

The City of Snellville  
2342 Oak Road  
Snellville, Georgia 30078  
(770) 985-3500 • FAX (770) 985-3525



# AGENDA

---

WORK SESSION  
OF MAYOR AND COUNCIL  
CITY OF SNELLVILLE, GEORGIA  
MONDAY, NOVEMBER 8, 2021

Publication Date: November 4, 2021

TIME: 6:30 p.m.

DATE: November 8, 2021

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) Update of Ongoing Projects [Bender]
- b) Discussion about the Future Land Use Map Amendment for the Kroger Marketplace Property [Bender]
- c) Discussion of Snellville Tourism and Trade Board Nominations [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, NOVEMBER 8, 2021

Publication Date: November 4, 2021

TIME: 7:30 p.m.  
DATE: November 8, 2021  
PLACE: Council Chambers

**I. CALL TO ORDER**

**II. INVOCATION**  
Chaplain Jackie Turner

**III. PLEDGE TO THE FLAG**

**IV. CEREMONIAL MATTERS**

- a) Administer Oath of Office to Council Member Post 3 - Cristy Lenski
- b) Administer Oath of Office to Council Member Post 4 - Gretchen Schulz
- c) Administer Oath of Office to Council Member Post 5 – Tod Warner
- d) PRO 2021-17 – Life Saving Actions of Officer Devries and Officer Thorpe
- e) PRO 2021-18 – Life Saving Actions of Officer Devries and Officer Thorpe

**V. MINUTES**  
Approve the Minutes of October 25, 2021 Meetings

**VI. INVITED GUESTS**  
None

**VII. COMMITTEE / DEPARTMENT REPORTS**

**VIII. APPROVAL OF THE AGENDA**

**IX. PUBLIC HEARING**

- a) 2<sup>nd</sup> Reading - ANX 21-02 LUP 21-05 RZ 21-05 – Consideration and Recommendation on Applications by Scenic Pointe, LLC (Applicant) The Lillian Margene Moulder Trust (Property Owner) Requesting: 1) Annexation To The Municipal Boundary Of The City Of Snellville, Georgia; 2) To Amend The

Snellville 2040 Comprehensive Plan Future Land Use Map To Commercial Retail; 3) To Amend The Official Zoning Map To BG (General Business) District; And 4) Request For Variances From The Unified Development Ordinance For The 8.93± Site Tract Located At 1498 Scenic Highway, Snellville For A Mixed Retail, Commercial, Office Subdivision Development (Tax Parcel 5074 007)

**X. CONSENT AGENDA (Please see \*Note)**

**XI. OLD BUSINESS**

**XII. NEW BUSINESS**

- a) Consideration and Action on Ratifying the Results of the November 2, 2021 General Election [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  
NOVEMBER 8, 2021

November 8

[Council Meeting](#)

Monday, November 8, 2021

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

7:30 pm Meeting - Council Chambers, City Hall

November 9

[Board of Appeals Meeting - Canceled](#)

Tuesday, November 9, 2021

7:00 pm to 8:00 pm – Community Room

November 11

[Veterans Day Celebration](#)

Thursday, November 11, 2021

3:00 pm to 4:00 pm

Towne Green

November 12

[Administrative Hearing](#)

Friday, November 12, 2021

9:00 am

City Hall Council Chambers

November 13

[Cool Cars Show](#)

Saturday, November 13, 2021

11:00 am to 3:00 pm

Briscoe Park

November 14

[Broadcast of 11/8/21 Council Meeting](#)

Sunday, November 14, 2021

Watch the broadcast of the 11/8/21 Council Meeting on Comcast Channel 25 at 6:30 pm

November 17

[DDA Meeting](#)

Wednesday, November 17, 2021

4:00 pm to 5:00 pm

City Hall Room 259, Second Floor

November 18

[DAS & URA Joint Meeting](#)

Thursday, November 18, 2021

4:00 pm to 5:00 pm

City Hall Room 259, Second Floor

**November 20**

**Snellville Winter Farmers' Market**

**Saturday, November 20, 2021**

**9:00 am to Noon**

**City Hall Parking Lot**

**November 22**

**Council Meeting**

**Monday, November 22, 2021**

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

**7:30 pm Meeting - Council Chambers, City Hall**



## CITY OF SNELLVILLE

# Proclamation

PRO 2021-17

### LIFE SAVING ACTIONS OF OFC. DEVRIES AND OFC. THORPE

- WHEREAS,** On October 10, 2021, Officer A. Devries and Officer A. Thorpe were working night shift for the Snellville Police Department; and
- WHEREAS,** Ofc. Devries and Ofc. Thorpe received a call of a person down at a residence off Pine Road, Snellville, Georgia; and
- WHEREAS,** Ofc. Devries and Ofc. Thorpe quickly responded to the emergency call for service, arrived on scene, and located the person down inside the home; and
- WHEREAS,** Ofc. Devries checked vital signs for the victim, and determined that he was not breathing and there was no pulse; and
- WHEREAS,** Ofc. Devries immediately began CPR on the victim. While this was taking place, Ofc. Thorpe administered to the victim his Departmental issued Naloxone; and
- WHEREAS,** Ofc. Devries continued chest compressions until the arrival of Gwinnett County EMS; and
- WHEREAS,** Ofc. Devries and Ofc. Thorpe assisted Gwinnett County EMS to remove the victim from a bedroom; and
- WHEREAS,** the victim began to breath on his own, and was able to be transported to the hospital for treatment; and
- WHEREAS,** had it not been for the quick and professional actions by Ofc. Devries and Ofc. Thorpe, it is likely that the victim would have died.

**THEREFORE,** I, Barbara Bender, Mayor of the City of Snellville, Georgia, Where Everybody's PROUD to be Somebody, do hereby join with our City Council and the Citizens of Snellville to recognize Officer A. Devries and Officer A. Thorpe for their dedicated service, and for their life-saving efforts on October 10, 2021.

**Proclaimed this 8<sup>th</sup> day of November, 2021.**

*ATTEST:*



\_\_\_\_\_  
Melisa Arnold, City Clerk

\_\_\_\_\_  
Barbara Bender, Mayor

\_\_\_\_\_  
Dave Emanuel, Mayor Pro Tem

\_\_\_\_\_  
Solange Destang, Council Member

\_\_\_\_\_  
Cristy Lenski, Council Member

\_\_\_\_\_  
Gretchen Schulz, Council Member

\_\_\_\_\_  
Tod Warner, Council Member



**CITY OF SNELLVILLE**

# Proclamation

**PRO 2021-18**

**LIFE SAVING ACTIONS OF OFC. DEVRIES AND OFC. THORPE**

- WHEREAS,** On October 5, 2021, Officer A. Devries and Officer A. Thorpe were working night shift for the Snellville Police Department; and
- WHEREAS,** Ofc. Devries and Ofc. Thorpe received a call of a person down at a residence off Park Lane, Snellville, Georgia; and
- WHEREAS,** Ofc. Devries and Ofc. Thorpe quickly responded to the emergency call for service, arrived on scene, and located the person down inside the home; and
- WHEREAS,** Ofc. Devries checked vital signs for the victim, and determined that he was not breathing and there was no pulse; and
- WHEREAS,** Ofc. Devries immediately called for an ambulance, and began CPR on the victim. While this was taking place, Ofc. Thorpe administered to the victim his Departmental issued Naloxone; and
- WHEREAS,** Ofc. Devries continued chest compressions until the victim began to breath on his own; and
- WHEREAS,** the victim was able to be transported to the hospital, and survived the medical emergency; and
- WHEREAS,** had it not been for the quick and professional actions by Ofc. Devries and Ofc. Thorpe, it is likely that the victim would have died.

**THEREFORE,** I, Barbara Bender, Mayor of the City of Snellville, Georgia, Where Everybody's PROUD to be Somebody, do hereby join with our City Council and the Citizens of Snellville to recognize Officer A. Devries and Officer A. Thorpe for their dedicated service, and for their life-saving efforts on October 5, 2021.

**Proclaimed this 8<sup>th</sup> day of November, 2021.**



*ATTEST:*

\_\_\_\_\_  
Barbara Bender, Mayor

\_\_\_\_\_  
Dave Emanuel, Mayor Pro Tem

\_\_\_\_\_  
Solange Destang, Council Member

\_\_\_\_\_  
Cristy Lenski, Council Member

\_\_\_\_\_  
Gretchen Schulz, Council Member

\_\_\_\_\_  
Melisa Arnold, City Clerk

\_\_\_\_\_  
Tod Warner, Council Member



WORK SESSION  
OF MAYOR AND COUNCIL  
CITY OF SNELLVILLE, GEORGIA  
MONDAY, OCTOBER 25, 2021

---

Present: Mayor Barbara Bender, Mayor Pro Tem Dave Emanuel, Council Members Cristy Lenski, Gretchen Schulz, Solange Destang, and Tod Warner. Also present City Manager Butch Sanders, Planning and Development Director Jason Thompson, Lt. Trey Downs, Public Information Officer Brian Arrington, and City Clerk Melisa Arnold. (Assistant City Manager Matt Pepper was present via teleconference.)

**CALL TO ORDER**

Mayor Bender called the meeting to order at 6: 31 p.m.

