



PUBLIC HEARING & REGULAR BUSINESS MEETING  
OF MAYOR AND COUNCIL  
CITY OF SNELLVILLE, GEORGIA  
MONDAY, MAY 23, 2022

Present: Mayor Barbara Bender, Mayor Pro Tem Dave Emanuel, Council Members Solange Destang, Cristy Lenski, and Tod Warner. (Council Member Gretchen Schulz was absent.) Also present City Manager Butch Sanders, Assistant City Manager Matthew Pepper, City Attorney Chuck Ross and Jay Crowley with Powell and Edwards Attorneys at Law, Chief Greg Perry, Planning and Development Director Jason Thompson, 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. Quincy Brown with Snellville United Methodist Church gave the invocation.

**PLEDGE TO THE FLAG**

Council Member Destang led the Pledge of Allegiance.

**CEREMONIAL MATTERS**

None

**MINUTES**

Approve the Minutes of the May 9, 2022 Meetings

Mayor Pro Tem Emanuel made a motion to approve the minutes of the May 9, 2022 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

**APPROVAL OF THE AGENDA**

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

**PUBLIC HEARING**

Provide Citizens the Opportunity to Submit Written and Oral Comments on the Proposed Operating Budget of the City of Snellville for Fiscal Year 2022-2023

**City of Snellville Administration Department**

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL  
MONDAY, MAY 23, 2022  
PAGE TWO

City Manager Sanders gave an overview of the Fiscal Year 2023 draft budget. He explained there is an 8.1% increase over the last budget and explained the reason for the increase.

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

2<sup>nd</sup> Reading - CIC 22-01 - Application by Devechio Capital, LLC (Property Owner) for a Change in Conditions from the 9-22-2003 Approved Rezoning (Case #RZ 03-09) to Remove Condition #3 that Limits Use of the Property to Only a Lawn Equipment Sales/Service Facility with Outdoor Storage, to Allow Office Use of the Property for the 1.1 Acre Property, Zoned HSB (Highway Service Business) District, 1721 Athens Highway, Grayson, Georgia (Tax Parcel R5069 269)

Planning Director Thompson gave an overview of the application. He explained that a condition from 2003 only allowed the use of a lawn equipment sales/service facility and that they are asking for removal of that condition and that the property be governed by the current zoning.

Jordan Edwards, attorney with The Galloway Law Firm Group, LLC, 4062 Peachtree Road, Suite A30, Atlanta, spoke representing the property owner Devechio Capital, LLC. He advised that the property owner intends to use the property for office space which is allowed under the current zoning.

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

Council Member Lenski made a motion to approve CIC 22-01 with staff recommended conditions, 2<sup>nd</sup> by Council Member Warner; voted 5 in favor and 0 opposed, motion approved. (Reference ORD 2022-06 which is attached to and made a part of these minutes.)

2<sup>nd</sup> Reading - RZ 22-03 LUP 22-03 SUP 22-04 - Applications from Manor Lake Development, LLC (Applicant) and Ridgecliff, LLC (Property Owner) requesting: a) to amend the Official Zoning Map for the City of Snellville, Georgia from BG (General Business) District and RO (Residential for Older Persons) District to CI (Civic Institutional) District and RO (Residential for Older Persons) District; b) to Amend the Snellville 2040 Comprehensive Plan Future Land Use Map from Commercial Retail and Public Civic to Medium-Density Residential and Public Civic; c) a Special Use Permit for a Retirement Community (Continuing Care) Development; and d) Request for Variance from the Buffer Requirements for a Senior Oriented Retirement Community Consisting of 32 Independent Living Cottage/Villas Comprised of Eight (8) Single-Story Cottage/Villa Buildings and 87-Unit/Bed One-Story Assisted Living and Memory Care Facility with Associated Parking and Outside Amenity Area Serving Both the Assisted Living Facility and Villas on a 13.28± Acre Site Located at the Intersection of South Crestview Drive and Athens Highway, 1600 and 1642 Highway 78, Snellville, Georgia (Tax Parcels 5069 011 and 5069 282)

Council Member Lenski stated that due to the complexity of this case more time is needed to review the application.

