



PLANNING & DEVELOPMENT DEPARTMENT

Public Hearing Meeting Date: January 16, 2020

Item #: PZ2020-581

CITY COUNCIL MEMO – 4978 BUFORD HWY – VARIANCES

Project Name: Pho Ga Tony Tony, Chamblee Ga
Applicant: Chris Nardone, CNNA Architects
Owner: Vinh Nguyen, The V Development Company Inc.
Proposed Development: Renovation of existing commercial space to a restaurant
Request: 11 Variances; 5 Waivers
Site Address: 4978 Buford Hwy
Parcel Number: 18 297 02 015
Staff Recommendation: **APPROVAL** of 5 variances and 5 waivers; **DENIAL** of 6 variances



Current Zoning: Corridor Commercial (CC) - This zoning district is intended primarily for commercial and mixed-use development and related accessory uses at a medium density. This district provides a location for residences, retail, goods and services and offices to satisfy the common and frequent needs of the city's businesses and residents. Design standards and design parameters

encourage a pedestrian-friendly traditional urban form, oriented to pedestrians, which limits the conflicts between vehicles and pedestrians.

Current Use: Miller’s Music and Pawn retail store

Surrounding Land Uses: North, South, and East – CC: Commercial Businesses
West – VR: Multi-Family Residential Apartments

Future Development Map:

The property is located within the International Village character area of the Future Development Map in the Comprehensive Plan. The vision of the character area is: “to fortify and sustain the area as a living and working community for all people” and “to strengthen the local economy by enhancing the appeal of the area to nonresidents who desire to experience an authentic international community.”

Site Description:

The property is located on a .55-acre lot along Buford Hwy, between Chamblee Tucker Rd and Chamblee Dunwoody Rd. The property is currently the site of a 4,744 square foot Miller’s Music and Pawn. There is an existing striped surface parking lot with 31 spaces. There is a curb cut on Buford Hwy and along a driveway on the northern side of the lot. The driveway accesses commercial businesses behind the site and the City Farmers Market beside the property. The building sits at the back of the property with a driveway behind the building. Two existing pole signs are located on the property along Buford Hwy and the interior private drive. The site slopes slightly west, down from Buford Hwy.

Proposed Project:

The applicant proposes the following:

- Redevelopment of the Miller’s Music and Pawn building to include the following:
 - o 2,408 square foot catering kitchen;
 - o 2,265 square foot restaurant;
 - o 2,515 square foot rooftop bar with two outdoor staircase access points;
 - o 345 square foot outdoor patio at the rear of building;
- New hard coat stucco exterior wall finishes and additional fenestration at front and side of building;
- Landscape islands installed in existing surface parking lot and 30 parking spaces provided;
- Maintain two prohibited existing pole signs, along Buford Hwy and the interior driveway;
- Installation of the required 10-foot-wide sidewalk and minimum 10-foot-wide landscape strip along Buford Hwy;
- Installation of a two-foot landscape strip and inter-parcel connectivity along the south side of the site with the adjoining property;

- Loading dock and dumpster area provided at the rear of the property.

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

Applicable UDO Standards:

	Required	Proposed	Current
Wall Signs – Single Occupant Building	2 facades maximum	3 facades	1 facade
Landscape Zone width	14 feet for state routes minimum	10 feet	N/A
Supplemental Zone width	10 feet minimum	5 feet	N/A
Open Space	20% minimum	8.3%	Less than 6%
Impervious surface coverage	80% maximum	81.7%	Approximately 94%
Parking Spaces	46 spaces minimum	30 spaces	31 spaces
Building facade height	24 feet minimum	21 feet	21 feet
First floor minimum Floor-to-ceiling height	18 feet	17’6”	17’6”

Applicant’s Request:

The applicant requests 11 **VARIANCES** from the following regulations of the UDO, to renovate an existing commercial property into a restaurant:

1. Variance from Section 230-1(a) to increase the allowable impervious surface area from 80% to 82%;
2. Variance from Section 230-1(a) to decrease the required open space from 20% to 8.3%;
3. Variance from Section 230-26(e) to install the 10-foot-wide minimum landscape zone, but not the 14-foot-wide landscape zone on a state road as required by the City due to GDOT standards;

4. Variance from Section 230-26(g) to decrease the required supplemental zone for a Boulevard from 10 feet to 5 feet;
5. Variance from Section 230-27(a)(10)(c) to reduce the required building façade height from 24 feet to 21 feet;
6. Variance from Section 230-29(b)(1) to reduce the required minimum first floor, floor-to-ceiling height from 18 feet to 17 feet 6 inches;
7. Variance from Section 250-2(a) to reduce the number of required parking spaces from 46 to 30 spaces;
8. Variance from Sec. 250-7(a)(1) to maintain the existing parking between the building and Buford Hwy;
9. Variance from Section 250-21 to allow the dumpster to be located within five feet of the lot lines;
10. Variance from Sec. 260-5(a)(7) to maintain two prohibited existing pole signs;
11. Variance from Section 260-9(a)(3)(d) to allow more than two facades on a single occupant building to contain wall signs.

