

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

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

AN ORDINANCE TO AMEND THE LAND USE PLAN FOR A 1.75± ACRE TRACT OF LAND LOCATED IN LAND LOT 40 OF THE 5<sup>TH</sup> DISTRICT, GWINNETT COUNTY, SNELLVILLE, GEORGIA 30078; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #LUP 17-03

**PROPERTY OWNER:** New Jerusalem Church Ministries, Inc.  
Snellville, Georgia 30078

**APPLICANT:** COR Properties, LLC  
Sugar Hill, Georgia 30518

**CONTACT:** Shane Lanham, Esq.  
Mahaffey Pickens Tucker, LLP  
770-232-0000 or [slanham@mptlawfirm.com](mailto:slanham@mptlawfirm.com)

**REQUESTED LAND  
USE PLAN  
AMENDMENT:** Medium-Density Residential to Commercial/Retail

**LOCATION:** 1958 Dogwood Road, Snellville, Georgia

**MAP NUMBER:** R5040 036

**PROPOSED  
DEVELOPMENT:** 15,000± Sq. Ft. Commercial Retail Strip Center

**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 amend the designated land use of certain property located within the City; 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 ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA, and by the authority thereof:

**Section 1.** The future land use of the property described in Exhibit “A,” a copy of which is attached hereto and incorporated herein by reference, is hereby amended from **Medium-Density Residential** to **Commercial/Retail**. This change in future land use is to be noted on the City of Snellville Land Use Plan as approved by the Mayor and Council as soon as reasonably possible following the adoption of this Ordinance. The future land use plan map shall also be amended with an editorial note specifying the date this Snellville Land Use Plan Amendment was approved by the Mayor and Council and specifying the parcel(s) affected by this Ordinance. Until the change is indicated on the City of Snellville Land Use Plan approved by the Mayor and Council, this Ordinance shall govern over the City of Snellville Land Use Plan approved by the Mayor and Council to the extent of any discrepancy between this Ordinance and the City of Snellville Land Use Plan approved by the Mayor and Council.

**Section 2.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out 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 on \_\_\_\_\_, 2017. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

**ORDAINED** this \_\_\_\_\_ day of March, 2017.

\_\_\_\_\_  
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, P.C.

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

EXHIBIT "A"

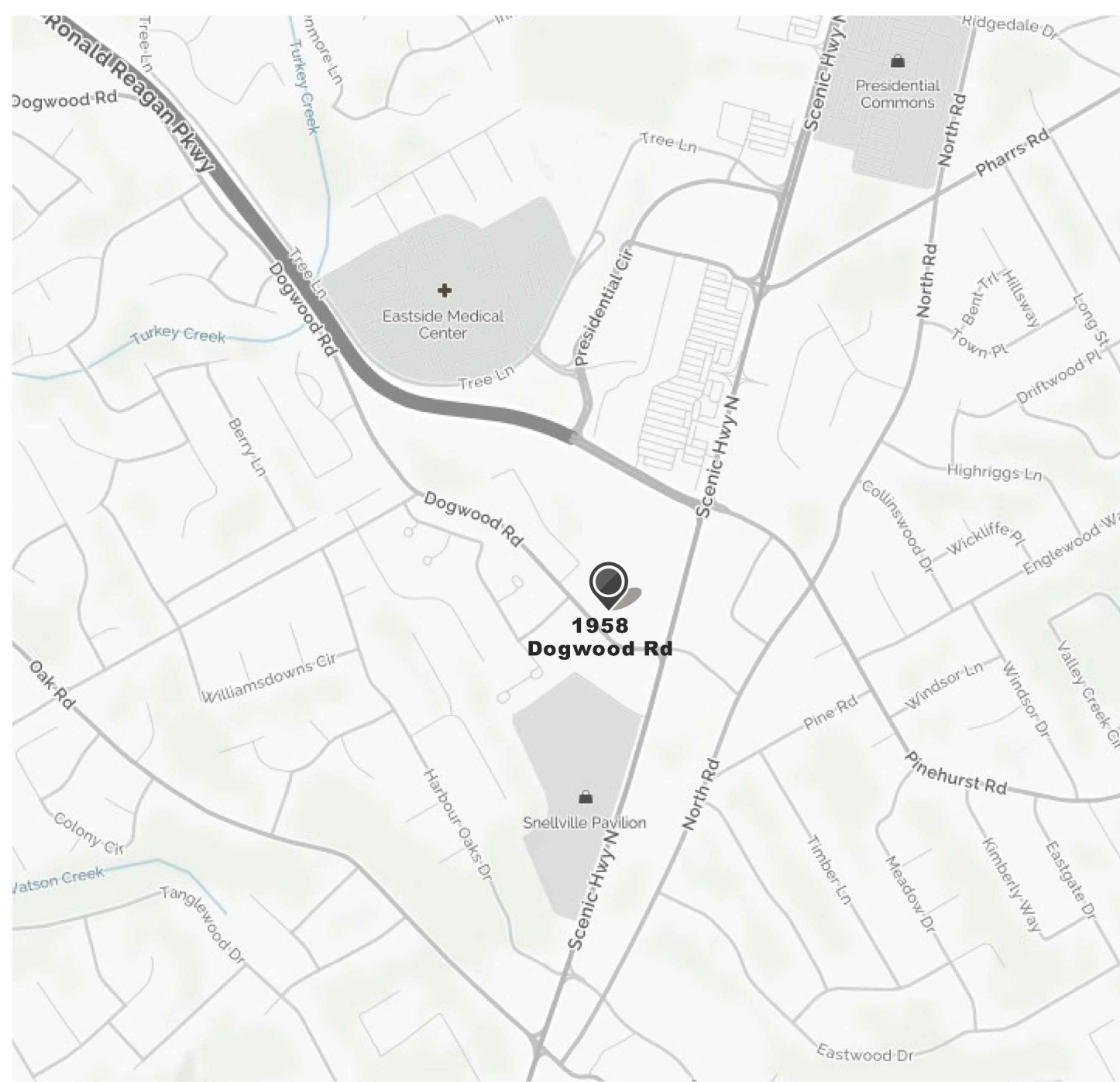
BK 43650 PG 0128

Exhibit "A"

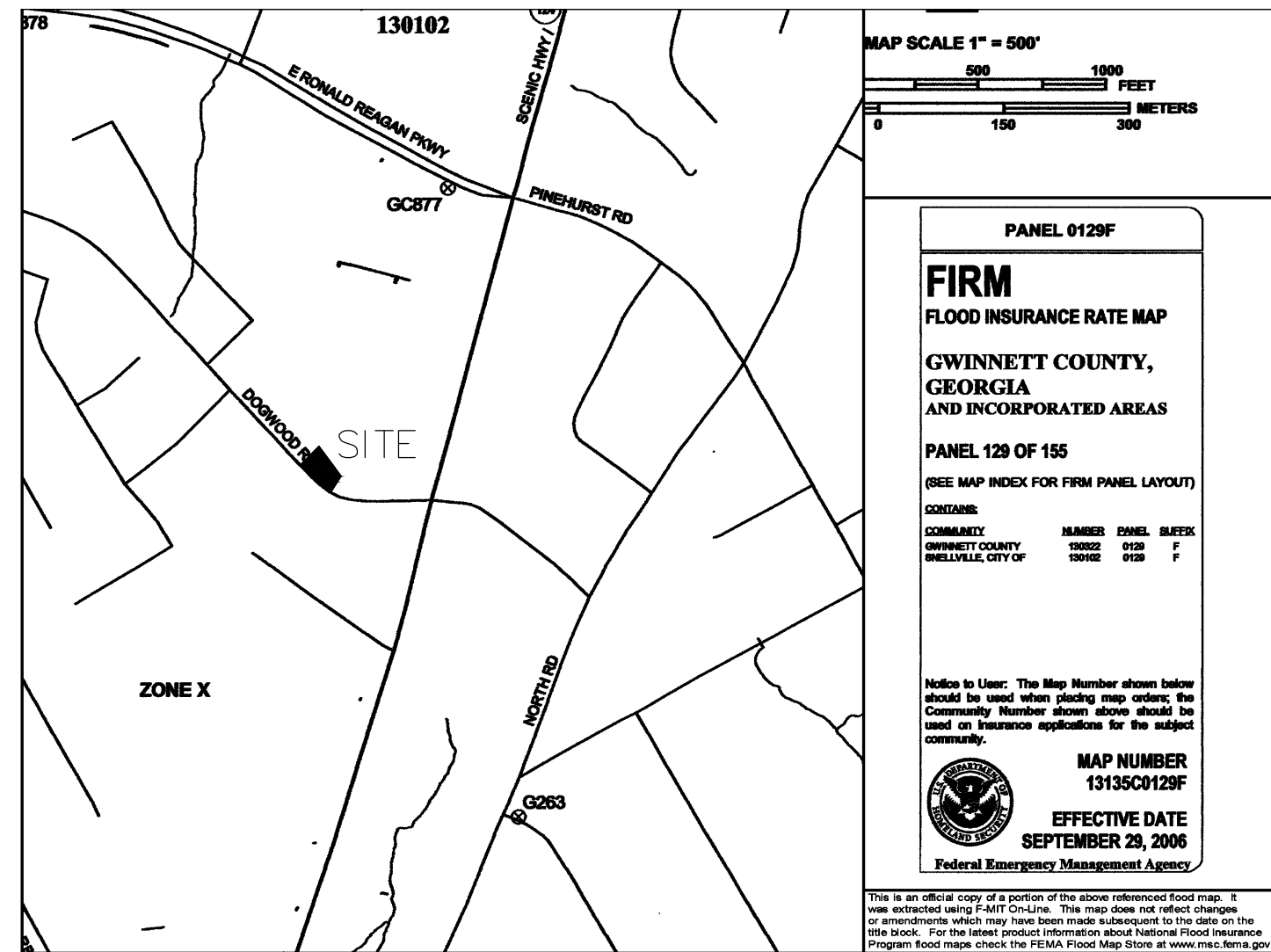
ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING in Land Lot 40, of the 5th District, City of Snellville, Gwinnett County, Georgia, being more particularly described according to a plat of survey for New Jerusalem Church Ministries, Inc. by Lincoln Surveying, Inc., Registered Land Surveyor Number 2625, said plat dated July 12, 2005, as follows:

TO FIND THE POINT OF BEGINNING, commence at a point found on the Centerline of Dogwood Drive, (a sixty foot right of way), Gwinnett County, Georgia, which point is located 507.48 feet westerly of the intersection of the centerline of said Dogwood Drive and the centerline of Ga. Hwy No. 124, Gwinnett County, GA; run thence North 57° 49' 36" East a distance of 30.93 feet to a ½ inch re-bar found on the easterly right of way of said Dogwood Drive and the TRUE POINT OF BEGINNING; run thence along the arc of a curve westerly along the easterly right of way of said Dogwood Road, said curve having as its elements a radius of 1500.78 feet and a chord of North 44° 56' 23" West 75.26 feet for an arc distance of 75.26 feet to a point; run thence North 43° 30' 11" West a distance of 225.31 feet to an open top pipe iron pin found; run thence North 46° 01' 51" East a distance of 274.21 feet to an iron pin set; run thence South 30° 38' 15" East a distance of 106.48 feet to an iron pin set; run thence South 30° 38' 15" East a distance of 244.02 feet to an iron pin set; run thence South 30° 38' 15" East a distance of 5 feet to a point; run thence South 57° 49' 36" West a distance of 5 feet to an iron pin set; run thence South 57° 49' 36" West a distance of 198.13 feet to a ½ inch re-bar found on the easterly right of way of said Dogwood Drive and the POINT OF BEGINNING. Said tract containing a two story brick bldg according to said survey and being commonly known as 1958 Dogwood Drive according to the present system of numbering in Gwinnett County, Georgia..

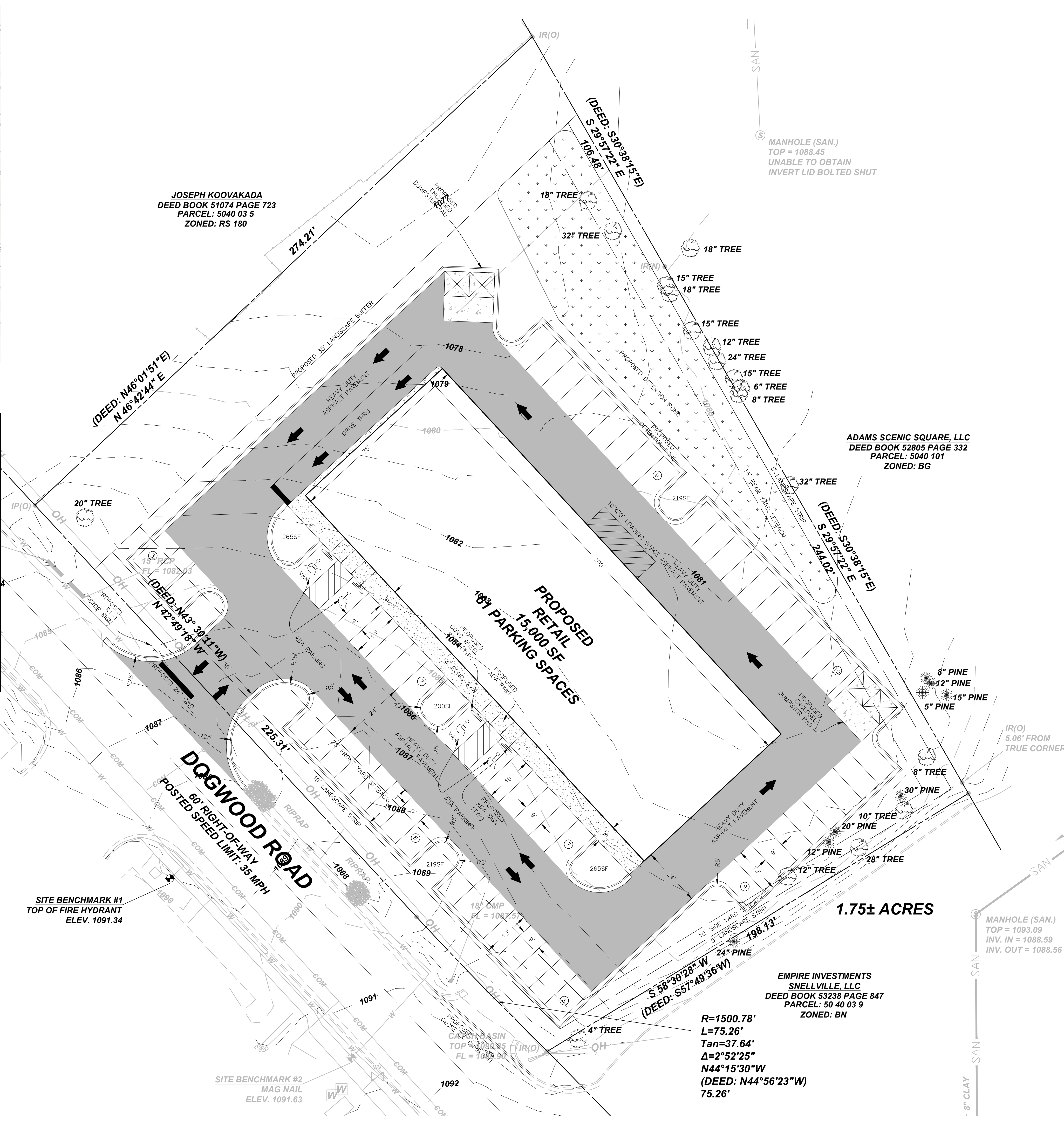




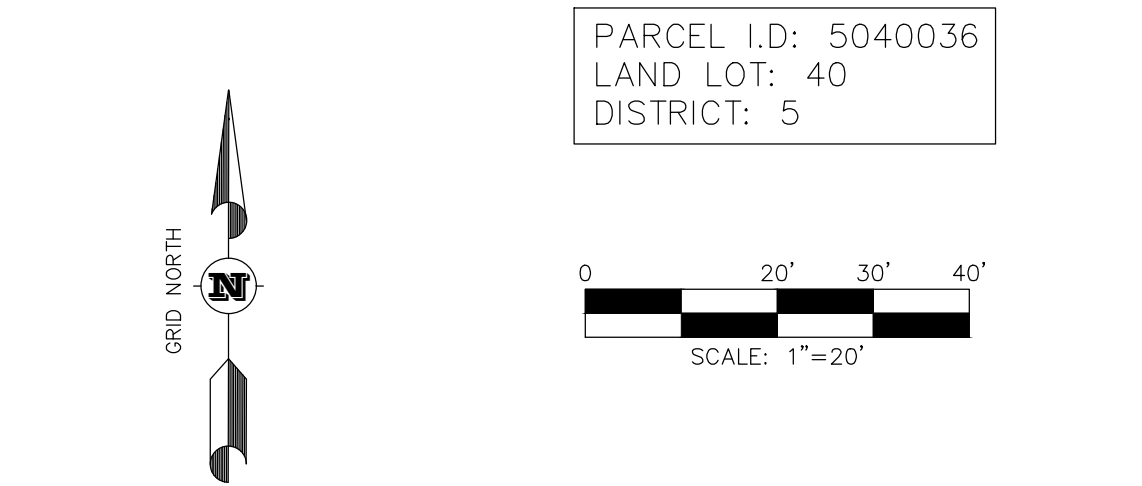
VICINITY MAP  
NTS



THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS SHOWN ON F.I.R.M. COMMUNITY PANEL NUMBER 13135C0129F, DATED SEPTEMBER 23, 2006



