

**Georgia Regional Transportation Authority**  
245 Peachtree Center Avenue, NE, Suite 900  
Atlanta, Georgia 30303-1223

***Land Development Committee  
Meeting Minutes***

May 14, 2008

**COMMITTEE MEMBERS PRESENT:**

Brandon Beach [Chair]  
Sonny Deriso  
Jerry Bowman  
Mike Byrd  
Caric Martin  
John A. Sibley, III  
Bob Voyles

**COMMITTEE MEMBERS ABSENT:**

Jeanie Thomas

**BOARD MEMBERS PRESENT:**

Alton Knight  
J.T. Williams

\*A quorum was present.

All notice having been duly given, the Land Development Committee of the Georgia Regional Transportation Authority was held at the Georgia Regional Transportation Authority office, 245 Peachtree Center Avenue, Suite 900, Atlanta, Georgia.

Brandon Beach called the meeting to order at 9:35 a.m.

**APPROVAL OF COMMITTEE MINUTES OF THE APRIL 9, 2008 MEETING:**

Motion made to approve the April 9, 2008 meeting minutes as circulated. The minutes stand approved as submitted.

**APPROVAL OF COMMITTEE AGENDA FOR THE MAY 14, 2008 MEETING:**

The agenda for the May 14, 2008 committee meeting has been circulated. The agenda stands approved as submitted.

Mr. Beach requested that the Buckhead DRI Appeal be moved up on the committee agenda. The committee approved the re-order.

**Buckhead DRI #1652 Appeal**

Laura Beall, Land Use Division Director, described the Buckhead site and the current conditions relating to the site. She stated the main focus was access management of 1 out of 3 driveways onto Piedmont Road. She then introduced the guests in the audience present requesting to address the Committee in regards to the Appeal.

Julie McQueen, Senior Planner, gave a summary presentation of the DRI site, appealed conditions, and GRTA staff rationale on the present conditions of the site. The trigger for this DRI was a rezoning in the City of Atlanta. The DRI includes: 60,000SF retail, 305,500SF office, 21,500SF restaurant, 355 high-rise residential units and 300 hotel rooms. The traffic study determined there would be over 13,000 daily trips generated by this development. There were four access points (site driveways) studied: two unsignalized driveways on Piedmont Road (Site Driveways #2 and #3), one signalized driveway on Piedmont Road at Tower Place (Site Driveway #4), and one signalized driveway on Peachtree Road at Maple Drive (Site Driveway #1).

The GRTA review process for this DRI began on January 29, 2008. After being deferred multiple times, the Notice of Decision was issued on April 16, 2008; the appeal was filed April 23, 2008. The conditions appealed included:

- *“Site Driveway #3 shall be right-in, right-out only.”*
- *“Provide a raised median on Piedmont Road from Peachtree Road to Site Driveway #4 (Tower Place).”*

Staff considered three main rationales- regional mobility, access management, and safety when determining the above conditions. Each point of rational is as follows:

#### *Regional Mobility*

- Piedmont Road (SR 237) at Peachtree Road (SR 141) intersection is currently over capacity with 7,500 vehicles in the PM peak hour.
- DRI traffic study recommends adding a travel lane in each direction along Piedmont Road.
- Additional two lanes on Piedmont Road would improve the existing capacity by no more than 33%. Installation of a raised median is expected to have a similar impact improving capacity by 30%.
- A raised median could be built within the existing ROW.

#### *Access Management*

- Traffic queues will block driveways 2 and 3 in the peak hour.
- Left turns into these driveways have the potential of blocking a northbound lane on Piedmont Road and further reducing the available capacity at the Piedmont Road at Peachtree Road intersection.

#### *Safety*

- Increasing peak hour traffic at Driveways 2 and 3 (from 122 existing movements to 736 by build-out) will increase the number of vehicle conflicts dramatically.
- Increased vehicle conflicts can lead to an increase in rear-end and angle collisions in both directions on Piedmont Road.
- 74% of driveway crashes are the result of vehicles attempting left turn movements.
- U-turn movements as part of a protected left-turn phase are safer than left turns at unsignalized driveways.

