

Forsyth County v. City of Cumming – Annexation Arbitration: Horizon

DCA first notified of the objection and request for arbitration: February 2, 2024

Final panel appointed: February 19, 2024

Decision rendered: March 25, 2024 (The date by which the decision must be rendered was April 19, 2024).

Summary: Forsyth County (“The County”) objected to the City of Cumming’s (“The City”) proposed annexation of 32.9 acres. The County objected to Zoning/ Land-Use. The panel found that all of the objections were valid. The panel recommended a few conditions.

**FORM FOR ARBITRATION DECISION-MAKING, FINDINGS AND RECOMMENDATIONS**

Parties:

County: Forsyth County

Municipality: City of Cumming

Property Owner(s): Horizon Christian Academy, Inc.

Annexation Applicant (if different from property owner):

**Real Property Location and Description:** Tax Parcel 151-213 - 32.985 acres of land

Determine if objection is valid.

a. Does the proposed change in zoning or land use result in a substantial change in the intensity of the allowable use of the property or a change to a significantly different allowable use?

- the proposed change in zoning does result in a substantial change in the intensity of the allowable use property

OR

~~Does the proposed change in zoning or land use result in a use which significantly increases the net cost of infrastructure or significantly diminishes the value or useful life of a capital outlay project furnished by the county to the area to be annexed?~~

- ~~— the proposed change in zoning does result not in a use which significantly increases the net cost of infrastructure~~

Yes (X) No ()

AND

b. Does the proposed change in zoning or land use differ substantially from the existing uses suggested for the property by the county's comprehensive land use plan or permitted for the property pursuant to the county's zoning ordinance or its land use ordinance?

- The proposed change in zoning or land use differs substantially from the existing uses suggested for the property by the county's comprehensive land use plan

Yes (X ) No ( )

Therefore the objection is valid.

If objection is valid **and** involves the financial impact on the county as a result of a change in zoning or land use or the provision of maintenance of infrastructure, quantify such impact in terms of cost.

N/A

Did the county provide supporting evidence that its objection is consistent with its land use plan and the pattern of existing land uses and zonings in the area of the subject property? O.C.G.A. § 36- 36-115(a)(3).

Yes (X ) No ( )

In reaching its decision, the panel must consider:

**The existing comprehensive land use plans of both the county and the city.**

*Facts and Issues Considered:*

The panel reviewed the comprehensive plans of both the County and the City. We reviewed the City's Zoning Ordinance and we considered the testimony of the witnesses in regard to current land and future land use plans.

**The existing land use patterns in the area of the subject property.**

*Facts and Issues Considered:*

The panel reviewed the testimony of the witnesses in regard to the land use patterns of both the County and the City for the subject property, the adjoining properties, and other similarly situated properties.

**The existing zoning patterns in the area of the subject property.**

*Facts and Issues Considered:*

The panel reviewed the County and City zoning maps and the testimony of the witnesses in regard to zoning patterns of both the County and the City for the subject property, the adjoining properties, and other similarly situated properties.

**Each jurisdiction's provision of infrastructure to the area of the subject property.**

*Facts and Issues Considered:*

The panel considered the provision of fire, police, EMS solid waste, water and sewer, and planning & zoning services for the subject property and associated infrastructure. We note that, if annexed, all such services, other than fire and EMS, would be the responsibility of the City.

**Whether the county has approved similar changes in intensity or allowable uses on similar developments in other unincorporated areas of the county.**

*Facts and Issues Considered:*

The panel considered the testimony regarding other private schools in the county in similar low density residential with nearby institutional uses, e.g. Pinecrest Academy.

**Whether the county has approved similar developments in other unincorporated areas of the county which have a similar impact on infrastructure as complained of by the county in its objection.**

*Facts and Issues Considered:*

The panel considered the testimony that there are about a dozen institutional residential living care facilities in the county and four of which are in the City of Cumming and the remainder are in unincorporated Forsyth. Presumably those facilities, approved by the county at some point in the past, have a similar impact on the infrastructure as complained of by the county in its objection.

**Whether the infrastructure or capital outlay project which is claimed adversely impacted by the county in its objection was funded by a county-wide tax.**

*Facts and Issues Considered:*

The panel considered that fire infrastructure in the county and the city is provided by the county and funded by a county-wide property tax. If the property were to be sold in the future to a person or entity without a non-profit status, property taxes would be paid.

