

**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 Viveló

**OTHER CITY PERSONNEL PRESENT:**

Hon. Debbie Martin, Mayor  
Hon. Christina Brown, City Council Member  
Hon. David Brown, Mayor Pro Tem  
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 Viveló, 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 Vivel, 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 Vivelo 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 Vivelo, and approved unanimously, the meeting was adjourned at approximately 7:15 p.m.

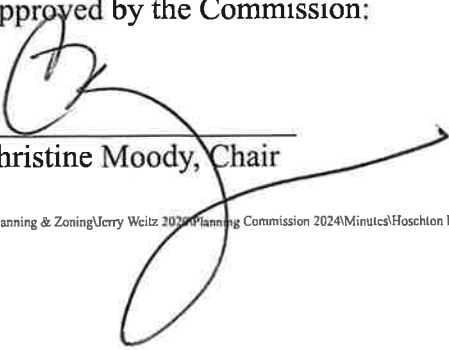
Respectfully submitted,



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Jerry Weitz, Consulting Planner

Approved by the Commission:



Christine Moody, Chair

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