



PLANNING AND DEVELOPMENT DEPARTMENT

STAFF REPORT

Public Hearing: August 15, 2024

Item #: PZ2024-1327

CHAMBLEE PARK – DEVELOPMENT OF COMMUNITY IMPACT WITH CONCURRENT VARIANCE AND WAIVER

Project Name: Chamblee Park
Applicant and Owner: Toll Southeast LP Company Inc. c/o J.R. Crowe
Site Addresses: 4042 Parson Drive (All lots on Deacon Lane and most of the lots on Parsons Drive)
Parcel Numbers: Multiple

EXECUTIVE SUMMARY WITH STAFF RECOMMENDATION:

Proposed Project: Mixed-Use Development featuring townhomes, apartments, and commercial/retail/restaurant space.

Requests: Major Modification of the approved Development of Community Impact, PZ2020-654, with additional variance and waiver

Summary Analysis:

The application was previously approved in 2020, pursuant to PZ2020-654, for a mixed use development that included, two multifamily apartment buildings with structured parking decks, stacked flats, townhouses, single family detached units, amenity space, realignment of Parsons Drive and Deacon Lane, and construction of multiuse trails. The applicant is now requesting a modification of the approved DCI. The modification includes the following changes:

- Replacement of the two structured parking garages with surface parking lots. This will decrease the number of parking spaces from 411 to 378;
- Reduction of the number of multifamily apartment units from 375 to 300;
- Replacement of the stacked flats with townhomes bringing the overall townhouse unit count to 287;
- Relocation of the driveway serving the southern multifamily building; and
- Additional retaining walls ranging from 2 feet to 10 feet tall.

No changes to the remaining portions of the site are proposed.

Per Section 280-25(b), any Major Modification request to approved DCIs shall be processed as a new DCI application including the requirement for fees, notices, and meetings.

Recommendation:

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

1. Variance from Chamblee Park PUD Supplemental Use Regulations, Chapter 2, Section 2.b to not conceal or wrap the multifamily parking on the ground floor of a building.
2. Waiver from Section 320-21(a)(5), to not install a five-foot wide landscape strip along the perimeter of the surface parking lot where it abuts side or rear property lines.

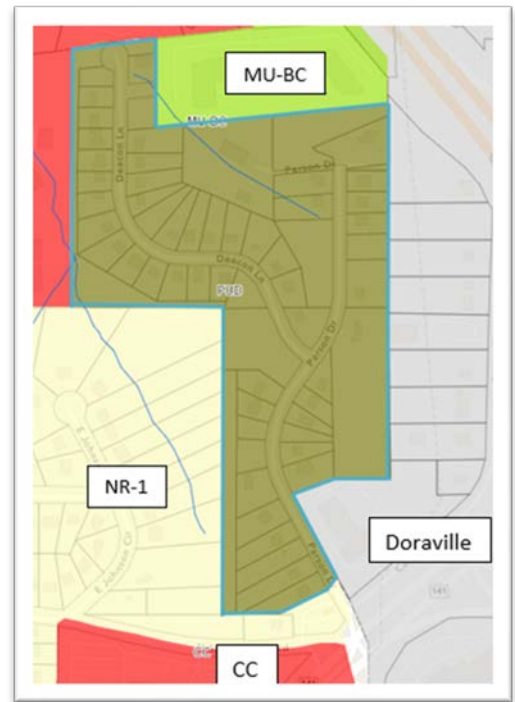


Current Zoning:

Chamblee Park Planned Unit Development (PUD) - The PUD district is intended to provide a means of accomplishing the following specific objectives:

- To provide for development concepts not otherwise allowed within non-PUD zoning districts;
- To provide flexibility, unity, and diversity in land planning and development, resulting in convenient and harmonious groupings of uses, structures and common facilities;

- To accommodate varied design and layout of housing and other buildings;
- To allow appropriate relationships of open spaces to intended uses and structures;
- To encourage innovations in quality development and renewal so that the growing demands of the population may be met by greater variety in type, design, and layout of buildings and by the conservation and more efficient use of open space;
- To lessen the burden of traffic on streets and highways; and
- To provide a procedure that can relate the type, design, and layout of development to the particular site, thereby encouraging preservation of the site's natural characteristics.



Current Uses: Under Construction

Surrounding Land Uses:

- North – MU-BC and CC: Commercial and office space
- South – CC & NR-1: Car dealerships and single-family residential lots
- East – City of Doraville:
- West – CC and NR-1: Chatsworth Apartments and single-family detached residences

Character Area and Future Development Map:

This proposed project is located within the Perimeter Village Character Area of the Comprehensive Plan. The vision of the Perimeter Village Character area is: *“an active and dense employment center, and a welcoming gateway to Chamblee from I-285. The area will provide a mix of professional, commercial, and residential uses.”* Land uses recommended for this area include: *“medium- and high-density residential; commercial retail, office, mixed use, parks and recreation, and public/institutional.”* Additionally, the proposed project is located within the Savoy Drive Small Area Plan of the Comprehensive Plan. The purpose of this small area plan is to, *“take advantage of the area’s proximity to Interstate 285 and the proposed Bus Rapid Transit (BRT) state and transform it into a high-density employment center.”* Further, the plan calls for *“residential mixed-use buildings stepping down to alley-loaded townhomes and quadplexes/sixplexes, then*



transitioning into the existing single-family neighborhood.” As currently proposed the multi-family building are not mixed-use. However, staff is recommending including a minimum of 5,000 square of leasable retail/restaurant/commercial space on the street-facing, ground level of the multi-family building abutting the multi-use trail. This is in line with previous iterations of the masterplan that included 5,500 square feet of commercial/retail space with the multi-family building abutting the multi-use trail.

The Future Land Use Map shows mixed-use development with six to 80 residential units per acre as appropriate uses for this project area. Recommended uses include: *“Any combination of residential, commercial, office, and public/institutional uses.”*

Site Description:

The approximately 30.56-acre site consists of 62 parcels located on Parsons Drive and Deacon Lane. The site was rezoned to Chamblee Park PUD in 2021 when the original DCI was approved. The site is adjacent to a church and contains the DeKalb County lift station. There is significant topography, wherein there is approximately a 15-foot fall in elevation from the northeastern property line at the terminus of Deacon Lane, which is where the DeKalb County lift station is located.

History of the Property:

The area was first developed in the 1950s and 1960s with single family homes. In 2021, the property was approved for a Development of Community Impact and Rezoning to the Chamblee Park PUD zoning district for a 23-acre mixed-use development, pursuant to PZ2020-654. The development was approved for a mix of single-family attached dwellings, stacked flats, detached single-family residences, two multifamily buildings with structured parking, a multiuse path, several parks, amenity space, and three commercial/retail buildings. In 2022 the developer returned to the Design Review Board for review of the development’s architectural elevations, pursuant to Condition No. 12 of the PZ2020-654 approval, “Designs for retail/commercial and multi-family uses should be brought back to the Design Review Board prior to issuance of a building permit, as recommended by the Design Review Board.” In 2022 a stream buffer variance was also approved pursuant to PZ2022-1061. The site has an approved LDP for all portions of the project except the multifamily buildings. The site also has approved demolition and retaining wall permits. Staff has not received building permit applications for any portion of the development.

Description of the Proposed Project:

The applicant requests a Major Modification of the approved Development of Community Impact for the Chamblee Park Development. The applicant proposes the following modifications to approved DCI, PZ2020-654:

- Replacement of the two structured parking garages at the southern portion of the site with surface parking lots. This will decrease the number of parking spaces from 411 to 378.

- Reduction of the number of multifamily apartment units from 375 to 300.
- Replacement of the stacked flats with townhomes. This will bring the overall number of townhome units to 287.
- Relocation of the driveway serving the southern multifamily building.
- Additional retaining walls ranging from 2 feet to 10 feet tall.

All other portions of the site are proposed to remain as approved.

DCI Review and Approval Criteria:

The following review and approval criteria, described in Sec. 280-24, must be used in reviewing, and taking action on all DCI applications:

1. Design shall be in harmony with the general character of the neighborhood and surrounding area, considering factors such as mass, placement, height, changing land use patterns, and consistency of exterior architectural treatment, especially in areas of historic and special design interest.

While the mass of the development is quite large, there is a mix of uses in area that include single-family, multi-family, and commercial/retail uses. This request is proposing detached single-family units and attached townhomes along the perimeter, which would act as a transition into the higher density multi-family and commercial/retail uses. This property does not have any historic and special design interest.

2. Design components shall be planned such that they are physically and aesthetically related and coordinated with other elements of the project and surrounding environment to ensure visual continuity of design.

The design components of the structure are consistent with other elements of the project and the surrounding environment. The proposed buildings are primarily composed of brick, cementitious siding, and wood clapboard siding.

3. Design shall protect scenic views, particularly those of open space, and utilize natural features of the site.

There are no natural features on the site. However, the development will have a multi-use trail that will help residents utilize the open space provided by the development.

4. Design shall protect adjacent properties from negative visual and functional impacts.

The design of the project will protect adjacent properties from negative visual and functional impacts. The transition to high density uses will help protect other properties from negative visual impacts. This development did go through the DRI process, and it was determined that there should be no major impact to the transportation and transit infrastructure.

5. Design shall respect the historical character of the immediate area as integral parts of community life in the City and shall protect and preserve structures and spaces which provide a significant link within these areas.

There are no known historic features within this development.

6. All exterior forms, attached to buildings or not, shall be in conformity with, and secondary to, the building

All exterior forms would be in conformity with and secondary to the building.

7. The proposed development is suitable in view of the use and development of adjacent and nearby property.

This proposed development would permit a use that is suitable in view of the use and development of adjacent and nearby property. This request is proposing detached single-family units and attached townhomes along the perimeter, which would act as a transition into the higher density multi-family and commercial/retail uses. This is similar to the surrounding uses, which includes single-family detached residences, apartments, and commercial/retail.

8. The proposed development does not adversely affect the existing use or usability of adjacent or nearby property.

The proposed development will not adversely affect the existing use or usability of adjacent or nearby properties. The applicant is proposing to develop a mix of single-family detached, townhomes, multi-family (apartments), and commercial/retail. This use is similar to the neighboring properties which include single-family homes to the south and east and apartments located to the west of the property. The neighboring properties along Peachtree Boulevard are being utilized for commercial sales of vehicles. In addition, the proposal will not adversely affect the existing use and usability of adjacent and nearby properties because the development is essentially providing similar uses along the perimeter to lessen the impact of the neighboring properties.

9. The proposed development does not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.

This project did trigger a Development of Regional Impact through the Atlanta Regional Commission (ARC) and Georgia Regional Transportation Authority (GRTA). This review does require the development to meet current standards for road installation and streetscape.

The Chamblee-Doraville CID in partnership with GDOT has begun research on improving the intersection of Parsons Drive, Peachtree Boulevard, Carver Drive, North Shallowford Road, and Peachtree Road. There is also a potential for a future connection on the north end of the development to connect onto Perimeter Park Drive.

Per DeKalb County Fire Dept: "Based on the site plan, and the International Fire Code Appendix D, a separate and remote access point shall be established. Also, for the proposed access roads that are less than 26 feet wide, no street parking shall be permitted. "No Parking" signage shall be posted."

10. The proposed development is in conformance with the applicable zoning district.

The development is in conformance with the Chamblee Park PUD zoning district.

11. The proposed development is in conformance with the provisions of the future development plan articulated in the City's Comprehensive Plan.

The Comprehensive Plan calls for the Perimeter Village Character Area that will create "medium- and high-density residential; commercial retail, office, mixed use, parks and recreation, and public/institutional." This project also falls within the Savoy Drive Small Area Plan that's calls for a mix of uses and to "take advantage of the area's proximity to Interstate 285 and the proposed Bus Rapid Transit (BRT) station."

Further, the plan calls for "residential mixed-use buildings stepping down to alley-loaded townhomes and quadplexes/sixplexes, then transitioning into the existing single-family neighborhood." As currently proposed the multi-family building are not mixed-use. However, staff is recommending including a minimum of 5,000 square of leasable retail/restaurant/commercial space on the street-facing, ground level of the multi-family building abutting the multi-use trail. This is in line with previous iterations of the masterplan that included 5,500 square feet of commercial/retail space with the multi-family building abutting the multi-use trail.



Variances:

The applicant requests the following concurrent variances from the Chamblee Park PUD Pattern Book:

Applicant's Variance Requests:

The applicant requests a variance from Title 2 of the UDO:

1. Variance from Chamblee Park PUD Supplemental Use Regulations, Chapter 2, Section 2.b to not conceal or wrap the multifamily parking on the ground floor of a building.

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 extraordinary and exceptional conditions pertaining to the particular property in question because of topography. This portion of the site has significant grade changes, sloping downwards approximately 25 feet on the eastern parcel and downward 30 feet on the western parcel. These topographic conditions make it difficult to construct the parking decks as proposed on the original plans.

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 for the applicant. If the applicant were to fully conceal the surface parking spaces with the multifamily buildings, they would lose a significant amount of parking spaces required for the buildings.

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

The conditions are peculiar to these particular pieces of 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 developer to not conceal or wrap the surface parking spaces would not be a substantial detriment to the public good. In order to construct the multifamily portion of the development, the developer must install surface parking instead of structured parking. If the applicant were to fully conceal the surface parking with the buildings, they would lose a significant amount of parking spaces required for the multifamily to appropriately function. Replacement of these structured parking decks with surface parking could also be seen as an improvement as it would allow for additional landscaping to be installed on the property.

Waivers:

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 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 Waiver from Title 3 of the UDO:

1. Waiver from Sec. 320-21(a)(5), to not install a five-foot wide landscape strip along the perimeter of the surface parking lot where it abuts side or rear property lines.

The applicant proposes to not install the five-foot wide landscape strip along the perimeter of the surface parking lot at the northeastern portion of the site, adjacent to the Greater Mt Carmel AME Church. The applicant proposes to meet this requirement in all other portions of the site. The applicant is requesting this waiver due to the steep topographical conditions on this portion of the site. In order to install the surface parking lot, the applicant must install a seven-foot-tall retaining wall along the property line. To meet the intent of the landscape strip and to reduce the negative impacts of the wall, the applicant proposes to install a vegetative screening that will grow on the face of the wall.

Design Review Board Comments and Recommendations:

At the July 10th, 2024, Design Review Board (DRB) meeting, the Board heard the application and made the following recommendations to City Council:

The Board recommended **APPROVAL** of the following variance:

1. Variance #1 from the Chamblee Park PUD Supplemental Use Regulations, Chapter 2, Section 2.b to not conceal or wrap the multifamily parking on the ground floor of a building.

The Board recommended **DENIAL** of the following waiver:

1. Waiver #1 from Section 320-21(a)(5), to not install a five-foot wide landscape strip along the perimeter of the surface parking lot where it abuts side or rear property lines.

The Board recommended the following conditions of approval:

1. The applicant shall provide robust landscaping and/or public art at the parking lot entry between the surface parking lot and the street with particular focus on the southern building.
2. Building façade design of the multifamily buildings shall be amended to more closely reflect the previously approved designs reviewed and approved by the Design Review Board on September 7th, 2022. This includes but is not limited to articulation of façade elements, materials, colors, and parapet profiles.
3. The townhome elevations shall be revised so that unit fronts demonstrate greater variety within the townhome building and the design character of the townhomes more closely resemble the design concepts previously included in the PUD package. Possible strategies

include, but are not limited to, variations in color, brick proportion, changes in façade depth to minimize repetitious appearance.

In response to the Design Review Board's feedback, the applicant has submitted revised site plans and elevations. These revised plans are included under Attachment 1, titled "Revised Site Plan and Elevations dated received July 25, 2024."

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 Major Development of Community Impact (DCI) Modification in case PZ2024-1327, and the following action on the Variance and Waiver requests, with the conditions recommended further below.

1. Variance from Chamblee Park PUD Supplemental Use Regulations, Chapter 2, Section 2.b to not conceal or wrap the multifamily parking on the ground floor of a building.
1. Waiver from Sec. 320-21(a)(5), to not install a five-foot wide landscape strip along the perimeter of the surface parking lot where it abuts side or rear property lines.

Should Council desire to approve the Development of Community Impact (DCI) application with concurrent Variance and Waiver requests, then staff recommends the following exhibits and conditions (**DRB conditions in bold; Previous conditions in RED**):

1. The development shall be constructed in substantial conformity with Exhibit A, the Rezoning and DCI Application and plans received September 28, 2021, and Site Plan and Elevations dated July 25, 2024, with revisions required by conditions of approval as reviewed and approved by the Planning and Development Director.
2. The applicant shall construct the Northeast Connector Trail as shown in the MTP as reviewed and approved by the Planning and Development Director.
3. The multi-use trail shall be minimum 12-feet in width along the entirety of the "L53 Main Drive."
4. The proposed parallel parking spaces shall measure minimum 8-feet in width from the face of the curb and minimum 22.5-feet in length.
5. Applicant shall provide all necessary easements, construction designs, and/or bonds to enable the future vehicular and trail connections through the "L53 Main Drive" at the stub out of the northern property line for the future connection to Perimeter Park Drive, as determined by the Planning and Development Director, who will also determine the functional classification of the new roadway for design purposes. The applicant has offered and agreed to pay 1/3 of the design and construction cost of the future connection to Perimeter Point Drive with a maximum of \$200,000.
6. Applicant shall provide documentation to confirm that the owners of the utilities acknowledge that their facilities will be located under pavement, either vehicular traveled way or pedestrian facilities.

7. The PUD Pattern Book shall be updated to incorporate any and all conditions of City Council approval per the review and approval of the Planning and Development Director.
8. Developer shall complete construction of the relocated Parsons Drive through the site and shall rough grade and grass the commercial areas depicted on the Overall Master Plan on or before the issuance of a Certificate of Occupancy for the 120th (~27%) single family home, which shall be inclusive of single-family detached, townhomes, and stacked flat townhomes.
9. Developer shall complete construction of the amenity area depicted on the Overall Master Plan on or before the issuance of a Certificate of Occupancy for the 172nd (~39%) single-family home, which shall be inclusive of single-family detached, townhomes, and stacked flat townhomes.
10. Developer shall commence construction of at least 25% of the total 20,000 square feet of the commercial space as shown on the Overall Master Plan prior to the issuance of a Certificate of Occupancy for the 224th (~50%) single-family home, which shall be inclusive of single-family detached, townhomes, and stacked flat townhomes.
11. Developer shall commence construction of at least an additional 40% of the total square feet of commercial space as shown on the Overall Master Plan prior to the issuance of a Certificate of Occupancy for the 292nd (~66%) single-family home, which shall be inclusive of single-family detached, townhomes, and stacked flat townhomes.
12. Designs for retail/commercial and multi-family uses should be brought back to the Design Review Board prior to issuance of a building permit, as recommended by the Design Review Board. (Staff clarification from the Design Review Board - the applicant should provide street view renderings that provides detail on the landscaping, sidewalks/multi-use trail, and the building facades.)
13. The applicant shall explore options for pedestrian connectivity to neighboring developments, particularly in the northern and western portions of the proposed developments, as recommended by the Design Review Board.
14. **The applicant shall provide robust landscaping and/or public art at the parking lot entry between the surface parking lot and the street with particular focus on the southern building.**
15. **Building façade design of the multifamily buildings shall be amended to more closely reflect the previously approved designs reviewed and approved by the Design Review Board on September 7th, 2022. This includes but is not limited to articulation of façade elements, materials, colors, and parapet profiles.**
16. **The townhome elevations shall be revised so that unit fronts demonstrate greater variety within the townhome building and the design character of the townhomes more closely resemble the design concepts previously included in the PUD package. Possible strategies include, but not limited to, variations in color, brick proportion, changes in façade depth to minimize repetitious appearance.**

Attachments:

Attachment 1 – Revised Site Plan and Elevations dated received July 25, 2024

Attachment 2 - DCI Booklet

Attachment 3 – Adopted PUD Standards Pattern Book for Chamblee Park

Attachment 4 – PZ2020-654: Action Letter and Approved Site Plan

Attachment 5 – Maps

Site Visit:

