

**STATE OF GEORGIA**  
**CITY OF SNELLVILLE**

**ORDINANCE NO. 2015-20**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP, CITY OF SNELLVILLE, GEORGIA, AS AMENDED; TO GRANT VARIANCES; TO PROVIDE FOR SEVERABILITY; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE AN EFFECTIVE DATE; AND FOR OTHER PURPOSES.

**CASE NO.:** #RZ 15-05

**APPLICANT:** The Kroger Company  
2175 Parklake Drive  
Atlanta, GA 30345

**PROPERTY OWNER:** Sinocoin Investment, LLC  
1130 Vintage Club Drive  
Johns Creek, GA 30097

**REQUESTED ZONING:** BG (General Business) District

**LOCATION:** 1000 Athens Highway  
Snellville, GA 30078

**SIZE:** 22.84± Acres

**MAP NUMBERS:** R5100 005 006 023 059 065

**PROPOSED DEVELOPMENT:** Kroger Marketplace with Accessory Fuel Center  
and Two Outparcel Development

**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 eliminate previously approved conditions of zoning and to grant site specific variances from the Zoning Ordinance; and

**WHEREAS**, the health, safety, and welfare of the citizens of Snellville, Georgia, will be positively impacted by the adoption of this Ordinance.

IT IS HEREBY RESOLVED BY THE GOVERNING AUTHORITY OF THE CITY OF SNELLVILLE, GEORGIA, and by the authority thereof:

**Section 1.** The property described in Exhibit “A,” a copy of which is attached hereto and incorporated herein by reference, is hereby rezoned from RS-100, Single-family Residential District (Parcel 5100 005); RA-200, Residential-Agriculture District (northern portion of Parcel 5100 065); RS-180, Single-family Residence District (Parcels 5100 023 059 and southern portion of 065); and C1, Neighborhood Business District (Parcel 5100 006) to BG (General Business) District. This action is subject to the attachment of the following requested variances and conditions as shown on the rezoning plan:

**VARIANCES:**

1. Request to increase the maximum allowable monument sign area from 112 sq. ft. to 200 sq. ft. for the monument sign on Rosebud Road frontage, subject to Condition #10 above.
2. Request to add signage on the face of a proposed retaining wall located along US Highway 78, subject to Condition #11 above.
3. Request to not screen the rooftop mechanical units at the rear of the building, subject to Condition #12 above.
4. Request to allow new trees to be planted within zoning buffers, and for said trees to count towards the overall site tree density, subject to Condition #13 above.

5. Request to allow use of painted concrete block on south (rear) and west side building elevations as shown on the submitted architectural renderings, dated 10-27-2015.

CONDITIONS:

1. The property shall be developed in general accordance with the submitted preliminary site plan dated 11-17-2015 entitled "Rezoning Site Plan – Kroger GA-743", stamped and received 11-17-2015 and architectural building renderings dated 10-27-2015 entitled "Kroger GA743", stamped and received 10-28-2015, with modifications to meet conditions of zoning or State, County, and City regulations. Substantial variation from the concept plan, including the development of concept plans for the designated out parcels, as determined by the Director of Planning and Development, will require Mayor and Council approval;
2. Subject to review and approval by Gwinnett D.O.T. and Georgia D.O.T., the traffic mitigation plan presented in Section 7.3 of the Traffic Impact Study by A&R Engineering, dated 11-12-2015, shall be implemented and funded by the developer at the time of site development. All other access and right-of-way improvements required by Gwinnett D.O.T. and/or Georgia D.O.T. shall be funded and completed by the developer prior to receiving any Certificate of Occupancy;
3. The applicant shall explore providing inter-parcel vehicular access to the neighboring residential Cooper Springs townhome community to the west (Parcel #5100 571) and provide to the City a feasibility study for said connectivity. At a minimum, a pedestrian network shall be installed, with said plans reviewed and approved by the City Engineer and Director of Planning and Development;
4. Buildings located on outparcels shall be constructed of the same primary building material on the front façade of the Kroger Marketplace building;
5. The Corridor Overlay District requirements shall apply to all parcels associated with the proposed development;
6. The retaining walls located adjacent to US Highway 78 and Outlot #2 and parcel #5100 007 shall be designed, on both sides, with stone or brick veneer or architectural split-face concrete block as approved by the Director of Planning and Development;
7. Six (6) feet wide sidewalks shall be provided adjacent to and along US Highway 78 and Rosebud Road, including Outlots #1 and #2, and Parcel 5100 023;
8. Until such time as Outlots #1 and #2 are developed, they shall be cleared and seeded (or sod placed) with regular lawn maintenance provided during the growing season;

