

CITY OF HOSCHTON  
CITY COUNCIL  
THURSDAY, OCTOBER 12, 2023 AT 6:00PM  
HOSCHTON COMMUNITY CENTER  
65 CITY SQUARE, HOSCHTON



---

PUBLIC HEARING  
MINUTES

---

WELCOME AND CALL TO ORDER

*At 6:01pm by Acting Mayor James Lawson*

INVOCATION

*By City Attorney Abb Hayes*

PLEDGE OF ALLEGIANCE

*By Rodney Cato*

AGENDA APPROVAL

*Motion to approve with no changes by Councilmember Fredria Sterling, seconded by Councilmember Tracy Carswell, and all in favor*

NEW BUSINESS:

1. **V-23-04 Variance:** STS Properties, by Scott Phillips, seeks a variance to the Hoschton zoning ordinance, Article VI, "Specific Use Provisions," Section 6.105, "Self-Service Storage Facility," and Section 6.60, "Fences and Walls," to: increase the maximum height of a self-service storage facility from 12 feet to 17 feet; to increase the maximum length of a self-service storage building from 200 feet to 250 feet; to reduce the required setback for fences along a side and rear property line from 20 feet to 0 feet; to reduce the required setback for fences along a front property line to 10 feet from the right of way of State Route 53 and 25 feet from the right of way of Pearl Industrial Avenue; and to reduce the required setback from a right of way for a gate from 20 feet to 15 feet, for 2.60 acres zoned M-1 (Light Industrial District) fronting on the east side of State Route 53 and the south side of Pearl Industrial Avenue (Map/Parcel 113/027). Proposed use: climate-controlled self-service storage facility. *[Planning staff recommendation: approval]*

*Abb Hayes read the details of the application. Dr. Jerry Weitz explained that the components of the request mostly concerned setbacks and that the staff recommendation is for approval.*

*Public Comments:*

*Sharon Lunday, 213 Chatuge Drive, asked if the proximity of the project to S.R. 53 would be an issue if the highway was widened in the future. [Dr. Weitz responded that future widening might only impact a fence, so it should not be a problem.] Ms. Lunday then asked if there was any discussion about the appearance of the building. [Dr. Weitz replied that the applicant has agreed*

*to put brick on all four sides of the building, even though that is not a requirement in an area zoned "light industrial."*

*Nicholas Sutton, 51 Main Street, stated that his worry is the nearness of the business to the road.*

2. **Z-23-08 Rezoning:** Southeastern Property Acquisitions, LLC, applicant, Davis Automotive, LLC, property owner, seeks to rezone 1.80 acres fronting on the east side of State Route 53 (Map/Parcel 120/013J) approximately 225 feet south of Towne Center Parkway from M-1 (Light Industrial District) to C-2 (General Commercial/ Highway Oriented District). Proposed use: retail shopping center. *[Planning staff recommendation: approval conditional]*
3. **Z-23-09 Rezoning:** Southeastern Property Acquisitions, LLC, applicant, Ryan Langford, property owner, seeks to rezone approximately 2.45 acres fronting on the east side of State Route 53 (Map/Parcels H01/022 and H01/023) from C-1 (Neighborhood Business District) to C-2 (General Commercial/ Highway Oriented District). Proposed use: retail shopping center. *[Planning staff recommendation: approval conditional]*
4. **Z-23-10 Rezoning:** Southeastern Property Acquisitions, LLC, applicant, Ryan Langford and Michael Bagwell, property owners, seek to rezone approximately 1.43 acres (part of H01/024A and part of H01/024) fronting on the east side of State Route 53 approximately 770 feet south of Towne Center Parkway from C-2 (General Commercial/ Highway Oriented District) to C-3 (Commercial Motor Vehicle Service and Repair District). Proposed use: retail gas station *[Planning staff recommendation: approval conditional]*
5. **Z-23-11 Rezoning:** Southeastern Property Acquisitions, LLC, applicant, Michael Bagwell, property owner, seek to rezone approximately 9.33 acres (Map/Parcel 120/017C) between State Route 53 and Regent Park and north of Merchant's Park Drive from M-1 (Light Industrial District) to C-2 (General Commercial/ Highway Oriented District). Proposed use: retail shopping center *[Planning staff recommendation: approval conditional]*.
6. **CU 23-01 Conditional Use:** Southeastern Property Acquisitions, LLC, applicant, Michael Bagwell, property owner, seek a conditional use for a big box retail building (i.e., individual tenant occupying more than 60,000 square feet) in a C-2 (General Commercial/ Highway Oriented District) and C-3 (Commercial Motor Vehicle Service and Repair District) on property fronting on the east side of State Route 53 across from Peachtree Road (approximately 16.52 acres) (Map/Parcel 120/017C, Map/Parcel 120/024D, and H01/024B and part of H01/024) *[Planning staff recommendation: approval conditional]*