EXISTING ZONING: RS-180-SINGLE FAMILY RESIDENCE DISTRICT  
 PROPOSED ZONING: BG-GENERAL BUSINESS DISTRICT (REF. SEC. 9.10)  
 TOTAL SITE AREA: 1.75± ACRES  
 TOTAL BUILDING AREA: 15,000 SF  
 MINIMUM LOT AREA: NONE  
 MINIMUM LOT WIDTH: NONE  
 MAXIMUM HEIGHT OF BUILDING: 80 FEET  
 MINIMUM FRONT YARD: 25 FEET FROM RIGHT-OF-WAY  
 MINIMUM REAR YARD: 15 FEET, BUT 40 FEET WHEN ABUTTING A RESIDENTIAL DISTRICT  
 MINIMUM SIDE YARD: 10 FEET; BUT 40 FEET WHEN ABUTTING A RESIDENTIAL DISTRICT  
 MINIMUM SIDE YARD ON STREET SIDE OF CORNER: 35 FEET  
 MAXIMUM GROUND COVERAGE: 90 PERCENT.  
 (SEC. 19-33)  
 MINIMUM LANDSCAPE BUFFER STRIP ABUTTING RS-180: 60 FEET  
 PROPOSED LANDSCAPE BUFFER TO 35 FEET (VARIANCE REQUIRED)  
 (SEC. 19-73)  
 FRONT LANDSCAPE STRIP: 10 FEET  
 SIDE LANDSCAPE STRIP: 5 FEET  
 SIDE LANDSCAPE STRIP: 5 FEET  
 PARKING REQUIREMENTS (SEC. 11.1):  
 RETAIL STORES  
 MINIMUM-ONE SPACE PER EACH 250 SQUARE FEET OF GROSS FLOOR AREA  
 MAXIMUM-ONE SPACE FOR EACH 175 SQUARE FEET OF GROSS FLOOR AREA  
 LOADING-ONE SPACE FOR FIRST 5,000 SQUARE FEET PLUS ONE SPACE FOR EACH ADDITIONAL 30,000 SQUARE FEET OR FRACTION THEREOF  
 MINIMUM PARKING REQUIRED: 60  
 15,000/250 = 60  
 MAXIMUM PARKING REQUIRED: 86  
 15,000/175 = 86  
 TOTAL PARKING PROVIDED: 61 W/4 ADA PARKING SPACES



24-HOUR CONTACT:  
CORY CIANCI (770) 833-2930

REVISIONS: COUNTY COMMENTS 08/06/15	
PROJECT: RETAIL CENTER @ DOGWOOD RD	
PROJECT ADDRESS: 1958 DOGWOOD ROAD	
PROJECT ADDRESS: SNELLVILLE, GA 30078	
CLIENT: COR PROPERTIES, LLC	
CLIENT ADDRESS: 420 SOUTH HILL ST	
CLIENT ADDRESS: BUFORD, GA 30518	
DATE: 10/19/2016	DWG: CSP3

**Civil Consulting Engineers, Inc.**

122 CEDAR WOODS TRAIL  
CANTON, GA 30114  
678-462-4072

REZONING PLAN CI

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

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

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**APPLICANT:** COR Properties, LLC  
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**CONTACT:** Shane Lanham, Esq.  
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**REQUESTED LAND USE PLAN AMENDMENT:** Medium-Density Residential to Commercial/Retail

**LOCATION:** 1958 Dogwood Road, Snellville, Georgia

**MAP NUMBER:** R5040 036

**PROPOSED DEVELOPMENT:** 15,000± Sq. Ft. Commercial Retail Strip Center



**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 deny LUP 17-03 amendment to the Land Use Plan of the City of Snellville.

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA, and by the authority thereof:

**Section 1.** #LUP 17-03 is hereby denied for the reasons stated in the public hearing.

**Section 2.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out 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.

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[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

**ORDAINED** this \_\_\_\_\_ day of March, 2017.

\_\_\_\_\_  
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

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Anthony O. L. Powell, City Attorney  
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\_\_\_\_\_  
Roger Marmol, Council Member