

MAR 26 2010

Community Development
Department
SLUP-18-003

APPLICATION

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>Frolic & Flow, LLC</u> ^{Co Heather Hale}	NAME: <u>Heather Hale</u>
ADDRESS: <u>4076 Morgan Rd</u>	ADDRESS: <u>4076 Morgan Rd</u>
CITY: <u>Tucker</u>	CITY: <u>Tucker</u>
STATE: <u>GA</u> ZIP: <u>30084</u>	STATE: <u>GA</u> ZIP: <u>30084</u>
PHONE: <u>678-357-3026</u>	PHONE: <u>678-357-3026</u>

CONTACT PERSON: Heather Hale PHONE: 678-357-3026

CONTACT'S E-MAIL: FrolicandFlow@gmail.com

APPLICANT IS THE:

OWNER'S AGENT PROPERTY OWNER CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): R-85 REQUESTED ZONING DISTRICT: R-85

PRESENT LAND USE CATEGORY: SUB REQUESTED LAND USE CATEGORY: SUB

LAND DISTRICT(S): 18 LAND LOT(S): 226 ACREAGE: 0.34 acres

ADDRESS OF PROPERTY: 4076 Morgan Rd, Tucker, GA 30084

PROPOSED DEVELOPMENT: SLUP For home-based business c customer contact

CONCURRENT VARIANCES: _____

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units: <u>n/a</u>	No. of Buildings/Lots: <u>n/a</u>
Dwelling Unit Size (Sq. Ft.): <u>n/a</u>	Total Building Sq. Ft.: <u>n/a</u>
Density: <u>n/a</u>	Density: <u>n/a</u>

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APPLICANT'S CERTIFICATION

Community Development
Department

SLUP-18-003

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.

Heather H Hale

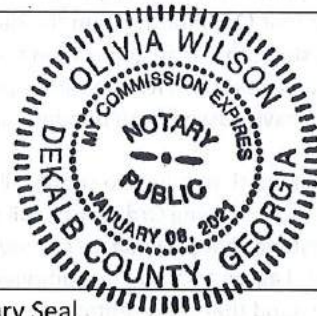
3/26/2018

Signature of Applicant

Date

Heather H. Hale

Type or Print Name and Title



Olivia Wilson

3/26/18

Signature of Notary Public

Date

Notary Seal



MAR 26 2018

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PROPERTY OWNER'S CERTIFICATION

Community Development
Department

SLUP-18-003

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, Heather H. Hale, authorize, Frolic & Flow, LLC CO Heather H. Hale
(Property Owner) (Applicant)

to file for SLUP, at 4076 Morgan Rd, Tucker, GA 30084
(RZ, CA, SLUP, CV) (Address)

on this date March, 26th, 2018
(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.

Heather H. Hale
Signature of Property Owner

3/26/2018
Date

Heather H. Hale - Owner
Type or Print Name and Title

Olivia Wilson
Signature of Notary Public

3/26/18
Date

Notary



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.

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

3/1/18

Project # 14000
Project # 14000

DISCLOSURE REPORT FORM

Community Development
 Department

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)

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)

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

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) Heather M. Hale

Signature: Heather M. Hale Date: 3/1/18

SITE PLAN CHECKLIST

All items must be included on the Site Plan; separate Site Plans may be necessary to address all items

1. Key and/or legend and site location map with North arrow
2. Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning
3. Acreage of subject property
4. Location of land lot lines and identification of land lots
5. Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property
6. Proposed streets on the subject site
7. Posted speed limits on all adjoining roads
8. Current zoning of the subject site and adjoining property
9. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property
10. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvement or adjacent properties within 400 feet of the subject site based on the City's aerial photography or an acceptable substitute as approved by the Director
11. Location of proposed buildings (except single family residential lots) with total square footage
12. Layout and minimum lot size of proposed single family residential lots
13. Topography (surveyed or City) on subject site and adjacent property within 200 feet as required to assess runoff effects
14. Location of overhead and underground electrical and pipeline transmission/conveyance lines
15. Required and/or proposed setbacks
16. 100 year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps
17. Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed
18. Required and proposed parking spaces; Loading and unloading facilities
19. Lakes, streams, and waters on the state and associated buffers
20. Proposed stormwater management facilities
21. Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access
22. Availability of water system and sanitary sewer system
23. Tree lines, woodlands and open fields on subject site
24. Entrance site distance profile assuming the driver's eye at a height of 3.5 feet
25. Wetlands shown on the County's GIS maps or survey.
26. Mail kiosk location.

