



City of Tucker, GA

PLANNING COMMISSION

August 24, 2017

**PLANNING COMMISSION
MINUTES**
City Hall Annex
4228 1st Ave, Suite 2-4
Tucker GA, 30084

7:00 PM

CALL TO ORDER

Chairman George Wellborn called the meeting to order at 7:00 PM.

The following were in attendance:

Attendee Name	Title	Status	Arrived
Ann Coppage	Board Member	Present	
Katherine Atteberry	Board Member	Present	
Damyon Claar-Pressley	Board Member	Present	
George Wellborn	Chairman	Present	

PLEDGE OF ALLEGIANCE

APPROVAL OF MINUTES

Planning Commission - Regular Meeting - Jul 27, 2017 7:00 PM

Amend the minutes from July 27th, 2017, on page 2 to change "he pointed out he proposed..." to "he pointed out **the** proposed..." and to remove "is" from "Commissioner Atteberry asked about the arts and tech element of the plan is" on page 6.

RESULT:	ACCEPTED AS AMENDED [UNANIMOUS]
MOVER:	George Wellborn, Chairman
SECONDER:	Ann Coppage, Board Member
AYES:	Ann Coppage, Katherine Atteberry, Damyon Claar-Pressley, George Wellborn

OLD BUSINESS

None.

Public hearing procedures were read into the record by Chair George Wellborn.

NEW BUSINESS

1. SLUP-17-002, V-17-002-01, V-17-002-02, V-17-002-03
PETITIONER: 3000 Langford Road, LLC c/o Battle Law, PC
LOCATION: 2274 Northlake Center Drive
CURRENT ZONING: C-1 (Local Commercial) District
PROPOSED ZONING: C-1 (Local Commercial) District
PROPOSED DEVELOPMENT: Special land use permit for multi-warehouse self-storage; concurrent variances to reduce public special requirement; concurrent variance to waive transparency requirement on the front façade; concurrent variance to allow the use of exterior insulation and finish system (EIFS) as a façade material.

Commissioner Wellborn asked about a variance that is being withdrawn. John McHenry, Community and Economic Development Director, confirmed that the variance is being withdrawn because it no longer pertains because of the changes to the zoning ordinance and there is no longer a requirement for public open space. Commissioner Wellborn asked if there is a need for a motion to approve the withdrawal, and John McHenry and Tim Lampkin confirmed that a vote is required to approve the withdrawal.

John McHenry, Community and Economic Development Director, presented the application and reported that the application has been sent back to Planning Commission due to a major change and added that staff has recommended approval with conditions. Staff also recommends denial of the transparency variance for the windows due to there being no hardship. He also gave examples of other facilities of what could be done with the windows that would be allowed. In regards to the variance for EIFS, staff recommends denial, as it is not allowed in the overlay and there is no hardship. John McHenry went on to discuss the proposed conditions by staff which include the amount of square footage of the facility, attachment to the site plans, one full access driveway, sidewalks as required by the Northlake overlay, ADA compliance, stormwater runoff, tree protection and approval from DeKalb County Watershed Management.

Commissioner Wellborn asked about the parking requirements and if the applicant has met the requirements. Tim Lampkin, Planner, confirmed that one additional parking space has been added to comply with the requirements.

Commissioner Wellborn opened the public hearings to anyone wishing to speak in favor of the application.

Commissioner Wellborn asked the applicant for confirmation that V-17-002-001

is being withdrawn from the application.

The applicant confirmed that they are withdrawing the variance from the application.

MOTION TO ACCEPT WITHDRAWAL OF V-17-002-001

By: George Wellborn

Seconded by: Katherine Atteberry

Vote: 4-0

Motion

passed.

Romel Cadet of Battle Law Firm presented the application and what has changed in the application since it was last seen by Planning Commission, including the change in square footage of the property. Planning Commissioner George Wellborn asked if the increase by thirty feet in length applies to all four floors, which Romel Cadet confirmed that it would apply to all four floors. Commissioner Wellborn also asked about further clarification about the increase of five feet of depth to fifty feet of depth, which Romel Cadet confirmed was the case. Commissioner Wellborn asked for confirmation that the increase of 15,000 square feet then subtracted the basement, and Romel Cadet confirmed that this is the case. Commissioner Wellborn then asked about the hours of operation of the facility. Romel Cadet stated that the hours of operation will be similar to the Decatur Road location, between 6:00am and 10:00pm with actual office hours between 10:00am and 6:00pm and 12:00pm to 5:00pm on the weekends. Commissioner Coppage asked if the hours of operation would be adjusted to reflect that, as they are different on page 21 of the meeting packet. Commissioner Wellborn said that they could add a condition to reflect the specified office hours and overall hours that people can enter their spaces. Commissioner Atteberry asked for more information on EIFS, despite a possible resolution. Romel Cadet mentioned that the expert who attended and spoke at a previous council meeting could speak better on EIFS than he could. Commissioner Coppage stated that she has done some research on her own about EIFS, and understands that proper installation is required to avoid problems like mold and other issues. John McHenry also mentioned the expert who spoke at a previous council meeting, and he noted that you can find problems that people have had with EIFS in the past. Commissioner Claar-Pressley added that EIFS is quite a headache and very high maintenance. Commissioner Wellborn added that it is cheap and not part of good quality construction and that is of concern.

Public hearing for anyone wishing to speak in favor was closed.

Public hearing for anyone wishing to speak in opposition was opened.

Glenda Willett of 2323 Grain Meadow Ln spoke in opposition. Her concerns are the small lot for the size of the proposed building, concerns about inability to

turn a car around in the small parking lot and traffic flow.

Public hearings closed.

Commissioner Coppage mentioned that an increase in traffic flow was not noted on page 20 letter D. John McHenry replied that there is not currently high traffic flow in the area, and staff does not see this use as causing a significant increase in traffic flow.

Commissioner Atteberry added that with the few changes, there is not much to debate.

MOTION TO RECOMMEND APPROVAL OF SLUP-17-002 WITH CONDITIONS AS IDENTIFIED BY STAFF

By: Katherine Atteberry
Seconded: No one
Motion failed

MOTION TO RECOMMEND APPROVAL OF SLUP-17-002 WITH CONDITION OF OPERATING HOURS AND PUBLIC ACCESS LIMITED TO MONDAY-FRIDAY FROM 6:00 AM TO 10:00 PM IN ADDITION TO STAFF RECOMMENDATIONS

By: Ann Coppage
Seconded by: George Wellborn
Vote: 3-1 (Ann Coppage, George Wellborn, Katherine Atteberry) (Damyon Claar-Pressley)

V-17-002-02

Commissioner Wellborn asked how much variance is being asked for from 30% for the windows. The exact number was unknown at the time of the meeting. Commissioner Wellborn mentioned that he would be in favor of upholding the staff recommendation of denial of the variance.

MOTION TO RECOMMEND DENIAL OF V-17-002-02

By: Katherine Atteberry
Seconded by: Damyon Claar-Pressley
Vote: 4-0

V-17-002-03

Commissioner Wellborn mentioned that there is concern about EIFS and would not be in favor of approval of the variance.

MOTION TO RECOMMEND DENIAL OF V-17-002-03

By: George Wellborn

Seconded by: Katherine Atteberry

Vote: 4-0

SLUP-17-002 approved, V-17-002-02 denied, V-17-002-03 denied. V-17-002-01 withdrawn.

2. **RECOMMENDATION TO CITY COUNCIL regarding TA-17-003; Review of amendments to the City of Tucker Zoning Ordinance, including but not limited to linear lighting, massage establishments, and the definition of family.**

John McHenry, Community and Economic Development Director, presented the proposed amendments to the Zoning Ordinance. The changes relate to home occupation no customer contact, health spa and massage establishment and prohibition of linear lighting, and the definition of family. As proposed, a Special Land Use Permit will be required for all health spas and massage establishments. The change will add health spas to the requirement, and it is to assist in weeding out businesses that are not legitimate health spas or massage establishments. This will require businesses to open no earlier than 6:00 AM and close no later than 11:00 PM and will also prohibit black out windows to entrance of business. Cindy Farrar of Atlanta Massage Associates spoke to some of the changes and why they will be beneficial. She mentioned that all massages should be completed by 10:00 PM. This will allow the business to prepare for the next day before closing at 11:00 PM. John McHenry opened the discussion on linear lighting. The change would prohibit linear lighting city-wide. He also discussed the definition of family.

Commissioner Claar-Pressley mentioned that defining family could present a new problem and inquired about how this would be enforced. Commissioner Wellborn added that perhaps the word "minor" should be removed from the ordinance. Commissioner Atteberry asked John McHenry if there is a precedent for a code similar to this. Commissioner Claar-Pressley suggested adding "domestic partnership" to types of relationships. Commissioner Wellborn asked if it would be a beneficial to set a minimum square footage requirement.

Commissioner Wellborn opened the public hearing.

Cindy Farrar of Massage Associates of Atlanta spoke in favor and appreciates the efforts of the City to recognize the legitimacy of her business and that it is a form of healthcare.

Cindy Farrar also spoke in opposition, voicing concerns about massage not being allowed in OI zoning districts and the requirement of a Special Land Use Permit for massage establishments and health spas. John McHenry further explained

the reason for the removal of massage establishments and health spas from OI and OIT. Commissioner Claar-Pressley expressed that she would like to see massage allowed in OI and OIT because of personal preference of where to get a massage. John McHenry further explained the reason behind requiring a Special Land Use Permit for massage establishments and advised that there is currently no OIT zoning within the City. Commissioner Atteberry asked if it would be sufficient to allow a special administrative permit for massage establishments so as not to deter legitimate businesses from moving in.

Public hearing closed.

MOTION TO RECOMMEND ACCEPTANCE OF THE PROPOSED ZONING AMENDMENTS WITH THE FOLLOWING CHANGES:

1. In the use table under "massage establishment" that massage establishment be allowed by special permit by OI and OIT districts.
2. In the proposed rules for health spa and massage establishments item d change wording to "any massage must be completed by 10:00PM."
3. Under the definition of "family" the 1st bullet point: add term "domestic partnership" after the term "marriage."
4. Under the definition of family the 3rd bullet point: delete the word "minor."

By: George Wellborn

Seconded by: Katherine Atteberry

Vote: 4-0

RESULT: RECOMMEND APPROVAL [UNANIMOUS]

MOVER: George Wellborn, Chairman

SECONDER: Katherine Atteberry, Board Member

AYES: Ann Coppage, Katherine Atteberry, Damyon Claar-Pressley, George Wellborn

CITY BUSINESS ITEMS

PREVIOUS LAND USE PETITION UPDATES

John McHenry provided updates on The Rise case.

COMMENTS BY STAFF AND PLANNING COMMISSIONERS

Commissioner Claar-Pressley inquired about the appointment of a fifth commissioner.

ADJOURNMENT – 9:04 PM

Approved,

Attest:

George Helms 11/30/17 Olivia Wilson

(Seal)

APPROVED

11-30-2017

