



DeKalb County Department of Planning & Sustainability

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

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

STAFF ANALYSIS

Case No.: Z-18-22310 **Agenda #:** N. 2

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. The property is located on the west side of Lawrenceville Highway, approximately 92 feet south of the southwest corner of Lawrenceville Highway and North Druid Hills Road, at 2144, 2054, 2050, and 2038 Lawrenceville Highway, 1086 Birch Road, and 2692 Sweet Briar Road, Decatur.

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

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

Acreage: 78.09 acres

Existing Land Use: The North DeKalb Mall

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

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

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

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

Companion Application

The applicant has filed a companion application (SLUP -18-22311) for Costco fuel pumps as part of the redevelopment of the mall into a mixed retail, multifamily residential, hotel, and office development.

Development of Regional Impact

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

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

Zoning History

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

PROJECT ANALYSIS

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

Because the site of the mall is approximately 20 feet lower in grade than Lawrenceville Highway and is located behind the commercial uses that front on North Druid Hills Road, the buildings of the mall currently cannot be seen from either street, and the mall relies on signs for visibility. The floodplain of the South Fork Peachtree Creek is located along the southwest and south borders of the property. The applicant has stated that there is an opportunity for a connection at the southern property line for a connection to the PATH trail along South Fork Peachtree Creek.

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

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

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

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

LAND USE AND ZONING ANALYSIS

Section 27-832 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.” Although a regional mall is conceived to be a destination that most customers reach by automobile, the land uses within the mall can be connected by a system of sidewalks and street crossings with street trees that provide shade to encourage the use of the sidewalks. The cluster of land uses at the southeastern corner of the site around what appears to be a plaza appears to be consistent with Policy No. 17: “Design shall be pedestrian-oriented with walkable connections between different uses.” Pedestrian connections throughout the development need to be improved in order for the overall development to be considered pedestrian-oriented. The site plan does not depict enough detail to determine whether the development will include traffic calming features.

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 expands upon the character of the existing mall, which has established itself as an important part of the commercial node at North Druid Hills Road and Lawrenceville Highway. Adjacent and nearby commercial properties at this node support the mall as a regional shopping and entertainment destination and are, in turn, supported by the mall.

C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

The property has reasonable economic use as currently zoned; however, 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.

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:

There has been no indication that the zoning proposal will overburden surrounding street, utilities, or schools.

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.

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 |

| MU-4 STANDARD | REQUIRED/ALLOWED | PROVIDED/PROPOSED | COMPLIANCE |
|---|---|---|---|
| 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 | | |
| TRANS'L HEIGHT PLANE | Applicable to proposed Costco Building | Information not provided | Info. not provided |
| PARKING Retail – Min. 1/500 sf.; 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. = min. 675 spaces; max. 1,350 spaces Attached s-f townhomes – Min. 1.75/d.u.; Max. 3.25/d.u. = min. 1 spaces; max. 1,777 spaces Bicycle parking: 1 space/20 vehicular parking spaces = 98 spaces | Total non-residential required/allowed: Min. 1,021 spaces Max. 2,341 spaces | Total non-residential spaces: 1,964 Residential spaces : information not provided Bicycle parking: Information not provided | Yes Info. 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 | Shown along sidewalks except | |
| 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. |

STAFF RECOMMENDATION:

The applicant has requested a deferral to allow for review of the application by the Atlanta Regional Commission as a Development of Regional Impact. The Department of Planning and Sustainability agrees with the request and recommends “Full Cycle Deferral”.

Attachments:

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

NEXT STEPS

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



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

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

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
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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
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| 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)

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|--|-------------------------------------|-------------------------------------|-------------------------------------|---|
| 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"/> | |

