

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

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

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP, CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR AN 0.50± ACRE TRACT OF LAND LOCATED IN LAND LOT 261 OF THE 5<sup>TH</sup> DISTRICT, GWINNETT COUNTY, SNELLVILLE, GEORGIA 30078; 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.

<b>CASE NUMBER:</b>	#CUP 18-02
<b>CONDITIONAL USE PERMIT REQUEST:</b>	Re-open Existing Fuel Station with Convenience Store and Request for Variances
<b>LOCATION:</b>	2305 Scenic Hwy, Snellville, Georgia
<b>TAX PARCEL:</b>	5026 228
<b>PRESENT ZONING:</b>	BG (General Business) District
<b>OVERLAY DISTRICT:</b>	Corridor Overlay District
<b>DEVELOPMENT/PROJECT:</b>	Fuel Station with Convenience Store
<b>PROPERTY OWNER:</b>	Main-McGee Investment, LLC 1550 N Brown Road, Ste 130 Lawrenceville, Georgia 30043
<b>APPLICANT/CONTACT:</b>	Tony L. Dawson, P.E. 1569 Cherry Hill Road SW 678-485-9610 or tonyd@dawsonec.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 0.50± acre tract of land located at 2305 Scenic Highway, Snellville, Georgia (Tax Parcel R5026 228) 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, Development Regulations and Buffer, Landscape and Tree Ordinance as it applies to the 0.50± acre property and building; 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 a fuel station with convenience store on the 0.50± acre property.

This action is subject to the attachment of the following approved conditions (1-12):

1. The property shall be developed according to the rezoning site plan entitled “Site Plan for Winston Property Ventures, LLC,” sealed and signed April 9, 2018 with modifications permitted due to engineering restrains, ingress and egress, and/or to meet conditions of zoning or State, County, and City regulations.
2. Interparcel access will be required upon redevelopment of the contiguous adjacent property. Property owner will provide for any easements necessary to provide such interparcel access.

3. The property owner will be required to install shrubs in the front landscape strip, along with all sidewalks, pedestrian pads and amenities, within twelve (12) months of the completion of the GDOT roadwork in front of the property. Plans shall be approved by the Director of Planning and Development before commencement of any work.
4. Sidewalks shall be provided along the entire frontage of the development along both Henry Clower Boulevard and Scenic Highway. These sidewalks shall be 5' in width, to match those being installed by the Georgia Department of Transportation.
5. The property owner is to meet the required Tree Density Units (TDUs) for the property within the rear of the property that is currently a grassy hill. As a requirement for the release of any Certificate of Occupancy from the City, the tree and landscape improvements within the grassy hill shall be completed.
6. Prior to the release of any Certificate of Occupancy from the City, a three-sided dumpster enclosure with gate shall be constructed in accordance with the requirements of Sec. 19-34 of the Buffer, Landscape and Tree Ordinance.
7. All non-conforming signage on the property (if any) shall be removed. Any new signage shall conform to the City of Snellville Sign Ordinance requirements and require an approved sign permit(s) before installation of any new signage.
8. Signs higher than 15 feet or larger than 225 square feet are prohibited.
9. Installation of any new exterior building, fuel canopy or site lighting or upgrades to any existing building, fuel canopy or site lighting shall comply with the City's exterior lighting standards and require an approved permit.
10. 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.
11. In the event that the subject property is redeveloped, all approved variances and conditions shall become null and void.
12. 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.

13. The applicant shall be required to use a combination of brick, stone, and stucco on the exterior building elevations and shall submit a plan for review and approval by the Director of Planning and Development.

**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 (1-11):

1. Variance from Section 9.15A.(1) of the Corridor Overlay District Requirements requiring interparcel access to contiguous properties until such time as the contiguous property is redeveloped.
2. Variance to allow the underground fuel tanks to be located within 30' of the right-of-way (R/W).
3. Variance to postpone the installation of shrubs in the R/W until after completion of GDOT roadwork.
4. Variance from Section 9.15.A(2) of the Corridor Overlay District Requirements requiring all new utilities lines to be located underground.
5. Variance from Section 9.15.A(4) of the Corridor Overlay District Requirements requiring street lights along all rights-of-way utilizing decorative light fixtures.
6. Variance from Section 9.15.C(4) of the Corridor Overlay District Requirements requiring the building to be placed close to, and oriented toward, the public right-of-way with the majority of the parking to the sides and rear.
7. Variance from Section 9.15.D(1)(d) of the Corridor Overlay District Requirements requiring pitched roofs on buildings under 5,000 sq. ft.
8. Allow a general variance for the site to be improved in its current condition except for the items requested on the application and variance plan.
9. Variance from Section 7.7, Architectural Design Standards, regarding allowable building materials to allow the concrete block building to remain "as-is".
10. Variance from Section 9.15.B(2) of the Corridor Overlay District Requirements to allow for no street trees.

11. Variance from Section 19.73 and 19.74 of the Buffer, Landscape and Tree Ordinance to allow for no front landscape strip trees and parking islands.

**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 11<sup>th</sup> day of June, 2018.

\_\_\_\_\_  
Barbara Bender, Mayor Pro Tem

*ATTEST:*

\_\_\_\_\_  
Dave Emanuel, Council Member

\_\_\_\_\_  
Melisa Arnold, City Clerk

\_\_\_\_\_  
Cristy Lenski, Council Member

*APPROVED AS TO FORM:*

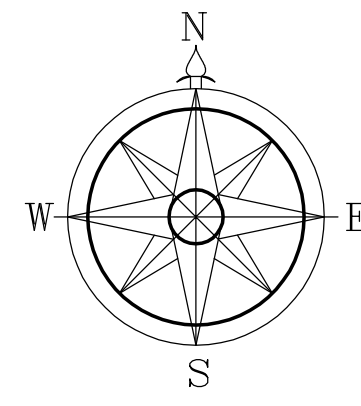
\_\_\_\_\_  
Roger Marmol, Council Member

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

\_\_\_\_\_  
Gretchen Schulz, Council Member

EXHIBIT "A"

