PLANNING COMMISSION MEETING
JULY 13, 2016

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
6:30 PM

I. CALL TO ORDER

II. ROLL CALL

III. APPROVAL OF MEETING MINUTES

a. June 2, 2016

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

a. CU-16-03 Assisted Living/Hill
Consideration of a request for a conditional use to allow 'Congregate Housing, Assisted Living Facility' use. The property is located at 1080 Upper Hembree Road and is legally described as Land Lot 551, 1st District, 2nd Section, Fulton County, Georgia.

b. MP-16-04/CU-16-04 Nail Seasons/Twin Oaks/Preston Ridge
Consideration of a request to amend the Preston Ridge Master Plan Pod B and for a conditional use to allow 'Nail Salon' use. The property is located at 3450 Old Milton Parkway, Suite 100 and is legally described as Land Lot 911, 1st District, 2nd Section, Fulton County, Georgia.

c. iNails/SPA Services
Consideration of a request to amend the Regency Park Master Plan Pod 6 and for a conditional use to allow 'Spa Services' use. The property is located at 7300 North Point Parkway (North Point Village I) and is legally described as Land Lots 686 & 687, 1st District, 2nd Section, Fulton County, Georgia.

d. PH-16-08 Unified Development Code - Text Amendments
Consideration of text amendments to the Unified Development Code including Spa Services,as well as other amendments

VII. ADJOURNMENT

PLANNING COMMISSION MEETING
JUNE 2, 2016

ALPHARETTA CITY HALL
COUNCIL CHAMBERS
2 PARK PLAZA
6:30 PM

This summary is provided as a convenience and service to the public, media and staff. It is not the intent to record proceedings verbatim. Any reproduction of this summary must include this notice. Public comments are noted as heard by the Planning Commission, but not quoted or paraphrased. This document includes limited presentation by Planning Commission and invited speakers in ***summary*** *form.* ***This*** *is* ***not an official record*** *of the Alpharetta City Planning Commission Meeting proceedings. Official Minutes are recorded and available for review.*

I. CALL TO ORDER

II. ROLL CALL

- Planning Commission Members Present
  - Rob Partee
  - Larry Attig
  - Fergal Brady
  - Karen Cashion
  - Karen Richard
  -
- Planning Commission Members Absent
  - Francis Kung'u
  - Kyle Caswell
  - John Goss

- Staff Members Present
  - Kathi Cook, Director of Community Development
  - Elicia Taylor, Boards Assistant

III. ELECTION OF CHAIRMAN FOR June 2, 2016 Meeting

- Planning Commission Member Attig offered a motion to elect Rob Partee as Chairperson for the June 2, 2016 Meeting.
  - The motion received a second from Planning Commission Member
  - The motion was approved by a unanimous vote (4-0)

IV. APPROVAL OF MEETING MINUTES

a. May 5, 2016

As there was not a quorum from the May 5 meeting, no action was taken.

V. ITEMS FROM BOARD MEMBERS

VI. ITEMS FROM STAFF

VII. PUBLIC HEARING

a. PH-15-25 Update to Comprehensive Land Use Plan
Consideration of updates to the 2030 Comprehensive Plan.

Kathi Cook, Director of Community Development and Eric Bosman of Kimley-Horn presented.

This item was heard by the Planning Commission on May 5, 2016. After discussion the Planning Commission voted unanimously to defer until June 2, 2016 in order to have a Workshop prior to a recommendation.

In order to encourage Public Input:

1. A Workshop was held by City Council on Monday, May 23, 2016.
2. A Public Workshop is scheduled for Thursday, June 2. This workshop was advertised in the front section of the newspaper on for four consecutive weeks (May 11, May 18, May 25 and June 1, 2016)
3. The Public Hearing Advertisement for the June 2, 2016 Workshop and Planning Commission Meeting were also advertised for the same four consecutive weeks in the Public Hearing Notice Section of the legal record.
4. The Meetings were also promoted on social media via Facebook and Twitter as well as included in news briefs and releases sent out to area media. As of this report, the most recent Tweet specifically about the workshop received 619 impressions and the previous one the prior week received 881 impressions. The Facebook post on the workshop has had a low hit rate of 96 while the Facebook post prior to that on the topic had a reach of 1,852.

5. A Mailing was sent to Property Owners'/Residents who attended Public Vision Workshops informing them of the June 2, 2016 Meetings as well as City Council Meeting on June 20, 2016 where the final recommendations will be presented.

State regulations require that community comprehensive plans be adopted and updated on a regular basis in order to ensure compliance with regional plans and maintain eligibility for grants and other funding. Alpharetta adopted a 2030 Comprehensive Plan in 2011 as a major update when the format and basic requirements of a comprehensive plan were modified by regulation. The current update required is minor in nature and a refinement of the 2011 effort. To this end, Alpharetta followed a six month process that resulted in the 2035 Comprehensive Plan. Facilitated by the city's consultants, Kimley-Horn and Associates, four public meetings were held including 'visioning' sessions.

In addition, a steering committee was formed that met over the course of the project providing staff and the consultant with more detailed input.

The resulting document, the 2035 Comprehensive Plan, consists of: 1. the *Community Agenda* which represents Alpharetta's vision, goals, policies, issues and opportunities; 2. the *Community Assessment* which is a compilation of information and data about the existing conditions and historical information about the city; and 3. the *Community Participation* which is a summary of the program used to capture citizen comments and incorporate the community's views into the final document.

Most of the focus is placed on the *Community Agenda* because it addresses the City's future. While the Comprehensive Plan is only a guideline for growth and development, it is the only document that defines the citizens' shared vision and desired direction for their community. The 2035 Comprehensive Plan is intended to provide planning guidance for Alpharetta through the next twenty years.

Staff's recommendation is to approve the 2035 Comprehensive Plan and authorize transmission of the document to the Department of Community Affairs and the Atlanta Regional Commission.

There was no Public Comment.

After discussion the Planning Commission requested the following edits to the document:

- The Vision statement should read:

Our Community Vision is to advance Alpharetta as a Signature City by…

  - Offering the highest quality of environment for our residents—of all ages—and businesses;
  - Developing key nodes of the City to focus growth and create multiple scales of activity while preserving the character of stable single-family residential neighborhoods;
  - Encouraging an emphasis on arts and culture in our community;
  - Fostering a strong sense of community, including dedicated greenspace, multimodal connectivity, and safety and security; and

- Providing a business climate that attracts the top echelon companies.
  The corrected map for the Development Nodes and the Downtown callout map should have updated legends that change "Corporate Office Campus" to just "Corporate Office"; the Development Nodes map should have a large ellipsis for Node A (North Point)

- Housing Policy 4 should read: "Consider the balance of residential development on the east and west sides of the city."

- The Natural, Historic, and Cultural section should read (was 'small town charm'):

"The City will continue to focus on maintaining the architectural style and character in selected locations such as: Downtown, Crabapple, and unique single-family residential areas."

- Housing Goal 2 (the 85/15 rule) should have a footnote on it that explains where the 68% was derived from (the Market Study by Bleakly)

- NHCR Policy 3 should have the updated language about multiuse trails/pocket parks:

The City shall develop a pocket park plan and link existing greenspaces with linear multiuse paths in order to maximize greenspace.
The City shall actively pursue methods to expand, enhance, and create more multiuse trail connectivity.

- NHCR Strategy 4.2 should read:
  Implement technologies, incentives, and code requirements that lessen dependence on fossil fuels and reduce waste by replacing low-mileage vehicles with more fuel-efficient models (e.g. hybrids, electric, natural gas, etc.), use of solar panels, reuse of materials and resources, etc.

- NHCR Strategy 1.10 should read:
  Continue to work with Historic Preservation Commission (established in 2016) and other Arts organizations to preserve historic properties in the City
  of Alpharetta.

❖ Planning Commission Member Attig offered a motion to approve

- The motion received a second from Planning Commission Member Brady
- The motion was approved by a unanimous vote (5-0)

VIII. ADJOURNMENT

Chairman Partee adjourned the meeting at 7:25 p.m.

COUNCIL AGENDA REPORT

FROM: Kathi Cook, Community Development Director
Prepared By: Michael Woodman, Senior Planner

SUBJECT: CU-16-03 Assisted Living Facility/Hill

PLANNING COMMISSION: July 13, 2016
CITY COUNCIL: July 25, 2016

RECOMMENDATION:

Approve CU-16-03 Assisted Living Facility/Hill subject to the following conditions:

1. **Parking area shall be screened and striped in compliance with Unified Development Code (UDC) regulations.**
2. **Required parking shall be met on-site and/or at 1130 Upper Hembree Road (Hembree Senior Care Center) as long as both locations are under common ownership.**
3. **Remove tree stump at site entrance (southeast corner) and replace with a minimum 4" caliper tree and 2' shrubs, as approved by Staff.**
4. **Install a 5' sidewalk along the frontage of the property.**
5. **Any additions and modifications to the existing structure shall be residential in character and approved by Staff.**
6. **Maintain a minimum 50' undisturbed buffer at the rear of the property.**
7. **Maintain and replant where sparse a 10' buffer along the west property line, as approved by Staff.**
8. **Signage shall be limited to one ground sign not to exceed 6 feet in height and 16 square feet in size (32 square feet if double faced) with landscaping at the base.**
9. **Structure must meet all Life Safety Code requirements.**
10. **Expansion to accommodate more than 16 beds shall require a public hearing and demonstration that the residential character of the property is maintained and all facility needs can be met on site.**

REPORT-IN-BRIEF

The applicant, Mr. Robin Hill, is requesting a conditional use permit to allow an assisted living facility at 1080 Upper Hembree Road. The property is zoned O-I (Office-Institutional) and was previously used as professional business office for All Clean Atlanta.

DISCUSSION

The subject property is located on the north side of Upper Hembree Road with its west boundary adjacent to the City of Roswell. Birch Hollow subdivision is adjacent to the north. The zoning of the property is O-I (Office-Institutional), which allows 'Congregate Housing, Assisted Living Facility' as a conditional use.

The north side of Upper Hembree Road is designated for 'Professional Business Office' as shown in the Comprehensive Land Use Plan. The applicant's intent is to operate a 10-16 bed assisted living facility.

The applicant will utilize the existing structure with no planned alterations to the exterior. The existing parking on the site will be utilized by the applicant, with no significant alterations to the site.

The applicant currently operates an assisted living facility, Hembree Senior Care Center, at 1130 Upper Hembree Road. The applicant has stated that its existing facility has reached maximum capacity and that the location at 1080 Upper Hembree Road will offer additional bed space in a state-licensed assisted living facility.

CONDITIONAL USE REQUIREMENTS

City staff has reviewed the applicant's request and compared it to the conditional use standards established in UDC Section 4.2.3 (B) which are as follows:

A conditional use otherwise permitted within a zoning district shall be considered to be compatible with other uses permitted in the district, provided that due consideration is given to the following objective criteria at a public hearing and satisfactory provisions or arrangements are made for.

1. Access into and out of the property with regard to traffic and pedestrian safety, volume of traffic flow, and emergency vehicles, as well as the type of street providing access;

Response: The proposed use will not have a significant impact on vehicular and pedestrian access or on traffic flow.

2. The extent to which refuse areas, loading and service areas, off street parking, and buffers and screening are provided on the property;

Response: Staff recommends conditions to enhance the landscape strip and screening of the parking area along Upper Hembree Road and to maintain the existing 50' undisturbed buffer at the rear of the property adjacent to Birch Hollow.

3. Ensuring that the conditional use will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity or diminish and impair property values within the surrounding neighborhood;

Response: The conditional use to allow an assisted living facility will not be injurious to the use and enjoyment of other properties. The applicant is currently operating an assisted living facility at 1130 Upper Hembree Road. The neighboring property to the east, 1090 Hembree Road, is currently being used as a professional office for janitorial services and the property located at 1100 Upper Hembree Road received conditional use approval in 2008 for Peach State Pool Service (contractor's office with accessory retail area).

4. Ensuring that the conditional use will not increase local or state expenditures in relation to the cost of servicing or maintaining neighboring properties;

Response: Not applicable.

5. Ensuring that the conditional use will not impede the normal and orderly development of surrounding property for uses predominant in the area; and

Response: The proposed use is an office-institutional use, which is consistent with the character of surrounding businesses and compatible with the adjacent residential neighborhoods.

6. Ensuring that the location and character of the conditional use is considered to be consistent with a desirable pattern of development for the city, in general.

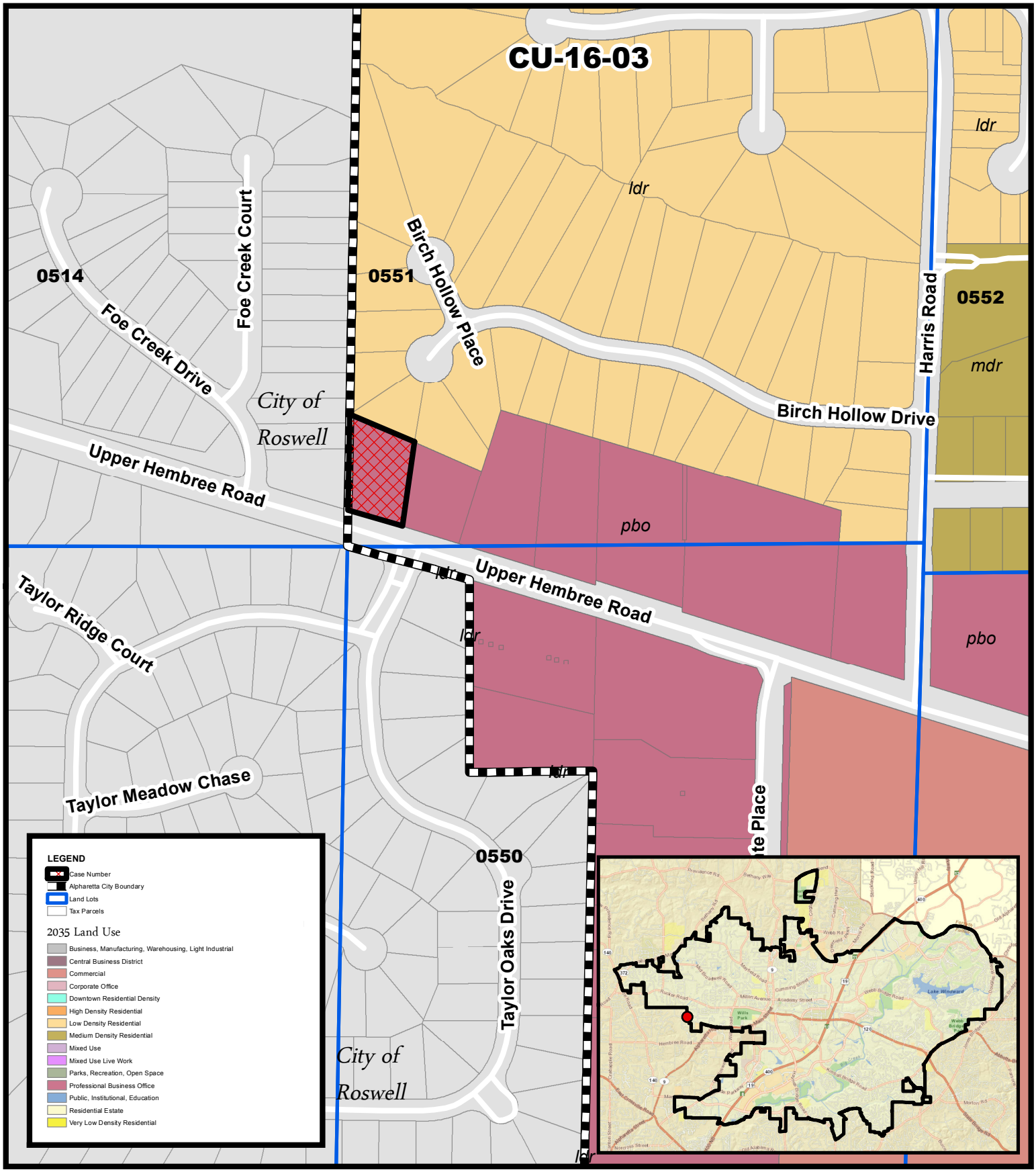
Response: The proposed use is an office-institutional use, which is consistent with the character of surrounding businesses and compatible with the adjacent residential neighborhoods.

CONCURRENCES

Staff has reviewed the application and is in general agreement with the applicant's request. The applicant does not propose significant alterations or additions to the building or site and therefore should not impact the quality of life for adjacent residential properties. However, conditions should be established as part of this application that regulate and limit expansion of the proposed use and require landscape buffers and screening.

CITIZEN PARTICIPATION PLAN

The report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent. The report states that no comments were received.

