



AGENDA

WORK SESSION
OF MAYOR AND COUNCIL
CITY OF SNELLVILLE, GEORGIA
MONDAY, MAY 10, 2021

Publication Date: May 6, 2021

TIME: 6:30 p.m.

DATE: May 10, 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 R/Cut Intersection at Highway 124 and Wisteria Drive [Bender]
- c) Discussion of Request by Rotary Club to Name the Peace Pole at the New Library Plaza [Bender]

VI. EXECUTIVE SESSION

An Executive Session may be called:

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

VII. ADJOURNMENT



AGENDA

PUBLIC HEARING & REGULAR BUSINESS MEETING
OF MAYOR AND COUNCIL
CITY OF SNELLVILLE, GEORGIA
MONDAY, MAY 10, 2021

Publication Date: May 6, 2021

TIME: 7:30 p.m.

DATE: May 10, 2021

PLACE: Council Chambers

- I. CALL TO ORDER
- II. INVOCATION
- III. PLEDGE TO THE FLAG
- IV. CEREMONIAL MATTERS
- V. MINUTES
Approve the Minutes of the April 26, 2021 Meetings and the April 29, 2021 Special Called Meeting
- 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)

REGULAR BUSINESS & PUBLIC HEARING OF MAYOR AND COUNCIL
MONDAY, MAY 10, 2021
PAGE TWO

X. CONSENT AGENDA (Please see *Note)

XI. OLD BUSINESS

XII. NEW BUSINESS

- a) Consideration and Action on Place Maker Design Contract for Design and Architectural Services for the Mercantile [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
MAY 10, 2021

May 10

Council Meeting

Monday, May 10, 2021

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

7:30pm Meeting - Council Chambers, City Hall

May 11

Board of Appeals

Tuesday, May 11, 2021

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

7:30 pm Meeting – Council Chambers, City Hall

May 15

Extended Farmers' Market – Farm Products

Saturday, May 15, 2021

9:00am-12:00pm

City Hall Parking Lot

May 16

Broadcast of 05/10/21 Council Meeting

Sunday, May 16, 2021

Watch the broadcast of the 05/10/21 Council Meeting on Comcast Channel 25 at 6:30pm

May 17

STAT Board Meeting

Monday, May 17, 2021

6:00pm – 8:00 pm

Conference Room 145

May 19

DDA Meeting

Wednesday, May 19, 2021

4:00 pm – 5:00 pm

City Hall Room 259, Second Floor

May 20

DAS & URA Joint Meeting

Thursday, May 20, 2021

4:00 pm to 5:00 pm

City Hall Room 259, Second Floor

May 24

Council Meeting

Monday, May 24, 2021

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

7:30pm Meeting - Council Chambers, City Hall



**WORK SESSION
OF MAYOR AND COUNCIL
CITY OF SNELLVILLE, GEORGIA
MONDAY, APRIL 26, 2021**

Present: Mayor Barbara Bender, Mayor Pro Tem Dave Emanuel, Council Members Solange Destang, Cristy Lenski, Gretchen Schulz, and Tod Warner. Also present City Manager Butch Sanders, City Attorney Chuck Ross and Attorney Jay Crowley with Powell and Edwards Attorneys at Law, 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 6:30 p.m.

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

Mayor and Council reviewed the agendas. During the review Eric Van Otteren advised that New Business Item 'a' could be removed from the agenda as the Downtown Development Authority acted on that item and a Council action was not needed.

REVIEW CORRESPONDENCE

City Manager Sanders said he had an item for Executive Session.

CITY ATTORNEY'S REPORT

City Attorney Ross advised he had an item for Executive Session.

DISCUSSION ITEMS

Update of Ongoing Projects [Bender]

City Manager Sanders reviewed the Towne Center and project update lists.

Landscaping of the two City round-a-bouts [Schulz]

Council Member Schulz asked for an update. City Manager Sanders advised he was working with Gwinnett County on an agreement to send back with a landscaping plan.

Beautification of Retention Pond 78/124 and Walls along Hwy 78 Update [Emanuel]

Mayor Pro Tem Emanuel asked for an update. City Manager Sanders advised he was working with Georgia Department of Transportation for a plan for the walls along Highway 78 and working with Jon Davis on a plan for the retention area.

