

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. 2019-13

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 13.00± ACRE TRACT OF LAND LOCATED IN LAND LOTS 73 AND 74 OF THE 5TH LAND DISTRICT, GWINNETT COUNTY, GEORGIA; TO GRANT A CONDITIONAL USE PERMIT; 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 19-03
LOCATION:	1520 Scenic Hwy, Snellville, Georgia
TAX PARCEL:	5073 003
PRESENT ZONING:	BG (General Business) District
OVERLAY DISTRICT:	None
DEVELOPMENT/PROJECT:	12-Station Sam's Club Fuel Center
PROPERTY OWNER(S):	Sam's Real Estate Business Trust 2101 SE Simple Savings Drive Bentonville, Arkansas 72716
APPLICANT/CONTACT:	Keith Moore, PE Bartlett, Tennessee 38133 901.384.0404 or keithmoore@carlsonconsulting.net

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 13.00± acre tract of real property located at 1520 Scenic Highway, Snellville, Georgia (Tax Parcel R5073 003) and grant the requested conditional use permit for a fuel center, 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 13.00± acre tract of real property, shown on the overall site plan, entitled “Sam’s Club #4739-501”, sealed and dated 4-8-2019, described and shown in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference, to allow for a fuel center, and more specifically approved for a 12-Station Fuel Center for Sam’s Club #4739, subject to the attachment of the following approved conditions (1-7):

CONDITIONS:

1. The property shall be developed according to the proposed site plan entitled “Overall Site Plan Sam’s Club #4739-501” dated 4-8-2019 and stamped received 4-11-2019, a copy of which is attached hereto as Exhibit “A” and colored fuel center renderings entitled “6 Stack Fuel Station #4739 Snellville, GA” dated 5-30-2019 and stamped received 6-3-2019, a copy of which is attached hereto as Exhibit “B” with modifications permitted due to engineering restraints, ingress and egress, and/or to meet conditions of zoning or State, County, and City regulations;
2. Fuel canopy support columns shall be clad in CMU and painted to match the Service Building kiosk;

3. Service building kiosk rooftop units (RTU) shall be screened on all sides from public view;
4. New parking lot planter islands shall be planted in accordance with the Landscape and Tree Ordinance;
5. New signs higher than 15 feet or larger than 225 square feet are prohibited;
6. 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
7. 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 2. In conjunction with the conditional use permit approval and subject to compliance with the requirements and conditions of Section 1, the Property Owner is being granted by the Mayor and Council the following two variances:

1. Variance from Section 7.7, Table II – Allowable Building Materials to allow use of split-face CMU block on all elevations of the service building kiosk.
2. Variance from Section 11.3 – Minimum and Maximum Off-Street Parking and Loading Requirements to allow the reduction from 550 total number of parking spaces (minimum) to 452 total site parking spaces.

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

Section 8. This Ordinance was adopted on July 8, 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 8th day of July, 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

Tod Warner, Council Member

EXHIBIT "A"

EXHIBIT "B"