

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



# AGENDA

---

WORK SESSION  
OF MAYOR AND COUNCIL  
CITY OF SNELLVILLE, GEORGIA  
MONDAY, AUGUST 14, 2023

Publication Date: August 10, 2023

TIME: 6:30 p.m.

DATE: August 14, 2023

PLACE: City Hall Conference Room 145

## I. CALL TO ORDER

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

## III. REVIEW CORRESPONDENCE

## IV. CITY ATTORNEY'S REPORT

## V. DISCUSSION ITEMS

- a) Update of Ongoing Projects [Bender]
- b) Update from the Christmas Decoration Committee [Bender]
- c) City Public Communications [Bender]
- d) Discussion About Certain Businesses Having Cameras [Schulz]

## VI. EXECUTIVE SESSION

An Executive Session may be called:

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

## VII. ADJOURNMENT



# AGENDA

---

PUBLIC HEARING & REGULAR BUSINESS MEETING  
OF MAYOR AND COUNCIL  
CITY OF SNELLVILLE, GEORGIA  
MONDAY, AUGUST 14, 2023

Publication Date: August 10, 2023

TIME: 7:30 p.m.

DATE: August 14, 2023

PLACE: Council Chambers

**I. CALL TO ORDER**

**II. INVOCATION**

**III. PLEDGE TO THE FLAG**

**IV. CEREMONIAL MATTERS**

**V. MINUTES**

Approve the Minutes of the July 24, 2023 Special Called Meetings and Regular Meetings

**VI. INVITED GUESTS**

**VII. COMMITTEE / DEPARTMENT REPORTS**

**VIII. APPROVAL OF THE AGENDA**

**IX. PUBLIC HEARING**

- a) Public Hearing on the 5-Year Update to the Snellville 2040 Comprehensive Plan, Adopted on 2-11-2019
- b) 2<sup>nd</sup> Reading - RZ 23-03 SUP 23-02 – Consideration and Recommendation on applications by Split Silk Properties, LLC (applicant) representing Highpoint Development (contract purchaser) and The Kroger Company (property owner) requesting: to amend the Official Zoning Map from BG (General Business) District to MU (Mixed-Use) District; and Special Use Permit and variances from the Unified Development Ordinance for a mixed-use development consisting of 300 stacked flat units, 28 single-family residential townhomes, and 51,000 sq. ft. of commercial/retail buildings on a 22.85± acre site located at the intersection of U.S. Hwy. 78 (Athens Hwy.) and Rosebud Rd., 1000 Hwy. 78, Snellville, Georgia (Tax Parcel 5100 065)

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

**XI. OLD BUSINESS**

**XII. NEW BUSINESS**

None

**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.

**XI. 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).

**XII. 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  
AUGUST 14, 2023

August 14

Council Meeting

Monday, August 14, 2023

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

7:30 pm Meeting - Council Chambers, City Hall

August 16

DDA Meeting

Wednesday, August 16, 2023

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

August 17

DAS & URA Joint Meeting

Thursday, August 17, 2023

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

August 18

Centennial Celebration

Friday, August 18, 2023

4:00 pm – Towne Green

August 19

Centennial Celebration

Saturday, August 19, 2023

6:00 pm – Towne Green

August 20

Broadcast of 8/24/23 Council Meeting

Sunday, August 20, 2023

Watch the broadcast of the 8/14/2023 Council Meeting on Comcast Channel 25 at 6:30 pm

August 22

Planning Commission Meeting - Canceled

August 26

Farmers' Market

Saturday, August 26, 2023

8:30 am to 12:30 pm – Towne Green

August 26

Live on the Lawn Concert

Saturday, August 26, 2023

6:00 pm – Towne Green

**August 28**

**Council Meeting**

**Monday, August 28, 2023**

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

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



SPECIAL CALLED MEETING  
OF MAYOR AND COUNCIL  
CITY OF SNELLVILLE, GEORGIA  
MONDAY, JULY 24, 2023

Present: Mayor Pro Tem Tod Warner and Council Members Dave Emanuel, Cristy Lenski, and Gretchen Schulz. (Mayor Barbara Bender and Council Member Solange Destang were absent). Also present City Manager Butch Sanders, Assistant City Manager Matthew Pepper, IT Administrator Erika Fleeman, and Public Information Officer Brian Arrington (City Clerk Melisa Arnold was absent).

**Call To Order**

Mayor Pro Tem Warner called the meeting to order at 11:30 a.m.

**Provide Citizens the Opportunity to Submit Written and Oral Comments on the Proposed 2023 Millage Rate**

Mayor Pro Tem Warner explained the purpose of the meeting was to allow people to comment on the proposed 2023 millage rate and opened the floor to public comment.

No one came forward so Mayor Pro Tem Warner closed public comment.

**Adjournment**

Council Member Emanuel made a motion to adjourn, 2<sup>nd</sup> by Council Member Schulz; voted four (4) in favor and zero (0) opposed, motion approved. The meeting adjourned at 11:32 a.m.

Tod Warner, Mayor Pro Tem

Matthew Pepper, Assistant City Manager



SPECIAL CALLED MEETING  
OF MAYOR AND COUNCIL  
CITY OF SNELLVILLE, GEORGIA  
MONDAY, JULY 24, 2023

Present: Mayor Barbara Bender, Mayor Pro Tem Tod Warner and Council Members Solange Destang, Dave Emanuel, Cristy Lenski, and Gretchen Schulz. Also present City Manager Butch Sanders, Assistant City Manager Matthew Pepper, City Attorney Chuck Ross with Powell and Edwards Attorney at Law, IT Administrator Erika Fleeman, and Public Information Officer Brian Arrington (City Clerk Melisa Arnold was absent).

**Call To Order**

Mayor Bender called the meeting to order at 6:00 p.m.

**Provide Citizens the Opportunity to Submit Written and Oral Comments on the Proposed 2023 Millage Rate**

Mayor Bender explained the purpose of the meeting was to allow people to comment on the proposed 2023 millage rate and opened the floor to public comment.

