

CITY OF HOSCHTON
CITY COUNCIL
MONDAY, NOVEMBER 20, 2023 AT 6:00PM
HOSCHTON COMMUNITY CENTER
65 CITY SQUARE, HOSCHTON



REGULAR MEETING
AGENDA

WELCOME AND CALL TO ORDER

INVOCATION

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

MINUTES APPROVAL

1. October 12, 2023 Public Hearing
2. October 12, 2023 Work Session
3. October 16, 2023 Regular Meeting
4. October 24, 2023 Special Called Meeting

REPORTS BY MAYOR, COUNCIL, AND STAFF

OLD BUSINESS

1. **Resolution 2023-14:** A Resolution Amending the Comprehensive Plan to adopt an "Official Corridor Map" as a part of the transportation component/chapter so as to designate land to be reserved for the construction of future or improvement of existing transportation facilities, including streets, highways, bikeways, sidewalks, and multi-use trails. *[Continued from October 16, 2023 meeting]*
2. **Ordinance O-23-05:** An Ordinance Amending the Subdivision and Land Development Ordinance, Article VI, "Access and Design Requirements for Roads," Section 602, "Conformance to Adopted Major Thoroughfare and Other Plans" to provide reference to a new code section and to provide reference to an official corridor map; and to amend Article IX, "Development Plans and Permits," to add a new Section 910, "Official Corridor Map." *[Continued from October 16, 2023 meeting]*

NEW BUSINESS

1. **Z-23-12 Rezoning:** Horace J. Healan, applicant and property owner, seeks to rezone 1.09 acre fronting approximately 247 feet on the north side of Pendergrass Road (SR 332) across from the intersection of Pendergrass Road and Towne Center Parkway (Map/Parcel 120/018) from A

(Agricultural District) to C-1 (Neighborhood Business District). Proposed use: Office / Business.
(Consulting Planning Staff Recommendation: Approval)

2. **SPLOST Payments:** Authorization to use \$100,000.00 out of SPLOST (Rec) Fund towards the basketball courts currently under construction and to use the remaining \$512,531.03 SPLOST 6 balance towards payoff of GEFA loan #2013L27WQ. (Mayor and Council approval needed in conjunction with the SPLOST Committee.)
3. Authorization to use \$1,179,479.97 from Expansion Account to pay the remaining balance of GEFA loan #2013L27WQ. (Loan payoff pending SPLOST Committee approval.)
4. **Resolution 2023-25:** A Resolution Adopting A Prohibition For A One-Year Period On The Filing And Processing Of Applications For Annexation Of Land And Associated Zoning Applications Involving Residential Development Of Eight Dwelling Units Or More; Adopting A Prohibition For A One-Year Period On The Filing And Processing Of Applications To Rezone Land Already In The City Limits To A PUD, Planned Unit Development District Or MFR, Multi-Family Residential District Or To Any Other Zoning District That Would Authorize Construction Of Eight Or More Dwelling Units; And For Other Purposes
5. Authorization to initiate amendments to the zoning ordinance, subdivision and land development ordinance, and the city's code of ordinance as necessary to establish a planning and zoning commission and assign various functions to the commission relative to zoning and subdivision applications.
6. **Resolution 2023-24:** Designation of Hoschton Jingle Mingle pursuant to Section 40-144 of the Hoschton City Code.
7. Authorization to update signers on bank accounts.

ADJOURN

CITY OF HOSCHTON
CITY COUNCIL
THURSDAY, OCTOBER 12, 2023 AT 6:00PM
HOSCHTON COMMUNITY CENTER
65 CITY SQUARE, HOSCHTON



PUBLIC HEARING
DRAFT MINUTES

WELCOME AND CALL TO ORDER
At 6:01pm by Acting Mayor James Lawson

INVOCATION
By City Attorney Abb Hayes

PLEDGE OF ALLEGIANCE
By Rodney Cato

AGENDA APPROVAL
Motion to approve with no changes by Councilmember Fredria Sterling, seconded by Councilmember Tracy Carswell, and all in favor

NEW BUSINESS:

1. **V-23-04 Variance:** STS Properties, by Scott Phillips, seeks a variance to the Hoschton zoning ordinance, Article VI, "Specific Use Provisions," Section 6.105, "Self-Service Storage Facility," and Section 6.60, "Fences and Walls," to: increase the maximum height of a self-service storage facility from 12 feet to 17 feet; to increase the maximum length of a self-service storage building from 200 feet to 250 feet; to reduce the required setback for fences along a side and rear property line from 20 feet to 0 feet; to reduce the required setback for fences along a front property line to 10 feet from the right of way of State Route 53 and 25 feet from the right of way of Pearl Industrial Avenue; and to reduce the required setback from a right of way for a gate from 20 feet to 15 feet, for 2.60 acres zoned M-1 (Light Industrial District) fronting on the east side of State Route 53 and the south side of Pearl Industrial Avenue (Map/Parcel 113/027). Proposed use: climate-controlled self-service storage facility. *[Planning staff recommendation: approval]*

Abb Hayes read the details of the application. Dr. Jerry Weitz explained that the components of the request mostly concerned setbacks and that the staff recommendation is for approval.

Public Comments:

Sharon Lunday, 213 Chatuge Drive, asked if the proximity of the project to S.R. 53 would be an issue if the highway was widened in the future. [Dr. Weitz responded that future widening might only impact a fence, so it should not be a problem.] Ms. Lunday then asked if there was any discussion about the appearance of the building. [Dr. Weitz replied that the applicant has agreed

to put brick on all four sides of the building, even though that is not a requirement in an area zoned "light industrial."

Nicholas Sutton, 51 Main Street, stated that his worry is the nearness of the business to the road.

2. **Z-23-08 Rezoning:** Southeastern Property Acquisitions, LLC, applicant, Davis Automotive, LLC, property owner, seeks to rezone 1.80 acres fronting on the east side of State Route 53 (Map/Parcel 120/013J) approximately 225 feet south of Towne Center Parkway from M-1 (Light Industrial District) to C-2 (General Commercial/ Highway Oriented District). Proposed use: retail shopping center. *[Planning staff recommendation: approval conditional]*
3. **Z-23-09 Rezoning:** Southeastern Property Acquisitions, LLC, applicant, Ryan Langford, property owner, seeks to rezone approximately 2.45 acres fronting on the east side of State Route 53 (Map/Parcels H01/022 and H01/023) from C-1 (Neighborhood Business District) to C-2 (General Commercial/ Highway Oriented District). Proposed use: retail shopping center. *[Planning staff recommendation: approval conditional]*
4. **Z-23-10 Rezoning:** Southeastern Property Acquisitions, LLC, applicant, Ryan Langford and Michael Bagwell, property owners, seek to rezone approximately 1.43 acres (part of H01/024A and part of H01/024) fronting on the east side of State Route 53 approximately 770 feet south of Towne Center Parkway from C-2 (General Commercial/ Highway Oriented District) to C-3 (Commercial Motor Vehicle Service and Repair District). Proposed use: retail gas station *[Planning staff recommendation: approval conditional]*
5. **Z-23-11 Rezoning:** Southeastern Property Acquisitions, LLC, applicant, Michael Bagwell, property owner, seek to rezone approximately 9.33 acres (Map/Parcel 120/017C) between State Route 53 and Regent Park and north of Merchant's Park Drive from M-1 (Light Industrial District) to C-2 (General Commercial/ Highway Oriented District). Proposed use: retail shopping center *[Planning staff recommendation: approval conditional]*.
6. **CU 23-01 Conditional Use:** Southeastern Property Acquisitions, LLC, applicant, Michael Bagwell, property owner, seek a conditional use for a big box retail building (i.e., individual tenant occupying more than 60,000 square feet) in a C-2 (General Commercial/ Highway Oriented District) and C-3 (Commercial Motor Vehicle Service and Repair District) on property fronting on the east side of State Route 53 across from Peachtree Road (approximately 16.52 acres) (Map/Parcel 120/017C, Map/Parcel 120/024D, and H01/024B and part of H01/024) *[Planning staff recommendation: approval conditional]*

Dr. Weitz explained that Items 2-6 go together, and the project is for a shopping center development with a major grocer. The grocer is around 118,000 square feet and our zoning ordinance states that any building over 60,000 square feet requires a conditional use permit in a highway-oriented commercial zoning district. The project also includes a fueling center, which requires C-3 zoning as it has an auto-related use. Planning staff recommendation is for approval on each of the items, with conditions.

Paul Xhajanka of Southeastern Associates and Ali Daughtry of Robertson Loia Roof, Architects & Engineers spoke on behalf of the developer and presented a slideshow to Council. (Slides attached as Exhibit "A" to these minutes.) The initial target for outparcels is sit-down

restaurants, followed by other restaurants. The project has been approved by Kroger. The developer will be installing a traffic signal at the intersection of S.R. 53 and Peachtree Road which shall be constructed concurrently with the Kroger construction. The Kroger building elevations are a brand-new design. The fuel center will have the short side of the canopy parallel to S.R. 53 and muted colors to match the store exterior. Construction would begin in August of 2024, with the grand opening estimated for October 2025. The building would be similar in size to the new Marietta Kroger store and the new store in Forsyth County. Store and fuel center hours would be 6:00am-11:00pm.

Public Comments in Support (Items #2-6):

Tina Brown, 205 Quail Run, asked if the multi-use path would be asphalt or concrete. [Kroger: asphalt] Ms. Brown asked if Kroger abandoned the project, would the conditional zoning allow for other auto-related uses on the parcel where the fuel center is planned. [No, the zoning would only allow C-2 uses and a fuel canopy.] Ms. Brown asked the council if they would start explaining to the citizens their positions on projects/items brought before them. The city has approved a lot of new residential developments that come with lots of expenditures on infrastructure and services, so it is important to increase commercial development to generate revenue other than property taxes. The Kroger development would be better than the current M-1 light industrial zoning and a stable business like Kroger is better than more residential.

Rodney Cato, 140 Hawthorn Way, stated that he believes the development would be good for the city.

David Black, 113 Rabun Court, asked if building plans have been presented to the city. [Dr. Weitz responded that he has not see them; that will come after zoning approval.]

David Brown, 556 Cumberland Trail, asked about the signage that will be at the road. [Developer rep. responded that a 25-foot monument sign is planned.] Will there be a golf-cart path? [A multi-use path is planned.] What kind of landscaping will be required? [The developer will work within the parameters of the city ordinances; no variance has been requested for landscaping.]

Ace Acevedo, 100 Powell Court, mentioned a concern about two grocery stores close together; has a traffic study been conducted? Is there enough business to support two grocery stores? We don't want to end up with vacant buildings. What is the impact on existing businesses?

Public Comments In Opposition (Items #2-6):

Nicholas Sutton, 51 Main Street, questioned the Kroger supply chain; do they use local producers? He also expressed concern about the traffic signal affecting free-flowing traffic on S.R. 53.

Sharon Lunday, 213 Chatuge Drive, shared her concern about light pollution. Will the lights be subtle or bright?

Mayor Lawson asked what the average number of people employed by a Kroger store is. [the equivalent of 150 full-time employees]

Applicant Comments in Response:

- Elevations will be sent over to city hall shortly.
- The developer will follow the sign ordinance, to include one 24-foot and one 12-foot -sign.
- Lighting: intensity of the lights will be softer as they get closer to the street
- Supply Chain: Kroger tries to get local growers when possible
- The fuel center will be well-maintained and meet or exceed all requirements on safety.
- Restaurants will depend on the market; Hoschton could be on the radar already for some restaurants, but Kroger also lets companies know that development is coming so they can test the market.

Chief Hill asked if the plan included installing Flock cameras. [No]

ADJOURN

Motion to adjourn at 7:03pm by Carswell, seconded by Sterling, and all in favor.

ROLL CALL

James Lawson, Acting Mayor
Tracy Carswell, Councilmember
Fredria Sterling, Councilmember

ABSENT

Sam Waites, Councilmember

ALSO PRESENT:

Dr. Jerry Weitz, City Planner
Abbott S. Hayes, City Attorney
Jennifer Harrison, City Manager
Jen Williams, Assistant City Clerk
Media

Approved:

James Lawson, Acting Mayor

Date

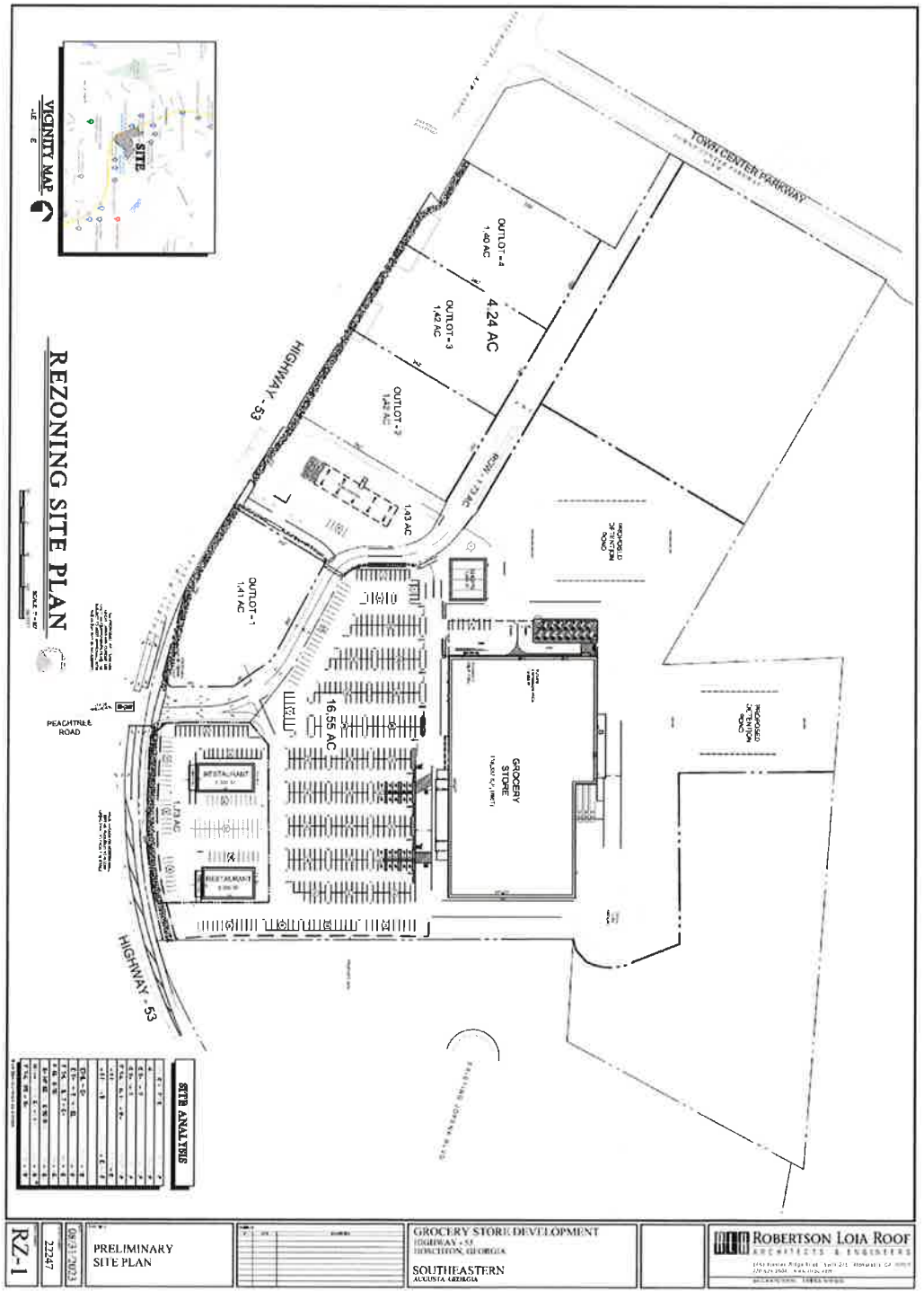
Jennifer Williams, Assistant City Clerk

Kroger Presentation Slides

Exhibit "A"

City of Hoschton,
 City Council Public
 Hearing
 October 12, 2023 @ 6:00 PM

Rezoning: Z-23-08, Z-23-09, Z-23-10, Z-23-11 & CU-23-01



City of Hoschton, City Council Public Hearing

October 12, 2023 @ 6:00 PM

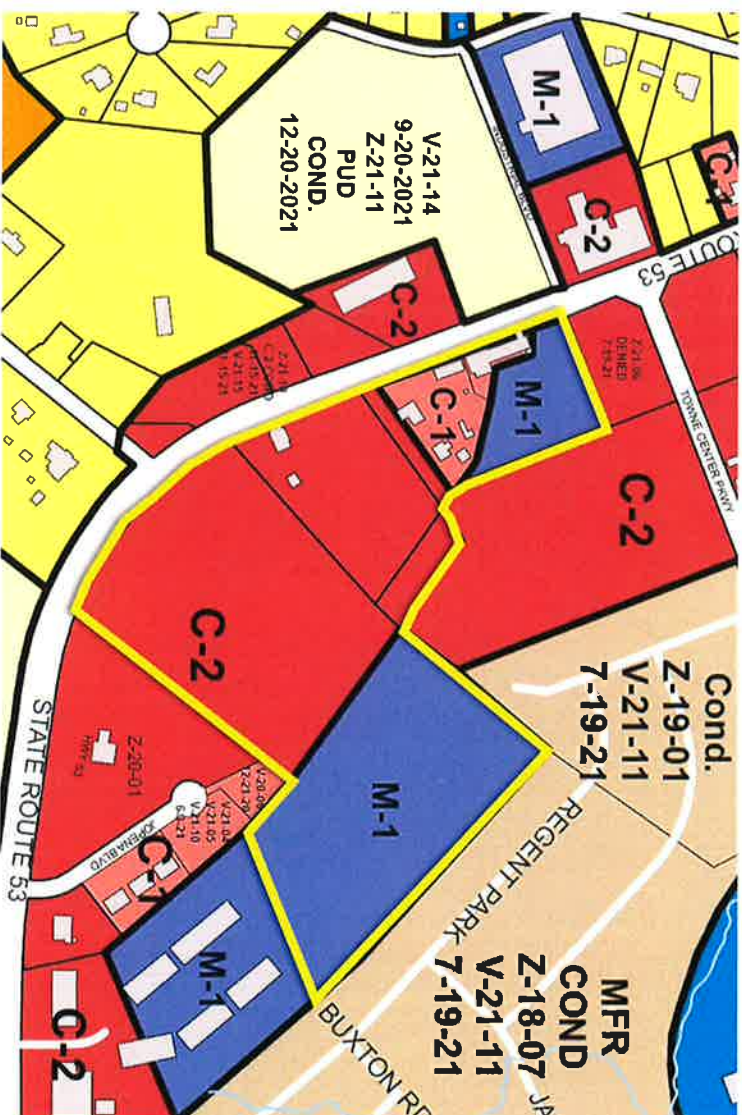
Rezoning: Z-23-08, Z-23-09, Z-23-10, Z-23-11 & CU-23-01



City of Hoschton, City Council Public Hearing

October 12, 2023 @ 6:00 PM

Rezoning: Z-23-08, Z-23-09, Z-23-10, Z-23-11 & CU-23-01



Zoning Map Excerpt

City of Hoschton, City Council Public Hearing

October 12, 2023 @ 6:00 PM

Rezoning: Z-23-09, Z-23-10, Z-23-11 & CU-23-01

Related to Applications: Z-23-08 & Z-23-09, Z-23-10, Z-23-11

We Respectfully Request Amending 'Conditions of Approval' as follows:

- **2) Principal Access:**
 - a. Connects to Towne Center Parkway
 - b. Is constructed to a local commercial street standard that meets city standards for pavement composition and pavement width.
 - c. Is constructed concurrent with development of the subject property and completed prior to the issuance of a certificate of occupancy for a building on the subject property.
 - d. If determined by the city that this principal access should be a public street, whether or not made a part of an official corridor map in the comprehensive plan, the owner/ developer shall dedicate a 50-foot wide right of way at no cost to the city for said public street; provided, however, that if an existing access easement off-site is dedicated to the city as a right of way or can be otherwise legally utilized and is approved by the city for said public street right of way. the owner/developer shall not be required to dedicate the full width of right of way. To be constructed to a local commercial street standard that meets city standards for pavement composition and to the pavement width as shown in the site plan exhibit. City acknowledges that the improvements shown on the site plan attached hereto would satisfy this Condition 2. but that modifications to said site plan are permitted so long as they meet the requirements of this Condition 2.
- **3) Access to SR 53:** (see next slide)
- **4) Multi-Use Path along SR 53:** (see next slide)

City of Hoschton, City Council Public Hearing

October 12, 2023 @ 6:00 PM

Rezoning: Z-23-08, Z-23-09, Z-23-10, Z-23-11 & CU-23-01

Related to Applications: Z-23-08 & Z-23-09, Z-23-10, Z-23-11

We Respectfully Request Amending 'Conditions of Approval' as follows:

- **2) Principal Access:** (see previous slide)
- **3) Access to SR 53:**

Vehicular access to SR 53 from the subject property shall be limited to that authorized by Georgia Department of Transportation (GDOT). The owner shall be required to install road improvements as may be required by GDOT, within applicant's subject property and adjacent ROW, but not property owned by others.
- **4) Multi-Use Path along SR 53:**

The owner/ developer shall construct at no cost to the city an eight-foot-wide multi-use path along the subject property frontage along SR 53, if approved by the Georgia Department of Transportation. Multi-use path may be constructed in phases on a per parcel basis. The path must be completed on a particular parcel (as such parcels may be reconfigured in match the site plan attached hereto) prior to issuance of a certificate of occupancy for each respective parcel, but the failure to complete the pathway on an adjacent parcel shall not prevent the subject parcel from getting a certificate of occupancy. Walkways interior to the site shall connect the principal buildings on site with the multi-use path within the highway right of way.

