



## PLANNING & DEVELOPMENT DEPARTMENT

DRB Meeting Date: March 12, 2020

Item #: PZ2019-561

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### STAFF REPORT – 5520 Peachtree Rd, et al.– CHAMBLEE TOWN CENTER DCI

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**Project Name:** Chamblee Town Center  
**Applicants:** WSE Development, LLC and Seven Oaks Company, LLC, c/o Kathryn M. Zickert  
**Owners:** Downtown Development Authority of the City of Chamblee; Pierce Partnership, LLLP  
**Proposed Development:** Mixed-use Development  
**Requests:** Development of Community Impact (DCI); 27 concurrent variances, and two concurrent waivers  
**Site Addresses:** 3519 & 3525 Broad Street; 2155 & 2161 Irvindale Drive; 3514 Ingersoll Rand Drive; 5520, 5546 & 5554 Peachtree Road  
**Parcel Numbers:** 18 309 11 005, 006, 070, 071, 075, 076, 077, 078  
**Staff recommendation:** **APPROVAL** of DCI for a Commercial Office building (Phase 1) and six variances and one waiver; **DENIAL** of two variances and one waiver; **WITHDRAWAL** of all other variances and waivers directly related to future phase.



**Current Zoning:** Planned Unit Development (PUD) – The project is within the Downtown Chamblee Town Center Planned Unit Development.

“The PUD district will accomplish the following:

- Permit development concepts not otherwise allowed within the zoning ordinance;
- Provide flexibility, unity, and diversity in land planning and development, resulting in convenient and harmonious groupings of uses, structures, and common facilities;
- Encourage innovations in quality mixed-use development so that growing demands of the population may be met by greater variety in type and design;
- Promote quality building and site design through the creation and conservation of usable open space;
- Integrate the existing natural and artificial site conditions into new building and site design; and
- Support walking, biking, and transit on streets to reduce the burden of car traffic.”

**Current Uses:** Vacant commercial building on Broad Street, undeveloped land and single-family residential structure currently used as office space on Peachtree Road, Walthall Oil Company office at the corner of Peachtree Road and Ingersoll Rand Drive; and vacant land at the corner of Irvindale Drive and Ingersoll Rand Drive

**Surrounding Land Uses:**

- North – PUD: US Post Office, vacant land
- South – PUD: Commercial office uses
- East – PUD: Atlanta Gas Light
- West – PUD: Retail, commercial office, and civic uses

**Character Area and Future Land Use Map:**

The properties are located within the Downtown Chamblee character area of the Character Area Map of the Comprehensive Plan.

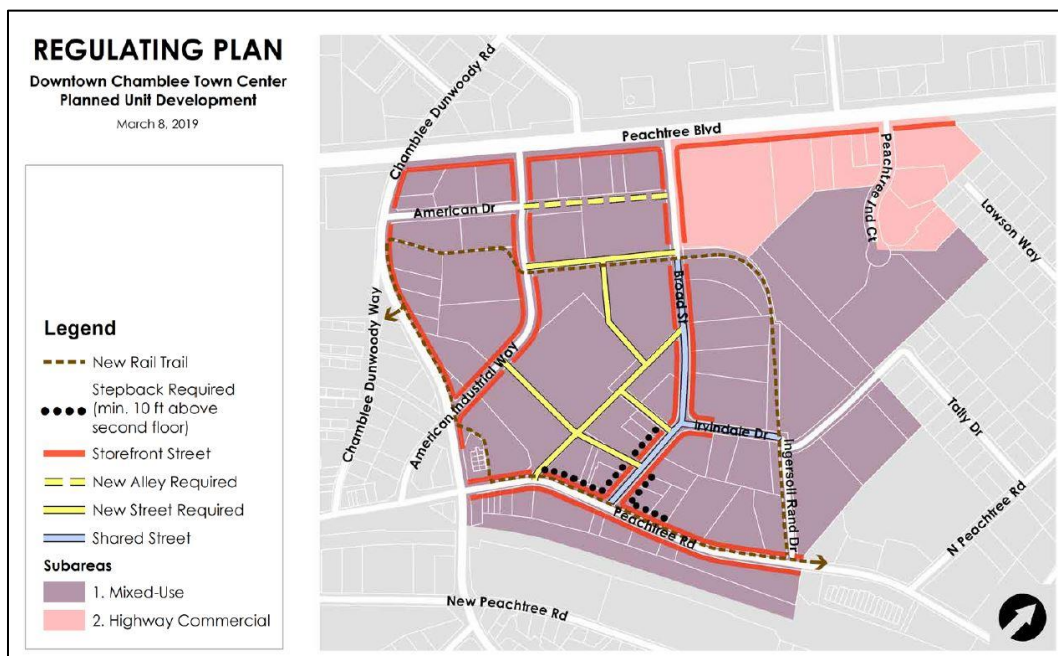
The vision of the character area is: *“To be a vibrant and recognizable center that ties the greater Chamblee community together, and attracts visitors from around the Atlanta region. Centered on the Chamblee MARTA Station, this area will support transit-oriented lifestyles with associated housing, services, civic functions, and employment. The area will also contain a compatible blend of historic and modern buildings within a safe and walkable environment.”*

