



## PLANNING & DEVELOPMENT DEPARTMENT

Meeting Date: January 16, 2019

Item #: PZ2020- 582

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### STAFF REPORT – 3051 3063 3071 3081 Clairmont Rd - DCI w/ Concurrent Variances

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**Project Name:** Hilton Garden Inn  
**Applicant and owner:** DayBreak Hospitality, LLC  
**Proposed Development:** Hotel with restaurant and meeting space  
**Requests:** Development of Community Impact (DCI); seven concurrent variances; six concurrent waivers  
**Site Addresses:** 3051, 3063, 3071, and 3081 Clairmont Rd  
**Parcel Numbers:** 18 203 05 052, 18 203 05 033, 18 203 05 034, and 18 203 05 031  
**Staff Recommendation:** **APPROVAL** of DCI, four variances, and one waiver; **DENIAL** of three variances and five waivers;



**Current Zoning:** Mixed Use- Business Center (MU-BC) – “The purpose and intent of this zoning district is to facilitate a high-rise urban form of development with a mix of uses, open space, and a connected street and sidewalk system to support a more active multi-modal and walkable environment at all times of the day. This district also encourages adaptive reuse and redevelopment of existing mid-rise and high-rise development that was originally designed in a suburban form.

The district shall consist of a minimum of two of the following use categories, which shall be accommodated in each building in a vertical mixed-use development configuration:

- (1) Residential multifamily;
- (2) Offices;
- (3) Educational uses;
- (4) Retail/Restaurant;
- (5) Hotel; or
- (6) Civic uses.”

**Current Use:** 3071 and 3081 Clairmont Rd - Undeveloped  
3051 and 3063 Clairmont Rd – Vacant Commercial

**Surrounding Land Uses:** North – MU-BC: Office Building (Clairmont Place Office Building)  
South – MU-BC: Century Lake Office Park  
East – MU-BC: Office Building and Parking Lot (Century Center Office Park)  
West – City Boundary, City of Brookhaven; Clairmont Road

**Future Development Map:**

The subject property is located within the Century Center Office Park character area of the Future Development Map in the Comprehensive Plan. The vision of the character area is: *“A high-density and mixed-use node that serves as a regional attraction and strong employment center for the city and the greater Atlanta Region.”*

**Site Description:**

The subject property consists of four parcels, totaling approximately 2.72 acres, located on the east side of Clairmont Road between Century Place and Century Boulevard. The lots all have street frontage on Clairmont Road, are zoned MU-BC, and are under the same ownership. The two northernmost lots are undeveloped and heavily vegetated. The two southernmost lots contain vacant one-story structures and accessory structures formerly used for commercial purposes. The property slopes from the northwest corner to the east and southeast, and features some difficult topography throughout. There is an open stream channel on the site between two headwalls, which several stormwater pipes on the subject property empty into.

The Chamblee and Brookhaven boundary line is located on the east side of Clairmont Road. The subject property is located entirely in Chamblee, and the right-of-way is located in Brookhaven. There is a five-ft-wide sidewalk located at the back of street curb in the right-of-way along the frontage. This section of Clairmont Road is a State Route and is therefore the project is subject to review and approval by the Georgia Department of Transportation (GDOT). There is an existing Metropolitan Atlanta Rapid Transit Authority (MARTA) bus stop and shelter located on the site. Any change in the location or configuration of the MARTA facilities will require MARTA approval.

### **History of the Property**

The two southernmost parcels were developed in the mid-1950s. The structures are currently vacant. The four parcels received approval of a DCI in 2017 for the development of a mixed-use multifamily, retail/restaurant development. In 2017 the State granted approval of a 25-foot stream buffer variance for the piping of the open channel of the stream. On January 15<sup>th</sup>, 2019 the site received approval of a DCI for the development of a 115,085-square-foot, five-story hotel building for a Hilton Garden Inn. The previous project included 156 guest rooms, 3,924 square ft of restaurant/retail space, 3,952 square ft of meeting space, and 156 off street parking spaces with some structured parking below grade on the south end of the site. The project was approved with nine variances and waivers including a variance from Section 310-19 to reduce the 50 foot and 75-foot stream buffers to 0 feet. The applicant is reapplying for approval due to driveway and deceleration lane location requirements mandated by the GDOT.

