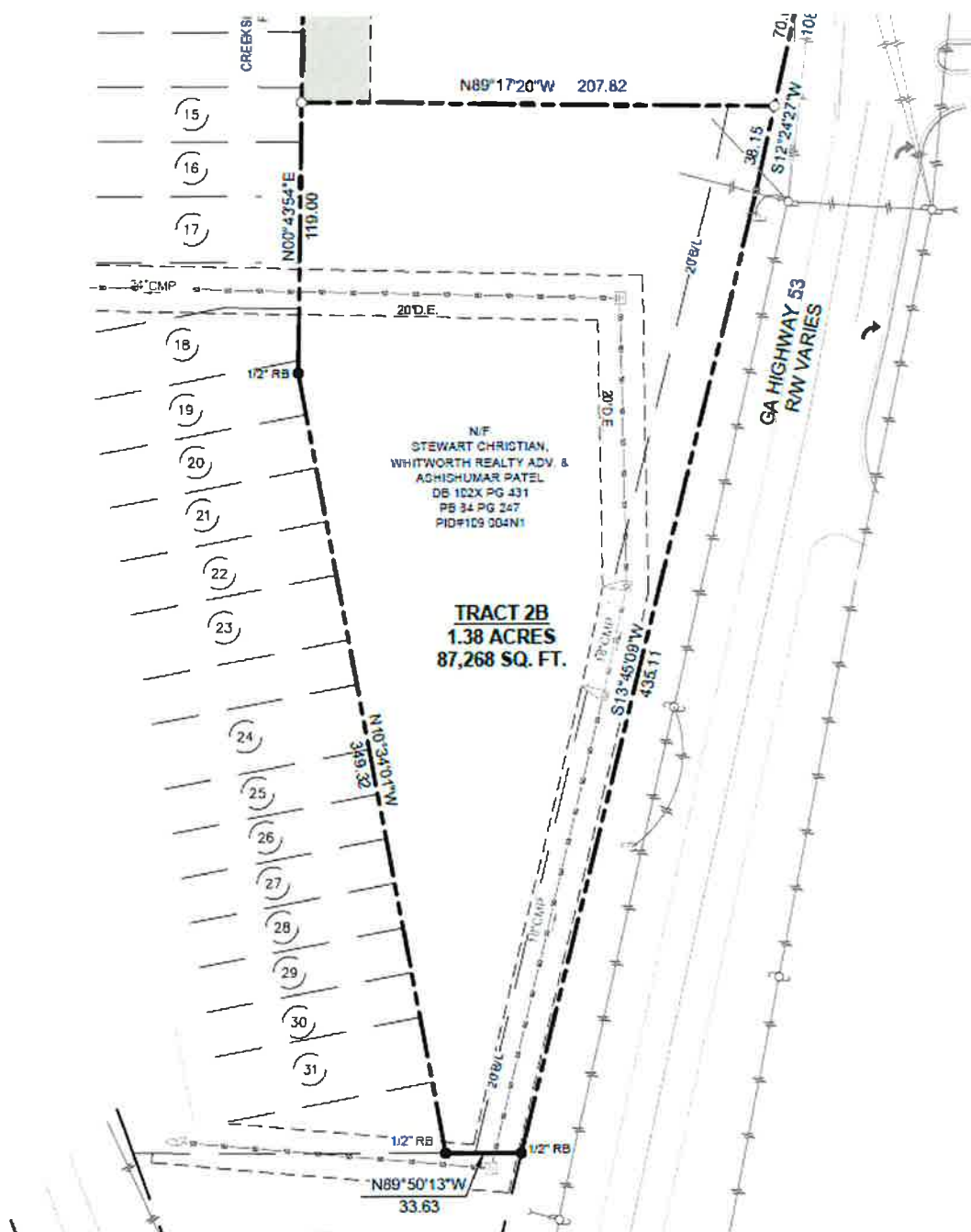
Finding: No, it would be in-line with the surrounding area and would not create an isolated district. ***(supports request)***.

**Whether the proposal would have an impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.**

Finding: If rezoned to MU, the parcel will be reviewed for compliance with all environmental requirements. ***(not a relative factor as the uses are not yet known)***.

## **CONCLUSION**

Approval is recommended.



Lot 3 Legal Description, 1.38 Acres

Beginning at a PK Nail on the southwestern right of way intersection of Eagles Bluff Way (R/W Varies) and GA. HWY. 53 (R/W Varies), thence continuing along the western right of way line of GA. Hwy. 53 (R/W Varies) S00° 21' 55"W a distance of 136.90 feet to a point, thence S02° 59' 21"E a distance of 195.02, thence S12° 24' 27"W a distance of 69.72 feet to a point, that point being the POINT OF BEGINNING (P.O.B.), thence continuing along said right of way S12° 24' 27"W a distance of 39.10 feet to a point, thence S13° 45' 09"W a distance of 435.11 feet to a point, thence leaving said right of way N89° 50' 13"W a distance of 33.63 feet to a point, thence N10° 34' 01"W a distance of 349.32 feet to a point, thence N00° 43' 54"E a distance of 120.00 feet to a point, thence S89° 16' 06"E a distance of 208.00 feet to a point on the western right of way line of GA. HWY. 53 (R.W Varies), that point being the POINT OF BEGINNING (P.O.B.).

## MEMORANDUM

TO: Hoschton Planning & Zoning Commission  
Mayor and City Council, City of Hoschton

FROM: Rich Atkinson, Consulting Planner

DATE: November 18, 2025

RE: **Z-25-06:** City of Hoschton, applicant Tim Jenkins c/o Mahaffey Pickens Tucker, LLP, rezoning from PUD (Planned Unit Development) Conditional per Ordinance Z-23-03 to PUD (Planned Unit Development) Conditional, to modify conditions of zoning approval for tax parcel number(s) 114/002A and 114/001B totaling +/- 285.22 acres

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### Overview and Background

In 2023, the subject property was formally annexed into the City of Hoschton and rezoned to Planned Unit Development (PUD) pursuant to Ordinance Z-23-03 (a copy of which is included in your packet). This rezoning action established the regulatory framework for a mixed-use development comprising predominantly residential housing types, with a designated commercial component encompassing approximately three (3) acres. The development is currently underway, with infrastructure and site preparation activities progressing in accordance with approved plans.

The PUD zoning classification was selected to accommodate a master-planned community that integrates a variety of residential products with limited commercial uses, thereby promoting a cohesive and market-responsive development pattern. The commercial acreage is intended to support neighborhood-serving retail or service uses, complementing the residential character of the broader project.

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### Description of Request

The Applicant has submitted a formal request (submitted as part of your packet) seeking an amendment to the existing PUD conditions. Specifically, the Applicant proposes the addition of a new condition that would authorize the issuance of up to forty-two (42) building permits for model homes prior to the approval and recording of the final subdivision plat.

The proposed language for the condition reads as follows:

“Model homes shall be allowed by right as a use in the PUD, and the City shall issue forty-two (42) building permits for the development of model homes prior to the final plat being approved.”

This request is intended to facilitate the early construction of model homes for marketing and sales purposes, allowing the developer to showcase product types and engage prospective buyers while final plat approval is pending.

## **Staff Analysis and Recommendation**

Staff recognizes the strategic importance of model homes in residential developments, particularly as tools for marketing, customer engagement, and product demonstration. Model homes serve as tangible representations of the builder's offerings and are commonly used to support pre-sales activity and community branding.

However, staff must evaluate the request within the context of the City's adopted ordinances and regulatory framework. The Land Development Ordinance, specifically Section 305, provides that:

"Until property proposed for subdivision has received final plat approval and been properly recorded, the land involving the subdivision shall be considered as one tract, except land may be considered multiple tracts if legally recorded as such before effective date of this ordinance."

Additionally, the Zoning Ordinance of the City of Hoschton, Section 3.05, titled "Every Use Must Be Upon a Lot of Record," states:

"No building or structure shall be erected or use established unless upon a lot of record as defined by this ordinance."

The ordinance further defines a "Lot of Record" as:

"A lot which is part of a subdivision, a plat of which has been lawfully recorded in the records of the Clerk of Superior Court of Jackson County; or a parcel of land, the deed of which has been lawfully recorded in the same office as of the effective date of this zoning ordinance."

The definition of a "Model Home" is also provided in the ordinance:

"A dwelling temporarily used as a sales office or demonstration home for a residential development under construction, said dwelling being used as an example of a product offered for sale to purchasers (by a realtor, building developer, or contractor). The dwelling may be furnished but is not occupied as a residence while being used as a model home."

Based on these provisions, staff interprets the code to allow for the issuance of one model home permit per legally recorded lot. While a model home may be permitted prior to final plat approval, it must be situated on a lot that meets the definition of a "lot of record." The current request seeks to authorize multiple model homes—forty-two in total—on two parcels that have not yet been subdivided or recorded via final plat. This approach is inconsistent with the City's ordinances, which do not permit multiple model homes on a single unplatted tract.

