

AGENDA
HOSCHTON PLANNING AND ZONING COMMISSION
September 25, 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 for Individual Prayer and Self-Reflection
- V. Approval of Minutes (August 28, 2024)
- VI. Public Comment (*5-minute time limit*) (*for items unrelated to public hearings on agenda items*) (*sign-in required*)
- VII. New Business
 - A. **Ordinance TA-2024-06:** An Ordinance Amending the Zoning Ordinance of the City of Hoschton, Georgia, Article IV, “Zoning Districts and Official Zoning Map,” Section 4.14, “Mixed-Use District,” Table 4.3, “Permitted and Conditional Uses in Non-Residential Zoning Districts,” To Amend Day Care Center Permissions in the MU, Mixed-Use District Zoning District and for Other Purposes [*Consulting planner’s recommendation: approval*]
 - B. **Ordinance O-2024-05:** An Ordinance Amending the Subdivision and Land Development Ordinance of the City of Hoschton, Georgia, Article VII, “Storm Drainage and Utilities,” to add a new Section 707, “Oversizing of Utilities and Development Agreements.”
 - C. **5-year Update of Comprehensive Plan** [*Discussion item – no action required*]
- VIII. Other Business – None scheduled
- IX. Adjourn

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

MEMBERS PRESENT:

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

OTHER CITY PERSONNEL PRESENT:

Hon. Christina Brown, City Council Member
Jerry Weitz, Consulting City Planner
Jen Williams, Assistant City Clerk

MEMBERS ABSENT:

Geoffrey Horney

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 Geoffrey Horney.

Christina Brown, City Council member, was in attendance and was recognized. The pledge of allegiance to the flag was completed, as was a moment of silence for individual prayer and self-reflection.

Approval of Minutes

A motion was made by Chuck Jonaitis, seconded by Tom Vivelo, to approve the minutes of the July 24, 2024, meeting. The motion was unanimously approved (6-0).

Public Comment

Rachel Allred, McNeal Road, addressed the commission. She spoke concerning the need to control the county and city’s population increases. She advocated for a slowdown. She indicated that there was a development moratorium at one time in Jackson County, and she asked for the city to consider what it might do to get the county moratorium back in place.

Old Business: 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

Jerry Weitz spoke on this matter. He indicated that a public hearing had been held by the planning commission and city council, but the city attorney and city planner recommended that

the ordinance be withdrawn due to concerns about a lack of other local governments doing something similar, vagueness in the ordinance proposal, and out of concern as to whether the ordinance was necessary. The City Council in its August regular meeting remanded the ordinance proposal back to the planning commission for further study. Weitz indicated the direction from the city council was such that the commission should determine whether different zoning districts should have different time frames for how long the zoning approval lasted before a process of reverting it to the original zoning would take place.

Weitz indicated he had done some research that day on what other local governments in Georgia have adopted ordinances that provide for the reversion of approved zoning. He indicated that the Cities of Morrow, Augusta, Woodstock, Hiram, and Brunswick as well as Clayton, Henry, and Pike Counties appeared to have reversion clauses in their ordinances. Weitz indicated that he had located ordinance provisions for Morrow, Hiram and Woodstock and that using them as examples he thought a better ordinance could be written. Weitz suggested that, with the consent of the planning commission, he would draft another ordinance that was directed at addressing the stated concerns, including avoiding vagueness and providing better criteria for determining when a zoning decision should be reconsidered and possibly reverted to the original zoning.

Planning commissioners discussed the proposed ordinance. Commission members asked what, if any, legal impediments there were to adopting such an ordinance. It was determined that applicants of zoning changes should be held accountable and be required to move forward. The commission stated its desire to limit rezoning merely for land speculation purposes. The commission asked that the city consider requiring the payment of utility tap fees as a way of furthering applicant commitments to the approved rezoning. Weitz replied that that might be unlikely but that the city was already requiring payment of tap fees to some extent as conditions of zoning approval. It was noted by Scott Butler that the city and the county have to invest in facilities to serve a development, and that it was a waste of resources invested if a particular development rezoned did not happen. Weitz indicated that the Pirkle Farm planned unit development with 500 dwelling units was an example of a rezoning that probably would not get built as rezoned but for which the city was required to set aside water and sewer capabilities. Commission members suggested that a completion schedule should be required to be proposed by applicants for new rezonings, and that otherwise the two-year time period for consideration of a reversion to original zoning would be appropriate. The commission agreed to have Weitz proceed with a revision, without returning to the commission for a recommendation, but with the provision that a copy of the revised ordinance be given to commission members when distributed to city council.

