

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 A 0.66± ACRE TRACT OF LAND LOCATED IN LAND LOT 40 OF THE 5TH LAND DISTRICT, GWINNETT COUNTY, GEORGIA; TO GRANT A CONDITIONAL USE PERMIT; TO REPEAL CONDITIONS OF ZONING; TO GRANT VARIANCES; TO ADD CONDITIONS AFFECTING THE PROPERTY; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

CASE NUMBER: #CUP 19-01

PROPERTY OWNER: Montag Enterprises Inc II
Snellville, Georgia 30078

LOCATION: 0.66± Acre Tract at 2018 Scenic Highway,
Snellville, Georgia

CURRENT ZONING: BG (General Business) District

TAX PARCEL: R5040A009

DEVELOPMENT/PROJECT: Valvoline Instant Oil Change Center

APPLICANT/CONTACT: Chris Duley, Manager Pre-Construction
VIOC
937-522-5305 or christopher.duley@valvoline.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 0.66± acre tract of land located at 2018 Scenic Highway, Snellville, Georgia (Tax Parcel R5040A009) and grant the requested conditional use permit for an auto service station providing lubrication services; and

WHEREAS, the governing authority of the City of Snellville, Georgia desires to grant variances from the Buffer and Screening Regulations of Article II Chapter 19 Buffer, Landscape and Tree Ordinance and Sign Ordinance of Article XII of the Zoning Ordinance; and

WHEREAS, the governing authority of the City of Snellville, Georgia desires to repeal conditions of zoning from the 4-22-2002 Mayor and Council approved rezoning for case #RZ 02-02 and from the 1-27-2003 Mayor and Council approved change-in-conditions for case #RZ 02-09; 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 0.66± acre tract of land shown on the Site Plan, entitled “Valvoline Instant Oil Change 2018 Scenic Highway Gwinnett County, Snellville, GA”, sealed and dated 1-9-2019 described and shown in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference, to allow for an auto service station including minor services such as lubrication

or tune-up services, battery replacement and brake repair, more specifically approved as a Valvoline Instant Oil Change Center with ancillary Tire Rotation and Emissions Testing services.

Section 2. Conditions 1-8 of case #RZ 02-02 approved on 4-21-2002 by the Mayor and Council of the City of Snellville, Georgia and described in the minutes from the Public Hearing of Mayor and Council, City of Snellville, Georgia, Monday, April 22, 2002, attached hereto as Exhibit “B” and incorporated herein as reference are hereby repealed. And Conditions 1-10 of case #RZ 02-09 approved on 1-27-2003 by the Mayor and Council of the City of Snellville, Georgia and described in the minutes from the Public Hearing of Mayor and Council, City of Snellville, Georgia, Monday, January 22, 2003, attached hereto as Exhibit “C” and incorporated herein as reference are hereby repealed and instead, this action is subject to the attachment of the following new conditions (1-6):

CONDITIONS:

1. The property shall be developed according to the proposed Site Plan entitled “Valvoline Instant Oil Change” sealed, signed and dated 1-19-2019 and Concept Landscape Plan dated 12-14-2018 with modifications permitted due to engineering restrains, ingress and egress, and/or to meet conditions of zoning or State, County, and City regulations;
2. All conditions from the 4-22-2002 Mayor and Council approved rezoning and 1-27-2003 Mayor and Council approved change-in-conditions are hereby repealed;
3. In the event that the existing 10-foot buffer is damaged during development the property owner/applicant shall be responsible for replanting the buffer with the most appropriate large and mature species that effectively create an immediate screening. A planting plan shall be submitted for review and approval by the Director of Planning and Development;
4. New signs higher than 15 feet or larger than 225 square feet are prohibited;

5. 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; and
6. 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.

Section 3. In conjunction with the conditional use permit approval and subject to compliance with the requirements and conditions of Section 2, the Applicant is being granted by the Mayor and Council the following variances (1-3):

VARIANCES:

1. Variance to reduce the 60-foot landscape buffer (30-foot landscape buffer as approved on 1-27-2003 by the Mayor and Council) to 11.19 feet, subject to Condition #3.
2. Variance from Section 12.3 (C), Signs Prohibited of Appendix B the Sign Ordinance to use 100% logo-box type sign construction for the Valvoline wall signs.
3. Variance from Section 12.4(B)(2), Wall Sign Area of the Sign Ordinance to exceed the total allowable wall sign area on the northern building (left) elevation from 37.25 sq. ft. to 45.0 sq. ft.

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

Section 5. 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 6. (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 7. 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 8. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 9. This Ordinance was adopted on March 25, 2019. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

ORDAINED this 25th day of March, 2019.

