

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP, CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR AN 0.71± ACRE TRACT OF LAND LOCATED IN LAND LOT 101 OF THE 5TH DISTRICT, GWINNETT COUNTY, GRAYSON, GEORGIA 30017; TO GRANT A CONDITIONAL USE PERMIT; TO GRANT VARIANCES; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

CASE NUMBER:	#CUP 18-01
REQUEST:	Conditional Use Permit and Request for Variances from Snellville Code of Ordinances
LOCATION:	1080 Cooper Road, Grayson, Georgia
TAX PARCEL:	5101 022
PRESENT ZONING:	BG (General Business) District
OVERLAY DISTRICT:	Corridor Overlay District
FUTURE LAND USE MAP:	78 East Activity Node
DEVELOPMENT/PROJECT:	Automotive Service and Repair Facility with Vehicle Emissions Testing
PROPERTY OWNER/APPLICANT:	Adloi and Tina Lyttle, ATL Motors, LLC Grayson, Georgia 30017
CONTACT:	Adloi Lyttle (678) 471-2959 or adloiboi@gmail.com

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 official zoning map as it applies to the 0.71± acre tract of land located at 1080 Cooper Road, Grayson, Georgia (Tax Parcel R5101 022) and grant the requested conditional use permit;

WHEREAS, the governing authority of the City of Snellville, Georgia desires to grant site specific variances from the City of Snellville Zoning Ordinance and Landscape Ordinance as it applies to the 0.71± 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; therefore

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

Section 1. A conditional use permit is hereby granted for the property described in Exhibit “A,” a copy of which is attached hereto and incorporated herein by reference, to allow for an automotive service facility with vehicle emissions testing on the 0.71± acre property. This action is subject to the attachment of the following approved conditions (1-13):

1. The property shall be developed and utilized in general accordance with the submitted conceptual Conditional Use Permit and Variance Plan, sealed and dated 12-12-2017, and stamped received 1-11-2018 described in Exhibit “B”, a copy of which is attached hereto and incorporated herein by reference 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 improvements made to the property as part of any initial building permit

issued within the first twelve (12) months from the date of Mayor and Council approval shall not trigger a Substantial Building Permit. However, after the first twelve (12) months from the date of Mayor and Council 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 landscape and tree ordinance requirements;

3. Installation of any new exterior building or site lighting or upgrades to any existing building or site lighting shall comply with the City's exterior lighting standards and require an approved permit;
4. New signs higher than fifteen (15) feet or larger than 225 sq. ft. in area are prohibited. Any new sign(s) shall conform to the sign ordinance and require an approved sign permit prior to installation;
5. Automotive service and repair shall include minor services such as lubrication, tune-up, battery replacement, brake repair and other minor services, but shall not include body repair, major engine repair including engine overhaul, or transmission repair or replacement;
6. Wrecked or dismantled vehicles shall be prohibited on the property at all times;
7. Used or new vehicle, motorcycle, truck or RV sales is prohibited;
8. 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;
9. As a requirement for the release of any Certificate of Occupancy from the City, the applicant shall provide approval from the Gwinnett County Department of Environmental Health Department for use of the onsite sewer management (septic) system;
10. As a requirement for the release of any Certificate of Occupancy from the City, all site, landscaping and building improvements shall be completed;
11. 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;
12. In the event that the subject property is vacated by ATL Motors, LLC, the Conditional Use Permit will become null and void, unless the use(s) become a

principal permitted use with/without supplemental use standards in the Unified Development Ordinance (UDO) which is currently being drafted by the Planning Department and hired consultant; and

13. Used tires shall be stored in a fully enclosed roofed accessory structure, as approved by the Director of Planning and Development. A ten-foot area abutting the front/side of the building may be used for the purpose of outdoor display of merchandise.

