

AGENDA
HOSCHTON PLANNING AND ZONING COMMISSION
August 28, 2024 at 6:00 p.m.
Hoschton Community Center
65 City Square, Hoschton, GA, 30548

- I. Call to Order/Roll Call
- II. Recognitions
- III. Pledge of Allegiance
- IV. Moment of Silence
- V. Approval of Minutes (July 24, 2024)
- VI. Public Comment (*5-minute time limit*) (*for items unrelated to public hearings on agenda items*) (*sign-in required*)
- VII. Old Business
 - A. **Ordinance TA-2024-04:** An Ordinance Amending the Zoning Ordinance of the City of Hoschton, Georgia, Article VIII, “Zoning Amendments and Applications,” To Add a New Section 8.08, “Duration of Approval” and for Other Purposes [*Remanded 8/20/24 by City Council to Planning Commission*] [*Planning Commission recommended approval 5/22/24*]
- VIII. New Business
 - A. **Ordinance TA 24-05:** SEK Hoschton, LLC, by Tommy Saul, applicant, has filed a complete application to amend the text of the Hoschton, Georgia, zoning ordinance, Article IV, “Zoning Districts,” Section 4.11, “C-2, General Commercial Highway Oriented District,” Table 4.3, “Permitted and Conditional Uses for Non-Residential Zoning Districts,” to change “auto parts and tire store” from a prohibited use (“X”) to a permitted use (“P”) in the C-2 zoning district [*Consulting planner’s recommendation: approval*]
 - B. Discussion item – City of Hoschton Future Land Use Plan Map (August 13, 2024 draft)
 - C. Consulting planner presentation: Georgia Department of Transportation Braselton-Hoschton Area Mobility Study Final Report, May 31, 2024 (summary)
- IX. Other Business – None scheduled
- X. Adjourn

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

F:\Planning & Zoning\Jerry Weitz 2020\Planning Commission 2024\Minutes\Hoshton PZ Minutes 7-24-24.docx

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE TA-2024-04

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HOSCHTON, GEORGIA, ARTICLE VIII, “ZONING AMENDMENTS AND APPLICATIONS,” TO ADD A NEW SECTION 8.08, “DURATION OF APPROVAL.” AND FOR OTHER PURPOSES

WHEREAS, The City of Hoschton desires to amend the Hoschton zoning ordinance pertaining to the duration of rezoning, conditional use, and variance approvals; and

WHEREAS, A notice of public hearings before the Hoschton Planning and Zoning Commission and the Hoschton City Council on this matter was published in a newspaper of general circulation within the City of Hoschton as required by the zoning procedures law and the Hoschton zoning ordinance for text amendments; and

WHEREAS, The Planning and Zoning Commission and the City Council each conducted a public hearing on this matter; and

WHEREAS, The Hoschton City Council finds that it is necessary, desirable and in the public interest to amend the Hoschton Zoning Ordinance;

Now therefore, the Hoschton City Council ORDAINS as follows:

Section 1.

The Hoschton Zoning Ordinance, Article VIII, “Zoning Amendments and Applications,” is amended to add a new Section 8.08, “Duration of Approval” as follows:

“Section 8.08. Duration of Approval.”

- 1. There is no expiration date for any application for rezoning, conditional use, or variance that has been approved by the City Council pursuant to this article. However, it is the intent of this section to require the monitoring of the status of rezoning, conditional use, and variance approvals and to require the zoning administrator to determine whether development, or any steps toward development, have been initiated. It is further the intent of this section to provide a systematic means for the City Council to initiate a change of zoning of a prior rezoning and to initiate an ordinance or resolution to reverse or revoke a previously approved conditional use permit or variance in cases where no development or steps toward development have occurred within two years of the initial approval.**
- 2. For purposes of this section, “steps toward development” shall include but are not necessarily limited to an application for land disturbance permit, or an application**

for development permit, or an application to amend a condition of approval for an application previously approved by the City Council.

