



PUBLIC HEARING & REGULAR BUSINESS MEETING
OF MAYOR AND COUNCIL
CITY OF SNELLVILLE, GEORGIA
MONDAY, FEBRUARY 27, 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 and Assistant City Attorney Jay Crowley 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 7:31 p.m.

INVOCATION

Pastor Quincy Brown from Snellville United Methodist Church gave the invocation.

PLEDGE TO THE FLAG

Boy Scout Carter Kushner from Troop 50 led the Pledge of Allegiance.

CEREMONIAL MATTERS

None

MINUTES

Approve the Minutes of the February 13, 2023 Meetings

Council Member Emanuel made a motion to approve the February 13, 2023 minutes, 2nd by Council Member Destang; voted 6 in favor and 0 opposed, motion approved.

INVITED GUESTS

None

COMMITTEE / DEPARTMENT REPORTS

None

APPROVAL OF THE AGENDA

Council Member Schulz made a motion to approve the agenda of the February 27, 2023 meeting, 2nd by Council Member Emanuel; voted 6 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 Thompson said that after further discussion more time was needed by Mayor and Council.

Council Member Lenski made a motion to table to the March 27, 2023 agenda, 2nd by Mayor Pro Tem Warner; voted 6 in favor and 0 opposed, motion approved.

2nd Reading - RZ 23-01 LUP 23-01 – Consideration and Action on applications by James and Meghan Toney (applicant and property owner) requesting: a) to amend the Snellville 2040 Comprehensive Plan Future Land Use Map from Low-Density Residential to North Road Redevelopment Area; b) to amend the Official Zoning Map from RS-30 (Single-family Residential) District to NR (North Road) District and request for variances from the Unified Development Ordinance to operate a financial services office on a 1.129± acre site located at 2154 North Road, Snellville, Georgia (Tax Parcel 5039 032)

Planning Director Thompson gave an overview of the application and said that the Planning Commission and Planning Department recommend approval with the conditions and variances listed in the staff report and ordinances.

Alex Mitchum, 4525 Lee Street, Buford, was present representing the applicant. He spoke briefly about the application.

Mayor Bender opened the floor for public comments and the following person came forward: Tricia Rawlins, 2088 Harbour Oaks Drive, Snellville spoke in favor of the project.

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

Council Member Lenski made a motion to approve LUP 23-01, 2nd by Council Member Emanuel; voted 6 in favor and 0 opposed, motion approved. (Reference ORD 2023-03)

Council Member Schulz made a motion to approve RZ 23-01, 2nd by Council Member Destang; voted 6 in favor and 0 opposed, motion approved. (Reference ORD 2023-02)

2nd Reading - UDO 23-01 – Consideration and Action on a proposed text amendment to Article 6 (Use Provisions) of Chapter 200 of the Snellville Unified Development Ordinance to establish definitions, applicable zoning districts and use standards for: a) retail sales of beer, wine, and/or distilled spirits for off-premises consumption (Package Store); b) Halfway House; and c) Boat, Recreational Vehicle, Utility or Enclosed Trailer Sales, Leasing, Rental, or Service

Planning Director Thompson reviewed the text amendments and also reviewed the amendments being done by ORD 2023-04. He advised that the majority of these are being done to support the package store process being implemented.

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

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL
MONDAY, FEBRUARY 27, 2023
PAGE THREE

Mayor Pro Tem Warner made a motion to approve UDO 23-01, 2nd by Council Member Emanuel; voted 6 in favor and 0 opposed, motion approved.

2nd Reading – ORD 2023-04 - Consideration and Action on an Ordinance to Amend Portions of Chapter 6 of the Code of Ordinances of the City of Snellville to Allow for the Issuance of Licenses to Sell Distilled Spirits by the Package Pursuant to the Referendum Vote Conducted November 8, 2022

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

Council Member Emanuel made a motion to approve ORD 2023-04, 2nd by Council Member Destang; voted 6 in favor and 0 opposed, motion approved.

CONSENT AGENDA

None

OLD BUSINESS

None

NEW BUSINESS

Consideration and Action on Amendment of the Planning and Development Fee Schedule [Bender]

Mayor Bender advised that the amendments include changes to the Short Term Rental License fee and the addition of the Package Store fees.

Council Member Schulz made a motion to approve the Planning and Development Fee Schedule, 2nd by Council Member Emanuel; voted 6 in favor and 0 opposed, motion approved.

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

Council Member Lenski made a motion to approve the surplus of the listed equipment, 2nd by Council Member Emanuel; voted 6 in favor and 0 opposed, motion approved.

