

CITY OF HOSCHTON
CITY COUNCIL
THURSDAY, JANUARY 9, 2025 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. **CU-24-01** Conditional Use: Frank Pittman, applicant, Christian Stewart and Ashishumar Patel, property owners, seek a conditional use permit for a day care center in an MU, Mixed-Use Zoning District for 2.0 acres (part of Map/Parcel 119/004N1) fronting on the south side of Eagles Bluff Way and the west side of SR 53. [*Consulting City Planner Recommendation: Approval, Conditional; Planning & Zoning Commission Recommendation: Approval, with Revised Conditions*]

ADJOURN

**CITY OF HOSCHTON, GEORGIA
ZONING ADMINISTRATOR'S
REPORT**



TO: Hoschton Planning & Zoning Commission
Honorable Mayor and City Council, City of Hoschton

FROM: Jerry Weitz, Consulting City Planner

DATE OF REPORT: December 11, 2024

SUBJECT REQUEST: **CU 24-01:** conditional use for day care center in MU zoning district)

PLANNING COMMISSION: December 18, 2024 @ 6:00 p.m. (public hearing)

CITY COUNCIL HEARING: January 9, 2025 @ 6:00 p.m.

VOTING SESSION: January 24, 2025 @ 6:00 p.m.

APPLICANT: Frank Pittman, PE

OWNER(S): Christian Stewart and Ashishumar Patel

LOCATION: Fronting on the south side of Eagles Bluff Way and the west side of SR 53

PARCEL(S) #: Part of 119/ 004N1

ACREAGE: 2.00

EXISTING LAND USE: Vacant/undeveloped

PROPOSED USE: Day care center

SURROUNDING LAND USE AND ZONING:

North: (across Eagles Bluff Way): Park (City of Hoschton), INST
East: (across SR 53), vacant, C-2 (General Commercial/ Highway Oriented District); apartments, MFR (Multiple-Family Residential District)

South: Vacant, C-3 (Commercial Motor Vehicle Service and Repair District), conditional (Z-23-07) (approved for car wash)

West: Fee simple townhouses, MU (under construction)

RECOMMENDATION: Approval, Conditional



Aerial Photograph/Tax Map (site is part of parcel)

BACKGROUND AND APPLICATION SUMMARY

The subject property is part of the Creekside Village project, which includes detached single-family homes and which originally included C-2 (highway commercial) zoning and uses proposed between the subdivision and SR 53. An MU zoning district was created via text amendment to the zoning ordinance, and in 2019 all of the property between Creekside Village subdivision and SR 53 was rezoned to MU. The MU zoning district when created authorized fee simple townhouses as well as various neighborhood commercial uses.

This application follows a text amendment, applied for by the applicant and approved by City Council (Ordinance TA-2024-06 adopted October, 2024), to allow day care centers as conditional uses in the MU zoning district. The applicant wanted day care to be a permitted use and applied for the text amendment that way; Council subsequently approved the text amendment authorizing day care centers as "conditional" rather than permitted uses in the MU zoning district.

The applicant now seeks approval of a conditional use permit for a day care center in an MU (Mixed-Use) zoning district. The site consists of 2.00 acres fronting on the south side of Eagles Bluff Way and with frontage on the west side of SR 53. The western part of the MU zoning district has been divided and final platted for fee-simple townhomes (i.e., Creekside Village Townhouses). The parcel to the south was rezoned from MU to C-3 for a car wash in 2023 (Z-2023-07) but it has not yet been constructed.

A site plan and letter of intent are included as attachments to this report. On the 2-acre site, the applicant proposes 13,406 square feet of day care center building. The site plan also shows intent to construct a 4,000-square foot retail building on the site. Uses within the 4,000 square foot retail building would be limited to those uses permitted in the MU zoning district.

STANDARDS GOVERNING EXERCISE OF ZONING POWER

Note: The Planning Commission and City Council may adopt the findings and determinations of staff as written (provided below), or they may modify them. The commission or council may cite one or more of these in its own determinations, as it determines appropriate. Commission or council may modify the language provided here, as necessary, in articulating its own findings. Or, the commission and council can reject these findings and make its own determinations and findings for one or more of the criteria provided below. Commission and Council do not need to address each and every criterion, but only those that are relevant to support their own determinations.

Note: The applicant has addressed these findings (attached to this staff report); below are consulting planner's findings.

Criteria Adopted in the Hoschton Zoning Ordinance (Section 8.03) are shown below followed by staff findings:

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

Finding: The subject site is zoned for certain commercial uses. Uses permitted in MU include enclosed retail trade establishments, business service establishments less than 2,500 square feet in area, finance, insurance and real estate establishments, fitness centers, laundromats, offices, personal service establishments, and restaurants without drive-through windows, among others. The day care center proposed is a commercial use that is considered suitable at the subject location in view of other commercial uses permitted in the MU zoning district and given approval of C-3 zoning to the south for a car wash.

Whether the proposal will adversely affect the existing use or usability of adjacent or nearby property.

Finding: The subject property abuts fee-simple townhouse lots in the MU zoning district. There is no buffer requirement for commercial uses abutting fee-simple townhouses in the MU zoning district. The existing/ proposed fee-simple townhouse buildings/ units will back up to a commercial access drive proposed on the subject property. When the townhouses were final platted and variances granted for that project, the townhouse project owner was required per Ordinance V-23-06 to construct a six-foot-high solid wooden fence or masonry wall and to plant evergreen trees so as to provide some buffering and separation of the townhomes from future commercial development (the subject property and the proposed car wash to the south). That is about all that can be accomplished by way of buffer and separation between the townhouse units and the subject commercial property. While there is not much if anything else that can be done to separate the uses, the proposed day care center will generate traffic and noise visible and audible from the back yards of the townhouse units that could reduce the usability of the townhouse units. However, that is part of the concept behind the mixed use district as adopted, so that the two uses could be located in close proximity to one another. Also, any other commercial use permitted on the site is likely to have the same general impacts as would a day care center, with the possible exception of outside noise from children at play within the day care center.

Whether the property to be affected by the proposal has a reasonable economic use as currently zoned.

Finding: As noted, a variety of commercial uses are permitted outright in the MU zoning district. Therefore, the subject property has a reasonable economic use as currently zoned, even if the requested conditional use permit is not granted (***does not support request***).

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.

