



**CITY OF SNELLVILLE  
DEPARTMENT OF PLANNING & DEVELOPMENT  
PLANNING COMMISSION**

**CASE SUMMARY**

**October 29, 2015**

**CASE NUMBER:** #ANX 15-02 LUP 15-04 RZ 15-05 CUP 15-06

**REQUEST:** **Annexation, Land Use and Zoning Map Amendment and Conditional Use Permit and Requested Variances from the Snellville Code of Ordinances**

**LOCATION:** 1000 Athens Highway, Snellville, Georgia

**PARCEL DATA INCLUDING PRESENT AND REQUESTED LAND USE AND ZONING:** See Exhibit "A"

**PROPERTY SIZE:** ±22.84 Acres

**DEVELOPMENT/PROJECT:** **Kroger Marketplace with Accessory Fuel Center and Two Outparcels**

**PROPERTY OWNER:** Sinocoin Investment LLC  
Johns Creek, Georgia 30097

**APPLICANT:** The Kroger Company  
Atlanta, Georgia 30345

**CONTACT:** Arahn Hawkins  
Kroger Atlanta Real Estate  
770.496.7555 or [Arahn.Hawkins@kroger.com](mailto:Arahn.Hawkins@kroger.com)

**STAFF RECOMMENDATION:** **Approval with Conditions**



**CITY OF SNELLVILLE  
DEPARTMENT OF PLANNING & DEVELOPMENT  
PLANNING DEPARTMENT**

**CASE ANALYSIS**

**October 29, 2015**

**TO:** The Planning Commission

**MEETING DATE:** October 29, 2015

**FROM:** Jason Thompson, Interim Director  
Department of Planning and Development

**CASE NUMBER:** #ANX 15-02 LUP 15-04 RZ 15-05 CUP 15-06

**LOCATION:** 1000 Athens Highway, Snellville, Georgia

**PARCEL DATA INCLUDING  
PRESENT AND REQUESTED  
LAND USE AND ZONING:** See Exhibit "A"

**PROPERTY SIZE:** ±22.84 Acres

**DEVELOPMENT/PROJECT:** Kroger Marketplace with Accessory Fuel  
Center and Two Outparcels

**FINDINGS OF FACT:**

The Department of Planning and Development has received applications from Arahn Hawkins, The Kroger Company, requesting: to annex certain property to the municipal boundaries of the City of Snellville; to amend the Land Use Plan and Official Zoning Map; to obtain a Conditional Use Permit and request for variances from the Snellville Municipal Code for a proposed 20.82± acre development consisting of a 123,000± sq. ft. Kroger Marketplace store with an accessory nine (9) pump fuel center and 1.26± acre Outlot #1 and 0.76± acre Outlot #2 for development at a later time (22.84± acres total).

The subject ±22.84 acre property is comprised of five (5) parcels located adjacent to the intersection of US Highway 78 (Athens Highway) and Rosebud Road. Two of the five parcels and a portion of a third parcel are located in the unincorporated area of Gwinnett County and are subject to consideration for annexation by the Mayor and Council. Included with the preliminary Rezoning Site Plan is the applicants desire to allow for the future expansion of the Kroger Marketplace store by another 29,000± sq. ft.

The proposed development is bordered on the south by mostly large estate lot residential type uses (with the exception of one light manufacturing type use) and on the southwest by a low-density single-family residential subdivision, and directly to the west is a partially completed town home development. To the north the property abuts US Highway 78 (Athens Highway) with commercial and retail uses. To the east and adjacent to Rosebud Road is Midway Plaza Shopping Center, the current location of the 63,000 sq. ft. *leased* Kroger Store #443 and other commercial and retail uses.

**REQUEST:**

For the five (5) parcels shown in Table 1 below, the applicant has submitted applications requesting:

1. Annexation to the Snellville Municipal boundaries;
2. To amend the Land Use Plan of the City of Snellville;
3. To amend the Official Zoning Map of the City of Snellville; and
4. A Conditional Use Permit for a 9-Pump Fuel Center.

Table 1

Parcel	Physical Address	City/County	ZONING		LANDUSE		CONDITIONAL USE
			Current	Requested	Current	Requested	
R5100-065	1000 Athen Hwy. Loganville, GA 30052	City-South County-North	RS180/RA200 RES./RES.-AGRI.	BG(General Business)	Corridor Mix Use / 78 East Act. Node	Commercial Retail	Fuel Station
R5100-023	Rosebud Rd. Snellville, GA 30078	City	RS180 - RESIDENTIAL	BG(General Business)	78 East Act. Node	Commercial Retail	
R5100-005	3047 Rosebud Rd. Loganville, GA 30052	County	R100 - RESIDENTIAL	BG(General Business)	Corridor Mix Use	Commercial Retail	
R5100-059	3041 Rosebud Rd. Loganville, GA 30052	City	RS180 - RESIDENTIAL	BG(General Business)	78 East Act. Node	Commercial Retail	
R5100-006	3035 Rosebud Rd. Loganville, GA 30052	County	C1 - NBRHOOD BUS. DIST.	BG(General Business)	Corridor Mix Use	Commercial Retail	

In addition, the applicant is requesting variances from the Snellville Municipal Code as follows:

1. To increase the monument sign area from 112 sq. ft. to 200 sq. ft. for the sign located on Rosebud Road.
2. To add signage on the face of a proposed retaining wall located along US Highway 78.
3. From screening of the rooftop mechanical units in the rear of the building.
4. From providing inter-parcel vehicle access points between all contiguous non-residential and/or attached residential tracts.
5. Allow new trees to be planted within zoning buffers and for said trees to count towards the overall site tree density.

