



PLANNING & DEVELOPMENT DEPARTMENT

City Council Meeting Date: December 12, 2019

Item #: PZ2019-560 & 567

4011 and 4147 Chamblee Dunwoody Rd – Rezoning and DCI w/ Concurrent Variances

Project Name: Brighton Park Townhomes
Applicant: Kenneth Wood, Planners & Engineers Collaborative, LLC
Owner: Copperleaf Partners, LLC
Proposed Development: Single-family attached residential townhomes
Requests: Development of Community Impact (DCI); six concurrent variances
Site Addresses: 4011 Chamblee Dunwoody Rd; and a portion of 4147 Chamblee Dunwoody Rd
Parcel Numbers: 18 325 06 001; 18 332 03 020
Staff Recommendation: **APPROVAL** of DCI, Rezoning and five variances; **DENIAL** of one variance



- Current Zoning:** NR-2 (4011 Chamblee Dunwoody Rd); NR-1 (4147 Chamblee Dunwoody Rd)
- Current Use:** Vacant land (4011 Chamblee Dunwoody Rd); Place of worship (4147 Chamblee Dunwoody Rd)
- Surrounding Land Uses:**
- North – NR-1 and NR-2: Nancy Creek tributary B, and Chamblee United Methodist Church
 - South – NR-1 and NR-2: Single Family Residential homes (Grammercy Park Subdivision)
 - East – NR-1: Single Family Residential homes and Nancy Creek tributary B
 - West – City Boundary, City of Brookhaven

Future Development Map:

The subject property is located within the Neighborhood Living character area of the Future Development Map in the Comprehensive Plan. The vision of the character area is: *“This area will remain a strong stable single family residential area of well-maintained housing with a distinct community identity. The interior of the area will remain single family residential on large lots, supported by nearby commercial areas for services, and local parks for recreation.”*

Site Description:

The property consists of the former site of the Korean Central Presbyterian Church of Atlanta, and a portion of the south area of the First Chamblee United Methodist Church property. The entire site comprises 11.4 acres. The northern and eastern boundaries of the site are formed by a tributary of Nancy Creek. A flood zone buffers the creek in the northern portion of the site and covers an area approximately 1.37 acres in size. The site contains undeveloped, wooded land, a gravel driveway, and concrete and asphalt remnants of where the church and its parking lot used to exist. The site topography is higher and flatter toward the center of the site and falls off sharply in elevation down toward the creek. A ditch runs from the northern extent of the creek to the center of the site. The site has significant tree cover, except in the areas that are paved with asphalt or concrete.

The entirety of the right-of-way of Chamblee Dunwoody Road in this area belongs to Chamblee. There is no streetscape along the property frontage. There is a utility pole with a three-phase transformer which receives utility lines from across Chamblee Dunwoody Rd in the south of the site, and two other utility poles further north along the frontage that also receives utility lines from the other side of the street. There is not a MARTA stop along the frontage. The Multimodal Transportation Plan (MTP), adopted in 2019, calls for trail improvements along the property’s frontage and through the site along the creek.

The southern portion of the site, located at 4011 Chamblee Dunwoody Rd where the Korean Church used to be, has existing entitlements from a rezoning case in 2015. Those entitlements are for 27 single-family detached residential lots, and are conditioned to a site plan, a copy of which is attached.

Summary of Proposed Project:

The proposed development consists of 70 front- and rear-loaded single-family attached homes on approximately 11.38 acres. Of the 70 homes proposed, 43 homes would be 22-by-44-foot (22'x44') rear-loaded units and would have garage access via a 26-foot wide alley to the rear of the home. The other 27 homes are proposed as 24-by-50-foot (24'x50') front-loaded units.

