

**PLANNING AND DEVELOPMENT DEPARTMENT  
STAFF REPORT**

Public Hearing Date: April 15, 2021

Item #: PZ2020-729

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**THE GORDON DCI – 3543 AND 3553 CHAMBLEE TUCKER ROAD**

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**Project Name:** The Gordon  
**Applicant and Owner:** Rod Mullice, Windsor Stevens Holdings  
**Proposed Development:** 120 Condo Units with first-floor retail/commercial uses  
**Request:** Development of Community Impact (DCI), 18 variances and one (1) waiver  
**Site Addresses:** 3543 and 3553 Chamblee Dunwoody Rd  
**Parcel Numbers:** 18 308 04 003 and 002  
**Staff Recommendation:** **APPROVAL** of the DCI and seven (7) variances, and **DENIAL** of eleven (11) variances and one (1) waiver



**Current Zoning:** Planned Unit Development (PUD) – The site is located within the Downtown Chamblee Town Center PUD.  
“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:** Unoccupied commercial building and a vacant lot

**Surrounding Land Uses:** North – PUD: Day care facility  
 South – PUD: Commercial businesses  
 East – PUD: Commercial businesses  
 West – VC: Townhomes under construction

**Character Area and Future Development Map:**

The property is located within the Downtown Chamblee character area of the Comprehensive Plan. The vision of the Downtown Chamblee character area is that it, *“will 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.”* Recommended uses include: *“Any combination of residential, commercial, office, and public/institutional uses.”*

**Site Description:**

The 1.38-acre site, currently comprised of two parcels, is located in the Town Center LCI study area and includes a vacant commercial building and surface parking lot. There are a total of three curb cuts on Chamblee Dunwoody Rd. An intermittent 4 ft-wide sidewalk runs along parts of the southern half of the property frontage just behind the street curb. An on-street stormwater drop inlet and fire hydrant are located in front of the building. Above-ground utilities span the length of the street in front of both parcels. The site slopes upward from the street to the rear of the property, with a steep downward slope along the northern property line toward the adjacent property to the north. The property is surrounded by a 6 ft chain link fence. There are some mature trees on the site, mostly along the north and east lot lines.

**History of the Property:**

The building at 3543 Chamblee Dunwoody Rd was built in 1971 and served most recently as the Northside Women’s Clinic until it closed years ago. In 2019, the developer received approval of a DCI, with variances and waivers, for the construction of two mixed-use buildings totaling 69,118 square feet, with 56 residential condominium units, 7,000 square feet of retail/restaurant space, and surface parking, in zoning application PZ2019-509. A land disturbance permit (LDP) was applied for in 2019, but a permit was never issued. That permit application has since expired.

**Description of the Proposed Project:**

A summary of the project scope is as follows:

- Demolish the existing building and parking lot;
- Construct a 147,740 square foot mixed-use building with 120 condominiums and 7,990 square feet of retail space. The building would primarily consist of pre-cast concrete with an in-laid brick exterior brick and glass windows;
- Construct a 218-space pre-cast concrete parking garage screened by liner buildings on the north and west facades and a decorative metal screen on the south and east facades;
- Provide six (6) surface parking spaces for the retail space accessed from one curb cut on Chamblee Dunwoody Rd;
- Rooftop amenity and pool on the parking garage; and
- Install a 5 ft-wide landscape strip with street trees and pedestrian lights and the 12 ft-wide Rail Trail multi-use path on Chamblee Dunwoody Rd and along the northern property line as shown in the Regulating Plan of the Downtown Chamblee Town center PUD Pattern Book.

**Applicable UDO Standards:**

	<b>Required</b>	<b>Proposed</b>
Percentage of units with a floor area less than 800 SF	60% (max)	85%
Setback along the Rail Trail	5 ft (min)	1.2 ft encroachment
Retaining wall height along Rail Trail and adjacent use	2 ft	2.5 ft
Building height	7-stories or 110 ft (whichever is less)	8-stories (98.5 ft max)
Balconies on the street facing facade	33% (max)	36%
Fenestration on the ground floor of a mixed-use building	70% (min)	48%
Construct the mixed-use building to the back of the supplemental zone	65% (min)	59.3%

Fenestration on the upper stories of a mixed-use building	40% (max)	44%
Off-street loading space	1	0
Hardscape within open space	25% (max)	43%
Floor-to-ceiling height on the ground floor of a mixed-use building	18 ft (min)	11 ft