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

The agendas were reviewed and discussed. Planning Director Thompson advised that the applicant, Ronnie DeThomas, for ANX 21-02, LUP 21-05, and RZ 21-05 has requested a postponement to November 8<sup>th</sup> to prepare a revised site plan that will address concerns of surrounding property owners. He also reviewed some last minute changes to the Unified Development Ordinance that is on the agenda for the second reading.

**REVIEW CORRESPONDENCE**

None

**CITY ATTORNEY'S REPORT**

Attorney Ross gave an update on maintenance options by the owners of the Summit Chase property. Discussion followed by Council on the ideas. Attorney Ross asked about direction for out of State of collections on the speed camera tickets. Consensus was for RedSpeed to handle through collections.

**DISCUSSION ITEMS**

Update of Ongoing Projects [Bender]

City Manager Sanders gave an update on the Towne Center. He advised the parking garage is at 68% completion. He reviewed a draft layout for Thrive for the 2<sup>nd</sup> floor of the library and said that TSW is working on a revised layout and he will see how that affects cost. The new layout will not impact the Snellville Historical Society's area. He gave an update on the remaining items from the project update list.

**EXECUTIVE SESSION**

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

**City of Snellville Administration Department**



WORK SESSION OF MAYOR AND COUNCIL  
MONDAY, OCTOBER 25, 2021  
PAGE TWO

- 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).

Upon a motion by Mayor Pro Tem Emanuel, 2<sup>nd</sup> 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 7:10 p.m.

The meeting reconvened at 7:14 p.m.

**ADJOURNMENT**

Mayor Pro Tem Emanuel made a motion to adjourn, 2<sup>nd</sup> by Council Member Destang; voted 6 in favor and 0 opposed, motion approved. The meeting adjourned at 7:14 p.m.

Barbara Bender, Mayor

Melisa Arnold, City Clerk



PUBLIC HEARING & REGULAR BUSINESS MEETING  
OF MAYOR AND COUNCIL  
CITY OF SNELLVILLE, GEORGIA  
MONDAY, OCTOBER 25, 2021

---

Present: Mayor Barbara Bender, Mayor Pro Tem Dave Emanuel, Council Members Cristy Lenski, Gretchen Schulz, and Solange Destang. (Council Member Tod Warner was absent.). Also present Planning and Development Director Jason Thompson, Lt. Trey Downs, Public Information Officer Brian Arrington, and City Clerk Melisa Arnold. (City Manager Butch Sanders, Assistant City Manager Matt Pepper, and Chief Greg Perry were absent.)

**CALL TO ORDER**

Mayor Bender called the meeting to order at 7:30 p.m.

**INVOCATION**

Rev. Dr. Joan Murray gave the invocation.

**PLEDGE TO THE FLAG**

Representative Rebecca Mitchell led the Pledge of Allegiance.

**CEREMONIAL MATTERS**

Administer Oath to Snellville Youth Commission Members

Council Member Lenski recognized the following people:

Youth Advisory Board Members: Holli Donegan, Charlene Fletcher, Marcus Huff, Angela Mahdi, Chris O'Donoghue, Reggie Pease, Lisa Porter and new SYC Outreach Coordinator Natilee Brown Van.

Youth Commission Members:

Grayson High School: Gbemi Adeleye and Chantia Fletcher.

Shiloh High School: Jasmine Kline, Ruth Lonse, Rebecca Araia, Hannah Ariyibi, Kristian Bettis, Michelle Edwards, Hanna Elias, Kelis Herndon, Cing Kim, Kiriah Lovett, Amyrah Moody, Hamylton Porter, LaBella Rose Saunders, Aniyah Smith, Tyler Trice, Bianca Warren and Firdows Abdulwahab.

South Gwinnett High School: Chloe Brown, Destiny Hill, Georgia Howard, Narjise Koko, Destiny Lewis, Kyla Pease and DeAnna Smith.

Mayor Bender administered the Oath to the Youth Commission Members.

**MINUTES**

Approve the Minutes of October 11, 2021 Meetings

Council Member Destang made a motion to approve the minutes of the October 11, 2021 meetings, 2<sup>nd</sup> by Mayor Pro Tem Emanuel; voted 5 in favor and 0 opposed, motion approved.

**City of Snellville Administration Department**

**INVITED GUESTS**

Mr. D.A. Williams & Dr. Alexis Williams, SGHS PTSA President & Vice President

Mr. and Mrs. Williams spoke and introduced the South Gwinnett High School Cheerleaders who performed for the Mayor and Council.

**COMMITTEE / DEPARTMENT REPORTS**

None

**APPROVAL OF THE AGENDA**

Mayor Pro Tem Emanuel made a motion to approve the agenda as presented, 2<sup>nd</sup> by Council member Destang; voted 5 in favor and 0 opposed, motion approved.

**PUBLIC HEARING**

2<sup>nd</sup> Reading - ANX 21-02 LUP 21-05 RZ 21-05 – Consideration and Recommendation on Applications by Scenic Pointe, LLC (Applicant) The Lillian Margene Moulder Trust (Property Owner) Requesting: 1) Annexation To The Municipal Boundary Of The City Of Snellville, Georgia; 2) To Amend The Snellville 2040 Comprehensive Plan Future Land Use Map To Commercial Retail; 3) To Amend The Official Zoning Map To BG (General Business) District; And 4) Request For Variances From The Unified Development Ordinance For The 8.93± Site Tract Located At 1498 Scenic Highway, Snellville For A Mixed Retail, Commercial, Office Subdivision Development (Tax Parcel 5074 007)

Planning and Development Director Thompson advised that the applicant has asked for a postponement to November 8<sup>th</sup> so they can address concerns raised at the Planning Commission Meeting.

Council Member Lenski made a motion to postpone ANX 21-02 LUP 21-05 and RZ 21-05 to the November 8, 2021 meeting for the second reading and public hearing, 2<sup>nd</sup> by Mayor Pro Tem Emanuel; voted 5 in favor and 0 opposed, motion approved.

2<sup>nd</sup> Reading - UDO 21-01 – Consideration And Recommendation On Amendments To The Text Of The Unified Development Ordinance For The City Of Snellville, Georgia (“UDO”), Adopted 10-26-2020 To Amend: Definitions, Article 2 Of Chapter 100, General Provisions; Towne Center Overlay District, Article 5 And Use Provisions, Article 6 Of Chapter 200, Zoning And Land Use

Planning and Development Director Thompson gave an overview of the proposed amendments to the UDO. He advised any current applications will be grandfathered in under the current ordinance.

Mayor Bender opened the floor for public comment and no one came forward.

Council Member Schulz made a motion to approve UDO 21-01, 2<sup>nd</sup> by Council Member Lenski; voted 5 in favor and 0 opposed, motion approved.

**CONSENT AGENDA**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

2<sup>nd</sup> Reading - Consideration and Action on Amendment to Article II Noise Control, Division 1 of the Code of Ordinances of the City Of Snellville to be Consistent with those of Gwinnett County, to Repeal Conflicting Ordinances, and for Other Purposes [Schulz]

Council Member Schulz gave a brief overview of the ordinance changes and why they were being proposed.

Council Member Schulz made a motion to approve the amendment to Article II Noise Control, Division 1 of the Code of Ordinances of the City Of Snellville (ORD 2021-19), 2<sup>nd</sup> by Mayor Pro Tem Emanuel; voted 5 in favor and 0 opposed, motion approved.

**COUNCIL REPORTS**

Council Members Destang, Lenski, Schulz and Mayor Pro Tem Emanuel gave a report.

**MAYOR'S REPORT**

None

**PUBLIC COMMENTS**

The following people came forward:

Kurt Schulz, 2027 Tanglewood Drive, Snellville

Matt Yarbrough, 4778 Pastry Lane, Acworth

Rebecca Mitchell, 3332 Crossing Drive, Snellville

Vicky Warren, 2242 Westridge Drive, Snellville

Gaye Bruce, 1710 Woodberry Run Drive, Snellville

**EXECUTIVE SESSION**

None

**ADJOURNMENT**

Mayor Pro Tem Emanuel made a motion to adjourn, 2<sup>nd</sup> by Council Member Destang; voted 5 in favor and 0 opposed, motion approved. The meeting adjourned at 8:20 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:** November 8, 2021

**RE:** #ANX 21-02 RZ 21-05 LUP 21-05

**DEVELOPMENT:** 7-Lot Commercial/Retail Foodservice and Office Subdivision

**STATUS:** Continuation from October 25, 2021 Public Hearing (2<sup>nd</sup> Reading)

---

Petition for annexation to the municipal boundaries of the City of Snellville; applications to amend the Snellville 2040 Comprehensive Plan Future Land Use Map and Official Zoning Map for a 7-lot commercial/retail foodservice and office subdivision development on the 8.93± acre tract at 1498 Scenic Highway, Snellville.

**11-01-2021 UPDATE:** The City received an amendment to the original applications received 7-13-2021, entitled 'Amendment to Annexation and Rezoning Application' which included: a) revised site plan; b) revised landscaping plan; c) revised letter of intent; d) updated legal descriptions for each lot; e) amended campaign contribution disclosure form; and f) applicant requested conditions and variances.