The homes fronting along Chamblee Dunwoody Road would be rear-loaded, and are proposed to be constructed in the 2/3-split style. On the approach from Chamblee Dunwoody Road, the 14 units along the frontage would appear to be two-story homes with front doors oriented toward the street. These homes would be primarily accessed via 'drive under' garages—the third and bottom level of the home—from individual driveways in the rear of each home. The remaining 29 rear-loaded homes would be accessed by the driveways and garages on the bottom level and would feature front doors oriented toward community common areas. Each rear-loaded unit would have two garage spaces and two driveway spaces for parking. The front-loaded units are proposed to be located along the eastern side and the southern boundary of the site. These units would have driveway access to garages on the front façade of the house. Each front-loaded unit would have two garage spaces and two driveway spaces for parking.

The applicant proposes to install the required streetscape along Chamblee Dunwoody Rd, including the 12-ft-wide Chamblee Dunwoody Sidepath Multi-Use Trail along the property frontage, called for in the MTP (Project B-03). The applicant proposes to provide the City with an easement for the City's future construction of the Huntley Hills Park Trail along the south and west sides of the Nancy Creek tributary on the subject property, called for in the MTP (Project B-12), and to construct stairs and paths leading down to it, but does not propose to construct the trail.

The applicant went to November DRB and requested to be deferred in order to address the issues and concerns from the meeting.

As the site is being completely 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
Max. retaining wall height in the interior and side yards	8 ft	Up to 25.8 ft
Landscape zone width in interior private street	5 ft	0 ft
Min. private yard space	200 sq. ft	0 sq. ft
Min. lot size	1,600 sq. ft	1,314 sq. ft -2,070 sq. ft

Applicant’s Zoning Map Amendment Request

Staff Analysis:

Rezoning the subject properties to NR-3 would be consistent with the Future Development Map of the Comprehensive Plan. The properties are located in Neighborhood Living character area, which envisions the area to “remain a strong stable single-family residential area of well-maintained housing with a distinct community identity. The interior of the area will remain single-family residential on large lots, supported by nearby commercial areas for services, and local parks for recreation.”

This analysis is based on an assessment of the 12 zoning proposal review standards established in Section 280-17(b) of the City of Chamblee Zoning Ordinance. The Mayor and City Council shall consider the below listed standards governing the exercise of the zoning power whenever deliberating over any zoning decision pursuant to the ordinance:

1. The existing uses and zoning of nearby property.

The properties to the north and east of the site are zoned NR-1. The property to the north is home to the Chamblee First United Methodist Church. The properties to the east contain single-family detached residential uses. The property to the south is zoned NR-2 and is comprised of medium density residential homes (Grammercy Park Subdivision). The properties to the west of the site are residential homes located in the City of Brookhaven.

2. The extent to which property values are diminished by the particular zoning restrictions.

The subject properties are currently zoned NR-1 and NR-2. These zoning districts do not lessen the property value of the subject property compared to the NR-3 zoning district that is

requested. Allowing the properties to be rezoned to NR-3 would allow the proposed development to be an allowable use in that particular property.

3. The extent to which the possible reduction of property values of the subject property promotes the health, safety, morals or general welfare of the public.

The health, safety, morals or general welfare of the public is not substantially impacted by a possible reduction of property values. The development is proposing to install a streetscape along Chamblee Dunwoody Road which will promote the health, safety and morals of the general public.

4. The relative harm to the public as compared to the hardship imposed upon the individual property owner.

There would be no relative harm to the public as compared to the hardship imposed upon the individual property owners.

5. The suitability of the subject property for the zoning proposed.

Rezoning the properties to NR-3 would be suitable for the properties. According to the Comprehensive Plan, the NR-3 zoning district, is classified as an appropriate zoning district for the Neighborhood Living character area.

6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.

The portion of the property that is located on 4011 Chamblee Dunwoody Road has sat vacant for quite some time. The portion of the property that is located on 4127 Chamblee Dunwoody Road was vacant land that was owned by the Chamblee First United Methodist Church.

7. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. The properties will serve as attached single-family residential homes, which is in line with the character area and surrounding properties.

8. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.