*Dr. Weitz explained that Items 2-6 go together, and the project is for a shopping center development with a major grocer. The grocer is around 118,000 square feet and our zoning ordinance states that any building over 60,000 square feet requires a conditional use permit in a highway-oriented commercial zoning district. The project also includes a fueling center, which requires C-3 zoning as it has an auto-related use. Planning staff recommendation is for approval on each of the items, with conditions.*

*Paul Xhajanka of Southeastern Associates and Ali Daughtry of Robertson Loia Roof, Architects & Engineers spoke on behalf of the developer and presented a slideshow to Council. (Slides attached as Exhibit "A" to these minutes.) The initial target for outparcels is sit-down*

restaurants, followed by other restaurants. The project has been approved by Kroger. The developer will be installing a traffic signal at the intersection of S.R. 53 and Peachtree Road which shall be constructed concurrently with the Kroger construction. The Kroger building elevations are a brand-new design. The fuel center will have the short side of the canopy parallel to S.R. 53 and muted colors to match the store exterior. Construction would begin in August of 2024, with the grand opening estimated for October 2025. The building would be similar in size to the new Marietta Kroger store and the new store in Forsyth County. Store and fuel center hours would be 6:00am-11:00pm.

Public Comments in Support (Items #2-6):

Tina Brown, 205 Quail Run, asked if the multi-use path would be asphalt or concrete. [Kroger: asphalt] Ms. Brown asked if Kroger abandoned the project, would the conditional zoning allow for other auto-related uses on the parcel where the fuel center is planned. [No, the zoning would only allow C-2 uses and a fuel canopy.] Ms. Brown asked the council if they would start explaining to the citizens their positions on projects/items brought before them. The city has approved a lot of new residential developments that come with lots of expenditures on infrastructure and services, so it is important to increase commercial development to generate revenue other than property taxes. The Kroger development would be better than the current M-1 light industrial zoning and a stable business like Kroger is better than more residential.

Rodney Cato, 140 Hawthorn Way, stated that he believes the development would be good for the city.

David Black, 113 Rabun Court, asked if building plans have been presented to the city. [Dr. Weitz responded that he has not see them; that will come after zoning approval.]

David Brown, 556 Cumberland Trail, asked about the signage that will be at the road. [Developer rep. responded that a 25-foot monument sign is planned.] Will there be a golf-cart path? [A multi-use path is planned.] What kind of landscaping will be required? [The developer will work within the parameters of the city ordinances; no variance has been requested for landscaping.]

Ace Acevedo, 100 Powell Court, mentioned a concern about two grocery stores close together; has a traffic study been conducted? Is there enough business to support two grocery stores? We don't want to end up with vacant buildings. What is the impact on existing businesses?

Public Comments In Opposition (Items #2-6):

Nicholas Sutton, 51 Main Street, questioned the Kroger supply chain; do they use local producers? He also expressed concern about the traffic signal affecting free-flowing traffic on S.R. 53.

Sharon Lunday, 213 Chatuge Drive, shared her concern about light pollution. Will the lights be subtle or bright?

