

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

SPECIAL USE PERMIT ANALYSIS

PLANNING COMMISSION DATE: NOVEMBER 9, 2023

CITY COUNCIL DATE: DECEMBER 12, 2023

CASE NAME: **PROLIFIC TATTOO**

CASE NUMBER: **SUP2023-004**

CURRENT ZONING: C-2

LOCATION: 7085 JIMMY CARTER BOULEVARD, SUITE C

MAP NUMBERS: 6th DISTRICT, LAND LOT 274

ACREAGE: 0.1+/- ACRES TENANT SPACE

PROPOSED DEVELOPMENT: APPROVE USE PERMIT TO ALLOW A TATTOO PARLOR IN AN EXISTING SHOPPING CENTER

FUTURE DEVELOPMENT MAP: SOUTHERN GATEWAY

APPLICANT: ERIN HAYES
5180 OAKTREE TRAIL
LITHONIA, GA 30038

CONTACT: ERIN HAYES
770-925-0111

OWNER: TRAC LIMITED PARTNERSHIP
PO BOX 1098
WRIGHTSVILLE BEACH, NC 28480

RECOMMENDATION: APPROVE WITH CONDITIONS

UPDATE:

At the Planning Commission hearing, there were no speakers in support or opposition to this request.

After consideration, a motion was made to approve the request subject to staff-recommended conditions. This motion was passed unanimously by the Planning Commission.

SUMMARY:

The applicant is seeking approval of a special use permit to allow for a tattoo studio in a small shopping center on Jimmy Carter Boulevard between Holcomb Bridge Road and Peachtree Industrial Boulevard. The property is surrounded by other C-2 properties.

The existing C-2 zoning permits tattoo parlors with an approved special use permit.

The applicant has been in the body art business for ten years and would like to open her own studio in this shopping center.

ZONING HISTORY:

This property and a larger area of surrounding property was rezoned from M-1 to C-2 in 1983 to allow for a mix of offices, hotel, and retail uses. This small shopping center was built in 2000 and has remained substantially the same since it was constructed.

ZONING STANDARDS:

Zoning Code Section 1702 identifies specific criteria that should be evaluated when considering a zoning decision. These criteria are enumerated as 'A' through 'F', below. Following each item is the applicant's response followed by Staff's comment.

A. Will this proposed rezoning, special use permit, or change in conditions permit a use that is suitable in view of the use and development of adjacent and nearby property?

Applicant's Response:

The Property's existing zoning district is C-2, which allows "tattoo and body piercing parlors" as a special use. The Property is located within the Holcomb Bridge Corridor Character Area within the 2040 Comprehensive Plan. That character area envisions redevelopment of the existing commercial and retail space, specifically acknowledging the challenge of vacant retail properties in the area and the need for stable businesses. Nearly all of the surrounding uses are commercial in nature and the surrounding use will not materially affect those uses.

The Property also falls within the "Holcomb Bridge Corridor Overlay District", a recently created overlay district intended to "[h]ighlight and improve the Holcomb Bridge Gateway into the City

of Peachtree Corners.” While the overlay precludes some uses, including Massage Parlors and Vape and CBD Shops, it does not preclude Tattoo and Body Piercing Parlors, indicating that such a business might be an appropriate use considering the quality of the partner and the location of the operation.

Staff’s Comment: Given the other service uses in the shopping center and its proposed location along a busy commercial street, the tattoo parlor is unlikely to have a detrimental impact on the surrounding businesses.

B. Will this proposed rezoning, special use permit, or change in conditions adversely affect the existing use or usability of adjacent or nearby property?

Applicant’s Response:

The surrounding uses are all commercial in nature. To assure the City of these concerns, Ms. Cerda

proffers the following conditions on the special use permit.

- The business will not operate after 8 PM;
- There shall be no loitering on the premises and occupancy shall be limited to fifteen(15) individuals including employees; and
- The special use permit shall be revoked in the event that there are more than one convicted ordinance or health-code violation associated with the applicant’s use of the premises in any six-month period.

Additionally, Ms. Cerda is willing to proffer a sunset on her Special Use Permit of two years, after which she must reapply for the special use permit.