WORK SESSION OF MAYOR AND COUNCIL
MONDAY, APRIL 26, 2021
PAGE TWO

Update on Senior Center Reopening [Lenski]

Council Member Lenski asked for an update on the plans for the Senior Center. Parks and Recreation Director Platt advised they had a soft opening planned for May with some singular events scheduled and are hoping to have the Center fully operational in June.

Allocation of Federal COVID Relief Funds [Warner]

Council Member Warner said he wanted to make sure the Mayor and Council had input on use of the funds. City Manager Sanders said the funds were only able to be used for certain things and he would get their input.

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).
- 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).

Upon a motion by Mayor Pro Tem Emanuel, 2nd by Council Member Schulz, the meeting was closed, with all Council Members and the Mayor present and voting in favor.

The meeting was closed at 7:03 p.m.

The meeting reconvened at 7:47 p.m.

ADJOURNMENT

Mayor Pro Tem Emanuel made a motion to adjourn, 2nd by Council Member Schulz; voted 6 in favor and 0 opposed, motion approved. The meeting adjourned at 7:47 p.m.

Barbara Bender, Mayor

Melisa Arnold, City Clerk



**PUBLIC HEARING & REGULAR BUSINESS MEETING
OF MAYOR AND COUNCIL
CITY OF SNELLVILLE, GEORGIA
MONDAY, APRIL 26, 2021**

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

CALL TO ORDER

Mayor Bender called the meeting to order at 7:52 p.m.

INVOCATION

Kelly McAloon gave the invocation.

PLEDGE TO THE FLAG

Council Member Destang led the Pledge of Allegiance.

CEREMONIAL MATTERS

PRO 2021-07 - Arbor Day

Mayor Bender read the proclamation into the record.

MINUTES

Approve the Minutes of the April 2, 2021 Special Called Meeting and the April 12, 2021 Meetings

Mayor Pro Tem Emanuel made a motion to approve the minutes of the April 2, 2021 Special Called Meeting and the April 12, 2021 Meetings, 2nd by Council Member Schulz; voted 6 in favor and 0 opposed, motion approved.

INVITED GUESTS

None

COMMITTEE / DEPARTMENT REPORTS

None

APPROVAL OF THE AGENDA

Council Member Lenski made a motion to approve the agenda of the April 26th meeting, 2nd by Mayor Pro Tem Emanuel; voted 6 in favor and 0 opposed, motion approved.

City of Snellville Administration Department

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL
MONDAY, APRIL 26, 2021
PAGE TWO

PUBLIC HEARING

2nd 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)

Planning Director Thompson reviewed the history of the case, including the fact that it has been tabled twice and the public hearing was held on this item on February 22, 2021. He reviewed the changes on the recent site plan dated April 19, 2021 as well as landscaping plans on Highway 124.

Council Member Lenski made a motion to deny LUP 20-03, motion died for lack of a second.

Council Member Warner made a motion to approve LUP 20-03 with reference to ORD 2021-05, 2nd by Council Member Schulz; voted 5 in favor and 1 opposed with Council Member Lenski casting the opposing vote, motion approved. (A copy of ORD 2021-05 is attached to and made a part of these minutes.)

Council Member Warner made a motion to approve RZ 20-04 with reference to ORD 2021-04, 2nd by Mayor Pro Tem Emanuel. (A copy of ORD 2021-04 is attached to and made a part of these minutes.)

Council Members spoke about the project.

The motion was voted 5 in favor and 1 opposed with Council Member Lenski casting the opposing vote, motion approved.

2nd 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 Thompson gave an overview the application and advised the Planning Department recommended approval and answered questions of the Council.

The applicant, Emanuel Abua, with Concept Engineering, was present and spoke about the application.

Council asked questions about the site plan.

Derek Johnson, Douglasville, was present with the applicant and spoke about the topography of the site and answered questions from the Council.

Mayor Bender opened the floor to public comment and no one came forward. Public comment was closed.

