



PLANNING COMMISSION MEETING MEETING SUMMARY APPROVED

JULY 1, 2021

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

I. CALL TO ORDER

Chairman Kung'u called the meeting to order at 6:30 p.m.

II. ROLL CALL

a. Planning Commissioners present:

- Francis Kung'u (Chair)
- Dana Davis
- Larry Attig
- Martine Zurinkas
- William Perkins
- Candy Waylock (Absent)
- Fergal Brady (Absent)
- Jamie Bendall (Alternate, absent)
- Valerie Manley (Alternate, absent)

b. Staff present:

- Kathi Cook, Director of Community Development
- Michael Woodman, Senior Planner
- Eric Graves, Senior Engineer
- Lauren Shapiro, Planning + Zoning Coordinator

III. APPROVAL OF MEETING MINUTES

a. Approval of Planning Commission Meeting Minutes from June 3, 2021.

- Commissioner Attig offered a motion to approve the Planning Commission Meeting Minutes from June 3, 2021.
 - Commissioner Davis seconded the motion.
 - The motion was approved unanimously (5-0).

IV. ITEMS FROM BOARD MEMBERS

V. ITEMS FROM STAFF

VI. PUBLIC HEARING

a. CU-21-07 Far East Beauty / 1115 Upper Hembree Road

Consideration of a conditional use to allow 'Spa Services' in a 2,576 square foot suite. A conditional use is requested to allow 'Spa Services' for Far East Beauty. The property is located at 1115 Upper Hembree Road, Suite A and is legally described as being located in Land Lot 550, 1st District, 2nd Section, Fulton County, Georgia.

Senior Planner, Michael Woodman, presented consideration of a conditional use permit to allow 'Spa Services' for Far East Beauty, which provides cosmetology and spa services, such as facials and waxing. The property is zoned O-I (Office-Institutional), which allows 'Spa Services' with approval of a conditional use permit. The subject property is located at 1115 Upper Hembree Road, Suite A in the Alpha Medical Plaza.

The property was approved in 1988 in conjunction with the Oswald/Upper Hembree Master Plan. Alpha Medical Plaza is developed as two (2) office buildings, which are 2-stories from Upper Hembree Road and 3-stories at the rear. Suites are accessed from the front and back of the buildings. The applicant's suite is accessed from the rear of the building. Other businesses operating in the office buildings include, Alpharetta Psychiatric Services, Revitalize You MD, BMI Surgical Institute, and Extra Mile Dentist.

Surrounding properties are zoned O-I and R-15 (Dwelling, 'For-Sale', Residential) to the north, O-I to the east and south and City of Roswell (Taylor Oaks subdivision) to the west. Peach State Pool Service & Builders and a residential lot are located to the north, City of Roswell to the west, and undeveloped office parcels to the south and east.

Far East Beauty is a new business with a primary focus on cosmetology and spa services such as, facials and waxing. The applicant's business also provides microblading, semi-permanent make-up, lash extensions, make-up, and nails. Services are by appointment only. Hours of operation are proposed to be Monday – Saturday 9:00 AM – 7:00 PM. The applicant anticipates between 4-6 employees at the proposed location.

The maximum size of a spa services suite is required to be less than 4,000 square feet, and the Applicant's suite is 2,576 square feet. There is also 2,000 feet distance requirement, meaning that no other spa services business could be located within 2,000 feet of the property. There are no other spa services business in the immediate area or within 2,000 feet of the property. There are also no conflicting uses within 300' of the property.

The Applicant did attend the Community Zoning Information Meeting on June 9, 2021, and there were no public comments. Staff has received seven (7) letters of support, including the Condo Association email that was sent out to Planning Commission earlier this week, and one (1) objection letter, which expressed concerns that the business could be a front for illegal activity.

Further, Spa Services businesses have been approved in other office condominium developments in the City, including A Healing Touch Day Spa and Organic Sugaring & Waxing at 1130 Powers Place and Tropical Bliss Spa & Beauty Bar at 5755 North Point Parkway.

