

**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 16-03

**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 ZONING:** HSB (Highway Service Business) District

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

**SIZE:** 3.05± Acres

**PROPOSED DEVELOPMENT:** Mini-Warehouse Storage Facility

**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 eliminate previously approved conditions of zoning and to grant site specific variances from the Zoning Ordinance; 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 official zoning of the property described in Exhibit “A,” a copy of which is attached hereto and incorporated herein by reference, is hereby amended to reflect the following zoning amendments:

Parcel 111 is amended from BG to HSB to be used exclusively pursuant to the conditions 1 through 11. In the event Condition 11 is not satisfied, the property will automatically be placed on an agenda for the Mayor and City Council to consider the merits of rezoning the property from HSB back to the BG classification.

Subject to the attachment of the following requested variances and conditions as shown on the Rezoning Plan:

**VARIANCES:**

1. Variance to reduce the number of marked/striped parking spaces from 43 to 15 parking spaces as shown on the submitted rezoning plan.
2. Variance from 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.

**CONDITIONS:**

1. The property shall be developed in general accordance with the submitted Rezoning Plan, entitled “Rezoning Plan 2350 Ronald Reagan Parkway”, sealed and dated 3-15-2016, 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. Freestanding signs higher than fifteen (15) feet or larger than 225 sq. ft. in area 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. Storage units shall not be used for manufacturing, retail or wholesale selling, office, other business or service use, or human habitation;
5. Outdoor speakers or sound amplification systems shall be prohibited;
6. Such a facility may include one accessory manager's office/apartment which is clearly subordinate to the primary use of the facility for warehousing purposes;
7. The building exterior and landscaping for the existing building will be improved to generally reflect the rendering submitted by the applicant entitled "Conceptual Rendering – Snellville Self Storage," dated 3-16-2016;
8. There shall be no temporary or permanent outside storage of recreational vehicles, campers, travel trailers, 5th wheel trailers, utility trailers, trucks, vans or other vehicles on any tract;
9. 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;
10. To ensure that no split zoning lines are represented on any one parcel, prior to issuance of a Certificate of Occupancy or Certificate of Completion, the property owner shall be required to complete and record an exemption plat per City and County regulations; and
11. In the event that the subject property is not leased or purchased by Stein Investment Company, LLC (Virginia) within twelve (12) months from the date of Mayor and Council approval, the Conditional Use Permit for the Mini-Warehouse Storage Facility 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.** This Ordinance was adopted on April 25, 2016. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES APPEAR ON 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.

