

Rezoning & Special Land Use Permit: LUP22-00008 & LUP22-00011
Public Participation Meeting Held: November 7, 2022
Public Participation Report Submitted: November 10, 2022
1st Planning Commission Public Hearing Date: December 7, 2022
2nd Planning Commission Public Hearing Date: January 4, 2023
1st Mayor and City Council Public Hearing Date: January 24, 2023
2nd Mayor and City Council Public Hearing Date: February 28, 2023
Council District: 4 - John Funny

Applicant: Tellus Partners, LLC

Property Location: 3 Corporate Boulevard

District/Land Lot: 18th District, Land Lot 156

Acreage: 7.029 acres

Existing Zoning District: M (Industrial)

Proposed Zoning District: O-I (Office-Institution)

Overlay District: BHO (Buford Highway Overlay)

Character Area Designation: Buford Highway Corridor

Owner: Corporate Square Owner, LLC

Owner/Petitioner’s Intent: **Land Use Petition LUP22-00008**
Rezone the subject property from M (Industrial) to O-I (Office-Institution)

Land Use Petition LUP22-00011
Special Land Use Permit to allow for multi-unit housing and to exceed the maximum building height limit of the O-I zoning district

Concurrent Variances

1. **CV22-07** - Variance requested to reduce rear yard setback requirement from 30-feet to 28-feet (Section 27-294);
2. **CV22-08** – Variance requested to allow for amenity space on development over an acre (Section 27-390)

Community Development Department Recommendation

Land Use Petitions

LUP22-00008-01 (Rezoning):	APPROVAL CONDITIONAL
LUP22-00011-01 (Special Land Use Permit):	APPROVAL CONDITIONAL
LUP22-00011-02 (Special Land Use Permit):	APPROVAL CONDITIONAL

Concurrent Variances:

CV22-00007 (Reduce Rear Yard Setback):	APPROVAL CONDITIONAL
CV22-00008 (Allow Amenity Space Type):	APPROVAL CONDITIONAL

Planning Commission Recommendation

LUP22-00008-01 (Rezoning):	APPROVAL CONDITIONAL
LUP22-00011-01 (Special Land Use Permit):	APPROVAL CONDITIONAL
LUP22-00011-02 (Special Land Use Permit):	APPROVAL CONDITIONAL

Concurrent Variances:

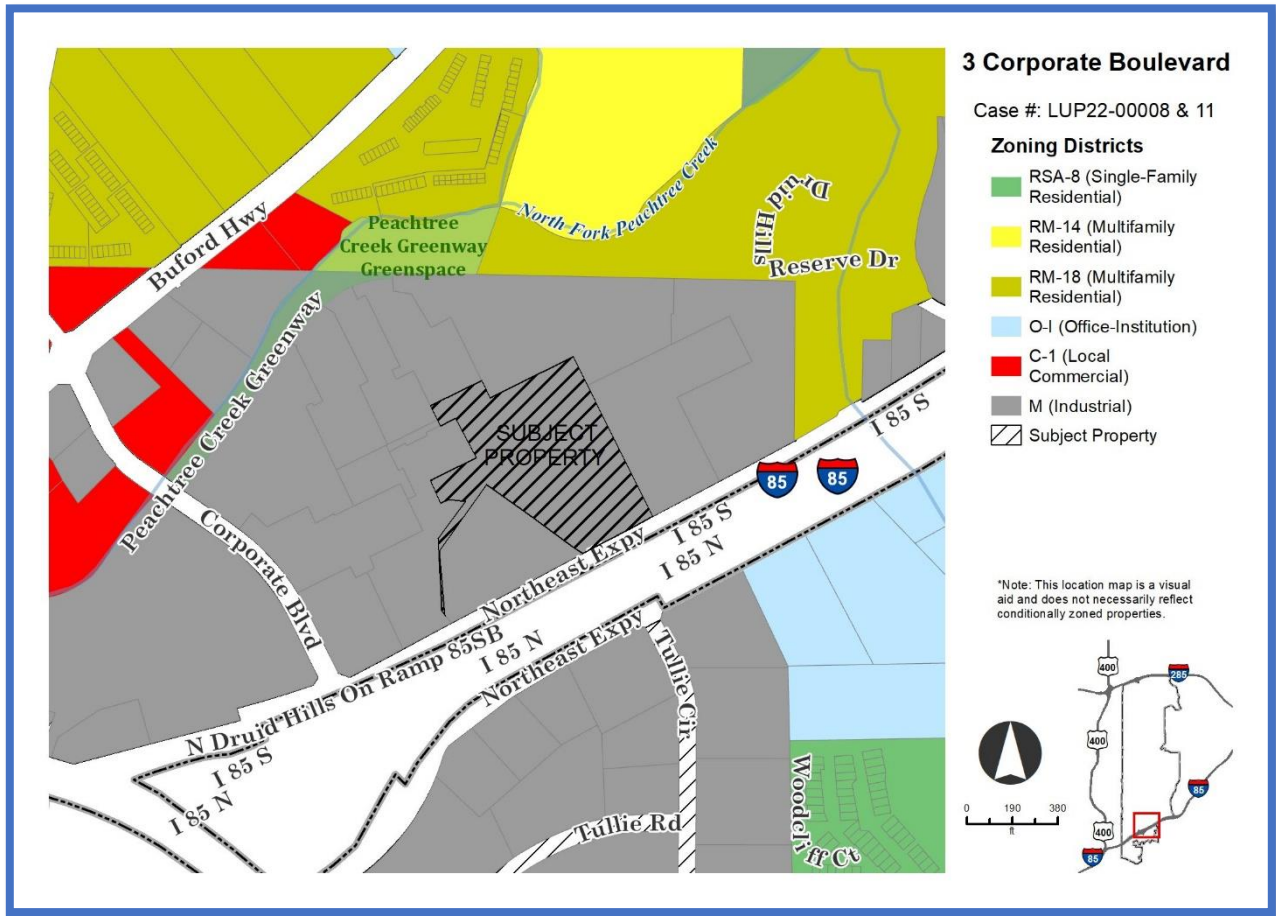
CV22-00007 (Reduce Rear Yard Setback):	APPROVAL CONDITIONAL
CV22-00008 (Allow Amenity Space Type):	APPROVAL CONDITIONAL