Section 2. In conjunction with the Conditional Use Permit and subject to compliance with the requirements and conditions of Section 1, the Applicant is being granted by the Mayor and Council the following variances (1-6):

1. Allow variances from the Corridor Overlay District requirements relating to:
 - c. Providing decorative light fixtures/poles throughout the parking area.
 - d. Locating the building close to and oriented toward the public right-of-way with the majority of parking located to the sides and rear.
2. Allow for variance from Snellville Ordinance Article III Section 19.73(c)(1) relating to landscape strip requirements to allow for encroachment by existing curb and gutter and parking lot along southern property line into the 5 foot side landscape strip by 2.4 feet in area shown on plan. On the 10 foot front landscape strip, allow encroachment south of the existing drive by existing curb and gutter by 4.1 feet and by the proposed detention pond retaining wall north of the existing drive by 9.0 feet. Also allow encroachment on north property line of the existing detention pond retaining wall into the 5 foot side landscape strip by 3.9 feet.
3. Allow for variance from Snellville Buffer, Landscape, and Tree Ordinance Article III. Sec.19.74 relating to parking island requirements to allow the parking lot to be as shown on the attached CUP plan.
4. Allow a variance from Section 9.15(c)(3) in relation to exceeding 20% parking in front of building and exceeding 20% parking on the side of building as the building and parking lot are both existing.
5. Allow a variance from Section 6.13.3.(b) that calls for a six (6) foot wide sidewalk and 48-inch grassed/landscape strip to allow the continuation of the existing five (5) foot wide sidewalk along Cooper Road in the location shown on CUP plan.
6. Allow a general variance for the site to be approved in its current condition except for the items requested on this rezoning application.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set forth 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 26th day of March, 2018.

Barbara Bender, Mayor Pro Tem

ATTEST:

Dave Emanuel, Council Member

Melisa Arnold, City Clerk

Cristy Lenski, Council Member

APPROVED AS TO FORM:

Roger Marmol, Council Member

Anthony O. L. Powell, City Attorney
Webb, Tanner & Powell, P.C.

Gretchen Schulz, Council Member

EXHIBIT "A"

CRW 14977
1080 Cooper Road

EXHIBIT "A"

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 101 OF THE 5TH DISTRICT OF GWINNETT COUNTY, GEORGIA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE SOUTHEASTERLY SIDE OF THE RIGHT OF WAY OF COOPER ROAD (AN 80 FOOT RIGHT OF WAY) SAID POINT BEING LOCATED 205.57 FEET NORTHEASTERLY ALONG SAID RIGHT OF WAY FROM THE INTERSECTION OF THE SOUTHEASTERLY SIDE OF THE RIGHT OF WAY OF COOPER ROAD AND THE NORTHERLY SIDE OF THE RIGHT OF WAY OF U.S. HWY 78 (180 FOOT RIGHT OF WAY), THEN RUNNING NORTH 25 DEGREES, 42 MINUTES, 20 SECONDS EAST 100.00 FEET TO AN IRON PIN; THENCE RUNNING SOUTH 63 DEGREES, 58 MINUTES EAST 308.50 FEET TO AN IRON PIN; THEN RUNNING SOUTH 24 DEGREES, 43 MINUTES, 20 SECONDS WEST 100.00 FEET TO AN IRON PIN; THEN RUNNING NORTH 63 DEGREES, 58 MINUTES, 40 SECONDS WEST 310.24 FEET TO THE POINT OF BEGINNING, CONTAINING .710 ACRES, PURSUANT TO A PLAT OF SURVEY PREPARED BY ROBERT M. KIRKLEY, R.P.L.S, FOR GRAHAM Y. SMITH, DATED MARCH 19, 1982, THIS BEING THE SAME PROPERTY CONVEYED AT DEED RECORDED IN DEED BOOK 7379, PAGE 221, GWINNETT COUNTY RECORDS.

