



DeKalb County Department of Planning & Sustainability

**330 Ponce De Leon Avenue, Suite 500
Decatur, GA 30030
(404) 371-2155 / plandev@dekalbcountyga.gov**

**Planning Commission Hearing Date: July 1, 2018, 6:30 P.M.
Board of Commissioners Hearing Date: July 24, 2018, 6:30 P.M.**

STAFF ANALYSIS

Case No.: SLUP-18-22311 **Agenda #:** N. 3

Location/Address: 2144, 2054, 2050, and 2038 Lawrenceville Highway, 1086 Birch Road, and 2692 Sweet Briar Road, Decatur **Commission District:** 2 **Super District:** 6

Parcel ID(s): 18-100-02-005, -040, -041, -049 & -057 and 18-100-04-014

Request: A Special Land Use Permit for Costco fuel pumps as part of redevelopment of North DeKalb Mall into a mixed retail, multifamily residential, hotel, and office development, in accordance with Chapter 27, Article 4, Table 4.1 - Use Table of the DeKalb County Code. The property is located on the west side of Lawrenceville Highway, approximately 92 feet south of the southwest corner of Lawrenceville Highway and North Druid Hills Road, at 2144, 2054, 2050, and 2038 Lawrenceville Highway, 1086 Birch Road, and 2692 Sweet Briar Road, Decatur.

Property Owner(s): LCI-SVAP NDM JV, LP

Applicant/Agent: LCI-SVAP NDM JV, LP c/o Kathryn M. Zickert

Acreage: 78.09 acres

Existing Land Use: The North DeKalb Mall

Surrounding Properties: To the north, northeast, east, and southeast: commercial and office uses; to the south and southwest: undeveloped floodplain; to the west and northwest: single-family residential.

Adjacent Zoning: **North:** NS and C-1 **South:** R-75 and C-2 **East:** C-1 and Lawrenceville Hwy **West:** R-75 **Northeast:** C-1 **Northwest:** R-75 and RSM **Southeast:** Lawrenceville Hwy and R-75 **Southwest:** R-75

Comprehensive Plan: TC (Town Center) and COS (Conservation Open Space) Consistent

Proposed Density: 6.5 units/acre	Existing Density: No residential
Proposed Units/Square Ft.: 500 units/6,496 s.f./acre	Existing Units/Square Feet: 7,051 s.f./acre
Proposed Lot Coverage: approx. 67% (no discernable increase over existing lot coverage)	Existing Lot Coverage: (estimate) 67%

Companion Application: The applicant has filed a companion application (Z-18-22310) to rezone the property from C-1 (Local Commercial) to MU-4 (Mixed Use-4) for redevelopment of the mall.

Development of Regional Impact

As a mixed use project with over 700,000 square feet of space, the redevelopment proposal meets the threshold for a development of regional impact as defined by the Atlanta Regional Commission. The number of proposed residential units (500) was multiplied by 500 square feet, which is the smallest unit size allowed in MU-4, in accordance with ARC rules. When the resulting 225,000 square feet was added to the 507,271 square feet of non-residential space, the project square footage exceeded the maximum for the region core. If hotel square footage had been added, the total of 732,271 square feet would have been even higher.

In order to meet ARC's review schedule, the applicant plans to request a deferral until the September zoning cycle.

Zoning History

The property was zoned to C-1 (Local Commercial) in 1973 pursuant to CZ-73054. In 1985, a 25.176-acre parcel to the south of the proposed development was rezoned from R-75 (Single-Family Residential) to C-1 pursuant to CZ-85160 to allow for renovations to the Mall. In 2008, a parcel at the northwest corner of the Mall property was rezoned from NS (Neighborhood Shopping) to C-1 to allow for construction of a Costco gas station, which has not been constructed to date.

PROJECT ANALYSIS

The subject property is a 78-acre site that is developed with the North DeKalb Mall, a regional shopping center. The Mall was constructed 1965 with 54 stores including a Rich's department store and a Woolworth dime store. In 1986, North DeKalb Mall was expanded and renovated with two new anchor stores and renamed Market Square at North DeKalb. A movie theater was added in the mid- 1990s. In 2016, the anchor store Macy's closed, and a number of smaller retailers have subsequently left the mall.

Because the site of the mall is approximately 20 feet lower in grade than Lawrenceville Highway and is located behind the commercial uses that front on North Druid Hills Road, the buildings of the mall currently cannot be seen from either street, and the mall relies on signs for visibility. The floodplain of the South Fork Peachtree Creek is located along the southwest and south borders of the property.

The Mall is located at the southwestern corner of North Druid Hills Road, a four-lane major arterial, and Lawrenceville Highway, a five-lane major arterial and State highway (Route 29). Land uses at this intersection form an intensive commercial node. Shamrock Plaza, a shopping center anchored by a Publix grocery store, is located on the northwest corner of the intersection, and North DeKalb Square, anchored by Goodwill Industries Store and Career Center, is located at the northeast corner. A Home Depot store is located approximately 1,000 feet to the north of the intersection, on Lawrenceville Highway. Other nearby properties are developed with retail, fast food restaurants, banks, and gas stations. The southeast corner of the intersection is used for on- and off-ramps for U.S. 78.

The application states, "The decline in traditional enclosed shopping concept is reflected in other malls throughout the Atlanta area, including Gwinnett Place and Northlake Mall. These malls, similarly situated to North DeKalb Mall, are also the subject of potential redevelopment plans." The application goes on to state, "the North DeKalb Mall property offers a golden opportunity to transform the deteriorating mall into a modern, mixed-use development that offers the retail sought after by the community as well as the residential component needed for the area's continued growth."

The proposal to redevelop the Mall would involve the demolition of the existing buildings and construction of the following:

- A 152,221 square foot Costco Wholesale Warehouse retail store in a stand-alone building;
- A 115,000 square foot block of retail spaces that would include current Mall tenants Burlington Coat Factory and Marshalls;
- 73,750 square feet of retail space in six buildings of various sizes, which appear to be clustered around a plaza;
- A 14,500 square foot food hall;
- A 48,000 square foot theater,
- A 12.45-acre portion of land for residential consisting of approximately 450 units of multifamily residential and 50 townhomes;
- A 150-room hotel; and
- 1,964 surface and parking deck spaces for the commercial and hotel uses.

LAND USE AND ZONING ANALYSIS

Section 27-873 of the DeKalb County Zoning Ordinance, “Special land use permit; criteria to be applied” states that the following criteria shall be applied in evaluating and deciding any application for a Special Land Use Permit. No application for a Special Land Use Permit shall be granted unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application.

- A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located:** The size of the site is adequate for the proposed mixed use development and fuel pumps. The land area is adequate to provide all required yards, open space, and off-street parking.
- B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district:** The zoning proposal expands upon the character of the existing mall, which has established itself as an important part of the commercial node at North Druid Hills Road and Lawrenceville Highway. Adjacent and nearby commercial properties at this node support the mall as a regional shopping and entertainment destination and are, in turn, supported by the mall.
- C. Adequacy of public services, public facilities, and utilities to serve the contemplated use:** There has been no indication that the proposed accessory fuel pumps will overburden surrounding street, utilities, or schools.
- D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic carrying capacity for the proposed use, so as not to unduly increase traffic or create congestion in the area:** A report by the Traffic Engineering Division states that Staff has not identified any problems that would interfere with traffic flow.
- E. Whether or not existing land uses located along access routes to the site would be adversely affected by the character of the vehicles or the volume of traffic to be generated by the proposed use:** The property is located in a commercial node and land uses along access routes to the site are commercial. There is no reason to think that the proposed redevelopment project would adversely affect these nearby land uses.
- F. Ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency:** Pedestrian connections throughout the development need to be improved in order for the overall development to be considered pedestrian-oriented. The site plan does not depict enough detail to determine whether the development will include traffic calming features.

