



Legislation Details (With Text)

**File #:** 2017-1121    **Version:** 1    **Name:**  
**Type:** Ordinance    **Status:** Public Hearing  
**File created:** 10/6/2017    **In control:** Board of Commissioners  
**On agenda:** 11/14/2017    **Final action:** 11/7/2017  
**Title:** Commission District(s): 2 & 6  
Waiver of right-of-way per DeKalb County Code 14-191, Improvements, Right-of-Way Dedication, at 1574 North Decatur Road, parcel 18-053-02-001.

**Indexes:**

**Attachments:** 1. Jimmy Johns, Emory, Letter of Intent

Date	Ver.	Action By	Action	Result
12/5/2017	1	Board of Commissioners		
11/14/2017	1	Board of Commissioners		
11/7/2017	1	Board of Commissioners	approved	
11/7/2017	1	Board of Commissioners	deferred	Pass

**Public Hearing:** YES  NO     **Department:** Planning and Sustainability

**SUBJECT:**

**Commission District(s):** 2 & 6

Waiver of right-of-way per DeKalb County Code 14-191, Improvements, Right-of-Way Dedication, at 1574 North Decatur Road, parcel 18-053-02-001.

**Information Contact:** Patrece Keeter (by Marian Eisenberg)

**Phone Number:** 770-492-5281

**PURPOSE:**

To waive the right-of way requirement per Sec. 14-191 (b) (1) for any project requiring a land disturbance permit to “dedicate a minimum of fifty (50) percent of the required right-of-way as measured from the centerline of the existing street right-of-way.” Sec. 14-191 (e) (1) authorizes the Board of Commissioners to allow deviation from this section, and may waive the right-of-way dedication if certain conditions exist on the property.

**NEED/IMPACT:**

The subject property is a vacant gas station recently converted into a Jimmy Johns restaurant. There is no expansion of the building and only minor site modifications to the parking lot, adjustment of the curb cuts and additional landscaping. The criteria for the Board’s consideration in approving this request are Sec. 14-191 (e) (1) (a) “Existing use of the property is not to be substantially changed as a result of the proposed development or construction”; and (b) “Existing government construction plans for the roadway indicate lesser right-of-way

would be required for dedication.” The applicant states in the attached letter that these conditions apply to this property and asks the board to approve the waiver. There was a compromise reached between the County and the applicant and is reflected in staff’s recommendation.

**FISCAL IMPACT:**

There is no fiscal impact to the County.

**RECOMMENDATION:**

Staff recommends APPROVAL of this waiver of right-of way dedication, with the condition that the applicant convert the permanent sidewalk easement created as part of DeKalb County project number STP-0006-00(268) to permanent right-of-way. (approx. 940 square feet)