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

1" = 40'
EXHIBIT “C”
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