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

| 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"/> | |
| H. The zoning proposal adversely impacts the environment or surrounding natural resources. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Transportation Planning Analysis (Based on the DeKalb County 2014 Comprehensive Transportation Plan) | | | | |
| Policies | Compliant with the CTP | | | Additional comments that justify staff recommendation |
| | Yes | No | N/A | |
| Functional Classification for the project site: <input type="checkbox"/> Freeway <input checked="" type="checkbox"/> Major Arterial <input type="checkbox"/> Minor Arterial <input type="checkbox"/> Collector <input type="checkbox"/> Local | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Freight <input checked="" type="checkbox"/> Located on a truck or sanitation route <input type="checkbox"/> Proximity of Landfill or Transfer Station <input checked="" type="checkbox"/> Located on a state route <input type="checkbox"/> Located in proximity of rail lines and / or crossings | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Access Management | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Complete Streets Policy County / Developer will consider installing bicycle and / or pedestrian facilities, and Transit facilities. | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | |
| Design: The following street design guidelines and best practices are listed on page 16 in the Appendix document of the CTP. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Application: See page 16 in the Appendix document of the CTP | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Exemptions: <input type="checkbox"/> Roadway corridor legally prohibits specific users (e.g. bicyclists and pedestrians on interstate) <input type="checkbox"/> Cost of providing bicycle or pedestrian facilities is excessively disproportionate to the need or probable use <input type="checkbox"/> Absence of current and future need is documented <input type="checkbox"/> Roadways not owned or operated by DeKalb County. | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Performance Measures. Success of complete streets include: <input type="checkbox"/> Miles of new on-street bicycle routes <input type="checkbox"/> Miles of new or reconstructed sidewalks <input type="checkbox"/> Percentage completion of bicycle and pedestrian networks as envisioned by the latest DeKalb County Comprehensive Transportation Plan <input type="checkbox"/> Increase in pedestrian and bicycle volumes along key corridors | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Human Services Transportation | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | |
| Bicycle and Pedestrian Level of Service Goals and Connectivity <input checked="" type="checkbox"/> LOS B (within an activity center) <input type="checkbox"/> LOS C (not within an activity center) <input type="checkbox"/> Existing PATH Trail | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| Priority Bicycle Network <input type="checkbox"/> First Tier Priority Network <input checked="" type="checkbox"/> Second Tier Priority Network <input type="checkbox"/> Existing PATH <input checked="" type="checkbox"/> Future PATH | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | A trail path is recommended along the Multi-Family parcel. |

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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"/> | |
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| Policies | Compliant with the CTP | | | Additional comments that justify staff recommendation |
| | Yes | No | N/A | |
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DeKalb County Long Range Planning Division
Supplemental Land Use Report *(for developments proposed in Activity Centers)*

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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

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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"/> | |
|---|-------------------------------------|--------------------------|--------------------------|--|
| Bus Routes <input checked="" type="checkbox"/> Project is on a bus route <input checked="" type="checkbox"/> Project is near a bus route <input type="checkbox"/> Project is not close to a bus route | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
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Furman, Melora L.

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

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

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

N3. See N2.

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

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

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

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

N7. See N6.

N8. No Comment.

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

N10. No comments.



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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

COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

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

Adjacent Roadway (s):

(classification) (classification)

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

Please provide additional information relating to the following statement.

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

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

COMMENTS:

| |
|--|
| Plan and Field reviewed, no problem that would interfere with traffic flow |
| |
| |
| |
| |

Signature: Jerry White



DEKALB COUNTY GOVERNMENT
PLANNING DEPARTMENT
DISTRIBUTION FORM

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

COMMENTS FORM:
PUBLIC WORKS WATER AND SEWER

Case No.: Z-18-22310

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

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

WATER:

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

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

SEWER:

Outfall Servicing Project: South Fork Peachtree Creek Basin

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

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

Sewage Capacity; * (MGPD)

Current Flow: 122 (MGPD)

COMMENTS:

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

FKL

Signature: _____

**DeKalb County School District
Zoning Review Comments**

Analysis Date: 6/11/2018

Submitted to: Dekalb County **Case #:** Z-18-22310
Name of Development: Decatur Landing **Parcel #:**
Location: Current North DeKalb Mall
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: SE 12 2018

