



## PLANNING & DEVELOPMENT DEPARTMENT

Public Hearing Date: November 14, 2019

Item #: PZ2019-522

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### STAFF MEMO – Pruitt Health, Inc. Headquarters – DCI

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**Project Name:** Pruitt Health, Inc. Headquarters

**Applicant & Owner:** Unico Insurance Company, Ltd., Attn: Erin Kendall

**Proposed Development:** Office Building

**Requests:** Development of Community Impact (DCI); 13 concurrent variances, and 2 concurrent waivers

**Site Address:** 5238 Peachtree Rd

**Parcel Number:** 18 299 14 001

**Staff Recommendation:** **APPROVAL** of DCI, eight variances, and one waiver; **DENIAL** of four variances and one waiver; **WITHDRAWAL** of one variance



**Update:**

The applicant has submitted a revised variance and waiver list and revised site plans and elevations since the item was deferred at the September Council meeting. Changes include the following:

- Applicant no longer requests a variance from Section 240-13(b)(40)(c) and will comply with the requirements to provide screening to the parking garage.
- Relocated the drop-off lane from the interior driveway located in the rear of the property to Malone Drive. Applicant proposes three options for consideration:
  - Option A - Create a dedicated drop-off curb at the front of the fitness center.
  - Option B- Create a drop-off lane before the first curb cut along Malone Drive. This option will create a second curb cut which would require a variance.
  - Option C- Create a pull off area along Malone Drive at the proposed driveway that would serve as a drop-off area.
- Reduced the supplemental zone to zero feet in one area along Malone Drive to accommodate a drop off location for the fitness center along Malone Drive.
- Added a set of stairs along Peachtree Road that provides access to the front of the building.
- Added terracing and steps in place of the original retaining wall at the corner of Malone Drive and Peachtree Road.
- Removed the 4-foot retaining wall along Malone Drive, which was previously Proposed Wall #1, and the 3-foot retaining wall along Peachtree Road, previously Proposed Wall #3.
- Included tree wells along Peachtree Road.
- Increased the size of the Supplemental zone from 8.0 feet to 9.4 feet along Peachtree Road.
- Relocated bicycle parking from Malone Drive to Peachtree Road.
- Decreased the building height from 86 feet to 82 feet.
- Enhanced the appearance of the building. Elevations show the use of iron spot brick, perforated metal, aluminum panels and glass.
- Added a glass roll over door to the north elevation to enhance the architectural design of the building.
- Added signage above the Peachtree Road entrance, bringing the total number of proposed signs from 7 to 8.
- The parking garage has been modified as follows:
  - Decreased the parking garage height to approximately 64 feet.
  - Aluminum perforated panels have been added to the parking garage to provide screening.
  - The minimum floor to ceiling height was reduced to 10.8 feet from 12 feet.

**Current Zoning:** Transit Oriented Development (TOD) - This zoning district is intended to support mixed-use development and higher density development within walking distance of the Chamblee MARTA Station. This district provides a location for residences, retail, goods and services and offices with design standards and design parameters to encourage a pedestrian-friendly traditional urban form, oriented to a network of pedestrian and bicycle pathways to the MARTA Station. This district is intended to minimize automobile use and maximize the use of public transportation, bicycle and pedestrian access.

**Current Use:** Commercial building

**Surrounding Land Uses:** North – VC: North DeKalb Senior Center and Chamblee Senior Residence  
South – VC: Chamblee MARTA Station  
East – VC: Office Building  
West – VC: Multi-family residential

**Future Development Map:**

The subject property is located within the Mid-City character area of the Future Development Map in the Comprehensive Plan. The vision of the character area is: *“Centered around the Chamblee MARTA Station, this area will support transit-oriented lifestyles with associated housing, services, and employment.”*

**Site Description:**

The 2.83-acre site is a single parcel at the intersection on the southeast corner of Peachtree Road and Malone Drive. The property is in the Town Center LCI study area and currently contains a 19,545-square-foot, one-story building that is oriented toward Peachtree Road. There is a parking lot in the rear of the property with two curb cuts on Malone Drive. The site slopes gently downward from south to north away from Peachtree Road. While the property is located near a Runway Protection Zone (RPZ), just south of the site, it is not located in one. There is a five-foot-wide sidewalk on Peachtree Rd and Malone Drive and several trees along Peachtree Road. The property is adjacent to the in-progress Peachtree Road Streetscape project.

