

# VAR19-00031

Public Hearing: Board of Appeals  
August 21, 2019 - 7:00pm



## APPLICATION

<b>Applicant/ Property Owner:</b>	New Market, LLC—Cherokee Plaza & Starbucks
<b>Property Addresses</b>	3851, 3853, 3859, 3875, 3877, 3879 3881, 3883, 3889, 3891, 3895, 3901 Peachtree Road
<b>Parcel IDs:</b>	18 239 04 017 18 239 04 018 18 239 04 001

## EXISTING DEVELOPMENT

<b>Zoning:</b>	PR-1 (Peachtree Road District)
<b>Land Use:</b>	Commercial Shopping Center
<b>Lot Area:</b>	7.71 acres — Cherokee Plaza 0.33 acres — Starbucks
<b>Street Frontage:</b>	119 feet—Starbucks <u>Cherokee Plaza</u> 583 feet — Peachtree Road 64.86 feet - Colonial Drive

## REQUESTS

- Variance from Section 27– 406(c)—Streetscapes**  
Reduce sidewalk requirements within the Peachtree Overlay District  
**Staff Recommendation: Approval Conditional**

## LOCATION

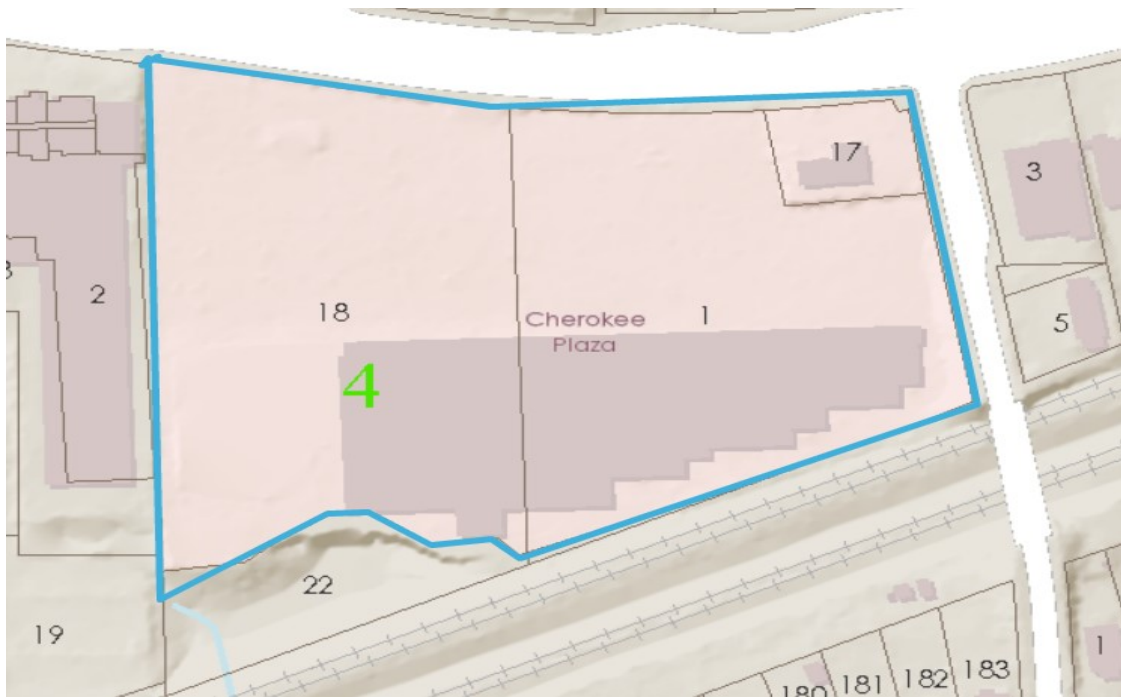
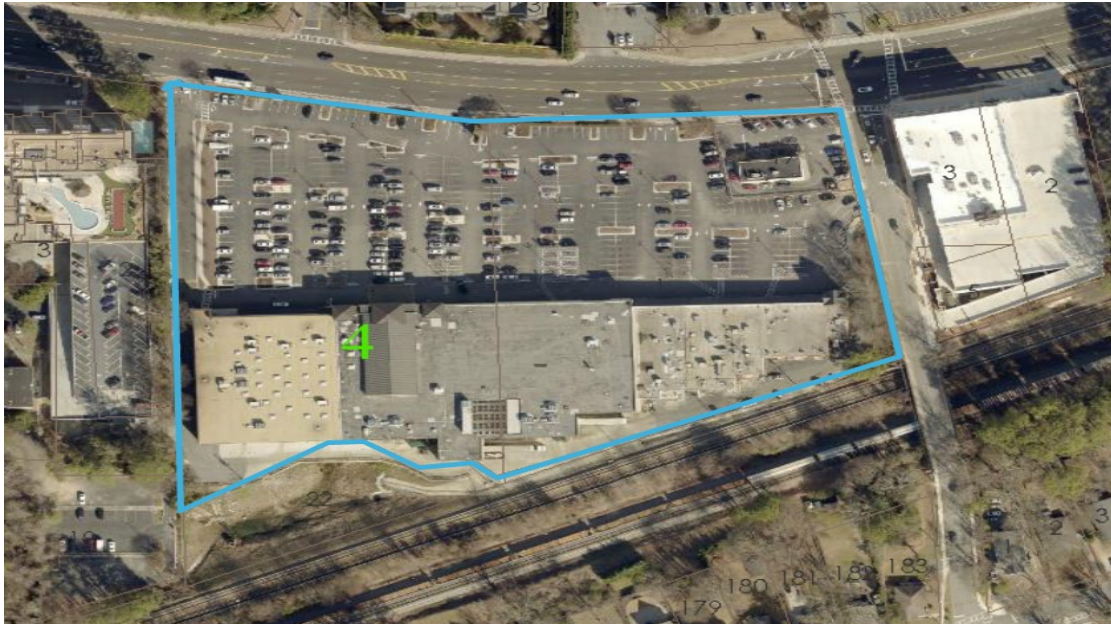


## RECOMMENDED CONDITIONS

Should Board of Appeals approve the requested variance to reduce sidewalk requirements per the Brookhaven Peachtree Overlay District of Section 27.406 (c), staff recommends the following conditions:

- Owner/developer shall replace existing 4.5 –foot pedestrian zone (sidewalk) and 2-foot landscape zone with a 6-foot pedestrian zone and omit landscape zone along street frontage of Colonial Drive abutting the stand-alone commercial building;
- Owner/developer shall replace existing 4-foot pedestrian zone (sidewalk) and 2-foot landscape zone with 6-foot pedestrian zone and omit landscape zone along street frontage of Colonial Drive abutting the shopping center;
- Owner/developer shall maintain existing 6.5 foot pedestrian zone and zero foot landscape zone along the street frontage of Peachtree Road for the stand-alone commercial building and a portion of the shopping center;
- Owner/developer shall replace the existing 6’6” –foot sidewalk with a 6’7” landscape zone and 10’ pedestrian zone along the street frontage of Peachtree Road along the front of the shopping center.
- Development of the subject property shall occur in accordance with the site plan stamped received on July 24, 2019 to the Community Development Department, for the area of encroachment only.

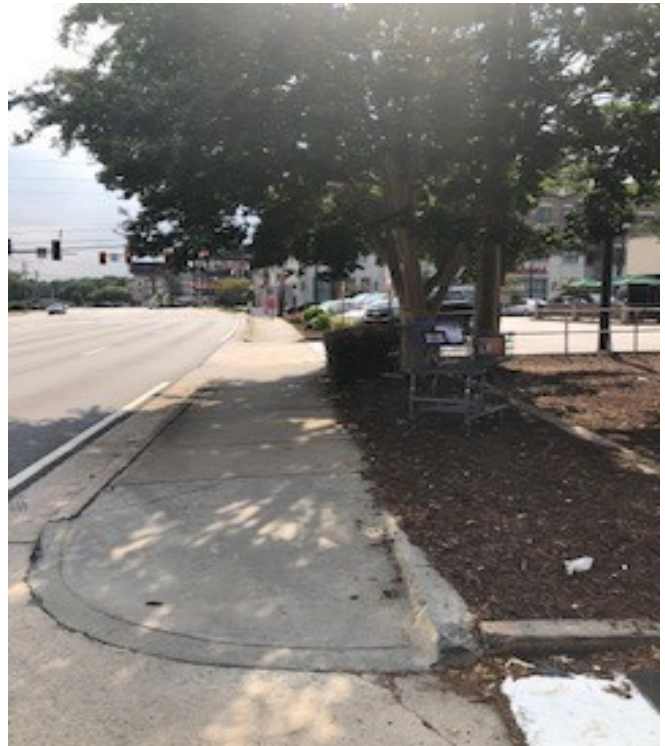
## DEKALB COUNTY AERIAL PHOTOGRAPH



## ALONG COLONIAL DRIVE



## ALONG PEACHTREE ROAD



## Section 27-328

### **1. The grant of the variance will not be detrimental to the public health, safety or welfare or injurious to property or improvements;**

Granting of the variance to reduce sidewalk requirements within the Peachtree Road Overlay District may not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located. The applicant proposes to maintain the existing pedestrian and landscape zones. The new project does not propose a new building. The existing building and use of the subject property will remain the same.

### **2. The variance request is based on conditions that are:**

#### **(a) Unique to the subject property;**

The variance request to reduce sidewalk requirements is not unique to the subject property. The subject parcel is zoned PR-1 (Peachtree Road District) and includes a commercial shopping center and restaurant with drive-thru. The land development permit proposes to improve property frontage, safety access, operations and connectivity for vehicles. As part of the land development permit, upgrading of sidewalk improvements is required which triggered the variance request.

#### **(b) Not generally applicable to other properties in the same zoning district;**

The requested variance to reduce sidewalk requirements is not generally applicable to other properties within the same zoning district. The subject property is an existing commercial shopping center which includes a commercial restaurant with a drive-thru at the corner of Colonial Drive and Peachtree Road. Currently, a non-compliant sidewalk abuts the street right-of-way of both Colonial Drive and Peachtree Road. The applicant proposes to install a traffic light at the main entrance of Cherokee Plaza on Peachtree Road. The traffic signal project includes parking lot improvements which triggered the need for a land development permit to be approved by Community Development. Peachtree Road Overlay District regulations require all proposed developments that trigger a land development permit to comply with sidewalk improvements. Staff would note that additional proposals under the land development permit include the re-configuration of the front parking lot of Cherokee Plaza and the removal of a retaining wall between Cherokee Plaza and Starbucks. The new traffic signal would potentially provide more internal connectivity for vehicles serving both Cherokee Plaza and existing restaurant with drive-thru at corner of Peachtree Road and Colonial Drive.

#### **(c) Not the result of the subject property owner's or applicant's actions;**

The variance request is not the result of the property owner's action to reduce sidewalk requirements. According to the applicant, the existing building and use of the property would not change. Modifications to the subject properties only include the configuration of the front parking lot and removal of an existing retaining wall. The subject property also lacks sufficient right-of-way to expand the pedestrian and landscape zones.

### **3. Because of the particular conditions, shape, size, orientation or topographic conditions, the strict application of the requirements of this zoning ordinance would deprive the property owner of rights and privileges enjoyed by other similarly situated property owners;**

The subject property is zoned PR-1(Peachtree Road District-1) and conforms to minimum lot area requirements. The front of the property along Peachtree Road is relatively flat and does not have any exceptional topographic conditions. Colonial Drive includes an overpass bridge. The downward slope of the bridge creates exceptional topographic conditions which may hinder full compliance with sidewalk improvements per the Peachtree Road Overlay District.

## Section 27-1098 — Variance Criteria

### **4. The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties;**

The requested variance to reduce sidewalk requirements does not go beyond the minimum necessary to afford relief. The applicant proposes to remove the existing sidewalk along the street frontage of the shopping center abutting Peachtree Road and install a 10-foot pedestrian zone and 6-foot landscape zone in compliance with sidewalk requirements for the Peachtree Road Overlay District. As previously mentioned, no building improvements are proposed to increase density or the building footprint. All existing buildings and structures shall remain. The lack of sufficient right-of-way along the street frontage of Colonial Drive and Peachtree Road abutting the Starbucks restricts the applicant from constructing a sidewalk that fully complies with Peachtree Road Overlay sidewalk requirements. The applicant proposes to replace existing 4.5-foot pedestrian (sidewalk) and 2-foot landscape zone with a 6-foot pedestrian zone and omit landscape zone along street frontage of Colonial Drive abutting the stand-alone commercial building. The applicant also proposes to replace existing 4-foot pedestrian zone (sidewalk) and 2-foot landscape zone with 6-foot pedestrian zone and omit landscape zone along street frontage of Colonial Drive abutting the shopping center. The existing 6.5 foot pedestrian zone and zero foot landscape zone along the street frontage of Peachtree Road for the stand-alone commercial building and a portion of the shopping center would be maintained. The applicant shall replace the existing 6'6"-foot sidewalk with a 6'7" landscape zone and 10' pedestrian zone along the street frontage of Peachtree Road along the front of the shopping center. The existing building, parking lot layout and restaurant use shall remain the same. The requested variance does not constitute a grant of special privilege inconsistent with the limitations upon other similarly situated properties.

### **5. The literal interpretation and strict application of the applicable provisions or requirements of this zoning ordinance would cause undue hardship or practical difficulty, as distinguished from a mere inconvenience; and**

The strict application of sidewalk requirements per the Peachtree Road Overlay District may pose an unnecessary hardship upon the applicant, as the subject lot has some exceptional topographic conditions along Colonial Drive. In addition, the land development permit does not propose any new buildings, change in building footprint or use of the subject property. Lastly, there is not sufficient right-of-way to expand the pedestrian and landscape zones.

### **6. The requested variance would be consistent with the spirit and purpose of this zoning ordinance and the comprehensive**

The requested variance to reduce sidewalk requirements per the Peachtree Road Overlay District is consistent with the spirit and purpose of the Zoning Ordinance and the City's Comprehensive Plan. Currently, sidewalks exist on the subject property to provide pedestrian connectivity. No new buildings are proposed as a part of the land development permit for this project.

## **STAFF NOTES**

1. The applicant applied for Land Development Permit #LDP19-00002 on May 23, 2019. The purpose of the land development permit is to improve the internal parking conditions to allow a new full access traffic signal to serve the shopping center and the corner restaurant. The land development permit includes the proposal to close two (2) full access driveways to the shopping center and the stand-alone restaurant along Peachtree Road.
2. A new traffic signal would be located on Peachtree Road across from Brookhaven Drive with an additional right-in/right-out driveway that will include a raised median on Peachtree Road. The traffic signal improvement shall require approval from the Georgia Department of Transportation as Peachtree Road is classified as a state arterial roadway.

## Section 27-1098 — Variance Criteria

### STAFF NOTES

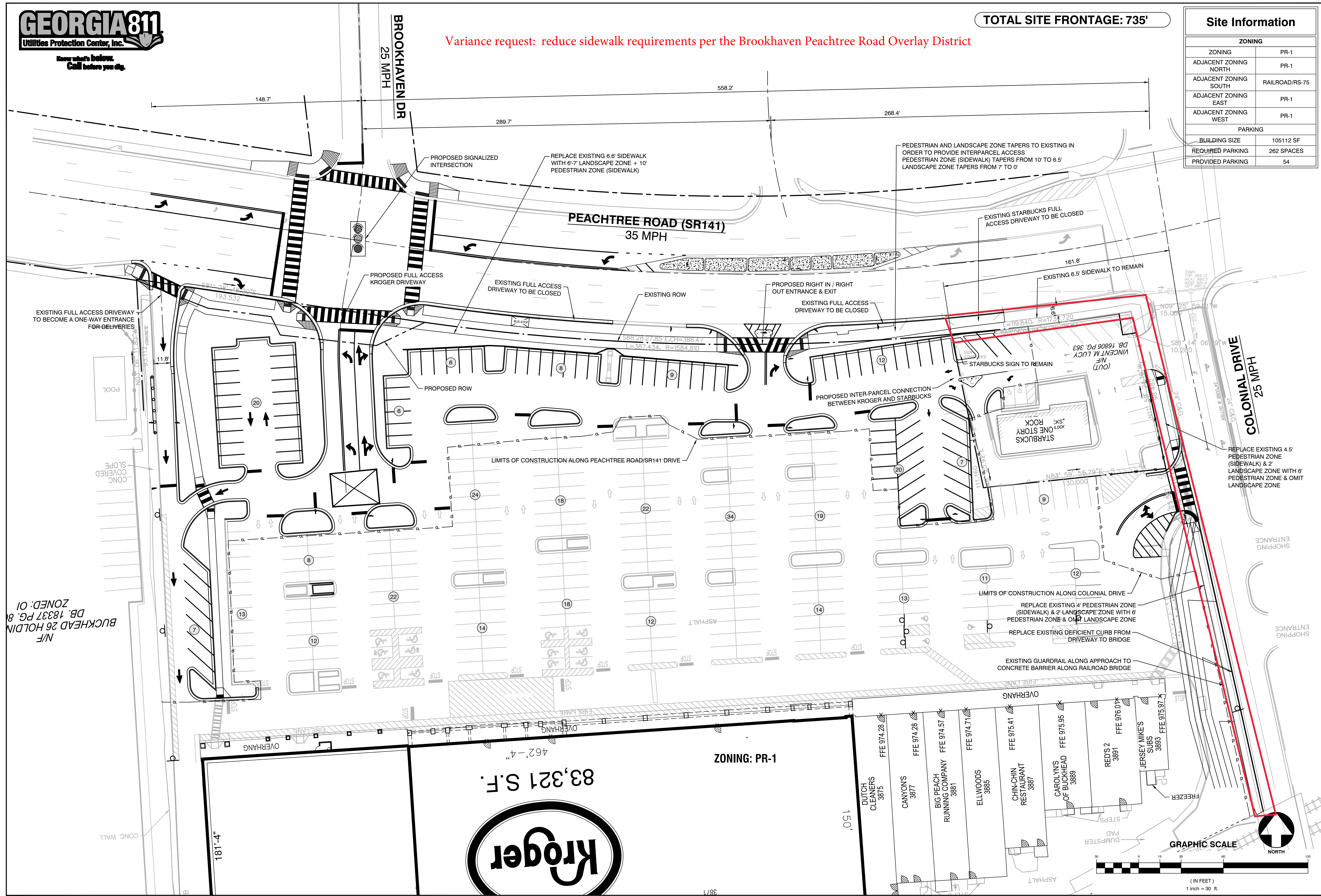
3. The land development permit also proposes inter-parcel connection between Starbucks and Cherokee Plaza where none access currently exists. The applicant proposes to remove an existing retaining wall which separates the shopping center and restaurant. The removal of the retaining wall shall provide inter-parcel connectivity for vehicles entering and existing the restaurant and shopping center from the new traffic signal;
4. The applicant proposes to replace the existing sidewalk along Peachtree Road with a 10-foot pedestrian zone and 6-foot , 7 -inches landscape zone along the frontage of Cherokee Plaza on Peachtree Road.
5. The applicant proposes to replace existing 4.5-foot pedestrian zone (sidewalk) and 2-foot landscape zone with a 6-foot pedestrian zone and omit landscape zone along street frontage of Colonial Drive abutting the stand-alone commercial building;
6. The applicant also proposes to replace existing 4-foot pedestrian zone (sidewalk) and 2-foot landscape zone with 6-foot pedestrian zone and omit landscape zone along street frontage of Colonial Drive abutting the shopping center;
7. The applicant proposes to maintain existing 6.5 foot pedestrian zone and zero foot landscape zone along the street frontage of Peachtree Road for the stand-alone commercial building and a portion of the shopping center;
8. There is a lack of right-of-way along Colonial Drive and Peachtree Road in front of the restaurant which may restrict the applicant from fully complying with Peachtree Road sidewalk requirements;
9. According to the applicant the following reasons hinder the sidewalk replacement along Colonial Drive and portions of Peachtree Road: 1) Starbuck would potentially lose 30% of its total number of parking spaces; 2) Removal of five (5) specimen oaks trees; 3) replacement of the existing 4-foot timber retaining wall with a 10-foot retaining wall; and 4) Replacement of an existing water and backflow preventer; and
10. The Public Works Department supports the request to reduce the sidewalk in accordance with the submitted site plan due to the lack of right-of-way along Peachtree Road and Colonial Drive and exceptional topographic conditions along Colonial Drive.



