

MEMORANDUM

To: Mayor and City Council

From: Michael Smith, Public Works Director

Date: September 8, 2014

Subject 4400 Ashford Dunwoody Road: Request to waive right of way dedication and street improvement requirements of Sec. 16-222

ITEM DESCRIPTION

The applicant has submitted for a conceptual review to demolish the existing auto service center at Perimeter Mall and build a new Chick-Fil-A restaurant (application attached). The site is located between two entrances to the mall property on Hammond Drive. The applicant has requested a waiver of the right of way dedication and street improvements required by Section 16-222 of the city's code of ordinances. The required street improvements include a bike lane, landscape buffer and sidewalk.

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 all streets must be designed and constructed in accordance with the regulations of the following table:

| Type of Road | Travel Lanes | Bike Lanes | Curb and Gutter | Sidewalks | Shoulder [1] |
|--------------------------------------|-----------------|---------------|--------------------|-----------|--------------|
| 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 these development requirements after considering the following factors:

- a) Right-of-way dedication may be waived or modified if existing government plans for the roadway indicate lesser right-of-way would be required for dedication.
- b) Road improvements may be waived or modified if:
 - 1. Existing use of property not to be substantially changed (i.e., traffic generation and ingress/egress would remain the same);
 - 2. Governmental construction plans for the road indicate a pavement width less than city standards (only the planned pavement width shall be required);
 - 3. Widening would create a hazard to motorized or nonmotorized traffic.

Basis of Applicant's Request

City staff has met and corresponded with the applicant on multiple occasions regarding the required street improvements. The applicant has provided the following reasons for requesting the waiver:

- The Chick-fil-A has entered a sub-lease with Macy's. It is a small area surrounding the current building location and has a construction easement to upgrade the parking lot to accommodate the new building being erected in place of the auto center. The property between the sub-lease and easement area and the city right of way is owned by the Mall. Chick-fil-A does not currently have the legal rights to encroach into this area.
- There is a fire hydrant, sewer manhole and pedestrian signal pole that will need to be adjusted to accommodate the new sidewalk.
- A three to four foot high retaining wall will be required at the back of the sidewalk.
- An additional six trees would have to be removed.

Staff Analysis

Applicable Plans and Standards

In addition to being requirements of 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.

Site Characteristics

The site is located less 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. Due to the slope between the roadway and the site parking lot, any widening of the roadway to better accommodate bicycles or pedestrians will necessitate construction of a new retaining wall and removal of six trees, only two of which appear mature and healthy.

RECOMMENDATION

Staff recommends **denial** of the applicant's request to waive the requirements for right of way dedication and the street improvements, as the request does not meet any of the criteria set forth in Section 16-222.k.5. Additionally, a waiver of the improvements would be inconsistent with the adopted plans for the area. Finally, a waiver of the right of way dedication would make it more difficult for the city to construct the recommended road improvements in the future. Recognizing the challenges with topography and utilities at the site, staff requests the ability to make minor adjustments to the required street cross section as necessary to minimize impacts while still meeting the intent of the code.



July 10, 2014

Drew Cutright City of Dunwoody 41 Perimeter Center East Dunwoody, GA 30346

RE: Chick-fil-A at Perimeter Mall

Dear Ms. Cutright:

We have attached the items for a conceptual review per discussions with Rebecca Keefer. Enclosed are site plans, Landscape, application, letter of authorization from owner (Macy's) and a design intent package for building views. Please add us to the schedule for a review meeting at your earliest convenience.

Project Explanation Statement:

This site is currently the Macy's Auto Service Center located at 4300 Ashford Dunwoody Road. Chick-fil-A plans to demolish and rebuild a restaurant in its place. The zoning is C-1, it is one leased parcel of the overall mall and the site is approximately 0.58 acres.

Should you have questions please feel free to call me at your convenience. Sincerely, Todd M. Rogers, P.E. Principal



-10-14

Date: 7

* Applicant Information:

#M.4.

| Contact Nam | ie: | Ralph | Davia | | | | |
|-------------|-------|-------|--------|----------|----------|--------|-------------------------|
| Address: | 2106 | Масу | Drive, | Roswell, | GA 30076 | 5 | tmrogers@greydenllc.com |
| Phone: 770 | -571- | 4801 | Fax: | 678-302- | 6362 | Email: | rdavia@greydenllc.com |

Owner's Name: Chick-fil-A, Inc.

