



City of Tucker

Land Use Petition: SLUP-23-0001

Date of Staff Recommendation Preparation: May 12, 2023

Planning Commission: May 18, 2023

Mayor and City Council, 1st Read: June 12, 2023

Mayor and City Council, 2nd Read: July 10, 2023

PROJECT LOCATION:	2110 Henderson Mill Road, Suite 22A
APPLICATION NUMBER	SLUP-23-0001
DISTRICT/LANDLOT(S):	Land District 18, Land Lot 209
ACREAGE:	14.87 acres
EXISTING ZONING	NL-1 (Northlake High-Intensity Commercial)
EXISTING LAND USE	Commercial development
FUTURE LAND USE MAP DESIGNATION:	Regional Activity Center
OVERLAY DISTRICT:	N/A
APPLICANT:	Jiuchikang LLC by Candor Legal
OWNER:	Regency Centers, LP
PROPOSED DEVELOPMENT:	Special Land Use Permit to allow for a new massage establishment in the Briarcliff Village shopping center.
STAFF RECOMMENDATION:	APPROVAL WITH CONDITIONS of SLUP-23-0001

PROJECT DATA

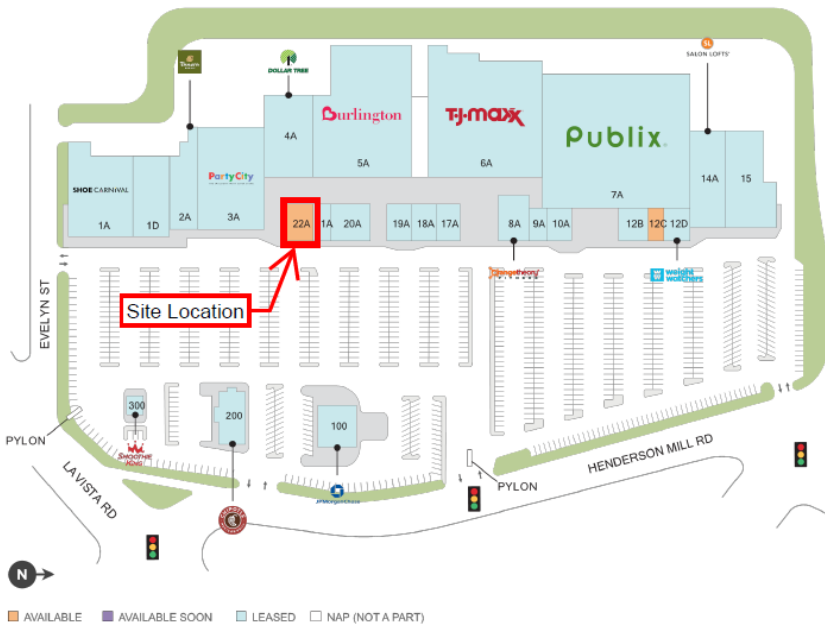
The applicant is requesting a Special Land Use Permit (SLUP) to allow for a massage establishment to operate within the Briarcliff Village shopping center. DeKalb County GIS indicates the existing parcel is 14.87 acres; however, the survey submitted from April 18, 1997, shows the existing parcel at 16.624 acres; this is possibly due to out parcels separating from the overall parcel at a later date. Briarcliff Village has 189,265 square feet of occupiable space. The applicant is looking to open Royal Massage & Spa in Suite 22A, formerly occupied by a Sprint store. The suite is 2,000 sq. ft. in area. Massage establishments in the NL-1 zoning district require a SLUP.

The subject property is located on the west side of Henderson Mill Road and forms one of the western boundaries of the city limits. Briarcliff Village is currently anchored by Burlington, Publix and T.J. Maxx; other tenants include Dollar Tree, Panera Bread, Party City, Orangetheory Fitness and Weight Watchers. Several out parcels on the site are also owned by Regency Centers, including the properties operated by Chase, Chipotle and Smoothie King. The development borders other parcels in the NL-1 zoning district within Tucker city limits, as well as commercial and residential parcels in unincorporated DeKalb County.

The submitted site plan (below) shows the Briarcliff Village shopping center, as well as the highlighted suite in question. No significant modifications would be made to the parcel as a whole. The interior of the suite would include a reception counter, three rooms for individual massages, two rooms for couples massages, one room with three foot massage sofas, two single-stall restrooms and a staff lounge.