**Does the panel find that zoning, land use or density conditions should be placed on the property for two years?**

Yes (X ) No ( )

If yes, the following reasonable zoning, land use or density conditions shall apply for two year and be recorded on the deed records for this property:

The conditions as listed in Exhibit A of the resolution adopted by the City Council of the City of Cumming on February 20, 2024 (attached hereto) with the exception of Special Event Facility being a permitted use plus two additional conditions as requested by the County

- A 15' wide landscape strip along the eastern property boundary adjacent to Bettis Tribble Gap Road.
- A 50' wide-shaped exterior buffer along the full length of the northern property boundary as well as along a portion of the western property boundary as depicted on Exhibit B (attached herto).

Does the panel propose mitigating measures as to an objection pertaining to infrastructure demands?

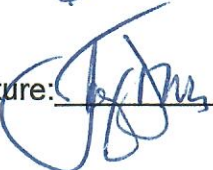
Yes ( ) No (X)

Decided this 25<sup>th</sup> day of March, 2024

Signature:  Print name: ERIC CHRIST

Signature:  Print name: JAMES W BACKS, SR

Signature:  Print name: Steve Trammell

Signature:  Print name: Joey Dorsey

Signature:  Print name: Bruce Palmer

# EXHIBIT A

## ZC2024-02-20 - Horizon Christian Academy, Inc. – Annexation Petition 2023265

1. The property may be used only for the following uses:
  - a. as a private school with related accessory uses, including without limitation athletic fields, gymnasias, and maintenance facilities.
  - b. Place of Worship
  - c. Special Event Facility
  
2. The property may not be utilized for the following:
  - a. Retail trade establishment
  - b. Professional offices
  - c. Museum
  - d. Institutionalized living facilities
  - e. Funeral home
  - f. Conference or retreat center
  - g. Hospital
  - h. Clinic
  - i. Circus
  
3. Commercial freestanding pole-mounted lights for athletic fields may to be up to 70 ft. tall, subject to the following conditions:
  - a. Lights on athletic fields shall be turned off no later than 11:00 p.m. on any given night, with the exception of overtime games which may extend beyond this time.
  - b. The lighting used must comply to the luminescence plan attached as Exhibit A.
  - c. Lights Outdoor lighting shall be designed to minimize light spillage to not more than one and one half (1½) footcandles along any public street right-of-way.
  - d. Horizon Christian Academy, Inc. shall maintain a point of contact with the City of Cumming Department of Planning & Zoning.
  
4. Future development requiring the issuance of development permits must be reviewed by the Design Review Board.



Jackson County v. City of Hoschton – Annexation Arbitration: Providence

DCA first notified of the objection and request for arbitration: May 8, 2023

Final panel appointed: May 24, 2023

Decision rendered: August 8, 2023 (The date by which the decision must be rendered was July 23, 2023. The process was postponed in June by the parties in an effort to reach resolution before arbitration. On September 14, 2024, DCA was notified that an external agreement had been reached and adopted by the panel).

Summary: Jackson County (“The County”) objected to the City of Hoschton’s (“The City”) proposed annexation of 33 acres. The County objected to Zoning/ Land-Use, Infrastructure Demands, and Density Increase. The panel adopted the final order, including a few conditions, as agreed upon by the Parties.



### ANNEXATION DISPUTE JOINT FINAL ORDER

On \_\_\_\_\_, 2023 the Annexation Arbitration Panel ("Panel") assembled pursuant to O.C.G.A. § 36-36-114. This Annexation Dispute Joint Final Order ("Order") has been agreed to by Shannon C. Sell, Paul T. Check & Brenda A. Check ("Property Owners"); The Providence Group of Georgia, LLC ("Developer"); and Jackson County, Georgia ("County"); collectively with the Property Owners and the Developer referred to as the "Parties". The County, the City of Hoschton, Georgia ("City"), the Owner, and the Developer have engaged in good faith negotiation during the annexation dispute process, as contemplated by O.C.G.A. § 36-36-119. Based upon those negotiations, the County, the Developer, and the Owners have jointly tendered this Order without opposition from the City, requesting that it be made the Final Order of this Panel related to the present annexation dispute:

#### RECITALS

**WHEREAS**, the Owners own 33.0 acres, more or less, currently located in unincorporated Jackson County comprising a portion of tax map parcel 119 019 and a portion of tax map parcel 113 003A, as more particularly described on that certain Annexation Application attached hereto as Exhibit "A" ("Property");

**WHEREAS**, on or about April 6, 2023, the City received an application to annex the Property into the municipal limits of the City, wherein the application contained proposed development plans (the "Annexation Application");

**WHEREAS**, the Property to be annexed is proposed to be annexed into the City as part of a PUD and developed as a mixed-use residential project ("PUD Project");

**WHEREAS**, the Annexation Application contemplated that the Property would be zoned to City's PUD zoning classification upon annexation;

**WHEREAS**, on or about May 4, 2023, and pursuant to the provisions of Title 36, Chapter 36, Article 7 of the Official Code of Georgia, O.C.G.A. § 36-36-110. et seq. ("Annexation Dispute Resolution Law"), the County delivered to the City its objection to the annexation of the Property;

**WHEREAS**, immediately following the County's objection to the proposed annexation, arbitration proceedings, as contemplated in the Annexation Dispute Resolution Law, were initiated with the Georgia Department of Community Affairs;

**WHEREAS**, the Arbitration Panel was appointed, pursuant to O.C.G.A. §36-36-114, on May 26, 2023;

**WHEREAS**, the hearing before the Arbitration Panel was scheduled to commence on September 6, 2023;

**WHEREAS**, since the appointment of the Arbitration Panel, the County, the City, the Owners, and the Developer, have continued good faith negotiations in accordance with O.C.G.A. § 36-36-119, in an effort to resolve, if reasonably possible, the objections asserted by the County; and

WHEREAS, rather than participate in the arbitration hearing, the County, the Owners, and the Developer, desire to fully and finally resolve this dispute arising out of the annexation and rezoning of the Property and the County's objection to such annexation and rezoning of the Property;

WHEREAS, the City has opted to remain neutral with respect to the resolution of the County's objection and, therefore, has no opposition to the terms set forth herein;

NOW THEREFORE, based upon the mutual submission and agreement by the County, the Owners, and the Developer, and further based upon the City interposing no objection to same, the Arbitration Panel does hereby enter the following Final Order, declaring that it be enforced and binding as the findings and recommendations of the Arbitration Panel to the full extent authorized by O.C.G.A. 36-36-110, et. seq., to include recordation in the County's land use records in accordance with O.C.G.A. § 36-36-115(b):

#### I. CONDITIONS OF ANNEXATION

The Parties agree that, in the event that the City votes to annex and rezone the Property, the City will not annex the Property other than to the City's PUD classification and provided that the zoning conditions described below are adopted in conjunction with any rezoning approval for the PUD Project:

1. Consistent with the County's Comprehensive Plan Character Area designation and the Future Land Use Map designation, development of the PUD Project shall not exceed 334 units on the 109.77 acres described in the Land Use and Development Summary in the attached Exhibit "B".
2. In the event that the City votes to annex and rezone the Property, the City shall impose conditions of zoning on the Property to address permitted uses, maximum density, maximum housing units, dimensional requirements, ingress/egress, internal roadways, adjoining road improvements, building finishes, amenities, and any such other conditions deemed by the City to ensure a quality development for the citizens of the City and County.

#### II. CONTINUING OBLIGATIONS

It is the intention of this Order that the obligations set forth herein shall work as encumbrances and obligations on the Developer, and any other developer that may endeavor to develop the Property pursuant to the Annexation Application and this Order.

#### III. OTHER TERMS

The terms set forth herein, shall constitute the complete relief issued by the Arbitration Panel. The Parties shall be responsible for their own costs, including attorney's fees; except, the County and the City shall each be responsible for one-half (1/2) of the costs, if any, of the Arbitration Panel.

MAP

IV. FINAL ORDER

This Order shall constitute the findings and recommendations of the Arbitration Panel and shall be the Final Order related to this annexation dispute.

So Entered, this \_\_\_ day of \_\_\_\_\_, 2023.