## **APPLICATIONS ANALYSIS:**

### Annexation

The subject property meets the requirements of O.C.G.A. §36-36-20 requiring that the property being considered for annexation is contiguous at a length of at least 1/8th of the aggregate external boundary, or 50 feet of the area to be annexed, whichever is less. The subject property meets both of these requirements; however compliance with only one is required. Further, annexation of the subject property would not create an “unincorporated island”, prohibited under O.C.G.A. §36-36-4.

The annexation of the subject property would not place a burden on City services with services being provided by the City including: Public Safety, (routine policing and response to calls), Public Works (commercial sanitation services and storm water fee billing and management), and Planning and Development (development, building and sign permitting and business and alcoholic beverage licensing).

In accordance with O.C.G.A. §36-36-6; 36-36-111 requiring notice to the County of the annexation, the City provided such timely notice and received back notice from the County of County-owned facilities or property (see Attachment “A”). And in accordance with O.C.G.A. §36-36-23; 36-36-112 and having not received any timely objection from the County about the annexation, the City may proceed with the annexation and rezone the property, provided the City is not to rezone the property to a more intense density for one year after the effective date of the annexation absent a change in the Service Delivery Strategy agreement or Comprehensive Plan adopted by the City and County.

The annexation application(s) shall be considered by the Mayor and Council only. However, the Planning Commission shall consider and make recommendations on the Land Use Plan Amendment application; Official Zoning Map Amendment application; Conditional Use Permit application; and requested variances.

### Land Use Plan

The applicant proposes to amend the Future Land Use Plan from 78 East Activity Node (City) and Corridor Mixed-Use (County) to Commercial/Retail (City).

The 2030 Comprehensive Plan does describe the 78 East Activity Node as an area that provides a wide variety of uses similar to those that are found in the Town Center Commercial zoning designation. Even though the applicant is only proposing mostly retail and service type uses they are in general compliances with many of the commercial uses within the 78 East Activity Node. A true mixed-use development may not be ideal for the subject property given a lack of interest from previous development proposals. A residential component seems like a reach given that the 160 platted townhome lots directly adjacent and west of the subject property have yet to be completed.

## Compliance with 2030 Comprehensive Plan

There are some findings and recommendations in the 2030 Comprehensive Plan that provide supporting grounds for approval of the application. In particular:

- Land Use Policy 6: “Pursue the annexation of surrounding properties when appropriate, with the goal of ensuring that the City controls the growth that adjoins the City and impacts the quality of life and value of property within the current and future City limits.”
- Land Use Policy 10: “Assure that all corridor changes and gateways create and promote a welcoming entrance to our City and evoke a sense of place, especially as they relate to US 78 and SR 124.”

On the other hand, there are some findings and recommendations in the 2030 Comprehensive Plan that provide alternate points about the retail development of one of Snellville’s last green field. However, as seen below most of these objections are based on a period of time that has long since passed and these same conditions may not exist today.

- Participants of the Community Preference Survey for the Hwy 78 East Corridor character area concluded “The favored transportation option for the area includes automobiles. A sidewalk adjacent to a highway is the preferred streetscape option. There was little to no opinion on the remainder of development forms, suggesting support for the area to remain in its current form.”

The findings and recommendations of the 2030 Comprehensive Plan, in addition to more recent data, indicate that the proposed rezoning, which would result in the development of a ±22.84 acre greenfield tract for a retail center and associated uses is in compliance with policies of the City. Many of the existing underutilized retail centers in the City have already been redeveloped or upgraded leaving less space for new retail developments.

## Zoning Map Amendment

In addition to the request to amend the Future Land Use Map, the applicant has also requested to rezone the properties from their current zoning designations to BG (General Business) District which is a proper zoning designation that is harmony with the Retail land use classification that is being requested.

Please refer to Table 1 (next page) for a listing of the current and requested zoning district designations for the five (5) subject parcels.

Table 1

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Rezoning Site Plan

The submitted rezoning site plan (Sheet RSP-1) shows the proposed location of the 123,000 sq. ft. Kroger Marketplace store and 8,920 sq. ft. ‘Shops’, with the front building façade facing US Highway 78 and setback approximately 415 feet from the right-of-way. A 3-lane pharmacy and bank drive-thru and separate customer pickup area are located on the west side of the Kroger Marketplace store. A nine (9) pump fuel center accessory use is located to the south in close proximity to US Highway 78. 581 total parking spaces are to be provided, with 109 of these parking spaces designated as compact spaces. In addition, there are two outparcels designated as a 1.26± acre Outlot #1 and 0.76 acre Outlot #2, both adjacent to Rosebud Road.

