



Michael Thurmond
Chief Executive Officer

DeKalb County Department of Planning & Sustainability

330 Ponce De Leon Avenue, Suite 500
Decatur, GA 30030
(404) 371-2155 / plandev@dekalbcountyga.gov

Planning Commission Hearing Date: January 4, 2018, 6:30 P.M.
Board of Commissioners Hearing Date: January 23, 2018, 6:30 P.M.

STAFF ANALYSIS

Case No.: CZ-18-21934 **Agenda #:** N. 5

Location/Address: 4635 Flat Shoals Parkway, Decatur **Commission District:** 3 **Super District:** 7

Parcel ID: 15-069-02-047

Request: A Major Modification to remove condition No. 8 of CZ-06-1779, to allow a beauty salon within an existing building in the MU-1 (Mixed Use – 1) District.

Property Owner: George Gray

Applicant/Agent: Keisha Archer

Acreage: 1.28 acres

Existing Land Use: A multi-tenant commercial building.

Surrounding Properties: To the north and northeast: Greater Traveler’s Rest Baptist Church; to the east: single-family residential; to the southeast, south, and southwest: single-family residential; to the west and northwest: single-family residential.

Adjacent Zoning: **North:** R-100 **South:** MU-1 **East:** MU-1 **West:** R-100 **Northeast:** R-100
Northwest: R-100 **Southeast:** R-100 **Southwest:** R-100

Comprehensive Plan: NC (Neighborhood Commercial) ☒ **Consistent** ☐ **Inconsistent**

Proposed Units/Square Ft.: No new construction proposed.	Existing Units/Square Feet: No new construction proposed.
Proposed Lot Coverage: No new construction proposed.	Existing Lot Coverage: No new construction proposed.

Zoning History: In 2006, the subject property was zoned from R-100 (Single-Family Residential), R-75 (Single-Family Residential), and RM-100 (Single-Family Residential) to PC-1 (Planned Community -1) as the commercial component of a mixed unit development which also consisted of a 78-unit residential subdivision. (In 2015, the PC-1 classification was converted to MR-1.) To date, 24 of the homes have been built. Three commercial buildings were proposed on the subject property; one was constructed in 2008 and the other two have not been constructed to date. The 2006 zoning was approved with 12 conditions, including a condition that prohibits beauty shops, liquor stores, nail shops, and “sex shops”. The other conditions related to the site plan, the elevations, a screening fence,

drainage improvements, vehicular access, the homeowners association, a retaining wall, a traffic light, the appearance of the homes, and the square footage of the homes. Some of these conditions applied to the original construction of the development, and some still apply to future construction and use of the property. The applicant does not request any changes to the conditions except that the prohibition against beauty salons be removed.

DeKalb County records indicate that a day spa previously operated in the same tenant space, and there is anecdotal evidence that the day spa offered beauty salon services. A letter from the homeowners association dated November 2, 2017 states that the Association Board was aware of the previous salon and “did not file a complaint at that time”. In addition, the letter states that the Association Board had decided not to file a complaint against the proposed beauty salon. The Homeowners’ Association does, however, want to continue the prohibition against liquor stores and “sex shops” (adult business establishments).

SITE ANALYSIS

The subject property is 1.28-acre portion of a 20.77-acre mixed use development. It fronts on Flat Shoals Parkway, a four-lane major thoroughfare. It is currently developed with a 6,256-square foot, two-story building. The building is one of three originally proposed commercial buildings. The topography is level and there are no trees on the site. A 55-space surface parking lot is located behind the building.

The immediately surrounding area is predominantly residential. Single-family residential subdivisions adjoin the property to the east and west, and a multifamily residential development adjoins the property to the southeast. Other nearby properties, zoned R-100, are wooded and undeveloped. A large church, the House of Hope, is located directly across Flat Shoals Parkway from the property. Approximately 2,000 feet to the east, at the intersection of Flat Shoals Parkway and Wesley Chapel Road, there is a commercial node. The Chapel Hill Shopping Center is located at this intersection. Several beauty salons are located in the commercial node.

Consistency w/Zoning & Land Use Pattern

No changes to the zoning and land use pattern are requested. The applicant only wants to change one of the conditions that were adopted when the property was rezoned in 2006.

PROJECT ANALYSIS

The applicant, Keisha Archer, requests a major modification to remove one of the conditions adopted in 2006, which prohibits use of the property for a beauty salon. She is currently operating a day spa in the building. Her application states, “As a day spa, we offer services such as body waxing, facials, micro-blading, eyelash extensions, makeup services, and natural and weave services.” Permission to operate a beauty salon would allow the applicant to shampoo and cut hair as the primary activity of the business.

LAND USE AND ZONING ANALYSIS

Section 27-832 of the Zoning Ordinance, “Standards and factors governing review of proposed amendments to the official zoning map” states that the following standards and factors shall govern the review of all proposed amendments to the zoning maps.

A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan:

The proposal is generally consistent with the following policy of the 2035 Comprehensive Plan: “Create compact mixed use districts and reduce automobile dependency and travel to obtain basic services.” (Neighborhood Center Policy No. 5) The policies and strategies of the Comprehensive Plan do not address individual commercial uses of a particular property.

