

**REZONING(S) & SPECIAL USE PERMIT(S):**

**RZ-2023-001**

**SUP-2023-001**

**SUP-2023-002**

**CITY OF SUWANEE  
REZONING AND SPECIAL USE PERMIT ANALYSIS**

**CASE NUMBER:** RZ-2023-001  
**REQUEST:** C-2 (GENERAL COMMERCIAL DISTRICT)  
AND C-2A (SPECIAL COMMERCIAL  
DISTRICT) TO M-1 (LIGHT INDUSTRY  
DISTRICT)

**CASE NUMBER:** SUP-2023-001  
**REQUEST:** SELF-STORAGE FACILITY IN M-1 (LIGHT  
INDUSTRY DISTRICT)

**CASE NUMBER:** SUP-2023-002  
**REQUEST:** CAR WASH IN C-2 (GENERAL COMMERCIAL  
DISTRICT) AND C-2A (SPECIAL  
COMMERCIAL DISTRICT)

**LOCATION:** 300 PEACHTREE INDUSTRIAL BOULEVARD

**TAX ID NUMBER:** 7-252-049

**ACREAGE:** 4.9 ACRES

**PROPOSED DEVELOPMENT:** 115,200 SQUARE FOOT 3-STORY CLIMATE  
CONTROLLED SELF-STORAGE FACILITY  
(RZ-2023-001 AND SUP-2023-001)  
4,375 SQUARE FOOT CARWASH (SUP-2023-  
002)

**APPLICANT:** CGP ACQUISITION & DEVELOPMENT LLC  
15 N. BROWN ROAD, SUITE 125  
LAWRENCEVILLE, GA 30043

**OWNER:** NACOOCHEE CORPORATION  
270 CARPENTER DRIVE, SUITE 520  
ATLANTA, GA 30328

**CONTACT:** SHANE LANHAM  
**CONTACT PHONE:** 770-232-0000

**STAFF RECOMMENDATION:** APPROVAL WITH CONDITIONS

## **PROJECT DATA:**

The subject property is located at 300 Peachtree Industrial Boulevard and is currently zoned a mixture of C-2 (General Commercial District) and C-2A (Special Commercial District). The applicant seeks a rezoning to M-1 (Light Industry District) and Special Use Permit on approximately 3.5 acres of the approximately 5 acre property to allow for a self-storage facility, and a Special Use Permit on the remaining acre and half for a carwash (zoned C-2 and C-2A).

The applicant proposes to subdivide the 5-acre subject property into two tracts. The front 1.4 acre tract adjacent to Peachtree Industrial Boulevard is proposed to remain zoned C-2 and C-2A. The applicant proposes to demolish an existing 11,000 square foot multi-tenant shopping center (built in 2001) located on this portion of the property and construct a car wash, which would include a 4,375 square foot building and outdoor vacuums. Access is proposed via an existing right-in/right-out driveway on Peachtree Industrial Boulevard.

The rear 3.5 acre portion of the property is mostly undeveloped except for an off-street parking lot in poor condition that occupies the northern most portion of the rear tract. The rear tract is located behind the existing multitenant commercial building (associated with SUP-2023-002), a convenience store with gas pumps, a liquor store, and another multi-tenant shopping center. The applicant requests that this tract be rezoned to M-1 and granted a Special Use Permit to allow for the construction of a self-storage facility. The proposed indoor, climate controlled self-storage facility would be three stories and approximately 115,200 square feet. Access to the self-storage facility would be via two existing driveways off of Peachtree Industrial Boulevard. One point of access would be the existing signalized intersection via an existing driveway that runs along the side of the convenience store in front of the proposed self-storage site. The second driveway would be the right-in/right-out driveway that also serves the proposed carwash.

The Special Use Permit process was created by the City Council in 2001 to better handle certain land uses. The SUP process allows the City 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 a self-storage facility (SUP-2023-001), if the property is first rezoned to M-1 and a carwash (SUP-2023-002).

## **HISTORY:**

The subject property has an extensive and convoluted zoning history. Several rezoning cases have been heard on this property over the last 25 years. In 1995, per RZ-95-007, the rear northern portion of the property was zoned C-2. In 2000, per RZ-2000-030, the rear southern portion of the property was rezoned to C-2A. The front portion of the property was rezoned to C-2A in 2001 (RZ-2001-007) to allow for a restaurant tenant to be eligible to apply for an alcohol license in the existing multitenant commercial building that was under construction in 2001.

## **DEVELOPMENT COMMENTS:**

If the zoning change and Special Use Permit are approved then the development will need to be reviewed for compliance with zoning and development requirements through the usual development and building permit review process. The applicant should be aware that the City requires stormwater facilities to address water quality, water quantity, and channel protection. These requirements were not all in place when the subject property was originally developed.

## **ANALYSIS:**

The applicant requests a rezoning to M-1 (Light Industrial) and a Special Use Permit to construct an indoor, climate controlled self-storage facility that would be three stories and approximately 115,200 square feet on the rear portion of the property at 300 Peachtree Industrial Boulevard. On the front portion of the property the applicant seeks a Special Use Permit for a 4,375 square foot car wash. The property is also occupied by a parking lot that is in disrepair. Both the carwash and the self-storage facility would have access to the parking lot. If both projects are approved and developed as proposed the parking lot would have approximately 47 parking spaces. The plan shows 5 new parking spaces for the self-storage facility. An easement for power lines runs over the existing parking lot and limits the potential for development on the northern most portion of the property. Between the existing parking and the additional new five spaces it would appear that the site will provide fewer parking spaces than required for a warehouse use. Although it should be noted that self-storage facilities do not need as much parking as other warehouse uses. The carwash development would include 18 parking spaces with access to vacuums and an additional 3 parking spaces. It would appear that the site can adequately accommodate all of the proposed development.

The subject property is surrounded by commercially zoned property. To the south of the subject property is a Kroger grocery store located on the corner of Suwanee Dam Road and Peachtree Industrial Boulevard. The parcels between the subject property and Peachtree Industrial Boulevard to the east contain a convenience store with gas pumps (C-2), a package store (C-3), and a multitenant commercial building with several restaurants (C-2A). Also, east of the subject property across Peachtree Industrial Boulevard are a day care center (PMUD) and a multi-tenant shopping center (C-2A). A vacant, landlocked parcel that is zoned C-2 and contains a pond is adjacent to the subject property to the southwest. A Georgia Power substation occupies the commercially zoned (C-2) property located directly to the north.