Finding: The subject property will utilize Eagles Bluff Way as the principal access to and from the commercial property. There has been some public concern raised, in discussing the text amendment that made the day care center a conditional use in the MU zoning district, about all of the traffic coming out onto Eagles Bluff Way. Per the application, the day care center is expected to generate 638 average daily vehicle trips; that figure does not include additional trips from the 4,000-square-foot retail building also proposed on the site. The applicant has indicated willingness to provide inter-parcel access to the car wash tract to the south (currently controlled by the subject property owners). Some have advocated that some of the project's traffic be distributed to the south, through the car wash property, to SR 53. The applicant previously provided a letter from the Georgia Department of Transportation, indicating that the state would (subject to the typical requirements) authorize a right-out curb cut onto SR 53 (letter attached at the end of this report). Provision of such inter-parcel connection and access to southbound SR would be desirable in terms of distributing some of the traffic and avoiding the swamping of traffic waiting to turn left or right from Eagles Bluff Way onto SR 53 northbound and southbound. Hence, without two means of access as described here, the proposed day care center and retail building could result in excessive or burdensome utilization of Eagles Bluff Way and its intersection with SR 53 (***does not support request***). That excessive or burdensome impact can be mitigated to some extent by requiring, as a condition of conditional use permit approval, that inter-parcel access be provided and another curb to SR 53 on the subject property or abutting property to the south (***supports conditional approval***).

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.

Finding: The city's future land use plan map, amended in 2024, shows the subject property as appropriate for commercial uses. The proposed day care center as a commercial use is considered in conformity with the policy and intent of the comprehensive plan including the future land use plan map (***supports request***).

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.

Finding: It is important to emphasize that a number of commercial uses are permitted outright on the subject property, and that they can be constructed without attention to mitigating traffic or noise impacts. In that light, the conditional use permitting process offers the city an extra opportunity to mitigate concerns. However, the nature of such mitigation proposals should be proposed in the context that, for any use other than the day care center requested under the conditional use, no mitigation would be required (***inconclusive***).

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.

Finding: The subject property drains to the Creekside Village residential subdivision through the townhouse project and Eagles Bluff Way. The detention ponds in Creekside Village were sized to accommodate commercial development on the subject site. The area is not subject to flooding. Compliance with applicable codes will be required. Therefore, no adverse impacts on the environment, including soil erosion and sedimentation, flooding, drainage, and air and water quality are expected to occur if the subject request is approved and day care center constructed (***supports request***).

CONCLUSION

Although a day care center requires a conditional use permit to develop in the MU zoning district, the subject property is zoned for a variety of neighborhood-serving commercial uses that are allowed outright and the impacts for which would not be mitigated. The proposed day care center is considered appropriate for the site, given that many other neighborhood commercial uses can also be constructed on the site, if it is developed subject to the recommended conditions of approval. Those other uses include a hotel. Approval with conditions is therefore recommended. A number of conditions are recommended if this request is approved.

RECOMMENDED CONDITIONS OF APPROVAL

If this conditional use permit application is approved, it should be approved **CONDITIONAL**, subject to the owner's agreement to abide by the following conditions:

1. **Access.** The owner/ developer shall construct a two-way driveway, no less than 24 feet wide, connecting Eagles Bluff Way to the south property line of the 2-acre tract and shall authorize and provide inter-parcel access to the tract to the south (1.38 acres, part of Map/ Parcel 119/004N1, approved for a car wash).
2. **Second access.** The subject property shall provide a second means of access to SR 53 in addition to the principal access onto Eagles Bluff Way. That additional access is subject to approval of the Georgia Department of Transportation and may be provided either on the subject property or on the abutting property to the south (1.38 acres, part of Map/ Parcel 119/004N1, approved for a car wash) if that property owner authorizes such access.
3. **Building height.** Building height on the subject property shall be limited to two stories and 40 feet.
4. **Hours of operation limitations.** Any establishment authorized on the subject property shall not be open 24 hours a day, and all outdoor activities shall cease by no later than 11:00 p.m.
5. **Dumpster service.** Servicing of dumpsters (emptying) shall not occur between the hours of 11:00 p.m. and 7:00 a.m.
6. **State route improvements.** If an additional access driveway is authorized by the Georgia Department of Transportation to/from the subject property onto SR 53, the owner/ developer shall install road improvements specified by GDOT as a condition of such driveway or encroachment authorization.
7. **Exterior building material finishes.** All buildings on the subject property shall be finished on all sides with exterior building material finishes consistent with Article V of the zoning ordinance.
8. **Sidewalk.** A five-foot-wide sidewalk shall be installed along the entire property frontage of Eagles Bluff Way, prior to issuance of a certificate of occupancy for any building on the subject property. If necessary to construct said sidewalk in the right of way, the owner/ developer shall dedicate at no cost to the City additional right of way along the entire property frontage on the south side of Eagles Bluff Way prior to issuance of a certificate of occupancy for any building on the subject property.
9. **Multi-use path.** The owner/developer shall construct an eight-foot-wide multi-use path along the entire property frontage along SR 53 as approved by the Georgia Department of Transportation and the zoning administrator, prior to issuance of a certificate of occupancy for any building on the subject property.

10. **State permit.** A copy of the state-issued permit, required per Rules for Child Care Learning Centers, Chapter 591-1-1, Georgia Department of Early Care and Learning, updated March 16, 2014, as may be amended from time to time, for the day care center shall be submitted to the zoning administrator prior to the commencement of operations.

Conditional Use Application, City of Hoschton, GA (continued)

CONDITIONAL USE DECISION CRITERIA

Per Section 8.04 of the Hoschton Zoning Ordinance, the following criteria are applicable to decisions on conditional uses. The applicant is urged but not required to substantiate the 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 proposed use of a daycare facility is similar to and fits with the adjacent public school. It is also suitable to offer services to the adjacent townhome development.

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

Response: It will not adversely affect the usability of adjacent properties. It fits with the development patterns in the area.

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

Response: The uses allowed by right in the MU zoning are not uses that are reasonable for this location. The proposed daycare facility is reasonable being adjacent to a school and high density residential.

- (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: A daycare facility is not a high traffic nor utilities use and it does not put kids in the school system. It is a service use for existing residents.

Conditional Use Application, City of Hoschton, GA (continued)

- (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: The future land use plan map depicts this parcel as commercial which would make this proposal in conformity with the intent of the comp plan and FLU map.