### **Summary of Proposed Project:**

A summary of the project is as follows:

- Clear the existing site;
- Pipe the open stream;
- Remove all existing curb cuts, replace curb cuts with on curb cut along Clairmont Road and create a GDOT deceleration lane;
- Construct an approximately 106,095-square-foot, hotel building with 141 guest rooms, 3,858 square foot restaurant space and 4,422 square foot of meeting space in a vertical mixed-use format. The proposal does not include extended-stay hotel use;
- Utilize non-combustible building materials and achieve sustainable building certification;
- Install 141 off surface parking spaces with parking lot landscaping and open space;
- Bury utilities on site and in all abutting rights-of-way; and
- Install sidewalks, landscape strips, trees and pedestrian street lights.

As the site is being completely redeveloped, the project exceeds the 70% redevelopment threshold, and must be brought into compliance with the UDO or receive variances.

**Applicable UDO Standards:**

	Required	Proposed
<b>Open Space</b>	20%	15%
<b>Max. retaining wall height in front yard</b>	4 feet	Up to 7.22 feet
<b>Max. retaining wall height in rear yard</b>	8 feet	Up to 20.21 feet
<b>Max. retaining wall fence combination height</b>	6 feet	11.22 feet
<b>Sidewalk Width</b>	10 feet	Varies
<b>Parking Spaces</b>	187	141
<b>Tree Density</b>	100 inches DBH	83 inches DBH

**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.**

*The development is suitable in view of the use and development of nearby property. The property is surrounded by various intensities of commercial office uses to the immediate north, south, and east, and multi-family apartments to the west outside the municipal boundary. The existing area contains a mix of low-, mid-, and high-rise buildings and apartment and townhome developments. The proposed design would be in harmony with the surrounding area.*

**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 elements of the project are physically and aesthetically related to each other throughout the project. The project consists of a single building and a surface parking lot with*

landscaping and retaining walls. Retaining walls are proposed to be faced with brick or stone to meet the UDO.

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

*There are no scenic views to protect. The surrounding area is nearly fully developed. Properties to the east, and to the north across Century Place contain large surface parking lots and mid- or high-rise office buildings. The property to the south contains a low-rise office condominium development.*

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

*Aside from the rear and side retaining walls, there are no elements that would create negative visual or functional impacts for adjacent properties proposed.*

**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 significant historical character to the immediate area.*

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

*All exterior forms, attached to buildings or not, are proposed to be in conformity with, and secondary to, the hotel building.*

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

*The proposed development is suitable in view of the use and development of adjacent and nearby property. The City's Strategic Economic Development Plan identifies the Century Center area as an Opportunity Area and an ideal location to maximize density and provide a more urban feel, given its high-visibility location and existing concentration of office uses. The need for amenities such as dining establishments and personal services are specifically identified as lacking in the area.*

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

*The proposed development does not adversely affect the existing use or usability of adjacent or nearby property. A mixed-use hotel and restaurant development in this location would provide uses that are lacking and which complement existing office uses in the area.*

**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 is not expected to have an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The project does not trigger a traffic study. The project will not consist of extended stay use.*

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

*The MU-BC zoning district is intended primarily for high-rise urban form of development with a mix of uses, open space, and a connected street and sidewalk system to support a more active multi-modal and walkable environment at all times of the day. Hotels are permitted in the district. The proposed development includes a pedestrian-oriented street frontage with the building located close to the street. Traditional urban developments also incorporate some plaza-like space along the frontage of the property, which is required for the supplemental zone and is proposed by the applicant.*

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

*The proposed development is generally in conformance with the provisions of the future development of the area articulated in the Comprehensive Plan. The development would help contribute to the vision of the character area to, "serv[e] as a regional attraction and strong employment center for the city and the greater Atlanta Region."*

*The project is appropriate given its proximity to the many office buildings within walking distance, the proximity to I-85 and the nearby future PATH trails that will eventually connect to the Beltline. As nearby sites redevelop, they too will develop a walkable, pleasant streetscape with 10-foot-wide sidewalks buffered by a landscape strip a minimum of 10 ft wide and streetscape to provide buffering from moving vehicles.*