The proposed zoning district, NR-3, will not adversely affect the existing use or usability of adjacent or nearby properties. The applicant is proposing to develop a townhome community. This use is similar to the neighboring properties which include single-family homes to the south and east and townhomes located to the west of the property. In addition, the zoning proposal will not adversely affect the existing use and usability of

adjacent and nearby properties because the development is providing buffers as large as 30 feet between it and its neighbors.

9. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

The properties as zoned have a reasonable economic use as currently zoned. However, granting permission for the properties to be rezoned to NR-3, would allow the vacant land to be used and can provide amenities, such as streetscape, that will be useful for the public.

10. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The zoning proposal could result in a use which will or could cause an excessive use of existing streets, transportation facilities, utilities or schools. Although the development is installing a streetscape, which will improve the existing transportation facilities and has proposed to make necessary improvements to the existing utilities infrastructure there will still be an increased use of existing streets and other transportation amenities and there may be an impact to the local schools. Although a traffic study was not required for the project, after reviewing the application, the City Engineer did advise that the development install a left turn lane on Chamblee Dunwoody Road. The developer will make all required improvements to utilities and issues such as sewer capacity and stormwater runoff.

11. Whether the zoning proposal is in conformity with the policy and intent of the future development map.

The proposed zoning is in conformity with the policy and intent of the future development map. The rezoning request will not require an amendment to the Comprehensive Plan Future Map. The character area calls for a "stable single-family residential area of well-maintained housing with a distinct community identity."

12. Whether there are other existing or changing conditions affecting the use and development of the property which gives supporting grounds for either approval or disapproval of the zoning proposal.

There are no other existing or changing conditions affecting the use and development of the properties.

DCI Review and Approval Criteria (Sec. 280-23):

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.

Although the development will be significantly larger than the previous development, the Korean Central Presbyterian Church of Atlanta, and will be used for a different purpose, the design of the proposed development will be in harmony with the general character of the neighborhood and surrounding area.

While the mass of the development is quite large, residential developments are common throughout the area. The applicant is requesting to not provide front porches to some of their homes which is not in harmony with the exterior architectural treatment of the neighborhood, however they are proposing to use materials such as brick and stone which are elements that are called for in the UDO. This property does not have any historic and special design interest, but it is located in the Longview- Huntley Hills National Register Historic District.

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 are consistent with other elements of the project and the surrounding environment. The proposed buildings are primarily composed of brick and siding and much of the development consist of open space.

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

The site will protect scenic views. The property abuts a tributary of Nancy Creek along the northern and eastern borders. The development is providing a 20-foot-wide easement for the Huntley Hills Trail project. The development also includes a tree protection boundary area along the north, south and east portion of the property and 30% of the development will be reserved for community open space and will be left in its natural state.

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

The design of the project will protect adjacent properties from negative visual and functional impacts. The project will provide a 30-foot landscape buffer along its southern property line and a large setback at the north and east of the property because of topography and stream buffers.

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.

There is some noteworthy historical character in the surrounding area in which the site is proposed. A portion of the property itself is the site of a section of the long-defunct Roswell Railroad, and remnants of the rail exist on the site today. This is, however, not uncommon for properties in the City.

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

All exterior forms would be in conformity with and secondary to the building. Exterior forms include the mail kiosk, as well as the fencing and seating areas around the site and the dog park in the front, southwest corner of the site.

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. Although the development will likely have a negative impact on traffic, the development will also be providing amenities for the community. Not only will it provide a buffer from its neighboring properties, it will also provide the Chamblee Dunwoody Road Streetscape and an easement to the Huntley Hills Trail. By doing so, the development will be providing the community with a means of transportation that would allow the community to get to the shops in Dunwoody and along Savoy Drive.

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 development is proposed to have a similar use to its surrounding neighbors. In addition, the development will install full streetscape along Chamblee Dunwoody Road and provide an easement for the Huntley Hills Trail, which will create amenities for adjacent and nearby properties.

