

**PLANNING AND DEVELOPMENT DEPARTMENT  
STAFF REPORT**

City Council Meeting Date: April 15, 2021

Item #: PZ2021-746

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**PRUITTHEALTH DCI – 5238 PEACHTREE ROAD**

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**Project Name:** PruittHealth Inc. Headquarters  
**Applicant and Owner:** Unico Insurance Company, Ltd.  
**Proposed Development:** Mixed-use office building  
**Requests:** Development of Community Impact (DCI); 9 variances and 3 waivers  
**Site Addresses:** 5238 Peachtree Road  
**Parcel Numbers:** 18 299 14 001  
**Staff Recommendation:** **APPROVAL** of DCI, **eight (8) variances, and two (2) waivers;**  
**DENIAL** of one (1) variance and one (1) waiver



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

**Current Use:** Commercial

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

**Character Area and Future Development Map:**

The Future Land Use Map calls for office use on the subject site.

This property is located within the Downtown Chamblee character area of the Comprehensive Plan. The vision of the Downtown Chamblee character area is: *“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.”*



**Site Description:**

The 2.83-acre site consists of a single parcel located at the intersection on the northeast corner of Peachtree Road and Malone Drive. The property is in the Town Center LCI study area. It currently contains a 19,545-square-foot, one-story brick building that is oriented toward a large surface parking lot, accessed off of two curb cuts on Malone Drive, that wraps around to the north side of the property. There is an existing inter-parcel connection with the property to the north. The site slopes gradually downward from south to north, away from Peachtree Road. While the property is located near a Runway Protection Zone (RPZ), just south of the site, it is not located in one. There is a five-foot-wide sidewalk on Peachtree Rd and Malone Drive and some existing trees along Peachtree Road. The property has frontage on a section of Peachtree Road where the City streetscape project is currently in progress and nearing completion. Some streetscape improvements have been recently installed by the City along the property frontage on Peachtree Road.

**History of the Property:**

According to tax records, the property was developed in 2007, with the building used as commercial space and previously as the Senior Connections senior center. In November of 2019, the property was approved for a Development of Community Impact. PZ2019-522 was a DCI for PruithHealth Inc. Headquarters. The development was approved for a complete redevelopment of the existing property into a 197,455-square-foot, five-story office building with a fitness center and café that would be open to the public but not be separate businesses from PruittHealth. The development also included a new curb cut on Peachtree Road and closure of the existing curb cut on the south end of Malone Drive, construction of a 550-space parking deck and installation of streetscape in the front and street side yard of the property.

**Description of the Proposed Project:**

Similar to PZ2019-522, the applicant proposes to completely redevelop the existing property into a five-story office building with a fitness center and café that would be open to the public. However, the applicant is now requesting the project be completed over a 10-year phasing plan. Phase one would include the construction of a 124,767 square foot office building with the café and fitness center and a surface parking lot with 98 parking spaces. Phase one of the project will also include construction of a new curb cut on Peachtree Road and closure of the existing curb cut on the south end of Malone Drive as well as installation of streetscape. Phase two would include an additional 150,992 square feet of office and a 72,822 square foot parking deck with 171 parking spaces, with some of the office floor area located above the parking garage.

	Required	Proposed	
		Phase I	Phase II
Max. % of open space to be impervious	25%	37.10%	43.5%
Max. retaining wall height adjacent to sidewalk	2 ft	3 ft	
Max. supplemental zone height above sidewalk	24 in	36 in	
Supplemental zone width	8 ft	Malone Drive - Up to 25 feet Peachtree Road - Up to 63.2 feet	
Max. Signage per façade	2	4	
Min. parking structure floor-to-ceiling height	15 ft	n/a	10 ft
Max. driveway width at property line	24 ft	26 ft	
Min. driveway spacing	125 ft	56 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.**

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

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

- 2. Design components shall be planned such that they are physically and aesthetically related and coordinated with other elements of the project and surrounding environment to ensure visual continuity of design.**

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

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

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

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

*There are no negative functional impacts proposed by the scope of work. The proposed project will improve the appearance and functionality of the site. The installation of the streetscape on Malone Drive will provide continuous connection to the adjoining properties and promote pedestrian safety. The commercial space and parking garage will promote economic growth and offer parking opportunities for visitors and MARTA riders.*

- 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 surrounding areas include redevelopment of existing structures or construction of new commercial and mixed-use developments. The proposed design, which is similar to other nearby mixed-use developments, is generally in keeping with the character of the Downtown Chamblee corridor. There is no noteworthy historical character in the surrounding area in which the site is proposed.*

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

*The exterior forms of the building and parking deck, and site features such as walls and stoops are generally in conformity with and secondary to the building itself.*

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

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

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

*The proposed development would not adversely affect the existing use or usability of adjacent or nearby properties. The new office employees in the area would increase the number of customers for nearby businesses, and the proximity to MARTA and the Rail Trail would offer non-motorized transportation options.*

