



PUBLIC HEARING & REGULAR BUSINESS
OF MAYOR AND COUNCIL
CITY OF SNELLVILLE, GEORGIA
MONDAY, JUNE 11, 2007

Present: Mayor Jerry Oberholtzer, Mayor Pro Tem Bruce Garraway, Council Members Warren Auld, Barbara Bender, Robert Jenkins, and Kelly Kautz. Also present City Attorney Thomas Mitchell, Interim City Manager Jim Brooks, Chief Roy Whitehead, Planning and Development Director Jessica Roth, City Planner Jason Thompson, and City Clerk Sharon Lowery.

Mayor Oberholtzer called the meeting to order at 7:53 p.m. and announced it was being audio and video taped.

INVOCATION

Chief Roy Whitehead gave the invocation.

ANNOUNCEMENTS

Mayor Oberholtzer made the following announcements:

June 12 - Rise and Shine Networking Breakfast - 7:30 a.m.

June 12 - Board of Appeals Meeting - 7:30 p.m.

June 23 - 8th Annual Up the Creek Children's Fishing Derby at T.W. Briscoe Park for ages 3 to 12; Sign-in 7:15 to 8:00 a.m., Orientation 8:00 a.m., Derby 8:30 to 11:00 a.m.

June 24 - Watch the 6/11/2007 Council Meeting on Comcast Channel 25 at 6:30 p.m.

June 25 - Public Hearing / Council Meeting [cancelled]

June 26 - Planning Commission Meeting - 7:30 p.m. Meeting

July 6 - Blood Drive - 1:30 p.m. to 6:30 p.m., Community Room

July 9 - Council Meeting - 6:30 p.m. Work Session, 7:30 p.m. Meeting

July 10 - Board of Appeals Meeting - 7:30 p.m.

July 22 - Watch the 7/9/2007 Council Meeting on Comcast Channel 25 at 6:30 p.m.

July 23 - Public Hearing / Council Meeting - 6:30 p.m. Work Session, 7:30 p.m. Meeting

July 24 - Planning Commission Meeting - 7:30 p.m.

Mayor Oberholtzer announced the Specially Called Meetings to be held on June 14 at 8:00 a.m. and 6:30 p.m., June 18 at 7:30 p.m., June 21 at 6:30 p.m., and June 28 at 7:30 p.m.

PLEDGE TO THE FLAG

Michael Sullivan led the Pledge of Allegiance.

City of Snellville Administration Department

2342 Oak Road Snellville, GA 30078 770-985-3500 770-985-3525 Fax www.snellville.org

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CEREMONIAL MATTERS

Mayor Oberholtzer presented members of the Summit Chase Homes Association a proclamation proclaiming June 2, 2007, as Summit Chase Homes Association Day.

MINUTES

The minutes of the May 14th Regular Business Meeting and the May 16th Specially Called Meetings stand approved.

COMMITTEE / DEPARTMENT REPORTS

PUBLIC HEARING

Mayor Oberholtzer advised each side would be limited to 15 minutes each.

1st Reading – LUP 07-08 / RZ 07-12 – Applications by Inland Development, LLC to amend the Land Use Plan from Residential –Low Density to Residential-Medium Density and to amend the Official Zoning Map from RS-180, Single-Family Residence District to R-HOP(55)-SF (attached), Single-Family Residential Housing (attached) for Older Persons District for the ±13.13 acre tract located at 2587 and 2597 Lenora Church Road near the intersection of Maple Street for 64-residential units in (17) “quad” style buildings
Council Member Auld made a motion to waive the 1st reading and place on the July 9th agenda, 2nd by Council Member Bender; voted 6 in favor and 0 opposed, motion carried.

1st Reading – RZ 07-14 – Application by Constantine “Gus” Angus to amend the Official Zoning Map from RS-180, Single-Family Residence District to OP, Office/Professional District for general office use and related parking and to reduce the required 50’ buffer when abutting residentially zoned (RS-180) property to zero (0’), on a ±0.471 acre parcel located at 2118 E. Main Street
Mayor Pro Tem Garraway made a motion to waive the 1st reading and place on the July 9th agenda, 2nd by Council Member Kautz; voted 6 in favor and 0 opposed, motion carried.

