



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: <input type="checkbox"/> Property Owner <input checked="" type="checkbox"/> Owner's Agent <input type="checkbox"/> Contract Purchaser		
Name: One Therapy and Spa, LLC		
Address: 4880 Lawrenceville Highway #4		
City: Tucker	State: GA	Zip: 30084
Contact Name: Shea Roberts		
Phone: (404) 924-2853	Email: sroberts@grdlegal.com	

OWNER INFORMATION

Name: SM Sons, LLC		
Address: 4880 Lawrenceville Highway		
City: Tucker	State: GA	Zip: 30084
Contact Name: c/o Shea Roberts		
Phone: (404) 924-2853	Email: sroberts@grdlegal.com	

PROPERTY INFORMATION

Property Address: 4880 Lawrenceville Highway #4 Tucker, GA 30084		
Present Zoning District(s): C-1	Requested Zoning District(s): _____	
Present Land Use Category: Neighborhood Center	Requested Land Use Category: _____	
Land District: 18	Land Lot(s): 256	Acreage: ±.04
Proposed Development: existing		
Concurrent Variance(s): N/A		

RESIDENTIAL DEVELOPMENT

No. of Lots/Dwelling Units: N/A	Dwelling Unit Size (Sq. Ft.):	Density:
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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.

Shea E Obedt

Signature of Applicant

12/19/18

Date

Shea Roberts, attorney

Type or Print Name and Title

Shanea Thomas

Signature of Notary Public

12.19.18

Date



Notary Seal

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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, SM SONS LLC (Property Owner), authorize, Sean Kim (Applicant) *c/o Shea Roberts & Gracoma Roberts # Daughdrill, LLC*

to file for SLUP (RZ, CA, SLUP, CV), at 4880 Lawrenceville Hwy STE 4, Tucker, GA 30084 (Address)

on this date _____, 20____ (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.

Sern Kyu Lee Signature of Property Owner 12-7-2018 Date

SERN KYU, LEE Type or Print Name and Title Burner

Dong Lyul Shin Signature of Notary Public 12/7/2018 Date [Red Seal] Notary Seal



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PRE-APPLICATION FORM

REZONING, COMPREHENSIVE PLAN AMENDMENT, SPECIAL LAND USE PERMIT, AND CONCURRENT VARIANCE

Purpose & Process

A Pre-Application Meeting provides you the opportunity to present a conceptual plan and letter of intent to a representative of the Community Development Department. This meeting benefits you, the applicant, by receiving general comments on the feasibility of the plan, the process(es)/procedure(s) and fees required to process and review the application(s). Please contact Courtney Smith at csmith@tuckerga.gov to schedule an appointment. This form will be completed during the pre-application meeting. After completing the pre-application meeting, the applicant may file the Land Use Petition.

Applicant:

Shea Roberts on behalf of One Spa Therapy

Site Address: 4880 Lawrenceville Highway, Suite 4, Tucker, GA 30084

Parcel Size: Multi-tenant strip center with a portion located in Gwinnet County. City of Tucker portion of parcel is ±1.14 acres.

Proposal Description:

Applicant requests a proposal for a Massage Establishment in the C-1 (Local Commercial) zone district.

Existing Zoning Designation and Case Number: C-1 zoning designation; Associated case number—CZ-79039

Proposed Zoning Designation: C-1

CV: None discussed.

Proposed SLUP Request: To allow a Massage Establishment in the C-1 zoning designation.

CV: None discussed.

Comprehensive Land Use Map Designation: Neighborhood Center

Overlay District: N/A

Staff: John Mc Henry, Courtney Smith, Tim Lampkin

Date: 12/13/2018

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)