- (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: More dense single family residential property is being developed in the vicinity of this parcel which leads itself to more young families in the area. This makes this site ideal for a daycare facility to service these young families.

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

Response: This proposal is not to rezone the parcel from it's existing zoning class but to request a Conditional Use Permit for the development of a daycare facility which would be similar to the school and other uses in the area.

- (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: The proposal would have more greenspace than other commercial uses that could be developed on this parcel. There is no adverse impact on the environment. All local and state guidelines for erosion control and stormwater management will be followed.

HOSCHTON DAYCARE – CREEKSIDE VILLAGE COMMERCIAL

CONDITIONAL USE REQUEST SUBMITTED 10/31/2024

GENERAL DATA

Property Address: 0 Hwy 53 – Portion of Parcel 119 004N1 (Tract 2A from admin subd plat)
Owner: Christian Stewart, Whitworth Realty Adv & Ashishumar Patel
Existing Zoning: MU (Mixed Use)
Proposed Use requiring Conditional Use: Daycare Facility in MU Zoning
Property Area: 2.00 acres

ADJACENT LAND USES AND ZONING

North – Eagles Bluff Way
West – Creekside Village Townhomes
East – GA Hwy 53
South – undeveloped parcel (C-3 Zoning)

OWNERSHIP TYPE

Property will be developed by Peach State Daycare, an Oconee County business entity.

SITE AND CONDITIONAL USE REQUEST NARRATIVE

The total property consists of approximately 2.00 acres and is currently zone MU and is undeveloped. Access is from Eagles Bluff Way via an existing curb cut and access/utility/drainage easement. The surrounding area has grown with adjacent properties consisting of townhomes, parks, and public schools. This planned daycare would provide a much needed facility to serve these adjacent young families' needs.

SITE DESCRIPTION

The property is located at Hwy 53 and Eagles Bluff Way in the City of Hoschton. The requested Conditional Use request is in keeping with the surrounding uses.

The property is comprised of 2.00 acres and is the commercial component of the Creekside Commons development.

PROPOSED BUILDINGS, ARCHITECTURE, AND MATERIALS

The proposed development would consist of a daycare facility. The architecture will consist of brick, wood, and hardiplank siding with colors and styles to match their other facilities. See provided architectural images for the look of the building.

The proposed building would be up to a total of 13,406 sf. The facility would have outdoor playground and meet all state requirements for a daycare facility.

ACCESS

Access will be from Eagles Bluff Way via an existing access easement.

TRAFFIC IMPACT

Per the Institute of Transportation Engineers, Trip Generation, 11th Edition (ITE Manual), the proposed development does not generate the 1,000 trips per day that is required to trigger a Traffic Impact Analysis.

Projected trips are as follows:

Day Care Facility (Use Code 565) – 13,406 sf = 638 ADT

WATER SUPPLY

Water will be provided by municipal water supply.

SEWAGE DISPOSAL

Sewage disposal will be provided by municipal sewer.

GARBAGE COLLECTION

Garbage collection will be handled by private contractor via dumpsters. Dumpsters will be shielded from view per the City of Hoschton requirements.

UTILITIES

Electricity and Data will be provided by power/data providers in the area.

STORMWATER MANAGEMENT AND DRAINAGE

This project will utilize the existing stormwater pond to manage stormwater management per the City of Hoschton Stormwater Ordinance. To convey stormwater to the pond, curb and gutter along with RCP, CMP, or HDPE stormpipe will be utilized to carry the stormwater runoff to the system.

IMPACT TO SCHOOL SYSTEM

There will not an effect on the school system as the DayCare will not cause families to move into the community.

PROJECT SCHEDULE

Once Conditional Use is approved in early 2025 then site development plans will be created and permitted to begin construction in the late of 2025. The project will be built in one phase.

SIGNAGE

The project will have signage that will meet the City of Hoschton sign ordinance and be permitted through the sign permit process.

LANDSCAPING & BUFFERS

Landscape strips, parking lot buffers, and parking lot tree plantings will be installed in accordance with the City of Hoschton Landscape Ordinance.

PARKING

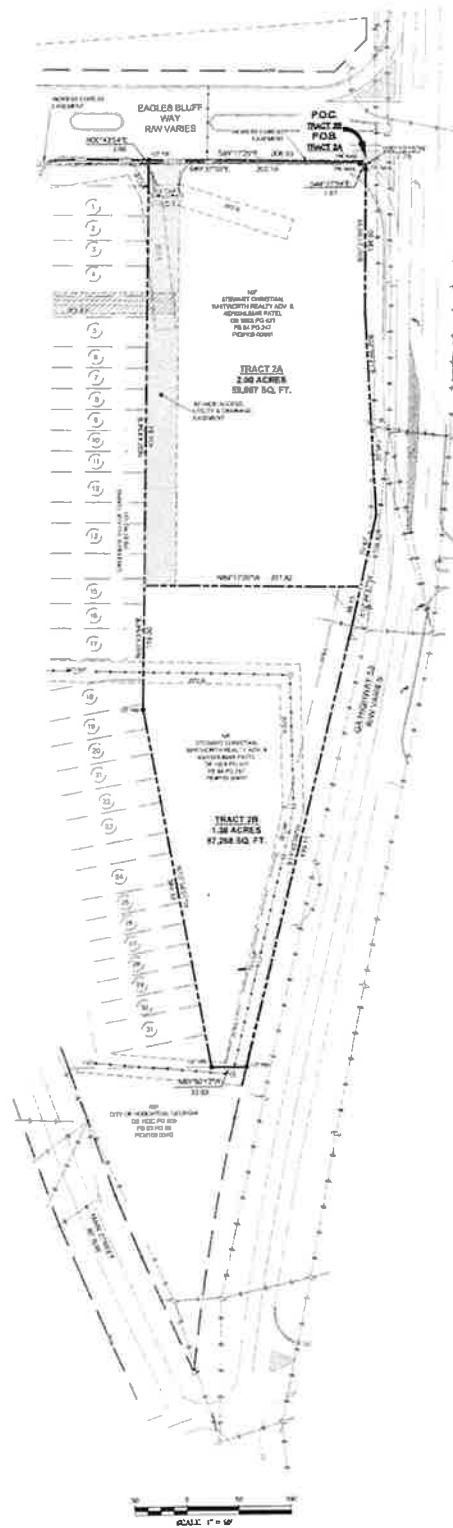
Parking will be provided onsite to meet the City of Hoschton requirements.