New Business: Ordinance TA-2024-05: SEK Hoschton, LLC, by Tommy Saul, to amend the text of the 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

Jerry Weitz introduced the proposed ordinance. The ordinance would make tire stores and auto parts stores as permitted rather than prohibited uses in the C-2 zoning district. He indicated he had recommended approval, as the sale of auto parts occurs inside a building and is therefore not

materially different from any other enclosed retail trade establishment. However, Weitz indicated he had second thoughts about having a tire store permitted outright in C-2, because it was rarely if ever the case where a tire store does not also involve auto service (repair and replacement of tires), and that such an allowance would break with the current standard of not allowing auto service in C-2.

A public hearing was convened on the matter. Tommy Saul, with SEK Hoschton, LLC, the applicant, spoke in favor of the request. No one else spoke in favor. Tina Brown and Rachel Allread addressed the commission in opposition to the application. Council member Tina Brown indicated that a tire store should not be made a permitted use. No one else spoke in favor of or against the application. The public hearing was closed.

After discussion, a motion was made by Scott Butler, seconded by Chuck Jonaitis, to recommend approval of the request (Ordinance TA 24-05) to add auto parts as a permitted use in C-2, but with text indicating “no services” and that the tire store be separately listed and continue to be prohibited in C-2, as follows (Table 4.3 Excerpt):

Use	C-2
Auto parts store (no services)	“P”
Tire store	“X”

The motion passed unanimously (6-0).

Discussion item: City of Hoschton Future Land Use Plan Map (August 13, 2024).

Weitz indicated this matter had already been before the commission and city council, and the proposal had been authorized by both to be sent for required regional and state review. He indicated that prior to this map update, the base map for the city had not been updated for more than two years, and he was not comfortable sending it for review until the map changes were entered into Geographic Information Systems (GIS) and everyone could see the exact changes made.

There was discussion among the commission members. A question was asked about the planned unit development (PUD) category. Weitz indicated that the PUD category still appeared in the legend on the map but that the revised future land use plan map would reclassify all previously classified planned unit developments as a residential classification. He also indicated there was a need to make a correction to remove PUD from the future land use legend and also to make additional changes to the text of the land use element to reflect these map changes. There was consensus among commission members to proceed with sending the draft map to city council, with additional changes to the text as necessary to accompany the land use plan map and to proceed with the regional and state review process once those changes had been made and presented to City Council.

Discussion item: Georgia Department of Transportation Braselton-Hoschton Area Mobility Study Final Report, May 31, 2024

Weitz indicated he prepared a memo summarizing the transportation study that was a part of the commission's package. He summarized the study as including system improvements, and SR 53 operational improvements. System improvements called for widening of SR 211 to SR 124, and widening of SR 124 from SR 211 to SR 332. Also, there is a proposal for an extension of SR 60 from the proposed interchange at Interstate 85 and SR 60 through a roundabout at SR 124/end of SR 60 and a road improvement utilizing Sam Freeman Road to SR 332. From SR 332, the SR 60 extension would follow the path more or less of Indian Creek Road and would join Jackson Trail Road at about the city limit line, then terminate at SR 53. Operational projects included mostly proposals for signalization at key intersections with SR 53 but also involved the designation of Towne Center Parkway as SR 332 and removing that designation from Pendergrass Road between Towne Center Parkway and SR 53.

Weitz indicated that he did not agree with a proposal in the study that called for realigning Towne Center Parkway so that it would intersect directly with Industrial Boulevard. He said that development proposals had already been approved for property at Industrial and SR 53, and that the Kroger Marketplace project contemplated a use at the southeast corner of SR 53 and Towne Center Parkway that would be affected by such a proposal. Weitz said the project suggestions were recommendations only, and that they were not being asked to adopt the projects as plans. He indicated further that Jackson County was undertaking a five-year update of its countywide transportation plan, and that the city had been approved for funding to undertake its own transportation plan. Formal decisions about projects would be made as part of those efforts.

The commission discussed the study and summary. Scott Butler noted that there were several development projects approved in the city that were not recognized in the study. He was concerned about the study underestimating the real traffic impacts the city would soon experience. Weitz responded that he also noted some deficiencies in terms of the study (i.e., its failure to incorporate significant developments approved). He indicated that the study assumed an annual increase in traffic of 1.57 percent, and that short term increases in traffic would probably be more in the magnitude of 5 or even 10 percent. It was asked whether the city should request revisions with better data. Weitz replied that because the study had a May 2024 date that it was unlikely to be revised, and that any revisions were probably unlikely to change the study conclusions.