Council Member Lenski made a motion to table until the June 13, 2022 meeting, 2<sup>nd</sup> by Mayor Pro Tem Emanuel; voted 5 in favor and 0 opposed, motion approved.

PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL  
MONDAY, MAY 23, 2022  
PAGE THREE

**CONSENT AGENDA**

None

**OLD BUSINESS**

None

**NEW BUSINESS**

1<sup>st</sup> Reading – ORD 2022-10 – Adoption of the Fiscal Year 2022-2023 Budget for Each Fund of the City of Snellville, Georgia, Appropriating the Amounts Shown in Each Budget as Expenditures/Expenses, Adopting the Several Items of Revenue Anticipations, and Prohibiting Expenditures or Expenses from Exceeding the Actual Funding Available [Bender]

Council Member Warner made a motion to waive the first reading and place on the June 13, 2022 agenda for the second reading.

Mayor Bender advised that people can still email any questions or comments about the Fiscal Year 2023 budget to the Mayor and Council or the City Manager.

The motion was seconded by Mayor Pro Tem Emanuel; voted 5 in favor and 0 opposed, motion approved.

Consideration and Action on Approval of the Community Development Block Grant Subrecipient Agreement in the amount of \$267,127.00 for the Briscoe Park Lake Retaining Walls and Sidewalk Reconstruction Project [Bender]

Mayor Bender explained the need for the project and advised that the engineers are designing plans to go out for bid. This agenda item is for approval and signature of the CDBG agreement.

Mayor Pro Tem Emanuel made a motion to approve the Community Development Block Grant Subrecipient Agreement in the amount of \$267,127.00 for the Briscoe Park lake retaining walls and sidewalk reconstruction project, 2<sup>nd</sup> by Council Member Destang; voted 5 in favor and 0 opposed, motion approved.

**COUNCIL REPORTS**

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

**MAYOR'S REPORT**

Mayor Bender gave a report.

**PUBLIC COMMENTS**

The following people came forward to speak:

Tricia Rawlins, 2088 Harbour Oaks Drive, Snellville.

Kelly McAloon, 2916 Overwood Lane, Snellville.

LJ with the organization LJ is Making a Difference, Snellville

**EXECUTIVE SESSION**

None

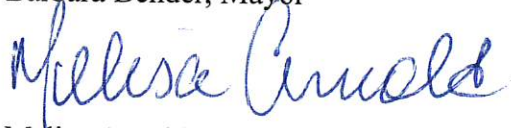
PUBLIC HEARING & REGULAR BUSINESS OF MAYOR AND COUNCIL  
MONDAY, MAY 23, 2022  
PAGE FOUR

**ADJOURNMENT**

Mayor Pro Tem Emanuel made a motion to adjourn, 2<sup>nd</sup> by Council Member Warner; voted 5 in favor and 0 opposed, motion approved. The meeting adjourned at 8:12 p.m.

A handwritten signature in blue ink, appearing to read "Barb Bender".

Barbara Bender, Mayor

A handwritten signature in blue ink, appearing to read "Melisa Arnold".

Melisa Arnold, City Clerk

**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2022-06**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 1.10± ACRE TRACT OF LAND LOCATED IN LAND LOT 69 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 1721 ATHENS HIGHWAY, GRAYSON, GEORGIA; TO REPEAL CONDITIONS AFFECTING THE PROPERTY; TO KEEP CONDITIONS AFFECTING THE PROPERTY; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

<b>CASE NUMBER:</b>	#CIC 22-01
<b>REQUEST:</b>	Rezoning Change in Conditions
<b>LOCATION:</b>	1721 Athens Highway, Grayson, Georgia
<b>SIZE:</b>	1.10± Acres
<b>TAX PARCEL:</b>	5069 267
<b>CURRENT ZONING:</b>	HSB (Highway Service Business) District
<b>CURRENT FUTURE LAND PLAN:</b>	Office Professional
<b>DEVELOPMENT/PROJECT:</b>	Existing Building and Site for Office Use
<b>PROPERTY OWNER:</b>	Devechio Capital, LLC Ball Ground, Georgia 30107
<b>APPLICANT/CONTACT:</b>	Jordan Edwards, Esq. The Galloway Law Group, LLC Atlanta, Georgia 30319 404-965-3682 or <a href="mailto:Jordan@glawgp.com">Jordan@glawgp.com</a>