Billy Powell 07/27/2023  
Panel member

Dale Emmons 07/31/2023  
Panel member

Chenaz Seelarbokus 8/8/23  
Panel member

\_\_\_\_\_  
Panel member

\_\_\_\_\_  
Panel member

Approved:

Paul W. Frickey  
Paul W. Frickey, Esq.  
County Attorney

Approved:

Melody A. Bloutin  
Esq.  
Attorney for ~~Owners~~ and Developer

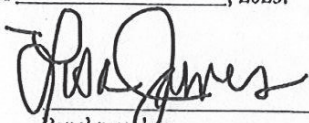
No objection:

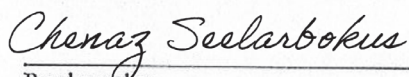
Abbott S. Hayes, Jr.  
Abbott S. Hayes, Jr. Esq.  
City Attorney/City arbitration coordinator

IV. FINAL ORDER

This Order shall constitute the findings and recommendations of the Arbitration Panel and shall be the Final Order related to this annexation dispute.

So Entered, this \_\_\_\_ day of \_\_\_\_\_, 2023.

  
\_\_\_\_\_  
Panel member

  
\_\_\_\_\_  
Panel member

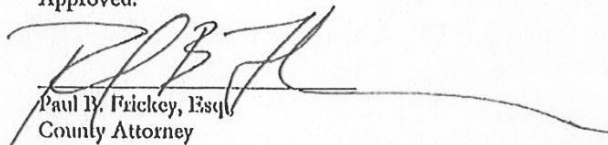
8/8/23

\_\_\_\_\_  
Panel member

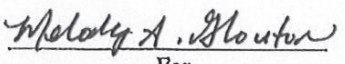
\_\_\_\_\_  
Panel member

\_\_\_\_\_  
Panel member


Approved:

  
\_\_\_\_\_  
Paul B. Frickey, Esq.  
County Attorney

Approved:

  
\_\_\_\_\_  
Esq.  
Attorney for Owners and Developer

No objection:

  
\_\_\_\_\_  
Abbott S. Hayes, Jr., Esq.  
City Attorney/City arbitration coordinator

IV. FINAL ORDER

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So Entered, this \_\_\_ day of \_\_\_\_\_, 2023.

Billy Powell 07/27/2023  
Panel member

R. R. 8/1/23  
Panel member

Chenaz Seelarbokus 8/8/23  
Panel member

\_\_\_\_\_  
Panel member

\_\_\_\_\_  
Panel member

Approved:

Paul B. Frickey  
Paul B. Frickey, Esq.  
County Attorney

Approved:

Melody A. Houston  
Esq.  
Attorney for Owners and Developer

No objection:

Abbott S. Hayes, Jr.  
Abbott S. Hayes, Jr. Esq.  
City Attorney/City arbitration coordinator

**APPLICATION  
FOR ANNEXATION**

CITY OF HOSCHTON, GA  
PLANNING AND DEVELOPMENT  
79 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, GA 30097**

**Phone: 404-274-4492**

**E-mail: cwalters@theprovidencegroup.com**

RECEIVED  
APR 06 2023

BY: *ju*

**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 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: PO Box 811, Hoschton, GA 30548

Phone Number: 770 823 7631

Signature of Property Owner: [Handwritten Signature]

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 Dr. Johns Creek, GA 30097

Phone Number: 404-274-4492

Property owner personally appeared before me

Susan Kelley

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

[Handwritten Signature]

Notary Public

3/30/23

Date

**Susan S Kelley  
NOTARY PUBLIC  
Forsyth County, GEORGIA  
My Commission Expires 10/17/2025**

**Property Information:**

**Tax Map and Parcel Number: A portion of 119 019**

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

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**Acreage of Property: +/- 25.6 acres**

