

SPECIAL USE PERMIT (S):
SUP-2022-003

**CITY OF SUWANEE
SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER: SUP-2022-003

REQUEST: OUTDOOR STORAGE

LOCATION: 3370 LAWRENCEVILLE-SUWANEE ROAD

TAX ID NUMBER: 7-194-372

ACREAGE: 2.09 ACRES

PROPOSED DEVELOPMENT: OUTDOOR STORAGE

APPLICANT: THE HONEY BAKED HAM COMPANY, LLC
3875 MANSELL ROAD
ALPHARETTA, GA 30022

OWNER: H&G PROPERTIES MANAGEMENT, LLC
1626 GUNBARREL ROAD
CHATTANOOGA, TN 37421

CONTACT: CHRIS CUMMINGS
PHONE: 724-971-0270

RECOMMENDATION: APPROVAL WITH CONDITIONS

PROJECT DATA:

Honey Baked Ham seeks a Special Use Permit within the C-2A zoning district for outdoor storage to allow for a 20-foot long storage unit for the purpose of storing dry goods throughout the year, a 40-foot cold storage unit for the months of November and December each year, and a 20 foot cold storage unit for the 2 week period prior to Easter each year. These storage units would be located behind the retail space in an approximately 24-foot wide service drive behind the building. The storage containers are approximately 8 feet wide.

The applicant occupies a 1,470 square foot retail space in the Suwanee Promenade shopping center located at 3370 Lawrenceville-Suwanee Road. Honey Baked Ham has been operating at this location for 15 years and has been using both a permanent storage container year round and a temporary cold storage container during their peak seasons in the proposed locations. The City of Suwanee Zoning Ordinance does not allow outdoor storage without a Special Use Permit. The City recently discovered the business was using the containers and made the applicant aware that outdoor storage was not allowed. The applicant is now seeking a Special Use Permit to be in compliance with the code.

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 be outdoor storage.

ZONING HISTORY:

The subject property was rezoned from M-1 to C-2A in 2005 in order to allow for the development of the existing shopping center.

ANALYSIS:

The Honey Baked Ham store has a unique seasonal need for increased storage capacity due to the increased sales of its products during the holidays. The store has historically handled this need with temporary cold storage containers located in the loading area directly behind the store without incident. The 24-foot wide lane behind the building allows for vehicles to pass even when the temporary storage container is in place. Approval of the request for a temporary storage container for 2 ½ months of the year is not likely to negatively impact the surrounding area as it is hidden behind the building, and if safety precautions are taken, the site could accommodate the containers safely. In the past, the applicant has run a temporary electrical connection from the building to the cold storage container that vehicles run over. The property is capable of supporting the proposed special use; however, if a Special Use Permit is approved, the electrical connection for the cold storage facility will need to comply with building code requirements to the satisfaction of the Building Official.

The Suwanee Promenade shopping center on the subject property is fully occupied by other restaurants and retailers. The adjacent property to the south also contains several restaurants and retail and is zoned C-2A (Special Commercial District). Adjacent properties to the north and west are zoned M-1 (Light Industrial District) and occupied by light industrial buildings and businesses. Across Lawrenceville-Suwanee Road is another shopping center with restaurants and retail (zoned PMUD) and an auto parts store (zoned C-2A). This area of the City is a thriving commercial area with infrequent vacancies. None of the surrounding restaurant or retail uses are allowed outdoor storage as a use by right.

The request for temporary outdoor storage seems reasonable at this location given the unique seasonal needs of the business. A permanent storage container is not ideal. A permanent container could be considered an accessory structure, which is allowed by the Zoning Code if constructed with materials complying with the City’s Architectural Standards, primarily brick or stone for commercial buildings. The storage container that is currently being used on the site is a metal shipping container, which does not meet the Architectural Standards.

The purpose of not allowing outdoor storage is to prevent clutter, trash and negative visual impacts in the City. Approval of seasonal storage is not likely to cause negative effects. A permanent storage container could contribute to negative visual impacts on the surrounding area

and encourage others to use the loading area for storage purposes if negative impacts are not managed. The shopping center has received warnings regarding trash at the rear of the property in the past. Additionally, the fence between the adjoining property next to the temporary storage container location is damaged and the dumpster door is broken. If approved, conditions should ensure that the property remains in compliance with code. Therefore, the Planning Department recommends **APPROVAL WITH CONDITIONS** of SUP-2022-003.

