

Z-37  
(2012)

LAND PLANNERS  
ENGINEERS & SURVEYORS  
TRANSPORTATION  
LANDMARK ARCHITECTS  
55-A MALL STREET  
SUITE 300  
ROSWELL, GEORGIA 30075  
PHONE 770.509.7600  
WWW.PAULSONMITCHELL.COM

**PAULSON MITCHELL**  
INCORPORATED



PROJECT:  
STORE GATE  
EXPANSION  
DALLAS HIGHWAY  
AND LARGENT  
CROSSING, COBB  
COUNTY, GA.

DATE: 07/03/12  
**THE KROGER  
COMPANY**  
3125 PARKWAY  
ATLANTA, GA  
(770) 498-2



REVISIONS

NO.	DESCRIPTION	DATE

20110221.dwg 07/03/12

SITE PLAN

SHEET Z.1



VICINITY MAP



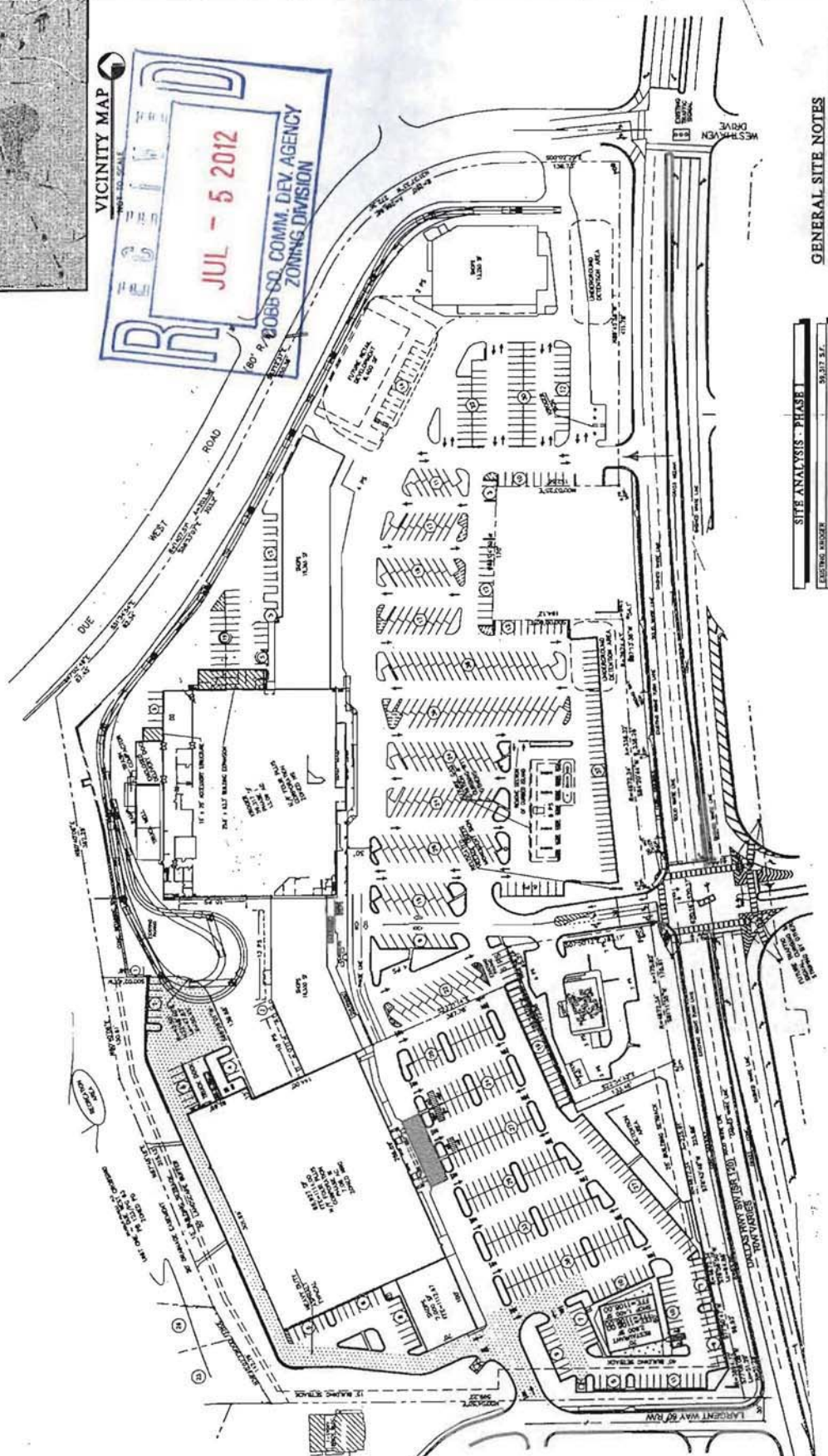
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8. THE ENGINEER AND LAND PLANNERS SHALL NOT BE RESPONSIBLE FOR ANY INJURY OR DEATH.  
9. THE ENGINEER AND LAND PLANNERS SHALL NOT BE RESPONSIBLE FOR ANY OTHER DAMAGES.  
10. THE ENGINEER AND LAND PLANNERS SHALL NOT BE RESPONSIBLE FOR ANY OTHER LOSSES OR DAMAGES.

