

CITY OF HOSCHTON  
CITY COUNCIL AGENDA  
THURSDAY, AUGUST 17, 2023 AT 6:00PM  
HOSCHTON COMMUNITY CENTER  
65 CITY SQUARE, HOSCHTON



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WORK SESSION

AGENDA

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WELCOME AND CALL TO ORDER

AGENDA APPROVAL

REPORTS BY MAYOR, COUNCIL, AND STAFF

OLD BUSINESS

1. **Ordinance O-2023-03:** An Ordinance Amending the Code of Ordinances of the City of Hoschton, Georgia, Chapter 11, "Traffic and Vehicles," To Adopt a New Article IV, "Stopping, Standing and Parking;" To Repeal Conflicting Ordinances; To Provide for Severability; To Provide For an Effective Date; To Provide for Codification; and For Other Purposes *[Postponed from July 17, 2023]*
2. **Z-23-02: Annexation and Zoning and Rezoning:** The Providence Group of Georgia, LLC, applicant, Shannon C. Sell, and Paul T. and Brenda A. Cheek, property owners, seek to annex approximately 33.0 acres with PUD (Planned Unit Development) District zoning. The property proposed to be annexed consists of that part of Map/Parcel 119/019 not currently in the city limits of Hoschton (approximately 25.6 acres) (Shannon C. Sell, owner) and all of Map/Parcel 113/003A (approximately 7.4 acres) (Cheek property). The property to be annexed fronts approximately 824 feet on the north side of Pendergrass Road (SR 332) west of E.G. Barnett Road and also fronts approximately 640 feet on the west side of E.G. Barnett Road (Cheek property) and also gains access to the east side of East Jefferson Street via the remainder of the Sell property (Map/Parcel 119/019). Current zoning of property to be annexed is A-2, Agricultural-Rural Farm District in

unincorporated Jackson County. Additionally, the applicant seeks to rezone approximately 84.46 acres of property contiguous to the proposed annexation (part of Map/Parcel 119/019 inside the city limits of Hoschton, i.e., part of remainder of Sell property, totaling 58.86 acres, fronting on the east side of East Jefferson Street and 17.86 acres fronting approximately 1,115 feet on the west side of East Jefferson Street and fronting approximately 1,230 feet on the south side of West Jackson Road (Map/Parcel 119/018) (property of West Jackson, LLC) from A (Agricultural) District to PUD (Planned Unit Development) District. The total estimated acreage within the proposed PUD site plan/ zoning district is 109.72 acres. Proposed use: residential planned unit development (334 units which may include up to 90 fee simple townhouse units) and open space  
*[Public Hearings held May 11, 2023 and June 15, 2023] [Annexation Dispute Joint Final Order dated July 25, 2023] [planning staff recommendation: conditional if approved]*

3. City Hall/ Community Center building signs

#### NEW BUSINESS

1. Booster Pump Station: *Construction of 1 packaged water booster pump station and associated site work, approximately 1,200 LF of 8" PVC waterline, gate valves, and fire hydrants.*
2. Hoschton Park Lease Agreement
3. Millage rate discussion
4. RFP 23-009: 69 City Square
5. RFP 23-010: 4162 Hwy 53, Unit 100
6. Notice of Intent to initiate amendments to subdivision regulations and zoning ordinance:  
Provision for adoption of an official corridor map (subdivision regulations and comprehensive

plan amendment) and adoption of a corridor map; Zoning ordinance amendment authorizing the replacement of a nonconforming manufactured home with a new manufactured home under certain conditions (per requirements of Zoning Procedures Law Amendment (SB 213 adopted in 2023); Small Cell sites regulation (zoning ordinance amendment).

7. **Ordinance O-23-04:** An Ordinance Amending The Hoschton Code Of Ordinances, Chapter 21, "Stormwater Management," Article Vi, "MS4 Stormwater Department," Section 21-306, "Stormwater Service Fee Charges To Be Established;" And Section 21-309, "Stormwater Service Fee Billing, Delinquencies, Collections, Adjustments;" To Repeal Conflicting Ordinances; To Provide For Severability; To Provide For An Effective Date; And For Other Purposes
  
8. **Resolution 23-13:** A Resolution Adopting a Stormwater Service Fee Schedule And Repealing The Prior Fee Schedule For The Same Purpose

CITIZEN INPUT

EXECUTIVE SESSION

ADJOURN

# REPORTS

# CITY MANAGER'S REPORT

## JULY 2023

July has certainly been a busy month for the City of Hoschton. Please see the highlighted projects and meetings we have occurred for this month.

- The City held a special called meeting to vote in an acting Mayor. Council voted for Mr. James Lawson to conduct the task of a Mayor until one is elected in November.
- The City hosted their monthly Coffee and Conversation and what a big hit it was! A great exposure for local business to meet other local businesses.
- We met with Auditor to go over the completed audit for Y2022. This is available online for all to review.
- We have started the budgeted process for Y2024. You will see this on the agenda for November 2023.
- Met with School Superintendent to see how we could partner with the new school year starting August 3, 2023.
- Staff met with City Engineer to start process for New Water Tank at Jopena Blvd (South Tank). 2024 for Bidding.
- We have a second bid in process for the booster pump for the (North Tank) at West Jackson Road. Bids will be open on August 14<sup>th</sup> at 2pm. Location: community center – 65 City Square, Hoschton. Targeted completion date by end of 2023.
- Waterline upgrade Phase 1 is to be completed Fall 2023 (Jopena, Highway 53, Industrial, white Street to Broad Street)
- Waterline upgrade Phase 2 is to start in 2024 (white Street, West Jefferson Street, Highway 53 to West Jackson – To water tank.
- Wastewater Capacity to .95 should be completed Y2025
- Wastewater Capacity to 2.0 should be completed Y2028
- Staff met with the architect to design new public works building located at Cabin Drive. No start date yet.
- Basketball Court on Cabin Drive will be completed by Winter 2023.
- Road Maintenance Project for Bell Ave to Hall, Bell Ave to Broad Street, Mulberry St from Bell Ave to Broad Street and Walnut Street from Bell Ave to Broad Street will be completed September 2023.
- Our stormwater department continues to fix drainage issues throughout the city and is doing a wonderful job!

Best Regards,

Jennifer Harrison

City Manager

# Building Department Activity Report-July 2023

## A. Building department activity

### a. Permits Issued

- i. April - 35 Building / 3 Miscellaneous
- ii. May - 39 Building / 12 Miscellaneous
- iii. June - 64 Building / 16 Miscellaneous
- iv. July - 45 Building / 8 Miscellaneous
- v. 2023 YTD – 351 Building / 79 Misc.

### b. Inspection Activity

#### i. July Total Inspections

1. Building Inspections – 495
2. Water Meter Install Inspections – 19

### c. Commercial Permit Activity

1. Remodel at the Depot for Restaurant
2. Remodel at former RedThread for Mexican restaurant
3. Publix plans active
4. Publix rental units (8 unit) are active
5. TEC 8000 sq. ft. addition



## July 2023 Monthly Report

### Water

- Daily water route check of connections, water tank and random sample sites
- Daily checks and operations of both city wells
- Daily water sampling
- Weekly well cleanings
- Monthly Meter high usage and non-read meter reading
- Pulled monthly Reporting EPD Samples
- Pulled monthly Bacteriological samples throughout water system
- Replenished Chemicals at both Wells
- Daily utility locates, 263 water/sewer locates for the month of July
- Recorded all daily, weekly, and monthly Data
- Completed and Submitted Monthly Water Reports to EPD
- Installed 36 New Water Meters
- Worked with EMI (Russ) to test bypass at Braselton fire dept connection to fill new Water tank. Found that there is a restriction and pressure loss at the point of connection.
- Worked to repair bad fire hydrants around town from list provided from Fire dept. yearly testing
- Repaired water main on White street, contractor hit main while installing Temporary power pole.
- Repaired water leak at 389 Quail Run
- Dirt work Continued installing new water main along Industrial and White street
- Installed 2 water taps on White street for new houses
- Cut water and sewer right-of-ways

## **Wastewater**

- Daily Plant check of equipment and processes
- Daily sampling and testing of plant Effluent
- Daily Instrument calibrations
- Daily lab equipment temperature checks
- Weekly process control lab work
- Weekly Automatic samplers turned on and checked
- Pulled Weekly permit samples
- Performed weekly permit Lab testing
- Recorded all daily, weekly, and monthly Data
- Performed monthly maintenance on plant equipment
- Performed Weekly and monthly Maintenance on Clarifiers
- Performed Weekly Sewer pump station and generator check
- Ran Belt Press weekly to remove excess solids in Plant
- Weekly Washdown and cleaning of tanks, troughs, and filter
- Daily utility locates, 263 water/sewer locates for the month of July
- Completed and Submitted Monthly Wastewater Report (DMR) to EPD
- EPD performed Lift Station Inspection, Everything went well and also received the completed Inspection report back from the EPD. All went well
- Jacob with EPS came and repaired Generator at Brighton Park
- Jetted Sewer Service at 141 East Broad street
- Repaired Damaged manhole on sewer Right-of-way at 332
- Temsco diagnosed the Pond pump Panel, found to be a bad HMI screen, ordered new part
- Strack hit sewer forcemain for Cresswinds #2 lift station, they repaired
- Refueled lift station generators after power outage from storm
- Ran sewer camera in sewer main on White street.
- Installed sewer tap for new house at 348 White street
- Outside of Aerator #1 was found out of service, coupling broke. Ordered new part
- Repaired water leak at Wastewater Plant
- Parts are ordered for pump repairs at a few sewer stations.



## **Police Department Report 08/01/2023**

1. **Reports and Citations**- The Police Department has generated over 1200 incident numbers since January and wrote 37 citations in the month of July.
2. **Court**- We will have court again on August 10<sup>th</sup> at the new City Hall.
3. **Employment**- Ryan Brooks has completed training and will begin working the opposite weekends of Kesler beginning 08/05.

## July DDA Director Report

Met with DDA Chair, City Manager, Mayor, and Council members to discuss the Larry's Garage project with Matt Ruppel.

Created the Larry's Garage Survey for the residents to participate in. Received great feedback with over 200+ respondents.

Took a "field trip" to the Corn Crib on White Street to discuss placement.

Joined the Mental Health Task force for Jackson County.

Pickle Ball Meeting with Cresswind Residents to discuss our Pickle Ball and BBQ Event set for 2024.

Assisting the HHAC with an art exhibition event set for November. Had planning meeting with the president of the art council.

Attended the Leadership Jackson 2024 Retreat.

Attended Legacy Mentor Training- Will mentor a student at new Middle School. Legacy Knoll.

Attended Jackson County Family Collaboration meetings to discuss how our community, and downtown can help others.

Hosted the inaugural Jackson County DDA/Mainstreet Roundtable. Had lunch at Fergussons and walked around downtown.

Spearheaded the revival of the 2023 Farmers Market. The Farmers market attendance was dwindling at Towne Center due to the heat and location, so we will host the new one at the Depot lawn in the evening from 5-8PM weekly until September 30<sup>th</sup>, minus the weekend of Labor Day.

Met with another landscape company. Hoping that this company will be able to present at the next DDA Meeting and a decision can be made on which company to use so we can get this project started.

# OLD BUSINESS

## ITEM #1

Ordinance O-2023-03

(to amend Chapter 11 “Traffic and  
Vehicles”)

CITY OF HOSCHTON  
STATE OF GEORGIA

ORDINANCE O-2023-03

AN ORDINANCE AMENDING THE CODE OF ORDINANCES OF THE CITY OF HOSCHTON, GEORGIA, CHAPTER 11, "TRAFFIC AND VEHICLES," TO ADOPT A NEW ARTICLE IV, "STOPPING, STANDING AND PARKING;" TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND FOR OTHER PURPOSES

IT IS ORDAINED by the Hoschton Mayor and City Council as follows:

**Section 1.**

The Hoschton Code of Ordinances, Chapter 11, "Traffic and Vehicles," is amended by adding a new Article IV, "Stopping, Standing and Parking" as follows:

Sec. 11-81. Parking prohibitions and time limitations.

- (a) Authority to impose. The city may prohibit parking and impose time limits on parking on designated streets or city properties.
- (b) No parking areas. It shall be unlawful for any person to cause, allow, or permit any vehicle registered in any name, or operated by any person to be parked: in an area where no parking is allowed by ordinance or state law; or beyond the period of the legal parking time established by any signage as described in this article. At least one sign shall be erected on each street on each side of the street where parking is either prohibited or restricted.
- (c) Time limits. It shall be illegal for a motor vehicle to be parked in a parking space past the designated time limit. The city police may use any method deemed necessary to time these vehicles not in compliance and issue citations to the operators of these vehicles. Whenever any parking time limit is imposed or parking is prohibited on designated streets, appropriate signs shall be erected giving notice thereof, and the regulations shall be effective only after the signs are erected and in place at the time of any alleged offense.

Sec. 11-82. Areas where parking is unlawful.

At any time it shall be unlawful to permit any vehicle to stand in any of the following places, except when necessary to avoid conflict with other traffic or in compliance with directions of a police officer or traffic control device:

- (a) In any intersection;
- (b) In a crosswalk;

**Ordinance 2023-03**

- (c) At any place where the standing of a vehicle will reduce the usable width of the roadway for moving traffic to less than 18 feet;
- (d) At any place where the vehicle will block the use of a driveway;
- (e) At any place where the vehicle will block the driveway entrance to any fire department;
- (f) On any sidewalk;
- (g) Upon a street in a residential zoning district, except as specifically allowed otherwise in this article.
- (h) At any place where official signs prohibit parking; and
- (i) Within 12 feet of any fire hydrant.

**Sec. 11-83. Off-street parking in residential areas.**

- (a) In single-family residential zoning districts, parking in the front yard (not the roadway in front of the home) is allowed for each dwelling unit only within a hard-surfaced driveway (i.e., asphalt, concrete, gravel, or if approved by the city, a turf-reinforced driveway).
- (b) No parking of any vehicles, whether commercial or private, shall be allowed on grass or lawn areas of any single-family residence. The parking or storage of more than four vehicles at a single-family residence in a manner visible from the public street is unlawful.
- (c) No vehicle with a gross vehicle weight rating greater than 6,000 pounds shall be parked past the front plane of the front door of a residential dwelling at any time.

**Sec.11-84. Parking for commercial purposes.**

- (a) It shall be unlawful to park any vehicle upon any street for the purpose of displaying it for sale, or to park any vehicle upon any public street from which merchandise is peddled, or for purposes of displaying advertising.
- (b) It shall be unlawful to park any vehicle carrying dynamite, propane gas or any other volatile or explosive substance for more than one hour within 200 feet of any building used for assembly or institutional or residential occupancy.

**Sec. 11-85. Restrictions for trucks, tractors, buses.**

- (a) No person shall park or stand any truck or other freight-carrying vehicle, including any truck tractor, in excess of one-half ton capacity, upon any public street or highway for longer than the time necessary to deliver its cargo, and at no time longer than thirty (30) minutes without police escort.

**Ordinance 2023-03**

- (b) No person shall stop or stand any truck or bus with a body more than eight feet wide or ten feet high on any street or public place without the driver or chauffeur being actually present and in charge thereof.
- (c) No person shall stop or stand any truck or bus on any street or public place and idle for more than 15 minutes, except for the following conditions:
  - 1. Emergency vehicles, utility company, construction and maintenance vehicles where the engines must run to perform needed work;
  - 2. Truck or bus is forced to remain motionless because of traffic conditions;
  - 3. Truck or bus is being used to supply heat or air conditioning necessary for passenger safety or comfort, and such truck or bus is being used for commercial passenger transportation or is a transit authority bus or school bus, in which idling shall be limited to a maximum of 25 minutes; If the ambient temperature is less than 32 degrees Fahrenheit, idling shall be limited to a maximum of 25 minutes; or
  - 4. Any vehicle, truck, bus, or transit authority bus in which the primary source of fuel is Natural Gas (CNG) or electricity shall be exempt from the idling limitations set forth in this section.

**Sec. 11-86. Enforcement.**

- (a) Any police officer who finds a vehicle standing upon a street or highway in violation of this article may at any time have the vehicle towed from the location it is illegally parked and impounded. If the vehicle is towed and impounded, the registered owner of any vehicle parked illegally pursuant to this article shall be responsible for any and all towing and storage fees associated with any such vehicle removed from a city street or property pursuant to the provisions of this article.
- (b) Any police officer who finds a vehicle standing upon a street or highway in violation of this article may, pursuant to O.C.G.A. 40-6-203(2) (B,) write a citation to the registered owner per the tag information and place such citation on the vehicle under its windshield wipers. No improperly parked vehicle may receive more than one citation for every twenty-four (24) hours it is improperly parked.
- (c) Any police officer who finds a vehicle standing upon a street or highway in violation of this article may require the driver or other person in charge of the vehicle to move it to a position off the roadway.
- (d) A citation for parking in an area where parking is prohibited by this article, or for illegally parking past the designated time limit, or for any other violation of this article, can be issued by a member of the city police department.

**Ordinance 2023-03**

(e) Any person violating any provision of this article shall, on conviction by the court judge of the city, be punished as follows:

First Offense: \$50.00

Second Offense: \$100.00

Third Offense: \$250.00

Fourth and subsequent offenses: \$500 and impoundment of vehicle with responsibility for towing and storage fees.”

**Section 2.**

All ordinances and parts of ordinances in conflict herewith are hereby repealed.

**Section 3.**

If any portion of this ordinance shall be held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect or impair the remaining portions unless it clearly appears that such other parts are wholly and necessarily dependent upon the part held to be invalid or unconstitutional.

**Section 4.**

The effective date of this ordinance shall immediate upon adoption by the City Council.

**Section 5.**

It is the intent of City Council that this ordinance be integrated into the Code of Ordinances of the City of Hoschton. To that end, the provisions of this ordinance may be renumbered or reorganized to effectuate that intent.

So ORDAINED, this 17<sup>th</sup> day of July, 2023.

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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:

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Jennifer Kidd-Harrison, City Clerk

**Ordinance 2023-03**

APPROVED AS TO FORM

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Abbott S. Hayes, Jr., City Attorney

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# OLD BUSINESS

## ITEM #2

Z-23-02 Zoning:

Providence Group Development

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



**TO:** Honorable Mayor and City Council, City of Hoschton

**FROM:** Jerry Weitz, Consulting City Planner

**DATE OF REPORT:** Version #3 August 8, 2023

**SUBJECT REQUEST:** **Z-23-02:** Annexation and PUD (Planned Unit Development District) Zoning; Rezoning from A (Agricultural District) to PUD (Planned Unit Development District)

**CITY COUNCIL HEARINGS:** May and June 2023

**VOTING SESSION:** August 17, 2023

**APPLICANT:** The Providence Group of Georgia, LLC

**OWNER(S):** Shannon C. Sell, Paul T. and Brenda A. Cheek, and West Jackson, LLC

**PROPOSED USE:** Residential planned unit development consisting of 334 dwelling units

**LOCATION:** Fronting approximately 824 feet on the north side of Pendergrass Road (SR 332) west of E.G. Barnett Road; fronting approximately 640 feet on the west side of E.G. Barnett Road; fronting on the east side of East Jefferson Street; fronting approximately 1,115 feet on the west side of East Jefferson Street; fronting approximately 1,230 feet on the south side of West Jackson Road

**PARCEL(S) #:** 119/019 (part), 113/003A, and 119/018

**ACREAGE:** 33.0 (annexation); 109.72 (zoning/rezoning to PUD)

**EXISTING LAND USE:** Conservation use (part of Sell property (119/019) (excludes two dwellings on same parcel of record); single-family dwelling (Cheek property) (113/003A); Single-family dwelling and agricultural (West Jackson LLC Property)

**SURROUNDING LAND USE AND ZONING:**  
(see later descriptions in report)

**RECOMMENDATION:** Approval, Conditional

## INTRODUCTION TO REVISED REPORT

This is a third (revised) version of a staff report for the above-referenced request. It is written in response to the applicant's revised application materials which were submitted via e-mail to the city on August 7, 2023.

**Interaction with applicant and property owner.** The planning staff and city manager met with the applicant at least three times to discuss the project, in particular, the recommended conditions of zoning approval if annexed and zoned in Hoschton. Planning staff met also met with the property owner and was scheduled to have a second meeting with the property owner that did not occur.

**Annexation objection.** The county formally objected to the annexation per letter dated May 4, 2023, The county opposed the annexation and recommended rejection of it. Chief reasons for the county's opposition were that higher residential density is proposed in the city than is allowed in the county, and because of excessive and burdensome impacts on facilities, Because of this formal objection, planning staff supplemented the findings in this report to include evaluation of the county's comprehensive plan regarding the extent the application is consistent or inconsistent with the county's comprehensive plan. As noted in the county's letter, the city is a partner with the county in providing public facilities and services, and going against its recommendation is counter to a healthy and productive, cooperative city-county relationship.

The county withdrew its objection to the annexation with the condition that the number of units in the PUD would be limited to 334.

**Revised application.** This staff report has been revised to include components of the applicant's revised zoning application as attachments.



**East of 119/019 (part):** Single-family dwelling, A (Agricultural District); Single-family dwelling (Cheek Property), A (proposed for annexation and PUD zoning); Single-family dwelling and vacant, A-2 (Agricultural Rural Farm District)

**South of 119/019 (part):** Single-family dwellings and conservation use on the remainder of 119/019 (part), A; Single-family dwellings (Legacy Oaks Subdivision), R-2 (Single Family Suburban Residential District)

**West of 119/019 (part):** Single-family dwellings and conservation use on the remainder of 119/019 (part), A (Agricultural); Single-family dwelling, R-1 (Single Family Low Density Residential District); Single-family dwelling, R-1 (across East Jackson Street); Single-family dwelling and agricultural, A (across East Jackson Street)



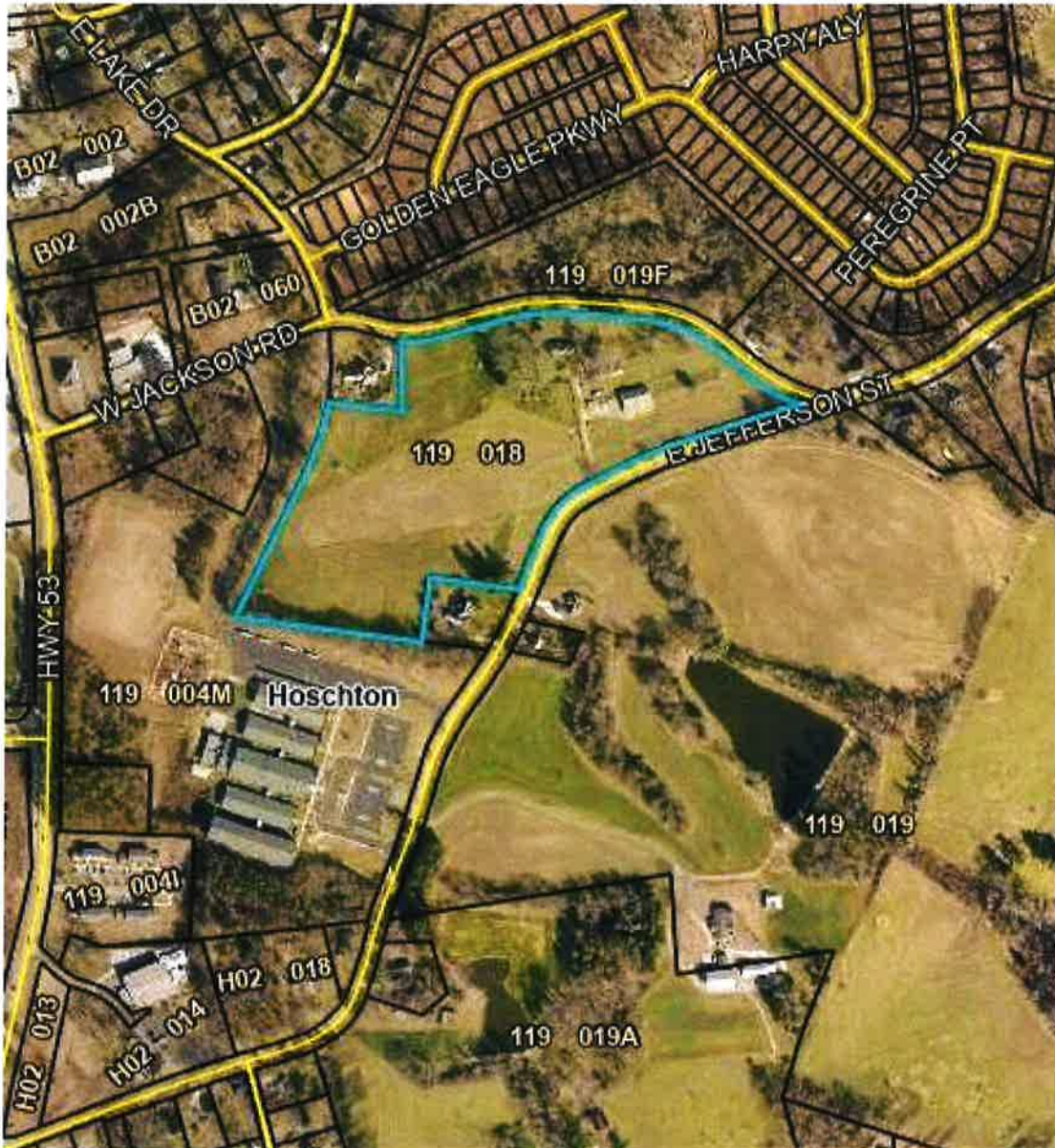
**Aerial Image/Tax Map of Subject Property (113/003A) (Cheek Property)  
Annexation (contiguous to Hoshton via Sell property annexation shown above)**

**North of 113/003A:** Vacant (Sell tract), A (Agricultural) (proposed to be annexed)

**East of 113/003A:** Vacant/agricultural, A-2 (Agricultural Rural Farm District) (unincorporated); Single-family dwellings, A-2 (unincorporated)

