

**CITY OF SUWANEE
SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER: SUP-2008-002
REQUEST: CHURCH IN M-1 ZONING DISTRICT
LOCATION: 3665 SWIFTWATER PARK DRIVE
TAX ID NUMBER: 7-209-060
ACREAGE: 7.39 ACRES
ZONING: C-2 (GENERAL COMMERCIAL) AND M-1
(LIGHT INDUSTRIAL)

APPLICANT: NORTH GWINNETT CHURCH OF CHRIST
3665 SWIFTWATER PARK DRIVE, SUITE 309
SUWANEE, GA 30024

OWNER: PHIJO II INVESTMENTS, LLC
1144 BEND CREEK TRAIL
SUWANEE, GA 30024

CONTACT: MICKEY JONES PHONE: 770-476-0050

RECOMMENDATION: **APPROVAL WITH CONDITIONS**

PROJECT DATA:

The applicant requests a Special Use Permit on an approximately 7.49-acre site to allow for a church in the M-1 (Light Industrial) zoning district. The proposed special use would be located at 3665 Swiftwater Park Drive, the intersection of Swiftwater Park Drive and Buford Highway in the Swiftwater Business Park. The subject property is developed with an approximately 33,000 square foot retail / office / warehouse facility facing Buford Highway (Building 2) and an approximately 23,000 square foot office / warehouse facing Swiftwater Park Drive (Building 3). A third building (Building 1) is permitted for the site, but has not been constructed yet. The property is zoned a combination of C-2 and M-1, with about 5 acres zoned C-2 including all of Building 2 and about 2.5 acres zoned M-1 including most of Building 3. The applicant is proposing to finish 2,300 square feet in the M-1 portion of Building 3 as a place of worship for their 12-15-person congregation.

The site includes approximately 176 parking spaces with access available via three drives onto Swiftwater Park Drive. Detention for the site is located on the southeastern portion of the site.

Churches are allowed in the M-1 zoning district with the approval of a Special Use Permit. The Special Use Permit process allows the City to review whether an existing facility is appropriate for a church. A Special Use Permit does not change the underlying zoning of property, but grants the property an additional specified use.

DEVELOPMENT COMMENTS:

A shell certificate of occupancy has been issued for Building 3, but a tenant finish Certificate of Occupancy has not been issued yet. Before the unit can be used as a church, the City of Suwanee and the Gwinnett County Fire Marshall will each require a Certificate of Occupancy (C.O.) for assembly occupancy. The applicant should be prepared to meet the requirements for assembly occupancy.

ANALYSIS:

The subject property contains an approximately 23,000 square foot office / warehouse facility and approximately 33,000 retail/office/warehouse facility. Access exists via three drives off Swiftwater Park Drive. The proposed use is located on a site that contains some commercial uses and ample parking. The subject site is partially developed for C-2 uses. As such, non-industrial uses will be using a portion of the site. The site is suitable for a church.

The surrounding area is predominantly light industrial including the Swiftwater, McGinnis and Windsor Business Parks. To the east of the subject property are light industrial uses in the McGinnis Business Park. To the south of the subject property and west of the subject property, across Swiftwater Park Drive, are light industrial uses in the Swiftwater Business Park. To the north of the subject property, across Buford Highway, are light industrial uses in the Windsor Business Park. Although the property is surrounded by industrial uses it is important to note that a portion of the subject property is zoned for commercial uses (C-2).

The City's Future Land Use Plan recommends light industrial uses for the property. The existing zoning on the site is consistent with this designation. The proposed use of the property is not entirely consistent with this designation. Industrial parks are generally inconsistent with assembly uses and introducing non-industrial uses into industrial areas can create conflicts. However, provided the assembly will occur primarily on weekends or off normal business hours, the use could be appropriate. The applicant states that the church would hold services on Wednesday evenings and Sundays.

In conclusion, the requested special use permit could be appropriate at this location. The subject property is partially zoned C-2 which means that site will be accommodating non-industrial users. The interior finish for the proposed church has not been completed yet, so the City Inspections Department and Gwinnett County Fire Marshall will have ample opportunity to ensure that the facilities tenant finish meets assembly occupancy requirements. Provided that the tenant space is finished to meet assembly requirements and the assembly use will occur primarily on weekends the use should be appropriate at this location. Therefore, staff recommends **APPROVAL WITH CONDITIONS** of the Special Use Permit request.

Planning Department Recommended Conditions
SUP-2008-002

Approval of a Special Use Permit to allow for a church in M-1 zoning subject to the following conditions:

1. The finish for the tenant space shall comply with the assembly occupancy requirements for the Gwinnett County Fire Marshall and City Building Code.
2. Said approval shall be limited to use within the existing units totaling no more than 2,300 square feet. No additions shall be made to increase the size of the church facility beyond 2,300 square feet.
3. The church shall not create a school or daycare facility that operates beyond times associated with formal services. This does not preclude "Sunday Schools" or similar service related uses.
4. Services shall be limited to weekends (Saturday and Sunday) and after 5:00 pm during the work week (Monday through Friday).

Standards Governing Exercise of Zoning Power

Pursuant to Section 2006 of the City of Suwanee Zoning Ordinance, the City finds the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the unrestricted use of property and shall govern the exercise of the zoning power therewith.

- A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The use is not completely appropriate at this location. However, with conditions, approval of the requested special use could be appropriate at this location.

- B. Whether the zoning proposal will adversely affect the existing uses or usability of adjacent or nearby property;

With appropriate conditions, approval of the request should not create a situation that negatively affects the existing uses or usability of nearby properties. When non-industrial uses are introduced into an industrial area, there can be conflicts between the industrial users and the non-industrial users. Conditions should be included to mitigate potential conflicts.

- C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

The subject property has a reasonable economic use as currently zoned without a Special Use Permit.

- D. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools;

Approval of the requested Special Use Permit likely would not result in excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

- E. Whether the zoning proposal is in conformity with the policy and intent of the Land Use Plan;

The underlying zoning is consistent with the light industrial designation on the City's Future Land Use Plan. However, the proposed use as an institutional church is not entirely consistent with this designation.

- F. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

The applicant indicates that services will take place on Wednesday evenings and on Sundays. These service times should reduce potential conflicts between the church users and industrial users.

December 19, 2007

City of Suwanee
Buford Highway
Suwanee, Georgia 30024

Dear Josh,

This letter is a request for a special use permit to allow a church at 309 Swiftwater Park Drive. The zoning is M-1.

North Gwinnett Church of Christ wants to lease this space for their meeting place. They have been in Duluth for many years and are moving because the building they occupied has been sold and all tenants were asked to move by the new owner.

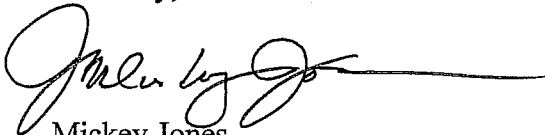
We believe that the church will fit the profile of our park as most tenants are small operators who use these spaces as professional type office and warehouse. Our current tenants have small usages with no heavy equipment and trucks. This space is not the typical M-1 zoning as the spaces are all 2500 feet or less. The church itself has a small congregation and has been this size for some time.

The Gwinnett County Fire marshal has approved the space for assembly.

Parking will not be an issue as the church meets at off times for the park. The church will be a good member of our complex and I believe good citizen for the City.

Thank you for your consideration in this matter.

Sincerely,



Mickey Jones
Phijo II Investments, LLC

510.7008.007

SPECIAL USE PERMIT APPLICATION

APPLICANT INFORMATION*

OWNER INFORMATION*

NAME: North Gwinnett Church of Christ
 ADDRESS: 3665 Swiftwater Park Drive
Suite 309
Suwanee, GA. 30024
 PHONE: 404-863-7300
 CONTACT PERSON: Mickey Jones
 E-Mail Address: JMICKJ@AOL.COM

NAME: Phijo II Investments LLC
 ADDRESS: 1144 Bend Creek Trail
Suwanee, GA. 30024
 PHONE: 770-476-0050
 PHONE: _____

PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): M-1 REQUESTED ZONING DISTRICT C-2
 PROPOSED DEVELOPMENT: _____
 TAX PARCEL NUMBER(S): 12-R7209-0060
 ADDRESS OF PROPERTY: 3665 Swiftwater Park Drive
 TOTAL ACREAGE: 7.39 PUBLIC ROADWAY ACCESS: Swiftwater Park Drive

FOR RESIDENTIAL DEVELOPMENT:

FOR NON-RESIDENTIAL DEVELOPMENT:

NO. OF LOTS/DWELLING UNITS: _____
 DWELLING UNIT SIZE (SQ. FT.): _____

NO. OF BUILDINGS/UNITS: 2
 TOTAL GROSS SQUARE FEET: 55,000

CERTIFICATIONS

I hereby certify that the above and attached information is true and correct. I am also aware that no reapplication on the same land which has been denied by the City Council shall be acted upon within 12 months from the date of last action unless said time period is waived by the Council. In no case shall a reapplication be acted upon in less than 6 months from the date of last action by the Council. I am also aware that any and all conditions which may be attached to the property shall be binding on the property and all subsequent owners.

Mickey Jones 12-18-07
 Signature of Applicant* Date
Mickey Jones 12-18-07
 Print Name* Date
Debra Duggan 12-19-07
 Signature of Notary Date

Mickey Jones 12-18-07
 Signature of Owner Date
Mickey Jones 12-18-07
 Print Name* Date
Debra Duggan 12-19-07
 Signature of Notary Date

* If Additional Applicant or Owner Information is Needed Please Complete Additional Application Form(s)
 Notary Public - Gwinnett County, Georgia
 My Commission Expires February 21, 2011

