

STATE OF GEORGIA
CITY OF SNELLVILLE

ORDINANCE NO. 2008-06

AN ORDINANCE TO AMEND THE LAND USE PLAN, CITY OF SNELLVILLE, GEORGIA, AS AMENDED; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Snellville is the Mayor and Council thereof;

WHEREAS, the governing authority of the City of Snellville, Georgia desires to modify the designated land use of certain property located within the City; and,

WHEREAS, the health, safety, and welfare of the citizens of Snellville, Georgia, will be positively impacted by the adoption of this Ordinance.

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA, and by the authority thereof:

Section 1. The property described in Exhibit "A," a copy of which is attached hereto and incorporated herein by reference, is hereby designated Public/Civic in the Land Use Plan, such change is to be noted on the City of Snellville Land Use Plan approved by Mayor and Council as soon as reasonably possible following adoption of this Ordinance by the Zoning Administrator along with an editorial note on the City of Snellville Land Use Plan approved by Mayor and Council specifying the parcel(s) affected by this Ordinance and the date of adoption of this Ordinance. Until the change

is indicated on the City of Snellville Land Use Plan approved by Mayor and Council, this Ordinance shall govern over the City of Snellville Land Use Plan approved by Mayor and Council to the extent of any discrepancy between this Ordinance and the City of Snellville Land Use Plan approved by Mayor and Council.

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases,

clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 4. Penalties in effect for violations of the Zoning Ordinance of the City of Snellville at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

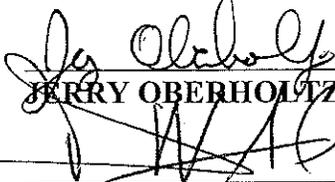
Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. This Ordinance was adopted on March 24, 2008; the effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

ORDAINED this 24th day of March, 2008.

CITY OF SNELLVILLE, GEORGIA



JERRY OBERHOLTZER, Mayor

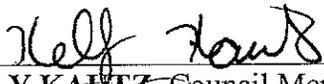


WARREN AULD, Mayor Pro-Tem



BARBARA BENDER, Council Member

ROBERT JENKINS, Council Member



KELLY KAUTZ, Council Member



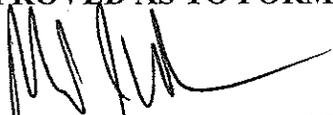
TOD WARNER, Council Member

ATTEST:



SHARON LOWERY, City Clerk

APPROVED AS TO FORM:



City Attorney

EXHIBIT "A"

Revised
Legal Description

All that tract or parcel of land lying and being in Land Lots 41 and 56 of the 5th District, City of Snellville, Gwinnett County Georgia, containing 43.85 acres as shown on that certain Rezoning Plan prepared by Stegenga + Partners dated July 30, 2007, and being more particularly described according to said Rezoning Plan as follows:

To find the Point of Beginning, commence at the Southerly Right-of-Way of Woodland Lake Drive (50' R/W) and the Easterly Right-of-Way of Tree Lane (R/W varies), if extended to form a point; THENCE continue along said Right-of-Way of Tree Lane for +/- 2587.78' to a point, said point being THE TRUE POINT OF BEGINNING.

FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, run thence along the Easterly Right-of-Way of Tree Lane (R/W varies) North 35 degrees 30 minutes 28 seconds West a distance of 50.16 feet to a point; thence leaving aforesaid Right-of-Way, run thence along the arc of a curve in a generally northeasterly direction and following the curvature thereof an arc distance of 53.22 feet to a point (said arc having a radius of 2870.45 feet and a chord bearing and distance of North 59 degrees 35 minutes 12 seconds East 53.22 feet); run thence North 57 degrees 46 minutes 51 seconds East a distance of 109.71 feet to a point; run thence North 29 degrees 53 minutes 25 seconds West a distance of 155.22 feet to a point; run thence North 57 degrees 46 minutes 51 seconds East for a distance of 109.71 feet to a point; run thence North 26 degrees 46 minutes 51 seconds West a distance of 380.46 feet to a point; run thence North 60 degrees 04 minutes 56 seconds East a distance of 197.38 feet to a point; run thence South 29 degrees 53 minutes 27 seconds West a distance of 126.64 feet to a point; run thence along the arc of a curve in a generally northwesterly direction and following the curvature thereof an arc distance of 48.30 feet to a point (said arc having a radius of 2,820.45 feet and a chord bearing and distance of South 59 degrees 37 minutes 38 seconds West 48.30 feet); run thence North 60 degrees 06 minutes 33 seconds West a distance of 74.77 feet to a point; run thence North 29 degrees 53 minutes 27 seconds West a distance of 149.95 feet to a point; run thence North 60 degrees 04 minutes 56 seconds East a distance of 300.50 feet to a point; run thence North 35 degrees 45 minutes 40 seconds West a distance of 209.77 feet to a point; run thence North 60 degrees 00 minutes 47 seconds East a distance of 210.00 feet to a point; run thence South 35 degrees 48 minutes 58 seconds East a distance of 210.00 feet to a point; run thence North 60 degrees 08 minutes 30 seconds East a distance of 100.00 feet to a point; run thence North 60 degrees 08 minutes 30 seconds East a distance of 1088.48 feet to a point; run thence South 29 degrees 05 minutes 53 seconds East a distance of 210.04 feet to a point; run thence South 76 degrees 03 minutes 53 seconds East a distance of 739.15 feet to a point; run thence South 22 degrees 24 minutes 47 seconds West a distance of 138.87 feet to a point; run thence South 22 degrees 32 minutes 54 seconds West a distance of 138.87 feet to a point; run thence South 22 degrees 32 minutes 03 seconds West a distance of 141.56 feet to a