The following items are surplus:

1. Police Unit 249 – 2016 Range Rover Evoque – SALVR2BG3GH091819
2. Police Unit 175 – 2008 Dodge Charger – 2B3KA43H88H285912
3. Police Unit 176 – 2008 Dodge Charger – 2B3KA43HX8H285930
4. Kustom Raptor RP1 Radar – Serial Number RP01183
5. DragonEye / LaserAlly Laser – Serial Number 10398
6. Pro III Lasers (11 in total) – Serial Numbers: PL11037, PL14695, PL14728, PL14741, PL17905, PL22564, PL22832, PL22842, PL22844, PL22854, PL34244

Mayor's Nomination and Council Confirmation of James Toney to Downtown Development Authority Post 5 with an Expiration Date of June 30, 2024 [Bender]

Mayor Bender nominated James Toney to Post 5 of the DDA, confirmed by Council 6 in favor and 0 opposed, nomination confirmed.

COUNCIL REPORTS

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

MAYOR'S REPORT

Mayor Bender gave a report.

PUBLIC COMMENTS

The following people spoke:

Norman Cater, 2777 Nathaniel Way, Grayson.

Ann LaFavor, 35 Patterson Road, Suite 465293, Lawrenceville.

Catherine Hardrick, 2280 Buckley Trail, Snellville.

Tricia Rawlins, 2088 Harbour Oaks Drive, Snellville.

Michael Kulp, 1879 Harbour Oaks Drive, Snellville.

EXECUTIVE SESSION

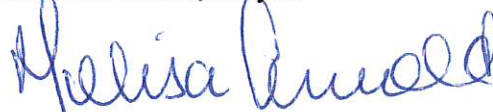
None

ADJOURNMENT

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



Barbara Bender, Mayor



Melisa Arnold, City Clerk

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. 2023-03

AN ORDINANCE TO AMEND THE 2040 COMPREHENSIVE PLAN FUTURE LAND USE MAP FOR THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR THE 1.129± ACRE TRACT OF LAND LOCATED IN LAND LOT 39 OF THE 5TH LAND DISTRICT, GWINNETT COUNTY, GEORGIA; 2154 NORTH ROAD, SNELLVILLE, GEORGIA; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

CASE NUMBER:	#LUP 23-01
LOCATION:	2154 North Road, Snellville, Georgia
SIZE:	1.129± Acres
TAX PARCEL:	5039 032
REQUESTED FUTURE LAND USE MAP AMENDMENT:	North Road Redevelopment Area
DEVELOPMENT/PROJECT:	Financial Services Office
APPLICANT/PROPERTY OWNER:	Toney Financial Services, Inc. James and Meghan Toney Snellville, Georgia 30078

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 2040 Comprehensive Plan Future Land Use Map as it applies to the 1.129± acre tract of land located at 2154 North Road, Snellville, Georgia (Tax Parcel 5039 032) for a Financial Services Office; and

WHEREAS, the subject property is located just north and outside of the Towne Center Character Area at the southern portion of the North Road Transitional Corridor Character Area of the Snellville 2040 Comprehensive Plan Future Development Map; and

WHEREAS, the North Road Redevelopment Area future land use category is an *Appropriate* future land use category for the NR (North Road) zoning district; and,

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

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

Section 1. The future land use designation of the 1.129± acre tract of land described and shown on the zoning site plan entitled “Site Zoning Plan for North Rd. & Eastwood Dr., 2154 North Road, Snellville, GA 30078” sealed and dated 12-13-2022 (stamped received 1-24-2023) in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby amended and changed from Low-Density Residential to North Road Redevelopment Area.

This change in the 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(s) 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.

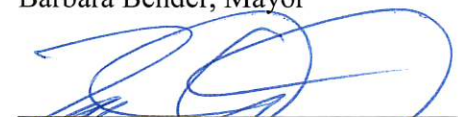
Section 5. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. This Ordinance was adopted on February 27, 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 27 day of February, 2023.


Barbara Bender, Mayor


Tod Warner, Mayor Pro Tem

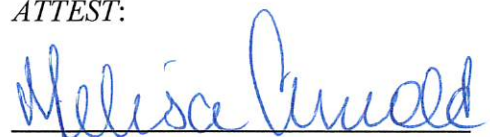

Solange Destang, Council Member


Dave Emanuel, Council Member


Cristy Lenski, Council Member


Gretchen Schulz, Council Member

ATTEST:


Melissa Arnold, City Clerk

APPROVED AS TO FORM:


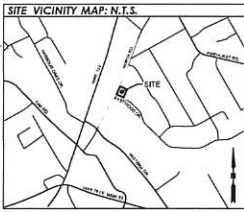

W. Charles Ross, City Attorney
Powell & Edwards, P.C.

EXHIBIT "A"



SITE DATA SUMMARY		CITY OF SHELLVILLE	
GROSS ACRES EXISTING	44.129 ACRES		
ZONING EXISTING	R-30	ZONING (PROPOSED)	NA
SETBACKS			
FRONT YARD	10'		
SIDE YARD	10'		
REAR YARD	30'		
MAX BUILDING HEIGHT	35'		
LANDSCAPE STRIP	10'		

PARKING REQUIREMENTS:
 1 SPACE PER 500 SF OFFICE
 TOTAL PARKING REQUIRED = 1,183 X 1,600 SF = 4.3 SPACES
 (1 HIC SPACE REQUIRED)
 TOTAL PARKING SPACES PROVIDED = 4 SPACES
 (0 HIC SPACES)
 TOTAL SF OF ADDITIONAL IMPERVIOUS PARKING = 4,168 SF

PROPERTY ADDRESS:
 230 NORTHWOOD
 SHELLVILLE, GA 30181

PROPERTY CONTACT:
 JAMES TONEY, JAMES MORTHEY, TONEY MEDIUM BANKS

UTLITIES:
 THE DEVELOPER SHALL BE RESPONSIBLE FOR ANY CONFLICTS WITH EXISTING UTILITIES.

