



ATLANTA REGIONAL COMMISSION

## **ARC Area Plan Review (APR) for Major Transportation Corridors**

June 2003

### **Purpose of Area Plan Review**

The primary purpose of Area Plan Review (APR) is to identify at the earliest date conflicts between proposed development projects and future transportation projects identified in the Regional Transportation Plan (RTP). The most common conflict is the location of a development in an area that is anticipated in the near to mid-term future to be the site or right-of-way for a new transportation improvement. In the case of a potential right-of-way conflict, APR is intended to provide a notification process through which a site may be reserved or purchased for future transportation project use or redesign of a development project to accommodate the transportation improvement.

APR may also be employed to determine whether or not a development is consistent with the Commission's "Development Guides", defined by Georgia Code Section 50-8-92 as "policy statements, goals, standards, programs, and maps prescribing an orderly and economic development, public and private, of the area". These "Development Guides" are ARC's adopted plans and policies such as the RTP, Regional Development Plan (RDP) and Transportation Improvement Program (TIP).

APR is intended to provide an early warning of a potential conflict with ARC's Development Guides and an opportunity to resolve design conflicts before they occur. Therefore, APR not only facilitates implementation of ARC's plans and policies, it also offers intergovernmental coordination, encourages efficient use of public funds, limiting project expense, and consideration of access issues.

The APR process is now being proposed as a result of inclusion in the ARC/GRTA Land Use Strategy. The ARC/GRTA Land Use Strategy states:

"ARC will exercise its Area Plan Review (APR) authority to protect key transportation corridors, encourage planning to protect corridors and encourage development compatible with proposed transportation projects. The APR authority permits ARC to review a range of public actions that effect the citizens of more than one political jurisdiction and have a substantial effect on the development of the region. The APR mechanism was used with great success in the early MARTA development period.

APR may be applied in major transportation corridors from RDP, RTP, CMS and other sources, including highway, transit and multimodal corridors and appropriate connections to city centers. Transit corridors include, but are not limited to:

- Arts Center to Town Center Light Rail Line
- MARTA North Line Extension
- MARTA South Line Extension
- MARTA West Line Extension
- MARTA East Line Extension
- New MARTA Stations
- Commuter Rail Stations and Corridors
- Marietta to Lawrenceville Light Rail Line
- Maglev Alignment and Stations

(Need to add other regional transportation corridors, including highway connectors to town and city centers.)

Review public actions in corridors for purpose of:

- Protecting rights of way
- Identifying potential land use conflicts

ARC designates corridors and manages reviews. GRTA reviews and comments on area plans."

## **Background**

In May, 1999, the Atlanta Regional Commission adopted RDP policies and in March 2000, the 2025 RTP, demonstrating that the Atlanta Region can meet the region's mobile source air quality budget. Subsequently, in May 2000, at the request of the Federal Highway Administration and the Federal Transit Administration, the Commission adopted a Land Use Strategy, jointly with GRTA, to implement the land use policies in the RDP and RTP. One of the elements in the Land Use Strategy was Area Plan Review (APR), which was reactivated for the existing MARTA rail corridor June 2001. As a next step in the Land Use Strategy, ARC now proposes to use Area Plan Review to protect areas needed for other major transportation improvements in the RTP.

## **Legal Authority**

The review of Area Plans is one of the general responsibilities of the Atlanta Regional Commission (ARC) pursuant to Georgia Code Section 50-8-80 et. seq. which created the Commission.

Section 50-8-98 assigns to the Commission the authority to determine whether or not a written proposal is an "Area Plan" based on three criteria specified in Section 50-8-80.

Criterion No 1: The written proposal involves any one of the following:

- a governmental action, (such as a change in land use or issuance of a permit), the expenditure of public funds,
  - the use of public property, OR
  - the exercise of franchise rights granted by any public body;
- and

Criterion No. 2: The written proposal affects the citizens of more than one political subdivision within the region;  
and

Criterion No. 3: The written proposal may have a substantial effect on the development of the region.

Any written proposal by a municipality, county, public authority, public commission, public board, public utility, or public agency which meets all three criteria listed above is automatically an Area Plan and is, therefore, subject to Commission review pursuant to Sections 50-8-94 and 95.

## **History of Area Plan Review**

ARC's first use of Area Plan review was in 1972 when the Board adopted resolutions that declared ". . . any plan or proposal that involves governmental action, expenditure of public funds, use of public property, or exercise of franchise rights granted by any public body . . ." and which potentially affects the area within the rapid transit corridors (effective 3/1/72) or Chattahoochee Corridor (effective 7/1/72) is an Area Plan and, therefore, subject to ARC's review as provided in Georgia Code Sections 50-8-94 and 95. In 1974 the Commission added the Peachtree Trail Bikeway Corridor; in 1984 added major developments (precursor to Developments of Regional Impact); and in 1985 added the South Chattahoochee Corridor.

The Metro River Protection Act has replaced Chattahoochee Corridor APR and major development reviews by Developments of Regional Impact (DRI's). At one time MARTA Area Plan review ceased on a segment once that segment was operational but this type review was reactivated in June 2001.

## **APR Two-Tier Review**

Key transportation corridors that have major existing or proposed transportation investments, regional review coordination needs and/or potential land use policy impacts may be candidates for APR. As the possible transportation projects, conditions and applicability of land use policy for APR could vary greatly, APR is proposed in a two-tier format procedure. The Tier 1 APR procedure will consist of a review of projects for conflicts with identified or anticipated right-of-way needs for a key transportation project included in the RTP. Such major improvements could be new roadways, major road widening, interchange improvements requiring additional right-of-way, commuter rail stations and lines, light rail or major bus facilities, park and ride lots, or new grade separations on major roadways. The projects will be reviewed to determine if they meet the criteria of Section 50-8-98 of Georgia Code for APR. The Tier 2 APR procedure will consist of a review of projects for conflicts with identified or anticipated right-of-way needs for a transit project and conflicts with policies of the RDP.

## **Identification of Projects for APR**

Following ARC staff identification of transportation project(s) or service areas, ARC staff will meet with staff from potentially impacted local governments, Georgia Department of Transportation (GDOT), GRTA, and ARC and possibly other agencies to discuss the APR process and consider an "area of influence". The area of

influence will be the most reasonable and identifiable area for the proposed transportation project. As a project develops and planning or engineering studies are completed, the area of influence may be refined or superseded by more explicit designs or engineering plans. ARC staff will formally recommend an area of influence to LUCC, ELUC and the ARC Board when a transportation project or service area is recommended for APR. ARC staff will request the affected local government show the location or design (if available), in or with the local Comprehensive Plan, Future Land Use Map and/or transportation plan to inform the public of the proposed facility.

### **Tier 1 - Project Review for Right-of-Way Conflicts from RTP**

ARC will request that the local governments impacted by an APR designated area of influence establish a notification process. The APR notification process will provide GDOT, GRTA, ARC and possibly other agencies notice when the local government is requested to take action on a development request. A development request includes but is not limited to a rezoning application, subdivision plat or site plan.

Local governments will provide in the notice the date that the anticipated local actions are planned to occur. It is incumbent on GDOT, GRTA, ARC and other potentially affected agencies to act promptly on the notice provided by the local government. It will not be expected that the local government will delay any action requested for a rezoning or permit unless specifically requested in writing by a notified agency with reasons for the requested delay in action.

It will be the sole discretion of the local government to make a decision to delay any action on a development request. If necessary the local government can request ARC to conduct a meeting of GDOT, GRTA or other affected agencies to discuss the project conflict. If no response is received from an agency, it will be assumed the agency is aware of the project and no conflict exists.

ARC staff may suggest recommendations for resolution of a project conflict. These suggestions may include, but are not limited to, (a) that in the case of a rezoning application only, the local government deny the development or project request in the area, (b) that the local government require modification of the development or project request in the area, (c) that GDOT or other agency change the conceptual design or location of the transportation improvement, (d) that the local government note on the local government records (site plans, plats, Future Land Use Map, etc.) that the area may be impacted by a transportation improvement included in ARC's RTP or (e) that the affected agency consider or expedite acquisition as funds are available to purchase needed right-of-way.

### **Tier 2 – Transit Conflicts with RDP Policies**

In addition to the Tier 1 process outlined above, ARC staff can recommend to LUCC, ELUC and the ARC Board that a transit services area of influence be selected for an additional review under Tier 2 review procedures. Tier 2 is envisioned to provide local governments findings based on RDP Policies that relate to the growth in the area of influence where transit services are currently or proposed to be provided. These findings are intended to support the local governments own growth policy for the area and will be coordinated with the local Comprehensive Plan policy for the area.

Tier 2 review can be enacted for any transit service area as determined by the ARC Board. It is anticipated that major transit improvements including bus rapid transit routes, major bus route corridors, rail extensions, new transit stations and other transit related projects are most appropriate. The conditions, which support Tier 2 APR review for any project will be outlined with the recommendation to the ARC Board.

Following ARC staff identification of potential transit services reasonable for APR, ARC staff will meet with staff from potentially impacted local governments, Georgia Department of Transportation (GDOT), GRTA, and ARC and possibly other agencies to discuss the APR process and consider an area of influence. ARC staff will formally recommend an area of influence to LUCC, ELUC and the ARC Board when the transit service areas are recommended for APR.

ARC will request that the local governments impacted by a Tier 2 APR designated area of influence establish a notification process. The APR notification process will provide GDOT, GRTA, ARC and possibly other agencies notice when the local government is requested to take action on a development request. Tier 2 will be limited to requests or actions for a rezoning only.

The notification process needs to provide GDOT, GRTA, ARC or other agencies sufficient time to determine whether the development request will have a substantial effect on the project design or right-of-way and determine a recommendation based on the approved Development Guides. It is incumbent on GDOT, GRTA,

ARC and other potentially affected agencies to act promptly on the notice provided by the local government. It will not be expected that the local government will delay any action requested for a rezoning unless specifically requested in writing by a notified agency with reasons for the suggested delay in action. It will be the sole discretion of the local government to delay any action on a rezoning.

If necessary the local government can request ARC to conduct a meeting of GDOT, GRTA or other affected agencies to discuss the project conflict. If no response is received from an agency, it will be assumed the agency is aware of the project and no conflict exists. ARC staff also will request the affected local government show the location or design (if available), in or with the local Comprehensive Plan, Future Land Use Map and/or transportation plan to inform the public of the proposed facility.

In addition to any response provided under the Tier 1 review, ARC will present the local government with a recommendation relating to the RDP policies. The recommendation based on the RDP provided to the local government will be considered advisory to the proposed development action requested. To the degree possible ARC will relate any recommended policy to the local governments approved Comprehensive Plan.

Potential recommendations for a project conflict may include, but are not limited to, (a) that the local government deny the rezoning in the area, (b) that the local government require modification of the rezoning in the area, (c) that GDOT or other agency change the conceptual design or location of the transportation improvement, (d) that the local government note on the local government records (site plans, plats, Future Land Use Map, etc.) that the area may be impacted by a transportation improvement included in ARC's RTP or (e) that the affected agency consider or expedite acquisition as funds are available to purchase needed right-of-way.

### **Exemptions**

At the discretion of the local government planning director (or chief building official as locally determined to be appropriate), the following types of projects may or may not be subjected to review or notification to ARC:

- Projects having property within the conceptual design and designated surrounding area but with no development proposed within the design and designated area, or
- Renovations of, or repairs to, existing structures/facilities that do not substantially expand the footprint or substantially increase the size of the structure/facility, or
- Any development request including site plans, plats or building permits for which an Area Plan has already been completed during rezoning.