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 could result in a use which will or could cause an excessive use of existing streets, transportation facilities, utilities or schools. Although the development is installing a streetscape, which will improve the existing transportation facilities and has proposed to make necessary improvements to the existing utilities infrastructure there will still be an increased use of existing streets and other transportation amenities and there may be an impact to the local schools. DeKalb County Schools estimates that the project will generate 9 students. Although a traffic study was not required for the project, after reviewing the application, the City Engineer did advise that the development install a left turn lane onto Chamblee Dunwoody Road. In addition, the developer has agreed to make any necessary improvements to utilities and issues such as sewer capacity and stormwater runoff.

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

As zoned, the proposed development is not in conformance with its current zoning district. However, the applicant has applied to be rezoned to NR-3. If granted the rezoning, the proposed development will be in conformance with the zoning district.

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

The Comprehensive Plan calls for the Neighborhood Living character area that will “remain a strong stable single-family residential area of well-maintained housing with a distinct community identity.” The character area also aims to “improve local pedestrian and bicycle connectivity through investments in sidewalks, paths, and bike facilities connecting residents to local recreational and shopping opportunities.” The development will be providing the Chamblee Dunwoody Road Sidepath and an easement for the Huntley Hills Trail project. The proposed project would be in line with this vision.

Applicant’s Concurrent Variance Requests:

The applicant has requested the following design-related variances:

1. Variance from Section 230-26(a) to not provide the required 5 ft-wide landscape zone along the interior private streets.
2. Variance from Section 230-26(e)(1) to provide the required street trees and pedestrian lights behind the 5-ft -wide sidewalk along the interior private streets.
3. Variance from Section 240-13(b)(1)(r) to not provide covered 8 ft x 6 ft dimension front porches on all the townhomes units.
4. Variance from Section 240-13(b)(1)(i) to reduce the requirement to provide 200 sq feet of private outdoor space for every townhome unit to 0 sq ft.
5. Variance from Section 240-13(b)(1)(g) to reduce the minimum lot size from the required 1,600 square feet to a minimum of 1,200 square feet.
6. Variance from Section 230-6(d)(1) to allow retaining walls to exceed the maximum 8 ft height limit to varying heights up to 25 ft, in the rear and side of the property.

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 extraordinary size, shape, or topography issues on the property. While the sites topography is higher and flatter towards the center of the site, the property’s topography does have a significant grade change along the back of the property. Specifically, the property slopes downward towards the creek to the north and east, nearly 60 feet. There is also a flood zone that buffers the creek in the northern portion of the site and covers approximately 1.37 acres of the site.

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

Requiring the applicant to construct the proposed interior private street to the same standards as public streets, which includes the installation of the streetscape, would not create an unnecessary hardship, however, it would result in a reduction in the number of townhome units that could be built. The applicant is proposing to install the sidewalk clear zone and the supplemental zone. In addition, requiring the applicant to provide front porches on all of the townhome units would not create an unnecessary hardship and this zoning ordinance should be complied within this case.

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

The topography of the site is peculiar to the property. It features severe undulating and sloping land, bounded on two sides by the Nancy Creek tributary.

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

Such conditions are not the result of the actions of the property owner.

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 some of the zoning requirements would not be detrimental to the public good or impair the purposes of the UDO, although relief from some would be. The applicant is providing a complete sidewalk network around the interior of the property including street crossings; however, proposes to not install the required landscape strip with street trees and lights between the private streets and the sidewalk along those streets. In this case, the streets are private, gated and relatively short in length which reduced the need for buffering between the sidewalk and street. Allowing the applicant to not include private outdoor space and decrease the minimum lot size would not be a detriment because the applicant would be providing the residents 60% of open space. Allowing the retaining walls to be greater than 8 ft in the rear of the property would not be a detriment to the public good as the use of retaining walls to grade the site to some extent is necessary due to the topography of the site.

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 and application PZ2019-560 and Rezoning application PZ2019-567 subject to the following conditions of approval:

1. The applicant shall be constructed in substantial conformity with the DCI Application and plans received December 11, 2019, with revisions required by conditions of approval as reviewed and approved by the Planning & Development Director.
2. The applicant shall provide a left turn lane on Chamblee Dunwoody Road at the project entry in accordance with Section 350-4(e).