EXHIBIT "B"

CITY OF SNELLVILLE NOTES:

1. CITY OF SNELLVILLE ACCEPTS NO RESPONSIBILITY FOR OVERFLOW OR EROSION OF NATURAL OR ARTIFICIAL DRAINS BEYOND THE EXTENT OF THE STREET RIGHT-OF-WAY, OR FOR THE EXTENSION OF CULVERTS BEYOND THE POINT SHOWN ON THE APPROVED AND RECORDED PLAN. THE CITY OF SNELLVILLE DOES NOT ASSUME THE RESPONSIBILITY FOR THE MAINTENANCE OF PIPES IN DRAINAGE EASEMENTS BEYOND THE CITY RIGHT-OF-WAY.
2. STREAM BUFFER EASEMENTS ARE TO REMAIN IN A NATURAL AND UNDISTURBED CONDITION.
3. STRUCTURES ARE NOT ALLOWED IN DRAINAGE EASEMENTS.
4. MAXIMUM CUT OR FILL SLOPES IS 2H:1V.

TREE REPLACEMENT SCHEDULE

QTY	COMMON NAME	BOTANICAL NAME	SIZE (MIN.)	SPACING	UNITS	% OF TTL	CONDITIONS	NOTES
LANDSCAPE STRIP 1								
2	TRIDENT MAPLE	ACER BUERGERIANUM	3"			1.0	10.5%	CONTAINER
6	"SNOW WHITE" IND. HAWT.	RHAPHIOLEPIS INDICA "SNOW WHITE"	3 GAL.	4'				CONTAINER
16	MUHLY GRASS	MUHLENBERGIA CAPILLARIS	1 GAL.	2.5'				
LANDSCAPE STRIP 2								
5	EX. LARGE OAKS >6"							
16	RUBY LOROPETALUM	LOROPETALUM CHINENSE "RUBY"	3 GAL.	6'				CONTAINER
LANDSCAPE STRIP 3								
2	EX. LARGE OAKS >6"							
LANDSCAPE STRIP 4								
3	EX. LARGE OAKS >6"	LOROPETALUM CHINENSE "RUBY"	3 GAL.	6'				CONTAINER
20	RUBY LOROPETALUM	LOROPETALUM CHINENSE "RUBY"	3 GAL.	6'				CONTAINER
8	MUHLY GRASS	MUHLENBERGIA CAPILLARIS	1 GAL.	2.5'				

