

PLANNING AND DEVELOPMENT DEPARTMENT STAFF REPORT

Public Hearing Date: April 11, 2024

Item #: PZ2024-1258

3715 LONGVIEW DRIVE – VARIANCE AND WAIVER APPLICATION

Project Name: Brookhaven Kollel
Applicant/Owner: Brookhaven Kollel Synagogue c/o Dillard Sellers
Zoning District: CC (Corridor Commercial)
Address: 3715 Longview Drive
Parcel ID: 18 308 11 005

EXECUTIVE SUMMARY WITH STAFF RECOMMENDATION:

Proposed Project: Renovation of an existing commercial building.

Requests: Four (4) variances and two (2) waivers

Summary Analysis:

- The applicant proposes to renovate the existing commercial structure. Due to the extent of the interior renovation, the applicant is required to make exterior improvements subject to the Adaptive Reuse Regulations.
- Exterior improvements include construction of streetscape and on street parking along Longview and Admiral Drive, a mulch play area along Admiral Drive, parking lot improvements and additional landscaping.
- Construction of the streetscape and on street parking spaces will require encroachment into the 50- and 75-foot stream buffer setbacks.
- The applicant proposes 10 off street parking spaces, 17 on street parking spaces, and 35 shared parking spaces.

Recommendation:

Staff recommends **APPROVAL WITH CONDITIONS** of the following variance requests:

1. Waiver from Section 230-26(a), to reduce a portion of the landscape strip along Admiral Drive from 5 feet to 0 feet to accommodate on street parking.
2. Variance from Section 250-2 to reduce the required number of off-street parking from 62 spaces to 10 spaces.
3. Variance from Section 250-3(h) to increase the maximum number of shared parking spaces from 25% or 16 spaces to 56% or 35 spaces.
4. Variance from Section 250-9(b) to increase the maximum number of on street parking spaces from 25% or 16 spaces to 27% or 17 spaces.
5. Variance from Section 310-19 to encroach into the 50-foot wide undistributed and 75 foot wide no impervious surface stream buffer setbacks.
6. Waiver from Section 350-2(a)(1)(f) to allow two existing curb cuts to remain on a single street frontage.

Site Aerial:



Current Zoning:

The property is located in CC (Corridor Commercial)

This zoning district is intended primarily for commercial and mixed-use development and related accessory uses at a medium density. This district provides a location for residences, retail, goods and services and offices to satisfy the common and frequent needs of the city's businesses and residents. Design standards and design parameters encourage a pedestrian-friendly traditional urban form, oriented to pedestrians, which limits the conflicts between vehicles and pedestrians

Current Use:

Office

Surrounding Land Uses:

North – NR-1: Single Family Residential
South – NC-1 and VC: Office and Commercial Retail (Chamblee Plaza)
East – NR-1 and VC: Single Family Residential and Industrial
West – NR-1: Single Family Residential

Site Description and History of Property:

The subject property is a 0.9-acre lot located at the intersection of Longview Drive and Admiral Way. According to DeKalb County property information, the property was developed in 1950 and has been

used as an office building. The site is heavily wooded with the Nancy Creek Tributary running east to west. The main structure is a two-story building at 4,657 square feet.

Project Description:

The applicant proposes to complete interior renovations of the existing two-story building for a place of worship. The interior renovations trigger compliance with the adaptive reuse regulations, which requires the applicant to make exterior improvements. These exterior improvements include:

- Construction of a new streetscape along Longview Drive and Admiral Drive. These streetscapes will include a 7-foot-wide landscape strip and 5-foot-wide sidewalk along Longview Drive and a 5-foot-wide sidewalk along Admiral Drive.
- Construction of 17 on-street parking spaces along the street frontages of the site. Longview Drive will include 12 parking spaces, while Admiral Drive will include five.
- Coordination with three neighboring properties to allow 35 off street shared parking spaces. The properties are located on the southwest side of Longview Drive, opposite of the subject property.
- Encroachment into the 50-foot wide undisturbed and 75 foot no impervious surface stream buffer setbacks for the construction of the sidewalk and on-street parking spaces.
- Update the existing building façade which includes painting the building, construction of a new gable roof, awning, and trellis structure.
- Repaving of the existing parking lot.
- Construction of a mulch play area along Admiral Drive within the 50-foot wide undisturbed and 75-foot wide no impervious surface stream buffer setbacks.
- Dumpster and recycling enclosure to be located at the rear of the building.
- Additional landscape plantings between the streetscape and parking along Longview Drive and along Admiral Drive.
- Retention of the existing 40-foot zoning buffer at the northeast portion of the site. The applicant will provide an alternative landscape plan that will provide an equal or better means of meeting the intent of the landscaping and screening regulations of this UDO at the time of permitting.
- Retention of the two existing curb cuts along Longview Drive in order to preserve the one-way driveway on the site.

Applicant's Variance Requests:

The applicant requests variances from Title 2 of the UDO:

2. Variance from Section 250-2 to reduce the required number of off-street parking from 62 spaces to 10 spaces.
3. Variance from Section 250-3(h) to increase the maximum number of shared parking spaces from 25% or 16 spaces to 56% or 35 spaces.
4. Variance from Section 250-9(b) to increase the maximum number of on-street parking spaces from 25% or 16 spaces to 27% or 17 spaces.

Per the review and approval criteria found in Sec. 280-32(a), the Mayor and City Council may authorize variances from the provisions of the UDO only after making the following findings:

- a. **There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography;**

The placement of the stream on the subject site is an extraordinary and exceptional condition. The stream bisects the property, making most of it unusable.

b. The application of this zoning ordinance to the particular piece of property would create an unnecessary hardship;

The application of the zoning ordinance would create an unnecessary hardship. The location of the stream makes it unfeasible to accommodate the required number of parking spaces on site. The applicant is proposing other means of providing the required number of spaces off site.

c. Such conditions are peculiar to the particular piece of property involved;

The conditions are peculiar to the particular piece of property involved. No other commercial site within this area has a stream bisecting their property.

d. Such conditions are not the result of any actions of the property owner; or

The conditions of the lot are not the result of the applicant.

e. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.

Allowing the applicant to reduce the number of off-street parking spaces from 62 to 10 would not be a substantial detriment to the public good because the applicant is proposing to provide most of the remaining parking spaces off site through a shared parking agreement and on-street parking. They also propose to retain the existing building which would mitigate negative impacts to the stream and would retain most of the mature tree canopy. Further, based on conversations with the applicant, the minimum number of parking spaces required by the ordinance greatly exceeds the number of spaces required for the applicant's use of the building. Allowing the variance, would provide an alternative means of conformance to the UDO. Therefore, relief if granted, would not cause substantial detriment to the public good.

The UDO, in Section 310-19(e), provides the following factors for granting a variance from stream buffer requirements. An analysis of these factors is included below:

a. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property;

The stream bisects the property from east to west. The main structure and access to the property is located on the southern portion of the site, along Longview Drive. The existing building is located in the 50-foot undisturbed and 75 foot no impervious surface stream buffer setbacks. The site contains a large mature tree canopy.

b. The locations of all streams on the property, including along property boundaries;

There is a single stream located on the property. The stream enters the property from the eastern property line and exits through the western property line where it is piped under the intersection of Longview and Admiral Drive.

c. The location and extent of the proposed buffer or setback intrusion;

The construction of the required streetscape and on-street parking spaces will result in 1,863 square feet of sidewalk and asphalt in the 75 foot no impervious surface stream buffer and 895

square feet of hardscape and disturbance within the 50-foot undisturbed stream buffer. A mulch play area will also be within the existing 50- and 75-foot stream buffers.

d. Whether alternative designs are possible which require less intrusion or no intrusion;

Alternative designs that would require less intrusion onto the stream could be possible, but a variance to not install the required streetscape would be required. Additionally, the applicant would also need to provide less on-street parking.

e. The long-term and construction water-quality impacts of the proposed variance; and

As proposed, there may be long term and construction water quality impacts of the proposed stream buffer variance. Because of the shortage in parking and streetscape requirements, the applicant is proposing an additional 2,758 square feet of impervious surface to the site. If the applicant were to replace asphalt with pervious materials and ensure proper routing of water into stormwater management facilities, the negative long-term impacts of the stream buffer variance could be mitigated.

f. Whether issuance of the variance is at least as protective of natural resources and the environment.

Through conditions of approval, the variance could be at least as protective of natural resources and the environment.

Applicant's Concurrent Waiver Requests:

Per Sec. 300-8, only in situations where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of Title 3 of the UDO would cause an unnecessary hardship that is not caused by the owner, the Mayor and City Council may, authorize a waiver from the terms of Title 3 only to the extent that is absolutely necessary and not to an extent which would violate the intent of Title 3.

The applicant requests the following concurrent waivers from Title 3 of the UDO:

1. *Waiver from Section 230-26(a), to reduce a portion of the landscape strip along Admiral Drive from 5 feet to 0 feet to accommodate on street parking.*

Requiring the applicant to meet the landscape strip requirements would be an unnecessary hardship. In order for the applicant to provide more parking for the site the applicant has proposed to install on-street parking spaces along Admiral Drive and Longview Drive. Installing these on-street parking spaces in lieu of the landscape strip would allow the applicant to provide the required number of parking spaces for the site while also providing a buffer for pedestrians using the new sidewalk. Therefore, the proposal will not result in any detriment to the public good.

7. *Waiver from Section 350-2(a)(1)(f) to allow two existing curb cuts to remain on a single street frontage.*

Requiring the applicant to close the existing curb cut would cause unnecessary hardship. Without the additional curb cut, the use of the existing off street parking lot would not be possible which would require additional variances and waivers. The existing conditions of the curb cuts have remained for years and has not been a problem for the City. With appropriate conditions of approval, the proposal will not result in any detriment to the public good, including without limitation, detriment to the interest of the public, and will not result in any harm to the health,

safety or general welfare of the City and its citizens. Without approval of the waiver, the existing driveway would be unusable.

Staff Recommendation:

Based on the analysis of this application, using the standards and criteria found in Chapter 280 and 300 of the UDO, Staff recommends **APPROVAL WITH CONDITIONS** of the following variances and waiver requests, in application PZ2024-1258:

1. Waiver from Section 230-26(a), to reduce a portion of the landscape strip along Admiral Drive from 5 feet to 0 feet to accommodate on street parking.
2. Variance from Section 250-2 to reduce the required number of off-street parking from 62 spaces to 10 spaces.
3. Variance from Section 250-3(h) to increase the maximum number of shared parking spaces from 25% or 16 spaces to 56% or 35 spaces.
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5. Variance from Section 310-19 to encroach into the 50-foot wide undistributed and 75 foot wide no impervious surface stream buffer setbacks.
6. Waiver from Section 350-2(a)(1)(f) to allow two existing curb cuts to remain on a single street frontage.

Should City Council approve the variance requests, staff recommends the following conditions of approval:

1. The development shall be constructed in substantial conformity with the Site Plan and Elevations received by the Planning and Development Department dated received on March 26, 2024, with revisions required by conditions of approval as reviewed and approved by the Planning & Development Director.
2. The driveway entrances along Longview Drive shall be reduced to 20 feet wide.
3. The applicant shall replace the existing safety railing at the intersection of Longview Drive and Admiral Drive. The railing shall be decorative and 50% percent transparent.
4. The applicant shall install a mid-block pedestrian crossing from the shared parking lot to the subject site. The final location and design of the crosswalk shall be reviewed and approved by the City Engineer.

Attachments:

Attachment 1 – Application

Attachment 2 – Site Plan + Elevations

Attachment 3 – Maps

Site Visit:



Existing Building along Longview Drive



Street Frontage along Longview Drive



Rear of Building



Existing 40-foot Zoning Buffer



Intersection of Longview Drive and Admiral Drive



Existing Stream



Proposed shared parking lot along Longview Drive



Frontage along Admiral Drive