



DeKalb County Department of Planning & Sustainability

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Planning Commission Hearing Date: November 1, 2018, 6:30 P.M.

Board of Commissioners Hearing Date: November 13, 2018, 6:30 P.M.

STAFF ANALYSIS

Case No.: Z-18-22310 **Agenda #:** D. 1

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: To rezone property from C-1 (Local Commercial) to MU-4 (Mixed-use-4) for redevelopment of the North DeKalb Mall into a mixed retail, multifamily residential, hotel, and office development called "Decatur Landing". 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%

The applicant has requested a deferral until the January zoning cycle.

On October 17, the applicant submitted a revised site plan dated 7/18/18. Staff has not reviewed this revised plan in detail.

Companion Application

The applicant has filed a companion application (SLUP -18-22311) to request approval of fuel pumps for a Costco store that would be part of the mixed-use development.

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 several smaller retailers have subsequently left the mall.

The site of the mall is approximately 20 feet lower in grade than Lawrenceville Highway. It was designed and constructed in the manner typical for the time, with a large surface parking in front of all mall buildings. The mall is located behind the commercial uses that front on North Druid Hills Road and cannot be seen from this major commercial street, and has no pedestrian or bicycle connections to the neighborhoods to the north of North Druid Hills Road.

MARTA bus routes 75 and 123 currently make stops within the mall property.

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:

Tract 1

- A 152,221 square foot Costco Wholesale Warehouse retail store in a stand-alone building;

Tract 2

- A 115,000 square foot block of retail spaces that would include current Mall tenants Burlington Coat Factory and Marshalls;
- A cluster of buildings at the southeast portion of the site that appear to be grouped around a pedestrian plaza, consisting of
 - 73,750 square feet of retail space in six buildings of various sizes;
 - A 14,500 square foot food hall; and
 - A 48,000 square foot theater.

Tract 3

- 12.45 acres at the southwest portion of the site consisting of
 - approximately 405 units of multifamily residential with 516 surface parking spaces and 7 covered spaces; and
 - Fifty 3-story townhomes.

Tract 6

- A 150-room hotel located in an “outparcel” next to Lawrenceville Highway.

Tract 4, which is floodplain to the south of the development site, would remain undisturbed. Tract 5, labeled “Outparcel”, is located at the southeast corner of the site.

The 7/18/18 site plan shows an easement from the mixed use development to the community garden located to the south of the property.

The development would contain 1,176 surface parking spaces for the commercial and hotel uses, including the Costco store, and approximately 726 spaces in a parking deck next to the theater, which would be accessible from the commercial buildings around the pedestrian plaza.

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 (ARC). The ARC Regional Review Finding dated August 27, 2018, states that the DRI “appears to manifest certain aspects of regional policy” with respect to intensities of development, residential densities, building heights, and mix of land uses close to existing or planned transit. However, the ARC Review repeatedly states that the site plan is deficient in terms of pedestrian connections. For example, the Review points out that while Tract 1 (retail/office/theater uses) and Tract 3 (residential uses) adjoin each other on the south side of the site, “. . . it does not appear that there is a crosswalk or other pedestrian facility directly between the food hall/pedestrian plaza in Tract 1 and the residential area/pedestrian plaza in Tract 3.” (It appears that the ARC staff reviewed the May 2 site plan, since no mention is made of pedestrian crossings added to the 7/18/18 site plan. Even so, it is not clear to DeKalb Planning staff that the pedestrian crossings on the 7/18/18 site plan would be conducive to the “comfortable pedestrian experience” called for in the ARC Report.) Other comments in the Review address natural resources and transportation issues. The comments by the Natural Resources Group emphasize controlling stormwater runoff and suggest the use of green spaces and tree planting beds as stormwater controls, use of pervious concrete or other pervious materials in the parking and storage areas, and design for rainwater capture to provide for landscape irrigation during dry periods.

Traffic Considerations

A traffic impact study was prepared by Kimley-Horn and Associates, Inc. and dated July 2018. The study examined levels of service at 14 intersections and concluded that the proposed redevelopment project would increase levels of traffic, to various degrees, at all of these intersections. The study projected a deterioration of the level of service

(LOS) at two intersections. North Druid Hills at Oak Tree Road is projected to decrease during PM peak house from LOS C to LOS E (the level of service at this intersection during AM peak hours is already at LOS F, or a failing level, and would simply remain at this level with more projected traffic). The main entrance to the property on Lawrenceville Highway is projected to fall, during the AM peak hours, from LOS C to LOS F (the level of service at this intersection during PM peak hours is already at LOS F).

As part of the DRI review, the Georgia Regional Transportation Authority provided a Notice of Decision (NOD) dated September 5, 2018. The conditions for approval of the project emphasized provision of sidewalks throughout the development and “direct pedestrian connections between all uses”. It also specified a condition for a bus shelter along Sweetbriar Road. A MARTA bus stop is currently located on Sweetbriar Road. The NOD also specified certain transportation improvements, based on the Kimley-Horn traffic study: elimination of northbound left turns at North Druid Hills Road and Oak Tree Road, and the elimination of eastbound left turns at the main entrance driveway to the property on Lawrenceville Highway.

Staff of the DeKalb County Transportation Division has approached the applicant about converting Sweet Briar Road to a private road and about providing a multiuse path or sidewalk and bike lane along Mistletoe Road to connect the residential neighborhoods to the north with the project site. In addition, the County Transportation Division has asked the developer to extend the left turn lane northbound on Lawrenceville Highway at North Druid Hills Road by modifying the median and to fill in sidewalk gaps along North Druid Hills Road. The Transportation Division has also commented, “Mistletoe will be one of two full-access entrances to the site. It has a direct connection to North Druid Hills and the neighborhood. Yet the site plan has the entrance feeding the traffic into what appears to be the loading docks and back doors of the box stores . . . there has got to be a way to design this better.”

LAND USE AND ZONING ANALYSIS

Section 27-832 of the Zoning Ordinance, “Standards and factors governing review of proposed amendments to the official zoning map” states that the following standards and factors shall govern the review of all proposed amendments to the zoning maps.

A. Whether the zoning proposal is in conformity with the policy and intent 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) The mixture of uses and density and intensity of development is consistent with Policy No. 21: “Each Regional Center shall include a very high-density mix of retail, office, services, and employment opportunities to serve several neighborhoods.”

However, a functional compact mixed-use development would have pedestrian connections between land uses and to nearby neighborhoods. The current site plan lacks a system of sidewalks and street crossings with street trees that provide shade to encourage the use of the sidewalks. Pedestrian connections throughout the development need to be improved so that 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.

In addition, the retail stores located on the north side of the central east-west interior street should be moved up to the street to create a pedestrian-friendly street presence, and the surface parking currently shown in front of the stores should be moved behind the buildings. Loading docks should be located between tenant spaces so that they don’t interfere with customer parking.

Staff has requested that the applicant reserve a location for a rapid bus transit shelter. MARTA regular bus service should continue to be provided with stops within the interior of the proposed mixed-use development.

B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:

The zoning proposal would diversify the existing mall with office, hotel and residential land uses. The mall has established itself as an important part of the commercial node at North Druid Hills Road and Lawrenceville Highway and would continue to do so after redevelopment. 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. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

The property has limited economic use as currently zoned, as evidenced by increased vacancies during the past several years. The proposed zoning category of MU-4 is much more desirable as it would allow the mixture of non-residential and residential uses that have the potential to reduce automobile trips.

D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

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. Adjacent commercial properties to the north and east would be positively affected by a multiplier effect resulting from additional customers and new employees and residents at the proposed mixed-use development.

E. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal:

The DeKalb County Lawrenceville Highway Corridor study (November 2016) identified the commercial area around the North DeKalb Mall as “needing re-tenanting”. In other words, it asserted that “. . . the retailers present no longer fit the service area demographics adequately.” It did not identify the mall itself as obsolete, although its vacancies indicate that obsolescent may be an issue. It is possible that redevelopment of the mall would spur a revitalization of the area around the mall.

F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources:

No historic buildings, sites, districts, or archaeological resources are located on the property or in the surrounding area.

G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:

The traffic study submitted for the DRI review indicated some deterioration of levels of service at two intersections. The study, as well as the GRTA NOD, recommended traffic improvements to mitigate these impacts. Staff of the DeKalb County School District has commented, “The additional students at Laurel Ridge [Elementary School] would result in more overcrowding and may require additional portable classrooms.” There is no indication from reviewing agencies and departments that the zoning proposal would overburden utilities.

H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources:

The mall currently is almost completely paved, so there is little natural area on the property. Redevelopment of the site presents opportunities to increase the amount of landscaping in the parking lots, possibly with bioswales to purify water that runs off of the paved areas of the site into the adjoining floodplain and creek.

Compliance with District Standards:

MU-4 STANDARD	REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
MAX. D.U.s/ACRE (BASE, W/BONUSES)	Base: 24 d.u.s/acre; w/bonuses: 40 d.u.s/ac.	6.5 units/acre	Yes
MIN. STREET FRONTAGE	50	145 feet on Lawrenceville Highway	Yes
OVERALL SITE SETBACK	Front, Side: None; Rear: Min. 10 ft.	Information not provided	Info. not provided
MIN. OPEN SPACE	10% of total parcel acreage	45% (including floodplain)	Yes
MIN. TRANSITIONAL BUFFER	50 feet next to R district	50 feet	Yes
MIX OF USES (SQUARE FOOTAGE OF BUILDING(S))	Min. 20% non-residential	(Assuming 225,000 s.f. residential) 69%	Yes
MINIMUM UNIT SIZE	1 brm. – 500 s.f.; 2 brm. – 650 s.f.; 3-brm. – 800 s.f.	Information not provided	Info. not provided
MAX. BLDG. HEIGHT (w/out bonuses)	8 stories or 100 ft., whichever is less	Information not provided	Info. not provided
TRANS'L HEIGHT PLANE	Applicable to proposed Costco Building	Information not provided	Info. not provided
PEDESTRIAN PATHS FROM SIDEWALKS TO BLDG. ENTRANCES (Sec. 5.4.3(B)(5))	Min. 3 ft. wide	Not shown for all buildings.	Not shown for all buildings
LANDSCAPE STRIPS ALONG PEDESTRIAN PATHS (Sec. 5.4.4(B))	Min. 3 ft., planted	Not shown on site plan dated May 2, 2018. Shown on interior of sidewalks along most streets on site plan dated 7/18/18 but not back of curb as required.	Variances will be necessary if landscape strips do not meet requirements
TREE ISLANDS IN PARKING LOT	One island for every 10 parking spaces	Parking lot in front of big box stores: approx. 1.5 islands for every 7 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

MU-4 STANDARD	REQUIRED/ALLOWED	PROVIDED/PROPOSED	COMPLIANCE
PERIMETER LANDSCAPE STRIP (Sec. 5.4.4(C))	Min. 5 ft. wide; landscaping as per Sec. 5.4.4(C)(2)	Information not provided	Information not provided
PARKING Retail – Min. 1/500 s.f.; Max. 1/200 s.f. = min. 711 spaces; max. 1,777 spaces Theater – Min. 1/300 s.f.; Max. 1/125 s.f. = min. 160 spaces; max. 384 spaces Hotel – Min. 1/unit + 1/150 s.f. banquet or assembly area; Max. 1.2/unit + 1/100 s.f. banquet or assembly area = (assuming no assembly space) min. 150 spaces; max. 180 spaces Multifamily residential – Min. 1.5/d.u.; Max. 3/d.u. Attached s-f townhomes – Min. 1.75/d.u.; Max. 3.25/d.u. Bicycle parking: 1 space/20 vehicular parking spaces	Total non-residential required/allowed: Min. 1,021 spaces Max. 2,341 spaces Min. 675 space Max. 1,350 spaces Not shown; parking to be provided in garages/driveways 98 spaces	Total non-residential spaces: 1,964 523 spaces At least two spaces/unit Information not provided	Yes Minimum not met; a variance necessary Yes Info. not provided

STAFF RECOMMENDATION:

The applicant has requested a deferral until January, 2019. The Department of Planning and Sustainability agrees with the request and recommends “Deferral to January, 2019”.

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.

DeKalb County Long Range Planning Division
Supplemental Land Use Report *(for developments proposed in Activity Centers)*

Case No. Project Name:	Existing FLU: Town Center Proposed FLU: Town Center	BOC Hearing Date Click here to enter a date.	Staff Recommendation Choose an item.
Z-18-22310	<p>Town Center Premise - These policies are primarily applicable to activity centers that do not have adopted studies. Studies that are adopted for Town Centers are referred to as Small Area Plans (SAP), and they provide more detailed guidelines and recommendations for land use, zoning, development, transportation, housing, economic development, and green space. If there are conflicts between SAP and Town Center policies, SAP policies shall take precedence.</p> <p>Town Center Intent - The intent of the Town Center Character Area is to promote 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 character area is similar to neighborhood center, but at a larger scale. The preferred density for areas of this type is up to 60 dwelling units per acre.</p>		

MAPS

Land Use

Town Center
60 dwelling units per acre

Primary Uses

- Townhomes
- Condominiums
- Apartments
- Health Care Facilities
- Retail and Commercial
- Office
- Institutional
- Entertainment and Cultural Facilities
- Park and Recreational Facilities
- Public and Civic Facilities



DeKalb County Long Range Planning Division
Supplemental Land Use Report (for developments proposed in Activity Centers)



Project Description

Location: This proposed development is in unincorporated DeKalb County on the site of the existing North DeKalb Mall, southwest of the intersection of Lawrenceville Highway (US 29/78/SR 8) and North Druid Hills Road. North DeKalb Mall located at 2050 Lawrenceville Hwy, Decatur, GA 30033.

Developer/Owner: LCI-SVA NDM JV, LP (“Sterling”) intends to redevelop the existing

Estimated Completion: The estimated build-out year is 2021.

Project Size (Acres, Square Footage, etc.)

Acres: 78-acre

- Retail SF: 298,121
- Restaurant SF: 60,350 SF
- Office SF: 50,400 SF
- Hotel SF: Rooms: 150 hotel rooms
- Entertainment: 48,000 SF movie theatre
- Residential SF: Units: 500 multi-family residential units.
- Other:
- **Total SF:** _____

DeKalb County Long Range Planning Division
Supplemental Land Use Report *(for developments proposed in Activity Centers)*

Land Use Policy Analysis				
Town Center Policies	Compliant with Comprehensive Plan			Additional comments that justify staff recommendation
	YES	NO	Not Applicable	
1. Protect Single Family Neighborhoods - Preserve and enhance the integrity and quality of existing residential neighborhoods.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
2. Maximum Density — Encourage the maximum density of residential in mixed use projects not to exceed 60 dwelling units per acre, with the most intense development located towards the commercial and/or office core of the Town Center. Properties located along the outer edges of the Town Center shall be sensitive to the building height and density of adjacent single family residential. (Refer to Figure 7.3, page 60 of the comprehensive plan)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
3. Retrofitting - Foster retrofitting for conformity with traditional neighborhood principles.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
4. Pedestrian Scale Development - Create pedestrian scale communities that focus on the relationship between the street, buildings, streetscaping and people.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does not foster the pedestrian scale development that encourages the relationship between street, buildings, streetscaping and people. Recommendations: reconfigure design layout of site.
5. Mixed Use Development - Create compact mixed use districts and reduce automobile dependency and travel to obtain basic services.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
6. Transitional Buffers - Require greater setbacks and/or transitional buffers for developments when located adjacent to lower density residential uses.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
7. Enhanced Buffers - Require the incorporation of enhanced buffers in efforts to protect single family neighborhoods.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
8. Staggered Heights - Require the consideration of staggered height implementation when developments are adjacent to single family residential neighborhoods.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
9. Streetscaping - Improve street character with consistent signage, lighting, landscaping and other design features.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
10. Pocket Parks - Create focal points through the use of existing pocket parks and squares for community activities.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
11. Cultural Diversity - Promote activities to highlight historic and cultural assets in the community and provide opportunities for community interaction.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	
12. Infill Development - Utilize vacant properties in the neighborhood as an opportunity for infill development of compatible structures.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
13. Parking - Clearly define road edges by locating buildings near the roadside with parking in the rear.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	According to policy, parking should remain in the rear of the building to creating a pedestrian friendly site.
14. Open Space and linkages - Encourage that all development and redevelopment in activity centers provide open space and/or contribute to the public realm with wider public sidewalks, pedestrian	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Does not meet the pedestrian friendly linkages.

DeKalb County Long Range Planning Division
Supplemental Land Use Report (for developments proposed in Activity Centers)

linkages and other design features.				
15. Healthy Neighborhoods - Promote healthy living in neighborhoods by incorporating a pedestrian environment that encourages socialization, walking, biking and connectivity. Implement the recommendations of the Master Active Living Plans (MALPs).	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	In order to achieve this policy, a pedestrian friendly environment that encourages biking and connectivity is needed per the Master Active Living Plan.
16. High Density Residential - Residential development shall reinforce the center by locating higher density housing options adjacent to the center. Housing in Town Center shall be targeted to a broad range of income levels.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
17. Pedestrian Enhancements - Create a pedestrian-friendly environment by adding sidewalks that link neighborhood amenities.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does not meet the requirements
18. 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.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does not meet the requirements
19. Pedestrian Oriented Design - Design shall be pedestrian-oriented with walkable connections between different uses.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Does not meet the requirements
20. VMT - Promote new and redevelopment at or near activity centers as a means of reduce vehicle miles traveled (VMT).	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Transit access within ½ mile? Yes
21. High Density Development - Each Town Center shall include a very high-density mix of retail, office, services, and employment opportunities to serve several neighborhoods.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percentage of mixed use: __ Residential __ Office __ Retail __ Open Space Job Creation Numbers: __ Construction __ Permanent Jobs __ Wages
22. Small Area Plans (SAPs) -Implement appropriate sub-policies (pages 85-114 in the comprehensive plan) and development guidelines in Town Centers that have Small Area Plans, which provide more guidance to the development of mixed use and transition down to single family residential.	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	This project is within the following SAP of the Town Center: <input type="checkbox"/> Medline Activity Center <input type="checkbox"/> Wesley Chapel LCI <input type="checkbox"/> Candler Road Flat Shoals LCI <input type="checkbox"/> Redan Road Indian Creek Master Active Plan <input type="checkbox"/> Toco Hills Node of the North Druid Hills LCI <i>If one of the above is checked, provide policies and map for that particular study, that supports recommendation.</i>
23. Preferred Uses – Each Town Center shall include a high density mix of retail, office, services, and employment to serve neighborhoods.	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	Percentage of mixed use: __ Residential __ Office __ Retail __ Open Space Job Creation Numbers: __ Construction __ Permanent Jobs __ Wages

Impact Analysis

(In support of Section 27-7.3.4 of the DeKalb County Code states that the following standards and factors shall govern the review of all proposed amendments to the Official Zoning Map.)

Questions	Compliant			Comments to support zoning proposal
	YES	NO	N/A	
A. Zoning proposal is in conformity with the policy and intent of the comprehensive plan:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	The site is located within a designated Town Center Character Area by the 2035 Comprehensive Plan. Town Centers allow a residential density of up to 60 units per acre.
B. The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
C. The property to be affected by the zoning proposal has a reasonable economic use as currently zoned:	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
D. The zoning proposal will adversely affect the existing use	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	

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or usability of adjacent or nearby property:				
E. There are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
F. The zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
G. The zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	
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DeKalb County Long Range Planning Division
Supplemental Land Use Report *(for developments proposed in Activity Centers)*

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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

DeKalb County Long Range Planning Division
Supplemental Land Use Report *(for developments proposed in Activity Centers)*

MARTA and TOD	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	
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DEKALB COUNTY

ITEM NO. H8

BOARD OF COMMISSIONERS

ZONING AGENDA / MINUTES

MEETING DATE: August 12, 2008

HEARING TYPE
PUBLIC HEARING

ACTION TYPE
ORDINANCE

SUBJECT: **Rezone** - Hartman, Simons, Spielman & Wood, LLP c/o Greg Ness (Z-08-14809)

COMMISSION DISTRICTS: 2 & 6

DEPARTMENT: Planning

PUBLIC HEARING: YES NO

ATTACHMENT: YES No

INFORMATION CONTACT: Patrick Ejike/Kevin Hunter

PAGES: 22

PHONE NUMBER: (404) 371-2155

Deferred from 7/22/08 for decision only.

PURPOSE:
Z-08-14809

Application of Hartman, Simons, Spielman & Wood, LLP c/o Greg Ness to rezone property from NS (Neighborhood Shopping) District to C-1 (Local Commercial) District to establish a consistency in zoning districts for North DeKalb Mall. The property is located at the intersection Sweet Briar Road, east of Birch Road and contains 2.28 acres.

Subject Property: 18-100-04-001, 003, 004, 013 & 014

RECOMMENDATION(S):

PLANNING DEPARTMENT:

APPROVAL WITH CONDITIONS. Based on the submitted information, it appears that the proposed C-1 zoning district is consistent with the Town Center Character Area designation of the DeKalb County Land Use Plan which calls for a high density mix of retail, office, services, and employment to serve several local neighborhoods (TCCAS20). The submitted rezoning layout (date stamped May 8, 2008) referencing the North Dekalb Mall site plan shows the subject property as an outparcel area for the future expansion of North Dekalb Mall. Since the only known future tenant at this time is Costco gasoline (see attached elevations), only the future anticipated building envelop(s) of Costco gasoline pump stations and other potential land uses are shown on the outparcel area. The applicant has also submitted a list of prohibited uses (see Attachment "A") to enhance the project's compatibility with surrounding properties, but a majority of these uses are already prohibited in the C-1 zoning district. However, the proposed rezoning to C-1 would be consistent with the existing adjacent North DeKalb Mall to the south (zoned C-1 and NS) and commercial uses to the north, east, and west (zoned C-1, O-1 and NS), and will help protect the economic viability of the Lawrenceville Highway/North Druid Hills Road Town Center by allowing appropriate expansion opportunities for the North Dekalb Mall. Therefore, it is the recommendation of the Planning and Development Department that the application be "Approved with the following conditions":

- 1) Drainage improvements shall be subject to approval of the Development Division of the Planning and Development Department, and the Drainage Division of the Public Works Department; and
- 2) Access and circulation shall be subject to approval of the Transportation Division of the Public Works Department.

PLANNING COMMISSION:

Approval, based on staff recommendation with additional condition for pedestrian access to any outparcel from Mall property by a vote of 5-0-1.

COMMUNITY COUNCIL:

Approval, by a vote of 12-0-0. The council approved the case based on the stated intent to construct a COSTCO which is considered a needed and compatible use for the area.



REGIONAL REVIEW FINDING

Atlanta Regional Commission • 229 Peachtree Street NE | Suite 100 | Atlanta, Georgia 30303 • ph. 404 463 3100 fax. 404 463 3205 • atlantaregional.org

DATE: August 27, 2018

ARC REVIEW CODE: R1808061

TO: CEO Michael Thurmond, DeKalb County
ATTN TO: Larry Washington, Senior Planner, Planning & Sustainability
FROM: Douglas R. Hooker, Executive Director, ARC
RE: Development of Regional Impact (DRI) Review

Digital signature
Original on file

The Atlanta Regional Commission (ARC) has completed a regional review of the following Development of Regional Impact (DRI). ARC reviewed the DRI with regard to its relationship to regional plans, goals and policies - and impacts it may have on the activities, plans, goals and policies of other local jurisdictions as well as state, federal and other agencies. This final report does not address whether the DRI is or is not in the best interest of the host local government.

Name of Proposal: Decatur Landing (DRI 2820)

Submitting Local Government: DeKalb County

Review Type: Development of Regional Impact

Date Opened: August 6, 2018

Date Closed: August 27, 2018

Description: This DRI is in unincorporated DeKalb County, southwest of the intersection of Lawrenceville Highway (US 29/78, SR 8) and North Druid Hills Road, on the 78-acre site of North DeKalb Mall. The project is proposed as a mixed-use development consisting of 300,001 SF of retail space; 59,720 SF of restaurant space; 52,200 SF of office space; a 150-room hotel; a 48,000 SF movie theatre; 360 apartments; and 45 townhomes. The existing 622,297 SF mall will be demolished. Site access is proposed via three existing driveways on N. Druid Hills Rd. (Birch Rd., Oak Tree Rd., Mistletoe Rd.), one existing driveway on Lawrenceville Hwy. to the east, and one existing driveway on Lawrenceville Hwy. to the south (Orion Dr.). The estimated build-out year is 2021. The local trigger for this DRI review is a rezoning application filed with DeKalb County.

Comments: According to the ARC Unified Growth Policy Map (UGPM), part of The Atlanta Region's Plan, this DRI is in the Maturing Neighborhoods area of the region - as well as a Regional Attractor/Major Retail District centered around North DeKalb Mall and commercial uses along N. Druid Hills Rd. and Lawrenceville Hwy. ARC's Regional Development Guide (RDG) details recommended policies for areas and places on the UGPM. RDG information and recommendations for Maturing Neighborhoods and Major Retail Districts are listed at the bottom of these comments.

This DRI appears to manifest certain aspects of regional policy. The plan contemplates demolishing a roughly half-vacant, single-use retail site and replacing it with a mixed-use development featuring a significant housing component and updated retail and employment space. The project also includes pedestrian-oriented land uses and gathering space adjoining the food hall and movie theater in Tract 1 and the residential area in Tract 3. In addition, the DRI can support alternative transportation modes via its proximity to MARTA bus routes 8, 75 and 123. Many of these characteristics can collectively offer the potential for site residents to work and shop on site and to access nearby transit service, and for workers and visitors to park once or arrive via alternative transportation modes and conduct multiple trips on foot.

To capitalize on this potential, care should be taken to ensure that the development promotes an interconnected, functional, clearly marked and comfortable pedestrian experience on all streets, paths and parking areas. This is particularly important in terms of connections between each tract within the site, some of which are oriented very differently, for different user groups. Both Tract 2/Costco and the strip retail on the north side of Tract 1 are more automobile-oriented, and are separated by considerable distance and street crossings from the more pedestrian-oriented activity node in Tract 1, around the food

hall/movie theater plaza and residential area plaza. Tract 2/Costco is particularly disconnected from the rest of the development. There is no apparent pedestrian pathway or crosswalk connecting Costco, which is oriented toward its parking lot and N. Druid Hills Rd., to any other part of the DRI. Finally, while Tracts 1 and 3 adjoin each other on the south side of the site, it does not appear that there is a crosswalk or other pedestrian facility directly between the food hall/pedestrian plaza in Tract 1 and the residential area/pedestrian plaza in Tract 3. These areas should be more strongly connected across the north-south spine road, and pedestrians - including site residents - should not be expected to cross only at the intersection of the two spine roads to the north. The development team is also encouraged to ensure that end-of-trip facilities (bicycle racks, etc.) are provided for residents, workers and visitors at key locations throughout the site.

In addition to pedestrian connectivity within the site, this DRI offers an opportunity to enhance external connectivity as well. As mentioned above, MARTA bus routes 8, 75 and 123 serve the area around North DeKalb Mall. Routes 75 and 123 enter the mall property and perform a loop along Sweetbriar Rd., offering access to the north side of the site. Given that these two routes run generally north-south along Lawrenceville Hwy. and already deviate to serve the mall, MARTA and the development team should explore rerouting them through the core of the DRI along one of the new spine roads. This routing, combined with high-quality shelter facilities, would give the project much more direct transit access. Route 8 runs generally east-west along N. Druid Hills Rd. and does not enter the mall property, but improving pedestrian facilities between the DRI and the Route 8 stops on N. Druid Hills should be considered. This includes adding sidewalks along Mistletoe Rd. and/or Oak Tree Rd. Sidewalks on Mistletoe Rd. would be compelling, given that the intersection of Mistletoe and N. Druid Hills is already signaled with crosswalks, similar to Birch Rd. In addition to better connecting to MARTA Route 8, this would enhance pedestrian access for the residential areas on the north side of N. Druid Hills Rd. The development's design should be welcoming and pedestrian-friendly in the area where Mistletoe Rd. cuts through the Power Center buildings into Tract 1. The DRI could also connect to the area's recreation network by linking the site to the neighboring Clyde Shepherd Nature Preserve and, beyond that, the South Peachtree Creek Trail. ARC recognizes that many of these pedestrian and other improvements are on property that is not controlled by the Decatur Landing development team. They are documented, however, for continued planning and coordination purposes between the County, private property owners in the area, and other stakeholders.

Finally, one section of the North DeKalb Mall parking lot currently serves as a park-and-ride facility for Emory University's Cliff Shuttle. This arrangement has presumably worked well given the abundance of parking supply as tenants have left the mall over the years. While overall parking supply may decrease with a reactivated new development, the development team and Emory should collaborate to explore ways to retain an Emory park-and-ride facility in some form on the DRI site. These types of facilities are important parts of the regional transportation network. This specific facility's location at the nexus of several major regional commuter routes, along with the shuttle's service frequency, makes it a viable transit option for workers at Emory, CHOA and CDC - and a tool for mitigating automobile congestion along major roadways such as Scott Blvd. and N. Decatur Rd.

The project can further support The Atlanta Region's Plan in general by incorporating other aspects of regional policy, including green infrastructure and/or low-impact design, e.g., rain gardens, vegetated swales, etc., in parking areas and site driveways, and as part of any improvements to site frontages.

The intensity of this proposed project appears to generally align with the RDG's recommended range of densities and building heights for Maturing Neighborhoods. The land use mix appears to be generally consistent with the RDG, specifically in terms of promoting mixed-use in areas close to existing or planned transit. The RDG also recommends ensuring that new and infill development is compatible with existing neighborhoods. County leadership and staff, along with the development team, should therefore collaborate to ensure maximum sensitivity to nearby neighborhoods, land uses, structures and natural resources.

Additional ARC staff comments, related to water resources and transportation, are included in this report, along with comments received from contacted agencies and local governments during the review period.

Further to the above, Maturing Neighborhoods were primarily developed prior to 1970 and are typically adjacent to the Region Core and Regional Employment Corridors. These three areas, combined, represent a significant percentage of the region's jobs and population. General policy recommendations for Maturing Neighborhoods include:

- Improve safety and quality of transit options by providing alternatives for end-of-trip facilities (such as bicycle racks) and sidewalks and/or shelters adjacent to bus stops
- Identify and remedy incidents of "food deserts" within neighborhoods, particularly in traditionally underserved neighborhoods and schools
- Promote mixed use where locally appropriate, specifically in areas served by existing or planned transit
- Develop policies and establish design standards to ensure new and infill development is compatible with existing neighborhoods

Further to the above, Major Retail Districts are concentrations of retail and commercial uses outside of Regional Centers and Community Activity Centers. People travel here from various parts of the region for shopping, entertainment and other social opportunities. As opposed to the mix of uses in Regional Centers or Community Activity Centers, most Major Retail Districts consist primarily of only retail or commercial space. They are mostly surrounded by, and serve, residential areas. They were typically developed in a suburban, auto-oriented way, and as a result, they are challenged by limited multi-modal options, which can lead to problems with congestion. General policy recommendations applicable to Major Retail Districts include:

- Develop minimum and maximum parking requirements for new and infill development
- Encourage vertically and horizontally integrated mixed use developments that are locally appropriate
- Enhance mobility and accessibility for all by creation Complete Streets that accommodate all modes of transportation

THE FOLLOWING LOCAL GOVERNMENTS AND AGENCIES RECEIVED NOTICE OF THIS REVIEW:

ARC COMMUNITY DEVELOPMENT

ARC RESEARCH & ANALYTICS

GEORGIA DEPARTMENT OF NATURAL RESOURCES

METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY

CITY OF CLARKSTON

DEKALB COUNTY

ARC TRANSPORTATION ACCESS & MOBILITY

ARC AGING & INDEPENDENCE

GEORGIA DEPARTMENT OF TRANSPORTATION

CITY OF AVONDALE ESTATES

CITY OF DECATUR

TUCKER-NORTHLAKE COMMUNITY IMPROVEMENT DISTRICT

ARC NATURAL RESOURCES

GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS

GEORGIA REGIONAL TRANSPORTATION AUTHORITY

CITY OF BROOKHAVEN

CITY OF TUCKER

If you have any questions regarding this review, please contact Andrew Smith at (470) 378-1645 or asmith@atlantaregional.org. This finding will be published to the ARC review website located at <http://atlantaregional.org/plan-reviews>.

DECATUR LANDING DRI
DeKalb County
Natural Resources Group Review Comments
July 31, 2018

Watershed Protection and Stream Buffers


The proposed project is in the South Fork Peachtree Creek watershed, which drains into the Chattahoochee River below the water supply intakes in the Atlanta Region. Both the site plan and the USGS coverage for the project area show the South Fork of Peachtree Creek running to the southeast of the project property. The site plan shows both the 25-foot State Erosion and Sedimentation Control Act Buffer and the 75-foot DeKalb County Stream Buffer. A portion of the 75-foot buffer is shown inside the property on the southeast side of the parcel. Otherwise, the buffers do not extend onto the project property. No other mapped streams are shown on or near the property. Any unmapped streams on the property may be subject to the DeKalb County Stream Buffer Ordinance. Any waters of the state that may be on the property will also be subject to the State 25-foot erosion and sedimentation buffer requirements.

Stormwater / Water Quality

The proposed project will be on a property that is already almost entirely impervious. Nevertheless, the project should adequately address the impacts of the proposed development on stormwater runoff and downstream water quality. During construction, the project should conform to the relevant state and federal erosion and sedimentation control requirements. After construction, water quality will be impacted due to polluted stormwater runoff. The amount of pollutants that will be produced after construction of the proposed development are dependent on the type and intensity of the use and the impervious coverage, which will affect the design of stormwater controls for the project.

In order to address post-construction stormwater runoff quality, the project should implement stormwater management controls (structural and/or nonstructural) as found in the Georgia Stormwater Management Manual (www.georgiastormwater.com) and meet the stormwater management quantity and quality criteria outlined in the Manual. Where possible, the project should utilize the stormwater better site design concepts included in the Manual.

We also suggest the following additional measures to help reduce stormwater reduction and provide for its reuse:

- 
- Use green spaces and tree planting beds as stormwater controls. These can be designed to provide maximum aesthetic value while also providing for water quality treatment and run-off reduction, potentially reducing the need for larger stormwater facilities and helping to minimize the negative effects of stormwater runoff on streams and water quality.
 - Use pervious concrete or other pervious materials in the parking/storage areas. With the proper substrate, such materials can provide a large storage capacity, which will further help to reduce stormwater runoff and can help filter pollutants before reaching streams.
 - Include rainwater capture in the project design to provide for landscape irrigation during dry periods.

- YES (truck routes to serve destinations within the site are clearly delineated, provide ample space for queuing and turning around, and are separated from other users to the extent practical)
- PARTIAL (while one or more truck routes are also used by motorists and/or interface with primary walking and bicycling routes, the site plan mitigates the potential for conflict adequately)
- NO (one or more truck routes serving the site conflict directly with routes likely to be used heavily by pedestrians, bicyclists and/or motorists)
- NOT APPLICABLE (the nature of the development will not generate a wide variety of users and/or very low truck volumes, so the potential for conflict is negligible)

RECOMMENDATIONS

13. Do the transportation network recommendations outlined in the traffic study appear to be feasible from a constructability standpoint?

- UNKNOWN (additional study is necessary)
- YES (based on information made available through the review process; does not represent a thorough engineering / financial analysis)
- NO (see comments below)

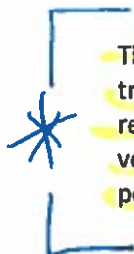
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14. Is ARC aware of any issues with the development proposal which may result in it being opposed by one or more local governments, agencies or stakeholder groups?

- NO (based on information shared with ARC staff prior to or during the review process; does not reflect the outcome of an extensive stakeholder engagement process)
- YES (see comments below)

Click here to enter text.

15. ARC offers the following additional comments for consideration by the development team and/or the applicable local government(s):

 The traffic analysis includes significant reductions in traffic impacts for mixed-use and alternative transportation modes; however, the site design includes a more than 80 percent increase over the required parking. This, coupled with the isolated parking and building separations, promotes a more vehicle-oriented development. The site should maximize the opportunity for creating a more pedestrian/bike-friendly development as well as take advantage of existing facilities.



NOTICE OF DECISION

To: Doug Hooker, ARC
(via electronic mail) Sonny Deriso, GRTA
Bob Voyles, GRTA

Dick Anderson, GRTA
Al Nash, GRTA

To: DeKalb County
(via electronic mail and certified mail) Chris Kapper, Sterling Organization

From: Christopher Tomlinson, GRTA Executive Director

Copy: Jon West, DCA
(via electronic mail) Andrew Smith, ARC
Jon Tuley, ARC
Annie Gillespie, GRTA
Emily Estes, GRTA
Parker Martin, GRTA
Renaud Marshall, GRTA
Paul DeNard, GDOT District 7
Larry Washington, DeKalb County
Patrece Keeter, DeKalb County
Sylvia Smith, DeKalb County
Greg Floyd, MARTA

John Walker, Kimley-Horn and Associates
Elizabeth Johnson, Kimley-Horn and Associates
Olivia Zuvanich, Kimley-Horn and Associates
Emily Flood, Kimley-Horn and Associates
Alex Brook, Smith
Erich Brann, Costco
Julie Miller, AEC, Inc.

Date: September 5, 2018

Re: DRI 2820 Decatur Landing


Notice of Decision for Request for Expedited Review of DRI 2820 Decatur Landing

The purpose of this notice is to inform Sterling Organization (the Applicant), DeKalb County (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 2820 Decatur Landing (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 on August 2, 2018. The review package includes: (1) the site development plan (Site Plan) dated July 18, 2018 titled "Decatur Landing" prepared by Kimley-Horn and Associates, received by GRTA on August 2, 2018, and (2) the transportation analysis dated July 2018 prepared by Kimley-Horn and Associates, received by GRTA on July 30, 2018.

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 November 14, 2018 meeting.

DocuSigned by


5409E9A66C48478

Christopher Tomlinson
Executive Director
Georgia Regional Transportation Authority

Attachment A – General Conditions

General Conditions of Approval to GRTA Notice of Decision:

- Provide sidewalks along the property frontage along Lawrenceville Highway
- Provide sidewalks on both sides the east-west shopping center roadway
- Provide sidewalks on at least one side of Sweetbriar Road
- Provide pedestrian crosswalks along all driveways on Sweetbriar Road
- Provide a pedestrian crosswalk across Sweetbriar Road at the stairwell to Tract 2
- Provide direct pedestrian connections between all uses
- Provide a bus shelter along Sweetbriar Road, as coordinated and approved by MARTA

Roadway Improvement Conditions to GRTA Notice of Decision:

- Intersection 8: North Druid Hills Road at Oak Tree Road
 - Northbound: Restrict existing driveway to restrict left-turns out
- Intersection 10: Lawrenceville Highway (US 29/SR 8) at Shopping Center
 - Eastbound: Restrict existing driveway to restrict left-turns out

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 “Proposed Conditions of Approval to GRTA Notice of Decision” set forth in Attachment A are provided.
- 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 8: North Druid Hills Road at Oak Tree Road
 - Northbound: Restrict existing driveway to restrict left-turns out
- Intersection 10: Lawrenceville Highway (US 29/SR 8) at Shopping Center
 - Eastbound: Restrict existing driveway to restrict left-turns out

Section 2:

None.



Transportation Analysis

Decatur Landing

DRI #2820

Dekalb County, Georgia

Report Prepared:

July 2018

Prepared for:

Sterling Organization, LLC

Prepared by:

Kimley»»Horn

Kimley-Horn and Associates, Inc.
11720 Amber Park Drive, Suite 600
Alpharetta, Georgia 30009
017403001



EXECUTIVE SUMMARY

This report presents the analysis of the anticipated traffic impacts of the proposed *Decatur Landing* development located in DeKalb County, Georgia. The approximate 78-acre site is located in the southwest quadrant of the intersection of North Druid Hills Road and Lawrenceville Highway at the site of the North DeKalb Mall. The proposed development will be mixed-use and will include retail, restaurant, office, residential, movie theatre, and hotel space.

The project is a Development of Regional Impact (DRI) and is subject to Georgia Regional Transportation Authority (GRTA) and Atlanta Regional Commission (ARC) review due to the project size exceeding 500,000 SF of mixed-use development in a Maturing Neighborhood area per the Atlanta Region's Plan *Unified Growth Policy Map*. The DRI trigger for this development is the submittal of the Rezoning Application with DeKalb County on May 3, 2018. The DRI was formally triggered with the filing of the Initial DRI Information (Form 1) on May 24, 2018 by DeKalb County.

The present zoning classification of the project is C-1 (Local Commercial) according to the *DeKalb County Zoning Map*. The proposed zoning of the project site is MU-4 (Mixed Use High Density). The proposed project is expected to be completed by 2021 (approximately 3 years), and this analysis will consider the full build-out of the proposed site in 2021.

The proposed development will consist of the following land uses and densities:

Retail:	300,001 SF
Restaurant:	59,720 SF
Office:	52,200 SF
Residential:	360 multi-family units 45 multi-family townhome units
Movie Theatre:	48,000 SF
Hotel:	150 rooms

It should be noted that the site currently consists of the North DeKalb Mall. The 622,297 SF mall is partially vacant.

The DRI analysis includes an estimation of the overall vehicle trips projected to be generated by the development, also known as gross trips. Reductions to gross trips are also considered in the analysis, including mixed-use reductions, alternative transportation mode reductions, and pass-by reductions.

Mixed-use reductions occur when a site has a combination of different land uses that interact with one another. For example, people living in a residential development may walk to the restaurants and retail instead of driving off-site or to the site. This reduces the number of vehicle trips that will be made on the roadway, thus reducing traffic congestion. These types of interactions are expected at the *Decatur Landing* development – including residents walking to the restaurant and retail land uses.

Alternative modes reductions are taken when a site can be accessed by modes other than vehicles (walking, bicycling, transit, etc.). As the *Decatur Landing* development is located in a maturing neighborhood with access to transit (the project site is adjacent to MARTA Bus Route #8, #75, and #123), a 10% alternative mode reduction was taken. This reduction is consistent with GRTA's Letter of Understanding.

Pass-by reductions are taken for a site when traffic normally traveling along a roadway may choose to visit a retail or restaurant establishment that is along the vehicle's path. These trips were already on the road and would therefore only be new trips on the driveways. The retail and restaurant establishments proposed for the project are expected to generate pass-by trips.

Capacity analyses were performed throughout the study network for the Existing 2018 conditions, the Projected 2021 No-Build conditions, and the Projected 2021 Build conditions.