**Financial Impact:** Site Development Permit fees; Building Permit fees; Real Property and Business Inventory Taxes

**Planning Commission Meeting:** September 28, 2021

**Recommendations:**

	ANX 21-02	LUP 21-05	RZ 21-05
Planning Department	Approval	Approval (Commercial Retail)	Approval (BG District)
Planning Commission	n/a	Approval (Commercial Retail)	Approval (BG District)

8.93± Acre Site at 1498 Scenic Highway, Snellville, Georgia  
Case #ANX 21-02 RZ 21-05 LUP 21-05  
November 8, 2021  
Page... 2

**Mayor and Council**

**Meetings:**                                **October 11, 2021 (1<sup>st</sup> Reading)**  
    **October 25, 2021 (2<sup>nd</sup> Reading and Public Hearing)**

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

**Case Documents (website link):**

- Letter of Intent and Request for Variances (7-13-2021)
- #ANX 21-02 Application (7-13-2021)
- #LUP 21-05 Application (7-13-2021)
- #RZ 21-05 Application (7-13-2021)
- ALTA Survey (6-8-2021)
- Arborist Report of Findings (5-25-2021)
- Landscape Concept Plan #L-1 (6-17-2021 rev 7-13-2021)
- Landscape Concept Plan #L-2 (6-17-2021 rev 7-13-2021)
- Conceptual/Possible Building Elevations
- Snellville Gateway Sign Design
- Pocket Park Conceptual Design
- Scenic Pointe Rezoning Site Plan (6-1-2021)
- 8-24-2021 Planning Department Case Summary & Analysis (8-16-2021)
- *Unofficial* 9-28-2021 Planning Commission Regular Meeting Minutes (10-7-2021)
- 9-28-2021 Planning Commission Case Report (10-5-2021)
- 10-11-2021 Planning Department Case Summary & Analysis with Planning Commission Report (10-5-2021)
- 10-25-2021 Planning Department Case Summary & Analysis with Planning Commission Report (10-18-2021)
- 11-01-2021 Application Amendment (11-01-2021)
- Conditions *Only* Recommendation (11-4-2021)
- Variances *Only* Recommendation (11-4-2021)
  
- 11-8-2021 Draft Ordinances (as follows)

## **Analysis of Revised Documents Received 11-1-2021**

### **Scenic Pointe Development**

**11-4-2021**

The applicant has submitted revised plans, letter of intent, and proposed conditions showing modifications to the site to address comments received by citizens during the Planning Commission Hearing. The applicant has also requested several new variances to “make the development work” regarding planter island reduction, monument signage, and reduction of the required buffer on north road from 30 feet to 20 feet.

One of the most pressing concerns received by citizens and affected property owners has been the continuation of the buffer width on previous developed commercial projects that back up to North Road. The Unified Development Ordinance (“UDO”) requires a 10 foot undisturbed buffer and a 20 foot landscape strip on the North Road side of the development. Although the existing trees in the undisturbed portion of this buffer are smaller pines the additional required 10 feet requires the entire development to start no less than 30 feet from the North Road right of way. The 10 foot undisturbed buffer (not shown) and 20 foot landscaped buffer as shown on the revised landscape plans would provide adequate screening to the adjacent property owners. Being consistent with the requirements of the newly adopted UDO is beneficial in establishing precedence. However, if the Mayor and Council decides to allow the reduction it would be pertinent to provide an opaque fence along the North Road side to immediately provide for visual screening and noise dampening. The fence should be at least 8 feet tall and constructed of wood or other durable materials that do not decay. The fence should also be decorative and be aesthetically pleasing.

The applicants request for variance to allow additional parking spaces is not required as there are no maximum parking requirements in the UDO. The applicants request for reduction of the number and size of the parking lot landscaped islands is also null, as the applicant has agreed to comply with the landscaping requirements during the site development process.

Although the applicant’s request for a second monument sign on Lot 2 seems reasonable since Lot 4 does not have any road frontage on Scenic Highway but instead fronts North Road where signage is not desired, the Planning Department recommends denial of the request, and instead, recommends that the applicant be allowed up to a maximum 97.5 sq. ft. monument sign on Lot 2 to serve as the main identification sign serving the seven lot commercial development, with Lots 1, 3, 5-7 each allowed to erect a secondary monument sign not to exceed 35 SF in total sign area, and include a 2-foot tall decorative base.

Due to the relocation of the solid waste dumpster and enclosure from the rear yard to the front yard location for Lot 1, the Planning Department recommends approval of this variance.

The last remaining issue is the fee simple dedication of the park space to the City for ongoing liability and maintenance. A few of the nearby residents and some patrons of the commercial development will likely be the only people to use the green space (park). Consequently an earlier site plan showed the location of underground stormwater detention piping in the general area of the pocket park, and per

the City Attorney, the City cannot assume liability for private property infrastructure on public property. Therefore, The Planning Department recommends that the pocket park remain in the property owners association to be maintained by the association.

We have linked the conditions in a chart as they have evolved through the process. Please take a close look at them prior to the meeting so we can discuss any questions that you all may have.

Jason Thompson

Director of Planning and Development



**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2021-20**

AN ORDINANCE TO ANNEX PROPERTY, AT THE REQUEST OF 100% OF THE OWNERS OF SAID PROPERTY INTO THE MUNICIPAL BOUNDARY OF THE CITY OF SNELLVILLE, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #ANX 21-02

**PROPERTY OWNER(S):** Lillian Margene Moulder Trust  
Loganville, Georgia

**LOCATION:** 8.93± Acres 1498 Scenic Highway,  
Snellville, Georgia

**PARCEL:** 5074 007

**DEVELOPMENT/PROJECT:** 7-Lot Commercial/Retail Foodservice and  
Office Subdivision Development

**APPLICANT/CONTACT:** Scenic Pointe, LLC  
C/O Robert Jack Wilson, Esquire  
10 Lumpkin Street  
Lawrenceville, Georgia 30046  
770-962-9780  
[jwilson@rjwpclaw.com](mailto:jwilson@rjwpclaw.com)

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

**WHEREAS**, O.C.G.A. §36-36-21 authorizes the City of Snellville to annex to the existing corporate limits thereof all or any portion of unincorporated property where 100% of the landowners request annexation and said property is contiguous to the existing limits at the time of such annexation upon compliance with the procedures set forth in the statute; and

**WHEREAS**, the City of Snellville received applications for annexation including the Petition for Annexation under the 100 percent (%) method of annexation by the Lillian Margene Moulder Trust, owner of the tax parcel identified above; and

**WHEREAS**, the City of Snellville did not receive any objection from Gwinnett County after being served with proper notice of the proposed annexation; and

**WHEREAS**, the City of Snellville desires to annex said property located in unincorporated Gwinnett County, Georgia into the City pursuant to O.C.G.A. §36-36-21 and has complied with the statutory provisions thereof; 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 areas contiguous to the City of Snellville municipal boundary and shown as the 8.93± acre Tract on the Boundary Survey dated 6-8-2021 for Scenic Pointe LLC, as described and shown in Exhibit “A,” a copy of which is attached hereto

and incorporated as part of this Ordinance, are hereby annexed into the City of Snellville, Georgia and is made a part of said city.

**Section 2.** The City Clerk of the City of Snellville is instructed to file an identification of the annexed property with the Department of Community Affairs and the county governing authority within 30 days of the last day of the quarter in which the annexation becomes effective as set forth in Section 7.

**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 Chapter 1 of the Code of Ordinances, City of Snellville, Georgia 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 is adopted on November 8, 2021 the effective date of this Ordinance shall be November 8, 2021 and for ad valorem tax purposes on December 31, 2021.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

**ORDAINED** this \_\_\_\_\_ day of November, 2021.

\_\_\_\_\_  
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"

**GENERAL NOTES:**  
 1. The exceptions per title commitment package from Chicago Title Insurance Company.  
 2. This plot is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.  
 3. Underground Utilities shown on this survey are from a combination of utilities field marked by others and public records. Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities shown or not shown.  
 4. This Plot has been prepared for the exclusive use of the person(s) or entities named hereon.

**FIELD DATA:**

DATE OF FIELD SURVEY: 8-29-2020, 8-30-2020, 9-2-2020

THE CALCULATED POSITIONAL TOLERANCE BASED ON REDUNDANT LINEAR MEASUREMENTS OF OBSERVED POSITIONS WAS FOUND TO BE 0.010 FEET.

**EQUIPMENT:**  
 ELECTRONIC TOTAL STATION AND NETWORK GPS  
 GPS RECEIVER: CHAMPION INSTRUMENTS, PRO, SN:1033458,  
 NETWORK: eGPSVRS

TOTAL AREA: 388,820SQ FT, 8.93 AC

CALCULATED PLAT CLOSURE: 1 FOOT IN 511,456 FEET

**SURVEY DATA:**

TYPE OF SURVEY: RETRACEMENT  
 SOURCE OF TITLE DESCRIPTION FOR SUBJECT PROPERTY: DB 50145 PG 337  
 PROPERTY OWNER AT TIME OF SURVEY: LILLIAN MARGENE MOULDER TRUST  
 PARCEL NUMBER: R5074 007

REFERENCE: PLAT BOOK 51 PAGE 207

**FLOOD HAZARD NOTE:** THIS PROPERTY IS LOCATED IN A ZONE X FLOOD HAZARD AREA AS DEFINED BY FIRM MAP OF GWINNETT COUNTY, GEORGIA 13135C001177 EFFECTIVE DATE SEPTEMBER 29, 2006

**TITLE EXCEPTIONS [SURVEYOR COMMENTS IN BRACKETS]**

COMMITMENT NO. / INDEX	PART I, SCHEDULE B (CONTINUED)
2-43387	PART I, SCHEDULE B
THIS COMMITMENT DOES NOT REPELISH ANY GOVERNMENT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAWS BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENETIC IDENTITY, MARITAL STATUS, OR NATIONAL ORIGIN.	
The Policy will not include against loss or damage resulting from the terms and provisions of any lease or assignment identified on Schedule A, and will include the following Exceptions unless indicated to the contrary in the Schedule B:	
SCHEDULE B OF THIS POLICY OR ENDORSEMENT TO THIS POLICY WILL CONTAIN EXCEPTIONS TO THE FOLLOWING MATTERS UNLESS THE SAME ARE DISPOSED OF TO THE SATISFACTION OF THE COMPANY:	
1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the public records or is created, attaches, or is discovered between the Government Date and the date on which all of the Schedule B, Part I Requirements are met.	
2. Standard Exceptions:	
(a) Rights or claims of parties not shown by the public records;	
(b) Easements, or claims of easements, not shown by the public records;	
(c) Easements, or claims of easements, not shown by the public records, but which are shown by an accurate survey or inspection of the premises;	
(d) Any lien or right of title, for example, taxes, or special assessments or municipal liabilities, imposed by law and not shown by the public records;	
(e) Taxes or special assessments which will not show as existing liens by the public records;	
3. Special Exceptions:	
(a) All taxes for the year 2023 and subsequent years;	
(b) Any and all unpaid water bills associated with subject property;	
(c) The above items may be removed or modified upon further examination;	
(d) No insurance is afforded as to the exact amount of acreage contained in the property described herein;	
(e) Easement rights incident to the premises.	
NOTE: The above items may be removed or modified upon further examination.	
(f) No insurance is afforded as to the exact amount of acreage contained in the property described herein.	
(g) Easement rights incident to the premises.	
COMMITMENT NO. / INDEX	
PART I, SCHEDULE B (CONTINUED)	
(a) Rights of tenants in possession under unrecorded leases;	
(b) Any security interest created at closing;	
(c) Right of Way Deed from H. J. Moulder to Gwinnett County, a political subdivision of the State of Georgia, dated June 10, 1981, filed for record June 12, 1981 at 4716 sq. m., recorded in Deed Book 3135, Page 235; Records of Gwinnett County, Georgia;	
[DOES NOT AFFECT SUBJECT PROPERTY]	
Right of Way Deed from Margene Moulder to Gwinnett County, a political subdivision of the State of Georgia, dated November 13, 1990, filed for record November 16, 1990 at 4716 sq. m., recorded in Deed Book 3135, Page 235; Records of Gwinnett County, Georgia;	
[DOES NOT AFFECT SUBJECT PROPERTY]	
Right of Way Easement from Margene Moulder to Walton Electric Membership Corporation, a corporation, dated August 22, 1980, filed for record March 23, 1984 at 802 sq. m., recorded in Deed Book 3135, Page 235; Records of Gwinnett County, Georgia;	
[BLANKET EASEMENT FOR RIGHT OF ACCESS TO SERVICE, INSPECT & MAINTAIN EQUIPMENT, NOT PLOTTABLE]	
Business Trust, dated December 13, 2000, filed for record December 21, 2000 at 802 sq. m., recorded in Deed Book 3135, Page 235; Records of Gwinnett County, Georgia;	
[AS SHOWN PLOTTED]	
Right of Way Easement from Margene Moulder to Walton Electric Membership Corporation, a corporation, dated September 29, 2002, filed for record August 7, 2004 at 312 sq. m., recorded in Deed Book 3135, Page 235; Records of Gwinnett County, Georgia;	
[BLANKET EASEMENT FOR RIGHT OF ACCESS TO SERVICE, INSPECT & MAINTAIN EQUIPMENT, NOT PLOTTABLE]	
Business Trust, dated December 13, 2000, filed for record December 21, 2000 at 802 sq. m., recorded in Deed Book 3135, Page 235; Records of Gwinnett County, Georgia;	
[THE PROPOSED R/W IS NOW THE EXISTING R/W AND THE SLOPE EASEMENT HAS EXP'D]	

**LEGAL DESCRIPTION**

All that tract or parcel of land lying and being in Land Lot 74 of the 5th District of Gwinnett County, Georgia being more particularly described as follows:

Beginning at a 1/2" rebar found at the intersection of the westerly right of way of North Road (variable R/W) and the line common to land lots 73 and 74 said point being the TRUE POINT OF BEGINNING.

From said point as thus established thence; South 61 degrees 20 minutes 09 seconds West along said Land Lot line a distance of 154.84 feet to a 1/2" rebar found,

Thence, continuing said Land Lot line the same bearing and distance, South 61 degrees 20 minutes 09 seconds West a distance of 428.29 feet to an iron pin set

Thence, leaving said Land Lot line North 54 degrees 35 minutes 18 seconds West a distance of 42.34 feet to an iron pin set on the easterly right of way line of Georgia Highway 124 (aka Scenic Highway) (145' R/W per Georgia Department of Transportation Project FR-078-1(14) Dated 2-4-1988)

Thence, northerly along said easterly right of way North 14 degrees 49 minutes 13 seconds east a distance of 1471.43 feet to an iron pin set

Thence, leaving said right of way South 85 degrees 03 minutes 42 seconds East a distance of 54.94 feet to an iron pin set on the westerly right of way of North Road (variable right of way)

Thence southerly along said westerly right of way South 6 degrees 12 minutes 03 seconds east a distance of 954.11 feet to an iron pin set

Thence, continuing southerly along said westerly right of way following a curve to the right a distance of 214.48 feet, said curve having a radius of 2053.48 feet and being subtended by a line south 3 degrees 12 minutes 31 seconds east a distance of 214.38 feet to a 1/2" rebar found said point being the TRUE POINT OF BEGINNING.

As shown on a survey for Brand Properties by Keystone Land Surveying Dated 9-3-2020

REVISIONS	DATE	DESCRIPTION	BY

**KEYSTONE LAND SURVEYING, INC.**  
 162 E. OGDEN ST.  
 SUITE F  
 LAWRENCEVILLE, GEORGIA  
 770.245.8700  
 www.keystonelandsurveying.com

COPY RIGHT 2019-2020 THIS IS A 24 DRAWING AND REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THIS SURVEYOR.

**NORTH ROAD (R/W VARIES)**  
 RIGHT OF WAY PER PLAT BOOK 42 PAGE 118 & PLAT BOOK 39 PAGE 270

**WILLOW BEND WAY**

LL 74

LL 73

**STRATFORD DRIVE**

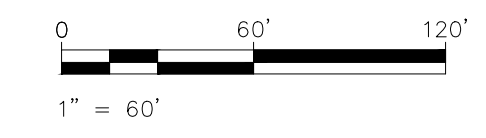
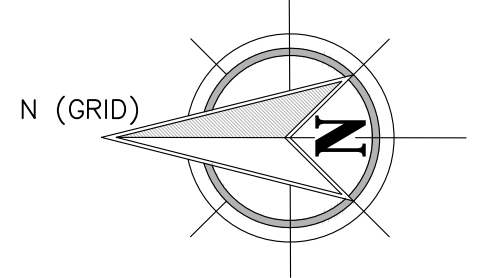
**SCENIC HIGHWAY - STATE ROUTE 124**  
 145' RIGHT OF WAY PER STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION PROJECT FR-078-1(14) DATED 2-4-1988

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NPS, AND INCLUDES ITEMS 1-7, 7(b), 8, 9, 11, 14, 16, 17, 19 OF THEREOF. THE FIELD WORK WAS COMPLETED ON AUGUST 29-30 & SEPTEMBER 2, 2021  
 DATE OF PLAT OR MAP: 6-8-2021  
 PATRICK F. CAREY, C.S. 14000001 DATE: 6-8-21

THE TERM "CERTIFY" SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. GA 180-6-.09(2) AND (3)

**FIELD DATA:**  
 DATE OF FIELD SURVEY 8-29-2020, 8-30-2020, 9-2-2020, 5-25-21, 6-5-21, 6-7-21  
 THE CALCULATED POSITIONAL TOLERANCE BASED ON REDUNDANT LINEAR MEASUREMENTS OF OBSERVED POSITIONS WAS FOUND TO BE 0.010 FEET.