Scott Butler noted that the study also discussed a proposal, in addition to the SR 60 extension proposal to SR 53, to extend SR 60 along SR 53 through the City of Hoschton to Peachtree Road, then utilize Peachtree Road (in the city limits) and Covered Bridge Road to SR 211. Weitz clarified that this was an alternative that was specifically identified and evaluated in the study but had not been recommended in the study.

There was no need for action on the part of the commission, and no specific action was taken on this agenda item.

Other Business

It was noted that the commission members needed to receive a printed copy of the zoning ordinance.

There being no other business, the chair declared the meeting was adjourned at 7:20 p.m.

Respectfully submitted,



Jerry Weitz, Consulting Planner

Approved by the Commission:

Christine Moody, Chair

C:\Users\Jerry Weitz\Documents\Consulting 2021 7-12-24\Hoschton 2021\Planning Commission 2024\Agendas\August 2024\Hoschton PZ Minutes 8-28-24.docx

F:\Planning & Zoning\Jerry Weitz 2020\Planning Commission 2024\Minutes\Hoschton PZ Minutes 8-28-24.docx

4060 Hwy 53
Hoschton, GA 30548

08/16/2024

City Council
City of Hoschton
79 City Square
Hoschton, GA 30548

Dear Members of the Hoschton City Council,

We hope this letter finds you well. As residents and business owners in this wonderful community, we, Ashishkumar Patel and Stewart Christian, are writing to formally request the City Council to consider an amendment to the current zoning regulations. Specifically, we propose that daycare centers be permitted under multi-use zoning rather than prohibited within the city of Hoschton.

Daycare centers play a crucial role in the fabric of any community, providing essential services to working families. With the continued growth of Hoschton, the demand for accessible, high-quality childcare has also increased. Allowing daycare centers in multi-use zones would not only meet this demand but also support the needs of businesses and residents alike.

Multi-use zoning is intended to encourage diverse and dynamic development, promoting a mix of residential and commercial. By including daycare centers in this zoning category, the city would further enhance the flexibility and utility of multi-use areas, making them more appealing for families and businesses to establish themselves in Hoschton.

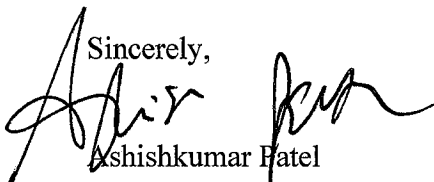
Furthermore, the inclusion of daycare centers in multi-use zones could lead to a reduction in traffic congestion by placing these essential services closer to where people live and work. This change could also stimulate economic activity, as convenient childcare options would encourage more parents to participate in the workforce, thereby benefiting the local economy.

We understand the importance of careful zoning and planning in maintaining the character and growth of our community. However, we believe that allowing daycare centers in multi-use zones aligns with the city's goals of fostering a vibrant, inclusive, and thriving community.

We kindly request the City Council to review this proposal and consider the positive impact that such a change could have on Hoschton. We are available to discuss this matter further at your convenience and would be grateful for the opportunity to present our case in a more detailed manner.

Thank you for your time and consideration. We look forward to your favorable response.

Sincerely,



Ashishkumar Patel

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE TA-2024-06

AN ORDINANCE AMENDING THE ZONING ORDINANCE OF THE CITY OF HOSCHTON, GEORGIA, ARTICLE IV, “ZONING DISTRICTS AND OFFICIAL ZONING MAP,” SECTION 4.14, “MIXED-USE DISTRICT,” TABLE 4.3, “PERMITTED AND CONDITIONAL USES IN NON-RESIDENTIAL ZONING DISTRICTS,” TO AMEND DAY CARE CENTER PERMISSIONS IN THE MU, MIXED-USE DISTRICT ZONING DISTRICT AND FOR OTHER PURPOSES

WHEREAS, Christian Stewart and Ashishkumar Patel, owners of property in the City of Hoschton, have filed an application to amend the text of the City of Hoschton, Georgia, zoning ordinance, Article IV, “Zoning Districts,” Section 4.14, “Mixed-Use District,” Table 4.3, “Permitted and Conditional Uses for Non-Residential Zoning Districts,” to change “day care, including group day care home, and basic social (non-medical) adult day care serving no more than 18 adults” and “day care, child learning center (19 or more), or basic social adult day care serving 19 or more adults, or medical adult day care serving any number” from prohibited uses (“X”) to permitted uses (“P”) in the MU 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;

Now therefore, the Hoschton City Council ORDAINS as follows:

Section 1.

