

## PLANNING AND DEVELOPMENT DEPARTMENT STAFF REPORT

Public Hearing Date: July 11, 2024

Item #: PZ2024-1305

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### 3300 BURK DRIVE – VARIANCE APPLICATION

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**Project Name:** FIDES Development Chamblee Tucker Mixed Use  
**Applicant:** Nelson Architecture and Interiors c/o Stuart Thiel  
**Owner:** AREP Warden QOZ LLC  
**Zoning District:** VC (Village Commercial)  
**Address:** 3300 Burk Dr  
**Parcel ID:** 18 299 06 012

#### APPLICATION UPDATE

**Summary:**

- At the July 16<sup>th</sup> City Council Regular Meeting, City Council voted to defer the application to the August City Council Agenda.
- The applicant has submitted three alternative options that could meet the intent of the zoning ordinance and is included in Attachment 5 titled “Applicant Variance Options.” The options include:
  - Financial contribution to the tree fund
  - Instillation of moveable planters on the upper parking deck
  - Reduction of the site’s impervious surface and installation of additional landscaping on the ground level of the development

**Recommendation:**

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

1. Variance from Section 240-13(b)(41)(g) to not provide adequate shade cover for a minimum of 40 percent of the upper surface of the roof level of the multi-story parking structure.

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

1. The applicant shall install additional specimen trees on the site that meet or exceed 100 inches Diameter at Breast Height (DBH) per acre of 51% of the surface of the parking structure. If this density cannot be met because the project site cannot bear the density of trees, two (2) alternative methods of compliance may, at the discretion of the Planning and Development Department, be approved:
  - a. Planting at a location remote from the project site; or
  - b. Contribution to the City of Chamblee Tree Bank Fund at the Specimen Tree Recompense Fee rate.

Case Number: PZ2024-1305

City Council Work Session (Public Hearing): July 11, 2024

City Council Regular Meeting: July 16, 2024 (Deferred)

City Council Work Session (Public Hearing): August 15, 2024

City Council Regular Meeting: August 20, 2024

## EXECUTIVE SUMMARY WITH STAFF RECOMMENDATION:

**Proposed Project:** Mixed Use Residential

**Requests:** One (1) variance

**Summary Analysis:**

- The applicant is currently constructing a 232,621 square foot mixed use development with 196 residential units, 11,420 square feet of commercial retail space and a 291-space structured parking deck.
- Section 240-13(b)(41)(g) of the UDO requires that the roof level of multi-story parking structures provide adequate shade cover for a minimum of 40 percent of the upper surface to reduce the heat island effect.
- The applicant did not account for this shade structure prior to ordering the precast parking garage structure. To meet this requirement, the applicant would need to refabricate this portion of the parking deck which would set the project timeline back six to nine months.
- In lieu of the structure, the applicant proposes to provide a reflective coating or sealant on over 40% of the top parking deck to achieve the goal of mitigating the heat island effect.

**Recommendation:**

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

1. Variance from Section 240-13(b)(41)(g) to not provide adequate shade cover for a minimum of 40 percent of the upper surface of the roof level of the multi-story parking structure.

**Site Aerial:**



**Current Zoning:** The property is located in VC (Village Commercial)

This zoning district is intended primarily for mixed-use development and related uses at a higher density. This district provides a location for residences, retail, goods, services and offices to satisfy the common and frequent needs of the city's commercial core and greater Chamblee area. 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:** Under Construction – Mixed Use Residential Development

**Surrounding Land Uses:** North – VC: Single-family residential  
South – A: DeKalb-Peachtree (PDK) Airport  
East – IT: Chamblee International Logistics Center  
West – VC: Mixed Use Residential (Sky Harbor)

**Future Development Map:**

The subject property is located within the Downtown Chamblee Character Area of the Future Development Map in the Comprehensive Plan. The vision of the Character Area is to be a vibrant and recognizable center that ties the greater Chamblee community together and attracts visitors from around the Atlanta region. This area should support transit-oriented lifestyles with associated housing, services, civic functions, and employment. The area should also contain a compatible blend of historic and modern buildings within a safe and walkable environment.

**Site Description and History:**

The 2.8-acre site is located north of Chamblee Tucker Road, between Hood Avenue and Burk Drive. In 2019, City Council approved the Development of Community Impact with concurrent variances, pursuant to PZ2019-469. The site received approval for the construction of a 256,000 square foot building with 184 residential units, 11,420 square feet of commercial and 286 space parking deck. The site is under construction with most of the land disturbance work completed. The site features some exceptional changes in topography, dropping approximately 34 feet from the southwest corner to the northeast corner. While the property is directly north of the airport, it is not in a Runway Protection Zone (RPZ). There is a MARTA bus stop on Chamblee Tucker Rd near the intersection with Hood Ave. Because the property is located within a quarter mile of the Chamblee MARTA Rail station, no parking is required.

**Project Description:**

The applicant is currently constructing a 232,621 square foot mixed use development with 196 residential units and 11,420 square feet of commercial retail space with a 291-space structured parking deck. Section 240-13(b)(41)(g) of the UDO requires that the roof level of the multi-story parking structure provide adequate shade cover for a minimum of 40 percent of the upper surface in order to reduce the heat island effect. According to the applicant, the shade

structure was not accounted for prior to ordering the precast parking garage structure. In order to meet this requirement, the applicant would need to refabricate this portion of the parking deck which would set the project timeline back six to nine months. In lieu of the structure, the applicant proposes to provide a reflective coating or sealant on over 40% of the top parking deck in order to achieve the goal of mitigating the heat island effect.

**Applicant's Variance Requests:**

The applicant requests variances from Title 2 of the UDO:

1. Variance from Section 240-13(b)(41)(g) to not provide adequate shade cover for a minimum of 40 percent of the upper surface of the roof level of the multi-story parking structure.

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;**  
There are no extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography.
- b. **The application of this zoning ordinance to the particular piece of property would create an unnecessary hardship;**  
Although costly, the application of this zoning ordinance to the particular piece of property would not create an unnecessary hardship.
- c. **Such conditions are peculiar to the particular piece of property involved;**  
The conditions are not peculiar to the piece of property involved. All developments with structured parking decks are required to comply with this UDO regulation.
- d. **Such conditions are not the result of any actions of the property owner; or**  
The conditions are the result of the property owner/applicant.
- e. **Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.**  
With appropriate conditions of approval, relief if granted, would not cause substantial detriment to the public good. The purpose and intent of the zoning ordinance is to mitigate the heat island effect. If the applicant were to include an alternative method of reducing this effect that meets or exceeds the requirements of the UDO, the ordinance would not be impaired.

**Staff Recommendation:**

Based on the analysis of this application, using the standards and criteria found in Chapter 280 of the UDO, Staff recommends **APPROVAL WITH CONDITIONS** of the following variance requests, in case PZ2024-1305:

1. Variance from Section 240-13(b)(41)(g) to not provide adequate shade cover for a minimum of 40 percent of the upper surface of the roof level of the multi-story parking structure.

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

1. The applicant shall install additional specimen trees on the site that meet or exceed 100 DBH per acre of 51% of the square footage of the surface of the parking structure. If this density cannot be met because the project site cannot bear the density of trees, two (2) alternative methods of compliance may, at the discretion of the Planning and Development Department, be approved:
  - a. Planting at a location remote from the project site; or
  - b. Contribution to the City of Chamblee Tree Bank Fund at the Specimen Tree Recompense Fee rate.

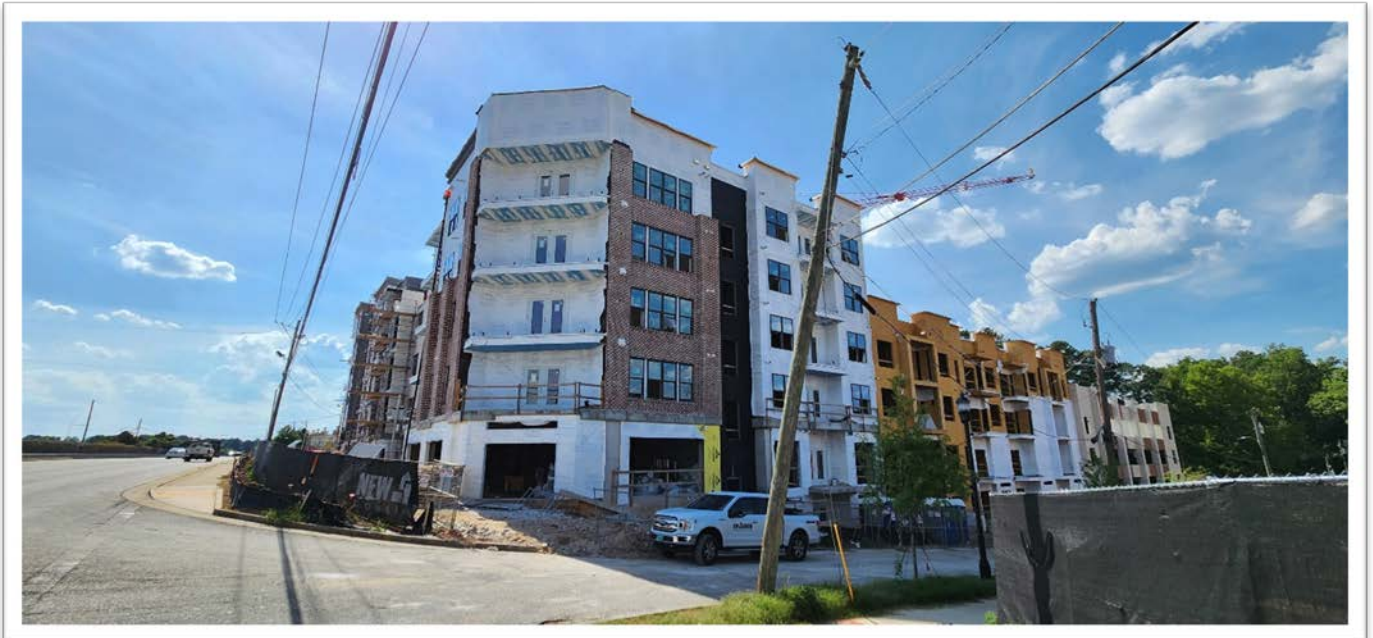
**Attachments:**

Attachment 1 – Site Plan

Attachment 2 – Application and Letter of Intent

Attachment 3 – Action Letter and Approved DCI Booklet for PZ2019-469

Attachment 4 - Maps

**Site Visit:**

Corner of Chamblee Tucker Road and Burk Drive





Frontage along Hood Ave



Frontage along Chamblee Tucker Road and Hood Avenue