Check One: Owner _____ Agent



330 West Ponce de Leon Avenue - Suites 100-500 - Decatur, Georgia - 30030
Voice: 404-670-0851 | 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 Druid 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 | Willow 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 | 3002 | 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 | whmartinjra@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 | TENEVER @ GMAIL.COM 404-634-7689 |
| Chequetta Allen | 2411 Lawrenceville Hwy #8 Decatur, GA 30033 | chequetta@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@bhotmail.com Rick rbrownlo@hotmail.com |
| Ken Lancette | 1807 Bedfordshire Dr. 30033 kelancette@gmail.com | ↑ total support work in water + planning (both worked @ AEC) + call or email - happy to help in neighborhood. |
| MISTY HAXTON | 3133 Hollywood Drive | misty.haxton@yahoo.com 404-808-7122 |
| Butch + Penny Knump | 2617 Woodridge Dr. | bpknump@gmail.com |
| Amy Langley | 3088 Dove Way | gdajlhyg@gmail.com |
| Jen Ed May | 680 Wendan Dr. | Jenn30033@yahoo.com |
| ER. BARB COCK | DECATUR | bbherb@mindspring.com |

LCI-SVAP NDM JV, LP

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

| NAME | ADDRESS | E-MAIL/PHONE NUMBER |
|----------------|--|------------------------------------|
| Bansam, Beital | 970 Homewood Ct | bendnd1577c@gmail.com |
| Lindsay Wolf | 2310 Vistamont DR | Lindsay.K.Wolf@gmail.com |
| Misty Hicks | 2461 Tanglewood Rd Decatur GA 30033 | Misty.hicks06@gmail.com |
| 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

1020 Latham Rd
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 |
| Benjill Cubas | | benicubas@gmail.com |
| Eli Zandman | 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 @ COMP.AST.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 |
| George Eckard | 1120 Williver Dr Decatur GA 30033 | George_eckard@hotmail.com |
| Charlie Worthen | 4799 Northside Drive Atlanta, GA 30327 | cworthen@halpernent.com (Shamrod Plaza) |
| 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 | lorba@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 Divil Valley | GAIL2160@gmail.com |
| Mackay & Nancy Asbury | 2924 Country Squire Ln Decatur 30033 | emasbury53@gmail.com |
| Todd Anderson | 1154 March Lane Decatur, 30033 | jtordanderson@hotmail.com |
| Tanya & Toby Tobias | 916 Valley Brook Rd Decatur, GA 30033 | ++313@att.net |
| Larry & Linda Connelly | 1447 ALTAMONT DR. Decatur, GA 30033 | 4connis@bellsouth.net. LConnelly68@yahoo.com |
| 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

| NAME | ADDRESS | E-MAIL/PHONE NUMBER |
|--|--------------------------|---------------------------|
| HELENA PACHON | 1184 DRUID WALK | HELENA.PACHON@HOTMAIL.COM |
| RITA TRAXLER | 2507 ASBURY CT | rmttrax@gmail.com |
| KAREN WELLS | 769 MEDLOCK RD | karenwells510@gmail.com |
| PAUL KNOWLTON | 2900 COUNTRY SQUARE WNE | paul.e.knowlton@gmail.com |
| Kim Reimann | 2924 Harcourt Drive | kim_reimann@yahoo.com |
| BILL WITHERSPOON | 2897 COUNTRY SQUIRE LANE | billspoon1@gmail.com |
| 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

2889 MOUNT OLIVE DRIVE
2504 Pineview Dr.

RON.NEWHAM@GMAIL.COM
rdewart@mindspring.com

LCI-SVAP NDM JV, LP

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

| NAME | ADDRESS | E-MAIL/PHONE NUMBER |
|-------------------|---|-----------------------------|
| Monica Morgan | 2739 Harrington Dr. | Monica.morgan180@gmail.com |
| James Lewis | 3086 Hollywood Dr. Decatur 30033 | james@jameslewislegal.com |
| 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 Atl 30324 | lgeorge@wabe.org 1078-686-3260 |
| Onon Webb | 2447 N. Decatur Rd 30033 | nicoleandorion@gmail.com |
| NASIR M Amrani | N. Decatur Blvd, Apt. A-12 Atlanta, GA 30326 2050 Lawrenceville Ga | NASIR86@gmail.com |
| Bruce Nutter | 4153 Duesenberg Drive Tucker, GA 30084 | tngruce@yahoo.com |
| 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 |
|-----------------------------------|---|---|
| Betty Blondeau | 615 Pinetree Dr. Decatur 30030 | bettyblondeau925@gmail.com 404-373-6574 |
| Janeah Saadeh (DRUID LAKE HOA) | 1124 Druid Lk Decatur, 30033 | janeah7@gmail.com 404-372-9200 |
| CASEY CHURANYA | 2735 N DECATUR ROAD 2194 DEC, GA. 30033 | LUCKYSTARSLLC@GMAIL.COM |
| Maria ZORKA | 2685 Harrington Dr Decatur 30033 | theironwall@gmail.com |
| 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

