

**Z-82
(2014)**

2006121 REZONING DW029.03.14

LAB PAVERS
ENGINEERS - SURVEYORS
LANDSCAPE ARCHITECTS
155-A MAIN STREET
SUITE 200
ROXBURY, GEORGIA 30077
PHONE: 770.636.7888
WWW.PAULSONMITCHELL.COM

PAULSON MITCHELL
INCORPORATED

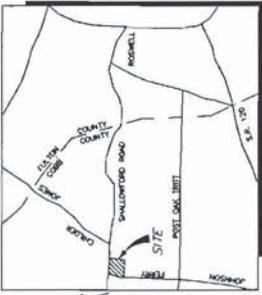
Kroger
FUEL CENTER
GA-478
3165 JOHNSON FERRY
MARIETTA, GA 30067
COBB COUNTY

FOR:
THE KROGER
3170 JOHNSON FERRY
MARIETTA, GA
770-496-740



REVISIONS

NO.	DATE	DESCRIPTION



VICINITY MAP
NOT TO SCALE

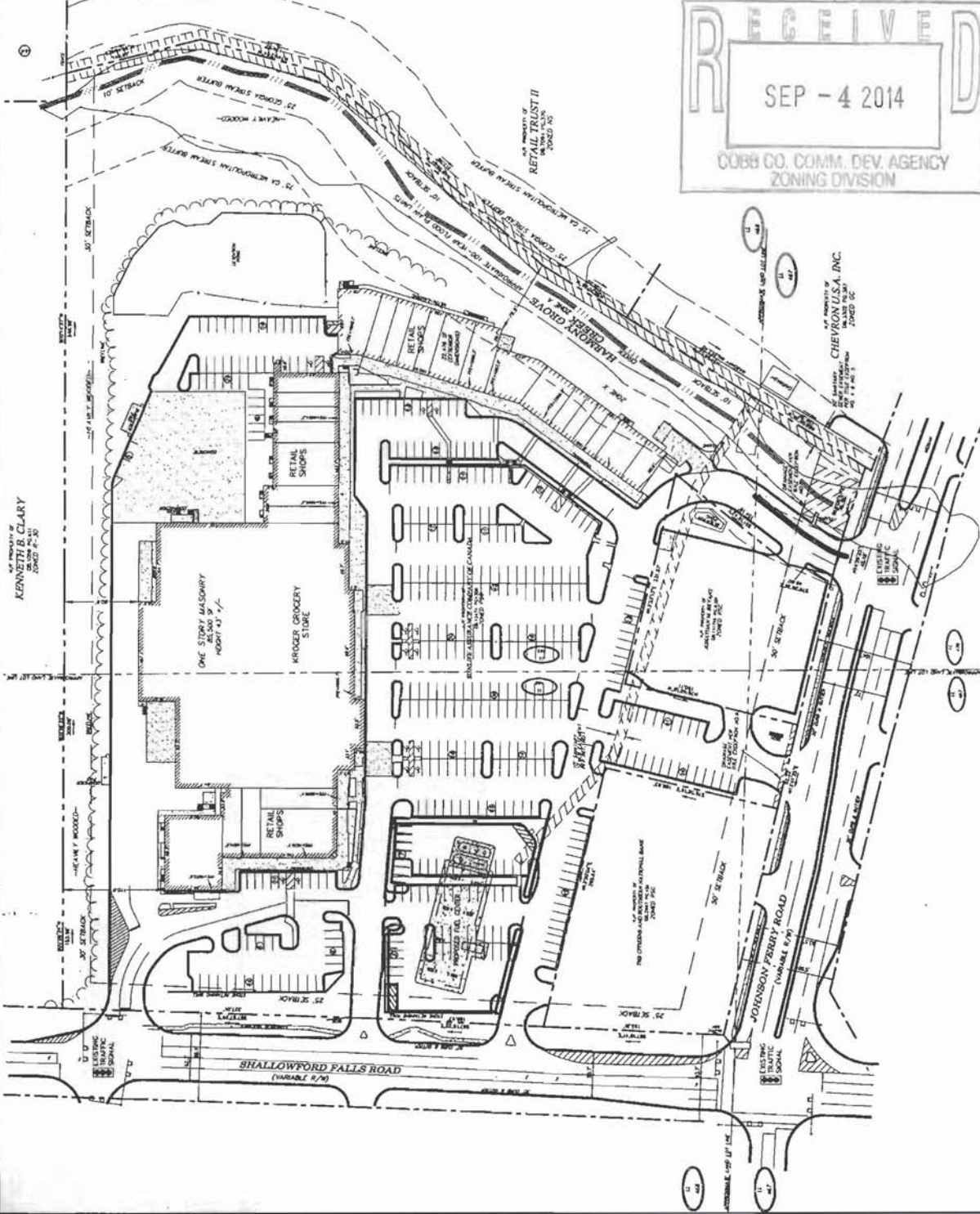
- ZONING NOTES:**
1. ALL DISTRICTS ARE BASED ON AN APPROXIMATE 1/4 SECTION FROM THE 1850'S. CURRENTLY, THIS MAP IS BASED ON THE 1850'S. THIS MAP IS NOT TO BE USED TO DETERMINE THE EXACT LOCATION OF ANY PROPERTY LOCATED IN THIS DISTRICT. SECOND SECTION OF COBB COUNTY.
 2. DISTRICTS ARE BASED ON THE 1850'S. THIS MAP IS NOT TO BE USED TO DETERMINE THE EXACT LOCATION OF ANY PROPERTY LOCATED IN THIS DISTRICT.
 3. DISTRICTS ARE BASED ON THE 1850'S. THIS MAP IS NOT TO BE USED TO DETERMINE THE EXACT LOCATION OF ANY PROPERTY LOCATED IN THIS DISTRICT.
 4. DISTRICTS ARE BASED ON THE 1850'S. THIS MAP IS NOT TO BE USED TO DETERMINE THE EXACT LOCATION OF ANY PROPERTY LOCATED IN THIS DISTRICT.
 5. DISTRICTS ARE BASED ON THE 1850'S. THIS MAP IS NOT TO BE USED TO DETERMINE THE EXACT LOCATION OF ANY PROPERTY LOCATED IN THIS DISTRICT.
 6. DISTRICTS ARE BASED ON THE 1850'S. THIS MAP IS NOT TO BE USED TO DETERMINE THE EXACT LOCATION OF ANY PROPERTY LOCATED IN THIS DISTRICT.
 7. DISTRICTS ARE BASED ON THE 1850'S. THIS MAP IS NOT TO BE USED TO DETERMINE THE EXACT LOCATION OF ANY PROPERTY LOCATED IN THIS DISTRICT.