Briarcliff Village

2078-2186 Henderson Mill Road, Atlanta, GA 30345



Center Size: 189,265

SPACE	TENANT	SF
0012C	AVAILABLE	1,250
0022A	AVAILABLE	2,000
0001A	SHOE CARNIVAL	12,931
0001D	KOBE STEAKHOUSE HIBACHI, SUSHI	6,215
0002A	PANERA BREAD	4,942
0003A	PARTY CITY	14,990
0004A	DOLLAR TREE	7,500
0005A	BURLINGTON	25,400
0006A	TJ MAXX	25,992
0007A	PUBLIX	43,454
0008A	ORANGETHEORY FITNESS	3,803
0009A	SUBWAY	1,000
0010A	AZTEC JEWELERS	1,418
0012B	MYEYDR.	2,000
0012D	WEIGHT WATCHERS	1,764
0014A	SALON LOFTS	8,030
0015	EMPIRE BEAUTY SCHOOL	9,290
0017A	NAIL STAR	1,500
0018A	GREAT EXPRESSIONS DENTAL	2,000
0019A	ROSE DESIGNS AND ALTERATIONS	1,282
0020A	ANGIE'S BEAUTY SUPPLY	3,000
0021A	MIRACLE EAR	965
0100	JPMORGAN CHASE BANK	2,526
0200	CHIPOTLE MEXICAN GRILL	2,396
0300	SMOOTHIE KING	667

CHARACTER AREA (Future Land Use)

The subject parcel is located within a Regional Activity Center (RAC) area on the Future Land Use Map. Development strategies of the RAC designation include encouraging relatively high-density mix of retail, office, services, and employment opportunities, developing a diverse mix of higher-density housing types, designing the area's streetscapes to be pedestrian-oriented with improved transit connections, and making connections to nearby networks of greenspaces and trails for both recreation and transportation purposes.

Design considerations for the Regional Activity Center Character Area include a focus on higher density residential uses and better connectivity within the Northlake area, particularly for bicyclists, cars and pedestrians. Additional considerations include promoting the integration of pedestrian and bicycle enhancements into all investments in the area with pedestrian-oriented streetscapes, encouraging "interior" walkway paths through existing parking lots and commercial frontages, and requiring connections to nearby networks of greenspaces and trails for both recreation and transportation purposes.

PUBLIC PARTICIPATION PLAN REPORT

The applicant hosted a public participation meeting on November 17, 2022. The meeting was held at 2110 Henderson Mill Road, Suite 22A (the proposed site) and lasted approximately one hour. Prior to the meeting, the applicant mailed a letter and the proposed floor plan to all property owners within 500 feet of the subject parcel. One person was in attendance.

Many of the questions and concerns related to business operations (business name, hours of operation, initial number of employees, square footage), as well as questions about the state regulatory body, other locations, city regulations, experience of the applicant and the reasons for opening in Tucker. The applicant did not document any associated changes to the proposed use as a result of the Public Participation Meeting.

NEARBY/SURROUNDING LAND ANALYSIS

Adjacent & Surrounding Properties	Zoning	Existing Land Use
Adjacent: North	C-1 <i>UNINCORPORATED DEKALB</i>	Northlake Promenade
Adjacent: Northeast (across Briarcliff Road NE)	NL-1 (Northlake High-Intensity Commercial)	Northlake Mall
Adjacent: East (across Henderson Mill Road NE)	NL-1 (Northlake High-Intensity Commercial)	Commercial development (Michael's, Panda Express, Blue Ribbon Grill)
Adjacent: Southeast (across Lavista Road)	NL-1 (Northlake High-Intensity Commercial)	Northlake Festival; Red Lobster, Kroger
Adjacent: South (across/along Evelyn Street)	C-1, RSM <i>UNINCORPORATED DEKALB</i>	Honey Baked Ham, Goodyear; detached single-family homes
Adjacent: West	R-100 <i>UNINCORPORATED DEKALB</i>	Single-family homes along Zelda Drive and Loudon Drive

SLUP-23-0001

CRITERIA TO BE APPLIED

Criteria (standards and factors) for special land use decisions are provided in Section 46-1594 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.

- 1. 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.**

Briarcliff Village is an existing shopping center on approximately 14.87 acres. According to the survey, Briarcliff Village has approximately 753 parking spaces, which provides ample spaces for the proposed use. No exterior work is planned for the proposed massage establishment.

- 2. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.**

From a land use standpoint, the proposed massage establishment is compatible with the land uses and development of adjacent properties with the exception of the residential subdivision to the west/southwest of the shopping center.