B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:

Use of the space for a beauty salon is suitable in view of the use of nearby properties. The commercial building was originally built to be part of a mixed-use development, and its location on Flat Shoals Parkway, in front of the residential component of the development, is appropriate. It was meant to provide services and amenities for surrounding residents, so that travel to such services at more distant locations could be avoided. While there might have been a perception in 2006 that a beauty salon would not be appropriate, it is difficult to apply that perception to the property as it has been built out. The building in which the salon would be housed is a solidly constructed, brick building that presents an attractive appearance to the street. There is ample parking for a beauty salon. There is no reason to think that a beauty salon would negatively affect the surrounding area any more than the existing day spa, which has not resulted in negative reactions on the part of nearby neighbors. In fact, the applicant submitted a letter from the Cherry Ridge Homeowners Association that indicates their acceptance of the proposed salon. (The letter states that the Homeowners' Association wants to continue the prohibition against liquor stores and "sex shops" (adult business establishments) but does not include beauty salons or nail shops in the category of uses that it wants to continue prohibiting.)

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

The property could conceivably be used for a variety of non-residential services and amenities; however, a day spa/beauty salon has been the only tenant in the building for a number of years, and if the condition remains as is, it is possible that the building will be vacated or remain underused.

D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

Use of the property for a beauty salon is not expected to adversely affect the existing use or usability of adjacent or nearby property. The applicant submitted a letter from the Cherry Ridge Homeowners Association that indicates their acceptance of the salon.

E. Whether 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 zoning proposal:

Past use of the property for day spa/beauty salon services, with no complaints regarding such use registered by Dekalb County, indicates that a beauty salon would be appropriate.

F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources:

No historic buildings, sites, districts, or archaeological resources are located on the property or in the surrounding area.

G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools: The proposed beauty salon is not expected to cause excessive or burdensome use of existing streets, transportation facilities, and utilities, and would have no impact on the school system.

Compliance with District Standards:

APPLICABLE MU-1 STANDARD		REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MIN. STREET FRONTAGE		75	302 feet	Yes
APPLICABLE MU-1 STANDARD		REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
BUILDING SETBACKS – MIXED USE	FRONT (For entire bldg. site)	Min. 10 feet; Max. 50 feet	15 feet	Yes
	SIDE – CORNER LOT	Min. 10 feet; Max. 50 feet	More than 50 feet.	The existing side setbacks are legally nonconforming.
	REAR W/O ALLEY	Min. 20 feet	More than 20 feet.	Yes
MAX. BLDG. HEIGHT		6 stories or 75 feet	2 stories	Yes
PARKING (FOR ENTIRE BUILDING)		Retail – Min. 1/500 sf.; Max. 1/200 s.f. = min. 12 spaces; max. 60 spaces Bicycle parking: 1 space/20 vehicular parking spaces = 2 spaces	55 spaces	Vehicular parking complies. Lack of bicycle parking is non-conforming.

STAFF RECOMMENDATION: APPROVAL.

Use of the space for a beauty salon is suitable in view of the use of nearby properties. The commercial building was originally built to be part of a mixed-use development, and its location on Flat Shoals Parkway, in front of the residential component of the development, is appropriate. It was meant to provide services and amenities for surrounding residents, so that travel to such services at more distant locations could be avoided. While there might have been a perception in 2006 that a beauty salon would not be appropriate, it is difficult to apply that perception to the property as it has been built out. The building in which the salon would be housed is a solidly constructed, brick building that presents an attractive appearance to the street. There is ample parking for a beauty salon. There is no reason to think that a beauty salon would negatively affect the surrounding area any more than the existing day spa, which has not resulted in negative reactions on the part of nearby neighbors. In fact, the applicant submitted a letter from the Cherry Ridge Homeowners Association that indicates their acceptance of the proposed salon (as well as nail salons). Therefore, the Department of Planning and Sustainability recommends “Approval” of removing the prohibition against beauty salons on the subject property. The other conditions adopted in 2006 should remain. The resulting remaining conditions are recommended as follows:

1. Approval shall be in general compliance with the revised conceptual site/sketch plat/open space/drainage plan date stamped November 14, 2006 by the Planning and Sustainability Department.

2. Approval shall also be in general compliance with the conceptual building elevations for the single-family detached residential units, and the three (3) office/commercial buildings date stamped September 14, 2006 by the Planning and Development [now called Planning and Sustainability] Department.
3. A screening fence no less than six (6) feet in height shall be erected and maintained along the property lines including screening trees to separate the project site from adjacent single-family residential lots.
4. Drainage improvements shall be subject to the approval of the appropriate division of the Public Works Department and the Development Services Division of the Department of Planning and Sustainability.
5. Development of the site shall be consistent with the Zoning Narrative for the "Hancock Heights" Mixed Use Development, date stamped November 17, 2006 by the Planning and Development Development [now called Planning and Sustainability] Department.
6. Access points to the project site from Flat Shoals Parkway shall be subject to approval of the Georgia Department of Transportation (GDOT) and the Transportation Division of the Public Works Department.
7. There shall be a mandatory homeowners' association.
8. A retaining wall for soil and erosion control shall be constructed where needed.
9. A traffic light shall be installed in front of the development if required by GDOT.
10. 75% of all homes shall be brick front and three-sided wood composite and at least 25 percent of all homes shall be three-sided brick.
11. Homes shall be a minimum of 2,500 square feet in size.
12. The following uses shall be prohibited: liquor stores and adult business establishments.