LANDSCAPE LEGEND



EXISTING TREES



PROPOSED TREES



MUHLY GRASS



RUBY LOROPETALUM

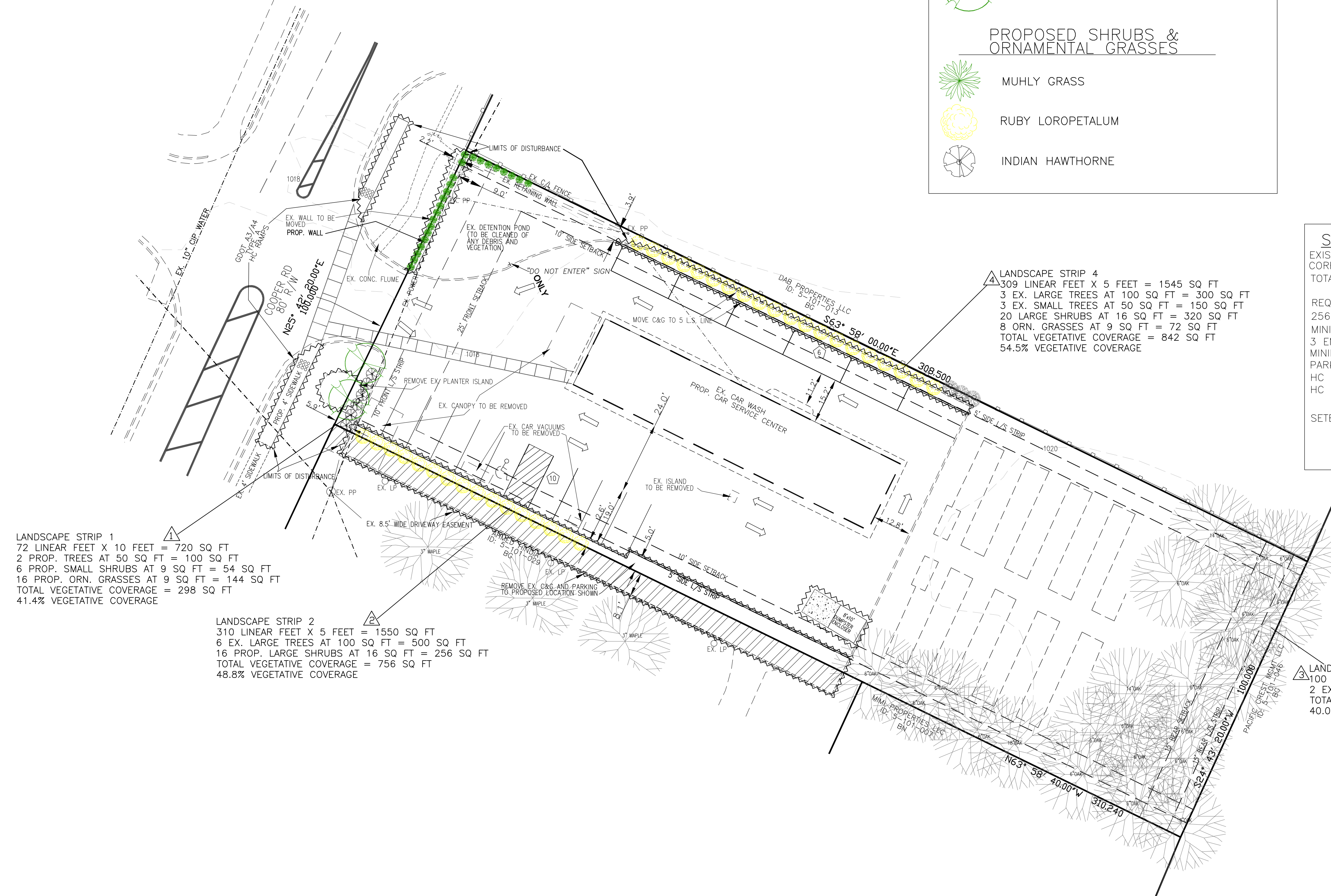


INDIAN HAWTHORNE

EXISTING TREE DENSITY	
SIZE/CLASS	QTY
1"	
2"	
3"	
4"	
5"	
6"	19
7"	
8"	
9"	
10"	
11"	
12"	
13"	
14"	
15"	
16"	
17"	
18"	
19"	
20"	

TTL. UNITS = 17.1
TTL. EXISTING UNITS = 17.1
PROPOSED TREE DENSITY
TTL. PROPOSED UNITS = 1.0
REQUIRED TREE DENSITY
DENSITY UNITS REQUIRED = 16 X 0.71 ACRES = 11.4
TTL. UNITS ON SITE (EX. AND PROP.) = 18.1

CANOPY CALCULATION			
PROPOSED TREES			
QTY	BOTANICAL NAME	CANOPY AREA	TOTAL CANOPY AREA
2	ACER BUERGERIANUM	800	1600
EXISTING TREES			
POLYGON OF EX. TREE SAVE AREA			6131
PROPOSED TOTAL			7,731
% OF TOTAL SITE CANOPY 7,731/30,927			25.0%



LANDSCAPE STRIP 1
72 LINEAR FEET X 10 FEET = 720 SQ FT
2 PROP. TREES AT 50 SQ FT = 100 SQ FT
6 PROP. SMALL SHRUBS AT 9 SQ FT = 54 SQ FT
16 PROP. ORN. GRASSES AT 9 SQ FT = 144 SQ FT
TOTAL VEGETATIVE COVERAGE = 298 SQ FT
41.4% VEGETATIVE COVERAGE

