

**SPECIAL USE PERMIT(S):**

**SUP-2015-001**

**CITY OF SUWANEE  
SPECIAL USE PERMIT ANALYSIS**

**CASE NUMBERS:** SUP-2015-001  
**REQUEST:** LIGHT RETAIL USE – MASSAGE AND SPA SERVICES  
**ZONING:** PMUD (PLANNED MIXED USE DEVELOPMENT DISTRICT)  
**LOCATION:** 4411 SUWANEE DAM ROAD STE. 360  
**TAX ID NUMBER:** 7-252-488  
**ACREAGE:** 2.86 ACRES  
**PROPOSED DEVELOPMENT:** SPA WITH MASSAGE, FACIAL AND SPRAY TANNING SERVICES

**APPLICANT:** CUVEE DAY SPA  
4411 SUWANEE DAM ROAD  
SUWANEE, GA 30024

**OWNER:** ALL COMMERCIAL PROPERTIES  
4411 SUWANEE DAM ROAD STE. 415  
SUWANEE, GA 30024

**CONTACT:** JULIE AUSTIN  
**CONTACT PHONE:** 678-997-9965

**RECOMMENDATION:** SUP-2015-001 APPROVAL WITH CONDITIONS

**PROJECT DATA:**

The applicant requests a Special Use Permit on an approximately 6.19 acre tract to allow for a day spa at 4411 Suwanee Dam Road in the Three Bridges planned mixed use development. The applicant currently occupies a 1,100 square foot suite within the office park component of the development. The site is located on the east side of Suwanee Dam Road adjacent to the residential portion of the Three Bridges neighborhood. Access is proposed via existing driveways off Suwanee Dam Road and Peachtree Industrial Boulevard through a neighboring commercial development. The subject property is a zoned PMUD. The property was rezoned to PMUD in 2003 as part of the Three Bridges neighborhood rezoning. The subject tract was permitted to have O-I uses as part of the rezoning conditions. A total of 10 separate office buildings were constructed on the subject property. The buildings are office condominiums with multiple suites in each building. The applicant does not propose any exterior renovations to the site. The applicant is currently operating in this location and states that she was unaware of the SUP requirement until notified by the City's Business Services Department.

The Zoning Ordinance was amended in 2010 to permit Light Retail Services as a Special Use in the O-I (Office-Institutional) and M-I (Light Industry) zoning districts. Light Retail Service establishments are defined as personal retail service establishments with limited size, limited

number of employees, and limited need for retail exposure, that as a result of these and other limitations is suitable for an office setting. Such establishments shall have no outdoor storage or retail display, produce little to no noise or vibration beyond the business location, and generate a limited amount of traffic. In this case the specified light retail service is a day spa. According to the applicant, massages, facials and spray tanning are the only services that would be offered.

The Special Use Permit process was created by the City Council in 2001 to better handle certain land uses. The SUP process allows the Council to review certain proposals in the context of their use and take into consideration the surrounding area and other relevant factors. A Special Use Permit does not change the underlying zoning of property, but grants the property an additional specified use. In this case, the special use permit would be a day spa.

#### **DEVELOPMENT COMMENTS:**

The applicant does not intend to make any exterior changes to the existing building and will not be required to submit plans for development review. Any interior changes will be reviewed through the standard building permit process. The applicant should be prepared to comply with all fire safety and ADA access or other applicable requirements prior to issuance of a Certificate of Occupancy for any improved suites. If approved, the applicant should also be prepared to comply with city regulations regarding massage establishments.

#### **ANALYSIS:**

The subject property is an approximately 6.19 acre site located at Suwanee Dam Road. The site is currently developed and includes 10, one and two-story office buildings and associated off-street parking. Each suite is accessed by a private exterior entrance. The applicant will employ one contract employee. The business will provide services by appointment. As such, this site would be appropriate for the proposed use.

The subject property is located near the highly commercialized Peachtree Industrial Boulevard. To the west of the subject property, across Suwanee Dam Road, is Village Grove, also zoned PMUD. To the south of the subject property is a single family home that was also rezoned as part of the Three Bridges rezoning. That parcel is permitted to have C-2A (Special Business District – Alcohol) uses when redeveloped. To the east of the subject property are two commercial buildings that were rezoned with the Three Bridges rezoning. Those parcels are zoned PMUD and are allowed to have C-2A uses. To the north of the subject property is the residential portion of Three Bridges. Three Bridges contains single family homes that are attached and detached.