Attachments:

1. Department and Division Comments
2. Application
3. Site Plan
4. Zoning Map
5. Land Use Plan Map
6. Aerial Photograph
7. Site Photographs

NEXT STEPS

Following an approval of this zoning action, one or several of the following may be required:

- **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)*
-  • **Certificate of Occupancy for a Beauty Salon** *(Required prior to occupation of a commercial or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*
- **Historic Preservation** *(A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*
- **Variance** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*
- **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)*
-  • **Business License for a Beauty Salon** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.

CHERRY RIDGE

Homeowners Association

Dr. Eugene Robinson
3649 Cherry Hill Place
Decatur, GA 30034

November 2, 2017

Ms. Marian Eisenberg, Zoning Administrator
Department of Planning & Sustainability
Clark Harrison Building
330 West Ponce de Leon Avenue
Decatur GA 30030

Ms. Eisenberg:

This letter is regarding the Permit (Application #947873) issued for the Hair Salon at 4635 Flat Shoals Parkway. Thank you so much for bringing this to the attention of the Director.

In 2006 the Cherry Ridge Homeowners Association requested that the Collaborative Firm's Development Plan requires a Mandatory Homeowners Association for the homes in this development, a retaining wall for erosion control, a traffic light per state warranty, that all homes shall be three-sided brick and at least 2500 square feet and that no liquor stores, nail shops, beauty shops, or sex shops be permitted.

We realize that the Collaborative Firm's Development Plan ignored most of our requests and that a Beauty Shop was previously operated on this property under the guise of a health spa, and the Cherry Ridge Homeowners Association Board did not file a complaint at that time. We are aware that Starr Salon Suites has requested a permit to operate a Beauty Shop at this development, and the current Board has decided not to file a complaint. We do wish to prevent the opening of liquor stores and sex shops in this development, and we are requesting that requests for such permits be denied.

Thank you very much.



Eugene Robinson
Recording Secretary
Cherry Homeowners Association

Cc: Board Members





DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MADOLYN SPANN MSPANN@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV

COMMENTS FORM:
PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: CZ-18-21934 Parcel I.D. #: 15-069-.02-047

Address: 4635
Flat Shoals Pkwy
Decatur,

Adjacent Roadway (s):

_____	_____
(classification)	(classification)
Capacity (TPD) _____	Capacity (TPD) _____
Latest Count (TPD) _____	Latest Count (TPD) _____
Hourly Capacity (VPH) _____	Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____	Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____	Existing number of traffic lanes _____
Existing right of way width _____	Existing right of way width _____
Proposed number of traffic lanes _____	Proposed number of traffic lanes _____
Proposed right of way width _____	Proposed right of way width _____

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1,000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS:

PLANS AND FIELD REVIEWED. NO problem that would
INTERFERE WITH TRAFFIC FLOW.

Signature: Jerry White

N1. Requesting the number of proposed units to determine if traffic study is required per Section 5.3.4.

Presidential Parkway is located within the GDOT right of way for I-285/I-85 interchange. GDOT review and permits are required. At a minimum, 5' sidewalks, pedestrian scale lights and street lights are required per zoning code page 5-14. Relocate entrance to convert existing pavement to provide a left turn lane into property.

N2. See N1.

N3. Add sidewalks, pedestrian scale lights and street lights along the street frontage.

N4. Need more information to comment. Are any of the changes to conditions or removal of conditions related to the Transportation Conditions- please provide.

✓ **N5.** Fill in sidewalk gaps along Handcock Vw and Handcock Dr. Add pedestrian scale lights and street lights per Zoning Code Chapter 5, page 14.

N6. Memorial Drive is a state route. GDOT review and approval is required. It is also a major arterial. See Chapter 5, page 14 of the Zoning Code and Section 14-190 of the Land Development Code for infrastructure requirements. Street lights, sidewalks and bike lanes (10' path ok in lieu of bike lanes) are required.

✗ **N7.** Memorial Drive is a state routes. GDOT review and approval is required. It is also a major arterial. See Chapter 5, page 14 and Section 14-190 of the Land Development Code for infrastructure requirements. Street lights, sidewalks and bike lanes (10' path ok in lieu of bike lanes) are required. South Howard is a collector. Dedicate 35' from centerline. Extend sidewalk to driveway at 213 S. Howard Street. Add new curb and gutter, as needed to have at least 5 inches of curbing above asphalt for pedestrian protection. Dedicate a miter of right of way at the corner of South Howard and Memorial.

N8. Rowland Road is a collector road. Dedicate 35 feet from centerline.

N9. South Deshon Road is a minor arterial. Street lights, bike lanes, and a 6' sidewalk required. (See Chapter 5, page 14 of the Zoning Code). Forty foot right of way dedication required from centerline (Section 14-190 of the Land Development Code). New local roads require 55 foot right of way, two 12 foot travel lanes, 5 foot sidewalks and street lights. (Chapter 5, page 14 of Zoning code, Section 14-190 of Land Development Code.) Due to the curve and the new road being on the interior of the curve, verify stopping and intersection sight distance at the intersection (Per AASHTO standards, Speed limit 45mph). Mitigation may be required during the land development process if sight distance is restricted including, but not limited to, right turn lanes, left turn lanes, clearing and grading of right of way to improve sight distance.

