

REZONING(S):
RZ-2018-006

**CITY OF SUWANEE
REZONING ANALYSIS**

CASE NUMBER: RZ-2018-006

REQUEST: C-2 (GENERAL COMMERCIAL DISTRICT) TO
C-2A (SPECIAL COMMERCIAL DISTRICT)

LOCATION: 3034 LAWRENCEVILLE SUWANEE ROAD

TAX ID NUMBERS: 7-169-001

ACREAGE: APPROXIMATELY .7 ACRES

PROPOSED DEVELOPMENT: CONVENIENCE STORE WITH ALCOHOL
SALES

APPLICANT: ASSK 7 USA, LLC
3034 LAWRENCEVILLE SUWANEE ROAD
SUWANEE, GA 30024

OWNER: AFZIM ENTERPRISES, INC.
3974 BEMMINGHAM LANE
DULUTH, GA 30097

CONTACT: CHUCK ROSS
PHONE: 770-962-0100

RECOMMENDATION: APPROVAL

PROJECT DATA:

The applicant requests a rezoning from C-2 (General Commercial District) to C-2A (Special Commercial District) to allow an existing convenience store to sell beer and wine. There is one 2-story building located on the site. The building, totaling approximately 3,700 square feet, contains a gas station, an emission testing facility, an auto repair shop, and a convenience store. There are 8 gas pumps located in front of the building. There are 28 parking spaces including the area under the gas canopy and the spaces within the building.

The subject property is approximately .7 acres and located at 3034 Lawrenceville-Suwanee Road, adjacent to the south-bound I-85 on ramp. Access is provided by two driveways onto Lawrenceville-Suwanee Road. The site is adjacent to the right-of-way for what was Burnette Road. This road was closed several years ago when the nearby Terraces at Suwanee Gateway site was developed.

ZONING HISTORY:

The subject property is zoned C-2 (General Commercial District). The site has been historically used for a gas station and automotive repair facility. In 2015, the City granted the applicant a special use permit in order to allow for the expansion of the automotive uses on the property. The approval of the SUP included conditions that required site upgrades, including improvements to the architecture of the building, the removal of tires stored on the site, and the addition of landscaping. This expansion and improvements have been recently completed.

DEVELOPMENT COMMENTS:

There is no additional development associated with this request.

ANALYSIS:

The applicant requests a rezoning from C-2 (General Commercial District) to C-2A (Special Commercial District) to allow for a convenience store with alcohol sales. The site is currently used as a convenience store with gasoline pumps and automotive repair facility. The applicant is requesting a rezoning as alcohol sales are not permitted in the C-2 zoning district.

The subject property is located on the southwestern corner of the Lawrenceville-Suwanee Road I-85 interchange, just north of the entrance onto I-85 South. The subject property is located in the highly commercial Suwanee Gateway area. To the west directly adjacent to the subject property is an office building within the larger Terraces at Suwanee Gateway development, zoned PMUD (Planned Mixed Use Development). To the northeast of the property is a Chevron/Dunkin Donuts zoned C-2A (Special Commercial District). To the northwest, across Lawrenceville-Suwanee Road, is another Chevron gas station zoned C-3 (Special Commercial District). To the southeast of the subject property is Interstate 85. Both of the nearby convenience stores are zoned to allow for alcohol sales. The request is consistent with the use of nearby properties.

It should be noted that the City's Alcohol Beverage Regulations require distance separation from places that sell alcohol and certain other land uses. The regulations prohibit alcohol sales within 300 feet of a church or 600 feet of a school. It appears that no such uses currently exist within separation requirements noted above that would prevent the issuance of a license to sell alcohol on the subject property.

The proposed use for the site is consistent with the surrounding area. Additionally, the subject property was recently renovated in order to improve the appearance of the area. The Future Land Use Plan recommends high intensity office uses for the subject property. The subject property is approximately 0.7 acres. It is unlikely to be ever be developed as high intensity office unless it is incorporated into a larger tract. The property was recently renovated to allow for continuance and expansion of an existing commercial use. The sale of alcohol on the subject property will not undermine the comprehensive plan.

In conclusion, the request to rezone the property from C-2 (General Commercial District) to C-2A (Special Commercial District) to allow for alcohol sales is consistent with surrounding uses and would not compromise the intent of the 2030 Comprehensive Plan. As such, the Planning Department recommends **APPROVAL** of **RZ-2018-006**.

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 proposed convenience store with the sale of alcohol is a use that is suitable in view of adjacent and nearby properties.

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

It is unlikely that the zoning proposal will adversely affect the existing uses of adjacent or nearby property.