The applicant is seeking approval of a special use permit in order to continue to operate a day spa at the subject location. The proposed use is not anticipated to produce any obnoxious odors, noises or vibrations. The subject suite is located next to an overflow parking area for the office condominiums. There are 13 extra parking spaces located directly next to the office suite. The parking area directly in front of the suite has 7 parking spaces. The zoning ordinance states that retail uses shall have 1 parking space per 250 square feet. This means that if approved, the spa must have at least 5 parking spaces. With only 2 employees in the business and services being

provided by appointment, approval of this request is unlikely to place a burden on the adjacent or nearby parking.

Light retail services are listed as special uses in the O-I zoning district. Light retail service establishments are defined as personal retail service establishments with limited size, limited number of employees and limited need for retail exposure. According to the applicant there is one other contracted employee. In addition, the size of the suite is 1,100 square feet which is less than the maximum 1,250 square feet permitted by the zoning ordinance. The light retail services land use is intended to support the growth of small businesses. This allows home occupations to occupy space in office and industrial area which are often more affordable and can serve as a stepping stone to expanding into a commercial location. The applicant operated her business in her home prior to relocating to the subject property.

In conclusion, the Special Use Permit to continue using the suite as a day spa would be appropriate at this location. The subject property is located near other commercial properties on Suwanee Dam Road and Peachtree Industrial Boulevard. Because of the limited retail use regulations and the availability of parking, there should be no adverse impacts resulting from the approval of a special use permit for the site. The proposed use meets the intent of the zoning ordinance related to light retail uses in the O-I district. The Planning Department recommends **APPROVAL WITH CONDITIONS** of SUP-2015-001.

**Planning Department's Recommended Condition**  
SUP-2015-001

Approval of a Special Use Permit for a day spa subject to the following condition:

1. The special use be limited to massage, spray tanning and facials.
2. The special use permit shall expire if there is a change in ownership of the business.
3. No outdoor storage or retail displays shall be allowed.
4. No outdoor speakers shall be allowed.
5. Total square footage of the business shall be limited to 1,250 square feet.
6. Hours of operation shall be limited to 8:00 am to 8:00 pm.
7. No more than 2 employees shall be working on site at the same time.

## Standards Governing Exercise of Zoning Power

Pursuant to Section 2006 of the City of Suwanee Zoning Ordinance, the City finds the following standards are relevant in balancing the interest in promoting the public health, safety, morality, or general welfare against the unrestricted use of property and shall govern the exercise of the zoning power therewith.

- A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The subject area is located next to commercial properties. The day spa would be suitable at this location.

- B. Whether the zoning proposal will adversely affect the existing uses or usability of adjacent or nearby property;

With the adopted regulation's conditions, a day spa would not be expected to negatively impact existing uses or usability of adjacent and nearby uses.

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

The subject property has a reasonable economic use as currently zoned without a Special Use Permit.

- D. 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;

Approval of the request likely would not result in an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

- E. Whether the zoning proposal is in conformity with the policy and intent of the Land Use Plan;

The Future Land Use Plan recommends low-density office for the site. The expansion of a limited service day spa should not change the overall intensity of the property.

- F. 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;

There are no extraordinary or changing conditions which give additional support for approval of the request.

### SPECIAL USE PERMIT APPLICATION

**An Appointment is required prior to submitting an application. Please contact MaryAnn Jackson at 770-945-8996 to setup an appointment.**