Owner's Address: 5200 Buffington Road, Atlanta, GA 30349

Phone: 404-765-8000 Fax: 404-684-8550 Email:

* **Property Information:**

Property Address: 4300 Ashford Dunwoody Rd, Atlanta, GA Parcel ID: 18-348-01-009 Description of Project: Removal of auto service center and construction of free-standing Chick-fil-A restaurant.

Applicant Affidavit:

I hereby certify that to the best of my knowledge, this application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I certify that I, the applicant (if different), am authorized to act on the owner's behalf, pursuant to this application and associated actions. Ralph Davia Applicant's Name:

Applicant's Signature:

| * Notary: | |
|---|------------------------------------|
| Sworn to and subscribed before me this 10 | Day of July, 2014 |
| Notary Public: 20th 30 Cm | |
| Signature: Scott B Reynolds | SCOTT B REYNOLDS Notary Public |
| My Commission Expires: $9/20116$ | Cherokee County |
| * Owner Affidavit: | My Commission Expires Sep 20, 2016 |

Owner Affidavit:

I hereby certify that to the best of my knowledge, this application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Dunwoody Zoning Ordinance. I certify that the applicant(s) (if different) are authorized to act on my behalf, pursuant to this application and associated actions.

| Date: 6.23.14 |
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July 9, 2014

Alex Dominguez Chick-fil-A, Inc. 5200 Buffington Road Atlanta, GA 30349

Re: Perimeter Mall – Atlanta, GA

Dear Alex:

This letter confirms that Macy's Retail Holdings, Inc. ("Macy's") and Chick-fil-A, Inc. ("CFA") are currently negotiating the terms of a Ground Lease (the "Lease") in which CFA intends to lease from Macy's a portion of the real property at Perimeter Mall owned by Macy's for a new CFA restaurant (the "Project").

While the Lease is not yet final. Macy's desires to assist CFA's efforts to begin the permitting process for the Project. As an accommodation to CFA, Macy's hereby authorizes CFA to submit its plans for the Project to the City of Atlanta and to pursue securing the required governmental approvals and permits from the various governmental agencies as they pertain to the Project.

Notwithstanding the foregoing, pending completion of the Lease, Macy's authorization hereunder, is limited to the submittal of the plans and CFA has no further authority on behalf of Macy's with respect to either (i) any requested changes to the plans or (ii) any capacity in any other matters other than the Project.

Sincerely.

Macy's Retail Holdings, Inc.

