

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

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

AN ORDINANCE TO AMEND THE 2040 COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR THE CITY OF SNELLVILLE, GEORGIA, FOR THE 75.29± ACRE TRACT OF LAND LOCATED IN LAND LOTS 93, 94 AND 99 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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|---|---|
| <b>CASE NUMBER:</b>                             | #LUP 19-01  |
| <b>SIZE:</b>                                    | 75.29± Acres  |
| <b>LOCATION:</b>                                | Near Rosebud Road and Temple Johnson Road, Loganville, Georgia                              |
| <b>TAX PARCEL(s):</b>                           | R5093 106; R5094 161; and R5099 180   |
| <b>CURRENT FUTURE LAND USE MAP DESIGNATION:</b> | Park-Recreation   |
| <b>REQUESTED FUTURE LAND USE MAP AMENDMENT:</b> | Low Density Residential   |
| <b>DEVELOPMENT/PROJECT:</b>                     | 257-Lot Age-Restricted (55+) Single-Family Detached Residential Subdivision                 |
| <b>PROPERTY OWNER:</b>                          | Summit Chase Country Club, Inc.<br>Snellville, Georgia 30078                                |
| <b>APPLICANT/CONTACT:</b>                       | John Gaskin, VP Land Acquisition<br>Patrick Malloy Companies, LLC<br>Atlanta, Georgia 30339 |

**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 modify the designated land use as it applies to 75.29± acres of land located near Rosebud Road and Temple Johnson Road, Loganville, Georgia (Tax Parcels R5093 106; R5094 161; and R5099 180) for a 257-lot age-restricted (55+) single-family detached residential subdivision; and

**WHEREAS**, the City of Snellville 2040 Comprehensive Plan Future Land Use Plan requires a density of less than 4.0 units per acre for single-family residential uses; and

**WHEREAS**, the proposed 257-lot single-family detached development is 3.41 units per acre; 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 future land use designation of the 45.20± acre tract of land identified as Tract 1-A described and shown in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference and the 28.376± acre tract of land identified as Tract 1-B and the 1.712± acre tract of land identified as Tract 1-Ba described and shown in Exhibit “B”, a copy of which is attached hereto and incorporated herein by reference, are hereby amended and changed from Park-Recreation to Low Density Residential. This change in future land use is to be noted on the City of Snellville 2040

Comprehensive Plan Future Land Use Map, as previously amended and as approved by the Mayor and Council as soon as reasonably possible following the adoption of this Ordinance. The future land use map shall also be amended with an editorial note specifying the date this Snellville Land Use Plan Amendment was approved by the Mayor and Council and specifying the parcel(s) affected by this Ordinance. Until the change is indicated on the City of Snellville 2040 Comprehensive Plan Future Land Use Map approved by the Mayor and Council, this Ordinance shall govern over the City of Snellville 2040 Comprehensive Plan Future Land Use Map approved by the Mayor and Council to the extent of any discrepancy between this Ordinance and the City of Snellville 2040 Comprehensive Plan Future Land Use Map approved by the Mayor and Council.

**Section 2.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 3.** (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 4.** 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 5.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 6.** This Ordinance was adopted on June 10, 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 10<sup>th</sup> day of June, 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"

Legal Description  
Summit Chase - Tract 1-A

All that tract or parcel of land lying and being in Land Lots 93 and 94 of the 5th District, City of Snellville, Gwinnett County, Georgia, and being more particularly described as follows:

**BEGINNING** at an iron pin found (1/2" rebar, bent) located at the intersection of the southerly corner of Lot 15 of Summit Chase, Unit Two, Section Two (as recorded in Plat Book 15, page 293, Gwinnett County, Georgia records) with the westerly right-of-way line of Rosebud Road (having a variable width right-of-way); thence run northwesterly along the right-of-way line N64°36'40"W a distance of 15.22 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"), said iron pin set being the **TRUE POINT OF BEGINNING**.

**FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED**, thence continue to run southerly along the westerly right-of-way line the following courses and distances: along the arc of a curve to the left, an arc distance of 152.53 feet to a point, said curve having a radius of 560.87 feet and being subtended by a chord bearing S10°26'07"W and a chord distance of 152.06 feet; S02°38'40"W a distance of 379.02 feet to a point; S05°17'40"W a distance of 88.26 feet to a point; N85°49'35"W a distance of 12.02 feet to a point; S04°15'42"W a distance of 54.79 feet to a point; S85°35'26"E a distance of 11.00 feet to a point; S05°19'56"W a distance of 24.92 feet to a point; S05°19'30"W a distance of 66.09 feet to a point; S05°07'28"W a distance of 50.00 feet to a point; S05°40'25"W a distance of 13.39 feet to a point; S14°22'53"W a distance of 91.94 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence leave the westerly right-of-way line and run S76°06'43"W a distance of 824.80 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run N20°49'41"W a distance of 495.14 feet to an iron pin found (1/2" rebar, bent); thence run N29°48'33"W a distance of 299.32 feet to an iron pin found (1/2" rebar); thence run N29°59'00"W a distance of 449.95 feet to an iron pin found (1/2" open top pipe, bent); thence run N13°28'30"W a distance of 266.58 feet to an iron pin found (1/2" open top pipe); thence run N13°33'01"W a distance of 363.20 feet to an iron pin found (1/2" rebar, bent); thence run N57°29'22"E a distance of 702.16 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run S39°34'11"E a distance of 759.84 feet to an iron pin found (1/2" rebar); thence run S31°07'09"E a distance of 311.76 feet to an iron pin found (1/2" rebar, bent); thence run S70°55'06"E a distance of 253.99 feet to an iron pin found (1/2" rebar); thence run S64°36'40"E a distance of 128.00 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"), said iron pin set being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land containing 45.200 acres.



EXHIBIT "B"

Legal Description  
Summit Chase - Tract 1-B

All that tract or parcel of land lying and being in Land Lots 94 and 99 of the 5th District, City of Snellville, Gwinnett County, Georgia, and being more particularly described as follows:

**BEGINNING** at an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033") located at the intersection of the southwesterly right-of-way line of Brushy Fork Road (having a variable width right-of-way) with the northwesterly right-of-way line of Temple Johnson Road (having a variable width right-of-way), said iron pin set being the **TRUE POINT OF BEGINNING**.

**FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED**, thence run southwesterly along the northwesterly right-of-way line the following courses and distances: S61°00'02"W a distance of 334.54 feet to a point; S60°19'32"W a distance of 151.54 feet to a point; S60°36'18"W a distance of 149.24 feet to a point; S61°14'33"W a distance of 150.26 feet to a point; S61°05'21"W a distance of 231.23 feet to a point; S60°43'57"W a distance of 96.78 feet to a point; S60°04'51"W a distance of 193.90 feet to a point; along the arc of a curve to the left, an arc distance of 186.76 feet to a point, said curve having a radius of 3,480.86 feet and being subtended by a chord bearing S58°32'37"W and a chord distance of 186.74 feet; S56°47'14"W a distance of 47.00 feet to a point; S55°48'44"W a distance of 59.24 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence leave the northwesterly right-of-way line and run N75°15'09"W a distance of 341.31 feet to an iron pin found (1/2" rebar); thence run N73°22'49"W a distance of 15.63 feet to an iron pin found (1/2" rebar, bent); thence run S13°07'14"W a distance of 40.23 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run N83°58'08"W a distance of 169.57 feet to an iron pin found (1/2" rebar); thence run N05°16'51"E a distance of 180.56 feet to an iron pin found (1/2" rebar); thence run S76°15'08"W a distance of 158.90 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033") located on the easterly right-of-way line of Rosebud Road (having a variable width right-of-way); thence run northerly along the easterly right-of-way line the following courses and distances: N05°30'34"E a distance of 113.95 feet to a point; S85°35'26"E a distance of 8.61 feet to a point; N04°15'43"E a distance of 55.21 feet to a point; N85°49'35"W a distance of 8.04 feet to a point; N05°00'54"E a distance of 88.24 feet to a point; N02°41'05"E a distance of 21.46 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence leave the easterly right-of-way line and run S80°02'23"E a distance of 152.19 feet to an iron pin found (1/2" rebar); thence run N68°34'01"E a distance of 833.05 feet to an iron pin found (1/2" rebar); thence run N82°34'01"E a distance of 489.52 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run N27°40'59"W a distance of 406.80 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run N22°56'39"W a distance of 420.06 feet to an iron pin found (1/2" rebar); thence run N57°28'34"E a distance of 271.82 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run N32°36'28"W a distance of 30.00 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run N57°28'34"E a distance of 70.00 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033") located on the southwesterly right-of-way line of Brushy Fork Road; thence run southeasterly along the southwesterly right-of-way line the following courses and distances: S32°40'51"E a distance of 25.76 feet to a point; S32°09'45"E a distance of 163.13 feet to a point; along the arc of a curve to the left, an arc distance of 140.42 feet to a point, said curve having a radius of 3,832.00 feet and being subtended by a chord bearing S33°12'45"E and a chord