City of Hoschton, City Council Public Hearing

October 12, 2023 @ 6:00 PM

Rezoning: [Z-23-10, Z-23-11](#)

[Related to Applications; Z-23-10](#)

We Respectfully Request Amending 'Conditions of Approval' as follows:

- **8) Gasoline canopy supports:**

Applicant introducing store elevations to then coordinate its fuel center elevations.

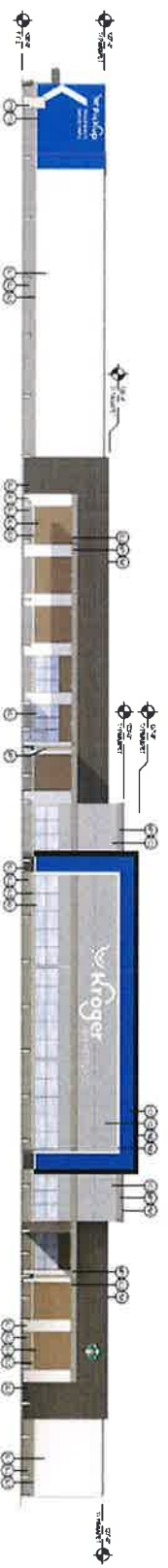
[Related to Applications; Z-23-11](#)

We Respectfully Request Amending 'Conditions of Approval' as follows:

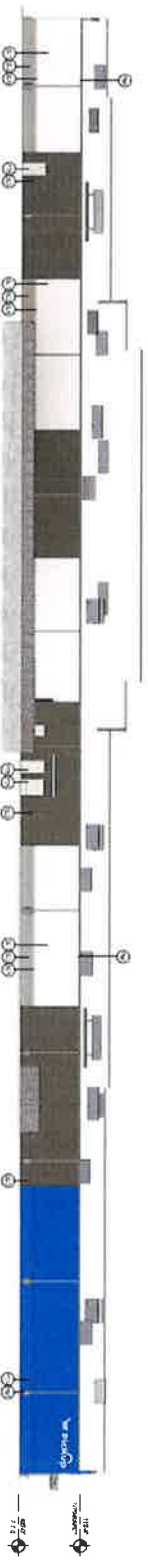
- **3) Building setback and Screening:**

The Applicant shall install a 6' foot tall privacy fence along the rear of the Subject Property along the portion of the property abutting MFR zoning. To the extent permitted by existing easements of record, there shall be a 20-foot minimum building set back and buffer.

REAR ELEVATION
 1. 1/2" = 1'-0"
 2. 1/4" = 1'-0"
 3. 1/8" = 1'-0"
 4. 1/16" = 1'-0"



REAR ELEVATION



FRONT ELEVATION



SIDE ELEVATION



SIDE ELEVATION

- EXTERIOR MATERIALS LIST**
- 1. Concrete Block, 8" Thick, 16" High, 16" Wide
 - 2. Concrete Block, 8" Thick, 16" High, 16" Wide
 - 3. Concrete Block, 8" Thick, 16" High, 16" Wide
 - 4. Concrete Block, 8" Thick, 16" High, 16" Wide
 - 5. Concrete Block, 8" Thick, 16" High, 16" Wide
 - 6. Concrete Block, 8" Thick, 16" High, 16" Wide
 - 7. Concrete Block, 8" Thick, 16" High, 16" Wide
 - 8. Concrete Block, 8" Thick, 16" High, 16" Wide
 - 9. Concrete Block, 8" Thick, 16" High, 16" Wide
 - 10. Concrete Block, 8" Thick, 16" High, 16" Wide
 - 11. Concrete Block, 8" Thick, 16" High, 16" Wide
 - 12. Concrete Block, 8" Thick, 16" High, 16" Wide
 - 13. Concrete Block, 8" Thick, 16" High, 16" Wide
 - 14. Concrete Block, 8" Thick, 16" High, 16" Wide
 - 15. Concrete Block, 8" Thick, 16" High, 16" Wide
 - 16. Concrete Block, 8" Thick, 16" High, 16" Wide
 - 17. Concrete Block, 8" Thick, 16" High, 16" Wide
 - 18. Concrete Block, 8" Thick, 16" High, 16" Wide
 - 19. Concrete Block, 8" Thick, 16" High, 16" Wide
 - 20. Concrete Block, 8" Thick, 16" High, 16" Wide



EXTERIOR ELEVATIONS

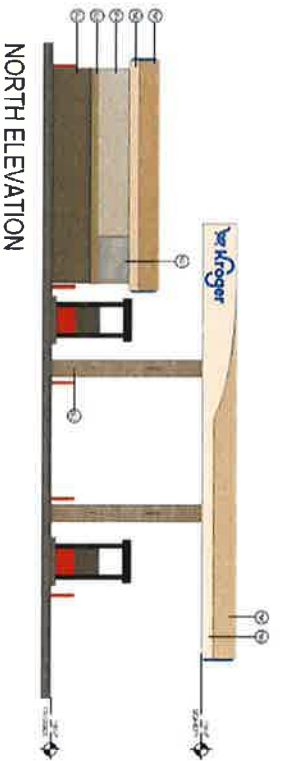
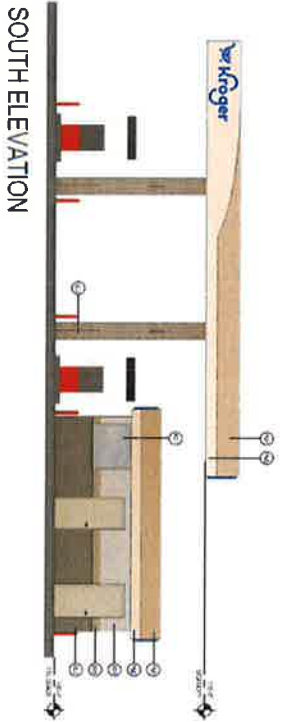
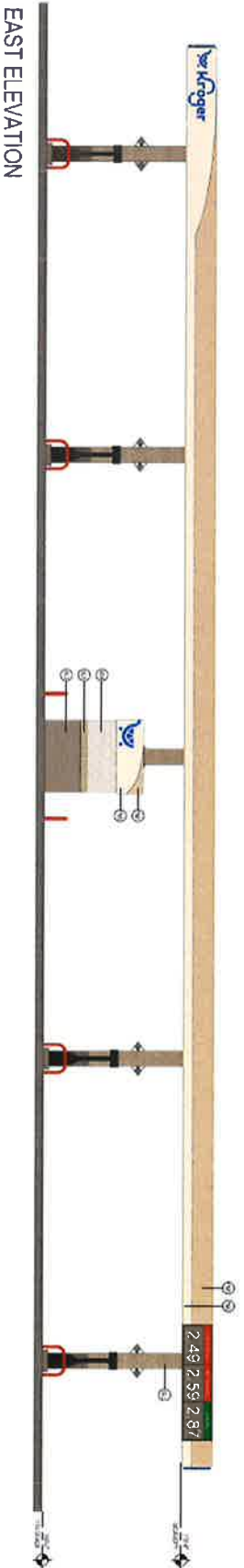
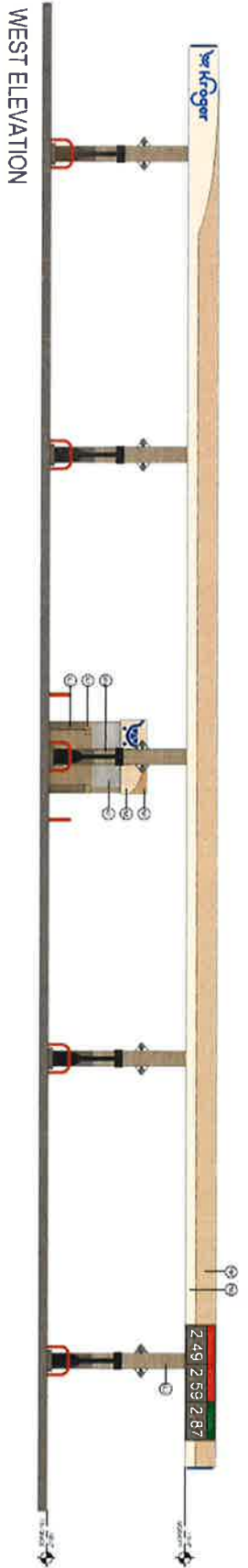
October 9, 2023

KROGER STORE GA686

Hoschton, GA

523349





- EXHIBIT MATERIALS:**
- ① 2x8 Hemlock Siding
 - ② 1/2" OSB Sheathing
 - ③ 1/2" OSB Sheathing
 - ④ 1/2" OSB Sheathing
 - ⑤ 1/2" OSB Sheathing
 - ⑥ 1/2" OSB Sheathing
 - ⑦ 1/2" OSB Sheathing
 - ⑧ 1/2" OSB Sheathing
 - ⑨ 1/2" OSB Sheathing
 - ⑩ 1/2" OSB Sheathing



FUEL CENTER

October 12, 2023

KROGER STORE R529

Mechanicsville, VA



City of Hoschton, City Council Public Hearing

October 12, 2023 @ 6:00 PM

Rezoning: Z-23-08, Z-23-09, Z-23-10, Z-23-11 & CU-23-01

[Related to Application; CU-23-01](#)

We Respectfully Request Amending 'Conditions of Approval' as follows:

- **1) Access and Improvements to SR 53.**
- a. The subject properties shall be provided with a Signalized driveway, private street, or public street that connects to SR 53 and aligns with Peachtree Road as authorized by Georgia Department of Transportation (GDOT). Other driveways or access points to/from the subject properties onto SR 53 shall be as may be approved by Georgia Department of Transportation.
- b. The owner/developer shall at no cost to the city construct the driveway, private street, or public street on the subject property to/from the north side of the intersection of Peachtree Road and SR 53 with two inbound lanes and two outbound lanes, within applicant's subject property and adjacent ROW, and shall exclude property owned by others, unless otherwise approved by GDOT and the city.
- c. The owner/developer shall be required to install road improvements as may be required by GDOT along SR 53 at this proposed intersection, which are expected to include a southbound left-turn lane from SR 53 into the proposed development and a northbound right-turn lane into the proposed development at the intersection of SR 53 and Peachtree Road. Additional right of way within the subject property shall be dedicated to Georgia Department of Transportation if required for road improvements. Applicant shall not be required to obtain or make improvements to property outside the subject property and adjacent public ROWs.
- d. The owner/developer shall design, permit and construct the traffic signalization at the intersection of SR 53 and Peachtree Road concurrently with the development of the subject property. The City will provide all approvals, consents, and other support needed to install traffic signalization at said intersection. The traffic signal is subject to the approval of Georgia Department of Transportation and is subject to a signal warrant analysis justifying the need for the traffic signal. If the traffic signal is not warranted at the time of issuance of a certificate of occupancy for the grocery store or if the traffic signal is otherwise not operational by said date, owner/developer shall contribute \$150,000 to the city for traffic signalization of the intersection of SR 53 and Peachtree Road. Said \$150,000 will be released to owner/developer upon completion of the traffic signalization by owner/developer. If owner/developer fails to complete the traffic signalization, the \$150,000 shall be held by the city until the traffic signal is warranted and spent when warranted for the traffic signal
- e. I added at the end of condition 1e.] City acknowledges that the improvements shown on the site plan attached hereto would satisfy this Condition 1, but that modifications to said site plan are permitted so long as they meet the requirements of this Condition 1.

City of Hoschton, City Council Public Hearing

October 12, 2023 @ 6:00 PM

Rezoning: Z-23-09, Z-23-10, Z-23-11 & CU-23-01

[Related to Applications; CU-23-01](#)

We Respectfully Request Amending 'Conditions of Approval' as follows:

- **2) Secondary Access:**
 - a. Connects to Towne Center Parkway
 - b. Is constructed to a local commercial street standard that meets city standards for pavement composition and pavement width.
 - c. Is constructed concurrent with development of the subject property and completed prior to the issuance of a certificate of occupancy for a building on the subject property.
 - d. If determined by the city that this principal access should be a public street, whether or not made a part of an official corridor map in the comprehensive plan, the owner/ developer shall dedicate a 50-foot wide right of way at no cost to the city for said public street; provided, however, that if an existing access easement off-site is dedicated to the city as a right of way or can be otherwise legally utilized and is approved by the city for said public street right of way, the owner/developer shall not be required to dedicate the full width of right of way. To be constructed to a local commercial street standard that meets city standards for pavement composition and to the pavement width as shown in the site plan exhibit. City acknowledges that the improvements shown on the site plan attached hereto would satisfy this Condition 2, but that modifications to said site plan are permitted so long as they meet the requirements of this Condition 2.
- **3) Access to SR 53:** (see next slide)
- **4) Multi-Use Path along SR 53:** (see next slide)

City of Hoschton, City Council Public Hearing

October 12, 2023 @ 6:00 PM

Rezoning: Z-23-08, Z-23-09, Z-23-10, Z-23-11 & CU-23-01

[Related to Applications; CU-23-01](#)

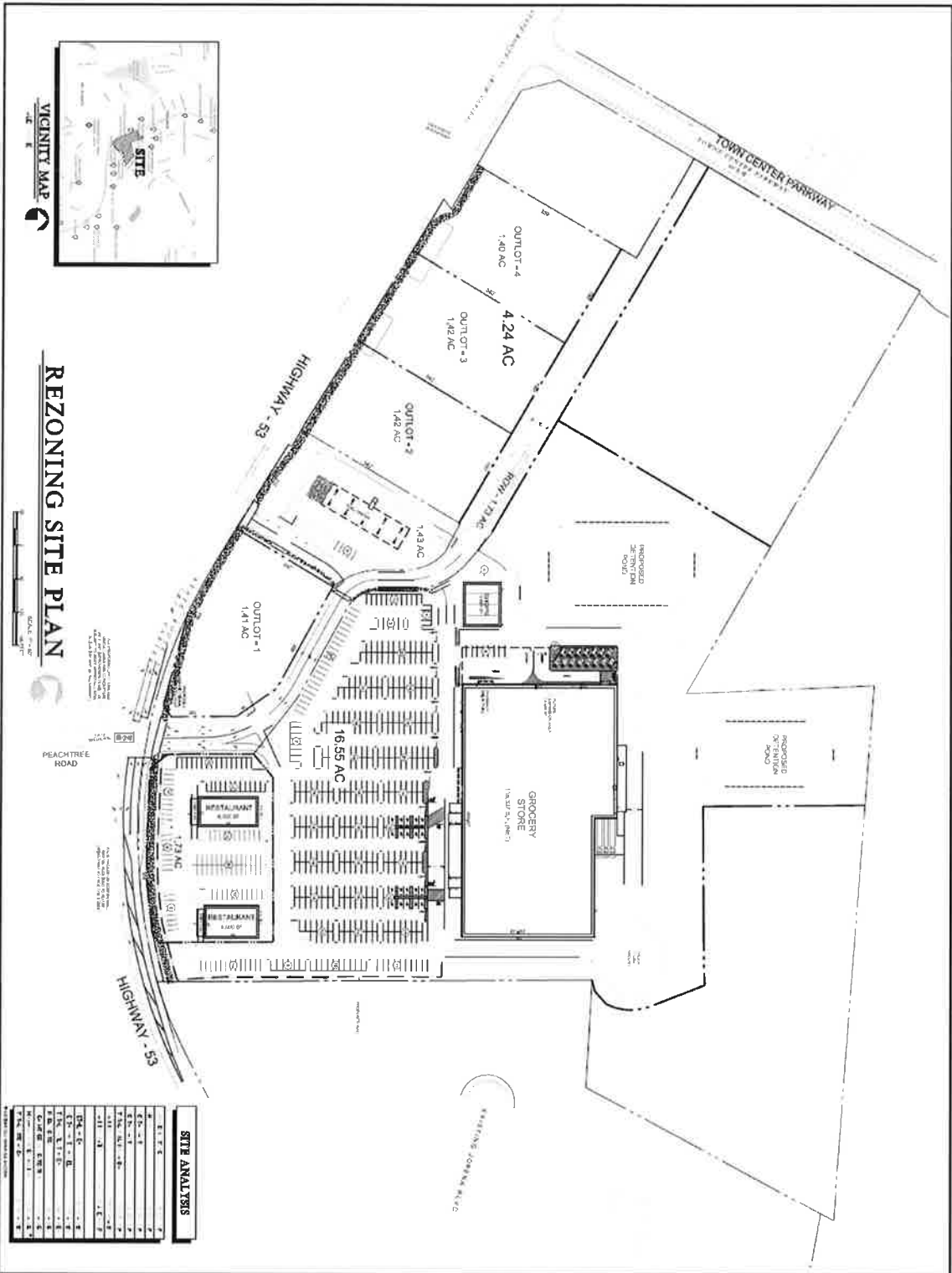
We Respectfully Request Amending 'Conditions of Approval' as follows:

- 2) **Secondary Access:** (see previous slide)
- 3) **Multi-Use Path along SR 53:**

The owner/ developer shall construct at no cost to the city an eight-foot-wide multi-use path along the subject property frontage along SR 53, if approved by the Georgia Department of Transportation. Multi-use path may be constructed in phases on a per parcel basis. The path must be completed on a particular parcel (as such parcels may be reconfigured in match the site plan attached hereto) prior to issuance of a certificate of occupancy for each respective parcel, but the failure to complete the pathway on an adjacent parcel shall not prevent the subject parcel from getting a certificate of occupancy. Walkways interior to the site shall connect the principal buildings on site with the multi-use path within the highway right of way.

