

SPECIAL USE PERMIT(S):
SUP-2023-003

**CITY OF SUWANEE
SPECIAL USE PERMIT ANALYSIS**

CASE NUMBER: SUP-2023-003

REQUEST: OUTDOOR STORAGE

LOCATION: 3640 BURNETTE ROAD

TAX ID NUMBER: 7-209-016 & 7-196-066

ACREAGE: 9.06 ACRES

PROPOSED DEVELOPMENT: 4 OUTDOOR STORAGE CONTAINERS

APPLICANT/OWNER: ACS PROPERTIES, LLC
3640 BURNETTE ROAD
SUWANEE, GA 30024

CONTACT: MICHAEL EDDY
PHONE: 770-614-6686

RECOMMENDATION: APPROVAL WITH CONDITIONS

PROJECT DATA:

Suwanee Sports Academy seeks a Special Use Permit within the C-2 zoning district for “outdoor storage” to allow for no more than four trailers on site for the purpose of loading and shipping court and goal equipment for various basketball/volleyball tournaments during the year. These trailers current tags and DOT permits. There are currently two of these trailers at the front of the site and two at the rear. The trailers are already being stored on the property. Code enforcement noticed the trailers and informed management that they would need a Special Use Permit in order to continue to store the trailers on the property. Suwanee Sports Academy is now seeking a Special Use Permit to come into compliance with the City of Suwanee’s Zoning Ordinance.

The subject property is a 9.06 acre commercial space with a 100,000 square foot building located at 3640 Burnette Road and occupied by the Suwanee Sports Academy. Suwanee Sports Academy is a sports development and event facility that operates training and development programs for athletes of all ages. The facility is comprised of 7 NBA regulation basketball courts, 11 volleyball courts, a 15,000 square foot off-court performance training area, an on-site physical therapy center, an indoor track, and numerous meeting and conference rooms. The City of Suwanee Zoning Ordinance does not allow outdoor storage in the C-2 Zoning District without a Special Use Permit. The applicant is now seeking a Special Use Permit for outdoor storage in order 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 (Light Industry District) to C-2 (General Commercial District) in 1996 as part of RZ-1996-001, RZ-1996-002, RZ-1996-003 to allow for the development of an indoor basketball facility. In 2002, surveys showed that small portions of the Suwanee Sports Academy's parking lot crossed certain property lines. These small portions were then rezoned from M-1 to C-2 as part of RZ-2002-008 to combine with the existing site.

ANALYSIS:

The subject property is occupied by a 100,000 square foot building and parking for the users of the building. The multi-sport complex seeks to increase storage capacity to store and transport portable basketball courts and goals for use in setting up basketball tournaments in convention center spaces. These materials are currently stored and shipped using trailers located on the property. There are 2 storage trailers located near the front of the site that are visible from Burnette Road. There are another 2 trailers located at the rear of the site that are visible from the Suwanee Creek Greenway as shown in Exhibit A. The property is capable of supporting the proposed special use. However, the trailers occupy 31 of the 267 parking spaces on site.

The properties surrounding the Suwanee Sports Academy contain a variety of industrial buildings including an auto repair shop, a corporate office, a catering business, a construction company, a sign shop, a cabinet maker, and a church all of which are zoned M-1 (Light Industry District). The lot to the northeast across McGinnis Ferry Road contains the Suwanee Creek Greenway parking lot and is zoned M-1. The adjacent lot to the east consists of mostly forest and contains parts of the Suwanee Creek Trail zoned R-140 (Residential Single-Family District).

The subject property is located in the Buford West character area. The future land use plan calls for commercial/retail use on the subject property. This recommendation is consistent with the current function of the Suwanee Sports Academy.

The purpose of not allowing outdoor storage containers is to prevent clutter, trash, and other negative visual impacts. Approval of the request for outdoor storage trailers could be appropriate assuming the storage trailers are located in areas that do not visually impact the surrounding area. The 2 trailers at the entrance of the site are currently visible from the intersection of Burnette Road and McGinnis Ferry Road and the entrance to the Suwanee Creek Greenway Parking Lot. The 2 trailers located at the back of the site are visible from the Suwanee Creek Greenway.