Land uses recommended for this area include: “medium- and high-density residential; commercial retail; office; light industrial; mixed-use; parks and recreation; public/institutional uses; and transit related utilities.”

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

### Site Description:

The 7.26-acre site is comprised of eight parcels bordered by Irvindale Drive to the north, Peachtree Road to the south, Broad Street to the west, and Ingersoll Rand Drive to the east. The properties are located within Subarea 1 of the Downtown Chamblee Town Center Planned Unit Development (PUD) Zoning District, as shown in the Regulating Plan below.



Six of the eight parcels are currently owned by the Downtown Development Authority. The remaining two parcels are owned by Pierce Partnership LLLP. There is a vacant commercial building with surface parking in front with an additional parking lot located on Broad Street that opens onto Irvindale Drive. There is a single-family residential structure being used as an office building on Peachtree Road. Walthall Oil Company is located at the corner of Peachtree Road and Ingersoll Rand Drive. The parcels also include vacant lots, overgrowth, and wooded area with some mature tree canopy. There is a sidewalk along the street frontage of Broad Street, but there are no sidewalks along any other street frontages. The site slopes down from Broad Street and Peachtree Road towards the northeast corner of the site approximately 20 ft. Two

curb cuts exist along Irvindale Drive. The foundations and retaining walls remain for two buildings that once existed along Irvindale Drive. Wooded areas are located in the center of the site running behind the existing commercial building on Broad Street to Ingersoll Rand Drive. Additionally, there is a wooded area between the existing residence on Peachtree Road and the existing businesses. There is a large curb cut and parking lot for the oil company on Peachtree Road and a residential driveway for the house on Peachtree Road.

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

- The application, as submitted, proposes to clear the site and construct a mixed-use development with 280 multi-family residential units including up to six live-work units, commercial and retail space, a multi-story parking garage partially wrapped by the residential building, a two-way driveway through the site to connect Peachtree Road and Irvindale Drive, on-street parking, and a standalone four-story office building. Since the time the application was received the applicant, in consultation with city staff, began revising the residential element of the project to better reflect the recommendations of the PUD which will result in new elevations, and possibly other changes. To date, staff has not received the revised plans from the applicant. Therefore, the analysis herein only represents a review of the DCI application in general and the proposed office building along with variance and waiver requests associated with the office building. For this reason, the office portion is now Phase 1, and the rest of the project, the residential portion with parking garage and the plaza area along Broad Street, is Phase 2.
- A description of Phase 1 is as follows:
  - Construct a four-story commercial brick and glass building for Class A office space in the General Building type and Mercantile style, fronting Peachtree Rd in the southwest corner of the site, just to the east of Contrast Artisan Ales and the Michelle commercial development, and west of a proposed two-way private drive. ACM metal panels would be used as architectural accents.
  - The loading area would be from a ramp in the rear of the building facing a proposed plaza area (Phase 2) internal to the site and the back of a future residential building (Phase 2) that fronts Irvindale Drive;
  - The primary building entrance would be located on the east façade under a glass canopy, facing a drop-off area on the private drive. There are secondary entrances on the north and west facades. There is not a door proposed to be located on the south façade facing Peachtree Road, which requires a variance.
  - All facades would include cantilevered balconies with metal railings on either the second or fourth story, or both;
  - Plaza space and landscaped areas will be constructed around the office building along with sidewalks for pedestrian circulation adjacent to the private road;

- Install the Rail Trail segment, and required pedestrian amenities including bicycle racks, a bench, and trash and recycling receptacles along Peachtree Road in front of the office building.

