

# AGENDA

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WORK SESSION  
OF MAYOR AND COUNCIL  
CITY OF SNELLVILLE, GEORGIA  
MONDAY, APRIL 12, 2021

Publication Date: April 8, 2021

TIME: 6:30 p.m.  
DATE: April 12, 2021  
PLACE: City Hall Community Room

**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 of Options to Improve Dumpster Locations on Existing Commercial Properties [Emanuel]

**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

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PUBLIC HEARING & REGULAR BUSINESS MEETING  
OF MAYOR AND COUNCIL  
CITY OF SNELLVILLE, GEORGIA  
MONDAY, APRIL 12, 2021

Publication Date: April 8, 2021

TIME: 7:30 p.m.

DATE: April 12, 2021

PLACE: Council Chambers

- I. CALL TO ORDER
- II. INVOCATION
- III. PLEDGE TO THE FLAG
- IV. CEREMONIAL MATTERS
  - a) PRO 2021-05 – Arab American Heritage Month
  - b) Presentation of a Youth Business License to Trase Lee for Tray Productions
- V. MINUTES
  - Approve the Minutes of the March 22, 2021 Meetings
- VI. INVITED GUESTS
  - None
- VII. COMMITTEE / DEPARTMENT REPORTS
- VIII. APPROVAL OF THE AGENDA
- IX. PUBLIC HEARING
  - a) 2nd Reading - RZ 21-01 LUP 21-01 – Consideration and Recommendation on applications by AXIS Infrastructure, LLC (applicant) and Britt and Camp, LLC (property owner) requesting to amend the Snellville 2040 Comprehensive Plan Future Land Use Map from Low-Density Residential to Medium-Density Residential and Official Zoning Map amendment from RS30 (Single-family Residential) District to RS-5 (Single-family Residential) District for a 13- lot single-family (detached) residential subdivision on a 2.765± acre site having a

gross density of 4.7 units per acre, located at 2706 Lenora Church Road, Snellville, Georgia (Tax Parcel 5028 001)

- b) 1<sup>st</sup> Reading - RZ 21-02 LUP 21-02 – Consideration and Action on applications by Patrick Mallory Companies (applicant) and Summit Chase Country Club, Inc. (property owner) requesting: 1) to amend the Snellville 2040 Comprehensive Plan Future Land Use Map from Park-Recreation to Low-Density Residential; 2) to amend the Official Zoning Map from RS-30 (Single-family Residential) District to RO (Residential for Older Persons) District; and 3) variances from the RO District regulations and General Architectural and Small Building Standards for 21-lot single-family (detached) residential lots on a 5.58± acre site and located at the intersection of Rosebud Road and Temple Johnson Road, Snellville, Georgia (Tax Parcel 5094 327). The subject property is to be incorporated into the adjoining 75.29 acre site, zoned RO (Residential for Older Persons) District for a combined 274-lot age-restricted single-family detached residential community
- c) 1<sup>st</sup> Reading - RZ 21-03 LUP 21-03 – Consideration and Action on applications by Roger Fisher (applicant) and Oak Road, LLC (property owner) requesting: 1) to amend the Snellville 2040 Comprehensive Plan Future Land Use Map from Office-Professional to Medium-Density Residential; 2) to amend the Official Zoning Map from OP (Office Professional) District to RS-5 (Single-family Residential) District; and 3) variance from the Small Building Standards and required garage setback from the front elevation for a 5-lot single-family (detached) residential development on a 1.17± acre site located at 1736 Oak Road, Snellville, Georgia (Tax Parcel 5024 075)
- d) 1<sup>st</sup> Reading - ANX 21-01 RZ 21-04 LUP 21-04 – Consideration and Action on applications by TOMCO2 Systems Company (applicant) and Stephen & Walter Moon (property owners) requesting: 1) to amend the Snellville 2040 Comprehensive Plan Future Land Use Map to Industrial Mixed-Use; and 2) to amend the Official Zoning Map to LM (Light Manufacturing) District for a 2.7± site located at 3320 Brushy Fork Road, Loganville for expansion of the TOMCO2 System facility and development of an office building with associated parking, (Tax Parcel 5099 003)

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

- a) Consideration and Action on Quit Claim Deed between City of Snellville and Downtown Development Authority for all Permanent and Temporary Construction Easements [Bender]
- b) Consideration and Action on Right of Way Deed for the City of Snellville on Three Tracts of Land [Bender]
- c) Consideration and Action on Intergovernmental Agreement for the Construction, Development, and Operation of Certain Components of the Grove at Towne Center In The City Of Snellville [Bender]

- d) Consideration and Action on Intergovernmental Agency Agreement Between the Downtown Development Authority and the City of Snellville for the Issuing of Town Center Project Taxable Revenue Bonds, Series 2021A [Bender]

**XI. OLD BUSINESS**

**XII. NEW BUSINESS**

- a) Mayor's Nomination and Council Confirmation of Michael Kissel to Planning Commission Post 6 with an Expiration Date of June 30, 2021 [Bender]  
b) Consideration and Action on Award of Bid for Property and Casualty Insurance [Bender]  
c) Consideration and Action on Surplus of Old Snowflake Decorations for Public Works [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  
APRIL 12, 2021

April 12

**Council Meeting**

Monday, April 12, 2021

6:30 pm Work Session – Community Room, City Hall

7:30pm Meeting - Council Chambers, City Hall

April 13

**Board of Appeals Meeting**

Tuesday, April 13, 2021

7:00 pm Work Session – Community Room, City Hall

7:30 pm Meeting – Council Chambers, City Hall

April 15

**DAS & URA Joint Meeting**

Thursday, April 15, 2021

4:00 pm – City Hall Room 259, Second Floor

April 17

**Extended Farmers' Market – Farm Products**

Saturday, April 17, 2021

9:00am-12:00pm

City Hall Parking Lot

April 18

**Broadcast of 04/12/21 Council Meeting**

Sunday, April 18, 2021

Watch the broadcast of the 04/12/21 Council Meeting on Comcast Channel 25 at 6:30pm

April 19

**STAT Board Meeting**

Monday, April 19, 2021

6:00 pm – City Hall Conference Room 145

April 21

**DDA Meeting**

Wednesday, April 21, 2021

2:00 pm - City Hall Room 259, Second Floor

April 24

**DEA Drug Take Back**

Saturday, April 24, 2021

10:00 am to 2:00 pm

Snellville Police Department

2315 Wisteria Drive

April 26

**Council Meeting**

Monday, April 26, 2021

6:30pm Work Session – Community Room, City Hall

7:30pm Meeting - Council Chambers, City Hall



## CITY OF SNELLVILLE

# Proclamation

PRO 2021-06

### ARAB AMERICAN HERITAGE MONTH APRIL 2021

- WHEREAS, National Arab American Heritage Month is observed throughout the United States each April; and
- WHEREAS, for more than a century, Arab Americans have been making valuable contributions to virtually every aspect of American society, including medicine, law, business, technology, government, and culture; and
- WHEREAS, since migrating to America, men and women of Arab descent have shared their rich culture and traditions with neighbors and friends; and
- WHEREAS, they brought with them to America their resilient family values, strong work ethic, dedication to education, and diversity in faith and creed that has added strength to our nation; and
- WHEREAS, the Arab American community joins all Americans in the desire to see a peaceful and diverse society, where every individual is treated equally and feels safe; and
- WHEREAS, Georgia takes great pride in the diversity of people, cultures, and traditions represented by its residents; and
- WHEREAS, Georgia is enriched by the significant and lasting contributions of its residents of Arab American heritage.

THEREFORE, I, Barbara Bender, Mayor of the City of Snellville, Georgia, Where Everybody is PROUD to be Somebody, do hereby join with our City Council and the citizens of Snellville to hereby commend the innumerable contributions of Arab Americans and proclaim April 2020 as Arab American Heritage Month.

**Proclaimed this 12<sup>th</sup> day of April, 2021.**



*ATTEST:*

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Barbara Bender, Mayor

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Dave Emanuel, Mayor Pro Tem

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Solange Destang, Council Member

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Cristy Lenski, Council Member

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Gretchen Schulz, Council Member

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Melisa Arnold, City Clerk

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Tod Warner, Council Member



**WORK SESSION  
OF MAYOR AND COUNCIL  
CITY OF SNELLVILLE, GEORGIA  
MONDAY, MARCH 22, 2021**

Present: Mayor Barbara Bender, Mayor Pro Tem Dave Emanuel, Council Members Cristy Lenski, Gretchen Schulz, and Tod Warner. (Council Member Solange Destang was absent.) Also present City Manager Butch Sanders, City Attorney Chuck Ross and Attorney Jay Crowley with Powell and Edwards Attorneys at Law, Planning and Development Director Jason Thompson, Chief Roy Whitehead, Assistant Chief Greg Perry, Public Information Officer Brian Arrington, Parks and Recreation Director Lisa Platt, Economic Development Manager Eric Van Otteren and City Clerk Melisa Arnold.

**CALL TO ORDER**

Mayor Bender called the meeting to order at 6:33 p.m.

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

The agendas were reviewed and discussed. Mayor and Council discussed the Public Hearing item on townhomes, RZ 20-04 LUP 20-03. Consensus was to postpone until the April 26, 2021 meeting. Discussion was held on CIC 21-01, Rejoice in The Word Church International Ministry, Inc. and consensus was to postpone until April 26, 2021 for further information.

**REVIEW CORRESPONDENCE**

Attorney Chuck Ross reviewed the Gwinnett County Tax Commissioner's letter regarding the additional fee for billing taxes for municipalities. He advised an executive session would be needed.

**CITY ATTORNEY'S REPORT**

Handled under Review Correspondence.

**DISCUSSION ITEMS**

Update of Ongoing Projects [Bender]

City Manager Butch Sanders gave an update on the projects.

Review of Towne Center Documents [Bender]

City Manager Butch Sanders reviewed two Intergovernmental Agreements with the Downtown Development Authority regarding responsibilities and Bonding. He also reviewed a lease proposal with The Vigor Group, LLC for the Market at Towne Center.

**WORK SESSION OF MAYOR AND COUNCIL**  
**MONDAY, MARCH 22, 2021**  
**PAGE TWO**

**EXECUTIVE SESSION**

None

**ADJOURNMENT**

Mayor Pro Tem Emanuel made a motion to adjourn, 2<sup>nd</sup> by Council Member Lenski; voted 5 in favor and 0 opposed, motion approved. The meeting adjourned at 7:22 p.m.

Barbara Bender, Mayor

Melisa Arnold, City Clerk





PUBLIC HEARING & REGULAR BUSINESS MEETING  
OF MAYOR AND COUNCIL  
CITY OF SNELLVILLE, GEORGIA  
MONDAY, MARCH 22, 2021

Present: Mayor Barbara Bender, Mayor Pro Tem Dave Emanuel, Council Members Cristy Lenski, Gretchen Schulz, and Tod Warner. (Council Member Solange Destang was absent.) Also present City Attorney Chuck Ross and Attorney Jay Crowley with Powell and Edwards Attorneys at Law, Planning and Development Director Jason Thompson, Chief Roy Whitehead, Assistant Chief Greg Perry, Public Information Officer Brian Arrington, Economic Development Manager Eric Van Otteren and City Clerk Melisa Arnold. (City Manager Butch Sanders was absent.)

**CALL TO ORDER**

Mayor Bender called the meeting to order at 7:32 p.m.

**INVOCATION**

Mayor Bender gave the invocation.

**PLEDGE TO THE FLAG**

Attorney Chuck Ross led the Pledge of Allegiance.

**CEREMONIAL MATTERS**

PRO 2021-05 - Recognizing Mrs. Edna Cofer on Her 100th Birthday

Mayor Bender read the proclamation into the record.

PRO 2021-06 – Arab American Heritage Month

Postponed to the April 12<sup>th</sup> meeting.

**MINUTES**

Approve the Minutes of the February 20, 2021 Work Retreat and the March 8, 2021 Meetings

Mayor Pro Tem Emanuel made a motion to approve the minutes of the February 20, 2021 Work Retreat and the March 8, 2021 Meetings, 2<sup>nd</sup> by Council Member Lenski; voted 5 in favor and 0 opposed, motion approved.

**INVITED GUESTS**

None

**COMMITTEE / DEPARTMENT REPORTS**

None

**City of Snellville Administration Department**

2342 Oak Road Snellville, GA 30078 770-985-3500 770-985-3525 Fax [www.snellville.org](http://www.snellville.org)

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL  
MONDAY, MARCH 22, 2021  
PAGE TWO

**APPROVAL OF THE AGENDA**

Council Member Lenski made a motion to approve the agenda with one change, New Business item "e" Mayors Nomination and Council Confirmation of Holli Donegan to the Snellville Youth Commission Advisory Board, is moved before the Public Hearing, 2<sup>nd</sup> by Mayor Pro Tem Emanuel; voted 5 in favor and 0 opposed, motion approved.

Mayors Nomination and Council Confirmation of Holli Donegan to the Snellville Youth Commission Advisory Board [Lenski]

Mayor Bender nominated Holli Donegan to the Snellville Youth Commission Advisory Board, confirmed 5 in favor and 0 opposed; nomination is confirmed.

Mayor Bender administered the Oath of Office to Ms. Donegan.

**PUBLIC HEARING**

2<sup>nd</sup> Reading - RZ 20-04 LUP 20-03 – Consideration and Recommendation on applications by Meritage Homes of Georgia (applicant) and Crawford F. Juhan, Jr. (property owner) and Edjen Finance, LLC (property owner) requesting to amend the Snellville 2040 Comprehensive Plan Future Land Use Map from Office-Professional and Low-Density Residential to Medium-Density Residential; Official Zoning Map amendment from OP (Office Professional) District and BG (General Business) District to R-TH (Single-family Residential Townhome) District and request for variance from the front-load garage setback requirement for a 101-unit townhome development on a 14.724± acre site having a density of 6.859 units per acre, located at 2465 Scenic Highway S, Snellville, Georgia (Tax Parcels 5006 002 and 5006 003)

Council Member Schulz made a motion to table RZ 20-04 LUP 20-03 until the April 26, 2021 meeting, 2<sup>nd</sup> by Mayor Pro Tem Emanuel; voted 5 in favor and 0 opposed, motion approved.

2<sup>nd</sup> Reading - RZ 21-01 LUP 21-01 – Consideration and Recommendation on applications by AXIS Infrastructure, LLC (applicant) and Britt and Camp, LLC (property owner) requesting to amend the Snellville 2040 Comprehensive Plan Future Land Use Map from Low-Density Residential to Medium-Density Residential and Official Zoning Map amendment from RS30 (Single-family Residential) District to RS-5 (Single-family Residential) District for a 13- lot single-family (detached) residential subdivision on a 2.765± acre site having a gross density of 4.7 units per acre, located at 2706 Lenora Church Road, Snellville, Georgia (Tax Parcel 5028 001)

Planning Director Jason Thompson gave an overview of the application. He advised the Planning Commission and Planning Department recommend approval.

Theresa Curry of Axis Infrastructure, 1111 Cambridge Square, Alpharetta, was present representing the applicant. She gave a brief overview of the project and answered questions of Council.

Mayor Bender opened the floor for public comment and the following person came forward: Kurt Schulz, 2027 Tanglewood Drive, Snellville asked for clarification on the number of units. No one else came forward so Mayor Bender closed public comment.

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL  
MONDAY, MARCH 22, 2021  
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Council Member Lenski made a motion to deny, 2<sup>nd</sup> by Council Member Warner.  
Theresa Curry came forward and asked that the item be tabled so they can address any issues.  
Council Member Lenski withdrew her motion and Council Member Warner accepted the withdrawal.

Council Member Lenski made a motion to table RZ 21-01 LUP 21-01 until the April 12, 2021 meeting, 2<sup>nd</sup> by Mayor Pro Tem Emanuel; voted 5 in favor and 0 opposed, motion approved.

2<sup>nd</sup> Reading - CIC 21-01 – Consideration and Recommendation on application by Concept Engineering Services (applicant) and Rejoice in The Word Church International Ministry, Inc. (property owner) requesting a change in conditions from #RZ 07-01 (approved 2-26-2007) to allow 95 onsite parking spaces to be constructed between the street and 8,000 SF proposed religious assembly building on a 5.47± acre site, zoned CI (Civic Institutional) District, located at 3079 Lenora Church Road, Snellville, Georgia (Tax Parcel 5029 090)

Planning Director Jason Thompson advised more time was needed to answer the Mayor and Council questions.

Council Member Schulz made a motion to table until the April 26, 2021 meeting, 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

Consideration and Action on Master Development Agreement Update [Bender]

Mayor Bender gave an explanation.

Mayor Pro Tem Emanuel made a motion to approve, 2<sup>nd</sup> by Council Member Warner; voted 5 in favor and 0 opposed, motion approved.

Consideration and Action on Surplus of the Parks & Recreation Items [Bender]

- Six Sets of Aluminum Bleachers
- Bush Hog Pull Behind finishing mower

Council Member Lenski made a motion to surplus listed items for Parks and Recreations, 2<sup>nd</sup> by Council Member Schulz; voted 5 in favor and 0 opposed, motion approved.

Consideration and Action on Surplus of City Police Vehicles [Bender]

- Police Unit 145 2006 Chevrolet Impala 2G1WS551X69270265
- Police Unit 152 2006 Chevrolet Impala 2G1WS551269354676

Council Member Schulz made a motion to surplus the City police vehicles, 2<sup>nd</sup> by Mayor Pro Tem Emanuel; voted 5 in favor and 0 opposed, motion approved.

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL  
MONDAY, MARCH 22, 2021  
PAGE FOUR

Consideration and Action on Confirmation of Temporary Easements for Towne Center [Bender]  
Mayor Bender explained this just confirms that the temporary easements that were done during the Livable Cities Initiative (LCI) project are released for the Towne Center.  
Mayor Pro Tem Emanuel made a motion to confirm expiration of the temporary easements, 2<sup>nd</sup> by Council Member Warner; voted 5 in favor and 0 opposed, motion approved.

Mayors Nomination and Council Confirmation of Holli Donegan to the Snellville Youth Commission Advisory Board [Lenski]  
Moved after Approval of the Agenda.

### **COUNCIL REPORTS**

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

### **MAYOR'S REPORT**

Mayor Bender gave a report.

### **PUBLIC COMMENTS**

Rose Purdy, 2270 Burlington Lane, Snellville spoke.  
Melvin Everson, 1725 Winding Creek Circle, Snellville spoke.

### **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).

Upon a motion by Mayor Pro Tem Emanuel, 2<sup>nd</sup> by Council Member Schulz, the meeting was closed, with Council Members Lenski, Schulz, Warner, Mayor Pro Tem Emanuel, and Mayor Bender present and voting in favor.

The meeting was closed at 8:21 p.m.

The meeting reconvened at 8:45 p.m.

### **ADJOURNMENT**

Mayor Pro Tem Emanuel made a motion to adjourn, 2<sup>nd</sup> by Council Member Lenski; voted 5 in favor and 0 opposed, motion approved. The meeting adjourned at 8:45 p.m.

Barbara Bender, Mayor

Melisa Arnold, City Clerk



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## Agenda Item Summary

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**TO:** The Mayor and Council

**FROM:** Jason Thompson, Director  
Department of Planning and Development

**DATE:** ~~March 22, 2021~~  
April 12, 2021

**RE:** #RZ 21-01 LUP 21-01

**DEVELOPMENT:** 13-Lot Single-family Detached Subdivision Development  
2.765± Acres at 2706 Lenora Church Road, Snellville, Georgia

**STATUS:** Public Hearing (2<sup>nd</sup> Reading)  
Continued from March 22, 2021

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Applications to amend the Snellville 2040 Comprehensive Plan Future Land Use Map and Official Zoning Map for a 13-Lot Single-family Detached subdivision development on a 2.765± acre property located at 2706 Lenora Church Road, Snellville, Georgia (Tax Parcel 50028 001).

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

**Planning Commission Meeting:** February 23, 2021

**Recommendations:**

Case No. →	LUP 21-01	RZ 21-01
Planning Department	Approval	Approval
Planning Commission	Approval	Approval

**Mayor and Council Meetings:** March 8, 2021 (1<sup>st</sup> Reading)  
March 22, 2021 (2<sup>nd</sup> Reading and Public Hearing)

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

2.765± Acre Site at 2706 Lenora Church Road, Snellville, Georgia  
Case #RZ 21-01 LUP 21-01  
March 22, 2021  
Page... 2

**Case Documents (website link):**

- #RZ 21-01 Rezoning Application (12-14-2020)
- #LUP 21-01 Land Use Plan Amendment Application (12-14-2020)
- Property Boundary Survey and Legal Description (12-09-2020)
- Rezoning Site Plan (11-23-2020)
- Sample Floor Plans (12-14-2020)
- Sample Exterior Elevations (12-14-2020)
- 2-23-2021 Planning Department Case Summary & Analysis (1-20-2021)
- 2-23-2021 Planning Commission Case Report (2-24-2021)
- *Unofficial* 2-23-2021 Planning Commission Meeting Minutes (2-24-2021)
- 3-8-2021 & 3-22-2021 Planning Department Case Summary & Analysis with Planning Commission Report (2-24-2021)
- Conditions *Only* Recommendations (2-24-2021)
- #LUP 21-01 *Approval* Draft Ordinance (2-24-2021)
- #RZ 21-01 *Approval* Draft Ordinance (2-24-2021)
- #LUP 21-01 *Denial* Draft Ordinance (2-24-2021)
- #RZ 21-01 *Denial* Draft Ordinance (2-24-2021)

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2021-07**

AN ORDINANCE TO AMEND THE 2040 COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR THE CITY OF SNELLVILLE, GEORGIA, FOR A 2.765± ACRE TRACT OF LAND LOCATED IN LAND LOT 28 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 2706 LENORA CHURCH ROAD, SNELLVILLE, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #LUP 21-01

**SIZE:** 2.765± Acres

**LOCATION:** 2706 Lenora Church Road, Snellville,  
Georgia

**TAX PARCEL:** R5028 001

**CURRENT FUTURE LAND USE  
MAP DESIGNATION:** Low-Density Residential

**REQUESTED FUTURE LAND USE  
MAP AMENDMENT:** Medium-Density Residential

**DEVELOPMENT/PROJECT:** 13-Lot Single-family Detached Residential  
Subdivision

**PROPERTY OWNER:** Britt and Camp, LLC, Snellville, Georgia

**APPLICANT/CONTACT:** AXIS Infrastructure, LLC  
c/o Lorraine Canada  
678-395-4920  
or [lorrainecanada@axiscompanies.com](mailto:lorrainecanada@axiscompanies.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 the designated land use as it applies to the 2.765± acre tract of land located at 2706 Lenora Church Road, Snellville, Georgia (Tax Parcel R5028 001) for a 13-lot single-family detached residential subdivision; 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 2.765± acre tract of land as shown on the site plan entitled “Proposed Subdivision 2706 Lenora Church Road, Snellville, GA 30078”, sealed and dated 1-5-2021 (stamped received 1-6-2021) in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby changed from Low-Density Residential to Medium-Density Residential.

This change in future land use 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 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 Unified Development 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 \_\_\_\_\_, 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 March, 2021.

\_\_\_\_\_  
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”

DRAFT







**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2021-07**

AN ORDINANCE TO DENY THE REQUEST TO AMEND THE 2040 COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR THE CITY OF SNELLVILLE, GEORGIA, FOR A 2.765± ACRE TRACT OF LAND LOCATED IN LAND LOT 28 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 2706 LENORA CHURCH ROAD, SNELLVILLE, GEORGIA; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #LUP 21-01

**SIZE:** 2.765± Acres

**LOCATION:** 2706 Lenora Church Road, Snellville,  
Georgia

**TAX PARCEL:** R5028 001

**CURRENT FUTURE LAND USE  
MAP DESIGNATION:** Low-Density Residential

**REQUESTED FUTURE LAND USE  
MAP AMENDMENT:** Medium-Density Residential

**DEVELOPMENT/PROJECT:** 13-Lot Single-family Detached Residential  
Subdivision

**PROPERTY OWNER:** Britt and Camp, LLC, Snellville, Georgia

**APPLICANT/CONTACT:** AXIS Infrastructure, LLC  
c/o Lorraine Canada  
678-395-4920  
or [lorrainecanada@axiscompanies.com](mailto:lorrainecanada@axiscompanies.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 deny LUP 21-01, which requested to amend the designated land use as it applies to the 2.765± acre tract of land located at 2706 Lenora Church Road, Snellville, Georgia (Tax Parcel R5028 001) for a 13-lot single-family detached residential subdivision; 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 upon review of the application submitted by Applicant, the request for a change in the future land use designation of the 2.765± acre tract of land as shown on the site plan entitled “Proposed Subdivision 2706 Lenora Church Road, Snellville, GA 30078”, sealed and dated 1-5-2021 (stamped received 1-6-2021) in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby denied.

**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 Unified Development 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 \_\_\_\_\_, 2021. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

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

\_\_\_\_\_  
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”

DRAFT

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2021-08**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 2.765± ACRE TRACT OF LAND LOCATED IN LAND LOT 28 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 2706 LENORA CHURCH ROAD, SNELLVILLE, GEORGIA; TO ADD CONDITIONS AFFECTING THE PROPERTY; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #RZ 21-01

**SIZE:** 2.765± Acres

**LOCATION:** 2706 Lenora Church Road, Snellville,  
Georgia

**TAX PARCEL:** R5028 001

**CURRENT ZONING MAP:** RS-30 (Single-family Residential) District

**REQUESTED ZONING MAP  
AMENDMENT:** RS-5 (Single-family Residential) District

**DEVELOPMENT/PROJECT:** 13-Lot Single-family Detached Residential  
Subdivision

**PROPERTY OWNER:** Britt and Camp, LLC, Snellville, Georgia

**APPLICANT/CONTACT:** AXIS Infrastructure, LLC  
c/o Lorraine Canada  
678-395-4920  
or [lorrainecanada@axiscompanies.com](mailto:lorrainecanada@axiscompanies.com)

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

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to amend its official zoning map as it applies to the 2.765± acre tract of land located at 2706 Lenora Church Road, Snellville, Georgia (Tax Parcel R5028 001) for a 13-lot single-family detached residential subdivision; 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 Official Zoning Map for the City of Snellville, Georgia for the 2.765± acre tract of land as shown on the rezoning site plan entitled “Proposed Subdivision 2706 Lenora Church Road, Snellville, GA 30078”, sealed and dated 1-5-2021 (stamped received 1-6-2021) in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby changed from RS-30 (Single-family Residential) District to RS-5 (Single-family Residential) District. This action is subject to the attachment of the following conditions (1-7):

**CONDITIONS:**

1. The property shall be developed in accordance with the rezoning site plan entitled “Proposed Subdivision 2706 Lenora Church Road, Snellville, GA 30078”, sealed and dated 1-5-2021 (stamped received 1-6-2021), with modifications permitted to meet conditions of zoning or State, County, and City regulations. Substantial variation from the rezoning site plan, as determined by the Director of Planning and Development will require Mayor and Council approval.



2. All lots shall connect to sanitary sewer.
3. A Property Owner's Association shall be established for the continuous maintenance of open space, stormwater detention facility, and entrance signage.
4. Twenty (20) percent of the total site area must be conserved as open space and subject to the Open Space regulations of Sec. 401-2 of Chapter 4 of the Snellville Unified Development Ordinance.
5. Subdivision entrance signage (if any) shall be located on Open Space.
6. Signs higher than 15 feet or larger than 225 square feet are prohibited.
7. Two-car garages are required for dwellings having more than two (2) bedrooms.

**Section 2.** The changes in zoning classification are 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 Unified Development 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 \_\_\_\_\_, 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 March, 2021.

\_\_\_\_\_  
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.

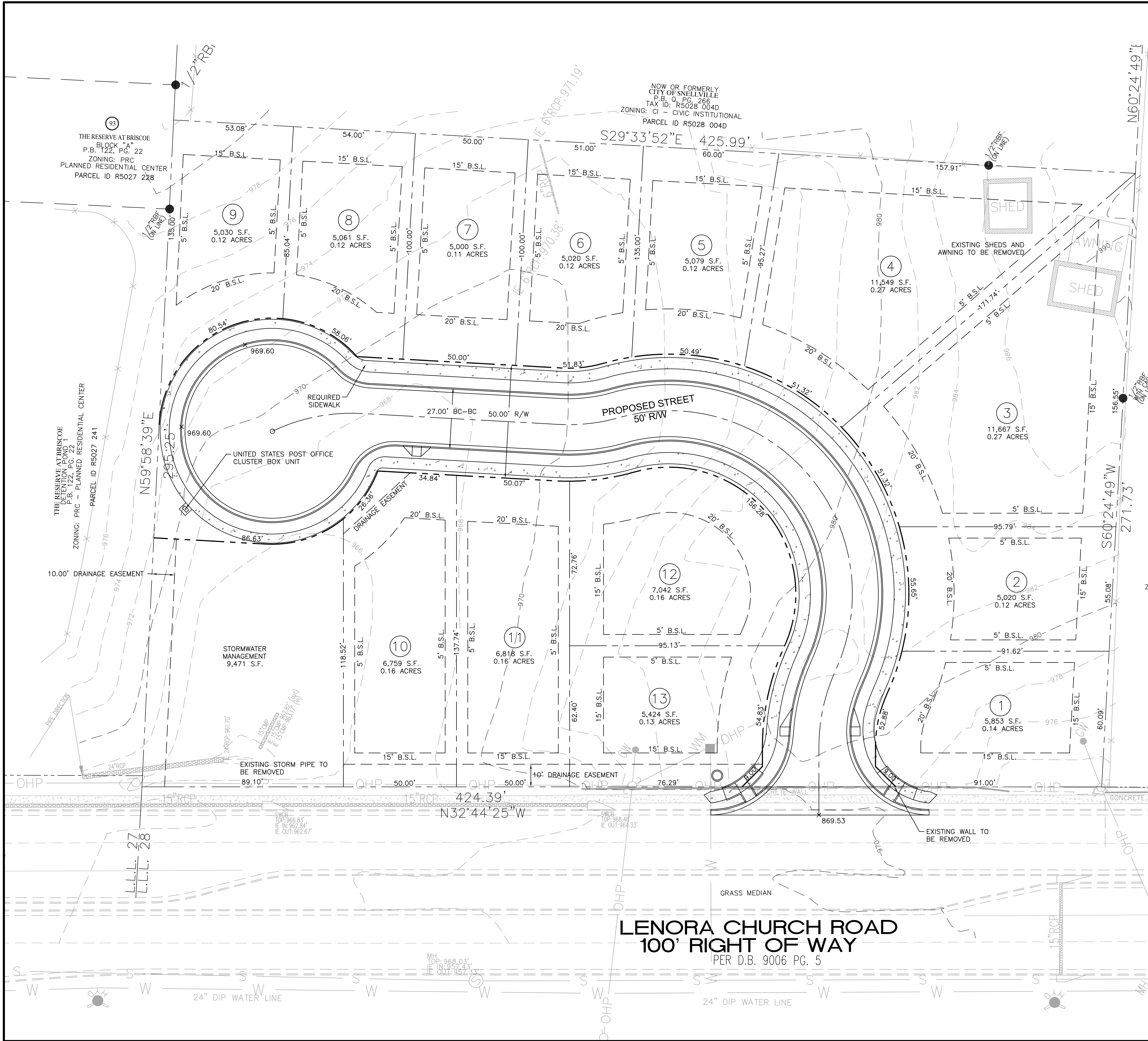
\_\_\_\_\_  
Gretchen Schulz, Council Member

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

EXHIBIT “A”

DRAFT





**SITE INFORMATION**

AREA: 2.765 ACRES

LOCATION: LAND LOT 28, DISTRICT 5

PARCEL ID: R5028 001

EXISTING ZONING: RS-30 - SINGLE FAMILY RESIDENTIAL

PROPOSED ZONING: RS-5 - SINGLE FAMILY RESIDENTIAL

TOTAL LOTS/DWELLINGS - 13

AREA SUMMARY: RIGHT-OF-WAY: 0.66 ACRES (28,759 S.F.)  
LOTS: 1.89 ACRES (82,235 S.F.)  
STORMWATER: 0.22 ACRES (9,471 S.F.)

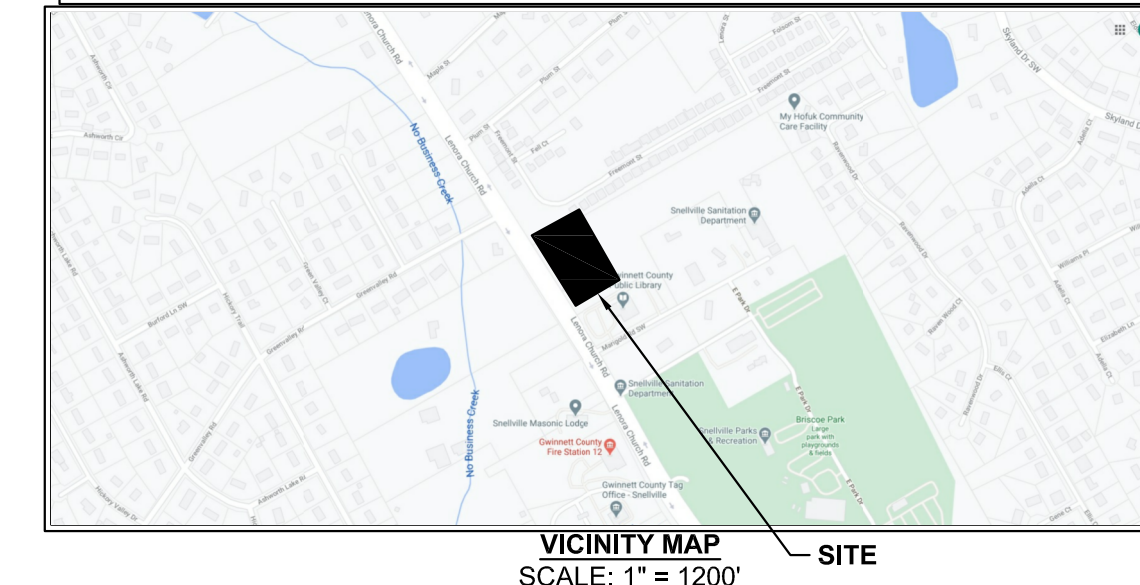
THIS SITE IS NOT LOCATED IN A FLOOD PLAIN PER FEMA MAP 13135C0138F, EFFECTIVE DATE SEPTEMBER 29, 2006.  
NO PONDS/LAKES, STREAMS, OR WETLANDS LOCATED ON SITE.

SITE DENSITY: 4.70 LOTS PER ACRE

UNIT SIZE: ONE STORY 1 - 1,286 S.F., TWO BEDROOM  
ONE STORY 2 - 1,547 S.F., TWO BEDROOM  
TWO STORY 1 - 1,710 S.F., TWO BEDROOM  
TWO STORY 2 - 1,971 S.F., TWO BEDROOM

SCALE: 1" = 1200'

SCALE IN FEET



NOW OR FORMERLY  
GWINNETT COUNTY PUBLIC LIBRARY  
D.B. 3945, PG. 214  
D.B. 4200, PG. 251  
TAX ID: R5028 002A  
ZONING: CI - CIVIC INSTITUTIONAL  
PARCEL ID R5028 002A

MH TOP: 976.36'  
IE IN: 967.60'  
IE OUT: 967.54'

NO.	DATE	DESCRIPTION	REVISIONS
1			
2			
3			
4			

**AI S**  
INFRASTRUCTURE  
1111 CAMBRIDGE SQUARE, SUITE C  
ALPHARETTA, GEORGIA 30009  
PHONE: (770) 395-4920

**REZONING PLAN**

PROJECT NAME: PROPOSED SUBDIVISION  
2706 LENORA CHURCH ROAD, SNELLVILLE, GA 30078

CLIENT: BRITT AND CAMP, LLC  
PO BOX 550, SNELLVILLE, GA 30078

PROJECT NO.: BCL02000229  
DATE: 11/23/20  
SCALE: AS NOTED  
DRAWING SERIES: REZONING  
SHEET NO. C-1.0

PROJ. MGR.: TMC  
DRWN. BY: MA  
CHKD. BY: JDC



**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2021-08**

AN ORDINANCE TO DENY THE REQUEST TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 2.765± ACRE TRACT OF LAND LOCATED IN LAND LOT 28 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 2706 LENORA CHURCH ROAD, SNELLVILLE, GEORGIA; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #RZ 21-01

**SIZE:** 2.765± Acres

**LOCATION:** 2706 Lenora Church Road, Snellville,  
Georgia

**TAX PARCEL:** R5028 001

**CURRENT ZONING MAP:** RS-30 (Single-family Residential) District

**REQUESTED ZONING MAP  
AMENDMENT:** RS-5 (Single-family Residential) District

**DEVELOPMENT/PROJECT:** 13-Lot Single-family Detached Residential  
Subdivision

**PROPERTY OWNER:** Britt and Camp, LLC, Snellville, Georgia

**APPLICANT/CONTACT:** AXIS Infrastructure, LLC  
c/o Lorraine Canada  
678-395-4920  
or [lorraine canada@axiscompanies.com](mailto:lorraine canada@axiscompanies.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 deny RZ 21-01, which requested to amend the official zoning map as it applies to the 2.765± acre tract of land located at 2706 Lenora Church Road, Snellville, Georgia (Tax Parcel R5028 001) for a 13-lot single-family detached residential subdivision; 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 upon a review of the application submitted by the Applicant, the request for a change to the Official Zoning Map for the City of Snellville, Georgia for the 2.765± acre tract of land as shown on the rezoning site plan entitled “Proposed Subdivision 2706 Lenora Church Road, Snellville, GA 30078”, sealed and dated 1-5-2021 (stamped received 1-6-2021) in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby denied.

**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 Unified Development 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 \_\_\_\_\_, 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 March, 2021.

\_\_\_\_\_  
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”

DRAFT

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## Agenda Item Summary

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**TO:** The Mayor and Council

**FROM:** Jason Thompson, Director  
Department of Planning and Development

**DATE:** April 12, 2021

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

**DEVELOPMENT:** 21-Lot Single-family Detached (Age-Restricted) Subdivision  
5.58± Acres at 3491 Rosebud Road, Snellville, Georgia

**STATUS:** 1<sup>st</sup> Reading

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Applications to amend the Snellville 2040 Comprehensive Plan Future Land Use Map and Official Zoning Map for a 21-Lot single-family detached age-restricted subdivision on a 5.58± acre property located at 3491 Rosebud Road, Snellville.

The subject property is to be incorporated into the adjoining 75.29 acre site, zoned RO (Residential for Older Persons) District for a combined 274-lot age-restricted single-family detached residential community.

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

**Planning Commission Meeting:** March 23, 2021

**Recommendations:**

Case No. →	LUP 21-02	RZ 21-02
Planning Department	Approval	Approval
Planning Commission	Approval	Approval

**Mayor and Council Meetings:** April 12, 2021 (1<sup>st</sup> Reading)  
April 26, 2021 (2<sup>nd</sup> Reading and Public Hearing)

**Action requested:** Consideration and Waive the 1<sup>st</sup> Reading

5.58± Acre Site at 3491 Rosebud Road, Snellville, Georgia  
Case #RZ 21-02 LUP 21-02  
April 12, 2021  
Page... 2

**Case Documents (website link):**

- [#RZ 21-02 Application \(2-5-2021\)](#)
- [#LUP 21-02 Application \(2-5-2021\)](#)
- [Auburn Model Plans \(2-5-2021\)](#)
- [Denton Model Plans \(2-5-2021\)](#)
- [Edison Model Plans \(2-5-2021\)](#)
- [Jefferson Model Plans \(2-5-2021\)](#)
- [Montrose Model Plans \(2-5-2021\)](#)
- [Pearson Model Plans \(2-5-2021\)](#)
- [Tifton Model Plans \(2-5-2021\)](#)
- [Weston Model Plans \(2-5-2021\)](#)
- [Rezoning Site Plan \(1-22-2021\)](#)
- [3-23-2021 Planning Department Case Summary & Analysis \(3-2-2021\)](#)
- [Unofficial 3-23-2021 Planning Commission Regular Meeting Minutes \(3-29-2021\)](#)
- [3-23-2021 Planning Commission Case report \(3-29-2021\)](#)
- [04-12-2021 and 04-26-2021 Planning Department Case Summary & Analysis with Planning Commission Report \(3-29-2021\)](#)
- [Conditions \*Only\* Recommendations \(3-29-2021\)](#)
- [Variances \*Only\* Recommendations \(3-29-2021\)](#)
- [#LUP 21-02 \*Approval\* Draft Ordinance \(4-6-2021\)](#)
- [#RZ 21-02 \*Approval\* Draft Ordinance \(4-6-2021\)](#)
- [#LUP 21-02 \*Denial\* Draft Ordinance \(4-6-2021\)](#)
- [#RZ 21-02 \*Denial\* Draft Ordinance \(4-6-2021\)](#)

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2021-10**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 5.58± ACRE TRACT OF LAND LOCATED IN LAND LOT 94 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 3491 ROSEBUD ROAD, SNELLVILLE, GEORGIA; TO ADD CONDITIONS AFFECTING THE PROPERTY; TO APPROVE VARIANCES; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

**SIZE:** 5.58± Acres

**LOCATION:** 3491 Rosebud Road, Snellville, Georgia

**TAX PARCEL:** R5094 327

**CURRENT ZONING MAP:** RS-30 (Single-Family Residential) District

**REQUESTED ZONING MAP AMENDMENT:** RO (Residential for Older Persons) District

**DEVELOPMENT/PROJECT:** 21-Lot Single-family Detached (Age-Restricted 55+) Residential Subdivision

**PROPERTY OWNER:** Summit Chase Country Club, Inc.  
Snellville, Georgia

**APPLICANT/CONTACT:** John Gaskin  
Patrick Malloy Companies, LLC  
Atlanta, Georgia  
770-319-5258 or  
[john.gaskin@pmcommunities.com](mailto:john.gaskin@pmcommunities.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 5.58± acre tract of land located at 3491 Rosebud Road, Snellville, Georgia (Tax Parcel R5094 327) for a 21-lot single-family detached (age-restricted) residential subdivision development and incorporate it into the adjoining 75.29± acre 253-lot tract that was rezoned in June 2019 (case #RZ 19-02 LUP 19-01) for an age-restricted (55+) single-family detached residential community; 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 Official Zoning Map for the City of Snellville, Georgia for the 5.58± acre tract of land as shown on the conceptual rezoning site plan entitled “Rezoning Exhibit Summit Chase Snellville Georgia”, dated 1-22-2021 (stamped received 2-5-2021), in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby changed from RS-30 (Single-family Residential) District to RO (Residential for Older Persons) District. This action is subject to the attachment of the following conditions (1-17):

**CONDITIONS:**

1. The property shall be developed in accordance with the conceptual rezoning site plan entitled “Rezoning Exhibit Summit Chase Snellville Georgia”, dated 1-22-2021 (stamped received 2-5-2021), 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.

2. Single-family detached dwellings shall not exceed a density of 3.41 units per acre.

The project is to be deed restricted to residents aged 55 and older.

3. Stormwater detention facility(s) shall be fenced with either a black vinyl-coated chain link fence a minimum of four feet in height, or 6-8-foot-tall privacy fence.
4. Signs higher than 15 feet and larger than 225 sq. ft. in area are prohibited.
5. All corner lots and lots abutting an external public street shall be designated as “High Visibility Lots” and require a continuation of the front façade treatments to the corner side to continue the architectural theme that is presented on the front elevation to the corner elevation exposed to public view.
6. There shall be master protective covenants for the entire development that will include all phases of the development (recreation/amenity and residential) and such other usual and necessary covenants and restrictions to protect the quality and integrity of the single-family development.
7. A mandatory homeowner’s association shall be formed and incorporated for all single-family lots in the development and common areas which will include all component parts of the proposed development. The Homeowners’ Association shall be responsible for the oversight, upkeep, maintenance and repair of all common areas/facilities; private streets; curb and gutter; stormwater detention facilities, including detention ponds, underground pipe/structures, catch basins, headwalls and manholes; street frontage and amenity area landscaping; gated entrance areas; ground signage; walls and fencing; open space areas; amenities



including tennis court, swimming pool, clubhouse, walking trails and other amenities, and the like contained within the overall development, and maintain adequate liability insurance and working capital.

8. The Homeowners' Association shall be responsible for the exterior maintenance of individual residences to include, at a minimum, painting of the exteriors on a rotation not to exceed ten (10) years.
9. A Residential Drainage Plan (RDP) shall be submitted for review and approval by the Director of Planning and development for those lots so designated on the Final Plat prior to issuance of a building permit.
10. A no-access easement shall be provided on the side and rear of all lots abutting Rosebud Road, Temple Johnson Road, and Brushy Fork Road.
11. All driveways shall be a minimum of twenty-two feet (22') in length, measured from the front of the garage door to the leading edge of the sidewalk (edge closest to dwelling), and shall be wide enough to accommodate the parallel parking of two vehicles.
12. All streets shall be privately owned and maintained by the Homeowners' Association.
13. All approved zoning conditions and variances shall be referenced on any plat of a lot provided to homebuyers.
14. Non-substantial variances, as determined by the Director of Planning and Development and/or City Manager for the design requirements, zoning requirements, development regulations, and construction requirements must be

submitted in writing for administrative review and approval by the Director of Planning and Development.

15. The 5.58± acre parcel shall be subject to and included within the Master Protective Covenants written for the entire Summit Chase development that includes the adjoining 75 acre parcel zoned in June 2019 for case #RZ 19-02 LUP 19-01.

16. Concurrent with the rezoning the Mayor and Council shall include the adoption of the following Architectural Plans submitted by the developer: TIFTON, WESTON, EDLSON, JEFFERSON, AUBURN, DENTON, PEARSON, and MONTROSE.

17. With the exception of the “High Visibility Lots” in Condition #5 (above), the approved architectural plans shall at a minimum be subject to the following Architectural Design Standards:

- a. Forty-Five (45) percent of the units shall have a front facade composed of cedar shake accent with two-foot (2') masonry/brick water table. Side and rear elevations shall be constructed of stained/painted cedar shake and/or cement board siding.
- b. Forty-Five (45) percent of the units shall have a front facade composed of cedar shake accent with thirty (30) percent brick/masonry accent. Side and rear elevations shall be constructed of stained/painted cedar shake and/or cement board siding.

- c. Ten (10) percent of the units shall have a front facade of cedar shake with Seventy (70) percent brick/masonry. Side and Rear elevations shall be constructed of stained/painted cedar shake and or cement board siding.

**Section 2.** (a) The requested variance from UDO Sec. 202-9.7, Building Separation to reduce the 15 foot minimum separation between buildings on the same site to 10 feet is approved.

(b) The requested variances from UDO Table 201-3.2.D, Allowed Building Materials to exceed the 50% maximum allowance for use of siding material on the front, side, and rear elevation of any one dwelling is approved, subject to Condition #17 (above).

(c) The requested variance from UDO Sec. 201-3.3.E.3, Garage Doors, to allow the garage doors facing a street to not be required to be located at least 10 feet behind front wall plane of the dwelling, not including front porches is approved.

(d) The requested variance from UDO Sec. 201-3.3.E.4, Garage Doors, to allow single-family detached dwelling garage doors facing a street to comprise more than 50% of the overall width of the front wall plane of the house is approved.

**Section 3.** The changes in zoning classification are 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.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 5.** (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 6.** Penalties in effect for violations of the 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 7.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed

**Section 8.** This Ordinance was adopted on \_\_\_\_\_, 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 April, 2021.

\_\_\_\_\_  
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

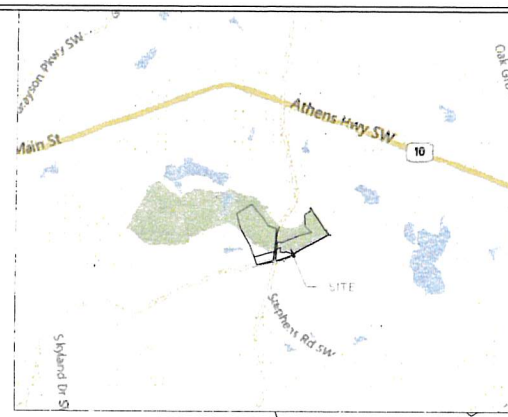
\_\_\_\_\_  
W. Charles Ross, City Attorney  
Powell & Edwards, P.C.

