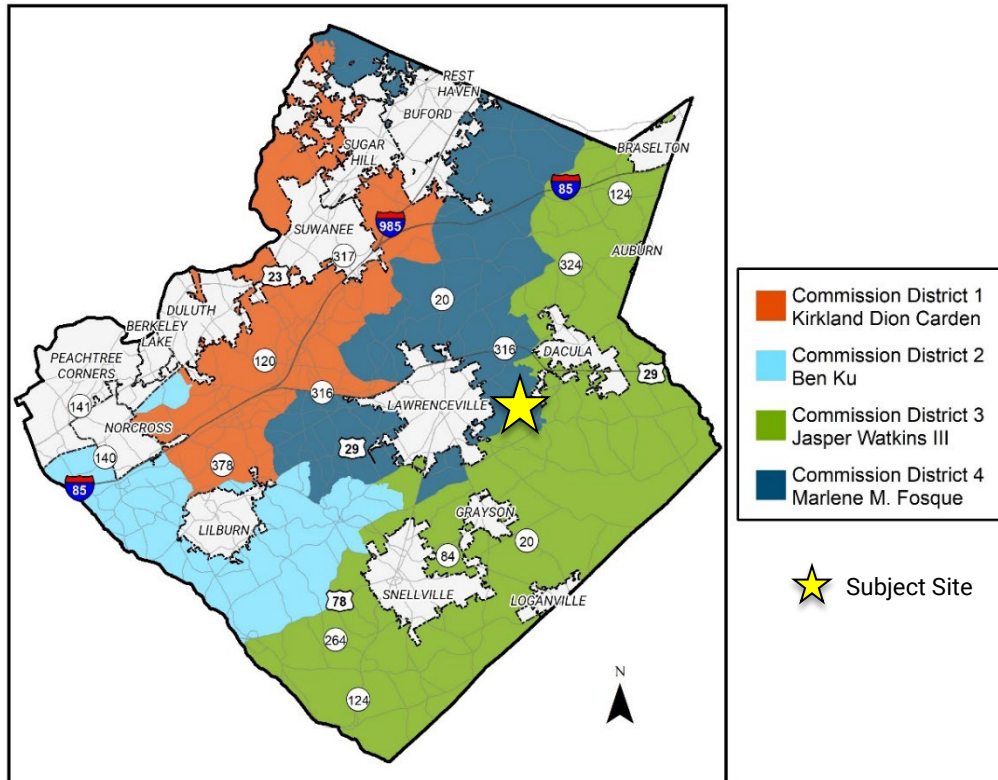




## PLANNING AND DEVELOPMENT DEPARTMENT CASE REPORT

**Case Number:** CIC2022-00011  
**Current Zoning:** C-2 (General Business District)  
**Request:** Change in Conditions  
**Additional Request:** Buffer Reduction Waiver  
**Addresses:** 990 and 1006 Martin Chapel Road  
**Map Number:** 5214 030 and R5235 001  
**Site Area:** 35.34 Acres  
**Square Feet:** 130,272  
**Proposed Development:** Grocery Store and Retail  
**Commission District:** District 4 – Commissioner Fosque  
**Character Area:** Emerging Suburban

**Staff Recommendation:** APPROVAL WITH CONDITIONS



**Planning Commission Advertised Public Hearing Date: 5/3/2021**  
**Board of Commissioners Advertised Public Hearing Date: 5/24/2021**

**Applicant:** The Kroger Co.  
3155 Royal Drive, Suite 100  
Alpharetta, GA 30022

**Owner:** The Kroger Company  
1014 Vine Street  
Cincinnati, OH 45202

**Contact:** Taylor Jensen  
Ali Daughtry

**Contact Phone:** 404.723.1318  
770.722.5213

## Zoning History

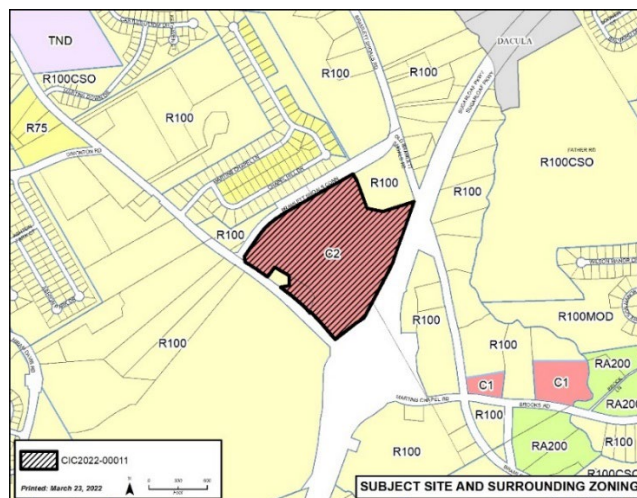
In 2016, RZC2016-00001 rezoned the property from R-100 (Single-Family Residence District) to C-2 (General Business District) for the development of a 113,531 square foot grocery store and outparcels. The development included a 16,500 square foot retail strip, two out parcels, and a convenience store with fuel pumps. In addition, the required 75-foot undisturbed zoning buffer along the west side of the property, was reduced to 0 feet and was replaced with a 25-foot-wide grassed strip. This change in conditions is to amend the conditions of this case.

## Existing Site Condition

The subject site is an assemblage of two parcels totaling 35.34 acres, located along Martin Chapel Road, Bramlett Shoals Road Connector, Sugarloaf Parkway, and the Sugarloaf Parkway exit ramp. The site is heavily wooded and contains a stream located along the western portion of the site, roughly parallel to the Bramlett Shoals Connector. The property slopes generally down approximately 82 feet from Martin Chapel Road to the rear of the property. Three asphalt curb cuts with dilapidated driveways exist along Martin Chapel Road. One of the driveways leads to the location of a previously demolished structure. Gravel areas connect to these asphalt driveways. No sidewalks are located on the road frontages. The nearest Gwinnett County Transit stop is located 4.3 miles from the subject site.

## Surrounding Use and Zoning

The subject site is adjacent to a cemetery and single-family residences on large lots. Single-family subdivisions are located further northwest on Martin Chapel Road. The following is a summary of surrounding uses and zoning:



Location	Land Use	Zoning	Density
Existing	Grocery Store and Retail	C-2	N/A
North	Single-Family Residential	R-100	0.16 units per acre
East	Undeveloped	R-100	N/A
South	Undeveloped	R-100	N/A
West	Single-Family Residential	R-100	2.19 units per acre

## Project Summary

The applicant requests a change in conditions of a 35.34-acre property zoned C-2 for a grocery store, including:

- A change in conditions of zoning case, RZC2016-00001. The applicant is requesting revisions to the following conditions:
  - Condition 1C, *"Gasoline canopy support columns shall be brick or stacked stone matching the building exterior. The vertical facade panels of the canopy roof shall incorporate a continuous vertical change of plane (either projecting or recessed). The change of plane shall have a minimum offset of one (1) inch and a minimum vertical height of six (6) inches. The offset plane shall have a contrasting color."* The applicant is requesting the condition state, *"Gasoline canopy support columns shall be brick or integrally colored CMU, matching the building exterior."*
  - Condition 1D, *"Buildings shall be of a brick and indigenous stone, stacked stone and/or glass finish on three (3) sides (stucco may only be used as an accent material). Final building elevations shall be submitted for review and approval by the Director of Planning and Development."* The applicant requests the condition state, *"Building shall be of an integrally colored CMU (smooth and split face), metal panels (smooth and corrugated) and vertical fiber cement V-groove siding."*
  - Condition 1E, *"Architectural treatment of the proposed grocery store shall be similar to the Kroger Elevation Chapel Example submitted by Applicant on March 18, 2016. The proposed shops, outparcel buildings and Community Pavilion Area shall be architecturally cohesive and compatible with said elevations."* The applicant is proposing new elevations that include materials of castbrick, concrete blocks, and metal panels. Revised elevations were submitted by the applicant and can be reviewed in Exhibit C.
  - Condition 2B, *"Provide a 75-foot-wide natural undisturbed buffer adjacent to all residentially zoned properties (except the cemetery tract). The buffer shall be enhanced where sparsely vegetated."* The applicant proposes to reduce this buffer to 0 feet adjacent to the residentially zoned property to the north. The applicant intends on constructing the project's sanitary sewer infrastructure in this area.
  - Condition 2F, *"Wall signage shall not exceed the requirements of the Gwinnett County Sign Ordinance, and shall only utilize neutral (non-white earthtone) background colors for the sign cabinet."* The applicant has submitted revised elevations and proposes the signage with this revised elevation to be approved. The applicant proposes the following verbiage, *"Wall signage shall substantially conform to the wall signage shown on the Kroger building elevations dated March 15, 2022."*
  - Condition 2Q, *"Substantial compliance with that certain site plan entitled "Rezoning Site Plan" prepared by Robertson Loia Roof for The Kroger Company and dated March 18, 2016."* The applicant has revised the previously approved site plan to include a new slightly larger store footprint, a new location for the convenience store with fuel pumps,

and two additional outparcels. Additionally, the applicant is now requesting a buffer reduction waiver.

- A one story, 118,314 square foot grocery store, with a pharmacy drive-through and separate grocery pick up station located at the western side of the building. The grocery pick up station will have 16 parking spaces.
- Five outparcels, totaling 5.60 acres. Uses and site layouts have not been designated for four of the five outparcels.
- A 6,680 square foot convenience store with fuel pumps located in front of the grocery store and behind outparcel 2. The convenience store will have a total of nine fuel pumps located under a single canopy. The underground fuel tanks will be located to the east of the building.
- A 16,780 square foot strip retail center, with seven suites and a dumpster located to the southwest of the building.
- A 2,000 square foot community activity pavilion adjacent to the retail strip center (per condition of approval).
- A total of 602 surface parking spaces with landscape islands located throughout the site. The grocery store will have 472 parking spaces, while the strip retail center will have 130 parking spaces.
- Four loading spaces located behind the grocery store building.
- A total of four driveways to access the site. Two driveways along Martins Chapel Road and two along Bramlett Shoals Road Connector. The two driveways along Bramlett Shoals Road Connector are full access. The Martin Chapel Road driveways are full and partial access.
- Two stormwater management facilities. One will be located behind the grocery store at the northern portion of the site, while the other will be at the eastern portion of the site, adjacent to Sugarloaf Parkway.
- Internal and external sidewalks throughout the entire development.
- A 10-foot-wide landscape strip along Sugarloaf Parkway, Martin Chapel Road, and Bramlett Shoals Road Connector.
- A 25-foot grass strip adjacent to the place of worship and cemetery located along Martin Chapel Road.
- A 50-foot undisturbed stream buffer and 75-foot impervious setback adjacent to the stream, except for in the location of the driveway crossing from Bramlett Shoals Connector.

### Zoning and Development Standards

The applicant is requesting a change in conditions for a grocery store in the C-2, General Business District. The following is a summary of applicable development standards from the Unified Development Ordinance (UDO):

Standard	Required	Proposed	Meets Standard?
Building Height	Maximum 45'	28'-4"	YES
Front Yard Setback	Minimum 15'	> 15'	YES
Side Yard Setback	Minimum 10'	> 10'	YES
Rear Yard Setback	Minimum 30'	> 30'	YES
Off-Street Parking	Minimum: 271 spaces Maximum 676 spaces	602 spaces	YES
Landscape Strip	10'	10'	YES
Zoning Buffer	75' adjacent to residential*	0'**	NO

\*Per conditions of approval of RZC2016-00001.

\*\* The applicant is requesting a buffer reduction waiver.

## Waiver Request

In addition to the change in conditions request, the applicant is seeking a waiver from the following provision of Title III of the UDO:

1. Section 610-20.5. Minimum Buffer Requirements:
  - A. Required buffers shall be provided in conformity [with] Table 610.0 "Table of Minimum Buffer Requirements".

### ***75' buffer for C-2 development adjacent to existing R-100 zoned property***

Developments zoned C-2 require a 75-foot undisturbed buffer when adjacent to existing R-100 zoned property. The applicant is proposing to reduce the buffer to 0 feet in order to install sanitary sewer infrastructure along a portion of the northern property line. A previous condition allows the zoning buffer adjacent to the cemetery to be reduced to a 25 foot grassed strip.

## Internal and External Agency Review

In addition to these Development Standards, the applicant must meet all other UDO requirements related to infrastructure improvements. Internal and External agency review comments are attached (Exhibit E). Standard site and infrastructure improvements will also be required related to transportation, stormwater, water, and sewer utilities. Recommended improvements not already required by the UDO have been added as staff recommended conditions.

## Staff Analysis

**Change in Conditions Request Analysis:** According to the UDO, if a proposed amendment is for the rezoning of property and involves a change in zoning classification, or change in conditions, the Department shall evaluate the request and make a recommendation with respect to the standards governing exercise of zoning power as defined in Section 270-20.5. After this evaluation, staff makes the following findings based on the standards from the UDO

- A. Whether a proposed change in conditions will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

The change in conditions will permit a use that is suitable in view of the use and development of adjacent and nearby property. Although the applicant is proposing a slightly larger development than what was previously approved, these changes would provide more amenities to the residential properties surrounding the site.

- B. Whether a proposed change in conditions will adversely affect the existing use or usability of adjacent or nearby property.**

The existing use and usability of adjacent or nearby properties would not be impacted by the change in conditions request. The most significant changes to the site plan are the addition of two outparcels and a revision to the buffer reduction waiver to allow the sanitary sewer infrastructure to be located within it. Additionally, the applicant has made revisions to the elevations to reflect Kroger's new prototype. With appropriate conditions of approval any negative impacts from the changes can be mitigated.

**C. Whether the property to be affected by a proposed change in conditions has a reasonable economic use as currently zoned.**

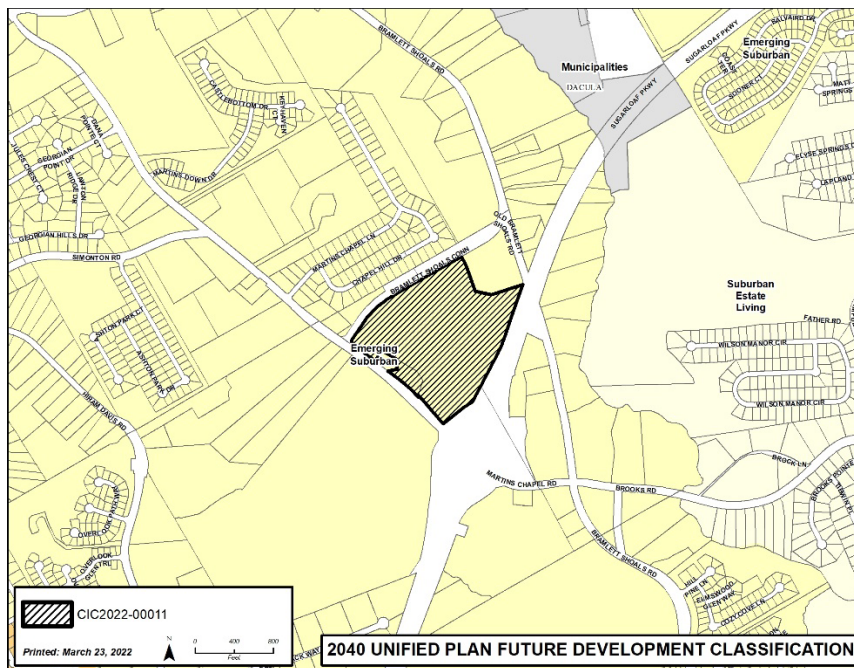
The property has a reasonable economic use as currently zoned.

**D. Whether the proposed change in conditions will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.**

An increased impact on public facilities would be anticipated in the form of traffic, utility demand, and stormwater runoff; however, these impacts would be mitigated with appropriate conditions, site development regulations, and planning. No impact is anticipated on school enrollment. Agency review comments related to any potential improvements concerning this change in conditions request is attached (Exhibit E).

**E. Whether the proposed change in conditions is in conformity with the policy and intent of the Unified Plan and Future Development Map.**

The 2040 Unified Plan and Future Development Map indicates that the subject property lies within the Emerging Suburban Character Area. This Character Area is designated for areas that are currently mainly residential but have not yet matured into established communities due to relatively large amounts of remaining, undeveloped land. Corner/neighborhood serving non-residential or institutional developments/uses may be integrated into Emerging Suburban areas, where appropriate. The change in conditions request would result in a neighborhood serving development that would act as an amenity for the surrounding residents. The proposed change in conditions is in conformity with the policy and intent of the Unified Plan and Future Development Map.



**F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed change in conditions.**

The nearby areas are developed with residential uses. The change in conditions request is to allow for a revised site layout. The revision includes a slightly larger grocery store, two additional outparcels, relocation of the convenience store with fuel pumps, and a buffer reduction waiver. Overall, the changes to the plan are minimal and would not cause a negative impact on the surrounding properties and therefore gives supporting ground for approval of the proposed change in conditions.

**Waiver Request Analysis:** When considering waivers from Title III of the UDO, staff is required to review whether an undue hardship may result from strict compliance with the regulations and that approval would not adversely affect the general public welfare or nullify the intent of the Development Regulations. In addition, there must be a determination that there are unusual topographical or other exceptional conditions. Staff makes the following findings related to the waiver request:

The requested buffer reduction is to allow the project's sanitary sewer infrastructure to be constructed in the 75-foot undisturbed zoning buffer. According to the applicant there is no other possible locations for the sanitary sewer infrastructure. The zoning buffer is adjacent to a 20-foot setback and the R-100 zoned property is heavily wooded. With appropriate conditions of approval requiring replanting, a reduced buffer for the construction of sanitary sewer would not adversely affect the general public welfare or nullify the intent of the Development Regulations.

**Staff Recommendation:**

Based on the staff's evaluation of the request and the standards governing exercise of zoning power, the Department of Planning and Development recommends **APPROVAL WITH CONDITIONS** of the change in conditions requests.

In addition, the staff recommended **APPROVAL** of the following Waiver:

1. The required 75-foot undisturbed buffer along the northern property line shall be reduced to 0 feet.

**Staff Recommended Conditions:**

NOTE: The conditions below are those from RZC2016-00001 with additions in **bold** and deletions in ~~strikethrough~~.