- Existing 2018 conditions represent traffic volumes that were collected in November 2017 and May 2018 by performing AM and PM peak hour turning movement counts at all study intersections.
- Projected 2021 No-Build conditions represent the existing traffic volumes grown for three (3) years at 1.5 percent per year throughout the study network, plus the addition of the estimated project trips generated by the *Decatur Crossing DRI #2558*.
- Projected 2021 Build conditions represent the Projected 2021 No-Build conditions with the addition of the project trips that are anticipated to be generated by the *Decatur Landing* development.
- Projected 2021 Build Alternative conditions represent the Projected 2021 Build conditions with the conversion of the intersections of North Druid Hills Road at Oak Tree Road and Lawrenceville Highway (US 29/SR 8) at Shopping Center to restrict left-turns out (Restricted Crossing U-Turn or RCUT).

Based on the **Existing 2018** conditions (*present conditions; i.e. excludes both the background traffic growth and the estimated project trips from the Decatur Landing DRI*), the intersection of Lawrenceville Highway (US 29/SR 8) at North Druid Hills Road (Intersection 1) is projected to operate below the acceptable level-of-service (LOS) standard of D during the PM peak hour. Based on methodology outlined in the GRTA Letter of Understanding (LOU), the standard LOS for this intersection is LOS E during the PM peak hour. The remaining study intersections operate at or above their acceptable level-of-service standard of D.

Based on the **Projected 2021 No-Build** conditions (*includes background traffic growth and the estimated project trips from the Decatur Crossing DRI #2558*), the intersection of Lawrenceville Highway (US 29/SR 8) at North Druid Hills Road (Intersection 1) is projected to operate below the acceptable level-of-service (LOS) standard of D during the AM peak hour. The following improvement results in the intersection operating at or above an acceptable LOS standard:

- Lawrenceville Highway (US 29/SR 8) at North Druid Hills Road (Intersection 1)
 - Construct one (1) westbound exclusive right-turn lane.

Based on the **Projected 2021 Build** conditions (*includes background traffic growth and the estimated project trips from the Decatur Crossing DRI #2558*), following the implementation of the improvement associated with the **Projected 2021 No-Build Improved** conditions all intersections operate at or above their acceptable overall LOS standard during the AM and/or PM peak hour.

Based on the **Projected 2021 Build Alternative** conditions (includes both the background traffic growth and the estimated project trips from the *Decatur Landing DRI*, and assumes a Restricted Crossing U-Turn (RCUT) intersection at the intersection of North Druid Hills Road at Oak Tree Road (Intersection 8) and also at the intersection of Lawrenceville Highway (US 29/SR 8) at Shopping Center (Intersection 10)). All driveways are projected to operate at or above their acceptable overall LOS standards during the AM and/or PM peak hours.

For the **Projected 2021 Build Alternative** conditions, Intersection 8 and Intersection 10 were analyzed as right-out only intersections. The proposed intersection geometry consists of the following changes:

- Intersection 8: North Druid Hills Road at Oak Tree Road
 - Restrict northbound approach of Oak Tree Road to be right-out only.
- Intersection 10: Lawrenceville Highway (US 29/SR 8) at Shopping Center
 - Restrict existing driveway (eastbound approach) to be right-out only.

6.2 Projected 2021 No-Build Conditions

To account for growth in the vicinity of the proposed development, the existing traffic volumes were increased for three (3) years at 1.5 percent per year throughout the study network. Additionally, estimated project trips from *Decatur Crossing #2558* were included. These volumes were entered into *Synchro 9.0*, and capacity analyses were performed. The Projected 2021 No-Build conditions were analyzed using existing roadway geometry and existing intersection control types.

The intersection laneage and traffic volumes for the Projected 2021 No-Build conditions are shown in **Figure 9**. The results of the capacity analyses for the Projected 2021 No-Build are shown in **Table 8**. Detailed *Synchro* analysis reports are available upon request.

Intersection	Control	Approach/ Movement	LOS Std.	AM Peak Hour	PM Peak Hour
1. Lawrenceville Highway (US 29/SR 8) at North Druid Hills Road	Signal	Overall	D/E	E (55.8)	E (60.9)
2. North Druid Hills Road at Stone Mountain Freeway (SR 410) EB Ramp/Concord Drive	Signal	Overall	D	C (23.5)	C (22.8)
3. North Druid Hills Road at Stone Mountain Freeway (SR 410) WB Ramp	Stop Control	SB	D/E	D (27.6)	F (75.8)*
4. Scott Boulevard (US 29/SR 8) at DeKalb Industrial Way	Signal	Overall	D	B (12.3)	C (22.0)
5. Scott Boulevard (US 29/SR 8) at Church Street	Signal	Overall	D	C (23.0)	C (31.8)
6. North Druid Hills Road at Willivee Drive	Signal	Overall	D	B (14.9)	B (17.9)
7. North Druid Hills Road at Mistletoe Road	Signal	Overall	D	A (7.1)	D (35.6)
8. North Druid Hills Road at Oak Tree Road	Stop Control	NB	E/D	F (70.0)*	C (15.1)
		WBL	D	A (9.8)	B (12.8)
9. North Druid Hills Road at Birch Road	Signal	Overall	D	A (3.0)	A (7.4)
10. North Druid Hills Road at Shopping Center	Stop Control	NBL	D	B (11.7)	A (9.6)
		EB	D/E	C (21.3)	F (65.6)*
11. Lawrenceville Highway (US 29/SR 8) at Orion Drive	Signal	Overall	D	D (51.4)	D (36.5)

*Note: It is not uncommon for vehicles at a side-street stop approach to experience significant delay when turning onto a major roadway.

As shown in **Table 8**, one (1) signalized study intersection is projected to operate below the acceptable LOS standard during the AM and/or PM peak hour for the Projected 2021 No-Build conditions.

Based on the Projected 2021 No-Build conditions, the following improvements result in the following intersection operating at an acceptable or improved LOS:

Lawrenceville Highway (US 29/SR 8) at North Druid Hills Road (Intersection 1)

- Construct one (1) westbound exclusive right-turn lane.

The results of the capacity analysis for the Projected 2021 No-Build Improved conditions are shown in **Table 9**. Detailed *Synchro* analysis reports are available upon request.

Table 9: Projected 2021 No-Build Improved Level-of-Service Summary <i>LOS (delay in seconds)</i>					
Intersection	Control	Approach/ Movement	LOS Std.	AM Peak Hour	PM Peak Hour
1. Lawrenceville Highway (US 29/SR 8) at North Druid Hills Road	Signal	Overall	D/E	D (49.4)	E (55.2)

As shown in **Table 9**, the improved intersection is projected to operate at an acceptable LOS under the Projected 2021 No-Build Improved conditions.

6.3 Projected 2021 Build Conditions

The traffic associated with the proposed *Decatur Landing* development was added to the Projected 2021 No-Build volumes. These volumes were then entered into *Synchro 9.0*, and capacity analyses were performed. The Projected 2021 Build conditions were analyzed using the existing roadway geometry, existing intersection control types, and proposed site driveways as shown in the DRI site plan.

The intersection laneage and traffic volumes used for the Projected 2021 Build conditions are shown in **Figure 10**. The results of the capacity analyses for the Projected 2021 Build conditions are shown in **Table 10**. Detailed *Synchro* analysis reports are available upon request.

Table 10: Projected 2021 Build Level-of-Service Summary LOS (delay in seconds)					
Intersection	Control	Approach/ Movement	LOS Std.	AM Peak Hour	PM Peak Hour
1. Lawrenceville Highway (US 29/SR 8) at North Druid Hills Road	Signal	Overall	D/E	E (59.9)	E (68.2)
2. North Druid Hills Road at Stone Mountain Freeway (SR 410) EB Ramp/Concord Drive	Signal	Overall	D	C D (36.5)	C (23.1)
3. North Druid Hills Road at Stone Mountain Freeway (SR 410) WB Ramp	Stop Control	SB	D/E	D (32.3)	F (101.6)*
4. Scott Boulevard (US 29/SR 8) at DeKalb Industrial Way	Signal	Overall	D	B (12.6)	C (23.2)
5. Scott Boulevard (US 29/SR 8) at Church Street	Signal	Overall	D	C (23.7)	C (34.4)
6. North Druid Hills Road at Willivee Drive	Signal	Overall	D	B (15.5)	B (18.5)
7. North Druid Hills Road at Mistletoe Road	Signal	Overall	D	A (9.0)	D (42.1)
8. North Druid Hills Road at Oak Tree Road	Stop Control	NB	E/D	F (88.2)*	E (46.6)*
		WBL	D	A (9.9)	B (13.1)
9. North Druid Hills Road at Birch Road	Signal	Overall	D	A (4.0)	A (8.0)
10. Lawrenceville Highway (US 29/SR 8) at Shopping Center	Stop Control	NBL	D	B (11.8)	A (9.6)
		EB	D/E	F (183.2)*	F (170.8)*
11. Lawrenceville Highway (US 29/SR 8) at Orion Drive	Signal	Overall	D	D (51.6)	D (42.6)

*Note: It is not uncommon for vehicles at a side-street stop approach to experience significant delay when turning onto a major roadway.