On the east side is a stream which also serves as the property boundary. No encroachment into the 75 feet stream buffer and impervious surface setback are shown, except for portions of a 900± feet long retaining wall.

The applicant is proposing a signalized full-access drive at the western end of US Highway, approximately 900 feet from the signalized US Highway 78 and Rosebud Road intersection. A second right-in/right-out access drive on US Highway 78 is located midway between the full-access drive and US Highway 78 and Rosebud Road intersection. Two access points are provided on Rosebud Road with one aligning with the existing Midway Plaza Shopping Center directly across from the subject property with a second access drive approximately 750 feet south on Rosebud Road.

The applicant also submitted an alternate rezoning site plan (Sheet RSP-EXP2) showing a 29,000 sq. ft. future expansion area on the west end of the 123,000 sq. ft. Kroger Marketplace and relocation of the 3-lane pharmacy, bank drive-thru and separate customer pickup area.

The applicant does not have a detailed landscape plan at this time but has agreed to meet the requirements of the City’s Buffer, Landscape and Tree Ordinance at the time of site plan review. However, the applicant has asked that the plantings in the required buffer area be counted toward the total site tree density requirements. More details will be provided in the variance analysis section.

Although not depicted on the zoning site plan the subject property is in close proximity to the Highway 78 Corridor Overlay District. We recommend that the five parcels subject to the rezoning application be included in the Corridor Overlay District boundary and development be

required to comply with the Corridor Overlay District requirements of Section 9.15 of Article IX, District Regulations of the Snellville Zoning Ordinance.

### Conditional Use Permit

The applicant is requesting a Conditional Use Permit for a proposed nine (9) pump fuel center accessory use located to the south in close proximity to US Highway 78. The fuel center will have a small pay center and a canopy over the fuel pumps.

The requirements of Section 9.10(3)(8)(b), of Article IX of the Zoning Ordinance, regulate the application for this portion of the request as follows.

Gas Stations, provided:

1. Fuel pumps shall not be closer than thirty (30) feet from the right-of-way.

*The submitted site plan shows that the pumps are at least sixty (60) feet from the US Highway 78 right-of-way.*

2. Fuel pumps and gas storage tanks shall be set back at least one-hundred (100) feet from any residential district.

*The fuel pumps and underground fuel storage tanks are believed to be well over one hundred (100) feet from the closest residential district to the east as shown on the submitted site plan.*

3. Canopy design shall conform to the specifications indicated in Architectural Design Standards.

*The applicant has submitted conceptual renderings of the proposed canopy; however a more complete set of plans will be required prior to approval of the final canopy design during the site and building plan review process.*

### Traffic Analysis

The applicant has submitted a traffic study A&R Engineering, Marietta, Georgia that was conducted on August 4, 2015. The study was forwarded to the City's contract Engineer Clark Patterson Lee ("CPL") for review and comment. The basic conclusions are provided below with a more thorough review provided as Attachment "B".

Conclusions by CPL:

- *The TIS analysis shows that if this area grows at a one-percent rate over the next year, it will result in higher than acceptable LOS values, even without the proposed development. The proposed development exacerbates this situation.*
- *The TIS limited its analysis to the immediate vicinity of the proposed development so it is not possible to determine how widespread this impact is.*

- *Several calculations and assumptions resulted in an underreporting of the traffic that will be generated by the proposed development.*
- *Several mitigation options were presented in the TIS. Many of them have inherent complications and some of them are simply not feasible.*

It is recommended that the applicant have its traffic engineer provide a response to the concerns raised by CPL. It is understood that additional traffic will be generated by a new development; however, it is imperative that accurate information be provided so that real solutions can be obtained.

### Building Architecture

The applicant has provided colored renderings and an exterior materials sample board for Kroger Marketplace store and Shops building. Although the applicant has not requested any variances, the submitted renderings and sample materials do not satisfy the requirements of the architectural design criteria. Synthetic ground-face masonry, split-face CMU, decorative concrete brick units, and painted fiber cement paneling are not allowable materials for the prominent front and side elevations. And because this development is a gateway into the City, more attention should be given to boost the architectural appeal of the development.

City staff toured the new Kroger Marketplace Store in Athens, Georgia and noted that several traditional materials were utilized in proportions that would more satisfy the City's architectural standards. These materials include a majority of stone, brick, and some stucco accents. There were multiple facade articulations that helped add depth and texture to what would otherwise be nothing more than a 130,000 sq. ft. "big box" retailer. Several of these components are absent from the submitted renderings and materials provided by the applicant.

We recommend that the applicant resubmit elevations that more closely comply with the City's architectural design guidelines while helping to make this development a prominent gateway feature for the City.