Barbara Bender, Mayor

ATTEST:

Dave Emanuel, Mayor Pro Tem

Melisa Arnold, City Clerk

Cristy Lenski, Council Member

APPROVED AS TO FORM:

Roger Marmol, Council Member

Anthony O. L. Powell, City Attorney
Powell & Edwards, Attorneys at Law, P.C.

Gretchen Schulz, Council Member

EXHIBIT "A"

DRAFT

EXHIBIT "B"

DRAFT



The City of Snellville

P.O. Box 844 • 2460 Main Street East
Snellville, Georgia 30078
(770) 985-3500 • Fax (770) 985-3525 • www.Snellville.org

Brett Harrell
MAYOR

Jerry Oberholtzer
MAYOR PRO TEM

Joe Anderson
Melvin Everson
Deborah Rich
Michael Smith
COUNCIL MEMBERS

Sharon Lowery
CITY CLERK / CFO

Sherry Patton
PERSONNEL

Billy Greene
COMPTROLLER

Michael T. Byrne
Byrne & Counts, LLC
CITY ATTORNEY

Melisa Arnold
EXECUTIVE ASSISTANT

Wanda Griffith
RECEPTIONIST

PUBLIC HEARING OF MAYOR AND COUNCIL CITY OF SNELLVILLE, GEORGIA MONDAY, APRIL 22, 2002

Present: Mayor Harrell, Mayor Pro Tem Everson, Council Members Anderson, Oberholtzer, Rich, and Smith. Also present City Attorney Mike Byrne, Planning Director Jeff Timler, and City Clerk Sharon Lowery.

CALL TO ORDER

Mayor Harrell called the meeting to order at 8:00 p.m. and announced it was being audio and video taped.

Council Member Anderson made a motion to take old business item "a" last, 2nd by Council Member Oberholtzer; voted and approved unanimously.

NEW BUSINESS

CUP 02-01 – Conditional Use Permit Application by Christopher A. Reynolds for a Nextel Telecommunications Facility at 2849 Mountain View Road.

Jeff Timler advised they had a letter asking for postponement until June 24th. Mr. Turpin Mott, representing the applicant, was present to answer any questions.

After discussion, it was decided to go ahead and hear the item.

Jeff Timler gave a brief overview of the application. He advised the Planning Department recommended approval and the Planning Commission recommended denial.

Mr. Mott presented the application for a 150' stealth-type tower. He also presented an overlay of existing coverage and enhanced coverage.

Katherine Thompson, 2868 Mountain View Rd., spoke in opposition.

Jane Baxter, 3115 Oak Meadow Drive, spoke in opposition.

Coit Kirven, 1819 Mornington Lane, spoke in opposition.

Mark Shields, 2807 Oak Meadow Lane, questioned the importance of the cell tower in the particular area selected.

Catherine Welch, 3050 Oak Meadow Drive, spoke in opposition.

Mr. Mott asked the Mayor and Council to consider that the applicant has met all the zoning requirements.

Council Member Oberholtzer made a motion to deny the conditional use permit for this property, 2nd by Council Member Anderson; voted and approved unanimously.

CUP 02-02 – Conditional Use Permit Application by Servicestar Property Advisers, LLC for a Gas Station on property at NE Corner of Hwy. 84 and 78.

This application has been withdrawn.

A two-minute break was called at 8:27 p.m.

The meeting reconvened at 8:30 p.m.

OLD BUSINESS

RZ 02-02 – Rezoning Application by Montag Enterprises, Inc. from OP, Office & Professional to BG, General Business for an automotive detail facility at 2018 Scenic Highway.

At 8:30 p.m., Mayor Harrell recused himself stating he was the former owner of the property and Council Member Rich recused herself.

Mayor Pro Tem Everson presided over the remainder of the meeting.

Jeff Timler gave a brief overview of the application. The Planning Department recommended approval with conditions and the Planning Commission recommended approval with conditions by a vote of 3 to 2.

Mr. John Miles, 2164 North Road, advised the applicant will withdraw the request for reduction in the buffer, they are only requesting rezoning from OP to BG. This will void conditions number 8 and number 1.

Wayne Blackburn, 2071 North Rd., asked the Mayor and Council to deny or postpone until a study is complete.

Marcy Pharris, 1749 Ridgedale Drive, asked Mayor and Council to stipulate that the sixty foot buffer remain.

Council Member Smith made a motion to approve the rezoning from Office/Professional to General Business with the conditions recommended by the Planning Department as follows and stipulated that the 60' foot buffer must remain:

1. Building(s) and the outdoor service area shall be constructed of glass, brick, stone, stucco, or any combination thereof. Temporary materials, including but not limited to, canvas, plastic, etc., shall not be permitted.
2. There shall be a maximum of one curb cut on Dogwood Road and its location shall be approved by the City Engineer.
3. The property shall be developed in general accordance with the submitted site plan dated 10/22/01 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.