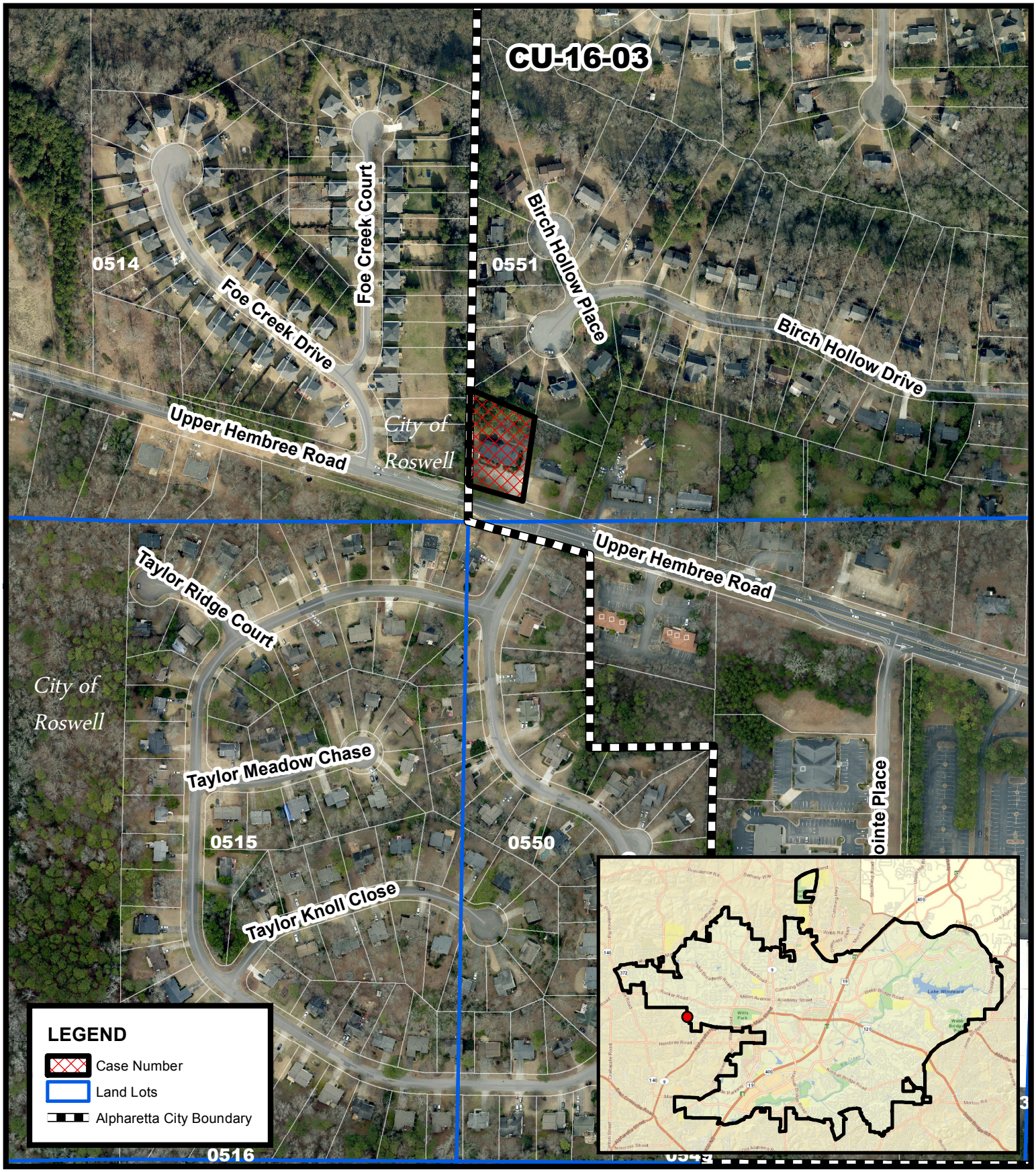


2035 Land Use
Assisted Living/Hill
1080 Upper Hembree Road

CU-16-03
D/LL: 1/2/551
PC: 07/13/16
CC: 07/25/16

THE CITY OF ALPHARETTA GEORGIA

Location Map Provided by:
Community Development - GIS

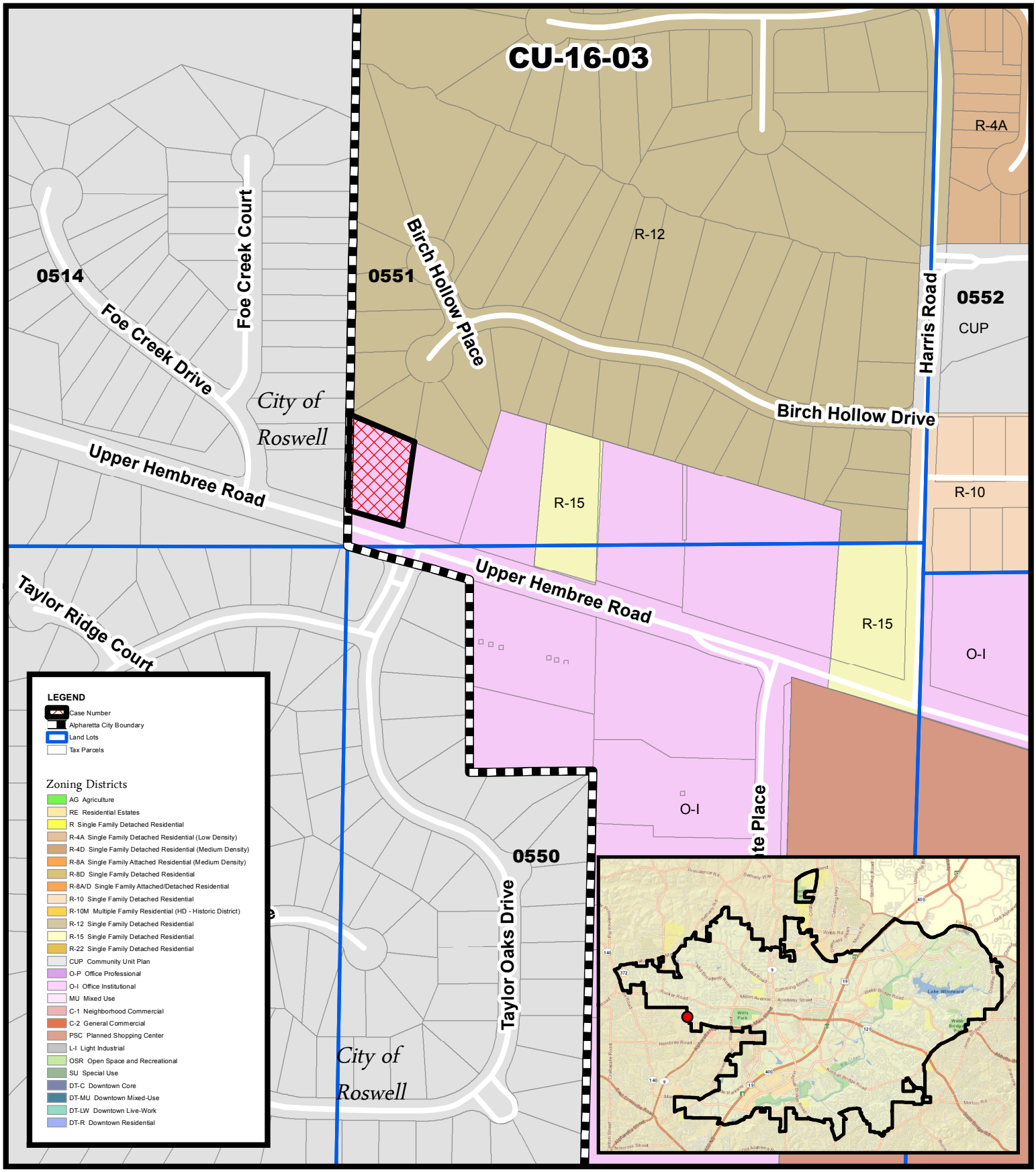


Aerial Map
Assisted Living/Hill
1080 Upper Hembree Road

CU-16-03
D/LL: 1/2/551
PC: 07/13/16
CC: 07/25/16

THE CITY OF ALPHARETTA GEORGIA

Location Map Provided by:
Community Development - GIS

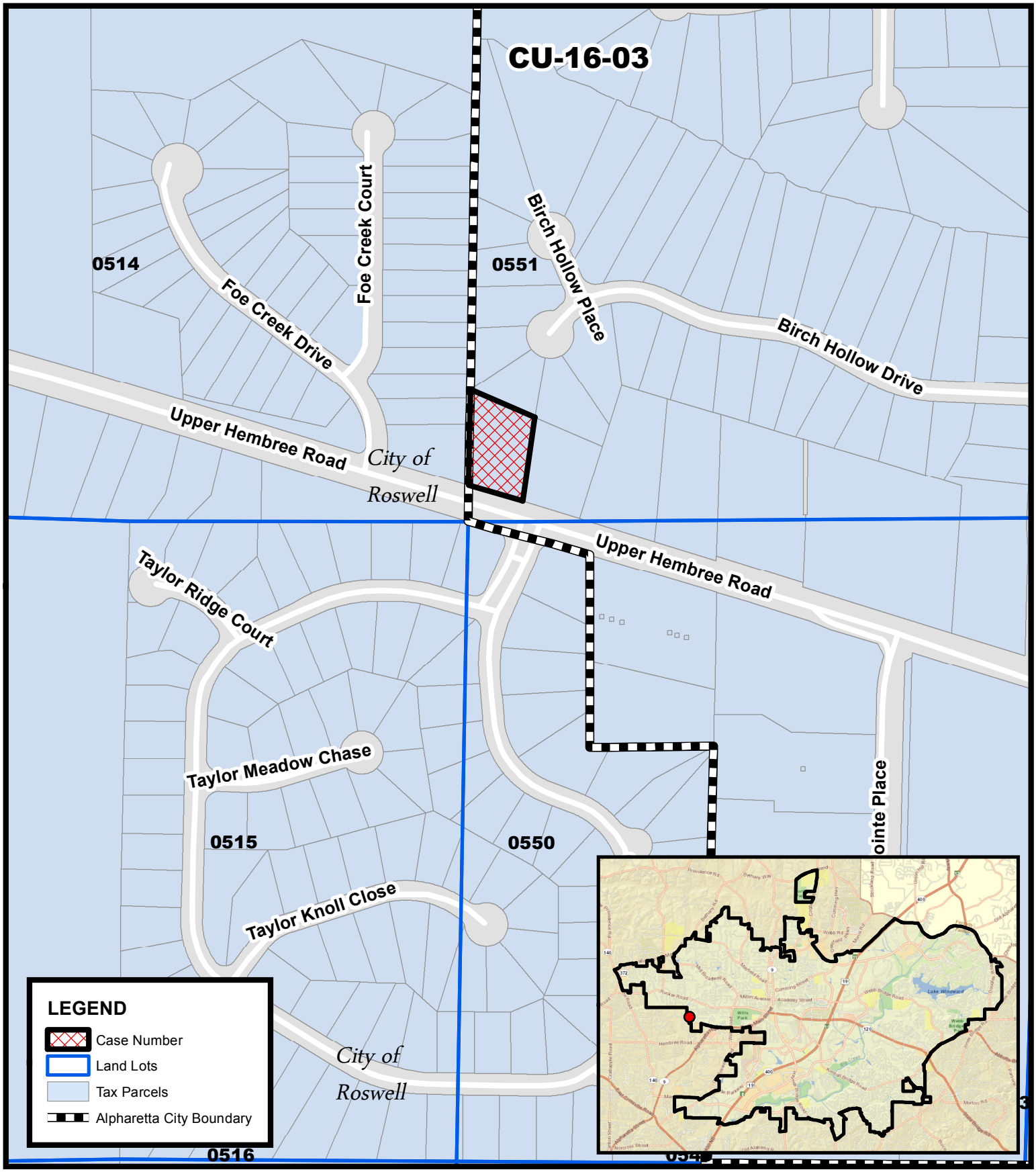


Zoning Map
Assisted Living/Hill
1080 Upper Hembree Road

CU-16-03
D/LL: 1/2/551
PC: 07/13/16
CC: 07/25/16

THE CITY OF ALPHARETTA GEORGIA

Location Map Provided by:
Community Development - GIS



Location Map
Assisted Living/Hill
1080 Upper Hembree Road

CU-16-03
D/LL: 1/2/551
PC: 07/13/16
CC: 07/25/16

THE CITY OF ALPHARETTA GEORGIA

Location Map Provided by:
Community Development - GIS

07/01/2016

07/01/2016

17/01/2016

07/01/2016

07/01/2016

07/01/2016

07/01/2016

07.01.2016

07/01/2015

CITIZEN PARTICIPATION FORM - PART B

This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.

Public Hearing or Project Name: 1080 Upper Hembree Rd

Contact Name: Mr. Robin Hill Telephone: 661-333-5222

Please describe comments and concerns provided by any and all individuals contacted as part of the the Citizen Participation Program. If any individuals provided written correspondence, please attach copies of same to this report.

Letters were sent to all adjoining property owners and as of June 28, 2016, no one has called or emailed with any questions or concerns.

Method by which these individuals were contacted. Please mark all that apply. *Please provide samples of any and all written communications used to provide notification.*

- [x] Letter
- [ ] Personal Visits
- [ ] Telephone
- [ ] Group Meeting
- [ ] Email
- [ ] Other *(Please Specify)* _____

Attach a list of people who have been notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified.

I, the undersigned, as an authorized representative of the applicant and Public Hearing item identified above, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Citizen Participation Form - Part B and in any and all documents provided in support of this report are true and accurate. I further understand that any false statements provided by representatives of the applicant as part of this report may result in penalties up to and including denial of the subject application.

Signature of Authorized Agent: _____ Date: 6·16·16

6-28-16

Print Form

CU-16-03

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: _____

☐ Fee Paid Initial: _____

COMMUNITY DEVELOPMENT DEPARTMENT • 2 PARK PLAZA • ALPHARETTA, GA 30009

1. This page should be the first page in each of your completed application packets.
2. It is preferred that all responses be typed. Illegible applications will not be accepted.
3. Prior to signing and submitting your application, please check all information supplied on the following pages to ensure that all responses are complete and accurate. Incomplete applications will not be accepted.
4. Payment of all applicable fees must be made at the time of application. Payment may be made via cash, credit card (American Express, Master Card or Visa), or check made payable to "City of Alpharetta."
5. Applications will be accepted only on the designated submittal dates between the hours of 8:30 AM and 3:30 PM.
6. If you have any questions regarding this form, please contact the Community Development Department by calling 678-297-6070.

Contact Information:

Contact Name: MR. ROBIN (ROB) HILL Telephone: 661-333-5222

Address: 2601 BLUE MOUNTAIN WAY Suite: _____

City BAKERSFIELD State: CA Zip: 93304 Fax: 661-833-5702

Mobile Tel: 661-333-5222 Email: ROBHILL@ALLSTATE.COM

Subject Property Information:

Address: 1080 UPPER HEMBREE RD Current Zoning: O-I

District: 1 Section: 2 Land Lot: 551 Parcel ID: 12-2230-0551-074

Proposed Zoning: CUP Current Use: OFFICE BUILDING

This Application For *(Check All That Apply)*:

- ☒ Conditional Use
- ☐ Rezoning
- ☐ Variance
- ☐ Comprehensive Plan Amendment
- ☐ Master Plan Amendment
- ☐ Master Plan Review
- ☐ Public Hearing
- ☐ Other *(Specify)*: _____

Applicant Request And Intent

What is the proposed use(s) of the property?

We propose to use the property as an assisted living facility. We currently operate the Hembree Senior Care Center, an assisted living facility, just a few doors down at 1130 Upper Hembree Road.

Applicant's Request (Please itemize the proposal):

Applicant is requesting a conditional use permit (CUP) to allow the operation of an assisted living facility at the designated property, 1080 Upper Hembree Road.

Applicant's Intent *(Please describe what the proposal would facilitate)*:

Applicant intends to operate a state-licensed assisted living facility at this location. Applicant currently operates Hembree Senior Care Center, also an assisted living facility, at 1130 Upper Hembree Road and that facility has reached its current capacity and has a waiting list for residents. The new location at 1080 Upper Hembree Road will help to fill the existing need of our aging population by offering more bed space in a state licensed facility.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: STARR MILLER Telephone: 404-252-9380 404 307 0013 Cell

Address: 1021 BLUEFHAVEN WAY Suite:

City ATLANTA, GA State: Zip: 30315

Authorization:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of Fulton County, Georgia, of the property identified below, which is the subject of the attached Application for Public Hearing before the City of Alpharetta, Georgia.

As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Public Hearing in request of the items indicated below.

- ☐ Annexation
- ☐ Rezoning
- ☐ Variance
- ☐ Land Use Application
- ☐ Special Use
- ☒ Conditional Use
- ☐ Master Plan
- ☐ Other

Identify Authorized Applicant:

Name of Authorized Applicant: MR. ROBIN HILL Telephone: 661-333-5222

Address: 2801 BLUE MOUNTAIN WAY Suite:

City BAKERSFIELD State: CA Zip: 93304

So Sworn and Attested:

Owner Signature: Mary Starr Miller Date: 4/13/16

Notary:

Notary Signature: Date: 4-13-16

ARIADNE JUDITH GORE
Notary Public - State of Georgia
Gwinnett County
My Commission Expires Feb 10, 2020

DISCLOSURE FORM

The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).

Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.

Name of Applicant or Opponent: Mr. Robin Hill

Subject Public Hearing Case: 1080 Upper Hembree Road

Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of $250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution as been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: N/A Position:

Description of Contribution: N/A Value:

Description of Contribution: Value:

Description of Contribution: Value:

Description of Contribution: Value:

Description of Contribution: Value:

Campaign Contribution Information:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.

Signature: Date: 4-20-16

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

This section of Upper Hembree Road has several buildings currently being used in the medical field and is very close to the hospital, which is very compatible with an assisted living facility. Also there is an existing assisted living facility just four properties away which has reached its capacity and is on a waiting list.

How will this proposal affect the use and value of the surrounding properties?

This use should have no impact on the use or value of the surrounding properties.

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.

Property has been vacant for some time and would need to be reconfigured substantially for office or church use, as the property's layout is more conducive to home living use with several bedrooms already in place.

What would be the increase to population and traffic if the proposal were approved?

The proposed facility will house between 10-16 full time residents however should have little to no impact on traffic as the residents do not drive and will have only occasional daytime visitors.

What would be the impact to schools and utilities if the proposal were approved?

There will be no impact.

How is the proposal consistent with the Alpharetta Comprehensive Plan; particularly the Future Land Use Map?

The proposed use is very consistent with the ACP and the FLUM as it is in close proximity to the hospital and other medical facilities.

Are there existing or changing conditions which affect the development of the property and support the proposed request?

Many other buildings in the area are being used in a medical capacity, including applicant's existing assisted living facility located at 1130 Upper Hembree Road.

On a separate sheet or sheets, please provide any information or evidence that supports your request and the statements that you have provided in this application.

Board Of Zoning Appeals Review Criteria

Please respond to the following ONLY if you are applying for a zoning variance.

Are there extraordinary and exceptional conditions pertaining to the subject property because of its size, shape, or topography? Please describe them.

N/A

Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary hardship? Please explain.

Are there conditions that are peculiar to the subject property? Please describe them in detail.

Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code? Please defend your response.

On a separate sheet or sheets, please provide any Information or evidence that supports your request and the statements that you have provided in this application.

SIGN VARIANCE REVIEW CRITERIA

Are there exceptional conditions pertaining to the property where the sign is to be located as a result of the property size, shape, or topography which are not applicable to other lands or structures in the area? If "yes," please explain.

☐ Yes

☐ No

N/A

Would the applicant be deprived of rights that are commonly enjoyed by others similarly situated? If "yes," please explain.

☐ Yes

☐ No

Would granting the variance confer on the applicant any significant privileges which are denied to others similarly situated? If "yes," please explain.

☐ Yes

☐ No

Are the exceptional circumstances the result of actions of the applicant or the applicant's representatives? If "yes," please explain.

☐ Yes

☐ No

Is the requested variance the minimum necessary to allow the applicant to enjoy rights commonly enjoyed by others similarly situated? If "no," please explain.

☐ Yes

☐ No

Would granting of the variance violate more than one standard of the Unified Development Code? If "yes," please explain.

☐ Yes

☐ No

Would granting the variance result in allowing a sign that interferes with road or highway visibility or obstruct or otherwise interfere with the safe and orderly movement of traffic? On a separate sheet or sheets, please defend your response.

☐ Yes ☐ No

CITIZEN PARTICIPATION FORM - PART A

This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.

Public Hearing or Project Name: 1080 Upper Hembree Road

Contact Name: Mr. Robin Hill Telephone: 661-333-5222

The following people will be notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified. Use additional pages as needed.

Ramona Parker	305 Foe Creek
Dinkerrai Upadhyaya	315 Foe Creek
Irene O'Donnell	325 Foe Creek
David & Shirley Safstrom	8620 Birch Hollow
Joan Ellen Rowe	8630 Birch Hollow
Kenneth & Lisa Roberts	8635 Birch Hollow
Starr & Don Millen	1090 Upper Hembree

Method by which these individuals will be contacted. Please mark all that apply. *If you select "Other," please provide a description of the method of contact that will be used.*

- [x] Letter
- [ ] Personal Visits
- [ ] Telephone
- [ ] Group Meeting
- [ ] Email
- [ ] Other *(Please Specify)* _____

Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

Individuals will be given our address + phone number so that they may either call or write with any questions.

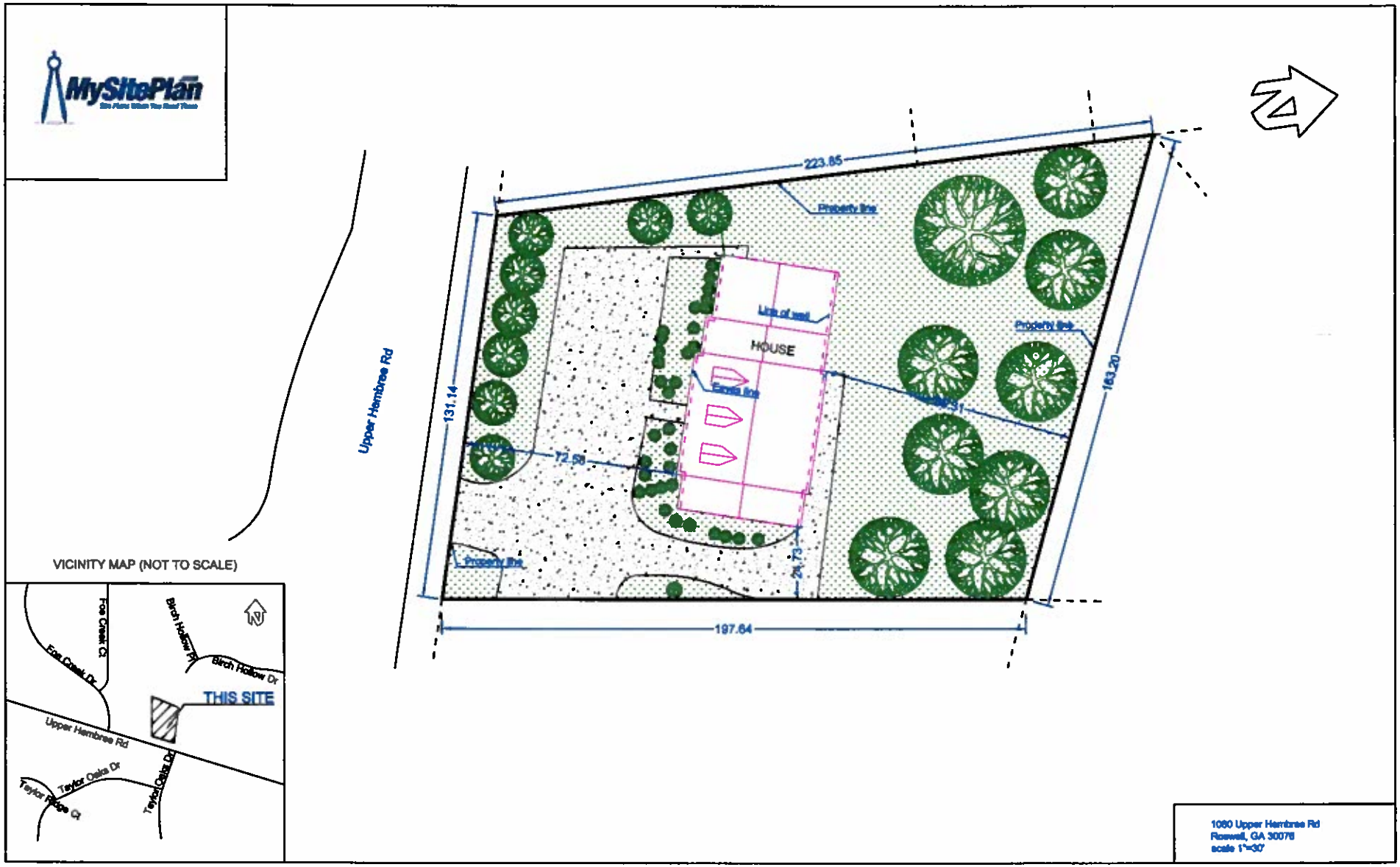
1080 Upper Hembree Road Alpharetta, GA 30076

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in the City of Alpharetta in Land Lot 551 of the 1st District, 2nd Section of Fulton County, Georgia, and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, begin at an iron pin found at the point of intersection of the existing northeasterly right-of-way line of Upper Hembree Road (a 40-foot right-of-way) with the westerly line of Land Lot 551: running thence north 00 degrees 03 minutes 36 seconds east along the westerly line of Land Lot 551 a distance of 5.21 feet to a point located on the proposed northeasterly right-of-way line of Upper Hembree Road (based on an 80-foot right-of-way), which point marks the TRUE POINT OF BEGINNING:

FROM THE TRUE POINT OF BEGINNING THUS ESTABLISHED, continue thence north 00 degrees 03 minutes 36 seconds east along the westerly line of Land Lot 551, a distance of 191.99 feet to an iron pin found; running thence south 73 degrees 12 minutes 18 seconds east, a distance of 187.96 feet to a point; running thence south 14 degrees 58 minutes 53 seconds west, a distance of 183.00 feet to a point located on the proposed northeasterly right-of-way line of Upper Hembree Road; running thence north 73 degrees 35 minutes 53 seconds west along the proposed northeasterly right-of-way line of Upper Hembree Road, a distance of 138.47 feet to the point located on the westerly line of Land Lot 551, which point marks the TRUE POINT OF BEGINNING, and being a tract of land containing 0.687 acres according to a plat of survey prepared for Millen Properties, Inc. by Bates-Long & Associates, and certified to by Fred Wilson Long, Georgia Registered Land Surveyor No 1685, dated September 24, 1987.


MySitePlan
Upper Hembree Rd
223.85
131.14
163.20
197.64
72.58
26.72
HOUSE
Property line
Line of wall
Eaves line
VICINITY MAP (NOT TO SCALE)
Fox Creek Ct
Fox Creek Dr
Birch Hollow Pl
Birch Hollow Dr
THIS SITE
Upper Hembree Rd
Taylor Oaks Dr
Taylor Oaks Dr
Taylor Ridge Ct
1060 Upper Hembree Rd
Roswell, GA 30076
scale 1"=30'

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Respite, hourly, daily or permanent placement options available tailored to your needs.

Welcome to Hembree Senior Care Center located in Roswell, GA. We are a Senior Day Care center and now licensed personal care home committed to helping families care for their loved ones when they cant be cared for at home. Come visit our center. You will feel the joy of friends socializing. Families are reassured knowing their aging parents are receiving excellent health care support from our nurse and caring staff. Come visit, it's the best way to get to know us and to explore the fit between your loved one and us.

Our clients live in Roswell, Alpharetta, Cumming and nearby surrounding areas. Families find the location convenient and easily accessed from Interstate 400, Hwy 92 and Alpharetta Highway.

We work hard to ensure that our clients are engaged with frequent activities and stimulating interaction. Our nurses consistently ensure that our participants stay as healthy as possible. Come meet our experienced team of professional RNs', CNAs' and dedicated activity staff.

We look forward to meeting you and showing you our beautiful center.

COUNCIL AGENDA REPORT

FROM: Kathi Cook, Community Development Director
Prepared By: Michael Woodman, Senior Planner

SUBJECT: MP-16-04/CU-16-04 Nail Seasons/Twin Oaks/Preston Ridge

PLANNING COMMISSION: July 13, 2016
CITY COUNCIL: July 25, 2016

RECOMMENDATION:

Approve MP-16-04/CU-16-04 Nail Seasons/Twin Oaks/Preston Ridge subject to the following conditions:

1. **'Nail Salon' shall be added as a conditional use at 3450 Old Milton Pkwy, Suite 100.**
2. **Conditional use approval shall be limited to Nail Seasons & Tan, Inc.; no additional nail salon businesses or subleasing shall be permitted within the approved space.**
3. **No services, such as waxing and massage, shall be permitted.**
4. **Hours of operation shall be limited to Monday through Sunday from 9:30 AM to 8:00 PM.**
5. **Neon window signage within the permitted 20% shall be limited to one 'OPEN' sign.**

REPORT-IN-BRIEF

The applicant, Nail Seasons & Tan, Inc., is requesting a conditional use permit and master plan amendment to allow 'Nail Salon' at 3450 Old Milton Parkway, Suite 100. The property is zoned CUP (Community Unit Plan) and is part of the Preston Ridge Master Plan, Pod B.

DISCUSSION

The submitted request, if approved, will permit the applicant to provide nail salon services in a 2,101 square foot suite within an existing shopping center. Manicure and pedicure services are the only services proposed by the applicant.

The subject property is located at the northeast corner of Old Milton Parkway and North Point Parkway. The property is zoned CUP (Community Unit Plan) and is located in Pod B of the Preston Ridge Master Plan, which allows 'Nail Salon' as a conditional use.

There are no other 'Nail Salon' uses in the Twin Oaks shopping center. However, Amie Hair and Nails is located at 4000 North Point Parkway, a distance of approximately 410 feet from the subject property. In addition, Hollywood Manicure & Spa (3630 Old Milton Parkway) and SOAK Nail and Body Lounge (3710 Old Milton Parkway), a distance of approximately 2,100 feet and 2,750 feet, respectively, from the subject property.

The applicant states that they have been in business for 10 years and currently operate a Nail Seasons & Tan, Inc. location in the Alpharetta Commons shopping Center, located at 4305 State Bridge Road, Suite 106, Alpharetta, Georgia. The applicant intends to relocate the existing business to the Twin Oaks shopping center, pending approval of the conditional use permit and master plan amendment.

CONDITIONAL USE REQUIREMENTS

City staff has reviewed the applicant's request and compared it to the conditional use standards established in UDC Sec. 4.2.3 (B) which are as follows:

A conditional use otherwise permitted within a zoning district shall be considered to be compatible with other uses permitted in the district, provided that due consideration is given to the following objective criteria at a public hearing and satisfactory provisions or arrangements are made for:

1. Access into and out of the property with regard to traffic and pedestrian safety, volume of traffic flow, and emergency vehicles, as well as the type of street providing access;

Response: Twin Oaks was developed in compliance with the development standards of a retail shopping center. The proposed retail service use will not have a significant impact on vehicular and pedestrian access.

2. The extent to which refuse areas, loading and service areas, off street parking, and buffers and screening are provided on the property;

Response: Twin Oaks shopping center is in compliance with regard to refuse areas, loading and service areas, off-street parking, and buffers and screening.

3. Ensuring that the conditional use will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity or diminish and impair property values within the surrounding neighborhood;

Response: The proposed retail service use is compatible with the existing retail shopping center and surrounding commercial properties and will not be injurious or diminish the property values of surrounding properties.

4. Ensuring that the conditional use will not increase local or state expenditures in relation to the cost of servicing or maintaining neighboring properties;

Response: Not applicable.

5. Ensuring that the conditional use will not impede the normal and orderly development of surrounding property for uses predominant in the area; and

Response: The proposed retail service use is compatible with the existing retail shopping center and will not impact the development of surrounding properties.

6. Ensuring that the location and character of the conditional use is considered to be consistent with a desirable pattern of development for the city, in general.

