



AGENDA

WORK SESSION
OF MAYOR AND COUNCIL
CITY OF SNELLVILLE, GEORGIA
MONDAY, MARCH 28, 2022

Publication Date: March 24, 2022

TIME: 6:30 p.m.

DATE: March 28, 2022

PLACE: City Hall Conference Room 145

I. CALL TO ORDER

**II. REVIEW REGULAR BUSINESS MEETINGS AND PUBLIC HEARING
AGENDA ITEMS**

III. REVIEW CORRESPONDENCE

IV. CITY ATTORNEY'S REPORT

V. DISCUSSION ITEMS

- a) Presentation by Mosaic Artist Jennifer Freeman [Bender]
- b) Update of Ongoing Projects [Bender]

VI. EXECUTIVE SESSION

An Executive Session may be called:

- To discuss pending and/or potential litigation, settlement claims, administrative proceedings or other judicial actions, which is exempt from the Open Meetings Act pursuant to O.C.G.A. Section 50-14-2(1).
- To authorize negotiations to purchase, dispose of, or lease property; authorize the ordering of an appraisal related to the acquisition or disposal of real estate; enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote; or enter into an option to purchase, dispose of, or lease real estate subject to approval in subsequent public vote, which is excluded from the Open Meetings Act pursuant to Section 50-14-3(b)(1)(C).
- Upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee, which is excluded pursuant to O.C.G.A. Section 50-14-3(b)(2).

VII. ADJOURNMENT



AGENDA

PUBLIC HEARING & REGULAR BUSINESS MEETING
OF MAYOR AND COUNCIL
CITY OF SNELLVILLE, GEORGIA
MONDAY, MARCH 28, 2022

Publication Date: March 24, 2022

TIME: 7:30 p.m.
DATE: March 28, 2022
PLACE: Council Chambers

- I. CALL TO ORDER
- II. INVOCATION
- III. PLEDGE TO THE FLAG
- IV. CEREMONIAL MATTERS
Presentation by Gwinnett Eastside Chamber of Commerce to Mayor Bender
- V. MINUTES
Approve the Minutes of the March 14, 2022 Meetings
- VI. INVITED GUESTS
Mr. D.A. Williams & Dr. Alexis Williams, South Gwinnett High School PTSA President & Vice President
- VII. COMMITTEE / DEPARTMENT REPORTS
- VIII. APPROVAL OF THE AGENDA
- IX. PUBLIC HEARING
 - a) 2nd Reading - SUP 22-01 – Consideration and Recommendation on Application by RCG Snellville, LLC Requesting a Special Use Permit to Develop and Operate a Kidney Dialysis Facility for Davita Dialysis Center and Request for Variances From Sec. 205-1 Towne Center Overlay District Requirements of the Snellville Unified Development Ordinance for a Proposed 0.768 Acre Outparcel in the Snellville Oaks Shopping Center, Zoned BG (General Business) District and Located in the Towne Center Overlay District, 2135 E. Main Street, Snellville (p/o Tax Parcel 5038 174)

REGULAR BUSINESS & PUBLIC HEARING OF MAYOR AND COUNCIL
MONDAY, MARCH 28, 2022
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- b) 2nd Reading - LUP 22-01 – Consideration and Recommendation on a Proposed Amendment to the Snellville 2040 Comprehensive Plan Future Land Use Map for the 23.61± Acre Parcel 5100 065 and 18.04± Acre Parcel 5100 023 from Commercial Retail to Highway 78 East Activity Node

X. CONSENT AGENDA (Please see *Note)

XI. OLD BUSINESS

XII. NEW BUSINESS

- a) Consideration and Action on Approval of the Thirteenth Amendment to the Master Development Agreement [Bender]

XIII. COUNCIL REPORTS

XIV. MAYOR'S REPORT

XV. PUBLIC COMMENTS

• Section 2-53

Each member of the public who wishes to address the Mayor and City Council in public session must submit their name, address and the topic (be as specific as possible) of their comments to the City Clerk prior to making such comments. Individuals will be allotted five minutes to make their comments and such comments must be limited to the chosen topic. Members of the public shall not make inappropriate or offensive comments at a City Council meeting and are expected to comply with our adopted rules of decorum.

• Decorum

You must conduct yourself in a professional and respectful manner. All remarks should be directed to the Chairman and not to individual Council Members, staff or citizens in attendance. Personal remarks are inappropriate.

XVI. EXECUTIVE SESSION

An Executive Session may be called:

- To discuss pending and/or potential litigation, settlement claims, administrative proceedings or other judicial actions, which is exempt from the Open Meetings Act pursuant to O.C.G.A. Section 50-14-2(1).
- To authorize negotiations to purchase, dispose of, or lease property; authorize the ordering of an appraisal related to the acquisition or disposal of real estate; enter into a contract to purchase, dispose of, or lease property subject to approval in a subsequent public vote; or enter into an option to purchase, dispose of, or lease real estate subject to approval in subsequent public vote, which is excluded from the Open Meetings Act pursuant to Section 50-14-3(b)(1)(C).
- Upon the appointment, employment, compensation, hiring, disciplinary action or dismissal, or periodic evaluation or rating of a public officer or employee, which is excluded pursuant to O.C.G.A. Section 50-14-3(b)(2).

XVII. ADJOURNMENT

*Note: Items on the Consent Agenda may be read by title only. Upon the request of any Council Member, any item may be removed from the Consent Agenda and placed on the Regular Agenda prior to the adoption of the Regular Agenda. The Consent Agenda, or the remainder thereof omitting the challenged items, shall be adopted by unanimous consent.

