



**CITY OF SNELLVILLE  
DEPARTMENT OF PLANNING & DEVELOPMENT  
MAYOR AND COUNCIL**

**CASE SUMMARY**

**August 12, 2024**

**CASE NUMBER:** #CIC 24-02

**REQUEST:** Change in Conditions & Variances

**LOCATION:** Rosebud Road, Temple Johnson Road, Brushy Fork Road, Snellville, Georgia

**SIZE:** 75.29± Acres

**TAX PARCEL(s):** R5094 326; R5099 231; and R5099 232

**CURRENT ZONING:** RO (Residential for Older Persons) District

**CURRENT FUTURE LAND USE MAP DESIGNATION:** Residential –Low Density

**DEVELOPMENT/PROJECT:** 257-Lot (Age Restricted 55+) Single-family (Detached) Residential Subdivision

**PROPERTY OWNER:** Ballantry PMC Summit Chase, LLC  
Atlanta, Georgia 30339

**APPLICANT/CONTACT:** John D. Gaskin, VP Land Acquisition  
Patrick Malloy Communities  
4770 S. Atlanta Road, Ste. 100  
Atlanta, Georgia 30339  
770-319-5258  
[John.Gaskin@PMCommunities.com](mailto:John.Gaskin@PMCommunities.com)

**RECOMMENDATION:** Approval with Conditions



**CITY OF SNELLVILLE  
DEPARTMENT OF PLANNING & DEVELOPMENT  
MAYOR AND COUNCIL**

**CASE ANALYSIS  
August 12, 2024**

**TO:** The Mayor and Council

**MEETING DATE:** August 12, 2024

**FROM:** Jason Thompson, Director  
Department of Planning and Development

**CASE NUMBER:** #CIC 24-02

**FINDINGS OF FACT:**

The Department of Planning and Development has received application from John Gaskin, VP Land Acquisition, Patrick Malloy Communities (applicant) representing Ballantry PMC Summit Chase, LLC (property owner) requesting a Change in Conditions from the 6-10-2019 Mayor and Council approved rezoning and concurrent variances and conditions (Case #RZ 19-02) for a 75.29± acre tract of land formerly part of the Summit Chase Golf Course from RS-180 to R-HOP(55)-SF for a 257-lot age restricted (55+) single-family detached residential subdivision located near the intersections of Rosebud Road, Temple Johnson Road, and Brushy Fork Road, Snellville.

This 75.29± acre 257-lot tract is adjacent to a smaller 5.58± acre 21-lot tract (see case #CIC 24-01) for a total of 278 single-family (detached) home sites in the *Soleil Summit Chase*, a 55+ active adult community currently under construction having received plat approval for Phase I-A and Phase I-B on 1-9-2024 and 4-23-2024 with several model homes having been completed.

Since the 6-10-2019 rezoning approval, the R-HOP(55)-SF (Housing for Older Persons Single-Family) District was later renamed to the RO (Residential for Older Persons) District upon the city's adoption of the Snellville Unified Development Ordinance ("UDO") on 10-26-2020.

**REQUEST:**

The applicant is requesting a Change in Variances and Conditions to the following two items that were approved by the Mayor and Council on 6-10-2019 for rezoning case #RZ 19-02 and Ordinance No. 2019-10:

1. Modify the language in VARIANCES paragraph 2, Section 9.18(1)(D), Page 3 of 11 of the approved rezoning Ordinance No. 2019-10 to remove the required Architectural Design Standards as stated in this Ordinance and replace with the Soleil Summit Chase Community Plan Book, last revised May 28, 2024.
2. Modify Condition 8 of the approved rezoning ordinance to read as follows: The Home Owners Association shall be responsible for requiring Homeowners to assume exterior maintenance of individual residences including, at a minimum, painting exteriors on a rotation not to exceed Ten (10) years through provisions outlined in Declaration of Protective Covenants, Conditions, Restrictions and Easements. Such document shall be duly recorded. The Home Owners Association shall have the ability to enforce the provision through Liens, Fines and in extreme conditions assume the responsibility and seek financial relief against the Homeowner.

**PLANNING DEPARTMENT ANALYSIS:**

Variance #2 of the 6-10-2019 Approved Rezoning

The 6-10-2019 approved rezoning included variance approval from Section 9.18(1)(D), R-HOP Site and Architectural Design Standards of the Snellville Zoning Ordinance, requiring homes/buildings be constructed of traditional design with brick, stone, masonry horizontal siding, and masonry shakes/shingles. Brick and/or stone shall constitute no less than seventy-percent (70%) of the materials used, with accents of masonry siding or shakes/shingles for each building elevation.

Although the variance was approved, it was conditioned *"to allow for a percentage of proposed homes to have the following configurations:*

- a. Forty-five percent (45%) of the units shall have a front façade composed of cedar shake accent with three-foot (3') masonry/brick water table. Side and rear elevations shall be constructed of stained/painted cedar shake and/or cement board siding.*
- b. Forty-Five percent (45%) of the units shall have a front façade composed of cedar shake accent with thirty percent (30%) brick/masonry accent. Side and rear elevations shall be constructed of stained/painted cedar shake and/or cement board siding.*
- c. Ten percent (10%) of the units shall have a front façade of cedar shake with seventy Percent (70%) brick/masonry. Side and rear elevations shall be constructed of stained/painted cedar shake and/or cement board siding."*

The applicant is requesting to remove the Architectural Design Standards as stated in paragraphs (a)(b) and (c) above and instead replace with the elevations and materials depicted in the Soleil Summit Chase Community Plan Book, last revised May 28, 2024. The applicant is requesting a similar request for the 5.58± acre tract (Case #CIC 24-01).

The applicant contends that, *“The original zoning cases placed a set of Architectural conditions on the project that spelled out front facade and siding requirements. The applicant has since developed an Architectural portfolio specific to this project that defines in much greater detail the specific materials, styles, square footages of the homes within the portfolio. The applicant has restricted the community to the homes shown in the Portfolio that has been submitted to the City as part of this application. The applicant believes that approving a Change in this condition will provide homes with exteriors superior in materials and finish than the original zoning condition requires and would approve at one time the entire builder portfolio that would help streamline the time City of Snellville Staff would spend in reviewing plans for permitting.”*

While the Plan Book shows use of painted horizontal cement siding on 100% of the left and right side elevations and rear elevations for all nine model floor plans, the Plan Book shows the front elevations consisting of a variety of materials including horizontal cement siding, shake siding, board & batten, and brick veneer with either a 3-foot high masonry brick or stone watertable as summarized in Table 1.0 – Front Elevation Exterior Material Type below.

Roofing materials consist primarily of asphalt shingles with accents of standing seam metal roofing on various elevations of the nine model floor plans.

**TABLE 1.0 – FRONT ELEVATION EXTERIOR MATERIAL TYPE**

MODEL FLOOR PLAN	ELEV A	ELEV B	ELEV C	ELEV D
AUBURN	Horizontal Siding and Board & Batten w/Brick Watertable	Horizontal & Shake Siding w/Brick Watertable	Horizontal Siding w/Brick Watertable	Brick Veneer w/Brick Watertable
DENTON	Horizontal Siding and Board & Batten w/Stone Watertable	Horizontal Siding and Board & Batten w/Brick Watertable	Horizontal & Shake Siding w/Stone Watertable	Brick Veneer and Shake Siding w/Brick Watertable
EDISON	Horizontal Siding and Board & Batten w/Brick Watertable	Horizontal & Shake Siding and Board & Batten w/Brick Watertable	Horizontal & Shake Siding and Board & Batten w/Brick Watertable	Brick Veneer and Shake Siding w/Stone Watertable
JEFFERSON	Horizontal Siding w/Brick Watertable	Horizontal & Shake Siding and Board & Batten w/Brick Watertable	Brick Veneer w/Brick Watertable	Brick Veneer and Shake Siding w/Stone Watertable
MONTROSE	Horizontal Siding and Board & Batten w/Brick Watertable	Horizontal & Shake Siding w/Stone Watertable	Brick Veneer w/Brick Watertable	Brick Veneer, Shake Siding, and Stone w/Stone Watertable
PEARSON	Horizontal Siding w/Brick Watertable	Horizontal & Shake Siding w/Stone Watertable	Brick Veneer and Board & Batten w/Brick Watertable	Brick Veneer w/Stone Watertable

MODEL FLOOR PLAN	ELEV A	ELEV B	ELEV C	ELEV D
TIFTON	Horizontal Siding and Board & Batten w/Brick Watertable	Horizontal & Shake Siding w/Stone Watertable	Brick Veneer and Board & Batten w/Brick Wazertable	Brick Veneer w/Stone Watertable
WESLEY	Horizontal Siding w/Brick Watertable	Horizontal & Shake Siding w/Stone Watertable	Brick Veneer and Board & Batten w/Brick Wazertable	Brick Veneer and Shake Siding w/Stone Watertable
WESTON	Horizontal Siding w/Brick Watertable	Horizontal & Shake Siding w/Stone Watertable	Brick Veneer and Board & Batten w/Brick Wazertable	Brick Veneer and Shake Siding w/Stone Watertable

The Plan Book also contains eight (8) exterior color schemes as shown on sheets DS1.1, DS1.2, DS1.3, and DS1.4, showing the color schemes for: roofing (shingles), gutters and downspouts, horizontal siding, garage door, shakes and vertical board & batten, trim, columns, front door and shutters.

Condition #8 of the 6-10-2019 Approved Rezoning

The 6-10-2019 approved rezoning Condition #8 states, *“The Homeowners' Association shall be responsible for the exterior maintenance of individual residences to include, at a minimum, painting of the exteriors on a rotation not to exceed ten (10) years.”*

The applicant is requesting to modify the language in the condition to read as follows:

**Condition #8.** The Home Owners Association shall be responsible for requiring Homeowners to assume exterior maintenance of individual residences including, at a minimum, painting exteriors on a rotation not to exceed Ten (10) years through provisions outlined in Declaration of Protective Covenants, Conditions, Restrictions and Easements. Such document shall be duly recorded. The Home Owners Association shall have the ability to enforce the provision through Liens, Fines and in extreme conditions assume the responsibility and seek financial relief against the Home Owner.

The applicant contends that, *“All homes in the Community are Fee Simple and Owned by the individual home owners- nothing other than the amenity is owned by the HOA or community as a whole. The applicant has a standard provision in the Covenants of all other Age Restricted Communities that require the Home Owner-not the HOA- to repaint at least once every 10 years. The HOA will enforce this provision and condition if approved. Typically our HOA notifies individual home owners of any need of exterior maintenance if signs of wear or negligence appear. Typically all home owners in our other Age Restricted Homes repaint about every 3 years- without the HOA having to notify them.”*

The language in the revised condition still requires that the exterior elevations of the individual houses be painted on a rotation not to exceed 10-years; however, enforcement of the requirement now falls on the HOA, which is typical language in the Declaration of Covenants, Conditions, and Restrictions common to these master-planned HOA communities.

## **CONCLUSION AND STAFF RECOMMENDATION:**

In conclusion, the Department of Planning and Development recommends the following actions:

- A. **APPROVAL** of the request to modify the language in Variance No. 2 of the 6-10-2019 approved rezoning, Case #RZ 19-02 and Ordinance No. 2019-10 to read as follows:

### VARIANCES:

2. Exterior elevations shall be constructed in general accordance with the elevations and materials depicted in the Soleil Summit Chase Community Plan Book, last revised May 28, 2024, attached hereto as Exhibit "B" and incorporated herein by reference.

- B. **APPROVAL** of the request to modify the language in Condition #8 of the 6-10-2019 approved rezoning, Case #RZ 19-02 and Ordinance No. 2019-10 to read as follows:

**Condition 8.** The Home Owners Association shall be responsible for requiring Homeowners to assume exterior maintenance of individual residences including, at a minimum, painting exteriors on a rotation not to exceed Ten (10) years through provisions outlined in Declaration of Protective Covenants, Conditions, Restrictions and Easements. Such document shall be duly recorded. The Home Owners Association shall have the ability to enforce the provision through Liens, Fines and in extreme conditions assume the responsibility and seek financial relief against the Home Owner.

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

1. All other variances and conditions not amended by action of approval for #CIC 24-02 as originally approved on 6-10-2019 for rezoning Case #RZ 19-02 and Ordinance No. 2019-10, attached as Exhibit "A" and incorporated herein by reference shall remain in full-force and effect.
2. Actions approved by the Mayor and Council for #CIC 24-02 shall be published on the approved and recorded Final Plat revision for Phase I-A and Phase I-B.

## **PLANNING COMMISSION REPORT:**

The Planning Commission held a duly advertised public hearing on the rezoning change in conditions application for Case #CIC 24-02 at the July 23, 2024 7:30 p.m. Regular Meeting of the City of Snellville Planning Commission.

Following public comments made during the regular meeting, by a unanimous vote of (4-0), the Planning Commission voted to **APPROVE** #CIC 24-02: a) request to modify the language in Variance No. 2 of the 6-10-2019 approved rezoning, Case #RZ 19-02 and Ordinance No. 2019-10 to read as follows:

VARIANCES:

2. Exterior elevations shall be constructed in general accordance with the elevations and materials depicted in the Soleil Summit Chase Community Plan Book, last revised May 28, 2024, attached hereto as Exhibit "B" and incorporated herein by reference.

And, b) request to modify the language in Condition #8 of the 6-10-2019 approved rezoning, Case #RZ 19-02 and Ordinance No. 2019-10 to read as follows:

**Condition 8.** The Home Owners Association shall be responsible for requiring Homeowners to assume exterior maintenance of individual residences including, at a minimum, painting exteriors on a rotation not to exceed Ten (10) years through provisions outlined in Declaration of Protective Covenants, Conditions, Restrictions and Easements. Such document shall be duly recorded. The Home Owners Association shall have the ability to enforce the provision through Liens, Fines and in extreme conditions assume the responsibility and seek financial relief against the Home Owner.

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

1. All other variances and conditions not amended by action of approval for #CIC 24-02 as originally approved on 6-10-2019 for rezoning Case #RZ 19-02 and Ordinance No. 2019-10, attached as Exhibit "A" and incorporated herein by reference shall remain in full-force and effect.
2. Actions approved by the Mayor and Council for #CIC 24-02 shall be published on the approved and recorded Final Plat revision for Phase I-A and Phase I-B.

**EXHIBIT "A"**



**STATE OF GEORGIA**

**CITY OF SNELLVILLE**

**ORDINANCE NO. 2019-10**

AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP OF THE CITY OF SNELLVILLE, GEORGIA, AS AMENDED, FOR THE 75.29± ACRE TRACT OF LAND LOCATED IN LAND LOTS 93, 94 AND 99 OF THE 5<sup>TH</sup> LAND DISTRICT, GWINNETT COUNTY, 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.

<b>CASE NUMBER:</b>	#RZ 19-02
<b>SIZE:</b>	75.29± Acres
<b>LOCATION:</b>	Near Rosebud Road and Temple Johnson Road, Loganville, Georgia
<b>TAX PARCEL(s):</b>	R5093 106; R5094 161; and R5099 180
<b>CURRENT ZONING MAP:</b>	RS-180 (Single-family Residence) District And LM (Light Manufacturing) District
<b>REQUESTED ZONING MAP AMENDMENT:</b>	R-HOP(55)-SF (Single-family Residential Housing for Older Persons) District
<b>DEVELOPMENT/PROJECT:</b>	257-Lot Age-Restricted (55+) Single-Family Detached Residential Subdivision
<b>PROPERTY OWNER:</b>	Summit Chase Country Club, Inc. Snellville, Georgia 30078

**APPLICANT/CONTACT:**

John Gaskin, VP Land Acquisition  
Patrick Malloy Companies, LLC  
Atlanta, Georgia 30339

**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 75.29± acres of land located near Rosebud Road and Temple Johnson Road, Loganville, Georgia (Tax Parcels R5093 106; R5094 161; and R5099 180) for a 257-lot age-restricted (55+) single-family detached residential subdivision; and

**WHEREAS**, the governing authority of the City of Snellville, Georgia desires to grant variances from the dimensional building setbacks and architectural design standards for the R-HOP District of Article XI of 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; therefore:

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

**Section 1.** The 45.20± acre tract of land identified as Tract 1-A described and shown in Exhibit "A", a copy of which is attached hereto and incorporated herein by reference and the 28.376± acre tract of land identified as Tract 1-B and the 1.712± acre tract of land identified as Tract 1-Ba described and shown in Exhibit "B", a copy of which is attached hereto and incorporated herein by reference, is hereby rezoned from RS-180 (Single-family Residence) District and LM (Light Manufacturing) District to R-HOP(55)-SF (Single-family Residential Housing for Older Persons) District. This action is subject

to the attachment of the following approved variances (1-2) and approved conditions (1-14):

VARIANCES:

1. Section 9.19, R-HOP (55) SF District: To reduce the minimum separation distance between buildings from fifteen-feet (15') to ten-feet (10'), measured at the foundation.
2. Section 9.18(1)(D), R-HOP Site and Architectural Design Standards: Homes/buildings shall be constructed of traditional design with brick, stone, masonry horizontal siding, and masonry shakes/shingles. Brick and/or stone shall constitute no less than 70 percent of the materials used, with accents of masonry siding or shakes/shingles for each building elevation. Instead, to allow for a percentage of proposed homes to have the following configurations:
  - a. Forty-five percent (45%) of the units shall have a front façade composed of cedar shake accent with three-foot (3') masonry/brick water table. Side and rear elevations shall be constructed of stained/painted cedar shake and/or cement board siding.
  - b. Forty-Five percent (45%) of the units shall have a front façade composed of cedar shake accent with thirty percent (30%) brick/masonry accent. Side and rear elevations shall be constructed of stained/painted cedar shake and/or cement board siding.
  - c. Ten percent (10%) of the units shall have a front façade of cedar shake with seventy Percent (70%) brick/masonry. Side and rear elevations shall be constructed of stained/painted cedar shake and/or cement board siding.

CONDITIONS:

1. The property shall be developed in accordance with the rezoning site plan entitled "Summit Chase Overall Site Plan", dated 3-1-2019 (stamped received 3-22-2019), attached hereto as Exhibit "C" and incorporated herein by reference, with modifications permitted due to engineering restrains, ingress and egress, and/or to meet conditions of zoning or State, County, and City regulations. Substantial variation from the rezoning site plan, as determined by the Director of Planning and Development will require Mayor and Council approval;
2. Single-family detached dwellings shall not exceed a density of 3.41 units per acre. The project is to be deed restricted to ownership by residents aged 55 years of age or older;

3. Stormwater detention facility(s) shall be fenced with either a black vinyl-coated chain link fence a minimum of four feet in height, or 6-8-foot-tall privacy fence;
4. Signs higher than 15 feet and larger than 225 sq. ft. in area are prohibited;
5. All corner lots and lots abutting an external public street shall be designated as "High Visibility Lots" and require a continuation of the front façade treatments to the corner side to continue the architectural theme that is presented on the front elevation to the corner elevation exposed to public view;
6. There shall be master protective covenants for the entire development that will include all phases of the development (recreation/amenity and residential) and such other usual and necessary covenants and restrictions to protect the quality and integrity of the single-family development;
7. A mandatory homeowner's association shall be formed and incorporated for all single-family lots in the development and common areas which will include all component parts of the proposed development. The Homeowners' Association shall be responsible for the oversight, upkeep, maintenance and repair of all common areas/facilities; private streets; curb and gutter; stormwater detention facilities, including detention ponds, underground pipe/structures, catch basins, headwalls and manholes; street frontage and amenity area landscaping; gated entrance areas; ground signage; walls and fencing; open space areas; amenities including tennis court, swimming pool, clubhouse, walking trails and other amenities, and the like contained within the overall development, and maintain adequate liability insurance and working capital;
8. The Homeowners' Association shall be responsible for the exterior maintenance of individual residences to include, at a minimum, painting of the exteriors on a rotation not to exceed ten (10) years;
9. A Residential Drainage Plan (RDP) shall be submitted for review and approval by the Director of Planning and development for those lots so designated on the Final Plat prior to issuance of a building permit;
10. A no-access easement shall be provided on the side and rear of all lots abutting Rosebud Road, Temple Johnson Road, and Brushy Fork Road.
11. All driveways shall be a minimum of twenty-two feet (22') in length, measured from the front of the garage door to the leading edge of the sidewalk, and shall be wide enough to accommodate the parallel parking of two vehicles;
12. All streets shall be privately owned and maintained by the Homeowners' Association;

13. All approved zoning conditions and variances shall be referenced on any plat of a lot provided to homebuyers;
14. The Developer shall be required to build a 6-foot wooden privacy fence consisting of the same material and design the entire length of fence running from Lots 121 to 144 shown on the zoning plan along the eastern side of the property line. The privacy fence shall be in place at the time of the issuance of the first final plat;
15. Lots 240 and 241 as shown on the zoning plan shall be reoriented so that the cul-de-sac shall be shortened and lots 240 and 241 shall back up to the 25-foot buffer as oppose to being oriented sideways to it;
16. As part of the site Stormwater mitigation plan the” Developer “at the earliest opportunity” shall be responsible for improving the drainage structure and freeboard storage capacity of the small off site pond lying just north of the property to provide additional Stormwater protection;
17. The 25-foot exterior buffer requirement along the northern portion of the property where the site is adjacent to the Summit Chase Golf Course shall be removed and a normal rear yard setback against the common property line shall be required instead;
18. All trees located within the 25-foot exterior buffer having a caliper of at least six inches (6”) per standard measuring shall be preserved subject to the discretion of the Planning Director;
19. Additional plantings shall be required in the 25-foot exterior buffer where sparsely vegetated per the discretion of the Planning Director; and
20. 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.

**Section 2.** The changes in zoning classification is 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 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 6.** All ordinances and parts of ordinances in conflict herewith are hereby expressly repealed

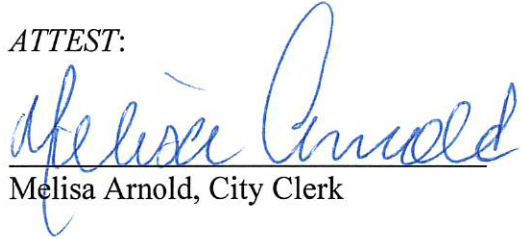
**Section 7.** This Ordinance was adopted on June 10, 2019. The effective date of this Ordinance shall be the date of adoption unless otherwise stated herein.


[SIGNATURES BEGIN ON THE FOLLOWING PAGE]


ORDAINED this 10<sup>th</sup> day of June, 2019.

  
\_\_\_\_\_  
Barbara Bender, Mayor

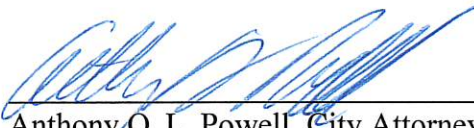
ATTEST:

  
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Melisa Arnold, City Clerk

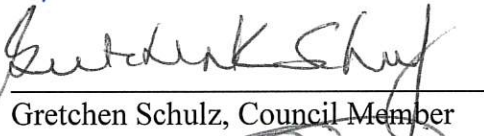
  
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Dave Emanuel, Mayor Pro Tem

  
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Cristy Lenski, Council Member

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Anthony O. L. Powell, City Attorney  
Powell & Edwards, Attorneys at Law, P.C.

  
\_\_\_\_\_  
Roger Marmol, Council Member

  
\_\_\_\_\_  
Gretchen Schulz, Council Member

  
\_\_\_\_\_  
Tod Warner, Council Member



EXHIBIT "A"

Legal Description  
Summit Chase - Tract 1-A

All that tract or parcel of land lying and being in Land Lots 93 and 94 of the 5th District, City of Snellville, Gwinnett County, Georgia, and being more particularly described as follows:

**BEGINNING** at an iron pin found (1/2" rebar, bent) located at the intersection of the southerly corner of Lot 15 of Summit Chase, Unit Two, Section Two (as recorded in Plat Book 15, page 293, Gwinnett County, Georgia records) with the westerly right-of-way line of Rosebud Road (having a variable width right-of-way); thence run northwesterly along the right-of-way line N64°36'40"W a distance of 15.22 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"), said iron pin set being the **TRUE POINT OF BEGINNING**.

**FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED**, thence continue to run southerly along the westerly right-of-way line the following courses and distances: along the arc of a curve to the left, an arc distance of 152.53 feet to a point, said curve having a radius of 560.87 feet and being subtended by a chord bearing S10°26'07"W and a chord distance of 152.06 feet; S02°38'40"W a distance of 379.02 feet to a point; S05°17'40"W a distance of 88.26 feet to a point; N85°49'35"W a distance of 12.02 feet to a point; S04°15'42"W a distance of 54.79 feet to a point; S85°35'26"E a distance of 11.00 feet to a point; S05°19'56"W a distance of 24.92 feet to a point; S05°19'30"W a distance of 66.09 feet to a point; S05°07'28"W a distance of 50.00 feet to a point; S05°40'25"W a distance of 13.39 feet to a point; S14°22'53"W a distance of 91.94 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence leave the westerly right-of-way line and run S76°06'43"W a distance of 824.80 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run N20°49'41"W a distance of 495.14 feet to an iron pin found (1/2" rebar, bent); thence run N29°48'33"W a distance of 299.32 feet to an iron pin found (1/2" rebar); thence run N29°59'00"W a distance of 449.95 feet to an iron pin found (1/2" open top pipe, bent); thence run N13°28'30"W a distance of 266.58 feet to an iron pin found (1/2" open top pipe); thence run N13°33'01"W a distance of 363.20 feet to an iron pin found (1/2" rebar, bent); thence run N57°29'22"E a distance of 702.16 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run S39°34'11"E a distance of 759.84 feet to an iron pin found (1/2" rebar); thence run S31°07'09"E a distance of 311.76 feet to an iron pin found (1/2" rebar, bent); thence run S70°55'06"E a distance of 253.99 feet to an iron pin found (1/2" rebar); thence run S64°36'40"E a distance of 128.00 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"), said iron pin set being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land containing 45.200 acres.



EXHIBIT "B"

Legal Description  
Summit Chase - Tract 1-B

All that tract or parcel of land lying and being in Land Lots 94 and 99 of the 5th District, City of Snellville, Gwinnett County, Georgia, and being more particularly described as follows:

**BEGINNING** at an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033") located at the intersection of the southwesterly right-of-way line of Brushy Fork Road (having a variable width right-of-way) with the northwesterly right-of-way line of Temple Johnson Road (having a variable width right-of-way), said iron pin set being the **TRUE POINT OF BEGINNING**.

**FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED**, thence run southwesterly along the northwesterly right-of-way line the following courses and distances: S61°00'02"W a distance of 334.54 feet to a point; S60°19'32"W a distance of 151.54 feet to a point; S60°36'18"W a distance of 149.24 feet to a point; S61°14'33"W a distance of 150.26 feet to a point; S61°05'21"W a distance of 231.23 feet to a point; S60°43'57"W a distance of 96.78 feet to a point; S60°04'51"W a distance of 193.90 feet to a point; along the arc of a curve to the left, an arc distance of 186.76 feet to a point, said curve having a radius of 3,480.86 feet and being subtended by a chord bearing S58°32'37"W and a chord distance of 186.74 feet; S56°47'14"W a distance of 47.00 feet to a point; S55°48'44"W a distance of 59.24 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence leave the northwesterly right-of-way line and run N75°15'09"W a distance of 341.31 feet to an iron pin found (1/2" rebar); thence run N73°22'49"W a distance of 15.63 feet to an iron pin found (1/2" rebar, bent); thence run S13°07'14"W a distance of 40.23 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run N83°58'08"W a distance of 169.57 feet to an iron pin found (1/2" rebar); thence run N05°16'51"E a distance of 180.56 feet to an iron pin found (1/2" rebar); thence run S76°15'08"W a distance of 158.90 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033") located on the easterly right-of-way line of Rosebud Road (having a variable width right-of-way); thence run northerly along the easterly right-of-way line the following courses and distances: N05°30'34"E a distance of 113.95 feet to a point; S85°35'26"E a distance of 8.61 feet to a point; N04°15'43"E a distance of 55.21 feet to a point; N85°49'35"W a distance of 8.04 feet to a point; N05°00'54"E a distance of 88.24 feet to a point; N02°41'05"E a distance of 21.46 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence leave the easterly right-of-way line and run S80°02'23"E a distance of 152.19 feet to an iron pin found (1/2" rebar); thence run N68°34'01"E a distance of 833.05 feet to an iron pin found (1/2" rebar); thence run N82°34'01"E a distance of 489.52 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run N27°40'59"W a distance of 406.80 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run N22°56'39"W a distance of 420.06 feet to an iron pin found (1/2" rebar); thence run N57°28'34"E a distance of 271.82 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run N32°36'28"W a distance of 30.00 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run N57°28'34"E a distance of 70.00 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033") located on the southwesterly right-of-way line of Brushy Fork Road; thence run southeasterly along the southwesterly right-of-way line the following courses and distances: S32°40'51"E a distance of 25.76 feet to a point; S32°09'45"E a distance of 163.13 feet to a point; along the arc of a curve to the left, an arc distance of 140.42 feet to a point, said curve having a radius of 3,832.00 feet and being subtended by a chord bearing S33°12'45"E and a chord

distance of 140.42 feet; S34°15'44"E a distance of 103.39 feet to a point; S34°41'21"E a distance of 121.93 feet to a point; along the arc of a curve to the right, an arc distance of 314.53 feet to a point, said curve having a radius of 6,220.00 feet and being subtended by a chord bearing S33°14'25"E and a chord distance of 314.50 feet; S31°47'30"E a distance of 10.75 feet to a point; S32°48'19"E a distance of 39.30 feet to a point; along the arc of a curve to the left, an arc distance of 294.67 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033") located at the intersection of the southwesterly right-of-way line of Brushy Fork Road with the northwesterly right-of-way line of Temple Johnson Road, said curve having a radius of 1,125.00 feet and being subtended by a chord bearing S40°18'32"E and a chord distance of 293.83 feet, said iron pin set being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land containing 28.376 acres.



Legal Description  
Summit Chase - Tract 1-Ba

All that tract or parcel of land lying and being in Land Lot 99 of the 5th District, City of Snellville, Gwinnett County, Georgia, and being more particularly described as follows:

**BEGINNING** at an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033") located at the intersection of the southwesterly right-of-way line of Brushy Fork Road (having a variable width right-of-way) with the northwesterly right-of-way line of Temple Johnson Road (having a variable width right-of-way); thence run southwesterly along the northwesterly right-of-way line the following courses and distances: S61°00'02"W a distance of 334.54 feet to a point; S60°19'32"W a distance of 151.54 feet to a point; S60°36'18"W a distance of 149.24 feet to a point; S61°14'33"W a distance of 150.26 feet to a point; S61°05'21"W a distance of 231.23 feet to a point; S60°43'57"W a distance of 96.78 feet to a point; S60°04'51"W a distance of 193.90 feet to a point; along the arc of a curve to the left, an arc distance of 186.76 feet to a point, said curve having a radius of 3,480.86 feet and being subtended by a chord bearing S58°32'37"W and a chord distance of 186.74 feet; S56°47'14"W a distance of 47.00 feet to a point; S55°48'44"W a distance of 59.24 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence leave the northwesterly right-of-way line and run N75°15'09"W a distance of 341.31 feet to an iron pin found (1/2" rebar); thence run N73°22'49"W a distance of 15.63 feet to an iron pin found (1/2" rebar, bent); thence run S13°07'14"W a distance of 40.23 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run N83°58'08"W a distance of 169.57 feet to an iron pin found (1/2" rebar); thence run N05°16'51"E a distance of 180.56 feet to an iron pin found (1/2" rebar); thence run S76°15'08"W a distance of 158.90 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033") located on the easterly right-of-way line of Rosebud Road (having a variable width right-of-way); thence run northerly along the easterly right-of-way line the following courses and distances: N05°30'34"E a distance of 113.95 feet to a point; S85°35'26"E a distance of 8.61 feet to a point; N04°15'43"E a distance of 55.21 feet to a point; N85°49'35"W a distance of 8.04 feet to a point; N05°00'54"E a distance of 88.24 feet to a point; N02°41'05"E a distance of 21.46 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence leave the easterly right-of-way line and run S80°02'23"E a distance of 152.19 feet to an iron pin found (1/2" rebar); thence run N68°34'01"E a distance of 833.05 feet to an iron pin found (1/2" rebar), said iron pin found being the **TRUE POINT OF BEGINNING**.

**FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED**, thence run N77°01'22"E a distance of 271.56 feet to an iron pin found (1/2" rebar); thence run N76°58'14"E a distance of 171.08 feet to an iron pin found (1/2" rebar); thence run N46°10'10"W a distance of 374.61 feet to an iron pin found (1/2" rebar); thence run N03°35'58"W a distance of 452.30 feet to an iron pin found (1/2" rebar); thence run S22°56'39"E a distance of 420.06 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run S27°40'59"E a distance of 406.80 feet to an iron pin set (1/2" rebar with cap stamped "Gunnin LSF 1033"); thence run S82°34'01"W a distance of 489.52 feet to an iron pin found (1/2" rebar), said iron pin found being the **TRUE POINT OF BEGINNING**.

Said tract or parcel of land containing 1.712 acres.





EXHIBIT "C"

NAME	PARCEL NO	Lot #	ADDRESS
JOHN D AND KERYLYN MOORE	R5093 102	4	3277 CLASSIC DRIVE SNELLVILLE GA 30078
DONALD GIRRARD	R5093 101	5	3287 CLASSIC DRIVE SNELLVILLE GA 30078
WANDA RONIG	R5093 100	6	3297 CLASSIC DRIVE SNELLVILLE GA 30078
EMIR MIZDRAK	R5094 027	7	3307 CLASSIC DRIVE SNELLVILLE GA 30078
PATRICK J MCMEHOMY	R5094 026	8	3329 SUMMIT TURF LANE SNELLVILLE GA 30078
TAMARA TOMPKINS	R5094 024	9	3349 SUMMIT TURF LANE SNELLVILLE GA 30078
DENIS HAZELWOOD	R5094 023	10	3359 SUMMIT TURF LANE SNELLVILLE GA 30078
MICHAEL AND MICHELE MATTHEWS	R5094 022	11	3369 SUMMIT TURF LANE SNELLVILLE GA 30078
NADEZHA PANKOVA	R5094 021	12	3379 SUMMIT TURF LANE SNELLVILLE GA 30078
JOYCE JONES	R5094 020	13	3389 SUMMIT TURF LANE SNELLVILLE GA 30078
JAMES CRASE	R5094 019	14	3399 SUMMIT TURF LANE SNELLVILLE GA 30078
WALTRAUDE E. TORCH	R5094 025	15	3339 SUMMIT TURF LANE SNELLVILLE GA 30078

**DEVELOPMENT SUMMARY**

TOTAL SITE AREA: TRACT A = 45.20 AC  
TRACT B = 30.09 AC  
TOTAL = 75.29 AC

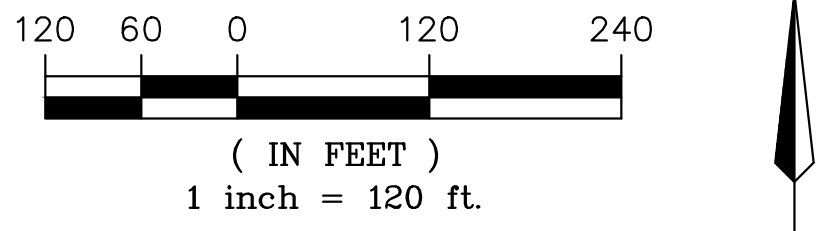
TOTAL NUMBER OF LOTS = 257  
PROPOSED DENSITY = 3.4 UPA  
PROPOSED OPEN SPACE = 14.39 AC (19.1%)

EXISTING ZONING: = RS-180

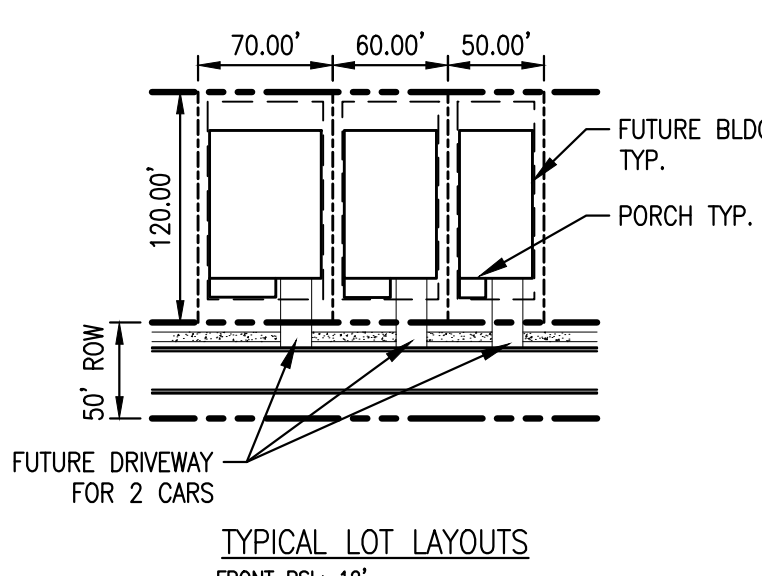
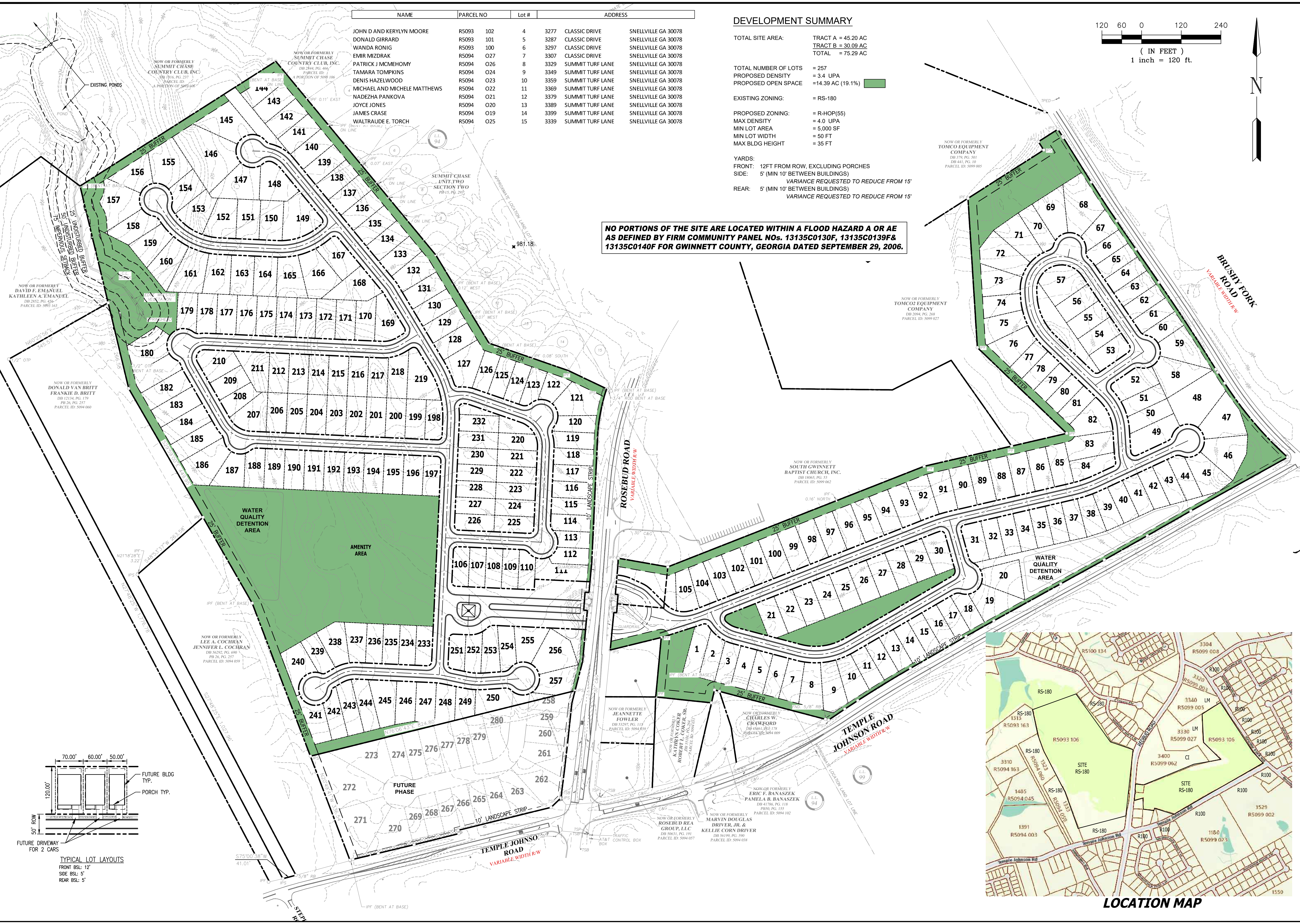
PROPOSED ZONING: = R-HOP(55)  
MAX DENSITY = 4.0 UPA  
MIN LOT AREA = 5,000 SF  
MIN LOT WIDTH = 50 FT  
MAX BLDG HEIGHT = 35 FT

YARDS:  
FRONT: 12FT FROM ROW, EXCLUDING PORCHES  
SIDE: 5' (MIN 10' BETWEEN BUILDINGS)  
REAR: 5' (MIN 10' BETWEEN BUILDINGS)

VARIANCE REQUESTED TO REDUCE FROM 15'  
VARIANCE REQUESTED TO REDUCE FROM 15'



**NO PORTIONS OF THE SITE ARE LOCATED WITHIN A FLOOD HAZARD A OR AE AS DEFINED BY FIRM COMMUNITY PANEL NOS. 13135C0130F, 13135C0139F& 13135C0140F FOR GWINNETT COUNTY, GEORGIA DATED SEPTEMBER 29, 2006.**



REVISIONS	DESCRIPTION	DATE

CLIENT: **PATRICK MALLOY COMMUNITIES**  
4385 KIMBALL BRIDGE ROAD, ALPHARETTA, GEORGIA 30022  
770.569.5565

ENGINEER: **GREYDEN ENGINEERING**  
2106 Macy Drive  
Roswell, Georgia 30076  
PH: 770-573-4801 FAX: 678-302-6362

REGISTERED PROFESSIONAL ENGINEER  
RALPH K. DAVIS  
No. 3828  
Professional Seal

ENGINEER'S SEAL & SIGNATURE

ZONING PLAN FOR **SUMMIT CHASE**  
SNELLVILLE, GEORGIA  
**OVERALL SITE PLAN**

DATE: 3/1/2019  
JOB NO.: 18-024  
DRAWN: RAD  
CHECKED: RAD  
SCALE: AS NOTED  
SHEET: ZONING PLAN

**EXHIBIT "B"**

**SEE**

**SOLEIL SUMMIT CHASE PLAN BOOK, LAST REVISED MAY 28, 2024**