

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP, CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 3.561± ACRE TRACT OF LAND LOCATED IN LAND LOT 29 OF THE 5TH DISTRICT, GWINNETT COUNTY, 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 17-09

PROPERTY OWNER(S): Development Authority of Snellville and
The City of Snellville, Georgia
Snellville, Georgia 30078

APPLICANT: New Bethel Deliverance and Empowerment
Ministries, Inc., Lilburn, Georgia 30047

CONTACT: Carleen Hepburn
678-639-1500 or mark.a.hepburn@saint-gobain.com

**REQUESTED ZONING
MAP AMENDMENT:** OP (Office Professional) District and LM (Light
Manufacturing) District to CI (Civic-Institutional)
District

LOCATION: 2686 and 3176 Springdale Road, Snellville, Georgia

MAP NUMBER(s): R5029 274 and 257

**PROPOSED
DEVELOPMENT:** 8,100± Existing Building and Related Parking for a
Church/Place of Worship; Existing Vehicle
Impound Lot; and Existing Telecommunications
Tower

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 the 3.561± acre tract of land located at 2686 and 3076 Springdale Road, Snellville, Georgia (Tax Parcels R5029 274 and 257) for an 8,100± existing building and related parking for a Church/Place of Worship and related accessory uses on the 1.898± acre Parcel “B” described in Exhibit “B” and the existing vehicle impound lot and telecommunications tower for use by the City of Snellville on the 1.316± acre Parcel “A”, described in Exhibit “B”, a copy of which is attached hereto and incorporated herein by reference;

WHEREAS, the governing authority of the City of Snellville, Georgia desires to grant site specific variances from the City of Snellville Code of Ordinances including the Snellville Zoning Ordinance and Buffer, Landscape and Tree Ordinance as it applies to the 3.561± 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 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 OP (Office Professional) District for the 3.22± acre tax parcel R5029 274 and from LM (Light Manufacturing) District for the 0.34± acre tax parcel R5029 257 to CI (Civic

Institutional) District. This action is subject to the attachment of the following variances (1-5) and conditions (1-7):

VARIANCES:

1. Section 19-32, Buffer Strips of Chapter 19 of the City Code to reduce the 40 feet required landscape buffer to zero (0) feet where the property abuts Parcels 5004 047 and 048 along the eastern property line.
2. Section 19-73, Landscape Strips of Chapter 19 of the City Code for non-conformities created upon subdivision of the property into Parcels “A” and “B” where parking easement exists.
3. Section 19-74, Planter Islands of Chapter 19 of the City Code for the existing conditions in the rear parking area and non-conformities created upon subdivision of the property into Parcels “A” and “B” where parking easement exists.
4. Section 6.5.6(b)(2), Non-Residential Lighting Standards of Article 5 of the Development Regulations to allow for the existing non-conforming exterior building and parking lot lighting to remain.
5. General variance for the building and site to be approved in its current “as-is” condition.

CONDITIONS:

1. The property shall be utilized in general accordance with the submitted conceptual rezoning site plan, sealed and dated 5-10-2017, and stamped received 5-17-2017 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 new construction, signage, exterior lighting on the 1.899± acre tract (Parcel “B”) shall comply with City ordinances and regulations and require an approved permit;
3. Any improvements made to the property as part of any initial building permit issued within the first twenty-four (24) months from the date of rezoning approval shall not trigger a Substantial Building Permit. However, after the first twenty-four (24) months from the date of rezoning 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

will be subject to the requirements of a substantial building permit and applicable Zoning and Development Regulations;

4. 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;
5. An exemption plat shall be recorded prior to the release of any Certificate of Occupancy;
6. New signs higher than fifteen (15) feet or larger than 225 sq. ft. in area are prohibited; and
7. 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.

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 _____, 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 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, PC

Roger Marmol, Council Member

EXHIBIT "A"

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 29 of the 5th District, City of Snellville, Gwinnett County, Georgia, and being 3.561 acres according to a survey for City of Snellville dated April 8, 1987, last revised April 19, 1999, and prepared by Precision Planning, Inc., bearing the seal and signature of Randall W. Dixon, GRLS No. 1678, being more particularly described as follows:

BEGINNING at an iron pin located at the intersection of the Land Lot line common to Land Lots 4 and 29 of the 5th District with the southwesterly right of way line of Springdale Road (80' R/W), run thence along said right of way line of Springdale Road South 83 degrees 08 minutes 26 seconds East a distance of 80.17 feet to a point; continue thence along said right of way line following the curvature thereof an arc distance of 135.63 feet to a point, said arc having a radius of 1,011.99 feet and being subtended by a chord bearing and distance of South 87 degrees 00 minutes 02 seconds East 135.53 feet; continue thence along said right of way line following the curvature thereof an arc distance of 272.13 feet to a point marked by a twenty four inch crimp top pipe, said arc having a radius of 455.55 feet and being subtended by a chord bearing and distance of North 72 degrees 02 minutes 39 seconds East 268.10 feet; thence leaving said right of way line of Springdale Road, run South 26 degrees 56 minutes 34 seconds East a distance of 284.87 feet to a nail in a rock; run thence North 84 degrees 56 minutes 43 seconds West a distance of 160.12 feet to a point; run thence South 12 degrees 36 minutes 06 seconds West a distance of 336.09 feet to a point; run thence North 76 degrees 51 minutes 09 seconds West a distance of 84.55 feet to a one half inch rebar found on the Land Lot line common to Land Lots 4 and 29; run thence along said Land Lot line North 30 degrees 27 minutes 59 seconds West a distance of 559.93 feet to a point on the southwesterly right of way line of Springdale Road, said point being the POINT OF BEGINNING.

LESS AND EXCEPT that certain parcel containing 0.347 acres previously conveyed to City of Snellville by Limited Warranty Deed from David E. Kendall and Carole E. Kendall dated June 5, 1997, and recorded in Deed Book 14635, Page 198, Gwinnett County, Georgia records, said property being more particularly shown on Survey for Gwinnett Utilities dated April 23, 1997 by Precision Planning, Inc., described as follows:

All that tract or parcel of land lying and being in Land Lot 29 of the 5th Land District Gwinnett County, Georgia and being more particularly described as follows:

To find the point of beginning, commence at the intersection of Land Lots 4 and 29 and the Southeast right-of-way of Springdale Road (80 foot right-of-way); said point marked by a ½ inch rebar pin set, said point being THE TRUE POINT OF BEGINNING. From said point as thus established, THENCE along said right-of-way South 83 degrees 09 minutes 49 seconds East for a distance of 80.26 feet to a point; THENCE along same right-of-way along a curve to the left having a radius of 101.99 feet and an arc length of 70.54 feet, being subtended by a chord of South 85 degrees 09 minutes 29 seconds East for a distance of 70.53 feet to a point, said point marked by a ½ inch rebar pin set;

BK 18307 PG 0140

THENCE leaving said right-of-way South 25 degrees 04 minutes 29 seconds East for a distance of 70.61 feet to a point, said point marked by a ½ inch rebar pin set; THENCE South 20 degrees 09 minutes 44 seconds West for a distance of 25.42 feet to a point, said point marked by a ½ inch rebar pin set; THENCE South 61 degrees 44 minutes 44 seconds West for a distance of 95.16 feet to a point, said point by a ½ inch rebar pin set; THENCE North 30 degrees 28 minutes 32 seconds West for a distance of 172.15 feet to a point along the Southeast right-of-way of Springdale Road, said point marked by a 1/2 inch rebar pin set, said point being THE TRUE POINT OF BEGINNING.

EXHIBIT "B"

LAND SURVEYING - CONSULTING - COMMERCIAL - RESIDENTIAL

DISTANCES ARE HORIZONTAL GROUND DISTANCES.

THE SURVEY DIMENSIONS ARE BASED ON THE U.S. FOOT (39.37 INCHES = 1 METER)

EQUIPMENT USED:
THEODOLITE READING DIRECTLY TO 02 SECONDS,
ELECTRONIC DISTANCE METER READINGS DIRECTLY TO .005 FEET.

