

CITY COUNCIL MEETING CIVIC CENTER

Donna Pittman-Mayor

Robert J. Patrick-District 1 Trudy Jones Dean – District 2 Karen Pachuta – District 3 Pam Fleming – District 1 Brian Bates – District 2 Maria Alexander – District 3 Mayor Pro-Tem

AGENDA

November 4, 2013. 6:30PM

- 1. CALL TO ORDER
- 2. ROLL CALL
- 3. PLEDGE OF ALLEGIANCE
- 4. APPROVAL OF MINUTES
- 5. APPROVAL OF MEETING AGENDA
- 6. PUBLIC COMMENT
- 7. CONSENT AGENDA
 - a) Second Read on Proposed Amendment to FY 2013 Budget- Lisa Ferguson
- 8. ORGANIZATIONAL AND PROCEDURAL ITEMS
- 9. REPORTS AND PRESENTATIONS
 - a) City Manager
 - b) Economic Development
 - c) Library

10. UNFINISHED BUSINESS

- a) Public Hearing Application for Rezoning of Parcel # 18 311 02 014 located at 5407 Buford Hwy from C-2 Commercial to M-1 Light Manufacturing Joe Cooley
- b) Ordinance to Remove Employee Policies from Code- Attorney Cecil McLendon



11. NEW BUSINESS

- a) Public Hearing- Variance Request for Fence Height in Front Yard at 2582 Addison Dr, Doraville, GA, Parcel # 18 297 13 016- Joe Cooley
- b) Text Amendment to Add Language Address New Auto Dealerships in C-2 Zoning District-Shawn Gillen
- 12. OTHER BUSINESS
- 13. COUNCIL COMMENTS
- 14. ADJOURNMENT



AGENDA ITEM REQUEST SHEET

Subject: First Read on Proposed Amendment to FY 2013 Budget

		Regular	
erten en mit skriget ook		Work Session	
Date of Meeting:	October 21, 2013	Recommendation	
		Policy/Discussion	
Budget Impact:	□ Yes □ N/A	Report	
		Ceremonial	
		Other	
Budget Impact Amou	int: \$		
Funding Source:			
□ Annual			
□ Capital			
□ Grant(s)/ Te	chnical Assistance		
□ N/A			

Department: Finance

Department Head: Lisa Ferguson

Purpose:

The purpose of this ordinance is to amend the prior year fiscal year budget for the year ending June 30, 2013. It is necessary to make this amendment in order to remain in compliance with state laws regarding business and occupational taxes, hotel motel taxes and budgeting. In addition, we are amending the budget at this time in order to address repeat audit findings related to budget variances that we have received in our annual audit for the past several years.

We are not amending every item that could be amended, only making the adjustments that are necessary to align the budgets to the extent needed to comply with state regulations and to address the audit finding issues.

We are making adjustments to the following line items, departmental budgets and fund budgets:

1 Revenues

- a. Business and Occupational Taxes increase due to increase in gross receipts of tankers due to rising gasoline prices.
- b. Motor Vehicle Operators increase to match current receipts
- c. Federal Grants Decrease due to having one COPS position vacant for the fiscal year.
- d. Interest Revenues Increase to match current receipts
- e. Miscellaneous increase due to refund on prior years' workers comp premium
- f. Transfers from Hotel Motel increase due to increase in Hotel Motel receipts for the fiscal year.

2 Expenditures

- a. Legal Increase due to increased litigation costs
- b. Pool increase due to a leak at the pool causing larger than expected water bills.
- c. Tree bank Fund- increase due to more right of way cutting by Georgia Power than expected.
- d. Hotel Motel Fund Increase in both revenue and expenditure budget caused by increase in Hotel Motel receipts for the year.
- e. Sanitation Increase in operating transfers. This was caused by an adjusting entry made by the auditor last year to account for the portion of the sanitation that was unbilled at the end of the fiscal year.

Recommendation:

The Finance Department recommends approval of the Budget Amendment ordinance as presented.

Attachments:

Proposed Budget Amendment Ordinance to Amend the FYE2013 Budget

Agenda Request page 2

ORDINANCE TO PROVIDE FOR THE ADOPTION OF AN AMENDED BUDGET, ITS EXECUTION AND EFFECT FOR THE FISCAL YEAR BEGINNING JULY 1, 2012 AND ENDING JUNE 30, 2013

BE IT ORDAINED by the Mayor and City Council of the City of Doraville, Georgia:

Section I. The City previously adopted a Budget for fiscal year July 1, 2012 through June 30, 2013. There is hereby adopted for the fiscal year July 1, 2012 through June 30, 2013, an amendment for the City of Doraville, Georgia, as detailed herein. Amounts in this budget may be re-allocated within funds by approval of the Mayor as long as the total budgeted amounts do not exceed these appropriations by fund.

Section II. General Fund. The General Fund for the City of Doraville shall have an appropriation of \$9,139,188, for the general obligations and legal obligations in FY 2013.

General Fund revenues for the fiscal year are estimated as follows:

Total Estimated General Fund Expenditures

Taxes	\$6,243,686
Licenses and Permits	286,000
Intergovernmental Revenues	96,100
Charges for Services	137,802
Fines and Forfeitures	2,200,000
Investment Income	15,600
Contributions & Donations from Private Sources	2,500
Miscellaneous	123,000
Operating Transfers In	34,500

Total Estimated General Fund Revenues \$9,139,188

Should the total estimated revenues received exceed the amount estimated, the City Council shall allocate such excess to the General Fund subject to further action.

Section III. There is appropriated for the general operation and payment of certain legal obligations of the City of Doraville for the fiscal year 2013 a total of \$9,139,188, or as much as may be deemed necessary, not to exceed this amount and such sums shall be disbursed from the following:

City Council	\$139,485
Mayor's Office	199,771
City Administrator	90,846
City Clerk General Administration	258,848
Finance	269,501
Legal	245,000
Information Technology	94,200
Government Buildings	27,220
Municipal Court	424,976
Police and Jail	4,452,399
Animal Control	87,829
Public Works	684,112
Street Lighting	180,000
Recreation	385,899
Swimming Pool	70,850
Parks	32,000
Library	307,878
Planning and Zoning	290,802
Quality of Life	120,795
Transfers to Other Funds-E911	422,181
Transfers to Other Funds-Sanitation	118,100
Contingency	171,081

\$9,139,188

Section IV. Confiscated Assets Fund. There is hereby established a Confiscated Assets Fund for the City of Doraville with an appropriation of \$697,186.

Revenues for the Confiscated Assets Fund shall be from the following sources:

Fund Balance – Confiscated Assets Fund 697,186

Total Confiscated Asset Fund Revenues \$ 697,186

The following disbursements are authorized for the fiscal year 2013:

Public Safety 697,186

Total Confiscated Asset Fund Expenditures \$ 697,186

Section V. E911 Special Revenue Fund. There is hereby established an E-911 Fund for the City of Doraville with an appropriation of \$572,181.

Revenues for the E911 Fund shall be from the following sources:

Transfer in from General Fund	422,181
E911 Charges	150,000

Total Fund Revenues – E911 \$ 572,181

The following disbursements are authorized for the fiscal year 2013:

Operations \$ 572,181

Total E-911 Fund Expenditures \$ 572,181

Section VI. Tree Fund. There is hereby established a Tree Fund for the City of Doraville with an appropriation of \$16,500.

Revenues for the Tree Fund shall be from the following sources:

Fund Balance – Tree Fund 16,500

Total Tree Fund Revenues \$ 16,500

The following disbursements are authorized for the fiscal year 2013:

Tree Fund Expenditures 16,500

Total Tree Fund Expenditures \$ 16,500

Section VII. Multiple Grants Fund. There is hereby established a Multiple Grants Fund for the City of Doraville with an appropriation of \$25,000.

Revenues for the Multiple Grants Fund shall be from the following sources:

Halpern Park Grant – Multiple Grants Fund 25,000

Total Multiple Grants Fund Revenues \$ 25,000

The following disbursements are authorized for the fiscal year 2013:

Purchased/Contracted Services 25,000

Total Multiple Grants Fund Expenditures \$ 25,000

Section VIII. Hotel/Motel Tax Fund. There is hereby established a Hotel/Motel Tax Fund for the City of Doraville with an appropriation of \$57,500.

Revenues for the Hotel/Motel Tax Fund shall be from the following sources:

Taxes-Hotel/Motel	57,500
Total Hotel/Motel Tax Fund Revenues	\$ 57,500
The following disbursements are authorized for the fiscal year 2013:	
Payments to Other Agencies	23,000
Transfer out to General Fund	34,500
Total Hotel/Motel Tax Fund Expenditures	\$ 57,500

Section IX. Rental Motor Vehicle Excise Tax Fund. There is hereby established a Rental Motor Vehicle Excise Tax Fund for the City of Doraville with an appropriation of \$24,850.

Revenues for the Rental Motor Vehicle Excise Tax Fund shall be from the following sources:

Taxes-RMVE	24,850
Total Rental Motor Vehicle Excise Tax Fund Revenues	\$ 24,850
The following disbursements are authorized for the fiscal year 2013:	
Professional Services	24,850
Total Rental Motor Vehicle Excise Tax Fund Expenditures	\$ 24,850

Section X. Capital Projects Fund. There is hereby established a Capital Projects Fund for the City of Doraville with an appropriation of \$144,097.

Revenues for the Capital Projects Fund shall be from the following sources:

HOST Tax	144,097
Total Capital Projects Fund Revenue	\$ 144,097
The following disbursements are authorized for the fiscal year 2013:	
Capital Outlay	144,097
Total Capital Projects Fund Expenditures	\$ 144,097

Section XI. Stormwater Management Fund. There is hereby established a Stormwater Management Fund for the City of Doraville with an appropriation of \$474,001.

Revenues for the Stormwater Management Fund shall be from the following sources:

Charges for Services – Stormwater	474,001
Total Stormwater Management Fund Revenue	\$ 474,001
The following disbursements are authorized for the fiscal year 2013:	
Public Works-Stormwater	474,001
Total Stormwater Management Fund Expenditures	\$ 474,001

Revenues for the Solid Waste Fund shall be from the following sources: Sanitation Fees 490,904 **Total Solid Waste Fund Revenues** \$ 490,904 The following disbursements are authorized for the fiscal year 2013: Purchased/Contracted Services 490,904 **Total Solid Waste Fund Expenditures** \$ 490,904 SO RATIFIED AND ADOPTED by the Mayor and City Council of the City of Doraville, Georgia, in regular session assembled this ____ day of ______, 2013. CITY OF DORAVILLE, GEORGIA Mayor First Reading Second Reading ATTEST: Sandra Bryant, Assistant City Clerk APPROVED AS TO FORM: Cecil G. McLendon, Jr., City Attorney Yea Nay Maria Alexander **Brian Bates** Pam Fleming Karen Pachuta Robert Patrick Trudy Jones Dean

Section XII. Solid Waste Fund. There is hereby established a Solid Waste Fund for the City of Doraville with

an appropriation of \$490,904.

Proposed Changes to the FY 2013 Budget

1 Revenues

- a. Business and Occupational Taxes increase due to increase in gross receipts of tankers due to rising gasoline prices.
- b. Motor Vehicle Operators increase to match current receipts
- c. Federal Grants Decrease due to having one COPS position vacant for the fiscal year.
- d. Interest Revenues Increase to match current receipts
- e. Miscellaneous increase due to refund on prior years' workers comp premium
- f. Transfers from Hotel Motel increase due to increase in Hotel Motel receipts for the fiscal year.

Expenditures

- a. Legal Increase due to increased litigation costs
- b. Pool increase due to a leak at the pool causing larger than expected water bills.
- c. Tree bank Fund- increase due to more right of way cutting by Ga Power than expected.
- d. Hotel Motel Fund Increase in both revenue and expenditure budget caused by increase in Hotel Motel receipts for the year.
- e. Sanitation Increase in operating transfers. This was caused by an adjusting entry made by the auditor last year to account for the portion of the sanitation that was unbilled at the end of the fiscal year.

	2013 Approved Budget	2013 Proposed Budget	Increase/ (Decrease)
Fund 100 - General Fund			
Taxes	5,998,686	6,243,686	245,000
Licenses and Permits	234,000	286,000	52,000
Intergovernmental Revenues	113,469	113,469	-
Charges for Services	137,802	137,802	-
Fines and Forfeitures	2,200,000	2,200,000	-
Investment Income	2,725	15,600	12,875
Contributions and Donations from Private Sources	2,500	2,500	-
Miscellaneous	76,000	123,000	47,000
Operating Transfers In	28,800	34,500	5,700
Total General Fund Revenues	8,793,982	9,156,557	362,575
	2013 Approved Budget	2013 Proposed Budget	Increase/ (Decrease)
General Fund Departmental Budgets	_	_	
City Council	139,485	139,485	_
Mayor	199,771	199,771	_
City Administrator	90,846	90,846	_
Elections	-	-	-
General Administration	258,848	258,848	-
Finance	269,501	269,501	_
Legal	205,000	245,000	40,000
Information Technology	94,200	94,200	-
Facilities & Buildings	27,220	27,220	-
Municipal Court	424,976	424,976	-
Police	4,452,399	4,452,399	-
Animal Control	87,829	87,829	-
Public Works	684,112	684,112	-
Street Lights	180,000	180,000	-
Recreation	385,899	385,899	-
Swimming Pool	54,825	70,850	16,025
Parks	32,000	32,000	-
Library Administration	307,878	307,878	-
Planning and Zoning	290,802	290,802	-
Code Enforcement	120,795	120,795	-
Interfund Transfers		-	-
To E911	422,181	422,181	-
To Sanitation	ا ا ا ا	118,100	118,100
Contingency	65,416	253,866	188,450
	8,793,983	9,156,557	362,575

	2013 Approved Budget	2013 Proposed Budget	Increase/ (Decrease)
Fund 210 - Confiscated Assets Fund			
Revenues	385,285	385,285	-
Expenditures	385,285	385,285	-
Surplus/(Deficit)		_	-
Fund 215 - Emergency 911 Fund			
Revenues	572,181	572,181	-
Expenditures	572,181	572,181	-
Surplus/(Deficit)	_		-
Fund 230 - Tree Bank			
Revenues	15,000	16,500	1,500
Expenditures	15,000	16,500	1,500
Surplus/(Deficit)		-	-
Fund 250 - Multiple Grants Fund			
Revenues	25,000	25,000	_
Expenditures	25,000	25,000	-
Surplus/(Deficit)	-		-
Fund 275 - Hotel/Motel Tax fund			
Revenues	48,000	57,500	9,500
Expenditures	48,000	57,500	9,500
Surplus/(Deficit)		-	
Fund 280 Rental Motor Vehicle Excise Tax			
Revenues	-	24,850	24,850
Expenditures	-	24,850	24,850
Surplus/(Deficit)	-	-	-
Fund 330 - Homestead Option Sales Tax (HOS	T) Fund		
Revenues	144,097	144,097	-
Expenditures	144,097	144,097	-
Surplus/(Deficit)	-	_	
Fund 505 - Water and Sewer Fund			
Revenues	474,001	474,001	-
Expenditures	474,001	474,001	
Surplus/(Deficit)	•	-	-
Fund 540 - Solid Waste Fund			
Revenues	362,000	490,904	128,904
Expenditures	362,000	490,904	128,904
Surplus/(Deficit)	-		-
		-	

Revenues Fund 100 - General Fund

Account Description	2013 Approved Budget	Unaudited - As of 6/30/2013	2013 Proposed Budget	Increase/ (Decrease)
Real property tax-current year	1,779,427	1,790,238	1,779,427	-
Public utility tax-current year	62,742	53,264	62,742	-
Real property tax-prior year	•	103,616	•	-
Personal property tax-current year	939,511	903,029	939,511	-
Motor vehicle	135,506	147,833	135,506	-
MV Title Ad Valorem		11,113		
Public utility tax-prior year		27,537	-	-
Personal property-prior year	3,000	30,846	3,000	-
Real estate transfer (intangible)	1,500	5,151	1,500	-
Franchise taxes	600,000	603,018	600,000	-
Alcoholic beverage excise	80,000	92,647	80,000	-
Local option mixed drink	4,500	8,053	4,500	-
Business and occupation taxes	2,000,000	2,243,345	2,245,000	245,000
Insurance premium taxes	390,000	415,001	390,000	-
Penalties and interest on delinquent taxes	2,500	8,031	2,500	-
Alcoholic beverages	18,000	20,980	18,000	-
Building and signs	165,000	166,716	165,000	-
Motor vehicle operators	40,000	91,730	92,000	52,000
Regulatory fees	11,000	2,750	11,000	-
Entertainment-SOB		300		
Federal government grants	113,469	96,009	96,100	(17,369)
Accident reports	15,000	15,522	15,000	-
Warrant contract	-	18,200	-	•
Background check fees	2,000	3,204	2,000	-
Activity fees	63,387	52,920	63,387	-
Event admission fees	-	500	-	-
Spec Ev Receipts	-	1,158	-	-
Program fees	57,415	23,894	57,415	•
Bad check fees		150	-	•
Municipal	2,200,000	2,145,930	2,200,000	-
Interest revenues	2,725	15,584	15,600	12,875
Contributions and Donations from Private Sources	2,500	1,034	2,500	-
Rents and royalties	30,000	33,526	30,000	-
Miscellaneous	46,000	92,598	93,000	47,000
Transfers from Hotel Motel	28,800	28,538	34,500	5,700
	8,793,982	9,253,964	9,139,188	345,206

Dept. 1530 Legal

Account Description	2013 Approved Budget	Unaudited - As of 6/30/2013	2013 Proposed Budget	Increase/ (Decrease)
Professional	205,000	244,131	245,000	40,000
	205,000	244,131	245,000	40,000

Dept. 6124 Swimming Pool

Account Description	2013 Approved Budget	Unaudited - As of 6/30/2013	2013 Proposed Budget	Increase/ (Decrease)
Professional	35,000	28,458	35,000	-
Technical		65		
Repairs and maintenance	3,000	7,406	7,500	4,500
Communications	1,000	386	1,000	-
Contract labor		800	-	-
General supplies and materials	2,000	1,120	2,000	-
Water/sewerage	9,000	16,159	16,200	7,200
Electricity	4,575	3,814	4,575	-
Small equipment	250		250	-
Machinery & Equipment	-	4,325	4,325	4,325
			-	
	54,825	62,534	70,850	16,025

Fund 230 Tree Bank Fund

Account Description	2013 Approved Budget	Unaudited - As of 6/30/2013	2013 Proposed Budget	Increase/ (Decrease)
Fund balance - Tree Bank Fund Tree Bank Revenue	15,000	31,591 4,720	16,500	1,500
Total Revenues	15,000	36,311	16,500	1,500
Professional General supplies and materials	7,500 7,500	15,275 780	15,500 1,000	8,000 (6,500)
Total Expenditures	15,000	16,055	16,500	1,500

Fund 275 Hotel Motel

Account Description	2013 Approved Budget	Unaudited - As of 6/30/2013	2013 Proposed Budget	Increase/ (Decrease)
Hotel/motel	48,000	57,455	57,500	9,500
Total Revenues	48,000	57,455	57,500	9,500
Payments to other agencies Operating transfers-To General Fund	19,200 28,800	25,336 28,538	23,000 34,500	3,800 5,700
Total Expenditures	48,000	53,875	57,500	9,500

Fund 280 Rental Motor Vehicle Excise Tax

Account Description	2013 Approved Budget	Unaudited - As of 6/30/2013	2013 Proposed Budget	Increase/ (Decrease)
Excise Tax on Rental Motor Vehicles	-	24,850	24,850	24,850
Total Revenues	-	24,850	24,850	24,850
Professional Services	-	24,850	24,850	24,850
Total Expenditures	-	24,850	24,850	24,850

Dept. 4500 Fund 540 Solid Waste

Account Description	2013 Approved Budget	Unaudited - As of 6/30/2013	2013 Proposed Budget	Increase/ (Decrease)
Fi Fa	-	1,430	1,500	1,500
Sanitation	350,800	368,874	368,874	18,074
Bulk Waste Chgs	11,200	2,430	2,430	(8,770)
Operating Transfers from General Fund	-	118,017	118,100	118,100
	-			-
Total Revenues	362,000	490,751	490,904	128,904
Disposal (e.g., garbage pickup)	362,000	344,518	362,000	-
Other	-	111		-
Intergovernmental	-	20		-
Operating transfers			128,904	128,904
Total Expenditures	362,000	344,648	490,904	128,904



Subject: Application for Rezoning of Parcel # 18 311 02 014 located at 5407 Buford Hwy from C-2 Commercial to M-1 Light Manufacturing

Date of Meeting: <u>10/21/13</u>				
Budget Impact:	□Yes	No Budget Impact Amount: \$ n/a		
Funding Source:			400	
☐ Annual ☐ Capital ☑ N/A				
CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE				
Action Requested: Rezoning of property from C-2 to M-1				
Current Zoning: C-2 General Commercial				

Future Land Use Character Area: Major Highway Corridor (see attached map).

History, Facts, Issues: ______ This is the site of the former United Auto Workers Union Hall on Buford Highway (see attached aerial photo and vicinity map on the attached site plan). The former UAW building is approximately 20,583 square feet. The lot is approximately 2.65 acres. The site plan shows 81.2% of the site is covered in impervious surface. C-2 zoning allows a maximum of 85% impervious surface so the property is compliant as per current C-2 zoning regulations. M-1, however, allows a maximum of 70% impervious lot coverage. Rezoning to M-1 would create a non-conformity of the property in regards to maximum impervious surface area. The property has approximately 274 feet of frontage on Buford Highway and approximately 250 feet on Chestnut Drive. The main ingress/egress to the site is on Buford Highway. A smaller gated entrance is on Chestnut Drive. The property has been vacant since the relocation of the UAW. The Applicant is the current owner of the property.

Adjacent and surrounding properties are currently zoned as follows: northeast — C-2 General Commercial; southwest - C-2 General Commercial; northwest across Buford Hwy - C-2 General Commercial; southwest for approximately 104 feet - C-2 General

Commercial; southwest for approximately 250 feet directly across Chestnut Drive – R-3 Multifamily Residential.

The City's future development map identifies the property as being in a Highway Commercial Corridor. Recommended uses as per the Community Development Agenda – Future Development Narrative, pg. 13 includes commercial, limited office/professional, and public/institutional uses (2006).

The property is within the Livable Communities Initiative (LCI) study area which has been adopted by the City. The Framework Plan of the LCI identifies the section of Buford Highway in which the subject property is located as General Mixed Use. Typical uses within the General Mixed Use area are described as "housing, offices, hotels and retail". (Section 4.2 - Land Use Recommendations – Land Use Policies, Table 4.1 Description of Typical Framework Plan Land Uses, General Mixed Use, pg. 82 (2010)).

Zoning Review Standards for Consideration with Staff Notes:

- (1) The existing uses and zoning nearby (see attached zoning maps).
 - Southwest C-2 General Commercial;
 - Northwest across Buford Hwy C-2 General Commercial;
 - Southwest for approximately 104 feet C-2 General Commercial;
 - Southwest for approximately 250 feet directly across Chestnut Drive R-3 Multifamily Residential.
- (2) The extent to which property values are diminished by their particular zoning restriction;

The C-2 zoning district allows an extensive number of uses either as permitted or allowed by conditional use permit. Redevelopment along Buford Highway in Doraville is increasing. There has been recent interest in adaptive reuse of the existing building by an interested buyer.

(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 Applicant is seeking to change the types of uses allowed on the subject property to uses not consistent with the current development pattern, surrounding zoning, or comprehensive plan vision for the area. As such it is Staff's opinion that the proposed change does not promote the health, safety and welfare of the public.

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

The proposed inconsistency with the City's comprehensive plan and surrounding land uses and associated negative impacts to the City's vision for Buford Highway impose a harm to the public and citizens of Doraville relatively greater that the hardship imposed on the property owner by denying the owner's request for a non-compatible zoning district and use. The property is currently in a viable C-2 zoning district with uses consistent with the Comprehensive Plan and LCI.

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

The proposed zoning and use of the subject property is inconsistent with the surrounding land uses and zoning districts of C-2 and R-3; contrary to recommended uses within the City's Comprehensive Plan for Highway Commercial Corridor as well as the Future Development Map and Character Area Map; and contrary to the LCI Framework Plan and typical uses identified for the General Mixed Use area in which the subject property is located.

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

The subject property has been vacant since the UAW moved out, but there has been recent credible interest in the purchase and adaptive reuse of the property.

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

The proposed zoning and use of the subject property is inconsistent with the surrounding land uses of commercial and residential uses.

(8) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

Rezoning a C-2 General Commercial to M-1 Light Manufacturing is inconsistent with the city's comprehensive plan and LCI. Adjoining properties are either C-2 General Commercial or R-3 Multi-family Residential. Heavy truck traffic and activities associated with many permitted uses within the M-1 district are not compatible with current adjacent uses.

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

The property is currently zoned C-2 General Commercial as the majority of Buford Highway within the City of Doraville. While the recession and closing of the General Motors assembly plant have had a significant negative impact on commercial properties in the City and elsewhere there has been a noticeable increase in new businesses along the Buford Highway corridor in the City. The subject property is approximately 2.65 acres and has sufficient parking for uses allowed in the C-2 zoning district. There has been recent interest in the property and offers to purchase for an adaptive reuse of the building and site for a use allowed within the C-2 district.

(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;

Increase of heavy truck traffic associated with uses allowed in the M-1 zoning district will likely have a greater impact that that of uses allowed in the C-2 zoning district. Tractor/trailer trucks entering off Buford Highway is problematic given the current ingress/egress configuration of the site and lack of deceleration lanes for trucks to exit Buford Highway. Ingress and egress off of trucks from Chestnut Drive and impacts on the adjacent R-3 property and R-1 properties in the vicinity are of concern.

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

M-1 zoning is not consistent with the city's vision for the corridor as defined by the City's Comprehensive Plan and the LCI study.

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

The Buford Highway corridor is seeing an increase in commercial and professional use with improvement in the national and regional economy. The subject property is within the LCI area which encourages general mixed use of properties in this area.

(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 proposed zoning and use is not compatible with recommended uses within the LCI Study and Framework Plan.

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

See Item (10) above.

Planning Commission Recommendation: The Planning Commission unanimously recommended denial of the application for rezoning.

Staff Recommendation: <u>Based upon the analysis stated above, Staff recommends denial of the application for rezoning.</u>

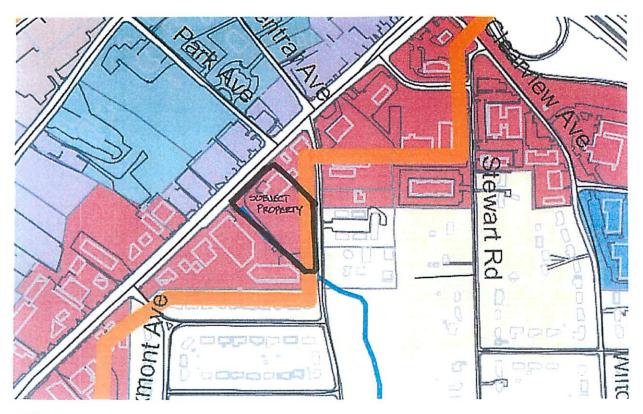
Options: Council may approve the application as submitted, approve the application with conditions, or deny the application.

Department: Community Development Department Head: Joe Cooley





Surrounding Zoning - 5407 Buford Hwy



Future Development Areas

Neighborhood Preservation District

Doraville Town Center

Multimodal Transit Gateway

Mixed Use Redevelopment Opportunity

Highway Commercial Corridor

Professional Employment Center

Tank Farm Industries

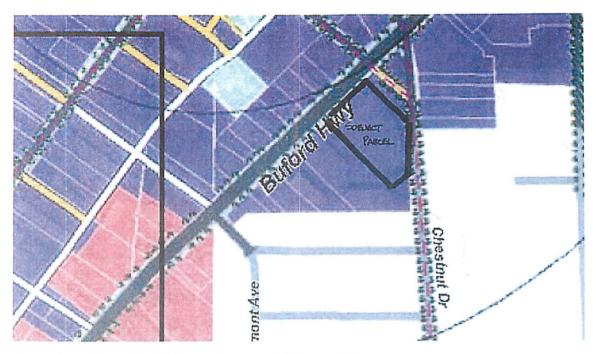
Potential Annexation Area

LCI Study Area

Doraville City Limits

Proposed Roads

5407 Buford Highway



Excerpt from Figure 4.2 LCI Study - Framework Plan (pg. 83)

Table 4.1: Description of Typical Framework Plan Land Uses

Land Use	Primary Uses	Max. Building Height*	Max. Housing Density**
Single-Family	Existing single-family lots	3 floors/35 ft	4 DUA
Highway Commercial	Hotels, auto-oriented retail	6 floors/80 ft	50 DUA
Office Commercial	Offices, hotels	20 floors/250 ft	•
Technlology Park	Office, warehouses, research	6 floors/80 ft	-
General Mixed-Use	Housing, offices, hotels, retail	6 floors/80 ft	50 DUA
High-Rise Mixed-Use	Housing, offices, hotels, retail	20 stories/250 ft	80 DUA
Open Space	Public/private parks or open spaces	-	-

Legend ••••• Proposed Streetscape —● Light Rail w/Stop Bicycle Facility ---- On-Street Multi-use Trail Streets Existing — New Publicly-Built* New Privately-Built** Proposed Land Use Single-Family Highway Commercial Office/Commercial Technology Park General Mixed-Use High-Rise Mixed-Use

Table 4.1 LCI Study – Land Use Policies (pg. 82)

June 25, 2013

City of Doraville Community Development Department 3725 Park Ave Doraville, GA 30340 (770) 451-8745 Letter of Intent: 5407 Buford Hwy

To Whom It May Concern:

The Taeun Corporation is submitting this Letter of Intent. 5407 Buford Hwy (otherwise known as Lot 311 of block 02 in district 44) is a 2.65 acre lot with a 20,583 square foot building. The property is currently vacant but well maintained by it's owner Jae Bea.. Our intent is to use this building, as is, for a wholesale clothing business. It will maintain the hours of 9am-7pm Monday through Friday, 9am-6pm Saturday and Sunday 9am-6pm. The business will have a showroom, open to the public and will have 2 employees.

We respectfully request a change in zoning from C-2 to M-1, so the Taeun Corporation may operate it's wholesale business at this address, know as Moon Lingerie.

This property is located inside the LCI area for the City of Doraville and the property owner is dedicated to maintaining this property in full compliance with any and all LCI requirements. Currently, there are two properties inside the LCI area which are zoned industrial. Those properties are located near the intersection of Shallowford Rd and New Peachtree Rd and are near the heart of what the city is planning to be their "Town Center."

According to the "preferred land use plan" set out in the LCI, this property is recommended to be zoned Office-Industrial and should be bordered on its north side by green space. This zoning would allow businesses such as office parks, dentist offices, asylums and abortion clinics. The intended use of this facility as a wholesale showroom would be much more in keeping with the LCI than any of those other businesses as it requires no on site advertising and has more than ample parking to keep from having its customers parking on other properties associated with green space or any neighboring property. This business does not use any delivery trucks or heavy equipment and distributes its product either directly from its import origin of San Francisco or uses UPS to deliver its parcels.

As a good civic neighbor in the City of Doraville, the property owner will agree to shoulder the expense of landscaping the right of way and sidewalk to the specifications of the LCI and match any improvements that occur on the block. The property owner further agrees to remove all of the parking for this building from the frontage on Buford Highway and maintain the area as green space and should the LCI vision for a green space area come to fruition, the property owner will donate to the city the strip of land directly in front of the building and will pay to landscape it in keeping with the adjacent green space.

In conclusion, should the City Council of Doraville agree to grant this zoning of M1 to the applicant – this property will immediately comply with the preferred use of land

recommended by the LCI study. The appearance and intended use of this property is in keeping with the vision of the LCI set out on page 53, Figure 6.7. (Attached as Exhibit 1).

As part of the rezoning, The Taeun Corporation will comply with any code requirements and will maintain a well landscaped street presence.

The Zoning Ordinance of the City of Doraville, Georgia lacks adequate standards for the City Council to exercise its power to zone and rezone. In essence, the standards are not sufficient to contain the discretion of the Board of County Commissioners and to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance to the Board of County Commissioners, the Zoning Ordinance violates the Fifth and Fourteenth Amendments of the Constitution of the United States in matters of zoning. The Zoning Resolution also violates Article I, Section III, Paragraph 1; and Article I, Paragraphs 1 and 2 of the Constitution of State of Georgia, 1983.

The City Council is granted the power to zone pursuant to Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia, 1983. It is a power which must be fairly exercised. Based on this element of fairness, the Zoning Ordinance of the City of Doraville, Georgia violates Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia, 1983. There is no rational basis to prohibit whole sale uses in the City's C-2 zoning district.

The Zoning Ordinance presently in effect is contrary to the best interest of the health and welfare of the citizens of Doraville, Georgia, and constitutes an arbitrary and capricious act. As a result, the Zoning Ordinance is in violation of Article I, Section I, Paragraphs 1 and 2 of the Constitution of the State of Georgia 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia, 1983. Furthermore, the Zoning Ordinance violates the due process clause and equal protection clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

In addition, the Zoning Ordinance presently in effect is unconstitutional in that it renders this property unusable and destroys its marketability. Therefore, the Zoning Ordinance constitutes a taking of applicant's property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the United States Constitutional and in violation of Article I, Section I, Paragraph 1 and Article I, Section III, Paragraph 1(a) of the Constitution of Georgia.

The failure to rezone the subject property as requested, would constitute the taking of property without due process and without the payment of adequate compensation in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia, 1983; and the Fifth and Fourteenth Amendments of the Constitution of the United States.

Failure to grant the application for rezoning or to zone the property to any other classification including other intervening classifications, would be contrary to the best interest of the health and welfare of the citizens of the City of Doraville, and would further constitute an arbitrary and capricious act. As such, failure to grant the application would constitute a Violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia, 1983; and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia, 1983, together with the due process clause and equal protection clauses of Fifth and Fourteenth Amendments to the Constitution of the United States of America.

The Zoning Ordinance of the City of Doraville is unlawful, null and void in that its adoption and map adoption/maintenance did not comply with the requirements of its predecessor ordinance and/or the Zoning Procedures Law, O.C.G.A. § 36-66-1, et seq.

The restrictions which prohibit use of this property for wholesale uses was enacted in whole or in part based upon the City's desire to reduce or eliminate persons of foreign ethnicity or origin from operating such businesses in the City.

If you have any questions about this project you can contact Mr Jae Bae at (678-780-1475)

Sincerely,

John Gasst on Behalf of Jae Bae

Jae Bae



City of Doraville Planning & Development Department

APPLICATION FOR REZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP OF THE CITY OF DORAVILLE, GEORGIA

Date Received: (incomplete applications shall not be accepted) ZONING #
APPLICANT
Name: Jae Bae
Mailing Address: 5277 Buford Huy
Mailing Address: 5277 Bufor & Huy E-mail: Moon 8949enaver-Daytime Phone: 678-780-1475 Fax:
OWNER
Name: Spore John G Garst - 404-819-3041
Mailing Address: Yrinfoe aol.com
E-mail: 18-311-02-014 Daytime Phone: Fax:
SUBJECT PROPERTY
Street Address: 5407 Boford Hury Doraville GA 30340
Tax ID Parcel No.: 18 311 02 014 District(s) 44 LL 31 Block 62 Council District: 3
Current Zoning Category: (1-2) Requested Zoning Category: M-1 Acreage: 2.65
Future Land Use Character Area: HIGHWPY COMPETCUPL Within LCI Study Area: Yes V No

Application process:

- (1) <u>Meet with City staff</u>. Prior to submitting for a conditional use permit, the applicant shall meet with the planning department to discuss the process, zoning, conditional use permits, and development of the property.
- (2) <u>Submittal of the application</u>. The applicant or property owner should submit all items as listed on the zoning amendment application.
- (3) <u>Review by City staff</u>. The planning department will process the application. Staff may contact the applicant or owner for additional information during the review period.
- (4) <u>Presentation to Planning Commission</u>. The Planning Commission shall review the application and hear any presentation which the Applicant may wish to make. The Planning Commission shall make a recommendation to the City Council for approval, denial, or approval with conditions to the City Council.
- (5) <u>Notification of public hearing</u>. Staff will notify the applicant of the date of the public hearing. A legal notice is also sent to the local newspaper for publication.
- (6) <u>Posting of signs on property for zoning notification</u>. As required by ordinance, the applicant will be responsible for the cost of posting the zoning notification signs on the property for which the change in zoning has been requested prior to the public hearing in accordance with the Georgia Zoning Procedures Law.
- (7) <u>City Council public hearing</u>. A public hearing is required for a zoning amendment application. During the public hearing, staff will present a summary of the proposed development to the Mayor and Council. Persons in support of the proposed request and persons in opposition to the proposed request may speak during the public hearing. The applicant, property owner, and/or

their representative, may be present at the meeting and should be prepared to discuss the conditional use permit and answer any questions that arise.

- (8) <u>City Council decision</u>. After hearing the evidence and reviewing the application as well as any staff comments, the City Council considers the proposed zoning amendment.
- (9) <u>Conditions</u>. The City Council may require such modifications in the proposed use and attach such conditions to the zoning amendment as they deem necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of the ordinance. Conditions and modifications may include, but are not limited to: limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit, and hours of operation.

STANDARDS

The Mayor, City Council, staff and appointed bodies shall, in deciding any rezoning application, consider the below listed standards governing the exercise of the zoning power whenever deliberating over any zoning proposal pursuant to this section:

- (1) The existing uses and zoning nearby;
- (2) The extent to which property values are diminished by their particular zoning restriction;
- (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;
- (4) The relative harm to the public as compared to the hardship imposed upon the individual property owner;
- (5) The suitability of the subject property for zoning proposed;
- (6) The length of time the property has been vacant as zoned, considered in the context of land development of adjacent and nearby property;
- (7) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
- (8) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (9) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- (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;
- (11) Whether the zoning proposal is in conformity with the policy and intent of the land use plan;
- (12) Whether there are other existing or changing conditions affecting the use and development of property which gives supporting grounds for either approval or disapproval of the zoning proposal;
- (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
- (14) The impact of the proposed zoning change upon pedestrian and vehicular circulation and traffic and thoroughfare capacities and capabilities.

REQUIR	ED DOCUMENTS:
\ \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	Letter of Intent / Description of the Project: describing the requested conditional use, adjacent land uses, zoning districts and businesses; justification of how the requested use meets the Standards (listed above) and any information the Applicant would like to include in the information package (photos, renderings, etc.); Site plan (see site plan requirements) Any additional information required by the City based upon the initial application meeting with staff; Completed application (incomplete applications will not be accepted); Owner's Authorization of Agent (if Applicant is not the owner).
<u>APPLICA</u>	ATION FEE: See current City Fee Schedule: Sec. 2-261 Zoning processing fees
Have yo	DISCLOSURE OF CAMPAIGN CONTRIBUTIONS dance with the Conflict of Interest in Zoning Act, O.C.G.A. Ch 36-67A, the following questions must be answered: u the applicant made \$250 or more in campaign contributions to a local government official within two years ately preceding the filing of this application? Yes No
1.	swer is Yes, you must file a disclosure report with the governing authority of the City of Doraville showing: The name and official position of the local government official to whom the campaign contribution was made. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and date of each such contribution.
NOTARY	7/23/15 T-23-13 Andrew Phys. DATE SIGNATURE OF APPLICANT DATE
EXPIRAT	AND SIGNATURE OF APPLICANT DATE AND SIGNATURE DATE



City of Doraville Planning & Development Department

<u>APPLICATION FOR REZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP</u> <u>OF THE CITY OF DORAVILLE, GEORGIA</u>

SITE PLAN REQUIREMENTS:

The site plan shall be clearly drawn at a scale of not less than 100 feet per inch on a sheet size not to exceed 24" x 36". The Director may approve other sheet sizes as deemed appropriate.

The foll	owing information shall be depicted on the site plan if applicable: NO CHADGES TO PHYSICAL - SEE ATTACKED PLANS
	Project name;
	Project owner and address (both local and permanent if different), telephone numbers and e-mail address;
	Date, scale and north arrow:
	Site location / vicinity map;
	Proposed use and development of the property;
	Required yard setbacks;
	Project acreage including breakdown of pervious / impervious area, and/or dedicated greenspace;
	Total number of lots and minimum lot sizes (if applicable);
	Names, locations, and right-of-way widths of adjoining existing streets or access drives and proposed right-of-ways and roadways;
	The present zoning classification and ownership of all adjacent parcels;
	Topography with contour interval no greater than 10 feet;
	Sewage disposal method (note);
	Property lines with bearings and distances; location of utility and private easements, ;
	All proposed development features and layout;
	Location of floodplains, lakes, ponds, water courses, conservation areas, and environmental areas of concern;
	Building heights and gross square footage;
	Proposed buffers, landscape development, sidewalks and other hardscape;
	Land lot and district;
	General development data in tabular form;
	Name of person or company preparing the site plan;
	Any other data requested by the Planning Director necessary for an understanding and evaluation of the project.

APPLICATION FOR REZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP

My Comm. Expires December 06, 2014



City of Doraville Planning & Development Department

OWNER'S AGENT AUTHORIZATION

Date: 123-2013				
TYPE OF APPLICATION				
() Land Use Plan () Rezone () Conditional Use Permit () Minor Modification () Other				
SUBJECT PROPERTY ADDRESS				
5407 Borord Huy	Suite/Unit #			
Daraville, 6A 30340				
Tax Parcels #				
being (owner)/(owners) of the property described	AGENT REPRESENTING OWNER(S)) (print or type)			
Notary Public Owner				
Notary Public	Owner			

June 25, 2013

City of Doraville Community Development Department 3725 Park Ave Doraville, GA 30340 (770) 451-8745 Letter of Intent: 5407 Buford Hwy

To Whom It May Concern:

The Taeun Corporation is submitting this Letter of Intent. 5407 Buford Hwy (otherwise known as Lot 311 of block 02 in district 44) is a 2.65 acre lot with a 20,583 square foot building. The property is currently vacant but well maintained by it's owner Jae Bea.. Our intent is to use this building, as is, for a wholesale clothing business. It will maintain the hours of 9am-7pm Monday through Friday, 9am-6pm Saturday and Sunday 9am-6pm. The business will have a showroom, open to the public and will have 2 employees.

We respectfully request a change in zoning from C-2 to M-1, so the Taeun Corporation may operate it's wholesale business at this address, know as Moon Lingerie.

This property is located inside the LCI area for the City of Doraville and the property owner is dedicated to maintaining this property in full compliance with any and all LCI requirements. Currently, there are two properties inside the LCI area which are zoned industrial. Those properties are located near the intersection of Shallowford Rd and New Peachtree Rd and are near the heart of what the city is planning to be their "Town Center."

According to the "preferred land use plan" set out in the LCI, this property is recommended to be zoned Office-Industrial and should be bordered on its north side by green space. This zoning would allow businesses such as office parks, dentist offices, asylums and abortion clinics. The intended use of this facility as a wholesale showroom would be much more in keeping with the LCI than any of those other businesses as it requires no on site advertising and has more than ample parking to keep from having its customers parking on other properties associated with green space or any neighboring property. This business does not use any delivery trucks or heavy equipment and distributes its product either directly from its import origin of San Francisco or uses UPS to deliver its parcels.

As a good civic neighbor in the City of Doraville, the property owner will agree to shoulder the expense of landscaping the right of way and sidewalk to the specifications of the LCI and match any improvements that occur on the block. The property owner further agrees to remove all of the parking for this building from the frontage on Buford Highway and maintain the area as green space and should the LCI vision for a green space area come to fruition, the property owner will donate to the city the strip of land directly in front of the building and will pay to landscape it in keeping with the adjacent green space.

In conclusion, should the City Council of Doraville agree to grant this zoning of M1 to the applicant – this property will immediately comply with the preferred use of land

recommended by the LCI study. The appearance and intended use of this property is in keeping with the vision of the LCI set out on page 53, Figure 6.7. (Attached as Exhibit 1).

As part of the rezoning, The Taeun Corporation will comply with any code requirements and will maintain a well landscaped street presence.

If you have any questions about this project you can contact Mr Jae Bae at (608) 310-7401

Sincerely,

Jae Bae



Figure 6.6 Buford Highway "before"



Figure 6.7 Buford Highway "after"

6.7 Planning Commission

The idea and role of a planning commission has been discussed in Doraville in recent months. A citizen-based, qualified planning commission can be a helpful tool in guiding development that is compatible with the city's vision.

Planning commissions generally review development proposals in accordance with legally specified criteria. They may be able to vote on approving or denying a development proposal according to its suitability to the vision and urban design guidelines of the community. Planning commissions are a valuable tool for giving citizens a voice in reviewing development proposals, and helping a community stay true to its planning vision. Also, development review by planning commissions are an educational tool for developers, helping them understand community requirements and desires.

Ultimate authority for development approval generally remains with the City Council. Denied developments may be appealed and reviewed by the Council. However the City Council will generally be better informed because of the hearings conducted by the planning commission. Therefore, even though authority is retained by the City Council, citizen input is increased and developers are better informed of community requirements.



Subject: Application for Rezoning of Parcel # 18 311 02 014 located at 5407 Buford Hwy from C-2 Commercial to M-1 Light Manufacturing

Date of Meeting: <u>10/21/13</u>			
Budget Impact:			
Funding Source:			
☐ Annual☐ Capital☑ N/A			
Cityofdoraville Cityofdoraville Cityofdoraville Cityofdoraville Cityofdoraville			
Action Requested: Rezoning of property from C-2 to M-1			
Current Zoning: C-2 General Commercial			
Future Land Use Character Area: Major Highway Corridor (see attached map).			

History, Facts, Issues: ____ This is the site of the former United Auto Workers Union Hall on Buford Highway (see attached aerial photo and vicinity map on the attached site plan). The former UAW building is approximately 20,583 square feet. The lot is approximately 2.65 acres. The site plan shows 81.2% of the site is covered in impervious surface. C-2 zoning allows a maximum of 85% impervious surface so the property is compliant as per current C-2 zoning regulations. M-1, however, allows a maximum of 70% impervious lot coverage. Rezoning to M-1 would create a non-conformity of the property in regards to maximum impervious surface area. The property has approximately 274 feet of frontage on Buford Highway and approximately 250 feet on Chestnut Drive. The main ingress/egress to the site is on Buford Highway. A smaller gated entrance is on Chestnut Drive. The property has been vacant since the relocation of the UAW. The Applicant is the current owner of the property.

Adjacent and surrounding properties are currently zoned as follows: northeast - C-2 General Commercial; southwest - C-2 General Commercial; northwest across Buford Hwy - C-2 General Commercial; southwest for approximately 104 feet - C-2 General

Commercial; southwest for approximately 250 feet directly across Chestnut Drive – R-3 Multifamily Residential.

The City's future development map identifies the property as being in a Highway Commercial Corridor. Recommended uses as per the Community Development Agenda – Future Development Narrative, pg. 13 includes commercial, limited office/professional, and public/institutional uses (2006).

The property is within the Livable Communities Initiative (LCI) study area which has been adopted by the City. The Framework Plan of the LCI identifies the section of Buford Highway in which the subject property is located as General Mixed Use. Typical uses within the General Mixed Use area are described as "housing, offices, hotels and retail". (Section 4.2 - Land Use Recommendations – Land Use Policies, Table 4.1 Description of Typical Framework Plan Land Uses, General Mixed Use, pg. 82 (2010)).

Zoning Review Standards for Consideration with Staff Notes:

- (1) The existing uses and zoning nearby (see attached zoning maps).
 - Southwest C-2 General Commercial;
 - Northwest across Buford Hwy C-2 General Commercial;
 - Southwest for approximately 104 feet C-2 General Commercial;
 - Southwest for approximately 250 feet directly across Chestnut Drive R-3 Multifamily Residential.
- (2) The extent to which property values are diminished by their particular zoning restriction;

The C-2 zoning district allows an extensive number of uses either as permitted or allowed by conditional use permit. Redevelopment along Buford Highway in Doraville is increasing. There has been recent interest in adaptive reuse of the existing building by an interested buyer.

(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 Applicant is seeking to change the types of uses allowed on the subject property to uses not consistent with the current development pattern, surrounding zoning, or comprehensive plan vision for the area. As such it is Staff's opinion that the proposed change does not promote the health, safety and welfare of the public.

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

The proposed inconsistency with the City's comprehensive plan and surrounding land uses and associated negative impacts to the City's vision for Buford Highway impose a harm to the public and citizens of Doraville relatively greater that the hardship imposed on the property owner by denying the owner's request for a non-compatible zoning district and use. The property is currently in a viable C-2 zoning district with uses consistent with the Comprehensive Plan and LCI.

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

The proposed zoning and use of the subject property is inconsistent with the surrounding land uses and zoning districts of C-2 and R-3; contrary to recommended uses within the City's Comprehensive Plan for Highway Commercial Corridor as well as the Future Development Map and Character Area Map; and contrary to the LCI Framework Plan and typical uses identified for the General Mixed Use area in which the subject property is located.

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

The subject property has been vacant since the UAW moved out, but there has been recent credible interest in the purchase and adaptive reuse of the property.

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

The proposed zoning and use of the subject property is inconsistent with the surrounding land uses of commercial and residential uses.

(8) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

Rezoning a C-2 General Commercial to M-1 Light Manufacturing is inconsistent with the city's comprehensive plan and LCI. Adjoining properties are either C-2 General Commercial or R-3 Multi-family Residential. Heavy truck traffic and activities associated with many permitted uses within the M-1 district are not compatible with current adjacent uses.

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

The property is currently zoned C-2 General Commercial as the majority of Buford Highway within the City of Doraville. While the recession and closing of the General Motors assembly plant have had a significant negative impact on commercial properties in the City and elsewhere there has been a noticeable increase in new businesses along the Buford Highway corridor in the City. The subject property is approximately 2.65 acres and has sufficient parking for uses allowed in the C-2 zoning district. There has been recent interest in the property and offers to purchase for an adaptive reuse of the building and site for a use allowed within the C-2 district.

(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:

Increase of heavy truck traffic associated with uses allowed in the M-1 zoning district will likely have a greater impact that that of uses allowed in the C-2 zoning district. Tractor/trailer trucks entering off Buford Highway is problematic given the current ingress/egress configuration of the site and lack of deceleration lanes for trucks to exit Buford Highway. Ingress and egress off of trucks from Chestnut Drive and impacts on the adjacent R-3 property and R-1 properties in the vicinity are of concern.

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

M-1 zoning is not consistent with the city's vision for the corridor as defined by the City's Comprehensive Plan and the LCI study.

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

The Buford Highway corridor is seeing an increase in commercial and professional use with improvement in the national and regional economy. The subject property is within the LCI area which encourages general mixed use of properties in this area.

(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 proposed zoning and use is not compatible with recommended uses within the LCI Study and Framework Plan.

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

See Item (10) above.

Planning Commission Recommendation: ____ The Planning Commission unanimously recommended denial of the application for rezoning.

Staff Recommendation: Based upon the analysis stated above, Staff recommends denial of the application for rezoning.

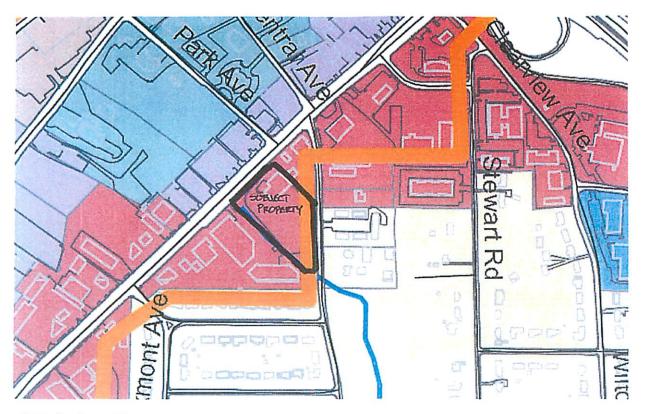
Options: Council may approve the application as submitted, approve the application with conditions, or deny the application.

Department: Community Development Department Head: Joe Cooley



New Peachtree Ro Burord Hwa NE Buena Vista Ave C-2 **P-**Chestnut Dr 日日 B R-CH R-3 649E 0-10 Norman Way tewart C Stewart Rd and mane and

Surrounding Zoning - 5407 Buford Hwy



Future Development Areas

Neighborhood Preservation District

Doraville Town Center

Multimodal Transit Gateway

Mixed Use Redevelopment Opportunity

Highway Commercial Corridor

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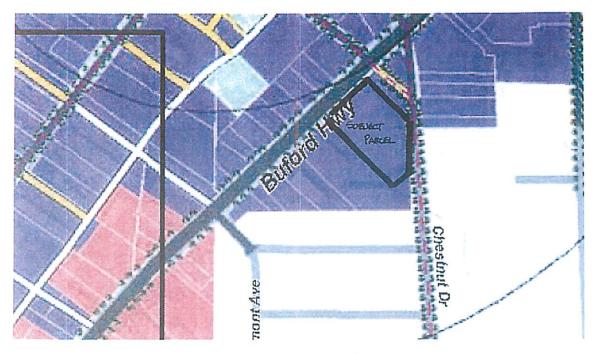
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Proposed Roads

5407 Buford Highway



Excerpt from Figure 4.2 LCI Study - Framework Plan (pg. 83)

Table 4.1: Description of Typical Framework Plan Land Uses

Land Use	Primary Uses	Max. Building Height*	Max. Housing Density**
Single-Family	Existing single-family lots	3 floors/35 ft	4 DUA
Highway Commercial	Hotels, auto-oriented retail	6 floors/80 ft	50 DUA
Office Commercial	Offices, hotels	20 floors/250 ft	-
Technlology Park	Office, warehouses, research	6 floors/80 ft	-
General Mixed-Use	Housing, offices, hotels, retail	6 floors/80 ft	50 DUA
High-Rise Mixed-Use	Housing, offices, hotels, retail	20 stories/250 ft	80 DUA
Open Space	Public/private parks or open spaces	-	-

Legend ••••• Proposed Streetscape Light Rail w/Stop Bicycle Facility ---- On-Street Multi-use Trail Streets Existing New Publicly-Built* New Privately-Built** Proposed Land Use Single-Family Highway Commercial Office/Commercial Technology Park General Mixed-Use High-Rise Mixed-Use

Table 4.1 LCI Study – Land Use Policies (pg. 82)

June 25, 2013

City of Doraville Community Development Department 3725 Park Ave Doraville, GA 30340 (770) 451-8745 Letter of Intent: 5407 Buford Hwy

To Whom It May Concern:

The Taeun Corporation is submitting this Letter of Intent. 5407 Buford Hwy (otherwise known as Lot 311 of block 02 in district 44) is a 2.65 acre lot with a 20,583 square foot building. The property is currently vacant but well maintained by it's owner Jae Bea.. Our intent is to use this building, as is, for a wholesale clothing business. It will maintain the hours of 9am-7pm Monday through Friday, 9am-6pm Saturday and Sunday 9am-6pm. The business will have a showroom, open to the public and will have 2 employees.

We respectfully request a change in zoning from C-2 to M-1, so the Taeun Corporation may operate it's wholesale business at this address, know as Moon Lingerie.

This property is located inside the LCI area for the City of Doraville and the property owner is dedicated to maintaining this property in full compliance with any and all LCI requirements. Currently, there are two properties inside the LCI area which are zoned industrial. Those properties are located near the intersection of Shallowford Rd and New Peachtree Rd and are near the heart of what the city is planning to be their "Town Center."

According to the "preferred land use plan" set out in the LCI, this property is recommended to be zoned Office-Industrial and should be bordered on its north side by green space. This zoning would allow businesses such as office parks, dentist offices, asylums and abortion clinics. The intended use of this facility as a wholesale showroom would be much more in keeping with the LCI than any of those other businesses as it requires no on site advertising and has more than ample parking to keep from having its customers parking on other properties associated with green space or any neighboring property. This business does not use any delivery trucks or heavy equipment and distributes its product either directly from its import origin of San Francisco or uses UPS to deliver its parcels.

As a good civic neighbor in the City of Doraville, the property owner will agree to shoulder the expense of landscaping the right of way and sidewalk to the specifications of the LCI and match any improvements that occur on the block. The property owner further agrees to remove all of the parking for this building from the frontage on Buford Highway and maintain the area as green space and should the LCI vision for a green space area come to fruition, the property owner will donate to the city the strip of land directly in front of the building and will pay to landscape it in keeping with the adjacent green space.

In conclusion, should the City Council of Doraville agree to grant this zoning of M1 to the applicant – this property will immediately comply with the preferred use of land

recommended by the LCI study. The appearance and intended use of this property is in keeping with the vision of the LCI set out on page 53, Figure 6.7. (Attached as Exhibit 1).

As part of the rezoning, The Taeun Corporation will comply with any code requirements and will maintain a well landscaped street presence.

The Zoning Ordinance of the City of Doraville, Georgia lacks adequate standards for the City Council to exercise its power to zone and rezone. In essence, the standards are not sufficient to contain the discretion of the Board of County Commissioners and to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance to the Board of County Commissioners, the Zoning Ordinance violates the Fifth and Fourteenth Amendments of the Constitution of the United States in matters of zoning. The Zoning Resolution also violates Article I, Section III, Paragraph 1; and Article I, Paragraphs 1 and 2 of the Constitution of State of Georgia, 1983.

The City Council is granted the power to zone pursuant to Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia, 1983. It is a power which must be fairly exercised. Based on this element of fairness, the Zoning Ordinance of the City of Doraville, Georgia violates Article IX, Section II, Paragraph 4 of the Constitution of the State of Georgia, 1983. There is no rational basis to prohibit whole sale uses in the City's C-2 zoning district.

The Zoning Ordinance presently in effect is contrary to the best interest of the health and welfare of the citizens of Doraville, Georgia, and constitutes an arbitrary and capricious act. As a result, the Zoning Ordinance is in violation of Article I, Section I, Paragraphs 1 and 2 of the Constitution of the State of Georgia 1983; Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia, 1983. Furthermore, the Zoning Ordinance violates the due process clause and equal protection clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States of America.

In addition, the Zoning Ordinance presently in effect is unconstitutional in that it renders this property unusable and destroys its marketability. Therefore, the Zoning Ordinance constitutes a taking of applicant's property without just and adequate compensation and without due process of law in violation of the Fifth and Fourteenth Amendments to the United States Constitutional and in violation of Article I, Section I, Paragraph 1 and Article I, Section III, Paragraph 1(a) of the Constitution of Georgia.

The failure to rezone the subject property as requested, would constitute the taking of property without due process and without the payment of adequate compensation in violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia, 1983; and the Fifth and Fourteenth Amendments of the Constitution of the United States.

Failure to grant the application for rezoning or to zone the property to any other classification including other intervening classifications, would be contrary to the best interest of the health and welfare of the citizens of the City of Doraville, and would further constitute an arbitrary and capricious act. As such, failure to grant the application would constitute a Violation of Article I, Section I, Paragraph 1 of the Constitution of the State of Georgia, 1983; and Article I, Section III, Paragraph 1 of the Constitution of the State of Georgia; and Article I, Section II, Paragraph 3 of the Constitution of the State of Georgia, 1983, together with the due process clause and equal protection clauses of Fifth and Fourteenth Amendments to the Constitution of the United States of America.

The Zoning Ordinance of the City of Doraville is unlawful, null and void in that its adoption and map adoption/maintenance did not comply with the requirements of its predecessor ordinance and/or the Zoning Procedures Law, O.C.G.A. § 36-66-1, et seq.

The restrictions which prohibit use of this property for wholesale uses was enacted in whole or in part based upon the City's desire to reduce or eliminate persons of foreign ethnicity or origin from operating such businesses in the City.

If you have any questions about this project you can contact Mr Jae Bae at (678-780-1475)

Sincerely.

John Gasst on Behalf of Jae Bae
Jae Bae



City of Doraville Planning & Development Department

APPLICATION FOR REZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP OF THE CITY OF DORAVILLE, GEORGIA

Date Received:	(incomplete applications shall not be accepted)	ZONING#
<u>APPLICANT</u>		
Name: Jae Bae		
Mailing Address: 5277	Buford Huy	
E-mail: <u>Moon 8949e na</u> ver-Da	Bufor 2 Huy on sytime Phone: 678-780-1475 Fax:	
OWNER		
Name: SAOIE John	G Garst - 404-819-3041	
Mailing Address:	Yrinfoe aol.com	
E-mail: 18 311 02 014 Da	ytime Phone: Fax:	
SUBJECT PROPERTY		
Street Address: 5407 Bus	Grd Hury Doraville GA	30340
Tax ID Parcel No.: 8 311 02010	† District(s) 44 LL 311 Block 62	Council District:
Current Zoning Category: <u>C - 2</u>	Requested Zoning Category: M - 1	Acreage: 2.65
Future Land Use Character Area: H	CORRIDOR Within LCI Study Ar	ea: Yes No

Application process:

- (1) <u>Meet with City staff</u>. Prior to submitting for a conditional use permit, the applicant shall meet with the planning department to discuss the process, zoning, conditional use permits, and development of the property.
- (2) <u>Submittal of the application</u>. The applicant or property owner should submit all items as listed on the zoning amendment application.
- (3) <u>Review by City staff</u>. The planning department will process the application. Staff may contact the applicant or owner for additional information during the review period.
- (4) <u>Presentation to Planning Commission</u>. The Planning Commission shall review the application and hear any presentation which the Applicant may wish to make. The Planning Commission shall make a recommendation to the City Council for approval, denial, or approval with conditions to the City Council.
- (5) <u>Notification of public hearing</u>. Staff will notify the applicant of the date of the public hearing. A legal notice is also sent to the local newspaper for publication.
- (6) <u>Posting of signs on property for zoning notification</u>. As required by ordinance, the applicant will be responsible for the cost of posting the zoning notification signs on the property for which the change in zoning has been requested prior to the public hearing in accordance with the Georgia Zoning Procedures Law.
- (7) <u>City Council public hearing</u>. A public hearing is required for a zoning amendment application. During the public hearing, staff will present a summary of the proposed development to the Mayor and Council. Persons in support of the proposed request and persons in opposition to the proposed request may speak during the public hearing. The applicant, property owner, and/or

their representative, may be present at the meeting and should be prepared to discuss the conditional use permit and answer any questions that arise.

- (8) <u>City Council decision</u>. After hearing the evidence and reviewing the application as well as any staff comments, the City Council considers the proposed zoning amendment.
- (9) <u>Conditions</u>. The City Council may require such modifications in the proposed use and attach such conditions to the zoning amendment as they deem necessary to mitigate adverse effects of the proposed use and to carry out the spirit and intent of the ordinance. Conditions and modifications may include, but are not limited to: limitation of building size or height, increased open space, limitations on impervious surfaces, enhanced loading and parking requirements, additional landscaping, curbing, sidewalk, vehicular access and parking improvements, placement or orientation of buildings and entryways, buffer yards, landscaping and screening, signage restrictions and design, maintenance of buildings and outdoor areas, duration of the permit, and hours of operation.

STANDARDS

The Mayor, City Council, staff and appointed bodies shall, in deciding any rezoning application, consider the below listed standards governing the exercise of the zoning power whenever deliberating over any zoning proposal pursuant to this section:

- (1) The existing uses and zoning nearby;
- (2) The extent to which property values are diminished by their particular zoning restriction;
- (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;
- (4) The relative harm to the public as compared to the hardship imposed upon the individual property owner;
- (5) The suitability of the subject property for zoning proposed;
- (6) The length of time the property has been vacant as zoned, considered in the context of land development of adjacent and nearby property;
- (7) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
- (8) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;
- (9) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- (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;
- (11) Whether the zoning proposal is in conformity with the policy and intent of the land use plan;
- (12) Whether there are other existing or changing conditions affecting the use and development of property which gives supporting grounds for either approval or disapproval of the zoning proposal;
- (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
- (14) The impact of the proposed zoning change upon pedestrian and vehicular circulation and traffic and thoroughfare capacities and capabilities.

REQUIR	DOCUMENTS:
\ \\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\\	etter of Intent / Description of the Project: describing the requested conditional use, adjacent land uses, zoning stricts and businesses; justification of how the requested use meets the Standards (listed above) and any information are Applicant would like to include in the information package (photos, renderings, etc.); te plan (see site plan requirements) my additional information required by the City based upon the initial application meeting with staff; completed application (incomplete applications will not be accepted); where such as the owner.
<u>APPLIC</u>	ON FEE: See current City Fee Schedule: Sec. 2-261 Zoning processing fees
Have yo	DISCLOSURE OF CAMPAIGN CONTRIBUTIONS The with the Conflict of Interest in Zoning Act, O.C.G.A. Ch 36-67A, the following questions must be answered: the applicant made \$250 or more in campaign contributions to a local government official within two years by preceding the filing of this application? Yes No
1.	er is Yes, you must file a disclosure report with the governing authority of the City of Doraville showing: ne name and official position of the local government official to whom the campaign contribution was made. ne dollar amount and description of each campaign contribution made during the two years immediately preceding ne filing of this application and date of each such contribution.
NOTAR	7/23/15 T-23-13 Andrew Shim. DATE SIGNATURE OF APPLICANT DATE
EXPIRAT	AND SHIM NOTARY PUBLIC Swinnett County - State of Georgia My Comm. Expires December 06, 2014



City of Doraville Planning & Development Department

APPLICATION FOR REZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP OF THE CITY OF DORAVILLE, GEORGIA

SITE PLAN REQUIREMENTS:

The site plan shall be clearly drawn at a scale of not less than 100 feet per inch on a sheet size not to exceed 24" x 36". The Director may approve other sheet sizes as deemed appropriate.

The foll	owing information shall be depicted on the site plan if applicable: NO CHENCES TO PHYSICAL - SEE ATTACKED PLANS
	Project name;
	Project owner and address (both local and permanent if different), telephone numbers and e-mail address;
	Date, scale and north arrow:
	Site location / vicinity map;
	Proposed use and development of the property;
	Required yard setbacks;
	Project acreage including breakdown of pervious / impervious area, and/or dedicated greenspace;
	Total number of lots and minimum lot sizes (if applicable);
	Names, locations, and right-of-way widths of adjoining existing streets or access drives and proposed right-of-ways and roadways;
	The present zoning classification and ownership of all adjacent parcels;
	Topography with contour interval no greater than 10 feet;
	Sewage disposal method (note);
	Property lines with bearings and distances; location of utility and private easements, ;
	All proposed development features and layout;
	Location of floodplains, lakes, ponds, water courses, conservation areas, and environmental areas of concern;
	Building heights and gross square footage;
	Proposed buffers, landscape development, sidewalks and other hardscape;
	Land lot and district;
	General development data in tabular form;
	Name of person or company preparing the site plan;
	Any other data requested by the Planning Director necessary for an understanding and evaluation of the project.

<u>APPLICATION FOR REZONING AND AMENDMENT TO THE OFFICIAL ZONING MAP</u>

NOTE: 12 COPIES OF THE COMPLETED PACKAGE ARE REQUIRED FOR SUBMITTAL FOR REVIEW BY STAFF, PLANNING COMMISSION AND CITY COUNCIL. ALL APPLICATIONS SHALL BE COLATED AND SUBMITTED AS 12 SEPERATE PACKAGES INCLUDING ALL PLANS WHICH ARE TO BE FOLDED TO APPROXIMATELY 9" X 12" SIZE.

PLEASE READ THE FOLLOWING BEFORE SIGNING

This form must be completed in its entirety before it will be accepted. It must include all required attachments and filing fees.

An application which lacks any of the required attachments or information shall be deemed incomplete and shall not be accepted.

	7/23/13	for	7-23-13
NOTARY Andredon	DATE	SIGNATURE OF APPLICANT	DATE
EXPIRATION DATE / SEAL	ANDHEW SHIM NOTARY PUBLIC	**************************************	
EXPIRATION DATE / SEAL	Gwinnett Courty - State of My Comm. Expires December	Gashgick One: Owner Agent	



City of Doraville Planning & Development Department

OWNER'S AGENT AUTHORIZATION

Date: 123-2013			
TYPE OF APPLICATION			
() Land Use Plan () Rezone () Conditional Use Permit () Minor Modification () Other			
SUBJECT PROPERTY ADDRESS			
5407 Bolord Huy	Suite/Unit #		
Daraville, 612 30340			
Tax Parcels #			
TO WHOM IT MAY CONCERN:			
(1) (WE), Jae Bae			
(NAME O being (owner)/(owners) of the property describe	PF OWNER(S)) (print or type) and above or as attached hereby delegate authority to		
(PRINTED NAME OF APPLICANT OR AGENT REPRESENTING OWNER(S)) (print or type)			
to file an application on (my) / (our) behalf.	· ·		
NOTARY PUBLIC Gwinnett County - State of Georgia			
T MV G0000 Excuses Hocomber	06, 2014		
Notary Public	Owner		
Notary Public	Owner		
Notary Public	Owner		

June 25, 2013

City of Doraville Community Development Department 3725 Park Ave Doraville, GA 30340 (770) 451-8745 Letter of Intent: 5407 Buford Hwy

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recommended by the LCI study. The appearance and intended use of this property is in keeping with the vision of the LCI set out on page 53, Figure 6.7. (Attached as Exhibit 1).

As part of the rezoning, The Taeun Corporation will comply with any code requirements and will maintain a well landscaped street presence.

If you have any questions about this project you can contact Mr Jae Bae at (608) 310-7401

Sincerely,

Jae Bae



Figure 6.6 Buford Highway "before"



Figure 6.7 Buford Highway "after"

6.7 Planning Commission

The idea and role of a planning commission has been discussed in Doraville in recent months. A citizen-based, qualified planning commission can be a helpful tool in guiding development that is compatible with the city's vison.

Planning commissions generally review development proposals in accordance with legally specified criteria. They may be able to vote on approving or denying a development proposal according to its suitability to the vision and urban design guidelines of the community. Planning commissions are a valuable tool for giving citizens a voice in reviewing development proposals, and helping a community stay true to its planning vision. Also, development review by planning commissions are an educational tool for developers, helping them understand community requirements and desires.

Ultimate authority for development approval generally remains with the City Council. Denied developments may be appealed and reviewed by the Council. However the City Council will generally be better informed because of the hearings conducted by the planning commission. Therefore, even though authority is retained by the City Council, citizen input is increased and developers are better informed of community requirements.

STATE OF GEORGIA CITY OF DORAVILLE

ORDINANCE NO. 2013-___

AN ORDINANCE TO AMEND CHAPTER 2 OF THE CITY OF DORAVILLE, GEORGIA CODE OF ORDINANCES TO REMOVE PERSONNEL POLICY FROM THE CITY CODE AND REFERENCE INTERNAL POLICY; AND FOR OTHER PURPOSES

WHEREAS, the City of Doraville is tasked with preserving the health, safety, and welfare of the citizens of the City as well as its employees; and

WHEREAS, the City Code, specifically Chapter 2, currently contains Personnel Policies of the City; and

WHEREAS, the City desires to amend said policies to comply with all current law and regulations, to fix confusion and inconsistencies and create the most palatable and flexible employment policies; and

WHEREAS, the Mayor and City Council find that, due to the recent change in City government to a City Manager form of government, it is desirable to remove the Personnel policies from the City Code and allow for same to be created by internal policy that is available for maximum flexibility by the City Manager.

NOW THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN:

Section 1

Chapter 2 ("Administration"), Article IX ("Personnel Policies") of the Code of Ordinances, City of Doraville, is hereby revised by deleting all of the current sections of said Article, 2-240 through 2-249, and replacing them with a new Section 2-240 to read as follows:

Sec. 2-240. Personnel Policy.

Draft: 7-October-2013

The City of Doraville Personnel Policy shall be as created and adopted by the City Manager and kept on file with the City Manager's Office and shall govern all employment and personnel matters of the City as authorized by the City Charter.

Section 2

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 3

This Ordinance shall be codified in accordance with state law and the Code of the City of Doraville, Georgia. This Ordinance shall become effective upon its adoption by the Mayor and Council.

SO ORDAINED, this day of	, 2013.
	CITY OF DORAVILLE, GEORGIA
	Mayor
First Reading ATTEST:	Second Reading
Sandra Bryant, City Clerk (SEAL	.)
APPROVED AS TO FORM:	
Cecil G. McLendon, Jr., City Attorney	

Maria Alexander	Yea □	Nay
Brian Bates		
Pam Fleming		
Karen Pachuta		
Trudy Jones Dean		
Robert Patrick		



THE CITY OF DORAVILLE AGENDA ITEM SHEET and REPORT

Subject: Variance Request for Fence Height in Front Yard at 2582 Addison Drive,
Doraville, GA, Parcel # 18 297 13 016

Date of Meeting: 11/4/13

Budget Impact: Yes No
Budget Impact Amount: \$_n/a

Funding Source:
Annual
Capital
N/A

CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE CITYOFDORAVILLE
GITYOFDORAVILLE
Action Requested: Variance of Sec. 23-703(3) Fences - Height of fences located in the front yard in a residential district shall have a maximum height of four (4) feet. The Applicant is requesting variance to allow a 6 (six) foot fence in part of the front yard.

Current Zoning: R-1 Single Family Residential

Future Land Use Character Area: Neighborhood Preservation District

History, Facts, Issues: Section 23-703(3) states "No fence or freestanding wall other than a retaining wall in required side or rear yards shall be more than six (6) feet in height in a residential district. Fences located in required front yards shall not be located in the right-of-way, shall not be sight-obscuring, and shall have a maximum height of four (4) feet". The Applicant installed a six (6) foot wooden fence that extends beyond the front façade of the home and encroaches into the front yard and has structural members facing outward. A City of Doraville Code Compliance Officer issued a notice of violation and gave the Applicant until 9/13/13 to come into compliance. The Applicant filed for a variance to the ordinance section and all actions were stayed until resolution of the variance application. The Applicant has stated that the fence needs to be six feet due to the location of the door and steps on the side of the house and the need to contain her dogs.

Planning Commission Recommendation: The Planning Commission unanimously recommended denial of the variance application citing the review criteria of a self-imposed hardship.

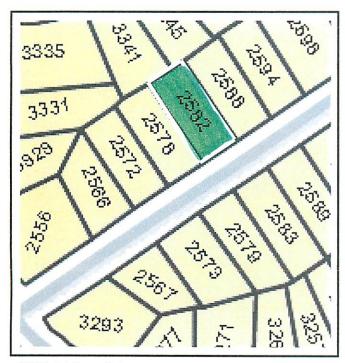
Staff Comments and Recommendations: <u>Under Sec. 23-1402 Variance are the seven</u> (7) conditions required to be found present or not present in staff review, planning commission review and city council consideration when determining approval or denial of a variance application. The Council may grant a variance upon finding all seven conditions are present. Those conditions are a follows:

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
 - The parcel is approximately 0.2 ac in size which is consistent with other similar parcels on this portion of Addison Drive. It is rectangular in shape and exhibits no topographic feature unusual for the area.
- (2) A literal interpretation of the provisions of this article would deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
 - While extension of the fence into the front yard required if the side steps are to be included within the fenced area other configurations of the fence layout (behind the side door stairs) is possible. However, placing the fence behind the stairs would not allow access from the side door into the fenced area with a 6' height.
- (3) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
 - Granting the variance would confer a special privilege on the Applicant that would not be readily available to others without also obtaining a variance.
- (4) The requested variance will be in harmony with the purpose and intent of this article and will not be injurious to the neighborhood or to the general welfare.
 - The parcel is within the Northwoods area designated on the National Registry of Historic Areas. While this is not a zoning criteria placement of the fence does affect the character of the neighborhood in that there are no other such variances in the immediate area.
- (5) The special circumstances are not the result of the actions of the applicant.
 - The house was recently purchased by the Applicant with the side door and stairs in their current condition. The Applicant did install the fence after the purchase.
- (6) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.

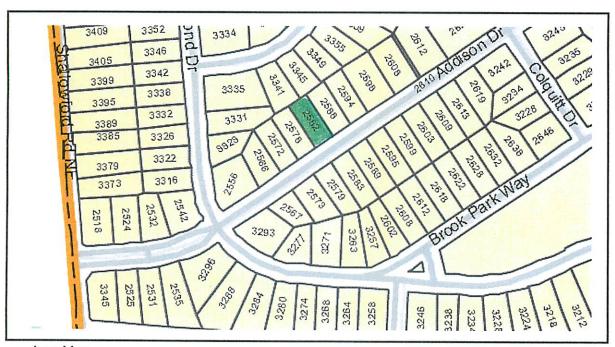
- The Applicant is requesting variance because of the special situation she has with her dogs and the need for the 6' fence to enclose the side door stairs. Legal use of the land is possible without the variance being granted.
- (7) The variance is not a request to permit a use of land, buildings, or structures which is not permitted by right in the district involved.
 - The height of fences in R-1 zoning district is required to no greater that 4 feet. A 6 foot fence is not permitted by right in the R-1 district.

<u>Staff recommends denial in that the application does not meet items required under Sec. 23-1402 for a variance.</u>

Department: Community Development	Department Head: Joe Cooley	
Options:Approve the variance; approve	e with conditions; or deny.	
Department: Community Development	Department Head: Joe Cooley	
Action Taken By City Council:		



2582 Addison Drive - nts



Area Map - nts



Joe Cooley

From: Martha Knoespel <mknoespel@gmail.com>

Sent: Thursday, October 03, 2013 8:22 AM

To: Joe Cooley; pcgilman@comcast.net; john@newcitytheaters.com;

jasonbradleyjones@yahoo.com; carduey@aol.com

Subject: Thank You

Thank you Mr. Cooley and Commissioners,

Thank you for enlightening me to the Doraville neighborhood ways. I really loved this neighborhood, which is of course why I chose to buy here. I found this gem among the Buford and Shallowford Lodge, which I'm sure turn off so many people to buying here - it really adds to the neighborhood as well as my comfort going out by myself at night. As well as the many run down houses in this area - may I mention the neon pink and green house on Chestnut that I am sure you are aware of and the blue house on Raymond.

I actually do really like this neighborhood and am really upset at the fact that I was trying to do something necessary for myself and my dogs and have now run into trouble because of it. Yes, my fence company is at fault and I will be contacting them to see if they can make the outside of my fence look nicer. As far as the height it IS necessary that it is at 6ft.

I did drive around yesterday and have not found any houses that have similar side stairs that go to the front side of the house like mine does. What I did find were fences and houses that looked like they were falling apart. Is that not a concern to keep the historical neighborhood nice? Can I also mention the many rental properties that their owners do as little as possible to in order to keep them standing?

I worked extremely hard to be able to buy a house and make the necessary changes that I needed to - and trust me when I say that that house was in rough shape. I have gotten it to the point where I thought that it was needed and now am working on saving money to do other things to it as needed in the future. What I am trying to say is how can you tell me to build a ramp? That is expensive - will you be loaning me the money? One of the reasons that this house interested me so much was because of the short stairs to outside.

I am not an uncaring citizen, which is what is driving me crazy. I even understand the aesthetics of the side of the fence - but honestly - the front of the fence is difficult to believe that it is throwing of the historical nature of the neighborhood. Yes, I will ask the fence company to fix the side - I actually do understand that - but SERIOUSLY do I have to change the size of my gate? My dogs need it. The youngest one is extremely smart and hyper - when we first let her into the yard she leaped on all sides of the fence to test it for weaknesses. She will be able to see over the 4ft height and get overly excited if she sees anybody walking by. She is the sweetest thing but gets super excited and jumps on people. I don't want to worry about her getting out. What happens if I don't change the height of the fence?

I know this couldn't matter at all to you, but you can seriously look up my name if you want to - there aren't any other Martha Knoespel's on Google - I am the nerdiest most law abiding person ever. I went to Georgia Tech - I studied Industrial Design. That's who I am - so nice to meet you. I work in Norcross and am employed full time as a graphic designer and marketer. I'm not crazy and I'm not trying to get "special privileges". I have worked very hard to get where I am.

I am trying my hardest and am honestly doing everything I can. I want to live in a great neighborhood and want it to look nice - but seriously I could name a dozen properties off hand that look worse than my fence...at least I care to take care of my property.

Anyways - I'll be talking with my fence company, but what I would really like to know is what happens if I don't change the height of my fence?

Sincerely Yours,

Martha Knoespel mknoespel@gmail.com 404-538-8260

September 13, 2013

Martha Knoespel 2582 Addison Drive Doraville, GA 30340

Dear City of Doraville Planning & Development Department,

I received a City of Doraville Code Violation for having an Illegal Fence – Code Section 23-(703) ACT VII fences in the front yard are limited to 4' height as well as (5-1) Building Permit Required. A copy of the violation is included – please reference Article A.

I have since called First Fence of Georgia, the hired contractor, and they have applied for the building permit. However, I am applying for a variance to Code Section 23-(703) ACT VII for the following reasons:

(1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape, or topography that are not applicable to other lands or structures in the same district.

I have stairs that go right up to the front edge of the house that are not similar to other structures. See a picture of these steps in Article C and a scaled drawing of the house in Article B. Therefore, my fence needed to be built so that we could still use the stairs for the 3 dogs (see Article D. Appropriate spacing needed to be in between the fence and the stairs. There are steeper and longer stairs that go into the backyard from the back of the fence, but one of the dogs has hip dysplasia and cannot easily walk up and down steep and long stairs, therefore we have to use the side steps for the dogs. For an explanation of hip dysplasia please reference Article E.

(2) A literal interpretation of the provisions of this article would deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.

I would like to use my steps, as would any other resident. I would like to use the house as the intended original design specified. The dogs cannot use the back steps due to the issue with hip dysplasia.

(3) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.

There are no special privileges associated with the fence being taller in the "front yard". It would be the same as if the fence were built to the front edge of my house. Unfortunately, do to the design of the house it is not possible for me to have a fence that only goes to the front edge of my house.

(4) The requested variance will be in harmony with the purpose and intent of this article and will not be injurious to the neighborhood or to the general welfare.

The fence was very well built ands adds to the property value as well as to the look of the house. The height of the fence is a safety preventative measure so that the dogs do not get out and do not harm themselves as well as put any drivers in danger of hitting them. They could possibly look over and/or jump a 4' fence. The dogs are large as seen in Article D and if the fence were 4' in height they would be able to get over it.

(5) The special circumstances are not the result of the actions of the applicant.

The stairs were a part of the original design and in no way have I altered them so that I could design the fence as I wish.

(6) The variance requested is the minimum variance that will make possible the legal use of the land, building, or structure.

Not sure what the minimum variance is for the fence requirements, but the fence does not draw any negativity to the look of the house or area.

(7) The variance is not a request to permit a use of land, buildings, or structures, which is not permitted by right in the district involved.

Fences are allowed in the front yard of the house, but at 4' tall. Fences are allowed up to the edge of the house at 6' tall, but because of the stairs going to the front of the house this is impossible for us move the fence to the front edge.

I request that you please grant my request to keep the fence as is because of the reasons above. I am happy to provide you with any further information on the house, the dogs, or the fence.

Sincerely,

Martha Knoespel



City of Doraville Planning & Development Department

APPLICATION FOR VARIANCE

PURPOSE OF VARIANCE

The Mayor and/or City Council as relevant are authorized upon appeal in specific cases to consider such variances from the terms of this article as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of the article will, in an individual case, result in practical difficulty or unnecessary hardship, so that the spirit of the article shall be observed, public safety and welfare secured, and substantial justice done. The existence of a nonconforming use of neighboring land, buildings or structures in the same or in other districts shall not constitute a reason for a variance. A variance may be granted in an individual case of unnecessary hardship upon a finding by the Mayor and/or City Council as relevant that all the conditions described below in items 1 - 7 are met.

CONDITIONS NECESSARY FOR APPROVAL

- (1) There are extraordinary and exceptional conditions pertaining to the particular piece of property in question because of its size, shape or topography that are not applicable to other lands or structures in the same district.
- (2) A literal interpretation of the provisions of this article would deprive the applicant of rights commonly enjoyed by other properties of the district in which the property is located.
- (3) Granting the variance requested will not confer upon the property of the applicant any special privileges that are denied to other properties of the district in which the applicant's property is located.
- (4) The requested variance will be in harmony with the purpose and intent of this article and will not be injurious to the neighborhood or to the general welfare.
- (5) The special circumstances are not the result of the actions of the applicant.
- (6) The variance requested is the minimum variance that will make possible the legal use of the land, building or structure.
- (7) The variance is not a request to permit a use of land, buildings, or structures which is not permitted by right in the district involved.

MAYOR & COUNCIL VARIANCES

The Mayor and Council has the authority to grant variances (except for density and use variances) from the development standards of this chapter based upon the conditions above. The Mayor and Council may attach thereto any specific conditions which may be deemed advisable so that the purpose of this article will be served, public safety and welfare secured, and substantial justice done.

The authority to grant variances is limited to variances from the following requirements:

- (a) In the case of a front, side or rear yard, the variance may not exceed fifty (50) percent of the minimum district requirement.
- (b) In the case of the distance between the buildings on the same lot, the variance may not exceed ten (10) feet.
- (c) In the case of parking requirements, the variance may not exceed fifty (50) percent of that required.
- (d) Variance may be approved to grant parking in a required front yard in an old district if a ten-foot buffer area is retained between the street right-of-way and parking area.

- (e) In nonresidential districts, a height variance may not exceed approving building heights in excess of five (5) stories in planned centers of not less than four (4) acres.
- (f) In the case of the minimum single-family lot area required to be above and the distance of dwelling unit from intermediate regional flood contour elevation, the variance is limited to reducing the minimum single-family lot area required to be above intermediate regional flood contour elevation to fifty (50) percent and the distance of the dwelling unit from the intermediate regional flood contour elevation to the minimum yard requirements of applicable zoning districts and only upon written approval of the Site Development Department of DeKalb County, Georgia.

PROCESS

An applicant for a variance shall file a written request with the City of Doraville. The City Council shall establish a reasonable time for hearing the variance request and shall give public notice thereof and due notice to the parties in interest; and shall decide the variance request within reasonable time. At the hearing any party may appear in person, or by agent, or by attorney.

ADMINISTRATIVE VARIANCE

The Mayor shall have the option to grant variances from the development standards of this article, where, in his opinion, the intent of the article can be achieved and equal performance obtained by granting a variance. The authority to grant such variances shall be limited to variance from the following requirements:

- (1) Front yard or yard adjacent to public street—Variance not to exceed five (5) feet.
- (2) Side yard—Variance not to exceed two (2) feet.
- (3) Rear yard—Variance not to exceed four (4) feet.
- (4) Height of building—Variance not to exceed five (5) feet.

PROCESS

An applicant for a variance shall file a written request with the City of Doraville and include a drawing with dimensions and to scale showing property lines, required setbacks, structures and proposed variance. The Mayor shall decide the variance request within reasonable time.



City of Doraville Planning & Development Department

APPLICATION FOR VARIANCE

(CHECK ONE) MAYOR & COUNCIL VARIANCE ADMINISTRATIVE VARIANCE
Date Received: 9 1913 (incomplete applications shall not be accepted) VAR #
APPLICANT
Name: Martha Knolspei
Mailing Address: 2582 Addison DV. DOVALVILLE GA 30340
E-mail: MKNOESpel@gmail. Com. A04-538-8260 Fax: NA
<u>OWNER</u>
Name: Martha Knoespei
Mailing Address: 2582 Addison Dr. Doraville GA 30340
E-mail: MKNOESPEL@gMail. COM Daytime Phone: 404-538-8240 Fax: NA
SUBJECT PROPERTY
Street Address: 2582 Addison DV.
Tax ID Parcel No.: 18 29 7 13 01(0 District(s) LL Block Council District:
Current Zoning Category: Variance(s) Requested Flnce (0' in front your
PEOLIDED DOCUMENTS:
REQUIRED DOCUMENTS:
MAYOR & COUNCIL VARIANCE
Boundary Survey of the property; SCOCED DRAWING INCLUDED
Site plan to scale showing existing and/or proposed development and structures, building setbacks, dimensions of pertinent structures to property lines, site topography, existing landscape, buffers and tree, and other information which will assist the City in determining whether a hardship exists meeting variance requirements.
Letter of Intent / Description of the Project: describing the requested variance; adjacent land uses and/or businesses; justification of how the requested use meets the Conditions Necessary for Approval (listed above) and any information the Applicant would like to include in the information package (photos, renderings, etc.);
Any additional information required by the City based upon the initial application meeting with staff;
Owner's Authorization of Agent (if Applicant is not the owner).

City of Doraville Planning & Development Department

APPLICATION FOR VARIANCE

APPLICATION FEE: See current City Fee Schedule.

DISCLOSURE OF CAMPAIGN CONTRIBUTIONS

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A. Ch 36-67A, the following questions must be answered: Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? Yes _____ No _____

If the answer is Yes, you must file a disclosure report with the governing authority of the City of Doraville showing:

- 1. The name and official position of the local government official to whom the campaign contribution was made.
- 2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and date of each such contribution.

NOTARY POODULE 9/13/13

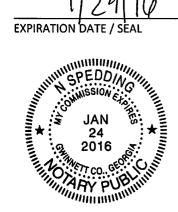
NOTARY DATE

1/29/10

EXPIRATION DATE / SEAL

MMML 9/13/13
SIGNATURE OF APPLICANT DATE

Check One: Owner ____ Agent ____



City of Doraville Planning & Development Department

APPLICATION FOR VARIANCE

NOTE: 12 COPIES OF THE COMPLETED PACKAGE ARE REQUIRED FOR SUBMITTAL FOR REVIEW BY STAFF, PLANNING COMMISSION AND CITY COUNCIL. ALL APPLICATIONS SHALL BE COLATED AND SUBMITTED AS 12 SEPERATE PACKAGES INCLUDING ALL PLANS WHICH ARE TO BE FOLDED TO APPROXIMATELY 9" X 12" SIZE.

	**	PLEASE READ THE FOLLOWING BEFORE SIGNING	

This form must be completed in its entirety before it will be accepted. It must include all required attachments and filing fees.

An application which lacks any of the required attachments or information shall be deemed incomplete and shall not be accepted.

NOTARY

POTARY

POTARY

POTARY

POTARY

POTARY

SIGNATURE OF APPLICANT

Check One: Owner _____ Agent ___



CITY OF DORAV	ILLE OFFICIAL NOTIC	E OF ORDINANCE/CODE VIOLAT	ion (P)
Name Pith Owne and		Date/Time8/31/13	3.15 p.m
Address 2582 Addiso	n 1 /2.	Case\ 20130105	
- Sal		Officer Foreign	
Owner/Contact Phone = 2438;	4- Long Strold Jel	hise	
		<u>323/0</u> Officer Phone - 678-530-2006 - 770 -4 <i>51-87</i>	
Subdivision Northwoods	18-257-13-016		
A Doraville Police Officer or Co codes at this location as indica		s found violations of city ordinances an	d/or zoning
Property Maintenance	Code Section	Solid Waste/Trash Collection	Code Section
☐ Maintenance of Exterior	(5-59)	☐ Improper Handling of Garbage	(10-14)
☐ Holiday Decorations	(5-65A)	☐ Trash Collection Requirements	(15-44)
☐ Tall Grass/Weeds/Hedges	(5-66)	☐ Yard Trimming Requirements	(15-53)
☐ General Maintenance	(5-68)	□ Dumpster Requirements	(15-81 to 15-88)
☐ Structural Maintenance	(5-69)		•
☐ Driveway Limitations	(5-70)	Parking Violations	
☐ Visible Address Required	(5-71)	☐ Parking Prohibited Street	(19-61)
☐ Cleanliness of Property	(10-41)	☐ Commercial Vehicle in Residential	(19-63)
☐ Abandoned Appliances	(11-6 [b])	☐ Parking on Unpaved Surface	(19-65)
☐ Junk/Inoperable Vehicle	(19-108)	☐ Parking on Street More Than 3 Days	s (19-106)
🗵 Illegal Fence	Z-(703) (3) Art 111 WWW.	municode. com	
	Act. III www.	municae. Com	
Other Ordinance or Code Violation	The state of the s	****	
Building Permit Required	(5-1)	Details of Violation(s):	
☐ Business License Required	(6-611)	Tarrey Continue	11
☐ Prohibited Signs	(14-8)	Frances in frant you	or gre
☐ Illegal Free Standing Structure	(601)	limited to 4' hera	hot
☐ Motor Vehicle Provision	(610)	1/11/1 (400 60 7 1/2/9	771. 3
☐ Living Space Minimums	(5-260)		
☐ Yard Sale Permit Required	(13.5)		
☐ Other Violation			
Please bring this property in	eto lawful compliance by	: 9 1/3 1/3	
	n and may be required to	o appear in the Doraville Municipal C	court.

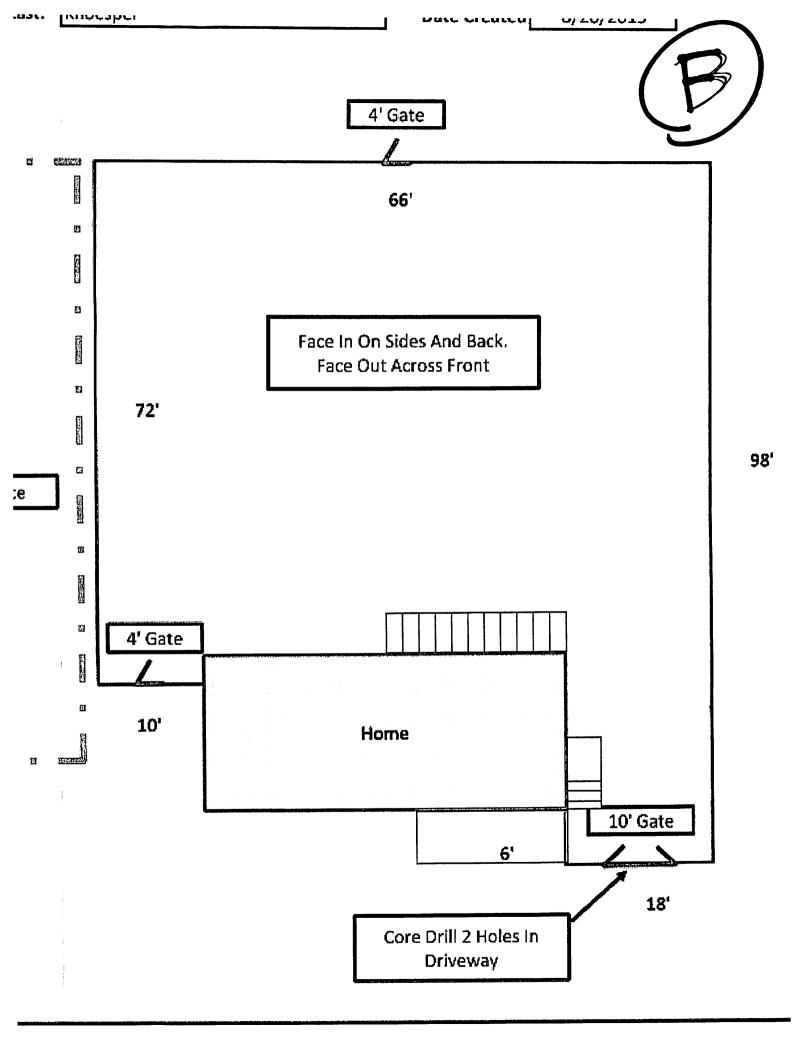
If you have any questions about this notice or need more time to comply, please call the officer issuing this notice at 678-530-2006 and leave a message for that officer.

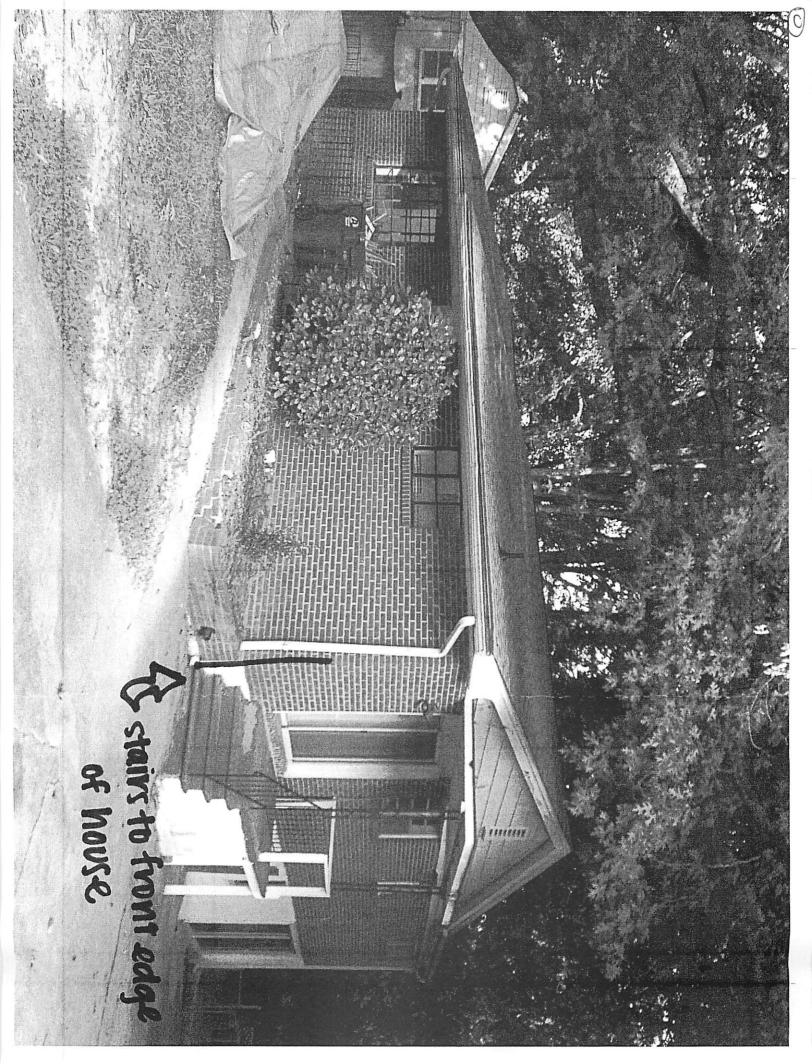
White Copy – Records

Yellow -Violator

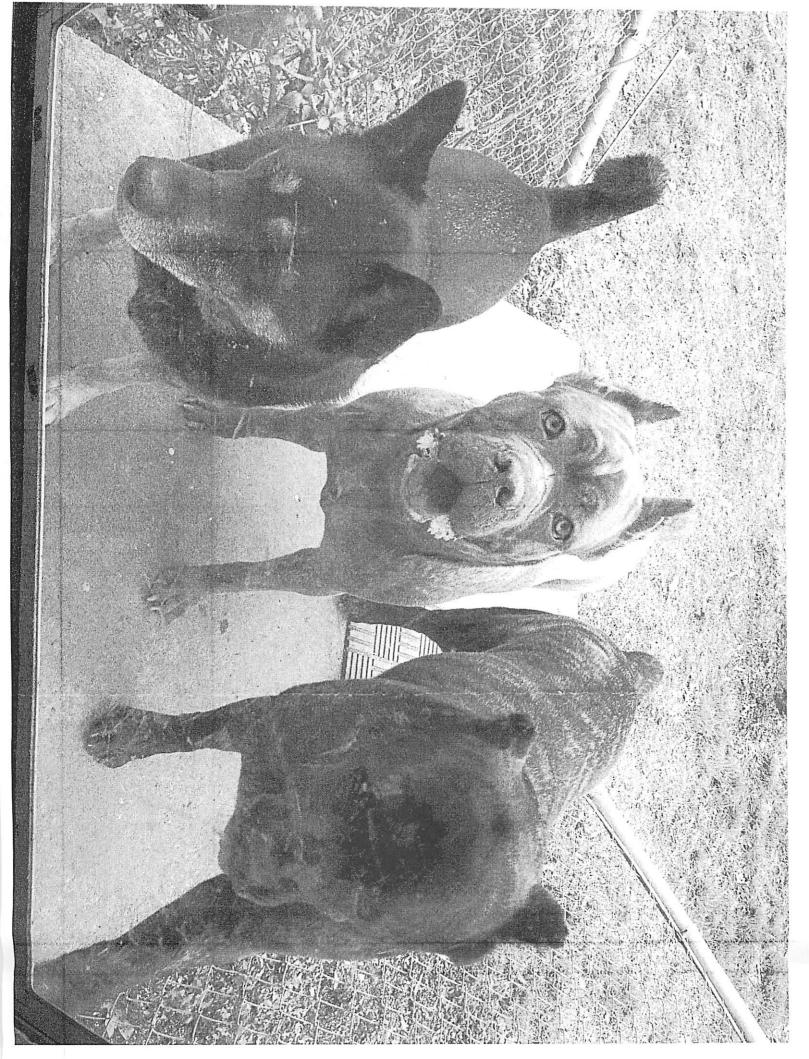
Pink -- Unit File

Gold - Officer Copy









Mastiff puppy breeder directory

Mastiff health page



Mastiff

Add a link to your dog memorial page

> Leonberger dog breeders

Tosa Inu, Tosa-Ken

FEEDING YOUR MASTIFF

The Broholmer

South African Boerboel directory

MASTIFF BREEDING AND PUPPY CARE

links page

Dogue de Bordeaux directory

> Tibetan Mastiff directory

Pyrenean mastiff directory

Saint Bernard directory

Fila Brasileiro directory

Neapolitan Mastiff Directory

Cane Corso Breeder Directory

Bullmastiff breeder Directory

Mastiff health page

This is a list of common health problems in large breed dogs, these problems can affect any canine pet but most prevalent in our big dogs. Some mastiff health issues, Hip, elbow, Dysplasia, Mastitis, Pyometra, pyo, cruciate, ligament injuries, Bloat, Torsion, REVACCINATION, Vaccination. Before vaccinating your pet please read below.

Hip dysplasia All Large Dog Breeds of dogs can be prone to Hip Dysplasia. It can be genetic or it can be environmental. Environmental can mean the dog had poor nutrition when growing , was over weight, or had an impact injury that caused dysplasia to develop. Most reputable breeders Xray the parents of their litter to assure the parents have good hips and elbows. Even if the breeder only breeds dogs with good hips and elbows this can only reduce the likely hood of their pups developing hip dysplasia, But their is no guarantee that the off spring will not develop hip dysplasia.

I would like to add some of my own personal observations on large dogs and hip dysplasia . I personally have seen remarkable improvements with Adaquin shots, I have also seen young dogs "1 year of age" who did OFA prelim and come up with a diagnoses of

moderate dysplasia. When X-rays were done again latter the results came back as good. Symptoms

Dogs might exhibit signs of stiffness or soreness after rising from rest, reluctance to exercise, bunny-hopping or other abnormal gait (legs move more together when running rather than swinging alternately), lameness, pain, reluctance to







stand on rear legs, jump up, or climb stairs, subluxation or dislocation of the hip joint, or wasting away of the muscle mass in the hip area. Radiographs (X-rays) often confirm the presence of hip dysplasia, but radiographic features may not be present until two years of age in some dogs. Moreover, many affected dogs do not show clinical signs, but some dogs manifest the problem before seven months of age, while others do not show it until well into adulthood.

In part this is because the underlying hip problem may be mild or severe, may be worsening or stable, and the body may be more or less able to keep the joint in repair well enough to cope. Also, different animals have different pain tolerances and different weights, and use their bodies differently, so a light dog who only walks, will have a different

joint use than a more heavy or very active dog. Some dogs will have a problem early on, others may never have a real problem at all

Each case must be treated on its own merits, and a range of treatment options exist.

Diagnosis

The classic diagnostic technique is with appropriate x-Rays and hip scoring tests. These should be done at an appropriate age, and perhaps repeated at adulthood - if done too young they will not show anything. Since the condition is to a large degree inherited, the hip scores of parents should be professionally checked before buying a pup, and the hip scores of dogs should be checked before relying upon them for breeding. Despite the fact that the condition

is inherited, it can occasionally arise even to animals with impeccable hip scored parents.

In diagnosing suspected dysplasia. the x-ray to evaluate the internal state of the joints, is usually combined with a study of the animal and how it moves, to confirm whether its quality of life is being affected. Evidence of lameness or abnormal hip or spine use, difficulty or reduced movement when running or navigating steps, are all evidence of a

problem. Both aspects have to be taken into account since there can be serious pain with little X-ray evidence.

It is also common to X-ray the spine and legs, as well as the hips, where dysplasia is suspected, since soft tissues can be affected by the extra strain of a dysplastic hip, or there may be other undetected factors such as neurological issues (eg nerve damage) involved.

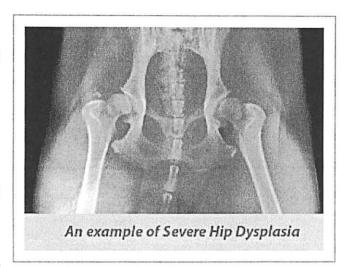
There are several standardized systems for categorising dysplasia, set out by respective reputable bodies (Orthopedic Foundation for Animals/OFA, PennHIP, British **Veterinary** Association/BVA). Some of these tests require manipulation of the hip joint into standard positions, in order to reveal their condition on an X-ray, and since this is very painful and must be held still for a clear image, often the animal will be anaesthetised or sedated to achieve clear diagnostic results.

Torn Cruciate Ligament

Larger dogs like mastiffs, Labrador, shepherds, rottweilers

THE DYSPLASTIC HIP JOINT

Hip Dysplasia is a terrible genetic disease because of the various degrees of arthritis (also called



degenerative joint disease, arthrosis, osteoarthrosis) it can eventually produce, leading to pain and debilitation.

The very first step in the development of arthritis is articular cartilage (the type of cartilage lining the joint) damage due to the inherited bad biomechanics of an abnormally developed hip joint. Traumatic articular fracture through the joint surface is another way cartilage is damaged. With cartilage damage, lots of degradative enzymes are released into the joint. These enzymes degrade and decrease the synthesis of important constituent molecules that form hyaline cartilage called proteoglycans. This causes the cartilage to lose its thickness and elasticity, which are important in absorbing mechanical loads placed across the joint during movement. Eventually, more debris and enzymes spill into the joint fluid and destroy molecules called glycosaminoglycan and hyaluronate which are important precursors that form the cartilage proteoglycans. The joint's lubrication and ability to block inflammatory cells are lost and the debris-tainted joint fluid loses its ability to properly nourish the cartilage through impairment of nutrient-waste exchange across the joint cartilage cells. The damage then spreads to the synovial membrane lining the joint capsule and more

www.offa.org/hd_info.html

degradative enzymes and inflammatory cells stream into the joint. Full thickness loss of cartilage allows the synovial fluid to contact nerve endings in the subchondral bone, resulting in pain. In an attempt to stabilize the joint to decrease the pain, the animal's body produces new bone at the edges of the joint surface, joint capsule, ligament and muscle attachments (bone spurs). The joint capsule also eventually thickens and the joint's range of motion decreases.

No one can predict when or even if a dysplastic dog will start showing clinical signs of lameness due to pain. There are multiple environmental factors such as caloric intake, level of exercise, and weather that can affect the severity of clinical signs and phenotypic expression (radiographic changes). There is no rhyme or reason to the severity of radiographic changes correlated with the clinical findings. There are a number of dysplastic dogs with severe arthritis that run, jump, and play as if nothing is wrong and some dogs with barely any arthritic radiographic changes that are severely lame.

© 2010 Orthopedic Foundation for Animals.

Design by www.ddgraphix.net.

www.offa.org/hd_info.html 2/2



Subject: <u>Discussion: Text Amendment to add language addressing new auto dealerships in C-2 zoning district</u>

Date of Meeting: <u>11/4/13</u> Budget Impact: ☐Yes ⊠ No	Regular Meeting Work Session Recommendation Policy/Discussion Report Other				
Budget Impact Amount: \$ <u>n/a</u>					
Funding Source: 🛛 N/A					
Cityofdoraville Cityofdoraville Cityofdoraville Cityofdoraville Cityofdoraville					
Action Requested: Discussion regarding amendment to the C-2 zoning district regulations to allow manufacturer-authorized car franchise facility with customary sales and service of both new and pre-owned automobiles.					

History, Facts, Issues:

Currently auto dealerships, for both new and used vehicles, are allowed only in the M-1 zoning district by Conditional Use Permit. In addition to the other regulations set out in the M-1 district is the requirement "that each lot or lot with accessory use garage shall be a minimum of six (6) acres in size, must have a minimum lot width of six hundred (600) feet on the frontage right-of-way line on an arterial street and any work done on vehicles exclusive of cleaning must be done in a wholly enclosed facility. Cleaning of vehicles shall be limited to exterior water cleaning only without the use of chemical agents. All automobile sales lots and automobile sales lots with accessory use garages and associated parking shall be on graded and paved surfaces."

Peachtree Industrial Blvd from the intersection of I-285 south towards Chamblee has developed as new car dealership business cluster. The Porsche and Lexus are within the city limits of Doraville. However, under the City of Doraville zoning regulations these two dealerships are legal non-conforming uses as they are in the C-2 zoning district. The Porsche dealership also does not meet the minimum acreage requirement.

It is believed the intent of the zoning change made restricting auto dealerships to M-1 and 6 acres was to restrict the spread of an overabundance of used auto lots, mostly on small lots, along Buford Highway and other C-2 areas. It appears that an unintended consequence is that it also has made the existing Porsche and Lexus dealerships non-conforming and precludes

<u>development of additional new dealerships providing manufacturer-authorized car franchise</u> <u>facilities along the new auto dealership cluster along Peachtree Industrial Blvd.</u>

Parcels located at the intersection of Motors Industrial Way and Peachtree Industrial Blvd. are identified in the LCI plan as Highway Commercial land use. This is recognized in the proposed Livable Community Code (form based code) Framework Plan with this area designated Highway Commercial to remain as a C-2 zoning district. If it is Council's desire to allow the additional new vehicle dealerships to locate in this area an amendment to the C-2 zoning district would be needed.

Staff Recommendation: If the City Council would like to pursue the possibility of allowing manufacturer-authorized car franchise facilities with customary sales and service of both new and preowned automobiles as a permitted use within the C-2 zoning district have staff and legal draft a preliminary ordinance for Planning Commission review and recommendations to City Council.

Department: City Administration	Department Head: <u>City Manager</u>
Action Taken By Board:	

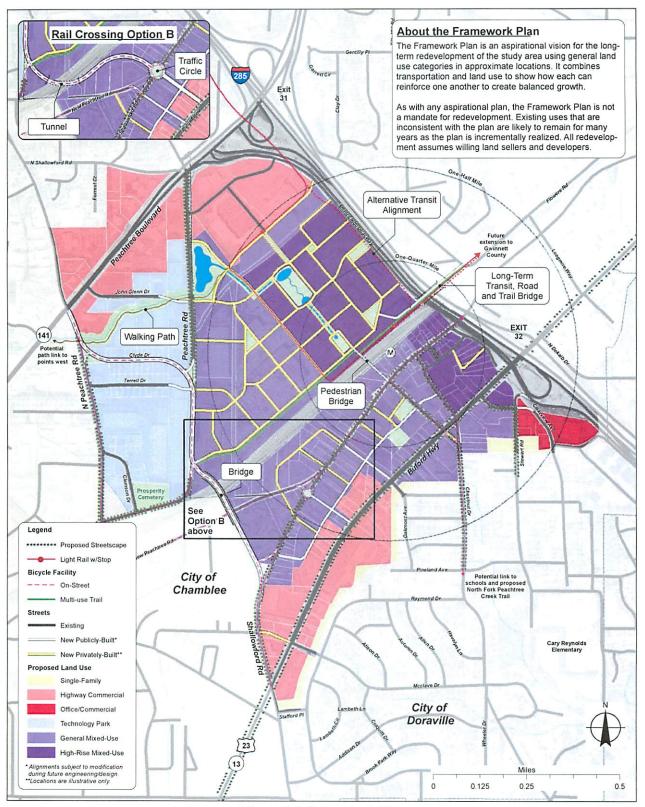


Figure 4.2: Framework Plan

Part 4: Recommendations 83