

<u>MEMORANDUM</u>

To: Mayor and City Council

From: Michael Smith, Public Works Director

Date: October 27, 2014

Subject 4400 Ashford Dunwoody Road: Request to waive right of way dedication

requirements of Sec. 16-222

ITEM DESCRIPTION

The applicant has submitted for a land disturbance permit to demolish the existing auto service center at Perimeter Mall and build a new Chick-fil-A restaurant (site plan attached). The attached plan shows the site located between two entrances to the mall property on Hammond Drive. The applicant has requested a waiver of the right of way dedication required by Section 16-222 of the city's code of ordinances.

BACKGROUND

Development Code Review

Code section 16-222 applies to "...streets in subdivisions and in other projects requiring a development or land-disturbance permit from the city." Subsection (j) of 16-222 states that streets must be designed and constructed in accordance with the regulations of the following table excerpted from the code:

Type of Road	Travel	Bike	Curb and	Sidewalks	Shoulder [1]
	Lanes	Lanes	Gutter		
Arterial and collector streets	11'	2 @ 4'	2 @ 2′	2 @ 5'	13′

^[1] Shoulder width includes a minimum six foot planting strip, minimum five foot sidewalk and space for underground utilities (cable, TV, water, telephone, electric and natural gas)

Figure 14-2 of the code (attached) provides a visual depiction of the typical street cross section that is required.

The requirements are further stated in 16-222.k.2:

"For existing streets on which a proposed development or project requiring a land development permit has frontage, the applicant must:

- a. Dedicate a minimum of 50 percent of the required right of way width as measured from the centerline of the existing street right-of-way;
- b. Install all required sidewalks, street trees, streetlights, and public utilities in accordance with the standards in subsection (j); and
- c. Provide a minimum of 50 percent of the roadway pavement required in subsection (j) and install it to the right-of-way centerline."



Subsection k.5 empowers the Mayor and City Council to waive right of way dedication if existing government plans for the roadway indicate lesser right-of-way would be required for dedication.

Basis of Applicant's Request

City staff has met and corresponded with the applicant on multiple occasions regarding the required street improvements. The applicant does not control the property adjacent to the right of way that would need to be dedicated and is therefore requesting a waiver. It is the city's understanding that Chick-fil-A is entering into a sub-lease with Macy's who controls a small area surrounding the current building location with rights to use the adjacent parking and drive areas. The property between the sub-lease and easement area and the city right of way is controlled by the mall ownership.

Staff Analysis

Applicable Plans and Standards

In addition to being required by the city's code, the street improvements outlined above are generally consistent with the following conceptual plans applicable to this area of the city:

- 1. Perimeter Community Improvement Districts (PCIDs) Public Space Standards (figure attached)
- Concept plans (figure attached) developed specifically for the Hammond Drive corridor by the PCIDs and referenced as a planned project in Dunwoody's Comprehensive Transportation Plan and the PCIDs Livable Communities Initiative (LCI) 2011 Update

Though the minimum dimensions of each of the proposed street elements vary in each of these plans, the overall concept for Hammond Drive in the city code and the applicable plans is to accommodate bicycles, and provide a landscape buffer between the roadway and pedestrians. The only element currently present is a sidewalk without a buffer. The addition of bike lanes on Hammond would also be consistent with Sandy Springs' draft Bicycle, Pedestrian & Trail Plan which recommends a side-path bicycle facility for Hammond Drive west of the Dunwoody city limits.

Existing Site Characteristics

The site is located less than 900 feet from the Dunwoody MARTA station which is well within the distance that a typical person would walk or bike to access transit. There are currently no bicycle facilities on Hammond Drive. Along the site frontage, there is an existing sidewalk approximately four feet wide with no landscape buffer and a short wall at the back of the sidewalk (picture attached). The relatively narrow sidewalk placed between a wall and the edge of the vehicle travel lanes is less than ideal for pedestrians, and is not consistent with city or PCIDs goals of creating a pedestrian friendly street environment.

Proposed Improvements

The applicant has provided a site plan that provides for a sidewalk adjacent to the parking lot with connection to the existing sidewalk along Hammond Drive at either end of the site.



