

Community Development
4119 Adrian Street
Tucker, GA 30084
Phone: 678-597-9040
Email: permits@tuckerga.gov
Website: www.tuckerga.gov

Land Use Petition Application

Type of Application: Rezoning Comprehensive Plan Amendment Special Land Use Permit Concurrent Variance

APPLICANT INFORMATION

Applicant is the: Property Owner Owner's Agent Contract Purchaser

Name: Witching Hour Art Collective LLC

Address: PO Box 596, 4325 1st Avenue

City: Tucker

State: GA

Zip: 30085

Contact Name: Krystal Rogers

Phone: 850-358-8496

Email: krystallintattoo@gmail.com

OWNER INFORMATION

Name: FA VENTURES, LLC

Address: 4401 Northside Pkwy., Suite 711

City: Atlanta

State: GA

Zip: 30327

Contact Name: Mark Frank

Phone: (770) 972-5828

Email: mark@capstonega.com

PROPERTY INFORMATION

Property Address: 2316 Main Street, Suite H, Tucker, GA 30084

Present Zoning District(s): C-1

Requested Zoning District(s): C-1

Present Land Use Category: Downtown

Requested Land Use Category: Downtown

Land District: 18

Land Lot(s): 213

Acreage: +/- 0.02

Proposed Development: Existing

Concurrent Variance(s):

RESIDENTIAL DEVELOPMENT

No. of Lots/Dwelling Units: N/A

Dwelling Unit Size (Sq. Ft.):

Density:

NON-RESIDENTIAL DEVELOPMENT

No. of Buildings/Lots: Existing

Total Building Sq. Ft.: Existing

Density:

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APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW STATES UNDER OATH THAT THEY ARE AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 24 MONTHS FROM THE DATE OF LAST ACTION BY THE MAYOR AND CITY COUNCIL.

Krystal Rogers
Signature of Applicant

3-11-19
Date

Krystal Rogers/Member
Type or Print Name and Title

Zahra Ali
Signature of Notary Public

3/11/19
Date



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PROPERTY OWNER'S CERTIFICATION

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of DeKalb County, Georgia, of the property identified below, which is the subject of the attached Land Use Petition before the City of Tucker, Georgia. As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Rezoning (RZ), Comprehensive Plan Amendment (CA), Special Land Use Permit (SLUP), & Concurrent Variance (CV) in request of the items indicated below.

I, Mark Frank, authorize, Krystal Rogers,
(Property Owner) (Applicant)

to file for SLUP, at 2316 Main Street, Suite H, Tucker, GA 30084
(RZ, CA, SLUP, CV) (Address)

on this date March, 2nd, 2019
(Month) (Day)

- I understand that if a rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same property may again be considered for rezoning for a period of twenty-four (24) months from the date of the mayor and city councils' final decision.
- I understand that if an application for a special land use permit affecting all or a portion of the same property for which an application for the same special land use was denied shall not be submitted before twenty-four (24) months have passed from the date of final decision by the mayor and city council on the previous special land use permit.
- I understand that failure to supply all required information (per the relevant Applicant Checklists and requirements of the Tucker Zoning Ordinance) will result in REJECTION OF THE APPLICATION.
- I understand that preliminary approval of my design plan does not authorize final approval of my zoning or signage request. I agree to arrange additional permitting separately, after approval is obtained.
- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.

2316 Main Street, Suite H, Tucker, GA 30084

[Handwritten Signature]

3-2-2019

Signature of Property Owner

Date

Mark Frank, Member/Manager, FA Ventures, LLC

Type or Print Name and Title

[Handwritten Signature]

3.4.19

Signature of Notary Public

Date



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Standards and Factors Governing Review of proposed amendments to the official zoning map

Section 7.3.5 of the City of Tucker Zoning Ordinance lists standards and factors that are found to be relevant to the exercise of the city's zoning powers and shall govern the review of all proposed amendments to the Official Zoning Map. The applicant shall write a detailed written analysis of each standard and factor as it relates to their proposed project.

STANDARDS AND FACTORS GOVERNING REVIEW OF PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN MAP

Section 7.3.4 of the City of Tucker Zoning Ordinance lists standards and factors that are found to be relevant for evaluating applications for amendments to the comprehensive plan map and shall govern the review of all proposed amendments to the comprehensive plan map. The applicant shall write a detailed written analysis of each standard and factor as it relates to their proposed project.

SPECIAL LAND USE PERMIT CRITERIA

Section 7.4.6 and 7.4.7 of the City of Tucker Zoning Ordinance lists specific criteria that shall be considered by the community development department, the planning commission, and the mayor and city council in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the mayor and city council unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and the application is in compliance with all applicable regulations in Article 4. The applicant shall write a detailed written analysis of criteria as it relates to their proposed project.

CONCURRENT VARIANCE CRITERIA

Section 7.5.3 of the City of Tucker Zoning Ordinance lists specific criteria the board shall use in determining whether or not to grant a variance. The applicant shall provide a written analysis of how the request complies with this criteria, if they are requesting a concurrent variance.

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ENVIRONMENTAL SITE ANALYSIS (ESA) FORM

Analyze the impact of the proposed rezoning and provide a written point-by-point response to Points 1 through 3:

1. **CONFORMANCE WITH THE COMPREHENSIVE PLAN.** Describe the proposed project and the existing environmental conditions on the site. Describe adjacent properties. Include a site plan that depicts the proposed project.

Describe how the project conforms to the Comprehensive Land Use Plan. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.

2. **ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT.** For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s).

- a. Wetlands
 - U. S. Fish and Wildlife Service, National Wetlands Inventory (<http://wetlands.fws.gov/downloads.htm>)
 - Georgia Geologic Survey (404-656-3214)
 - Field observation and subsequent wetlands delineation/survey if applicable
- b. Floodplain
 - Federal Emergency Management Agency (<http://www.fema.org>)
 - Field observation and verification
- c. Streams/stream buffers
 - Field observation and verification
- d. Slopes exceeding 25 percent over a 10-foot rise in elevation
 - United States Geologic Survey Topographic Quadrangle Map
 - Field observation and verification
- e. Vegetation
 - United States Department of Agriculture, Nature Resource Conservation Service
 - Field observation
- f. Wildlife Species (including fish)
 - United States Fish and Wildlife Service
 - Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
 - Field observation
- g. Archeological/Historical Sites
 - Historic Resources Survey
 - Georgia Department of Natural Resources, Historic Preservation Division
 - Field observation and verification

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ENVIRONMENTAL SITE ANALYSIS (ESA) FORM (CONTINUED)

3. **PROJECT IMPLEMENTATION MEASURES.** Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.
- a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.
 - b. Protection of water quality
 - c. Minimization of negative impacts on existing infrastructure
 - d. Minimization on archeological/historically significant areas
 - e. Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.
 - f. Creation and preservation of green space and open space
 - g. Protection of citizens from the negative impacts of noise and lighting
 - h. Protection of parks and recreational green space
 - i. Minimization of impacts to wildlife habitats

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DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE: YES (if YES, complete points 1 through 4);

NO (if NO, complete only point 4)

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1. **CIRCLE ONE:** Party to Petition (If party to petition, complete sections 2, 3 and 4 below)

In Opposition to Petition (If in opposition, proceed to sections 3 and 4 below)

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2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

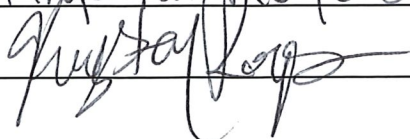
- | | |
|----|----|
| 1. | 5. |
| 2. | 6. |
| 3. | 7. |
| 4. | 8. |

3. CAMPAIGN CONTRIBUTIONS:

| Name of Government Official | Total Dollar Amount | Date of Contribution | Enumeration and Description of Gift Valued at \$250.00 or more |
|-----------------------------|---------------------|----------------------|--|
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4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Krystal Rogers

Signature:  Date: 3-11-19

DEKALB COUNTY



Board of Health

Body Crafter Permit Granted To

03/05/2020

Date of Expiration

BCA-0511

Permit Number

KRYSTAL DAWN ROGERS

Name of Body Crafter

to perform body crafting procedures in validly permitted body craft studios in DeKalb County, GA

This permit signifies compliance on the date of issue pursuant to Chapter 13, Code of DeKalb County, GA, Sections 13-300-13-325, Article XI. This permit is to be renewed annually and expires 365 days from the date of issuance.