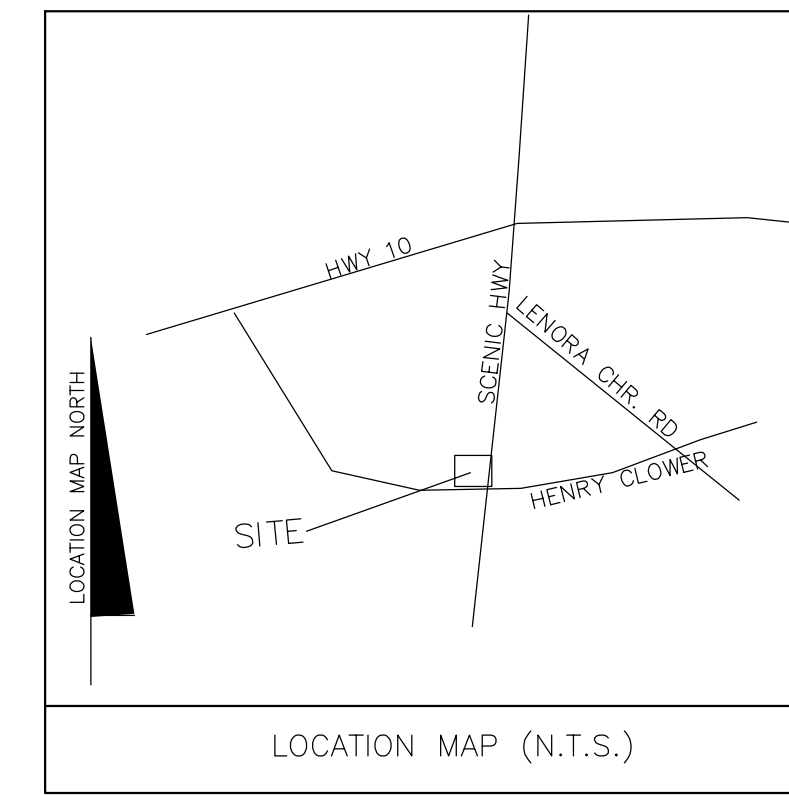




N/F  
 NEW LONDON PLAZA LLC.  
 PARCEL ID: R5026 079  
 DB: 23409 PG: 125  
 COMMUNITY SHOPPING MALL

**FLOOD STATEMENT**

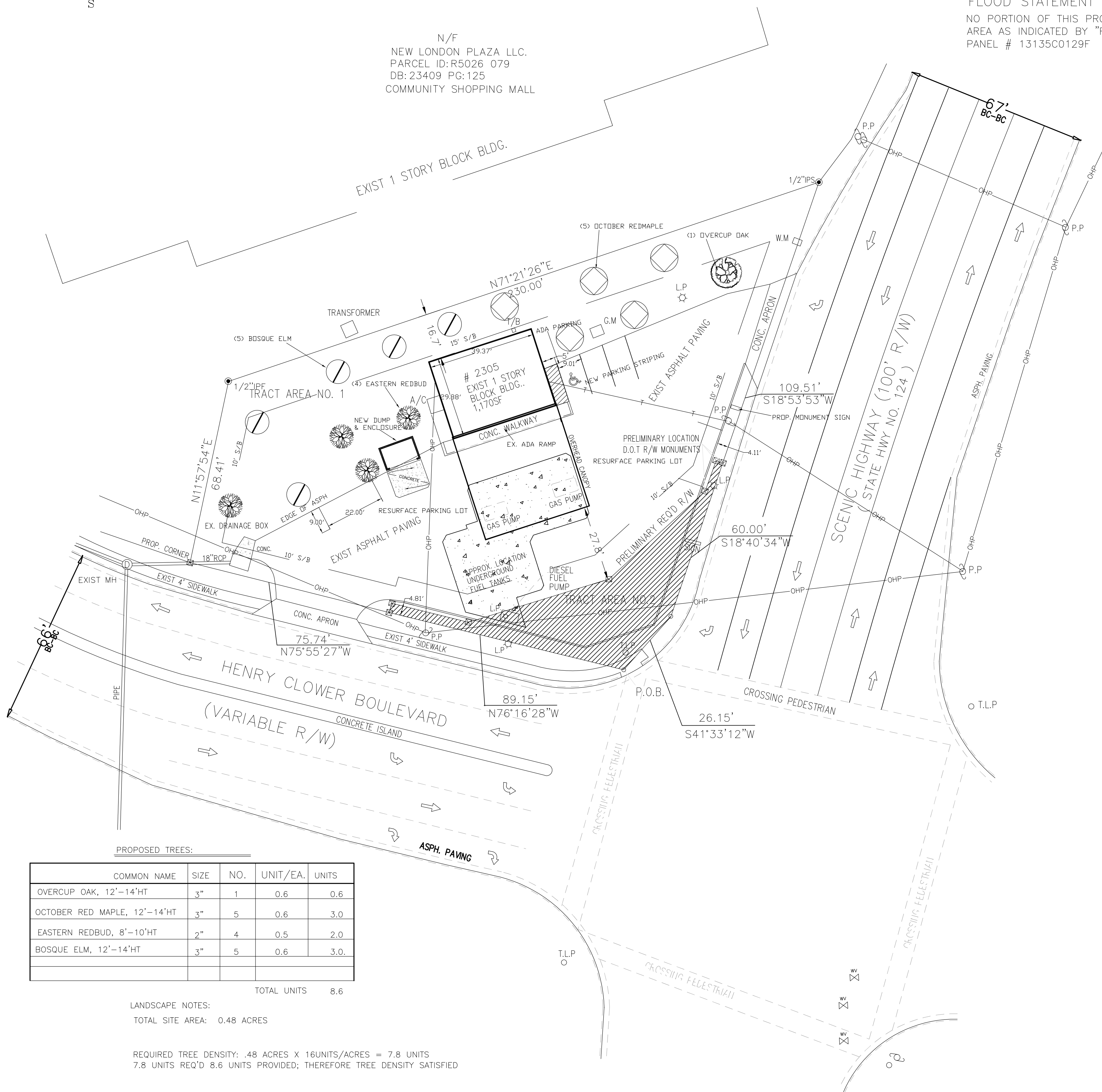
NO PORTION OF THIS PROPERTY IS LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY "F.I.A. OFFICIAL FLOOD HAZARD MAP PANEL # 13135C0129F DATE 9/29/2006