At the January 4, 2023 scheduled public hearing, the Planning Commission voted to recommend approval conditional of LUP22-00008, LUP22-00011-01, LUP22-00011-02, CV22-07, and CV22-08 subject to staff conditions, with the following modifications.

Condition 1(c) shall be added as follows:

- c. Owner/Developer agrees to install public art subject to the review of the Arts and Culture Commission.

Location & Zoning Map



Nearby/Surrounding Land Use Analysis

AREA	ZONING	LAND USE	ACRES	UNITS	DENSITY
Subject Property – Existing	M	Office Building	7.029	296,078 SF	42,122 SF/a
Subject Property – Proposed	O-I	Apartments	7.029	165 units	23.47u/a
NE: 8 Corporate Square	M	Office Building	6.14	272,832 SF	44,435 SF/a
NW: 9 Corporate Square	M	Office Building	1.91	83,068 SF	43,491 SF/a
W: 2 Corporate Square	M	Office Building	11.5	130,797 SF	11,373 SF/a
E: 4 Corporate Square	M	Office Building	4.19	182,602 SF	43,580 SF/a
SW: 1500 Northeast Parkway	M	Utilities (Transmission)	3.00	N/A	N/A
S: I-85	N/A	Interstate	N/A	N/A	N/A

BACKGROUND

The subject property consists of 1 parcel totaling 7.029-acres (306,183 square foot) with 274.30-feet of street frontage along the frontage road of I-85. The subject property is currently zoned M (Industrial) and is located within the Buford Highway Overlay (BHO). The current development is part of the Corporate Square office complex. The subject property consists of one 7-story office building.

The applicant proposes to rezone the parcel from M to O-I (Office-Institution). In addition, the applicant requests two Special Land Use Permits (SLUP) to allow for multi-unit housing and to exceed the maximum building height limit of the O-I zoning district. According to the site plan, development of a multi-unit housing development would consist of the following:

1. Convert existing 7-story office building into apartments (165 units); and
2. The addition of private amenities, including a pool, volleyball court, and dog park.

The current development proposal requires two concurrent variances from the Commercial & Employment Building Regulations related to rear setbacks, from Buford Highway Overlay District related to Streetscapes and Open Space, and from the parking lot landscaping regulations as follows.

1. CV22-07 – Variances from Section 27-294 “All Allowed Building Types”

- 27-294(b) – Reduce rear yard requirement from 30-feet to 28-feet

The existing building does not meet required 30-foot setback. Variance is required to maintain this encroachment for the adaptive reuse.

2. CV22-08 – Variances from Section 27-390 “Open Space”

- 27-390(d)(1) – Allow for amenity space on development over an acre

The proposed plan has approximately 4,935 square feet of the required 45,360 square feet of open space that meets the minimum dimensions of a park, pocket park, or plaza and abuts the public right-of-way.

CRITERIA TO BE APPLIED – LAND USE PETITION (REZONING) - LUP22-00008

1. Whether the zoning proposal is in conformity with the policy and intent of the Comprehensive Plan;

The subject property is located within the Buford Highway Corridor Character Area. The vision for the Buford Highway Corridor Character Area is to transition from an auto-orientated suburban corridor into a denser, more walkable, and bikeable urban corridor, that features compact pedestrian-friendly development (Brookhaven 2034 Comprehensive Plan 5-Year Update, page 71). The proposal to convert the existing office building to multi-unit housing, if approved through a Special Land Use Permit, aligns to several Comprehensive Plan recommendations. In the Comprehensive Plan Update, this parcel was noted as an underdeveloped property, so a higher intensity land use is appropriate for the area and subject property. Additionally, the proposal contributes to the overall maintenance and preservation more affordable and diversified housing options within the corridor. However, since the physical design of the property is not changing substantially, the density of the development will not increase. Efforts have been made to reduce the amount of parking and incorporate pedestrian-centric design with several pathways around the subject property and to the proposed apartment building.



**Figure 1 – Priority Redevelopment Parcels Map
(Brookhaven Comprehensive Plan 2034 – 5 Year Update)**

2. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties;

As a part of the Corporate Square complex, the subject property is directly surrounded by office land uses on all sides. Outside of the development, the corridor is populated by commercial retail, restaurants, and multi-unit housing. The proposed zone of O-I would be appropriate in consideration of the adjacent uses, as well as the Special Land Use Permit for the addition of new multi-unit housing. The proposed development will comply with mandatory requirements to restrict at least ten percent (17 units) of the residential units as workforce housing.