CCC ZONING LOT CRITERIA

MINIMUM LOT SIZE	MINIMUM LOT AREA	MINIMUM FRONT SETBACK	MINIMUM SIDE SETBACK	MINIMUM REAR SETBACK	MINIMUM FRONT YARD WIDTH	MINIMUM FRONT YARD DEPTH	MINIMUM FRONT YARD AREA	MINIMUM FRONT YARD SETBACK	MINIMUM FRONT YARD SETBACK	MINIMUM FRONT YARD SETBACK
15,000 SQ. FT.	75 FEET	35 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET
20,000 SQ. FT.	100 FEET	40 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET
25,000 SQ. FT.	125 FEET	45 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET
30,000 SQ. FT.	150 FEET	50 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET
35,000 SQ. FT.	175 FEET	55 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET
40,000 SQ. FT.	200 FEET	60 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET
45,000 SQ. FT.	225 FEET	65 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET
50,000 SQ. FT.	250 FEET	70 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET
55,000 SQ. FT.	275 FEET	75 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET
60,000 SQ. FT.	300 FEET	80 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET
65,000 SQ. FT.	325 FEET	85 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET
70,000 SQ. FT.	350 FEET	90 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET
75,000 SQ. FT.	375 FEET	95 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET
80,000 SQ. FT.	400 FEET	100 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET
85,000 SQ. FT.	425 FEET	105 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET
90,000 SQ. FT.	450 FEET	110 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET
95,000 SQ. FT.	475 FEET	115 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET
100,000 SQ. FT.	500 FEET	120 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET	5 FEET

VARIANCES REQUESTED

1. REQUESTED VARIATION FROM ALL EXISTING SPACES TO 4 FT SPACES.



ZONING SITE PLAN

SCALE: 1" = 40'

APPLICANT: Kroger Co.

