



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

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

**CALL TO ORDER**

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

**INVOCATION**

Rev. Dr. Heather M. Jallad with Cannon United Methodist Church gave the invocation.

**PLEDGE TO THE FLAG**

Council Member Emanuel led the Pledge of Allegiance.

**CEREMONIAL MATTERS**

PRO 2023-07 - National Arbor Day

Mayor Bender read the proclamation into the record.

PRO 2023-09 - Arabic Heritage Month

Mayor Bender read the proclamation into the record and presented it to Wally Yazbak, and Mike Sabbagh.

**MINUTES**

Approve the Minutes of the March 27, 2023 Meetings

Council Member Emanuel made a motion to approve the minutes of the March 27, 2023 meetings, 2<sup>nd</sup> by Council Member Destang; voted 5 in favor and 0 opposed, motion approved.

**INVITED GUESTS**

None

**COMMITTEE / DEPARTMENT REPORTS**

None

**City of Snellville Administration Department**

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**APPROVAL OF THE AGENDA**

Council Member Lenski made a motion to approve the agenda with the addition of New Business item “b” Consideration and Action on Approval of RES 2023-04 Resolution of the City of Snellville, Georgia (“City”) Agreeing to Settle with Publix Super Markets, Inc. Concerning the Prescription Opioid Litigation, 2<sup>nd</sup> by Mayor Pro Tem Warner; voted 5 in favor and 0 opposed, motion approved.

**PUBLIC HEARING**

2nd Reading - SUP 22-07 – Consideration and Action on application by Brian Vu, ABN Investment Group, LLC (property owner) requesting a Special Use Permit and variances from the Unified Development Ordinance for a Drive-Thru Restaurant at the former Krystal restaurant location on the 0.775± acre property, zoned BG (General Business) District and located in the Towne Center Overlay District, 2484 E. Main Street, Snellville, Georgia (Tax Parcel 5026 240)

Planning Director Jason Thompson gave an overview of the application and advised the property can be used in its current condition without the drive-thru. He advised that he has worked with the applicants and has received updated architectural drawings and then reviewed the requested variances for the drawings. He advised that both the Planning Department and Planning Commission recommend approval.

Mayor and Council asked questions of the Planning Director Thompson.

Maya Radovic, Radovic Permits, 3021 Farmstead Ct., Grayson provided a summary of their application and request for variances.

Applicant Brian Vu, 1435 Barnsley Walk, Snellville, spoke about the application as well as other locations that he owns and operates. Council asked questions about the businesses.

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

Mayor Pro Tem Warner made a motion to approve SUP 22-07 with reference to ORD 2023-01, 2<sup>nd</sup> by Council Member Destang; voted 3 in favor and 2 opposed with Council Members Lenski and Emanuel casting the opposing votes, motion approved. (A copy of ORD 2023-01 is attached to and made a part of these minutes.)

**CONSENT AGENDA**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

Consideration and Action on Surplus of City Vehicles [Bender]

Public Works Vehicle - 2001 Ford F150 – Vin# 1FTZX17251KC44779

Police Unit-165 - 2008 Chevrolet Impala – Vin# 2G1WS553689181460

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Council Member Emanuel made a motion to approve the surplus of the vehicles, 2<sup>nd</sup> by Council Member Lenski; voted 5 in favor and 0 opposed, motion approved.

Consideration and Action on Approval of RES 2023-04 Resolution of the City of Snellville, Georgia (“City”) Agreeing to Settle with Publix Super Markets, Inc. Concerning the Prescription Opioid Litigation [Bender]

Mayor Bender explained that this item is part of the settlement from the class action lawsuit and the revenue is to be used for drug treatment.

Council Member Lenski made a motion to approve RES 2023-04 Resolution of the City of Snellville, Georgia Agreeing to Settle with Publix Super Markets, Inc. Concerning the Prescription Opioid Litigation and authorize the Mayor to sign, 2<sup>nd</sup> by Council Member Destang; voted 5 in favor and 0 opposed, motion approved. (A copy of RES 2023-04 is attached to and made a part of these minutes.)

**COUNCIL REPORTS**

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

**MAYOR’S REPORT**

Mayor Bender gave report.

**PUBLIC COMMENTS**

The following people came forward to speak:

Mike Sabbagh, 1600 Summit View Way, Snellville.

Kurt Schulz, 2027 Tanglewood Drive, Snellville.