This plot 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, plat, 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 plot 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.C.G.A Section 15-6-67



**LEGEND**

- DI DROP INLET
  - PP POWER POLE
  - R/W RIGHT OF WAY
  - IPF IRON PIN FOUND
  - IPS 1/2" REBAR SET
  - SW SIDE WALK
  - FH FIRE HYDRANT
  - MH MANHOLE
  - WM WATER METER
  - WV WATER VALVE
  - CV GAS VALVE
  - GM GAS METER
- 
- ⊗ OAK
  - ⊗x ELM
  - ⊗x SWEETGUM
  - ⊗ PINE
- x = DIAMETER IN INCHES

ALTA/NPS LAND TITLE SURVEY FOR  
 SCENIC POINTE, LLC  
 1498 SCENIC HIGHWAY SNELLVILLE, GA 30078

LAND LOT 74 - 5TH DISTRICT  
 GWINNETT COUNTY, GEORGIA



Date:	6-4-2021
Scale:	1" = 60'
Client:	
Drawn By:	PC
Sheet 1 of 1	

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2021-21**

AN ORDINANCE TO AMEND THE 2040 COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR THE 8.93± ACRE TRACT OF LAND LOCATED IN LAND LOT 74 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.

<b>CASE NUMBER:</b>	#LUP 21-05
<b>PROPERTY OWNER:</b>	Lillian Margene Moulder Trust
<b>SIZE:</b>	8.93± Acres
<b>LOCATION:</b>	1498 Scenic Highway, Snellville, Georgia
<b>TAX PARCEL:</b>	5074 007
<b>DEVELOPMENT/PROJECT:</b>	7-Lot Commercial/Retail Foodservice and Office Subdivision Development

**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 designate the land use as it applies to the 8.93± acre tract of land located at 1498 Scenic



Highway Snellville, Georgia (Tax Parcel 5074 007) for 7-Lot Commercial/Retail Foodservice and Office Subdivision Development; 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.** Having been annexed into the City of Snellville, the future land use designation of the 8.93± acre tract of land shown on the Boundary Survey dated 6-8-2021 entitled “ALTA/NSPS Land Title Survey for Scenic Pointe, LLC”, described and shown in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference, is hereby designated as Commercial Retail. This designation in future land use, as well as the change to the city boundaries, are 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 November 8, 2021. 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 November, 2021.

\_\_\_\_\_  
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

GENERAL NOTES:  
 1. The exceptions per title commitment package from Chicago Title Insurance Company.  
 2. This plot is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.  
 3. Underground Utilities shown on this survey are from a combination of utilities field marked by others and public records. Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities shown or not shown.  
 4. This Plot has been prepared for the exclusive use of the person(s) or entities named hereon.

**FIELD DATA:**

DATE OF FIELD SURVEY: 8-29-2020, 8-30-2020, 9-2-2020

THE CALCULATED POSITIONAL TOLERANCE BASED ON REDUNDANT LINEAR MEASUREMENTS OF OBSERVED POSITIONS WAS FOUND TO BE 0.010 FEET.

EQUIPMENT: ELECTRONIC TOTAL STATION AND NETWORK GPS  
 SOURCE OF TITLE DESCRIPTION FOR SUBJECT PROPERTY: DB 50145 PG 337  
 PROPERTY OWNER AT TIME OF SURVEY: LILLIAN MARGENE MOULDER TRUST  
 PARCEL NUMBER: R5074 007

TOTAL AREA: 388,820SQ FT, 8.93 AC

CALCULATED PLAT CLOSURE: 1 FOOT IN 511,456 FEET

**SURVEY DATA:**

TYPE OF SURVEY: RETRACEMENT  
 SOURCE OF TITLE DESCRIPTION FOR SUBJECT PROPERTY: DB 50145 PG 337  
 PROPERTY OWNER AT TIME OF SURVEY: LILLIAN MARGENE MOULDER TRUST  
 PARCEL NUMBER: R5074 007

REFERENCE: PLAT BOOK 51 PAGE 207

FLOOD HAZARD NOTE: THIS PROPERTY IS LOCATED IN A ZONE X FLOOD HAZARD AREA AS DEFINED BY FIRM MAP OF GWINNETT COUNTY, GEORGIA 13135C001177 EFFECTIVE DATE SEPTEMBER 29, 2006

**TITLE EXCEPTIONS [SURVEYOR COMMENTS IN BRACKETS]**

COMMITMENT NO. / GARDEZ	PART I, SCHEDULE B (CONTINUED)
2-45397	PART I, SCHEDULE B
THIS COMMITMENT DOES NOT REPHRASE ANY GOVERNMENT CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAW BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENETIC IDENTITY, MARITAL STATUS, OR NATIONAL ORIGIN.	
The Policy will not include against loss or damage resulting from the terms and provisions of any lease or assignment identified in Schedule A, and will include the following Exceptions unless otherwise indicated by the notation of the Controller:	
SCHEDULE B OF THE POLICY OR ENDORSEMENT TO THE POLICY WILL CONTAIN EXCEPTIONS TO THE FOLLOWING MATTERS UNLESS THE SAME ARE DISPOSED OF TO THE SATISFACTION OF THE COMPANY:	
1. Any defect, lien, incumbrance, adverse claim, or other matter that appears for the first time in the public records or is created, attaches, or is disclosed between the Government Date and the date on which all of the Schedule B, Part I Requirements are met.	
2. Standard Exceptions: <ul style="list-style-type: none"> <li>(a) Rights or claims of parties not shown by the public records;</li> <li>(b) Easements, or claims of easements, not shown by the public records;</li> <li>(c) Easements, or claims of easements, that do not exist or that have not yet been established by an accurate survey or inspection of the premises;</li> <li>(d) Any lien, or right of title, for easements, taxes, or special assessments or municipal liabilities, imposed by law and not shown by the public records;</li> <li>(e) Taxes or special assessments which will not show as existing liens by the public records;</li> </ul>	
3. Special Exceptions: <ul style="list-style-type: none"> <li>(a) All taxes for the year 2023 and subsequent years;</li> <li>(b) Any and all unpaid water bills associated with subject property;</li> <li>(c) NOTE: The above items may be removed or modified upon further examination;</li> <li>(d) No insurance is afforded as to the exact amount of acreage contained in the property described herein;</li> <li>(e) Easement rights incident to the premises.</li> </ul>	
NOTE: The above items may be removed or modified upon further examination.	
(f) No insurance is afforded as to the exact amount of acreage contained in the property described herein.	
(g) Easement rights incident to the premises.	
COMMITMENT NO. / GARDEZ	
PART I, SCHEDULE B (CONTINUED)	
(a) Rights of tenants in possession under unrecorded leases;	
(b) Any security interest created at closing;	
(c) Right of Way Deed from H. L. Moulder to Gwinnett County, a political subdivision of the State of Georgia, dated June 10, 1981, filed for record June 15, 1981 at 4218 sq. m., recorded in Deed Book 3139, Page 220; Records of Gwinnett County, Georgia;	
[DOES NOT AFFECT SUBJECT PROPERTY]	
Right of Way Deed from Margene Moulder to Gwinnett County, a political subdivision of the State of Georgia, dated November 13, 1990, filed for record November 16, 1990 at 4218 sq. m., recorded in Deed Book 3139, Page 220; Records of Gwinnett County, Georgia;	
[DOES NOT AFFECT SUBJECT PROPERTY]	
Right of Way Deed from Margene Moulder to Wilton Electric Membership Corporation, a corporation, dated August 22, 1980, filed for record March 23, 1984 at 802 sq. m., recorded in Deed Book 3139, Page 220; Records of Gwinnett County, Georgia;	
[BLANKET EASEMENT FOR RIGHT OF ACCESS TO SERVICE, INSPECT & MAINTAIN EQUIPMENT, NOT PLOTTABLE]	
Business Trust, dated December 13, 2000, filed for record December 21, 2000 at 1927 sq. m., recorded in Deed Book 3139, Page 220; Records of Gwinnett County, Georgia;	
[AS SHOWN PLOTTED]	
Right of Way Deed from Margene Moulder to Wilton Electric Membership Corporation, a corporation, dated September 29, 2002, filed for record August 7, 2004 at 312 sq. m., recorded in Deed Book 3139, Page 220; Records of Gwinnett County, Georgia;	
[BLANKET EASEMENT FOR RIGHT OF ACCESS TO SERVICE, INSPECT & MAINTAIN EQUIPMENT, NOT PLOTTABLE]	
[AS SHOWN PLOTTED]	
[THE PROPOSED R/W IS NOW THE EXISTING R/W AND THE SLOPE EASEMENT HAS EXPIRED]	

**LEGAL DESCRIPTION**

All that tract or parcel of land lying and being in Land Lot 74 of the 5th District of Gwinnett County, Georgia being more particularly described as follows:

Beginning at a 1/2" rebar found at the intersection of the westerly right of way of North Road (variable R/W) and the line common to land lots 73 and 74 said point being the TRUE POINT OF BEGINNING.