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL
MONDAY, APRIL 26, 2021
PAGE THREE

Council Member Warner made a motion to approve CIC 21-01 with reference to ORD 2021-09 with additional condition 6 – Additional buffers would be added along the areas adjacent to residential properties to be reviewed and approved by the Planning Director; 2nd by Council Member Lenski.

Mayor Bender asked the Mr. Abua if he accepted the conditions and he indicated his approval. The motion was voted 6 in favor and 0 opposed, motion approved. (A copy of ORD 2021-09 is attached to and made a part of these minutes.)

2nd 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

Planning Director Thompson gave an overview of the application.

The applicant, John Gaskin of Patrick Malloy Companies, LLC, 4770 So Atlanta Rd, Suite 100, Atlanta, GA 30339, was present and spoke about the application and answered questions of Council.

Council Member Warner asked the applicant about the addition of another condition regarding the buffer. The applicant agreed to a new condition 18.

Mayor Bender opened the floor to public comment and no one came forward. Public comment was closed.

Council Member Warner made a motion to approve LUP 21-02 with reference to ORD 2021-11, 2nd by Council Member Lenski; voted 6 in favor and 0 opposed; motion approved. (A copy of ORD 2021-11 is attached to and made a part of these minutes.)

Council Member Warner made a motion to approve RZ 21-02 with reference to ORD 2021-10 and the addition of condition 18, 1.1 acres as shown on the site plan will remain as natural as existing with the exception of additional plantings as required by ordinances of the City of Snellville as administered by the Director of Planning and Development, 2nd by Council Member Destang.

Applicant, Mr. Gaskin indicated he accepted the conditions as stated.

Council Member Warner spoke about the project.

The motion was voted 6 in favor and 0 opposed, motion approved. (A copy of ORD 2021-10 is attached to and made a part of these minutes.)

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL
MONDAY, APRIL 26, 2021
PAGE FOUR

2nd 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)

Planning Director Thompson gave an overview of the application. He advised they recommended approval of RZ 21-03 and LUP 21-03.

Mr. Roger Fisher, with Fisher Allen Group, was present representing applicant Oak Road LLC. He spoke about the project and answered questions of the Council.

Mayor Bender opened the floor to public comment. No one came forward in support of the project and the following people came forward in opposition:
Doug Harlow, 1653 Stonegate Way, Snellville.

Jerry Oberholtzer, 1855 Pennistone Way, Snellville.

Wayne Conover, 1544 Hollylake Circle, Snellville.

Dan Miller, 1590 Hollylake Circle, Snellville.

Heather Gunn, 1673 Stonegate Way, Snellville.

Marybeth Peters, 1643 Stonegate Way, Snellville.

No one else came forward so Mayor Bender closed public comment.

Applicant representative, Mr. Fisher, came forward to address some of the concerns about the project.

Council Member Schulz made a motion to deny LUP 21-03, 2nd by Council Member Destang.

Mayor Bender asked Mr. Fisher if he would like to withdraw the application and he indicated he would like to move forward.

The motion was voted 6 in favor and 0 opposed, motion approved.

Council Member Schulz made a motion to deny RZ 21-03, 2nd by Council Member Lenski.

Mayor and Council spoke about the application.

The motion was voted 6 in favor and 0 opposed, motion approved.

Mayor Bender called a recess at 9:29 p.m.

The meeting reconvened at 9:35 p.m.

2nd 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)

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL
MONDAY, APRIL 26, 2021
PAGE FIVE

Planning Director Thompson gave an overview of the application. He advised that the Planning Department recommends approval of all except to zoning to an OP (Office/Professional) zoning as opposed to an LM (Light Manufacturing) as OP is more compatible with the proposed use.

Shane Lanham, with Mahaffey Pickens Tucker, LLP, 1550 North Brown Rd., Suite 125, Lawrenceville, was present representing the applicant. He spoke about the application and advised they had no objection to changing to the OP zoning and they accepted the conditions listed in the ordinances. He then answered questions of Council.

Mayor Bender opened the floor to public comment and no one came forward. Public comment was closed.

Council Member Lenski made a motion to approve ANX 21-01 with reference to ORD 2021-14, 2nd by Mayor Pro Tem Emanuel; voted 6 in favor and 0 opposed, motion approved. (A copy of ORD 2021-14 is attached to and made a part of these minutes.)

