

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 GRANT VARIANCES; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

CASE NO.: #CUP 16-02

REQUEST: A Conditional Use Permit To Operate a Church in a BG Zoning Classification with Variances

PURPOSE: To operate a church and request for variances

LOCATION: 1709 Scenic Highway (Formerly Best Buy)
Snellville, Georgia 30078

PARCEL: District 5, Land Lot 56, Parcel 042

PRESENT ZONING: BG (General Business) District

FUTURE LAND USE PLAN: Office Professional

DEVELOPMENT/PROJECT: Church Campus

APPLICANT: 12Stone Church, Inc.
C. Norwood Davis, Chief Financial Officer
1322 Buford Drive
Lawrenceville, Georgia 30043
678-9909512 or Norwood.Davis@12stone.com

PROPERTY OWNER: 1709 Scenic Highway North LLC
Alameda, California 94501

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 the Applicant to operate a church and with the variances set forth below and subject to the terms and conditions set forth below:

1. The property shall be developed in general accordance with the submitted site and concept plan entitled “12Stone Church”, sealed and dated 12-11-2015, with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the site and concept plan, as determined by the Director of Planning and Development, will require Mayor and Council approval;
2. Any expansion of the Church Campus beyond the current property boundary as shown on the 12-11-2015 site plan shall require a Conditional Use Permit (or rezoning) approval of the Mayor and City Council;
3. The City of Snellville has established and applied a policy of protecting the primary business corridors for retail and commercial development to support the

tax base of the City. In the Highway 124 corridor, the principle use of frontage property is for retail uses and very valuable to the economy of the City. The City has affirmatively avoided approving non-profit facilities that are not retail in nature from these high profile commercial and retail areas. The Applicant acknowledges the value of the policy, does not want this issue to interfere with its plan for church development and has a church culture that is financially responsible to the communities the church serves. Based on these principals, the Applicant's conditional use permit is restricted by the following limitations:

- a. The Applicant, its successors and assigns, agree to pay an amount to the City every year equivalent to the occupational tax fee currently imposed on the premises. The tax for the calendar 2015 year is \$9,030.00. The City shall be responsible for issuing a written invoice to the Applicant for this fee each year to the address in the application or such other address as the applicant gives written notice to the Director of Planning and Development of the City. This fee will be used for general City obligations including transportation improvements, police protection and community development initiatives that directly benefit the subject property and the use by the church.
- b. In the event, the Applicant, or its successors or assigns that are also a non-profit entity, purchase the real property that is the subject of this CUP application, the Applicant, or other qualified entity, as a condition of this permit shall begin in the next tax year to pay an additional permit fee equivalent to the amount the current owner pays for city property taxes

each year. The city property tax for 2015 on the property is \$8,350.00. The City shall be responsible for issuing a written invoice to the Applicant for this fee each year to the address in the application or such other address as the applicant gives written notice to the Director of Planning and Development of the City.

- c. In the event the Applicant, its successors or assigns fail to pay either of the amounts due under (a) or (b) of this paragraph 3 in the time required by the applicable tax, then the permit issued by this Ordinance shall terminate upon 30 days written notice to the Applicant or its successor. This notice shall be considered given if delivered to a party occupying the facility and posting it on the front door. The Applicant shall have the right to cure the deficiency by the payment of the required fee within the 30 days and shall also have the right to submit another request for a modification of the Conditional Use Permit during that same notice period.
4. The two (2) planter islands located at the north and south end of the building front shall be a minimum of 200 square feet in area and shall be designed and landscaped in accordance with Section 19-74 of the Landscape Ordinance;
5. Any improvements made to the property as part of any initial building permit issued within the first twelve (12) months from the date of Mayor and Council approval shall not trigger a Substantial Building Permit. However, after the first twelve (12) months from the date of the Mayor and Council approval, future improvements or redevelopment with a total value in excess of the Gwinnett

County Tax Assessor's 100% assessed value of the existing improvements (only) will be subject to the requirements of a substantial building permit and applicable Zoning and Development Regulations;

6. Freestanding signs higher than fifteen (15) feet or larger than 225 square feet in area are prohibited;
7. Any additional non-substantial variance(s) as determined by the Director of Planning and Development for the design requirements must be submitted in writing for Administrative Variance approval with the Director of Planning and Development for this project; and
8. In the event that the subject property is not leased or occupied by 12Stone Church, Inc. within twelve (12) months from the date of Mayor and Council approval, or if the property is occupied and later vacated by 12Stone Church, Inc., the Conditional Use Permit will become null and void.

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 variances:

1. A variance is granted relieving the Applicant from complying with 9.2 (3) (b) (3) of Article IX of the Zoning Ordinance to exceed the 3 acre maximum lot size requirement of 5.44 acres, subject specifically to strict compliance with Condition number 2 above.
2. A variance is hereby granted relieving the Applicant from complying with Section 19.74 (1)(A) of Chapter 19 of the Buffer, Landscape, and Tree Ordinance

making the Applicant exempt from providing the required parking lot planter island(s) for every ten parking spaces for the proposed 72 new parking spaces which will be added along the sides and rear of the existing building, subject to strict compliance with Condition number 4 above.

3. A variance is granted relieving the Applicant from complying with Section 11.2, Design Standards for Interior Driveway of Article XI of the Zoning Ordinance to reduce the interior driveway width from 24 feet to 22 feet for the two-way driveway located in the rear of the building near the loading area.

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 22nd day of February, 2016.

Tom Witts, Mayor

Barbara Bender, Mayor Pro Tem

Dave Emanuel, Council Member

Bobby Howard, Council Member

ATTEST:

Melisa Arnold, City Clerk

Cristy Lenski, Council Member

APPROVED AS TO FORM:

Roger Marmol, Council Member

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

EXHIBIT "A"

EXHIBIT A

All that tract or parcel of land lying and being in Land Lot 56, 5th District, City of Snellville, Gwinnett County, Georgia and being more particularly described as follows:

Beginning at a point on the westerly right of way of S.R. # 124 (aka Scenic Highway, R/W Varies) said point being 1751.32 feet southwesterly as measured along the westerly right of way of S.R. # 124 from the southerly right of way of Janmar Road (80' R/W);

THENCE South 14 degrees 47 minutes 53 seconds West for a distance of 231.75 feet along the westerly right of way of S.R. # 124 to a 1/2" rebar found;

THENCE North 76 degrees 15 minutes 58 seconds West for a distance of 698.20 feet to a point;

THENCE North 14 degrees 47 minutes 53 seconds East for a distance of 399.20 feet to a point;

THENCE South 76 degrees 15 minutes 08 seconds East for a distance of 428.91 feet to a point;

THENCE South 14 degrees 47 minutes 53 seconds West for a distance of 131.34 feet to a point;

THENCE South 75 degrees 12 minutes 07 seconds East for a distance of 95.50 feet to a point;

THENCE South 14 degrees 47 minutes 53 seconds West for a distance of 31.00 feet to a point;

THENCE South 75 degrees 12 minutes 07 seconds East for a distance of 173.75 feet to a point on the westerly right of way of S.R. # 124 and the Point of Beginning.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 5.4454 acres more or less.