#### **DCI Review and Approval Criteria:**

The following review and approval criteria, described in Sec. 280-23 apply to 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.**

*Design of the office building and surrounding plaza area would be in general harmony with the character of the surrounding area. The immediate area is largely low-rise office and civic buildings, while adaptive reuse of nearby industrial buildings is currently under way. The mass, placement, and height of the proposed office building is appropriate for the site as the building is four-stories, oriented perpendicularly to Peachtree Road. The building is surrounded by open space on the east and west, including a pedestrian plaza located to the northwest of the building. The exterior architectural treatment of brick and glass is consistent on all facades of the building and meets the requirements of the Mercantile architecture of the PUD Pattern Book. Although balconies are discouraged on street-facing facades on Mercantile style buildings, balconies are proposed on all facades and will be constructed of metal as required in the PUD Pattern Book.*

**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.**

*Design components are physically and aesthetically related and coordinated with the surrounding environment. The project includes an office building that is designed primarily in the Mercantile architectural style. Materials include brick and glass as is required to be the primary material for Mercantile building architecture in the PUD Pattern Book. The building's composition is organized to meet the design requirements of the Mercantile style with large windows at the base of the building. The property itself is surrounded by many renovated projects that are refined, adaptive re-use office buildings. The fact that there will not be a building entrance on the south faced along Peachtree Road is not in conformity with buildings in the surrounding environment, which typically feature pedestrian entrances facing the street.*

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

*There are no natural scenic views since the majority of the site is vacant or consists of commercial businesses. The new office building along Peachtree Rd will offer balconies that*

*overlook the City center and Rail Trail path. The overall project will include 37% open space, with nearly 16% of which is green space. The streetscape design will also be installed along all street frontages of the site to provide safe pedestrian access.*

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

*There are no negative visual or functional impacts proposed by the scope of work. The proposed project will improve the appearance and functionality of the site. The office space will promote economic growth while the installation of the Rail Trail, streetscape, and plaza will encourage pedestrian traffic safely.*

**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.**

*Design shall respect the historical character of the immediate area. The proposed design, which is in the Mercantile style as described in the PUD Pattern Book, is in keeping with the historical character of Downtown Chamblee.*

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

*The street-facing façade balconies on the office building along Peachtree Road are not in conformity with the design guidelines of the PUD Pattern Book. In the PUD district, balconies are discouraged along street frontages. However, balconies shall be constructed of metal as are the proposed balconies along all facades of the proposed building. Additionally, the proposed backflow preventer in above ground coverings along the street frontage of Peachtree Road are not in conformity with nor secondary to the building, but will likely be required to be above-ground per DeKalb County regulations.*

**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 nearby properties. Properties across from the site along Peachtree Road include renovated office space. The proposed Rail Trail, streetscape, and plaza will likely have a positive effect on the development of surrounding properties that encourage pedestrian traffic.*

**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 of nearby properties. The applicant is proposing the installation of pedestrian amenities including the streetscape and plaza that will promote walkability and pedestrian safety. Although the applicant is proposing to not install the Rail Trail along Ingersoll Rand Drive on the site, the streetscape is proposed for installation and will still promote walkability along all street frontages of the site.*

**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 development will not result in a use which will or could cause excessive use of existing streets, transportation facilities, or utilities. The installation of the streetscape and Rail trail will promote pedestrian travel that will help mitigate traffic concerns. The project did trigger a traffic study that was reviewed by the City Engineer, who recommends the project provide improvements in accord with the Town Center Master Plan and PUD Pattern Book as proposed. The proposed development is an office building and therefore will not create excessive or burdensome use of the school system.*

