



Legislation Details (With Text)

File #: 2023-0875 **Version:** 1 **Name:**

Type: Ordinance **Status:** Preliminary Item

File created: 7/11/2023 **In control:** Board of Commissioners - Zoning Meeting

On agenda: 9/28/2023 **Final action:**

Title: COMMISSION DISTRICT(S): Commission District 01 Super District 07
Application of Sid Tejpaul c/o Battle Law, P.C. for a Special Land Use Permit (SLUP) to allow the existing office building to be used as a residential apartment and to allow for thirteen (13) townhomes to be constructed in the existing parking area within an O-I (Office-Institutional) zoning district. The property is located at 3003 Chamblee-Tucker Road and 2936 Mercer University Drive.

Indexes:

Attachments: 1. SLUP-23-1246545 Recommended Conditions - BOC, 2. SLUP-23-1246545 Sept BOC Staff Report 3003 Chamblee-Tucker Rd

Date	Ver.	Action By	Action	Result
9/28/2023	1	Board of Commissioners - Zoning Meeting	approved with conditions	Pass
9/12/2023	1	Planning Commission		

Public Hearing: YES NO **Department:** Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 01 Super District 07
Application of Sid Tejpaul c/o Battle Law, P.C. for a Special Land Use Permit (SLUP) to allow the existing office building to be used as a residential apartment and to allow for thirteen (13) townhomes to be constructed in the existing parking area within an O-I (Office-Institutional) zoning district. The property is located at 3003 Chamblee-Tucker Road and 2936 Mercer University Drive.

PETITION NO: N5-2023-0875 SLUP-23-1246545

PROPOSED USE: Residential use; and, to allow thirteen (13) townhomes in the existing parking area.

LOCATION: 3003 Chamblee-Tucker Road; and, 2936 Mercer University Drive, Chamblee, Georgia 30341.

PARCEL NO. : 18-283-04-001; 18-266-05-014

INFO. CONTACT: Andrea Folgherait, Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of Sid Tejpaul c/o Battle Law, P.C. for a Special Land Use Permit (SLUP) to allow the existing office building to be used as a residential apartment and to allow for thirteen (13) townhomes to be constructed in the existing parking area within an O-I (Office-Institutional) zoning district. The property is located at 3003 Chamblee-Tucker Road and 2936 Mercer University Drive in Chamblee, Georgia.

RECOMMENDATION:

COMMUNITY COUNCIL: Approval.

PLANNING COMMISSION: Two-Cycle Deferral.

PLANNING STAFF: Approval with Conditions.

STAFF ANALYSIS: The applicant, Sid Tejpaal c/o Battle Law P.C., is seeking a special land use permit (SLUP) to redevelop an existing office building into a multi-family residential apartment building with newly constructed townhomes. Since the September 12th Planning Commission Meeting, the Applicant has addressed Staff's concerns regarding open space, accessibility, and connection the Northfork Peachtree Creek Greenway expansion. The applicant has done so by incorporating streetscape designs such as sidewalks, relocating the gym, reducing the townhome units from thirteen (13) to seven (7), and work with DeKalb County to connect to the Greenway per condition 2. The proposed development includes thirty-seven (37) units and now seven (7) townhomes. Currently, the space is vacant but previously operated as an office building. The subject property is located in a Regional Center (RC) activity center and more specifically, is a part of the *Presidential Parkway Regional Center, Edge District 1*. According to the *2050 Unified Plan*, there should be an appropriate transition between more intense mixed-use development and low density single-family residential uses. The proposal can serve as a transition parcel between such uses. The proposed multi-family and townhome development advances the policies of the *2050 Unified Plan*, being located at the "Edge" of the RC Character Area which include pedestrian connections internal to the site and provision of open space. It is recommended to incorporate street trees throughout the parking lot and plantings within the park. The *2050 Unified Plan* specifies that the primary land use of *Edge District 1* is to provide multifamily housing up to 24 du/acre and no more than 4 stories (pg.183). The proposed development is multi-family housing at 8 du/acre and 3 stories. The intent of a RC is to "Promote the concentration of intensity, development and regional serving activities in a centralized location that allows for a variety of uses, reduces dependency on automobile travel, and promotes walkability and increased transit usage" (pg. 31). As presented, the site plan seems to provide access to connection points such as the gym, central park, and the future Greenway expansion (per condition 2). Although the current site plan could be improved to clarify where the Greenway will be located, the expansion is set to run adjacent along the western edge of the subject site. Given the proximity to the proposed Greenway expansion and Mercer University, there should be consideration for bike racks, which are not displayed on the site plan and further encourage non-vehicular traffic. The subject site presents some difficulties. A significant portion of the northwest side of the site is within an "X" and "AE" classified flood zone. The County Land Development Division has supplied comments in connection with the high-risk flood plain, proposed gym location, tree removal within the flood and/or stream buffer, as well as a secondary access point (see attached). Community Council District One (1) shared concern regarding the condition of the bridge on Mercer University Drive directly south of the subject property. The bridge is a part of DeKalb County's Trail Comprehensive Study as well as the 2050 Comprehensive Transportation Program (CTP). It appears that Phase 3 (around the project area) will be started in 7-12 years. The applicant has not met all requirements set forth in *Section 5.4.3 Streetscape Elements and Dimensions*. Specifically, requirements for the required sidewalk and landscape strip dimensions. There may be difficulty meeting these requirements because of the flood plain and easements limiting the necessary space for the landscape strips and sidewalks. Variance(s) may be needed. As proposed, the applicant has not included plans to incorporate any variety of uses other than residential. However, the site is located on the "Edge" of the Core RC and adjacent to single-family properties which may be more fit for residential-only rather than a mix of uses. Furthermore, the *Unified Plan* also specifies because this area borders existing single-family properties, developments should be used for smaller multi-family residential developments, which the applicant has shown. Staff understands the potential of the subject property being adjacent to Mercer University, Greenway, and serving as a transitional "Edge" between a Core RC and single-family residential. Therefore, upon review of Section 7.4.6 of the *Zoning Ordinance*, Staff recommends

“Approval with the attached conditions”.

PLANNING COMMISSION VOTE: Two-Cycle Deferral 7-0-0. Edward Patton moved, Jana Johnson seconded for a 2-cycle deferral to the Jan 2024 zoning agenda.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 6-0-0.