

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. _____

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 1.11± ACRE TRACT OF LAND LOCATED IN LAND LOT 59 OF THE 5TH LAND DISTRICT, GWINNETT COUNTY, GEORGIA; TO GRANT A CONDITIONAL USE PERMIT; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

CASE NUMBER:	#CUP 20-01
APPLICANT/PROPERTY OWNER:	Valbona Aziri Dunwoody, Georgia 30338
LOCATION:	2001 E. Main Street, Snellville, Georgia
TAX PARCEL:	R5059 016
CONDITIONAL USE PERMIT REQUEST:	Auto Service & Repair

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 1.11± acre tract of land located at 2001 East Main Street, Snellville, Georgia (Tax Parcels R5059 016) and grant the requested

special use permit for an auto service and repair shop, including auto body repair, major engine repair (transmission, radiator, and engine overhauls); 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. A conditional use permit is hereby granted for the 1.11± acre tract of land shown on the site plan, entitled “Rezoning Plan & CUP Plan for 2001 Main St. East”, signed, sealed and dated 11-30-2019 and shown in Exhibit “A”, a copy of which is attached hereto and incorporated herein by reference, to allow for the development and use of auto service and repair shop. This action is subject to the attachment of the following approved variances (1-3) and conditions (1-11):

VARIANCES:

1. Variance from Section 9.15(A)(1), Inter-parcel Access: To be exempt from providing inter-parcel vehicle access to the adjacent parcel to the west (Tax Parcel R5059 015).
2. Variance from Section 9.15(A)(5), Street Lighting: To be exempt from having to install a decorative streetlight.
3. Variance from Section 9.15(C)(3), Parking Location: To allow for more than 20% parking in front of existing building to be used by the existing building, with additional parking in the rear to be used for the proposed new building.

CONDITIONS:

1. The property shall be developed according to the site plan entitled “Rezoning Plan & CUP Plan for 2001 Main St. East”, dated 11-30-2019 and stamped received 3-10-2020, attached hereto as Exhibit “A” and incorporated herein as reference, with modifications permitted due to engineering restraints, ingress and egress, and/or to meet conditions of zoning or State, County, and City regulations.

2. Applicant shall provide a separate dumpster pad and enclosure constructed in accordance with Sec. 19-34 of the Code of Snellville, Georgia for use by the existing building tenant and shall be located in close proximity to the existing building.
3. All damaged or rotting wood areas on the existing building shall be replaced and properly sealed and protected.
4. The foundation brick that has been painted white on the existing building shall be pressure-washed and restored to its natural brick color. Painted brick is prohibited.
5. Conditions (2-4) shall be completed before issuance of a Land Disturbance Permit for the auto repair shop.
6. New sidewalks shall be a minimum of six (6) feet in width.
7. Vehicle sales from or on the property are prohibited.
8. Signs higher than 15 feet or larger than 225 square feet are prohibited.
9. 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.
10. Non-substantial variances, as determined by the Director of Planning and Development and/or City Manager for the design requirements, zoning requirements, development regulations, and construction requirements must be submitted in writing for administrative approval with the Director of Planning and Development and/or City Manager. Substantial variances, as determined by the Planning and Development and/or City Manager, will require Mayor and Council approval.
11. Auto service and repair use shall be prohibited from operating from the existing 1,945 sq. ft. building.

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. Penalties in effect for violations of the Zoning Ordinance of the City of Snellville at the time of the effective date of this Ordinance shall be and are hereby made applicable to this Ordinance and shall remain in full force and effect.

Section 6. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 7. This Ordinance was adopted on _____, 2020. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

ORDAINED this ____ day of _____, 2020.

Barbara Bender, Mayor

ATTEST:

Dave Emanuel, Mayor Pro Tem

Melisa Arnold, City Clerk

Cristy Lenski, Council Member

APPROVED AS TO FORM:

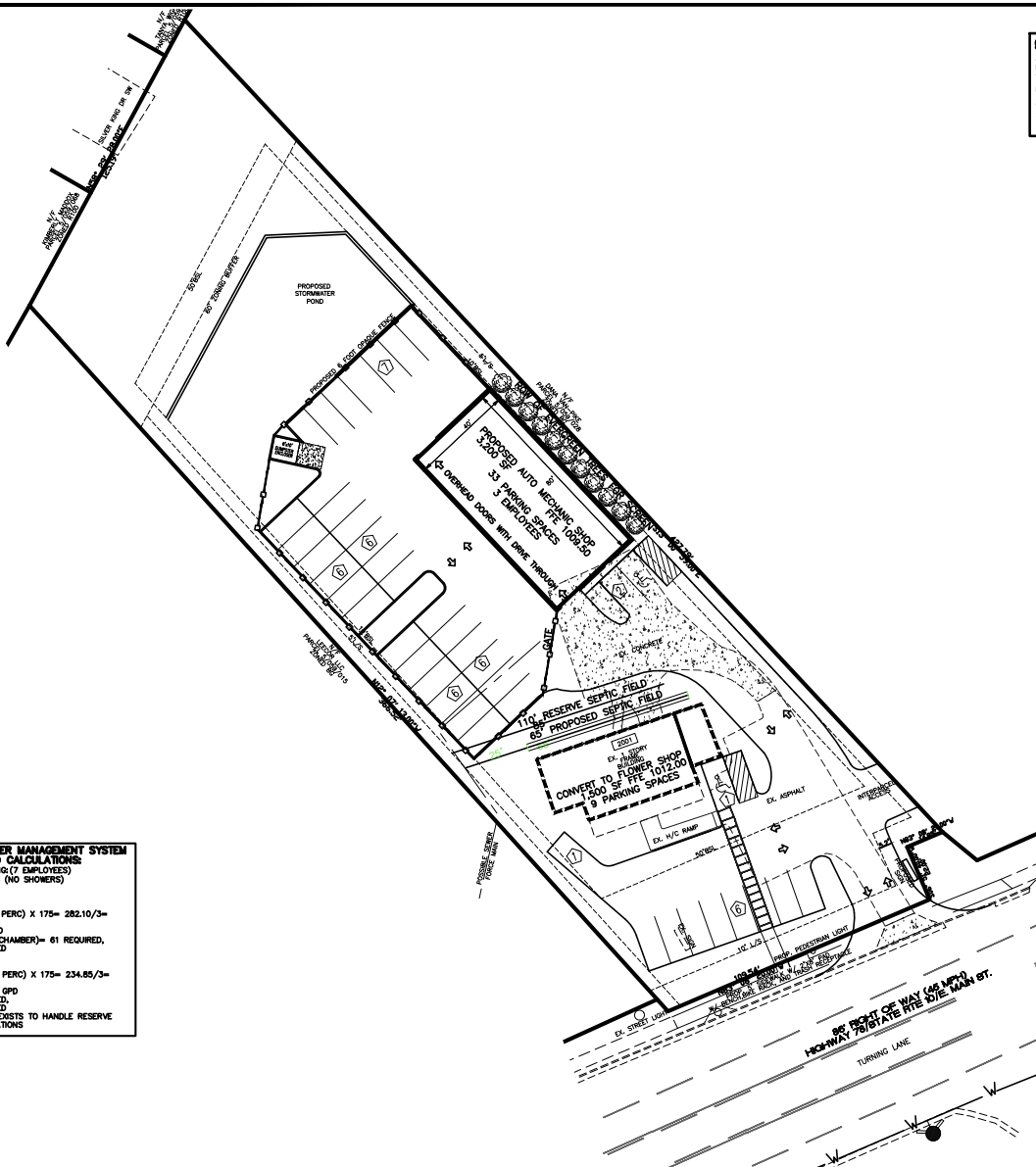
Solange Destang, Council Member

Anthony O. L. Powell, City Attorney
Powell & Edwards, Attorneys at Law, P.C.

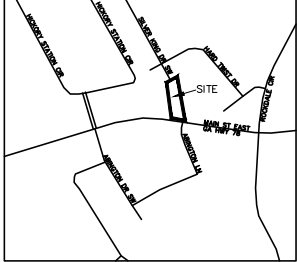
Gretchen Schulz, Council Member

Tod Warner, Council Member

EXHIBIT "A"



CITY OF SNELLVILLE NOTES:
 1. CITY OF SNELLVILLE ACCEPTS NO RESPONSIBILITY FOR OVERFLOW OR EROSION OF NATURAL OR ARTIFICIAL CHANNELS BEYOND THE EXTENT OF THE STREET RIGHT-OF-WAY, OR FOR THE EXTENSION OF COLLECTS BEYOND THE POINT SHOWN ON THE APPROVED AND RECORDED PLAN. THE CITY OF SNELLVILLE DOES NOT ASSUME THE RESPONSIBILITY FOR THE MAINTENANCE OF PIPES IN DRAINAGE EASEMENTS BEYOND THE CITY RIGHT-OF-WAY.
 2. STREAM BUFFER EASEMENTS ARE TO REMAIN IN A NATURAL AND UNDISTURBED CONDITION.
 3. STRUCTURES ARE NOT ALLOWED IN DRAINAGE EASEMENTS.
 4. MAXIMUM CUT OR FILL SLOPE IS 3:1V:1H.



LOCATION MAP N.T.S.

**ON-SITE SEWER MANAGEMENT SYSTEM
 DRAIN FIELD CALCULATIONS:**
 OFFICE BUILDING (7 EMPLOYEES)
 7x25=175 GPC (NO SHOWERS)

PRIMARY:
 1,612 (65 MIN PERC) X 175= 282,10/3=
 94,034 84
 FLOW: 175 GPD
 84 LF X (.65 CHAMBER)= 61 REQUIRED,
 65 LF PROVIDED

RESERVE:
 1,342 (45 MIN PERC) X 175= 234,85/3=
 78,284 78
 FLOW: 175 GPD
 78 LF REQUIRED,
 80 LF PROVIDED
 AMPLER ROOM EXISTS TO HANDLE RESERVE
 LINE SPECIFICATIONS

- VARIANCE # 1:**
 ALLOW VARIANCE FROM SECTION 19.7X(c) RELATING TO LANDSCAPE STRIPS, TO ALLOW ENCROACHMENT BY ENTRANCE DRIVE BY 5.2 FEET INTO THE FRONT LANDSCAPE STRIP AS SHOWN ON THIS REZONE PLAN.
- VARIANCE # 2:**
 ALLOW VARIANCE FROM OVERLAY CORRIDOR DISTRICT REQUIREMENTS RELATING TO: (1) PROVIDING DECORATIVE LIGHT FIXTURES/POLES THROUGHOUT PARKING AREA. ALLOW VARIANCE TO NOT USE DECORATIVE LIGHT FIXTURES/POLES BEHIND THE EXISTING BUILDING.
- VARIANCE # 3:**
 ALLOW VARIANCE FROM OVERLAY CORRIDOR DISTRICT REQUIREMENTS, SECTION 8.1X(A)(1) RELATED TO PROVIDING INTERPARCEL ACCESS. ALLOW VARIANCE TO NOT PROVIDE ACCESS TO ADJACENT PARCELS TO THE WEST AS ACCESS DRIVE WOULD GO THROUGH AND ELIMINATE 4 TO 5 OF THEIR EXISTING PARKING SPACES.
- VARIANCE # 4:**
 ALLOW VARIANCE FROM OVERLAY CORRIDOR DISTRICT REQUIREMENTS, SECTION 8.1X(A)(5) RELATING TO PROVIDING STREET LIGHTS. ALLOW VARIANCE TO NOT PROVIDE A STREET LIGHT AS ONE IS EXISTING 6 FEET TO THE WEST OF PROPERTY LINE AND LOT FRONTAGE IS ONLY 124 FEET.
- VARIANCE # 5:**
 ALLOW VARIANCE FROM OVERLAY CORRIDOR DISTRICT REQUIREMENTS, SECTION 8.1X(C)(3) RELATING TO REQUIREMENT OF NO MORE THAN 20% PARKING IN FRONT OF BUILDING TO ALLOW FOR PARKING IN FRONT OF EXISTING BUILDING BUSINESS USE AS PARKING IN REAR WILL BE USED FOR PROPOSED BUILDING.
- VARIANCE # 6:**
 ALLOW VARIANCE FROM ZONING ORDINANCE, SECTION 7.7 (TABLE 1) RELATING TO RESTRICTION OF NO CONCRETE BLOCK OR SPLIT FACE CONCRETE BLOCK BUILDING MATERIALS IN HSB ZONING. VARIANCE REQUESTED TO ALLOW CMU-SPLIT FACE MASONRY BLOCK TO BE USED ON THE SIDES AND REAR FOR PROPOSED BUILDING.
- VARIANCE # 7:**
 ALLOW A GENERAL VARIANCE FOR THE SITE TO BE APPROVED IN ITS CURRENT CONDITION EXCEPT FOR THE ADDITIONAL ITEMS REQUESTED ON THIS REZONING AND VARIANCE PLAN.

SITE INFORMATION
 EXISTING ZONING: BC
 PROPOSED ZONING: HSB
 CORRIDOR OVERLAY DISTRICT
 TOTAL AREA: 1.111 ACRES

REQUIRED PARKING:
 AUTO SERVICE GARAGE
 1 PER 400 SQ.FT.
 2 PER EMPLOYEE
 2 PER 1,000 SQ.FT. = 8 SPACES
 TOTAL MINIMUM SPACES REQUIRED = 11
 PARKING PROVIDED = 33 SPACES

EXISTING DRIVEWAY/DRIVE:
 PARKING REQUIRED = 1 PER 250 SQ.FT.
 1 PER 1,000 SQ.FT. MAXIMUM
 1 PER 1,000 SQ.FT. = 6 SPACES MAX
 PARKING PROVIDED = 8 SPACES

HC SPACES REQUIRED: 2 SPACES
 HC SPACES PROVIDED: 8 SPACES

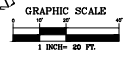
SETBACKS:
 FRONT = 50 FEET
 SIDE = 10 FEET
 REAR = 50 FEET

BUFFERS:
 REAR = 60 FEET
 MAX. GROUND COVER = 90%
 MAX. BLDG. HGT. = 50'

**REZONING PLAN & CUP PLAN
 FOR:
 8001 MAIN ST. EAST
 5TH DISTRICT, LAND LOT 59, PARCEL 016
 8001 MAIN STREET EAST
 SNELLVILLE, GA 30078
 CHWENETT COUNTY
 CITY OF SNELLVILLE, GEORGIA**

OWNER AND APPLICANT:
 VALBONA AZIRI
 1323 VILLAGE TERRACE CT.
 DUNWOODY, GA 30038-2909
 CONTACT PERSON: TOBY AZIRI
 PHONE: 678-276-7524
 email: syrigan1@gmail.com

DESIGNER:
 BULLARD LAND PLANNING, INC
 3790 CANNONWOLDE DR
 SNELLVILLE, GA 30039
 CONTACT PERSON: BOBBY BULLARD
 678-544-1295 bjbobb@bellsouth.net



-DATE: 11/30/2019
 -BLP JOB# 19-2016