

CITY OF HOSCHTON
CITY COUNCIL
THURSDAY, OCTOBER 10, 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-2024-06:** 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*][*Planning and Zoning Commission recommendation: Approval as conditional use*]
2. **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.” [*Planning and Zoning Commission recommendation: Approval (5-2)*]

ADJOURN

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.

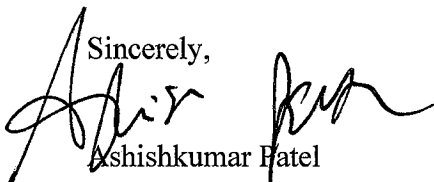
Furthermore, the inclusion of daycare centers in multi-use zones could lead to a reduction in traffic congestion by placing these essential services closer to where people live and work. This change could also stimulate economic activity, as convenient childcare options would encourage more parents to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

Michael Beck
921 Blind Brook Cir
Hoschton, GA 30548
creeksidehoschton@gmail.com
9/17/2024

City of Hoschton
Planning and Zoning Department
Received

SEP 23 2024

Mayor Debbie Martin
Hoschton City Council
61 City Square St
Hoschton, GA 30548

Dear Mayor Martin and City Council Members,

On behalf of the Creekside Village Homeowners Association, I am writing to express our strong endorsement of the proposed zoning amendment that would allow for a daycare to be added to the definition of mixed use in our neighborhood. This letter was brought forth at our annual meeting on Sept 16th and was unanimously approved by the residents of Creekside Village as a notice of endorsement and support for such a project bordering our subdivision.

As you are aware, our neighborhood has been steadfastly opposed to the construction of a car wash, and other proposed commercial ideas, outside our community. We firmly believe that such a facility would be incompatible with the character of our neighborhood and would have a detrimental impact on our quality of life and value of our homes.

Furthermore we feel that a well established and upstanding daycare facility would add great value to our properties and benefit all residents of Hoschton as they pass through the Hwy-53 corridor on their daily commute.

We are thrilled to learn that this amendment is being taken into consideration. We believe that a daycare would be a positive addition to our community and would provide much-needed childcare services for the working families in our area.

We urge you to approve any proposed zoning amendment so that such a project can move forward.

Thank you for your consideration of our request. We look forward to working with you to make this idea a reality.

Sincerely,



Michael Beck
President, Creekside Village HOA

TA-2024-06

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 conditional uses (“C”) 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>C</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>C</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

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MINUTES
HOSCHTON PLANNING AND ZONING COMMISSION
September 25, 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
Tom Vivelo

OTHER CITY PERSONNEL PRESENT:

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

MEMBERS ABSENT:

None

Call to Order

The meeting was called to order at 6:01 p.m. by Chair Moody. All members of the planning and zoning commission were present.

Chair Moody recognized Mayor Debbie Martin and Mayor Pro Tem David Brown, who were in attendance (Christina Brown, City Council member, joined the meeting at later time after initial recognitions). 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 (7-0).

Public Comment

There was no one who signed up to speak or who spoke at the meeting.

New Business – Public Hearings

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*]

Jerry Weitz summarized the amendment proposal, which would add day care centers and related uses as permitted in the MU, Mixed Use District, zoning district. He explained that the zoning ordinance authorizes property owners to apply for changes to the text of the zoning ordinance, and that the ordinance had been initiated by a property owner. A public hearing was convened. The applicant was not present to speak on the matter. No one else spoke in favor of or in opposition to the proposed ordinance. The public hearing was closed.

Commission members discussed the proposed ordinance. Weitz clarified that the proposed ordinance was not site specific, meaning that it would (if approved) apply to any and all Mixed Use (MU) zoning districts in the city. He also said that there was only one MU zoning district in the city, and that is the property in front of Creekside Village subdivision.

Commissioner Scott Butler raised concern about traffic generated by day care centers. He indicated the proposed facility may have a few hundred students attending, and that there is no traffic signal where the proposed day care center would enter and exit (i.e., onto Eagles Bluff Way). Mr. Butler noted that at Peachtree Road and SR 53, which currently doesn't have a traffic signal, people take big chances pulling out onto SR 53 and that it is dangerous. He also indicated that if the ordinance is passed to allow a day care center as a permitted use, and one goes on the site proposed (within the commercial area of Creekside Village on the west side of State Route 53 south of Eagles Bluff Way), there would no ability to mitigate the traffic. Commissioner Acevedo also raised concerns about traffic from day care centers.

Jerry Weitz noted that the existing day care center on SR 53 in the downtown had been an issue with regard to traffic; until the day care center bought additional land and constructed a driveway around the day care building to store incoming traffic, cars spilled out onto SR 53, and the city was even allowing the Depot parking lot to serve as queueing for day care center entering traffic so as not to create disruptions on SR 53. Weitz noted, in response to concerns about mitigating traffic, that the ordinance could be changed to require a day care center be a "conditional" use rather than a "permitted" use. If made a conditional use, that would require the filing of an application for conditional use which would be reviewed by the planning commission and city council (after public hearings) and which could then be required to address traffic or other impacts of the proposed use.

