

STATE OF GEORGIA
CITY OF SNELLVILLE

ORDINANCE NO. 2024-05

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR A 2.76± ACRE TRACT OF LAND LOCATED IN LAND LOT 38 OF THE 5TH LAND DISTRICT, GWINNETT COUNTY, GEORGIA, 2380 WISTERIA DRIVE, SNELLVILLE, GEORGIA; 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: #RZ 24-03

LOCATION: 2380 Wisteria Drive, Snellville, Georgia

SIZE: 2.76± Acres

TAX PARCEL: R5038 133


OVERLAY DISTRICT: Towne Center Overlay

**CURRENT FUTURE LAND USE
MAP DESIGNATION:** Towne Center

REQUESTED ZONING: TC-R (Towne Center Residential) District

DEVELOPMENT/PROJECT: 171-Unit Multi-Family Towne Center Flat
Development

PROPERTY OWNER: Shifa Real Estate Investments, LLC
Duluth, Georgia

APPLICANT: Mick Kittle, RLA, Senior Land Planner
SPG Planners + Engineers
Watkinsville, Georgia 30677


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 2.76± acre tract of land located at 2380 Wisteria Drive, Snellville, Georgia (Tax Parcel R5038 133) for a 171-unit multi-family Towne Center Flat development; and

WHEREAS, the TC-R (Towne Center Residential) District is one of two zoning districts deemed appropriate for the property's *Town Center* future land use map designation on the 2045 Comprehensive Plan Future Land Use Map for the City of Snellville, Georgia; and

WHEREAS, the governing authority of the City of Snellville, Georgia desires to grant variances from Article 5 and Article 6 of Chapter 200 of the Snellville Unified Development Ordinance; 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 2.76± acre tract of land described and shown on the property survey entitled "Boundary & Topographic Survey of 2380 Wisteria Dr., Snellville, GA 30078 (City of Snellville) Prepared For: Shifa Real Estate Investments LLC" sealed, signed and dated 8-23-2023 (stamped received May 14, 2024) in Exhibit "A", a copy of which is attached hereto and incorporated herein by reference is hereby amended and changed from BG (General

Business) District to TC-R (Towne Center Residential) District, subject to the attachment of the following enumerated variances and conditions:

VARIANCES:

- A. UDO Sec. 206-3.1.F.2.E. (Commercial Floor Area Requirement): to waive the requirement for a minimum of 30,000 sq. ft. onsite commercial floor area for development of 171 Towne Center Flat units (5,000 sq. ft. per 30 units).
- B. UDO Sec. 205-1.14.D. (Storefront Street Requirements): to allow development and use of the Stacked Flat building type for buildings abutting a storefront street.

CONDITIONS:

- 1. The property shall be developed in general accordance with the conceptual rezoning site plan entitled "Wisteria Drive Flats", dated 5-14-2024 (stamped received 5-14-2024) in Exhibit "B", a copy of which is attached hereto and incorporated herein by reference, with modifications permitted to meet conditions of zoning or State, County, and City regulations. Substantial variation from the conceptual rezoning site plan, as determined by the Director of Planning and Development will require Mayor and Council approval, after submitting a Change in Conditions application and receiving recommendations by the Planning Department and Planning Commission.
- 2. All variances and conditions approved 2-13-2018 by the Snellville Board of Zoning Appeals for case #BOA 18-01 are repealed.
- 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.
- 4. Signs higher than 15 feet or larger than 225 square feet are prohibited.
- 5. Applicant will provide an exterior building color palette to the Planning Director for approval.

Section 2. 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 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

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 Chapter 1 of the Code of Ordinances, City of Snellville, Georgia 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 7/22, 2024. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES BEGIN ON THE FOLLOWING PAGE]

ORDAINED this 22 day of July, 2024.

[Redacted Signature]

Barbara Bender, Mayor

[Redacted Signature]

Tod Warner, Mayor Pro Tem

[Redacted Signature]

Norman A. Carter, Council Member

[Redacted Signature]

Kerry Hetherington, Council Member

[Redacted Signature]

Cristy Lenski, Council Member

[Redacted Signature]

Gretchen Schulz, Council Member

ATTEST:

[Redacted Signature]

Melisa Arnold, City Clerk

APPROVED AS TO FORM:

[Redacted Signature]

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

EXHIBIT "A"

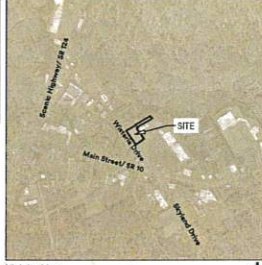
EXHIBIT "B"