4. Billboards and signs in excess of 15 feet in height are prohibited.
5. No outdoor loudspeakers shall be allowed.
6. Crosswalks shall be installed at Dogwood Road.
7. Architectural renderings shall be submitted for review and approval by the Director of Planning prior to issuance of any permits. Building additions shall be constructed of similar materials and colors consistent with the existing structure(s).
8. The sixty foot buffer must remain.

Council Member Anderson seconded the motion. The final vote was 3 in favor and 1 against, with Council Member Oberholtzer casting the opposing vote.

ANNOUNCEMENTS

None

ADJOURNMENT

Council Member Anderson made a motion to adjourn, 2nd by Council Member Oberholtzer; voted and approved unanimously. The meeting adjourned at 8:55 p.m.


Brett Harrell, Mayor

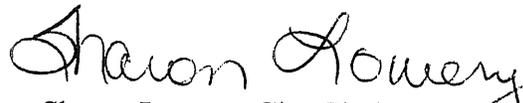

Sharon Lowery, City Clerk

EXHIBIT "C"

DRAFT



The City of Snellville

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Melisa Arnold
EXECUTIVE ASSISTANT

PUBLIC HEARING OF MAYOR AND COUNCIL CITY OF SNELLVILLE, GEORGIA MONDAY, JANUARY 27, 2003

Present: Mayor Harrell, Mayor Pro Tem Everson, Council Members Anderson, Oberholtzer, Rich, and Smith. Also present were Mike Byrne and Thomas Mitchell, Planning Director Jeff Timler, and City Clerk Sharon Lowery.

CALL TO ORDER

Mayor Harrell called the meeting to order at 8:27 p.m. and announced it was being audio and video recorded.

Mayor Harrell recused himself from the meeting stating he sold the property in question to Montag Enterprises, and then left the council chambers.

Mayor Pro Tem Everson presided over the public hearing.

OLD BUSINESS

RZ 02-09 – Rezoning Application for change in conditions of zoning from BG, General Business with a 60 foot buffer to BG, General Business with a 20 foot buffer by Montag Enterprises, Inc. on property at 2018 Scenic Highway for an automotive detail facility.

Mr. Jeff Timler gave a brief history of the property and application. Michael Sullivan, 1505 Lakes Parkway, was present representing the applicants. He reviewed the revised request.

The following citizens spoke on the rezoning application:

Wayne Blackburn, 2017 North Road spoke in opposition.

Brenda Lee, 2928 Winding Creek Circle spoke in opposition.

Marcy Pharris, 1749 Ridgedale Drive recommended that the densely planted must meet the city arborists' specifications.

Council Member Oberholtzer made a motion to eliminate the 60' buffer condition and in its place we attach the following conditions:

1. Along the eastern side of the property where abutting residential zoned property, a thirty-foot buffer shall remain. This area shall be supplemented with a five (5) high earth berm with a 2 to 1 slope measured from the elevation of the adjoining residential property. The buffer shall be densely planted with a combination of Southern Magnolias, Leyland Cypress, and Japanese Cryptomeria, or as approved by the City Arborist

PUBLIC HEARING OF MAYOR AND COUNCIL
JANUARY 27, 2003
PAGE TWO

- (per Article 10.2 and 10.8 of the Snellville Zoning Ordinance).
2. Outdoor service area shall be constructed of glass, brick, stone, stucco, or any combination thereof. Temporary materials, including but not limited to, canvas, plastic, etc., shall not be permitted.
 3. There shall be a maximum of one curb cut on Dogwood Road and its location shall be approved by the City Engineer. Entrance shall be located as far back as possible from the intersection of Dogwood Road and SR 124.
 4. Building shall be setback a maximum of 25 feet from the right of way of Scenic Highway
 5. The property shall be developed in general accordance with the submitted site plan dated 10/22/01 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.
 6. A six (6) foot tall opaque fence shall be constructed at the beginning of the buffer 15 feet away from residentially zoned property. The fence shall be chain link, green or black rubber coated with vinyl slats.
 7. Signs in excess of 15 feet in height and 200 square feet are prohibited.
 8. No outdoor loudspeakers shall be allowed.
 9. Crosswalks shall be installed at Dogwood Road.
 10. Architectural renderings shall be submitted for review and approval by the Director of Planning prior to issuance of any permits.

Council Member Anderson seconded the motion; voted and approved with five voting in favor.

