

October 6, 2016

VIA E-MAIL (aabaker@dekalbcountyga.gov)

Andrew Baker, Director  
DeKalb County Planning and Sustainability  
330 W. Ponce de Leon Ave., 5<sup>th</sup> Floor  
Decatur, GA 30030



Re: Request for Right of Way Waiver by Board of Commissioners

Dear Mr. Baker:

On behalf of my client, Rockbridge Residential Holdings, LLC (the “Developer”), I am hereby requesting the initiation of a Right of Way Waiver request to the DeKalb County Board of Commissioner from Chapter 14, Section 191 of the DeKalb County Land Development Code. As set forth in Section 14-191 (e), the Board of Commissioners may authorize deviations for the right of way dedication requirements set forth in Section 14-191 (b) if any one of the following is found:

- a. Existing use of property is not to be substantially changed as a result of proposed development or construction;
- b. Existing government construction plans for the roadway indicate lesser right-of-way would be required for dedication; or
- c. The adjoining frontage is developed and the predominate existing right-of-way meets county standards.

The Developer is seeking to develop a 56 unit subdivision bounded by Rockbridge Road, Old Rockbridge Road and 3<sup>rd</sup> Avenue within Tier IV of the Scottdale Overlay District. The Sketch Plat for the proposed subdivision was approved by the Planning Commission in July of 2016. During the Land Development Permit review, the Transportation Department advised the Developer that Rockbridge Road has been designated as a minor arteria road requiring an increase of the existing 40 foot right of way to 80 feet. Additionally, Old Rockbridge Road which is also an existing 40 foot right of way, is now designated as a Collector Street, which requires an increase to 70 feet, and finally 3<sup>rd</sup> Avenue which is an existing 30 foot right of way, is considered to be a local street requiring an increase to 55 feet. For reasons not yet determined, this information was not given to the Developer during the Sketch Plat process having the lot yield was determined.

The designation of both Rockbridge Road and Old Rockbridge Road is startling in light of the residential character of the area. There can be no questions that requiring a 20 foot widening of Rockbridge Road from the existing center line on both side of the street in some locations, and a 15 foot widening of Old Rockbridge Road will have a dramatic effect on the aesthetic feel of this neighborhood. Additionally, the road



Page 2

widening will push the homes further back from the road way which will also negatively impact the aesthetics of Tier IV of the Scottsdale neighborhood.

As the development of the 56 unit subdivision will include the recreation of the street grid pattern within Tier IV and allow for the development of pocket parks and rear alley entrances off of the side roads being created, it is the Developer's assertion that a significant widening of Rockbridge Road, Old Rockbridge Road and 3<sup>rd</sup> Avenue is undesirable, and unnecessary for the following reasons:

1. The residential use of the property is not being changed. The property is currently zoned R-75, and was developed with 18 homes on over 16 acres of land. The right of way will be improved by the Developer with the widening of the paved driving area, and the installation of sidewalks along the frontage of the project. Therefore, the residential character of the area will remain intact.
2. Based upon conversation with the County's Transportation Department there currently are no plans to widen the entirety of Rockbridge Road and Old Rockbridge Road to 80ft. and 70ft, and 3<sup>rd</sup> Avenue to 55ft, and based upon comments received from the community, there is no desire to see the roads significantly widened within Tier IV of the Overlay District due to concerns about the impact that it will have on the character of the area.

Based upon the foregoing, the Developer is hereby requesting the following Right of Way Dedication Modification:

1. Reduce required dedication along Rockbridge Road from 40 feet from center line to 30 feet from center line;
2. Reduce required dedication along Old Rockbridge Road from 35 feet from center line to 25 feet from center line; and
3. Reduce required dedication along 3<sup>rd</sup> Avenue from 27.5 feet from center line to 25 feet from center line.