LANDSCAPE STRIP 2
310 LINEAR FEET X 5 FEET = 1550 SQ FT
6 EX. LARGE TREES AT 100 SQ FT = 500 SQ FT
16 PROP. LARGE SHRUBS AT 16 SQ FT = 256 SQ FT
TOTAL VEGETATIVE COVERAGE = 756 SQ FT
48.8% VEGETATIVE COVERAGE

LANDSCAPE STRIP 4
309 LINEAR FEET X 5 FEET = 1545 SQ FT
3 EX. LARGE TREES AT 100 SQ FT = 300 SQ FT
3 EX. SMALL TREES AT 50 SQ FT = 150 SQ FT
20 LARGE SHRUBS AT 16 SQ FT = 320 SQ FT
8 ORN. GRASSES AT 9 SQ FT = 72 SQ FT
TOTAL VEGETATIVE COVERAGE = 842 SQ FT
54.5% VEGETATIVE COVERAGE

LANDSCAPE STRIP 3
100 LINEAR FEET X 5 FEET = 500 SQ FT
2 EX. LARGE TREES AT 100 SQ FT = 200 SQ FT
TOTAL VEGETATIVE COVERAGE = 756 SQ FT
40.0% VEGETATIVE COVERAGE

SITE INFORMATION
EXISTING ZONING: BG
CORRIDOR OVERLAY
TOTAL AREA: 0.71 ACRES

REQUIRED PARKING: 2560 SQ.FT. BLDG.
2560/200 = 12.8 or 13 SPACES REQUIRED
MINIMUM 1 SPACE MINIMUM PER EMPLOYEE
3 EMPLOYEES = 3 SPACES MINIMUM
MINIMUM SPACES REQUIRED = 16
PARKING SPACES PROVIDED = 16
HC SPACES REQUIRED: 1 SPACE
HC SPACES PROVIDED: 1 SPACE

SETBACKS:
FRONT = 25 FEET
SIDE = 10 FEET
REAR = 15 FEET

CONDITIONAL USE PERMIT REQUEST:
UNDER BG ZONING, TO ALLOW AUTOMOTIVE SERVICE STATION OR TIRE STORES (INCLUDING LUBRICATION, TUNE-UP, BATTERY REPLACEMENT, BRAKE REPAIR CENTERS)

VARIANCE # 1:
ALLOW VARIANCES FROM OVERLAY CORRIDOR DISTRICT REQUIREMENTS RELATING TO:
1) PROVIDING A 2 FOOT BY 8 FOOT PAD EVERY 300 LINEAR FEET ON SIDEWALK FOR DECORATIVE BENCHES, BICYCLE RACKS, AND TRASH RECEPTACLES.
2) PROVIDING DECORATIVE LIGHT FIXTURES/POLES THROUGHOUT PARKING AREA
3) PROVIDING SIDEWALK LIGHTS
4) LOCATING BUILDINGS CLOSE TO AND ORIENTED TOWARD PUBLIC RIGHT OF WAY WITH THE MAJORITY OF PARKING TO THE SIDES AND REAR