Sandra Elizabeth Ford, M.D., MBA, Director
DeKalb County Board of Health

Ryan Cirra, MPH, Environmental Health Manager
DeKalb County Board of Health

Display for Public View - Not Transferable - Property of DeKalb County Board of Health

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eu EMERGENCY UNIVERSITY
100% Prepared



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This Certifies That
krystal rogers

has demonstrated competence of the appropriate cognitive skills associated with Blood Borne Pathogen Training. You are hereby certified as having completed Blood Borne Pathogen Training.

10/17/2018

CERTIFICATION DATE

10/17/2019

EXPIRATION DATE



103000252075171011

EMERGENCY UNIVERSITY
100% Prepared

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ENVIRONMENTAL HEALTH

ertificate Of Completio

This Certifies That
krystal rogers

has demonstrated competence of the appropriate cognitive skills associated with First Aid Training. You are hereby certified as having completed First Aid Training.

10/11/2017

CERTIFICATION DATE

10/11/2019

EXPIRATION DATE



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100100252075171011

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MAR 06 2019



ENVIRONMENTAL HEALTH

Certificate of Completion

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This Certifies That
krystal rogers

has completed Adult CPR training that meets the internationally accepted 2015 guidelines established by ILCOR, the International Liaison Committee on Resuscitation, and is hereby certified by Emergency University as having completed the requisite cognitive skills.

2015 Consensus Conference on Cardiopulmonary Resuscitation and Emergency Cardiovascular Care Science, Circulation. 2015;122:S685-S705. ILCOR contributors included the American Heart Association, Australian Resuscitation Council, the European Resuscitation Council, the Heart and Stroke Foundation of Canada, the Inter-American Heart Foundation, the New Zealand Resuscitation Council, and the Resuscitation Council of Southern Africa.

10/11/2017

CERTIFICATION DATE

10/11/2019

EXPIRATION DATE



**SUPPLEMENTAL
STATEMENT OF INTENT**

and

Other Material Required by
City of Tucker Zoning Ordinance

for the

Special Land Use Permit Application

of

Witching Hour Art Collective, LLC

For +/- 0.02 Acres of land at
2316 Main Street, Suite H Tucker, GA 30084
Land Lot 213, 18th District, Dekalb County

Submitted by Applicant:

Krystal Rogers & Lyle Herrold/Members
Witching Hour Art Collective, LLC
Box 596, 4325 1st Avenue
Tucker, GA 30085

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City of Tucker SLUP: Supplemental Statement of Intent

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I. INTRODUCTION

The Applicant, Witching Hour Art Collective, LLC, seeks a Special Land Use Permit for land located at 2316 Main Street, Suite H (the “Subject Property”), Tucker, GA 30084, in Land Lot 213, 18th District of DeKalb County for use as a tattoo studio and art boutique. The Subject Property is one unit in an existing commercial complex zoned C-1 (Local Commercial) in the Downtown district. The Special Land Use Permit would authorize the Applicant to operate within the existing C-1 zoning. The Applicant submits this Statement of Intent as required by the City of Tucker Zoning Ordinance.

II. DESCRIPTION OF BUSINESS

The Applicant intends to operate a tattoo studio and art boutique in Suite H, located inside the existing “Shoppes on Main” complex. Subject property is located on the west side of the internal building hallway. The subject property is not visible from main street. One must enter the building hallway to access the subject property.

The subject property will have a fixed room divider wall to separate the procedure room from the entrance/lobby. The procedure room will support up to three procedure stations. These will meet or exceed all county and state health requirements for subject property use. Procedures will be customized by artists, all original works of body art.

This will not be a stereotypical traditional tattoo studio. The Applicants target demographic are the 25-55 age range, both professional and blue-collar workers with sufficient disposable income to afford custom designs that are expected to start at \$300 a procedure. The shop minimum is \$100 and discourages the small “flash” art one may envision from a stereotypical shop. Over the last decade, the demographics have been heavily influenced by popular television shows. This coincidentally appears to be the target demographic of the City of Tucker downtown development plans.

Additional types of procedures will have a positive impact for the community. The Applicant is an experienced tattoo artist and graphic artist. The Applicant will offer procedures at minimal cost for mastectomy patients, burn victims and other conditions resulting and scarring.

The entire Subject Property will also utilize existing space as an art boutique. Local artists will be able to offer their original artwork for sale in the subject property. Types of art are not limited to paintings, but include handmade jewelry, wood-working and crochet, to name a

few. Anticipated price ranges for this art will range from \$5 to \$250, thus making affordable, diverse gifts for multiple price points.

III. LEGAL DESCRIPTION OF SUBJECT PROPERTY

All the tract or parcel of land lying and being in Land Lot 213 of the 18th District of DeKalb County, Georgia, containing 0.7741 acres and being more particularly described as follows:

BEGINNING at the corner formed by the intersection of the southwesterly right-of-way line of Main Street (a 100-foot right-of-way) with the northwesterly right-of-way line of Railroad Avenue (a 50-foot right-of-way formerly known as Second Avenue); running thence south 70 degrees 06 minutes 58 seconds west along the northwesterly right-of-way line of Railroad Avenue, a distance of 200.00 feet to an iron pin found on the northeasterly side of a 20-foot alley; running thence north 20 degrees 27 minutes 32 seconds west along the northeasterly side of said alley, a distance of 167.67 feet to an iron pin found on the southeasterly side of another 20-foot alley; running thence north 70 degrees 04 minutes 38 seconds east along the southeasterly side of the last mentioned alley, a distance of 202.05 feet to a point located on the southwesterly right-of-way line of Main Street; running thence south 19 degrees 45 minutes 32 seconds east along the southwesterly right-of-way line of Main Street, a distance of 167.80 feet to the POINT OF BEGINNING.