point; run thence South 22 degrees 16 minutes 52 seconds West a distance of 388.37 feet to a point; run thence South 25 degrees 33 minutes 28 seconds West a distance of 187.75 feet to a point; run thence South 25 degrees 36 minutes 19 seconds West a distance of 32.55 feet to a point; run thence North 27 degrees 53 minutes 07 seconds West a distance of 568.50 feet to a point; run thence North 23 degrees 50 minutes 53 seconds West a distance of 6.71 feet to a point; run thence South 61 degrees 45 minutes 36 seconds West a distance of 175.07 feet to a point; run thence South 60 degrees 06 minutes 33 seconds West a distance of 525.00 feet to a point; run thence North 29 degrees 53 minutes 27 seconds West a distance of 239.31 feet to a point; run thence South 60 degrees 06 minutes 33 seconds West a distance of 1230.71 feet to a point; run thence along the arc of a curve in a generally southwesterly direction and following the curvature thereof arc distance of 48.30 feet to a point located on the Easterly Right of Way of Tree Lane, said point being the TRUE PLACE OF BEGINNING (said arc having a radius of 2820.45 feet and a chord bearing and distance South 59 degrees 37 minutes 38 seconds West 48.30 feet).

STATE OF GEORGIA
CITY OF SNELLVILLE

ORDINANCE NO. 2008-07

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP, CITY OF SNELLVILLE, GEORGIA, AS AMENDED; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Snellville is the Mayor and Council thereof;

WHEREAS, the governing authority of the City of Snellville, Georgia desires to modify the zoning designation of certain property located within the City; and,

WHEREAS, the health, safety, and welfare of the citizens of Snellville, Georgia, will be positively impacted by the adoption of this Ordinance.

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA, and by the authority thereof:

Section 1. The property described in Exhibit "A," a copy of which is attached hereto and incorporated herein by reference, is hereby rezoned to R-HOP (62)-CC, Continuous Care Campus District; such rezoning to be noted on the City of Snellville Official Zoning Map approved by Mayor and Council as soon as reasonably possible following adoption of this Ordinance by the Zoning Administrator along with an editorial note on the City of Snellville Official Zoning Map approved by Mayor and Council specifying the parcel(s) affected by this Ordinance and the date of adoption of this

Ordinance. Until the rezoning is indicated on the City of Snellville Official Zoning Map approved by Mayor and Council, this Ordinance shall govern over the City of Snellville Official Zoning Map approved by Mayor and Council to the extent of any discrepancy between this Ordinance and the City of Snellville Official Zoning Map approved by Mayor and Council.

The rezoning shall be subject to the following condition:

1. The property shall be developed in general accordance with the submitted site plan by Fouse Architecture and Interiors dated 03-20-08, received 03-20-2008 and entitled "Eastside Village - Rezoning Site Plan" with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the concept plan, as determined by the Director of Planning and Development, will require Mayor and Council approval;
2. New signs higher than 15 feet and larger than 225 square feet are prohibited;
3. Uses involving adult entertainment, including any sale or display of adult magazines, books, or videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited;
4. A minimum buffer of twenty-five feet (25') shall be maintained on all sides of the property abutting residential zoning. Buffers shall comply with Article X of the Zoning Ordinance and shall be planted with two (2) staggered rows of evergreen trees, fifteen-feet (15') on center, with a height of eight-foot (8') to ten-foot (10') at the time of planting (Cryptomeria, Southern Magnolia, "Tree Form" Hollies, and Thuja Green Giant). The buffers shall be re-graded and planted with a 2:1 irrigated landscaped berm. Said berm shall be located within the first twelve to fifteen feet

(12'-15') of the buffer closest to the Eastside Village. In the remaining areas of the buffer where there is sparse vegetation, the Developer shall be required to replant the buffer to allow for adequate screening; and

