Staff Report
City of Doraville, Georgia
Planning and Zoning

Public Hearing:	MCC public hearing scheduled for October 25, 2010 @ 6:30 p.m.
Applicant:	Fast Cash Title, LLC
Request:	Conditional Use per Ordinance 2010-24 on property zoned C-2 for a pawn shop. No variances were requested or advertised.
Location:	Parcel ID 18-311-02-017, 5351 Buford Highway
Tract Size:	Approximately 0.264 +/- 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.*** False. Although the site is located on a C-2 highway commercial corridor and within the LCI #1 study area, the site (as much of Buford Highway) does not personify the vision of the Plan. In staff's view, sites zoned C-2 would not generally be ideal for pawn activities. Perhaps this is one of the "Quality Community Objectives" addressed in terms of "appropriate business" illuminated on Page 13 of the Plan. The Plan does not illustrate any further what this appropriate mix would be other than to describe recommended uses of commercial; limited office/professional; and public/institutional.

To Quote the Doraville Comp Plan 2005-2025 (Page 12): "There are two primary commercial corridors in Doraville: Buford Highway and Peachtree Industrial Boulevard. Some of these areas are declining and need redevelopment to vital in the future. Comprised mainly of unattractive, vacant, or under-utilized strip shopping centers, these areas are characterized by auto-oriented design that creates a high degree of access for vehicular traffic. Superfluous on-site parking and lack of preserved open space typify these areas."

(2) ***The proposed use is consistent with the general purpose and intent of the applicable zoning district regulations.*** Item cannot be determined from available information.

(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 has no real transitional zoning buffering between it and the adjacent single-family homes on Oakmont Avenue. The past use of the parking lot for apparent automotive stock in trade would not be in the best interest of the adjacent neighborhood.

The Plan notes on Page 21 that "In some areas of Doraville there is poor separation or buffering of incompatible land uses."

(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's close proximity to a residential neighborhood would generally be believed to generate negative secondary impacts.

(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 directly affected by the site due to a location on GDOT right-of-way (Buford Highway) and its curb-cuts being only onto Buford Highway; however, it may be in the City's best long term interests to abandon Oakmont Avenue at this location and return the former right-of-way to a planted buffer. This would help salvage the adjacent subdivision (Neighborhood Preservation District) from being engulfed into a commercial highway corridor.

(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.*** Vegetation would be a huge improvement (however limited) where abutting residential homes.

(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 could be determined to be legally non-conforming. NOTE: Transitional zoning buffers (40 feet) are required where the property abuts R-1 developed as single-family dwellings. There appears to be zero vegetative buffering at this location.

(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 which has resulted in a proliferation of these business types within C-2, the conflicting approach of the City regulatory codes relative to the zoning code(s) – at least to the extent that pawn regulation was in place without attendant zoning since 1981, the Department has **No Recommendation.**

5351 Buford Highway CU (Title Pawn)

Original occupational placard issued September 2007.
The site as a CU would be governed by Ordinance 2009-28 with no variations expressed or implied.

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 pawn shop licensure which is in the review capacity of the City Clerk's Office and the Doraville Police Department.