STATE OF GEORGIA
CITY OF SNELLVILLE

ORDINANCE NO. 2019-14

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 2.25± ACRE TRACT OF LAND LOCATED IN LAND LOT 26 OF THE 5TH LAND DISTRICT, GWINNETT COUNTY, GEORGIA; TO REPEAL CONDITIONS OF ZONING; TO GRANT VARIANCES; TO ADD NEW CONDITIONS AFFECTING THE PROPERTY; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

CASE NUMBER: #RZ 19-04

LOCATION: 2.25± Acre Tract of Land Located at 2338 Scenic Highway, Snellville, Georgia

TAX PARCEL: 5026 074

DEVELOPMENT/PROJECT: Pet Paradise Pet Kennel and Boarding Facility

PROPERTY OWNER: 2338 Scenic Highway, LLC
Atlanta, Georgia 30318

APPLICANT: American Pet Resort, LLC
Jacksonville, Florida 32207

CONTACT: Robert A. McCann, P.E.
Haines Gipson & Associates
770.491.7550 or bmccann@hainesgipson.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 2.25± acre tract of land located at 2338 Scenic Highway, Snellville, Georgia (Tax Parcel R5026 074) for a pet kennel and boarding facility; and

WHEREAS, the governing authority of the City of Snellville, Georgia desires to grant variances from the parking requirements and architectural design standards of the Zoning Ordinance; and

WHEREAS, the governing authority of the City of Snellville, Georgia desires to repeal conditions of zoning previously approved by the Mayor and Council for the subject property; 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 2.25± acre tract of land shown on the rezoning site plan, entitled “Pet Paradise”, signed, sealed and dated 8-14-2019 described and shown in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference, is hereby zoned BG (General Business) District for a pet kennel and boarding facility and more specifically for a Pet Paradise facility.

Section 2. Conditions 1-7 of rezoning case #07-19 approved 8-25-2008 by the Mayor and Council of the City of Snellville, Georgia and described in Ordinance No.
2008-15, attached hereto as Exhibit “B” and incorporated herein as reference are hereby repealed and instead, this action is subject to the attachment of the following new conditions (1-9):

CONDITIONS:

1. The property shall be developed according to the site plan entitled “Pet Paradise” sealed and dated 8-14-2019 (Exhibit “A”) and Exterior Elevations A3.1, A3.2 and A3.3 dated 6-7-2019, with modifications permitted due to engineering restraints, ingress and egress, and/or to meet conditions of zoning or State, County, and City regulations. Substantial variation from the zoning site plan or exterior elevation plans, as determined by the Director of Planning and Development will require Mayor and Council approval;

2. #RZ 07-19 conditions (1-7) approved 8-25-2008 by the Mayor and Council by Ordinance No. 2008-15 are hereby repealed;

3. No encroachment into the 50 foot stream buffer greater than that previously approved under BOA 07-05 shall be permitted;

4. Signs higher than 15 feet or larger than 225 square feet are prohibited;

5. Uses involving adult entertainment, including the sale or display of adult magazines, books, videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited;

6. The caretaker quarters and common area shall only be occupied by employees of the facility and related family members;

7. To compensate and mitigate encroachment into the 75 foot impervious surface buffer and 50 foot undisturbed city stream buffer, pervious pavement shall only be used in the drive and parking lot area as per the “Buffer Encroachment Exhibit” dated 8-21-2019 and shown in Exhibit “C”;

8. 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; and
9. All elevations of the Day Camp building shall be faced in brick up to the
gable roof overhang and in similar design to the portico above the covered
entrance, as approved by the Planning Director.

Section 3. In conjunction with the zoning and change in conditions and subject to
compliance with the requirements and conditions of Section 2, the Applicant is being
granted by the Mayor and Council the following variances (1-5):

VARIANCES:

1. Variance from Article XI, Section 11.3 of the Zoning Ordinance regarding
Parking and Loading Requirements to allow the Pet Paradise site to have a
total of 24 parking spaces.

2. Allow for variation on the front elevation to allow board and batten siding at
the gable over the main entryway.

3. Allow for variance to allow smooth-faced CMU on the side elevations.

4. Allow for variance to allow thin-brick veneer on side elevations.

5. Allow for variance to allow board and batten siding at the gables of the Day
Camp building.

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

**Section 6.** (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 7. 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 8. All ordinances and parts of ordinances in conflict herewith are
hereby expressly repealed.

Section 9. This Ordinance was adopted on August 26, 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 26th day of August, 2019.

ATTEST:  
Melisa Arnold, City Clerk  
Cristy Lenski, Council Member

APPROVED AS TO FORM:  
Anthony O. L. Powell, City Attorney  
Gretchen Schulz, Council Member  
Powell & Edwards, Attorneys at Law, P.C.  
Tod Warner, Council Member

Barbara Bender, Mayor
Dave Emanuel, Mayor Pro Tem

RZ 19-04  Page 7 of 10
EXHIBIT “A”
EXHIBIT “B”
STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. 2008-15

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP, CITY OF SNELLVILLE, GEORGIA, AS AMENDED; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

WHEREAS, the governing authority of the City of Snellville is the Mayor and Council thereof;

WHEREAS, the governing authority of the City of Snellville, Georgia desires to modify the zoning designation of certain property located within the City; and,

WHEREAS, the health, safety, and welfare of the citizens of Snellville, Georgia, will be positively impacted by the adoption of this Ordinance.