**SITE PLAN**



**SITE ANALYSIS PHASE**

PHASE	AREA (SQ. FT.)	AREA (ACRES)
EXISTING BUILDING	95,273 S.F.	2.17 AC.
EXISTING PARKING	7,485 S.F.	0.17 AC.
TOTAL EXISTING BUILDING AREA	102,758 S.F.	2.34 AC.
EXISTING PARKING	7,485 S.F.	0.17 AC.
TOTAL EXISTING BUILDING AREA	110,243 S.F.	2.51 AC.
EXISTING PARKING	538 SPACES	
PROPOSED PARKING	538 SPACES	



**APPLICANT:** The Kroger Co.  
770-496-7583

**REPRESENTATIVE:** John H. Moore 770-429-1499  
Moore Ingram Johnson & Steele, LLP

**TITLEHOLDER:** Four Plus Corporation

**PROPERTY LOCATION:** Northwest intersection of Dallas Highway and Due West Road; and at the northeast intersection of Dallas Highway and Largent Way (3600 and 3636 Dallas Highway).

**ACCESS TO PROPERTY:** Dallas Highway, Due West Road and Largent Way

**PHYSICAL CHARACTERISTICS TO SITE:** Existing shopping center

**PETITION NO:** Z-37

**HEARING DATE (PC):** 09-06-12

**HEARING DATE (BOC):** 09-18-12

**PRESENT ZONING:** NRC with Stipulations, NS with Stipulations

**PROPOSED ZONING:** NRC

**PROPOSED USE:** Retail and Office

**SIZE OF TRACT:** 20.17 acres

**DISTRICT:** 20

**LAND LOT(S):** 314, 333

**PARCEL(S):** 15, 255

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 1

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** PRD/Due West Crossing Subdivision
- SOUTH:** NRC/The Avenues at West Cobb
- EAST:** NRC/R-20/Retail/Westwood Estates Subdivision
- WEST:** GC/OI/Retail/Offices

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

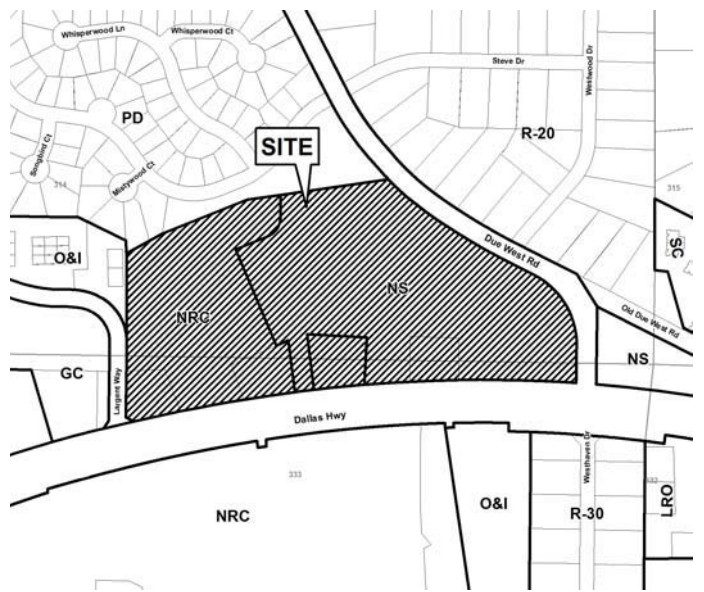
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

