

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. 2019-12

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 0.914± ACRE TRACT OF LAND LOCATED IN LAND LOT 26 OF THE 5TH 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 19-03

LOCATION: 0.914± Acre Tract of Land Located at 2180 Scenic Highway, Snellville, Georgia

TAX PARCEL: 5026 138

DEVELOPMENT/PROJECT: Existing Commercial Retail Center

PROPERTY OWNER: Jimmy Johnson
Snellville, Georgia 30078

APPLICANT: Swope & DeThomas Investment Group, LLC
Lawrenceville, Georgia 30043

CONTACT: Shane Lanham, Esq.
Mahaffey Pickens Tucker, LLP
770.232.0000 or slanham@mptlawfirm.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 0.914± acre tract of land located at 2180 Scenic Highway, Snellville, Georgia (Tax Parcel R5026 138) for an existing 8,800 sq. ft. metal on steel frame building and related parking; and

WHEREAS, the governing authority of the City of Snellville, Georgia desires to grant variances from the Zoning Ordinance; Development Regulations; and Buffer, Landscape and Tree 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 0.914± acre tract of land shown on the boundary survey, entitled “Swope & DeThomas Investment, LLC”, signed, sealed and dated 3-18-2019 described and shown in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference, is hereby rezoned from BG (General Business) District to BG (General Business) District with attachment of the following approved conditions (1-7) and approved variances (1-10):

CONDITIONS:

1. The subject property shall be developed in general accordance with the site plan entitled “Tommy Carwash Snellville” dated 5-28-2019 9:23:02 am and stamped received 6-5-2019, attached hereto as Exhibit “B”, and the exterior elevations of the 8,800 sq. ft. metal-sided building shall be improved as per the submitted colored rendering, and shall utilize the materials specified on said rendering entitled “Snellville Retail” stamped received 5-30-2019, attached hereto as Exhibit “C”. Said improvements shall require plan submittal for review and approval by the Director of Planning and Development and must be completed before release of the Certificate of Occupancy for the Tommy Car Wash, 2208 Scenic Highway, Snellville;

2. A six (6) foot wide sidewalk with four (4) foot grass strip shall be provided in the public right-of-way along the entire frontage of the property where abutting Scenic Highway and North Road and shall be completed before release of the Certificate of Occupancy for the Tommy Car Wash, 2208 Scenic Highway, Snellville; provided however, that the sidewalk and grass strip may be reduced in width along Scenic Highway as depicted on the site plan submitted to the Planning Department on June 5, 2019 (the "Site Plan") in order to accommodate stormwater and utility infrastructure;
3. The exterior façade and monument sign improvements shall not trigger a substantial building permit if permitted within 12 months of Mayor and Council approval of #RZ 19-03;
4. Removal of the existing nonconforming pylon sign and any new sign installation shall be a monument type sign and in general design with the submitted sign rendering stamped received 3-21-2019, and may be located on the Property as shown on the Site Plan;
5. Signs higher than 15 feet or larger than 225 square feet are prohibited;
6. All approved variances shall become null and void upon redevelopment of the property or where the structure has been destroyed by any means to an extent of more than seventy-five (75) percent of its replacement cost at time of loss, it shall not be reconstructed except in conformity with the provisions of the City Code of Snellville; 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.

VARIANCES:

1. Allow parking lot design, landscaping and lot dimensions in general accordance with the submitted Boundary Survey.
2. Allow the amount of impervious surface ground coverage as depicted on the Site Plan.
3. Allow encroachments into the Scenic Hwy and North Road building setbacks as depicted on the Site Plan.
4. Eliminate internal landscape strip required adjacent to property's southern boundary line as depicted on the Site Plan.

5. Eliminate tree density requirements as applied to the property and allow the continued occupation and use of the property in its current as-is condition.
6. Allow building materials and design in general accordance with the building elevations submitted with the Application.
7. Replace existing pylon sign with same height and sign face dimensions on the property.
8. Reduce the minimum amount of required parking spaces to 20 (1 space per 440 sq. ft.).
9. The Property may continue to utilize existing septic facilities.
10. Otherwise allow for the continued use and occupation of the Property, and granting all necessary relief and variances required in order to continue using and occupying the Property, in its current 'as-is' condition and/or in general accordance with the Boundary Survey.

