

CITY OF HOSCHTON
CITY COUNCIL
THURSDAY, AUGUST 14, 2025, AT 6:00PM
HOSCHTON COMMUNITY CENTER
65 CITY SQUARE, HOSCHTON



PUBLIC HEARING
AGENDA

WELCOME AND CALL TO ORDER

INVOCATION/ MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

NEW BUSINESS

1. **Z-25-03** Rezoning: Applicant, The Providence Group of Georgia seeks to modify the conditions of Z-23-02. Parcels 113-003A, 119-018, 119-019K, & 119-019M, 109.73 acres. Applicants request modification to conditions regarding the timeline for road improvements.
2. **V-25-02** Variance: Applicant, McDonald's USA, LLC, seeks variance of RZ-18-05 "Signage". Parcel 121-001A1, 1.13 Acres. Zoning Conditions for the subject property allow for one wall sign, applicant requests two additional wall signs.

ADJOURN

CITY OF HOSCHTON
COUNTY OF JACKSON
STATE OF GEORGIA

ORDINANCE NO. Z-25-03

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF
HOSCHTON, ADOPTED AS PART OF THE HOSCHTON ZONING ORDINANCE

WHEREAS, City of Hoschton, applicant, The Providence Group of Georgia property owner, has applied to modify the conditions of Z-230-02.

WHEREAS, the Property to be rezoned consists of all that tract or parcel of land lying and being in Jackson County Georgia, consisting of parcels 113-003A, 119-018, 119-019K, & 119-019M, on 109.73 acres.

WHEREAS, the Applicant has requested modification to conditions regarding the timeline of road improvement.

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 planning consultant has prepared a report evaluating the criteria for zoning decisions as they pertain to the requested zoning and finds that the application meets the vast majority of criteria, including compatibility with surrounding properties if approved with conditions; and

WHEREAS, an advertised public hearing before the Hoschton Planning Commission was held on the requested zoning; and

WHEREAS, the Hoschton City Council held an advertised public hearing on the application and have 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 institutional zoning classification as applied to the subject property 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 to modify certain zoning conditions.

EXHIBIT A LEGAL DESCRIPTION OF PROPERTY REZONED

Property to be rezoned consists of all that tract or parcel of land lying and being in Jackson County Georgia, consisting of parcels 113-003A, 119-018, 119-019K, & 119-019M, on 109.73 acres.



EXHIBIT B CONDITIONS OF ZONING APPROVAL (Z-25-03)

- 20. Model Homes.** The city shall issue up to 30 residential building permits for the development prior to the first final plat. The permits are not to be issued until water service and paved road access is provided. No Certificates of Occupancy (CO's) are to be issued until the final plat is recorded that includes homes built under this provision.

SO ORDAINED THIS 21st DAY OF AUGUST, 2025

Debbie Martin, Mayor

ATTEST:

Jennifer Kidd-Harrison, City Clerk

Approved as to Form:

Abbott S. Hayes, Jr., City Attorney

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



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

FROM: Hu Blackstock, City Planner

DATE OF REPORT: Jul 16th, 2025

SUBJECT REQUEST: **Z-25-03:** Zoning Condition Amendment of Z-23-02, Additional Condition

PLAN COMM. HEARING: July 23rd, 2025 @ 6:00 p.m.

CITY COUNCIL HEARING: August 14th, 2025 @ 6:00 p.m.

VOTING SESSION: August 21st, 2025 @ 6:00 p.m.

APPLICANT: The Providence Group of Georgia, LLC

OWNER(S): JBGL Atlanta Development 2014, LLC
Shannon C. Sell

PROPOSED USE(S): Residential Community

LOCATION: "Aberdeen" Subdivision, Parcel 119-018 fronts West Jackson Rd and East Jefferson St, Parcels 119-019K, 119-019M, & 113-003A are between East Jefferson St and Pendergrass Rd

PARCEL(S) #: 113-003A, 119-018, 119-019K, 119-019M

ACREAGE: 109.73

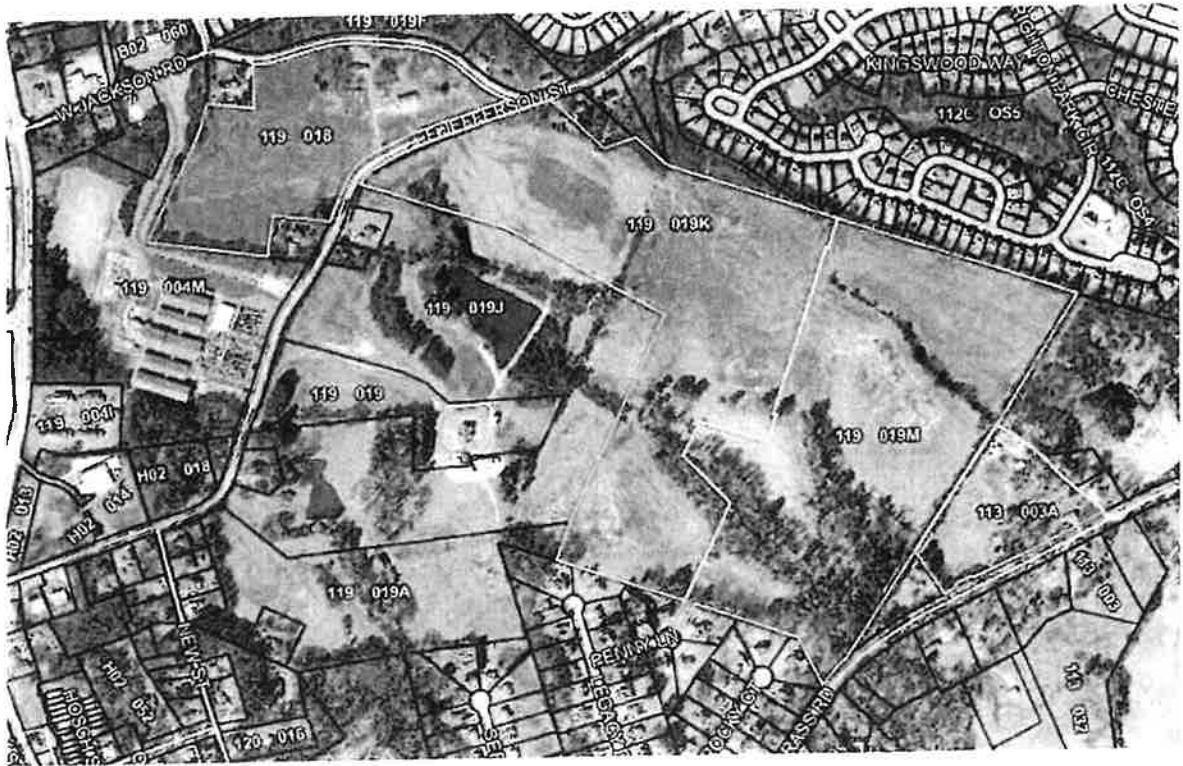
EXISTING LAND USE: Property is being developed as a residential subdivision

