



DEPARTMENT OF PLANNING & SUSTAINABILITY

MAJOR MODIFICATION APPLICATION

Date Submitted: 7/1/2024 Case No.: \_\_\_\_\_

Existing Conditional Zoning No.: CZ-22-1245595

APPLICANT NAME: NDM (EDENS), LLC c/o Dennis J. Webb, Jr., Smith, Gambrell & Russell, LLP

Daytime Phone#: 404.815.3620 Fax #: 404.685.6920 E-mail: dwebb@sgrlaw.com

Mailing Address: 1105 W. Peachtree Street, NE, Suite 1000, Atlanta, Georgia 30309

OWNER NAME: See Attachment A

(If more than one owner, attach contact information for each owner)

Daytime Phone#: 803.779.4420 Fax #: 803.765.0684 E-mail: \_\_\_\_\_

Mailing Address: See Attachment A

SUBJECT PROPERTY ADDRESS OR LOCATION: See Attachment B

\_\_\_\_\_, DeKalb County, GA, \_\_\_\_\_

District(s): 18 Land Lot(s): 100 and 101 Block(s): \_\_\_\_\_ Parcel(s): See Attachment A

Acreeage or Square Feet: 74.63 ac Commission District(s): 2/6 Existing Zoning: MU-4

I hereby authorize the staff of the Planning and Development Department to inspect the property that is the subject of this application.

Signature of Applicant: 

Printed Name of Applicant: Dennis J. Webb, Jr. Smith, Gambrell & Russell, LLP

**ATTACHMENT A To  
NDM (EDENS), LLC  
Modification Application**

**NDM (EDENS), LLC**

1221 Main Street  
Suite 1000  
Columbia, SC, 29201

**NDM III (EDENS), LLC**

1221 Main Street  
Suite 1000  
Columbia, SC 29201

**ATTACHMENT B To  
NDM (EDENS), LLC  
Modification Application**

Owner NDM (EDENS), LLC

2050 Lawrenceville Highway Decatur, GA 30033 (Parcel ID 18 100 02 005)

2692 Sweet Briar Road Decatur, GA 30033 (Parcel ID 18 100 04 014)

3777 North Druid Hills Road Decatur, GA 30033 (Parcel ID 18 100 02 055)

3861 North Druid Hills Road Decatur, GA 30033 (Parcel ID 18 100 02 052)

Owner NDM III (EDENS), LLC:

2052 Lawrenceville Highway Decatur, GA 30033 (Parcel ID 18 100 02 001)

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

**MAJOR MODIFICATION APPLICATION CHECKLIST**

- \_\_\_\_\_ 1. Schedule a mandatory **Pre-Application Conference** with Planning & Sustainability staff by appointment. Obtain **Pre- Application form** (to be completed in pre-application meeting). Please email [lahill@dekalbcountyga.gov](mailto:lahill@dekalbcountyga.gov) for appointment.
- \_\_\_\_\_ 2. Hold a **Pre-Submittal Community Meeting** with surrounding neighborhood associations and residents. Provide documentation of the meeting (**meeting notice and sign in sheets**). Letter(s) from homeowners' association(s) may also be provided.
- \_\_\_\_\_ 3. Submit **Application** (Submit 4 printed, collated sets and a PDF version on a flash drive. Please assemble materials in the following order.)
  - \_\_\_\_\_ **A. Application form** with name and address of applicant and owner, and address of subject property;
  - \_\_\_\_\_ **B. Pre-submittal community meeting notice and sign-in sheet** and other documentation of meeting, if any;
  - \_\_\_\_\_ **C. Letter of application and impact analysis**
    - \_\_\_\_\_ **1. Letter of application** identifying a) the proposed zoning classification, b) the reason for the rezoning or special use or modification request, c) the existing and proposed use of the property, d) detailed characteristics of the proposed use (e.g. floor area, height of building(s), number of units, mix of unit types, number of employees, manner and hours of operation), d)(optional) statement of conditions discussed with the neighborhood or community, if any.
    - \_\_\_\_\_ **2. Impact analysis** of the anticipated impact of the proposed use and rezoning on the surrounding properties in response to the standards and factors specified in Article 7.3 of the DeKalb County Zoning Ordinance, as attached. If a Major Modification, please include previously approved conditions and Board of Commissioner meeting minutes.
  - \_\_\_\_\_ **D. Authorization Form**, if applicant is not the owner. Must be signed by all owners of the subject property and notarized. Authorization must contain the mailing address and phone number of any applicant or agent who is authorized to represent the owner(s) of the subject property. Please include warranty deed, if property ownership is less than 2 years.
  - \_\_\_\_\_ **E. Campaign disclosure statement** (required by State law).
  - \_\_\_\_\_ **F. Legal boundary survey** of the subject property, (showing boundaries, structures, and improvements), prepared and sealed within the last year by a professional engineer or land surveyor registered in the State of Georgia. *(If survey shows property on opposite sides of a public street right-of-way, file a separate application for each property.)*
  - \_\_\_\_\_ **G. Site Plan**, printed to scale, folded, of any existing and or proposed development/redevelopment. For projects larger than 1 acre, site plan should be at least 1:50 scale. The site plan must include the following:
    - \_\_\_\_\_ a. complete boundaries of subject property;
    - \_\_\_\_\_ b. dimensioned access points and vehicular circulation drives;
    - \_\_\_\_\_ c. location of all existing and proposed buildings, structures, setbacks and parking;
    - \_\_\_\_\_ d. location of 100-year floodplain and any streams;
    - \_\_\_\_\_ e. notation of the total acreage or square footage of the subject property;
    - \_\_\_\_\_ f. landscaping, tree removal and replacement, buffer(s); and
    - \_\_\_\_\_ g. site plan notes of building square footages, heights, density calculations, lot coverage of impervious surfaces, parking ratios, open space calculations, and other applicable district standards.
  - \_\_\_\_\_ **H. Written Legal Description** of metes and bounds of the subject property (can be printed on site plan or survey).
  - \_\_\_\_\_ **I. Building Form Information.** Elevation (line drawing or rendering), or details of proposed materials, in compliance with Article 5 of the Zoning Ordinance.
  - \_\_\_\_\_ **J. Completed, signed Pre-application Form** (Provided at pre-application meeting.)



# PRE-APPLICATION MEETING



DeKalb County  
GEORGIA

Government Services Center  
178 Sams Street  
Decatur, GA 30030  
[www.dekalbcountyga.gov/planning](http://www.dekalbcountyga.gov/planning)  
404-371-2155 (o); 404-371-4556 (f)

Chief Executive Officer  
Michael Thurmond

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

Interim Director  
Cedric Hudson

**PRE-APPLICATION FORM  
REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE  
(Required prior to filing application: signed copy of this form must be submitted at filing)**

Applicant Name: Denn Webb-EDENS Phone: 404-815-3620 Email: dwebb@sgrlaw.com

Property Address: 2050 L'ville Hwy; 2692 Sweet Briar Rd; 3777 N. Druid Hills Rd; 3861 N. Druid Hills Rd; 2052 L'ville Hwy

Tax Parcel ID: See 3rd pg of this document. Comm. District(s): 2 & 6 Acreage: TBD

Existing Use: \_\_\_\_\_ Proposed Use: N. DeKalb Mall Redevelopment

Supplemental Regs: \_\_\_\_\_ Overlay District: None are. DRI: \_\_\_\_\_

Rezoning: Yes  No \_\_\_\_\_

Existing Zoning: MU-4 & C-1 Proposed Zoning: \_\_\_\_\_ Square Footage/Number of Units: \_\_\_\_\_

Rezoning Request: The owner, EDENS, wants to add two parcels to the overall property. Both will have the same zoning designation as the master property—MU-4. EDENS also wants to clean up some of the conditions approved with the original rezoning.