**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.**

*Design of the mixed-use building and streetscape would be in general harmony with the character of the surrounding area. While the immediate area is largely low-rise commercial, including automotive, warehouse uses, and a daycare, the site is located within the PUD zoning district where mixed-use development is encouraged. The Chamblee City Heights mixed-use development was recently approved by City Council on the north side of American Industrial Way and the Downtown Chamblee Residential development was approved by City Council on the south side of American Industrial Way and Chamblee Dunwoody Rd in the nearby VC zoning district. The mixed-use and residential uses are in keeping with the changing land use pattern of the area. The mass and placement of the design are also in keeping with newer developments nearby that are oriented along the street frontage. The proposed parking garage is wrapped by liner buildings on the north and west facades and will be screened with decorative metal on the south and east facades. The Rail Trail will be installed along Chamblee Dunwoody Rd and along the north side of the property. The building is in the Mercantile style constructed of pre-cast concrete with inlaid brick walls. Although balconies are discouraged on street-facing facades on Mercantile-style buildings, balconies are proposed on all facades of the mixed-use building and will be constructed of metal as required in the PUD Pattern Book. However, the height of the building exceeds the allowable height of 7-stories by 1-story, for which a variance has been requested.*

- 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 the Mixed-Use building type, designed primarily in the Mercantile architectural style. Materials include inlaid brick walls and glass windows, as*

*are required to be the primary materials for Mercantile building architecture in the PUD Pattern Book. However, the parking garage is pre-cast concrete surrounded by liner buildings on the north and west, with an undetermined decorative metal screening proposed on the south and east. The building's fenestration reduction on the ground floor, increase on the upper stories, and composition of windows that increase from the base to the cornice does not meet the requirements of the PUD Pattern Book. The building height also exceeds the maximum 7-stories permitted in the PUD zoning district.*

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

*There are no natural scenic views on the site that require protection. The site consists of a surface parking lot and vacant commercial building. Significant natural features are limited to trees along the north property line, which the applicant has proposed to remove in order to install the segment of the Rail Trail that is required to run through the area as shown in the Regulating Plan of the Downtown Chamblee Town center PUD Pattern Book. The mixed-use building will offer balconies to overlook the Rail Trail on Chamblee Dunwoody Rd and the north property line.*

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

*There are no negative visual or functional impacts on adjacent properties proposed by the scope of work. The proposed project will improve the appearance and functionality of the site. The residential units, commercial space, and parking garage will promote economic growth and offer parking opportunities for visitors while the installation of the Rail Trail on Chamblee Dunwoody Rd and through the property 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.**

*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 proposed parking garage is surrounded by liner buildings on the north and west to screen from view in the right-of-way and the Rail Trail. Additional decorative metal screening that has not been specified by the applicant is proposed on the south and east of the garage to protect the adjoining properties from potential negative visual impacts. A retaining wall along the north property line exceeds the maximum height permitted by 6 inches but is warranted due to significant topography.*

**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. Properties nearby have been approved for similar mixed-use developments. The proposed Rail Trail and streetscape will likely have a positive effect on the use and development of the surrounding area and encourage pedestrian traffic.*

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

*The proposed development will not have an adverse effect on nearby property. The applicant is proposing to install the Rail Trail and streetscape as shown in the Regulating Plan of the PUD Pattern Book and will encourage pedestrian traffic.*

**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 of 120 condominium units and approximately 8,000 square feet of retail space is unlikely to result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. According to the Chamblee Mobility Multimodal Transportation Plan, Chamblee Dunwoody Road is a candidate for land realignment from four to three through lanes, indicating that it currently has excess capacity. The proposed redevelopment, which does not trigger a traffic impact study, was reviewed by the City Engineer, according to whom no improvements are required.*

*The project would include all the stormwater management improvements necessary to meet the regulations in the UDO. The applicant will have to obtain approval from DeKalb County Watershed as to whether sufficient sewer capacity is available for the development. The applicant will also need approval from the FAA for the building height and site design. The proposed development is projected by DeKalb County School District to increase the DeKalb County enrollment by five students.*

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

*The proposed development is in conformance with the Downtown Chamblee Town Center PUD district, except for the features for which variances or waivers have been requested. 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 proposed project accomplishes the goals of the PUD Pattern Book to promote quality building and site design; and to encourage innovations in quality mixed-use development so that growing demands of the population may be met by greater variety in type and design. The installation of the streetscape and Rail Trail on Chamblee Dunwoody Rd will support walking and biking on the street where currently an*