9. Any trees removed for the development and construction of the Future Expansion Area shall be preserved and replanted onsite. If not feasible, the quantity of replacement trees shall be calculated by multiplying the number of removed trees (by diameter) times the units assigned in Table A (Credit for Existing Trees) of Article 111, Landscape Ordinance of Chapter 19, Buffer, Landscape and Tree Ordinance, with said number of units either being replanted onsite or payment made to the City's tree bank. Replanted trees or newly planted trees shall be subject to the bonding requirements of Section 19-81 of the Landscape Ordinance;
10. In consideration and support of variance #1, signage for Outlot #2 shall be provided on the Kroger monument sign (only), with no monument sign being allowed for Outlot #2. However, should the applicant choose to not exercise variance #1, each of the three (3) lots would be allowed monument signage in accordance with the City's Sign Ordinance;
11. In consideration and support of variance #2, retaining wall signage shall not exceed 10% of the total wall façade area containing signage, provided the signage is solely designed to identify the shopping center name or Kroger Marketplace store. Retaining wall signage shall be restricted to the use of illuminated reverse channel letter construction signage or non-internally illuminated raised stud-mounted metal letters and graphics off the wall with external illumination. All other signage, including fuel price signs and 'Shops' signage shall be prohibited on the retaining wall;
12. In consideration and support of variance #3, should the plantings in the buffer be removed as part of any new development, the rooftop mechanical units will need to be screened to the satisfaction of the Director of Planning and Development;
13. In consideration and support of variance #5, a tree and landscaping plan for plantings within the 60 feet buffer in the rear shall be provided for review and approval by the Director of Planning and Development;
14. Signs higher than 15 feet and larger than 225 square feet are prohibited;
15. No outdoor loudspeakers shall be allowed, except two-way speakers commonly used in approved drive-thru locations;
16. 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;
17. If a site development plan or preliminary plat has not been submitted to the Department of Planning and Development within twelve (12) months of the date of approval of the rezoning application, the zoning shall revert back to RS-180

(Single-family Residence) District for all parcels subject to the rezoning application; and

18. Non-substantial variances, as determined by the Director of Planning and Development and/or City Manager for the design requirements, zoning requirements, development regulations, and construction requirements must be submitted in writing for administrative approval with the Director of Planning and Development and/or City Manager. Substantial variances, as determined by the Planning and Development and/or City Manager, will require Mayor and Council approval (or Board of Appeals approval if so designated in any condition above.

**Section 2.** The Official Zoning Map of the City of Snellville, Georgia, is hereby amended to reflect the property previously referenced in Exhibit “A,” and incorporated herein by reference, shall be incorporated into the Corridor Overlay District boundary (CO).

**Section 3.** The changes in zoning classifications 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 4.** The preamble of this Ordinance shall be considered to be and is hereby incorporated by reference as if fully set out herein.

**Section 5.** (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 6.** Penalties in effect for violations of the Zoning Ordinance of the City of Snellville 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 7.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed

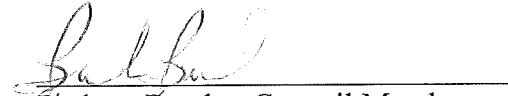
**Section 8.** This Ordinance was adopted on December 14, 2015. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.

[SIGNATURES APPEAR ON FOLLOWING PAGE]

ORDAINED this 14<sup>th</sup> day of December, 2015.

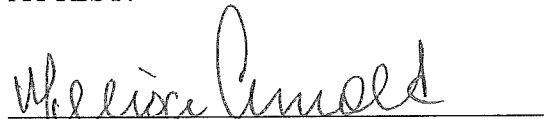
  
Tom Witts, Mayor


  
Bobby Howard, Mayor Pro Tem


  
Barbara Bender, Council Member

  
Dave Emanuel, Council Member

ATTEST:

  
Melisa Arnold, City Clerk

  
Cristy Lenski, Council Member

  
Roger Marmol, Council Member

APPROVED AS TO FORM:

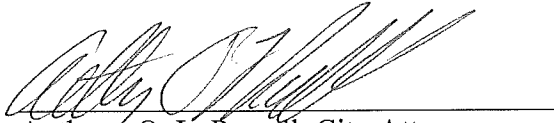
  
Anthony O. L. Powell, City Attorney  
Webb, Tanner, & Powell, PC



EXHIBIT "A"