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

3 Corporate Boulevard is a conforming M zoned lot of record, with 274.30-feet of street frontage and approximately 306,183 square feet in size. The property likely has a reasonable economic use as currently zoned, as it could be redeveloped with one of the many uses. However, the uses that would be allowed under the redevelopment of an industrial zoned property, does not align with the Comprehensive Plan, nor the land use pattern and needs of the City of Brookhaven.

Since the onset of the COVID-19 pandemic, we have seen a large shift towards telework, even as the federal, state, and local regulations have lifted. The needs for office space are not as high as pre-pandemic and that need will likely never regenerate. Inversely, we also saw the effect in the supply-chain of construction materials, especially for homes, making materials more difficult to acquire and more expensive. This has decreased housing stock and therefore, increased the cost of housing. The proposed conversion of the low-demand office space to high-demand housing would increase the economic use of the property and help to meet the land use needs of Brookhaven.

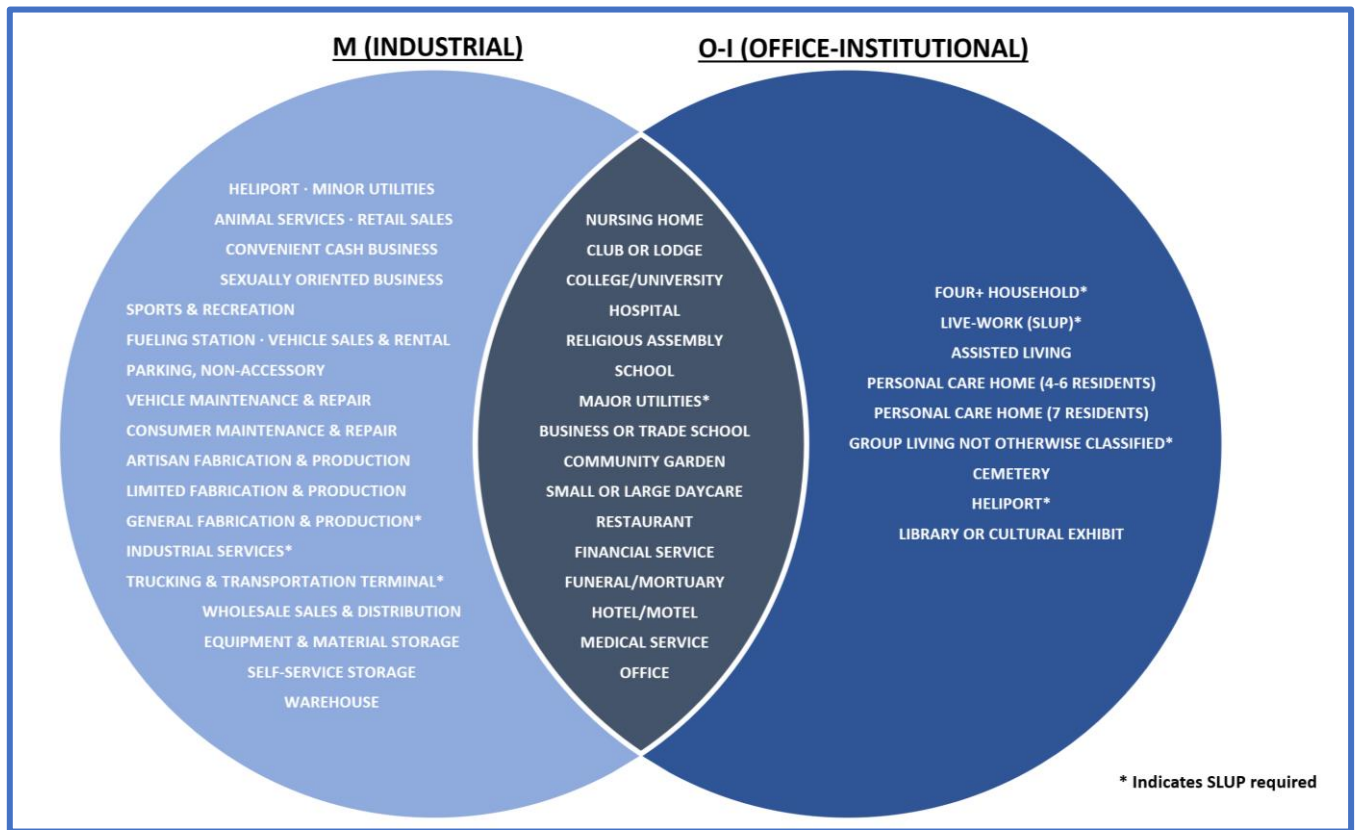


Figure 2 – Comparison of Allowed Uses in M & O-I Zoning Districts

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

The proposal to rezone the subject properties to allow the existing 7-story office building to be converted into to multi-unit housing is expected to have minimal negative impacts on the existing use of the adjacent properties. The proposed use aligns with the existing land use pattern of the

area and does not prohibit access to the adjacent properties of the Corporate Square Development utilizing the existing ingress/egress access easement.