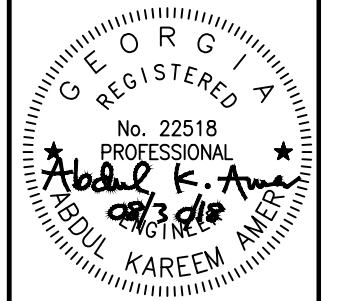
Variance request: reduce sidewalk requirements per the Brookhaven Peachtree Road Overlay District

TOTAL SITE FRONTAGE: 735'

Site Information	
ZONING	
ZONING	PR-1
ADJACENT ZONING NORTH	PR-1
ADJACENT ZONING SOUTH	RAILROAD/RS-75
ADJACENT ZONING EAST	PR-1
ADJACENT ZONING WEST	PR-1
PARKING	
BUILDING SIZE	105112 SF
REQUIRED PARKING	262 SPACES
PROVIDED PARKING	54



Cherokee Plaza Shopping Center  
Access Improvements

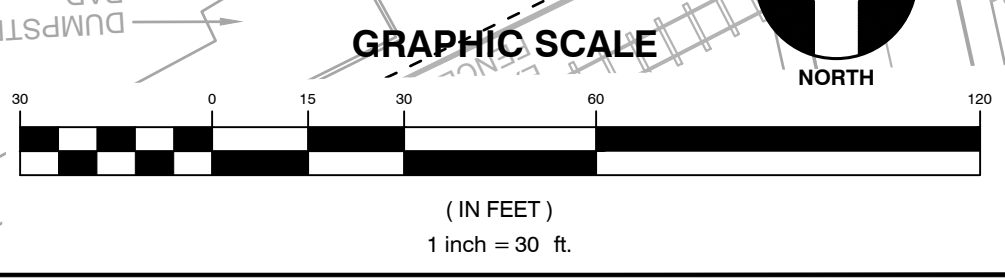
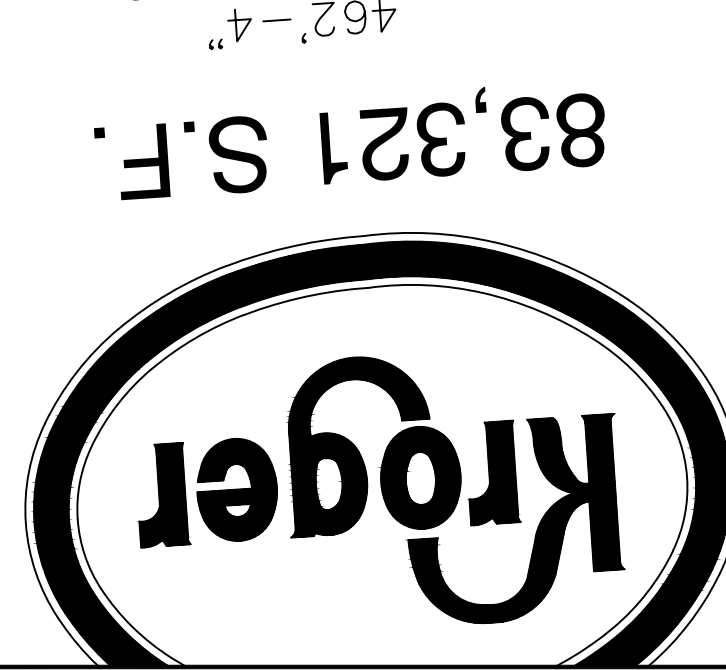


Overall Proposed Conditions  
A&R Engineering Inc.

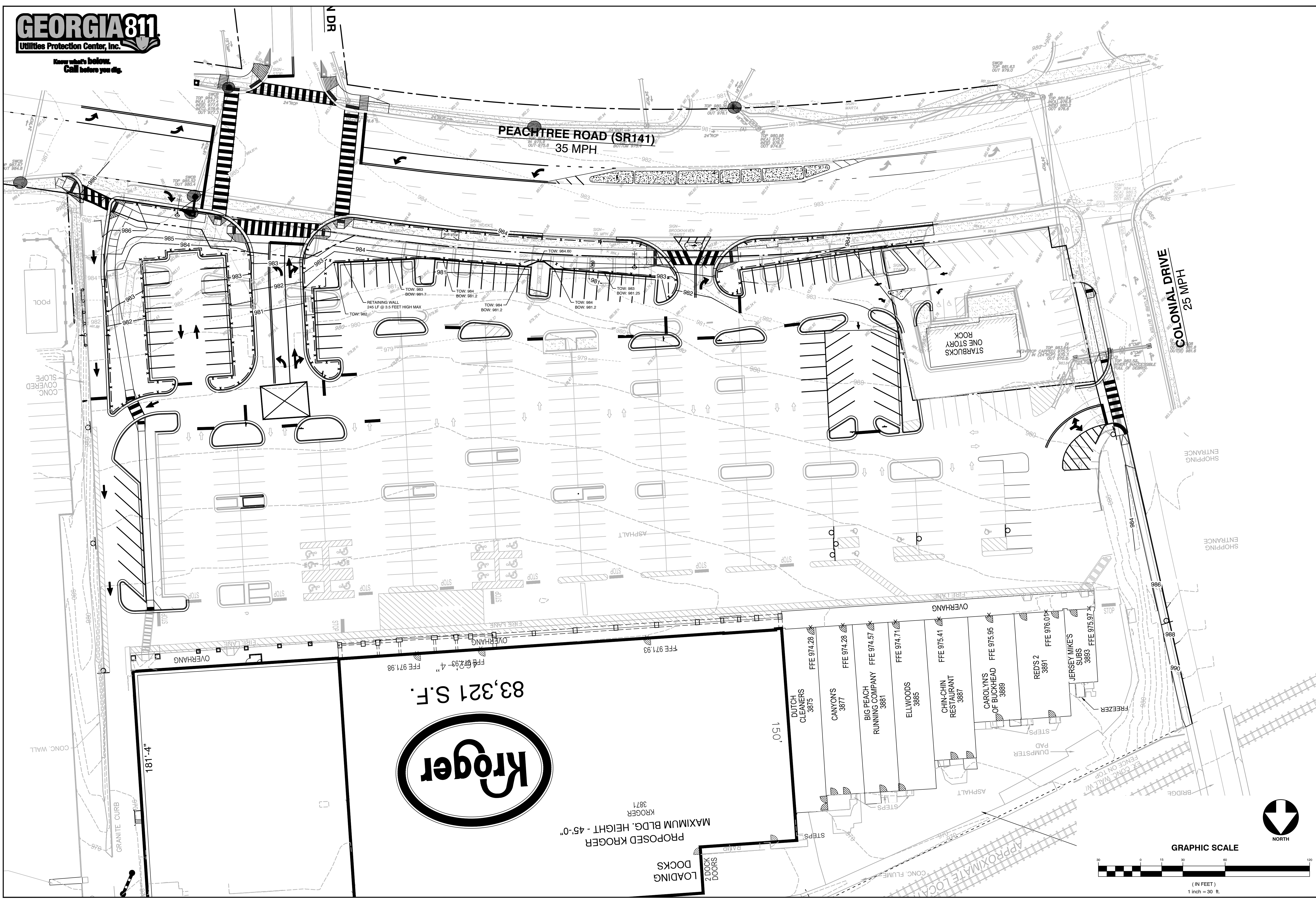
No. 22518  
Professional Engineer  
Abdul Kareem Alkhatib  
2180 Kingston Court, Suite O  
Marietta, GA 30067  
Tel: (770) 660-2525  
www.aareng.com

DATE	05-09-2018
REVISIONS	
NO.	DATE
3	13DEC2018
4	18DEC2018
5	05MAR2019
6	16MAY2019
DRAWN BY:	CHEKED BY:
CAO	DPE
PROJECT NO:	14-012
PLAN SET:	Original
SHEET	VAR1

N/A  
BUCKHEAD 26 HOLDING  
DB. 18337 PG. 8  
ZONED: O1

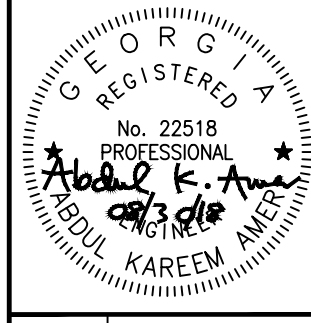


- DUTCH CLEANERS 3875 FFE 974.28
- CANYONS 3877 FFE 974.28
- BIG PEACH RUNNING COMPANY 3881 FFE 974.57
- ELLWOODS 3885 FFE 974.71
- CHIN-CHIN RESTAURANT 3887 FFE 975.41
- CAROLYN'S OF BUCKHEAD 3889 FFE 976.95
- RED'S 2 3891 FFE 976.04
- JERSEY MIKE'S SUBS 3893 FFE 975.97



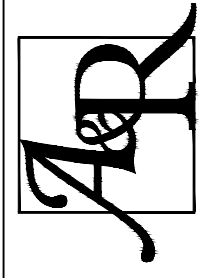
**Cherokee Plaza Shopping Center**  
Access Improvements

3851, 3877, & 3901 Peachtree Rd  
PREPARED FOR  
The Kroger Company  
Brookhaven, GA 30319

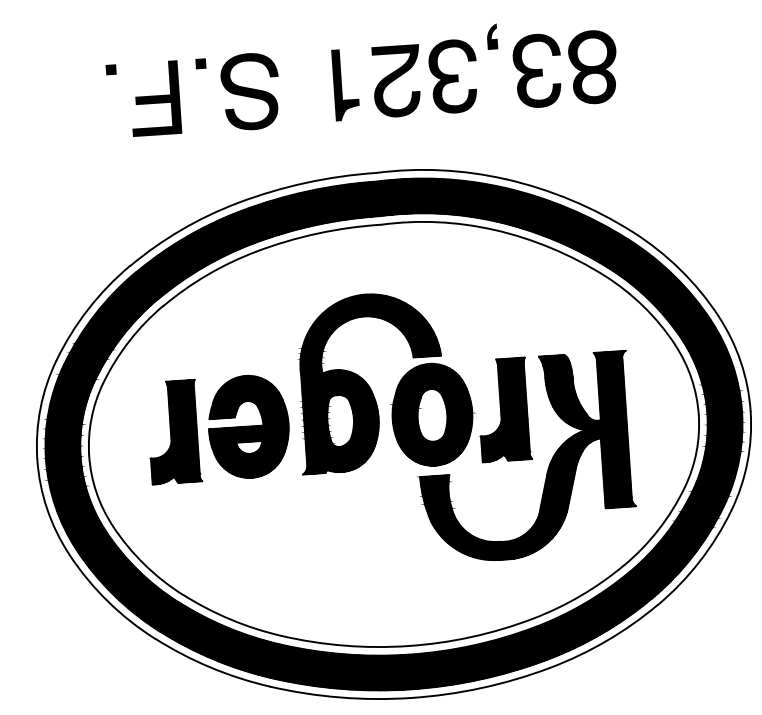
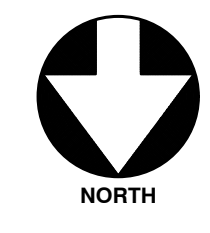
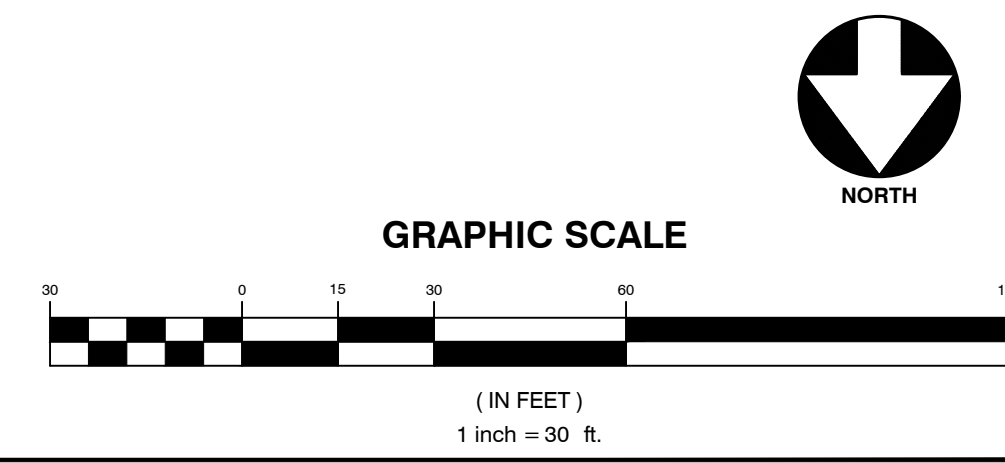


**OVERALL GRADING PLAN**

A&R Engineering Inc.  
2180 Kingston Court, Suite C  
Atlanta, GA 30327  
Tel: (770) 680-2250  
www.aareng.com



DATE	05-09-2018
REVISIONS	
NO.	DATE
1	14NOV2018
DRAWN BY: CAO	
CHECKED BY: DPE	
PROJECT NO: 14-012	
PLAN SET: Original	
SHEET: VAR2	



83,321 S.F.