EXHIBIT A  
# 2 15-05

Property Description

**Proposed Kroger Tract**





All that tract or parcel of land lying and being in Land Lots 100 and 101 of the 5th District, City of Loganville, Gwinnett County, Georgia, and being more particularly described as follows:

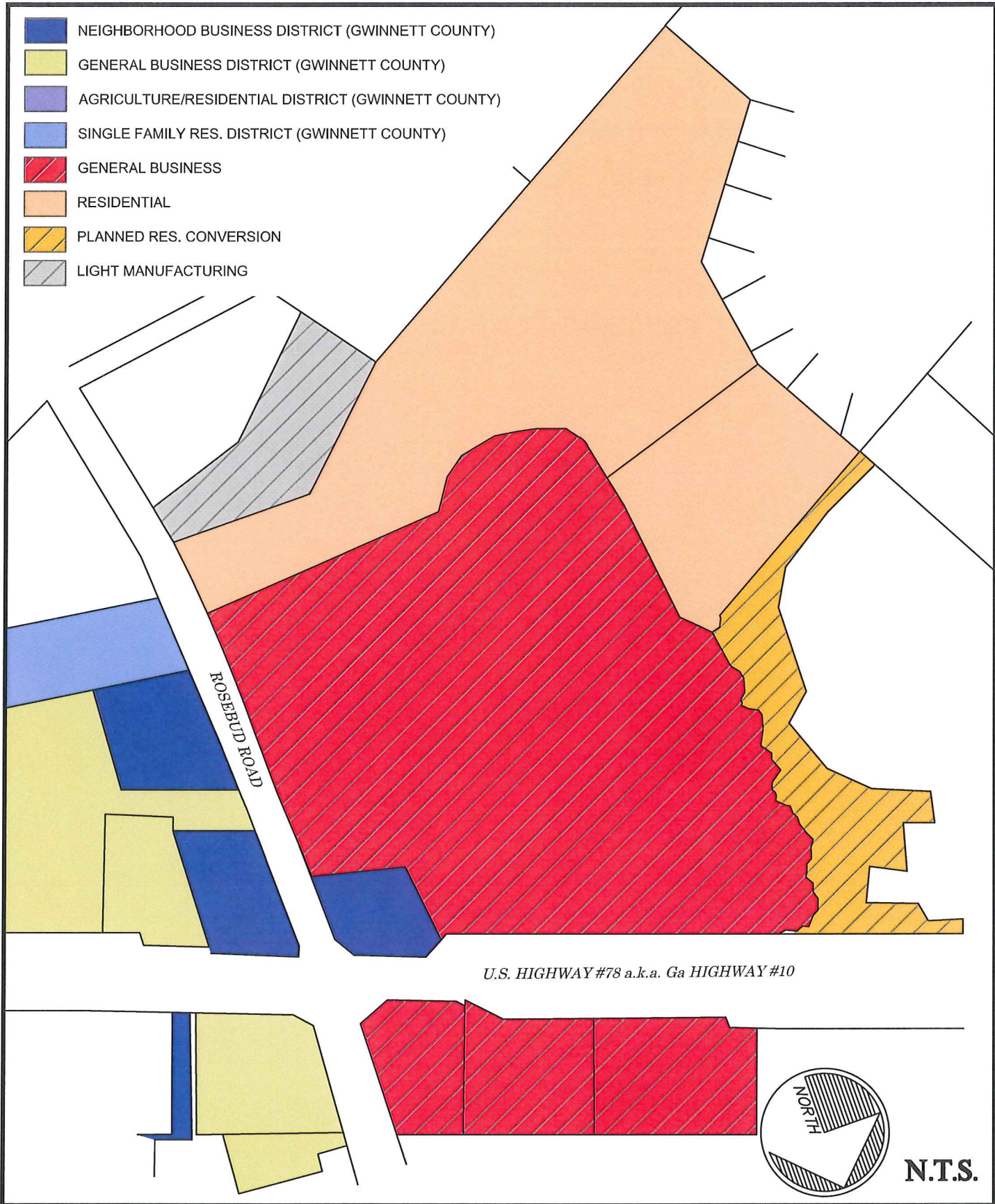
Beginning at a 1/2-inch rebar found at the intersection of the Southerly right-of-way line of U.S. Highway 78 (a.k.a. Georgia Highway 10) (variable right-of-way) with the Land Lot Line common to land lots 100 and 101, said 1/2-inch rebar found being the **TRUE POINT OF BEGINNING**; Thence leaving said right-of-way and Land Lot Line, Thence South 06 degrees 33 minutes 49 seconds East a distance of 181.61 feet to a 5/8-inch rebar set; Thence South 06 degrees 22 minutes 30 seconds East a distance of 204.91 feet to a point; Thence North 88 degrees 07 minutes 03 seconds East a distance of 152.00 feet to a point; Thence North 02 degrees 12 minutes 51 seconds West a distance of 22.41 feet to a point; Thence North 86 degrees 13 minutes 26 seconds East a distance of 37.11 feet to a point on the Western right-of-way of Rosebud Road (80' right-of-way); Thence along said right-of-way the following courses and distances: South 03 degrees 33 minutes 03 seconds East a distance of 81.60 feet to a point; South 01 degrees 00 minutes 16 seconds East a distance of 11.60 feet to a point; Thence leaving said right-of-way, South 88 degrees 07 minutes 03 seconds West a distance of 123.53 feet to a point; Thence South 19 degrees 38 minutes 29 seconds West a distance of 317.39 feet to a point; Thence South 83 degrees 49 minutes 27 seconds East a distance of 86.62 feet to a point; Thence North 86 degrees 16 minutes 35 seconds East a distance of 151.07 feet to a point on the Western right-of-way of Rosebud Road (80' right-of-way); Thence along said right-of-way along a curve to the left having a radius of 3618.06 feet and an arc length of 141.64 feet, being subtended by a chord bearing of South 04 degrees 00 minutes 13 seconds East for a distance of 141.64 feet to a point; Thence leaving said right-of-way, South 85 degrees 49 minutes 20 seconds West a distance of 172.76 feet to a point; Thence North 84 degrees 04 minutes 20 seconds West a distance of 120.80 feet to a point; Thence North 85 degrees 51 minutes 54 seconds West a distance of 62.81 feet to a point; Thence North 84 degrees 20 minutes 13 seconds West a distance of 68.80 feet to a point; Thence North 73 degrees 40 minutes 03 seconds West a distance of 76.63 feet to a point; Thence North 70 degrees 14 minutes 24 seconds West a distance of 38.75 feet to a point; Thence South 24 degrees 51 minutes 50 seconds West a distance of 23.95 feet to a point; Thence South 32 degrees 47 minutes 06 seconds West a distance of 38.74 feet to a point; Thence South 33 degrees 52 minutes 55 seconds West a distance of 80.15 feet to a point; Thence South 53 degrees 30 minutes 33 seconds West a distance of 57.01 feet to a point; Thence South 78 degrees 41 minutes 57 seconds West a distance of 86.14 feet to a point; Thence North 80 degrees 55 minutes 32 seconds West a distance of 50.54 feet to a point; Thence North 78 degrees 19 minutes 28 seconds West a distance of 43.87 feet to a point; Thence North 71 degrees 13 minutes 49 seconds West a distance of 66.46 feet to a point; Thence North 36 degrees 51 minutes 06 seconds West a distance of 36.70 feet to a point; Thence along a curve to the right having a radius of 60.00 feet and an arc length of 25.96 feet, being subtended by a