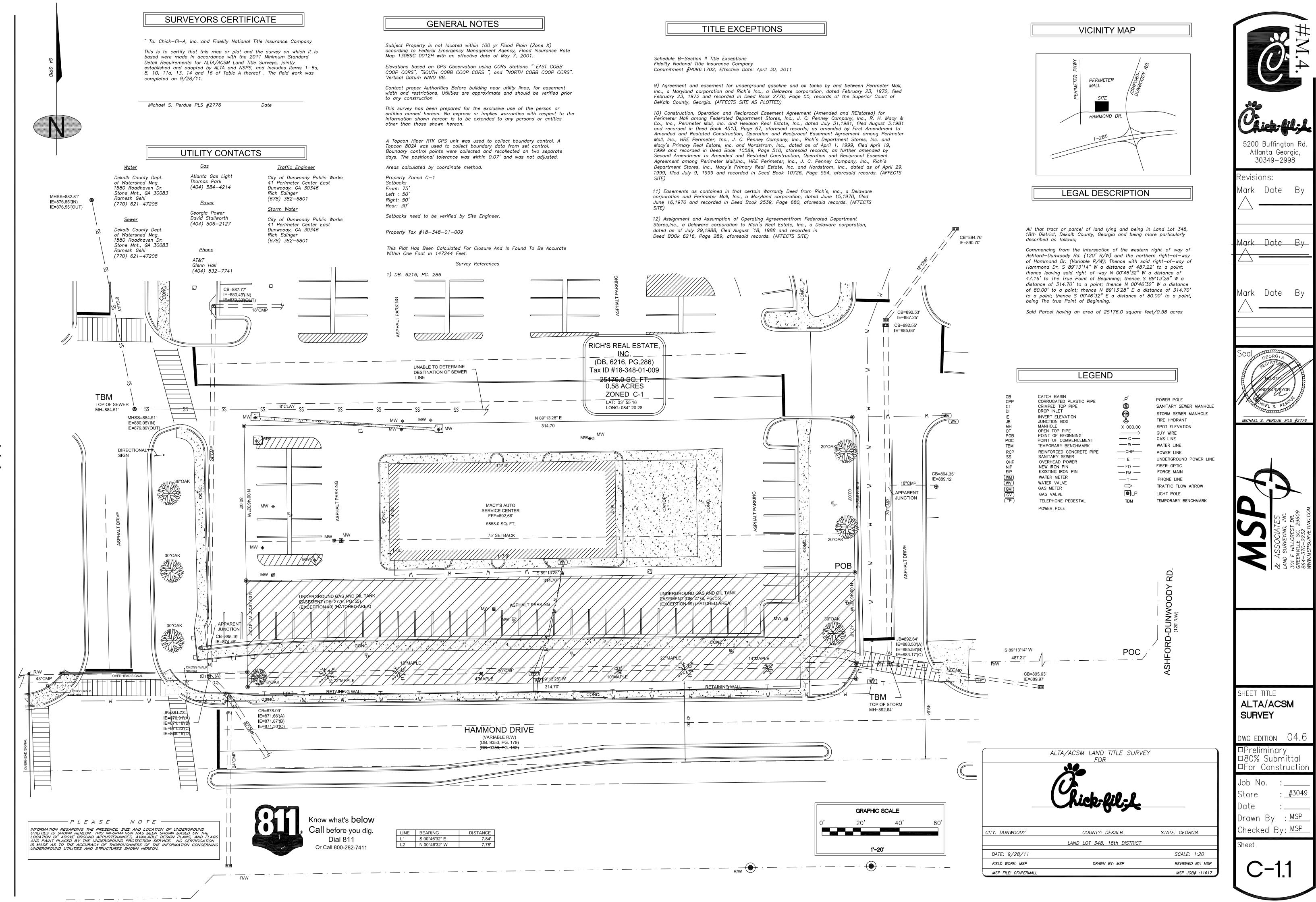
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Carl L. Goertemoeller Senior Vice President