The typical development sequence involves the issuance of a land disturbance permit to initiate infrastructure installation, followed by submission of the final plat for review and approval. Once the final plat is approved and recorded, individual lots of record are established, thereby enabling the issuance of building permits for residential units, including model homes. The Applicant's request seeks to bypass this sequence by allowing multiple model homes to be constructed prior to plat approval, which staff finds to be contrary to the intent and language of the City's ordinances.

Accordingly, while staff supports the concept of model homes and acknowledges their value to the development process, the current request exceeds what is permissible under existing code. Staff recommends that the Applicant proceed with the standard process: initiate infrastructure work under a land disturbance permit, submit the final plat for approval, submit model home permits for the existing legal lot(s), and then (once the final plat is recorded) submit building permits for the newly created legal lots.







Z-25-06

# APPLICATION FOR REZONING

CITY OF HOSCHTON, GA  
PLANNING AND DEVELOPMENT  
61 City Square  
Hoschton, GA 30548  
706-654-3034

## Applicant Information:

**Name:** Tim Jenkins c/o Mahaffey Pickens Tucker, LLP

**Address:** 1550 North Brown Road, Suite 125

**City, State, Zip:** Lawrenceville, GA 30043

**Phone:** (770)232-0000

**E-mail:** slanham@mptlawfirm.com

## Property Owner Information: *(if different from applicant)*

**Name:** Rocklyn Homes, Inc.

**Address:** 755 Old Peachtree Road

**City, State, Zip:** Suwanee, GA 30024

**Phone:** (770)817-2185

**E-mail:** tjenkins@rocklynhomes.com

The property owner, must sign the following form; if the applicant is not the property owner, you must submit evidence of property owner approval to file this application by submitting the property owner authorization form.

## Property Information:

**Tax Map and Parcel Number:**

114/002A and 114/001B

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**Address (if one has been assigned):**

1688 Highway 53

---

**Acreage of Property:**

+/- 285.22 acres

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Note: You must attach a metes and bounds legal description of the property. A boundary survey may be required; submit a copy if available.

**Existing Zoning District:**

PUD

---

**Proposed Zoning District:**

PUD with changed conditions

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**Proposed Use:**

Mixed-Use development

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## **ZONING DECISION CRITERIA**

Per Section 8.03 of the Hoschton Zoning Ordinance, the following criteria are applicable to rezoning decisions. The applicant is urged but not required to substantiate the rezoning request by responding to these criteria which provide reasons for approving the application:

- (a) Whether the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

Response:

Yes, the proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

- (b) Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.**

Response:

No, the proposal will not adversely affect the existing use or usability of adjacent or nearby property.

- (c) Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.**

Response:

No, the Applicant contends that the property to be affected by the proposal does not have a reasonable economic use as currently zoned.

- (d) Whether the proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

Response:

No, the proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

- (e) Whether the proposal is in conformity with the policy and intent of the comprehensive plan including the character area map and/or future land use plan map.**

Response:

Yes, the proposal is in conformity with the policy and intent of the comprehensive plan including the character area and future land use plan map.

- (f) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposal.**

Response:

The Applicant contends that the recent approval of Providence Group's request for a change in conditions to allow for the building of model homes for their PUD lends support for this application. Additionally, the Applicant contends that its current zoning conditions allow for the development of model homes.

- (g) Whether the proposal would create an isolated zoning district unrelated to adjacent and nearby districts.**

Response:

No, the proposal would not create an isolated zoning district unrelated to adjacent and nearby districts.

- (h) Whether the proposal would have an impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality and water quality.**

Response:

No, the proposal will not have an impact on the environment, including but not limited to, drainage, soil erosion and sedimentation, flooding, air quality, and water quality.

[application form continues on next page]

To complete your application, attach/submit the following in addition to this completed form:

- ☒ **Application fee** as established by resolution of the City Council (see fee schedule).  
Make check payable to the City of Hoschton.
- ☒ **Metes and bounds legal description** of the property.
- ☒ **Boundary survey plat** of the property; provided, however, that where no survey is available the Zoning Administrator may but is not obligated to, accept a map of the subject property from the Jackson County Tax Assessors or other reliable source.
- ☒ **Letter of intent** describing the proposed use of the property or other action requested, which may include any special conditions voluntarily made by the applicant as a part of the request.
- ☒ **Site plan** (15 copies plus digital copy in pdf format) of the property and proposed development at an appropriate engineering scale showing the proposed use and relevant information regarding proposed improvements. Site plans must show existing roads and streams, flood plains and wetlands where applicable, existing and proposed buildings and structures, parking and loading areas as may be applicable, areas of existing vegetation or parts of the site to be landscaped, conceptual information about drainage and stormwater management, and other information as reasonably required by the Zoning Administrator. Site plans may be waived for rezoning applications for agricultural or residential zoning districts.

Please be advised of the following rezoning procedures:

The zoning administrator will determine whether the application is complete (incomplete applications will not be processed). Public notice of meetings (including sign on property and newspaper notice) of completed applications will be accomplished by the city. A staff report and recommendation will be prepared by the zoning administrator and submitted to the Hoschton Planning and Zoning Commission (which meets once a month) and Hoschton Mayor and City Council (regularly meets once monthly). The Planning and Zoning Commission will make a recommendation on the application, but the final decision is by the Hoschton City Council. Applicants are required to attend the Planning and Zoning Commission meeting and public hearing before the Mayor and City Council. Contact the zoning administrator for specific dates at which your application will be considered.

**FOR OFFICE USE ONLY:**

\_\_\_\_\_ : APPROVED

\_\_\_\_\_ : DENIED

AMOUNT PAID: \_\_\_\_\_

DATE: \_\_\_\_\_

FORM OF PAYMENT: ☐ CHECK # \_\_\_\_\_ ☐ CREDIT CARD ☐ CASH

Property Owner Authorization

I swear that I am the owner of the property which is the subject matter of this application, as shown in the records of Jackson County, Georgia.

Name of Owner(s):

Rocklyn Homes

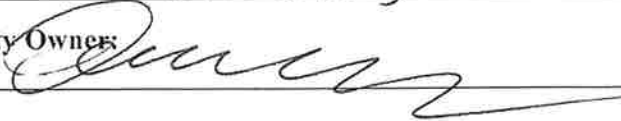
Address:

755 OLD PEACHTREE RD. SUWANEE

Phone Number:

770 817 2185

Signature of Property Owner:



I authorize the person named below to act as applicant in the pursuit of this application.

Name of Applicant(s):

Rocklyn Homes c/o Mahaffey Pickens Tucker, LLP

Address:

755 OLD PEACHTREE RD. SUWANEE

Phone Number:

770 817 2185

Property owner personally appeared before me

DAVID JENKINS

who swears that the information contained in this authorization is true and correct to the best of his or her knowledge and belief.



Notary Public

10/1/2025

Date



**CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM  
(REQUIRED TO BE COMPLETED BY APPLICANT)**

O.C.G.A. § 36-67A-3[c] Disclosure of campaign contributions:

When any applicant for zoning action has made, within two years immediately preceding the filing of the applicant's application for the zoning action, campaign contributions aggregating \$250.00 or more to a local government official who will consider the application, it shall be the duty of the applicant to file a disclosure report with the governing authority of the respective local government showing:

- (1) The name and official position of the local government official to whom the campaign contribution was made; and
- (2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

I hereby certify that I have read the above and that (check which one applies):

I have**		I have not	<input checked="checked" type="checkbox"/>
----------	--	------------	--

Within the two years immediately preceding this date, made any contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

\*\*If you have made such contributions, you must provide the data required by this form.

Ti-fal

Applicant's Signature

10-1-25

Date

[application form continues on next page]

**CAMPAIGN CONTRIBUTIONS DISCLOSURE FORM  
(REQUIRED TO BE COMPLETED BY APPLICANT)**

O.C.G.A. § 36-67A-3[c] Disclosure of campaign contributions:

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- (2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the application for the rezoning action and the date of each such contribution.

I hereby certify that I have read the above and that (check which one applies):

I have**		I have not	<input checked="checked" type="checkbox"/>
----------	--	------------	--

Within the two years immediately preceding this date, made any contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

\*\*If you have made such contributions, you must provide the data required by this form.