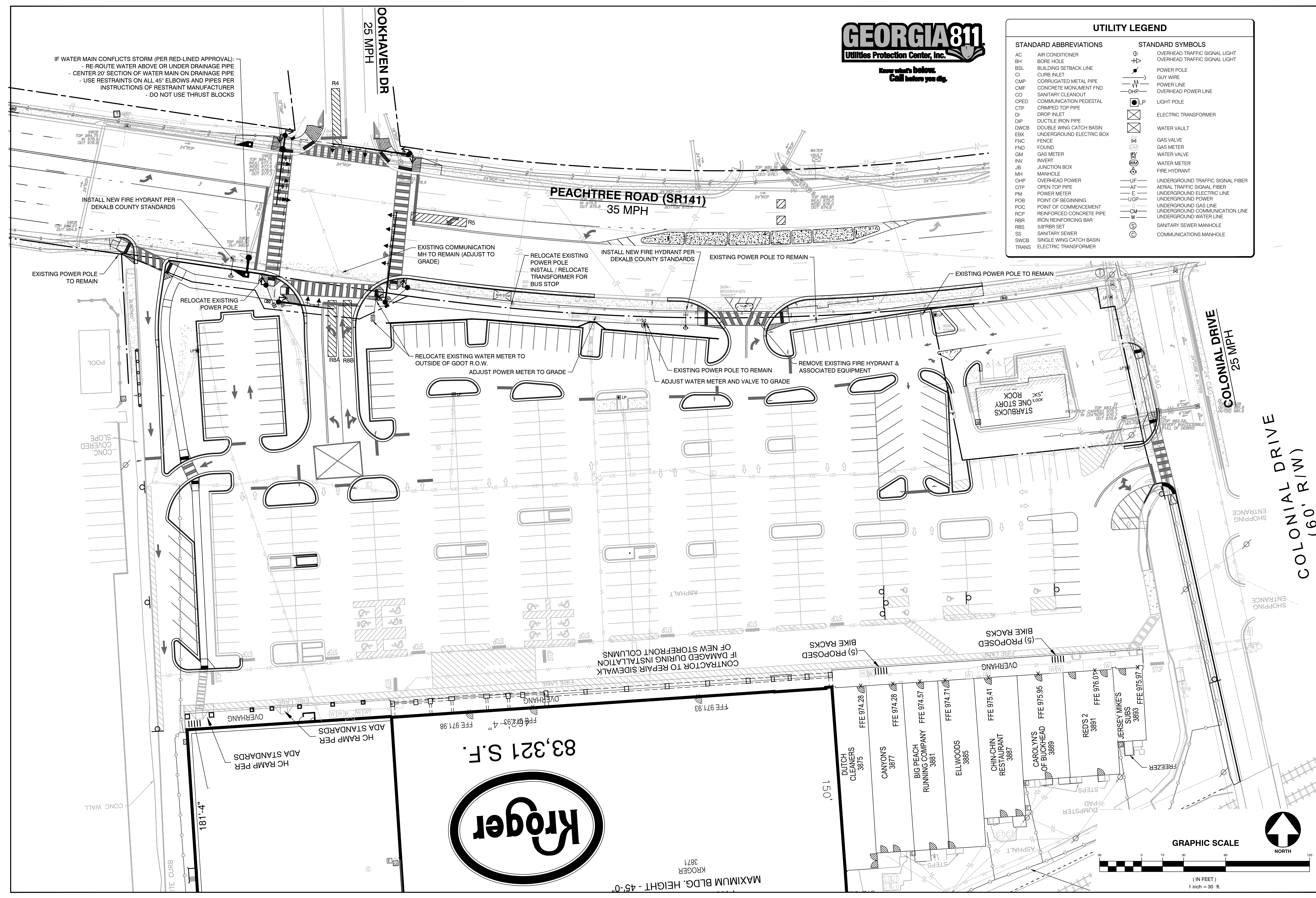
PROPOSED KROGER  
KROGER 3871  
MAXIMUM BLDG. HEIGHT - 45'-0"

LOADING DOCKS  
DOCK DOORS



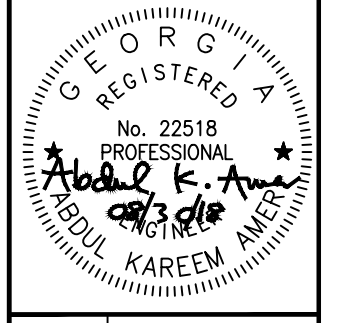
UTILITY LEGEND	
STANDARD ABBREVIATIONS	STANDARD SYMBOLS
AC AIR CONDITIONER	OVERHEAD TRAFFIC SIGNAL LIGHT
BH BORE HOLE	OVERHEAD TRAFFIC SIGNAL LIGHT
BSL BUILDING SETBACK LINE	POWER POLE
CI CURB INLET	GUY WIRE
CMP CORRUGATED METAL PIPE	POWER LINE
CMF CONCRETE MONUMENT FND	OVERHEAD POWER LINE
CO SANITARY CLEANOUT	LIGHT POLE
CPED COMMUNICATION PEDESTAL	ELECTRIC TRANSFORMER
CTP CRIMPED TOP PIPE	
DI DROP INLET	
DIP DUCTILE IRON PIPE	
DWCB DOUBLE WING CATCH BASIN	WATER VAULT
EBK UNDERGROUND ELECTRIC BOX	GAS VALVE
FNC FENCE	GAS METER
FND FOUND	WATER VALVE
GM GAS METER	WATER METER
INV INVERT	FIRE HYDRANT
JB JUNCTION BOX	
MH MANHOLE	
OHP OVERHEAD POWER	UNDERGROUND TRAFFIC SIGNAL FIBER
OTP OPEN TOP PIPE	AERIAL TRAFFIC SIGNAL FIBER
PM POWER METER	UNDERGROUND ELECTRIC LINE
POB POINT OF BEGINNING	UNDERGROUND POWER
POC POINT OF COMMENCEMENT	UNDERGROUND GAS LINE
RCP REINFORCED CONCRETE PIPE	UNDERGROUND COMMUNICATION LINE
RBR IRON REINFORCING BAR	UNDERGROUND WATER LINE
RBS 5/8" RBR SET	SANITARY SEWER MANHOLE
SS SANITARY SEWER	COMMUNICATIONS MANHOLE
SWCB SINGLE WING CATCH BASIN	
TRANS ELECTRIC TRANSFORMER	

IF WATER MAIN CONFLICTS STORM (PER RED-LINED APPROVAL):  
 - RE-ROUTE WATER ABOVE OR UNDER DRAINAGE PIPE  
 - CENTER 20' SECTION OF WATER MAIN ON DRAINAGE PIPE  
 - USE RESTRAINTS ON ALL 45° ELBOWS AND PIPES PER INSTRUCTIONS OF RESTRAINT MANUFACTURER  
 - DO NOT USE THRUST BLOCKS



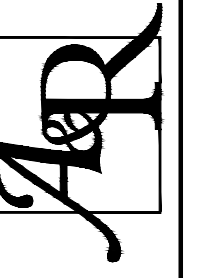
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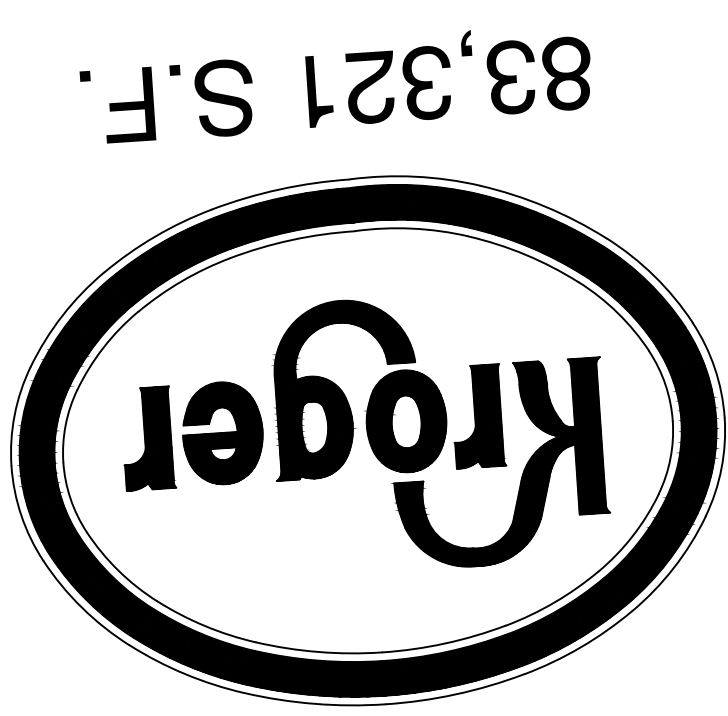


**UTILITY PLAN**

A&R Engineering Inc.  
 2180 Kingston Court, Suite O  
 Marietta, GA 30067  
 Tel: (770) 680-2525 Fax: (770) 680-9210  
 www.aareng.com



DATE	05-09-2018
REVISIONS	
NO.	DATE
1	06-24-2019
DRAWN BY:	CHECKED BY:
CAO	DPE
PROJECT NO:	14-012
PLAN SET:	Original
SHEET	VAR3



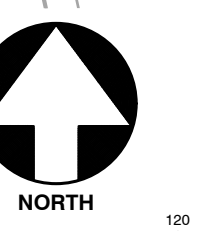
HC RAMP PER ADA STANDARDS

181'-4"

150'

KROGER 3871

GRAPHIC SCALE



(IN FEET)  
 1 inch = 30 ft.

Legend of Symbols & Abbreviations

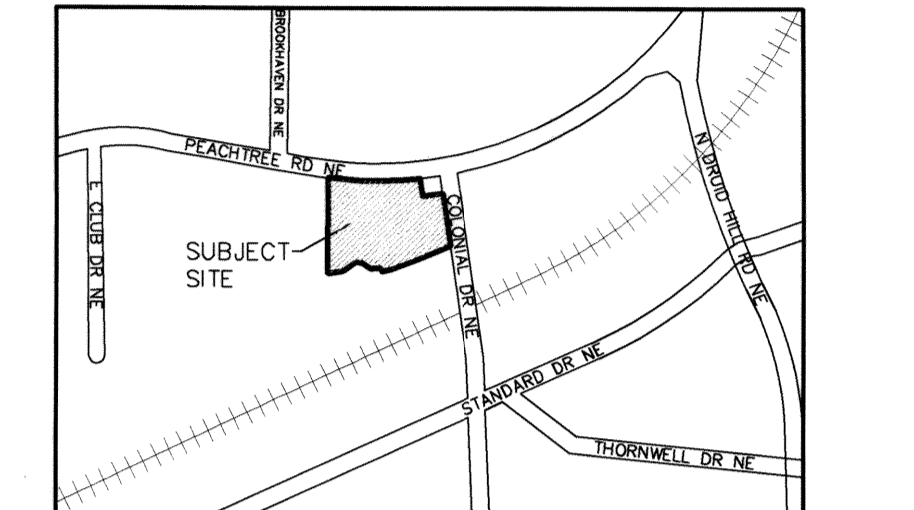
Table with 2 columns: Symbol/Abbreviation and Description. Includes symbols for Overhead/Underground Power, Telephone, Gas, Water, Sewer, Sanitary Sewer, and various utility poles and manholes.

Table with 5 columns: NUMBER, RADIUS, ARC LENGTH, CHORD DIRECTION, CHORD LENGTH. Contains data for C1 and C2.

Surveyor's Legal Description

TRACT A: All that tract or parcel of land containing 7.71 acres more or less situated, lying and being in Land Lot 239, 18th district, DeKalb County, Georgia, and being more particularly described as follows: Commence at the intersection of the South right of way margin of Peachtree Road and the West right of way margin of Colonial Drive; thence run along the South right of way margin of Peachtree Road along a curve to the right having a radius of 1737.72 feet and an arc distance of 128.35 feet to a point, said curve having a chord bearing of South 86°23'01" West and a chord distance of 128.35 feet, said point being the True Point of Beginning; thence run South 08°45'19" East for a distance of 113.78 feet to a point; thence run North 86°32'41" East for a distance of 130.00 feet to a point on the West right of way margin of Colonial Drive; thence run South 08°45'20" East along said right of way margin for a distance of 243.70 feet to a point; thence run South 67°26'40" West for a distance of 233.26 feet to a point; thence run South 69°54'40" West for a distance of 175.11 feet to a point; thence run South 74°08'54" West for a distance of 50.36 feet to a point; thence run North 22°41'40" West for a distance of 27.00 feet to a point; thence run South 81°46'33" West for a distance of 57.57 feet to a point; thence run North 55°09'56" West for a distance of 65.19 feet to a point; thence run North 88°07'38" West for a distance of 38.48 feet to a point; thence run South 55°15'47" West for a distance of 76.69 feet to a point; thence run South 67°18'20" West for a distance of 35.00 feet to a point; thence run South 81°46'33" West for a distance of 78.01 feet to a point; thence run North 00°10'00" East for a distance of 592.76 feet to a point on the South right of way margin of Peachtree Road; thence run South 78°03'55" East along said right of way margin for a distance of 193.78 feet to a point said point being the point of a curve to the left having a radius of 1584.81 feet and an arc distance of 387.44 feet; thence run along said curve to the left along said right of way margin a chord bearing of South 85°03'06" East and a chord distance of 386.47 feet to a point and back to the True Point of Beginning.

VICINITY MAP



Utility Notes

UN1 The location of Utilities shown hereon is from observed evidence of above ground appearances only. The surveyor was not provided with underground plans to determine the location of any subterranean uses. UN2 From observed above ground appearances and utility point markings as shown hereon, electric, telephone, water, sewer, storm drainage and gas lines and/or service is available for the subject property within the public road right of way(s).

Miscellaneous Notes

- MN1 Dimensions on this survey are expressed in feet and decimal parts thereof unless otherwise noted. Bearings are referred to an assumed meridian and are used to denote angles only. Monuments were found at points where indicated. MN2 The basis of bearings for this survey is N 00°10'00" E as the West property line, as evidenced by monuments found, and is the same bearing as shown in Deed Book 20377, Page 278 of the DeKalb County Georgia Real Property Records. MN3 There was no observable evidence of earth moving work, building construction, or building additions within recent months at the time of this survey. MN4 There was no observable evidence of recent street or sidewalk construction and/or repair at the time of this survey. MN5 There was no observable evidence of changes in street right-of-way lines or any proposed changes obtainable from the controlling jurisdiction at the time of this survey. MN6 There was no observable evidence of site use as a solid waste dump, sump or sanitary landfill at the time of this survey. MN7 Property is accessed from the East via Colonial Drive and from the North via Peachtree Road NE, which are public roads. MN8 There was no evidence of cemetery or burial grounds located on property. MN9 There was evidence of building or street numbers found in field as shown on survey.

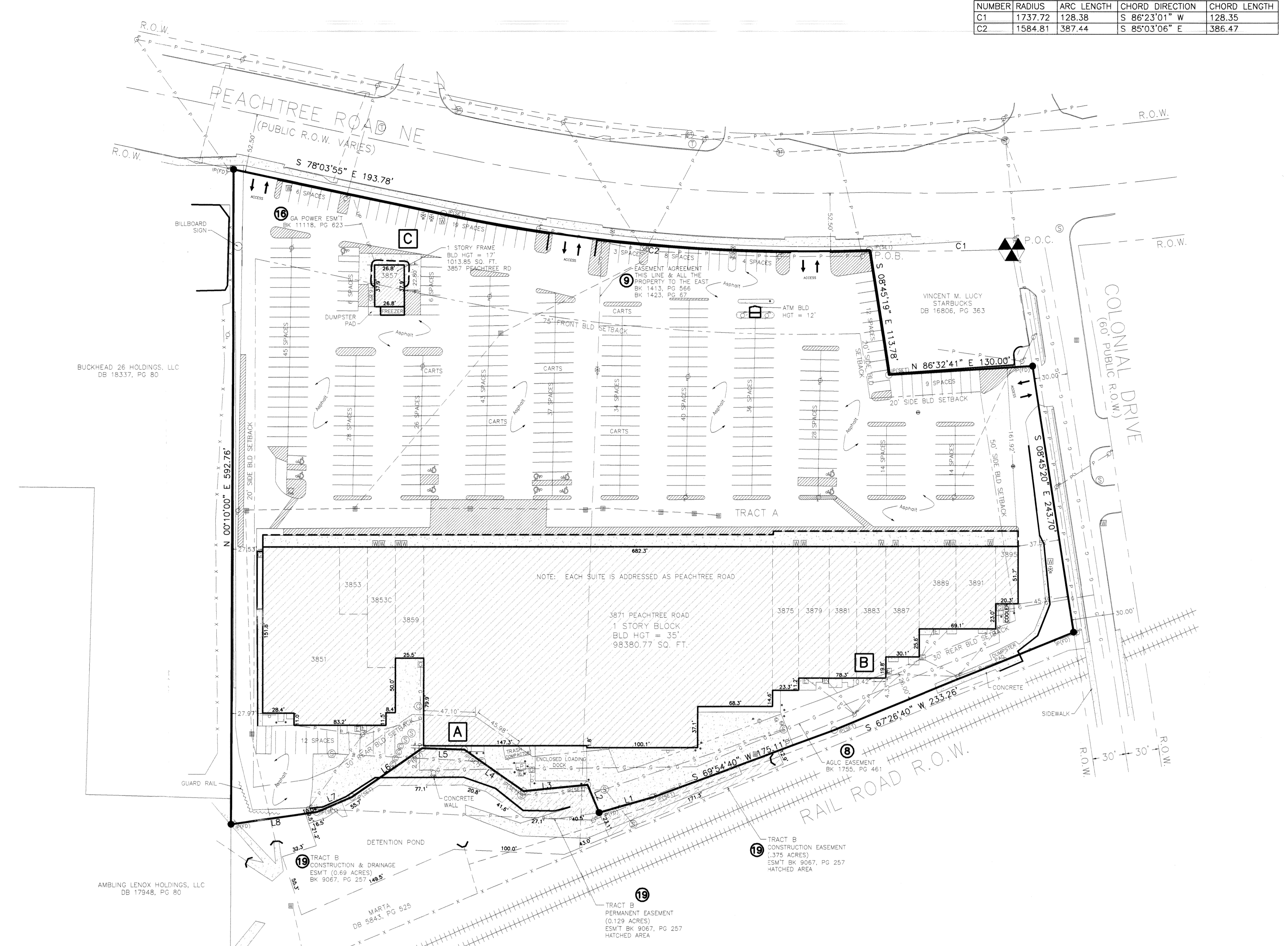
Encroachment Statement

- A Main building encroaches over the 30' Rear Building Setback Line 47.10' x 45.98'. B Building 3885 encroaches over the 30' Rear Building Setback Line 10.42' x 4.33'. C Building encroaches over the 75' Front Building Setback Line 16.85' x 26.80' x 22.80'.