**South of 113/003A:** Single-family dwellings and conservation use, A-2 (Agricultural Rural Farm District) (unincorporated) (across Pendergrass Road (SR 332))

**West of 113/003A:** Single-family dwelling, R-2 (Single Family Suburban Residential District); Vacant (Sell tract), A (Agricultural)



**Aerial Image/Tax Map of Subject Property (119/018) (West Jackson LLC)**

**North of 119/018:** Single-family dwelling, R-1; Vacant, R-3 (Single Family Moderate Density Residential District); Two duplexes, R-3

**East of 119/019:** Vacant – part of Sell Property, A (proposed for PUD); single-family dwelling and agricultural (part of Sell Property), A; Single-family dwelling, R-1 Single-Family Low Density Residential District)

**South of 119/019:** Single-family dwelling, R-1; Public school, INST (Institutional)

**West of 119/019:** School access drive, INST

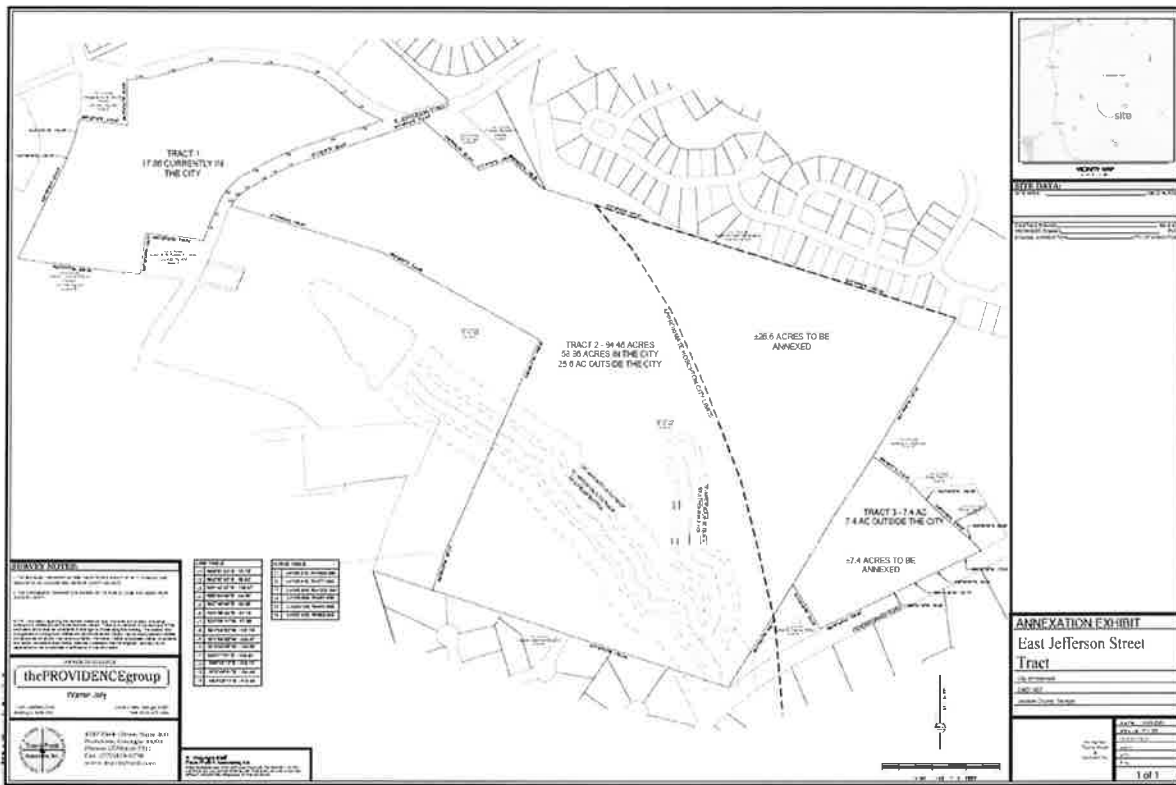


**City of Hoschton Zoning Map Excerpt**

**APPLICATION DESCRIPTION AND EVALUATION (REVISED)**

**Annexation**

The Providence Group seeks annexation of property and development of it, along with property already in the city limits, as a Planned Unit Development. The proposed annexation involves bringing into the city the remainder of a large tract (Map/Parcel 119/019) (approximately 25.6 acres to be annexed) (Shannon C. Sell, owner) and all of Map/Parcel 113/003A (approximately 7.4 acres), referred to in this report as the Cheek property. The lands proposed to be annexed are shown on the following exhibit. The proposed zoning is PUD (Planned Unit Development District), and the properties proposed for annexation are currently zoned A-2 (Agricultural Rural Farm District) in unincorporated Jackson County.



**Annexation Exhibit**

**PUD Proposal: Land Use**

The applicant for a PUD zoning district proposes land uses and a set of development dimensional requirements. If approved by the City Council, the use restrictions and dimensional requirements become binding. In this case, the applicant proposes varieties of detached, single-family lots. The original application included fee simple townhouse lots on that part of the PUD west of East Jefferson Street. The revised site plan shows that part of the PUD as single-family detached units, but the applicant wishes to reserve the right to substitute an equal number of fee-simple townhouses on the 17.86-acre site (west of East Jefferson Street).



The PUD rezoning proposal involves a total of 109.72 acres of land and 334 dwelling units. The PUD site plan and supporting material show “front entry” lots and “rear entry” lots. By “front entry” it means the front of the dwelling unit will face the street from/to which access is gained. By “rear entry,” it means garages will be to the rear of the dwelling, accessed via an alley.

**PUD Proposal: Overall Subdivision Access**

Access to the PUD is to be provided by: West Jackson Road, which connects SR 53 to East Jefferson Street; East Jefferson Street, which connects to SR 53 and Maddox Road; and Pendergrass Road (SR 332), which connects SR 53 to SR 124. West Jackson Road and East Jefferson Street are city streets, while Pendergrass Road is a state route under the jurisdiction of the Georgia Department of Transportation. No individual residential lot is proposed to have direct access to an existing city street or state route, but rather, new subdivision streets will provide access to each proposed lot.

The townhouse portion of the PUD would have one access onto West Jackson Road, where all dwelling units would gain access. No street connection is proposed from the townhouse portion of the PUD to East Jefferson Street. Staff initially recommended a condition requiring access to provide a second entrance to this part of the PUD (west of East Jefferson Street). Planning staff dropped that recommended condition in the process of negotiating agreement with conditions of zoning approval. For the detached residential subdivision, the PUD site plan now shows a proposed round-about; it previously showed one street entrance to East Jefferson Street lining up with West Jackson Road to form a four-way intersection, and one entrance onto Pendergrass Road (SR 332).

**PUD Proposal: Internal Street and Alley Design and Connectivity**

**Revised considerations.** The original application posed the option of having public or private streets. The revised application proposes private-only streets. The applicant made clear during negotiations with planning staff that lots within gated communities add a premium purchase price of approximately \$20,000, and the applicant indicated that the gated characteristic of the PUD was needed especially considering that the county reduced the allowable number of units down to 334. Therefore, the single-family subdivisions in the PUD are proposed to be gated with private streets.

Planning staff does not favor gated private streets, even if they are advantageous in the sense that the city does not have to maintain them. Staff has included a condition that the subdivision provide private street connectivity between East Jefferson Street and Pendergrass Road (SR 332). This will ensure that at least the residents of the PUD east of East Jefferson Street will have two ways in and out of the community. Also, planning staff and the applicant have agreed to reservation and dedication of a right of way for a future public street along the southern part of the PUD east of East Jefferson Street. Some of the paragraphs below substantiate why that was a critical issue for planning staff.

**Substandard street network.** The Shannon Sell tract represents almost a full quadrant of the original circular city limits, and the subject request includes a large portion of the Sell farm. The city’s road network serving the area is limited primarily to East Jackson Street, West Jackson Road, and Maddox Road, three streets that are local but that serve collector street functions, to provide interconnectivity and through traffic. As noted in this report, these streets are substandard. Furthermore, the local street network connecting to these collector streets south of

this area (for instance, New Street) are even more substandard, with deficient right of ways and narrow pavement widths and with no formalized drainage systems. No matter what happens with the Sell tract, New Street is destined to become a through route (if it isn't already one) for school traffic and through traffic. New Street is built only for low-volumes and cannot be widened or even upgraded without detrimentally impacting the abutting neighborhood. The limited, substandard road network is already constrained by continuously increasing regional traffic, particularly there is a public school in the middle of this area.



**New Street, South of the Proposed Planned Unit Development**

**The need for a public collector through street.** Virtually every local government goes about approving developments without adequate consideration of the need to add collector and arterial streets to the local street network. In the case of Hoschton and this subject development, ignoring those needs or dismissing them could be catastrophic in terms of future neighborhood livability and traffic congestion. When a city approves adding hundreds of new homes, and literally thousands of additional vehicle trips, it is a recipe for traffic congestion and excessive impacts on local streets unless consideration is given to adding collector and as appropriate arterial streets. The proposed PUD, if approved, will generate an estimated 3,774 or more new total daily vehicle trips. The local street network is not equipped to handle additional traffic without problems. This is one particular reason why planning staff recommended that the proposed development, if approved, be required to include a public, through-street designed to collector street standards of the city, to connect the intersection of East Jackson Street/ West Jackson Road/ Maddox Road with Pendergrass Road (SR 332). During the negotiations over conditions of approval, the applicant and planning staff agreed to an alternative to that original recommendation: reserve a right of way for a future public street connecting to property owned/ retained by Shannon Sell and agree to dedicate the right of way to the city for a future public street. This falls short of the original request by planning staff that would have had the applicant construct a public street through the PUD. The applicant has legitimate concerns with having to shoulder the burden of building a public through street, given it would serve as a “system”

improvement in part, not just a “project improvement,” and because the county had limited the number of units through the annexation arbitration process to 334.

**On-street parking.** There are places where on-street parking is specifically included, mostly around the “greens” or open spaces provided in the proposed development, as well as alongside the amenity area in the subdivision with detached, single-family homes. These are considered acceptable since they will be on private streets.

#### **PUD Proposal: Open Space and Recreation**

The only standard specified for a PUD in the Hoschton zoning ordinance is a minimum open space requirement of 20% of the total site area. The zoning ordinance specifically provides: “A minimum of 20 percent of the total site area of the district development shall be open space, greenspace, passive recreation, community recreation, or pervious landscaped areas or combination thereof. No more than one-half of open waterway and delineated wetlands shall count as the minimum required open space. Rights-of-way for streets, drainage easements, and detention ponds shall be excluded from land considered for open space.”

The site plan indicates the minimum, or slightly more than the minimum amount of open space will be provided. However, it is not clear to staff that the 20% figure excludes detention ponds as required by city regulation. Generally, the site plan utilizes the principle of “town greens,” or setting aside small open spaces/ parks throughout the PUD.

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

***Note: The City Council may adopt the findings and determinations of staff as written (provided below), or it may modify them. The council may cite one or more of these in its own determinations, as it determines appropriate. Council may modify the language provided here, as necessary, in articulating its own findings. Or, the council can reject these findings and make its own determinations and findings for one or more of the criteria provided below. Council does 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: (note: the applicant has provided responses to these criteria which are included at the end of this staff report):

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

**Findings:** This criterion addresses compatibility (suitability). A thorough description of the surrounding land uses for each tract included in the PUD proposal is provided above in this report. This section of the report evaluates those details in a broader context.

**Findings: Brighton Park:** The single-family detached portion of the proposed PUD abuts a large subdivision known as Brighton Park, which consists of 175 homes and open spaces. The lot sizes in Brighton Park range from approximately 7,000 square feet to more than 12,000 square feet, and the lot width is a minimum of 60 feet. The lots in Brighton Park abutting the proposed subdivision have rear yards of approximately 60 feet. The PUD proposes 50-foot-wide lots with lot areas of 5,000 square feet abutting Brighton Park. The PUD site plan has been revised to take into account planning staff’s concerns about incompatibility with Brighton Park.

As revised, the lot sizes and minimum building setbacks proposed are considered compatible with the abutting lots in Brighton Park (**supports request**). There is HOA common area property along a portion of the north property which will provide some separation between the proposed subdivision, if approved, and Brighton Park; smaller lots are not incompatible with the common area. If approved, a condition is included and the applicant has agreed to it and redesigned the lot layout to have 60-foot lot widths and 7,000 square foot minimum lot areas where the subdivision abuts rear yards of lots in Brighton Park (this does not apply to the abutting common area within Brighton Park). Further, staff recommends a minimum lot depth of 120 feet with a rear building setback of 20 feet where the subdivision abuts rear yards of lots in Brighton Park (only a 10 foot rear setback is proposed for 50-foot wide lots) (**supports conditional approval if approved**). By adhering to these conditions (and as redesigned), staff believes the subdivision will be compatible along the north property line with abutting homes in Brighton Park.

**Findings: remainder of north property line:** The subdivision if approved will abut two single-family lots with one acre or more in area and homes on them, bringing the back yards of several new homes close to these low-density lots (**does not support request**). As proposed, the site plan shows some open space to separate these R-1 (low-density) lots from the subdivision. The open space is considered by planning staff to be essential to ensure compatibility of the proposed subdivision with those two abutting lots, and a condition of approval to that affect is proposed (**supports conditional approval if approved**). The applicant has redesigned the subdivision to comply with this consideration.

**Findings: Sell property to the south:** The Sell family is the current owner of most of the property in the PUD east of East Jefferson Street. The Sell family will maintain two homes and parts of the agricultural land if this project is approved. As such, the seller is aware of the potential impacts the subdivision will have on the remainder of the parcel. While the subdivision if approved and developed will impact the remainder of the Sell property, the seller is in effect agreeing to live with any such impacts by virtue of proposing the property for sale. The conditions of approval have a requirement for the owner/ developer to construct a fence along all parts of the PUD abutting land retained by the Sell family.

**Findings: properties along north side of Pendergrass Road (SR 332):** A new subdivision entrance is proposed on SR 332. A deceleration lane is proposed on SR 332 at this entrance. Though not shown on the site plan, the applicant may also be required by GDOT to construct a left turn lane into the subdivision for eastbound traffic. As originally designed, the subdivision entrance and improvement would have changed the character of the low-density residential homes on the south side of Pendergrass Road (SR 332) because eight homes would have backed up to the highway. The proposal will also leave a single family home/lot isolated (partially in the city and partially unincorporated) (i.e., Map/Parcel 113/004); the applicant has acquired this lot; staff has included a condition of approval that that parcel be annexed and included in the PUD application. This lot, if left as is, may hinder future annexation of property on the south side of Pendergrass Road, since it would be left as a unincorporated island (part of the lot) unless included in a future annexation proposal. The dwelling on Map/Parcel 113/004 would have been impacted by the first development proposal had it not been acquired by the owner/ developer of the PUD. In response to recommendations by planning staff, the applicant redesigned the PUD at the southern end near SR 332 and E.G. Barnett Road so that lots that abut SR 332 are a minimum 70-foot-wide lots with minimum lot areas of 7,000 square feet as well as a rear building setback (backing up to SR 332) of 40 feet where the subdivision abuts rear yards of existing lots. Development according to these standards (included as conditions of zoning and reflected in the revised site plan) will soften the impact of the subdivision on single-

family residential lots on abutting dwellings fronting on SR 332 (***supports conditional approval if approved***).

**Findings: properties along E.G. Barnett Road:** The site plan does not show E.G. Barnett Road, an unimproved road without right of way but with an apparent prescriptive easement that serves two lots on its east side and also provides access to a large (600+ acre tract) to the east. Like with other parcels fronting SR 332, the original site plan was not compatible with the low-density character of the homes along the east side of E.G. Barnett Road. To mitigate impacts, the subdivision was redesigned per staff suggestion so that the PUD if approved will have 70-foot lot widths and 7,000 square foot minimum lot areas where the subdivision abuts the two lots on the east side of E.G. Barnett Road (Map/Parcels 113/002 and 113/002A). Staff also recommends that once property abutting E.G. Barnett is final platted, access to E.G. Barnett Road shall be prohibited (***supports conditional approval if approved***).

**Findings: properties in Legacy Oaks Subdivision:** The PUD proposal shows a dozen lots backing up to six lots in the Legacy Oaks subdivision. The lots in Legacy Oaks abutting the proposed PUD are 0.59 acre or larger (25,500 square feet or more). The lots in Legacy Oaks abutting the proposed subdivision have lot widths in the rear of approximately 200 feet. The proposed subdivision with 50-foot-wide lot widths and 5,000 square foot lot areas are considered incompatible because, for every home in Legacy Oaks, the proposed subdivision proposes some five lots abutting them (***does not support request***). Staff considered suggesting larger lot areas and wider lot widths abutting Legacy Oaks subdivision, but any such increase would probably be out of character with the rest of the proposed PUD. To provide compatibility, planning staff initially recommended that the PUD eliminate these 31 lots proposed on the south side of the stream (***supports conditional approval***). Nonetheless, the applicant did not agree to this recommendation of consulting planning staff, and as a result that recommendation was eliminated.

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

**Findings:** Prior findings are applicable here and are proposed in partial response to this criterion. As noted above, there are residential subdivisions of detached homes and scattered (one acre) lots abutting the subject properties that would, absent conditions of zoning approval, be adversely affected in terms of peaceful and quiet enjoyment of property. Such potential impacts include increases in outdoor lighting, possible lights shining from cars, modification of daytime shading patterns (i.e., decreases with taller structures and increases via clearcutting), modification of prevailing wind patterns (i.e., channeling of winds in between structures), reduction or elimination of privacy, noise from pets and additional people, additional traffic via more residents and deliveries, aesthetic impacts from detention ponds, and possible increases in pests due to detention ponds (***does not support request***). Such impacts are largely expected as suburban and urban development occurs, and they cannot be entirely mitigated. However, by adhering to the recommended conditions described under the analysis of the previous criterion, they can be partially mitigated (***supports conditional approval if approved***).

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

**Findings:** Some use of A-zoned land is possible, and the property zoned A in the city can be divided into lots with lot sizes of 1.5 acres or more. The A (Agricultural) zoning district of the city,

however, is generally considered to be a “holding” category in anticipation of development that is supported by the future land use plan and comprehensive plan policies. As such, it is not considered to provide a reasonable economic use over the long-term (***supports request***). Similarly, the A-2 zoning in unincorporated Jackson County allows similar development as the A zone in Hoschton and is therefore unlikely to provide a reasonable economic use in the long-term (***supports annexation and zoning from A-2***).

**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.**

**Findings (transportation/trip generation):** See prior discussion of the deficient local roadway network in the vicinity which is incorporated herein as findings. The applicant deliberately avoided the development of regional impact (DRI) process by proposing one less housing unit than would meet the 400 unit threshold for following procedures for DRIs (since revised to reduce to 389 units). The most immediate implication is that the applicant has not provided a traffic impact study. However, trip generation rates are generally well known, and the overall impact is expected to be about 10 trips per day for detached dwellings. This means a trip generation of more than 3,000 daily vehicle trips. With peak hour trips usually estimated at 10% of total trips, the a.m. and p.m. peak hour trip generation for the PUD if approved is estimated to be well above 300 trips. Further, the impacts on the city’s street system can be reasonably anticipated and conditions of zoning approval proposed to mitigate the impacts, in the absence of a traffic impact study. Now, the applicant has agreed to the road improvements suggested by planning staff but has also changed the proposed intersection from a four-way stop with ultimately a traffic signal to a roundabout. Staff does not necessarily believe a round-about will be the best option due to traffic backups from the school in the area; however, conditions of approval address the possibility of having a round-about in lieu of specified intersection improvements at the intersection of West Jackson Road and East Jefferson Street.

**Findings (West Jackson Road):** West Jackson Road is a 55-foot wide right of way, and the road serves as a collector street. The existing right of way is substandard for both local and collector street classifications. At minimum, a 60 foot right of way is specified for a local street without curb and gutter. The pavement width of West Jackson Road is estimated at 18 (perhaps 20) feet in width, which is substandard when compared with the city’s local road standard of 26 feet from back of curb to back of curb (or 24 feet wide without curbs). It is even more substandard if one considers West Jackson Road should be upgraded to a collector standard (i.e., an 80-foot-wide right of way with a pavement width of 36 feet from back of curb to back of curb). The additional traffic would be considered to cause an excessive and burdensome use of West Jackson Road unless certain improvements are required as conditions of zoning (***does not support request or supports conditional approval***). Consulting planning staff recommends conditions of approval with regard to West Jackson Road:

- Dedication of an additional five feet of right of way along the entire property frontage.
- Installation of an additional four feet of pavement (13 feet from the centerline), and vertical curb and gutter along with a five-foot wide sidewalk along the entire property frontage of West Jackson Road.
- Installation of a deceleration lane eastbound into the subject townhouse development.

**Findings (Intersection of West Jackson Road and East Jackson Street):** This intersection is substandard in that it does not intersect at a 90 degree angle. The intersection as it exists today will become inadequate with development of this PUD. As such, the additional traffic would be considered to cause an excessive and burdensome use of the intersection of West Jackson

Road and East Jefferson Street, unless certain improvements are required as conditions of zoning approval (**does not support request or supports conditional approval**). Staff recommends the following improvements be made a condition of approval if this PUD zoning is approved:

- Dedication of additional right of way sufficient to allow for the realignment of West Jackson Road to intersect East Jefferson Street at a 90 degree angle.
- Realignment of West Jackson Road to intersect East Jefferson Street at a 90 degree angle.
- Improvement/widening of the realigned intersection of West Jackson Road and East Jefferson Street with three lanes at all four intersection approaches (i.e., including left turn lane, a separate through lane and a lane for opposing traffic), with stacking/ queuing distances for the left turn lanes as approved by the city's public works director and zoning administrator. The applicant has requested and zoning conditions include the potential option of a roundabout, based on study by an independent traffic engineer.
- Payment to the city (to be held in escrow) of \$100,000 toward installation of a traffic signal at the intersection of West Jackson Road and East Jefferson Street,

Note: while the applicant has agreed to these zoning conditions, the site plan has been revised to show a roundabout instead of a four-way, stop-sign controlled (and ultimately traffic signal controlled) intersection. Staff has not evaluated the merits of the roundabout; however, because there are already reportedly back-ups of traffic in the vicinity due to the adjacent school, one might question the effectiveness of a roundabout at the subject location in times of school opening and closing hours (which requires police directing traffic now). It may be that traffic will be gridlocked with a roundabout, with forced backups in all directions. If the city wanted to seriously consider a roundabout at the subject location instead of a signalized four-way intersection, a traffic study would be needed at the cost of the applicant. This option is incorporated into the conditions of approval.

**Findings (East Jefferson Street):** East Jefferson Street has a 60 foot right of way which is standard for a local street without curb and gutter but deficient if considered a collector street (and it serves a collector street function). The pavement width is an estimated 22 feet without curbs and gutters or sidewalks. The additional traffic would be considered to cause an excessive and burdensome use of East Jefferson Street, unless certain improvements are required as conditions of zoning (**does not support request or supports conditional approval**). Staff recommends the following conditions of approval:

- Additional right of way along both sides of East Jefferson Street if necessary to provide for the intersection improvement required by the condition of zoning approval for West Jackson Road, as approved by the city's public works director and zoning administrator.
- Widening of East Jefferson Street along the entire property frontage to a total pavement width of 36 feet, including vertical curb and gutter and a five-foot wide sidewalk on both sides (both property frontages). As already noted, the applicant has agreed to these conditions but also shows the intersection as a roundabout rather than an four-way intersection.

**Finding: State Route 332.** Staff recommends conditions of approval requiring improvement of SR 332 at the intersection of the proposed street as may be required by the Georgia Department of Transportation as a condition of encroachment permit approval. Also, a condition

is included to reserve and dedicate right of way for a future public street to connect to Sell property to the west.

**Finding (schools):** The school impact policy in the Hoschton comprehensive plan reads as follows: "Evaluate impacts of residential development on the public school systems. Where impacts are evident, seek a development agreement to provide school site(s) or otherwise mitigate the impact of residential development on the public school system." The Jackson County 2050 comprehensive plan has school student generation multipliers (year 2019) that are recommended for use in evaluating development proposals. For all grades, the data show that a residential development will generate 0.5291 public school students per household. As proposed, with 334 dwelling units, and utilizing that multiplier, the proposed development would generate approximately a substantial number of additional students. With an average desirable class size of 20 students, this would mean an impact of several additional classrooms. Jackson County required, as a condition of dropping its objection over the annexation, a reduction of the total number of units, to 334. The applicant has noted that the development product proposed has a lower public school student generation rate than suggested in the county's comprehensive plan. Because impact fees cannot be charged for school impacts, there is no way for the applicant to further mitigate these impacts except by development agreement, other than phasing of the development over a longer time period (4 to 7 years proposed per letter of intent), or through some acreage dedication, or through a reduction in the overall number of dwelling units constructed. As noted, density reduction per the county is the primary mitigation technique.

**Finding: water and sewer:** This project has generally been considered within the overall scope of public improvements to the city's sewer system. Whether the project can be accommodated with regard to future water and sewer systems depends on a number of factors, including whether other projects are approved which will compete for available water and sewer system capacities. The city has a policy in its comprehensive plan to continue determining how to obtain long-term future water supplies (*inconclusive or tends to not support the request*).

**Findings (other facilities):** Hoschton has adopted impact fees for police and park and open space land. Also, in its comprehensive plan the city has adopted by reference certain county level of service standards for public facilities and services. These include the following. The impact of the development on those standards for public facilities and services is also provided below:

- **Law enforcement:** two officers per 1,000 population. The proposed development at original proposed buildout (will include 334 units) which would generate a population of approximately 900 people in the detached subdivision, creating an additional population of more than 1,000 people and hence a demand for almost two additional police officers. Those additional officers are also required to be equipped with vehicles and other equipment. While the proposed development upon construction will generate property taxes for the city, the overall impact on the police department's operations will not be fully mitigated (*does not support request*). See a separate memo from the City's police chief, which suggests a higher LOS standard of 2.4 officers per 1,000 population. The memo also indicates the police department is already short-staffed based on population estimates.
- **Police capital facilities:** A per residential unit impact fee (city) will be required and assessed for police capital facilities. Thus, that impact will be mitigated (*supports request*).