No one came forward so Mayor Bender closed public comment.

**Adjournment**

Council Member Emanuel made a motion to adjourn, 2<sup>nd</sup> by Council Member Destang; voted six (6) in favor and zero (0) opposed, motion approved. The meeting adjourned at 6:02 p.m.

Barbara Bender, Mayor

Matthew Pepper, Assistant City Manager





WORK SESSION  
OF MAYOR AND COUNCIL  
CITY OF SNELLVILLE, GEORGIA  
MONDAY, JULY 24, 2023

Present: Mayor Barbara Bender, Mayor Pro Tem Tod Warner, Council Members Solange Destang, Dave Emanuel, Cristy Lenski, and Gretchen Schulz. Also present City Manager Butch Sanders, Assistant City Manager Matthew Pepper, City Attorney Chuck Ross with Powell and Edwards Attorneys at Law, Planning and Development Director Jason Thompson, Public Works Director Craig Barton, Parks and Recreation Director Lisa Platt, Public Information Officer Brian Arrington, and Captain Zach Spahr (Chief Greg Perry and City Clerk Melisa Arnold were absent).

**CALL TO ORDER**

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

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

The agenda items were reviewed. During the discussion, Mayor Bender informed the Council that the City had not received the amended contract from Waste Management. The amended contract includes a 4% Cost-Of-Living Adjustment (COLA) for all commercial services and language that reflects the recent change in the City's residential recycling program. The Mayor and Council reached a consensus to authorize the Mayor to sign the amended contract pending a review from the City Attorney.

**REVIEW CORRESPONDENCE**

There was no correspondence.

**CITY ATTORNEY'S REPORT**

Attorney Ross requested approval from the Mayor and Council to move forward with the abatement process for the property located at 2554 West Main Street. After discussion, the consensus of Mayor and Council was to start the abatement process.

**DISCUSSION ITEMS**

Update of Ongoing Projects [Bender]

City Manager Sanders gave an update on the Towne Center and other projects. He stated that the new library building will be turned over to Gwinnett County on July 28<sup>th</sup>. He advised that Gwinnett County Water Resources will host an informational session on July 25<sup>th</sup> from 6:00 – 8:00 PM for residents that will be impacted by the water line replacement project on Valley Creek Circle and Pinehurst Drive. During the review, he said that Jacobs will conduct the stakeholder interviews for the Comprehensive Plan update on August 10<sup>th</sup> and 11<sup>th</sup>. Jacobs will attend the August 14<sup>th</sup> Regular Meeting to explain the update process to the Mayor and Council.



WORK SESSION OF MAYOR AND COUNCIL  
MONDAY, JULY 24, 2023  
PAGE TWO

City Managers Sanders distributed a memo to the Mayor and Council to explain the upcoming changes to the City's recycling program. He stated that residents will be able to sign up for the program (on a pro rata basis) beginning August 1<sup>st</sup>.

Discussion About Request to Name a Previously Unnamed Section of a Local Creek to Nelson Williams Creek [Bender]

Mayor and Council reached a consensus to move forward with the process to name the section of the creek after Nelson Williams.

Christmas Decoration Ad-Hoc Committee Report [Warner]

Council Member Lenksi reviewed the committee's recommendations for the City's Christmas decorations. During the report, Council Member Lenksi outlined an option to lease the decorations for three (3) years. In addition, she stated that the City would need to address the power needs for the decorative poles located on Highway 78 West and at the intersection of Highway 78 and Highway 124. The City had previously received two (2) quotes to complete this work. The Mayor and Council reached a consensus to move forward with the quote from USA Electric for \$15,000.

Tree-Save Area in The Grove [Schulz]

City Manager Sanders explained that the overgrowth and invasive species in the tree-save area will be removed in the coming weeks.

Update on Recycling Program [Warner]

The Mayor and Council discussed the recycling program during the "Update of Ongoing Projects" report.

**EXECUTIVE SESSION**

None

**ADJOURNMENT**

Council Member Emanuel made a motion to adjourn, 2<sup>nd</sup> by Council Member Destang; voted six (6) in favor and zero (0) opposed, motion approved. The meeting adjourned at 7:22 p.m.

Barbara Bender, Mayor

Matthew Pepper, City Manager



PUBLIC HEARING & REGULAR BUSINESS MEETING  
OF MAYOR AND COUNCIL  
CITY OF SNELLVILLE, GEORGIA  
MONDAY, JULY 24, 2023

Present: Mayor Barbara Bender, Mayor Pro Tem Tod Warner, Council Members Solange Destang, Dave Emanuel, Cristy Lenski, and Gretchen Schulz. Also present City Manager Butch Sanders, Assistant City Manager Matthew Pepper, City Attorney Chuck Ross with Powell and Edwards Attorneys at Law, Planning and Development Director Jason Thompson, IT Administrator Erika Fleeman, Public Information Officer Brian Arrington, and Captain Zach Spahr (Chief Greg Perry and City Clerk Melisa Arnold were absent).

**CALL TO ORDER**

Mayor Bender called the meeting to order at 7:33 p.m.

**INVOCATION**

Chaplain Jackie Turner gave the invocation.

**PLEDGE TO THE FLAG**

Council Member Destang led the Pledge of Allegiance.

**CEREMONIAL MATTERS**

None

**MINUTES**

Approve the Minutes of the July 10, 2023 Meetings

Council Member Destang made a motion to approve the minutes of the July 10, 2023 meetings, 2<sup>nd</sup> by Mayor Pro Tem Warner; voted six (6) in favor and zero (0) opposed, motion approved.

**INVITED GUESTS**

None

**COMMITTEE / DEPARTMENT REPORTS**

None

**APPROVAL OF THE AGENDA**

Council Member Lenski made a motion to approve the July 24, 2023 agenda, 2<sup>nd</sup> by Council Member Emanuel; voted six (6) in favor and zero (0) opposed, motion approved.