1st Reading – ANX 07-08 / LUP 07-10 / RZ 07-15 – Applications by Genesis Development Group, LLC to annex the ±22.719 acre tract consisting of five (5) parcels into the corporate boundaries of Snellville; to amend the Land Use Plan from Residential –Low Density (Gwinnett County and City of Snellville) to Residential –Medium Density (City of Snellville) and to amend the Official Zoning Map from R-100, Single-Family Residential District (Gwinnett County) and RS-180, Single-Family Residence District (City of Snellville) to R-HOP(55)-SF, Single-Family Residential Housing (Detached) for Older Persons District for an active-adult/senior oriented residential development on a ±42.866 acre site comprised of 149 lots located at Temple Johnson Road and Garmon Drive (to the West)

Council Member Bender announced that her property abuts to one of the parcels and on the advice of the City Attorney, recused herself and left the room at 8:01 p.m.
Council Member Jenkins made a motion to waive the 1st reading and place on the September 24th agenda, 2nd by Council Member Kautz; voted 5 in favor and 0 opposed, motion carried.
Council Member Bender returned to the Council Chambers at 8:02 p.m.

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2nd Reading – ANX 07-04 / LUP 07-04 / RZ 07-07 – Applications by The Orchards Development, LLC to annex the approximately ±7.400 acre parcel (#5041-001) and the approximately ±7.450 acre parcel (#5041-001E) into the corporate boundaries of Snellville; to amend the Land Use Plan from Residential –Low Density (Gwinnett County) to Residential – Medium Density (City of Snellville); and to amend the Official Zoning Map from R-100, Single-Family Residential (Gwinnett County) to R-HOP(55)-SF, Single-Family Residential Housing for Older Persons (age 55 and above) for a residential development on a ±14.85 acre site located at 1520 Tree Lane

Council Member Jenkins made a motion to postpone and place on the July 23rd agenda, 2nd by Mayor Pro Tem Garraway;

Mayor Oberholtzer explained the City is in dispute resolution with Gwinnett County.

Council Member Jenkins stated that the City would continue with the process set forth by the State to deal with annexation disputes.

Motion was voted 6 in favor and 0 opposed, motion carried.

2nd Reading – RZ 07-09 – Application by Richard D. Harper to amend the Official Zoning Map from RS-180, Single-Family Residence District to OP, Office Professional District for Class A Professional offices on ±1.300 acres at 2387 Lenora Church Road and ±1.590 acres at 2397 Lenora Church Road

City Planner Jason Thompson gave a brief overview of the application and advised that the Planning Department recommends approval with conditions.

Richard Harper, 3035 Dove Trail, Cumming, the applicant was present and displayed drawings. No one spoke in opposition.

Mayor Pro Tem Garraway made a motion to approve with the following three conditions of the concept plans:

1. New signs higher than 15 feet and larger than 225 square feet are prohibited;
2. Uses involving adult entertainment, including any sale or display of adult magazines, books, or videos and as further defined by the Adult Entertainment Ordinance in effect on the date this condition is imposed, are prohibited; and
3. The property shall be developed in general accordance with the submitted site plan dated 3/15/2007, The Boulevards, with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the concept plan, as determined by the Director of Planning and Development, will require Mayor and Council approval.

The motion was 2nd by Council Member Auld.

Mayor Oberholtzer asked Mr. Harper if he accepted the conditions.

Mr. Harper stated that he accepted the conditions as read.

Motion was voted 6 in favor and 0 opposed, motion carried.

2nd Reading – ANX 07-05 / LUP 07-05 / RZ 07-08 – Applications by Diversified Development Company, Inc. to annex an approximately ±6.950 acre tract (northern portion of parcel #5100-065) and an approximately ±1.107 acre parcel (#5100-005) into the corporate boundaries of Snellville; to amend the Land Use Plan of: the ±16.725 acre parcel from Commercial/Retail (Gwinnett County) [northern portion of parcel #5100-065 on approximately ±6.950 acres] and