CITY OF SNELLVILLE
MEETINGS AND LOCAL EVENTS
MARCH 28, 2022

March 28

Council Meeting

Monday, March 28, 2022

6:30 pm Work Session – Conference Room 145, City Hall

7:30 pm Meeting - Council Chambers, City Hall

April 2

Snellville Winter Farmers' Market

Saturday, April 2, 2022

9:00 am to Noon

City Hall Parking Lot

April 3

Spring Youth Flag Football Begins

Sunday, April 3, 2022

T.W Briscoe Park

April 3

Broadcast of 03/28/22 Council Meeting

Sunday, April 3, 2022

Watch the broadcast of the 03/28/2022 Council Meeting on Comcast Channel 25 at 6:30 pm

April 11

Council Meeting

Monday, April 11, 2022

6:30 pm Work Session – Conference Room 145, City Hall

7:30 pm Meeting - Council Chambers, City Hall



**WORK SESSION
OF MAYOR AND COUNCIL
CITY OF SNELLVILLE, GEORGIA
MONDAY, MARCH 14, 2022**

Present: Mayor Barbara Bender, Mayor Pro Tem Dave Emanuel, Council Members Solange Destang, Cristy Lenski, Gretchen Schulz and Tod Warner. Also present City Manager Butch Sanders, Assistant City Manager Matthew Pepper, Assistant City Attorney Jay Crowley with Powell and Edwards Attorneys at Law, (Attorney Chuck Ross was absent) Public Works Director Gaye Johnson, Assistant Public Works Director Craig Barton, Chief Greg Perry, and City Clerk Melisa Arnold.

CALL TO ORDER

Mayor Bender called the meeting to order at 6:30 p.m.

**REVIEW REGULAR BUSINESS MEETINGS AND PUBLIC HEARING AGENDA
ITEMS**

The agenda was reviewed and discussed. Consensus was to move the nuisance abatements to the consent agenda with the removal of item f) 1439 Summit Chase Drive as that property has been cleaned up. Council Member Warner asked about the addition of election of Mayor Pro Tem and consensus was to also add that as New Business item g) Consideration and Action on Election of Mayor Pro Tempore.

REVIEW CORRESPONDENCE

Mayor Bender shared some invitations she received. Discussion was held about having a work session to discuss the budget and the Towne Center financing. Consensus was to schedule the meeting for Wednesday, March 30th at 6 p.m.

CITY ATTORNEY'S REPORT

Attorney Crowley advised an Executive Session is needed.

DISCUSSION ITEMS

Update of Ongoing Projects [Bender]

City Manager Sanders gave an update on the Towne Center progress, project update list, ARPA funding and the Towne Center funding and budget.

EXECUTIVE SESSION

Mayor Bender read the closed meeting notice into the record as follows:

- To discuss pending and/or potential litigation, settlement claims, administrative proceedings or other judicial actions, which is exempt from the Open Meetings Act pursuant to O.C.G.A. Section 50-14-2(1).

City of Snellville Administration Department

2342 Oak Road Snellville, GA 30078 770-985-3500 770-985-3525 Fax www.snellville.org

**WORK SESSION OF MAYOR AND COUNCIL
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Upon a motion by Mayor Pro Tem Emanuel, 2nd by Council Member Schulz, the meeting was closed, with all Council Members and the Mayor present and voting in favor.

The meeting was closed at 7:07 p.m.
The meeting reconvened at 7:17 p.m.

ADJOURNMENT

Council Member Schulz made a motion to adjourn, 2nd by Council Member Warner; voted 6 in favor and 0 opposed, motion approved. The meeting adjourned at 7:17 p.m.

Barbara Bender, Mayor

Melisa Arnold, City Clerk



PUBLIC HEARING & REGULAR BUSINESS MEETING
OF MAYOR AND COUNCIL
CITY OF SNELLVILLE, GEORGIA
MONDAY, MARCH 14, 2022

Present: Mayor Barbara Bender, Mayor Pro Tem Dave Emanuel, Council Members Solange Destang, Cristy Lenski, Gretchen Schulz and Tod Warner. Also present City Manager Butch Sanders, Assistant City Manager Matthew Pepper, Assistant City Attorney Jay Crowley with Powell and Edwards Attorneys at Law, (Attorney Chuck Ross was absent) Public Works Director Gaye Johnson, Assistant Public Works Director Craig Barton, Chief Greg Perry, and City Clerk Melisa Arnold.

CALL TO ORDER

Mayor Bender called the meeting to order at 7:31 p.m.

INVOCATION

Kelly McAloon gave the invocation.

PLEDGE TO THE FLAG

Terry Kori led the Pledge of Allegiance

CEREMONIAL MATTERS

PRO 2022-03 - Honoring Women Veterans for Women in History Month

Mayor Bender read the proclamation into the record and presented it to U.S. Army Veteran Ms. Qwynn A. Galloway-Salazar, Ph.D., Founder of In Their Honor, LLC

MINUTES

Approve the Minutes of the February 28, 2022 Meetings

Mayor Pro Tem Emanuel made a motion to approve the minutes of the February 28, 2022 meetings, 2nd by Council Member Destang; voted 6 in favor and 0 opposed, motion approved.

INVITED GUESTS

None

COMMITTEE / DEPARTMENT REPORTS

None

APPROVAL OF THE AGENDA

Council Member Lenski made a motion to approve the agenda with the following changes: New Business items c) Consideration and Action on Nuisance Abatement of 1570 Summit Pond Circle, d) Consideration and Action on Nuisance Abatement of 2945 Emerson Lake Drive, and

City of Snellville Administration Department

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL
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e) Consideration and Action on Nuisance Abatement of 1626 Summit Glen Circle will be moved to the consent agenda,

New Business item f) Consideration and Action on Nuisance Abatement of 1439 Summit Chase Drive will be removed, and New Business item g) Consideration and Action on Election of Mayor Pro Tempore will be added. The motion was 2nd by Council Member Schulz; voted 6 in favor and 0 opposed, motion approved.

PUBLIC HEARING

1st Reading - LUP 22-01 – Consideration and Recommendation on a Proposed Amendment to the Snellville 2040 Comprehensive Plan Future Land Use Map for the 23.61± Acre Parcel 5100 065 and 18.04± Acre Parcel 5100 023 from Commercial Retail to Highway 78 East Activity Node

Council Member Schulz made a motion to waive the first reading and place on the March 28, 2022 for the second reading, 2nd by Mayor Pro Tem Emanuel; voted 6 in favor and 0 opposed, motion approved.

