



PUBLIC HEARING & REGULAR BUSINESS MEETING  
OF MAYOR AND COUNCIL  
CITY OF SNELLVILLE, GEORGIA  
MONDAY, APRIL 11, 2022

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

**CALL TO ORDER**

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

**INVOCATION**

Pastor David Goebel of Redeemer Church gave the invocation.

**PLEDGE TO THE FLAG**

Boy Scout Troop 65 presented the colors and led the Pledge of Allegiance.

**CEREMONIAL MATTERS**

STAT Service Award Presentation to Billy Franklin

Kelly McAloon presented former Snellville Tourism and Trade Board Member Billy Franklin with a plaque for his years of service.

**MINUTES**

Approve the Minutes of the March 24, 2022 Special Called Meeting, March 28, 2022 Regular meetings, and March 29, 2022 Special Called Meeting

Mayor Pro Tem Emanuel made a motion to approve the minutes of the March 24, 2022 Special Called Meeting, March 28, 2022 Regular Meetings, and March 29, 2022 Special Called Meeting, 2<sup>nd</sup> by Council Member Destang; voted 6 in favor and 0 opposed, motion approved.

**INVITED GUESTS**

None

**COMMITTEE / DEPARTMENT REPORTS**

None

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL  
MONDAY, APRIL 11, 2022  
PAGE TWO

**APPROVAL OF THE AGENDA**

Council Member Schulz made a motion to approve the agenda of the April 11, 2022 meeting, 2<sup>nd</sup> by Mayor Pro Tem Emanuel; voted 6 in favor and 0 opposed, motion approved.

**PUBLIC HEARING**

2nd Reading - SUP 22-01 - Consideration and Recommendation on Application by RCG Snellville, LLC Requesting a Special Use Permit to Develop and Operate a Kidney Dialysis Facility for Davita Dialysis Center and Request for Variances From Sec. 205-1 Towne Center Overlay District Requirements of the Snellville Unified Development Ordinance for a Proposed 0.768 Acre Outparcel in the Snellville Oaks Shopping Center, Zoned BG (General Business) District and Located in the Towne Center Overlay District, 2135 E. Main Street, Snellville (p/o Tax Parcel 5038 174)

Planning Director Thompson gave an overview of the application and advised that the Planning Department and Planning Commission both recommend approval with conditions and variances. Mayor and Council asked questions of Mr. Thompson.

Applicant, Wesley Padgett, Vice President of Acquisitions for RCG, was present and spoke about the application. He advised that due to the current lease with Davita they needed to be relocated to facilitate redevelopment of the center. He answered questions of Mayor and Council.

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

Council Member Lenski made a motion to approve SUP 22-01, 2<sup>nd</sup> by Mayor Pro Tem Emanuel; voted 6 in favor and 0 opposed, motion approved. (A copy of ORD 2022-02 is attached to and made a part of these minutes.)

**CONSENT AGENDA**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

Mayor's Nomination and Council Confirmation of Anne Dowdall to Park and Recreation Board Post 2 with an Expiration Date of 6/30/2022 [Bender]

Mayor Bender nominated Anne Dowdall to Post 2, confirmed by Council 6 in favor and 0 opposed, nomination is approved.

Mayor's Nomination and Council Confirmation of Barbara Harris to Park and Recreation Board Post 3 with an Expiration Date of 6/30/2023 [Bender]

Mayor Bender nominated Barbara Harris and advised that the correct post number for this nomination is post 6, confirmed by Council 6 in favor and 0 opposed, nomination is approved.

Mayor Bender administered the Oath of Office to Board Members Dowdall and Harris.

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL  
MONDAY, APRIL 11, 2022  
PAGE THREE

**COUNCIL REPORTS**

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

**MAYOR'S REPORT**

Mayor Bender gave a report.

**PUBLIC COMMENTS**

The following people came forward:

Kelly McAloon, Executive Director of Snellville Tourism and Trade.

Gwinnett County Judge Angela Duncan spoke.

**EXECUTIVE SESSION**

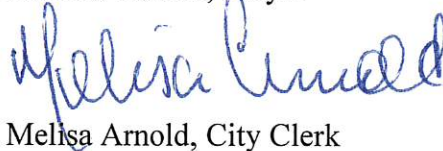
None

**ADJOURNMENT**

Mayor Pro Tem Emanuel made a motion to adjourn, 2<sup>nd</sup> by Council Member Lenski; voted 6 in favor and 0 opposed, motion approved. The meeting adjourned at 8:09 p.m.



Barbara Bender, Mayor



Melisa Arnold, City Clerk

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2022-02**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 0.768± ACRE TRACT OF LAND LOCATED IN LAND LOT 38 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 2135 EAST MAIN STREET, SNELLVILLE, GEORGIA; TO GRANT A SPECIAL USE PERMIT; TO GRANT VARIANCES; TO ADD CONDITIONS AFFECTING THE PROPERTY; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NUMBER:** #SUP 22-01

**PROPERTY OWNER:** RCG-Snellville, LLC  
Atlanta, Georgia 30305

**LOCATION:** p/o 2135 E. Main Street, Snellville, Georgia  
(the "Property")

**TAX PARCEL:** R5038 174

**DEVELOPMENT/PROJECT:** Kidney Dialysis Center

**APPLICANT/CONTACT:** Wesley Padgett  
RCG Ventures, LLC  
Atlanta, Georgia 30305  
404-816-5454 or [WesleyP@rcgventures.com](mailto:WesleyP@rcgventures.com)

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

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to amend its official zoning map as it applies to the 0.768± acre tract of land located at 2135

E. Main Street, Snellville, Georgia (Tax Parcel R5038 174) and grant the requested special use permit to operate a kidney dialysis center; and,

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

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

**Section 1.** For reasons stated in the public hearing and recommendations of the Planning Department and Planning Commission, a special use permit is hereby granted for the development and use of a kidney dialysis center on the 0.768± acre tract of land located at 2135 E. Main Street, Snellville, Georgia (Tax Parcel R5038 174), described and shown on the zoning site plan entitled “Site Development Plans for RCG Ventures”, dated 2-22-2022 (stamped received 3-31-2022) in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference, subject to the following enumerated variances and conditions:

**VARIANCES:**

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

**CONDITIONS:**

1. The property shall be developed in accordance with the submitted zoning site plan entitled "Site Development Plans for RCG Ventures", dated 2-22-2022 (stamped received 3-31-2022) and colored building elevations dated 12-3-2021 (stamped received 3-30-2022), with modifications permitted to meet conditions of zoning or State, County, and City regulations. Substantial variation from the conceptual rezoning site plan, as determined by the Director of Planning and Development will require Mayor and Council approval, after receiving recommendations by the Planning Department and Planning Commission.
2. Applicant shall be required to continue the streetscape requirements along the private street to the overall shopping center as shown on the submitted site plan with additional landscaping as required by the Unified Development Ordinance.
3. The development shall abide by all applicable standards of the Unified Development Ordinance, unless otherwise specified in these conditions or through approval of a variance by the Zoning Board of Appeals.
4. Inter-parcel access to be provided to the adjacent parcel to the north (R5038 187) as shown on the submitted site plan. Said connection and improvements to be completed prior to issuance of the certificate of occupancy. Inter-parcel access to the adjacent property to the east (R5038 182) is not required.
5. The applicant shall remove the existing non-conforming freestanding pylon sign within twelve (12) months following issuance of a certificate of occupancy for the kidney dialysis center.

6. Uses involving adult entertainment, including the sale or display of adult magazines, books, videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited.
7. New signs higher than 15 feet or larger than 225 sq. ft. in area are prohibited.
8. In the event that the subject property is not leased, or purchased, or occupied by DaVita Snellville Dialysis within eighteen (18) months from the date of Mayor and Council approval, or if the property is occupied and later vacated by DaVita Snellville Dialysis the Special Use Permit will become null and void.
9. The approved zoning conditions and variances shall be referenced on any recorded plat, including subdivision plat provided to any buyer or lessee.

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

**Section 3.** The changes in zoning classification is to be noted on the Official Zoning Map of the City of Snellville, Georgia as approved by the Mayor and Council as soon as reasonably possible following the adoption of this Ordinance. The Official Zoning Map of the City of Snellville, Georgia, shall also be amended with an editorial note specifying the date these Snellville zoning amendments were approved by the Mayor and Council and specifying the parcels affected by this Ordinance. Until the changes are indicated on the Official Zoning Map of the City of Snellville, Georgia, as approved by the Mayor and Council, this Ordinance shall govern over Official Zoning Map of the City of Snellville, Georgia approved by the Mayor and Council to the extent of any discrepancy between this Ordinance and the Official Zoning Map of the City of Snellville, Georgia approved by the Mayor and Council.

**Section 4.** (a) It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

(b) It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Ordinance.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

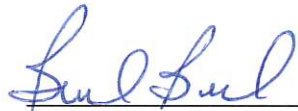
**Section 5.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.




**Section 6.** This Ordinance was adopted on April 11, 2022. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

ORDAINED this 11 day of April, 2022.

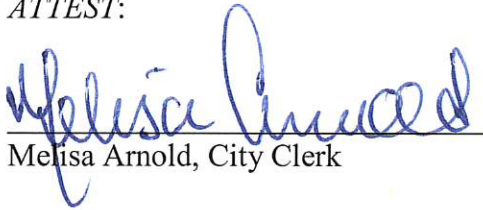


Barbara Bender, Mayor

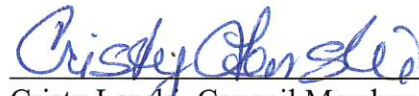


Dave Emanuel, Mayor Pro Tem

ATTEST:




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.