**SUMMARY AREA**

TRACT NO.1	23,467 sq.ft. 0.538 acres
TRACT NO.2	2,179 sq.ft. 0.050 acres
TRACT NO.1 LEST D.O.T ACQUISITION	21,288 sq.ft. 0.488 acres

**LISTS OF VARIANCES REQUESTED**



**PROPOSED TREES:**

COMMON NAME	SIZE	NO.	UNIT/EA.	UNITS
OVERCUP OAK, 12'-14'HT	3"	1	0.6	0.6
OCTOBER RED MAPLE, 12'-14'HT	3"	5	0.6	3.0
EASTERN REDBUD, 8'-10'HT	2"	4	0.5	2.0
BOSQUE ELM, 12'-14'HT	3"	5	0.6	3.0
			<b>TOTAL UNITS</b>	<b>8.6</b>

**LANDSCAPE NOTES:**

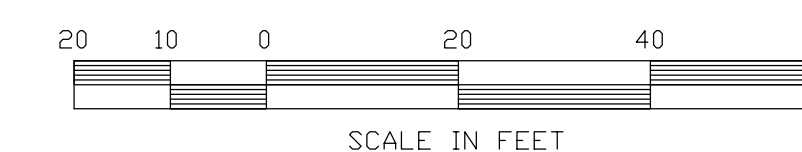
TOTAL SITE AREA: 0.48 ACRES

REQUIRED TREE DENSITY: .48 ACRES X 16 UNITS/ACRES = 7.8 UNITS  
 7.8 UNITS REQ'D 8.6 UNITS PROVIDED; THEREFORE TREE DENSITY SATISFIED

**OWNER**  
 WINSTON PROPERTY VENTURES, LLC  
 1550 N. BROWN ROAD  
 SUITE 130  
 LAWRENCEVILLE, GA 30043

**ZONED BG**

IMPERVIOUS AREA: 12,758SF  
 LOT COVERAGE: 59%  
 EXISTING/PROPOSED PARKING: 5 RATIO IS 1/2345F  
 ZERO DISTURBED ACREAGE:

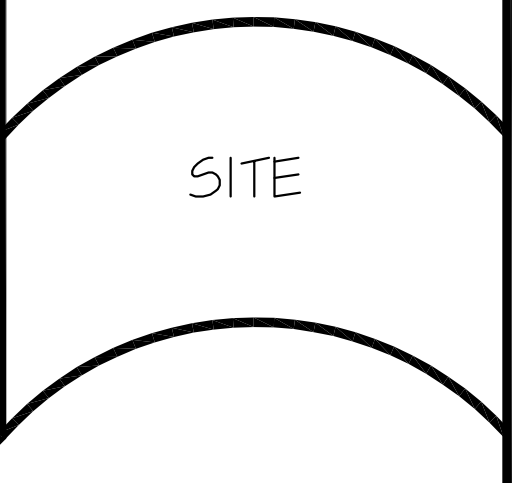


DRAWN BY: TLD  
 CHECKED BY: TLD  
 APPROVED:



DATE	NO.	REVISION	BY
SCALE: 1" = 20'	20'	JOB NO. 2018MISC	DATE: 4-9-18

**SITE PLAN**  
 FOR  
**WINSTON PROPERTY VENTURES, LLC**  
 LOCATED AT  
 LL 26 5TH DISTRICT, ID# R5026 228  
 2305 SCENIC HWY SW  
 CITY OF SNELLVILLE  
 GWINNETT COUNTY



**DAWSON ENGINEERING CONSULTANT, LLC**  
 1569 CHERRY HILL ROAD  
 CONTERS, GEORGIA 30094  
 678-485-9610 FAX: 678-720-5795