From said point as thus established thence; South 61 degrees 20 minutes 09 seconds West along said Land Lot line a distance of 154.84 feet to a 1/2" rebar found,

Thence, continuing said Land Lot line the same bearing and distance, South 61 degrees 20 minutes 09 seconds West a distance of 428.29 feet to an iron pin set

Thence, leaving said Land Lot line North 54 degrees 35 minutes 18 seconds West a distance of 42.34 feet to an iron pin set on the easterly right of way line of Georgia Highway 124 (aka Scenic Highway) (145' R/W per Georgia Department of Transportation Project FR-078-1(14) Dated 2-4-1988)

Thence, northerly along said easterly right of way North 14 degrees 49 minutes 13 seconds east a distance of 1471.43 feet to an iron pin set

Thence, leaving said right of way South 85 degrees 03 minutes 42 seconds East a distance of 54.94 feet to an iron pin set on the westerly right of way of North Road (variable right of way)

Thence southerly along said westerly right of way South 6 degrees 12 minutes 03 seconds east a distance of 954.11 feet to an iron pin set

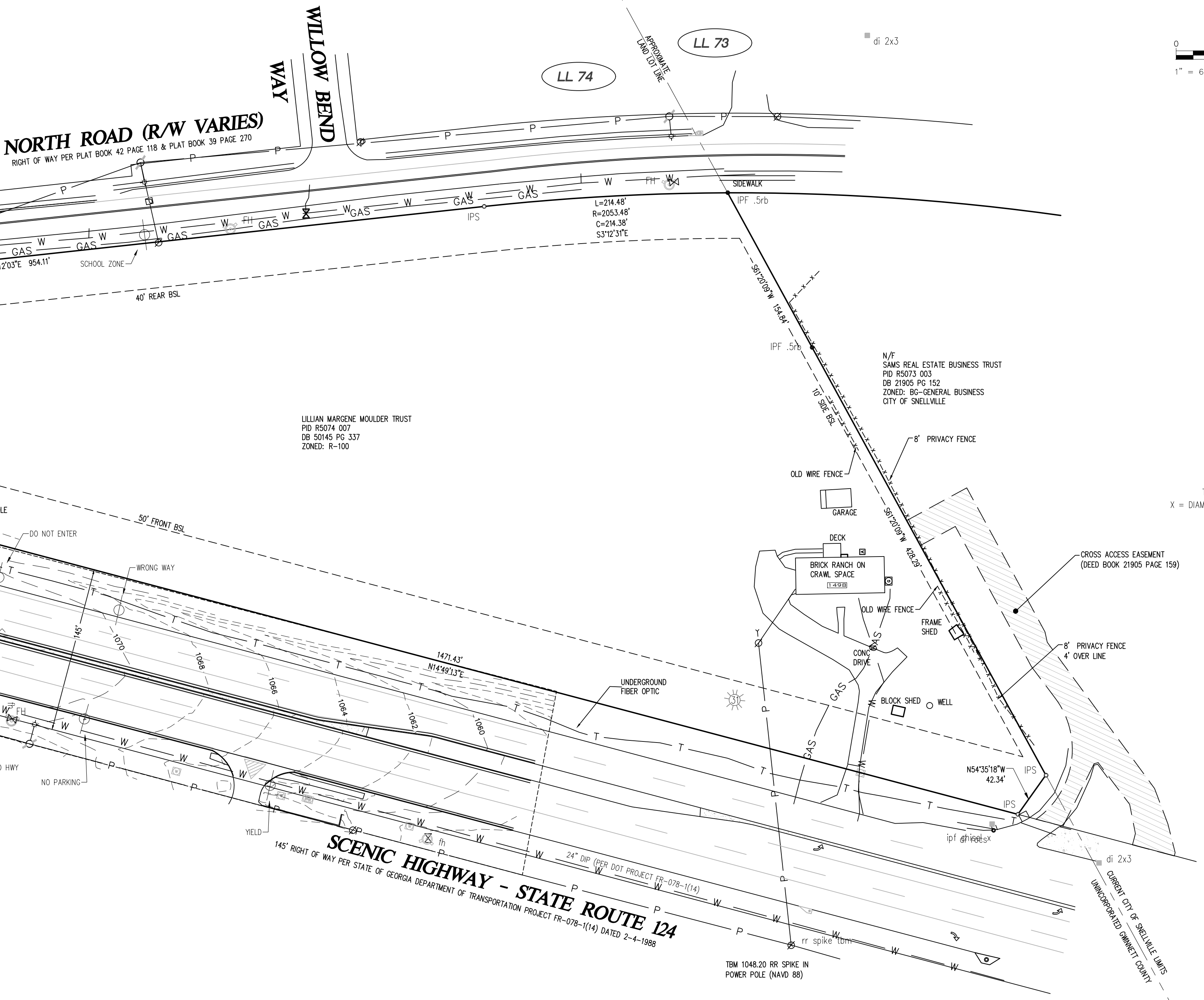
Thence, continuing southerly along said westerly right of way following a curve to the right a distance of 214.48 feet, said curve having a radius of 2053.48 feet and being subtended by a line south 3 degrees 12 minutes 31 seconds east a distance of 214.38 feet to a 1/2" rebar found said point being the TRUE POINT OF BEGINNING.

As shown on a survey for Brand Properties by Keystone Land Surveying Dated 9-3-2020

As shown on a survey for Brand Properties by Keystone Land Surveying Dated 9-3-2020

REVISIONS	DESCRIPTION	BY

COPY RIGHT 2019-2021 THIS IS A 24 DRAWING AND REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THIS SURVEYOR.



**LEGEND**

- DI DROP INLET
- PP POWER POLE
- R/W RIGHT OF WAY
- IPF IRON PIN FOUND
- IPS 1/2" REBAR SET
- SW SIDE WALK
- FH FIRE HYDRANT
- MH MANHOLE
- WM WATER METER
- VV WATER VALVE
- GV GAS VALVE
- GM GAS METER

**TREE SYMBOLS**

- X OAK
- X ELM
- X SWEETGUM
- X PINE

x = DIAMETER IN INCHES

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, UNILY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-7, 7(b), 8, 9, 11, 14, 16, 17, 19 OF THEREOF. THE FIELD WORK WAS COMPLETED ON AUGUST 29-30 & SEPTEMBER 2, 2021

DATE OF PLAT OR MAP: 6-8-2021

DATE: 6-8-21

PAIRICK F. CAREY, C.S. 14017, P.E.

**FIELD DATA:**  
 DATE OF FIELD SURVEY 8-29-2020, 8-30-2020, 9-2-2020, 5-25-21, 6-5-21, 6-7-21

THE CALCULATED POSITIONAL TOLERANCE BASED ON REDUNDANT LINEAR MEASUREMENTS OF OBSERVED POSITIONS WAS FOUND TO BE 0.010 FEET.

This plot 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, plat, 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 plot 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.C.G.A Section 15-6-67

ALTA/NSPS LAND TITLE SURVEY FOR  
 SCENIC POINTE, LLC  
 1498 SCENIC HIGHWAY SNELLVILLE, GA 30078

LAND LOT 74 - 5TH DISTRICT  
 GWINNETT COUNTY, GEORGIA

Date: 6-4-2021  
 Scale: 1" = 60'  
 Client:  
 Drawn By: PC  
 Sheet 1 of 1

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2021-22**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 8.93± ACRE TRACT OF LAND LOCATED IN LAND LOT 74 OF THE 5<sup>TH</sup> 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.

<b>CASE NUMBER:</b>	#RZ 21-05
<b>PROPERTY OWNER(S):</b>	Lillian Margene Moulder Trust Loganville, Georgia
<b>LOCATION:</b>	8.93± Acres 1498 Scenic Highway, Snellville, Georgia
<b>PARCEL:</b>	5074 007
<b>DEVELOPMENT/PROJECT:</b>	7-Lot Commercial/Retail Foodservice and Office Subdivision Development
<b>APPLICANT/CONTACT:</b>	Scenic Pointe, LLC C/O Robert Jack Wilson, Esquire 10 Lumpkin Street Lawrenceville, Georgia 30046 770-962-9780 <a href="mailto:jwilson@rjwpclaw.com">jwilson@rjwpclaw.com</a>

**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 8.93± acre tract of land located AT 1498 Scenic Highway, Snellville, Georgia (Tax Parcel 5074 007) for a 7-Lot Commercial/Retail Foodservice and Office Subdivision Development; and

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to grant a variance from the No-Access Buffer Requirements of Section 207-2.C.5 Buffer; of the Unified Development Ordinance to allow for access through the buffer; 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 8.93± acre tract of land shown on the boundary survey Plat, entitled “ALTA/NSPS Land Title Survey for Scenic Pointe, LLC”, signed, sealed and dated 6-8-2021 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.

This action is subject to the attachment of the following approved variances (1-2) and conditions (1-14):

**VARIANCES:**

1. Variance from UDO Section 207-2.C.5 Buffer to allow for access through the no-access buffer.
2. Variance from UDO Table 201-1.7 to allow a solid waste dumpster and enclosure to be located in the front yard of Lot 1.