CITY OF SUWANEE USE ONLY

Date Received: 12/27/07 Case No.: SUP.2008.002 Accepted By: WJ

SPECIAL USE PERMIT APPLICANT'S RESPONSE

STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

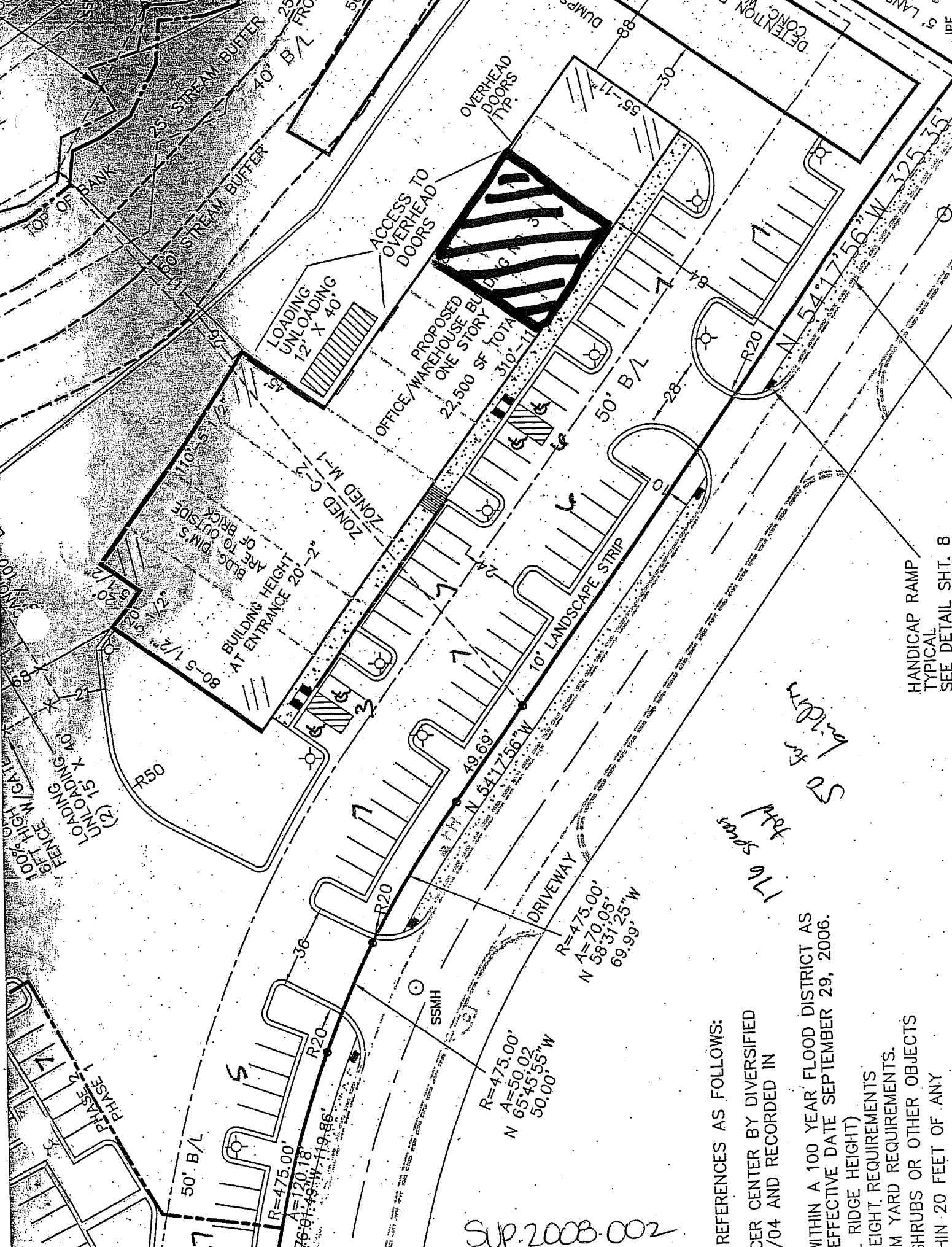
Pursuant to the 1998 Zoning Ordinance, the city council finds that the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the right to the unrestricted use of property and shall govern the exercise of the zoning power.

Please respond to the following standards in the space provided or use an attachment as necessary:

- (A) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property:
Adjacent property to the west is C-2 and the project is small office in close proximity
- (B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:
The Church will meet at off peak times: Sunday Mornings and Wednesday Nights. Congregation includes 30 people
- (C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:
This property is part of a total project that caters to small office and very light industrial.
- (D) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools:
The Church will not have an excessive use due to small number of congregation
- (E) Whether the zoning proposal is in conformity with the policy and intent of the land use plan:
As a developer, the church fits our profile of tenant.
- (F) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal:
Most of the property in this project is C-2 and flows with this building

CITY OF SUWANEE USE ONLY

Date Received: _____ Case No.: _____ Accepted By: _____



Sup. 2008.002

REFERENCES AS FOLLOWS:
 CENTER BY DIVERSIFIED
 /04 AND RECORDED IN

WITHIN A 100 YEAR FLOOD DISTRICT AS
 EFFECTIVE DATE SEPTEMBER 29, 2006.
 RIDGE HEIGHT)
 EIGHT REQUIREMENTS
 M YARD REQUIREMENTS.
 SHRUBS OR OTHER OBJECTS
 IN 20 FEET OF ANY

*176 seeds
 part
 25 ft
 100 ft*

HANDICAP RAMP
 TYPICAL
 SEE DETAIL SHT. 8

City of Suwanee

CROSSROADS of PAST and FUTURE



CITY OF
Suwanee
G E O R G I A

SUP-2008-002
SUP-2008-003

Location Map

Legend

— Streets



City Limits

SUP-2008-002 and 003