**PUBLIC HEARING**

2nd Reading - RZ 23-03 SUP 23-02 – Consideration and Recommendation on applications by Split Silk Properties, LLC (applicant) representing Highpoint Development (contract purchaser) and The Kroger Company (property owner) requesting: to amend the Official Zoning Map from BG (General Business) District to MU (Mixed-Use) District; and Special Use Permit and variances from the Unified Development Ordinance for a mixed-use development consisting of 300 stacked flat units, 28 single-family residential townhomes, and 51,000 sq. ft. of commercial/retail buildings on a 22.85± acre site located at the intersection of U.S. Hwy. 78 (Athens Hwy.) and Rosebud Rd., 1000 Hwy. 78, Snellville, Georgia (Tax Parcel 5100 065)

Mayor Pro Tem Warner made a motion to table the item until the August 14, 2023 meeting, 2<sup>nd</sup> by Council Destang; voted six (6) in favor and zero (0) opposed, motion approved.

2<sup>nd</sup> Reading - RZ 23-04 – Consideration and Recommendation on application by B. H. Johnson, B. J. Longenecker, and L. J. Yates (property owners) requesting to amend the Official Zoning Map from RS-30 (Single-family Residential) District to RS-15 (Single-family Residential) District to subdivide the existing 1.044± acre undeveloped property into two lots, 2625 Beverly Lane, Snellville, Georgia (Tax Parcel 5027 001B)

Planning Director Thompson gave an overview of the application and stated that the Planning Department and the Planning Commission recommend approval with conditions.

Representing the Applicant, Bobby Bullard, came forward to speak about the application and answered questions for the Mayor and Council.

Mayor Bender opened the floor to public comment and the following people came forward: Barry Wiggs, 2210 Stockton Walk Lane, Snellville asked about the square footage requirements for a single-family residence located in the RS-15 zoning designation.

Council Member Warner made a motion to approve RZ 23-04 with staff and Planning Commission recommended conditions, 2<sup>nd</sup> by Council Member Emanuel; voted six (6) in favor and zero (0) opposed, motion approved. (A copy of ORD 2023-10 is attached to and made a part of these minutes.)

**CONSENT AGENDA**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

Consideration and Action on Approval of RES 2023-12 – Adoption of the 2023 Millage Rate [Bender]

Mayor Bender stated that a millage rate for 4.00 mills is recommended to balance the Fiscal Year 2024 budget.

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL  
MONDAY, JULY 24, 2023  
PAGE THREE

Council member Schulz made a motion to approve RES 2023-12, 2<sup>nd</sup> by Council Member Emanuel; voted six (6) in favor and zero (0) opposed, motion approved. (A copy of RES 2023-12 is attached to and made a part of these minutes.)

Consideration and Action on Award of the Sidewalk Project for Skyland Drive/Pinehurst Road [Bender]

Mayor Pro Tem Warner made a motion to approve and award the contract to Backbone Infrastructure in the amount of \$2,248,879.60 (paid with American Rescue Plan Act (ARPA) funds and a contribution from Gwinnett County), 2<sup>nd</sup> by Council Member Emanuel; voted six (6) in favor and zero (0) opposed, motion approved.

Consideration and Action on Approval of an Amendment to the Waste Management Contract to Allow for a Rate Increase [Bender]

The amended contract includes a 4% Cost-Of-Living Adjustment (COLA) for all commercial services and language that reflects the recent change in the City's residential recycling program.

Council Member Lenski made a motion to authorize Mayor Bender to sign the amended contract with Waste Management after review by the City Attorney, 2<sup>nd</sup> by Council Member Schulz; voted six (6) in favor and zero (0) opposed, motion approved.

**COUNCIL REPORTS**

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

**MAYOR'S REPORT**

Mayor Bender gave a report.

**PUBLIC COMMENTS**

The following people came forward to speak:

Kelly McAloon, 2916 Overwood Lane, Snellville.

Norman Carter, 2777 Nathaniel Way, Grayson.

Catherine Hardrick, 2280 Buckley Trail, Snellville.

**EXECUTIVE SESSION**

None

**ADJOURNMENT**

Council Member Emanuel made a motion to adjourn, 2<sup>nd</sup> by Council Member Destang; voted six (6) in favor and zero (0) opposed, motion approved. The meeting adjourned at 8:24 p.m.

Barbara Bender, Mayor

Matthew Pepper, Assistant City Manager



CITY OF SNELLVILLE

NOTICE OF PUBLIC HEARING

5-YEAR UPDATE TO THE SNELLVILLE 2040 COMPREHENSIVE PLAN

In accordance with the Minimum Planning Standards and Procedures for Local Comprehensive Planning established by the Georgia Planning Act of 1989, the Mayor and Council of the City of Snellville, Georgia will hold a public hearing on Monday, August 14, 2023 at 7:30 pm in the City Hall Council Chambers, 2342 Oak Road, Snellville, Georgia for the purpose of discussing the 5-year update to the Snellville 2040 Comprehensive Plan, adopted 2-11-2019.

The public is invited to attend this meeting to become informed about the timeline and process to update the Comprehensive Plan, as well as opportunities to provide input about the City's future growth and development. A draft update will be presented for public comment at a later date.



---

## **Agenda Item Summary**

---

**TO:** The Mayor and Council

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

**DATE:** August 14, 2023

**RE:** #RZ 23-03 SUP 23-02 – Highpoint Mixed-Use Development

**LOCATION:** 22.85± Acre Undeveloped Site at 1000 Athens Highway, Snellville, Georgia

**STATUS:** Tabled from July 24<sup>th</sup> Public Hearing

---

Rezoning from BG (General Business) District to MU (Mixed-Use) District and special use permit for multi-family dwellings for a mixed-use development consisting of 300 multi-family apartments (mixed-use building type); 28 single-family attached townhomes (townhouse building type); and 51,000 sq. ft. of retail, commercial, office and amenity space.

**Financial Impact:** Site Development Permit fees; Building Permit fees; Real Property Taxes; and Occupational Tax License fees.