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Residential –Low Density (City of Snellville) [southern portion of parcel #5100-065 on approximately ±9.775 acres]; the ±3.955 acre parcel #5100-059 from Residential –Low Density (City of Snellville); the ±1.107 acre parcel #5100-005 from Residential –Low Density (Gwinnett County); and the ±16.983 acre parcel #5100-023 from Residential –Low Density (City of Snellville), to Retail and Office/Professional with limits as shown on the Concept Plan, CP-1, dated 2/19/07 and revised 3/27/07. And, to amend the Official Zoning Map of: the ±6.956 acre northern portion of parcel #5100-065 from RA-200, Agriculture-Residence (Gwinnett County) and the ±9.769 acre southern portion of parcel #5100-065 from RS-180, Single-Family Residence (City of Snellville); the ±3.955 acre parcel #5100-059 from RS-180, Single-Family Residence (City of Snellville); the ±1.107 acre parcel #5100-005 from R-100, Single-Family Residential (Gwinnett County); and the ±16.983 acre parcel #5100-023 from RS-180, Single-Family Residence (City of Snellville), to BG, General Business and OP, Office/Professional with limits as shown on the Concept Plan, CP-1, dated 2/19/07 and revised 3/27/07 for a retail shopping center and professional office development on a combined ±38.768 acre site located at U.S. Hwy. 78 and Rosebud Road

Mayor Oberholtzer announced that the applicant requested to postpone until the July 23rd Public Hearing.

Mayor Pro Tem Garraway made a motion to postpone until the August 27th Public Hearing, 2nd by Council Member Jenkins.

Mayor Oberholtzer stated for the record that at one time he was employed by Columbia Engineering who did the site plan for this application and that he is no longer employed by the firm as of April 30, 2007.

The motion was voted 6 in favor and 0 opposed, motion carried.

2nd Reading – ANX 07-06 / LUP 07-06 / RZ 07-10 – Applications by Diversified Development Company, Inc. to annex the ±0.249 acre parcel #5100-006 into the corporate boundaries of Snellville; to amend the Land Use Plan of the ±0.249 acre parcel #5100-006 from Residential –Low Density (Gwinnett County) to Retail and the ±18.272 acre parcel #5100-023 from Residential –Low Density (City of Snellville) to Office/Professional. And, to amend the Official Zoning Map of the ±0.249 acre parcel #5100-006 from C-1, Neighborhood Business District (Gwinnett County) to BG, General Business District (City of Snellville) and the ±18.272 acre parcel #5100-023 from RS-180, Single-Family Residence District to OP, Office/Professional District with limits as shown on the Concept Plan, CP-1, dated 2/19/07, revised 3/16/07 and 3/27/07 for a retail shopping center and professional offices on a combined ±40.306 acre site located at U.S. Hwy. 78 at Rosebud Road

Mayor Oberholtzer announced that the applicant requested to postpone.

Mayor Pro Tem Garraway made a motion to postpone until the August 27th Public Hearing, 2nd by Council Member Kautz.

Mayor Oberholtzer explained that this annexation has not been objected by Gwinnett County. The motion was voted 6 in favor and 0 opposed, motion carried.

2nd Reading – ANX 07-07 / LUP 07-07 / RZ 07-11 – Applications by Genesis Development Group, LLC to annex the ±37.596 acre tract consisting of seven (7) parcels into the corporate boundaries of Snellville; to amend the Land Use Plan from Residential –Low Density (Gwinnett County) to Residential –Medium Density (City of Snellville) and to amend the Official Zoning

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Map from R-100, Single-Family Residential District (Gwinnett County) to R-HOP(55)-SF, Single-Family Residential Housing for Older Persons District for an active-adult/senior oriented residential development on a ±37,596 acre site comprised of 147 lots located at Temple Johnson Road and Garmon Drive (to the East)

Mayor Oberholtzer announced that written requests had been received by six of the seven property owners to withdraw and a verbal request was received by the seventh property owner. Council Member Kautz made a motion to accept the requests to withdraw the application, 2nd by Mayor Pro Tem Garraway; voted 6 in favor and 0 opposed, motion carried.

Mayor Oberholtzer announced at 8:36 p.m. there would be a recess until 8:45 p.m.
The meeting reconvened at 8:48 p.m.

2nd Reading – RZ 07-05 – Application by Keystone Development Services, Inc. to amend the Official Zoning Map from BG, General Business to HSB, Highway Service Business for a climate controlled personal storage/mini-warehouse facility on ±3,348 acres at SR 124 (Scenic Highway) and North Road (between Myra Lane and Eastwood Drive)

Planning & Development Director Jessica Roth gave an overview of the application and a brief history. She advised that the Planning Department recommends denial and the Planning Commission voted 3-3 with subsequent vote deadlocked. Ms. Roth advised that the Planning Department recommends conditions should the Council choose to approve the application. Michael Sullivan, 1505 Lakes Parkway, was present representing the property owners and developers. He stated that the property is zoned for commercial use and explained that the applicant is requesting to be allowed to put a mini-warehouse on the property.