Zoning Information

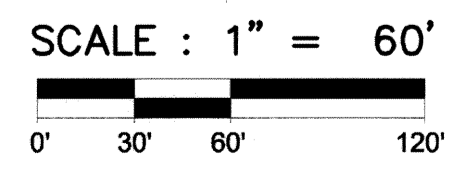
According to the City Planning and Development Department 404-286-3308, the subject property is zoned "C-1" Local Commercial District and is subject to the following conditions: Zoning Classification: "C-1" (Local Commercial District) Zoning District: County of DeKalb Permitted Use: Shopping Center Front Setback: 75' Rear Setback: 30' Side Setback: 20' Interior and 50' Corner Lot Max. Building Height: 2 Stories or 35' Max. Gross Density (per acre): N/A Parking Ratio: 5.5 spaces for each 1,000 square feet of floor area Required Parking Spaces: 541 Onsite Parking Spaces: 419 Regular Spaces & 11 Handicap ADA Parking Spaces: 0 Total Parking Spaces: 430

FLOOD NOTE: By graphic plotting only, this property is in Zone(s) X of the Flood Insurance Rate Map, Community Panel No. 05-07-01-30896-10022, which bears an effective date of 05-07-01-30896-10022. This property is not in a Special Flood Hazard Area. By telephone, call dates 05-06-2023, to the National Flood Insurance Program (800-638-6600) to have terms of this community flood insurance policy explained. No field surveying was performed to determine this zone and an elevation certificate may be needed to verify the determination or apply for a variance from the Federal Emergency Management Agency.



Notes Corresponding to Schedule B

- 7. Easements in favor of Georgia Power Company, as follows: a) from Shipman Incorporated, dated June 1, 1960, filed June 2, 1960, and recorded in Deed Book 1516, Page 94, aforesaid records. BLANKET IN NATURE - APPLIES TO ALL OF TRACT A b) Intentionally Deleted. c) from Cherokee Plaza, Inc., dated January 15, 1965, filed February 5, 1965, and recorded in Deed Book 1959, Page 526, aforesaid records. BLANKET IN NATURE - APPLIES TO ALL OF TRACT A d) from Aaron Halpern, dated June 26, 1970, filed July 27, 1970, and recorded in Deed Book 2552, Page 794, aforesaid records. BLANKET IN NATURE - APPLIES TO ALL OF TRACT A e) from Cherokee Plaza Shopping Center, dated June 23, 1972, filed January 19, 1973, and recorded in Deed Book 2944, Page 338, aforesaid records. BLANKET IN NATURE - APPLIES TO ALL OF TRACT A Note: Georgia Power Company claims no further interest in the above mentioned easements except the right to operate, rebuild and renew its existing facilities with its presently maintained right-of-way. 8. Gas Line Easement from Cherokee Plaza, Inc. to Atlanta Gas Light Company, dated March 14, 1963, filed March 28, 1963, and recorded in Deed Book 1756, Page 461, aforesaid records. A PORTION OF THE GAS LINE IS PLOTTED & SHOWN - WIDTH NOT GIVEN - THIS EASEMENT IS BLANKET IN NATURE - APPLIES TO ALL OF TRACT A 9. Easement Agreement between I.T. Cohen, Dave Center, Arthur E. Long, and Nat Sandler and A.C. Shipman and Irene Shipman, dated April 3, 1959, filed April 10, 1959, and recorded in Deed Book 1413, Page 566, aforesaid records, as affected by Easement Agreement between I.T. Cohen, Dave Center, Arthur E. Long, and Nat Sandler and A.C. Shipman and Irene Shipman, dated April 27, 1959, filed April 29, 1959, and recorded in Deed Book 1423, Page 67, aforesaid records. PLOTTED & SHOWN AFFECTS TRACT A 10. Intentionally deleted. (combined with exception 9) 11. Terms and conditions of that certain Cherokee Plaza Shopping Center Restrictive Covenants Agreement by and between Cherokee Plaza Associates, L.L.C. and the Great Atlantic & Pacific Tea Company, dated July 1, 1996, filed July 17, 1996, and recorded in Deed Book 9067, Page 277, aforesaid records; as amended by First Amendment to Cherokee Plaza Shopping Center Restrictive Covenants Agreement by and between Cherokee Plaza Associates, L.L.C. and the Great Atlantic & Pacific Tea Company, dated October 1, 1996, filed December 19, 1996, and recorded in Deed Book 9256, Page 796, aforesaid records. BLANKET IN NATURE - APPLIES TO ALL OF TRACT A 12. Intentionally deleted. (lease no longer in effect, current U.S. Postal Service lease to be described in Schedule of Leases to be attached to policy) 13. Intentionally deleted. (lease no longer in effect, current Kruger lease is described in exception 14) 14. Memorandum of Lease for Recordation (of Lease), by and between The Great Atlantic & Pacific Tea Company, Inc., as Landlord, and Cherokee Plaza Associates, L.L.C., as Tenant, dated July 1, 1996, filed July 17, 1996, and recorded in Deed Book 9067, Page 269, aforesaid records. BLANKET IN NATURE - APPLIES TO THE GREAT ATLANTIC & PACIFIC TEA COMPANY ON TRACT A 15. Intentionally deleted. (Blockbuster is not a tenant on the land) 16. Easement in favor of Georgia Power Company, dated June 4, 1999, filed December 22, 1999, and recorded in Deed Book 11118, Page 623, aforesaid records. BLANKET IN NATURE - APPLIES TO ALL OF TRACT A Approximate location of underground power line is shown on the Survey. 17. Notice of Order and Judgment Affecting Interest in Real Estate, dated September 5, 2001, filed May 9, 2005, and recorded in Deed Book 17406, Page 175, aforesaid records; as effected by Deed of Assignment of Cable Side Settlement Corridor Easements between Cables Corridor, LLC and Thoroughbred Technology and Telecommunications, Inc., dated September 28, 2005, filed October 11, 2005, and recorded in Deed Book 17990, Page 99, aforesaid records. BLANKET IN NATURE - APPLIES TO ALL OF TRACT A - CABLE CONDUITS ARE NOT LOCATED ON THIS SURVEY - UNDERGROUND UTILITY MAPS WERE NOT PROVIDED 18. Easements as conveyed in that certain DeKalb County Superior Court Civil Action File No. 83-1460, as evidenced by Judgment and Decree dated January 17, 1984, filed and recorded in Deed Book 5700, Page 520, aforesaid records, as re-recorded on August 12, 1987 in Deed Book 5919, Page 347, aforesaid records. UNABLE TO PLOT - SURVEY STATIONS WERE NOT LOCATED 19. Terms and conditions of that certain Agreement Relating to Access, Construction and Detention Pond Maintenance between Metropolitan Atlanta Rapid Transit Authority and Cherokee Plaza Associates, L.L.C., dated June 20, 1996, filed for record July 17, 1996 and recorded in Deed Book 9067, Page 257, aforesaid records. PLOTTED & SHOWN AND IS TRACT B AS SHOWN Construction and easement drainage and permanent easement are as shown on the Survey



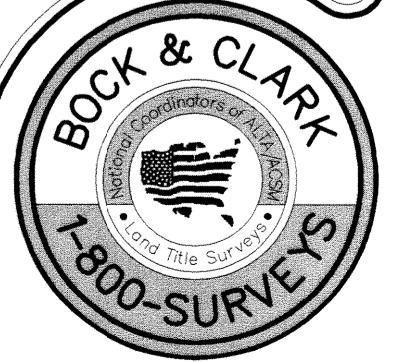
RECEIVED

DEC 17 2008

Weingarten Realty Investors Legal Department



Registered Surveyor: Abb W. Preston Survey Prepared By: H & A Associates, LLC Date of Survey: December 8, 2008 2021 Danville Road, Drive SW, No. 5 Decatur, AL 35603 Date of Last Revision: December 11, 2008 Phone: (256) 353-6337 Network Project No. 200801639-8 Fax: (866) 353-8471 Surveyor's Job #: 08408 Email: ahwe@hwa-associates.com Prepared By: PAC



## Letter of Intent for Zoning Variance

As the owners of Cherokee Plaza Shopping Center, located at the southwest corner of Peachtree Road and Colonial Drive, we are requesting a variance from the landscape and pedestrian zone requirements along Colonial Drive. We are also requesting a variance on both Colonial Drive and on Peachtree Road within the Starbucks frontage. Specifically, the variance that is sought is as follows:

1. Peachtree Road (Starbucks frontage): Retain existing pedestrian zone of zero feet and existing landscape zone of 6.6 ft. PRO section 27.76 requires 6 ft. minimum landscape zone and 10 ft. minimum landscape zone.
2. Colonial Road: Reduction of the existing pedestrian zone along colonial drive from 2' to 0' to allow for installation of 6' pedestrian zone. PRO section 27.76 requires 6 ft. minimum landscape zone and 6 ft. minimum pedestrian zone.

The proposed variance is required as the shopping center owners are seeking a land disturbance to improve their property frontage and access from safety, operations, and connectivity standpoint. No new buildings or parking lots are proposed as part of this LDP. Along Peachtree Road, the proposal includes closure of two full access driveways to the shopping center and closure of the full access driveway to Starbucks. A new signalized access on Peachtree Road across from Brookhaven Drive is proposed, along with an additional right-in/right-out driveway that will include a raised median on Peachtree Road. These access improvements will improve the safety along Peachtree Road significantly.

The proposal also establishes inter-parcel connection with Starbucks and as stated earlier closure of their driveway on Peachtree Road. Starbucks parcel is not a part of the shopping center but they are working with the shopping center to make these improvements.

Along Peachtree Road, the shopping center plans to accommodate the 10 ft. pedestrian zone and 6 ft. landscape zone along most of its frontage, as required by the Peachtree Road Overlay. However, due to lack of space in the right of way along the Starbucks frontage a variance is requested. We are not seeking to reduce any of the existing zones but we are not in a position to increase these zone sizes to comply with PRO requirements. Any increases in these zones will require the row of parking on Starbucks lot nearest to Peachtree Road to be lost. Starbucks will not agree to such a big loss of critical parking spaces.

With respect to the variance along Colonial Drive, the existing condition provides 2 ft. landscape zone and 4 ft sidewalk that leads up to the bridge over Marta at the end of the property. Along the Starbucks parcel, the same situation exists where there is not adequate right-of-way or space on the parcel that can allow increases in the pedestrian or landscape zones. Continuing away from Peachtree Road, the shopping center frontage along Colonial Drive along the shopping center has a unique set of circumstances that make it difficult to comply with the PRO requirements for landscape zone: the property is located at substantially lower grades than the sidewalk, there is an existing guardrail at the edge of the sidewalk, and several large existing trees and utilities exist in this slope as well. The following hardships make providing the required pedestrian and landscapes zones extremely challenging:

- Starbucks would lose 30% of its parking

- Replacement of the existing guardrail approach to bridge will still result in at least 75' of the frontage being below the zoning requirement
- Substantial alterations to the shopping center driveway and parking lot in order to achieve the required cross slope at the new crosswalk location
- Replacement of the existing 4 ft. timber retaining wall with a 10 ft. tall retaining wall
- 5 power poles must be relocated
- Removal of (2) 20"+ Oaks & (3)14"+ Oaks, and subsequent recompense requirements on an already difficult site
- Replacement of an existing water vault, meter, and backflow preventer

Since the bridge already restricts both the landscape zone and pedestrian zone anyways and the Peachtree Road Overlay requirements end at the bridge, we request the above variance be granted.

The requested variances will help make this project materialize and result in increase in public health and safety. The variances will certainly not be a detriment to public health, safety or welfare. The variance request is based on unique circumstances pertaining to the small size of Starbucks parcel and topographic, bridge, guardrail, and utility constraints on Colonial Drive. The stated purpose and intent of Peachtree Road Overlay District is to "provide connectivity of streets and communities and promoting walkability.... Increase ease of movement..." (Section 27.72 a (c)). The proposed inter-parcel connection with Starbucks meets the intent of the PRO District and the provision of required landscape and pedestrian zone where feasible certainly improves the shopping center frontage on Peachtree Road. Therefore, we request that the variance be granted.

**SIGNAL WARRANT ANALYSIS  
FOR  
KROGER #491  
BROOKHAVEN, GEORGIA**



*Prepared by:*



**A&R Engineering Inc.**

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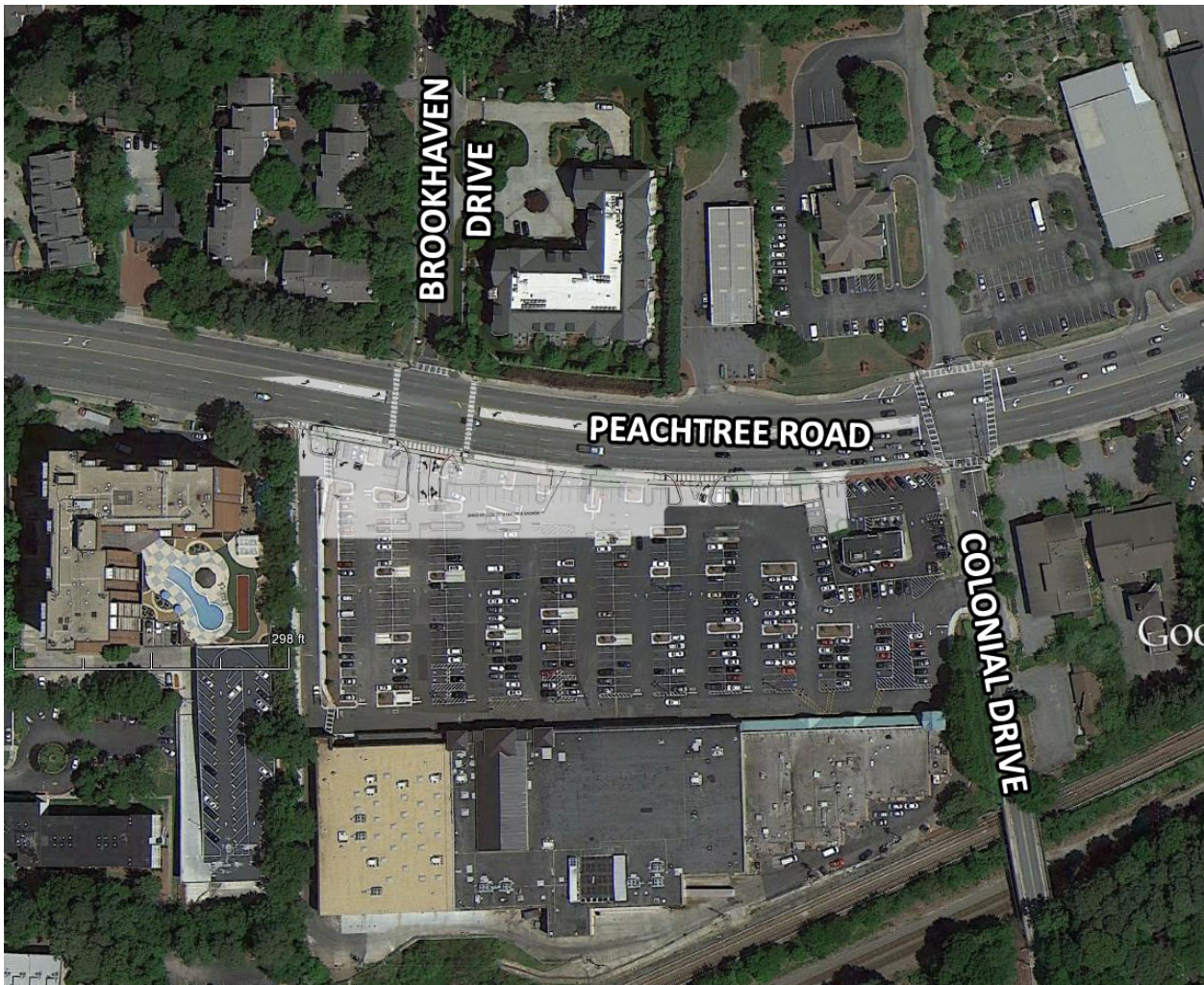
September 23, 2016  
Revised: August 19, 2019  
A&R Engineering Project #: 14-012

## TRAFFIC ENGINEERING STUDY

### SR 141 (Peachtree Road) at Proposed Kroger Driveway/Brookhaven Drive Brookhaven, Georgia

#### LOCATION:

The study intersection is the proposed intersection of SR 141 (Peachtree Road) at Proposed Kroger Driveway / Brookhaven Drive in Brookhaven, Georgia. The study intersection is located approximately 576 feet west of the existing signalized intersection of SR 141 (Peachtree Road) at Colonial Drive. The proposed driveway approach will serve an existing Kroger shopping center located to the south of the study intersection. A location map is included in the Appendix.



#### COUNTY:

The intersection is in DeKalb County, Georgia.

#### REQUESTED BY:

The Kroger Company has requested this traffic engineering study.

**REASON FOR INVESTIGATION:**

The purpose of this study is to determine if the existing traffic volumes at the proposed intersection of SR 141 (Peachtree Road) at Proposed Kroger Driveway/Brookhaven Drive will satisfy the MUTCD warrants for the installation of a traffic signal. This study analyzes a shift of all left turn movements (ingress and egress) from the existing driveways along SR 141 (Peachtree Road), as well as the Starbucks driveway on Colonial Drive, to the proposed signalized Kroger Driveway. In this analysis, the east Kroger driveway intersection configuration is presumed to be modified to only allow right-in and right-out movements, and the west Kroger driveway (truck entrance) is presumed to be modified to only allow right-in movements. The northbound right turns from both of these driveways as well as the eastbound right turns from the middle Kroger driveway were shifted to the proposed signalized Kroger driveway. A site plan is included in the Appendix.

**TOPOGRAPHY:**

SR 141 (Peachtree Road) is an east-west, six-lane, undivided roadway in the vicinity of the study intersection. There are no right turn lanes on SR 141 (Peachtree Road) at the study intersection, but a two-way left turn lane divides the road and serves as a left turn lane for the intersection. SR 141 (Peachtree Road) currently has sidewalks on the north and south side of the road near the study intersection.