SUP-2022-003

Planning Department Recommendation:

Approval of outdoor storage subject to the following conditions:

1. The property shall be limited to one year round outdoor storage container and one temporary outdoor storage container for a maximum of 4 months in a 12 month period.
2. The one year round outdoor storage container shall be maintained in good condition. The unit shall be painted a subdued color to match the color of the shopping center. Said unit shall be located approximately as shown in Exhibit A.
3. Temporary outdoor storage shall be limited to one 20-foot long storage container or one 40-foot long storage container at a time. Said container shall be located behind the building and shall not block the passage of vehicles (including emergency vehicles) or loading activities.
 - a. A building permit shall be obtained from the Planning and Inspections Department prior to the placement of temporary outdoor storage container each time. Up to two permits for temporary outdoor storage may be issued per calendar year. Each permit will be good for up to 2 months. Prior to the issuance of each permit, the Planning and Inspections Department will perform an inspection for code violations.
 - b. If the temporary outdoor storage container needs electricity, electrical supply shall comply with all applicable building codes. Said electrical shall be subject to approval of the Building Official.
 - c. No permit will be issued until all code violations are remedied and the Building Official determines that the electrical supply for the outdoor storage unit complies with applicable codes.

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;

Outdoor storage would be suitable in view of existing and nearby properties if properly maintained and visibility of any outdoor storage is minimized. The proposed location for the outdoor storage would be behind the commercial building and adjacent to industrial property.

- 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 would not likely affect the existing uses or usability of 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 would not create 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 commercial for the subject property. The proposed outdoor storage would be used to support existing commercial on the subject property.

- 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 Honey Baked Ham store has peak sales on a seasonal basis and has a need for extra cold storage a few months of the year.

SPECIAL USE PERMIT APPLICATION

An Appointment is required prior to submitting an application. Please contact MaryAnn Jackson at 770-945-8996 to setup an appointment.

| APPLICANT INFORMATION* | OWNER INFORMATION* |
|--|---|
| NAME: <u>The Honeybaked Ham Company, LLC</u> | NAME: <u>H&G Properties Management, LLC</u> |
| ADDRESS: <u>3875 Mansell Road</u> <u>Alpharetta, GA 30022</u> | ADDRESS: <u>1626 Gunbarrel Road</u> <u>Chattanooga, TN 37421</u> |
| PHONE: <u>724-971-0270</u> | PHONE: <u>423-364-6628</u> |
| CONTACT PERSON: <u>Chris Cummings</u> | PHONE: <u>724-971-0270</u> |
| E-Mail Address: <u>ccummings@hbham.com</u> | |

PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): C2-A REQUESTED ZONING DISTRICT _____

PROPOSED DEVELOPMENT: Ground Based Storage

TAX PARCEL NUMBER(S): 7-194-372

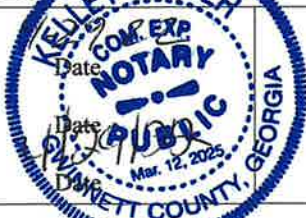
ADDRESS OF PROPERTY: 3370 Lawrenceville-Suwanee Road, Suite 120, Suwanee, GA 30024

TOTAL ACREAGE: 2.09 PUBLIC ROADWAY ACCESS: Lawrenceville-Suwanee Road & Satellite Blvd. NE

| | |
|-------------------------------------|---|
| FOR RESIDENTIAL DEVELOPMENT: | FOR NON-RESIDENTIAL DEVELOPMENT: |
| NO. OF LOTS/DWELLING UNITS: _____ | NO. OF BUILDINGS/UNITS: <u>1</u> |
| DWELLING UNIT SIZE (SQ. FT.): _____ | TOTAL GROSS SQUARE FEET: <u>1,470</u> |

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.

| | | | |
|--|---|------------------------------|---------------|
| <u>Chris Cummings</u> Signature of Applicant* Chris Cummings |  | _____ Signature of Owner* | _____ Date |
| _____ Print Name* | | _____ Signature of Notary | _____ Date |
| _____ Signature of Notary | | | |

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

CITY OF SUWANEE USE ONLY

Date Received: 4/29/22 Case No.: SUP-2022-003 Accepted By: AD

SPECIAL USE PERMIT APPLICANT'S RESPONSE

SPECIAL USE PERMIT APPLICATION

An Appointment is required prior to submitting an application. Please contact MarvAnn Jackson at 770-945-8996 to setup an appointment.