- 4) **Building setback:**

The Applicant shall install a 6' foot tall privacy fence along the rear of the Subject Property along the portion of the property abutting MFR zoning. To the extent permitted by existing easements of record, there shall be a 20-foot minimum building set back and buffer.



REZONING SITE PLAN

SITE ANALYSIS

| NO. | DESCRIPTION | AREA (AC) | PERCENTAGE |
|-----|---------------|-----------|------------|
| 1 | OUTLOT-1 | 1.41 | 3.32% |
| 2 | OUTLOT-2 | 1.42 | 3.35% |
| 3 | OUTLOT-3 | 1.42 | 3.35% |
| 4 | OUTLOT-4 | 1.40 | 3.30% |
| 5 | GROCERY STORE | 1.34 | 3.16% |
| 6 | RESTAURANT | 1.43 | 3.39% |
| 7 | RESTAURANT | 1.43 | 3.39% |
| 8 | PARKING | 16.55 | 39.11% |
| 9 | LANDSCAPING | 1.73 | 4.08% |
| 10 | ROADS | 1.41 | 3.32% |
| 11 | UTILITIES | 0.18 | 0.42% |
| 12 | TOTAL | 42.24 | 100.00% |

RZ-1

PRELIMINARY SITE PLAN
08/31/2023
22247

| NO. | REVISION | DATE |
|-----|----------|------|
| | | |

GROCERY STORE DEVELOPMENT
HIGHWAY-53
ROSCOTON, GEORGIA
SOUTHEASTERN
AUSTIN, GEORGIA

ROBERTSON LOIA ROOF
ARCHITECTS & ENGINEERS
165 Peachtree Road, Suite 771, Atlanta, GA 30309
404.525.1100 www.rlr.com

CITY OF HOSCHTON
CITY COUNCIL
THURSDAY, OCTOBER 12, 2023 AT 6:00PM
HOSCHTON COMMUNITY CENTER
65 CITY SQUARE, HOSCHTON



WORK SESSION
DRAFT MINUTES

CALL TO ORDER

at 7:03pm by Acting Mayor James Lawson

AGENDA APPROVAL

Motion to amend agenda to add asphalt repair on Peachtree Road by Councilmember Fredria Sterling, seconded by Councilmember Tracy Carswell, and all in favor.

REPORTS BY MAYOR, COUNCIL, AND STAFF

OLD BUSINESS

- 1. 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*] *Continued from September 18, 2023 Meeting*

Dr. Jerry Weitz explained that The City received notification by email that The Providence Group is back in on this application. Planning staff recommendation: Approval with conditions

- 2. Z-23-06 Rezoning:** G.P.'s Enterprises, Inc., applicant and property owner, by Charles "Chuck" Ross, seeks to rezone property (Map/Parcels 113/030 and 113/018) (54.99 acres) fronting on the north side of State Route 53, the east and west sides of Nancy Industrial Drive, and the end of Amy Industrial Lane from M-1 (Light Industrial) District to PUD (Planned Unit Development) District. Proposed use: Mixed use planned unit development consisting of 712 (360 apartments and 352 fee simple townhouse) units and 63,000 square feet of retail, restaurant, office and civic space. (Development of Regional Impact # 4047). *[Planning staff recommendation: Denial] [Continued from September 18, 2023 Meeting]*

No comments made

- 3. Resolution 2023-14:** A Resolution Amending the Comprehensive Plan to adopt an "Official Corridor Map" as a part of the transportation component/chapter so as to designate land to be reserved for the construction of future or improvement of existing transportation facilities, including streets, highways, bikeways, sidewalks, and multi-use trails. *[Continued from September 18, 2023 Meeting]*

Dr. Weitz explained that there has been no further discussion from Council regarding any changes/the community opposition to aspects of his proposal, but he wanted to let Council know that the decision on the Corridor Map does not have to be all or nothing. Council may elect to approve some roads, but not others, deny the entire map, or approve the entire map as-is.

- 4. Ordinance O-23-05:** An Ordinance Amending the Subdivision and Land Development Ordinance, Article VI, "Access and Design Requirements for Roads," Section 602, "Conformance to Adopted Major Thoroughfare and Other Plans" to provide reference to a new code section and to provide reference to an official corridor map; and to amend Article IX, "Development Plans and Permits," to add a new Section 910, "Official Corridor Map." *[Continued from September 18, 2023 Meeting]*

(This item is presented in conjunction with Resolution 2023-14, so the previous comments by Dr. Weitz pertain to both.)

NEW BUSINESS

- 1. Resolution 2023- 21** Adoption of the Comprehensive Plan, 2023 Annual Update of Capital Improvements Element and Community Work Program and for Other Purposes

Dr. Weitz explained that a Public Hearing was held on this matter in June/July 2023. At that time, Council authorized the submittal of the plan to the region and state for review. The update meets the standard, so the City is free to adopt it. There is a deadline of October 31st to approve this update.

2. Resolution 2023-22 To Approve Final Design of Mulberry Park

The \$500,000 grant for Mulberry Park should be finalized in February 2024. Because the existing home on the property is historic, the City must be more thorough in the design concept before the final grant submission.

3. Temporary Alcohol Special Event Permit—Sperata LLC

“A Taste of Italy” October 29th 5:00-9:00pm at the Hoschton Community Center

4. Oak Street Pocket Park Project

DDA made a recommendation to award the project to Paramount Landscape Group, but City Manager Jennifer Harrison asked that the Council table this item until January when the new councilmembers are in place.

5. Consideration of 2024 Budget (discussion only- no action required- scheduled for vote at Regular Meeting in November)

The proposed budget is available to be viewed in City Hall and on our website, www.cityofhoschton.com. Councilmembers will be meeting with the finance director in the coming weeks to go over the budget.

6. Sunbelt Asphalt Repair

This repair would fix a portion of Peachtree Road where the tree roots have damaged the asphalt. Harrison said the cost would be \$10,975.00 for this urgent repair.

CITIZEN INPUT

Scott Butler, 448 Deer Creek Trail, stated concerns about the comprehensive plan spreadsheet data concerning residences and sewer capacity. What is the cost to go to 2 million gallons per day? Could the spreadsheet be expanded to add columns showing when we plan to begin WWTP expansion, will the city need to borrow money to do that, what the debt service will look like, etc? The city is allowing high-density developments, so the least we should get from the developers is payment of tap fees upfront so that the citizens are not burdened by debt service

payments if the developments end up not being built. Mr. Butler would also like to see maintenance and operations budgets projected out to 5/10 years to see how that will impact the city on an annual basis.

Tina Brown, 205 Quail Run, asked if items Z-23-02 and Z-23-06 would be on Monday's agenda for a vote. [Abb Hayes answered yes] Do we have estimates or bids on the WWTP expansion to 2.0 MGD? We don't have the sewer capacity, police/fire/ems services, or school resources needed. Please consider the planning recommendation to deny Z-23-06. Current population is 6,836; with the approved developments plus those currently being considered, we would be adding approximately 13,802 new citizens resulting in a new population at build-out of 20, 638 which would be a higher density than Atlanta per square mile. According to a U.S. Forest Service report, Georgia is losing more trees than any state in the nation. Can we go back to R-1 and R-2 zoning? Can we wait for a full council before deciding on these important matters?

Ryan Mitchell, 203 New Street, stated his concern about the comprehensive plan corridor map East Broad Street extension disrupting the immediate residential area.

David Brown, 556 Cumberland Trail, stated his surprise that Z-23-02 was back on the agenda. This type of project is an example of unmanaged conflict of interest projects in the city. Mr. Brown also distributed a packet of water and sewer data to councilmembers. (Included in minutes as Exhibit "A") Mr. Brown stated that the current infrastructure cannot support more development and will not until the 2.0MGD expansion is completed in 2029. We will already be over capacity with what has been approved; how can a vote be made on a new project? Security: we will need more police officers, fire, and ems services to serve this growth. Focus on growth projects that would generate capital instead of unmanaged growth projects that burden the city. Where will the funding come from/who bears the burden?

Sharon Lunday, 213 Chatuge Drive, stated that no votes should happen until after the upcoming election.

Nicholas Sutton, 51 Main Street, stated that zoning is important because the zoning plan makes sense. A problem with the growing city is the lack of leadership written into the charter. All the candidates are amazing; everyone should be included in the future of the city. The city should focus on its citizens as we are growing.

EXECUTIVE SESSION

Motion to go into executive session for real estate and personnel at 7:39pm by Sterling, seconded by Lawson and all in favor.

Motion to go out of executive session at 8:10pm by Sterling, seconded by Carswell, and all in favor.

ADJOURN

Motion to adjourn at 8:10pm by Sterling, seconded by Carswell, and all in favor.

ROLL CALL

James Lawson, Acting Mayor
Tracy Carswell, Councilmember
Fredria Sterling, Councilmember

ABSENT

Sam Waites, Councilmember

ALSO PRESENT

Dr. Jerry Weitz, City Planner
Abbott S. Hayes, City Attorney
Jennifer Harrison, City Manager
Jen Williams, Assistant City Clerk
Media

Approved:

James Lawson, Acting Mayor

Date

Jennifer Williams, Assistant City Clerk



Hoschton Georgia

Water & Sewer

David W Brown

Current **Water** Capacity 750,000 gallons per day

- Current average daily usage (8/2023)
- 530,000 gallons / day
- 150,000 GPD Wells
- 400,000 GPD Jackson County Water
- 200,000 GPD Braselton
- Water usage for Kenerly Development
- 264,000 gallon/day
- 530,000 GPD + 264,000 GPD
- = **794,000** GPD
- We can buy more water

• This is ONLY **50%** usage for

Cresswind/Twin Lakes. Cambridge

Does not include 51 lots in Alma Farms

Current Sewer Capacity 500,000 gallons per day

- Current average daily usage (8/2023) • Sewer usage for Kenerly Development
- 250,000 gallons / day • 264,000 gallon/day
- This is ONLY **50%** usage for • 250,000 GPD + 264,000 GPD
- Cresswind/Twin Lakes. Cambridge • **514,000** GPD
- Does not include 51 lots in Alma Farms • Phase 2.0 completion 2029

CITY OF HOSCHTON
CITY COUNCIL
MONDAY, OCTOBER 16, 2023 AT 6:00PM
HOSCHTON COMMUNITY CENTER
65 CITY SQUARE, HOSCHTON



REGULAR MEETING
DRAFT MINUTES

WELCOME AND CALL TO ORDER

by Acting Mayor James Lawson at 6:00pm

INVOCATION

by Councilmember Fredria Sterling

PLEDGE OF ALLEGIANCE

by City Manager Jennifer Harrison

AGENDA APPROVAL

Motion to approve with no changes by Councilmember Sam Waites, seconded by Sterling, and all in favor

MINUTES APPROVAL

1. September 14, 2023 Public Hearing Minutes
2. September 14, 2023 Work Session Minutes
3. September 18, 2023 Regular Meeting Minutes

Motion to approve all minutes as-is by Sterling, seconded by Councilmember Tracy Carswell, and all in favor

OLD BUSINESS

1. **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] Continued from September 18, 2023 Meeting]

Motion to table until the next meeting by Sterling, seconded by Waites, and all in favor

2. **Z-23-06 Rezoning:** G.P.'s Enterprises, Inc., applicant and property owner, by Charles "Chuck" Ross, seeks to rezone property (Map/Parcels 113/030 and 113/018) (54.99 acres) fronting on the north side of State Route 53, the east and west sides of Nancy Industrial Drive, and the end of Amy Industrial Lane from M-1 (Light Industrial) District to PUD (Planned Unit Development) District. Proposed use: Mixed use planned unit development consisting of 712 (360 apartments and 352 fee simple townhouse) units and 63,000 square feet of retail, restaurant, office and civic space. (Development of Regional Impact # 4047). [Planning staff recommendation: Denial] [Continued from September 18, 2023 Meeting]

Motion to table until the next meeting by Waites, seconded by Sterling, and all in favor

3. **Resolution 2023-14:** A Resolution Amending the Comprehensive Plan to adopt an "Official Corridor Map" as a part of the transportation component/chapter so as to designate land to be reserved for the construction of future or improvement of existing transportation facilities, including streets, highways, bikeways, sidewalks, and multi-use trails. [Continued from September 18, 2023 Meeting]

Motion to table until the next meeting by Lawson, seconded by Sterling, and all in favor

4. **Ordinance O-23-05:** An Ordinance Amending the Subdivision and Land Development Ordinance, Article VI, "Access and Design Requirements for Roads," Section 602, "Conformance to Adopted Major Thoroughfare and Other Plans" to provide reference to a new code section and to provide reference to an official corridor map; and to amend Article IX, "Development Plans and Permits," to add a new Section 910, "Official Corridor Map." [Continued from September 18, 2023 Meeting]

Motion to table until the next meeting by Waites, seconded by Sterling, and all in favor

NEW BUSINESS

1. **V-23-04 Variance:** STS Properties, by Scott Phillips, seeks a variance to the Hoschton zoning ordinance, Article VI, "Specific Use Provisions," Section 6.105, "Self-Service Storage Facility," and Section 6.60, "Fences and Walls," to: increase the maximum height of a self-service storage facility from 12 feet to 17 feet; to increase the maximum length of a self-service storage building from 200 feet to 250 feet; to reduce the required setback for fences along a side and rear property line from 20 feet to 0 feet; to reduce the required setback for fences along a front

property line to 10 feet from the right of way of State Route 53 and 25 feet from the right of way of Pearl Industrial Avenue; and to reduce the required setback from a right of way for a gate from 20 feet to 15 feet, for 2.60 acres zoned M-1 (Light Industrial District) fronting on the east side of State Route 53 and the south side of Pearl Industrial Avenue (Map/Parcel 113/027). Proposed use: climate-controlled self-service storage facility. *[Planning staff recommendation: approval]*

Motion to approve by Lawson, seconded by Waites, and all in favor

2. **Z-23-08 Rezoning:** Southeastern Property Acquisitions, LLC, applicant, Davis Automotive, LLC, property owner, seeks to rezone 1.80 acres fronting on the east side of State Route 53 (Map/Parcel 120/013J) approximately 225 feet south of Towne Center Parkway from M-1 (Light Industrial District) to C-2 (General Commercial/ Highway Oriented District). Proposed use: retail shopping center. *[Planning staff recommendation: approval conditional]*

Motion to table until the next meeting by Waites, seconded by Sterling, and all in favor

3. **Z-23-09 Rezoning:** Southeastern Property Acquisitions, LLC, applicant, Ryan Langford, property owner, seeks to rezone approximately 2.45 acres fronting on the east side of State Route 53 (Map/Parcels H01/022 and H01/023) from C-1 (Neighborhood Business District) to C-2 (General Commercial/ Highway Oriented District). Proposed use: retail shopping center. *[Planning staff recommendation: approval conditional]*

Motion to table until the next meeting by Sterling, seconded by Waites, and all in favor

4. **Z-23-10 Rezoning:** Southeastern Property Acquisitions, LLC, applicant, Ryan Langford and Michael Bagwell, property owners, seek to rezone approximately 1.43 acres (part of H01/024A and part of H01/024) fronting on the east side of State Route 53 approximately 770 feet south of Towne Center Parkway from C-2 (General Commercial/ Highway Oriented District) to C-3 (Commercial Motor Vehicle Service and Repair District). Proposed use: retail gas station *[Planning staff recommendation: approval conditional]*

Motion to table until the next meeting by Waites, seconded by Sterling, and all in favor

5. **Z-23-11 Rezoning:** Southeastern Property Acquisitions, LLC, applicant, Michael Bagwell, property owner, seek to rezone approximately 9.33 acres (Map/Parcel 120/017C) between State Route 53 and Regent Park and north of Merchant's Park Drive from M-1 (Light Industrial District) to C-2 (General Commercial/ Highway Oriented District). Proposed use: retail shopping center *[Planning staff recommendation: approval conditional]*.

Motion to table until the next meeting by Sterling, seconded by Waites, and all in favor

6. **CU 23-01 Conditional Use:** Southeastern Property Acquisitions, LLC, applicant, Michael Bagwell, property owner, seek a conditional use for a big box retail building (i.e., individual tenant occupying more than 60,000 square feet) in a C-2 (General Commercial/ Highway Oriented District) and C-3 (Commercial Motor Vehicle Service and Repair District) on property fronting on

the east side of State Route 53 across from Peachtree Road (approximately 16.52 acres) (Map/Parcel 120/017C, Map/Parcel 120/024D, and H01/024B and part of H01/024) [Planning staff recommendation: approval conditional]

Motion to table until the next meeting by Waites, seconded by Sterling, and all in favor

7. **Resolution 2023- 21** Adoption of the Comprehensive Plan, 2023 Annual Update of Capital Improvements Element and Community Work Program and for Other Purposes [Staff recommendation: Approval]

Motion to approve by Lawson, seconded by Carswell, and all in favor

8. **Resolution 2023-22** To Approve Final Design of Mulberry Park [Staff recommendation: Approval]

Motion to approve by Sterling, seconded by Carswell, and all in favor

9. **Temporary Alcohol Special Event Permit**—Sperata LLC [Staff recommendation: Approval]

Motion to approve by Sterling, seconded by Waites, and all in favor

10. **Oak Street Pocket Park Project** DDA Recommendation: Paramount Landscape Group [Staff recommendation: Table until January 2024]

Motion to table until the next meeting by Lawson, seconded by Waites, and all in favor

11. **Peachtree Road Asphalt Repair**- Sunbelt Asphalt \$10,975.00 [Staff recommendation: Approval]

Motion to approve by Sterling, seconded by Waites, and all in favor

12. **RFP No. 23-009** – Grey Shell Unit at 69 City Square [Staff recommendation: Approval with Council Recommendation]

Motion to approve the RFP submitted by Matt Ruppel (Atlanta Development Company) for an Italian restaurant by Sterling, seconded by Waites, and all in favor

ADJOURN

Motion to adjourn at 6:09pm by Sterling, seconded by Waites, and all in favor

Roll Call:

James Lawson, Acting Mayor
Tracy Carswell, Councilmember
Fredria Sterling, Councilmember
Sam Waites, Councilmember

Also Present:

Jerry Weitz, Consulting City Planner
Jennifer Harrison, City Manager
Jen Williams, Assistant City Clerk
Media

Approved:

James Lawson, Acting Mayor

Date

Jennifer Williams, Assistant City Clerk



SPECIAL CALLED MEETING
DRAFT MINUTES

WELCOME AND CALL TO ORDER at 11:00am by Acting Mayor James Lawson

AGENDA APPROVAL

Motion to approve by Councilmember Fredria Sterling, Seconded by Councilmember Sam Waites

OLD BUSINESS

1. **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] [Continued from October 16, 2023 Meeting]

Dr. Jerry Weitz read into the record the 19 conditions of zoning approval attached to these minutes as "Exhibit A".