N10. No comments

N11. No comments

N12. Both Turner Hill Road and Covington Hwy are state routes and require GDOT review and permits. Both are major arterials. At a minimum- DeKalb requires 6 foot sidewalks, 50 foot right of way dedication (or as much as required for all public infrastructure to be within the public right of way), bike lanes (10 foot path can be constructed in lieu of bike lanes), pedestrian lighting and street lighting. See Chapter 5, page 14 of the Zoning Code and Section 14-190 of the land development code.

N13. See N12

N14. See N12

N15. Text not provided for review.

N16. No comments.



DeKalb County
GEORGIA

CZ-18-21934

404.371.2155 (o)
404.371.4556 (f)
DeKalbCountyGa.gov

Clark Harrison Building
330 W. Ponce de Leon Ave
Decatur, GA 30030

DEPARTMENT OF PLANNING & SUSTAINABILITY

MAJOR MODIFICATION APPLICATION



Existing Conditional Zoning No.: CZ-06-1779

APPLICANT NAME: Keisha Natasha Archer

Daytime Phone#: 770-484-9185 Fax #: E-mail: slammuz14@gmail.com

Mailing Address: PO Box 692 Redan GA 30074

OWNER NAME: George Gray

one owner, attach contact information for each owner

(If more than

Daytime Phone#: 678-755-5955 Fax #: E-mail: graygeor1@bellsouth.net

Mailing Address: 4635 Flat Shoals Pkwy Decatur GA 30034

SUBJECT PROPERTY ADDRESS OR LOCATION: 4635 Flat Shoals Pkwy

Decatur, GA 30034 Suite A, DeKalb County, GA,

District(s): 15 Land Lot(s): 069 Block(s): 02 Parcel(s): 047

Acreage or Square Feet: 3,000 ^{sq ft} Commission District(s): 10th Johnson Existing Zoning: District 5

I hereby authorize the staff of the Planning and Development Department to inspect the property that is the subject of this application.

Have you, the applicant, made a campaign contribution of \$250.00 or more to a DeKalb County government official within the two year period that precedes the date on which you are filing this application?

Yes ☒ No ☐ If "yes", see page 4. (Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A)

Owner: Agent: (Check One)

Signature of Applicant: Keisha Archer

Printed Name of Applicant: KEISHA ARCHER Major Modification Application

②

Deadline: November 1, 2017

PUBLIC NOTICE

To

Request for a Major Modification

Filed by: Starr Salon Suites

Located at: 4635 Flat Shoals Pkwy Decatur, GA 30034



Current Use: Day Spa

Proposed Use: Day Spa/Beauty Salon

Hours of Operation

Current: N/A Proposed: Sun-Sat, 6am-12am



Capacity: No Change

PRE-SUBMITTAL COMMUNITY MEETING TO TAKE PLACE AT: Starr Salon Suites Day Spa

Location: 4635 Flat Shoals Pkwy, Decatur, GA 30034

Date & Time: Monday, November 30, 2017 at 7:00pm-8:30pm





LETTER OF APPLICATION

I, Keisha Archer owner of Starr Stage Salon Suites tenant of 4635 Flatshoals parkway Decatur, Georgia. This Salon is currently running as a day spa and we would like to modify conditions to be a beauty shop. As a day spa we offer services such as body waxing, facials, microblading, eyelash extensions, makeup services and natural and weave services. Starr Salon suites is the new upscale one stop shop for women and men in Decatur, Georgia. The proposed characteristics include marble, tile and laminate flooring. There are 14 individual booths/suites for a beauty salon/dayspa use. The building is 6,000 square feet and suite A which is Starr Salon Suites covers 3,000 of that. The hours of operation are 6:00am-10:00pm. The building has 60 parking spaces, alarm, cameras and very brightly lit with added LED lights at night.



IMPACT ANALYSIS

- 1) The proposed land use change will permit uses that are suitable in view of the use and development of adjacent and nearby properties.
- 2) The proposed land use change will not adversely affect the existing use or usability of adjacent or nearby property.
- 3) The proposed land usage will not result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools. (This business has its own parking lot of 60 parking spaces.)
- 4) The amendment is consistent with written policies in Comprehensive Plan Text.
- 5) There are no environmental impacts or consequences resulting from the proposed change.
- 6) There are no impacts on properties in an adjoining governmental jurisdiction in cases of proposed changes near county boundary lines.
- 7) There are no other existing or changing conditions affecting the use and development of the affected land areas which support either approval or denial of the proposed land use change.
- 8) There are no impacts on historic buildings, sites, districts or archaeological resources resulting from the proposed change.

fficer
d

ABILITY

ector
AICP



FROM: Marian Eisenberg, Zoning Administrator *MSE*

DATE: October 13, 2017

SUBJECT: Permit issued for Hair Salon at 4635 Flat Shoals Parkway

Situation

The Development Services (Permits) Division received a call from Bruce McMillian stating that he wanted to submit a complaint regarding a hair salon opening at 4635 Flat Shoals Pkwy. Mr. McMillian stated that there are conditions on the property that prohibit hair salons. Staff verified that this is correct. The conditions of zoning prohibit "Beauty shops". The permit application has been reviewed and approved under building application number 947873. Construction has commenced, and the applicant is ready for a Certificate of Occupancy (CO). Currently, the property is under a stop work order because it violates the conditions of rezoning.