<b>APPLICANT INFORMATION*</b>		<b>OWNER INFORMATION*</b>	
NAME: <u>Cuvee Day Spa</u>	NAME: <u>All Commercial Properties</u>	ADDRESS: <u>4411 Suwanee Dam Rd</u> <u>Suite 3100</u> <u>Suwanee, GA 30024</u>	ADDRESS: <u>4411 Suwanee Dam Road</u> <u>Suite 415</u> <u>Suwanee, GA 30024</u>
PHONE: <u>1078-997-9905</u>	PHONE: <u>678-765-6955</u>	CONTACT PERSON: <u>Julie Austin</u>	PHONE: <u>404-597-7546</u>
E-Mail Address: <u>Justin@cuveedayspa.com</u>			
<b>PROPERTY INFORMATION</b>			
PRESENT ZONING DISTRICT(S): _____		REQUESTED ZONING DISTRICT _____	
PROPOSED DEVELOPMENT: _____			
TAX PARCEL NUMBER(S): <u>R7252 488</u>			
ADDRESS OF PROPERTY: _____			
TOTAL ACREAGE: _____		PUBLIC ROADWAY ACCESS: _____	
<b>FOR RESIDENTIAL DEVELOPMENT:</b>		<b>FOR NON-RESIDENTIAL DEVELOPMENT:</b>	
NO. OF LOTS/DWELLING UNITS: _____		NO. OF BUILDINGS/UNITS: _____	
DWELLING UNIT SIZE (SQ. FT.): _____		TOTAL GROSS SQUARE FEET: <u>approx 1170 SF</u>	
<b>CERTIFICATIONS</b>			
I hereby certify that the above and attached information is true and correct. I am also aware that no reapplication on the same land which has been denied by the City Council shall be acted upon within 12 months from the date of last action unless said time period is waived by the Council. In no case shall a reapplication be acted upon in less than 6 months from the date of last action by the Council. I am also aware that any and all conditions which may be attached to the property shall be binding on the property and all subsequent owners.			
<u>Julie L. Austin</u> Signature of Applicant* _____ Julie L. Austin Print Name* _____ <u>Judy L. Murty</u> Signature of Notary _____ Date _____		<u>Joe Ackerman for All Commercial Properties</u> Signature of Owner* _____ Joe Ackerman for All Commercial Properties Print Name* _____ <u>Judy L. Murty</u> Signature of Notary _____ Date _____	
Date <u>11-20-2014</u>		Date <u>11-20-2014</u>	
Date _____		Date _____	
My Commission Expires January 14, 2018		My Commission Expires January 14, 2018	
* If Additional Applicant or Owner Information is Needed Please Complete Additional Application Form(s)			

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#### CITY OF SUWANEE USE ONLY

Date Received: 12/2/14 Case No. SUP 2015 001 Accepted By: WJG

### SPECIAL USE PERMIT APPLICANT'S RESPONSE

Julie Austin, LMT  
4411 Suwanee Dam Rd, Suite 360  
Suwanee, GA 30024  
678-997-9965  
[jules279@gmail.com](mailto:jules279@gmail.com)

November 30, 2014

Suwanee City Council  
330 Town Center Avenue  
Suwanee, GA 30024 - p: 770-945-8996

To Whom It May Concern:

My name is Julie Austin; I am requesting permission to continue my business at the above location.

I graduated from Massage Therapy School from International School of Skin, Nail, and Massage in March 2013 with double honors as a licensed Massage Therapist. I am also a licensed esthetician and graduated from the Esani Institute in 2009.

I began my business in my home 179 Leah View Walk, Suwanee, GA 30024 in June of 2013 and I received a license to operate in my home by the City of Suwanee. At no time was I ever inspected by anyone from the licensing committee.

My business has grown to the extent that I needed to move to a professional business location, plus my neighbors were complaining about additional traffic.

When I moved in I first inquired with the landlord if it was permissible to have massage therapy at this location and he stated that there have been other therapists in the same business park I am currently in and he granted me permission. Furthermore there are four other massage therapy practices within walking distance of my business. It is important to note that I am a "therapeutic" massage therapist, and continue to build my clientele, as many are repeat clients.

I started my business in my home then grew to my current location and my ultimate goal is in the future is to continue to grow my business into a wellness center.

I respectfully request to be granted a license to operate my business at the above address.

Thank you for your consideration,

Julie Austin, LMT/LE

SUP. 2015. 001



### CONFLICT OF INTEREST CERTIFICATION FOR ZONING ACTIONS

The undersigned below, making application for rezoning, has read and complied with the Official Code of Georgia Section 36-67A-1, et.seq, Conflict of Interest in Zoning Actions, and has submitted or attached the required information on the forms provided.

Julie L. Austin 12-9-14  
Signature of Applicant Date

Type or Print Name and Title

Signature of Applicant's Attorney or Representative Date  
[Signature] 12-9-14  
Signature of Notary Public Date

Julie L. Austin  
Type or Print Name and Title  


#### Disclosure of Campaign Contributions

Have you, within the two years immediately preceding the filing of this application, made campaign contributions aggregating \$250.00 or more to a member of the City Council or a member of the city of Suwanee Planning Commission?

\_\_\_\_\_ yes/no

Your Name

If the answer is yes, please complete the following section:

Name and Official Position of Government Official	Contributions (list all which aggregate to \$250 or more)	Date Contributions was made (within last two years)

\*Attach additional sheets, if necessary to disclose or described all contributions.