The subject property is located in the Peachtree Industrial Boulevard Corridor Character Area. One of the goals for the corridor per the 2040 Comprehensive Plan is to “convert vacant and underutilized commercial property along the corridor or behind existing commercial to medium-density residential and/or mixed-use with neighborhood retail” (2040 Comprehensive Plan, p. 12). This strategy has been implemented in other areas of the corridor since the adoption of the 2040 Plan to create a greater mix of commercial and residential uses, but, in this case, the subject property is essentially landlocked with access only via a driveway between an existing

convenience store with gas pumps and a package store, which are commercial uses that are less compatible with residential development.

The City's Future Land Use Plan recommends commercial uses for this site due to the current commercial use of the parcel and its frontage on Peachtree Industrial Boulevard. The proposed use as a self-storage facility is not entirely consistent with the Future Land Use Plan. Self-storage is not an allowed use or special use within the City's commercial zoning districts and is only allowed as a special use in the M-1 zoning district.

The rear part of the subject property proposed for self-storage does not have frontage on or visibility from Peachtree Industrial Boulevard, which limits the potential for successful commercial uses on this portion of the property. A use that is compatible with commercial that relies less on high visibility, such as a self-storage facility, would be an appropriate use of the land at this location particularly due to the proximity of apartments (the Maven).

However, since the proposed use is not consistent with the City's Future Land Use Plan the design of the proposed building is an important factor in determining whether a self-storage facility could fit into the future plans for the area. If designed well, a self-storage facility could be consistent with the plan. The applicant has not presented any proposed architecture, so if approved, conditions should ensure that the Planning Department has adequate controls over the architecture to ensure the building is of high quality. This would include making sure that any units that are accessed from outside the building only have overhead doors that are not visible from Peachtree Industrial Boulevard.

Regarding the proposed carwash Special Use Permit, this portion of the property is currently occupied by a vacant multi-tenant commercial building. The City's data collected for the Economic Indicators report indicates that the building has been vacant for at least 3 years. While the rest of the City's commercial locations have been filling up in recent years, the subject property remains vacant. To the north of the property is a power substation and to the south is an older convenience store with gas pumps. Carwashes are compatible with gas stations. As mentioned above, one of the goals of the Comprehensive Plan is to fill vacant commercial spaces. Granting a Special Use Permit for a carwash at this challenged location would present an opportunity to refresh the property and provide a more active use. Like the self-storage facility, quality architecture will be essential to making sure the property fits on Peachtree Industrial Boulevard.

In conclusion, the request for a self-storage facility at this location is appropriate given the commercial nature of the area and low visibility of the site for commercial purposes. However, steps should be taken to ensure that the development is constructed with the highest of aesthetic standards to be compatible with surrounding commercial and residential uses. Regarding the carwash, if done correctly, it could refresh and add activity to a vacant underutilized property. Therefore, staff recommends **APPROVAL WITH CONDITIONS** of RZ-2023-001, SUP-2023-001, and SUP-2023-002.

**RZ-2023-001**

Staff recommends approval of the request for rezoning the property to M-1 subject to the following conditions:

1. The architecture of any buildings shall be subject to the approval of the Planning and Inspections Department.
2. The property shall be permitted for development in a manner generally consistent with Exhibit A.
3. Uses shall be limited to a climate controlled self-storage facility as shown on the plans submitted.
4. Any portion of the existing parking lot on the subject property that is not demolished as a part of the development of the property shall be completely renovated, including repairing and resurfacing the entire parking lot and providing landscaping that complies with applicable landscape requirements. Any portion of the parking lot located within the powerline easement may include understory trees. No Certificate of Occupancy shall be issued for any building on the property prior to completion of the renovation of the parking lot.
5. Prior to issuance of a Certificate of Occupancy for any building on the property an access easement shall be provided from the right-in/right-out driveway to the rear portion of the property.

**SUP-2023-001**

Staff recommends approval of the request for a self-storage facility subject to the following conditions:

1. Special use of the property for a climate controlled self-storage facility shall be allowed. No other special uses are permitted except as accessory uses subject to the approval of the Planning Director.
2. The applicant shall ensure that the site is secured to the satisfaction of the Planning and Inspections Director.
3. Exterior overhead doors shall only be allowed as noted on Exhibit A.

**SUP-2023-002**

Staff recommends approval of the request for a car wash facility subject to the following conditions:

1. The architecture of any buildings shall be subject to the approval of the Planning and Inspections Department.
2. The only special use allowed is a car wash.
3. Interparcel access to the adjacent parcel to the southeast shall be maintained.

4. The property shall have a 15 foot wide planted landscape strip measured from the property line along Peachtree Industrial Boulevard that meets all regulations of Section 1703 of the Zoning Ordinance.
5. The landscape island surround the parking/vacuum stations shall be heavily landscaped with a mixture of trees, shrub, and grasses that provide screening, subject to the final approval of the Planning Department.

## 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 and special use permit proposals will permit uses that are suitable in view of the use and development of adjacent and nearby property;

The requests to allow for a self-storage facility and a carwash are suitable in view of the use and development of adjacent and nearby property. Carwashes are normally found in conjunction with gas stations.

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

With the appropriate conditions to ensure a quality design, the rezoning and Special Use Permit would not adversely affect the existing uses or usability of adjacent or nearby properties. Given the age of the surrounding development, redevelopment of the subject property presents an opportunity to raise the quality of design in the surrounding area.

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

The 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;

The proposal would not result in a use which will or could cause 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 2040 Future Land Use Map shows this property as commercial. Industrial zoning is not consistent with the Future Land Use Map. However, a self-storage facility is commercial in nature and would support nearby residential uses. A carwash could be consistent with this commercial 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 property is currently underutilized as it contains a vacant commercial building and a decaying parking lot.