Staff’s Comment: The proposal would bring an active business to an otherwise vacant retail storefront and may increase exposure and foot traffic to nearby businesses.

C. Does the property to be affected by a proposed rezoning, special use permit, or change in conditions have reasonable economic use as currently zoned?

Applicant’s Response:

The Property is currently vacant and the owner has had limited success in filling the vacancy. The existing zoning district is C-2, which allows “tattoo and body piercing parlors” as a special use.

The Property is located within the Holcomb Bridge Corridor Character Area within the 2040 Comprehensive Plan. That character area envisions redevelopment of the existing commercial and retail space, specifically acknowledging the challenge of vacant retail properties in the area and

the need for stable businesses. This use will stabilize the vacancy in the area.

Staff's Comment: The property has a reasonable economic use as currently zoned.

D. Will the proposed rezoning, special use permit, or change in conditions result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools?

Applicant's Response: The Commercial use will not cause an excessive or burdensome use on public infrastructure. The number of patrons will be limited by parking availability and by the proffered conditions. This limitation will reduce the risk that the use will cause an impact on traffic.

Staff's Comment: Given that the shopping center already exists and has more than sufficient parking, impacts on infrastructure should remain unchanged. There will be no impact on schools.

E. Is the proposed rezoning, special use permit, or change in conditions in conformity with the policy and intent of the land use plan?

Applicant's Response: As previously discussed, the Property is located within the Holcomb Bridge Corridor Character Area within the 2040 Comprehensive Plan. That character area envisions redevelopment of the existing commercial and retail space, specifically acknowledging the challenge of vacant retail properties in the area and the need for stable businesses. The use will remediate the vacancy rates in the area and help anchor tenants.

Staff's Comment: (see Comprehensive Plan heading, below.)

F. Are there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the proposed rezoning, special use permit, or change in conditions?

Applicant's Response: [No response]

Staff's Comment: The city permits tattoo parlors only in C-2 zoning districts and only with an approved special use permit. This area, already home to numerous retail and service businesses, and along a busy commercial street, can accommodate this type of use.

COMPREHENSIVE PLAN:

The 2045 Comprehensive Plan's Character Area Map indicates that the property is located within the Southern Gateway Character Area. At the time of the applicant's preparation of their application, the City had not yet adopted the new 2045 Comprehensive Plan and the previous 2040 Comprehensive Plan was in place. This

plan identified the property's character area as part of the Holcomb Bridge Corridor Character Area, as described by the applicant in their application narrative. Regardless, policies for both areas encourage a mixture of uses including destination-type retail and service businesses.

DEPARTMENT ANALYSIS:

The proposal for a tattoo parlor is consistent with C-2 zoning, which is the only zoning district that permits such a use. Given the small scale of the proposed business, it is unlikely to be a detriment to surrounding properties which have similarly-scaled small retail and service uses.

Additionally, the Overlay district restricts the use of neon signage, flexible tube lighting, and other lighting types that outline storefront windows and doors, therefore ensuring that this business will not stand out from other businesses in the same shopping center.

Finally, the parking lot for this shopping center has more spaces than the required minimum, so there should be no impact on traffic, parking, or circulation at this location.

RECOMMENDATION:

After review of the applicant 's proposal and other relevant information, it is recommended that SUP2023-004 be approved subject to the following conditions:

1. The special use permit approval shall be limited to Suite C as depicted on the submitted shopping center layout plan .
2. The business shall abide by all requirements of Section 1315 of the zoning ordinance (Activity Center/Corridor Overlay District) .
3. The applicant shall obtain all other required approvals, including, but not limited to, the Georgia Department of Public Health.
4. Signage shall be limited to one , non-illuminated wall sign on the tenant space and an 'open/closed ' sign (along with the posting of hours of operation) on the door. No other signage shall be permitted.
5. Hours of operation shall be limited to between 8:00am and 8:00pm.
6. There shall be no more than ten individuals within the building at any time, (including employees), and the business owner shall ensure that there are no individuals loitering outside the business.
7. The special use permit shall be subject to revocation by the City Council if more than one code violation or health dept. violation occurs within a twelve month period.