After discussion, a motion was made by Chuck Jonaitis, seconded by Tom Vivelto, to recommend approval of Ordinance TA-2024-06 with a change to provide the proposed uses to be "conditional" rather than "permitted." The motion was approved unanimously (7-0).

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."

Jerry Weitz summarized the amendment proposal. The ordinance would amend the subdivision and land development regulations to provide for a process of oversizing improvements and utilities in cases where other development would occur in the vicinity. Weitz indicated that there was a second (revised) version of the ordinance printed and in front of the commission members for consideration that evening as a substitute. He said that he had received comments from the

city attorney and had tried to address those concerns and suggestions with amendments to the original version.

A public hearing was convened. No one spoke in favor of or in opposition to the proposed amendment. The public hearing was closed. During discussion, it was stated that improvement and utility oversizing should be a part of the city's plans. There was discussion about the extent to which developers should fund the additional improvements or oversized utilities themselves without city participation. There was some sentiment expressed that developers should shoulder the burden of oversizing. Jerry Weitz indicated that there were legal principles associated with "exactions" and impact fees and other off-site impact requirements, and that the city could not burden a given developer with improvement requirements or utility oversizing that do not have direct benefits to the development. Commissioner Acevedo indicated he was comfortable with the revised ordinance, because it had several points of city review and acceptance of a development agreement for improvement and utility oversizing, including the city engineer, city attorney, and city council. Accordingly, a motion was made by Commissioner Acevedo, seconded by Commissioner Jonaitis, to approve the revised version of Ordinance O-2024-05 that was presented at the meeting. The motion passed with a vote of 5 in favor to 2 opposed, with Commissioners Scott Butler and Tom Viveló voting against the motion.

Discussion item: 5-Year Update of Comprehensive Plan

Jerry Weitz indicated this was on the agenda for discussion if needed but that there was no action required. He indicated that the city was required to prepare and adopt a 5-year update of the comprehensive plan, and that the plan would need to be adopted by October 31, 2025. He indicated that the planning commission would have a voting role in recommending updates to the comprehensive plan. The city would be scheduling initial public hearings before the planning commission and city council on this matter, probably in November.

Weitz noted also that the city would be required to appoint and convene a comprehensive plan steering committee which would oversee the planning process. He indicated that it was up to the Mayor and City Council as to how to comprise such a committee. Weitz asked Mayor Martin to speak regarding the city's intentions relative to the steering committee. Mayor Martin addressed the commission, indicating that the city expected to establish a committee with approximately 12 members, including two members from the city council, two members from the planning commission, and several business owners. There was no further discussion about the upcoming planning process.

There being no other business, on a motion by Chair Moddy, seconded by Tom Viveló, and approved unanimously, the meeting was adjourned at approximately 7:15 p.m.

Respectfully submitted,



Jerry Weitz, Consulting Planner

Approved by the Commission:

Christine Moody, Chair

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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.

Prior to approval of an application for a preliminary plat in the case of a subdivision, or prior to approval of an application for a development permit in the case of a land development not requiring subdivision, the city may require a subdivider or land developer to construct such oversized improvements and/or utilities that the city engineer determines to be necessary to serve additional subdivision or land development in the vicinity of the land being subdivided or developed. For example, a particular land development may only need an eight-inch water line to be constructed along the property frontage of the subdivision or land development, but a twelve-inch water line is determined to be needed to provide sufficient capacity to serve additional anticipated subdivision and/or land development located offsite of the property that is the subject of a preliminary plat or

development permit application. Any such oversizing requirement shall be subject to the following:

- (a) **The subdivider or land developer shall not be obligated to pay for any additional costs of improvements and/or utilities associated with the oversizing (i.e., any costs that are not uniquely required for the subdivider's and/or land developer's subdivision or land development), and**
- (b) **For any improvements and/or utilities for which oversizing is required by the city, the applicant shall determine the estimated costs of improvements and/or utilities to serve the subdivision or land development and provide such cost estimates to the city.**
- (c) **For any improvements and/or utilities for which oversizing is required by the city, the city shall determine the total estimated costs of oversized improvements and/or utilities necessary to serve both the proposed subdivision or land development and any future subdivisions or developments in the vicinity to be served by the oversized improvements and/or utilities and provide such cost estimates to the applicant for subdivision or land development. In addition, the city shall provide the applicant with the technical methods and cost figures that provide the basis for the estimated costs of oversized improvements and/or utilities. This information shall be provided to the applicant no later than 10 calendar days following receipt by the city of the applicant's estimated costs of improvements and/or utilities for which oversizing is required by the city.**
- (d) **The difference between the applicant's estimated costs of improvements and/or utilities to serve the subdivision or land development, and the city's estimated costs of oversized improvements and/or utilities, shall be the amount that the city shall agree to pay to the applicant for installing the oversized improvements and/or utilities, unless a different dollar amount is mutually determined to be acceptable by the applicant and the city.**
- (e) **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. Said agreement shall provide for the terms and conditions of installing the oversized improvements and/or utilities.**
- (f) **Any person aggrieved by an administrative decision of the city with respect to this section may appeal said decision in accordance with Section 1205 of the Hoschton subdivision and land development ordinance.**

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

APPROVED AS TO FORM

Abbott S. Hayes, Jr., City Attorney