**ATTACHMENTS:**

**RZ-2023-001**

**&**

**SUP-2023-001**

## REZONING APPLICATION

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

<p style="text-align: center;"><b>APPLICANT INFORMATION*</b></p> <p style="text-align: center;"><small>CGP Acquisition &amp; Development LLC c/o Mahaffey Pickens</small></p> <p>NAME: <u>Tucker, LLP</u></p> <p>ADDRESS: <u>1550 N Brown Road, Suite 125</u> <u>Lawrenceville, GA 30043</u></p> <p>PHONE: <u>770 232 0000</u></p>	<p style="text-align: center;"><b>OWNER INFORMATION*</b></p> <p>NAME: <u>Nacoochee Corporation</u></p> <p>ADDRESS: <u>270 Carpenter Drive, Suite 520</u> <u>Atlanta, GA 30328</u></p> <p>PHONE: _____</p>
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CONTACT PERSON: Shane Lanham CONTACT PHONE: 770 232 0000

EMAIL ADDRESS: slanham@mptlawfirm.com FAX NUMBER: 678 518 6450

### PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): C-2 & C-2A REQUESTED ZONING DISTRICT M-1

PROPOSED DEVELOPMENT: Indoor, climate-controlled, self-storage facility

TAX PARCELNUMBER(S): R7252 049 (portion of)

ADDRESS OF PROPERTY: 300 Peachtree Industrial Boulevard

TOTAL ACREAGE: +/- ~~4.00~~ 3.531 PUBLIC ROADWAY ACCESS: Peachtree Industrial Boulevard

<b>FOR RESIDENTIAL DEVELOPMENT:</b>	<b>FOR NON-RESIDENTIAL DEVELOPMENT:</b>
NO. OF LOTS/DWELLING UNITS: <u>NA</u>	NO. OF BUILDINGS/UNITS: <u>1</u>
DWELLING UNIT SIZE (SQ. FT.): <u>NA</u>	TOTAL GROSS SQUARE FEET: <u>115,200</u>

### 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.

Signature of Applicant*	Date	Signature of Owner*	Date
<u>Shane Lanham, attorney</u>	<u>11/17/2022</u>	_____	_____
Print Name	Date	Print Name*	Date
_____	<u>11/17/2022</u>	_____	_____
Signature of Notary	Date	Signature of Notary	Date
_____	_____	_____	_____

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

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**CITY OF SUWANEE USE ONLY**

Date Received: 11/28/22 Case No. RZ-2023-001 Accepted By: [Signature]



### REZONING APPLICATION

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

APPLICANT INFORMATION*	OWNER INFORMATION*
NAME: <u>CGP Acquisition &amp; Development LLC</u>	NAME: <u>Nacoochee Corp.</u>
ADDRESS: <u>361 Summit Boulevard</u> <u>Suite 110, Birmingham, AL 35243</u>	ADDRESS: <u>270 Carpenter Drive,</u> <u>Suite 520, Atlanta, GA 30328</u>
PHONE: <u>(205) - 968-9220</u>	PHONE: _____

CONTACT PERSON: Chad Post CONTACT PHONE: (205) - 968-9217  
 EMAIL ADDRESS: cpost@cgpre.com FAX NUMBER: \_\_\_\_\_

**PROPERTY INFORMATION**

PRESENT ZONING DISTRICT(S): C-2 & C-2A REQUESTED ZONING DISTRICT M1  
 PROPOSED DEVELOPMENT: 3 story self storage building  
 TAX PARCEL NUMBER(S): A portion of R7252 049  
 ADDRESS OF PROPERTY: 300 Peachtree Industrial Blvd, Suwanee, GA 30024  
 TOTAL ACREAGE: ~~4.0~~ +/- 3.531 PUBLIC ROADWAY ACCESS: Peachtree Industrial Blvd

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: 115,200

**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.



Signature of Applicant\* [Signature] Date 11/3/22  
 Signature of Applicant\* [Signature] Date 11/3/22  
 Signature of Notary [Signature] Date 11/3/22

Signature of Owner\* [Signature] Date 11/16/22  
 Print Name\* John F. Smokey Date 11/16/22  
 Signature of Notary [Signature] Date \_\_\_\_\_

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

**CITY OF SUWANEE USE ONLY**

Date Received: \_\_\_\_\_ Case No.: \_\_\_\_\_ Accepted By: \_\_\_\_\_

RZ-2023-001



### 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>Tucker, LLP</u> <small>CGP Acquisition &amp; Development LLC c/o Mahaffey Pickens</small>	NAME: <u>Nacoochee Corporation</u>
ADDRESS: <u>1550 North Brown Road, Suite 125</u> <u>Lawrenceville, GA 30043</u>	ADDRESS: <u>270 Carpenter Drive, Suite 520</u> <u>Atlanta, GA 30328</u>
PHONE: <u>770 232 0000</u>	PHONE: _____
CONTACT PERSON: <u>Shane Lanham</u>	PHONE: <u>770 232 0000</u>
E-Mail Address: <u>sianham@mptlawfirm.com</u>	

**PROPERTY INFORMATION**

PRESENT ZONING DISTRICT(S): C-2 & C-2A REQUESTED ZONING DISTRICT M-1 with SUP

PROPOSED DEVELOPMENT: Indoor, climate-controlled, self-storage facility

TAX PARCEL NUMBER(S): R7252 049 (portion of)

ADDRESS OF PROPERTY: 300 Peachtree Industrial Boulevard

TOTAL ACREAGE: ~~4.4444~~ +- 3.539 PUBLIC ROADWAY ACCESS: Peachtree Industrial Boulevard

<b>FOR RESIDENTIAL DEVELOPMENT:</b>	<b>FOR NON-RESIDENTIAL DEVELOPMENT:</b>
NO. OF LOTS/DWELLING UNITS: <u>NA</u>	NO. OF BUILDINGS/UNITS: <u>1</u>
DWELLING UNIT SIZE (SQ. FT.): <u>NA</u>	TOTAL GROSS SQUARE FEET: <u>115,200</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.

Signature of Applicant <u>Shane Lanham attorney</u>	Date <u>11/17/22</u>	Signature of Owner*	Date
Print Name	Date	Print Name*	Date
Signature of Notary	Date <u>11/17/2022</u>	Signature of Notary	Date

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

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CITY OF SUWANEE USE ONLY

Date Received: 11/28/22 Case No.: SUP-2023-001 Accepted By: AD

**SPECIAL USE PERMIT APPLICANT'S RESPONSE**



### 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>CGP Acquisition + Development LLC</u>	NAME: <u>Nacoochee Corp.</u>
ADDRESS: <u>341 Summit Boulevard Suite 110, Birmingham, AL 35243</u>	ADDRESS: <u>270 Carpenter Drive suite 520, Atlanta, GA 30328</u>
PHONE: <u>(205) - 948 - 9210</u>	PHONE: _____
CONTACT PERSON: <u>Chad Post</u>	PHONE: _____
E-Mail Address: <u>cpost@cgpre.com</u>	_____
PROPERTY INFORMATION	
PRESENT ZONING DISTRICT(S): <u>C2A</u>	REQUESTED ZONING DISTRICT <u>M1</u>
PROPOSED DEVELOPMENT: <u>3 story self storage building</u>	
TAX PARCEL NUMBER(S): <u>A portion of</u> R752 049	
ADDRESS OF PROPERTY: <u>300 Peachtree Industrial Blvd, Suwanee, GA 30024</u>	
TOTAL ACREAGE: <u>4- 3.539</u>	PUBLIC ROADWAY ACCESS: <u>Peachtree Industrial Blvd</u>
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>115,200</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.	
Signature of Applicant* <u>[Signature]</u> Date <u>11/3/22</u> Signature of Applicant* <u>[Signature]</u> Date <u>11/3/22</u> Signature of Notary <u>[Signature]</u> Date <u>11/3/22</u>	Signature of Owner* <u>[Signature]</u> Date <u>11/16/22</u> Print Name* <u>John F. Smithgall</u> Date <u>11/16/22</u> Signature of Notary <u>[Signature]</u> Date <u>11/16/22</u>