Relevant Facts

The subject parcel was rezoned PC-3 (now MU-1) in 2006 (Z-06-1779. At the time, the BOC approved the development with six (6) conditions, one of which was a prohibition on Beauty Shops. The subject property was used as a day spa from 2010 to 2014. The layout of the interior space is conducive for a spa. There are private treatment rooms for clients. The spa closed in 2014 and the new applicant started the process to convert the business to a Salon in September, 2017. During the permitting process, the 2nd floor staff processed the application as a change of use (like for like) without seeking zoning review and sign off.

Relevant definitions

Listed below are the relevant definitions related to the application.

- *Beauty salon:* A commercial building, residence, or other building or place where hair cutting or styling or cosmetology is offered or practiced on a regular basis for compensation. This term includes the training of apprentices under the regulation of such training by the appropriate licensing board.
- *Day spa:* see Health spa
- *Health spa:* A nurturing, safe, clean commercial establishment, which employs professional, licensed therapists whose services include massage and body or facial treatments. Private treatment rooms are provided for each client receiving a personal service. Massage treatments



DEPAR'

AINAE

may include body packs and wraps, exfoliation, cellulite and heat treatments, body toning, waxing, aromatherapy, cleansing facials, medical facials, and nonsurgical face lifts, electrical toning, and electrolysis. Hydrotherapy and steam and sauna facilities, nutrition and weight management, spa cuisine, and exercise facilities and instruction may be provided in addition to the massage and therapeutic treatment services. Full service hair salons, make-up consultation and application and manicure and pedicure services may be provided as additional services.

Conclusion:

It is unfortunate that the BOC conditions were not readily considered by the permitting staff. However, Mr. McMillian is correct in that a Beauty Salon (principal use) is not allowed. This property may not be primarily used as a hair salon. The applicant can have hair services as an accessory, but the primary use must be day spa as defined above unless the applicant wants to petition for a major modification to the zoning conditions. The Current Planning staff will institute new business process to minimize this from happening in the future.

Recommendation:

After review of the subject application, the professional staff of the planning department recommends the following options:

1. Operate a day spa with hair salon as an accessory use
 - a. business license will say day spa
 - b. signage will say day spa
 - c. website will say day spa
 - d. facility will be limited to one chair for hair, until condition is modified
2. File a zoning modification by November 2, to be heard by the board January 23, 2018
 - a. Continue working at your own risk
 - b. No CO until modification is approved.
 - c. Fees for filing modification should be waived

**HEARING TYPE
PUBLIC HEARING**

**DEKALB COUNTY
BOARD OF COMMISSIONERS
ZONING AGENDA / MINUTES
MEETING DATE: November 28, 2006**

**ITEM NO.
DECISION TYPE:
ORDINANCE**

SUBJECT: Rezone - Wayne Jones

Commission District: 5 Super District: 7

DEPARTMENT: Planning & Development	PUBLIC HEARING:
ATTACHMENT:	INFORMATION Patrick Ejika/ CONTACT: Kevin Hunter
PAGES: 61	PHONE NUMBER: (404) 371-2155

Deferred from 09/26/06 for a public hearing.

PURPOSE:

Z-06-1779

Application of Wayne Jones to rezone property from R-100, R-75 & RM-100 to PC-3 for the purpose of mixed use development. The property is located on south side of Flat Shoals Parkway, 1,332 feet east of Cherry Ridge Drive. The property has approximately 665 feet of frontage and contains 20.77 acres.

SUBJECT PROPERTY: 15-080-01-100, 15-080-01-103, 15-089-02-002, 15-089-02-006

PROPERTY ADDRESS: 4615 Flat Shoals PKWY, 4679 Flat Shoals PKWY

PLANNING DEPARTMENT RECOMMENDATION:

Approval With Condition. (RE: SED 11/16/06): Based on the amended information as well as field investigation of the site, it appears that the applicant has met the minimum requirement of the Zoning Ordinance to amend the Official Zoning Map. On November 2, 2006, the applicant amended the original rezoning request from Pedestrian Community (PC-3) to the sub-district of Pedestrian Community (PC-1) District. The PC-1 sub-district provides for mixed-use development with densities of five (5) to eight (8) units per acre. The project applicant also submitted an amended conceptual site/sketch, open space and drainage plan to reflect a reduction in the total number of residential units of ninety-three (93) to include eighty (80) single family residential detached lots with the single family attached (townhome) units being deleted from the plan. The plan maintains the office/commercial component along the Flat Shoals Parkway consisting of three (3) office/retail buildings with two points of ingress/egress. Review of the project revealed that the revised information supports that the overall schematic of the proposed mixed use development and Section 27-649.3 of the Pedestrian Community District Regulations of the DeKalb County Zoning Ordinance as it relates to the Standards and Procedures of the PC-1 Regulations. Therefore, it is the recommendation of the Planning and Development Department that the application be "Approved subject to the following conditions."