- G. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration that would be generated by the proposed use:** The mall will continue to be separated from single-family residential neighborhoods to the southwest and south by the floodplain of the South Fork Peachtree Creek. A 50-foot buffer is proposed along the west property line to reduce impacts on the residential neighborhood to the west.
- H. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use:** It is not likely that activity at the Costco store would be any more noticeable to residents of adjoining land uses to the west than that which results from prior and current retail uses. However, in order to prevent detrimental off-site effects, zoning conditions should specify an evergreen screen in the 50-foot buffer and light fixtures that direct light away from the west property line.
- I. Whether or not the proposed use would create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use:** The proposed mixed use development is not expected to create adverse impacts upon any adjoining land use by the manner in which it is operated.
- J. Whether or not the proposed plan is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located:** The Costco parking lot does not comply with the requirements for parking lot landscaping. Tree islands will need to be reconfigured, or the applicant must obtain a variance.
- K. Whether or not the proposed use is consistent with the policies of the comprehensive plan:**
 Redevelopment of the Mall to include a more diverse mix of uses is consistent with the following policy of the 2035 Comprehensive Plan for Regional Center character areas: "Create compact mixed use districts and reduce automobile dependency and travel to obtain basic services." (No. 5) However, location of the fuel pumps along the main interior street in a mixed use development is not consistent with design principals stated in the Comprehensive Plan for mixed use developments in Town Center activity centers. Staff is working with the applicant to modify the site plan to ensure maximum consistency with the vision for a mixed use development at this significant location in the County.
- L. Whether or not the proposed plan provides for all buffers and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located:** A 50-foot buffer is proposed along the west property line to reduce impacts on the residential neighborhood to the west.
- M. Whether or not there is adequate provision of refuse and service areas:** No details were provided about refuse and service areas. However, these components of the development are expected to be satisfactory, due to the long experience of the owners and operators of the existing mall.
- N. Whether the length of time for which the special land use permit is granted should be limited in duration:**
 There does not appear to be any reason to limit the duration of the special land use permit.
- O. Whether or not the size, scale, and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale, and massing of adjacent and nearby lots and buildings:** No information was provided about whether there would be a canopy above the fuel pumps and, if so, the height and design of the canopy.
- P. Whether the proposed plan would adversely affect historic building sites, districts, or archaeological resources:**
 No historic buildings, sites, districts, or archaeological resources are located on the property or in the surrounding area.
- Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit:** Due to lack of information, it is not possible to determine compliance with all of the supplemental regulations. During the deferral period, Staff hopes to obtain the necessary information.

- R. Whether or not the proposed building as a result of its proposed height , would create a negative shadow impact on any adjoining lot or building:** The fuel pumps and any canopy above them are expected to meet zoning requirements for height.
- S. Whether the proposed use would be consistent with the needs of the neighborhood or of the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objectives of the comprehensive plan:** The proposed fuel pumps would be consistent with the needs of the neighborhood and of the community as a whole. They would be compatible with the surrounding mixed use development. They would not conflict with the overall objectives of the comprehensive plan.

Compliance with District Standards:

MU-4 STANDARD	REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MIN. TRANSITIONAL BUFFER	50 feet next to R district	50 feet	Yes
TRANS'L HEIGHT PLANE	Applicable to proposed Costco Building	Information not provided	Info. not provided
PARKING	Parking for non-residential uses was provided as an aggregate number. Required/allowed: Min. 1,021 spaces Max. 2,341 spaces	Total non-residential spaces: 1,964	Yes
PEDESTRIAN PATHS FROM SIDEWALKS TO BLDG. ENTRANCES (Sec. 5.4.3(B)(5))	Min. 3 ft. wide	Not shown for Costco building	Not shown for Costco building
LANDSCAPE STRIPS ALONG PEDESTRIAN PATHS (Sec. 5.4.4(B))	Min. 3 ft., planted	Shown along sidewalks except along part of internal drive immediately north of fuel pumps	Must be provided or a variance will be necessary.
TREE ISLANDS IN PARKING LOT	One island for every 10 parking spaces	Costco pkg. Lot: 1 island for every 6 – 15 spaces	Costco pkg. lot will need to be reconfigured or a variance will be necessary.
SUPPLEMENTAL REGULATIONS FOR FUEL PUMPS ACCESSORY TO LARGE RETAIL			
DESIGN STANDARDS OF ARTICLE 5		Elevations not provided.	Elevations not provided.
CANOPY SETBACK	15 feet from street R.O.W.	Canopy not indicated.	Canopy not indicated.

CANOPY HEIGHT	The greater of 20 feet or the height of the Costco store	Elevations or measurements not provided.	Elevations or measurements not provided.
SUPPLEMENTAL REGULATIONS FOR FUEL PUMPS ACCESSORY TO LARGE RETAIL			
CANOPY COLOR SCHEME AND MATERIALS	Shall be complementary to façade of Costco store	Information not provided	Information not provided
LIGHTING	No spillage beyond canopy; fixtures shall be recessed; cut off 30 minutes after facility closes	No information provided	No information provided
STORAGE CAPACITY	Storage space for one car in front of each fuel pump	Site plan is indecipherable.	Site plan is indecipherable.
DISTANCE BETWEEN GAS PUMP AND THE NEAREST PROPERTY LINE	Minimum 30 feet	51.5 feet	Yes
DAILY LITTER CLEAN-UP	Property must be free from litter, trash, and debris	Information not provided	This is an on-going code enforcement issue.
PARKING FOR PRINCIPAL USE	Must be separate and distinct from that for the fuel pumps.	Parking for the Costco store is located in front of, and to the side of the building.	Yes
USE OF LIGHT-EMITTING DIODES, NEON LIGHTS, ILLUMINATED PANELS	Prohibited.	No information provided.	This is an on-going code enforcement issue.

STAFF RECOMMENDATION:





The applicant has requested a deferral to allow for review of the rezoning application by the Atlanta Regional Commission as a Development of Regional Impact. The application for accessory fuel pumps goes hand-in-hand with the redevelopment plan and cannot be separated from it. Therefore, the Department of Planning and Sustainability agrees with the request and recommends "Full Cycle Deferral".

Attachments:

1. Department and Division Comments
2. Board of Health Comments
3. Board of Education Comments
4. Application
5. Site Plan
6. Zoning Map
7. Land Use Plan Map
8. Aerial Photograph
9. Site Photographs

NEXT STEPS

Following an approval of this zoning action, one or several of the following may be required:

-  • **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
-  • **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)*
-  • **Certificate of Occupancy** *(Required prior to occupation of a commercial or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*
- **Historic Preservation** *(A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*
- **Variance** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*
- **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)*
-  • **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.



LETTER OF UNDERSTANDING

June 15, 2018

Chris Kapper
Sterling Organization
340 Royal Poinciana Way
Palm Beach, Florida 33480

RE: Decatur Landing (DRI#:2820)

Dear Mr. Kapper:

The purpose of this letter is to document the discussions during the Pre-Review and Methodology Meeting held at ARC's office on June 1, 2018 regarding **2820 Decatur Landing** development of regional impact. Some of the following items were discussed in this meeting and should assist you and your consultant team in preparing the DRI Review Package.

PROJECT OVERVIEW

- The project is located in DeKalb County, in the southwest quadrant of the intersection of North Druid Hills Road and Lawrenceville Highway.
- The DRI trigger for this development is a rezoning.
- The project is planned as a mixed-use development consisting of 298,121 SF of retail, 60,350 SF of restaurant, 50,400 SF of office, 500 residential units, 48,000 SF of a theater, and 150-room hotel.
- The vehicular trip generation is estimated to be 22,812 gross daily trips based on the *ITE Trip Generation Manual 10th edition*. However, the adjusted new gross trips will be determined by subtracting the existing trip generation of the site from the proposed project's trip generation.
- The development site proposes access via three existing full movement driveways. There are two existing movement driveways along North Druid Hills Road and two full movement driveways along Lawrenceville Highway. The applicant should study these intersection as full-movement, as well as prohibiting left-turn movements out of the site at one driveway on Lawrenceville Highway and one driveway at Oak Tree Road. Access point discussions are ongoing and should be discussed with GDOT and the local governments.
- The projected build-out is one phase, to be completed by 2021.
- The applicant is applying for approval under GRTA's non-expedited review process.

STUDY NETWORK

1. North Druid Hills Road at Lawrenceville Highway (US 29/SR 8)
2. North Druid Hills Road at Stone Mountain Freeway (US 78/SR 410) Eastbound Ramps
3. North Druid Hills Road at Stone Mountain Freeway (US 78/SR 410) Westbound Ramps
4. Scott Boulevard (US 29/US 78/SR 8) at DeKalb Industrial Way
5. North Druid Hills Road at Willivee Drive
6. All Site Accesses

Furman, Melora L.