- 3. Adequacy of public services, public facilities, and utilities to serve the proposed use.**

Schools. None.

Stormwater management. Not applicable. No exterior work is planned for the massage establishment.

Water and sewer. Water and sewer approval is required from DeKalb County Watershed Management. Approval of the SLUP shall be conditional on Watershed approval.

- 4. 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 subject property has three curb cuts along Henderson Mill Road NE, including one with a traffic signal. One curb cut exists on Evelyn Street, which serves the rear of the shopping center.

A trip generation report estimated the massage establishment would generate approximately 76 new daily trips to the parcel; however, the applicant stated they expect closer to 8-12 clients per day when they first open. They expect to reach up to 20-25 clients per day once they become an established business at this location.

- 5. 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.**

It is not expected that land uses along Henderson Mill Road NE or the surrounding Northlake Area would be adversely affected by the character of the vehicles or volume of traffic generated by the proposed massage establishment.

- 6. 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 existing development meets this standard. No exterior work is planned for the proposed massage establishment.

- 7. 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. Therefore, no adverse impacts on adjoining land uses are anticipated.

- 8. 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 massage establishment proposes being open seven days a week. They plan to open by 11 a.m. and close by 10 p.m. Within the shopping center, Publix, Dollar Tree and Kobe Steakhouse currently remain open up until 10 p.m. or 11 p.m.

- 9. 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 operated in compliance with the supplemental regulations for massage establishments, the proposed use will not create adverse impacts by its manner of operations. Staff recommends a condition that the existing storefront windows remain and that no storefront windows are removed or covered to create therapy rooms.

- 10. 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 the NL-1 zoning district, once a SLUP is obtained.

- 11. Whether or not the proposed use is consistent with the policies of the comprehensive plan.**

The subject properties are located in the Regional Activity Center on the Future Land Use Map. Primary land uses include townhomes, higher density multi-family, including apartments and condominiums, retail and service commercial, office, entertainment and cultural facilities, and

public and private recreational uses. A massage establishment complies with the primary land use of “service commercial.”

12. 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 shopping center is existing, and no exterior work is planned for the massage establishment.

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

The submitted site plan does not specifically call out the proposed dumpster locations, however, the applicant’s letter of intent states adequate refuse and services areas are provided.

14. 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 for the special land use permit are recommended, if granted.

15. 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 shopping center is existing, and no exterior work is planned for the massage establishment.

16. 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 property.

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

The applicant has stated that the massage establishment will comply with the supplemental regulations for massage establishments in Sec. 46-1202. Staff will note that there is a discrepancy between the submitted floor plan and the existing storefront configuration. It appears that the construction of massage room #5 would require covering some of the storefront windows. Staff recommends a condition restricting any changes to the storefront system, including window coverings. This would result in the applicant amending the proposed floor plan to remove or relocate massage room #5.

18. 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.

A negative shadow would not be created as the shopping center is existing.

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

There are no nearby massage establishments operating within the City of Tucker portion of Northlake. Massage Envy previously operated at Tucker Meridian but closed in March of 2021.

20. 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 is compatible with the Northlake Area as a whole, but it is not compatible abutting single-family detached residences.

CONCLUSION

A massage establishment at 2110 Henderson Mill Road, Suite 22A would be consistent with the primary land uses in the Regional Activity Center and appears to comply with the supplemental regulations in Sec. 46-1202.

Therefore, Staff recommends **APPROVAL WITH CONDITIONS** of Land Use Petition **SLUP-23-0001**.

Staff Recommendation

Based upon the findings and conclusions herein, Staff recommends **APPROVAL WITH CONDITIONS** of Land Use Petition **SLUP-23-0001**.

1. The Special Land Use Permit is issued to Royal Massage & Spa and may not be transferred to another business.
2. The existing storefront shall be maintained, and no windows or doors shall be removed or covered to create therapy rooms.
3. The business shall close no later than 10:00 p.m.
4. Any infractions with the police department must be immediately reported to city staff.
5. If a complaint is filed with the City of Tucker, the business will supply all necessary information immediately, as well as permit a site visit from city staff including the Chief Building Official.
6. All state and local licenses shall be clearly displayed in each treatment room.
7. A building permit shall be submitted to the Community Development Department prior to the commencement of any interior construction.
8. The use of the space is contingent upon approval from DeKalb County Department of Watershed Management.