CITY OF SUWANEE USE ONLY

Date Received: 11/28/22 Case No. SOP-2023-001 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:  
Please see attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(B) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:  
Please see attached  
\_\_\_\_\_  
\_\_\_\_\_

(C) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:  
Please 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:  
Please see attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(E) Whether the zoning proposal is in conformity with the policy and intent of the land use plan:  
Please 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:  
Please see attached  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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CITY OF SUWANEE USE ONLY  
Date Received: 11/28/22 Case No. SUP-2023-001 Accepted By: AD  
R2-2023-001

## STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER

- A. Approval of the Applications will allow a use that is suitable in view of the use and development of adjacent and nearby property. The subject Property is located along Peachtree Industrial Boulevard adjacent to established commercial uses. The Property is also adjacent to a large power substation and contains large undevelopable areas encumbered by power line easements. The limited visibility and “second-row” location of the Property pose significant challenges for more active commercial uses, but provide an ideal location for an attractive self-storage facility, which is less dependent on visibility of passing motorists and direct roadway access. The less-intense nature of the proposed self-storage facility also provides an appropriate transition of land uses from the more intense commercial uses located along the Peachtree Industrial Boulevard corridor and the less-intense residential uses to the southeast.
- B. Approval of the Applications will not adversely affect the existing use or usability of adjacent or nearby property. Rather the proposed development would complement surrounding commercial land uses by providing a neighborhood-serving use that would serve residents and employees of the surrounding area.
- C. The Applicant submits that due to its size, location, physical characteristics, and layout, the subject property does not have a reasonable economic use as currently zoned without the proposed special use permit.
- D. Approval of the Applications will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The property has direct access to Peachtree Industrial Boulevard with access to utilities. Moreover, self-storage uses typically generate fewer daily vehicle trips and would not have a negative impact on transportation facilities.
- E. Approval of the Applications is in conformity with the policy and intent of the 2040 Comprehensive Plan which encourages commercial uses along major transportation corridors.
- F. The physical development challenges of the Property, the transitional nature of the proposed use, and the strong market demand for the proposed use provide additional supporting grounds for approval of the Applications.

SUP-2023-001  
RZ-2023-001





Matthew P. Benson  
Catherine W. Davidson  
Gerald Davidson, Jr.\*  
Rebecca B. Gober  
Brian T. Easley  
Christopher D. Holbrook  
Jessica P. Kelly

Shane M. Lanham  
Jeffrey R. Mahaffey  
Steven A. Pickens  
Gabrielle H. Schaller  
Andrew D. Stancil  
R. Lee Tucker, Jr.

\*Of Counsel

**COMBINED LETTER OF INTENT FOR REZONING AND  
SPECIAL USE PERMIT APPLICATIONS**

Mahaffey Pickens Tucker, LLP submits this combined Letter of Intent and attached Rezoning and Special Use Permit applications (the “Applications”) on behalf of CGP Acquisition & Development, LLC (the “Applicant”) relative to an approximately 4.982-acre tract of land (the “Property”) located along the easterly side of Peachtree Industrial Boulevard (“PIB”) between Suwanee-Buford Dam Road and Tench Road. The Property is currently split-zoned C-2 and C-2A and is located within the Peachtree Industrial Boulevard Corridor Character Area as depicted on the City’s 2040 Comprehensive Plan (the “2040 Plan”) Character Area Map. The Property is also designated as “Commercial/Retail” on the 2040 Plan’s Future Land Use Map.

The Property is “L-shaped” with a relatively narrow frontage on Peachtree Industrial Boulevard, with the majority of the Property located behind existing commercial/retail uses and a convenience store with fuel pumps. The Applicant is proposing to subdivide the Property into two tracts with a +/-1.443-acre tract located on the northerly side of the Property and fronting on PIB (the PIB Tract”) and the remaining +/-3.539-acre tract located behind the existing commercial uses (the “Rear Tract”). The PIB Tract contains a +/-11,000 square foot commercial building constructed in 2001, which has been vacant for an extended period of time. The Rear Tract is undeveloped except for some older paving, but faces severe physical challenges to development including massive powerline easements and steep topography. Moreover, the Rear Portion’s

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FACSIMILE 678 518 6880  
www.mptlawfirm.com

SUP-2023-001 R2-2023-001

extremely limited visibility and poor access have frustrated its development despite its current commercial zoning classifications.

The Applicant is requesting a Special Use Permit on the PIB Tract in order to redevelop it for use as a car wash facility. The proposed development would include a single car wash building with approximately 4,375 square feet and associated vacuum stations and parking spaces. Direct access to the site is provided by an existing right-in-right-out driveway on Peachtree Industrial Boulevard with additional interparcel access connections to the adjacent gas station as well as the proposed self-storage facility to the south. The proposed car wash building is oriented perpendicularly to Peachtree Industrial Boulevard to provide safe and efficient vehicle circulation on-site. The proposed use is compatible with the adjacent auto-related gas station use and would provide a neighborhood-serving use for residents of the surrounding area, as such facilities are often patronized by people living and/or working in the immediate vicinity. The proposed use would also activate an underutilized parcel with a land use that is better-suited for the Property's physical challenges, including limited visibility and less-than-ideal vehicular access from a right-in-right-out driveway and an interparcel access connection. The proposed use's operational model can accommodate fewer direct vehicle trips which have likely negatively-impacted previous uses of the site including retail and restaurant uses, which were, unfortunately, sporadic and often, short-lived.

For the Rear Tract, the Applicant is requesting (i) to rezone it to M-1 and (ii) a Special Use Permit in order to develop that tract for use as a three-story, indoor, climate-controlled self-storage facility with a total of approximately 115,200 square feet. The proposed self-storage building would include attractive architectural design and building materials and would enjoy access to PIB from a shared driveway which runs north through the PIB Tract to a right-in-right-out driveway as well as through an existing driveway which runs alongside the existing convenience store to a full-access signalized entrance.