PAVING LEGEND

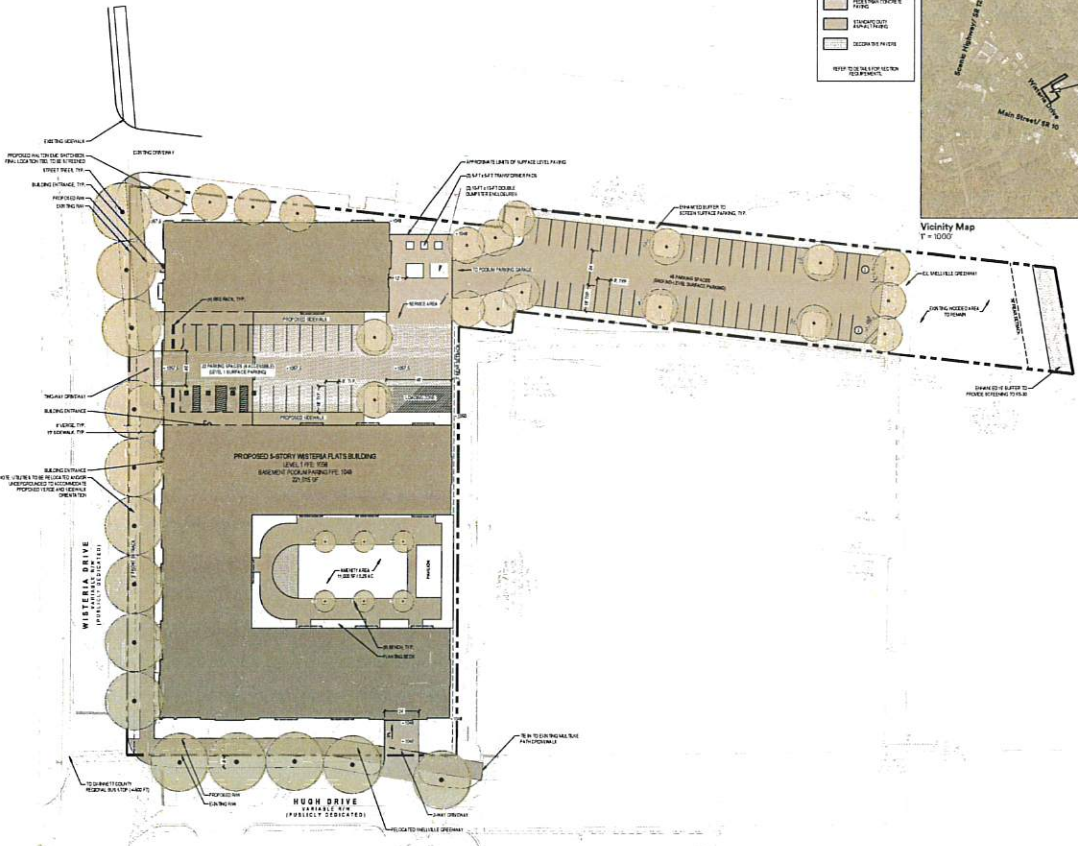
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SEE SPECIFICATIONS FOR MATERIAL REQUIREMENTS



PROJECT INFORMATION

ADDRESS	1000 W. MAIN STREET
PROJECT NUMBER	1000
DATE	05/16/2014
CLIENT	SPG DEVELOPMENT
DESIGNER	SPG DEVELOPMENT
CONTRACTOR	SPG DEVELOPMENT
PROJECT DESCRIPTION	RECONSTRUCTION OF THE SITE TO PROVIDE 1000 SQUARE FEET OF OFFICE SPACE AND 1000 SQUARE FEET OF PARKING.
PERMITS	RECONSTRUCTION PERMIT
DATE	05/16/2014



UNIT MIS

UNIT	QUANTITY	AREA
OFFICE	1000	1000 SF
PARKING	1000	1000 SF
TOTAL	2000	2000 SF

PARKING

TYPE	QUANTITY	AREA
OFFICE	1000	1000 SF
PARKING	1000	1000 SF
TOTAL	2000	2000 SF

UTILITY DATA

WATER SUPPLY	1000 GPD
SEWER	1000 GPD
POWER SUPPLY	1000 KW
TELEPHONE	1000 LINES
TELEVISION	1000 LINES
TELEPHONE	1000 LINES
TELEVISION	1000 LINES

SETBACKS

FRONT	10 FT
REAR	10 FT
SIDE	10 FT
DIAGONAL	10 FT

Project No. 1000-14
Project Name: 1000 W. Main Street
Project Location: 1000 W. Main Street, South St. Georgia 30074
Date: 05/16/2014

SPG Planners & Engineers
1000 W. Main Street, Suite 100
Atlanta, GA 30307
www.spg.com



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