### **VARIANCE ANALYSIS:**

Analysis of the requested variances from the Snellville Municipal Code is provided below.

1. Section 12.4(b)(5), Monument Signs, of Article XII, Signs of the Snellville Zoning Ordinance.

The applicant is requesting to be allowed to increase the maximum allowable monument sign area from 112 sq. ft. to 200 sq. ft. for the Rosebud Road frontage. The applicant contends "*When the properties are acquired, Kroger will have similar amounts of road frontage on both Highway 78 and Rosebud Road, but the intent along Rosebud Road will be to create two individual parcels which will decrease the amount of actual road frontage owned by Kroger. With a development of this size, it is important to allow proper signage on both Highway 78 and Rosebud to provide*

*vehicular customers an easy and very clear direction on options to enter the shopping center.”*

Although no preliminary sign drawings have been provided, the variance is supported given the 650± feet of combined road frontage of the development on Rosebud Road (Kroger tract and two outparcels). However, given the limited 126 feet of frontage for Outlot #2, we recommend approval of the variance provided signage for Outlot #2 is provided on the Kroger monument sign (only), with no monument sign being allowed for Outlot #2. Outlot #1 would be allowed a monument sign with the sign area (150 sq. ft.) based on approximately 300 feet of frontage.

The additional sign area on the Kroger sign may even allow fuel price signage to be displayed and visible to motorists traveling in the northbound and southbound lanes of Rosebud Road.

A chart showing the road frontages, allowable monument sign area, and recommended sign area with variance approval is provided below in Table 2.

Table 2

<b>Lot/Tract</b>	<b>Road Frontage (Feet)</b>	<b>Current Allowable Sign Area (Sq. Ft)</b>	<b>Recommended Sign Area with Variance Approval For Kroger Sign (Sq. Ft.)</b>
Kroger Marketplace	224	112	200
Outlot #1	300	150	150
Outlot #2	126	63	0
<b>TOTAL</b>	<b>650</b>	<b>325</b>	<b>300</b>

However, should the applicant choose to *not* exercise the variance, each of the three (3) lots would be allowed monument signage in accordance with the City’s Sign Ordinance.

2. Section 12.4(b)(2), Wall Signs, of Article XII, Signs of the Snellville Zoning Ordinance.

The applicant is requesting to add signage on the face of a proposed retaining wall located along US Highway 78. The applicant contends, *“With the potential for a substantial retaining wall along Highway 78, Kroger requests the ability to add signage. This would be a good opportunity to add Shopping Center naming and potentially additional Kroger directional signage.”*

Although no preliminary sign drawings have been provided, a variance is necessary to exceed the maximum allowable sign area which is based on the gross face area of the retaining wall, which is currently 5% for a face area in the 1,001 to 2,600 sq. ft. tier. A reasonable variance would be to increase this to 10%, provided the signage is solely designed to identify the shopping center name or Kroger Marketplace store and the retaining wall signage is restricted to the use of illuminated reverse channel letter

construction signage or non-internally illuminated letters/graphics raised off the wall with external illumination. Fuel price signs and 'Shops' signage should be prohibited.

3. Section 19.42, Screening of Rooftop Mechanical Units, Chapter 19, Buffer, Landscape and Tree Ordinance

The applicant is requesting to not screen the rooftop mechanical units at the rear of the building. The applicant contends, "*The current residential use to the rear of the property will be between 20' and 40' in elevation below the proposed Kroger development, and separated by a 60' buffer planted with 3 rows of evergreen trees. Rooftop mechanical units cannot be seen from the rear property located over 330' away on the opposite side of the buffer. Screening of the rooftop mechanical units will be achieved through the elevation change and the planted buffer.*"

This variance is supported given the elevation change and planted buffer as the plantings in the rear of the property will shield the view of any future developments. However, should the plantings in the buffer be removed as part of any new development, the mechanicals would need to be screened to the satisfaction of the Planning Director. Screening shall be required in the front and sides and is usually achieved through parapet height and articulation.

4. Section 9.15(a)(1), Inter-parcel Access Required, Article IX, District Regulations of the Snellville Zoning Ordinance

The applicant is requesting a variance from providing inter-parcel vehicle access points between all contiguous nonresidential and/or attached residential tracts. The applicant contends, "*Kroger is seeking a variance to refrain from showing inter-parcel access to Ms. Foster's parcel only. With its current residential use, connectivity isn't feasible. The proposed future use would need to adhere to the use restrictions and condition requirements to preserve the overall look and feel of the proposed shopping center.*"

Support in granting this variance is not recommended as it goes against promoting connectivity within commercial areas which helps to provide access alternatives and reduce access points on major commercial thoroughfares. The subject Foster-Brooks property (parcel 5101 007) is located on the southwest corner of US Highway 78 and Rosebud Road and is zoned C-1 (Neighborhood Business) District and will eventually be developed for commercial use.

5. Section 19.76(a)(1), Tree Density Requirements, Chapter 19 of the Buffer, Landscape and Tree Ordinance

The applicant is requesting to allow new trees to be planted within zoning buffers, and for said trees to count towards the overall site tree density. The applicant contends, "*Currently the buffer is void of any significant existing trees and therefore would not provide a true buffer to the adjacent property to the rear, which is zoned residential but is currently undeveloped. Furthermore, there are very few existing*

*trees on-site to be saved for tree density credit. Therefore, we are asking to use the area within the buffers to plant new trees in order to meet the tree density requirements rather than paying into the tree bank, thus creating an appealing environment for the Kroger customers as well as the neighbors”*

This variance is supported given the existing condition of the property. The area where the undisturbed buffer will be located currently has mainly smaller pine trees and will not create a significant buffer for any future developments. If the applicant is allowed to plant in areas that are sparsely vegetated or even replant the buffer completely there would be a much better buffer created. During plan review the Planning Director will determine whether to add supplemental plantings or replant the entire buffer.

### **CONCLUSION AND STAFF RECOMMENDATION:**

The requested land use plan and zoning map amendment applications is in general compliance with the City’s Comprehensive Plan and ordinances and planning documents that guide development in the City. The development of commercial and retail uses along US Highway 78 continues to make sense while serving the local community and those just outside the City’s borders. The proposed development can be a key to setting the City apart from other communities and can be used to identify the City’s gateway on its eastern boundary. The Kroger marketplace will have many different services under one roof and will allow patrons to avoid having to go to several locations for their different needs. However, it is important that the building be of superior design and with the use of high quality building materials.

Obviously a development of this type will impact traffic in the immediate area. The applicant has not provided a viable solution to address the issues that will be added when the development is put into commerce. Although the Planning Department recommends approval as shown below, we recommend that the applicant provide a viable traffic study and be willing to implement the report’s findings. We also suggest that the applicant provide architectural elevation and building material plans that more closely comply with the City’s standards which will help to create a development that the City can be proud of.

With the above facts in mind The Department of Planning and Development recommends:

- **Approval** of the annexation applications for Parcels 5100 005, 5100 006 and northern part of 5100 065 (for Mayor and Council consideration only);
- **Approval** of the application to amend the Land Use Plan to Retail for Parcels 5100 005, 5100 006, 5100 023, 5100 059, and 5100 065;
- **Approval** of the application to amend the Official Zoning Map to BG (General Business) for Parcels 5100 005, 5100 006, 5100 023, 5100 059, and 5100 065 and amending the Corridor Overlay District boundary to include these parcels; and
- **Approval** of application for a Conditional Use Permit for the accessory 9-pump fuel center.

These recommendations of approval are subject to the following recommended **Conditions**:

1. The property shall be developed in general accordance with the submitted preliminary site plan dated 09-14-2015 entitled "Rezoning Site Plan", stamped and received 09-15-2015, with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the concept plan, including the development of concept plans for the designated out parcels, as determined by the Director of Planning and Development, will require Mayor and Council approval;
2. Signs higher than 15 feet and larger than 225 square feet are prohibited;
3. Uses involving adult entertainment, including any sale or display of adult magazines, books, or videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited;
4. No outdoor loudspeakers shall be allowed, except two-way speakers commonly used in approved drive-through locations;
5. The applicant shall resubmit a traffic study that is to be reviewed and approved by the City Engineer. Furthermore, all of the suggested improvements shall be implemented and funded by the developer. Any identified improvements shall be reviewed and approved by the Georgia Department of Transportation (US Highway 78) and Gwinnett County Department of Transportation (Rosebud Road) with said improvements incorporated into the site development plans for implementation;
6. Since parts of this proposed development are not currently within the municipal limits of The City of Snellville, The Corridor Overlay District improvements shall be required for the entire development;
7. The applicant shall explore providing inter-parcel vehicular access to the neighboring residential Cooper Springs townhome community to the west (Parcel #5100 571) and provide to the City a feasibility study on providing said connectivity. At a minimum, a pedestrian network shall be installed, with said plans reviewed and approved by the City Engineer and Director of Planning and Development;
8. The development of the associated out-parcels shall be of a similar design and be constructed with the same building materials as the primary strip center development. Out-parcel building plans must be submitted for review and approval by the Director of Planning and Development prior to issuance of a building permit;
9. The retaining walls located adjacent to US Highway 78 and Outlot #2 and parcel #5100 007 shall be designed, on both sides, with stone or brick veneer or architectural split-face concrete block as approved by the Director of Planning and Development;
10. Six (6) feet wide sidewalks shall be provided adjacent to and along US Highway 78 and Rosebud Road, including Outlots #1 and #2, and Parcel 5100 023;

11. Until such time as Outlots #1 and #2 are developed, they shall be cleared and seeded (or sod placed) with regular lawn maintenance provided during the growing season;
12. Any trees removed for the development and construction of the Future Expansion Area shall be preserved and replanted onsite. If not feasible, the quantity of replacement trees shall be calculated by multiplying the number of removed trees (by diameter) times the units assigned in Table A (Credit for Existing Trees) of Article 111, Landscape Ordinance of Chapter 19, Buffer, Landscape and Tree Ordinance, with said number of units either being replanted onsite or payment made to the City's tree bank. Replanted trees or newly planted trees shall be subject to the bonding requirements of Section 19-81 of the Landscape Ordinance;
13. In consideration and support of variance #1, signage for Outlot #2 shall be provided on the Kroger monument sign (only), with no monument sign being allowed for Outlot #2. However, should the applicant choose to *not* exercise variance #1, each of the three (3) lots would be allowed monument signage in accordance with the City's Sign Ordinance;
14. In consideration and support of variance #2, retaining wall signage shall not exceed 10% of the total wall façade area containing signage, provided the signage is solely designed to identify the shopping center name or Kroger Marketplace store. Retaining wall signage shall be restricted to the use of illuminated reverse channel letter construction signage or non-internally illuminated raised letters and graphics off the wall with external illumination. Fuel price signs and Shops signage shall be prohibited;
15. In consideration and support of variance #3, should the plantings in the buffer be removed as part of any new development, the rooftop mechanical units will need to be screened to the satisfaction of the Director of Planning and Development;
16. In consideration and support of variance #5, a tree and landscaping plan for plantings within the 60 feet buffer in the rear shall be provided for review and approval by the Director of Planning and Development; and
17. Non-substantial variances, as determined by the Director of Planning and Development and/or City Manager for the design requirements, zoning requirements, development regulations, and construction requirements must be submitted in writing for administrative approval with the Director of Planning and Development and/or City Manager. Substantial variances, as determined by the Planning and Development and/or City Manager, will require Mayor and Council approval (or Board of Appeals approval if so designated in any condition above.

In conjunction with the land use plan and zoning map amendment and request for a Conditional Use Permit, the following Variances (1-3) and (5) are recommended for approval:

1. Request to increase the maximum allowable monument sign area from 112 sq. ft. to 200 sq. ft. for the monument sign on Rosebud Road frontage, subject to Condition #13 above.
2. Request to add signage on the face of a proposed retaining wall located along US Highway 78, subject to Condition #14 above.
3. Request to not screen the rooftop mechanical units at the rear of the building, subject to Condition #15 above.
5. Request to allow new trees to be planted within zoning buffers, and for said trees to count towards the overall site tree density, subject to Condition #16 above.

Exhibit "A"

Parcel	Physical Address	City/County	ZONING		LANDUSE		CONDITIONAL USE
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Highlighted parcels are requesting to be annexed into City of Snellville.



## Office of the County Administrator

75 Langley Drive • Lawrenceville, GA 30046-6935  
770.822.7000 • www.gwinnettcountry.com

September 22, 2015

The Honorable Kelly Kautz, Mayor  
City of Snellville  
2342 Oak Road  
Snellville, GA 30078

Re: Proposed Annexation in Land Lots 100 and 101 of the 5th Land District; Parcels 5100 005 and 5100 006, plus Unincorporated Portion of Parcel 5100 065, totaling 8.22 Acres +/-, with frontage on U.S. Highway 78 (Athens Highway) and Rosebud Road; Owner/Applicant: Sinocoin Investments, LLC

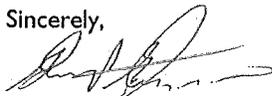
Dear Mayor Kautz:

As required by O.C.G.A. § 36-36-7, our operating departments have reviewed the subject properties with respect to county facilities located on the subject properties. The Gwinnett County Department of Water Resources notes that a twelve-inch water main is located in or near the right-of-way of U.S. Highway 78, adjacent to parcel 5100 065, and an eight-inch water main is located in or near the right-of-way of Rosebud Road adjacent to parcels 5100 005 and 5100 006. In addition, an eight-inch sewer main is located in or near the right-of-way of Rosebud Road adjacent to the subject properties fronting on Rosebud Road. The Gwinnett County Department of Transportation (GCDOT) has also reviewed the proposed annexation and notes that the subject properties have frontage on US Highway 78 and Rosebud Road. US Highway 78 is a Georgia Department of Transportation (GDOT) maintained roadway and any proposed access or work in this right of way of is subject to prior review and approval of GDOT. Rosebud Road is a GCDOT maintained roadway and any proposed access or work in the right of way of Rosebud Road is subject to prior review and approval of GCDOT.

The Gwinnett County Department of Planning and Development notes that parcel 5100 065 is currently zoned RA-200 (Agriculture-Residence District), parcel 5100 005 is currently zoned R-100 (Single Family Residence District), and parcel 5100 006 is currently zoned C-1 (Neighborhood Business District). The Department of Planning and Development further notes that the Future Development Map of the Gwinnett 2030 Unified Plan indicates that the subject properties are within the *Corridor Mixed-Use* character area. If this annexation occurs, please notify Acting Communications Manager Lieutenant F.L. Peugh of the street address of the subject property so that the E-911 database can be updated. Lt. Peugh can be reached at (770) 513-5767. Also please forward a copy of the resolution documenting the City's final action on the annexation proposal to James Pugsley in the Gwinnett County Department of Planning and Development, 446 West Crogan Street, Lawrenceville, GA, 30046-2440.