According to the applicant, every year, more multi-court venues are opened around the region. They contend that the portable courts provide an avenue for Suwanee Sports Academy to stay relevant in an industry of bigger and newer tournament venues.

The subject property is surrounded by industrial and automotive uses (M-1). These uses are allowed outdoor storage as a use by right. As such, the addition of outdoor storage on the subject property would not be out of character for the surrounding area. Provided that the storage trailers used for loading and shipping equipment are limited to locations with limited visibility, the approval of an SUP for outdoor storage could be acceptable with the appropriate conditions. Therefore, the Planning Department recommends **APPROVAL WITH CONDITIONS** of SUP-2023-003.

SUP-2023-003

Planning Department Recommendation:

Approval of outdoor storage subject to the following conditions:

1. The outdoor storage containers shall be maintained in good condition. Rusty, damaged, or otherwise unsightly storage units/trailers shall be removed from the property or promptly repaired/maintained.
2. Outdoor storage units shall be limited to the locations shown in Exhibit A.
3. Outdoor storage shall be limited to no more than 4 trailers on property. Said trailers shall be located in a manner that does not obstruct the flow of traffic around the building and is not easily visible from the surrounding area.

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 is an allowed use on many of the surrounding properties. As such, it 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 near the rear of the site out of view of any adjacent properties.

- 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 without the 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 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/retail use for the subject property. The proposed outdoor storage use is not inconsistent with this recommendation. If the request for outdoor storage is approved, then conditions addressing the visibility of the storage trailers should be included.

- 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 Suwanee Sports Academy indicates they need the ability to store and transport supplies for tournaments away from their location.

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>ACS Properties, LLC</u>		NAME: <u>ACS Properties, LLC</u>	
ADDRESS: <u>3640 Burnette Rd</u> <u>Suwanee, GA 30024</u>		ADDRESS: <u>3640 Burnette Road</u> <u>Suwanee, GA 30024</u>	
PHONE: <u>(770) 614-6686</u>		PHONE: <u>(770) 331-5205</u>	
CONTACT PERSON: <u>Michael Eckly</u>		PHONE: <u>(770) 614-6686</u>	
E-Mail Address: <u>medcky@ssasports.com</u>			

PROPERTY INFORMATION

PRESENT ZONING DISTRICT(S): C-2 REQUESTED ZONING DISTRICT Special Permit

PROPOSED DEVELOPMENT: Special Permit

TAX PARCEL NUMBER(S): R7209016 R7196066

ADDRESS OF PROPERTY: 3640 Burnette Road

TOTAL ACREAGE: 8 PUBLIC ROADWAY ACCESS: Burnette Road

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

FOR NON-RESIDENTIAL DEVELOPMENT: NO. OF BUILDINGS/UNITS: _____
 TOTAL GROSS SQUARE FEET: _____

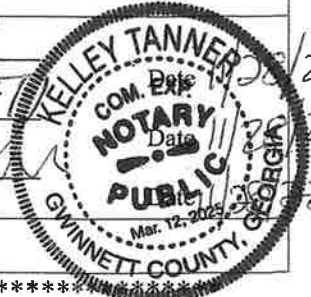
CERTIFICATIONS

I hereby certify that the above and attached information is true and correct. I am also aware that no reapplication on the same land which has been denied by the City Council shall be acted upon within 12 months from the date of last action unless said time period is waived by the Council. In no case shall a reapplication be acted upon in less than 6 months from the date of last action by the Council. I am also aware that any and all conditions which may be attached to the property shall be binding on the property and all subsequent owners.