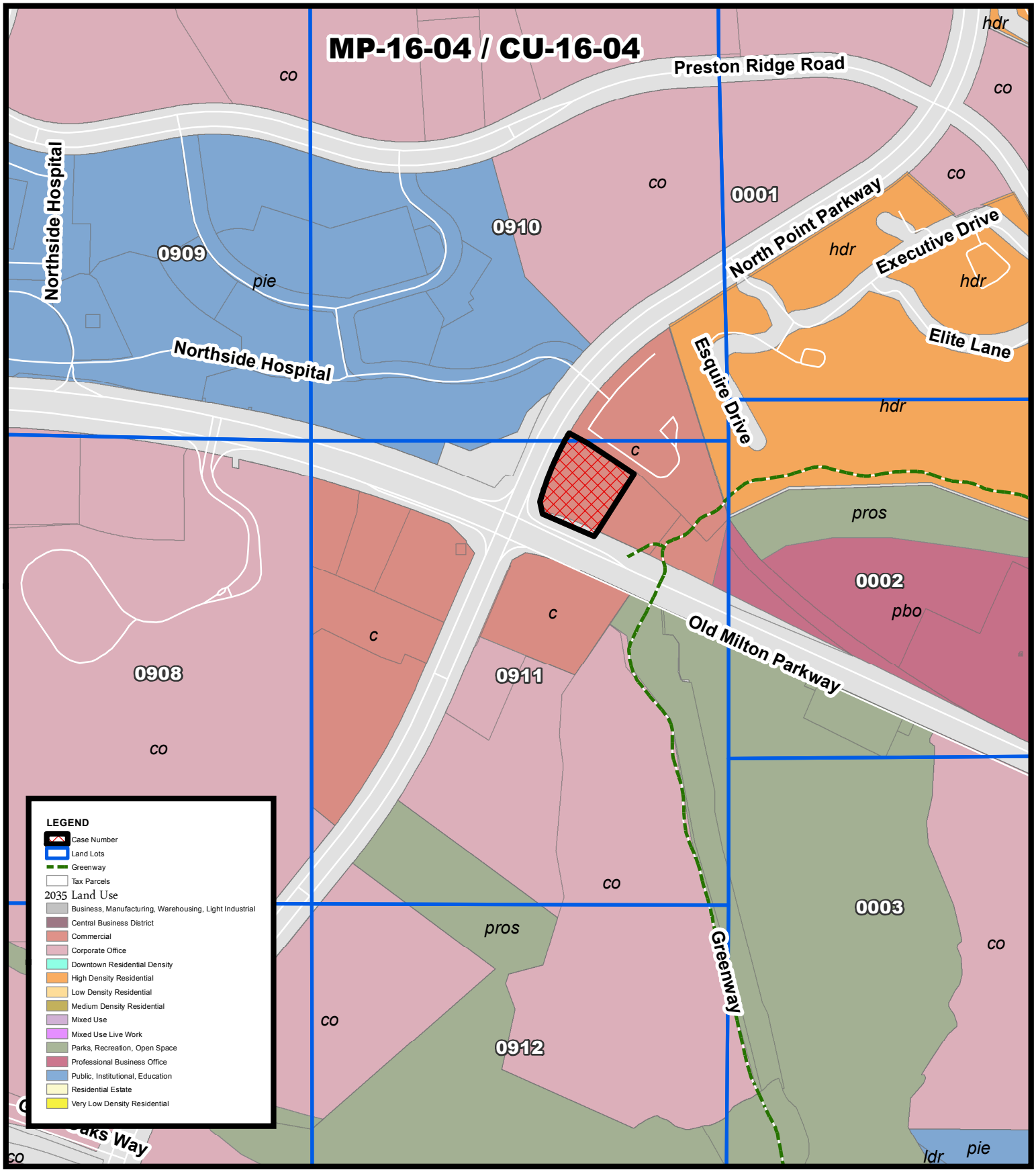
Response: The proposed retail service use is compatible with the character of the existing retail shopping center and the Old Milton Parkway commercial corridor.

CONCURRENCES

Staff's analysis finds that the requested conditional use and master plan amendment is not in conflict with the established standards and should have little impact on the area. The proposed use would be compatible with the surrounding retail uses and other locations for this business, which are similarly situated within retail shopping centers. However, conditions should be established as part of this application that regulate and limit an expansion of services.

CITIZEN PARTICIPATION PLAN

The report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent, as well as, notification of a public participation meeting. The report states that no comments were received.

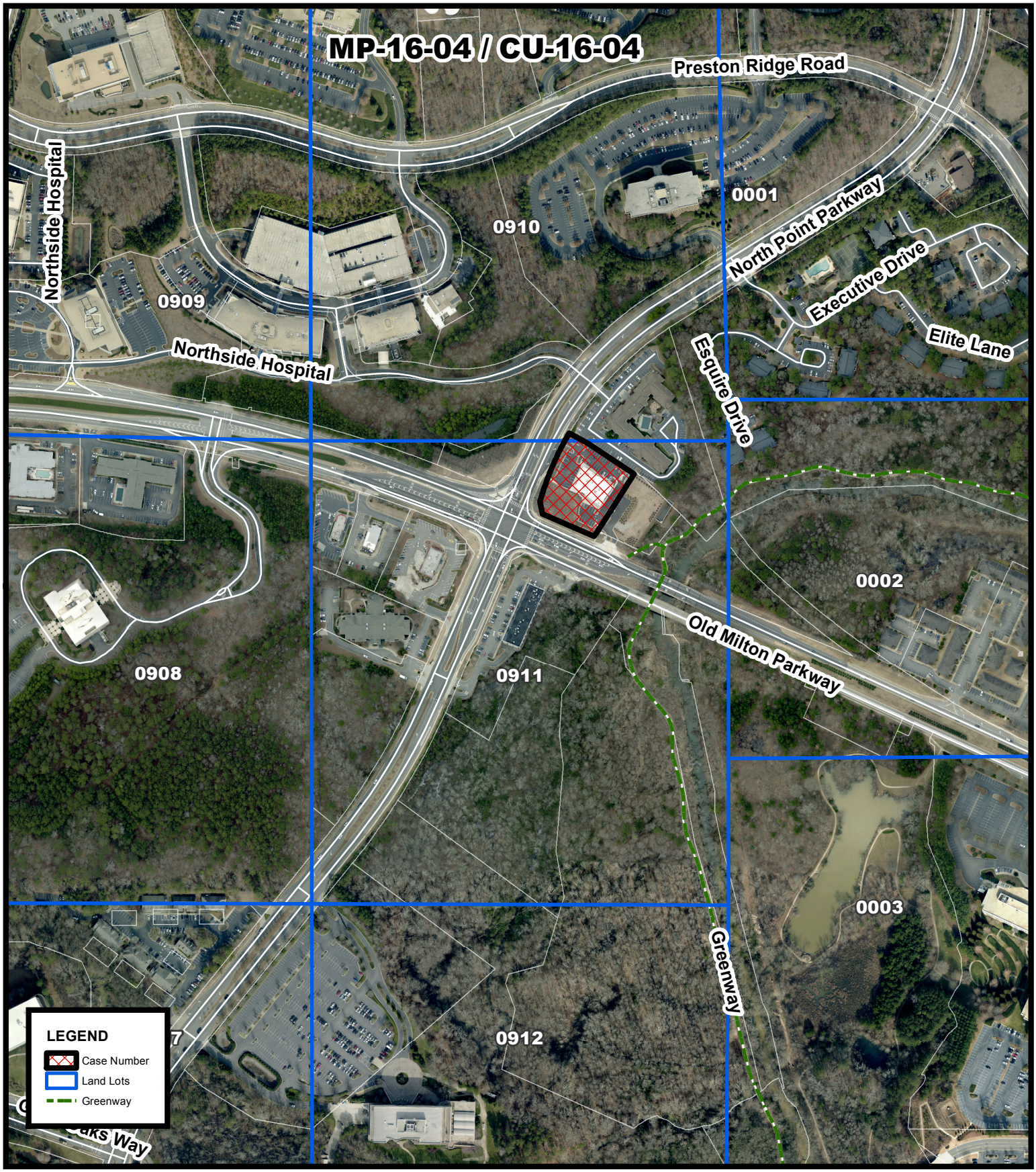


2035 Land Use
Nail Seasons
Twin Oaks/Preston Ridge

MP-16-04/ CU-16-04
D/LL: 1/2/910, 911
PC: 7/13/16
CC: 7/25/16

THE CITY OF ALPHARETTA GEORGIA

Location Map Provided by:
Community Development - GIS

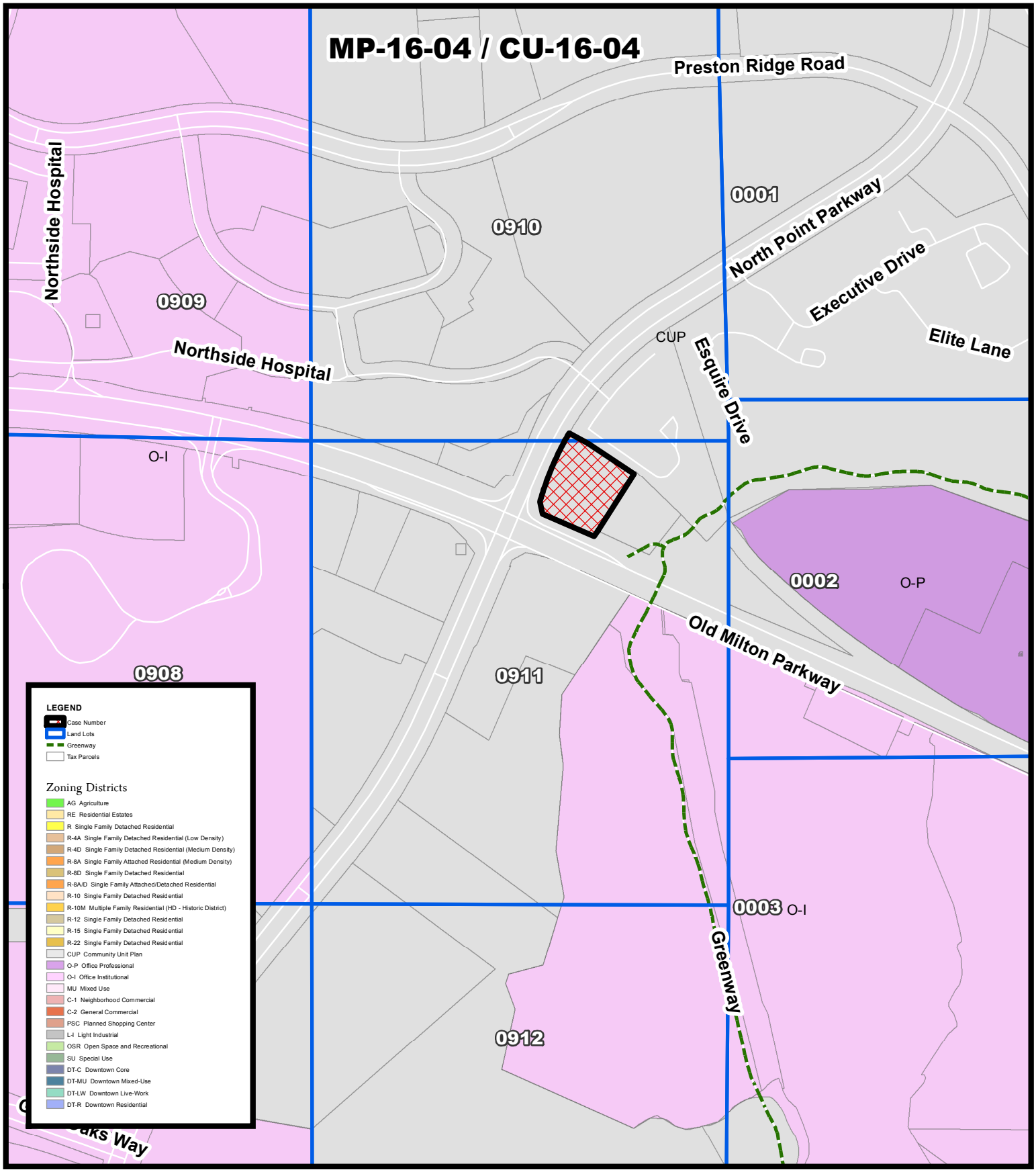


Aerial Map
Nail Seasons
Twin Oaks/Preston Ridge

MP-16-04/ CU-16-04
D/LL: 1/2/910, 911
PC: 7/13/16
CC: 7/25/16

THE CITY OF ALPHARETTA GEORGIA

Location Map Provided by:
Community Development - GIS

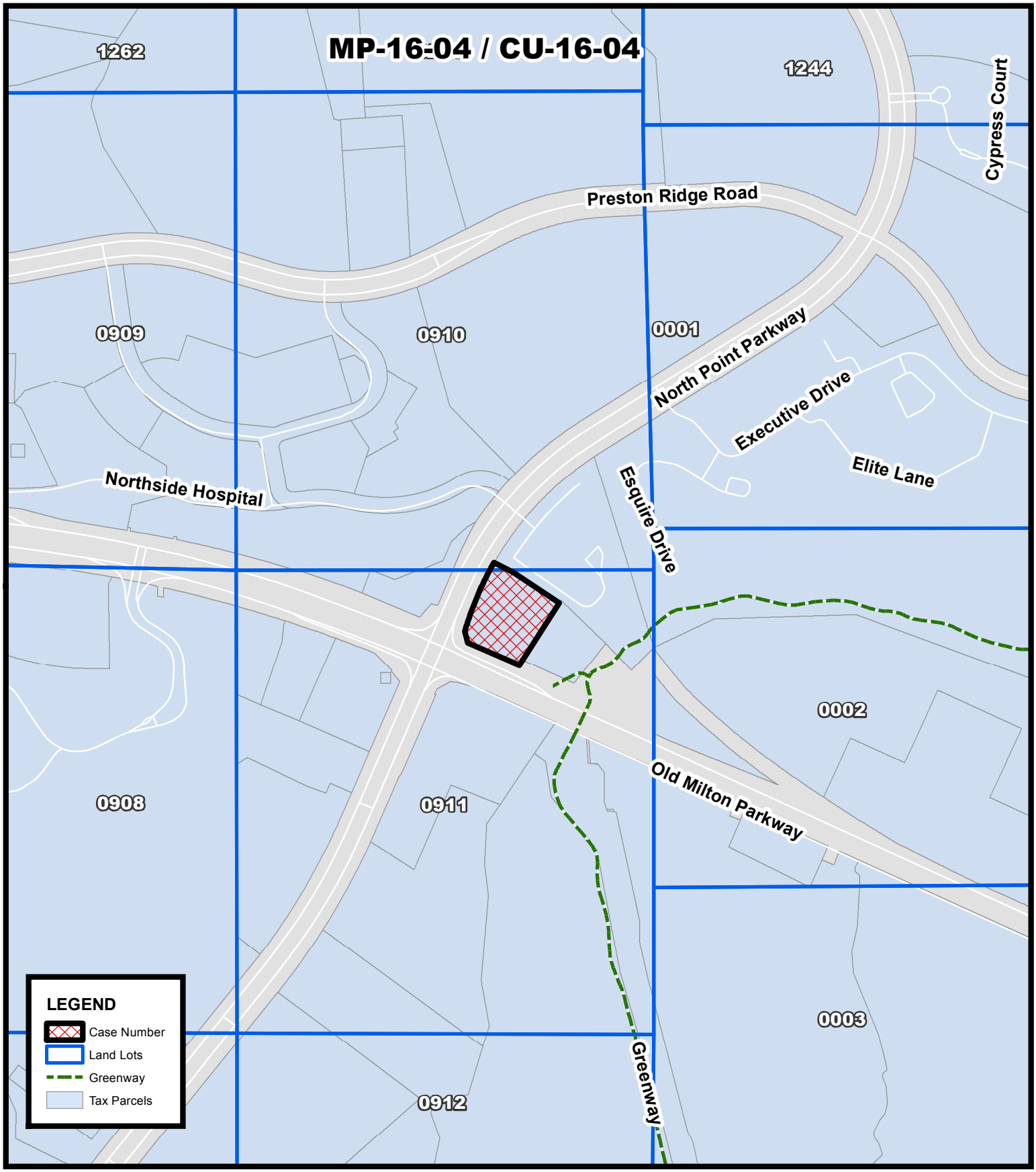


Zoning Map
Nail Seasons
Twin Oaks/Preston Ridge

MP-16-04/ CU-16-04
D/LL: 1/2/910, 911
PC: 7/13/16
CC: 7/25/16

THE CITY OF ALPHARETTA GEORGIA

Location Map Provided by:
Community Development - GIS



Location Map
Nail Seasons
Twin Oaks/Preston Ridge

MP-16-04/ CU-16-04
D/LL: 1/2/910, 911
PC: 7/13/16
CC: 7/25/16

THE CITY OF ALPHARETTA GEORGIA

Location Map Provided by:
Community Development - GIS

CITIZEN PARTICIPATION FORM - PART B

This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.

Public Hearing or Project Name: Nail Season and Tan, Inc.

Contact Name: Ethan Underwood Telephone: 770-781-4100

Please describe comments and concerns provided by any and all individuals contacted as part of the the Citizen Participation Program. If any individuals provided written correspondence, please attach copies of same to this report.

Public Participation Letters were mailed via certificate of mailing on May 27, 2016,notifying adjacent and nearby property owners of the proposed conditional use application. A copy of the public participation letter and a copy of the mailing receipts are attached hereto as Exhibit "A". A public participation meeting was held on June 6, 2016 at 6:30 PM at the North Park Adult Activity Center. A copy of the public participation sign-in sheet is attached hereto as Exhibit "B". A summary of the issues raised by adjoining property owners and the Applicant's response is attached hereto as Exhibit "C".

Method by which these individuals were contacted. Please mark all that apply. *Please provide samples of any and all written communications used to provide notification.*

- [x] Letter
- [ ] Personal Visits
- [ ] Telephone
- [x] Group Meeting
- [ ] Email
- [ ] Other *(Please Specify)* _____

Attach a list of people who have been notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified.

I, the undersigned, as an authorized representative of the applicant and Public Hearing item identified above, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Citizen Participation Form - Part B and in any and all documents provided in support of this report are true and accurate. I further understand that any false statements provided by representatives of the applicant as part of this report may result in penalties up to and including denial of the subject application.

Signature of Authorized Agent: _____ Date: June 8, 2016

Print Form

Exhibit “A”

Copies of the Public Participation Letters and Mailing Receipts

Miles Hansford & Tallant, LLC
ATTORNEYS AT LAW

202 Tribble Gap Road | Suite 200 | Cumming, Georgia 30040
770-781-4100 | www.mhtlegal.com

Ethan Underwood
eunderwood@mhtlegal.com

May 27, 2016

Re: Nail Season and Tan, Inc.-MP-16-04/CU-16-04

Dear Neighbors:

In an effort to foster community accord, Nail Seasons and Tan, Inc. (the "Applicant") would like to inform interested property owners that it has submitted a conditional use permit application to the City of Alpharetta.

A copy of the proposed site plan is enclosed. To facilitate this project, the Applicant is requesting:

1) a conditional use permit to allow a Nail Salon at 3450 Old Milton Parkway, Suite 100, Alpharetta, GA 30005
2) to amend a Master Plan affecting the property

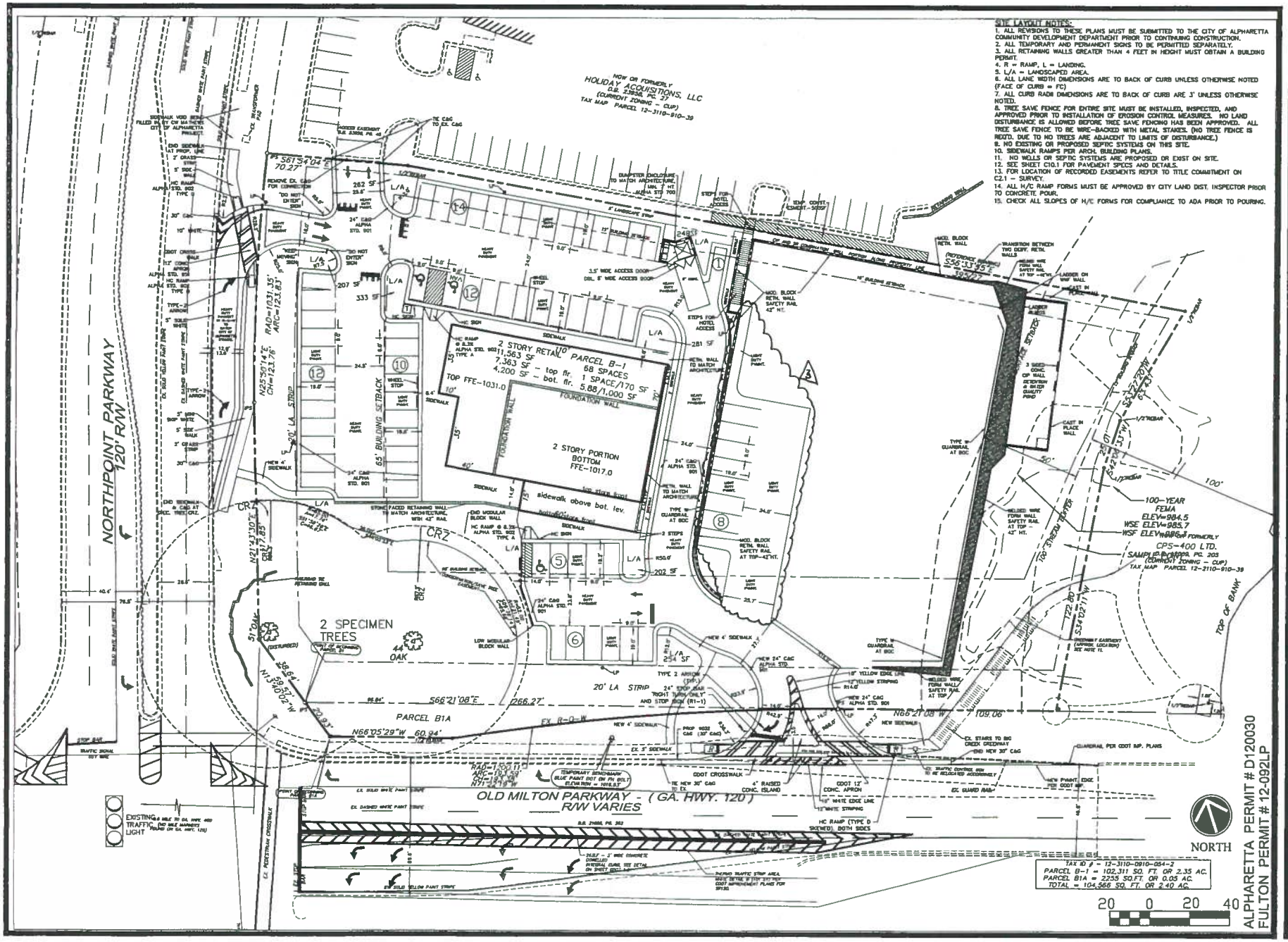
A public participation meeting with be held on June 6, 2016 at 6:30 P.M. at the North Park Adult Activity Center located at 13450 Cogburn Road, Alpharetta, Georgia 30004. This meeting is ***not*** the public hearing. Its purpose is to provide neighbors and interested parties the opportunity to meet with the Applicant, ask questions, and voice concerns regarding this application.

The Applicant is committed to keeping the public informed during the process of this application. If you have any questions, comments, or concerns, please contact us. When contacting our office, please reference Nail Seasons and Tan, Inc. – MP-16-04/CU-16-04 so that we may facilitate your request more efficiently.

Sincerely,

Ethan Underwood,
Attorney for the Applicant

Enclosure



ALPHARETTA PERMIT # D120030
FULTON PERMIT # 12-092LP

GEORGIA REGISTERED PROFESSIONAL ENGINEER

AEC
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50 Waters Springs Circle
Roswell • Georgia • 30075
(770)641-1940 • www.aecatl.com

SITE LAYOUT PLAN

TWIN OAKS Retail Center

ALPHARETTA, GEORGIA

NO.	REVISIONS	DATE
1	COUNTY & CITY COMMENTS	10/19/12
2	REMOVE BOLLARDS	1/7/13
3	ADDED 3 SPACES	1/11/13

PROJECT NO.- 12-3313
DRAWN- BDR
DESIGNED- BDR
CHECKED- RD
DATE- 7-31-12

C-3.0

Nail Seasons [14 Letters]

Name and Address of Sender

Check type of mail or service:

- ☐ Adult Signature Required
- ☐ Certified Mail
- ☐ COD
- ☐ Delivery Confirmation
- ☐ Express Mail
- ☐ Insured
- ☐ Adult Signature Restricted Delivery
- ☐ Recorded Delivery (International)
- ☐ Registered
- ☐ Return Receipt for Merchandise
- ☐ Signature Confirmation

Affix Stamp (If issued as certificate of or for additio copies of this Postmark a Date of Re

UNITED STATES POSTAL SERVICE

0000

U.S. POSTAGE
PAID
CUMMING, GA
30040
MAY 27 16
AMOUNT
$5.04
R2304E106735-18

CUMMING GA
MAY 27 2016
USPS 30040-9998

Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	Postage	Fee	R ee
1.	CNL RETIREMENT EDEN2 A PACK LP Or Current Property Owner 2235 FARADAY AVE STE O CARLSBAD CA 92009	0.46 5		
2.				
3.	CREF PR OFFICE LLC Or Current Property Owner 150 S WACKER DR STE 350 CHICAGO IL 60606	0.46 5		
4.	DREW & CO Or Current Property Owner 3610 CHAMBLEE TUCKER RD ATLANTA GA 30341	0.46 5		
5.				
6.	EMPYREAN LLC Or Current Property Owner 178 SOUTH MAIN ST STE 250 ALPHARETTA GA 30009	0.46 5		
7.	FEDERAL INVESTMENT PROPERTY CORP Or Current Property Owner 2575 PEACHTREE RD # #24E ATLANTA GA 30305	0.46 5		
8.				