**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 1.10± acre tract of land located at 1721 Athens Highway, Grayson, Georgia (Tax Parcel R5069 267) and repeal certain conditions of zoning that are attached to the property and which were approved by the Mayor and Council for the City of Snellville, Georgia; and,

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to keep and maintain in full force and effect certain conditions of zoning that are attached to the property and which were approved by the Mayor and Council for the City of Snellville, Georgia; 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 1.10± acre tract of land as shown on the as-built survey entitled “As-Built Survey Prepared for: Devechio Capital, LLC”, dated 12-18-2021 (stamped received 3-15-2022) in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference is hereby zoned HSB (Highway Service Business) District.

**Section 2.** The attachment of condition number three (3) for rezoning case #RZ 03-09 approved 9-22-2003 by the Mayor and Council which states “*The approved zoning is for the use of a lawn equipment sales/service facility with outdoor storage only. Any future change in use on this property shall require Mayor and Council approval*” is hereby repealed.

**Section 3.** The following conditions number one (1), two (2) and four (4) for rezoning case #RZ 03-09 approved 9-22-2003 by the Mayor and Council remain in full-force and effect:

1. Signs higher than 15 feet and larger than 225 square feet are prohibited.
2. No outdoor loudspeakers shall be allowed.
4. All outdoor storage shall be located to the rear of the building. All storage and/or equipment shall be screened with a six-foot (6') high minimum opaque fence.

**Section 4.** 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 5.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 6.** (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 7.** 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.



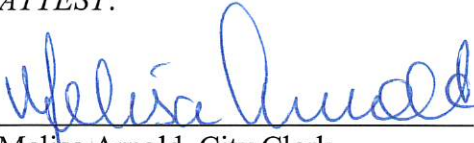
**Section 8.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed

**Section 9.** This Ordinance was adopted on May 23, 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 23 day of May, 2022.

ATTEST:

  
Melisa Arnold, City Clerk


APPROVED AS TO FORM:

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

  
Barbara Bender, Mayor

  
Dave Emanuel, Mayor Pro Tem

  
Cristy Lenski, Council Member

  
Solange Destang, Council Member

  
Gretchen Schulz, Council Member

  
Tod Warner, Council Member

EXHIBIT "A"



**AS-BUILT SURVEY PREPARED  
FOR: DEVECHIO CAPITAL, LLC**  
**TAX PARCEL ID: R5069 267**  
**ZONING DISTRICT: HSB**  
**TOTAL AREA:**  
**46,912 SQ. FT.**  
**1.077 ACRES**

THIS BLOCK RESERVED FOR THE  
CLERK OF SUPERIOR COURT

**LEGEND**

- Iron Pin Found
- △ Computed Point
- (P) Platted Bearing / Distance
- (S) Surveyed / Actual
- B.S.L. Building Setback Line
- D.E. Drainage Easement
- S.S.E. Sanitary Sewer Easement
- RB Rebar
- ▲ Pad Mounted Transformer
- ⊗ Light Pole
- Concrete
- SS Sanitary Sewer
- 8' Wood Fence
- 6' Wood Fence

**FLOOD STATEMENT:**

THE SUBJECT PROPERTY IS NOT LOCATED IN A FEDERALLY DESIGNATED SPECIAL FLOOD HAZARD AREA PER FEMA F.I.R.M. 13135C0130F, EFFECTIVE 09/29/2006.