PHONE#: (770) 496-5302 EMAIL: jordan.kukler@kroger.com

REPRESENTATIVE: Jordan Kukler

PHONE#: (770) 496-5302 EMAIL: jordan.kukler@kroger.com

TITLEHOLDER: Shallowford Falls Associates, LP

PROPERTY LOCATION: South side of Shallowford Road, east side of Johnson Ferry Road (3162 Johnson Ferry Road).

ACCESS TO PROPERTY: Johnson Ferry Road and Shallowford Road

PHYSICAL CHARACTERISTICS TO SITE: Existing Kroger shopping center

PETITION NO: Z-82

HEARING DATE (PC): 11-04-14

HEARING DATE (BOC): 11-18-14

PRESENT ZONING: PSC, R-20

PROPOSED ZONING: CRC

PROPOSED USE: Adding Fuel Center to Existing Kroger Center

SIZE OF TRACT: 14.04 acres

DISTRICT: 16

LAND LOT(S): 467, 468, 469, 470

PARCEL(S): 4

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH: NRC/Publix Shopping Center/Wells Fargo Bank
- SOUTH: CRC/Wal-Mart; NRC/Climate Controlled Self-Storage
- EAST: R-30/Undeveloped
- WEST: PSC/Bank and PSC/Retail

OPPOSITION: NO. OPPOSED _____ PETITION NO: _____ SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

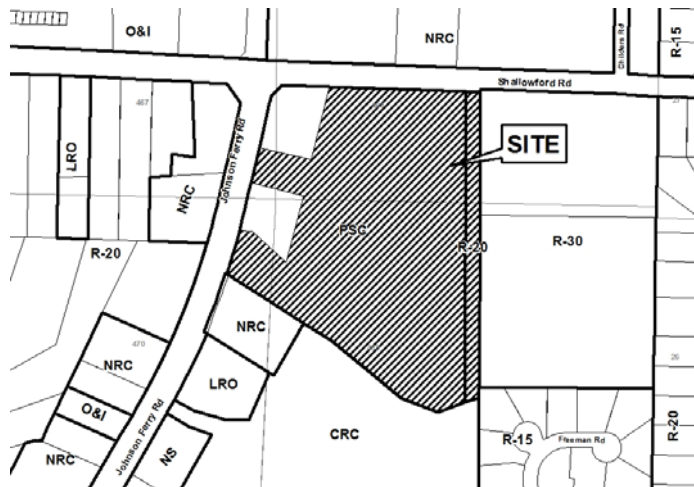
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