GRTA and GDOT staff worked together very early in this process and both concluded that the median on Piedmont was necessary as a result of this DRI. GRTA also worked with many other partners from the beginning including the Buckhead Community Improvement District (CID). The Buckhead CID was a leader in the Piedmont Area Transportation Study that was completed and approved by the Buckhead CID Board in February 2008. This study recommended raised medians along the Piedmont Corridor except for the small section directly in front of this property. The Piedmont Area Transportation Study has not been adopted by the City of Atlanta at this time.

Julie McQueen concluded the presentation with the staff recommendation. Staff recommended that the Committee deny the appeal in support of the Notice of Decision as issued by Executive Director on April 16, 2008 based on the standard and the reasons identified in Section IV of the Staff Appeal Report.

Kirk Fjelstul made three additional points. One, GRTA conditioning a raised median is a big deal. He underscored that a raised median is not a common condition, and occurred only after determining that there was a substantial need.. Two, a letter was distributed to everyone from the Buckhead CID regarding the Piedmont Area Transportation Study. This letter stated that GRTA had eliminated the Study from their consideration because it had not been approved by the City of Atlanta. That is not how GRTA looks at these studies, and that is not how GRTA looked at this Study. GRTA considers corridor studies to be very valuable in the review process. The Study did recommend medians along the Piedmont Corridor and state resources have been invested in medians in Buckhead. The study results highlight the fact that Piedmont Road is considered to be a facility designed to get traffic in and through the Buckhead area. This weighed in heavily in the decision. As GRTA weighed the Study, it considered whether it had been approved by the local jurisdiction, whether local ordinances been adopted to support its implementation (i.e. access management ordinances), and whether projects resulted from the Study. The Study was by no means eliminated from the consideration. Three, the conditioned median is located along a state route and therefore involved close coordination with GDOT in the review. GDOT has staff representatives assigned to work with GRTA on DRIs. In District 7, those GDOT persons are Joe Palladi and Mike Lobdell. GDOT worked with GRTA and determined that a median was necessary. In the midst of the DRI review, the applicant went to other GDOT and staff, resulting in a letter issued from the GDOT Engineer which was not consistent with the discussions the GDOT DRI representatives were having with GRTA. At this point, Kirk Fjelstul said he went to the Chief Engineer and asked what GDOT's position was. A second letter resulted, which still was not clear on GDOT's position regarding the raised median. Kirk Fjelstul then asked the Chief Engineer again to clarify whether GDOT supported the raised median condition. The third letter confirmed GDOT supported the raised median on Piedmont Road from Peachtree Road to Tower Place. Clarity from GDOT was important because GRTA may not have issued the median condition if GDOT did not want it.

Brandon Beach called on Doug Dillard to hear from the applicant. Doug Dillard represents the applicant, Coro Realty, and not the City of Atlanta. Mr. Dillard stated he is back talking about left turns and medians again, only this time it involves the construction of a brand new median. He questioned GRTA's power to create a project such as this median. The median is not in the TIP, RTP, or any adopted City of Atlanta plans. He continued that GDOT and GRTA are creating a project and putting the burden on the property owner to build it. Mr. Dillard stated that in his opinion that is not only unlawful, but unconstitutional. He added that Coro is already paying over \$1 million to the City in impact fees. Mr. Dillard discussed the Piedmont Corridor Study that went on for 15 months and the many meetings and discussions involved. This median was not recommended in the Study. He then stated there are right-of-way issues in constructing the conditioned median. He said again that the trips generated by this DRI do not justify a median, and that if a median is needed there it is needed now. There was a discussion between Mr. Deriso and Mr. Dillard about the authority of GRTA, payment of impact fees, and whether the applicant should pay for the median. Mr. Dillard said when impact fees are paid for transportation, the City cannot then also require that the applicant make system improvements in addition to paying the fees. Mr. Deriso pointed out that GRTA's power has already been upheld in Court. Mr. Dillard stated that it is not fair to ask the applicant to spend millions of dollars to build a median which may not even satisfy the goal it intended. Kirk Fjelstul interjected that GRTA did look into the potential cost by using GDOT's costing tool which uses unit cost

data from bids for medians over the past year. The median would cost approximately \$60,000 according to the data according to the tool. Mr. Fjelstul also pointed out that it is not the purpose to determine if there is a system or project improvement. GRTA's conditions are on the City and not the applicant. Therefore, if it is determined that it is a system improvement then the City can use the collected impact fees to make improvements. GRTA is not ordering the developer to do something. Finally, Mr. Fjelstul pointed out that the median on a state route is no different than other conditions that occur all the time on state routes. For example installing a signal is a new project that is frequently conditioned. These are just traffic improvements along state routes, there is no difference. J.T. Williams asked Mr. Dillard, if GRTA requires a median but does not specify who is to construct the median, would that still be unconstitutional? Mr. Dillard responded that their problem was that this is a system improvement conditioned on their development.