**History of the Property:**

According to tax records, the property was developed in 2007, with the building used as commercial space and a senior center. There are no zoning cases on file for the property.

**Summary of Proposed Project:**

The applicant has requested deferral of this project to October 2019 to address Design Review Board comments.

The applicant proposes to:

- Completely redevelop the existing property into a 197,455-square-foot, five-story office building with a fitness center and café that would be open to the public but not be separate businesses from PruittHealth;
- Construct a new curb cut on Peachtree Road and close the existing curb cut on the south end of Malone Drive;
- Construct a 550-space parking deck; and
- Install streetscape in the front and street side yard of the property.

Because the project exceeds the 70% redevelopment threshold, all non-conforming features on the site must be brought into compliance with the UDO or receive variances.

**Applicable UDO Standards:**

|  | <b>Required</b> | <b>Proposed</b> |
|--|-----------------|-----------------|
| <b>Max. % of open space to be impervious</b>           | 25%             | 32%             |
| <b>Min. % of open space to be publicly accessible</b>  | 50%             | 40%             |
| <b>Max. retaining wall height adjacent to sidewalk</b> | 2 ft            | 4 ft            |
| <b>Supplemental zone width</b>                         | 8 ft            | 11 ft           |
| <b>Max. supplemental zone height above sidewalk</b>    | 24 in           | 48 in           |
| <b>Min. parking structure floor-to-ceiling height</b>  | 15 ft           | 12 ft           |
| <b>Max. driveway width at property line</b>            | 24 ft           | 26 ft           |

## **DCI Review and Approval Criteria (Sec. 280-23):**

**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.**

*The proposed development would take the place of an existing one-story office building. Although it would be a taller and larger building, the proposed use would be the same as the existing use.*

*While the building would be significantly larger than the current structure, four-to-five-story buildings are common throughout the area, including across Malone Drive from the subject property, and across Miller Drive to the east. Changing land use patterns in the area have been driven by the transit- and pedestrian-oriented vision and recommendations of the LCI plan and supplemental studies, which include the subject property and all adjacent parcels. The mass, placement, and height of the proposed development is in harmony with the character of new development in the LCI study area, which features a focus on walkability and increased density near the MARTA station.*

**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 itself are consistent around the south and west sides of the building, with a mix of glass, brick, concrete and aluminum. The architectural style and predominantly glass exterior are significantly different from other buildings in the area. The proposed screened parking deck would be visible from the right-of-way along Peachtree Road, Miller Drive, and Malone Drive, as well as from adjoining and nearby properties, but is physically and aesthetically related and coordinated to the rest of the project.*

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

*While there are no scenic views to that are proposed to be impacted, the view from adjacent property to the west, Peachtree Road, and Miller Drive of the existing mature trees along the eastern property line is proposed to be replaced by a screened parking deck, which would require several variances.*

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

*Although the proposed parking deck is screened, it does not protect the properties to the north or east from negative visual impacts.*

**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 is no noteworthy historical character in the surrounding area in which the site is proposed.*

**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.**

*The development is suitable in view of the use and development of adjacent and nearby property. It would be likely to drive future demand for nearby housing and commercial uses, while its proximity to MARTA and the Rail Trail corridor would help mitigate traffic impacts.*

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

*Except for the visual impact of the screened parking deck, the proposed development would not adversely affect the existing use or usability of adjacent or nearby properties. The new office workers in the area would increase the number of customers for nearby businesses, and the proximity to MARTA and the Rail Trail would mitigate traffic concerns.*

**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.**

*The proposed use would not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities or utilities. The project triggered a required traffic study, which was reviewed by the City Engineer, who did not recommend any conditions of approval. In addition, there will not be any impact on nearby schools. Further, to determine the impact on utilities, the applicant will be required at the time of permitting to get DeKalb County Watershed approval for sewer capacity.*

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

*Except for requested variances, the development is in conformance with the regulations of the TOD zoning district, the purpose and intent of which is to provide a "location for residences, retail, goods and services and offices with design standards and design parameters to encourage a pedestrian-friendly traditional urban form, oriented to a network of pedestrian and bicycle pathways to the MARTA Station" and to "to minimize automobile use and maximize the use of public transportation, bicycle and pedestrian access." The proposed development would be in conformance.*