Senior Planner Woodman read Staff's recommendation:

Approve CU-21-07 Far East Beauty/1115 Upper Hembree Road, subject to the following conditions:

1. 'Spa Services' shall be added as a conditional use at 1115 Upper Hembree Road, Suite A, and limited to no more than 2,576 square feet.
2. Conditional use approval shall be limited to Far East Beauty; no additional spa services businesses or subleasing shall be permitted within the approved space.
3. Spa services shall be limited to facials, semi-permanent makeup, microblading, waxing, lash extensions, make-up, and nails.
4. Hours of operation shall be Monday – Saturday 9:00 AM – 7:00 PM.
5. Window signage shall be limited to 10% or less of the window area. No lighting window trim.
6. In compliance with condition #21 related to file# MP-88-05 Oswald/Upper Hembree Master Plan, one of the 2 existing ground signs at the project entrance shall be removed prior to the issuance of a business license for Far East Beauty. Remaining development ground sign and wall shall be pressure-washed and/or painted and a decorative planting bed shall be installed at the base of the sign and wall.

Planning Commission questions:

- Medical services signs – will that be eliminated?
 - Senior Planner Woodman shared that there is a similar sign on the other side of the entrance, but there is a secondary monument sign that also displays the businesses operating in the two buildings (on the other side of the driveway). If the businesses are not on the sign by the road, they could be placed on the secondary sign.
- Previous Condition #21 / Current Condition #6: project entrance or internal signage?
 - Senior Planner Woodman commented that it does not apply to internal signage.
- How is the 2,000-foot distance measured?
 - Senior Planner Woodman shared that this is a GIS map, and both the 2,000 and the 300 foot distances are measured from the front door of the Spa Services business to the front door of the conflicting use or the other Spa Services business in a straight line distance, as prescribed by the Code.
- Has there been illegal activity in Alpharetta?
 - Senior Planner Woodman said that he is not aware of any type of illegal activity surrounding these businesses, and this case was sent to public safety for review, and there were no concerns associated with this business.
- Condition #6 was imposed on the entire development. Who is the applicant? Who is applying for the Spa in relation to the development? Would it be better to handle this through Code Enforcement, since this is an existing condition and not a new condition?
 - Senior Planner Woodman shared that these are office condos for purchase and are individually owned. There is a Condo Association for this property, and the Applicant and the Condo Association have discussed that this is just

a sign panel, but the Applicant is present and may have more information on this. This is a condition of zoning that Council placed on this property, so if Condition #6 was not placed on the Applicant today, the City can still have Code Enforcement enforce the previous Condition.

- Are Conditions #1-5 approximately the same as other previously approved spas?
 - Senior Planner Woodman commented that they are very much the same conditions.
- Sign condition: what if the Condo Association does not want to pressure wash?
 - Senior Planner Woodman commented that if this Condition is approved, the condo owner would not be able to get around not wanting to pressure wash. Today, Code Enforcement could go to the site and enforce the condition of removing the one sign panel based on the previous condition.

Applicant presentation:

David Weisser and Hung Bo Gore (Gigi) presented the application for CU-21-07 Far East Beauty / 1115 Upper Hembree Road.

- Applicant agrees with all staff conditions, even Condition #6.

Planning Commission questions:

- Any other facility like this anywhere else?
 - Applicant commented that this is the first facility. Gigi wanted to buy and own the space, which is how the Applicant ended up with the condo. However, they did not understand that Gigi would be unable to operate this type of business in this space.
- Does this type of work require any certifications?
 - Gigi is a licensed esthetician and graduated in 2016.
- Do we require any certifications for spas?
 - Senior Planner Woodman shared that Spa Services are required to be licensed through the City. If the Applicant were to receive approval, they would have to apply for a Spa License before receiving a Business License. This is already in the Code, so it would not need to be added as a condition.

There were no public comments for this item.

- Commissioner Perkins offered a motion to approve, subject to conditions as set forth by Staff, including Conditions #1-6.
 - Commissioner Davis seconded the motion.
 - The motion was approved unanimously (5-0).
 - There was discussion during the motion about the following:
 - Chairman Kung'u would not want to impose a condition on the Applicant that is outside of their responsibility, or if the Condo Association decides they do not want to upkeep and remove part of the sign, wants to make sure the Applicant is not penalized.
 - Commissioner Zurinkas said that the only thing that Code Enforcement cannot currently enforce is the landscape strip and the pressure washing.

b. **Z-21-06/V-21-17 Kimball 154**

DEFERRED: This item has been deferred by the Applicant and will not be heard until August 5, 2021. The item will not be heard or discussed during this evening's meeting.