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#### CITY OF SUWANEE USE ONLY

Date Received: \_\_\_\_\_ Case No.: SUP-2015-001 Accepted By: \_\_\_\_\_

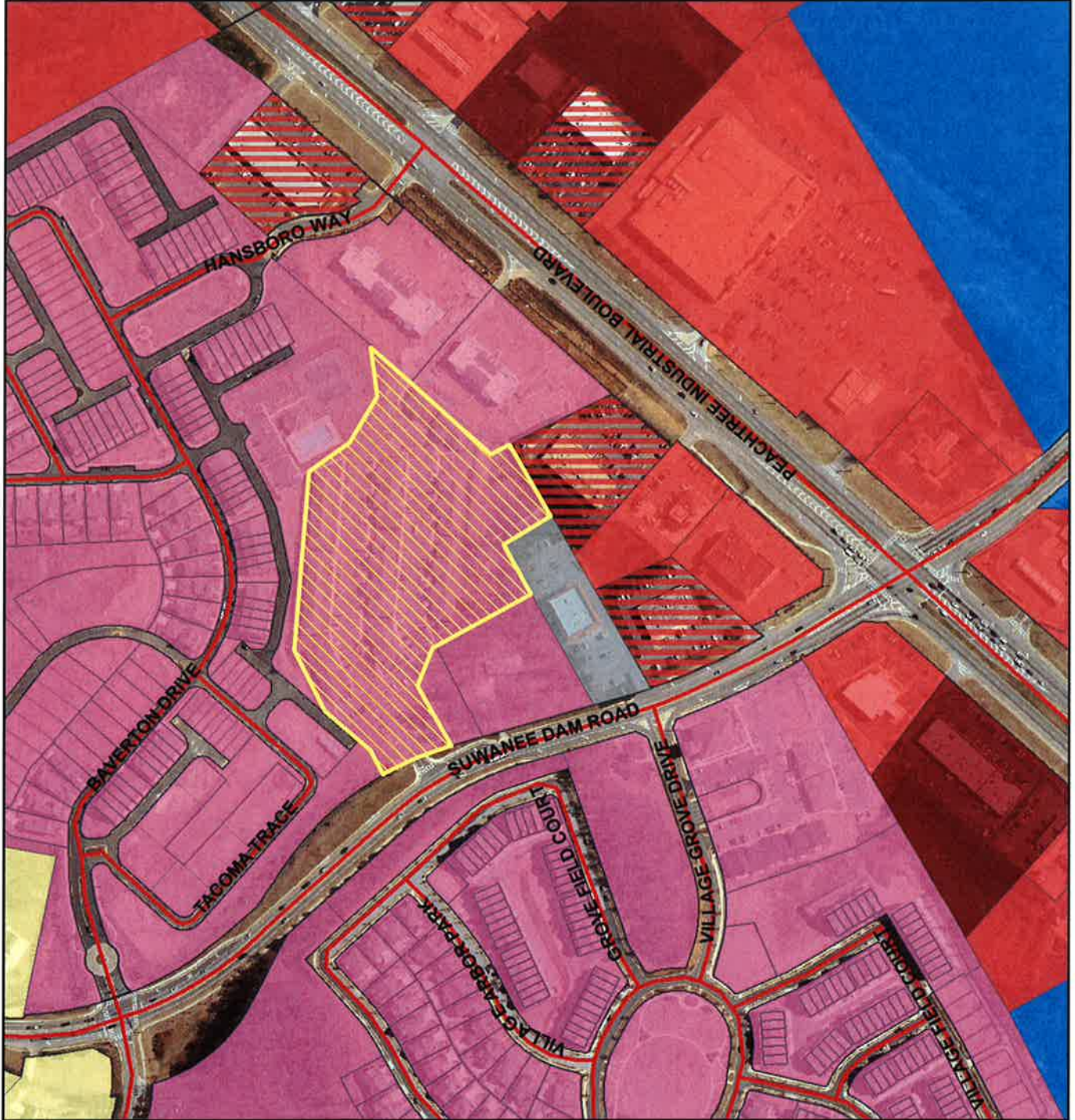
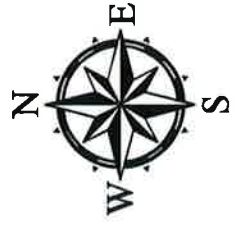




# EXHIBIT B SUP-2015-001

Location Map

<b>Legend</b>	SUP-2015-001
	Major Road
<b>Zoning</b>	C-2
	C-2A
	C-3
	M-1
	O-1
	PMUD
	R-100





# EXHIBIT B SUP-2015-001

Aerial Map

## Legend



SUP-2015-001



Major Road