SURROUNDING LAND USE AND ZONING:

North: Across W Jackson Rd: Undeveloped R-3 Zoning District
East: Institutional, Agricultural, & R-2 Zoning Districts
South: Across Pendergrass Rd: Single family residences
West: R-3 Zoning District

RECOMMENDATION: Approval

Location of Property



Tax Map 1 of 1

SUMMARY OF REQUEST

The applicant requests the addition of a 20th condition allowing the developer to receive up to 30 building permits prior to final plat approval. The permit would not be issued until water service and road access is provided to the lots. Certificates of Occupancy would not be issued until the final plat is recorded

STANDARDS GOVERNING EXERCISE OF ZONING POWER

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

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

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

Finding: The amendment will not change any proposed uses. ***(Neither supports nor does not support request)***

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

Finding: The amendment will not change any proposed uses. ***(Neither supports nor does not support request)***

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

Finding: The property does have a reasonable economic use. The proposal allows for home construction to begin more quickly, but a delay caused if this request is denied would not create a situation where the property has no reasonable economic use. ***(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: The amendment will not change any proposed uses. ***(Neither supports nor does not support request)*** The number of permitted model homes was set at 30 because the developer was required to purchase 30 water and sanitary sewer connections prior to preliminary plat approval. ***(Supports Request)***

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

Finding: The proposed amendment does not change approved land uses (*Neither supports nor does not support 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: The applicant is required to complete road improvements prior to final plat approval, to reduce conflict with traffic from West Jackson Elementary School the road improvement did not begin until after school was out for summer. This delayed their improvements. Initially, the applicant requested the conditions revised to permit a final plat with road improvements outstanding. (*Supports Request*)

Model homes are permitted in residential subdivisions, but the zoning ordinance does not specify the number permitted per subdivision or the requirements. Other PUD zoning districts have conditions specifying the number of model or prairie built homes permitted. This condition is modeled on those. The number 30 is selected since that is how many water and sewer connections were paid prior to the approval of a preliminary plat. (*Supports Request*)

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

Finding: The property's zoning will remain the same as its current PUD zoning and is compatible with existing uses. (*Neither supports nor does not 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: There is no change to the environmental impact. (*Neither supports nor does not support request*)

CONCLUSION: The planner recommends approval. The delay to begin road improvements was not caused by the developer, but by accommodating a request from the school system. The accommodation of such a request should not delay other aspects of construction. Additionally, the construction of model homes is a standard practice in the development of subdivision and something the zoning ordinance should regulate specifically rather than simply define and permit. The Zoning Ordinance should be revised to make these changes, but this amendment to zoning conditions offers model home guidance for Aberdeen while city wide changes are crafted.

APPLICATION FOR REZONING

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

Applicant Information:

Name: The Providence Group of Georgia, LLC

Address: 11340 Lakefield Drive, Suite 140

City, State, Zip: Johns Creek, Georgia 30097

Phone: 404 - 274 - 4492

E-mail: cwalters@theprovidencegroup.com

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

Name: JBGL Atlanta Development 2014, LLC

Address: 5501 Headquarters Drive, Suite 300W

City, State, Zip: Plano, Texas 75024

Phone: 817 - 658 - 2112

E-mail: bsamuel@greenbrickpartners.com

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

Property Information:

APPLICATION FOR REZONING

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

Applicant Information:

Name: The Providence Group of Georgia, LLC

Address: 11340 Lakefield Drive

City, State, Zip: Johns Creek, Georgia 30097

Phone: 404 - 274 - 4492

E-mail: cwalters@theprovidencegroup.com

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

Name: Shannon C. Sell

Address: 328 East Jefferson Street

City, State, Zip: Hoschton, GA 30548

Phone: 770 - 823 - 7631

E-mail: shannon@thesellgrouponline.com

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

Property Information:

Tax Map and Parcel Number: 113 003A, 119 018, 119 019K, 119 019M

**Address (if one has been assigned): 304 West Jackson Road, 7654
Pendergrass Road**

Acreage of Property: 109.73

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

Existing Zoning District: PUD

Proposed Zoning District: PUD

Proposed Use: Residential

Property Owner Authorization

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

Name of Owner(s): JBGL Atlanta Development 2014, LLC

**Address: 5501 Headquarters Drive, Suite 300W
Plano, Texas 75024**

Phone Number: 469 - 573 - 6721

Signature of Property Owner:

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

Name of Applicant(s): The Providence Group of Georgia, LLC

**Address: 11340 Lakefield Drive, Suite 140
Johns Creek, Georgia 30097**

Phone Number: 404 - 274 - 4492

Property owner personally appeared before me

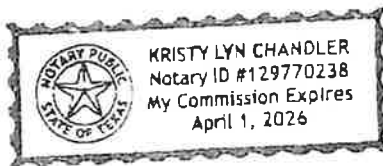
Kristy Chandler

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

Notary Public

5/28/2025

Date



Property Owner Authorization

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

Name of Owner(s): Shannon C. Sell

Address: 328 East Jefferson Street

Phone Number: 770 - 823 - 7631

Signature of Property Owner:

Shannon C. Sell

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

Name of Applicant(s): The Providence Group of Georgia, LLC

Address: 11340 Lakefield Drive, Suite 140
Johns Creek, Georgia 30097

Phone Number: 404 - 274 - 4492

Property owner personally appeared before me

Shannon Sell

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

Notary Public

5/29/25

Date



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

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

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

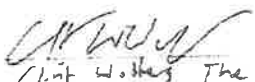
- (1) The name and official position of the local government official to whom the campaign contribution was made; and
- (2) The dollar amount and description of each campaign contribution made by the applicant to the local government official during the two years immediately preceding the filing of the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

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

I have**		I have not	X
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Within the two years immediately preceding this date, made any contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

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


Clint Walters, The Providence Group of Georgia, LLC
Applicant's Signature

5/21/25
Date

[application form continues on next page]

ZONING DECISION CRITERIA

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

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

Response: The proposal maintains the approved use of the property and is suitable.

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

Response: The proposal does not adversely affect adjacent or nearby properties.

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

Response: The proposal does not change the current zoning of the property.

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

Response: The proposal does not change the use or zoning of the property.

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

Response: The proposal maintains the approved use.

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

Response: The proposal to affect traffic outside of the school year supports its approval.

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

Response: N/A

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

Response: The proposal does not affect these items.

[application form continues on next page]

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

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

Please be advised of the following rezoning procedures:

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

FOR OFFICE USE ONLY:

_____ : **APPROVED** _____ : **DENIED**

AMOUNT PAID: _____ **DATE:** _____

FORM OF PAYMENT: ☐ **CHECK #** _____ ☐ **CREDIT CARD** ☐ **CASH**



Letter of Intent

July 15, 2025

The Providence Group of Georgia, LLC ("TPG" or "Applicant") proposes an additional zoning condition for Aberdeen (Z-23-02). The addition is requested following discussions regarding construction of the roundabout at East Jefferson Street and West Jackson Road with Mayor Martin, City of Hoschton staff, and representatives of the Jackson County School System. The City and the School System asked that TPG not begin any construction in the right of way when school was in session. TPG complied with this request causing a delay in the timeline to final plat. In return for this delay, TPG requests the City issue model home permits prior to approval of the final plat.

TPG requests the following Condition # 20 be added:

20. Model Homes. The city shall issue up to 30 residential building permits for the development prior to the first final plat. The permits are not to be issued until water service and road access is provided. No Certificates of Occupancy (CO's) are to be issued until the final plat is recorded that includes homes built under this provision.

Thank you for your consideration in this matter,

Regards,

Clint W. Walters
The Providence Group of Georgia, LLC

CITY OF HOSCHTON
COUNTY OF JACKSON
STATE OF GEORGIA

ORDINANCE NO. V-25-02

AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF
HOSCHTON, ADOPTED AS PART OF THE HOSCHTON ZONING ORDINANCE

WHEREAS, City of Hoschton, applicant, The Applicant, McDonald's USA, LLC, seeks variance of RZ-18-05 "Signage".

WHEREAS, the Property to be rezoned consists of all that tract or parcel of land lying and being in Jackson County Georgia, consisting of parcels 121-001A1, 1.13 Acres. Zoning Conditions for the subject property allow for one wall sign, applicant requests two additional wall signs.

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 planning consultant has prepared a report evaluating the criteria for zoning decisions as they pertain to the requested zoning and finds that the application meets the vast majority of criteria, including compatibility with surrounding properties if approved with conditions; and

WHEREAS, an advertised public hearing before the Hoschton Planning Commission was held on the requested zoning; and

WHEREAS, the Hoschton City Council held an advertised public hearing on the application and have 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 institutional zoning classification as applied to the subject property 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 to modify certain zoning conditions.

EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY REZONED

Property to be rezoned consists of all that tract or parcel of land lying and being in Jackson County Georgia, consisting of parcels 121-001A1, 1.13 Acres. Zoning Conditions for the subject property allow for one wall sign, applicant requests two additional wall signs.



EXHIBIT B
CONDITIONS OF ZONING APPROVAL (Z-25-03)

1. There will be a maximum of one wall or building sign per road frontage.
2. Signs will comply with all sections of the Hoschton Sign Ordinance.

SO ORDAINED THIS 21st DAY OF AUGUST, 2025

Debbie Martin, Mayor

ATTEST:

Jennifer Kidd-Harrison, City Clerk

Approved as to Form:

Abbott S. Hayes, Jr., City Attorney

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



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

FROM: Hu Blackstock, City Planner

DATE OF REPORT: July 15th, 2025

SUBJECT REQUEST: **V-25-02 Variance:** Applicant, McDonald's USA, LLC, seeks variance of RZ-18-05 "Signage" . Parcel 121-001A1, 1.13 Acres. Zoning Conditions for the subject property allow for one wall sign, applicant requests two additional wall signs.

PLAN COMM. HEARING: July 23rd, 2025 @ 6:00 p.m.

CITY COUNCIL HEARING: August 14th, 2025 @ 6:00 p.m.

VOTING SESSION: August 21st, 2025 @ 6:00 p.m.