Mayor Bender explained the nuisance abatement actions and reported that item “f” has been removed because the property was repaired.

CONSENT AGENDA

- a) Consideration and Action on Nuisance Abatement of 1570 Summit Pond Circle [Bender]
- b) Consideration and Action on Nuisance Abatement of 2945 Emerson Lake Drive [Bender]
- c) Consideration and Action on Nuisance Abatement of 1626 Summit Glen Circle [Bender]

Mayor Pro Tem Emanuel made a motion to approve the consent agenda, 2nd by Council Member Destang; voted 6 in favor and 0 opposed, motion approved.

OLD BUSINESS

None

NEW BUSINESS

Mayor's Nomination and Council Confirmation of Terry Kori to Planning Commission Post 3 with an Expiration Date of 6/30/2022 [Bender]

Mayor Bender nominated Terry Kori to Planning Commission Post 3 with an Expiration Date of 6/30/2022, confirmed by Council 6 in favor and 0 opposed, nomination confirmed.

Mayor Bender administered the Oath of Office to Mr. Kori.

Consideration and Action on Award of Bid for the Annual Lawn Care Maintenance Contract [Bender]

Council Member Schulz made a motion to award the bid for the Annual Lawn Care Maintenance to Visionscapes in the amount of \$56,340, 2nd by Mayor Pro Tem Emanuel; voted 6 in favor and 0 opposed, motion approved.

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL
MONDAY, MARCH 14, 2022
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Consideration and Action on Election of Mayor Pro Tempore

Council Member Lenski made a motion to elect Dave Emanuel as Mayor Pro Tem, 2nd by Council Member Warner; voted 5 in favor and 1 abstention with Mayor Pro Tem Emanuel abstaining (an abstention shall be counted as an affirmative vote.), motion approved.

COUNCIL REPORTS

Council Member Destang, Warner, Lenski, Schulz, and Mayor Pro Tem Emanuel each gave a report.

MAYOR'S REPORT

Mayor Bender gave a report.

PUBLIC COMMENTS

Two people were listed but no one came forward.

EXECUTIVE SESSION

None

ADJOURNMENT

Mayor Pro Tem Emanuel made a motion to adjourn, 2nd by Council Member Warner; voted 6 in favor and 0 opposed, motion approved. The meeting adjourned at 7:59 p.m.

Barbara Bender, Mayor

Melisa Arnold, City Clerk



Agenda Item Summary

TO: The Mayor and Council

FROM: Jason Thompson, Director
Department of Planning and Development

DATE: March 28, 2022

RE: #SUP 22-01

REQUEST: Special Use Permit and Request for Variances for a 1-Story 8,200 sq. ft. Kidney Dialysis Center and Associated Parking
0.768± Acre Site at 2135 E. Main Street, Snellville, Georgia

STATUS: Public Hearing

Financial Impact: Site Development Permit fees; Building Permit fees; Real Property Taxes; and Occupational Taxes

Planning Department Recommendation: Approval with Conditions

Planning Commission Meeting and Recommendation: January 25, 2022 (Approval with Conditions)

Mayor and Council Meetings: February 14, 2022 (1st Reading)
February 28, 2022 (2nd Reading – Tabled to March 28, 2022)

Action Requested: Table to April 11, 2022 Regular Meeting

Draft Ordinance: Attached

Request received March 17, 2022 from Wesley Padgett, RCG Ventures, LLC, to table action on the application until the April 11, 2022 Mayor and Council Regular Meeting and Public Hearing.

0.768± Acre Site at 2135 E. Main Street, Snellville, Georgia

Case #SUP 22-01

March 28, 2022

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Case Documents (website link):

- Letter of Intent & Variances (12-10-2021)
- SUP 22-01 Application (12-10-2021)
- Parcel D As-Built Survey Preliminary Plat (12-7-2021)
- Sample Colored Elevations (12-3-2021)
- Proposed Site Plan (12-9-2021)
- Proposed Site Plan Aerial (12-9-2021)
- Jan 25 2022 Planning Department Case Summary & Analysis (1-18-2022)
- 1-21-2022 Revised Aerial Site Plan (1-21-2022)
- *Official* Jan 25 2022 Planning Commission Regular Meeting Minutes (2-23-2022)
- Jan 25 2022 Planning Commission Case Report (1-28-2022)

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. 2022-02

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 0.768± ACRE TRACT OF LAND LOCATED IN LAND LOT 38 OF THE 5TH LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 2135 EAST MAIN STREET, SNELLVILLE, GEORGIA; TO GRANT A SPECIAL USE PERMIT; 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:	#SUP 22-01
PROPERTY OWNER:	RCG-Snellville, LLC Atlanta, Georgia 30305
LOCATION:	p/o 2135 E. Main Street, Snellville, Georgia (the “Property”)
TAX PARCEL:	R5038 174
DEVELOPMENT/PROJECT:	Kidney Dialysis Center
APPLICANT/CONTACT:	Wesley Padgett RCG Ventures, LLC Atlanta, Georgia 30305 404-816-5454 or WesleyP@rcgventures.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 0.768± acre tract of land located at 2135

East Main Street, Snellville, Georgia (Tax Parcel R5038 174) and grant the requested special use permit to operate a kidney dialysis center; 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. For reasons stated in the public hearing and recommendations of the Planning Department and Planning Commission, a special use permit is hereby granted for the development and use of a kidney dialysis center on the 0.768± acre tract of land located at 2135 E. Main Street, Snellville, Georgia (Tax Parcel R5038 174), described and shown on the aerial site plan entitled “RCG Ventures Snellville Oaks Davita”, dated 1-21-2022 (stamped received 1-21-2022) in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference, subject to the following enumerated variances and conditions:

VARIANCES:

- (a) Approval of variance from UDO Sec. 205-1.6.B.6 to increase the ten (10) feet maximum front yard building setback requirement of ‘shopfront’ building types to fifteen (15) feet.
- (b) Approval of variance from UDO Sec. 201-2.10 to remove the requirement that ‘shopfront’ building types must provide a building entrance facing the street every 75 feet along with associated six (6) foot wide sidewalk/walkway.