Julia A. Maxwell

Applicant's Signature

October 1, 2025

Date

[application form continues on next page]



#### LEGAL DESCRIPTION - OVERALL TRACT

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN GMD 1407, JACKSON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT A FOUND 1/2 INCH REBAR, SAID REBAR HAVING COORDINATES OF NORTH: 1,485,399.09 AND EAST: 2,424,919.54, COORDINATES BASED ON NAD83 STATE PLANE COORDINATE SYSTEM, GEORGIA WEST ZONE, SAID REBAR LOCATED ON THE EASTERLY RIGHT OF WAY OF GA. HIGHWAY 53 (VARIABLE PUBLIC RIGHT OF WAY); THENCE LEAVING SAID EASTERLY RIGHT OF WAY OF GA. HIGHWAY 53 AND PROCEED NORTH 87 DEGREES 09 MINUTES 44 SECONDS EAST A DISTANCE OF 550.10 FEET TO A POINT HAVING COORDINATES OF NORTH: 1,485,426.32 AND EAST: 2,425,468.97, COORDINATES BASED ON NAD83 STATE PLANE COORDINATE SYSTEM, GEORGIA WEST ZONE AND THE TRUE POINT OF BEGINNING;

AS THUS ESTABLISHED THENCE NORTH 87 DEGREES 09 MINUTES 44 SECONDS EAST A DISTANCE OF 428.31 FEET TO A FOUND AXEL; THENCE SOUTH 83 DEGREES 36 MINUTES 34 SECONDS EAST A DISTANCE OF 46.57 FEET MORE OR LESS TO A POINT AT THE CENTERLINE OF A BRANCH, SAID POINT BEING REFERRED TO AS POINT "A" (THE COMMENCEMENT POINT OF A TIE-IN LINE "A"- "B"); THENCE FOLLOWING THE CENTERLINE OF SAID BRANCH AND THE MEANDERINGS THEREOF, 769 FEET MORE OR LESS TO A POINT, SAID POINT BEING REFERRED TO AS POINT "B"; (THE TERMINUS OF SAID TIE-IN LINE "A"- "B"), SAID TIE-IN LINE FROM POINT "A" AND TO POINT "B" HAVING THE COURSE OF SOUTH 46 DEGREES 28 MINUTES 58 SECONDS EAST A DISTANCE OF 668.70 FEET MORE OR LESS TO A POINT; THENCE LEAVING SAID CENTERLINE OF A BRANCH AND PROCEED SOUTH 31 DEGREES 06 MINUTES 00 SECONDS EAST A DISTANCE OF 736.43 FEET TO A FOUND 1 INCH REBAR; THENCE SOUTH 87 DEGREES 07 MINUTES 18 SECONDS EAST A DISTANCE OF 1543.43 FEET TO A SET 1/2 INCH REBAR WITH CAP; THENCE NORTH 05 DEGREES 53 MINUTES 48 SECONDS EAST A DISTANCE OF 1399.97 FEET TO A FOUND 1 INCH REBAR; THENCE SOUTH 81 DEGREES 59 MINUTES 28 SECONDS EAST A DISTANCE OF 98.66 FEET TO A FOUND 1/2 INCH OPEN TOP PIPE; THENCE NORTH 89 DEGREES 00 MINUTES 55 SECONDS EAST A DISTANCE OF 368.19 FEET MORE OR LESS TO A POINT AT THE CENTERLINE OF A INDIAN CREEK, SAID POINT BEING REFERRED TO AS POINT "C" (THE COMMENCEMENT POINT OF A TIE-IN LINE "C"- "D"); THENCE FOLLOWING THE CENTERLINE OF SAID CREEK AND THE MEANDERINGS THEREOF, 4747 FEET MORE OR LESS TO A POINT, SAID POINT BEING REFERRED TO AS POINT "D"; (THE TERMINUS OF SAID TIE-IN LINE "C"- "D"), SAID TIE-IN LINE FROM POINT "C" AND TO POINT "D" HAVING THE COURSE OF SOUTH 23 DEGREES 58 MINUTES 42 SECONDS EAST A DISTANCE OF 3886.20 FEET MORE OR LESS TO A POINT; THENCE LEAVING SAID CENTERLINE OF SAID CREEK AND PROCEED SOUTH 68 DEGREES 58 MINUTES 23 SECONDS WEST A DISTANCE OF 1587.00 FEET TO A SET 1/2 INCH REBAR WITH CAP; THENCE SOUTH 68 DEGREES 57 MINUTES 58 SECONDS WEST A DISTANCE OF 836.71 FEET TO A MARKED HOLE IN CONCRETE LOCATED ON NORTHERLY RIGHT OF WAY OF SAID GA. HIGHWAY 53; THENCE ALONG SAID NORTHERLY AND EASTERLY RIGHT OF WAY OF GA. HIGHWAY 53 THE FOLLOWING COURSES AND DISTANCES: NORTH 63 DEGREES 27 MINUTES 00 SECONDS WEST A DISTANCE OF 185.79 FEET TO A FOUND RIGHT OF WAY MONUMENT; NORTH 62 DEGREES 37 MINUTES 44 SECONDS WEST A DISTANCE OF 1263.78 FEET TO A SET 1/2 INCH REBAR WITH CAP; NORTH 62 DEGREES 31 MINUTES 30 SECONDS WEST A DISTANCE OF 62.00 FEET TO A POINT; ALONG A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 465.41 FEET, HAVING A RADIUS OF 940.65 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 48 DEGREES 07 MINUTES 01 SECONDS WEST, AND A CHORD LENGTH OF 460.68 FEET TO A POINT; NORTH 34 DEGREES 01 MINUTES 31 SECONDS WEST A DISTANCE OF 897.29 FEET TO A SET 1/2 INCH REBAR WITH CAP; NORTH 34 DEGREES 01 MINUTES 31 SECONDS WEST A DISTANCE OF 192.98 FEET TO A SET 1/2 INCH REBAR WITH CAP; SOUTH 55 DEGREES 24 MINUTES 28 SECONDS WEST A DISTANCE OF 9.27 FEET TO A FOUND RIGHT OF WAY MONUMENT; NORTH 34 DEGREES 13 MINUTES 12 SECONDS WEST A DISTANCE OF 398.97 FEET TO A POINT; NORTH 33 DEGREES 15 MINUTES 40 SECONDS WEST A DISTANCE OF 174.95 FEET TO A POINT; NORTH 33 DEGREES 04 MINUTES 42 SECONDS WEST A DISTANCE OF 146.52 FEET TO A POINT; NORTH 30 DEGREES 30 MINUTES 46 SECONDS WEST A DISTANCE OF 54.72 FEET TO A POINT; NORTH 29 DEGREES 03 MINUTES 57 SECONDS WEST A DISTANCE OF 50.52 FEET TO A POINT; NORTH 27 DEGREES 06 MINUTES 11 SECONDS WEST A DISTANCE OF 45.05 FEET TO A POINT; NORTH 23 DEGREES 33 MINUTES 33 SECONDS WEST A DISTANCE OF 78.81 FEET TO A POINT; NORTH 21 DEGREES 22 MINUTES 03 SECONDS WEST A DISTANCE OF 80.44 FEET TO A POINT; NORTH 20 DEGREES 51 MINUTES 23 SECONDS WEST A DISTANCE OF 79.49 FEET TO A POINT; NORTH 20 DEGREES 35 MINUTES 55 SECONDS WEST A DISTANCE OF 339.35 FEET TO A POINT; NORTH 20 DEGREES 21 MINUTES 46 SECONDS WEST A DISTANCE OF 406.85 FEET TO A SET 1/2 INCH REBAR WITH CAP; THENCE LEAVING SAID EASTERLY RIGHT OF WAY AND PROCEED NORTH 55 DEGREES 09 MINUTES 55 SECONDS EAST A DISTANCE OF 252.58 FEET TO A FOUND 1/2 INCH OPEN TOP PIPE; THENCE NORTH 55 DEGREES 12 MINUTES 11 SECONDS EAST A DISTANCE OF 160.92 FEET TO A POINT; THENCE NORTH 02 DEGREES 47 MINUTES 36 SECONDS WEST A DISTANCE OF 402.85 FEET TO THE TRUE POINT OF BEGINNING.

TRACT OR PARCEL CONTAINS 281.587 ACRES, MORE OR LESS.



David Belle Isle  
Matthew P. Benson  
Catherine W. Davidson  
Gerald Davidson, Jr.\*  
Brian T. Easley  
Rebecca B. Gober  
John D. Hipes\*  
Christopher D. Holbrook  
Jessica P. Kelly  
Shane M. Lanham

Jeffrey R. Mahaffey  
John N. Mahaffey  
Julia A. Maxwell  
Steven A. Pickens  
Jack M. Ryan  
Gabrielle H. Schaller  
S. Tess Shaheen  
Andrew D. Stancil  
Michael A. Tralongo  
R. Lee Tucker, Jr.

\*Of Counsel

**LETTER OF INTENT FOR REZONING FOR CHANGE IN CONDITIONS APPLICATION OF  
ROCKLYN HOMES, INC.**

Mahaffey Pickens Tucker, LLP submits the attached rezoning application (the “Application”) on behalf of Rocklyn Homes, Inc. (the “Applicant”), relating to a proposed mixed-use master-planned development on an approximately 285.22-acre assemblage of land (the “Property”) located along the easterly side of Highway 53. The Property is currently zoned PUD and is known as map/tax parcels 114 001B and 114 002A. The Property was annexed and rezoned into the City of Hoschton in September of 2023 pursuant to Ordinance Z-23-03 (“Original Rezoning”). The Original Rezoning approved the Property for PUD zoning with twenty-one (21) conditions. The Applicant is requesting to add an additional condition to allow for the issuance of forty-two (42) building permits for model homes on the Property prior to the issuance of the final plat.

