



NOTICE OF DECISION

To: Doug Hooker, ARC
(via electronic mail) Sonny Deriso, GRTA
Dick Anderson, GRTA

Al Nash, GRTA
Bob Voyles, GRTA

To: Chad Howie, Sanctuary Companies
(via electronic mail) City of Kennesaw

From: Christopher Tomlinson, GRTA Executive Director

Copy: Annie Gillespie, GRTA
(via electronic mail) Jon West, DCA
Andrew Smith, ARC
Marquitrice Mangham, ARC
Paul DeNard, GDOT District 7
Darryl Simmons, City of Kennesaw
Amy Diaz, Cobb County DOT

Oliver Holmes, Sanctuary Companies
Tony Miller, Miller Architecture
Marc Acampora, Marc R Acampora, PE

Date: December 5, 2017

Re: DRI 2724 Cherokee Street Mixed-Use Development

**Notice of Decision for
Request for Non-Expedited Review of
DRI 2724 Cherokee Street Mixed-Use Development**

The purpose of this notice is to inform Sanctuary Companies (the Applicant), City of Kennesaw (the local government), the GRTA Land Development Committee, the Georgia Department of Community Affairs (DCA), the Georgia Department of Transportation (GDOT), and the Atlanta Regional Commission (ARC) of GRTA's decision regarding DRI 2724 Cherokee Street Mixed-Use Development (the DRI Plan of Development). GRTA has completed a non-expedited review for the DRI Plan of Development pursuant to sections 3-101 and 3-103.A of the *Procedures and Principles for GRTA Development of Regional Impact Review* and has determined that the DRI Plan of Development meets the GRTA review criteria set forth in Sections 3-101 and 3-103.A. The DRI Plan of Development as proposed is **approved subject to conditions**, as provided in Attachment A and subject to the limitations placed on allowable modifications to the DRI Plan of Development, as described in Attachment B.

Subject to the conditions set forth in Attachment A and Attachment B, GRTA will approve the expenditure of state and/or federal funds for providing the Land Transportation Services and Access improvements listed in Section 2 of Attachment C. The need for said approval shall terminate and be of no further force and effect after ten (10) years from the date of this Notice of Decision, unless the local government has issued a permit for the construction of any part of the proposed DRI Plan of Development prior to the end of the ten-year period.

The notice of decision is based on a review of the applicant's DRI review package received by GRTA. The review package includes: (1) the site development plan (Site Plan) dated October 30, 2017 titled "Cherokee Street Mixed Use Project" prepared by Miller Architecture and received by GRTA on November 2, 2017 (2) the transportation analysis dated October 24, 2017 prepared by Marc Acampora, received by GRTA on October 27, 2017.

Pursuant to Section 2-501 of the *Procedures and Principles for GRTA Development of Regional Impact Review*, the Applicant, the GRTA Land Development Committee and the local government have a right to appeal this decision within five (5) working days of the date on this letter by filing a Notice of Appeal with the GRTA Land Development Committee. A Notice of Appeal must specify the grounds for the appeal and present any argument or analysis in support of the appeal. For further information regarding the right to appeal, consult Part 5 of the *Procedures and Principles for GRTA Development of Regional Impact Review*, available from GRTA. If GRTA staff receives an appeal, you will receive another notice from GRTA and the Land Development Committee will hear the appeal at its January 10, 2018 meeting.

DocuSigned by:

5409E9A65D48478...

Christopher Tomlinson
Executive Director
Georgia Regional Transportation Authority

Attachment A – General Conditions

General Conditions of Approval to GRTA Notice of Decision:

None

Road Improvements for GRTA Notice of Decision:

- Intersection 4 – Cherokee Street/Wade Green road at Shiloh Road
 - Maintain programmed plans for widening of Cherokee Street at Shiloh Road as proposed in the 2016 SPLOST.
 - Provide a northbound right turn overlap phase to operate concurrently with the westbound protected left turn phase.
- Intersection 5 - Cherokee Street at Jiles Road
 - Provide a protected right turn overlap phase on the eastbound approach to operate concurrently with the northbound protected left turn phase
- Intersection 9 – Cherokee Street at Maple Drive / Access
 - Construct signalization of intersection in place of stop control
- Intersection 15 – North/South Main Street at Cherokee Street
 - Provide a westbound right turn lane overlap phase to operate concurrently with the protected portion of the southbound left turn phase.
 - Provide northbound right turn overlap phase to operate concurrently with the protected portion of the westbound left turn phase.

Attachment B – Required Elements of the DRI Plan of Development

Conditions Related to Altering Site Plan after GRTA Notice of Decision:

The on-site development will be constructed materially (substantially) in accordance with the Site Plan. Changes to the Site Plan will not be considered material or substantial so long as the following conditions are included as part of any changes:

- All of the “Conditions to GRTA Notice of Decision” set forth in Attachment A are satisfied.
- All of the “Roadway Improvements as Conditions to GRTA Notice of Decision” set forth in Attachment A are satisfied.

Attachment C – Required Improvements to Serve the DRI

Pursuant to Section 1-201.R. of the *Procedures and Principles for GRTA Development of Regional Impact Review*, a “Required Improvement means a land transportation service [def. in Section 1-201.N] or access [def. in Section 1-201.A.] improvement which is necessary in order to provide a safe and efficient level of service to residents, employees and visitors of a proposed DRI.”

The Required Improvements in the study network were identified in the Review Package as necessary to bring the level of service up to an applicable standard before the build-out of the proposed project. These requirements are identified in Sections 1 and 2 of this Attachment. Section 1 contains improvements that do not require GRTA approval at this time because they are to be constructed prior to the completion of the DRI Plan of Development. However, GRTA approval shall be required in the event state and/or federal funds are proposed at a later date to be used for any portion of the improvements described in Section 1. Section 2 contains improvements that require GRTA approval prior to the expenditure of state and/or federal funding. Subject to the conditions set forth in Attachment A and Attachment B, GRTA approves the expenditure of state/and or federal funding for the improvements contained in Section 2.

Section 1:

- Intersection 4 – Cherokee Street/Wade Green road at Shiloh Road
 - Maintain programmed plans for widening of Cherokee Street at Shiloh Road as proposed in the 2016 SPLOST.
 - Provide a northbound right turn overlap phase to operate concurrently with the westbound protected left turn phase.
- Intersection 5 - Cherokee Street at Jiles Road
 - Provide a protected right turn overlap phase on the eastbound approach to operate concurrently with the northbound protected left turn phase
- Intersection 9 – Cherokee Street at Maple Drive / Access
 - Construct signalization of intersection in place of stop control
- Intersection 15 – North/South Main Street at Cherokee Street
 - Provide a westbound right turn lane overlap phase to operate concurrently with the protected portion of the southbound left turn phase.
 - Provide northbound right turn overlap phase to operate concurrently with the protected portion of the westbound left turn phase.

Section 2: None