From: Keeter, Patrece
Sent: Friday, June 22, 2018 4:54 PM
To: Hill, LaSondra
Cc: Alexander, Michelle M.; Furman, Melora L.; Reid, Robert; Hill, Karen F.
Subject: Zoning Comments- Transportation

N1. Alton Road is classified as a local road. See Chapter 5 of the zoning code Table 5.1 and Chapter 14, Section 190 of the Land Development Code for permit requirements. Street lights are required. New road to be private. Add sidewalks on the existing county right of way between new road and Chamblee Tucker Road. Sight Triangles for access point will be required at Land Development Permit submittal.

→ N2. Lawrenceville Hwy (SR 8) and North Druid Hills Road are both major arterials and both are on the Bike Network as Second Tier Priority. See Chapter 5 of the zoning code Table 5.1 and Chapter 14, Section 190 of the Land Development Code for permit requirements. Street lights required. Request to comment at a future date when the traffic GRTA/ARC DRI required traffic study is complete and a Notice of Decision is given. Transportation is requesting a deferral, as any action taken by the county prior to NOD may jeopardize federal transportation funding. At a minimum, we want a PATH connection along the southern property line as part of the South Fork Peachtree Creek Trail and a direct, buffered ped/bike connection between the PATH and the neighborhood, crossing at the signal at Mistletoe Road. In addition, the access point on Lawrenceville Hwy just south of NDH will be restricted to right in/right out/left in. Sight Triangles for access point will be required at Land Development Permit submittal. Other comments later once traffic study is received.

N3. See N2.

N3. Does a recycling plant automatically trigger a DRI? Lancaster Road is classified as a local road. This property is in the Bouldercrest Overlay District Tier 4- verify infrastructure requirements in Code. It appears to be a packed gravel, unimproved road, not up to current standards with a right of way corridor of only 35 feet. DeKalb County has no current plans to upgrade this road to modern standards. Right of way dedication of 27.5 from centerline is required.

N4. Does a recycling plant automatically trigger a DRI? Fleetwood Drive is classified as a local road. Please note that there is an effort to make the private railroad crossing to the private properties a Quiet Zone- no RR train horns will be sounded. The property owner needs to pave their approach to the crossing to reduce the amount of sediment tracked onto the county road.

N5. Columbia Drive is classified as a minor arterial and on the second tier bike network. Requires right of way dedication of 40 feet from centerline and bike lanes (Land Development Code Section 14-190). In lieu of the bike lane, a 10 foot multiuse path is suggested. Per Zoning Code- Street lights (80' on center- DeKalb County will layout design in Land Development Permit process), 6 foot sidewalk and 10 foot landscape zone are required. Sight Triangles for access point will be required at Land Development Permit submittal.

N6. Memorial Drive is a state route. GDOT review and permits required. Transportation is requesting a traffic study be performed. This development will have a hard time getting thru the land development process. Chapter 14 requires 3 access points. See Chapter 14, Section 14-200 (6) for the requirements of separation of access points. Requests deferral until the traffic study is completed for additional comments. This seems like a large development for such a small parcel. Sight Triangles for access point will be required at Land Development Permit.

N7. See N6.

N8. No Comment.

N9. Mountain Dr is a state route. GDOT review and permits are required. Not enough information to comment about the change in alleys. Public alleys must connect to public street on both ends. Private alleys may end in a turn around. See section 14-195 of the Land Development Code for more information related to alleys.

N10. No comments.



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

**NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO
MADOLYN SPANN MSPANN@DEKALBCOUNTYGA.GOV OR JOHN REID JREID@DEKALBCOUNTYGA.GOV**

COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: Z-18-22310 Parcel I.D. #: 18-100-02-005-041-040-049,057
Address: 2144, 2054, 2050, 2038 And 18-100-04-014
LAWRENCEVILLE Highway
DECATUR, GA.

Adjacent Roadway (s):

(classification) (classification)

Capacity (TPD) _____	Capacity (TPD) _____
Latest Count (TPD) _____	Latest Count (TPD) _____
Hourly Capacity (VPH) _____	Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____	Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____	Existing number of traffic lanes _____
Existing right of way width _____	Existing right of way width _____
Proposed number of traffic lanes _____	Proposed number of traffic lanes _____
Proposed right of way width _____	Proposed right of way width _____

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6TH Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1,000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the _____ square foot place of worship building would generate _____ vehicle trip ends, with approximately _____ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the _____ (Single Family Residential) District designation which allows a maximum of _____ units per acres, and the given fact that the project site is approximately _____ acres in land area, _____ daily vehicle trip end, and _____ peak hour vehicle trip end would be generated with residential development of the parcel.

COMMENTS:

Plan and field reviewed, no problem that would interfere with traffic flow

Signature: Jerry White



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE M ALEXANDER malexander@dekalbcountyga.gov OR JOHN REID jreid@dekalbcountyga.gov

COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER

Case No.: Z-18-22310

Parcel I.D. #: 18-100-02-005, -040, -041, -049, -057 and 18-100-04-014

Address: 2144, 2054, 2050 and 2038 Lawrenceville Highway, 1086 Birch Road and 2692 Sweet Briar Road
Decatur, Georgia

WATER:

Size of existing water main: 6" CI, 6" AC, 8" DI, 30" CS Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: South Fork Peachtree Creek Basin

Is sewer adjacent to property: Yes (X) No () If no, distance to nearest line: _____

Water Treatment Facility: RM Clayton WTF () adequate () inadequate

Sewage Capacity; * (MGPD)

Current Flow: 122 (MGPD)

COMMENTS:

* Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process.

FKL

Signature: _____

**DeKalb County School District
Zoning Review Comments**

Analysis Date: 6/11/2018

Submitted to: Dekalb County

Case #: Z-18-22310

Name of Development: Decatur Landing
Location: Current North DeKalb Mall

Parcel #:

Description: Mixed-use redevelopment of the mall including 500 housing units

Impact of Development: If approved, this development is expected to generate 49 students: 21 students at Laurel Ridge ES, 7 students at Druid Hills MS, 8 students at Druid Hills HS, 8 students in another DCSD school, and 5 in private school. The additional students at Laurel Ridge would result in more overcrowding and may require additional portable classrooms.

	Laurel Ridge	Druid Hills	Druid Hills HS	Other DCSD Schools	Private Schools	Total
Current Condition of Schools	ES	MS				
Capacity	435	1,182	1,405			
Portables	6	0	0			
Enrollment (Fcst. Oct. 2018)	495	947	1,302			
Seats Available	-60	235	103			
Utilization (%)	113.8%	80.1%	92.7%			
New students from development	21	7	8	8	5	49
New Enrollment	516	954	1,310			
New Seats Available	-81	228	95			
New Utilization	118.6%	80.7%	93.2%			

Summary of Student Calculations

	APT (450)	TH (50)	TOTAL
Laurel Ridge ES	18	3	21
Druid Hills MS	6	1	7
Other DCSD Schools	7	1	8
Other DSCD Schools	8	0	8
Private Schools	2	3	5
Total	41	8	49

MLF



DeKalb County Department of Planning & Sustainability

Michael L. Thurmond
Chief Executive Officer

Andrew A. Baker, AICP
Director



APPLICATION TO AMEND OFFICIAL ZONING MAP OF DEKALB COUNTY, GEORGIA

RECEIVED
MAY 03 2018

ZICZ No. 22310
Filing Fee: _____

Date Received: _____ Application No.: _____
Applicant: LCI-SVAP NDM JV, LP. E-Mail: kmzickert@sgrlaw.com
c/o Kathryn M. Zickert

Applicant Mailing Address: 1230 Peachtree St., NE, Ste. 3100, Atlanta, GA 30309

Applicant Phone: 404-815-3704 Fax: 404-685-7004

Owner(s): See attachment A. E-Mail: _____
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address: _____

Owner(s) Phone: _____ Fax: _____

Address/Location of Subject Property: See Attachment A

District(s): 18 Land Lot(s): 100, 101 Block: 02, 04 Parcel(s): See Att. A

Acreage: 78.09 Commission District(s): 2 / 6

Present Zoning Category: C-1 Proposed Zoning Category: MU-4

Present Land Use Category: TC & COS

PLEASE READ THE FOLLOWING BEFORE SIGNING

This form must be completed in its entirety before the Planning Department accepts it. It must include the attachments and filing fees identified on the attachments. An application, which lacks any of the required attachments, shall be determined as incomplete and shall not be accepted.

Disclosure of Campaign Contributions

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? Yes No See attached

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, Ga. 30030.