Sydney Robinson, Amerah Moody, and Jadya Hamer of the Snellville Youth Commission.

**EXECUTIVE SESSION**

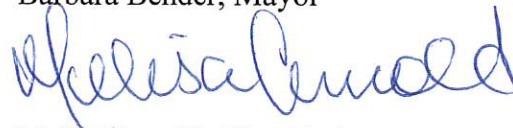
None

**ADJOURNMENT**

Council Member Emanuel made a motion to adjourn, 2<sup>nd</sup> by Mayor Pro Tem Warner; voted 5 in favor and 0 opposed, motion approved. The meeting adjourned at 8:23 p.m.



Barbara Bender, Mayor



Melisa Arnold, City Clerk

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2023-01**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 0.77± ACRE TRACT OF LAND LOCATED IN LAND LOT 26 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 2484 E. 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 22-07

**APPLICANT/PROPERTY OWNER:** Brian Vu, Member  
ABN Investment Group, LLC  
Snellville, Georgia 30078

**LOCATION:** 2484 E. Main Street, Snellville, Georgia  
(the "Property")

**TAX PARCEL:** R5026 240

**DEVELOPMENT/PROJECT:** Banh Mi Bubble Tea & Deli with  
Drive-Thru

**CONTACT:** Maya Radovic  
Radovic Permits, LLC  
404-717-4795 or [radovicpermits@gmail.com](mailto:radovicpermits@gmail.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 0.77± acre tract of land located at 2484 E. Main Street, Snellville, Georgia (Tax Parcel R5026 240) and grant the requested special use permit for a drive-thru lane and window; and

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to grant variances from Article 1, Article 5, and Article 6 of Chapter 200 of the Snellville Unified Development Ordinance; 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 use of a drive-thru lane and window for a Banh Mi Bubble Tea & Deli on the 0.77± acre tract of land located at 2484 E. Main Street, Snellville, Georgia (Tax Parcel R5026 240), described and shown on the ALTA survey entitled “Krystal, 2484 Highway 78, Gwinnett County, Snellville, Georgia”, sealed and dated 1-10-2013 (stamped received 10-11-2022) in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference, subject to the attachment of the following enumerated variances and conditions:

**VARIANCES:**

1. Approval of variance from Sec. 201-4.2.C to allow painting of the existing brick on all elevations.
2. Approval of variance from Sec. 205-1.6.B.2 (Minimum Building Height) to reduce the 24-foot minimum building height to 17-feet to allow for the removal of the existing metal wall panels and replacement by stucco panels to provide screening of the rooftop mechanical units.

3. Approval of variance from Sec. 206-8,9.G (Drive-Thrus) to allow the existing drive-thru window and lane to remain located between the building and closest public street (Civic Drive).

CONDITIONS:

1. The property shall be developed in accordance with the submitted site plan shown on Sheet A1.3, entitled "Special Use Permit Drive-Thru for Banh Mi Bubble Tea & Deli, 2484 Main St., Snellville, GA 30078", sealed and dated 1-16-2023 in Exhibit "B", and exterior elevations shown on Sheet A2.1 "New Proposed Exterior Elevations", dated 4-18-2023 (stamped Received 4-18-2023) in Exhibit "C", copies of which are 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 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. The existing nonconforming pylon sign located between the entry and exit drives on U.S. Highway 78, shall be removed before issuance of any Certificate of Occupancy or Occupational Tax Certificate (Business License). New signage shall comply with the requirements of Sec. 207-6 (Signs) of Chapter 200 of the Snellville Unified development Ordinance.
3. New signs higher than 15 feet or larger than 225 sq. ft. in area are prohibited.

4. 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.
5. Drive-thru screening shall comply with UDO. Sec. 206-8.9.G.
6. All interior and exterior building renovations and site renovation work shall require approved building and site development permits before commencement of any work.

**Section 2.** The special use permit shall expire after twelve (12) months from date of approval unless a certificate of occupancy or occupational tax license has been approved for the special use. 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. The director must make a 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.

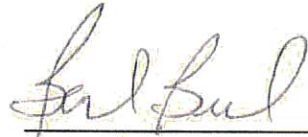
**Section 5.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

**Section 6.** This Ordinance was adopted on April 24, 2023. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

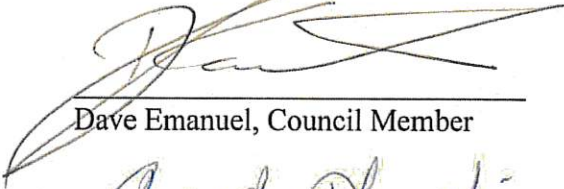
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ORDAINED this 24 day of April, 2023.