**EXISTING TRAFFIC CONTROL:**

The intersection of SR 141 (Peachtree Road) at Proposed Kroger Driveway / Brookhaven Drive is currently unsignalized. The southbound approach (Brookhaven Drive) is currently stop-controlled while SR 141 (Peachtree Road) remains free flow. The proposed Kroger driveway access is currently undeveloped.

**VEHICULAR VOLUMES:**

Existing 12-hour turning movement counts were collected from 8:00 AM to 8:00 PM on Wednesday, February 26, 2014 at the four existing Kroger driveways as well as the existing signalized intersection of SR 141 (Peachtree Road) at Colonial Drive. A second set of turning movement counts were collected on Wednesday, June 24, 2015 from 8:00 AM to 8:00 PM at the Starbucks driveways on SR 141 (Peachtree Road) and Colonial Drive. The most recent counts revealed that SR 141 (Peachtree Road) has a two-way volume of 33,149 vehicles during the period collected. The eastbound approach on SR 141 (Peachtree Road) has 18,411 vehicles and the westbound approach has 14,738 vehicles in the 12-hour period. The traffic counts are included in the Appendix.

**VEHICLE SPEEDS:**

The posted speed limit on SR 141 (Peachtree Road) is 35 mph. The posted speed limit of Brookhaven Drive is 25 mph, and there is no posted speed limit on the proposed Kroger driveway.

**PEDESTRIAN ACTIVITY:**

The existing intersection configuration includes a crosswalk at the entrance to the Brookhaven Drive approach. Moreover, there are currently sidewalks along the north and south sides of SR 141 (Peachtree Road) in the vicinity of the study intersection.

**DELAY:**

A future traffic operations analysis, assuming existing traffic control type (stop-controlled side streets) and lane geometry, revealed that the northbound and southbound approaches to the intersection would have significant and heavy delays in the AM and PM peak hours. The northbound left turn for traffic exiting the Proposed Kroger Driveway would experience significant delays, operating at a level-of-service “F” in both the AM and PM peak hours. If a traffic signal is installed, the intersection will have an overall delay of 15.9 seconds/vehicle in the AM peak hour and 8.1 seconds/vehicle in the PM peak hour. The intersection will operate at LOS "B" in the AM peak hour and LOS “A” in the PM peak hours after the installation of a traffic signal.

**PARKING:**

No parking is allowed on SR 141 (Peachtree Road) in the vicinity of the study intersection.

**ACCIDENT HISTORY:**

Accident reports were obtained for the most recent five years (2014-2019) at the study intersection and the data is shown below in Table 1. Detailed accident data is included in the Appendix.

TABLE 1 – ACCIDENT DATA					
Manner of Collision	YEAR				
	2014-2015	2015-2016	2016-2017	2017-2018	2018-2019
ANGLE	1	3	2	7	4
HEAD ON	0	0	0	0	1
REAR END	2	0	1	2	0
SIDESWIPE – SAME DIRECTION	0	0	0	2	0
INVOLVING PEDESTRIAN	0	0	0	0	1
<b>Grand Total</b>	<b>3</b>	<b>3</b>	<b>3</b>	<b>11</b>	<b>6</b>

**ADJACENT SIGNALIZED INTERSECTIONS:**

There are presently eight signalized intersections within one mile of the study intersection – four intersections to the east and four to the west. The adjacent signalized intersections located to the east include:

- SR 141 (Peachtree Road) at Colonial Drive
- SR 141 (Peachtree Road) at North Druid Hills Road
- SR 141 (Peachtree Road) at Dresden Drive / Brookhaven Drive
- SR 141 (Peachtree Road) at Osborne Road

The adjacent signalized intersections located within one mile west of the study intersection include:

- SR 141 (Peachtree Road) at Club Drive
- SR 141 (Peachtree Road) at Kingsboro Road
- SR 141 (Peachtree Road) at Peachtree Dunwoody Road / Roxboro Road
- SR 141 (Peachtree Road) at Wieuca Road

A graphic showing the location of the adjacent signalized intersections is included in the Appendix.

**SIGHT DISTANCE:**

SR 141 (Peachtree Road) is a six-lane roadway with a speed limit of 35 mph in the vicinity of the study intersection. AASHTO requires 465 feet of sight distance for looking left and right for 35 mph six-lane roadways.

**WARRANT ANALYSIS:**

The posted speed limit on SR 141 (Peachtree Road) is 35 mph. A signal warrant analysis was performed per MUTCD (2009 Edition) using a main street approach speed limit of 35 mph with the intersection geometry of a multi-lane main street and a single-lane side street. The volumes used to analyze these warrants are a combination of the existing volumes observed at the proposed intersection and the shifted left turn movements (ingress and egress) from the existing driveways along SR 141 (Peachtree Road), as well as the Starbucks driveway on Colonial Drive. In this analysis, the east Kroger driveway intersection configuration is presumed to be modified to only allow right-in and right-out movements, and the west Kroger driveway (truck entrance) is presumed to be modified to only allow right-in movements. The northbound right turns from both of these driveways as well as the eastbound right turns from the middle Kroger driveway were shifted to the proposed signalized Kroger driveway. The resulting volumes used in the analysis are shown in Table 2.

Time	Northbound Proposed Drwy			Southbound Brookhaven Drive			Eastbound Peachtree Road			Westbound Peachtree Road		
	L	T	R	L	T	R	L	T	R	L	T	R
8:00 a.m. - 9:00 a.m.	117	0	4	4	0	44	10	740	29	21	2097	11
9:00 a.m. - 10:00 a.m.	101	0	2	10	0	35	14	746	31	58	1,489	18
10:00 a.m. - 11:00 a.m.	88	0	4	8	0	33	18	823	29	19	1,035	14
11:00 a.m. - 12:00 Noon	67	0	5	5	0	25	22	973	52	41	992	14
12:00 Noon - 1:00 p.m.	98	0	5	2	0	24	13	1,259	69	35	1,158	15
1:00 p.m. - 2:00 p.m.	108	0	8	13	0	28	18	1,153	58	56	1,262	13
2:00 p.m. - 3:00 p.m.	101	0	7	2	0	16	12	1,168	58	38	1,090	8
3:00 p.m. - 4:00 p.m.	79	0	11	3	0	23	23	1,314	55	51	955	10
4:00 p.m. - 5:00 p.m.	63	0	9	2	0	22	29	1,609	77	28	1,031	20
5:00 p.m. - 6:00 p.m.	42	0	4	2	0	24	43	1,967	78	25	1,074	26
6:00 p.m. - 7:00 p.m.	43	0	9	3	0	19	42	1,754	70	39	983	22
7:00 p.m. - 8:00 p.m.	73	0	5	3	0	12	16	1,140	69	56	749	3

It was found that the following three warrants are not satisfied for 100% criteria.

- Warrant 1 – Eight-hour vehicular volume – NOT SATISFIED
- Warrant 2 – Four-hour vehicular volume – SATISFIED
- Warrant 3 – Peak hour vehicular volume – SATISFIED
- Warrant 7 – Crash experience – SATISFIED

A detailed copy of the signal warrant analysis is included in the Appendix.

**CAPACITY ANALYSIS**

A capacity analysis was performed for signalized and unsignalized conditions at the intersection of SR 141 (Peachtree Road) at Proposed Kroger Driveway / Brookhaven Drive. The methodology used for evaluating traffic operations at the intersection is based on the criteria set forth in the Transportation Research Board's Highway Capacity Manual (HCM 2000). Synchro Software, which emulates the HCM

SR 141 (Peachtree Road) @ Proposed Kroger Driveway/Brookhaven Drive

methodology, was used for conducting the analysis. The intersection operation analysis is shown in Table 3 for an unsignalized condition and Table 4 for a signalized condition.

<b>TABLE 3</b>				
FUTURE INTERSECTION OPERATIONS – NO SIGNAL				
Intersection	A.M. Peak Hour		P.M. Peak Hour	
	LOS	Delay (sec)	LOS	Delay (sec)
<b><u>SR 141 @ Kroger Drwy / Brookhaven Dr</u></b>				
-Eastbound Left	C	22.4	B	11.8
-Westbound Left	A	9.7	C	22.6
-Northbound Left	F	**	F	**
-Southbound Approach	F	109.3	D	25.3

<b>TABLE 4</b>				
FUTURE INTERSECTION OPERATIONS – WITH SIGNAL				
Intersection	A.M. Peak Hour		P.M. Peak Hour	
	LOS (Delay)	v/c ratio	LOS (Delay)	v/c ratio
<b><u>SR 141 @ Kroger Drwy / Brookhaven Dr</u></b>	<b><u>B (15.9)</u></b>	<b><u>0.81</u></b>	<b><u>A (8.1)</u></b>	<b><u>0.53</u></b>
-Eastbound Left	<i>B (19.3)</i>	-	<i>A (3.6)</i>	-
-Westbound Left	<i>A (3.6)</i>	-	<i>A (5.5)</i>	-
-Northbound Left	<i>E 63.6)</i>	-	<i>E (55.3)</i>	-
-Southbound Approach	<i>D (47.0)</i>	-	<i>D (51.1)</i>	-

As shown in Table 3, the northbound approach to the intersection of SR 141 (Peachtree Road) at Proposed Kroger Driveway / Brookhaven Drive will experience excessive delays in the AM and PM peak hours without the installation of a traffic signal. Following the installation of a traffic signal, the intersection will operate at an overall LOS "B" in the AM peak hour and LOS "A" in the PM peak hour.

**CONCLUSIONS AND RECOMMENDATIONS:**

The results of the signal warrant analysis indicate that the projected traffic volumes at the intersection of SR 141 (Peachtree Road) at Proposed Kroger Driveway / Brookhaven Drive will meet MUTCD warrants 2 and 3 for the installation of a traffic signal as well as warrant 7 for having at least five or more reported crashes within a 12-month period susceptible to correction with a traffic signal. Therefore, a traffic signal installation should be considered at this intersection.

A benefit of a signal will be increased safety, removing conflicts by funneling all left turn movements (ingress and egress) from the existing Kroger driveways along SR 141 (Peachtree Road), as well as all left turn movements from the Starbucks driveways on SR 141 (Peachtree Road) and Colonial Drive to the study intersection. The eastern Kroger driveway intersection configuration will be modified to only allow right-in and right-out movements, while the configuration for the western Kroger driveway will be modified to allow only right-in movements. Due to its close proximity to the adjacent signalized intersection of SR 141 (Peachtree Road) at Colonial Drive, the signal timing should be coordinated in order to facilitate efficient traffic flow along SR 141 (Peachtree Road). In addition, necessary pedestrian facilities should also be provided at the study intersection.



PREPARED BY: ABDUL K. AMER  
A&R Engineering, Inc.

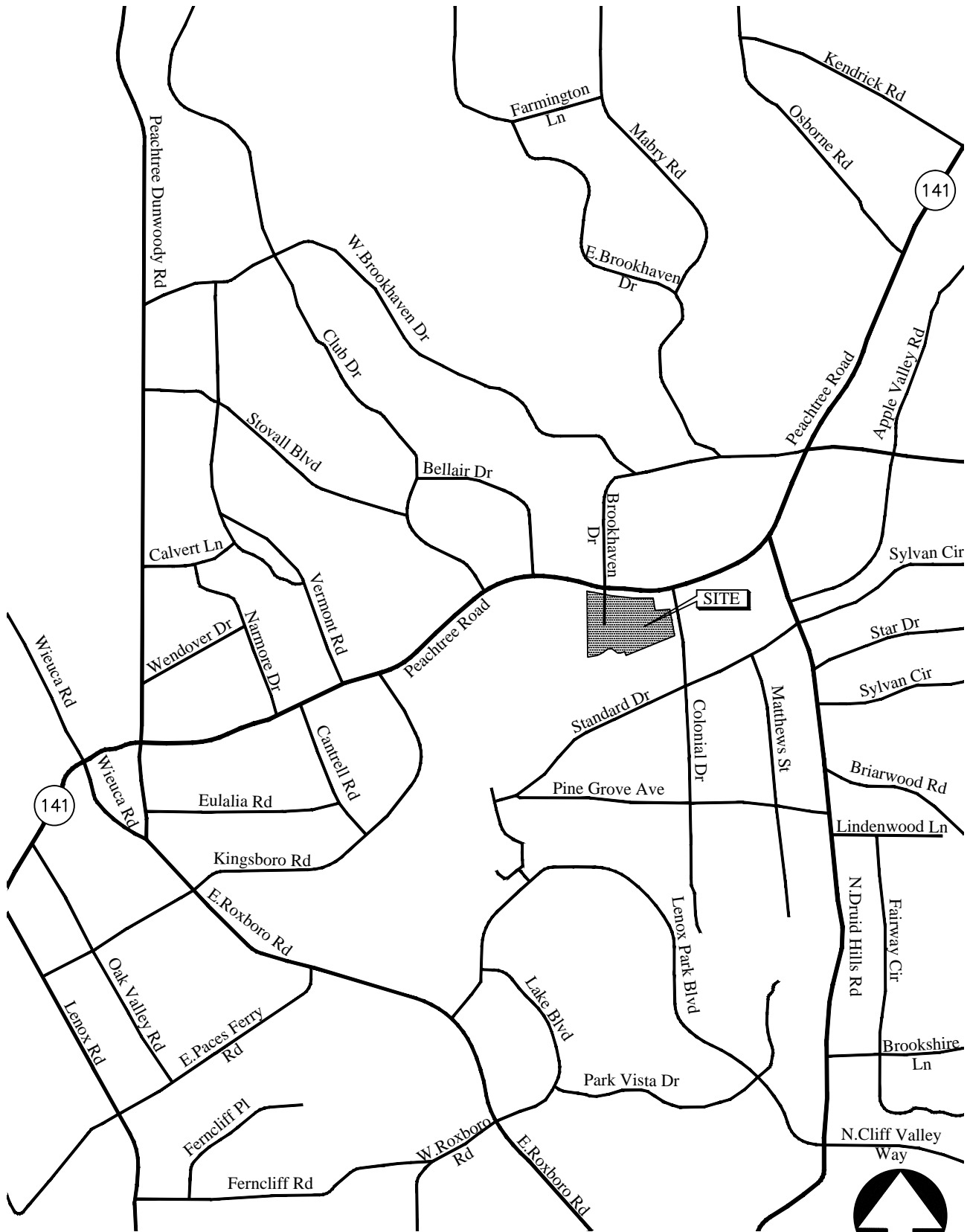
DATE: 08-19-19

RECOMMENDED BY: \_\_\_\_\_  
District Traffic Engineer

DATE: \_\_\_\_\_

## **APPENDIX**

## **LOCATION MAP**

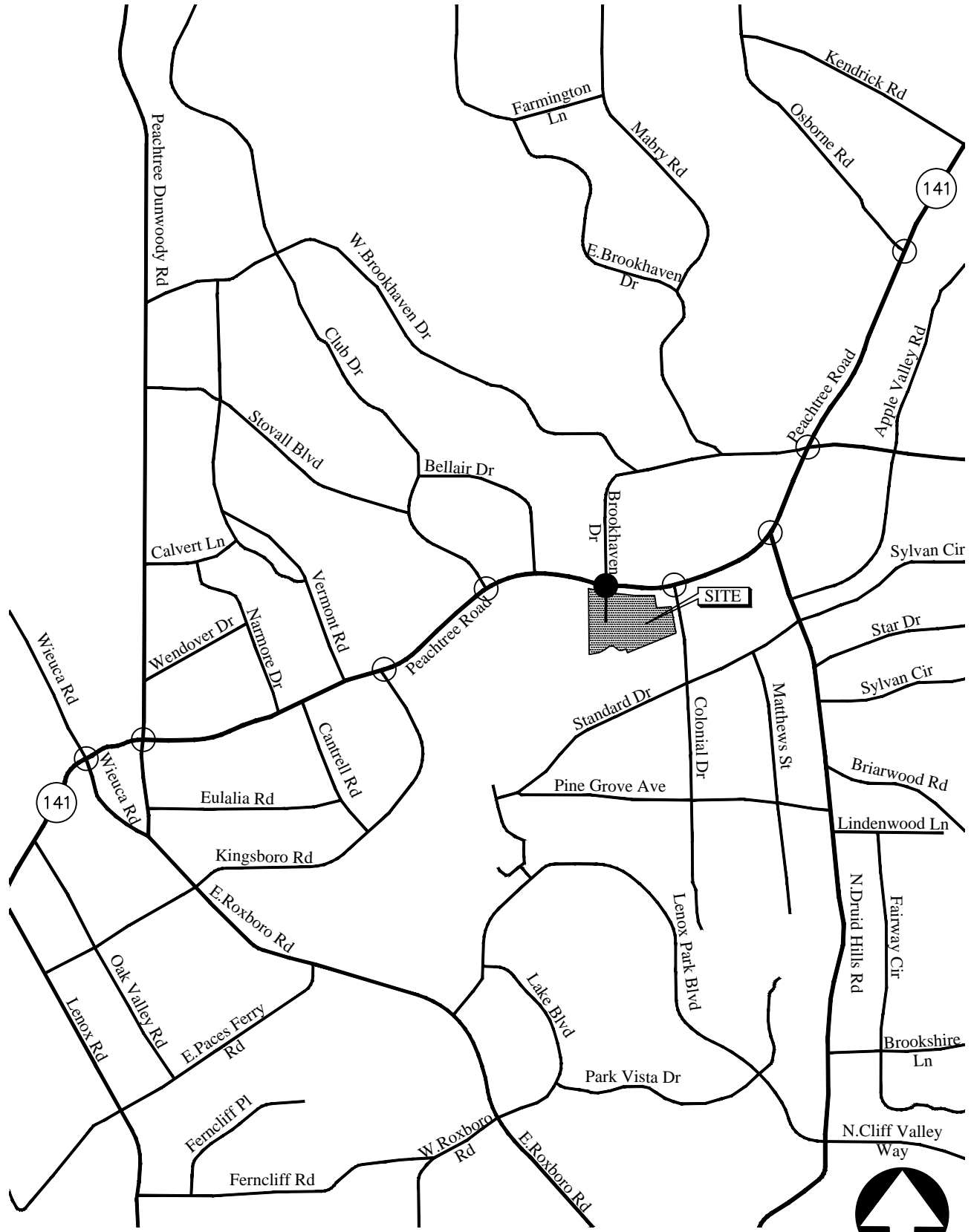


LOCATION MAP

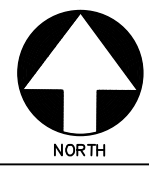
## **ADJACENT SIGNALIZED INTERSECTIONS**