Land Use Petition Calendar

*Application Deadline	Community Council	**Revision Deadline	Planning Commission	M&CC 1 st Read	M&CC 2 nd Read
12/26/2018	1/10/2018	TBD	2/22/2018	3/12/2018	3/26/2018
1/22/2018	2/14/2018	TBD	3/22/2018	4/9/2018	4/23/2018
2/26/2018	3/14/2018	TBD	4/26/2018	5/14/2018	5/29/2018
3/26/2018	4/11/2018	TBD	5/24/2018	6/11/2018	6/27/2018
4/23/2018	5/9/2018	TBD	6/28/2018	7/9/2018	7/23/2018
5/29/2018	6/13/2018	TBD	7/26/2018	8/13/2018	8/27/2018
6/25/2018	7/11/2018	TBD	8/23/2018	9/10/2018	9/24/2018
7/23/2018	8/8/2018	TBD	9/27/2018	10/8/2018	10/22/2018
8/27/2018	9/12/2018	TBD	10/25/2018	11/13/2018	11/26/2018
9/24/2018	10/10/2018	TBD	11/29/2018	12/10/2018	TBD

***Incomplete applications will not be accepted.**

****Revisions to the application will not be accepted past the revision deadline.**

Fee Schedule

Rezoning: Residential	\$500
Rezoning: Multifamily	\$750
Rezoning: Non-residential	\$750
Special Land Use Permit	\$400
Concurrent Variance	\$300
Sign Fee (per sign)	\$80

Community Council Notice Requirements

- The applicant is responsible for posting a Community Council sign on the property by the Monday following the application deadline. The signs are available at City Hall. If not returned, the applicant must pay \$25 per sign to cover the replacement cost of the sign.
- The applicant is responsible for mailing a letter to neighbors within 500' alerting them of the Community Council meeting by the Monday following the deadline.

Public Notice Requirements

- The applicant is responsible for posting the public notice sign(s). Staff will order the signs and provide the required timeframe for posting.
- The City of Tucker is responsible for placing the legal ad in the newspaper and mailing the written notification to surrounding property owners.

Legal Description

All that tract or parcel of land lying and being in Land Lot 226 of the 18th District, City of Tucker, DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at a ½" rebar on the northerly right-of-way line of Morgan Road (40 foot right-of-way), said rebar being 389.0 feet northwesterly from its intersection of Summeroak Drive; running thence along said right-of-way line N82°08'50"W a distance of 82.01 feet to a ½" rebar; thence leaving said right-of-way line and running N00°26'50"W a distance of 180.53 feet to a capped rebar set; running thence S81°40'29"E a distance of 83.53 feet to a capped rebar set; running thence S00°00'00"W a distance of 179.63 feet to a ½" rebar and the POINT OF BEGINNING

Said tract or parcel of land contains 0.339 acres

SUBJECT PROPERTY PHOTO ADDENDUM

Borrower: Patricia Jervey	File No.: HR 129
Property Address: 4076 Morgan Rd	Case No.: W040632
City: Tucker	State: GA
Lender: First PrimSouth Mortgage	Zip: 30084



FRONT VIEW OF
SUBJECT PROPERTY

Appraised Date: May 12, 2006
Appraised Value: \$ 205,000



REAR VIEW OF
SUBJECT PROPERTY



STREET SCENE

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City of Tucker

Special Land Use Permit Application

3/26/18

- Letter of Intent & Analysis of standards/criteria

Heather Hale
4076 Morgan Rd, Tucker, GA 30084
678-357-3026

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City of Tucker
March 27, 2018