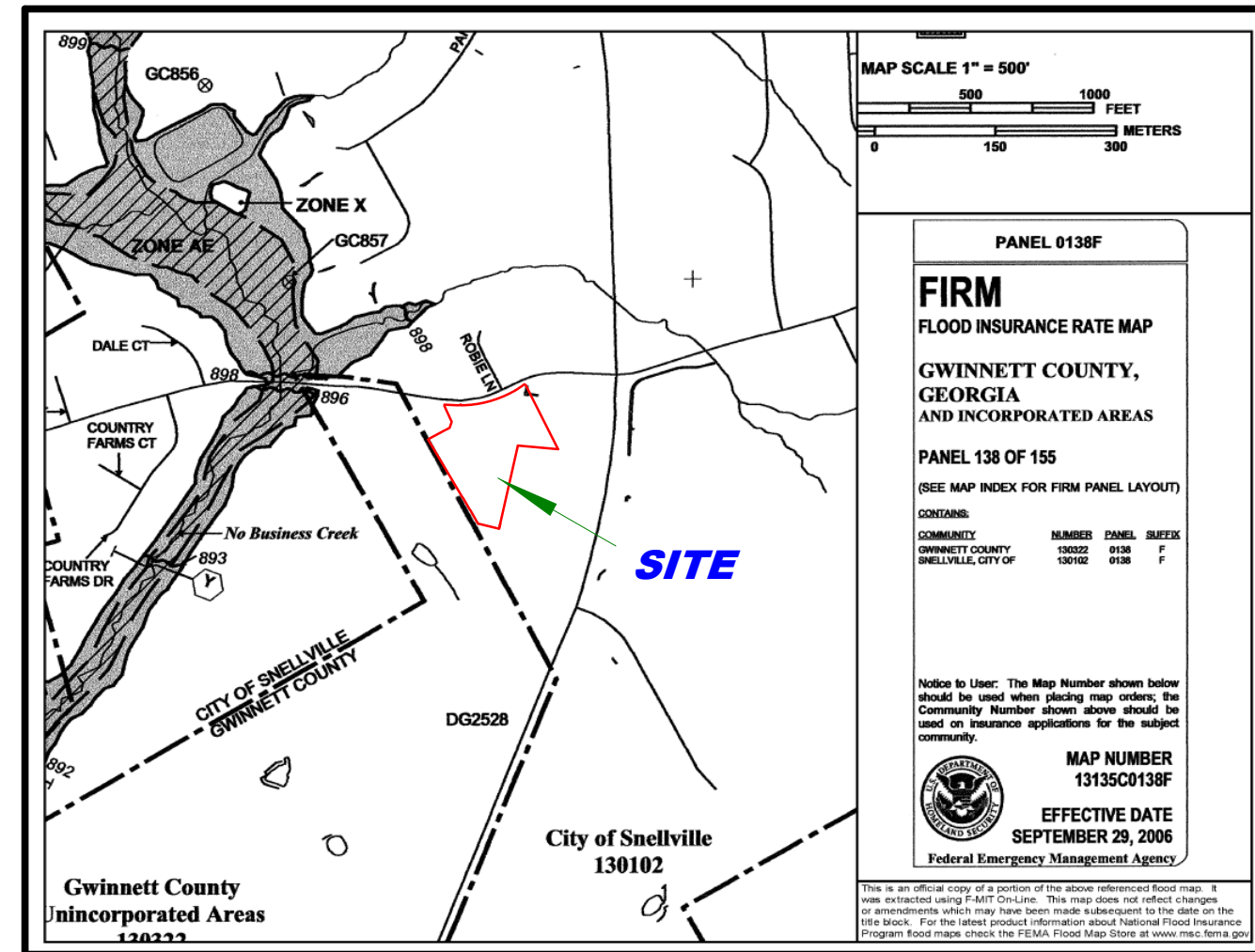
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A HORIZONTAL CLOSURE OF 1 FOOT IN 59,212 FEET. THIS SURVEY HAS BEEN CALCULATED FOR CLOSURE BY LATITUDE AND DEPARTURE AND IS FOUND TO BE ACCURATE WITHIN 1 FOOT IN 545,519 FEET.

THIS PROPERTY HAS BEEN FIELD SURVEYED.

THIS PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE EXAMINATION AND MAY BE SUBJECT TO OTHER EASEMENTS AND ENCUMBRANCES NOT SHOWN THAT MAY OR MAY NOT BE OF RECORD.