Total Number of Pieces Listed by Sender: 5

Total Number of Pieces Received at Post Office

Postmaster, Per (Name of receiving employee)

Complete by Typewriter, Ink, or Ball Point Pen

See Privacy Act Statement on Reverse

Name and Address of Sender

Check type of mail or service:

- ☐ Adult Signature Required
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail
- ☐ Recorded Delivery (International)
- ☐ COD
- ☐ Registered
- ☐ Delivery Confirmation
- ☐ Return Receipt for Merchandise
- ☐ Express Mail
- ☐ Signature Confirmation
- ☐ Insured

Affix Stamp Here
(If issued as a certificate of mailing or for additional copies of this bill)
Postmark and Date of Receipt

Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	Postage	Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	DC Fee	SC Fee	SH Fee	RD Fee	RR Fee
1.	GREENSTONE PRESTON RIDGE LP Or Current Property Owner 3330 CUMBERLAND BLVD # 475 ATLANTA GA 30339	0.46 5												
2.	HOSPITAL AUTH OF FULTON COUNTY Or Current Property Owner 960 JOHNSON FERRY RD NE STE 335 ATLANTA GA 30342	0.46 5												
3.	HPT IHG PROP TRUST Or Current Property Owner P.O. BOX 56607 ATLANTA GA 30343	0.46 5												
4.	MCDONALDS USA LLC Or Current Property Owner 9335 CHANDLER BLUFF ALPHARETTA GA 30022 6219	0.46 5												
5.	NORTH POINT OAKS LLC Or Current Property Owner 605 LINCOLN RD STE 320 MIAMI FL 33139	0.46 5												
6.	OLD MILTON INVESTMENT PROPERTY LLC Or Current Property Owner 4941 PIPPEN DR ACWORTH GA 30101	0.46 5												
7.														
8.														

Total Number of Pieces Listed by Sender: 6

Total Number of Pieces Received at Post Office:

Complete by Typewriter, Ink, or Ball Point Pen

See Privacy Act Statement on Reverse

Name and Address of Sender

Check type of mail or service:

- ☐ Adult Signature Required
- ☐ Adult Signature Restricted Delivery
- ☐ Certified Mail
- ☐ Recorded Delivery (International)
- ☐ COD
- ☐ Registered
- ☐ Delivery Confirmation
- ☐ Return Receipt for Merchandise
- ☐ Express Mail
- ☐ Signature Confirmation
- ☐ Insured

Affix Stamp Here
(If issued as a certificate of mailing or for additional copies of this bill)
Postmark and Date of Receipt

Article Number	Addressee *(Name, Street, City, State, & ZIP Code™)*	Postage	Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	DC Fee	SC Fee	SH Fee	RD Fee	RR Fee
1.	PRESTON RIDGE ASSOCIATION INC Or Current Property Owner 3330 CUMBERLAND BLVD SE STE 475 ATLANTA GA 30339 5997	0.46 5												
2.	SCHLOTZSKYS STORES LLC Or Current Property Owner 3520 PIEDMONT RD NE STE 410 ATLANTA GA 30305 1512	0.46 5												
3.	VESTA MOORE LLC Or Current Property Owner 9850 ROD RD ALPHARETTA GA 30022	0.46 5												
4.														
5.														
6.														
7.														
8.														

Total Number of Pieces Listed by Sender: 3

Total Number of Pieces Received at Post Office

Postmaster, Per *(Name of receiving employee)*

Complete by Typewriter, Ink, or Ball Point Pen

See Privacy Act Statement on Reverse

Exhibit "B"

Public Participation Sign-In Sheet

Public Participation Meeting
Sign In Sheet for
Nail Seasons and Tan, Inc.
June 6, 2016 at 6:30 p.m.

Name:	Address:	Phone #:	Email:
Ethan Underwood			
Brian Tran			

Exhibit "C"
Summary of the Issues/Questions Raised and the Applicant's Responses during the Public Participation Meeting

None.

5/2/2016

MP-16-04
CU-16-04

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: _____

☐ Fee Paid Initial: _____

COMMUNITY DEVELOPMENT DEPARTMENT • 2 PARK PLAZA • ALPHARETTA, GA 30009

1. This page should be the first page in each of your completed application packets.
2. It is preferred that all responses be typed. Illegible applications will not be accepted.
3. Prior to signing and submitting your application, please check all information supplied on the following pages to ensure that all responses are complete and accurate. Incomplete applications will not be accepted.
4. Payment of all applicable fees must be made at the time of application. Payment may be made via cash, credit card (American Express, Master Card or Visa), or check made payable to "City of Alpharetta."
5. Applications will be accepted only on the designated submittal dates between the hours of 8:30 AM and 3:30 PM.
6. If you have any questions regarding this form, please contact the Community Development Department by calling 678-297-6070.

Contact Information:

Contact Name: Miles Hansford and Tallant, LLC - J. Ethan Underwood Telephone: 770-781-4100

Address: 202 Tribble Gap Road Suite: 200

City Cumming State: GA Zip: 30040 Fax: 770-781-9191

Mobile Tel: _____ Email: eunderwood@mhtlegal.com

Subject Property Information:

Address: 3450 Old Milton Parkway, Suite 100, Alpharetta, GA 30005 Current Zoning: CUP

District: 1 Section: 2 Land Lot: 911 Parcel ID: 12 311009100807

Proposed Zoning: CUP Current Use: Retail Center

This Application For *(Check All That Apply)*:

☒ Conditional Use

☐ Rezoning

☐ Variance

☐ Comprehensive Plan Amendment

☐ Master Plan Amendment

☐ Master Plan Review

☒ Public Hearing

☐ Other *(Specify)*: _____

Applicant Request And Intent

What is the proposed use(s) of the property?

Nail Salon

Applicant's Request (Please itemize the proposal):

a) Conditional Use Permit to allow use of property as a Nail Salon.

Applicant's Intent *(Please describe what the proposal would facilitate)*:

The Applicant seeks to use Suite 100 of the Subject Property as a Nail Salon.

MP-16-04

~~5/2/2016~~ ~~CU-16-04~~

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: VESTA MOORE LLC Telephone: 770-740-1554

Address: 9580 ROD RD Suite:

City ALPHARETTA State: GA Zip: 30022 -

Authorization:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of Fulton County, Georgia, of the property identified below, which is the subject of the attached Application for Public Hearing before the City of Alpharetta, Georgia.

As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Public Hearing in request of the items indicated below.

- ☐ Annexation
- ☐ Special Use
- ☐ Rezoning
- ☒ Conditional Use
- ☐ Variance
- ☐ Master Plan
- ☐ Land Use Application
- ☐ Other

Identify Authorized Applicant:

Name of Authorized Applicant: Nail Seasons and Tan, Inc. Telephone: 678-982-7153

Address: 4305 State Bridge Road #106 Suite: 106

City Alpharetta State: GA Zip: 30022 -

So Sworn and Attested:

Owner Signature: Date: 4/28/2016

Notary:

Notary Signature: Date: 4/28/2016

RAQUEL S STARNES
NOTARY PUBLIC
FORSYTH COUNTY, GEORGIA
MY COMMISSION EXPIRES MAY 2, 2017

May 2, 2017

DISCLOSURE FORM

The Official Code of Georgia Annotated requires disclosure of campaign contributions to government officials by an applicant or opponent of a rezoning or public hearing petition (O.C.G.A. 36-67 A-1).

Applicants must file this form with the City of Alpharetta Community Development Department within ten (10) days after filing for rezoning or public hearing. Opponents to a rezoning or public hearing petition must file this form five (5) days prior to the Planning Commission meeting at which the subject rezoning or public hearing petition is scheduled to be heard.

Name of Applicant or Opponent: _____

Subject Public Hearing Case: _____

Campaign Contribution Information:

Please provide the requested information for each contribution with a dollar amount or value of $250 or more made within the past two (2) years to an Alpharetta Official by the individual identified above. Please use a separate form for each Alpharetta Official to whom such a contribution as been made.

If the individual identified above has made no such contributions to an Alpharetta Official within the past two (2) years, please indicate this by entering "N/A" on the appropriate lines below.

Name of Official: N/A Position: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Description of Contribution: _____ Value: _____

Campaign Contribution Information:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Disclosure Form is true and accurate and that I have disclosed herein any and all campaign contributions made to an Official of the City of Alpharetta, Georgia in accordance with O.C.G.A. 36-67 A-1.

Signature: Brian Date: 4/26/2016

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

The Subject Property is located within a retail center, and will be a compatible use for surrounding retailers.

How will this proposal affect the use and value of the surrounding properties?

The proposed use will increase the usability and value of surrounding properties by increasing commercial traffic and potential consumers, creating a synergistic increase in commerce for area businesses.

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.

Suite 100 of the Subject Property is vacant commercial space, implying that there is not another reasonable economic of this property without approval of the conditional use permit for the proposed nail salon.

What would be the increase to population and traffic if the proposal were approved?

As the Subject Property will be a commercial use, any increase to population would be due to relocation of employees to the Alpharetta area. The proposed nail salon will increase traffic to the area, as projected in the Trip Generation Report, incorporated with this Application.

What would be the impact to schools and utilities if the proposal were approved?

The proposed commercial use will have no impact on schools, other than due to relocation of employees to the Alpharetta area. The projected impact on utilities will be in keeping with projected growth.

How is the proposal consistent with the Alpharetta Comprehensive Plan; particularly the Future Land Use Map?

The Subject Property is located in the Old Milton Corridor character area of the Alpharetta 2030 Comprehensive Plan. The subject property is depicted as Commercial on the Future Development Map. As such, the proposed use complies with both the letter and intent of the Comprehensive Plan.

Are there existing or changing conditions which affect the development of the property and support the proposed request?

With the introduction of the Avalon project, the commercial makeup of the North Point Mall area is adapting and strengthening with adjusted tenant mix and new uses occupying vacant commercial space. The Applicant's proposed conditional use permit is required to facilitate these changing conditions.

On a separate sheet or sheets, please provide any information or evidence that supports your request and the statements that you have provided in this application.

Citizen Participation Form - Part A

This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.

Public Hearing or Project Name: Nail Seasons and Tan, Inc.

Contact Name: Miles Hansford and Tallant, LLC - J. Ethan Underwood Telephone: 770-781-4100

The following people will be notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified. Use additional pages as needed.

Owners of properties located w/i 500 ft of Subject Property	Affected government departments
City Officials	Interested parties noted on list provided by City

Method by which these individuals will be contacted. Please mark all that apply. *If you select "Other," please provide a description of the method of contact that will be used.*

- [x] Letter
- [ ] Personal Visits
- [ ] Telephone
- [x] Group Meeting
- [ ] Email
- [ ] Other *(Please Specify)* _____

Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

The Applicant will notify interest parties of and conduct a public participation meeting to discuss the application. The Applicant will contact any other persons of whom it becomes aware have an interest in the application. Interested parties are encouraged to contact the Applicant via telephone, email, letter, and personal meetings to discuss the application.

5/2/2016

MP-16-04
CU-16-04

Miles Hansford & Tallant, LLC
ATTORNEYS AT LAW

202 Tribble Gap Road | Suite 200 | Cumming, Georgia 30040
770-781-4100 | www.mhtlegal.com

Ethan Underwood
eunderwood@mhtlegal.com

LETTER OF INTENT FOR LAND USE APPLICATION

Re:	**Applicant:**	**Nail Seasons and Tan, Inc.**
	Subject Property:	**0.932 Acres Designated as Fulton County Tax Parcel(s): 12 311009100807**
	Current Zoning:	**CUP**
	Proposed Zoning:	**CUP with Conditional Use Permit**
	Proposed Use:	**Nail Salon**
	ROW Access:	**Old Milton Parkway & North Point Parkway**

This statement is intended to comply with the application procedures established by The City of Alpharetta, GA for submittal of applications for land use approval as required by the City of Alpharetta Unified Development Code (the "UDC"), City of Alpharetta Public Hearing Application Requirements, and other City of Alpharetta Ordinances and Standards and is intended to serve as the letter of intent required by the UDC and to reserve all constitutional and statutory protections available to the Applicant. The Applicant has filed a timely application, has provided all required information and has submitted the appropriate application fees. The application meets all judicial and statutory requirements for approval.

The Applicant asserts the statements contained in the application package submitted herewith, incorporated herein by reference, and as may be amended (the "Application") describing justification for the requested zoning and for any request of variances, in any, as if such were fully stated herein. The Applicant incorporates all statements made in the Public Hearing Application submitted concurrently herewith as its letter of intent required by the City of Alpharetta.

The Applicant seeks to develop a Nail Salon on the Subject Property. The Proposed Use and the requested conditional use permit will only be utilized for Suite 100 of the Subject Property.

The Subject Property is located in the Old Milton Corridor character area of the Alpharetta 2030 Comprehensive Plan. The subject property is depicted as Commercial on the Future Development Map. As such, the Proposed Use complies with both the letter and intent of the Comprehensive Plan.

Accordingly, the Applicant respectfully requests that the Application, as requested by the Applicant, be approved. The Applicant also reserves the right to amend this statement and the Application by supplementing further responses and documents.

Sincerely,

Ethan Underwood

Ethan Underwood

5/2/2016

MP-16-04
CU-16-04

Miles Hansford & Tallant, LLC
ATTORNEYS AT LAW

202 Tribble Gap Road | Suite 200 | Cumming, Georgia 30040
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Ethan Underwood
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RESERVATION OF CONSTITUTIONAL AND LEGAL RIGHTS

Re:	**Applicant:**	**Nail Seasons and Tan, Inc.**
	Subject Property:	**0.932 Acres Designated as Fulton County Tax Parcel(s): 12 311009100807**
	Current Zoning:	**CUP**
	Proposed Zoning:	**CUP with Conditional Use Permit**
	Proposed Use:	**Nail Salon**
	ROW Access:	**Old Milton Parkway & North Point Parkway**

This Reservation of Constitutional and Other Legal Rights ("the Reservation") is intended to supplement and form a part of the land use application (including any request for zoning, conditional use permit and variances)(the "Application") of the Applicant and the owners of the Subject Property and to put the City of Alpharetta on notice of the Applicant's assertion of its constitutional and legal rights.

The Applicant has filed a timely application, has provided all required information and has submitted the appropriate application fees. The application meets all judicial and statutory requirements for approval.

The Current Zoning of the Subject Property is unconstitutional in that it affords no reasonable use of the Subject Property and no resulting benefit to the public from designation under this zoning classification. The Applicant and the owners of the Subject Property have filed the Application to remedy this unconstitutionality.

A refusal by the City of Alpharetta to approve the Application, as requested by the Applicant, will impose a disproportionate hardship on the Applicant and owners of the Subject Property without benefiting any surrounding property owners. There is no reasonable use of the Subject Property under any other zoning classification and no resulting benefit to the public from designation to any other classification.

Any provisions in the City of Alpharetta Unified Development Code (the "UDC") that classify, or may classify, the Subject Property into any non-requested zoning classification or zoning classification that does not permit the Proposed Use as a matter of right, or at a density less than as requested by the Applicant, are, or will be, unconstitutional in that they will constitute a taking of the Applicant's and owners' property rights without first paying fair, adequate, and just compensation for such rights in violation of Article I, Section III, Paragraph I of the Georgia Constitution of 1983, as amended, and the Fifth and Fourteenth Amendments to the Constitution of the United States.

The Subject Property is suitable for development under the Proposed Zoning district requested by the Applicant and it is not suitable for development under any other zoning classification, including without limitation the Current Zoning category of the Subject Property, or at a density or use less than that requested by the Applicant. A denial of the Application, as requested by the Applicant, will constitute an arbitrary and capricious act by the City of Alpharetta without any basis for such, and will constitute an abuse of discretion

in violation of Article I, Section I, Paragraph I of the Georgia Constitution of 1983, as amended and the Due Process Clause of the Fifth and Fourteenth Amendments to the Constitution of the United States.

A refusal by the City of Alpharetta to approve the Application, as requested by the Applicant, will prohibit the only viable economic use of the Subject Property, will be unconstitutional and will discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owner and the owners of similarly situated properties in violation of Article I, Section I, Paragraph II of the Georgia Constitution of 1983, as amended and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

The City of Alpharetta cannot lawfully impose more restrictive standards on the Subject Property's development than are presently set forth in the UDC. To do so will constitute a taking of the Subject Property as set forth above, and also amount to an unlawful delegation of the Board's authority in response to neighborhood opposition, in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution of 1983, as amended. Any zoning conditions or other restrictions imposed on the Subject Property without the consent of the Applicant and property owners that do not serve to ameliorate the negative impacts of the development are invalid and void. As such, the Applicant and owners reserve the right to challenge any such zoning conditions and other restrictions. The Applicant and owners also reserve the right to challenge any unlawful exactions, whether they are in the form of illegal impact fees or otherwise.

Furthermore, this Reservation also constitutes an Ante Litem Notice pursuant to O.C.G.A. § 36-11-1, which places the City of Alpharetta and all other agents of the City on notice of the Applicant's and owners' intent to seek monetary damages and attorney's fees against the City of Alpharetta for any rezoning action, zoning condition, illegal impact fee and any other unlawful restrictions and exactions that are imposed on the Subject Property, the Applicant and the owners.

Finally, the Applicant and owners assert that the UDC, Future Development Map and Comprehensive Plan were not adopted in compliance with the laws or constitutions of the State of Georgia or of the United States, and a denial of the Applicant's request based upon provisions illegally adopted will deprive the Applicant and owners of due process under the law.

By filing this Reservation, the Applicant reserves all rights and remedies available to it under the United States Constitution, the Georgia Constitution, all applicable federal, state, and local laws and ordinances, and in equity.

The Applicant and owners respectfully request that this Application be approved as requested by the Applicant and in the manner shown on the Application, which is incorporated herein by reference. This Reservation forms an integral part of the Application, and we ask that the City of Alpharetta include this Reservation with the Applicant's other application documents. The Applicant and owners reserve the right to amend and supplement this Reservation at any time.

Sincerely,

Ethan Underwood

Ethan Underwood,
Attorney for the Applicant

5/2/2016

MP-16-04
CU-16-04

Miles Hansford & Tallant, LLC
ATTORNEYS AT LAW

202 Tribble Gap Road | Suite 200 | Cumming, Georgia 30040
770-781-4100 | www.mhtlegal.com

Ethan Underwood

May 2, 2016

Re:	**Applicant:**	**Nail Seasons and Tan, Inc.**
	Subject Property:	**0.932 Acres Designated as Fulton County Tax Parcel(s): 12 311009100807**
	Current Zoning:	**CUP**
	Proposed Zoning:	**CUP with Conditional Use Permit**
	Proposed Use:	**Nail Salon**
	ROW Access:	**Old Milton Parkway & North Point Parkway**

To Whom It May Concern:

Pursuant to Section 36-67A-3 of the Official Code of Georgia Annotated, adopted by the Georgia General Assembly, effective July 1, 1986, please be advised that Miles, Hansford & Tallant, LLC has given no campaign contributions to local officials of Alpharetta.

This letter constitutes the disclosure of campaign contributions with respect to the above-referenced application.

Sincerely,

Ethan Underwood

Ethan Underwood

Trip Generation Report

Land Use	Daily Total Vehicle Trips	A.M. Peak			P.M. Peak		
		In	Out	Total	In	Out	Total
Nail Salon	30	5	4	9	10	11	21

EXHIBIT "A"

LEGAL DESCRIPTION

All that tract or parcel of land lying and being located in Land Lot 911, District 1, Section 2, Fulton County, Georgia, within the City of Alpharetta, and being more particularly described as follows:

To find the TRUE POINT OF BEGINNING, commence at an iron pin set at the southerly end of the mitered intersection of the easterly right of way of Northpoint Parkway (a 120' R/W) and the northerly right of way of Old Milton Parkway (A.K.A. GA Hwy. 120, R/W varies); thence North 13 degrees 40 minutes 02 seconds West for a distance of 20.93 feet along said intersection miter to an iron pin set (1/2" R/B) and the TRUE POINT OF BEGINNING;

THENCE continuing along said intersection miter, North 13 degrees 40 minutes 02 seconds West for a distance of 38.64 feet to an iron pin set (1/2" R/B) at the northerly end of the mitered intersection;

THENCE North 21 degrees 43 minutes 30 seconds East for a distance of 117.85 feet along the east right of way line of Northpoint Parkway (a 120' R/W) to a point;

THENCE along the east right of way line of Northpoint Parkway (a 120' R/W), a curve to the right having a radius of 1031.36 feet and an arc length of 123.83 feet, being subtended by a chord of North 25 degrees 50 minutes 14 seconds East for a distance of 123.76 feet to an iron pin set (1/2" R/B);

THENCE leaving said east right of way line of Northpoint Parkway (a 120' R/W), South 61 degrees 54 minutes 04 seconds East for a distance of 70.27 feet to an iron pin found (1/2" R/B);

THENCE South 56 degrees 33 minutes 55 seconds East for a distance of 178.49 feet to an iron pin set (1/2" R/B);

THENCE South 33 degrees 26 minutes 05 seconds West for a distance of 239.88 feet to an iron pin set (1/2" R/B);

THENCE North 66 degrees 21 minutes 08 seconds West for a distance of 182.52 feet to an iron pin set (1/2" R/B) and the point of beginning.

Said property contains 1.348 acres and is more fully shown as Tract 1 on an As-Built Survey for Twin Oaks, by Brumbelow-Reese and Associates, Inc., dated July 2, 2014, bearing their job number 2014-072, and being identified as drawing TO-AB1.

Together with and subject to covenants, easements, and restrictions of record, including those set forth in that certain Cross Access, Utility and Sign Easement Agreement by and between CPS-400, Ltd. and Holiday Acquisitions, LLC, dated February 20, 1998, recorded in the Office of the Clerk of Superior Court of Fulton County, Georgia at Deed Book 23957, Page 37, and that certain Declaration of Easements and Restrictions by North Point Oaks, LLC, dated September 18, 2014, recorded at Deed Book 54177, Page 676 aforesaid records.

MP-16-04

CU-16-04

5/2/2016

SITE LAYOUT NOTES:

1. ALL REVISIONS TO THESE PLANS MUST BE SUBMITTED TO THE CITY OF ALPHARETTA COMMUNITY DEVELOPMENT DEPARTMENT PRIOR TO CONTINUING CONSTRUCTION.
2. ALL TEMPORARY AND PERMANENT SIGNS TO BE PERMITTED SEPARATELY.
3. ALL RETAINING WALLS GREATER THAN 4 FEET IN HEIGHT MUST OBTAIN A BUILDING PERMIT.
4. R = RAMP, L = LANDING.
5. L/A = LANDSCAPED AREA.
6. ALL LANE WIDTH DIMENSIONS ARE TO BACK OF CURB UNLESS OTHERWISE NOTED (FACE OF CURB = FC)
7. ALL CURB RADII DIMENSIONS ARE TO BACK OF CURB ARE 3' UNLESS OTHERWISE NOTED.
8. TREE SAVE FENCE FOR ENTIRE SITE MUST BE INSTALLED, INSPECTED, AND APPROVED PRIOR TO INSTALLATION OF EROSION CONTROL MEASURES. NO LAND DISTURBANCE IS ALLOWED BEFORE TREE SAVE FENCING HAS BEEN APPROVED. ALL TREE SAVE FENCE TO BE WIRE-BACKED WITH METAL STAKES. (NO TREE FENCE IS REQ'D. DUE TO NO TREES ARE ADJACENT TO LIMITS OF DISTURBANCE.)
9. NO EXISTING OR PROPOSED SEPTIC SYSTEMS ON THIS SITE.
10. SIDEWALK RAMPS PER ARCH. BUILDING PLANS.
11. NO WELLS OR SEPTIC SYSTEMS ARE PROPOSED OR EXIST ON SITE.
12. SEE SHEET C10.1 FOR PAVEMENT SPECS AND DETAILS.
13. FOR LOCATION OF RECORDED EASEMENTS REFER TO TITLE COMMITMENT ON C2.1 - SURVEY.
14. ALL H/C RAMP FORMS MUST BE APPROVED BY CITY LAND DIST. INSPECTOR PRIOR TO CONCRETE POUR.
15. CHECK ALL SLOPES OF H/C FORMS FOR COMPLIANCE TO ADA PRIOR TO POURING.

NORTH

20 0 20 40

ALPHARETTA PERMIT # D120030
FULTON PERMIT # 12-092LP

TAX ID # - 12-3110-0910-054-2
PARCEL B-1 = 102,311 SQ. FT. OR 2.35 AC.
PARCEL B1A = 2255 SQ.FT. OR 0.05 AC.
TOTAL = 104,566 SQ. FT. OR 2.40 AC.

GEORGIA REGISTERED No. 22056 PROFESSIONAL ARCHITECT

AEC

Civil Engineering · Land Planning · Landscape Architecture · Water Resources · Property Surveys · Aquatic Services

50 Warm Springs Circle
Roswell • Georgia • 30075
(770)641-1942 • www.aecatl.com

SITE LAYOUT PLAN

TWIN OAKS
Retail Center
ALPHARETTA, GEORGIA

NO.	REVISIONS	DATE
1	COUNTY & CITY COMMENTS	10/19/12
2	REMOVE BOUNDARIES	2/26/13
3	ADDED 3 SPACES	10/8/13

PROJECT NO. - 12-3313
DRAWN - BDR
DESIGNED - BDR
CHECKED - WB
DATE - 7-31-12

C-3.0

COUNCIL AGENDA REPORT

FROM: Kathi Cook, Community Development Director
Prepared By: Michael Woodman, Senior Planner

SUBJECT: MP-16-10/CU-16-05 iNails/North Point Village/Nail Salon & Spa Services

PLANNING COMMISSION: July 13, 2016
CITY COUNCIL: July 25, 2016

RECOMMENDATION:

Approve MP-16-10/CU-16-05 iNails/North Point Village/Nail Salon & Spa Services subject to the following conditions:

1. **'Nail Salon' and 'Spa Services' shall be added as a conditional use at 7300 North Point Pkwy, Suite 104A.**
2. **Conditional use approval shall be limited to the iNails Salon & Spa; no additional nail salon/spa businesses or subleasing shall be permitted within the approved space.**
3. **Hours of operation shall be limited to Monday through Saturday from 9:30 AM to 8:00 PM and Sunday 12:00 PM to 6:00 PM.**
4. **Neon window signage within the permitted 20% shall be limited to one 'OPEN' sign.**

REPORT-IN-BRIEF

The applicant, iNails Salon & Spa, is requesting a conditional use permit and master plan amendment to allow 'Nail Salon' and 'Spa Services' for a business located at 7300 North Point Parkway, Suite 104A (North Point Village I).

DISCUSSION

The submitted request, if approved, will permit the applicant to provide nail salon services in a 3,295 square foot suite within an existing shopping center. In addition to a nail salon, the applicant's business also offers services such as facials, waxing, and massage.

The subject property is located on the south side of North Point Parkway, just west of Encore Parkway. The property is zoned PSC (Planned Shopping Center) and is located in Pod 6 of the Regency Park Master Plan, which allows 'Nail Salon' and 'Spa Services' as a conditional use.

Because the applicant provides massage and waxing services in addition to nail services, the use is also categorized as 'Spa Services'. Unified Development Code (UDC) Section 1.4.2 defines 'Spa Services' as follows:

> **"A business that provides services, which may include non-medical massage, other personal services such as skin, nail, hair treatments, and hair removal/waxing, and may have the sale of associated retail products. Such business shall be located within a retail center, shall not occupy more than 4,000 sq. ft. and shall not be closer than 2,000 ft. to a comparable business."**

There are no 'Nail Salon' uses in the North Point Village I shopping center and the nearest is located at 7391 North Point Parkway, which is approximately 1,150 feet away. Lucky Golden Touch provides massage services at 1000 North Point Circle (North Point Mall) and is located approximately 2,850 feet away from the subject property.

The applicant states that they have been in business for over 30 years and currently operate an iNails Salon & Spa location in the Perimeter Center area, located at 1165 Perimeter Center W, Suite 305, Sandy Springs, Georgia.

CONDITIONAL USE REVIEW CRITERIA

City staff has reviewed the applicant's request and compared it to the conditional use standards established in UDC Sec. 4.2.3 (B) which are as follows:

A conditional use otherwise permitted within a zoning district shall be considered to be compatible with other uses permitted in the district, provided that due consideration is given to the following objective criteria at a public hearing and satisfactory provisions or arrangements are made for:

1. Access into and out of the property with regard to traffic and pedestrian safety, volume of traffic flow, and emergency vehicles, as well as the type of street providing access;

Response: North Point Village I was developed in compliance with the development standards of a retail shopping center. The proposed retail service use will not have a significant impact on vehicular and pedestrian access.

2. The extent to which refuse areas, loading and service areas, off street parking, and buffers and screening are provided on the property;

Response: North Point Village I shopping center is in compliance with regard to refuse areas, loading and service areas, off-street parking, and buffers and screening.

3. Ensuring that the conditional use will not be injurious to the use and enjoyment of the environment or of other property in the immediate vicinity or diminish and impair property values within the surrounding neighborhood;

Response: The proposed retail service use is compatible with the existing retail shopping center and surrounding commercial properties and will not be injurious or diminish the property values of surrounding properties.

4. Ensuring that the conditional use will not increase local or state expenditures in relation to the cost of servicing or maintaining neighboring properties;

Response: Not applicable.

5. Ensuring that the conditional use will not impede the normal and orderly development of surrounding property for uses predominant in the area; and

Response: The proposed retail service use is compatible with the existing retail shopping center and will not impact the development of surrounding properties.

6. Ensuring that the location and character of the conditional use is considered to be consistent with a desirable pattern of development for the city, in general.

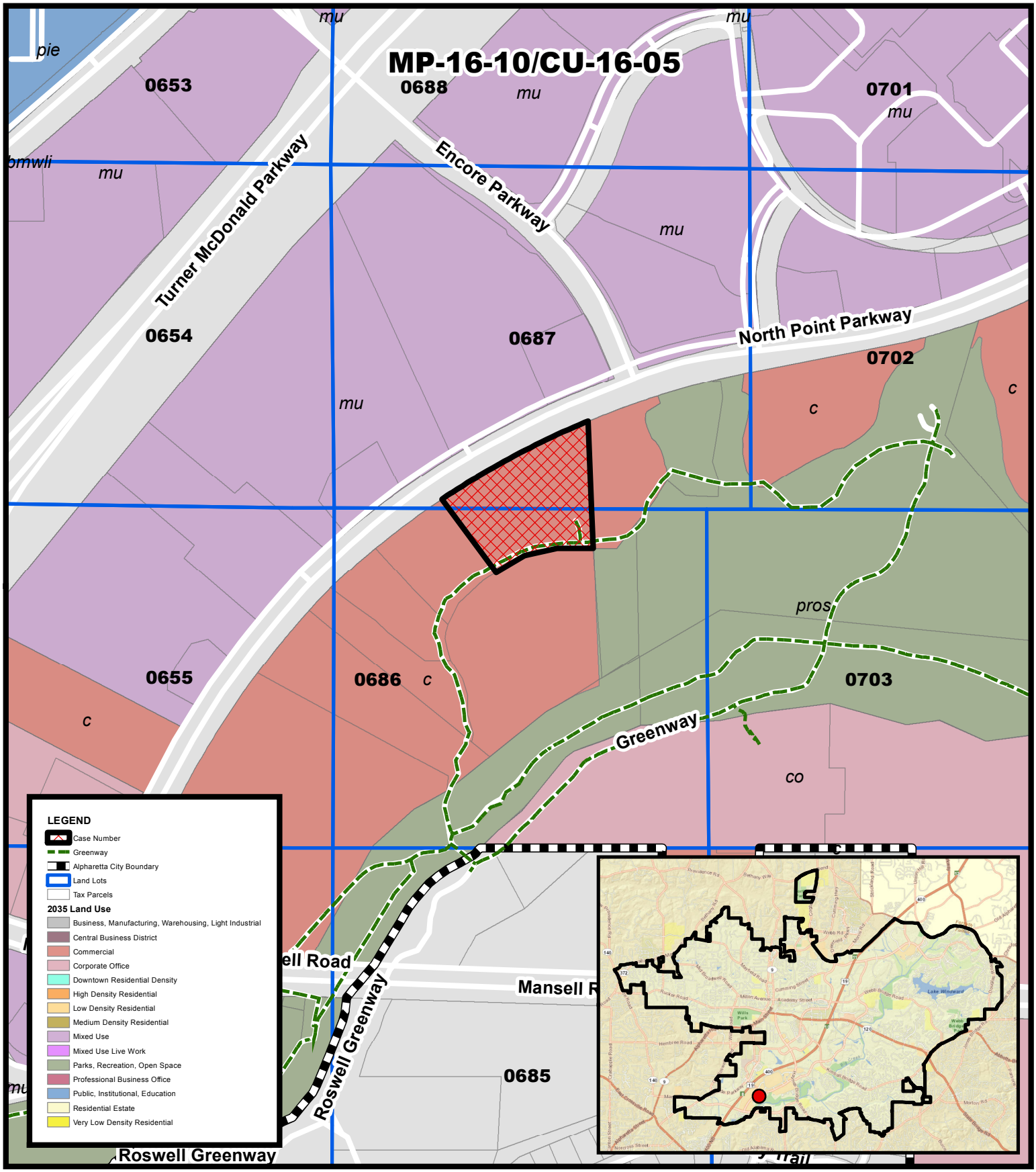
Response: The proposed retail service use is compatible with the character of the existing retail shopping center and is appropriately located within the North Point Parkway commercial corridor.

CONCURRENCES

Staff's analysis finds that the requested conditional use and master plan amendment is not in conflict with the established standards and should have little impact on the area. The proposed use would be compatible with the surrounding retail uses and other locations for this business, which are similarly situated within retail shopping centers. However, conditions should be established as part of this application that regulate and limit an expansion of services.

CITIZEN PARTICIPATION PLAN

The report submitted by the applicant states that letters were mailed to each property owner within 500' of the subject property stating the applicant's intent. The report states that no comments were received.

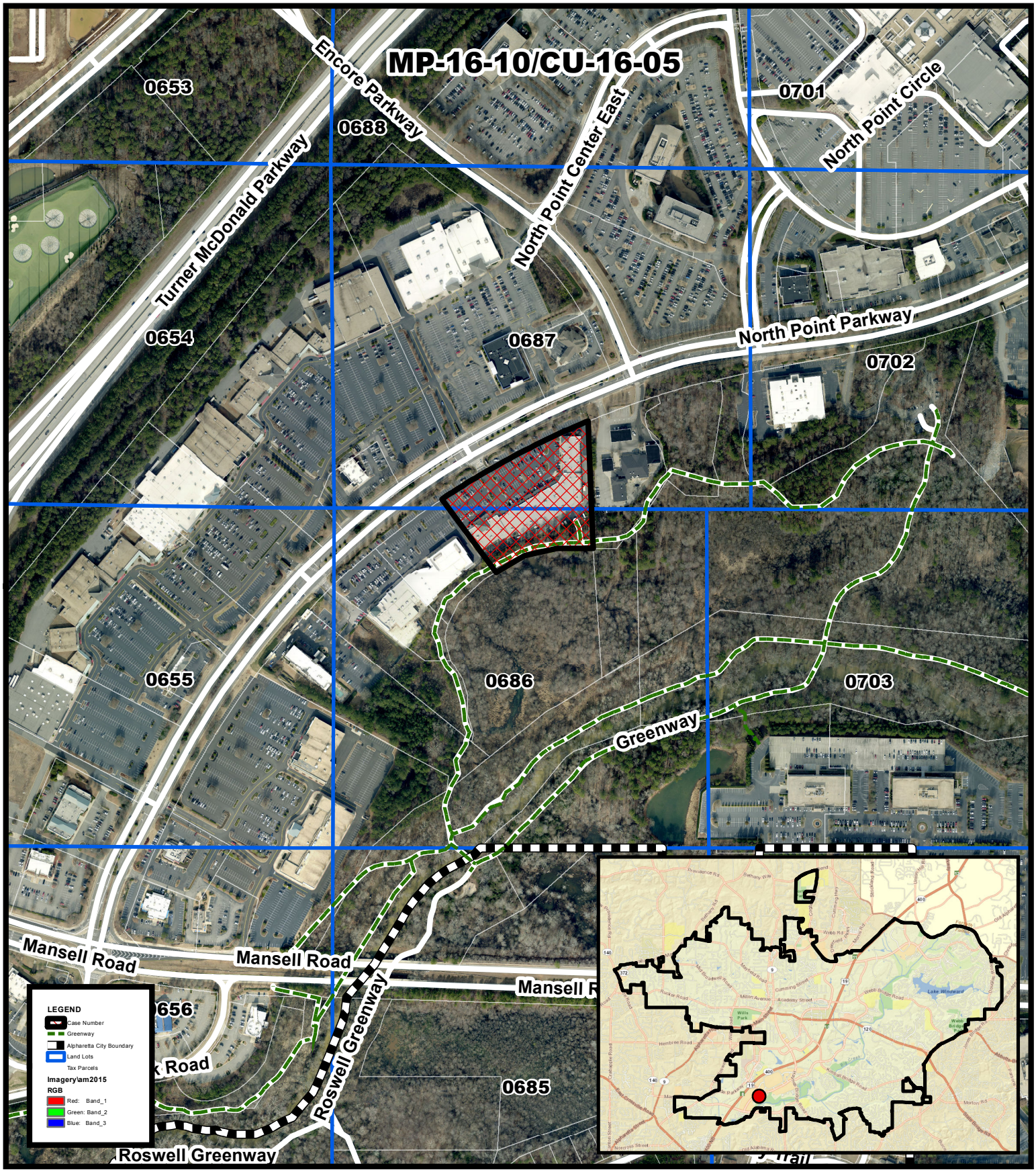


2035 Land Use
INails/Spa Services
7300 North Point Parkway

MP-16-10/CU-16-05
D/LL: 1/2/686, 687
PC: 07/13/16
CC: 07/25/16

THE CITY OF ALPHARETTA GEORGIA

Location Map Provided by:
Community Development - GIS

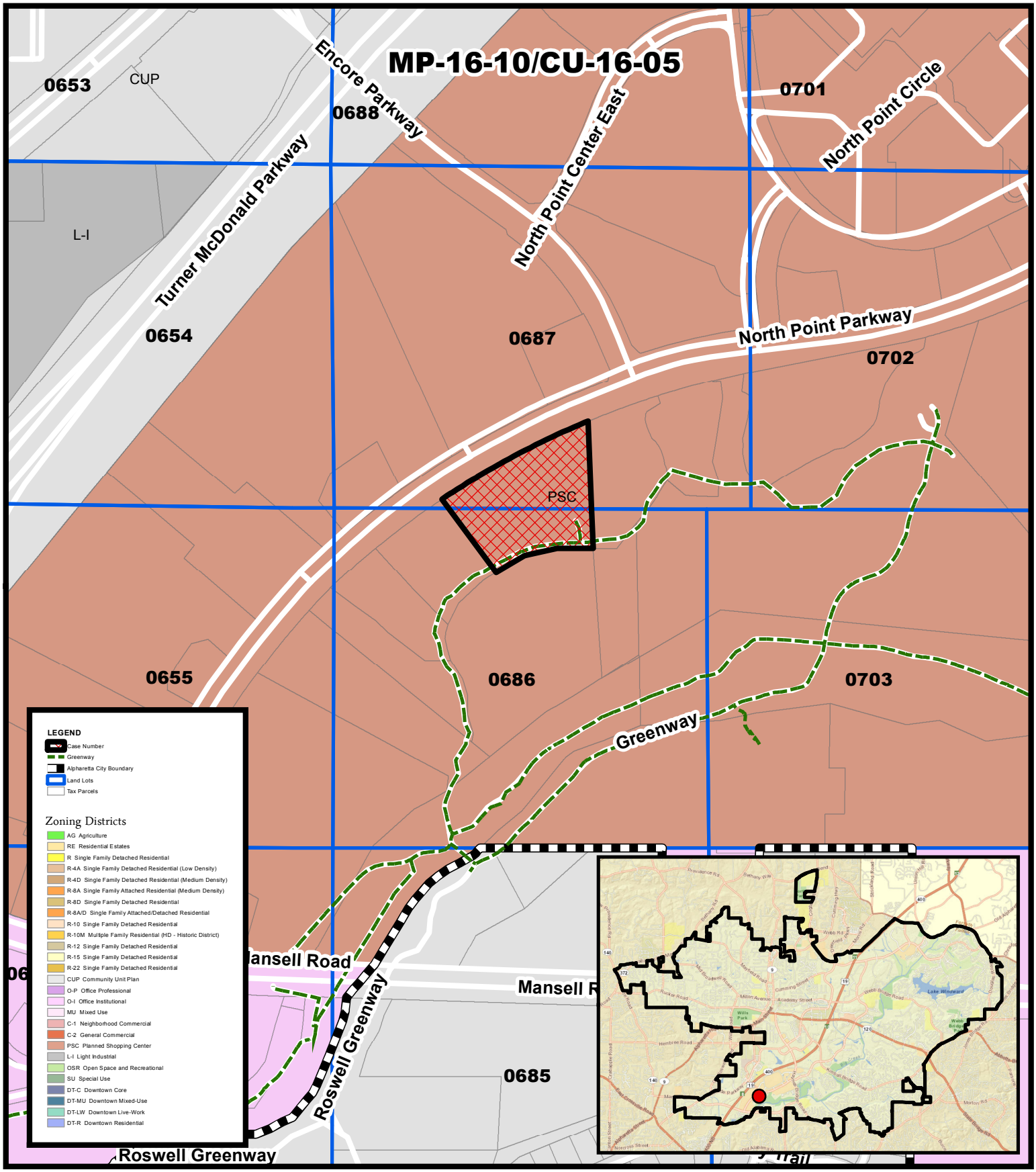


Aerial Map
INails/Spa Services
7300 North Point Parkway

MP-16-10/CU-16-05
D/LL: 1/2/686, 687
PC: 07/13/16
CC: 07/25/16

THE CITY OF ALPHARETTA GEORGIA

Location Map Provided by:
Community Development - GIS

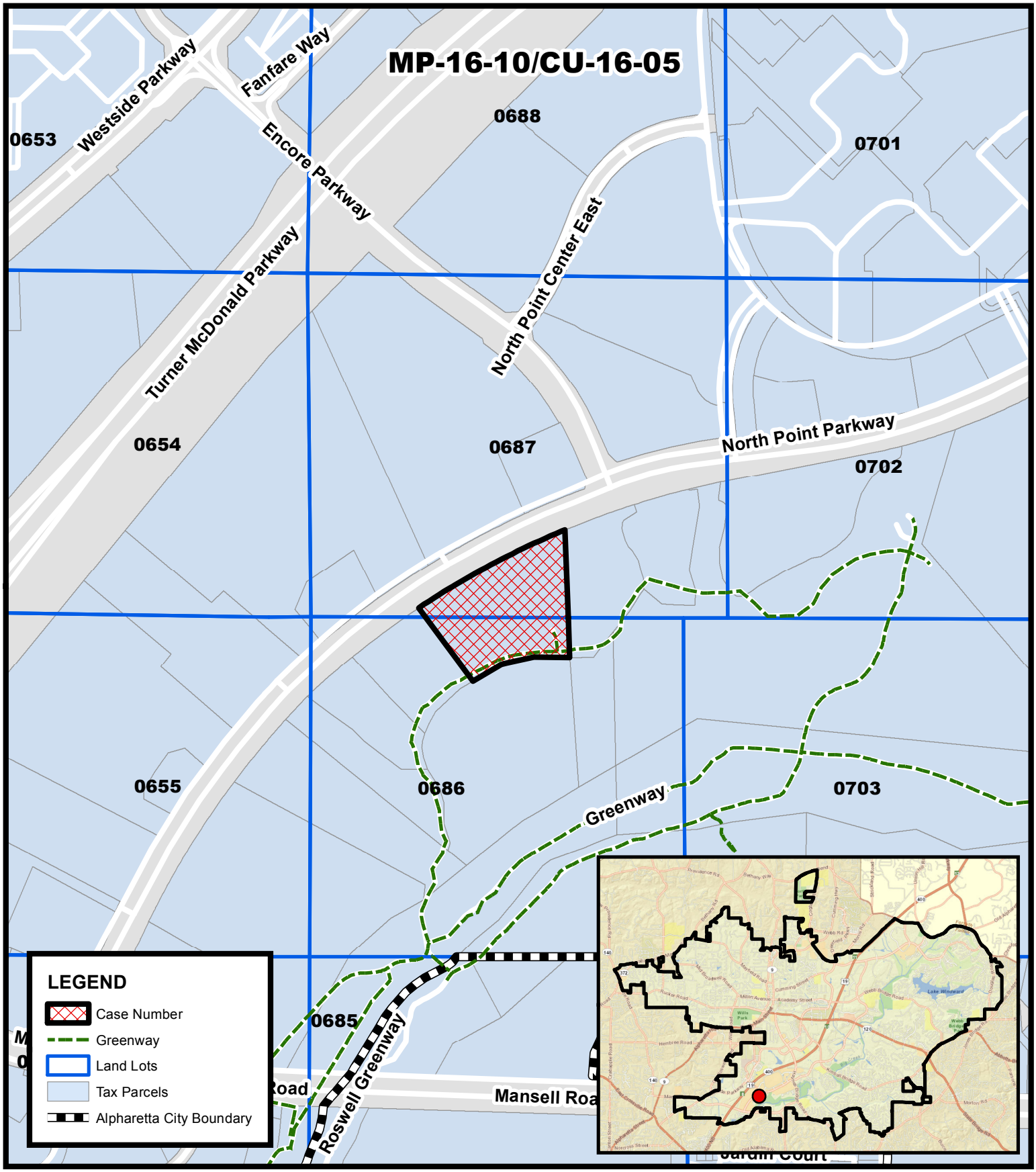


Zoning Districts
INails/Spa Services
7300 North Point Parkway

MP-16-10/CU-16-05
D/LL: 1/2/686, 687
PC: 07/13/16
CC: 07/25/16

THE CITY OF ALPHARETTA GEORGIA

Location Map Provided by:
Community Development - GIS



Location Map
INails/Spa Services
7300 North Point Parkway

MP-16-10/CU-16-05
D/LL: 1/2/686, 687
PC: 07/13/16
CC: 07/25/16

THE CITY OF ALPHARETTA GEORGIA

Location Map Provided by:
Community Development - GIS

inails Salon & Spa

Home Page

Welcome to I Nails Salon and Spa, where we offer Top of the line service at competitive prices conveniently located near Perimeter Mall. I Nails Salon and Spa offers a variety of services including Manicures, Pedicures, Facials, Massages, and Spa Treatment. Come experience our elegant and modern nail color choices, attention to detail and a clean, sanitary and our luxurious atmosphere and surroundings that will have you leaving like a new relaxed person. Our skilled and professional technician's will stop at nothing insuring that you are completely happy with the finished result. At I Nails Salon and Spa in Atlanta, we cater to our clients and we look forward to you experiencing our "Top of the line Service at competitive prices.

I Nails Salon and Spa also offers the latest all natural and organic SNS Nail also known as Signature Nail Systems. Call today and try the new all natural and organic nail system.

With over 200 of Gel Colors selection will fantasize your eyes: Shellac, OPI, Gelish and Perfect Match in addition to traditional nail polishes like Essie and OPI and Orly.

Experience the difference!

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inails Salon & Spa

Services

Enhancements

	Full Set	Fill-Ins
Pink & White (with Gel)	$45.95	$35.95
Pink only (with Gel)		$25.95
SNS (pink & white)	$45.95	$35.95
SNS (color)	$35.95	$25.95
Solar Nails (fullset)	$35.95	$25.95 up
Acrylic (clear)	$25.95	$17.95 up
Gel Nails (fullset)	$30.95	$20.95 up
Gel Manicure	$25.95	
Shellac Brand (with Manicure)	$28.95	
Spa Pedicure	$22.95 (add $5 for callus remover)	
Spa Manicure	$12.95	
Spa Manicure & Pedicure	$32.95	
Nail Repair	$3.49 up	
Nails Removal	$10.95	
Polish Change Hands	$6.49 up	
Polish Change Toe	$8.49 up	
French	$5.49	
Paraffin Treatment	$5.49	
Princess Polish (under 12yrs old)	$5.49	

wax.ppt
484.6 KB

Waxing

Brows	$8.49
Lip	$5.49
Sides	$15.95
Full Face	$30.95 up
Half Arm	$22.95 up
Full Arm	$37.95 up
Half Leg	$30.95 up
Full Leg	$55.95 up
Bikini Line	$30.95 up
Brazilian	$45.95 up
Underarms	$15.95 up
Back	$40.95 up
Chest	$25.95 up
Brow Tint	$20.95
Lash Tint	$25.95
Brow & Lash Tint (free eyebrow wax)	$46.95

Therapy Pedicure

This deeply relaxing pedicure can give you the confidence you want. With the natural sugar crystal scrub (this helps to reduce callus/banish dry skin). These are gentle scrubs that stimulates circulation as well as exfoliating dead skin from your leg and ending with a separate special moisturizer. It includes cooling mask to ease minor aches and pains. You'll feel new!

$35

Tropical Spa Pedicure

This pedicure is the perfect answer for dry, lackluster skin. Give yourself the healthy shine your skin deserves by picking your perfect scented sugar scrub (Lemon Dream, Grapefruit Surprise, Pomegranate Lime, Mandarin Honey, Exotic Mango, and Vanilla Wild Plum & Lime Zest). We also pamper you with massages, followed by sea salt and scrub that detoxifies skin cells, eliminate cellular debris and stimulates capillary circulation.

$40

Hot Stone Spa Pedicure

Using hot stones, we help to direct energy flow to area of blockage. This helps to harmonize, restore, rejuvenate and relax the body and mind. It includes sea salt and cooling mask.

