

MINUTES
HOSCHTON PLANNING AND ZONING COMMISSION
July 24, 2024 at 6:00 p.m.
Hoschton Community Center
65 City Square, Hoschton, GA, 30548

MEMBERS PRESENT:

Edwin “Ace” Acevedo, Vice Chair
Scott Butler
Geoffrey Horney
Chuck Jonaitis
Christine Moody, Chair
Brenda Stokes

OTHER CITY PERSONNEL PRESENT:

Hon. Debbie Martin, Mayor
Hon. David Brown, Mayor Pro Tempore
Hon. Christina Brown, City Council Member
Jerry Weitz, Consulting City Planner
Jen Williams, Assistant City Clerk

MEMBERS ABSENT:

Tom Vivelo

I. Call to Order

The meeting was called to order at 6:00 p.m. by Chair Moody. All members of the planning and zoning commission were present except for Tom Vivelo.

Mayor Debbie Martin and Mayor Pro Tempore David Brown were in attendance and were recognized. Christina Brown, City Council member, joined the meeting at approximately 6:15 p.m.

II. Approval of Minutes

A motion was made by “Ace” Acevedo, seconded by Brenda Stokes, to approve the minutes of the June 26, 2024, meeting. The motion was unanimously approved (6-0).

III. Public Comment

Rachel Allred, McNeal Road, addressed the commission. She spoke concerning the need to maintain peace and safety of the city, and she advocated a hold on residential permit approvals in the city.

IV. Z-24-02 Annexation and Zoning and Rezoning: The Providence Group of Georgia, LLC, applicant, Douglas J. Swafford and JBGL Atlanta Development 2014, LLC, property owners, seek: Annexation of that portion of Map/Parcel 113/004 (1.31 acre) not already in the city and zoning to PUD (Planned Unit Development District) (part of Swafford tract) (current zoning in unincorporated Jackson County is A-2, Agricultural-Rural Farm District); Rezoning of that portion of Map/Parcel 113/004 (1.31 acre) already in the city limits from R-1 (Single-Family Low-Density

Residential District) to PUD (Planned Unit Development District) (part of Swafford Tract); Rezoning of a 0.153 acre tract (part of Map/Parcel 119/009) fronting at the end of Penny Lane and rezoning of a 0.494-acre tract fronting on Pendergrass Road (SR 332) east of 158 Rocky Court (part of Map/Parcel 119/009) from A (Agricultural District) to PUD (Planned Unit Development District) [*Consulting planner's recommendation: approval conditional*]

The commission convened a public hearing on this matter. Jerry Weitz summarized the staff report. He indicated that the ordinances approving the requests were not normally made a part of the Planning Commission's package, but in this case, they were included due to the complexity of the request. Two different ordinances were prepared and made part of the package. The first, Ordinance R-24-02A, would annex a part of a parcel 113/004 (referred to as the Douglas J. Swafford tract) and zone it PUD. The second, Ordinance R-24-02B, would rezone the other part of parcel 113/004 already inside the city limits from R-1 to PUD, and it would also rezone two lot remnants of Shannon Sell's property from A (Agricultural) to PUD, referred to as "Sell Tract 4" and "Sell Tract 5." Weitz explained that the subject application was made as required by conditions of preliminary plat approval for the Aberdeen Planned Unit Development. The additional properties (Swafford tract and two lot remnants on the Shannon Sell property) were proposed to be included in the Aberdeen Planned Unit Development.

Clint Walters of The Providence Group presented the application. There were several questions raised by planning commission members, and there was discussion between the planning commission and consulting planner Weitz as well as by Mr. Walters in an effort to answer the questions. Such questions included, among other topics, what the maximum building height of dwellings in the annexed property would be, what the minimum square footage for dwellings would be, how the PUD would be served by sewer, what impacts were considered and by whom, and what the ultimate use of properties would be. There were also questions raised by Commissioner Scott Butler regarding the proposed road reserved on part of the Swafford Tract and concern raised about the impact of the Aberdeen PUD on New Street.

Mayor Martin, Mayor Pro Tempore David Brown, and City Council Member Christina Brown all spoke on the matter, raising questions and providing comments. No one else spoke in favor of or against the application. The public hearing was closed.

During discussion, it was clarified by the applicant (Clint Walters) that The Providence Group was not purchasing the dwelling shown on "Tract 1" of the proposed minor subdivision plat submitted with the annexation and zoning application. However, the home on Tract 1 (Swafford residence) would be included in the Aberdeen PUD and it would be subject to the dimensional requirements proposed by The Providence Group in the application. There was discussion of minimum home sizes, and it was determined from the tax record that the Swafford residence was 897 square feet in size. Tract 2 of the minor subdivision plat was proposed to be utilized as a road reservation as shown on the official zoning map and as required by conditions of zoning and preliminary plat approval.