Approval as C-2 (General Business District) subject to the following conditions:

1. To restrict the use of the property as follows:
  - a. Retail, service-commercial, office, restaurant, and accessory uses. The following uses shall be prohibited.
    - adult bookstores or entertainment
    - automotive parts stores
    - contractors offices, except during initial construction

- emissions inspection stations
  - equipment rental
  - extended stay hotels or motels
  - recovered materials processing facilities
  - smoke shops/novelty stores
  - tattoo parlors
  - taxidermists
  - yard trimmings composting facilities
- b. Convenience stores with or without fuel pumps shall be prohibited, except for the proposed grocery store fuel center as shown on the site plan.
- c. Gasoline canopy support columns shall be brick or ~~stacked stone~~ **integrally colored CMU** matching the building exterior. ~~The vertical facade panels of the canopy roof shall incorporate a continuous vertical change of plane (either projecting or recessed). The change of plane shall have a minimum offset of one (1) inch and a minimum vertical height of six (6) inches. The offset plane shall have a contrasting color.~~
- d. Buildings shall be of a **integrally colored CMU (smooth and split face), metal panels (smooth and corrugated) and vertical fiber cement V groove siding.** ~~brick and indigenous stone, stacked stone and/or glass finish on three (3) sides (stucco may only be used as an accent material).~~ Final building elevations shall be submitted for review and approval by the Director of Planning and Development.
- e. Architectural treatment of the proposed grocery store shall be similar to the Kroger Elevation **Matins** Chapel Example submitted by Applicant on ~~March 18, 2016~~ **March 15, 2022**. The proposed shops, outparcel buildings and Community Pavilion Area shall be architecturally cohesive and compatible with said elevations.
- f. No less than four (4) security cameras shall be installed to monitor property.
2. To abide by the following site development considerations:
- a. Provide a 10-foot wide landscaped strip adjacent to all rights-of-way.
- b. Provide a 75-foot wide natural undisturbed buffer adjacent to all residentially-zoned properties, with the exception of parcel R5214 005 and in the area of the sanitary sewer installation as indicated on Exhibit B. The applicant shall replant any disturbed areas outside of the sanitary sewer easement to buffer standards. The buffer shall be enhanced where sparsely vegetated.
- c. Provide a minimum 25-foot wide grassed strip adjacent to the existing cemetery parcel.
- d. Natural vegetation shall remain on the property until the issuance of a development permit.
- e. Ground signage shall be limited to monument type sign(s), and shall be subject to review and approval by the Director of Planning & Development. The sign shall include a minimum two-foot high brick or stacked stone base, complementing the building's architectural treatment. The masonry base shall extend at least the full width of the sign cabinet, and the sign cabinet shall be fully recessed and surrounded by the same materials.



- f. Wall signage shall not exceed the requirements of the Gwinnett County Sign Ordinance, and shall only utilize neutral (non-white earthtone) background colors for the sign cabinet.
  - g. Window signage for the shops and outparcel buildings (signs displayed on the interior or exterior of the business storefront windows) shall be prohibited, except for open/closed signs or signs required by county, state or federal law. Flashing or blinking signs and neon or LED signs shall be prohibited. Exposed or visible LED strips mounted on the building or around window frames shall be prohibited.
  - h. Billboards or oversized signs shall be prohibited.
  - i. Outdoor storage shall be prohibited. Attractive display of seasonal items (i.e. pumpkins, flowers, Christmas trees and similar seasonal items) are permitted if attractively and neatly displayed along the front wall of the Kroger store, but not in designated parking areas or drive aisles.
  - j. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.
  - k. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.
  - l. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site, excepting only for the two (2) week period at the grand opening of the Kroger store and subject to Gwinnett County regulations for such temporary opening displays. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
  - m. Peddlers and/or parking lot sales (excepting the fuel station and activities in the Community Pavilion Area) shall be prohibited.
  - n. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
  - o. A minimum 2,000 square foot community activity pavilion shall be provided on site for use by the community for public and private functions. The facility shall include a covered shelter or gazebo structure which is architecturally compatible with the development. This facility shall be managed and maintained by the property owner or anchor tenant.
  - p. Detention ponds will be designed as wet ponds in accordance with the Georgia Stormwater Management Manual - Volume 2, First Edition, August 2001.
  - q. ~~Substantial compliance with that certain site plan entitled "Rezoning Site Plan" prepared by Robertson-Loia Roof for The Kroger Company and dated March 18, 2016.~~ **General conformance with the site plan received March 31, 2022 with revisions required by conditions of approval and the Unified Development Ordinance as reviewed and approved by the Planning and Development Department.**
3. To abide by the following requirements, dedications and improvements:
- a. Prior to the issuance of a Development Permit, the applicant shall provide a traffic impact study and a signal warrant study.

- b. Prior to the issuance of the first certificate of occupancy, the applicant shall make any improvements recommended by the traffic impact study, provided the improvements are approved by the D.O.T. All design and construction will be subject to D.O.T. review and approval.
- c. If it is determined by the signal warrant study that a signal is warranted, and the signal is approved by the D.O.T., the applicant shall contract and pay for the signal design. The applicant shall also contract for the installation of the signal by a D.O.T. approved contractor. All design and construction will be subject to D.O.T. review and approval. Subject to D.O.T. approval, the signal will be installed and operational prior to the issuance of the first certificate of occupancy.

**Exhibits:**

- A. Site Visit Photos
- B. Site Plan
- C. Building Elevations
- D. Letter of Intent and Applicant's Response to Standards
- E. Internal and External Agency Review Comments
- F. BOC Resolution RZC2016-00001, Site Plan, and Elevation
- G. Maps

**Exhibit A: Site Visit Photos**



**Frontage along Martins Chapel Road**



**Cemetery adjacent to the site along Martins Chapel Road**



**Intersection of Martins Chapel Road and Bramlett Shoals Road Connector**



**Frontage along Bramlett Shoals Road Connector**



**Frontage along Sugarloaf Parkway**

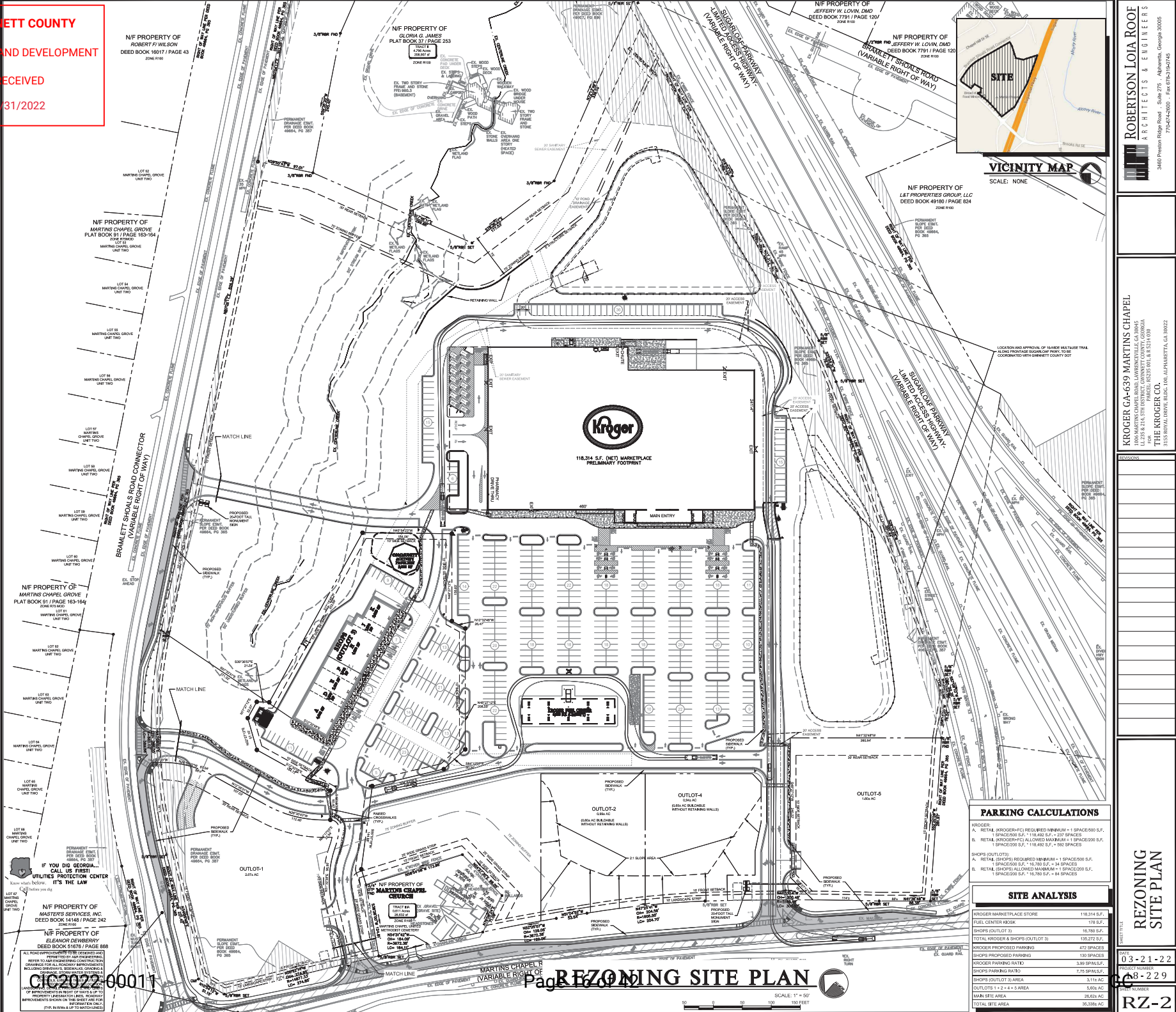


**Intersection of Sugarloaf Parkway and Martins Chapel Road**

**Exhibit B: Site Plan**

**[attached]**

RECEIVED  
3/31/2022



**PARKING CALCULATIONS**

KROGER  
 A. RETAIL (PROPOSED) REQUIRED MINIMUM + 1 SPACE/100 S.F.  
 1 SPACE/100 S.F. \* 118,314 S.F. = 1,183 SPACES  
 B. RETAIL (PROPOSED) ALLOWED MAXIMUM + 1 SPACE/200 S.F.  
 1 SPACE/200 S.F. \* 118,314 S.F. = 592 SPACES

SHOPS (OUTLOT 3):  
 A. RETAIL (SHOPS) REQUIRED MINIMUM + 1 SPACE/100 S.F.  
 1 SPACE/100 S.F. \* 16,790 S.F. = 167 SPACES  
 B. RETAIL (SHOPS) ALLOWED MAXIMUM + 1 SPACE/200 S.F.  
 1 SPACE/200 S.F. \* 16,790 S.F. = 84 SPACES

**SITE ANALYSIS**

KROGER MARKETPLACE STORE	118,314 S.F.
FUEL CENTER (KROGER)	170 S.F.
SHOPS (OUTLOT 3)	16,790 S.F.
TOTAL KROGER & SHOPS (OUTLOT 3)	135,274 S.F.
KROGER PROPOSED PARKING	472 SPACES
SHOPS PROPOSED PARKING	130 SPACES
KROGER PARKING RATIO	3.99 SPACES/S.F.
SHOPS PARKING RATIO	7.25 SPACES/S.F.
SHOPS (OUTLOT 3) AREA	3,114 AC
OUTLOTS 1 + 2 + 4 + 5 AREA	5.80 AC
MAIN SITE AREA	26.82 AC
TOTAL SITE AREA	35.38 AC

**REZONING SITE PLAN**

**ROBERSON LOIA ROOF**  
ARCHITECTS & ENGINEERS  
3480 Preston Ridge Road - Suite 275 - Atlanta, Georgia 30005  
770.874.0001 - Fax 770.319.4245

**KROGER GA-639 MARTINS CHAPEL**  
118,314 S.F. (NET) MARKETPLACE  
FOR  
**THE KROGER CO.**  
3155 HATFIELD DRIVE, MARIETTA, GA 30067

**REZONING SITE PLAN**

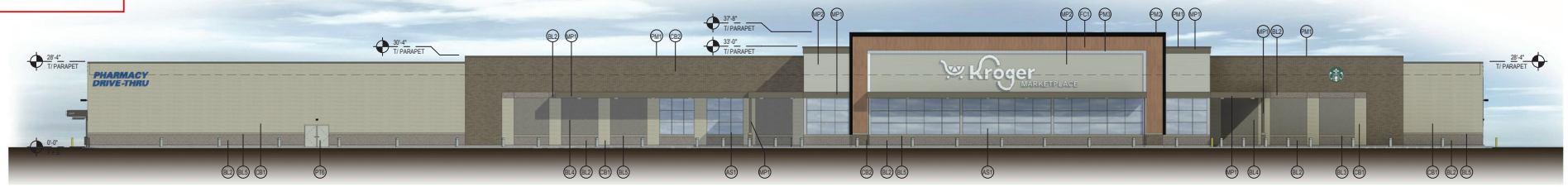
PROJECT NUMBER: **03-21-22**  
 PLAN NUMBER: **08-229**  
**RZ-2**

CIC2022-00011



**Exhibit C: Building Elevations**

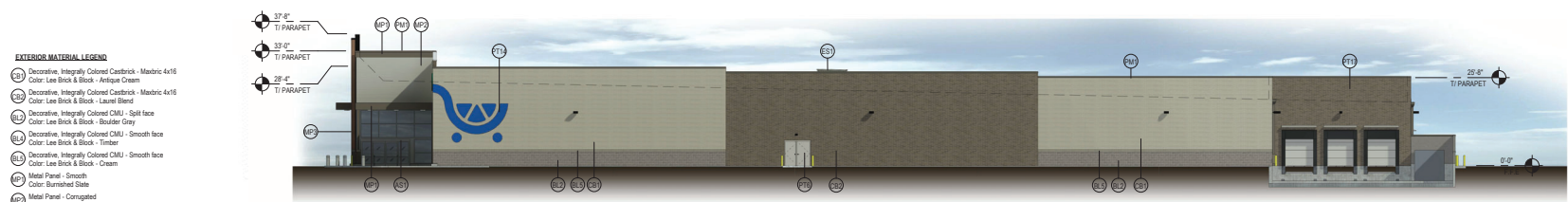
**[attached]**



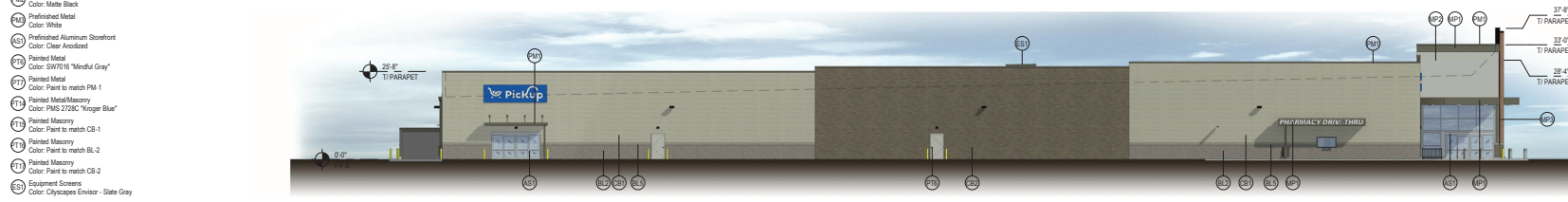
SOUTHWEST ELEVATION



NORTHEAST ELEVATION



SOUTHEAST ELEVATION



NORTHWEST ELEVATION

- EXTERIOR MATERIAL LEGEND**
- (E1) Decorative, Integrally Colored Castbrick - Mosaic 4x16  
Color: Lee Brick & Block - Antique Cream
  - (E2) Decorative, Integrally Colored Castbrick - Mosaic 4x16  
Color: Lee Brick & Block - Laurel Stained
  - (E3) Decorative, Integrally Colored CMU - Split face  
Color: Lee Brick & Block - Boulder Gray
  - (E4) Decorative, Integrally Colored CMU - Smooth face  
Color: Lee Brick & Block - Tender
  - (E5) Decorative, Integrally Colored CMU - Smooth face  
Color: Lee Brick & Block - Cream
  - (E6) Metal Panel - Smooth  
Color: Burnished Slate
  - (E7) Metal Panel - Corrugated  
Color: Granite
  - (E8) Metal Panel - Extruded Aluminum Siding  
Color: Longboard - Light Cherry wood finish
  - (E9) Prefinished Metal  
Color: Burnished Slate
  - (E10) Prefinished Metal  
Color: Matte Black
  - (E11) Prefinished Metal  
Color: White
  - (E12) Prefinished Aluminum Storefront  
Color: Clear Anodized
  - (E13) Painted Metal  
Color: SW 7016 "Mindful Gray"
  - (E14) Painted Metal  
Color: Paint to match PM-1
  - (E15) Painted Metal/Masonry  
Color: PMS 2720C "Kroger Blue"
  - (E16) Painted Masonry  
Color: Paint to match CB-1
  - (E17) Painted Masonry  
Color: Paint to match BL-2
  - (E18) Painted Masonry  
Color: Paint to match CB-2
  - (E19) Equipment Screens  
Color: Cityscapes Enviro - Slate Gray



**EXTERIOR ELEVATIONS**

**KROGER STORE GA639**

March 15, 2022

Lawrenceville, GA



522305

**Exhibit D: Letter of Intent and Applicant's Response to Standards**

**[attached]**



March 3, 2022 (revised 03-31-2022 and 04-08-2022)

Gwinnett County Planning & Development  
446 West Crogan Street  
Suite 150  
Lawrenceville, Georgia 30046

**LETTER OF INTENT FOR REZONING CHANGE IN CONDITIONS FOR RZC2016-00001**

In 2016, Kroger requested to rezone a large portion of parcel R5235 001, and R5214 030 (excluding the existing cemetery) for the purpose of constructing a 118,314 square foot Kroger Marketplace store, 16,780 square feet of retail shops, a Kroger Fuel Center and four outparcels. The rezoning was adopted on April 12, 2016, however, the development was not constructed at that time due to budgeting and corporate restructuring and allocation of capital.

Kroger is now ready to move forward with the development and has a new prototype for the store's footprint and elevation. The fuel center location is now within the parking lot of the Kroger store, allowing room for two additional outparcels along Martin's Chapel Road. Thus, conditions 1C, 1D, 1E, 2B, 2F and 2Q need to be updated. A redlined copy of the conditions is included in the submittal package.

In addition, a buffer reduction waiver is being requested to allow the project's sanitary sewer infrastructure to encroach into the 75-foot zoning buffer. The request is to reduce the required 75-foot buffer to 0 feet within the proposed 20-foot sanitary sewer easement. The justifications for this request are as follows:

- We have thoroughly investigated possible sewer connection to the north in the Martin Chapel Grove Subdivision and no suitable sanitary sewer tie-ins to the north or west. After several meetings with Gwinnett County officials, the sewer tie-in at Martin Chapel Grove was found to be un-workable.
- The best sewer connection was determined to be to the east and across the Alcovy River. The County installed a conduit under Sugarloaf Parkway at the time Sugarloaf was constructed to accommodate the future sewer route. This route is to the northeast corner of our property.
- The property is constrained by topography, as well as a wetland and state water on the north side along Bramblett Shoals Road Connector. This forced a detention pond to need to be created along the northeast corner of the property (behind the grocery store) to capture the stormwater draining in that direction. The size of this pond is dictated by the size of the drainage basin flowing in that direction. Since the sanitary sewer connection is along that same northeast corner, and the difficult topography along the Sugarloaf right-of-way, the sanitary sewer must be run along the western side of the pond, between the pond and the Gloria G. James property. However, the James property has a 75-foot zoning buffer, leaving little room for the installation of the required sanitary sewer, since the sewer cannot be constructed within the pond dam.
- Therefore, the sanitary sewer must be constructed within the 75-foot zoning buffer to avoid the pond dam, abide by the appropriate geometric and standard engineering practice for layout of the lines and for the manholes, as well as ultimately reach the western end of the county installed conduit for the sanitary system to be conveyed across Sugarloaf to the ultimate tie-in across the Alcovy.

GWINNETT COUNTY

PLANNING AND DEVELOPMENT

RECEIVED

04/08/2022

The Kroger Company is very excited about this significant investment in Gwinnett County and looks forward to being a good neighbor. Kroger certainly believes that this development will be an asset to the surrounding community. Thank you very much for your time and consideration of this petition.