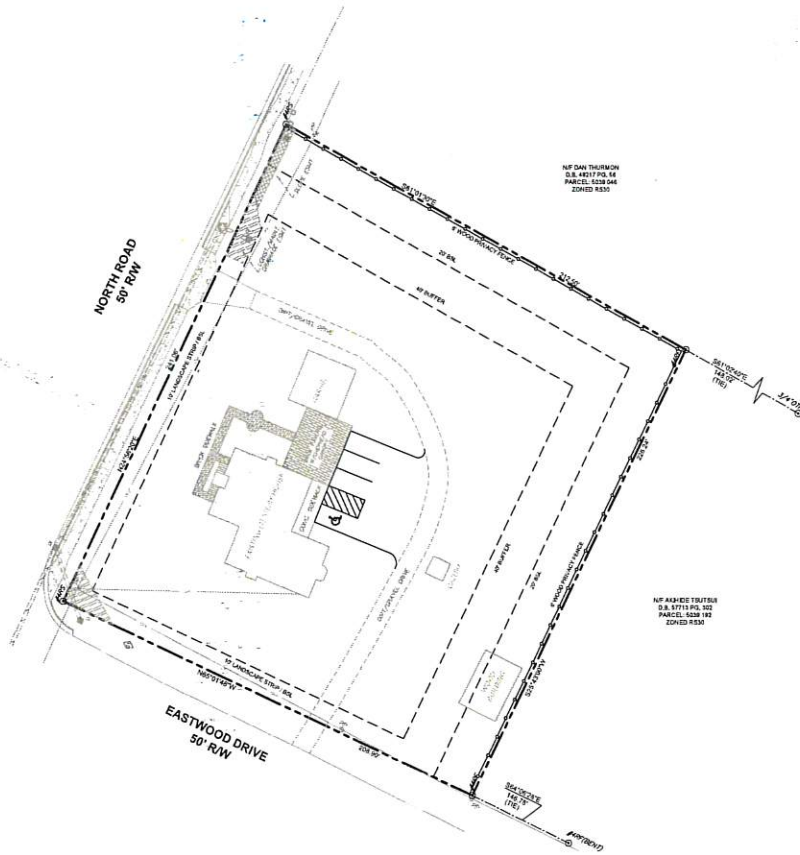
FLOOD HAZARD:
 NO PART OF THIS PROPERTY IS LOCATED IN A FEMA FLOOD HAZARD AREA AS PER FEMA MAP NO. 13138C012P, DATED 09/09/99.

PLAN NOTE:
 THIS PLAN IS CONCEPTUAL IN NATURE AND DOES NOT CONSTITUTE APPROVAL FOR CONSTRUCTION OR DEVELOPMENT. ADDITIONAL REGULATIONS SHALL APPLY PRIOR TO PERMIT ISSUANCE.

CANOPY:
 EXISTING TREE CANOPY COVERS A PORTION OF THE SITE.

SOILS:
 SOILS TO BE PROVIDED ON SITE. EXACT LOCATION TO BE DETERMINED.

WATER NOTE:
 WATER PROVIDED BY GRANETT COUNTY. WATER AVAILABLE ON THE PROPERTY.



ALLIANCE
 ALLIANCE CONSULTING GROUP, INC.
 1000 W. BROADWAY, SUITE 1000
 CHARLOTTE, NC 28202
 (704) 375-1234

Prepared by:
 JAMES TONEY
 JAMES MORTHEY
 TONEY MEDIUM BANKS

Site Zoning Plan for
 North Rd. & Eastwood Dr.
 230 NORTHWOOD
 SHELLVILLE, GA 30181
 PARCEL # 50081032

Orig. Issue 10.31.22
 Designed by AN
 Checked by BW
 Project # 22254

NORTH

SCALE 1" = 20'

SITE ZONING PLAN
 12.13.22

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. 2023-02

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 1.129± ACRE TRACT OF LAND LOCATED IN LAND LOT 39 OF THE 5TH LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 2154 NORTH ROAD, 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 23-01
LOCATION:	2154 North Road, Snellville, Georgia
SIZE:	1.129± Acres
TAX PARCEL:	5039 032
REQUESTED ZONING:	NR (North Road) District
DEVELOPMENT/PROJECT:	Financial Services Office
APPLICANT/PROPERTY OWNER:	Toney Financial Services, Inc. James and Meghan Toney Snellville, Georgia 30078

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

WHEREAS, the governing authority of the City of Snellville, Georgia desires to amend its official zoning map as it applies to the 1.129± acre tract of land located at 2154 North Road, Snellville, Georgia (Tax Parcel 5039 032) for a Financial Services Office; and

WHEREAS, the governing authority of the City of Snellville, Georgia desires to grant variances from Article 3 and Article 7 of Chapter 200; 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 conditions of zoning from the 6-9-2008 Mayor and Council approved conditional use permit (case #CUP 08-02) to operate a historical event venue; and,

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

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

Section 1. The Official Zoning Map for the City of Snellville, Georgia for the 1.129± acre tract of land described and shown on the zoning site plan entitled “Site Zoning Plan for North Rd. & Eastwood Dr., 2154 North Road, Snellville, GA 30078” sealed and dated 12-13-2022 (stamped received 1-24-2023) in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby amended and changed from RS-30 (Single-family Residential) District to NR (North Road) District, subject to the attachment of the following enumerated variances and conditions:

VARIANCES:

1. Approval of variance from Sec. 207-1.7 (Vehicle Parking and Layout Design and Sec. 401-5.13 (Driveways) to allow the existing dirt/gravel driveway to remain.
2. Approval of variance from Sec. 207-2.1.C.1 (Minimum Buffer Strips) to allow encroachment of an existing wood accessory building into the 40-foot undisturbed buffer adjacent to the residential property to the east.

3. Approval of variance from Sec. 401-3.4.H (Inter-parcel Access) to waive the requirement to provide vehicle cross-access points to the adjacent residential properties to the north (Parcel 5039 046) and east (Parcel 5039 192).
4. Approval of variance from Sec. 203-5.11 (Driveways) to allow the site to exceed an amount equal to one driveway every 300 feet of total street frontage or fraction thereof for the two existing dirt/gravel driveways.

CONDITIONS:

1. The property shall be developed in accordance with the rezoning site plan entitled “Site Zoning Plan for North Rd. & Eastwood Dr., 2154 North Road, Snellville, GA 30078”, dated 12-13-2022 (stamped received 1-24-2023), 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 and the City Manager will require Mayor and Council approval.
2. If not connecting to Gwinnett County sanitary sewer, the applicant shall provide written approval by the Gwinnett County Department of Environmental Health for use of the onsite septic system before issuance of a certificate of occupancy, certificate of completion, or business license.

Section 2. All conditions that are applicable to the 1.129± acre property and previously approved on 6-9-2008 by the Mayor and Council for conditional use permit case #CUP 08-02 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.

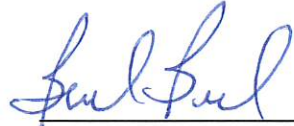
Section 6. Penalties in effect for violations of Chapter 1 of the Code of Ordinances, City of Snellville, Georgia at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 7. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed

Section 8. This Ordinance was adopted on February 27, 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 27 day of February, 2023.



Barbara Bender, Mayor



Tod Warner, Mayor Pro Tem



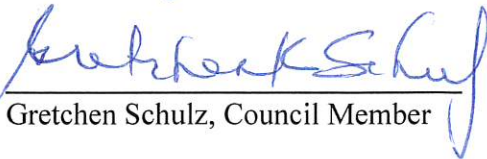
Solange Destang, Council Member



Dave Emanuel, Council Member

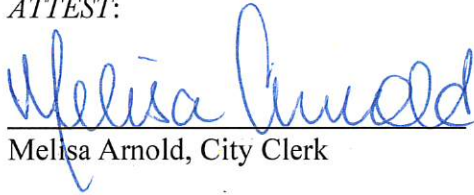


Cristy Lenski, Council Member



Gretchen Schulz, Council Member

ATTEST:



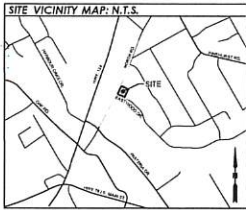
Melisa Arnold, City Clerk

APPROVED AS TO FORM:



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

EXHIBIT "A"



SITE DATA SUMMARY: CITY OF SHELVILLE	
ACRES (EXISTING)	46.1728 ACRES
ZONING DISTRICT	R-100 EDWING (PROPOSED) NR
RETRACTS	
FRONT YARD	10'
SIDE YARD	10'
REAR YARD	30'
MAX BUILDING HEIGHT	35'
LANDSCAPE STRIP	10'

PARKING REQUIREMENTS:
 1 SPACE PER 500 SF OFFICE
 TOTAL PARKING REQUIRED = 5,183 X 1600 SF = 4.3 SPACES
 (1 HOV SPACE REQUIRED)
 TOTAL PARKING SPACES PROVIDED = 4 SPACES
 OR MAX SPACES = 4 SPACES
 TOTAL SF OF ADDITIONAL IMPERVIOUS PARKING = 4168 SF

PROPERTY ADDRESS:
 214 NORTH ROAD
 SHELVILLE, GA 30151

PROPERTY OWNERS:
 THE TONY TONEY JAMES MARSHY, TONEY MESHAN BANKS

NOTES:
 THE DEVELOPER SHALL BE RESPONSIBLE FOR ANY CONFLICTS WITH EXISTING UTILITIES.

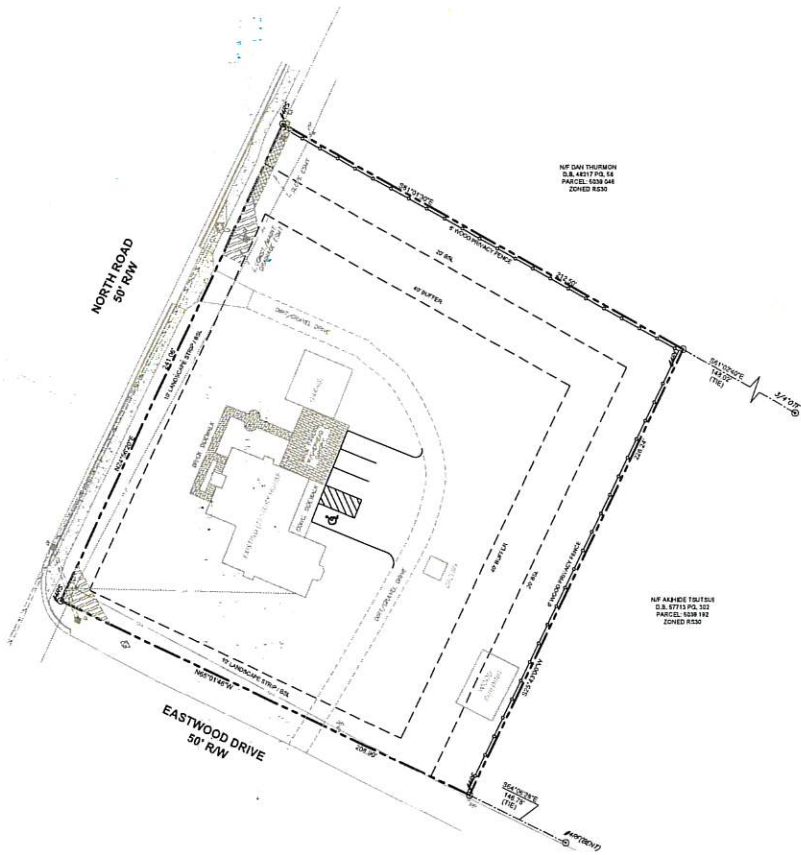
PERMITS:
 THIS PROPERTY IS LOCATED IN A FEMA FLOOD HAZARD AREA AS PER FEMA MAP NO. 13138C013P, DATE 08/09/2004.

PLAN NOTE:
 THIS PLAN IS CONCEPTUAL IN NATURE AND DOES NOT CONSTITUTE APPROVAL FOR CONSTRUCTION OR DEVELOPMENT. ADDITIONAL REGULATIONS SHALL APPLY FROM THE PERMIT JURISDICTION.

CANOPY:
 EXISTING TREE CANOPY COVERS A PORTION OF THE SITE.

UTILITIES:
 UTILITIES PROVIDED ON SITE, EXACT LOCATION TO BE DETERMINED.

WATER NOTES:
 WATER PROVIDED BY OCHLET COUNTY, WATER AVAILABLE ON THE PROPERTY.



ALLIANCE
 CONSULTING ENGINEERS
 1000 W. BROADWAY
 SUITE 100
 ATLANTA, GA 30334
 (404) 525-1234

DESIGNED BY
 JAMES TONEY
 PROFESSIONAL ENGINEER
 STATE OF GEORGIA
 LICENSE NO. 10000

Site Zoning Plan for
 North Rd. & Eastwood Dr.
 214 NORTH ROAD
 SHELVILLE, GA 30151
 PARCEL # 8009 002

Orig. Issue 10.31.22

Designed by JN

Checked by BW

Project # 22204

SCALE 1"=20'

SITE ZONING PLAN

12.13.22

CITY OF SNELLVILLE

STATE OF GEORGIA

ORDINANCE NO. 2023-04

AN ORDINANCE TO AMEND PORTIONS OF CHAPTER SIX OF THE CODE OF ORDINANCES OF THE CITY OF SNELLVILLE TO ALLOW FOR THE ISSUANCE OF LICENSES TO SELL DISTILLED SPIRITS BY THE PACKAGE PURSUANT TO THE REFERENDUM VOTE CONDUCTED NOVEMBER 8, 2022, TO REPEAL CONFLICTING ORDINANCES, AND FOR OTHER PURPOSES

WHEREAS, a referendum pursuant to O.C.G.A. 3-4-41 was conducted during the November 8, 2022 special called election and the majority of voters were in favor of allowing retail package sales of distilled spirits in the City of Snellville, Georgia; and

WHEREAS, the Mayor and the Council of the City of Snellville, Georgia is authorized by O.C.G.A. § 36-35-3 to adopt ordinances relating to its property, affairs and local government; and,

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

Section 1. Article I of Chapter 6 of the Code of Ordinances of the City of Snellville is hereby amended by adding the following definition:

Sec. 6-1. – Definitions.