CONDITIONS:

1. The property shall be developed in general accordance with the conceptual zoning site plan entitled “Scenic Pointe Commercial Retail”, sealed and dated 10-29-2021 (stamped received 11-1-2021), 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. A mandatory master association shall be formed for the property and shall have maintenance and architectural design regulations for the master-planned development which shall control items as construction materials, landscaping, common property maintenance, monuments, and such other usual and necessary covenants and restrictions to protect the quality and integrity of the master-planned development.
3. There shall be a mandatory master protective covenants for the property that will include all phases of the development; and concurrent therewith, a master association shall be formed which will include all component parts of the proposed master-planned development. The master association shall be responsible for the oversight, upkeep, and maintenance of the entrance areas, private drives, sidewalks, parking lot and pedestrian lighting, and trees and landscaping.
4. An inter-parcel access stub which connects to the adjoining Sam’s Club property to the south (Parcel 5073 003) shall be provided as shown on the submitted site plan. Said connection and improvements shall be completed by the developer and/or Master Association and/or property owner once the adjoining property owner agrees to a shared access easement agreement.
5. The developer shall grant, at no cost, to the City of Snellville, a permanent public access easement for the 0.25± acre (10,896 sq. ft.) real property adjacent to and located to the North of Lot 1 and identified as ‘Prop. Park’. on the zoning site plan. Prior to the release of the first Certificate of Occupancy, developer to be responsible for implementing and completing the proposed improvements as depicted on the pocket park conceptual plan attached hereto as Exhibit “B” and the recording of the easement.
6. The developer shall construct, at no cost to the City of Snellville, the ‘Welcome to Snellville’ gateway sign (conceptual sign drawing attached as Exhibit “C”) located to the North of Lot 1 and identified as ‘Prop. Park’ on the zoning site plan, and as shown on the pocket park conceptual plan attached hereto as Exhibit “B”. Prior to sign construction, the final sign design. Any substantial deviation from the drawing attached as Exhibit “C” shall be approved by the Mayor and Council.

7. The developer shall grant, at no cost, to the City of Snellville, a permanent access and maintenance easement for the 'Welcome to Snellville' sign located to the North of Lot 1 and identified as 'Prop. Park' on the zoning site plan, as depicted on the pocket park conceptual plan attached hereto as Exhibit "B" and the recording of the easement.
8. Except for the two North Road access drives as shown on the submitted site plan, there shall be a ten (10) foot undisturbed buffer adjacent to the right-of-way of North Road and an additional twenty (20) foot replanted buffer (approximately 1,169 feet in length) along the eastern property line where adjacent to the North Road right-of-way.
9. Applicant's request for a variance for plant material is approved to allow evergreens to be included in the replanted buffer along North Road. In areas where the existing ten (10) foot undisturbed buffer is sparsely vegetated, the developer shall be required to install and maintain supplemental plantings as determined by the Director of Planning and Development.
10. The approved zoning conditions and variances shall be referenced on any plat, including subdivision plat provided to any buyer or lessee.
11. 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.
12. Signs higher than 15 feet or larger than 225 square feet are prohibited.
13. The development shall abide by all applicable standards of the Snellville Unified Development Ordinance, unless otherwise specified in these conditions or through approval of a variance by the Zoning Board of Appeals.
14. With the exception of traffic control signage and the 'Welcome to Snellville' sign, all ground and monument signage shall be prohibited where adjacent to North Road.

**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 November 8, 2021. 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 November, 2021.

\_\_\_\_\_  
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"

GENERAL NOTES:  
 1. The exceptions per title commitment package from Chicago Title Insurance Company.  
 2. This plot is subject to any restrictions, easements, covenants or restrictions that may exist either written or unwritten.  
 3. Underground Utilities shown on this survey are from a combination of utilities field marked by others and public records. Underground utilities not shown hereon may exist. The Surveyor does not take responsibility for absence or presence of any such utilities shown or not shown.  
 4. This Plot has been prepared for the exclusive use of the person(s) or entities named hereon.

FIELD DATA:

DATE OF FIELD SURVEY: 8-29-2020, 8-30-2020, 9-2-2020

THE CALCULATED POSITIONAL TOLERANCE BASED ON REDUNDANT LINEAR MEASUREMENTS OF OBSERVED POSITIONS WAS FOUND TO BE 0.010 FEET.

EQUIPMENT: ELECTRONIC TOTAL STATION AND NETWORK GPS  
 SOURCE OF TITLE DESCRIPTION FOR SUBJECT PROPERTY: DB 50145 PG 337  
 PROPERTY OWNER AT TIME OF SURVEY: LILLIAN MARGENE MOULDER TRUST  
 PARCEL NUMBER: R5074 007

TOTAL AREA: 388,820SQ FT, 8.93 AC

CALCULATED PLAT CLOSURE: 1 FOOT IN 511,456 FEET

SURVEY DATA:

TYPE OF SURVEY: RETRACEMENT  
 SOURCE OF TITLE DESCRIPTION FOR SUBJECT PROPERTY: DB 50145 PG 337  
 PROPERTY OWNER AT TIME OF SURVEY: LILLIAN MARGENE MOULDER TRUST  
 PARCEL NUMBER: R5074 007

REFERENCE: PLAT BOOK 51 PAGE 207

FLOOD HAZARD NOTE: THIS PROPERTY IS LOCATED IN A ZONE X FLOOD HAZARD AREA AS DEFINED BY FIRM MAP OF GWINNETT COUNTY, GEORGIA 13135C01177 EFFECTIVE DATE SEPTEMBER 29, 2006

TITLE EXCEPTIONS [SURVEYOR COMMENTS IN BRACKETS]

COMMITMENT NO. / INDEX	PART I, SCHEDULE B (CONTINUED)
2-43387	PART I, SCHEDULE B
THIS COMMITMENT DOES NOT REPELISH ANY GOVERNMENT, CONDITION, RESTRICTION, OR LIMITATION CONTAINED IN ANY DOCUMENT REFERRED TO IN THIS COMMITMENT TO THE EXTENT THAT THE SPECIFIC CONDITION, RESTRICTION, OR LIMITATION VIOLATES STATE OR FEDERAL LAWS BASED ON RACE, COLOR, RELIGION, SEX, SEXUAL ORIENTATION, GENETIC IDENTITY, MARITAL STATUS, OR NATIONAL ORIGIN.	
The Policy will not include against loss or damage resulting from the terms and provisions of any lease or assignment identified on Schedule A, and will include the following Exceptions unless changed by the addition of the Schedule B Part I Requirements:	
SCHEDULE B OF THIS POLICY OR ENDORSEMENT TO THIS POLICY WILL CONTAIN EXCEPTIONS TO THE FOLLOWING MATTERS UNLESS THE SAME ARE DISPOSED OF TO THE SATISFACTION OF THE COMPANY:	
1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the public records or is created, attached, or is disclosed between the Government Date and the date on which all of the Schedule B, Part I Requirements are met.	
2. Standard Exceptions:	
(a) Rights or claims of parties not shown by the public records;	
(b) Easements, or claims of easements, not shown by the public records;	
(c) Easements, or claims of easements, not shown by the public records, but which are shown by an accurate survey or inspection of the premises;	
(d) Any lien or right of title, for example, taxes, or special assessments or municipal liabilities, imposed by law and not shown by the public records;	
(e) Taxes or special assessments which will not show as existing liens by the public records;	
3. Special Exceptions:	
(a) All taxes for the year 2023 and subsequent years;	
(b) Any and all unpaid water bills associated with subject property;	
(c) The above items may be removed or modified upon further examination;	
(d) No insurance is afforded as to the exact amount of acreage contained in the property described herein;	
(e) Easement rights incident to the premises.	
NOTE: The above items may be removed or modified upon further examination.	
(f) No insurance is afforded as to the exact amount of acreage contained in the property described herein.	
(g) Easement rights incident to the premises.	
COMMITMENT NO. / INDEX: 2-43387	
PART I, SCHEDULE B (CONTINUED)	
(a) Rights of tenants in possession under unrecorded leases;	
(b) Any security interest created at closing;	
(c) Right of Way Deed from H. J. Moulder to Gwinnett County, a political subdivision of the State of Georgia, dated June 10, 1981, filed for record June 15, 1981 at 4:38 p.m., recorded in Deed Book 3135, Page 235; Records of Gwinnett County, Georgia;	
[DOES NOT AFFECT SUBJECT PROPERTY]	
Right of Way Deed from Margene Moulder to Gwinnett County, a political subdivision of the State of Georgia, dated November 13, 1990, filed for record November 16, 1990 at 4:16 p.m., recorded in Deed Book 3135, Page 235; Records of Gwinnett County, Georgia;	
[DOES NOT AFFECT SUBJECT PROPERTY]	
Right of Way Easement from Margene Moulder to Walton Electric Membership Corporation, a corporation, dated August 22, 1980, filed for record March 23, 1984 at 8:02 a.m., recorded in Deed Book 3135, Page 235; Records of Gwinnett County, Georgia;	
[BLANKET EASEMENT FOR RIGHT OF ACCESS TO SERVICE, INSPECT & MAINTAIN EQUIPMENT, NOT PLOTTABLE]	
Business Trust, dated December 13, 2000, filed for record December 21, 2000 at 9:07 a.m., recorded in Deed Book 3135, Page 235; Records of Gwinnett County, Georgia;	
[AS SHOWN PLOTTED]	
Right of Way Easement from Margene Moulder to Walton Electric Membership Corporation, a corporation, dated September 29, 2007, filed for record August 7, 2008 at 3:23 p.m., recorded in Deed Book 3135, Page 235; Records of Gwinnett County, Georgia;	
[BLANKET EASEMENT FOR RIGHT OF ACCESS TO SERVICE, INSPECT & MAINTAIN EQUIPMENT, NOT PLOTTABLE]	
[AS SHOWN PLOTTED]	
[THE PROPOSED R/W IS NOW THE EXISTING R/W AND THE SLOPE EASEMENT HAS EXP'D]	

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 74 of the 5th District of Gwinnett County, Georgia being more particularly described as follows:

Beginning at a 1/2" rebar found at the intersection of the westerly right of way of North Road (variable R/W) and the line common to land lots 73 and 74 said point being the TRUE POINT OF BEGINNING.