**Planning Department Recommendation:** Approval with Conditions

**Planning Commission Meeting and Recommendation:** June 27, 2023 (Approval with Conditions)

**Mayor and Council Meetings:** July 10, 2023 (1<sup>st</sup> Reading)  
July 24, 2023 (2<sup>nd</sup> Reading and Public Hearing)  
August 14, 2023 (Case Continuation)

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

**Draft Ordinances:** Attached

**Case Documents (website link):**



22.85± Acre Undeveloped Site at 1000 Athens Highway, Snellville, Georgia  
Case #RZ 23-03 SUP 23-02  
August 14, 2023  
Page... 2

- Letter of Intent (5-17-2023)
- #RZ 23-03 Rezoning Application (5-17-2023)
- #SUP 23-02 Special Use Permit Application (5-17-2023)
- Application Supplements (5-17-2023)
- Property Boundary Survey (5-17-2023)
- Stacked Flats Floor Plan (5-17-2023)
- Mixed-Use Rendering (5-17-2023)
- Townhouse Rendering (5-17-2023)
- Highpoint Project Photos (5-17-2023)
- Highpoint Mixed-Use Projects (5-17-2023)
- 3-27-2023 Traffic Impact Study (5-17-2023)
- 3-31-2023 Trip Generation Comparison (5-17-2023)
- 5-16-2023 Rezoning Site Plan (5-17-2023)
- Sample Townhouse Elevations (6-13-2023)
- 6-27-2023 Planning Department Case Summary & Analysis (6-26-2023)
- *Unofficial* 6-27-2023 Planning Commission Regular Meeting Minutes (6-29-2023)
- 6-27-2023 Planning Commission Report (6-28-2023)
- 7-10-2023 Planning Department Case Summary & Analysis with Planning Commission Report (6-28-2023)
- 7-17-2023 Amended Letter of Intent (7-17-2023)
- 7-24-2023 Planning Department Case Summary & Analysis with Planning Commission Report and Recommendations on Requests in Amended Letter of Intent (7-18-2024)
- Sample 24' x 50' Townhouse Sides & Rear Elevations (8-1-2023)

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2023-08**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 22.85± ACRE TRACT OF LAND LOCATED IN LAND LOT 100 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 1000 ATHENS HIGHWAY, SNELLVILLE, GEORGIA; TO GRANT VARIANCES; TO ADD CONDITIONS AFFECTING THE PROPERTY; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #RZ 23-03

**LOCATION:** 1000 Athens Highway, Snellville,  
Georgia

**SIZE:** 22.85± Acres

**TAX PARCEL:** 5100 065

**REQUESTED ZONING:** MU (Mixed-Use) District

**DEVELOPMENT/PROJECT:** Mixed-Use Development consisting of  
300 Multi-family Units; 28 Single-  
family Townhome Units; and 51,000 SF  
Retail, Commercial, Office and Amenity  
Space

**APPLICANT:** Highpoint Development Partners GA, LLC  
Atlanta, Georgia 30309  
c/o Jeff Timler, Split Silk Properties, LLC  
678-772-0202

**PROPERTY OWNER:** The Kroger Co.  
Cincinnati, Ohio 45202

**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 22.85± acre tract of land located at 1000 Athens Highway, Snellville, Georgia (Tax Parcel 5100 065) for a Mixed-Use Development consisting of 300 Multi-family Units; 28 Single-family Townhome Units; and 51,000 SF Retail, Commercial, Office and Amenity Space; and

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to grant variances from Article 1 of Chapter 400 of the Snellville Unified Development Ordinance; and

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to repeal variances and conditions of zoning from the 12-14-2015 Mayor and Council approved rezoning (case #RZ 15-06) and Ordinance No. 2015-20; 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 22.85± acre tract of land described and shown on the rezoning site plan entitled “Highpoint – Zoning Plan, Snellville, Georgia” sealed and dated 5-16-2023 (stamped received 5-17-2023) in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby amended and changed from BG (General Business) District to MU

(Mixed-Use) District, subject to the attachment of the following enumerated variances and conditions:

VARIANCES:

1. Approval of variance/waiver from Sec. 401-3.4.C (Stub-out Streets) for the adjacent property to the west (Parcel 5101 571).
2. Approval of variance/waiver from Sec. 401-3.4.H (Inter-parcel Access) for the adjacent property to the west (Parcel 5101 571).
3. Approval of variance from Sec. 203-4.8 (Dimensional Standards) to increase the total maximum site density to not exceed fifteen (15) units per acre.
4. Approval of variance from Sec. 203-4.2.B.1 (Mixed-Use Requirement) to reduce the 25% minimum total floor area requirement for non-residential uses to 18%.
5. Approval of variance from Table 401-5.2 (Minimum Widths for New Streets and Project Access Improvements) to reduce the twenty-seven (27) feet pavement width (30 feet including curb and gutter) requirement to twenty-one (21) feet pavement width (24 feet including curb and gutter).
6. Approval of variance from Sec. 401-5.10.B (Residential Curbing) to allow roll-back curbs in front of the townhome units.

CONDITIONS:

1. The property shall be developed in general accordance with the rezoning site plan entitled “Highpoint - Zoning Plan, Snellville, Georgia”, dated 5-16-2023 (stamped received 5-17-2023) in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference, with modifications permitted to meet conditions of zoning or State, County, and City regulations. Substantial variation from the

- conceptual rezoning site plan, as determined by the Director of Planning and Development will require Mayor and Council approval, after submitting a Change in Conditions application and receiving recommendations by the Planning Department and Planning Commission.
2. The total site density for all dwelling units shall not exceed fifteen (15) units per acre maximum.
  3. Two (2) car garages shall be required for the fee-simple single-family attached townhomes. Driveway length shall be a minimum of twenty-two (22) feet behind the sidewalk.
  4. Solid waste dumpsters for the multi-family and commercial buildings shall be located at least 250 feet from the nearest townhome building.
  5. A minimum four (4) to six (6) feet wide mulched greenway path shall be provided within the 150 feet impervious setback and extending from Highway 78 to the proposed wet detention pond.
  6. The fee-simple townhomes shall not be subject to the requirements in Sec. 203-4.2.B.2. (Mixed-Use Requirement).
  7. The stormwater management facility located at the southern portion of the site shall be designed as a wet extended detention facility, unless topographic, bedrock, or other preventive measures are present that require a dry pond.
  8. After the 100th certificate of occupancy is issued for the multifamily project, the developer shall install the entrance boulevard and spine road as shown in Exhibit “B”, a copy of which is attached hereto and incorporated herein by reference, before any additional certificates of occupancy are issued.