distance of 140.42 feet; S34°15'44"E a distance of 103.39 feet to a point; S34°41'21"E a distance of 121.93 feet to a point; along the arc of a curve to the right, an arc distance of 314.53 feet to a point, said curve having a radius of 6,220.00 feet and being subtended by a chord bearing S33°14'25"E and a chord distance of 314.50 feet; S31°47'30"E a distance of 10.75 feet to a point; S32°48'19"E a distance of 39.30 feet to a point; along the arc of a curve to the left, an arc distance of 294.67 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033") located at the intersection of the southwesterly right-of-way line of Brushy Fork Road with the northwesterly right-of-way line of Temple Johnson Road, said curve having a radius of 1,125.00 feet and being subtended by a chord bearing S40°18'32"E and a chord distance of 293.83 feet, said iron pin set being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land containing 28.376 acres.



Legal Description  
Summit Chase - Tract 1-Ba

All that tract or parcel of land lying and being in Land Lot 99 of the 5th District, City of Snellville, Gwinnett County, Georgia, and being more particularly described as follows:

**BEGINNING** at an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033") located at the intersection of the southwesterly right-of-way line of Brushy Fork Road (having a variable width right-of-way) with the northwesterly right-of-way line of Temple Johnson Road (having a variable width right-of-way); thence run southwesterly along the northwesterly right-of-way line the following courses and distances: S61°00'02"W a distance of 334.54 feet to a point; S60°19'32"W a distance of 151.54 feet to a point; S60°36'18"W a distance of 149.24 feet to a point; S61°14'33"W a distance of 150.26 feet to a point; S61°05'21"W a distance of 231.23 feet to a point; S60°43'57"W a distance of 96.78 feet to a point; S60°04'51"W a distance of 193.90 feet to a point; along the arc of a curve to the left, an arc distance of 186.76 feet to a point, said curve having a radius of 3,480.86 feet and being subtended by a chord bearing S58°32'37"W and a chord distance of 186.74 feet; S56°47'14"W a distance of 47.00 feet to a point; S55°48'44"W a distance of 59.24 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence leave the northwesterly right-of-way line and run N75°15'09"W a distance of 341.31 feet to an iron pin found (1/2" rebar); thence run N73°22'49"W a distance of 15.63 feet to an iron pin found (1/2" rebar, bent); thence run S13°07'14"W a distance of 40.23 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run N83°58'08"W a distance of 169.57 feet to an iron pin found (1/2" rebar); thence run N05°16'51"E a distance of 180.56 feet to an iron pin found (1/2" rebar); thence run S76°15'08"W a distance of 158.90 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033") located on the easterly right-of-way line of Rosebud Road (having a variable width right-of-way); thence run northerly along the easterly right-of-way line the following courses and distances: N05°30'34"E a distance of 113.95 feet to a point; S85°35'26"E a distance of 8.61 feet to a point; N04°15'43"E a distance of 55.21 feet to a point; N85°49'35"W a distance of 8.04 feet to a point; N05°00'54"E a distance of 88.24 feet to a point; N02°41'05"E a distance of 21.46 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence leave the easterly right-of-way line and run S80°02'23"E a distance of 152.19 feet to an iron pin found (1/2" rebar); thence run N68°34'01"E a distance of 833.05 feet to an iron pin found (1/2" rebar), said iron pin found being the **TRUE POINT OF BEGINNING**.

**FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED**, thence run N77°01'22"E a distance of 271.56 feet to an iron pin found (1/2" rebar); thence run N76°58'14"E a distance of 171.08 feet to an iron pin found (1/2" rebar); thence run N46°10'10"W a distance of 374.61 feet to an iron pin found (1/2" rebar); thence run N03°35'58"W a distance of 452.30 feet to an iron pin found (1/2" rebar); thence run S22°56'39"E a distance of 420.06 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run S27°40'59"E a distance of 406.80 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run S82°34'01"W a distance of 489.52 feet to an iron pin found (1/2" rebar), said iron pin found being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land containing 1.712 acres.