CONDITIONS:

1. The property shall be developed in accordance with the submitted aerial site plan entitled “RCG Ventures Snellville Oaks Davita”, dated 1-21-2022 (stamped received 1-21-2022), with modifications permitted to meet conditions of zoning or State, County, and City regulations. Substantial variation from the conceptual rezoning site plan, as determined by the Director of Planning and Development will require Mayor and Council approval, after receiving recommendations by the Planning Department and Planning Commission.
2. Applicant shall be required to continue the streetscape requirements along the private street to the overall shopping center as shown on the submitted site plan with additional landscaping as required by the Unified Development Ordinance.
3. The development shall abide by all applicable standards of the Unified Development Ordinance, unless otherwise specified in these conditions or through approval of a variance by the Zoning Board of Appeals.
4. Inter-parcel access to be provided to the adjacent parcel to the north (R5038 187) as shown on the submitted site plan. Said connection and improvements to be completed prior to issuance of the certificate of occupancy. Inter-parcel access to the adjacent property to the east (R5038 182) is not required.
5. The applicant shall remove the existing non-conforming freestanding pylon sign within twelve (12) months following issuance of a certificate of occupancy for the kidney dialysis center.
6. 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.

7. New signs higher than 15 feet or larger than 225 sq. ft. in area are prohibited.
8. In the event that the subject property is not leased, or purchased, or occupied by DaVita Snellville Dialysis within eighteen (18) months from the date of Mayor and Council approval, or if the property is occupied and later vacated by DaVita Snellville Dialysis the Special Use Permit will become null and void.
9. The approved zoning conditions and variances shall be referenced on any recorded plat, including subdivision plat provided to any buyer or lessee.

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

Section 3. 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 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. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. This Ordinance was adopted on _____, 2022. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

ORDAINED this ____ day of _____, 2022.

Barbara Bender, Mayor

ATTEST:

Dave Emanuel, Mayor Pro Tem

Melisa Arnold, City Clerk

Cristy Lenski, Council Member

APPROVED AS TO FORM:

Solange Destang, Council Member

W. Charles Ross, City Attorney
Powell & Edwards, P.C.

Gretchen Schulz, Council Member

Tod Warner, Council Member

EXHIBIT “A”

Agenda Item Summary



TO: The Mayor and Council

FROM: Jason Thompson, Director
Department of Planning and Development

DATE: March 28, 2022

RE: #LUP 22-01 – Land Use Plan Amendment to the Snellville 2040
Comprehensive Plan Future Land Use Map (“FLUM”)

STATUS: Public Hearing (2nd Reading)

City initiated proposed amendment to the Snellville 2040 Comprehensive Plan Future Land Use Map, adopted 2-11-2019, to amend two undeveloped parcels of land located near the intersection of U.S. Hwy. 78/Athens Hwy. and Rosebud Road, Snellville as follows:

Parcel No.	Acres	Current Zoning	Current FLUM	Proposed FLUM
R5100 065	23.61±	BG (General Business) District	Commercial Retail	Highway 78 East Activity Center/Node
R5100 023	18.04±	RS-30 (Single-family Residence) District	Commercial Retail	Highway 78 East Activity Center/Node

Both parcels are located in the Highway 78 East Character Area on the Snellville 2040 Comprehensive Plan Future Development Map. The current zoning of each parcel will remain unchanged.

The Highway 78 East Character Area is one of the least developed within the City and the two subject parcels represent almost 42 acres of prime property that will help provide an opportunity to encourage clustered, connected mixed-use development at the eastern node of the Highway 78 East Activity Node while allowing a mixture of land uses, similar to the Towne Center, but at a smaller scale, including retail, civic, office, residential, and recreation in a walkable environment.

The MU (Mixed-Use) District was created as a new zoning district with the 2020 adoption of the City’s Unified Development Ordinance (“UDO”) to help guide development within the activity nodes.

Financial Impact: **None**

**Planning Department
Recommendation:** **Approval**

**Planning Commission
Meeting Date
(Recommendation):** **January 25, 2022 (Table to Feb 22 2022)
February 22, 2022 (Approval)**

**Mayor and Council
Meetings:** **March 14, 2022 (1st Reading)
March 28, 2022 (2nd Reading and Public Hearing)**

Action Requested: **Consideration, Public Hearing and Action**

Draft Ordinance: **Attached**

Case Documents (website link):

- [Snellville Future Development Map \(adopted 2-11-2019\)](#)
- [Highway 78 East Character Area \(adopted 2-11-2019\)](#)
- [MU \(Mixed-Use\) District \(adopted 10-26-2020\)](#)
- [1-25-2022 Memorandum to Planning Commission \(12-27-2021\)](#)
- [Proposed Future Land Use Map Amendment \(1-13-2022\)](#)
- [#LUP 22-01 Land Use Plan Amendment Application \(1-19-2022\)](#)
- [Official Jan 25 2022 Planning Commission Regular Meeting Minutes \(2-23-2022\)](#)
- [Jan 25 2022 Planning Commission Case Report \(1-28-2022\)](#)
- [Unofficial Feb 22 2022 Planning Commission Regular Meeting Minutes \(2-23-2022\)](#)
- [Feb 22 2022 Planning Commission Case Report \(2-23-2022\)](#)

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. 2022-05

AN ORDINANCE TO AMEND THE 2040 COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR THE 18.04± ACRE TRACT AND 23.61± ACRE TRACT OF LAND LOCATED IN LAND LOT 100 OF THE 5TH LAND DISTRICT, GWINNETT COUNTY, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

CASE NUMBER:

#LUP 22-01

**PROPERTY OWNER
18.04± ACRE TRACT
(R5100 023):**

Sinocoin Investment, LLC
3500 Lenox Road NE Ste 1500
Atlanta, Georgia 30326

**PROPERTY OWNER
23.61± ACRE TRACT
(R5100 065):**

The Kroger Co.
1014 Vine Street
Cincinnati, Ohio 45202

LOCATION:

Intersection of Rosebud Road and
Athens Highway, Loganville, Georgia

APPLICANT/CONTACT;

Jason Thompson, Director
Department of Planning and Development
City of Snellville, Georgia
770-985-3518 or JThompson@snellville.org

DEVELOPMENT/PROJECT:

Undeveloped Land

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 the 2040 Comprehensive Plan Future Land Use Map as it applies to the 18.04± acre tract of undeveloped land located in the 3100 Block Rosebud Road (Tax Parcel R5100 023) and the 23.61± acre tract of undeveloped land located at 1000 Athens Highway (Tax Parcel R5100 065); and

WHEREAS, the subject undeveloped property is located in the Highway 78 East Character Area on the Snellville 2040 Comprehensive Plan Future Development Map; and

WHEREAS, the Highway 78 East Character Area is one of the least developed within the City and the two subject parcels represent almost 42 acres of prime property that will help provide an opportunity to encourage clustered, connected mixed-use development at the eastern node of the Highway 78 East Activity Center/Node while allowing a mixture of land uses, similar to the Towne Center, but at a smaller scale, including retail, civic, office, residential, and recreation in a walkable environment; and

WHEREAS, the MU (Mixed-Use) District was created as a new zoning district with the 2020 adoption of the City's Unified Development Ordinance ("UDO") to help guide development within the activity centers/nodes; and

WHEREAS, the current zoning of each subject parcel is to remain unchanged until such time that a new rezoning application is received and approved by the Mayor and Council; 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 18.04± acre tract of land shown on the Gwinnett County GIS Parcel Map printed 1-19-2022 entitled “18.04± Acres in 3100 Block Rosebud Road, Sinocoin Investment LLC, Tax Parcel R5100 023”, described and shown in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference, and the future land use designation for the 23.61± acre tract of land shown on the Gwinnett county GIS Parcel Map printed 1-19-2022 entitled “23.61± Acres at 1000 Athens Hwy., The Kroger Co., Tax Parcel R5100 065” described and shown on Exhibit “B”, a copy of which is attached hereto and incorporated herein by reference, is hereby changed from Commercial Retail to Highway 78 East Activity Center/Node.

This change in the future land use, as shown on the future land use plan Exhibit “C”, a copy of which is attached hereto and incorporated herein by reference 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. All prior conditions of zoning that are attached to Parcel R5101 023 and/or Parcel R5101 065 remain in full-force and effect.

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 March _____, 2022. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

ORDAINED this _____ day of March, 2022.

Barbara Bender, Mayor

ATTEST:

Dave Emanuel, Mayor Pro Tem

Melisa Arnold, City Clerk

Solange Destang, Council Member

APPROVED AS TO FORM:

Cristy Lenski, Council Member

W. Charles Ross, City Attorney
Powell & Edwards, P.C.

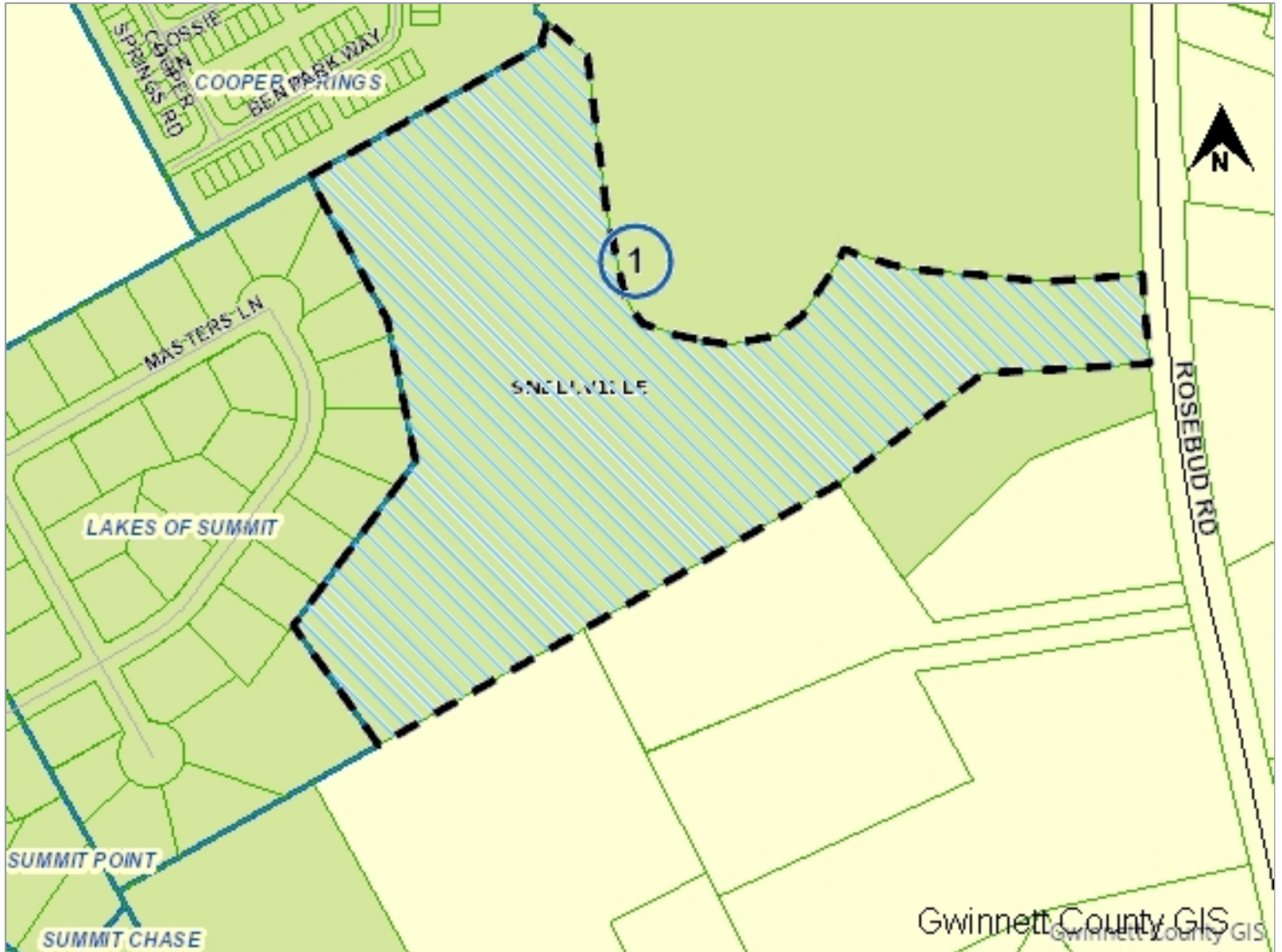
Gretchen Schulz, Council Member

Tod Warner, Council Member

EXHIBIT “A”

DRAFT

18.04 +/- ACRES IN 3100 BLK
ROSEBUD ROAD - SINOCOIN
INVESTMENT LLC
TAX PARCEL R5100 023

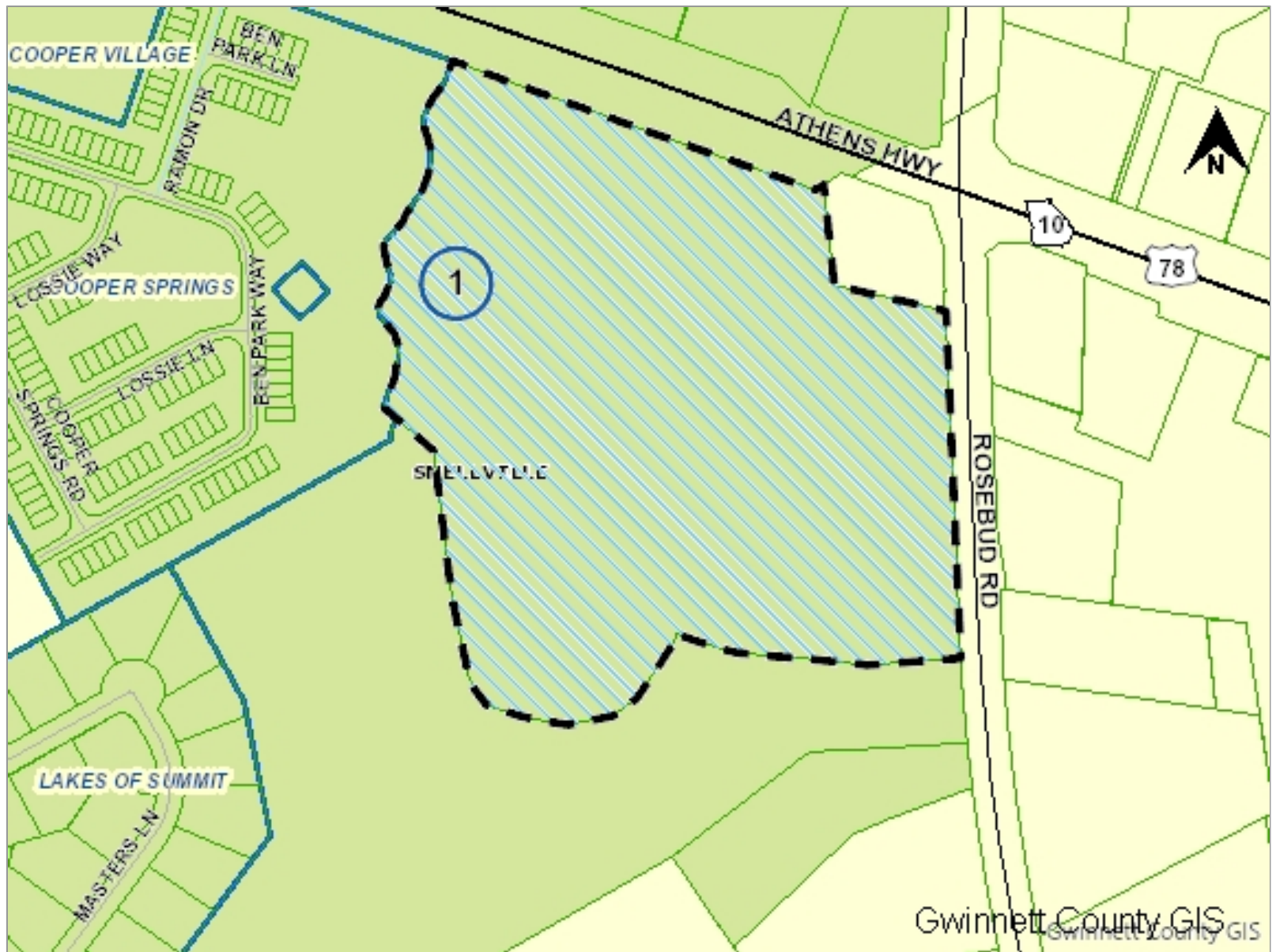


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EXHIBIT “B”