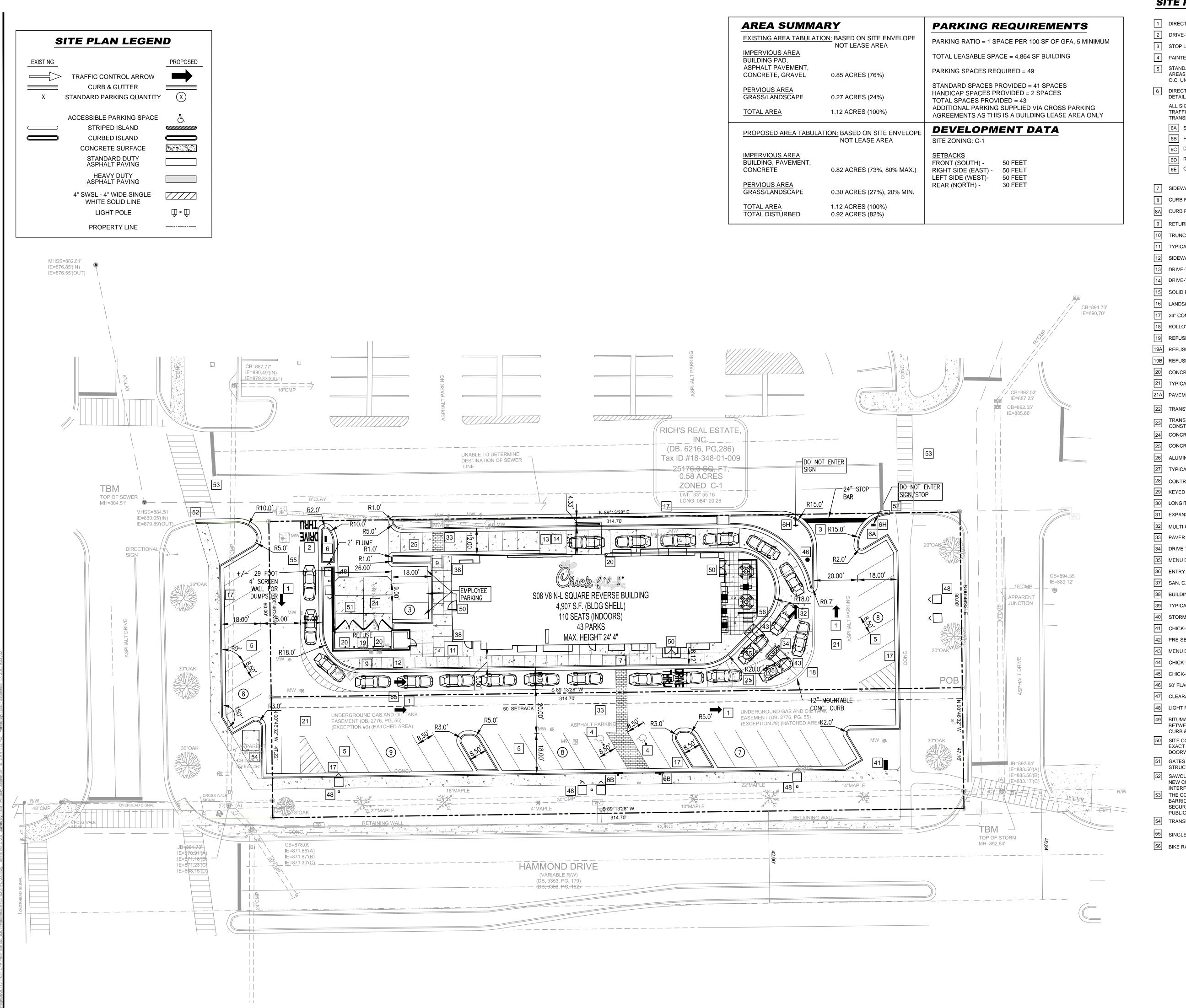
At the west end of the site the connection would require steps down to the sidewalk along the street. The benefits of the proposed sidewalk location are that it would provide an ample buffer from the roadway, provide better access into the mall at the west end of the site and allow for some of the existing trees to be preserved. The primary drawback to the proposed location is that it would not be located within public right of way, and thus its continued function as a public facility could not be guaranteed.

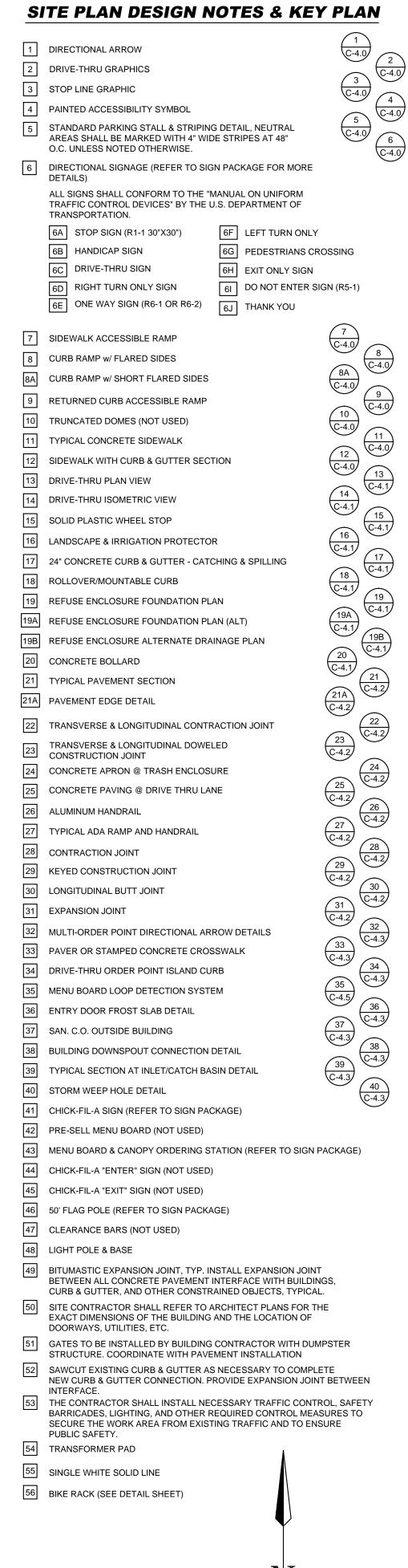
The applicant has demonstrated that the required bike lane can fit within the existing right of way and has elected to pay a fee in lieu of the bike lane improvement.

