TO: The City of Snellville by and through

Its Mayor, Barbara Bender, City Council members and staff

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APPLICANT: Scenic Pointe, LLC

1505 Lakes Pkwy.

Lawrenceville, GA 30043

NOV - 1 2021

CITY OF SNELLVILLE
PLANNING & DEVELOPMENT

CONTACT:

Robert Jackson Wilson

10 Lumpkin Street

Lawrenceville, GA 30046 PHONE: 770 962-9780

OWNER:

Lillian Margene Moulder Trust

1498 Scenic Highway Snellville, GA 30078

Case Numbers:

ANX 21-02, LUP 21-05, and RX 21-05

Location:

1498 Scenic Highway

Map Number:

5-074-007

Proposed Use:

Mixed Use Retail, Public Park, Office, and related Business Uses

AMENDMENT TO ANNEXATION AND REZONING APPLICATION

The Applicant and Owner amend their application to submit the following:

- --revised site plan;
- --revised landscaping plan;
- --revised letter of intent;
- --updated legal descriptions for each lot;
- --amended campaign contribution disclosure form; and
- --Applicant requested conditions.

Respectfully submitted, this 1st day of November 20

Robert Jackson Wilson Attorney for Applicant

10 Lumpkin Street

Lawrenceville, Georgia 30046 Telephone: 770-962-9780

E-Mail: jwilson@rjwpclaw.com

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Amended Letter of Intent Scenic Pointe, LLC Estate of Lillian Moulder 1498 Highway 124 Tax Parcel 5-074-007

The Applicant amends its Application and Letter of Intent to submit the revisions to the site plan enclosed with this letter. The Applicant also submits the Landscaping Plan and Landscaping Elevation. The Applicant requests that the rezoning be approved based on these updated drawings. In addition, the Applicant requests that the Application be approved with the attached conditions.

The Applicant has submitted a representative monument sign for the overall development. Applicant requests a variance request to accommodate and additional sign for parcel 4, to be added to the monument on parcel 2, in order to limit signage on North Road to accommodate the request of neighboring property owners. Because of the hardship presented by the unusual shape of the property, constraints created by buffers along North Road, and the reduction in usable area created by the donation of the memorial park, the Applicant requests a variance to reduce the sizes of the parking lot landscape planters to match those shown on the site plan.

The applicant further requests a variance to allow two signs on Lot 2. One will serve Lot 2, and the other will serve Lot 4. The hardship for this variance is the small size of Lot 4 and modified configurate to accommodate the requests of neighboring occupants along North Road. The applicant further requests additional parking as shown on the site plan for the benefit of Lot 6. This additional parking accommodates the proposed occupant and allows for traffic circulation and parking to accommodate concerns expressed by neighboring occupants off of North Road.

The Applicant requests that the Planning Commission's condition limiting hours of operation not be included in the conditions approved by Mayor and City Council. If the attached conditions cannot be approved, then the Applicant requests that the annexation be withdrawn or denied.

NOV -1 2021

Conditions

The recommendations above are subject to the attachment of the following recommended Conditions:

- 1. The property shall be developed in general accordance with the conceptual zoning site plan entitled "Scenic Pointe Commercial Retail", sealed and dated October 29, 2021 (submitted to the Mayor and City Council on November 8, 2021), with modifications permitted to meet conditions of zoning or State, County, City regulations, and end user/tenant specifications in the lot configurations. Substantial variation from the conceptual rezoning site plan, as determined by the Director of Planning and Development will require Mayor and Councilapproval, after receiving recommendations by the Planning Department and Planning Commission.
- 2. A mandatory master association shall be formed for the property and shall have maintenance and architectural design regulations for the master-planned development which shall control items as construction materials, landscaping, common property maintenance, monuments, and such other usual and necessary covenants and restrictions to protect the quality and integrity of the master-planned development.
- 3. There shall be a mandatory master protective covenants for the property that will include all phases of the development; and concurrent therewith, a master association shall be formed which will include all component parts of the proposed master-planned development. The master association shall be responsible for the oversight, upkeep, andmaintenance of the entrance areas, private drives, sidewalks, parking lot and pedestrianlighting, and tress and landscaping.
- 4. The Applicant shall attempt to obtain an easement to allow an inter-parcel access stub which connects to the adjoining Sam's Club property to the south (Parcel 5073 003). If such an easement is obtained, said connection and improvements shall be completed by the developer and/or MasterAssociation and/or property owner once the adjoining property owner agrees to a sharedaccess easement agreement. If the access easement cannot be obtained from the owner of the Sam's Club property, then the development may proceed with the access shown on the zoning site plan.
- 5. The developer shall grant, at no cost, to the City of Snellville, fee simple title the 0.25± acre (10,896 sq. ft.) of real property adjacent to and located to the North of Lot 1 and identified as 'Prop. Park'. on the zoning site plan, subject to an easement retained by the Applicant or mandatory master association for the maintenance of underground detention beneath the 0.25+/- acre area. Prior to the release of the first Certificate of Occupancy, developer to be responsible for implementing and completing the proposed improvements as depicted on the pocket park conceptual planattached hereto as Exhibit "B" and the recording of the easement.