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) Shea Roberts

Signature: *Shea E Roberts*

Date: 12/17/18

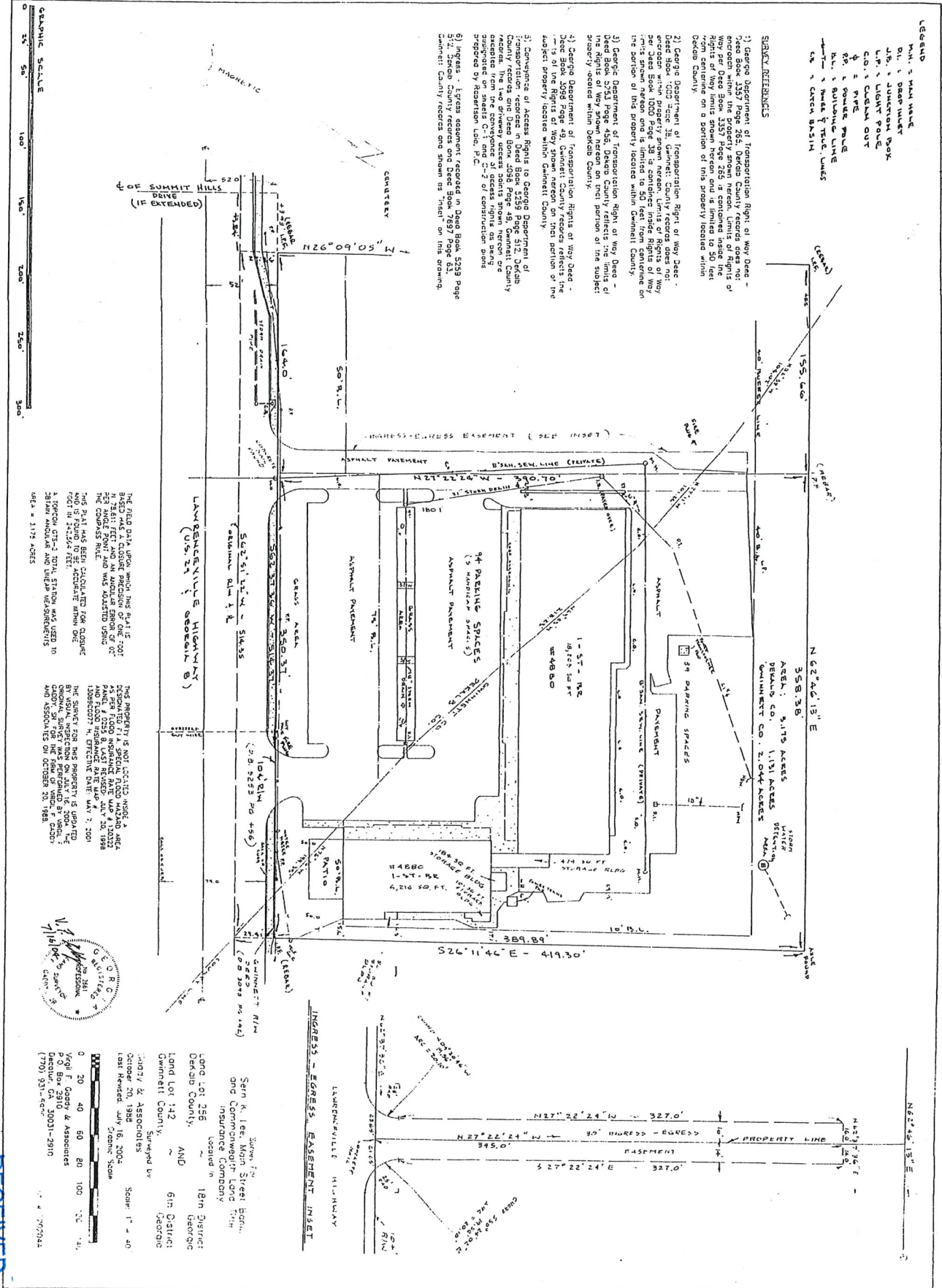
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LEGEND

- M.H. 2 1/2 inch WAVE
- D.I. 1 1/2 inch WAVE
- U.S. 1 1/2 inch WAVE
- L.P. 1 1/2 inch WAVE
- C.O. 1 1/2 inch WAVE
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SUBJECT REFERENCES

- 1) Georgia Department of Transportation Right of Way Data - Deed Book 3387 Page 265; DeKalb County records does not indicate when the property shown herein. Limits of Rights of Way shown herein only is limited to 50 feet from centerline on a portion of this property located within DeKalb County.
- 2) Georgia Department of Transportation Right of Way Data - Deed Book 3387 Page 265; DeKalb County records does not indicate when the property shown herein. Limits of Rights of Way shown herein only is limited to 50 feet from centerline on the portion of this property located within DeKalb County.
- 3) Georgia Department of Transportation Right of Way Data - Deed Book 3253 Page 158; DeKalb County records reflects the limits of the Rights of Way shown herein on that portion of the subject property located within DeKalb County.
- 4) Georgia Department of Transportation Right of Way Data - Deed Book 3098 Page 49; DeKalb County records reflects the limits of the Rights of Way shown herein on that portion of the subject property located within DeKalb County.
- 5) Georgia Department of Transportation Right of Way Data - Deed Book 3098 Page 49; DeKalb County records reflects the limits of the Rights of Way shown herein on that portion of the subject property located within DeKalb County.
- 6) Georgia Department of Transportation Right of Way Data - Deed Book 3098 Page 49; DeKalb County records reflects the limits of the Rights of Way shown herein on that portion of the subject property located within DeKalb County.
- 7) Georgia Department of Transportation Right of Way Data - Deed Book 3098 Page 49; DeKalb County records reflects the limits of the Rights of Way shown herein on that portion of the subject property located within DeKalb County.
- 8) Georgia Department of Transportation Right of Way Data - Deed Book 3098 Page 49; DeKalb County records reflects the limits of the Rights of Way shown herein on that portion of the subject property located within DeKalb County.
- 9) Georgia Department of Transportation Right of Way Data - Deed Book 3098 Page 49; DeKalb County records reflects the limits of the Rights of Way shown herein on that portion of the subject property located within DeKalb County.



THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS A CLOSEST PRECISION OF ONE FOOT PER HUNDRED FEET. THE PLAN IS BASED UPON THE COMPOUND RADIUS AND WAS ADJUSTED UNDER THE COMPASS RULE.

THIS PLAN HAS BEEN CALCULATED FROM CLOSELY SPACED POINTS OF THE PROPERTY LINE AND THE CENTERLINE OF THE ROADWAY AND UNDER MEASUREMENTS.

DATE: 11/12/2018

THIS PROPERTY IS NOT LOCATED WITHIN A DESIGNATED FLOOD HAZARD AREA AND IS NOT SUBJECT TO A SPECIAL FLOOD HAZARD AREA AND FLOOD INSURANCE RATE MAP # 17032Z AND FLOOD INSURANCE RATE MAP # 17032Z.

THE SURVEY FOR THIS PROPERTY IS BASED UPON THE ORIGINAL SURVEY AND IS BASED UPON THE ORIGINAL SURVEY AND IS BASED UPON THE ORIGINAL SURVEY.

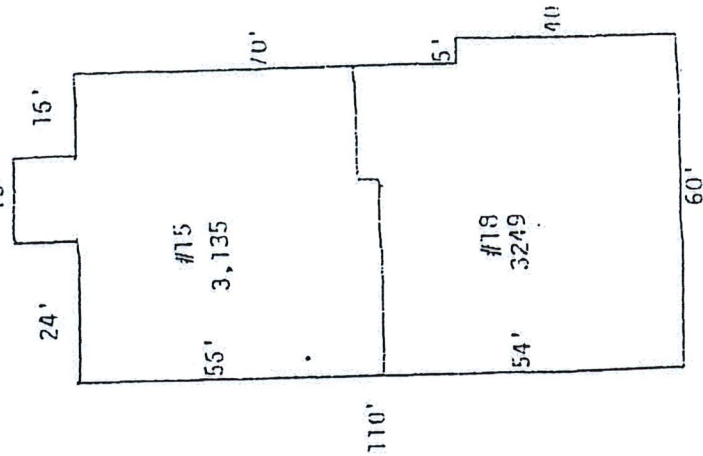
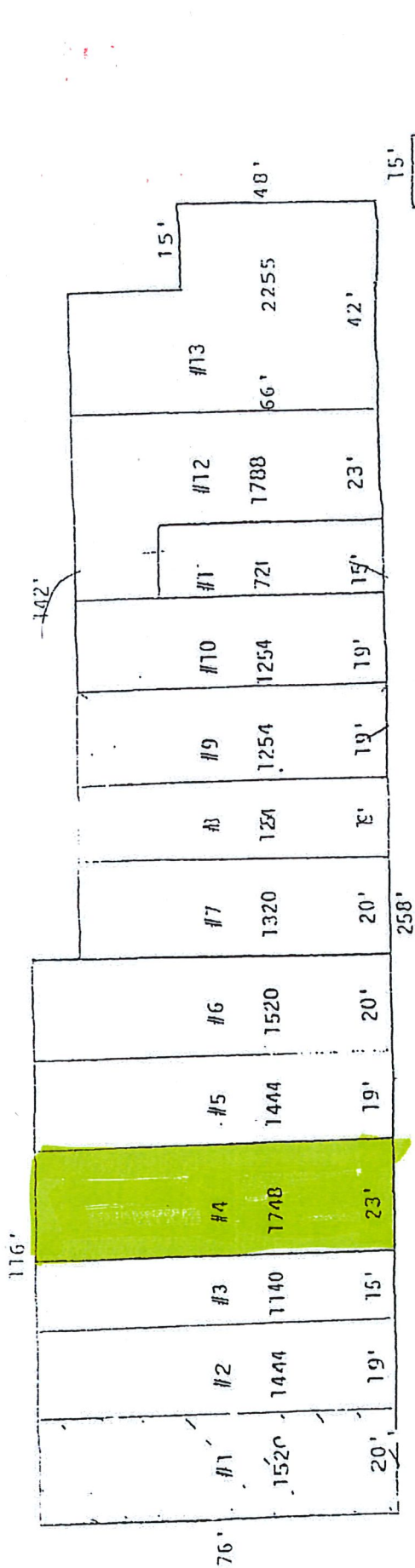