5. The developer shall complete all recommended traffic improvements that are required by Attachment "A" as prescribed by the Georgia Regional Transportation Authority, Attachment "A" is described in Exhibit "B," a copy of which is attached hereto and incorporated herein by reference.
6. Prior to the issuance of any Certificates of Occupancy, the developer shall make the proposed transportation improvements located at the eastern most drive of the Eastside Village project, as shown on the submitted schematic plan titled "Proposed Roadway Revisions", dated and submitted 3-20-2008, pending permission and approval from the Georgia Department of Transportation the Gwinnett County Department of Transportation. Said developer shall also be required to install sidewalks and any applicable traffic devices necessary to implement their usage, along the extended length of Eastside Village Drive to the right-of-way that abuts the Presidential Market Shopping Center, pending permission and approval from the Georgia Department of Transportation the Gwinnett County Department of Transportation. A copy of the submitted schematic plan titled "Proposed Roadway Revisions", dated and submitted 3-20-2008, is attached hereto and incorporated herein by reference as Exhibit "C".
7. The developer shall install a sidewalk along the right-of-way on either side of Medical Way, more specifically the length between Tree Lane and Presidential Circle. The developer will also be responsible for the installation of any applicable

- traffic devise necessary to implement their usage, per approval from the Georgia Department of Transportation the Gwinnett County Department of Transportation.
8. New Hampton Drive, or any portion thereof, shall not be abandoned without the prior written consent of Emory Eastside Medical Center, or the then current owner of the property abutting the south side of said street.
 9. In compliance with GRTA's requirement of connectivity between the Emory Eastside parcel and the Applicant's parcel, the proposed location of all driveways, alleyways, and/or roadways, intended to provide such connectivity into the Emory Eastside parcel shall be approved in writing by the owner of the Emory Eastside parcel to insure consistency with the future expansion plans for the hospital.
 10. No portion of the applicants property, including any medical office building located thereon, may be used for an acute care general hospital or specialty hospital.
 11. The mandatory homeowner's association, required by Article IX, Section 9-18 (3) of the City of Snellville Zoning Ordinance, shall provide that the covenants automatically renew at the end of the twenty (20) year term, notwithstanding the terms of subparagraph E of such Section 9-18 (3).
 12. Developer shall improve all existing public rights-of-way and install any necessary new rights-of-way within the property and insure that all such rights-of-way are in conformance with City of Snellville development standards.

Section 2. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 3. (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were,

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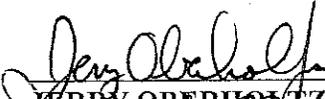
Section 4. Penalties in effect for violations of the Zoning Ordinance of the City of Snellville at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. This Ordinance was adopted on March 24, 2008; the effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

ORDAINED this 24th day of March, 2008.

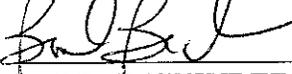
CITY OF SNELLVILLE, GEORGIA



JERRY OBERHOLTZER, Mayor

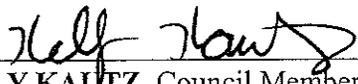


WARREN AULD, Mayor Pro-Tem

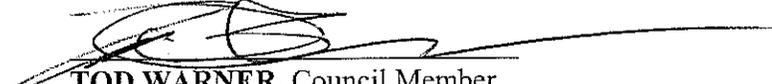


BARBARA BENDER, Council Member

ROBERT JENKINS, Council Member



KELLY KAUTZ, Council Member



TOD WARNER, Council Member

ATTEST:



SHARON LOWERY, City Clerk

APPROVED AS TO FORM:



City Attorney

EXHIBIT "A"

Revised Legal Description

All that tract or parcel of land lying and being in Land Lots 41 and 56 of the 5th District, City of Snellville, Gwinnett County Georgia, containing 43.85 acres as shown on that certain Rezoning Plan prepared by Stegenga + Partners dated July 30, 2007, and being more particularly described according to said Rezoning Plan as follows:

To find the Point of Beginning, commence at the Southerly Right-of-Way of Woodland Lake Drive (50' R/W) and the Easterly Right-of-Way of Tree Lane (R/W varies), if extended to form a point; THENCE continue along said Right-of-Way of Tree Lane for +/- 2587.78' to a point, said point being THE TRUE POINT OF BEGINNING.

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EXHIBIT "B"

Attachment A – General Conditions

Conditions to GRTA Notice of Decision:

Road Connectivity & Access Management

- Provide direct vehicular and pedestrian connection from Street C to the property labeled "Emory Eastside".
- A maximum of two site access points are allowed onto Tree Lane.

Pedestrian Facilities

- Provide a thorough system of sidewalks connecting all buildings structures and land uses, as shown on plan.
- Provide sidewalks along both sides of all internal roadways, as shown on plan.
- Connect sidewalks on driveways 1 and 2 to existing sidewalks on Tree Lane.