*intermittent sidewalk exists. Not meeting the fenestration requirements for a mixed-use building, exceeding the maximum building height, not constructing the parking garage to enable future conversion to residential or non-residential uses or providing adequate screening, and not providing inter-parcel connectivity are not in conformity with the PUD Pattern Book, or the underlying UDO regulations.*

**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 compatible blend of historic and modern buildings within a safe and walkable environment" (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 Phase 3 Rail Trail Plan (p. 56) calls for the installation of the Rail Trail along the subject property's east and north property lines.*

**Variations and waivers:**

The applicant requests the following concurrent variations from the Downtown Chamblee Town Center PUD Pattern Book:

1. Variance from Ch. 2, Sec. 3B1 to increase the percentage of units with a floor area less than 800 SF from 60% to 85%.
2. Variance from Ch. 2, 5B to allow the first-floor residential balconies to project 1.2 ft into the 5 ft setback along the Rail Trail.
3. Variance from Ch. 2, Sec. 3D.2d i-iv to not construct the parking garage to enable future conversion to residential or non-residential uses.
4. Variance from Ch. 2, Sec 13C.2 to exceed the retaining wall height of along the Rail Trail and the adjacent use at the north property line from 2 ft to 2.5 ft.
5. Variance from Ch. 2, Sec. 3D.2a to not screen the external openings of the parking garage with decorative elements, such as metal grill-work, brick screens, or louvers.
6. Variance from Ch.2, Sec. 5C to exceed the maximum building height from 7-stories to 8-stories.
7. Variance from Ch.2, Sec. 3B3 to exceed the percentage of the street-facing façade with balconies from one-third to 36%.
8. Variance from Ch.2, Sec. 4E to reduce the percentage of fenestration on the ground floor of a mixed-uses building type from 70% to 48%.
9. Variance from Ch. 4 Architectural Patterns for Mercantile Buildings to allow the upper-level fenestration window size to increase from the base zone to the cornice.

10. Variance from Ch. 2, Sec 3D.2b to not provide 40% shade cover on the roof level of the parking garage.
11. Variance from Ch. 2, Sec 9B4 to not construct the mixed-use building to at least 65% of the back of the supplemental zone.
12. Variance from Ch. 2, Sec 12C.2 to not provide an on-street loading space.
13. Variance from Ch. 2, Sec. 4E to increase the amount of fenestration on upper stories of a mixed-use building from 40% to 44%.

The applicant requests the following concurrent variances from Title 2 of the UDO:

14. Variance from Sec. 250-7(a)(8) to not provide inter-parcel access.
15. Variance from Sec. 230-30(a)(2) to increase the hardscape in the open space from 25% to 43%.
16. Variance from Sec. 230-20(b)(1) to not provide a minimum 18 ft floor-to-ceiling height on the ground floor of a building along the Rail Trail to varying heights.
17. Variance from Sec. 230-26(e)(3) to vary the spacing of trees in the landscape zone to varying distances to avoid utilities.
18. Variance from Sec. 230-27(g) to allow accessory mechanical systems to be located between the building and the street.

Per the review and approval criteria found in Sec. 280-32(a), the Mayor and City Council may authorize a Variance 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 small at just 1.38-acres compared to other recent multifamily or mixed-use developments. There is also unusually steep topography along the north property line of approximately 8 feet, sloping down to the adjacent property.*

**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 an encroachment into the 5 ft setback along the Rail Trail. The applicant proposes the balcony of one unit encroach 1.2 ft into the required 5 ft setback. In order for the balcony to be a minimum of 32 SF, the balcony will encroach into the required setback along the Rail Trail. The building would need to be redesigned to eliminate all balconies on the ground floor of the residential units along the Rail Trail or the retail space extended to eliminate the residential unit with the balcony that encroaches.*
- *Prohibiting the retaining wall between the Rail Trail and adjacent property from exceeding 2 ft. The proposed retaining wall is 2.5 ft high and necessary because of topography and an approximate 8 ft slope down towards the adjacent property.*

- *Requiring the building façade to be built to at least 65% of the back of the supplemental zone. As designed in a U-shape, the building will be built to the back of the supplemental zone for approximately 59.3% of the zone’s width. The relatively small size of the site and the installation of the streetscape and Rail Trail limit the ability to meet the requirement.*
- *Requiring an on-street loading space on Chamblee Dunwoody Rd. The Rail Trail Phase 3 Concept Design Study proposes the potential redesign of Chamblee Dunwoody Rd to enhance pedestrian and cycle mobility (p. 56). Chamblee Dunwoody Rd is a heavily trafficked street through Downtown and additional roadway improvements would make it impracticable for a safe on-street loading space, exacerbated by the horizontal curve in front of the site.*
- *Limiting the percentage of hardscape within the open space to 25%. The applicant is installing the required 12 ft Rail Trail along Chamblee Dunwoody Rd and the north property line as well 5 ft sidewalks to the parking garage. The required Rail Trail prohibits the applicant from meeting the 25% maximum hardscape within the open space.*
- *Requiring an 18 ft minimum ground floor, floor-to-ceiling height along a storefront street. In the PUD Pattern Book, the Rail Trail must also follow the regulations for storefront streets. The applicant is proposing residential units on the ground floor along the Rail Trail for approximately 40% of the building’s façade. The site would need to be redesigned and commercial space provided on the entirety of the ground floor in order to accommodate an 18 ft floor-to-ceiling height.*
- *Prohibiting a variation in the spacing of street trees in the landscape zone. The applicant is proposing to vary the required planting distance of 40 ft on center for trees along Chamblee Dunwoody Rd to accommodate existing utilities. The applicant can work with staff during the permitting process to install the trees as closely as possible to the required distance.*

*There is no hardship related to the requests to increase the percentage of units with a floor area less than 800 SF, not construct the parking garage to enable future conversion, not screen the external openings of the parking garage with decorative elements, exceed the maximum building height, exceed percentage of the street-facing façade with balconies, reduce fenestration on the ground floor, increase window size from the base to cornice, not provide shade cover on the roof level of the parking garage, increase fenestration on the upper stories, not provide inter-parcel connectivity, and allow accessory mechanical systems between the building and the street.*

**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 multifamily and mixed-use properties. The relatively small size of 1.38-acres*

*and the 8 ft slope to the adjoining property to the north are uncommon for recently redeveloped, mixed-use site within the surrounding area.*

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

*The topographical and size conditions are not the result of the property owner or 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 PUD Pattern book and UDO:*

- *Increasing the percentage of units with a floor area less than 800 SF would impair the intent of the zoning ordinance. The applicant proposes increasing the percentage from 60% to 85% with unit sizes ranging from 386 SF to 742 SF. The building could be redesigned to increase the unit size to meet the requirement while still providing a sufficient number of condominiums as was originally proposed in the previous DCI.*
- *Not constructing the parking garage to enable future conversion to residential or non-residential uses would impair the intent of the zoning ordinance. There are no minimum parking requirements within the PUD zoning district, and the parking garage could be converted to additional housing in the future if it were constructed as required.*
- *Not screening the external openings of the parking garage with decorative elements such as metal grill-work, brick screens, or louvers would impair the intent of the ordinance and may be detrimental to the public good. The applicant does propose screening the south and east facades of the garage with an as-yet determined decorative mesh screen. However, depending on the proposed design and material, there may be a negative visual impacts on the adjoining properties if automobiles are not sufficiently screened.*
- *Exceeding the maximum building height of 7-stories or 100 ft, whichever is less. The building is proposed to be 8-stories and 98.5 ft at the highest point along the Rail Trail where residential units extend to the ground floor. The site could be redesigned to meet the height requirement while still providing a sufficient number of condominium units.*
- *Exceeding the percentage of the street-facing façade with balconies from one-third (33%) to 36% would impair the intent of the zoning ordinance. Balconies are discouraged on street-facing façades and the applicant could reduce the number of Juliette balconies provided by 3% to meet the zoning requirement.*
- *Reducing the percentage of fenestration on the ground floor of a mixed-uses building type from 70% to 48% would impair the intent of the zoning ordinance. The building is designed in an arcade style along Chamblee Dunwoody Rd. The building's architecture could be redesigned to include more fenestration to meet the requirement on the ground*

*floor while still maintaining the architectural design intent of the mercantile building type.*