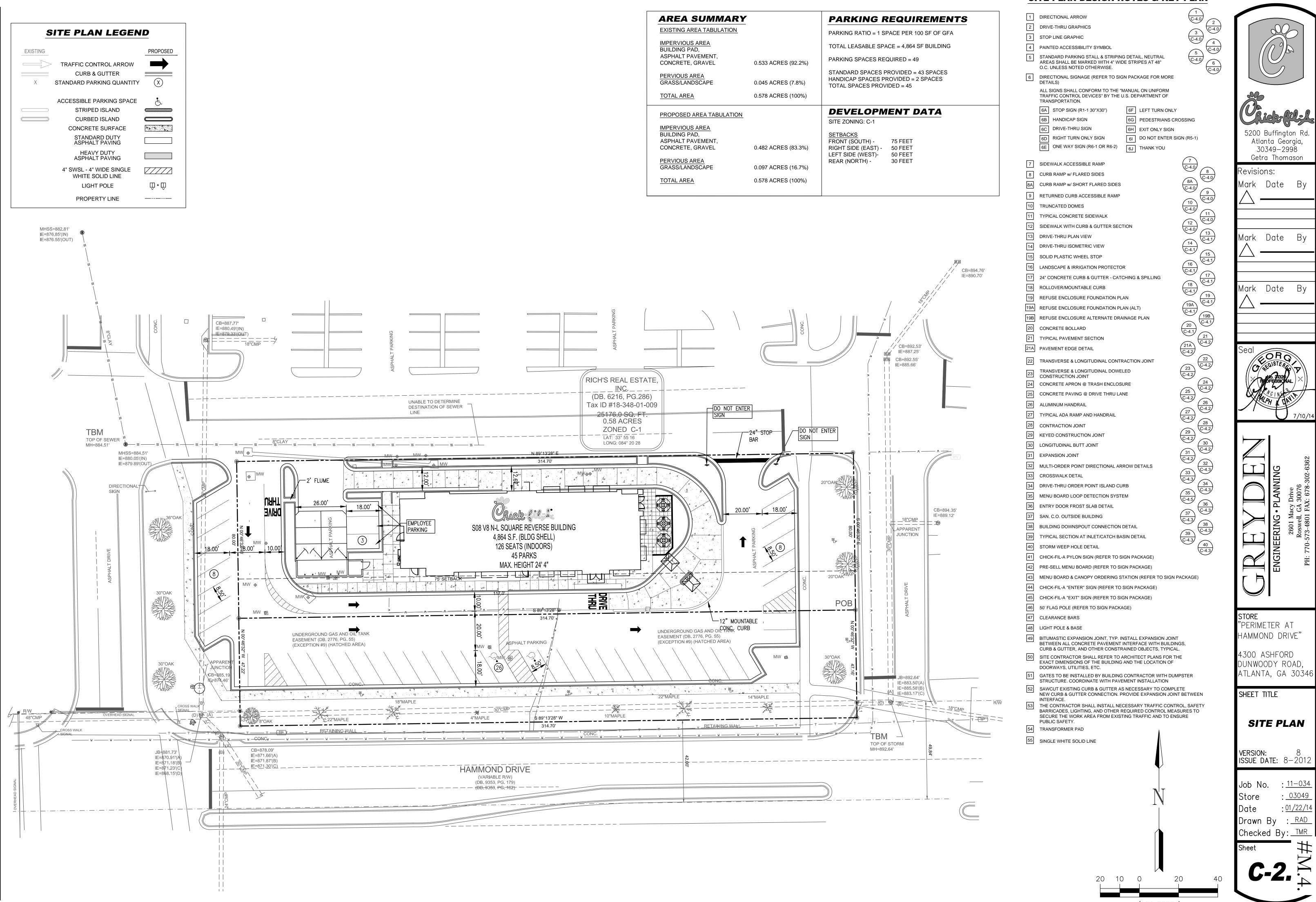
CC: Mark Gambill Doug Pyne

Doc No 1000594

7 West Seventh Street, Cincinnati, OH 45202