The proposed development is consistent with the spirit and intent of the 2040 Plan which encourages commercial uses along major transportation corridors and is compatible with the use of adjacent and surrounding properties. To the north, the Property is adjacent to a large power

SUP-2023-001

RZ-2023-001

substation and the remaining adjacent parcels are all zoned either C-2 or C-2A. The proposed commercial uses are compatible with these existing commercial uses and would provide appropriate land uses given the limited visibility and access of the Property.

The Applicant and its representatives welcome the opportunity to meet with staff of the City of Suwanee Planning and Inspections Department to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Applications filed herewith. The Applicant respectfully requests your approval of the Applications.

This 18th day of November, 2022.

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP

*Shane M. Lanham*

Shane M. Lanham  
*Attorneys for Applicant*

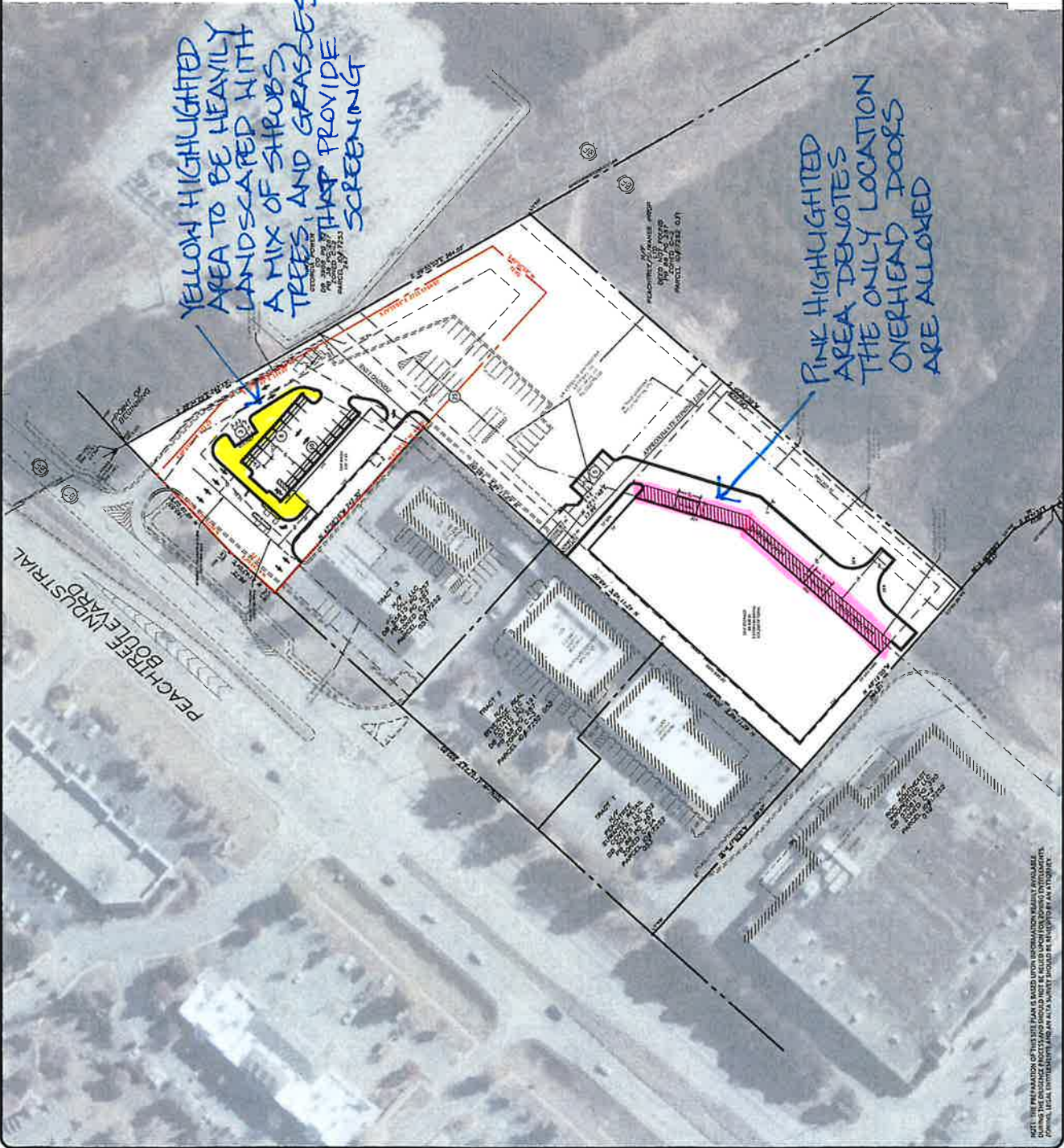
SUP-2023-001 RZ-2023-001





- NOTES:
1. REZONING TO M-1 REQUIRED FOR SELF STORAGE.
  2. SPECIAL USE PERMIT REQUIRED FOR BOTH OIL CHANGE FACILITY AND CAR WASH

Level 1		Existing/Req*	Proposed
Zoning	C2A	NO	M-1
Use Allowed	NO	NO	NO
Use Specific Req	NONE	NONE	YES
Flood Zone			
National Wetlands Inventory			
Drainage District			
Car Wash			4,375 SF
Oil RT			1.4 AC
Storage			115,000 SF
			3.0 AC
Building setbacks			
Major	50'		
Minor	20'		
Side	15'		
Rear	5'		
Landscape strips			
Major			
Minor			
Side			
Land Use Surfers			
Environmental Barriers			



RZ-2023-001  
 SUP-2023-001

# Exhibit A




NOTE: THE PREPARATION OF THIS SITE PLAN IS BASED UPON INFORMATION BELIEVED AVAILABLE. CIVILICISTIX AND ANY CONSULTANTS SHALL NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS.