1. Approval shall be in general compliance with the revised conceptual site/sketch plan/open space/drainage plan date stamped November 14, 2006 by the Planning and Development Department.
2. Approval shall also be in general compliance with the conceptual building elevations for the single family detached residential units, and the three (3) office/commercial building date stamped September 14, 2006 by the Planning and Development Department.
3. A screening fence not less than six (6) feet in height shall be erected and maintained either along the property lines including screening trees to separate the project site from adjacent single family residential lots.
4. Drainage improvements shall be subject to the approval of the drainage Department of the Public Works Department, and the Development Division of the Planning and Development Department.
5. Development of the site shall be consistent with the Zoning Narrative for the "Hancock Heights" Mixed Use Development Date stamped November 17, 2006 by the Planning and Development Department.

6. Access points to the project site from Flat Shoals Parkway, shall be subject to approval of the Georgia Department of Transportation (GDOT), and the Transportation Division of the Public Works Department.

PLANNING COMMISSION RECOMMENDATION:

Deferral to the Board of Commissioners. NOTE: The applicant also changed the request for zoning from PC-3 to PC-1.

COMMUNITY COUNCIL RECOMMENDATION:

Deferral. Applicant will meet with community b/f PC Hearing.

Page 2

FOR USE BY COMMISSION OFFICE/CLERK ONLY

ACTIONS:

MOTION was made by Commissioner May, seconded by Commissioner Stokes and passed 5-0-1, to approve the application of Wayne Jones. Commissioner Gannon abstained and Commissioner Ellis was absent and not voting.

ADOPTED:

NOV 28 2006

CERTIFIED:

NOV 28 2006

PRESIDENT OFFICER
DEKALB COUNTY

BOARD OF COMMISSIONERS

CLERK

DEKALB COUNTY BOARD
OF COMMISSIONERS

FOR USE BY CHIEF EXECUTIVE OFFICER ONLY

APPROVED:

DEC 8 8 2006

VETOED:

CHIEF EXECUTIVE OFFICER
DEKALB COUNTYCHIEF EXECUTIVE OFFICER
DEKALB COUNTY

VETO STATEMENT ATTACHED:

MINUTES:

Michael Hightower, 1114 S. Cleveland Avenue, East Point, Ga. 30344, spoke in support of the application and submitted a letter from the Collaborative Firm, LLC for the record. Also Sylvester Smith III, 5650 River Edge Court, Decatur, Ga. 30034, and Brenda Cornelius, 3808 Cherry ridge Blvd., Decatur, Ga. 30034, spoke in support of the application.

Bruce McMillan, 3814 Brownwater Road, Decatur, Ga. 30034, and Irene Norman, 3609 River Edge Court, Decatur, Ga. 30034, and Donald Murray, 3984 Brookside Parkway, Decatur, Ga. 30034, spoke in opposition of the application.

	FOR	AGAINST	ABSTAIN	ABSENT
DISTRICT 1 - ELAINE BOYER	X			
DISTRICT 2 - GALE WALLDORFF	X			
DISTRICT 3 - LARRY JOHNSON	X			
DISTRICT 4 - BURNELL ELLIS				X
DISTRICT 5 - LEE MAY	X			
DISTRICT 6 - KATHIE GANNON			X	
DISTRICT 7 - CONNIE STOKES	X			