Staff Analysis:

The UDO in Section 280-32(a), provides the following factors for granting a variance from the contextual front yard setback requirements. The analysis of these factors is included below:

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

The size of the existing building and its location on the property are extraordinary for this particular property. The building was constructed in 1963 and is located at the rear of the site with a paved surface parking lot in front of the building. The building height is 21 feet with fenestration only provided on the front facade. There is a private driveway located on the north side of the lot that runs along the side of the adjacent property.

b. The application of this UDO to the particular piece of property would create an unnecessary hardship; and

The application of this zoning ordinance would create an unnecessary hardship for the following:

- *Requiring 20% open space on the site since the existing property is primarily comprised of a surface parking lot and the existing building with very little if any open space. The surface parking lot would need to be reconfigured beyond what is proposed to include additional open space, and this further decrease the number of available parking spaces;*
- *The building floor-to-ceiling height requirement of 18 feet along a boulevard would create an unnecessary hardship because the project intends for adaptive reuse of an*

existing building by renovating the space. The existing building has a 17.5-foot floor-to-ceiling height. Requiring the building to meet this standard would be excessive and possibly discourage adaptive reuse projects since the building would need to be razed and reconstructed to meet this requirement. However, a parapet wall could be added to meet the minimum building façade height;

- *The number of required parking spaces relative to the size of the building and its proposed use. 46 spaces are required based on 1 space per 100 square feet of gross floor area for restaurants. Over half of the building's floor space is proposed to be used as a catering kitchen. Therefore, diminishing the need for the number of parking spaces based on use;*
- *A variance to allow the existing parking to remain between the building and Buford Hwy. As the site exists, the parking lot is located between the building and the street. Without demolition of the building, this is unattainable. However, parking lot improvements such as landscaping islands and perimeter landscaping strips will be installed on the site;*
- *A variance to allow the dumpster to be located within five feet of the property line. The location of the building at the rear of the site and proximity to the lot lines limits the available space for the dumpster's location. The dumpster is proposed to be at the rear of the property on the south side, opening onto the alley. The location would be in close proximity to the loading zone and allow for easy accessibility from the alley, and screening from the street.*

The application of the zoning ordinance related to the remaining variance requests would not create an unnecessary hardship.

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

The conditions are not necessarily peculiar to the particular piece of property. Older sites along Buford Hwy, of which there are many in the City, are designed similarly, with surface parking located between the building and the street.

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

The topographical conditions of the site, the size, and the location of the building are not the result of the property owner. The property was developed by a different property owner, prior to the adoption of the UDO.

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:

- *A variance to exceed the impervious surface area from 80% to 82% would impair the intent of the zoning ordinance. Although additional landscaping is being installed,*

- pervious materials could be used on the site to reduce the impervious area by an additional 2%.*
- *The proposed reduction in the landscape zone from 14 feet, as required along state routes, to 10 feet would be detrimental to the public good and impair the intent of the zoning ordinance. The reduction would not create the necessary space needed to install street trees or lights within the landscape zone.*
 - *Reducing the supplemental zone from 10 feet to 5 feet would be detrimental to the public good and impair the intent of the zoning ordinance. Although the landscaping islands within a portion of the supplemental zone will exceed 10 feet, there is not enough space provided to meet the requirements and install public amenities.*
 - *Maintaining the two existing pole signs would impair the intent of the zoning ordinance. The two signs are currently located along Buford Hwy and the interior private driveway. The sign along Buford Hwy would be located in the proposed sidewalk and could diminish safety and walkability along the street. Wall signs are proposed to be installed on the building and a monument sign could be installed rather than maintaining two pole signs prohibited in the UDO.*
 - *Allowing more than two signs on a single occupant building would impair the intent of the zoning ordinance. The proposed wall sign on the west elevation faces the parking lot of a commercial business located behind the property. The wall signs on the east and north elevation would be sufficient as they face Buford Hwy and the private driveway.*

Relief if granted for the remaining requirements would not be detrimental to the public good nor impair the intent of the zoning ordinance. As the building and parking currently exist, allowing for the parking lot to remain would encourage adaptive reuse of properties currently underutilized within the Corridor Commercial zoning district. Adjacent properties include Food Terminal and other restaurants at the City Farmers Market. The redevelopment of the space into a restaurant and catering kitchen would complement new development taking place in the area.