**NOTES / REFERENCES:**

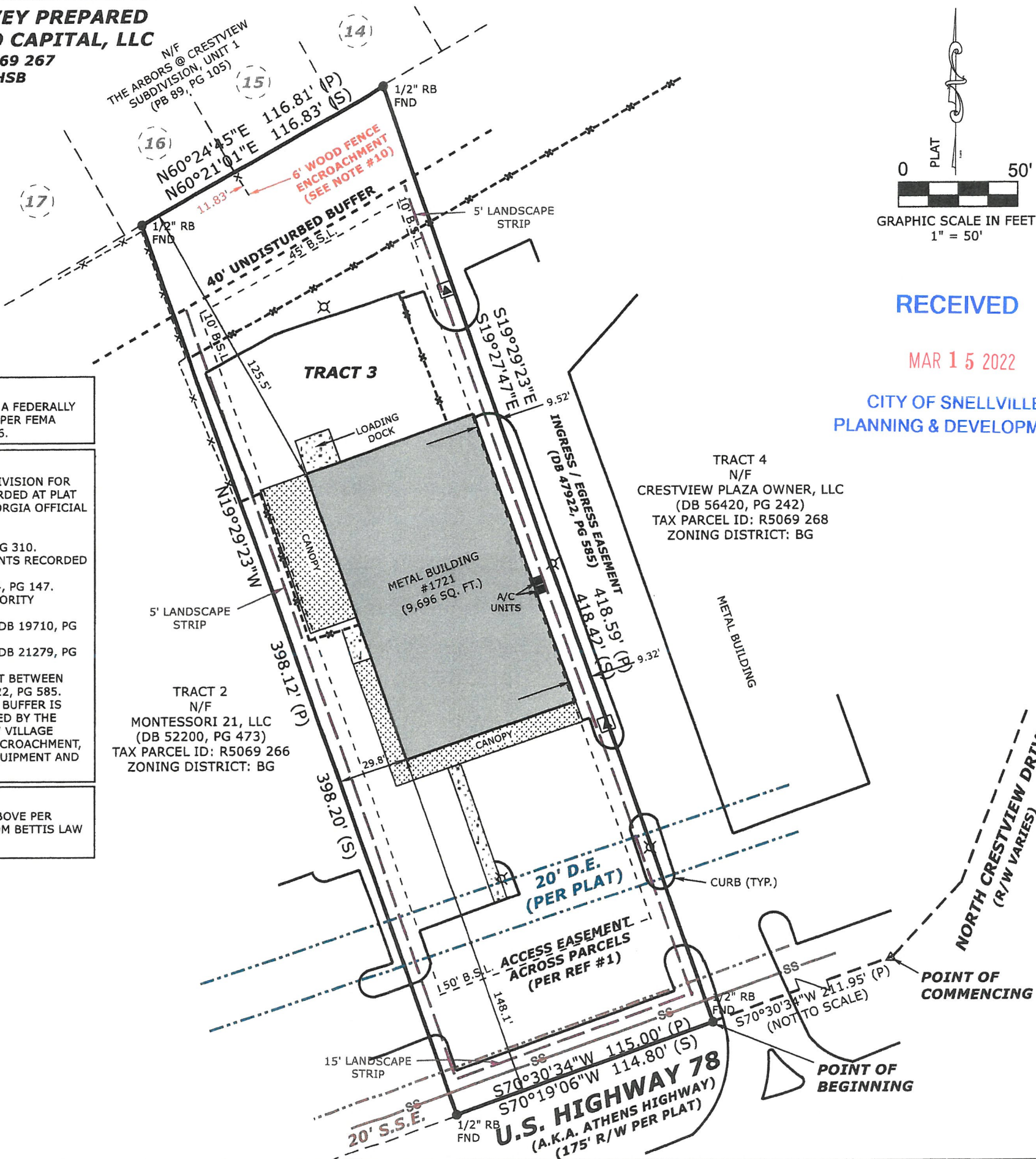
1. FINAL PLAT ENTITLED "COMMERCIAL SUBDIVISION FOR DIVERSIFIED DEVELOPMENTCO., INC.", RECORDED AT PLAT BOOK 87, PAGE 163, GWINNETT COUNTY, GEORGIA OFFICIAL RECORDS.
2. PLAT BOOK 82, PAGE 64.
3. GDOT R/W DEED RECORDED IN DB 2320, PG 310.
4. DRAINAGE AND DETENTION POND EASEMENTS RECORDED IN DB 19064, PG 139.
5. SEWER EASEMENT RECORDED IN DB 19064, PG 147.
6. GWINNETT COUNTY WATER & SEWER AUTHORITY EASEMENT RECORDED IN DB 19223, PG 209.
7. WATER / SEWER EASEMENT RECORDED IN DB 19710, PG 207.
8. WATER / SEWER EASEMENT RECORDED IN DB 21279, PG 241.
9. EASEMENT AND RIGHT-OF-WAY AGREEMENT BETWEEN TRACT 3 AND TRACT 4 RECORDED IN DB 47922, PG 585.
10. THE AREA WITHIN THE 40' UNDISTURBED BUFFER IS CURRENTLY BEING OCCUPIED AND MAINTAINED BY THE ADJACENT PROPERTY OWNERS IN CRESTVIEW VILLAGE SUBDIVISION. THIS INCLUDES THE FENCE ENCROACHMENT, AS WELL AS A TRAMPOLINE, PLAYGROUND EQUIPMENT AND LANDSCAPE.

