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August 5, 2016

City of Brookhaven
Attention: Ms. Patrice Ruffin, Deputy Director
City of Brookhaven Office of Community Development
Brookhaven City Hall
4362 Peachtree Road
Brookhaven, Georgia 30319

Re: Letter of Intent - Brookhaven MARTA TOD Application by Brookhaven City
Center Partners, LLC

Dear Patrice:

This application requests a special land use permit to increase the allowable height to 125 feet (eight stories) for the office building proposed at the intersection of Peachtree Road and Dresden Drive. The Brookhaven Peachtree Overlay District permits an eight story building with a maximum height of 100 feet as of right through certain bonus incentives. The Overlay contains additional criteria to allow a maximum building height of 125 feet with approval of a special use permit. The additional building height requested will not increase density or add additional floors above and beyond what is permitted as of right. The additional 25 feet of building height requested will enable the floor to ceiling heights in the office building to be increased. The proposal meets the Overlay requirements for the additional height and requests approval of a maximum building height of 125 (eight stories) for the proposed office building. .

Very truly yours,

Jessica L. Hill

SPECIAL USE PERMIT RESPONSES

- (1) Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located;

The office building proposed is an eight story, maximum 125 foot building located on Peachtree Road at the Dresden Drive intersection. The office building is part of a mixed use development located on a site with an aggregate size of 17.757 acres. The large size of the site and its location on Peachtree adjacent to the MARTA station make it adequate for the proposed eight story building. All required yards, open space and parking requirements are anticipated to be met in the proposal.

- (2) Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district;

The immediately adjacent properties are a Waffle House, MARTA, an extended stay hotel and shopping centers. The proposal for an office building in this location will complement the existing uses. Further, the proposed eight story height is permitted as of right under the Overlay. The applicant is requesting an additional 25 feet above and beyond the 100 feet allowed as of right to enable the office building to have taller floor to ceiling heights commensurate with a class A office building.

- (3) Adequacy of public services, public facilities, and utilities to serve the use contemplated;

All public services, public facilities and utilities are available to serve the proposed development.

- (4) Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area;

The office building is located at the intersection of Peachtree Road and Dresden Drive. A traffic study has been prepared and submitted as a part of the application supporting the proposal.

- (5) Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use;

The additional height requested will not change the square footage of the proposal or increase density. The proposed eight stories is allowed under the existing Overlay at 100 feet in height. The proposal will increase the allowable height to 125 feet but

maintain the eight story limit.

- (6) Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency;

Vehicular access to the proposed office building will be provided from Dresden Drive. Pedestrians will access the property utilizing the new streetscape to be installed around the perimeter of the property. A transit plaza will be located adjacent to the office building on Peachtree Road which will further facilitate access to the office building and MARTA. The majority of the parking for the office building will be located in the proposed parking deck across the MARTA and existing rail tracks. The existing tunnel on the site providing access to Peachtree will be improved to enhance the pedestrian connection as a part of the project.

- (7) Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use;

The proposal is to increase the applicable building height of an office building. No adverse impacts based on noise, smoke, odor, dust or vibration will occur based on an increase in building height by 25 feet.

- (8) Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use;

The hours of operation of the proposed office use are not impacted by the request to increase height.

- (9) Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use;

No adverse impacts will be created by adding an additional 25 feet to an office building.

- (10) Whether or not the proposed plan is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located;

The applicant has identified two possible variances that might be necessary to implement the development. A variance to allow the office building façade to have less than 50% masonry may be requested in the future when the office building façade design is confirmed. Also, a possible variance to add additional curb cuts on Apple Valley has been identified.

- (11) Whether or not the proposed use is consistent with the policies of the comprehensive plan;

The property is located in the Peachtree Corridor Overlay Character Area which identifies office uses as appropriate at between three and eight stories. The request is consistent with the Comprehensive Plan.

- (12) Whether or not the proposed plan provides for all required buffer zones and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located;

No buffer zones or transitional buffer zones are required by the applicable zoning on the property.

- (13) Whether or not there is adequate provision of refuse and service areas;

Refuse and service areas for the office building will be located below the office building and are anticipated to be sized for the applicable use.

- (14) Whether the length of time for which the special land use permit is granted should be limited in duration;

Indefinitely.

- (15) Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings;

The existing development adjacent to the property ranges in height from one to four stories, however, the existing zoning permits building heights up to eight stories on these properties. The Overlay specifically provides for building heights up to 125 feet for buildings within a certain distance of the MARTA station, evidencing the appropriateness of the request.

- (16) Whether the proposed plan will adversely affect historic buildings, sites, districts, or archaeological resources;

No historic buildings, sites, districts or archaeological resources are located on the property.

- (17) Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit;

The supplemental regulations are found in Section 27-1383(h) in the overlay and are addressed below. The supplemental regulations are met.

- (18) Whether or not the proposed building as a result of its proposed height will create a negative shadow impact on any adjoining lot or building;

The property is located along the Peachtree Road corridor which supports building heights of up to eight stories. South of the site along Peachtree Road there are residential buildings with significantly more height than the proposed office building. No negative shadow impact is anticipated on any adjoining lot or building.

- (19) Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject character area; and

The Overlay district provides for very specific requirements to achieve 125 feet in height on the property. It is not possible for other developments to meet the same criteria. No proliferation of buildings with 125 feet in height is anticipated.

- (20) Whether the proposed use would be consistent with the needs of the neighborhood or to the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.

The proposed office building adds to the mixed use development proposed on the property as a transit oriented development adjacent to a MARTA station. The additional 25 feet in height will not impact the needs of the neighborhood or the community on the whole. The comprehensive plan supports building heights of up to eight stories, and the office building proposed is eight stories. The additional height requested will enable the office building to increase the applicable floor to ceiling heights to provide a Class A office building on the property.

Transit Oriented Development Criteria in the Brookhaven Peachtree Overlay Criteria
Section 27-1383(h)

1. The proposed office building is located within 800 feet of the Brookhaven-Oglethorpe University MARTA station fare gates and no closer than 200 feet to any single-family detached or attached residence.
2. The total height of the office building shall not exceed 125 feet.
3. The development provides publicly accessible open spaces which in total comprise no less than 25 percent of the total development parcel. The development will provide contiguous open space no less than 10,000 square feet adjacent to Peachtree Road and one contiguous open space, suitable for community gatherings and events and no less than 40,000 square feet in size not including on-street parking, public sidewalks along roadways and roadways adjacent to Apple Valley Road.
4. The development will provide no less than two of the following:
 - a. A minimum of 20 percent of the total number of residential units provided in the development priced for workforce housing as defined in Section 27-17. Applicable residential units may include townhomes, for-sale condominiums and rental apartments.

b. A minimum total of 40,000 square feet of first- or second-floor retail services and/or professional office oriented toward the street provided as part of one or more mixed-use buildings with retail and/or office on the ground floor and residential and/or office uses above the first floor.

c. A community meeting facility provided in the form of a community center, public meeting room, or contained within a public library, available for community meetings, easily accessible to the public and with access to public restrooms and a service kitchen to support catered events and convenience food service, no less than 8,000 square feet in total size.