COMM. H-5 11/28/06
ITEM NO. H-5
CLERK'S OFFICE Comm M

ERRY RIDGE HOMEOWNERS ASSOCIATION
CONDITIONS OF ZONING
POINT OF DISCUSSIONS

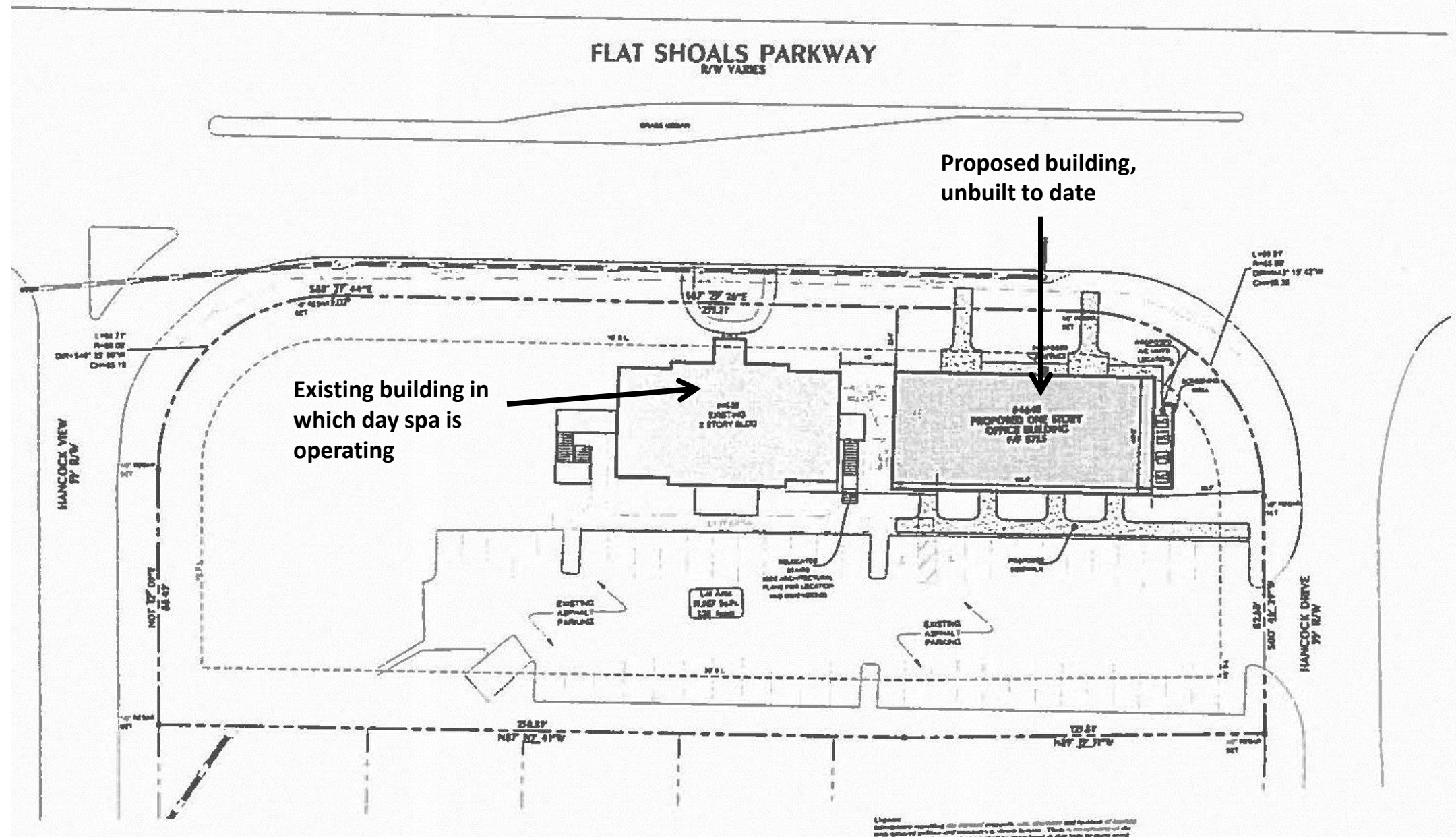
Lee May
11/28/06

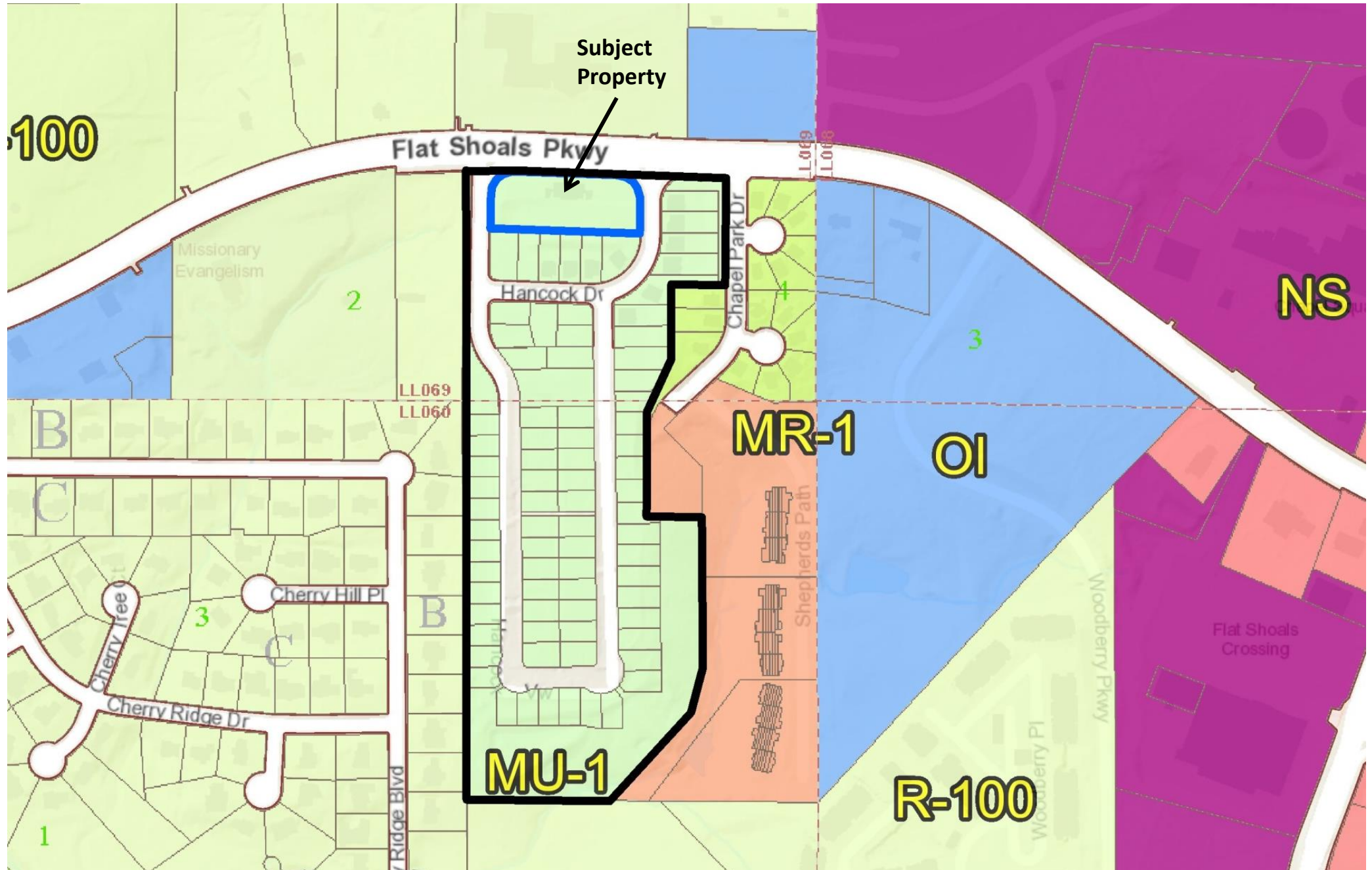
Conditions the Community would like added to the official documentation that comprises "The Collaborative Firm's Development Plan"