CITY OF SNELLVILLE PLANNING & DEVELOPMENT

- 6. The developer shall construct, at no cost to the City of Snellville, the 'Welcome to Snellville' gateway sign (conceptual sign drawing attached as Exhibit "C") located to the North of Lot 1 and identified as 'Prop. Park' on the zoning site plan, and as shown on the pocket park conceptual plan attached hereto as Exhibit "B". Any substantial deviation from the drawing attached as Exhibit "C" shall be approved by the Mayor and Council.
- 7. The developer shall grant, at no cost, to the City of Snellville, fee simple title to the area for the 'Welcome to Snellville' sign located to the North of Lot 1 and identified as 'Prop. Park' on the zoning site plan, as depicted on the pocket park conceptual plan attached hereto as Exhibit "B" and the recording of the easement.
- 8. Except for the two North Road access drives, building locations and parking locations , there shall be a twenty (20) foot replanted buffer (approximately 1,169 feet in length) as shown on the Landscaping Plan submitted to the Mayor and City Council on November 8, 2021 along the eastern property line where adjacent to the North Road right-of-way.
 - 9. The approved zoning conditions and variances shall be referenced on any plat, including subdivision plat provided to any buyer or lessee.
 - 10. 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.
 - 11. Signs higher than 15 feet or larger than 225 square feet are prohibited.
 - 12. Applicant's request for a variance for plant material is approved to allow evergreens to be included in the replanted buffer along North Road.

VARIANCES:

The following variances are granted provided the applicant is in strict compliance with the conditions set forth above:

- 1. To allow additional parking to serve Lot 6 as shown on the site plan.
- 2. To allow two panels to be placed on one sign located on Lot 2, with one of those panels to serve Lot 4.

--IVEL)

CITY OF SNELLVILLE Attachment B

CHANNING & DEVELOPMENT

CONFLICT OF INTEREST CERTIFICATIONS FOR REZONING APPLICATION

The undersigned below, making application for Rezoning, has complied with the Official Code of Georgia Section 36-67A-I, et. seq., <u>Conflict of Interest in Zoning Actions</u>, and has submitted or attached the required information on forms provided.

information on form		e or med est in 20(iii)	7 (CCIOTIS, MITG TIE	as submitted or attached the required	
☐ check here if the	re are addition	al applicants and attacl	h additional "Co	nflict of Interest Certification" sheets.	
Signature of Applicant's	Attorney or Repr	Date M/(/2/ esentative Date		homas, Owner Type or Print Name and Title Tockson Type or Print Name and Title	
Blacca & Cale IVII Signature of Notary Public Date			Rebecca L Kicklighter NOTARY PORM/Notary Seal Hall County, GEORGIA My Commission Expires 11/01/2024		
	DISCLO	SURE OF CAMPA	IGN CONTRII	BUTIONS	
contributions aggreg	ating \$250.00	or more or made gifts	having in the a	g of this application, made campaign ggregate a value of \$250.00 or more liville Planning Commission?	
YES NO YOUR NAME: Ronnie DeThon			as		
If the answer above i	is YES, please c	omplete the following	section:		
NAME AND OFFICIAL POSITION OF GOVERNMENT OFFICIAL		CONTRIBUTIONS (list all which aggregate to \$250 or More)		DATE CONTRIBUTION WAS MADE (Within the last two years)	
Tod Warner		\$600.00		10/13/2021	

 $[\]Box$ Check here and attach additional sheets if necessary to disclose or describe all contributions or gifts.