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

*The proposed office building is in general conformance with the PUD zoning district. The district encourages innovations in quality mixed-use development 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. The project proposes 125,400 square feet of office space and 37% total open space. The proposed office use element of the project accomplishes the goals of the PUD Patternbook to promote quality building and site design; and encourage innovations in quality mixed-use development so that growing demands of the population may be met by greater variety in type and design. Not having the primary pedestrian entrance, or any entrance at all facing the proposed Rail Trail segment on Peachtree Rd is not in conformity with the Rail Trail Phase 3 Plan nor is it in conformity with the PUD Patternbook, or the underlying UDO regulations. In addition, not including ground floor retail/restaurant uses along Peachtree Road and adjacent to the plaza (Phase 2) does not fully meet the intent of the 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 development is in conformance with the vision for the area articulated in the Comprehensive Plan. The vision of the Downtown Chamblee character area calls for "a vibrant and recognizable center that ties the greater Chamblee community together, and attracts visitors from around the Atlanta region... this area will support transit-oriented lifestyles with associated housing, services, civic functions, and employment" (p. 144). Additionally, the property is located within the Town Center LCI study area and the Rail Trail Phase 3 Study Area. The project meets the provisions of the LCI plan, which calls for an enhanced sense of place, increased walkability, and "more places to work, shop, and have fun" (p. 5).*

*The Multi-Modal Transportation Plan and the Phase 3 Rail Trail Plan (p. 75) call for the installation of the Rail Trail along the south property line on Peachtree Road, which runs in front of Phase 1, and it also calls for the installation of the Rail Trail along the property frontage on the west side of Ingersoll Rand Drive. The applicant proposes to install the Rail Trail along the entire frontage of Peachtree Road.*



## Applicant's Concurrent Variance Requests:

The applicant has requested the following variances from the Downtown Chamblee Town Center – Planned Unit Development (PUD) Pattern Book for the entire overall project. Those which apply directly to **Phase 1**, consisting of the commercial office building and immediate surrounding area, are highlighted, and those which do not have been struck through:

- ~~1. Variance from Ch. 2, Sec. 3B.1 to increase the number of multifamily units with a floor area of less than 800 SF from 60% to 70%.~~
- ~~2. Variance from Ch. 2, Sec. 3B.2 to not have balconies that are at least 32 SF.~~
- ~~3. Variance from Ch. 2, Sec. 3B.3 to allow balconies on more than one-third of the length of any street-facing facade story to consist of balconies, up to 80% of the story on the street-facing facade elevation.~~
- ~~4. Variance from Ch. 2, Sec. 3C.2 to permit up to six live-work units to be 1,500 SF and not the required 2,400 SF; and to allow the nonresidential space of the live-work unit be 350 SF rather than 500 SF.~~
- ~~5. Variance from Ch. 2, Sec. 3D.1c to not provide a five-foot-wide pedestrian entrance and walkway through the parking structure connecting to sidewalks and other buildings.~~
- ~~6. Variance from Ch. 2, Sec. 3D.2a to allow the parking structure's external openings not to be screened with decorative elements.~~
- ~~7. Variance from Ch. 2, Sec. 3D.2b to not conceal automobiles from visibility from any public ROW or private drive or street that is open to the public.~~
- ~~8. Variance from Ch. 2, Sec. 3D.2c to not provide 40% shade cover on the parking garage roof level.~~
- ~~9. Variance from Ch. 2, Sec. 3D.2d to not construct the parking structure to enable future conversion to residential or nonresidential uses.~~
- ~~10. Variance from Ch. 2, Sec. 4E to reduce the required fenestration on a ground floor from 70% to 24% for a Mixed-Use Building type.~~
- ~~11. Variance from Ch. 2, Sec. 4E to allow the floor-to-ceiling height of the ground floor to be 17'4" rather than the required 18' minimum for a Mixed-Use Building type.~~
12. Variance from Ch. 2, Sec. 4F to allow the floor-to-ceiling height of the ground floor to be 17'4" rather than the required 18' minimum for a General Building Type (office).
13. Variance from Ch. 2, Sec. 8A to not provide pedestrian entrances on storefront streets.
14. Variance from Ch. 2, Sec. 9B.1 to allow more than 75% of the linear building frontage along the Rail Trail to be residential.
15. Variance from Ch. 2, Sec. 9B.2 to allow a General Building type (office) to be built along a storefront street.
16. Variance from Ch. 2, Sec. 9B.3 to allow a General Building type (office) to be built along Peachtree Road.
- ~~17. Variance from Ch. 2, Sec. 11A.1 to not install the Rail Trail in the location shown in the Regulating Plan.~~