Motion to approve with 19 conditions by Waites, seconded by Councilmember Tracy Carswell, votes in favor from Carswell, Waites, and Lawson; Sterling voted against.

2. **Z-23-06 Rezoning:** G.P.'s Enterprises, Inc., applicant and property owner, by Charles "Chuck" Ross, seeks to rezone property (Map/Parcels 113/030 and 113/018) (54.99 acres) fronting on the north

side of State Route 53, the east and west sides of Nancy Industrial Drive, and the end of Amy Industrial Lane from M-1 (Light Industrial) District to PUD (Planned Unit Development) District. Proposed use: Mixed use planned unit development consisting of 712 (360 apartments and 352 fee simple townhouse) units and 63,000 square feet of retail, restaurant, office and civic space. (Development of Regional Impact # 4047). *[Planning staff recommendation: Denial] [Continued from October 16, 2023 Meeting]*

Dr. Weitz read into the record the 12 conditions of zoning approval attached to these minutes as "Exhibit B".

Motion to approve with 12 conditions by Sterling, seconded by Waites, votes in favor from Sterling, Waites, and Lawson; Carswell voted against.

3. **Z-23-08 Rezoning:** Southeastern Property Acquisitions, LLC, applicant, Davis Automotive, LLC, property owner, seeks to rezone 1.80 acres fronting on the east side of State Route 53 (Map/Parcel 120/013J) approximately 225 feet south of Towne Center Parkway from M-1 (Light Industrial District) to C-2 (General Commercial/ Highway Oriented District). Proposed use: retail shopping center. *[Planning staff recommendation: approval conditional] [Continued from October 16, 2023 Meeting]*

Dr. Weitz read into the record the 5 conditions of zoning approval attached to these minutes as "Exhibit C".

Motion to approve with 5 conditions by Sterling, seconded by Waites, and all in favor.

4. **Z-23-09 Rezoning:** Southeastern Property Acquisitions, LLC, applicant, Ryan Langford, property owner, seeks to rezone approximately 2.45 acres fronting on the east side of State Route 53 (Map/Parcels H01/022 and H01/023) from C-1 (Neighborhood Business District) to C-2 (General Commercial/ Highway Oriented District). Proposed use: retail shopping center. *[Planning staff recommendation: approval conditional] [Continued from October 16, 2023 Meeting]*

Dr. Weitz stated that the 5 conditions of zoning approval are the same for this application as for Z-23-08, so he would not read them all again. The conditions are attached to these minutes as "Exhibit D".

Motion to approve with 5 conditions by Waites, seconded by Sterling, and all in favor.

5. **Z-23-10 Rezoning:** Southeastern Property Acquisitions, LLC, applicant, Ryan Langford and Michael Bagwell, property owners, seek to rezone approximately 1.43 acres (part of H01/024A and part of H01/024) fronting on the east side of State Route 53 approximately 770 feet south of Towne Center Parkway from C-2 (General Commercial/ Highway Oriented District) to C-3 (Commercial Motor Vehicle Service and Repair District). Proposed use: retail gas station *[Planning staff recommendation: approval conditional] [Continued from October 16, 2023 Meeting]*

Dr. Weitz read into the record the 11 conditions of zoning approval attached to these minutes as "Exhibit E".

Motion to approve with 11 conditions by Waites, seconded by Sterling, and all in favor.

6. **Z-23-11 Rezoning:** Southeastern Property Acquisitions, LLC, applicant, Michael Bagwell, property owner, seek to rezone approximately 9.33 acres (Map/Parcel 120/017C) between State Route 53 and Regent Park and north of Merchant's Park Drive from M-1 (Light Industrial District) to C-2 (General Commercial/ Highway Oriented District). Proposed use: retail shopping center [*Planning staff recommendation: approval conditional*]. [*Continued from October 16, 2023 Meeting*]

Dr. Weitz read into the record the 3 conditions of zoning approval attached to these minutes as "Exhibit F".

Motion to approve with 3 conditions by Carswell, seconded by Waites, and all in favor.

7. **CU 23-01 Conditional Use:** Southeastern Property Acquisitions, LLC, applicant, Michael Bagwell, property owner, seek a conditional use for a big box retail building (i.e., individual tenant occupying more than 60,000 square feet) in a C-2 (General Commercial/ Highway Oriented District) and C-3 (Commercial Motor Vehicle Service and Repair District) on property fronting on the east side of State Route 53 across from Peachtree Road (approximately 16.52 acres) (Map/Parcel 120/017C, Map/Parcel 120/024D, and H01/024B and part of H01/024) [*Planning staff recommendation: approval conditional*] [*Continued from October 16, 2023 Meeting*]

Dr. Weitz read into the record #1-6 conditions of zoning approval attached to these minutes in "Exhibit G".

Mayor Lawson recommended the addition of a condition regarding the installation of "Flock" camera(s) as requested by Police Chief Brad Hill. Chief Hill explained that the camera(s) would be attached to the new traffic signal to be located at the intersection of S.R. 53 and Peachtree Road. Flock cameras are used to read the tag information for vehicles traveling in and out of the city and are utilized by law enforcement agencies in identifying stolen vehicles, fugitives, etc. The cameras do not issue citations. The data from the cameras could only be accessed by the police department. The property developer has agreed to pay for the camera(s), but the City would be the owner. The installation cost is approximately \$650.00 per camera and the annual subscription fee per camera is about \$3,000.00. The applicant is agreeable to the additional condition.

Dr. Weitz offered the following language for condition #7:

"The owner/developer shall be required at no cost to the city to provide one or more Flock cameras as approved by the police chief. The camera(s) shall be owned and operated by the city."

Motion to approve with 7 conditions by Sterling, seconded by Waites, and all in favor.

ADJOURN

Motion to adjourn at 12:16pm by Carswell, seconded by Waites, and all in favor.

ROLL CALL

James Lawson, Acting Mayor
Tracy Carswell, Councilmember
Fredria Sterling, Councilmember
Sam Waites, Councilmember

ALSO PRESENT

Dr. Jerry Weitz, City Planner
Jennifer Harrison, City Manager
Jen Williams, Assistant City Clerk
Media

Approved:

James Lawson, Acting Mayor

Date

Jennifer Williams, Assistant City Clerk

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 Hoshton comprehensive plan).
4. **Dimensional requirements.** The PUD shall be subject to the dimensional requirements specified in these conditions of zoning approval.

Ordinance Z-23-02 Providence Group PUD

- (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.

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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.
 - (d) **Private through street.** The PUD subdivision design shall be required to include a street or series of streets (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) **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.
- (f) **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

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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 Hoshton 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

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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.
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 168th 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

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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.

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:

| Connection Fee Pre-payment Due | Number of Dwelling Unit Water and Sanitary Sewer Connections Required to be Purchased/ Pre-paid |
|---|--|
| 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 B.
CONDITIONS OF ZONING APPROVAL

1. **Permitted uses.** The PUD shall be limited to fee-simple townhouses, apartments, and office, institutional, and commercial uses, as well as accessory uses and structures normally incidental to such uses, and including open space and active recreation facilities, as more fully authorized and restricted in these conditions of zoning approval.
 - a. There shall be no more than 662 dwelling units total in the PUD.
 - b. No more than 330 of the dwelling units may be apartments. The remaining units shall be fee-simple townhouse units.
 - c. No more than 30% of townhouse units may be rentals.
 - d. Commercial uses shall be limited to uses permitted in the C-2 zoning district of the Hoschton zoning ordinance and uses listed as conditional in the C-2 zoning district may be authorized as conditional uses following conditional use procedures of the Hoschton zoning ordinance. Commercial uses may be substituted for municipal uses.
 - e. The following commercial uses are specifically prohibited: Adult establishment, automobile-oriented use (sales, service, repair), check cashing/ payday loan facility, gas station, dollar store, fireworks sales, funeral home, hookah/vapor bar or lounge, self-storage or mini-warehouse; smoke or vape shop, tattoo or body piercing parlor, and title loan facility.
 - f. 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.
2. **Dimensional requirements and improvement standards generally.**
 - a. The PUD shall be subject to the dimensional requirements specified by these conditions of zoning approval.
 - b. Where the PUD application or these conditions of zoning approval fail to articulate a given regulation, such as accessory building setbacks, maximum lot coverage, and the like, residential uses in the project shall be required to adhere to dimensional requirements of the MFR zoning district and general provisions of the Hoschton zoning ordinance, unless a variance is applied for and obtained.
 - c. Commercial uses shall be required to adhere to dimensional requirements for the C-2 zoning district.

- d. The PUD shall be subject to the improvement requirements specified in the application, except as modified by these conditions of zoning approval. Where the PUD application or these conditions of zoning fail to articulate a given improvement standard, such as the depth of sidewalk concrete and the like, the project will be required to adhere to the Hoschton subdivision and land development regulations, unless a variance is applied for and obtained.

3. Dimensional requirements – apartments.

- a. Building height for apartments buildings shall not exceed four (4) stories.
- b. Building setbacks for apartment buildings shall be 20 feet front, 10 feet side, and 20-foot rear.
- c. Minimum separation between apartment buildings: 30 feet.
- d. Each apartment unit shall have an external balcony or (if on ground level) a patio.
- e. The minimum heated floor area for an apartment unit shall be 700 square feet, and the maximum heated floor area per unit shall be 1,400 square feet.
- f. No more than fifty percent (50%) of the apartment units shall be two or more bedrooms.
- g. The owner/developer shall submit management plans and occupancy/maintenance rules and regulations for apartment tenants to follow, to the zoning administrator for review and approval by the City Council. There shall be a single entity established to manage the apartment units. There shall be an on-site apartment manager's office with dedicated space within the PUD project boundary and with a 24-hour phone contact posted at the management office.

4. Dimensional requirements – fee simple townhouses.

- a. Building height for townhome buildings shall not exceed three (3) stories.
- b. The minimum lot size shall be 1,680 square feet.
- c. The minimum lot width shall be 20 feet
- d. The number of units per building shall be limited to eight.
- e. The minimum heated floor area per dwelling unit for fee simple townhouses shall be 1,400 square feet.
- f. Building setbacks for townhouse buildings shall be 2 feet front, 0 feet side, and 5-foot rear.

- g. Minimum separation between townhouse buildings: 20 feet.
- h. Each townhouse unit shall have at least a one-car garage.

5. Improvement requirements for streets.

- a. Whether public or private, the streets within the PUD shall be required to meet or exceed the right of way, pavement width, radii, and cul-de-sac right of way and paving specifications, sidewalks, curbing (rolled curbs authorized) of the City of Hoschton subdivision and land development regulations, as may be amended from time to time.
- b. If alleys are proposed and included, they shall be private. Easements for alleys shall be a minimum of 30 feet in width. The minimum pavement width for alleys shall be 16 feet.
- c. Street stubs (dead-ends) within fee-simple townhouse portions of the PUD, if authorized during preliminary plat approval, shall not exceed 150 feet in length measured from the centerline of the intersecting street.

6. Minimum/maximum required entrances/exits.

- a. There shall be no more than one street or driveway connection to SR 53 other than the existing Nancy Industrial Drive. The location of such new curb cut/street connection is subject to the approval of Georgia Department of Transportation
- b. The road network within the PUD shall be required to connect to Amy Industrial Lane.
- c. The road network shall be configured in a way that provides vehicular access to the city's wastewater treatment facility in more or less the same existing access location. The owner/developer shall be required to maintain access throughout the construction process.

7. Road improvements.

- a. The owner/developer shall install road improvements along SR 53, at intersections #3 and #5 in front of the development, as recommended in the traffic study submitted as part of Development of Regional Impact (DRI) application, dated June 13, 2022, as approved by the Georgia Department of Transportation and the zoning administrator.

8. Architectural elevations and external building material are finished. The owner/developer shall submit for City Council's consideration and approval, prospective

front, side and rear elevations of fee simple townhouse buildings, apartment buildings, and commercial buildings, 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.

9. **Recreational amenities.** There shall be recreational amenities for the PUD provided by the owner/ developer to include, at minimum, a swimming pool with surface area commensurate with the number of residential units served, a bathroom, and four pickleball courts.

10. Residential development phasing; sewer capacity.

- a. Prior to approval of any preliminary plat for subdivision for fee-simple townhouse units, and prior to issuance of a development permit for apartment units, the owner/ developer shall submit a phasing plan for the residential development components that provides discrete numbers of units to be constructed for each phase and year intervals (start and finish years) for each phase proposed.
- b. In order to have the capital funds needed to construct wastewater treatment plant capacity to serve the subject PUD, the city may, prior to and as a condition of land development permit approval require the owner/ developer to pay in advance of building permitting for 331 sanitary sewer connection fees during each specified phase. Furthermore, the developer shall contribute an additional \$1.5 million toward sewer upgrades for the PUD within 12 months of development permit approval. Fees for all sewer taps associated with this PUD will be capped at rates existing at time of this rezoning.
- c. The owner/developer shall acknowledge as part of these conditions of approval that the PUD project is not vested with rights to connect to sewer until the connection fees are paid. No sewer capacity will be available until the 2.0 MGD facility is on line an operating, or otherwise becomes available.

11. Sewage system lift station requirements.

- a. The PUD shall be designed so that, if gravity sewer cannot be accomplished, there is no more than one sanitary sewer lift station to serve the entire development.
- b. The sewage lift station, if required to serve the development, shall be constructed by the owner/developer at no cost to the city.

- c. Unless otherwise approved by the city, the sewage lift station if constructed 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 street.
- d. The applicant shall be required to pay sewage lift station maintenance fees as adopted by the Hoschton City Council, if a sewage lift station is included in the project.

12. 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.

~~EXHIBIT B~~
CONDITIONS OF ZONING APPROVAL

1. **Prohibited uses.** The following uses otherwise permitted in the C-2 district shall be prohibited on the subject property: farmer's market; funeral home, mortuary or mausoleum; kennel; lawn and garden store; laundry/ laundromat; lodging service (of any type); payday loan establishment; tattoo studio; and lumber yard.
2. **Principal access.** The subject property shall have access (not necessarily exclusively) from a private driveway, private street or public street that meets the following:
 - a. Inter parcel access is required. All parcels which are the subject of the zoning action must connect to Towne Center Parkway, as shown on Applicant's site plan.
 - b. Is constructed to a local commercial street standard that meets city standards for pavement composition and pavement width.
 - c. Is constructed concurrent with development of the subject property and completed prior to the issuance of a certificate of occupancy for a building on any property that is the subject of the rezoning actions by the applicants at the October 24, 2023, council meeting.
 - d. If determined by the city that this principal access should be a public street, whether or not made a part of an official corridor map in the comprehensive plan, the owner/ developer shall dedicate a 50-foot wide right of way at no cost to the city for said public street; provided, however, that if an existing access easement off-site is dedicated to the city as a right of way or can be otherwise legally utilized and is approved by the city for said public street right of way, the owner/developer shall not be required to dedicate the full width of right of way. The streets shall be constructed to meet City standards for public streets.
3. **Access to SR 53.** Vehicular access to SR 53 from the subject property shall be limited to that authorized by Georgia Department of Transportation (GDOT). The owner shall be required to install road improvements as may be required by GDOT, within applicant's subject property and adjacent ROW, but not property owned by others. Except for traffic at the signalized intersection, access shall be limited to right in, right out travel only.
4. **Multi-use path along SR 53.** The owner/ developer shall construct at no cost to the city an eight-foot-wide multi-use path along the subject property frontage along SR 53, as if approved by the Georgia Department of Transportation. Multi-use path may be constructed in phases on a per parcel basis. The path must be completed on a particular parcel (as such parcels may be reconfigured to match the site plan attached hereto) prior to issuance of a certificate of occupancy for each respective parcel, but the failure to complete the pathway on an adjacent parcel shall not prevent the subject parcel from getting a certificate of occupancy. Walkways interior to the site shall connect the

principal buildings on site with the multi-use path within the highway right of way. In any event, the multi-use path adjacent to all parcels that are the subject of the rezoning actions by the applicants at the October 24, 2023 council meeting shall be fully completed within 24 months of the issuance of a certificate of occupancy on the parcel upon which the 60,000+ square foot structure is to be constructed.

5. **Fencing of stormwater pond.** Any stormwater management pond located between a principal building and SR 53 on the subject property shall have decorative fencing (non-chain link) such as aluminum, as approved by the zoning administrator.

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

1. **Prohibited uses.** The following uses otherwise permitted in the C-2 district shall be prohibited on the subject property: farmer's market; funeral home, mortuary or mausoleum; kennel; lawn and garden store; laundry/ laundromat; lodging service (of any type); payday loan establishment; tattoo studio; and lumber yard.
2. **Principal access.** The subject property shall have access (not necessarily exclusively) from a private driveway, private street or public street that meets the following:
 - a. Inter parcel access is required. All parcels which are the subject of the zoning action must connect to Towne Center Parkway, as shown on Applicant's site plan.
 - b. Is constructed to a local commercial street standard that meets city standards for pavement composition and pavement width.
 - c. Is constructed concurrent with development of the subject property and completed prior to the issuance of a certificate of occupancy for a building on any property that is the subject of the rezoning actions by the applicants at the October 24, 2023, council meeting.
 - d. If determined by the city that this principal access should be a public street, whether or not made a part of an official corridor map in the comprehensive plan, the owner/ developer shall dedicate a 50-foot wide right of way at no cost to the city for said public street; provided, however, that if an existing access easement off-site is dedicated to the city as a right of way or can be otherwise legally utilized and is approved by the city for said public street right of way, the owner/developer shall not be required to dedicate the full width of right of way. The streets shall be constructed to meet City standards for public streets.
3. **Access to SR 53.** Vehicular access to SR 53 from the subject property shall be limited to that authorized by Georgia Department of Transportation (GDOT). The owner shall be required to install road improvements as may be required by GDOT, within applicant's subject property and adjacent ROW, but not property owned by others. Except for traffic at the signalized intersection, access shall be limited to right in, right out travel only.
4. **Multi-use path along SR 53.** The owner/ developer shall construct at no cost to the city an eight-foot-wide multi-use path along the subject property frontage along SR 53, if approved by the Georgia Department of Transportation. Multi-use path may be constructed in phases on a per parcel basis. The path must be completed on a particular parcel (as such parcels may be reconfigured to match the site plan attached hereto) prior to issuance of a certificate of occupancy for each respective parcel, but the failure to complete the pathway on an adjacent parcel shall not prevent the subject parcel from getting a certificate of occupancy. Walkways interior to the site shall connect the principal buildings on site with the multi-use path within the highway right of way. In any event, the multi-use path adjacent to all parcels that are the subject of the rezoning actions by the applicants at the October 24, 2023 council meeting shall be fully completed within 24 months of the issuance of a certificate of occupancy on the parcel upon which the 60,000+ square foot structure is to be constructed.

