



PLANNING & DEVELOPMENT DEPARTMENT

City Council Meeting Date: January 21, 2020

Item #: PZ2019-546

STAFF MEMO – 5295 NEW PEACHTREE – Iglesia de Dios Pentecostal DCI

Project Name: 5295 New Peachtree Rd
Applicant: Sanford Epstein, SEA Studios, PC
Owner: Iglesia de Dios Pentecostal, Movimiento Internacional
Proposed Development: Construct 10,000 square-foot activities building beside existing religious institution
Requests: Development of Community Compact (DCI); eight concurrent variances, and three concurrent waivers
Site Address: 5295 New Peachtree Road
Parcel Number: 18 299 05 016
Staff Recommendation: Approval with conditions of DCI, six variance, and two waivers;
Denial of two variances and one waiver



Update:

The applicant, on January 7th, submitted elevations of two concepts for the exterior architecture of the proposed fellowship hall for City Council's consideration, as follows:

- **Concept 1**
 - Vertical architectural metal siding with widened translucent windows;
 - Widened mullion on the vertical windows;
 - New wall signs on the north elevation of the existing building that includes the church logo and quote written in metal on the building's façade.

- **Concept 2**
 - Exterior walls will be constructed to match the existing building with translucent windows;
 - Widened mullion on the vertical windows;
 - New wall signs on the north elevation of the existing building that includes the church logo and quote written in metal on the building's façade.

Dimensions were not provided for the proposed signage. Allowable signage per UDO Section 260-9(a)(3) would include a maximum sign area of two square feet per linear foot of subject façade, or 200 square feet, whichever is less. For facades less than 200 feet in length, a maximum of one sign is permitted per façade. A maximum of two facades may contain wall signage. If approved, signage would be reviewed for compliance with UDO during permitting.

Current Zoning: Village Commercial (VC) - This zoning district is intended primarily for mixed-use development and related uses at a higher density. This district provides a location for residences, retail, goods, services and offices to satisfy the common and frequent needs of the city's commercial core and greater Chamblee area. 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: Iglesia de Dios Pentecostal religious institution

Surrounding Land Uses: North – TOD: MARTA Chamblee Station
South, East, and West – VC: Commercial Businesses

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 3-acre site is a single parcel on the northeast corner of the intersection of New Peachtree Road and Watkins Avenue. The existing one-story religious institution facility is approximately 15,883 SF. The religious institution has occupied this site since 1999. The property is a relatively flat site and is bounded on the north by a cemetery and an adjacent single-story building, on the east by a single technical college building, on the south by an automobile parking lot and technical college beyond, and on the west by New Peachtree Rd and a MARTA transit station. The site has an off-street parking lot shared with the adjacent technical college, accessible from New Peachtree Road and Watkins Avenue.

Summary of Proposed Project:

- Construct an approximate 36-foot-tall, 10,000 square-foot addition (fellowship hall) on the northeast side of the existing religious institution, facing New Peachtree Road, resulting in an approximately 25,883 SF building;
- Construct a fellowship hall predominately consisting of patterned architectural metal panels with some opaque glass spandrel panels intended to mimic narrow vertical stained-glass windows;
- Install the required streetscape along New Peachtree Road;
- Construct a 10’ wide sidewalk from the front of the existing building to the proposed sidewalk along New Peachtree Road and a covered breezeway between the addition and existing building;
- Add additional landscaping around the building (trees) and parking lot (shrubs and trees) and provide a bench, trash receptacle, recycling receptacle, and bike rack in the supplemental zone along New Peachtree Road;
- Construct a parapet along the front façade of the building along New Peachtree Road to screen the rooftop accessory mechanical unit;
- Maintain the existing, non-conforming pole sign approximately 12 square feet and 10 feet tall located between the existing building and New Peachtree Road; and
- Maintain the existing, non-conforming parking lot shared with the Interactive College of Technology.

Applicable requirements of the UDO

	Required	Proposed
Landscape Zone (min) - Watkins Ave	5 ft	0 ft
Supplemental Zone (min) - Watkins Ave	5 ft	0 ft

Sidewalk Clear Zone (min) - Watkins Ave	5 ft	0 ft
Required off-street loading spaces	1	0

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 would be in general harmony with the character of the surrounding area. The mass, placement, and height of the addition will complement the existing religious institution structure. The front façade of the new building including the parapet will be 36' 5" in height, while the existing religious institution is approximately 54' tall. The addition will be closer to the street than the existing building, with the west corner abutting the required supplemental zone. The exterior architectural treatment of metal panels is consistent throughout the building. The changing land use in the area consists of increased residential and commercial development. The proposed addition will serve as a fellowship hall, offering additional space for religious institution activities that may encourage congregation growth by surrounding residents.

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 other elements of the project. The patterned architectural metal panels with opaque glass spandrel panels intended to mimic narrow vertical stained-glass windows is consistent throughout the project. UDO requirements do not include fenestration for places of worship. Continuity of design with the existing building is achieved by vertical windows similar to those of the existing religious institution.

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

While there are no natural scenic views on the site, the proposed addition would not obstruct the view of the cemetery from New Peachtree Road.

