



Land Use Petition: SLUP-19-0005

Date of Staff Recommendation Preparation: May 15, 2019

Community Council: April 10, 2019

Planning Commission: May 23, 2019

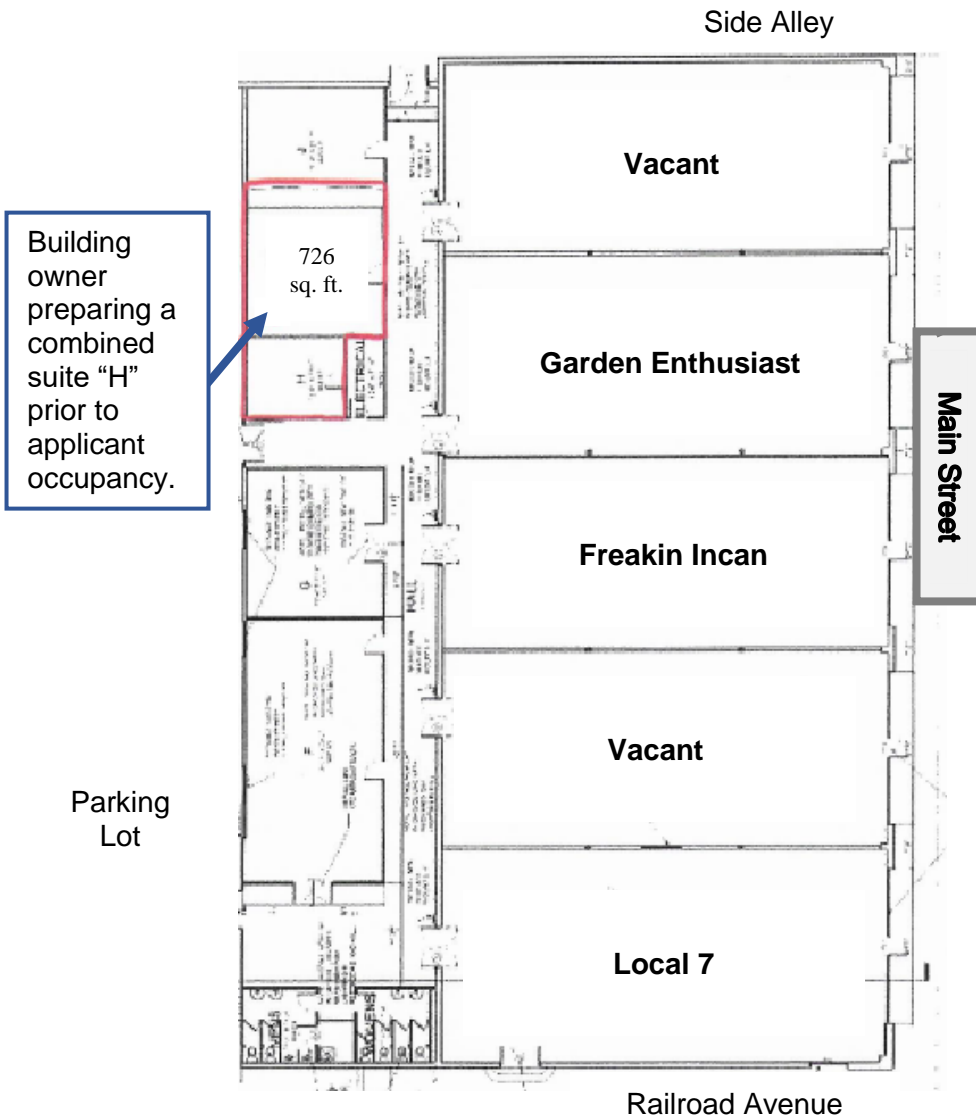
Mayor and City Council, 1st Read: June 26, 2019

Mayor and City Council, 2nd Read: July 22, 2019

PROJECT LOCATION:	2316 Main Street, Suite H
DISTRICT//LANDLOT(S):	Land District 18, Land Lot 213
ACREAGE:	±0.02 acre
EXISTING ZONING	C-1 (Local Commercial)
EXISTING LAND USE	Commercial
FUTURE LAND USE MAP DESIGNATION:	Downtown
OVERLAY DISTRICT:	Downtown Tucker Overlay District, Village Zone
APPLICANT:	Witching Hour Art Collective, LLC
BUSINESS OWNER:	Krystal Rogers
PROPOSED DEVELOPMENT:	Applicant requests approval of a Special Land Use Permit for a tattoo parlor.
STAFF RECOMMENDATION:	Denial of SLUP-19-0005 (Tattoo Parlor)

PROJECT DATA

Originally, the rear suites were storage areas when the building was a dry goods store. The suites are now rented out to separate tenants. The applicant has submitted an application for a Special Land Use Permit (SLUP) for the ±726 square-foot suite H located at 2316 Main Street. The application, SLUP-19-0005, is to allow a tattoo parlor in the C-1 (Local Commercial) zoning district. The ±0.77-acre subject site is developed with one structure with various commercial, retail and service establishments (known as Shoppes on Main). The subject suite is not visible from Main Street and customers must enter the main building hallway from the rear parking lot and/or alley to access the subject suite. The application provides illustrations showing the procedure room will be separated from the lobby entrance by a fixed divider wall. The applicant intends no exterior change to the footprint of the existing building on the site.



The proposed tattoo parlor will be located in a newly combined suite that is under construction. The above diagram shows the existing spaces, and outlines in red the new suite. The space combines existing suites "H" and "I", plus part of "J" into new space called Suite "H" which will total ±726 square feet. Access to the suite is from the rear of the property. The suite is located in a ±22,553-square-foot, one-

story masonry building with shared off-street and additional on-street parking located on Main Street and Railroad Avenue. At the front of the building are larger commercial establishments including retail and restaurants such as Local 7 and Freakin Incan.

USE ANALYSIS AND DEVELOPMENT PERMISSIONS

The subject property is located within the Downtown Tucker Overlay District. The intent of the Downtown Tucker Overlay district includes promoting “the development of a more dynamic, mixed-use district of appropriate scale and magnitude in the downtown Tucker area; and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel; and to implement the policies and objectives of the Comprehensive Plan and the Zoning Ordinance of the City of Tucker within the Tucker Overlay District”. The proposed use complies by providing a retail use on Main Street within walking distance to restaurants and other complimentary establishments.

The purpose and intent section of the C-1 zoning district (Article 2.26.1) indicates in part that the C-1 district is established to “To provide convenient local retail shopping and service areas within the city for all residents”. The C-1 zoning district and the Downtown Tucker Overlay District allows for “tattoo parlors” only as a special use (Table 4-1 zoning ordinance). The intent of the City of Tucker Zoning Ordinance is that the proposed uses be determined on a case-by-case basis to ensure compatibility with the surrounding area including environmental impacts, aesthetic and infrastructure impacts. In the city of Tucker all tattoo parlors in the C-1 zoning district require a SLUP.

The property is located in the proposed [TA-19-0002] DT-3 (Downtown Village) zoning district, currently the Downtown Tucker Overlay, Village Zone. However, the application falls under the purview of the current zoning ordinance which allows a tattoo parlor, approved through the SLUP process.

There are no supplemental regulations for tattoo parlors. The applicant has also received a DeKalb County Department of Health Body Craft Studio Permit (Permit No. BCA-0511) allowing the applicant to perform body crafting procedures in permitted body craft studios in DeKalb County.

CHARACTER AREA

Character areas are important components of the comprehensive planning process because they provide the most readily understandable framework for land use, zoning and related community development policies and actions. The proposed use is consistent with the primary land use of the Downtown Character Area which allows retail and service commercial uses. One of the Downtown character area’s primary goals is “making downtown a place where more development is encouraged, specifically a relatively high-density mix of retail, office, services, and employment”.



Building owner preparing a combined suite "H" (approximate location).

COMMUNITY COUNCIL REVIEW

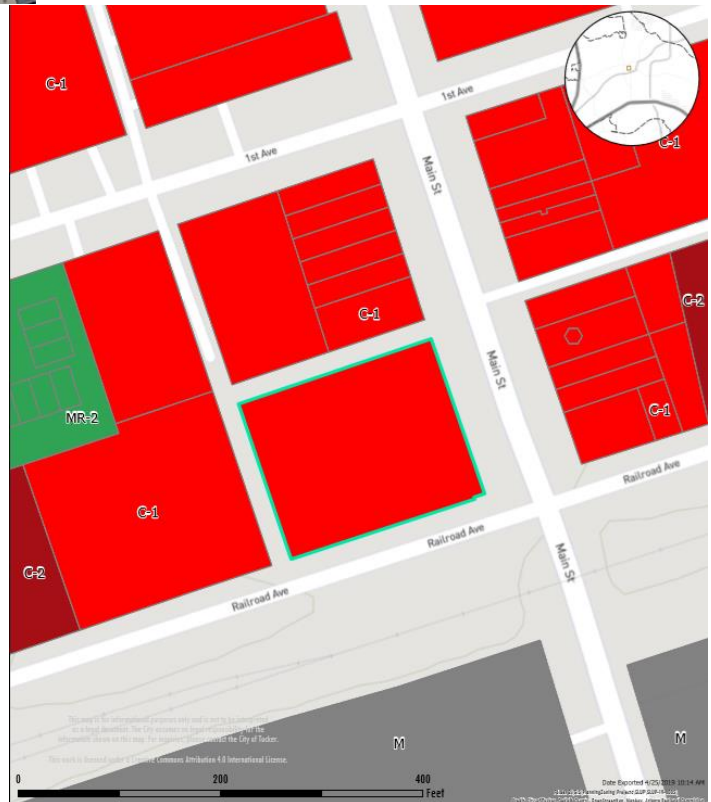
The Community Council reviewed the proposed application on April 10, 2019. Community Council discussion included whether the entrance was to the rear or fronted Main Street. Additional discussion included the price point of the tattoos, hours of operation and the business model to attract clientele. There were a few residents that spoke in favor of the proposal. As is standard, the Community Council did not make a recommendation of approval or denial.

NEARBY/SURROUNDING LAND ANALYSIS

Adjacent & Surrounding Properties	Zoning (Petition Number)	Overlay District	Existing Land Use
Adjacent: North	C-1 (Local Commercial)	Downtown Tucker Overlay, Village	Retail/commercial
Adjacent: East	C-1 (Local Commercial)	Downtown Tucker Overlay, Village	Retail/commercial
Adjacent: South	M (Light Industrial)	Downtown Tucker Overlay, Village	Retail/commercial
Adjacent: West	C-1 (Local Commercial)	Downtown Tucker Overlay, Neighborhood	RV storage/parking lot



Aerial Exhibit showing surrounding land uses.



Zoning Exhibit showing surrounding land uses.

SLUP-19-0005 TATTOO PARLOR

CRITERIA TO BE APPLIED – SPECIAL LAND USE PERMIT

Criteria (standards and factors) for special land use decisions are provided in Section 7.4.6 of the City of Tucker Zoning Ordinance. The applicant is required to address these criteria (see application); below are staff's findings which are independent of the applicant's responses to these criteria.

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 total site is ±0.77 acres. However, the proposal is for one suite which occupies approximately 0.02 acre (±726 square feet). The applicant is not proposing to expand the existing structure's footprint. The submitted survey shows fifteen shared parking spaces located behind the building as well as on-street parking. The application is only for a newly created ±726-square-foot suite, located in the rear. The understanding is that it will be for one to three clients at a time.

The applicant is not proposing any exterior structural revisions. However, the building owner has applied for a building permit to do some interior renovations. The request relates to the proposed use only.

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

The proposed tattoo parlor is compatible with the land uses and development of adjacent properties as it is surrounded on three sides by C-1 (Local Commercial) zoned properties. Nearby properties are mainly commercial retail and service-oriented in nature.

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

Schools. There will be no impact on public school facilities.

Stormwater management. No comments.

Water and sewer. No comments.

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.

Traffic impacts will be minimal. The business location has one independent contractor (the applicant/business owner) proposed to be employed at the location, in a ±726 square feet suite. Currently, the applicant is the sole tattoo artist. However, the applicant submitted proposed interior renderings illustrating chairs for three clients 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.**

Existing land uses would not be adversely affected in terms of the character of the vehicles or the volume of traffic by the proposed tattoo parlor because there is one contractor at this time, there would be a minimal impact.

- 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 proposed suite would be in an existing building. The applicant proposes no modifications to the exterior.

- 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.**

The proposed development will not generate excessive noise, nor will it emit smoke, odor, dust or vibration. The proposed use includes a tattoo parlor. Other businesses in the building include a mix of services including restaurants, a garden store, a proposed cross fit facility, a brewery under construction, and other service-oriented businesses. No adverse impacts by reason of noise, smoke, odor, dust, or vibration are anticipated.

- 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 property is mostly surrounded by commercially zoned property. Additionally, it is located within the Downtown Tucker Overlay District. Staff proposes a condition, should Mayor & City Council approve the request, regarding the hours of operation.

- 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.**

If developed in accordance with the recommended conditions, land uses along Main Street will not be adversely affected by the manner or operation of the development.

- 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 development complies with the requirements of the Downtown Tucker Overlay District. Compliance with the Downtown Tucker Overlay district standards assists in improving the vibrancy of the downtown, the economic sustainability and the aesthetics of the area.

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

The subject property is designated Downtown on the Future Land Use Map. Downtown primary land uses include retail and service commercial uses provided to the community. Additional primary land uses include single family residential, townhomes, lower density multi-family including apartments and condominiums, senior living, mixed-generation development, offices, vertical mixed use incorporating live/work/shop uses, incubator start-ups and shared tenant spaces, and civic uses, including cultural facilities and institutional uses such as places of worship and schools. The proposed development is consistent with the adopted comprehensive plan.

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 transitional buffer zones are required due to the property's location in the Downtown Tucker Overlay. The property is also surrounded by properties located in the Downtown Tucker Overlay.

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

The site plan does not show a space for a trash; however, there is a dumpster located in the parking lot area behind the building which is adequate. The proposed use should not generate much refuse. The applicant has stated that the bio-hazardous waste is very minimal as well, just a few sharps containers about every 6 months. Those will be picked up and disposed of by a licensed bio-medical waste disposal company.

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, if granted.

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.

The applicant proposes no changes to the existing building size, mass, and scale.

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

There are no known historic buildings, sites, districts or archaeological resources on the subject properties. Therefore, no adverse effects are anticipated.

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

There are no supplemental regulations for tattoo parlors. The applicant's letter of intent states that they will comply with all required state and county requirements for tattoo parlors.

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 an adverse shadow effect. No changes are being proposed to the existing structure.

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

Diligent Lobotomy Tattoo, located at 4213 Fellowship Road, Suite B, Tucker, Georgia is located in the Downtown character area overlay, approximately 900 feet from the applicant's location. As there are already tattoo services being offered in the Downtown, staff believes there would be a disproportionate **proliferation** of uses if approved.

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.

Downtown Tucker Overlay District. The purposes of the Downtown Tucker Overlay District, among others, are to promote the development of a more dynamic, mixed-use district of appropriate scale and magnitude in the downtown Tucker area; to design and arrange structures, buildings, streets, and open spaces to create an inviting, walkable, human-scale environment; and to provide for connectivity of streets and communities and reduce the dependence on automobile use by increasing the ease of movement and opportunities for alternative modes of travel.

Downtown Character Area. The proposal is not in conflict with the intent of the Downtown Character Area. Primary land uses include which allows retail and service commercial uses. The proposed development is consistent with the intent of the adopted comprehensive plan.

CONCLUSION

While the proposed use is consistent with the Downtown Character Area, the proposed use does not comply with all the Criteria (standards and factors) for special land use decisions provided in Section 7.4.6 of the City of Tucker Zoning Ordinance. As there is already a tattoo parlor in the Downtown area, staff believes there would be a disproportionate proliferation of uses if approved.

STAFF RECOMMENDATION

Based upon the findings and conclusions herein, Staff recommends **DENIAL** of Land Use Petition **SLUP-19-0005**. Should the governing bodies choose to approve the requests, Staff recommends that the request be approved subject to the following conditions:

1. The use shall be limited to the space shown on page A-2.2 of the site plan submitted on March 15, 2019, to the Community Development Department, with revisions to meet these conditions. There shall be no future expansion of the suite for this business.
2. All state and local licenses shall be clearly displayed in each treatment area.
3. At any time, there shall be no more than three tattoo artists working at this tattoo parlor and art gallery.
4. No one under the age of eighteen will be allowed in the tattoo parlor.
5. All medical waste shall be properly disposed of.
6. The business shall open no earlier than 7:00 a.m. and close no later than 10:00 p.m.
7. The development of this project is contingent upon the approval of the DeKalb County Department of Watershed Management.
8. The interior renovations shall be contingent upon approval of a Building Permit.
9. There shall be no signs located on Main Street as the suite has no frontage on Main Street.
10. The Special Land Use Permit shall not be transferred to another business.

DEPARTMENT COMMENTS

ARBORIST

No new development occurring on the site.

DEKALB COUNTY DEPARTMENT OF WATERSHED MANAGEMENT

No comments.

DEKALB COUNTY FIRE MARSHAL OFFICE

No comments.

DEKALB COUNTY SCHOOL SYSTEM

Not applicable; no comments.

LAND DEVELOPMENT

NO comments.