

**SPECIAL USE PERMIT(S):
SUP-2010-003**

**CITY OF SUWANEE
SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER: SUP-2010-003
REQUEST: ELECTRONICS RECYCLING FACILITY
ZONING: M-1 (LIGHT INDUSTRY DISTRICT)
LOCATION: 3600 SWIFTWATER PARK DRIVE
TAX ID NUMBER: 7-196-049
ACREAGE: 5.014 ACRES
PROPOSED DEVELOPMENT: INDOOR ELECTRONICS RECYCLING FACILITY WITHIN AN EXISTING 36,000 SF INDUSTRIAL BUILDING

APPLICANT: BIONEW USA CORP
C/O MILL CREEK CONSULTING
4480 COMMERCE DRIVE, SUITE A
BUFORD, GA 30518

OWNER: YOST HOLDINGS AT SWIFTWATER DR. LLC
3383 ROGERS BRIDGE ROAD, SUITE 602
DULUTH, GA 30097

CONTACT: MITCH PEEVY
CONTACT PHONE: 770-614-6511

RECOMMENDATION: APPROVAL WITH CONDITIONS

PROJECT DATA:

The applicant requests a Special Use Permit on an approximate five acre tract to allow for an electronics recycling facility. The site is located at 3600 Swiftwater Park Drive in the Swiftwater Business Park. Access is proposed via an existing driveway from Swiftwater Park Drive. The subject property is an M-1 zoned tract. The applicant does not propose any exterior renovations to the site and will not require any outdoor storage.

The Special Use Permit process was created by the City Council in 2001 to better handle certain land uses. The SUP process allows the Council to review certain proposals in the context of their use and take into consideration the surrounding area and other relevant factors. A Special Use Permit does not change the underlying zoning of property, but grants the property an additional specified use. In this case the specified use would allow for indoor automotive sales.

DEVELOPMENT COMMENTS:

The applicant does not intend to make any exterior changes to the existing industrial building and will not be required to submit plans for development review. Any interior changes will be reviewed through the standard building permit process. However, the applicant should be prepared to comply with all fire safety and ADA access requirements prior to issuance of a Certificate of Occupancy.

ANALYSIS:

The subject property is a 5.01 acre site located at 3600 Swiftwater Park Drive, approximately 200 feet from the intersection of Swiftwater Park Drive and Buford Highway in the Swiftwater Business Park. The site is currently developed and includes a vacant, one-story, industrial/warehouse building and associated off-street parking. The existing building is approximately 36,000 square feet. Remaining portions of the Swiftwater Business Park along with other adjacent properties have been developed as industrial and office land uses. This site can adequately contain the proposed use.

The subject property is located along a highly industrialized portion of Buford Highway between Suwanee Creek and McGinnis Ferry Road. To the north, east and west of the subject property, are similarly developed parcels with industrial/warehouse/office uses, zoned M-1. To the south of the subject property is Suwanee Creek Park. The Suwanee Creek Greenway is adjacent to the subject property.

Recycling facilities are listed as a special use within the M-1 zoning district. The City's zoning ordinance does not differentiate between types of recycling facilities. The applicant does not intend to recycle products on site into new products. Instead, the applicant will shred and break down electronics, separate the materials and ship them out for reuse in the manufacturing of new electronics equipment. The applicant intends to lease the 36,000 SF building (see attached site plan) and will have approximately 25 to 30 employees. The company currently operates outside of the City limits and wishes to relocate to a larger facility with additional space for equipment and to permit the hiring of additional employees. The applicant also states that the company participates in an annual International Organization for Standardization (ISO) audit for environmental management to ensure they are meeting industry standards.

The City's Future Land Use Plan recommends industrial uses for this site. The site is in an intensive nonresidential area that is generally well-suited for industrial/manufacturing establishments. Additionally, the applicant does not propose any exterior renovations or outdoor storage. All materials and equipment are stored indoors and all recycling activities will take place inside of the existing facility which will limit any harmful impacts and/or objectionable conditions. However, approval of a Special Use Permit should be limited to the proposed use to ensure any future occupants do not operate a recycling facility that would create these potential harmful impacts.

In conclusion, the requested Special Use Permit for a recycling facility would be appropriate at this location. The subject property is located along a highly industrialized portion of Buford Highway and is adjacent to other intensive non-residential uses. The applicant does not propose any exterior changes to the property or to conduct any business outdoors. As a result there should be no adverse impacts resulting from the approval of a special use permit for the site. Special attention should be given to ensure that the operation maintains industry standards for recycling facilities and that any future occupants do not create potential harmful impacts resulting from more intensive recycling facilities. The Planning Department recommends **APPROVAL WITH CONDITIONS** of the request.

Planning Department's Recommended Conditions

SUP-2010-003

Approval of a Special Use Permit for an electronics recycling facility sales subject to the following conditions:

1. Special uses on the site shall be limited to an electronics recycling facility. No other recycling or other special uses are allowed under this special use permit.
2. All recycling must take place indoors.
3. The recycling business operator must provide a copy of the results of the annual International Organization for Standardization (ISO) audit for environmental management to the Planning and Inspections Department each year. Failure to pass the audit and/or failure to correct any deficiencies as required by the ISO could result in revocation of the Special Use Permit if deemed necessary by the City.

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 subject area is heavily industrialized. The electronics recycling facility would be suitable at this location.

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

With the recommended conditions, an indoor electronics recycling facility would not be expected to negatively impact existing uses or usability of adjacent and nearby uses.

- 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 request likely would not result in an 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 Future Land Use Plan recommends industrial uses for this site. The proposed electronics recycling facility, with a Special Use Permit, is an appropriate industrial use.

- 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;

There are no extraordinary or changing conditions which give additional support for approval of the request.

SPECIAL USE PERMIT APPLICATION

APPLICANT INFORMATION*

OWNER INFORMATION*

NAME: Bionew USA Corp

NAME: Yost Holdings AT SWIFTWATER DR LL

ADDRESS: c/o Mill Creek Consulting

ADDRESS: 3883 Rogers Brinze Rd

4480 Commerce DR Suite A

Ste 602

Buford GA 30518

Duluth GA 30097

PHONE: 770-614-6511

PHONE: _____

CONTACT PERSON: Mitch Peery

PHONE: _____

E-Mail Address: MILLCREEK@BELLSOUTH.NET

PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): M-1 REQUESTED ZONING DISTRICT Recycle SUP

PROPOSED DEVELOPMENT: Electronic Recycling Facility

TAX PARCEL NUMBER(S): 7-196-049

ADDRESS OF PROPERTY: 3600 Swiftwater Park Dr.

TOTAL ACREAGE: 5.014 PUBLIC ROADWAY ACCESS: YES

FOR RESIDENTIAL DEVELOPMENT:

FOR NON-RESIDENTIAL DEVELOPMENT:

NO. OF LOTS/DWELLING UNITS: _____

NO. OF BUILDINGS/UNITS: 1

DWELLING UNIT SIZE (SQ. FT.): _____

TOTAL GROSS SQUARE FEET: 36,000

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.

Signature of Applicant* [Signature]
Date 8-30-10
Print Name* John Peery
Date 8-30-10
Signature of Notary [Signature]
Date 8/30/10

Signature of Owner* [Signature]
Date 8/30/10
Print Name* John E. Yost, manager
Date 8/30/10
Signature of Notary [Signature]
Date 8/30/10

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

CITY OF SUWANEE USE ONLY

Date Received: 8/30/10 Case No. SUP-2010-003 Accepted By: [Signature]

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 A PROPOSED REZONING WILL PERMIT A USE THAT IS SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND NEARBY PROPERTY:

THE APPLICANT BELIEVES THE PROPOSED USE IS SUITABLE.