Letter of Intent:

This application seeks a Special Land Use Permit for 4076 Morgan Rd, Tucker, GA 30084 with the intent to provide part-time services of Integrative Health Coaching and Massage Therapy. This property is currently zoned as Residential-85 and is the Applicant's primary residence. Notably, its location is approximately 56 feet from the Downtown Tucker Overlay, Neighborhood Zone and walkable to Downtown.

Per Section 4.2.31 Home occupations and private educational uses, the proposed business is considered a Type II Home occupation as it includes customer contact, hence it requires a Special Land Use Permit. Due to the nature of the services- Health & Wellness Coaching and Massage Therapy, many of the standards of home occupation are naturally met.

I want to take this opportunity to acknowledge that the job of local governments to ensure that massage establishments are legitimate and in compliance with both state and national standards is not an easy one. The reality is that nefarious practices do exist that result in human rights abuses and/or illegal conduct (e.g., human trafficking- which is a particularly significant problem in Atlanta).

No doubt that the vast majority of massage establishments/practices meet these standards for safety, legality, and ethics. To be clear, my massage practice fits in this category. I have been licensed (MT001010) in the State of Georgia since 6/6/2007 (when licensing was initiated) and certified consistently through NCBTMB upon graduation from my massage training program in 2004. Most recently, I worked as an independent contractor at Massage Associates of Atlanta, LLC with Cindy Farrar from 2011- 2017.

I am deeply committed to upholding the highest standards of the profession. I have read and understand all the provisions of ARTICLE VIII. - MASSAGE THERAPY LICENSING and particularly Minimum standards for a Massage Establishment (Section 16 in City of Tucker code) and am in compliance with all applicable provisions. I also carry liability insurance through ABMP.

In addition to providing therapeutic massage to cultivate health and well-being (including freedom from pain) for my clients, I am also a Duke-trained Integrative Health Coach. Health and Wellness Coaching is a fairly new field. It is very similar to being a Life Coach with the difference being that the primary focus is on lifestyle change that directly impacts immediate health and health outcomes. Sessions include visioning, goal-setting and support as clients explore change that enhances their health (or addresses behaviors that negatively impact health). It is neither therapy, nor nutritional counseling, nor "health care," nor a variety of other practices (the distinction between said practices is made clear to clients). The Health Coach's expertise and scope of practice is behavior change and thus that is the focus of the partnership.

I am the sole practitioner in this business, and I don't anticipate more than 15-20 clients per week (one client at a time).

Demonstration of Commitment to Health & Wellness & Professionalism in the field:

- 1998 Bachelor's degree Psychology (University of Virginia)
- 1998 Master's degree in Teaching Special Education (University of Virginia)
- 2004 Graduate Atlanta School of Massage: Neuromuscular and Clinical Massage Therapist
- 2004 NCBTMB certified (National Certification Board for Therapeutic Massage and Bodywork)
- 2007 LMT in Georgia (Licensed Massage Therapist)
- 2010 Bachelor's degree in Nursing from Emory School of Nursing
- 2013 Certified Personal Trainer (NASM)
- 2014 Graduate Duke Integrative Health Coaching Professional Training Program
- 2017 National Board-Certified Health & Wellness Coach
- 2018 Duke Integrative Health Coaching Professional Training Program "Coach Training Assistant"

Analysis of standards/criteria:

Environmental Site Analysis Form:

1. Conformance with the Comprehensive Plan:

The City of Tucker has adopted the Dekalb County 2025 Comprehensive Plan and its associated land use designations. The proposed use of this property is consistent with the suburban designation. The proposed plan is consistent with several general policies and strategies of the Comprehensive Plan, including, but not limited to:

PP3: Increase awareness among residents, being proactive about aging issues. My practice has included clients aged 18-95 years old, enhancing wellness throughout the aging process.

PS7: Identify Opportunities to enhance and expand supportive services for all age cohorts. My practice has included clients aged 18-95 years old, enhancing wellness throughout the aging process.

EDP1: Maintain the image of the County, reflecting its strengths as a place to live, work, play and do business. I believe an approval of this special land use permit would represent an excellent melding of living, working, and doing business in an affordable and professional manner.

PHP2: Develop innovative policies and programs to improve county health. Massage therapy and Integrative Health Coaching both offer significant positive health impact including a broader impact on family members and friends due to decreased levels of stress and higher levels of functioning.

The Comprehensive Plan identifies the Suburban character area as:

The Suburban (SUB) Character Areas include those areas that have developed in traditional suburban land use patterns and are developed (built out) and those under development pressures. These areas are characterized by low pedestrian orientation, limited transit access, scattered civic buildings, and curvilinear street patterns.

The primary Land uses include: Single Family Detached Residential, Townhomes, Apartments, Assisted Living Facilities, Neighborhood retail, Schools, Libraries, Health Care Facilities, Parks and Recreational Facilities, Public and Civic Facilities, and Religious Institutions with a density of 0 to 8 dwelling units per acre.

The proposed use meets the intent of the Suburban character area by providing alternative health services and health promotion to the community. Thus, the proposed use is consistent with the Comprehensive Plan, and is congruent with the mission of many businesses here in the City of Tucker.

2. Environmental Impacts of the Proposed Project:

Wetlands: The property is not located within an area designated as wetlands. (<https://www.fws.gov/wetlands/data/mapper.html>)

Floodplain: The property does not lie in a flood zone according to FEMA. (<https://msc.fema.gov/portal>)

Streams/Stream Buffers: There are no streams located on the property. (Field observation)

Slopes: There are no significant slopes on the property. (DeKalb County GIS)

Vegetation: To the Applicant's knowledge, there are no endangered species on the property.

Wildlife Species: No business activity will occur in conjunction with wildlife. To the Applicant's knowledge, there are no endangered species on the property besides typical Suburban fare (squirrels, other small mammals, birds, and insects).

Archeological/Historical Site: To the Applicant's knowledge, there are no archeological or historic sites on the property.

3. Project Implementation Measures:

Protection of environmentally sensitive areas: There are no environmentally sensitive areas on the Property.

Protection of water quality: The water quality will be unaffected; no new construction is proposed.

Minimization of negative impacts on existing infrastructure: No changes to existing structure will be made for business purposes.

Minimization of negative impacts on archeological/historically significant areas: To the Applicant's knowledge, there are no archeological/historically significant areas on the property.

Minimization of negative impacts on environmentally stressed communities: The proposed use will not impact environmentally stressed communities.

Creation and preservation of green space and open space: The proposed use will not impact the preservation of green space and open space.

Protection of citizens from negative impacts of noise and lighting: The proposed use will not exceed typical residential noise and lighting. Conversation level volume or lower is standard.

Protection of parks and recreational green space: The proposed use will not affect the protection of parks and recreational green spaces.

Minimization of impacts to wildlife habitats: The proposed use will not impact wildlife habitats.

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 proposed use. There is one room designated for massage and another room designated for health coaching. There are 3 parking spots in the driveway area. There is always one parking spot available for a single client; clients arrive one at a time.
- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district:** Similar land use (alternative health facilities) is within walking distance both in Downtown and a stone's throw (approx. 56 feet) from Downtown Tucker Overlay, Neighborhood Zone.
- C. Adequacy of public services, public facilities, and utilities to serve the proposed use:** There are adequate services, facilities and utilities as it is a functioning residence with 2 separate bathrooms.
- 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.** Volume of traffic is negligible. At the most, one vehicle per hour between 9 am and 8:30 pm will utilize the routes to the property (likely total per day: 3-5 total vehicles, one at a time).