DRAFT

23.61 +/- ACRES AT 1000 ATHENS
HWY - THE KROGER CO
TAX PARCEL R5100 065

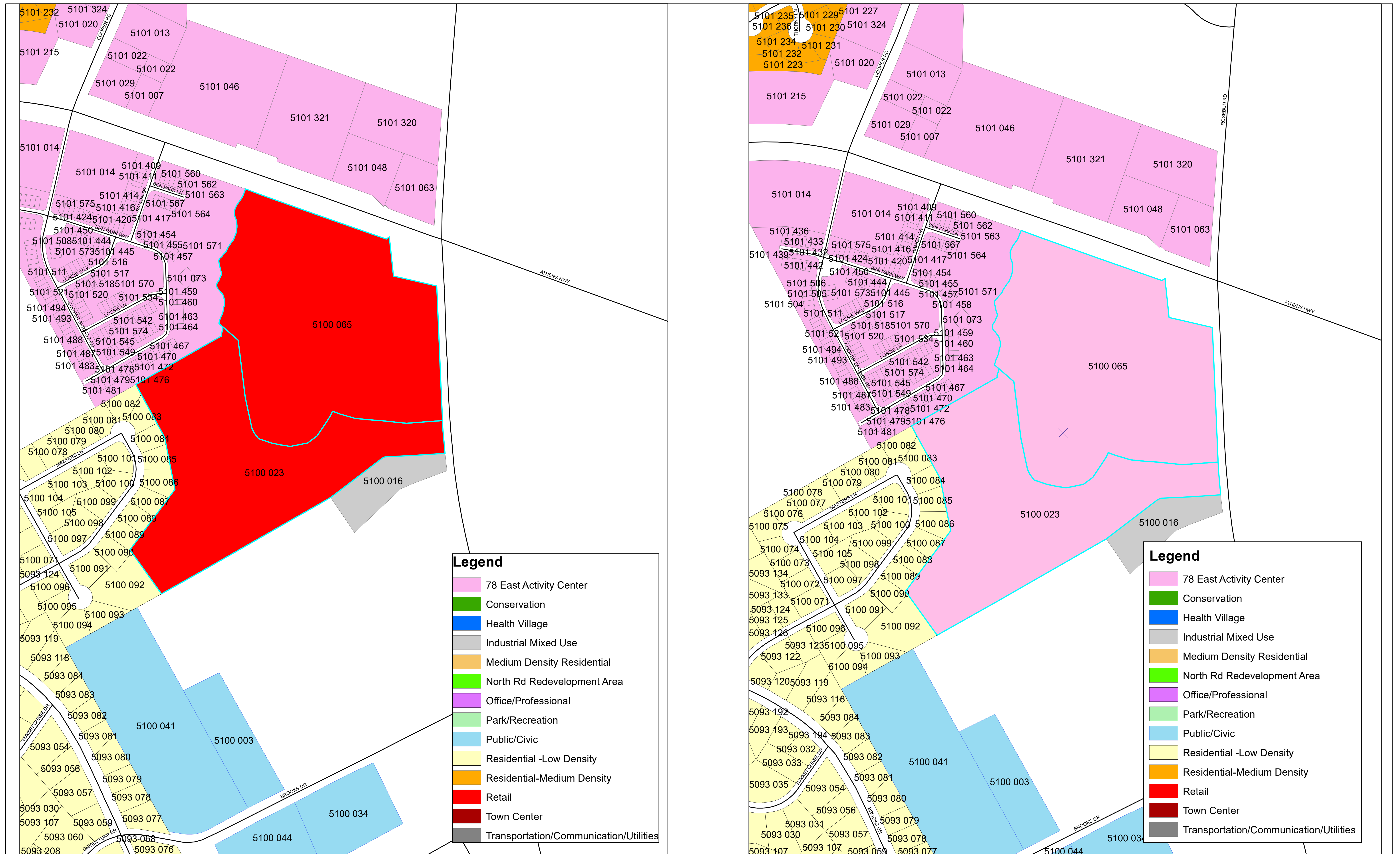


Map Printed On 2022-01-19 09:14

EXHIBIT “C”

DRAFT

LUP 22-01



**THIRTEENTH AMENDMENT TO THE
MASTER DEVELOPMENT AGREEMENT**

This Thirteenth Amendment to the Master Development Agreement (this “**Amendment**”) is entered into as of _____, 2022 by and among the **CITY OF SNELLVILLE**, a municipal corporation created and existing under the laws of the State of Georgia (the “**City**”), the **DOWNTOWN DEVELOPMENT AUTHORITY OF SNELLVILLE, GEORGIA**, an authority created and existing under the Georgia Downtown Development Authorities Law (O.C.G.A. §36-42-1, *et al*) (the “**DDA**”; the City and the DDA are sometimes hereinafter collectively referred to as the “**City Parties**”), **SNELLVILLE TOWNE CENTER, LLC**, a Georgia limited liability company (“**Phase I Developer**”), and **MID CAST SNELLVILLE PHASE II, LLC**, a Georgia limited liability company (“**Phase II Developer**”). The City Parties, Phase I Developer and Phase II Developer collectively are referred to as “**Parties**.”

WITNESSETH:

WHEREAS, the Parties are parties to that certain Master Development Agreement dated August 26, 2019, as amended by that certain First Amendment to the Master Development Agreement dated September 25, 2019, Second Amendment to the Master Development Agreement dated March 23, 2020, Third Amendment to Master Development Agreement dated May 26, 2020, Fourth Amendment to Master Development Agreement dated June 22, 2020, Fifth Amendment to Master Development Agreement dated August 19, 2020, Sixth Amendment to Master Development Agreement dated September 21, 2020, Seventh Amendment to Master Development Agreement dated October 26, 2020, Eighth Amendment to Master Development Agreement dated November 11, 2020, Ninth Amendment to the Master Development Agreement dated December 3, 2020, Tenth Amendment to the Master Development Agreement dated January 29, 2021, Eleventh Amendment to the Master Development Agreement dated March 26, 2021, Twelfth Amendment to the Master Development Agreement dated April 30, 2021, and Assignment and Assumption of Master Development Agreement dated May 20, 2021 (collectively, as at any time amended, assigned or affected, the “**Master Development Agreement**”) for the development of the City of Snellville’s Towne Center; and

WHEREAS, the Parties desire to amend certain provisions of the Master Development Agreement by means of this Amendment as more particularly set forth herein.