9. Uses involving adult entertainment, including the sale or display of adult magazines, books, videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited.
10. Signs higher than 15 feet or larger than 225 square feet are prohibited.
11. Applicant to coordinate Rosebud Road access with adjoining property owner (parcel 5100 023) with the intention of a shared access to Rosebud. Work to be designed and constructed in accordance with approval of Gwinnett DOT.

**Section 2.** All conditions of zoning and approved variances as attached to the subject property from the 12-14-2015 Mayor and Council approved rezoning and Ordinance No. 2015-20 (case #RZ 15-05) are hereby repealed.

**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 \_\_\_\_\_, 2023. 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 \_\_\_\_\_, 2023.

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

*ATTEST:*

\_\_\_\_\_  
Dave Emanuel, Council Member

\_\_\_\_\_  
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, Mayor Pro Tem

EXHIBIT "A"

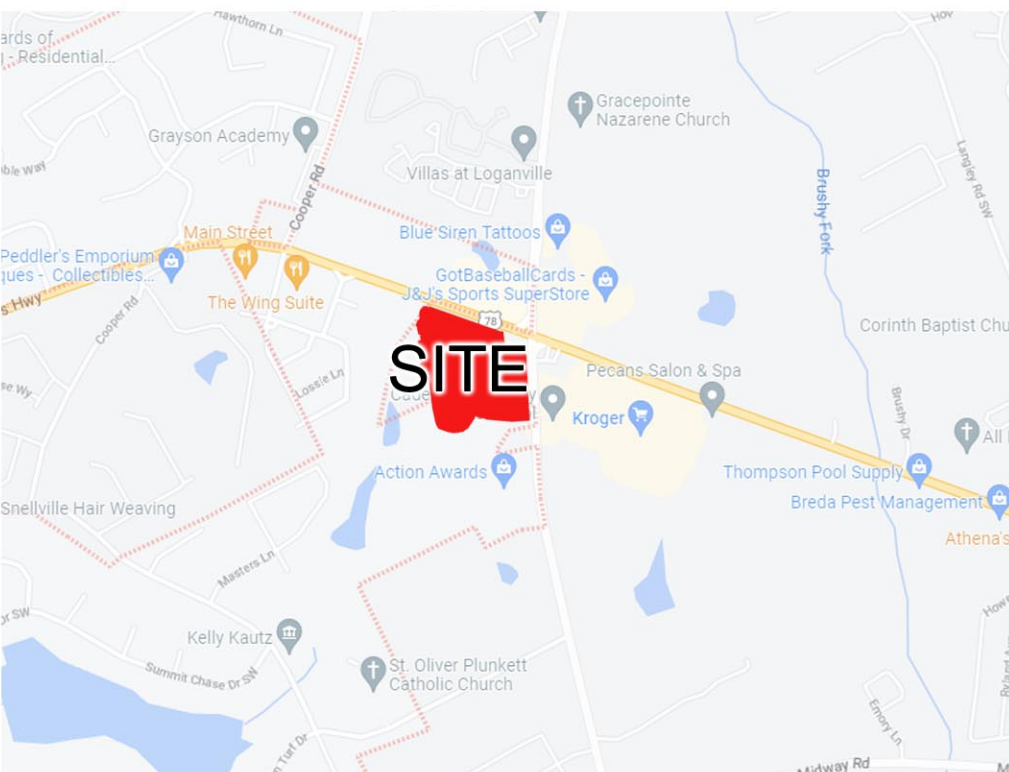




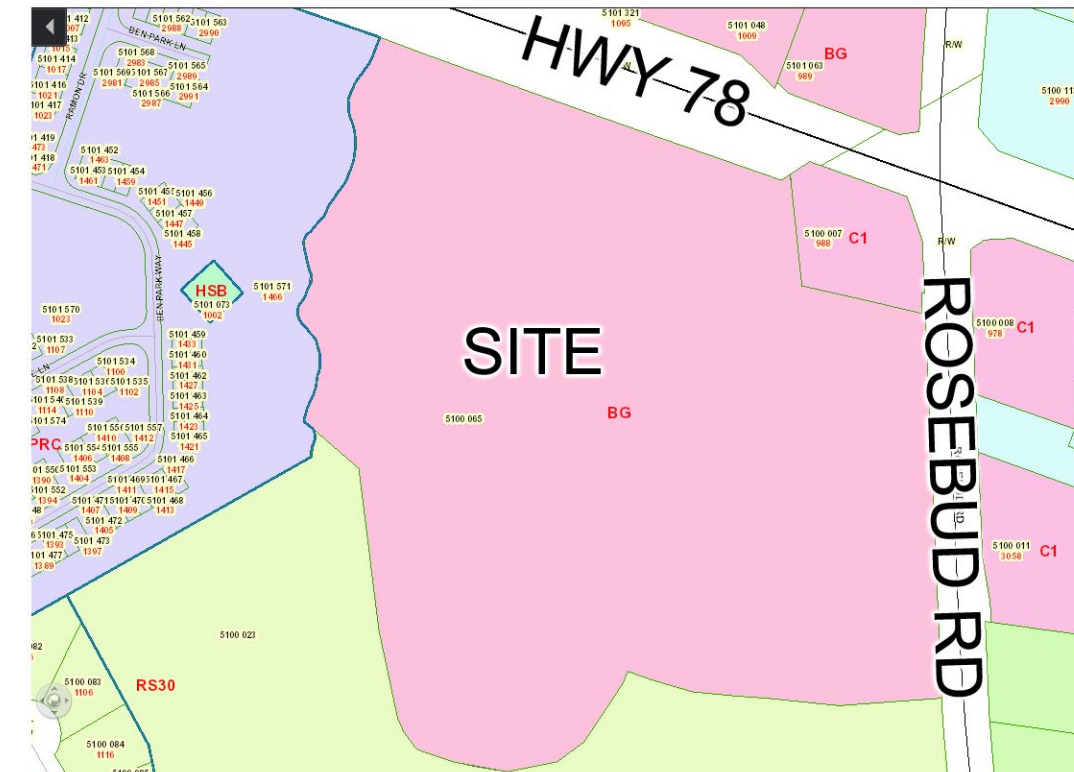
Multi-family mixed use



Retail mixed use



LOCATION MAP



ZONING MAP

Site Plan Specifications																
Parcel	Use	s.f.	Acres	Total s.f.	Units	Bldgs	Footprint s.f.	Floors	Building s.f.	Building Height	Spaces Prov. <sup>1</sup>	Spaces Req.	Note	Open Space	Open Space %	Lot Coverage
A.1	Retail (first level)	122689	2.8	21000		2	10500	1	10500	24'	132	42	1/500 s.f. required <sup>2</sup>	41392	34%	21000
A.2	Office (second level)	0	0.0	6000		2	1500	1	1500	24'	22	12	1/500 s.f. required	NA	NA	NA
A.3	Outparcel	43773	1.0	4500		1	4500	1	4500	15'	59	33	1/150 s.f. required	13412	31%	4500
A.4	Outparcel	33149	0.8	2500		1	2500	1	2500	15'	36	33	1/150 s.f. required	12858	39%	2500
Subtotal				34000												
B	Multi-Family <sup>3</sup>	691864	15.9	285000	300	1	87000	3 to 4		45'	450	300	1.5 space/unit	429821	62%	90333
B.1	M.F. amenity space (first level)			7000			7000	1			14	14				
B.2	Commercial/Non-residential (first level)			10000	10		1000	1	10000		10	10				
C	Townhome	103070	2.4	67200	28	5				30'	38	35	1 per unit + 1 per 4	34424	33%	34000
Totals		994545	22.8	403200										531907	53%	
Total non-residential s.f. parcels A-C				51000												