3. The applicant shall construct the Huntley Hills Trail as shown in the MTP as reviewed and approved by the Planning and Development Director or pay a fee-in-lieu.
4. The development shall terrace the retaining walls.
5. Interior sidewalk along the front of units 1-10 and 67-70 shall be extended to the sidewalk along the gate. The pedestrian entrance may be gated with access control.
6. Huntley Hills Trail easement width and location shall be determined prior to the approval of a final plat per review and approval of the Planning and Development Director.

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 230-26(a) to not provide the required 5 ft-wide landscape zone along the interior private streets.
2. Variance from Section 230-26(e)(1) to provide the required street trees and pedestrian lights behind the 5-ft -wide sidewalk along the interior private streets.
4. Variance from Section 240-13(b)(1)(i) to reduce the requirement to provide 200 sq feet of private outdoor space for every townhome unit to 0 sq ft.
5. Variance from Section 240-13(b)(1)(g) to reduce the minimum lot size from the required 1,600 square feet to a minimum of 1,200 square feet.
6. Variance from Section 230-6(d)(1) to allow retaining walls to exceed the maximum 8 ft height limit to varying heights up to 25 ft, in the rear and side of the property.

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

3. Variance from Section 240-13(b)(1)(r) to not provide covered 8 ft x 6 ft dimension front porches on all the townhomes units.

Design Review Board comments and recommendations:

The Design Review Board met and reviewed the project on November 20, 2019 and they had the following comments and recommendations:

1. The site shall provide safe pedestrian connectivity points down to and back up from the future nature trail at the stream in a minimum of two access points, with a recommendation of three access points: from the open space in the north, from the parking in the northeast corner, and from somewhere along the back at the east side.
2. The site shall add sidewalks on private streets where no sidewalks are currently proposed to be provided.

3. The facades that face Chamblee Dunwoody Road shall be all brick, including seven end walls (units 1,4,5,10,11,70,73), except for trim and other architectural elements.
4. The units that face Chamblee Dunwoody Road should be pulled up to the setback line, as close as the UDO allows the porches to encroach by right.
5. The Board recommends reducing the density of the overall development to provide for a larger buffer area along the creek in order to preserve existing topography and trees.

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 PZ2019-560 and Rezoning application PZ2019-567 subject to the following conditions of approval with additions from DRB recommendations:

1. The applicant shall be constructed in substantial conformity with the DCI Application and plans received December 11, 2019, with revisions required by conditions of approval as reviewed and approved by the Planning & Development Director.
2. The applicant shall provide a left turn lane on Chamblee Dunwoody Road at the project entry in accordance with Section 350-4(e).
3. The applicant shall construct the Huntley Hills Trail as shown in the MTP as reviewed and approved by the Planning and Development Director or pay a fee-in-lieu.
4. The development shall terrace the retaining walls.
5. Interior sidewalk along the front of units 1-10 and 67-70 shall be extended to the sidewalk along the gate. The pedestrian entrance may be gated with access control.
6. Huntley Hills Trail easement width and location shall be determined prior to the approval of a final plat per review and approval of the Planning and Development Director.
7. **The site shall provide safe pedestrian connectivity points to the future Huntley Hills Trail in a minimum of two access points, with a recommendation of three access points: from the open space to the north, from the parking in the northeast corner, and from somewhere along the back of the east side.**
8. **The facades that face Chamblee Dunwoody Road shall be all brick, including seven end walls (units 1,4,5,10,11,70,73), except for trim and other architectural elements.**

Site Visit



Attachments:

- 1 – DCI Plan Book, dated December 11, 2019
- 2 – DCI Application
- 3 – Previous DCI Plan Book, dated November 12, 2019
- 4 – Rezoning site plan approved in 2015
- 5 – Maps
- 6 – Excerpt from Multimodal Transportation Plan
- 7 – DeKalb County Schools Report