Surveyed by: S. K. Lee, Surveyor
18th District
DeKalb County, Georgia
Gannett County, Georgia

LONG LOT 256 AND LAND LOT 112
Gannett County, Georgia

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No. of Spaces - 15
 Total Sq. Ft. - 25,045
 Scale: 1" = 30 Ft.

COUNTY LINE CENTER

EXHIBIT - A-1

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1000-9-P-19

REVISION

**SUPPLEMENTAL
STATEMENT OF INTENT**

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and

Other Material Required by
City of Tucker Zoning Ordinance

for the

Special Land Use Permit Application

of

One Therapy & Spa, LLC

for

± .04 Acres of Land at
4880 Lawrenceville Hwy #4, Tucker, GA 30084
Land Lot 256, 18th District, DeKalb County

Submitted for Applicant by:

Shea E. Roberts
Giacoma, Roberts & Daughdrill, LLC
Resurgens Plaza
Suite 2750
945 East Paces Ferry Road
Atlanta, Georgia 30326
(404) 924-2850

REVISION

I. INTRODUCTION

The Applicant, One Therapy & Spa, LLC, incorporates by reference the Statement of Intent dated December 20, 2018, and by this Supplement, provides additional the following additional information:

The proposed use anticipates employing two (2) massage therapists: Kyong Soon Lee and Sun T. Hardnick (whose licenses were submitted with the Statement of Intent on December 20, 2018). One Therapy & Spa, LLC's owner, Sean Kim, is also a licensed massage therapist (a copy of his license was also included with the Statement of Intent on December 20, 2018), but will work in the spa in an administrative capacity. The proposed use will also employ a receptionist upon approval of the SLUP and in advance of beginning operation.

This 21st day of December, 2018.

Respectfully submitted,



Shea E. Roberts
Attorney for the Applicant

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I. INTRODUCTION

The Applicant, One Therapy & Spa, LLC, seeks a Special Land Use Permit for land located at 4880 Lawrenceville Highway #4, Tucker, GA 30084 (the “Subject Property”), Tucker, GA 30084, in Land Lot 256, 18th District, DeKalb County for use as a therapeutic massage and personal care spa. The Subject Property is one unit in an existing shopping center which is zoned C-1 (Local Commercial). The Comprehensive Plan presently calls for Neighborhood Center development of the Subject Property. The Applicant submits this Statement of Intent as required by the City of Tucker Zoning Ordinance.

II. IMPACT ANALYSIS

A. The Zoning Proposal is in Conformity with the Policy and Intent of the Comprehensive Plan.

The proposed use of a therapeutic massage and personal care spa is entirely consistent with the Comprehensive Plan and the Neighborhood Center designation.

The Comprehensive Plan identifies the Neighborhood Center character area as:

Neighborhood Centers include a mix of retail, services, and offices to serve neighborhood residents’ day-to-day needs.

The primary land uses include: Retail and *service commercial*, Office, Public and civic facilities, and Institutional uses.

The proposed use meets the intent of the Neighborhood Center character area by providing a service commercial use.

B. Environmental Impacts of the Proposed Project.

Wetlands: According to the National Wetlands Inventory Mapper, the Subject Property is not located within an area designated as wetlands.