Sincerely,



Ali R. Daughtry (Robertson Loia Roof, PC Architects and Engineers)

On Behalf of:  
Mr. Mike Rosier  
The Kroger Company  
1014 Vine Street  
Cincinnati, OH 45202  
(513) 289-0487

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT  
RECEIVED  
4/8/2022

CASE NUMBER RZC2016-00001  
GCID 2016-0055

Redlined for Change in Conditions Application 03-03-2022  
(revised 03-31-2022 and 04-08-2022)

**GWINNETT COUNTY**  
**BOARD OF COMMISSIONERS**  
**LAWRENCEVILLE, GEORGIA**

**RESOLUTION ENTITLED:** Amendment to the Official Zoning Map of Gwinnett County

**ADOPTION DATE:** APRIL 12, 2016

At the regular meeting of the Gwinnett County Board of Commissioners held in the Gwinnett Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

---

<b>Name</b>	<b>Present</b>	<b>Vote</b>
Charlotte J. Nash, Chairman	Yes	Aye
Jace Brooks, District 1	Yes	Aye
Lynette Howard, District 2	Yes	Nay
Tommy Hunter, District 3	Yes	Aye
John Heard, District 4	Yes	Aye

---

On motion of Commissioner COMM. HEARD, which carried a 4-1 vote, the following Resolution to Amend the Official Zoning Map of Gwinnett County is hereby adopted:

**WHEREAS**, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from R-100 to C-2 by SOFRAN PARTNERS, LLC for the proposed use of GROCERY STORE & SHOPPING CENTER (REDUCTION IN BUFFERS) on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

**WHEREAS**, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

**WHEREAS**, a public hearing was held by the Gwinnett County Board of Commissioners on MARCH 22, 2016 and objections were filed.

**NOW, THEREFORE, BE IT RESOLVED** by the Gwinnett County Board of Commissioners, that the aforesaid application to amend the Official Zoning Map from R-100 to C-2 is hereby **APPROVED** with the following enumerated conditions:

I. To restrict the use of the property as follows:

- A. Retail, service-commercial, office, restaurant, and accessory uses. The following uses shall be prohibited.
  - adult bookstores or entertainment
  - automotive parts stores
  - contractors offices, except during initial construction
  - emissions inspection stations
  - equipment rental
  - extended stay hotels or motels
  - recovered materials processing facilities
  - smoke shops/novelty stores
  - tattoo parlors
  - taxidermists
  - yard trimmings composting facilities

- B. Convenience stores with or without fuel pumps shall be prohibited, except for the proposed grocery store fuel center as shown on the site plan.

- C. Gasoline canopy support columns shall be <sup>integrally colored CMU,</sup> ~~brick or stacked stone~~ matching the building exterior. ~~The vertical façade panels of the canopy roof shall incorporate a continuous vertical change of plane (either projecting or recessed). The change of plane shall have a minimum offset of one (1) inch and a minimum vertical height of six (6) inches. The offset plane shall have a contrasting color.~~

- D. Buildings shall be of a <sup>integrally colored CMU (smooth and split face), metal panels (smooth and corrugated) and vertical fiber cement V-groove siding.</sup> ~~brick and indigenous stone, stacked stone and/or glass finish on three (3) sides (stucco may only be used as an accent material).~~ Final building elevations shall be submitted for review and approval by the Director of Planning and Development.

- E. Architectural <sup>Martin's</sup> ~~treatment~~ of the proposed grocery store <sup>March 15, 2022</sup> ~~shall be similar to the Kroger Elevation Chapel Example submitted by Applicant on March 18, 2016.~~ The proposed shops, outparcel buildings and Community Pavilion Area shall be architecturally cohesive and compatible with said elevations.

- F. No less than four (4) security cameras shall be installed to monitor property.
2. To abide by the following site development considerations:
- A. Provide a 10-foot wide landscaped strip adjacent to all rights-of-way.
  - B. Provide a 75-foot wide natural undisturbed buffer adjacent to all residentially-zoned properties (except the cemetery tract). The buffer shall be enhanced where sparsely vegetated.   
*the portion of the proposed 20-foot wide sanitary sewer easement and*
  - C. Provide a minimum 25-foot wide grassed strip adjacent to the existing cemetery parcel.
  - D. Natural vegetation shall remain on the property until the issuance of a development permit.
  - E. Ground signage shall be limited to monument type sign(s), and shall be subject to review and approval by the Director of Planning & Development. The sign shall include a minimum two-foot high brick or stacked stone base, complementing the building's architectural treatment. The masonry base shall extend at least the full width of the sign cabinet, and the sign cabinet shall be fully recessed and surrounded by the same materials.
  - F. ~~Wall signage shall not exceed the requirements of the Gwinnett County Sign Ordinance, and shall only utilize neutral (non-white, earthtone) background colors for the sign cabinet.~~   
*substantially conform to the wall signage shown on the Kroger building elevations dated March 15, 2022.*
  - G. Window signage for the shops and outparcel buildings (signs displayed on the interior or exterior of the business storefront windows) shall be prohibited, except for open/closed signs or signs required by county, state or federal law. Flashing or blinking signs and neon or LED signs shall be prohibited. Exposed or visible LED strips mounted on the building or around window frames shall be prohibited.
  - H. Billboards or oversized signs shall be prohibited.
  - I. Outdoor storage shall be prohibited. Attractive display of seasonal items (i.e. pumpkins, flowers, Christmas trees and similar seasonal items) are permitted if attractively and neatly displayed along the front wall of the Kroger store, but not in designated parking areas or drive aisles.
  - J. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.
  - K. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.



- L. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site, excepting only for the two (2) week period at the grand opening of the Kroger store and subject to Gwinnett County regulations for such temporary opening displays. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
  - M. Peddlers and/or parking lot sales (excepting the fuel station and activities in the Community Pavilion Area) shall be prohibited.
  - N. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
  - O. A minimum 2,000 square foot community activity pavilion shall be provided on site for use by the community for public and private functions. The facility shall include a covered shelter or gazebo structure which is architecturally compatible with the development. This facility shall be managed and maintained by the property owner or anchor tenant.
  - P. Detention ponds will be designed as wet ponds in accordance with the Georgia Stormwater Management Manual - Volume 2, First Edition, August 2001.
  - Q. Substantial compliance with that certain site plan entitled "Rezoning Site Plan" prepared by Robertson Loia Roof for The Kroger Company and dated ~~March 18, 2016~~ <sup>March 21, 2022</sup>.
3. To abide by the following requirements, dedications and improvements:
- A. Prior to the issuance of a Development Permit, the applicant shall provide a traffic impact study and a signal warrant study.
  - B. Prior to the issuance of the first certificate of occupancy, the applicant shall make any improvements recommended by the traffic impact study, provided the improvements are approved by the D.O.T. All design and construction will be subject to D.O.T. review and approval.
  - C. If it is determined by the signal warrant study that a signal is warranted, and the signal is approved by the D.O.T., the applicant shall contract and pay for the signal design. The applicant shall also contract for the installation of the signal by a D.O.T. approved contractor. All design and construction will be subject to D.O.T. review and approval. Subject to D.O.T. approval, the signal will be installed and operational prior to the issuance of the first certificate of occupancy.

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT  
RECEIVED  
4/8/2022

CASE NUMBER RZC2016-00001  
GCID 2016-0055

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: Charlotte J. Nash  
Charlotte J. Nash, Chairman

Date Signed: 5/11/16

ATTEST:

Diane Kemp  
County Clerk/Deputy County Clerk



**KROGER PARCEL - Revised 11-5-2015**

All that tract or parcel of land lying and being in Land Lot 235 and 514 of the 5<sup>th</sup> District of Gwinnett County Georgia and being more particularly described as follows:

Beginning at the intersection of the south side of the mitered intersection of the northerly right of way of Martins Chapel Road having a variable right of way and the easterly right of way of Bramlett Shoals Road Connector having a variable right of way and thence run along said miter North 10 degrees 54 minutes 12 seconds West a distance of 51.15 feet to a concrete monument found; Thence continue along said easterly right of way the following four (4) courses, North 34 degrees 05 minutes 48 seconds East a distance of 221.42 feet to a 5/8" rebar set; Thence along a curve to the right having an arc length of 389.88 feet, with a radius of 860.02 feet, being subtended by a chord bearing of North 47 degrees 05 minutes 03 seconds East, for a distance of 386.55 feet to a 5/8" rebar set; Thence North 60 degrees 04 minutes 17 seconds East a distance of 826.29 feet to a 5/8" rebar set; Thence leaving said right of way and run South 29 degrees 55 minutes 43 seconds East a distance of 97.01 feet to a 3/8" rebar found; Thence South 17 degrees 46 minutes 11 seconds East a distance of 299.88 feet to a 5/8" rebar set; Thence South 78 degrees 36 minutes 27 seconds East a distance of 177.53 feet to a 3/8" rebar found; Thence North 72 degrees 13 minutes 49 seconds East a distance of 339.96 feet to a 5/8" rebar set found on the western right of way of Sugarloaf Parkway having a variable right of way; Thence run along said right of way the following seven (7) courses, South 19 degrees 52 minutes 15 seconds West a distance of 668.13 feet to a 5/8" rebar set; Thence South 25 degrees 54 minutes 31 seconds West a distance of 76.89 feet to a 5/8" rebar set; Thence South 28 degrees 15 minutes 28 seconds West a distance of 551.44 feet to a 5/8" rebar set; Thence along a curve to the right having an arc length of 22.35 feet, with a radius of 3020.26 feet, being subtended by a chord bearing of South 37 degrees 09 minutes 10 seconds West, for a distance of 22.35 feet to a 5/8" rebar set; Thence South 58 degrees 14 minutes 35 seconds West a distance of 76.04 feet to a 5/8" rebar found; Thence South 52 degrees 20 minutes 09 seconds West a distance of 281.97 feet to a 5/8" rebar set on said northerly right of way; Thence run along said northerly right of way the following five (5) courses, Thence North 41 degrees 36 minutes 48 seconds West a distance of 88.38 feet to a 5/8" rebar set; Thence along a curve to the left having an arc length of 300.52 feet, with a radius of 5189.48 feet, being subtended by a chord bearing of North 41 degrees 33 minutes 14 seconds West, for a distance of 300.48 feet to a 5/8" rebar set; Thence along a curve to the left having an arc length of 204.70 feet, with a radius of 1606.50 feet, being subtended by a chord bearing of North 47 degrees 25 minutes 41 seconds West, for a distance of 204.56 feet to a point; Thence North 51 degrees 04 minutes 52 seconds West a distance of 53.54 feet to a point; Thence along a curve to the left having an arc length of 129.06 feet, with a radius of 3672.38 feet, being subtended by a chord bearing of North 52 degrees 05 minutes 07 seconds West, for a distance of 129.05 feet to a 5/8" rebar set; Thence leaving said right of way and run North 76 degrees 08 minutes 24 seconds East a distance of 71.09 feet to a concrete monument found; Thence North 04 degrees 27 minutes 30 seconds East a distance of 98.05 feet to a 5/8" rebar set; Thence North 58 degrees 54 minutes 58 seconds West a distance of 173.96 feet to a 3/4" open top pipe found; Thence South 38 degrees 26 minutes 00 seconds West a distance of 124.81 feet to a 5/8" rebar set on said northern right of way; Thence run along said right of way along a curve to the left having an arc length of 274.85 feet, with a radius of 14877.33 feet, being subtended by a chord bearing of North 55 degrees 22 minutes 17 seconds West, for a distance of 274.85 feet to a point and the Point of Beginning.

Said tract or parcel contains 35.338 Acres

**RECEIVED**

3.9.2022

**CHANGE IN CONDITIONS APPLICANT'S RESPONSE**  
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

- (A) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

A proposed change in conditions will permit a use that is suitable in view of the use and development of adjacent and nearby property.

- (B) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

A proposed change in conditions will not adversely affect the existing use or usability of adjacent or nearby property.

- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED CHANGE IN CONDITIONS HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

The property to be affected by a proposed change in conditions has reasonable economic use as currently zoned.

- (D) WHETHER THE PROPOSED CHANGE IN CONDITIONS WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

The proposed change in conditions will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

- (E) WHETHER THE PROPOSED CHANGE IN CONDITIONS IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

The proposed change in conditions is in conformity with the policy and intent of the land use plan.

- (F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED CHANGE IN CONDITIONS:

There are not other existing or changing conditions affecting the use and development of the property which give supporting grounds for future approval or disapproval of the the proposed change in conditions.

**Exhibit E: Internal and External Agency Review Comments**

**[attached]**

**Exhibit F: BOC Resolution RZC2016-00001, Site Plan, and Elevation  
[attached]**

**GWINNETT COUNTY**  
**BOARD OF COMMISSIONERS**  
**LAWRENCEVILLE, GEORGIA**

**RESOLUTION ENTITLED:** Amendment to the Official Zoning Map of Gwinnett County

**ADOPTION DATE:** APRIL 12, 2016

At the regular meeting of the Gwinnett County Board of Commissioners held in the Gwinnett Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

---

<b>Name</b>	<b>Present</b>	<b>Vote</b>
Charlotte J. Nash, Chairman	Yes	Aye
Jace Brooks, District 1	Yes	Aye
Lynette Howard, District 2	Yes	Nay
Tommy Hunter, District 3	Yes	Aye
John Heard, District 4	Yes	Aye

---

On motion of Commissioner COMM. HEARD, which carried a 4-1 vote, the following Resolution to Amend the Official Zoning Map of Gwinnett County is hereby adopted:

**WHEREAS**, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from R-100 to C-2 by SOFRAN PARTNERS, LLC for the proposed use of GROCERY STORE & SHOPPING CENTER (REDUCTION IN BUFFERS) on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

**WHEREAS**, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

**WHEREAS**, a public hearing was held by the Gwinnett County Board of Commissioners on MARCH 22, 2016 and objections were filed.

**NOW, THEREFORE, BE IT RESOLVED** by the Gwinnett County Board of Commissioners, that the aforesaid application to amend the Official Zoning Map from R-100 to C-2 is hereby **APPROVED** with the following enumerated conditions:

- I. To restrict the use of the property as follows:
  - A. Retail, service-commercial, office, restaurant, and accessory uses. The following uses shall be prohibited.
    - adult bookstores or entertainment
    - automotive parts stores
    - contractors offices, except during initial construction
    - emissions inspection stations
    - equipment rental
    - extended stay hotels or motels
    - recovered materials processing facilities
    - smoke shops/novelty stores
    - tattoo parlors
    - taxidermists
    - yard trimmings composting facilities
  - B. Convenience stores with or without fuel pumps shall be prohibited, except for the proposed grocery store fuel center as shown on the site plan.
  - C. Gasoline canopy support columns shall be brick or stacked stone matching the building exterior. The vertical façade panels of the canopy roof shall incorporate a continuous vertical change of plane (either projecting or recessed). The change of plane shall have a minimum offset of one (1) inch and a minimum vertical height of six (6) inches. The offset plane shall have a contrasting color.
  - D. Buildings shall be of a brick and indigenous stone, stacked stone and/or glass finish on three (3) sides (stucco may only be used as an accent material). Final building elevations shall be submitted for review and approval by the Director of Planning and Development.
  - E. Architectural treatment of the proposed grocery store shall be similar to the Kroger Elevation Chapel Example submitted by Applicant on March 18, 2016. The proposed shops, outparcel buildings and Community Pavilion Area shall be architecturally cohesive and compatible with said elevations.



- F. No less than four (4) security cameras shall be installed to monitor property.
2. To abide by the following site development considerations:
- A. Provide a 10-foot wide landscaped strip adjacent to all rights-of-way.
  - B. Provide a 75-foot wide natural undisturbed buffer adjacent to all residentially-zoned properties (except the cemetery tract). The buffer shall be enhanced where sparsely vegetated.
  - C. Provide a minimum 25-foot wide grassed strip adjacent to the existing cemetery parcel.
  - D. Natural vegetation shall remain on the property until the issuance of a development permit.
  - E. Ground signage shall be limited to monument type sign(s), and shall be subject to review and approval by the Director of Planning & Development. The sign shall include a minimum two-foot high brick or stacked stone base, complementing the building's architectural treatment. The masonry base shall extend at least the full width of the sign cabinet, and the sign cabinet shall be fully recessed and surrounded by the same materials.
  - F. Wall signage shall not exceed the requirements of the Gwinnett County Sign Ordinance, and shall only utilize neutral (non-white earthtone) background colors for the sign cabinet.
  - G. Window signage for the shops and outparcel buildings (signs displayed on the interior or exterior of the business storefront windows) shall be prohibited, except for open/closed signs or signs required by county, state or federal law. Flashing or blinking signs and neon or LED signs shall be prohibited. Exposed or visible LED strips mounted on the building or around window frames shall be prohibited.
  - H. Billboards or oversized signs shall be prohibited.
  - I. Outdoor storage shall be prohibited. Attractive display of seasonal items (i.e. pumpkins, flowers, Christmas trees and similar seasonal items) are permitted if attractively and neatly displayed along the front wall of the Kroger store, but not in designated parking areas or drive aisles.
  - J. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.
  - K. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.

- L. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site, excepting only for the two (2) week period at the grand opening of the Kroger store and subject to Gwinnett County regulations for such temporary opening displays. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
  - M. Peddlers and/or parking lot sales (excepting the fuel station and activities in the Community Pavilion Area) shall be prohibited.
  - N. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
  - O. A minimum 2,000 square foot community activity pavilion shall be provided on site for use by the community for public and private functions. The facility shall include a covered shelter or gazebo structure which is architecturally compatible with the development. This facility shall be managed and maintained by the property owner or anchor tenant.
  - P. Detention ponds will be designed as wet ponds in accordance with the Georgia Stormwater Management Manual - Volume 2, First Edition, August 2001.
  - Q. Substantial compliance with that certain site plan entitled "Rezoning Site Plan" prepared by Robertson Loia Roof for The Kroger Company and dated March 18, 2016.
3. To abide by the following requirements, dedications and improvements:
- A. Prior to the issuance of a Development Permit, the applicant shall provide a traffic impact study and a signal warrant study.
  - B. Prior to the issuance of the first certificate of occupancy, the applicant shall make any improvements recommended by the traffic impact study, provided the improvements are approved by the D.O.T. All design and construction will be subject to D.O.T. review and approval.
  - C. If it is determined by the signal warrant study that a signal is warranted, and the signal is approved by the D.O.T., the applicant shall contract and pay for the signal design. The applicant shall also contract for the installation of the signal by a D.O.T. approved contractor. All design and construction will be subject to D.O.T. review and approval. Subject to D.O.T. approval, the signal will be installed and operational prior to the issuance of the first certificate of occupancy.