The development approved in the Original Rezoning includes a mixture of commercial, residential, institutional, and civic uses as well as over 77 acres of proposed open space. Open space areas would be provided in large green spaces/tree saves located along streams that are present on the Property as well as smaller active and passive green spaces and pocket parks spread throughout the development. Additionally, two larger active recreational amenity areas would be provided, including one which is adjacent to a large pond that would be maintained on-site and amenitized for the use and enjoyment of residents of and visitors to the proposed development. The Applicant intends to construct the amenity areas concurrently with the model homes to better showcase what the development has to offer. Residential uses would be provided primarily as single-family detached homes with multiple lot sizes and would also include an additional pod of single-family attached townhomes located in the northwesterly portion of the Property where adjacent to existing institutional and industrial uses. The proposed development would provide a variety of attractive, high-quality homes in a highly-amenitized community with opportunities for recreation, employment, shopping, and civic engagement available within walking distance of residents’ homes.

The construction of model homes is a long-standing and standard practice in subdivision development, designed to enhance—not disrupt—the surrounding community. Model homes serve as an essential tool for showcasing the quality and character of a neighborhood, giving prospective buyers confidence in their investment. Additionally, the proposed development is in line with the policies and recommendations of the City of Hoschton Comprehensive Plan (the “Comp Plan”). The development will further several of the policies outlined in the Comp Plan such as expanding housing options in the City and provides that “[q]uality housing and a range of housing size, cost, and density should be provided in the City. Allowing these model homes will not only support the City’s long-term vision but also offer future and current residents a clear, compelling picture of the development’s contribution to Hoschton’s growing housing landscape.

In order for the Applicant and developer to build the necessary model homes to showcase the development approved in the Original Rezoning, the Applicant respectfully requests the following Condition #22 be added:

**22. Model Homes.** Model Homes shall be allowed by right as a use in the PUD and the city shall issue 42 building permits for the development of model homes prior to the final plat being approved.

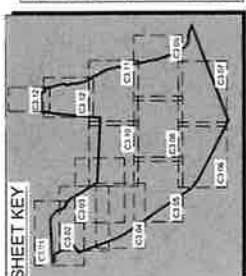
The Applicant welcomes the opportunity to meet with staff of the City of Hoschton Planning and Zoning Department to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Applications filed herewith. The Applicant respectfully requests your approval of the Applications.

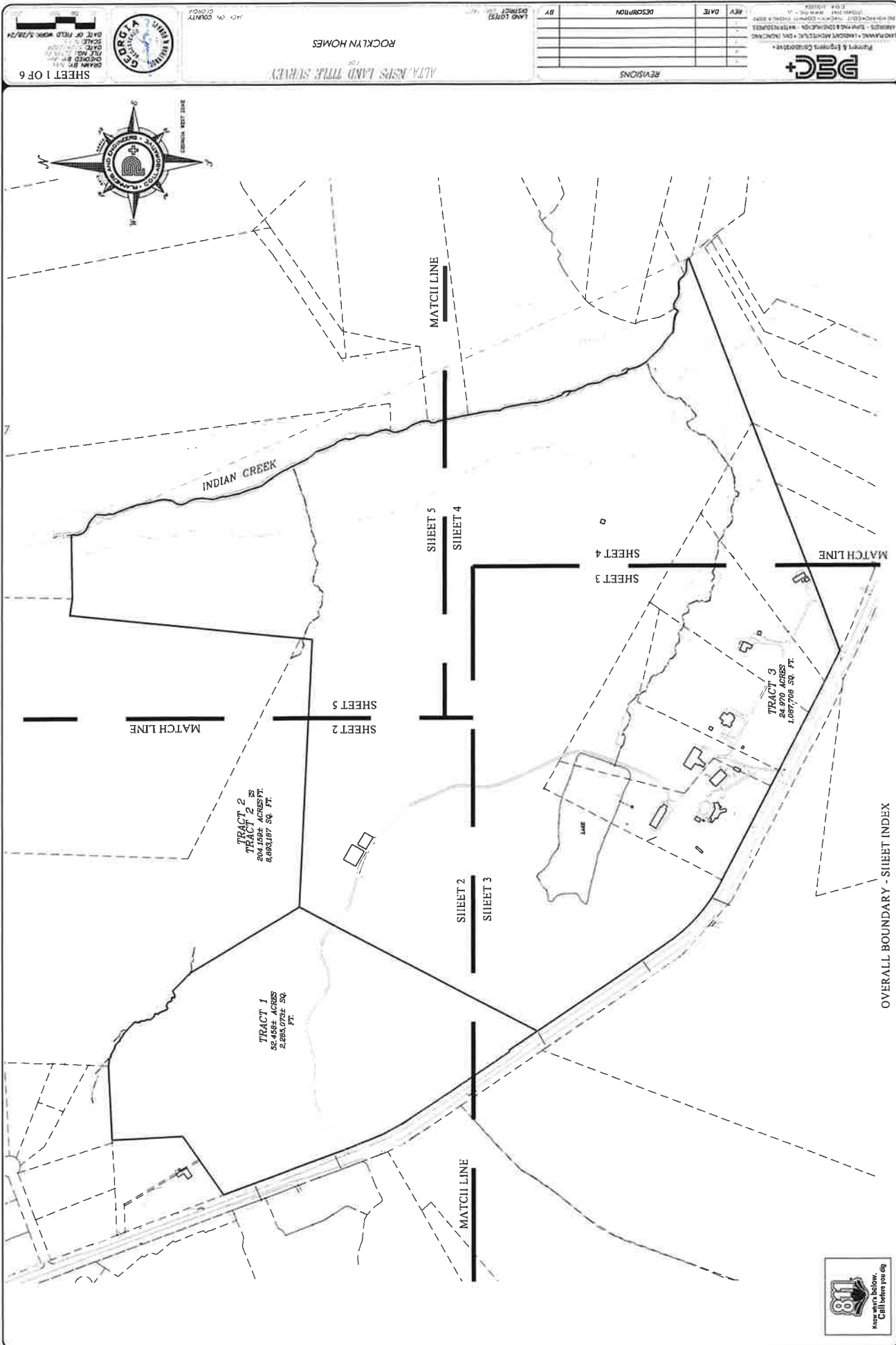
Respectfully submitted this 1st day of October, 2025.

**MAHAFFEY PICKENS TUCKER, LLP**

*Shane Lanham*

Shane M. Lanham  
*Attorneys for the Applicant*

[illegible][illegible]