931 GREENBRIAR PLACE
DECATUR 30033

PHEINZERLIN@HOTMAIL.
COM
404.299.3185

JOAN LONGFIELD

686 SUZANNE
DECATUR 30033

longfieldj@comcast.net
404-633-9345

JOANNE BREAGH

1165 N. DRUID WOODS ST
DECATUR GA 30033

jbreaugh@comcast.net

GERALD MOULDER

1035 LATHAM RD
DECATUR, GA 30033

gEmoulder@mindspring.com

PHILLIP MCGINNIS

413 WESTCHESTER DRIVE
DECATUR, 30030

phillip.mcginnis@gmail.com

DORIS + BOB LATIMER

3465 ALCAHORN WAY
TUCKER, GA 30084

RLTraveler@aol.com

RICHARD WOLCOTT 2672 Spicer Ln
Decatur, GA 30033

rwdecga@gmail.com
404 640 0162

MAX H BROWN @ BELLSOUTH.NET

LAUREL RIDGE

CATHY GLOVER @ BELLSOUTH.NET 2762 Laurel Ridge
Dec 30033

Laurel Ridge

LYNN ZORN

2936 HARCOURT DRIVE
DECATUR GA 30033

LZORN@BRSatlanta.com
404 245 0063

KIM CREIGTON

cmcl210@BELLSouth.NET

TUXWORTH

Jane maughon

1012 Latham Rd jmaughon@aol.com

NANCY HUTTON

1991 BRIAN WAY VICVA400 Bellsouth.net
DECATUR

Sally Goss

122 Tuxworth Decatur, GA

Malik Chranya
malik4000@gmail.com
678-463-5564
P.O. Box 33542
Decatur, GA 30033

Vanessa Graves Schuler vanessa.e3@att.net
1244 Poinset Pl. 30033

Lesley Cogburn
2643 Harrington Dr. 30033 LFCogburn@yahoo.com

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

david_s.yoke@
dekalbschools.ga.org

~~medlock~~
medlockassoc@gmail.com

Julie Seckman

2369 Eastway Rd
Decatur, GA 30033

jmseckman@Comcast.net

JLHENCK@AOL.COM
RC Duncan@gmail.com

Janice Henck (retired DeKalb Planning)
1444 S. Indian Creek Dr., Stone Mt., Ga (mail walken)

Kathy Smith

1232 Poinset Place, Decatur GA 30033

kathysmith1755@gmail.com

- deb wilson 789 SCOTT cindle-dee 30033 greenwilson@bellsouth.net

Denise Marie Hanusek 2001 Brian Way - Decatur 30033 dhanuse@emory.edu

Laura Seabrook louseabro@hotmail.com

Charles Seabrook seabrk@comcast.net

Sandi STILL sandi2850@yahoo.com

MARTHA Hunter mihunter@bellsouth.net

Paul + Barbara Friederich pbcommon@gmail.com

Dee Merriam dmplacex@gmail.com

Susan Rossi rossi_susan@hotmail.com

Stephanie Hobbs

1357 FARADAY PL
DECATUR, GA 30033

Schob511@comcast.net

RADCLIFFER @ YAHOO.COM

Marge: Alex Carter

1384 C.S. DR
DEC

cart9030@bellsouth.net

Jeanne P. Merritt

1073 N. Druid Valley Cir
30033

JPMERRIT@gmail.com

Leslie Bishop 1170 Acacia Ct. Decatur 30033 ATLKIDRN@AOL.COM

Lea Hadden 583 Willivee Dr. 30033

ELHADD23@gmail.com

Barbara Melton, Mellock Park barbara.melton@emory.edu

Jean Logan - Tutworth Springs - jeanlogan@gmail.com

Cheryl Carroll

N. Druid Valley

ccarroll33@comcast.net

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,

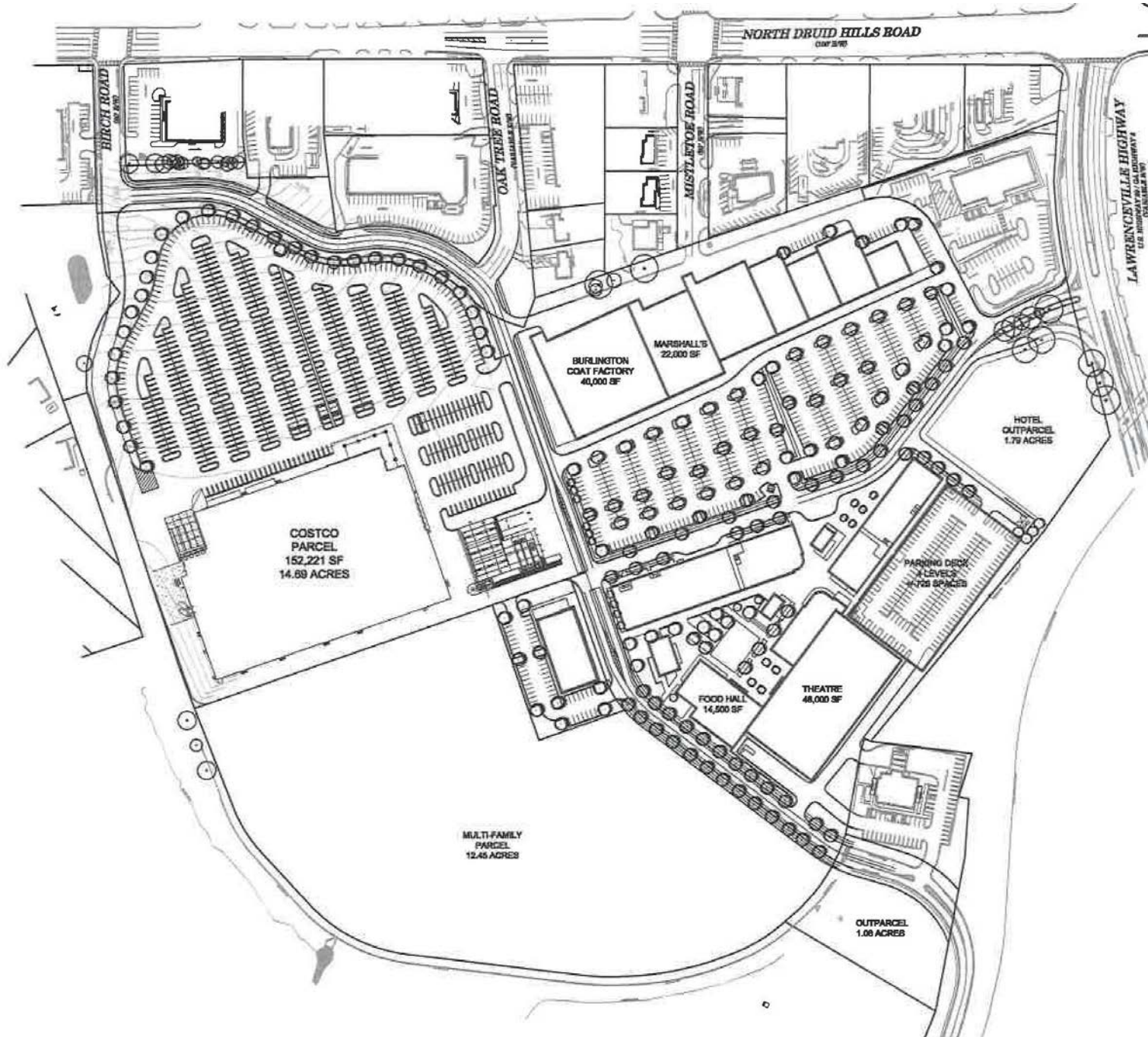


Kathryn M. Zickert
Dennis J. Webb, Jr.
J. Alexander Brock
Smith, Gambrell & Russell, L.L.P.