Scenic Pointe

Lot 1 Legal Description

PLANNING & DEVELOPMENT

All that tract or parcel of land lying and being in Land Lot 74 of the 5th district, Gwinnett County, Georgia and being more particularly described as follows:

Commencing at the north right of way corner of North Road traveling southeast along right of way with a bearing of southeast 6 degrees, 12 minutes and 03 seconds with a distance of 147.93 feet to a point, said point being the POINT OF BEGINNING; Thence continuing southeast 6 degrees 12 minutes 03 seconds with a distance of 407.38 feet to a point; Thence turning and continuing northwest 76 degrees 35 minutes 56 seconds with a distance of 253.39 feet to a point; Thence turning and continuing northeast 14 degrees 49 minutes 09 seconds with a distance of 386.30 feet to a point; Thence turning and continuing southeast 75 degrees 18 minutes 29 seconds with a distance of 107.19 feet to a point, said point being the POINT OF BEGINNING.

Total area: 69,325 sf or 1.59 acres

Scenic Pointe

Lot 2 Legal Description



All that tract or parcel of land lying and being in Land Lot 74 of the 5th district, Gwinnett County, Georgia and being more particularly described as follows:

Commencing at the north right of way corner of North Road traveling southeast along right of way with a bearing of southeast 6 degrees, 12 minutes and 03 seconds with a distance of 555.31 feet to a point, said point being the POINT OF BEGINNING; Thence continuing southeast 6 degrees 12 minutes 03 seconds with a distance of 218.32 feet to a point; Thence turning and continuing northwest 75 degrees 12 minutes 53 seconds with a distance of 67.72 feet to a point; Thence turning and continuing northwest 75 degrees 12 minutes 53 seconds with a distance of 263.90 feet to a point; Thence turning and continuing northeast 14 degrees 49 minutes 09 seconds with a distance of 197.71 to a point; Thence continuing northwest 76 degrees 35 minutes 56 seconds with a distance of 253.56 to a point, said point being the POINT OF BEGINNING.

Total area: 58,841 sf or 1.35 acres

Scenic Pointe

Lot 3 Legal Description

PLANNING & DEVELOPMENT

All that tract or parcel of land lying and being in Land Lot 74 of the 5th district, Gwinnett County, Georgia and being more particularly described as follows:

Commencing at the north right of way corner of North Road traveling southeast along right of way with a bearing of southeast 6 degrees, 12 minutes and 03 seconds with a distance of 773.63 feet to a point; Thence turning and continuing northwest 75 degrees 12 minutes 53 seconds with a distance of 67.72 feet to a point, said point being the POINT OF BEGINNING; Thence continuing southwest 14 degrees 47 minutes 00 seconds with a distance of 132.60 feet to a point; Thence turning and continuing northwest 75 degrees 13 minutes 00 seconds with a distance of 263.96 feet to a point; Thence turning and continuing northeast 14 degrees 49 minutes 09 seconds with a distance of 132.61 feet to a point; Thence turning and continuing southeast 75 degrees 12 minutes 53 seconds with a distance of 263.90 feet to a point, said point being the POINT OF BEGINNING.

Total area: 40,136 sf or 0.92 acres

Scenic Pointe

Lot 4 Legal Description

PLANNING & DEVELOPMENT

All that tract or parcel of land lying and being in Land Lot 74 of the 5th district, Gwinnett County, Georgia and being more particularly described as follows:

Commencing at the north right of way corner of North Road traveling southeast along right of way with a bearing of southeast 6 degrees, 12 minutes and 03 seconds with a distance of 773.63 feet to a point, said point being the POINT OF BEGINNING; Thence continuing southeast 6 degrees 12 minutes 03 seconds with a distance of 180.48 feet to a point; Thence continuing along a curve with a chord of southeast 5 degrees 00 minutes 44 seconds with a distance of 85.20 feet and a radius of 2,053.48 to a point; Thence turning and continuing southwest 86 degrees 10 minutes 35 seconds with a distance of 48.33 feet to a point; Thence turning and continuing northwest 75 degrees 10 minutes 50 seconds with a distance of 115.48 to a point; Thence continuing northeast 14 degrees 48 minutes 28 seconds with a distance of 131.42 feet to a point; Thence turning and continuing northeast 14 degrees 47 minutes 00 seconds with a distance of 132.60 feet to a point; Thence turning and continuing southeast 75 degrees 12 minutes 53 seconds with a distance of 67.72 feet to a point, said point being the POINT OF BEGINNING.