**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 Mid-City character area to be an area that supports transit-oriented lifestyle with associated housing, services and employment. The proposed project would be in line with this vision.*

*The proposal is also largely in conformance with the provisions of the Town Center LCI study, which states that "special interest should be given to attracting office uses, which will increase pedestrian activity during the day and into the early evening and support additional retail over time" (p. 49). Transit-oriented, pedestrian-friendly development is encouraged throughout the study.*

*The study also encourages mixed-use development near MARTA. While the proposed development includes a publicly accessible restaurant and fitness center, they are not proposed to be separate businesses or separate tenant spaces from PruittHealth.*

**Applicant' Concurrent Variance Requests:**

The applicant has requested the following variances from Title 2 of the UDO:

1. Variance from Section 230-30(a)(2) to increase the amount of open space allowed to be impervious from 25% to 32%;
2. Variance from Section 230-30(a)(3) to decrease the required percentage of publicly accessible open space from 50% to 40%;
3. Variance from Section 230-6(d) to increase the allowable height of retaining walls in the front or street side yards from two feet to four feet as identified on the plans;
4. Variance from Section 230-27(g) to allow above ground utilities to be located in front of the proposed building to accommodate ground backflow preventers required by DeKalb County to be installed for the new improvements;
5. Variance from Section 260-9(a)(3)(d) to allow wall signs on the proposed café and fitness center without them being separate tenant spaces;
6. Variance from Section 230-26(a) to increase the width of the supplemental zone from eight feet to eleven feet along Malone Drive and a variance to decrease the width of the supplemental zone from eight feet to zero feet at the drop-off location as shown on the site plan;
7. Variance from Section 230-26(g)(1)(a)(5) to increase the height of the supplemental zone from 24 inches to up to 48 inches higher than the adjacent sidewalk as identified on the plans;
8. Variance from Section 240-13(b)(40)(b) to allow the above ground decks of the parking garage to face a public street and to not be screened from view from public and private streets and other properties by liner buildings;
9. ~~Variance from Section 240-13(b)(40)(c) to allow external parking deck openings to not be screened on all sides with decorative elements;~~

10. Variance from Section 240-13(b)(40)(d) to allow facades of the parking structure to not conceal automobiles from visibility from any public right-of-way or private drive or street that is open to the public;
11. Variance from Section 240-13(b)(40)(e) to allow the façade of the parking structure to not have the appearance of a horizontal-storied building;
12. Variance from Section 240-13(b)(40)(h) to allow the parking structure to be constructed without flat floor plates on every above ground level;
13. Variance from Section 240-13(b)(40)(i) to allow the parking structure to have a minimum floor-to-ceiling height of 10.8 feet as opposed to the required 15 feet in accordance with the recommendation by the Design Review Board in an effort to minimize the appearance of the deck.;
14. Variance from Section 240-13(b)(40)(g) to allow the parking structure to not include 40% coverage on the upper surface;

Per the review and approval criteria found in Sec. 280-31(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 size, shape, or topography issues on the property.*
- b. **The application of this zoning ordinance to the particular piece of property would create an unnecessary hardship;**  
*There are no extraordinary conditions on the property that would lead to an unnecessary hardship if the zoning ordinance is applied.*
- c. **Such conditions are peculiar to the particular piece of property involved;**  
*There are no extraordinary conditions that are peculiar to the property.*
- d. **Such conditions are not the result of any actions of the property owner; or**  
*There are no extraordinary conditions on the property. The requested variances are due to the specific site and building plans proposed by 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.**  
*Relief from the following requirements would be detrimental to the public good or impair the intent of the UDO:*
  - *Allowing the publicly accessible open space to be decreased would be a detriment to the public good in that it does not meet the City's vision to create a vibrant, pedestrian-friendly Mid-City district. Alternatively, the publicly accessible open*

*space requirement can be met by moving some space from the private area in the back of the building to the public area in the front.*

- *Allowing the parking garage to face the public street and to not conceal automobiles could be detrimental to the public good. The upper levels of the garage would be visible from Malone Drive, Miller Drive, and Peachtree Road, as well as from adjacent and nearby properties in all directions. In place of the existing strand of large trees along the east property line, the applicant has proposed six levels of parking deck, which would be within 20 feet of the decks along the rear of the 5256 Peachtree Road property.*
- *Reducing the shade on the top of the parking deck could be detrimental to the public good in that it would fail to ensure high-quality, aesthetically pleasing, and environmentally sensitive development. Reducing the shade on the top of the parking deck could result in the increase of heat island and would not provide shade for cars and pedestrians.*