ESTIMATED VALUE OF PROJECT

The complete expansion of the project is estimated to be valued at \$3,000,000.

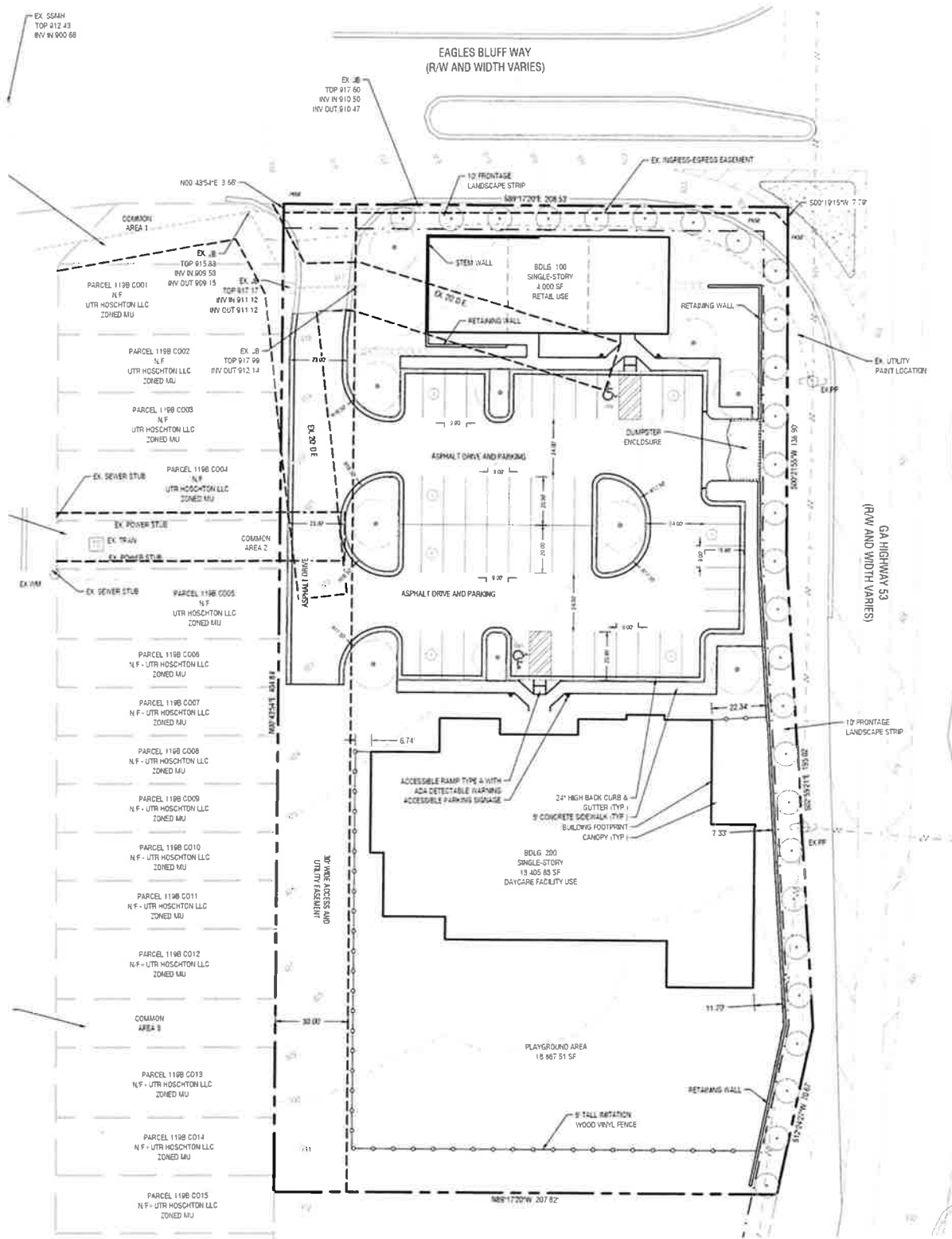
REPRESENTATIVE ARCHITECTURE



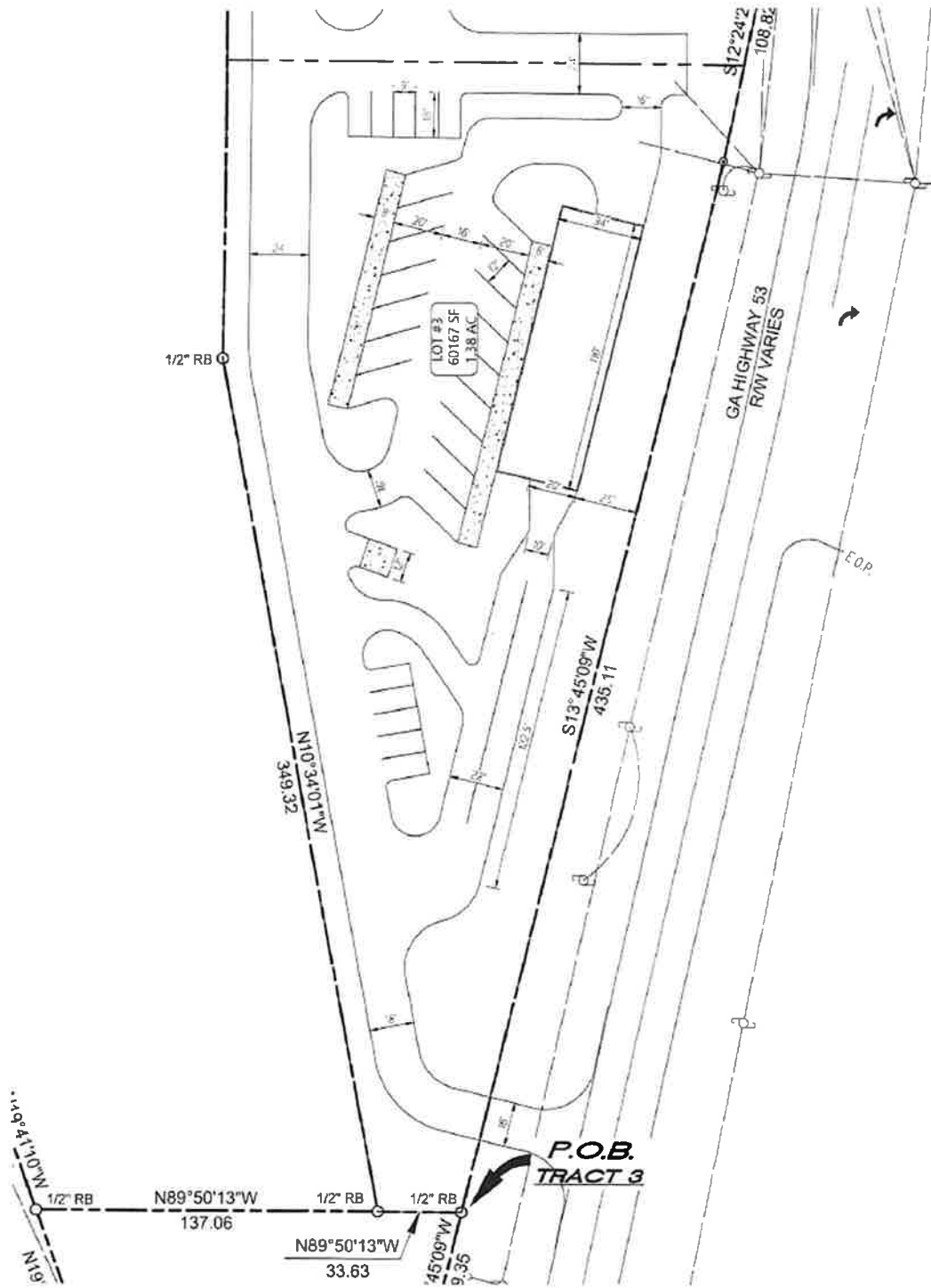


Recorded Plat

CU-24-01 Day Care Center in MU Zoning District



Site Plan Excerpt



Site Plan for Car Wash to South of Subject Property (Z-23-07)



Russell R. McMurry, P.E., Commissioner
One Georgia Center
600 West Peachtree Street, NW
Atlanta, GA 30308
(404) 631-1000 Main Office

10/22/2024
Whitworth Realty
ATTN: Christian Stewart and Ashishumar Patel
3505 River Birch Loop
Jefferson, GA 30549

Subject: Access to Property; Jackson County;
Parcel Number: 119 004N1

To whom it may concern,

Dependent upon with all Department of Transportation requirements in effect at the time a permit is requested and your compliance with any current or future authorizations under Georgia Code 32-6-11, we will approve a Right out Only if applicant meets all requirements.

Please contact Veronica Chavers 770-533-8488 if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Peevy".

Jonathan Peevy, P.E.
District Traffic Engineer

JP/AF
CC: kennywillsellit@gmail.com

MINUTES
HOSCHTON PLANNING AND ZONING COMMISSION
December 18, 2024 at 6:00 p.m.
Hoschton Community Center
65 City Square, Hoschton, GA, 30548

I. Call to Order/Roll Call

The meeting was called to order by Chair Moody at 6:00 p.m.

Commissioners in Attendance (all):

Ms. Christina Moody, Chair
Mr. Geoffrey Horney
Mr. Scott Butler
Ms. Brenda Stokes
Mr. Ace Acevedo, Vice Chair
Mr. Chuck Jonaitis
Mr. Tom Viveló

Staff Present:

Ms. Jen Williams, Asst. City Clerk
Mr. Hu Blackstock, Planning / Inspector
Dr. Jerry Weitz, Consulting Planner

II. Recognitions:

Mayor Martin, Councilmember Tina Brown and Councilmember Dave Brown were in attendance and were recognized.

III. Pledge of Allegiance

The pledge was led by Chair Moody.

IV. Moment of Silence for Individual Prayer and Self-Reflection

Chair Moody called for individual prayer and self-reflection.

V. Approval of Minutes

Minutes of the November 20, 2024, meeting were reviewed. A motion to approve as presented was made by Tom Viveló, seconded by Geoffrey Horney, and passed unanimously (7-0).

VI. Public Comment (5-minute time limit) (for items unrelated to public hearings on agenda items) (sign-in required)