- 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.

- 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 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 indicates high intensity office on the subject property. That designation is indicative of the desired use of the property located in immediate area. The subject property is too small for high intensity office and was recently renovated in order to update an existing commercial use. It is unlikely to be used as office in the near future. Allowing for alcohol sales on this commercial property will not undermine the comprehensive plan.

- 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 or denial of the request.

REZONING APPLICATION

AN APPLICATION TO AMEND THE OFFICIAL ZONING MAP OF CITY OF SUWANEE, GEORGIA

APPLICANT INFORMATION*	OWNER INFORMATION*
NAME: <u>ASSK 7 USA LLC (Tenant)</u>	NAME: <u>Afzin Enterprises, Inc.</u>
ADDRESS: <u>3034 Lawrenceville Suwanee Road</u> <u>Suwanee, GA 30024</u>	ADDRESS: <u>3974 Bennigan Lane</u> <u>Duluth, GA 30097</u>
PHONE: <u>404-543-3364</u>	PHONE: <u>770-601-3700</u>

CONTACT PERSON: Chuck Ross CONTACT PHONE: 770-962-0100
 EMAIL ADDRESS: cross@wtp.legal FAX NUMBER: 770-963-3424

PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): C-2 REQUESTED ZONING DISTRICT C-2A
 PROPOSED DEVELOPMENT: Shell Gas Station and Convenience Store with Alcohol Sales by the Pacl
 TAX PARCELNUMBER(S): R7169 001
 ADDRESS OF PROPERTY: 3034 Lawrenceville Suwanee Road, Suwanee, GA 30024
 TOTAL ACREAGE: 0.805 PUBLIC ROADWAY ACCESS: Yes, Lawrenceville-Suwanee Road

FOR RESIDENTIAL DEVELOPMENT:

FOR NON-RESIDENTIAL DEVELOPMENT:

NO. OF LOTS/DWELLING UNITS: _____ NO. OF BUILDINGS/UNITS: 3-5
 DWELLING UNIT SIZE (SQ. FT.): _____ TOTAL GROSS SQUARE FEET: 35,069

CERTIFICATIONS

I hereby certify that the above and attached information is true and correct. I am also aware that pursuant to Section 2004 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 pursuant to Section 2003 of the Zoning Ordinance any and all conditions which may be attached to the property shall be binding on the property and all subsequent owners.

<p><u>[Signature]</u> Signature of Applicant* Saleem Mansoor A. Meghani</p> <p><u>[Signature]</u> Print Name* Saleem Mansoor A. Meghani</p> <p><u>[Signature]</u> Signature of Notary</p>	<p><u>07-3-2018</u> Date</p> <p><u>07-3-2018</u> Date</p> <p><u>7-3-2018</u> Date</p>	<p><u>[Signature]</u> Signature of Owner Nadeem Ali</p> <p><u>[Signature]</u> Print Name Nadeem Ali</p> <p><u>[Signature]</u> Signature of Notary</p>	<p><u>7/3/18</u> Date</p> <p><u>7/3/18</u> Date</p> <p><u>7/3/18</u> Date</p>
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If Additional Applicant or Owner Information is Needed Please Complete Additional Application Form(s)

CITY OF SUWANEE USE ONLY

Date Received: _____ Case No.: RZ-2018-006 Accepted By: [Signature]



REZONING APPLICANT'S RESPONSE
STANDARDS GOVERNING EXERCISE OF THE ZONING POWER

Pursuant to section 2006 of 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:
See attached.

(B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:
See attached.

(C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:
See attached.

(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:
See attached.

(E) Whether the zoning proposal is in conformity with the policy and intent of the land use plan:
See attached.

(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:
See attached.

CITY OF SUWANEE USE ONLY

Date Received: _____ Case No. RZ-2018-006 Accepted By: WJ

LAW OFFICES
WEBB, TANNER & POWELL

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WWW.WTP.LEGAL
770.962.0100

W. CHARLES ROSS
ASHLEY SCARPETTA
CHRISTOPHER DAY
LAUREN PENDLEY

July 3, 2018

VIA HAND DELIVERY

The City of Suwanee
Josh Campbell, Director
Planning & Inspections
330 Town Center Avenue
Suwanee, GA 30024

RE: Rezoning Application and Letter of Intent on Behalf of USSK 7
USA LLC for property located at 3034 Lawrenceville Suwanee
Road, Suwanee, GA 30024 (the "Subject Property")

Dear Mr. Campbell:

Webb, Tanner & Powell, P.C. respectfully submit this Letter of Intent with the enclosed Rezoning Application on behalf of the Applicant, ASSK & USA LLC, for the purpose of revising the City's zoning map to classify the subject Property under a C-2A category. The Subject Property, is 0.805-acres, comprised as two tracts currently zoned as C-2 and sits on the southwesterly corner of Lawrenceville-Suwanee Road and Interstate 85. It holds 28 parking spaces and houses 5 connected buildings with a building height of 23 feet, 4 inches at its highest point. It is the Applicant's desire and intention that the property be rezoned to C-2A to permit the existing convenience store to sell alcohol by the package and realize the property's full reasonable economic use in light of the similar zoning of surrounding properties.