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: Charlotte J. Nash  
Charlotte J. Nash, Chairman

Date Signed: 5/11/16

ATTEST:

Diane Kemp  
County Clerk/Deputy County Clerk

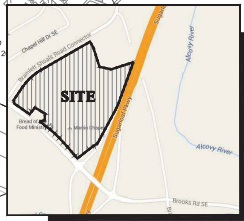
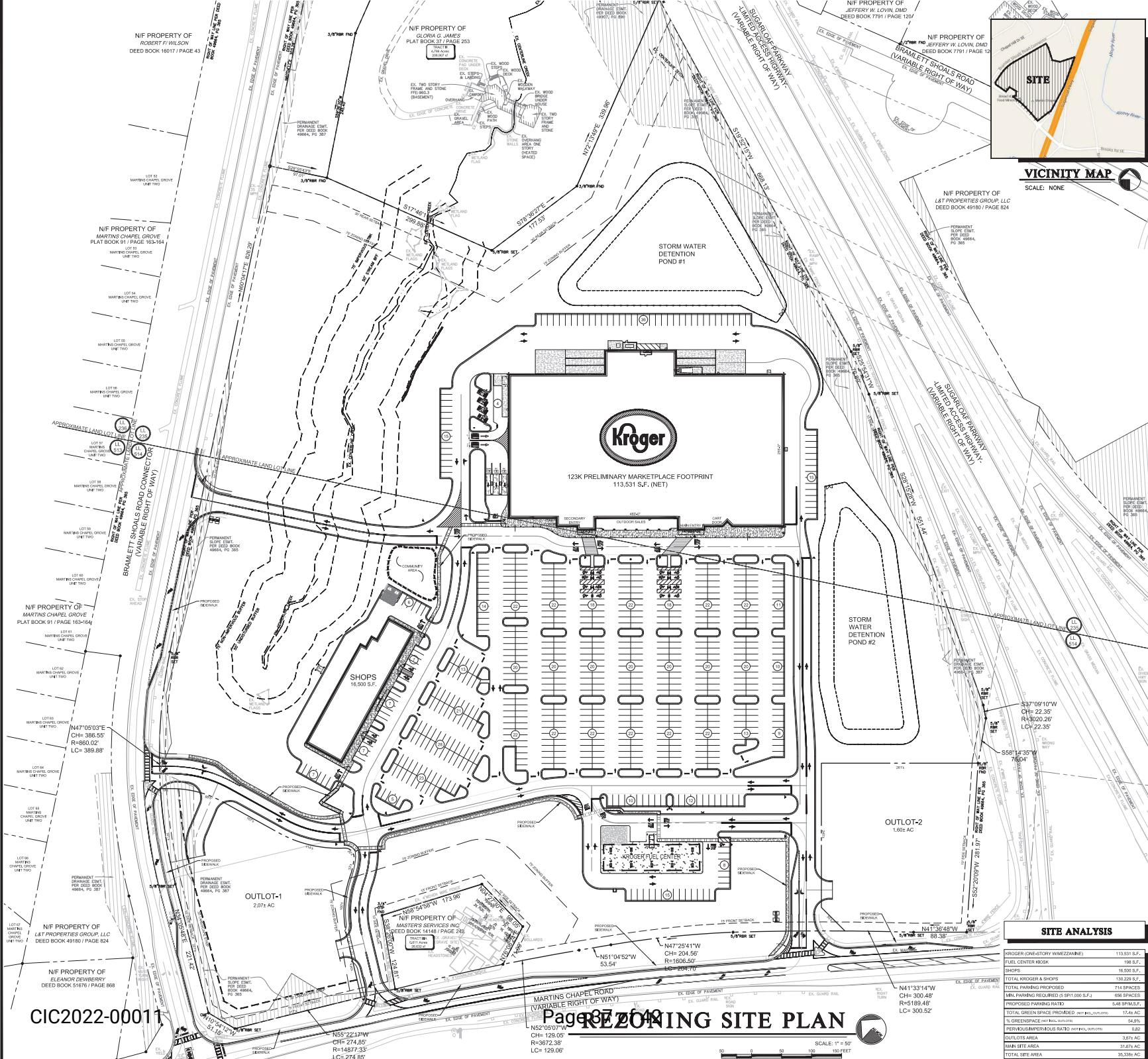


**KROGER PARCEL - Revised 11-5-2015**

All that tract or parcel of land lying and being in Land Lot 235 and 514 of the 5<sup>th</sup> District of Gwinnett County Georgia and being more particularly described as follows:

Beginning at the intersection of the south side of the mitered intersection of the northerly right of way of Martins Chapel Road having a variable right of way and the easterly right of way of Bramlett Shoals Road Connector having a variable right of way and thence run along said miter North 10 degrees 54 minutes 12 seconds West a distance of 51.15 feet to a concrete monument found; Thence continue along said easterly right of way the following four (4) courses, North 34 degrees 05 minutes 48 seconds East a distance of 221.42 feet to a 5/8" rebar set; Thence along a curve to the right having an arc length of 389.88 feet, with a radius of 860.02 feet, being subtended by a chord bearing of North 47 degrees 05 minutes 03 seconds East, for a distance of 386.55 feet to a 5/8" rebar set; Thence North 60 degrees 04 minutes 17 seconds East a distance of 826.29 feet to a 5/8" rebar set; Thence leaving said right of way and run South 29 degrees 55 minutes 43 seconds East a distance of 97.01 feet to a 3/8" rebar found; Thence South 17 degrees 46 minutes 11 seconds East a distance of 299.88 feet to a 5/8" rebar set; Thence South 78 degrees 36 minutes 27 seconds East a distance of 177.53 feet to a 3/8" rebar found; Thence North 72 degrees 13 minutes 49 seconds East a distance of 339.96 feet to a 5/8" rebar set found on the western right of way of Sugarloaf Parkway having a variable right of way; Thence run along said right of way the following seven (7) courses, South 19 degrees 52 minutes 15 seconds West a distance of 668.13 feet to a 5/8" rebar set; Thence South 25 degrees 54 minutes 31 seconds West a distance of 76.89 feet to a 5/8" rebar set; Thence South 28 degrees 15 minutes 28 seconds West a distance of 551.44 feet to a 5/8" rebar set; Thence along a curve to the right having an arc length of 22.35 feet, with a radius of 3020.26 feet, being subtended by a chord bearing of South 37 degrees 09 minutes 10 seconds West, for a distance of 22.35 feet to a 5/8" rebar set; Thence South 58 degrees 14 minutes 35 seconds West a distance of 76.04 feet to a 5/8" rebar found; Thence South 52 degrees 20 minutes 09 seconds West a distance of 281.97 feet to a 5/8" rebar set on said northerly right of way; Thence run along said northerly right of way the following five (5) courses, Thence North 41 degrees 36 minutes 48 seconds West a distance of 88.38 feet to a 5/8" rebar set; Thence along a curve to the left having an arc length of 300.52 feet, with a radius of 5189.48 feet, being subtended by a chord bearing of North 41 degrees 33 minutes 14 seconds West, for a distance of 300.48 feet to a 5/8" rebar set; Thence along a curve to the left having an arc length of 204.70 feet, with a radius of 1606.50 feet, being subtended by a chord bearing of North 47 degrees 25 minutes 41 seconds West, for a distance of 204.56 feet to a point; Thence North 51 degrees 04 minutes 52 seconds West a distance of 53.54 feet to a point; Thence along a curve to the left having an arc length of 129.06 feet, with a radius of 3672.38 feet, being subtended by a chord bearing of North 52 degrees 05 minutes 07 seconds West, for a distance of 129.05 feet to a 5/8" rebar set; Thence leaving said right of way and run North 76 degrees 08 minutes 24 seconds East a distance of 71.09 feet to a concrete monument found; Thence North 04 degrees 27 minutes 30 seconds East a distance of 98.05 feet to a 5/8" rebar set; Thence North 58 degrees 54 minutes 58 seconds West a distance of 173.96 feet to a 3/4" open top pipe found; Thence South 38 degrees 26 minutes 00 seconds West a distance of 124.81 feet to a 5/8" rebar set on said northern right of way; Thence run along said right of way along a curve to the left having an arc length of 274.85 feet, with a radius of 14877.33 feet, being subtended by a chord bearing of North 55 degrees 22 minutes 17 seconds West, for a distance of 274.85 feet to a point and the Point of Beginning.

Said tract or parcel contains 35.338 Acres



**VICINITY MAP**  
SCALE: NONE

N/F PROPERTY OF  
L47 PROPERTIES GROUP LLC  
DEED BOOK 49180 / PAGE 624



123K PRELIMINARY MARKETPLACE FOOTPRINT  
113,531 S.F. (NET)

SHOPS  
16,900 S.F.

STORM WATER  
DETENTION  
POND #1

STORM WATER  
DETENTION  
POND #2

OUTLOT-2  
1.601 AC

OUTLOT-1  
2.071 AC

SITE ANALYSIS	
KROGER (ONE-STORY IN-MEZZANINE)	113,531 S.F.
FUEL CENTER Bldg.	198 S.F.
TOTAL KROGER & SHOPS	115,500 S.F.
SHOPS	16,900 S.F.
TOTAL KROGER & SHOPS	132,229 S.F.
TOTAL PARKING PROPOSED	714 SPACES
MIN. PARKING REQUIRED (R=800 S.F./P)	496 SPACES
PROPOSED PARKING RATIO	1.68 SPACES/
TOTAL GREEN SPACE PROVIDED (per spec, outlots)	11.64 AC
% GREENSPACE (per spec, outlots)	54.3%
PERMISSIBLE IMPERVIOUS RATIO (per spec, outlots)	54.2
OUTLOT AREA	3.674 AC
MAIN SITE AREA	31.274 AC
TOTAL SITE AREA	35.948 AC

**REZONING SITE PLAN**

SCALE: 1" = 50'

CIC2022-00011

Page 37 of 49

**ROBERSON LOIA ROOF**  
ARCHITECTS & ENGINEERS  
3480 Preston Ridge Road, Suite 275 - Atlanta, Georgia 30005  
770.474.0001 - Fax 770.474.0424

KROGER GA-639 MARTINS CHAPEL  
11555 MARTINS CHAPEL ROAD, LAWRENCEVILLE, GA 30045  
FOR THE KROGER CO.  
THE KROGER CO.  
11555 MARTINS CHAPEL ROAD, LAWRENCEVILLE, GA 30045  
TELEPHONE: 770.965.5137 FAX: 770.965.2549

**REZONING SITE PLAN**  
NOV 15-18-16  
15-192  
RSP-3



1  
A2.1 FRONT ELEVATION  
SCALE: 3/32" = 1'-0"

NOTE: BRICK ON FRONT & SIDE ELEVATIONS  
PAINTED CMU ON REAR ELEVATION

**Exhibit G: Maps**

**[attached]**



MARTINS CHAPEL LN

CHapel Hill DR

BRAMLETT SHOALS CONN

MARTINS CHAPEL RD

OLD BRAMLETT  
SHOALS RD

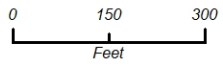
SUGARLOAF PKWY  
SUGARLOAF PKWY

BRAMLETT SHOALS RD

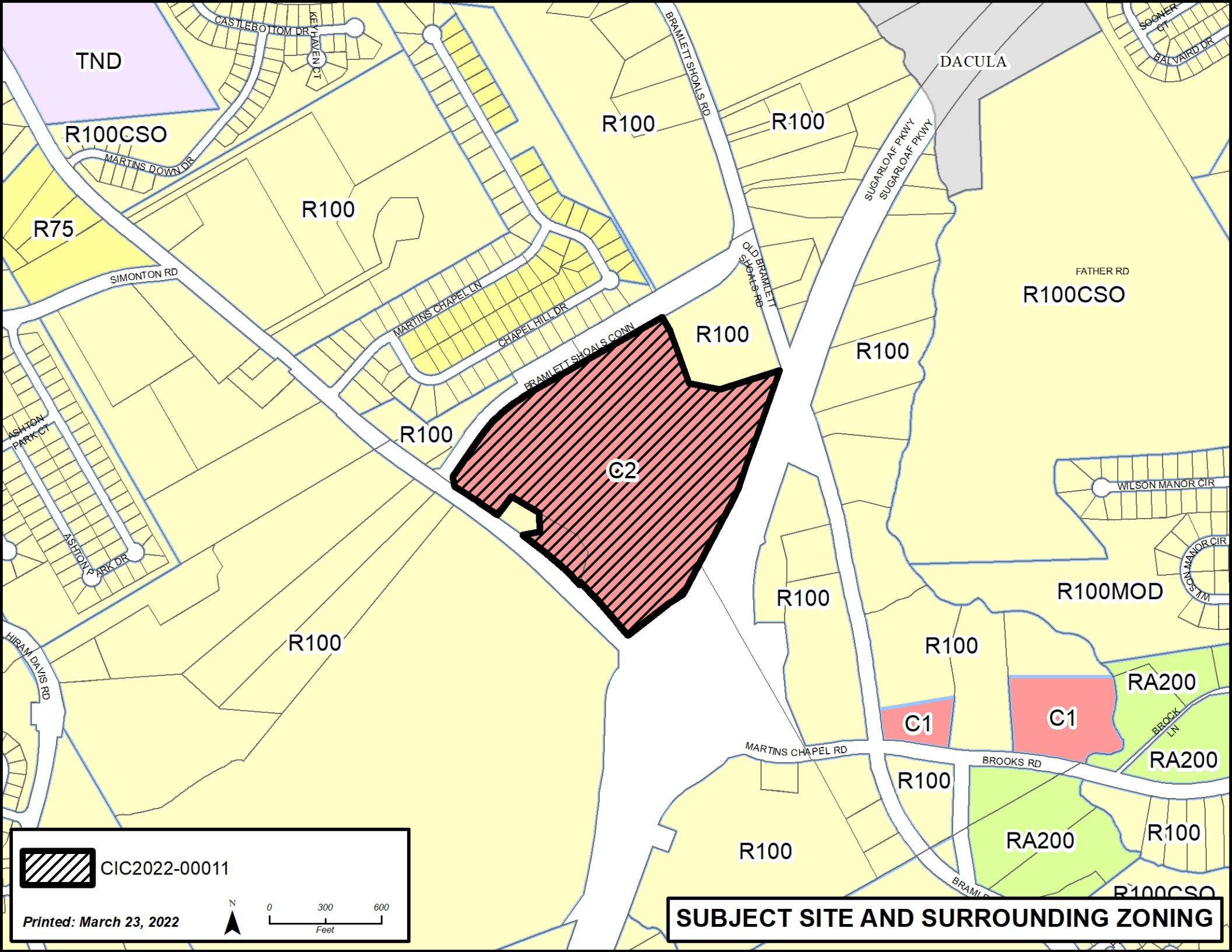



CIC2022-00011

Printed: March 23, 2022

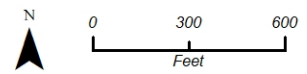




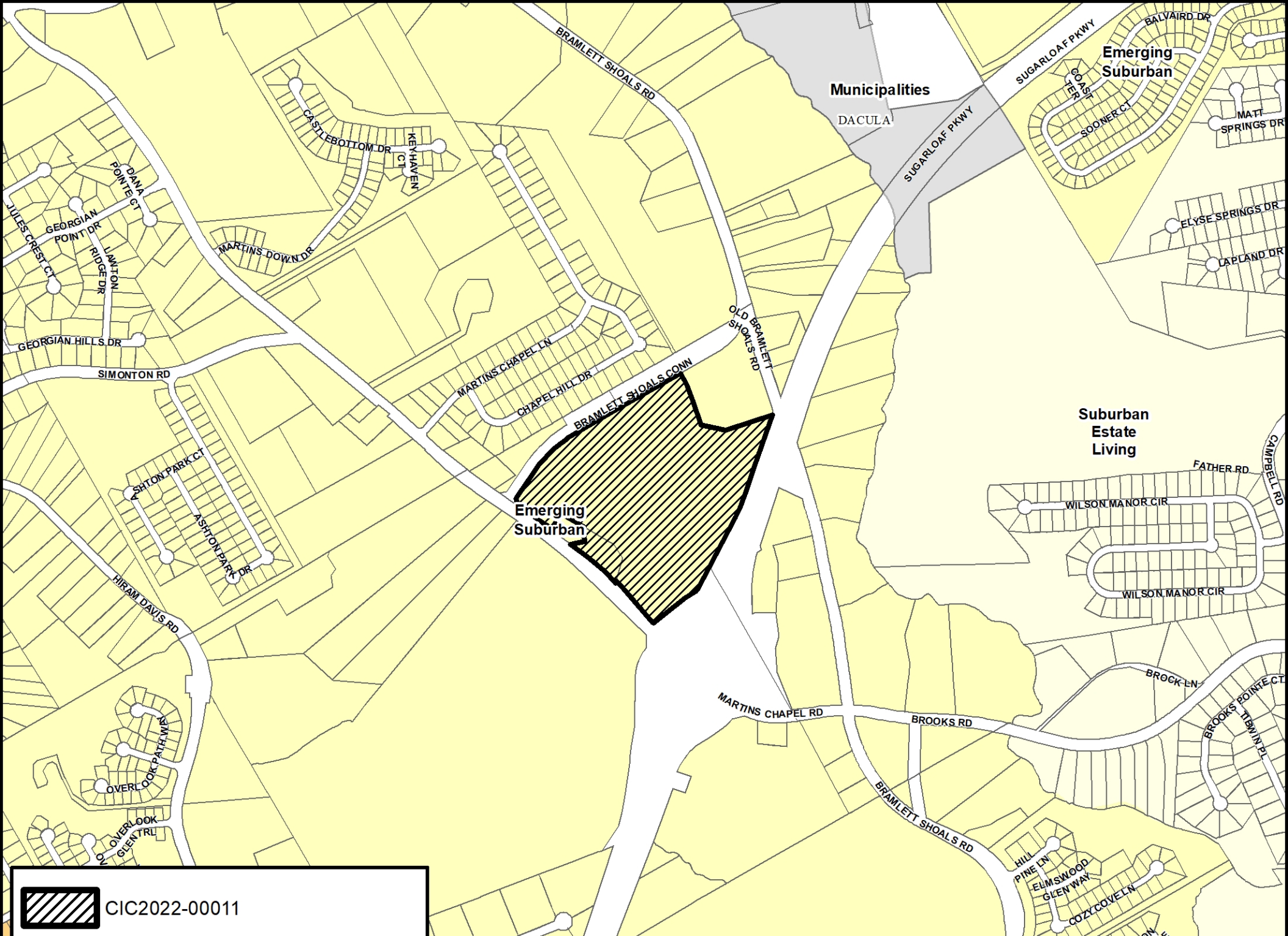



 CIC2022-00011

Printed: March 23, 2022

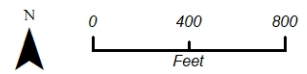


**SUBJECT SITE AND SURROUNDING ZONING**



 CIC2022-00011

Printed: March 23, 2022



**2040 UNIFIED PLAN FUTURE DEVELOPMENT CLASSIFICATION**



**CHANGE IN CONDITIONS APPLICATION**

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF GWINNETT COUNTY, GEORGIA

APPLICANT INFORMATION	PROPERTY OWNER INFORMATION*
NAME: <u>The Kroger Co.</u>	NAME: <u>The Kroger Company</u>
ADDRESS: <u>3155 Royal Dr. Ste. 100</u>	ADDRESS: <u>1014 Vine Street</u>
CITY: <u>Alpharetta</u>	CITY: <u>Cincinnati</u>
STATE: <u>GA</u> ZIP: <u>30022</u>	STATE: <u>OH</u> ZIP: <u>45202</u>
PHONE: <u>404-723-1318</u>	PHONE: <u>513-289-0487</u>
CONTACT PERSON: <u>Taylor Jensen &amp; Ali Daughtry</u> PHONE: <u>404-723-1318 / 770-722-5213</u>	
CONTACT'S E-MAIL: <u>taylor.jensen@kroger.com / adaughtry@rlrpc.com</u>	

**APPLICANT IS THE:**

OWNER'S AGENT   
  PROPERTY OWNER   
  CONTRACT PURCHASER

ZONING DISTRICTS(S): C-2 PRIOR ZONING CASE: RZC2016-00001

PARCEL NUMBER(S): R5235 001, R5214 030 ACREAGE: 35.338

ADDRESS OF PROPERTY: 1006 & 990 Martins Chapel Road, Lawrenceville, GA 30045

PROPOSED CHANGE IN CONDITIONS: 1C, 1D, 1E, 2B, 2F and 2Q (see attached Letter of Intent for more detail)

<p><b>RESIDENTIAL DEVELOPMENT: N/A</b></p> <p>NO. OF LOTS/DWELLING UNITS: _____</p> <p>DWELLING UNIT SIZE (Sq. Ft.): _____</p> <p>GROSS DENSITY: _____</p> <p>NET DENSITY: _____</p>	<p><b>NON-RESIDENTIAL DEVELOPMENT:</b></p> <p style="text-align: center;">3 bldgs on 2 lots</p> <p>NO. OF BUILDINGS/LOTS: <u>+ 4 outparcels</u></p> <p>TOTAL GROSS SQUARE FEET: <u>130,229</u></p> <p>DENSITY: <u>3,685sf / acre</u></p>
--	--

**PLEASE ATTACH A LETTER OF INTENT EXPLAINING WHAT IS PROPOSED**



March 3, 2022 (*revised 03-31-2022 and 04-08-2022*)

Gwinnett County Planning & Development  
446 West Crogan Street  
Suite 150  
Lawrenceville, Georgia 30046

**LETTER OF INTENT FOR REZONING CHANGE IN CONDITIONS FOR RZC2016-00001**

In 2016, Kroger requested to rezone a large portion of parcel R5235 001, and R5214 030 (excluding the existing cemetery) for the purpose of constructing a 118,314 square foot Kroger Marketplace store, 16,780 square feet of retail shops, a Kroger Fuel Center and four outparcels. The rezoning was adopted on April 12, 2016, however, the development was not constructed at that time due to budgeting and corporate restructuring and allocation of capital.