APPLICANT: McDonald's USA, LLC

OWNER(S): Gateway Crossing Hoschton, LLC

LOCATION: 26 Anglers Ln

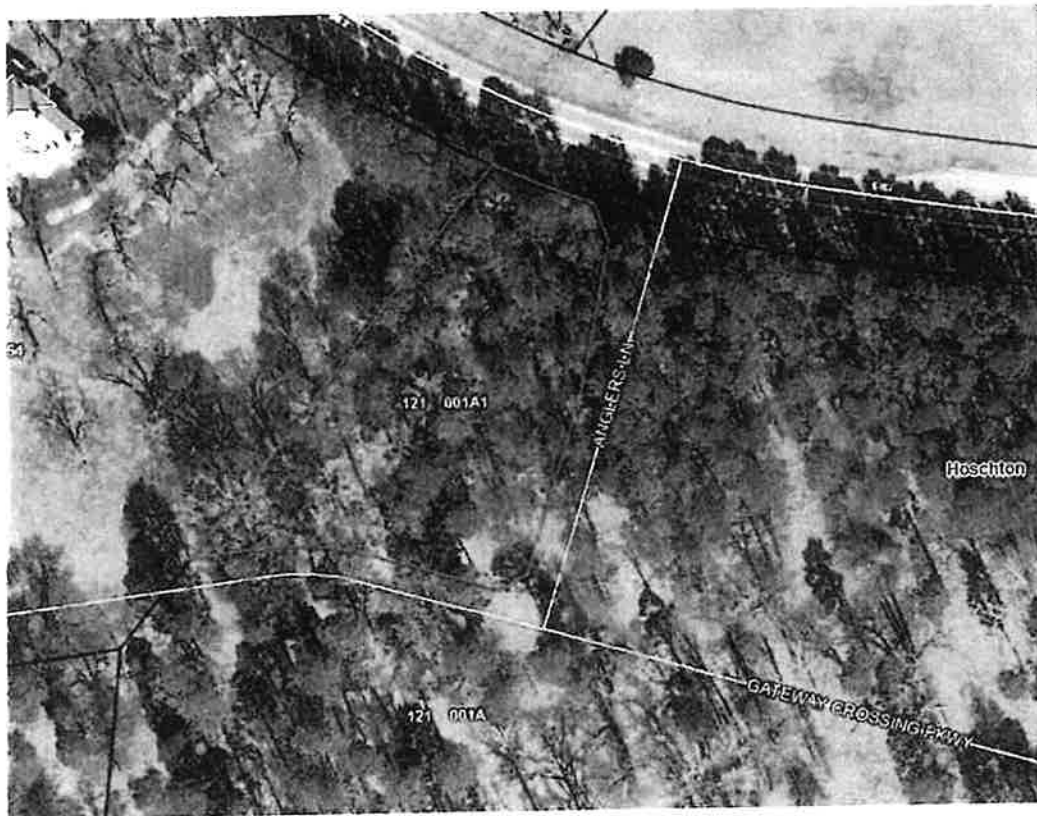
PARCEL(S) #: 121-001A1

ACREAGE: 1.13 Acres

**SECTION(S) TO
BE VARIED:** Twin Lakes Conditions of Zoning: Signage "One (1) per each
tenant having an exterior public entrance

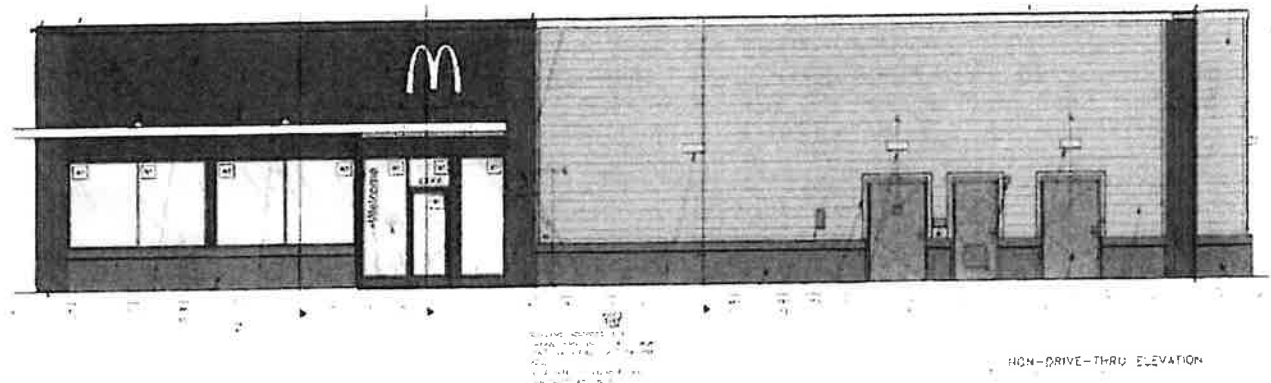
RECOMMENDATION: Approval with conditions

Location of Property

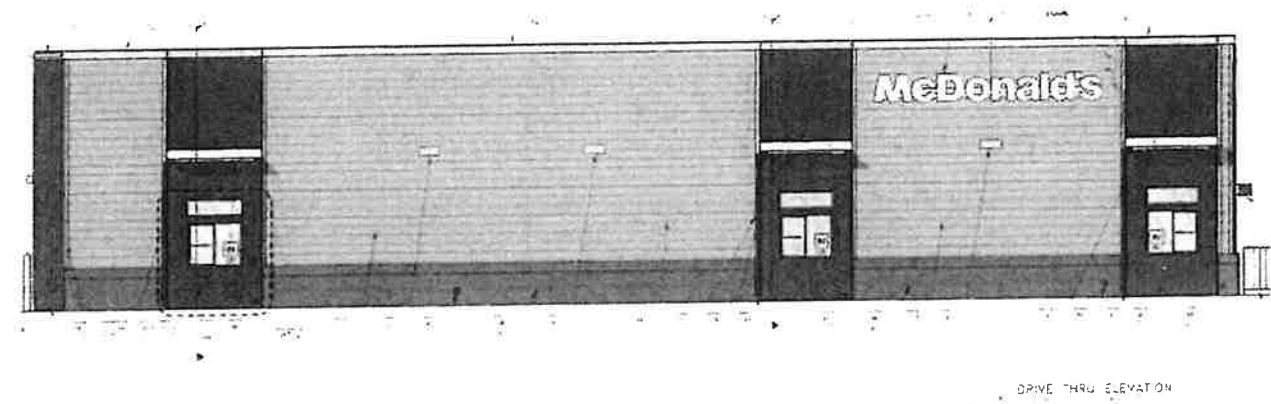


Tax Map 1 of 1

Requested Signs



Requested Sign 1 of 2: 42" by 48", 14 sqft



Requested Sign 2 of 2: 24" by 16'-5", 32.8 sqft

SUMMARY OF REQUEST

The applicant requests two additional wall mounted signs for a total a three wall signs.