The Subject Property's location in the middle of the C-2A and C-3 corridor make it a prime candidate to be classified under C-2A. Significantly, C-2A classifications are specifically intended "for those uses that sell alcohol for consumption in a location accessible to large numbers of people and that serve substantial portions of the community." Not only is the Subject Property surrounded by properties already zoned to sell beer/wine for off-premises consumption, its proximity to the Interstate and frontage upon Lawrenceville-Suwanee Road enable the applicant to be easily accessible to the community.

Significantly, the Subject Property will not negatively impact surrounding properties. With the recent improvements to the intersection near the Subject Property,

* MR. WEBB AND MR. TANNER ARE "OF COUNSEL."

STREET ADDRESS FOR DIRECT DELIVERY • 10 LUMPKIN STREET • LAWRENCEVILLE, GA 30046

RZ-2018.006

ingress and egress from the convenience store has been excellent and has not impacted congestion in the area. Further, almost all nearby properties are currently zoned either C-2A or C-3, both of which currently permit the sale of alcohol by the package. As the property was just recently re-developed, it falls squarely within the City's Comprehensive Plan.

Moreover, the proposed use of the Property is compatible with the overall policies of City of Suwanee Ordinances pertaining to the use and sale of alcoholic beverages, as well as all State of Georgia's regulations. Importantly, the Subject Property's position within the commercial corridor places it well beyond 300 feet from any church, 600 feet from any school building, and 200 feet from any residence in the area. From a broader perspective, the Applicant and Subject Property will follow all State of Georgia licensing requirements prescribed in O.C.G.A Title 3 concerning Alcoholic Beverage sales.

The Applicant and its representatives look forward to working with you and the City's Planning and Inspection Department and welcome any questions or concerns the staff or Board may have regarding the enclosed application for rezoning.

Very truly yours,

WEBB, TANNER & POWELL, P.C.