**LEGEND**

- - SIGNALIZED INTERSECTION WITHIN 1 MILE OF STUDY INTERSECTION
- - STUDY INTERSECTION



**ADJACENT SIGNALIZED INTERSECTIONS**



## **SIGNAL WARRANT ANALYSIS**

# A&R ENGINEERING, INC.

## SIGNAL WARRANT ANALYSIS SUMMARY REPORT - Peachtree Road @ Kroger New Driveway

Project Number : 14-012

Report Date : July 22, 2015

Counts Date : February 26, 2014

Major Street : Peachtree Road

Minor Street : Kroger New Driveway

Speed on Major Street : 35

Lanes @ Intersection : Major Street - 3

Minor Street - 1

Analyst : ALR

### 24-HOUR TRAFFIC VOLUME

TABLE 1

Time	Minor Street				Minor Street			
	Northbound				Southbound			
24 Hours	Total Tube Count	Right Turn	% Right Turn	With 100 % RT Turn Reduction	Total Tube Count	Right Turn	% Right Turn	With 100% RT Turn Reduction
12:00 AM	0	0	0	0	0	0	0	0
1:00 AM	0	0	0	0	0	0	0	0
2:00 AM	0	0	0	0	0	0	0	0
3:00 AM	0	0	0	0	0	0	0	0
4:00 AM	0	0	0	0	0	0	0	0
5:00 AM	0	0	0	0	0	0	0	0
6:00 AM	0	0	0	0	0	0	0	0
7:00 AM	0	0	0	0	0	0	0	0
8:00 AM	121	4	3	117	48	44	92	4
9:00 AM	103	2	2	101	45	35	78	10
10:00 AM	92	4	4	88	41	33	80	8
11:00 AM	72	5	7	67	30	25	83	5
12:00 PM	103	5	5	98	26	24	92	2
1:00 PM	116	8	7	108	41	28	68	13
2:00 PM	108	7	6	101	18	16	89	2
3:00 PM	90	11	12	79	26	23	88	3
4:00 PM	72	9	13	63	24	22	92	2
5:00 PM	46	4	9	42	26	24	92	2
6:00 PM	52	9	17	43	22	19	86	3
7:00 PM	78	5	6	73	15	12	80	3
8:00 PM	0	0	0	0	0	0	0	0
9:00 PM	0	0	0	0	0	0	0	0
10:00 PM	0	0	0	0	0	0	0	0
11:00 PM	0	0	0	0	0	0	0	0
<b>Total</b>				<b>980</b>				<b>57</b>

# A&R ENGINEERING, INC.

**24-HOUR TRAFFIC VOLUME**  
TABLE 2

Time	Major Street				Major Street			
	Eastbound				Westbound			
24 Hours	Total Tube Count	Right Turn	% Right Turn	With 0% RT Turn Reduction	Total Tube Count	Right Turn	% Right Turn	With 0% RT Turn Reduction
12:00 AM	0	0	0	0	0	0	0	0
1:00 AM	0	0	0	0	0	0	0	0
2:00 AM	0	0	0	0	0	0	0	0
3:00 AM	0	0	0	0	0	0	0	0
4:00 AM	0	0	0	0	0	0	0	0
5:00 AM	0	0	0	0	0	0	0	0
6:00 AM	0	0	0	0	0	0	0	0
7:00 AM	0	0	0	0	0	0	0	0
8:00 AM	779	0	0	779	2129	0	0	2129
9:00 AM	791	0	0	791	1565	0	0	1565
10:00 AM	870	0	0	870	1068	0	0	1068
11:00 AM	1047	0	0	1047	1047	0	0	1047
12:00 PM	1341	0	0	1341	1208	0	0	1208
1:00 PM	1229	0	0	1229	1331	0	0	1331
2:00 PM	1238	0	0	1238	1136	0	0	1136
3:00 PM	1392	0	0	1392	1016	0	0	1016
4:00 PM	1715	0	0	1715	1079	0	0	1079
5:00 PM	2088	0	0	2088	1125	0	0	1125
6:00 PM	1866	0	0	1866	1044	0	0	1044
7:00 PM	1225	0	0	1225	808	0	0	808
8:00 PM	0	0	0	0	0	0	0	0
9:00 PM	0	0	0	0	0	0	0	0
10:00 PM	0	0	0	0	0	0	0	0
11:00 PM	0	0	0	0	0	0	0	0
<b>Total</b>				<b>15581</b>				<b>14556</b>

# A&R ENGINEERING, INC.

## WARRANT ANALYSIS RESULTS - Peachtree Road @ Kroger New Driveway

### WARRANT 1 - EIGHT-HOUR VEHICULAR VOLUME

#### WARRANT 1 NOT SATISFIED

STANDARD 1	NOT SATISFIED	CONDITION A	0	HOURS
		CONDITION B	7	HOURS
STANDARD 2	NOT SATISFIED	CONDITION A	0	HOURS
		CONDITION B	10	HOURS

#### 24-HOUR TRAFFIC VOLUME EVALUATION

TABLE 3

HOUR OF DAY	MAJOR ST TOTAL OF BOTH APPROACHES	MINOR ST HIGH VOLUME APPROACH	WARRANT 1			
			STANDARD 1		STANDARD 2	
			CONDITION A	CONDITION B	CONDITION A	CONDITION B
12:00 AM	0	0	0	0	0	0
1:00 AM	0	0	0	0	0	0
2:00 AM	0	0	0	0	0	0
3:00 AM	0	0	0	0	0	0
4:00 AM	0	0	0	0	0	0
5:00 AM	0	0	0	0	0	0
6:00 AM	0	0	0	0	0	0
7:00 AM	0	0	0	0	0	0
8:00 AM	2908	117	MAJOR	BOTH	MAJOR	BOTH
9:00 AM	2356	101	MAJOR	BOTH	MAJOR	BOTH
10:00 AM	1938	88	MAJOR	BOTH	MAJOR	BOTH
11:00 AM	2094	67	MAJOR	MAJOR	MAJOR	BOTH
12:00 PM	2549	98	MAJOR	BOTH	MAJOR	BOTH
1:00 PM	2560	108	MAJOR	BOTH	MAJOR	BOTH
2:00 PM	2374	101	MAJOR	BOTH	MAJOR	BOTH
3:00 PM	2408	79	MAJOR	BOTH	MAJOR	BOTH
4:00 PM	2794	63	MAJOR	MAJOR	MAJOR	BOTH
5:00 PM	3213	42	MAJOR	MAJOR	MAJOR	MAJOR
6:00 PM	2910	43	MAJOR	MAJOR	MAJOR	MAJOR
7:00 PM	2033	73	MAJOR	MAJOR	MAJOR	BOTH
8:00 PM	0	0	0	0	0	0
9:00 PM	0	0	0	0	0	0
10:00 PM	0	0	0	0	0	0
11:00 PM	0	0	0	0	0	0
<b>TOTAL</b>	<b>30137</b>	<b>980</b>				

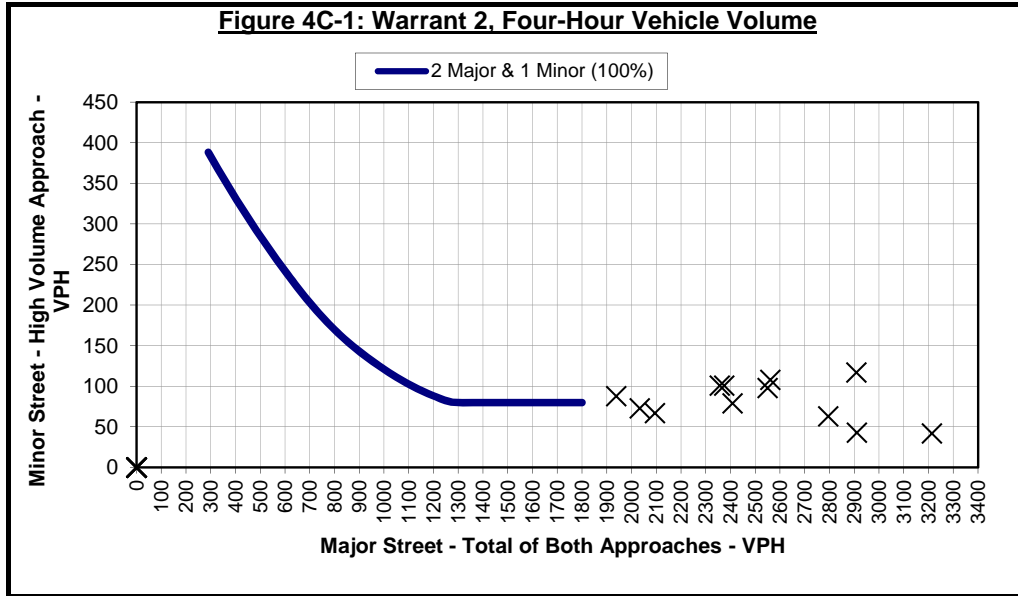
CRITERIA**	STANDARD 1 - 100%		STANDARD 2 - 80%	
	CONDITION A	CONDITION B	CONDITION A	CONDITION B
MAJOR ST	600	900	480	720
MINOR ST	150	75	120	60
<b>NO. OF HOURS MET</b>	<b>0</b>	<b>7</b>	<b>0</b>	<b>10</b>

# A&R ENGINEERING, INC.

## WARRANT 2, FOUR-HOUR VEHICULAR VOLUME

**WARRANT 2\* SATISFIED**

6 HOURS



## WARRANT 3, PEAK HOUR

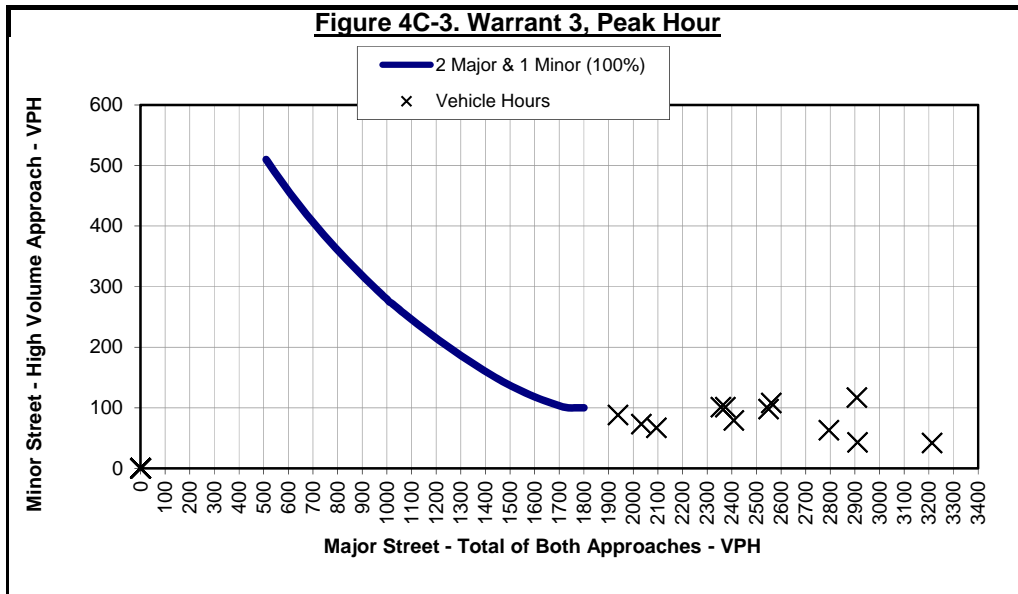
**STANDARD A NOT SATISFIED**

2 VEHICLE HOURS

- 28 Peak Hour Minor-Street Volume
- 266 Average Minor-Street Delay (seconds)
- 1 Number of Approach Lanes (Minor Street)

**STANDARD B\* SATISFIED**

4 HOURS



\*Note: Curves for minimum volumes are based on the curves from FIGURES 4C-1 & 4C-2, Page 4C-7 for WARRANT 2, and FIGURES 4C-3 & 4C-4, Page 4C-9 in section C of the MUTCD 2009 edition for WARRANT 3.

# A&R ENGINEERING, INC.

## WARRANT 4, PEDESTRIAN VOLUME

WARRANT 4	NOT SATISFIED		
	STANDARD A	NOT SATISFIED	0 HOURS
	STANDARD B	NOT SATISFIED	0 HOURS

## WARRANT 5, SCHOOL CROSSING

WARRANT 5 NOT SATISFIED

## WARRANT 6, COORDINATED SIGNAL SYSTEM

WARRANT 6 NOT SATISFIED

## WARRANT 7, CRASH EXPERIENCE

WARRANT 7 SATISFIED

## WARRANT 8, ROADWAY NETWORK

WARRANT 8 NOT SATISFIED

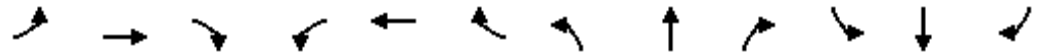
## WARRANT 9, INTERSECTION NEAR A GRADE CROSSING

WARRANT 9 NOT SATISFIED

## **CAPACITY ANALYSIS**

HCM Unsignalized Intersection Capacity Analysis  
 1: Peachtree Road & Brookhaven Drive

Future AM - No Signal  
 7/21/2015



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	10	740	29	21	2097	11	117	0	4	4	0	44
Sign Control		Free			Free			Stop			Stop	
Grade		0%			0%			0%			0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	11	804	32	23	2279	12	127	0	4	4	0	48
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type		None			None							
Median storage (veh)												
Upstream signal (ft)												
pX, platoon unblocked												
vC, conflicting volume	2291			836			2075	3179	284	2625	3189	1146
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	2291			836			2075	3179	284	2625	3189	1146
tC, single (s)	4.1			4.1			7.5	6.5	6.9	7.5	6.5	6.9
tC, 2 stage (s)												
tF (s)	2.2			2.2			3.5	4.0	3.3	3.5	4.0	3.3
p0 queue free %	95			97			0	100	99	60	100	75
cM capacity (veh/h)	217			794			22	9	713	11	9	193

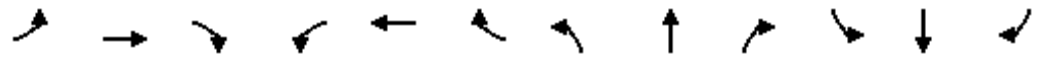
Direction, Lane #	EB 1	EB 2	EB 3	EB 4	WB 1	WB 2	WB 3	NB 1	NB 2	SB 1
Volume Total	11	322	322	192	23	1520	772	127	4	52
Volume Left	11	0	0	0	23	0	0	127	0	4
Volume Right	0	0	0	32	0	0	12	0	4	48
cSH	217	1700	1700	1700	794	1700	1700	22	713	81
Volume to Capacity	0.05	0.19	0.19	0.11	0.03	0.89	0.45	5.80	0.01	0.65
Queue Length 95th (ft)	4	0	0	0	2	0	0	Err	0	75
Control Delay (s)	22.4	0.0	0.0	0.0	9.7	0.0	0.0	Err	10.1	109.3
Lane LOS	C				A			F	B	F
Approach Delay (s)	0.3				0.1			9668.8		109.3
Approach LOS								F		F

Intersection Summary

Average Delay		382.1								
Intersection Capacity Utilization		78.1%		ICU Level of Service					D	
Analysis Period (min)		15								

HCM Unsignalized Intersection Capacity Analysis  
 1: Peachtree Road & Brookhaven Drive

Future PM - No Signal  
 7/21/2015



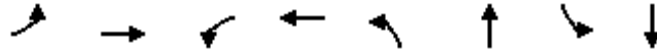
Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations												
Volume (veh/h)	43	1967	78	25	1074	26	42	0	4	2	0	24
Sign Control		Free			Free			Stop			Stop	
Grade		0%			0%			0%			0%	
Peak Hour Factor	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Hourly flow rate (vph)	47	2138	85	27	1167	28	46	0	4	2	0	26
Pedestrians												
Lane Width (ft)												
Walking Speed (ft/s)												
Percent Blockage												
Right turn flare (veh)												
Median type		None			None							
Median storage (veh)												
Upstream signal (ft)												
pX, platoon unblocked												
vC, conflicting volume	1196			2223			2938	3524	755	2046	3552	598
vC1, stage 1 conf vol												
vC2, stage 2 conf vol												
vCu, unblocked vol	1196			2223			2938	3524	755	2046	3552	598
tC, single (s)	4.1			4.1			7.5	6.5	6.9	7.5	6.5	6.9
tC, 2 stage (s)												
tF (s)	2.2			2.2			3.5	4.0	3.3	3.5	4.0	3.3
p0 queue free %	92			88			0	100	99	92	100	94
cM capacity (veh/h)	580			231			5	5	351	27	5	446