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

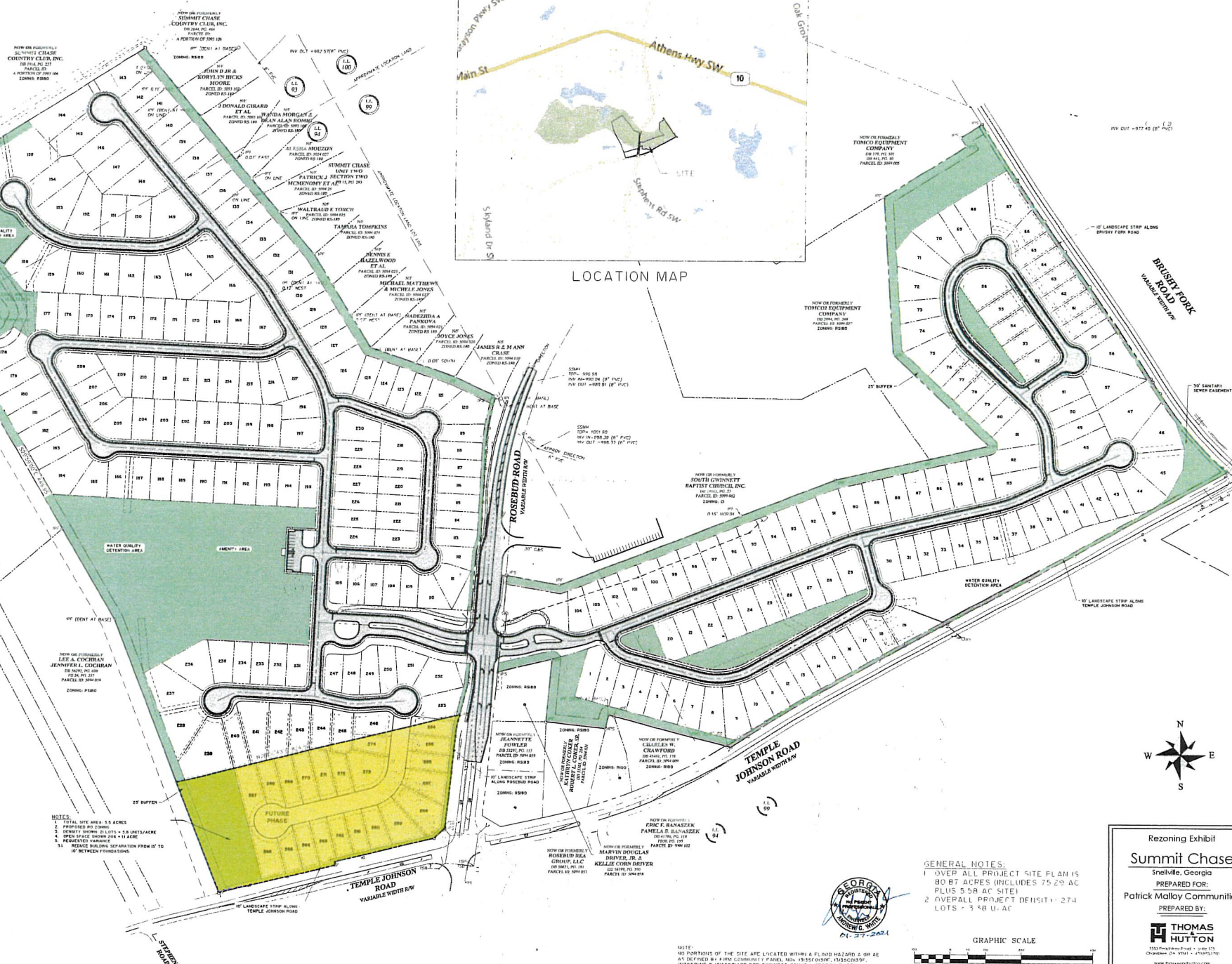
\_\_\_\_\_  
Tod Warner, Council Member

EXHIBIT “A”

DRAFT



LOCATION MAP



- NOTES:
1. TOTAL SITE AREA: 1.5 ACRES
  2. PROPOSED LOT SIZES: 1/2 - 1/4 ACRE
  3. PROPOSED LOT SIZES: 1/2 - 1/4 ACRE
  4. OPEN SPACE: 0.5 ACRES
  5. REDUCED BUILDING SEPARATION FROM LOT TO LOT

GENERAL NOTES:  
 1. OVER ALL PROJECT SITE PLAN IS 80.87 ACRES (INCLUDES 75.29 AC PLUS 5.58 AC SITE)  
 2. OVERALL PROJECT DENSITY: 274 LOTS / 3.58 U. AC



Rezoning Exhibit  
**Summit Chase**  
 Snellville, Georgia  
 PREPARED FOR:  
 Patrick Malloy Communities  
 PREPARED BY:  
**THOMAS HUTTON**  
 155 Peachtree Street, Suite 170  
 Atlanta, GA 30309  
 PHONE: 404.525.1100  
 FAX: 404.525.1101  
 WWW: THOMASHUTTON.COM

NOTE:  
 NO PORTIONS OF THE SITE ARE LOCATED WITHIN A FLOOD HAZARD AREA AS DEPICTED BY FEMA COMMUNITY PANEL NO. 13052-0001, FLOODPLAIN, (DISSEMINATED BY STATE OF GEORGIA) FOR BRUNN COUNTY, GEORGIA DATED SEPTEMBER 23, 2008



## LEGAL DESCRIPTION - TRACT 2

All that tract or parcel of land lying and being in Land Lot 94 of the 5th District, City of Snellville, Gwinnett County, Georgia, and being more particularly described as follows:

**BEGINNING** at an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033") located at the intersection of the westerly right-of-way line of Rosebud Road (having a variable width right-of-way) with the northwesterly right-of-way line of Temple Johnson Road (having a variable width right-of-way), said iron pin set being the **TRUE POINT OF BEGINNING**.

**FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED**, thence leave said intersection and run southwesterly along the northwesterly right-of-way line of Temple Johnson Road the following courses and distances: S76°06'43"W a distance of 290.00 feet to a point; S13°53'17"E a distance of 10.25 feet to a point; S76°07'26"W a distance of 139.38 feet to a point; S76°32'12"W a distance of 111.68 feet to a point; S76°24'43"W a distance of 78.94 feet to a point; S75°29'38"W a distance of 9.07 feet to a point; thence leave said right-of-way line and run N20°49'41"W a distance of 336.54 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run N76°06'43"E a distance of 824.80 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033") located on the westerly right-of-way line of Rosebud Road; thence run southwesterly along the westerly right-of-way line of Rosebud Road the following courses and distances: S14°22'53"W a distance of 38.92 feet to a point; along the arc of a curve to the right, on an arc distance of 23.68 feet to a point, said curve having a radius of 9,940.00 feet and being subtended by a chord bearing S06°06'55"W and a chord distance of 23.68 feet; S06°11'25"W a distance of 101.63 feet to a point; along the arc of a curve to the right, on an arc distance of 161.02 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"), said curve having a radius of 6,420.00 feet and being subtended by a chord bearing S06°54'32"W and a chord distance of 161.02 feet; S46°10'33"W a distance of 41.29 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033") located at the intersection of the westerly right-of-way line of Rosebud Road with the northwesterly right-of-way line of Temple Johnson Road, said iron pin set being the **TRUE POINT OF BEGINNING**.

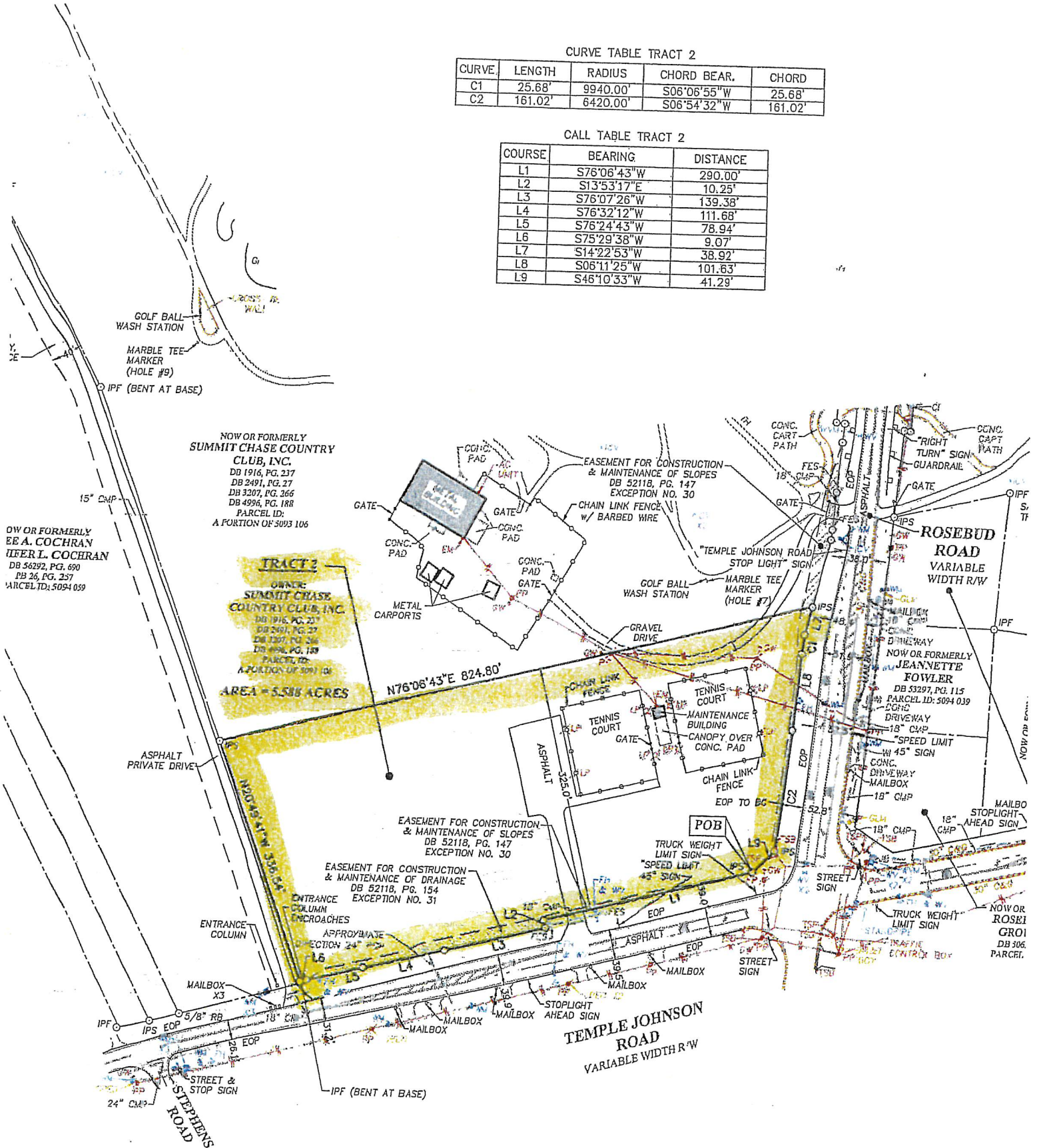
Said tract or parcel of land containing 5.588 acres.

CURVE	LENGTH	RADIUS	CHORD BEAR.	CHORD
C1	25.68'	9940.00'	S06°06'55"W	25.68'
C2	161.02'	6420.00'	S06°54'32"W	161.02'

CURVE	LENGTH	RADIUS	CHORD BEAR.	CHORD
C1	25.68'	9940.00'	S06°06'55"W	25.68'
C2	161.02'	6420.00'	S06°54'32"W	161.02'

COURSE	BEARING	DISTANCE
L1	S78°06'43"W	290.00'
L2	S13°53'17"E	10.25'
L3	S76°07'26"W	139.38'
L4	S76°32'12"W	111.68'
L5	S76°24'43"W	78.94'
L6	S75°29'38"W	9.07'
L7	S14°22'53"W	38.92'
L8	S06°11'25"W	101.63'
L9	S46°10'33"W	41.29'

COURSE	BEARING	DISTANCE
L1	S78°06'43"W	290.00'
L2	S13°53'17"E	10.25'
L3	S76°07'26"W	139.38'
L4	S76°32'12"W	111.68'
L5	S76°24'43"W	78.94'
L6	S75°29'38"W	9.07'
L7	S14°22'53"W	38.92'
L8	S06°11'25"W	101.63'
L9	S46°10'33"W	41.29'





## Tax Assessor's Office

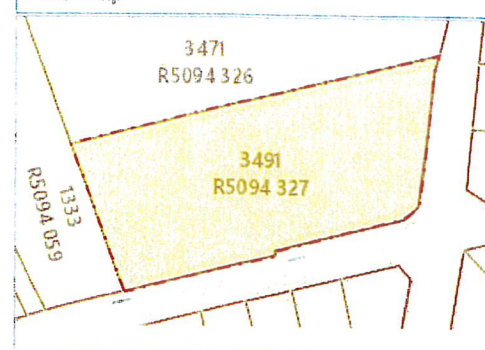
I Want To ... Tax Assessor



## Property Detail

[Go Back](#)[Neighborhood Sales](#)[Property Report](#)

GIS Map



## General Info

SUMMIT CHASE C C INC  
PO BOX 606  
SNELLVILLE GA 30078-0606

Property ID	R5094 327
Alternate ID	33390319
Address	3491 ROSEBUD RD
Property Class	Commercial Auxiliary Imp
Neighborhood	9310
Deed Acres	5.5800

## Value History

Year	2020
Reason	New Parcel
Land Val	\$634,800
Imp Val	\$30,900
Total Appr	\$665,700
Land Assd	\$253,920
Land Use	\$0
Imp Assd	\$12,360
Total Assd	\$266,280

## Transfer History

Sales history does not exist for this account.

[C01](#)[Attributes](#)[Floor Areas](#)

Story	Use	Attribute	Code	Detail
		Class	83	Clay

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2021-10**

AN ORDINANCE TO DENY THE REQUEST TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 5.58± ACRE TRACT OF LAND LOCATED IN LAND LOT 94 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 3491 ROSEBUD ROAD, SNELLVILLE, GEORGIA; TO DENY VARIANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

**SIZE:** 5.58± Acres

**LOCATION:** 3491 Rosebud Road, Snellville, Georgia

**TAX PARCEL:** R5094 327

**CURRENT ZONING MAP:** RS-30 (Single-Family Residential) District

**REQUESTED ZONING MAP AMENDMENT:** RO (Residential for Older Persons) District

**DEVELOPMENT/PROJECT:** 21-Lot Single-family Detached (Age-Restricted 55+) Residential Subdivision

**PROPERTY OWNER:** Summit Chase Country Club, Inc.  
Snellville, Georgia

**APPLICANT/CONTACT:** John Gaskin  
Patrick Malloy Companies, LLC  
Atlanta, Georgia  
770-319-5258 or  
[john.gaskin@pmcommunities.com](mailto:john.gaskin@pmcommunities.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 deny RZ 21-02, which requested to amend the official zoning map as it applies to the 5.58± acre tract of land located at 3491 Rosebud Road, Snellville, Georgia (Tax Parcel R5094 327) for a 21-lot single-family detached (age-restricted) residential subdivision; and,

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to deny variances requested by the Applicant as it applies to the 5.58± acre tract of land located at 3491 Rosebud Road, Snellville, Georgia (Tax Parcel R5094 327) for a 21-lot single-family detached (age-restricted) residential subdivision; 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 upon a review of the application submitted by the Applicant, the request for a change to the Official Zoning Map for the City of Snellville, Georgia from RS-30 (Single-family Residential) District to RO (Residential for Older Persons) District for the 5.58± acre tract of land as shown on the conceptual rezoning site plan entitled “Rezoning Exhibit Summit Chase Snellville Georgia”, dated 1-22-2021 (stamped received 2-5-2021), in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby denied.

**Section 2.** (a) The requested variance from UDO Sec. 202-9.7, Building Separation to reduce the 15 foot minimum separation between buildings on the same site to 10 feet is denied.

(b) The requested variances from UDO Table 201-3.2.D, Allowed Building Materials to exceed the 50% maximum allowance for use of siding material on the front, side, and rear elevation of any one dwelling is denied.

(c) The requested variance from UDO Sec. 201-3.3.E.3, Garage Doors, to allow the garage doors facing a street to not be required to be located at least 10 feet behind front wall plane of the dwelling, not including front porches is denied.

(d) The requested variance from UDO Sec. 201-3.3.E.4, Garage Doors, to allow single-family detached dwelling garage doors facing a street to comprise more than 50% of the overall width of the front wall plane of the house is denied.

**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 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 was adopted on \_\_\_\_\_, 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 April, 2021.

\_\_\_\_\_  
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”

DRAFT

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2021-11**

AN ORDINANCE TO AMEND THE 2040 COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR THE CITY OF SNELLVILLE, GEORGIA, FOR A 5.58± ACRE TRACT OF LAND LOCATED IN LAND LOT 94 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 3491 ROSEBUD ROAD, SNELLVILLE, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

**SIZE:** 5.58± Acres

**LOCATION:** 3491 Rosebud Road, Snellville, Georgia

**TAX PARCEL:** R5094 327

**CURRENT FUTURE LAND USE  
MAP DESIGNATION:** Park-Recreation

**REQUESTED FUTURE LAND USE  
MAP AMENDMENT:** Low-Density Residential

**DEVELOPMENT/PROJECT:** 21-Lot Single-family Detached Residential  
Subdivision

**PROPERTY OWNER:** Summit Chase Country Club, Inc.  
Snellville, Georgia

**APPLICANT/CONTACT:** John Gaskin, VP Land Acquisition  
Patrick Malloy Companies, LLC  
770-319-5258 or [john.gaskin@pmccommunities.com](mailto:john.gaskin@pmccommunities.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 the designated land use as it applies to the 5.58± acre tract of land located at 3491 Rosebud Road, Snellville, Georgia (Tax Parcel R5094 327) for a 21-lot single-family detached (age-restricted) residential subdivision development and incorporate it into the adjoining 75.29± acre 253-lot tract that was rezoned in June 2019 (case #RZ 19-02 LUP 19-01) for an age-restricted (55+) single-family detached residential community; 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 5.58± acre tract of land as shown on the conceptual rezoning site plan entitled “Rezoning Exhibit Summit Chase Snellville Georgia”, dated 1-22-2021 (stamped received 2-5-2021), in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby changed from Park-Recreation to Low-Density Residential.

This change in future land use 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 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 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 5.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 6.** This Ordinance was adopted on \_\_\_\_\_, 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 April, 2021.

\_\_\_\_\_  
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

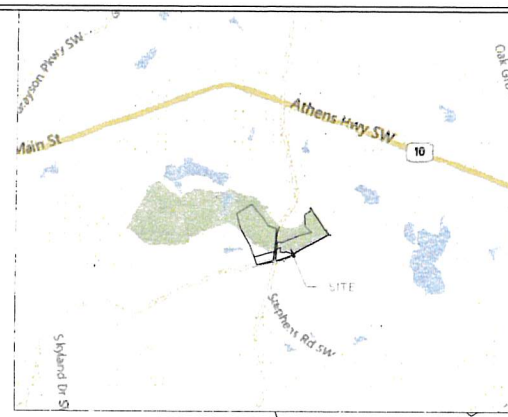
\_\_\_\_\_  
W. Charles Ross, City Attorney  
Powell & Edwards, P.C.

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

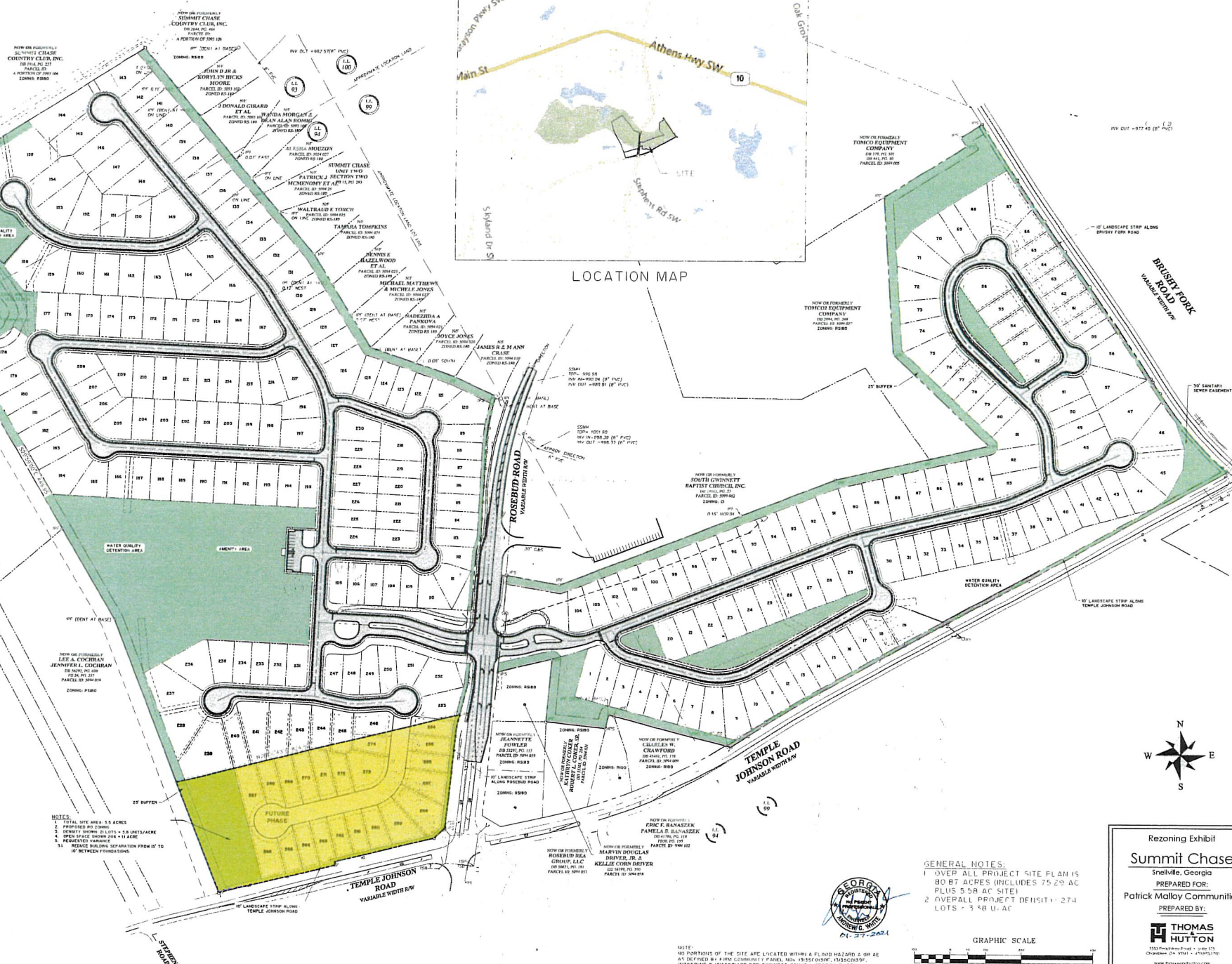
\_\_\_\_\_  
Tod Warner, Council Member

EXHIBIT “A”

DRAFT

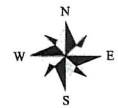


LOCATION MAP



- NOTES:
1. TOTAL SITE AREA: 1.5 ACRES
  2. PROPOSED LOT COUNT: 300
  3. PROPOSED LOT SIZE: 500 SQ. FT. (MIN.)
  4. OPEN SPACE: 0.1 ACRES (MIN.)
  5. REDUCED BUILDING SEPARATION FROM LOT TO LOT

- GENERAL NOTES:
1. OVER ALL PROJECT SITE PLAN IS 80 BT ACRES (INCLUDES 75.29 AC PLUS 5.58 AC SITE)
  2. OVERALL PROJECT DENSITY: 274 LOTS / 3.58 U. AC



Rezoning Exhibit  
**Summit Chase**  
 Snellville, Georgia  
 PREPARED FOR:  
 Patrick Malloy Communities  
 PREPARED BY:  
**THOMAS HUTTON**  
 155 Peachtree Street, Suite 175  
 Cherokee, GA 30615 • 404.521.1111  
 www.thomashutton.com

NOTE:  
 NO PORTIONS OF THE SITE ARE LOCATED WITHIN A FLOOD HAZARD AREA AS DEPICTED BY FEMA COMMUNITY PANEL NO. 13052-0001, FLOODPLAIN, (DISSEMINATED BY STATE OF GEORGIA FOR 6000111 COUNTY, GEORGIA DATED SEPTEMBER 23, 2006)



## LEGAL DESCRIPTION - TRACT 2

All that tract or parcel of land lying and being in Land Lot 94 of the 5th District, City of Snellville, Gwinnett County, Georgia, and being more particularly described as follows:

**BEGINNING** at an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033") located at the intersection of the westerly right-of-way line of Rosebud Road (having a variable width right-of-way) with the northwesterly right-of-way line of Temple Johnson Road (having a variable width right-of-way), said iron pin set being the **TRUE POINT OF BEGINNING**.

**FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED**, thence leave said intersection and run southwesterly along the northwesterly right-of-way line of Temple Johnson Road the following courses and distances: S76°06'43"W a distance of 290.00 feet to a point; S13°53'17"E a distance of 10.25 feet to a point; S76°07'26"W a distance of 139.38 feet to a point; S76°32'12"W a distance of 111.68 feet to a point; S76°24'43"W a distance of 78.94 feet to a point; S75°29'38"W a distance of 9.07 feet to a point; thence leave said right-of-way line and run N20°49'41"W a distance of 336.54 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run N76°06'43"E a distance of 824.80 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033") located on the westerly right-of-way line of Rosebud Road; thence run southwesterly along the westerly right-of-way line of Rosebud Road the following courses and distances: S14°22'53"W a distance of 38.92 feet to a point; along the arc of a curve to the right, on an arc distance of 23.68 feet to a point, said curve having a radius of 9,940.00 feet and being subtended by a chord bearing S06°06'55"W and a chord distance of 23.68 feet; S06°11'25"W a distance of 101.63 feet to a point; along the arc of a curve to the right, on an arc distance of 161.02 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); said curve having a radius of 6,420.00 feet and being subtended by a chord bearing S06°54'32"W and a chord distance of 161.02 feet; S46°10'33"W a distance of 41.29 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033") located at the intersection of the westerly right-of-way line of Rosebud Road with the northwesterly right-of-way line of Temple Johnson Road, said iron pin set being the **TRUE POINT OF BEGINNING**.

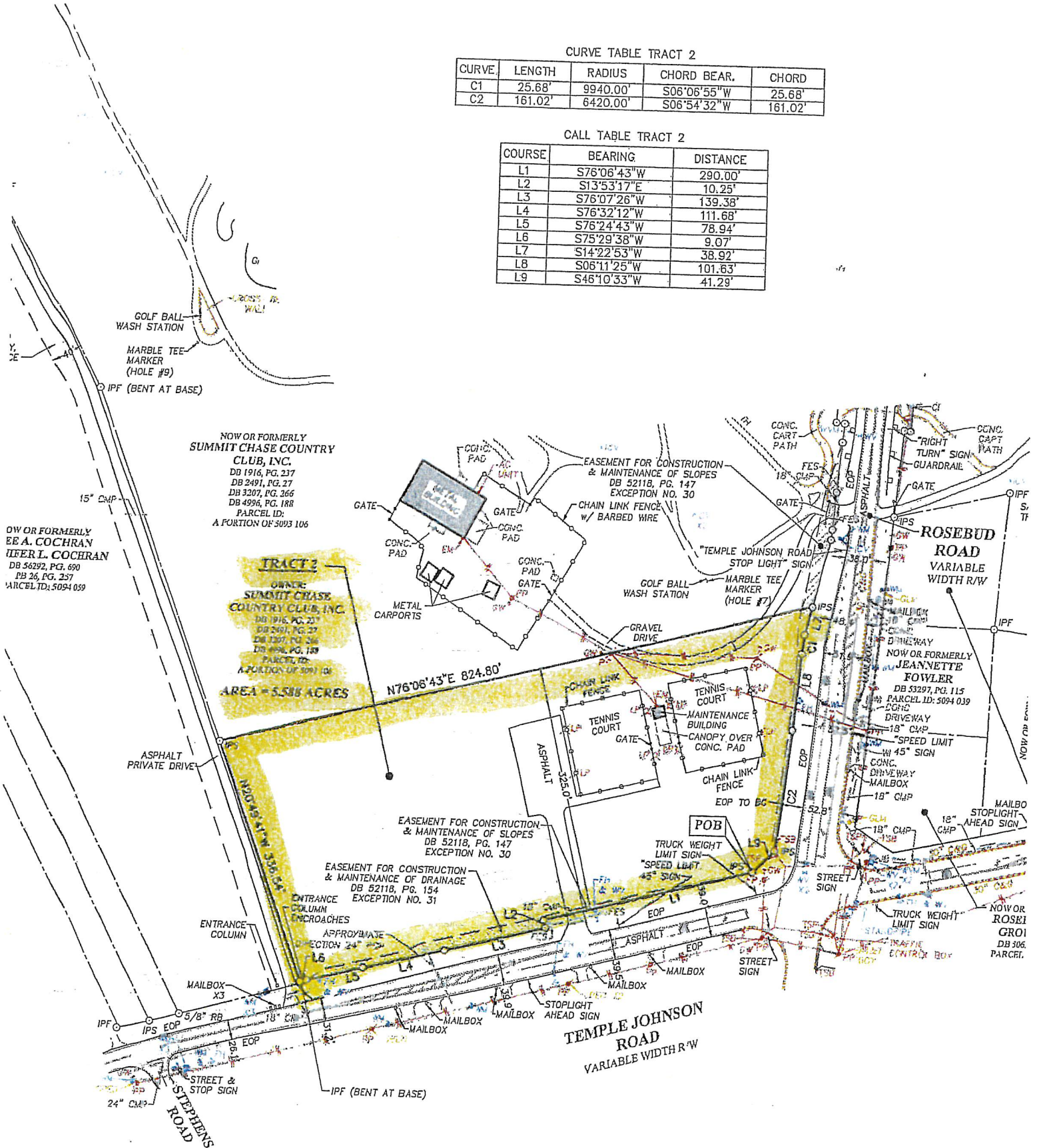
Said tract or parcel of land containing 5.588 acres.

CURVE	LENGTH	RADIUS	CHORD BEAR.	CHORD
C1	25.68'	9940.00'	S06°06'55"W	25.68'
C2	161.02'	6420.00'	S06°54'32"W	161.02'

CURVE	LENGTH	RADIUS	CHORD BEAR.	CHORD
C1	25.68'	9940.00'	S06°06'55"W	25.68'
C2	161.02'	6420.00'	S06°54'32"W	161.02'

COURSE	BEARING	DISTANCE
L1	S76°06'43"W	290.00'
L2	S13°53'17"E	10.25'
L3	S76°07'26"W	139.38'
L4	S76°32'12"W	111.68'
L5	S76°24'43"W	78.94'
L6	S75°29'38"W	9.07'
L7	S14°22'53"W	38.92'
L8	S06°11'25"W	101.63'
L9	S46°10'33"W	41.29'

COURSE	BEARING	DISTANCE
L1	S76°06'43"W	290.00'
L2	S13°53'17"E	10.25'
L3	S76°07'26"W	139.38'
L4	S76°32'12"W	111.68'
L5	S76°24'43"W	78.94'
L6	S75°29'38"W	9.07'
L7	S14°22'53"W	38.92'
L8	S06°11'25"W	101.63'
L9	S46°10'33"W	41.29'





## Tax Assessor's Office

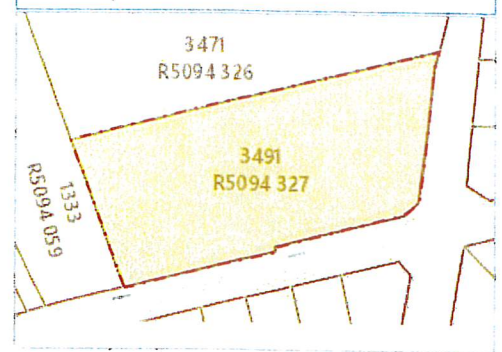
I Want To ... Tax Assessor



## Property Detail

[Go Back](#)[Neighborhood Sales](#)[Property Report](#)

GIS Map



## General Info

SUMMIT CHASE C C INC  
PO BOX 606  
SNELLVILLE GA 30078-0606

Property ID	R5094 327
Alternate ID	33390319
Address	3491 ROSEBUD RD
Property Class	Commercial Auxiliary Imp
Neighborhood	9310
Deed Acres	5.5800

## Value History

Year	2020
Reason	New Parcel
Land Val	\$634,800
Imp Val	\$30,900
Total Appr	\$665,700
Land Assd	\$253,920
Land Use	\$0
Imp Assd	\$12,360
Total Assd	\$266,280

## Transfer History

Sales history does not exist for this account.

[C01](#)[Attributes](#)[Floor Areas](#)

Story	Use	Attribute	Code	Detail
		Class	83	Clay

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2021-11**

AN ORDINANCE TO DENY THE REQUEST TO AMEND THE 2040 COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR THE CITY OF SNELLVILLE, GEORGIA, FOR A 5.58± ACRE TRACT OF LAND LOCATED IN LAND LOT 94 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 3491 ROSEBUD ROAD, SNELLVILLE, GEORGIA; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

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

**SIZE:** 5.58± Acres

**LOCATION:** 3491 Rosebud Road, Snellville, Georgia

**TAX PARCEL:** R5094 327

**CURRENT FUTURE LAND USE  
MAP DESIGNATION:** Park-Recreation

**REQUESTED FUTURE LAND USE  
MAP AMENDMENT:** Low-Density Residential

**DEVELOPMENT/PROJECT:** 21-Lot Single-family Detached Residential  
Subdivision

**PROPERTY OWNER:** Summit Chase Country Club, Inc.  
Snellville, Georgia

**APPLICANT/CONTACT:** John Gaskin, VP Land Acquisition  
Patrick Malloy Companies, LLC  
770-319-5258 or [john.gaskin@pmccommunities.com](mailto:john.gaskin@pmccommunities.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 deny LUP 21-02, which requested to amend the designated future land use map as it applies to the 5.58± acre tract of land located at 3491 Rosebud Road, Snellville, Georgia (Tax Parcel R5094 327) for a 21-lot single-family detached (age-restricted) residential subdivision development and incorporate it into the adjoining 75.29± acre 253-lot tract that was rezoned in June 2019 (case #RZ 19-02 LUP 19-01) for an age-restricted (55+) single-family detached residential community; 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 upon review of the application submitted by Applicant, the request for a change in the future land use map designation from Park-Recreation to Low-Density Residential for the 5.58± acre tract of land as shown on the conceptual rezoning site plan entitled “Rezoning Exhibit Summit Chase Snellville Georgia”, dated 1-22-2021 (stamped received 2-5-2021), in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby denied.

**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 \_\_\_\_\_, 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 April, 2021.

\_\_\_\_\_  
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”

DRAFT



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## Agenda Item Summary

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**TO:** The Mayor and Council

**FROM:** Jason Thompson, Director  
Department of Planning and Development

**DATE:** April 12, 2021

**RE:** #RZ 21-03 LUP 21-03

**DEVELOPMENT:** 5-Lot Single-family Detached Subdivision  
1.17± Acres at 1736 Oak Road, Snellville, Georgia

**STATUS:** 1<sup>st</sup> Reading

---

Applications to amend the Snellville 2040 Comprehensive Plan Future Land Use Map and Official Zoning Map for a 5-Lot single-family detached subdivision on a 1.17± acre property located at 1736 Oak Road, Snellville, Georgia.

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

**Planning Commission Meeting:** March 23, 2021

**Recommendations:**

Case No. →	LUP 21-03	RZ 21-03
Planning Department	Approval	Approval
Planning Commission	Approval	Approval

**Mayor and Council Meetings:** April 12, 2021 (1<sup>st</sup> Reading)  
April 26, 2021 (2<sup>nd</sup> Reading and Public Hearing)

**Action requested:** Consideration and Waive the 1<sup>st</sup> Reading

1.17± Acre Site at 1736 Oak Road, Snellville, Georgia  
Case #RZ 21-03 LUP 21-03  
April 12, 2021  
Page... 2

**Case Documents (website link):**

- #RZ 21-03 Application (2-9-2021)
- #LUP 21-03 Application (2-9-2021)
- Sample Elevations and Floor Plan (2-9-2021)
- Conceptual Site Plan (2-8-2021)
- Property Boundary Survey (2-12-2021)
- Application Amendment (2-12-2021)
- 3-23-2021 Planning Department Case Summary & Analysis (3-2-2021)
- *Unofficial* 3-23-2021 Planning Commission Regular Meeting Minutes (3-29-2021)
- 3-23-2021 Planning Commission Case Report (3-29-2021)
- 04-12-2021 and 04-26-2021 Planning Department Case Summary & Analysis with Planning Commission Report (3-29-2021)
- Conditions *Only* Recommendations (3-29-2021)
- Variances *Only* Recommendations (3-29-2021)
- #LUP 21-03 *Approval* Draft Ordinance (4-6-2021)
- #RZ 21-03 *Approval* Draft Ordinance (4-6-2021)
- #LUP 21-03 *Denial* Draft Ordinance (4-6-2021)
- #RZ 21-03 *Denial* Draft Ordinance (4-6-2021)

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2021-12**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 1.17± ACRE TRACT OF LAND LOCATED IN LAND LOT 24 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 1736 OAK ROAD, SNELLVILLE, GEORGIA; TO ADD CONDITIONS AFFECTING THE PROPERTY; TO APPROVE VARIANCES; TO DENY VARIANCES; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #RZ 21-03

**SIZE:** 1.17± Acres

**LOCATION:** 1736 Oak Road, Snellville, Georgia

**TAX PARCEL:** R5024 175

**CURRENT ZONING MAP:** OP (Office-Professional) District

**REQUESTED ZONING MAP AMENDMENT:** RS-5 (Single-family Residential) District

**DEVELOPMENT/PROJECT:** 5-Lot Single-family Detached Residential Subdivision

**PROPERTY OWNER:** Oak Road, LLC  
Lawrenceville, Georgia

**APPLICANT/CONTACT:** Roger Fisher  
Fisher Allen Group, LLC  
404-391-6538 or [Roger@fisherallengroup.com](mailto:Roger@fisherallengroup.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 1.17± acre tract of land located at 1736 Oak Road, Snellville, Georgia (Tax Parcel R5024 175) for a 5-lot single-family detached residential subdivision; 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 Official Zoning Map for the City of Snellville, Georgia for the 1.17± acre tract of land as shown on the conceptual rezoning site plan entitled “1736 Oak Road SW”, sealed and dated 2-8-2021 (stamped received 2-12-2021) in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby changed from OP (Office-Professional) District to RS-5 (Single-family Residential) District. This action is subject to the attachment of the following conditions (1-7):

**CONDITIONS:**

1. The property shall be developed in accordance with the conceptual rezoning site plan entitled “1736 Oak Road SW”, sealed and dated 2-8-2021 (stamped received 2-12-2021), 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.
2. All lots shall connect to sanitary sewer.

3. In consideration of approval of the variance from Sec. 201-4.3.G.7, the applicant shall be required to use two 8' wide insulated carriage style garage doors for each dwelling as per Exhibit "B".
4. A Property Owner's Association shall be established for the continuous maintenance of open space, stormwater detention facility, and entrance signage.
5. Twenty (20) percent of the total site area must be conserved as open space and subject to the Open Space regulations of Sec. 401-2 of Chapter 4 of the Snellville Unified Development Ordinance.
6. Subdivision entrance signage (if any) shall be located on Open Space.
7. Signs higher than 15 feet or larger than 225 square feet are prohibited.

**Section 2.** (a) The requested variance from Sec. 201-4.3.G.7 to allow two eight (8) feet wide carriage style garage doors on a typical forty (40) feet wide house plan is approved, subject to Condition #3 (above).

(b) The requested variances from Sec. 201-4.3.G.6 requiring garage doors facing a street must be located at least ten (10) feet behind the front wall plane, not including front porches is denied.

**Section 3.** The changes in zoning classification are 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.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 5.** (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 6.** 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 7.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed

**Section 8.** This Ordinance was adopted on \_\_\_\_\_, 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 April, 2021.

\_\_\_\_\_  
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”

DRAFT



COMMUNITY PANEL #13135C 0128F DATED: SEPTEMBER 29, 2006

Director of Planning and Development Date \_\_\_\_\_  
City of Snellville

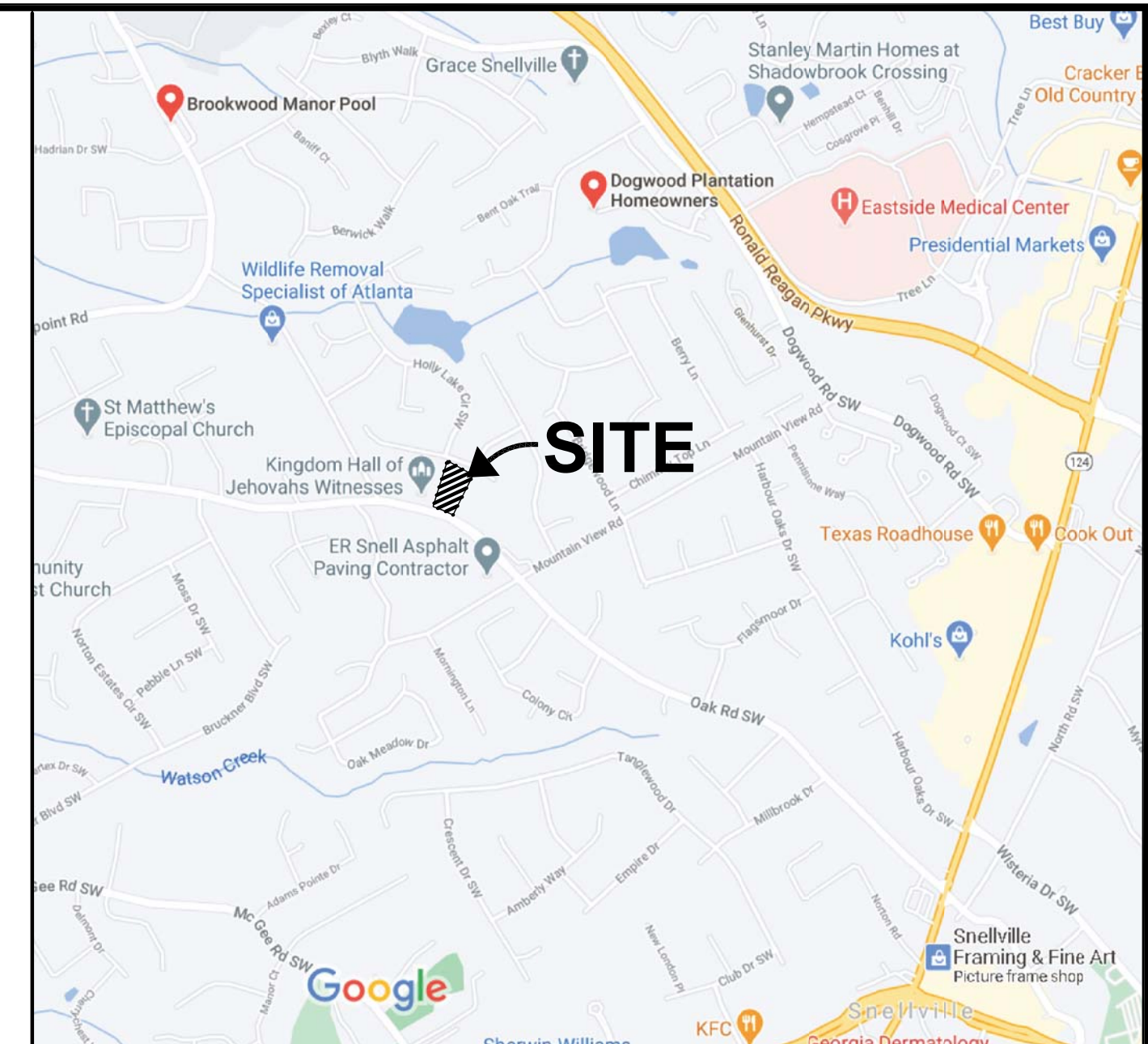
Signature of Authorized Agent/Owner Date

EX. ASPHALT PAVING

LOT 1  
0.196 ACRES

$A = 144.14'$   
 $R = 1124.40'$   
 $\text{CHD} = N 67^{\circ}07'53'' W$   
 $L = 144.04'$

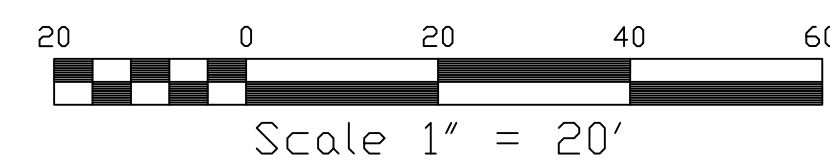
**OAK ROAD**  
(100' R/W)



**Location Map N.T.S.**

PROPOSED SITE:  
- 5 LOTS AND COMMON AREA  
- MIN LOT SIZE = 5,000 SF.  
- OPEN SPACE = 11,583 SF (23% OF SITE)

24 HOUR CONTACT  
OAK ROAD LLC.  
ROGER FISHER  
1001 Virginia Ave. Ste. 321  
Hapeville, GA. 30354  
PH: 404-391-6538  
E: [roger@fisherallengroup.com](mailto:roger@fisherallengroup.com)

The logo for Paramount Engineering, LLC. It features the word "paramount" in a dark blue, lowercase, sans-serif font. Below it, the words "ENGINEERING, LLC" are written in a smaller, uppercase, sans-serif font. The entire logo is enclosed in a thin blue rectangular border.

REV.	DATE:	DESCRIPTION:
DRAWING NO: 210201 - OAK ROAD		

PROJECT:	1736 OAK ROAD SW		
SHEET:	CONCEPTUAL SITE PLAN		
LL 24	5TH DISTRICT		CITY OF SNELLVILLE
DATE:	02/08/2021	DRAWN BY: GPH	SCALE: 1" = 20'

SHEET



EXHIBIT “B”

DRAFT

imagine loving your garage door

FILTER BY STYLE: All ▼



★★★★★ 5 (16)

**Canyon Ridge® Carriage House (5-Layer)**

**Insulated carriage house garage doors with faux wood-look composite overlays.**

☐ COMPARE

**SEE DETAILS >**

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2021-12**

AN ORDINANCE TO DENY THE REQUEST TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 1.17± ACRE TRACT OF LAND LOCATED IN LAND LOT 24 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 1736 OAK ROAD, SNELLVILLE, GEORGIA; TO DENY VARIANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #RZ 21-03

**SIZE:** 1.17± Acres

**LOCATION:** 1736 Oak Road, Snellville, Georgia

**TAX PARCEL:** R5024 175

**CURRENT ZONING MAP:** OP (Office-Professional) District

**REQUESTED ZONING MAP AMENDMENT:** RS-5 (Single-family Residential) District

**DEVELOPMENT/PROJECT:** 5-Lot Single-family Detached Residential Subdivision

**PROPERTY OWNER:** Oak Road, LLC  
Lawrenceville, Georgia

**APPLICANT/CONTACT:** Roger Fisher  
Fisher Allen Group, LLC  
404-391-6538 or [Roger@fisherallengroup.com](mailto:Roger@fisherallengroup.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 deny RZ 21-03, which requested to amend the official zoning map as it applies to the

1.17± acre tract of land located at 1736 Oak Road, Snellville, Georgia (Tax Parcel R5024 175) for a 5-lot single-family detached residential subdivision; and,

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to deny variances requested by the Applicant as it applies to the 1.17± acre tract of land located at 1736 Oak Road, Snellville, Georgia (Tax Parcel R5024 175) for a 5-lot single-family detached residential subdivision; 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 upon a review of the application submitted by the Applicant, the request for a change to the Official Zoning Map for the City of Snellville, Georgia from OP (Office Professional) District to RS-5 (Single-family Residential) District for the 1.17± acre tract of land as shown on the conceptual rezoning site plan entitled “1736 Oak Road SW”, sealed and dated 2-8-2021 (stamped received 2-12-2021) in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby denied.

**Section 2.** (a) The requested variance from Sec. 201-4.3.G.7 to allow two eight (8) feet wide carriage style garage doors on a typical forty (40) feet wide house plan is denied.

(b) The requested variance from Sec. 201-4.3.G.6 requiring garage doors facing a street must be located at least ten (10) feet behind the front wall plane, not including front porches is denied.

**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.

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**Section 5.** Penalties in effect for violations of the 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 was adopted on \_\_\_\_\_, 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 April, 2021.

\_\_\_\_\_  
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

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2021-13**

AN ORDINANCE TO AMEND THE 2040 COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR THE CITY OF SNELLVILLE, GEORGIA, FOR A 1.17± ACRE TRACT OF LAND LOCATED IN LAND LOT 24 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 1736 OAK ROAD, SNELLVILLE, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #LUP 21-03

**SIZE:** 1.17± Acres

**LOCATION:** 1736 Oak Road, Snellville, Georgia

**TAX PARCEL:** R5024 075

**CURRENT FUTURE LAND USE  
MAP DESIGNATION:** Office-Professional

**REQUESTED FUTURE LAND USE  
MAP AMENDMENT:** Medium-Density Residential

**DEVELOPMENT/PROJECT:** 5-Lot Single-family Detached Residential  
Subdivision

**PROPERTY OWNER:** Oak Road, LLC  
Lawrenceville, Georgia

**APPLICANT/CONTACT:** Roger Fisher  
Fisher Allen Group, LLC  
404-391-6538 or [Roger@fisherallengroup.com](mailto:Roger@fisherallengroup.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 the designated land use as it applies to the 1.17± acre tract of land located at 1736 Oak Road, Snellville, Georgia (Tax Parcel R5024 175) for a 5-lot single-family detached residential subdivision; 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 1.17± acre tract of land as shown on the conceptual rezoning site plan entitled “1736 Oak Road SW”, sealed and dated 2-8-2021 (stamped received 2-12-2021) in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby changed from Office-Professional to Medium-Density Residential.

This change in future land use 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 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 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 5.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 6.** This Ordinance was adopted on \_\_\_\_\_, 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 April, 2021.

\_\_\_\_\_  
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”

DRAFT



COMMUNITY PANEL #13135C 0128F DATED: SEPTEMBER 29, 2006

Director of Planning and Development Date \_\_\_\_\_  
City of Snellville

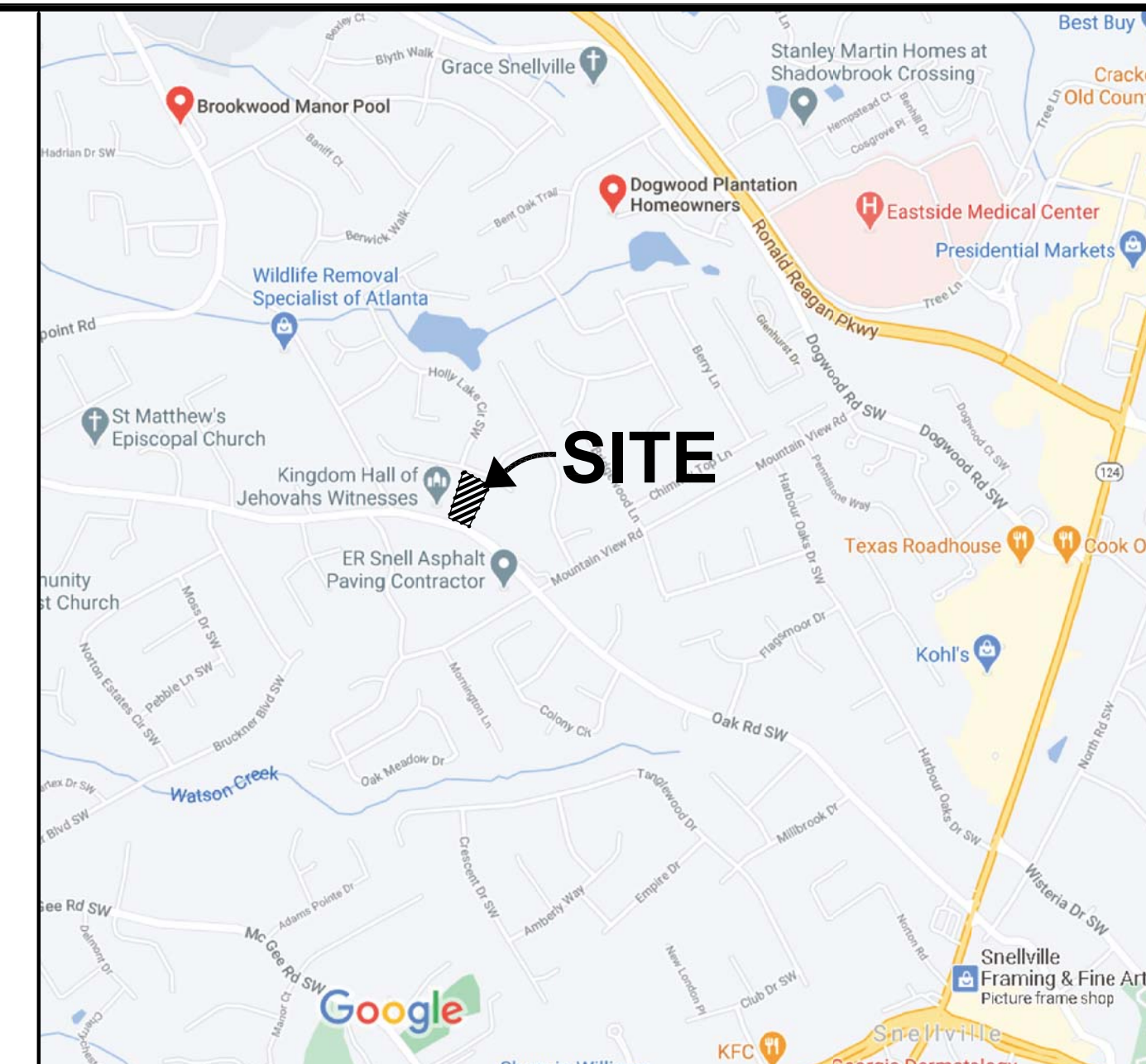
Signature of Authorized Agent/Owner Date

N/F  
LILBURN CONGREGATIONAL  
OF JEHOVAHS WITNESSES  
PROPERTY ID: R5024-422  
DB 29268, PG 211  
5.36 ACRES  
ZONED CI - CIVIC INSTITUTIONAL

EX. ASPHALT PAVING

OAK ROAD  
(100' R/W)

NEW SADDLE TAP AND VALVE  
FOR LONG SERVICE CONNECTION



### Location Map N.T.S.

#### SITE DATA:

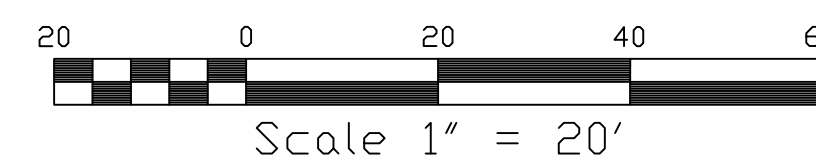
- PROPERTY ADDRESS: 1736 OAK ROAD SW
- PROPERTY ID: R5024-175
- TOTAL SITE AREA: 1.170 AC.
- EXISTING ZONING: OP - OFFICE PROFESSIONAL
- PROPOSED ZONING: RS-5 SINGLE FAMILY DETACHED RESIDENTIAL
- BUILDING SETBACKS: FRONT: 20'
  - SIDE: 5' (15' STREET)
  - REAR: 15'
- BOUNDARY BY SAWHNEY & ASSOCIATES, DATE: 3-17-16
- SEWER WILL BE PROVIDED BY
- THERE ARE NO STATE WATERS LOCATED ON THIS SITE.
- THIS SITE IS LOCATED IN THE YELLOW RIVER 11 WATERSHED BASIN.

PROPOSED SITE:

- 5 LOTS AND COMMON AREA
- MIN LOT SIZE = 5,000 SF.
- OPEN SPACE = 11,583 SF (23% OF SITE)

**OWNER/DEVELOPER:**

24 HOUR CONTACT  
OAK ROAD LLC.  
ROGER FISHER  
1001 Virginia Ave. Ste. 321  
Hapeville, GA. 30354  
PH: 404-391-6538  
E: [roger@fisherallengroup.com](mailto:roger@fisherallengroup.com)



**paramount**  
ENGINEERING, LLC



PROJECT:	1736 OAK ROAD SW		
SHEET:	CONCEPTUAL SITE PLAN		
LL 24	5TH DISTRICT	CITY OF SNELLVILLE	
DATE:	02/08/2021	DRAWN BY: GPH	SCALE: 1" = 20'
REV:	DATE:	DESCRIPTION:	
		DRAWING NO: 210201 - OAK ROAD	

SHEET

1



**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2021-13**

AN ORDINANCE TO DENY THE REQUEST TO AMEND THE 2040 COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR THE CITY OF SNELLVILLE, GEORGIA, FOR A 1.17± ACRE TRACT OF LAND LOCATED IN LAND LOT 24 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 1736 OAK ROAD, SNELLVILLE, GEORGIA; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #LUP 21-03

**SIZE:** 1.17± Acres

**LOCATION:** 1736 Oak Road, Snellville, Georgia

**TAX PARCEL:** R5024 075

**CURRENT FUTURE LAND USE  
MAP DESIGNATION:** Office-Professional

**REQUESTED FUTURE LAND USE  
MAP AMENDMENT:** Medium-Density Residential

**DEVELOPMENT/PROJECT:** 5-Lot Single-family Detached Residential  
Subdivision

**PROPERTY OWNER:** Oak Road, LLC  
Lawrenceville, Georgia

**APPLICANT/CONTACT:** Roger Fisher  
Fisher Allen group, LLC  
404-391-6538 or [Roger@fisherallengroup.com](mailto:Roger@fisherallengroup.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 deny LUP 21-02, which requested to amend the designated future land use map as it applies to the 1.17± acre tract of land located at 1736 Oak Road, Snellville, Georgia (Tax Parcel R5024 175) for a 5-lot single-family detached residential subdivision; 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 upon review of the application submitted by Applicant, the request for a change in the future land use map designation from Office-Professional to Medium-Density Residential for the 1.17± acre tract of land as shown on the conceptual rezoning site plan entitled “1736 Oak Road SW”, sealed and dated 2-8-2021 (stamped received 2-12-2021) in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby denied.

**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 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 5.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 6.** This Ordinance was adopted on \_\_\_\_\_, 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 April, 2021.

\_\_\_\_\_  
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”

DRAFT

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## Agenda Item Summary

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**TO:** The Mayor and Council

**FROM:** Jason Thompson, Director  
Department of Planning and Development

**DATE:** April 12, 2021

**RE:** #ANX 21-01 RZ 21-04 LUP 21-04

**DEVELOPMENT:** Office Building and Associated Parking for Future Expansion of TOMCO2 Systems Facility – 2.70± Acres at 3320 Brushy Fork Road, Loganville, Georgia

**STATUS:** 1<sup>st</sup> Reading

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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 14,300 sq. ft. one-story office building and associated parking for the future expansion of the adjacent TOMCO2 Systems facility.

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

**Planning Commission Meeting:** March 23, 2021

**Recommendations:**

	LUP 21-04	RZ 21-04
Planning Department	Denial (Industrial Mixed-Use) Approval (Office Professional)	Denial (LM District) Approval (OP District)
Planning Commission	Approval (Office Professional)	Denial (LM District) Approval (OP District)

**Mayor and Council Meetings:** April 12, 2021 (1<sup>st</sup> Reading)  
April 26, 2021 (2<sup>nd</sup> Reading and Public Hearing)

**Action requested:** Consideration and Waive the 1<sup>st</sup> Reading

2.70± Acre Site at 3320 Brushy Fork Road, Loganville, Georgia  
Case #ANX 21-01 RZ 21-04 LUP 21-04  
April 12, 2021  
Page... 2

**Case Documents (website link):**

- Letter of Intent (2-10-2021)
- #ANX 21-01 Application (2-10-2021)
- #RZ 21-04 Application (2-10-2021)
- #LUP 21-04 Application (2-10-2021)
- Property Survey and Legal Description (2-10-2021)
- Conceptual Site Plan (2-10-2021)
- 3-23-2021 Planning Department Case Summary & Analysis (3-2-2021)
- *Unofficial* 3-23-2021 Planning Commission Regular Meeting Minutes (3-29-2021)
- 3-23-2021 Planning Commission Case Report (3-29-2021)
- 04-12-2021 and 04-26-2021 Planning Department Case Summary & Analysis with Planning Commission Report (3-29-2021)
- Conditions *Only* Recommendations (3-29-2021)
- #ANX 21-01 *Approval* Draft Ordinance (4-6-2021)
- #LUP 21-04 *Approval* Draft Ordinance (4-6-2021)
- #RZ 21-04 *Approval* Draft Ordinance (4-6-2021)
- #ANX 21-01 *Denial* Draft Ordinance (4-6-2021)
- #LUP 21-04 *Denial* Draft Ordinance (4-6-2021)
- #RZ 21-04 *Denial* Draft Ordinance (4-6-2021)



**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2021-14**

AN ORDINANCE TO ANNEX THE 2.704± ACRE TRACT OF LAND LOCATED IN LAND LOT 99 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, AT THE REQUEST OF 100% OF THE OWNERS OF SAID PROPERTY INTO THE MUNICIPAL BOUNDARY OF THE CITY OF SNELLVILLE, GWINNETT COUNTY, GEORGIA AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY LIMITS, AND GRANTING TO SAID REAL PROPERTY AND TO ALL FUTURE INHABITANTS OF SAID REAL PROPERTY ALL OF THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS AND BINDING SAID FUTURE INHABITANTS BY ALL OF THE ACTIONS AND ORDINANCES OF SAID CITY; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #ANX 21-01

**PROPERTY OWNERS:** Stephen Ray Moon and Walter Major Moon  
Braselton, Georgia

**SIZE:** 2.704± Acres

**LOCATION:** 3320 Brushy Fork Road, Loganville, GA

**TAX PARCEL:** R5099 003

**APPLICANT:** For TOMCO2 Systems Company  
Shane Lanham, Esq.  
Mahaffey Pickens Tucker, LLP  
770-232-0000 or [slanham@mptlawfirm.com](mailto:slanham@mptlawfirm.com)

**DEVELOPMENT/PROJECT:**

Office Building and Associated Parking for  
Future Expansion of TOMCO2 Systems  
Facility

**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 land owners 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 an application for annexation including the Petition for Annexation under the 100 percent (%) method of annexation by property owners Stephen Ray Moon and Walter Major Moon; 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**, on the 26<sup>th</sup> day of April, 2021 a Public Hearing was held at 7:30 p.m. in the Council Chambers of the Snellville City Hall building. The purpose of the Public Hearing was to give all interested persons the right to appear and be heard on the proposed annexation of 2.704 acres of land, more or less, by the City of Snellville, Georgia, more fully described in Exhibit “A”, attached hereto and made part hereof; and

**WHEREAS**, the health, safety, and welfare of the citizens of Snellville, Georgia, will be positively impacted by the adoption of this Ordinance; therefore:

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA, and by the authority thereof:

**Section 1.** That the real property described in Exhibit “A” attached hereto is annexed into the City of Snellville, Gwinnett County, Georgia, and that the boundary limits of the City of Snellville are hereby extended to include the real property described in Exhibit “A” within the city limits and the same shall hereafter be included within the territorial limits of said City, and said land and future inhabitants thereof shall hereafter be entitled to all rights and privileges of other citizens of the City, and shall be bound by the acts and ordinances 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 \_\_\_\_\_, 2021 the effective date of this Ordinance shall be on May 1, 2021 and for ad valorem tax purposes on December 31, 2021.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

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

\_\_\_\_\_  
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"

Gwinnett County Tax Parcel: R5099 003

Size: 2.704 Acres (+/-)

SITUS Address: 3320 Brushy Fork Road, Loganville, Georgia

Property Owners: Stephen Ray Moon and Walter Major Moon

All that tract or parcel of land lying in Land Lot 99 of the 5th District of Gwinnett County, Georgia; and being more particularly described as follows:

Beginning at the west corner of the mitered intersection of the east right-of-way of Rosebud Road (80' R/W) with the southwestern right-of-way of Brushy Fork Road (60' R/W), said point being the POINT OF BEGINNING:

Thence traveling along said mitered intersection NORTH 89 Degrees 03 Minutes 25 Seconds EAST for a distance of 95.40 feet to a point on the southwesterly right-of-way of Brushy Fork Road; thence traveling along the southwesterly right-of-way of Brushy Fork Road the following three (3) courses and distances; SOUTH 66 Degrees 06 Minutes 18 Seconds EAST for a distance of 56.80 feet to a point; thence along a curve to the right with an arc length of 263.44 feet and a radius of 448.25 feet, being subtended by a chord of SOUTH 49 Degrees 11 Minutes 01 Seconds EAST a distance of 259.66 feet to a point; thence SOUTH 32 degrees 19 Minutes 01 Seconds EAST for a distance of 327.74 feet to an iron pin found; thence leaving said right-of-way NORTH 68 Degrees 20 Minutes 59 Seconds WEST for a distance of 604.36 feet to an iron pin found on the easterly right-of-way of Rosebud Road; thence traveling along said right-of-way along a curve to the left with an arc length of 232.81 feet and a radius of 803.44 feet, being subtended by a chord of NORTH 10 Degrees 23 Minutes 35 Seconds EAST a distance of 232.00 feet to a point; thence continuing along said right-of-way NORTH 02 degrees 48 Minutes 07 Seconds EAST for a distance of 17.00 feet to the POINT OF BEGINNING.

Said tract or parcel of land contains 2.704 acres and is depicted on that certain ALTA/NSPS plat of survey prepared by LandPro Surveying and Mapping, Inc., sealed and certified by James H. Rader, GRLS No. 3033, dated January 11, 2021.

[BOUNDARY SURVEY ON NEXT PAGE]

NOTES TO TITLE EXCEPTIONS AS APPEARING IN SCHEDULE B, PART II OF THAT CERTAIN COMMITMENT FOR TITLE INSURANCE PREPARED BY CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NUMBER TB010821, DATED JANUARY 8, 2021.

AFFECTS THE SUBJECT PROPERTY. EASEMENTS CONTAINED THEREIN ARE  
AMBIGUOUS AND NOT LOCATABLE.

DOES NOT AFFECT THE SUBJECT PROPERTY.

AFFECTS THE SUBJECT PROPERTY AS SHOWN HEREON.






















AFFECTS THE SUBJECT PROPERTY AS SHOWN HEREON.

CURRENT CONDITIONS SHOWN HEREON.

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 99,  
DISTRICT 5, GWINNETT COUNTY, GEORGIA; AND BEING MORE PARTICULARLY  
DESCRIBED AS FOLLOWS:

THENCE TRAVELING LONG SAID MITERED INTERSECTION NORTH 89 DEGREES 03 MINUTES 25 SECONDS EAST FOR A DISTANCE OF 95.40 FEET TO A POINT ON THE SOUTHWESTERLY RIGHT OF WAY OF BRUSHY FORK ROAD; THENCE TRAVELING ALONG THE SOUTHWESTERLY RIGHT OF WAY OF BRUSHY FORK ROAD THE FOLLOWING THREE (3) CURVES AND DISTANCES: SOUTH 66 DEGREES 06 MINUTES 18 SECONDS EAST FOR A DISTANCE OF 56.80 FEET TO A POINT; THENCE ALONG A CURVE TO THE RIGHT WITH AN ARC LENGTH OF 263.44 FEET AND A RADIUS OF 448.25 FEET, BEING SUBTENDED BY A CHORD OF SOUTH 49 DEGREES 11 MINUTES 01 SECONDS EAST A DISTANCE OF 259.66 FEET TO A POINT; THENCE SOUTH 32 DEGREES 19 MINUTES 01 SECONDS EAST FOR A DISTANCE OF 327.74 FEET TO AN IRON PIN FOUND; THENCE LEAVING SAID RIGHT OF WAY NORTH 68 DEGREES 20 MINUTES 59 SECONDS WEST FOR A DISTANCE OF 604.35 FEET TO AN IRON PIN FOUND ON THE EASTERLY RIGHT OF WAY OF ROSEBUD ROAD; THENCE TRAVELING ALONG SAID RIGHT OF WAY ALONG A CURVE TO THE LEFT WITH AN ARC LENGTH OF 232.81 FEET AND A RADIUS OF 803.44 FEET, BEING SUBTENDED BY A CHORD OF NORTH 10 DEGREES 23 MINUTES 35 SECONDS EAST A DISTANCE OF 232.00 FEET TO A POINT; THENCE CONTINUING ALONG SAID RIGHT OF WAY NORTH 02 DEGREES 48 MINUTES 07 SECONDS EAST FOR A DISTANCE OF 17.00 FEET TO THE POINT OF BEGINNING.