| APPLICANT INFORMATION* | OWNER INFORMATION* |
|--|---|
| NAME: <u>The Honeybaked Ham Company, LLC</u> | NAME: <u>H&G Properties Management, LLC</u> |
| ADDRESS: <u>3875 Mansell Road</u> <u>Alpharetta, GA 30022</u> | ADDRESS: <u>1626 Gunbarrel Road</u> <u>Chattanooga, TN 37421</u> |
| PHONE: <u>724-971-0270</u> | PHONE: <u>423-364-6628</u> |
| CONTACT PERSON: <u>Chris Cummings</u> | PHONE: <u>724-971-0270</u> |
| E-Mail Address: <u>ccummings@hbham.com</u> | |

PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): CZ-A REQUESTED ZONING DISTRICT _____
 PROPOSED DEVELOPMENT: Ground Based Storage
 TAX PARCEL NUMBER(S): 7-194-372
 ADDRESS OF PROPERTY: 3370 Lawrenceville-Suwanee Road, Suite 120, Suwanee, GA 30024
 TOTAL ACREAGE: 2.09 PUBLIC ROADWAY ACCESS: Lawrenceville-Suwanee Road & Satellite Blvd. NE

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: 1,470

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* <u>Chris Cummings</u> | Date | | Signature of Owner* <u>Yuchen Han</u> | Date <u>5/2/22</u> |
| Print Name* | Date | | Print Name* <u>Yuchen Han</u> | Date <u>5/2/22</u> |
| Signature of Notary | Date | | Signature of Notary <u>[Signature]</u> | Date <u>5-2-22</u> |

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

CITY OF SUWANEE USE ONLY

Date Received: 5/2/22 Case No.: SUP-2022-003 Accepted By: AD

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 proposed use is for The HoneyBaked Ham Company LLC to have a '20 storage unit for the purpose of storing dry goods throughout the year furthermore, HoneyBaked is requesting permission for a '40 cold storage unit for the months of November -December each year, and a '20 cold storage unit during the 2-week period prior to Easter.

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

This proposal will not affect the existing tenants in the shopping center as the area where the container is purposed to be placed is currently used by tenants for storage and waste removal.

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

The property is currently zoned for retail sales use and the placement of the container will not adversely impact retail sales activity.

- (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 placement of the storage container will not create 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 placement of the container is in conformity with the policy and intent of the land use 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:

The relatively small size of the HBH retail store at 1,470 sq. ft. necessitates that dry goods such as boxes and packing materials be stored at the rear of the premises in a container to allow for the efficient operation of the store.

Date Received: 4/29/22 CITY OF SUWANEE USE ONLY Case No.: SUP-2022-003 Accepted By: AD



Dear Planning Commission:

This correspondence shall serve as the Letter of Intent relative to The HoneyBaked Ham LLC's Special Use Permit Application. HoneyBaked is submitting the Special Use Permit application in order to obtain approval to allow certain storage behind its retail premises located within the Suwanee Promenade Shopping Center.

HoneyBaked occupies a 1,470 sq. ft. retail store within the above center and provides HoneyBaked products to retail customers at the store location. HoneyBaked leases the space from the owner of the center and has operated from the retail space in the shopping center since 2007. HoneyBaked is respectfully seeking approval from the Planning Commission to allow HoneyBaked to place certain storage containers at the rear of the premises. The containers would not interfere with traffic flow or fire lanes and the proposed placement of the containers is set forth on the site plan attached hereto.

HoneyBaked is seeking to place a twenty (20) ft. long container throughout the year in order to store dry goods such as boxes and paper products. Further, HoneyBaked is also seeking approval to place a forty (40) ft. long cold storage unit at the rear of the premises during the months of November and December in addition to the 20' long dry goods container. During the Easter season HoneyBaked is proposing that it be allowed to place a twenty (20) ft. long cold storage unit at the rear of the premises in addition to the twenty (20) ft. long dry goods container.

The storage containers are necessary for the efficient operation of the store given the relatively small size of the premises consisting of 1,470 sq. ft. The proposed use will not adversely affect existing tenants in the center as the area at the rear of the center where the containers would be placed has been designed for storage and delivery of goods. Storage containers have in the past been placed at the rear of the center without any adverse effects upon other tenants and without having created any safety hazards.

