Staff Report
City of Doraville, Georgia
Planning and Zoning

Public Hearing:	MCC public hearing scheduled for July 26, 2010 @ 6:30 p.m.
Applicant:	Attorney Bruce Morriss for Midori Spa
Request:	Conditional Use (CU) per Ordinance 2008-33 on property zoned C-2 and R-1 for "massage therapists…"
Location:	Parcel ID 18-310-03-009, 5201 Buford Highway, PineTree Plaza
Tract Size:	Approximately 13.981 +/- acres (parent tract)
Business History:	8-24-08 original massage owner obtains City approval prior to current Planning Staff – this is not a moratorium approved business

CU Standards of Review

(1) ***The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan.*** Cannot be determined given the inconsistency of the parcel zoning.

(2) ***The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.*** False. Given the property is clearly split zoned R-1 and C-2 per the official, adopted zoning map, contained within a single boundary survey of the property under review herein, it cannot be determined to be consistent.

(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.

(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.*** True.

(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.

(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. To the extent the City may have purported to grant multiple variances in 2001 on this property, it is unknown if they were properly advertised given the first reading was on August 6, 2001, the minutes note the need for advertisement, and the zoning variances were granted on August 13, 2001 – 5 days which does not comply with the Zoning Procedures Act. Further investigation is warranted to conclusively determine applicability of variances.

(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.*** Cannot be determined to be compliant at this time. The key and pivotal issue is the employment of only State of Georgia licensed massage therapists which has not been affirmatively demonstrated to the Staff.

Recommendation:

Conditional Use:

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