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 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 10th 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

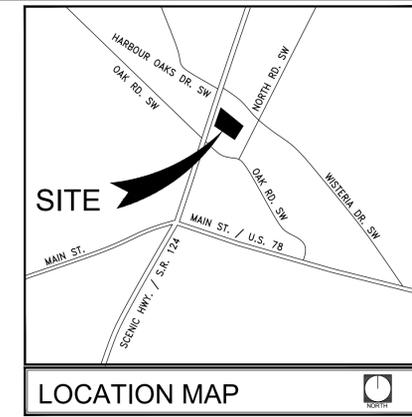
Anthony O. L. Powell, City Attorney
Powell & Edwards, Attorneys at Law, P.C.

Gretchen Schulz, Council Member

Tod Warner, Council Member

EXHIBIT "A"

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.G.C.A. SECTION 15-6-67.

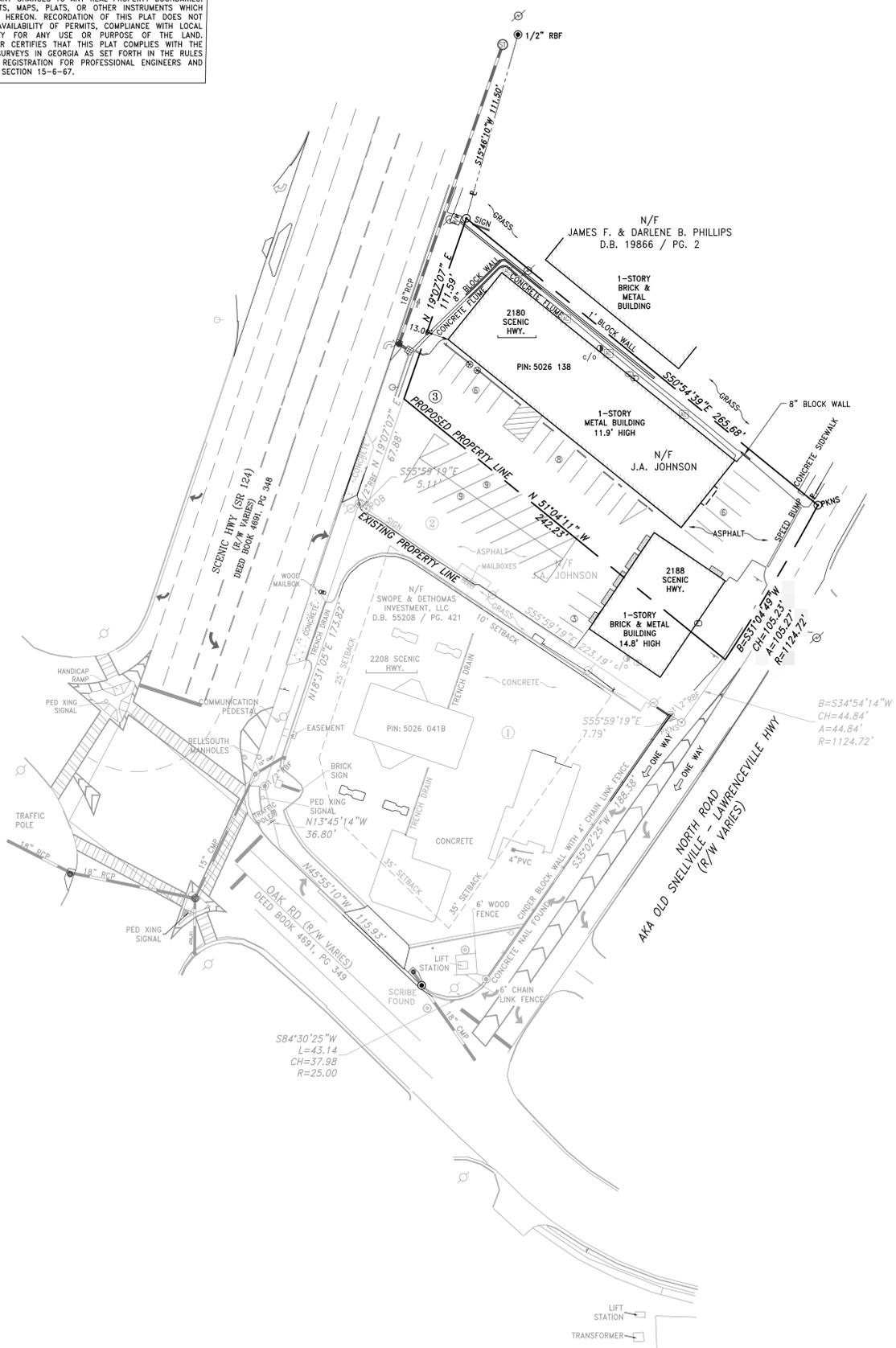


COLUMBIA ENGINEERING
 2862 BUFORD HIGHWAY
 SUITE 200
 DULUTH, GEORGIA 30096
 (770) 925-0357



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TOTAL AREA LOT 3= 0.612 ACRES
 (26,664 SQ. FT.)