Consideration of a rezoning and variances to allow for a 3-story, 120,000 square foot office building and re-use of 2 existing buildings for office use and amenities on 4.44 acres. A rezoning is requested from SU (Special Use) to O-P (Office-Professional). Variances are requested to reduce parking, increase lot coverage, reduce front building setback, increase building height and reduce minimum driveway separation. The property is located at 154 Kimball Bridge Road and is legally described as being located in Land Lot 801, 1st District, 2nd Section, Fulton County, Georgia.

c. **PH-21-13 UDC Text Amendments - Supplementary Regulations Accessory Backyard Chickens Located in Residential Zoning Districts**

Consideration of a text amendment to Unified Development Code (UDC) Subsection 2.3.3(C) Uses Customarily Accessory to Dwellings Located in Residential Zoning Districts, to add regulations allowing backyard chickens as an accessory use on minimum one (1) acre properties.

Director of Community Development, Kathi Cook, presented consideration of text amendments to Unified Development Code (UDC) Subsection 2.3.3 Supplementary Regulations, Uses Customarily Accessory to Dwellings Located in Residential Zoning Districts, to allow backyard chickens in any residential zoning district on minimum one (1) acre properties. Regulations limiting the number of chickens to six (6), prohibiting roosters and requiring a minimum 25' setback for related structures would remain the same.

Further, this proposed UDC change will keep the one (1) acre minimum requirement, but it will not designate the zoning category. For example, if a property owner is in a R-12 zoning and has an acre lot, they could have chickens because they meet the size requirement, however, the property owner would still be subjected to any Homeowner Association covenants. Additionally, this proposed change would allow a property owner with less than an acre to request a variance to allow backyard chickens.

Director Cook read the proposed amendment for Article II, Subsection 2.2.3(C)(9).

Planning Commission questions:

- Does the number of structures matter?
 - Director Cook explained that this applies to one (1) home on one (1) acre. If there were 2 homes, then the property would be split and would not likely meet the acreage requirement.
- Previous applicant with less than one (1) acre, what was the final disposition of that case and how does this affect other people like this?
 - Director Cook explained that the resident in that case is in an R-12 zoning and did not meet the acre requirement. This proposed amendment would allow residents with similar situations to have the opportunity to request a variance. Currently, without this proposed amendment, that specific resident and others in similar situations did not have a path to request a variance to allow chickens.
- With no permitting process, unless a person who has backyard chickens is brought to the city's attention, is this a moot point?
 - Director Cook shared that Code Enforcement will find some instances where there are chickens on less than one (1) acre. If a resident does request a

variance from the one (1) acre requirement, then there would be specific conditions placed on that specific approval, which may require a special permit. However, in general, we would not want to process permits if a property owner meets the one (1) acre requirement.

- Would that go to City Council?
 - Director Cook stated that it would depend on the size of the reduction. If it were less than 50% reduction, then it would go to the Board of Zoning Appeals. If it was more than 50%, then it would go to City Council.
- It would be ideal to review this after a year and see where we are at with backyard chickens.
 - Director Cook mentioned that this has not been a huge issue in the community, probably because the owners do not have roosters or maybe because their neighbors are okay with having them.
- Are there any other cities that require permitting for chickens?
 - Director Cook shared that in the research that was sent by a resident, there was a permitting process in Fairfax. Further, Staff did check the surrounding cities and did not find any permitting processes in the surrounding cities.
- Did the previous applicant with one (1) acre near the old Harry's get to keep their chickens?
 - Director Cook shared that this case is still on hold. We have not required the resident to remove their chickens. Staff believed that it would be best to make an appropriate recommendation for a change to the code, so that the resident will have a path for him to be able to go forward with his case. We did not want to make a code change for that specific person, but instead wanted to make a change that would make sense for the whole City.

There were no public comments for this item.

- ❖ Commissioner Zurinkas offered a motion to approve with the text that is shown on the screen, including the buffers, wetlands, and regulated floodplain.
 - Commissioner Perkins seconded the motion.
 - The motion was approved unanimously (5-0).

VII. ADJOURNMENT

Chairman Kung'u adjourned the meeting at 7:08 p.m.