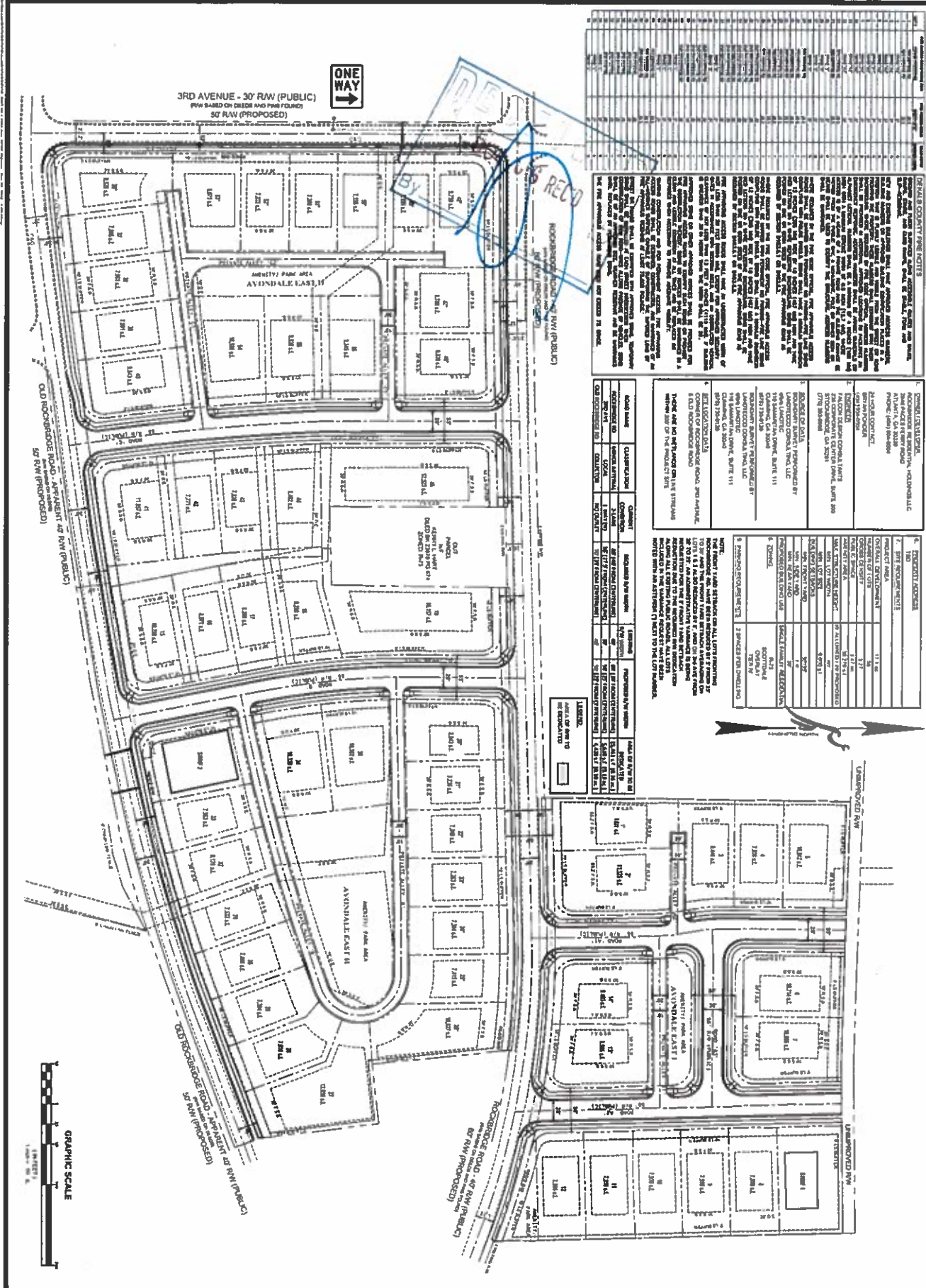
Submitted with this request are three (3) copies of the survey showing the existing improvements, and the proposed site plan for the subdivision showing the proposed right of way modifications, along with the street improvements. Please contact me should you need any additional information.