If you have any questions regarding this issue, feel free to call me at (770) 822-7000.

Sincerely,

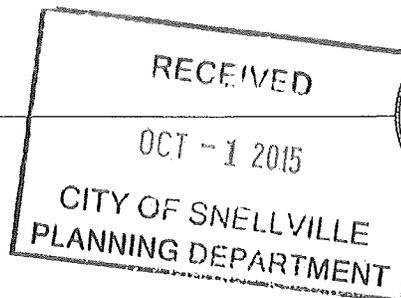


Glenn P. Stephens  
County Administrator

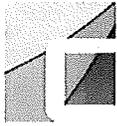
ANX-2015-00017; CERTIFIED MAIL #: 9214 8901 0661 5400 0068 6192 64

c: Charlotte J. Nash, Commission Chairman  
Tommy Hunter, Commissioner, District 3  
Phil Hoskins, Deputy County Administrator  
Bryan Lackey, Director of Planning & Development  
Butch Sanders, Snellville City Manager

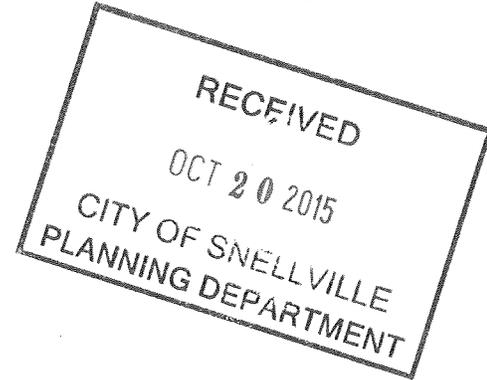
Ron Seibenhener, Director of Water Resources  
Alan Chapman, Director of Transportation  
Angelia Parham, Director of Support Services  
Theresa Cox, Senior Assistant County Attorney  
Long-range files, ANX-2015-00017



gwinnettcountry



Clark Patterson Lee  
DESIGN PROFESSIONALS



October 19, 2015

Jason Thompson  
Interim Director  
Department of Planning & Development  
City of Snellville  
Snellville City Center  
2342 Oak Road, 2<sup>nd</sup> Floor  
Snellville, GA 30078-2361

**Re: Kroger  
Rosebud Road / Athens Highway (US 78 / SR 10)  
Traffic Impact Review**

Dear Mr. Thompson:

Clark Patterson Lee has evaluated the following materials submitted regarding the referenced project:

- Traffic Impact Study (TIS), prepared by A&R Engineering Inc., dated August 4, 2015

The Applicant is proposing a new Kroger retail development on the southwest corner of the intersection of Athens Highway (US 78 / SR 10) at Rosebud Road in Loganville, GA. There is an existing Kroger on the southeast corner of the same intersection, the operations of which will be transferred to the new location. The new development will include a supermarket, adjacent and outparcel retail shops, and a gasoline/service station with 14 fueling positions. The TIS does not indicate an anticipated completion date. We offer the following comments:

1. Methodology:

We generally agree with the methodology within the TIS. The techniques used are consistent with industry standards.

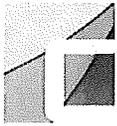
2. "Build" Volume:

The TIS notes that based on traffic volumes for the past several years, a growth rate of 1.0-percent per year was utilized to extrapolate existing volumes out to the Build year.

- a. We cannot verify whether this recommendation is accurate. The "Linear Regression of Daily Traffic" Appendix was omitted from the submission.
- b. The TIS does not indicate what the year is the Build year. The "Traffic Volume Worksheet" Appendix shows a growth factor of only 1-percent, so it is assumed that the build year will be no more than 12-months after the initial traffic counts, i.e. before July 2016.

The Applicant should provide the linear regression of traffic information to confirm the growth rate and confirm that the anticipated time of completion is no later than July 2016.

350 Town Center Avenue  
Suite 201  
Suwanee, GA 30024  
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770.831.9000 TEL  
770.831.9243 FAX



### 3. Intersections Analyzed

The TIS analyzes two intersections in addition to the site driveways – the intersection of Athens Highway (US 78 / SR 10) with Rosebud Road, and Rosebud Road with its intersection with the Midway Shopping Plaza. It is our opinion that due to the high traffic volume that will be generated by the proposed development, its impact will be felt outside these intersections. We suggest that the TIS provide an analysis of three additional intersections: Rosebud Road at Cooper Road (to the north), Rosebud Road at Brushy Fork Road (to the south), and Athens Highway (US 78 / SR 10) at Cooper Road (to the west).