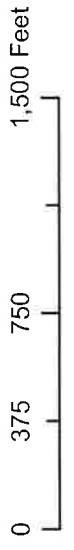


# Location Map

RZ-2023-001  
SUP-2023-001  
SUP-2023-002

## Legend

-  Subject Property
-  City Parcels
-  City Limits







**ATTACHMENTS:**

**SUP-2023-002**

**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.**

<p style="text-align: center;"><b>APPLICANT INFORMATION*</b></p> <p>CGP Acquisition &amp; Development LLC c/o Mahaffey Pickens</p> <p>NAME: <u>Tucker, LLP</u></p> <p>ADDRESS: <u>1550 North Brown Road, Suite 125</u> <u>Lawrenceville, GA 30043</u></p> <p>PHONE: <u>770 232 0000</u></p> <p>CONTACT PERSON: <u>Shane Lanham</u></p> <p>E-Mail Address: <u>slanham@mptlawfirm.com</u></p>	<p style="text-align: center;"><b>OWNER INFORMATION*</b></p> <p>NAME: <u>Nacoochee Corporation</u></p> <p>ADDRESS: <u>270 Carpenter Drive, Suite 520</u> <u>Atlanta, GA 30328</u></p> <p>PHONE: _____</p> <p>PHONE: <u>770 232 0000</u></p>
<p><b>PROPERTY INFORMATION</b></p>	
<p>PRESENT ZONING DISTRICT(S): <u>C-2A</u>      REQUESTED ZONING DISTRICT <u>C-2A w/ SUP</u></p> <p>PROPOSED DEVELOPMENT: <u>Car Wash Facility</u></p> <p>TAX PARCEL NUMBER(S): <u>A portion of R7252 049</u></p> <p>ADDRESS OF PROPERTY: <u>300 Peachtree Industrial Boulevard</u></p> <p>TOTAL ACREAGE: <u>1.443</u>      PUBLIC ROADWAY ACCESS: <u>Peachtree Industrial Boulevard</u></p>	
<p><b>FOR RESIDENTIAL DEVELOPMENT:</b></p> <p>NO. OF LOTS/DWELLING UNITS: <u>NA</u></p> <p>DWELLING UNIT SIZE (SQ. FT.): <u>NA</u></p>	<p><b>FOR NON-RESIDENTIAL DEVELOPMENT:</b></p> <p>NO. OF BUILDINGS/UNITS: <u>1</u></p> <p>TOTAL GROSS SQUARE FEET: <u>+/- 4,375</u></p>
<p><b>CERTIFICATIONS</b></p>	
<p>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.</p>	
<p>Signature of Applicant: <u>Shane Lanham attorney</u></p> <p>Print Name: _____</p> <p>Signature of Notary: _____</p>	<p>Date: <u>11/17/22</u></p> <p>Date: <u>11/17/2022</u></p> <p>Date: _____</p>
<p>Signature of Owner*: _____</p> <p>Print Name*: _____</p> <p>Signature of Notary: _____</p>	<p>Date: _____</p> <p>Date: _____</p> <p>Date: _____</p>
<p>* If Additional Applicant or Owner Information is Needed Please Complete Additional Application Form(s)</p>	

\*\*\*\*\*

CITY OF SUWANEE USE ONLY


Date Received: 11/28/22      Case No.: SUP-2023-002      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>CGP Acquisition + Development LLC</u>		NAME: <u>Nacoochee Corp.</u>	
ADDRESS: <u>341 Summit Blvd, Suite 110</u> <u>Birmingham, AL 35243</u>		ADDRESS: <u>270 Carpenter Drive</u> <u>suite 520, Atlanta, GA 30328</u>	
PHONE: <u>(205) - 948-9220</u>		PHONE: _____	
CONTACT PERSON: <u>Chad Post</u>		PHONE: _____	
E-Mail Address: <u>cpost@cgpre.com</u>			
PROPERTY INFORMATION			
PRESENT ZONING DISTRICT(S): <u>C21A</u>		REQUESTED ZONING DISTRICT <u>C21A</u>	
PROPOSED DEVELOPMENT: <u>Car wash Facility</u>			
TAX PARCEL NUMBER(S): <u>A portion of</u>		R7252 049	
ADDRESS OF PROPERTY: <u>300 Peachtree Industrial Blvd, Suwanee, GA 30024</u>			
TOTAL ACREAGE: <u>4.143</u>		PUBLIC ROADWAY ACCESS: <u>Peachtree Industrial Blvd</u>	
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>4,375</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.			
 Signature of Applicant* <u>[Signature]</u> Date <u>11/3/22</u> Signature of Applicant* <u>[Signature]</u> Date <u>11/3/22</u> Signature of Applicant* <u>[Signature]</u> Date <u>11/3/22</u>		Signature of Owner* <u>[Signature]</u> Date <u>11/16/22</u> Print Name* <u>John F. Smithgall</u> Date <u>11/16/22</u> Signature of Notary <u>[Signature]</u> Date _____	
*Additional Applicant or Owner Information is Needed Please Complete Additional Application Form(s) *****			

#### CITY OF SUWANEE USE ONLY

Date Received: 11/28/22 Case No.: SUP-2023-002 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:

Please see attached  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

Please see attached  
 \_\_\_\_\_  
 \_\_\_\_\_

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

Please 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:

Please see attached  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

Please 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:

Please see attached  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

\*\*\*\*\*

CITY OF SUWANEE USE ONLY

Date Received: 11/29/22 Case No.: SUP-2023-002 Accepted By: AD

## **STANDARDS GOVERNING THE EXERCISE OF THE ZONING POWER**

- A. Approval of the Applications will allow a use that is suitable in view of the use and development of adjacent and nearby property. The subject Property is located along Peachtree Industrial Boulevard adjacent to established commercial uses, including a gas station. The Property is also adjacent to a large power substation.
- B. Approval of the Applications will not adversely affect the existing use or usability of adjacent or nearby property. Rather the proposed development would complement surrounding commercial land uses by providing a neighborhood-serving use that would serve residents and employees of the surrounding area.
- C. The Applicant submits that due to its size, location, physical characteristics, and layout, the subject property does not have a reasonable economic use as currently zoned without the proposed special use permit.
- D. Approval of the Applications will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The property has direct access to Peachtree Industrial Boulevard with access to utilities.
- E. Approval of the Applications is in conformity with the policy and intent of the 2040 Comprehensive Plan which encourages commercial uses along major transportation corridors.
- F. The physical development challenges of the Property, the transitional nature of the proposed use, and the strong market demand for the proposed use provide additional supporting grounds for approval of the Applications.

SUP-2023-002



Matthew P. Benson  
Catherine W. Davidson  
Gerald Davidson, Jr.\*  
Rebecca B. Gober  
Brian T. Easley  
Christopher D. Holbrook  
Jessica P. Kelly

Shane M. Lanham  
Jeffrey R. Mahaffey  
Steven A. Pickens  
Gabrielle H. Schaller  
Andrew D. Stancil  
R. Lee Tucker, Jr.

\*Of Counsel

**COMBINED LETTER OF INTENT FOR REZONING AND  
SPECIAL USE PERMIT APPLICATIONS**

Mahaffey Pickens Tucker, LLP submits this combined Letter of Intent and attached Rezoning and Special Use Permit applications (the “Applications”) on behalf of CGP Acquisition & Development, LLC (the “Applicant”) relative to an approximately 4.982-acre tract of land (the “Property”) located along the easterly side of Peachtree Industrial Boulevard (“PIB”) between Suwanee-Buford Dam Road and Tench Road. The Property is currently split-zoned C-2 and C-2A and is located within the Peachtree Industrial Boulevard Corridor Character Area as depicted on the City’s 2040 Comprehensive Plan (the “2040 Plan”) Character Area Map. The Property is also designated as “Commercial/Retail” on the 2040 Plan’s Future Land Use Map.