$45

Green Tea Pedicure

This antioxidant-rich treatment focuses on skin renewal and protection from free radicals and premature aging. The pedicure includes a green tea soak, callus feet undergo gentle exfoliation, customized cuticle care, hydrating mud masque, moisture rich massage and finished with precision polishing.

$45

OPI Deluxe Spa Pedicure

The same as the regular spa pedicure, but we pamper you with massages, followed by sea salt and sugar scrub that detoxifies skin cells, eliminate cellular debris and stimulates capillary circulation. Our Salt scrub is made with 100% pure essential oils, has an intoxicating scent, and leaves your skin with a rich, supple glow. Also, it includes the OPI cooling mask with hot towels to ease minor aches and pains followed with polish of your choice and ending with a separate OPI moisturizer. You'll feel new!

$45

Cuccio Naturalé Pedicure

Milk & Honey

Cuccio Signature Spa Pedicure includes all the services of a regular pedicure also includes your choice of Cuccio Sea Salt Scrub: Milk and Honey(Soothing and Moisturizing), Pomegranate and Fig (Anti-Aging & Revitalizing), Papaya & Guava (Regenerating & Healing), Tuscan Citrus Herb & Clary Sage (Energizing & Balancing), Hot Towel Treatment, Menthol, Eucalyptus Oil with Vitamin A, C, D, E, and Milk Protein Body Butter treatment with an extra deep calf massage with foot stones if needed.

$45

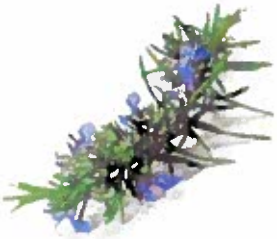
NAILS

Herbal Spa

Signature Stress Relief Pedi

$45

Our menu of herbal spa will help to harmonize, restore, rejuvenate, and relax the body and mind. With our 14 different kinds of herbs senses, you will experience the difference. Stress relief.



NAILS

Body massage

What is the number one problem that the majority of people suffer from on a daily basis? Stress! That's what we are here to relieve

You won't believe how you feel after a one-hour therapy stress reliever massage and you will feel confident knowing that all massage therapists are knowledgeable, certified professionals and clinically trained with great skills and caring spirits

Body massage is the working of superficial and deeper layers of muscle and connective tissue using various techniques, to enhance function, aid in the healing process and promote relaxation and well-being

$60/hr

nails

Foot Message

30 minutes.....$19

60 minutes.....$35

Red Dragon
Steamer Sauna Spa

$40/1hr.

enhancements.ppt
62.5 KB
enhancements.jpg
73.8 KB

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Citizen Participation Form - Part B

This form must be completed and submitted to the City of Alpharetta Community Development Department a minimum of twenty (20) working days prior to the scheduled Public Hearing. Failure to do so will result in cancellation of the scheduled hearing.

Public Hearing or Project Name: North Point Village I/INails Salon & Spa

Contact Name: Trang (David) N. Truong

Telephone: 404.433.1999

Please describe comments and concerns provided by any and all individuals contacted as part of the the Citizen Participation Program. If any individuals provided written correspondence, please attach copies of same to this report.

NONE RECEIVED.

Method by which these individuals were contacted. Please mark all that apply. *Please provide samples of any and all written communications used to provide notification.*

- ☒ Letter
- ☐ Personal Visits
- ☐ Telephone
- ☐ Group Meeting
- ☐ Email
- ☐ Other *(Please Specify)* (Actual letters to property owners attached)

Attach a list of people who have been notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified.

I, the undersigned, as an authorized representative of the applicant and Public Hearing item identified above, do solemnly swear and attest, subject to criminal penalties for false swearing, that the information provided in this Citizen Participation Form - Part B and in any and all documents provided in support of this report are true and accurate. I further understand that any false statements provided by representatives of the applicant as part of this report may result in penalties up to and including denial of the subject application.

Signature of Authorized Agent:

Date: 6-9-2016

Print Form

U.S. Postal Service™
CERTIFIED MAIL™ RECEIPT
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For delivery information visit our website at www.usps.com®
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City, State, ZIP+4
PS Form 3800, August 2006 See Reverse for Instructions

Wiggins Associates
2964 Peachtree Road
Suite 530
Atlanta, GA 30305
Attn: Mr. Barney Wiggins

7012 3460 0000 0689 9571

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PS Form 3800, August 2006 See Reverse for Instructions

City of Alpharetta
2 Park Plaza
Alpharetta, GA 30009
Attn: Ms. Kathi Cook

7012 3460 0000 0689 9557

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CERTIFIED MAIL™ RECEIPT
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PS Form 3800, August 2006 See Reverse for Instructions

Centro Watt Operating
Partnership Two, LLC
PO Box 4900, Dept. 124
Scottsdale, AZ 85261-4900

7012 3460 0000 0689 9533

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Sent To
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City, State, ZIP+4
PS Form 3800, August 2006 See Reverse for Instructions

Brixmor Property Group
3440 Preston Ridge Road, Suite 425
Attn: Legal Dept.
Alpharetta, GA 30005

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12274 Crabapple Road
Alpharetta, GA 30004

7012 3460 0000 0689 9540

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Sent To
Street, Apt. No.; or PO Box No.
City, State, ZIP+4
PS Form 3800, August 2006 See Reverse for Instructions

Blue Ventures, LLC
7000 North Point Parkway
Alpharetta, GA 30022

7012 3460 0000 0689 9588

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ATLANTA, GA 30326
Postage $3.30 | Certified Fee $2.70 | Return Receipt Fee (Endorsement Required) $0.00 | Restricted Delivery Fee (Endorsement Required) $0.00 | Total Postage & Fees $6.47
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05/20/2016
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City, State, ZIP+4
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Noble Investment Group, LLC
2000 Monarch Tower
3424 Peachtree Road, NE
Atlanta, GA 30326

Via Certified Mail, Return Receipt Requested

May 20, 2016

Brixmor Property Group
3440 Preston Ridge Road
Suite 425
Alpharetta, GA 30005
Attn.: Legal Dept.

Centro Watt Operating Partnership Two, LLC
P.O. Box 4900, Dept. 124
Scottsdale, AZ 85261-4900

RE: North Point Village I/7300 North Point Parkway/Alpharetta, GA

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I have over 30 years' experience in the nail salon business, and will certainly be operating the North Point Village location in the same, first class manner, as my existing Central Perimeter location (except, as noted above, there will be no massage services offered at the North Point location).

Should you have any questions or comments, please contact me by e mail (davidtruong05@yahoo.com), or forward a letter to me at the following address: 722 Ridge Brook Trail, Duluth, GA 30096.

Thank you.

Sincerely,

Traing (David) N. Truong

Via Certified Mail, Return Receipt Requested

May 20, 2016

City of Alpharetta
2 Park Plaza
Alpharetta, GA 30009
Attn: Ms. Kathi Cook, Director of Community Development

RE: North Point Village I/7300 North Point Parkway/Alpharetta, GA

Dear Ms. Cook,

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Thank you.

Sincerely,

Traing (David) N. Truong

Via Certified Mail, Return Receipt Requested

May 20, 2016

North Point Village Two, LLC
North Point Village Two Shops, LLC
W.B. Wiggins, Jr.
c/o Wiggins Associates
2964 Peachtree Road, Suite 530
Atlanta, GA 30305
Attn.: Mr. Barney Wiggins, Jr.

RE: North Point Village I/7300 North Point Parkway/Alpharetta, GA

Dear Mr. Wiggins,

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Via Certified Mail, Return Receipt Requested

May 20, 2016

Blue Ventures, LLC
7000 North Point Parkway
Alpharetta, GA 30022

Blue Ventures, LLC
12274 Crabapple Road
Alpharetta, GA 30004

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Attn.: Legal Dept.

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P.O. Box 4900, Dept. 124
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Thank you.

Sincerely,

Traing (David) N. Truong

5/2/2016

PHA160029
CU-16-04

CITY OF ALPHARETTA

PUBLIC HEARING APPLICATION

FOR OFFICE USE ONLY

Case #: _____

☐ Fee Paid Initial: _____

COMMUNITY DEVELOPMENT DEPARTMENT • 2 PARK PLAZA • ALPHARETTA, GA 30009

1. This page should be the first page in each of your completed application packets.
2. It is preferred that all responses be typed. Illegible applications will not be accepted.
3. Prior to signing and submitting your application, please check all information supplied on the following pages to ensure that all responses are complete and accurate. Incomplete applications will not be accepted.
4. Payment of all applicable fees must be made at the time of application. Payment may be made via cash, credit card (American Express, Master Card or Visa), or check made payable to "City of Alpharetta."
5. Applications will be accepted only on the designated submittal dates between the hours of 8:30 AM and 3:30 PM.
6. If you have any questions regarding this form, please contact the Community Development Department by calling 678-297-6070.

Contact Information:

Contact Name: Trang (David) N. Truong Telephone: 404.433.1999

Address: 722 Ridge Brook Trail Suite: _____

City Duluth State: GA Zip: 30096 Fax: _____

Mobile Tel: 404.433.1999 Email: davidtruong05@yahoo.com

Subject Property Information:

Address: North Point Village I, 7300 North Point Parkway, Alpharetta, GA 30022 Current Zoning: PSC

District: 1 Section: 2 Land Lot: 686/687 Parcel ID: 12-2620-0655-018-1

Proposed Zoning: PSC Current Use: Retail Shopping Center

This Application For *(Check All That Apply)*:

☒ Conditional Use

☐ Rezoning

☐ Variance

☐ Comprehensive Plan Amendment

☐ Master Plan Amendment

☐ Master Plan Review

☐ Public Hearing

☐ Other *(Specify)*: _____

5/2/2016

PHA160029

CU-16-04

ALL BUILDINGS ARE 1-STORY BRICK and MASONRY

#100 HUNGRY PEACH CAFE
Area=2,526 S.F.
Bldg. Ht.=23.13 Feet

#101 INK PAPER & GIFTS
Area=1,813 S.F.
Bldg. Ht.=23.13 Feet

#102 IZZY MATERNITY
Area=2,652 S.F.
Bldg. Ht.=20.78 Feet

#103 FIDELITY
Area=2,734 S.F.
Bldg. Ht.=23.25 Feet

#104A NEW BALANCE
#104B LEARNING EXPRESS TOYS
Area=9,493 S.F.
Bldg. Ht.=27.23 Feet

#105 SORELAIS
Area=4,695 S.F.
Bldg. Ht.=23.21 Feet

#106 ANN TAYLOR LOFT
#107 ANN TAYLOR LOFT
Area=10,689 S.F.
Bldg. Ht.=25.22 Feet

#108 JOE A. BANK
Area=3,831 S.F.
Bldg. Ht.=20.84 Feet

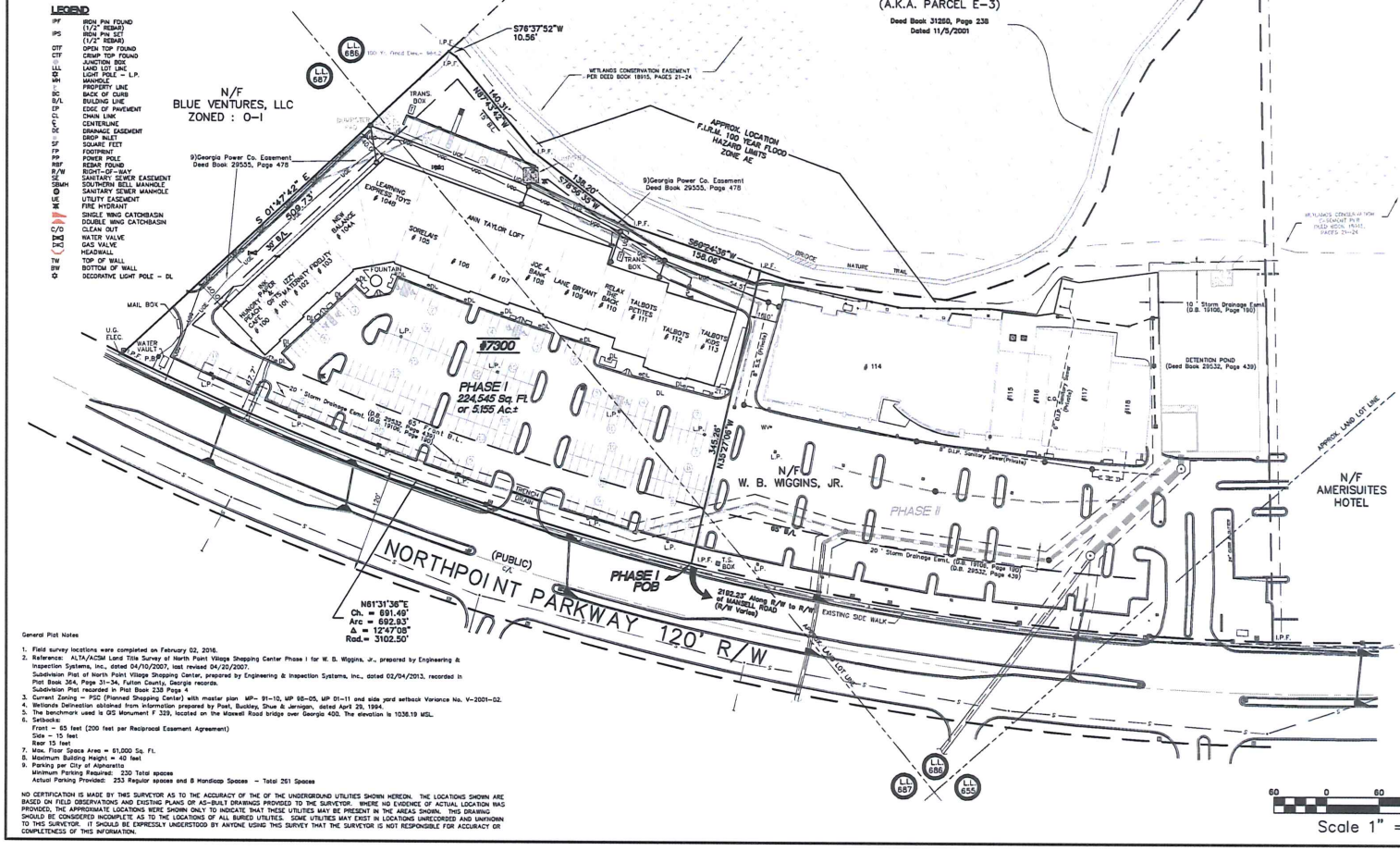
#109 LANE BRYANT
Area=5,131 S.F.
Bldg. Ht.=23.29 Feet

#110 RELAX THE BACK
Area=2,769 S.F.
Bldg. Ht.=20.75 Feet

#111 TALBOTS PETITES
Area=3,517 S.F.
Bldg. Ht.=23.43 Feet

#112 TALBOTS
Area=4,572 S.F.
Bldg. Ht.=34.58 Feet

#113 TALBOTS KIDS
Area=2,982 S.F.
Bldg. Ht.=23.25 Feet



LEGEND

IPF	IRON PIN FOUND (1/2" REBAR)
IPS	IRON PIN SET (1/2" REBAR)
OTF	OPEN TOP FOUND
CTF	CRIMP TOP FOUND
JB	JUNCTION BOX
LLL	LAND LOT LINE
LP	LIGHT POLE – L.P.
MH	MANHOLE
	PROPERTY LINE
BC	BACK OF CURB
B/L	BUILDING LINE
EP	EDGE OF PAVEMENT
CL	CHAIN LINK
℄	CENTERLINE
D/E	DRAINAGE EASEMENT
DI	DROP INLET
SF	SQUARE FEET
FP	FOOTPRINT
PP	POWER POLE
RBF	REBAR FOUND
R/W	RIGHT-OF-WAY
SE	SANITARY SEWER EASEMENT
SBMH	SOUTHERN BELL MANHOLE
SS	SANITARY SEWER MANHOLE
UE	UTILITY EASEMENT
FH	FIRE HYDRANT
	SINGLE WING CATCHBASIN
	DOUBLE WING CATCHBASIN
C/O	CLEAN OUT
WV	WATER VALVE
GV	GAS VALVE
	HEADWALL
TW	TOP OF WALL
BW	BOTTOM OF WALL
	DECORATIVE LIGHT POLE – DL

General Plat Notes

1. Field survey locations were completed on February 02, 2016.
2. Reference: ALTA/ACSM Land Title Survey of North Point Village Shopping Center Phase I for W. B. Wiggins, Jr., prepared by Engineering & Inspection Systems, Inc., dated 04/10/2007, last revised 04/20/2007.
   Subdivision Plat of North Point Village Shopping Center, prepared by Engineering & Inspection Systems, Inc., dated 02/04/2013, recorded in Plat Book 364, Page 31-34, Fulton County, Georgia records.
   Subdivision Plat recorded in Plat Book 238 Page 4
3. Current Zoning – PSC (Planned Shopping Center) with master plan MP- 91-10, MP 98-05, MP 01-11 and side yard setback Variance No. V-2001-02.
4. Wetlands Delineation obtained from information prepared by Post, Buckley, Shue & Jernigan, dated April 29, 1994.
5. The benchmark used is GS Monument F 329, located on the Maxwell Road bridge over Georgia 400. The elevation is 1036.19 MSL.
6. Setbacks:
   Front – 65 feet (200 feet per Reciprocal Easement Agreement)
   Side – 15 feet
   Rear 15 feet
7. Max. Floor Space Area = 61,000 Sq. Ft.
8. Maximum Building Height = 40 feet
9. Parking per City of Alpharetta:
   Minimum Parking Required: 230 Total spaces
   Actual Parking Provided: 253 Regular spaces and 8 Handicap Spaces – Total 261 Spaces

NO CERTIFICATION IS MADE BY THIS SURVEYOR AS TO THE ACCURACY OF THE OF THE UNDERGROUND UTILITIES SHOWN HEREON. THE LOCATIONS SHOWN ARE BASED ON FIELD OBSERVATIONS AND EXISTING PLANS OR AS-BUILT DRAWINGS PROVIDED TO THE SURVEYOR. WHERE NO EVIDENCE OF ACTUAL LOCATION WAS PROVIDED, THE APPROXIMATE LOCATIONS WERE SHOWN ONLY TO INDICATE THAT THESE UTILITIES MAY BE PRESENT IN THE AREAS SHOWN. THIS DRAWING SHOULD BE CONSIDERED INCOMPLETE AS TO THE LOCATIONS OF ALL BURIED UTILITIES. SOME UTILITIES MAY EXIST IN LOCATIONS UNRECORDED AND UNKNOWN TO THIS SURVEYOR. IT SHOULD BE EXPRESSLY UNDERSTOOD BY ANYONE USING THIS SURVEY THAT THE SURVEYOR IS NOT RESPONSIBLE FOR ACCURACY OR COMPLETENESS OF THIS INFORMATION.

LEGAL DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lots 686 and 687, of the 1st District, 2nd Section of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin found on the southerly right-of-way of Northpoint Parkway (120 foot light-of-way), said iron pin being 2,192.23 feet northeasterly along said right-of-way and following the curvature thereof from the northerly right-of-way of Mansell Road; thence, along said right-of-way of Northpoint Parkway along a clockwise arc, a distance of 692.93 feet to an iron pin found (said arc has a chord of 691.49 feet, a chord bearing of North 01 degrees 31 minutes 36 seconds East and a radius of 3,102.50 feet); Thence, leave said right-of-way and run South 01 degrees 47 minutes 42 seconds East, a distance of 509.73 feet to an iron pin found; thence, South 76 degrees 37 minutes 52 seconds West, a distance of 10.56 feet to an iron pin found; thence, North 87 degrees 43 minutes 42 seconds West, a distance of 140.31 feet to an iron pin found; thence, South 78 degrees 56 minutes 35 seconds West, a distance of 138.20 feet to an iron pin found; thence, South 60 degrees 24 minutes 36 seconds West, a distance of 158.06 feet to an iron pin found, thence, North 35 degrees 27 minutes 06 seconds West, a distance of 345.26 feet to an iron pin found, and THE POINT OF BEGINNING.

TOGETHER WITH all right, title and interest created by Median Improvement Maintenance Agreement by and between General Electric Real Estate Equities, Inc., and Secured Properties Investors XII, L.P., dated December 28, 1994, recorded in Deed Book 19106, Page 204, aforesaid records, as amended by that certain First Amendment to Median Improvement Maintenance Agreement between the above parties, dated February 15, 1995, recorded in Deed Book 19812, Page 1, aforesaid records.

TOGETHER WITH all non-exclusive right, title and interest in real estate created by Declaration of Reciprocal Easements dated April 19, 2001, by W. B. Wiggins, Jr., and recorded May 7, 2001, in Deed Book 30325, Page 614, Fulton County, Georgia records; as affected by First Amendment Of Declaration of Reciprocal Easements, dated February 1, 2002, and filed for record in Deed Book 32013, Page 49, Fulton County, Georgia records.

Chicago Title Insurance Company
Commitment No. 2-23585
Effective Date of Commitment –December 16, 2015 at 5:00 p.m.

Schedule B-2 Title Exceptions

g. Easement from Mansell Crossing Associates to Georgia Power Company, dated January 13, 1993, filed for record June 16, 1993 at 2:34 p.m., recorded in Deed Book 16797, Page 261, Fulton County, Georgia records. BLANKET – UNABLE TO PLOT
h. Wetland Conservation Easement by General Electric Real Estate Equities, Inc., dated October 31, 1994, filed for record November 2, 1994 at 10:44 a.m. recorded in Deed Book 18915, Page 25, aforesaid records. DOES NOT AFFECT
i. Surface and Storm Water Drainage Easement Agreement, by and between General electric Real Estate Equities, Inc., a Delaware corporation and Secured Properties Investors XII, L.P., a Georgia limited partnership, dated December 28, 1994, filed for record December 28, 1994 at 4:08 p.m., recorded in Deed Book 19106, Page 190, aforesaid records; as amended by that certain First Amendment to Surface and Storm Water Drainage Easement Agreement, by and between W. B. Wiggins, Jr. and Secured Properties Investors XII, L.P., a Georgia limited partnership, Deed Book 29532, Page 439, aforesaid records. PLOTTED ON SURVEY
k. Median Improvement Maintenance Agreement by and between General Electric Real Estate Equities, Inc., a Delaware corporation and Secured Properties Investors XII, L.P., a Georgia limited partnership, dated December 28, 1994, filed for record December 28, 1994 at 4:08 p.m., recorded in Deed Book 19106, Page 204, aforesaid records; as amended by that certain First Amendment to Median Improvement Maintenance Agreement by and between General Electric Real Estate Equities, Inc., a Delaware corporation and Secured Properties Investors XII, L.P., a Georgia limited partnership, dated as of February 15, 1995, filed for record July 27, 1995 at 9:22 a.m., recorded in Deed Book 19812, Page 1, aforesaid records.
BLANKET – UNABLE TO PLOT. EASEMENT AFFECTSTHAT PORTION OF THE COST OF MAINTENANCE OF THE MEDIAN AREA BETWEEN MANSELL ROAD AND MAXWELL ROAD (ENCORE PARKWAY), APPORTIONED AMONG THE PROPERTY OWNERS THAT HAVE FRONTAGE ON NORTH POINT PARKWAYCORE PARKWAY)
l. Easement dated April 26, 2000, between Georgia Power Company and W. B. Wiggins, Jr., recorded in Deed Book 29555, Page 478, aforesaid records. PLOTTED ON SURVEY
m. Declaration of Reciprocal Easements by W. B. Wiggins, Jr., dated April 19, 2001, filed for record May 7, 2001 at 2:38 p.m., recorded in Deed Book 30325, Page 614, aforesaid records; as amended by that certain First Amendment of Declaration of Reciprocal Easements by and between North Point Village One, LLC, a Georgia limited liability corporation and W. B. Wiggins, Jr. dated as of February 1, 2002, filed for record March 7, 2002 at 9:23 a.m., recorded in Deed Book 32013, Page 49, aforesaid records. BLANKET – UNABLE TO PLOT
n. All those matters as disclosed by that certain plat recorded in Plat Book 186, Page 119, aforesaid records.
o. All those matters as disclosed by that certain plat recorded in Plat Book 219, Page 94, aforesaid records.
p. All those matters as disclosed by that certain plat recorded in Plat Book 223, Page 60, aforesaid records.
q. All those matters as disclosed by that certain plat recorded in Plat Book 238, Page 4, aforesaid records.
r. All those matters as disclosed by that certain plat recorded in Plat Book 334, Page 87, aforesaid records.
s. All matters disclosed by that certain Boundary Survey for Commonwealth Land Title Insurance Company, Metropolitan Title Agency Inc., and Regions Bank, by Travis N. Pruitt, Georgia Registered Land Surveyor No. 1729, dated November 22, 1993, last revised October 4, 1996.

SURVEY CERTIFICATION

I hereby certify that this survey was prepared in conformity with The Technical Standards for Property Surveys in Georgia as set forth in Chapter 180-7 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15-6-67. Authority O.C.G.A. Secs. 15-6-67, 43-15-4, 43-15-6, 43-15-19, 43-15-22 and other applicable laws.