- *Allowing the upper-level fenestration window size to increase from the base zone to the cornice would impair the intent of the ordinance. Windows on mercantile buildings are to either maintain the same size or decrease in size from the ground floor up. The applicant could redesign the building to maintain the window size on the uppermost story to meet the requirement while maintaining the architectural design intent of the mercantile building type.*
- *Not providing 40% shade cover on the roof level of the parking garage impairs the intent of the ordinance and could be detrimental to the public good. The upper level of the parking garage will consist of a pool and amenity space for residents, but the remainder of the roof level garage could still provide 40% shade cover to reduce the heat island effect and shade residents' vehicles.*
- *Increasing the amount of fenestration on the upper stories of a mixed-use building from 40% to 44% would impair the intent of the ordinance. The building architecture could be redesigned to reduce the fenestration by 4% on the upper stories to meet the regulation.*
- *Not providing inter-parcel connectivity would impair the intent of the ordinance. Inter-parcel connectivity provides safe access to and through adjoining properties. An access easement could be provided for future inter-parcel connectivity.*
- *Allowing accessory mechanical systems to be located between the building and the street. The applicant has not provided the precise location for any accessory mechanical systems or features but could work with DeKalb County to accommodate any required systems in ground vaults or in the building.*

*Relief from the remaining requirements would not be detrimental to the public good nor impair the purposes of the UDO. They would allow for a site design that meets the intent of the PUD Pattern book and UDO, and provides additional housing options, enhances the pedestrian experience, while also providing employment opportunities at a site that has remained vacant for an extensive period.*

**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 the following concurrent waiver from Title 3 of the UDO:

1. Waiver from Sec. 320-39(a)(1) for the tree density on the landscape plan to provide 33.5 inches in diameter-at-breast-height (DBH) and submit recompense for the remaining density.

*Although the applicant proposes planting 33.5 inches DBH and submitting recompense for the remaining 104.5 inches DBH, there are no topographical conditions that prohibit additional trees from being planted, particularly along the Rail Trail.*

**Design Review Board Comments and Recommendations:**

The Design Review Board met and reviewed the project on March 31, 2021 and they had the following comments and recommendations:

DRB recommended approval of the following Variances:

4. Variance from Ch. 2, Sec 13C.2 to exceed the retaining wall height of along the Rail Trail and the adjacent use at the north property line from 2 ft to 2.5 ft.
5. Variance from Ch. 2, Sec. 3D.2a to not screen the external openings of the parking garage with decorative elements, such as metal grill-work, brick screens, or louvers.
7. Variance from Ch.2, Sec. 3B3 to exceed the percentage of the street-facing façade with balconies from one-third to 36%.
8. Variance from Ch.2, Sec. 4E to reduce the percentage of fenestration on the ground floor of a mixed-uses building type from 70% to 48%.
9. Variance from Ch. 4 Architectural Patterns for Mercantile Buildings to allow the upper-level fenestration window size to increase from the base zone to the cornice.
10. Variance from Ch. 2, Sec 3D.2b to not provide 40% shade cover on the roof level of the parking garage.
11. Variance from Ch. 2, Sec 9B4 to not construct the mixed-use building to at least 65% of the back of the supplemental zone.
12. Variance from Ch. 2, Sec 12C.2 to not provide an on-street loading space.
13. Variance from Ch. 2, Sec. 4E to increase the amount of fenestration on upper stories of a mixed-use building from 40% to 44%.
14. Variance from Sec. 250-7(a)(8) to not provide inter-parcel access.
15. Variance from Sec. 230-30(a)(2) to increase the hardscape in the open space from 25% to 43%.
17. Variance from Sec. 230-26(e)(3) to vary the spacing of trees in the landscape zone to varying distances to avoid utilities.
18. Variance from Sec. 230-27(g) to allow accessory mechanical systems to be located between the building and the street.

DRB recommended denial of the following Variances:

1. Variance from Ch. 2, Sec. 3B1 to increase the percentage of units with a floor area less than 800 SF from 60% to 85%.

DRB recommended approval of the following Waivers:

1. Waiver from Sec. 320-39(a)(1) for the tree density on the landscape plan to provide 33.5 inches in diameter-at-breast-height (dbh) and submit recompense for the remaining density.

The Board had no recommendations on the following Variances:

2. Variance from Ch. 2, 5B to allow the first-floor residential balconies to project 1.2 ft into the 5 ft setback along the Rail Trail.
3. Variance from Ch. 2, Sec. 3D.2d i-iv to not construct the parking garage to enable future conversion to residential or non-residential uses.
6. Variance from Ch.2, Sec. 5C to exceed the maximum building height from 7-stories to 8-stories.
16. Variance from Sec. 230-20(b)(1) to not provide a minimum 18 ft floor-to-ceiling height on the ground floor of a building along the Rail Trail to varying heights.