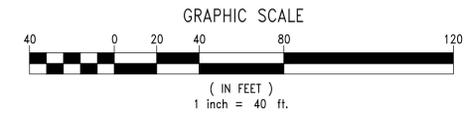
- NOTES:**
- BY GRAPHIC PLOTTING ONLY. THE PROPERTY SHOWN HEREON IS LOCATED IN ZONE X OF THE FLOOD INSURANCE RATE MAP, MAP NO. 13135C0129F, WHICH BEARS AN EFFECTIVE DATE OF SEPTEMBER 29, 2006 AND IT IS NOT IN A SPECIAL FLOOD HAZARD AREA SUBJECT TO INUNDATION BY THE 0.2% ANNUAL CHANCE FLOOD.
 - THE BASIS OF BEARINGS FOR THIS SURVEY IS THE GEORGIA STATE PLANE COORDINATE SYSTEM, WEST ZONE.
 - EQUIPMENT USED FOR MEASUREMENTS IS AS FOLLOWS: SPECTRA PRECISION SP80 GPS UNIT, TRIMBLE NIKON NIVO NIO 3.M TOTAL STATION AND A TSC3 RANGER DATA COLLECTOR.
 - THE HORIZONTAL DATUM FOR THIS SURVEY IS NAD '83.
 - THE FIELD DATA COLLECTED TO SUPPORT THIS PLAT WAS COMPLETED ON 05/03/2018.
 - THE INITIAL CONTROL POINTS FOR THIS SURVEY WERE LOCATED UTILIZING GPS. THE EQUIPMENT USED WAS A SPECTRA PRECISION SP80 DUAL FREQUENCY RECEIVER WITH A SPECTRA PRECISION TSC3 DATA COLLECTOR. NETWORK CORRECTIONS WERE RECEIVED VIA A CELLULAR MODEM. THE TYPE OF SURVEY NETWORK RTK UTILIZING THE TRIMBLE VRS REALTIME NETWORK OPERATED BY eGPS SOLUTIONS, INC.
 - THE CERTIFICATE OF AUTHORIZATION NUMBER FOR COLUMBIA ENGINEERING IS LSF000902.
 - THE FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 30,366 FEET AND AN ANGULAR ERROR OF 1.03 SECONDS PER SETUP, AND WAS ADJUSTED USING THE COMPASS RULE. A NIKON NIVO NIO 3.M ELECTRONIC TOTAL STATION WAS USED TO MEASURE ANGLES AND DISTANCES.
 - THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 150,688 FEET.
 - THIS SITE IS ZONED BG - GENERAL BUSINESS.
 - NO EVIDENCE OF RECENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS OBSERVED IN THE PROCESS OF CONDUCTING FIELDWORK.
 - ALL IRON PINS SET ARE 1/2" REBAR WITH CAP UNLESS OTHERWISE NOTED.
 - 43 TOTAL PARKING SPACES.
 - SANITARY SEWER DRAINS TO SEPTIC TANK. LOCATION UNKNOWN.

- LEGEND**
- 5/0 CLEAN OUT
 - IRON PIN FOUND
 - IPS IRON PIN SET
 - ▬ R/W RIGHT OF WAY MONUMENT
 - ▬ SWCH SINGLE WING CATCH BASIN
 - STMH STORM MANHOLE
 - DI DROP INLET
 - MAILBOX
 - POWER POLE
 - AC UNIT
 - GUY ANCHOR
 - SIGN
 - FIRE HYDRANT
 - WATER VALVE
 - WATER METER
 - UTILITY POLE
 - OVERHEAD UTILITY LINE
 - FENCE
 - STORM LINE
 - R/W RIGHT OF WAY
 - N/F NOW OR FORMERLY
 - D.B. DEED BOOK
 - PG. PAGE
 - RCP REINFORCED CONCRETE PIPE
 - CMP CORRUGATED METAL PIPE
 - PVC POLYVINYL PLASTIC PIPE
 - LL LAND LOT
 - RBF REBAR FOUND
 - POB POINT OF BEGINNING
 - E PROPERTY LINE
 - POC POINT OF COMMENCEMENT
 - PKNS P.K. NAIL SET