The following citizens spoke in opposition:

Marcy Pharris, 1749 Ridgedale Drive
Karl Krutzky, 2262 Timber Lane
Jim Hyatt, 2233 Timber Lane
Tom Flynn, 2358 Eastwood Drive
Jean Baldwin, 2232 Timber Lane
Sandy Stanley, 2285 Eastgate Drive
Walter Cobb, 2122 Timber Lane

Council Member Jenkins made a motion to deny, 2nd by Council Member Bender.
After discussion, motion was voted 6 in favor and 0 opposed, motion carried.

Consideration Pursuant to Court Order of the revised proposal from D.A. Prather for the rezoning of ±40.30 acres of land from RS-180, Single-Family Residence District and RS-150, Single-Family Residence District to PRC, Planned Residential-Conservation District, with conditions, for tax parcels 5-060-008, 023, 040 and 285 located at 1689 and 1725 Rockdale Circle

Ms. Laurel Henderson reported that she defended this suit in Superior Court and that the Judge had determined that the existing zoning is unconstitutional and that the duty that the Council is charged with tonight is to make a constitutional zoning. She stated that Council is bound to come up with some zoning decision other than what is currently in place on this property. She

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stated that she has worked with staff and the City attorney on a recommendation of RS-150 classification with an overall development count of 100 lots for Council to consider.

Ms. Andrea Cantrell Jones, attorney for the property owners and for Mr. Tony Prather, was present.

Ms. Jones distributed a proforma analysis to be made a part of the record that analyzes the property in various ways and reported that the least amount of lots should be 130. She also presented a letter from Mrs. Hazel Lee, property owner, to be made a part of the record.

Ms. Jones stated that the original plan was for 143 lots and asked that the property be zoned to a constitutional classification.

Brenda Lee Eaves, 1689 Rockdale Circle, property owner, spoke regarding concerns about the length of time it has taken to have the property rezoned.

Ms. Henderson urged Council to use the proforma with caution.

Hank Reed, 1860 Meadow Chase Court, urged Council to deny due to overcrowding of schools.

Betty Nix, 2756 Abilene Trail, spoke regarding concerns with traffic issues.

After discussion, Council Member Auld made a motion to rezone the 40.30 acres of land under consideration from RS-180, Single-Family Residence District and RS-150, Single-Family Residence District, to RS-150 with an overall development cap of 100 lots, provided that:

1. No lot should be less than 7500 sq. ft. in size
2. Should be a minimum 60 ft. lot width at building line
3. There should be no less than 15 ft. separation between the houses
4. The homes and buildings should be constructed of traditional design with brick, stone, masonry hardiplank horizontal siding, and masonry hardiplank shakes and shingles
5. Homes on high visibility lots shall have 3 sides of brick or stone with accents of masonry hardiplank horizontal siding, or masonry hardiplank shakes and shingles
6. Front side of homes shall be brick, stone or stucco
7. An 8ft. wooden opaque fence shall be erected around the rear side property lines of the subdivision and shall be maintained at the homeowners association's expense
8. Signs higher than 15 ft. and larger than 225 sq. ft. are prohibited
9. No outdoor loud speakers shall be allowed
10. Adult entertainment establishments are prohibited pursuant to the terms set forth in our development regulations
11. The development should have a mandatory homeowners association
12. Except as to the extent modified by this zoning, all lots shall be developed in full accordance with the RS-150 district standards and all requirements of the development regulations

The motion was 2nd by Council Member Jenkins.

Mayor Oberholtzer asked Mr. Prather or his representative if they agree with the conditions.

Ms. Jones stated that they did not agree and stated their objections.

Mayor Oberholtzer restated their objections for the record:

1. Eliminate the 100 lots
2. That the development standards that were in place at the time of the initial application be applied to this development.

The motion was voted 6 in favor and 0 opposed, motion carried.

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Approval of the Revised Fee Schedule for Planning and Development
Marcy Pharris, 1749 Ridgedale Drive, asked about the revised fees.
Hank Reid, 1860 Meadow Chase Court, spoke.

Council Member Jenkins made a motion to approve the revised fee schedule, 2nd by Council Member Auld.
After discussion the motion was voted 5 in favor and 1 opposed with Mayor Pro Tem Garraway casting the opposing vote, motion carried.