No public comments were made.

VII. New Business – Public Hearings

CU-24-01 Conditional Use: Frank Pittman, applicant, Christian Stewart and Ashishumar Patel, property owners, seek a conditional use permit for a day care center in an MU, Mixed-Use Zoning District for 2.0 acres (part of Map/Parcel 119/004N1) fronting on the south side of Eagles Bluff Way and the west side of SR 53. [consulting planner recommendation: approval, conditional]

Frank Pittman was present to explain the application. He represents a day care group out of Watkinsville. He indicated there are many commercial uses allowed outright in the MU zoning district and that it was appropriate to have a day care center constructed on the site. Mr. Pittman indicated the site plan shows 13,406 square feet of day care center and a 4,000 square foot retail center which is a placeholder for the leftover land on the tract. No one else spoke in favor. There was no one to speak in opposition to the request. The public hearing was closed.

Commissioner Scott Butler indicated the project if approved would pose financial hardship on the city. He mentioned traffic studies that have exponential increases in traffic including p.m. peak conditions. According to the mobility study for Braselton-Hoschton, several intersections along SR 53 are operating at levels of service “E” and “F” currently. Mr. Butler stated that the car wash proposed on the site to the south was spot zoned and that other commercial uses would not have the same peak hour traffic as the day care center. A hotel would generate taxes. A traffic signal if needed at Eagles Bluff Way and SR 53 would be costly. The day care center would add 600+ cars on Eagles Bluff Way, in addition to traffic from 144 single-family homes and 30 or so fee simple townhomes. Mr. Butler also addressed the letter from Georgia Department of Transportation that was made a part of the consulting planner’s report. He indicated that GDOT felt differently now about possible required road improvements once it was made evident to them that a day care center was also proposed. Mr. Butler indicated a study was need with regard to turn lanes, that GDOT mentioned the need for a crash analysis, and that he could not support the project without driveway and crash analyses submitted by a traffic engineer in a study paid for by the applicant.

Commissioner Ace Acevedo also discussed the access issues for the day care center, in particular who would build additional access to SR 53 and the timing for construction. Frank Pittman indicated he didn’t think a right out driveway onto SR 53 would help that much and that it may not be a benefit. Mr. Pittman indicated he believed his client would be willing to do a traffic study of the type requested but that the conditional use permit would need to go forward and the study would be a condition of conditional use approval. Also, any recommendations of such a study could become conditions of approval of a land disturbance/development permit.

Consulting planner Weitz indicated that he liked Council member David Brown’s idea of using the triangle of property owned by the city at the intersection of Main Street, SR 53, and West

Jefferson Street. Making some such arrangement might distribute traffic from the area better than any right out driveway onto SR 53.

There was discussion among the members about wording of conditions and additional conditions. **A motion was made by Chuck Jonaitis, seconded by Geoffrey Horney, and passed unanimously (7-0) to approve the conditional use permit application with the following conditions:**

1. **Access.** The owner/ developer shall construct a two-way driveway, no less than 24 feet wide, connecting Eagles Bluff Way to the south property line of the 2-acre tract and shall authorize and provide inter-parcel access to the tract to the south (1.38 acres, part of Map/ Parcel 119/004N1, approved for a car wash).
2. [condition removed].
3. **Building height.** Building height on the subject property shall be limited to two stories and 40 feet.
4. **Hours of operation limitations.** Any establishment authorized on the subject property shall not be open 24 hours a day, and all outdoor activities shall cease by no later than 11:00 p.m.
5. **Dumpster service.** Servicing of dumpsters (emptying) shall not occur between the hours of 11:00 p.m. and 7:00 a.m.
6. **State route improvements.** If an additional access driveway is authorized by the Georgia Department of Transportation to/from the subject property onto SR 53, the owner/ developer shall install road improvements specified by GDOT as a condition of such driveway or encroachment authorization.
7. **Exterior building material finishes.** All buildings on the subject property shall be finished on all sides with exterior building material finishes consistent with Article V of the zoning ordinance.
8. **Sidewalk.** A five-foot-wide sidewalk shall be installed along the entire property frontage of Eagles Bluff Way, prior to issuance of a certificate of occupancy for any building on the subject property. If necessary to construct said sidewalk in the right of way, the owner/ developer shall dedicate at no cost to the City additional right of way along the entire property frontage on the south side of Eagles Bluff Way prior to issuance of a certificate of occupancy for any building on the subject property.
9. **Multi-use path.** The owner/developer shall construct an eight-foot-wide multi-use path along the entire property frontage along SR 53 as approved by the Georgia Department of Transportation and the zoning administrator, prior to issuance of a certificate of occupancy for any building on the subject property.

10. **State permit.** A copy of the state-issued permit, required per Rules for Child Care Learning Centers, Chapter 591-1-1, Georgia Department of Early Care and Learning, updated March 16, 2014, as may be amended from time to time, for the day care center shall be submitted to the zoning administrator prior to the commencement of operations.
11. **Traffic study.** The applicant shall be required to provide a traffic study prepared by a traffic engineer including crash analysis. Recommendations of the study will become requirements of development permit approval.
12. **Parking lot traffic.** There shall be one-way traffic flow in the parking lot.

Z-24-03 Annexation and Zoning: JTG Holdings, LLC, applicant, Ida Cook Charitable Trust by Ida Cook, Trustee, property owner, seeks annexation and R-3 (Single Family Moderate Density Residential District) zoning for 16.177 acres (part of Map/Parcel 112/035) fronting on the north side of Maddox Road across from Stanford Way. Proposed use: Detached, single-family residential subdivision (37 lots). [consulting planner recommendation: denial of annexation; conditional approval of R-3 zoning if annexed]

Alex Mitchem with LJA Engineers was present to explain the application. He stated his client is doing the subdivision to the west. The client had requested annexation into Braselton but that request was denied. He also stated, in response to the point made about possible lack of sewer capacity in Hoschton, that the project might be served by Braselton in terms of water and sewer if desired. No one else spoke in favor.

Mr. Randall Cathey, 1127 Maddox Road, spoke in opposition to the application. He noted he wanted to be sure his access easement was retained. An access easement is shown on the site plan. Mr. Cathey indicated he did not want the driveway to have stormwater in it and that the driveway needed to drain onto the subject property rather than his property. He also indicated he would like to have a 50-foot-wide buffer abutting his property.

No one else spoke in opposition. The public hearing was closed.

The planning commission discussed the applications for annexation and zoning. One issue was who would own the water and sewer lines if Braselton served the project. Planner Weitz responded that if annexed and the subdivision is built the lines in the streets would be owned by the city of Hoschton even if Braselton treated the sewage effluent from the subdivision.

Commissioner Ace Acevedo stated he would like to see the minimum house size increased to 1,800 square feet. Also, he proposed that garages be wide (18 feet width by 24 feet in depth). Commissioner Scott Butler indicated that the annexation if approved would generate little revenue.

Weitz indicated that the motion on annexation should be addressed first and separate from the zoning. Then, if the recommendation was to approve the annexation, the planning commission could address further the zoning issue.

A motion was made by Scott Butler, seconded by Tom Vivel, and passed unanimously (7-0), to recommend denial of the annexation application. Because of the recommendation to deny the annexation, the commission made no recommendation on the zoning.

VIII. Other Business

Discussion of Hoschton Sign Ordinance

Commissioner Ace Acevedo provided a list of suggested considerations in amending the sign ordinance. He discussed several of them, including a desire to restrict signs within 150 feet of a crosswalk, the need to prohibit violence and hate in advertising, to prohibit hand-written sign copy, and to limit signs on vacant properties. Commissioner Scott Butler indicated there was no cohesive plan to benefit business signage and that additional (city sponsored) advertising might be a better benefit to businesses. Commissioner Chuck Jonaitis indicated that he had received and reviewed Forsyth County's sign ordinance and that he would make it available if anyone wanted to see it.

The recommendations made by the commission can be further considered in future sign code amendment efforts.

IX. Adjournment.

The meeting was adjourned at 7:49 p.m.

Respectfully submitted,



Jerry Weitz, Consulting Planner

Approved by the Commission:

Christine Moody, Chair

From: Planning
Sent: Wednesday, December 18, 2024 1:51 PM
To: Jen Williams
Subject: FW: Proposed additional condition for daycare

Please print for inclusion in PZ packages.