- **Park and open space land.** A per residential unit impact fee (city) will be required and assessed for park and open space land. In addition, the project is proposed to include a community building and other active recreational amenities in addition to open spaces controlled by the homeowners association. Thus, the impact on park and open space land and recreational facilities is expected to be mostly if not entirely mitigated.
- **Emergency medical services (EMS):** Jackson County adopted an EMS impact fee in 2022. Although it does not apply in Hoschton, the level of service standard of 0.1926 square feet of EMS space per functional population is utilized here. The project would have an estimated 900 residents at buildout, thus generating a need for approximately 173 square feet of EMS facility space. The EMS impact will not be mitigated (**does not support request**).
- **Fire stations and rolling stock.** Hoschton adopted a fire impact fee, but it has been discontinued. The level of service standard for fire facilities adopted in the city's capital improvements element (to be discontinued) is 0.87 square feet of fire and rescue building per functional population and 0.41 fire and rescue vehicle per 1,000 functional population. The county's level of service standard for fire, as adopted in its comprehensive plan, is one square foot of fire department building space per functional population and one fire engine per 4,000 functional population (comprehensive plan). Utilizing the city's standard, the project will generate an impact on the West Jackson fire district of hundreds of square feet of fire building space, plus part of a fire vehicle. These impacts will be partially mitigated by the project via property taxes paid to the West Jackson Fire District, but such taxes are also utilized to pay for administrative and operating costs of the fire district. Therefore, the project is anticipated to only partially mitigate the project's proportionate share of fire service capital and operating costs to the city (**does not support request**).
- **Administrative space:** 0.5 square feet per functional population. Estimated impact is approximately 500 square feet of administrative space. This impact is, at best, only partially mitigated with property taxes. The city is constructing new city hall space; however, 100% of the city hall space has already been allocated, meaning there is no room for growth that may be attributed to this development.

**Criterion: 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 subject property is partially contained within Hoschton and partially unincorporated. Therefore, findings regarding both the city's comprehensive plan and the county's comprehensive plan are necessary.

**Connectivity:** Connectivity of streets is required per the county's urban character area description. The proposed PUD site plan shows the subdivision streets would provide through street capability from East Jefferson Street to Pendergrass Road (SR 332). However, the applicant proposes a gated community with private streets. Such a proposal, while it has certain merit, does provide connection between East Jefferson Street and Pendergrass Road but only for residents of the gated community. A better standard of connectivity is to have public travel through the subdivision but that will be prevented by gates (**inconsistent/ does not support request**). As noted above, an alternative to a through street is provided by the conditions of

zoning approval; in particular, the applicant would reserve and dedicate a right of way for a future public street connecting to Shannon Sell's property to the west of the PUD boundary, thus enabling a future public through street as other properties are developed.

**Adequate public facilities (county policy):** The county comprehensive plan specifies the following for adequate public facilities in the urban character area:

“Adequate Public Facilities. As a condition of approval, all subdivisions and land developments should be required to demonstrate availability of public water, fire protection, law enforcement, roads, stormwater management, parks and recreation, and public school facilities. Subdivisions and land developments that cannot demonstrate all such facilities are available or planned at the time of development or within a reasonable period of time thereafter may gain approval only if they mitigate the lack of such facilities, through the dedication of land in the subdivision or off-site, on-site and/or off-site improvements, payment of impact fees if imposed by the county, or payment of in-lieu fees or other acceptable arrangements via development agreements.”

Evaluation of the adequacy of public facilities and services is provided under a subsequent section of this staff report (see discussion of zoning criteria below). Because the application does not demonstrate *all* necessary facilities are available, does not offer mitigation of impacts, does not offer the payment of any fees (though some city impact fees are required), and does not offer additional land of facilities to be constructed as part of the development, the application is considered inconsistent with this portion of the county's urban character area description (***inconsistent/ does not support request***).<sup>1</sup> This finding is further substantiated by the rule of interpretation provided in the county's comprehensive plan text with regard to findings of adequate public facilities.<sup>2</sup>

**Finding: County future land use plan map and policies:** The properties proposed to be annexed by Hoschton are shown on the county's future land use plan map as “residential;” the application is therefore consistent with this portion of the county's comprehensive plan (***supports request***).

**Finding: County comprehensive plan (other):** There are a number of other policies listed in the county's comprehensive plan that could be further evaluated (***inconclusive***). However, since the majority of the subject property is within the city of Hoschton, those policies are not

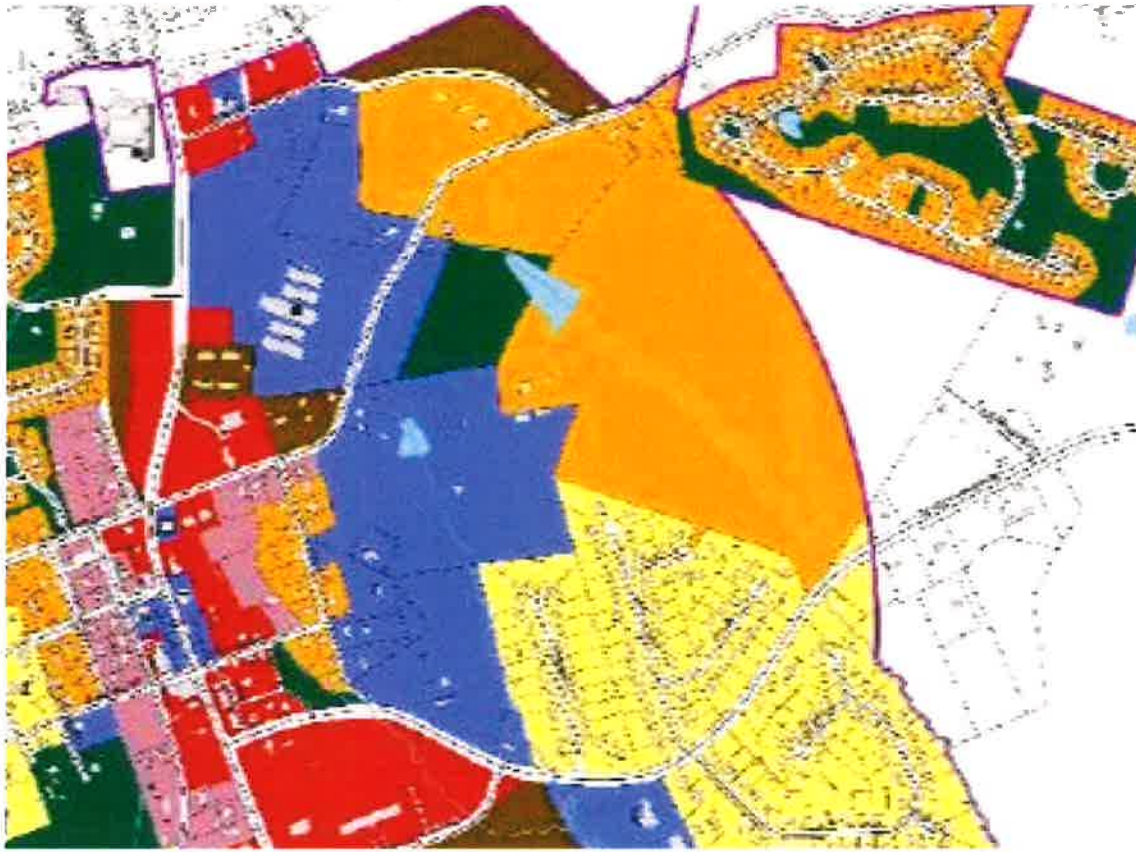
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<sup>1</sup> The applicant has incorporated conditions recommended by planning staff in the first staff report with regard to improvement of roads, but has also shown the primary local intersection as becoming a new roundabout. To the extent the applicant agrees to the staff recommended conditions, the application would result in the mitigation of traffic impacts. This finding is not based on a traffic study, which would be required if the application qualified as a development of regional impact.

<sup>2</sup> From the county's comprehensive plan: “Rule of interpretation: mitigation. A development proposal that on first review appears to be inconsistent with the description for the character area and character area policies may still be considered, if there are clear proposals by way of voluntary conditions of zoning or development approval that would mitigate the inconsistent aspects of the subject proposal. In such cases the applicant must indicate in writing the conditions that will satisfactorily mitigate inconsistencies. Density/intensity and sewer service inconsistencies cannot be mitigated.”

further evaluated here in favor of an examination of consistency with city comprehensive plan policies.

**Finding: Future land use (city):** The future land use plan for the City of Hoschton shows public institutional, parks/ recreation and open space, and residential, medium density use for the subject properties. See the land use map excerpt below: (orange is medium density residential; blue is public-institutional); dark green is park/recreation/conservation).



**Future Land Use Plan Map Excerpt**

The text of the comprehensive plan describes the medium density residential land use category as follows:

**“Residential, medium density:** Single-family dwelling units, detached, site-built on individual lots at cross densities ranging from approximately 2 to 5 units per acre (depending on context and location.”

The proposed PUD is basically consistent with the future land use plan map’s medium density residential category (**supports request**). Medium density residential means somewhere in the range of 2 to 5 units per acre, depending on location and context. The current context is extensive overcrowding of public schools and excessive impacts on other facilities, which suggests that any approval should be at the lower end of the recommended density range.

**Finding (adequate public facilities) (city):** One city comprehensive plan policy that is relevant is as follows: *“Development should not occur or be approved which will or could cause an excessive or burdensome use of existing streets, ... Major subdivisions and major land developments that cannot demonstrate all such facilities are available or planned at the time of development or within a reasonable period of time thereafter may gain approval only if they mitigate the lack of such facilities, through the dedication of land in the subdivision or off-site, on-site and/or off-site improvements, ...”* This is identical to the county's policy with regard to adequate public facilities. The project does not meet entirely this policy (**does not support request**).

**Finding: land development and transportation policy (city):** “When development occurs it should be the responsibility of developer to improve facilities along the public street frontages and internal to the development.” The PUD application is inconsistent with this policy, because there is no proposal on the part of the developer to improve facilities along the street frontages (**does not support request**). However, it could be consistent with this plan policy if conditions of zoning approval recommended by the consulting planning staff are required (**supports conditional approval**).

**Finding: residential neighborhoods (city):** The comprehensive plan's residential neighborhoods policy is as follows: “Maintain and preserve quiet, stable neighborhoods of residences at low (or current) densities. Preserve and enhance the stability of existing residential neighborhoods. Protect residential areas (whether rural, suburban, or urban) from nuisances (e.g., excessive noise, odor, traffic and lighting) and from encroachment by incompatible land uses. The consideration of the preservation of the integrity of residential neighborhoods shall be considered to carry great weight in all rezoning decisions.” Unless approved with conditions recommended by the consulting planning staff, the project will not be consistent with this plan policy (**supports conditional approval**).

**Finding: single-family residential (city).** The comprehensive plan includes a policy which reads: “When a rezoning is proposed for an area designated as low-density or medium-density residential, lots that abut existing low-density residential subdivisions should be similar or compatible in lot size, lot width, and building orientation. When a rezoning is proposed for an area designated as medium-density residential, conservation and/or open space area should be set-aside to offset smaller lots/higher density.” Unless approved with conditions recommended by the consulting planning staff, the detached subdivision portion of the project will not be consistent with this plan policy (**supports conditional approval**). As redesigned, the proposed PUD meets this policy.

**Finding: conservation subdivisions (city).** The comprehensive plan includes a policy supportive of conservation subdivisions. In certain key respects, the proposed single-family subdivision component is consistent with the policy to follow principles of conservation subdivision and design, especially because a substantial number of the detached single-family lots have frontage on open space or recreation land, or both (**supports request**).

**Finding: sidewalk installation:** New subdivisions need to be required to provide sidewalks along streets internal to the subdivision and all subdivisions and land developments should provide sidewalks within the right-of-way of public roadways abutting or fronting the subdivision or land development. The project could be consistent with this plan policy if conditions of zoning approval recommended by the consulting planning staff are required (**supports conditional approval**).

**Finding (housing policy):** Consistent with the comprehensive plan housing policy of providing a diverse mix of housing types, the proposed PUD would add housing forms that are not currently provided in the city to any significant degree (i.e., rear-loaded single-family) **(supports request)**.

**Finding (road connectivity):** The city's comprehensive plan provides the following connectivity policy:

“Promote regional and countywide connectivity in the local road network, including intercity travel. All new roadways except low volume, local residential subdivision streets, should connect at both termini with the existing road network. Local streets should be planned where possible with more than one connection to the existing public road network. Street stubs should be provided to ensure connectivity with future subdivisions on abutting lands. “All new roadways except low volume, local residential subdivision streets, should connect at both termini with the existing road network, and that local streets should be planned where possible with more than one connection to the existing public road network.”

**Criterion: 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.**

**Findings:** Additional analysis by the city's consulting engineer relative to water and sewer availability casts doubt on the city's ability to plan and program water and sewer improvements to handle all proposed development projects, and the subject PUD must be considered in the context of that ability **(inconclusive)**.

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

**Finding:** Because the site contains multiple parcels and is generally consistent with the land use recommendations of the comprehensive plan, if approved with conditions, the PUD zoning district cannot be considered isolated in nature for that portion that is within the city limits **(supports request)**.

**Criterion: 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 approved with conditions recommended by the consulting planning staff, the project if zoned and developed is not expected to have a detrimental impact on the environment **(supports request)**.

**Finding:** Environmental policy adopted in the comprehensive plan includes the suggestion that “new, major residential subdivisions should be required to ensure that adequate funding is available for maintenance of any non-public on-site stormwater detention facilities.” This policy is not implemented, unless the applicant agrees to set aside a sizable dollar amount in escrow to meet future needs of the homeowner's association that will be tasked with maintaining the stormwater facilities in the PUD **(does not support request or supports conditional approval)**.

**CONCLUSION**

After several meetings during which agreement in principle to most if not all of the zoning conditions was reached, and with the county's lifting of its objection to the annexation with the condition that the project be limited to 334 units, consulting planning staff recommends conditional approval. Staff has included a number of conditions for the zoning action, if the City Council elects to approve the proposal.

**RECOMMENDED CONDITIONS OF APPROVAL**  
**Z-23-02 PUD ZONING PROVIDENCE GROUP**

If this request for PUD zoning is approved, it should be approved PUD conditional, subject to the applicant's agreement to abide by the following:

1. **Site plan and letter of intent.** Development shall be in substantial accordance with the letter of intent and community benefit statement dated August 7, 2023, attached to this ordinance Z-23-02, except as modified by these conditions of zoning approval. Development shall be in substantial accordance with the site plan titled "Zoning Plan for East Jefferson Tract" and The Providence Group, dated August 7, 2023, by Edward J. Anderson, landscape architect, for the firm Travis Pruitt & Associates, Inc., attached to this ordinance Z-23-02, except as modified by these conditions of zoning approval; provided, however, that modifications to the site plan may be proposed by the applicant and approved by the City Council as a part of preliminary plat approval so long as they do not change a condition of zoning approval. Any notes on said zoning plan inconsistent with these conditions of approval shall not apply.
2. **Permitted uses.**
  - (a) Uses in the PUD shall be limited to detached, single-family dwellings, fee-simple townhouses, uses and structures accessory to said uses, active and passive recreational facilities and amenities, and open space, as more specifically provided and limited in these conditions of zoning approval.
  - (b) Uses within that portion of the PUD west of East Jefferson Street (Map/Parcel 119/018; 17.91 acres) shall be limited to fee-simple townhouses and/or detached, single-family dwellings, uses and structures accessory to said uses, active and passive recreational facilities and amenities, and open space.
  - (c) Uses within that portion of the PUD east of East Jefferson Street (part of Map/Parcel 119/019 and Map/Parcel 013/003A; approximately 84.62 acres and 7.24 acres, respectively) detached, single-family dwellings, uses and structures accessory to said use detached, single-family dwellings, active and passive recreational facilities and amenities, and open space.
3. **Maximum densities/housing units.**
  - (a) The PUD shall not exceed a total of 334 dwelling units.
  - (b) That portion of the PUD west of East Jefferson Street (Map/Parcel 119/018; 17.91 acres) shall not exceed a maximum density of five (5) dwelling units per acre (measured on the basis of land area before any right of way dedication) (i.e., 90 units) (i.e., the maximum recommended by the medium density residential future land use plan category of the Hoschton comprehensive plan).
4. **Dimensional requirements.** The PUD shall be subject to the dimensional requirements specified in these conditions of zoning approval.
  - (a) **Maximum building height, all units:** 35 feet.

- (b) **Minimum driveway length.** From edge of sidewalk (front loading) or alley (rear loading) to face of garage, all units: 20 feet.
- (c) **Parking, all units:** A two-car garage is required for each unit.
- (d) **Dimensional requirements by lot type:** The following dimensional requirements and limitations shall apply to dwellings and lots:

Lot Type Identifier	Minimum Lot Size (sq. ft.)	Minimum Lot Width (ft.)	Minimum Front, Side Rear Building Setbacks (ft.)	Maximum Number of Lots (not to exceed 334 total)
B (alley loaded)	4,000	40	5, 5, 10	None
A (front loaded)	5,000	50	10, 5, 10	None
E (front loaded)	7,000	60	10, 5, 20	None
F (front loaded)	7,000	70	10, 5, 40	None
G (front loaded)	4,000	40	10, 5, 10	None
C (fee simple townhouse alley loaded)	2,000	24	5, 0, 10 (20' between buildings)	90
D (fee simple townhouse front loaded)	2,000	24	10, 0, 10 (20' between buildings)	

- (e) **Lots abutting Brighton Park:** All subdivision lots that abut a residential lot within Brighton Park subdivision shall be required to be Type "E" front loaded lots.
- (f) **Lots abutting Pendergrass Road (SR 332) and Map/Parcels 113/004, 113/002 and 113/002A:** All subdivision lots that abut Pendergrass Road (SR 332) and Map/Parcels 113/004, 113/002 and 113/002A shall be required to be Type "F" front loaded lots.
- (g) **Dimensional requirement not specified.** Where the approved PUD application and these conditions of zoning fail to articulate a given regulation, such as accessory building setbacks, maximum lot coverage, 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.
- (h) **Special open space and buffer.** Abutting Map/Parcels 119/019D and 119/046, there shall be common open space with a minimum depth of 30 feet, within which a minimum 20-foot-wide buffer shall be planted and maintained, prior to final plat approval for the applicable phase of development.
- (i) **Buffer and fence abutting Legacy Oaks subdivision lots.** All subdivision lots abutting the Legacy Oaks Subdivision shall have a 20-foot graded and replanted buffer including a six-foot high privacy fence. The buffer and fence shall be maintained by the



homeowner's association and a maintenance easement shown across all such lots on the final plat for the applicable phase of development.

- (j) **Fence abutting remainder of Map/Parcel 119/019 and 119/019A (Sell Tracts).** The owner/developer shall install a six-foot high privacy fence with the finished side of the fence facing outward from the development along all property lines abut the remainder of property known as Map/Parcel 119/019 (i.e., that part not included in the PUD) and Map/Parcel 119/019A. No certificate of occupancy shall be issued for a lot abutting said property until the fence is installed along that lot. The fence shall be maintained by the homeowner's association, and a maintenance easement shall be shown across all such lots on the final plat for the applicable phase of development.
- (k) **Open space.** 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.
- (l) **Minimum heated floor area per dwelling unit:** 1,400 square feet.

5. **Minimum/maximum required entrances/exits.**

- (a) **West Jackson Road.** There shall be no more than one street entrance/exit, which will be private unless a public street is approved by City Council, onto West Jackson Road to/from that portion of the PUD west of East Jefferson Street (i.e., Map/Parcel 119/018). A private street entrance/exit street may be gated.
- (b) **East Jefferson Street.** There shall be no more than one street entrance/exit, which will be private unless a public street is approved by City Council, onto East Jefferson Street, to/from that portion of the PUD east of East Jefferson Street (i.e., Map/Parcel 119/019). This street connection shall align with West Jackson Road, as required to be realigned by these conditions of zoning approval. A private street entrance/exit street may be gated.
- (c) **Pendergrass Road (SR 332).** There shall be one street entrance/exit serving the PUD connecting to Pendergrass Road (SR 332), which will be private unless a public street is approved by City Council. the location and design of which shall be subject to the approval of Georgia Department of Transportation. If private, the private street entrance/exit may be gated. In addition, there shall be a right of way reserved for a future public street onto Pendergrass Road, as shown on the site plan, the location and design of which shall be subject to the approval of Georgia Department of Transportation (see further description below).
- (d) **Private through street.** The PUD subdivision design shall be required to include a street (private and gated unless otherwise approved by the City Council) that connects Pendergrass Road (SR 332) and East Jefferson Street which shall be constructed by the owner/developer as the PUD is developed/phased.
- (e) **Public through street right of way (reservation and dedication).** The owner/ developer shall reserve land (in substantial conformance with that shown on the site plan or as otherwise approved by City Council, the exact alignment of which may be modified

if necessitated by site planning and engineering) for a future public street right of way connecting Pendergrass Road (SR 332) within the boundary of Map/Parcel 113/ 004 (controlled by the owner/developer at the time of this ordinance approval but not included within the boundary of the PUD), and extending across all of the southern boundary of that portion of Map/Parcel 119/019 controlled by the owner/ developer, to a point westerly where it intersects with the common property line of Map/Parcel 119/ 019 (within the PUD) and 119/019A (i.e., adjacent tract owned by Shannon Sell). There shall be no development authorized within the reserved right of way unless specifically approved by the City Council. If this future right of way is shown on an "official corridor map" as a future public street (or similarly titled planning document or component of the comprehensive plan) adopted by the City Council, then prior to issuance of final plat approval for any phase in the PUD, the owner/ developer shall dedicate the future public right of way in fee simple title at no cost to the city. If Map/Parcel 113/004, that part of Map/Parcel 119/019, or any other part of the land showing the future public street is sold or ownership transferred to another entity, such sale or ownership transfer shall be required to be deed restricted so that this obligation to reserve and dedicate the future public street right of way shall survive and be binding on any future owner of Map/Parcel 113/004 and that part of Map/Parcel 119/019. Furthermore, any subsequent owner of the right of way shall be required via deed restriction to dedicate said future public street right of way to the city at no cost to the city, prior to development permit approval for any development on Map/Parcel 113/ 004 or that portion of Map/Parcel 119/019A showing the future public street reservation. Once the right of way for the future public street is dedicated to the city, this zoning condition shall not be construed in any way to prohibit completion of the PUD by the owner/ developer per this ordinance.

- (f) **Annexation of Map/ Parcel 113/004.** To facilitate the above condition relative to the future public street right of way, the owner/ developer agrees to annexation of Map/Parcel 113/ 004 and agrees to apply for annexation of Map/Parcel 113/004 within six months of the effective date of this ordinance and to apply for zoning of said parcel to PUD to be incorporated into the PUD approved by this ordinance.
- (g) **No access easements and other limitations.** No individual lot for any dwelling unit shall be allowed a driveway or direct vehicular access to West Jackson Road, East Jefferson Street, or Pendergrass Road (SR 332). A 10-foot wide no access easement and planting strip shall be required along the entire property frontage along all such routes and shall be shown on all final plats. This limitation shall not apply to any private streets within the PUD.
- (h) **E.G. Barnett Road access.** No access other than for dwellings existing at the time of this PUD approval shall be permitted to E.G. Barnett Road, and such access if utilized shall be discontinued upon final plat approval for that portion of the subdivision and a 10-foot-wide no access easement and planting strip shall be required and shown on any final plat with frontage on E.G. Barnett Road.

**6. Internal subdivision streets and alleys.**

- (a) **Street standards; reduction.** The standards for private streets, shall be as depicted on the site plan and in the application, unless otherwise approved by the City Council at the time of preliminary plat approval, in which case Council may authorize a reduction of right of way width or pavement width. Rolled curbs shall be authorized. Paving

standards, including but not limited to thickness of asphalt, shall meet City of Hoschton subdivision and land development standards.

- (b) **Gates.** If gates to local private subdivision streets are provided, the gates shall be setback from the applicable right of way a minimum distance determined safe and appropriate by a traffic engineer and as approved by the city's public works director.
  - (c) **Alleys; reduction.** Any alleys included, shall be private, not public. Easements for alleys shall be a minimum of 30 feet in width, and the minimum pavement width for alleys shall be a 16 feet (curbs not required); provided however, that the owner may propose and the Hoschton City Council may approve reductions to such standards for private alleys, including but not limited to reduction of right of way or reduction of pavement width, during the process of considering and approving a preliminary plat for the subdivision, without the need to modify these conditions of zoning approval.
  - (d) **On-street parking.** On-street parking on private streets may be permitted at the discretion of the owner.
7. **West Jackson Road improvements.** Prior to final plat approval for that portion of the PUD west of East Jefferson Street, the subdivider shall be required to complete the following:
- (a) **Right of way.** Dedication of an additional five feet of right of way along the entire property frontage of West Jackson Road.
  - (b) **Pavement, curb and gutter, and sidewalk.** Installation of an additional four feet of pavement (or 13 feet from the centerline), and vertical curb and gutter along with a five-foot wide sidewalk along the entire property frontage of West Jackson Road.
  - (c) **Deceleration lane.** Installation of a deceleration lane eastbound on West Jackson Road into the development.
8. **Improvement of intersection of West Jackson Road and East Jefferson Street.** Prior to any final plat approval for the respective property with frontage, the subdivider shall be required to complete the following:
- (a) **Right of way.** Dedication of additional right of way sufficient along East Jefferson Street and West Jackson Road to allow for the realignment of West Jackson Road to intersect East Jefferson Street at a 90 degree angle or as required for the installation of a round-about, if authorized by the city.
  - (b) **Realignment.** Realignment of West Jackson Road to intersect East Jefferson Street at a 90 degree angle or as required for the installation of a round-about.
  - (c) **Consideration of round-about.** Prior to or in conjunction with preliminary plat approval, the owner/ developer may propose, and the City Council may approve, a round-about in lieu of a four-way realigned intersection of West Jackson Road and East Jefferson Street. The applicant shall be required to fund the cost of a third-party (independent and disassociated with the owner/ developer) traffic engineer approved, chosen and managed by the city to provide a conceptual design of a round-about and to evaluate the traffic impacts in comparison with a signalized, four-way intersection. Said evaluation

shall take into account traffic patterns and conditions when Jackson County public schools are in session.