**9. The proposed development does not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.**

*The proposed use would not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities or utilities. The project triggered a required traffic study, which was reviewed by the City Engineer, who did not recommend any conditions of approval. This traffic study was conducted in 2019, prior to the COVID-19 Pandemic. In addition, there will not be any impact on nearby schools. Further, to determine the impact on utilities, the applicant will be required at the time of permitting to get DeKalb County Watershed approval for sewer capacity.*

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

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

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

*The Comprehensive Plan calls for the Downtown Chamblee character area to be an area that supports transit-oriented lifestyle with associated housing, services and employment. The proposed project would be in line with this vision.*

*The proposal is also largely in conformance with the provisions of the Town Center LCI study, which states that “special interest should be given to attracting office uses, which will increase pedestrian activity during the day and into the early evening and support*

*additional retail over time” (p. 49). Transit-oriented, pedestrian-friendly development is encouraged throughout the study.*

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

### **Variations and waivers:**

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

1. Variance from Section 230-30(a)(2) to increase the amount of impervious open space from 25% to 37.10 in Phase 1 and 43.5% in Phase 2;
2. Variance from Section 230-6(d) to increase the allowable height of retaining walls in the front or street side yards from 2 feet to 3 feet;
3. Variance from Section 230-26(g)(1)(a)(5) to increase the height of the supplemental zone from 24 inches to up to 36 inches higher than the adjacent sidewalk;
4. Variance from Section 230-26(a) to increase the width of the supplemental zone from 8 feet to up to 25 feet along Malone Drive and from 8 feet to up to 63.2 feet along Peachtree Road;
5. Variance from Section 230-27(g) to allow above ground utilities to be located in front of the proposed building to accommodate ground backflow preventers required by DeKalb County to be installed for the new improvements;
6. Variance from Section 260-9(a)(3)(d) to allow 4 wall signs on the Peachtree Road façade;
7. Variance from Section 240-13(b)(40)(b) to allow the above ground decks of the parking garage to face a public street and to not be screened from view from public and private streets and other properties by liner buildings;
8. Variance from Section 240-13(b)(40)(h) to allow the parking structure to be constructed without flat floor plates on every above ground level; and
9. Variance from Section 240-13(b)(40)(i) to allow the parking structure to reduce the minimum floor-to-ceiling height from 15 feet to 10 feet.

Per the review and approval criteria found in Sec. 280-32(a), the Mayor and City Council may authorize variations from the provisions of the UDO only after making the following findings:

- a. **There are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape or topography;**

*There are no extraordinary size, shape, or topography issues on the property. The property has a grade change of approximately 11 feet, sloping from east to west and south to north.*

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

*There are no extraordinary conditions on the property that would lead to an unnecessary hardship if the zoning ordinance is applied.*

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

*There are no extraordinary conditions that are peculiar to the property. The size, shape and topography of the site is standard compared to the properties in the surrounding area.*

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

*There are no extraordinary conditions on the property. The requested variances are due to the specific site and building plans proposed by the applicant.*

**e. Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this zoning ordinance.**

*Relief from the zoning ordinances would not cause substantial detriment to the public good nor impair the purposes or intent of the zoning ordinance. The increase in impervious open space would allow for more urbanized open space along both street frontages, which is appropriate in this location. Likewise, the proposed increase in supplemental zone width would allow for additional plaza space while maintaining an appropriate setback. Locating limited utilities in the supplemental zone as requested would not detract from the public good. Allowing variances from the parking deck requirements would also not impair the purposes of the UDO. The applicant has incorporated several architectural features and has even added additional office space above the structure in order to conceal the appearance of it.*

**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 waivers from Title 3 of the UDO:

1. Waiver from Section 350-2(a)(1)(c) to exceed the maximum driveway from 24 feet to 26 feet.

*The proposed driveway width along Malone Drive exceeds the maximum allowable driveway width for a two-way entrance by an additional two feet. The applicant is seeking this request for emergency and service vehicles access to and from the site as well as traffic relief. Granting this waiver will not be a detriment to the public good.*

2. Waiver from Section 350-2(a)(2)(a) to allow driveway spacing to be 56 feet from the driveway on the adjacent property.  
*Relief from this request would not be a detriment to the public good. The applicant proposes to keep the existing driveway along Malone Drive in place due to an existing access easement shared with the adjacent property to the north.*
  
3. Waiver from Section 350-25(a) to not bury all overhead utilities.  
*Due to existing underground service lines, it would not be possible for the applicant to bury additional utilities. Therefore, there are extraordinary and exceptional conditions pertaining to this property.*

**Design Review Board Comments and Recommendations:**

The Design Review Board met and reviewed the project on December 30, 2020 and they had the following comments and recommendations:

**The Board recommended approval of the DCI with the following recommendations on the variance and waiver requests:**

1. Variance from Section 230-30(a)(2) to increase the amount of impervious open space from 25% to 37.10 in Phase 1 and 43.5% in Phase 2.  
**Recommend approval if more of the pervious surface be shared with the public open space areas (not all in the courtyard). This could be done by shifting some of the pervious from private to public side, or by reducing the impervious in the public spaces.**
2. Variance from Section 230-6(d) to increase the allowable height of retaining walls in the front or street side yards from 2 feet to 3 feet.  
**Recommend Approval**
3. Variance from Section 230-26(g)(1)(a)(5) to increase the height of the supplemental zone from 24 inches to up to 36 inches higher than the adjacent sidewalk.  
**Recommend Approval**
4. Variance from Section 230-26(a) to increase the width of the supplemental zone from 8 feet to up to 25 feet along Malone Drive and from 8 feet to up to 63.2 feet along Peachtree Road.  
**Recommend Approval.**
5. Variance from Section 230-27(g) to allow above ground utilities to be located in front of the proposed building to accommodate ground backflow preventers required by DeKalb County to be installed for the new improvements;  
**Recommend Approval.**
6. Variance from Section 260-9(a)(3)(d) to allow 4 wall signs on the Peachtree Road façade.  
**No Recommendation.**
7. Variance from Section 240-13(b)(40)(b) to allow the above ground decks of the parking garage to face a public street and to not be screened from view from public and private streets and other properties by liner buildings.

**Recommend Approval of variances 7, 8 and 9 but recommend that the façade treatment on the parking deck portions that face Peachtree Rd be redesigned to more closely mimic the façade and fenestration pattern of the main office building.**

8. Variance from Section 240-13(b)(40)(h) to allow the parking structure to be constructed without flat floor plates on every above ground level.

**See #7**

9. Variance from Section 240-13(b)(40)(i) to allow the parking structure to reduce the minimum floor-to-ceiling height from 15 feet to 10 feet.

**See #7**

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

1. Waiver from Section 350-2(a)(1)(c) to exceed the maximum driveway from 24 feet to 26 feet.

**Recommend Approval**

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

**Recommend Approval**

3. Waiver from Section 350-25(a) to not bury all overhead utilities.

**Recommend Denial**

**Staff Recommendation:**

Based on the analysis of this application, using the standards and criteria found in Chapter 280 and Chapter 300 of the UDO, Staff recommends **APPROVAL** of the Development of Community Impact application PZ2021-746.

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

1. The development shall be constructed in substantial conformity with the DCI Application and plans received March 12, 2021 with revisions required by conditions of approval as reviewed and approved by the Planning and Development Director.
2. The accessory commercial spaces shall be designed and constructed as separate, leasable tenant spaces from the principal office space and shall be open to the public. The accessory commercial spaces may be operated by the same entity as the principal office space. The restaurant space shall include a dedicated outdoor seating area and be accessible from the sidewalk.
3. The ground level of the proposed parking deck shall be made available for use by the public after normal hours of the office (i.e. nights and weekends). Public access to the parking deck shall be subject to the owner/operator's rules and regulations and may be restricted during special events on the property. The parking deck may be gated, and a fee may be charged for access to the parking deck. The public accessibility required by this

condition shall be subject to the City of Chamblee's assumption of liability and notification of the owner/operator for the public access to the proposed parking deck.

4. **The façade treatment on the parking deck portions that face Peachtree Rd shall be redesigned to more closely mimic the façade and fenestration pattern of the main office building.**

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

1. Variance from Section 230-30(a)(2) to increase the amount of impervious open space from 25% to 37.10 in Phase 1 and 43.5% in Phase 2.
2. Variance from Section 230-6(d) to increase the allowable height of retaining walls in the front or street side yards from 2 feet to 3 feet.
3. Variance from Section 230-26(g)(1)(a)(5) to increase the height of the supplemental zone from 24 inches to up to 36 inches higher than the adjacent sidewalk.
4. Variance from Section 230-26(a) to increase the width of the supplemental zone from 8 feet to up to 25 feet along Malone Drive and from 8 feet to up to 63.2 feet along Peachtree Road.
5. Variance from Section 230-27(g) to allow above ground utilities to be located in front of the proposed building to accommodate ground backflow preventers required by DeKalb County to be installed for the new improvements;
7. Variance from Section 240-13(b)(40)(b) to allow the above ground decks of the parking garage to face a public street and to not be screened from view from public and private streets and other properties by liner buildings.
8. Variance from Section 240-13(b)(40)(h) to allow the parking structure to be constructed without flat floor plates on every above ground level.
9. Variance from Section 240-13(b)(40)(i) to allow the parking structure to reduce the minimum floor-to-ceiling height from 15 feet to 10 feet.
1. Waiver from Section 350-2(a)(1)(c) to exceed the maximum driveway from 24 feet to 26 feet.
2. Waiver from Section 350-2(a)(2)(a) to allow driveway spacing to be 56 feet from the driveway on the adjacent property.

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

6. Variance from Section 260-9(a)(3)(d) to allow 4 wall signs on the Peachtree Road façade.
3. Waiver from Section 350-25(a) to not bury all overhead utilities.

**Attachments:**

Attachment 1 – Exhibit A: DCI Plan Book dated received March 12, 2021

Attachment 2 – Application

Attachment 3 – Traffic Impact Study

Attachment 4 – Maps

Attachment 5 – Previously Approved DCI Plans from PZ2019-522

Attachment 6 – Action Letter from PZ2019-522

Site Visit:

