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**REGULAR COUNCIL MEETING**

**SUMMARY**

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WELCOME AND CALL TO ORDER *at 7:10pm by Mayor Sell*

PRESENT FOR MEETING:

*Mayor Shannon Sell*  
*Councilmember Adam Ledbetter*  
*Councilmember Tracy Carswell*  
*Councilmember Shantwon Astin*  
*City Administrator Gary Fesperman*  
*City Clerk Jennifer Kidd-Harrison*  
*City Planner Jerry Weitz*  
*City Attorney Abbott Hayes*

*Absent: Councilmember James Lawson*

*Media was present*

AGENDA APPROVAL *Motion to approve as is by Ledbetter, second by Carswell and all in favor*

MINUTE APPROVAL:

May 10, 2021 Work Session & Regular Council Meeting Minutes

*Motion to approve as is by Carswell, second by Astin and all in favor*

NEW BUSINESS:

1. **Z-21-04 Rezone:** David Nichols, applicant and property owner, seeks rezoning from R-1 (Single-Family Low Density Residential District) to R-2 (Single-Family Suburban Residential District) of 1.11 acre fronting approximately 150 feet on the west side of White Street approximately 140 feet north of Industrial Boulevard (Map/Parcel H01/042A) (480 White Street). Proposed use: Detached single-family residential.

*Motion approve by Astin, Second by Ledbetter and all in favor with the following conditions:*

1. **Right of way dedication, White Street.** The owner shall dedicate at no cost to the city sufficient right of way to provide 25 feet from the centerline of White Street along the entire property frontage prior to issuance of a building permit.

2. **Subdivision layout.** Proposed Option A as shown in the zoning file is approved and shall be utilized rather than the proposed Option B (flag lot) which shall not be approved.

2. **Z-21-05 Annexation and Zoning:** Eddie Butler, applicant, Premier Realty Associates, Inc., property owner, seeks annexation of and R-1 (Single-Family Low Density Residential District) zoning for 3.02 acres fronting approximately 630 feet on the south side of Maddox Road approximately 700 feet east of the intersection of West Jackson Road and East Jefferson Street (Map/Parcel 112/035A) (614 E.G. Barnett Road). Proposed use: Detached single-family residential. Existing zoning in unincorporated Jackson County is A-2 (Agricultural Rural Farm District).

*Motion to approve as is by Ledbetter, Second by Carswell and all in favor.*

3. **Z-21-06 Rezone:** Sudruddin Hakani, applicant, Mark Heard Fuel Company, Inc, property owner, seeks to rezone 1.54 acre (Map/Parcel 120/0131) fronting approximately 200 feet on the east side of State Route 53 and 280 feet on the south side of Towne Center Parkway from C-2 (General Commercial Highway Oriented District) to C-3 (Commercial Motor Vehicles Service and Repair District). Proposed uses: convenience store with gasoline pumps and fast-food restaurants.

*Motion to table until July 19 by Carswell, Second by Astin and all in favor.*

4. **Z-21-07 Rezone:** W&A Engineering, applicant, Charlie Massey, property owner, seeks to rezone 4.87 acres (Map/Parcels 120/004A and 120/005A) fronting on the north side of West Jefferson Street at its entrance with Panther Court from R-3 (Single-Family Moderate Density Residential District) Conditional (RZ 10-01) to MFR (Multiple Family Residential District). Proposed use: 41 fee simple townhomes.

*Motion to table until July 19 by Astin, Second by Ledbetter and all in favor.*

5. **V-21-04 Variance:** City of Hoschton, applicant, Keith Hayes Construction, Inc. property owner, seeks a variance from the Hoschton zoning ordinance, Article III, "General Provisions," Section 3.11, "Principal Building Separation," to reduce the required building separation of 20 feet for one-story buildings to 10 feet for property (0.548 acre) fronting on the northeast side of Jopena Boulevard (part of Map/Parcel 120/040) (92 Jopena Boulevard). Existing zoning: C-1 Neighborhood Business District. Proposed use: two 1-story office buildings.

*Motion to approve #5, #6 and #11 by Ledbetter, Second by Carswell and all in favor*

6. **V-21-05 Variance:** City of Hoschton, applicant, Keith Hayes Construction, Inc. property owner, seeks a variance from the Hoschton zoning ordinance, Article IV, "Zoning Districts," Section Section 4.10, "C-1, Neighborhood Business District," to reduce the required side building setback from 12 feet to 5 feet for property (0.548 acre) fronting on the northeast side of Jopena Boulevard (part of Map/Parcel 120/040) (92 Jopena Boulevard). Proposed use: two 1-story office buildings.

*Motion to approve #5, #6 and #11 by Ledbetter, Second by Carswell and all in favor*

7. **Z-21-08 Rezone:** P&G 53, LLC, applicant and property owner, by Caleb Musser, seeks to rezone from OR (Office-Residential) and C-2 (General Commercial Highway Oriented District) to C-2

(General Commercial Highway Oriented District) properties (Map/Parcels H02/038, H02/035, H02/041, H02/042, and H02/043) fronting approximately 191 feet on the west side of State Route 53, approximately 70 feet on the north side of Bell Street, and approximately 170 feet on the east side of White Street. Proposed use: Commercial.