NOW, THEREFORE, in consideration of the sum of \$10.00, the mutual covenants contained herein, and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged by the Parties, the Master Development Agreement is hereby amended and the Parties hereby agree as follows:

1. **Recitals; Defined Terms**. The recitals set forth hereinabove are incorporated herein as if restated in their entirety. All initially capitalized terms used herein and not otherwise defined shall have the meanings ascribed to them in the Master Development Agreement.

2. **Phase II Property**. Notwithstanding anything in the Master Development Agreement to the contrary, the Parties acknowledge and agree that the “Phase II Property” as

defined in the Master Development Agreement shall mean the Phase II Property identified and described on Schedule 1 attached hereto and incorporated herein by this reference.


3. Miscellaneous. To the extent of any conflict between this Amendment and the provisions of the Master Development Agreement, this Amendment shall govern and control in all respects. Except as amended by this Amendment, all other terms and provisions of the Master Development Agreement shall remain in full force and effect as originally set out therein. This Amendment may be executed in multiple counterparts, all of which together shall constitute a single instrument, and each of which shall be deemed an original of this Amendment for all purposes, notwithstanding that less than all signatures appear on any one counterpart. Electronic signatures to this Amendment, whether digital or encrypted (including, without limitation, .pdf scan copies, DocuSign signatures and similar formats) as executed by the parties, and regardless of the form of delivery (including but not limited to electronic delivery), shall be deemed and treated as executed originals for all purposes, and such electronic signatures shall be valid and binding for all purposes when transmitted to and actually received by the other party.


[SIGNATURES COMMENCE ON FOLLOWING PAGE]

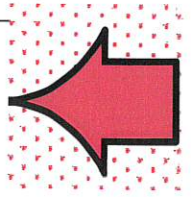
[SIGNATURES CONTINUED FROM PREVIOUS PAGE]

DDA:

**DOWNTOWN DEVELOPMENT AUTHORITY OF
SNELLVILLE, GEORGIA**

By: 
Name: Don Britt
Title: Chairman

Attest: 
Name: Matthew Pepper
Title: Assistant City Manager



[SIGNATURES CONTINUE ON NEXT PAGE]

[SIGNATURES CONTINUED FROM PREVIOUS PAGE]

PHASE I DEVELOPER:

SNELLVILLE TOWNE CENTER, LLC,
a Georgia limited liability company

By: Mid Cast Snellville, LLC, a Florida
limited liability company, its manager

By: _____
Name: Kirk S. Demetrops
Title: Manager

PHASE II DEVELOPER:

MID CAST SNELLVILLE PHASE II, LLC,
a Georgia limited liability company

By: _____
Name: Kirk S. Demetrops
Title: Manager

SCHEDULE I
PHASE II PROPERTY

Being all that tract or parcel of land lying and being in Land Lot 39, 5th District, City of Snellville, Gwinnett County, Georgia and being more particularly described as follows:

Beginning for the same at concrete right of way monument found on the Northeasterly Right-of-Way Line of Wisteria Drive (an apparent variable width right of way) said point being at State Plane Coordinate (Georgia West Zone) of North: 1,404,304.588; East: 2,342,506.089; thence, leaving the said Point of Beginning and the said line of Wisteria Drive and running with the property now or formerly owned by Timothy L. Stewart, as described in a deed recorded among the Land Records of Gwinnett County, Georgia in Deed Book 11173, Page 315

1. North 57° 08' 00" East, 566.80 feet to a ¾ inch rod found; thence, running with the lines of a subdivision entitled, "N.L. Williams Subdivision, Block A, Unit 1", as recorded among the aforesaid Land Records in Plat Book H, Page 105,
2. South 44° 37' 23" East, 65.20 feet to a ¾ inch open top pipe found; thence,
3. South 45° 32' 47" East, 150.03 feet; thence,
4. South 45° 31' 16" East, 300.00 feet; thence,
5. South 45° 32' 07" East, 149.16 feet to a ½ inch open top pipe found; thence, running with the property now or formerly owned by Wisteria Place Owner's Association, Inc., as described in a deed recorded among the aforesaid Land Records in Deed Book 47825, Page 890
6. South 58° 56' 14" West, 595.66 feet to a point on the aforesaid line of Wisteria Drive; thence, running with the said line of Wisteria Drive,
7. North 39° 41' 34" West, 161.38 feet; thence, leaving the aforesaid line of Wisteria Drive and running with a new right of way line of Wisteria Drive,
8. North 14° 58' 36" East, 22.91 feet; thence,
9. 64.46 feet along the arc of a curve deflecting to the right, having a radius of 104.50 feet and a chord bearing and distance of North 32° 38' 18" East, 63.44 feet; thence,
10. North 50° 18' 21" East, 0.59 feet; thence,
11. North 39° 41' 39" West, 58.00 feet; thence,
12. South 50° 18' 21" West, 24.82 feet; thence,
13. 39.43 feet along the arc of a curve deflecting to the right, having a radius of 44.50 feet and a chord bearing and distance of South 75° 41' 26" West, 38.15 feet; thence,
14. 31.27 feet along the arc of a curve deflecting to the right, having a radius of 204.05 feet and a chord bearing and distance of North 74° 32' 04" West, 31.24 feet to a point on the aforesaid existing right of way line of Wisteria Drive; thence, running with the said existing right of way line of Wisteria Drive,
15. North 39° 00' 05" West, 95.00 feet to a concrete right of way monument found; thence,
16. North 41° 51' 57" West, 4.51 feet to a concrete right of way monument found; thence,
17. 158.60 feet along the arc of a curve deflecting to the left, having a radius of 800.00 feet and a chord bearing and distance of North 46° 29' 30" West, 158.34 feet to a concrete right of way monument found; thence,
18. 82.46 feet along the arc of a curve deflecting to the left, having a radius of 800.00 feet and a chord bearing and distance of North 55° 30' 06" West, 82.42 feet to a concrete right of way monument found (leaning); thence,
19. North 56° 41' 47" West, 9.52 feet to the Point of Beginning, containing 353,208 square feet or 8.1085 acres of land, more or less.

Property is subject to all easements and rights of way recorded and unrecorded.