Staff Report
City of Doraville, Georgia
Planning and Zoning

Public Hearing:	MCC public hearing scheduled for October 25, 2010 @ 6:30 p.m.
Applicant:	TitleMax of Georgia, E. Michelle Rothmeier, Attorney
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 18-320-01-029, 5679 Buford Highway
Tract Size:	Approximately 0.5979 +/- 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. The site is located in a "Mixed Use Redevelopment Opportunity" area on the Future Development Map of the Comp Plan. The Plan (Page 10) sets forth for New Peachtree Road/Buford Highway/Shallowford the following recommended uses: Main Street Retail; Mixed Use neighborhood commercial/residential; Office/professional; and Townhomes/Condominiums.

(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.*** Item cannot be determined from available information given the site does not depart markedly from its neighboring developed properties zoned C-2 as well.

(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 statement when accompanied by a clarifying explanation. Provided the focus is on a residential neighborhood, the site is disconnected from these type uses.

(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 development other than secondary streets which serve primarily multi-family apartment development.

(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.*** Item cannot be determined from available information. See also standard #3 for compatibility. Concern is raised about the site's proximity to existing apartments.

The Plan notes on Page 21 that "In some areas of Doraville there is poor separation or buffering of incompatible land uses." This would apply to the site as a whole since the property is not a subdivided land parcel.

(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. Transitional zoning buffers are required (30 feet) because the site abuts R-3 developed as apartments.

(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.**

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.