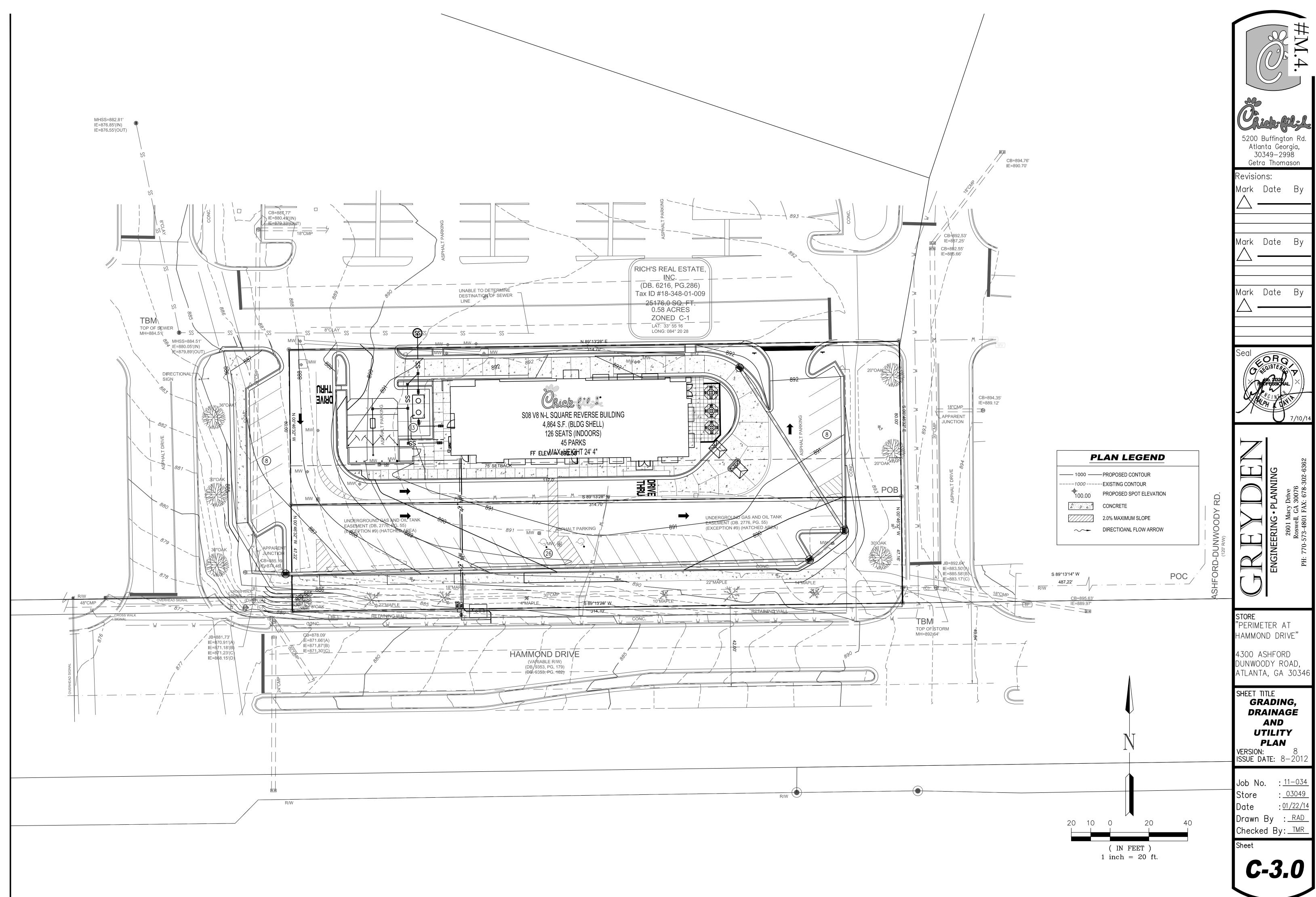
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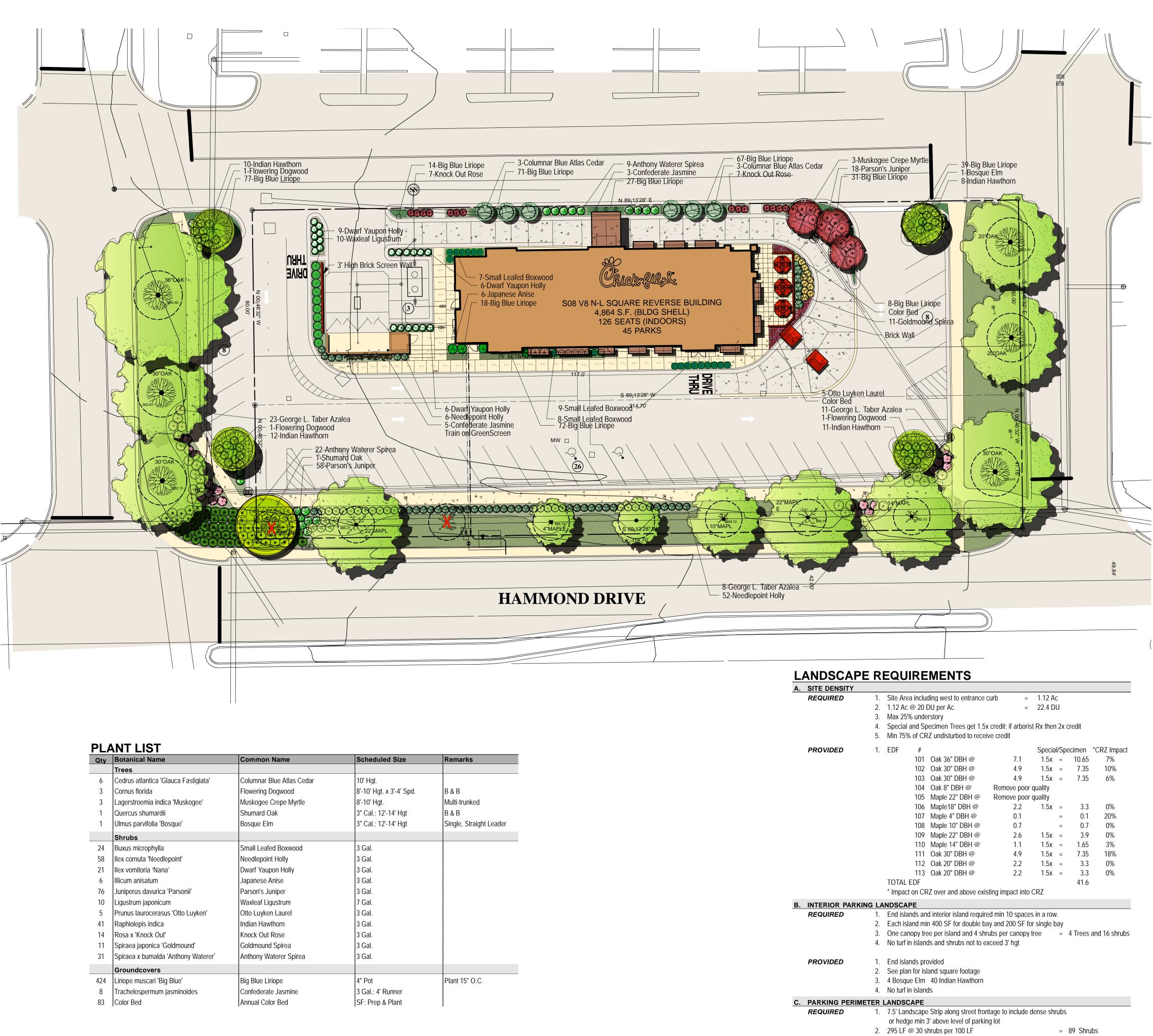
(IN FEET 1 inch = 20 ft.

