

City of Sugar Hill
Planning Staff Report
SUP 21-004

DATE: January 19, 2022
TO: Mayor and City Council
FROM: Planning Director *W*
SUBJECT: Special Use Permit SUP 21-004
HaiYing Yu & Shuqun Shao – 4450 Nelson Brogdon Blvd. Suite D-1

ISSUE The City of Sugar Hill has received an application dated November 3, 2021, from HaiYing Yu, and Shuqun Shao for a special use permit to operate a massage establishment. The subject property is currently zoned General Business District (BG).

RECOMMENDED ACTION

Denial of special use permit for a massage establishment.

PLANNING COMMISSION PUBLIC HEARING AND RECOMMENDATION:

The Planning Commission held a scheduled public hearing on January 18, 2022. There were no public comments. The public hearing was closed.

Vice Chairman Julie Adams motioned to recommend denial of the special use permit to operate a massage establishment as recommended by staff. Commission Member Jason Jones made second. Motion approved 3-0.

DISCUSSION

- There are eight massage establishments currently licensed in the city limits.
- This is the second application for a massage establishment special use permit since September of last year. Which prompted the adoption of a six-month moratorium on accepting new applications. The moratorium does not apply to this application and expires at the end of May. The previous application was for a Lavidia Massage franchise to replace a Massage Envy franchise which had previously operated within an existing commercial space.
- In December 2021 an investigation by Gwinnett County Police at one of the existing massage establishments in the city resulted in the arrest of three individuals accused of violations including practicing massage without a license and other violations related to Title 16 Chapter 6 Sexual Offenses of the Georgia Code.
- An increase in the number of massage businesses in retail-oriented shopping centers will make it more challenging to monitor compliance with the regulations designed to protect massage therapists, their industry, their clients, and the communities they serve.

BACKGROUND

Applicant/Owner: HaiYing Yu & Shuqun Shao / Shining Health LLC

Existing Zoning: General Business District (BG)

Request: Special use permit to operate a massage establishment.

Property Size: Portion of ± 14.0 acres – Sugar Hill Station Shopping Center

Location: 4450 Nelson Brogdon Boulevard, Suite D-1
Tax Parcel R7-258-008

Public Notice: Letters to adjoining owners via USPS regular mail on 12/1/21.
Signs posted on property 12/1/21.
Ad in legal section of Gwinnett Daily Post on 12/1/21 & 12/22/21.

Public Response: None.

FINDINGS OF FACT

The subject property is part of a shopping center complex, zoned General Business District (BG). Local ordinance requires the practice of massage therapy be conducted by individuals holding a license from the Georgia Board of Massage Therapy. There is proposed to be two massage therapists and both hold a license from the Georgia Board of Massage Therapy.

ZONING ANALYSIS

1. *Will the rezoning requested permit a use that is suitable in view of the use and development of adjacent and nearby property?*
No. An independently operated massage establishment here could result in an undesirable reputation for the shopping center and make it difficult to retain existing businesses and attract new businesses to fill vacant spaces.
2. *Will the rezoning requested adversely affect the existing use or usability of adjacent or nearby properties?*
Yes. An independently operated massage establishment here could result in an undesirable reputation for the shopping center and make it difficult to retain existing businesses and attract new businesses to fill vacant spaces.
3. *Does the property for which the rezoning is requested have a reasonable economic use as currently zoned?*
Yes.
4. *Will the rezoning requested create an overcrowding condition with respect to the existing streets, transportation facilities, or schools?*
No.
5. *Does the rezoning requested conform to the Sugar Hill Land Use Plan?*
Yes.
6. *Are there other existing or changing conditions affecting the use and development of the property which would give support to an approval or disapproval of the rezoning request?*
Yes. An increase in the number of massage businesses in retail-oriented shopping centers will make it more challenging to monitor compliance with the regulations designed to protect massage therapists, their industry, their clients, and the communities they serve.