- ~~18. Variance from Ch. 2, Sec. 12B.1 to reduce the number of required bicycle parking spaces from 102 to 52 short term and 91 to 52 long term spaces.~~
- ~~19. Variance from Ch. 2, Sec. 12C.3 to allow loading structures and bays to face the Rail Trail.~~

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

- ~~20. Variance from Section 230-6(d)(1) to allow the retaining walls located within 10 feet of a sidewalk to exceed the maximum height of 2 feet up to 4 feet and retaining walls in the interior side and rear yards to exceed 8 feet.~~
21. Variance from Section 230-27(g) to allow above ground utilities to be located between the building and the street.
- ~~22. Variance from Section 230-28(a)(1) to not use non-combustible materials for a building three or more stories.~~
23. Variance from Section 250-7(a)(8) to not provide inter-parcel connectivity.
24. Variance from Section 250-20 to reduce the minimum number of loading spaces for the commercial office building from 3 to 1.
- ~~25. Variance from Section 260-5 to allow a prohibited roof sign.~~
26. Variance from Section 260-9(b)(1)(a) to allow a projecting sign to project 60 inches rather than 48 inches beyond the face of the building.
- ~~27. Variance from Section 260-9(a)(4) to not meet the wall sign regulations for a planned center building.~~

Per the review and approval criteria found in Sec. 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 property is relatively large compared to other recent mixed-use developments. There is some difficult topography including an approximately 20-foot change in grade throughout the property requiring the installation of retaining walls that exceed the maximum permitted height. The area where the commercial building is proposed slopes from Peachtree Road toward the rear of the proposed commercial building approximately 15 ft.*

**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 following:*

- *Prohibiting balconies on more than one-third of the length of any street-facing facade story to consist of balconies, up to 80% of the story on the street-facing facade elevation. Only one of the proposed balconies on the office building will exceed the permitted one-*

*third of the length of the story on the street facing façade along Peachtree Road, overlooking the Rail Trail.*

- *The location of the Rail Trail in relation to the site designates both Peachtree Road and Ingersoll Rand Drive as storefront streets. Therefore, the site would need to be reconfigured since a General Building type would only be permitted on Irvindale Drive or Broad Street. Not allowing a General Building type to be built along a storefront street, however, would not create a hardship. The location of the building at this location is due to the preferences of the applicant. Including retail/restaurant uses on the ground floor of the office building would eliminate the need for this variance.*
- *Not allowing above ground utilities to be located between the building and the street does pose a particular hardship as it relates to the above-ground backflow preventer that is proposed to be installed in front of the office building, directly behind the bench and trash receptacle area. Due to the configuration of the site and accessibility to the backflow preventers, it is necessary for them to be located between the building and the street. Efforts should be taken to screen it with vegetation or other means.*
- *Restricting the projecting sign to 48 inches would not create a hardship. The size and location of the building allows for a projecting sign that will extend further than the permitted allowance, but the desire for this type of signage is a result of the applicant's preferences.*
- *There is no hardship related to the request to not have a pedestrian entrance facing the rail trail segment. The applicant's justification for not having a pedestrian entrance on the south façade is simply that it would create smaller tenant spaces in that area of the building which would result in a potential difficulty in leasing those smaller spaces.*

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

*The size and topographical constraints on the property are peculiar in comparison to other recently developed mixed-use properties. The proposed project is 7.26 acres with a 25-foot grade change from south to north on the site.*

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

*The topographical conditions of the site are not the result of the property owner. The proposed project will be demolishing all existing buildings and removing 89 trees on the site.*

**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:*

- *Reducing the floor-to-ceiling height of the ground floor from 18' to 17'4" for a General Building Type (office) would impair the intent of the PUD Pattern Book. The building could be redesigned to meet the requirement of 18' on the ground floor.*

- Not providing pedestrian entrances on Peachtree Road, which is a storefront street, would impair the intent of the PUD Pattern Book and could be detrimental to the public good. Not providing direct accessibility from the street may discourage entrance to the building.