Council Member Lenski made a motion to approve LUP 21-04 with reference to ORD 2021-16, 2nd by Mayor Pro Tem Emanuel; voted 6 in favor and 0 opposed, motion approved. (A copy of ORD 2021-16 is attached to and made a part of these minutes.)

Council Member Lenski made a motion to approve RZ 21-04 with reference to ORD 2021-15 with a change in condition 1 to read, "The property shall be developed in accordance with the conceptual site plan entitled "TOMCO2 Office Building", sealed and dated 4-9-2021 (stamped received 4-9-2021), 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" and a condition that shall read "Move the proposed building forward to be no more than twenty (20) feet from Brushy Fork Road as approved by the Director of Planning and Development" and condition 8 stating that building be designed with residential architectural features to be reviewed and approved by the Planning Director, 2nd by Mayor Pro Tem Emanuel.

Mayor Bender asked the applicant, Shane Lanham, if he approved the conditions and he indicated that he was in approval.

The motion was voted 6 in favor and 0 opposed, motion approved. (A copy of ORD 2021-15 is attached to and made a part of these minutes.)

CONSENT AGENDA

None

OLD BUSINESS

None

NEW BUSINESS

Consideration and Action on Approval of Gwinnett County Water Metering Device and Access Easement for the Library and Business Building [Bender]

Mayor Bender advised the Downtown Development Authority acted on this item so Council does not need to take action.

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL
MONDAY, APRIL 26, 2021
PAGE SIX

COUNCIL REPORTS

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

MAYOR'S REPORT

Mayor Bender gave a report.

PUBLIC COMMENTS

None

EXECUTIVE SESSION

None

ADJOURNMENT

Mayor Pro Tem Emanuel made a motion to adjourn, 2nd by Council Member Lenski; voted 6 in favor and 0 opposed, motion approved. The meeting adjourned at 10:10 p.m.

Barbara Bender, Mayor

Melisa Arnold, City Manager



SPECIAL CALLED MEETING
OF MAYOR AND COUNCIL
CITY OF SNELLVILLE, GEORGIA
THURSDAY, APRIL 29, 2021

Present: Mayor Barbara Bender, Council Members Solange Destang, Cristy Lenski, Gretchen Schulz, and Tod Warner. (Mayor Pro Tem Dave Emanuel was absent.) Also present City Manager Butch Sanders, City Attorney Chuck Ross with Powell and Edwards Attorneys at Law, Assistant Chief Greg Perry, Economic Development Manager Eric Van Otteren and City Clerk Melisa Arnold.

CALL TO ORDER

Mayor Bender called the meeting to order at 5:44 p.m.

Consideration and Action on Amendment to Master Development Agreement [Bender]

City Attorney Ross reviewed the changes that will be made by the amendment. He advised that it is mostly dates that are being changed.

Mayor and Council discussed the bond financing and the fact that a Special Called Meeting will be needed on May 13th to approve the Bond Purchase Agreement.

Council Member Warner made a motion to approve the 12th Amendment as presented, 2nd by Council Member Lenski; voted 5 in favor and 0 opposed, motion approved.

ADJOURNMENT

Council Member Warner made a motion to adjourn, 2nd by Council Member Lenski; voted 5 in favor and 0 opposed, motion approved. The meeting adjourned at 5:56 p.m.

Barbara Bender, Mayor

Melisa Arnold, City Clerk



Agenda Item Summary

TO: The Mayor and Council

FROM: Jason Thompson, Director
Department of Planning and Development

DATE: ~~March 22, 2021~~
~~XXXXXX~~ May 10, 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 (2nd Reading)
Continued from April 12, 2021

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 (1st Reading)
March 22, 2021 (2nd 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 5TH 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

