

CITY OF HOSCHTON
CITY COUNCIL
THURSDAY, SEPTEMBER 12, 2024 AT 6:00PM
HOSCHTON COMMUNITY CENTER
65 CITY SQUARE, HOSCHTON



PUBLIC HEARING
AGENDA

WELCOME AND CALL TO ORDER

INVOCATION/ MOMENT OF SILENCE

PLEDGE OF ALLEGIANCE

AGENDA APPROVAL

NEW BUSINESS

1. **Ordinance TA-2024-05:** Zoning Ordinance Text Amendment: 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. *[Planning commission recommendation: approval as revised]*

ADJOURN

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

APPLICATION TO AMEND ZONING TEXT ORDINANCE

SEK Hoschton LLC are owners of property in Hoschton, Georgia and would like to propose the following Text Amendment to C-2 Zoning:

The requested amendment to the current zoning text is intended to permit the use of Auto Parts & Tire Stores within C-2 Zoning. The portion of the current zoning ordinance relating to this request is Table 4.3 titled "Permitted & Conditional Uses in Non-Residential Zoning Districts" on page 24.

Existing Ordinance (Table 4.3, Page 24)

City of Hoschton, GA, Zoning Ordinance

Use	Sec. Ref.	INST	C-1	C-2	C-3	M-1	MU
Artist studio		X	P	P	X	X	P
Auto parts and tire store		X	X	X	P	P	X
Automobile sales		X	X	X	P	P	X
Automotive repair or service		X	X	X	P	P	X
Bakery, retail		X	X	P	X	X	P

Proposed Amendment (Table 4.3, Page 24)

City of Hoschton, GA, Zoning Ordinance

Use	Sec. Ref.	INST	C-1	C-2	C-3	M-1	MU
Artist studio		X	P	P	X	X	P
Auto parts and tire store		X	X	P	P	P	X
Automobile sales		X	X	X	P	P	X
Automotive repair or service		X	X	X	P	P	X
Bakery, retail		X	X	P	X	X	P

Sincerely,

SEK Hoschton, LLC

APPLICATION FOR TEXT AMENDMENT

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

Applicant Information:

Name:

SEK Hoschton LLC (Tommy Saul)

Address:

2743 Perimeter Pkwy, Bldg 100, Suite 370

City, State, Zip:

Augusta, GA 30909

Phone:

706-854-6720

E-mail:

Tommy.Saul@southeastern.com

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

Name:

Same As Above

Address:

City, State, Zip:

Phone:

E-mail:

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

Property Information:

Tax Map and Parcel Number:

H01 024

Address (if one has been assigned):

3756 Hwy 53 (Per Jackson County GIS)

Acreage of Property:

4.143 acres (Per Jackson County GIS)

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:

C-2

Proposed Zoning District:

Proposal is to amend C-2 text to allow for a Retail Auto Parts & Tire Store.

Proposed Use:

Retail Auto Parts Store & Tire Store

Proposed Amendment (Table 4.3, Page 24)

City of Hoschton, GA, Zoning Ordinance

Use	Sec. Ref.	INST	C-1	C-2	C-3	M-1	MU
Artist studio		X	P	P	X	X	P
Auto parts and tire store		X	X	P	P	P	X
Automobile sales		X	X	X	P	P	X
Automotive repair or service		X	X	X	P	P	X
Bakery, retail		X	X	P	X	X	P

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):

SEK Hoschton LLC

Address:

2743 Perimeter Pkwy, Bldg 100, Ste 370

Phone Number:

706-854-6720

Signature of Property Owner:



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

Name of Applicant(s):

Southeastern Development (Tommy Saul)

Address:

2743 Perimeter Pkwy, Bldg 100, Suite 370

Phone Number:

706-854-6720

Property owner personally appeared before me

Tommy Saul

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

Jessica Z Perry

Notary Public

7/25/24

Date



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

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

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

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

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

I have**		I have not	<input checked="" type="checkbox"/>
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Within the two years immediately preceding this date, made any contribution(s) aggregating \$250.00 or more to any local government official involved in the review or consideration of this application.

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



7/25/2024

Applicant's Signature

Date

[application form continues on next page]

ZONING DECISION CRITERIA

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

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

Response:
The proposal will allow a use that is suitable to nearby and adjacent properties that are currently zoned C-2 for retail and commercial use.

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

Response:
Text amendment will not adversely affect adjacent or nearby property. It will conform with adjacent and nearby property retail & commercial uses.

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

Response:
Current C-2 Zoning text limits property's economic use.

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

Response:
Proposed use will not cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

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

Response:

Proposal conforms with comprehensive plan for retail and commercial growth.

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

Response:

Approval will help advance the city's comprehensive roadway and corridor plan by permitting a use that will allow the completion of Peachtree Road Extension (aka Peachtree Exchange Boulevard).

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

Response:

Proposal does not create an isolated zoning district. Proposed text amendment will promote more retail and commercial development.

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

Response:

There will be no negative impact on the environment. The use will not allow automotive repair or service.

[application form continues on next page]

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 Viveló

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 Viveló, 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.

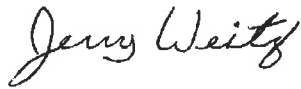
There was no need for action on the part of the commission, and no specific action was taken on this agenda item.

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

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