From said point as thus established thence; South 61 degrees 20 minutes 09 seconds West along said Land Lot line a distance of 154.84 feet to a 1/2" rebar found,

Thence, continuing said Land Lot line the same bearing and distance, South 61 degrees 20 minutes 09 seconds West a distance of 428.29 feet to an iron pin set

Thence, leaving said Land Lot line North 54 degrees 35 minutes 18 seconds West a distance of 42.34 feet to an iron pin set on the easterly right of way line of Georgia Highway 124 (aka Scenic Highway) (145' R/W per Georgia Department of Transportation Project FR-078-1(14) Dated 2-4-1988)

Thence, northerly along said easterly right of way North 14 degrees 49 minutes 13 seconds east a distance of 1471.43 feet to an iron pin set

Thence, leaving said right of way South 85 degrees 03 minutes 42 seconds East a distance of 54.94 feet to an iron pin set on the westerly right of way of North Road (variable right of way)

Thence southerly along said westerly right of way South 6 degrees 12 minutes 03 seconds east a distance of 954.11 feet to an iron pin set

Thence, continuing southerly along said westerly right of way following a curve to the right a distance of 214.48 feet, said curve having a radius of 2053.48 feet and being subtended by a line south 3 degrees 12 minutes 31 seconds east a distance of 214.38 feet to a 1/2" rebar found said point being the TRUE POINT OF BEGINNING.

As shown on a survey for Brand Properties by Keystone Land Surveying Dated 9-3-2020

Date	Revisions	By

KEYSTONE LAND SURVEYING, INC.  
 162 E. OGDEN ST.  
 SUITE F  
 LAWRENCEVILLE, GEORGIA  
 770.245.8700  
 www.keystonelandsurveying.com

COPY RIGHT 2019-2020 THIS IS A 24 DRAWING AND REPRODUCTIONS ARE THE PROPERTY OF THE SURVEYOR AND MAY NOT BE REPRODUCED, PUBLISHED OR USED IN ANY WAY WITHOUT THE WRITTEN PERMISSION OF THIS SURVEYOR.

ALTA/NSPS LAND TITLE SURVEY FOR  
 SCENIC POINTE, LLC  
 1498 SCENIC HIGHWAY SNELLVILLE, GA 30078

LAND LOT 74 - 5TH DISTRICT  
 GWINNETT COUNTY, GEORGIA

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2021 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-7, 7(b), 8, 9, 11, 14, 16, 17, 19 OF THEREOF. THE FIELD WORK WAS COMPLETED ON AUGUST 29-30 & SEPTEMBER 2, 2021  
 DATE OF PLAT OR MAP: 6-8-2021  
 PATRICK F. CAREY, C.S. 14017 DATE: 6-8-21

THE TERM "CERTIFY" SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED. GA 180-6-.09(2) AND (3)

FIELD DATA:  
 DATE OF FIELD SURVEY 8-29-2020, 8-30-2020, 9-2-2020, 5-25-21, 6-5-21, 6-7-21  
 THE CALCULATED POSITIONAL TOLERANCE BASED ON REDUNDANT LINEAR MEASUREMENTS OF OBSERVED POSITIONS WAS FOUND TO BE 0.010 FEET.

This plot 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, plat, 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 plot complies with 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.C.G.A Section 15-6-67

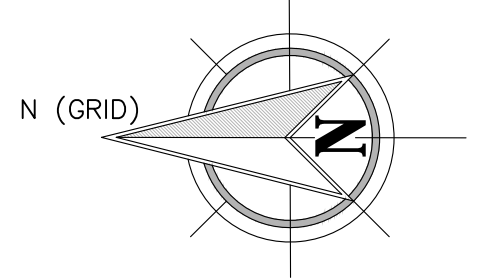
PANEL 0117F  
 FIRM  
 FLOOD INSURANCE RATE MAP  
 GWINNETT COUNTY, GEORGIA  
 AND INCORPORATED AREAS  
 PANEL 117 OF 155  
 FIRM MAP INDEX FOR FIRM PANEL LAYOUT  
 MAP NUMBER: 13135C01177  
 EFFECTIVE DATE: SEPTEMBER 29, 2006  
 National Flood Insurance Program  
 Federal Emergency Management Agency

NORTH ROAD (R/W VARIES)  
 RIGHT OF WAY PER PLAT BOOK 42 PAGE 118 & PLAT BOOK 39 PAGE 270

WILLOW BEND WAY

LL 74

LL 73



0 60' 120'  
 1" = 60'

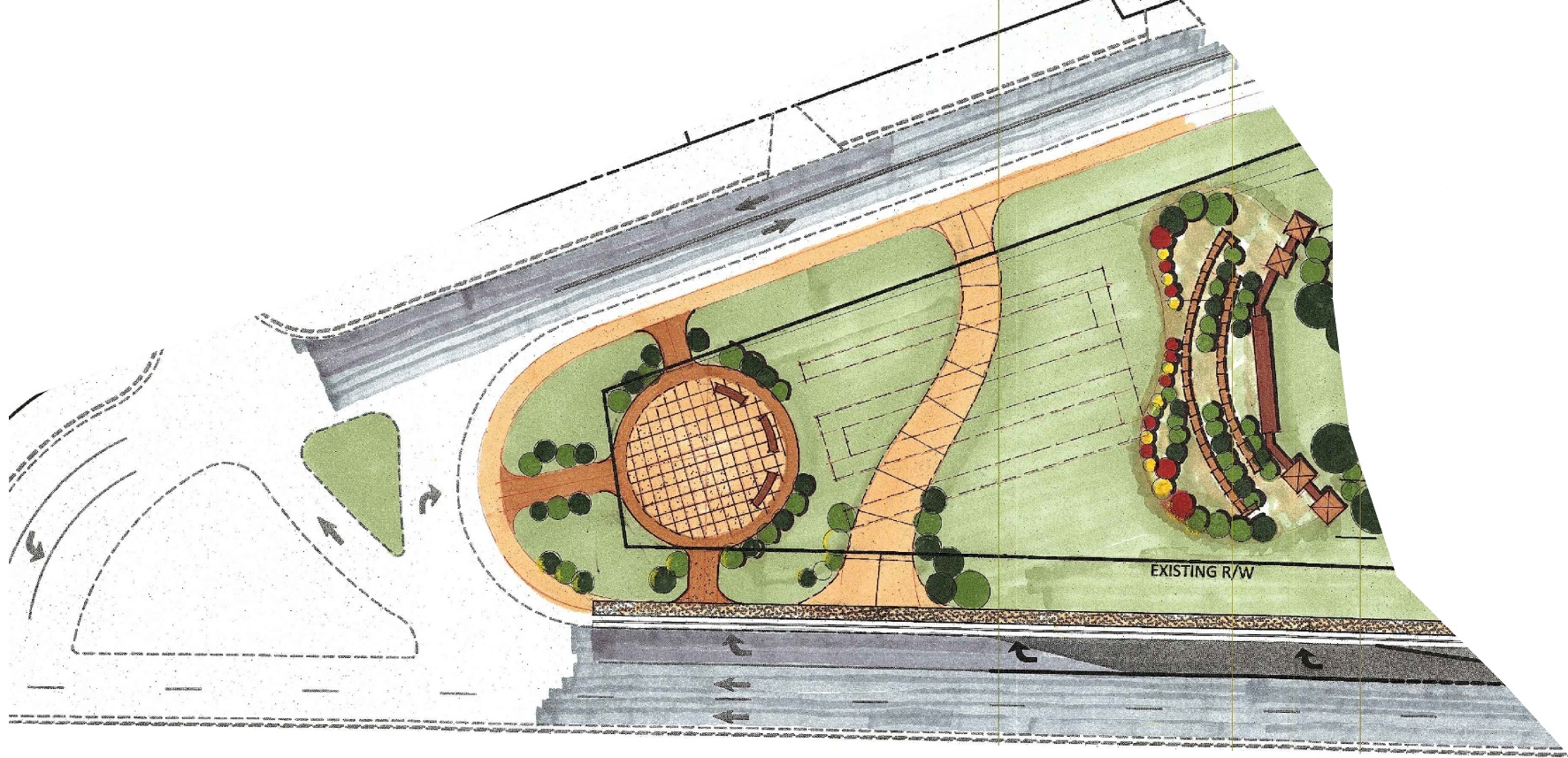
LEGEND

- DI DROP INLET
  - PP POWER POLE
  - R/W RIGHT OF WAY
  - IPF IRON PIN FOUND
  - IPS 1/2" REBAR SET
  - SW SIDE WALK
  - FH FIRE HYDRANT
  - MH MANHOLE
  - WM WATER METER
  - WV WATER VALVE
  - CV GAS VALVE
  - GM GAS METER
- TREE SYMBOLS  
 X = DIAMETER IN INCHES
- (X) OAK
  - (X) ELM
  - (X) SWEETGUM
  - (X) PINE

DATE: 6-4-2021  
 SCALE: 1" = 60'  
 CLIENT:  
 DRAWN BY: PC  
 SHEET 1 OF 1

EXHIBIT "B"





EXISTING R/W