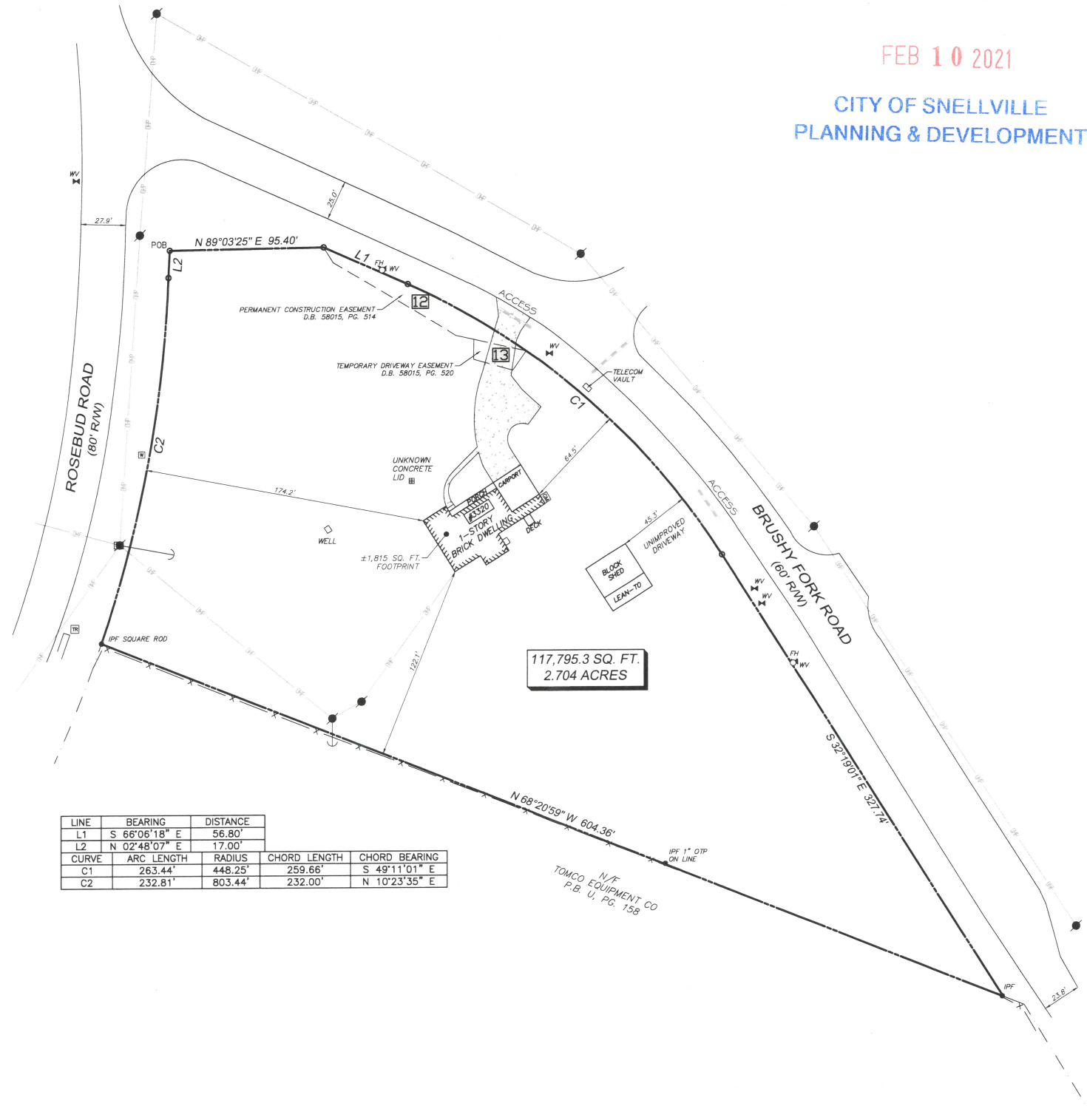
### LEGEND

—	PROPERTY LINE	INV	INVERT ELEVATION		GAS METER
—	LAND LOT LINE	—	SANITARY SEWER LINE		GAS VALVE
—	CIVIL ENGINE MONUMENT FOUND	—	SANITARY SEWER MANHOLE		HYDRANT
—	IRON PIN SET	—	SEWER CLEANOUT		WATER VALVE
—	IRON PIN FOUND	—	GREASE TRAP		WATER METER
—	CORRODED PIPE	—	DUCTILE IRON PIPE		WATER METER CONNECTION
—	OPEN-TOP PIPE	—	POLYVINYL CHLORIDE PIPE		IRRIGATION CONTROL VALVE
—	RIGHT OF WAY	—	POWER POLE		TREE
—	POINT OF BEGINNING	—	LIGHT POLE		TREE LINE
—	BOUNDARY SETBACK LINE	—	POWER (TRANSFORMER) BOX		TREE LINE
—	CENTERLINE	—	5/8" WIRE		MOVING WELL
—	CURB INLET	—	POWER METER		BUILDING (FINISHED)
—	DROP-INLET	—	POWER MANHOLE		GUARD RAIL
—	HAZARD INLET	—	OVERHEAD POWER LINE		RAILROAD TRACKS
—	DOUBLE-WING CATCH BASIN	—	UNDERGROUND POWER LINE		FENCE LINE
—	POWER SINKLE WING CATCH BASIN	—	CONCRETE CULVERT		CONCRETE INDEX CONTOUR
—	POWER SINKLE WING CATCH BASIN	—	TELEPHONE PEDESTAL		SPOT ELEVATION
—	JUNCTION	—	UNDERGROUND TELEPHONE LINE		FINISHED FLOOR ELEVATION
—	STORM DRAINAGE PIPE	—	TELEVISION CABLE LINE		CENTERLINE OF STREAM
—	CORRUGATED METAL PIPE	—	TELEVISION PEDESTAL		FLOOD STAGE
—	CORRUGATED PLASTIC PIPE	—	TELEVISION CABLE LINE		CONCRETE
—	REINFORCED CONCRETE PIPE	—	TRANSIT CONTROL BOX		
—		—	GAS LINE		

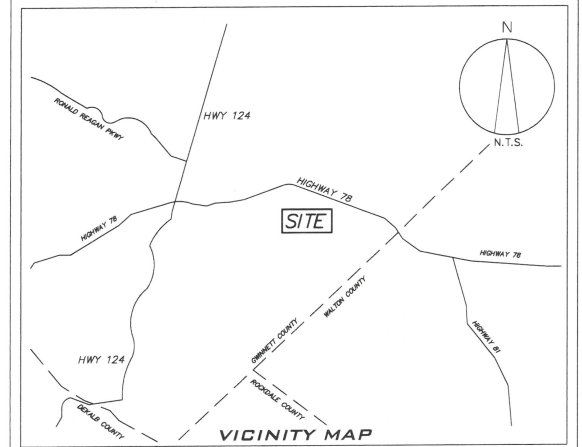
FROM SUBJECT PROPERTY ONTO ADJACENT PROPERTY:  
NONE APPARENT

FROM ADJACENT PROPERTY ONTO SUBJECT PROPERTY:  
NONE APPARENT

BY UTILITIES OUTSIDE OF EASEMENTS:  
NONE APPARENT



CITY OF SNELLVILLE  
PLANNING & DEVELOPMENT



1. THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

2. THIS PLAT WAS PREPARED FROM A FIELD SURVEY USING A ONE SECOND TRIMBLE ROBOTIC TOTAL STATION.

3. ALL IPF & IPS ARE 1/2" REBAR UNLESS NOTED OTHERWISE.

4. INFORMATION REGARDING THE PRESENCE, SIZE AND LOCATION OF UNDERGROUND UTILITIES SHOWN HEREON IS BASED ON THE LOCATION OF VISIBLE APPURTENANCES AND ON FLAGS AND/OR PAINT PLACED BY OTHERS. NO CERTIFICATION IS MADE AS TO THE ACCURACY OR THOROUGHNESS OF THE INFORMATION CONCERNING UNDERGROUND UTILITIES SHOWN HEREON, PER GEORGIA LAW.

5. DISTANCES SHOWN HEREON ARE GROUND DISTANCES.

1. THE PRECISION OF THE FIELD DATA UPON WHICH THIS SURVEY IS BASED WAS VERIFIED WITH REDUNDANT LINEAR MEASUREMENTS. THE CALCULATED POSITIONAL TOLERANCE IS LESS THAN 0.07' PER POINT. THE FIELD DATA HAS BEEN ADJUSTED USING LEAST SQUARES.

2. THE BEARINGS SHOWN HEREON ARE BASED ON ANGLES TURNED AND ARE  
REFERENCED TO GRID NORTH VIA RTN GPS OBSERVATIONS. HORIZONTAL DATUM:  
NAD83/GEORGIA WEST ZONE

3. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN 253,384 FEET.

4. NO PORTION OF THIS PROPERTY LIES WITHIN THE 100 YEAR FLOOD PLAIN, AND LIES IN ZONE "X", ACCORDING TO FEMA FLOOD INSURANCE RATE MAP NUMBER 13135C0131F, EFFECTIVE DATE OF 09/29/2006.

1. THE PROPERTY SHOWN HEREON IS THE SAME PROPERTY DESCRIBED IN THAT CERTAIN COMMITMENT FOR TITLE INSURANCE PREPARED BY CHICAGO TITLE INSURANCE COMPANY, COMMITMENT NUMBER TBO10821, DATED JANUARY 8, 2021.

2. THERE IS NO VISIBLE EVIDENCE OF CURRENT EARTH MOVING WORK, BUILDING CONSTRUCTION, OR BUILDING ADDITIONS ON THIS SITE.

3. THERE IS NO VISIBLE EVIDENCE OF RECENT STREET OR SIDEWALK REPAIRS OR CONSTRUCTION IN THE PUBLIC RIGHT OF WAYS ADJACENT TO THIS SITE. THERE IS PLANNED CONSTRUCTION AT THE INTERSECTION OF ROSEBUD ROAD AND BRUSH FORK ROAD AS EVIDENCED BY TITLE EXCEPTIONS 11, 12 & 13.

4. NUMBER OF MARKED PARKING SPACES: 0 INCLUDING 0 HANDICAP

5. PROPERTY ADDRESS: 3320 BRUSHY FORK ROAD, LOGANVILLE, GA 30052

6. SURVEY LEGAL DESCRIPTION SHOWN HEREON TO DEPICT RIGHT OF WAY  
CONVEYED TO GWINNETT COUNTY PER TITLE EXCEPTION 11.

TO TOMCO2 SYSTEMS COMPANY; TRUIST BANK, IT'S SUCCESSORS AND/OR  
ASSIGNS AS THEIR INTERESTS MAY APPEAR; & CHICAGO TITLE INSURANCE  
COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 2-4, 7(b), 8, 9, 13, 14, 16 & 17 OF TABLE A THEREOF. THE FIELDWORK WAS COMPLETED ON 12/30/2020. DATE OF PLAT 01/11/2021.



JAMES H RADER GEORGIA RLS# 3033

**LANDPRO**  
SURVEYING AND MAPPING  
305 CREEKSTONE RIDGE  
WOODSTOCK, GA 30188  
TELE: 404-386-2170  
AUTHORIZATION NO. LSF000838  
WWW.LANDPROSURVEYING.COM  
O@LANDPROSURVEYING.COM  
COPYRIGHT 2021

CURRENT OWNER: MOON, STEPHEN RAY & MOON, WALTER MAJOR			
LAND LOT 99, DISTRICT 5 WINNETT COUNTY, GA			
SCALE	DATE	PROJECT NO.	SHEET
1" = 40'	01/11/21	20210111	1 OF 1



**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2021-14**

AN ORDINANCE TO DENY THE REQUEST TO ANNEX THE 2.704± ACRE TRACT OF LAND LOCATED IN LAND LOT 99 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, AT THE REQUEST OF 100% OF THE OWNERS OF SAID PROPERTY INTO THE MUNICIPAL BOUNDARY OF THE CITY OF SNELLVILLE, GWINNETT COUNTY, GEORGIA AND EXTENDING THE BOUNDARY LIMITS OF SAID CITY LIMITS, TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #ANX 21-01

**PROPERTY OWNERS:** Stephen Ray Moon and Walter Major Moon  
Braselton, Georgia

**SIZE:** 2.704± Acres

**LOCATION:** 3320 Brushy Fork Road, Loganville, GA

**TAX PARCEL:** R5099 003

**APPLICANT:** For TOMCO2 Systems Company  
Shane Lanham, Esq.  
Mahaffey Pickens Tucker, LLP  
770-232-0000 or [slanham@mptlawfirm.com](mailto:slanham@mptlawfirm.com)

**DEVELOPMENT/PROJECT:** Office Building and Associated Parking for  
Future Expansion of TOMCO2 Systems  
Facility

**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 land owners 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 an application for annexation including the Petition for Annexation under the 100 percent (%) method of annexation by property owners Stephen Ray Moon and Walter Major Moon; 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**, on the 26<sup>th</sup> day of April, 2021 a Public Hearing was held at 7:30 p.m. in the Council Chambers of the Snellville City Hall building. The purpose of the Public Hearing was to give all interested persons the right to appear and be heard on the proposed annexation of 2.704 acres of land, more or less, by the City of Snellville, Georgia, more fully described in Exhibit “A”, attached hereto and made part hereof; and

**WHEREAS**, the City of Snellville desires to deny ANX 21-01, which requested annexation of said property located in unincorporated Gwinnett County, Georgia into the City pursuant to O.C.G.A. §36-36-21; 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 upon review of the application submitted by Applicant, the request for annexation of said property located in unincorporated Gwinnett County, Georgia into the corporate limits of the City of Snellville is hereby denied.

**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 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 5.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 6.** This Ordinance is adopted on \_\_\_\_\_, 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 April, 2021.

\_\_\_\_\_  
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"

Gwinnett County Tax Parcel: R5099 003

Size: 2.704 Acres (+/-)

SITUS Address: 3320 Brushy Fork Road, Loganville, Georgia

Property Owners: Stephen Ray Moon and Walter Major Moon

All that tract or parcel of land lying in Land Lot 99 of the 5th District of Gwinnett County, Georgia; and being more particularly described as follows:

Beginning at the west corner of the mitered intersection of the east right-of-way of Rosebud Road (80' R/W) with the southwestern right-of-way of Brushy Fork Road (60' R/W), said point being the POINT OF BEGINNING:

Thence traveling along said mitered intersection NORTH 89 Degrees 03 Minutes 25 Seconds EAST for a distance of 95.40 feet to a point on the southwesterly right-of-way of Brushy Fork Road; thence traveling along the southwesterly right-of-way of Brushy Fork Road the following three (3) courses and distances; SOUTH 66 Degrees 06 Minutes 18 Seconds EAST for a distance of 56.80 feet to a point; thence along a curve to the right with an arc length of 263.44 feet and a radius of 448.25 feet, being subtended by a chord of SOUTH 49 Degrees 11 Minutes 01 Seconds EAST a distance of 259.66 feet to a point; thence SOUTH 32 degrees 19 Minutes 01 Seconds EAST for a distance of 327.74 feet to an iron pin found; thence leaving said right-of-way NORTH 68 Degrees 20 Minutes 59 Seconds WEST for a distance of 604.36 feet to an iron pin found on the easterly right-of-way of Rosebud Road; thence traveling along said right-of-way along a curve to the left with an arc length of 232.81 feet and a radius of 803.44 feet, being subtended by a chord of NORTH 10 Degrees 23 Minutes 35 Seconds EAST a distance of 232.00 feet to a point; thence continuing along said right-of-way NORTH 02 degrees 48 Minutes 07 Seconds EAST for a distance of 17.00 feet to the POINT OF BEGINNING.

Said tract or parcel of land contains 2.704 acres and is depicted on that certain ALTA/NSPS plat of survey prepared by LandPro Surveying and Mapping, Inc., sealed and certified by James H. Rader, GRLS No. 3033, dated January 11, 2021.

[BOUNDARY SURVEY ON NEXT PAGE]

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2021-15**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 2.704± ACRE TRACT OF LAND LOCATED IN LAND LOT 99 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 3320 BRUSHY FORK ROAD, LOGANVILLE; TO ADD CONDITIONS AFFECTING THE PROPERTY; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #RZ 21-04

**SIZE:** 2.704± Acres

**LOCATION:** 3320 Brushy Fork Road, Loganville,  
Georgia

**TAX PARCEL:** R5099 003

**REQUESTED ZONING MAP  
AMENDMENT:** LM (Light Manufacturing) District

**APPROVED ZONING MAP  
AMENDMENT:** OP (Office Professional) District

**DEVELOPMENT/PROJECT:** Office Building and Associated Parking for  
Future Expansion of TOMCO2 Systems  
Facility

**PROPERTY OWNERS:** Stephen Ray Moon and Walter Major Moon  
Braselton, Georgia

**APPLICANT/CONTACT:** For TOMCO2 Systems Company  
Shane Lanham, Esq.  
Mahaffey Pickens Tucker, LLP  
770-232-0000 or [slanham@mptlawfirm.com](mailto:slanham@mptlawfirm.com)

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

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to amend its official zoning map as it applies to the 2.704± acre tract of land located at 3320 Brushy Fork Road, Loganville, Georgia (Tax Parcel R5099 003) for a 14,300 sq. ft. office building and associated for the future expansion of TOMCO2 Systems facility; 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 Official Zoning Map for the City of Snellville, Georgia for the 2.704± acre tract of land as shown on the conceptual rezoning site plan entitled “TOMCO2 Office Building”, sealed and dated 2-8-2021 (stamped received 2-10-2021), in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby amended and changed to OP (Office-Professional) District. This action is subject to the attachment of the following conditions (1-4):

**CONDITIONS:**

1. The property shall be developed in accordance with the conceptual site plan entitled “TOMCO2 Office Building”, sealed and dated 2-8-2021 (stamped received 2-10-2021), 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.



2. Use of and development of the property shall conform to the use provisions and zoning district regulations for the OP District.
3. Interparcel access and connectivity to the adjacent TOMCO2 Systems Facility property to the south (Parcel R5099 005) is prohibited; however, a pedestrian/golf cart sidewalk no wider than ten (10) feet in width shall be allowed to connect to the adjacent TOMCO2 property.
4. Signs higher than 15 feet or larger than 225 square feet are prohibited.

**Section 2.** The changes in zoning classification are 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 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 was adopted on \_\_\_\_\_, 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 April, 2021.

\_\_\_\_\_  
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.

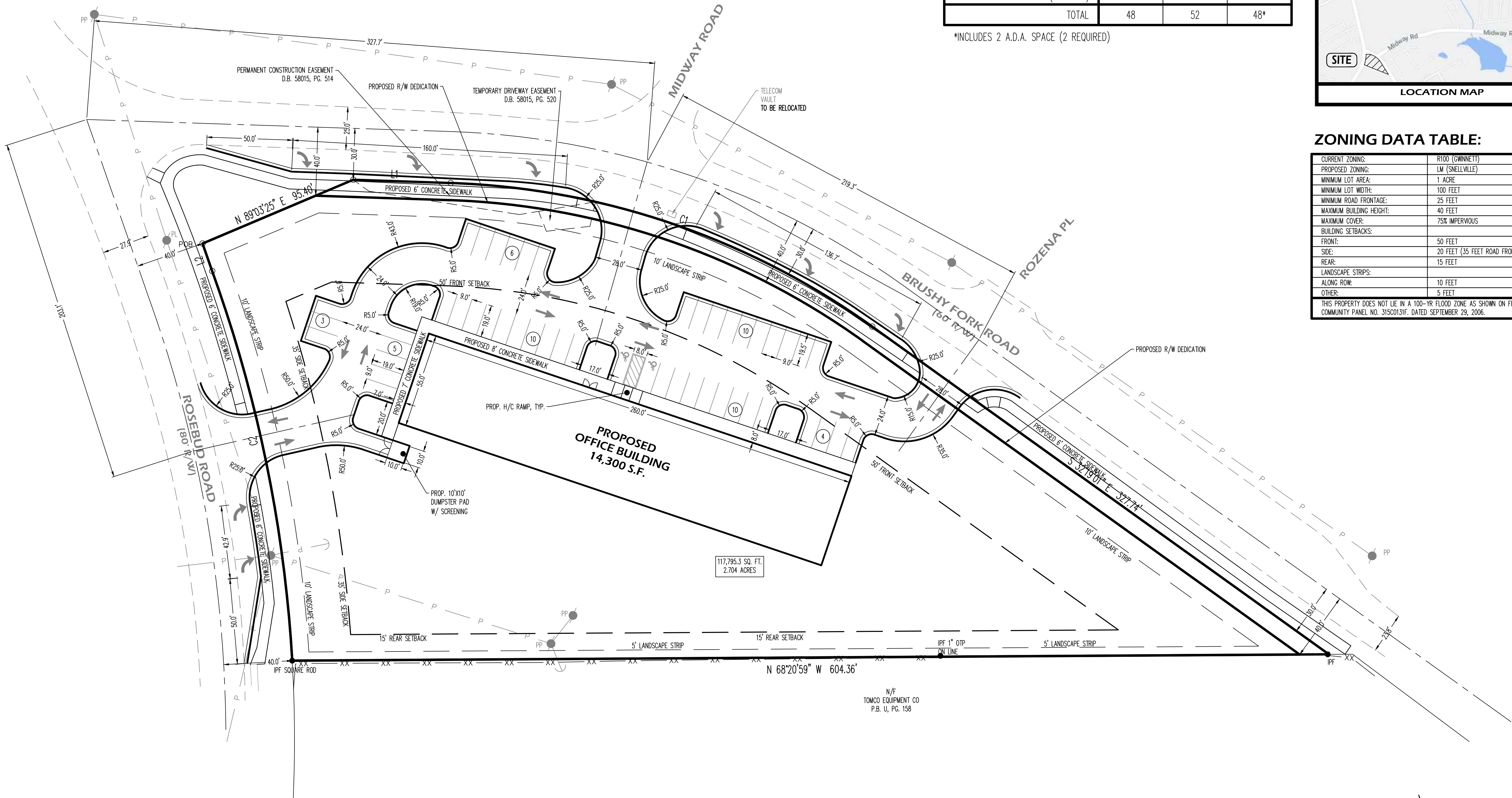
\_\_\_\_\_  
Gretchen Schulz, Council Member

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

EXHIBIT “A”

DRAFT





PARKING REQUIREMENTS:

CITY REQUIREMENT	MINIMUM PARKING	MAXIMUM PARKING	PROVIDED PARKING
OFFICE @ 14,300 S.F.			
1 SPACE PER 300 S.F. (MINIMUM)	48	52	48
1 SPACE PER 275 S.F. (MAXIMUM)			
TOTAL	48	52	48*

\*INCLUDES 2 A.D.A. SPACE (2 REQUIRED)



ZONING DATA TABLE:

CURRENT ZONING:	R100 (GWINNETT)
PROPOSED ZONING:	LM (SNELLVILLE)
MINIMUM LOT AREA:	1 ACRE
MINIMUM LOT WIDTH:	100 FEET
MINIMUM ROAD FRONTAGE:	25 FEET
MAXIMUM BUILDING HEIGHT:	40 FEET
MAXIMUM COVER:	75% IMPERVIOUS
BUILDING SETBACKS:	
FRONT:	50 FEET
SIDE:	20 FEET (35 FEET ROAD FRONTAGE)
REAR:	15 FEET
LANDSCAPE STRIPS:	
ALONG ROW:	10 FEET
OTHER:	5 FEET
THIS PROPERTY DOES NOT LIE IN A 100-YR FLOOD ZONE AS SHOWN ON FIRM COMMUNITY PANEL NO. 315C0131F, DATED SEPTEMBER 29, 2006.	

**EDG**  
Evans Design Group, Inc.  
Civil Engineering /  
Site Planning /  
Land Development Services  
4755 Summer Song Court  
Buford, GA 30519  
(Ph) 678.207.6830  
jevans@evansdg.com



GSWCC LEVEL II CERT. # 10877

PROJECT NAME  
**TOMCO2 OFFICE BUILDING**

**3320 BRUSHY FORK RD,  
L.L. 99, 5TH DIST.,  
PARCEL 3, GWINNETT  
COUNTY, GEORGIA**

DATE:  
**01-25-21**

DESIGN BY	DRAWN BY	CHECKED BY
<b>JME</b>	<b>JME</b>	<b>JME</b>

☒ Not Released For Construction  
☐ Released For Construction

OWNER/DEVELOPER

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CONVEYED IN ANY MANNER NOR ARE THEY  
TO BE USED FOR ANY OTHER PROJECTS  
OTHER THAN THAT SPECIFICALLY INDICATED  
HEREIN WITHOUT WRITTEN PERMISSION  
FROM AND DUE COMPENSATION TO EVANS  
DESIGN GROUP, INC.

REVISIONS


JOB NUMBER:  
**21-005**

SHEET TITLE

**SITE  
PLAN**

**C-4**

**GEORGIA811**  
Utilities Protection Center, Inc.  
Know what's below.  
Call before you dig.

UTILITY DISCLAIMER:

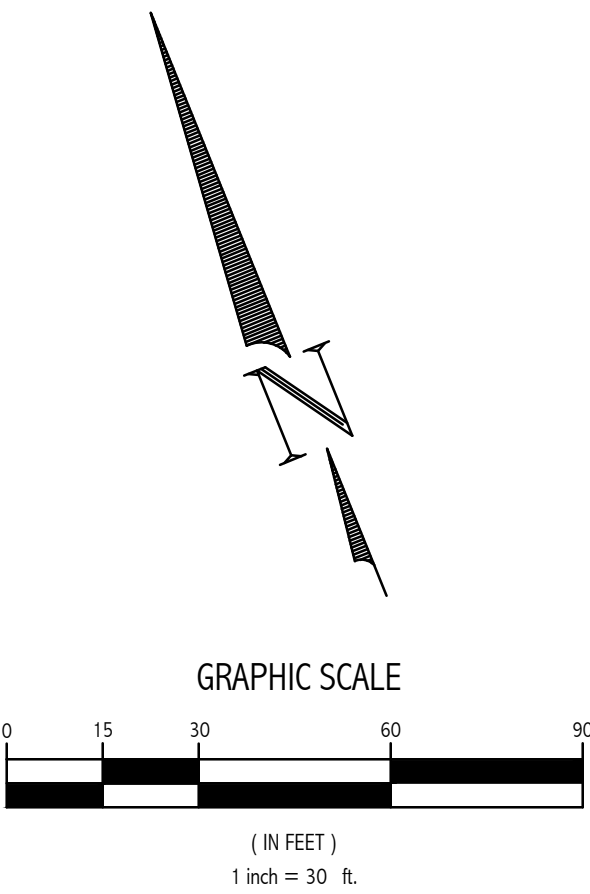
IN ADDITION TO SHOWING THE STRUCTURES TO BE BUILT UNDER THIS CONTRACT, THE DRAWINGS SHOW CERTAIN INFORMATION OBTAINED BY THE ENGINEER REGARDING THE PIPES, POLE LINES, CONDUITS, AND OTHER STRUCTURES WHICH EXIST ALONG THE LINE OF THE WORK, BOTH AT AND BELOW THE SURFACE OF THE GROUND. THE ENGINEER AND THE OWNER EXPRESSLY DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION GIVEN ON THE DRAWINGS WITH REGARD TO EXISTING STRUCTURES, AND THE CONTRACTOR WILL NOT BE ENTITLED TO ANY EXTRA COMPENSATION ON ACCOUNT OF ANY INACCURACY OR INCOMPLETENESS OF SUCH INFORMATION, SAID STRUCTURES BEING INDICATED ONLY FOR THE CONVENIENCE OF THE CONTRACTOR, WHO MUST VERIFY THE INFORMATION TO HIS OWN SATISFACTION. THE GIVING OF THIS INFORMATION UPON THE CONTRACT DRAWINGS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATION TO SUPPORT AND PROTECT ALL PIPES, CONDUITS, AND OTHER STRUCTURES. THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND OBSTRUCTIONS PRIOR TO EXCAVATION SO AS TO PREVENT ANY DAMAGE TO THOSE SERVICES OR OTHER UTILITIES. ANY SUCH DAMAGES MUST BE REPAIRED WITHOUT DELAY AND THE COST OF SUCH REPAIRS MUST BE BORNE BY THE CONTRACTOR.