SITE PLAN DESIGN NOTES & KEY PLAN



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| | Trees | | | |
|-----|--------------------------------------|---------------------------|--|--|
| 6 | Cedrus atlantica 'Glauca Fastigiata' | Columnar Blue Atlas Cedar | | |
| 3 | Cornus florida | Flowering Dogwood | | |
| 3 | Lagerstroemia indica 'Muskogee' | Muskogee Crepe Myrtle | | |
| 1 | Quercus shumardii | Shumard Oak | | |
| 1 | Ulmus parvifolia 'Bosque' | Bosque Elm | | |
| | Shrubs | | | |
| 24 | Buxus microphylla | Small Leafed Boxwood | | |
| 58 | Ilex cornuta 'Needlepoint' | Needlepoint Holly | | |
| 21 | Ilex vomitoria 'Nana' | Dwarf Yaupon Holly | | |
| 6 | Illicum anisatum | Japanese Anise | | |
| 76 | Juniperus davurica 'Parsonii' | Parson's Juniper | | |
| 10 | Ligustrum japonicum | Waxleaf Ligustrum | | |
| 5 | Prunus laurocerasus 'Otto Luyken' | Otto Luyken Laurel | | |
| 41 | Raphiolepis indica | Indian Hawthorn | | |
| 14 | Rosa x 'Knock Out' | Knock Out Rose | | |
| 11 | Spiraea japonica 'Goldmound' | Goldmound Spirea | | |
| 31 | Spiraea x bumalda 'Anthony Waterer' | Anthony Waterer Spirea | | |
| | Groundcovers | | | |
| 424 | Liriope muscari 'Big Blue' | Big Blue Liriope | | |
| 8 | Trachelospermum jasminoides | Confederate Jasmine | | |
| 83 | Color Bed | Annual Color Bed | | |

1. 13' Landscape Strip provided along Hammond Drive

PROVIDED

4 Existing Maple 2 Existing Oak

1 Proposed Oak

| t to entrance curb | = 1.12 | Ac |
|--------------------|--------|----|
| IC | = 22.4 | DU |
| | | |