- (d) **Pavement, curb and gutter, and sidewalk.** Improvement/ widening of the realigned intersection of West Jackson Road and East Jefferson Street with three lanes at all four intersection approaches (i.e., including left turn lane, a separate through lane and a lane for opposing traffic), with stacking/ queuing distances for the left turn lanes or as specified by a third-party traffic engineer approved, chosen and managed by the city. These improvements may be replaced with a round-about improvement if approved by the City Council after consideration by the third-party traffic engineer and affirmative recommendation of the city's public works director and zoning administrator.
  - (e) **Traffic signal contribution.** Payment to the city/escrow of \$100,000 toward installation of a traffic signal at the intersection of West Jackson Road and East Jefferson Street, \$25,000 of which shall be paid prior to final plat approval for the final phase of that part of the PUD west of East Jefferson Street, and \$75,000 of which must be paid prior to final plat approval for the final phase of the PUD east of East Jefferson Street. This payment shall be encumbered for the specified purpose by the city within six years of the date the full amount of such funds are received by the city, or else such funds shall be refunded by the city to the subdivider. This condition shall be null and void if a round-about is approved by the city.
9. **East Jefferson Street.** Prior to any final plat approval for the respective property with frontage, the subdivider shall be required to complete the following:
- (a) **Right of way.** Additional right of way along both sides of East Jefferson Street if necessary to provide for the intersection improvement required by the condition of zoning approval (or round-about if approved by the city) for West Jackson Road, approved by the city's public works director and zoning administrator.
  - (b) **Pavement, curb and gutter, and sidewalk.** Widening of East Jefferson Street along the entire property frontage to a total pavement width of 36 feet, or an alternative pavement width as specified by a third-party traffic engineer and approved by the city's public works director and zoning administrator, including vertical curb and gutter and a five-foot wide sidewalk on both sides (both property frontages) This shall include sufficient pavement for a deceleration (right turn) lane northbound into the single-family detached residential subdivision on the east side of East Jefferson Street if specified by a third-party traffic engineer, as approved by the city's public works director and zoning administrator.
10. **Improvement of Pendergrass Road (SR 332).** Prior to any final plat approval for the respective property with frontage, the subdivider shall be required to install improvements as may be required by the Georgia Department of Transportation for the private street entrance/exit serving the PUD.
11. **Deed restriction regarding ownership.** Except for the subdivision declarant, no more than 20 percent of the homes in the portion of the PUD west of East Jefferson Street (Map/Parcel 119/018; 17.91 acres) shall be owned by any one individual, firm, or corporation. Except for the subdivision declarant, no more than 20 percent of the homes in the portion of the PUD east of East Jefferson Street (part of Map/Parcel 119/019 and Map/Parcel 013/003A; approximately 84.62 acres and 7.24 acres, respectively) shall be

owned by any one individual, firm, or corporation. A deed restriction shall be incorporated to this effect in the project conditions, covenants and restrictions.

12. **Water and Sewer; front water line easement.** All dwellings in the PUD and any active recreation buildings/facilities shall be connected to City of Hoschton water and sanitary sewer. Unless otherwise approved by the city engineer, there shall be a 10-foot-wide easement along the front of each lot as required by the city's water and sewer specifications and standard drawings. Easements may be authorized by the city to overlap with other access and utility easements if approved by the city engineer.
13. **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 all dwelling types included in the PUD, prior to issuance of a building permit for any such building. Once approved the elevation drawings shall be binding on all builders and enforceable at the time of building permit issuance.
14. **Recreational amenities.** There shall be recreational amenities for the PUD provided by the owner in substantial accordance with those described in the letter of intent made a part of the PUD application and attached to this ordinance.
15. **No waiver of codes.** Unless specified otherwise or in conflict with these conditions of approval, the PUD shall be governed by city ordinances in effect at the time of development, as may be amended, including but not limited to applicable portions of the zoning ordinance, subdivision and land development ordinance, development impact fee ordinance, stream buffer ordinance, stormwater management ordinance, stormwater utility ordinance, flood damage prevention ordinance, sign ordinance, building and life safety codes, and adopted water and sewer specifications and standard drawings.

Rezoning Application, City of Hoschton, GA (continued)

**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: The proposed residential use is suitable. Properties to the north and south are developed as residential subdivisions. A seller is maintaining property to the west as a home, and West Jackson Elementary School is to the west.

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

Response: The proposed development is similar to many nearby properties and will not adversely impact the adjacent or nearby uses.

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

Response: The subject properties are currently zoned Agricultural limiting the property to agricultural uses or 65,340 square foot residential lots. These uses are not suitable given the development patterns in the area. In order for the property yield a reasonable development, it must be rezoned to an appropriate district.

- (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: The proposed development will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The design has three (3) points of ingress/ egress allowing residents options to reach local highways without being overly burdensome. Water and sewer utilities in the area have capacity for the proposed development. The proposed product types do not typically yield a burdensome number of school age children.

**Applicant's Response to Criteria (1 of 2)**

Rezoning Application, City of Hoschton, GA (continued)

- (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 City of Hoschton Future Land Use Plan (February 2021) included in the Comprehensive Plan, 2021 – 2040, 2022 Update designates these properties as Residential Moderate Density (MDC) allowing 2 - 5 units per acre. The PUD district allows the flexibility to deliver a moderate density community aligned with the Comprehensive Plan with a greater variety of housing options and amenities than could be achieved with a traditional zoning district.

- (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 surrounding areas of Hoschton, Braselton, and unincorporated Jackson County are seeing residential growth to compliment the areas job opportunities and excellent transportation access.

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

Response: The proposed PUD is compatible with the nearby residential subdivisions.

- (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: The proposed PUD will not significantly impact the environment. All local, state, and federal measures will be followed to mitigate negative impacts.

**Applicant's Response to Criteria (2 of 2)**



**City of Hoschton Police Department**  
Chief Brad Hill



May 3, 2023

To: Mayor and Council

I would like to address my concerns about the potential added residential developments to the City of Hoschton and how this will affect the Police Department.

Our Police Department is currently staffed with three full-time officers and one part-time clerk. We have an estimated population of 4000-5000 inhabitants currently. In 2019 the FBI completed a study, and it showed that the average ratio of officers to inhabitants is 2.4 per 1000. With this information we are already 6.6 officers short of the national and regional average (supporting documents attached).

It is important to remember our department is not a twenty-four-hour department, we rely on the Sheriff's Office to cover most nights from 12am-7am. If a large incident occurs me or Captain Bradberry must return back to work to cover it. If there is an incident that occurs during those hours that require investigations, that case is then turned over to my department and we complete the investigation. If we continue to add residential housing in any form, we must be prepared to add additional staffing and equipment to the department. We are already behind the curve on staffing.

In response to what type of residential units are allowed, such as apartments, town homes or single-family units, it is a fact that the more inhabitants allowed to live in a smaller space the more the call volume. Apartment complexes and town homes take up a smaller footprint but allow for more call volume. This is due to alarms, disputes among people in the same house and neighbors and vehicles being entered. Most thieves want to get

Hoschton Police Department, 4162 Hwy 53, Hoschton, Georgia 30548  
Phone (706) 684-6000 | Fax (706) 654-9834  
[www.cityofhoschton.com](http://www.cityofhoschton.com)





**City of Hoschton Police Department**

Chief Brad Hill



as much as they can when performing entering autos and establishments with the greater number of targets making it more beneficial for them. Please review the attached call sheet for the Blakely Apartments in Pendergrass since October of 2022 to validate this concern.

It is of the utmost importance to consider the increase in traffic that will be added to our already problematic area, which can create the potential for more accidents. The other day I spoke with Major Hamm at Barrow County Sheriff's Office, he advised that they put a Flock Camera on Hwy 53 at the county line and from Friday to Monday there were over thirty thousand cars that went north bound toward our city. We must be prepared and staffed for that traffic.

I work traffic at the school every morning. This takes a deputy on Hwy 53 and myself in front of the school just to keep the traffic we have now flowing properly.

I understand that growth in this area is inevitable. I have lived here all my life and have seen the changes. My request for consideration is to be allowed more time to get prepared fiscally for staffing the growth prior to it consuming us.

Thank you for your time,

A handwritten signature in black ink, appearing to read "Brad Hill".

Brad Hill-Chief of Police



## WEST JACKSON FIRE DEPARTMENT

Station 1 69 West Jackson Rd, Braselton, GA 30517

Station 2 1875 Ednaville Rd, Braselton GA 30517

706-654-2500 Office • 706-654-9227 Fax



April 25, 2023

To: Mayor O'Leary, City of Hoschton  
City Manager Kidd Harrison, City of Hoschton  
Cc: West Jackson Fire District Board  
From: Chief Ben Stephens  
Ref: Further growth potential in the City

Greetings,

I would like to start out by thanking the City for this opportunity to discuss growth. We are always appreciative of better communication in the planning process of our community. As a part of this communication process I am going to give you a quick summary of the current state of Residential Developments in our District since we serve part of the Town of Braselton, part of Jackson County and the entire City.

Current Project Approvals by the numbers (Using the Jackson County School Board Data):

Sta 2's Primary Area (North of I-85) will see 1045 more homes built, an approximately 50% increase in homes.

Sta 1's Primary Area (South of I-85) will see 3357 more homes built. This is a more than 165% increase in homes.

District Wide: There are currently 4402 residences approved which will more than double the current subdivision homes that we provide service to.

Mrs. Kidd-Harrison told me today that there are three other projects being considered for the City that will bring in an additional 1600+ homes/apartments. These projects, along with those already approved will necessitate a lot of growth within the Department in the way of station locations, apparatus needs, and staffing in order to keep response times down, increase capacity needed to meet the demand of multiple incidents at once due to the increased volume of homes and traffic, and to keep insurance rates low for property insurance for our citizens.

We see a need of the following during the next 5 years:

New Station in Hoschton: Cost Estimate of \$3 Million

New Station 3 plus Training Facility/District Headquarters: \$7 Million (Possible Collaboration with Jackson County EMS, EMA, JCSO & JCSS)

In order to pay for this in the next five years, we would need to fund over \$2 Million per year to Capital Improvements. Our current Operating Budget is \$3.2 Million. Additionally, we would need to rapidly increase our staffing to be in a position to respond to the increase in emergency calls during this period. This is obviously not a realistic goal for us during the next 5 years.

Position on the additional growth under consideration by the City.

The current growth that our District is seeing at the moment is unprecedented. If approved, the City of Hoschton will be adding residences equivalent to the entire City of Jefferson as of the 2020 Census. Our Fire Board has historically funded 3 budgetary areas on a rotating basis each year. 1 Staffing, 2 Benefits to attract and retain Staff, 3 Capital Improvements. This has allowed us to add personnel, compensate them competitively, and increase stations, apparatus, and equipment in a steady direction of improvement. This growth (approved and potential) will necessitate us trying to do all of the above, all at once. The proverbial "ship has sailed" when it comes to growth happening at a gradual rate that would have allowed us to keep pace on a yearly basis as we have in the past. The fact of the matter is that we can only afford to "catch up" to the growth using the funding that this growth brings to a more robust Tax Digest. We have been fortunate that our Fire Board supported our Fleet Replacement and Station 2 initiative to make sure we are on a solid footing during this rapid growth spurt in our 30 square miles. Whether you approve these additional projects or not is a decision process

where we have no vote. Your citizens elect a Mayor and Council to make these decisions and it would not be appropriate for an appointed Fire Chief to give or withhold a blessing that could be construed as undermining the Will of the People that placed them in their positions of leadership. Regardless of the outcome, we will always be here to provide service to the citizens of our District to the best of our ability. Together we will all continue climbing.

Yours in Service,



Ben Stephens, Fire Chief

Fortis Fortuna Adiuvant – Fortune Favors the Brave

CITY OF HOSCHTON  
STATE OF GEORGIA

ORDINANCE Z-23-02

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 REZONE PROPERTY NOW WITHIN THE CITY LIMITS; TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF HOSCHTON TO REFLECT ANNEXATION, ZONING AND REZONING; 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**, the Providence Group of Georgia, LLC, applicant, Shannon C. Sell, and Paul T. and Brenda A. Cheek, property owners, have filed a complete application to annex approximately 33.0 acres with PUD (Planned Unit Development) District zoning, said property proposed to be annexed consisting of that part of Map/Parcel 119/019 not currently in the city limits of Hoschton (approximately 25.6 acres) (Shannon C. Sell, owner) and all of Map/Parcel 113/003A (approximately 7.4 acres) (Cheek property), said property proposed to be annexed fronting approximately 824 feet on the north side of Pendergrass Road (SR 332) west of E.G. Barnett Road and also fronting approximately 640 feet on the west side of E.G. Barnett Road (Cheek property) and

**WHEREAS**, said annexation application includes the written and signed applications of all (100%) of the owners of all of the land, 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 rezone approximately 84.46 acres contiguous to the proposed annexation, said lands including a part of Map/Parcel 119/019, i.e., part of remainder of Sell property, fronting on the east side of East Jefferson Street and 17.86 acres fronting approximately 1,115 feet on the west side of East Jefferson Street and fronting approximately 1,230 feet on the south side of West Jackson Road (Map/Parcel 119/018) (property of West Jackson, LLC) from A (Agricultural District) to PUD (Planned Unit Development District); and

**WHEREAS**, The total estimated acreage within the proposed PUD site plan/ zoning district is 109.72 acres; of which and

**WHEREAS**, the property to be annexed and zoned PUD (Planned Unit Development District), conditional, and the property to be rezoned from A (Agricultural District) to PUD

**Ordinance Z-23-02 Providence Group PUD**

(Planned Unit Development District, conditional, are described in detail 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

**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**, after negotiating in good faith, the City of Hoschton and Jackson County agreed to a settlement and the county’s objection was withdrawn pursuant to an annexation dispute final order approved by Jackson County, the City of Hoschton, and the applicant and approved by the Annexation Arbitration Panel appointed by the Georgia Department of Community Affairs, with the provisions that the city must limit the proposed Planned Unit Development zone/rezone to no more than 334 dwelling units and would attach conditions of approval to said approval if annexed; 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 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 and rezoning 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

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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, IT IS HEREBY ORDAINED by the Hoschton City Council 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.**

The property already inside the city limits and proposed for rezoning, described in Exhibit A, is hereby rezoned from A (Agricultural District) to PUD, Planned Unit Development, conditional, subject to conditions of zoning specified in Exhibit B attached to this ordinance.

**Section 3.**

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 4.**

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.

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**Section 5.**

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 6.**

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 7.**

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 8.**

Pursuant to O.C.G.A. § 36-36-112 and the approved annexation settlement agreement, the city shall not change the zoning or land use plan relating to the annexed property to a more intense density than that stated in the notice provided to the County pursuant to § O.C.G.A. 36-36-111 for two years.

So ORDAINED, this the 21<sup>st</sup> Day of August, 2023.

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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:

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Jennifer Kidd-Harrison, City Clerk

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APPROVED AS TO FORM

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Abbott S. Hayes, Jr., City Attorney







Map/Aerial Photograph of Map/Parcel 119/019



Tax Map/Aerial Photograph of Map/Parcel 113/003A

**DESCRIPTION OF  
East Jefferson Street Property - Annexation**

All that tract or parcel of land lying and being in Georgia Militia District 1407, Jackson County, Georgia and being more particularly described as follows:

**COMMENCING** at a point at the intersection of the Northerly right of way line of East Jefferson Street and the Southwesterly right of way line of West Jackson Road; **THENCE** following a tie line South 88 degrees 57 minutes 14 seconds East a distance of 179.18 feet to a point on the Southerly right of way line of East Jefferson Street, said point being the **TRUE POINT OF BEGINNING**.

**THENCE** from said **TRUE POINT OF BEGINNING** leaving the Southerly right of way line of East Jefferson Street and proceeding South 48 degrees 06 minutes 53 seconds East a distance of 331.00 feet to a point; **THENCE** North 71 degrees 47 minutes 54 seconds East a distance of 150.00 feet to a point; **THENCE** South 48 degrees 48 minutes 27 seconds East a distance of 192.25 feet to a point; **THENCE** South 72 degrees 36 minutes 05 seconds East a distance of 607.87 feet to a point; **THENCE** South 72 degrees 35 minutes 55 seconds East a distance of 1347.30 feet to a point; **THENCE** South 31 degrees 14 minutes 05 seconds West a distance of 727.10 feet to a point; **THENCE** South 54 degrees 54 minutes 27 seconds East a distance of 215.32 feet to a point; **THENCE** South 43 degrees 49 minutes 00 seconds East a distance of 146.80 feet to a point; **THENCE** South 49 degrees 07 minutes 30 seconds East a distance of 219.08 feet to a point; **THENCE** South 43 degrees 54 minutes 30 seconds East a distance of 68.60 feet to a point on the Northwesterly right of way line of Pendergrass Road; **THENCE** proceeding along the Northwesterly right of way line of Pendergrass Road the following courses and distances; South 63 degrees 47 minutes 28 seconds West a distance of 170.95 feet to a point; **THENCE** South 65 degrees 00 minutes 59 seconds West a distance of 90.30 feet to a point; **THENCE** South 64 degrees 21 minutes 20 seconds West a distance of 157.77 feet to a point; **THENCE** South 64 degrees 01 minutes 18 seconds West a distance of 40.00 feet to a point; **THENCE** South 64 degrees 01 minutes 00 seconds West a distance of 349.00 feet to a point; **THENCE** leaving the Northwesterly right of way line of Pendergrass Road and proceeding North 31 degrees 34 minutes 00 seconds West a distance of 233.81 feet to a point; **THENCE** South 31 degrees 53 minutes 57 seconds West a distance of 542.72 feet to a point; **THENCE** North 71 degrees 53 minutes 22 seconds West a distance of 1392.00 feet to a point; **THENCE** North 71 degrees 53 minutes 22 seconds West a distance of 8.88 feet to a point; **THENCE** North 18 degrees 06 minutes 38 seconds East a distance of 187.16 feet to a point; **THENCE** North 23 degrees 46 minutes 17 seconds East a distance of 1036.20 feet to a point; **THENCE** North 60 degrees 58 minutes 57 seconds West a distance of 814.08 feet to a point; **THENCE** North 73 degrees 09 minutes 30 seconds West a distance of 708.67 feet to a point on the Southeasterly right of way line of East Jefferson Street; **THENCE** proceeding along said right of way line the following courses and distances; North 33 degrees 58 minutes 42 seconds East a distance of 41.14 feet to a point; **THENCE** North 47 degrees 40 minutes 48 seconds East a distance of 40.66 feet to a point; **THENCE** North 58 degrees 04 minutes 49 seconds East a distance of 44.80 feet to a point; **THENCE** North 61 degrees 42 minutes 07 seconds East a distance of 105.87 feet to a point; **THENCE** North 62 degrees 57 minutes 42 seconds East a distance of 56.62 feet to a point;

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THENCE North 66 degrees 51 minutes 23 seconds East a distance of 76.75 feet to a point;  
THENCE North 71 degrees 08 minutes 57 seconds East a distance of 282.40 feet to a point;  
THENCE North 71 degrees 29 minutes 12 seconds East a distance of 312.44 feet to a point, said  
point being the **TRUE POINT OF BEGINNING**.

Said tract contains 4,001,561 square feet or 91.86 acres.

Less and Except

+/-58.86 acres currently within the limits of the City of Hoschton as shown on the attached  
Annexation Exhibit.

This will leave the remaining +/-33 acres to be annexed into the city.

**EXHIBIT A (CONTINUED)  
DESCRIPTION OF PROPERTY  
REZONED FROM A (AGRICULTURAL) TO PUD CONDITIONAL**

A total of approximately 76.72 acres described herein separately from the approximate 33 acres annexed and zoned PUD, Conditional; said 76.72 acres including a portion of Map/Parcel 119/019 already inside the city limits of Hoschton which is a portion of that property described in the following metes and bounds (approximately 58.86 acres); and Map/Parcel 119/018, constituting approximately 17.86 acres, as shown on a tax map incorporated into this exhibit and which is described in its entirety in the following metes and bounds:



**Tax Map/Aerial Photograph of Map/Parcel 119/018**

**DESCRIPTION OF  
East Jefferson Street Property**

All that tract or parcel of land lying and being in Georgia Militia District 1407, City of Hoschton, Jackson County, Georgia and being more particularly described as follows:

**COMMENCING** at a point at the intersection of the Northerly right of way line of East Jefferson Street and the Southwesterly right of way line of West Jackson Road; **THENCE** following a tie line South 88 degrees 57 minutes 14 seconds East a distance of 179.18 feet to a point on the Southerly right of way line of East Jefferson Street, said point being the **TRUE POINT OF BEGINNING**.

**THENCE** from said **TRUE POINT OF BEGINNING** leaving the Southerly right of way line of East Jefferson Street and proceeding South 48 degrees 06 minutes 53 seconds East a distance of 331.00 feet to a point; **THENCE** North 71 degrees 47 minutes 54 seconds East a distance of 150.00 feet to a point; **THENCE** South 48 degrees 48 minutes 27 seconds East a distance of 192.25 feet to a point; **THENCE** South 72 degrees 36 minutes 05 seconds East a distance of 607.87 feet to a point; **THENCE** South 72 degrees 35 minutes 55 seconds East a distance of 1347.30 feet to a point; **THENCE** South 31 degrees 14 minutes 05 seconds West a distance of 727.10 feet to a point; **THENCE** South 54 degrees 54 minutes 27 seconds East a distance of 215.32 feet to a point; **THENCE** South 43 degrees 49 minutes 00 seconds East a distance of 146.80 feet to a point; **THENCE** South 49 degrees 07 minutes 30 seconds East a distance of 219.08 feet to a point; **THENCE** South 43 degrees 54 minutes 30 seconds East a distance of 68.60 feet to a point on the Northwesterly right of way line of Pendergrass Road; **THENCE** proceeding along the Northwesterly right of way line of Pendergrass Road the following courses and distances; South 63 degrees 47 minutes 28 seconds West a distance of 170.95 feet to a point; **THENCE** South 65 degrees 00 minutes 59 seconds West a distance of 90.30 feet to a point; **THENCE** South 64 degrees 21 minutes 20 seconds West a distance of 157.77 feet to a point; **THENCE** South 64 degrees 01 minutes 18 seconds West a distance of 40.00 feet to a point; **THENCE** South 64 degrees 01 minutes 00 seconds West a distance of 349.00 feet to a point; **THENCE** leaving the Northwesterly right of way line of Pendergrass Road and proceeding North 31 degrees 34 minutes 00 seconds West a distance of 233.81 feet to a point; **THENCE** South 31 degrees 53 minutes 57 seconds West a distance of 542.72 feet to a point; **THENCE** North 71 degrees 53 minutes 22 seconds West a distance of 1392.00 feet to a point; **THENCE** North 71 degrees 53 minutes 22 seconds West a distance of 8.88 feet to a point; **THENCE** North 18 degrees 06 minutes 38 seconds East a distance of 187.16 feet to a point; **THENCE** North 23 degrees 46 minutes 17 seconds East a distance of 1036.20 feet to a point; **THENCE** North 60 degrees 58 minutes 57 seconds West a distance of 814.08 feet to a point; **THENCE** North 73 degrees 09 minutes 30 seconds West a distance of 708.67 feet to a point on the Southeasterly right of way line of East Jefferson Street; **THENCE** proceeding along said right of way line the following courses and distances; North 33 degrees 58 minutes 42 seconds East a distance of 41.14 feet to a point; **THENCE** North 47 degrees 40 minutes 48 seconds East a distance of 40.66 feet to a point; **THENCE** North 58 degrees 04 minutes 49 seconds East a distance of 44.80 feet to a point; **THENCE** North 61 degrees 42 minutes 07 seconds East a distance of 105.87 feet to a point; **THENCE** North 62 degrees 57 minutes 42 seconds East a distance of 56.62 feet to a point;

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THENCE North 66 degrees 51 minutes 23 seconds East a distance of 76.75 feet to a point;  
THENCE North 71 degrees 08 minutes 57 seconds East a distance of 282.40 feet to a point;  
THENCE North 71 degrees 29 minutes 12 seconds East a distance of 312.44 feet to a point, said  
point being the **TRUE POINT OF BEGINNING**.

Said tract contains 4,001,561 square feet or 91.86 acres.