- 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.** Volume of traffic is negligible. At the most, one vehicle per hour between 9 am and 8:30 pm will utilize the routes to the property (likely total per day: 3-5 total vehicles, one at a time).
- 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.** Ingress and egress will not be impacted by an additional car in property driveway, especially with the expected frequency.
- 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.** Operating hours are by appointment only and are typically between 10:00 am and 7:00 pm. On occasion, hours may be extended as early as 8:30 am or as late as 8:30 pm to accommodate client schedules, but no earlier than 6:00 am or later than 11:00 pm per regulations.
- 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.** No adverse impact is anticipated on any adjoining land use by the manner of operation.
- 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 is consistent with a home-based business with the qualification that a Special Land Use Permit is required for home based businesses with customer contact.
- K. Whether or not the proposed use is consistent with the policies of the comprehensive plan.** The proposed use is consistent with the policies of the comprehensive plan because it will provide health and wellness services to the community and will enhance the quality of life of residents.
- 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.** The proposed use does not require buffer zones.
- M. Whether or not there is adequate provision of refuse and service areas.** No refuse is anticipated from the proposed use. In the unlikely event that a small amount of refuse is generated, existing refuse service and trash collection is adequate.
- N. Whether the length of time for which the special land use permit is granted should be limited in duration.** No limits on the length of time on the special land use permit are recommended.
- 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 property for business use.
- P. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.** The proposed use will not impact historic buildings, sites, districts, or archeological resources.

- Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.** The proposed use will satisfy the regulations for massage establishments (4.2.58).
- 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.** No changes are being made to existing building for business use. The proposed use will produce no 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 does not anticipate a disproportionate proliferation of massage or similar uses in the area. The proposed use anticipates little to no awareness.
- 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 relatively small number of health and wellness services (no more than 20 total sessions per week) including integrative health coaching and massage therapy. The proposed use will benefit the neighborhood and not conflict with the Comprehensive plan.

Section 4 Supplemental Standards for Home Occupations

4.2.31

The proposed business will meet the following standards:

1. There will be no exterior evidence of the proposed use.
2. The proposed use will create no noise, dust, vibration, odor, smoke, glare or electrical interference.
3. All proposed use will be conducted entirely within the dwelling unit and the Applicant will be the only one employed at the location of the home occupation.
4. No more than (25) percent of the dwelling unit will be used for the proposed use. The dwelling unit is approximately (2000) square feet. The two rooms being utilized for the proposed use are approximately (240) square feet and (144) square feet, totaling less than (388) square feet, which is less than 20%.
5. There will be no more than one (1) business vehicle for proposed use.
6. The proposed use will not create or cause a nuisance.
7. The proposed use involves no automobiles.
8. The proposed use involves only one (1) business vehicle.

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Special Land Use- Massage Establishment (Section 4.2.58)

The proposed use will comply with all applicable regulations of Section 4.2.58.

- A. There will be no warning system for the presence of law enforcement officers or city authorities.
- B. There is no receptionist. All doors will remain unlocked, including the treatment room.
- C. Georgia Massage State License and City of Tucker Business License will be on display in treatment room.
- D. Operating hours are by appointment only and are typically between 10:00 am and 7 pm. On occasion, hours may be extended as early as 8:30 am or as late as 8:30 pm to accommodate client schedules, but no earlier than 6:00 am or later than 11:00 pm per regulations.
- E. There is no formal lobby or reception. There is a living room next to the entrance area whose blinds are open during daylight hours and closed after dark. No tints or other material have been used to intentionally obstruct the view into the premises. The entrance door's windows allow for some visibility, but not full. The Applicant is willing to consider modifications to the front door if deemed essential.

Conclusion:

The Applicant is hopeful that the Special Land Use Permit Application will be approved and is happy to answer any questions or comments from the City of Tucker that will facilitate this process.

Applicant name: Heather H. Hale
Applicant signature: Heather H. Hale
Date: 3/26/18

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Community Development
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