chord bearing of North 24 degrees 27 minutes 27 seconds West for a distance of 25.76 feet to a point; Thence North 12 degrees 03 minutes 48 seconds West a distance of 154.20 feet to a point; Thence North 07 degrees 05 minutes 05 seconds West a distance of 279.58 feet to a point; Thence North 45 degrees 59 minutes 04 seconds West a distance of 79.82 feet to a point located in the centerline of a creek; Thence along said centerline of creek the following courses and distances: North 75 degrees 09 minutes 28 seconds East a distance of 0.60 feet to a point; North 09 degrees 27 minutes 01 seconds West a distance of 85.37 feet to a point; North 38 degrees 32 minutes 03 seconds West a distance of 24.31 feet to a point; North 11 degrees 09 minutes 22 seconds West a distance of 17.83 feet to a point; North 15 degrees 09 minutes 54 seconds East a distance of 30.33 feet to a point; North 47 degrees 09 minutes 49 seconds East a distance of 19.68 feet to a point; North 06 degrees 41 minutes 37 seconds West a distance of 7.96 feet to a point; North 32 degrees 40 minutes 18 seconds East a distance of 6.17 feet to a point; North 47 degrees 35 minutes 33 seconds West a distance of 18.39 feet to a point; North 63 degrees 38 minutes 39 seconds West a distance of 21.06 feet to a point; North 16 degrees 51 minutes 47 seconds West a distance of 12.31 feet to a point; North 14 degrees 11 minutes 18 seconds East a distance of 31.61 feet to a point; North 26 degrees 59 minutes 59 seconds East a distance of 38.21 feet to a point; North 35 degrees 50 minutes 03 seconds West a distance of 29.48 feet to a point; North 20 degrees 46 minutes 18 seconds East a distance of 13.72 feet to a point; North 22 degrees 17 minutes 25 seconds West a distance of 23.82 feet to a point; North 18 degrees 18 minutes 31 seconds West a distance of 7.20 feet to a point; North 54 degrees 31 minutes 57 seconds East a distance of 34.32 feet to a point; North 16 degrees 52 minutes 08 seconds East a distance of 16.49 feet to a point; North 34 degrees 51 minutes 00 seconds West a distance of 8.13 feet to a point; North 04 degrees 28 minutes 45 seconds West a distance of 7.61 feet to a point; North 27 degrees 19 minutes 59 seconds East a distance of 12.72 feet to a point; North 47 degrees 25 minutes 07 seconds West a distance of 26.48 feet to a point; North 60 degrees 50 minutes 16 seconds West a distance of 7.88 feet to a point; North 02 degrees 17 minutes 36 seconds West a distance of 17.03 feet to a point; North 27 degrees 54 minutes 38 seconds West a distance of 14.61 feet to a point; North 03 degrees 57 minutes 54 seconds East a distance of 14.47 feet to a point; North 18 degrees 02 minutes 04 seconds West a distance of 23.77 feet to a point; North 25 degrees 31 minutes 34 seconds West a distance of 22.97 feet to a point; North 35 degrees 53 minutes 29 seconds East a distance of 17.92 feet to a point; North 15 degrees 40 minutes 40 seconds East a distance of 24.60 feet to a point; North 60 degrees 32 minutes 46 seconds East a distance of 16.53 feet to a point; North 18 degrees 51 minutes 09 seconds East a distance of 17.79 feet to a point; North 33 degrees 32 minutes 10 seconds East a distance of 11.65 feet to a point; North 31 degrees 31 minutes 04 seconds West a distance of 21.37 feet to a point; North 19 degrees 00 minutes 05 seconds East a distance of 19.21 feet to a point; North 15 degrees 44 minutes 02 seconds West a distance of 18.38 feet to a point; North 18 degrees 59 minutes 31 seconds East a distance of 25.39 feet to a point; North 61 degrees 31 minutes 07 seconds East a distance of 16.65 feet to a point; North 40 degrees 14 minutes 51 seconds East a distance of 27.17 feet to a point; South 62 degrees 40

