Staff Report
City of Doraville, Georgia
Planning and Zoning

MCC Public Hearing: MCC public hearing scheduled for December 13, 2010 @ 6:30 p.m.
PC Public Hearing: PC public hearing scheduled for December 9, 2010 @ 7:00 p.m.
Request: City Initiated Rezoning from C-2, M-1 and R-1 to C-2 and R-1 as directed by City Council on November 15, 2010.
Location: Parcel ID 18-341-01-063, property situated at 2747 Homeland Drive (also known as 6555 Peachtree Industrial Boulevard). Portion of the site contains an NTB store that recently closed.
Tract Size: Approximately 1.73 +/- acres as a single lot (City does not acknowledge attached lot division per as-built).

Rezoning Standards of Review (Section 1603);

(1) ***The existing uses and zoning nearby.***

The property abuts R-1 developed as single-family detached on its eastern boundary with Homeland Drive. All other abutments are with M-1 zoned property developed as Peachtree Square, an industrial park.

(2) ***The extent to which property values are diminished by their particular zoning restriction.***

The property developed as a legal non-conforming use is in no way diminished by any particular zoning designation and given this is a City initiated action.

(3) ***The extent to which the destruction of property values of the subject property promotes the health, safety, morals, or general welfare of the public.***

Frankly, the entire zoning scheme for this area did not attend to the preservation of residential neighborhoods; however, this situation is not uncommon in Doraville.

(4) ***The relative harm to the public as compared to the hardship imposed upon the individual property owner.***

There are undetermined hardships for all parties involved. Clearly, the preservation of the adjacent neighborhood is paramount given the changing conditions whereby Homeland Drive has been split by Peachtree Industrial Boulevard and disconnected a City street and platted neighborhood. There are two (2) Homeland Drives which are no longer contiguous.

The Comp Plan notes on Page 21 that "In some areas of Doraville there is poor separation or buffering of incompatible land uses." The rezoning facilitates better meeting that performance standard over the long run use of the property.

(5) ***The suitability of the subject property for the zoning proposed.***

The subject property would have likely been predominantly zoned C-2 when developed in order to fit in with the zoning scheme of that timeframe.

(6) ***The length of time the property has been vacant as zoned, considered in the context of land development of adjacent and nearby property.***

Not entirely applicable given a portion of the property is developed as an automotive service center which just went vacant on or about December 1, 2010.

(7) ***Whether the proposed zoning will permit a use that is suitable in view of the use and development of adjacent and nearby property.***

The rezoning facilitates an existing automotive use as legal non-conforming, but avoids more intense M-1 uses which could be placed on the property absent rezoning.

(8) ***Whether the zoning proposal will adversely affect the existing use or unsuitability of adjacent or nearby property.***

The rezoning request will better facilitate continuity with the Comp Plan's Future Development map and adjacent residential neighborhood.

(9) ***Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.***

The property has reasonable economic use as currently zoned; but, because of the split zoned nature of the property, the need for buffers, and the difficult topography of the R-1 portion of the land, the property is more ideally suited as C-2/R-1.

(10) ***Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.***

None apparently affected.

(11) ***Whether the zoning proposal is in conformity with the policy and intent of the land use plan.***

The entire property is depicted on the Comp Plan Future Development Map as Highway Commercial Corridor. Although generally in conformance with said plan, Staff views the frontage along Homeland Drive as best preserved for residential buffering.

(12) ***Whether there are existing or changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal.***

The City has not reevaluated the split zoned nature of the site in some time with the recent changes to the City's non-residential zoning district re-writes. There is a need to preserve the residential character of the Homeland Drive frontage in order to further support the Comp Plans declaration of this area as "Neighborhood Preservation District."

(13) ***The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area, or the community; and:***

Unlikely, the rezoning of the property will have little impact with continuous business operations in their present capacity; and, this is clearly beyond the control and management of the City.

Given past experience, the present City Attorney generally frowns upon City initiated rezoning actions being attached to zoning conditions and thus the Code, absent conditions of the natural, human, and built environments, as are typically drafted and recommended by Staff shall generally guide the site.

(14) ***The impact of the proposed zoning change upon pedestrian and vehicular circulation and traffic thoroughfare capacities and capabilities.***

None apparent provided the site is not re-developed.

Recommendation:

As per the action of City Council, the Department recommends **Approval** of the rezoning at 2747 Homeland Drive (18-341-01-063) from C-2, M-1 and R-1 to C-2 and R-1 with an R-1 parcel depth of 139.57 +/- feet from the Homeland Drive frontage to be preserved in perpetuity as an undisturbed transitional zoning buffer. Thus, Tract 2 per the attached survey for NLCB properties will be zoned R-1 provided the City does not acknowledge its subdivision from Tract 1 which shall be zoned C-2 (survey date 10-28-87). The legal descriptions on the survey will be the requisite zoning legal descriptions and the property will be acknowledged as split-zoned but the prevailing use of the property will be C-2 as described in the Doraville Zoning Ordinance's C-2 (General Business District). No R-1 uses shall be allowed.