To Coro Realty Advisors, LLC , its participants, successors and assigns and Chicago Title Insurance Company.

This map or plat of survey on which it is based were made in accordance with "Minimum Standard Detail Requirements for ALTA/ACSM Land Title Surveys" jointly established and adopted by ALTA and NSPS in 2011, and includes items 2, 3, 4, 6(a), 7(a), 7(b1), 7(c), 8, 9, 11(a), 13, 14, 16, 17, 18, 20(a) and 21 of Table "A" thereof. Pursuant to the Accuracy Standards as adopted by ALTA and NSPS and in effect on the date of this certification, undersigned further certifies that, in my professional opinion, as a land surveyor in the State of Georgia, the Relative Positional Accuracy of this survey does not exceed that which is specified therein.

Said described property is located within Special Flood Hazard Area having a zone designation Zone X by the Secretary of Housing and Urban Development, on Flood Insurance Rate Map No. 13121C 0066F, with a date of identification of September 18, 2013, for Community No. 130094, in Fulton County, State of Georgia, which is the current Flood Insurance Rate Map for the community in which said property is situated.

Zone X Unshaded – Area of minimal flood hazard, usually depicted on FIRMs as above the 500 year flood level.

John E. Norton
John E. Norton
Georgia Registered Land Surveyor # 1848

GEORGIA REGISTERED No. 1848 PROFESSIONAL LAND SURVEYOR JOHN EVAN NORTON

The preparation of this survey was authorized by Coro Realty Advisors, LLC.

This map or plat has been calculated for closure by the coordinate method and is found to be accurate within one foot in +500,000 feet.

The linear and angular measurements shown on this plat or map were obtained using in the field survey a Leica TCA 1100 Total Station.

All corner markers and markers of pertinent reference points shown have been fully described and indicated as to material or types and have been noted as whether they were set, found or replaced.

All linear distances shown on this map or plat are horizontal distances. Distances shown are "ground" distances. Distances are expressed in feet, with the U.S Survey foot (39.37 inches = 1 meter).

All bearings are expressed in a clockwise direction for the overall property and for any internal sub-parcels.

The property described herein on this map or plat of survey is listed in the county property records for the county in which the property is located as follows:

Owner: North Point Village One, LLC, a Georgia limited liability company
Vesting Deed recorded in DB 30325, Page 629, Fulton County, Georgia records.
County Tax ID #: 12-2620-055-18-1

The type of survey shown on the map or plat of survey is ALTA/ACSM Land Title Survey

REV.	DATE	COMMENTS

ALTA/ACSM SURVEY
of
NORTHPOINT VILLAGE SHOPPING CENTER - PHASE I
for
Coro Realty Advisors, LLC ,
its participants, successors and assigns
and
Chicago Title Insurance Company.
Located in Land Lots 686 & 687-1ST District-2nd Section
City of Alpharetta-Fulton County, Georgia

Engineering & Inspection Systems, Inc.
8960 Martin Road
Roswell, Georgia 30076
(770) 343-8800

Scale: 1" = 60'
Date: 02/05/16
Sh. 1 of 1

DRAWN:	DESIGN:	CHECKED:	DRAWING FILE:	JOB No.:
CSC		JEN	ALTA16002	16.1.002

Applicant Request And Intent

What is the proposed use(s) of the property?

North Point Village I is an existing retail shopping center which has a current tenant mix of apparel (both men's & women's), food services (cafe/catering), children's educational items, gifts, and financial services.

Applicant's Request (Please itemize the proposal):

Requesting approval as a conditional use for the operation of a nail salon and spa (INails and Spa) which performs a) manicure and pedicure services, and b) ancillary facial and waxing services. Size of space at North Point Village is approximately 3,295 sf.

Applicant's Intent *(Please describe what the proposal would facilitate)*:

INails and Spa would offer the above services which would cater to those patrons who frequent not only North Point Village I, but other nearby retail and office properties. Current principal (Applicant) for INails and Spa has been in the nail salon business for approximately 30 years, and currently has another INails and Spa location in the Perimeter Center area (1165 Perimeter Center W. Suite 305, Sandy Springs, GA 30328). The website is as follows: inailsalonandspa.com.

PROPERTY OWNER AUTHORIZATION

Property Owner Information:

Contact Name: Coro North Point, LLC c/o Coro Realty Advisors, LLC (Steve Cooper) Telephone: 404.846.4009

Address: 3715 Northside Parkway, Bldg. 400 Suite: 100

City Atlanta State: GA Zip: 30327 -

Authorization:

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of Fulton County, Georgia, of the property identified below, which is the subject of the attached Application for Public Hearing before the City of Alpharetta, Georgia.

As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Public Hearing in request of the items indicated below.

- ☐ Annexation
- ☐ Special Use
- ☐ Rezoning
- ☒ Conditional Use
- ☐ Variance
- ☐ Master Plan
- ☐ Land Use Application
- ☐ Other

Identify Authorized Applicant:

Name of Authorized Applicant: Trang (David) N. Truong Telephone: 404.433.1999

Address: 722 Ridge Brook Trail Suite:

City Duluth State: GA Zip: 30096 -

So Sworn and Attested: CORO NORTH Point, LLC, a Georgia limited liability company
By: Coro North Point Manager, LLC, its manager
By: Coro Realty Advisors, LLC, its Manager

Owner Signature: Date: 4/29/16

John W. Lundeen III, President

Notary:

Notary Signature: Date: 4/29/16

DEBORAH M. CAROZZA
NOTARY PUBLIC
MY COMMISSION EXPIRES NOVEMBER 17, 2018
FULTON COUNTY, GEORGIA

ALPHARETTA PLANNING COMMISSION REVIEW CRITERIA

How will this proposal be compatible with surrounding properties?

The use is a nail salon and spa offering manicures and pedicures, along with of facial and waxing services, which is a typical use in retail properties, and will be harmonious with other retail uses in the area. Also, there is a need for these services in the immediate area, as there is only other nail salons (the Target/Dick's Sporting Goods center north of North Point Village I).

NC

two including

How will this proposal affect the use and value of the surrounding properties?

There should be no detrimental affect on the value of surrounding properties.

Can the property be developed for a reasonable economic use as currently zoned? Please explain why or why not.

Already developed as a retail shopping center.

What would be the increase to population and traffic if the proposal were approved?

There should be no material increase in population or traffic to the area as a result of this nail salon as a tenant at North Point Village I.

What would be the impact to schools and utilities if the proposal were approved?

There should be no impact to schools and certainly no material impact, if any, on utilities.

How is the proposal consistent with the Alpharetta Comprehensive Plan; particularly the Future Land Use Map?

Consistent

Are there existing or changing conditions which affect the development of the property and support the proposed request?

The property is an existing retail shopping center which has good mix of retail uses, including several women's apparel boutiques.

On a separate sheet or sheets, please provide any information or evidence that supports your request and the statements that you have provided in this application.

Citizen Participation Form - Part A

This form must be completed and submitted with the applicant's completed Public Hearing Application. Applications submitted to the City of Alpharetta without a completed Citizen Participation Form - Part A will not be accepted.

Public Hearing or Project Name: North Point Village I/INails & Salon

Contact Name: Trang (David) N. Truong Telephone: 404.433.1999

The following people will be notified of this application and provided information describing the subject proposal. Please note that ALL adjoining property owners MUST be notified. Use additional pages as needed.

W.B. Wiggins, Jr. (owner of adjacent North Point Village II)
2964 Peachtree Road, Suite 530, Atlanta GA 30305

City of Alpharetta (adjacent property owner)
2 Park Plaza, Alpharetta, GA 30009

Blue Ventures, LLC (adjacent Auto Indulgence Car Wash)
7000 North Point Parkway, Alpharetta, GA 40022

Noble Investment Group, LLC (owner of Hyatt Place)
2000 Monarch Tower,3424 P'tree Road, NE,Atl.,Ga30326

Brixmor Prop.Group, attn:Legal Dept.(owner,Mansell Crossing)
3440 Preston Ridge Road, Suite 425, Alpharetta, GA 30005

Method by which these individuals will be contacted. Please mark all that apply. *If you select "Other," please provide a description of the method of contact that will be used.*

- [x] Letter
- [ ] Personal Visits
- [ ] Telephone
- [ ] Group Meeting
- [ ] Email
- [ ] Other *(Please Specify)*

Please describe the method(s) by which these individuals will have the opportunity to respond or contact the applicant with questions or concerns about the proposal.

Letter or e mail

COUNCIL AGENDA REPORT

FROM: Kathi Cook, Community Development Director
Prepared by: Michael Woodman, Senior Planner

SUBJECT: PH-16-08 UDC

PLANNING COMMISSION: July 13, 2016

CITY COUNCIL: July 25, 2016

REPORT-IN-BRIEF

Consideration of changes to the Unified Development Code (UDC) in order to amend Section 1.4.2 definition of 'Spa Services', remove Section 2.7.7 Massage Therapy, add 'Equestrian Center' as a conditional use in the RE, R, R-22, and R-15 zoning districts, and delete Section 2.3.7 Conditional uses.

DESCRIPTION

Due to conflicts between the definition of 'Spa Services' in UDC Section 1.4.2 – Definitions and the definition of 'Spa Establishments' in UDC Section 2.7.7 Massage Therapy, staff proposes to amend the definition of 'Spa Services' to add "personal services that cause a customer to disrobe". In addition, staff proposes the deletion of UDC Section 2.7.7 Massage Therapy as these regulations are enforced by the City's Public Safety Department and are included in the Code of Ordinances.

In an effort to protect the rural and agricultural character of larger residential properties in the City, staff proposes adding 'Equestrian Center' as a conditional use in the RE, R, R-22, and R-15 zoning districts. 'Equestrian Center' is currently listed as a permitted use in the SU zoning district and as a conditional use in the AG, CUP, and MU zoning districts. Staff proposes that 'Equestrian Center' be listed as a conditional use in the RE, R, R-22, and R-15 zoning districts. Approval of a conditional use permit would be subject to the criteria established by the Fulton County Code of Ordinances Section 4.8.1, which states:

> "One (1) horse or other member of the horse (equine) family per fenced acre shall be allowed in association with a single family dwelling or in single family dwelling districts."

Due to duplication, staff proposes that UDC Section 2.3.7 Conditional uses be deleted. UDC Section 4.2.3 (B) Conditional Use Standards already establishes conditional use standards.

conventional cigars, cigarettes or tobacco as an ancillary sale shall not be defined as a "smoke shop and tobacco store".

Spa Services. A business that provides services, which may include non-medical massage, other personal services such as skin, nail, hair treatments, ~~and~~ hair removal/waxing, personal services that cause a customer to disrobe, and may have the sale of associated retail products. Such business shall be located within a retail center, shall not occupy more than 4,000 sq. ft. and shall not be closer than 2,000 ft. to a comparable business.

Special Care Home. An accessory use in a 'For-Sale' dwelling occupied by one or more persons related by blood, adoption, guardianship or marriage and/or not more than three unrelated persons, some of whom are in need of special care, living together as a nonprofit housekeeping unit. The term "special care home" shall include a home for adolescents, a home for physically handicapped persons and a home for mentally handicapped persons. The term "special care home" shall not include the business of operating a boarding house, rooming house or other similar establishment. Additionally, the term shall not include a penal institution, any place for persons convicted of a crime or any place for persons found to be juvenile delinquents.

Storage, Climate Controlled. A facility consisting of a building or group of buildings that contain individual storage units of varying sizes in a climate controlled environment where customer access is through a lobby and where no commercial transactions or activities take place other than the rental of the storage units (permitted in L-I only).

Storage, Mini-Warehouse. A facility consisting of a building or group of buildings that are surrounded by a security fence with controlled access and which contains individual storage units of varying sizes whose doors open directly to the outside and where no commercial transactions or activities take place other than the rental of the storage units.

Storefront Street. A street, that by virtue of its pre-existing pedestrian-supportive qualities. or its future importance to pedestrian connectivity, requires that new development along it achieves a high standard of design and pedestrian orientation.

Storm Water Management Report. A report prepared by a Professional Engineer registered in the State of Georgia that details the pre and post development activity hydrologic conditions.

Story. That portion of a building, other than a basement, included between the surface of any floor and the surface of the floor next above, or if there is no floor above, the space between the floor and the ceiling next above. Each floor or level in a multi-story building used for parking, even if below grade, shall be classified as a story.

Street. A dedicated and accepted public right-of-way for vehicular traffic from which direct access may be gained to abutting properties, or an easement or private right-of-way approved by the City Council to serve such purpose. The term "street" shall refer to the full width located between the limits of the right-of-way or easement, and not be limited to the roadway itself.

A. *Principal Arterials*—are those streets and highways which serve major activity centers and emphasize traffic service rather than access to abutting land access. Principal arterials include all limited access freeways, expressways or parkways, and carry a high proportion of total area travel on a minimum of mileage.

B. *Major Arterials*—are those streets which interconnect with the principal arterial system and provide service to trips of moderate length with emphasis on both traffic service and land access and generally do not penetrate identifiable single family residential neighborhoods.

C. *Minor Arterials*—provide intra-community continuity but should not penetrate identifiable neighborhoods.

D. *Collector Streets*—distribute trips from arterial street to their ultimate origin or destination. Collector streets provide a greater level of land access than arterial streets, may enter or traverse identifiable neighborhoods, and rarely serve significant volumes of through traffic.

Section 2.3.7 Conditional Uses Deletion

~~**2.3.7 Conditional uses.**~~

~~A. *General Requirements.* Conditional Uses shall be permitted subject to public hearing and the determination that they conform to all conditions set forth by the City Council as follows:~~

~~1. The conditional use will not be injurious to the use and enjoyment of the environment or of other property values within the surrounding neighborhood;~~

~~2. The proposed conditional use will not increase local or state expenditures in relation to cost of servicing or maintaining neighboring properties;~~

~~3. The establishment of the conditional use will not impede the normal and orderly development of surrounding property for uses predominant in the area; and~~

~~4. The location and character of the proposed conditional use is considered to be consistent with a desirable pattern of development for the City, in general.~~

Addition of Equestrian Center as a CU in RE, R, R-22 and R-15 Zoning Districts

SECTION 2.2 a - CONDITIONAL USE REVIEW CRITERIA

When reviewing a conditional use, consideration shall be given to factors associated with the use including, but not limited to, the following:

1. Site design.
2. Property access.
3. Hours of operation of the business.
4. Vehicular trips generated by the use.
5. Impact of the use on surrounding properties.
6. Impact of the use on the natural features of the site.

2.2.1 AG agriculture.

A. *Permitted Principal Uses.* A property in the AG district may be used for those uses listed in Table 2.1, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
   a. Bed and Breakfast.
   b. Dwelling, 'For-Sale' Detached.
   c. Farmlands, including livestock, poultry.
2. Business Uses.
   a. Taxidermist.
3. Semipublic Uses, Utilities.
   a. Park or Playground.

B. *Accessory Uses.* A property in the AG district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a detached 'For-Sale' dwelling.
6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Barns, stables and similar structures for the housing, repair, storing, or processing of farm products of the property.
9. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
10. Signs, subject to all of the requirements regulating signage herein.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,800 square feet.

2.2.2 Re-residential estate.

A. *Permitted Principal Uses.* A property in the RE district may be used for those uses listed in Table 2.1, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
   a. Dwelling, 'For-Sale' Detached.
2. Semipublic Uses, Utilities.
   a. Park or Playground.

B. *Accessory Uses.* A property in the R-E district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a 'For-Sale' detached dwelling.
6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities.
   a. Clubhouse, swimming pool, or community recreation facilities serving a development.
   b. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
   c. Signs, subject to all of the requirements regulating signage herein.
   d. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the R-E district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.
   a. Church, Synagogue, or any other religious institutions.
   b. Golf course or golf driving range.
   c. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
   d. Bed and Breakfast.
   e. Equestrian Center.

D. *District Regulations.*

Minimum Lot Size—3 acres.

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—25 feet.

Rear yard—50 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,800 square feet.

Accessory Structure setback see Sec. 2.3 (c).

2.2.3 R-Dwelling, 'for-sale', residential.

A. *Permitted Principal Uses.* A property in the R district may be used for those uses listed in Table 2.1, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
   a. Dwelling, 'For-Sale', Detached.
2. Semipublic Uses, Utilities.
   a. Park or Playground.

B. *Accessory Uses.* A property in the R district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a 'For-Sale' detached dwelling.
6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio, gazebo and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
9. Signs, subject to all of the requirements regulating signage herein.

10. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the R district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.

a. Bed and Breakfast.

b. Church, Synagogue, or any other religious institutions.

c. Country Club.

d. Golf course or golf driving range.

e. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.

f. Equestrian Center.

D. *District Regulations.*

Minimum Lot Size—1 acre (43,560 square feet).

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—50 feet.

From right-of-way of all other streets—65 feet.

Side yard—25 feet.

Rear yard—50 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,800 square feet.

Accessory Structure Setback see Sec. 2.3 (c).

2.2.4 R-22 dwelling, 'for-sale', residential.

A. *Permitted Principal Uses.* A property in the R-22 district may be used for those uses listed in Table 2.1, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.

a. Dwelling, 'For-Sale' Detached.

2. Semipublic Uses, Utilities.

a. Park or Playground.

B. *Accessory Uses.* A property in the R-22 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or

through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a 'For-Sale' detached dwelling.
6. Swimming pool, tennis court, detached garage, play house, green house, storage shed, patio and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
9. Signs, subject to all of the requirements regulating signage herein.
10. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the R-22 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.
   a. Church, Synagogue or any other religious institution.
   b. Country Club, Association or Lodge.
   c. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
   d. Bed and Breakfast.
   e. Golf Course, Driving Range.
   f. **Equestrian Center.**

D. *District Regulations.*

Minimum Lot Size—22,000 square feet.

Minimum Lot Width—100 feet.

Minimum Setbacks.

Front yard—from all street frontages:

From right-of-way of local street—35 feet.

From right-of-way of all other streets—65 feet.

Side yard—25 feet.

Rear yard—30 feet.

Maximum Ground Coverage By Principal Buildings—25%.

Maximum Building Height—35 feet.

Minimum Floor Area of a Dwelling Unit—1,500 square feet.

Accessory Structures Setback see Sec. 2.3 (c).

2.2.5 R-15 dwelling, 'for-sale', residential.

A. *Permitted Principal Uses.* A property in the R-15 district may be used for those uses listed in Table 2.1, including any of the following by right, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use:

1. Agricultural and Residential Uses.
   a. Dwelling, 'For-Sale', Detached.
2. Semipublic Uses, Utilities.
   a. Park or Playground.

B. *Accessory Uses.* A property in the R-15 district may contain any accessory structure or use customarily related to and clearly subordinate to any principal use that is permitted by right or through approval as a conditional use on the same property, unless superseded by applicable conditions of approval for rezoning, variance, or conditional use.

Permitted accessory structures and uses include but are not limited to the following:

1. Privacy and decorative fences and walls.
2. Home Occupation in a residence.
3. Family Day Care Home in a residence.
4. Group Home.
5. Special Care Home in a 'For-Sale' detached dwelling.
6. Swimming pool, tennis court, detached garage, play house, storage shed, patio and other private recreation facilities.
7. Clubhouse, swimming pool, or community recreation facilities serving a development.
8. Vehicle access, parking and loading areas, subject to the requirements of the Parking and Loading regulations herein.
9. Signs, subject to all of the requirements regulating signage herein.
10. Retaining walls and other site improvement structures approved as part of the development permit.

C. *Conditional Uses.* A property in the R-15 district may be used for any of the following only upon approval as a conditional use by the City Council:

1. Semipublic Uses, Utilities.
   a. Associations, (Clubs and Lodges).
   b. Church, Synagogue or other religious institution.
   c. Country Club with golf course or driving range.
   d. Utility Substation, including gas, electric, telephone switching, and similar uses operated by companies regulated by the Georgia Public Service Commission.
   e. Bed and Breakfast.
   f. **Equestrian Center.**

D. *District Regulations.*

TABLE 2.2 LIST OF PERMISSIBLE AND CONDITIONAL USES

On the following table, an open circle "O" means that the use will be permitted in that district only if a Conditional Use Permit is granted by the City Council. An "X" means that the use is permitted in the zone district subject to the general provisions of the Unified Development Code. For uses not included in this list or when the Director of Community Development is unable to determine placement, application shall be made to the Board of Appeals for interpretation.

USES	AG	RE	R	R-22	R-15	R-12	R-10	R-4A	R-4D	R-8A/D	R-10M	CUP*	OI*	OP	C-1	C-2	PSC	LI	OS-R	SU	MU
Adult Entertainment Establishment																		O			
Airport, Public/Private	O											O						O		X	
Amphitheater												O	O					X	O	X	
Animal Hospital, Small Animal (Veterinarian)	O											O			O	O	O	X			
Animal Hospital, Large Animal	O																	X			
Art Galleries												O	O	O	X	X	O	X			O
Asphalt Plant																		O			
Associations, (Clubs and Lodges)	O			O	O	O	O	O	O	O	O	O	O	O	X	X	O			X	
Athletic Facilities/Fitness Studio	O											O	O	O	X	X	O	X			O
Auditorium	O											O	O	O	O	O	O	X			

Auto Sales and Leasing (Trucks, Vans, Cars and Accessories)												O				O		X			
Automotive Parts												O			O	X	O	X			
Automotive Service												O				X	O	X			
Bakery												O	O	O	X	X	O	X			O
Bank, Savings and Loan, Mortgage Company												O	O	X	X	X	O	X			O
Barber Shop												O	O	X	X	X	O				O
Beauty Shop												O	O	X	X	X	O				O
Bed and Breakfast	X	O	O	O	O						X	O		X	X	X					O
Book Store or Stationery												O	O		X	X	O	X			O
Bottle Gas Storage and Distribution																		X			
Bowling Alley												O	O			X	O	X			
Broadcasting Studio (Radio and TV)	O											O				X		X			
Builder's Equipment/Material	O											O				X		X			
Car Wash													O			O	O	X			

Carpenter Shop, Woodworking	O																	X			
Carpet and Rug Sales															X	X	O	X			
Cemetery	O																			O	
Check Cashing															O	O		X			
Church, Synagogue	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	O	X		O	O
Clinic, Public/Private												O	O	X	X	X	O				O
Concrete Plant																		O			
Congregate Housing, Assisted Living Facility											O	O	O		X	X		X			O
Contractor's Office without outside storage												O	O	X	X	X		X			O
Contractor's Office with outside storage												O			O	X		X			
Convenience Center w/Gas Pumps												O	O			X	O	X			
Country Club	O	O	O	O	O	O	O	O	O	O	O	O									
Dance Studio												O	O		X	X	O	X			O
Day Care Center												O	O	X	X	X	O	X			O

Drug Store (Pharmacy)												O	O		X	X		X			O
Dry Cleaning, Pick-Up Station												O	O	O	X	X	O	X			O
Dry Cleaning, Plant																	O	O			
Dwelling, 'For-Sale', Attached								X		X	X	O									O
Dwelling, 'For-Sale', Detached	X	X	X	X	X	X	X		X	X		O									
Dwelling, 'For-Rent', Group											X	O			O	O					O
Equestrian Center	O	O	O	O	O							O								X	O
Extended Stay Hotel (see Section 2.7)												O	O		O	O	O				
Family Day Care Home (accessory use)	X	X	X	X	X	X	X	X	X	X	X	O									
Farmlands (including Livestock, poultry)	X																				
Fire station												O	O							X	
Florist, Retail												O	O	O	X	X	O				O
Florist, Retail with greenhouse																O	O				
Funeral Homes												O	O		O	O	O	X			

Section 2.7.7 Removal of Massage Therapy

I. *Supplemental Regulations.* Where possible, this Ordinance shall be interpreted to supplement other ordinances regulating adult oriented businesses. Where there is a direct conflict, the more strict provision shall control.