### 4. Trip Generation and Distribution:

- a. The TIS analyzes three distinct land uses – supermarket, retail shopping, and gas fueling stations. The Site Plan within the TIS shows a prescription and bank drive through adjacent to the Kroger building. The TIS does not include volumes for these land uses. Omitting these uses underreports the number of trips that will be generated by the proposed development and therefore underreports their impacts.
- b. When the proposed development is complete, it is assumed that the existing Kroger will become vacant. The TIS did not assume a reduction in volume due to this vacancy. We agree with this methodology as the vacant box store can be reused and no long term traffic volume reduction can be assumed.
- c. Table 5 shows the number of trips that will be generated by the proposed development as well as the number of passby trips that can be deducted. There was a math error in the number of passby trips for the AM peak hour exiting due to the gasoline/service station. It was shown as a deduction of 45 trips. It is calculated as 33 (32.76) trips. The TIS therefore shows a greater passby reduction of the number of trips that will be generated by the proposed development than would actually be expected, and therefore underreports their impacts.

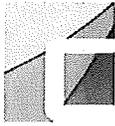
### 5. Signal Warrant Analysis

The TIS notes that a signal warrant analysis of the proposed western site access on Athens Highway (Site Driveway 1) and the northern site access on Rosebud Road (Site Driveway 3) indicate that traffic signals are warranted at both of these locations. A signal warrant analysis using guidelines set forth in the Manual of Uniform Traffic Control Devices (MUTCD) of both of these intersections was not provided within the TIS. We could therefore not assess whether or not these intersections require traffic signals.

### 6. Complications with Proposed Mitigations:

The TIS makes several recommendations on how to mitigate traffic in the vicinity of the proposed development. This traffic is due to both background traffic growth as well as the development. Several recommendations may not be feasible for various reasons. These should be taken under consideration when evaluating the impacts of the proposed development; the impacts they are proposed to mitigate may become unmitigated should the recommendations be found not feasible. They are:

- a. Addition of an eastbound right turn lane from Athens Highway to Rosebud Road – The TIS notes that if a right turn lane is added in this location, the level of service (LOS) in the eastbound direction, as well as the overall intersection, will improve. We agree with this assessment. The TIS further notes that right-of-way acquisition will be necessary to facilitate grading and removal of a retaining wall on the southwest corner of the intersection. There is no discussion in the TIS as to the feasibility of this recommendation.
- b. Southbound deceleration (right turn) lane at northern site access (Site Driveway 3) – The TIS notes that a deceleration (right turn) lane at this location will be installed based on local standards. The length of this lane



is not shown in Table 9, however, the site plan shows that this lane begins almost immediately south of the Athens Highway/Rosebud Road intersection. If the modifications noted in Comment 6.a. above are implemented, it is not clear how the deceleration lane for Site Driveway 3 will be constructed as it is currently depicted on the site plan, without creating a potentially dangerous weave condition.

- c. Traffic Signal at western site access (Site Driveway 1) – The TIS indicates that a traffic signal is warranted at this location. As noted in Comment 5 above, we cannot verify if this finding is correct. In addition, as this is a GDOT roadway, GDOT approvals will be necessary. This will at least necessitate a Traffic Engineering (TE) study.

#### 7. Unmitigated Impacts:

The TIS notes several issues that either cannot be mitigated or cannot be mitigated without a major infrastructure project. These should be taken under consideration when evaluating the impacts of the proposed development. They are:

- a. Traffic signal at northern site access on Rosebud Road (Site Driveway 3) – The TIS indicates that a traffic signal is warranted at this location. As noted in Comment 5 above, we cannot verify if this finding is correct. In addition, the TIS notes that because this intersection is so close to the signalized intersection of Athens Highway/Rosebud Road, installing a signal at this site driveway will not be possible and that “no other reasonable improvements can be identified at this intersection.”
- b. Athens Highway at Rosebud Drive – The TIS notes that the LOS at this intersection will fall below a “D.” It notes that “other than implementation of a roadway widening project, no feasible improvements can be identified to maintain the LOS “D” standard for the US 78 at Rosebud Road intersection.”

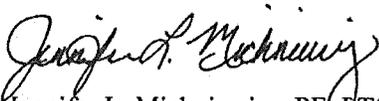
#### 8. Conclusions:

- The TIS analysis shows that if this area grows at a one-percent rate over the next year, it will result in higher than acceptable LOS values, even without the proposed development. The proposed development exacerbates this situation.
- The TIS limited its analysis to the immediate vicinity of the proposed development so it is not possible to determine how widespread this impact is.
- Several calculations and assumptions resulted in an underreporting of the traffic that will be generated by the proposed development.
- Several mitigation options were presented in the TIS. Many of them have inherent complications and some of them are simply not feasible.

This concludes our review of the material submitted. It is recommended that a copy of these comments be transmitted to the Applicant, the Applicant’s representative and consultants.

Sincerely,

Clark Patterson Lee

  
Jennifer L. Michniewicz, PE, PTOE  
Principal Associate  
cc: file