5. 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;

Existing Conditions

As described previously, 3 Corporate Boulevard will retain the current 7-story building structure. With the proposed rezone to O-I, the City’s ordinance states a 5-story building maximum. In order to reuse the structure and maintain its height, a Special Land Use Permit (SLUP) is required. The subject building currently encroaches into the 30-foot rear yard setback by 2-feet. Since the structure is being reused, the applicant seeks to maintain the encroachment. There are currently 586 parking spaces on site.

Changing Conditions

The applicant requests a separate Special Land Use Permit (SLUP) to allow for multi-unit housing, which would modify the existing use. The overall general shape and configuration of surface parking will be kept, but additional landscape islands and shade trees are planned to be added. These additions are not sufficient to meet various landscaping and parking lot requirements. The site plan proposes the addition of private amenity spaces, including a pool, volleyball court, and dog park. However, none of the proposed amenity spaces meet the requirement to provide 15% open space. The amenity space additions and landscape islands reduce the parking to 226 spaces which meets the minimum of 165 spaces. The property is located within close proximity to the Children’s Health Care of Atlanta’s (CHOA) campus which includes a new hospital and support facilities. The proposed development aligns with the comprehensive plan to provide a higher intensity of use and add more housing options within the Buford Highway Corridor. There are several pathways planned throughout the subject property that lead to other parcels within the Corporate Square development which sets up the potential for direct connection from the I-85 frontage road, the subject property, and the Peachtree Creek Greenway Trail.

6. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources;

To the City’s knowledge, there are no historic buildings, district, or archaeological resources within close proximity to the subject property. The zoning proposal would not adversely affect any historic buildings, district, or archaeological resources.

The Peachtree Creek Greenway adjoins the Corporate Square Development, but not the subject property directly. There are currently no direct pathways within the overall development to connect to the greenway, but this property is a piece of the puzzle to provide a direct pathway. If and when other parcels within the Corporate Square development are redeveloped, there will be the opportunity to make further connections.

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

According to the Trip Generation model provided by the applicant, the conversion of office use to multi-unit housing would decrease the number of trips to the subject property from 1,622 total trips to 741 trips daily.

As a residential project, the proposed multi-unit housing would increase demand for the DeKalb County school system, as well as DeKalb County Sewer and Water. A sewer capacity analysis must be submitted to the DeKalb County Department of Watershed Management prior to the land disturbance permit process. The proposed housing would likely have a similar impact on electricity consumption.

8. Whether the aesthetic and architectural design of the site is compatible with the intent and requirements of the Comprehensive Plan, the Character Area Study, and any Overlay District.

The proposal consists of a 7-story, 21,377 square-foot building for multi-unit housing, a private pool, volleyball court, and dog park. Elevation drawings submitted by the applicant illustrate the architectural design of the building. The overall structure is not expected to change significantly; Contemporary modern finishes will be added, as well as balconies for the majority of units.



**Figure 3 – Existing Building on Subject Property
(Google Streetview, October 2018)**



**Figure 4 – Architectural Rendering of Proposed Building
(Provided by Applicant)**

As noted in the 2034 Comprehensive Plan 5-Year Update, the subject property is considered underdeveloped. While the intensity of land use increases if the rezoning and subsequent SLUPs are approved, the physical configuration of the property is not set to change. This leaves us with one structure and the majority of the property to be used as surface parking. Within the Buford Highway Corridor Character area, the city aims to add greenspace, promote mixed-use with hidden parking, and pedestrian friendly amenities.

Since this is a reuse of the property to achieve more economically and environmentally sustainable design, completely reconfiguring the lot does not serve that purpose. Additionally, the proposed configuration does provide us with a potential for further redevelopment. The proposed parking lot area could be used to build a parking garage with housing on top and/or in front to provide additional housing in the future. The adaptive re-use of the property meets the intent of the Comprehensive Plan and Character Area Study, as well as the overall site design.

As currently proposed, the 15% open space requirement of the Buford Highway Overlay is not met. Only 4,935 square feet meet the minimum requirements of area, dimensions, and proximity to public streets as compared to the required 45,360 square feet. However, the proposed design provides a significant amount of open space and amenity space as detailed below.