Total area: 30,778 sf or 0.71 acres

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Scenic Pointe

Lot 5 Legal Description

All that tract or parcel of land lying and being in Land Lot 74 of the 5th district, Gwinnett County, Georgia and being more particularly described as follows:

Commencing at the north right of way corner of North Road traveling southeast along right of way with a bearing of southeast 6 degrees, 12 minutes and 07 seconds with a distance of 773.63 feet to a point; Thence turning and continuing northwest 75 degrees 12 minutes 53 seconds with a distance of 67.72 feet to a point; Thence turning and continuing southwest 14 degrees 47 minutes 00 seconds with a distance of 132.60 feet to a point, said point being the POINT OF BEGINNING; Thence continuing southwest 14 degrees 48 minutes 28 seconds with a distance of 131.42 feet to a point; Thence turning and continuing northwest 75 degrees 13 minutes 00 seconds with a distance of 264.09 feet to a point; Thence turning and continuing northwest 14 degrees 49 minutes 09 seconds with a distance of 172.36 feet to a point; Thence turning and continuing southeast 75 degrees 13 minutes 00 seconds with a distance of 263.96 feet to a point, said point being the POINT OF BEGINNING.

Total area: 45,509 sf or 1.04 acres



Scenic Pointe Lot 6 Legal Description

NOV -1 2021
CITY OF SNELLVILLE
PLANNING & DEVELOPMENT

All that tract or parcel of land lying and being in Land Lot 74 of the 5th district, Gwinnett County, Georgia and being more particularly described as follows:

Commencing at the north right of way corner of North Road traveling southeast along right of way with a bearing of southeast 6 degrees, 12 minutes and 03 seconds with a distance of 954.11 feet to a point; Thence continuing along a curve with a chord southeast 5 degrees 00 minutes 44 seconds with a distance of 85.20 feet and a radius of 2,053.48 to a point, said point being the POINT OF BEGINNING; Thence continuing along a curve with a chord southeast 2 degrees 01 minutes 11 seconds with a distance of 129.27 feet and a radius of 2,053.48 to a point; Thence turning and continuing southwest 61 degrees 20 minutes 06 seconds with a distance of 227.59 feet to a point; Thence turning and continuing northwest 75 degrees 12 minutes 53 seconds with a distance of 297.59 feet to a point; Thence turning and continuing northeast 14 degrees 49 minutes 09 seconds with a distance of 223.95 feet to a point; Thence turning and continuing northwest 75 degrees 13 minutes 00 seconds with a distance of 264.09 feet to a point; Thence turning and continuing southeast 14 degrees 40 minutes 23 seconds with a distance of 40.93 to a point; Thence turning and continuing southeast 75 degrees 10 minutes 50 seconds with a distance of 115.48 feet to a point; Thence continuing northeast 86 degrees 10 minutes 35 seconds with a distance of 48.33 feet to a point, said point being the POINT OF BEGINNING.

Total area: 97,530 sf or 2.24 acres



NOV -1 2021

Scenic Pointe Lot 6 Legal Description

CITY OF SNELLVILLE PLANNING & DEVELOPMENT

All that tract or parcel of land lying and being in Land Lot 74 of the 5th district, Gwinnett County, Georgia and being more particularly described as follows:

Commencing at the north right of way corner of North Road traveling southeast along right of way with a bearing of southeast 6 degrees, 12 minutes and 03 seconds with a distance of 954.11 feet to a point; Thence continuing along a curve with a chord southeast 5 degrees 00 minutes 44 seconds with a distance of 85.20 feet and a radius of 2,053.48 to a point, said point being the POINT OF BEGINNING; Thence continuing along a curve with a chord southeast 2 degrees 01 minutes 11 seconds with a distance of 129.27 feet and a radius of 2,053.48 to a point; Thence turning and continuing southwest 61 degrees 20 minutes 06 seconds with a distance of 227.59 feet to a point; Thence turning and continuing northwest 75 degrees 12 minutes 53 seconds with a distance of 297.59 feet to a point; Thence turning and continuing northeast 14 degrees 49 minutes 09 seconds with a distance of 223.95 feet to a point; Thence turning and continuing northwest 75 degrees 13 minutes 00 seconds with a distance of 264.09 feet to a point; Thence turning and continuing southeast 14 degrees 40 minutes 23 seconds with a distance of 40.93 to a point; Thence turning and continuing southeast 75 degrees 10 minutes 50 seconds with a distance of 115.48 feet to a point; Thence continuing northeast 86 degrees 10 minutes 35 seconds with a distance of 48.33 feet to a point, said point being the POINT OF BEGINNING.