<sup>1</sup>25% compact allowed

<sup>2</sup>1/150 for restaurant including outdoor dining areas in excess of 25% of floor area

<sup>3</sup>Building is not yet fully designed; 300 units are proposed at an average unit size of approximately 950 s.f..

**Variance 1:**

In compliance with the MU district requirement of 25% nonresidential uses, the original project site plan indicated 71k sf of non-residential space, which included 20k sf of office buildings along Rosebud Road. However, Highpoint received feedback from the city suggesting a fee simple component be included along Rosebud Road, rather than the office use. The Applicant adjusted the site to meet the request, thus proposing 51k sf of non-residential uses (see Table 1). This change requires a variance from Section 203-4.2 B. 1 to reduce the nonresidential uses from 25% to 18%.

**Variance 2:**

Applicant is requesting a variance from 203-4.2 B.2 that would move the requirement for 10k sf of nonresidential space to receive a Certificate of Occupancy (CO) prior to receiving a CO for more than 100 dwelling units. Instead, applicant proposes that this requirement is a condition to receiving the Final CO for the residential component of the site. For avoidance of doubt, the applicant can receive a Temporary CO on all residential units, but must receive a CO for 10k sf of nonresidential space prior to the Final CO. This allows the applicant to select the best commercial tenants for the property regardless of external considerations.

**Variance 3:**

Applicant is seeking a variance from Section 401-3.4 (C & H) Vehicular Access. Applicant proposes to include stub out streets to the north parcel only, and not the west and south parcels.

**Special Use Permit:**

Section 206.2 allows multifamily dwellings with a special use permit. This permit will ensure a great mixed-use component where residents may live, work and play.

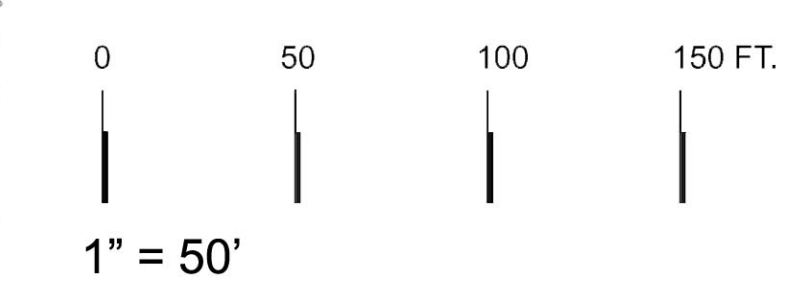


**Table 1**

The Enclave at Rosebud Non-Residential Uses		
Retail (first level)		21,000
Office (second level)		6,000
Outparcel		4,500
Outparcel		2,500
M.F. Amenity Space (1st Floor of M.F. building)		7,000
Commercial/Non-residential (1st Floor M.F. building)		10,000
<b>total</b>		<b>51,000</b>



DATE	RELEASE	REV.