Direction, Lane #	EB 1	EB 2	EB 3	EB 4	WB 1	WB 2	WB 3	NB 1	NB 2	SB 1
Volume Total	47	855	855	512	27	778	417	46	4	28
Volume Left	47	0	0	0	27	0	0	46	0	2
Volume Right	0	0	0	85	0	0	28	0	4	26
cSH	580	1700	1700	1700	231	1700	1700	5	351	205
Volume to Capacity	0.08	0.50	0.50	0.30	0.12	0.46	0.25	8.57	0.01	0.14
Queue Length 95th (ft)	7	0	0	0	10	0	0	Err	1	12
Control Delay (s)	11.8	0.0	0.0	0.0	22.6	0.0	0.0	Err	15.4	25.3
Lane LOS	B				C			F	C	D
Approach Delay (s)	0.2				0.5			9130.9		25.3
Approach LOS								F		D

Intersection Summary		
Average Delay		128.4
Intersection Capacity Utilization	55.4%	ICU Level of Service
Analysis Period (min)		15
		B

Queues  
1: Peachtree Road & Brookhaven Drive

Future AM - With Signal  
7/15/2015

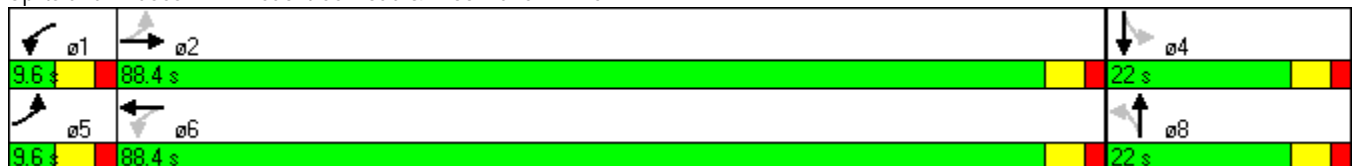


Lane Group	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Lane Configurations	↙	↑↑↓	↙	↑↑	↙	↑		↕
Volume (vph)	10	740	21	2097	117	0	4	0
Lane Group Flow (vph)	11	836	23	2291	127	4	0	52
Turn Type	pm+pt		pm+pt		Perm		Perm	
Protected Phases	5	2	1	6		8		4
Permitted Phases	2		6		8		4	
Detector Phase	5	2	1	6	8	8	4	4
Switch Phase								
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	9.5	21.5	9.5	21.5	21.5	21.5	21.5	21.5
Total Split (s)	9.6	88.4	9.6	88.4	22.0	22.0	22.0	22.0
Total Split (%)	8.0%	73.7%	8.0%	73.7%	18.3%	18.3%	18.3%	18.3%
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5
Lead/Lag	Lead	Lag	Lead	Lag				
Lead-Lag Optimize?	Yes	Yes	Yes	Yes				
Recall Mode	None	C-Min	None	C-Min	Min	Min	Min	Min
v/c Ratio	0.08	0.22	0.05	0.84	0.72	0.01		0.23
Control Delay	4.5	5.6	3.4	13.7	72.6	0.0		17.1
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0		0.0
Total Delay	4.5	5.6	3.4	13.7	72.6	0.0		17.1
Queue Length 50th (ft)	2	78	3	487	95	0		3
Queue Length 95th (ft)	6	95	9	#917	162	0		40
Internal Link Dist (ft)		346		344		89		131
Turn Bay Length (ft)	100		130					
Base Capacity (vph)	134	3747	504	2738	207	458		262
Starvation Cap Reductn	0	0	0	0	0	0		0
Spillback Cap Reductn	0	0	0	0	0	0		0
Storage Cap Reductn	0	0	0	0	0	0		0
Reduced v/c Ratio	0.08	0.22	0.05	0.84	0.61	0.01		0.20

Intersection Summary

Cycle Length: 120  
 Actuated Cycle Length: 120  
 Offset: 0 (0%), Referenced to phase 2:EBTL and 6:WBTL, Start of Green  
 Natural Cycle: 100  
 Control Type: Actuated-Coordinated  
 # 95th percentile volume exceeds capacity, queue may be longer.  
 Queue shown is maximum after two cycles.

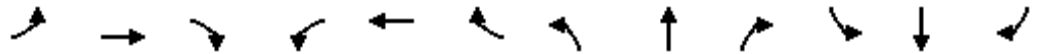
Splits and Phases: 1: Peachtree Road & Brookhaven Drive



HCM Signalized Intersection Capacity Analysis  
1: Peachtree Road & Brookhaven Drive

Future AM - With Signal

7/15/2015



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖	↗↖↗		↖	↗↖↗		↖	↗			↖↗	
Volume (vph)	10	740	29	21	2097	11	117	0	4	4	0	44
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	5.5	5.5		5.5	5.5		5.5	5.5			5.5	
Lane Util. Factor	1.00	0.91		1.00	0.95		1.00	1.00			1.00	
Frt	1.00	0.99		1.00	1.00		1.00	0.85			0.88	
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00			1.00	
Satd. Flow (prot)	1770	5056		1770	3536		1770	1583			1624	
Flt Permitted	0.05	1.00		0.31	1.00		0.81	1.00			0.98	
Satd. Flow (perm)	86	5056		583	3536		1502	1583			1603	
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	11	804	32	23	2279	12	127	0	4	4	0	48
RTOR Reduction (vph)	0	3	0	0	0	0	0	4	0	0	42	0
Lane Group Flow (vph)	11	833	0	23	2291	0	127	0	0	0	10	0
Turn Type	pm+pt			pm+pt			Perm			Perm		
Protected Phases	5	2		1	6			8			4	
Permitted Phases	2			6			8			4		
Actuated Green, G (s)	87.4	86.6		91.2	88.5		14.2	14.2			14.2	
Effective Green, g (s)	87.4	86.6		91.2	88.5		14.2	14.2			14.2	
Actuated g/C Ratio	0.73	0.72		0.76	0.74		0.12	0.12			0.12	
Clearance Time (s)	5.5	5.5		5.5	5.5		5.5	5.5			5.5	
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0			3.0	
Lane Grp Cap (vph)	74	3649		470	2608		178	187			190	
v/s Ratio Prot	0.00	0.16		c0.00	c0.65			0.00				
v/s Ratio Perm	0.11			0.04			c0.08				0.01	
v/c Ratio	0.15	0.23		0.05	0.88		0.71	0.00			0.05	
Uniform Delay, d1	18.4	5.6		3.5	11.7		50.9	46.7			46.9	
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00			1.00	
Incremental Delay, d2	0.9	0.1		0.0	4.6		12.7	0.0			0.1	
Delay (s)	19.3	5.7		3.6	16.3		63.6	46.7			47.0	
Level of Service	B	A		A	B		E	D			D	
Approach Delay (s)		5.9			16.2			63.1			47.0	
Approach LOS		A			B			E			D	

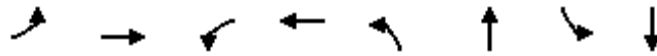
Intersection Summary

HCM Average Control Delay	15.9	HCM Level of Service	B
HCM Volume to Capacity ratio	0.81		
Actuated Cycle Length (s)	120.0	Sum of lost time (s)	11.0
Intersection Capacity Utilization	80.6%	ICU Level of Service	D
Analysis Period (min)	15		
c Critical Lane Group			

Queues  
1: Peachtree Road & Brookhaven Drive

Future PM - With Signal

7/15/2015



Lane Group	EBL	EBT	WBL	WBT	NBL	NBT	SBL	SBT
Lane Configurations	↙	↑↑↑	↙	↑↑	↙	↑		↕
Volume (vph)	43	1967	25	1074	42	0	2	0
Lane Group Flow (vph)	47	2223	27	1195	46	4	0	28
Turn Type	pm+pt		pm+pt		Perm		Perm	
Protected Phases	5	2	1	6		8		4
Permitted Phases	2		6		8		4	
Detector Phase	5	2	1	6	8	8	4	4
Switch Phase								
Minimum Initial (s)	4.0	4.0	4.0	4.0	4.0	4.0	4.0	4.0
Minimum Split (s)	9.5	21.5	9.5	21.5	21.5	21.5	21.5	21.5
Total Split (s)	12.0	83.0	13.0	84.0	24.0	24.0	24.0	24.0
Total Split (%)	10.0%	69.2%	10.8%	70.0%	20.0%	20.0%	20.0%	20.0%
Yellow Time (s)	3.5	3.5	3.5	3.5	3.5	3.5	3.5	3.5
All-Red Time (s)	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Lost Time Adjust (s)	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0
Total Lost Time (s)	5.5	5.5	5.5	5.5	5.5	5.5	5.5	5.5
Lead/Lag	Lead	Lag	Lead	Lag				
Lead-Lag Optimize?	Yes	Yes	Yes	Yes				
Recall Mode	None	C-Min	None	C-Min	Min	Min	Min	Min
v/c Ratio	0.13	0.57	0.15	0.45	0.42	0.02		0.19
Control Delay	3.0	7.6	4.2	7.1	63.0	0.2		21.7
Queue Delay	0.0	0.0	0.0	0.0	0.0	0.0		0.0
Total Delay	3.0	7.6	4.2	7.1	63.0	0.2		21.7
Queue Length 50th (ft)	5	265	3	172	35	0		1
Queue Length 95th (ft)	13	360	9	248	72	0		30
Internal Link Dist (ft)		346		344		89		131
Turn Bay Length (ft)	100		130					
Base Capacity (vph)	380	3878	192	2645	212	324		269
Starvation Cap Reductn	0	0	0	0	0	0		0
Spillback Cap Reductn	0	0	0	0	0	0		0
Storage Cap Reductn	0	0	0	0	0	0		0
Reduced v/c Ratio	0.12	0.57	0.14	0.45	0.22	0.01		0.10

Intersection Summary

Cycle Length: 120  
 Actuated Cycle Length: 120  
 Offset: 0 (0%), Referenced to phase 2:EBTL and 6:WBTL, Start of Green  
 Natural Cycle: 70  
 Control Type: Actuated-Coordinated

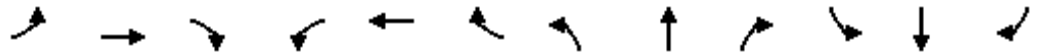
Splits and Phases: 1: Peachtree Road & Brookhaven Drive



HCM Signalized Intersection Capacity Analysis  
1: Peachtree Road & Brookhaven Drive

Future PM - With Signal

7/15/2015



Movement	EBL	EBT	EBR	WBL	WBT	WBR	NBL	NBT	NBR	SBL	SBT	SBR
Lane Configurations	↖	↑↑↑		↖	↑↑		↖	↑			↕	
Volume (vph)	43	1967	78	25	1074	26	42	0	4	2	0	24
Ideal Flow (vphpl)	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900	1900
Total Lost time (s)	5.5	5.5		5.5	5.5		5.5	5.5			5.5	
Lane Util. Factor	1.00	0.91		1.00	0.95		1.00	1.00			1.00	
Frt	1.00	0.99		1.00	1.00		1.00	0.85			0.87	
Flt Protected	0.95	1.00		0.95	1.00		0.95	1.00			1.00	
Satd. Flow (prot)	1770	5056		1770	3527		1770	1583			1623	
Flt Permitted	0.20	1.00		0.06	1.00		0.74	1.00			0.98	
Satd. Flow (perm)	381	5056		109	3527		1377	1583			1598	
Peak-hour factor, PHF	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92	0.92
Adj. Flow (vph)	47	2138	85	27	1167	28	46	0	4	2	0	26
RTOR Reduction (vph)	0	3	0	0	1	0	0	4	0	0	24	0
Lane Group Flow (vph)	47	2220	0	27	1194	0	46	0	0	0	4	0
Turn Type	pm+pt			pm+pt			Perm			Perm		
Protected Phases	5	2		1	6			8			4	
Permitted Phases	2			6			8			4		
Actuated Green, G (s)	94.8	89.8		93.2	89.0		9.5	9.5			9.5	
Effective Green, g (s)	94.8	89.8		93.2	89.0		9.5	9.5			9.5	
Actuated g/C Ratio	0.79	0.75		0.78	0.74		0.08	0.08			0.08	
Clearance Time (s)	5.5	5.5		5.5	5.5		5.5	5.5			5.5	
Vehicle Extension (s)	3.0	3.0		3.0	3.0		3.0	3.0			3.0	
Lane Grp Cap (vph)	359	3784		143	2616		109	125			127	
v/s Ratio Prot	0.01	c0.44		c0.01	0.34			0.00				
v/s Ratio Perm	0.10			0.14			c0.03				0.00	
v/c Ratio	0.13	0.59		0.19	0.46		0.42	0.00			0.03	
Uniform Delay, d1	3.4	6.8		4.8	6.1		52.6	50.9			51.0	
Progression Factor	1.00	1.00		1.00	1.00		1.00	1.00			1.00	
Incremental Delay, d2	0.2	0.7		0.6	0.6		2.6	0.0			0.1	
Delay (s)	3.6	7.4		5.5	6.6		55.3	50.9			51.1	
Level of Service	A	A		A	A		E	D			D	
Approach Delay (s)		7.4			6.6			54.9			51.1	
Approach LOS		A			A			D			D	

Intersection Summary

HCM Average Control Delay	8.1	HCM Level of Service	A
HCM Volume to Capacity ratio	0.53		
Actuated Cycle Length (s)	120.0	Sum of lost time (s)	11.0
Intersection Capacity Utilization	57.9%	ICU Level of Service	B
Analysis Period (min)	15		
c Critical Lane Group			

## **ACCIDENT DATA**

AccidentNo	Date	Year	Route	IntersectingRoute	Injuries	Fatalities	MannerOfCollision	Light	Surface	DirVeh1	MnvrVeh1	DirVeh2	MnvrVeh2
4838572	5/1/2014	2014	PEACHTREE RD		0	0	Rear End	Daylight	Dry	South	Straight	South	Stopped
4871548	6/7/2014	2014	PEACHTREE RD		0	0	Angle	Daylight	Dry	South	Turning Left	North	Straight
5067861	11/29/2014	2014	PEACHTREE RD		1	0	Rear End	DarkLighted	Dry	North	Straight	North	Turning Right
5571260	12/24/2015	2015	PEACHTREE RD		0	0	Angle	Daylight	Wet	South	Turning Left	North	Straight
5601501	1/15/2016	2016	PEACHTREE RD		0	0	Angle	Daylight	Wet	West	Entering/Leaving Parking	North	Straight
5644369	2/21/2016	2016	PEACHTREE RD	COLONIAL DR	0	0	Angle	Daylight	Wet	South	Turning Left	North	Straight
5765917	5/20/2016	2016	PEACHTREE RD	COLONIAL DR	0	0	Angle	Daylight	Wet	South	Turning Left	North	Straight
5811026	6/24/2016	2016	PEACHTREE RD		0	0	Rear End	Daylight	Dry	South	Straight	South	Changing Lanes
5975416	10/27/2016	2016	PEACHTREE RD		0	0	Angle	Daylight	Dry	East	Turning Left	North	Straight
6302623	7/7/2017	2017	PEACHTREE RD	BROOKHAVEN DR	0	0	Rear End	DarkLighted	Wet	North	Straight	North	Turning Right
6493142	10/11/2017	2017	PEACHTREE RD		0	0	Angle	Daylight	Dry	West	Entering/Leaving Parking	North	Straight
6473414	11/6/2017	2017	PEACHTREE RD	COLONIAL DR	0	0	Angle	Daylight	Dry	West	Entering/Leaving Parking	North	Changing Lanes
6495530	11/29/2017	2017	PEACHTREE RD		0	0	Rear End	DarkLighted	Dry	South	Turning Left	South	Turning Left
6586099	2/8/2018	2018	PEACHTREE RD		2	0	Angle	Daylight	Dry	South	Turning Left	North	Straight
6601159	2/15/2018	2018	PEACHTREE RD		0	0	Sideswipe-Same Direction	Daylight	Dry	South	Changing Lanes	South	Straight
6643924	3/22/2018	2018	PEACHTREE RD		0	0	Angle	Daylight	Dry	South	Turning Left	West	Straight
6654175	3/31/2018	2018	PEACHTREE RD		0	0	Angle	DarkLighted	Dry	East	Turning Left	North	Straight
6674864	4/12/2018	2018	PEACHTREE RD	BROOKHAVEN DR	0	0	Angle	Daylight	Dry	South	Changing Lanes	South	Straight
6678050	4/17/2018	2018	PEACHTREE RD	BROOKHAVEN DR	0	0	Sideswipe-Same Direction	Daylight	Dry	South	Changing Lanes	South	Changing Lanes
6683524	4/13/2018	2018	PEACHTREE RD	COLONIAL DR	0	0	Angle	Daylight	Dry	West	Entering/Leaving Driveway	North	Straight
6695324	5/3/2018	2018	PEACHTREE RD	COLONIAL DR	0	0	Head On	Daylight	Dry	South	Turning Left	North	Straight
6765326	6/20/2018	2018	PEACHTREE RD	COLONIAL DR	0	0	Angle	Daylight	Dry	South	Turning Left	North	Straight
7092233	2/20/2019	2019	PEACHTREE RD	BROOKHAVEN DR	0	0	Angle	Daylight	Wet	West	Turning Right	South	Straight
7200028	5/8/2019	2019	PEACHTREE RD	COLONIAL DR	0	0	Angle	Daylight	Dry	South	Turning Left	North	Straight
7204657	5/9/2019	2019	PEACHTREE RD	COLONIAL DR	0	0	Angle	Daylight	Dry	West	Changing Lanes	West	Straight
7299696	7/26/2019	2019	BROOKHAVEN DR	PEACHTREE RD	1	0	Not A Collision with Motor Vehicle	Daylight	Dry	South	Turning Right	North	Straight