Sincerely,



Michèle L. Battle

cc: Patrece Keeter (via email)  
Commissioner Sharon Barnes Sutton (via email)  
Commissioner Kathie Gannon (via email)



**DETAILED COUNTY FIRE NOTES**

OWNER AND FIRE SERVICE SHALL PROVIDE AND MAINTAIN ALL FIRE SERVICE EQUIPMENT AND SUPPLIES FOR THE ENTIRE TERM OF THE PROJECT. THE FIRE SERVICE SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF ALL FIRE SERVICE EQUIPMENT AND SUPPLIES. THE FIRE SERVICE SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF ALL FIRE SERVICE EQUIPMENT AND SUPPLIES. THE FIRE SERVICE SHALL BE RESPONSIBLE FOR THE MAINTENANCE AND REPAIR OF ALL FIRE SERVICE EQUIPMENT AND SUPPLIES.

DEVELOPER	OWNER	DESIGNER	DATE
AVONDALE EAST I & II	AVONDALE EAST I & II	AVONDALE EAST I & II	AVONDALE EAST I & II

PROPERTY ADDRESS	OWNER	DATE
10101 N. NOKWOOD ROAD	AVONDALE EAST I & II	AVONDALE EAST I & II

PROPERTY ADDRESS	OWNER	DATE
10101 N. NOKWOOD ROAD	AVONDALE EAST I & II	AVONDALE EAST I & II

GRAPHIC SCALE

REVISIONS

NO.	DATE	DESCRIPTION
1		

RIGHT-OF-WAY DEDICATION VARIANCE EXHIBIT

FOR

**AVONDALE EAST I**

**AVONDALE EAST II**

LOCATED IN

DEKALB COUNTY, GEORGIA

LAND LOT 10; 18th DISTRICT

---

**Sec. 14-191. Improvements, right-of-way dedication.**

**(1) Right-of-way dedication may be waived or modified if:**

- a. Existing use of property is not to be substantially changed as a result of proposed development or construction;
- b. Existing government construction plans for the roadway indicate lesser right-of-way would be required for dedication; or
- c. The adjoining frontage is developed and the predominate existing right-of-way meets county standards.

**(2) Road improvements may be waived or modified if:**

- a. Existing use of property not to be substantially changed (i.e., traffic generation and ingress/egress would remain the same);
- b. Governmental construction plans for the road indicate a pavement width less than county standards (only the planned pavement width shall be required);
- c. No more than five (5) percent of average daily traffic generation would occur between 7:00 a.m. and 9:00 a.m. and 4:00 p.m. and 6:00 p.m., on weekdays;
- d. The existing road meets current county standards; or
- e. Widening would create a hazard to traffic, pedestrians, or bicyclists along the thoroughfare.

**(3) The applicant may, with written concurrence of the development director and the county attorney, provide payment to the county in lieu of road improvements when:**

- a. Road improvements by state or local action are scheduled within twenty-four (24) months;
- b. Existing utility companies' improvements are situated so as to require their removal or relocation before road improvements should be accomplished;
- c. Improvements would be economically unfeasible or would cause unreasonable land development hardships because of topography, soils, bridges, grades, etc., and delay of improvements would not adversely impact the county's road system; and
- d. Payment for road improvements shall be in accordance with a schedule adopted by the board of commissioners in January of each year and based on current street construction costs for the required section.



# DeKalb County Parcel Map



Date Printed: 11/29/2016



DeKalb County GIS Disclaimer:  
This information is provided as a public service. It is not intended to be used as a substitute for professional engineering or architectural services. The information is provided "as is" without any warranty, express or implied, of accuracy, completeness or timeliness. DeKalb County is not responsible for any errors or omissions in this information. The information is provided for informational purposes only and should not be relied upon for any legal or financial decision. The user assumes all liability for any use of this information. The information is provided for informational purposes only and should not be relied upon for any legal or financial decision. The user assumes all liability for any use of this information.