**Applicant's Concurrent Variance Requests:**

The project requires approval of variances with respect to the requirements of the UDO. Per Sec. 280-36 of the UDO, concurrent review for variance applications may be filed with a DCI application. The applicant requests approval of concurrent variances from the following regulations of the UDO:

1. Variance from Section 230-1(a) to provide 15% open space instead of the required 20%.
2. Variance from Section 230-6(d)(1) to exceed the maximum height of retaining walls in the front yard from 4 ft to up to, 7.22 ft and to exceed the maximum height of retaining walls in the rear yard from 8 ft to up to 20.21 ft.
3. Variance from Section 230-6(e)(4)(a) to exceed the height of the retaining wall and fence combination from the maximum 6 ft to 11.22 ft.
4. Variance from Section 230-26(g)(1)(a)(1) to not have supplemental zone immediately adjacent to the building façade.

5. Variance from Sections 230-26(a) to reduce the required 10-ft sidewalk to varying widths where it transitions to meet abutting sidewalks.
6. Variance from Section 250-2(a)(4) to reduce the required number of parking spaces from 187 spaces to 141 spaces.
7. Variance from Section 230-26(e)(4) to not install street trees and pedestrian lights, as required, in the landscape strip.

Per the review and approval criteria found in Section 280-32, 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 site features some exceptional topographical conditions. It slopes significantly from west to east, has a stream which will be piped, and will require substantial grading in order for any sizable development activity to occur.*

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

*The application of the zoning ordinance to the property would create an unnecessary hardship in regards to the provisions of the zoning ordinance for retaining wall height. The terrain slopes significantly from the west, along the Clairmont Rd frontage, to the east and the rear of the lot. In addition, enforcing the development to install the supplemental zone immediately adjacent to the building façade would also create an unnecessary hardship.*

*There is no hardship related to not providing the required open space, maintaining the 10-foot sidewalk throughout and providing the trees and pedestrian lights on the landscape zone that is called for in the UDO.*

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

*While open streams and steep topography are not uncommon throughout the City, they are not found much in the surrounding area, which is nearly entirely developed, nor on commercial assemblages of this size in the MU-BC zoning district.*

**d. Such conditions are not the result of any actions of the property owner; or**

*These conditions are not entirely the result of the current property owner. While the subject parcels have remained underdeveloped for decades, surrounding properties have been graded, stream sections have been piped, and the Century Center has been turned into a high-intensity commercial area with numerous high-rise buildings.*

**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 supplemental zone, parking, retaining wall height, and open space requirements are unlikely to be detrimental to the public good if impacts are mitigated by conditions of approval. The overall proposal also achieves many of the stated purposes of the UDO including, "encouraging an aesthetically attractive environment, both built and natural,*

*and to provide for regulations that protect and enhance these aesthetic considerations”, “encouraging economic development activities that provide desirable employment and enlarge the tax base”, and “protecting property against blight and depreciation.”*

### **Applicant’s Concurrent Waiver Requests**

The UDO in Section 300-8, provides the following factors for granting a waiver. The analysis of these factors is included below:

Where, because of severe topographical or other conditions peculiar to the site, strict adherence to the provisions of this [Title 3](#) would cause an unnecessary hardship that is not caused by the owner, the Mayor and City Council may, after considering the written recommendation of the Planning and Development Director, authorize a waiver from the terms of this [Title 3](#) only to the extent that is absolutely necessary and not to an extent which would violate the intent of this [Title 3](#).

The applicant requests the following waivers from the regulations of the UDO:

1. Waiver from Section 320-21(a)(2) to reduce the required amount of plant material and trees in the landscape islands consistent with the landscape plan.