DRB recommended the following conditions of approval:

1. The applicant shall screen the parking garage with materials similar to the building materials.
2. The applicant shall reduce the height of the structure where feasible in the rear of the site adjacent to the Rail Trail.
3. The applicant shall provide at least 40% shade cover on the on the roof top amenity space.
4. The applicant shall designate a parking space in the parking garage for small vehicle delivery.
5. The applicant shall install the street trees and pedestrian lights to the maximum extent possible due to existing utilities. Where trees are not possible to be planted, shrubbery shall be used as a replacement.

**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 Development of Community Impact (DCI) application, in case PZ2021-729.

Staff recommends the following exhibits and conditions (DRB conditions underlined and bold):

1. The development shall be constructed in substantial conformity with Exhibit A: Updated DCI Plan Book dated received March 17, 2021, with revisions required by conditions of approval as reviewed and approved by the Planning & Development Director.
2. **The applicant shall screen the parking garage with materials similar to the building materials.**

3. **The applicant shall designate a parking space in the parking garage for small vehicle delivery.**
4. **The applicant shall install the street trees and pedestrian lights to the maximum extent possible due to existing utilities. Where trees are not possible to be planted, shrubbery shall be used as a replacement.**

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

2. Variance from Ch. 2, 5B to allow the first-floor residential balconies to project 1.2 ft into the 5 ft setback along the Rail Trail.
4. Variance from Ch. 2, Sec 13C.2 to exceed the retaining wall height of along the Rail Trail and the adjacent use at the north property line from 2 ft to 2.5 ft.
11. Variance from Ch. 2, Sec 9B4 to not construct the mixed-use building to at least 65% of the back of the supplemental zone.
12. Variance from Ch. 2, Sec 12C.2 to not provide an on-street loading space.
15. Variance from Sec. 230-30(a)(2) to increase the hardscape in the open space from 25% to 43%.
16. Variance from Sec. 230-20(b)(1) to not provide a minimum 18 ft floor-to-ceiling height on the ground floor of a building along the Rail Trail to varying heights.
17. Variance from Sec. 230-26(e)(3) to vary the spacing of trees in the landscape zone to varying distances to avoid utilities.

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

1. Variance from Ch. 2, Sec. 3B1 to increase the percentage of units with a floor area less than 800 SF from 60% to 85%.
3. Variance from Ch. 2, Sec. 3D.2d i-iv to not construct the parking garage to enable future conversion to residential or non-residential uses.
5. Variance from Ch. 2, Sec. 3D.2a to not screen the external openings of the parking garage with decorative elements, such as metal grill-work, brick screens, or louvers.
6. Variance from Ch.2, Sec. 5C to exceed the maximum building height from 7-stories to 8-stories.
7. Variance from Ch.2, Sec. 3B3 to exceed the percentage of the street-facing façade with balconies from one-third to 36%.
8. Variance from Ch.2, Sec. 4E to reduce the percentage of fenestration on the ground floor of a mixed-uses building type from 70% to 48%.
9. Variance from Ch. 4 Architectural Patterns for Mercantile Buildings to allow the upper-level fenestration window size to increase from the base zone to the cornice.

10. Variance from Ch. 2, Sec 3D.2b to not provide 40% shade cover on the roof level of the parking garage.
13. Variance from Ch. 2, Sec. 4E to increase the amount of fenestration on upper stories of a mixed-use building from 40% to 44%.
14. Variance from Sec. 250-7(a)(8) to not provide inter-parcel access.
18. Variance from Sec. 230-27(g) to allow accessory mechanical systems to be located between the building and the street.
1. Waiver from Sec. 320-39(a)(1) for the tree density on the landscape plan to provide 33.5 inches in diameter-at-breast-height (dbh) and submit recompense for the remaining density.

**Attachments:**

Attachment 1 – Exhibit A: DCI Plan Book, dated received March 17, 2021

Attachment 2 – Application

Attachment 3 – Maps

Attachment 4 – DeKalb County School Report

Attachment 5 – Previously approved plans from PZ2019-509

Attachment 6 – Action Letter from PZ2019-509

**Site Visit:**