Package store (distilled spirits) means a retail business establishment that sells unbroken sealed bottles or other sealed containers of alcoholic beverages, malt beverages (beer), wine and distilled spirits (liquor) only at retail to consumers and not for resale for off-premises consumption:

1. Which derives from such retail sale of alcoholic beverages in unbroken packages at least 75 percent of its total annual gross sales from the sale of a combination of distilled spirits, malt beverages, and wine; and
2. That is not a beverage store, bottle shop, convenience store, drug store, grocery store, or growler shop, or other retail outlet that is not permitted to sell distilled spirits for off-premises consumption.

Section 2. Article II of Chapter 6 of the Code of Ordinances of the City of Snellville is hereby amended by adding the following:

Section 6-48 Additional Application Requirements for Retail Dealers in Distilled Spirits by Package:

(a) Licensed premises' building requirements:

(1) No license to sell distilled spirits by the package shall be effective until the building in which the business will be located is complete, detailed plans of the building and outside premises have been submitted to and approved by the city, and the city has issued a certificate of occupancy for the building. For initial qualification for a license, the applicant must attach to his or her initial application a survey, a rendering of the proposed building, and a site plan. The proposed building shall be subject to final inspection and approval when completed by the building inspector, the fire marshal, the planning director, and shall comply with other ordinances of the city for zoning, storage, parking, buffers and other issues. The proposed building also shall comply with all regulations of the state revenue commissioner and all the laws of the state.

(2) Each building in which the business will be located shall contain sufficient lighting so that the building itself and the premises on all sides of the building shall be readily visible at all times from the front of the street on which the building is located. The lighting shall reveal the inside retail area of the building and shall reveal all of the outside premises of the building.

(3) The licensed premises shall only be allowed in the following zoning classes: General Business (BG) and Highway Service Business (HSB).

(4) The licensed premises shall not be within 500 yards of another licensee authorized to sell distilled spirits by the package, 100 yards of a house of worship building or 130 yards of any school building, school grounds, or college campus as described in Section 6-72(b) of this Ordinance. Distances shall be measured consistent with Section 6-72(d) of this Ordinance.

(5) The licensed premises must contain a minimum of 10,000 square feet of heated and air-conditioned space, must be a free-standing building, and it must be located on property that is a minimum of one-half acre in size with a minimum of 100 feet of road frontage on a Principal Arterial or within 350 feet of the Principal Arterial public right-of-way, as classified by the latest update of The Gwinnett County Long Range Road Classification Map.

(6) The licensed premises shall allow ingress and egress for customers and their purchases through a door opening to the outside and facing a public street or public pedestrian area.

(7) The licensed premises must have access to a traffic light either directly from the licensed premises parking lot or through access easements through adjacent properties.

(8) Deliveries shall be made at the rear of the store building and all loading areas, dumpsters, recycling bins, and compactors shall be screened from ground view.

(9) Licensed premises shall not sell lottery tickets, magazines, or cigarettes, cigarette-like devices, or vaping products. Premium cigars and pipes, pipe tobacco and other pipe products are allowed.

(10) The building shall be owned or leased by the applicant, and proof of ownership or lease is required.

(b) *Proof of insurance required:* The applicant for a license to sell distilled spirits by the package shall provide proof of comprehensive general liability insurance, including liquor liability coverage, for the licensed premises with coverage of at least \$2,000,000.00 per occurrence, inclusive of personal injury, bodily injury, death, and property damage, and an umbrella policy with coverage of at least \$2,000,000.00 per occurrence. At the time a license application is submitted, the city will accept as proof of insurance a quote from a reputable insurance company. The applicant may need to ask the insurance company for an extension of the quote. Prior to opening a package store, and thereafter at the time of renewing a license, a licensee must submit a certificate of insurance to the Department of Planning and Development. Failure to do so is cause for revocation of a license.

(c) *Number of licenses to be determined by population:* The city shall issue no more than two license for the retail sale of distilled spirits, until such time as the number of city residents reaches 30,000, as found in the most recent population estimates published by the United States Bureau of the Census or American Community Survey, at which time the city may issue an additional license or licenses so long as thereafter the number of licenses in operation within the city limits at any one time shall not exceed one license to sell packaged distilled spirits for each 10,000 city residents as found in the most recent population estimates published by the United States Bureau of the Census or American Community Survey.

Sec. 6-49. – Application Approval Process for Retail Dealers in Distilled Spirits by Package

(1) Upon action of the Mayor and Council, the city shall publish notice of availability of any license(s) to sell distilled spirits by the package in a newspaper of general circulation in the city and state the deadline for filing an application. Such notice shall be published at least once a week for two consecutive weeks. The application deadline shall be at least 20 business days after publication. All applications for a license to sell distilled spirits by the package shall be submitted during business hours to the city manager or his/her designee, who shall mark the application with the time and date received.