<u>[Signature]</u> Signature of Applicant*	Date <u>11/28/22</u>	<u>[Signature]</u> Signature of Owner*	Date <u>11/28/22</u>
<u>[Signature]</u> Signature of Notary	Date <u>11/28/22</u>	<u>[Signature]</u> Signature of Notary	Date <u>11/28/22</u>

* If 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-2023-003 Accepted By: AD



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:

Application is for a Special Permit to park no more than 4 Tractor Trailers on property when not being used in transports. Adjacent property is Zoned M-F which would allow for such use without a special permit

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

Adjacent property is zoned M-F so the presence of tractor trailers would be consistent w/ fair operations + zoning.

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

The trailers contain portable basketball courts + goals. These portable equipment are set up at convention centers such as Gas South center + are an important part of the operation of the existing business as a sports + recreation business.

(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:

Special Permit would add no burden on any of these fronts.

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

Suwanee Sports Academy has been a vital amenity for the community for over 20 years. The special permit will not change land use + will enhance SSA's ability to sustain business operations for years to come.

(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 portable courts + baskets allow us to expand events that bring economic value to Suwanee + Gwinnett County. By adding ~~new~~ courts on a temporary basis at Gas South we can grow existing tournaments + add new ones.

CITY OF SUWANEE USE ONLY

Date Received: 11/28/22 Case No.: SUP-2023-003 Accepted By: AD

City of Suwanee
Planning Division
330 Town Center Ave
Suwanee, GA 30024

Dear Planning Division,

Please accept this Letter of Intent to grant a special use permit for Suwanee Sports Academy. In recent years Suwanee Sports Academy has acquired portable basketball courts and goals for the use in setting up basketball tournaments in convention center spaces including Gas South Forum. Some of this portable equipment is stored and shipped in trailers.

Our current zoning designation of C-2 allows for a special permit for "outside storage" which we are seeking. Our intent is to be able to keep no more than 4 trailers on-site, which can be loaded and shipped with the proper court and goal equipment being sent out for various tournaments during the year. These trailers have up to date tags and DOT permits.

We do not believe that this special permit would impact any adjacent property as most are already zoned as M-1. Furthermore, we don't believe this Special Permit would hinder the 2030 comprehensive plan in any way but would support an important business to the Suwanee community.

Suwanee Sports Academy has provided a valuable amenity to City of Suwanee and has driven economic impact through its hosted tournaments for over 20 years. Every year more multi-court venues are opened around our region and the portable courts are one way we are attempting to stay relevant in an industry of bigger and newer tournament venues. The trailers are not for passive storage but are a part of our ongoing business operation and consistent with our designation as a provider of recreational and competitive sports programming.

Sincerely,



Michael Eddy
Managing Partner
ACS Athletics, LLC dba Suwanee Sports Academy

CONFLICT OF INTEREST CERTIFICATION FOR ZONING ACTIONS

The undersigned below, making application for rezoning, has read and complied with the Official Code of Georgia Section 36-67A-1, et.seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

[Signature] 11/28/22
Signature of Applicant Date

Michael Eddy, President - ACS Projects
Type or Print Name and Title

Signature of Applicant's Attorney or Representative Date

Type or Print Name and Title

[Signature] 11/28/22 Notary seal
Signature of Notary Public Date



Disclosure of Campaign Contributions

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City Council or a member of the city of Suwanee Planning Commission?

NO yes/no

Your Name Michael Eddy

If the answer is yes, please complete the following section:

Name and Official Position of Government Official	Contributions (list all which aggregate to \$250 or more)	Date Contributions was made (within last two years)