# Highpoint - Zoning Plan

Snellville, Georgia

May 16, 2023

LANDSCAPE ARCHITECTURE | DESIGN + PLANNING





EXHIBIT "B"



Athens Hwy 78



**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2023-09**

AN ORDINANCE TO GRANT A SPECIAL USE PERMIT ON A 22.85± ACRE TRACT OF LAND LOCATED IN LAND LOT 100 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, LOCATED AT 1000 ATHENS HIGHWAY, SNELLVILLE, GEORGIA FOR A MIXED-USE BUILDING TYPE WITH MULTIPLE-FAMILY DWELLING UNITS; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #SUP 23-02

**LOCATION:** 1000 Athens Highway, Snellville, Georgia

**TAX PARCEL:** 5100 065

**DEVELOPMENT/PROJECT:** Mixed-Use Building Type with 300 Multi-family Units

**APPLICANT:** Highpoint Development Partners GA, LLC  
Atlanta, Georgia 30309  
c/o Jeff Timler, Split Silk Properties, LLC  
678-772-0202

**PROPERTY OWNER:** The Kroger Co.  
Cincinnati, Ohio 45202

**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 approve and grant the requested special use permit for the development and use of a mixed-use building type with multi-family dwelling units as part of a 22.85± acre mixed-use

development located at 1000 Athens Highway, Snellville, Georgia (Tax Parcel R5100 065); and

**WHEREAS**, the property is zoned MU (Mixed-Use) District where *Multiple-Family Dwelling*, defined as three or more dwelling units in a single building that does not meet the definition of single-family attached dwelling not within a TC District, is allowed as a special use when approved by the City Council; and,

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

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

**Section 1.** For reasons stated in the public hearing and recommendations of the Planning Department and Planning Commission, a special use permit is hereby approved and granted for the development and use of a mixed-use building type with multi-family dwelling units on a 22.85± acre mixed-use development site located at 1000 Athens Highway, Snellville, Georgia (Tax Parcel R5100 065), described and shown on the rezoning site plan entitled “Highpoint – Zoning Plan, Snellville, Georgia” sealed and dated 5-16-2023 (stamped received 5-17-2023) in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference.

**Section 2.** The special use permit shall expire and become null and void three (3) years from the date of approval unless occupancy of the approved special use has occurred on the premises. The Director of Planning and Development may extend authorization for an additional period of six (6) months for reasons such as health, financial, or administrative problems incurred by the applicant during the permit period, provided

application for such extension is submitted in writing at least forty-five (45) days prior to the original expiration date. The director must make the finding that the delay is justified by circumstances beyond the applicant's control, and that the six-month extension can reasonably be expected to remedy the circumstances.

**Section 3.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set forth 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.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 6.** This Ordinance was adopted on \_\_\_\_\_, 2023. 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 \_\_\_\_\_, 2023.

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

*ATTEST:*

\_\_\_\_\_  
Dave Emanuel, Council Member

\_\_\_\_\_  
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, Mayor Pro Tem

EXHIBIT "A"