*Relief from the remaining requirements would not be detrimental to the public good nor impair the purposes of the UDO and PUD Pattern Book. They would allow for a site design that meets the intent of the PUD, includes the Rail Trail, and enhances the pedestrian experience.*

### **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 320-39(a)(1) to not meet the tree density requirements of 100 DBH.

*The proposed project calls for the removal of 89 trees equaling 2,084 total inches, including 1,535 specimen DBH inches to be removed. Based on acreage, the entire site requires 681 DBH inches to meet the tree density requirements for commercial properties. Requiring the applicant to pay recompense for the missing tree density on the site would equate to over \$400,000. It is proposed that the applicant pay \$39,000 for tree recompense based on the applicant planting 369 inches for specimen recompense and a \$125 tree recompense fee per DBH inch to be replaced for the remaining 312 inches of site density required.*

2. Waiver from Section 350-25(a) to not bury the utilities.

*There are no severe topographical or other conditions peculiar to the site that would cause an unnecessary hardship to not bury the utilities. The applicant can pay into the City of Chamblee Utility Conversion Fund in lieu of not burying the utilities.*

### **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, and the variances and waivers for Phase 1, the commercial office building and immediate surrounding area, PZ2019-561 subject to the following conditions of approval:

1. Approval is for Phase 1 only, which consists of the commercial office building and the immediately surrounding hardscape and landscape areas.

2. Phase 1 shall be constructed in substantial conformity with EXHIBIT A: DCI Plan Book for Chamblee Town Center, dated received February 8, 2020, with revisions required by conditions of approval as reviewed and approved by the Planning & Development Director.
3. The applicant shall apply for a Major Modification to this DCI for Phase 2 and receive all required approvals for such application prior to issuance of a Land Disturbance permit.
4. Retail and/or restaurant uses shall be provided along Peachtree Road and along the proposed plaza. Such space shall be clearly delineated in the Major Modification for this DCI referenced in Condition No. 3 above.
5. The applicant shall pay tree recompense in the amount of \$39,000 prior to issuance of a Land Disturbance Permit.

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

15. Variance from Ch. 2, Sec. 9B.2 to allow a General Building type (office) to be built along a storefront street.
16. Variance from Ch. 2, Sec. 9B.3 to allow a General Building type (office) to be built along Peachtree Road.
21. Variance from Section 230-27(g) to allow above ground accessory mechanical systems to be located between the building and the street.
23. Variance from Section 250-7(a)(8) to not provide inter-parcel connectivity to the adjacent property to the west.
24. Variance from Section 250-20 to reduce the minimum number of loading spaces for the commercial office building from 3 spaces to 1 space.
26. Variance from Section 260-9(b)(1)(a) to allow a projecting sign to project 60 inches rather than 48 inches beyond the face of the building.
1. Waiver from Section 320-39(a)(1) to not meet the tree density requirements of 100 DBH.

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

12. Variance from Ch. 2, Sec. 4F to allow the floor-to-ceiling height of the ground floor to be 17'4" rather than the required 18' minimum for a General Building Type (office).
13. Variance from Ch. 2, Sec. 8A to not provide pedestrian entrances on storefront streets.
2. Waiver from Section 350-25(a) to not bury all overhead utilities.

Staff recommends **WITHDRAWAL** of the following variance and waiver requests

1. Variance from Ch 2, Sec. 3B.1 to increase the number of multifamily units with a floor area of less than 800 SF from 60% to 70%.