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: Agricultural**

**Proposed Zoning District: PUD**

**Existing Use: Agricultural**



# APPLICATION FOR ANNEXATION

CITY OF HOSCHTON, GA  
PLANNING AND DEVELOPMENT  
79 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, GA 30097**

**Phone: 404-274-4492**

**E-mail: cwalters@theprovidencegroup.com**

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

**Name: Paul T. Cheek & Brenda A. Cheek**

**Address: 7654 Pendergrass Road**

**City, State, Zip: Hoschton, GA 30548**

**Phone: 678-859-0457**

**E-mail: checkpt@gmail.com**

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

**Property 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): Paul T. Cheek & Brenda A. Cheek**

**Address: 7654 Pendergrass Road, Hoschton, GA 30548**

**Phone Number: 678-589-0457**

**Signature of Property Owner:**

Paul T. Cheek Brenda A. Cheek

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, GA 30097**

**Phone Number: 404-274-4492**

Property owner personally appeared before me

Susan Kelley

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

Susan Kelley

Notary Public

4/3/23

Date

**Susan S Kelley  
NOTARY PUBLIC  
Forsyth County, GEORGIA  
My Commission Expires 10/17/2025**

**Property Information:**

**Tax Map and Parcel Number: A portion of 113 003A**

**Address (if one has been assigned): 7654 Pendergrass Road**

---

**Acreage of Property: +/- 7.4 acres**

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: A-2; Jackson County**

**Proposed Zoning District: PUD**

**Existing Use: Agricultural**

**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.
  
- \_\_\_\_\_ **Application for Rezoning** – a completed application for rezoning must also be submitted.

Please be advised of the following procedures applicable to annexation and zoning:

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.

<b>FOR OFFICE USE ONLY:</b>	
_____ : <b>APPROVED</b>	_____ : <b>DENIED</b>
<b>AMOUNT PAID:</b> _____	<b>DATE:</b> _____
<b>FORM OF PAYMENT:</b> <input type="checkbox"/> <b>CHECK #</b> _____	<input type="checkbox"/> <b>CREDIT CARD</b> <input type="checkbox"/> <b>CASH</b>

## DESCRIPTION OF

### East Jefferson Street Property - Annexation

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

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

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

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

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

Less and Except

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

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



Warren, Ohio  
 4377 Park Drive, Suite 400  
 Norcross, Georgia 30093  
 Phone: (770) 416-7971  
 Fax: (770) 416-6729  
 www.theprovidencegroup.com

**SURVEY NOTES:**  
 1. THE PROPOSED IMPROVEMENTS SHOWN ON THIS PLAN IS BASED UPON THE RECORD SURVEY.  
 2. THE PROPOSED IMPROVEMENTS SHOWN ON THIS PLAN IS BASED UPON THE RECORD SURVEY.  
 3. THE PROPOSED IMPROVEMENTS SHOWN ON THIS PLAN IS BASED UPON THE RECORD SURVEY.  
 4. THE PROPOSED IMPROVEMENTS SHOWN ON THIS PLAN IS BASED UPON THE RECORD SURVEY.  
 5. THE PROPOSED IMPROVEMENTS SHOWN ON THIS PLAN IS BASED UPON THE RECORD SURVEY.

**thePROVIDENCEgroup**  
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 4377 Park Drive, Suite 400  
 Norcross, Georgia 30093  
 Phone: (770) 416-7971  
 Fax: (770) 416-6729  
 www.theprovidencegroup.com

**ANNEXATION EXHIBIT**  
 East Jefferson Street  
 Tract

LINE TABLE	CURVE TABLE
1. 100.00' ±	1. L=100.00', R=100.00'
2. 100.00' ±	2. L=100.00', R=100.00'
3. 100.00' ±	3. L=100.00', R=100.00'
4. 100.00' ±	4. L=100.00', R=100.00'
5. 100.00' ±	5. L=100.00', R=100.00'
6. 100.00' ±	6. L=100.00', R=100.00'
7. 100.00' ±	7. L=100.00', R=100.00'
8. 100.00' ±	8. L=100.00', R=100.00'
9. 100.00' ±	9. L=100.00', R=100.00'
10. 100.00' ±	10. L=100.00', R=100.00'
11. 100.00' ±	11. L=100.00', R=100.00'
12. 100.00' ±	12. L=100.00', R=100.00'
13. 100.00' ±	13. L=100.00', R=100.00'
14. 100.00' ±	14. L=100.00', R=100.00'
15. 100.00' ±	15. L=100.00', R=100.00'
16. 100.00' ±	16. L=100.00', R=100.00'
17. 100.00' ±	17. L=100.00', R=100.00'
18. 100.00' ±	18. L=100.00', R=100.00'
19. 100.00' ±	19. L=100.00', R=100.00'
20. 100.00' ±	20. L=100.00', R=100.00'