**ROCKLYN HOMES**

ALTA MEPS LAND TITLE SURVEY

SHEET 1 OF 6

**REVISIONS**

REV	DATE	DESCRIPTION

BY: \_\_\_\_\_

DATE: \_\_\_\_\_

**PEC+**

Professional Engineering Corporation

LAND SURVEYING • ENGINEERING • ARCHITECTURE • ENVIRONMENTAL SCIENCE

10000 W. 10th Ave., Suite 100, Denver, CO 80202

TEL: 303.733.1100 FAX: 303.733.1101

WWW.PEC-ENGINEERING.COM







MATCH LINE - SEE SHEET 5

MATCH LINE - SEE SHEET 2

MATCH LINE - SEE SHEET 3

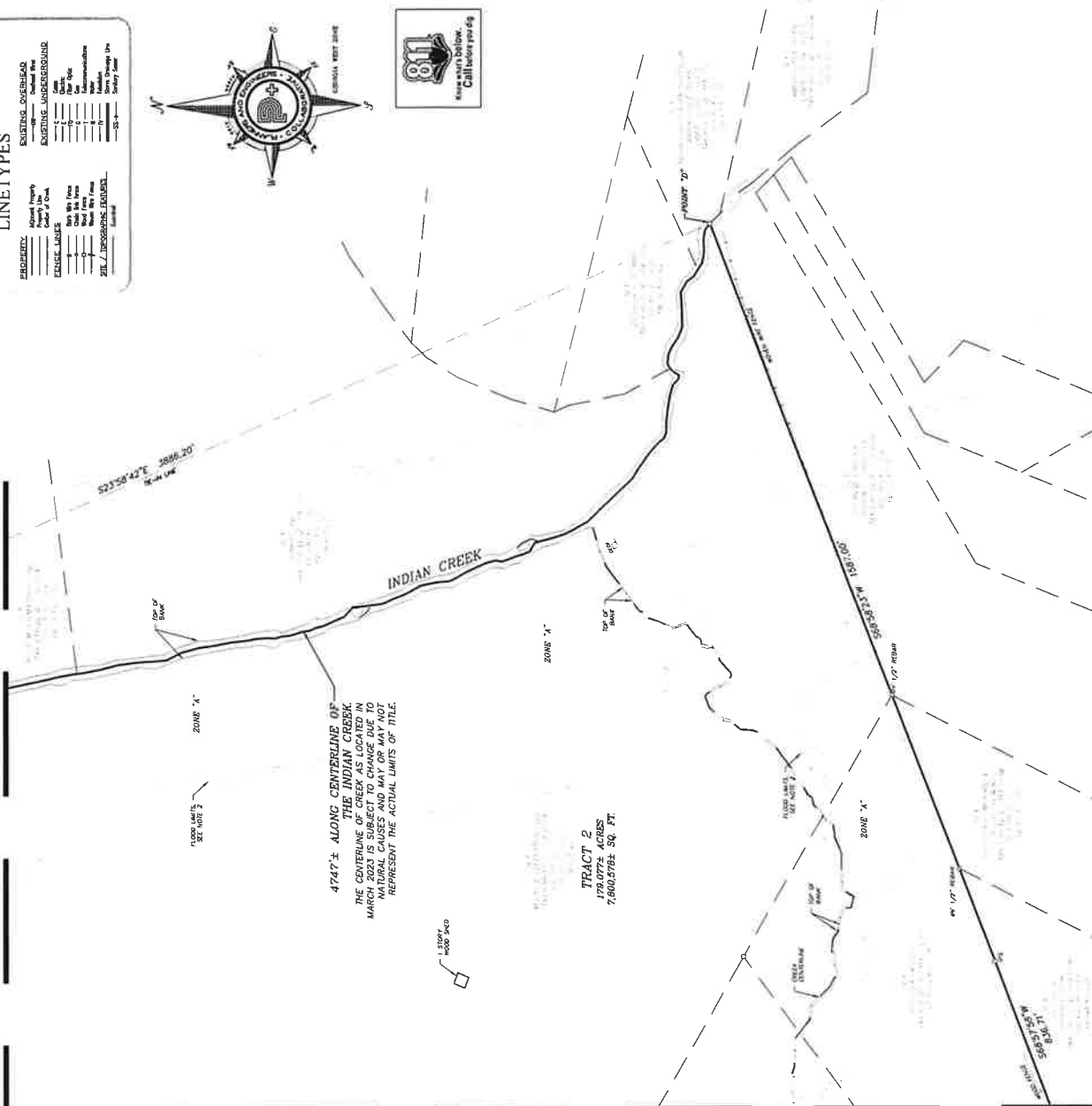
## STRUCTURE LEGEND

[illegible]

## ABBREVIATIONS

ANALYSIS	ANALYST	ANALYSIS	ANALYST
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MATCH LINE - SEE SHEET 3

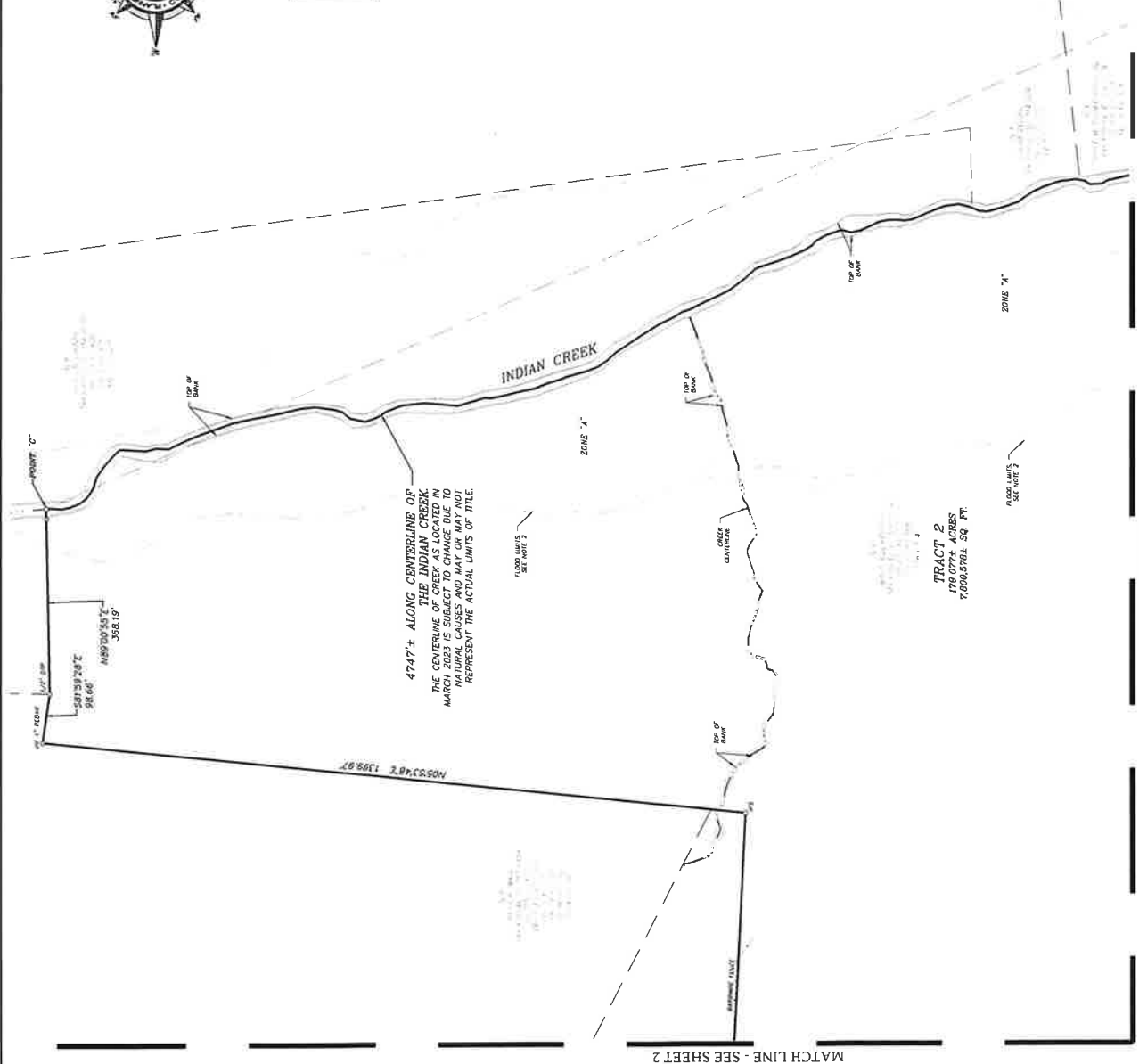


## LINETYPES

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REV	DATE	DESCRIPTION
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# STRUCTURE LEGEND

SYMBOL	DESCRIPTION
[Symbol]	Asphalt Paving
[Symbol]	Concrete Paving
[Symbol]	Gravel Paving
[Symbol]	Grass / Lawn
[Symbol]	Shrub / Tree
[Symbol]	Water / Pond
[Symbol]	Drainage / Storm
[Symbol]	Electric / Power
[Symbol]	Gas / Fuel
[Symbol]	Water / Sewer
[Symbol]	Foundation / Footing
[Symbol]	Roof / Ceiling
[Symbol]	Walls / Siding
[Symbol]	Windows / Doors
[Symbol]	Stairs / Elevation
[Symbol]	Porches / Decks
[Symbol]	Driveways / Paths
[Symbol]	Setbacks / Easements
[Symbol]	Other / Miscellaneous

# LINE TYPES

PROPERTY	EXISTING OVERHEAD	EXISTING UNDERGROUND
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[Symbol]	Overhead Line	Underground Line
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[Symbol]	Overhead Line	Underground Line
[Symbol]	Overhead Line	Underground Line
[Symbol]	Overhead Line	Underground Line
[Symbol]	Overhead Line	Underground Line

# ABBREVIATIONS

SYMBOL	ABBREVIATION
[Symbol]	Asphalt Paving
[Symbol]	Concrete Paving
[Symbol]	Gravel Paving
[Symbol]	Grass / Lawn
[Symbol]	Shrub / Tree
[Symbol]	Water / Pond
[Symbol]	Drainage / Storm
[Symbol]	Electric / Power
[Symbol]	Gas / Fuel
[Symbol]	Water / Sewer
[Symbol]	Foundation / Footing
[Symbol]	Roof / Ceiling
[Symbol]	Walls / Siding
[Symbol]	Windows / Doors
[Symbol]	Stairs / Elevation
[Symbol]	Porches / Decks
[Symbol]	Driveways / Paths
[Symbol]	Setbacks / Easements
[Symbol]	Other / Miscellaneous



CITY OF HOSCHTON  
STATE OF GEORGIA

ORDINANCE Z-23-03

AN ORDINANCE TO PROVIDE FOR THE ANNEXATION OF LAND TO THE EXISTING CORPORATE LIMITS OF THE CITY OF HOSCHTON, GEORGIA; TO PROVIDE FOR THE ZONING CLASSIFICATION FOR SUCH ANNEXED PROPERTY; TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HOSCHTON TO REFLECT ANNEXATION AND ZONING; TO PROVIDE NOTICE OF THE APPROVED ANNEXATION TO THE GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS AND JACKSON COUNTY AS WELL AS THE LEGISLATIVE AND CONGRESSIONAL REAPPORTIONMENT OFFICE OF THE GENERAL ASSEMBLY; TO PROVIDE FOR AN EFFECTIVE DATE FOR AD VALOREM TAX AND OTHER PURPOSES; TO LIMIT REZONING OF THE PROPERTY ANNEXED TO A HIGHER DENSITY OR INTENSITY FOR A SPECIFIED PERIOD; AND FOR OTHER PURPOSES

**WHEREAS**, Rocklyn Homes, Inc., applicant, Mary Ann Kenerly and New Hope AME Church, property owners, have filed complete applications to annex and zone approximately 287.14 acres with PUD (Planned Unit Development) District zoning classification, said property proposed to be annexed consisting of Map/Parcel 114/001A (approximately 2.54 acres) (New Hope AME Church, owner), Map/Parcel 114/001B1 (approximately 0.12 acres) (New Hope AME Church, owner), Map/Parcel 114/002A (approximately 229.46 acres) (Mary Ann Kenerly, owner), and Map/Parcel 114/001B (approximately 55.76 acres) (Mary Ann Kenerly, owner) said property proposed to be annexed fronting approximately 5,571 feet on the north/east side of State Route 53 south of Pearl Industrial Avenue (the “Subject Property”); and

