

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP, CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 1.75± ACRE TRACT OF LAND LOCATED IN LAND LOT 40 OF THE 5TH 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: #RZ 17-04

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

**REQUESTED ZONING
MAP AMENDMENT:** RS-180 and BN Districts to BG District

VARIANCE REQUEST: Reduce the Sixty (60) Foot Landscape Buffer to Thirty-five (35) Feet where abutting Parcel #5040 035.

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 eliminate previously approved conditions of zoning; 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 official zoning of the property described in Exhibit “A,” a copy of which is attached hereto and incorporated herein by reference, is hereby amended from RS-180 (Single-Family Residence) District and BN (Neighborhood Business) District to BG (General Business) District, subject to the attachment of the following conditions (1-10):

CONDITIONS:

1. The property shall be developed in general accordance with the submitted site plan entitled “Rezoning Plan,” sealed and dated 10-19-2016, 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. Not more than fifteen-percent (15%) of the total number of parking spaces will be allowed in the rear of the building;
3. A sixty (60) foot buffer shall exist were abutting residential zoned property to the west (Parcel #5040 035). Said buffer shall contain a berm and plantings in accordance with Section 19-35, Minimum Specifications for Buffer Strips, of Article II, Buffer and Screening Regulations of Chapter 19, Buffer, Landscape and Tree Ordinance;
4. Freestanding signs higher than fifteen (15) feet or larger than 225 sq. ft. in area are prohibited;

5. With the exception of a drive-thru menu board and intercom, no outdoor loudspeakers are allowed;
6. 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;
7. Any change of use from general retail use to restaurant use will require parking plan approval from the Director of Planning and Development;
8. Provide an inter-parcel vehicle access point to parcel R5040 039;
9. The development shall be required to connect to sanitary sewer, the use of an onsite septic system is prohibited; and
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.

Section 2. The request to reduce the required sixty (60) foot landscape buffer to thirty-five (35) feet where abutting residential use to the west (Parcel #5040 035) is hereby denied.

Section 3. 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 4. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

Section 5. (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 6. 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 7. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed

Section 8. This Ordinance was adopted on _____, 2017. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES APPEAR ON 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

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

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..



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**REQUESTED ZONING
MAP AMENDMENT:** RS-180 and BN Districts to BG District

VARIANCE REQUEST: Reduce the Sixty (60) Foot Landscape Buffer to Thirty-five (35) Feet where abutting Parcel #5040 035.

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 RZ 17-04 site specific variances from the Zoning Ordinance.

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

Section 1. #RZ 17-04 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.

(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.

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ORDAINED this _____ day of March, 2017.

Tom Witts, Mayor

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