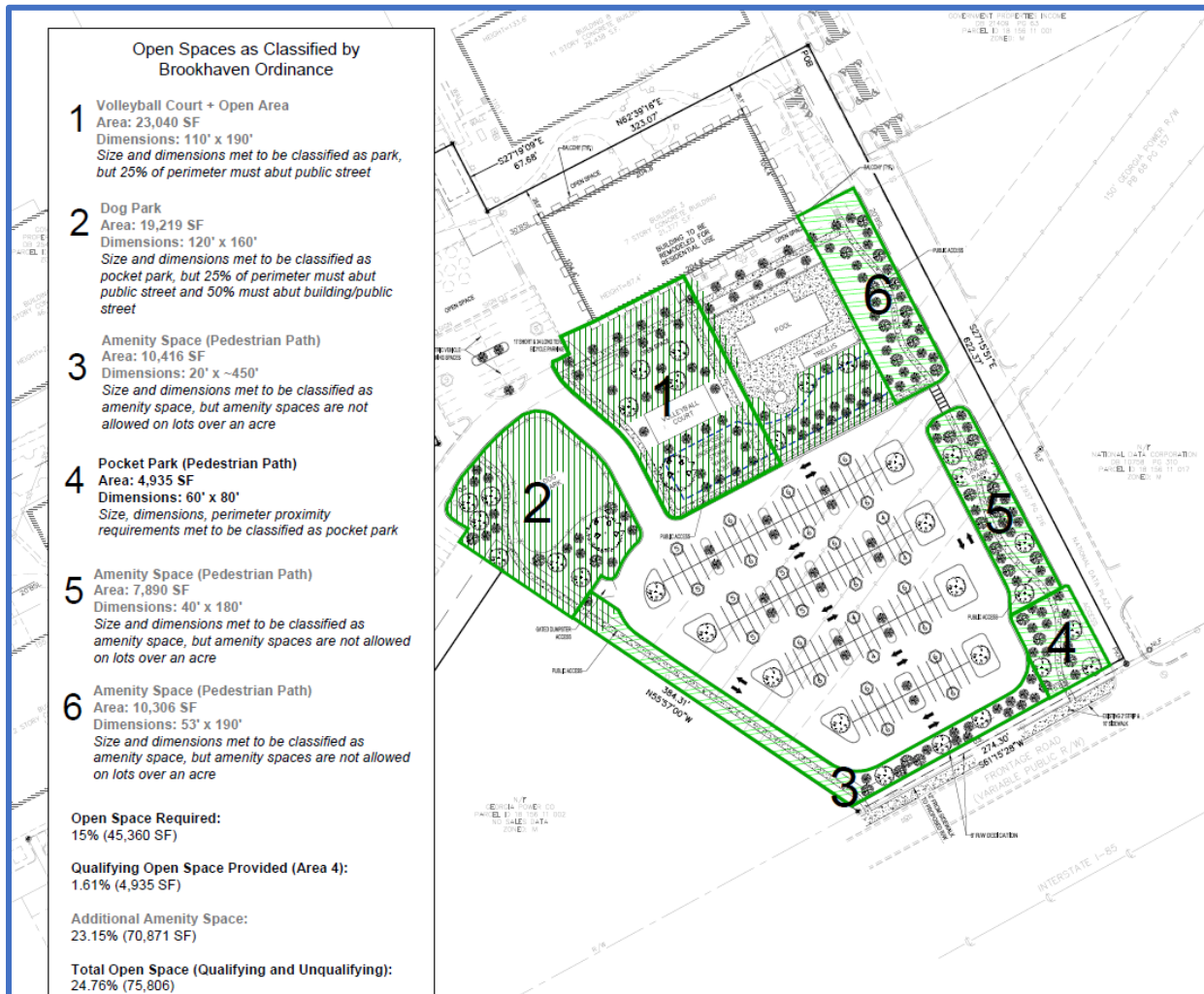


Figure 4 – Classification of Open Spaces per Buford Highway Overlay

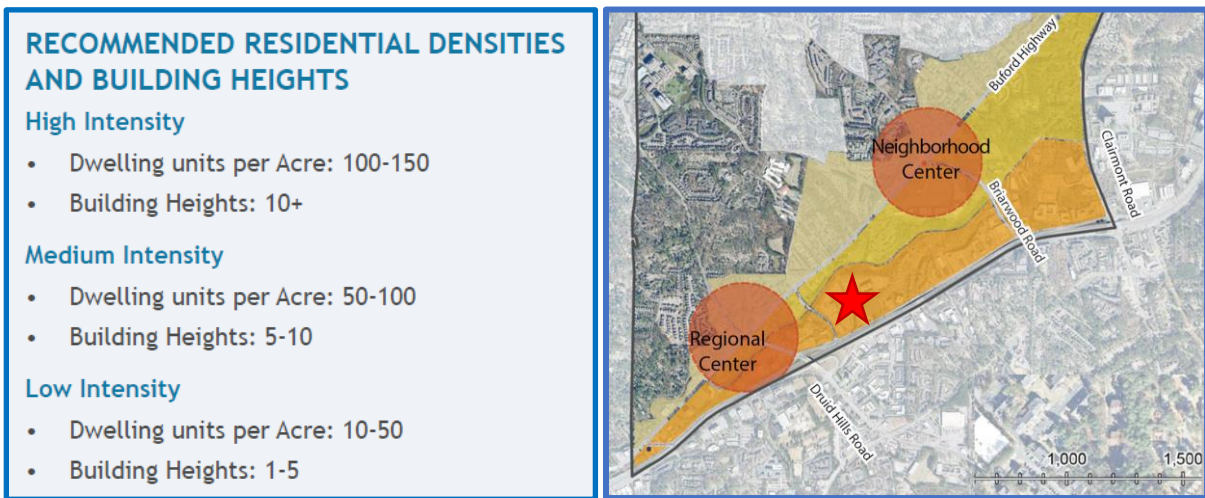
CRITERIA TO BE APPLIED – (SPECIAL LAND USE PERMIT) – LUP22-00011

1. Whether the proposed use is consistent with the comprehensive plan and other adopted policies of the city;

The vision of the Buford Highway Corridor as articulated in the Brookhaven 2034 Comprehensive Plan 5-Year Update, is to transition from an auto-orientated suburban corridor into a denser, more walkable and bikeable urban corridor, that features compact pedestrian-friendly development (page 71).