**WHEREAS**, said annexation application includes the written and signed applications of all (100%) of the owners of all of the Subject Property, except the owners of any public street, road, highway, or right of way, proposed to be annexed, as required by O.C.G.A. § 36-36-21; and

**WHEREAS**, additionally, the applicant seeks to zone the Subject Property to PUD (Planned Unit Development) District zoning classification; and

**WHEREAS**, the Subject Property is more particularly described in Exhibit A which by reference is incorporated herein;

**WHEREAS**, the property to be annexed is a “contiguous area” to the existing city limits of Hoschton as that term is defined by O.C.G.A. § 36-36-20(a); and

**WHEREAS**, the Property to be annexed does not result in an “unincorporated island” as that term is defined in O.C.G.A. § 36-36-4; and

**Ordinance Z-23-03 Rocklyn Homes PUD**

**WHEREAS**, pursuant to O.C.G.A. § 36-36-6, the city provided written notice of the proposed annexation to the governing authority of the County (the Jackson County Board of Commissioners) as required by law; and

**WHEREAS**, pursuant to O.C.G.A. § 36-36-111, notice by verifiable delivery of the proposed annexation and the proposed zoning district or districts by the city was sent to the county governing authority and the affected school system, said notice having been accomplished by certified mail or statutory overnight delivery, return receipt requested, as required; and

**WHEREAS**, the Jackson County Board of Commissioners objected to the proposed annexation pursuant to O.C.G.A. § 36-36-113, and served the city with proper notice of such objection; and

**WHEREAS**, pursuant to O.C.G.A. §36-36-114, an arbitration panel was appointed to hear the annexation dispute; and

**WHEREAS**, pursuant to O.C.G.A. §36-36-115(a), the arbitration panel met on August 28, 2023 to receive evidence from the parties to the annexation dispute and rendered its findings on August 29, 2023; and

**WHEREAS**, none of the parties to the annexation dispute have appealed the decision of the arbitration panel; and

**WHEREAS**, the Hoschton City Council has authority pursuant to O.C.G.A. § 36-36-1 *et seq.* to annex certain property and authority pursuant to the Hoschton Zoning Ordinance to amend the City of Hoschton's Official Zoning Map; and

**WHEREAS**, the annexation and zoning application constitute a "development of regional impact;" and

**WHEREAS**, the City has complied with administrative rules of the Georgia Department of Community Affairs regarding the filing and processing of development of regional impact applications; and

**WHEREAS**, the Hoschton City Council held two public hearings on the application and has complied with all applicable laws and ordinances with respect to the public notice for public hearings and for the processing of such application; and

**WHEREAS**, the city's consulting planner has prepared a report on the annexation and zoning request, and such report provides findings with regard to the application and the extent to which the application is consistent with standards governing the exercise of zoning power articulated in the Hoschton zoning ordinance; and

**WHEREAS**, it has been determined by the Mayor and Council that such application meets the requirements of law pertaining to said application as required by applicable provisions

**Ordinance Z-23-03 Rocklyn Homes PUD**

in Chapter 36 of Title 36 of the Georgia Code and that it is desirable, necessary and within the public's interest to approve the annexation application and zoning application of the applicant and to amend the City of Hoschton's Official Zoning Map accordingly; and

**WHEREAS**, per the requirements of HB 1385 (amending O.C.G.A. § 36-36-3), effective July 1, 2022, the city is required to file a report identifying any property annexed with the Legislative and Congressional Reapportionment Office of the General Assembly, in addition to the Georgia Department of Community Affairs and the county wherein the property annexed is located;

Now, Therefore, The Council of the City of Hoschton HEREBY ORDAINS as follows:

**Section 1.**

The property proposed for annexation, described in Exhibit A, is hereby annexed to the existing corporate limits of the City of Hoschton, Georgia, and is hereby zoned PUD, Planned Unit Development, conditional, subject to conditions of zoning specified in Exhibit B attached to this ordinance.

**Section 2.**

An identification of the property annexed by this ordinance shall be filed with the Georgia Department of Community Affairs and with the governing authority of Jackson County (Jackson County Board of Commissioners) in accordance with O.C.G.A. § 36-36-3, as well as with the Legislative and Congressional Reapportionment Office of the General Assembly as required by HB 1385 (amending O.C.G.A. § 36-36-3), effective July 1, 2022. The city clerk is directed to coordinate the submission of Geographic Information System (GIS) shape files by the Jackson County Geographic Information System (GIS) Department to the City of Hoschton for transmittal to said Reapportionment office as required by law. The city clerk is further directed to enter the annexation information and signed annexation ordinance into the Georgia Department of Community Affairs' online annexation reporting system.

**Section 3.**

For ad valorem tax purposes, the effective date of this annexation and zoning shall be on December 31 of the year during which such annexation occurred.

**Section 4.**

For all purposes other than ad valorem taxes, the effective date of this annexation and zoning shall be the first day of the month following the month during which this ordinance approving the annexation and zoning was adopted.

**Section 5.**

**Ordinance Z-23-03 Rocklyn Homes PUD**

The zoning administrator is directed to update the official zoning map of the city to reflect the new city limits and the zoning classification of the property annexed as well as the property rezoned by this ordinance.

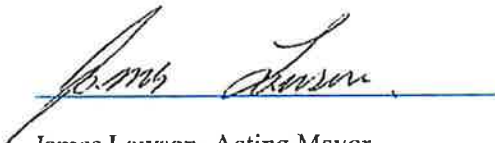
**Section 6.**

By no later than the next five-year update of the comprehensive plan, the zoning administrator is directed to show the area annexed on the future land use plan map of the city's comprehensive plan with a land use category that most closely approximates the zoning district or districts assigned to the annexed area.

**Section 7.**

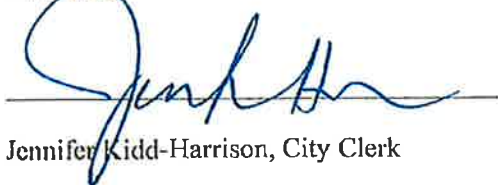
Pursuant to O.C.G.A. § 36-36-117, the city shall not change the zoning, land use, or density of the annexed property for a period of two years unless such change is made in the service delivery agreement or comprehensive plan and adopted by the affected city and county and all required parties.

So ORDAINED, this the 18th Day of September, 2023.

  
James Lawson, Acting Mayor


This is to certify that I am City Clerk of the City of Hoschton. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this ordinance was adopted as stated and will be recorded in the official minutes.

ATTEST:

  
Jennifer Kidd-Harrison, City Clerk



APPROVED AS TO FORM

  
Abbott S. Hayes, Jr., City Attorney

## EXHIBIT A DESCRIPTIONS OF PROPERTY

ALL THAT TRACT OR PARCEL OF LAND lying and being in GMD 1407, Jackson County, Georgia and being more particularly described as follows:

BEGIN at a found 1/2 inch rebar, said rebar having coordinates of North: 1,485,399.1 and East: 2,424,919.5, coordinates based on NAD83 State Plane Coordinate system, Georgia West zone, said rebar located on the easterly right of way of GA. Highway 53 (variable public right of way), said rebar being the TRUE POINT OF BEGINNING;