Together With:

All that tract or parcel of land lying and being in Georgia Militia District 1407, City of Hoschton,  
Jackson County, Georgia and being more particularly described as follows:

**BEGINNING** at a point at the intersection of the Northerly right of way line of East Jefferson  
Street and the Southwesterly right of way line of West Jackson Road, THENCE proceeding  
along the Northerly right of way line of East Jefferson Street the following courses and  
distances; South 72 degrees 26 minutes 05 seconds West a distance of 130.56 feet to a point;  
THENCE South 71 degrees 54 minutes 55 seconds West a distance of 226.47 feet to a point;  
THENCE along a curve to the left with a radius of 1220.39 feet and an arc length of 198.93 feet,  
said curve having a chord bearing of South 67 degrees 14 minutes 44 seconds West and a chord  
distance of 198.71 feet to a point; THENCE South 61 degrees 34 minutes 33 seconds West a  
distance of 107.14 feet to a point; THENCE along a curve to the left with a radius of 277.80 feet  
and an arc length of 183.41 feet, said curve having a chord bearing of South 43 degrees 39  
minutes 41 seconds West and a chord distance of 180.10 feet to a point; THENCE along a curve  
to the left with a radius of 1604.96 feet and an arc length of 100.67 feet, said curve having a  
chord bearing of South 22 degrees 57 minutes 00 seconds West and a chord distance of 100.65  
feet to a point; THENCE South 21 degrees 09 minutes 11 seconds West a distance of 87.59 feet  
to a point; THENCE departing the Northwesterly right of way line of East Jefferson Street and  
proceeding North 82 degrees 28 minutes 43 seconds West a distance of 258.96 feet to a point;  
THENCE South 07 degrees 33 minutes 35 seconds West a distance of 189.75 feet to a point;  
THENCE North 82 degrees 27 minutes 17 seconds West a distance of 550.75 feet to a point;  
THENCE North 25 degrees 58 minutes 30 seconds East a distance of 470.50 feet to a point;  
THENCE North 21 degrees 38 minutes 50 seconds East a distance of 109.73 feet to a point;  
THENCE North 14 degrees 12 minutes 51 seconds East a distance of 104.05 feet to a point;  
THENCE South 83 degrees 22 minutes 16 seconds East a distance of 215.25 feet to a point;  
THENCE North 01 degrees 15 minutes 11 seconds West a distance of 203.33 feet to a point on  
the Southerly right of way line of West Jackson Road; THENCE proceeding along said right of  
way line the following courses and distances; North 84 degrees 26 minutes 11 seconds East a  
distance of 114.04 feet to a point; THENCE North 73 degrees 45 minutes 01 seconds East a  
distance of 184.46 feet to a point; THENCE along a curve to the right with a radius of 568.00  
feet and an arc length of 207.32 feet, said curve having a chord bearing of North 84 degrees 12  
minutes 24 seconds East and a chord distance of 206.17 feet to a point; THENCE South 85  
degrees 20 minutes 12 seconds East a distance of 209.13 feet to a point; THENCE along a curve  
to the right with a radius of 401.56 feet and an arc length of 243.12 feet, said curve having a  
chord bearing of South 67 degrees 59 minutes 32 seconds East and a chord distance of 239.42  
feet to a point; THENCE South 50 degrees 17 minutes 51 seconds East a distance of 126.40 feet



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to a point; THENCE along a curve to the left with a radius of 461.85 feet and an arc length of 155.97 feet, said curve having a chord bearing of South 60 degrees 36 minutes 50 seconds East and a chord distance of 155.23 feet to a point, said point being the **TRUE POINT OF BEGINNING**.

Said tract contains 777,817 square feet or 17.86 acres.

**EXHIBIT B**  
**CONDITIONS OF ZONING/REZONING APPROVAL**

1. **Site plan and letter of intent.** Development shall be in substantial accordance with the letter of intent and community benefit statement dated August 7, 2023, attached to this ordinance Z-23-02, except as modified by these conditions of zoning approval. Development shall be in substantial accordance with the site plan titled “Zoning Plan for East Jefferson Tract” and The Providence Group, dated August 7, 2023, by Edward J. Anderson, landscape architect, for the firm Travis Pruitt & Associates, Inc., attached to this ordinance Z-23-02, except as modified by these conditions of zoning approval; provided, however, that modifications to the site plan may be proposed by the applicant and approved by the City Council as a part of preliminary plat approval so long as they do not change a condition of zoning approval. Any notes on said zoning plan inconsistent with these conditions of approval shall not apply.
2. **Permitted uses.**
  - (a) Uses in the PUD shall be limited to detached, single-family dwellings, fee-simple townhouses, uses and structures accessory to said uses, active and passive recreational facilities and amenities, and open space, as more specifically provided and limited in these conditions of zoning approval.
  - (b) Uses within that portion of the PUD west of East Jefferson Street (Map/Parcel 119/018; 17.91 acres) shall be limited to fee-simple townhouses and/or detached, single-family dwellings, uses and structures accessory to said uses, active and passive recreational facilities and amenities, and open space.
  - (c) Uses within that portion of the PUD east of East Jefferson Street (part of Map/Parcel 119/019 and Map/Parcel 013/003A; approximately 84.62 acres and 7.24 acres, respectively) detached, single-family dwellings, uses and structures accessory to said use detached, single-family dwellings, active and passive recreational facilities and amenities, and open space.
3. **Maximum densities/housing units.**
  - (a) The PUD shall not exceed a total of 334 dwelling units.
  - (b) That portion of the PUD west of East Jefferson Street (Map/Parcel 119/018; 17.91 acres) shall not exceed a maximum density of five (5) dwelling units per acre (measured on the basis of land area before any right of way dedication) (i.e., 90 units) (i.e., the maximum recommended by the medium density residential future land use plan category of the Hoschton comprehensive plan).
4. **Dimensional requirements.** The PUD shall be subject to the dimensional requirements specified in these conditions of zoning approval.

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- (a) **Maximum building height, all units:** 35 feet.
- (b) **Minimum driveway length.** From edge of sidewalk (front loading) or alley (rear loading) to face of garage, all units: 20 feet.
- (c) **Parking, all units:** A two-car garage is required for each unit.
- (d) **Dimensional requirements by lot type:** The following dimensional requirements and limitations shall apply to dwellings and lots:

<b>Lot Type Identifier</b>	<b>Minimum Lot Size (sq. ft.)</b>	<b>Minimum Lot Width (ft.)</b>	<b>Minimum Front, Side Rear Building Setbacks (ft.)</b>	<b>Maximum Number of Lots (not to exceed 334 total)</b>
B (alley loaded)	4,000	40	5, 5, 10	None
A (front loaded)	5,000	50	10, 5, 10	None
E (front loaded)	7,000	60	10, 5, 20	None
F (front loaded)	7,000	70	10, 5, 40	None
G (front loaded)	4,000	40	10, 5, 10	None
C (fee simple townhouse alley loaded)	2,000	24	5, 0, 10 (20' between buildings)	90
D (fee simple townhouse front loaded)	2,000	24	10, 0, 10 (20' between buildings)	

- (e) **Lots abutting Brighton Park:** All subdivision lots that abut a residential lot within Brighton Park subdivision shall be required to be Type “E” front loaded lots.
- (f) **Lots abutting Pendergrass Road (SR 332) and Map/Parcels 113/004, 113/002 and 113/002A:** All subdivision lots that abut Pendergrass Road (SR 332) and Map/Parcels 113/004, 113/002 and 113/002A shall be required to be Type “F” front loaded lots.
- (g) **Dimensional requirement not specified.** Where the approved PUD application and these conditions of zoning fail to articulate a given regulation, such as accessory building setbacks, maximum lot coverage, 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.
- (h) **Special open space and buffer.** Abutting Map/Parcels 119/019D and 119/046, there shall be common open space with a minimum depth of 30 feet, within which a minimum 20-foot-wide buffer shall be planted and maintained, prior to final plat approval for the applicable phase of development.

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- (i) **Buffer and fence abutting Legacy Oaks subdivision lots.** All subdivision lots abutting the Legacy Oaks Subdivision shall have a 20-foot graded and replanted buffer including a six-foot high privacy fence. The buffer and fence shall be maintained by the homeowner's association and a maintenance easement shown across all such lots on the final plat for the applicable phase of development.
- (j) **Fence abutting remainder of Map/Parcel 119/019 and 119/019A (Sell Tracts).** The owner/developer shall install a six-foot high privacy fence with the finished side of the fence facing outward from the development along all property lines about the remainder of property known as Map/Parcel 119/019 (i.e., that part not included in the PUD) and Map/Parcel 119/019A. No certificate of occupancy shall be issued for a lot abutting said property until the fence is installed along that lot. The fence shall be maintained by the homeowner's association, and a maintenance easement shall be shown across all such lots on the final plat for the applicable phase of development.
- (k) **Open space.** 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.
- (l) **Minimum heated floor area per dwelling unit:** 1,400 square feet.

**5. Minimum/maximum required entrances/exits.**

- (a) **West Jackson Road.** There shall be no more than one street entrance/exit, which will be private unless a public street is approved by City Council, onto West Jackson Road to/from that portion of the PUD west of East Jefferson Street (i.e., Map/Parcel 119/018). A private street entrance/exit street may be gated.
- (b) **East Jefferson Street.** There shall be no more than one street entrance/exit, which will be private unless a public street is approved by City Council, onto East Jefferson Street, to/from that portion of the PUD east of East Jefferson Street (i.e., Map/Parcel 119/019). This street connection shall align with West Jackson Road, as required to be realigned by these conditions of zoning approval. A private street entrance/exit street may be gated.
- (c) **Pendergrass Road (SR 332).** There shall be one street entrance/exit serving the PUD connecting to Pendergrass Road (SR 332), which will be private unless a public street is approved by City Council. the location and design of which shall be subject to the approval of Georgia Department of Transportation. If private, the private street entrance/exit may be gated. In addition, there shall be a right of way reserved for a future public street onto Pendergrass Road, as shown on the site plan, the location and design of which shall be subject to the approval of Georgia Department of Transportation (see further description below).
- (d) **Private through street.** The PUD subdivision design shall be required to include a street (private and gated unless otherwise approved by the City Council) that connects

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Pendergrass Road (SR 332) and East Jefferson Street which shall be constructed by the owner/developer as the PUD is developed/phased.

- (e) **Public through street right of way (reservation and dedication).** The owner/ developer shall reserve land (in substantial conformance with that shown on the site plan or as otherwise approved by City Council, the exact alignment of which may be modified if necessitated by site planning and engineering) for a future public street right of way connecting Pendergrass Road (SR 332) within the boundary of Map/Parcel 113/ 004 (controlled by the owner/developer at the time of this ordinance approval but not included within the boundary of the PUD), and extending across all of the southern boundary of that portion of Map/Parcel 119/019 controlled by the owner/ developer, to a point westerly where it intersects with the common property line of Map/Parcel 119/ 019 (within the PUD) and 119/019A (i.e., adjacent tract owned by Shannon Sell). There shall be no development authorized within the reserved right of way unless specifically approved by the City Council. If this future right of way is shown on an “official corridor map” as a future public street (or similarly titled planning document or component of the comprehensive plan) adopted by the City Council, then prior to issuance of final plat approval for any phase in the PUD, the owner/ developer shall dedicate the future public right of way in fee simple title at no cost to the city. If Map/Parcel 113/004, that part of Map/Parcel 119/019, or any other part of the land showing the future public street is sold or ownership transferred to another entity, such sale or ownership transfer shall be required to be deed restricted so that this obligation to reserve and dedicate the future public street right of way shall survive and be binding on any future owner of Map/Parcel 113/004 and that part of Map/Parcel 119/019. Furthermore, any subsequent owner of the right of way shall be required via deed restriction to dedicate said future public street right of way to the city at no cost to the city, prior to development permit approval for any development on Map/Parcel 113/ 004 or that portion of Map/Parcel 119/019A showing the future public street reservation. Once the right of way for the future public street is dedicated to the city, this zoning condition shall not be construed in any way to prohibit completion of the PUD by the owner/ developer per this ordinance.
- (f) **Annexation of Map/ Parcel 113/004.** To facilitate the above condition relative to the future public street right of way, the owner/ developer agrees to annexation of Map/Parcel 113/ 004 and agrees to apply for annexation of Map/Parcel 113/004 within six months of the effective date of this ordinance and to apply for zoning of said parcel to PUD to be incorporated into the PUD approved by this ordinance.
- (g) **No access easements and other limitations.** No individual lot for any dwelling unit shall be allowed a driveway or direct vehicular access to West Jackson Road, East Jefferson Street, or Pendergrass Road (SR 332). A 10-foot wide no access easement and planting strip shall be required along the entire property frontage along all such routes and shall be shown on all final plats. This limitation shall not apply to any private streets within the PUD.
- (h) **E.G. Barnett Road access.** No access other than for dwellings existing at the time of this PUD approval shall be permitted to E.G. Barnett Road, and such access if utilized shall

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be discontinued upon final plat approval for that portion of the subdivision and a 10-foot-wide no access easement and planting strip shall be required and shown on any final plat with frontage on E.G. Barnett Road.

**6. Internal subdivision streets and alleys.**

- (a) **Street standards; reduction.** The standards for private streets, shall be as depicted on the site plan and in the application, unless otherwise approved by the City Council at the time of preliminary plat approval, in which case Council may authorize a reduction of right of way width or pavement width. Rolled curbs shall be authorized. Paving standards, including but not limited to thickness of asphalt, shall meet City of Hoschton subdivision and land development standards.
- (b) **Gates.** If gates to local private subdivision streets are provided, the gates shall be setback from the applicable right of way a minimum distance determined safe and appropriate by a traffic engineer and as approved by the city's public works director.
- (c) **Alleys; reduction.** Any alleys included, shall be private, not public. Easements for alleys shall be a minimum of 30 feet in width, and the minimum pavement width for alleys shall be a 16 feet (curbs not required); provided however, that the owner may propose and the Hoschton City Council may approve reductions to such standards for private alleys, including but not limited to reduction of right of way or reduction of pavement width, during the process of considering and approving a preliminary plat for the subdivision, without the need to modify these conditions of zoning approval.
- (d) **On-street parking.** On-street parking on private streets may be permitted at the discretion of the owner.

**7. West Jackson Road improvements.** Prior to final plat approval for that portion of the PUD west of East Jefferson Street, the subdivider shall be required to complete the following:

- (a) **Right of way.** Dedication of an additional five feet of right of way along the entire property frontage of West Jackson Road.
- (b) **Pavement, curb and gutter, and sidewalk.** Installation of an additional four feet of pavement (or 13 feet from the centerline), and vertical curb and gutter along with a five-foot wide sidewalk along the entire property frontage of West Jackson Road.
- (c) **Deceleration lane.** Installation of a deceleration lane eastbound on West Jackson Road into the development.

**8. Improvement of intersection of West Jackson Road and East Jefferson Street.** Prior to any final plat approval for the respective property with frontage, the subdivider shall be required to complete the following:

**Ordinance Z-23-02 Providence Group PUD**

- (a) **Right of way.** Dedication of additional right of way sufficient along East Jefferson Street and West Jackson Road to allow for the realignment of West Jackson Road to intersect East Jefferson Street at a 90 degree angle or as required for the installation of a round-about, if authorized by the city.
  - (b) **Realignment.** Realignment of West Jackson Road to intersect East Jefferson Street at a 90 degree angle or as required for the installation of a round-about.
  - (c) **Consideration of round-about.** Prior to or in conjunction with preliminary plat approval, the owner/ developer may propose, and the City Council may approve, a round-about in lieu of a four-way realigned intersection of West Jackson Road and East Jefferson Street. The applicant shall be required to fund the cost of a third-party (independent and disassociated with the owner/ developer) traffic engineer approved, chosen and managed by the city to provide a conceptual design of a round-about and to evaluate the traffic impacts in comparison with a signalized, four-way intersection. Said evaluation shall take into account traffic patterns and conditions when Jackson County public schools are in session.
  - (d) **Pavement, curb and gutter, and sidewalk.** Improvement/ widening of the realigned intersection of West Jackson Road and East Jefferson Street with three lanes at all four intersection approaches (i.e., including left turn lane, a separate through lane and a lane for opposing traffic), with stacking/ queuing distances for the left turn lanes or as specified by a third-party traffic engineer approved, chosen and managed by the city. These improvements may be replaced with a round-about improvement if approved by the City Council after consideration by the third-party traffic engineer and affirmative recommendation of the city's public works director and zoning administrator.
  - (e) **Traffic signal contribution.** Payment to the city/escrow of \$100,000 toward installation of a traffic signal at the intersection of West Jackson Road and East Jefferson Street, \$25,000 of which shall be paid prior to final plat approval for the final phase of that part of the PUD west of East Jefferson Street, and \$75,000 of which must be paid prior to final plat approval for the final phase of the PUD east of East Jefferson Street. This payment shall be encumbered for the specified purpose by the city within six years of the date the full amount of such funds are received by the city, or else such funds shall be refunded by the city to the subdivider. This condition shall be null and void if a round-about is approved by the city.
9. **East Jefferson Street.** Prior to any final plat approval for the respective property with frontage, the subdivider shall be required to complete the following:
- (a) **Right of way.** Additional right of way along both sides of East Jefferson Street if necessary to provide for the intersection improvement required by the condition of zoning approval (or round-about if approved by the city) for West Jackson Road, approved by the city's public works director and zoning administrator.

**Ordinance Z-23-02 Providence Group PUD**

- (b) **Pavement, curb and gutter, and sidewalk.** Widening of East Jefferson Street along the entire property frontage to a total pavement width of 36 feet, or an alternative pavement width as specified by a third-party traffic engineer and approved by the city's public works director and zoning administrator, including vertical curb and gutter and a five-foot wide sidewalk on both sides (both property frontages) This shall include sufficient pavement for a deceleration (right turn) lane northbound into the single-family detached residential subdivision on the east side of East Jefferson Street if specified by a third-party traffic engineer, as approved by the city's public works director and zoning administrator.
10. **Improvement of Pendergrass Road (SR 332).** Prior to any final plat approval for the respective property with frontage, the subdivider shall be required to install improvements as may be required by the Georgia Department of Transportation for the private street entrance/exit serving the PUD.
11. **Deed restriction regarding ownership.** Except for the subdivision declarant, no more than 20 percent of the homes in the portion of the PUD west of East Jefferson Street (Map/Parcel 119/018; 17.91 acres) shall be owned by any one individual, firm, or corporation. Except for the subdivision declarant, no more than 20 percent of the homes in the portion of the PUD east of East Jefferson Street (part of Map/Parcel 119/019 and Map/Parcel 013/003A; approximately 84.62 acres and 7.24 acres, respectively) shall be owned by any one individual, firm, or corporation. A deed restriction shall be incorporated to this effect in the project conditions, covenants and restrictions.
12. **Water and Sewer; front water line easement.** All dwellings in the PUD and any active recreation buildings/facilities shall be connected to City of Hoschton water and sanitary sewer. Unless otherwise approved by the city engineer, there shall be a 10-foot-wide easement along the front of each lot as required by the city's water and sewer specifications and standard drawings. Easements may be authorized by the city to overlap with other access and utility easements if approved by the city engineer.
13. **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 all dwelling types included in the PUD, prior to issuance of a building permit for any such building. Once approved the elevation drawings shall be binding on all builders and enforceable at the time of building permit issuance.
14. **Recreational amenities.** There shall be recreational amenities for the PUD provided by the owner in substantial accordance with those described in the letter of intent made a part of the PUD application and attached to this ordinance.
15. **No waiver of codes.** Unless specified otherwise or in conflict with these conditions of approval, the PUD shall be governed by city ordinances in effect at the time of development, as may be amended, including but not limited to applicable portions of the zoning ordinance, subdivision and land development ordinance, development impact fee ordinance, stream buffer ordinance, stormwater management ordinance, stormwater utility ordinance, flood



**Ordinance Z-23-02 Providence Group PUD**

damage prevention ordinance, sign ordinance, building and life safety codes, and adopted water and sewer specifications and standard drawings.

16. **Active recreation amenity.** The active recreational amenity for the PUD shall be constructed and ready for issuance of a certificate of occupancy no later than the city's issuance of the 168<sup>th</sup> dwelling unit in the PUD.
17. **Sewage lift station.** If a sewage lift station is required to serve the development, the following conditions shall apply:
  - (a) There shall be no more than one such lift station for the PUD.
  - (b) The sewage lift station shall be constructed by the owner/developer at no cost to the city, except as otherwise conditionally provided in this zoning condition.
  - (c) Unless otherwise approved by the city, the sewage lift station shall be dedicated to the city of Hoschton, shall be on a lot twice the size needed for the lift station to allow for expansion, or replacement while still being operational as approved by the city engineer, and said lift station lot shall be deeded in fee simple title to the city within one year of final construction approval. Said lot shall have at least 30 feet of frontage on a public or private street unless such frontage is not feasible in the zoning administrator's opinion, in which case a 20-foot-wide access easement shall be acceptable.
  - (d) The city may present an option or options to the owner/ developer regarding the location, design, and capacity of the sewage lift station, if one is provided, but such option(s) shall be presented by the city to the owner/ developer prior to issuance of a land disturbance permit and development permit for any portion of the PUD connected to the city public sewer system. If determined in the public interest by the city, the city may require and the owner/developer shall authorize: (1) the oversizing of the sewage lift station prior to development to serve other development with the additional costs of oversizing the lift station paid by the city or another developer; and (2) relocating the sewage lift station further downstream with the additional connection costs resulting from relocation borne by the city and/or another developer. The additional costs of oversizing or relocating the sewer lift station and final cost sharing arrangement of such oversizing or relocation shall be as mutually agreed upon by the city and owner /developer.
  - (e) After construction of the sewage lift station by the owner/developer (if provided) 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.
  - (f) The applicant shall be required to pay sewage lift station maintenance fees as adopted by the Hoschton City Council.

**Ordinance Z-23-02 Providence Group PUD**

**18. Project Phasing.** Prior to approval of any preliminary plat for Planned Unit Development, the owner/ developer shall submit a phasing plan for the residential development that provides discrete numbers of units to be constructed for each phase and year intervals (start and finish years) for each phase proposed.

**19. Pre-payment of water and sanitary sewer connection charges.** Owner/developer (The Providence Group) and its successor and assigns) agrees to assist the city in funding the costs incurred by the City in constructing capital improvements for water supply and sanitary sewerage capacity and treatment to serve the proposed Planned Unit Development. To that end, owner/developer (The Providence Group and its successor and assigns) agrees that as a condition of the city providing water and sanitary sewer service for the Planned Unit Development, owner/developer shall be required to pre-purchase water and sanitary sewer connection fees per dwelling unit according to the adopted connection fees in effect at the time of payment, according to the following schedule:

<b>Connection Fee Pre-payment Due</b>	<b>Number of Dwelling Unit Water and Sanitary Sewer Connections Required to be Purchased/ Pre-paid</b>
Within 60 days of preliminary plat approval for the planned unit development or any portion thereof	30
Prior to the first final plat approval for any portion of the PUD	30

Pre-paid connections for water and sewer shall be not be transferable or assigned to another project or owner/developer in the City of Hoschton without explicit approval of the City Council.

**EXHIBIT C  
LETTER OF INTENT**



**Letter of Intent & Community Benefit Statement  
Revised: August 7, 2023**

The Providence Group of Georgia, LLC ("TPG" or "Applicant") proposes development of a residential master planned community in the City of Hoschton.

At The Providence Group, our strategic advantage as a homebuilder is our ability to find, entitle and develop land opportunities into premier, one of a kind neighborhoods in the most desirable locations around Atlanta. Our accessibility to the best land in Atlanta is unrivaled as most large private or public builders lack the ability or willingness to develop the innovative site plans and diverse home designs required to maximize the potential of these sites. Long-standing collaboration with the area's best land-planners, architects and tenured operational staff have resulted in a portfolio of creative, award-winning communities with traditional home design that set the standard for excellence in homebuilding and development in the region. The Providence Group has a unique strategic advantage with our position as a subsidiary of Green Brick Partners. This partnership provides us the operational ability to act entrepreneurially and combines our local expertise in the Atlanta market with the strong financial resources of a publicly traded company.

TPG proposes to develop the community pursuant the City of Hoschton Zoning Ordinance Section 4.08 - PUD, Planned Unit Development District. The PUD allows us the flexibility and creativity to plan the project with a unique mixture of housing types, amenities, active open spaces, and preserved, natural open spaces.

These properties have historically been used for agricultural purposes and remain agricultural today. The Shannon C. Sell Family will be retaining a portion of their property as their home.

The Sell and Cheek tracts are contiguous and generally bound by East Jefferson Street/Maddox Road to the north, the Brighton Park subdivision and EG Barnett Road to east, Pendergrass Road (Highway 332) to the south, the Legacy Oaks subdivision and the remaining Sell Farm to the west. The West Jackson LLC tract is to the north of these tracts and is generally bound by West Jackson Road to the north and east, East Jefferson Street to the south, and West Jackson Elementary school to the west.

The proximity of the property to the growing downtown/commercial areas of Hoschton and Braselton make the site a prime candidate for residential development. Additionally, easy access to Highway 53 and Interstate 85 is provided by proposed entrances on E. Jefferson Street, W. Jackson Road, and Pendergrass Road (Highway 332).

The City of Hoschton Future Land Use Plan (February 2021) included in the Comprehensive Plan, 2021 – 2040, 2022 Update designates these properties as Residential Moderate Density (MDC). The subject property, the Sell Farm, is specifically mentioned for low and medium residential development. The PUD district allows the flexibility to deliver a moderate density community aligned with the Comprehensive Plan with a greater variety of housing options and amenities than could be achieved with a traditional zoning district.

## Ordinance Z-23-02 Providence Group PUD



A portion of the Sell Tract (Parcel Number 119 019: +/- 25.6 acres) and the entire Cheek Tract (Parcel Number 113 003A: +/- 7.24 acres) are currently in unincorporated Jackson County. The Applicant concurrently requests annexation of this +/- 32.84 acres into the City of Hoschton.

### Development Plan

The Development Plan is attached as Exhibit "A".

### Land Uses and Development Summary

The zoning application includes approximately 109.77 acres consisting of the following:

- +/- 84.62 acres – Jackson County Parcel Number: 119 019 (a portion of) – Owner: Shannon C. Sell
- +/- 7.24 acres – Jackson County Parcel Number: 113 003A – Owner: Paul T. Cheek, Jr. & Brenda A. Cheek
- +/- 17.91 acres – Jackson County Parcel Number: 119 018 – Owner: West Jackson LLC

The community will consist of multiple housing types with traditional home designs to include front entry single family homes, rear load single family homes with alleys, front entry townhomes, and rear entry townhomes with alleys. Example elevations are filed with this Letter of Intent in the attached "Pattern Book". In addition, the project will include a community clubhouse, swimming pool, pickleball courts, community green spaces, a dog park, and accessible natural areas such stream buffers. These open spaces and recreation areas will make up a minimum of 20% of the total site area. We believe our proposed variety of housing types, home designs, and outstanding amenities will be compatible with the surrounding uses, blend harmoniously into the area, and result in a community that will be a great asset to the City of Hoschton.