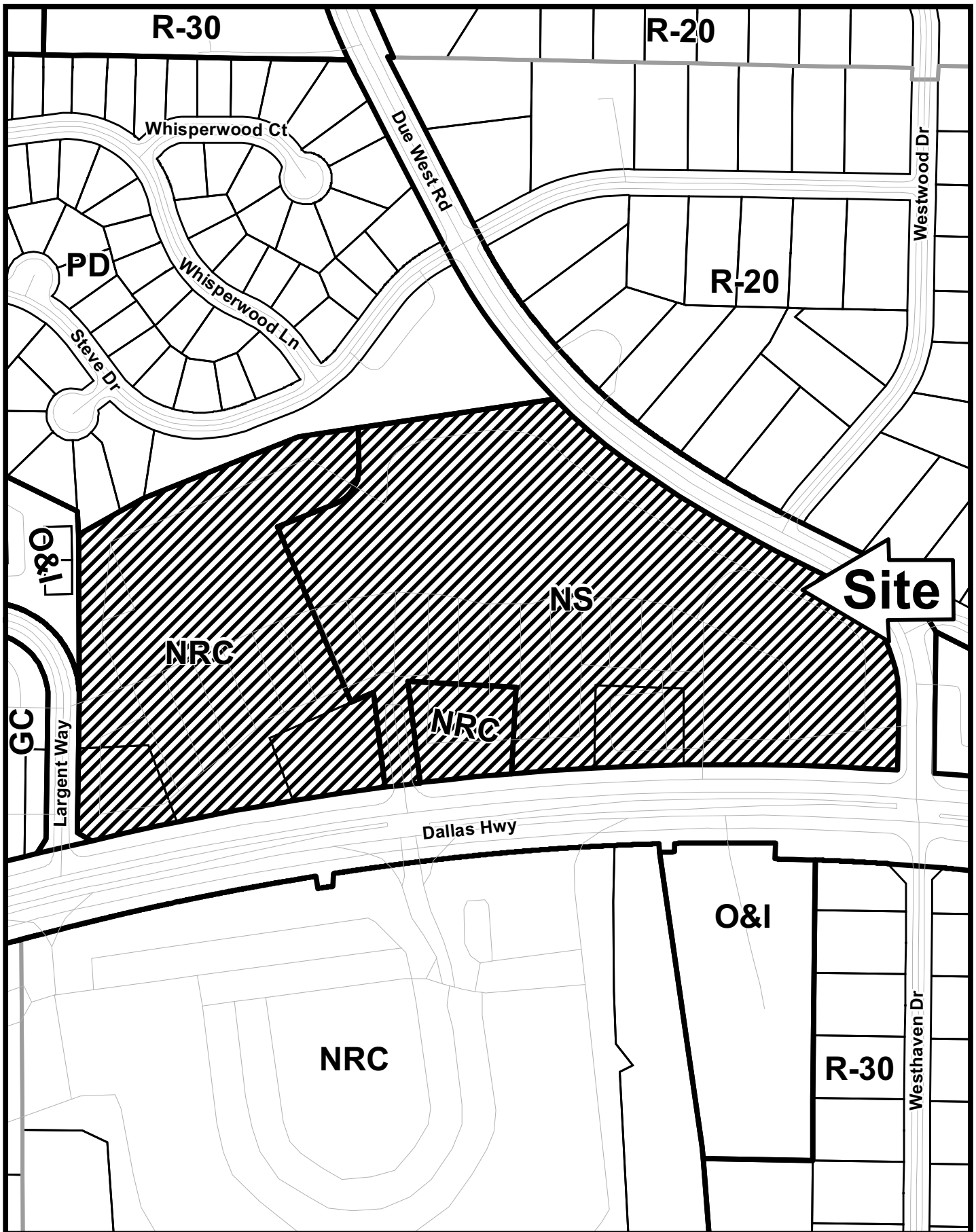
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

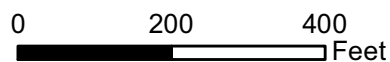
**STIPULATIONS:**



# Z-37



This map is provided for display and planning purposes only. It is not meant to be a legal description.



- City Boundary
- Zoning Boundary

APPLICANT: The Kroger Co.

PETITION NO.: Z-37

PRESENT ZONING: NRC with stipulations, NS with stipulations

PETITION FOR: NRC

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Terry Martin, MPA

**Land Use Plan Recommendation:** NAC neighborhood activity center

**Proposed Number of Buildings:** 5 **Total Square Footage of Development:** 113,296 sq. ft.

**F.A.R.:** .13 **Square Footage/Acre:** 5,617 sq. ft.

**Parking Spaces Required:** 536 **Parking Spaces Provided:** 536

The applicant is requesting a rezoning from the NRC neighborhood retail commercial district and NS neighborhood shopping district to the NRC district to consolidate the zoning classification for the entire site and remove the existing "grandfathered" status of the property that is a result of the NS zoning classification within the NAC neighborhood activity center future land use area in order to construct a 2,149 sq. ft. building addition to the Kroger store and add a 400 sq. ft. accessory structure behind the building. The proposed building addition will be located to the side of the existing building and to the rear of the adjoining tenant spaces, not visible from the front. Also, the small number of parking spaces affected by the addition will be replaced nearby also in this rear area of the building.

While the proposed rezoning in order to allow the requested additions appears to be amenable, it should be viewed as an opportunity to correct existing deficiencies in the layout of the site in order to better accommodate any increased impact that may result from the proposed additions. The main entrance into the shopping center's parking lot from the main driveway at the light across from The Avenues shopping center is deficient in driveway width turning east into the parking lot toward the Belk store (see Exhibit "A"). This area also presents an acute angle affecting turning radius which hampers maneuverability to and from the main access driveway. The existing drive aisle appears to be approximately 17 ft. wide at this point immediately behind the bank out parcel, deficient by as much as 7 ft. from the Code mandated 24 ft. Also, a light pole exists within this area just outside the adjacent striped parking island that too negatively affects maneuverability. Anecdotally, upon requesting recorded "fender bender" type incidents within this shopping center's parking lot, the Cobb County Police Department responded that 50 such incidents have occurred over the past 7 years. It is recommended that this area be modified to better accommodate current and future access, and as such, any reduction in parking spaces necessitated either within the adjacent 6 spaces or row of 22 including the modification of the striped island and removal/relocation of the light pole be considered through the Plan Review process with input from the professional staff of both Zoning and Department of Transportation.

**Cemetery Preservation:** There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

\*\*\*\*\*

**FIRE COMMENTS:**

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

\*\*\*\*\*

APPLICANT:           The Kroger Co.          

PETITION NO.:           Z-37          

PRESENT ZONING:           NRC with stipulations, NS with stipulations          

PETITION FOR:           NRC          

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from NRC with Stipulations, NS with Stipulations to NRC for purposes of retail and office. The 20.17 acre site is located at the northwest intersection of Dallas Highway and Due West Road; and at the northeast intersection of Dallas Highway and Largent Way.

**Comprehensive Plan**

The parcel is within a Neighborhood Activity Center (NAC) future land use category with NRC and NS zoning designations. The purpose of the Neighborhood Activity Center (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

**Master Plan/Corridor Study**

Not applicable.