VARIANCE CRITERIA :

Per Section 8.05 of the Hoschton Zoning Ordinance, One or more of the following criteria may be considered applicable or potentially applicable to decisions on variances. The applicant is urged to substantiate the request by responding to these criteria which provide reasons for approving the application:

a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district

Finding: The property is similar to others in this area. There are no physical conditions that create a hardship related to this request. ***(Does not support request)***.

b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

Finding: A literal interpretation of these conditions would allow McDonald's the same number of signs tenants in the Publix shopping center. ***(Does not support request)***. That said these businesses typically have a single entrance and adjoin other tenants on each side. The number of signs requested less than a similar business outside of a PUD would be permitted ***(Supports request)***

(c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.

Finding: The variance would allow McDonald's a greater number of signs compared to other tenants of the Publix shopping center, but the regulations do seem written envisioning businesses in a strip mall configuration. I do not believe the approval of this variance would confer special privileges, but the Mayor, Council, and Planning Commission should be aware this will set a precedence for other commercial buildings in the Twin Lakes PUD. ***(Supports request)***

(d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.

Finding: The scope of the signage portion of the Twin Lakes PUD conditions are limited and seem to envision businesses in a strip mall configuration. The request is in harmony will our broader Sign Ordinance, in terms of size and number of wall signs. ***(Supports request)***

(e) The special circumstances are not the result of the actions of the applicant.

Finding: The circumstance requiring the variance are not results of the actions of the applicant. The applicant should have been aware of the requirements of the Twin Lakes PUD. ***(Neither supports nor does not support request)***

(f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the zoning district in which the development is located.

Finding: The proposed use is possible without the variance. ***(Does not support request)***

CONCLUSION: The planner recommends approval with conditions. As stated before, the approval of this request would set a precedent that variance requests for signs in the Twin Lakes PUD. Therefore, I recommend the following conditions.

- 1) There will be a maximum of one wall or building sign per road frontage.
- 2) Signs will comply with all sections of the Hoschton Sign Ordinance.

Kimley»Horn

Date: February 13, 2025

RE: Applications for Permits and Approvals

TO: Whom it May Concern,

GATEWAY CROSSING HOSCHTON, LLC (the "Developer") is in the process of obtaining required permits and entitlements for a new McDonald' Restaurant located at 3699 HWY 53 Hoshton, GA 30548 (the "Site").

On behalf of the Developer, I hereby authorize McDonald's USA, LLC (the "Lessee) and Kimley-Horn and Associates, Inc. (the "Permit Expeditor"), the Applicant's consulting engineers, to act as agents of the Developer for the purpose of obtaining permits and approvals related to the construction of the Site.

In such capacity, the Engineer's authority is expressly limited to signing and delivering applications for permits and approvals that are related to the entitlements and permits for the Site and to advancing nominal funds on the Developer's behalf as required to file such applications. The Engineer is not authorized to negotiate on the Developer's behalf or to bind or obligate the Developer in any manner whatsoever, including without limitation accruing any obligations on the Developer's behalf to pay for or construct improvements without additional authorization in writing from the Developer.

Sincerely,

Name: Tyler Grabau

Title: Manager

Company: Gateway Crossing Hoshton

NOTARY

County of Hall

State of Georgia

The foregoing instrument was acknowledged before me this 14 day of February, 202⁵ by Tyler Grabau of Gateway Crossing Hoshton, LLC, who is (personally known to me) or who has produced personally known to me as identification and who did not take an oath.

NOTARY PUBLIC:

Tyler Grabau

Print Name: Tyler Grabau



APPLICATION FOR VARIANCE

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

Applicant Information:

Name:

McDonald's USA, LLC

Address:

110 N Carpenter St.

City, State, Zip:

Chicago, IL. 60607

Phone:

772-794-4130

E-mail:

Katie.Fitzjarrald@kimley-horn.com

Property Owner Information: (if different from applicant)

Name:

Gateway Crossing Hoschton, LLC

Address:

PO Box 2542

City, State, Zip:

Gainsville, GA. 30503

Phone:

772-794-4130

E-mail:

Katie.Fitzjarrald@kimley-horn.com

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

Property Information:

Tax Map and Parcel Number:

121-001A1

Address (if one has been assigned):

26 Anglers Ln.

Acreage of Property:

1.13 AC

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

Existing Zoning District:

PUD (Commercial)

Section(s) of Zoning Ordinance to be Varied:

Sign

Property Owner Authorization

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

Name of Owner(s):

See attached owners authorization

Address:

Phone Number:

Signature of Property Owner:

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

Name of Applicant(s):

Address:

Phone Number:

Property owner personally appeared before me,

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

Notary Public

Date

VARIANCE CRITERIA

Per Section 8.05 of the Hoschton Zoning Ordinance, One or more of the following criteria may be considered applicable or potentially applicable to decisions on variances. The applicant is urged to substantiate the request by responding to these criteria which provide reasons for approving the application:

- (a) There are extraordinary and exceptional conditions or practical difficulties pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.**

Response: The primary parcel frontage to the north along Hwy 53 is the most narrow side of the property. The east frontage is Anglers Ln, access road into Publix and the south frontage Gateway Crossing Parkway is also access into the Publix parking. One building sign would only serve one of three roads surrounding the parcel.

- (b) A literal interpretation of the provisions of this ordinance would effectively deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.**

Response: N/A

- (c) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.**

Response: There is no financial gain to be had over an increase in signage for traffic flow on site in this case, this is solely for our customers to be well guided.

- (d) The requested variance will be in harmony with the purpose and intent of this ordinance and will not be injurious to the neighborhood or to the general welfare.**

Response: A granting of this proposed variance will not be injurious to other property improvements in the area, nor will there be any harm caused to public welfare. The signage will assist in safely guiding our customers.

- (e) The special circumstances are not the result of the actions of the applicant.**

Response: The additional two signs allow for the identification of the building from the access roads into the Publix shopping center.