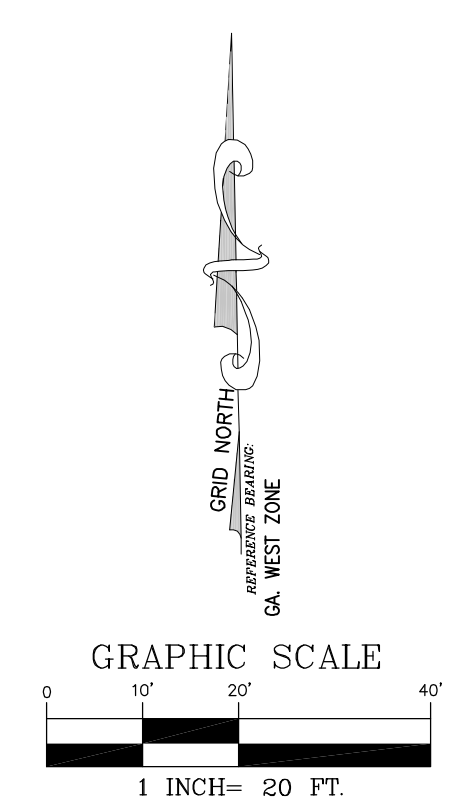
VARIANCE # 2:
ALLOW FOR VARIANCE FROM SNELLVILLE ORDINANCE ARTICLE III.SEC19.73.(c)(1) RELATING TO LANDSCAPE STRIP RESTRICTIONS. TO ALLOW FOR ENCROACHMENT BY CURB & GUTTER AND PARKING LOT ALONG SOUTHERN PROPERTY LINE INTO THE 5' SIDE LANDSCAPE STRIP BY 2.4 FEET. ON THE 10' FRONT LANDSCAPE STRIP, ALLOW ENCROACHMENT SOUTH OF THE EXISTING DRIVE BY EXISTING CURB AND GUTTER BY 4.1 FEET AND BY THE PROPOSED DETENTION POND RETAINING WALL NORTH OF EXISTING DRIVE BY 9.0 FEET. ALSO ALLOW ENCROACHMENT ON NORTH PROPERTY LINE OF THE EXISTING DETENTION POND RETAINING WALL INTO THE 5 FOOT SIDE LANDSCAPE STRIP BY 3.9 FEET.

VARIANCE # 3:
ALLOW FOR VARIANCE FROM SNELLVILLE BUFFER, LANDSCAPE AND TREE ORDINANCE ARTICLE III.SEC19.74 RELATING TO PARKING ISLAND REQUIREMENTS TO ALLOW THE PARKING LOT TO BE AS SHOWN ON THE ATTACHED CUP PLAN WITH RE-LOCATED CURB AND GUTTER LOCATIONS SHOWN ON PLAN.

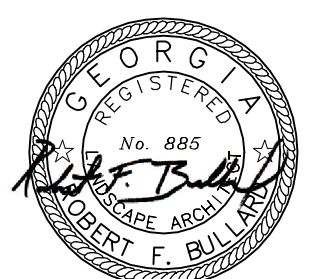
VARIANCE # 4:
ALLOW A VARIANCE FROM SECTION 9.15(c)(3) IN RELATION TO EXCEEDING 20% PARKING IN FRONT OF BUILDING AND EXCEEDING 20% PARKING ON THE SIDE OF THE BUILDING.

VARIANCE # 5:
ALLOW A VARIANCE FROM SECTION 6.13.3.(b) THAT CALLS FOR A 6 FOOT SIDEWALK AND 48" GRASSED/LANDSCAPE STRIP TO ALLOW THE CONTINUATION OF THE EXISTING 4 FOOT SIDEWALK ALONG COOPER ROAD IN LOCATION SHOWN.

VARIANCE # 6:
ALLOW A GENERAL VARIANCE FOR THE SITE TO BE APPROVED IN ITS CURRENT CONDITION EXCEPT FOR THE ADDITIONAL ITEMS REQUESTED ON THIS REZONING AND VARIANCE PLAN.



CONDITIONAL USE PERMIT AND VARIANCES REQUEST FOR:
1080 COOPER RD
5TH DISTRICT, LAND LOT 101, PARCEL 022
1080 COOPER RD
SNELLVILLE, GA 30078
GWINNETT COUNTY
CITY OF SNELLVILLE, GEORGIA
OWNER & APPLICANT:
ATL MTRS LLC
1151 GULFPORT RUN
GRAYSON, GA 30017
CONTACT PERSON: ADLOI LITTLE
PHONE: 678-471-2959
DESIGNER:
BULLARD LAND PLANNING, INC
3790 CANNONWOLDE DR
SNELLVILLE, GA 30039
CONTACT PERSON: BOBBY BULLARD
678-344-1293 bfpbobby@bellsouth.net



-DATE: 12/12/2017
-BLP JOB# 17-1915