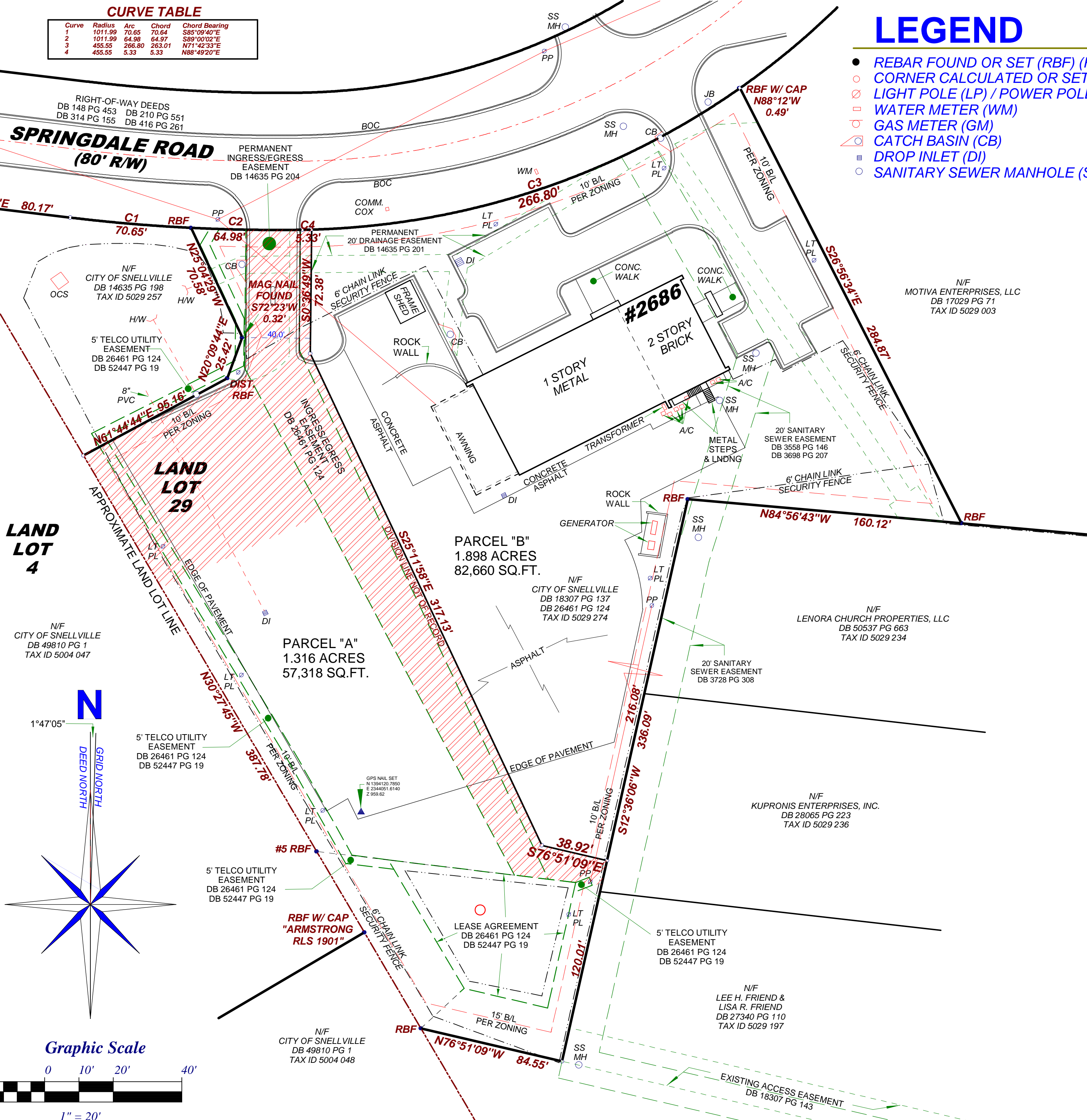


LOCATION MAP NOT TO SCALE



NO PORTION OF THIS PARCEL IS IN A SPECIAL FLOOD HAZARD AREA PER FEMA FLOOD INSURANCE RATE MAP NUMBER 13135C0138F PANEL 138 OF 155 COVERING GWINNETT COUNTY, GEORGIA DATED SEPTEMBER 29, 2006.

Curve	Radius	Arc	Chord	Chord Bearing
1	1011.99	70.65	70.64	S83°08'26"E
2	1011.99	64.98	64.97	S89°00'00"E
3	455.55	266.80	263.01	N71°42'33"E
4	455.55	5.33	5.33	N88°12'00"E



LEGEND

- REBAR FOUND OR SET (RBF) (RBS)
- CORNER CALCULATED OR SET (IPS)
- LIGHT POLE (LP) / POWER POLE (PP)
- WATER METER (WM)
- GAS METER (GM)
- CATCH BASIN (CB)
- DROP INLET (DI)
- SANITARY SEWER MANHOLE (SSMH)

UNDERGROUND UTILITY DISCLAIMER

Information regarding the reputed presence, size, character and location of existing underground utilities and structures is shown hereon. There is no certainty of the accuracy of this information as it relates to underground facilities and it shall be considered in that light by those using this drawing. The location and management of underground utilities and structures shown hereon may be inaccurate and such underground utilities and structures not shown may be encountered. The Owner, his employees, his consultants and his contractors shall hereby distinctly understand that the surveyor is not responsible for the correctness or sufficiency of the information shown hereon as it relates to underground utilities and structures. The limitations as to accuracy contained in this paragraph shall not apply to the utilities and/or structures of any kind which are visible from the surface. All such above ground utilities and/or structures have been field located and are accurately depicted hereon.

