

CITY OF HOSCHTON
CITY COUNCIL
THURSDAY, MARCH 14, 2024 AT 6:00PM
HOSCHTON COMMUNITY CENTER
65 CITY SQUARE, HOSCHTON



PUBLIC HEARING
MINUTES

WELCOME AND CALL TO ORDER at 6:00pm by Mayor Martin

INVOCATION by Councilmember Lawson

PLEDGE OF ALLEGIANCE by resident Ace Acevedo

AGENDA APPROVAL Motion to approve as-is by Courter, seconded by Lawson, and all in favor.

NEW BUSINESS:

1. **Z-24-01 Rezoning (formerly Z-23-13):** Southeastern Property Developers, LLC, applicant, seeks to rezone to PUD (Planned Unit Development) five parcels of land totaling 12.74 acres from the existing zoning shown below:
 - (1) 1909, LLC, property owner, rezone from C-1, Neighborhood Business District, 1.7 acres (Map/Parcel 120/014A) fronting approximately 150 feet on the east side of State Route 53 and fronting approximately 360 on the south side of Pendergrass Road (SR 332); and
 - (2) Hilliard L. Lott, property owner, rezone from R-1, Single Family Low Density District, 2.73 acres (Map/Parcel 120/014) fronting on the south side of Pendergrass Road (SR 332); and
 - (3) Queen Frank as Trustee of The Queen Family Trust, property owner, from C-2 (General Commercial/Highway Oriented District) 2.31 acres (Map/Parcel 120/013H), fronting on the south side of Pendergrass Road/SR 332 and fronting on the west side of Towne Center Parkway); and
 - (4) Queen Frank as Trustee of The Queen Family Trust, property owner, from C-2 (General Commercial/Highway Oriented District) 4.14 acres (Map/Parcel 120/013G) between Pendergrass Road (SR 332) and Towne Center Parkway; and
 - (5) Queen Frank as Trustee of The Queen Family Trust, property owner, from C-2 (General Commercial/Highway Oriented District) 1.86 acres (Map/Parcel 120/013M) fronting on the southeast side of Towne Center Parkway.

Proposed uses: 292 luxury apartments and a brew pub.

Comments in Support:

Joshua Scoggins, Tribble Gap Rd, Cumming, presented a PowerPoint displaying the project highlights. The apartments would be Class A luxury apartments from an established builder. The 1- to 2- bedroom units would target professionals and empty-nesters not interested in

homeownership, lessening the impact on school system compared to typical apartments. They will build when the sewer capacity is available.

Thomas Harris, Braselton Hwy, Lawrenceville, spoke on behalf of the Queen Family Trust to say that this is the first offer the family has had on the property and they would like to take advantage of this opportunity to liquidate.

Drew Cunningham, Peachtree St, Atlanta, pointed out a nearby project "The Finch" in Braselton; he can share a list of other developments with Council.

Comments in Opposition:

Ace Acevedo, 100 Powell Ct, stated his concerns about traffic, parking, vacant apartments, and the unknown impact of the already in progress build-to-rent neighborhood in the city.

Michael Segal, 86 Powell Ct, stated his concern about the beautification of the city with regard to setbacks, landscaping, and sidewalks.

Scott Butler, 448 Deer Creek Trl, questioned how the developer would mitigate the additional impact from increased traffic: GDOT wants to remove 400 cars from 53; this development would add 2100. He also stated concern about impact on schools.

Jack Flint, 585 Cumberland Trl, asked council to consider the 4th story of the G.P.'s Enterprises development requiring an elevator. What would the development do for the city?

Councilmember Christina Brown stated that the proposed plan does not adhere to the future land use component of the city's comprehensive plan. The city must preserve its commercial property/ economic base. The property assemblage is currently zoned 78.6% commercial and the proposed plan would decrease that to 1.6% commercial. As zoned, there are many reasonable uses for the property.

Councilmember David Brown questioned what the developer would do about traffic on Hwy 53. Scoggins: Whatever GDOT requires. They are happy to contribute turn/decel lanes as required by GDOT or the city.

Brown: this plan exceeds allowable density; what would you do to meet our guidelines?

Scoggins: The PUD zoning would allow for greater density, like in some other Hoschton developments.