**Scale**  
 1" = 100.00'  
 GRAPHIC SCALE - 1" = 100.00'

**DATE:** 04/20/2023  
**SCALE:** 1" = 100.00'  
**DATE:** 04/20/2023  
**SCALE:** 1" = 100.00'



**SITE DATA:**  
 PROJECT NUMBER: 2023-001  
 PROJECT NAME: EAST JEFFERSON STREET  
 ZONING JURISDICTION: CITY OF HOUSTON

**ANNEXATION EXHIBIT**  
**East Jefferson Street**  
**Tract**

**DATE:** 04/20/2023  
**SCALE:** 1" = 100.00'  
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1 of 1



## EXHIBIT B



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

### Development Plan

The Development Plan is attached as Exhibit "A".

### Land Uses and Development Summary

The project will be developed on approximately 109.77 acres consisting of the following:

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

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

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

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

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





## Letter of Intent & Community Benefit Statement

Revised: June 2, 2023

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

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

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

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

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

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

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



The Zoning Plan (Exhibit "A") shall consist of six (6) single family residential lot/unit types and associated amenities and open spaces. The housing types shall be defined and quantified as follows:

**Type A:** 50' Front Entry Detached Lots; 110 Units

**Type B:** 40' Rear Entry (Alley) Detached Lots; 143 Units

**Type C:** Rear Entry (Alley) Townhomes; 31 Units

**Type D:** Front Entry Townhomes; 77 Units

**Type E:** 60' Front Entry Detached Lots (Lots abutting Brighton Park); 19 Units

**Type F:** 70' Front Entry Detached Lots (Lots abutting Pendergrass Road (SR 332) and Map/Parcels 113/004, 113/002, and 113/002A); 9 Units

TPG shall have the right to make modifications to the site layout and number of each unit type as engineering plans progress with the total unit count not to exceed 389 units.

#### **Dimensional Requirements**

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

#### **Improvement Requirements Comparison**

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

#### **Example Elevations/Pattern Book**

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

#### **Substantial Condition Changes**

**Platting Limitation.** TPG elected to strike Condition # 4: Platting Limitation. In speaking with the Seller, the City zoned smaller lots against his farm in the Brighton Park subdivision. As such, we believe it is appropriate to include lots abutting the Legacy Oaks subdivision. To mitigate the impact to the 4 lots in Legacy Oaks, we propose a 20-foot graded and replanted buffer with a six-foot privacy fence memorialized on the revised site plan and as an additional condition. The buffer and fence will be maintained by the HOA. Furthermore, we believe crossing the westernmost stream with a road crossing is feasible.

**Interconnecting Street.** TPG elected to strike Condition # 6: Interconnecting Street. The proposed neighborhood is to be gated with private streets and will not allow nonresidents to connect from Pendergrass Road to West Jefferson Street. Internal to the neighborhood, we desire the proposed street layout to encourage traffic calming.

**Intersection and Road Improvements to West Jackson Road and East Jefferson Street.** TPG will work with its team of engineers to best design the intersection and road improvements of West Jackson Road



and East Jefferson Street. Preliminary study indicates this intersection may be well served by a roundabout instead of a traditional stop condition. This option is acknowledged in revisions to the appropriate conditions.

#### **Additional Discussion**

**Annexation:** The entire Sell Farm is approximately 151 acres of which 126 acres (83%) is currently in the limits of the City of Hoschton. It only makes sense for all of Sell's contiguous property and the entirety of Tax Parcel 119 019 to be within the City.

The remaining annexation acreage of 7.24 acres belonging to Paul and Brenda Cheek was included following discussions with city staff to provide the project access to Pendergrass Road (SR 322). The second entrance greatly improves the neighborhood by dispersing resident traffic to both East Jefferson Street and Pendergrass Road and allowing additional access for emergency vehicles.

**School Children:** The Providence Group communities historically have fewer school children than traditional neighborhoods due to our design practices and targeted buyers. Our use of rear entry housing product simply does not have the yard desired by a typical family buyer. Historically, 45% of our households do not have children. Of the remaining households with children, only 55% of the children are of school age. These figures equate to 0.3388 students per household. Jackson County calculates students at 0.5291 students per household. These estimations represent a 36% reduction in students to Jackson County estimates. In our proposal for 389 units, this would be 74 fewer students than projected by Jackson County.

#### **Justification for Rezoning and Annexation**

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