**TITLE OPINION:**

1. EASEMENTS AND RECORDS REFERENCED ABOVE PER PRELIMINARY TITLE COMMITMENT LETTER FROM BETTIS LAW GROUP, LLC DATED DECEMBER 1, 2021.

LAND LOT: 69  
DISTRICT: 5TH  
COUNTY: GWINNETT  
CITY OF SNELLVILLE  
PROPERTY ADDRESS:  
1721 ATHENS HWY  
GRAYSON, GA 30017  
DATE(S) OF FIELD WORK: 12/15/2021  
DATE OF DRAWING: 12/17/2021  
REV. 12/18/2021 (ADD P.O.B.)  
SURVEY #: 21-1336  
SURVEY PREPARED FOR:  
DEVECHIO CAPITAL, LLC  
LEGAL DESCRIPTION:  
TRACT 3, COMMERCIAL SUBDIVISION FOR DIVERSIFIED DEVELOPMENTCO., INC., PER PLAT BOOK 87, PAGE 163, GWINNETT COUNTY, GEORGIA OFFICIAL RECORDS.

EQUIPMENT USED: LEICA TS02 POWER, NOMAD 900  
THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 28,025 FEET, AND AN ANGULAR ERROR OF 05' PER ANGLE POINT. ADJUSTMENT FOR CLOSURE WAS BY THE COMPASS RULE.  
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 204,340 FEET.



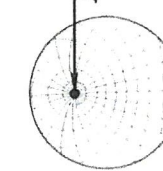
RECEIVED

MAR 15 2022

CITY OF SNELLVILLE  
PLANNING & DEVELOPMENT



ACCURATE  
SURVEYING AND  
PLANNING, INC.



4955 BLOOMING CT.  
CUMMING, GA 30028  
OFFICE (770) 888-9880 CELL (678) 595-0994  
WWW.ASP-GA.COM EMAIL: TONY@ASP-GA.COM  
GEORGIA REGISTERED LAND SURVEYING FIRM #1128

**SURVEYOR'S CERTIFICATE:**

THIS PLAT IS A RETRACEMENT OF AN EXISTING PARCEL OR PARCELS OF LAND AND DOES NOT SUBDIVIDE OR CREATE A NEW PARCEL OR MAKE ANY CHANGES TO ANY REAL PROPERTY BOUNDARIES. THE RECORDING INFORMATION OF THE DOCUMENTS, MAPS, PLATS, OR OTHER INSTRUMENTS WHICH CREATED THE PARCEL OR PARCELS ARE STATED HEREON. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G. SECTION 15-6-67.

Anthony P. Faila  
12-18-21

ANTHONY P. FAILA, GA RLS #3258  
DATE  
GSWCC LEVEL II CERTIFIED DESIGN PROFESSIONAL #64608