- (f) The variance requested is the minimum variance that will make possible the proposed use of the land, building, or structure in the zoning district in which the development is located.**

Response: N/A

[application form continues on next page]

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

- X **Application fee** as established by resolution of the City Council. Make check payable to the City of Hoschton.
- X **Metes and bounds legal description** of the property.
- N/A **Boundary survey plat** of the property; in the case where a building or structure was already constructed and requires a setback variance, the boundary survey shall include "as built" placement of the building or structure for which the setback is requested to be varied.
- X **Letter of intent** describing the regulations to be varied (specific sections and the amount of numerical variation sought).
- N/A **Site plan** (15 copies plus digital copy in pdf format) of the property and proposed development shall be submitted at an appropriate engineering scale showing the proposed use and relevant information regarding the variance request. Site plans must show information as reasonably required by the Zoning Administrator.

Please be advised of the following procedures:

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

FOR OFFICE USE ONLY:

_____ : APPROVED

_____ : DENIED

AMOUNT PAID: _____

DATE: _____

FORM OF PAYMENT: ☐ CHECK # _____

☐ CREDIT CARD

☐ CASH



May 30, 2025

City of Hoschton
Attn: Hu Blackstock
City Planner
61 City Square
Hoschton, GA 30548

***McDonald's-Hoschton, 26 Anglers Lane, Hoschton, Georgia 30548
Sign Variance Application***

Kimley-Horn is requesting, on behalf of McDonald's USA, LLC, an allowance of (2) additional wall mounted signs. Per the "signage" portion of the Twin Lakes Planned Unit Development or specifically the signage table located on page 12, our site falls within the one (1) per tenant having an exterior public threshold. It is additionally noted a wall sign shall not be greater than 75% of the store frontage and not greater than 20% of overall wall area. 3 ft on 1st & 2nd floor, 5 ft on higher floors. Please note, we meet all other standards as listed but the quantity allowed.

Due to the property abutting a plethora of new growth, including a Publix Grocery & plaza, increased wall signage is imperative to keep the traffic flow steady within and external to said center. Our wall signs are intended to act as efficient branding as well as directional for the McDonald's restaurant site. The request to increase the number of wall signs allowed comes from a need to better direct on-site and offsite traffic flow in a up and growing shopping center.

There are no self-imposed hardships with this site due to any actions of a previous business and or person. There is no financial gain to be had over an increase in signage for traffic flow on site in this case, this is solely for our customers and other drivers to be well guided. A granting of this proposed variance will not be injurious to other property improvements in the area, nor will there be any harm caused to public welfare, we are in fact trying to keep the property and surrounding shopping experiences as safe as possible.

With Kimley-Horn, you should expect more and will experience better. Please contact me at (772) 794-4130 or katie.fitzjarrald@kimley-horn.com should you have any questions.

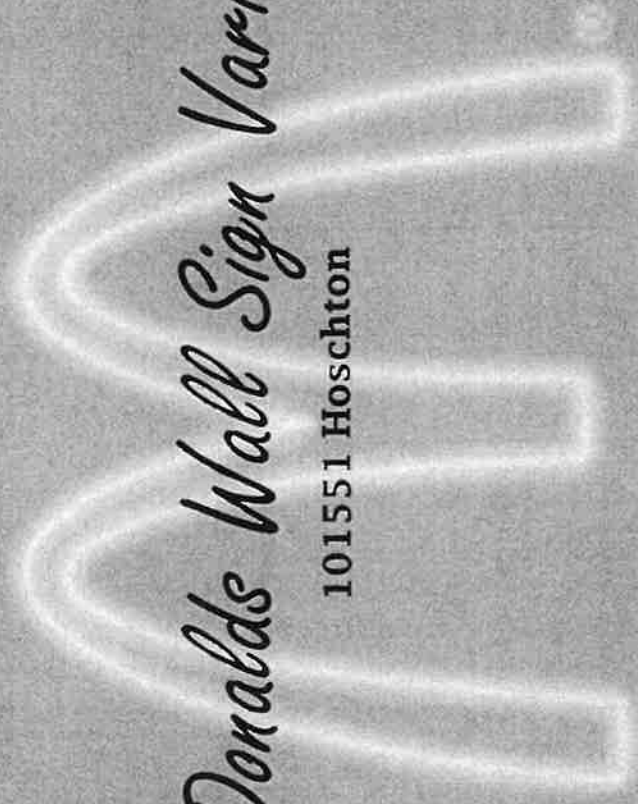
Sincerely,

A handwritten signature in cursive script that reads "Katie Fitzjarrald".

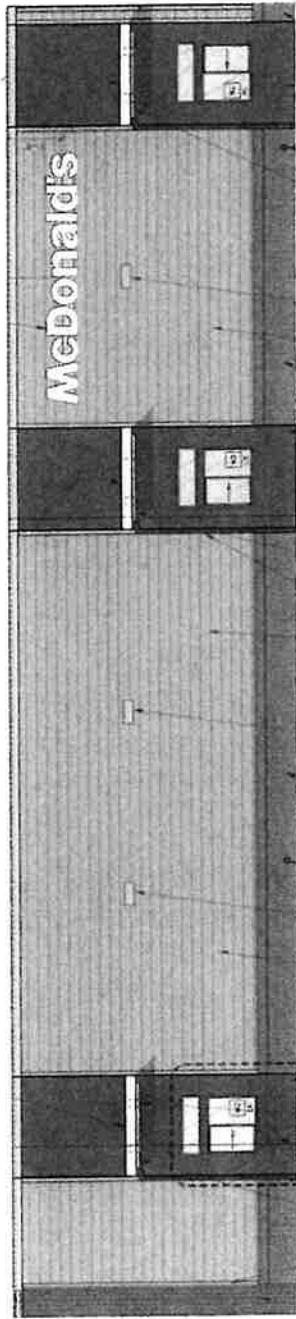
Katie Fitzjarrald
Project Manager
Kimley-Horn and Associates, Inc.