Shawna E. Avila
NOTARY

[Signature]
SIGNATURE OF APPLICANT / DATE

EXPIRATION DATE: SEAL

Check One: Owner _____ Agent



330 West Peachtree Street, Suite 100-500 - Decatur, Georgia - 30030
Voice: 404-670-0151 | Planning Fax: (404) 371-4556 | Development Fax: (404) 371-3007
Web Address: <http://www.dekalbcountyga.gov/planning>
Email Address: planninganddevelopment@dekalbcountyga.gov

ATTACHMENT A
To
LCI-SVAP NDM JV, LP
Rezone and SLUP Applications

18-100-020-040; 2144 Lawrenceville Hwy.
18-100-02-041; 2054 Lawrenceville Hwy.
LCI SVAP NDM MCY LLC
c/o Christopher Kapper
Sterling Organization
340 Royal Poinciana Way, Ste. 316
Palm Beach, Florida 33480

18-100-02-005; 2050 Lawrenceville Hwy.
18-100-02-049; 1086 Birch Road
18-100-02-014; 2692 Sweet Briar Road
18-100-02-057; 2038 Lawrenceville Hwy.
LCI SVAP NDM JV LP
c/o Christopher Kapper
Sterling Organization
340 Royal Poinciana Way, Ste. 316
Palm Beach, Florida 33480

Sign in Sheet

ALL VISITORS must sign in using the visitor sign in sheet before entering the North DeKalb Mall office.

Thanks Management!

Date: 3/7/2018 Time In: _____ Name: _____ Reason for visit: Mall Redevelopment

		Dawn Lanier	
3/7		GAIL RICHMAN	North Decatur Valley - mall development
3/7		Theresa Same - Medlock	mall development
3-7		MARY SHELLEMAN - GOOD GROWTH DEKALB	" " "
3-7		Marulke Pitman - Laurel Ridge	Shmuck
3/7		Erik Koalick	
3/7		Justin Houston	
3/7		Emily Flood	

3/7/18		Michael Dowling / Clairmont Heights	Civic Assn.
3-7-18		Jim Smith	EHCA
3-7-18		Den Walsh	
3-7-18		Chris Beck / Clyde Shepherd Nature	Preserve
3/7/18		Elizabeth Roberts	Walley Brook Cov. Assoc

LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.
COMMUNITY MEETING

NAME	ADDRESS	E-MAIL/PHONE NUMBER
Dan Webb	1230 Peachtree	djwebb@55rlaw.com
Brittney Cotter	858 Gaymont Circle	britncotter@gmail.com
Theresa Same	2572 McCurdy Way	t-same@bellsouth.net
Debbie Jones	3528 N. Druid Hills Rd.	debbiejones.atlga@yahoo.com
Dawn Lanier	1088 N Valley Dr Decatur	lanierdawn@yahoo.com
Pam Daily	610 Park Lane Decatur	ppdaily@yahoo.com
Lauren Maloney	2070 Woodridge Drive, Decatur	lmaloney712@gmail.com
LYNN GAVIN	893 Gaymont Cir	LGAVIN1110@gmail.com
Dani Senne	3001 Mt Olive Dr., Decatur, GA	senne-dani@gmail.com

LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.

COMMUNITY MEETING

NAME	ADDRESS	E-MAIL/PHONE NUMBER
Diane Williams	Dec 30033 2552 Harrington Dr	dianewilliams1122@yahoo.com
Charles Forrest	2343 N. DECATUR RD DECATUR GA	forrestcharles.g@gmail.com
Susi Linderman	978 School Dr. Decatur GA 30033	susilinderman@gmail.com
Debra Robinson	2681 Shetland Dr Decatur GA 30033	debrar@admbuys.com
Wendy Drew	Valley Circle, Decatur 30033	wheeleratlanta@gmail.com
Gayla Green	Decatur 30033 2738 Harrington Drive	gayla.green@gmail.com
Cherrie Wutke	Decatur 30033 3009 Vista Brook Dr,	wumiss40@yahoo.com
MESSINA Li	2387 TESMOND DR DECATUR, GA 30033	MLi2211@YAHOO.COM

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April 26, 2017 @ 7:00 p.m.

COMMUNITY MEETING

NAME	ADDRESS	E-MAIL/PHONE NUMBER
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VICTORIA WEBB	3002	vic@EVILDREAMS.COM
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LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.

COMMUNITY MEETING

NAME	ADDRESS	E-MAIL/PHONE NUMBER
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SAMI FREIJI	2844 DELCOURT DRIVE DECATUR, GA 30033	saminet@bellsouth.net H 404-728-8840
Renee Kirlin	960 School Dr Decatur 30033	reneekirlin@gmail.com
Janet Fluter	1006 Latham Rd Decatur 30033	janetfluter@gmail.com
William Martin	2461 Woodridge Dr. Decatur 30033	wmartinjra@gmail.com
William Haston	2995 Westbury Drive Decatur, GA 30033	haston.william@gmail.com
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JONATHAN GLOVER	1076 Homewood Court Decatur, GA 30033	Jonathan.Jsel.Glover@gmail.com

Kelley Stanton

1230 Blueberry Trail
Decatur GA 30033

Kelley S @ Benefit Solutions Etc. com

LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.
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Linda Grivas	2606 LAUREL RIDGE DR DECATUR, GA	TENHEVER @ GMAIL.COM 404-634-7689
Chequetta Allen	2411 Lawrenceville Hwy #8 Decatur, GA 30033	chequettaa@gmail.com 404-621-5737
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Nancy Ciliax	780 Densley Dr 30033	nciliax@emory.edu

LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.
COMMUNITY MEETING

NAME	ADDRESS	E-MAIL/PHONE NUMBER
Kellie Brownlow	1314 Afterberry Pl.	Kellie.brownlow@bhotmail.com Rick rbrownlo@hotmail.com
Ken Lancette	1807 Bedfordshire Dr. 30033 kelancette@gmail.com	↑ to total support work in water + planning (both worked @ AEC) + call or email - happy to help in neighborhood.
MISTY HAXTON	3133 Hollywood Drive	misty.haxton@yahoo.com 404-808-7122
Butch + Penny Knump	2617 Woodridge Dr.	bpknump@gmail.com
Amy Langley	3088 Dove Way	gdajlhyg@gmail.com
Jen Ed May	680 Wendan Dr.	Jenn30033@yahoo.com
ER. BARB COCK	DECATUR	bbherb@mindspring.com

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3/7		Erik Koalvick	
3/7		Justin Houston	
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Dawn Lanier	1088 N Valley Dr Decatur	lanierdawn@yahoo.com
Pam Daily	610 Park Lane Decatur	ppdaily@yahoo.com
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Dani Senne	3001 Mt Olive Dr., Decatur, GA	senne-dani@gmail.com

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Debra Robinson	2681 Shetland Dr Decatur GA 30033	debrar@admbuys.com
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Gayla Green	Decatur 30033 2738 Harrington Drive	gayla.green@gmail.com
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VICTORIA WEBB	3002	vic@EVILDREAMS.COM
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Janet Fluter	1006 Latham Rd Decatur 30033	janetfluter@gmail.com
William Martin	2461 Woodridge Dr. Decatur 30033	wmartinjra@gmail.com
William Haston	2995 Westbury Drive Decatur, GA 30033	haston.william@gmail.com
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Chequetta Allen	2411 Lawrenceville Hwy #8 Decatur, GA 30033	chequetta@gmail.com 404-621-5737
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Ken Lancette	1807 Bedfordshire Dr. 30033 kelancette@gmail.com	↑ total support work in water + planning (both worked @ AEC) + call or email - happy to help in neighborhood.
MISTY HAXTON	3133 Hollywood Drive	misty.haxton@yahoo.com 404-808-7122
Butch + Penny Knump	2617 Woodridge Dr.	bpknump@gmail.com
Amy Langley	3088 Dove Way	gdajlhyg@gmail.com
Jen Ed May	680 Wendan Dr.	Jenn30033@yahoo.com
ER. BARB COCK	DECATUR	bbherb@mindspring.com

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MALIK CHRANYA	2900 L'VILLE HWY DEC, GA. 30033	MALIK4000@GMAIL.COM

LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.
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NAME	ADDRESS	E-MAIL/PHONE NUMBER
Cassidy Almond	1162 Larch Lane Decatur GA 30033	almond1162@gmail.com (404) 436-3452
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Morgan Olsen