Sincerely,



Chris Cummings, Regional Manager - Atlanta

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THE PROPERTY PARTNERS, LLC
A MISSOURI LIMITED LIABILITY COMPANY
10000 W. 100th Street, Suite 100
Overland Park, MO 66212
TEL: 781 380 2000

SHOP'S & SUITCASE PROYECTO
10000 W. 100th Street, Suite 100
Overland Park, MO 66212
TEL: 781 380 2000

SATELLITE PARTNERS SUITCASE, LLC
10000 W. 100th Street, Suite 100
Overland Park, MO 66212
TEL: 781 380 2000

DATE: 10/10/2022
BY: [Signature]
CHECKED BY: [Signature]
SCALE: AS SHOWN
PROJECT: SUITCASE PROYECTO
SHEET: LP-01
NOT BOUND FOR CONSTRUCTION

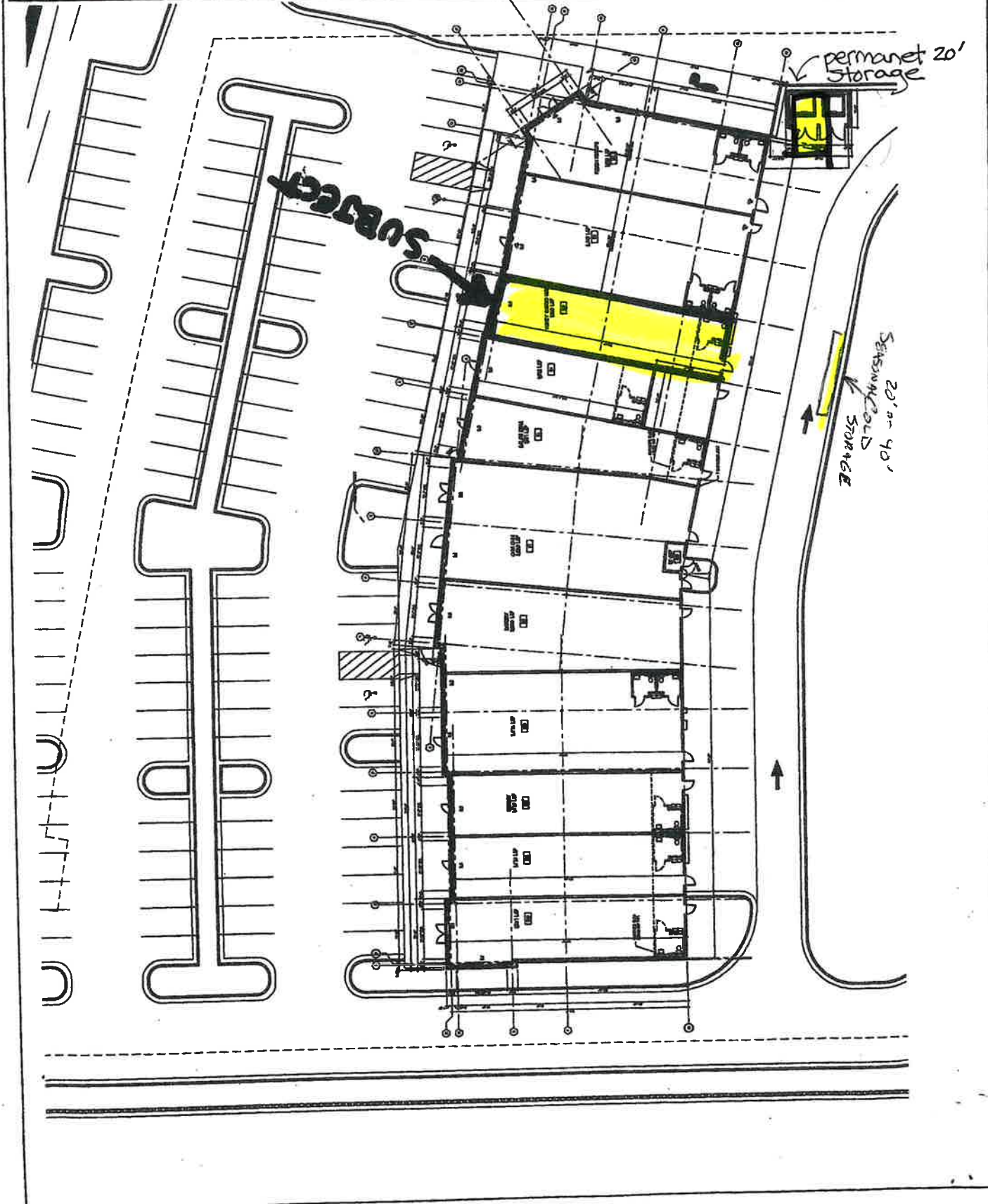
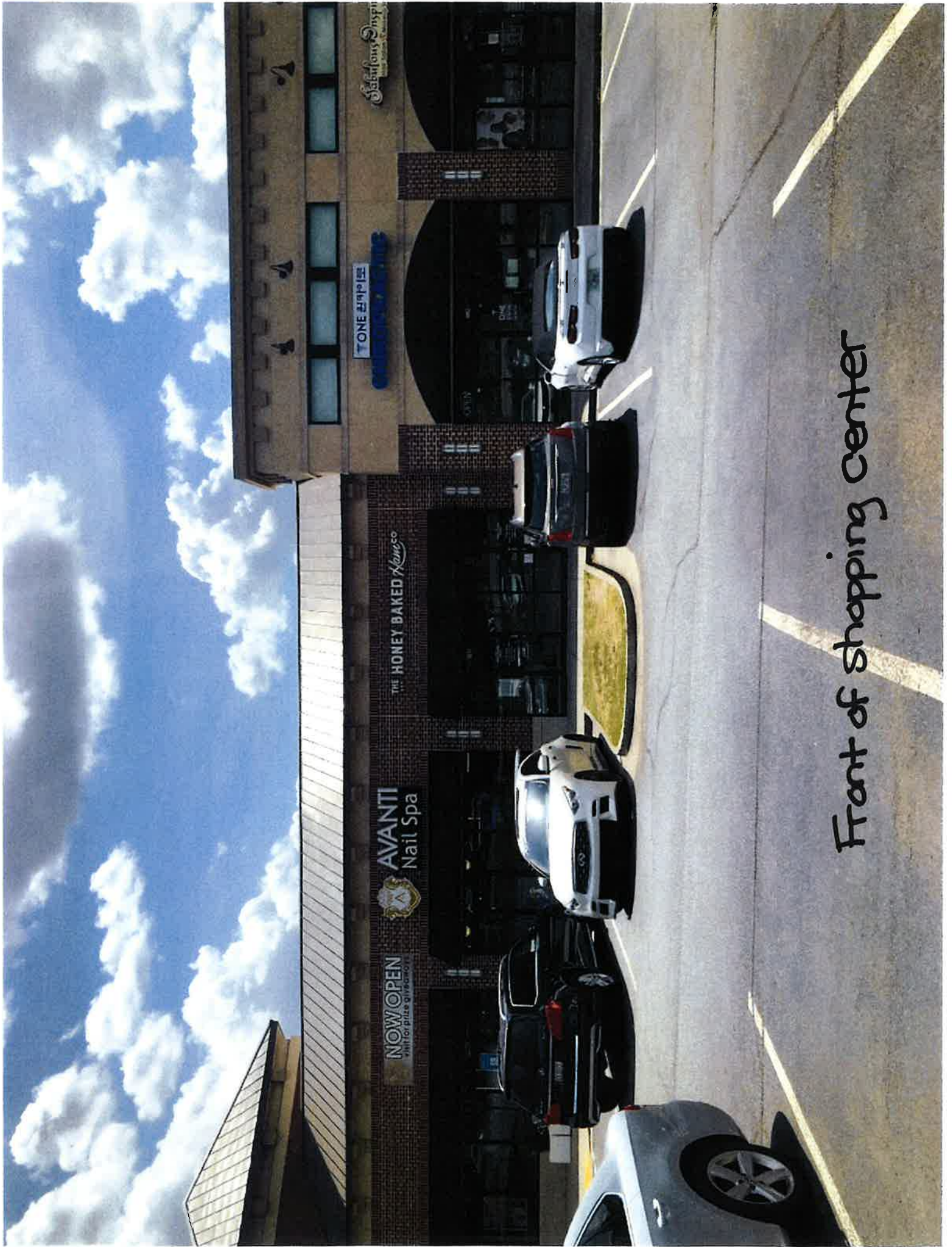