REGULAR BUSINESS

Council Member Kautz made a motion to amend the Consent Agenda to add "City Manager's Employment Agreement," 2nd by Council Member Auld; voted 6 in favor and 0 opposed, motion carried.

CONSENT AGENDA

City Manager's Employment Agreement
Debt Collections Agreement
The Consent Agenda was adopted.

OLD BUSINESS

NEW BUSINESS

Approval of the Revised Fee Schedules

- (i) Park & Recreation
- (ii) Recycling

Council Member Kautz made a motion to approve, 2nd by Council Member Bender.
Marcy Pharris, 1749 Ridgedale Drive, asked for clarification on the sanitation fee schedule.
Catherine Kreasey, 2829 Adella Court, asked about the increases.
Marcy Pharris, 1749 Ridgedale Drive, asked about funding for additional police officers.
Roy Tancre, 1824 Dogwood Court, asked about the fees.
After discussion the motion was voted 6 in favor and 0 opposed, motion carried.

Appointments and Reappointments of Board Members
Mayor Oberholtzer made the following appointments:

Appointment of Board of Appeals Members

Wilbur (Bill) Peck – Post 4 - Voted 5 in favor and 1 opposed with Council Member Jenkins casting the opposing vote, appointment carried.
Sid Parrott – Post 3 - Vote 6 in favor and 0 opposed, re-appointment carried.
John Byerley – Post 5 - Vote 6 in favor and 0 opposed, re-appointment carried.
Marcy Pharris – Post 6 - Vote 6 in favor and 0 opposed, re-appointment carried.

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Appointment of Parks & Recreation Advisory Board Members

John Zeigler -- Post 2 - Voted 6 in favor and 0 opposed, appointment carried.
Hank Reid -- Post 1 - Voted 6 in favor and 0 opposed, re-appointment carried.
Gail Deal -- Post 5 - Voted 6 in favor and 0 opposed, re-appointment carried.
Paul Pierce -- Post 6 - Voted 6 in favor and 0 opposed, re-appointment carried.

Appointment of Planning Commission Board Members

David Foster -- Post 5 - Voted 6 in favor and 0 opposed, re-appointment carried.
Tod Warner -- Post 6 - Vote 6 in favor and 0 opposed, re-appointment carried.

Appointment of DDA Board Members

Cecil Sellers -- Post 5 - Vote 6 in favor and 0 opposed, re-appointment carried.

COUNCIL ANNOUNCEMENTS

Council Members Jenkins thanked Mr. Brooks for the long hours he has been working.

Council Member Bender announced that the Snellville Commerce Club gave two scholarships for FBLA & DECA to students from Brookwood High School and South Gwinnett High School and congratulated the AJC cup winners. She thanked staff for all their hard work on the budget and welcomed Mr. Brooks.

Mayor Pro Tem Garraway read into the record a letter dated June 6, 2007, from the Snellville Historical Society thanking the Mayor and Council for their support of the organization and requested to place in the lobby of City Hall a display case from the old Sawyer store that was a gift from Mrs. Kathryn Bird.

Council Member Kautz welcomed Mr. Brooks and thanked him and staff for the debriefing on the budget. She particularly thanked City Clerk/CFO Sharon Lowery and Controller Jan Burke for their work on the budget. She announced the Art Alliance meeting and thanked Chief Whitehead and Sergeant Pendleton for making sure the debris from the fire at A&J's Barbeque is being taken care of.

MAYOR'S REPORT

Mayor Oberholtzer welcomed Mr. Brooks and thanked the staff for their work on the budget.

PUBLIC COMMENTS

The following citizens spoke:

Suzanne Krieger, 2612 Lake Street, President of Hickory Hills Homeowners Association, announced that the association had adopted No Business Creek as their stream.

Hank Reid, 1860 Meadow Chase Court, stated that he is seeking resources for Phase III of Briscoe Park for an indoor facility.

Ann Duke, 2492 Poplar Street, announced that a family of beavers keeps damming up the creek and she thanked the maintenance crew for coming by regularly to unclog it.

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Roy Tancre, 1824 Dogwood Court, thanked Mayor Pro Tem Garraway for his efforts in getting the light situation resolved at Wisteria Drive and North Road.