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morganosbourne@gmail.com

LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.
COMMUNITY MEETING

NAME	ADDRESS	E-MAIL/PHONE NUMBER
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Catherine Larson	855 North Superior Ave 30033	CMGL yoga cmgl @gmail.com
NANCY TOPPING	2862 Hollywood	tiptop1009@hotmail.com
RHEA A. JOHNSON	2546 WILSON WOODS DR DECATUR, GA 30033	RJOHNSON158 @ COMP.AST.NET

LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.
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NAME	ADDRESS	E-MAIL/PHONE NUMBER
Terry Mock	2852 Laurelridge Dr. 30033	tmock55@yahoo.com
George Eckard	1120 Williver Dr Decatur GA 30033	George_eckard@hotmail.com
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Susan Hawk	2827 Concord Dr. Decatur, GA 30033	sujhawk@gmail.com
Daniel Hollifield	3023 Eltham Place, Decatur, GA 30033 dvhollifield@aol.com	dvhollifield@aol.com
Gene Poole	1317 Kingston Trail Decatur, GA 30033	gene.poole@aol.com
JACK BARNES * DECONSTRUCTION GUY *	908 VALLEY BROOK RD Decatur 30033	lorba@bellsouth.net

LCI-SVAP NDM JV, LP

April 26, 2017 @ 7:00 p.m.
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NAME	ADDRESS	E-MAIL/PHONE NUMBER
RHEA A. JOHNSON	2546 WILSON WOODS DECATUR GA 30033	—
GAIL RILTMAN	1064 N VALLEY DR 30033 North Dixie Valley	GAIL2160@gmail.com
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Betty & Jim Williams	2699 Shetland Dr. Decatur 30033	bettyandjim@mindspring.com
Margaret Williams	2915 Panyborn Rd. Decatur, 30033	margiemw_16@yahoo.com

LCI-SVAP NDM JV, LP

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NAME	ADDRESS	E-MAIL/PHONE NUMBER
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Chris Beck Chris Beck of High Street	2240 Vistament Dr	chrisbeck205pb@gmail.com
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NAME	ADDRESS	E-MAIL/PHONE NUMBER
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Jessica Hales	Decatur GA 30033 2573 McCurdy Way	jessicagranthales@gmail.com
MARK T WILLIAMS	2915 PANBORN RD DECATUR 30033	MARK@VIOLINFUN.COM

LCI-SVAP NDM JV, LP

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Kenna Simmons	Hollywood Dr. Decatur 30033	kenna.simmons@gmail.com
Zach Johnson	2823 Mount Olive Decatur GA 30033	ZJohnson.T@yahoo.com
Sarah Sykes	2556 Laurel Ridge Drive Decatur GA 30033	Sarah.duckett@gmail.com

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NAME	ADDRESS	E-MAIL/PHONE NUMBER
Betty Blondeau	615 Pinetree Dr. Decatur 30030	bettyblondeau925@gmail.com 404-373-6574
Janeah Saadeh (DRUID LAKE HOA)	1124 Druid LK Decatur, 30033	janeah7@gmail.com 404-372-9200
CASEY CHURANYA	2735 N DECATUR ROAD 2194 DEC, GA. 30033	LUCKYSTARSLLC@GMAIL.COM
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Gene Talton	485 Pens Dale Rd Decatur, Ga 30030	gtalton@bellsouth.net
Natalie Roray	2396 Lawrenceville Hwy Unit E Decatur, GA 30033	natalie.roray@emoryhealthcare.org 404-486-1194



PAT HEINZERLING

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Charles Ritchea 1028 Latham Rd. 30033 novaterata@gmail.com
ERIC GRONBERG erics.junk@comcast.net

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DEKALB County School District
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EC Duncan@gmail.com

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Stephane Hobbs

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I. INTRODUCTION

This Application seeks to rezone ± 78.09 acres of land located approximately 415 feet south of the intersection of Lawrenceville Highway and North Druid Hills Road (“Subject Property”) from C-1 (Local Commercial) to MU-4 (Mixed Use High Density). The Subject Property is comprised of four parcels that form the existing North DeKalb Shopping Mall. The Applicant plans to redevelop the Subject Property as a high-end, walkable, mixed-use development.

The existing North DeKalb Mall opened in 1965 and served as the principal shopping mall for the central DeKalb region for several decades. In more recent times, however, the mall has experienced the loss of a number of its anchor tenants, as well as many smaller merchants, as more and more customers have abandoned the traditional enclosed mall shopping experience for that of open air malls and mixed-use developments. The decline in traditional enclosed shopping concept is reflected in other malls throughout the Atlanta area, including Gwinnett Place and Northlake Mall. These malls, similarly situated to North DeKalb Mall, are also the subject of potential redevelopment plans. As a result, North DeKalb Mall is poised to be the model for the revitalization of distressed and underutilized shopping mall property throughout the region.

The Subject Property is ideally located for the type of mixed-use facility sought after by contemporary consumers and residents. The existing mall’s early success is due in part to its location at near two major roadways and its quick access to Highway 78, a U.S. freeway. In addition, the Subject Property is located within quick walking or driving distance from numerous residential neighborhoods that would utilize the modern commercial retail brought through redevelopment. Indeed, it is not the location, but the outdated enclosed mall concept and the incompatible tenants that have deterred the existing customers from shopping at the mall. This is

a fact that DeKalb County has recognized in several of its planning studies. See *DeKalb County Lawrenceville Highway Corridor Existing Conditions and Recommendations*, November 2016 (“In this report, the commercial area around the mall was listed as an area needing Retail Re-Tenancing. That is, the retailers present no longer fit the service area demographics adequately.”), citing *DeKalb County Transportation Plan 2014*.

In addition, the site is located in close proximity to a number of major employers, such as Emory University, the Centers for Disease Control, the Atlanta Veterans Administration Medical Center, the DeKalb Medical Center and many smaller employers along Lawrenceville Highway and in nearby downtown Decatur. The centralized location to employers lends itself to upscale, higher-density housing options that attract the young professionals employed in the area. The housing preference from many younger professionals is one that offers walkability to commercial retail, restaurant, and recreational uses, integral to the mixed-use concept. The North DeKalb Mall property offers a golden opportunity to transform the deteriorating mall into a modern, mixed-use development that offers the retail sought after by the community as well as the residential component needed for the area’s continued growth. Taking this into consideration, the Applicant/Owner of the North DeKalb Mall property now seeks to transform the Subject Property for this exact purpose.

Specifically, the Applicant proposes the development of a 152,221 square foot Costco Wholesale Warehouse retail store; 148,900 square feet of shopping and retail space; a 14,500 square foot food hall; 45,850 square feet of restaurant and food service; the relocation of the existing AMC Theater to a new 48,000 square foot building; 50,400 square feet of office space; a 150-room hotel; approximately 450 units of multifamily residential; and 50 townhomes (the “Proposed Development”). The Applicant’s plans incorporate some of the existing tenants,

including Marshall's, Burlington Coat Factory and others, into the retail component of the Proposed Development. The Proposed Development will enhance shopping experience through the introduction of new retailers, food options, and open space for pedestrian gathering.

Furthermore, the Applicant intends to promote walkability into and within the development through a network of sidewalks, plazas and other pedestrian oriented amenities allowing easy access. The interior drives will provide a streetscape with sidewalks as well as a landscaped area with street trees, adding to the pedestrian experience. Additionally, many of the retail shops and restaurants, including the Food Hall, will have a direct connection to the sidewalk and opportunities for outdoor dining, activating the sidewalks and promoting the pedestrian flow through the development. To add to its pedestrian connectivity, the Proposed Development is also located adjacent to the South Fork of Peachtree Creek which will allow a future connection to the PATH system of walkways as it is extended eastwards.

The site will be supported by revised access drives interior to the site, along with a parking deck and new surface parking. Parking for the commercial and hotel development will be provided through a combination of surface parking lots and the multi-level parking structure. The residential development will be served by its own internal parking spaces and garages for its residents and guests. The Proposed Development will incorporate a proposed network of internal drives that connect to the existing access points on North Druid Hills Road via Sweet Briar Road, Birch Road and Mistletoe Road, as well as maintaining access to the signalized intersection at Lawrenceville Highway and Orion Drive.

Concurrent with this Application, the Applicant filed an application for a Special Land Use Permit to allow fuel pumps associated with the Costco Wholesale Warehouse. This document is submitted as a Statement of Intent with regard to this Application, a preservation of

the Applicant's constitutional rights, a Written Justification for the Application as required by the DeKalb County Zoning Ordinance §27-832, and a Written Statement as required by §27-649.3(2).