RECOMMENDATION

After hearing the staff report at its October 13th meeting, the City Council indicated a desire to grant the waiver for right of way dedication with two conditions:

- The applicant will, through their lessor Macy's, request a permanent easement for public use of the proposed sidewalk between the road and the parking lot with the understanding that the applicant cannot guarantee that the easement will be granted.
- 2. The applicant will pay a fee in lieu of the sidewalk construction in the event that the property owner does not approve the sidewalk.







5200 Buffington Rd Atlanta Georgia, 30349-2998

Revisions: |Mark Date By

Mark Date

Mark Date By

PORG

PERIMETER AT HAMMOND FSU SO8H-N-L-SQUARE-REVERSE 4300 Ashford-Dunwoody Road Dunwoody, GA

SHEET TITLE

SITE PLAN

VERSION: ISSUE DATE: 7-2014

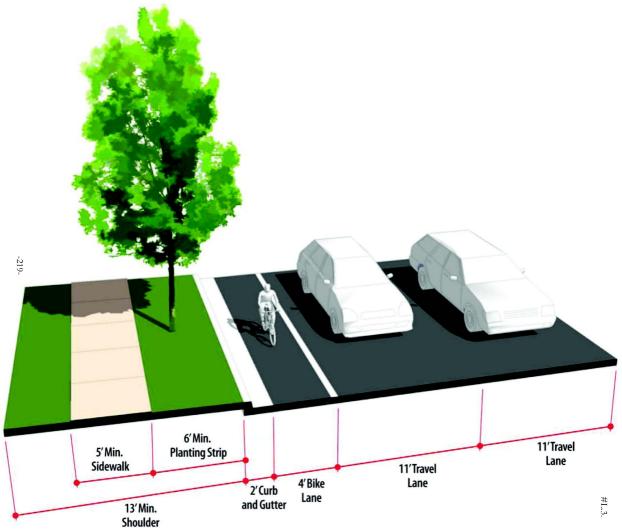
: 11-034 Job No. :09/12/14 Drawn By

Checked By:

20 10 0

1 inch = 20 ft.

(IN FEET





Thoroughfare

Primary route for commuters (heavy traffic)

Existing or planned connection to interstate system

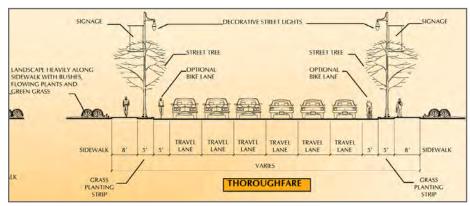
Primary connections to other regions outside of the Perimeter area

May have a median

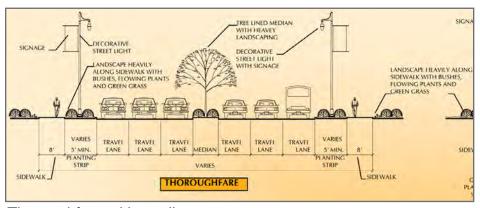
Less traveled by pedestrians

Bicycle lanes or Share the Road lanes

Connections to Shuttle Connector/Bicycle Path



Thoroughfare without median



Thoroughfare with median

Characteristics:

Heavy landscaping
Tree-lined medians

*8 to 10-foot minimum sidewalks
separated from travel lanes by

*5-foot minimum planting strip
Decorative street lights
Median lights
Pedestrian lights
Street trees
Fenced Tree Planters
Pedestrian signage
Bicycle lanes or "Share the
Road" lanes

Examples within the PCID:

Abernathy Road
Ashford Dunwoody Road
Perimeter Center West
Glennridge Drive
Hammond Drive
Johnson Ferry Road
Mt. Vernon Road (portion)
Peachtree Dunwoody Road

NOTE:

*Widths are the desired minimum. Adjustments to these widths can occur where there are conflicts with utilities, right-of-way or other unforseen challanges. Adjustments will be approved on a case by case basis.