Roadway Improvements as Conditions to GRTA Notice of Decision:

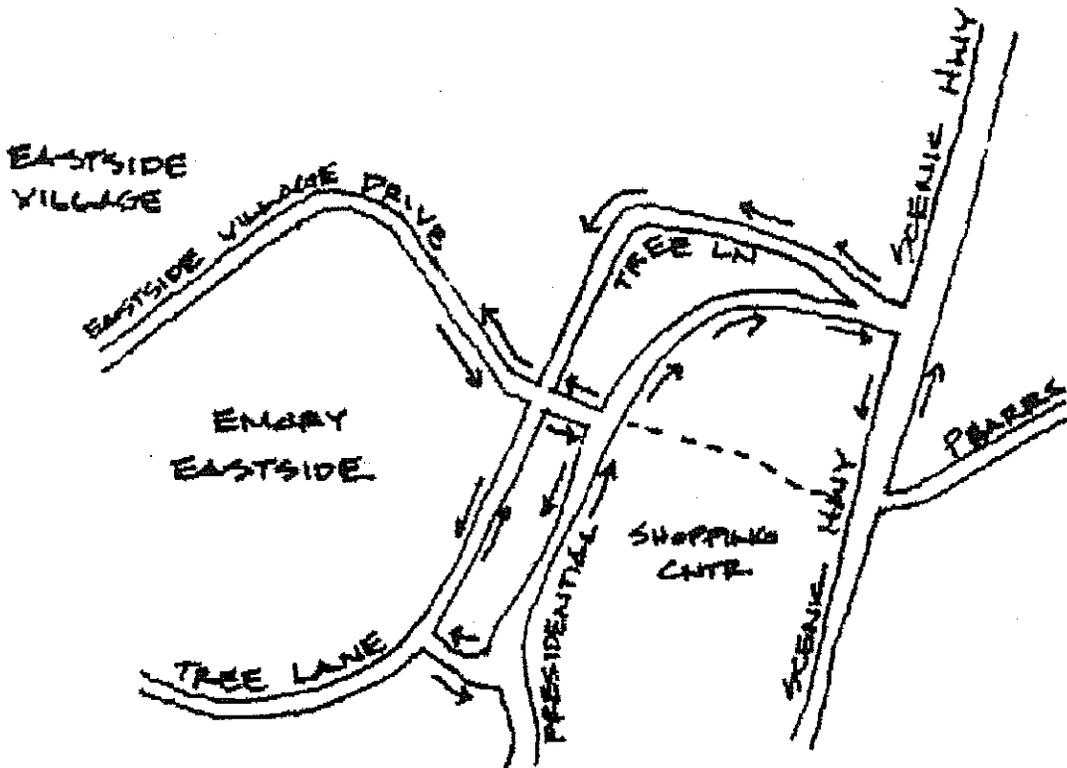
The following improvements are required on and adjacent to *non-state* routes:

Tree Lane @ New Hampton Drive/ Driveway #1

- Install a westbound right-turn lane along Tree Lane.

Tree Lane @ Proposed Driveway # 2

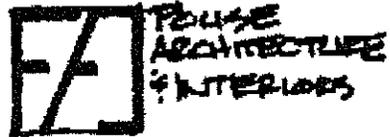
- Install a southbound right-turn lane along Tree Lane.
- Align driveway with u-turn along Tree Lane.



PROPOSED ROADWAY REVISIONS

NOT TO SCALE.