II. HISTORY

The Subject Property is zoned C-1 and designated as “Town Center” on the County’s Future Land Use Map. The North DeKalb Mall property was zoned subject to ordinances Z-73054, CZ-85160, CZ-08-14806 and CZ-08-14809. The site was rezoned to C-1 under Ordinance Z-73054¹. The 25.176 acre parcel to the south of the Proposed Development was rezoned from R-75 to C-1 under Ordinance CZ-85160 to allow for renovations to North DeKalb Mall. Ordinances CZ-08-14806 and CZ-08-14809 rezoned a portion of the Subject Property located in its northwest corner, along Sweet Briar Road, from Neighborhood Shopping (NS) to Local Commercial (C-1) to be consistent with the remainder of the North DeKalb Mall property and to allow for the construction of a then anticipated Costco gas station. However, that plan was not approved.

III. IMPACT ANALYSIS

A.

THE ZONING PROPOSAL IS IN CONFORMITY WITH THE POLICY AND INTENT OF THE COMPREHENSIVE PLAN

The Subject Property is designated as “Town Center” (TC) and Conservation and Open Space (COS) by the County’s Comprehensive Land Use Plan.² The TC and the COS character

¹ DeKalb County’s records for Ordinance Z-73054 do not indicate the exact area to be rezoned and a site plan is not attached to the rezoning. Consequently, the Applicant is unable to identify the extent of Z-73054.

² The COS character area is entirely confined to the 25.176 acre parcel to the south of the Proposed Development and no portion of the Proposed Development lies within the COS character area. Since the floodplain property will not be utilized in the development no additional analysis is required. However, the Applicant’s proposed reservation of an easement area for a future PATH trail is fully consistent with the COS character area.

areas both allow the MU-4 zoning. The TC character area promotes the concentration of residential and commercial structures, which serve many communities in order to reduce automobile travel, promote walkability and increased transit usage. The areas consist of a focal point for several neighborhoods with a variety of activities such as general retail, commercial, professional office, higher-density housing, and appropriate public and open space uses that are easily accessible by pedestrians.

This proposal fosters a number of general policies and strategies for Town Centers in the County's Comprehensive Plan, including:

- Pedestrian Scale Development - Create pedestrian scale communities that focus on the relationship between the street, buildings, streetscaping and people.
- Mixed Use Development - Create compact mixed use districts and reduce automobile dependency and travel to obtain basic services.
- Parking - Clearly define road edges by locating buildings near the road-side with parking in the rear.
- Open Space and Linkages - Encourage development and redevelopment in activity centers to provide open space and/or contribute to the public realm with wider public sidewalks, pedestrian linkages, and other design features.
- Healthy Neighborhoods - Promote healthy living in neighborhoods by incorporating a pedestrian environment that encourages socialization, walking, biking and connectivity.
- High Density Residential - Residential development shall reinforce the center by locating higher density housing options adjacent to the center.

- Pedestrian Enhancements - Create pedestrian-friendly environment, by adding sidewalks that link neighborhood amenities.
- Traffic Calming - Organize circulation patterns through traffic calming techniques and access management. Add traffic calming improvements, sidewalks, and increased street interconnections to increase safety and improve walkability.
- Pedestrian Oriented Design - Design shall be pedestrian-oriented with walkable connections between different uses.
- Preferred Uses - Each Town Center shall include a high-density mix of residential, retail, office, services, and employment to serve several neighborhoods.

B.

THE PROPOSED REZONING PERMITS A USE THAT IS
SUITABLE IN VIEW OF THE USE AND DEVELOPMENT OF ADJACENT AND
NEARBY PROPERTY

The Subject Property is immediately adjacent to a number of commercial uses and in the nearby vicinity of several residential neighborhoods. However, it actually adjoins only seventeen residential lots on Homewood Court and Latham Road and only two of which touch that portion of the existing mall which is to be redeveloped. Moreover, the vast majority of the adjoining residential lots, fifteen lots, abut the Applicant's property within the floodplain, which will remain undeveloped. To the north of the Subject Property are various commercial properties along North Druid Hills Road, zoned C-1 and NS; to the east is the right-of-way of Lawrenceville Hwy and US-78; to the south the property is bounded by the South Fork of Peachtree Creek and beyond that are properties owned by the Shepherd Nature Center and one zoned General Commercial (C-2), Stivers Decatur Subaru. To the west are other properties zoned R-75 as referenced above.

The proposed uses will be in harmony with the current character of the property, as well as with the character of the adjacent properties. Redevelopment of North DeKalb Mall will add much needed new retail to support the existing residential in the area and the multi-family component will offer an infusion of upscale housing to support the surrounding businesses.

In addition, DeKalb County has identified North DeKalb Mall as an area for potential redevelopment in several of its studies. The Lawrenceville Highway Corridor Study identifies North DeKalb Mall as an issue area and notes that it is “currently a missed opportunity”. *See DeKalb County Lawrenceville Highway Corridor Existing Conditions and Recommendations*, November 2016, pg. 14. Furthermore, the *DeKalb County Transportation Plan 2014* explicitly states the North DeKalb Mall is one of its identified redevelopment opportunities:

“Promote and coordinate the bundling of redevelopment sites and deals for potential developers and investors. This bundling could expedite investment in key redevelopment areas, including the Northlake area, the Buford Highway corridor, the North DeKalb Mall area, the Memorial Drive corridor, and other areas that have aging assets with potential redevelopment market opportunities.”

The proposed development is therefore consistent with and suitable in light of the current and future development patterns; in fact, the Applicant hopes that the intended final appearance of this development will serve as a model for future development in the area. Appropriate attention to scale, buffering, setbacks, landscaping, and tree preservation has been given by the Applicant to ensure that this Project will blend harmoniously with its surroundings.

C.

**THE SUBJECT PROPERTY DOES NOT HAVE A
REASONABLE ECONOMIC USE AS PRESENTLY ZONED.**

As stated in earlier paragraphs, North DeKalb Mall has failed to remain economically viable as consumer preferences have moved away from smaller, traditional enclosed malls in favor of walkable mixed-use developments. The C-1 zoning will allow redevelopment of the

property into a number of smaller commercial developments, but prohibits the type of large-scale mixed-use redevelopment that the Applicant envisions. The small-scale development allowed under the C-1 zoning will not spur the growth and revitalization of the area and the Lawrenceville Highway Corridor that DeKalb County has envisioned in its *2035 Comprehensive Plan, DeKalb County Lawrenceville Highway Corridor Existing Conditions and Recommendations*, and *DeKalb County Transportation Plan 2014*. In fact, DeKalb County states as one of its economic development policies that “[t]o ensure economic relevance, DeKalb County must encourage redevelopment.” See *DeKalb County 2035 Comprehensive Plan*, pg 48. There is no better catalyst to the economic growth of the region than to rezone a dysfunctional and underutilized property in a prime location to allow a large-scale redevelopment.

D.

THE PROPOSED REZONING WILL NOT ADVERSELY AFFECT THE EXISTING USE OR USABILITY OF ADJACENT OR NEARBY PROPERTY

In advance of filing this Application, the Applicant has engaged and will continue to engage in discussions with the community in the vicinity to make sure its proposal is acceptable to these neighbors. As stated in earlier paragraphs, the Proposed Development will result in a use that will be compatible and complementary to the existing surrounding uses.

The primary goal of land use planning is to eliminate or minimize the potential adverse effect of the dissimilar uses of adjacent tracts of land by establishing a harmonious transition between them. The traditional method of achieving this goal is through both "off-site" and "on-site" transition. Off-site transition consists of avoiding the placement of dissimilar uses next to each other by placing uses of intermediate density between them. On-site transition, which might either supplement or replace off-site transition, consists of measures imposed on or adjacent to the more intensive use to protect neighborhoods from adverse effects. Thus, this

method of land use planning includes measures such as maintenance of buffers; walls, fences or berms; lighting control; noise control; aesthetic control; limitations on building location and orientation; location of or restrictions upon accessory uses; and prohibition of certain uses or hours of use normally permitted for that district. All of these devices have been utilized in this Application.

E.

THERE ARE OTHER EXISTING OR CHANGING CONDITIONS AFFECTING THE USE AND DEVELOPMENT OF THE PROPERTY

The Applicant's proposal will result in a practical, useful, and marketable development, revitalizing a deteriorating shopping mall, creating an asset for the immediate area and the county as a whole. The development will blend in with the commercial and residential sites in the surrounding area. Moreover, this type of mixed-use development should be encouraged so as to create walkability, minimize sprawl and encourage less use of automobiles.