Floodplain: According to the FIRM Flood Insurance Rate Maps of DeKalb County, Georgia, no portion of the Subject Property lies within a special flood hazard area.

Streams and buffers: Based on field observation, there are no streams located on the Subject Property.

Slopes: There are no slopes of any environmental significance on the Subject Property.

Vegetation: To the Applicant's knowledge and based on field observation, there are no endangered species located on the Subject Property.

Wildlife Species: To the Applicant's knowledge and based on field observation, there are no endangered species located on the Subject Property.

Archaeological/Historical Site: To the Applicant's knowledge and based on field observation, there are no archeological or historic sites located on the Subject Property.

C. Project Implementation Measures.

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

Protection of water quality: The proposed use is not imposing any new construction. The water quality will not be affected by the proposed use.

Minimization of negative impacts on existing infrastructure: No changes are being made to the existing structure.

Minimization of negative impacts on environmentally significant areas: Based on field observation and the Applicant's knowledge, there are no archaeological or historic sites located on the Subject 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 have any impact on preservation of green space and open space.

Protection of citizens from negative impacts of noise and lighting: No negative impacts are anticipated from noise or lighting from the proposed use.

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: No impacts are anticipated on wildlife habitats.

III. SPECIAL LAND USE CRITERIA (SECTION 7.4.6)

- 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. It is one unit of an existing shopping center which has its own parking lot both in front of and behind the building for the exclusive use of all units.

There are 6 treatment rooms.

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

The proposed use will be compatible with the adjacent properties and land uses with other properties and land uses in the district. The property to the west is zoned office-institutional (OI) and used for a Gwinnett Clinic. To the east is another shopping center (located in Gwinnett County) with a Home Depot. Directly behind the property, to the north, is a single-family residence (located in Gwinnett County). Across Lawrenceville Highway to the south is the Glory House World Church. The proposed use would continue to complement the surrounding uses.

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

There are adequate public services, facilities, and utilities to support 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 proposed use will not unduly increase traffic or create congestion in the area.

Lawrenceville Highway has sufficient carrying capacity for the proposed use.

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

The proposed use will have a de minimus impact on volume of traffic and will not affect the character of vehicles already traveling on the adjacent roads.

- 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. There are 2 entrances to the existing shopping center. The Applicant believes the traffic flow will be safe for customers, existing travelers and pedestrians. There is adequate access for fire and emergency first responders.

- 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 hours of operation of the proposed use.

The operating hours of the proposed use are 9 a.m. to 10 p.m. daily. No adverse impact is anticipated to 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.

- 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 Neighborhood Center designation by providing a service commercial use which is 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.

Refuse services have been planned for the proposed use. Safe access is provided to trash collection.

- N. Whether the length of time for which the special 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 the 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.

The proposed use will comply with the standards for massage establishments in Section 4.2.58 (see Section IV below).

- 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 will not produce any adverse shadow impact. No changes are being made to the existing building.

- 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.

- 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 health and wellness services including massage therapy, Swedish and deep tissue massage, sports massage, aromatherapy, hot stone therapy, food massage, and detoxification. The proposed use will benefit the neighborhood as a whole and will not conflict with the overall objective to the Comprehensive Plan.

IV. SPECIAL LAND USE – MASSAGE ESTABLISHMENT (SECTION 4.2.58)

The proposed use will adhere to the regulations set forth in section 4.2.48:

- A. The proposed use will have no device used as an early warning system to alert the employees therein to the presence of law enforcement officers or city authorities on the premises.
- B. Whenever the receptionist is present, the public entrance door and the doors of all treatment rooms will remain unlocked during any time the establishment is occupied. The treatment rooms do not have any locks on the doors.
- C. The establishment will display its State License and Local Business License at all times in a clearly visible place.
- D. The operating hours of the proposed use will be 9 a.m. to 10 p.m. daily. The hours of operation do not conflict with the requirements of Section 4.2.58.

E. The blinds on the exterior windows of the lobby/reception/entrance area will be removed in advance of beginning operations so there will be no material that obstructs the view into the premises. No signs will cover more than 30% of any windowpane.

V. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Special Land Use Permit Application at issue 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 20th day of December, 2018.

Respectfully submitted,



Shea E. Roberts
Attorney for the Applicant

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