*Relief from the remaining requirements would not be detrimental to the public good or impair the purposes of the UDO. The increase in impervious open space would allow for more urbanized open space along both street frontages, which is appropriate in this location. Likewise, the proposed increase in supplemental zone width would allow for additional plaza space while maintaining an appropriate setback. Locating limited utilities in the supplemental zone as requested would not detract from the public good. The applicant has stated that the proposed precast concrete deck would not be convertible to other uses even if built to UDO standards. Allowing a shorter deck would improve the aesthetics of the project.*

### **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 waivers from the following regulations of Title 3 of the UDO:

1. *Waiver from Section 350-2(a)(1)(c) to allow the proposed driveway width to be 26 feet instead of the maximum allowed 24 feet. Allowing the proposed driveway width to be increased would be detrimental to the public as it could create hazardous conditions for pedestrians. However, the wider width can ultimately be approved administratively at permitting if determined necessary.*

2. Waiver from Section 350-2(a)(2) to allow the spacing between the driveway on the subject property to be 56 feet from the driveway on the adjacent property. *Allowing the driveway on the subject property to be closer to the adjacent property would mitigate future traffic issues for the neighboring property to the north.*

**Staff Recommendation:**

Based on the analysis of this application, using the standards and criteria found in Chapter 280 of the UDO, Staff recommends **APPROVAL** of the DCI application PZ2019-522 subject to the following conditions of approval:

1. The development shall be constructed in substantial conformity with the DCI Application and plans received August 12, 2019, with revisions required by conditions of approval as reviewed and approved by the Planning & Development Director.
2. The accessory commercial spaces shall be separate, leasable tenant spaces from the principal office space. The restaurant space shall include a dedicated outdoor seating area.
3. Walls along the Peachtree Road sidewalk to the west of the main building entrance shall not exceed two feet in height.

Using the standards and criteria found in Chapter 280 and 300 of the UDO, Staff recommends **APPROVAL** of the following variance and waiver requests:

1. Variance from Section 230-30(a)(2) to increase the amount of open space allowed to be impervious from 25% to 32%;
3. Variance from Section 230-6(d) to increase the allowable height of retaining walls in the front or street side yards from two feet to four feet as identified on the plans;
4. Variance from Section 230-27(g) to allow above ground utilities to be located in front of the proposed building to accommodate ground backflow preventers required by DeKalb County to be installed for the new improvements;
5. Variance from Section 260-9(a)(3)(d) to allow wall signs on the proposed café and fitness center without them being separate tenant spaces;
6. Variance from Section 230-26(a) to increase the width of the supplemental zone from eight feet to eleven feet along Malone Drive and a variance to decrease the width of the supplemental zone from eight feet to zero feet at the drop-off location as shown on the site plan;
7. Variance from Section 230-26(g)(1)(a)(5) to increase the height of the supplemental zone from 24 inches to up to 48 inches higher than the adjacent sidewalk as identified on the plans;
11. Variance from Section 240-13(b)(40)(h) to allow the parking structure to be constructed without flat floor plates on every above ground level;
12. Variance from Section 240-13(b)(40)(i) to allow the parking structure to have a minimum floor-to-ceiling height of 10.8 feet as opposed to the required 15 feet in

accordance with the recommendation by the Design Review Board in an effort to minimize the appearance of the deck.;

2. Waiver from Section 350-2(a)(2) to allow the spacing between the driveway on the subject property to be 56 feet from the driveway on the adjacent property.