The Property is “L-shaped” with a relatively narrow frontage on Peachtree Industrial Boulevard, with the majority of the Property located behind existing commercial/retail uses and a convenience store with fuel pumps. The Applicant is proposing to subdivide the Property into two tracts with a +/-1.443-acre tract located on the northerly side of the Property and fronting on PIB (the “PIB Tract”) and the remaining +/-3.539-acre tract located behind the existing commercial uses (the “Rear Tract”). The PIB Tract contains a +/-11,000 square foot commercial building constructed in 2001, which has been vacant for an extended period of time. The Rear Tract is undeveloped except for some older paving, but faces severe physical challenges to development including massive powerline easements and steep topography. Moreover, the Rear Portion’s

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SUP-2023-002

extremely limited visibility and poor access have frustrated its development despite its current commercial zoning classifications.

The Applicant is requesting a Special Use Permit on the PIB Tract in order to redevelop it for use as a car wash facility. The proposed development would include a single car wash building with approximately 4,375 square feet and associated vacuum stations and parking spaces. Direct access to the site is provided by an existing right-in-right-out driveway on Peachtree Industrial Boulevard with additional interparcel access connections to the adjacent gas station as well as the proposed self-storage facility to the south. The proposed car wash building is oriented perpendicularly to Peachtree Industrial Boulevard to provide safe and efficient vehicle circulation on-site. The proposed use is compatible with the adjacent auto-related gas station use and would provide a neighborhood-serving use for residents of the surrounding area, as such facilities are often patronized by people living and/or working in the immediate vicinity. The proposed use would also activate an underutilized parcel with a land use that is better-suited for the Property's physical challenges, including limited visibility and less-than-ideal vehicular access from a right-in-right-out driveway and an interparcel access connection. The proposed use's operational model can accommodate fewer direct vehicle trips which have likely negatively-impacted previous uses of the site including retail and restaurant uses, which were, unfortunately, sporadic and often, short-lived.

For the Rear Tract, the Applicant is requesting (i) to rezone it to M-1 and (ii) a Special Use Permit in order to develop that tract for use as a three-story, indoor, climate-controlled self-storage facility with a total of approximately 115,200 square feet. The proposed self-storage building would include attractive architectural design and building materials and would enjoy access to PIB from a shared driveway which runs north through the PIB Tract to a right-in-right-out driveway as well as through an existing driveway which runs alongside the existing convenience store to a full-access signalized entrance.

The proposed development is consistent with the spirit and intent of the 2040 Plan which encourages commercial uses along major transportation corridors and is compatible with the use of adjacent and surrounding properties. To the north, the Property is adjacent to a large power

SUP-2023-002



substation and the remaining adjacent parcels are all zoned either C-2 or C-2A. The proposed commercial uses are compatible with these existing commercial uses and would provide appropriate land uses given the limited visibility and access of the Property.

The Applicant and its representatives welcome the opportunity to meet with staff of the City of Suwanee Planning and Inspections Department to answer any questions or to address any concerns relating to the matters set forth in this letter or in the Applications filed herewith. The Applicant respectfully requests your approval of the Applications.

This 18th day of November, 2022.

Respectfully Submitted,

MAHAFFEY PICKENS TUCKER, LLP

*Shane M. Lanham*

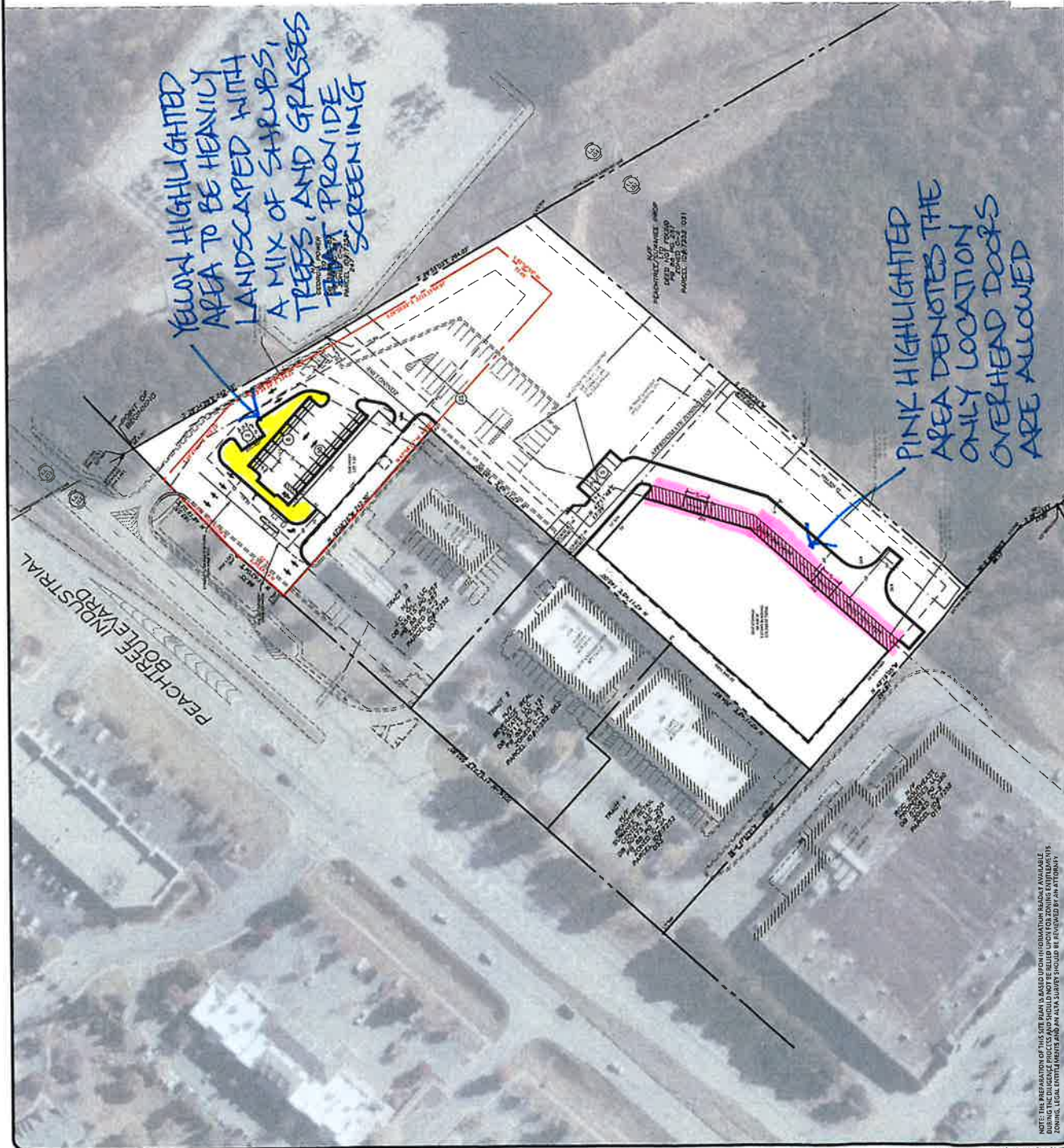
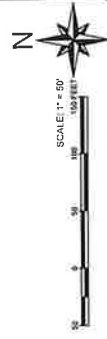
Shane M. Lanham  
*Attorneys for Applicant*