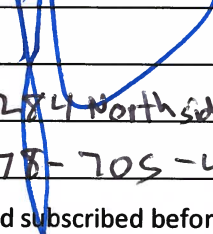

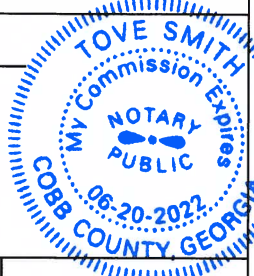
### Variance Application

Type	Type of Request: <input type="checkbox"/> Zoning/Special Exception <input type="checkbox"/> Sign <input type="checkbox"/> Stream Buffer <input checked="" type="checkbox"/> Other <input type="checkbox"/> Administrative (Zoning/Special Exception or Stream Buffer)				
	Applicable Zoning/Sign Code Section:				
	Nature of Request:	Required:	Proposed:	Minimum Setback Requirements	Proposed Setback Requirements
	<input type="checkbox"/> Setback	(See Chart to the Right)		Front	Front
	<input type="checkbox"/> Sign			Side	Side
<input type="checkbox"/> # Parking Spaces			Rear	Rear	
<input type="checkbox"/> Other _____			Other	Other	
Project	Name of Project/Subdivision: <u>Cherokee Plaza</u>			Present Zoning: <u>C1</u>	
	Property Address/Location: <u>3851 to 3895 Peachtree Rd, Atlanta, GA 30319</u>				
	District: <u>18</u>	Land Lot: <u>239</u>	Block: <u>04</u>	Property ID: <u>18 239 04 001</u>	
	Is this development and/or request seeking any incentives or tax abatement through the City of Brookhaven or any entity that can grant such waivers, incentives, and/or abatements? <input type="checkbox"/> Yes <input type="checkbox"/> No				
Owner Information	Name: <u>New Mariet - Cherokee, LLC</u>				
	Address: <u>3284 Northside Pkwy, NW, Suite 515, Atlanta, GA 30327</u>				
	Phone: <u>678-705-4504</u>		Fax:		
	Cell: <u>404-780-0768</u>		Email: <u>Jason@NewMarietProp.com</u>		
Applicant	Name: <u>same as above</u>				
	Address:				
	Phone:		Fax:		
	Cell:		Email:		
Affidavit	To the best of my knowledge, this variance 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 Brookhaven Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Brookhaven Zoning Ordinance) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included				
	Applicant's Name: <u>Jeff Sprain</u>				
	Applicant's Signature: _____ Date: <u>7/18/19</u>				
Notary	Sworn to and subscribed before me this <u>18th</u> Day of <u>July</u> 20 <u>19</u>				
	Notary Public: <u>Tove Smith</u>				
	Signature: _____				
	Date: <u>7/18/19</u>				
Office Use	Application Received By:		Project Title:		Project Number:
	<input type="checkbox"/> Application Fee <input type="checkbox"/> Sign Fee (\$135 per 500 feet per frontage) <input type="checkbox"/> Legal Fee (\$20)				
	Fee: \$		Payment: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> CC		Date:
	<input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied				Date:



### Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this variance application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for variance(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments.

Property Owner	Signature: 		Date: 7/18/19
	Address: 3284 Northside Pkwy, Ste 515		City, State: Atlanta, GA
	Phone: 678-705-4504		
	Sworn to and subscribed before me this 18th day of July, 2019		
Notary Public: 			
			
Property Owner (If Applicable)	Signature:		Date:
	Address:		City, State:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
Notary Public:			
Property Owner (If Applicable)	Signature:		Date:
	Address:		City, State:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20_____		
Notary Public:			





Variance Application

Type of Request: <input type="checkbox"/> Zoning/Special Exception <input type="checkbox"/> Sign <input type="checkbox"/> Stream Buffer <input checked="" type="checkbox"/> Other <input type="checkbox"/> Administrative (Zoning/Special Exception or Stream Buffer)					
Applicable Zoning/Sign Code Section:					
Type	Nature of Request:	Required:	Proposed:	Minimum Setback Requirements	Proposed Setback Requirements
	<input type="checkbox"/> Setback	(See Chart to the Right)		Front	Front
	<input type="checkbox"/> Sign			Side	Side
	<input type="checkbox"/> # Parking Spaces			Rear	Rear
	<input type="checkbox"/> Other _____			Other	Other
Project	Name of Project/Subdivision: Starbucks			Present Zoning: C3	
	Property Address/Location: 3901 Peachtree Rd				
	District: 18	Land Lot: 239	Block: 04	Property ID: 017	
	Is this development and/or request seeking any incentives or tax abatement through the City of Brookhaven or any entity that can grant such waivers, incentives, and/or abatements? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
Owner Information	Name: Vincent M Lucy				
	Address: 34 Fairway Dr, Manhattan Beach, GA 90266				
	Phone: 310-845-2108		Fax:		
	Cell: 310-658-8040		Email: VM1649861@gmail.com		
Applicant	Name: New Market - Cherokee LLC				
	Address: 3284 Northside Drive, NW, Ste 515, Atlanta, GA 30327				
	Phone: 678-705-4504		Fax:		
	Cell: 404-780-0768		Email: jason@newmarketprop.com		
Affidavit	To the best of my knowledge, this variance 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 Brookhaven Zoning Ordinance. I understand that failure to supply all required information (per the relevant Applicant Checklists and Requirements of the Brookhaven Zoning Ordinance) will result in the rejection of this application. I have read the provisions of the Georgia Code Section 36-67A-3 as required regarding Campaign Disclosures. My Signed Campaign Disclosure Statement is included				
	Applicant's Name: Vincent M Lucy				
	Applicant's Signature: <i>Vincent M Lucy</i>				Date: 7/31/2019
Notary	Sworn to and subscribed before me this _____ Day of _____ 20____				
	Notary Public:			See Attached Jurat	
	Signature:				
	Date:				
Office Use	Application Received By:		Project Title:	Project Number:	
	<input type="checkbox"/> Application Fee <input type="checkbox"/> Sign Fee (\$135 per 500 feet per frontage) <input type="checkbox"/> Legal Fee (\$20)				
	Fee: \$ _____		Payment: <input type="checkbox"/> Cash <input type="checkbox"/> Check <input type="checkbox"/> CC		Date: _____
	<input type="checkbox"/> Approved <input type="checkbox"/> Approved with Conditions <input type="checkbox"/> Denied			Date: _____	

CALIFORNIA JURAT WITH AFFIANT STATEMENT

GOVERNMENT CODE § 8202

- See Attached Document (Notary to cross out lines 1-6 below)
- See Statement Below (Lines 1-6 to be completed only by document signer[s], not Notary)

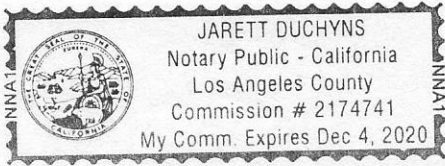
1 \_\_\_\_\_  
 2 \_\_\_\_\_  
 3 \_\_\_\_\_  
 4 \_\_\_\_\_  
 5 \_\_\_\_\_  
 6 \_\_\_\_\_

Signature of Document Signer No. 1                      Signature of Document Signer No. 2 (if any)

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
 County of Los Angeles

Subscribed and sworn to (or affirmed) before me  
 on this 31 day of July, 2019,  
 by Vincent Lucy  
 (1) \_\_\_\_\_  
 (and (2) \_\_\_\_\_),  
 Name(s) of Signer(s)



Place Notary Seal and/or Stamp Above

proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.  
 Signature \_\_\_\_\_  
 Signature of Notary Public

OPTIONAL

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**  
 Title or Type of Document: Brookhaven GA Variance Application  
 Document Date: \_\_\_\_\_ Number of Pages: 1  
 Signer(s) Other Than Named Above: \_\_\_\_\_

**CALIFORNIA JURAT WITH AFFIANT STATEMENT**

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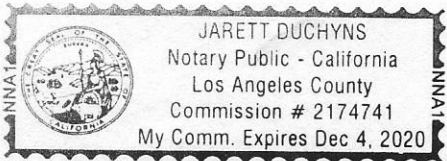
1 \_\_\_\_\_  
 2 \_\_\_\_\_  
 3 \_\_\_\_\_  
 4 \_\_\_\_\_  
 5 \_\_\_\_\_  
 6 \_\_\_\_\_

Signature of Document Signer No. 1 \_\_\_\_\_ Signature of Document Signer No. 2 (if any) \_\_\_\_\_

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California  
 County of Los Angeles

Subscribed and sworn to (or affirmed) before me  
 on this 31 day of July, 2019,  
 by \_\_\_\_\_  
 Date Month Year



(1) Vincent Lucy  
 (and (2) \_\_\_\_\_),  
 Name(s) of Signer(s)

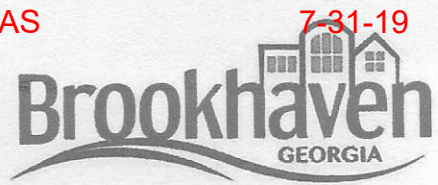
proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me  
 Signature \_\_\_\_\_  
 Signature of Notary Public

Place Notary Seal and/or Stamp Above

**OPTIONAL**

Completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**  
 Title or Type of Document: Brookhaven GA Property owners Notarized Cert  
 Document Date: \_\_\_\_\_ Number of Pages: 1  
 Signer(s) Other Than Named Above: \_\_\_\_\_



### Property Owner(s) Notarized Certification

The owner and petitioner acknowledge that this variance application form is correct and complete. By completing this form, all owners of the subject property certify authorization of the filing of the application for variance(s), and authorization of an applicant or agent to act on their behalf in the filing of the application including all subsequent application amendments

Property Owner	Signature: <i>Lauren M. Brey</i>		Date: <i>7/31/2019</i>
	Address: <i>31 Fairway Dr</i>		City, State: <i>Manhattan Beach, CA</i> Zip: <i>90266</i>
	Phone: <i>310-658-8040</i>		
	Sworn to and subscribed before me this _____ day of _____, 20____		
	Notary Public: <i>See Attached Jurat</i>		
Property Owner (If Applicable)	Signature:		Date:
	Address:		City, State: Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20____		
	Notary Public:		
Property Owner (If Applicable)	Signature:		Date:
	Address:		City, State: Zip:
	Phone:		
	Sworn to and subscribed before me this _____ day of _____, 20____		
	Notary Public:		



**EXHIBIT A****Legal Description****PARCEL 1:**

All that tract or parcel of land lying and being in Land Lot 239 of the 18th District of DeKalb County, Georgia and being more particularly described as follows:

To find the Point of Beginning, commence at a concrete right of way monument found at the intersection of the Westerly Right of Way Line of Colonial Drive (an apparent 60 feet wide right of way) and the Southerly Right of Way Line of Peachtree Road (a variable width right of way); thence, leaving said point and running with the said line of Peachtree Road, 128.38 feet along the arc of a curve deflecting to the right, having a radius of 1,737.72 feet and a chord bearing and distance of South 86 degrees 23 minutes 01 seconds West, 128.35 feet to the True Point of Beginning of the herein described tract or parcel of land; thence, leaving the said Point of Beginning and said line of Peachtree Road and running:

1. South 08 degrees 45 minutes 19 seconds East 113.78 feet; thence,
2. North 86 degrees 32 minutes 41 seconds East 130.00 feet to a point on the aforesaid line of Colonial Drive; thence, running with the said line of Colonial Drive
3. South 08 degrees 45 minutes 20 seconds East 243.70 feet; thence, leaving the aforesaid line of Colonial Drive and running
4. South 67 degrees 26 minutes 40 seconds West 233.26 feet; thence,
5. South 69 degrees 54 minutes 40 seconds West, 175.11 feet; thence,
6. South 74 degrees 08 minutes 54 seconds West, 50.36 feet; thence,
7. North 22 degrees 41 minutes 40 seconds West, 27.00 feet; thence,
8. South 84 degrees 28 minutes 53 seconds West, 57.57 feet; thence,
9. North 55 degrees 09 minutes 56 seconds West, 65.19 feet; thence,
10. North 88 degrees 07 minutes 38 seconds West, 38.48 feet; thence,
11. South 55 degrees 15 minutes 47 seconds West, 76.69 feet; thence,
12. South 67 degrees 18 minutes 20 seconds West, 35.00 feet; thence,
13. South 81 degrees 46 minutes 33 seconds West, 78.01 feet; thence,
14. North 00 degrees 10 minutes 00 seconds East, 592.76 feet to a concrete monument found (disturbed) on the aforesaid line of Peachtree Road; thence, running with the said line of Peachtree Road,
15. South 78 degrees 03 minutes 55 seconds East, 193.78 feet; thence,

16. 387.44 feet along the arc of a curve deflecting to the left, having a radius of 1,584.81 feet and a chord bearing and distance of South 85 degrees 03 minutes 06 seconds East 386.47 feet to the Point of Beginning.

PARCEL 2:

Together with all right title and interest of Cherokee Plaza Associates, L.L.C. in and to that certain Agreement between Metropolitan Atlanta Rapid Transit Authority and Cherokee Plaza Associates, L.L.C., relating to Access, Construction, and Detention Pond maintenance dated June 20, 1996, filed and recorded July 17, 1996, in Deed Book 9067, Page 257, DeKalb County, Georgia records.

Deed Book 16806 Pg 366  
Linda Carter  
Clerk of Superior Court  
DeKalb County, Georgia

**EXHIBIT "A"**

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 239 of the 18<sup>th</sup> District of DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at a concrete monument found at the intersection of the southerly right-of-way of Peachtree Road (a variable right-of-way) and the westerly right-of-way of Colonial Drive (a variable right-of-way); thence westerly, along the southerly right-of-way of Peachtree Road along an arc of a curve to the right with a radius of 1,737.72 feet an arc distance of 130.00 feet to a point, which arc is subtended by a chord bearing and distance of South 83 degrees 03minutes 43 seconds west, 129.97 feet; thence South 11 degrees 40 minutes 50 seconds east, 111.20 feet to a point; thence North 84 degrees 04 minutes 44 seconds east, 130.00 feet to a point on the westerly right-of-way of Colonial Drive; thence North 11 degrees 35 minutes 20 seconds west, along the westerly right-of-way of Colonial Drive, 113.50 feet to a concrete monument and the POINT OF BEGINNING; said tract containing 0.331 acres of land as shown and delineated on that certain Plat of Survey prepared for Peachtree Colonial, LLC, SouthTrust Bank, N.A., and Lawyers Title Insurance Corporation by A. S. Giometti, G.R.L.S. No. 1125 of A.S. Giometti & Associates, Inc. dated February 27, 1998.

C:\hdp\Horizon\DeKalb\Peachtree Colonial.legal

Deed Book 16806 Pg 366  
**Linda Carter**  
Clerk of Superior Court  
DeKalb County, Georgia

**EXHIBIT "A"**

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## EXHIBIT A

### **Legal Description**

#### PARCEL 1:

All that tract or parcel of land lying and being in Land Lot 239 of the 18th District of DeKalb County, Georgia and being more particularly described as follows:

To find the Point of Beginning, commence at a concrete right of way monument found at the intersection of the Westerly Right of Way Line of Colonial Drive (an apparent 60 feet wide right of way) and the Southerly Right of Way Line of Peachtree Road (a variable width right of way); thence, leaving said point and running with the said line of Peachtree Road, 128.38 feet along the arc of a curve deflecting to the right, having a radius of 1,737.72 feet and a chord bearing and distance of South 86 degrees 23 minutes 01 seconds West, 128.35 feet to the True Point of Beginning of the herein described tract or parcel of land; thence, leaving the said Point of Beginning and said line of Peachtree Road and running:

1. South 08 degrees 45 minutes 19 seconds East 113.78 feet; thence,
2. North 86 degrees 32 minutes 41 seconds East 130.00 feet to a point on the aforesaid line of Colonial Drive; thence, running with the said line of Colonial Drive
3. South 08 degrees 45 minutes 20 seconds East 243.70 feet; thence, leaving the aforesaid line of Colonial Drive and running
4. South 67 degrees 26 minutes 40 seconds West 233.26 feet; thence,
5. South 69 degrees 54 minutes 40 seconds West, 175.11 feet; thence,
6. South 74 degrees 08 minutes 54 seconds West, 50.36 feet; thence,
7. North 22 degrees 41 minutes 40 seconds West, 27.00 feet; thence,
8. South 84 degrees 28 minutes 53 seconds West, 57.57 feet; thence,
9. North 55 degrees 09 minutes 56 seconds West, 65.19 feet; thence,
10. North 88 degrees 07 minutes 38 seconds West, 38.48 feet; thence,
11. South 55 degrees 15 minutes 47 seconds West, 76.69 feet; thence,
12. South 67 degrees 18 minutes 20 seconds West, 35.00 feet; thence,
13. South 81 degrees 46 minutes 33 seconds West, 78.01 feet; thence,
14. North 00 degrees 10 minutes 00 seconds East, 592.76 feet to a concrete monument found (disturbed) on the aforesaid line of Peachtree Road; thence, running with the said line of Peachtree Road,
15. South 78 degrees 03 minutes 55 seconds East, 193.78 feet; thence,

16. 387.44 feet along the arc of a curve deflecting to the left, having a radius of 1,584.81 feet and a chord bearing and distance of South 85 degrees 03 minutes 06 seconds East 386.47 feet to the Point of Beginning.

PARCEL 2:

Together with all right title and interest of Cherokee Plaza Associates, L.L.C. in and to that certain Agreement between Metropolitan Atlanta Rapid Transit Authority and Cherokee Plaza Associates, L.L.C., relating to Access, Construction, and Detention Pond maintenance dated June 20, 1996, filed and recorded July 17, 1996, in Deed Book 9067, Page 257, DeKalb County, Georgia records.