As shown in **Table 10**, one (1) study intersection is projected to operate below the acceptable LOS standard during the AM and/or PM peak hour for the Projected 2021 Build conditions.

Based on the Projected 2021 Build conditions, the following improvements result in the following intersection operating at an acceptable or improved LOS:

Lawrenceville Highway (US 29/SR 8) at North Druid Hills Road (Intersection #1)

- Construct one (1) westbound exclusive right-turn lane.

The results of the capacity analysis for the Projected 2021 Build Improved conditions are shown in Table 11. Detailed *Synchro* analysis reports are available upon request.

Table 11: Projected 2021 Build Improved Level-of-Service Summary <i>LOS (delay in seconds)</i>					
Intersection	Control	Approach/ Movement	LOS Std.	AM Peak Hour	PM Peak Hour
1. Lawrenceville Highway (US 29/SR 8) at North Druid Hills Road	Signal	Overall	D/E	D (52.8)	E (65.5)

As shown in Table 11, the improved intersection is projected to operate at an acceptable LOS under the Projected 2021 Build Improved conditions.



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 Dec 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

LCI-SVAP NDM JV, LP

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

COMMUNITY MEETING

NAME	ADDRESS	E-MAIL/PHONE NUMBER
Gus Brathwaite	8106 Jefferson Square Ct	abrathwa@hotmail.com
Cobi Shafe	948 Scott Circle	cshafe33@gmail.com
Lori Laliberte	1503 Tuxworth Cir. Decatur	lorilcareyer@gmail.com
Pete Grivas	2406 Laurel Ridge Dr. 30037	peteg910@gmail.com
VICTORIA WEBB	30002	vic@EVILDREAMS.COM
ERIK POOLE	2906 BOLANZA DR. DECATUR GA 30033	erik.poole@ihq.com
DENNIS YARMAN	1893 BRIAN WAY 30033	cobragolfer1@bellsouth.net
Jenny Vitti	777 Jordan Lane #3 Decatur 30033	jenny.vitti@gmail.com

LCI-SVAP NDM JV, LP

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

COMMUNITY MEETING

NAME	ADDRESS	E-MAIL/PHONE NUMBER
Dr. CAROLYN TYLEDA	1868 Berkeley Mews NE Atlanta, GA 30329-3361	catylenda@bellsouth.net H 404-321-2122
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	wmartinjrf@gmail.com
William Haston	2995 Westbury Drive Decatur, GA 30033	haston.william@gmail.com
Thomas J. Mizell, M.D.	3518 N. Druid Hills Rd. Decatur, GA 30033	docnaboy8000@aol.com
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.
COMMUNITY MEETING

NAME	ADDRESS	E-MAIL/PHONE NUMBER
Md Khan	2386 Lawrenceville Hwy. Unit - A Decatur 30033	mnak99@gmail.com
Elaine Murray	2390 Lawrenceville Hwy B Decatur, Ga	404-985-8805
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
STEVE LANGDON	566 N. SUPERIOR AVE DECATUR, GA 30033	slangdon @ barnsleyconsulting.com 404-273-2271
Belinda Dubose	3198 Misty Creek Dr. Decatur, GA 30033	bdubose@dekalbcountyga.gov
ROOSEVELT GILBERT	2650 LAWRENCEVILLE HWY DECATUR GA 30033	RGILB99763@AOL.COM
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@ eb hotmail.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

LCI-SVAP NDM JV, LP

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

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Sharon Duncan	2249 Vistamont Dr Decatur 30033	sdcarroway@yahoo.com
Leigh Hopkins	2576 Woodridge Dr. Decatur 30033	hopkins.leighann@gmail.com
DHANESH BHINDI	1070 OAK TREE ROAD DECATUR 30033	714-342-5585 dbhindi@bhindi.com
DHRUV ROLE	1070 OAK TREE ROAD DECATUR 30033	404-944-5387 dhruv@bhindi.com
LEN STUDLEY	926 HOMEWOOD CT DEC. 30033	LFSTUDLEY@GMAIL.COM
MALIK CHRANYA	2900 L'VILLE HWY DEC, GA. 30033	MALIK4000@GMAIL.COM

LCI-SVAP NDM JV, LP

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

NAME	ADDRESS	E-MAIL/PHONE NUMBER
Cassidy Almond	1162 Larch Lane Decatur GA 30033	almond1162@gmail.com (404) 436-3452
Ellen Wan	2955 Fantasy Ln Decatur GA 30033	ellen.y.wan@gmail.com
JOHN & BARBARA SCOTT	2935 FANTASY LANE DECATUR, GA 30033	SCOTTY.N.BARB@COMCAST.NET
Donna Troka	2905 Country Square Lane Decatur, GA 30033	dtroka@emory.edu
Kelly Jordan	420 Oakdale Rd Ath GA 30307	kellyjordan@earthlink.net
Shawn D Ford	3701 N Druid Hills Rd 30033	Shawn.d.ford@gmail.com
Meredith Elkin	1581 Moncrief Circle Decatur 30033	Mer.elkin@yahoo.com
Stefan		Stefan.nexus@gmail.com

Morgan Olsen

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Decatur, GA 30033

morganosbourne@gmail.com

LCI-SVAP NDM JV, LP

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

NAME	ADDRESS	E-MAIL/PHONE NUMBER
Beryl V. Bergquist	PO Box 787 Decatur GA 30031	visas4usa@yahoo.com
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Eli Zandma	1475 Alderbrook Rd. 30395	5 not 5 EZfly55@aol.com
Seth Taylor	1135 Grainwood Pl 30033	taylseth@gmail.com
Tom Holmes	6810 Stringer Lane 30742	tc_holmes@bellsouth.net
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 @ COMPAST.NET

LCI-SVAP NDM JV, LP

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

NAME	ADDRESS	E-MAIL/PHONE NUMBER
Terry Mock	2852 Laurelridge Dr. 30033	tmock55@yahoo.com
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Jessica Hood	2475 Woodridge Dr Decatur, GA 30033	JessicaLynnHood@gmail.com
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	jorba@bellsouth.net

LCI-SVAP NDM JV, LP

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

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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Larry & Linda Connelly	1447 ALTAMONT DR. Decatur, GA 30033	lconnelly68@yahoo.com 4connis@bellsouth.net
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

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

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Chris Beck Chris Beck of High Street	2240 Vistament Dr	chrisbeck20508@gmail.com
Pat DeStefano	1127 Druid Lake	patnhermie@aol.com

RON NEWHAM
ROZ DEWART

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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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C'dette Walsh	3086 Hollywood Dr. Decatur 30033	walsh.ccf@gmail.com
Theresia Snelling	²⁸⁵⁹ Jordan Oaks Lane Decatur, GA 30033	TMSnelling@AOL.com
Brad Bohacs	1118 N. Druid Hills Circle	Brad.Bohacs@yahoo.com
Erik Spalvik	2781 Orion Dr. 30033	Erikattanta@gmail.com
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

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

COMMUNITY MEETING

NAME	ADDRESS	E-MAIL/PHONE NUMBER
Lisa George	WABE 740 Bismark Rd #11 30324	lgeorge@wabe.org 1078-686-3260
Onon Webb	2447 N. Decatur Rd 30033	nicoleandorion@gmail.com
NASIR M Amrani	N. DECALB MAY A-12 2050 Lawrenceville GA 2050 Lawrenceville GA	NASIR86@gmail.com
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Sarah Page	2981 Westbury Dr Decatur 30033	sarahjonespage@gmail.com
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

LCI-SVAP NDM JV, LP

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

COMMUNITY MEETING

NAME	ADDRESS	E-MAIL/PHONE NUMBER
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Kimberly Cleveland	3096 Valley Circle Decatur 30033	kcleveland@gsu.edu
Jessica Whyte	725 Crandall Cr Decatur GA 30033	jessica.whyte@rocketmail.com 404-964-6733
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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JOANNE BREAGH

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RICHARD WOLCOTT

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MAXHBROWN @ BELLSOUTH.NET

LAUREL RIDGE

CATHY GLOVER @ BELLSOUTH.NET 2762 Laurel Ridge
Dec 30033

Laurel Ridge

LYNN ZORN

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NANCY HUTTON

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DECATUR

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Stephen Faulkner 2535 Harrington Dr., Decatur, GA 30033 sdfaulkner@comcast.net
DARLEEN JARMAN 2523 PINEVIEW DR, DECATUR 30030 jarmand@usa.net
Beverly Moore 4624 Craghill Cir Stone Mtn, 30083 moore_f@att.net
Charles Ritchea 1028 Latham Rd. 30033 novaterata@gmail.com
ERIC GRONBERG erics.junk@comcast.net