Land Use Plan Amendment: Yes \_\_\_\_\_ No

Existing Land Use: TC & SUB Proposed Land Use: \_\_\_\_\_ Consistent  Inconsistent \_\_\_\_\_

Special Land Use Permit: Yes \_\_\_\_\_ No \_\_\_\_\_ Article Number(s) 27- \_\_\_\_\_

Special Land Use Request(s): \_\_\_\_\_

**Major Modification:**

Existing Case Number(s): CZ-22-1245595

Condition(s) to be modified:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**WHAT TO KNOW BEFORE YOU FILE YOUR APPLICATION**

Pre-submittal Community Meeting: \_\_\_\_\_ Review Calendar Dates: \_\_\_\_\_ PC: \_\_\_\_\_ BOC: \_\_\_\_\_  
 Letter of Intent: \_\_\_\_\_ Impact Analysis: \_\_\_\_\_ Owner Authorization(s): \_\_\_\_\_ Campaign Disclosure: \_\_\_\_\_  
 Zoning Conditions: \_\_\_\_\_ Community Council Meeting: \_\_\_\_\_ Public Notice, Signs: \_\_\_\_\_  
 Tree Survey, Conservation: \_\_\_\_\_ Land Disturbance Permit (LDP): \_\_\_\_\_ Sketch Plat: \_\_\_\_\_  
 Bldg. Permits: \_\_\_\_\_ Fire Inspection: \_\_\_\_\_ Business License: \_\_\_\_\_ State License: \_\_\_\_\_  
 Lighting Plan: \_\_\_\_\_ Tent Permit: \_\_\_\_\_ Submittal Format: NO STAPLES, NO BINDERS PLEASE

**Review of Site Plan**

Density: \_\_\_\_\_ Density Bonuses: \_\_\_\_\_ Mix of Uses: \_\_\_\_\_ Open Space: \_\_\_\_\_  
 Enhanced Open Space: \_\_\_\_\_ Setbacks: front \_\_\_\_\_ sides \_\_\_\_\_ side corner \_\_\_\_\_ rear \_\_\_\_\_  
 Lot Size: \_\_\_\_\_ Frontage: \_\_\_\_\_ Street Widths: \_\_\_\_\_ Landscape Strips: \_\_\_\_\_  
 Buffers: \_\_\_\_\_ Parking Lot Landscaping: \_\_\_\_\_ Parking - Auto: \_\_\_\_\_ Parking - Bicycle: \_\_\_\_\_  
 Screening: \_\_\_\_\_ Streetscapes: \_\_\_\_\_ Sidewalks: \_\_\_\_\_ Fencing/Walls: \_\_\_\_\_  
 Bldg. Height: \_\_\_\_\_ Bldg. Orientation: \_\_\_\_\_ Bldg. Separation: \_\_\_\_\_ Bldg. Materials: \_\_\_\_\_  
 Roofs: \_\_\_\_\_ Fenestration: \_\_\_\_\_ Façade Design: \_\_\_\_\_ Garages: \_\_\_\_\_ Pedestrian Plan: \_\_\_\_\_  
 Perimeter Landscape Strip: \_\_\_\_\_  
 Possible Variances: Variances may be sought depending on development.

Comments: Applicant will apply to combine and rezone two additional parcels (3861 N Druid Hills & 2052 Lawrenceville Hwy)  
from C-1 to MU-4 (the principle parcel) as well as modify conditions from CZ-  
22-1245595 as it pertains to the Master Plan for the North DeKalb Mall redevelopment.

Planner: Andrea Folgherait, Sr. Planner Date: 06/18/2024

**FILING FEES**

<b>REZONING:</b>	RE, RLG, R-100, R-85, R-75, R-60, MHP, RSM, MR-1	\$500.00
	RNC, MR-2, HR-1, HR-2, HR-3, MU-1, MU-2, MU-3, MU-4, MU-5	\$750.00
	OI, OD, OIT, NS, C1, C2, M, M2	\$750.00
<b>LAND USE MAP AMENDMENT</b>		\$500.00
<b>SPECIAL LAND USE PERMIT</b>		\$400.00