THENCE leaving said easterly right of way of GA. Highway 53 and proceed North 87 degrees 09 minutes 44 seconds East a distance of 978.40 feet to a found axle; thence South 83 degrees 36 minutes 34 seconds East a distance of 46.57 feet more or less to a point at the centerline of a branch, said point being referred to as Point 'A' (the commencement point of a tie-in line 'A'-B'); thence following the centerline of said branch and the meanderings thereof, 769 feet more or less to a point, said point being referred to as point 'B'; (the terminus of said tie-in line 'A'-B'), said tie-in line from point 'A' and to point 'B' having the course of South 46 degrees 28 minutes 58 seconds East a distance of 668.70 feet more or less to a point; thence leaving said centerline of a branch and proceed South 31 degrees 06 minutes 00 seconds East a distance of 736.43 feet to a found 1 inch rebar; thence South 87 degrees 07 minutes 18 seconds East a distance of 1543.43 feet to a set 1/2 inch rebar with cap; thence North 05 degrees 53 minutes 48 seconds East a distance of 1399.97 feet to a found 1 inch rebar; thence South 81 degrees 59 minutes 28 seconds East a distance of 98.66 feet to a found 1/2 inch open top pipe; thence North 89 degrees 00 minutes 55 seconds East a distance of 368.19 feet more or less to a point at the centerline of a Indian Creek, said point being referred to as Point 'C' (the commencement point of a tie-in line 'C'-D'); thence following the centerline of said creek and the meanderings thereof, 4747 feet more or less to a point, said point being referred to as point 'D'; (the terminus of said tie-in line 'C'-D'), said tie-in line from point 'C' and to point 'D' having the course of South 23 degrees 58 minutes 42 seconds East a distance of 3886.20 feet more or less to a point; thence leaving said centerline of said creek and proceed South 68 degrees 58 minutes 23 seconds West a distance of 1587.00 feet to a set 1/2 inch rebar with cap; thence South 68 degrees 57 minutes 58 seconds West a distance of 836.71 feet to a marked hole in concrete located on northerly right of way of said GA. Highway 53; thence along said northerly and easterly right of way of GA. Highway 53 the following courses and distances: North 63 degrees 27 minutes 00 seconds West a distance of 185.79 feet to a found right of way monument; North 62 degrees 37 minutes 44 seconds West a distance of 1263.78 feet to a set 1/2 inch rebar with cap; North 62 degrees 31 minutes 30 seconds West a distance of 62.00 feet to a point; along a curve turning to the right with an arc length of 465.41 feet, having a radius of 940.65 feet, being subtended by a chord bearing of North 48 degrees 07 minutes 01 seconds West, and a chord length of 460.68 feet to a point; North 34 degrees 01 minutes 31 seconds West a distance of 897.29 feet to a set 1/2 inch rebar with cap; North 34 degrees 01 minutes 31 seconds West a distance of 192.98 feet to a set 1/2 inch rebar with cap; South 55 degrees 24 minutes 28 seconds West a distance of 9.27 feet to a found right of way monument; North 34 degrees 13 minutes 12 seconds West a distance of 398.97 feet to a point; North 33 degrees 15 minutes 40 seconds West a distance of 174.95 feet to a point; North 33 degrees 04 minutes 42 seconds West a distance of 146.52 feet to a point; North 30 degrees 30 minutes 46 seconds West a distance of 54.72 feet to a point; North 29 degrees 03 minutes 57 seconds West a distance of 50.52 feet to a point; North 27 degrees 06 minutes 11 seconds West a distance of 45.05 feet to a point; North 23 degrees 33 minutes 33 seconds West a distance of 78.81 feet to a point; North 21 degrees 22 minutes 03 seconds West a distance of 80.44 feet to a point; North 20 degrees 51 minutes 23 seconds West a distance of 79.49 feet to a point; North 20 degrees 35 minutes 55 seconds West a distance of 339.35 feet to a point; North 20 degrees 21 minutes 46 seconds West a distance of 406.85 feet to a set 1/2 inch rebar with cap; thence North 20 degrees 35 minutes 57 seconds West a distance of 605.79 feet to a found 1/8" open top pipe; thence North 20 degrees 25 minutes 49 seconds West a distance of 47.15 feet to a found 1/2 inch rebar, said rebar being the TRUE POINT OF BEGINNING.

Tract or parcel contains 287.14 acres, more or less.



Map/Parcel 114/002A





Map/Parcel 114/001B



Map/Parcel 114/001A





Map/Parcel 114/001B1



**EXHIBIT B**  
**CONDITIONS OF ZONING APPROVAL**

The Planned Unit development (PUD) zoning approved per this ordinance shall be subject to the following conditions of approval:

**CONDITIONS OF APPROVAL**  
**Z-23-03 PUD ZONING**  
**9-18-23**

1. **Substantial accordance with final development plan book.** Unless otherwise required by these conditions of zoning approval, the property shall be developed in substantial accordance with "Exhibit A: Site Plan" and the final development plan book submitted to the City of Hoschton on September 1, 2023 (the "Final Plan Book").
2. **Permitted and required uses.**
  - (a) **Open space.** The PUD must consist of at least 20 percent open space. Any real property within the PUD dedicated to the City of Hoschton shall be subtracted from the total site area of the PUD for purposes of calculating the 20 percent requirement.
  - (b) Only ½ of any open waterway within the PUD can be counted toward meeting the open space requirement. Open space tracts shall be required to be delineated separately from stormwater detention tracts, unless the zoning administrator accepts calculations of open space that separate stormwater facilities from lands authorized to be counted as open space per the PUD requirement for open space in the city's zoning ordinance.
  - (c) **Civic space and recreational amenities.** There shall be civic space and recreational amenities for the PUD provided by the owner/ developer in substantial accordance with those described in the Final Plan Book. There shall be at least three "pocket" parks integrated in the detached, single-family portion of the PUD. There shall be at least one amenity integrated into the townhouse portion of the PUD. There shall be a master amenity which shall be accessible by pedestrians and vehicles from all uses in and areas of the PUD. A trail system shall be incorporated along or within the Indian Creek floodplain/ stream corridor area, and it shall connect to the existing lake which shall be incorporated into the PUD as an amenity feature.
  - (d) **Residential uses.** The PUD shall be authorized to have detached, single-family residential dwelling units (lots) and fee-simple townhouses (lots), as specified in greater detail in these conditions of approval. There shall be no attached or multiple-family residential units authorized (e.g., apartments, condominiums) other than fee simple townhouse units.
  - (e) **Churches and institutional uses.** Churches, cemeteries accessory to churches, and institutional uses shall be permitted within the PUD.
  - (f) **Commercial uses minimum area. generally.** There shall be a minimum of 3.0 acres within the PUD for commercial uses. Commercial uses shall be limited to the +/-3.0

acres depicted as Outparcel #1 and Outparcel #2 on the Final Plan Book. The minimum 3.0 acres excludes the existing church site, cemetery and church expansion area proposed in the PUD application.

- (g) **Commercial uses permitted.** Unless specifically prohibited by these conditions of zoning approval, uses permitted in the C-2 zoning district of the Hoschton zoning ordinance generally shall be permitted in commercial areas of the PUD, and uses listed as conditional in the C-2 zoning district may be authorized as conditional uses following conditional use procedures of the Hoschton zoning ordinance.
  - (h) **Commercial uses prohibited:** That following commercial uses shall be prohibited in the PUD: Adult establishment, automobile-oriented use (sales, service, repair), check cashing/ payday loan facility, gas station, dollar store, fireworks sales, funeral home, hookah/vapor bar or lounge, self-storage or mini-warehouse; smoke or vape shop, tattoo or body piercing parlor, and title loan facility.
  - (i) **Conditional use(s).** One or more uses not authorized by these conditions may (unless specifically prohibited by these conditions) be considered for approval and approved by the Hoschton City Council after the filing of a conditional use permit application in accordance with requirements of the City's zoning ordinance.
3. **Dedication of land.** Subject to the approval of the City of Hoschton, the owner/ developer shall donate, transfer, and convey at no cost to the City of Hoschton the following:
- (a) approximately 3.3 acres of property located along Highway 53 and depicted as "Civic Space #1 Fire/Police/Safety" on Exhibit A: Site Plan for any public purpose deemed appropriate in the sole judgment of the City of Hoschton;
  - (b) approximately 4.0 acres of property located along Highway 53 and depicted as "Civic Area #2 Community Gathering Space" on Exhibit A: Site Plan for any public purpose deemed appropriate in the sole judgment of the City of Hoschton; and
  - (c) approximately 16.35 acres of land adjacent to the Public Safety Complex area and labeled as "School/Civic" on Exhibit A: Site Plan for any public purpose deemed appropriate in the sole judgment of the City of Hoschton.
  - (d) **Timing and condition of dedications.** At the time of conveyance, owner/developer shall deliver the real property in a pad ready condition. Owner/developer shall donate, transfer, and convey said parcels of land no later than one year from the approval of any land disturbance permit.
4. **Residential development; housing units; housing unit mix;**
- (a) The maximum number of dwelling units/lots shall be 1,055.
  - (b) Of the total 1,055 units authorized, at least 60 percent shall be detached, single-family dwellings (i.e., 633 units minimum, if the total number of units authorized are constructed).
  - (c) No more than 40 percent of the total units authorized may be fee simple townhouse units (i.e., 422 units maximum, if the total number of units authorized are constructed).

**5. PUD Dimensional requirements generally.**

- (a) **Buffer abutting light industrial.** A 25-foot wide buffer, which may be graded and replanted, shall be required to be provided and maintained along the entire north property line of Map/Parcel 114/ 001B abutting the light industrial area.
- (b) **Landscape strip along SR 53 in front of church.** A 25-foot wide landscape strip shall be required to be planted and maintained along the church property frontage abutting SR 53 (Map/Parcel 114/001A).
- (c) A 25-foot wide buffer, which may be graded and replanted to meet the screening requirements of the Hoschton zoning ordinance, shall be provided and maintained along the PUD's south external property line abutting parcels 114/013R, 114/013M, and 114/013H in unincorporated Jackson County. Unless otherwise approved by the zoning administrator, screening tree species shall consist of savannah holly, southern magnolia, and red cedar or combination thereof.
- (d) A natural vegetative buffer shall be maintained for fifty (50) feet, measured horizontally on both banks (as applicable) of streams as measured from the top of the stream bank. An additional setback shall be maintained for twenty-five (25) feet, measured horizontally beyond the undisturbed natural vegetative buffer in which all impervious cover shall be prohibited.
- (e) The principal building setback from a PUD exterior property line shall be 30 feet.

