

STATE OF GEORGIA

CITY OF SNELLVILLE

ORDINANCE NO. 2024-06

AN ORDINANCE TO GRANT A SPECIAL USE PERMIT ON 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 FOR A 171-UNIT MULTI-FAMILY TOWNE CENTER STACKED FLAT DEVELOPMENT; TO GRANT VARIANCES; TO ADD CONDITIONS AFFECTING THE PROPERTY; PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

CASE NUMBER: #SUP 24-01


LOCATION: 2380 Wisteria Drive, Snellville, Georgia

SIZE: 2.76± Acres

TAX PARCEL: R5038 133

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 approve and grant the requested special use permit for a 171-unit Multi-Family Towne Center Flat Development on a 2.76± acre tract located in the Towne Center Overlay District at 2380 Wisteria Drive, Snellville, Georgia (Tax Parcel R5038 133); and

WHEREAS, the property is zoned TC-R (Towne Center Residential) District where *Towne Center Flat*, defined as three or more dwelling units in a single building that does not meet the definition of single-family attached dwelling within a TC District and where the ground floor of the building contains no nonresidential uses, is allowed as a special use when approved by the City Council; 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. For reasons stated in the public hearing and recommendations of the Planning Department and Planning Commission, a special use permit is hereby approved and granted for the development and use of a 171-unit Multi-Family Towne Center Flat Development on a 2.76± acre site located at 2380 Wisteria Drive, Snellville, Georgia (Tax Parcel R5038 133), described and shown on the conceptual rezoning site plan entitled “Wisteria Drive Flats”, dated 5-14-2024 (stamped received 5-14-2024) in Exhibit “A” and shown on the conceptual building elevations entitled “Building Elevations – Wisteria Drive Flats Project”, dated 5-14-2024 (stamped received 5-14-2024) in Exhibit “B”, a copy of which is attached hereto and incorporated herein by reference, 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.

Section 2. The special use permit shall expire and become null and void five (5) years from the date of approval unless occupancy of the approved special use has occurred on the premises. The Director of Planning and Development may extend authorization for an additional period of twelve (12) months for reasons such as health, financial, or administrative problems incurred by the applicant during the permit period, provided application for such extension is submitted in writing at least forty-five (45) days prior to the original expiration date. The director must make the finding that the delay is

justified by circumstances beyond the applicant's control, and that the six-month extension can reasonably be expected to remedy the circumstances.

Section 3. The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set forth 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. All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed.

Section 6. 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]

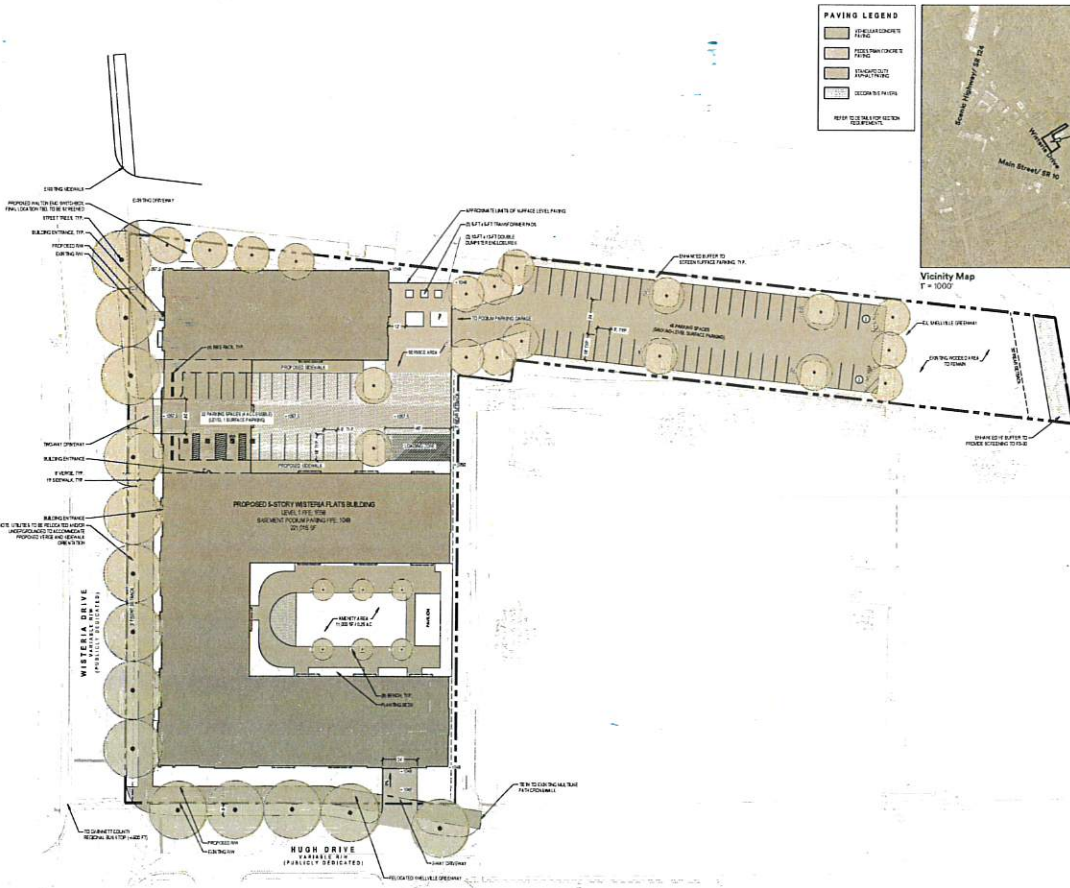
Melisa Arnold, City Clerk

APPROVED AS TO FORM:

[Redacted Signature]

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

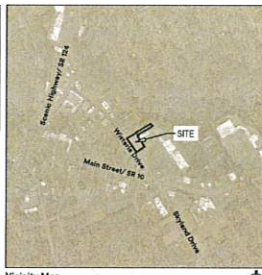
EXHIBIT "A"



PAVING LEGEND

[Symbol]	ASPHALT CONCRETE
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[Symbol]	DECORATIVE PAVING

SEE SPECIFICATIONS FOR DETAILS



PROJECT INFORMATION

ADDRESS	2200 WESTERIA DRIVE
PARCEL NUMBER	PER-018
OWNER	SPG
DESIGNER	SPG PLANNERS & ENGINEERS
DATE	06/14/2024

UNIT MIX

UNIT TYPE	UNITS	PERCENT
1-BEDROOM	8	8%
2-BEDROOM	12	12%
3-BEDROOM	8	8%
TOTAL	28	28%

PARKING

TYPE	PROPOSED	PROCESSED
SPACE	100	0
TOTAL	100	0

UTILITY DATA

WATER SUPPLY	CONNECT TO CITY MAIN
SEWER	CONNECT TO CITY MAIN
POWER SUPPLY	CONNECT TO CITY MAIN
TELEPHONE	CONNECT TO CITY MAIN

SETBACKS

FRONT	10 FT
REAR	10 FT
LEFT	10 FT
RIGHT	10 FT



Project Name: Westeria Drive Flats
 Project Location: 2200 Westeria Drive, Southfield, Georgia 30075
 Date: 06/14/2024



RZ-3

EXHIBIT "B"