Jerry Weitz, PhD, FAICP, Consulting City Planner
City of Hoschton
61 City Square Hoschton, GA 30548
planning@cityofhoschton.com
Office Phone: 706-654-3034

From: Christina Brown <cbrown@cityofhoschton.com>
Sent: Wednesday, December 18, 2024 9:13 AM
To: scott blythemedical.com <scott@blythemedical.com>; Planning <planning@cityofhoschton.com>
Subject: Proposed additional condition for daycare

Good morning,

I have been advised that the best way to provide input to P&Z is directly. While I am not advocating for or against the proposed daycare you will be discussing tonight, I would like to encourage the inclusion of conditions for safety for the proposed daycare facility. I am very concerned about the close proximity to Hwy 53. One suggestion I had is that a barrier wall along Hwy 53 be added as a condition. In looking at the Site Plan Excerpt, I believe there is a retaining wall included. Would it be wise to spell this out in the conditions to avoid the possibility of losing that safety measure? Also, within the condition, we could ensure block construction, sufficient height, etc.

Thanks for your consideration,
Tina

From: Planning
Sent: Wednesday, December 18, 2024 7:21 AM
To: Jen Williams
Cc: fpittman@pittmangreer.com
Subject: FW: 53 proposal at Eagle Bluff

Correspondence that should become part of the record.

Jerry Weitz, PhD, FAICP, Consulting City Planner
City of Hoschton
61 City Square Hoschton, GA 30548
planning@cityofhoschton.com
Office Phone: 706-654-3034

From: scott blythemedical.com <scott@blythemedical.com>
Sent: Monday, December 16, 2024 4:33 PM
To: Jerry Weitz <jweitz@bellsouth.net>; Planning <planning@cityofhoschton.com>
Subject: Fwd: 53 proposal at Eagle Bluff

Jerry,
I am deeply concerned about the safety of the citizens traveling on Hwy. 53 regarding this development. It appears the applicant is misleading the city regarding the exit to 53. I will have many questions Wednesday.
Scott

Begin forwarded message:

From: "Peevy, Jonathan" <jpeevy@dot.ga.gov>
Subject: RE: 53 proposal at Eagle Bluff
Date: December 16, 2024 at 4:19:35 PM EST
To: scott blythemedical.com <scott@blythemedical.com>

Scott,
Based on the site, we would want a study to just confirm what would be needed at Eagles Bluff. It appears that the turn lanes are already the required length needed for the speed limit, but a crash analysis may yield a little more be needed. We did previously agree to an exit only at the end of the car wash lot, but that was prior to knowing that a day care and retail site was going on the property as well.

Jonathan Peevy, P.E.
District Traffic Engineer

CITY OF HOSCHTON
STATE OF GEORGIA

ORDINANCE NO. CU-24-01

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT PURSUANT TO THE
HOSCHTON ZONING ORDINANCE AND FOR OTHER PURPOSES

WHEREAS, Frank Pittman, applicant, Christian Stewart and Ashishumar Patel, property owners, has filed a complete application for a conditional use permit for a day care center in an MU (Mixed-Use District) zoning district for 2.00 acres fronting on the south side of Eagles Bluff Way and the west side of SR 53 (part of Map/Parcel 119/ 004N1); and

WHEREAS, the Property for which a conditional use permit is sought consists of all that tract or parcel of land lying and being in Jackson County Georgia, as described in more detail in Exhibit A which by reference is incorporated herein; and

WHEREAS, the City Council of the City of Hoschton has authority pursuant to the Hoschton Zoning Ordinance to approve conditional use permits; and

WHEREAS, the city's zoning administrator has prepared a report evaluating the criteria for conditional use permitting decisions as they pertain to the requested zoning; and

WHEREAS, the Hoschton Planning and Zoning Commission and Hoschton City Council held advertised public hearings on the application, and the city has complied with all applicable laws and ordinances with respect to the processing of such application; and

WHEREAS, it has been determined by the City Council that it is desirable, necessary and within the public's interest to approve the conditional use permit request;

**NOW, THEREFORE, IT IS HEREBY ORDAINED BY THE GOVERNING
AUTHORITY OF THE CITY OF HOSCHTON AS FOLLOWS:**

Section 1. A conditional use permit for a day care center in an MU (Mixed-Use) zoning district is approved for property legally described in Exhibit A attached to this ordinance, with conditions, subject to conditions described in Exhibit B attached to this ordinance.

Section 2. The City Clerk is hereby directed to amend the Official Zoning Map to reflect the zoning classification of the subject property to show the conditional use permit designation.

Ordinance CU-24-01

So ORDAINED this 21st day of January, 2025.

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:

Jen Williams, Asst. City Clerk

Approved as to Form:

Abbott S. Hayes, Jr., City Attorney

**EXHIBIT A
LEGAL DESCRIPTION OF PROPERTY REZONED**

All that tract or parcel of land lying and being in Jackson County, Georgia, described by the following metes and bounds:

All that tract, or parcel of land, together with all improvements thereon, containing 2.00 acres, more or less, lying and being in the 1407th District, G.M., Jackson County, Georgia, and being more particularly described as follows:

Beginning at an iron pin at the intersection of the westerly right-of-way of GA Highway 53 and the southerly right-of-way of Eagles Bluff Way, said iron pin being the POINT OF BEGINNING; thence along the right-of way of GA Highway 53 South 00 degrees 19 minutes 15 seconds West, 7.79 feet to an iron pin; thence South 00 degrees 21 minutes 55 seconds West, 136.90 feet to a point; thence South 02 degrees 59 minutes 21 seconds East, 195.02 feet to a point; thence South 12 degrees 24 minutes 27 seconds West, 70.67 feet to an iron pin; thence North 89 degrees 17 minutes 20 seconds West, 207.82 feet to an iron pin; thence North 00 degrees 43 minutes 54 seconds East, 404.84 feet to an iron pin; thence North 89 degrees 17 minutes 20 seconds West, 207.82 feet to a point; thence North 00 degrees 43 minutes 54 seconds East, 3.66 feet to an iron pin; thence South 89 degrees 17 minutes 20 seconds East, 208.53 feet to the POINT OF BEGINNING.

Said tract being the same as Tract 2A on a Minor Final Plat for Creekside Village Commercial, by HRC Engineers dated 09/30/2024 and recorded in Plat Book 00088, page 0222.

A copy of said recorded minor final plat is attached to this Exhibit A.