Mr. Dillard called on Ed Ellis of Kimley-Horn to address the committee. Mr. Ellis began with a brief history of the Piedmont Corridor Study. He said that with the current right-of-way, Piedmont Road in this section can accommodate 7 lanes of traffic, or 6 lanes plus a median, or 6 lanes with bike lanes. After much study and discussion, the Study recommended 7 lanes. Mr. Ellis stated that congestion in this corridor is and will always be dictated by the Piedmont and Peachtree intersection and the Buckhead Loop intersection and that these site driveways on Piedmont will not have a significant impact on congestion in this area. He clarified that there is only 221 left turn movements in the peak hour into and out of these site driveways that could potentially cause conflicts. He also clarified that the addition of a median will only improve the theoretical capacity of the road by 30%, not the actual capacity because the left-turn movements are not very significant. Ed Ellis pointed on the fact that Kroger has an easement to come onto their property for access, but Coro does not have a legal easement onto Kroger property at this time. Mr. Ellis said is he could be God and had all the money in the world, he would put a median on this section, but we need to be more methodical about how we do this and think through this because if done improperly we could cause more problems than we would help.

Mr. Beach opened the floor for questions. Bob Voyles expressed three concerns. One, he questions if we applying the correct standard. At a time when we are trying to get people out of their cars and keep them in the market, why are we conditioning improvements that encourage movement of cars through the market? Mr. Voyles referenced his experiences in other cities where there are fewer restrictions on access, which he referred to traffic as "the more holes in the bucket, the quicker the water gets out". Second, he agreed that GRTA does have the ability to impose these types of standards and disagreed with Mr. Dillard on that point. Third, a private developer should not have to pay twice- pay for the impact fees and then pay for traffic improvements. His last question was does GRTA's condition require the applicant to acquire more right-of-way or to acquire easements through other properties in order to construct the median? Mr. Voyles stated that he does not think it is right of GRTA to make a developer acquire property from another private property owner in order to satisfy a condition. Kirk interjected that GRTA never requires a developer to do something out of their control such as obtain an access easement on another private owner's property. Laura Beall added that Coro has a legal access easement to the Kroger property which they are planning to close. Jerry Bowman expressed concern that this development is getting the burden of a median because it happened to be the development that qualified for a DRI review and had to go before GRTA. He is concerned is if this is a reasonable burden to place on the development no matter what the cost is. He also stated that if the applicant must pay impact fees, they should not also have to pay for improvements. Mr. Deriso then asked if an applicant is paying impact fees, can GRTA put any conditions on them that cost money. Mr. Bowman responded that it is always just a

judgment call. Mr. Sibley stated that GRTA is charged with looking at development of regional impact and determining if there are projects that would mitigate the traffic impacts imposed by the development. No other agency is in a position to review developments of regional impact and condition mitigating improvements quite like GRTA does. Because of this special charge, he is reluctant to say we should not exercise that power just because impact fees are collected by the jurisdiction. He does not think we should back off of our charge just because impact fees are in place in a particular case.

Discussion among the board members and appellants led to a postponement of the Committee's decision until the June 11, 2008 Board meeting.

In the interest of time constraints, the DRI Status Report and Access Management discussions were deferred to the June 11, 2008 Board meeting.

**ADJOURNMENT**

Mr. Beach adjourned the meeting at 10:48 a.m.

**APPROVED:**

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<b>Brandon Beach</b>	<b>Date</b>
<b>Chairman</b>	

**ATTEST:**

**APPROVED AS TO FORM:**

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**Recording Secretary**

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**Kirk R. Fjelstul, Chief Counsel**