BOUNDARY SURVEY FOR:
SWOPE & THOMAS INVESTMENT, LLC
 LOCATED IN LAND LOT 26 OF THE 5TH LAND DISTRICT
 CITY OF SNELLVILLE
 GWINNETT COUNTY, GEORGIA

REVISIONS	DATE

DRAWING TITLE		
BOUNDARY SURVEY		
FILE NAME: 4914.01_Subdivision 1	DRAWN BY: AG	DRAWING NO.
PROJECT NO: 4914.01	FIELD DATE: 05/03/18	1 OF 1
PLAT DATE: 03/13/19	SCALE: 1"=40'	



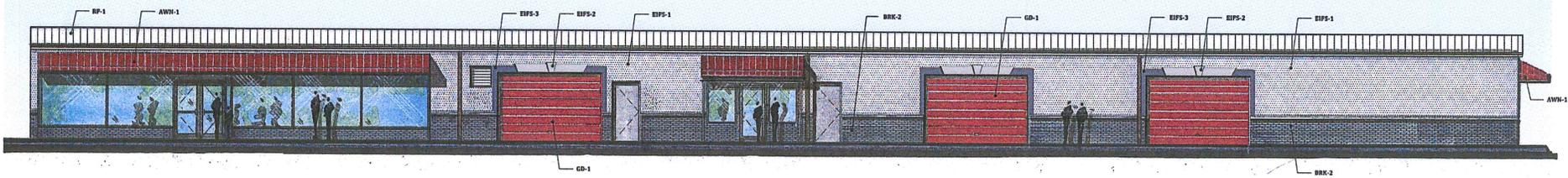
CIVIL ENGINEERS * LAND PLANNERS
*** LANDSCAPE ARCHITECTS * SURVEYORS**

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EXHIBIT "B"

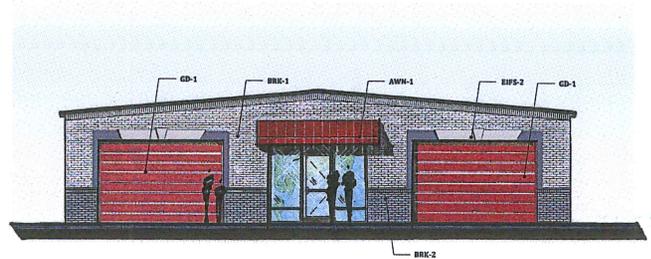
EXHIBIT "C"

RECEIVED
MAY 30 2019
CITY OF SMELLVILLE
PLANNING DEPARTMENT



ELEVATION FINISH SCHEDULE

BRK-1	GLEN-GARY KLAYCOAT BRICK: STONE GRAY (K12-3000)
BRK-2	GLEN-GARY KLAYCOAT BRICK: URBAN GRAY (K12-3010)
EIFS-1	EIFS LIGHT GRAY: SHERWINN WILLIAMS SW7066 GRAY MATTERS
EIFS-2	EIFS KEYSTONE GRAY: SHERWINN WILLIAMS SW7058 MAGNETIC GRAY
EIFS-3	EIFS DARK GRAY: SHERWINN WILLIAMS SW7019 GARTLET GRAY
AWH-1	LAMINATOR OMEGA SERIES SUNSET RED AWNING
RP-1	WHITE ELASTOMERIC ROOF COATING
GD-1	GARAGE DOOR: SHERWINN WILLIAMS SW6066 REAL RED



SNELLVILLE RETAIL
SNELLVILLE, GA



ELEVATION FINISH SCHEDULE

BRK-1	GLEN-GARY KLAYCOAT BRICK: STONE GREY (K12-3009)
BRK-2	GLEN-GARY KLAYCOAT BRICK: URBAN GREY (K12-3010)
EIFS-1	EIFS LIGHT GRAY: SHERWINN WILLIAMS SW7066 GRAY MATTERS
EIFS-2	EIFS KEYSTONE GREY: SHERWINN WILLIAMS SW7058 MAGNETIC GREY
EIFS-3	EIFS DARK GREY: SHERWINN WILLIAMS SW7019 GAUTLET GREY
AWN-1	LAMINATOR OMEGA SERIES SUNSET RED AWNING
RF-1	WHITE ELASTOMERIC ROOF COATING
GD-1	GARAGE DOOR: SHERWIN WILLIAMS SW6060 REAL RED