3. **If, in monitoring the status of rezoning, conditional use, and variance approvals made pursuant to this article, it is determined by the zoning administrator that no development activity has occurred and no steps toward development have occurred within a period of two years from the date of the respective approval, the zoning administrator shall propose a city council agenda item to consider initiating an ordinance, or resolution, as the case may be, that would change the zoning classification, or reverse or revoke a previously approved conditional use permit or variance. Written notice to the applicant of record, and the current property owner as shown on county tax assessor records, shall be provided by the zoning administrator of any such city council agenda item no less than 15 days prior to the date the matter is scheduled for City Council's consideration. The zoning administrator shall certify that notice to applicant and property owner required by this subsection has been accomplished.**
4. **The Hoschton City Council, in being presented with a particular notice of no development activity and no steps toward development within a period of two years from the dates of the respective approval, and after opportunity of the applicant or property owner as the case may be to be heard concerning the proposed action, may approve a motion in regular session to initiate an ordinance or resolution as the case may be to change the zoning classification or reverse or revoke a previously approved conditional use permit or variance.**
5. **Upon approval by City Council to initiate a formal action pursuant to this section that would begin the process of changing the zoning classification or reversing or revoking a previously approved conditional use permit or variance, the application shall be filed by the zoning administrator on behalf of the City Council, and the application and notice thereof shall be provided to the original applicant, the current property owner of record as shown in county tax assessor records, and to the public generally of public hearings before the planning and zoning commission and City Council on the matter, as required by this article. After following said zoning procedures, the City Council may take action on the ordinance or resolution, as the case may be."**

Section 2.

All ordinances, or parts of ordinances in conflict herewith are hereby repealed.

Section 3.

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

Section 4.

The effective date of this ordinance shall be the date of adoption.

Adopted this ____ day of _____, 2024.

Debbie Martin, Mayor

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

ATTEST:

Jennifer Harrison, City Clerk

APPROVED AS TO FORM

Abbott S. Hayes, Jr., City Attorney

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE TA-2024-05

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HOSCHTON, GEORGIA, ARTICLE IV, “ZONING DISTRICTS AND OFFICIAL ZONING MAP,” SECTION 4.14, “MU, MIXED USE DISTRICT” AND FOR OTHER PURPOSES

WHEREAS, SEK Hoschton, LLC, by Tommy Saul, applicant, has filed an application to amend the text of the Hoschton, Georgia, zoning ordinance, Article IV, “Zoning Districts,” Section 4.11, “C-2, General Commercial Highway Oriented District,” Table 4.3, “Permitted and Conditional Uses for Non-Residential Zoning Districts,” to change “auto parts and tire store” from a prohibited use (“X”) to a permitted use (“P”) in the C-2 zoning district; and

WHEREAS, A notice of public hearing before the Hoschton Planning and Zoning Commission and the Hoschton City Council on this matter was published in a newspaper of general circulation within the City of Hoschton as required by the zoning procedures law and the Hoschton zoning ordinance for text amendments; and

WHEREAS, The Planning and Zoning Commission and the City Council each conducted a public hearing on this matter; and

WHEREAS, The Hoschton City Council finds that it is necessary, desirable and in the public interest to amend the Hoschton Zoning Ordinance as requested by the applicant;

Now therefore, the Hoschton City Council ORDAINS as follows:

Section 1.

The Hoschton Zoning Ordinance, Article IV, “Zoning Districts,” Section 4.11, “C-2, General Commercial Highway Oriented District,” Table 4.3, “Permitted and Conditional Uses for Non-Residential Zoning Districts,” is amended to change “auto parts and tire store” from a prohibited use (“X”) to a permitted use (“P”) in the C-2 zoning district, as follows:

Table 4.3
Permitted and Conditional Uses in Non-Residential Zoning Districts
P = Permitted; C = Conditional Use; X = Prohibited

| Use | Sec. Ref. | INST | C-1 | C-2 | C-3 | M-1 | MU |
|---------------------------|-----------|------|-----|-------------------|-----|-----|----|
| Auto parts and tire store | | X | X | X P | P | P | X |

Section 2.

All ordinances, or parts of ordinances in conflict herewith are hereby repealed.

Section 3.

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

Section 4.

The effective date of this ordinance shall be the date of adoption.

Adopted this 17th day of September, 2024.

