Staff Report
City of Doraville, Georgia
Planning and Zoning

Public Hearing:	MCC public hearing scheduled for October 25, 2010 @ 6:30 p.m.
Applicant:	AKG Globally, LLC and Rakesh Kumar Garg
Request:	Conditional Use per Ordinance 2010-24 on property zoned C-2 for "Liquor stores (retail) (subject to restrictions of Code). The maximum gross floor area of a structure shall be 10,000 square feet." No variances were requested or advertised.
Location:	Parcel ID 18-342-05-013, 6400 Peachtree Industrial Boulevard
Tract Size:	Approximately 0.65 +/- acres
History:	Item advertised per City Council directive of August 30, 2010, per C-2 text amendment to allow consideration of the item per CU criteria.

CU Standards of Review

(1) ***The proposed use at the specified location is consistent with the policies embodied in the adopted Comprehensive Plan.*** True. Unlike many of its neighboring properties, the site is zoned a commercial designation as envisioned by the Comp Plan rather than the prevailing industrial designations (M-1) in the area. This entire quadrant extending up Tilly Mill Road to the City of Dunwoody city limits is envisioned by the Comp Plan as Highway Commercial Corridor which would generally mean either C-1 or C-2.

(2) ***The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.*** True. Retail sales of foodstuffs without on-site consumption are common within C-2.

(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.*** True. The development is within an area characterized by mixed development types resulting from no specific planning methodology with little or no affected "neighborhood" development within the City limits.

(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. Due to the site's location it is proximate to major transportation gateways (I-285, Peachtree Industrial Boulevard, and Tilly Mill Road) and is disconnected from Doraville neighborhoods by Peachtree Industrial Boulevard which is ideal for this type of business from a planning methodology standpoint.

(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. There are no neighborhood streets which are affected by the site.

(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.*** Care should be taken to review the site's compliance with the regulatory code prohibitions on exterior alcohol signage which may also improve the appearance of the site as well.

(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.*** True, but only to the extent the property has been rendered legally non-conforming. Clearly the entire site as previously constructed may be within a stream buffer (Nancy Creek).

(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***. Item cannot be determined from available information due to no mediation as yet with the City Council.

Recommendation:

Conditional Use:

Based upon the standards of review contained herein with such actions warranted by past staffing error, the Department recommends **Approval** of the Conditional Use (CU) petition request for a retail liquor store provided there is no expansion in the square footage footprint of the existing facility.

The site as a CU shall be governed by Ordinance 2009-28 with no variations expressed or implied.

There are currently two (2) retail liquor stores operating in the City.

Staff is generally supportive of the text amendment for retail liquor stores in C-2 provided regulatory codes address the absolute number of these facilities within the City and that these facilities are located on opposite ends of the City in order to serve the residents/visitors needs generally without what one may perceive as an over saturation of the same or similar uses.

The approval of the CU does not warrant compliance with the City regulatory Codes and is just the first of many requirements (including fees) to obtain occupational and alcohol licensure which is the review capacity of the City Clerk's Office and the Doraville Police Department.