NEW BUSINESS

None

ANNOUNCEMENTS

None

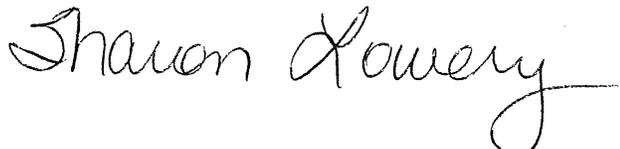
ADJOURNMENT

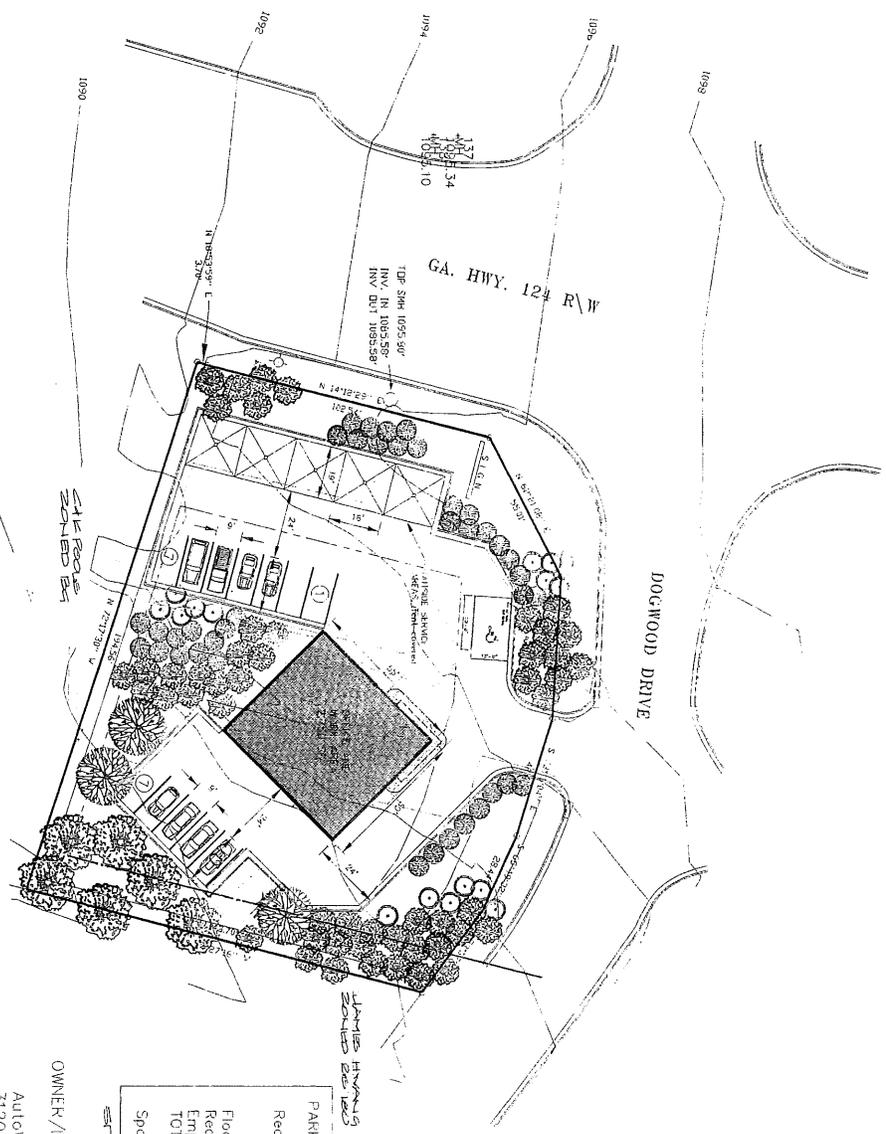
Council Member Oberholtzer voted to adjourn, 2nd by Council Member Anderson; voted and approved. The meeting adjourned at 8:47 p.m.

Melvin Everson, Mayor Pro Tem



Sharon Lowery, City Clerk





Prepared for presentation by
JOHN MARTIN HILES & ASSOCIATES
 ARCHITECTS & PLANNERS, P.C.
 1000 W. WASHINGTON ST., SUITE 200
 SNELLVILLE, GA 30078
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PARKING ANALYSIS	
Requirement =	1 spa./400 SF
	+ 1 per employee
Floor spa =	0.750 SF
Req. spa. =	1.750/400 = 7 spa.
Employees =	7
TOTAL REQ'D. SPACES	= 14 spa.
Spaces provided =	15 spa.

OWNER/DEVELOPER
 AutoWorld Appearance Center
 3120 Main Street West
 Snellville, GA 30078
 770-972-4030
 Contact: Jeff Montlug