SUP-2023-002



- NOTES:**
1. REZONING TO M-1 REQUIRED FOR SELF STORAGE. SPECIAL PERMITS REQUIRED FOR BOTTLING.
  2. CHANGE FACILITY AND CAR WASH.

Level 1		Existing/Req	Proposed
Zoning	C2A	NO	M-1
Use Allowed		NO	NO
Use Specific Req		NONE	YES
Flood Zone			
National Wetlands Inventory			
Overlay District			
Car Wash			4,375 SF
Lot #1			1.4 AC
Lot #2			3.6 AC
Storage			115,200 SF
Total			5.0 AC
<b>Building setbacks</b>			
Major		50'	
Minor		20'	
Side		15'	
Rear		15'	
<b>Landscaping</b>			
Major			
Minor			
Site			
<b>Land Use Buffers</b>			
<b>Environmental Buffers</b>			



SUP-2023-002

Exhibit A




NOTE: THE PREPARATION OF THIS SITE PLAN IS BASED UPON INFORMATION READILY AVAILABLE TO THE ENGINEER. THE ENGINEER HAS CONDUCTED VISUAL GENERAL VERIFICATION OF THE EXISTING CONDITIONS. LEGAL INSTRUMENTS AND AS-BUILT SURVEYS SHOULD BE REVIEWED BY AN ATTORNEY.



# Location Map

RZ-2023-001  
SUP-2023-001  
SUP-2023-002

## Legend

-  Subject Property
-  City Parcels
-  City Limits















# Zoning Map

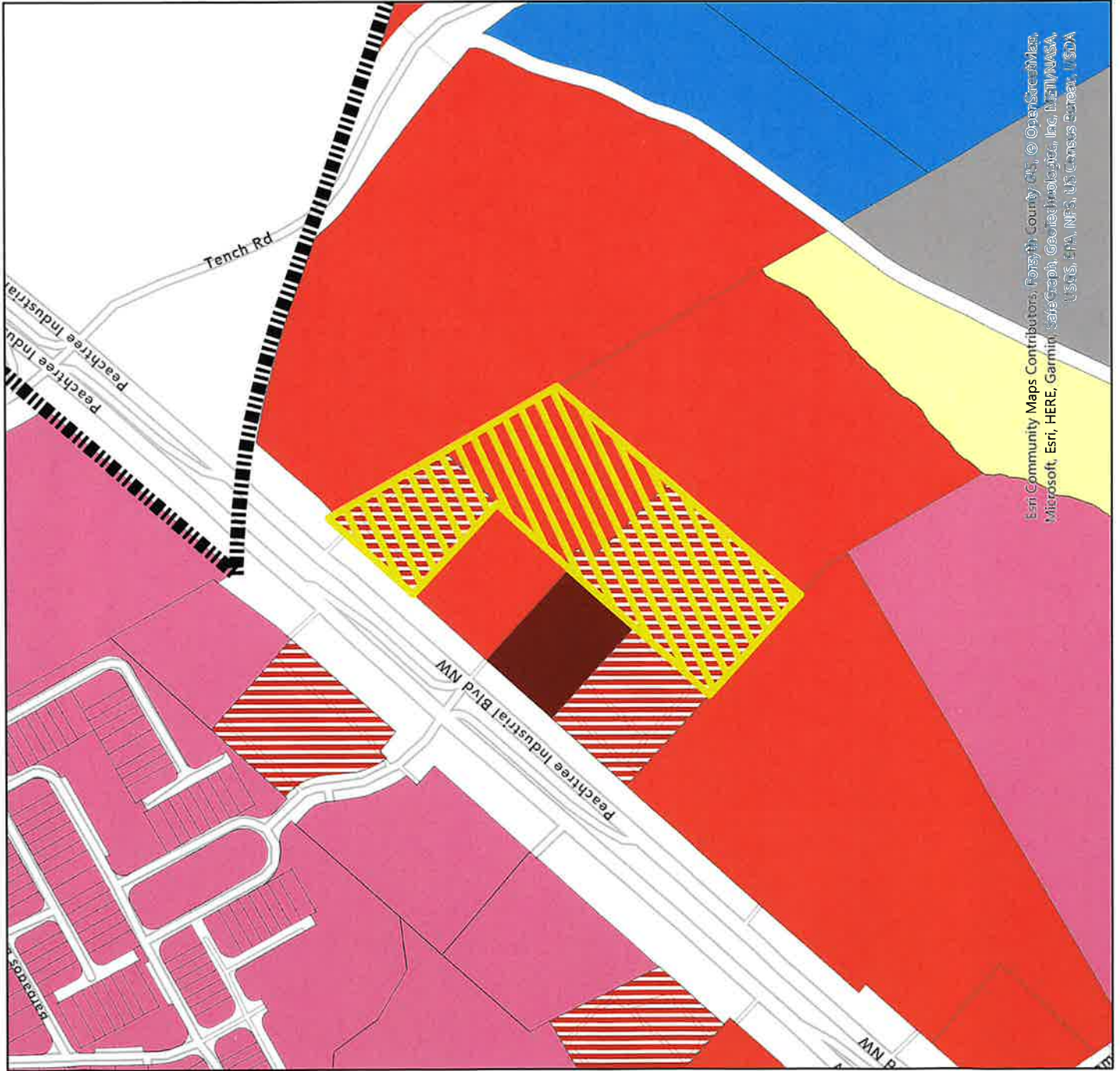
## RZ-2023-001

## SUP-2023-001

## SUP-2023-002

### Legend

-  SUP-2022-005
  -  City Parcels
  -  City Limits
- 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



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