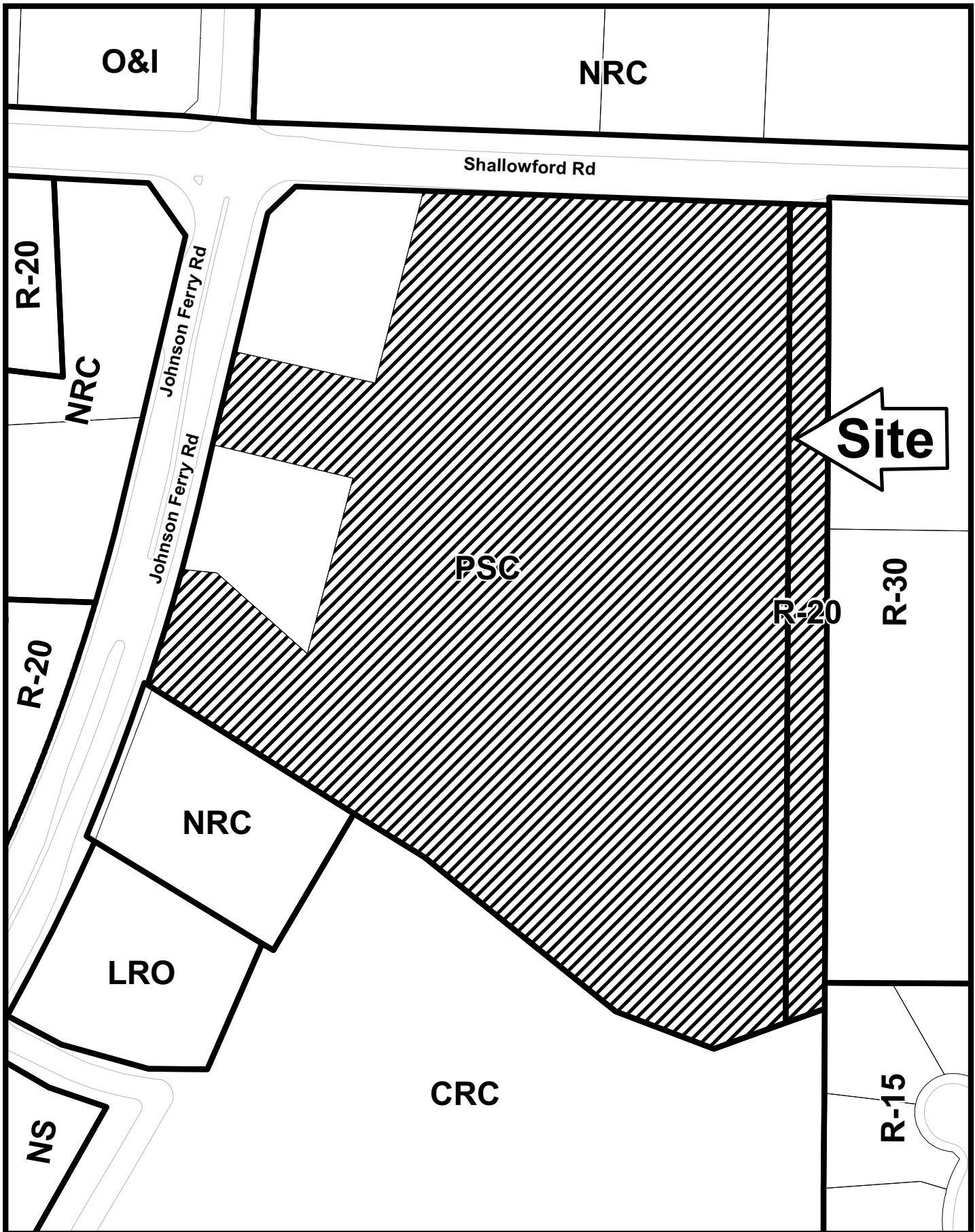
REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

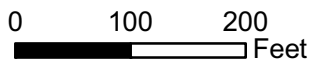
STIPULATIONS:





Z-82



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Kroger Co.

PETITION NO.: Z-82

PRESENT ZONING: PSC, R-20

PETITION FOR: CRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 1(New) **Total Square Footage of Development:** 176

F.A.R.: N/A

Parking Spaces Required: 493 **Parking Spaces Provided:** 427

The applicant is requesting the Community Retail Commercial (CRC) zoning category for the purpose of a gasoline fueling station in the existing shopping center. There will be seven pumps to service 14 cars. The fuel station will also offer diesel. There will be a small 176 square-foot prefabricated kiosk with an employee restroom. The hours of operation will be 6 a.m. until 11 p.m., seven days per week. The applicant is requesting CRC for future expansion of Kroger and Ace Hardware.

The proposal will require a contemporaneous variance to waive the number of required parking spaces from 493 to 427.

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:

NO 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: Kroger Co.

PETITION NO.: Z-82

PRESENT ZONING: PSC, R-20

PETITION FOR: CRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from PSC and R-20 to CRC for purposes of addition fuel center to existing Kroger Center. The 14.04 acre site is located on the south side of Shallowford Road, east side of Johnson Ferry Road.

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with PSC and R-20 zoning designations. The purpose of the (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?

Incentive Zones

Is the property within an Opportunity Zone? Yes No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone? Yes No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? Yes No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

APPLICANT: Kroger Co.

PETITION NO.: Z-82

PRESENT ZONING: PSC, R-20

PETITION FOR: CRC

PLANNING COMMENTS: (Continued)

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes No

APPLICANT Kroger Co.