Promenade II, Suite 3100
1230 Peachtree Street, NE
Atlanta, GA 30309
404-815-3704

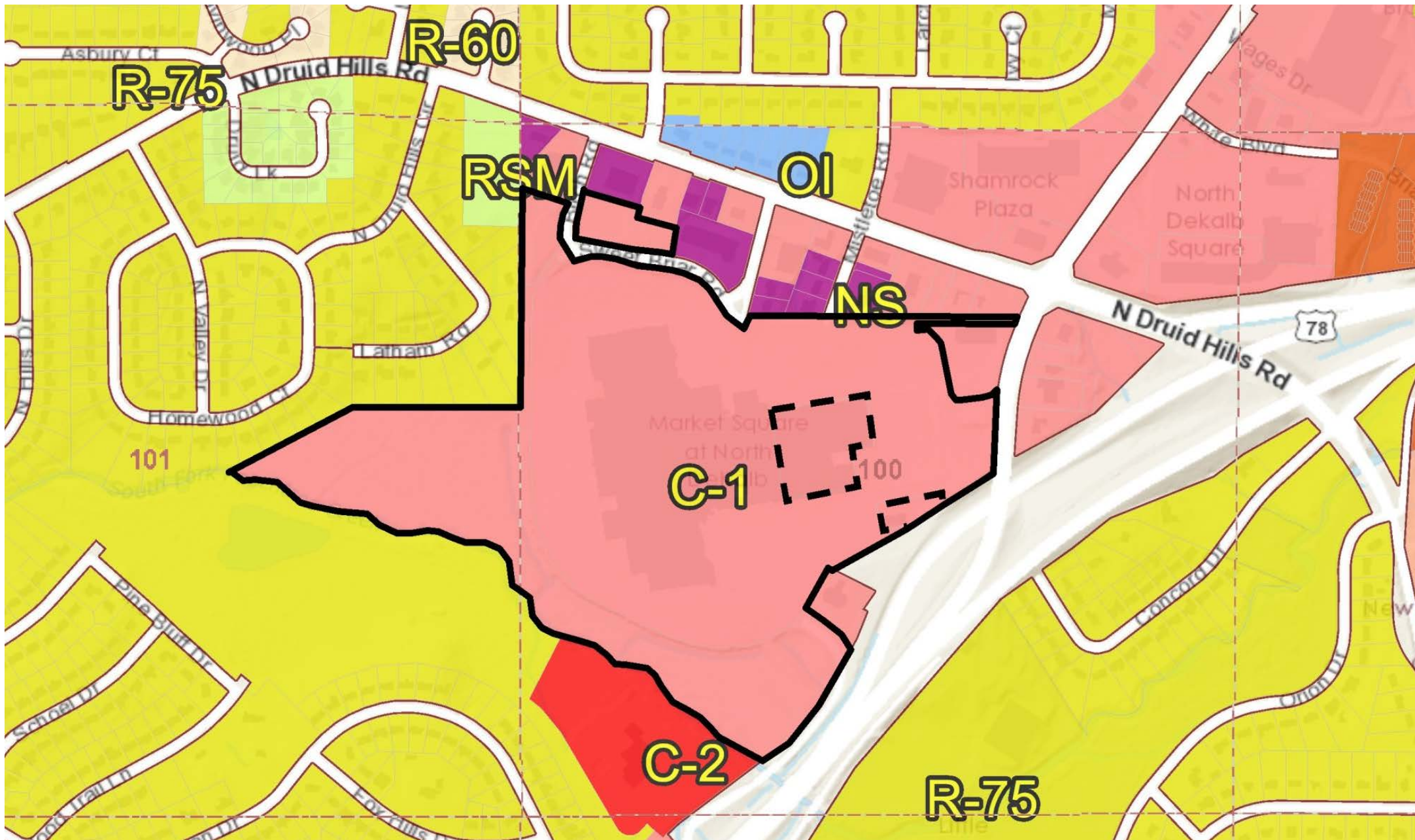
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Site Plan