Kroger is now ready to move forward with the development and has a new prototype for the store's footprint and elevation. The fuel center location is now within the parking lot of the Kroger store, allowing room for two additional outparcels along Martin's Chapel Road. Thus, conditions 1C, 1D, 1E, 2B, 2F and 2Q need to be updated. A redlined copy of the conditions is included in the submittal package.

In addition, a buffer reduction waiver is being requested to allow the project's sanitary sewer infrastructure to encroach into the 75-foot zoning buffer. The request is to reduce the required 75-foot buffer to 0 feet within the proposed 20-foot sanitary sewer easement. The justifications for this request are as follows:

- We have thoroughly investigated possible sewer connection to the north in the Martin Chapel Grove Subdivision and no suitable sanitary sewer tie-ins to the north or west. After several meetings with Gwinnett County officials, the sewer tie-in at Martin Chapel Grove was found to be un-workable.
- The best sewer connection was determined to be to the east and across the Alcovy River. The County installed a conduit under Sugarloaf Parkway at the time Sugarloaf was constructed to accommodate the future sewer route. This route is to the northeast corner of our property.
- The property is constrained by topography, as well as a wetland and state water on the north side along Bramblett Shoals Road Connector. This forced a detention pond to need to be created along the northeast corner of the property (behind the grocery store) to capture the stormwater draining in that direction. The size of this pond is dictated by the size of the drainage basin flowing in that direction. Since the sanitary sewer connection is along that same northeast corner, and the difficult topography along the Sugarloaf right-of-way, the sanitary sewer must be run along the western side of the pond, between the pond and the Gloria G. James property. However, the James property has a 75-foot zoning buffer, leaving little room for the installation of the required sanitary sewer, since the sewer cannot be constructed within the pond dam.
- Therefore, the sanitary sewer must be constructed within the 75-foot zoning buffer to avoid the pond dam, abide by the appropriate geometric and standard engineering practice for layout of the lines and for the manholes, as well as ultimately reach the western end of the county installed conduit for the sanitary system to be conveyed across Sugarloaf to the ultimate tie-in across the Alcovy.

GWINNETT COUNTY

PLANNING AND DEVELOPMENT

RECEIVED

04/08/2022

The Kroger Company is very excited about this significant investment in Gwinnett County and looks forward to being a good neighbor. Kroger certainly believes that this development will be an asset to the surrounding community. Thank you very much for your time and consideration of this petition.

Sincerely,



Ali R. Daughtry (Robertson Loia Roof, PC Architects and Engineers)

On Behalf of:  
Mr. Mike Rosier  
The Kroger Company  
1014 Vine Street  
Cincinnati, OH 45202  
(513) 289-0487

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT  
RECEIVED  
4/8/2022

CASE NUMBER RZC2016-00001  
GCID 2016-0055

Redlined for Change in Conditions Application 03-03-2022  
(revised 03-31-2022 and 04-08-2022)

**GWINNETT COUNTY**  
**BOARD OF COMMISSIONERS**  
**LAWRENCEVILLE, GEORGIA**

**RESOLUTION ENTITLED:** Amendment to the Official Zoning Map of Gwinnett County

**ADOPTION DATE:** APRIL 12, 2016

At the regular meeting of the Gwinnett County Board of Commissioners held in the Gwinnett Justice and Administration Center, Auditorium, 75 Langley Drive, Lawrenceville, Georgia.

---

<b>Name</b>	<b>Present</b>	<b>Vote</b>
Charlotte J. Nash, Chairman	Yes	Aye
Jace Brooks, District 1	Yes	Aye
Lynette Howard, District 2	Yes	Nay
Tommy Hunter, District 3	Yes	Aye
John Heard, District 4	Yes	Aye

---

On motion of Commissioner COMM. HEARD, which carried a 4-1 vote, the following Resolution to Amend the Official Zoning Map of Gwinnett County is hereby adopted:

**WHEREAS**, the Municipal-Gwinnett County Planning Commission has held a duly advertised public hearing and has filed a formal recommendation with the Gwinnett County Board of Commissioners upon an Application to Amend the Official Zoning Map from R-100 to C-2 by SOFRAN PARTNERS, LLC for the proposed use of GROCERY STORE & SHOPPING CENTER (REDUCTION IN BUFFERS) on a tract of land described by the attached legal description, which is incorporated herein and made a part hereof by reference; and

**WHEREAS**, notice to the public regarding said Amendment to the Official Zoning Map has been duly published in THE GWINNETT DAILY POST, the Official News Organ of Gwinnett County; and

**WHEREAS**, a public hearing was held by the Gwinnett County Board of Commissioners on MARCH 22, 2016 and objections were filed.

**NOW, THEREFORE, BE IT RESOLVED** by the Gwinnett County Board of Commissioners, that the aforesaid application to amend the Official Zoning Map from R-100 to C-2 is hereby **APPROVED** with the following enumerated conditions:

I. To restrict the use of the property as follows:

A. Retail, service-commercial, office, restaurant, and accessory uses. The following uses shall be prohibited.

- adult bookstores or entertainment
- automotive parts stores
- contractors offices, except during initial construction
- emissions inspection stations
- equipment rental
- extended stay hotels or motels
- recovered materials processing facilities
- smoke shops/novelty stores
- tattoo parlors
- taxidermists
- yard trimmings composting facilities

B. Convenience stores with or without fuel pumps shall be prohibited, except for the proposed grocery store fuel center as shown on the site plan.

C. Gasoline canopy support columns shall be ~~brick or stacked stone~~ <sup>integrally colored CMU,</sup> matching the building exterior. ~~The vertical façade panels of the canopy roof shall incorporate a continuous vertical change of plane (either projecting or recessed). The change of plane shall have a minimum offset of one (1) inch and a minimum vertical height of six (6) inches. The offset plane shall have a contrasting color.~~

D. Buildings shall be of a ~~brick and indigenous stone, stacked stone and/or glass finish on three (3) sides (stucco may only be used as an accent material).~~ <sup>integrally colored CMU (smooth and split face), metal panels (smooth and corrugated) and vertical fiber cement V-groove siding.</sup> Final building elevations shall be submitted for review and approval by the Director of Planning and Development.

E. Architectural treatment of the proposed grocery store shall be similar to the Kroger Elevation Chapel Example submitted by Applicant on ~~March 18, 2016~~ <sup>Martin's</sup> ~~March 18, 2016~~ <sup>March 15, 2022</sup>. The proposed shops, outparcel buildings and Community Pavilion Area shall be architecturally cohesive and compatible with said elevations.

F. No less than four (4) security cameras shall be installed to monitor property.

2. To abide by the following site development considerations:

A. Provide a 10-foot wide landscaped strip adjacent to all rights-of-way.

B. Provide a 75-foot wide natural undisturbed buffer adjacent to all residentially-zoned properties (except the cemetery tract). The buffer shall be enhanced where sparsely vegetated.

the portion of the proposed 20-foot wide sanitary sewer easement and

C. Provide a minimum 25-foot wide grassed strip adjacent to the existing cemetery parcel.

D. Natural vegetation shall remain on the property until the issuance of a development permit.

E. Ground signage shall be limited to monument type sign(s), and shall be subject to review and approval by the Director of Planning & Development. The sign shall include a minimum two-foot high brick or stacked stone base, complementing the building's architectural treatment. The masonry base shall extend at least the full width of the sign cabinet, and the sign cabinet shall be fully recessed and surrounded by the same materials.

F. Wall signage shall ~~not exceed the requirements of the Gwinnett County Sign Ordinance, and shall only utilize neutral (non-white, earthtone) background colors for the sign cabinet.~~

substantially conform to the wall signage shown on the Kroger building elevations dated March 15, 2022.

G. Window signage for the shops and outparcel buildings (signs displayed on the interior or exterior of the business storefront windows) shall be prohibited, except for open/closed signs or signs required by county, state or federal law. Flashing or blinking signs and neon or LED signs shall be prohibited. Exposed or visible LED strips mounted on the building or around window frames shall be prohibited.

H. Billboards or oversized signs shall be prohibited.

I. Outdoor storage shall be prohibited. Attractive display of seasonal items (i.e. pumpkins, flowers, Christmas trees and similar seasonal items) are permitted if attractively and neatly displayed along the front wall of the Kroger store, but not in designated parking areas or drive aisles.

J. Dumpsters shall be screened by a 100% opaque brick or stacked stone wall with an opaque metal gate enclosure. Hours of dumpster pick-up shall be limited to between 7:00 am and 7:00 pm.

K. Lighting shall be contained in cut-off type luminaries and shall be directed in toward the property so as not to shine directly into adjacent properties or rights-of-way.



- L. No tents, canopies, temporary banners, streamers or roping decorated with flags, tinsel, or other similar material shall be displayed, hung, or strung on the site, excepting only for the two (2) week period at the grand opening of the Kroger store and subject to Gwinnett County regulations for such temporary opening displays. No decorative balloons or hot-air balloons shall be displayed on the site. Yard and/or bandit signs, sign-walkers and sign-twirlers shall be prohibited.
  - M. Peddlers and/or parking lot sales (excepting the fuel station and activities in the Community Pavilion Area) shall be prohibited.
  - N. The property owner shall repaint or repair any graffiti or vandalism that occurs on the property within 72 hours.
  - O. A minimum 2,000 square foot community activity pavilion shall be provided on site for use by the community for public and private functions. The facility shall include a covered shelter or gazebo structure which is architecturally compatible with the development. This facility shall be managed and maintained by the property owner or anchor tenant.
  - P. Detention ponds will be designed as wet ponds in accordance with the Georgia Stormwater Management Manual - Volume 2, First Edition, August 2001.
  - Q. Substantial compliance with that certain site plan entitled "Rezoning Site Plan" prepared by Robertson Loia Roof for The Kroger Company and dated ~~March 18, 2016~~ <sup>March 21, 2022</sup>.
3. To abide by the following requirements, dedications and improvements:
- A. Prior to the issuance of a Development Permit, the applicant shall provide a traffic impact study and a signal warrant study.
  - B. Prior to the issuance of the first certificate of occupancy, the applicant shall make any improvements recommended by the traffic impact study, provided the improvements are approved by the D.O.T. All design and construction will be subject to D.O.T. review and approval.
  - C. If it is determined by the signal warrant study that a signal is warranted, and the signal is approved by the D.O.T., the applicant shall contract and pay for the signal design. The applicant shall also contract for the installation of the signal by a D.O.T. approved contractor. All design and construction will be subject to D.O.T. review and approval. Subject to D.O.T. approval, the signal will be installed and operational prior to the issuance of the first certificate of occupancy.

GWINNETT COUNTY  
PLANNING AND DEVELOPMENT  
RECEIVED  
4/8/2022

CASE NUMBER RZC2016-00001  
GCID 2016-0055

GWINNETT COUNTY BOARD OF COMMISSIONERS

By: Charlotte J. Nash  
Charlotte J. Nash, Chairman

Date Signed: 5/11/16

ATTEST:

Diane Kemp  
County Clerk/Deputy County Clerk



**KROGER PARCEL - Revised 11-5-2015**

All that tract or parcel of land lying and being in Land Lot 235 and 514 of the 5<sup>th</sup> District of Gwinnett County Georgia and being more particularly described as follows:

Beginning at the intersection of the south side of the mitered intersection of the northerly right of way of Martins Chapel Road having a variable right of way and the easterly right of way of Bramlett Shoals Road Connector having a variable right of way and thence run along said miter North 10 degrees 54 minutes 12 seconds West a distance of 51.15 feet to a concrete monument found; Thence continue along said easterly right of way the following four (4) courses, North 34 degrees 05 minutes 48 seconds East a distance of 221.42 feet to a 5/8" rebar set; Thence along a curve to the right having an arc length of 389.88 feet, with a radius of 860.02 feet, being subtended by a chord bearing of North 47 degrees 05 minutes 03 seconds East, for a distance of 386.55 feet to a 5/8" rebar set; Thence North 60 degrees 04 minutes 17 seconds East a distance of 826.29 feet to a 5/8" rebar set; Thence leaving said right of way and run South 29 degrees 55 minutes 43 seconds East a distance of 97.01 feet to a 3/8" rebar found; Thence South 17 degrees 46 minutes 11 seconds East a distance of 299.88 feet to a 5/8" rebar set; Thence South 78 degrees 36 minutes 27 seconds East a distance of 177.53 feet to a 3/8" rebar found; Thence North 72 degrees 13 minutes 49 seconds East a distance of 339.96 feet to a 5/8" rebar set found on the western right of way of Sugarloaf Parkway having a variable right of way; Thence run along said right of way the following seven (7) courses, South 19 degrees 52 minutes 15 seconds West a distance of 668.13 feet to a 5/8" rebar set; Thence South 25 degrees 54 minutes 31 seconds West a distance of 76.89 feet to a 5/8" rebar set; Thence South 28 degrees 15 minutes 28 seconds West a distance of 551.44 feet to a 5/8" rebar set; Thence along a curve to the right having an arc length of 22.35 feet, with a radius of 3020.26 feet, being subtended by a chord bearing of South 37 degrees 09 minutes 10 seconds West, for a distance of 22.35 feet to a 5/8" rebar set; Thence South 58 degrees 14 minutes 35 seconds West a distance of 76.04 feet to a 5/8" rebar found; Thence South 52 degrees 20 minutes 09 seconds West a distance of 281.97 feet to a 5/8" rebar set on said northerly right of way; Thence run along said northerly right of way the following five (5) courses, Thence North 41 degrees 36 minutes 48 seconds West a distance of 88.38 feet to a 5/8" rebar set; Thence along a curve to the left having an arc length of 300.52 feet, with a radius of 5189.48 feet, being subtended by a chord bearing of North 41 degrees 33 minutes 14 seconds West, for a distance of 300.48 feet to a 5/8" rebar set; Thence along a curve to the left having an arc length of 204.70 feet, with a radius of 1606.50 feet, being subtended by a chord bearing of North 47 degrees 25 minutes 41 seconds West, for a distance of 204.56 feet to a point; Thence North 51 degrees 04 minutes 52 seconds West a distance of 53.54 feet to a point; Thence along a curve to the left having an arc length of 129.06 feet, with a radius of 3672.38 feet, being subtended by a chord bearing of North 52 degrees 05 minutes 07 seconds West, for a distance of 129.05 feet to a 5/8" rebar set; Thence leaving said right of way and run North 76 degrees 08 minutes 24 seconds East a distance of 71.09 feet to a concrete monument found; Thence North 04 degrees 27 minutes 30 seconds East a distance of 98.05 feet to a 5/8" rebar set; Thence North 58 degrees 54 minutes 58 seconds West a distance of 173.96 feet to a 3/4" open top pipe found; Thence South 38 degrees 26 minutes 00 seconds West a distance of 124.81 feet to a 5/8" rebar set on said northern right of way; Thence run along said right of way along a curve to the left having an arc length of 274.85 feet, with a radius of 14877.33 feet, being subtended by a chord bearing of North 55 degrees 22 minutes 17 seconds West, for a distance of 274.85 feet to a point and the Point of Beginning.

Said tract or parcel contains 35.338 Acres

RECEIVED

3.9.2022

**CHANGE IN CONDITIONS APPLICANT'S RESPONSE**  
STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

PURSUANT TO REQUIREMENTS OF THE UNIFIED DEVELOPMENT ORDINANCE, THE BOARD OF COMMISSIONERS FINDS THAT THE FOLLOWING STANDARDS ARE RELEVANT IN BALANCING THE INTEREST IN PROMOTING THE PUBLIC HEALTH, SAFETY, MORALITY OR GENERAL WELFARE AGAINST THE RIGHT TO THE UNRESTRICTED USE OF PROPERTY AND SHALL GOVERN THE EXERCISE OF THE ZONING POWER.

PLEASE RESPOND TO THE FOLLOWING STANDARDS IN THE SPACE PROVIDED OR USE AN ATTACHMENT AS NECESSARY:

- (A) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

A proposed change in conditions will permit a use that is suitable in view of the use and development of adjacent and nearby property.

- (B) WHETHER A PROPOSED CHANGE IN CONDITIONS WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

A proposed change in conditions will not adversely affect the existing use or usability of adjacent or nearby property.

- (C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED CHANGE IN CONDITIONS HAS REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

The property to be affected by a proposed change in conditions has reasonable economic use as currently zoned.

- (D) WHETHER THE PROPOSED CHANGE IN CONDITIONS WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS:

The proposed change in conditions will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

- (E) WHETHER THE PROPOSED CHANGE IN CONDITIONS IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

The proposed change in conditions is in conformity with the policy and intent of the land use plan.

- (F) WHETHER THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY WHICH GIVE SUPPORTING GROUNDS FOR EITHER APPROVAL OR DISAPPROVAL OF THE PROPOSED CHANGE IN CONDITIONS:

There are not other existing or changing conditions affecting the use and development of the property which give supporting grounds for future approval or disapproval of the the proposed change in conditions.