Following discussion, various motions were made, discussed, amended and withdrawn. A motion by Jonaitis, seconded by Horney, was made to recommend approval of Ordinance R-24-02A,

annexing that portion of the Swafford tract not already in the city limits and zoning it Planned Unit Development, conditional, subject to the following conditions:

1. The subject property shall become and hereafter be considered a part of the Aberdeen PUD.
2. Development and use of the subject property shall be in substantial accordance with the letter of intent, including all dimensional requirements specified therein (building height, setbacks, lot width, etc.) made part of Application Z-24-02 and incorporated into this ordinance, and in substantial accordance with the minor final plat made part of Application Z-24-02 and incorporated into this ordinance.
3. The owner shall reserve a portion of the Swafford Tract (Map/Parcel 113/004) for future public use, more or less as shown on the approved preliminary plat for Aberdeen Planned Unit Development and as shown on the official zoning map.

The motion passed 5-1, with Butler voting against.

After discussion, a motion was made by Horney, seconded by Butler, to recommend approval of Ordinance R-24-02B rezoning that part of the Swafford Tract already in the city limits from R-1 to PUD Conditional, and rezoning "Sell Tract 4" and "Sell Tract 5" from A (Agricultural) to PUD conditional, subject to the following conditions:

1. The subject properties shall become and hereafter be considered a part of the Aberdeen PUD.
2. The owner shall reserve a portion (part of Tract 2 as shown on the minor subdivision plat) of the Swafford Tract (Map/Parcel 113/004) for future public use, more or less as shown on the approved preliminary plat for Aberdeen Planned Unit Development and as shown on the official zoning map. Tract 2 will not be authorized to have a dwelling on it.
3. Subdivision and development of Tract 1 of the minor subdivision plat (part of the Swafford tract, part of Map/Parcel 113/004) shall be consistent with the letter of intent submitted as a part of Z-24-02, including all dimensional requirements specified therein (building height, setbacks, lot width, etc.), with the exception that the minimum heated floor area for the dwelling unit shall be 897 square feet.
4. "Sell Tract 4" consisting of 0.153 acre and fronting on Penny Lane and "Sell Tract 5" consisting of 0.494 acre fronting on Pendergrass Road (SR 332) shall not be separate lots of record for zoning and development purposes and shall be incorporated into the Aberdeen Planned Unit Development. Use of Sell Tract 4 and Sell Tract 5 shall be limited to open space, buffers and utilities.
5. Sell Tract 4 (0.153 acre) shall not be utilized for public access, and there shall be no road connection to Penny Lane, unless specifically authorized by the Hoschton City Council in regular session.

The motion to recommend conditional approval was passed unanimously (6-0).

- V. **Ordinance O-2024-04:** An Ordinance Amending the Subdivision and Land Development Ordinance of the City of Hoschton, Article IV, "Preliminary Plat," Section 409, "City Council Review and Action" to Extend Consideration Time for Preliminary Plat by City Council from 35 Days to 75 Days, and for Other Purposes

A public hearing on this matter was convened. Jerry Weitz summarized the ordinance proposed. He indicated that this matter was initiated by the Hoschton City Council and that it was the result of concern that the city council may not have enough time to deliberate on a preliminary plat application given that it had only 35 days from the date it first considered the preliminary plat to act on the preliminary plat. Weitz explained further that, now that the city council has divided its meeting into a work session meeting and a voting session, the existing time limit of 35 days would not even allow the council to postpone a preliminary plat application for one cycle (i.e., until the meetings during the following month), because the council is now meeting in two sessions.

There was a question and comment from Mayor Martin regarding Council's intent for the time period for review of and action on preliminary plats. She indicated she thought it was supposed to be increased to 60 days, rather than the 75. It was determined that Council during discussion regarding initiation of the ordinance, did discuss a 60-day period, but that the notice and consulting planner's memo regarding initiation of the text amendment did not mention a specific time period to extend. Weitz replied that the 75 days proposed would allow for postponing action by Council on a preliminary plat from one meeting until the meetings the following month, with some additional days to spare.

No one else spoke in favor of or against the application. The public hearing was closed.

A motion was made by Jonaitis, seconded by Acevedo, to recommend approval of Ordinance O-2024-04. The motion passed unanimously (6-0).


There being no other business, and on a motion properly made and seconded, the meeting was adjourned at 7:21 p.m.

Respectfully submitted,



Jerry Weitz, Consulting Planner

Approved by the Commission:


Christine Moody, Chair

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