

**CITY OF PEACHTREE CORNERS
COMMUNITY DEVELOPMENT DEPARTMENT**

SPECIAL USE PERMIT ANALYSIS

PLANNING COMMISSION DATE: DECEMBER 6, 2023

CITY COUNCIL DATE: JANUARY 23, 2024

CASE NAME: **THE NOW SPA**

CASE NUMBER: **SUP2023-005**

CURRENT ZONING: MUD

LOCATION: 5161 PEACHTREE PKWY., SUITE 615

MAP NUMBERS: 6th DISTRICT, LAND LOT 317

ACREAGE: 0.1+/- ACRES TENANT SPACE

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

FUTURE DEVELOPMENT MAP: CENTRAL BUSINESS DISTRICT

APPLICANT: CRYSTAL WELLNESS LLC
13215 ADDISON RD
ROSWELL, GA 30075

CONTACT: DEVIN BORLAND
404-791-2600

OWNER: TGA NAP FORUM ON PEACHTREE OWNER LLC
5185 PEACHTREE PKWY #340
PEACHTREE CORNERS, GA 30092

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 by Commissioner Blum and seconded by Commissioner Stephens 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 new spa business in The Forum shopping center along Peachtree Parkway between Peachtree Corners Circle and East Jones Bridge Road. The property is zoned MUD and is adjoined by other MUD and C-2 properties in most directions, with residential zoning to the rear of The Forum. The tenant space that the applicant would like to occupy is 2,414 sq. ft. in size and located across the drive from Belk, in the store grouping that includes GameStop and Mojitos.

The existing MUD zoning permits spa businesses with an approved special use permit. This spa will offer massage therapy, sound therapy, facials, skin care items, candles, and related products.

ZONING HISTORY:

The property was rezoned from C-2 to MUD in 2022 to facilitate development of portions of The Forum. Prior to that, The Forum was mostly constructed in its current form and completed in 2002.

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: Yes. The proposed use will be complimentary to many of the health and wellness businesses in the adjacent and nearby property.

Staff's Comment: Yes. The addition of a day spa to The Forum will provide an additional new service use to the area that is in character with a regional destination shopping center.

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: No, it will be complimentary.

Staff's Comment: No. The proposed spa is a service use that fits with the character of other retail and personal service uses within The Forum.

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: Yes, but the proposed use is complimentary to many of the current health and wellness businesses.

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: No.

Staff's Comment: Given that the shopping center and this tenants space 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: Yes, it will be complimentary to many of the existing health and wellness businesses.

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: Yes, the property is being redeveloped as a mixed use community and the personal wellness services to be provided at the proposed business will be complimentary to the community.

Staff's Comment: Yes. The Forum is the city's largest shopping center and a unique draw for its mix of retail and service tenants. The addition of a day spa use, which is currently lacking, will be an additional draw for the center.

COMPREHENSIVE PLAN:

The 2045 Comprehensive Plan's Character Area Map indicates that the property is located within the Central Business District Character Area. Policies for this area encourage a mixture of uses including destination-type retail and service businesses in mixed-use settings.

DEPARTMENT ANALYSIS:

The proposal for a spa business is consistent with MUD zoning. Additionally, this site is within a large, mixed-use, regional shopping center where retail and service uses are appropriate. Furthermore, as The Forum redevelops and adds new uses, a day spa is a use that does not currently exist and can act as a new draw for the center.

This particular business originated in Los Angeles in 2015 and has expanded nationally through franchising. It has a successful track record of operating spa and massage service businesses in nearby cities, including Roswell and Atlanta. Additionally, this location in The Forum has never previously operated as a spa or massage business. A previous spa business at The Forum, Spa Sydell, never generated issues or complaints.

RECOMMENDATION:

After review of the applicant 's proposal and other relevant information, it is recommended that SUP2023-005 be approved subject to the following conditions:

1. The special use permit approval shall be limited to Suite 615 as depicted on the submitted layout plan titled "The Forum".
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, state licensing for massage businesses .
4. Signage shall be limited to one awning sign, one 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. The sign colors shall be limited to white, blue and gray . Lighting shall be white in color and provided by gooseneck fixtures. No neon shall be used.
5. Hours of operation shall be limited to between 9:00am and 10:00pm.
6. The Special Use Permit shall be subject to revocation by the City Council if any illegal activity pertaining to the use, (as determined by Gwinnett County Police Department), occurs on the property.