The proposed use is for a 165 apartment units with a density of 23.47 units per acre. The request for a Special Land Use Permit to allow multi-unit housing on the subject properties aligns to the Comprehensive Plan recommendation to preserve and maintain affordable housing options within the corridor and the city.

However, development intensity recommendations are explicitly defined for the Buford Highway Corridor Character Area, with the subject property designated as a High Intensity classification. The High Intensity classification calls for residential density of 100-150 units per acre and building height exceeding 10-stories. The proposed use does not meet the intensity character that has been outlined for the area, but as an adaptive re-use of an existing structure, the rezoning petition could be viewed in a unique context.



Brookhaven 2034 Comprehensive Plan

Figure 5: Recommended Densities & Building Heights (page 73)

Figure 6: Development Intensities Map (page 74)

2. Whether the proposed use complies with the requirements of this zoning ordinance;

The subject property consists of one parcel totaling 7.029-acres (306,183 square foot) with 274.30-feet of street frontage along the frontage road of I-85. The subject property is currently zoned M (Industrial) with the proposed rezone to O-I (Office-Institutional). Table 7.1 entitled “Principal Use Table” in Article VII of the Zoning Ordinance authorizes a “Four + Household” land use in the O-I zoning district classification, only if approved through a Special Land Use Permit process.

Additionally, Table 4-3 entitled “Lot and Building Regulations in Commercial & Employment Districts” in Article IV of the Zoning Ordinance states the maximum height of allowed in O-I zones in 5 stories and 70-feet, but may be eligible for increased building height if approved through the Special Land Use Permit process. The proposed 7-story multi-unit housing as presented in this application conveys a use that is compliance with the zoning ordinance.

3. Whether public services, public facilities and utilities are adequate to serve the proposed use;

Public services, facilities and utilities are adequate to serve a 165-unit apartment complex, as proposed. The development shall be required to upgrade its stormwater management system in accordance with current regulations.

4. Whether the proposed use will create adverse impacts upon any adjoining land use by reason of:

a. Noise, smoke, odor, dust or vibration generated by the proposed use;

The proposed apartment complex will not create adverse impacts upon adjoining land uses in regard to noise, smoke, odor, dust or vibration.

b. Hours or manner of operation of the proposed use; and

The hours of operation for an apartment building is 24 hours since it is a residential use. Surrounding uses would not be affected as they office buildings typically operate from 7am – 6pm.

c. Traffic volumes generated by the proposed use;

The trip generation model submitted by the applicant predicts 741 daily trips for a “Multifamily Housing (Mid-Rise)” land use classification, which includes 65 trips during the evening peak hour.

Land Use Information	Reduction %	Project Trips			Equation Used ¹	In / Out Distribution
		Total	Inbound	Outbound		
221 - Multifamily Housing (Mid-Rise)						165 Dwelling Unit
Daily		741	371	370	$T=4.77(X) - 46.46$	50% / 50%
AM Peak Hour		61	14	47	$T=0.44(X) - 11.61$	23% / 77%
PM Peak Hour		65	40	25	$T=0.39(X) + 0.34$	61% / 39%
710 - General Office Building						147,000 1000 S.F.
Daily		1,622	811	811	$\ln(T) = 0.87\ln(X)+3.05$	50% / 50%
AM Peak Hour		233	205	28	$\ln(T) = 0.86\ln(X)+1.16$	88% / 12%
PM Peak Hour		229	39	190	$\ln(T) = 0.83\ln(X)+1.29$	17% / 83%

**Figure 4 – Trip Generation Report
(Provided by Applicant)**

5. Whether the proposed use would result in an over-concentration of the subject use type within the area of the proposed use;

The Buford Highway Corridor is already considered a multi-unit residential node within the City of Brookhaven. Additionally, since the construction of Children’s Healthcare of Atlanta’s

(CHOA) newest campus, Buford Highway has been identified as an area to help house CHOA staff due to its close proximity to the campus and a potential connection to cross I-85 via bridge or tunnel.

While the proposed use would increase the concentration of multi-family residential in the area, the subject use would not result in an over-concentration of multi-unit residential housing. There is a wide need for additional housing in the city and surrounding jurisdictions.

6. Whether the aesthetic and architectural design of the site is compatible with the intent and requirements of the comprehensive plan, the character area study, and all applicable zoning ordinance regulations; and

As mentioned above, the overall design of the site is compatible with the intent and requirements of the comprehensive plan, the character area study, and applicable zoning ordinance regulations.

7. Whether the proposed use is compatible with adjacent properties and land uses, based on consideration of the size, scale and massing of proposed buildings and the overall site design.

The proposed multi-unit housing use and height increase for the subject property would be compatible with adjacent office buildings. As a piece of the Corporate Square development and the reuse of the existing structure, the size, scale, and massing of the proposed building would be consistent with its original plan. Outside of Corporate Square, the overall height of the structures are much shorter. In addition, our zoning code allows for the Buford Highway Corridor to increase in density over the next redevelopment cycle.

CRITERIA TO BE APPLIED – (CONCURRENT VARIANCES)

1. **CV22-07** - Variance requested to reduce rear yard setback requirement from 30-feet to 28-feet (Section 27-294);
2. **CV22-08** – Variance requested to allow for amenity space on development over an acre (Section 27-390)

1. The grant of the variance will not be detrimental to the public health, safety or welfare or injurious to property or improvements;

The grant of the variance to reduce the rear yard setback requirement from 30-feet to 28-feet would not be detrimental to the public health, safety, and welfare because the proposed plan is utilizing an existing footprint of the structure at 3 Corporate Boulevard. No adjacent owners within the Corporate Square have addressed any concerns of the proposed re-use.

