

**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 4.44± ACRE TRACT OF LAND LOCATED IN LAND LOTS 26 AND 27 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA; 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:** #RZ 19-01

**PROPERTY OWNER:** Snellville United Methodist Church, Inc.  
Snellville, Georgia 30078

**LOCATION:** 4.44± Acre Tract Located Near Henry  
Clower Blvd. and Pate Street, Snellville, GA

**TAX PARCELS (portions of):** 5026 051; 5026 177 and 5027 107

**DEVELOPMENT/PROJECT:** 88-Unit Senior Apartment Building

**APPLICANT/CONTACT:** Bo Johnston  
Wendover Housing Partners  
Altamonte Springs, Florida 32714  
404-694-8649  
[bjohnston@wendovergroup.com](mailto:bjohnston@wendovergroup.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 4.44± acre tract of land located near Henry Clower Boulevard and Pate Street, Snellville, Georgia (including portions of Tax Parcels R5026 051; R5026 177; and R5027 107) for a 105,934 sq. ft. 4-story, 88-unit age-restricted (55+) apartment building and related parking and amenities; and

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to grant variances from the Minimum and Maximum Off-Street Parking and Loading requirements of Article XI of the Zoning Ordinance; Commercial Space Requirements of Section 9.23(X)(13)(e); Parking Location Standards of Section 9.23(U)(2)(g); Street-Facing Maximum Façade Length Standard of Section 9.23(U)(2)(g); and Minimum Floor Area Requirement of Section 9.23(X)(13)(d) of the Towne Center District Regulations of Article IX of the Zoning Ordinance; 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.** The 4.44± acre tract of land shown on the boundary survey Plat, entitled “Wendover Housing Partners”, signed, sealed and dated 2-11-2019 described and shown in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference, is hereby rezoned from CI (Civic Institutional) District to TC-R (Towne Center Residential) District as follows:

Parcel No.	Area (acres)	Tax ID# (portion of)	Property Owner	Current Zoning	Approved Rezoning
1	1.130	R5026 177	SUMC	CI (Civic-Institutional)	TC-R (Towne Center Residential)
2	0.426	R5026 051	SUMC	CI (Civic-Institutional)	TC-R (Towne Center Residential)
3	0.862	R5027 107	SUMC	CI (Civic-Institutional)	TC-R (Towne Center Residential)
4	2.027	R5026 051	SUMC	CI (Civic-Institutional)	TC-R (Towne Center Residential)

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

VARIANCES:

1. Variance from Section 11.3: Minimum and maximum off-street parking and loading requirements to reduce the required parking on the site from 2 spaces per unit to 1 space per unit.
2. Variance from Section 9.23(X)(13)(e): Commercial space requirement to grant an exemption from providing a minimum of 15,000 sq. ft. of commercial space on the site.
3. Variance from Section 9.23(U)(2)(g): Parking Location for Stacked Flat Building Type to allow limited parking between the building and Henry Clower Blvd.
4. Variance from Section 9.23(U)(2)(g): Street-Facing Façade Length for Stacked Flat Building Type to exceed the 200 foot maximum building façade length for the stacked flat building type to 310 feet where facing Henry Clower Blvd. and 210 feet where facing Wesley Way.
5. Variance from Section 9.23(X)(13)(d): Minimum Floor Area to reduce the 750 sq. ft. minimum floor area requirement to 670 sq. ft. for 1BR/1BA units.

CONDITIONS:

1. The property shall be developed according to the proposed site plan entitled “Conceptual Site Plan Layout United Methodist Church Wendover Group”, signed, sealed and dated 3-7-2019, as shown on Exhibit “B”, a copy of which is attached hereto and incorporated herein by reference, with modifications permitted due to engineering restraints, ingress and egress, and/or to meet conditions of zoning or State, County, and City regulations.
2. New signs higher than 15 feet or larger than 225 square feet are prohibited.
3. Dumpsters to be serviced/emptied no earlier than 9:00 a.m. or later than 6:00 p.m. (M-F only).

4. Continuation of a six (6) foot wide sidewalk shall be required along the property line to the north, between the Pate Street and Wesley Way ingress/egress drives.
5. Applicant shall provide and install a covered transit shelter with bench at a location approved by Director of Planning and Development and in coordination with Gwinnett County Transit, MARTA, or other regional transit authority.
6. The Corridor Overlay District standards and requirements of Sec. 9.15 of the Zoning Ordinance are not applicable to this project.
7. Non-substantial variances per Section 9.23(F) of the Zoning Ordinance, 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.** 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 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 April 22, 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 22<sup>nd</sup> day of April, 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.

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Gretchen Schulz, Council Member

\_\_\_\_\_  
Tod Warner, Council Member

EXHIBIT "A"

EXHIBIT "B"