

PLANNING AND DEVELOPMENT DEPARTMENT STAFF REPORT

Public Hearing Date: December 12, 2024

Item #: PZ2024-1378

3031 SHALLOWFORD ROAD – VARIANCE AND WAIVER APPLICATION

Project Name: Chamblee Racquet and Paddle Complex
Applicant: Breedlove Land Planning c/o Gary Caraway, Jr.
Owner: BIA Charter School Inc c/o Jill Flournoy
Zoning District: CC (Corridor Commercial)
Address: 3031 Shallowford Road
Parcel ID: 18 268 05 024

EXECUTIVE SUMMARY WITH STAFF RECOMMENDATION:

Proposed Project: Construction of a tennis and racquet sports complex.

Requests: Three (3) variances and three (3) waivers

Summary Analysis:

- The applicant proposes to construct a recreational facility with 3 tennis courts and up to 11 pickleball courts enclosed within a 10-foot-tall chain link fence that includes windscreen for wind protection on the tennis courts and Acoustifence panels for noise reduction on the pickleball courts. The project will also include construction of a modified streetscape along Shallowford Road, a 1,000 square foot office and restroom building, and 200 square foot maintenance shed.
- The applicant proposes to make improvements to the adjacent city owned property 3119 Shallowford Road by constructing a shared surface parking lot with 58 spaces.
- The applicant proposes to maintain the 40-foot zoning buffer along the southern and eastern property lines, between the subject property and the single family residential.
- The removal of 73 trees will be required for the construction of the development. The applicant proposes to plant 23 trees bringing the overall canopy from 1,198-inches to 367-inches of DBH.

Recommendation:

Staff recommends **APPROVAL WITH CONDITIONS** of the following variances and waivers requests:

3. Variance from Section 250-7(a)(1), to locate off-street parking between the principal building and the street.
1. Waiver from Section 230-26(g)(1), to allow the supplemental zone to not be hardscaped and to exceed the 20 percent maximum landscaping permitted within this area.
2. Waiver from Section 230-26(g)(1)(a)(1), to not locate the front building façade immediately adjacent to the supplemental zone.
3. Waiver from Section 230-27(a)(12)(a)(2), to not provide direct access and visibility from the primary building to the adjacent street.

Staff recommends **DENIAL** of the following variance requests:

1. Variance from Section 230-6(c)(1)(a), to exceed the maximum height of fences in the front yard from 4-feet to 10-feet.
2. Variance from Section 230-6(c)(1)(b), to not provide a fence that is 50% transparent in the front yard.

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:

Vacant Lot

Surrounding Land Uses:

North – NC-1: Dynamo Multisport
South – NR-3 and NR-1: Duplexes / Single-Family Residences
East – NR-1: Single Family Residences
West – NC-1 and NR-1: Single-Family Residences / Retail / Moving Company

Site Description and History of Property:

The subject property is a 2.5-acre lot located along Shallowford Road, south of Dynamo Multisport, and north of Whispering Hills Dr. According to DeKalb County property information, the site was developed with a commercial building that was previously used as a clinic until the structure was demolished in 2018. Currently the site is vacant with remnants of an 8,000 square foot parking lot. Surrounding this parking lot are mature deciduous trees and understory shrubs. In 2018, the applicant and owner went through the Development of Community Impact (DCI) process, PZ2018-280, and were approved to construct a 72,000 square foot school for the Brookhaven Innovation Academy. The same year a Minor

Modification to a DCI was approved, PZ2018-330, however work on the project was not completed and both the DCI and Minor Modification have since expired.

Project Description:

The applicant proposes to construct a recreational facility. The site developments include:

- Construction of 3 tennis courts and up to 11 pickleball courts.
- Construction of a 1,000 square foot office and restroom and 200 square foot maintenance shed.
- Installation of a 7-foot landscape strip and 5-foot sidewalk along Shallowford Road. The new streetscape will include landscape trees, lights, and pedestrian amenities such as benches and trash cans.
- Installation of terraced retaining walls ranging in height from 2-feet to 4-feet in the front yard and 4-feet to 7.5-feet in the rear yard.
- Placement of a 10-foot-tall chain link fence on top of the retaining walls surrounding the proposed tennis and pickleball courts with windscreen on the tennis courts to reduce wind interference.
- Installation of Acoustifence noise reduction panels around the pickleball courts should reduce decibel levels up to 50% based on the manufacturer's data.
- Installation of a shared surface parking lot with 20 spaces on the subject site, and 38 parking spaces on 3119 Shallowford Road, currently used by Dynamo Multisport, totaling 58 parking spaces.
- Installation of a sidewalk and crosswalk connecting to Dynamo Multisport.
- Removal of 830-inches of tree canopy; the existing tree canopy coverage on the site is 1,073-inches. A total of 23 trees are to be replanted, contributing to an additional 92-inches of canopy, leaving the subject lot with a total of 367-inches of tree canopy coverage.
- A total of 59,242 square feet of impervious surface is to be added, increasing the site from approximately 7.5% to 54% impervious coverage.
- A total of 11,800 square feet of open space, which is to be located to the west of the building.
- Maintenance of the existing 40-foot zoning buffer between the subject property and the residential properties to the east and south.

Applicant's Variance Requests:

The applicant requests variances from Title 2 of the UDO:

1. Variance from Section 230-6(c)(1)(a), to exceed the maximum height of fences in the front yard from 4-feet to 10-feet.
2. Variance from Section 230-6(c)(1)(b), to not provide a fence that is 50% transparent in the front yard.
3. Variance from Section 250-7(a)(1), to locate off-street parking between the principal building and the street.

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 property does not have extraordinary or exceptional conditions pertaining to its size or shape. However, the topography of the site at the northeastern corner fronting Shallowford Road significantly slopes from west to east at a grade of approximately 10% or 10-feet.

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

The application of the fencing requirements would not create an unnecessary hardship as alternative fencing materials can be utilized to meet the fencing material requirements of the ordinance. However, requiring the parking to not be located between the building and the street, could create an unnecessary hardship as the applicant does not propose to construct a large building that could screen the parking and the ability to provide shared parking from the existing entrance to the adjacent Dynamo Multisport is limited.

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

The conditions are not peculiar to this piece of property as other properties along the southern side of Shallowford Road NE have a declining slope in topography along their frontages.

- 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, however the need for variances to accommodate the ten-foot opaque chain link fence and parking between the building and the street are the result of the actions of the property owners.

- 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 locate the parking between the building will not cause substantial detriment to the public good. The proposed shared parking contributes to the minimum parking required for the paddle and racquet sports complex, in addition to providing overflow parking for the Dynamo Multisport. The drop in topography from Shallowford Road NE into the site entrance and the proposed landscaping would contribute to reducing the visibility of the surface lot from the road. Meeting the intent of the ordinances to not have off-street parking adjacent to the street.

Waivers:

Per Section 300-8, only in situations where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of Title 2 and 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 2 and 3 only to the extent that is absolutely necessary and not to an extent which would violate the intent of Title 2 and 3.

The applicant requests the following concurrent Waivers from Title II and III of the UDO:

1. Waiver from Section 230-26(g)(1), to allow the supplemental zone to not be hardscaped and to exceed the 20 percent maximum landscaping permitted within this area.
2. Waiver from Section

230-26(g)(1)(a)(1), to not locate the front building façade immediately adjacent to the supplemental zone.

The applicant proposes to install a segment of the hardscaped supplemental zone at the site entrance, with a streetlight, bench, trash receptacle, and bike racks. In addition, a 5-foot sidewalk along the property line would be installed. Currently, there are no existing sidewalks along the subject site and along this segment of Shallowford Road. By providing a supplemental zone segment in addition to the sidewalk, the intent of the corridor commercial zoning district to encourage pedestrian-friendly urban form is being met. Additionally, allowing the applicant to not hardscape this area would greatly reduce the impervious surface area for the site.

3. Waiver from Section 230-27(a)(12)(a)(2), to not provide direct access and visibility from the primary building to the adjacent street.

Requiring the applicant to locate the building and provide access to Shallowford Road would create an unnecessary hardship as the topography adjacent to the site entrance has an approximate 10% grade. This grade change poses a challenge in providing ADA access, which requires curb ramps to not exceed an 8.33% slope. Additionally, if the applicant were to comply with this requirement, another waiver would be required in order to allow utility rooms and restrooms to be located adjacent to the supplemental one.

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 variance and waiver requests, in application PZ2024-1378:

3. Variance from Section 250-7(a)(1), to locate off-street parking between the principal building and the street.
1. Waiver from Section 230-26(g)(1), to allow the supplemental zone to not be hardscaped and to exceed the 20 percent maximum landscaping permitted within this area.
2. Waiver from Section 230-26(g)(1)(a)(1), to not locate the front building façade immediately adjacent to the supplemental zone.
3. Waiver from Section 230-27(a)(12)(a)(2), to not provide direct access and visibility from the primary building to the adjacent street.

Using the standards and criteria found in Chapter 280 of the UDO, Staff recommends

DENIAL of the following variance requests:

1. Variance from Section 230-6(c)(1)(a), to exceed the maximum height of fences in the front yard from 4-feet to 10-feet.
2. Variance from Section 230-6(c)(1)(b), to not provide a fence that is 50% transparent in the front yard.

Should City Council approve the variances and waiver requests, staff recommends the following conditions of approval:

1. The development shall be constructed in substantial conformity with the Site Plan received by the Planning and Development Department dated received on October 31, 2024, with revisions required by conditions of approval as reviewed and approved by the Planning and Development Director.

2. The applicant shall prepare a landscape plan that fully screens the view of the tennis court from the right of way year-round. The landscape plan shall provide a mixture of plantings including deciduous plant material native to the area. Additionally, it shall relate to the existing features of the site and forms a composition of plantings. Landscaping shall be selected from the Plant Species Selection List for Permanent Buffers in [2.2](#) of the Unified Development Ordinance. The final landscape plan shall be reviewed and approved by the Planning and Development Department.
3. The fencing along and visible from Shallowford Road shall be decorative and not constructed of chain link.
4. The applicant shall install adequate sound and shield light barriers to the greatest extent to protect the adjacent neighborhood to the east and south from negative impacts from noise and light. The maximum tree and shrub plantings shall be provided in these areas. Plans to be reviewed and approved by the Planning and Development Director.
5. The applicant shall provide an ADA compliant pedestrian access point into the site from Shallowford Road.
6. The applicant shall install a 10-foot-wide trail along Shallowford Road as described in the 2023 Master Trails Plan, Eastside Connector, Trail Segment 3D. The trail shall include a 7-foot landscape strip and 10-foot sidewalk. Final design shall be approved by the Parks and Recreation Director.
7. The applicant shall remove the existing pylon sign on the property prior to issuance of the Certificate of Occupancy.
8. The applicant shall make improvements to the existing stormwater management facility at 3119 Shallowford Road. Should the capacity be exceeded due to the additional impervious surfaces, the applicant shall expand the facility in whole, where possible, to accommodate capacity. If not possible, the applicant may provide alternative compensation subject to review and approval of the Planning and Development Department.
9. The applicant shall provide additional tree plantings north of the proposed retaining wall and shared parking spaces on 3119 Shallowford Road.
10. The applicant shall provide access/egress at Shallowford Road so that vehicles may not turn left onto Shallowford Road (eastbound). However, in order to reduce speed and to protect pedestrians and cyclists on the sidewalk, slip lanes (curvilinear vehicle lanes) shall not be permitted. The applicant shall work with department staff to include "slap medians" (rubber speed bumps that set perpendicular to the flow of traffic on top of the double yellow lines) or a similar traffic control feature to reinforce no left turns from the site onto Shallowford Road (eastbound).

Attachments:

Attachment 1 – Application

Attachment 2 – Site Plans

Attachment 3 – Material Specifications

Attachment 4 – Previously Approved DCI Plan - PZ2018-280

Attachment 5 – Letters of Support

Attachment 6 – Maps

Site Visit:



Frontage along Shallowford Road NE



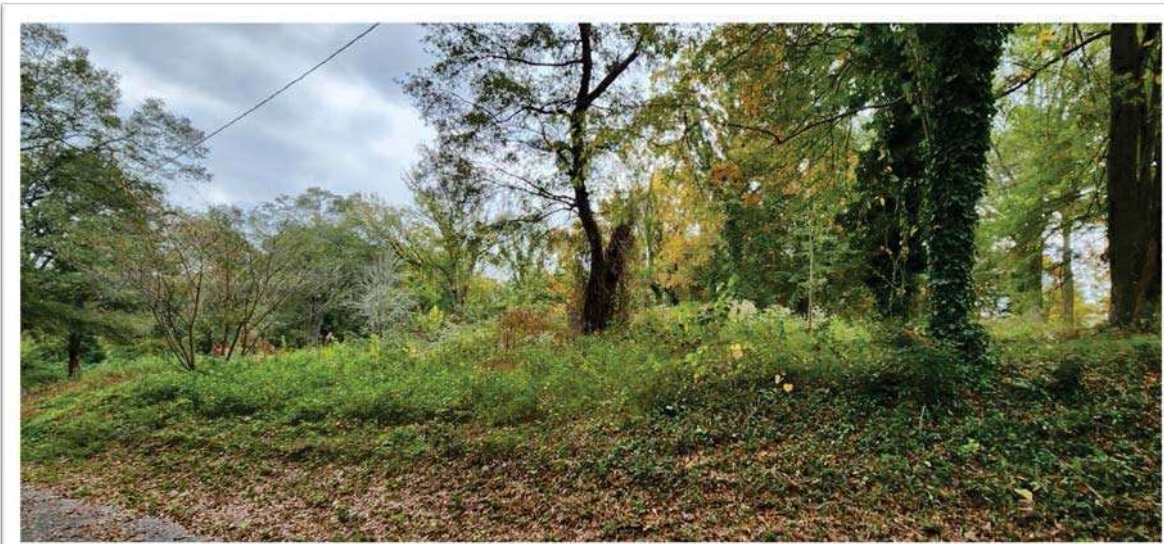
View of sloped entry to the subject property



View of Dynamo Multisport north of the property line



Existing parking lot



View of mature trees and shrubbery on site