

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. \_\_\_\_\_**

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

**CASE NO.:** #CUP 16-04

**APPLICANT:** Stein Investment Company, LLC (Virginia)  
5607 Glenridge Dr NE, Suite 200  
Atlanta, Georgia 30342

**PROPERTY OWNER:** ISTAR Bowling Centers I, LP  
Mechanicsville, Virginia 23111

**REQUESTED** A Conditional Use Permit for a commercial recreation enterprise (continued use as a bowling center)

**LOCATION:** 2350 Ronald Reagan Parkway, Snellville, Georgia

**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 the continued use as a bowling center should the applicant not close on the sale of the property.

**Section 2.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set forth 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 April 25, 2016. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

**ORDAINED** this 25<sup>th</sup> day of April, 2016.

\_\_\_\_\_  
Tom Witts, Mayor

\_\_\_\_\_  
Barbara Bender, Mayor Pro Tem

*ATTEST:*

\_\_\_\_\_  
Dave Emanuel, Council Member

\_\_\_\_\_  
Melisa Arnold, City Clerk

\_\_\_\_\_  
Bobby Howard, Council Member

*APPROVED AS TO FORM:*

\_\_\_\_\_  
Cristy Lenski, Council Member

\_\_\_\_\_  
Anthony O. L. Powell, City Attorney  
Webb, Tanner & Powell, PC

\_\_\_\_\_  
Roger Marmol, Council Member

EXHIBIT "A"

### **LEGAL DESCRIPTION**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING LOCATED IN LAND LOT 40 OF THE 5TH DISTRICT OF GWINNETT COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE POINT OF BEGINNING, COMMENCE ON THE WESTERLY RIGHT OF WAY LINE OF GEORGIA HIGHWAY NO. 124 (100 FOOT RIGHT OF WAY) 1,211.95 FEET NORTHERLY, AS MEASURED ALONG SAID RIGHT OF WAY LINE, FROM THE CENTER LINE OF DOGWOOD ROAD RUN THENCE NORTH 64 DEGREES 03 MINUTES 10 SECONDS WEST 600.08 FEET TO A POINT AT THE NORTHWEST CORNER OF PROPERTY NOW OR FORMERLY OWNED BY PINEHURST LAND ASSOCIATES, SAID POINT ALSO BEING LOCATED ON THE SOUTHERLY RIGHT OF WAY LINE OF PINEHURST ROAD (80 FOOT RIGHT OF WAY); RUN THENCE ALONG THE LINE OF SAID PINEHURST LAND ASSOCIATES PROPERTY SOUTH 15 DEGREES 08 MINUTES 27 SECONDS WEST 277.46 FEET TO A POINT WHICH POINT MARKS THE TRUE POINT OF BEGINNING; RUN THENCE CONTINUING ALONG THE LINE OF SAID PINEHURST LAND ASSOCIATES PROPERTY SOUTH 15 DEGREES 08 MINUTES 27 SECONDS WEST 412.00 FEET TO A POINT; RUN THENCE SOUTH 29 DEGREES 08 MINUTES 13 SECONDS EAST 343.82 FEET TO A POINT; RUN THENCE NORTH 15 DEGREES 08 MINUTES 27 SECONDS EAST 873.49 FEET TO A POINT ON THE AFORESAID SOUTHERLY RIGHT OF WAY LINE OF PINEHURST ROAD; RUN THENCE NORTH 60 DEGREES 20 MINUTES 45 SECONDS WEST ALONG SAID RIGHT OF WAY LINE 41.32 FEET TO A POINT; THENCE LEAVING SAID RIGHT OF WAY RUNNING SOUTH 15 DEGREES 08 MINUTES 27 SECONDS WEST 226.61 FEET TO A POINT; THENCE RUN NORTH 74 DEGREES 35 MINUTES 33 SECONDS WEST 200.04 FEET TO THE POINT OF BEGINNING.

#### **LESS AND EXCEPT:**

COMMENCING AT A POINT IN THE CENTER LINE OF DOGWOOD ROAD AND ON THE WESTERN RIGHT OF WAY GEORGIA HIGHWAY 124 AT THEIR INTERSECTIONS, THENCE NORTHERLY ALONG SAID RIGHT OF WAY 1,211.95 FEET TO A POINT; THENCE TURNING AND RUNNING N 64-03-10 W 600.08 FEET TO A POINT; THENCE TURNING AND RUNNING S 15-08-47 W 18.46 FEET TO AN IRON PIN OLD 1/2" REBAR WITH CAP (BENT) LOCATED ON THE SOUTHERN RIGHT OF WAY OF RONALD REAGAN PARKWAY AND THE JOINT CORNER OF GOODWILL OF NORTH GEORGIA INC. PROPERTY NOW OR FORMERLY, SAID IRON PIN BEING THE POINT OF BEGINNING; THENCE LEAVING SAID RIGHT OF WAY AND RUNNING ALONG THE COMMON LINE OF GOODWILL OF NORTH GEORGIA INC. PROPERTY S 15-08-47 W 80.15 FEET TO A POINT; THENCE N 74-38-42 W 37.30 W TO A POINT; THENCE N 15-08-47 E 89.65 FEET TO A POINT LOCATED ON THE SOUTHERN RIGHT OF WAY OF RONALD REAGAN PARKWAY; THENCE TURNING AND RUNNING ALONG SAID RIGHT OF WAY S 60-21-30 E 38.52 FEET TO THE POINT AND PLACE OF BEGINNING.

