

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. 2016-12

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

CASE NO.: #CUP 16-05

APPLICANT: Jitesh Patel
1555 Janmar Road
Snellville, Georgia 30078

PROPERTY OWNER: SJP Realty Partners, LLC
1555 Janmar Road
Snellville, Georgia 30078

REQUESTED A Conditional Use Permit to Operate a Pharmacy/Drug Store

LOCATION: Snellville Commons (Office Development)
1551 Janmar Road, Snellville, Georgia

PARCEL: District 5, Land Lot 56, Parcel 111

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

WHEREAS, the governing authority of the City of Snellville, Georgia desires to grant the requested conditional use permit; 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 RESOLVED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA, and by the authority thereof:

Section 1. A conditional use permit is hereby granted for the property described in Exhibit “A,” a copy of which is attached hereto and incorporated herein by reference, to allow for a pharmacy/drug store to be operated from a 2,240± square foot tenant space within the existing building, subject to the terms and conditions set forth below:

1. Signs higher than 15 feet and larger than 225 square feet are prohibited;
2. 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; and
3. Any additional non-substantial variance(s) as determined by the Director of Planning and Development for the design requirements, zoning requirements, development regulations and construction requirements must be submitted in writing for administrative approval with the Director of Planning and Development for this project.

Section 2. In conjunction with the Conditional Use Permit and subject to compliance with the requirements and conditions of Section 1, the Applicant is being granted by the Mayor and Council the following variance:

1. A variance is granted relieving the Applicant from complying with Section 9.8(3)(7) of Article IX of the Zoning Ordinance requiring that drug stores and pharmacies be

accessed through and associated with medical clinics, doctors' offices, or dental offices.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set forth herein.

Section 4.

(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.

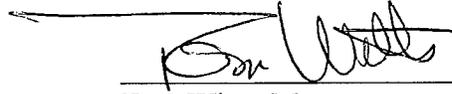
Section 5. Penalties in effect for violations of the Zoning Ordinance of the City of Snellville at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed

Section 7. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

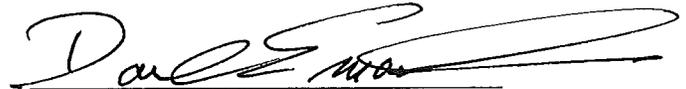
ORDAINED this 23rd day of May, 2016.



Tom Witts, Mayor



Barbara Bender, Mayor Pro Tem



Dave Emanuel, Council Member

ATTEST:

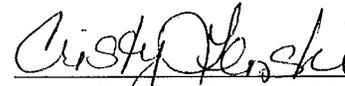


Melissa Arnold, City Clerk



Bobby Howard, Council Member

APPROVED AS TO FORM:



Cristy Lenski, Council Member



Anthony O. L. Powell, City Attorney
Webb, Tanner & Powell, P.C.



Roger Marmol, Council Member

EXHIBIT "A"

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL of land lying and being in Land Lot 56 of the 5th Land District, City of Snellville, Gwinnett County, Georgia, containing 1.56 acres (67,809 square feet) and being more particularly described according to that certain ALTA/ACSM Land Title Survey for Snellville Commons Three, LLC, Colonial Bank and Lawyers Title Insurance Corporation prepared by Wolverton & Associates, Incorporated, Lewis M. Brown, Jr., GRLS no. 2283, and being more particularly described according to said survey as follows:

COMMENCING at a concrete right of way monument found at the southwest mitered corner of the southwest corner of the intersection of State Route 124 a.k.a. Scenic Highway (variable right of way) and Janmar Road (90' right of way); thence North 34 degrees 54 minutes 15 seconds West for a distance of 24.46 feet to a point at the northwest mitered corner of the southwest intersection of State Route 124 and Janmar Road; thence following the southerly right of way of Janmar Road North 76 degrees 04 minutes 25 seconds West for a distance of 1036.01 feet to a "PK" nail set; said "PK" nail set being the POINT OF BEGINNING:

thence leave said right of way South 13 degrees 55 minutes 35 seconds West for a distance of 2.11 feet to a "PK" nail set; thence along a curve to the left having a radius of 100.00 feet and an arc length of 72.55 feet, being subtended by a chord of South 06 degrees 18 minutes 35 seconds East for a distance of 70.97 feet to a "PK" nail set; thence South 27 degrees 05 minutes 37 seconds East for a distance of 96.22 feet to a "PK" nail set; thence along a curve to the right having a radius of 100.00 feet and an arc length of 9.87 feet, being subtended by a chord of South 24 degrees 15 minutes 57 seconds East for a distance of 9.87 feet to a "PK" nail set; thence along a curve to the right having a radius of 100.00 feet and an arc length of 62.62 feet, being subtended by a chord of South 03 degrees 29 minutes 59 seconds East for a distance of 61.60 feet to a "PK" nail set; thence South 14 degrees 26 minutes 18 seconds West for a distance of 84.60 feet to a "PK" nail set; thence South 14 degrees 26 minutes 18 seconds West for a distance of 24.45 feet to a "PK" nail set; thence North 75 degrees 33 minutes 42 seconds West for a distance of 239.89 feet to a 1/2" rebar set; thence North 29 degrees 54 minutes 37 seconds West for a distance of 77.17 feet to a rebar found; thence North 60 degrees 05 minutes 46 seconds East for a distance of 70.53 feet to a 1/2" rebar found; thence North 13 degrees 26 minutes 07 seconds East for a distance of 210.23 feet to a 1/2" rebar set on the southerly right of way of Janmar Road; thence following the southerly right of way of Janmar Road South 76 degrees 04 minutes 25 seconds East for a distance of 132.98 feet to a "PK" nail set; Said "PK" nail set being the POINT OF BEGINNING.