The Hoschton Zoning Ordinance, Article IV, “Zoning Districts,” Section 4.14, “Mixed-Use District,” Table 4.3, “Permitted and Conditional Uses for Non-Residential Zoning Districts,” is amended to change “day care, including group day care home, and basic social (non-medical) adult day care serving no more than 18 adults” and “day care, child learning center (19 or more), or basic social adult day care serving 19 or more adults, or medical adult day care serving any number” from prohibited uses (“X”) to permitted uses (“P”) in the MU 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
Day care, including group day care home, and basic social (non-medical) adult day care serving no more than 18 adults	6.50	P	X	P	X	X	X <u>P</u>
Day care, child learning center (19 or more), or basic social adult day care serving 19 or more adults, or medical adult day care serving any number	6.50	P	X	P	X	X	X <u>P</u>

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 15th day of October, 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

Ordinance TA-2024-06

APPROVED AS TO FORM

Abbott S. Hayes, Jr., City Attorney

F:\Planning & Zoning\Jerry Weitz 2020\Zoning Ordinance Amendments\TA 24-06 MU Day Care\Ordinance TA-2024-06 MU Day Care 9-18-24.docx

CITY OF HOSCHTON
STATE OF GEORGIA

Ordinance O-2024-05

AN ORDINANCE AMENDING THE SUBDIVISION AND LAND DEVELOPMENT ORDINANCE OF THE CITY OF HOSCHTON, ARTICLE VII, “STORM DRAINAGE AND UTILITIES,” TO ADOPT A NEW SECTION 707, “OVERSIZING OF UTILITIES AND DEVELOPMENT AGREEMENTS,” AND FOR OTHER PURPOSES

WHEREAS, The City of Hoschton’s consulting city engineer recommends that the city amend its subdivision regulations to provide for the oversizing of utilities in cases where larger utilities are needed to serve anticipated subdivision or land development in the vicinity; and

WHEREAS, The Hoschton City Council desires to amend the Hoschton Subdivision and Land Development Ordinance to provide for the oversizing of utilities; and

WHEREAS, Notice of public hearings on this matter was published in a newspaper of general circulation within the City of Hoschton; and

WHEREAS, The Hoschton Planning and Zoning Commission conducted a public hearing on this matter; and

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

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

Section 1.

The Hoschton Subdivision and Land Development Ordinance, Article VII, “Storm Drainage and Utilities,” is amended to adopt a new Section 707, “Oversizing of Utilities and Development Agreements” as follows:

“Sec. 707. Oversizing of Utilities and Development Agreements.

The city may require a subdivider or land developer to construct such oversized improvements and utilities that the city engineer determines to be necessary to serve additional subdivision or land development in the vicinity, subject to the following:

- (a) The subdivider or land developer shall not be obligated for the additional cost of improvements and utilities that are not uniquely required for that subdivision or land development, and**
- (b) The subdivider or land developer agrees to a proposal by the city engineer to share in the cost arrangements for over-sizing improvements and utilities; and**

(c) **A formula may be developed by the city engineer to provide for a sharing of the cost of other improvements and utilities needed to serve the subdivision or land development when certain of the improvements and utilities are necessary to serve future subdivisions or developments in the vicinity.**

(d) **A development agreement in a form approved by the city attorney is adopted by the City Council and approved by the subdivider or land developer.**

Section 2.

All ordinances and 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 upon its adoption.

So ORDAINED, this 15th day of October, 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:

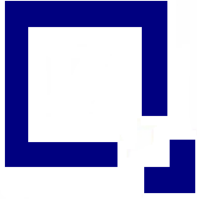
Jennifer Harrison, City Clerk

Ordinance O-2024-05

APPROVED AS TO FORM

Abbott S. Hayes, Jr., City Attorney

F:\Planning & Zoning\Jerry Weitz 2020\Subdivision and Land Development\Amendments 2024\Ordinance O-2024-05 Sub Regs Oversizing\Ordinance O-2024-05 Sub Regs Oversizing.docx



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 Planner, City of Hoschton

DATE: September 18, 2024

RE: **September 25, 2024, Planning and Zoning Commission Agenda Item:**
Briefing and Discussion, City of Hoschton Comprehensive Plan 5-Year Update

The consulting planner will brief commission members on the upcoming process of preparing and adopting a five-year update of the city's comprehensive plan. Contents of the briefing and commission discussion may include required elements of the comprehensive plan, suggested composition of a required steering committee, the schedule for completion of tasks, and other related matters.