

**CITY OF SUWANEE
SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER: SUP-2008-003
REQUEST: MARTIAL ARTS SCHOOL IN M-1
ZONING
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: KUM DO, INC.
3665 SWIFTWATER PARK DRIVE, SUITE 307
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 martial arts school 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 1,600 square feet in the M-1 portion of Building 3 for a martial arts school with 10-15 students in each class and associated office. The applicant stated that the martial arts school would have classes daily from 4:00 – 8:00 P.M. The applicant also stated that the location of the school will be temporary until Building 1 can be built.

The applicant seeks to establish a martial arts school in an existing office / warehouse building on Swiftwater Park Drive. Schools 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 martial arts studio and what improvements might be needed to make the facility usable for the proposed occupancy. A Special Use Permit does not change the underlying zoning of property, but grants the property an additional specified use.

DEVELOPMENT COMMENTS:

At this time the building has been approved for occupancy an office / warehouse. The applicant has received a certificate of occupancy for the office portion of the unit. The Gwinnett County Fire has signed off on the office portion of the unit. The inspections department indicates that if a special use permit is approved for martial arts school no additional inspections would be required.

The owner states that the location of the school is temporary until the final building of the site is constructe. The final building is proposed to be located closest to the intersection of Swiftwater Park Drive and Buford Highway and is zoned C-2.

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 already using a portion of the site. Therefore, the site would be appropriate for the proposed use.

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 such as schools or churches and introducing non-industrial areas can create conflicts. The martial arts school will operate in the early evening hours on normal business days.

In conclusion, the requested special use permit could be appropriate at this location. The subject property is partially zoned C-2 which means that non-industrial users will be using a large portion of the site. Therefore, staff recommends **APPROVAL WITH CONDITIONS** of the Special Use Permit request.

Planning Department Recommended Conditions
SUP-2008-003

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

1. All zoning, building and fire code issues shall be addressed through issuances of appropriate Certificates of Occupancy prior to use of the facility as a martial arts school.
2. Said approval shall be limited to use within the existing unit totaling no more than 1,600 square feet. No additions shall be made to increase the size of the martial arts school beyond 1,600 square feet.
3. The martial arts school shall not create a school or daycare facility that operates beyond times associated with formal classes.
4. Classes 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 suitable conditions, approval of the Special Use Permit could be suitable 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.

- 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 a martial arts school 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 subject site is partially developed for C-2 uses. As such, non-industrial uses will be already using a portion of the site.

December 31, 2007

City of Suwanee
Buford Highway
Suwanee, Georgia 30024

Dear Josh,

This letter is a request for a special use permit to allow a marshal arts school at 3665 Swiftwater Park Drive, suite 307. The zoning is M-1.

Kum Do, Inc. wants to lease this space for their marshal arts school. They have been in Duluth for a few years and are moving to Suwanee. This will be a temporary lease as they will move in building one of our project as soon as it is ready. The engineer is working on the plans. Our projected date of completion is October of 2008. Zoning for this building is C-2.

We believe that the school 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 leased by small owner operators. The school itself has 10 to 15 students in each class.

The Gwinnett County Fire marshal has approved the space.

Parking will not be an issue as the school meets from 4 to 8 each evening which is off hours for the park. The school 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

SPECIAL USE PERMIT APPLICATION

APPLICANT INFORMATION*

OWNER INFORMATION*

NAME: Kum Do, Inc
 ADDRESS: 3665 SW. FTWATER PARK DR
Suite 307
Suwanee GA. 30024
 PHONE: _____
 CONTACT PERSON: Young Park
 E-Mail Address: JMICKY @ 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 _____
 PROPOSED DEVELOPMENT: _____
 TAX PARCEL NUMBER(S): _____
 ADDRESS OF PROPERTY: _____
 TOTAL ACREAGE: _____ PUBLIC ROADWAY ACCESS: _____

FOR RESIDENTIAL DEVELOPMENT:

FOR NON-RESIDENTIAL DEVELOPMENT:

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

NO. OF BUILDINGS/UNITS: _____
 TOTAL GROSS SQUARE FEET: _____

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.

	Date		Date
Young J Park	Date	MICKY JONES	Date
	Date 1/3/08		Date 1/3/08

* If Additional Applicant or Owner Information is Needed Please Complete Additional Application Form(s)

CITY OF SUWANEE USE ONLY
 Date Received: 1/4/08 Case No.: SUP. 2008-003 Accepted By:

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:
The building will be a small class of not more than 10 students, operating from 4:00 - 8:00pm

(B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:
The classes will be held at off times of other business.

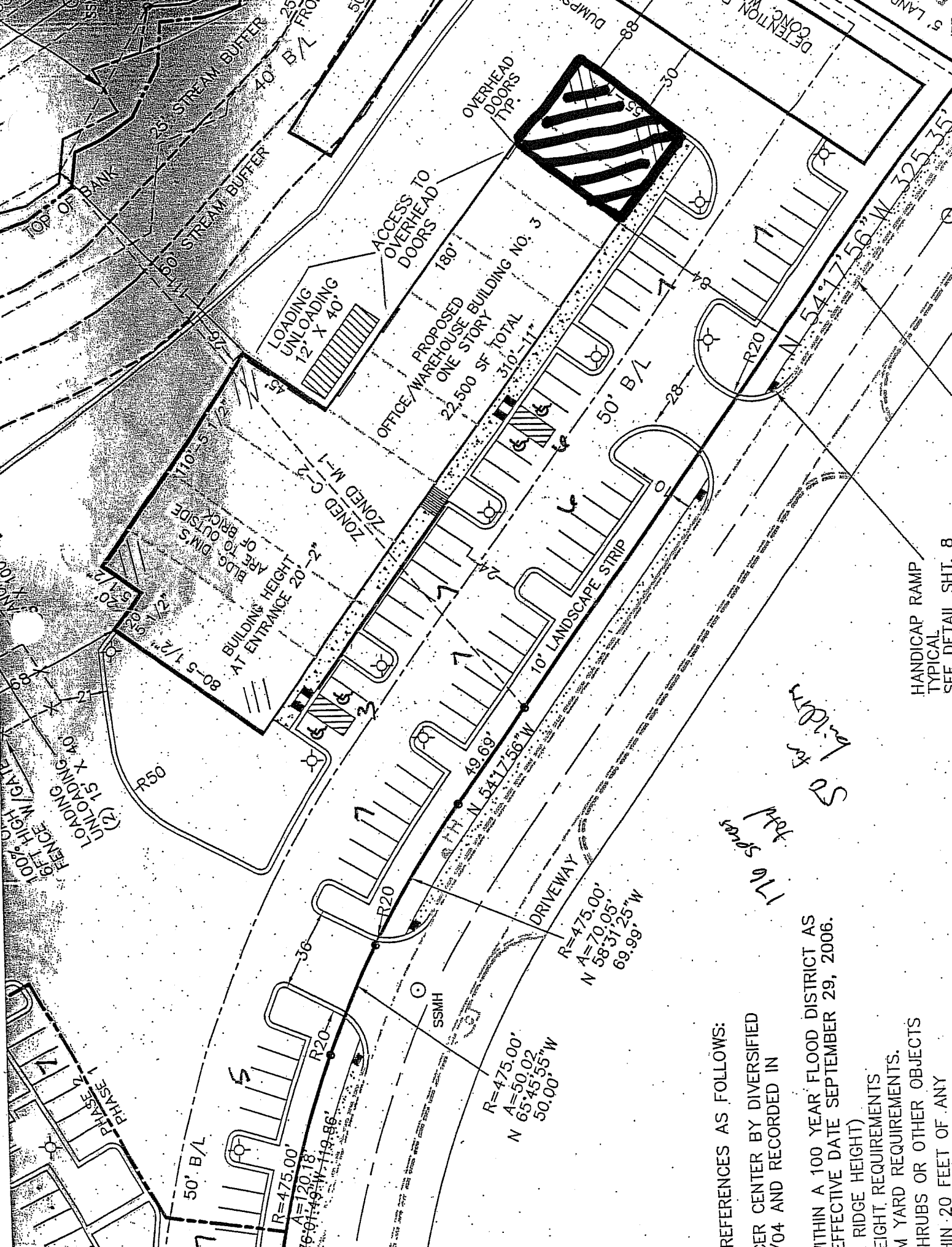
(C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:
This special use permit is for a short period of time - until building (3) is built

(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 number of students (10) will not cause an excessive burdensome use of existing streets

(E) Whether the zoning proposal is in conformity with the policy and intent of the land use plan:
The short period of time should be considered in this.

(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 short period of time and the small number of students and the time of day of the classes.

Date Received: 1/4/08 CITY OF SUWANEE USE ONLY Case No.: 2008-003 Accepted By: [Signature]



REFERENCES AS FOLLOWS:

1. CENTER BY DIVERSIFIED
 2004 AND RECORDED IN

WITHIN A 100 YEAR FLOOD DISTRICT AS
 EFFECTIVE DATE SEPTEMBER 29, 2006.

RIDGE HEIGHT)
 HEIGHT REQUIREMENTS
 10 YARD REQUIREMENTS.
 SHRUBS OR OTHER OBJECTS
 20 FEET OF ANY

HANDICAP RAMP
 TYPICAL
 SEE DETAIL SHIT. 8

176 spaces
S for 1.00%

50' B/L
 $R=475.00'$
 $A=120.18'$
 $N 69.0146^\circ W 119.96'$

$R=475.00'$
 $A=50.02'$
 $N 65.45.55^\circ W$
 $50.00'$

DRIVEWAY
 $R=475.00'$
 $A=70.05'$
 $N 58.31.25^\circ W$
 $69.99'$

LOADING UNLOADING
 $12' \times 40'$
 ACCESS TO OVERHEAD DOORS
 180'
 PROPOSED WAREHOUSE BUILDING NO. 3
 22,500 SF TOTAL
 $310' - 11"$

ZONED C-2
 ZONED M-1
 80-5 1/2'
 110-5 1/2'
 20'
 BUILDING HEIGHT
 AT ENTRANCE 20'-2"
 80-5 1/2'
 110-5 1/2'
 20'

TOP OF BANK
 25' STREAM BUFFER
 40' B/L FROM
 50'

OVERHEAD DOORS
 7' P.

DETONATION CONC. WALL
 5' LAND
 325-35'
 54-17.56" W
 R20
 28'
 50' B/L
 84'

City of Suwanee

CROSSROADS of PAST and FUTURE



SUP-2008-002
SUP-2008-003

Location Map

Legend

- Streets
- ▣ City Limits
- ▨ SUP-2008-002 and 003