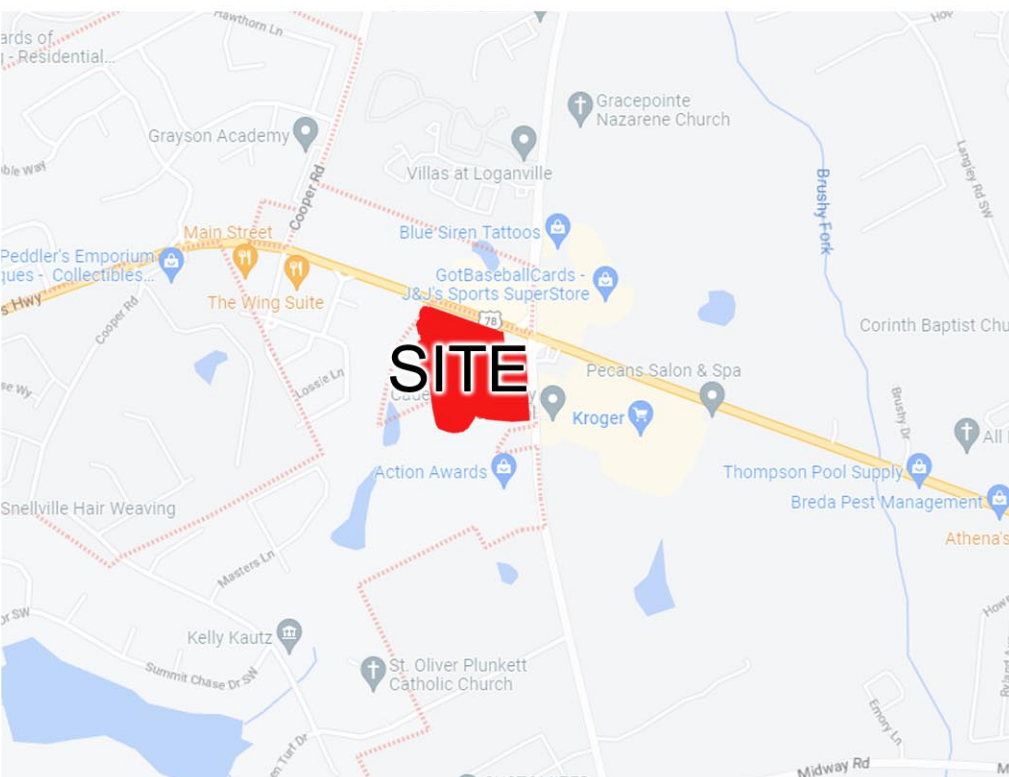




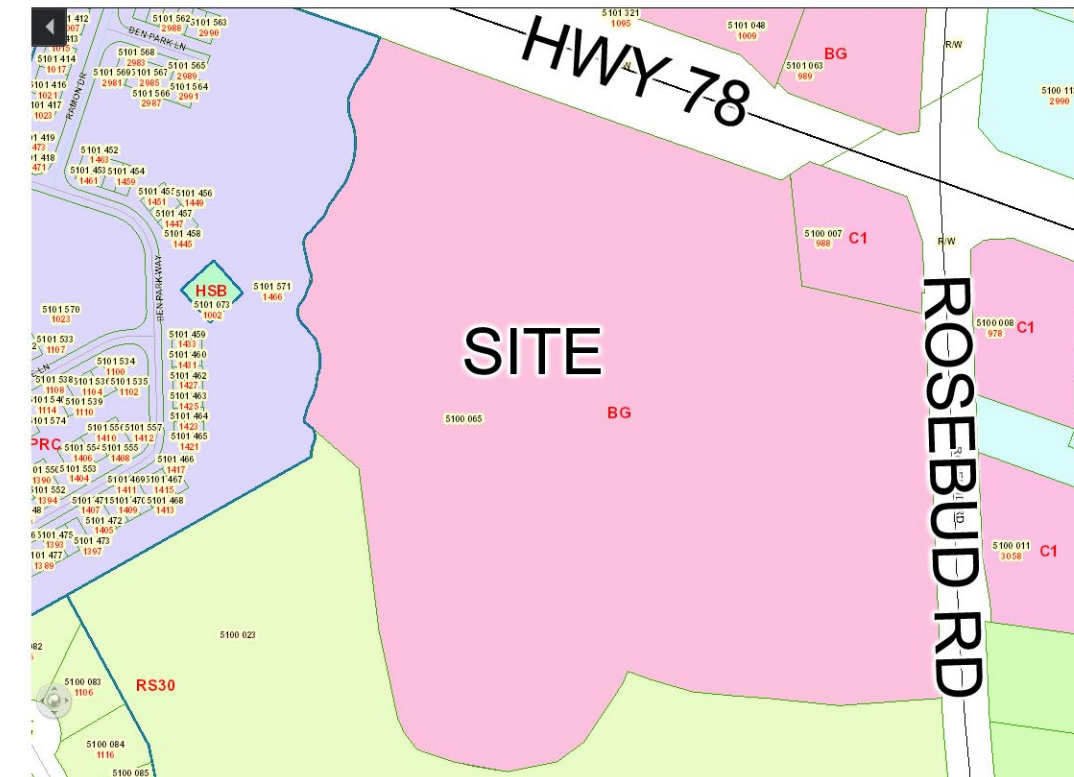
Multi-family mixed use



Retail mixed use



LOCATION MAP



ZONING MAP

Site Plan Specifications																
Parcel	Use	s.f.	Acres	Total s.f.	Units	Bldgs	Footprint s.f.	Floors	Building s.f.	Building Height	Spaces Prov. <sup>1</sup>	Spaces Req.	Note	Open Space	Open Space %	Lot Coverage
A.1	Retail (first level)	122689	2.8	21000		2	10500	1	10500	24'	132	42	1/500 s.f. required <sup>2</sup>	41392	34%	21000
A.2	Office (second level)	0	0.0	6000		2	1500	1	1500	24'	22	12	1/500 s.f. required	NA	NA	NA
A.3	Outparcel	43773	1.0	4500		1	4500	1	4500	15'	59	33	1/150 s.f. required	13412	31%	4500
A.4	Outparcel	33149	0.8	2500		1	2500	1	2500	15'	36	33	1/150 s.f. required	12858	39%	2500
Subtotal				34000												
B	Multi-Family <sup>3</sup>	691864	15.9	285000	300	1	87000	3 to 4		45'	450	300	1.5 space/unit	429821	62%	90333
B.1	M.F. amenity space (first level)			7000			7000	1			14	14				
B.2	Commercial/Non-residential (first level)			10000	10		1000	1	10000		10	10				
C	Townhome	103070	2.4	67200	28	5				30'	38	35	1 per unit + 1 per 4	34424	33%	34000
Totals		994545	22.8	403200										531907	53%	
Total non-residential s.f. parcels A-C				51000												

<sup>1</sup>25% compact allowed

<sup>2</sup>1/150 for restaurant including outdoor dining areas in excess of 25% of floor area

<sup>3</sup>Building is not yet fully designed; 300 units are proposed at an average unit size of approximately 950 s.f..

**Variance 1:**

In compliance with the MU district requirement of 25% nonresidential uses, the original project site plan indicated 71k sf of non-residential space, which included 20k sf of office buildings along Rosebud Road. However, Highpoint received feedback from the city suggesting a fee simple component be included along Rosebud Road, rather than the office use. The Applicant adjusted the site to meet the request, thus proposing 51k sf of non-residential uses (see Table 1). This change requires a variance from Section 203-4.2 B. 1 to reduce the nonresidential uses from 25% to 18%.

**Variance 2:**

Applicant is requesting a variance from 203-4.2 B.2 that would move the requirement for 10k sf of nonresidential space to receive a Certificate of Occupancy (CO) prior to receiving a CO for more than 100 dwelling units. Instead, applicant proposes that this requirement is a condition to receiving the Final CO for the residential component of the site. For avoidance of doubt, the applicant can receive a Temporary CO on all residential units, but must receive a CO for 10k sf of nonresidential space prior to the Final CO. This allows the applicant to select the best commercial tenants for the property regardless of external considerations.

**Variance 3:**

Applicant is seeking a variance from Section 401-3.4 (C & H) Vehicular Access. Applicant proposes to include stub out streets to the north parcel only, and not the west and south parcels.

**Special Use Permit:**

Section 206.2 allows multifamily dwellings with a special use permit. This permit will ensure a great mixed-use component where residents may live, work and play.



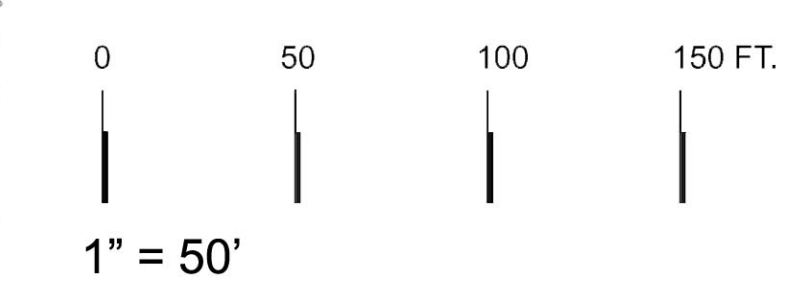
**Table 1**

**The Enclave at Rosebud Non-Residential Uses**

Retail (first level)	21,000
Office (second level)	6,000
Outparcel	4,500
Outparcel	2,500
M.F. Amenity Space (1st Floor of M.F. building)	7,000
Commercial/Non-residential (1st Floor M.F. building)	10,000
<b>total</b>	<b>51,000</b>



DATE	RELEASE	REV.



# Highpoint - Zoning Plan

Snellville, Georgia

May 16, 2023

LANDSCAPE ARCHITECTURE | DESIGN + PLANNING