| | | Specia | l/Sp | ecimen | *CRZ Impact |
|-----------|---------------------|--------|------|--------|-------------|
| " DBH @ | 7.1 | 1.5x | = | 10.65 | 7% |
| " DBH @ | 4.9 | 1.5x | = | 7.35 | 10% |
| " DBH @ | 4.9 | 1.5x | = | 7.35 | 6% |
| DBH @ | Remove poor quality | | | | |
| 22" DBH @ | Remove poor quality | | | | |
| 8" DBH @ | 2.2 | 1.5x | = | 3.3 | 0% |
| 4" DBH @ | 0.1 | | = | 0.1 | 20% |
| 10" DBH @ | 0.7 | | = | 0.7 | 0% |
| 22" DBH @ | 2.6 | 1.5x | = | 3.9 | 0% |
| 14" DBH @ | 1.1 | 1.5x | = | 1.65 | 3% |
| " DBH @ | 4.9 | 1.5x | = | 7.35 | 18% |
| " DBH @ | 2.2 | 1.5x | = | 3.3 | 0% |
| " DBH @ | 2.2 | 1.5x | = | 3.3 | 0% |
| | | | | 41.6 | |
| | | | | | |

2. 140 Shrubs - not continuous due to existing large trees

| CON CON |
|--|
| Chick-fil;L |
| 5200 Buffington Rd. Atlanta, Georgia 30349-2998 |
| Revisions: Mark Date By |
| Mark Date By |
| Mark Date By |
| Seal Steve L MANLEY + Steve L MANLEY + Harris Carte NO-Store |
| Image: constraint of the second straint of the sec |
| STORE Perimeter at Hammond |
| 4300 Ashford- Dunwoody Rd Dunwoody, GA |
| SHEET TITLE Conceptual Landscape Plan |
| VERSION: ISSUE DATE: |
| Job No. : 2014031 Store : 3049 Date : 6.26.14 Drawn By : SLM Checked By: SLM |
| Sheet H L-1 H 4 |
| |

20

40 FT

-120-

Contents:

- Perspective Elevations
- Site Plan
- Building Elevations

Store #03049

- Building Plan
- Outdoor Dining/Patio Layout
- Exterior Messaging Plan
- Executive Summary



06/13/14



S08 V8 Building N-L-Square-Reverse

Perimeter at Hammond FSU, Dunwoody, GA – Store #03049

Projected Open Date: 05/07/15

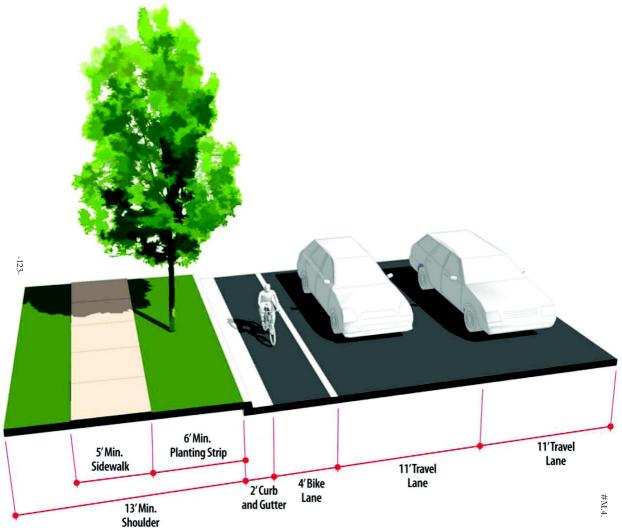




S08 V8 Building N-L-Square-Reverse

Perimeter at Hammond FSU, Dunwoody, GA – Store #03049

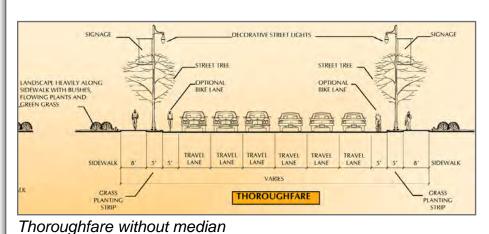




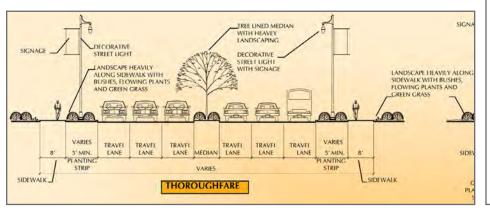


Thoroughfare

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



molouginale without median



Heavy landscaping Tree-lined medians

Characteristics:

*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

Thoroughfare with median

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.

STREET TYPES SECTIONS

