

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR TRACTS 1-4 OF TWO PARCELS OF LAND LOCATED IN LAND LOT 69 OF THE 5TH LAND DISTRICT, GWINNETT COUNTY, GEORGIA AT THE INTERSECTION OF U.S. HIGHWAY 78 (ATHENS HIGHWAY) AND SOUTH CRESTVIEW DRIVE, SNELLVILLE, GEORGIA 30078; TO GRANT VARIANCES; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

CASE NUMBER: #RZ 17-06

PROPERTY OWNER: Danny Herrmann, Ridgecliff, LLC
Loganville, Georgia 30052

APPLICANT/CONTACT: Jeff Timler, Split Silk Properties, LLC
Loganville, Georgia 30052
678-772-0202 or splitsilkproperties@gmail.com

**REQUESTED ZONING
MAP AMENDMENT:** See Exhibits “A” and “B”

LOCATION: 24.73± Acres at U.S. Highway 78 (Athens Highway) and South Crestview Drive, Snellville, Georgia

TAX PARCEL(S): 5069 011 and 017

DEVELOPMENT/PROJECT: The Villas @ Crestview – Commercial & Retail; Senior Living; Independent & Assisted Living Development

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 its zoning map as it applies to Tracts 1-4 of the 24.73± acre tract of land located at U.S. Highway 78 (Athens Highway) and South Crestview Drive, Snellville, Georgia (Tax Parcels R5060 011 and 017) for The Villas @ Crestview, a Commercial and Retail; Senior Living; Independent and Assisted Living Development; and

WHEREAS, the governing authority of the City of Snellville, Georgia desires to amend prior approved conditions of zoning approved by the Mayor and Council on 5-24-2004 for rezoning case #LUP 04-03 RZ 04-03; and

WHEREAS, the governing authority of the City of Snellville, Georgia desires to grant site specific variances from the City of Snellville Zoning Ordinance as it applies to the 24.73± acre property; 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 property described in Exhibit “A” and shown on Exhibit “B”, a copy of which is attached hereto and incorporated herein by reference, is hereby rezoned: (a) from HSB (Highway Service Business) District to BG (General Business) District for the 1.00± acre Tract 1 of Tax Parcel 5069 011; (b) from PRC (Planned Residential Conservation) District to BG (General Business) District for the 1.92± acre Tract 2 of Tax Parcel 5069 017; (c) from PRC (Planned Residential Conservation)

District to R-HOP(62)-CC (Continuous Care Campus Housing for Older Persons) District for the 10.36± acre Tract 3 of Tax Parcel 5069 017; and (d) from PRC (Planned Residential Conservation) District to R-HOP(55)-SF (Residential Housing for Older Persons) District for the 11.45± acre Tract 4 of Tax Parcel 5069 017. This action is subject to the attachment of the following approved variances (1-10) and conditions (1-8):

VARIANCES:

1. Section 9.19, R-HOP(55)-SF, Permitted Uses: Variance request to allow two-story town homes for persons age 55 and over.
2. Section 9.19, R-HOP(55)-SF, Area, Dimensional, and Design Standards: Variance request to increase the maximum units from 4 to 7 units per building.
3. Section 9.19, R-HOP(55)-SF, Maximum Density: Variance request to increase the maximum density from 6.0 to 7.5 units per acre or 85 total units.
4. Section 9.22, R-HOP(62)-CC, Area, Dimensional, and Design Standards: Variance request to waive or eliminate the minimum 0.05 CCRC Skilled Nursing Unit requirement for each CCRC Independent Living Unit constructed.
5. Section 9.22, R-HOP(62)-CC, Site and Architectural Design Standards: Variance request to reduce the landscape strip requirement along all exterior street frontages from fifty (50) feet to twenty-five (25) feet.
6. Section 9.22, R-HOP(62)-CC, Site and Architectural Design Standards: Variance request to reduce the requirement for brick and stone masonry on each building elevation from 70% to 30% for the R-HOP(62)-CC development.
7. Section 9.18, R-HOP, Site and Architectural Design Standards: Variance request to reduce the requirement for brick and stone masonry on each building elevation from 70% to 50% for the R-HOP(55)-SF development.
8. Section 9.22, R-HOP(62)-CC, Site and Architectural Design Standards: Variance request to reduce the one bedroom units from 850 SF to 400 SF, allow one bedroom studios at 450 SF, and two bedroom units from 1,000 SF

to 950 SF. For the memory care units, 300 SF for studios, 400 SF for private one bedroom, and 525 SF for two bedroom units.

9. Section 9.22 R-HOP(62)-CC, Site and Architectural Design Standards: Variance request to reduce the twenty (20) acre minimum development size requirement to 10.36 acres.
10. Section 11.2, Parking Required: Variance request to reduce the minimum number of required parking spaces from 1.1 spaces per CCRC Independent Living Units to .5 spaces or one (1) space per two (2) CCRC Independent Living Units.

CONDITIONS:

1. The property shall be developed in general accordance with the submitted conceptual site plan dated 04-03-2017 (stamped RCVD 5-11-2017), entitled "Master Rezoning Plan – The Villas @ Crestview, attached hereto as Exhibit "C" and incorporated herein for reference, with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the concept plan, including the development of concept plans for the designated out parcels, as determined by the Director of Planning and Development, will require Mayor and Council approval;
2. Signs higher than 15 feet and larger than 225 square feet 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. No outdoor loudspeakers shall be allowed;
5. Inter-parcel access is required between all four (4) tracts of the development;
6. There shall be master protective covenants for the entire development that will include all phases of the development (commercial and residential); and concurrent therewith, a master association shall be formed which will include all component parts of the proposed development. The master association shall be responsible for the oversight, upkeep, and maintenance of the entrance areas, ground signage, walls and fencing, common areas, open space areas, amenities, and the like contained within the overall development;
7. A mandatory home owner's association shall be formed for the single-family attached (townhome) development and individual townhomes and shall have maintenance and architectural design regulations for the townhome community which shall control such items as construction materials,

landscaping, common area and common property maintenance, development signage, fencing, and such other usual and necessary covenants and restrictions to protect the quality and integrity of the townhome development; and

8. Non-substantial variances, as determined by the Director of Planning and Development and/or City Manager 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 and/or City Manager. Substantial variances, as determined by the Planning and Development and/or City Manager, will require Mayor and Council approval (or Board of Appeals approval if so designated in any condition above).

Section 2. The changes in zoning classification is 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 _____ day of July, 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"

Parcel	Acres (+/-)	Physical Address	Land Use		Zoning		Proposed Uses
			Current	Proposed	Current	Proposed	
R5069 011 (Tract 1)	1.00	Highway 78	Commercial/ Retail	Commercial/ Retail	HSB (Highway Service Business)	BG (General Business)	2,800 SF Retail and 4,500 SF Restaurant and Parking
R5069 017 (Tract 2)	1.92	1642 Athens Highway	Medium Density Residential	Commercial/ Retail	PRC (Planned Residential Conservation)	BG (General Business)	2 - 9,600 SF Office/Medical Bldgs and Parking
R5069 017 (Tract 3)	10.36	1642 Athens Highway	Medium Density Residential	Public/ Institutional	PRC (Planned Residential Conservation)	R-HOP(62)-CC (Residential Housing for Older Persons- Conitnuous Care)	225 Independent Living Units 55 Assisted Living Units 24 Memory Care Units 227 Parking Spaces
R5069 017 (Tract 4)	11.45	1642 Athens Highway	Medium Density Residential	Medium Density Residential	PRC (Planned Residential Conservation)	R-HOP(55)-SF (Residential Housing for Older Persons)	85 Single-family Residential Attached (55+) Units and 2 Garages/unit

EXHIBIT "B"

EXHIBIT "C"