(2) Upon the filing of an application, the city manager or his/her designee shall have five business days to review the application and to send a copy of the application to all affected departments of city government to determine compliance with city regulations and laws. Each department notified shall submit a report within 20 business days of receipt of the application to the city manager which states whether there are any objections to the application.

(3) Within 20 business days from the date the city manager or his/her designee receives all department notifications, the city manager shall render a written determination as to whether the application complies with the requirements of this chapter.

(4) The written determination shall be sent by certified mail to the applicant whose application was considered.

(5) If the decision of the city manager is to deny the requested license, then the letter to the applicant shall set forth in reasonable detail the grounds upon which the license is being denied. The letter shall further advise the applicant of the right to appeal the decision to the mayor and city council within 20 business days of the date on which the written decision of the city manager is sent by certified mail.

(6) The city manager or his designee may deny a city license or renewal thereof under this article on any of the following grounds:

- a. Failure to meet state requirements for state license;
- b. Failure to pay all required fees and taxes;
- c. Failure to provide valid information, documents and the like required by this article;
- d. False information in the application or attached documents;
- e. Improper residency of applicant, owner or registered agents;
- f. Failure to post and maintain proper signs and advertisements required in this article;
- g. Failure to meet distance, location or number of business requirements;
- h. Prior convictions as herein provided; or
- i. Failure to meet any other requirements in this article for a license or any other requirement in any other provision of this Code or the Charter.

(7) If the city manager determines that the applicant meets the criteria for a license to sell distilled spirits by the package within the Snellville city limits, but there are more qualified applicants than available licenses, then the city manager shall send a letter by certified mail to the applicant notifying him or her that a licensee or licensees to sell distilled spirits by the package shall be selected by lottery at a meeting of the city council and of the date, time and place of said meeting. The Mayor and Council shall appoint an independent third party that resides outside the city limits to conduct the lottery.

(8) The letter shall further advise the applicant of the right to appeal the decision to the mayor and city council within 20 business days of the date on which the lottery takes place.

Sec. 6-50. - Both retail sale of package malt beverages and wine and package distilled spirits.

For licensees who wish to operate a business which conducts both the retail sale of package distilled spirits and the retail sale of package malt beverages and wine, in the case of conflict, the provisions of this article regulating the retail sale of package distilled spirits shall prevail, and compliance with those provisions, rather than the provisions applicable to the license permitting the retail sale of package malt beverages and wine, is required

Section 3. Article II of Chapter 6 of the Code of Ordinances of the City of Snellville is hereby amended as follows:

Section 6-36 - Requirement to publish notice of application to sell distilled spirits by consumption on-premises, is hereby amended by deleting the Section in its entirety and replacing the deleted language with the following:

Section 6-36 - Requirement to publish notice of application to sell distilled spirits by package or consumption on-premises,

A notice of each application to sell distilled spirits, whether by a retail package dealer or by consumption on-premises, shall be advertised in the official newspaper of the city, once a week for two weeks immediately preceding consideration of the application.

Section 4. Article II of Chapter 6 of the Code of Ordinances of the City of Snellville is hereby amended by deleting the following language:

Sec. 6-43. - License fee and amount to defray investigative costs to accompany application to sell packages of malt beverages and wine for off-premises consumption.

and replacing the deleted language with the following:

Sec. 6-43. - License fee and amount to defray investigative costs to accompany application to sell packages of distilled spirits, malt beverages and wine for off-premises consumption.

Section 5. Article VII of Chapter 6 of the Code of Ordinances of the City of Snellville is hereby amended as follows:

Section 6-231 - Type of retail establishment, is hereby amended by deleting the following language:

No beer or wine shall be sold at retail except in establishments located in zoning districts in which these establishments are permitted as a conforming use or in districts where an existing establishment exists as a nonconforming use.

and replacing the deleted language with the following:

No distilled spirits, beer or wine shall be sold at retail except in establishments located in zoning districts in which these establishments are permitted as a conforming use or in districts where an existing establishment exists as a nonconforming use.

Section 6. Article VII of Chapter 6 of the Code of Ordinances of the City of Snellville is hereby amended as follows:

Section 6-233 - Hours and days of sale, is hereby amended by deleting the following language:

(a) No retail license holder holding a license under this article for sale of beer/malt beverages, wine, or both shall furnish, sell or offer for sale any beer/malt beverage or wine except between the hours of 7:00 a.m. until 12:00 midnight Monday through Saturday and 12:30 p.m. until 11:30 p.m. on Sunday.

(b) No retail license holder shall furnish, sell, or offer for sale any beer/malt beverage or wine at any time in violation of state law, local ordinance or regulation, or special order of the mayor and council.

and replacing the deleted language with the following:

(a) No retail license holder holding a license under this article for sale of beer/malt beverages, wine, or both shall furnish, sell or offer for sale any beer/malt beverage or wine except between the hours of 7:00 a.m. until 12:00 midnight Monday through Saturday and 12:30 p.m. until 11:30 p.m. on Sunday.