LINE	BEARING	DISTANCE		
L1	S 66°06'18" E	56.80'		
L2	N 02°48'07" E	17.00'		
CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING
C1	263.44'	448.25'	259.66'	S 49°11'01" E
C2	232.81'	803.44'	232.00'	N 10°23'35" E

OWNER/DEVELOPER:

24-HR CONTACT:

ENGINEER:  
EVANS DESIGN GROUP, INC.  
4755 SUMMER SONG COURT  
BUFORD, GA 30519  
678.207.6830 (Ph)  
CONTACT: JON M. EVANS, P.E.



**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2021-15**

AN ORDINANCE TO DENY THE REQUEST TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 2.704± ACRE TRACT OF LAND LOCATED IN LAND LOT 99 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 3320 BRUSHY FORK ROAD, LOGANVILLE; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #RZ 21-04

**SIZE:** 2.704± Acres

**LOCATION:** 3320 Brushy Fork Road, Loganville, Georgia

**TAX PARCEL:** R5099 003

**REQUESTED ZONING MAP AMENDMENT:** LM (Light Manufacturing) District

**DEVELOPMENT/PROJECT:** Office Building and Associated Parking for Future Expansion of TOMCO2 Systems Facility

**PROPERTY OWNERS:** Stephen Ray Moon and Walter Major Moon  
Braselton, Georgia

**APPLICANT/CONTACT:** For TOMCO2 Systems Company  
Shane Lanham, Esq.  
Mahaffey Pickens Tucker, LLP  
770-232-0000 or [slanham@mptlawfirm.com](mailto:slanham@mptlawfirm.com)

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

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to deny RZ 21-04, which requested to amend the official zoning map as it applies to the 2.704± acre tract of land located at 3320 Brushy Fork Road, Loganville, Georgia (Tax Parcel R5099 003) for a 14,300 sq. ft. office building and associated for the future expansion of TOMCO2 Systems facility; 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 upon a review of the application submitted by the Applicant, the request for a change to the Official Zoning Map for the City of Snellville, Georgia to LM (Light Manufacturing) District for the 2.704± acre tract of land as shown on the conceptual rezoning site plan entitled “TOMCO2 Office Building”, sealed and dated 2-8-2021 (stamped received 2-10-2021), in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby denied.

**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 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 5.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed

**Section 6.** This Ordinance was adopted on \_\_\_\_\_, 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 April, 2021.

\_\_\_\_\_  
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”

DRAFT

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2021-16**

AN ORDINANCE TO AMEND THE 2040 COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR THE CITY OF SNELLVILLE, GEORGIA, FOR A 2.704± ACRE TRACT OF LAND LOCATED IN LAND LOT 99 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 3320 BRUSHY FORK ROAD, LOGANVILLE, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #LUP 21-04

**SIZE:** 2.704± Acres

**LOCATION:** 3320 Brushy Fork Road, Loganville, Georgia

**TAX PARCEL:** R5099 003

**2030 UNIFIED PLAN FUTURE DEVELOPMENT MAP (Gw. Co.):** Community Mixed-Use

**REQUESTED FUTURE LAND USE MAP AMENDMENT:** Industrial Mixed-Use

**APPROVED FUTURE LAND USE MAP AMENDMENT:** Office-Professional

**DEVELOPMENT/PROJECT:** Office Building and Associated Parking for Future Expansion of TOMCO2 Systems Facility

**PROPERTY OWNERS:** Stephen Ray Moon and Walter Major Moon  
Braselton, Georgia

**APPLICANT/CONTACT:** For TOMCO2 Systems Company  
Shane Lanham, Esq.  
Mahaffey Pickens Tucker, LLP  
770-232-0000 or [slanham@mptlawfirm.com](mailto:slanham@mptlawfirm.com)

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

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to amend the designated land use as it applies to the 2.704± acre tract of land located at 3320 Brushy Fork Road, Loganville, Georgia (Tax Parcel R5099 003) for a 14,300 sq. ft. office building and associated for the future expansion of TOMCO2 Systems facility; 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 map designation of the 2.704± acre tract of land as shown on the conceptual rezoning site plan entitled “TOMCO2 Office Building”, sealed and dated 2-8-2021 (stamped received 2-10-2021), in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby designated Office-Professional.

This change in future land use 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 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.** For reasons stated in the public hearing and upon review of the application submitted by Applicant, the request for a change in the future land use map designation to Industrial Mixed-Use is hereby denied.

**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 was adopted on \_\_\_\_\_, 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 April, 2021.

\_\_\_\_\_  
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”

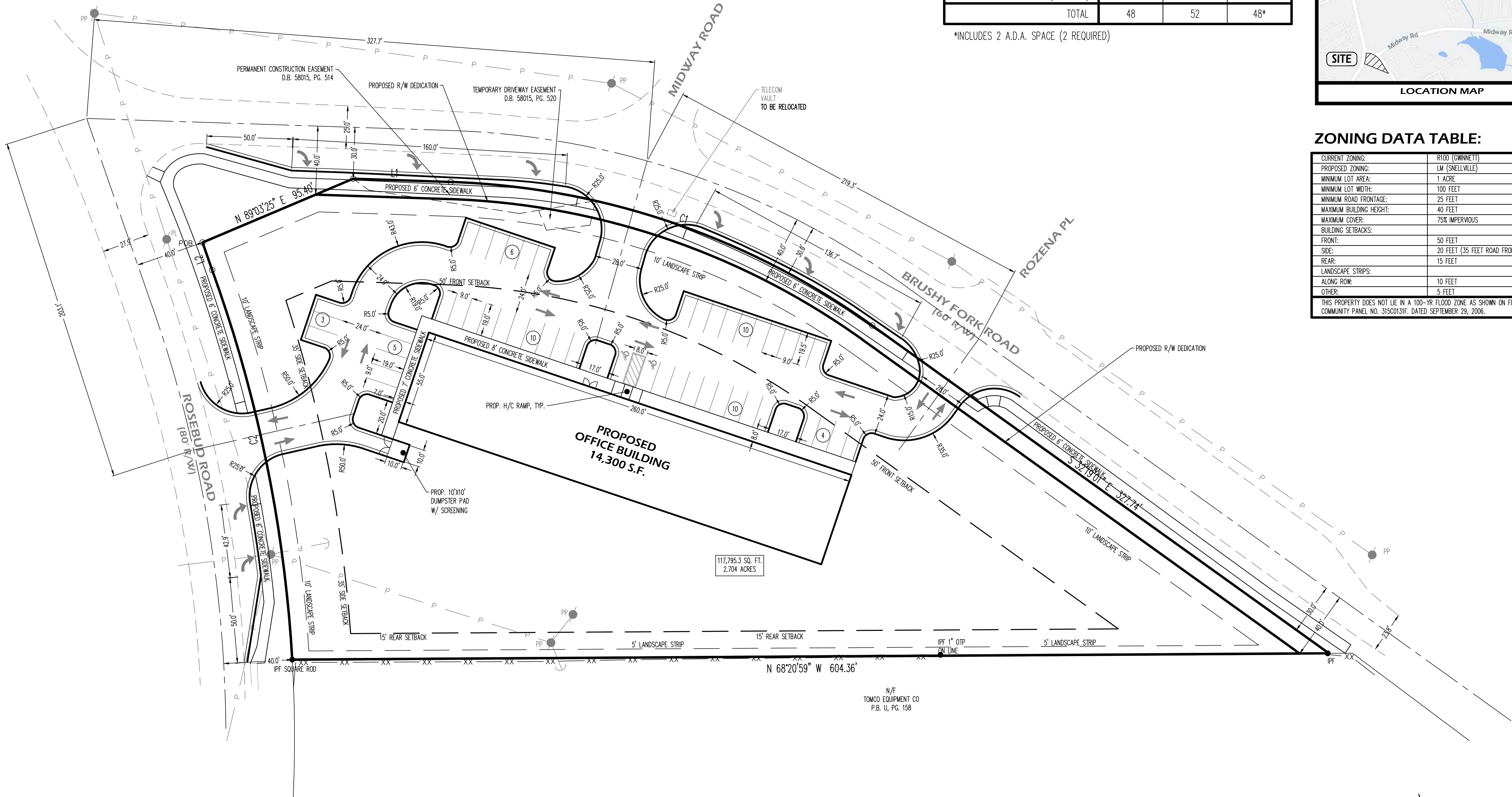
DRAFT



UTILITY DISCLAIMER:

IN ADDITION TO SHOWING THE STRUCTURES TO BE BUILT UNDER THIS CONTRACT, THE DRAWINGS SHOW CERTAIN INFORMATION OBTAINED BY THE ENGINEER REGARDING THE PIPES, POLE LINES, CONDUITS, AND OTHER STRUCTURES WHICH EXIST ALONG THE LINE OF THE WORK, BOTH AT AND BELOW THE SURFACE OF THE GROUND. THE ENGINEER AND THE OWNER EXPRESSLY DISCLAIM ANY RESPONSIBILITY FOR THE ACCURACY OR COMPLETENESS OF THE INFORMATION GIVEN ON THE DRAWINGS WITH REGARD TO EXISTING STRUCTURES, AND THE CONTRACTOR WILL NOT BE ENTITLED TO ANY EXTRA COMPENSATION ON ACCOUNT OF ANY INACCURACY OR INCOMPLETENESS OF SUCH INFORMATION, SAID STRUCTURES BEING INDICATED ONLY FOR THE CONVENIENCE OF THE CONTRACTOR, WHO MUST VERIFY THE INFORMATION TO HIS OWN SATISFACTION. THE GIVING OF THIS INFORMATION UPON THE CONTRACT DRAWINGS WILL NOT RELIEVE THE CONTRACTOR OF HIS OBLIGATION TO SUPPORT AND PROTECT ALL PIPES, CONDUITS, AND OTHER STRUCTURES. THE CONTRACTOR SHALL LOCATE ALL UNDERGROUND OBSTRUCTIONS PRIOR TO EXCAVATION SO AS TO PREVENT ANY DAMAGE TO THOSE SERVICES OR OTHER UTILITIES. ANY SUCH DAMAGES MUST BE REPAIRED WITHOUT DELAY AND THE COST OF SUCH REPAIRS MUST BE BORNE BY THE CONTRACTOR.

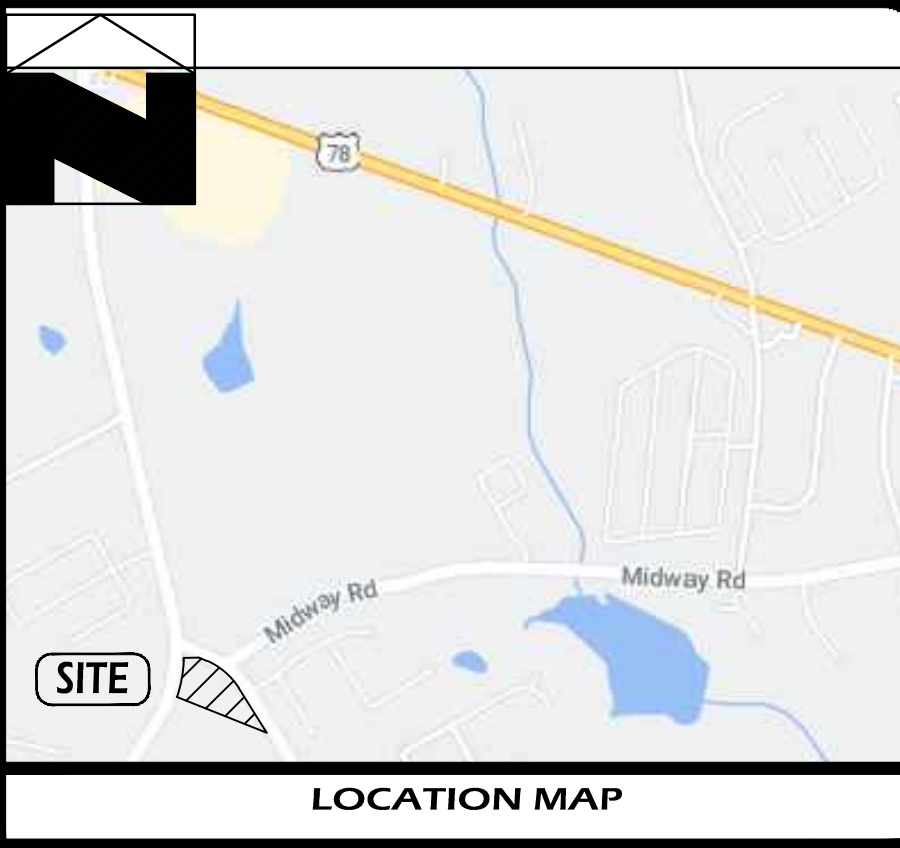
LINE	BEARING	DISTANCE			
L1	S 66°06'18" E	56.80'			
L2	N 02°48'07" E	17.00'			
CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING	
C1	263.44'	448.25'	259.66'	S 49°11'01" E	
C2	232.81'	803.44'	232.00'	N 10°23'35" E	



PARKING REQUIREMENTS:

CITY REQUIREMENT	MINIMUM PARKING	MAXIMUM PARKING	PROVIDED PARKING
OFFICE @ 14,300 S.F.			
1 SPACE PER 300 S.F. (MINIMUM)	48	52	48
1 SPACE PER 275 S.F. (MAXIMUM)			
TOTAL	48	52	48*

\*INCLUDES 2 A.D.A. SPACE (2 REQUIRED)



ZONING DATA TABLE:

CURRENT ZONING:	R100 (GWINNETT)
PROPOSED ZONING:	LM (SNELLVILLE)
MINIMUM LOT AREA:	1 ACRE
MINIMUM LOT WIDTH:	100 FEET
MINIMUM ROAD FRONTAGE:	25 FEET
MAXIMUM BUILDING HEIGHT:	40 FEET
MAXIMUM COVER:	75% IMPERVIOUS
BUILDING SETBACKS:	
FRONT:	50 FEET
SIDE:	20 FEET (35 FEET ROAD FRONTAGE)
REAR:	15 FEET
LANDSCAPE STRIPS:	
ALONG ROW:	10 FEET
OTHER:	5 FEET
THIS PROPERTY DOES NOT LIE IN A 100-YR FLOOD ZONE AS SHOWN ON FIRM COMMUNITY PANEL NO. 315C0131F, DATED SEPTEMBER 29, 2006.	

**Evans Design Group, Inc.**  
Civil Engineering /  
Site Planning /  
Land Development Services  
4755 Summer Song Court  
Buford, GA 30519  
(Ph) 678.207.6830  
jevans@evansdg.com



GSWCC LEVEL II CERT. # 10877

PROJECT NAME  
**TOMCO2 OFFICE BUILDING**

**3320 BRUSHY FORK RD,  
L.L. 99, 5TH DIST.,  
PARCEL 3, GWINNETT  
COUNTY, GEORGIA**

DATE:  
**01-25-21**

DESIGN BY: **JME** DRAWN BY: **JME** CHECKED BY: **JME**

☒ Not Released For Construction  
☐ Released For Construction

OWNER/DEVELOPER

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EVANS DESIGN GROUP, INC.  
ALL RIGHTS RESERVED.  
THESE CONSTRUCTION DOCUMENTS AND PERMITTED REPRODUCTIONS, IN WHOLE OR IN PART, ARE INSTRUMENTS OF SERVICE AND ARE THE SOLE PROPERTY OF EVANS DESIGN GROUP, INC. UNLESS OTHERWISE AGREED TO, THEY SHALL NOT BE REPRODUCED OR CONVEYED IN ANY MANNER NOR ARE THEY TO BE USED FOR ANY OTHER PROJECTS OTHER THAN THAT SPECIFICALLY INDICATED HEREIN WITHOUT WRITTEN PERMISSION FROM AND DUE COMPENSATION TO EVANS DESIGN GROUP, INC.

REVISIONS


JOB NUMBER:  
**21-005**

SHEET TITLE

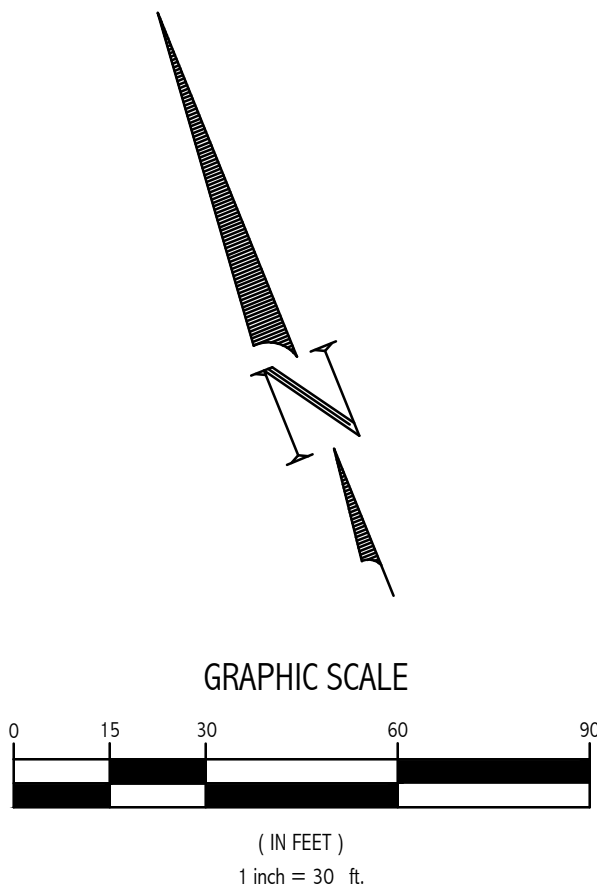
**SITE PLAN**

**C-4**

OWNER/DEVELOPER:

24-HR CONTACT:

ENGINEER:  
EVANS DESIGN GROUP, INC.  
4755 SUMMER SONG COURT  
BUFORD, GA 30519  
678.207.6830 (Ph)  
CONTACT: JON M. EVANS, P.E.



**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2021-16**

AN ORDINANCE TO DENY THE REQUEST TO AMEND THE 2040 COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR THE CITY OF SNELLVILLE, GEORGIA, FOR A 2.704± ACRE TRACT OF LAND LOCATED IN LAND LOT 99 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 3320 BRUSHY FORK ROAD, LOGANVILLE, GEORGIA; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #LUP 21-04

**SIZE:** 2.704± Acres

**LOCATION:** 3320 Brushy Fork Road, Loganville, Georgia

**TAX PARCEL:** R5099 003

**2030 UNIFIED PLAN FUTURE DEVELOPMENT MAP (Gw. Co.):** Community Mixed-Use

**REQUESTED FUTURE LAND USE MAP AMENDMENT:** Industrial Mixed-Use

**DEVELOPMENT/PROJECT:** Office Building and Associated Parking for Future Expansion of TOMCO2 Systems Facility

**PROPERTY OWNERS:** Stephen Ray Moon and Walter Major Moon  
Braselton, Georgia

**APPLICANT/CONTACT:** For TOMCO2 Systems Company  
Shane Lanham, Esq.  
Mahaffey Pickens Tucker, LLP  
770-232-0000 or [slanham@mptlawfirm.com](mailto:slanham@mptlawfirm.com)

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



**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to deny LUP 21-04, which requested to amend the designated future land use map as it applies to the 2.704± acre tract of land located at 3320 Brushy Fork Road, Loganville, Georgia (Tax Parcel R5099 003) for a 14,300 sq. ft. office building and associated for the future expansion of TOMCO2 Systems facility; 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 upon review of the application submitted by Applicant, the request for a change in the future land map designation to Industrial Mixed-Use for the 2.704± acre tract of land as shown on the conceptual rezoning site plan entitled “TOMCO2 Office Building”, sealed and dated 2-8-2021 (stamped received 2-10-2021), in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby denied.

**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 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 5.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 6.** This Ordinance was adopted on \_\_\_\_\_, 2021. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

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

\_\_\_\_\_  
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”

DRAFT



---

[SPACE ABOVE THIS LINE FOR RECORDER'S USE]

After recording, please return to:  
Powell & Edwards, Attorneys at Law P.C.  
P.O. Box 1390  
Lawrenceville, GA 30046

STATE OF GEORGIA  
COUNTY OF GWINNETT

**QUIT-CLAIM DEED**

THIS INDENTURE, made this \_\_\_\_\_ day of \_\_\_\_\_, in the year Two Thousand  
Twenty-One between

**CITY OF SNELLVILLE, GEORGIA,  
a political subdivision of the State of Georgia**

as party or parties of the first part, hereinafter called Grantor, and

**DOWNTOWN DEVELOPMENT AUTHORITY  
OF SNELLVILLE, GEORGIA,  
a public body corporate and politic of the State of Georgia**

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee"  
to include their respective heirs, successors and assigns where the context requires or permits).

**WITNESSETH:**

That the said Grantor for and in consideration of the sum of ONE DOLLAR (\$1.00) and other  
valuable consideration, cash in hand paid, the receipt of which is hereby acknowledged, has  
bargained, sold and does by these presents bargain, sell, remise, release and forever quit-claim to the  
said Grantee, its heirs and assigns, all the right, title, interest, claim or demand which the said

Grantor, either jointly or individually, has or may have had in and to the following described property, to wit:

ALL THAT TRACT or parcel of land lying and being in Gwinnett County, Georgia, being more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference. Said tract or parcel of land being subject to all recorded easements of record that are not being released hereby.

with all the rights, members and appurtenances to the said described premises in anywise appertaining or belonging.

TO HAVE AND TO HOLD the said described premises unto the said Grantee, its successors, heirs and assigns, so that neither the said Grantor nor its successors, nor any other person claiming under it shall at any time, claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

(Signatures Contained On Following Page)

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and affixed its seal, the day and year above written.

Signed, sealed and delivered  
in the presence of:

GRANTOR:  
City of Snellville, Georgia, a political  
subdivision of the State of Georgia

\_\_\_\_\_  
Unofficial Witness

By: \_\_\_\_\_(Seal)  
Barbara Bender, Mayor

\_\_\_\_\_  
Notary Public  
My Commission Expires:

Exhibit "A"  
Legal Description

All permanent and temporary construction easements and easements for construction of slopes that were described as being excluded from (i.e., as a "less and except" to) the property conveyed pursuant to that certain Limited Warranty Deed, dated June 30, 2011, from the City of Snellville to the Downtown Development Authority of Snellville, Georgia, recorded on July 6, 2011 in Deed Book 50756, Page 138, Gwinnett County, Georgia records and that were depicted on Exhibit "B" to such Limited Warranty Deed, together with any fee simple title interest which Grantor may have in the land encumbered by such easements.