RECEIVED

3.4.2016 KROGER PARCEL - Revised 11-5-2015

All that tract or parcel of land lying and being in Land Lot 235 and 514 of the 5<sup>th</sup> District of Gwinnett County Georgia and being more particularly described as follows:

Beginning at the intersection of the south side of the mitered intersection of the northerly right of way of Martins Chapel Road having a variable right of way and the easterly right of way of Bramlett Shoals Road Connector having a variable right of way and thence run along said miter North 10 degrees 54 minutes 12 seconds West a distance of 51.15 feet to a concrete monument found; Thence continue along said easterly right of way the following four (4) courses, North 34 degrees 05 minutes 48 seconds East a distance of 221.42 feet to a 5/8" rebar set; Thence along a curve to the right having an arc length of 389.88 feet, with a radius of 860.02 feet, being subtended by a chord bearing of North 47 degrees 05 minutes 03 seconds East, for a distance of 386.55 feet to a 5/8" rebar set; Thence North 60 degrees 04 minutes 17 seconds East a distance of 826.29 feet to a 5/8" rebar set; Thence leaving said right of way and run South 29 degrees 55 minutes 43 seconds East a distance of 97.01 feet to a 3/8" rebar found; Thence South 17 degrees 46 minutes 11 seconds East a distance of 299.88 feet to a 5/8" rebar set; Thence South 78 degrees 36 minutes 27 seconds East a distance of 177.53 feet to a 3/8" rebar found; Thence North 72 degrees 13 minutes 49 seconds East a distance of 339.96 feet to a 5/8" rebar set found on the western right of way of Sugarloaf Parkway having a variable right of way; Thence run along said right of way the following seven (7) courses, South 19 degrees 52 minutes 15 seconds West a distance of 668.13 feet to a 5/8" rebar set; Thence South 25 degrees 54 minutes 31 seconds West a distance of 76.89 feet to a 5/8" rebar set; Thence South 28 degrees 15 minutes 28 seconds West a distance of 551.44 feet to a 5/8" rebar set; Thence along a curve to the right having an arc length of 22.35 feet, with a radius of 3020.26 feet, being subtended by a chord bearing of South 37 degrees 09 minutes 10 seconds West, for a distance of 22.35 feet to a 5/8" rebar set; Thence South 58 degrees 14 minutes 35 seconds West a distance of 76.04 feet to a 5/8" rebar found; Thence South 52 degrees 20 minutes 09 seconds West a distance of 281.97 feet to a 5/8" rebar set on said northerly right of way; Thence run along said northerly right of way the following five (5) courses, Thence North 41 degrees 36 minutes 48 seconds West a distance of 88.38 feet to a 5/8" rebar set; Thence along a curve to the left having an arc length of 300.52 feet, with a radius of 5189.48 feet, being subtended by a chord bearing of North 41 degrees 33 minutes 14 seconds West, for a distance of 300.48 feet to a 5/8" rebar set; Thence along a curve to the left having an arc length of 204.70 feet, with a radius of 1606.50 feet, being subtended by a chord bearing of North 47 degrees 25 minutes 41 seconds West, for a distance of 204.56 feet to a point; Thence North 51 degrees 04 minutes 52 seconds West a distance of 53.54 feet to a point; Thence along a curve to the left having an arc length of 129.06 feet, with a radius of 3672.38 feet, being subtended by a chord bearing of North 52 degrees 05 minutes 07 seconds West, for a distance of 129.05 feet to a 5/8" rebar set; Thence leaving said right of way and run North 76 degrees 08 minutes 24 seconds East a distance of 71.09 feet to a concrete monument found; Thence North 04 degrees 27 minutes 30 seconds East a distance of 98.05 feet to a 5/8" rebar set; Thence North 58 degrees 54 minutes 58 seconds West a distance of 173.96 feet to a 3/4" open top pipe found; Thence South 38 degrees 26 minutes 00 seconds West a distance of 124.81 feet to a 5/8" rebar set on said northern right of way; Thence run along said right of way along a curve to the left having an arc length of 274.85 feet, with a radius of 14877.33 feet, being subtended by a chord bearing of North 55 degrees 22 minutes 17 seconds West, for a distance of 274.85 feet to a point and the Point of Beginning.

Said tract or parcel contains 35.338 Acres

WINNETT COUNTY

PLANNING AND DEVELOPMENT

RECEIVED  
3/15/2022



PROPERTY DESCRIPTION

TRACT 1  
All that tract or parcel of land lying and being in Land Lot 235 and 214 of the 30th District of Winnett County, Georgia and being more particularly described as follows:

Beginning at the intersection of the south side of the mirrored intersection of the westerly right of way of Bramlett Shoals Road having a width of 66 feet and the westerly right of way of Bramlett Shoals Road Connector having a width of 66 feet... (Detailed survey description follows)

Sold tract or parcel contains 31.053 Acres

TRACT 2  
All that tract or parcel of land lying and being in Land Lot 214 of the 30th District of Winnett County, Georgia and being more particularly described as follows:

Commencing at the intersection of the south side of the mirrored intersection of the westerly right of way of Bramlett Shoals Road having a width of 66 feet and the westerly right of way of Bramlett Shoals Road Connector having a width of 66 feet... (Detailed survey description follows)

Sold tract or parcel contains 3.106 Acres

TRACT 3  
All that tract or parcel of land lying and being in Land Lot 514 of the 30th District of Winnett County, Georgia and being more particularly described as follows:

Commencing at the intersection of the south side of the mirrored intersection of the westerly right of way of Bramlett Shoals Road having a width of 66 feet and the westerly right of way of Bramlett Shoals Road Connector having a width of 66 feet... (Detailed survey description follows)

Sold tract or parcel contains 1.179 Acres

SITE PHOTOGRAPHS



SURVEYOR CERTIFICATION

To: The Kroger Co., an Ohio Corporation and Chicago Title Insurance Company  
This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2018 Minimum Standard Detail Requirements for ALTA and NSPS, and include items 1, 2, 3, 4, 6(a), 6(b), 7(a)-(c), 8, 9, 10(a), 11, & 12 of Table A thereof. The field work was completed on October 16, 2021.

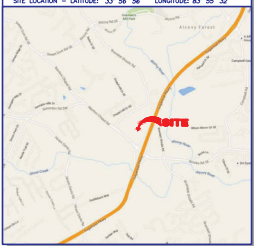


SURVEYOR CERTIFICATION

This plot is a reproduction of an existing parcel or parcels of land and does not constitute or create a new parcel or make any changes to any property boundaries. The recording information of the documents... (Detailed certification text follows)

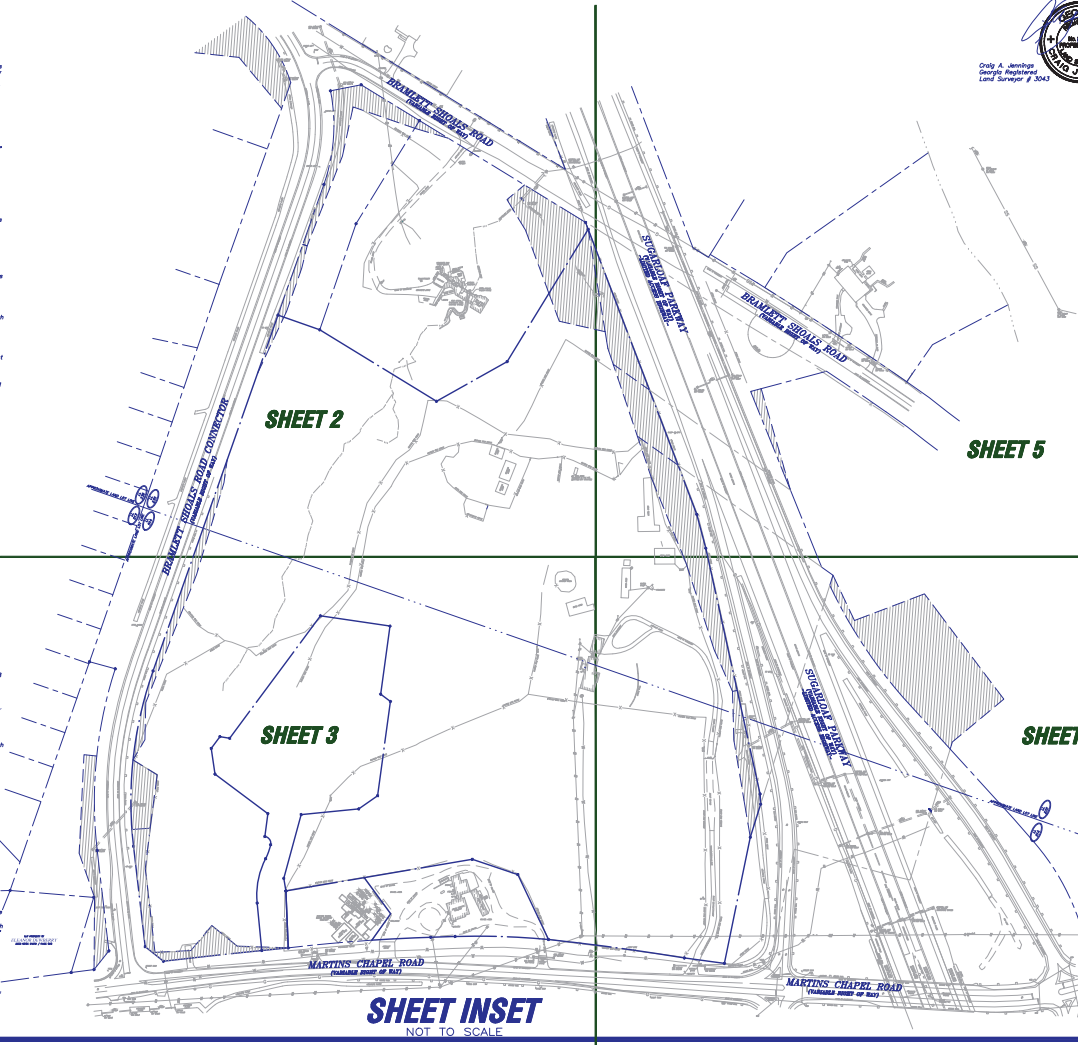


VICINITY MAP



GENERAL NOTES

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON... (Detailed general notes follow)



TOTAL SITE AREA  
35.330 Acres  
1,530,111 sq. ft.  
ZONING C-2



Land Surveying s3D Laser Scanning  
1660 Barnes Mill Road  
Marietta, Georgia 30067  
Phone: (770) 795-9900  
Fax: (770) 795-8880  
www.geosurvey.com  
EMAIL: info@geosurvey.com  
Certificate of Authorization #LSF-000021

AERIAL IMAGE



CLOSURE STATEMENT

THE FIELD COURSE UPON WHICH THIS PLAT IS BASED HAS A CLOSED PROJECTION OF THE FOUR CORNERS AND IS ACCURATE TO THE DEGREE OF ONE INSEVEN THOUSAND FIELD DATA.

GRAPHIC SCALE



LEGEND

Table with columns for STANDARD ABBREVIATIONS and STANDARD SYMBOLS. Includes symbols for CONCRETE, BRICK, METAL PIPE, POWER POLE, etc.

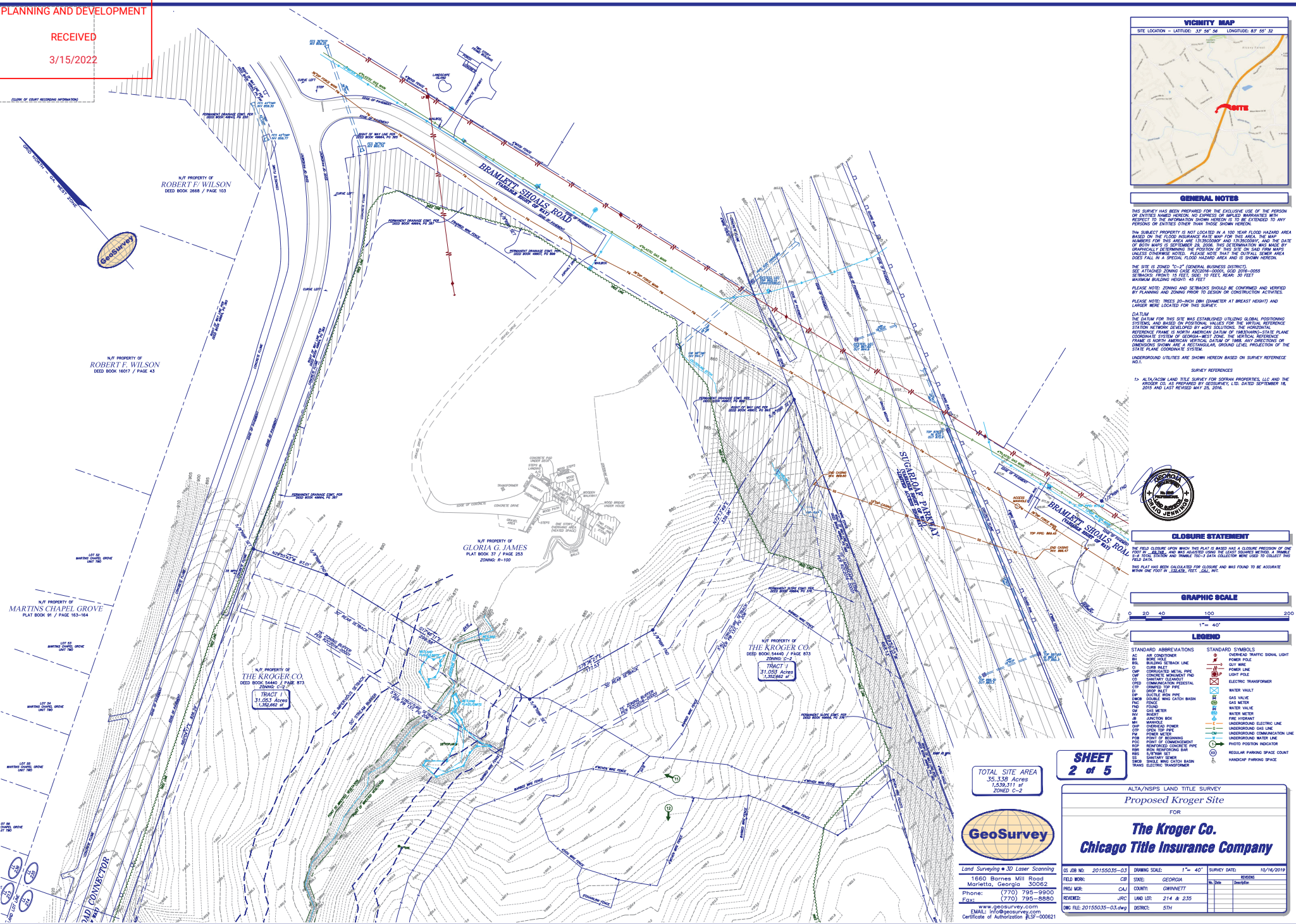
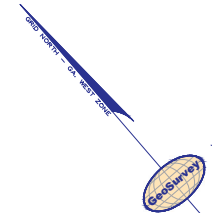
SHEET 1 of 5

ALTA/NSPS LAND TITLE SURVEY Proposed Kroger Site FOR The Kroger Co. Chicago Title Insurance Company. Includes fields for FILE NO., DATE, COUNTY, CITY, and SURVEY DATE.

RECEIVED

3/15/2022

(SCALE OF COURT RECORDS INFORMATION)



**VICINITY MAP**  
 SITE LOCATION - LATITUDE: 33° 38' 28" LONGITUDE: 83° 58' 32"

**GENERAL NOTES**

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

THE SUBJECT PROPERTY IS NOT LOCATED IN A 100-YEAR FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP DATED FOR THIS AREA ARE (1) 050601P AND (2) 050601S. THE DATE OF BOTH MAPS IS SEPTEMBER 20, 2006. THIS DETERMINATION WAS MADE BY COMPARING THE POSITION OF THE SITE ON SAID FLOOD MAPS WITH THE OVERLAPPING NOTICES. PLEASE NOTE THAT THE OFFICIAL NUMBER DOES FALL IN A SPECIAL FLOOD HAZARD AREA AND IS SHOWN HEREON.

THE SITE IS ZONED "C-2" (GENERAL BUSINESS DISTRICT). SEE ATTACHED ZONING CASE RECORD NUMBER: GDCR 2019-0055 SETBACKS FRONT: 15 FEET, SIDE: 10 FEET, REAR: 30 FEET MAXIMUM BUILDING HEIGHT: 45 FEET

PLEASE NOTE: ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING AND ZONING PRIOR TO DESIGN OR CONSTRUCTION ACTIVITIES.

PLEASE NOTE: TREES 20-INCH DBH (DIAMETER AT BREAST HEIGHT) AND LARGER WERE LOCATED FOR THIS SURVEY.

**DATE/TIME**

THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEM AND BASED ON POSITIVE UNITS FOR THE VERTICAL REFERENCE STATION NETWORK DEVELOPED BY GPS SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983 (NAD 83). THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DISCREPANCIES OR INCONSISTENCIES SHOWN ARE RECTANGULAR GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

UNDERGROUND UTILITIES ARE SHOWN HEREON BASED ON SURVEY REFERENCE MAPS.

**DATE/TIME**

THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEM AND BASED ON POSITIVE UNITS FOR THE VERTICAL REFERENCE STATION NETWORK DEVELOPED BY GPS SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983 (NAD 83). THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DISCREPANCIES OR INCONSISTENCIES SHOWN ARE RECTANGULAR GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

UNDERGROUND UTILITIES ARE SHOWN HEREON BASED ON SURVEY REFERENCE MAPS.

**SURVEY REFERENCES**

1- ALTA/NSPS LAND TITLE SURVEY FOR SOPRAN PROPERTIES, LLC AND THE SUBJECT, AS PREPARED BY GEOSURVEY, L.P. DATED SEPTEMBER 18, 2015 AND LAST REVISED MAY 20, 2016.



**CLOSURE STATEMENT**

FIELD COURTESY UPON WHICH THIS PLAN IS BASED HAS A COMPLETE PROVISION OF THE PLAN TO BE MADE AND MODIFIED OVER THE LIFE OF THE PROJECT TO OBTAIN THE BEST FIELD DATA.

IT HAS BEEN DETERMINED FOR SURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 3,168.0 FEET 3/4"= 1" N.T.S.