McDonalds Wall Sign Variance

101551 Hoschton

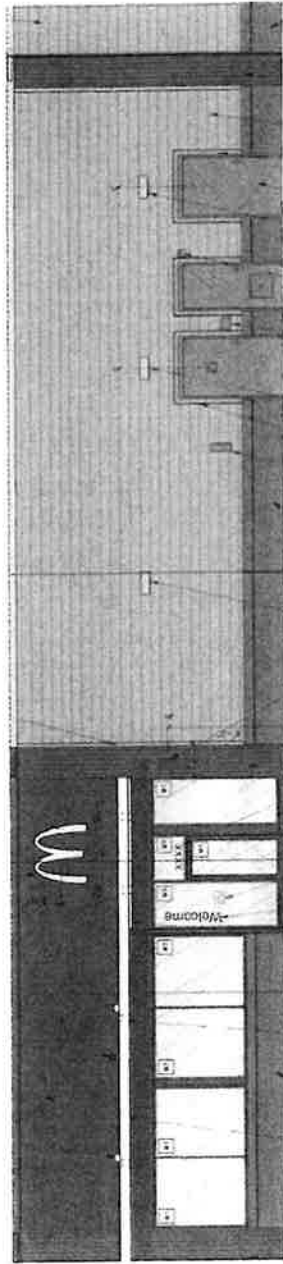


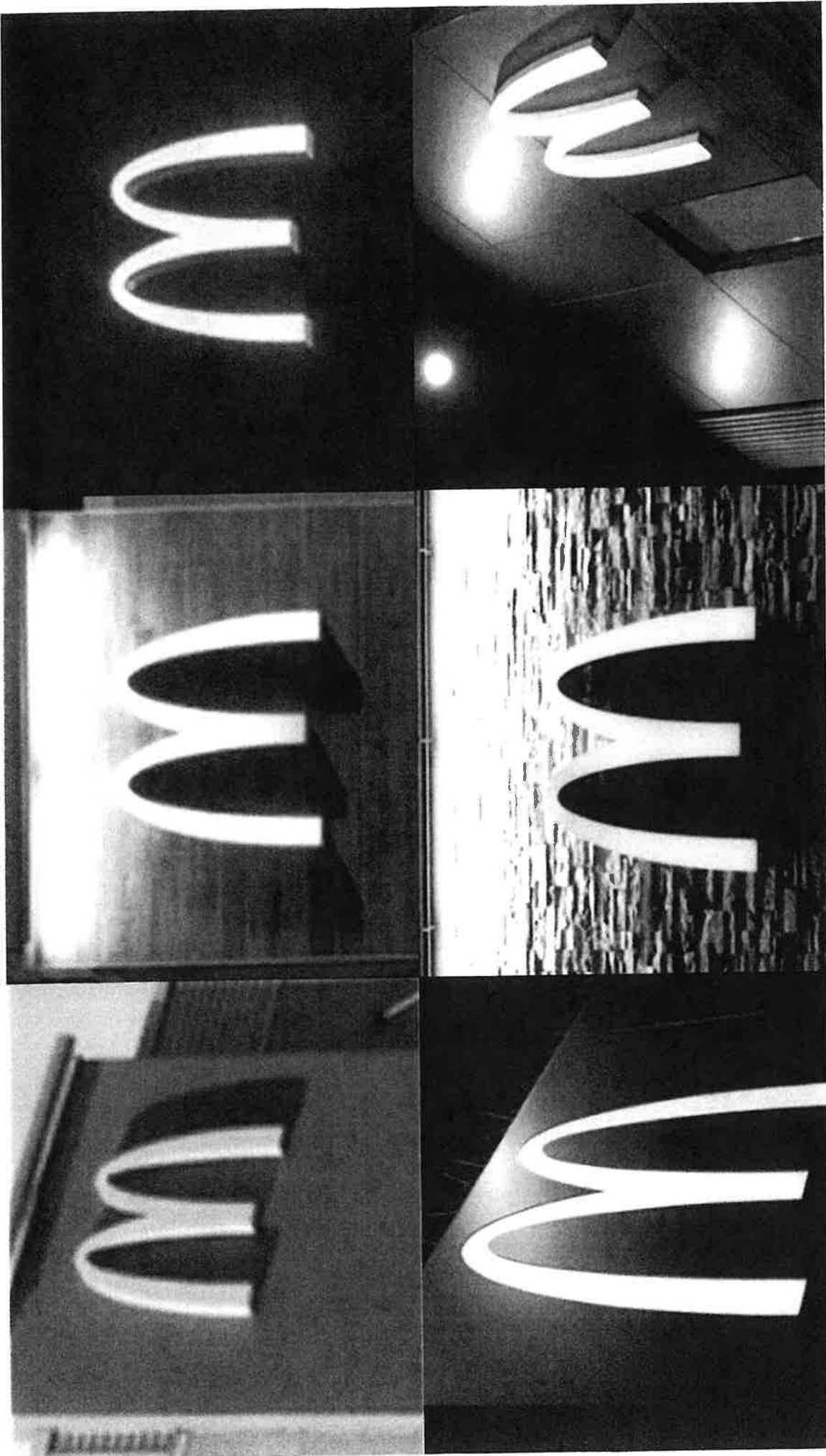
*Side Elevation -
Drive Thru*





*Side Elevation -
Non Drive Thru*





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



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

FROM: Hu Blackstock, City Planner

DATE OF REPORT: Jul 16th, 2025

SUBJECT REQUEST: **Z-25-03:** Zoning Condition Amendment of Z-23-02, Additional Condition

PLAN COMM. HEARING: July 23rd, 2025 @ 6:00 p.m.

CITY COUNCIL HEARING: August 14th, 2025 @ 6:00 p.m.

VOTING SESSION: August 21st, 2025 @ 6:00 p.m.