8. **V-21-07 Variance:** P&G 53, LLC, applicant and property owner, by Caleb Musser, seeks a variance to the Hoschton zoning ordinance, Article IV, "Zoning Districts," Section 4.11, "C-2, General Commercial Highway Oriented District" to waive and reduce various required building setbacks for properties (Map/Parcels H02/038, H02/035, H02/041, H02/042, and H02/043) fronting approximately 191 feet on the west side of State Route 53, approximately 70 feet on the north side of Bell Street, and approximately 170 feet on the east side of White Street. Proposed use: Commercial. Proposed use: Commercial.
  
9. **V-21-08 Variance:** P&G 53, LLC, applicant and property owner, by Caleb Musser, seeks a variance to the Hoschton zoning ordinance, Article III, "General Provisions," Section 3.11, "Principal Building Separation," to reduce minimum building separation distances for properties (Map/Parcels H02/038, H02/035, H02/041, H02/042, and H02/043) fronting approximately 191 feet on the west side of State Route 53, approximately 70 feet on the north side of Bell Street, and approximately 170 feet on the east side of White Street. Proposed use: Commercial.
  
10. **V-21-09 Variance:** P&G 53, LLC, applicant and property owner, by Caleb Musser, seeks a variance to the Hoschton zoning ordinance, Article X, "Access, Parking and Loading," Section 10.02, "Access," to authorize parking within a right of way and to allow vehicle movements to back into a public right of way for properties (Map/Parcels H02/038, H02/035, H02/041, H02/042, and H02/043) fronting approximately 191 feet on the west side of State Route 53, approximately 70 feet on the north side of Bell Street, and approximately 170 feet on the east side of White Street. Proposed use: Commercial.

*Motion to approve #7, #8, #9 and #10, Section 1. A variance is hereby granted to the Hoschton zoning ordinance, Article X, "Access, Parking and Loading," Section 10.02, "Access," to authorize parking within a right of way and to allow vehicle movements to back into a public right of way for properties further described in Exhibit A. Variance approval is conditional, subject to the condition of variance approval specified in Exhibit B of this resolution by Carswell, Second by Astin and all in favor.*

11. **V-21-10 Variance:** City of Hoschton, applicant, Keith Hayes Construction, Inc. property owner, seeks a variance from the Hoschton Subdivision and Land Development Ordinance, Article VII, "Storm Drainage and Utilities," Sec. 702, "Storm Drainage System," to waive the requirement for on-site detention for property (0.548 acre) fronting on the northeast side of Jopena Boulevard (part of Map/Parcel 120/040) (92 Jopena Boulevard). Proposed use: two 1-story office buildings.

*Motion to approve #5, #6 and #11 by Ledbetter, Second by Carswell and all in favor.*

12. **TA-21-03 Text Amendment, Hoschton Zoning Ordinance:** An Ordinance Amending the Hoschton Zoning Ordinance, adopted January 4, 2016, amended April 19, 2021, to amend Article

IV, "Zoning Districts," Section 4.06, "MFR, Multi-Family Residential District" as it pertains to dimensional requirements for fee simple townhouses, and to amend Article VI, "Specific Use Restrictions," Section 6.55, "Fee Simple Townhouse" to change various requirements; and for other purposes.

*First Read by Ledbetter, Second by Carswell and all in favor.*

13. **Subdivision and Land Development Ordinance Amendment (Ordinance O-21-04)** An Ordinance Amending the Hoschton Subdivision and Land Development Ordinance, adopted April 4, 2016, amended April 19, 2021, to amend Article VI, "Access and Design Requirements For Roads," to add a new Section 625, "Golf Cart Paths and Multi-Use Paths"; and to amend Section 601, "Access" to repeal the requirement to have more than one exit/entrance to a subdivision of 50 or more lots; and for other purposes.

*First Read by Astin, Second by Ledbetter and all in favor.*

14. **O-21-11:** Franchise Agreement for Jackson EMC  
*First Read by Astin, Second by Ledbetter and all in favor.*

15. **R-21-14:** Updated Schedule of Fees for Planning & Zoning  
*Motion to approve as is by Ledbetter, Second by Carswell and all in favor*

16. **R-21-15:** Updated Schedule of Fees for Building Permitting  
*Motion to approve by Carswell, Second by Astin and all in favor*

17. BOE Agreement of North Water Tank Site  
*Motion to approve by Carswell, Second by Astin and all in favor*

18. **O-21-10:** Updated Cemetery Ordinance  
*First Read by Astin, Second by Ledbetter and all in favor.*

#### EXECUTIVE SESSION (IF NEEDED)

*Motion to go into Executive session for Real estate and litigation at 7:10pm by Ledbetter, second by Carswell and all in favor.*

*Motion to come out of Executive session at 7:28pm for Real estate and litigation by Carswell, second by Astin and all at 7:28pm.*

*Motion to purchase on Jopena Avenue by Astin, Second by Ledbetter and all in favor.*

ADJOURN      Motion to adjourn by Ledbetter, second by Carswell and all in favor at 7:28pm.