MARCH 20, 2008



678.991.5365



**FOUSE
ARCHITECTURE
& INTERIORS, P.C.**

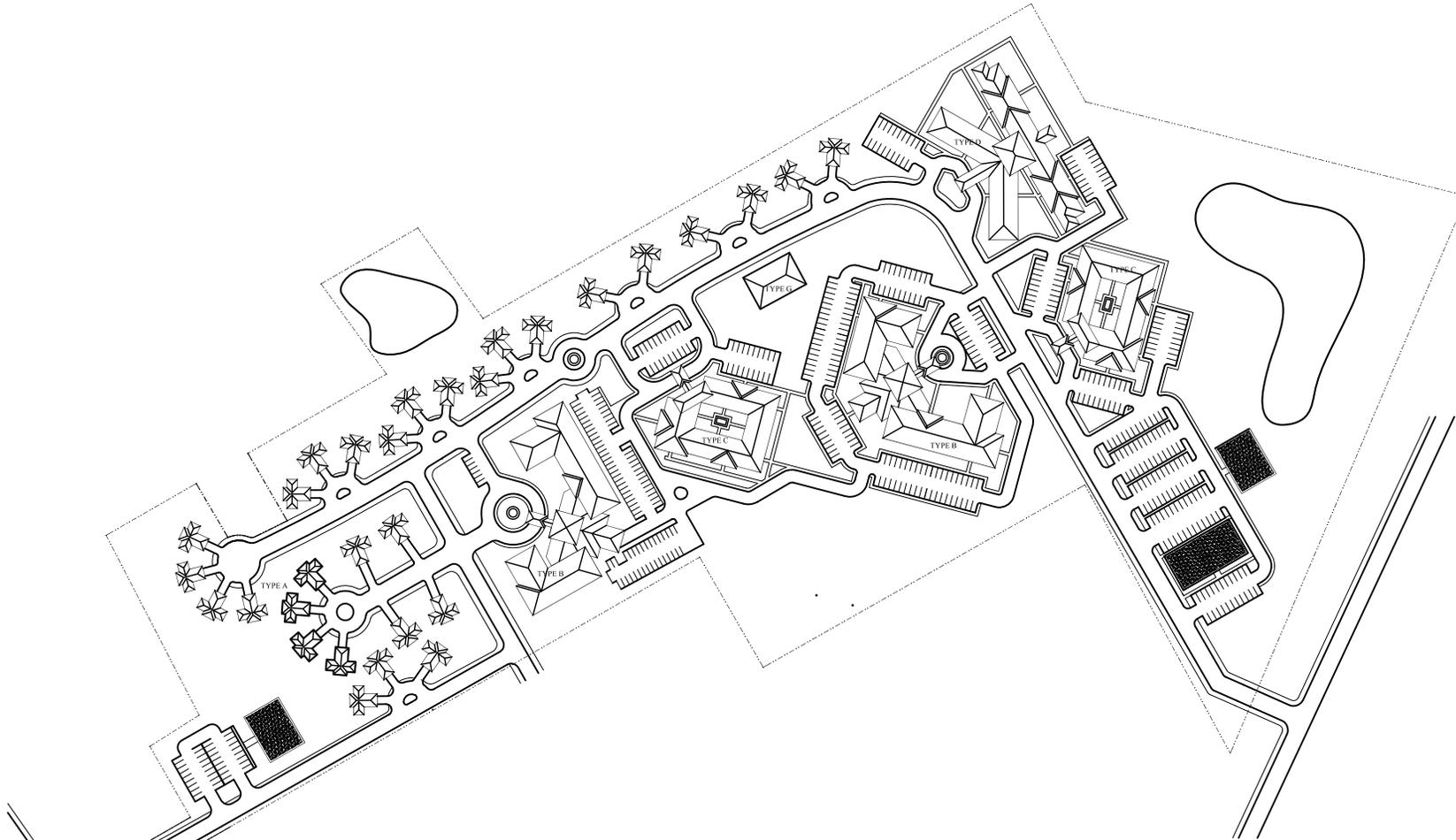
3201 S. Cherokee Lane, Suite 340
Woodstock, Georgia 30188
Voice 678-391-5365
Fax 678-391-6362
email admin@fousearchitecture.com

Project Number :
FOUSE Architecture & Interiors, P.C.

**EASTSIDE
VILLAGE
REZONING SITE
PLAN
SNELLVILLE, GEORGIA**

ISSUE DATE

MARCH 20, 2008



TYPE	BUILDING TYPE	HEIGHT	# OF BUILDINGS	UNIT COUNT	AREA	UNITS/ ACRE	AREA/ ACRE
TYPE A	DUPLEX	SINGLE STORY	30	60	57,000 SF	1.37	1,300 SF
TYPE B	INDEPENDANT LIVING	4 STORY	2	346	346,000 SF	7.89	7,891 SF
TYPE C	ASSISTED LIVING	2 STORY	2	200	160,000 SF	4.56	3,649 SF
TYPE D	NURSING HOME	SINGLE STORY	1	120	40,000 SF	2.74	912 SF
TYPE E	MEDICAL OFFICES	3 STORY	1	N/A	21,500 SF	N/A	832 SF
TYPE F	MEDICAL OFFICES	2 STORY	2	N/A	15,000 SF	N/A	342 SF
TYPE G	ACTIVITY CENTER	1 STORY	1	N/A	10,000 SF	N/A	228 SF
TOTALS:				726	664,500 SF	16.56	15,154 SF
PARKING COUNT		PROVIDED: 785	30	REQUIRED: 779			



1

EASTSIDE VILLAGE REZONING SITE PLAN

FREE LANE SNELLVILLE, GEORGIA 30078 SCALE: 1"=100'
LAND LOT 41 AND 36 - 5TH DISTRICT - PARCEL 5041 059 - 071, 083-092, 105, 5056 022, 131 - 4385 ACRES
CURRENT ZONE: RS150 - SINGLE FAMILY RESIDENCE DISTRICT
PROPOSED ZONE: R-HOP-CC: CONTINUOUS CAMPUS CARE DISTRICT



PUBLIC HEARING & REGULAR BUSINESS
OF MAYOR AND COUNCIL
CITY OF SNELLVILLE, GEORGIA
MONDAY, MARCH 24, 2008

Present: Mayor Jerry Oberholtzer, Mayor Pro Tem Warren Auld, Council Members Barbara Bender, Kelly Kautz, and Tod Warner (Council Member Robert Jenkins was absent). Also present City Attorney Mike Williams, Chief Roy Whitehead, Parks & Recreation Director Cyndee Bonacci, Planning and Development Acting Director Jason Thompson, Construction Manager Billy Buckhalt, and City Clerk Sharon Lowery.

Mayor Oberholtzer called the meeting to order at 7:33 p.m. and announced it was being audio and video taped.

INVOCATION

Chief Whitehead gave the invocation.

ANNOUNCEMENTS

Mayor Oberholtzer made the following announcements:

March 25 - Snellville Police Department's Citizen's Police Academy Begins – 6:00 p.m.

March 25 - Planning Commission Meeting – Cancelled

March 27 - 4:00 p.m. to 7:00 p.m. – Community Room, Public Information Open House on several potential projects to improve local access following median construction – GDOT & Evermore CID

March 31 - 2030 Comprehensive Plan Work Session – 7:00 p.m., Council Chambers

April 1 - Snellville Days Committee Meeting – 6:00 p.m., Advisory Board Meeting - 7:00 p.m., Betty B. McMichael Room, T.W. Briscoe Park

April 4 - Blood Drive – 1:30 p.m. to 6:30 p.m., Community Room

April 6 - Watch the 3/24/2008 Council Meeting on Comcast Channel 25 at 6:30 p.m.

April 8 - Board of Appeals Meeting - 7:30 p.m.

April 14 - Council Meeting – 6:30 p.m. Work Session, 7:30 p.m. Meeting

Mayor Oberholtzer announced that the City has entered into a contract to purchase the vacant lot at Wisteria Drive and Clower Street and a lot at Cobblestone. He reported that the appraisals were more than the contract price and the environmental reports came back clean. Closing is scheduled for the end of the month for the new location for the Police Department. He thanked the Council for their work on this project.

PLEDGE TO THE FLAG

Scout Collin Morris who is working on his communication merit badge led the Pledge of Allegiance.

CEREMONIAL MATTERS

MINUTES

The minutes of the March 10th Regular Business Meeting stand approved.

COMMITTEE / DEPARTMENT REPORTS

PUBLIC HEARING

1st Reading – ANX 08-02/LUP 08-04/RZ 08-04 – Applications by the Most Reverend Wilton D. Gregory, S.L.D., Archbishop of The Roman Catholic Archdiocese of Atlanta to annex ±9.892 acres into the corporate boundaries of Snellville and to amend the Land Use Plan from Residential –Low Density (County) to Public/Civic and the official Zoning Map from Single-Family Residential (R-100) (County) and Single-Family Residence (RS-180) (City) to Civic / Institutional (CI) for an approximately ±20.17 acre site at 3200 Brooks Drive (Saint Oliver Plunkett Catholic Church) for Church Rectory and Offices and parking area expansion with a request for variance from the undisturbed buffer, parking, and setback requirements of the Snellville Zoning Ordinance

Council Member Warner made a motion to waive the 1st reading and place on the April 28th agenda, 2nd by Council Member Bender; voted 5 in favor and 0 opposed, motion is approved.

2nd Reading – LUP 08-02 and RZ 08-02 – Applications by Louis K. Avery, P.E., Applied Technology Consultants, Inc. to amend the Land Use Plan from Residential –Low Density to Public/Civic and the official Zoning Map from RS-180, Single-Family Residence to CI, Civic/Institutional for the ±2.62 acre property located at 1999 North Road for a ±42,400 sq. ft., 2-story, Assisted Living facility and related parking

Jason Thompson advised that the applicant submitted a request to withdraw the application.

Council Member Kautz made a motion to accept the withdrawal without prejudice, 2nd by Mayor Pro Tem Auld; voted 5 in favor and 0 opposed, motion is approved.

2nd Reading – LUP 08-03 and RZ 08-03 – Applications by ALM Homes, Inc. to amend the Land Use Plan from Residential –Low Density to Office/Professional and the official Zoning Map from RS-150, Single-Family Residence to OP, Office Professional for a ±6.93 acre site located along the south side of Pharrs Road between Scenic Hwy. and North Road for a ±47,000 sq. ft. professional office development of nine single-story office buildings and related parking

Jason Thompson reported that the applicant failed to meet the deadline for notifying adjoining property owners.

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL
MONDAY, MARCH 24, 2008
PAGE THREE

Council Member Bender made a motion to postpone and place on the April 28th agenda, 2nd by Council Member Warner; voted 5 in favor and 0 opposed, motion is approved.

2nd Reading – LUP 07-09 and RZ 07-13 – Applications by Eastside Campus Village, LLC to amend the Land Use Plan and official Zoning Map of the City of Snellville for an approximately ±44.60 acre site located along the north side of Tree Lane and adjacent to the Emory Eastside Hospital, near the major intersection of SR-124 (Scenic Highway) and Ronald Reagan Parkway. Land Use Plan designation from Residential –Low Density to Public/Civic and official Zoning Map designation from RS-150, Single-Family Residence District and HSB, Highway Service Business District to R-HOP (62)-CC, Residential Housing for Older Persons, Continuous Care Campus District (age restricted) consisting of 726 units of senior housing (duplexes, independent living, assisted living, and nursing home), an activity center, and medical offices

Jason Thompson gave a brief update of the application and advised that the Planning Department recommends approval with Conditions 1-9.

Mayor Pro Tem Auld asked if the first sentence of Condition 6 should also include “pending permission and approval from the Georgia DOT and Gwinnett County DOT.”

Mayor Oberholtzer advised there would be a 30 minute time limit for each side and Emory Eastside would be limited to 15 minutes.

Lee Tucker, Mahaffey Pickens Tucker, LLP, Lawrenceville, was present representing the applicant. Mr. Tucker stated that this is a unique opportunity to provide something in the City of Snellville that doesn't exist anywhere else in Gwinnett County. He requested approval with the one slight modification to Condition 6.

After discussion the following citizens spoke:

Attorney Michelle Battles, 201 17th Street, Atlanta, with the firm of Nelson Mullins Riley and Scarborough, spoke in opposition.

Attorney Jennifer Malinovsky, 201, 17th Street, Atlanta, with the firm of Nelson Mullins Riley and Scarborough

Peggy Gargiulo, 1326 Tree Lane, Snellville, called for a point of order to ask Council Member Kautz if she could maintain a bias opinion when she had worked with the ARC on the R-Hop. Council Member Kautz explained that the Planning Department developed the R-Hop and the ARC amended it. She stated yes she could retain her objectivity.

Ms. Gargiulo expressed concerns and opposition.

Ken Brockway, 1420 Hamilton Drive, Snellville, spoke in opposition.

Tom Flynn, 2358 Eastwood Drive, Snellville, spoke in opposition.

Dustin Green, Emory Eastside, spoke in opposition.

The meeting recessed at 9:14 p.m. and reconvened at 9:20 p.m.

Council Member Warner made a motion to approve LUP 07-09, 2nd by Mayor Pro Tem Auld; voted 5 in favor and 0 opposed, motion is approved.

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL
MONDAY, MARCH 24, 2008
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Council Member Warner made a motion to accept RZ 07-13 with the following staff recommended conditions with amendments to condition 6 and to include conditions 10, 11, and 12:

1. The property shall be developed in general accordance with the submitted site plan by Fouse Architecture and Interiors dated 03-20-08, received 03-20-2008 and entitled "Eastside Village - Rezoning Site Plan" with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the concept plan, as determined by the Director of Planning and Development, will require Mayor and Council approval;
2. New signs higher than 15 feet and larger than 225 square feet are prohibited;
3. Uses involving adult entertainment, including any sale or display of adult magazines, books, or videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited;
4. A minimum buffer of twenty-five feet (25') shall be maintained on all sides of the property abutting residential zoning. Buffers shall comply with Article X of the Zoning Ordinance and shall be planted with two (2) staggered rows of evergreen trees, fifteen-foot (15') on center, with a height of eight-foot (8') to ten-foot (10') at the time of planting (Cryptomeria, Southern Magnolia, "Tree Form" Hollies, and Thuga Green Giant). The buffers shall be re-graded and planted with a 2:1 irrigated landscaped berm. Said berm shall be located within the first twelve to fifteen feet (12'-15') of the buffer closest to the Eastside Village. In the remaining areas of the buffer where there is sparse vegetation, the Developer shall be required to replant the buffer to allow for adequate screening; and
5. The developer shall complete all recommended traffic improvements that are required by Attachment "A" as prescribed by the Georgia Regional Transportation Authority, Attachment "A" is described in Exhibit "B," a copy of which is attached hereto and incorporated herein by reference.
6. Prior to the issuance of any Certificates of Occupancy, the developer shall make the proposed transportation improvements located at the eastern most drive of the Eastside Village project, as shown on the submitted schematic plan titled "Proposed Roadway Revisions", dated and submitted 3-20-2008, pending permission and approval from the Georgia Department of Transportation the Gwinnett County Department of Transportation. Said developer shall also be required to install sidewalks and any applicable traffic devices necessary to implement their usage, along the extended length of Eastside Village Drive to the right-of-way that abuts the Presidential Market Shopping Center, pending permission and approval from the Georgia Department of Transportation the Gwinnett County Department of Transportation. A copy of the submitted schematic plan titled "Proposed Roadway Revisions", dated and submitted 3-20-2008, is attached hereto and incorporated herein by reference as Exhibit "C".
7. The developer shall install a sidewalk along the right-of-way on either side of Medical Way, more specifically the length between Tree Lane and Presidential Circle. The developer will also be responsible for the installation of any applicable traffic device necessary to implement their usage, per approval from the Georgia Department of Transportation the Gwinnett County Department of Transportation.

