Staff Report
City of Doraville, Georgia
Planning and Zoning

MCC Public Hearing: MCC Public Hearing May 24, 2010 @ 6:30 p.m.
(A separate public hearing will be conducted for each tract)

Planning Commission: PC Public Hearing May 20, 2010 @ 7:00 p.m.
(A separate public hearing will be conducted for each tract)

Previous Notification: There have been a series of notifications on this item.
NOTE: The item was re-advertised given an error by the City's sign vendor in the sign copy and the placement of the sign by the City Public Works Department on the wrong (adjacent) property.

Applicant: Michael Hoath for Innerbrand, LLC

Request: Rezoning/Zoning Modification/ Change of Conditions from M-1 (Light Manufacturing District) Conditional to M-1 (Light Manufacturing District). No variances have been requested by the Applicant or advertised.

Location: See more detailed below… refer to map exhibit

Tract Size: Each tract will be conducted as a separate public hearing although they are collectively owned by InnerBrand Properties, LLC. Each parcel had its own public hearing sign erected upon it.

5849 Peachtree Road (18-322-02-004); zoned M-2; 5.64 +/- acres;
0 General Motors Drive (18-322-02-005); zoned M-2; 5.77 +/- acres;

NOTES AREA:

Infrastructure: Water Service: public, DeKalb County

Sewer Service: public, DeKalb County

Electricity: Unknown

Telephone: Unknown

Schools: At this time, no affect by moving from one non-residential zoning classification to another.

Environmental: Wetlands and Floodplain: There are wetlands and/or floodplain per the Comp Plan Basemap.

Water Supply Watersheds: Not affected (Source Datum: Robert and Company) but the location(s) are a significant groundwater recharge area. The potential handling of hazardous materials (e.g. from a body and painting facility) within the recharge are must be considered.

2006 Comp Plan: The site is identified by the Future Development Map as "Mixed Use Re-Development Opportunity which would generally mean commercial, office, and residential commingled in some fashion.

LCI: Not identified within the present confines of the study area. The area is identified as being a part of the proposed LCI study area which encompasses the former GM site and certain environs presently in DeKalb County which are situated across the street (Peachtree Road) from the Innerbrand site.

Transportation: The property is bordered on the west by Peachtree Road - City of Doraville/DeKalb County jurisdiction, on the north by General Motors Way (an apparent prescriptive easement/private road), and on the east in a north/south fashion by a Southern Railroad Track Spur right-of-way.

Pedestrian Accessibility: None existing. Presently, the City cannot achieve sidewalks without them being a Condition of Zoning or variance stipulation because there is no requirement in the City codes to install sidewalks. The City Council has not generally engaged applicants to require these items although Staff is strongly of the opinion that sidewalks should be installed on both sides of rights-of-way and (were possible) at cost to developers and not taxpayers. Sidewalks and pedestrian mobility would be a cornerstone element of any LCI study and is presently embodied in the Comp Plan.

Transitional Buffers: Where an industrial site such as this is contiguous to commercially zoned property, the City Council may elect to require a planted buffer of no less

than twenty (20) feet in width and not more than seventy-five (75) feet in width as it determines there is an incompatible land use situation. For further information see also Article XI.

It is suggested the Council consider the long-term implications of the Innerbrand properties remaining M-1 while being surrounded by a mixed use population center. The Comp Plan notes, and Staff concurs, that poor separation or buffering of incompatible land uses is a key concern for the 2005-2025 Plan.

Zoning History: The property is presently zoned M-1 (Light Manufacturing District) with Conditions per the City initiated rezoning action(s) of Mayor and Council on 11/9/09. The City Council elected to expand the recommended permitted uses on the site within the public hearing to include traditional light industrial uses rather than exclusively a science and technology base. This action was contradictory to Staff recommendation.

Regulations: Zoning Ordinance, Building and Development Ordinance, Soil Erosion and Sedimentation Control Ordinance, and Tree Preservation. In particular, see Ordinance 2008-23 for M-1 district requirements.

Comments: Current Business Inhabitants:
According to the City Occupational Tax records, the following businesses are located within this multi-tenant property which is approximately 206,040 square feet and was constructed circa 1973:

Jim Ellis Collision Center – auto body and repair (apparently no active occupational tax license);

Innerface Signs, Inc. – sign manufacturing and fabrication (active occupational tax license);

Atlantic Limousine – limousine service (apparently no active occupational tax license which is not required of a Common Carrier per legal advice of the City Attorney).

JJ Haines – flooring distributor (application was received during previous City initiated zoning action).

Development Code Conformity:
The site has significant areas of gravel paving on its northern boundary which clearly is a violation of the City's zoning ordinance.

The developed site needs to be merged into one (1) parcel given its current construction across lot lines is clearly not Code compliant.

Standards of Review (Section 1603);

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

The property is bordered on the north, east, and south by a C-1 zoning classification that, although currently undeveloped, is being courted as a brown field redevelopment site to contain commercial retail, office, and multi-family uses. The western boundary of the site is the Peachtree Road right-of-way.

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

The site's zoning as M-1 may be viewed as a diminished value for its abutting neighbors – all which fall within either a C-1 or C-2 classification. Certainly, staff suggests that these are incompatible land uses.

(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.***

Contradictory to the Applicant's zoning analysis, the land use decisions per recommendations of Staff are not determined by market revenue calculations. Absent a limited technology oriented use of the present site under a light industrial classification, the general welfare would likely be better served by a consistent zoning scheme for this node which is commercial-retail base the same as the former GM site and its developed neighboring properties.

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

There are undetermined hardships for all parties involved. Clearly, the City has and is further moving away from an industrial base which is a typical trend of urbanized areas.

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

The subject properties present a "Mixed Use Redevelopment Opportunity" as envisioned by the Comp Plan which includes commercial, office, and residential. The M-1 zoning as previously proposed by Staff (but expanded by the Council) could have facilitated science and technology based employment opportunities and enterprises which would not otherwise be available within a C-2 zone. C-1/C-2 does not generally allow M-1 uses.

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

Not applicable. The site is occupied with a mixture of M-1 uses. At present, it is not believed that the site has experienced any tenant vacancies which warrant an expansion of permitted uses within the M-1 category. It cannot be determined whether this zoning

action is merely a veiled attempt by the property owner to increase the marketability of the site for a potential land sale.

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

The subject property as M-1 per an expansion of light industrial uses clearly departs from the proposed development of the former GM site and could be viewed as an incompatible land use.

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

The zoning proposal may render a large portion of the former GM site as unsuitable for development given its proximity on three (3) abutting sides and flat topographic relief abutting an industrial site.

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

The property has reasonable economic use as currently zoned. The Applicant could have challenged the City's rezoning of the property from M-2 to M-1 within statutory confines, but clearly failed to do so.

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

Streets and transportation facilities: no affect at this time due to a developed site. Clearly, Peachtree Road remains a substandard street surface for industrial uses which is no departure from the existing conditions when the site was initially developed along a substandard right-of-way. The situation evidences poor coordination of City/County plan reviews and development Code coordination. Right-of-way acquisition should be considered at this time prior to GM re-development.

Utilities: no affect as presently developed.

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

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

The property's expansion of permitted uses within M-1is not in conformity with the policy and intent of the land use plan given it does not encompass any commercial, office, or residential mixed use.

Specifically, the Plan states the GM Site Recommended Uses are the following high-density urban oriented mixed use:

Mixed-use commercial;
Office/professional;
Public/institutional;
Townhomes;
Urban density condominiums

The present site (Innerbrand) was listed within the confines of the GM Site mixed use redevelopment scenario on the City's Future Development Map.

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

No, with changing economies related to the surrounding former GM site and the global economy in general it becomes less likely the site will remain a viable industrial use given its small scale and isolation from other City industrial uses.

(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 further expansion of industrial uses on the site creates more opportunities for the creation and continuance of incompatible land uses which diminishes the likelihood of desirability for a residential component on the former GM site.

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

The site could be viewed as a hindrance to the implementation of a comprehensive transportation network planning strategy and pedestrian mobility envisioned both by the Comp Plan and the impending LCI.

Recommendation:

Staff recommends **Denial** of the requested expansion of M-1 permitted uses which is consistent with the vision of the City's Comp Plan.