*Allowing the applicant to not provide the required amount of plant material and trees in the landscape islands would impair the intent of the UDO and is not the result of a substantial hardship and are feasible for the applicant to meet.*

2. Waiver from Section 320-21(a)(4) to not provide the required 5-foot grass strip at the head-to-head parking spaces.

*The topographical conditions affecting the site are due to the exceptional grade changes and rough terrain, as well as the stream, which has been approved to be piped to facilitate the development of the site. The regulations for parking lot landscaping could be met if less parking were provided, which would mean providing fewer hotel rooms, or reducing the amount of required parking spaces even further than what has been requested, which the applicant has stated would be infeasible to meet the operational demands of the hotel. Although there are no topography-related justifications for granting a waiver from these regulations, staff is of the opinion that the waiver from providing a five-foot grass strip to the head-to-head parking spaces would be justified in order to reduce the site’s parking deficiency.*

3. Waiver from Section 320-21(a)(5) to reduce the amount of plant material and trees in the perimeter landscape strips consistent with the landscape plan.

*This regulation could be met if less parking were provided as a result of few hotel rooms. This waiver does not cause an unnecessary hardship and therefore is feasible for the applicant to meet.*



4. Waiver from Section 320-39(a)(1) to provide 83 inches DBH total, instead of the minimum tree density of 100 inches DBH per acre.

*The applicant has stated that the project would preclude saving any existing trees and would not allow tree density requirements to be met. However, there are no topographical conditions to support approval of a waiver from any of the City's Tree Preservation regulations, as the applicant has the option of attaining alternate compliance by paying into the City's Tree Fund.*

5. Waiver from Section 350-2(a)(1)(b) to not provide sidewalk paving that is continued across intervening driveway at the same prevailing grade and cross slope as on the adjacent sidewalk clear zone consistent with the site plan.

*Allow the applicant to not provide sidewalk paving that is continued across intervening driveway at the same prevailing grade would be detrimental to the public good as it would cause an unsafe pedestrian experience for those who are using the sidewalk.*

6. Waiver from Section 350-2(c) to not provide inter-parcel access to any adjoining lots.

*Allowing the applicant to not provide inter-parcel access to adjoining lots would impair the intent of the UDO and there is no substantial hardship, although there are some difficulties to design around related to slope and grade change.*

**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 PZ2020-582, for a mixed-use hotel development subject to the following conditions of approval:

1. The development shall be constructed in substantial conformity with EXHIBIT A: DCI Plan Book for Hilton Garden Inn, dated received December 16, 2019, with revisions required by conditions of approval as reviewed and approved by the Planning & Development Director.
2. Extended-stay motels/hotels shall be prohibited.
3. The tiered retaining walls in the front yard shall incorporate planting beds and be planted with shrubs and flowering butterfly-attracting plants.
4. The applicant shall work with MARTA and the City to relocate the existing sheltered bus stop so that it is located behind the required sidewalk clear zone with access through the required landscape zone to the curb.
5. All retaining walls located abutting the streetscape or supplemental zones shall be granite veneer masonry walls or granite rubble masonry walls.
6. An access and construction easement shall be provided to allow for the future, potential expansion of the 10-foot-wide sidewalk toward the south property line.
7. The front façade shall include brick or stone from grade to the top of the fourth floor.

Using the standards and criteria found in Chapter 280, Chapter 300, and Chapter 310 of the UDO, Staff recommends **APPROVAL** of the following variance and waiver requests:

2. Variance from Section 230-6(d)(1) to exceed the maximum height of retaining walls in the front yard from 4 ft to at most, 7.22 ft and to exceed the maximum height of retaining walls in the rear yard from 8 ft to at most, 20.21 ft.
3. Variance from Section 230-6(e)(4)(a) to exceed the height of the retaining wall and fence combination from the maximum 6 ft to 11.22 ft.
4. Variance from Section 230-26(g)(1)(a)(1) to not have supplemental zone immediately adjacent to the building façade.
6. Variance from Section 250-2(a)(4) to reduce the required number of parking spaces from 187 to 141.
9. Waiver from Section 320-21(a)(4) to not provide the required 5-foot grass strip at the head-to-head parking spaces.