Fencing of stormwater pond. Any stormwater management pond located between a principal building and SR 53 on the subject property shall have decorative fencing (non- chain link) such as aluminum, as approved by the zoning administrator.

EXHIBIT B
CONDITIONS OF ZONING APPROVAL

1. **Prohibited uses.** The following uses otherwise permitted in the C-2 district shall be prohibited on the subject property: farmer's market; funeral home, mortuary or mausoleum; kennel; lawn and garden store; laundry/ laundromat; lodging service (of any type); payday loan establishment; tattoo studio; and lumber yard.
2. **Principal access.** The subject property shall have access (not necessarily exclusively) from a private driveway, private street or public street that meets the following:
 - a. Inter parcel access is required. All parcels which are the subject of the zoning action must connect to Towne Center Parkway, as shown on Applicant's site plan.
 - b. Is constructed to a local commercial street standard that meets city standards for pavement composition and pavement width.
 - c. Is constructed concurrent with development of the subject property and completed prior to the issuance of a certificate of occupancy for a building on any property that is the subject of the rezoning actions by the applicants at the October 24, 2023, council meeting.
 - d. If determined by the city that this principal access should be a public street, whether or not made a part of an official corridor map in the comprehensive plan, the owner/ developer shall dedicate a 50-foot wide right of way at no cost to the city for said public street; provided, however, that if an existing access easement off-site is dedicated to the city as a right of way or can be otherwise legally utilized and is approved by the city for said public street right of way, the owner/developer shall not be required to dedicate the full width of right of way. The streets shall be constructed to meet City standards for public streets.
3. **Access to SR 53.** Vehicular access to SR 53 from the subject property shall be limited to that authorized by Georgia Department of Transportation (GDOT). The owner shall be required to install road improvements as may be required by GDOT, within applicant's subject property and adjacent ROW, but not property owned by others. Except for traffic at the signalized intersection, access shall be limited to right in, right out travel only.
4. **Multi-use path along SR 53.** The owner/ developer shall construct at no cost to the city an eight-foot-wide multi-use path along the subject property frontage along SR 53, if approved by the Georgia Department of Transportation. Multi-use path may be constructed in phases on a per parcel basis. The path must be completed on a particular parcel (as such parcels may be reconfigured to match the site plan attached hereto) prior to issuance of a certificate of occupancy for each respective parcel, but

the failure to complete the pathway on an adjacent parcel shall not prevent the subject parcel from getting a certificate of occupancy. Walkways interior to the site shall connect the principal buildings on site with the multi-use path within the highway right of way. In any event, the multi-use path adjacent to all parcels that are the subject of the rezoning actions by the applicants at the October 24, 2023 council meeting shall be fully completed within 24 months of the issuance of a certificate of occupancy on the parcel upon which the 60,000+ square foot structure is to be constructed.

5. **Gasoline canopy orientation.** The orientation of the gasoline pump canopy shall be in substantial accordance with the site plan submitted as part of Case Z-23-10. The short side of the gasoline canopy shall be more or less parallel to the SR 53 frontage.
6. **Lighting.** Gasoline canopy under lighting shall be required to be recessed into the canopy.
7. **Landscape strip.** A densely planted landscape strip, at least 25 feet in width, shall be required to be installed along the SR 53 frontage in front of the gasoline canopy and its approaches (which may permit view corridors) as approved by the zoning administrator.
8. **Gasoline canopy supports.** Gasoline canopy supports shall be required to be faced/ finished with brick veneer or stone veneer.
9. **Gasoline canopy signage.** Signage on the gasoline canopy facing SR 53 shall not exceed 20 percent of the canopy face.
10. **Ground signage.** Any ground sign for the subject property shall be a monument-style sign with a minimum of 18 inches of brick or stacked stone base.
11. **Fencing of stormwater pond.** Any stormwater management pond located between the fuel pump island canopy and SR 53 on the subject property shall have decorative fencing (non-chain link) such as aluminum as may be approved by the zoning administrator.

~~EXHIBIT B~~
CONDITIONS OF ZONING APPROVAL

1. **Prohibited uses.** The following uses otherwise permitted in the C-2 district shall be prohibited on the subject property: farmer’s market; funeral home, mortuary or mausoleum; kennel; lawn and garden store; laundry/ laundromat; lodging service (of any type); payday loan establishment; tattoo studio; and lumber yard.
2. **Principal access.** The subject property shall have access (not necessarily exclusively) from a private driveway, private street or public street that meets the following:
 - a. Inter parcel access is required. All parcels which are the subject of the zoning action must connect to Towne Center Parkway, as shown on Applicant’s site plan.
 - b. Is constructed to a local commercial street standard that meets city standards for pavement composition and pavement width.
 - c. Is constructed concurrent with development of the subject property and completed prior to the issuance of a certificate of occupancy for a building on any property that is the subject of the rezoning actions by the applicants at the October 24, 2023, council meeting.
 - d. If determined by the city that this principal access should be a public street, whether or not made a part of an official corridor map in the comprehensive plan, the owner/ developer shall dedicate a 50-foot wide right of way at no cost to the city for said public street; provided, however, that if an existing access easement off-site is dedicated to the city as a right of way or can be otherwise legally utilized and is approved by the city for said public street right of way, the owner/developer shall not be required to dedicate the full width of right of way. The streets shall be constructed to meet City standards for public streets.
3. **Building setback and screening.** There shall be a minimum building setback of 40 feet. There shall also be a 30-foot-wide natural buffer, replanted to screening standards where sparsely vegetated, abutting MFR zoning. If required by the Zoning Administrator, the applicant shall install a 6’ tall privacy fence along the rear of the subject property along the portion of the property abutting MFR zoning.

~~EXHIBIT B~~
CONDITIONS OF ZONING APPROVAL

1. **Access and improvements to SR 53.** Vehicular access to SR 53 from the subject property shall be provided as follows:
 - a. The subject properties shall be provided with a signalized, driveway, private street, or public street that connects to SR 53 and aligns with Peachtree Road as limited and authorized by Georgia Department of Transportation (GDOT), as provided per the site plan for CU-23-01. Other driveways or access points to/from the subject properties onto SR 53 shall be as may be approved by Georgia Department of Transportation. Except for traffic at the signalized intersection, access shall be limited to right in, right out travel only.
 - b. The owner/developer shall at no cost to the city construct the driveway, private street, or public street on the subject property to/from the north side of the intersection of Peachtree Road and SR 53 with two inbound lanes and two outbound lanes, within applicant's subject property, and adjacent right of way as approved by GDOT and the city.
 - c. The owner/developer shall be required to install road improvements as may be required by GDOT along SR 53 at this proposed intersection, which are expected to include a southbound left-turn lane from SR 53 into the proposed development and a northbound right-turn lane into the proposed development at the intersection of SR 53 and Peachtree Road. Additional right of way within the subject property shall be dedicated to Georgia Department of Transportation if required for road improvements. In the event that GDOT requires road improvements that would include right of way outside of the subject property, the City agrees to work in good faith with the owner/developer to attempt to convince GDOT to only require right of way within the subject property. In the event that GDOT persists in the requirement of road improvements that would include right of way outside of the subject property, the City agrees to work in good faith with the owner/developer to seek a resolution that would not involve the acquisition of right of way outside of the subject property.
 - d. The owner/developer shall design, permit and construct the traffic signalization at the intersection of SR 53 and Peachtree Road concurrently with the development of the subject property. The City will provide all approvals, consents, and other non-monetary support needed to install traffic signalization at said intersection. The traffic signal is subject to the approval of Georgia Department of Transportation and is subject to a signal warrant analysis justifying the need for the traffic signal. If the traffic signal is not warranted at the time of issuance of a certificate of occupancy for the grocery store approved per CU-23-01 or if the traffic signal is otherwise not operational by said date, owner/developer shall contribute \$150,000 to the city for traffic signalization of the intersection of SR 53 and Peachtree Road. Said \$150,000 will be released to owner/developer upon

completion of the traffic signalization by owner/developer. If owner/developer fails to complete the traffic signalization, the \$150,000 shall be held by the city until the traffic signal is warranted and spent when warranted for the traffic signal.

- e. If determined by the city that the principal access from SR 53 at the end of Peachtree Road should be a public street, whether or not made a part of an official corridor map in the comprehensive plan, the owner/ developer shall dedicate 80-foot wide right of way, at no cost to the city, at the intersection of SR 53 and Peachtree Road extended (sufficient depth from SR 53 to install the intersection improvements described in this condition), as shown on the site plan for CU-23-01.
2. **Secondary access.** The subject properties shall have access from a private driveway, private street or public street that meets the following:
- a. Inter parcel access is required. All parcels which are the subject of the zoning action must connect to Towne Center Parkway, as shown on the site plan on file with the city for CU-23-01.
 - b. Is constructed to a local commercial street standard that meets city standards for pavement composition and pavement width.
 - c. Is constructed concurrent with development of the subject property and completed prior to the issuance of a certificate of occupancy for a building on any property approved by the City Council per Case Numbers Z-23-08, Z-23-09, Z-23-10, Z-23-11, and CU-23-01.
 - d. If determined by the city that this principal access should be a public street, whether or not made a part of an official corridor map in the comprehensive plan, the owner/ developer shall dedicate a 50-foot wide right of way at no cost to the city for said public street; provided, however, that if an existing access easement off-site is dedicated to the city as a right of way or can be otherwise legally utilized and is approved by the city for said public street right of way, the owner/developer shall not be required to dedicate the full width of right of way. The streets shall be constructed to meet City standards for public streets.
3. **Multi-use path along SR 53.** The owner/ developer shall construct at no cost to the city an eight-foot-wide multi-use path along the subject property frontage along SR 53, if approved by the Georgia Department of Transportation. The multi-use path may be constructed in phases on a per parcel basis. The path must be completed on a particular parcel (as such parcels may be reconfigured to match the site plan for CU-23-01 prior to issuance of a certificate of occupancy for each respective parcel, but the failure to complete the pathway on an adjacent parcel shall not prevent the subject parcel from getting a certificate of occupancy. Walkways interior to the site shall connect the principal buildings on site with the multi-use path within the highway right of way. In any event, the multi-use path adjacent to property approved by the City Council per

Case Numbers Z-23-08, Z-23-09, Z-23-10, Z-23-11, and CU-23-01 shall be fully completed within 24 months of the issuance of a certificate of occupancy on the parcel upon which the 60,000+ square foot structure approved per CU-23-01 is to be constructed.

4. **Building setback and screening.** There shall be a minimum building setback of 40 feet. There shall also be a 30-foot-wide natural buffer, replanted to screening standards where sparsely vegetated, abutting MFR zoning. If required by the Zoning Administrator, the applicant shall install a 6 foot tall privacy fence along the rear of the subject property along the portion of the property abutting MFR zoning.
5. **Fencing of stormwater pond.** Any stormwater management pond located between a principal building and SR 53 on the subject property shall have decorative fencing (non- chain link) such as aluminum, as approved by the zoning administrator.
6. **Electric vehicle charging station encouraged.** The owner/developer is encouraged but not required to provide a minimum of two electric vehicle charging stations for electric vehicles within the parking lot.
7. **Cameras positioned on signal.** The owner/developer shall be required at no cost to the city to provide one or more flock cameras as approved by the police chief. The camera(s) shall be owned and operated by the city.

Monthly
Departmental
Reports

CITY MANAGER REPORT NOVEMBER 2023

- This month has certainly been busy working on the Y2024 Budget with all departments and answering questions from Mayor & Council after receiving the 2024 draft in September.
- The new basketball Court will be installed and ready on Cabin Drive next to the existing tennis courts on Cabin Drive this winter. We are excited to have this feature for our community.
- Booster Pump Pre-Con Meeting: The booster pump will help boost the pressure for the Jackson County Connection at the North Water Tank (West Jackson Road).
- Kick Off Meeting with Garland & Associations for the new Public Works Facility at Cabin Drive
- Hoschton hosted its first trunk or treat. What a great success!
- I have interviewed 4 candidates for the building inspection department. And happy to announce that I was able to pick a candidate with years of governmental experience, working for county and city government. Mr. Ellis comes from Naples, Florida and will start working for Hoschton in December 2023.
- Capital Improvement Projects: We are constantly working on our infrastructure for a better water and sewer system. Our focus is bidding out our water line upgrade phase two project which will complete the upgraded lines to our new water tank that will serve (500,000 (MG) Million Gallon Tank) this tank is located at West Jackson Road (across from the fire department) and we are also bidding out our next water tank that will hold 1.0 MG. This tank will be located at Jopena Blvd.
- Downtown Development Authority is actively working towards Jingle Mingle. This event is December 8th. Make sure to grab your tickets.
- We met with Brewer Engineering to review the grant process for our Mulberry Park Property. We are excited to announce that we will receive a grant for \$500,000.00 early spring 2024.
- We did hire a full time officer. Officer Parden will start November 27, 2023. We now have four full time officers.

Respectfully Submitted,

Jennifer Harrison
City Manager

Building Department Activity Report-October 2023

A. Building department activity

a. Permits Issued

- i. July - 45 Building / 8 Miscellaneous
- ii. August - 22 Building / 21 Miscellaneous
- iii. September - 52 Building / 9 Miscellaneous
- iv. October - 37 Building / 2 Miscellaneous
- v. 2023 YTD – 465 Building / 94 Misc.

b. Inspection Activity

i. August Total Inspections

1. Building Inspections – 426
2. Water Meter Install Inspections – 63

c. Commercial Permit Activity

1. Publix permit issued
2. Publix rental units (8 unit) permit issued
3. TEC 8000 sq. ft. completed
4. Hoshton Storage in review



October 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, 317 water/sewer locates for the month of October
- Recorded all daily, weekly, and monthly Data
- Completed and Submitted Monthly Water Reports to EPD
- Installed 35 new Water Meters
- Had Pre-Construction meeting with Allsouth for the Booster Pump Station
- Had Lead Service Line Inventory meeting with EMI
- Repaired damaged water main on 332, Gas contractor hit line
- Publix had to lower water main on Twin Lakes Parkway for side entrance
- Helped setup for Annual Fall Festival
- Motor stater went bad at White Street Well, Had Oconee Well Company come out and replace.
- Performed Pressure test and Bacteriological tests on new water main, both passed and new main was placed in service.
- Dirt Work Continued working on Final tie-ins for new water main upgrades.
- Attended Ga Rural Water Conference in Helen, GA
- American Tank Installed LED lights on North Water Tower.

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 Maintenance on Dewatering Belt Press
- 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, 317 water/sewer locates for the month of October
- Completed and Submitted Monthly Wastewater Report (DMR) to EPD
- Pulled and cleared blockage in a pump at Cresswinds Lift station #1
- Had a VFD go bad on one of the Orbital Pumps, Oliver Electric came out and replaced.
- Jetted a sewer service in Brook Glen Subdivision
- Jetted a sewer service in Twin Lakes Subdivision
- Replaced a Float switch on Influent Pump station

Police Department Report 11/09/2023

1. **Reports and Citations**- The Police Department has generated over 2100 incident numbers since January and wrote 49 citations in the month of October.
2. **Court**- We will have court again on December 14th at City Hall.

Director's Report

October 2023

1. **Attended Business & Breakfast on behalf of the DDA-** I attend the monthly business and breakfast chamber events. The speakers that they bring in are informative and I appreciate the chance to bring the information back to Hoschton.
2. **Worked Friday Night at the Fall Festival-** I worked the opening day of the Fall Festival, it was a learning experience on how smooth the process works to get the 150+ vendors into such a small area without any issues. I am so impressed at the work that Tiffany and the crew do to prepare for this event. I also participated in the parade on the DDA's behalf that Saturday morning. The DDA volunteers were amazing, and we decorated my personal trailer in a Jungle Theme. Fun was had by all.
3. **DDA Ribbon Cutting for Juke & Jive-** Juke & Jive had their ribbon cutting. We are so excited to have them here.
4. **GDA Meet Up in Hiwassee-** Traveled to Hiwassee to meet with other DDA/Mainstreet directors. These events are hosted by Georgia Downtown Association and are a great opportunity to network and ask questions to other directors.
5. **Jackson County DDA Roundtable-** Visited with other DDA/Mainstreet Directors from Jackson Co in Jefferson.
6. **Leadership Jackson-** Growth and sustainability- Being in Leadership has been a very rewarding and important opportunity for me to learn more about how our county works and how everything is interconnected.
7. **Coffee & Conversations-** We hosted Coffee & Conversations on the back porch at Hoschton Coffee Co for October. The DDA is going to continue this initiative as it brings businesses and the community together.
8. **Chamber Ribbon Cuttings-** I was able to attend "It's all the rage" ribbon cutting in Jefferson GA.
9. **Assisted with Trunk or Treat-** Recruited the businesses for the Trunk or Treat. Which was a very successful event. We were pleasantly surprised at the outcome.
10. **Began planning for Jingle Mingle 2023-** Planning for Jingle Mingle 2023 is in full swing. We are partnering with both the elementary school and high school for two performances on the bricks in front of City Hall. The goal for this year's business walk is to focus on our downtown businesses and show our love and appreciation to them.
11. **Assisted the HPC with planning for Christmas Historic Home Tour-** We are working on having a multi-home Christmas tour.
12. **Went down to 3 days a week-** The City Manager and DDA Chair/Co-Chair were very gracious in letting me go to 3 days a week. I work strictly for the DDA now.
13. **Rotary-** I am in the Barrow Area Rotary Club which includes Hoschton. I am in rotary under Downtown Development. For October, we had the program **and** discussed breast cancer survivorship. We are also hoping to have an event in Hoschton in 2024.
14. **Brick Fundraiser-** Started the onboarding process for our 2024 brick fundraiser project.

Jessica Greene
DDA Director

OLD BUSINESS

ITEM #1

(Resolution 2023-14: Corridor Map)

CITY OF HOSCHTON
STATE OF GEORGIA

RESOLUTION 2023-14

A RESOLUTION AMENDING THE COMPREHENSIVE PLAN TO ADOPT AN “OFFICIAL CORRIDOR MAP” AS A PART OF THE TRANSPORTATION COMPONENT/CHAPTERS SO AS TO DESIGNATE LAND TO BE RESERVED FOR THE CONSTRUCTION OF FUTURE OR IMPROVEMENT OF EXISTING TRANSPORTATION FACILITIES, INCLUDING STREETS, HIGHWAYS, BIKEWAYS, SIDEWALKS, AND MULTI-USE TRAILS.