DAVID YOKE

DEKALB County School District
Planning Dept

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~~medlock~~
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EC Duncan@gmail.com

Janice Henck (retired DeKalb Planning)
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Kathy Smith

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Paul + Barbara Friederich pbcommon@gmail.com

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Stephanie Hobbs

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Marge: Alex Carter

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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,



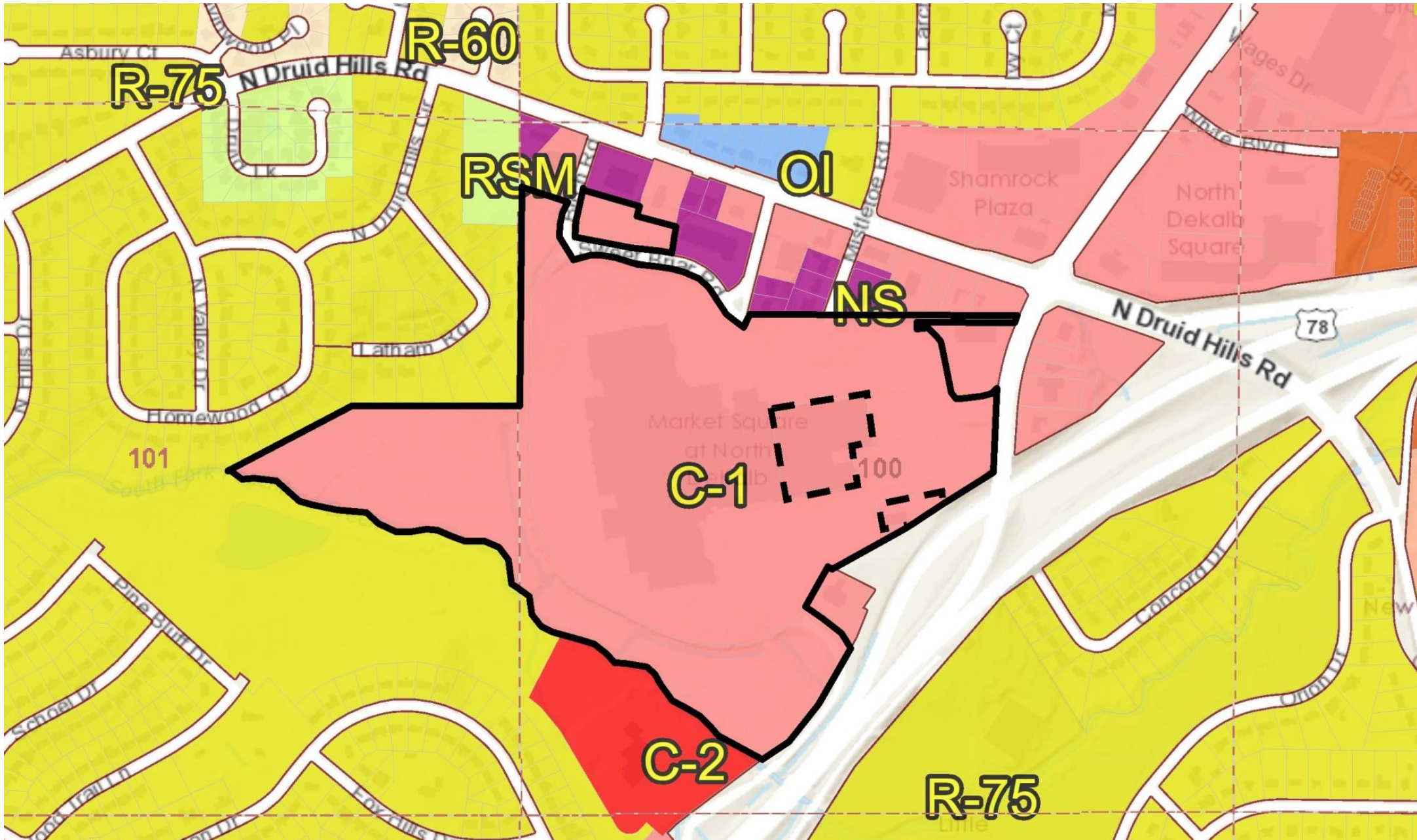
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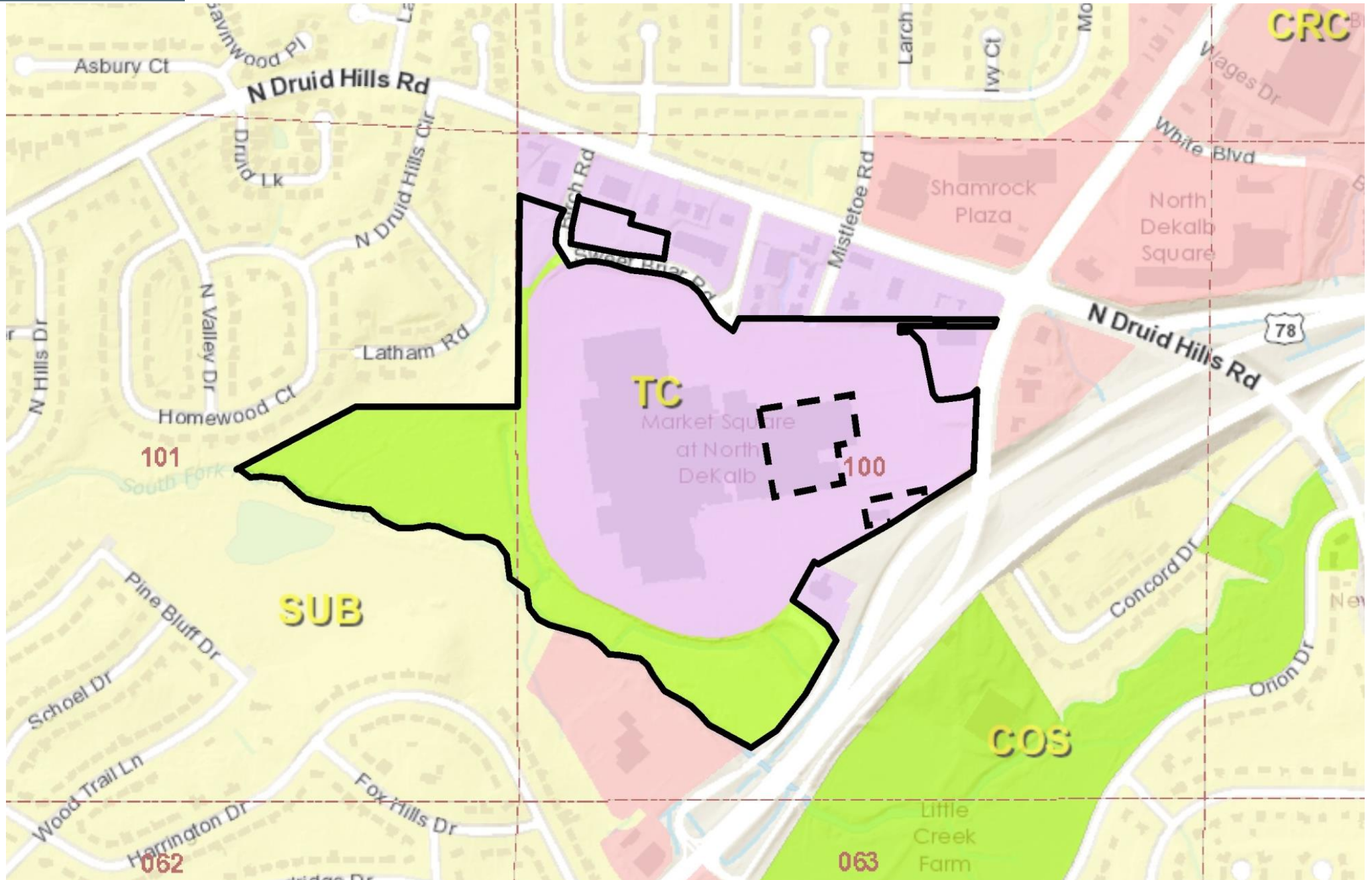
N. 1 Z-18-22310
N. 2 SLUP-18-22311

Zoning Map



N. 1 Z-18-22310
N. 2 SLUP-18-22311

Land Use Map



N. 1 Z-18-22310
N. 2 SLUP-18-22311

Aerial Photo



N. 1 Z-18-22310
N. 2 SLUP-18-22311

Site Photos



View from Lawrenceville
Highway entrance, looking
northwest.



View from Lawrenceville
Highway entrance, looking
southwest.