---

[SPACE ABOVE THIS LINE FOR RECORDER'S USE]

After recording, please return to:  
Powell & Edwards, PC  
P.O. Box 1390  
Lawrenceville, GA 30046

STATE OF GEORGIA

COUNTY OF GWINNETT

**RIGHT-OF-WAY DEED**

THIS INDENTURE, made the \_\_\_\_ day of \_\_\_\_\_, in the year Two Thousand Twenty-One between

**CITY OF SNELLVILLE, GEORGIA,  
a political subdivision of the State of Georgia**

as party or parties of the first part, hereinafter called Grantor, and

**CITY OF SNELLVILLE, GEORGIA,  
a political subdivision of the State of Georgia**

as party or parties of the second part, hereinafter called Grantee (the words "Grantor" and "Grantee" to include their respective heirs, successors and assigns where the context requires or permits).

**WITNESSETH:**

That the said Grantor for and in consideration of the sum of ONE DOLLAR (\$1.00) and other valuable consideration, cash in hand paid, the receipt of which is hereby acknowledged, has bargained, sold and does by these presents bargain, sell, remise, release and forever quit-claim to the said Grantee, its heirs and assigns, all the right, title, interest, claim or demand which the said

Grantor, either jointly or individually, has or may have had in and to the following described property, to wit:

ALL THAT TRACT or parcel of land lying and being in Gwinnett County, Georgia, being more particularly described on Exhibit "A" attached hereto and incorporated herein by this reference.

with all the rights, members and appurtenances to the said described premises in anywise appertaining or belonging.

TO HAVE AND TO HOLD the said described premises unto the said Grantee, its successors, heirs and assigns as a part of the right-of-way for which they abut, so that neither the said Grantor nor its successors, nor any other person claiming under it shall at any time, claim or demand any right, title or interest to the aforesaid described premises or its appurtenances.

(Signatures Contained On Following Page)

IN WITNESS WHEREOF, the said Grantor has hereunto set its hand and affixed its seal,  
the day and year above written.

Signed, sealed and delivered  
in the presence of:

GRANTOR:  
City of Snellville, Georgia, a political  
subdivision of the State of Georgia

\_\_\_\_\_  
Unofficial Witness

By: \_\_\_\_\_(Seal)  
Barbara Bender, Mayor

\_\_\_\_\_  
Notary Public  
My Commission Expires:

Exhibit "A"  
Legal Description

Being three (3) strips or tracts of land lying in the City of Snellville, the first being in Land Lots 26 and 39, 5<sup>th</sup> District, Gwinnett County, Georgia, the second being in Land Lot 26 of the aforesaid District, the third being in Land Lot 39 of the aforesaid District and all being shown on a R/W Dedication Exhibit prepared by TerraMark Land Surveying, Inc., and more particularly described as follows:

Tract 1

For the first strip or tract of land begin at the point of intersection of the Northeasterly Right-of-Way Line of Oak Road (an apparent variable width right of way), and the Southeasterly Right-of-Way Line of North Road (an apparent variable width right of way), said point being at State Plane Coordinate (Georgia West Zone) of North: 1,404,139.93; East: 2,341,657.63; thence, leaving the said point and running with the said line of North Road,

1. North 34° 27' 08" East, 184.49 feet; thence,
2. 182.72 feet along the arc of a curve deflecting to the left, having a radius of 2,306.83 feet and a chord bearing and distance of North 32° 29' 03" East, 182.67 feet; thence,
3. South 29° 38' 47" East, 6.18 feet; thence,
4. North 30° 42' 52" East, 153.96 feet to the point of intersection with the Southwesterly Right-of-Way Line of Wisteria Drive (an apparent variable width right of way); thence, running with the said line of Wisteria Drive,
5. South 58° 14' 28" East, 0.98 feet; thence, leaving the aforesaid line of Wisteria Drive and running
6. South 31° 11' 12" West, 28.98 feet; thence,
7. South 30° 09' 20" West, 117.04 feet; thence,
8. South 29° 22' 38" West, 94.01 feet; thence,
9. South 34° 07' 51" West, 96.90 feet; thence,
10. South 34° 39' 07" West, 75.02 feet; thence,
11. South 34° 30' 32" West, 108.38 feet to a point on the aforesaid line of Oak Road; thence, running with the said line of Oak Road
12. North 46° 00' 07" West, 9.27 feet to the Point of Beginning, containing 3,568 square feet or 0.0819 of an acre of land, more or less.

Tract 2

To find the Point of Beginning of the second strip or tract of land, commence at the point of intersection of the Northeasterly Right-of-Way Line of Oak Road (an apparent variable width right of way), and the Southeasterly Right-of-Way Line of North Road (an apparent variable width right of way), said point being at State Plane Coordinate (Georgia West Zone) of North: 1,404,139.93; East: 2,341,657.63; thence, leaving the said point and running with the said line of Oak Road, South 46° 00' 07" East, 58.30 feet; thence, 126.07 feet along the arc of a curve deflecting to the left, having a radius of 160.99 feet and a chord bearing and distance of South 68° 16' 35" East, 122.87 feet to the True Point of Beginning of the herein described strip or tract of land; thence, leaving the said Point of Beginning and the aforesaid line of Oak Road and running



1. North 78° 55' 17" East, 21.17 feet; thence,
2. 108.67 feet along the arc of a curve deflecting to the right, having a radius of 185.15 feet and a chord bearing and distance of South 84° 15' 52" East, 107.11 feet to a point on the aforesaid line of Oak Road; thence, running with the said line of Oak Road
3. South 20° 49' 56" West, 0.48 feet; thence,
4. 102.60 feet along the arc of a curve deflecting to the left, having a radius of 189.15 feet and a chord bearing and distance of North 84° 34' 44" West, 101.35 feet; thence,
5. 26.43 feet along the arc of a curve deflecting to the right, having a radius of 160.99 feet and a chord bearing and distance of South 84° 35' 09" West, 26.40 feet to the point of beginning, containing 214 square feet or 0.0049 of an acre of land, more or less.

### Tract 3

To find the Point of Beginning of the third strip or tract of land, commence at the point of intersection of the Northeasterly Right-of-Way Line of Oak Road (an apparent variable width right of way), and the Southeasterly Right-of-Way Line of North Road (an apparent variable width right of way), said point being at State Plane Coordinate (Georgia West Zone) of North: 1,404,139.93; East: 2,341,657.63; thence, leaving the said point and running with the said line of North Road, North 34° 27' 08" East, 184.49 feet; thence, 182.72 feet along the arc of a curve deflecting to the left, having a radius of 2,306.83 feet and a chord bearing and distance of North 32° 29' 03" East, 182.67 feet; thence, South 29° 38' 47" East, 6.18 feet; thence, North 30° 42' 52" East, 153.96 feet to a point of intersection with the Southwesterly Right-of-Way Line of Wisteria Drive (an apparent variable width right of way); thence, running with the said line of Wisteria Drive, South 58° 14' 28" East, 221.94 feet to the True Point of Beginning of the herein described strip or tract of land; thence, leaving the said Point of Beginning and continuing with the said line of Wisteria Drive

1. South 58° 14' 28" East, 12.95 feet; thence,
2. 141.68 feet along the arc of a curve deflecting to the left, having a radius of 1,081.61 feet and a chord bearing and distance of South 52° 47' 52" East, 141.57 feet; thence,
3. South 57° 57' 32" East, 18.50 feet; thence,
4. South 59° 09' 16" East, 206.67 feet; thence, leaving the aforesaid line of Wisteria Drive and running
5. South 33° 08' 28" West, 3.97 feet; thence,
6. North 58° 17' 58" West, 207.04 feet; thence,
7. North 58° 17' 58" West, 31.38 feet; thence,
8. 91.73 feet along the arc of a curve deflecting to the right, having a radius of 637.50 feet and a chord bearing and distance of North 54° 10' 39" West, 91.65 feet; thence,
9. 9.34 feet along the arc of a curve deflecting to the right, having a radius of 1,115.76 feet and a chord bearing and distance of North 49° 48' 57" West, 9.34 feet; thence,
10. North 49° 12' 57" West, 19.58 feet; thence,
11. 20.82 feet along the arc of a curve deflecting to the right, having a radius of 887.53 feet and a chord bearing and distance of North 48° 32' 47" West, 20.82 feet to the Point of Beginning, containing 872 square feet or 0.0200 of an acre of land, more or less.

**STATE OF GEORGIA  
COUNTY OF GWINNETT  
CITY OF SNELLVILLE**

**INTERGOVERNMENTAL AGREEMENT FOR THE CONSTRUCTION,  
DEVELOPMENT, AND OPERATION OF CERTAIN COMPONENTS OF THE GROVE  
AT TOWNE CENTER IN THE CITY OF SNELLVILLE**

This **INTERGOVERNMENTAL AGREEMENT** (the “**IGA**”) is made and entered into as of \_\_\_\_\_, 2021, by and between **CITY OF SNELLVILLE, GEORGIA** (the “**City**”), a municipal corporation of the State of Georgia, and the **DOWNTOWN DEVELOPMENT AUTHORITY OF SNELLVILLE, GEORGIA** (the “**Authority**”), a public body corporate and politic duly created and existing under the laws of the State of Georgia. Collectively, the City and the Authority may be referred to herein as the “**Parties**.”

**WITNESSETH**

**WHEREAS**, the City, the Authority, and Mid Cast Snellville, LLC are parties to that certain Master Development Agreement dated August 26, 2019, as amended (the “**Master Development Agreement**”), under which they are collaborating to develop “The Grove at Towne Center” within the city limits of the City;

**WHEREAS**, the Authority and the City have previously entered into separate intergovernmental agreements for each parcel of land needed for the STC Project as it was purchased and now wish to enter into this IGA to govern the rights and responsibilities of the City and the Authority with regard to the development, construction, and operation of the STC Project on the Property;

**WHEREAS**, the City and the Authority are financing and constructing an approximately 750-space parking deck as the main parking facility for the STC Project, which is designed to serve the parking needs of the STC Project;

**WHEREAS**, the Authority expects to record the Parking Deck Declaration and the Master Declaration, which will govern the rights of the parties participating in the development of the STC Project with respect to the Parking Deck and the STC Project, in general;

**WHEREAS**, the Authority expects to enter into certain construction contracts (the “**Construction Contracts**”) for construction of a parking deck, a city market facility, and certain public improvements in connection with the development of the STC Project **[ARE WE ABLE TO FURTHER IDENTIFY EACH CONTRACT?]**; and

**WHEREAS**, the City desires to enter into this IGA for the purpose of authorizing certain actions to be taken by the Authority and contracting with the Authority to specify certain operational details regarding the Parking Deck and the other Municipal Improvements as part of their responsibility to use these assets to stimulate growth, revitalization, and economic expansion in the City.

**NOW, THEREFORE**, in consideration of the respective representations and agreements hereinafter contained and in furtherance of the mutual public purposes hereby sought to be achieved, the City and the Authority do hereby agree, as follows:

## **ARTICLE I** **DEFINITIONS**

The following words and terms shall have the meanings set forth below. Capitalized words and phrases not defined below or elsewhere herein shall have the meaning ascribed thereto in the Master Development Agreement.

**“City Market”** means the Improvements to be constructed by the Authority on Parcel 4b(Market).

**“Construction Contracts”** is defined in the Recitals of this IGA.

**“IGA”** means this Intergovernmental Agreement between the City and the Authority concerning ownership, operation, and maintenance of certain components of the STC Project.

**“Project Documents”** means, collectively, the Parking Deck Declaration, the Master Declaration, the Joint Development Agreement, and the Construction Contracts.

## **ARTICLE II** **REPRESENTATIONS**

**Section 2.1. Representations of the City.** The City makes the following representations:

- a. The recitals above are hereby incorporated into the terms of this IGA as if fully set forth herein.
- b. The has City previously determined that the acquisition of the Property by the Authority was in the best interest of the City and the inhabitants thereof.
- c. The City has previously determined and now reaffirms that the development of the STC Project will provide job opportunities, encourage private development, relieve unemployment in the City, provide recreational opportunities, and otherwise support and expand the economy of the City.
- d. The City believes that the assistance of the City in financing the acquisition and development of the STC Project is of critical importance to the Authority.
- e. The City has the authority to enter into this IGA and perform all obligations contained herein, and has, by proper action, duly authorized the execution and delivery of this IGA.
- f. Article IX, Section VI, Paragraph III of the Constitution of the State of Georgia of 1983 provides that the development of trade, commerce, industry and employment

opportunities is a public purpose vital to the welfare of the people of the State of Georgia.

- g. The Property is within the Downtown Development Area as designated by the City for the operation of the Authority, as provided in the Downtown Development Authorities Law.

**Section 2.2. Representations of the Authority.** The Authority makes the following representations:

- a. The recitals above are hereby incorporated into the terms of this IGA as if fully set forth herein.
- b. The Authority is a public body corporate and politic duly created and existing under the laws of the State of Georgia for the purpose to (a) develop and promote trade, commerce, industry, and employment opportunities for the public good and the general welfare and to promote the general welfare of the state, (b) to make and execute contracts and other instruments necessary to exercise the powers of the Authority, (c) to sell, lease, exchange, transfer, assign, pledge, mortgage, dispose of, or grant options for any real or personal property or interest therein for any such purposes, (d) to dispose of any real property for fair market value, regardless of prior development of such property as a project, whenever the board of directors of the Authority may deem such disposition to be in the best interests of the Authority if the board of directors of the Authority prior to such disposition shall determine that such real property no longer can be used advantageously as a project for the development of trade, commerce, industry, and employment opportunities, and (e) to mortgage, convey, pledge, or assign any properties, revenues, income, tolls, charges, or fees owned or received by the Authority;
- c. The Authority hereby warrants that it is not subject to any bylaw or contractual or other limitation or provision of any nature whatsoever which in any way limits, restricts or prevents it from entering into this IGA and performing its obligations hereunder.

### **ARTICLE III** **TERM OF CONTRACT**

**Section 3.1. Term.** The term of this IGA shall commence with the execution and delivery hereof and shall extend for fifty (50) years. The Parties shall meet within a reasonable time in advance of the expiration date of the initial term of this IGA to consider its renewal.

### **ARTICLE IV** **AGREEMENTS REGARDING THE PROPERTY**

**Section 4.1. The Property.** The Parties acknowledge that the Authority holds title to the Property and, as such, shall act as the appropriate “City Party” under the Master Development Agreement for purposes of the conveyance of the Phase I Property and the Phase II Property to the Developer

and the acquisition of the Phase I(a) Municipal Development Parcels and the Phase I(b) Municipal Development Parcels, all as contemplated in the Master Development Agreement. The Parties agree that, during the term of this IGA, title to the Phase I(a) Municipal Development Parcels and the Phase I(b) Municipal Development Parcels shall be vested in the Authority. The Parties agree that the Authority shall manage the improvements constructed on the Phase I(a) Municipal Development Parcels and the Phase I(b) Municipal Development Parcels in a manner that is consistent with the Project Documents. The Authority may negotiate leases of all or a portion the City Market and work with prospective tenants thereof upon such terms and conditions as are determined acceptable by the Authority, subject to the approval of the Mayor and Council of the City. The Authority will follow the directions of the Mayor and Council of the City as to how, when and to whom the Phase I(a) Municipal Development Parcels or the Phase I(b) Municipal Development Parcels are disposed of. The Authority agrees that the proceeds of any sale, lease or other disposition of any of the Phase I(a) Municipal Development Parcels or the Phase I(b) Municipal Development Parcels shall be deposited or disposed of as directed by the City. The City agrees that neither the sale, lease or other disposition of all or any portion of the Phase I(a) Municipal Development Parcels or the Phase I(b) Municipal Development Parcels or any interest therein shall affect its obligations under this IGA.

## **ARTICLE V**

### **PROJECT INSTRUMENTS; OTHER**

**Section 5.1 City and Authority Agreements.** Subject to the details set forth generally in this IGA and specifically in this Article, the City consents to the Authority entering into the Parking Deck Declaration and the Master Declaration. In addition, the Authority, on behalf of the City and at the City's express instruction, shall enter into the Construction Contracts.

**Section 5.2. City and Obligations.** The City agrees that, during the term of this IGA, the City shall be obligated to fund in its general operating budget the funds necessary to satisfy the contractual commitments of the Authority as follows:

- a. The Parking Deck Declaration. The City shall provide the Authority with funding necessary on an annual basis (or such other frequency as may be necessary) to allow the Authority to satisfy all of its obligations under the Parking Deck Declaration;
- b. The Master Declaration. The City shall provide the Authority with funding necessary on an annual basis (or such other frequency as may be necessary) to allow the Authority to satisfy all of its obligations under the Master Declaration; and
- c. The Joint Development Agreement. The City shall provide the Authority with funding necessary on a monthly basis (or such other frequency as may be necessary) to allow the Authority to satisfy all of its obligations under the Joint Development Agreement; and
- d. Construction Contracts. The City shall provide the Authority with funding necessary on a monthly basis (or such other frequency as may be necessary) to

allow the Authority to satisfy all of its obligations under the Construction Contracts.

**Section 5.3. Source of Funds for City's Payment Obligations; Limitations on Additional Contracts.**

The obligation of the City to make payments under this IGA shall constitute a general obligation of the City, payable out of any funds lawfully available to it for such purpose from whatever source derived (including general funds). The City covenants and agrees that it shall, to the extent necessary, levy an annual ad valorem tax on all taxable property located within the territorial limits of the City, as now existent and as the same may hereafter be extended, at such rate or rates as may be necessary to produce in each year revenues which will be sufficient to fulfill the City's obligations under this IGA, from which revenues the City agrees to appropriate sums sufficient to pay in full when due all of the City's obligations under this IGA. The City hereby creates and grants a lien in favor of the Authority on any and all revenues realized by the City from such tax, if levied, to make the payments that are required under this IGA, which lien is superior to any that can hereafter be created. Nothing herein contained, however, shall be construed as limiting the right of the City to make the payments called for by this IGA out of any funds lawfully available to it for such purpose, from whatever source derived (including general funds).

**Section 5.4. Agency for Construction Contracts [BROAD ENOUGH?].**

The Authority hereby appoints the City as its exclusive agent for the purpose of administering the Construction Contracts, and more generally, for causing the acquisition, construction, equipping, and installation of Municipal Improvements. The City, as agent for the Authority for such purpose, assumes all rights, duties and responsibilities of the Authority regarding supervision of the acquisition, construction, and installation of the Improvements as are granted to or imposed upon the Authority pursuant to the Construction Contracts. The City shall supervise the acquisition, construction, equipping, and installation of the Municipal Improvements in a manner to ensure that, upon final completion thereof, the Municipal Improvements shall be free and clear of all liens and encumbrances that may arise in connection with the work performed and that the Municipal Improvements will be acceptable to the City for their use, occupancy, and operation during the term of this IGA. The City is hereby authorized to execute and deliver any documents with respect to administering the Project Documents. The Authority shall cooperate with the City, as requested by the City, in connection with the execution, delivery, and performance of any Project Documents. Notwithstanding anything herein to the contrary, title to the Municipal Improvements shall be and shall remain in the Authority.

**Section 5.5 Amendments.** The Authority shall not alter or amend the Project Documents without the City's express written consent.

**Section 5.5 Communications.** On a frequency to be established by the City, but not less than quarterly, the Authority shall provide to the City information regarding the facilities subject to this IGA that will allow the City to reasonably ascertain the status of such facilities and the resources (financial or otherwise) that the City needs available to assist the Authority in its operations and maintenance plans thereof.

**ARTICLE VI**  
**MISCELLANEOUS**

**Section 6.1. Governing Law.** This IGA and the rights and obligations of the parties hereto (including third party beneficiaries) shall be governed, construed and interpreted according to the laws of the State of Georgia, without regard to principles of conflicts of laws.

**Section 6.2. Entire Agreement.** This IGA expresses the entire understanding and all agreements between the parties hereto.

**Section 6.3. Severability.** If any provision of this IGA shall be held or deemed to be or shall, in fact, be inoperative or unenforceable as applied in any particular case in any jurisdiction or jurisdictions or in all jurisdictions, or in all cases because it conflicts with any other provision or provisions hereof or any constitution or statute or rule of public policy, or for any other reason, such circumstances shall not have the effect of rendering the provision in question inoperative or unenforceable in any other case or circumstance, or of rendering any other provision or provisions herein contained invalid, inoperative or unenforceable to any extent whatever. The invalidity of any one or more phrases, sentences, clauses or sections contained in this IGA shall not affect the remaining portions of this IGA or any part thereof.

**Section 6.4. Survival of Warranties.** All agreements, representations and warranties of the parties hereunder, or made in writing by or on behalf of them in connection with the transactions contemplated hereby, shall survive the execution and delivery hereof, regardless of any investigation or other action taken by any person relying thereon.

**Section 6.5. Counterparts.** This IGA may be executed in several counterparts, each of which shall be an original, and all of which shall constitute but one and the same instrument.

**Section 6.6. Amendments in Writing.** No waiver, amendment, release or modification of this IGA shall be established by conduct, custom or course of dealing, but solely by an instrument in writing only executed by the parties hereto.

**Section 6.7. Notices.** Except as otherwise specifically provided herein, any notices, demands, approvals, consents, requests and other communications hereunder shall be in writing and shall be deemed given when the writing is delivered in person or five days after being mailed, if mailed, by certified mail, return receipt requested, postage prepaid, to the City and the Authority, respectively, at the addresses shown below or at such other addresses as may be furnished by the City or the Authority in writing from time to time:

CITY:	City of Snellville 2342 Oak Road Snellville, Georgia 30078-2361
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AUTHORITY:	Downtown Development Authority of Snellville, Georgia 2342 Oak Road
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Snellville, Georgia 30078-2361

**Section 6.8. Limitation of Rights.** Nothing in this IGA, express or implied, shall give to any person, other than the parties hereto and their successors and assigns hereunder, any benefit or any legal or equitable right, remedy or claim under this IGA.

**[Execution on Following Page]**



**IN WITNESS WHEREOF**, the City and the Authority have caused this IGA to be executed in their respective corporate name sand have caused their respective corporate seals to be hereunto affixed and attested by their duly authorized officers, all as of this \_\_\_\_\_ day of \_\_\_\_\_, 2021.

Signed, sealed and delivered in the presence of:

**CITY OF SNELLVILLE, GEORGIA**

\_\_\_\_\_  
Unofficial Witness

By: \_\_\_\_\_  
Barbara Bender, Mayor

\_\_\_\_\_  
Notary Public

Attest: \_\_\_\_\_  
Melisa Arnold, City Clerk

My Commission Expires: \_\_\_\_\_

[SEAL]

[NOTARIAL SEAL]

**DOWNTOWN DEVELOPMENT  
AUTHORITY OF  
SNELLVILLE, GEORGIA**

Signed, sealed and delivered in the presence of:

\_\_\_\_\_  
Unofficial Witness

By: \_\_\_\_\_  
Don Britt, Chairman

\_\_\_\_\_  
Notary Public

Attest: \_\_\_\_\_  
Secretary

My Commission Expires: \_\_\_\_\_

[SEAL]

[NOTARIAL SEAL]

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## **Agenda Item Summary**

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Date: April 12, 2021

Prepared by: Butch Sanders

Agenda item: Property and Casualty Insurance Bid

Background: We bid our P&L insurance for the first time in a number of years and the pricing came back at: GIRMA - \$314,141  
Travelers - \$287,624

We have worked hard to make sure the bids were “apples-to-apples” and I believe they are. The only major change would be in main law firms defending our cases where Freeman, Mathis and Gary would replace Ellarbee/Thompson. I hate to lose Sharon Morgan’s services, but I have worked with FMG in the past and they are also excellent. The change also may well mean some extra administrative work until it becomes routine. References were strong for both entities.

Financial Impact: Savings of \$26,517

Recommendation: Review and approve the P&L bid from Travelers

Action requested: VOTE to approve the award of next year’s P&L insurance to Travelers through Apex and the Hood Insurance Agency.

Attachments: Documents available upon request

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## **Agenda Item Summary**

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Date: April 12, 2021

Prepared by: Gaye Johnson  
Director of Public Works

Agenda item:  
Consideration and Action on Surplus of Christmas Decorations for Light Poles

Background:

Public Works has 127 snowflakes for surplus. They are in poor condition and not usable as they are. Some would require total revamping and rewiring.

The City will dispose of these by selling them on eBay.

Financial Impact:

There is a small cost to list these items on eBay, but that is usually recouped in the sale.

Recommendation:

Approve the surplus of the items listed for disposal.

Action requested:

Motion and affirmative vote to approve the listed items for surplus.

Attachments:

- None