Total area: 97,530 sf or 2.24 acres

NOV -1 2021
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Scenic Pointe Lot 7 Legal Description

All that tract or parcel of land lying and being in Land Lot 74 of the 5th district, Gwinnett County, Georgia and being more particularly described as follows:

Commencing at the north right of way corner of North Road traveling southeast along right of way with a bearing of southeast 6 degrees, 12 minutes and 03 seconds with a distance of 954.11 feet to a point; Thence continuing along a curve with a chord southeast 3 degrees 12 minutes 31 seconds with a distance of 214.48 feet and a radius of 2,053.48 to a point; Thence turning and continuing southwest 61 degrees 20 minutes 06 seconds with a distance of 227.59 feet to a point, said point being the POINT OF BEGINNING; Thence continuing southwest 61 degree 20 minutes 06 seconds with a distance of 355.53 feet to a point; Thence turning and continuing northeast 49 degrees 49 minutes 09 seconds with a distance of 229.54 feet to a point; Thence turning and continuing southwest 75 degrees 12 minutes 53 seconds with a distance of 297.59 feet to a point, said point being the POINT OF BEGINNING.

Total area: 40,926 sf or 0.94 acres

Scenic Pointe

Proposed Park Legal Description

NOV -1 2021

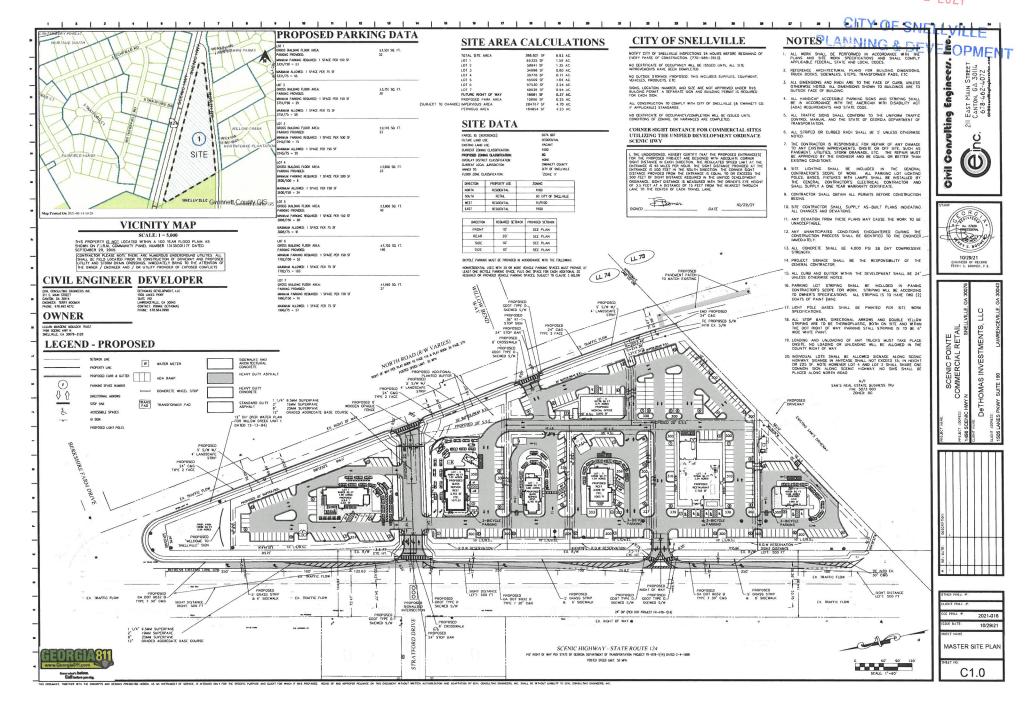
CITY OF SNELLVILLE

PLANNING & DEVELOPMENT

All that tract or parcel of land lying and being in Land Lot 74 of the 5th district, Gwinnett County, Georgia and being more particularly described as follows:

Beginning at the north right of way corner of North Road traveling southeast along right of way with a bearing of southeast 6 degrees, 12 minutes and 03 seconds with a distance of 147.93 feet to a point; Thence turning and continuing northwest 75 degrees 18 minutes 29 seconds with a distance of 107.19 feet to a point; Thence turning and continuing northeast 14 degrees 49 minutes 10 seconds with a distance of 128.90 feet to a point; Thence turning and continuing southeast 85 degrees 03 minutes 45 seconds with a distance of 54.94 feet to a point, said point being the POINT OF BEGINNING.

Total area: 10,896 sf or 0.25 acres





NOV -1 2021