~~2.7.7 Massage therapy.~~

~~A. *Purpose.* It is the purpose of this article to regulate the operation of massage establishments and spa establishments as an exercise of the City's police power in order to protect the health, safety and general welfare of the citizens of the City.~~

~~B. *Definitions.* The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:~~

~~*Applicant* means any person, firm, corporation, or other legal entity applying for a license to operate a massage establishment or spa establishment, as defined herein, or a person applying for work permit, as provided for herein.~~

~~*Church* means a building in which persons regularly assemble for religious worship intended primarily for purposes connected with such workshop or for propagating a particular form of religious belief.~~

~~*Licensed day care center* means a facility licensed by the State of Georgia that provides care, training, education, custody, treatment or supervision for more than twelve (12) children under fourteen (14) years of age, where such children are not related by blood, marriage or adoption to the owner or operator of the facility, for less than twenty-four (24) hours a day, regardless of whether or not the facility is operated for a profit or charges for the services it offers.~~

~~*Massage* or *massage therapy* means the manipulation and/or treatment of soft tissues of the body, including but not limited to the use of effleurage, petrissage, pressure, friction, tapotement, kneading, vibration, range of motion stretches, a system of structured touch, pressure, movement, and holding to the soft tissue of the body, and any other soft tissue manipulation whether manual or by use of massage apparatus, and may include the use of water, oils, lotions, creams, lubricants, salt glows or scrubs, hydrotherapy, heliotherapy, hot packs, cold packs or other topical preparations. This term shall not include diagnosis, the prescribing of drugs or medicines, spinal or other joint manipulations, or any service or procedure for which a license to practice chiropractic, physical therapy, podiatry or medicine is required by the state.~~

~~*Massage apparatus* means any manual, mechanical, hydraulic, hydrokinetic, electric or electronic device or instrument or any device or instrument operated by manual, mechanical, hydraulic, hydrokinetic or electric power which is utilized by a massage therapist for the purpose of administering a massage.~~

~~*Massage establishment* means any business or commercial establishment:~~

~~1. a. Having a source of income or compensation derived from the practice of massage which employs or contracts with one (1) or more massage therapists or operates or maintains for profit one (1) or more massage apparatus; or~~

~~b. Which for good or valuable consideration offers to the public facilities and personnel for the administration of massages; and~~

~~2. Which has fixed a place of business where any person, firm, association, or corporation engages in or carries on any of the activities defined as "massage", or which provides mobile message services.~~

~~This term shall not include hospitals or other professional health care establishments separately licensed as such by the state.~~

~~*Massage therapist* means any person who, for any consideration whatsoever, engages in the practice of massage as defined in this section.~~

~~*Residential* pertaining to the use of land, means premises such as homes, townhomes, patio homes, mobile homes, duplexes, condominiums and apartment complexes, which contain habitable rooms for non-transient occupancy and which are designed primarily for living, sleeping, cooking, and eating therein.~~

~~*School* means a building where persons regularly assemble for the purpose of instruction or education together with the playgrounds, stadia and other structures or grounds used in conjunction therewith. The term is limited to:~~

~~1. Public and private schools used for primary or secondary education, in which any regular kindergarten or grades one (1) through twelve (12) classes are taught; and~~

~~2. Special educational facilities in which students who have physical or learning disabilities receive specialized education in lieu of attending regular classes in kindergarten or any of grades one (1) through twelve (12).~~

~~*Spa establishment* means any business or commercial establishment operated to derive income from the provision of any of the following personal services: body wraps, hydro mineral wraps, body polish, body wash, baths and hydro tub soak, or other similar personal services purported to assist patrons with improving their physical condition or appearance and which require the patron to disrobe. This term shall not include hospitals or other professional health care establishments separately licensed as such by the state.~~

~~C. *Penalties.*~~

~~1. Any person, firm or corporation operating a Massage Therapy Establishment within the City of Alpharetta without having obtained a license as provided in this article, shall be guilty of a misdemeanor and, upon conviction thereof, shall be fined in an amount not less than five hundred dollars ($500.00) nor more than one thousand dollars ($1,000.00); and each day the Massage Therapy Establishment is operated without a license shall be a separate offense.~~

~~2. Any person, firm or corporation who violates any provision of this article shall be guilty of a misdemeanor and upon conviction, shall be fined in an amount not less than one hundred fifty dollars ($150.00) nor more than one thousand dollars ($1,000.00); and each violation thereof shall constitute a separate offense and shall be punishable as such.~~

~~D. *Scope of Regulations.*~~

~~1. All licenses issued under this article shall constitute a mere privilege to conduct the business so authorized during the term of the certificate or permit only and shall be subject to all terms and conditions imposed by the county and state law.~~

~~2. Nothing in this article shall be construed to regulate, prevent or restrict in any manner:~~

~~a. Any physician, chiropractor, physical therapist, massage therapist that is not operating a massage or spa establishment, or similar professional licensed and regulated by or through the state while engaged in the practice of said profession;~~

~~b. Any hospital or other professional health care establishment separately licensed as such by the state; or~~

~~c. Any other individual or entity expressly exempted from local legislation by the laws of the state.~~

~~E. *License required; application.*~~

~~1. In addition to obtaining an occupation tax certificate pursuant to Chapter 12, pertaining to taxation, all persons, firms or corporations operating or desiring to operate a massage or spa establishment shall, before engaging in such trade, business or profession, make application for a license in the form and manner prescribed in this article. Applications for licenses shall be made on forms provided by the City. If the applicant is a partnership, limited liability company, corporation, or other legal entity, the application must be executed by an officer, member, partner or shareholder, as applicable, and, if a different person, the employee or agent primarily~~

~~responsible for the operation of the massage or spa establishment. The applicant to operate a massage establishment must be the owner of the premises wherein the business will be conducted or the holder of a lease thereon for the period to be covered by the certificate. All applications shall be submitted to the Director of Public Safety or designee and shall contain a full and complete sworn and notarized statement by each applicant and the aforementioned persons of all material facts as determined by the City to be relevant to the requirements of this chapter, along with the following additional information:~~

~~a. A signed and sworn affidavit verifying the applicant's lawful presence in the United States as required by O.C.G.A. § 50-36-1.~~

~~b. Copies of all required state licenses with regard to each employee, independent contractor, agent and partner, general or limited, associated with the operation of the massage therapy establishment. Those employees who will be performing massages, and/or managers or supervisors, who are exempt from getting a state license pursuant to O.C.G.A. Title 43, Chapter 24A, shall comply with the work permits provision of this article, Section 12-166 below.~~

~~c. If the applicant is not a sole proprietor, then the partnership, limited liability company, corporation, or other legal entity shall submit a complete list of the legal entities:~~

~~(1) Officers;~~

~~(2) Directors; and~~

~~(3) Partners, members, or shareholders (natural persons) holding a ten percent (10%) or greater ownership interest in such legal entity, or if there is no shareholder (natural person) with at least a ten percent (10%) interest, the ten (10) shareholders with the greatest ownership interest;~~

~~(4) The name of the employee or agent primarily responsible for operation of the massage or spa establishment; and~~

~~(5) The names of all on-premises managers or supervisors for the establishment. Such list shall include the names, current addresses, phone numbers and occupations of the aforementioned natural persons.~~

~~d. If the applicant is a partnership, limited liability company, corporation or other legal entity required to be chartered under the laws of the state or authorized by the secretary of state to do business in the state, such corporation must be chartered under the laws of the state or authorized by the secretary of state to do business in the state and must submit copies of the certificate of organization or incorporation, as applicable, and articles of organization or incorporation, as applicable.~~

~~e. If the applicant is an individual, the applicant must submit a copy of a valid driver's license or a valid identification card as reliable proof thereof. If the applicant is a partnership, limited liability company, corporation or other legal entity, the applicant must submit a copy of a valid driver's license or a valid identification card for each person listed in subsection (a)(3) of this section.~~

~~f. A sworn and notarized statement of a registered agent who is a resident of Fulton County, Georgia and at least eighteen (18) years of age, required to be designated by a licensee to receive any process, notice or demand required or permitted by law or under this chapter to be served upon the applicant.~~

~~g. A signed and notarized consent on forms prescribed by the Georgia Crime Information Center authorizing the release of each such person's criminal records to the Alpharetta Department of Public Safety.~~

~~h. A survey by a licensed surveyor or by a registered engineer, licensed by the State of Georgia, certifying the location of the proposed premises is not inconsistent with the~~

~~provisions contained in Section 12-172 of this article respecting location and development standards.~~

~~2. A license issued to an individual shall be in the name of the individual. A license issued to a partnership shall be issued in the name of the partnership, in the name of a partner or officer, and, if different from such named person, in the name of the employee or agent primarily responsible for the operation of the licensed premises. A license issued to a limited liability company shall be issued in the name of the limited liability company, in the name of one (1) member or officer, and, if different from such named person, in the name of the employee or agent primarily responsible for the operation of the licensed premises. A license issued to a corporation shall be issued in the name of the corporation, in the name of at least one (1) shareholder (listed pursuant to subsection (a)(3) of this section) or officer of the corporation, and, if different from such named person, in the name of the employee or agent primarily responsible for the operation of the licensed premises.~~

~~3. No person, partnership, limited liability company, corporation, or other legal entity shall be granted a license for a massage or spa establishment unless it shall appear that such person, or, if the applicant is a partnership, limited liability company, corporation, or other legal entity, all persons listed in subsection (a)(3) of this section for a period of ten (10) years prior to the date of application for such license have not been convicted or pleaded guilty or entered a plea of nolo contendere under any federal, state or local law of any crime involving:~~

~~a. Illegal gambling;~~

~~b. Any felony, criminal trespass, public indecency, disorderly conduct, or misdemeanor involving any type of sexual-related crime;~~

~~c. Any theft or violence against person or property;~~

~~d. Any crime of possession, sale or distribution of illegal drugs;~~

~~e. Distribution of material depicting nudity or sexual conduct as defined under state law; or~~

~~f. Criminal solicitation to commit any of these listed offenses.~~

~~4. No person under the age of eighteen (18) shall be granted a license for a massage or spa establishment. If the applicant is a partnership, limited liability company, corporation, or other legal entity, the partnership, limited liability company, corporation or other legal entity shall not be granted a license for a massage or spa establishment if any of the persons listed in subsection (a)(3) of this section are under the age of eighteen (18).~~

~~F. *Regulatory fee; expiration.*~~

~~1. There shall be an annual regulatory fee in the amount of five hundred dollars ($500.00), consisting of a nonrefundable investigative fee and a license fee, for each massage and spa establishment licensed within the City. The investigative and license fees shall be set by resolution of the City Council and shall remain in effect until modified or amended by subsequent resolution adopted by the City Council. The full regulatory fee shall be paid with the license application and shall not be prorated under any circumstances. If the applicant withdraws the application or the license is denied, the applicant shall be refunded the full license fee paid. No refund shall be allowed once the license has been issued.~~

~~2. All licenses granted hereunder shall expire on December 31 of each year. Licensees who desire to renew their license shall file a renewal application accompanied by the requisite license fee with the city upon forms prescribed by the city on or before November 15 of each year without penalty, and not later than December 15. Applications for renewal filed after November 15 and on or before December 15 shall be subject to a penalty of ten percent (10%) of the license fee. No renewal license shall be granted on applications filed after December 15, but such applications shall be treated as an initial application and the applicant shall be required to comply with all rules and regulations for the granting of licenses as if no previous license had~~

~~been issued. Failure of a licensee to comply with any section of this code shall subject the licensee to non-renewal of the license.~~

~~3. Any person applying hereunder who shall pay the required fee, or any portion thereof, after January 1, shall, in addition to said annual fee and late charges, pay simple interest on the delinquent balance at the annual rate then charged by the Internal Revenue Service of the United States on unpaid federal income taxes.~~

~~4. No license issued pursuant to this article shall be transferable.~~

~~G. *Work permits required.*~~

~~1. A work permit shall be required for any and all on-premises owners, managers or supervisors who are in charge of managing the massage establishment as required by subsection 12-168(c) and who do not otherwise hold a license issued hereunder.~~

~~2. Massage therapists who hold a current and valid massage therapist license issued by the State of Georgia do not have to obtain a work permit, but shall provide a copy of their state license to the City and post their state license in a conspicuous place in the licensed establishment at all times while the license remains valid.~~

~~3. No licensee shall employ any person required to have any state mandated licenses or work permit pursuant to this section until such person has procured such license or permit. For new employees, a receipt issued by the Director of Public Safety or designee may be used for a maximum of thirty (30) days from the date of its issue.~~

~~4. Any person required to obtain a work permit shall apply to the Director of Public Safety or designee for such permit. A separate work permit per individual is required for employment at each establishment within the City. The permit will be valid for a period of one (1) year from the date in which the application is received by the City and shall be renewed on or before its expiration. Persons applying for the permit shall make themselves available for photographing, fingerprinting and such other investigation as may be required by the City. The nonrefundable fee for a work permit shall be set by resolution of the City Council and shall remain in effect until modified or amended by subsequent resolution adopted by the City Council. Replacement permit(s) shall be issued upon payment of one-half (1/2) of the fee(s) charged for work permits.~~

~~5. The City Clerk or designee may suspend or revoke an employee's work permit, following notice and hearing pursuant to this article, and demand its return where the employee violates the provisions of this chapter, any state law or applicable local ordinance.~~

~~6. It shall be unlawful for an employee whose work permit has been suspended or revoked to refuse to return the work permit to the City Clerk or designee or to alter, conceal, deface, or destroy the work permit.~~

~~7. An applicant for a work permit shall not have been convicted within the five (5) years preceding his/her application of any federal, state or local law involving crimes set forth in Section 12-165(c) of this article. A guilty plea, plea of nolo contendere or the forfeiture of a bond shall be considered a conviction for purposes of this subsection. Sentencing as first offender status shall not be considered as a conviction if the sentence was successfully completed without any violation of probation and with no adjudication of guilt ever being entered.~~

~~8. A new search may be conducted on any person issued a work permit if the City Clerk or designee receives information which warrants such a new search. If the new search reveals evidence that warrants revocation of the card, the card may be revoked following notice and a hearing.~~

~~9. When the City intends to deny or revoke any work permit, the City Clerk or designee shall issue to the applicant or permit holder a letter setting forth the reasons for denial or revocation, and the letter shall notify the applicant of his or her right to an administrative hearing before the City Clerk or designee, which hearing shall be held in accordance with Section 12-171. The decision of the City Clerk or designee shall be final unless the applicant or permit holder files a notice of~~

~~appeal to the City Administrator within thirty (30) days of receiving written notice of said decision. Appeals to the decision set forth by the City Clerk or designee shall be heard by the City Administrator or designated hearing officer in accordance with Section 12-171. Following a hearing by the City Administrator, the applicant shall have a right of review of any denial by filing a petition for writ of certiorari to the county superior court within thirty (30) days of the denial.~~

~~H. *General operating provisions.*~~

1. ~~It shall be the duty of all massage establishment licensees holding a license under this article to keep on file the name of all employees, their home addresses and home telephone numbers, their duties and services performed for the massage establishment and whether such employee has a state license or City work permit.~~

2. ~~It shall be the duty of any massage establishment granted a license under this article to maintain correct and accurate records of the names and addresses of the persons receiving treatment at such establishment, the type of treatment administered and the name of the person at the establishment administering the treatment.~~

3. ~~The establishment shall have an owner, manager or supervisor on the premises at all hours the establishment offers massage therapy. If during an inspection there is no owner, manager or supervisor on the premises, the establishment must cease operations and close to the public until an owner, manager or supervisor is on the premises. Such owner, manager or supervisor in addition to the Licensee shall be responsible to make sure all persons performing massage therapy at any time has either an appropriate state license or City work permit and their failure to do so shall be a violation of this chapter.~~

4. ~~Records required to be maintained under this article shall be kept for a minimum of two (2) years beyond the expiration date of a license. Records shall be made available to the City Clerk or designee, during business hours, at the certificate holder's business location in the City, within ten (10) business days of any such request.~~

5. ~~The establishment shall be subject to inspection at any time during business hours by the City Clerk or designee and by the Director of Public Safety or designee, to ensure compliance with this article.~~

6. ~~All employees and other persons on the premises, with the exception of customers receiving a massage from a state licensed massage therapist, shall be completely clothed at all times when administering a massage. For the purposes of this article, the term "completely clothed" means having on the upper portion of the body appropriate undergarments and either blouse or shirt which shall cover all the upper body save the arms and neck, and shall mean having on the lower body appropriate undergarments plus either pants or skirt, and said pants or skirt must cover from the waist down to a point at least two inches (2") above the knee. All clothes worn in compliance with this article shall be entirely non-transparent.~~

7. ~~No massage or spa establishment shall be engaged in and no place of business shall be open for business except within and between the hours of 7:00 a.m. and 10:00 p.m.~~

8. ~~A readable sign shall be posted at the main entrance identifying the establishment. Signs shall comply with the sign requirements of this Code.~~

9. ~~Minimum lighting shall be provided in accordance with the building code, as adopted by the City Council, and at least one (1) artificial light of not less than forty watts (40 wtts) shall be provided in each enclosed room or booth.~~

10. ~~Ordinary beds or mattresses shall not be permitted in any establishment.~~

11. ~~The establishment, prior to the issuance of the license, must be in compliance with all applicable building and life safety codes, and the building to be occupied must have a valid, current certificate of occupancy.~~

12. ~~It shall be unlawful for any person under the age of eighteen (18) to patronize any massage establishment unless such person carries at the time of such patronage a written order directing~~

~~the treatment to be given by a regularly licensed physician or written permission of the underage person's parent or guardian. It shall be the duty of the massage establishment to determine the age of the person attempting to patronize a massage establishment and to prohibit such patronage by an underage person.~~

13. ~~No massage practitioner or any of his employees shall manipulate, fondle or handle the sexual organs or anus of any person.~~

~~I. *Issuance of license; denial.*~~

1. ~~When a license application for the operation of a massage or spa establishment is submitted in proper form, including all information and exhibits required herein and accompanied by the correct fees, the application shall be accepted, and a review of the application and an inspection and investigation shall be conducted by the Department of Public Safety or designee. Upon the payment by the applicant of the required fees, the City shall cause to be conducted a criminal background investigation of the applicant and shall transmit a summary of the investigation results to the City Clerk or designee.~~

2. ~~Upon receipt of the background investigation and completion of review of the application in accordance with the terms of this article, if the City Clerk or designee determines that the application appears to meet the requirements of this article, the City Clerk shall prepare and cause to be published a notice of the pending application, which notice shall include the date the application will be considered by the City Clerk, the location or street number of the premises where the applicant proposes to conduct activities permitted by this article and the name of each owner and operator. The applicant shall pay the publication costs. The notice shall be published in a newspaper of general circulation within the City, and shall appear once a week for two (2) weeks immediately preceding consideration of the application by the City Clerk. Each applicant for a license shall, at such applicant's expense, post on the premises where the activities permitted by such license are to be conducted, continuously for a period of not less than ten (10) days prior to consideration of the application by the City Clerk, a notice of the pending application, meeting the following minimum specifications: This notice shall be painted or printed in black letters three inches (3") or more in height, against a white background, on a wooden or metal sign and having a surface of not less than twelve square feet (12 sq. ft.), and shall be placed with the base of the sign not more than three feet (3') from the ground on the most conspicuous part of the premises, facing the most frequently traveled road, street or highway abutting same, and not more than ten feet (10') therefrom. The sign shall state clearly the nature and purpose of the application, the date and hour and place of the City Clerk hearing, and the name of each owner and operator making the application. If following the hearing the City Clerk determines that the application meets the requirements of this article, the City Clerk shall place the application on the consent agenda of the next available City Council meeting. The license shall be issued following approval of the consent agenda.~~

3. ~~If after receiving the background report and completing the review, the City Clerk determines that the application does not meet the requirements of this article, the City Clerk shall deny the application. The City Clerk or her designee shall deny any application that:~~

   a. ~~Fails to meet each of the application requirements specified in this article;~~

   b. ~~Fails to meet each of the minimum standards specified in this section; or~~

   c. ~~Contains false, misleading or incomplete information in the application or attached documents.~~

4. ~~Service of any notice for denial, suspension or revocation of a massage or spa establishment license under this article shall be delivered by hand or posted by certified and first class mail to the permit holder's address provided on the application. Delivery shall be deemed to take place on the third (3rd) day following deposit in the United States mail.~~

5. Should the City Clerk or designee deny an application under this article, written notice of the denial shall be provided to the applicant by the City Clerk or designee setting forth the reason(s) for the denial, and advise the applicant of the right to appeal.

6. Any decision by the City Clerk or designee denying, suspending or revoking an application shall be final unless the applicant files a notice of appeal with the City Administrator or designee within thirty (30) days of receiving notice of such denial. Any such appeal shall be subject to de novo review and shall be in accordance with Section 12-171. A hearing before the City Administrator or designated hearing officer shall be scheduled within sixty (60) days following the receipt by the City Administrator or designee of the applicant's notice of appeal.

J. *Grounds for denial, revocation or suspension of license.* The license of a massage or spa establishment may be denied, revoked or suspended upon one (1) or more of the following grounds:

1. The applicant or holder has failed to meet or maintain initial requirements for obtaining the license;

2. The applicant or holder is guilty of fraud in the practice of massage, or fraud or deceit in being issued the license for the massage or spa establishment;

3. The applicant or holder is engaged in the operation of a massage or spa establishment under a false or assumed name, or is impersonating another massage therapist of a like or different name;

4. The applicant or holder has violated any laws relating to sodomy, aggravated sodomy, public indecency, prostitution, pimping, pandering, pandering by compulsion, masturbation for hire or disorderly conduct, criminal solicitation of any of the foregoing offenses, or entered a plea of nolo contendere to any felony;

5. Any of the applicant's or holder's employees, independent contractors or agents has been convicted, pled guilty or entered a plea of nolo contendere to any felony, or has violated any laws relating to sodomy, aggravated sodomy, public indecency, prostitution, pimping, pandering, pandering by compulsion, masturbation for hire, criminal solicitation of any of the foregoing offenses, or disorderly conduct in connection with the operation of the massage establishment or on or about the premises of the massage establishment;

6. The applicant or holder has failed to maintain correct and accurate records as required by this article;

7. The applicant or holder has failed to actively supervise and monitor the conduct of the employees, independent contractors, agents, customers or others on the premises in order to protect the health, safety and welfare of the general public and the customers;

8. The applicant or holder, or employees, agents or independent contractors associated with the establishment, have allowed to occur or have engaged in a violation of any part of this article; or

9. The applicant or holder has violated any of the provisions of this article.

K. *Hearings.*

1. Whenever the City Clerk or designee determines there is cause to suspend or revoke the license or work permit issued hereunder, the City Clerk or designee shall give the licensee written notice at least fifteen (15) days prior to an administrative hearing of the time, place, purpose of the hearing, and a statement of the charge(s) upon which the administrative hearing before the City Clerk or designee shall be held in accordance with this section.

2. The procedure for administrative hearings heard under this chapter by the City Clerk shall be set forth by the City Clerk. The City Clerk or designee shall reach a decision on the matter before them within ten (10) days following the close of the hearing and give written notice of said decision. The decision of the City Clerk or designee shall be final unless the licensee or City work permit holder files a notice of appeal to the City Clerk or designee within thirty (30) days of receiving notice of said decision.

3. The City Administrator or designated hearing officer shall hear appeals to decisions by the City Clerk or designee to deny applications for permits, as well as appeals to decisions by the City Clerk or designee to suspend or revoke such permits.

4. Any such appeal to the City Administrator or designated hearing officer shall be subject to de novo review and shall be in accordance with subsections (d), (e) and (f). A hearing before the City Administrator shall be scheduled within thirty (30) days following the receipt by the City Administrator or designee of the applicant, licensee or work permit holder's notice of appeal.

5. Applicants, licensees or work permit holders shall be given written notice of the date, time, and place when the matter at issue will be heard by the City Administrator or designated hearing officer. The applicant, licensee or work permit holder shall be afforded the opportunity to be heard and present evidence. Twenty (20) days' notice shall be deemed reasonable.

6. Upon close of the public hearing, the City Administrator or hearing officer shall reach a decision on the matter before it, and the decision of the City Administrator or hearing officer shall be final unless the applicant or permit holder applies to the county superior court by filing a petition for writ of certiorari within thirty (30) days of the decision rendered by the City Administrator or hearing officer.

L. *Location; development standards.* No Massage Establishment or Spa Establishment shall be located:

1. Within three hundred feet (300') of any parcel of land which is zoned for residential uses or purposes;

2. Within three hundred feet (300') of any parcel of land upon which a church, school, licensed daycare center, governmental building simultaneously owned and occupied by such government, library, civic center, neighborhood public park or neighborhood playground is located;

3. Within three hundred feet (300') of any parcel of land upon which another massage therapy establishment or spa establishment is located;

4. Within any zoning category other than Industrial (L-I) and Commercial (C-2) as defined in Article VI of the Alpharetta Zoning Ordinance; provided, however, that location of a massage therapy establishment within the C-2 zoning category shall require a conditional use permit.

The measurement of distances for purposes of this section shall be from property line to property line along the customary or common route or path of travel. The term "parcel of land" means any quantity of land capable of being described by location and boundary, designated and used or to be used as a unit.

M. *Miscellaneous.*

1. Nothing contained in this article shall be deemed to permit or condone any activity whatsoever which is otherwise declared to be obscene or illegal by the Official Code of Alpharetta or the statutes of the State of Georgia, or in violation of any prohibition upon nudity or sexual activity as provided for in such City code or statutes of the State of Georgia; and further, the location of the activities and uses which are regulated and permitted by this article shall only be allowed if they are not obscene and not in violation of any other such prohibitions on nudity or sexual activity. This paragraph shall supersede and limit all other provisions of this article.

2. It is hereby declared to be the intention of the Mayor and City Council that the sections, paragraphs, sentences, clauses and phrases of this enactment are severable, and if any phrase, clause, sentence, paragraph or section hereof shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this enactment, since the same would have been enacted by the Mayor and City Council without the incorporation herein of any such unconstitutional phrase, clause, sentence, paragraph or section.

~~3. This article shall become effective immediately upon its adoption. All ordinances or parts of ordinances in conflict with this article are hereby repealed. The article shall become part of the Official Code of Alpharetta.~~