Exhibit A - Site Plan

SUP-2022-003



Front of shopping center



Year round container

Temporary Container

Image capture: Dec 2016 © 2022 Google

Google

Google

Street View - Dec 2018



location of requested outdoor storage



View from adjacent property



SUP-2022-003 Location Map

Legend



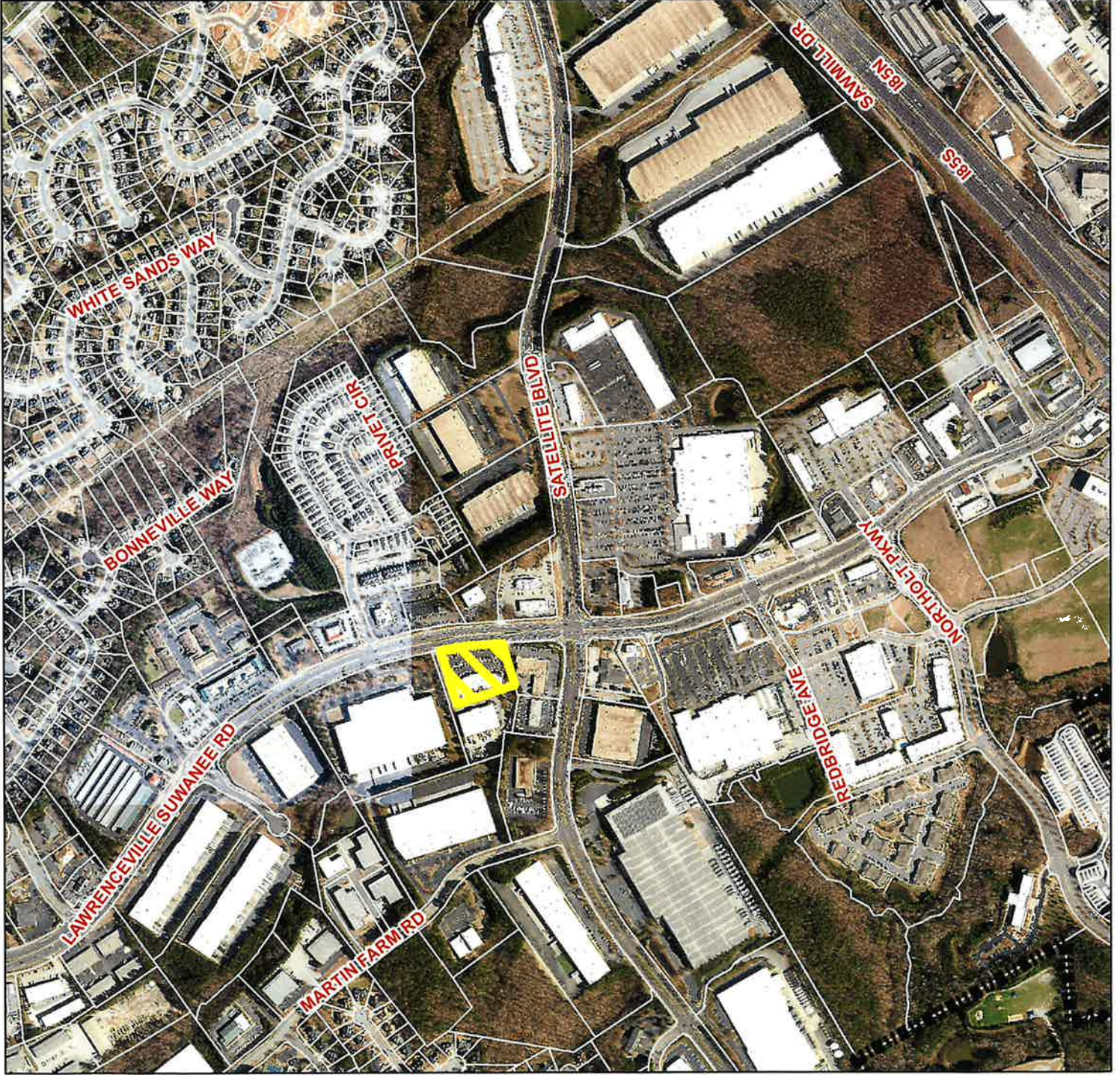
Subject Property




Parcels




0 375 750 1,500 Feet



Legend

 Subject Property

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