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

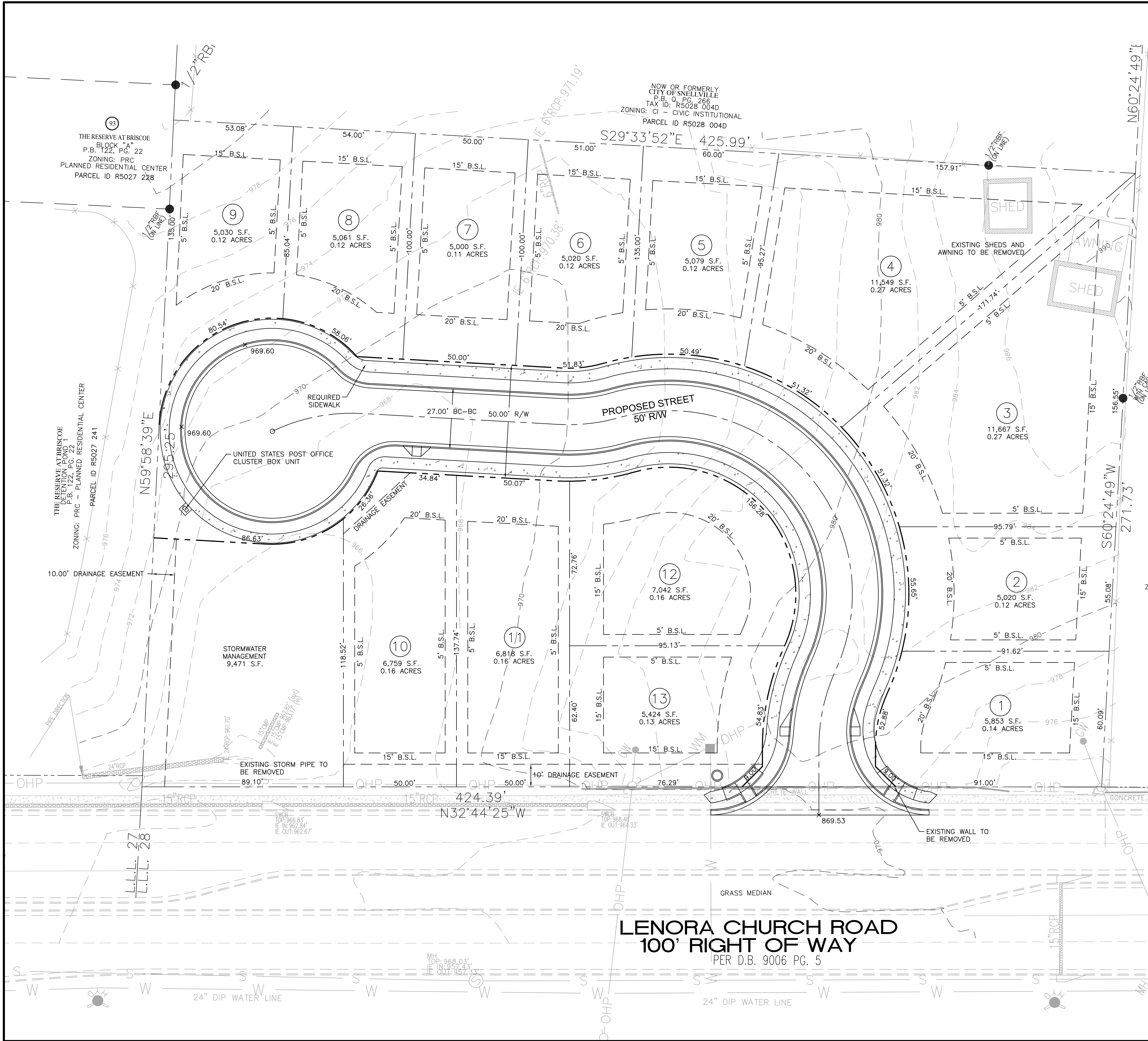
W. Charles Ross, City Attorney
Powell & Edwards, P.C.

Gretchen Schulz, Council Member

Tod Warner, Council Member

EXHIBIT “A”

DRAFT



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.)