Mayor Lawson asked what the average number of people employed by a Kroger store is. [the equivalent of 150 full-time employees]

Applicant Comments in Response:

- Elevations will be sent over to city hall shortly.
- The developer will follow the sign ordinance, to include one 24-foot and one 12-foot -sign.
- Lighting: intensity of the lights will be softer as they get closer to the street
- Supply Chain: Kroger tries to get local growers when possible
- The fuel center will be well-maintained and meet or exceed all requirements on safety.
- Restaurants will depend on the market; Hoschton could be on the radar already for some restaurants, but Kroger also lets companies know that development is coming so they can test the market.

Chief Hill asked if the plan included installing Flock cameras. [No]

ADJOURN

Motion to adjourn at 7:03pm by Carswell, seconded by Sterling, and all in favor.

ROLL CALL

James Lawson, Acting Mayor  
Tracy Carswell, Councilmember  
Fredria Sterling, Councilmember

ABSENT

Sam Waites, Councilmember

ALSO PRESENT:

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

Approved:

  
Debbie Martin, Mayor Date

  
Jennifer Williams, Assistant City Clerk

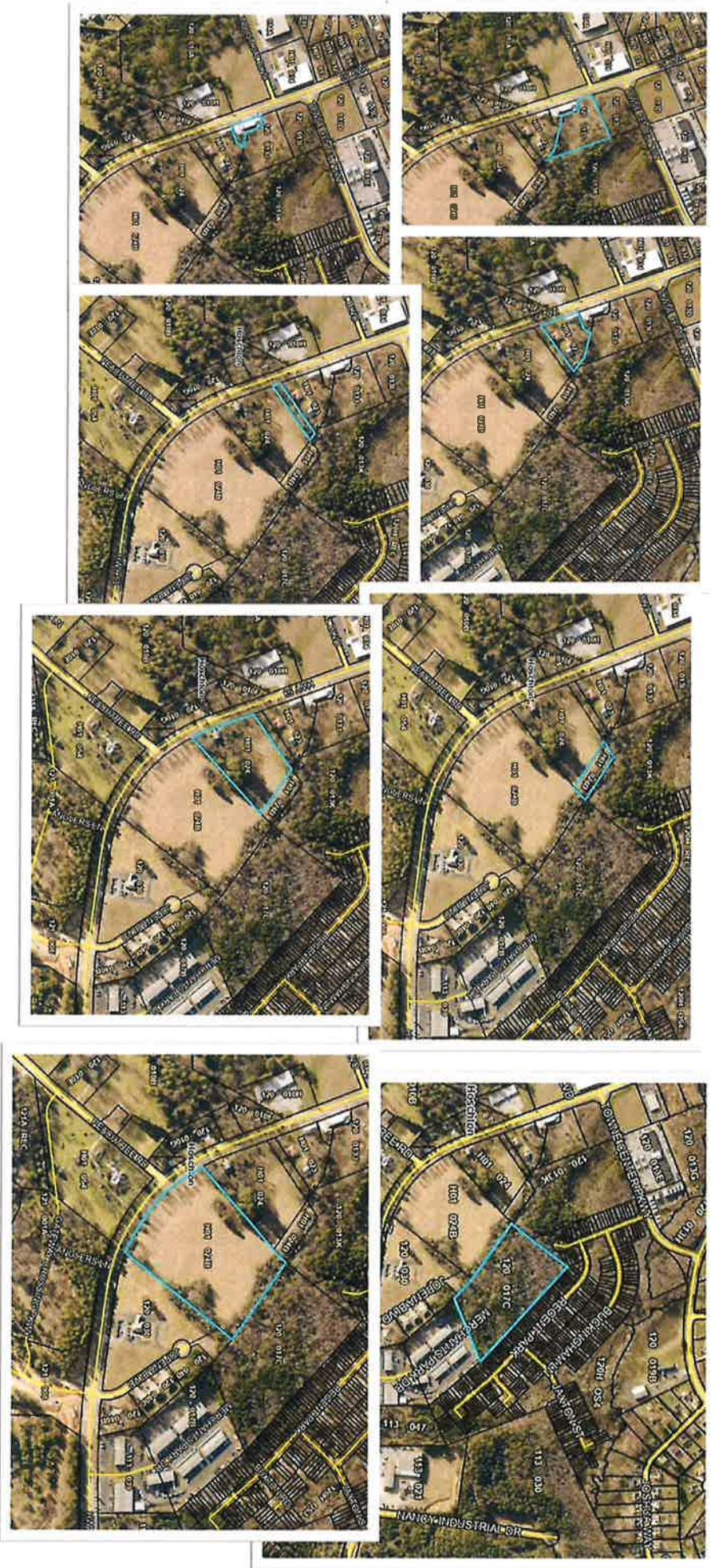




# City of Hoschton, City Council Public Hearing

October 12, 2023 @ 6:00 PM

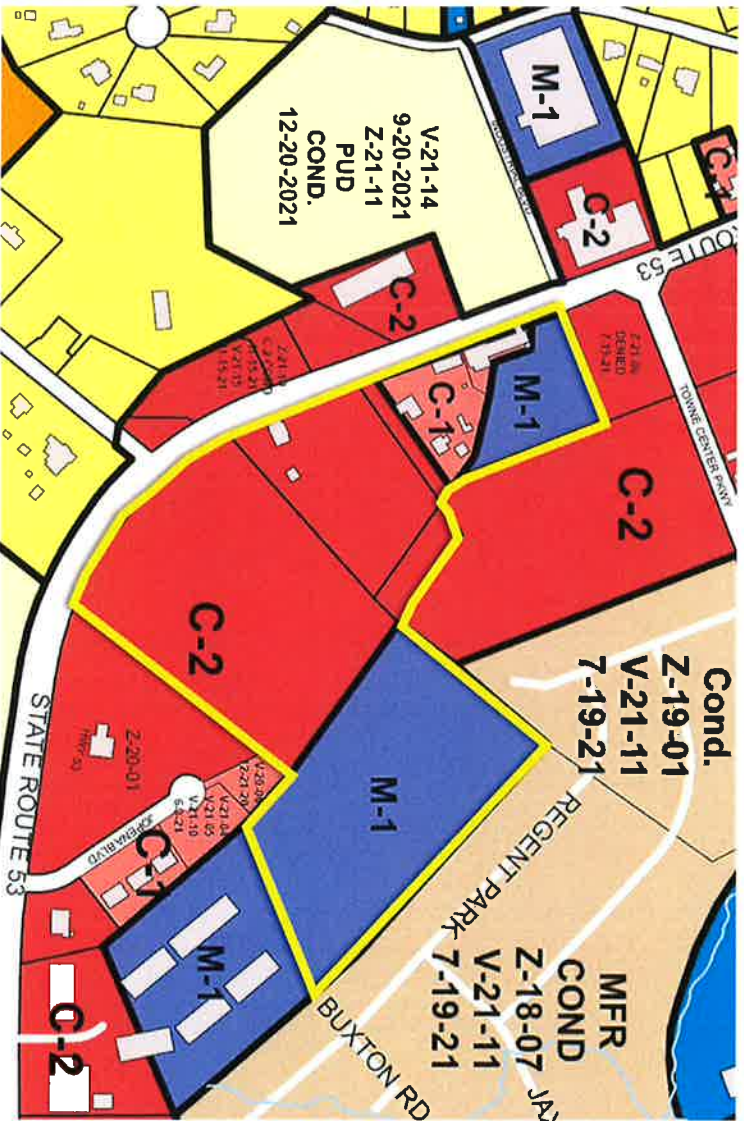
Rezoning: Z-23-08, Z-23-09, Z-23-10, Z-23-11 & CU-23-01



# City of Hoschton, City Council Public Hearing

October 12, 2023 @ 6:00 PM

Rezoning: Z-23-08, Z-23-09, Z-23-10, Z-23-11 & CU-23-01



Zoning Map Excerpt

# City of Hoschton, City Council Public Hearing

October 12, 2023 @ 6:00 PM

Rezoning: Z-23-09, Z-23-10, Z-23-11 & CU-23-01

Related to Applications: Z-23-08 & Z-23-09, Z-23-10, Z-23-11

We Respectfully Request Amending 'Conditions of Approval' as follows:

- **2) Principal Access:**
  - a. Connects to Towne Center Parkway
  - b. Is constructed to a local commercial street standard that meets city standards for pavement composition and pavement width.
  - c. Is constructed concurrent with development of the subject property and completed prior to the issuance of a certificate of occupancy for a building on the subject property.
  - d. If determined by the city that this principal access should be a public street, whether or not made a part of an official corridor map in the comprehensive plan, the owner/ developer shall dedicate a 50-foot wide right of way at no cost to the city for said public street; provided, however, that if an existing access easement off-site is dedicated to the city as a right of way or can be otherwise legally utilized and is approved by the city for said public street right of way, the owner/developer shall not be required to dedicate the full width of right of way. To be constructed to a local commercial street standard that meets city standards for pavement composition and to the pavement width as shown in the site plan exhibit. City acknowledges that the improvements shown on the site plan attached hereto would satisfy this Condition 2, but that modifications to said site plan are permitted so long as they meet the requirements of this Condition 2.
- **3) Access to SR 53:** (see next slide)
- **4) Multi-Use Path along SR 53:** (see next slide)



# City of Hoschton, City Council Public Hearing

October 12, 2023 @ 6:00 PM

Rezoning: Z-23-08, Z-23-09, Z-23-10, Z-23-11 & CU-23-01

Related to Applications; Z-23-08 & Z-23-09, Z-23-10, Z-23-11

We Respectfully Request Amending 'Conditions of Approval' as follows:

- **2) Principal Access:** (see previous slide)
- **3) Access to SR 53:**

Vehicular access to SR 53 from the subject property shall be limited to that authorized by Georgia Department of Transportation (GDOT). The owner shall be required to install road improvements as may be required by GDOT within applicant's subject property and adjacent ROW, but not property owned by others.
- **4) Multi-Use Path along SR 53:**

The owner/ developer shall construct at no cost to the city an eight-foot-wide multi-use path along the subject property frontage along SR 53, if approved by the Georgia Department of Transportation. Multi-use path may be constructed in phases on a per parcel basis. The path must be completed on a particular parcel (as such parcels may be reconfigured to match the site plan attached hereto) prior to issuance of a certificate of occupancy for each respective parcel, but the failure to complete the pathway on an adjacent parcel shall not prevent the subject parcel from getting a certificate of occupancy. Walkways interior to the site shall connect the principal buildings on site with the multi-use path within the highway right of way.

# City of Hoschton, City Council Public Hearing

October 12, 2023 @ 6:00 PM

Rezoning: [Z-23-10, Z-23-11](#)

[Related to Applications; Z-23-10](#)

We Respectfully Request Amending 'Conditions of Approval' as follows:

- **8) Gasoline canopy supports:**

Applicant introducing store elevations to then coordinate its fuel center elevations.

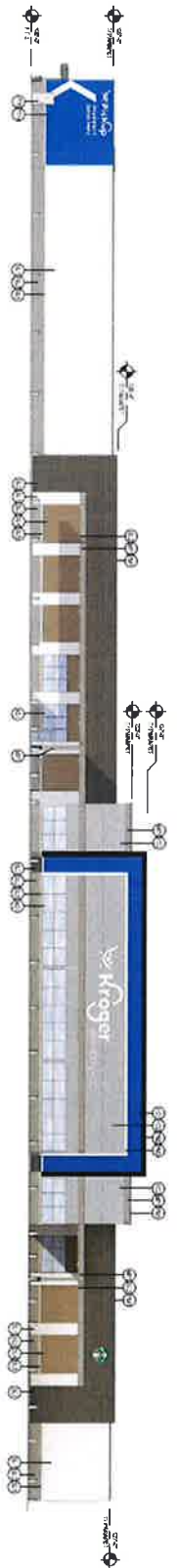
[Related to Applications; Z-23-11](#)

We Respectfully Request Amending 'Conditions of Approval' as follows:

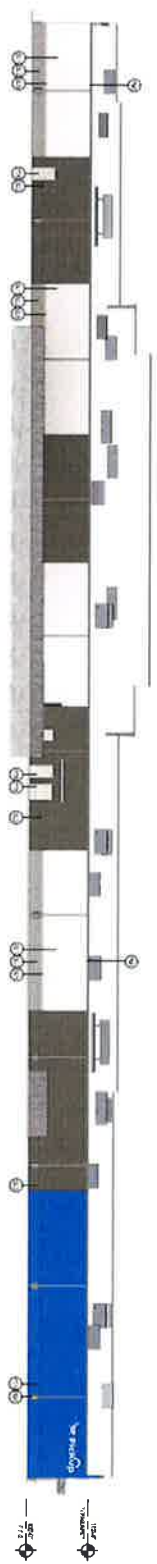
- **3) Building setback and Screening:**

The Applicant shall install a 6' foot tall privacy fence along the rear of the Subject Property along the portion of the property abutting MFR zoning. To the extent permitted by existing easements of record, there shall be a 20-foot minimum building set back and buffer.

DATE: 10/09/2023  
 PROJECT: KROGER STORE GA686  
 DRAWING: EXTERIOR ELEVATIONS



FRONT ELEVATION



REAR ELEVATION



SIDE ELEVATION



SIDE ELEVATION

- REVISIONS:
- 1. Initial design conditions
  - 2. Add window details
  - 3. Add door details
  - 4. Add signage details
  - 5. Add material details
  - 6. Add roof details
  - 7. Add site details
  - 8. Add parking details
  - 9. Add landscaping details
  - 10. Add lighting details
  - 11. Add security details
  - 12. Add accessibility details
  - 13. Add sustainability details
  - 14. Add final details



EXTERIOR ELEVATIONS

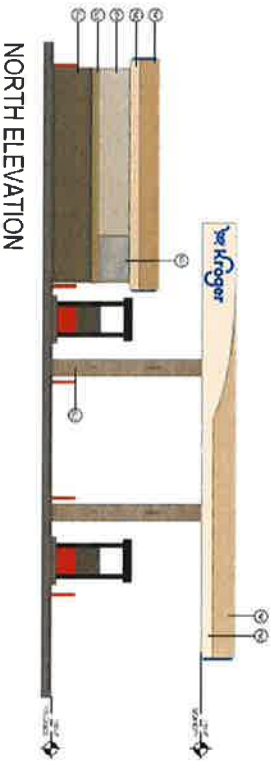
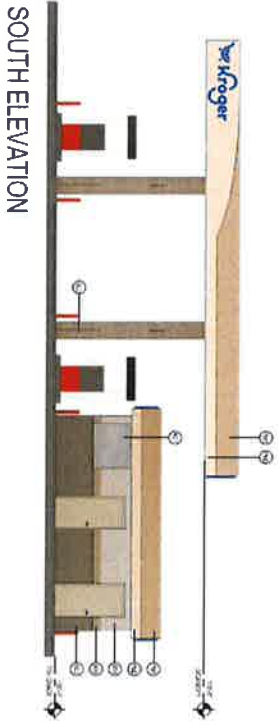
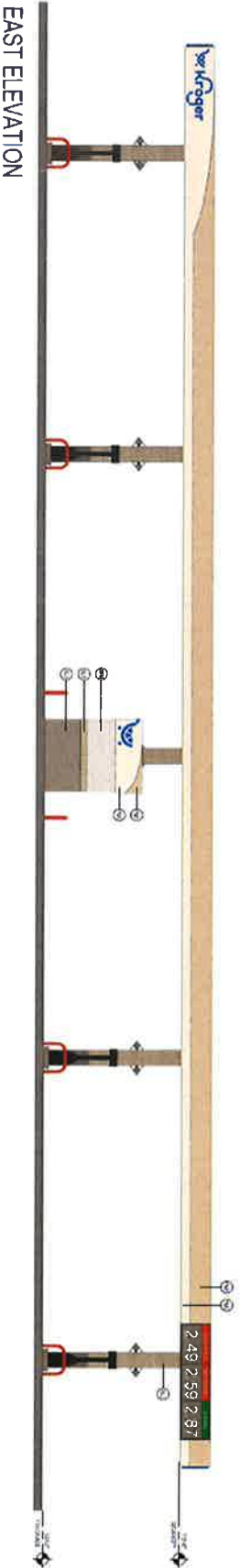
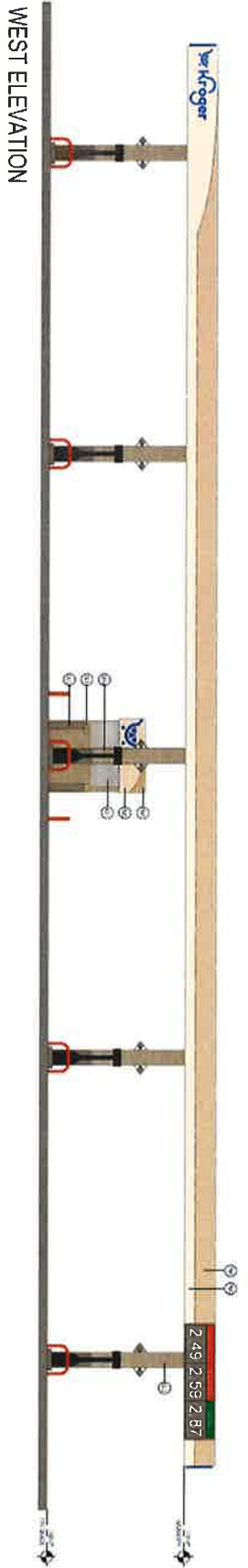
October 9, 2023