The grant of the variance to allow for an amenity type open space on a development over an acre could improve to the public health, safety, and welfare because the relaxed dimensional requirements of the amenity space open space type allows for flexibility to design smaller open spaces that when combined provide 24.76% open space which is beyond our minimum 15% requirement.

2. The variance request is based on conditions that are: (a) Unique to the subject property; (b) Not generally applicable to other properties in the same zoning district; and, (c) Not the result of the subject property owner’s or applicant’s actions;

The request for a rear-yard setback reduction are unique to the subject property due to the existing conditions of the site. The Corporate Square development was built primarily in the late 1960s and early 1970s under DeKalb County Zoning Ordinance as a master-planned development and subdivided for individual ownership of each building. The existing non-conformity was deemed as legal, non-conforming when the City of Brookhaven was established. The granting of the variance to reduce the rear-yard setback would only allow for the existing non-conformity to remain. These conditions are not generally applicable to other properties in the same zoning district, nor are the existing conditions a result of the owner or applicant’s actions.

Since the proposed development is not an entirely new redevelopment project, allowing an amenity space open space type on a development site area exceeding 1-acre is a justifiable request. In order to maximum the re-use of materials, as well as maintain the existing access to adjacent properties, minimum changes are proposed in the overall massing of the site layout. The site can and has accommodated the required open-space percentage, but needs more dimensional flexibility to come up with a variety of functional open space configurations while maintaining the general physical form of re-used site.

- 3. Because of the particular conditions, shape, size, orientation or topographic conditions, the strict application of the requirements of this zoning ordinance would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners;**

The strict application of the requirements of the zoning ordinance would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners in consideration of the existing location of the building in proximity to the subject property's boundaries.

As mentioned above, the particular conditions of adaptive re-use place some limitations on the existing form of the site. The granting of the variance would rectify this limitation and still provide for sufficient open space for the residents and public.

- 4. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties;**

The requested variance to reduce the rear-yard setback does not go beyond the minimum necessary as it only asks to maintain the existing non-conformity – no additional encroachments are proposed.

Allowing an amenity space open space type on a development site area exceeding 1-acre is the minimum necessary to afford relief if the flexibility of this relief is utilized to fully accommodate the required 15% open-space ratio.

- 5. The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause undue hardship or practical difficulty, as distinguished from a mere inconvenience; and**

The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause a practical difficulty as it relates to the rear-yard setback as the site could never be redeveloped using the existing building without a variance.

The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause a practical difficulty as it relates to amenity space type as the development's intent is to utilize as much of the existing infrastructure as possible, while accommodating for the needs of the new use and the Buford Highway Overlay design requirements.

- 6. The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive plan.**

The requested variances as proposed support a project that addresses the needs and vision of the Brookhaven 2034 Comprehensive Plan, the Buford Highway Corridor Character Area, the Buford Highway Improvement Plan and Economic Development Strategy, and the Buford Highway Overlay in the following ways:

1. Utilizes opportunity for land use transformation

2. Aims to preserve and maintain affordable housing by re-using existing infrastructure and providing more housing stock in an undersaturated market
3. Adds to the overall goal of additional park and open space within the Buford Highway Corridor
4. Leverages the North Fork Peachtree Creek as an asset for public enjoyment by creating neighborhood access points and connecting paths throughout the site to connect to other parcels and eventually to the Peachtree Creek Greenway.

However, the project does not address the needs and vision in the following ways:

1. Proposes less than a quarter of the minimum residential density recommended for this property.
2. Proposes only 70% of the minimum building height recommended for this property.

DEPARTMENT COMMENTS

FIRE MARSHAL

Review completed. No comments.

POLICE DEPARTMENT

Brookhaven Police Department has reviewed the request and provides the following recommendation: The International Association of Chiefs of Police reports that more than 70% of crime involves the use of a vehicle. We would recommend the installation of Automated License Plate Readers (ALPR) at the entrances and exits of the properties. The City of Brookhaven currently uses Flock Safety to provide this ALPR technology and alert our police officers of criminal activity in our city. Business districts and mixed use residential developments present a target rich environment for property crimes and can over-extend the resources of the police department. ALPR technology can capture the evidence needed to quickly solve a case and deter future crime in the area.

CITY ENGINEER

Review completed. No comments.

CITY ARBORIST

1. A tree survey is required for review of all developmental permit applications (Sec. 14-54 (a) (3)).

For the tree survey, trees must be identified by:

- Species.
- Level 2 health assessment on the condition of each tree (dead, poor, fair, good) by a qualified professional and all required photographic documentation. Supplemental tree of quality notes and photographs. City defines a qualified professional within this code section as an ISA certified arborist or a registered forester.
- Diameter in inches measured at four and one-half feet above the soil line (cumulative diameter of all main stems for a multi-stem tree).
- To-scale exact locations on lot or adjacent properties.
- Each tree must be shown as a circle or dot symbol with a label indicating species and DBH. Species-unique symbol and key format is not permitted.