Barbara Bender, Mayor



Dave Emanuel, Council Member

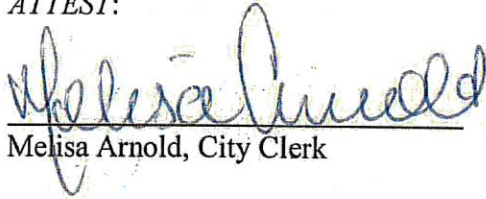


Cristy Lenski, Council Member



Solange Destang, Council Member

ATTEST:



Melisa Arnold, City Clerk

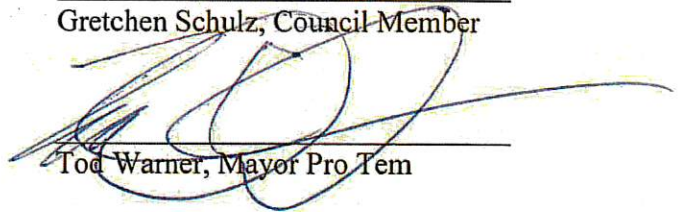
APPROVED AS TO FORM:



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



Gretchen Schulz, Council Member



Tod Warner, Mayor Pro Tem

**EXHIBIT "A"**



**EXHIBIT "B"**



EXHIBIT "C"



**RES 2023-04**

**RESOLUTION OF CITY OF SNELLVILLE, GEORGIA ("CITY")  
AGREEING TO SETTLE WITH PUBLIX SUPER MARKETS, INC.  
CONCERNING THE PRESCRIPTION OPIOID LITIGATION**

WHEREAS, the City initiated litigation against certain manufacturers, distributors, and pharmacy chains in *In re: National Prescription Opiate Litigation*, MDL 2804, to hold them accountable for the opioid epidemic and to seek equitable and monetary relief;

WHEREAS, defendant Publix Super Markets, Inc. ("Publix") has separately reached a settlement framework with certain local government entities;

WHEREAS, certain Georgia local government entities seek to resolve the litigation with Publix and maximize the recovery from this settlement; and

WHEREAS, the City desires to agree to settle with Publix;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY OF SNELLVILLE, GEORGIA, AS FOLLOWS:

Section 1. The City Council, as the governing body of the City, hereby agrees to settle with PUBLIX and to be bound by the Release and

Section 2. The City Council hereby appoints Mayor Barbara Bender as the duly appointed representative of the City for the purposes of agreeing to be bound by the settlement agreement.

Section 3. The City Council directs the duly appointed representative of the City to execute the settlement agreement with Publix upon such terms approved by the Manager with the advice of the City Attorney.

Section 4. If any section, paragraph or provision of this Resolution shall be held to be invalid or unenforceable for any reason, the invalidity or unenforceability of such section, paragraph or provision shall not affect any of the remaining provisions of this Resolution.

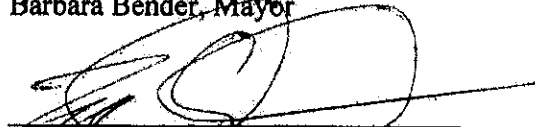
Section 5. This Resolution shall be in full force and effect from and after its adoption as provided by law.

This Resolution was introduced, seconded and adopted at a duly convened meeting of the City Council, held on April 24, 2023.

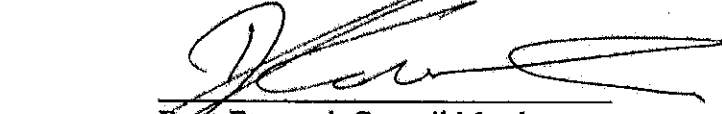
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Barbara Bender, Mayor

  
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Tod Warner, Mayor Pro Tem


  
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Solange Destang, Council Member


  
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Dave Emanuel, Council Member

  
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Cristy Lenski, Council Member

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


ATTEST:

  
\_\_\_\_\_  
Melissa Arnold, City Clerk



The seal is circular with a double-line border. The outer ring contains the text 'CITY OF SAVANNAH' at the top and 'GEORGIA' at the bottom. The inner ring contains the text 'SEAL' in the center.

APPROVED AS TO FORM

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