Staff Report
City of Doraville, Georgia
Planning and Zoning

Public Hearing:	MCC public hearing scheduled for October 25, 2010 @ 6:30 p.m.
Applicant:	Tae Won Kwon D.B.A. First Class Auto Service
Request:	Conditional Use per Ordinance 2010-24 on property zoned C-2 for an auto repair shop/auto body repair. No variances were requested or advertised.
Location:	Parcel ID 18-310-02-003, 5791 New Peachtree Road
Tract Size:	Approximately 2.2 +/- acres (same parcel as NiceCar CU Request)
History:	Item advertised per City Council directive of August 30, 2010, per C-1 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 Comp Plan on Page 10 recommends the following uses on New Peachtree Road/Buford Highway/and Shallowford Road on properties that are depicted on the Future Development Map as "Mixed Use Redevelopment Opportunity:" Main Street Retail; Mixed Use Neighborhood Commercial/Residential; Office/Professional; and Townhomes/Condominiums. The staff raises concern that auto body work is not an essential element to this type of district.

(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. Staff would have generally preferred a size limitation on neighborhood uses so that they do not become expansive and dominate a mixed use area zoned C-1. Staff raises concern about the auto body component of the business and how that frequently becomes an outdoor activity at some Doraville business locations with potentially objectionable odors and air-borne particles.

(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 R-3 zoning developed as apartments. The site is well maintained relative to properties in its immediate vicinity which are largely M-2 zoned properties.

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.*** True and False. The site's close proximity to a residential apartment development would

generally be believed to generate negative secondary impacts such as pedestrian traffic but such foot traffic is very common in the immediate area due to a large number of apartment dwellers both within Doraville and nearby Chamblee. Foot traffic would be customary in higher developed density; however, sidewalks would be a huge improvement with redevelopment of the entire quadrant.

(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 unless we consider a secondary Minor Thoroughfare street such as Shallowford Road and New Peachtree Road as a "neighborhood" street. Staff believes this would be an inappropriate use based on roadway classification. A neighborhood street would generally be classified as a "local street." See for example, Pages 6 and 7, Ordinance 133, October 7, 1967, Doraville Subdivision Regulations.

(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.*** In the short run, vegetation would be a huge improvement (however limited) where abutting R-3 dwellings. The review of excess exterior wall signage would improve generally the appearance of the site. Only one (1) wall sign should be on the street facing elevation as per City sign code.

(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 (30 feet) are required where the property abuts R-3 developed as apartment dwelling units. There appears to be zero on-site vegetative buffering at this location and it is likely that on-site vegetation cannot easily be added.

(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. The Council may want to discuss with the applicant whether the body shop component is vital to the business operations.

Recommendation:

Conditional Use:

Based upon the standards of review contained herein with such actions warranted by past staffing error apparent by not reviewing the City zoning ordinance definition of "automobile service

station" – gasoline must be sold with the auto repairs (Section 402, Definitions), the Department recommends **Denial.**

Original occupational placard issued for this business February 1991.

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

The approval of the CU still requires completion of the occupational license and payment of associated fees.