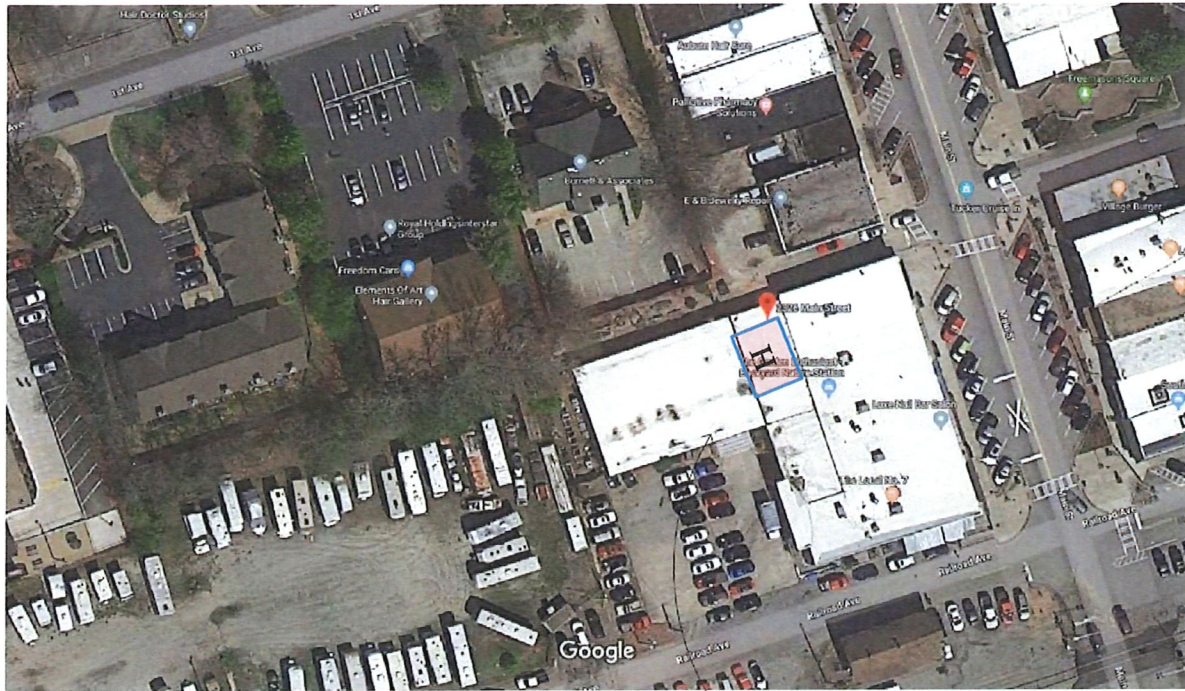
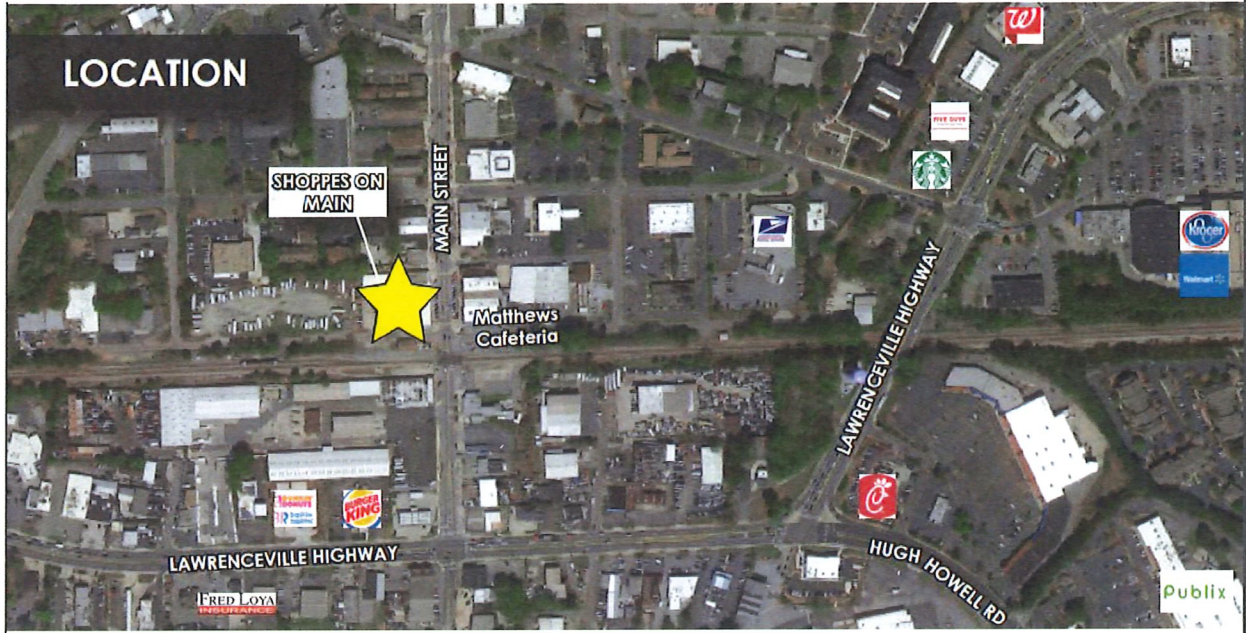
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IV. SITE PLANS



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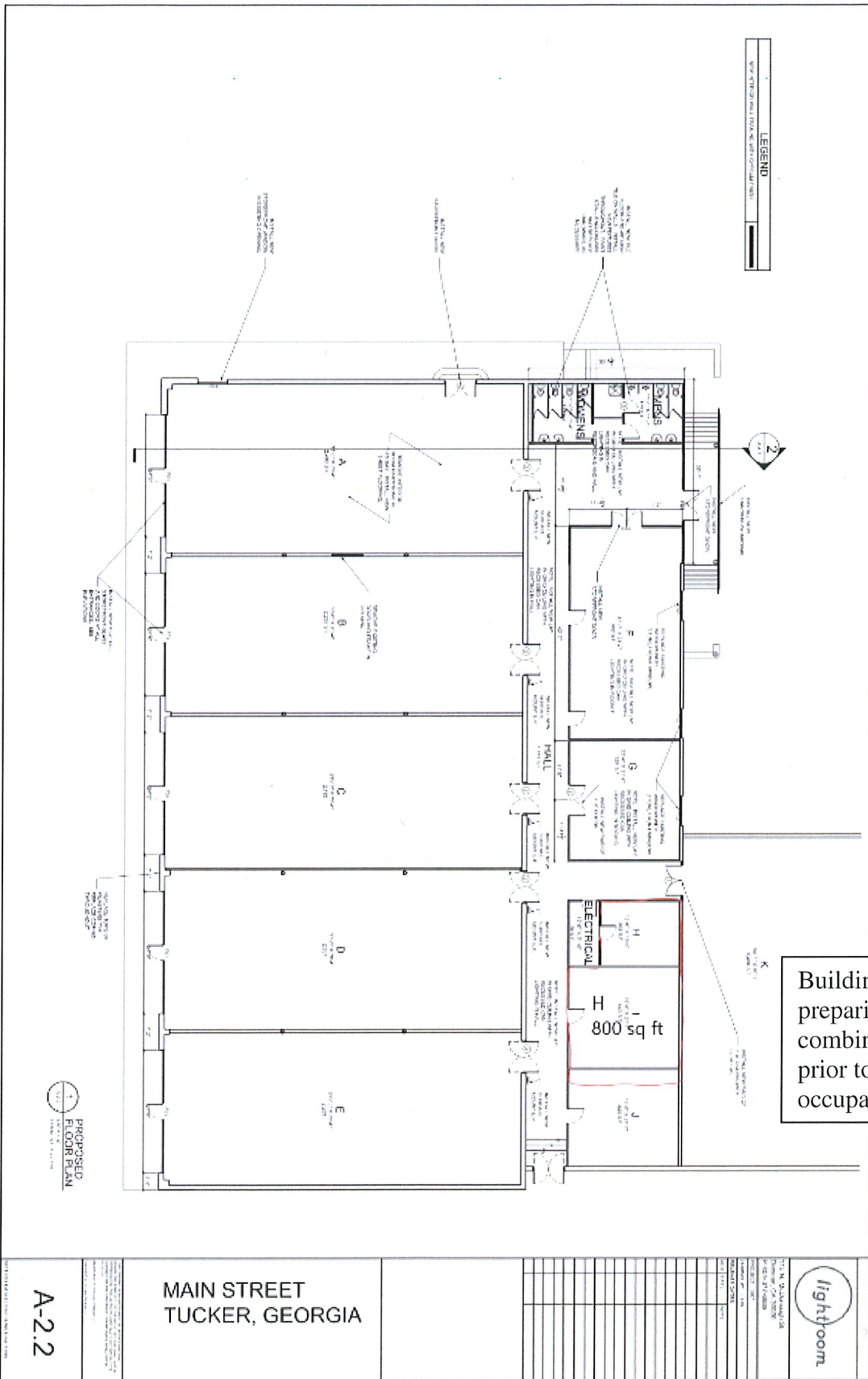
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Figure 1- Site Plan, Aerial View

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Building owner preparing a combined suite "H" prior to Applicant occupancy.