John J.  
Crowley



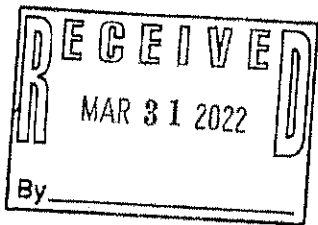
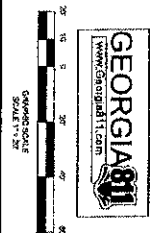
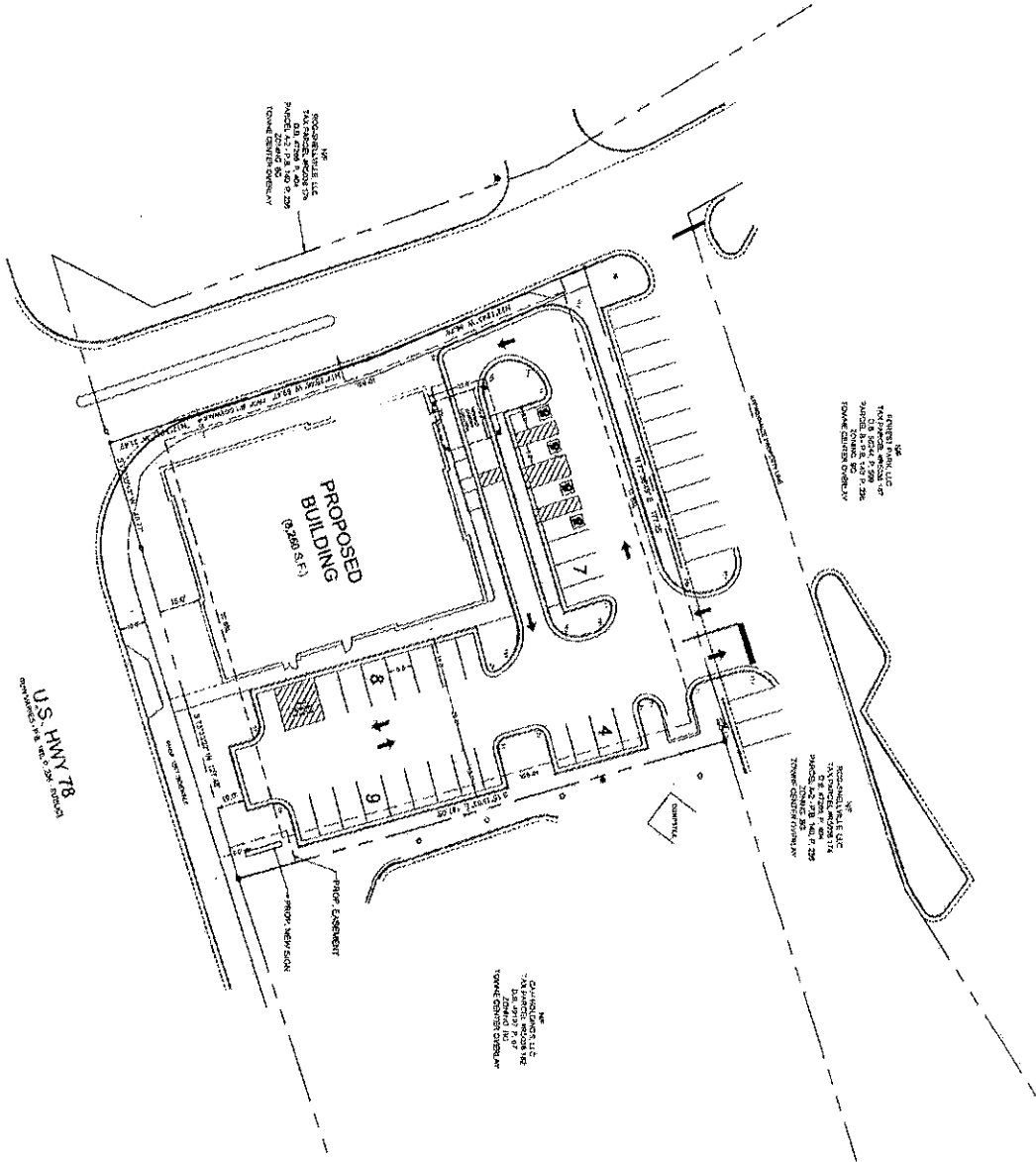
Gretchen Schulz, Council Member



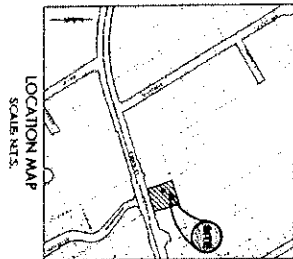
Tod Warner, Council Member

EXHIBIT "A"

LINE	BEARING	DISTANCE
1	S 17° 23' 11" E	2.03'
2	N 72° 36' 49" E	15.31'



<p>THIS PLAN WAS PREPARED BY THE ENGINEER FOR THE PROJECT DESCRIBED HEREIN. IT IS THE ENGINEER'S RESPONSIBILITY TO SEE THAT THE PROJECT IS CONSTRUCTED IN ACCORDANCE WITH THE PLAN AND ANY NECESSARY CHANGES ARE MADE THEREON.</p>	<p>DATE OF PREPARED: 02/22/22</p>
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<b>SITE DEVELOPMENT PLANS</b> FOR <b>RCG VENTURES</b> SHELLVILLE PLAZA, SHELLVILLE, GA 30478			<b>CARTER</b> ENGINEERING CONSULTANTS 1000 W. BROAD ST. SUITE 200 ATLANTA, GA 30334 (404) 525-1111 www.cartereng.com	PROJECT NUMBER: 21055RCG	SHEET TITLE: SITE PLAN	SHEET NUMBER: 3	DATE: 02/22/22
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