**LEGEND**

STANDARD ABBREVIATIONS	STANDARD SYMBOLS
AC AIR CONDITIONING	BT OVERHEAD TRAFFIC SIGNAL LIGHT
BEL BUILDING ETRBACK LINE	EP POWER POLE
BOV BOV	GV GUY WIRE
CU CONCRETE	PL POWER LINE
CM CORRUGATED METAL PIPE	LP LIGHT POLE
CO CONDUIT	PT PHOTO POSITION
CFD COMMUNICATION FIBER OPTICAL CABLE	TR ELECTRIC TRANSFORMER
DR DRAIN	
DI DRAIN DRAIN	
DP DRAIN PIPE	
EP OVERHEAD POWER LINE	
FC FENCE	
GC GAS METER	
GH GAS VALVE	
HW HANDHOLD	
IR IR	
MC MANHOLE	
MS OVERHEAD POWER	
PO POINT OF CONCERNMENT	
PP POWER POLE	
PPS POINT OF CONCERNMENT	
RS REINFORCED CONCRETE PIPE	
SBS SURFACE SIGN	
SH SAND	
SMB SINGLE MANHOLE	
TR ELECTRIC TRANSFORMER	

TOTAL SITE AREA  
 35.339 Acres  
 1,520,311 sq ft  
 ZONED C-2



**SHEET 2 of 5**

ALTA/NSPS LAND TITLE SURVEY  
 Proposed Kroger Site  
 FOR  
**The Kroger Co.**  
**Chicago Title Insurance Company**

US JOB NO: 20155035-03 SURVEY SCALE: 1" = 40' SURVEY DATE: 10/16/2019

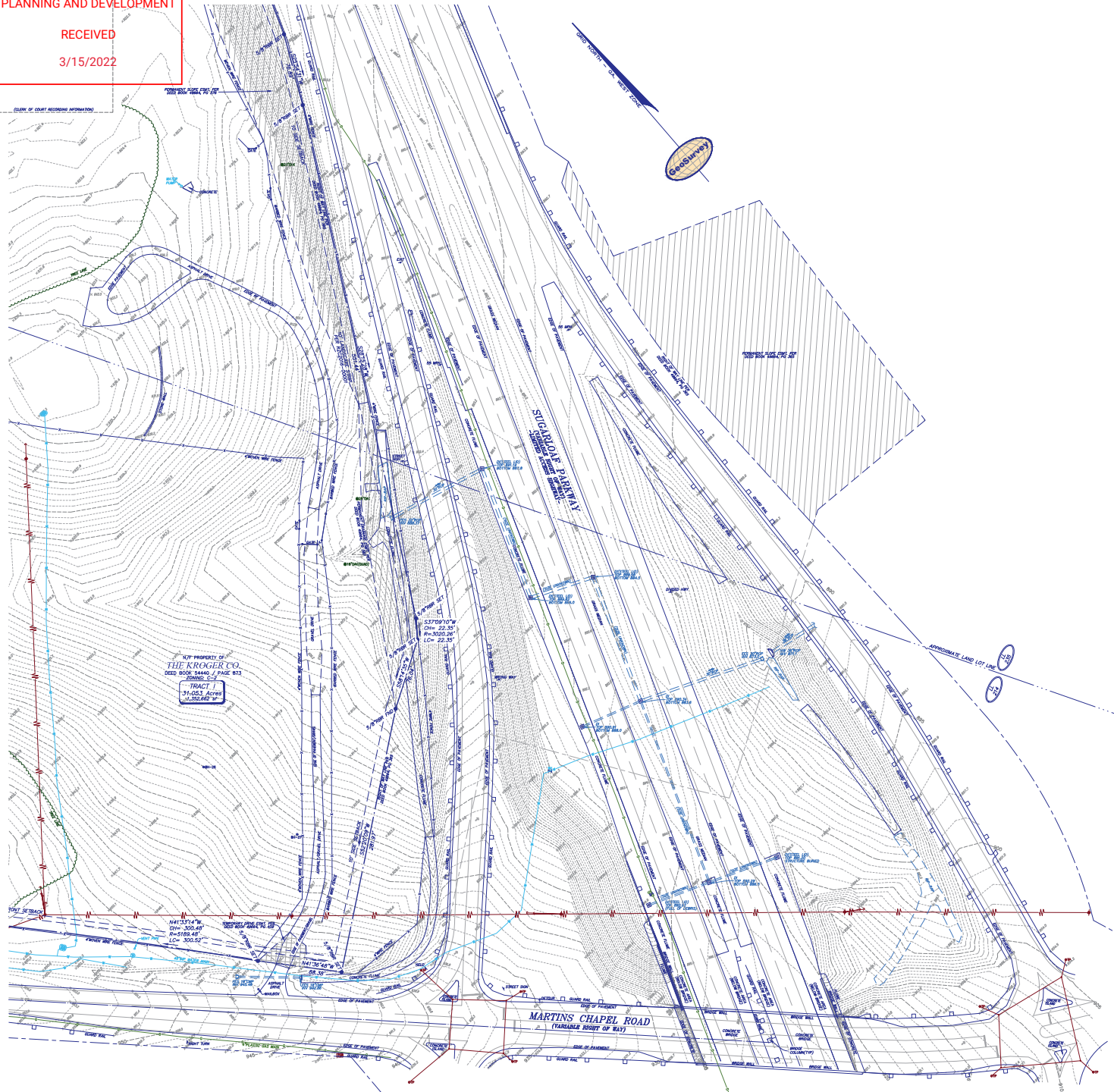
FIELD WORK:	CA	STATE:	GEORGIA	NO. DATE:		REVISED:	
PROJ. NO.:	CAJ	COUNTY:	GWINNETT				
PHONE:	(770) 795-9900	LAND LOT:	214 & 235				
EMAIL:	info@geosurvey.com	DISTRICT:	57H				
		FILE NO.:	20155035-03.dwg				

www.geosurvey.com  
 Certificate of Authorization 1137-000621





RECEIVED  
3/15/2022



NEP PROPERTY OF  
THE KROGER CO.  
DEED BOOK 64440 / PAGE 832  
ZONING C-2  
TRACT 1  
3 ACRES More  
152,640 SF

**IF YOU DIG**



Know what's below.  
Call before you dig.  
Dial 811  
Or Call 800-282-7411

TOTAL SITE AREA  
35.338 Acres  
1,539,311 sq  
ZONED C-2



Land Surveying • 3D Laser Scanning  
1660 Barnes Mill Road  
Marietta, Georgia 30062  
Phone: (770) 795-9900  
Fax: (770) 795-8880  
www.geosurvey.com  
EMAIL: info@geosurvey.com  
Certificate of Authorization #13F-000621



**GENERAL NOTES**

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

THE SUBJECT PROPERTY IS NOT LOCATED IN A 100 YEAR FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA ARE 131600000P AND 131600002. AND THE DATE OF BOTH MAPS IS SEPTEMBER 20, 2006. THIS DETERMINATION WAS MADE BY COMPARING THE DETERMINED POSITION OF THIS SITE ON SAID FEMA MAPS WITH THE SURVEY DATA. PLEASE NOTE THAT THE OFFICIAL FEMA MAPS DOES FALL IN A SPECIAL FLOOD HAZARD AREA AND IS SHOWN HEREON.

THE SITE IS ZONED "C-2" (GENERAL BUSINESS DISTRICT).  
SEE ATTACHED ZONING CASE RECORDING-NUMBER 2016-0055  
SETBACKS FRONT: 15 FEET; SIDE: 10 FEET; REAR: 30 FEET  
MAXIMUM BUILDING HEIGHT: 45 FEET

PLEASE NOTE: ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING AND ZONING PRIOR TO DECISION OF CONSTRUCTION ACTIVITIES.

PLEASE NOTE: TREES 20-INCH DBH (DIAMETER AT BREAST HEIGHT) AND LARGER WERE LOCATED FOR THIS SURVEY.

**DATA**  
THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEM (GPS) DATA COLLECTED BY GEOSURVEY. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983 (NAD-83). STATE PLANE COORDINATE SYSTEM OF GEORGIA - WEST ZONE. THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DEVIATIONS OF THE MEASUREMENTS SHOWN ARE RECTANGULAR GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

**UNDERGROUND UTILITIES ARE SHOWN HEREON BASED ON SURVEY REFERENCE MAP:**

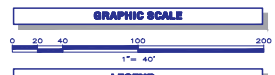
**SURVEY REFERENCES**

1. ALTA/ACSM LAND TITLE SURVEY FOR SOPRAN PROPERTIES, LLC AND THE PROSPECT, AS PREPARED BY GEOSURVEY, L.L.C. DATED SEPTEMBER 16, 2015 AND LAST REVISED MAY 20, 2016.

**CLOSURE STATEMENT**

THE FIELD CLOSURE UPON WHICH THIS PLAN IS BASED HAS A CLOSURE PRECISION OF THE ORDER OF 1:40,000. THE FIELD CLOSURE WAS COLLECTED USING A LEICA DISTO D5 DISTANCE MEASUREMENT SYSTEM AND TRIMBLE SC-3 DATA COLLECTOR WERE USED TO COLLECT THIS FIELD DATA.

THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 132,638 FEET. SCALE: 1\"/>



**LEGEND**

STANDARD ABBREVIATIONS	STANDARD SYMBOLS	STANDARD SYMBOLS	STANDARD SYMBOLS
AC AIR CONDITIONING	BE OVERHEAD TRAFFIC SIGNAL LIGHT		
BIL BUILDING SETBACK LINE	BP POWER POLE		
BOB BORE HOLE	CP CITY WIRE		
CUP CONSOLIDATED METAL PIPE	CP POWER LINE		
CONC CONCRETE RETAINMENT PILE	EL LIGHT POLE		
COF CONCRETE FOUNDATION	EL ELECTRIC TRANSFORMER		
COM COMMUNICATION FIBER/STAINLESS			
CONC CONCRETE			
DI DROP INLET	EW WATER VALVE		
DR DOUBLE FLOW PIPE	EW GAS VALVE		
FW FENCE	EW GAS METER		
FW FENCE WING CATCH BASIN	FW WATER VALVE		
FOG FOG	FW WATER METER		
GW GAS METER	FW FIRE HYDRANT		
IN INVERT	UL UNDERGROUND ELECTRIC LINE		
MI MANHOLE	UL UNDERGROUND GAS LINE		
MP MANHOLE POWER	UL UNDERGROUND WATER LINE		
PV POINT OF VIEW	UL UNDERGROUND COMMUNICATION LINE		
POD POINT OF COMPLETION	UL UNDERGROUND MILE LINE		
PPH PHOTO POSITION INDICATOR	UL PHOTO POSITION INDICATOR		
RIB REGULAR IRON BAR	UL REGULAR PARKING SPACE		
RSB REINFORCED CONCRETE PIPE	UL HANDICAP PARKING SPACE		
SB STEEL BAR			
SBK SINGLE WING CATCH BASIN			
STB STEEL TRAP			
TRB TRAP			



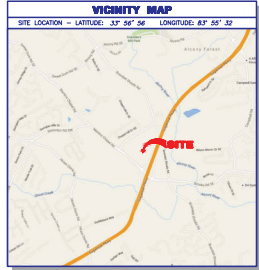
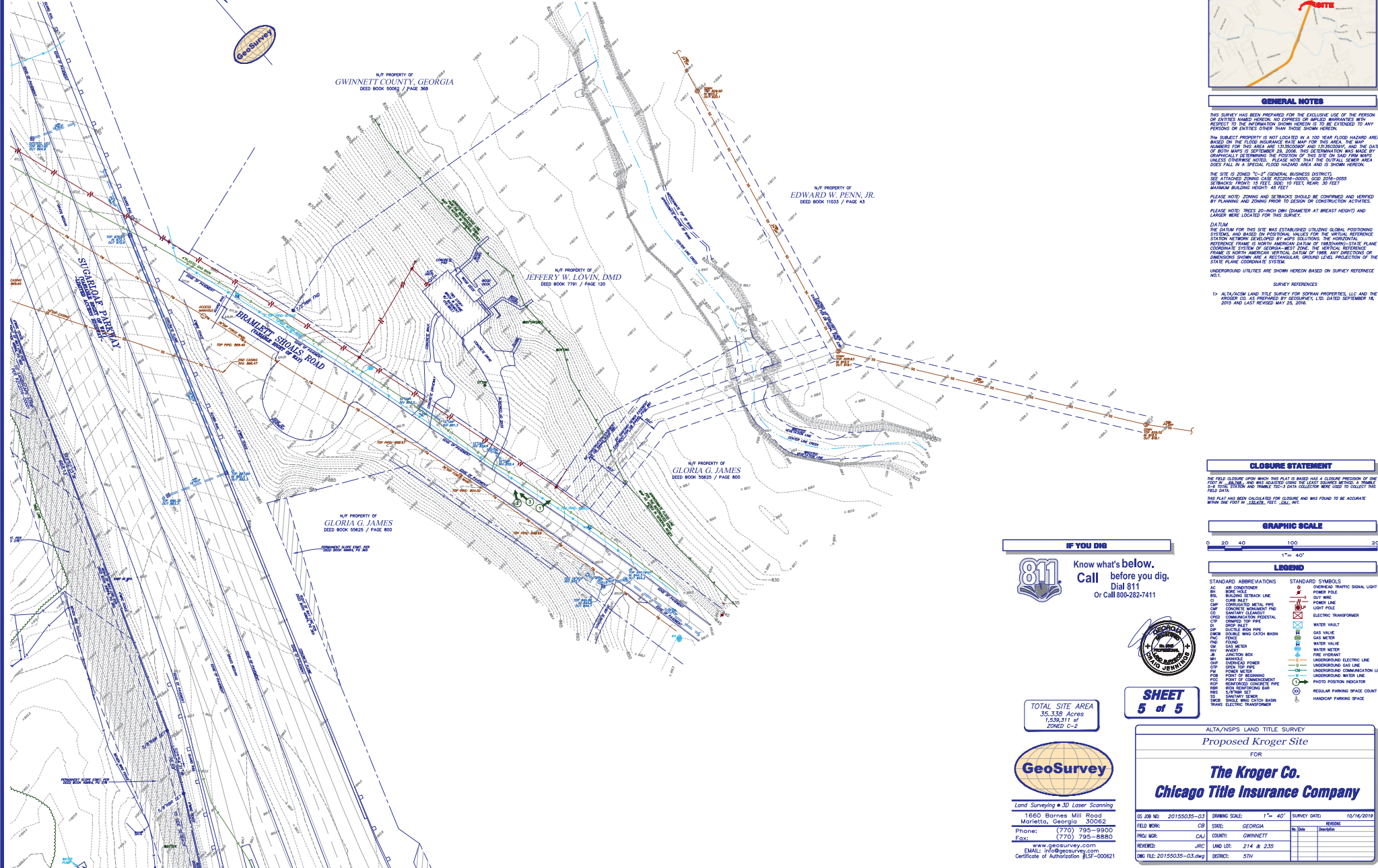
**SHEET 4 of 5**

ALTA/NSPS LAND TITLE SURVEY  
Proposed Kroger Site  
FOR  
**The Kroger Co.**  
**Chicago Title Insurance Company**

CS JOB NO. 20155035-03	DRAWING SCALE: 1" = 40'	SURVEY DATE: 10/16/2019
FIELD WORK: CR	STATE: GEORGIA	
PROJ. NO.: CAL	COUNTY: GWINNETT	No. SHEETS: 5
REVISION: JRC	LAND LOTS: 214 & 235	REVISED: 10/16/2019
DWG FILE: 20155035-03.dwg	DISTRICT: 5TH	

RECEIVED  
3/15/2022

SCALE OF COURT RECORDS INFORMATION



GENERAL NOTES

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

THE SUBJECT PROPERTY IS NOT LOCATED IN A 100-YEAR FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA ARE 131600000P AND 131600000Q, AND THE DATE OF BOTH MAPS IS SEPTEMBER 20, 2006. THIS DETERMINATION WAS MADE BY COMPARING THE DETERMINED POSITION OF THIS SITE ON SAID FLOOD MAPS TO THE FLOOD HAZARD AREAS SHOWN THEREON. PLEASE NOTE THAT THE OFFICIAL FLOOD MAPS DOES FALL IN A SPECIAL FLOOD HAZARD AREA AND IS SHOWN HEREON.

THE SITE IS ZONED "C-2" (GENERAL BUSINESS DISTRICT).

SEE ATTACHED TOWNSHIP CASE RECORDS-BOOKS, CASE 2018-0055 SETBACKS FRONT: 15 FEET, SIDE: 10 FEET, REAR: 30 FEET MAXIMUM BUILDING HEIGHT: 45 FEET.

PLEASE NOTE: ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING AND ZONING PRIOR TO DESIGN OR CONSTRUCTION ACTIVITIES.

PLEASE NOTE: TREES 20-INCH DBH (DIAMETER AT BREAST HEIGHT) AND LARGER WERE LOCATED FOR THIS SURVEY.

DATE/TIME: THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEM AND BASED ON POSITIVE UNITS FOR THE VERTICAL REFERENCE STATION NETWORK DEVELOPED BY GPS SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF BARSING-GALE PLANE COORDINATE SYSTEM OF GEORGIA-WEST ZONE. THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DEVIATIONS OR CORRECTIONS SHOWN ARE A RECTANGULAR GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

UNDERGROUND UTILITIES ARE SHOWN HEREON BASED ON SURVEY REFERENCE AND:

UTILITY REFERENCES

1A ALTA/ACORN LAND TITLE SURVEY FOR SOPRAN PROPERTIES, LLC AND THE RECORD IS AS PREPARED BY GEOSURVEY, L.L.C. DATED SEPTEMBER 16, 2015 AND LAST REVISED MAY 20, 2016.

CLOSURE STATEMENT

THE FIELD CLOSURE UPON WHICH THIS PLAN IS BASED HAS A CLOSURE PRECISION OF ONE PART IN 100,000 AS PREPARED BY GEOSURVEY, L.L.C. THE FIELD DATA WAS COLLECTED USING A LEICA TOTAL STATION AND TRIMBLE SC-3 DATA COLLECTOR WERE USED TO COLLECT THIS FIELD DATA.