KROGER STORE GA686

Hoschton, GA

523349





- CONCRETE FINISHES:**
- ① Smooth, Sand, Light Gray
  - ② Smooth, Sand, Light Gray
  - ③ Smooth, Sand, Light Gray
  - ④ Smooth, Sand, Light Gray
  - ⑤ Smooth, Sand, Light Gray
  - ⑥ Smooth, Sand, Light Gray
  - ⑦ Smooth, Sand, Light Gray
  - ⑧ Smooth, Sand, Light Gray
  - ⑨ Smooth, Sand, Light Gray
  - ⑩ Smooth, Sand, Light Gray
  - ⑪ Smooth, Sand, Light Gray
  - ⑫ Smooth, Sand, Light Gray
  - ⑬ Smooth, Sand, Light Gray
  - ⑭ Smooth, Sand, Light Gray
  - ⑮ Smooth, Sand, Light Gray
  - ⑯ Smooth, Sand, Light Gray
  - ⑰ Smooth, Sand, Light Gray
  - ⑱ Smooth, Sand, Light Gray
  - ⑲ Smooth, Sand, Light Gray
  - ⑳ Smooth, Sand, Light Gray



FUEL CENTER

October 12, 2023

KROGER STORE R529

Mechanicsville, VA



# City of Hoschton, City Council Public Hearing

October 12, 2023 @ 6:00 PM

Rezoning: Z-23-08, Z-23-09, Z-23-10, Z-23-11 & CU-23-01

Related to Application: CU-23-01

We Respectfully Request Amending 'Conditions of Approval' as follows:

## • 1) Access and Improvements to SR 53.

- a. The subject properties shall be provided with a Signalized driveway, private street, or public street that connects to SR 53 and aligns with Peachtree Road as authorized by Georgia Department of Transportation (GDOT). Other driveways or access points to/from the subject properties onto SR 53 shall be as may be approved by Georgia Department of Transportation.
- b. The owner/developer shall at no cost to the city construct the driveway, private street, or public street on the subject property to/from the north side of the intersection of Peachtree Road and SR 53 with two inbound lanes and two outbound lanes, within applicant's subject property, and adjacent ROW, and shall exclude property owned by others, unless otherwise approved by GDOT and the city.
- c. The owner/developer shall be required to install road improvements as may be required by GDOT along SR 53 at this proposed intersection, which are expected to include a southbound left-turn lane from SR 53 into the proposed development and a northbound right-turn lane into the proposed development at the intersection of SR 53 and Peachtree Road. Additional right of way within the subject property shall be dedicated to Georgia Department of Transportation if required for road improvements. Applicant shall not be required to obtain or make improvements to property outside the subject property and adjacent public ROWs.
- d. The owner/developer shall design, permit and construct the traffic signalization at the intersection of SR 53 and Peachtree Road concurrently with the development of the subject property. The City will provide all approvals, consents, and other support needed to install traffic signalization at said intersection. The traffic signal is subject to the approval of Georgia Department of Transportation and is subject to a signal warrant analysis justifying the need for the traffic signal. If the traffic signal is not warranted at the time of issuance of a certificate of occupancy for the grocery store or if the traffic signal is otherwise not operational by said date, owner/developer shall contribute \$150,000 to the city for traffic signalization of the intersection of SR 53 and Peachtree Road. Said \$150,000 will be released to owner/developer upon completion of the traffic signalization by owner/developer. If owner/developer fails to complete the traffic signalization, the \$150,000 shall be held by the city until the traffic signal is warranted and spent when warranted for the traffic signal
- e. [added at the end of condition 1e.] City acknowledges that the improvements shown on the site plan attached hereto would satisfy this Condition 1, but that modifications to said site plan are permitted so long as they meet the requirements of this Condition 1.

# City of Hoschtton, City Council Public Hearing

October 12, 2023 @ 6:00 PM

Rezoning: Z-23-09, Z-23-10, Z-23-11 & CU-23-01

[Related to Applications; CU-23-01](#)

We Respectfully Request Amending 'Conditions of Approval' as follows:

- **2) Secondary Access:**
  - a. Connects to Towne Center Parkway
  - b. Is constructed to a local commercial street standard that meets city standards for pavement composition and pavement width.
  - c. Is constructed concurrent with development of the subject property and completed prior to the issuance of a certificate of occupancy for a building on the subject property.
  - d. If determined by the city that this principal access should be a public street, whether or not made a part of an official corridor map in the comprehensive plan, the owner/ developer shall dedicate a 50-foot wide right of way at no cost to the city for said public street; provided, however, that if an existing access easement off-site is dedicated to the city as a right of way or can be otherwise legally utilized and is approved by the city for said public street right of way, the owner/developer shall not be required to dedicate the full width of right of way. To be constructed to a local commercial street standard that meets city standards for pavement composition and to the pavement width as shown in the site plan exhibit. City acknowledges that the improvements shown on the site plan attached hereto would satisfy this Condition 2, but that modifications to said site plan are permitted so long as they meet the requirements of this Condition 2.
- **3) Access to SR 53:** (see next slide)
- **4) Multi-Use Path along SR 53:** (see next slide)

# City of Hoschton, City Council Public Hearing

October 12, 2023 @ 6:00 PM

Rezoning: Z-23-08, Z-23-09, Z-23-10, Z-23-11 & CU-23-01

[Related to Applications; CU-23-01](#)

We Respectfully Request Amending 'Conditions of Approval' as follows:

- 2) **Secondary Access**: (see previous slide)
- 3) **Multi-Use Path along SR 53**:

The owner/ developer shall construct at no cost to the city an eight-foot-wide multi-use path along the subject property frontage along SR 53, if approved by the Georgia Department of Transportation. Multi-use path may be constructed in phases on a per parcel basis. The path must be completed on a particular parcel (as such parcels may be reconfigured to match the site plan attached hereto) prior to issuance of a certificate of occupancy for each respective parcel, but the failure to complete the pathway on an adjacent parcel shall not prevent the subject parcel from getting a certificate of occupancy. Walkways interior to the site shall connect the principal buildings on site with the multi-use path within the highway right of way.

- 4) **Building setback**:

The Applicant shall install a 6' foot tall privacy fence along the rear of the Subject Property along the portion of the property abutting MFR zoning. To the extent permitted by existing easements of record, there shall be a 20-foot minimum building set back and buffer.