By: W. Charles Ross
Attorney for Applicant

RZ-2018.006

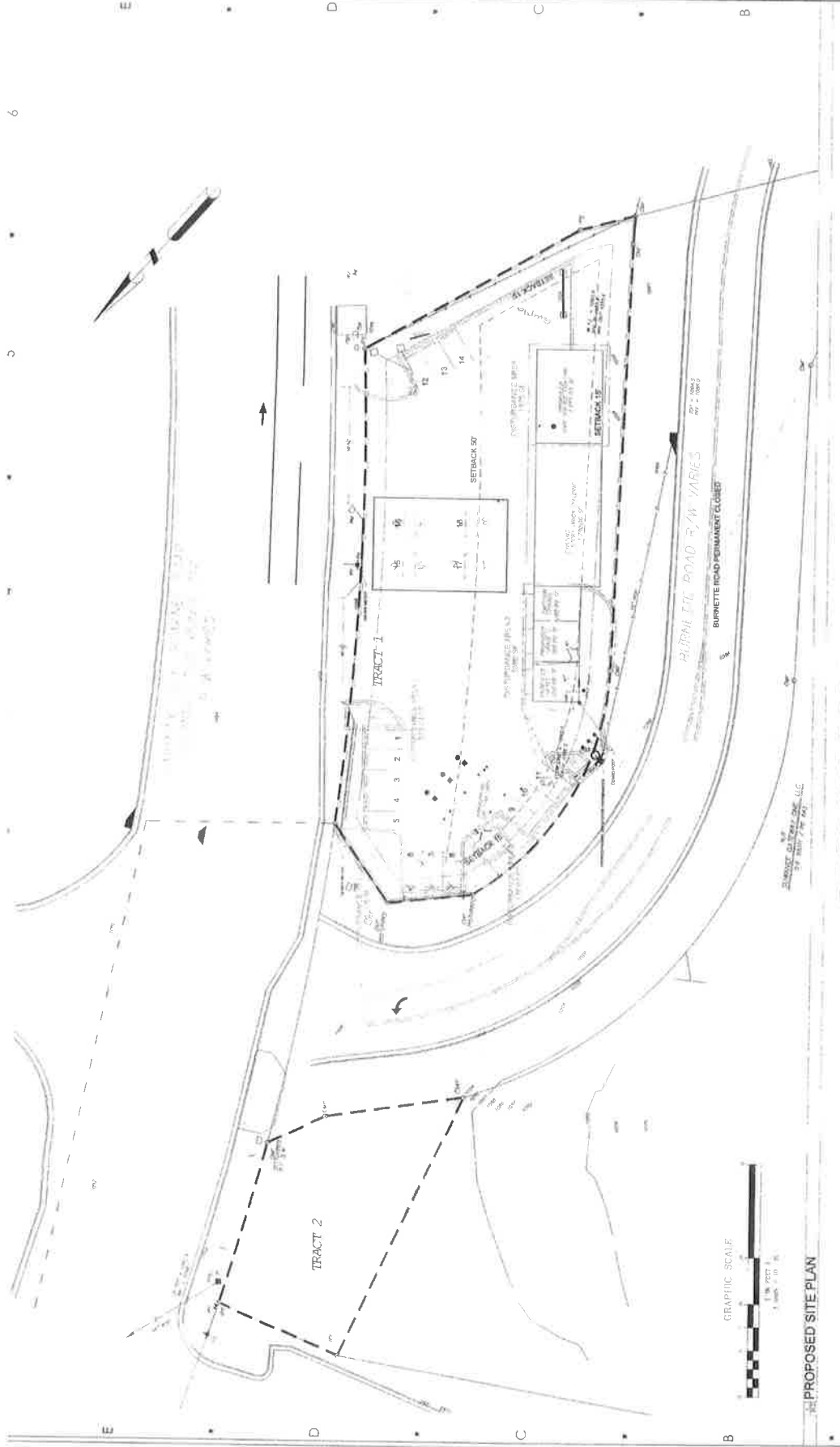


3034 LAWRENCEVILLE SUWANEE RD
 SUWANEE GEORGIA 30024-2412
 GWINNETT COUNTY GA

PROJECT: SHELL
 DRAWN: [Name]
 CHECKED: [Name]
 DATE: [Date]

LAWRENCEVILLE-SUWANEE RD SHELL PROPOSED SITE PLAN

DATE: [Date]
 DRAWN: [Name]
 CHECKED: [Name]
 TITLE: PROPOSED SITE PLAN
 SHEET NUMBER: S1.2



DISTURBANCE AREAS	
1	1670 SF
2	2880 SF
3	750 SF
4	610 SF
5	282 SF
TOTAL	6172 SF

TOTAL NEW AREAS	
EXISTING BUILDING	1700 SF
PROPOSED NEW ADDITION ON FIRST FLOOR	2030 SF
PROPOSED NEW ADDITION ON SECOND FLOOR	948 SF
TOTAL	4678 SF

TOTAL EXISTING AREAS	
EXISTING BUILDING	1700 SF
CANOPY	2310 SF
TOTAL	4010 SF

TOTAL NEW AREAS	
PARKING SPACES ON CANOPY	8
PARKING SPACES ON EXISTING BUILDING	2
PARKING SPACES ON NEW ADDITION	4
TOTAL OF PARKING SPACES PROVIDED	14

TOTAL EXISTING AREAS	
EXISTING BUILDING	1700 SF
CANOPY	2310 SF
TOTAL	4010 SF

PERCENT OF PROPERTY COVERED BY GREEN AREAS = 15.05% (4,274.5 sq ft)
PERCENT OF PROPERTY COVERED BY STRUCTURES = 22.85% (6,822.15 sq ft)

BUILDING SETBACKS
 FRONT - 50'
 SIDE - 15'
 REAR - 15'

AREA SUMMARY
 TRACT 1 = 0.857 ACRES (36,698 SQ.FT.)
 TRACT 2 = 0.148 ACRES (6,463 SQ.FT.)
 TOTAL = 0.005 ACRES (35,099 SQ.FT.)

- SEWER LINE
- WATER LINE
- ASPHALT/CONCRETE
- GREEN AREA

R7-7012.006



Location Map RZ-2018-006



Legend

 RZ-2018-006

 streams

 roads



500 Feet

0 150 300 600 Feet

1:3,000



Zoning Map RZ-2018-006

Legend



ZONING

C-1

C-2

C-2A

C-3

GCA

IRD

M-1

OI

OTCD

PMUD

R-100

R-140

R-75

R-85

RM6

RM8

streams

roads



600 Feet

300

150

0

1:3,000