Using the standards and criteria found in Chapter 280 of the UDO, Staff recommends **DENIAL** of the following variance and waiver requests:

2. Variance from Section 230-30(a)(3) to decrease the required percentage of publicly accessible open space from 50% to 40%;
8. Variance from Section 240-13(b)(40)(b) to allow the above ground decks of the parking garage to face a public street and to not be screened from view from public and private streets and other properties by liner buildings;
9. Variance from Section 240-13(b)(40)(d) to allow facades of the parking structure to not conceal automobiles from visibility from any public right-of-way or private drive or street that is open to the public;
10. Variance from Section 240-13(b)(40)(e) to allow the façade of the parking structure to not have the appearance of a horizontal-storied building;
13. Variance from Section 240-13(b)(40)(g) to allow the parking structure to not include 40% coverage on the upper surface;
1. Waiver from Section 350-2(a)(1)(c) to allow the proposed driveway width to be 26 feet instead of the maximum allowed 24 feet;

Using the standards and criteria found in Chapter 280 of the UDO, Staff recommends **WITHDRAWAL** of the following variance and waiver requests:

9. Variance from Section 240-13(b)(40)(c) to allow external parking deck openings to not be screened on all sides with decorative elements;

#### **Design Review Board comments and recommendations:**

The Design Review Board met and reviewed the project on August 28, 2019 and they had the following comments and recommendations:

1. The variance to place a backflow preventer in front of the building should be denied, pending documentation that DeKalb County's special dispensation was sought to meet local requirements for putting it in a vault or inside the building.
2. The applicant shall submit a revised architectural design with a greater diversity of natural, warmer materials, such as brick and stone, that are more in harmony with the surrounding context.
3. At the intersection of Peachtree Road and Malone Drive, the applicant shall terrace the retaining wall and add planters and add stairs for access to the sidewalk.

4. The floor-to-floor height on the upper levels of the parking deck shall be reduced to the minimum feasible height.
5. The southernmost section of the parking deck on the east elevation, up to the southernmost point of the ramps, shall receive architectural treatment in line with the architectural building facades.
6. The remaining parking deck elevations shall carry on the architectural wrap from the southern section of the east façade or be wrapped with a green-screen trellis.
7. The City Engineer shall verify that a LOS D is in line with city plans for this corridor.
8. On the eastern part of the site along Peachtree Road to the east of the main entrance, the applicant shall look at either terracing the supplemental zone to eliminate retaining walls and guardrails or terracing the office floor plates to better align to sidewalk elevations.
9. The site shall be reconfigured to meet publicly accessible open space requirements.

**Staff and DRB Recommendations:**

Based on the analysis of this application, using the standards and criteria found in Chapter 280 of the UDO, Staff recommends APPROVAL of the DCI application PZ2019-522 subject to the following conditions of approval with additions from DRB recommendations:

1. The development shall be constructed in substantial conformity with the DCI Application and plans received August 12, 2019, with revisions required by conditions of approval as reviewed and approved by the Planning & Development Director.
2. The accessory commercial spaces shall be separate, leasable tenant spaces from the principal office space. The restaurant space shall include a dedicated outdoor seating area.
3. Walls along the Peachtree Road sidewalk to the west of the main building entrance shall not exceed 2 feet in height.
4. The applicant shall submit a revised architectural design with a greater diversity of natural, warmer materials, such as brick and stone, that are more in harmony with the surrounding context.
5. At the intersection of Peachtree Road and Malone Drive, the applicant shall terrace the retaining wall and add planters and add stairs for access to the sidewalk.
6. The floor-to-floor height on the upper levels of the parking deck shall be reduced to the minimum feasible height.
7. The southernmost section of the parking deck on the east elevation, up to the southernmost point of the ramps, shall receive architectural treatment in line with the architectural building facades.
8. The remaining parking deck elevations shall carry on the architectural wrap from the southern section of the east façade or be wrapped with a green-screen trellis.

9. The City Engineer shall verify that a LOS D is in line with city plans for this corridor.
10. The site shall be reconfigured to meet publicly accessible open space requirements.

**Site Visit**



*Peachtree Rd and Malone Dr looking northeast*



*Sidewalk along Peachtree Rd looking east*



*Rear parking lot looking east*



*Eastern side of building looking north*



*North DeKalb Senior Center and Chamblee Senior Center looking northeast*



*View from North DeKalb Senior Center and Chamblee Senior Center looking southeast*



*Looking south: Chamblee MARTA Station*



*Looking west across Malone Drive: Multi-family Residential*



*Looking east across Malone Drive: View from Multi-family Residential*

**Attachments:**

- 1 – Deferral request letter
- 2 – DCI Plan Book and Attachment, received October 14, 2019
- 3 – Exhibit A: Revised Elevations, received November 6, 2019
- 4 – Maps