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 would improve the appearance of the currently vacant space on the lot. The addition of

the fellowship hall will not have any negative functional impact on the surrounding properties since the religious institution is located across the street from MARTA and shares a parking lot with the college that should alleviate any traffic concerns.

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 building respects the historical character of the area as much as the existing building.

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

All exterior forms of the proposed project will be in conformity with and secondary to the building. The building's architecture is consistent on all facades, including the proposed covered walkway connecting the addition to the religious institution.

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 properties. The new building will encourage additional patrons of the religious institution and the proposed streetscape will allow for safe pedestrian travel.

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

The development does not adversely affect the existing use of adjacent or nearby properties. The applicant is proposing to install the streetscape along New Peachtree Road, but not along Watkins Avenue. Not installing the streetscape along Watkins Avenue could negatively impact walkability and pedestrian safety from nearby properties, particularly the Interactive College of Technology located behind the religious institution.

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 does not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools. There is no residential space proposed on the site that would impact schools. The proximity to MARTA and available shared parking with the college may alleviate traffic concerns. The proposed addition, which does not trigger a traffic study, was reviewed by the City Engineer who had no comment. DeKalb Watershed approval will be required for land disturbance and building permits to be issued.

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

The proposed development is in conformance with the applicable zoning district, Village Commercial, except where variances are requested. The purpose and intent of the district is primarily for mixed-use development and related uses at a higher density. This district provides a location for residences, retail, goods, services and offices to satisfy the common and frequent needs of the city's commercial core and greater Chamblee area. The proposal not to install the streetscape along Watkins Avenue fails to meet the intent of the district to encourage, "a pedestrian-friendly traditional urban form oriented to pedestrians, which limits the conflicts between vehicles and pedestrians."

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

The City's Comprehensive Plan calls for the vision of the International Village to fortify and sustain the area as a living and working community for all, while strengthening the economy by enhancing appeal of the area to non-residents seeking to experience an international community (p. 79). The religious institution addition will encourage worshippers and visitors to experience an authentic international community and increase the cultural heritage and events, such as exhibits, festivals, and parades (p.25).

Requested variances are as follows:

1. Variance from Sec. 230-26 to not install the streetscape along Watkins Avenue;
2. Variance from Sec. 230-27(a)(5) to allow metal panels to be used as more than architectural accents;
3. Variance from Sec.230-27(a)(7) to allow each street-facing façade to not be treated architecturally as a primary façade;
4. Variance from Sec.230-9(f) to not meet required sustainability measures;
5. Variance from Sec.250-20 to not add the required loading space.;
6. Variance from Sec. 260-5 to maintain the prohibited existing pole sign;
7. Variance from Sec. 250-7(a)(1) to maintain the existing parking between the building and Watkins Avenue;
8. Variance from Sec.250-7(a)(11) to not install wheel bumpers to the existing parking lot.

Per the review and approval criteria found in Sec. 280-31(a), 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;

There are no extraordinary and exceptional conditions pertaining to the particular property because of its size and topography. The topography of the site is relatively flat and similar to

other properties nearby, along New Peachtree Road. The roughly L-shaped site is unusual since it consists of most of the street frontage along New Peachtree Road from Watkins Ave to Hood Ave while the parking lot is located along Watkins Ave and comprises nearly half of the block. The only available buildable area is on the eastern side of the property.

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

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

- *Allowing each street facing façade to not be treated architecturally as the primary façade since places of worship do not have a minimum fenestration requirement that would allow the new building to visually appear as the primary facade; and*
- *Requiring the installation of a loading zone on an existing parking lot. The configuration of the site's current parking lot does not have a loading zone. A driveway is located between the parking lot and the existing religious institution that maintains a shared parking agreement with the adjoining college located behind the religious institution; and*
- *Removing the existing, nonconforming pole sign. The pole sign not only advertises the religious institution, but also serves to represent the adjoining Interactive College of Technology along New Peachtree Rd; and*
- *Requiring the parking lot not to be located between the building and the street. The current parking lot is located between the building and Watkins Ave; relocating the lot is not feasible since it is existing and shared with adjoining property.*

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;

The shape of the site is peculiar to the particular piece of property. The L-shape of the site is not common to other properties in the surrounding area.

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

The site configuration of the building and parking lot is not the result of the property owner. The religious institution purchased the property in 1999 and has an easement and shared parking agreement with the Interactive College of Technology located behind the religious institution.

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 likely be detrimental to the public good or impair the intent of the UDO:

- *Not installing the streetscape along Watkins Ave would impair the intent of the zoning ordinance and could be detrimental to public safety by not providing safe pedestrian access from the shared parking lot of the religious institution and college to MARTA;*
- *A variance to allow metal panels as more than architectural accents could impair the intent of the zoning ordinance. The proposed building's exterior is to be constructed primarily with patterned architectural metal panels rather than the required brick, glass, wood, stucco, or stone;*
- *A variance from sustainability measures would impair the intent of the zoning ordinance of protecting the environmental integrity of the City.*

The applicant's other requests for variances would not be detrimental to public safety, nor impair the intent of the zoning ordinance.