PETITION NO. Z-082

PRESENT ZONING PSC, R-20

PETITION FOR CRC

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 / S side of Shallowford Rd

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: On site

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

Treatment Plant: Big Creek

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: Kroger Company

PETITION NO.: Z-82

PRESENT ZONING: PSC, R-20

PETITION FOR: CRC

STORMWATER MANAGEMENT COMMENTS

Master detention is already provided for the overall commercial center. Water quality best management practices (BMPs) will be required for the redeveloped/disturbed portion of the site. An oil/water separator must be installed to treat runoff from all fueling areas.

APPLICANT: Kroger Co.

PETITION NO.: Z-82

PRESENT ZONING: PSC, R-20

PETITION FOR: CRC

TRANSPORTATION COMMENTS

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
Shallowford Road	25,000	Arterial	35 mph	Cobb County	100'
Johnson Ferry Road	30,800	Arterial	45 mph	Cobb County	100'

*Based on 2007 traffic counting data taken by Cobb County DOT (Shallowford Road)
Based on 2010 traffic counting data taken by Cobb County DOT (Johnson Ferry Road)*

COMMENTS AND OBSERVATIONS

Shallowford 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.

Johnson Ferry 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.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant to 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 south side of Shallowford Road, a minimum of 50' from the roadway centerline.

Recommend applicant consider entering into a development agreement pursuant to 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 east side of Johnson Ferry Road, a minimum of 50' from the roadway centerline.

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

STAFF RECOMMENDATIONS

Z-82 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. The proposal is located in the center of the property and has commercial development on all sides.
- 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. Many of the customers of the existing shopping center will also use the fuel center.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Neighborhood Activity Center (NAC) land use category. The requested CRC zoning category should be located in the Community Activity Center (CAC) land use category.
- 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 deleting the applicant's rezoning proposal to the Neighborhood Retail Commercial (NRC) category. While the requested CRC will allow the proposed fuel center addition, the CRC category is supposed to be in the CAC and RAC land use categories. Also, Staff believes the CRC request is too intense for the NAC land use category, since the intent is also for future expansion of the Kroger and Ace Hardware.

Based on the above analysis, Staff recommends DELETING the request to NRC subject to the following conditions:

- Site plan received by the Zoning Division on September 4, 2014, with the District Commissioner approving minor modifications;
- Hours of operation to be 6 a.m. to 11 p.m.;
- District Commissioner to approve final architecture;
- Canopy lighting (including lenses) be flush with the bottom of the canopy;
- County Arborist to review and approve all landscape areas;
- Water and Sewer Division comments and recommendations;
- Stormwater Management 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.

THIS

PAGE

INTENTIONALLY

LEFT

BLANK

Application No. Z-82

Nov. 2014

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): FUEL CENTER
- b) Proposed building architecture: PREFABRICATED KIOSK AND CANOPY
- c) Proposed hours/days of operation: 6AM TO 11 PM; 7 DAYS PER WEEK
- d) List all requested variances: PARKING VARIANCE: REDUCTION OF EXISTING 493 PARKING SPACES TO 427 SPACES

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). NO

08/29/14

Cobb County Zoning Department
1150 Powder Springs Street
Suite 400
Marietta, GA 30064

Ref: Kroger GA-478
Shopping Center
Shallowford Rd. and Johnson Ferry Rd.
Re-Zoning
Impact Analysis

- The Re-Zoning (to CRC) for proposed Kroger Fuel Center, should permit a use suitable for the existing shopping center and it's tenants, as well as for the adjacent property uses.
- The proposed re-zoning from PSC to CRC should not adversely affect the existing use or usability of adjacent or nearby property.
- The property affected by the proposed zoning has a reasonable economic use as presently zoned.
- The proposed zoning use will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Many of the present customers who shop at the center, will use the fuel center, so traffic increase will be minimized. The fuel kiosk will have a bathroom for the attendant use only, so there will be very little, if any impact on utilities.
- The zoning proposal is in conformity with the policy and intent of the County land use plan.
- There are no existing or changing conditions affecting the use and development of the property, that would support grounds for approval or disapproval of the zoning proposal.