WHEREAS; The City of Hoschton has prepared an amendment to its comprehensive plan; and

WHEREAS; The City of Hoschton City Council has conducted a public hearing on the proposed amendment to the comprehensive plan; and

WHEREAS; The city is authorized to adopt an amendment to the comprehensive plan when it determines it is appropriate to do so; and

WHEREAS; Advance review by the Northeast Georgia Regional Commission and Georgia Department of Community Affairs of a comprehensive plan amendment is not required;

Now, Therefore, It Is Hereby RESOLVED As Follows:

1.

The attached amendment to the comprehensive plan to include an official corridor map (maps) and explanatory text is hereby adopted and shall be included in the transportation element of the comprehensive plan.

2.

The city clerk shall transmit a copy of this approved resolution and the comprehensive plan amendment to the Northeast Georgia Regional Commission.

So RESOLVED, this the 20th day of November, 2023.

Debbie Martin, Mayor

Resolution 23-14 Comprehensive Plan Amendment

ATTEST:

Jennifer Kidd-Harrison, City Clerk

APPROVED AS TO FORM

Abbott S. Hayes, Jr., City Attorney

**ATTACHMENT TO RESOLUTION 2023-14
AMENDMENT TO HOSCHTON COMPREHENSIVE PLAN
TO ADOPT AN OFFICIAL CORRIDOR MAP**

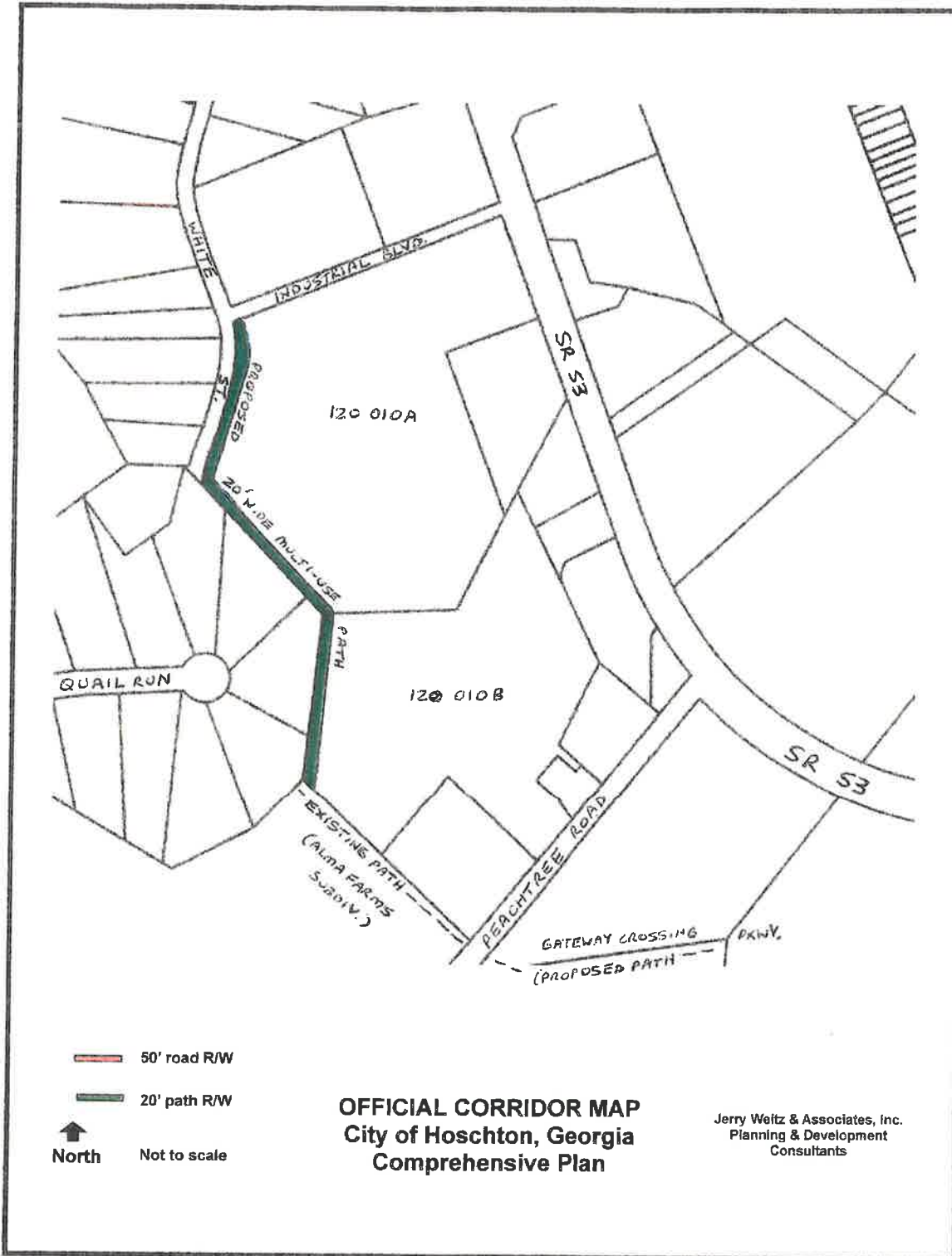
“OFFICIAL CORRIDOR MAP

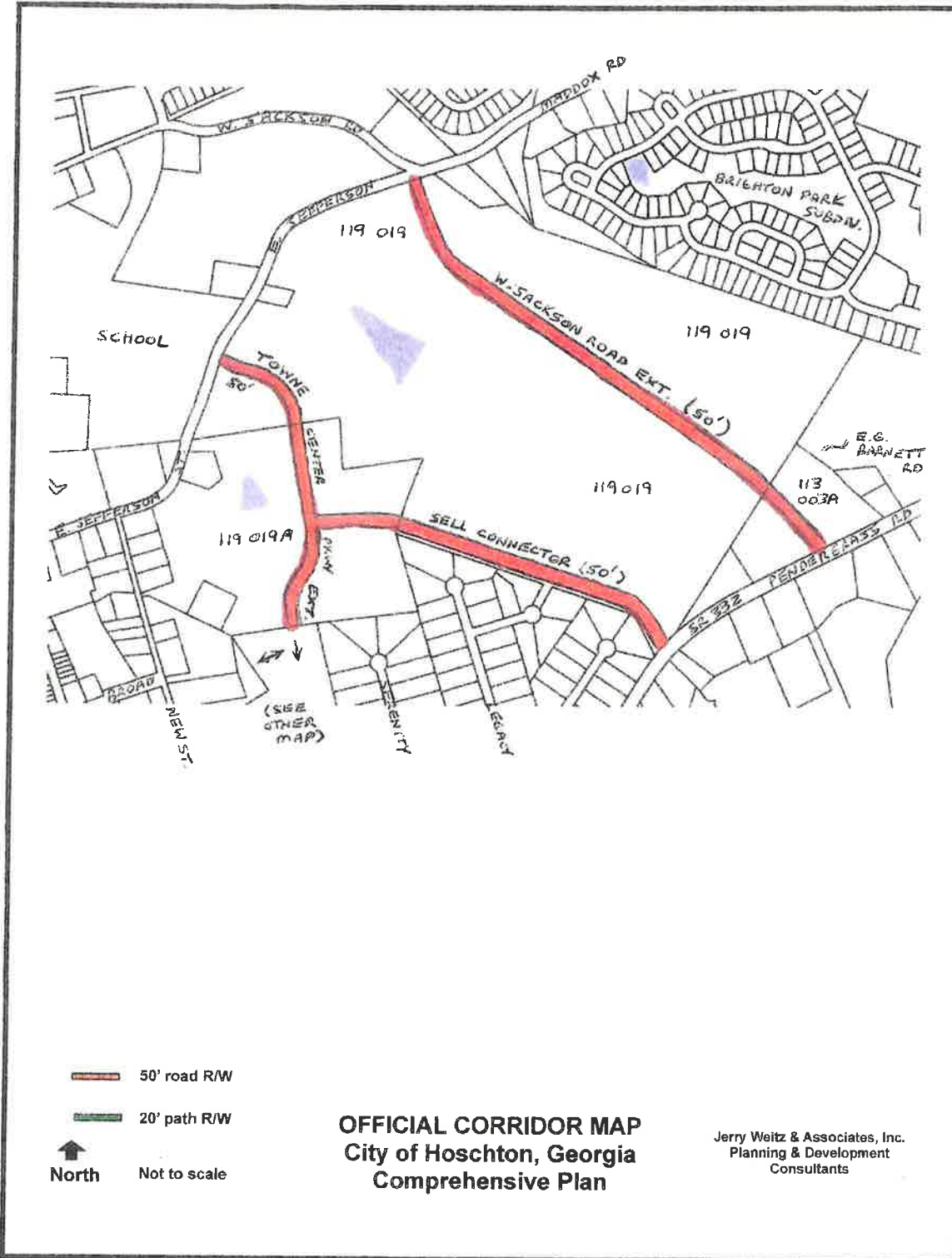
An official corridor map is a growth management technique that seeks to reserve ways for future road connections and multi-use paths needed as development occurs. The technique has its origins in Georgia going back to the planning and zoning enabling act of 1957, and the technique has been utilized since at least 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.

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 is needed to implement 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 for development 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 rezoning, preliminary subdivision or 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 in Hoschton is imminent. It is beneficial that this corridor map and implementing regulations follow immediately, given rezoning proposals pending and in the pre-application stage east of SR 53 and elsewhere. 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.

The official corridor map, which consists of four separate maps, is shown on the following pages.





OLD BUSINESS

ITEM #2

(Ordinance 0-23-05: Corridor Map)

ORDINANCE O-23-05

AN ORDINANCE AMENDING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE ADOPTED APRIL 4, 2016, AS MOST RECENTLY AMENDED NOVEMBER 21, 2022, TO AMEND ARTICLE VI, "ACCESS AND DESIGN REQUIREMENTS FOR ROADS," SECTION 602, "CONFORMANCE TO ADOPTED MAJOR THOROUGHFARE AND OTHER PLANS" TO PROVIDE REFERENCE TO A NEW CODE SECTION; TO PROVIDE REFERENCE TO AN OFFICIAL CORRIDOR MAP; AND TO AMEND ARTICLE IX, "DEVELOPMENT PLANS AND PERMITS," TO ADD A NEW SECTION 910, "OFFICIAL CORRIDOR MAP." TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR AN EFFECTIVE DATE; AND FOR OTHER PURPOSES

WHEREAS, The Hoschton City Council desires to amend the Hoschton Subdivision and Land Development Ordinance to add provisions regarding adoption of an Official Corridor Map to reserve future road right of ways necessitated by new development; and

WHEREAS, The city's comprehensive plan was amended September 18, 2023, to include an "official corridor map" and explanatory matter reserving future rights of ways for roads and multi-use paths;

WHEREAS, Written notice of this proposed ordinance was sent to property owners of record with land showing a reservation of right of way on the Official Corridor Map, along with a copy of a draft of this ordinance for review and comment; and

WHEREAS, city staff provided a public information and comment opportunity on this proposed ordinance, to present the proposed ordinance and allow for public comments prior to the public hearing before City Council; and

WHEREAS, The City Council conducted a public hearing on this matter; and

WHEREAS, The City Council finds that it is necessary and in the public health, safety, welfare, and general interests of the city to amend the subdivision and land development ordinance;

Now, therefore, the City Council of Hoschton hereby ORDAINS as follows:

Section 1.

The City of Hoschton subdivision and land development ordinance, Article VI, "Access and Design Requirements for Roads," Section 602, "Conformance to Adopted Major Thoroughfare and Other Plans, is retitled and amended to read as follows:

"Sec. 602. Conformance to Adopted Major Thoroughfare, **Official Corridor Map** and Other Plans.

- (a) All roads, **multi-use paths**, and other features of the adopted comprehensive plan shall be **shown as reserved land on preliminary plats, when required, and development plans by the subdivider or developer** ~~platted by the subdivider~~ in the location and, if any, to the dimensions indicated in the transportation element of the comprehensive

plan, official corridor map, or other transportation plan applicable in the city, as more specifically provided in Section 910 of this ordinance.

- (b) Any subdivision or land development with property fronting on an existing city or county public road or state highway may be required to provide road improvements to bring the road or highway up to applicable standards and to handle the traffic generated by the subdivision or land development.”

Section 2.

The City of Hoschton subdivision and land development ordinance, Article IX, “Development Plans and Permits,” is amended to add a new Section 910, “Official Corridor Map” as follows:

Section 910. Official corridor map.

- (a) Purpose and intent. The purpose of an official corridor map is to implement the city’s comprehensive plan, by reserving land needed for future transportation facilities identified in the comprehensive plan. The corridor map is intended to provide a basis for coordinating the provision of transportation facilities with new development by designating corridors of future right of way where the construction and improvement of transportation facilities is expected. The official corridor map is also intended to restrict the construction or expansion of permanent structures in the intended right-of-way of planned transportation facilities as indicated on a corridor map, at least until a determination is made by the city concerning the proposed transportation facility.
- (b) Definitions.
1. Official corridor map: A map or maps adopted by the city, which designates land to be reserved for the construction of future transportation facilities or improvement of existing transportation facilities. The corridor map establishes the width and location of corridors but also provides flexibility in planning the design, location, and width of a transportation facility.
 2. Reserved land: Land shown on the corridor map as “reserved.”
 3. Transportation facilities: Streets, highways, bikeways, sidewalks, and multi-use paths.
- (c) Prerequisites to adoption of an official corridor map or the subsequent inclusion of reserved land on said map. No official corridor map shall be adopted, and no such map shall be amended to include a land reservation, until and unless the requirements of this subsection are met to ensure procedural due process:
1. At least fifteen (15) days before the public hearing, the city shall notify the public of the date, time, place, and nature of the public hearing by publication in a newspaper of general circulation in the territory of the local government.
 2. The city shall notify all owners of record according to the Jackson County tax assessor of parcels of land that include proposed reserved land of the date,

time, place, and nature of the public hearing by mail at least fifteen (15) days before the public hearing.

3. The Hoschton City Council shall hold a public hearing(s) at the date, time, and place advertised, and afford all interested individuals the opportunity to be heard concerning the proposed official corridor map.
- (d) Adoption. That map, or maps, titled "Official Corridor Map for the City of Hoschton," as contained in the adopted comprehensive plan of the City of Hoschton and which is attached to and made a part of this section, is hereby adopted for purposes of subdivision platting, development permitting, and land use regulation in the City of Hoschton.
- (e) Reservation of land. The areas shown on the official corridor map as "future road right of way" and "future multi-use path" shall be interpreted as "reserved land" as defined in this ordinance and shall be shown as such on preliminary plats, if applicable, and on development plans, and final plats (if applicable) in a manner consistent with this section.
- (f) Width of reservation.
 1. Unless otherwise specifically shown on the official corridor map, the required right of way width for a future road right of way shall be fifty (50) feet, and the required right of way width for a future multi-use path shall be twenty (20) feet.
 2. If a road right of way width of greater than fifty (50) feet is specified on the official corridor map, the city may authorize a reduction of the required future road right of way width to fifty (50) feet, depending upon evaluation of traffic and travel impacts of the proposed subdivision or land development.
 3. Where a future road right of way intersects with an existing road right of way such as a state route, the width of said reservation may be required by the city to be increased to eighty (80) feet to accommodate road intersection turning lanes.
 4. The city may authorize a reduction of the required future road right of way width or future multi-use path right of way width reservation on a given parcel of land by one-half (i.e., to 25 feet and 10 feet, respectively), if the subdivider/ developer owns abutting property or if there is a formal legal arrangement by an abutting property owner to reserve one-half the width of the proposed right of way or multi-use path right of way. The intent of this provision is to allow one reservation at the specified width to occur that will traverse a common property line to the benefit of properties along both sides of the proposed reservation.
- (g) Location of reservation. In the case of a future right of way shown on the official corridor map, the City of Hoschton shall consider and may approve an alternative alignment proposed by the subdivider or developer on the same parcel of land as is proposed for subdivision and/or development that accomplishes the same point-to-point interparcel connectivity at the specified width. This provision is

intended to offer flexibility to the subdivider or developer to plan the site with the reserved road right of way in a way that optimizes the site plan's design and/or to account for the possible need to modify the location given existing topographic, riparian, or other environmental or field conditions.

- (h) Permitting restriction. The city shall not issue any permit pertaining to land use, zoning or development on land regulated by this section except pursuant to the procedures of and in compliance with this section. This section does not forbid or restrict the use of any reserved land that does not constitute the development of that land, nor does this section forbid or restrict development on the unreserved portion of any tract or parcel that contains reserved land as shown on the official corridor map.
- (i) Preliminary plat or development permit required. An owner of reserved land who proposes to subdivide reserved land shall apply for a preliminary plat. An owner of reserved land who proposes to develop reserved land shall apply for a development permit. It shall be unlawful to subdivide or develop land shown as reserved on the official corridor map without securing a preliminary plat and/or development permit as required by this section.
- (j) Public hearing and notice for preliminary plat or development permit involving reserved land. Upon receiving an application for a preliminary plat, if subdivision is required, or a development permit if subdivision is not proposed, involving reserved land as shown on an the official corridor map, the city shall arrange for the application to be scheduled for public hearing by the Hoschton City Council. The applicant shall be notified in writing of the date, time, and place of the hearing, by written mail, personal service, or electronic mail, at least fifteen (15) days prior to the public hearing. The public shall be given notice of the date, time, place, and nature of the hearing by publication in a newspaper of general circulation in the territory of the local government with jurisdiction at least fifteen (15) days prior to the public hearing. The applicant shall, at the hearing, have an opportunity, personally or through counsel, to present evidence and argument in support of his or her application.
- (k) Action. Following the public hearing, the Hoschton City Council may take one of the following actions:
 - 1. Approve the preliminary plat or development permit as proposed, with or without conditions, modify the mapped corridor to remove all or part of the reserved land from the mapped corridor, and issue with or without conditions the preliminary plat authorizing preliminary subdivision or issue a development permit authorizing development on the land removed from the mapped corridor.
 - 2. Modify the proposed preliminary plat or development permit application and issue it for development as modified, with or without conditions, if the development can reasonably be accomplished on the subject parcel without encroaching on the reserved land.

3. Delay action on the development permit for a defined period of time not to exceed ninety (90) days for the purpose of any of the following: negotiating with the property owner for the purchase of all or a part of the reserved land by the city; acquiring the reserved land from the developer voluntarily; acquiring a negative easement over the reserved land that prevents the property owner from building on the reserved land; or taking the reserved land through eminent domain and the payment of just compensation.
- (I) Council authority and action. After considering the preliminary plat or development permit with reserved land pursuant to this section, the Hoschton City Council may, but shall not be obligated to, negotiate for the voluntary dedication of the land, enter into option to purchase, or it may initiate condemnation proceedings subject to applicable state laws and use its powers of eminent domain. If the Hoschton City Council delays action on the preliminary plat or development permit with reserved land as provided by this section, and the Hoschton City Council fails to arrange for the legal acquisition of all or a part of the reserved land within the specified time period which shall not exceed ninety (90) days, then the city shall approve the preliminary plat or the development permit, as the case may be, with or without conditions, or in the absence of such approval, the preliminary plat or development permit as the case may be shall be deemed approved as submitted.”