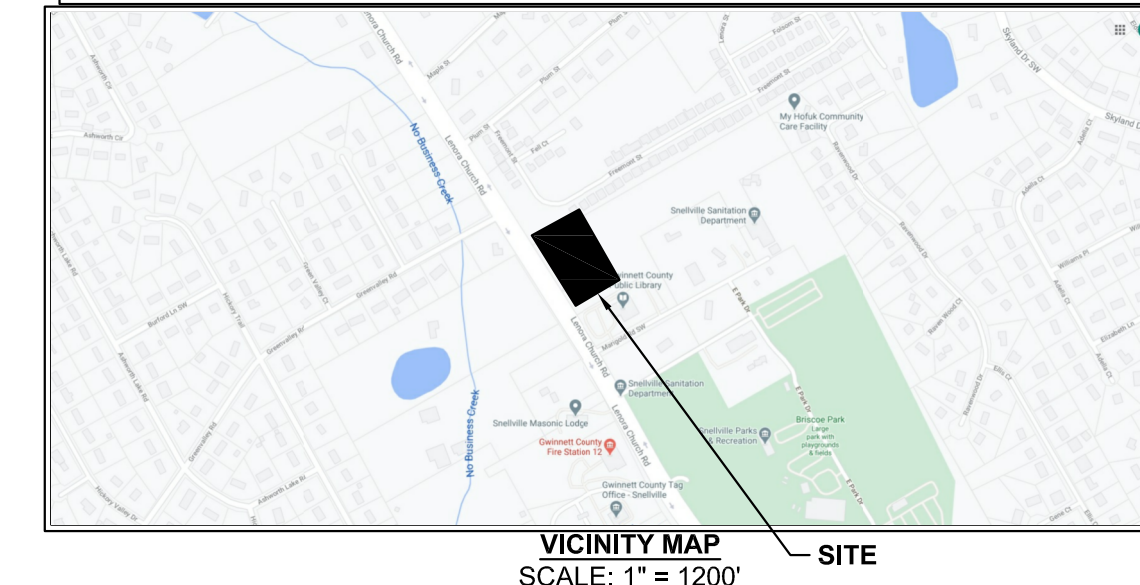
THIS SITE IS NOT LOCATED IN A FLOOD PLAIN PER FEMA MAP 13135C0138F, EFFECTIVE DATE SEPTEMBER 29, 2006.
NO PONDS/LAKES, STREAMS, OR WETLANDS LOCATED ON SITE.

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: 20 10 0 20 40 60



DATE: _____

PROJ. MGR.: _____

DATE: 11/23/20

DRWN. BY: MA

SCALE: AS NOTED

CHKD. BY: JDC

DRAWING SERIES: REZONING

SHEET NO.: C-1.0

NO.	DATE	DESCRIPTION	REVISIONS
4			
3			
2			
1			

NO.	DATE	DESCRIPTION	REVISIONS
4			
3			
2			
1			

REZONING PLAN

PROPOSAL SUBDIVISION

2706 LENORA CHURCH ROAD, SNELLVILLE, GA 30078

BRITT AND CAMP, LLC

PO BOX 550, SNELLVILLE, GA 30078

PROJECT NO.: BCL02000229

PROJ. MGR.: TMC

DATE: 11/23/20

DRWN. BY: MA

SCALE: AS NOTED

CHKD. BY: JDC

DRAWING SERIES: REZONING

SHEET NO.: C-1.0

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 5TH 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

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 5TH 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 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 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

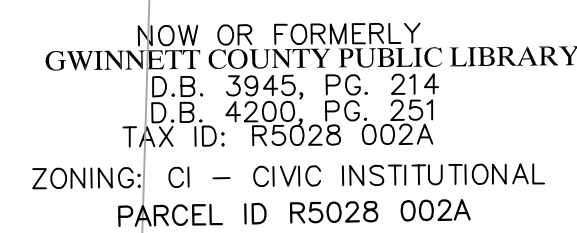
W. Charles Ross, City Attorney
Powell & Edwards, P.C.

Gretchen Schulz, Council Member

Tod Warner, Council Member

EXHIBIT “A”

DRAFT



PROJECT NO.: BCL02000229	PROJ. MGR.: TMC
DATE: 11/23/20	DRWN. BY: MA
SCALE: AS NOTED	CHKD. BY: JDC
DRAWING SERIES: REZONING	
SHEET NO. C-1.0	

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 5TH 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

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