minutes 36 seconds East a distance of 14.32 feet to a point; North 67 degrees 56 minutes 31 seconds East a distance of 17.06 feet to a point; South 64 degrees 19 minutes 43 seconds East a distance of 25.47 feet to a point; North 76 degrees 10 minutes 46 seconds East a distance of 17.50 feet to a point located at the intersection of the centerline of creek with the Southerly right-of-way line of U.S. Highway 78 (a.k.a. Georgia Highway 10) (variable right-of-way); Thence along said right-of-way, South 70 degrees 21 minutes 03 seconds East a distance of 743.27 feet to a 1/2-inch rebar found on the Land Lot Line common to land lots 100 and 101; Thence North 60 degrees 42 minutes 43 seconds East a distance of 16.83 feet to a 1/2-inch rebar found at the intersection of the Southerly right-of-way line of U.S. Highway 78 (a.k.a. Georgia Highway 10) (variable right-of-way) with the Land Lot Line common to land lots 100 and 101, said 1/2 inch rebar found being the **TRUE POINT OF BEGINNING**.

Said tract of land contains 20.827 Acres (907,225 sf).

-  NEIGHBORHOOD BUSINESS DISTRICT (GWINNETT COUNTY)
-  GENERAL BUSINESS DISTRICT (GWINNETT COUNTY)
-  AGRICULTURE/RESIDENTIAL DISTRICT (GWINNETT COUNTY)
-  SINGLE FAMILY RES. DISTRICT (GWINNETT COUNTY)
-  GENERAL BUSINESS
-  RESIDENTIAL
-  PLANNED RES. CONVERSION
-  LIGHT MANUFACTURING



**RLR** ROBERTSON LOIA ROOF  
ARCHITECTS & ENGINEERS

3460 Preston Ridge Road . Suite 275 . Alpharetta, Georgia 30005  
770-674-2600 . Fax 678-319-0745

DATE  
**9 - 9 - 15**

PROJECT NUMBER  
**15 - 155**

**PROPOSED ZONING MAP**