8. New Hampton Drive, or any portion thereof, shall not be abandoned without the prior written consent of Emory Eastside Medical Center, or the then current owner of the property abutting the south side of said street.
9. In compliance with GRTA's requirement of connectivity between the Emory Eastside parcel and the Applicant's parcel, the proposed location of all driveways, alleyways, and/or roadways, intended to provide such connectivity into the Emory Eastside parcel shall be approved in writing by the owner of the Emory Eastside parcel to insure consistency with the future expansion plans for the hospital.
10. No portion of the applicants property, including any medical office building located thereon, may be used for an acute care general hospital or specialty hospital.
11. The mandatory homeowner's association, required by Article IX, Section 9-18 (3) of the City of Snellville Zoning Ordinance, shall provide that the covenants automatically renew at the end of the twenty (20) year term, notwithstanding the terms of subparagraph E of such Section 9-18 (3).
12. Developer shall improve all existing public rights-of-way and install any necessary new rights-of-way within the property and insure that all such rights-of-way are in conformance with City of Snellville development standards.

The motion was 2nd by Mayor Pro Tem Auld.

Mayor Oberholtzer asked the applicant if the conditions were acceptable.
Mr. Tucker said yes the conditions are agreeable.

Mayor Oberholtzer gave a brief history of the property and stated that the hospital is very important to the City.

The motion was voted 5 in favor and 0 opposed, motion is approved.

REGULAR BUSINESS

CONSENT AGENDA

2008 Pool Management Agreement – Positively Pools, Inc.

The Consent Agenda stands approved.

OLD BUSINESS

2nd Reading – ORD 2008-01 – Adoption of the Enterprise Fund for the Stormwater Utility

Council Member Bender made a motion to postpone and place on the April 28th agenda, 2nd by Council Member Kautz; voted 5 in favor and 0 opposed, motion is approved.

NEW BUSINESS

Recommendation for Award of Bid for Computer Laptop Mounts for Police Cars

Mayor Pro Tem Auld made a motion to award the bid to Law Enforcement Supply for \$12,588.08, 2nd by Council Member Warner; voted 5 in favor and 0 opposed, motion is approved.

COUNCIL ANNOUNCEMENTS

Mayor Pro Tem Auld congratulated O'Charley's on their grand re-opening last week after modernizing the restaurant. He welcomed Parks and Recreation Director Cyndee Bonacci back from maternity leave.

Council Member Kautz stated that the passage of the Eastside Village and the announcement of the purchase of the property in the downtown area for the Police Department was part of the Council's vision for the City. She wished a Happy Birthday to her grandmother who turned 88 yesterday.

Council Member Bender reiterated what Council Member Kautz said about acquiring the property for the Police Department and the redevelopment of the downtown area.

MAYOR'S REPORT

Mayor Oberholtzer thanked everyone for their hard work on the Eastside Village. He reported on Senate Bill 845 that allows constitutional amendments for transportation improvements.

PUBLIC COMMENTS

Dennis Lawton, 3041 Alta Ridge, Snellville, commended the Mayor and Council for their actions tonight and recognized Belk Department Store on their total renovation.

Mayor Oberholtzer read the closed meeting notice into record as follows:

To discuss future acquisition of real estate, which is excluded from the Open Meetings Act pursuant to O.C.G.A. Section 50-14-3-(4).

Upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee, which is excluded pursuant to O.C.G.A. Section 50-14-3-(6).

Upon a motion by Council Member Bender, seconded by Council Member Warner, the meeting was closed, with four Council Members and the Mayor present and voting in favor.

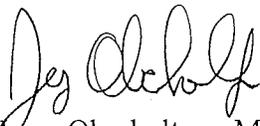
The meeting recessed to executive session in Conference Room 145 at 9:41 p.m.

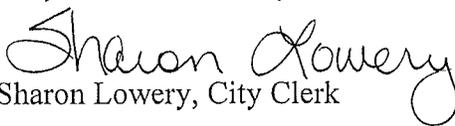
The meeting reconvened at 9:58 p.m.

ADJOURNMENT

Council Member Bender made a motion to adjourn, 2nd by Council Member Kautz; voted 5 in favor and 0 opposed, motion is approved.

The meeting adjourned at 9:59 p.m.


Jerry Oberholtzer, Mayor


Sharon Lowery, City Clerk