THIS PLAN HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET. DATE: 03/15/22

GRAPHIC SCALE



LEGEND

STANDARD ABBREVIATIONS	STANDARD SYMBOLS	STANDARD ABBREVIATIONS	STANDARD SYMBOLS
AC AIR CONDUIT	⊗ OVERHEAD TRAFFIC SIGNAL LIGHT	BE BONE BUILDING SETBACK LINE	— POWER POLE
BL BONE BUILDING SETBACK LINE	— CITY WIRE	CP CONCRETE CURB	— POWER LINE
CAF CONCRETE FOOTING	⊗ LIGHT POLE	CD COMMUNICATION DISTRICT	⊗ LIGHT POLE
CD COMMUNICATION DISTRICT	⊗ ELECTRIC TRANSFORMER	CI COMMUNICATION DISTRICT	⊗ ELECTRIC TRANSFORMER
DI DROP INLET	⊗ WATER VALVE	DI DROP INLET	⊗ WATER VALVE
DR DOUBLE RIGID PIPE	⊗ GAS VALVE	DR DOUBLE RIGID PIPE	⊗ GAS VALVE
FD FENCE	⊗ WATER VALVE	FD FENCE	⊗ WATER VALVE
FW FIRE WATER	⊗ WATER METER	FW FIRE WATER	⊗ WATER METER
GW GAS WETER	⊗ FIRE HYDRANT	GW GAS WETER	⊗ FIRE HYDRANT
HW HIGHWAY	— UNDERGROUND POWER	HW HIGHWAY	— UNDERGROUND POWER
MI MANHOLE	— UNDERGROUND GAS LINE	MI MANHOLE	— UNDERGROUND GAS LINE
OP OVERHEAD POWER	— UNDERGROUND COMMUNICATION LINE	OP OVERHEAD POWER	— UNDERGROUND COMMUNICATION LINE
PO POINT OF BEGINNING	— UNDERGROUND WATER LINE	PO POINT OF BEGINNING	— UNDERGROUND WATER LINE
PP POINT OF COMMENCEMENT	⊗ PHOTO POSITION INDICATOR	PP POINT OF COMMENCEMENT	⊗ PHOTO POSITION INDICATOR
RF REINFORCED CONCRETE FENCE	⊗ REGULAR PARKING SPACE	RF REINFORCED CONCRETE FENCE	⊗ REGULAR PARKING SPACE
RS REINFORCED CONCRETE FENCE	⊗ HANDICAP PARKING SPACE	RS REINFORCED CONCRETE FENCE	⊗ HANDICAP PARKING SPACE
SB SINGLE WING CATCH BASIN		SB SINGLE WING CATCH BASIN	
TR TRIP		TR TRIP	

**IF YOU DIG**

Know what's below.  
Call before you dig.  
Dial 811  
Or Call 800-282-7411

TOTAL SITE AREA  
35.330 Acres  
1,539,311 sq  
ZONED C-2



Land Surveying • 3D Laser Scanning  
1660 Barnes Mill Road  
Marietta, Georgia 30062  
Phone: (770) 795-9900  
(770) 795-8880  
Fax: (770) 795-9900  
www.geosurvey.com  
EMAIL: info@geosurvey.com  
Certificate of Authorization #LSP-006821

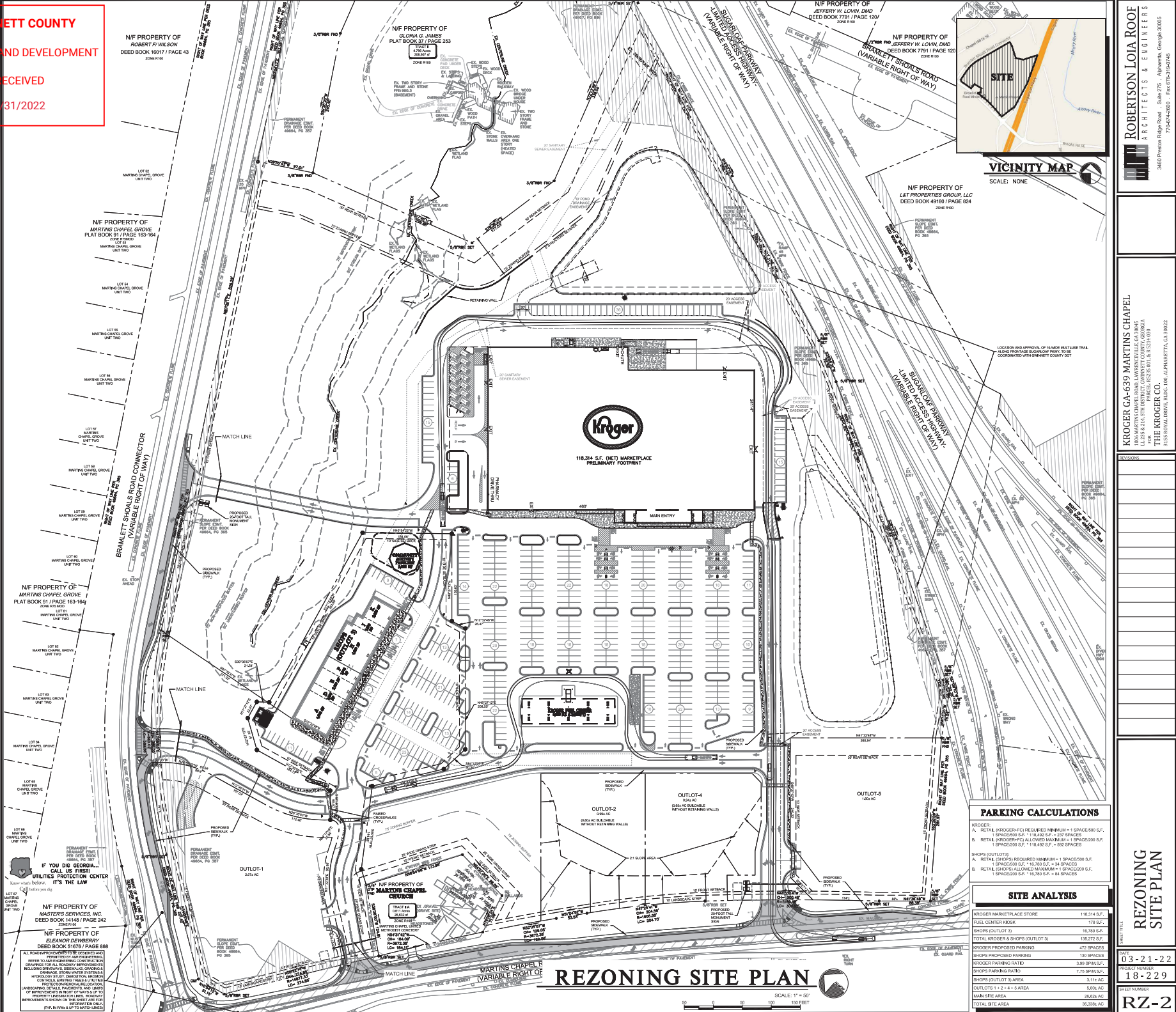


SHEET  
5 of 5

ALTA/NSPS LAND TITLE SURVEY  
FOR  
**The Kroger Co.**  
**Chicago Title Insurance Company**

CS: 08 10: 20155035-03	DRAWING SCALE: 1" = 40'	SURVEY DATE: 10/16/2019
FIELD WORK: CS	STATE: GEORGIA	REVISION:
PROJ. NO.: CAL	COUNTY: COWNETT	No. Date Description
REVISION: JRC	LAND LOTS: 214 & 235	
DWG FILE: 20155035-03.dwg	DISTRICT: 5TH	

RECEIVED  
3/31/2022



**PARKING CALCULATIONS**

KROGER

- A. RETAIL (PROPOSED) REQUIRED MINIMUM + 1 SPACE/100 S.F. + 1 SPACE/200 S.F. + 1 SPACE/300 S.F. + 1 SPACE/400 S.F. + 1 SPACE/500 S.F. + 1 SPACE/600 S.F. + 1 SPACE/700 S.F. + 1 SPACE/800 S.F. + 1 SPACE/900 S.F. + 1 SPACE/1000 S.F. = 237 SPACES
- B. RETAIL (PROPOSED) ALLOWED MAXIMUM + 1 SPACE/200 S.F. + 1 SPACE/300 S.F. + 1 SPACE/400 S.F. + 1 SPACE/500 S.F. + 1 SPACE/600 S.F. + 1 SPACE/700 S.F. + 1 SPACE/800 S.F. + 1 SPACE/900 S.F. + 1 SPACE/1000 S.F. = 502 SPACES

SHOPS (OUTLOT 3)

- A. RETAIL (SHOPS) REQUIRED MINIMUM + 1 SPACE/100 S.F. + 1 SPACE/200 S.F. + 1 SPACE/300 S.F. + 1 SPACE/400 S.F. + 1 SPACE/500 S.F. + 1 SPACE/600 S.F. + 1 SPACE/700 S.F. + 1 SPACE/800 S.F. + 1 SPACE/900 S.F. + 1 SPACE/1000 S.F. = 34 SPACES
- B. RETAIL (SHOPS) ALLOWED MAXIMUM + 1 SPACE/200 S.F. + 1 SPACE/300 S.F. + 1 SPACE/400 S.F. + 1 SPACE/500 S.F. + 1 SPACE/600 S.F. + 1 SPACE/700 S.F. + 1 SPACE/800 S.F. + 1 SPACE/900 S.F. + 1 SPACE/1000 S.F. = 84 SPACES

**SITE ANALYSIS**

KROGER MARKETPLACE STORE	118,314 S.F.
FUEL CENTER (KROGER)	170 S.F.
SHOPS (OUTLOT 3)	16,780 S.F.
TOTAL KROGER & SHOPS (OUTLOT 3)	135,272 S.F.
KROGER PROPOSED PARKING	472 SPACES
SHOPS PROPOSED PARKING	130 SPACES
KROGER PARKING RATIO	3.89 SPACES/S.F.
SHOPS PARKING RATIO	7.95 SPACES/S.F.
SHOPS (OUTLOT 3) AREA	3,714 AC
OUTLOTS 1 + 2 + 4 + 5 AREA	5,624 AC
MAIN SITE AREA	26,821 AC
TOTAL SITE AREA	36,359 AC

**REZONING SITE PLAN**



SCALE: 1" = 50'

**ROBERSON LOIA ROOF**  
ARCHITECTS & ENGINEERS  
3480 Preston Ridge Road, Suite 275 - Atlanta, Georgia 30005  
770.874.0001 - Fax 770.319.4245

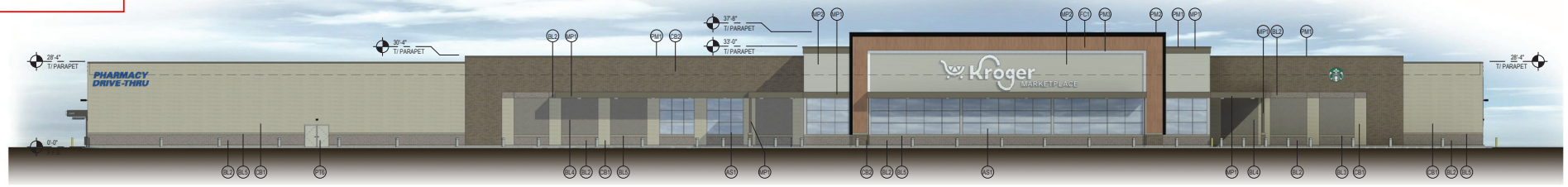
**KROGER GA-639 MARTINS CHAPEL**  
UNAPPROVED DEVELOPMENTAL CLOSURE  
LOTS 14-16 & 17-19 MARTINS CHAPEL ROAD  
PARCELS PE232101 & PE231109  
FOR  
**THE KROGER CO.**  
3155 HATFIELD DRIVE, MARIETTA, GA 30067

**REZONING  
SITE PLAN**

PROJECT NUMBER  
**03-21-22**

SHEET NUMBER  
**18-229**

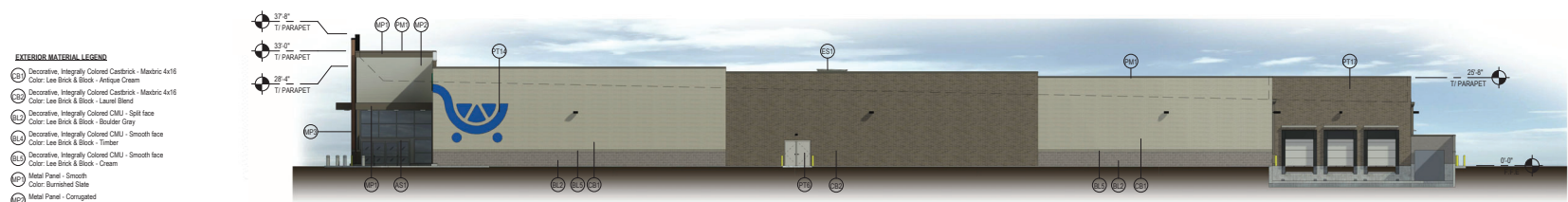
**RZ-2**



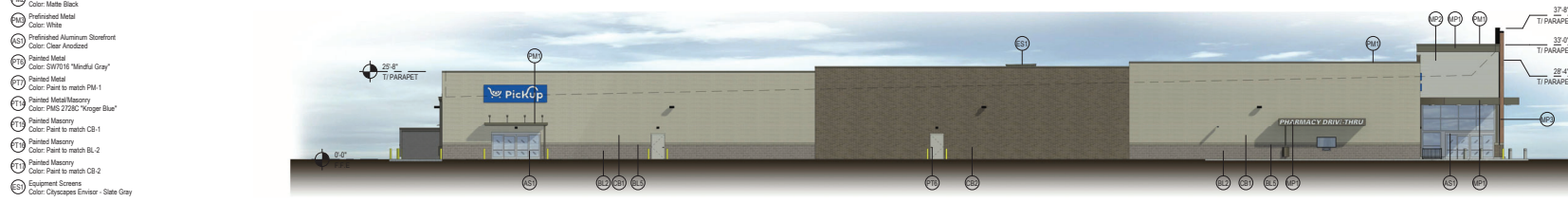
SOUTHWEST ELEVATION



NORTHEAST ELEVATION



SOUTHEAST ELEVATION



NORTHWEST ELEVATION

- EXTERIOR MATERIAL LEGEND**
- (S2) Decorative, Integrally Colored Castbrick - Mosaic 4x16  
Color: Lee Brick & Block - Antique Cream
  - (S3) Decorative, Integrally Colored Castbrick - Mosaic 4x16  
Color: Lee Brick & Block - Laurel Stained
  - (S4) Decorative, Integrally Colored CMU - Split face  
Color: Lee Brick & Block - Boulder Gray
  - (S5) Decorative, Integrally Colored CMU - Smooth face  
Color: Lee Brick & Block - Tender
  - (S6) Decorative, Integrally Colored CMU - Smooth face  
Color: Lee Brick & Block - Cream
  - (M1) Metal Panel - Smooth  
Color: Burnished Slate
  - (M2) Metal Panel - Corrugated  
Color: Granite
  - (M3) Metal Panel - Extruded Aluminum Siding  
Color: Longboard - Light Cherry wood finish
  - (M4) Prefinished Metal  
Color: Burnished Slate
  - (M5) Prefinished Metal  
Color: Matte Black
  - (M6) Prefinished Metal  
Color: White
  - (A5) Prefinished Aluminum Storefront  
Color: Clear Anodized
  - (P1) Painted Metal  
Color: SW7010 "Mindful Gray"
  - (P2) Painted Metal  
Color: Paint to match PM-1
  - (P3) Painted Metal/Masonry  
Color: PMS 2728C "Kroger Blue"
  - (P4) Painted Masonry  
Color: Paint to match CB-1
  - (P5) Painted Masonry  
Color: Paint to match BL-2
  - (P6) Painted Masonry  
Color: Paint to match CB-2
  - (E1) Equipment Screens  
Color: Cityscapes Enviro - Slate Gray



**EXTERIOR ELEVATIONS**

March 15, 2022

**KROGER STORE GA639**

Lawrenceville, GA



522305

**RECEIVED**

3.3.2022

Gwinnett County Planning Division  
Change in Conditions Application  
Last Updated 12/2020

**CHANGE IN CONDITIONS APPLICANT'S CERTIFICATION**

THE UNDERSIGNED BELOW IS AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.



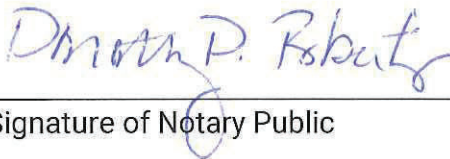
Signature of Applicant

3/2/22

Date

Michael Rosier

Type or Print Name and Title



Signature of Notary Public

3-2-2022

Date



DOROTHY D. ROBERTS  
Notary Public, State of Ohio  
My Commission Expires  
January 15, 2023

**RECEIVED**

3.3.2022

Gwinnett County Planning Division  
Change in Conditions Application  
Last Updated 12/2020

**CHANGE IN CONDITIONS PROPERTY OWNER'S CERTIFICATION**

THE UNDERSIGNED BELOW, OR AS ATTACHED, IS THE OWNER OF THE PROPERTY CONSIDERED IN THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 12 MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS UNLESS WAIVED BY THE BOARD OF COMMISSIONERS. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION BE ACTED UPON IN LESS THAN SIX (6) MONTHS FROM THE DATE OF LAST ACTION BY THE BOARD OF COMMISSIONERS.



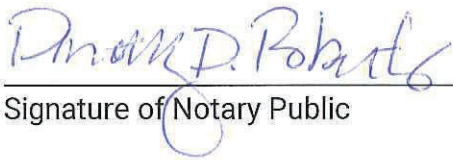
Signature of Property Owner

3/2/22

Date

Michael Rosier

Type or Print Name and Title



Signature of Notary Public

3-2-2022

Date



DOROTHY D. ROBERTS  
Notary Public, State of Ohio  
My Commission Expires  
January 15, 2023


RECEIVED

3.3.2022

Gwinnett County Planning Division  
Change in Conditions Application  
Last Updated 12/2020

**CONFLICT OF INTEREST CERTIFICATION FOR CHANGE IN CONDITIONS**

The undersigned below, making application for a change in conditions, has complied with the Official Code of Georgia Section 36-67A-1, et. seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

 3/6/22 Michael Rosier SR. Asset Manager  
Signature of Applicant Date Type of Print Name and Title

Signature of Applicant's Attorney or Representative Date Type or Print Name and Title

 3-2-2022  
Signature of Notary Public Date



DOROTHY D. ROBERTS  
Notary Public, State of Ohio  
My Commission Expires  
January 15, 2023

**DISCLOSURE OF CAMPAIGN CONTRIBUTIONS**

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the Board of Commissioners or a member of the Gwinnett County Planning Commission?

YES  NO Michael Rosier  
Your Name

If the answer is yes, please complete the following section:

NAME AND OFFICAL POSITION OF GOVERNMENT OFFICIAL	CONTRIBUTIONS (List all which aggregate to \$250 or More)	DATE CONTRIBUTION WAS MADE (Within last two years)

Attach additional sheets if necessary to disclose or describe all contributions.

RECEIVED

3.3.2022

Gwinnett County Planning Division  
Change in Conditions Application  
Last Updated 12/2020

**VERIFICATION OF CURRENT PAID PROPERTY TAXES  
FOR CHANGE IN CONDITIONS**

THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

\* **NOTE: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

**PARCEL I.D. NUMBER:**                      5   -  214  -  030   
(Map Reference Number)                    District                    Land Lot                    Parcel



  3/2/22  

Signature of Applicant

Date

Michael Foster

SR. Asset Manager

Type or Print Name and Title

**\*\*\*PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.\*\*\***

**TAX COMMISSIONERS USE ONLY**

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Lucy Broadnax

Tax Services Associate II

NAME

TITLE

03/02/2022

DATE



**RECEIVED**

3.3.2022

Gwinnett County Planning Division  
Change in Conditions Application  
Last Updated 12/2020

**VERIFICATION OF CURRENT PAID PROPERTY TAXES**  
**FOR CHANGE IN CONDITIONS**

THE UNDERSIGNED CERTIFIES THAT ALL GWINNETT COUNTY PROPERTY TAXES BILLED TO DATE FOR THE PARCEL LISTED BELOW HAVE BEEN PAID IN FULL TO THE TAX COMMISSIONER OF GWINNETT COUNTY, GEORGIA. IN NO CASE SHALL AN APPLICATION OR REAPPLICATION FOR REZONING BE PROCESSED WITHOUT SUCH PROPERTY VERIFICATION.

**\* NOTE: A SEPARATE VERIFICATION FORM MUST BE COMPLETED FOR EACH TAX PARCEL INCLUDED IN THE REZONING REQUEST.**

**PARCEL I.D. NUMBER:**          5     -   235   -   001    
(Map Reference Number)      District      Land Lot      Parcel

          3/2/22      
Signature of Applicant      Date

Michael Rosier      SR. Asset Manager  
Type or Print Name and Title

**\*\*\*PLEASE TAKE THIS FORM TO THE TAX COMMISSIONERS OFFICE AT THE GWINNETT JUSTICE AND ADMINISTRATION CENTER, 75 LANGLEY DRIVE, FOR THEIR APPROVAL BELOW.\*\*\***

**TAX COMMISSIONERS USE ONLY**

(PAYMENT OF ALL PROPERTY TAXES BILLED TO DATE FOR THE ABOVE REFERENCED PARCEL HAVE BEEN VERIFIED AS PAID CURRENT AND CONFIRMED BY THE SIGNATURE BELOW)

Lucy Broadnax      Tax Services Associate II  
NAME      TITLE  
03/02/2022  
DATE