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

1. Variance from Section 230-1(a) to provide 15% open space instead of the required 20%.
5. Variance from Sections 230-26(a) to reduce the required 10-foot sidewalk.
7. Variance from Section 230-26(e)(4) to not meet the street trees and pedestrian light installation regulations in the Landscape Zone.
8. Waiver from Section 320-21(a)(2) to reduce the required amount of plant material and trees in the landscape islands.
10. Waiver from Section 320-21(a)(5) to reduce the amount of plant material and trees in the perimeter landscape strips.
11. Waiver from Section 320-39(a)(1) to provide 83 inches DBH instead of the minimum tree density of 100 inches DBH per acre.
12. Waiver from Section 350-2(a)(1)(b) to not provide sidewalk paving that is continued across intervening driveway at the same prevailing grade and cross slope as on the adjacent sidewalk clear zone.
13. Waiver from Section 350-2(c) to not provide inter-parcel access to the adjoining lots.

#### **Design Review Board Comments and Recommendations:**

The Design Review Board met and reviewed the project on January 8, 2020 and they had the following comments and recommendations:

1. The applicant shall provide additional fenestration building detailing or raised planter beds on the south façade to mask of the foundation wall.
2. The applicant shall provide detailing similar to the building façade or terraced landscaping to minimize or mask the retaining walls along the south or east side of the lot.
3. The applicant shall widen the diagonal portion of the northern pinch point of the sidewalk to widen the diagonal to the minimum 10 feet to tie into the existing sidewalk.

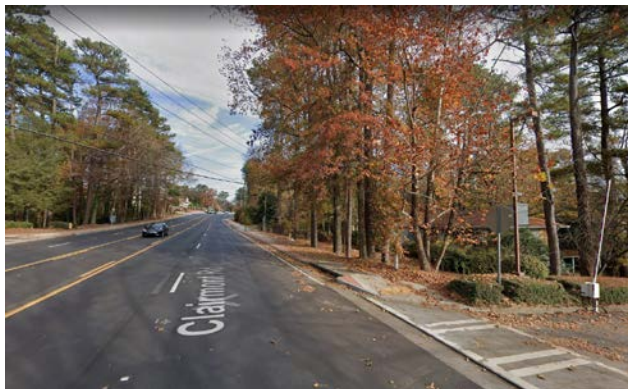
4. The Board recommends denial of the waiver request 11.
5. The applicant shall provide additional access to the underground detention system for future inspection and maintenance.
6. The Board recommends denial Waiver No. 12, unless GDOT denies it.
7. The Board recommends to allow pedestrian walkways interior to the site to not be raised, but to be of contrasting materials as shown on the site plan.
8. The applicant shall indicate future inter-parcel access points at the northeast corner of the lot to the north and the east, should adjacent parcels be developed allowing connectivity.

**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 PZ2020-582 subject to the following conditions of approval with additions from DRB recommendations:

1. The development shall be constructed in substantial conformity with EXHIBIT A: DCI Plan Book for Hilton Garden Inn, dated received December 16, 2019, with revisions required by conditions of approval as reviewed and approved by the Planning & Development Director.
2. Extended-stay motels/hotels shall be prohibited.
3. The tiered retaining walls in the front yard shall incorporate planting beds and be planted with shrubs and flowering butterfly-attracting plants.
4. The applicant shall work with MARTA and the City to relocate the existing sheltered bus stop so that it is located behind the required sidewalk clear zone with access through the required landscape zone to the curb.
5. All retaining walls located abutting the streetscape or supplemental zones shall be granite veneer masonry walls or granite rubble masonry walls.
6. An access and construction easement shall be provided to allow for the future, potential expansion of the 10-foot-wide sidewalk toward the south property line.
7. The front façade shall include brick or stone from grade to the top of the fourth floor.
8. **The applicant shall provide additional fenestration or raised planter beds on the south façade to mask the foundation wall.**
9. **The applicant shall provide detailing similar to the building façade or terraced landscaping to minimize or mask the retaining walls along the south or east side of the lot.**
10. **The applicant shall widen the diagonal portion of the northern pinch point of the sidewalk to widen the diagonal to the minimum 10 feet to tie into the existing sidewalk.**
11. **The applicant shall provide additional access to the underground detention system for future inspection and maintenance.**
12. **Interior walkway shall consist of contrasting materials as shown on the site plan.**

**Site Visit:**



**Attachments:**

- 1 – Exhibit A: DCI Plan Book, dated received December 16, 2019
- 2 – Wall Perspectives
- 3 – Application
- 4 – Exhibit B: DCI Plan Book, approved January 15, 2019
- 5 - Maps