Debbie Martin, Mayor

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

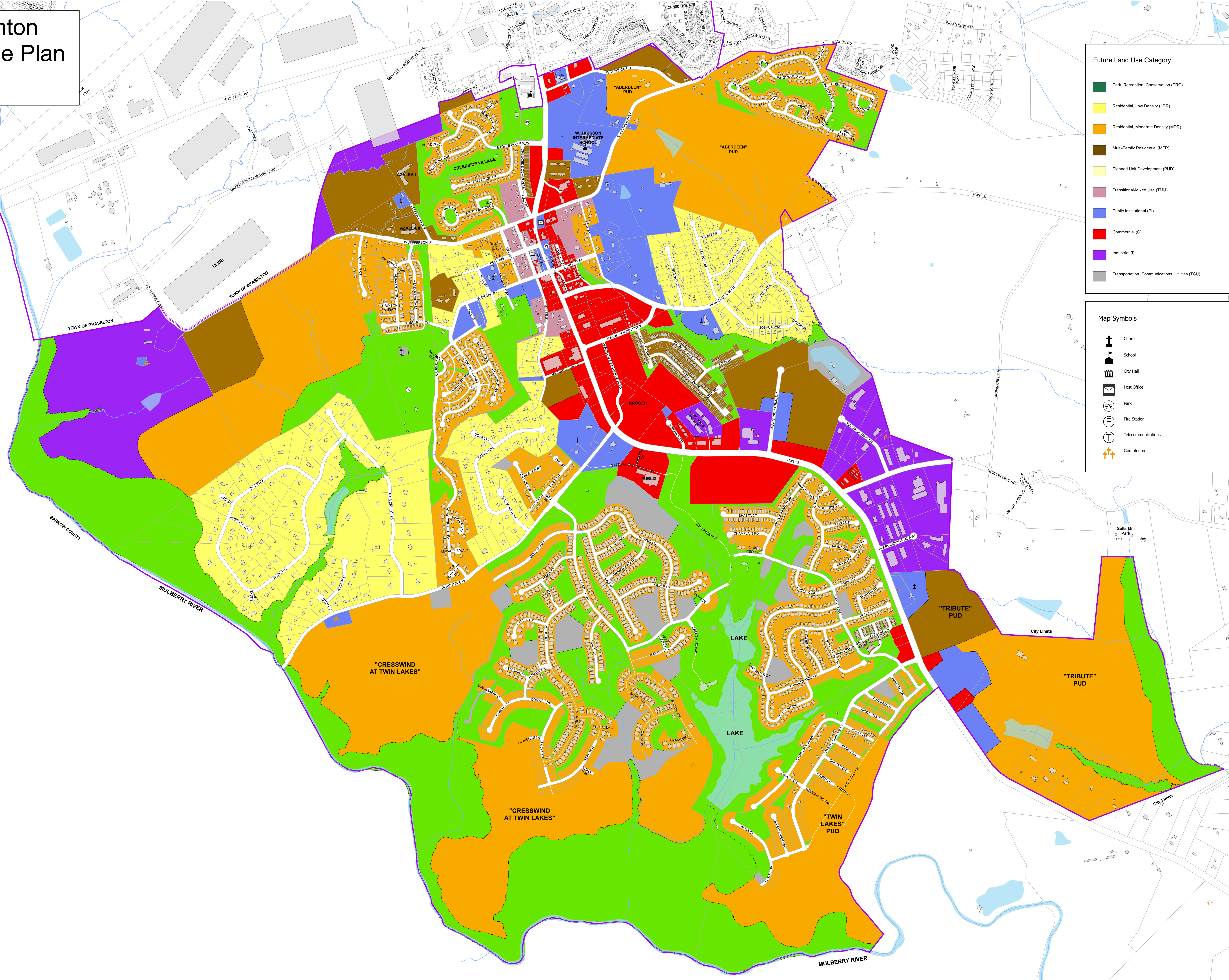
ATTEST:

Jen Williams, Assistant City Clerk

APPROVED AS TO FORM

Abbott S. Hayes, Jr., City Attorney

City of Hoschton Future Land Use Plan (2024)

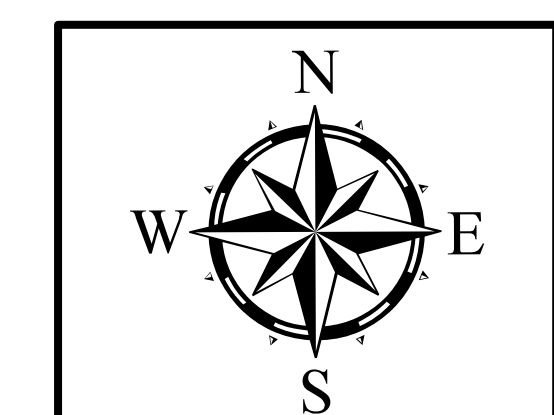
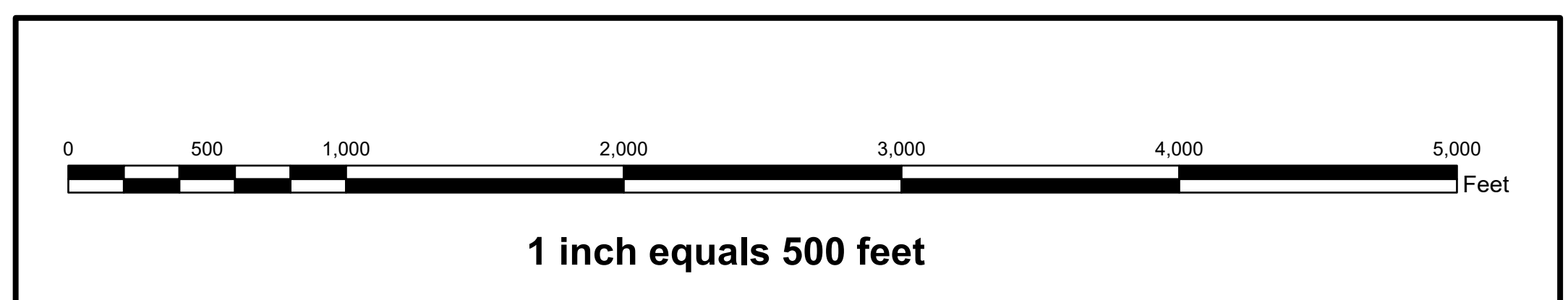


Future Land Use Category

- Park, Recreation, Conservation (PRC)
- Residential, Low Density (LDR)
- Residential, Moderate Density (MDR)
- Multi-Family Residential (MFR)
- Planned Unit Development (PUD)
- Transitional-Mixed Use (TMU)
- Public Institutional (PI)
- Commercial (C)
- Industrial (I)
- Transportation, Communications, Utilities (TCU)

Map Symbols

- Church
- School
- City Hall
- Post Office
- Park
- Fire Station
- Telecommunications
- Cemeteries

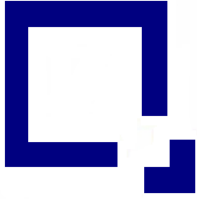


**City of
Hoschton, GA**

**Layout & Mapping By
Jackson County GIS Department**
 67 Athens St
 Jefferson, GA 30549
 Phone: (706)-367-1877 Fax: (706)-367-2578
 Email: jogan@jacksoncounty.gov

Jerry Weitz & Associates, Inc.
 Planning & Development Consultants
 1235 Rucker Road Alpharetta, GA 30004
 Phone: (404)-502-7228
 Email: jweitz@bellsouth.net

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



Jerry Weitz & Associates, Inc.
Planning & Development Consultants

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

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

MEMORANDUM

TO: City of Hoschton Planning and Zoning Commission

FROM: Jerry Weitz, Consulting City Planner

DATE: August 21, 2024

RE: Summary of Braselton-Hoschton Mobility Study Final Report, Georgia Department of Transportation (May 31, 2024)

This memo constitutes a summary of major features of the above-referenced study. This study is important in a number of respects, including future transportation planning and the five-year update of the city's comprehensive plan which is expected to be initiated by the end of this calendar year. The purpose of the study is to analyze existing conditions and to develop recommendations for improving future travel conditions in the study area.

Recommendations include regional and local. Regional recommendations include two major projects (see graphic excerpted below). The first one would involve widening SR 124 from SR 211 to SR 332 through Braselton and unincorporated Jackson County; this improvement would be entirely outside Hoschton. The second would involve a two-lane extension of SR 60 from SR 124 to SR 53. The general map for this project shows it would utilize the existing intersection of Jackson Trail Road with SR 53 as the southern terminus. This project would utilize the existing Jackson Trail Road in Hoschton and then cut north through unincorporated land, apparently using the existing right of way of Indian Creek Road, to connect to SR 332 (then to SR 60 utilizing the existing Sam Freeman Road). The extension of SR 60 to SR 53 has a projected cost of \$36 million and would be constructed at the time of the SR 60 interchange with Interstate 85 is constructed.