2. Variance from Ch. 2, Sec. 3B.2 to not have balconies that are at least 32 SF.
3. Variance from Ch. 2, Sec. 3B.3 to allow balconies on more than one-third of the length of any street-facing facade story to consist of balconies, up to 80% of the story on the street-facing facade elevation.
4. Variance from Ch. 2, Sec. 3C.2 to permit up to six live-work units to be 1,500 SF and not the required 2,400 SF; and to allow the nonresidential space of the live-work unit be 350 SF rather than 500 SF.
5. Variance from Ch. 2, Sec. 3D.1c to not provide a five-foot-wide pedestrian entrance and walkway through the parking structure connecting to sidewalks and other buildings.
6. Variance from Ch. 2, Sec. 3D.2a to allow the parking structure's external openings not to be screened with decorative elements.
7. Variance from Ch. 2, Sec. 3D.2b to not conceal automobiles from visibility from any public ROW or private drive or street that is open to the public.
8. Variance from Ch. 2, Sec. 3D.2c to not provide 40% shade cover on the parking garage roof level.
9. Variance from Ch. 2, Sec. 3D.2d to not construct the parking structure to enable future conversion to residential or nonresidential uses.
10. Variance from Ch. 2, Sec. 4E to reduce the required fenestration on a ground floor from 70% to 24% for a Mixed-Use Building type.
11. Variance from Ch. 2, Sec. 4E to allow the floor-to-ceiling height of the ground floor to be 17'4" rather than the required 18' minimum for a Mixed-Use Building type.
14. Variance from Ch. 2, Sec. 9B1 to allow more than 75% of the linear building frontage along the Rail Trail to be residential.
17. Variance from Ch. 2, Sec. 11A.1 to not install the Rail Trail in the location shown in the Regulating Plan.
18. Variance from Ch. 2, Sec. 12B.1 to reduce the number of required bicycle parking spaces from 102 to 52 short-term and 91 to 52 long-term spaces.
19. Variance from Ch. 2, Sec. 12C.3 to allow loading structures and bays to face the Rail Trail.
20. Variance from Section 230-6(d)(1) to allow the retaining walls located within 10 feet of a sidewalk to exceed the maximum height of 2 feet up to 4 feet and retaining walls in the interior side and rear yards to exceed 8 feet.
22. Variance from Section 230-28(a)(1) to not use non-combustible materials for a building three or more stories.
25. Variance from Section 260-5 to allow a prohibited roof sign.
27. Variance from Section 260-9(a)(4) to not meet the wall sign regulations for a planned center building.

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

The Design Review Board met and reviewed the project on February 26, 2020 and had the following comments and recommendations related to Phase 1:

1. Approval of waiver request 2, from the UDO, Section 350-25(a), to not bury all overhead utilities, should be contingent on the City adopting a plan to bury utilities as part of a streetscape or other City project.
2. If approved by Council, the DCI approval should be conditioned so that the multi-family architecture receives review and approval by the Design Review Board.
3. The applicant shall provide documentation of a request to DeKalb County for installing backflow preventers in a vault as opposed to above ground.

### **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, and the variances and waivers for Phase 1, PZ2019-561 subject to the following conditions of approval with **additions** from the DRB:

1. Approval is for Phase 1 only, which consists of the commercial office building and the immediately surrounding hardscape and landscape areas.
2. Phase 1 shall be constructed in substantial conformity with EXHIBIT A: DCI Plan Book for Chamblee Town Center, dated received February 8, 2020, with revisions required by conditions of approval as reviewed and approved by the Planning & Development Director.
3. The applicant shall apply for a Major Modification to this DCI for Phase 2 and receive all required approvals for such application prior to issuance of a Land Disturbance permit.
4. Retail and/or restaurant uses shall be provided along Peachtree Road and along the proposed plaza. Such space shall be clearly delineated in the Major Modification for this DCI referenced in Condition No. 3 above.
5. The applicant shall pay tree recompense in the amount of \$39,000 prior to issuance of a Land Disturbance Permit.
6. **No continuous retaining wall shall be greater in height than four feet for any specific segment, unless other means are implemented to screen the wall.**
7. **The private drive that bisects the super block shall be adorned in street trees similar to Broad Street and Ingersoll Rand Drive.**

**Attachments:**

- 1 – DCI Plan Book
- 2 – Application and Letter of Intent
- 3 – Maps