(B) WHETHER A PROPOSED REZONING WILL ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY:

THE PROPOSED USE WILL NOT ADVERSELY AFFECT THE USE OF THE SURROUNDING PROPERTIES.

(C) WHETHER THE PROPERTY TO BE AFFECTED BY A PROPOSED REZONING HAS A REASONABLE ECONOMIC USE AS CURRENTLY ZONED:

THE APPLICANT BELIEVES THAT THE SUBJECT PROPERTY DOES HAVE A REASONABLE ECONOMIC USE.

(D) WHETHER THE PROPOSED REZONING WILL RESULT IN A USE WHICH WILL OR COULD CAUSE AN EXCESSIVE OR BURDENSOME USE OF EXISTING STREET, TRANSPORTATION FACILITIES, UTILITIES OR SCHOOLS:

THE PROPOSED USE WILL NOT PRODUCE AN ADVERSE AFFECT ON THE EXISTING INFRASTRUCTURE.

(E) WHETHER THE PROPOSED REZONING IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE LAND USE PLAN:

THE SUBJECT PROPERTY IS DESIGNATED AS LIGHT INDUSTRIAL

(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 PROPOSED REZONING:

SEE LETTER OF INTENT

.....
CITY OF SUWANEE USE ONLY

DATE RECEIVED: 8/30/10 CASE NO.: SUP-2010-0086 ACCEPTED BY: UMJ

Based upon the above reasons, the applicant feels that this is a reasonable request and that action contradictory to the rezoning will constitute a taking of property in violation of the Just Compensation Clause of the Fifth Amendment and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and Article P, Section 1, Paragraph 1, and Article 1, Section 3, Paragraph 1 of the Constitution of Georgia, denying the owner viable use of its land.

REZONING APPLICANT'S LETTER OF INTENT

The Applicant, Bionew USA Corporation, requests a special use permit to allow them to move and expand their operation from 1630 Satellite Blvd to 3600 Swiftwater Park Drive in Suwanee. The subject property is currently zoned M-1 and is a 36,000 square foot facility that is currently vacant. This move and expansion of their recycling facility will allow them to install a new shredder and increase their employment from the existing 12 to approximately 25 to 30 in the next year.

Bionew has been a leader in the Electronic Recycling Industry since 2004. They have been successful in diverting over 20 million pounds of materials from our landfills and their process achieves over a 98% recycling rate. Bionew also participates in an annual International Organization for Standardization (ISO) audit for environmental management. This is a third party review of their process to insure that they are achieving two annual goals: 1. To minimize harmful effects on the environment and 2. To achieve continual improvement of its environmental performance.

Bionew is not planning to make any changes to the exterior of the building and there will be **NO** outside storage of any materials. All of the components to be broken down are unloaded inside the building from the loading docks at the rear. They are then broken down and the materials separated and put on pallets to be shipped out for reuse and again the pallets to be shipped out are stored in the interior of the building.

Bionew looks forward to becoming a good corporate citizen in Suwanee and expanding its leadership in Electronic Recycling.

City of Suwanee

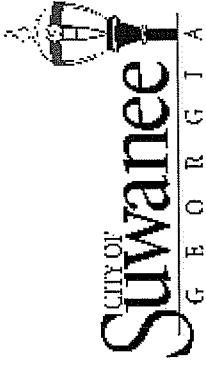






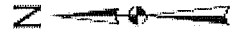
EXHIBIT A

SUP-2010-003

Aerial Map

Legend

-  Current cadastre
-  Streets
-  SUP-2010-003
-  City Limits



City of Suwanee

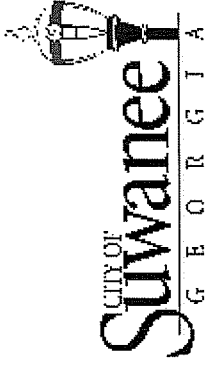






EXHIBIT B

SUP-2010-003

Aerial Map

Legend

-  Current cadastre
-  Streets
-  SUP-2010-003
-  City Limits

