Staff Report
City of Doraville, Georgia
Planning and Zoning

Public Hearing:	MCC public hearing scheduled for July 26, 2010 @ 6:30 p.m.
Applicant:	Mutaz S. Pirani for Happy Mart C-Store (package store)
Request:	Conditional Use per 2008-23 on property zoned M-1 for "truck and trailer rental…" No variances were requested or advertised.
Location:	Parcel ID 18-342-05-009, 4483 Tilly Mill Road
Tract Size:	Approximately 15,000 +/- square feet

CU Standards of Review

(1) ***The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan.*** False, the site should be Highway Commercial (C-2) according to the City's adopted Comp Plan rather than Light Industrial zoning.

(2) ***The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.*** False, given the principal use, the C-Store, is clearly a legal non-conforming use in M-1. Any subordinate use does not diminish this status.

(3) ***The proposed use is compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public rights-of-way to mitigate development related adverse impacts such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects to adjacent developments and neighborhoods .*** False. The site is overdeveloped relative to its small size and encroachments thereby possibly negatively affecting adjacent and nearby properties (in particular storm water).

(4) ***The proposed use does not generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood.*** False. The site is riddled with traffic circulation problems from being overdeveloped and shared access.

(5) ***The proposed use incorporates roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets.*** False. No neighborhood streets.

(6) ***The proposed use incorporates features to minimize adverse affects, including visual impacts, of the proposed conditional use on adjacent properties; and the proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested, that such variations are necessary to render the use compatible with adjoining developments and neighborhoods.*** False. No variances

requested or advertised. The Applicant was counseled but apparently not interested in additional expenditure warranted by concurrent variance.

(7) ***The proposed use is based on a site plan in conformity with all space limits, buffers, parking and loading provisions, and other provisions of this article.*** False. No more than 70 percent of the site may be impervious.

(8) ***The proposed use applicant has agreed to any specific limitations or conditions necessary to protect the public interest and assure the continued beneficial use and enjoyment of nearby properties or that no special limitations are necessary to protect the public.*** False.

Recommendation:

Conditional Use:

Based upon the standards of review contained herein, Staff recommends **DENIAL** of the petition request.