**6. Residential dimensional requirements.** The residential land uses in the PUD shall be subject to the following dimensional requirements:

- (a) **Maximum building height, all units:** 40 feet and 3 stories.
- (b) **Maximum lot coverage:** 75% detached homes; 90% attached townhomes.
- (c) **Minimum driveway length measured from back of sidewalk** (front loading) or alley (rear loading) to face of garage, all units: 20 feet.
- (d) **Parking, all units:** A minimum two-car garage is required for each unit.
- (e) **Street trees:** 1 per lot.
- (f) **Dimensional requirements by lot type:** The following dimensional requirements and limitations shall apply to residential lots, and the maximum number of the 40-foot detached lots shall not exceed those shown in the Final Plan Book:

Residential Lot Type	Minimum Lot Size (sq. ft.)	Minimum Lot Width (ft.)	Minimum Front, Side, Major Side/Corner, Rear Building Setbacks (ft.)
60-foot Detached	6,100	60	15, 5, 7.5, 20
50-foot Detached	5,100	50	15, 5, 7.5, 20

40-foot Detached	4,100	40	15, 5, 7.5, 20
Attached (townhouses)	1,300	22	0, 0, 0,0

- (g) **Minimum heated floor area per dwelling unit:** 1,600 square feet (townhouses); 1,600 square feet (one-story detached homes) 1,800 square feet (two-story detached homes)
- (h) **Minimum separation between townhouse buildings:** 20 feet.
7. **Residential architectural elevations and external building material finishes.** The architectural style of homes shall be in general accordance with the renderings included in the Final Plan Book. Front facades of homes shall be constructed primarily (50% or more) of brick and/or stone. The sides and rear shall be the same or of fiber cement shake, siding, and/or board and batten.
8. **Residential development dimensional requirement not specified.** Where the Final Plan Book or these conditions of zoning fail to articulate a given regulation for residential development, such as accessory building setbacks and the like, the project shall be required to adhere to dimensional requirements of the MFR (Multi-family Residential) zoning district and general provisions of the Hoschton zoning ordinance, unless a variance is applied for and obtained.
9. **Commercial dimensional requirements.**
- (a) **Maximum building height:** 40 feet.
- (b) **Maximum building coverage (% of site area):** 80%
- (c) **Principal building setbacks:** 20' front, 20' side, 20' rear.
- (d) **Frontage landscape strip (width):** 10'.
- (e) **Minimum tree canopy and minimum landscaped open space (% of lot):** 20%.
10. **Commercial architectural elevations and external building material finishes.** The owner/developer shall submit for City Council's consideration and approval, prospective front, side and rear elevations of commercial architecture included in the PUD, prior to issuance of a building permit for any such building. In addition, the owner/developer shall submit as a part of this package uniform standards and guidelines for commercial signage and PUD project entrances. Once approved the elevation drawings and standards and guidelines shall be binding on all builders and enforceable at the time of commercial building permit issuance.

11. **Commercial development dimensional requirement not specified.** Where the approved PUD application and these conditions of zoning fail to articulate a given regulation for commercial development, such as accessory building setbacks, maximum lot coverage, and the like, the project shall be required to adhere to dimensional requirements of the C-2 zoning district and general provisions of the Hoschton zoning ordinance, unless a variance is applied for and obtained.
12. **Internal subdivision street standards.** All local subdivision streets serving residential development within the PUD shall be required to meet or exceed the following requirements:
  - (a) Minimum right of way width: 50 feet
  - (b) Minimum pavement width: 26 feet as measured from back-of-curb to back-of-curb
  - (c) Minimum centerline horizontal radius: 125 feet
  - (d) Minimum alley right-of-way or access/utility easement width: 25 feet
  - (e) Minimum alley pavement width: 18 feet
  - (f) Rolled curbs shall be authorized
  - (g) Sidewalk standards: Minimum sidewalk width: 5 feet; Minimum landscape strip between back of curb and sidewalk: 2 feet
  - (h) Minimum radius for cul-de-sac right of way: 50 feet
  - (i) Minimum radius for cul-de-sac roadway: 40 feet (measured to face of curb)
  - (j) Hammerhead turnarounds shall be a permitted turnaround design, so long as they are less than 150 feet meeting Appendix D of the Fire Code
13. **Improvement of State Route 53.**
  - (a) Prior to any final plat approval for the respective property with frontage, or prior to the issuance of a development permit in the case of commercial use, the owner/developer shall be required to install at owner/developer's expense improvements as may be required by the Georgia Department of Transportation (GDOT).
  - (b) Unless otherwise approved by the GDOT, the entrances/exits onto SR 53 shall be limited to the number and shall be improved to the standards recommended by the traffic engineer in the traffic study submitted with the application for Development of Regional Impact (DRI) and the Planned Unit Development (PUD) zoning.
  - (c) The owner/developer shall install a traffic signal at the PUD project entrance aligning with Crystal Lake Parkway, if and when warranted and approved by GDOT.
  - (d) Construction of multi-use trail/Life Path. The owner/developer shall at no cost to the city construct an 8-foot wide multi-use path along the subject property's frontage on Highway 53.
14. **Sewage system lift station requirements.**
  - (a) The PUD shall be designed so that there is no more than one sanitary sewer lift station to serve the entire development. In the event that it is impossible or impracticable to serve the entire development with a single sanitary sewer lift station, a second sanitary sewer lift station may be provided, if approved by the Director of the City of Hoschton Water and Utilities Department.



- (b) The sewage lift station(s) shall be constructed by the owner/developer at no cost to the city, except as otherwise conditionally provided in this zoning condition.
  - (c) The sewage lift station shall be located on a lot with a minimum area of 10,000 square feet. Said lot shall have at least 30 feet of frontage on a public street and shall be deeded, in fee simple title to the city of Hoschton, within one year of final construction approval.
  - (d) After construction of the sewage lift station by the owner/developer and dedication to the city, if determined in the public interest by the city, the city may on its own initiative initiate a capital project to oversize the lift station to serve subsequent additional development upstream of the sewer lift station.
- 15. Pedestrian connection to Sell's Mill Park.** Prior to the issuance of the final certificate of occupancy the owner/developer shall, if authorized by the county, construct a pedestrian connection from the PUD and its open space and pedestrian access network (i.e, trail network along Indian Creek) to county-owned Sell's Mill Park (Map/Parcel 114/ 003B). Said trail connection shall be provided as a natural surface (i.e., mulch or gravel) trail.
- 16. Arbitration Panel Finding.** The City of Hoschton shall levy the Jackson County impact fees at the time of building permit issuance and remit the impact fees to Jackson County.
- 17. Collection of Jackson County impact fees.** Collection of Jackson County impact fees as set forth in the preceding section shall be subject to the negotiation and finalization of an intergovernmental agreement between the City of Hoschton and Jackson County, in a form satisfactory to the City Council of the City of Hoschton.
- 18. Sewer connection fees and capacity.**
- (a) In order to have the capital funds needed to construct wastewater treatment plant capacity to serve the subject PUD, the city will, prior to and as a condition of preliminary plat approval require the owner/ developer to pay in advance of building permitting the amount of \$6,330,000.00, which is the prepayment of sewer connection fees for the development of 1,055 residential units.
  - (b) The condition set forth in this section shall be further outlined in an agreement between the owner/developer and the City of Hoschton. As part of said agreement, the owner/developer shall acknowledge that the PUD project shall not be vested with rights to connect to sanitary sewer until the connection fees are paid and until an agreement between the owner/developer and the City of Hoschton as to this condition is approved and executed by both the owner/developer and the City of Hoschton.
- 19. Water line(s) serving the PUD.**
- (a) The owner/ developer shall at no cost to the city extend a water trunk main (size and type to be determined and approved by the city engineer) to the PUD and provide for all water lines necessary to serve the PUD with city water.
  - (b) The city engineer may require any such water lines to be looped for adequate water pressure.

(c) The city engineer may require any such water lines to be connected or interconnected to other water system components, including future water supplies and as may be determined appropriate and as may be required by these zoning conditions.

**20. Water supply.**

(a) The owner/ developer agrees to authorize the city to explore the subject property for potential tapping of groundwater supply via a public well or wells.

(b) If one or more well water sites are considered appropriate by the city and the owner/developer after such explorations or studies, the owner/ developer agrees to negotiate with the city in good faith for the dedication of such water well site(s) at no cost to the city or in exchange for reduction, waiver or credit of certain subsequent water connection fees.

(c) The city may require the participation of the owner/ developer in the construction of water well capital facilities in exchange for the reduction, waiver, or credit of subsequent water connection fees, subject to the approval of and acceptance by the owner/ developer.

(d) This condition shall be satisfied prior to the issue of any development permit involving connection to the city or other public water system.

**21. Public street connection.** To provide for a potential future public (local) through street connection, the owner/developer shall provide a publicly dedicated street right of way with a minimum 50-foot wide right of way and a local street with a pavement width of at least 26 feet from back of curb to back of curb within the Planned Unit Development, connecting SR 53 to the common property line between Map/Parcel 114/001B and 113/015A. The right of way shall extend to said common property line, and the pavement shall extend to within 25 feet of said common property line.

# EXHIBIT "A": SITE PLAN