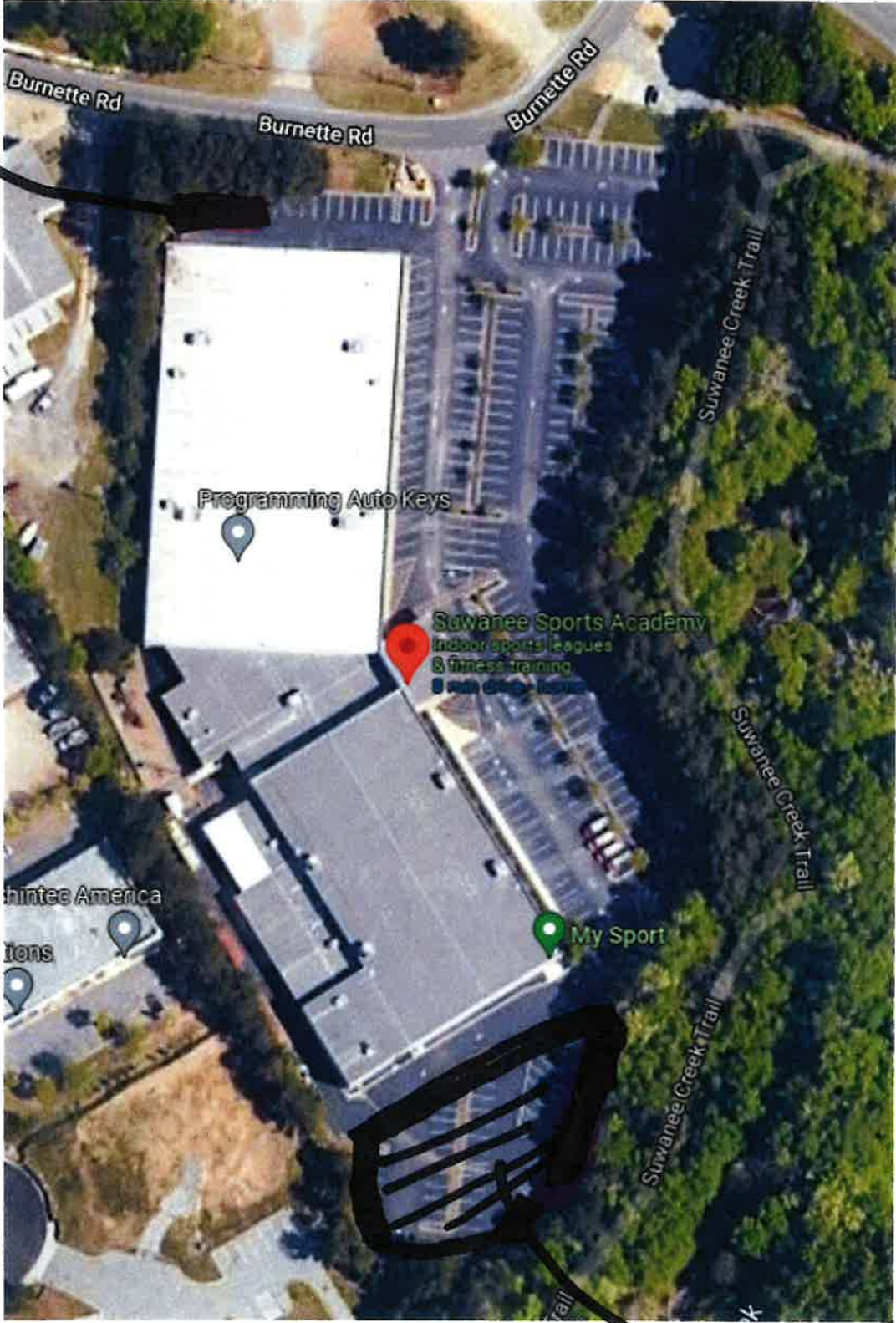
*Attach additional sheets, if necessary to disclose or described all contributions.

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Exhibit 'A'