Applicant's Concurrent Waiver Requests

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

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

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

1. Waiver from Section 320-21(a)(3) to not meet the requirement of a 10-foot strip of land separating the vehicles and sidewalk.

The existing layout of the parking lot and the proposed installation of parking lot landscape islands would prohibit the necessary space for the 10-foot strip of land separating the vehicles and sidewalk. A five-foot strip of land is proposed that would sufficiently separate the four parking spaces at the front of the property from the sidewalk.

2. Waiver from Section 320-21(a)(4) to not provide a five-foot grass strip with curb at the head-to-head parking.

Requiring a five-foot grass strip with curb at the head-to-head parking would reduce the number of available parking spaces and the drive aisle width within the lot. Most of the parking spaces are proposed along the perimeter of the lot, while only 10 spaces would be head-to-head. Reducing this requirement also allows for a two-foot grass strip along the southern property line.

3. Waiver from Section 320-21(a)(5) to not provide a five-foot wide landscape strip where the parking lot abuts side and rear property lines.

A five-foot wide landscape strip is proposed along the north property line that abuts a driveway. A two-foot wide landscape strip is proposed along the south side of the property. Requiring a five-foot wide landscape strip where the lot abuts the rear property line would reduce the number of available parking spaces and the drive aisle width within the lot.

4. Waiver from Section 350-2(a)(1)(e) to allow the driveway and drive aisles to be located between the sidewalk and a building.

The existing size and location of the building on the site make it impossible to comply with the UDO code requiring the driveways and aisles to be located to the side or rear of the property without razing the existing building, grading the site, and rebuilding.

5. Waiver from Section 350-2(c) to not provide inter-parcel access between all adjoining lots.

The development will provide inter-parcel access along the south side of the property to the adjoining lot. Inter-parcel access would not be provided on the west side, at the rear of the property. The location of the building would not provide sufficient access at this location and would connect to an alley.

Staff Recommendation:

Based on the analysis of this application, using the standards and criteria found in Chapter 280 of the UDO, Staff recommends **APPROVAL in part and DENIAL in part** of the variance and waiver requests for PZ2019-581 subject to the following conditions of approval:

1. The development shall be constructed in substantial conformity with the DCI Application and plans received December 19, 2019, with revisions required by conditions of approval as reviewed and approved by the Planning & Development Director.
2. The applicant shall use pervious materials where applicable to achieve the 80% maximum impervious surface area for the site.
3. All existing pole signs shall be removed from the site prior to the issuance of a certificate of occupancy.

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

2. Variance from Section 230-1(a) to decrease the required open space from 20% to 8.3%;
6. Variance from Section 230-29(b)(1) to reduce the required minimum floor-to-ceiling height from 18 feet to 17 feet 6 inches;
7. Variance from Section 250-2(a) to reduce the number of required parking spaces from 46 to 30 spaces;
8. Variance from Sec. 250-7(a)(1) to maintain the existing parking between the building and Buford Hwy;
9. Variance from Section 250-21 to allow the dumpster to be located within five feet of the lot lines;
1. Waiver from Section 320-21(a)(3) to not meet the requirement of a 10-foot strip of land separating the vehicles and sidewalk.
2. Waiver from Section 320-21(a)(4) to not provide a five-foot grass strip with curb at the head-to-head parking.
3. Waiver from Section 320-21(a)(5) to not provide a five-foot wide landscape strip where the parking lot abuts side and rear property lines.
4. Waiver from Section 350-2(a)(1)(e) to allow the driveway and drive aisles to be located between the sidewalk and a building.
5. Waiver from Section 350-2(c) to not provide inter-parcel access between all adjoining lots.

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

1. Variance from Section 230-1(a) to increase the allowable impervious surface area from 80% to 82%;
3. Variance from Section 230-26(e) to install the 10-foot-wide minimum landscape zone, but not the 14-foot-wide landscape zone on a state road as required by the City due to GDOT standards;
4. Variance from Section 230-26(g) to decrease the required supplemental zone for a Boulevard from 10 feet to five feet;
5. Variance from Section 230-27(a)(10)(c) to reduce the required building height from 24 feet to 21 feet;
10. Variance from Sec. 260-5(a)(7) to maintain two prohibited existing pole signs;
11. Variance from Section 260-9(a)(3)(d) to allow more than two facades on a single occupant building to contain wall signs.

Attachments:

- 1 – Site Plan, dated received January 7, 2020
- 2 – Application
- 3 – Maps

Existing conditions



Surface parking lot on the south side of property



North side of the property with a private driveway



Existing pole signs



Buford Hwy - south view