The community is proposed to be gated with private roads to be maintained by the Homeowner's Association. The road frontages of West Jackson Road, East Jefferson Street/Maddox Road, and Pendergrass Road shall have decorative aluminum picket fences or privacy fences. Property lines abutting EG Barnett road, adjacent subdivisions, and the Sell Farm shall have a 6-foot privacy fence.

Membership in the Homeowner's Association will be mandatory for all residents. In addition to maintaining the roads, amenities, and common areas, it will maintain all landscaping to allow a maintenance free lifestyle and a high aesthetic standard. In attached housing, the exterior maintenance and roof replacement will also be covered by the association.

The project will be developed in phases to be determined as engineering plans progress. Following an approved zoning by the third quarter of 2023, the first phase will likely begin development no later than the first quarter of 2024. The first home closings are anticipated to occur between the fourth quarter of 2024 and the first quarter of 2025. Depending on market conditions, sales should be complete in four to seven years.

Six (6) single family residential lot/unit types and associated amenities and open spaces shall be allowed by the application. The housing types shall be defined and quantified as follows:

**Ordinance Z-23-02 Providence Group PUD**



**Type A: 50' Front Entry Detached Lots**

**Type B: 40' Rear Entry (Alley) Detached Lots**

**Type C: Rear Entry (Alley) Townhomes**

**Type D: Front Entry Townhomes**

**Type E: 60' Front Entry Detached Lots (Lots abutting Brighton Park)**

**Type F: 70' Front Entry Detached Lots (Lots abutting Pendergrass Road (SR 332) and Map/Parcels 113/004, 113/002, and 113/002A)**

**Type G: 40' Front Entry Detached Lots**

TPG shall have the right to make modifications to the site layout and number of each unit type as engineering plans progress with the total unit count not to exceed 334 units.

**Dimensional Requirements**

Each housing type's Dimensional Requirements shall be defined as follows in Exhibits "B-1 – B-6".

**Improvement Requirements**

Improvement Requirements shall be defined as follows in Exhibits "B-1 – B-6".

**Example Elevations/Pattern Book**

Example architectural elevations are depicted in the "Pattern Book" attached as Exhibit "C". Pursuant to the proposed Conditions, final architectural elevations and external finishes shall be approved by the City Council prior to issuance of building permits.

**Conditions of Zoning**

Conditions of Zoning are attached as Exhibit "D".

**Justification for Rezoning and Annexation**

Please find attached letter of Justification for Rezoning and Annexation submitted by Melody Glouton of Anderson, Tate, & Carr, P.C. via email and hand delivery to the City of Hoschton Mayor and City Council on May 11, 2023 as Exhibit "E".



# OLD BUSINESS

## ITEM #3

City Hall and Community Center  
building signs

*Staff Recommendation: Davis Signs*

*\* 10,750.00*

**Jennifer Kidd-Harrison**

---

**From:** Laura Wilson <laura@davissignathens.com>  
**Sent:** Friday, May 26, 2023 11:09 AM  
**To:** Jennifer Kidd-Harrison  
**Subject:** RE: Revised approval for Hoschton City Hall signage.

Jennifer,

The cost for both lettersets on the wall, done with the sturdier metal backer, painted, and with the raised frame as a border is \$10,750.00. Cost includes all materials, labor, tax (if applicable), and our installation.

DANS SIGNS  
- ATHENS



**CUSTOMER:**

City of Hoschton

**DATE:**

12 May 2023

**JOB #:**

**REVISION:**

2

**SALESPERSON:**



**TITLE:**

Exterior Letters

**SIZE:** 14" and 16" letters

**QUANTITY:** 2 lettersets  
1 of each

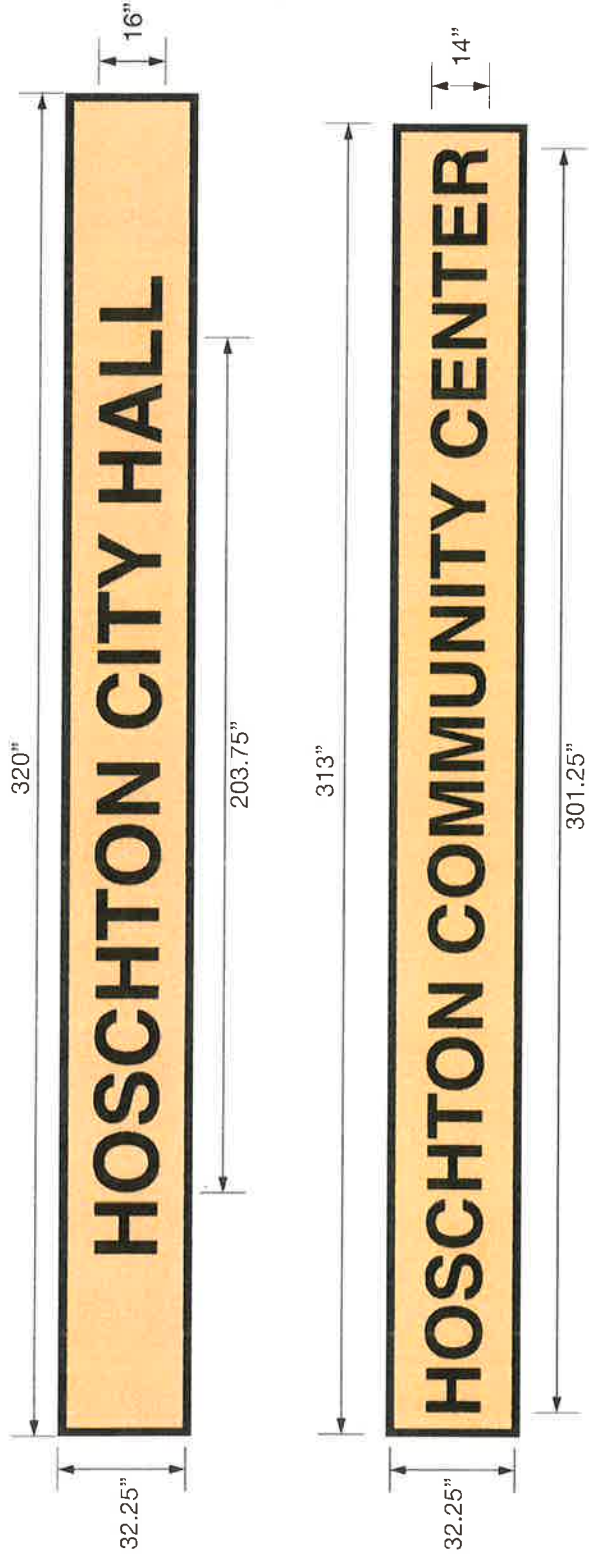
**SIDES:** single

**MATERIAL:**

Black 1/8" aluminum dimensional letters

**COMMENTS:**

Metal backer painted beige to match grout with 1" black frame



Design  
MVP  
1/11/23

# ESTIMATE



752-B Tucker Rd – Winder, GA 30580  
**Billing: PO Box 808 – Hoschton, GA 30548**  
 706-654-0013 Phone – www.InexSign.com

<b>DATE</b>	<b>EST #</b>
06/09/2023	0623-011

<b>BILL TO:</b>	City of Hoschton 79 City Square St, Hoschton, GA 30548
-----------------	--

<b>SERVICE LOCATION:</b>	City of Hoschton 79 City Square St, Hoschton, GA 30548
--------------------------	--

P.O. #	TERMS	SERVICE DATE:		LOCATION
e-mail	See Terms	TBD		JACKSON CO GA
DESCRIPTION		QTY	UNIT PRICE	TOTAL
<b>Item A – Fabrication and installation of one (1) custom building sign for HOSCHTON CITY HALL</b> Overall dimensions: 32" H x 320" L Aluminum pan signs fabricated of 3" thick structural aluminum angle with welded .125 aluminum faces – Raised border out and letters out of 1/4" waterjet cut aluminum 16" letters to read: HOSCHTON CITY HALL 2 color paint – Matthews Acrylic polyurethane with satin finish Sign to include subframe or angle for wall mounting Externally illuminated by existing gooseneck lights		1	\$5,333.00	\$5,333.00
Installation of Item A @ 79 City Square St Hoschton, GA 30548-----		1	\$1,400.00	\$1,400.00
<b>Item B – Fabrication and installation of one (1) custom building sign for HOSCHTON COMMUNITY CENTER</b> Overall dimensions: 32" H x 313" L Aluminum pan signs fabricated of 3" thick structural aluminum angle with welded .125 aluminum faces – Raised border out and letters out of 1/4" waterjet cut aluminum 14" letters to read: HOSCHTON COMMUNITY CENTER 2 color paint – Matthews Acrylic polyurethane with satin finish Sign to include subframe or angle for wall mounting Externally illuminated by existing gooseneck lights		1	\$5,216.00	\$5,216.00
Installation of Item A @ 79 City Square St Hoschton, GA 30548-----		1	\$1,400.00	\$1,400.00
<b>Estimated Sales Tax of Item A----- 7% -----N/A-----</b>				
<b>Permit acquisition &amp; Fees -----N/A-----</b>				
<b>THANK YOU FOR THE OPPORTUNITY TO PROVIDE THIS ESTIMATE!</b>			<b>GRAND TOTAL:</b>	<b>\$13,349.00</b>

**SALE TERMS:**

- Payment Terms: 50% deposit/50% due at time of completion of installation
- Price is good for 10 days.
- Estimated lead time – 6-8 weeks from approval
- Installation price assumes unobstructed access to site. N/A
- Electrical circuit installed at sign locations by customer's electrician – Final connection by Inex Sign Service within 6 feet of electrical circuit. N/A
- Permit & permit fees by owner.
- Credit card payments are subject to a processing fee of 3%.
- Overdue invoices are subject to interest charges calculated at 10% monthly.

**Approved By (Print, Signature, Date):**

**By signing this estimate, customer acknowledges he/she understands and accepts the terms of it.**

Chubby Hippo Signs & Graphics, LLC  
 2784 Sugarloaf Pkwy, Suite 105 Lawrenceville, GA 30046  
 jeremiah@chubbyhipposigns.com  
 (770) 274-4547  
 EIN #: 88-1959549

Tax ID: 308741945  
 http://chubbyhippo.com



**chubby hippo signs**

# Downpayment Invoice # 1143

City Hall Signs

SALES REP INFO Jeremiah Outwater Store Manager jeremiah@chubbyhipposigns.com (770) 274-4547	SALES ORDER DATE Fri, 05/26/2023  TERMS 50/50
---	---

ORDERED BY  
City of Hoschton

CONTACT INFO  
Tiffany Wheeler  
twheeler@cityofhoschton.com  
(706) 654-3034

#	ITEM	QTY	UOM	U.PRICE	TOTAL (EXCL. TAX)
1	<b>Reverse Aluminum Pan Signs "HOSCHTON CITY HALL"</b>	1	Each	\$6,750.00	\$6,750.00

- Custom aluminum pan sign with 2" frame
- Includes mounting inset frame
- Pantone to be chosen to match grout of the brick and roof trim
- 32.25" x 320" overall size

**Router-Cut Aluminum Letters  
Dimensional Letters: Aluminum**

- Router-cut sign of 1/8" thick
- Painted black

2	<b>Reverse Aluminum Pan Signs "HOSCHTON COMMUNITY CENTER"</b>	1	Each	\$6,750.00	\$6,750.00
---	---	---	------	------------	------------

- Custom aluminum pan sign with 2" frame
- Includes mounting inset frame
- Pantone to be chosen to match grout of the brick and roof trim
- 32.25" x 313" overall size

**Router-Cut Aluminum Letters  
Dimensional Letters: Aluminum**

- Router-cut sign of 1/8" thick
- Painted black

3	<b>Installation - Bucket Truck Installation: (What is being installed)</b>	1	Hr	\$1,800.00	\$1,800.00
---	--	---	----	------------	------------

- Professional installation, including the use of a

# ITEM

QTY UOM U.PRICE TOTAL (EXCL. TAX)

bucket truck.

- Includes travel time and labor.
- Removal and storage or disposal of existing sign is not included in this total unless otherwise noted.

**Scope of Work:**

- Pick up sign to be installed at manufacturing or storage facility and transport to install location.
- Prepare installation area.
- Mark then drill mounting points as per pattern.
- Install sign using appropriate metal fasteners, sealing each penetration with silicone to prevent water intrusion.
- [If electrical sign is being installed].
  - Make the power connection, providing power supply is within local requirements. If the power supply is not readily available within the local requirements (typically 3' to 6'), the electrical must be connected by a licensed electrical contractor - - hired by the customer unless otherwise agreed.
  - Make sure the sign is lighting.
    - Confirm with onsite representative.
    - Take photos of the sign while illuminated.
- Cleanup work area.
- Take photos of the entire storefront, showing the building from sidewalk to top of roof, and without installation vehicle visible in the photo.
- Save photos for documentation purposes.
- Email completion photos to customer.

Subtotal	<b>\$15,300.00</b>
Sales Tax (0%):	<b>\$0</b>
Paid	<b>\$0</b>
Net Due	<b>\$15,300.00</b>

**Downpayment (50.0 %):** **\$7,650.00**

**Total:** **\$15,300.00**

**SIGNATURE**

**DATE**

All prices are fixed for 30 days from the quotation date. Should there be any changes in the cost, we will advise the customer of any price changes prior to the start of the contract.

A 50% deposit is required with the Sales Order confirmation. Deposits are due prior to commencement of production. Final payment is due when invoices are received unless credit terms have been extended to include NET 30. If payments for past orders are not received within 60 days, we reserve the right to cancel future orders.

We cannot accept responsibility for damages or loss of any kind resulting from the sale, installation, or delivery of our products. Company Name does not accept returns. All products are manufactured to the customer's specifications and cannot be returned for a refund. All sales are final and no return will be accepted.

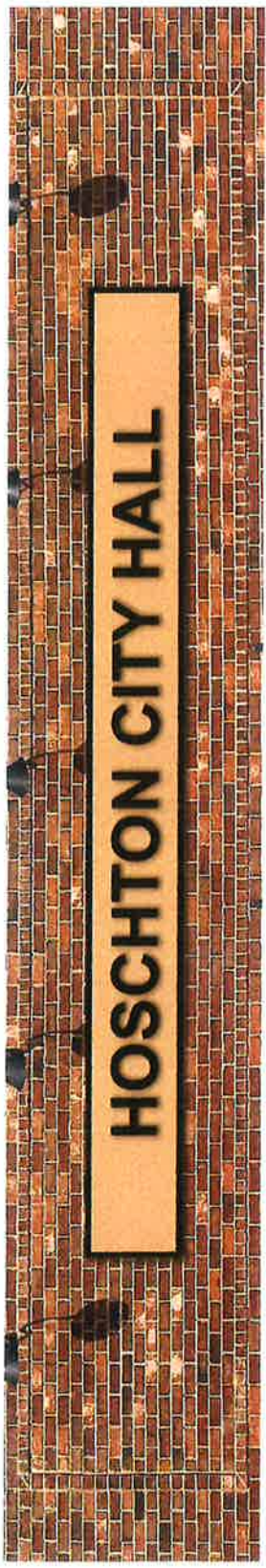
ATE: 06.02.2023

SALES ORDER: 10814

CUSTOMER: City Hall

JOB TITLE: Pan Sign

FRONT VIEW #1



FRONT VIEW #2



MEASUREMENTS



FACE COLORS:  
BLACK  
PANTONE 3596 C



**chubby hippo signs**

DESIGNER: Steven Lawya  
EMAIL: Steven@chubbyhipposigns.com  
PROJECT MANAGER: Jeremiah Outwater  
EMAIL: jeremiah@chubbyhipposigns.com

**Note:**

The enclosed images and layout are the exclusive property of chubby hippo signs and can not be reproduced, distributed or altered in any way without express permission by chubby hippo signs under the penalty of intellectual property rights agreement.  
The colors listed and shown here are representations of the Pantone matching system. Colors will vary between devices and printers. Use a Pantone Color book to view the actual colors that are represented in this document.

**PROOF APPROVAL**

- Approved (OK as is)
- Editing Needed

X \_\_\_\_\_

No Production Will Begin Without A Signed And Dated Copy Of This Document

**Pan Sign with Aluminum Dimensional Letters.**

**COMMUNITY CENTER**

\$6495.

**HOSCHTON COMMUNITY CENTER**

\$6925.



**HOSCHTON CITY HALL**

\$6495

*Gainesville Signs and Graphics.*

# Estimate



**Signs By Tomorrow**  
2550 Atlanta Highway Suite 500  
Gainesville, GA 30504  
ph. 7705346616  
fax 770-534-6605  
email: GainesvilleSales@SignsByTomorrow.com

Estimate: 19660

Printed 8/2/2023 11:51:08AM

Description: **City Hall and Community Center sign project**

Prepared For: Tiffany Wheeler

ph: (706) 654-3034

Company: City of Hoschton

email: twheeler@cityofhoschton.com

Estimate Date: 8/2/2023 11:43:17AM

Dear Tiffany:

Thank you for considering Signs By Tomorrow for your sign needs. We are pleased to present to you the following quotation, which is attached below. This estimate covers only the services outlined below. If the scope of the work changes, approved revisions and additions will be charged accordingly.

The price(s) are subject to sales tax. If you are tax exempt, please furnish us with a copy of your tax-exempt certificate with your deposit check.

Again, thank you for using Signs By Tomorrow.

Sincerely,

Michael Kelly  
Owner

Product	Font	Qty	Sides	Height	Width	Unit Cost	Install	Item Total
1 Miscellaneous		1	1	24	280	\$4,475.00	\$0.00	\$4,475.00
<b>Color:</b> black dimensional copy on panned/painted aluminum backer								
<b>Description:</b> fabricated 2" thick aluminum panned backer panel painted to match building trim; 1/4" thick painted dimensional copy; internal mounting frame								
<b>Text:</b> HOSCHTON CITY HALL								
2 Miscellaneous		1	1	24	300	\$5,275.00	\$0.00	\$5,275.00
<b>Color:</b> black dimensional copy on panned/painted aluminum backer								
<b>Description:</b> fabricated 2" thick aluminum panned backer panel painted to match building trim; 1/4" thick painted dimensional copy; internal mounting frame								
<b>Text:</b> HOSCHTON COMMUNITY CENTER								
3 Installation		1	1	1	1	\$0.00	\$5,975.00	\$5,975.00
<b>Color:</b>								
<b>Description:</b> installation								
<b>Text:</b>								

Notes:

Line Item Total:	\$15,725.00
Tax Exempt Amt:	\$15,725.00
Subtotal:	\$15,725.00
Taxes:	\$0.00
Total:	\$15,725.00

Deposit Required: \$7,862.50

# ARTWORK PROOF

Date: 8/1/2023

**Customer:** City of Hoschton

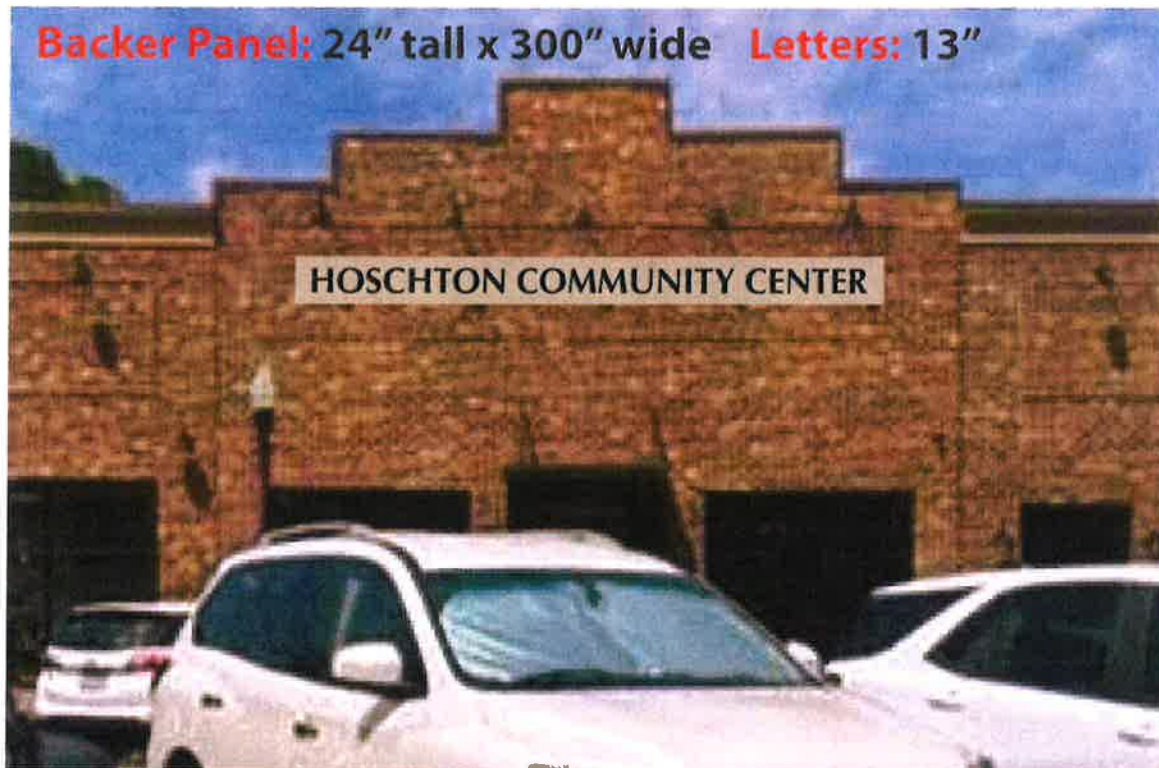
**Material:** Panned Aluminum Backer Panel with 1/4" thick black copy

**Additional Info:** Signs By Tomorrow install onto brick facade

**Backer Panel:** 24" tall x 280" wide **Letters:** 16"



**Backer Panel:** 24" tall x 300" wide **Letters:** 13"



PLEASE VERIFY ALL INFORMATION IS ACCURATE AS PER YOUR ORDER (I.E. SPELLING, MATERIAL, QUANTITY, ETC.). SIGNS BY TOMORROW WILL NOT BE HELD RESPONSIBLE FOR ERRORS ON PRODUCED ORDERS ONCE FINAL APPROVAL OF ARTWORK IS GIVEN.

2550 Atlanta Highway ~ Suite 500 ~ Gainesville, Ga ~ 770-534-6616 ~ [www.signsbytomorrow.com/gainesvillega](http://www.signsbytomorrow.com/gainesvillega)

This Design and Graphic Works is Signs By Tomorrow's Property until Full Payment is Received



# NEW BUSINESS

## ITEM #1

### Booster Pump

(Bidding period ends Monday, 8/14/23—  
will update packet with any submissions  
at that time)

**ADVERTISEMENT FOR BIDS**

**BOOSTER PUMP STATION  
for the  
City of Hoschton**

Sealed bids will be received by the City of Hoschton, Georgia (OWNER), for furnishing all materials, labor, tools, equipment, and any other miscellaneous items necessary for the construction of the Booster Pump Station project in the City of Hoschton, Georgia.

Bids will be received at the City of Hoschton, City Hall, 79 City Square, Hoschton, Georgia, 30548 until 2:00 pm on August 14, 2023. Any bid received after said time and date of bid opening will not be considered by OWNER. Bids will be publicly opened and read aloud at this time and location. All bids will be evaluated by OWNER and the project will be awarded, if it is awarded, within sixty (60) days of the bid opening. If a bidder is not selected within sixty (60) days of the bid opening, any bidder that is determined by the OWNER to be unlikely of being selected for contract award shall be released from their bid.

**The award of this bid proposal, if awarded, shall be based on several criteria, including prices bid, experience in the work proposed, and references. Refer to Article 14 of Section 00100 for criteria and award method.**

The Project consists of, but is not limited to the following major elements:

**Construction of 1 packaged water booster pump station and associated site work, approximately 1,200 LF of 8" PVC waterline, gate valves and fire hydrants.**

Time of completion for all work associated with this project shall be TWO HUNDRED FORTY (240) consecutive calendar days from the date of a written "Notice to Proceed" from OWNER.

Copies of Contract Documents, Specifications, and Construction Drawings may be obtained at the office of Engineering Management, Inc., 303 Swanson Drive, Lawrenceville, Georgia 30043, at no charge.

For general information and purchasing documents regarding this project, you may contact Alexis VanDusen at (770) 962-1387 or email [avandusen@eminc.biz](mailto:avandusen@eminc.biz). For technical questions regarding this project, you may contact Russ Brink at (770) 361 6090, or [rbrink@eminc.biz](mailto:rbrink@eminc.biz).

The Information for Bidders, Bid Proposal Form, Form of Agreement, Drawings, Specifications, and forms of Bid Bond, Performance Bond, Payment Bond, Bidders Qualification Forms, and other Contract Documents may be examined at the following locations:

OWNER:

City of Hoschton/City Hall  
79 City Square  
Hoschton, GA 30548  
706-654-3034 (T)  
706-654-9834 (F)

ENGINEER:

Engineering Management, Inc.  
303 Swanson Drive  
Lawrenceville, GA 30043  
770-962-1387 (T)  
770-962-8010 (F)

*A list of persons who purchased Contract Documents from Engineering Management, Inc. will be available from the Engineer ONLY through facsimile transmission, U.S. Mail, or from their website at [www.eminc.biz](http://www.eminc.biz).*

OWNER requires a bid bond\* or a certified cashier's check in the amount of five percent (5%) of the total bid to be enclosed with the bid at the time of bid opening. Cashier's check will be made payable to the City of Hoschton, Georgia.

The successful bidder will be required to furnish OWNER with Insurance, Workman's Compensation Insurance, and Performance and Payment Bonds\* in the amount of one-hundred percent (100%) of the total bid.

**Each bid must be submitted in a SEALED ENVELOPE**, Booster Pump Station for the City of Hoschton, Georgia". If the bid is forwarded by mail, the sealed envelope containing the Bid must be enclosed in a separate mailing envelope to the attention of the OWNER at the address previously given.

All Bids must be made out on the bid form of the type bound in the Contract Documents, in accordance with the instructions in the Information for Bidders. No interlineation, additions, or deletions shall be made in the proposal form by the BIDDER.