Max trailer
trailer



SUP-2023-003

outdoor
storage area

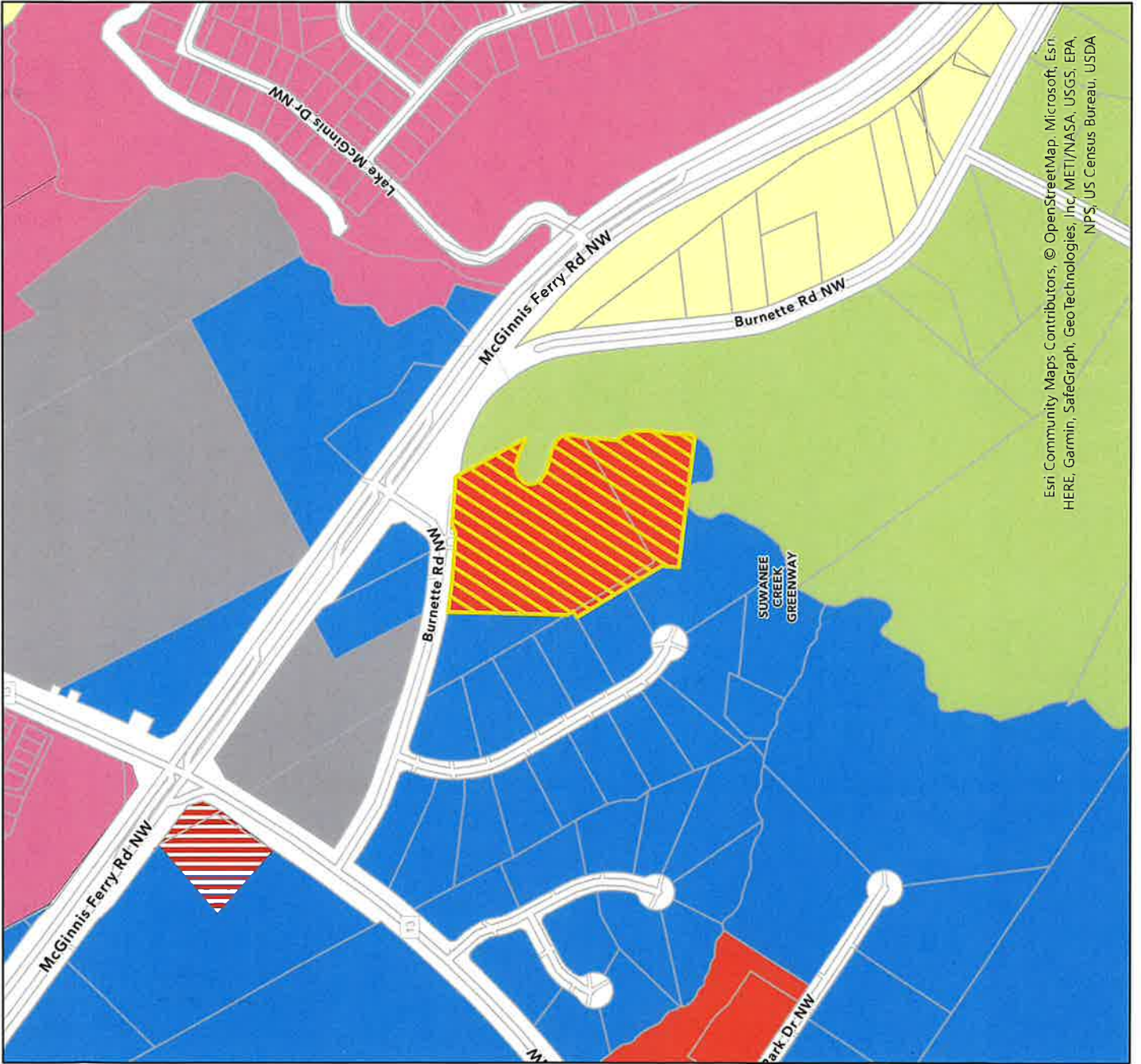
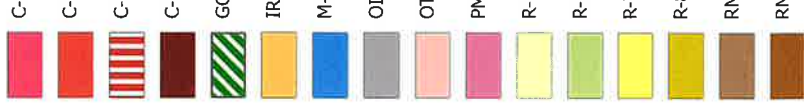
Zoning Map SUP-2023-003

Legend

Subject Property

City Limits




ZONING



Esri Community Maps Contributors, © OpenStreetMap, Microsoft, Esri, HERE, Garmin, SafeGraph, GeoTechnologies, Inc, METI/NASA, USGS, EPA, NPS, US Census Bureau, USDA

Location Map SUP-2023-003

Legend

-  Subject Property
-  City Parcels
-  City Limits