PLAT CERTIFICATION NOTICE

THIS PLAT HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITY NAMED HEREON. THIS PLAT DOES NOT EXTEND TO ANY UNNAMED PERSON, PERSONS OR ENTITY WITHOUT EXPRESS RECERTIFICATION BY THE SURVEYOR HEREON. RENAMING THE PLAT TO SAID OTHER PERSON, PERSONS OR ENTITIES.

STATE WATERS NOTE

THIS SURVEYOR HAS MADE NO DETERMINATION OR JUDGMENT AS TO THE EXISTENCE OF ANY STATE WATERS THAT MAY BE ON OR ADJACENT TO THE PROPERTY SHOWN ON THIS SURVEY. PRIOR TO ANY CONSTRUCTION OR OTHER WORK THE PROPERTY OWNER AND/OR THEIR CONTRACTOR SHOULD VERIFY WITH THE LOCAL AND/OR STATE AGENCIES AS TO THE EXISTENCE OF STATE WATERS THAT MAY IMPACT THIS PROPERTY. AN INDEPENDENT ENVIRONMENTAL ASSESSMENT MAY BE REQUIRED.

ACCORDING TO THE SOME COUNTY RECORDS THIS SITE IS ZONED OP.

- SITE REFERENCES:
- 1) DEED BOOK 18307 PAGE 137
 - 2) DEED BOOK 26461 PAGE 124
 - 3) TAX MAPS AND TAX DATA AVAILABLE ONLINE FROM THE GWINNETT COUNTY WEB SITE.

TOTAL TRACT AREA
3.214 ACRES +/-
139978 SQ.FT. +/-

TOTAL AREA INCLUDES
PARCELS "A" AND "B"

UTILITIES PROTECTION CENTER OF GEORGIA

CALL TOLL FREE 7-800-282-7411 THROUGHOUT GEORGIA
IN METRO ATLANTA 632-4344
OUT-OF-STATE: CALL COLLECT (404) 325-5000
THREE WORKING DAYS BEFORE YOU DIG.
IT'S THE LAW.
BEFORE ANY EXCAVATION WORK BEGINS OR ANY WORK BEGINS WITHIN TEN (10') FT. OF OVERHEAD POWER LINES OF 750 VOLTS OR MORE, NOTIFICATION MUST BE MADE TO THE UTILITIES PROTECTION CENTER, INC. IT'S THE LAW.

LANNES K. BURKHALTER GA. R.L.S. #2581

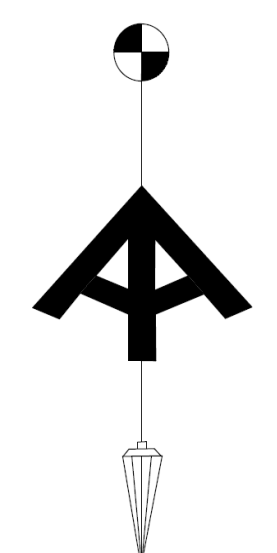
IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN GEORGIA PLAT ACT O.C.G.A. 15-6-67. AUTHORITY O.C.G.A. SECS. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22.

MATTERS OF TITLE ARE EXCEPTED
© COPYRIGHT AARROW SURVEYING 2016

JOB NUMBER: 160003
SCALE: 1" = 20'
DATE: 01/18/16
DRAWN BY: KB
CHECKED BY: KB
AARROW PLOT DATE: 01/20/16

BOUNDARY/ASBUILT SURVEY WITH PROPOSED PARCELING FOR:
CITY OF SNELLVILLE

LOCATED AT:
#2686 SPRINGDALE ROAD
LAND LOT 29 OF THE 5TH DISTRICT
CITY OF SNELLVILLE, GWINNETT COUNTY, GEORGIA



AARROW SURVEYING
LICENSE NO. LSF000595
2245 COUNTRY WALK
SNELLVILLE, GEORGIA 30039
PH. AND FAX 770-982-9900

SHEET 01 OF 01

REVISIONS: