



**PLANNING AND DEVELOPMENT DEPARTMENT
STAFF REPORT**

Public Hearing: June 12, 2025

Item #: PZ2025-1438

3127 CHAMBLEE DUNWOODY RD – CHAMBLEE DUNWOODY CROSSING WAIVER APPLICATION

Project Name: Chamblee Dunwoody Crossing
Applicant: Dockery Group c/o Nathan Dockery
Owner: Yellow River Holdings, LLC c/o Suping Feng
Zoning District: CC (Corridor Commercial)
Site Address: 3127 Chamblee Dunwoody Road
Parcel Numbers: 18 297 01 019

EXECUTIVE SUMMARY WITH STAFF RECOMMENDATION:

Proposed Project: Construction of three single-story commercial structures for retail and restaurant uses totaling 18,000 square feet with 83 surface parking spaces.

Requests: Two (2) waiver requests

1. Waiver from Section 350-2(c), to not provide interparcel access to the commercial lot to the west.
2. Waiver from Section 350-2(c), to not provide interparcel access to the commercial lot to the north.

Summary Analysis:

- The development was originally approved in 2021, pursuant to PZ2021-914. The applicant submitted building permits on October 2024. Upon review of the building permit, staff found that the proposed elevations were not in substantial conformity with the elevations that were approved by City Council under PZ2021-914. In particular, the council approved elevations included a rooftop patio while the building permit did not. Additionally, the building permit included alternative building designs and materials that were not consistent with the council approved elevations.
- Condition 1 of PZ2021-914 states, "The development shall be constructed in substantial conformity with Exhibit A, the Rezoning and DCI Application and plans received December 1, 2021, and with Exhibit B, architectural elevations titled "12-21-2021 Chamblee Crossing ELEVATIONS", with changes necessary to meet UDO regulations for building architecture and with revisions required by conditions of approval, as reviewed and approved by the Planning & Development Director."
- Per Section 280-35 of the Unified Development Ordinance, "A request for changes in conditions of approval attached to an approved variance must be processed as a new variance application in accordance with the procedures of this article, including the requirements for fees, notices and hearings." Therefore, in order to deviate from the elevations approved under PZ2021-914, the applicant must submit a new variance and waiver application.

- The applicant proposes to construct a commercial retail development that will include commercial buildings totaling 18,000 square feet. Of the 18,000 square feet, 14,800 square feet will be dedicated to retail and 3,200 square feet will be dedicated to restaurant. The development will include 83 surface parking spaces. The applicant does not propose to make changes to the use or layout of the development.

Recommendation:

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

1. Waiver from Section 350-2(c), to not provide interparcel access to the commercial lot to the west.
2. Waiver from Section 350-2(c), to not provide interparcel access to the commercial lot to the north.

Site Aerial:



Zoning:

Corridor Commercial (CC) - 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:	CC: Commercial
South:	CC: Commercial/ Multifamily - Vacant/ Chamblee Center Shopping Mall / Northwood Apartments
East:	CC: Commercial - Automobile repair shops
West:	CC: Commercial - Automobile repair shops

Site Description:

The site was previously two properties 3127 Chamblee Dunwoody Road and 3137 Chamblee Dunwoody Road totaling 1.473 acres and is located on the north side of Chamblee Dunwoody Road, west of Buford Highway. The site contained a vacant warehouse and accessory warehouse structures on 3127 Chamblee Dunwoody Road, and the building pad of the former Clear Solutions Import/Wholesale business warehouse. Currently the site is fenced off and vacant with remnants of the building pad and portions of the driveway remaining.

History of Property:

According to DeKalb County tax records the subject site was two separate parcels, 3127 and 3137 Chamblee Dunwoody Road. 3127 Chamblee Dunwoody Road was developed in 1983 and used as a commercial warehousing with a gross area of 8,712 square feet. The former warehouse on 3137 Chamblee Dunwoody was damaged by a fire in December of 2019 and has since been demolished.

In September 2021, the applicant submitted a variance and waiver application for the construction of three commercial buildings for use as retail and restaurant. In December 22, 2021, City Council approved two waivers with two conditions of approval for variance and waiver application PZ2021-914.

In May 2023, the applicant applied for a Land Disturbance Permit (LDP) that was approved in August 2024. The two parcels were combined through a combination plat in April 2024 and a demolition permit was issued in April 2024. In October 2024, the applicant submitted building permits for the three commercial structures. The proposal included elevations that were not in substantial compliance with the stamped approved elevations for PZ2021-914. Section 280-35 of the Unified Development Ordinance states, “A request for changes in conditions of approval attached to an approved variance must be processed as a new variance application in accordance with the procedures of this article, including the requirements for fees, notices and hearings.” Therefore, in order to deviate from the elevations approved under PZ2021-914, the applicant must submit a new variance and waiver application. The applicant is now applying for the same waiver requests with the revised architectural plans showing removal of the rooftop restaurant and revised building façade designs.

Description of the Proposed Project:

A summary of the project as follows:

- Construction of three commercial buildings totaling 18,000 square feet. Building 1 will include 6,250 square feet of retail and restaurant, Building 2 will include 900 square feet of retail and Building 3 will include 10,850 square feet of retail and restaurant.
- The three buildings will be one story, ranging from 22 to 27 feet in length and will include building materials of brick, stone, stucco, and metal trimming.
- Installation of 83 surface parking spaces.
- Installation of one retaining wall in the side yard ranges in height from 2 feet to 3 feet and two retaining walls in the rear yard range in height from 1.8 feet to 4 feet.
- The sidewalk and streetlights along Chamblee Dunwoody Road are existing and compliant with streetscape standards. The applicant proposed to make improvements and repairs to any cracked or chipped areas. The applicant proposes to construct an 8-foot-wide crosswalk at the entrance of the development.

- Installation of a bike repair and water refueling station within the open space located in front of building 3.
- Construction of a covered 7-foot 4-inch brick veneered commercial dumpster enclosure with a gate in the rear yard.

Waivers:

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

1. Waiver from Section 350-2(c), to not provide interparcel access to the commercial lot to the west.
2. Waiver from Section 350-2(c), to not provide interparcel access to the commercial lot to the north.

Per Sec. 300-8, waivers permit specified minor deviations from Title 3 and other authorized portions of the Unified Development Ordinance. Waivers are intended to relieve practical difficulties in complying with the strict requirements of this Code. Waivers are not intended to relieve specific cases of financial hardship, nor to allow circumventing of the intent of this Code. The following criteria shall be considered when authorizing waivers:

1. Waiver from Section 350-2(c), to not provide interparcel access to the commercial lot to the west.
2. Waiver from Section 350-2(c), to not provide interparcel access to the commercial lot to the north.

The applicant proposes to construct a stub-out driveway and to provide an access easement to the adjacent eastern property line for future inter-parcel connectivity. In previous plan iterations, a connection to the north was proposed, however, due to topographical constraints access is not feasible. Requiring inter-parcel access to be provided to the west and north would create an unnecessary hardship as the accommodation of three inter-parcel connections would consume substantial space on the subject site. Allowing the applicant to not provide inter-parcel access to the west and north of the site would not be a substantial detriment to the public good nor impair the intent of the zoning ordinance as inter-parcel access would be provided to the east.

Staff Recommendation:

Based on the analysis of this application, using the standards and criteria found in Chapter 300 of the UDO, Staff recommends **APPROVAL WITH CONDITIONS** of the following waiver requests in case PZ2025-1438:

1. Waiver from Section 350-2(c), to not provide interparcel access to the commercial lot to the west.
2. Waiver from Section 350-2(c), to not provide interparcel access to the commercial lot to the north.

Should Council desire to approve the variance requests, then staff recommends the following conditions:

1. The development shall be constructed in substantial conformity with the Site Plan and Elevations dated received by the Planning and Development Department on April 14, 2025, with revisions required by conditions of approval as reviewed and approved by the Planning & Development Director.

2. If grease traps are not proposed to be installed for all buildings at the time of initial permitting, then the applicant shall be required to install grease trap connections within all buildings, vents shall be required for any multi-level buildings, and the applicant shall identify on the site plan the location for future grease traps.

Attachments:

Attachment 1 – Application

Attachment 2 – Site Plan + Elevations

Attachment 3 – PZ2021-914 Action Letter, Site Plan and Elevations

Attachment 4 – Maps

Site Visit:



Current site conditions



Frontage along Chamblee Dunwoody Road



Fenced off entrance from Chamblee Dunwoody Road