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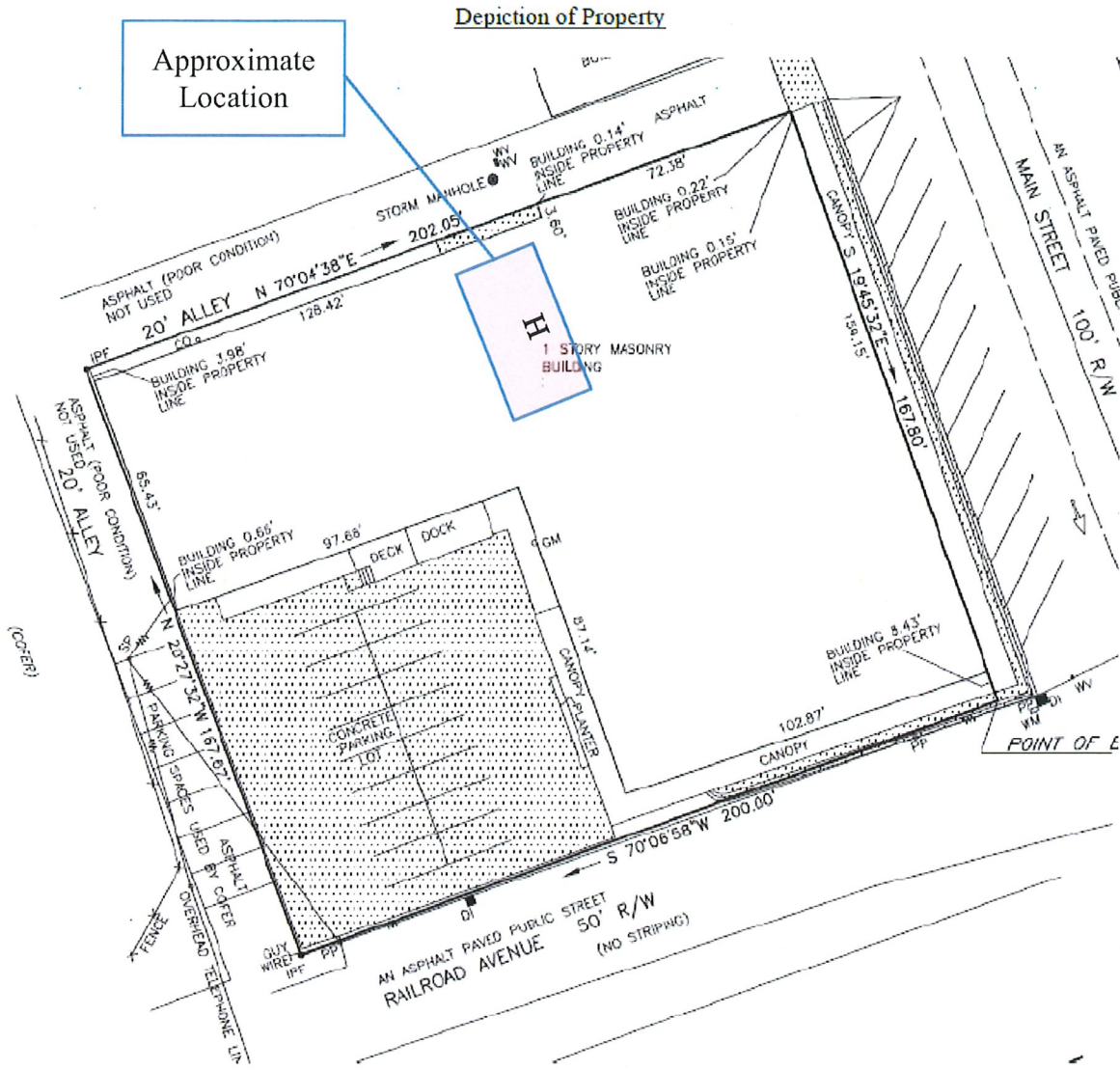


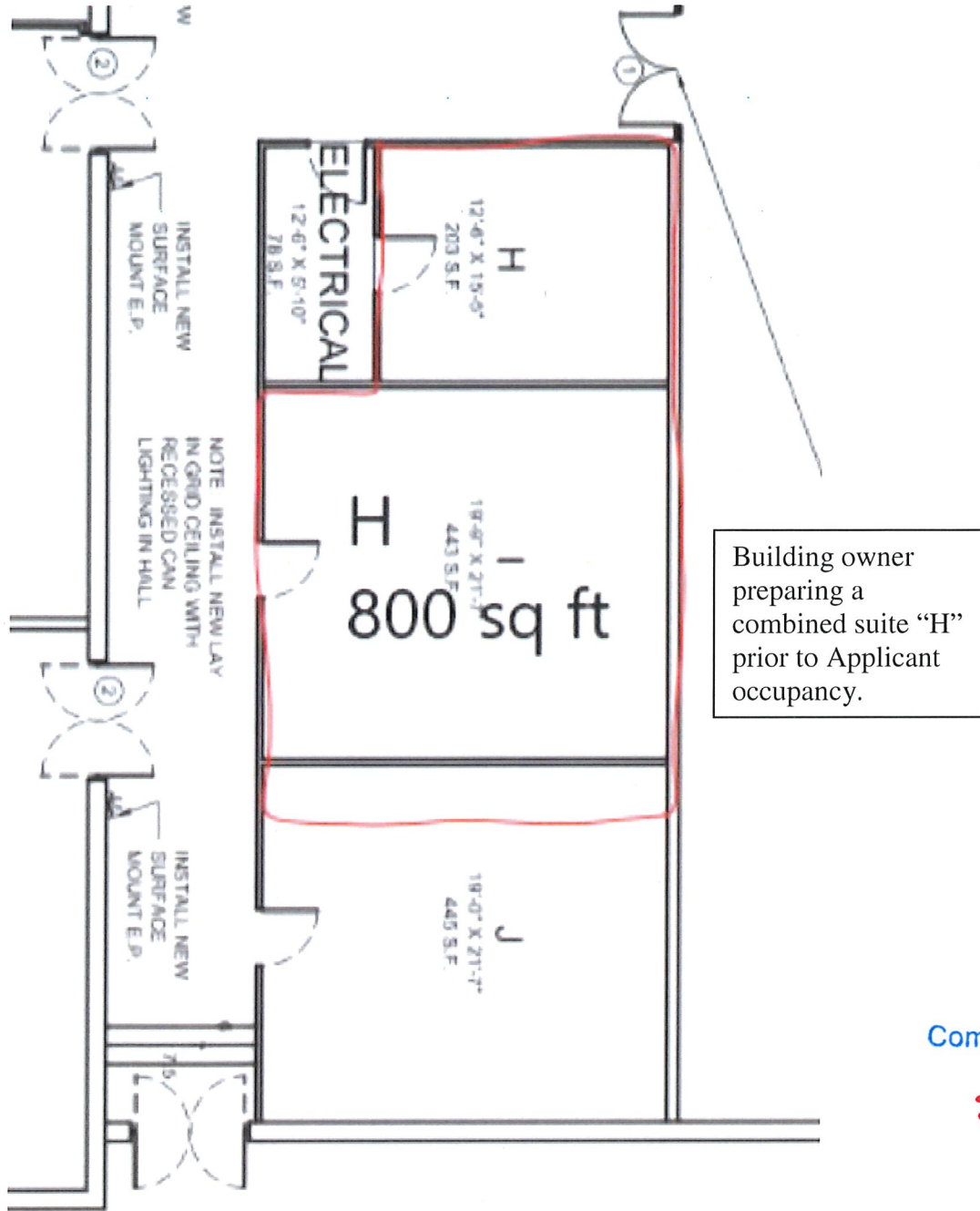
Figure 2- Partial Site Survey; See Full Survey, Separate

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Figure 3-Building Owners Site Modification for Subject Property of Revised Suite "H"



Figure 4- Building Complex Frontage on Main Street

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Figure 5- Subject Property, Interior of Building Complex. Suite "H" on Left

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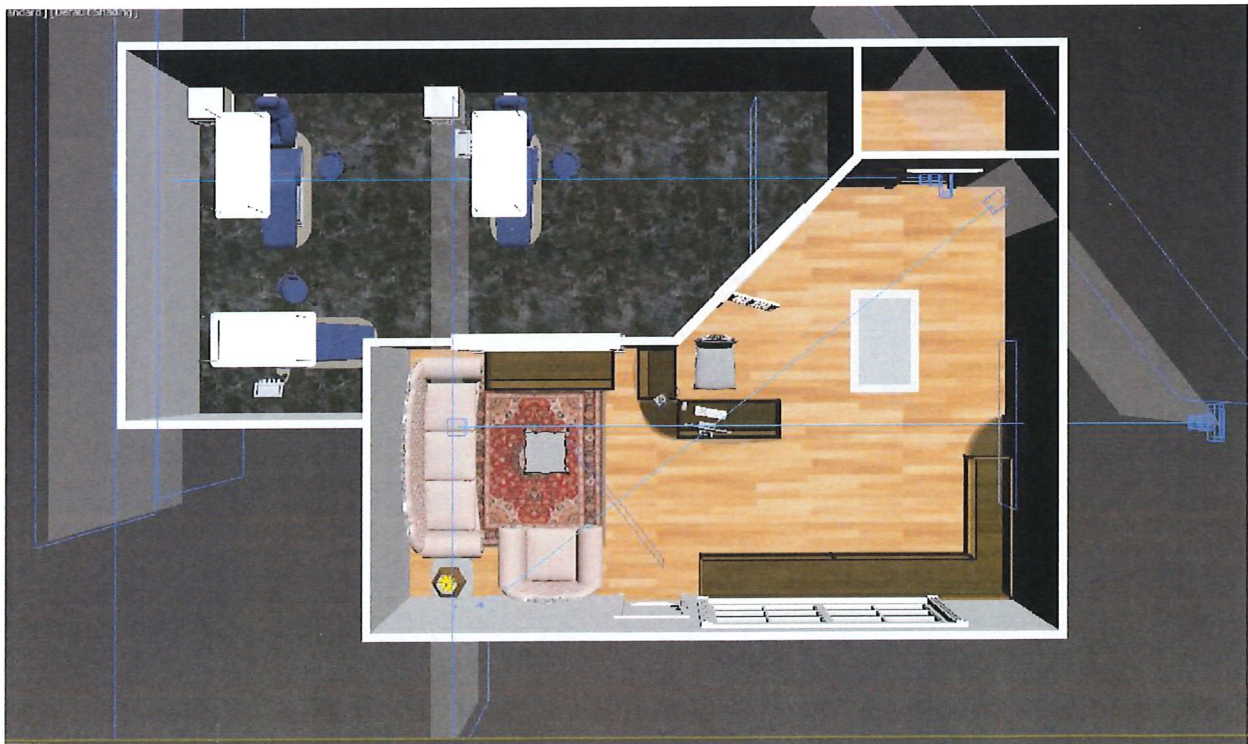
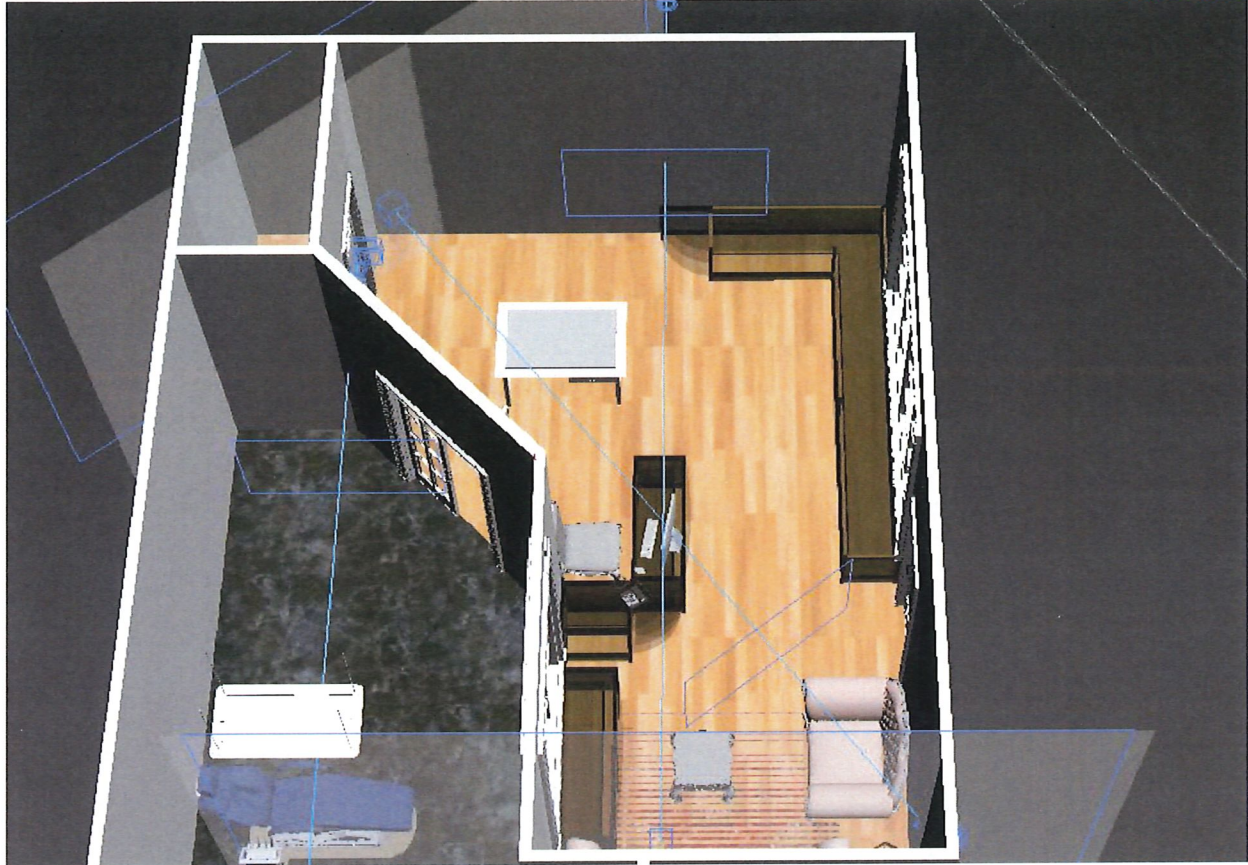
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The following are renders of proposed Subject Property design, subject to change. Community Development Department



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V. IMPACT ANALYSIS

1. Conformance with The Comprehensive Plan

The proposed use of a tattoo studio and art gallery is in conformity with the Policy and Intent of the Comprehensive Plan. The Applicant conforms with the Comprehensive Plan by meeting the following goals and objectives:

- “to create a culturally-rich arts community through collaborative relationships, financial support, and strengthening local arts organizations, artists and cultural activity”
- “Promote downtown as the City’s primary civic, cultural and mixed-use center”
- “Enhance Downtown Tucker - Grow Main Street area into an even more vibrant civic center offering increased opportunities to live, work, shop, recreate, learn, enjoy the arts and gather as a community”
- Strengthen Recreational and Community Resources - Develop open space and recreational resources into unified network that includes opportunities for people of all ages and interests to access and enjoy Tucker’s recreational, historic, art, cultural resources and natural environment.

The proposed use meets the intent of the Downtown character area by providing artistic services, presentation and sales. The Applicant proposes an art boutique and tattoo studio offering multiple forms of art in a reasonable price point.

This will become part of the Shoppes on Main property experience. The Applicant anticipates drawing upon their existing network of customers from art markets around the

region, who will visit the subject property and the other existing businesses. Then return with their friends and family for procedures, art and to enjoy restaurant and entertainment on Main Street.

2. Environmental Impacts of the Proposed Project

a) Wetlands

There are no known wetlands at this location, according to the U. S. Fish and Wildlife Service, National Wetlands Inventory and field observation.

b) Floodplain

No portion of the Subject Property lies within a special flood hazard area, according to the Flood Insurance Rate Maps of Dekalb County,

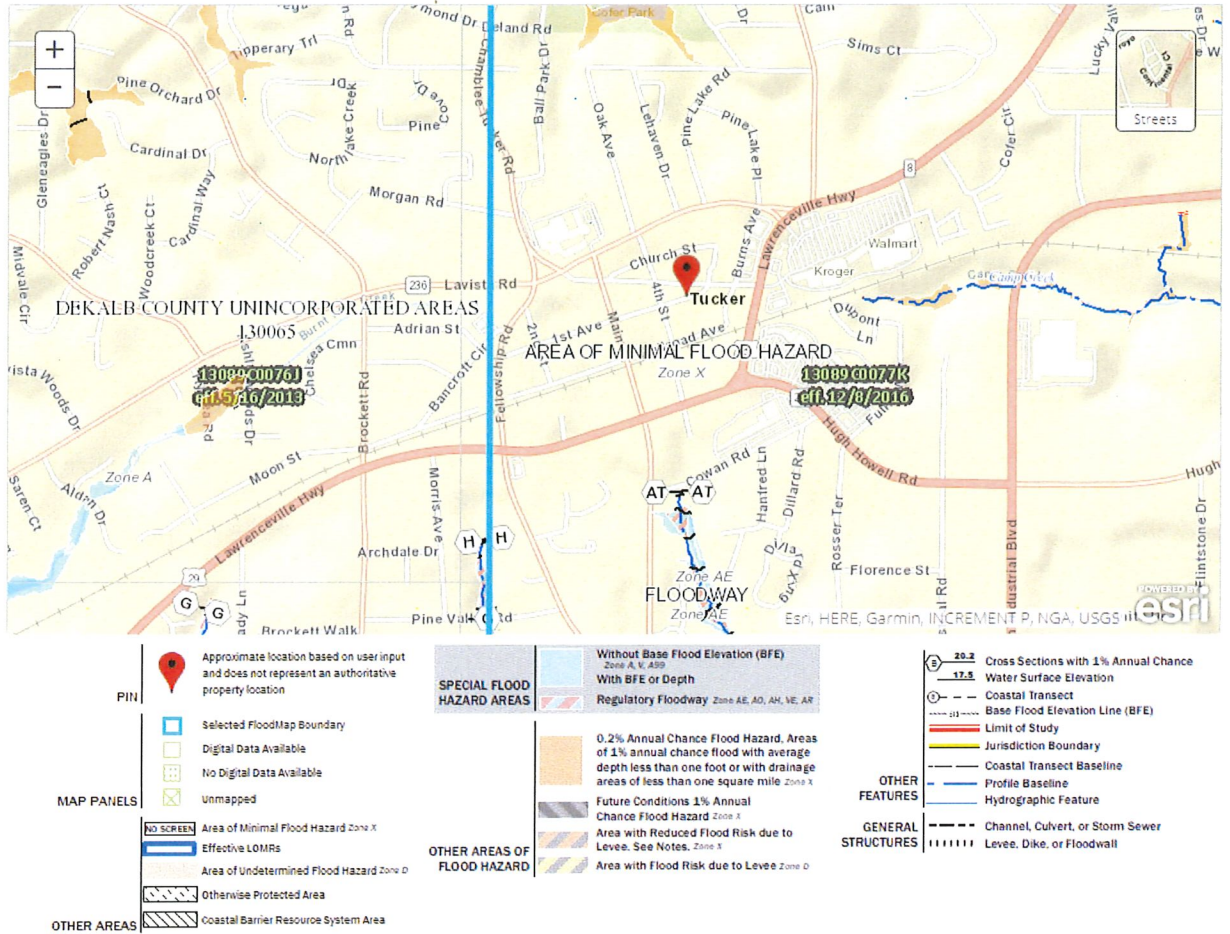


Figure 6 - FEMA Map:

<https://msc.fema.gov/portal/search?AddressQuery=tucker%2C%20ga#searchresultsanchor>

c) Streams/Stream Buffers

There are no streams on the subject property, based upon field observations and according to the Flood Insurance Rate Maps of Dekalb County.

d) Slopes exceeding 25 percent over a 10-foot rise in elevation

There are no slopes exceeding above criteria, based upon field observation and according to the United States Geologic Survey Topographic Quadrangle Map.

e) Vegetation

To the Applicant's knowledge and based upon field observation and US Fish and Wildlife Resources, the Applicant will operate within an existing facility and would not impact surrounding vegetation in any event.

f) Wildlife Species (including fish)

To the Applicant's knowledge and based upon field observation and US Fish and Wildlife resources, the Applicant will operate within an existing facility and would not impact surrounding wildlife species in any event.

g) Archeological/Historical Sites

To the Applicants knowledge, field observation and Georgia Department of Natural Resources, there are no archeological or historic sites located on the Subject Property.

3. Project Implementation Measures

a) Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors

There are no environmentally sensitive areas on Subject Property.

b) Protection of water quality

The proposed use of an existing building will not affect water quality.

c) Minimization of negative impacts on existing infrastructure

No changes to existing infrastructure are required.

d) Minimization on archeological/historically significant areas

To the Applicants knowledge, field observation and Georgia Department of Natural Resources, there are no archeological or historic sites located on the Subject Property.

e) Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.