Also known as part of Map/Parcel 119/004N1, records of the Jackson County Tax Assessor,.

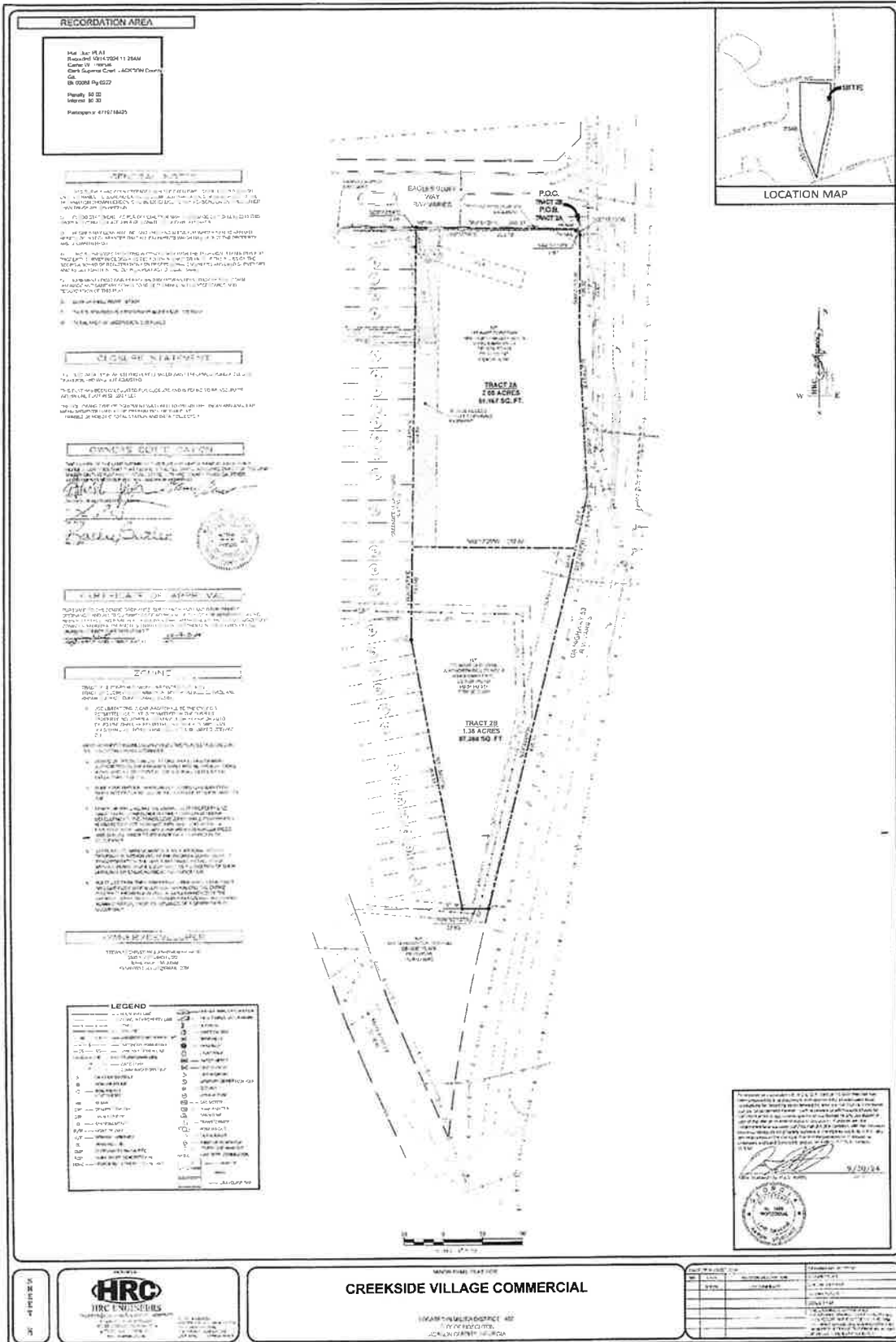


EXHIBIT B
CONDITIONS OF CONDITIONAL USE PERMIT APPROVAL

1. **Access.** The owner/ developer shall construct a two-way driveway, no less than 24 feet wide, connecting Eagles Bluff Way to the south property line of the 2-acre tract and shall authorize and provide inter-parcel access to the tract to the south (1.38 acres, part of Map/ Parcel 119/004N1, approved for a car wash).
2. [condition removed].
3. **Building height.** Building height on the subject property shall be limited to two stories and 40 feet.
4. **Hours of operation limitations.** Any establishment authorized on the subject property shall not be open 24 hours a day, and all outdoor activities shall cease by no later than 11:00 p.m.
5. **Dumpster service.** Servicing of dumpsters (emptying) shall not occur between the hours of 11:00 p.m. and 7:00 a.m.
6. **State route improvements.** If an additional access driveway is authorized by the Georgia Department of Transportation to/from the subject property onto SR 53, the owner/ developer shall install road improvements specified by GDOT as a condition of such driveway or encroachment authorization.
7. **Exterior building material finishes.** All buildings on the subject property shall be finished on all sides with exterior building material finishes consistent with Article V of the zoning ordinance.
8. **Sidewalk.** A five-foot-wide sidewalk shall be installed along the entire property frontage of Eagles Bluff Way, prior to issuance of a certificate of occupancy for any building on the subject property. If necessary to construct said sidewalk in the right of way, the owner/ developer shall dedicate at no cost to the City additional right of way along the entire property frontage on the south side of Eagles Bluff Way prior to issuance of a certificate of occupancy for any building on the subject property.
9. **Multi-use path.** The owner/developer shall construct an eight-foot-wide multi-use path along the entire property frontage along SR 53 as approved by the Georgia Department of Transportation and the zoning administrator, prior to issuance of a certificate of occupancy for any building on the subject property.
10. **State permit.** A copy of the state-issued permit, required per Rules for Child Care Learning Centers, Chapter 591-1-1, Georgia Department of Early Care and Learning, updated March 16, 2014, as may be amended from time to time, for the day care center shall be submitted to the zoning administrator prior to the commencement of operations.

Ordinance CU-24-01

11. **Traffic study.** The applicant shall be required to provide a traffic study prepared by a traffic engineer including crash analysis. Recommendations of the study will become requirements of development permit approval.
12. **Parking lot traffic.** There shall be one-way traffic flow in the parking lot.