APPLICANT: The Providence Group of Georgia, LLC

OWNER(S): JBGL Atlanta Development 2014, LLC
Shannon C. Sell

PROPOSED USE(S): Residential Community

LOCATION: "Aberdeen" Subdivision, Parcel 119-018 fronts West Jackson Rd and East Jefferson St, Parcels 119-019K, 119-019M, & 113-003A are between East Jefferson St and Pendergrass Rd

PARCEL(S) #: 113-003A, 119-018, 119-019K, 119-019M

ACREAGE: 109.73

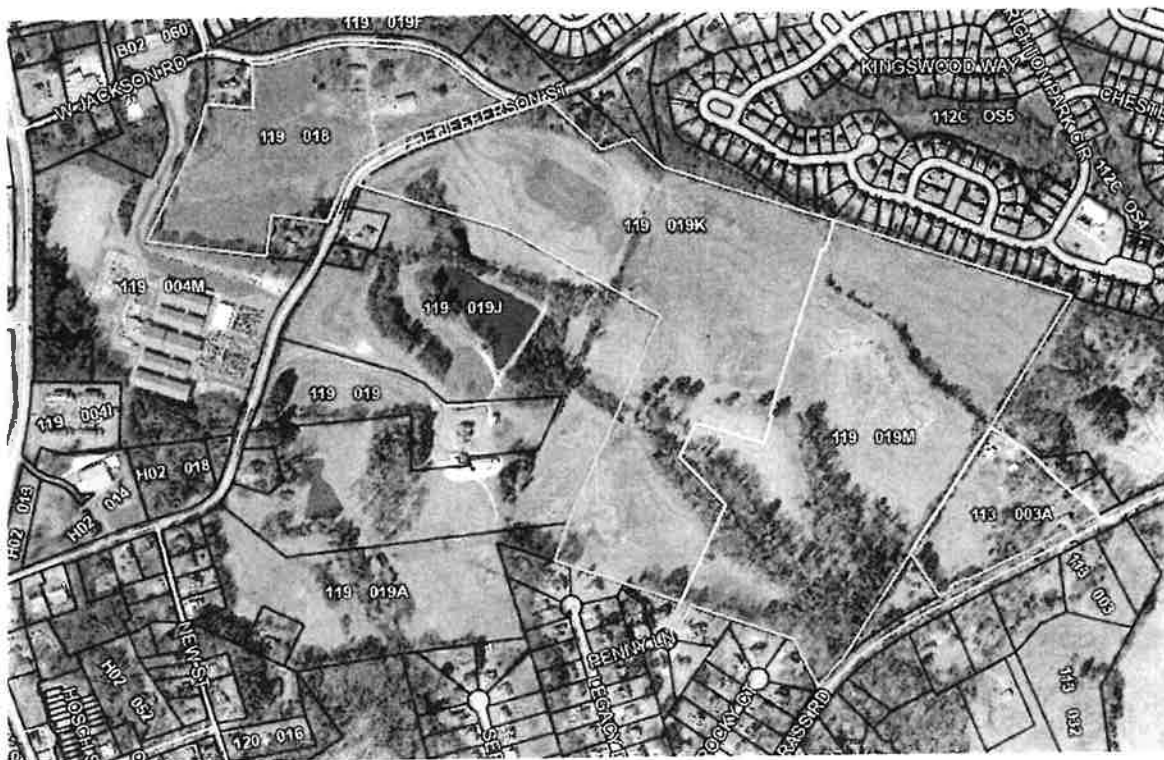
EXISTING LAND USE: Property is being developed as a residential subdivision

SURROUNDING LAND USE AND ZONING:

North: Across W Jackson Rd: Undeveloped R-3 Zoning District
East: Institutional, Agricultural, & R-2 Zoning Districts
South: Across Pendergrass Rd: Single family residences
West: R-3 Zoning District

RECOMMENDATION: Approval

Location of Property



Tax Map 1 of 1

SUMMARY OF REQUEST

The applicant requests the addition of a 20th condition allowing the developer to receive up to 30 building permits prior to final plat approval. The permit would not be issued until water service and road access is provided to the lots. Certificates of Occupancy would not be issued until the final plat is recorded

STANDARDS GOVERNING EXERCISE OF ZONING POWER

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

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

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

Finding: The amendment will not change any proposed uses. ***(Neither supports nor does not support request)***

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

Finding: The amendment will not change any proposed uses. ***(Neither supports nor does not support request)***

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

Finding: The property does have a reasonable economic use. The proposal allows for home construction to begin more quickly, but a delay caused if this request is denied would not create a situation where the property has no reasonable economic use. ***(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: The amendment will not change any proposed uses. ***(Neither supports nor does not support request)*** The number of permitted model homes was set at 30 because the developer was required to purchase 30 water and sanitary sewer connections prior to preliminary plat approval. ***(Supports Request)***

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

Finding: The proposed amendment does not change approved land uses (*Neither supports nor does not support 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: The applicant is required to complete road improvements prior to final plat approval, to reduce conflict with traffic from West Jackson Elementary School the road improvement did not begin until after school was out for summer. This delayed their improvements. Initially, the applicant requested the conditions revised to permit a final plat with road improvements outstanding. (*Supports Request*)

Model homes are permitted in residential subdivisions, but the zoning ordinance does not specify the number permitted per subdivision or the requirements. Other PUD zoning districts have conditions specifying the number of model or prairie built homes permitted. This condition is modeled on those. The number 30 is selected since that is how many water and sewer connections were paid prior to the approval of a preliminary plat. (*Supports Request*)

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

Finding: The property's zoning will remain the same as its current PUD zoning and is compatible with existing uses. (*Neither supports nor does not 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: There is no change to the environmental impact. (*Neither supports nor does not support request*)

CONCLUSION: The planner recommends approval. The delay to begin road improvements was not caused by the developer, but by accommodating a request from the school system. The accommodation of such a request should not delay other aspects of construction. Additionally, the construction of model homes is a standard practice in the development of subdivision and something the zoning ordinance should regulate specifically rather than simply define and permit. The Zoning Ordinance should be revised to make these changes, but this amendment to zoning conditions offers model home guidance for Aberdeen while city wide changes are crafted.