Section 3.

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

Section 4.

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 5.

This ordinance shall become effective immediately upon its adoption.

So ORDAINED, this 20th day of November, 2023.

Debbie Martin, Mayor

Ordinance O-2023-05

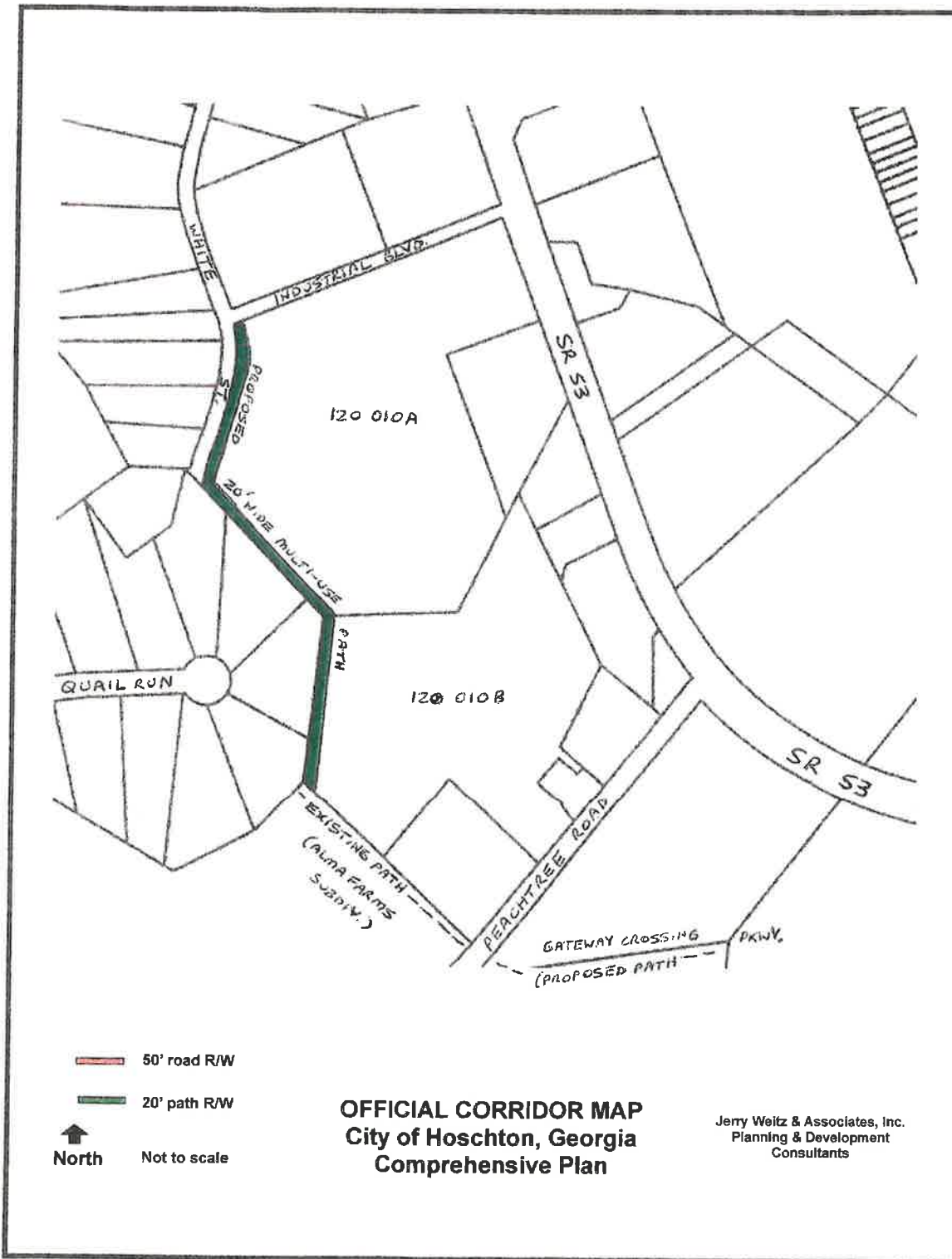
This is to certify that I am City Clerk of the City of Hoschton. As such, I keep its official records, including its minutes. In that capacity, my signature below certifies this ordinance was adopted as stated and will be recorded in the official minutes.

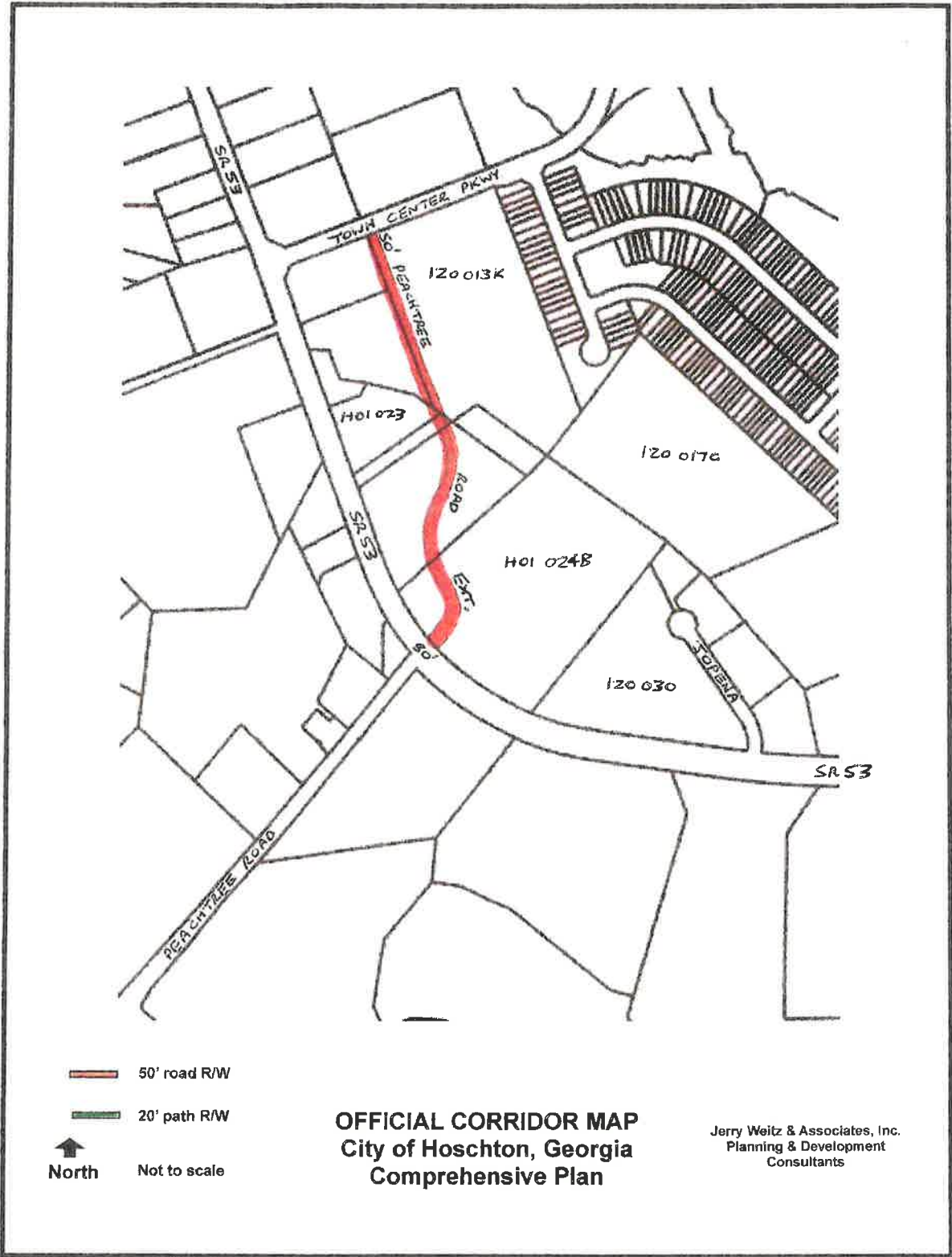
ATTEST:

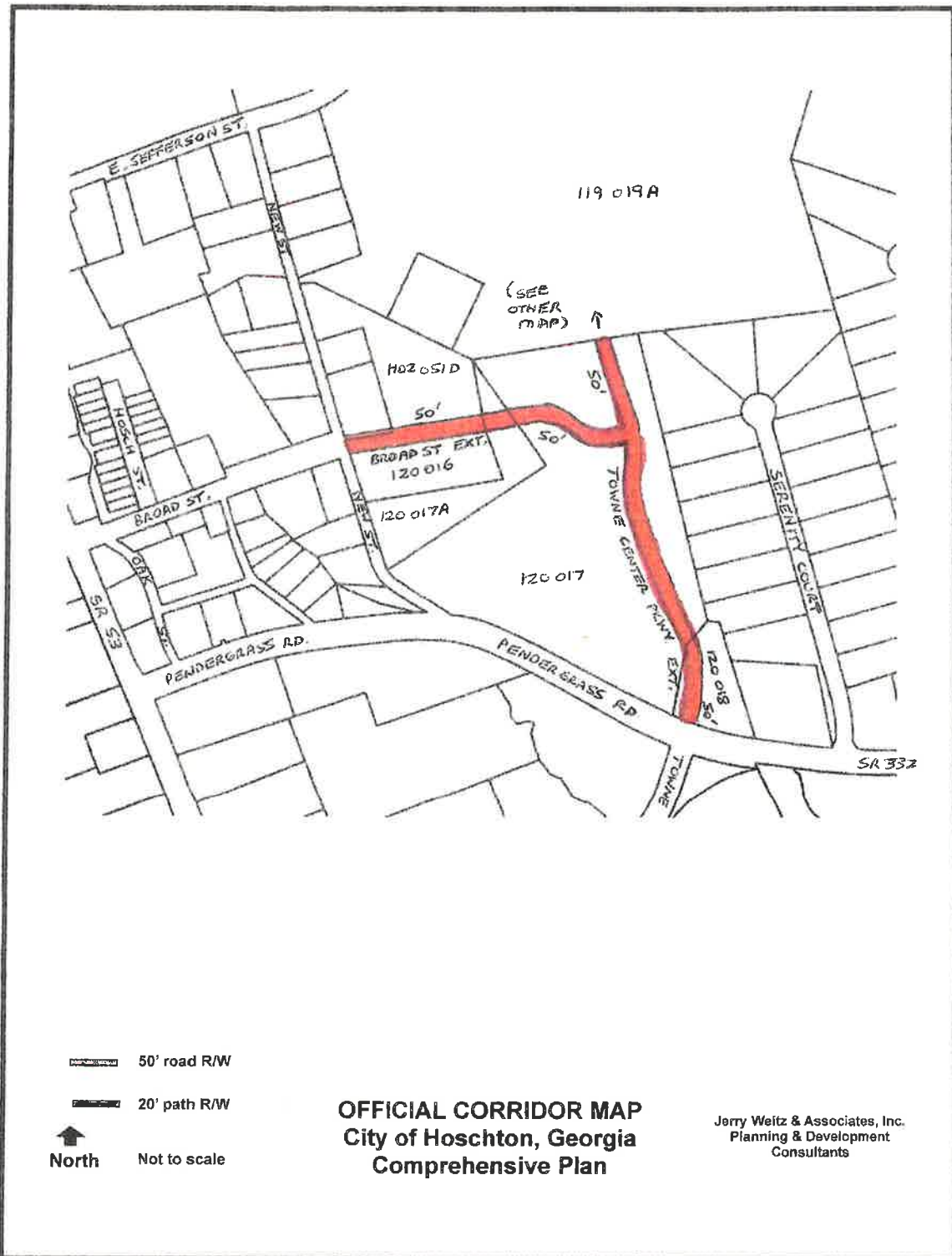
Jennifer Kidd-Harrison, City Clerk

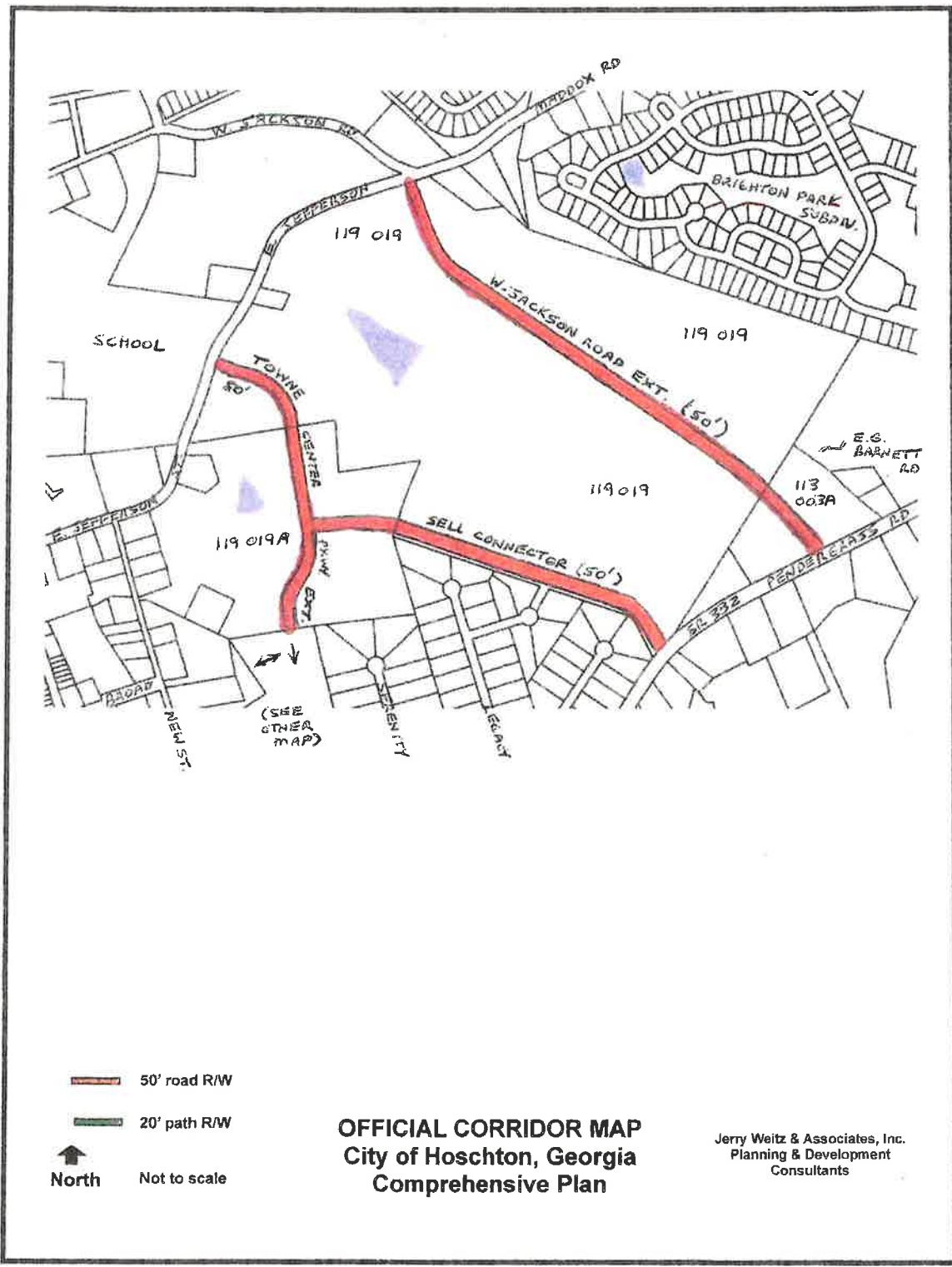
APPROVED AS TO FORM

Abbott S. Hayes, Jr., City Attorney









NEW BUSINESS

ITEM #1

Z-23-12 Rezoning from A (Agricultural District) to

C-1 (Neighborhood Business District)

Horace Healan, Applicant

**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: November 6, 2023

SUBJECT REQUEST: **Z-23-12:** Rezoning from to A (Agricultural District) to C-1 (Neighborhood Commercial District)

CITY COUNCIL HEARING: November 16, 2023 @ 6:00 p.m.

VOTING SESSION: November 20, 2023 @ 6:00 p.m.

APPLICANT: Horace Healan

OWNER(S): Horace Healan

PROPOSED USE: Office/commercial

LOCATION: Fronting approximately 247 feet on the north side of (8338) Pendergrass Road (SR 332) across from the intersection of Pendergrass Road and Towne Center Parkway

PARCEL(S) #: 120/018

ACREAGE: 1.09

EXISTING LAND USE: Detached, single-family dwelling

SURROUNDING LAND USE AND ZONING:

North: Detached single-family dwelling, A (Agricultural District)

East: Detached single-family dwellings, R-2 (Single-family Suburban Residential District)

South: (Across SR 332) Vacant, C-2 (General Commercial – Highway Oriented District)

West: Detached single-family dwelling, A (Agricultural District)

RECOMMENDATION: Approval



Tax Map/Aerial Photograph



Axonometric View of Area

SUMMARY OF REQUEST

The applicant owns and resides in the home on the subject site and would like to continue living on the property in the home but rezone the property for office or business use. A letter of intent is attached. Because there is no current proposal to develop the property, the requirement to file a site plan for the rezoning application has been waived by the zoning administrator.

ZONING (C-1) DIMENSIONAL AND OTHER REQUIREMENTS

- Minimum lot size, all uses: 10,000 square feet
- Minimum lot width, all uses: 50 feet
- Minimum landscaped open space: 15% of lot
- Minimum landscape strip along road frontage: 10 feet
- Maximum building height: 2 stories and 40 feet
- Principal building setbacks: 35 feet (front), 12 feet (side), 20 feet (rear)
- Building setback abutting an R-2 zoning district: 30 feet
- Natural buffer abutting an R-2 zoning district: 20 feet
- Minimum tree canopy: 15% of lot

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:

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

Finding: Abutting uses and zoning are described on the cover page of this report. To the northwest and west of the property is a 12+ acre tract zoned A, Agricultural but which has been actively marketed for development and which has had a proposal for multi-family zoning recently filed but withdrawn. To the east, across a stream, are detached, single-family dwellings in the Century Oaks Subdivision. To the south, across Pendergrass Road, there is vacant land on both sides of Town Center Parkway zoned C-2 (Highway Commercial). There is a stream running along part of the east property line, and any subsequent development would be required to retain a 50-foot buffer along the stream. Such buffer would help to separate and buffer the subject property from the adjacent Century Oaks neighborhood. In addition, the C-1 zoning district requires a 30 foot building setback, including a 20-foot natural buffer, abutting R-2 zoning (i.e., Century Oaks Subdivision). The dwelling on the lot abutting to the east is on the other side of the stream and will therefore be adequately separated and buffered from the subject property (*supports request*).