- 2. V-24-01 Variance:** City of Hoschton, applicant, for Towne Center 53, LLC, Property Owner, seeks a variance to the Hoschton Zoning Ordinance, Article IV, "Zoning Districts," Section 4.11, "C-2, General Commercial Highway Oriented District," (Table 4.4, "Dimensional Requirements for Non-Residential Zoning Districts," to waive or reduce the required front building setback of the proposed Peachtree Road Extension right of way (east property line) from 15 feet to 5 feet or 0 feet for property

(Map/Parcel 120/013I; 1.54 acre) fronting on the east side of SR 53 and the south side of Towne Center Parkway) (C-2 zoning). Proposed use: Commercial.

Dr. Weitz stated that the City has still not heard from the property owner regarding this variance initiated on their behalf. He further explained that the variance is only in effect if the property owner dedicates the right of way to the City.

- 3. Ordinance O-2024-02:** An Ordinance Amending the Code of Ordinances of the City of Hoschton, Georgia, Chapter 3, "Administration," Article VIII, "Boards and Commissions" To Adopt a New Section 3-801, "Planning and Zoning Commission;" To Repeal Conflicting Ordinances; To Provide For Severability; To Provide an Effective Date; and for Other Purposes

Dr. Weitz, Mayor, and Councilmembers discussed the following changes to the proposed version of the ordinance:

- *change the number of members from 7 to 5*
- *change initial terms as follows, then staggered 3-year terms to provide continuity:*
 - 1 member-1 year term*
 - 2 members- 2 year term*
 - 2 members- 3 year term*
- *remove "due cause shown" language*
- *vacancies will be filled by appointment for the unexpired term*
- *eliminate the absence provision*
- *a secretary will not be necessary; records will be kept to include at minimum: members present, members absent, and any votes taken*
- *the quorum shall be changed from 4 to 3 members*
- *meetings: the city will set the meeting dates/time*

Councilmember Lawson wants it made clear that the commission will be making recommendations, not policies. Dr. Weitz replied that it is made clear in the regulations. (page 8 of TA-24-01)

Councilmember Sterling stressed that the planning and zoning commission needs to understand their role and the chain of command. Final decisions will lie with the Mayor and Council. City Attorney Abb Hayes stated that the ordinances will spell out the role of the commission and that the members of the commission will receive training.

Hayes further stated that under the charter, since changes have been made to the proposed ordinance, it will need two readings before it is in effect. If the majority approve in a vote at the March regular meeting, then a second reading will take place in April.

- 4. Ordinance O-2024-03:** An Ordinance To Amend the Hoschton Subdivision and Land Development Ordinance, Article III, "General Provisions," Section 303, "City Council

Authority” To Retitle Said Section and Assign Roles to The Hoschton Planning Commission; To Amend Article IV, “Preliminary Plat,” Section 405, “Preliminary Plat Process Administration,” To Repeal the Existing Process Flow Chart and To Adopt a New Process Flow Chart; To Adopt a New Section 408, “Planning Commission Review and Recommendation,” To Amend Section 1204, “Variances” To Establish a Role For The Planning Commission; To Amend Section 1207, “Amendment” to Establish a Role for the Planning Commission;” To Repeal Conflicting Ordinances; To Provide for Severability; To Provide an Effective Date; and For Other Purposes

5. **Ordinance TA 2024-01:** An Ordinance To Amend the Hoschton Zoning Ordinance, Article I, “General,” Section 1.04, “Purposes,” Paragraph 5 to Assign Roles to the Hoschton Planning and Zoning Commission; To Amend Article VIII, “Zoning Amendments and Applications,” Section 8.01, “Procedures for Calling and Conducting Public Hearings,” Section 8.02, “Text Amendments,” Section 8.03, “Amendment to the Official Zoning Map,” Section 8.04, “Conditional Uses,” and Section 8.05, “Variances” To Assign Roles For The Planning Commission; To Repeal Conflicting Ordinances; To Provide for Severability; To Provide an Effective Date; and for Other Purposes

ADJOURN *Motion to adjourn at 6:54pm by C. Brown, seconded by Jackson, and all in favor.*

ROLL CALL

Debbie Martin, Mayor
Christina Brown, Councilmember
David Brown, Mayor Pro-Tem
Scott Courter, Councilmember
Jonathan Jackson, Councilmember
James Lawson, Councilmember
Fredria Sterling, Councilmember

ALSO PRESENT

Dr. Jerry Weitz, City Planner
Abbott S. Hayes, Jr., City Attorney
Jennifer Harrison, City Manager
Jen Williams, Assistant City Clerk
Media