

**HALL COUNTY PLANNING COMMISSION
RECOMMENDATION REPORT**

Applicant Sacred Heart Tattoo IV

Request Use Subject to County Commission approval

Proposed Use Tattoo, piercing, or body modification studio

Size 0.28± acres

Zoning H-B

Location Located on the west side of Browns Bridge Road approximately 152 feet from its intersection with Skelton Road; a.k.a. 2206 Browns Bridge Road; Tax Parcel 00122 001013.

Commission District Four

County Commission Date March 25, 2021

Staff Recommendation..... **Approval**

Planning Commission Recommendation – Approval, with conditions
Vote: 5-0

Applicant Proposal

The applicant is requesting approval for a use subject to county commissioner approval for a tattoo and piercing studio. The applicant's narrative states that the business hours will be Monday through Saturday 11am to 9pm and Sundays 12pm to 7pm. The total number of employees will be four artists and one receptionist. The applicant notes that they are currently licensed through Hall County Environmental Health for a separate location.

The front space consisting of approximately 362 square feet will be used as the receptionist desk area, art displays, and waiting furniture. The first artist's station is approximately 115 square foot; second artist's space is approximately 120 square feet; third artist's station is approximately 99 square feet; and fourth artist's space is approximately 53 square feet, separated and surrounded by barriers.

The narrative states that there is parking for 15 vehicles and that the business expects a maximum occupancy for the property to be 10 people including the 5 employees.

There are no proposed changes to the existing building.

The applicant's narrative states that Sacred Heart Tattoo IV, Inc. shall be granted the special use permit application at 2206 Browns Bridge Road for the following reasons:

1. Sacred Hearts proposed site at 2206 Browns Bridge Road is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the general plan.
2. 2206 Browns Bridge Road is physically suitable for the type and intensity of land use being proposed.
3. Street and/or highway facilities providing access to the property are adequate in size to meet the requirements of the proposed use; and
4. Approval of the special use permit at 2206 Browns Bridge Road will not be inconsistent with or compromise the public health, safety and welfare of the overall objectives of the general plan.

History and Existing Land Uses

At the Special Called Voting Meeting on January 27, 2021 the Hall County Board of Commissioners approved two items related to the issuance of permits/licenses for tattoo, piercing, and body modification establishments. The first of these changes deleted the requirement from Title 8 relating to all employees being licensed medical professionals. The second item was to change the county ordinance so that tattoo, piercing and body modification studios shall obtain a special use permit and meet conditions set forth in section 17.120.020 of the Official Code of Hall County.

The subject property is currently zoned Highway Business (H-B) and consists of 0.28± acres. The property is developed with a commercial office building constructed in 1990. Hall County records show no active business licenses at this location.

The adjacent properties within Hall County jurisdiction are zoned H-B, and the adjacent properties located within the City of Gainesville are zoned General Business. The H-B property abutting the subject property is developed with an office building with a business license associated with Credit Master Auto Sales, Inc.

Per Hall County records, this appears to be the original zoning for the subject property.

Comprehensive Plan Land Use Designation

The subject area falls within the “Revitalization Corridor” land use designation on the Comprehensive Plan. This land use designation indicates a mixed-use character, and is intended to include both residential and non-residential uses, including multi-family residential. The corridor may feature retail, office, and higher-density residential spaces. This designation is often adjacent to an activity node.

The subject parcel also falls within the Gateway Corridors Overlay District (GCOD), which is supplemental to the underlying zoning district classifications. The GCOD governs non-residential property development standards.

The request is consistent with the Comprehensive Plan.

Development Support and Constraints

Hall County Environmental Health

In an email dated February 9, 2021, Emily McGahee stated, “Must meet all Hall County Board of Health Body Art Establishment permitting requirements.”

Hall County Fire Services

The subject parcel is located approximately 2.3 mile from Hall County Fire Station 4, located at 2940 Mcever Road. The nearest fire hydrant is located approximately 180 feet from the north east corner of the subject property along Browns Bridge Road within the city limits of Gainesville..

Hall County Public Works and Utilities

No comments were received.

Hall County Tax Assessors

No comments were received.

Gainesville Water Resources

According to the Hall County GIS map, the subject property has access to public water along

Browns Bridge Road.

Georgia Department of Transportation

In an email dated February 9, 2021, Johnathan Peevy stated “2205 Browns Bridge Rd – Sacred Heart Tattoo will require GDOT coordination”

Significant Factors

- §17.380.130 of the Official Code of Hall County states that the approval of any application for a use subject to approval of the county commission shall be effective for a period of no longer than 12 months from the date of approval unless action is taken by the applicant to implement the use proposed in the application by obtaining the proper permit and/or license, and development plat approval, and proceeding with the building, occupancy or establishment of business.

Zoning Analysis

- This use is consistent with the Comprehensive Land Use Plan.
- The proposed use is similar in nature to other businesses in the area, being service and retail based.
- There is adequate parking within the existing development to serve the proposed use.
- Section 17.210.020 of the Official Code of Hall County describes the conditions under which a Tattoo, Piercing and Body Modification establishment should operate.
 - The establishment of any use with the intent to permanently mark, alter or otherwise modify a human body shall be required to comply with the following conditions:
 1. No tattoo, body piercing, or body modification use shall be established within 300 linear feet of the front entrance of any of the following uses:
 - A. churches or places of worship as defined;
 - B. School;
 - C. Daycare or other childcare facilities;
 - D. Any establishment where alcohol is consumed on premises, or
 - E. Residential uses.
 2. Hours of operation: No tattoo, body piercing or body modification use shall be open for operation beyond the hours of 8:00am and 9:00pm daily.
 3. All spaces within a tattoo, body piercing or body modification establishment that are used to tattoo, pierce or otherwise modify a body shall be separate and not within the line of sight of the general public.
 4. Any tattoo, body piercing or body modification establishment shall be and remain in compliance with any and all applicable regulations of the State and Health Department.
 - The subject property **meets** all the conditions outlined above.

Staff Recommendation

Staff recommends **approval** of the applicant’s request.

Excerpts from the minutes of the meeting of March 1, 2021

Applicant's Presentation:

Sarah McQuade, Planning Director, presented a summary of the request.

Miguel Olivas, 2206 Browns Bridge Road, Gainesville, presented the request. Mr. Olivas stated that they were looking to expand their business. Mr. Olivas stated that he did have one concern with one comment in the staff report from GDOT. Ms. McQuade stated that they had spoken with GDOT and it was a typo with the address, however the comment still would apply if any modifications were being made to the existing access to the property. Mr. Olivas stated that Environmental Health had already come out and completed an inspection. He stated everything was good to go, minus a few minor repairs such as getting a new cover for a light fixture. Mr. Olivas stated that they would have all of these repairs completed prior to the business opening.

Public Forum:

No one spoke in favor or opposition of the request.

Motion: Mr. Bell made a motion to recommend approval, with a second from Mr. Varner and the motion passed by a 5-0 vote.