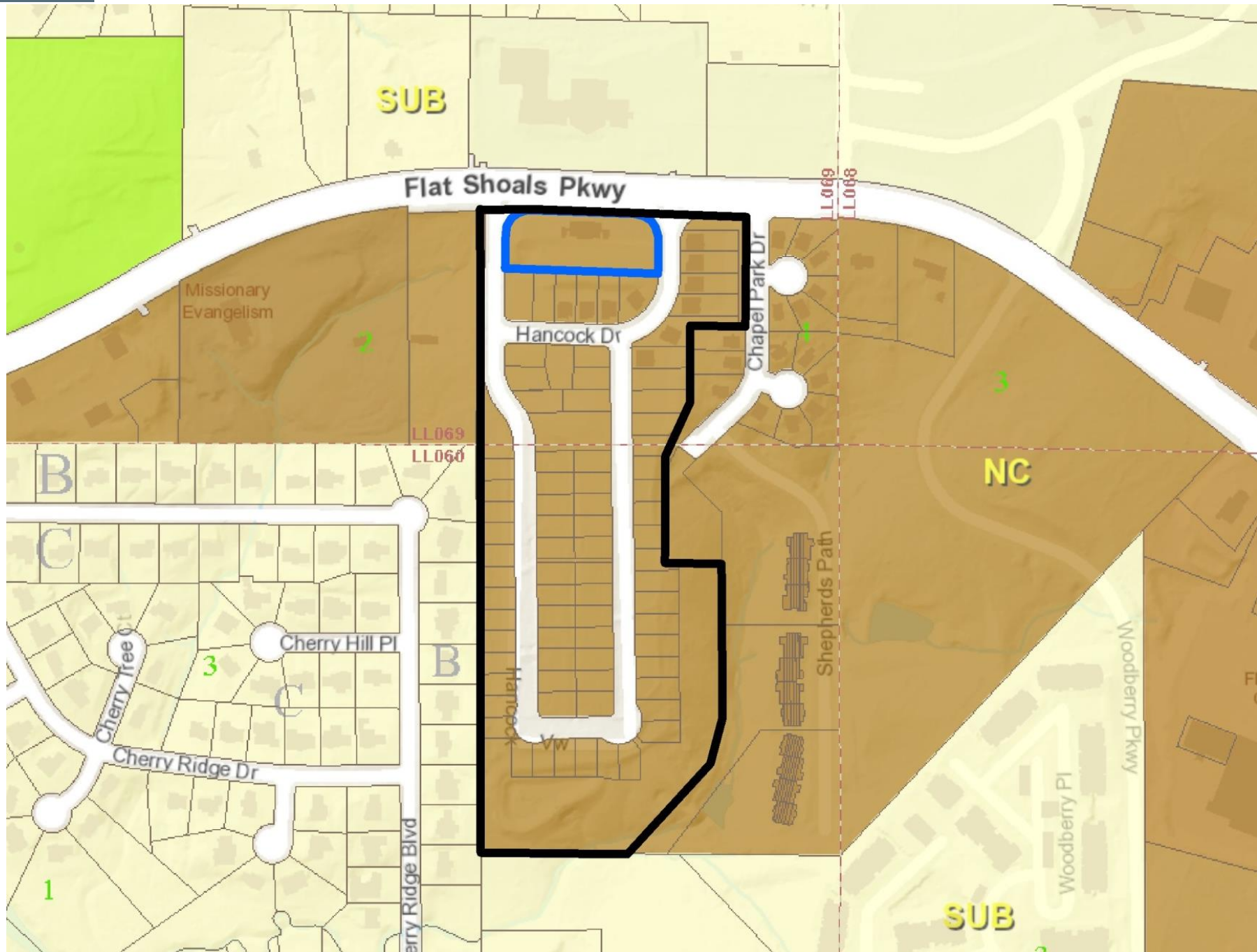
1. Mandatory homeowners association:
2. A retaining wall for soil and erosion control
3. Traffic light per state warranty
4. All homes shall be brick front and three-sided wood composite and at least 25 percent of all homes shall be three-sided brick.
5. The square footage designation of the plan Shall be 2500 ^{at least} sq. ft.

commercial

6. - NO LIQUOR STORE
- NO Nail shop
- NO beauty shops
- NO sex shops











Front of subject property.

Flat Shoals Road, looking west.