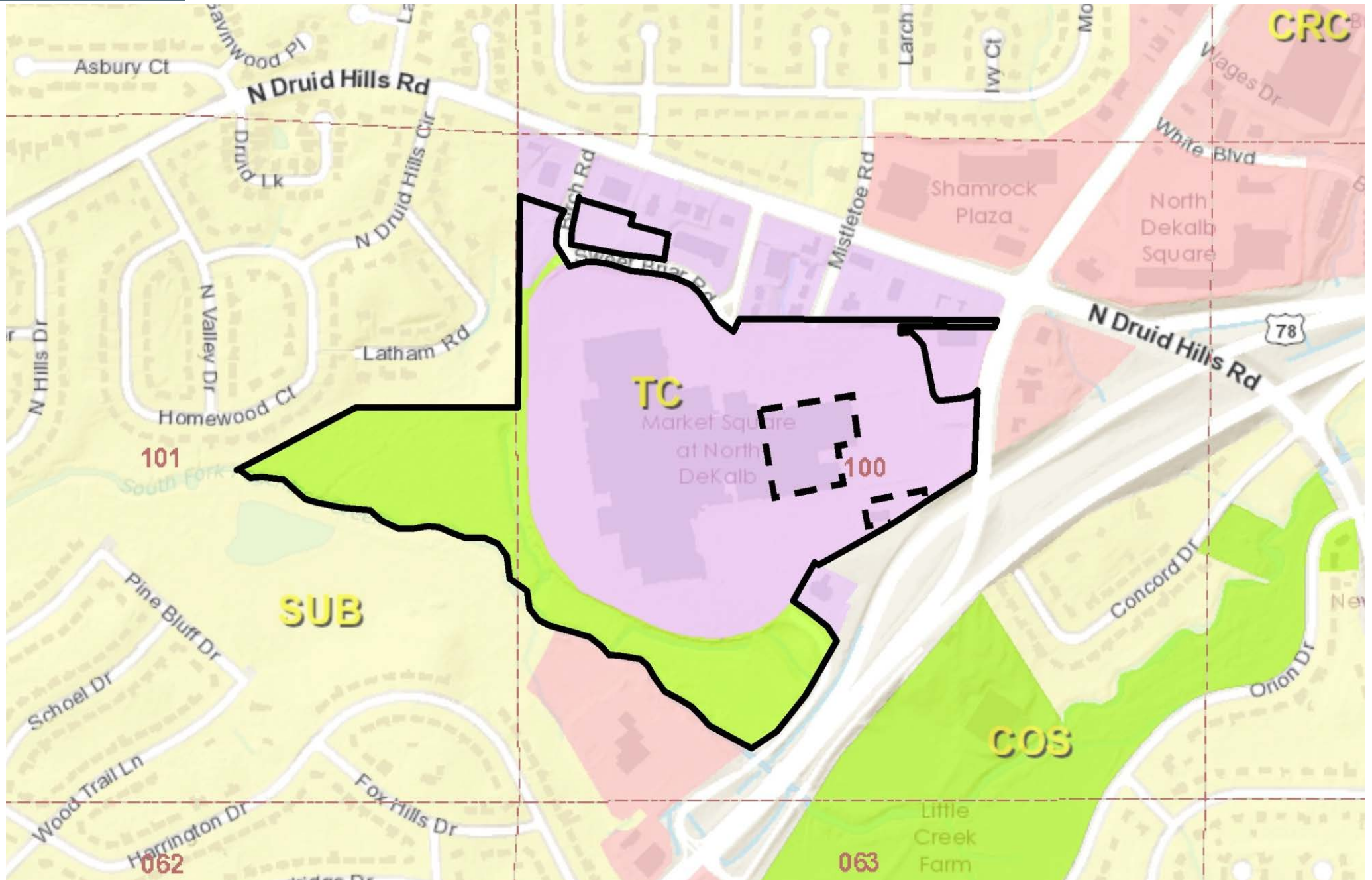
N. 2 Z-18-22310
N. 3 SLUP-18-22311

Zoning Map



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

Land Use Map



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

Aerial Photo



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

Site Photos



View from Lawrenceville
Highway entrance, looking
northwest.

View from Lawrenceville
Highway entrance, looking
southwest.