(b) No retail license holder holding a license under this article for sale of distilled spirits shall furnish, sell or offer for sale distilled spirits, or any other alcoholic beverages, except between the hours of 9:00 a.m. until 10:00 p.m. Monday through Saturday and 12:30 p.m. until 7:00 p.m. on Sunday.

(c) No retail license holder shall furnish, sell, or offer for sale any distilled spirits/beer/malt beverage or wine at any time in violation of state law, local ordinance or regulation, or special order of the mayor and council.

Section 7. Article IV of Chapter 6 of the Code of Ordinances of the City of Snellville is hereby amended by deleting the following section in its entirety:

Section 6-123 - Excise tax requirements for distilleries selling packaged distilled spirits directly to consumers

There is hereby levied an excise tax computed at the rate of \$0.22 per, excluding fortified wine, and a proportionate tax at the same rate on all fractional parts of a liter, which shall be paid to the governing authority on all packaged distilled spirits sold by distilleries directly to consumers in the City of Snellville. Such tax shall be paid to the planning and development department with a summary of all retail sales on or before the tenth day of the month following. Excise taxes received in the planning and development department after the 20th day of the month shall be charged a ten percent penalty. It shall be unlawful and a violation of this chapter for any distillery to sell or deliver in any manner any distilled spirits to a consumer without collecting said tax.

and replacing the deleted language with the following:

Section 6-123 - Excise tax requirements for retail package sellers and distilleries selling packaged distilled spirits directly to consumers,

There is hereby levied an excise tax computed at the rate of \$0.22 per liter, excluding fortified wine, and a proportionate tax at the same rate on all fractional parts of a liter, which shall be paid to the governing authority on all packaged distilled spirits sold by retail package sellers or distilleries directly to consumers in the City of Snellville. Such tax shall be paid to the planning and development department with a summary of all retail sales on or before the tenth day of the month following. Excise taxes received in the planning and development department after the 20th day of the month shall be charged a ten percent penalty. It shall be unlawful and a violation of this chapter for any retail package sellers or distillery to sell or deliver in any manner any distilled spirits to a consumer without collecting said tax.

Section 8. (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.

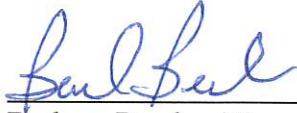
(c) In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and 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 9. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

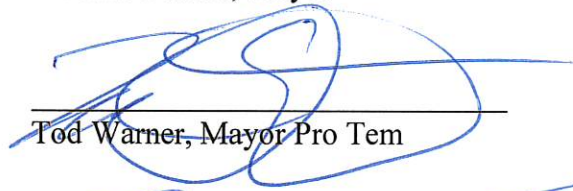
Section 10. This Ordinance was adopted Feb. 27, 2023. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES APPEAR ON THE FOLLOWING PAGE]

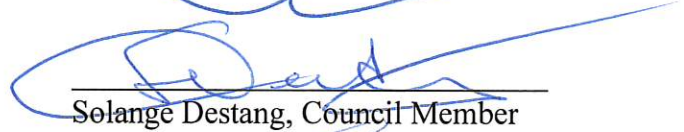
ORDAINED this 21 day of Feb., 2023.



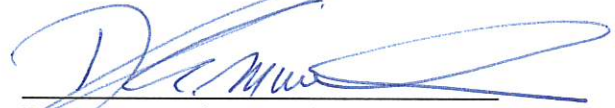
Barbara Bender, Mayor



Todd Warner, Mayor Pro Tem

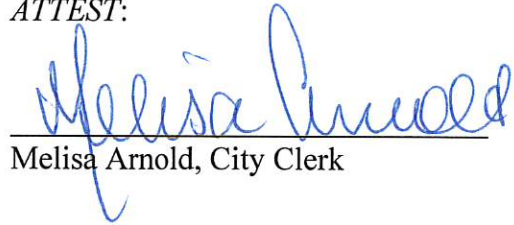


Solange Destang, Council Member



Dave Emanuel, Council Member

ATTEST:

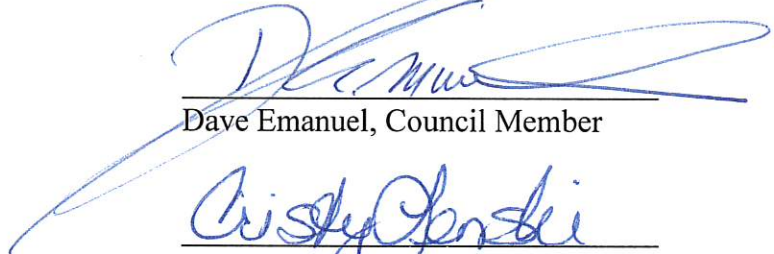


Melisa Arnold, City Clerk

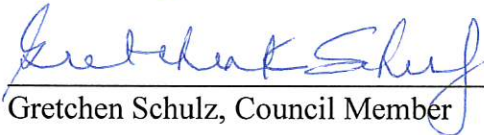
APPROVED AS TO FORM:



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



Cristy Lenski, Council Member



Gretchen Schulz, Council Member