Any and all Bids received without the aforementioned qualification criteria enclosed, will be returned to the BIDDER.

CONTRACTORS and SUBCONTRACTORS bidding on this Project will be required to comply with all Federal, State, and local laws.

OWNER reserves the right to waive any informalities or to reject any or all Bids, to evaluate Bids, and to accept any Bid which in its opinion may be in the best interest of the OWNER. No Bid will be rejected without just cause.

Successful Bidder will be required to perform WORK as the Prime Contractor. WORK performed by Prime Contractor shall be at a minimum 30% of the contract value.

No BIDDER may withdraw his bid within the time limit specified in the Instruction to Bidders (Section 00100).

The OWNER has acquired all necessary State and Federal permits in connection with this project. OWNER has acquired all properties and easements in connection with this project.

This project is funded by the American Rescue Plan Act and has specific bidding and contract requirements as stated in the bid and contract documents.

**\* Surety and insurance companies must have an AM Best rating of A-6 or greater, be listed in the Federal Registry of Companies holding Certificates of Authority and Acceptable Sureties on Federal Bonds, be licensed by the Georgia Insurance Department and the Georgia Secretary of State to do business in the State of Georgia. Surety companies executing Bonds must appear on the Treasury Department's most current list (Circular 570 as amended) For Performance Bonds less than \$300,000 an irrevocable Letter of Credit from a bank as defined in O.C.G.A. Code Section 7-1-4 may be submitted in lieu of a bond. In lieu of a Payment Bond, a Cashier's Check, Certified Check, or Cash may be submitted in an amount not less than the total amount payable by the terms of the CONTRACT.**

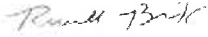
Lauren O'Leary, Mayor  
Hoschton, Georgia

END OF SECTION

**ADDENDUM NO. ONE (1)  
CITY OF HOSCHTON, GEORGIA  
BOOSTER PUMP STATION  
ISSUED JULY 21, 2023**

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**RE:** BOOSTER PUMP STATION  
  
EMI PROJECT No. 22-005  
CITY OF HOSCHTON, GEORGIA

**FROM:** ENGINEERING MANAGEMENT, INC.  
303 SWANSON DRIVE  
LAWRENCEVILLE, GA 30046  
Russ Brink, P.E.  
770-962-1387  


**TO:** PROSPECTIVE BIDDERS

---

**This Addendum forms a part of the Contract Documents and Drawings and modifies the original bidding documents dated March 2023.**

---

The following items of the Contract Documents are modified as part of this Addendum:

**SPECIFICATIONS:**

- Section 16621 Standby Generator and Transfer Switch has been added to the bid documents (see attached) and the Table of Contents will be updated accordingly. A copy is attached.

**CONSTRUCTION DRAWINGS:**

- Sheet E1- Pump Station (see attached revised sheet E1)
  - The generator shall be supplied and installed by the contractor and note 9 has been added to the One Line Diagram Notes.
  - Prewired VFD's are now shown on the pumps.

END OF ADDENDUM NO. 1

# NEW BUSINESS

## ITEM #2

Hoshton Park Lease Agreement

## Jennifer Kidd-Harrison

---

**From:** Ricky J. Sanders <rsanders@jacksoncountygov.com>  
**Sent:** Friday, August 4, 2023 4:48 PM  
**To:** Jennifer Kidd-Harrison  
**Subject:** FW: Proposal Modification Agreement  
**Attachments:** Proposal Mod. #2 Hoschton Park Agreement.pdf

Jennifer, we would like to add the following to the modification of this agreement for the term of lease on West Jackson Park. This will allow us to do some of the Capital upgrades that will be needed in the next few years as WJP will turn 20 next spring.

Under the agreement #2. Term

The new term for the lease of West Jackson Park shall be for a period of <sup>50</sup>~~30~~ years beginning October 1<sup>st</sup>, 2023 and ending on October 1<sup>st</sup> ~~2053~~<sup>2073</sup>. At the end of this agreement, the lease shall automatically renew for another 20 year term provided, however, that either party may terminate this lease by giving written notice to the governing authority of the other party at least six months prior to the expiration of the term of the lease. Such notice shall be in writing, delivered to the County Manager, if the notice is given to the County, and to the Mayor, if the notice is given to the City.

Let me know if this works for you. Thanks, Rick

---

**From:** Alexis VanDusen <AVanDusen@eminc.biz>  
**Sent:** Thursday, July 27, 2023 3:26 PM  
**To:** Gina K. Roy <groy@jacksoncountygov.com>  
**Cc:** Ricky J. Sanders <rsanders@jacksoncountygov.com>; jhayes@cityofhoschton.com  
**Subject:** Proposal Modification Agreement

CAUTION:

Good Afternoon,

Referring this over for Mrs. Jennifer Kidd-Harrison at the City of Hoschton. Attached above is the Proposal Modification number two to Hoschton Park Agreement. Please refer any questions or concerns to Mrs. Kidd-Harrison. [jkidd@cityofhoschton.com](mailto:jkidd@cityofhoschton.com)

**Thank You!**

ALEXIS VAN DUSEN • Administrative Support Coordinator



ENGINEERING MANAGEMENT, INC.  
303 Swanson Dr • Lawrenceville, GA 30043  
Office 770-962-1387  
[avandusen@eminc.biz](mailto:avandusen@eminc.biz) • [www.eminc.biz](http://www.eminc.biz)





## Jen Williams

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**From:** Jennifer Kidd-Harrison  
**Sent:** Thursday, August 10, 2023 3:38 PM  
**To:** Jen Williams  
**Subject:** FW: Proposal Modification Agreement  
**Attachments:** Proposal Mod. #2 Hoschton Park Agreement.pdf

---

**From:** Ricky J. Sanders <[rsanders@jacksoncountygov.com](mailto:rsanders@jacksoncountygov.com)>  
**Sent:** Friday, August 4, 2023 4:48 PM  
**To:** Jennifer Kidd-Harrison <[jkidd@cityofhoschton.com](mailto:jkidd@cityofhoschton.com)>  
**Subject:** FW: Proposal Modification Agreement

Jennifer, we would like to add the following to the modification of this agreement for the term of lease on West Jackson Park. This will allow us to do some of the Capital upgrades that will be needed in the next few years as WJP will turn 20 next spring.

Under the agreement #2. Term

The new term for the lease of West Jackson Park shall be for a period of 30 years beginning October 1<sup>st</sup>, 2023 and ending on October 1<sup>st</sup> 2053. At the end of this agreement, the lease shall automatically renew for another 20 year term provided, however, that either party may terminate this lease by giving written notice to the governing authority of the other party at least six months prior to the expiration of the term of the lease. Such notice shall be in writing, delivered to the County Manager, if the notice is given to the County, and to the Mayor, if the notice is given to the City.

Let me know if this works for you. Thanks, Rick

---

**From:** Alexis VanDusen <[AVanDusen@eminc.biz](mailto:AVanDusen@eminc.biz)>  
**Sent:** Thursday, July 27, 2023 3:26 PM  
**To:** Gina K. Roy <[groy@jacksoncountygov.com](mailto:groy@jacksoncountygov.com)>  
**Cc:** Ricky J. Sanders <[rsanders@jacksoncountygov.com](mailto:rsanders@jacksoncountygov.com)>; [jhayes@cityofhoschton.com](mailto:jhayes@cityofhoschton.com)  
**Subject:** Proposal Modification Agreement

Good Afternoon,

Referring this over for Mrs. Jennifer Kidd-Harrison at the City of Hoschton. Attached above is the Proposal Modification number two to Hoschton Park Agreement. Please refer any questions or concerns to Mrs. Kidd-Harrison. [jkidd@cityofhoschton.com](mailto:jkidd@cityofhoschton.com)

**Thank You!**

ALEXIS VAN DUSEN • Administrative Support Coordinator

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**ENGINEERING MANAGEMENT, INC.**

303 Swanson Dr • Lawrenceville, GA 30043

Office 770-962-1387

avandusen@eminc.biz • www.eminc.biz

Acting Mayor  
Mr. James Lawson

City Manager/Clerk  
Ms. Jennifer Kidd-Harrison



Post 2  
Mr. Tracy Carswell

Post 3  
Ms. Fredria Carter-Sterling

Post 4  
Ms. Debbie Martin

Post 6  
Mr. James Lawson

July 25, 2023

Ms. Gina Roy, Assistant County Manager [groy@jacksoncountygov.com](mailto:groy@jacksoncountygov.com)  
Jackson County Board of Commissioners  
67 Athens Street  
Jefferson GA 30549

Re: Proposed Modification Number Two to Hoschtion Park Agreement

Dear Gina:

The City has recognized a need for a new Public Works Facility to keep up with the increasing demands for public services and has selected an unused portion of the City's Park Property.

Please find attached a proposed modification number two to the original agreement to memorialize the change in use.

As always, should you have questions or concerns, please contact me at any time.

Sincerely,

  
Jennifer Kidd-Harrison City Manager

C: Mr. Ricky Sanders, Director [rsanders@jacksoncountygov.com](mailto:rsanders@jacksoncountygov.com)  
Mr. Joseph Hayes, Public Works Director [jhayes@cityofhoschtion.com](mailto:jhayes@cityofhoschtion.com)

z/projects/23/2303HoschtionPWbldgfs14IGAm0d207252023

Hoschtion City Hall, 79 City Square, Hoschtion, Georgia 30548  
City Hall (706) 654-3034 | Fax (706) 654-9834  
[www.cityofhoschtion.com](http://www.cityofhoschtion.com)

**SECOND MODIFICATION TO  
INTERGOVERNMENTAL LEASE AGREEMENT**

STATE OF GEORGIA  
COUNTY OF JACKSON

**THIS FIRST MODIFICATION TO THE INTERGOVERNMENTAL LEASE AGREEMENT** made and entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2023, by and between Jackson County, acting by and through its Board of Commissioners (hereinafter referred to as "County"), and the City of Hoschton, acting by and through its Mayor and Council (hereinafter referred to as "City");

**RECITALS:**

**WHEREAS**, the County and the City entered into an agreement dated the 19th day of August, 2002 to provide for the operation and improvement of a park located in the City of Hoschton and on property owned by the City, all as more particularly described on Exhibit "A" attached hereto and incorporated herein (hereinafter referred to as the "Hoschton Park" or "Property");

**WHEREAS**, the joint use of the Hoschton Park by the citizens of the County and the City has been beneficial to all parties and their constituents;

**WHEREAS**, the original agreement provided for and specified the use of the property to be for recreational purposes under the terms and conditions set forth in that original agreement, and to mutually agree to provide future access to the park;

**WHEREAS**, the City of Hoschton has identified a need for a new public works facility to ensure the health and wellbeing of the citizenry;

**WHEREAS**, the City has selected an unused portion of the Property for the site of the new public works facility

**WHEREAS**, the City now wishes to authorize the development of the public works facility on the subject property as shown on Exhibit "B" attached;

**WHEREAS** the location of the new public works facility in the Hoschton Park will be beneficial to all parties and their constituents;

**WITNESSETH:**

**WHEREAS**, the County and the City agree to modify Section 3 of the original agreement by extending the "Use of the Property" to include construction, operation and maintenance of the City's Public Works Facility and water and sewer line by the City as shown on exhibit "B" attached hereto. The City shall install and maintain securely locked doors to the building and construct and maintain a minimum six foot (6') high secure fence around the facility with secure lock. The facilities shall be locked at all times when City Personell are not present performing necessary operational functions.

**WHEREAS**, the parties represent and warrant to each other that this Modification to Agreement has been approved by action of their governing bodies in regular or duly called public meetings. This Modification and the original Agreement shall govern the rights and responsibilities of the parties during the initial or any renewal term unless further modified in writing agreed to by all parties.

**IN WITNESS WHEREOF**, the parties hereto have hereunto set their hands and affixed their seals the day and year first above written.

**Jackson County Board of Commissioners**

By: \_\_\_\_\_

Title: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk

(SEAL)

**City of Hoschton**

By: \_\_\_\_\_

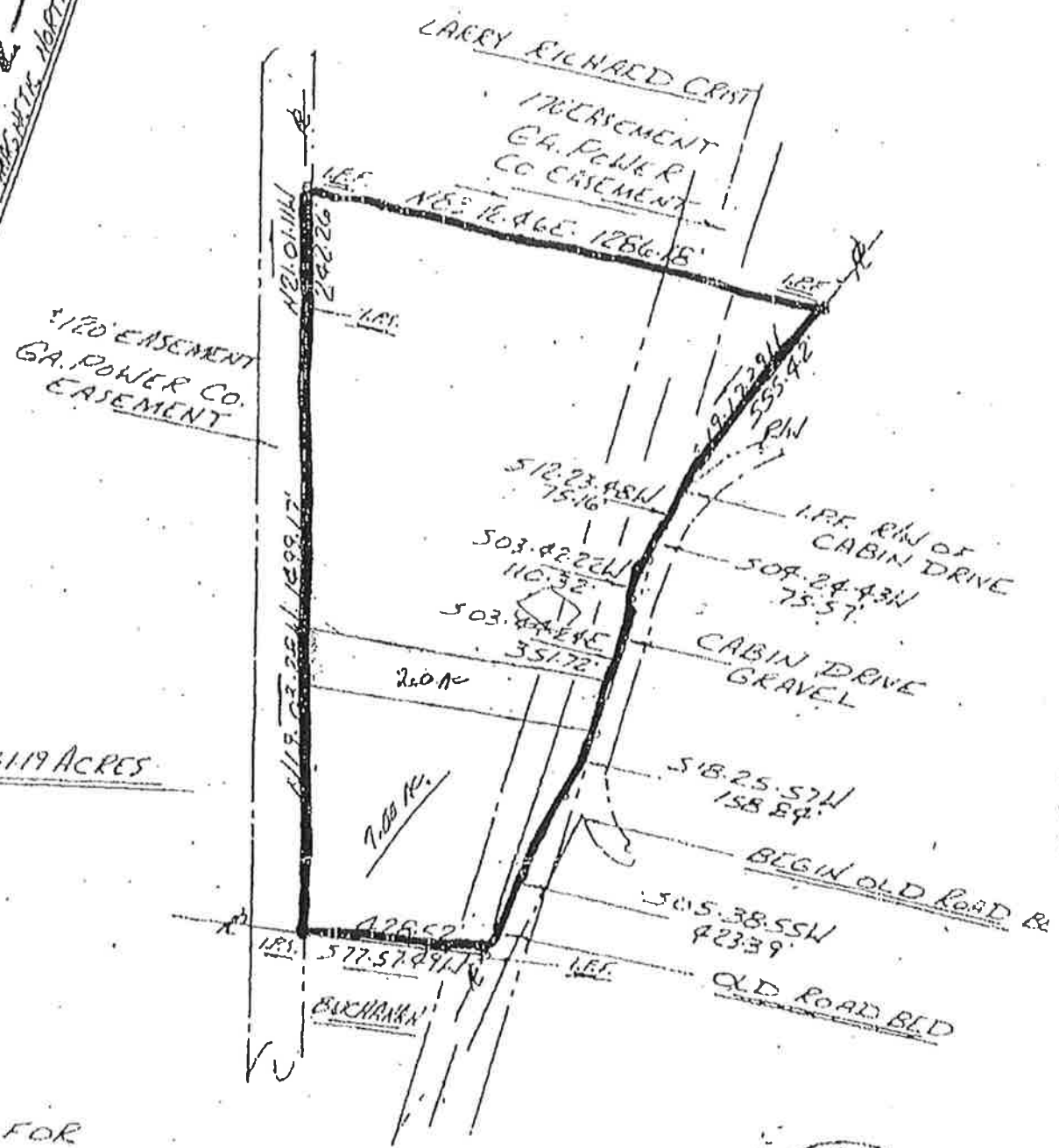
Title: \_\_\_\_\_

Attest: \_\_\_\_\_  
Clerk

(SEAL)

# EXHIBIT A

17.67 ac.

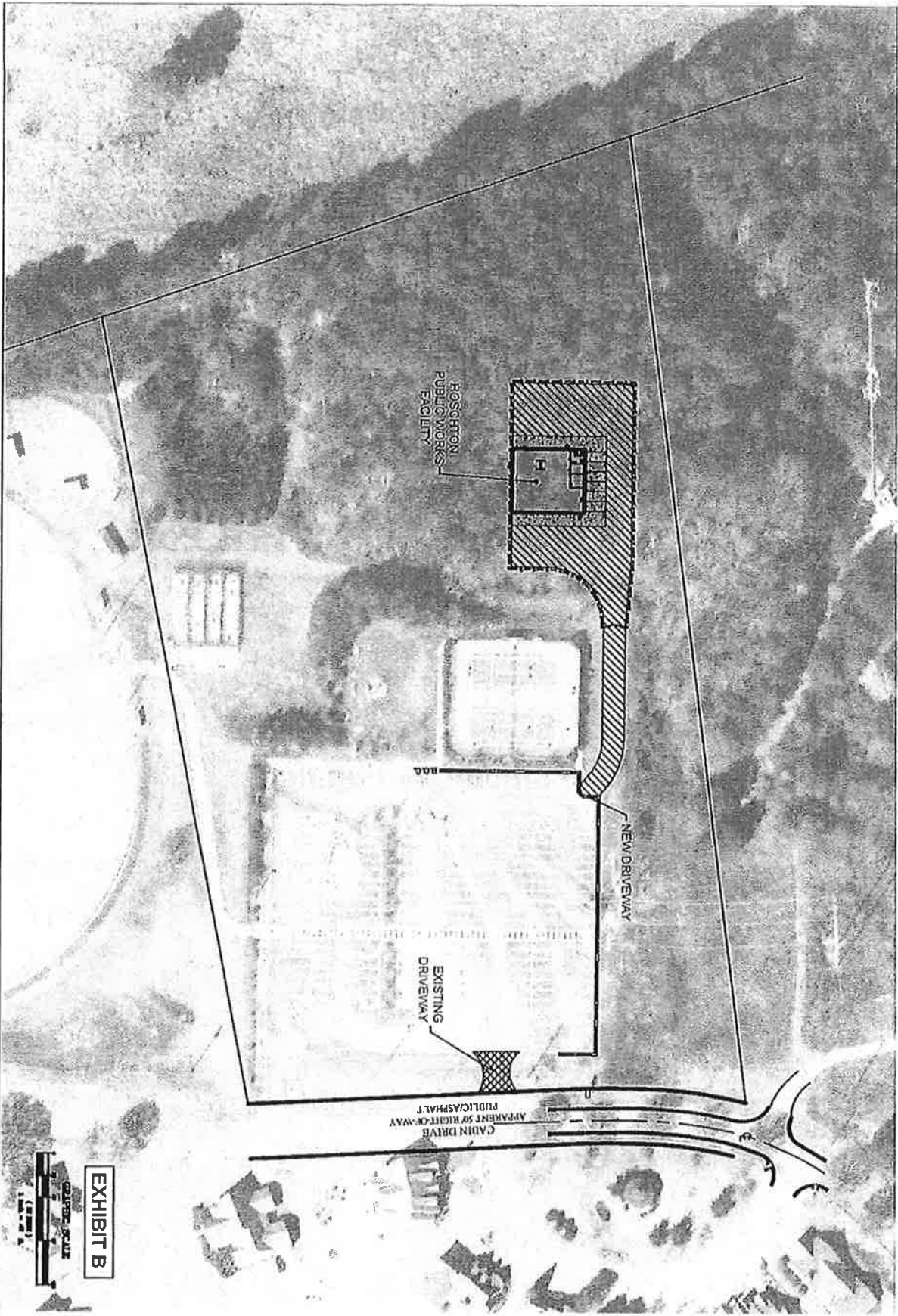


31.19 ACRES

FOR  
 RICHARD CRIST  
 M.D. 1407  
 IN COUNTY, GEORGIA

SCALE: 1:300  
 DATE: 9.24.01





**EXHIBIT B**  
 SCALE  
 1" = 100'

	7/24/2023 DATE	EXHIBIT B SHEET TITLE	<b>PUBLIC WORKS FACILITY</b> CITY OF HOSCHTON		DATE	DESCRIPTION	
	23003 JOB NUMBER				SHEET NO. JH DCS JH	REVISION	

# NEW BUSINESS

## ITEM #3

Millage Rollback



## NOTICE

The City of Hoschton Mayor and Council do hereby announce that the millage rate will be set at a meeting to be held at **65 CITY SQUARE** on August 21, 2023 at 6:00 P.M. and pursuant to the requirements of O.C.G.A. Section 48-5-32 does hereby publish the following presentation of the current year's tax digest and levy, along with the history of the tax digest and levy for the past five years.

### CURRENT 2023 TAX DIGEST AND 5 YEAR HISTORY OF LEVY

<b>INCORPORATED</b>	<b>2018</b>	<b>2019</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
Real & Personal	77,288,888	95,013,791	114,510,452	159,943,097	219,007,512	345,970,203
Motor Vehicles	1,477,720	1,221,410	1,232,880	980,090	980,060	1,270,590
Mobile Homes	21,559	21,521	20,569	17,941	18,961	34,753
Timber - 100%	0	0	0	0	0	0
Heavy Duty Equipment	0	0	0	0	0	0
Gross Digest	78,788,167	96,256,722	115,763,901	160,941,128	220,006,533	347,275,546
Less Exemptions	3,307,675	6,824,732	4,702,939	5,855,077	3,630,657	7,854,731
<b>NET DIGEST VALUE</b>	<b>75,480,492</b>	<b>89,431,990</b>	<b>111,060,962</b>	<b>155,086,051</b>	<b>216,375,876</b>	<b>339,420,815</b>
Gross M&O Millage	3.290	3.080	2.710	2.180	5.440	4.464
Less Rollback (LOST)	3.290	3.080	2.710	2.180	1.940	1.510
<b>Net M&amp;O Millage Rate</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>3.50</b>	<b>2.954</b>
<b>Net M&amp;O Taxes Levied</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>0.00</b>	<b>757,316.00</b>	<b>1,002,650.00</b>
Net Taxes \$ Increase	0.00	0.00	0.00	0.00	757,316.00	345,335.00
Net Taxes % Increase	0.00	0.00	0.00	0.00	100.00%	32.43%

# NEW BUSINESS

## ITEM #4

RFP 23-009

69 City Square

(RFP deadline is Friday 8/11/23—  
will update packet with any  
submissions at that time)

**CITY OF HOSCHTON**  
**REQUEST FOR PROPOSAL**



**RFP No. 23-009**  
**HOSCHTON PROPERTY LOCATED 69 CITY SQUARE**  
**(RESTAURANT SPACE – GREY SHELL)**

Proposal Release: July 24, 2023  
Proposal Questions Deadline: August 9, 2023 @ 3:30 PM  
Proposal Due Date: August 11, 2023 @ 3:30 PM

Postal Return and Courier Delivery Address:  
**City of Hoschton**  
**79 City Square**  
**Hoschton, Georgia 30548**

# CITY OF HOSCHTON

## REQUEST FOR PROPOSAL



RFP No. 23-009

### **HOSCHTON PROPERTY LOCATED AT 69 CITY SQUARE**

Sealed Proposals will be received by the **City of Hoschton, 79 City Square Hoschton, Georgia 30548** until 3:30 PM, Friday, August 11, 2023 for a **Proposal to lease the +/- 2,344 square feet of space contained within the building located at 69 City Square in Hoschton, Georgia**. All parking areas in and around the property will remain as general public parking.

#### **OVERVIEW**

The City of Hoschton, hereinafter also referred to as (“The Authority”) seeks proposals to lease property located at 69 City Square in Hoschton. The building contains approximately 2,344 square feet of interior space. This RFP seeks proposals to utilize the space as restaurant use.

Respondents must provide proposals for 1) How the build-out of the kitchen space would occur 2) Any terms associated with the proposed use of the space 3) Timeline for build-out and business location and 4) The business concept(s) to be located in the retail space. It is anticipated that the lease term will run from September 2023 to September 2026, with renewals by mutual consent. The first three months

lease fee will be waived for move-in, setup, kitchen modifications, etc. Two months lease fee will be required for a security deposit. Successful lessee will be responsible for utility deposits and all utility costs and will be required to maintain general liability and renters insurance satisfactory to the Authority.

**Further details will be included in the Selection Criteria.**

### **PROPOSAL CORRESPONDENT**

Upon Release of this Request for Proposal, all vendor communications concerning this acquisition must be directed to the City Manager/Clerk of The City of Hoschton:

**City of Hoschton**  
Attn: Jennifer Kidd-Harrison  
61 City Square, Hoschton, Georgia 30548  
[jkidd@cityofhoschton.com](mailto:jkidd@cityofhoschton.com)

Unauthorized contact regarding the proposal with other Hoschton City employees may result in disqualification. Any oral communications will be considered unofficial and non-binding on the City of Hoschton. Vendors should rely only on written statements issued by the proposal correspondent.

### **SITE REVIEWS OF THE PROPERTY**

Site reviews of the property may be scheduled by contacting the bid proposal correspondent listed above.

### **PROPOSAL QUESTIONS**

All questions must be submitted in writing to the proposal correspondent named above. Questions must be received by 3:30 PM on August 9, 2023. A list of questions and answers will be provided to all known proposers and by request. Requests may be made to the proposal correspondent named above.

### **PROPOSAL RESPONSE DATE AND LOCATION**

The Authority must receive the vendor's proposal in a sealed envelope, in its entirety, not later than 3:30 PM, local time at the above address on August 11, 2023. Proposals arriving after the deadline will be returned unopened to their senders. All proposals and accompanying documentation will become the property of the City of Hoschton and may not be returned. One (1) original and three (3) copies of this proposal must be submitted to allow for evaluation. Proposals must be clearly marked on the outside of the package:

### **RFP No. 23-009 Hoschton Property located at 69 CITY SQUARE**

Vendors assume the risk of the method of dispatch chosen. The Authority assumes no responsibility for delays caused by any delivery service. Postmarking by the due date will not substitute for actual proposal receipt. Late proposals will not be accepted, nor will additional time be granted to any vendor. Proposals may not be delivered by facsimile transmission or other telecommunication or solely by electronic means.