IT IS HEREBY ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA, and by the authority thereof:

Section 1. The property described in Exhibit “A,” a copy of which is attached hereto and incorporated herein by reference, is hereby rezoned to General Business (BG); such rezoning to be noted on the City of Snellville Official Zoning Map approved by Mayor and Council as soon as reasonably possible following adoption of this Ordinance by the Zoning Administrator along with an editorial note on the City of Snellville Official Zoning Map approved by Mayor and Council specifying the parcel(s) affected by this Ordinance and the date of adoption of this Ordinance. Until the rezoning is indicated on
the City of Snellville Official Zoning Map approved by Mayor and Council, this
Ordinance shall govern over the City of Snellville Official Zoning Map approved by
Mayor and Council to the extent of any discrepancy between this Ordinance and the City
of Snellville Official Zoning Map approved by Mayor and Council.

The rezoning shall be subject to the following condition:

1. The property shall be developed in general accordance with the submitted site plan
   entitled “The Boulevards Shops & Offices at Scenic, LLC” dated June 5, 2008 and
   prepared by Edwards Engineering, Inc. with modifications to meet State, County
   and City regulations. Substantial variation from the concept plan, as determined by
   the Director of Planning and Development, will required Mayor and Council
   approval;

2. Parking within the City-required buffer zone shall be constructed of a pervious
   material, as approved by the Department of Planning & Development;

3. All detention structures must be located outside the required buffers and setbacks;

4. All proposed mitigation strategies as described, and approved by the Snellville
   Board of Appeals on November 13, 2007, within the Edwards Engineering, Inc.
   Stream Buffer Reduction analysis dated October 14, 2007 (received October 15,
   2007) shall be implemented into the development as prescribed with modifications
   to meet State, County and City regulations;

5. New signs higher than 15 feet and 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. Applicant shall be required to clean up the property and remove all demolition debris, tires, etc. within 30-days after demolition.

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 **August 25, 2008** the effective date
of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES APPEAR ON FOLLOWING PAGE]
ORDAINED this 25 day of August, 2008.

CITY OF SNELLVILLE, GEORGIA

JERRY OBERHOLTZER, Mayor

WARREN AULD, Mayor Pro-Tem

BARBARA BENDER, Council Member

ROBERT JENKINS, Council Member

KELLY KAUTZ, Council Member

TOD WARNER, Council Member

ATTEST:

SHARON LOWERY, City Clerk

APPROVED AS TO FORM:

City Attorney
EXHIBIT “A”

All that tract or parcel of land lying and being in Land Lot 26 of the 5th Land District, City of Snellville, Gwinnett County, Georgia, said tract or parcel of land being more fully shown and designed as Tract 4 on a plat of survey prepared by Valentino and Associates, Inc., (Job # 27016; Drawing # 27016), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described as follows:

BEGINNING at a ½” iron pin set at the northerly miter corner of the intersection of the easterly right-of-way of S.R. 124 (AKA Scenic Highway; r/w varies) and the northerly right-of-way line of Henry Clower Boulevard (r/w varies).

THENCE proceeding along said easterly right-of-way line of S.R. 124 the following courses and distances: Along a curve to the right having a radius of 1864.86 feet for an arc distances of 54.08 feet (said arc being subtended by a chord of North 16 degrees 38 minutes 16 seconds East for a distance of 54.08 feet) to an ½” iron pin set; THENCE along a curve to the right having a radius of 1864.86 feet for an arc distance of 99.60 feet (said arc being subtended by a chord of North 18 degrees 59 minutes 55 seconds East for a distance of 99.59 feet) to a ½” iron pin set; THENCE along a curve to the right having a radius of 1864.86 feet for an arc distance of 99.09 feet (said arc being subtended by a chord of North 22 degrees 03 minutes 04 seconds East for a distance of 99.08 feet) to a ½” iron pin set, said ½” iron pin set being the TRUE POINT OF BEGINNING.

THENCE continuing along said easterly right-of-way line of S.R. 124 along a curve to the right having a radius of 1864.86 feet for an arc distance of 100.00 feet (said arc being subtended by a chord or North 25 degrees 06 minutes 34 seconds East for a distance of 99.99 feet) to a ½” rebar with cap found; THENCE departing said easterly right-of-way line of S.R. 124 South 70 degrees 47 minutes 09 seconds East for a distance of 345.66 feet to a ½” rebar found; THENCE South 70 degrees 39 minutes 00 seconds East for a distance of 13.48 feet to a ½” rebar found; THENCE South 71 degrees 03 minutes 32 seconds East for a distance of 3.80 feet to a ½” open-top pipe found; THENCE South 24 degrees 41 minutes 45 seconds West for a distance of 8.09 feet to a ½” open-top pipe found; THENCE South 24 degrees 21 minutes 16 seconds West for a distance of 91.90 feet to a ½” rebar with cap found; THENCE North 70 degrees 45 minutes 49 seconds West for a distance of 364.20 feet to a ½” iron pin set on the easterly right-of-way line of S.R. 124, said ½” iron pin set being the TRUE POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said tract or parcel of land contains 0.832 acres or 36,228 square feet, and is intended to be the same tract of land that was previously conveyed in Deed Book 46250, Page 299, Gwinnett County Georgia Records.
EXHIBIT “C”
ENCROACHMENT INTO 75'
IMPERVIOUS BUFFER: 2,026 sf
PERVIOUS PAVEMENT
COMPENSATION AREA: 5,983 sf