F.

THE ZONING PROPOSAL WILL NOT ADVERSELY AFFECT HISTORIC BUILDINGS, SITES, DISTRICTS OR ARCHAEOLOGICAL RESOURCES

No such sites, buildings, or resources are on or near the Parcel.

G.

THE REQUESTED REZONING WILL NOT RESULT IN A USE WHICH WILL OR COULD CAUSE EXCESSIVE OR BURDENSOME USE OF EXISTING STREETS, TRANSPORTATION FACILITIES, UTILITIES, OR SCHOOLS

This Project, if approved, certainly will not affect existing transportation facilities. Requisite parking is provided incidental to this development. As indicated above, the Subject Property has direct access to North Druid Hills Road and Lawrenceville Highway, both classified as major arterial roadways and has a quick access to US 78, classified as a freeway. *See DeKalb*

County 2014 Transportation Plan, Figure 5-2, Functional Classification Map: DeKalb County.

The traffic to be generated by the proposed Project should not significantly affect traffic capacities along these roadways and surrounding streets, even at peak hours, and can be accommodated.

This Application is a Development of Regional Impact (DRI) and Kimley-Horn and Associates, Inc. has been engaged to perform the voluminous traffic study required by the Atlanta Regional Commission and the Georgia Regional Transportation Authority. However preliminarily, the Applicant used the Institute of Traffic Engineers (ITE) Trip Generation Manual (Ninth Edition) to calculate vehicle trips for (a) a Shopping Center (ITE 820)³; (b) Discount Club, i.e. Costco (ITE 857); (c) Hotel (ITE 310); (d) Mid-Rise Apartments (ITE 386); and (e) Low-Rise Townhomes (ITE 231). According to ITE, the Proposed Development will result in a net increase of 431 trips during a weekday a.m. peak hour and a net reduction of 493 trips during a weekday p.m. peak hour. The proposed trips generated will actually be even less when one accounts for internal capture trips, such as on-site residents walking or driving from their homes to the adjacent retail, restaurants, and office without entering the public roadway.

The school children living in the residential portion of the development will attend Laurel Ridge Elementary School; Druid Hills Middle School; and Druid Hills High School.⁴ All three schools are listed as under capacity according to DeKalb County Schools' FTE Enrolment Report, dated October 3, 2017. As a result, the proposed development is not anticipated to have

³ The Institute of Transportation Engineers Manual Trip Generation Manual (Ninth Edition) defines shopping centers as neighborhood or retail centers that may contain non-merchandising facilities, such as office buildings, movie theaters, and restaurants, among others. As a result, the trips generated by the commercial portion of the development were considered as part of the shopping center. The Costco Wholesale Warehouse and hotel were taken as separate and distinct uses and their trips were calculated independent of the remaining commercial use.

⁴ Historically, mixed-use developments like that proposed do not attract families. They are designed for young professionals and "empty-nesters." The Applicant expects that to be the case on the Subject Property. Hence, any impact on schools should be minimal, at best.

a significant impact on local schools.

As for utilities, the Subject Property has access to water and sewer.

IV. NOTICE OF CONSTITUTIONAL CHALLENGE TO UNDERLYING ZONING AND PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that the current zoning classification of and rules relative to the Subject Property owner's right to use the Property established in the DeKalb County Zoning Ordinance, to the extent they prohibit this use, constitute an arbitrary, irrational abuse of discretion and unreasonable use of the zoning power because they bear no substantial relationship to the public health, safety, morality or general welfare of the public and substantially harm the Applicant in violation of the due process and equal protection rights guaranteed by the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia. Further, the failure to allow this use would constitute a taking of private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and would be in violation of the Commerce Clause, Article I, Section 8, Clause 3 of the Constitution of the United States.

The Applicant respectfully submits that the Board of Commissioners' failure to approve the requested rezoning would be unconstitutional and would discriminate in an arbitrary, capricious and unreasonable manner between the Subject Property's owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

A refusal to allow the rezoning in question would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution.

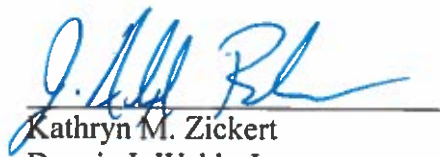
A refusal to allow the rezoning in question would be invalid inasmuch as it would be denied pursuant to an ordinance which is not in compliance with the Zoning Procedures Law, O.C.G.A. § 36-66-1 et seq., due to the manner in which the Ordinance as a whole and its map(s) have been adopted.

V. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Rezoning Application at issue be approved. The Applicant also invites and welcomes any comments from Staff or other officials of DeKalb County so that such recommendations or input might be incorporated as conditions of approval of this Application.

This 3rd day of May, 2018.

Respectfully Submitted,

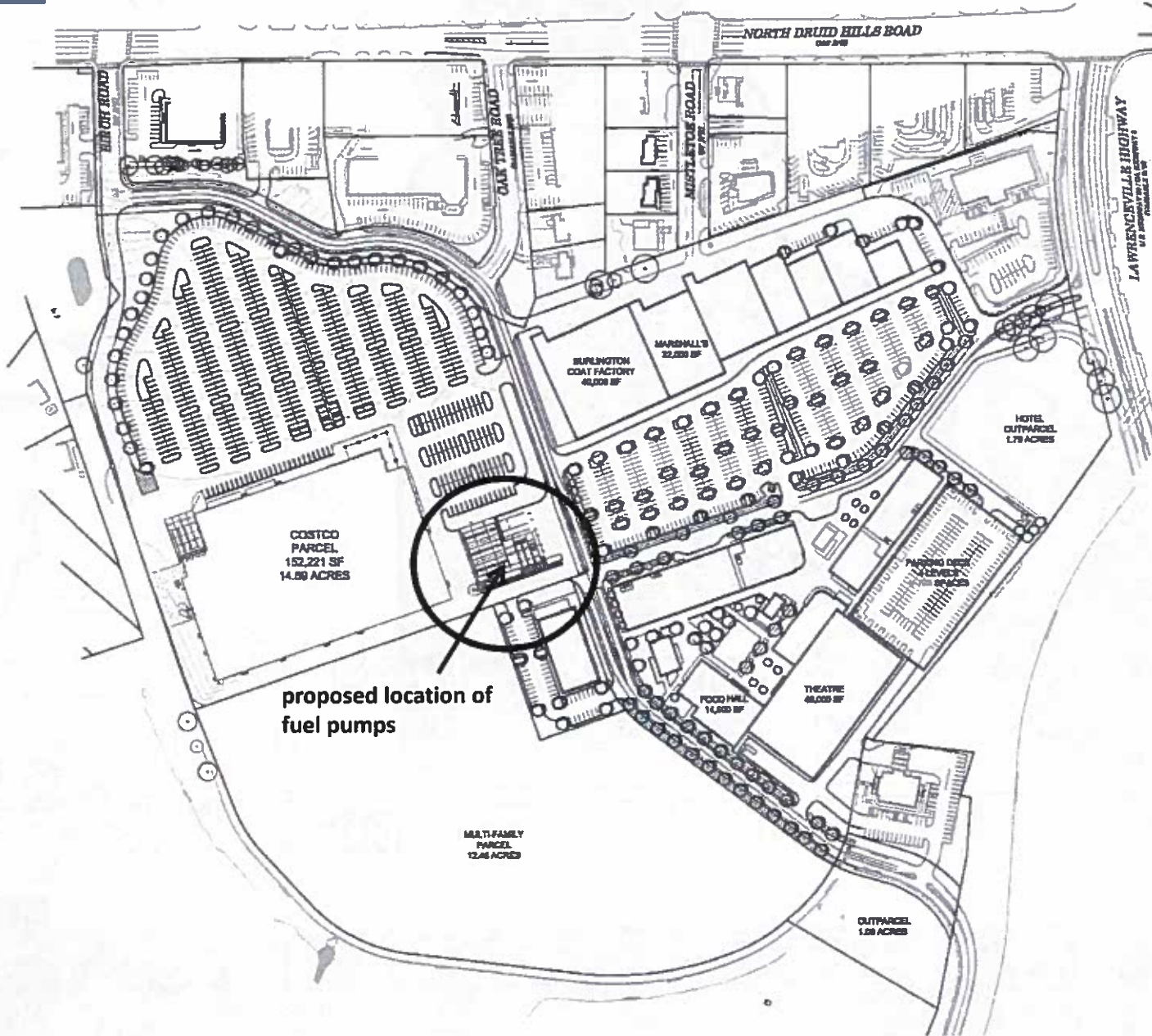


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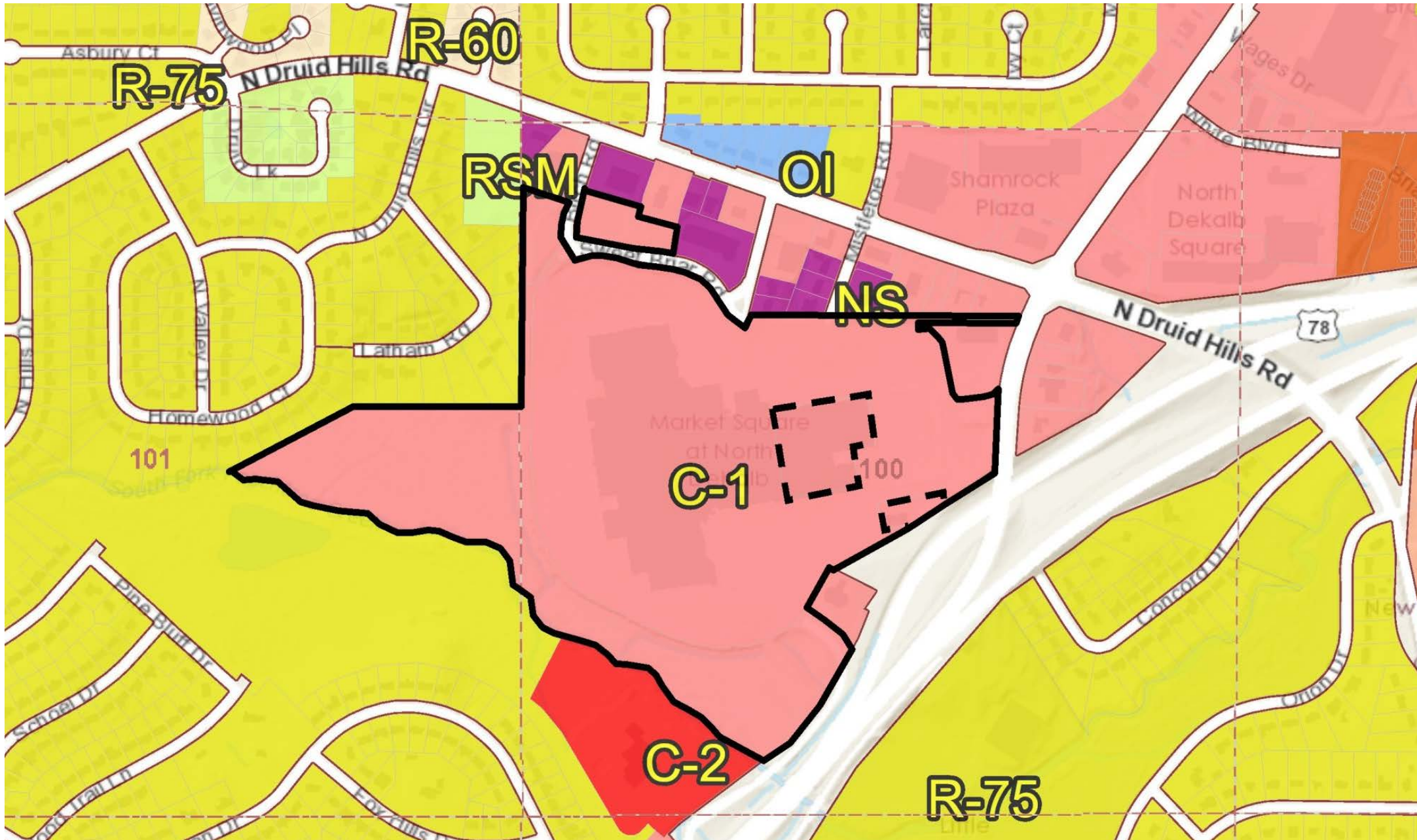
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Site Plan



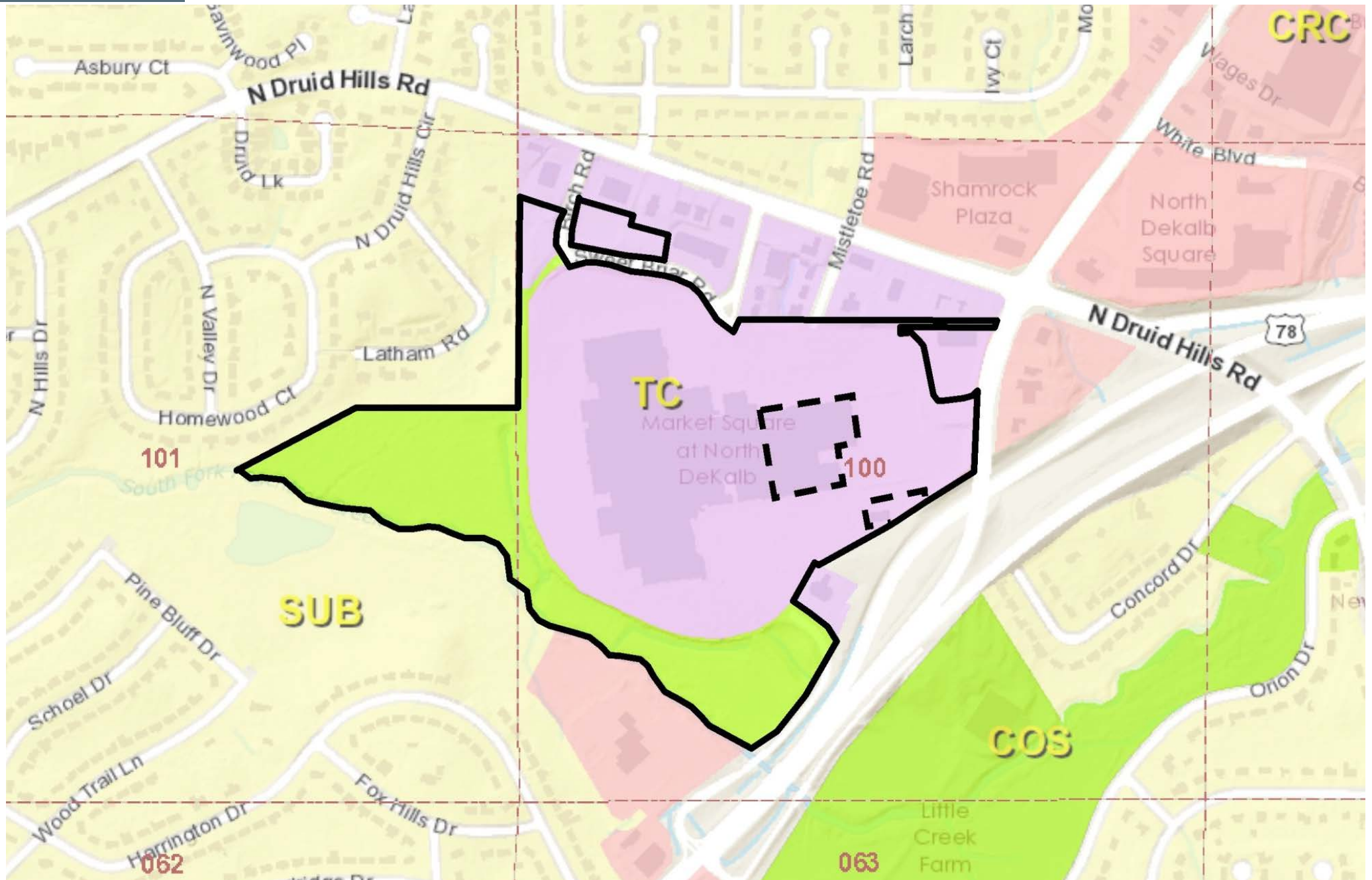
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N. 3 SLUP-18-22311

Zoning Map



N. 2 Z-18-22310
N. 3 SLUP-18-22311

Land Use Map



N. 2 Z-18-22310
N. 3 SLUP-18-22311

Aerial Photo



N. 2 Z-18-22310
N. 3 SLUP-18-22311

Site Photos



View from Lawrenceville
Highway entrance, looking
northwest.

View from Lawrenceville
Highway entrance, looking
southwest.