**Historic Preservation**

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

**Design Guidelines**

Is the parcel in an area with Design Guidelines?     Yes             No

If yes, design guidelines area \_\_\_\_\_

Does the current site plan comply with the design requirements?

Yes         No         Not applicable

APPLICANT The Kroger Co.

PETITION NO. Z-037

PRESENT ZONING NRC w/stips, NS w/st

PETITION FOR NRC

\*\*\*\*\*

**WATER COMMENTS:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development:  Yes  No

Fire Flow Test Required:  Yes  No

Size / Location of Existing Water Main(s): **8" DI / N side of Dallas Highway**

Additional Comments: Existing water customer

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

\*\*\*\*\*

**SEWER COMMENTS:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin:  Yes  No

At Development:  Yes  No

Approximate Distance to Nearest Sewer: **At site**

Estimated Waste Generation (in G.P.D.): **A D F +0 Peak= +0**

Treatment Plant: **S Cobb**

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

Projected Plant Availability:  0 - 5 years  5 - 10 years  over 10 years

Drv Sewers Required:  Yes  No

Off-site Easements Required:  Yes\*  No \*If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required:  Yes  No

Letter of Allocation issued:  Yes  No

Septic Tank Recommended by this Department:  Yes  No

Subject to Health Department Approval:  Yes  No

Additional Existing sewer customer  
Comments:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

**APPLICANT: The Kroger Company**

**PETITION NO.: Z-37**

**PRESENT ZONING: NRC, NS w/ strips**

**PETITION FOR: NRC**

\*\*\*\*\*

<b>STORMWATER MANAGEMENT COMMENTS</b>
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The proposed 2,550 sf building expansion will be located over existing pavement. There will be no increase in impervious coverage and the area of disturbance is less than 5000 sf. The site is served by an existing stormwater management facility. No additional stormwater management measures will be required.

**APPLICANT: The Kroger Co.**

**PETITION NO.: Z-37**

**PRESENT ZONING: NRC with Stips & NS with Stips**

**PETITION FOR: NRC**

\*\*\*\*\*

**COBB COUNTY DEPARTMENT OF TRANSPORTATION RECOMMENDATIONS**

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Dallas Highway	44,650	Arterial	55 mph	Georgia DOT	100'
Due West Road	10,260	Arterial	45 mph	Cobb County	100'
Largent Way	N/A	Local	25 mph	Cobb County	60'

*Based on 2008 traffic counting data taken by Georgia DOT (Dallas Highway)  
Based on 2008 traffic counting data taken by Georgia DOT (Due West Road)*

**COMMENTS AND OBSERVATIONS**

Dallas Highway is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Due West Road is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Largent Way is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

**RECOMMENDATIONS**

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Due West Road, a minimum of 50' from the roadway centerline.

Recommend applicant verify that minimum intersection sight distance is available for the Due West Road access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement.

Recommend Due West Road access be converted to a right in/ right out driveway.

Recommend sidewalk along Due West Road frontage.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.



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## STAFF RECOMMENDATIONS

### **Z-37 THE KROGER CO.**

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Having an established history of commercial use, the property is located within a NAC neighborhood activity center along Dallas Highway and other commercial sites are immediately adjacent and nearby.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. As noted, neighboring properties are zoned commercially and the site is situated along Dallas Highway. This site, and those surrounding it, are well established; the current request will allow for the improvement of the property.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*. The parcel that is the subject of this request is located within an NAC neighborhood activity center future land use category. The current request supports the *Plan's* goals of encouraging retail uses in such areas.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approval of the applicant's rezoning proposal. The property, located within a NAC along Dallas Highway has existed as commercial property for several years. The current request would remove the current "grandfathered" status of the shopping center that stems from its current NS district zoning within the NAC. This will allow for the proposed additions to the Kroger store as well as the staff suggested improvements to better accommodate the center's patrons. With adequate consideration to the suggested improvements to achieve the Code mandated parking requirements concerning drive aisles and to accomplish an improvement in maneuverability into and out of the site, the request may be favorably considered.

Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- Applicant submit plans to Plan Review for necessary site improvements such as parking configuration at main driveway and related necessary changes to striped islands and light poles, with final approval by District Commissioner;
- Fire Department comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Department of Transportation comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A § 36-71-13 for dedication of system improvements to mitigate traffic concerns.

**The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.**

# Summary of Intent for Rezoning



.....  
**Part 1. Residential Rezoning Information (attach additional information if needed)**

- a) Proposed unit square-footage(s): \_\_\_\_\_
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed selling prices(s): \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....  
**Part 2. Non-residential Rezoning Information (attach additional information if needed)**

- a) Proposed use(s): Retail and Office
- b) Proposed building architecture: Same As Existing
- c) Proposed hours/days of operation: Same As Existing
- d) List all requested variances: None known at this time  
\_\_\_\_\_  
\_\_\_\_\_

.....  
**Part 3. Other Pertinent Information (List or attach additional information if needed)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- .....  
**Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?**  
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). None known at this time  
\_\_\_\_\_  
\_\_\_\_\_

**\*Applicant specifically reserves the right to amend any information set forth herein, or in the Application for Rezoning, at any time during the rezoning process.**

**ATTACHMENT TO APPLICATION FOR REZONING**

**IMPACT ANALYSIS STATEMENT**



**Application No.:** Z-37 (2012)  
**Hearing Dates:** September 6, 2012 and  
September 18, 2012

**Applicant:** The Kroger Co.  
**Titleholder:** Four Plus Corporation

Analysis of impact of the proposed rezoning with respect to the following:

- (a) The Application for Rezoning requests rezoning of a developed tract comprised of 20.17 acres, more or less, known as the Village Green Shopping Center, and being located at the intersection of the northerly side of Dallas Highway (State Route 120) and the westerly side of Due West Road (3600 and 3636 Dallas Highway) (hereinafter "Subject Property" or "Property"). The entire Village Green Shopping Center is comprised of two tracts—the tract upon which the Belk department store is located is zoned to the category of Neighborhood Retail Commercial, with stipulations; and the tract upon which the Kroger store is located is zoned to the Neighborhood Shopping ("NS"). Applicant seeks rezoning of the Kroger tract to the Neighborhood Retail Commercial ("NRC") classification to allow the expansion of the existing Kroger facility, to be used primarily as storage, and upgrades and renovations to the Kroger store and fueling center. To accomplish this goal, it is necessary to rezone the Kroger tract from the existing NS classification in order to perform the addition and renovations.
- (b) This zoning proposal will have no adverse effect on the existing use or usability of adjacent or nearby property. The use of the Subject Property will not change, or in any way be altered, from its present use under the proposed NRC zoning classification. Therefore, rezoning of the Subject Property to the NRC zoning classification will have a minimal, if any, impact on surrounding properties. The rezoning should have a positive effect to allow for a renovated and upgraded Kroger store which would enhance the services offered to the surrounding community. If approved and used according to the request, the adjacent and nearby property owners would benefit in not only a quality store continuing to operate in their neighborhood; but also, drawing more consumers to the store to ensure continued quality and store operation. The county will benefit in increased revenue.
- (c) The property as zoned does have a reasonable economic use. Approval of the requested rezoning will allow for reasonable, economic use of the Subject Property.

- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- (e) The zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia, as well as the policy and intent of the Land Use Plan as evidenced by the existing zoning category of Neighborhood Shopping.
- (f) The Subject Property was rezoned to the NS zoning classification as part of rezoning of a larger, surrounding tract. The entire area has changed dramatically since the initial rezoning of the Subject Property. In order to allow for upgrades, refurbishing, and modification of the existing structures, and to better serve the surrounding community, the requested rezoning is necessary. These conditions, in addition to the economic climate, make the zoning proposal consistent with current conditions affecting the Subject Property.



# Cobb County Georgia Online Mapping



Z-37 (2012)  
Exhibit "A"

Map Notes:



1: 545

This map is a user-generated static output from an internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

**THIS MAP IS NOT TO BE USED FOR NAVIGATION**

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