Finding: The C-1 zoning district is intended for the development of small clusters of retail sales and service establishments which are designed to provide limited convenience shopping and services primarily for the immediate surrounding residential areas. Automobile-related or highway-oriented commercial uses are excluded. The intensity of development in a C-1 zoning district is lower than other commercial zoning districts, so as to be compatible with adjacent and nearby residences. Use of the dwelling for an office or business, or development of the site for a new office or commercial building, would be considered suitable in view of existing commercial (C-2) zoning on the south side of Towne Center Parkway (*supports request*).

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

Finding: As noted above, there is a stream running along part of the east property line, and any subsequent development would be required to retain a 50-foot buffer along the stream. Such buffer would help to separate and buffer the subject property from the adjacent Century Oaks neighborhood. Also, where the stream does not form the property line, the subject property would be required to maintain a 20-foot wide natural buffer. These are adequate protections that will ensure the abutting residential neighborhood is not adversely affected by use of the dwelling for office or business or redevelopment of the site for C-1, neighborhood commercial uses.

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

Finding: The 1.09-acre lot size does not conform to the 1.5-acre lot size required for the existing A, Agricultural District. The lot has a home on it and is used as a detached, single-family dwelling. It has a reasonable economic use as currently zoned (*does not support request*).

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

Finding: Use of the site for an office or neighborhood commercial business but without significant development would not cause an excessive or burdensome use of existing streets or transportation facilities or utilities (**supports request**). There would be no impact on schools (**supports request**). Development of the site for a new building and parking lot in a manner that tends to maximize the use potential of the site would probably trigger the requirement to obtain a commercial driveway permit from the Georgia Department of Transportation and relocation of the current residential driveway (which is at an offset from Towne Center Parkway) to align with Towne Center Parkway. Also, as noted elsewhere in this report, any significant redevelopment of the site with a new building and expanded parking lot would trigger the requirement to comply with the city's stormwater (and other) ordinances.

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

Finding: The future land use plan shows the subject property, along with the adjacent 12-acre tract, as public-institutional land use. As described in the comprehensive plan for the public-institutional land use category, future public-institutional development is rarely planned for in local land use plans. However, as urban and suburban areas develop, there is a need for additional institutional land uses such as churches, schools, and institutionalized residential living facilities, which often follow residential and commercial development but with little forethought. Hoschton's future land use plan provides for expansion of public-institutional land uses in the north and east part of the city, including the subject 1.09-acre site and the adjacent 12-acre site. An INST, Institutional zoning district is identified as the primary zoning district to implement this land use category. However, an office use would be compatible/consistent with this recommendation. C-1 zoning, if used for certain institutional uses permitted in the C-1 zoning district (such as but not limited to a church or place of worship, or a non-profit club or lodge, or a business service establishment less than 2,500 square feet in area) would be consistent with the recommended land use of the comprehensive plan (**supports request**).

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

Finding: In staff's opinion, the subject property is best combined with the abutting 12-acre site if that site is developed, and used as an access way that aligns with Towne Center Parkway across SR 332. A corridor map proposal was drawn up by planning staff, showing the subject property as having a new public street as an alternative to New Street, to be reserved and possibly constructed at the time the 12-acre site is developed. However, that corridor map proposal has not been adopted at this time, nor has there been a rezoning of the 12-acre property from agricultural to another use (**inconclusive**).

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

Finding: Because there is highway commercial zoning on the south side of Pendergrass Road (SR 332), the proposed C-1 zoning district would relate to the adjacent commercial zoning and therefore would not appear to be an isolated zoning district (**supports request**). On the other hand, assuming the abutting 12-acre parcel is developed, the existing "A" zoning of the subject property would be considered an isolated zoning district (**tends to support request**).

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

Finding: As noted above, a natural buffer would be required to be maintained along that portion of the east property line abutting the stream, which forms part of the eastern property line and abutting Century Oaks subdivision. Utilization of the current home and driveway, without any appreciable development, will have little if any impact on drainage, soil erosion and sedimentation and air and water quality (**supports request**). It will have no additional impact on flooding potential. The city's stormwater management ordinance would require detailed plans if more than 5,000 square feet of additional impervious surface is proposed. Hence, any significant development of the property would trigger the requirement for engineering plans and stormwater assessments and facilities.

CONCLUSION

The applicant wants to retain the current residential use for the property but to position the owner for sale as an office or business. Most likely, any conversion of use under the proposed C-1 zoning district would not involve additional development. Consulting planning staff does not believe that conditions of approval are necessary, especially under the currently proposed arrangement. The existing dwelling could be converted to an office or small business with few changes and minimal impact. The site is large enough to accommodate additional parking if needed.

It is also believed that the current regulations are adequate to protect public interests in the event that the subject site is redeveloped for a C-1 zoning district use, because buffering, driveway requirements, and stormwater/development regulation would be applicable for the addition of 5,000 or more square feet of impervious surface. As noted in this report, staff believes the best use of the site is for an access drive serving the abutting 12-acre site if rezoned for development, so that the access will align with Towne Center Parkway.

Staff recommends approval without conditions.

Horace J Healan
8338 Pendergrass Road
Hoschton, GA 30548

RE: Letter of Intent

To The City of Hoschton, Mayor, and City Council,

This letter of intent is to request your consideration on rezoning my property I have resided at for the last 60 years. At the present time I still reside in my home at 90 years of age. For the last 2 years I have had numerous offers to purchase my home for an office or small business. With the current changes and growth in Hoschton I feel like it is now time to rezone this property. The intent is to use the brick structure as is with only interior remodeling and updating. I plan no development or changes to the property itself.

I was born and raised in Hoschton, GA and have lived here my entire life. I served as Hoschton's postmaster for 40 years.

I hope you find this to be an easy decision with no complications. I feel this C1 rezoning is the highest and best use of this property for me and the City of Hoschton.

Sincerely,

Horace J Healan

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE NO. Z-23-12

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

WHEREAS, Horace Healan, applicant and property owner, has filed an application to rezone 1.09 acre fronting on the north side of Pendergrass Road (SR 332) from A (Agricultural District) to C-1 (Neighborhood Business District); and

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

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

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

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

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

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

Section 1. The Property, legally described in Exhibit A attached to this ordinance, is hereby rezoned from A, Agricultural District, to C-1, Neighborhood Business District.

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

So ORDAINED this 20th day of November, 2023.

James Lawson, Acting Mayor

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

ATTEST:

Jennifer Kidd-Harrison, City Clerk

Approved as to Form:

Abbott S. Hayes, Jr., City Attorney

**EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY REZONED**

All that tract or parcel of land lying and being in Jackson County, Georgia, constituting 1.09 acre more or less and fronting approximately 247 feet on the north side of (8338) Pendergrass Road (SR 332) across from the intersection of Pendergrass Road and Towne Center Parkway, known as Map/Parcel 120/018, records of the Jackson County Tax Assessor, as shown on the tax map made a part of this Exhibit A.



Tax Map 120/018

NEW BUSINESS

ITEM #2

SPLOST PAYMENTS

Tiffany Wheeler

From: Tiffany Wheeler
Sent: Monday, November 6, 2023 11:05 AM
To: Jennifer Kidd-Harrison
Subject: SPLOST 6
Attachments: 1232_001.pdf

Hey Jennifer,

I show we have left a total of \$612,531.03 remaining in SPLOST 6 funds.

I would like to request to use \$100,000.00 put of SPLOST (Rec) Funds to go towards the Basketball Courts we are currently having done, and the remaining \$512,531.03 balance in SPLOST 6 to all be put towards the Water/Sewer Debt.

Thanks,

Tiffany Wheeler

*Finance / HR Director
City of Hoschton*

--- 706-654-3034 (office) or 678-725-3676 (cell)
---✉ twheeler@cityofhoschton.com
---🌐 www.cityofhoschton.com
---📍 61 City Square, Hoschton, GA 30548

City of Hoschton
 SPLOST 6 Recap - Cash Basis
 Total

00091.26

| Project Budgets, original | W/S | R&B | Rec | Total |
|--------------------------------------|---------------------|-------------------|-------------------|---------------------|
| | \$ | \$ | \$ | \$ |
| Department Beginning Balance | | | | |
| 2017 Revenues | 88,459.22 | 23,589.13 | 5,897.28 | 117,945.63 |
| 2017 Interest Revenue | 36.77 | 46.72 | 6.13 | 89.62 |
| 2018 Revenues | 184,119.51 | 49,098.16 | 12,274.61 | 245,492.28 |
| 2018 Interest Revenue | 189.70 | 50.59 | 12.65 | 252.93 |
| 2019 Revenues | 202,877.48 | 54,100.67 | 13,525.14 | 270,503.29 |
| 2019 Interest Revenue | 348.32 | 92.89 | 23.22 | 464.43 |
| 2020 Revenues | 230,162.76 | 61,376.74 | 15,344.18 | 306,883.68 |
| 2020 Interest Revenues | 81.04 | 21.61 | 5.40 | 108.05 |
| 2021 Revenues | 252,729.42 | 67,394.51 | 16,848.63 | 336,972.56 |
| 2021 Interest Revenues | 407.85 | 108.76 | 27.19 | 543.80 |
| 2022 Revenues | 342,700.22 | 91,386.73 | 22,846.68 | 456,933.63 |
| 2022 Interest Revenues | 1,539.00 | 410.40 | 102.60 | 2,052.00 |
| 2023 Revenues | 198,708.47 | 52,988.92 | 13,247.23 | 264,944.62 |
| 2023 Interest Revenues | 5,622.59 | 1,499.36 | 374.84 | 7,496.50 |
| Total Revenues Thru 5/31/2022 | 1,507,982.35 | 402,165.18 | 100,535.78 | 2,010,683.03 |

| Expenses / Disbursements | YE 2017 | YE 2018 | YE 2019 | YE 2020 | YE 2021 | YE 2022 | YE 2023 |
|---|-----------------------|---------------------|----------|---------------------|----------|----------|----------|
| | - | - | - | - | - | - | - |
| | (490,000.00) | - | - | (140,000.00) | - | - | - |
| | (35,000.00) | - | - | (58,134.00) | - | - | - |
| | (675,018.00) | - | - | - | - | - | - |
| Total Expenditures Thru 12/31/2022 | (1,200,018.00) | (198,134.00) | - | (198,134.00) | - | - | - |

Use remaining SPLOST 6 Funds towards W/S debt \$512,531.03

Put \$100,000 towards Basketball Courts.

| | | | | |
|----------------|---------------|---------------|---------------|---------------|
| Ending Balance | \$ 307,964.35 | \$ 204,031.18 | \$ 100,535.78 | \$ 612,531.03 |
|----------------|---------------|---------------|---------------|---------------|

| | | | | |
|--|-----------------|--------------|--------------|-----------------|
| Remaining Available to Fulfill Original Project budget | \$ (355,030.00) | \$ 27,196.00 | \$ 56,332.00 | \$ (271,502.00) |
| Excess: | | | | |
| Over / (Under) remaining budget - Available to reallocate: | 662,994.35 | 176,835.18 | \$ 44,203.78 | 884,033.31 |

NEW BUSINESS

ITEM #3

GEFA LOAN PAYOFF



Payoff Good Through 12/20/2023 by 2PM

City of Hoschton

Date Printed: 11/6/2023

| | |
|------------------------|-----------------------|
| Loan Number | 2013L27WQ |
| Community | City of Hoschton |
| Interest Paid Through | 11/30/2023 |
| Principal Paid Through | 11/30/2023 |
| Payoff Date | 12/20/2023 |
| Interest Rate | 2.40% |
| Per Diem | 112.65803 |
| Principal Balance | \$1,689,870.50 |
| Accrued Interest | \$2,140.50 |
| Administration Fee | \$0.00 |
| Payoff Amount | \$1,692,011.00 |

Payoff Quote Assumes 12/1/2023 has been collected

↳ - 512,531.03

\$1,179,479.97

↑
would be
out of
expansion
acct.

NEW BUSINESS

ITEM #4

RESOLUTION 2023-25: RESIDENTIAL
REZONING MORATORIUM

RESOLUTION 2023-25

A RESOLUTION ADOPTING A PROHIBITION FOR A ONE-YEAR PERIOD ON THE FILING AND PROCESSING OF APPLICATIONS FOR ANNEXATION OF LAND AND ASSOCIATED ZONING APPLICATIONS INVOLVING RESIDENTIAL DEVELOPMENT OF EIGHT DWELLING UNITS OR MORE; ADOPTING A PROHIBITION FOR A ONE-YEAR PERIOD ON THE FILING AND PROCESSING OF APPLICATIONS TO REZONE LAND ALREADY IN THE CITY LIMITS TO A PUD, PLANNED UNIT DEVELOPMENT DISTRICT OR MFR, MULTI-FAMILY RESIDENTIAL DISTRICT OR TO ANY OTHER ZONING DISTRICT THAT WOULD AUTHORIZE CONSTRUCTION OF EIGHT OR MORE DWELLING UNITS; AND FOR OTHER PURPOSES

WHEREAS; Jackson County and the City of Hoschton are located within a rapidly developing region with ongoing growth pressures from metropolitan Atlanta, the Gainesville urbanized area, and the Athens-Clarke County urbanized area; and

WHEREAS; The Jackson County Board of Commissioners, which regulates land use in the unincorporated areas of the county, recently imposed residential density limitations and development impact fees and also imposed a moratorium on certain residential development land use plan map and zoning changes while it put in place additional residential density limitations and development impact fees; and

WHEREAS; Said recent residential development density limitations and other regulatory changes on residential development by the Jackson County Board of Commissioners have had the net result of increasing the likelihood that unincorporated property owners will propose that unincorporated land be annexed into municipalities, including Hoschton, for residential projects with densities not otherwise allowed by county plans and regulations; and

WHEREAS; The city has in recent months approved applications for annexation and residential zoning districts and applications for rezoning to residential districts which have resulted in the potential for the addition of hundreds of additional dwelling units to the city's housing stock; and

WHEREAS; The existing stock of vacant residentially zoned land ready for development in the city represents a substantial supply of residential land that may take several years to develop at current and anticipated paces of residential development; and

WHEREAS; Hoschton faces pressures to expand city facilities and services to accommodate development, including roads, water supply, wastewater treatment, police, planning and development, building permitting and inspections, stormwater management, and parks and recreation, utility billing, and general administrative services, as a result of development already approved, and the city is further threatened with potential shortfalls in levels of service and facility and service capacity if additional residential development is authorized and constructed; and

WHEREAS; Annexation of land for residential development would further increase these pressures to expand and improve city facility and service levels and capacities; and

Resolution 2023-25

WHEREAS; Rezoning of land to planned unit development districts and multi-family residential districts, or any application to rezone property that would allow eight or more dwelling units would also further increase these pressures to expand and improve city facility and service levels and capacities; and

WHEREAS; The Hoschton City Council has complete legislative discretion as to whether it will annex land by ordinance of the city; and

WHEREAS; There are no inherent rights established for private owners of unincorporated lands to have properties annexed into a city, and

WHEREAS; Any limitation that the city elects to place on the city's acceptance of annexation applications for residential development is wholly within the legislative discretion of the governing authority and does not present any significant detriment to unincorporated landowners who continue to be governed by county land use policy and zoning regulation; and

WHEREAS; It is customary for cities in Georgia to assign a zoning classification to property at the time property is annexed, in accordance with the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq.; and

WHEREAS; Any limitation that the city elects to place on the city's acceptance of annexation applications for residential development is also, therefore, a choice to limit the exercise of the city's zoning powers; and

WHEREAS; The city has adopted a comprehensive plan and annually updates its comprehensive plan in accordance with applicable state administrative rules; and

WHEREAS; The city proposes measures in the form of a prohibition on the acceptance of annexations for residential development of eight dwelling units or more, and a prohibition on the rezoning of land already in the city limits to certain residential zoning districts or that would authorize residential development of eight dwelling units or more, and such prohibitions are the minimum restrictions needed to allow the city time to gauge the facility and service needs of existing, approved annexations and residential rezonings as well as potential future residential annexations and rezonings, if authorized, and identify capital facility plans and financing mechanisms to serve said developments; and

WHEREAS; The prohibitions imposed by this resolution are limited in scope to reasonable minimum actions, and said temporary prohibitions are not in themselves considered by the City Council to be a "final legislative action" and are therefore considered to be exempt from the procedural requirements of the Zoning Procedures Law, O.C.G.A. § 36-66-4;

Now, therefore, IT IS RESOLVED by the Governing Authority of the City of Hoschton as follows:

Resolution 2023-25

Section 1.

There shall be no acceptance or processing of any application to annex land into the city limits of Hoschton and any associated zoning application for a zoning classification that permits or authorizes eight residential dwelling units or more, or any rezoning application to the PUD, Planned Unit Development District or MFR, Multi-Family Residential District or rezoning to any other zoning district that would authorize the construction of eight or more dwelling units. This limitation shall not apply to any of the following:

- (a) Any application for rezoning for residential development of more than eight units that was filed on or before November 20, 2023, specifically including application number Z-23-13, records of the zoning administrator (an application for rezoning to PUD, Planned Unit Development for approximately 12.2 acres fronting on the south side of Pendergrass Road, a.k.a. SR 332); and
- (b) Any annexation application and associated zoning application for residential development of less than eight units, filed on or after the effective date of this resolution; and
- (c) Any annexation application and associated zoning application for nonresidential development.
- (d) Any rezoning application for nonresidential development.
- (e) Any application to modify the conditions of zoning approval of an existing PUD or MFR, Conditional, zoning district, unless it proposes an increase in residential density, in which case such an application shall not be accepted or processed.

Section 2.

This resolution shall expire after one year from the date of its adoption unless readopted by the Hoschton City Council.

RESOLVED this the 20th day of November, 2023.

Debbie Martin, Mayor

ATTEST:

Jennifer Harrison, City Clerk

NEW BUSINESS

ITEM #5

PLANNING AND ZONING COMMISSION

(NO DOCUMENTATION)

NEW BUSINESS

ITEM #6

RESOLUTION 2023-24: JINGLE MINGLE

CITY OF HOSCHTON
STATE OF GEORGIA

RESOLUTION 2023-024

**DESIGNATION OF HOSCHTON JINGLE MINGLE PURSUANT TO SECTION 40-144
OF THE HOSCHTON CITY CODE**

WHEREAS, the City of Hoschton Downtown Development Authority sponsors an annual Jingle Mingle event in the downtown area, to be held on December 8, 2023; and

WHEREAS, the Jingle Mingle is an important event that brings together citizens of the City of Hoschton and visitors from surrounding areas; and

WHEREAS, the City Council hereby determines that the public interest would be served by allowing alcoholic beverages to be enjoyed outside of establishments licensed to dispense alcoholic beverages by the drink during the event.

NOW THEREFORE BE IT RESOLVED that the City Council of the City of Hoschton hereby excepts the Jingle Mingle, on December 8, 2023, from the provisions of the Hoschton City Code Sections 40-106, 40-109, 40-126, and 40-135 in the areas of the Train Depot and City Square only.

Adopted this 20th day of November, 2023.

Debbie Martin, Mayor

ATTEST:

Jennifer Williams, Assistant City Clerk

NEW BUSINESS

ITEM #7

UPDATE TO BANK ACCOUNT SIGNERS
(NO DOCUMENTATION)