The proposed use will not have any negative impacts on environmentally stressed communities.

f) Creation and preservation of green space and open space

The proposed use will not have any impact on creation or preservation of green space.

g) Protection of citizens from the negative impacts of noise and lighting

No negative impacts from noise or lighting are anticipated. The Subject Property is located within an existing building. Subject property does not have exterior windows or walls that would be a concern for noise or lighting. Applicant anticipates appropriate signage meeting the building owner's and City of Tucker requirements.

h) Protection of parks and recreational green space

The proposed use will not affect the protection of parks or recreational green space.

i) Minimization of impacts to wildlife habitats

The Subject Property is located within an existing building and will not impact wildlife habitats.

**VI. 7.4.6 SPECIAL LAND USE PERMIT; CRITERIA TO BE
CONSIDERED**

A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.

The site is adequate for the proposed use. Subject Property is one unit within an existing commercial building. The Subject Property has dedicated parking on Main Street and behind the building for the Applicant's business and other existing businesses.

B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.

The proposed use will be compatible with the adjacent properties and land uses in the district. The existing zoning C-1 of Subject Property building is residence to restaurants and retail shops. To the immediate east, west and south are properties zoned C-2, which would permit Applicant's proposed use but are unavailable. The Subject Property will be located inside a building with frontage on Main Street, however, located within the building behind a hallway that cannot be seen from Main Street. Thus, the Applicant's proposed business would meet much of the surrounding areas existing zoning. The

Applicant's intention to display and sell art will also meet the existing zoning of the Subject Property.

C. Adequacy of public services, public facilities, and utilities to serve the proposed use.

There are adequate existing public services, public facilities, and utilities to serve the proposed use.

D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.

The Applicant's proposed use will not significantly impact traffic or create congestion in the area. Main Street has sufficient capacity, as demonstrated by the prior use of subject property did not result in an unduly traffic increase or congestion.

E. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.

The proposed use will not adversely affect access routes due to the character or volume of traffic generated by the proposed use.

F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.

The site has adequate ingress and egress, with additional improvements planned by building owner. There are two existing main entrances to the building and a common hallway in-between. In addition, the larger tenant spaces have their own ingress and egress from the outside to the interior hallway. This provides multiple routes for pedestrian access and egress. The building location on Main Street has adequate access for fire and emergency responders. A handicap ramp access is planned by the building owner.

G. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.

No impacts are anticipated due to noise, smoke, odor, dust or vibration.

H. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.

The planned operating hours of the proposed use are 11 A.M to 9 P.M. No adverse impact is anticipated with any adjoining land use.

I. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.

The manner of operation of the proposed use will not have an adverse impact on the adjoining land uses. These currently include restaurants, salons, and retail shops.

J. Whether or not the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

The proposed use complies with the requirements of the C-1 local commercial district, apart from the special use which is requested by this Application.

K. Whether or not the proposed use is consistent with the policies of the comprehensive plan.

The proposed use is consistent with the Comprehensive Plan and the Downtown designation by providing a service commercial use and products which are complimentary to other uses in the area.

L. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.

No buffers are required for the proposed use.

M. Whether or not there is adequate provision of refuse and service areas.

The amount of waste generated by the proposed use is small in comparison to the adjacent properties owned by Subject Property Owner. Owner has stated we may use existing dumpster for a small fee.

N. Whether the length of time for which the special land use permit is granted should be limited in duration.

The proposed use does not necessitate a limit in length of time for special land use permit.

O. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.

No changes are being made to the size, scale or massing of the existing building.

P. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.

No adverse impact on historic buildings, sites, districts, or archaeological resources are anticipated.

Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.

No supplemental conditions apply for the proposed use, per Section 27.4.2 Division 2: Supplemental Use Regulations.

R. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

The proposed use does not modify the existing shadow impact of the existing building. Thus, the proposed use will not produce any adverse shadow impact.

S. Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject character area.

The proposed use is not expected to cause a disproportionate proliferation of similar uses in the subject character area. At time of application, no other proposed uses exist in the subject area, Downtown.

T. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.

The proposed use will provide a service authorized for neighboring C-2 Zoned areas adjacent to subject property. Thus, the comprehensive plan has anticipated such a proposed use for the area. In addition, the proposed use includes an art gallery which is approved zoning for subject property. Thus, the proposed use will benefit the neighborhood as a whole and will not conflict with the overall objective of the comprehensive plan.

**VII. SECTION 7.4.7 SPECIAL LAND USE PERMIT;
ADDITIONAL CRITERIA FOR SPECIFIED USES**

Not Applicable

VIII. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Special Land Use Permit Application be approved. The Applicant also invites and welcomes any comments from Staff or other officials of the City of Tucker so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 5th day of March 2019.

Respectfully submitted,



Krystal Rogers, Member

Witching Hour Art Collective, LLC



Lyle Herrold, Member

Witching Hour Art Collective, LLC

RECEIVED
City of Tucker

MAR 15 2019

Community Development
Department

SLUP-19-0005

ENCROACHMENT NOTE

THERE ARE NO ENCROACHMENTS BY THE IMPROVEMENTS ON THE "PREMISES" ONTO THE ADJOINING PROPERTY OR BY THE IMPROVEMENTS ON THE ADJOINING PROPERTY ONTO THE "PREMISES".

LEGAL DESCRIPTION

All the tract or parcel of land lying and being in Land Lot 213 of the 18th District of DeKalb County, Georgia, containing 0.7741 acres and being more particularly described as follows:

BEGINNING at the corner formed by the intersection of the southwesterly right-of-way line of Main Street (a 100-foot right-of-way) with the northwesterly right-of-way line of Railroad Avenue (a 50-foot right-of-way, formerly known as Second Avenue); running thence south 70 degrees 05' 00" minutes 38 seconds west along the northwesterly right-of-way line of Railroad Avenue a distance of 200.00 feet to an iron pin found on the northwesterly side of 20' alley, running thence north 20 degrees 27' minutes 32" seconds west along the northwesterly side of said alley a distance of 167.67 feet to an iron pin found on the southwesterly side of another 20-foot alley, running thence north 70 degrees 04' minutes 38 seconds east along the southwesterly side of the last mentioned alley a distance of 202.05 feet to a point located on the southwesterly right-of-way line of Main Street, running thence south 19 degrees 45' minutes 32" seconds east along the southwesterly right-of-way line of Main Street, a distance of 167.80 feet to the **POINT OF BEGINNING**. BEING THE SAME TRACT DESCRIBED IN EXHIBIT "A" IN THE LAWYERS TITLE INSURANCE CORPORATION OWNER'S COMMITMENT FOR TITLE INSURANCE, COMMITMENT NUMBER: 55178.04(G), DATED APRIL 8, 2008.

SCHEDULE B TITLE EXCEPTION NOTES

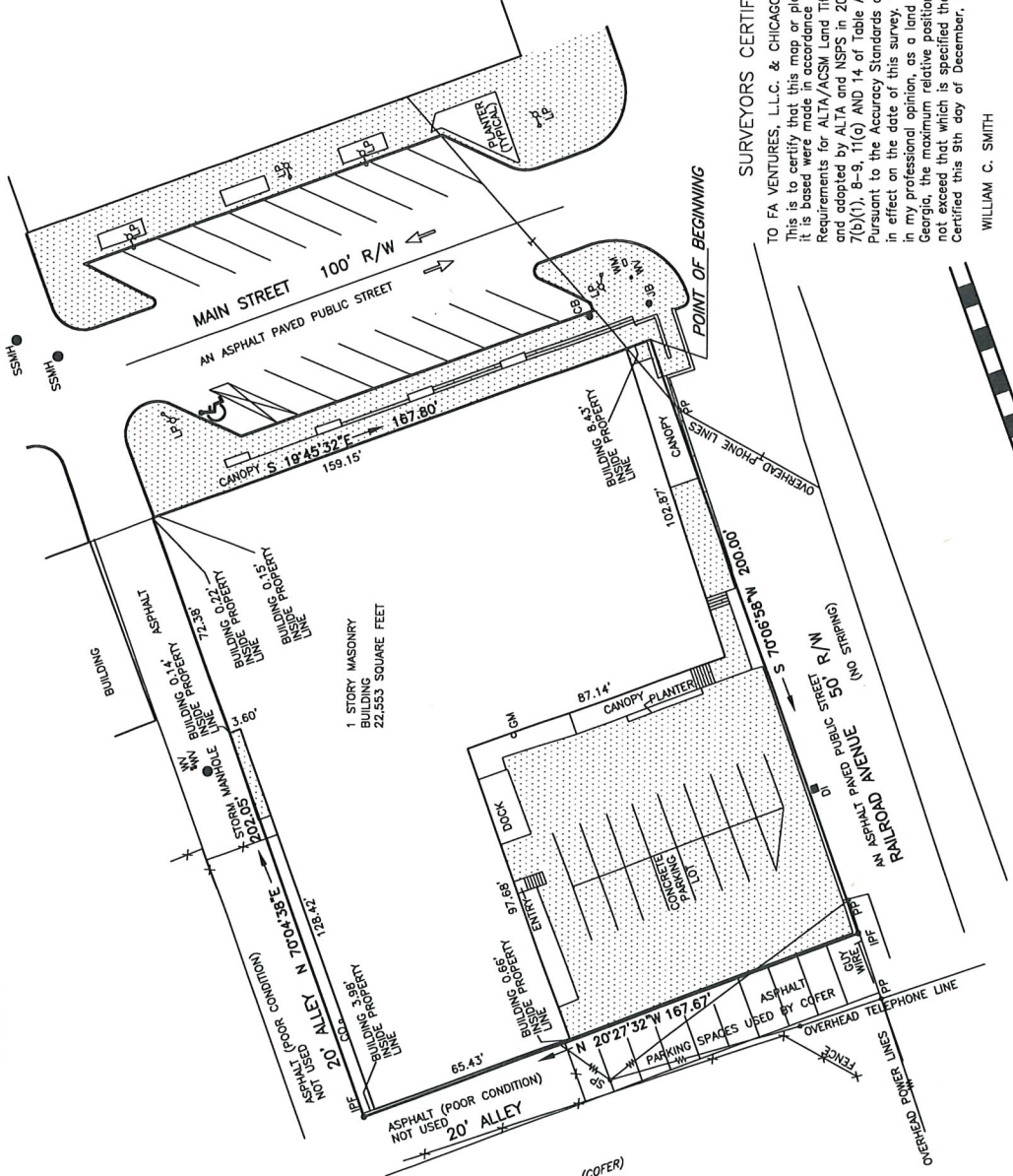
CHICAGO TITLE INSURANCE COMPANY COMMITMENT NO. 32030.02 WITH AN EFFECTIVE DATE OF NOVEMBER 25, 2014 SCHEDULE B-SECTION 2 EXCEPTIONS THAT SHOULD BE ADDRESSED BY THIS SURVEY:
 7. Right of Way Easements from COAD, Inc. to Georgia Power Company, dated April 14, 1975, recorded in Deed Book 3325, page 329, DeKalb County, Georgia records.--THIS IS A GENERAL EASEMENT AND IS NOT PLOTTABLE.--

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ALTA/ACSM LAND TITLE SURVEY
 FA VENTURES, L.L.C.,
 A GEORGIA LIMITED LIABILITY COMPANY
 PROPERTY IN LAND LOT 213
 18th DISTRICT,
 DEKALB COUNTY, GEORGIA

STREET ADDRESS: 2316 MAIN STREET
 TUCKER, GEORGIA
 0.7741 ACRE OR 33,718 SQUARE FEET

6028.GEO 6028.DWG
 FLOOD INSURANCE RATE MAP
 DATED MAY 07, 2001 SHOWS THIS PROPERTY
 IS NOT IN THE 100 YEAR FLOOD ZONE.
 NOTE: IRON PINS ARE (1/2" RE-BAR)
 EXCEPT AS SHOWN.
 PLAT CLOSURE:
 ONE FOOT IN
 484,000 FEET.
 MAY 6, 2008
 REVISED 5-15-08
 REVISED 12-09-14



SURVEYORS CERTIFICATION

TO FA VENTURES, L.L.C. & CHICAGO TITLE INSURANCE COMPANY
 This is to certify that this map or plat and the survey on which it is based were made in accordance with the Standard Detail Requirements for ALTA/ACSM Land Title Surveys, jointly established and adopted by ALTA and NSPS in 2011, and includes items 1-4, 6(G), 7(D)(1), 8-9, 11(G) AND 14 of Table A Optional Survey Responsibilities. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS in effect on the date of this survey. The undersigned further certifies in my professional opinion, as a land surveyor registered in the State of Georgia, the maximum relative positional accuracy of this survey does not exceed that which is specified therein.
 Certified this 9th day of December, 2014.

WILLIAM C. SMITH

REGISTERED LAND SURVEYOR No. 1803
 DATE OF LAST FIELD SURVEY WORK: 12-09-2014
 DATE OF LAST REVISION: 12-09-2014

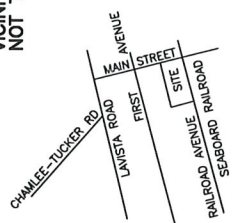
FIELD TRAVERSE:
 CLOSURE: ONE FOOT IN 20,000 FEET
 USING A LEITZ SET 3;
 ADJUSTED USING THE COMPASS RULE.

SMITH & SMITH LAND SURVEYORS, P.C.
 2 SOUTH AVENUE, CARTERSVILLE, GA. 30120
 PHONE 770-382-0457

REGISTERED LAND SURVEYOR No. 1803

| | | | | | |
|----|---|--------------------|------|---|------------------------|
| JB | - | STORM JUNCTION BOX | CB | - | CATCH BASIN |
| CD | - | CALM WATER | CSMH | - | SANITARY SEWER MANHOLE |
| CP | - | CONCRETE | DI | - | DROP INLET |
| SP | - | SERVICE POLE | R | - | RADIUS LP-LIGHT POLE |
| WM | - | WATER METER | LP | - | LP-LIGHT POLE |
| WV | - | WATER VALVE | F | - | FENCED LOT LINE |
| W | - | WATER | IPF | - | IRON PIN FOUND |
| WV | - | WATER VALVE | CM | - | CONCRETE MARKER |
| WV | - | WATER VALVE | CH | - | CHORD |
| WV | - | WATER VALVE | C | - | CENTER LINE |
| WV | - | WATER VALVE | WV | - | WATER VALVE |
| WV | - | WATER VALVE | L | - | LENGTH OF CURVE |

**VICINITY MAP
 NOT TO SCALE**



CURRENT ZONING
 Zoned: TUCKER OVERLAY DISTRICT
 Per DeKalb County
 Community Development (404) 371-4915
Site Restrictions:

- Maximum building setbacks:
 Front: 0 feet
 For buildings along Main Street, the maximum front set back shall be no greater than the average of the current buildings on the block.
 Side: 0 feet
 Rear: 0 feet
- Maximum building height: shall be 3 stories or 45 feet whichever is less

PARKING TABULATION
 THERE ARE 15 - 9' X 18' MARKED PARKING SPACES ON THE "PREMISES"