2. Minimum site tree density/canopy cover requirements per Sec. 14-51, achieved with a combination of the preservation of healthy approved trees and approved replacement trees. A minimum of 85% of all replacement trees must be approved medium or large/overstory species.
3. Be aware of all specimen tree requirements per Sec. 14-52. The information provided in the tree survey is what will qualify or disqualify specific trees on site as specimen or non-specimen.
4. The initial site plan proposes a surface parking lot. Therefore, be aware of the Parking lot tree requirements per Sec. 14-57(a). All required parking lot trees must have sufficient pervious planting area, soil volume, and soil quality.
5. The Brookhaven Arborist Standards Document provides more information regarding the Brookhaven tree ordinance, approved species lists, and standard details and specifications. It can be found here:
https://www.brookhavenga.gov/sites/default/files/fileattachments/community_development/page/18742/arborist_standards_document_brookhaven_08172021.pdf

PUBLIC WORKS

Public Works recommends the following conditions:

1. The project shall meet or exceed all of the Post-construction Stormwater Management Ordinance and Green-Infrastructure/Low Impact Development standards in force at the time the Land Disturbance Permit (LDP) is applied for.
2. The pre-development condition for purposes of stormwater management calculations shall be the natural undeveloped condition state for a forest.
3. Runoff reduction practices beyond the minimum requirement is encouraged.
4. No waivers or variances from runoff reduction requirements shall be considered or supported by Staff without an overwhelming demonstration of technical infeasibility. In that case, minimization of the runoff reduction requirement shall be limited to that level where it becomes technologically feasible.
5. If the stormwater management system is part of a master plan of development or is combined with other sites, the receiving system must meet these criteria.

DEKALB WATERSHED MANAGEMENT

In the permitting stage this, development will require review from DWM P&D. An approved/conditional approved Sewer Capacity Evaluation is also required.

DEKALB COUNTY SCHOOLS

No comments received.

CONCLUSION TO FINDINGS

LUP22-00008 (REZONING): According to the Brookhaven Comprehensive Plan 2034 5-Year Update, the vision for the Buford Highway Corridor Character Area is for it to transition from an auto-orientated suburban corridor into a denser, more walkable, and bikeable urban corridor, that features compact pedestrian-friendly development with a focus on providing more affordable housing stock. The proposed rezoning allows for the re-use of existing infrastructure to lead towards a more affordable housing option and to providing more housing stock overall.

LUP22-00011 (SPECIAL LAND USE PERMIT): According to the Brookhaven Comprehensive Plan 2034 5-Year Update, the proposal to develop multi-unit housing on the subject property aligns to the Comprehensive Plan recommendation to develop the subject property to higher intensity of use and to add more housing options within the Buford Highway Corridor. Again, Staff finds the proposed design adheres to the Buford Highway Corridor Character Area's vision.

Therefore, based on this reason, Staff concludes that the land use petitions **LUP22-00008** to rezone the subject properties from M (Industrial) to O-I (Office-Institution) and **LUP22-00011** to permit a Special Land Use Permit to allow for multi-unit housing and to exceed the maximum building height limit of the O-I zoning district is supported by the Comprehensive Plan and vision for the Buford Highway Corridor Character Area.

Therefore, based on these findings, the Staff recommends **APPROVAL CONDITIONAL** of the following Land Use Petition Applications: LUP22-00008 to rezone the subject properties from M (Industrial) to O-I (Office-Institution) and LUP22-00011 to permit a Special Land Use Permit to allow for multi-unit housing and to exceed the maximum building height limit of the O-I zoning district

CV22-00007 & CV22-00008 (CONCURRENT VARIANCES):

1. Concurrent Variance – CV22-07 – Principal Structure Rear Yard Setback

- a. Staff supports the variance from Section 27-294(b) to reduce rear yard requirement from 30-feet to 28-feet because this is an adaptive reuse of an existing legal, non-conforming structure.

2. Concurrent Variance – CV22-08 – Amenity Space Open Space Type

- a. Staff supports the variance from Section 27-390(d)(1) to allow an amenity space open space type on a development site exceeding 1-acre because the flexibility of this relief can be utilized to accommodate a 24.76% open-space ratio.

STAFF RECOMMENDED CONDITIONS

Should the Planning Commission recommend approval of the requested Land Use Petition (**LUP22-0008 and LUP22-00011**) with concurrent variances (**CV22-07 and CV22-08**), staff recommends the approval be subject to the following conditions; these conditions shall prevail unless otherwise stipulated by the Mayor and City Council:

1. To the owner's agreement to abide by the following:
 - a. Owner/Developer shall provide a transitional buffer with a minimum of 10-feet in width adjacent to the property line described as N55°57'00"W on the site plan submitted to the Community Development Department on November 29, 2022.

- b. Owner/Developer shall submit a revised site plan conveying compliance to all applicable City Zoning, Fire, and Development regulations to be reviewed and approved by the Community Development Department, prior to issuance of a Land Disturbance Permit.
- c. Reduce rear yard setback from 30 feet to 28 feet to allow for the existing principal structure to maintain its current encroachment (CV22-07)
- d. Allow for an amenity space open space type on development site exceed 1-acre in the configuration as shown on the site plan submitted to the Community Development Department on November 29, 2022. (CV22-08)