Mayor Oberholtzer read the closed meeting notice into record as follows:

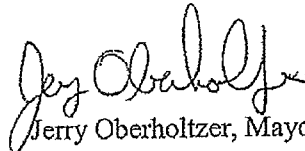
To discuss pending and/or potential litigation, settlement claims, administrative proceedings or other judicial actions, which is exempt from the Open Meetings Act pursuant to O.C.G.A. Section 50-14-2-(1).

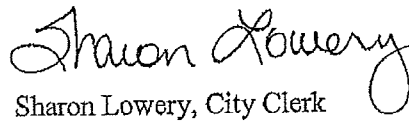
Upon a motion by Council Member Bender, 2nd by Council Member Jenkins, the meeting was closed, with all Council Members and the Mayor present and voting in favor.

The meeting recessed to executive session in Conference Room 145 at 11:01 p.m.
The meeting reconvened at 11:33 p.m.

ADJOURNMENT

Council Member Kautz made a motion to adjourn, 2nd by Council Member Bender; voted 6 in favor and 0 opposed, motion carried.
The meeting adjourned at 11:33 p.m.


Jerry Oberholtzer, Mayor


Sharon Lowery, City Clerk

REVISIONS
 CHANGE ORIGINAL PLAN TO
 SHOW LOTS, LOT LINES,
 DRIVE LANE, LOT FRONT
 LINES, & LOT FRONT
 LINES

Landworks Associates, Inc.
 1609 ATKINSON ROAD
 LAWRENCEVILLE, GEORGIA 30043
 (770) 913-7100 FAX: 913-4353

ROCKDALE CIRCLE
 SUBDIVISION
 LAND LOT 50, 51 & 52
 747 PACIFIC ROAD, BOX 123, OAK BRIDGE, GA 30057
 CITY OF SNYDER, SHERBURN COUNTY, GEORGIA

REZONING
 SITE PLAN

DATE: 12-20-00
 DRAWN: 12-20-00
 SHEET NUMBER: 12

RZ-1



SITE NOTES

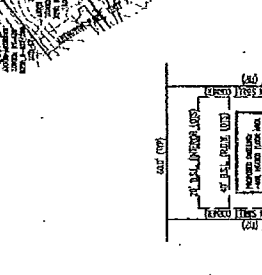
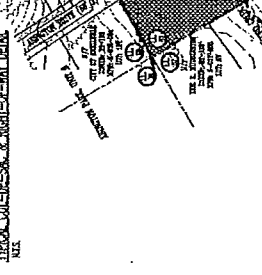
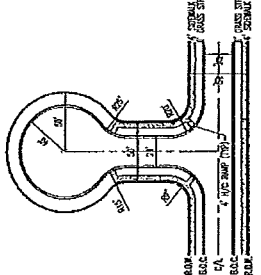
- APPROXIMATELY 100' OF THE LOT FRONT LINE IS TO BE SET BACK FROM THE ADJACENT SUBDIVISION OF THE WORKS, CANTON, GOLF COURSE.
- THE ENGINEER SHALL BE RESPONSIBLE TO OBTAIN NECESSARY PERMITS, INCLUDING BUT NOT LIMITED TO THE NECESSARY PERMITS FROM THE CITY OF SNYDER, GEORGIA.
- CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF SNYDER, GEORGIA.
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SITE INFORMATION

DATE: 12-20-00
 DRAWN: 12-20-00
 SHEET NUMBER: 12

LOT/TRACT CHART

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- NOTES**
- LOT FRONT LINE SHALL BE SET BACK FROM THE ADJACENT SUBDIVISION OF THE WORKS, CANTON, GOLF COURSE.
 - CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF SNYDER, GEORGIA.
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REVISIONS
 CHANGE ORIGINAL PLAN TO
 SHOW LOTS, LOT LINES,
 DRIVE LANE, LOT FRONT
 LINES, & LOT FRONT
 LINES

Landworks Associates, Inc.
 1609 ATKINSON ROAD
 LAWRENCEVILLE, GEORGIA 30043
 (770) 913-7100 FAX: 913-4353

ROCKDALE CIRCLE
 SUBDIVISION
 LAND LOT 50, 51 & 52
 747 PACIFIC ROAD, BOX 123, OAK BRIDGE, GA 30057
 CITY OF SNYDER, SHERBURN COUNTY, GEORGIA

REZONING
 SITE PLAN

DATE: 12-20-00
 DRAWN: 12-20-00
 SHEET NUMBER: 12

RZ-1