

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 2.80± ACRE TRACT OF LAND LOCATED AT 1784 PRESIDENTIAL CIRCLE, 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 20-01

PROPERTY OWNER: SCG LH Snellville L.P.

LOCATION: 1784 Presidential Circle, Snellville, GA
(the "Property")

TAX PARCEL: R5041 187

DEVELOPMENT/PROJECT: Extended Stay Hotel

APPLICANT/CONTACT: Jeremy Cloud, General Counsel
SCG LH Snellville, L.P.
980 Hammond Drive, Suite 500
Atlanta, GA 30328
(770) 799-5218
jeremy.cloud@intownsuites.com

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

WHEREAS, prior to the passage of Ordinance Number ZOA 19-03, InTown Suites operated a Hotel within the City Limits of Snellville which carried on business practices which would now cause it to operate as a non-conforming business; and

WHEREAS, the City of Snellville and Applicant would prefer that InTown Suites operate as a conforming business and thus be subject to Ordinance Number ZOA 19-03 which the City believes is in the best interests of the health, safety, and welfare of the citizens of Snellville, Georgia; and

WHEREAS, the governing authority of the City of Snellville, Georgia desires to amend its official zoning map as it applies to the 2.80± acre tract of land located at 1784 Presidential Circle, Snellville, Georgia (Tax Parcel R5041 187) and grant the requested special use permit to operate as legally conforming entity under Ordinance Number ZOA 19-03 (capitalized terms not defined herein shall have the meaning used within the foregoing Ordinance Number); 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 special use permit is hereby granted for 2.80± acre tract of land located at 1784 Presidential Circle, Snellville, Georgia (Tax Parcel R5041 187), described and shown on the ALTA Land Survey sealed and dated 5-27-2015 entitled “Crestwood Suites 1784 Presidential Circle, Gwinnett County, Snellville, Georgia” attached hereto and incorporated herein as reference as Exhibit “A”, to allow the Applicant (including its successors and assigns) to operate as legally conforming entity under Ordinance Number ZOA 19-03 subject to the following enumerated variances and conditions:

VARIANCES:

- (a) The Applicant is granted a variance from Section 22-143 (d) of the Code of Snellville, Georgia (Code) which requires in the hotel employee attendant in the lobby twenty-four (24) hours a day. As a condition of this variance, Applicant shall provide that a bona fide employee of InTown Suites, capable of assisting, communicating, and cooperating with the police or other law enforcement officials in maintaining the public health, welfare, and safety shall be present and on-call in the hotel twenty-four (24) hours a day, but is not required to remain in the lobby. The lobby is not required to be open twenty-four (24) hours a day.
- (b) The Applicant is granted a variance from Section. 22-145 (a) of the Code, removing the requirement that each patron must have a vehicle on-site.
- (c) The Applicant is granted a variance from Section. 22-145 (c) of the Code, regarding connecting doors between rooms. Although there are eighteen (18) rooms which have a connecting door between them, these doors are not authorized for use by Patrons or Guests and it is understood that these doors must remain locked and may not be utilized to connect two rooms.
- (d) The Applicant is granted a variance from Sec. 22-148 (a) of the Code, to provide that the Applicant may utilize up to 72 individual guest rooms to be occupied by any person for more than one hundred and eighty (180) consecutive days, provided, however, that any transferee or owner of the Property subsequent to SCG LH Snellville L.P. (or any) bona fide lender party acquiring the Property from SCG LH Snellville L.P. by foreclosure or deed-in-lieu thereof shall:
- a. be required to meet with the Chief of Police of Snellville, or his/her designee within the Snellville Police Department, for purposes of establishing a reasonable “Incident Reduction Plan” in the event that more than 6 Separate Criminal Incidents (as hereinafter defined) occur within any rolling, 90-day period (the date of the 7th Separate Criminal Incident during such 90-day period being referred to herein as a “Criminal Incident Reference Date”); and
 - b. in the event that, during the 12 month period following a Criminal Incident Reference Date, more than 6 Separate Criminal Incidents occur within any rolling, 90-day period following the Criminal Incident Reference Date, have this variance from Sec. 22-148 (a) subject to review by the Mayor and City

Council of Snellville, with all applicable due process protections available as provided by law.

As used herein, the term “Separate Criminal Incident” shall mean an incident resulting in the criminal arrest of one or more Patrons or Guests of the Property for illegal conduct occurring on the Property (it being understood that multiple charges or crimes occurring concurrently within a given room or involving the same Patrons or Guests shall not be considered to be a separate incident). Separate Criminal Incident shall not apply to a domestic relations calls unless a separate felony occurs during the incident resulting in an arrest.

- (e) The Applicant is granted a variance from Sec. 22-151 (d) of the Code, to provide that full housekeeping service (cleaning of the rooms, changing linens, etc.) shall only be required every seventy-two (72) hours when Patrons are staying under a daily rate and on a weekly basis for Patrons staying under weekly rates, but that a room-check for safety shall be performed every forty-eight (48) hours in every room if housekeeping service has not been provided during the prior forty-eight (48) hour period. Said room check shall consist of a bona-fide employee of InTown Suites actually entering into said room and verifying that all safety related equipment is present and appears to be in working order, verifying that no criminal activity is being perpetrated in the room and insuring that all trash has been removed. It is further understood that checks shall be performed at random times within regular business hours so as not to create a “schedule” of when such check shall be performed for a particular room.
- (f) The Applicant is granted a variance from Sec. 22-143 (e) of the Code to allow for payment from a third party for a guest room charge fee provided that the organization providing payment is a bona-fide 501(c)(3) charitable organization and that no more than six (6) individual guest rooms may be made available to be paid for by third-party payment from such charitable organization(s) on any given night.
- (g) The Applicant is granted a variance from Sec. 27 (f) of Appendix B, Zoning Ordinance, Article IX, Schedule of District Regulations, Section 9.10, BG, General Business District for any room existing on or before December 1, 2019. Applicant

may utilize all existing guest rooms and is not required to make any structural alterations to modify the square feet within any guest room.

- (h) The Applicant is granted a variance from Sec. 27 (c), Appendix B, Zoning Ordinance, Article IX, Schedule of District Regulations, Section 9.10, BG, General Business District for the lobby existing on or before December 1, 2019. Applicant may utilize the existing lobby and is not required to make any structural alterations to modify the square feet of the lobby.

CONDITIONS:

1. Applicant/Property Owner shall submit a tree and shrub replanting plan for review and approval by the Director of Planning and Development to replace the shrubbery and trees that have been removed with said plantings to be completed within one-hundred-sixty-one (161) days of Mayor and Council approval of the SUP.
2. Signs higher than 15 feet or larger than 225 square feet are prohibited.
3. 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.

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. It is the intention of the Mayor and Council that InTown Suites be considered, and is hereby deemed to be, a conforming business for the time period between and including the effective date of Ordinance [ZOA 19-03], through and including the effective date of, and, further, the date of adoption of, this Ordinance.

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 of Ordinance ZOA 19-03.

[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"

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