**Proposal Schedule:**

Proposal Release:	July 24, 2023
Proposal Questions Deadline:	August 9, 2023 @ 3:30 PM
Proposal Due Date:	August 11, 2023 @ 3:30 PM

**WAIVER OF TECHNICALITIES**

All items must meet or exceed specifications as stated by the Authority. The Authority reserves the right to waive any technicalities and to reject or accept any Proposal. Determination of best response to proposal will be the sole judgment of the Authority. Proposals shall remain valid for ninety days for the date of proposal opening.

**PROPOSAL REJECTION**

The Authority reserves the right to reject any or all proposals at any time without penalty.

**MODIFICATION OF PROPOSALS**

Any clerical mistake that is patently obvious on the face of the proposal may, subject to the limitations described below, be corrected upon written request and verification submitted by the proposers. A nonmaterial omission in a proposal may be corrected if the Authority determines that correction to be in the Authority’s best interest. Omissions affecting or relating to any of the following shall be deemed material and shall not be corrected after Proposal opening:

- (1) Price Information; and
- (2) Any required Insurance

**WITHDRAWAL OF PROPOSALS**

Proposals may be withdrawn at any time prior to the proposal opening.

**PROPOSER’S RESPONSIBILITY**

When determining whether a proposer is responsible, or when evaluating a proposal, the following factors may be considered, any one of which will suffice to determine whether a proposer is responsible, or the proposal is the most advantageous to the Authority:

- The ability, capacity and skill of the proposer to perform the contract or provide the equipment and/or service required.
- The character, integrity, reputation, judgment, experience and efficiency of the proposer.
- Whether the proposer can perform the contract within the time specified.

- Evidence of collusion with any other Proposers.
- The proposer has been convicted of a crime of moral turpitude or any felony, excepting convictions that have been pardoned, expunged or annulled, whether in this state, in any other state, by the United States, or in a foreign country, province or municipality. Proposer shall affirmatively disclose to the City all such convictions, especially of management personnel or the proposers as an entity, prior to notice of award or execution of a contract, whichever comes first. Failure to make such affirmative disclosure shall be grounds, in the City's sole option and discretion, for termination for default subsequent to award or execution of the contract.
- If the proposer will be unable, financially or otherwise, to perform the work.
- At the time of the proposal opening, the proposer is not authorized to do business in the Georgia, or otherwise lacks a necessary license, registration or permit.
- Any other reason deemed proper by the Authority.

### **PROPRIETARY PROPOSAL MATERIAL**

Any information contained in the proposal that is proprietary will be neither accepted nor honored. All information contained in this proposal is subject to public disclosure.

### **RESPONSE PROPERTY OF THE AUTHORITY**

All material submitted in response to this request becomes the property of the Authority. Selection or rejection of a response does not affect this right.

### **NO OBLIGATION TO BUY**

The Authority reserves the right to refrain from contracting with or purchasing from any vendor. The release of this proposal does not compel the Authority to enter into a lease agreement.

### **COST OF PREPARING PROPOSALS**

The Authority is not liable for any cost incurred by vendors in the preparation and presentation of proposals and demonstrations submitted in response to this proposal.

### **NUMBER OF PROPOSAL COPIES REQUIRED**

Vendors are to submit one (1) original Proposal and three (3) copies.

### **ADDENDA**

Proposers are responsible to check the City of Hoschton's website for the issuance of any addenda prior to submitting a proposal. The address is <https://cityofhoschton.net/community-documents-and-information/bids>

### **PROPOSAL AWARD AND EXECUTION**

The Authority will select the proposal that, in its sole discretion, is the most responsive and responsible proposal to the Authority. The Authority reserves the right to make any award without further discussion of

the proposal submitted; there may be no best and final offer procedure. Therefore, the proposal should be initially submitted on the most favorable terms the vendor can offer.

The specification may be altered by the Authority based on the vendor's proposal and an increase or reduction of services with the manufacturer may be negotiated before proposal award and execution.

Should the owner require additional time to award the Contract, the time may be extended by the mutual agreement between the Authority and the successful proposer. If an award of a lease agreement has not been made within ninety days from the proposal due date, or within the extension mutually agreed upon, the proposer may withdraw the proposal without further liability on the part of either party.

## **PROPOSAL REQUIREMENTS/EVALUATION CRITERIA**

The Authority will evaluate all written submittals. It is incumbent upon the proposers to demonstrate within their proposals how each requirement will be satisfied. All Proposals must meet the specification as outlined in this Proposal. The Authority reserves the right to investigate the qualifications and experience of the proposers, or to obtain new proposals. Proposals not sufficiently detailed or in an unacceptable form may be rejected by the Authority. Dates and documentation included in the proposal become public information upon opening the proposals. Interested firms must follow the process outlined in the following pages in submitting their proposal.

The following criteria, not listed in order of importance, will be used to evaluate proposals.

- Terms, condition and pricing of purchase or lease agreement. Proposer shall provide their monthly proposed lease amount in the space provided. The lease fee for the first three months will be waived for adequate time for set up, and kitchen build out and move in.
- The financial ability of the proposer.
- Depth of the proposer's experience
- Proposer's Vision Statement for use of the facility

Provide a detailed description of the proposed business concept(s) to be located in the commercial space. Include hours of operation. If the concept is a restaurant, provide detail regarding the types of proposed food and drinks to be offered.

[The remainder of this page was left blank intentionally]



**CITY OF HOSCHTON  
REQUEST FOR PROPOSAL**

RFP No. 23-009

**PROPOSED LEASE AGREEMENT FOR HOSCHTON PROPERTY LOCATED AT 69 CITY SQUARE  
Proposal Certification**

**This form must be completed and signed for the proposal to be considered.**

With my signature, I certify that I am authorized to commit my firm to the proposal and that the information herein is valid for 90 days from this date. I further certify that all information presented herein is accurate and complete and that the scope of work can be performed as presented in this proposal upon the Authority's request.

Proposal Delivery Address: **City of Hoschton  
61 City Square  
Hoschton, Georgia 30548**

**Re: RFP No. 23-009 Hoschton Property located at 69 CITY SQUARE Proposal**

Proposal Response:

\_\_\_\_\_  
\_\_\_\_\_

Monthly Lease fee Proposed: \_\_\_\_\_

Lease Term Proposed if different from above: \_\_\_\_\_

Having read and responded to all attached specifications, the undersigned offers the above quoted prices, terms, and conditions.

Signed, sealed, and delivered.

\_\_\_\_\_

In the presence of:

(Name of Company)

Unofficial Witness

By: \_\_\_\_\_  
(Person authorized to sign binding contract)

Title: \_\_\_\_\_

Notary Public: \_\_\_\_\_

Attest: \_\_\_\_\_  
(Officer of Company if Corporation)

Commission Expires: \_\_\_\_\_

Title: \_\_\_\_\_

# NEW BUSINESS

## ITEM #5

RFP 23-010

4162 Hwy 53, Unit 100

(RFP deadline is Friday 8/11/23—  
will update packet with any  
submissions at that time)

**CITY OF HOSCHTON**  
**REQUEST FOR PROPOSAL**



**RFP No. 23-010**  
**HOSCHTON PROPERTY LOCATED 4162 Hwy 53, Unit 100**  
**Retail or Restaurant Space**

Proposal Release: July 24, 2023  
Proposal Questions Deadline: August 09, 2023 @ 3:30 PM  
Proposal Due Date: August 11, 2023 @ 3:30 PM

Postal Return and Courier Delivery Address:  
**City of Hoschton**  
**61 City Square**  
**Hoschton, Georgia 30548**

# CITY OF HOSCHTON

## REQUEST FOR PROPOSAL



RFP No. 23-010

### **HOSCHTON PROPERTY LOCATED AT 4162 Hwy 53, Unit 100 Retail or Restaurant Space**

Sealed Proposals will be received by the **City of Hoschton, 61 City Square Hoschton, Georgia 30548** until 3:30 PM, Thursday, August 11, 2023 for a **Proposal to lease the +/- 1,700 square feet of space contained within the building located at 4162 Hwy 53, Unit 100 in Hoschton, Georgia.** All parking areas in and around the property will remain as general public parking.

#### **OVERVIEW**

The City of Hoschton, hereinafter also referred to as (“The Authority”) seeks proposals to lease property located at 4162 Hwy 53, Unit 100 in Hoschton. The building contains approximately 1,700 square feet of interior space. This RFP seeks proposals to utilize the space as retail and/ or restaurant use. The building is currently being utilized as office space.

Respondents must provide proposals for 1) How the build-out of the kitchen space would occur 2) Any terms associated with the proposed use of the space 3) Timeline for build-out and business location and 4) The business concept(s) to be located in the retail space. It is anticipated that the lease term will run from September, 2023 to September, 2026, with renewals by mutual consent. The first three months

lease fee will be waived for move-in, setup, kitchen modifications, etc. Two months lease fee will be required for a security deposit. Successful lessee will be responsible for utility deposits and all utility costs and will be required to maintain general liability and renters insurance satisfactory to the Authority.

**Further details will be included in the Selection Criteria.**

### **PROPOSAL CORRESPONDENT**

Upon Release of this Request for Proposal, all vendor communications concerning this acquisition must be directed to the City Manager/Clerk of The City of Hoschton:

**City of Hoschton**  
Attn: Jennifer Kidd-Harrison  
61 City Square, Hoschton, Georgia 30548  
[jkidd@cityofhoschton.com](mailto:jkidd@cityofhoschton.com)

Unauthorized contact regarding the proposal with other Hoschton City employees may result in disqualification. Any oral communications will be considered unofficial and non-binding on the City of Hoschton. Vendors should rely only on written statements issued by the proposal correspondent.

### **SITE REVIEWS OF THE PROPERTY**

Site reviews of the property may be scheduled by contacting the bid proposal correspondent listed above.

### **PROPOSAL QUESTIONS**

All questions must be submitted in writing to the proposal correspondent named above. Questions must be received by 3:30 PM on August 9, 2023. A list of questions and answers will be provided to all known proposers and by request. Requests may be made to the proposal correspondent named above.

### **PROPOSAL RESPONSE DATE AND LOCATION**

The Authority must receive the vendor's proposal in a sealed envelope, in its entirety, not later than 3:30 PM, local time at the above address on August 11, 2023. Proposals arriving after the deadline will be returned unopened to their senders. All proposals and accompanying documentation will become the property of the City of Hoschton and may not be returned. One (1) original and three (3) copies of this proposal must be submitted to allow for evaluation. Proposals must be clearly marked on the outside of the package:

### **RFP No. 23-010 Hoschton Property located at 4162 Hwy 53, Unit 100**

Vendors assume the risk of the method of dispatch chosen. The Authority assumes no responsibility for delays caused by any delivery service. Postmarking by the due date will not substitute for actual proposal receipt. Late proposals will not be accepted, nor will additional time be granted to any vendor. Proposals may not be delivered by facsimile transmission or other telecommunication or solely by electronic means.

**Proposal Schedule:**

Proposal Release:	July 24, 2023
Proposal Questions Deadline:	August 09, 2023 @ 3:30 PM
Proposal Due Date:	August 11, 2023 @ 3:30 PM

**WAIVER OF TECHNICALITIES**

All items must meet or exceed specifications as stated by the Authority. The Authority reserves the right to waive any technicalities and to reject or accept any Proposal. Determination of best response to proposal will be the sole judgment of the Authority. Proposals shall remain valid for ninety days for the date of proposal opening.

**PROPOSAL REJECTION**

The Authority reserves the right to reject any or all proposals at any time without penalty.

**MODIFICATION OF PROPOSALS**

Any clerical mistake that is patently obvious on the face of the proposal may, subject to the limitations described below, be corrected upon written request and verification submitted by the proposers. A nonmaterial omission in a proposal may be corrected if the Authority determines that correction to be in the Authority’s best interest. Omissions affecting or relating to any of the following shall be deemed material and shall not be corrected after Proposal opening:

- (1) Price Information; and
- (2) Any required Insurance

**WITHDRAWAL OF PROPOSALS**

Proposals may be withdrawn at any time prior to the proposal opening.

**PROPOSER’S RESPONSIBILITY**

When determining whether a proposer is responsible, or when evaluating a proposal, the following factors may be considered, any one of which will suffice to determine whether a proposer is responsible, or the proposal is the most advantageous to the Authority:

- The ability, capacity and skill of the proposer to perform the contract or provide the equipment and/or service required.

- The character, integrity, reputation, judgment, experience and efficiency of the proposer.
- Whether the proposer can perform the contract within the time specified.
- Evidence of collusion with any other Proposers.
- The proposer has been convicted of a crime of moral turpitude or any felony, excepting convictions that have been pardoned, expunged or annulled, whether in this state, in any other state, by the United States, or in a foreign country, province or municipality. Proposer shall affirmatively disclose to the City all such convictions, especially of management personnel or the proposers as an entity, prior to notice of award or execution of a contract, whichever comes first. Failure to make such affirmative disclosure shall be grounds, in the City's sole option and discretion, for termination for default subsequent to award or execution of the contract.
- If the proposer will be unable, financially or otherwise, to perform the work.
- At the time of the proposal opening, the proposer is not authorized to do business in the Georgia, or otherwise lacks a necessary license, registration or permit.
- Any other reason deemed proper by the Authority.

### **PROPRIETARY PROPOSAL MATERIAL**

Any information contained in the proposal that is proprietary will be neither accepted nor honored. All information contained in this proposal is subject to public disclosure.

### **RESPONSE PROPERTY OF THE AUTHORITY**

All material submitted in response to this request becomes the property of the Authority. Selection or rejection of a response does not affect this right.

### **NO OBLIGATION TO BUY**

The Authority reserves the right to refrain from contracting with or purchasing from any vendor. The release of this proposal does not compel the Authority to enter into a lease agreement.

### **COST OF PREPARING PROPOSALS**

The Authority is not liable for any cost incurred by vendors in the preparation and presentation of proposals and demonstrations submitted in response to this proposal.

### **NUMBER OF PROPOSAL COPIES REQUIRED**

Vendors are to submit one (1) original Proposal and three (3) copies).

### **ADDENDA**

Proposers are responsible to check the City of Hoschton's website for the issuance of any addenda prior to submitting a proposal. The address is <https://cityofhoschton.net/community-documents-and-information/bids>

### **PROPOSAL AWARD AND EXECUTION**

The Authority will select the proposal that, in its sole discretion, is the most responsive and responsible proposal to the Authority. The Authority reserves the right to make any award without further discussion of the proposal submitted; there may be no best and final offer procedure. Therefore, the proposal should be initially submitted on the most favorable terms the vendor can offer.

The specification may be altered by the Authority based on the vendor's proposal and an increase or reduction of services with the manufacturer may be negotiated before proposal award and execution.

Should the owner require additional time to award the Contract, the time may be extended by the mutual agreement between the Authority and the successful proposer. If an award of a lease agreement has not been made within ninety days from the proposal due date, or within the extension mutually agreed upon, the proposer may withdraw the proposal without further liability on the part of either party.

### **PROPOSAL REQUIREMENTS/EVALUATION CRITERIA**

The Authority will evaluate all written submittals. It is incumbent upon the proposers to demonstrate within their proposals how each requirement will be satisfied. All Proposals must meet the specification as outlined in this Proposal. The Authority reserves the right to investigate the qualifications and experience of the proposers, or to obtain new proposals. Proposals not sufficiently detailed or in an unacceptable form may be rejected by the Authority. Dates and documentation included in the proposal become public information upon opening the proposals. Interested firms must follow the process outlined in the following pages in submitting their proposal.

The following criteria, not listed in order of importance, will be used to evaluate proposals.

- Terms, condition and pricing of purchase or lease agreement. Proposer shall provide their monthly proposed lease amount in the space provided. The lease fee for the first three months will be waived for adequate time for set up, and kitchen build out and move in.
- The financial ability of the proposer.
- Depth of the proposer's experience
- Proposer's Vision Statement for use of the facility

Provide a detailed description of the proposed business concept(s) to be located in the commercial space. Include hours of operation. If the concept is a restaurant, provide detail regarding the types of proposed food and drinks to be offered.

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**CITY OF HOSCHTON  
REQUEST FOR PROPOSAL**

RFP No. 23-010

**PROPOSED LEASE AGREEMENT FOR HOSCHTON PROPERTY LOCATED AT 4162 HWY 53,  
UNIT 100**

**Proposal Certification**

**This form must be completed and signed for the proposal to be considered.**

With my signature, I certify that I am authorized to commit my firm to the proposal and that the information herein is valid for 90 days from this date. I further certify that all information presented herein is accurate and complete and that the scope of work can be performed as presented in this proposal upon the Authority's request.

Proposal Delivery Address:                   **City of Hoschton  
61 City Square  
Hoschton, Georgia 30548**

**Re: RFP No. 23-010 Hoschton Property located at 4162 Hwy 53, Unit 100**

Proposal Response:

\_\_\_\_\_

\_\_\_\_\_

Monthly Lease fee Proposed: \_\_\_\_\_

Lease Term Proposed if different from above: \_\_\_\_\_

Having read and responded to all attached specifications, the undersigned offers the above quoted prices, terms, and conditions.

Signed, sealed, and delivered.

In the presence of:

\_\_\_\_\_ (Name of Company)

Unofficial Witness

By: \_\_\_\_\_  
(Person authorized to sign binding contract)

Title: \_\_\_\_\_

Notary Public: \_\_\_\_\_  
Commission Expires: \_\_\_\_\_

Attest: \_\_\_\_\_  
(Officer of Company if Corporation)

Title: \_\_\_\_\_

# NEW BUSINESS

## ITEM #6

Request to initiate amendments to  
subdivision regulations and zoning  
ordinance



**Jerry Weitz & Associates, Inc.**  
**Planning & Development Consultants**

1225 Rucker Road, Alpharetta, Georgia 30004  
Phone: (404) 502-7228 E-Mail: [jweitz@bellsouth.net](mailto:jweitz@bellsouth.net)

Growth Management  
Comprehensive Planning  
Zoning & Land Use Regulations  
Land Development Applications  
Expert Testimony  
Zoning Administration

**MEMORANDUM**

TO: Honorable Mayor and City Council, City of Hoschton

FROM: Jerry Weitz, Consulting Planner

DATE: August 7, 2023

RE: **August 17<sup>th</sup> work session discussion item – no action required:** Notice of Intent to initiate amendments to subdivision regulations and zoning ordinance

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This memo is notice of intent at the upcoming work session agenda and opportunity for discussion regarding three land use regulatory amendments that will be advertised for consideration by City Council at its September meetings. The proposals are as follows:

**1. Provision for adoption of an official corridor map (subdivision regulations and comprehensive plan amendment) and adoption of a corridor map.**

An official corridor map is a growth management technique that seeks to reserve pathways for future road connections needed as development occurs. The technique has its origins in Georgia going back to the planning and zoning enabling act of 1957, and the technique has been utilized for more since the 1920s, though it is not that well known. Modern, model enabling statutes were developed by the American Planning Association in its legislative guidebook in the 2000s to utilize this tool. Weitz developed a corridor map requirement as a part of the land use management code for the City of Jefferson in 2004. The 2004 regulation was activated and implemented in 2016 with a zoning ordinance amendment to provide for connecting frontage roads along U.S. Highway 129 (Damon Gause Parkway, also referred to as the Jefferson bypass).

A corridor map establishes point-to-point pathways through certain undeveloped lands where road connectivity is needed. In this sense, it is a precursor to a road or thoroughfare plan. A set of regulations accompanies the corridor map including, most importantly, the requirement for private development to “reserve” a road corridor of specified width and preventing issuance of a development permit in the reserved corridor until the property owner negotiates with the city for the donation, purchase, or acquisition of the road right of way. Also, the general intent is to explore potential at the time of development for the developer to participate in constructing the road. It is not an outright mandate to construct the road at owner/developer cost, but that may be negotiated. The city may participate in funding road (system) improvements called for in the corridor map, as may be negotiated, which would be appropriate in the case of so-called “system” improvements.

The need for this tool is imminent. It is beneficial that this regulation follow immediately given rezoning proposals pending and in the pre-application stage east of SR 53. The corridor map

can be amended as needed to include other road corridor proposals. The regulations are proposed to be included in the subdivision and land development regulations of the city, and the corridor map enabling regulation and corridor map is also proposed to be adopted as a part of the comprehensive plan via amendment in addition to inclusion in the zoning ordinance.

**2. Zoning ordinance amendment authorizing the replacement of a nonconforming manufactured home with a new manufactured home under certain conditions (per requirements of Zoning Procedures Law Amendment (SB 213 adopted in 2023)).**

The General Assembly passed SB 213, which requires local governments to allow under most conditions the replacement of a nonconforming manufactured home with a new (not pre-owned) manufactured home. In Hoschton, it is unlikely to come into play, however. The city has very few manufactured homes and, if written to allow replacement only with a new home from a sales lot or manufactured home dealer (as provided in the law), the cost associated with doing so may also be prohibitive. Nonetheless, it is best that the city amend its nonconforming use provisions of the zoning ordinance to reflect this state law mandate. It will be scheduled for public hearing in September.

**3. Small Cell sites regulation (zoning ordinance amendment).**

Back in 2019 or thereabouts, the General Assembly passed the "Streamlining Wireless Facilities and Antennas Act" (Chapter 66C of Title 36 of the Official Code of Georgia Annotated) to collocate "small wireless facilities" on poles and decorative poles in street rights of ways subject to administrative review. At that time Hoschton discussed preparing an amendment responding to this need, but it was not pursued (maybe because of turnover in planning staff). The city should amend the zoning ordinance to ensure consistency with this law. The adopted community work program of the comprehensive plan specifically recognizes the need to prepare and adopt this amendment and calls for it to be done in 2023.

I will be present at the August work session to answer questions about these amendment. A public notice for September is in the process of being prepared.

# NEW BUSINESS

## ITEM #7

Ordinance 0-23-04

(Amending Code Chapter 21,  
Stormwater Management)

CITY OF HOSCHTON  
STATE OF GEORGIA

ORDINANCE NO. O-23-04

AN ORDINANCE AMENDING THE HOSCHTON CODE OF ORDINANCES, CHAPTER 21, "STORMWATER MANAGEMENT," ARTICLE VI, "MS 4 STORMWATER DEPARTMENT," SECTION 21-306, "STORMWATER SERVICE FEE CHARGES TO BE ESTABLISHED;" AND SECTION 21-309, "STORMWATER SERVICE FEE BILLING, DELINQUENCIES, COLLECTIONS, ADJUSTMENTS;" TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

The City Council of Hoschton hereby ORDAINS as follows:

**Section 1.**

Chapter 21, "Stormwater Management," Article VI, "MS 4 Stormwater Department," Section 21-306, "Stormwater Service Fee Charges to be Established;" is amended as follows:

Section 21-306. Stormwater service fee charges to be established.

The City Council shall establish by resolution **stormwater service fees (SWSFs) charges**, which shall apply **uniformly to property** to provide funding for the cost of providing stormwater services and facilities ~~among improved properties~~ throughout the city. ~~The area of impervious area for each parcel shall be determined from county property appraisal records, aerial images, or both.~~

- ~~1. The unit rate for the SWSF charge shall be established by City Council and based on the square feet of impervious area and assigned a "Tier Classification."~~
2. All ~~p~~Properties will be billed according to the ~~Tier Classification~~ **Stormwater Service Fee** Schedule as shown in the ~~City Schedule of Rates and Fees~~ **adopted by resolution** and on file in the office of the City Clerk and on the City of Hoschton website.

Section 2.

Chapter 21, "Stormwater Management," Article VI, "MS 4 Stormwater Department," Section 21-309, "Stormwater Service Fee Billing, Delinquencies, Collections, Adjustments," paragraph 1, "Billing – Bi-annually" is amended as follows (the remainder of Section 21-309 is unaffected by this amendment:

1. Billing – ~~Bi-a~~**Annually**.
  - A. The billing of Stormwate Service Fee Charges shall be ~~bi~~-annually.

**Ordinance O-23-04**

ATTEST:

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Jennifer Kidd-Harrison, City Clerk

APPROVED AS TO FORM

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Abbott S. Hayes, Jr., City Attorney

# NEW BUSINESS

## ITEM #8

Resolution 23-13

(To adopt a new stormwater  
fee schedule)



CITY OF HOSCHTON  
STATE OF GEORGIA

**RESOLUTION 23-13**

**A RESOLUTION ADOPTING A STORMWATER SERVICE FEE SCHEDULE AND  
REPEALING THE PRIOR FEE SCHEDULE FOR THE SAME PURPOSE**

It is hereby RESOLVED that the following Stormwater Service Fee Schedule, as provided for in Chapter 21, Stormwater Management, Article VI, "MS4 Stormwater Department" of the Code of Ordinances of the City of Hoshton, is hereby adopted. All prior fee schedules for stormwater service fees are hereby repealed.

**STORMWATER SERVICE FEE**

<b>ZONING CLASSIFICATION</b>	<b>TIER</b>	<b>FEE</b>
A: Agricultural District	1	\$50.00
R1: Single-Family Low Density Residential District	1	\$50.00
R2: Single-Family Suburban Residential District	1	\$50.00
R3: Single-Family Moderate Density Residential District	2	\$75.00
R4: Single-Family Urban Residential District	2	\$75.00
MFR: Multiple-Family Residential District	2	\$75.00
PUD: Planned Unit Development	2	\$75.00
OR: Office Residential District	2	\$75.00
MU: Mixed Use District	2	\$75.00
C1: Neighborhood Business District	3	\$100.00
C2: General Commercial/ Highway Oriented District	3	\$100.00
C3: Commercial Motor Vehicles Service and Repair District	3	\$100.00
INST: Institutional District	3	\$100.00
M1: Light Industrial District	4	\$200.00

So RESOLVED, this the 21<sup>st</sup> day of August, 2023.

\_\_\_\_\_  
James Lawson, Acting Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Kidd-Harrison, City Clerk

APPROVED AS TO FORM

\_\_\_\_\_  
Abbott S. Hayes, Jr., City Attorney