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.
Applicant: Alan Dobrin for M.A.T. Investments, LLC
Request: Rezoning from C-2 to M-1 with Variances – Section 911, Minimum Lot Size (Variance from Minimum 1 acre Lot Size). NOTE: No as-built survey was provided with the Application.
Location: Parcel ID 18-321-17-009, property situated at 3747 Longmire Way (formerly Butler Tire).
Tract Size: Approximately 0.51 +/- acres

Standards of Review (Section 1603);

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

The property is bordered on three (3) sides – north, east, and - south by properties also zoned C-2 and developed as Burger King/Atlanta Eagles soccer facility. The western boundary of the site is Longmire Way.

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

As represented by the real estate industry, the property's value is generally land based, not improvement based, not unlike most aging properties within Doraville; however, it must be noted this site is specifically developed for a single intended auto use. Absent demolition, the site is unlikely to be easily used in any other capacity. The facility cannot be expanded in any capacity without additional variances.

(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.***

The site has no relationship or connectivity to any residential area and is characteristic of its general area and the uses within that area.

(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. Hopefully, the rezoning of the site will be a further economic catalyst for the street.

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

The subject property represents as-built conditions that are not ideal but largely the site meets the basic requirements to be M-1 and for the use(s) proposed. Recall that the building exists merely in a legal non-conforming status and will remain so until it is removed. The building essentially is in no different situation than it was before rezoning was applied for.

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

Numerous properties along this street are vacant. The subject property clearly represents a loss of legal non-conformity.

(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 subject request is well suited given the needed industrial re-classification of nearby properties to be in agreement with their actual light industrial uses and the rezoning of the site at 3753 Longmire Way.

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

The zoning proposal is consistent with that of the needed zoning changes for many nearby uses which are light industrial based and not commercial based. For example, Staff is not quite sure why the nearby mini-storage facility (SecureCare Storage) was developed on C-2 zoned property despite the City zoning ordinance having never apparently allowed this type of facility within C-2. Said facility also apparently has a on-site caretakers apartment.

(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 not as developed.

(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.***

Streets and transportation facilities: no affect given as-built conditions of the site.

Utilities: no affect as presently developed.

Schools: no affect, no change. Petition reflects a non-residential use changing to another non-residential use.

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

The property is classified as "Highway Commercial Corridor" which could thereby encourage a multitude of C-2 uses. The requested zoning with limitations on use is far less intense than what could be contemplated with general C-2 zoning and no controls.

(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.***

Quite simply, the property use has lost its legal non-conforming status. This type of situation will likely be faced time and time again by the City Council in the future due to the corrective situations which arose from re-alignment of the zoning ordinance. Dealing with non-conformity and its implications should not dissuade the legislative body from taking any action.

(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:***

The property's rezoning would have little effect upon adjacent uses given it would not likely change the allowable uses as requested by Staff per zoning conditions.

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

The road infrastructure is existing and in use. Impact would generally be negligible absent the requirement through Conditions of Zoning for sidewalks to be installed by the Applicant. Given the large amount of foot traffic on this street coupled with topography, the eastern frontage of Longmire (rather than the western frontage) is the best location for sidewalk installation.

Recommendation(s):

Staff recommends **Approval** of the requested rezoning located at 3747 Longmire Way from C-2 (General Business District) to M-1 (Light Industrial District) coincident with City Council agreement to facilitate an intermediate land use amendment addressing this property and the following contiguous string of properties along Longmire Way :

(18-321-17-002) – O Longmire Way @ corner of New Peachtree Road (Keystone Tank Repair);
(18-321-17-011) – 3751 Longmire Way (SecureCare Mini-Storage Facility);
(18-321-17-009) 3747 Longmire Way (Formerly Butler Tire); subject request.

NOTE: Conditions do not eliminate compliance with any other Codes. No other variances from Code are recommended other than minimum lot size (existing structure remains as is) which results from the existing spatial configuration of a lot of record.

Rezoning is to allow only one (1) use within M-1 (automotive service and repair shops…) as per Ordinance 2008-23. All other M-1 uses are prohibited. The establishment of a body shop shall be prohibited.

These conditions are in concert with the prior rezoning conditions of 3753 Longmire Way on or about June 29, 2009, also from C-2 to M-1 and specific to automotive uses.

Rezoning Continued:

NATURAL:

(1) Not applicable.

HUMAN:

(1) The Applicant shall install five (5) foot wide sidewalks along the entire property frontage of Longmire Way which shall maintain a green space strip between the curb and the sidewalk per DeKalb County Standard diagram. The City may delay this project for up to five (5) years in order to coordinate the overall construction of sidewalks along this street and can require the property owner's participation in construction costs relative to their frontage in order to satisfy this condition.

(2) The Applicant shall install a minimum of one (1) pedestrian bench and one (1) trash receptacle onsite along the visible property frontage in location(s) determined by the City Planner. These shall be installed on a brick, concrete, or asphalt surface as shall be determined by the City Planner. The design of this street furniture shall be black and consistent with installed street furniture hard scape along Buford Highway as shall be determined by the City Planner (see fixtures at 2845 Clearview Parkway). These shall be installed within one year of occupancy or completion of the sidewalk.

BUILT:

(1) Any exterior modifications to the existing structure shall require full brick elevations where fronting a public right-of-way. Any new structure(s) shall be faced with brick and/or stone on all building elevations.

Other than dumpster enclosure(s), all tenant structures subsequent to this zoning shall have a pitched or pitched style roof. Proposed masonry surfaces shall never be painted.

Any proposed exterior repaint of existing masonry surfaces (other than same color scheme) shall be approved by the City Planner with a color scheme consistent and/or compatible with the earth tones of the adjacent Burger King facility and the Clover Plaza shopping center. The color scheme shall be consistent on all building elevations.

(3) Re-stripe all parking areas as per Code (as needed) and seal-coat or asphalt entire parking lot prior to business occupancy. A parking lot site plan will be required to be approved by the City per City development plan review/permitting.

(4) All ground mounted signage shall be of a monument design (maximum twenty-five (25) feet in height) which is faced in brick and/or stone for the full width and height of the sign with the property address shown thereon (each side when double-faced) in a minimum of eight (8) inch copy. No more than one ground mounted (1) sign shall be permitted per street frontage. The property owner shall have up to two (2) years from zoning approval to satisfy this requirement.

(5) Window or glass signage shall not exceed five (5) percent of the display area and shall not be illuminated. Additionally, windows shall not be out lined with neon or neon style light strips. The existing lighted window signage of all types shall be removed prior to business occupancy.

(6) All exterior Butler Tire signage shall be removed prior to business occupancy.

(7) No outdoor storage or display of vehicles, supplies or equipment.

(8) Any new fencing on the site shall be black vinyl coated chain link with black slating where slating is used.