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 Sec. 320-21(a)(1) to not provide landscape islands every 10 spaces in the existing parking lot.
The existing surface parking lot does not provide enough space to install landscape islands every 10 spaces. To eliminate the landscape islands would require the parking lot to be reconfigured and available parking spaces lost.
2. Waiver from Sec. 320-21(a)(4) to not provide a five-foot grass strip with a curb in the existing parking lot.
The existing parking lot would need to be reconfigured in order to install the required five-foot grass strip for the head-to-head parking. This would result in the loss of available perpendicular parking along the interior of the driveway and disrupt the configuration of the parking spaces shared with the college.
3. Waiver from Sec. 350-2(a)(1)(h) to eliminate the requirement to install pedestrian walkways connecting parking to the public sidewalks and building entrances.
Allowing the request to not install the required pedestrian walkway connecting the existing parking lot to the public sidewalk and the building entrance will compromise pedestrian safety from the parking lot to the religious institution.

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 PZ2019-546 subject to the following conditions of approval:

1. The development shall be in substantial conformity with the DCI application and plans received October 14, 2019, with revisions required by conditions of approval as reviewed and approved by the Planning and Development Director.
2. The existing dumpster shall meet the UDO requirements for dumpsters in Section 250-21.
3. The applicant shall install the required streetscape along Watkins Ave.
4. The applicant shall install a minimum five-foot wide pedestrian pathway across the entrance driveway from the parking lot to the religious institution entrance.
5. The pole sign shall not be increased in any aspect to become more nonconforming.

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 Sec. 230-27(a)(5) to allow metal panels to be used as more than architectural accents;
3. Variance from Sec.230-27(a)(7) to allow each street-facing façade to not be treated architecturally as a primary façade;
5. Variance from Sec.250-20 to not add the required loading space;
6. Variance from Sec. 260-5 to maintain the prohibited existing pole sign;
7. Variance from Sec. 250-7(a)(1) to maintain the existing parking between the building and Watkins Avenue;
8. Variance from Sec.250-7(a)(11) to not install wheel bumpers to the existing parking lot.
1. Waiver from Sec. 320-21(a)(1) to not provide landscape islands every 10 spaces in the existing parking lot.
2. Waiver from Sec. 320-21(a)(4) to not provide a five-foot grass strip with a curb in the existing parking lot.

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

1. Variance from Sec. 230-26 to not install the streetscape along Watkins Avenue;
4. Variance from Sec.230-9(f) to not meet required sustainability measures;
3. Waiver from Sec. 350-2(a)(1)(h) to eliminate the requirement to install pedestrian walkways connecting parking to the public sidewalks and building entrances.

Design Review Board comments and recommendations:

The Design Review Board met and reviewed the project on October 30th, 2019 and the had the following comments and recommendations:

1. The Board recommends denial of variance request 1 and recommends that the applicant address in detail why amenities such as trees and lights, are not feasible to install.
2. Applicant shall provide a more detailed rendering and/or a sample of the proposed metal panel.
3. The applicant shall provide a light producing element to allow light into the interior space through translucent glass or other building materials.
4. The applicant shall provide a detailed grading plan for the site including limits of disturbance adjacent to the property and a detailed tree protection plan.
5. The Board recommends approval of the variance request 3-7.
6. The Board recommends denial of variance request 8.

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 PZ2019-546 subject to the following conditions of approval with additions from DRB recommendations:

1. The development shall be in substantial conformity with the DCI application and plans received October 14, 2019, with revisions required by conditions of approval as reviewed and approved by the Planning and Development Director.
2. The existing dumpster shall meet the UDO requirements for dumpsters in Section 250-21.
3. The new building shall achieve a minimum of five points from the sustainability development measures in UDO Section 230-9.
4. The applicant shall install the required streetscape along Watkins Ave.
5. The applicant shall install a minimum five-foot wide pedestrian pathway across the entrance driveway from the parking lot to the religious institution entrance.
6. The pole sign shall not become increased in any aspect to become more nonconforming.
7. **The applicant shall provide a light producing element to allow light into the interior space through translucent glass or other building materials.**

Attachments:

- 1 – DCI Plan Book
- 2 – Application and Letter of Intent
- 3 – Maps
- 4 – Revised Elevations, dated received January 7, 2020

Existing Conditions – New Peachtree Rd



Case Number: PZ2019-546
DRB Meeting: October 30, 2019
City Council Work Session (public hearing): November 14, 2019
City Council Meeting: November 19, 2019 (deferred)
City Council Meeting: January 21, 2020

Existing Conditions – Watkins Ave



Case Number: PZ2019-546

DRB Meeting: October 30, 2019

City Council Work Session (public hearing): November 14, 2019

City Council Meeting: November 19, 2019 (deferred)

City Council Meeting: January 21, 2020

Existing Conditions – Driveway entrance and parking lot



Case Number: PZ2019-546

DRB Meeting: October 30, 2019

City Council Work Session (public hearing): November 14, 2019

City Council Meeting: November 19, 2019 (deferred)

City Council Meeting: January 21, 2020