

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. _____

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

CASE NO.: #RZ 16-01

LOCATION: 1103 Athens Highway (US Hwy. 78),
Grayson, Georgia 30017

SIZE: 0.88± Acres

MAP NUMBER: District 5, Land Lot 101, Parcel 029

PRESENT ZONING: BN (Neighborhood Business) District

OVERLAY DISTRICT: Corridor Overlay District

REQUESTED ZONING: **BG (General Business) District**

FUTURE LAND USE PLAN: Retail

DEVELOPMENT/PROJECT: **Fuel Station and Convenience Store (Existing)**

APPLICANT: Harold D. Ehrman, Esq.
404-374-1883 or Hehrman@ehrmanlaw.com

PROPERTY OWNER: Hindia Y. Ahmed
Lawrenceville, Georgia 30052

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. The property described in Exhibit “A,” a copy of which is attached hereto and incorporated herein by reference, is hereby rezoned from BN (neighborhood Business) District to BG (General Business) District. This action is subject to the attachment of the following requested variances and conditions as shown on the rezoning plan:

VARIANCES:

1. Exemption from the Corridor Overlay District requirements (relating to inter-parcel access; underground utilities; sidewalk connectivity from R/W to building; concrete pad and pedestrian amenities; street lights; pedestrian lights; and site lighting; building orientation and parking space location; and pitched roof requirement for buildings under 7,500 sq. ft).
2. To install four (4) feet wide sidewalks instead of the required six (6) feet wide sidewalks along Athens Highway and Cooper Road (subject to Condition #9).
3. To reduce any required buffers to twenty (20) feet.
4. Exemption from the installation of the required landscaping islands at the end of parking rows.
5. Allow a general variance for the site to be approved in its current condition except for planned improvements.

6. In lieu of the side and rear landscape strips, utilize the existing landscaping with additional plantings as indicated on the proposed site plan.

CONDITIONS:

1. The property shall be developed in general accordance with the submitted Conceptual Rezoning Site/Landscaping Plan, entitled "Site Plan 1103 Athens Highway", sealed and dated 10-11-2015, 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. 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 Mayor and Council approval, future improvements or re-development 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;
3. Freestanding signs higher than fifteen (15) feet or larger than 225 sq. ft. in area are prohibited;
4. 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;
5. As a requirement for the release of any Certificate of Occupancy from the City, the applicant shall provide approval from the Gwinnett County Department of Environmental Health Department for use of the onsite sewer management (septic) system;
6. As a requirement for the release of any Certificate of Occupancy from the City, the applicant shall provide approval from the Georgia Environmental Protection Division for use of the underground fuel storage tanks;
7. All exterior building and site lighting shall comply with the City's lighting standards in Section 6.5.6 of the Development Regulations;
8. With the exception of the dumpster enclosure, no building additions shall be allowed until such time as the sidewalks are installed along Cooper Road and Athens Highway by the property owner;

9. Installation of the four (4) feet wide sidewalks along the Cooper Road and Athens Highway (U.S. Hwy. 78) right-of-way shall be completed not more than six (6) months from the date of zoning approval by the Mayor and Council;
10. 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; and
11. In the event that the subject property is not occupied by Hindia Y. Ahmed within twelve (12) months from the date of Mayor and Council approval, or if the property is occupied and later vacated Hindia Y. Ahmed the approved variances will become null and void.

Section 2. The changes in zoning classifications are to be noted on the Official Zoning Map of the City of Snellville, Georgia as approved by the Mayor and Council as soon as reasonably possible following the adoption of this Ordinance. The Official Zoning Map of the City of Snellville, Georgia, shall also be amended with an editorial note specifying the date these Snellville zoning amendments were approved by the Mayor and Council and specifying the parcels affected by this Ordinance. Until the changes are indicated on the Official Zoning Map of the City of Snellville, Georgia, as approved by the Mayor and Council, this Ordinance shall govern over Official Zoning Map of the City of Snellville, Georgia approved by the Mayor and Council to the extent of any discrepancy between this Ordinance and the Official Zoning Map of the City of Snellville, Georgia approved by the Mayor and Council.

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

Cristy Lenski, Council Member

Roger Marmol, Council Member

ATTEST:

Melisa Arnold, City Clerk

APPROVED AS TO FORM:

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

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 101, 5th District, Gwinnett County, Georgia, and being more particularly described as follows:

BEGINNING at a point marked by an iron pin located at the corner formed by the intersection of the northeasterly right of way of U.S. Highway 78 and the southeasterly right of way of Cooper Road (US Highway 78 having a right of way of 180 feet in width and Cooper Road having a right of way of 80 feet in width); running thence North 25 degrees 42 minutes 20 seconds East along the southeasterly right of way of Cooper Road a distance of 205.57 feet to an iron pin; running thence South 63 degrees 58 minutes 40 seconds East a distance of 195.68 feet to an iron pin; running thence South 24 degrees 38 minutes 40 seconds West a distance of 185.96 feet to an iron pin located on the northeasterly right of way of U.S. Highway 78; running thence northwesterly as measured along the northeasterly right of way of U.S. Highway 78 and following the curvature thereof a distance of 200 feet to **THE POINT OF BEGINNING**.

The above described tract or parcel of land is shown and delineated on a plat of survey entitled "Survey for Murphy Oil USA, Inc.," prepared by Robert M. Kirkley, Registered Land Surveyor, dated January 7, 1983.