**EDENS c/o DENN WEBB  
NORTH DEKALB MALL REDEVELOPMENT**

**PROPERTY/PARCEL ID INFORMATION  
(NONE ARE IN AN OVD)**

<b>PARCEL ID#</b>	<b>PROPERTY ADDRESS</b>	<b>ZONING</b>	<b>LAND USE</b>	<b>Z-CONDITIONS?</b>
<b>18 100 02 005</b>	2050 Lawrenceville Highway	MU-4	TC	Z-22-1245595
<b>18 100 04 014</b>	2692 Sweet Briar Road	MU-4	TC	Z-22-1245595
<b>18 100 02 055</b>	3777 North Druid Hills Road	MU-4	SUB	CZ-22-1245595
<b>18 100 02 052</b>	3861 North Druid Hills Road	C-1	TC	NONE
<b>18 100 02 001</b>	2052 Lawrenceville Highway	C-1	TC	NONE

# OWNER AUTHORIZATION FORMS



DEPARTMENT OF PLANNING & SUSTAINABILITY

**AUTHORIZATION**

The property owner should complete this form or a similar signed and notarized form if the individual who will file the application with the County is not the property owner.

Date: 6/25/21

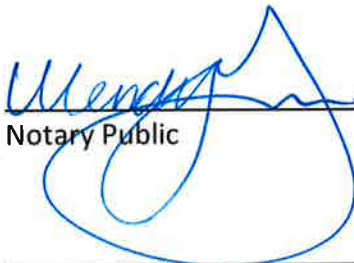
TO WHOM IT MAY CONCERN:

(I) (WE) NDM (Edens) LLC  
Name of owner(s)

being (owner) (owners) of the subject property described below or attached hereby delegate authority to

Dennis J. Webb, Jr. (Smith, Gambrell & Russell, LLP)  
Name of Agent or Representative

to file an application on (my) (our) behalf

  
Notary Public



Notary Public

Notary Public

Notary Public

  
Owner JAMES M. KENNEY

Owner

Owner

Owner

DEPARTMENT OF PLANNING & SUSTAINABILITY

AUTHORIZATION

The property owner should complete this form or a similar signed and notarized form if the individual who will file the application with the County is not the property owner.

Date: 6/25/24

TO WHOM IT MAY CONCERN:

(I) (WE) NDM III (Edens) LLC  
Name of owner(s)

being (owner) (owners) of the subject property described below or attached hereby delegate authority to

Dennis J. Webb, Jr. (Smith, Gambrell & Russell, LLP)  
Name of Agent or Representative

to file an application on (my) (our) behalf.

[Signature]  
Notary Public



[Signature]  
Owner JAMES M MCKENZIE

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

# CAMPAIGN DISCLOSURE FORMS



DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filling of this application?

Yes \_\_\_ No X \*

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 to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Wendy Guzman  
Notary

06/25/24



JAMES MCKENNEY

[Signature]

6/25/20

Signature of Applicant /Date

Check one: Owner X Agent \_\_\_

(for NDM (Edens) LLC)

03/08/2025

Expiration Date/ Seal

\*Notary seal not needed if answer is "no".

DEPARTMENT OF PLANNING & SUSTAINABILITY

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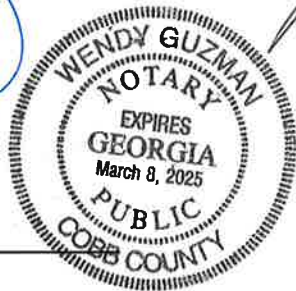
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[Signature]  
Notary 06/25/24



JAMES MCKENNEY  
[Signature] 6/25/24  
Signature of Applicant /Date

Check one: Owner X Agent \_\_\_

(for NDM III (Edens) LLC)

03/08/2025  
Expiration Date/ Seal

\*Notary seal not needed if answer is "no".

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

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Beverly D. Campbell

Notary



Signature of Applicant /Date

Check one: Owner     Agent X

Dennis J. Webb, Jr.  
Smith, Gambrell, & Russell, LLP

June 25, 2027

Expiration Date/ Seal

\*Notary seal not needed if answer is "no".



**DEPARTMENT OF PLANNING & SUSTAINABILITY**

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Beverly D. Campbell

Notary

Kathryn M Zickert

Signature of Applicant /Date

Check one: Owner     Agent X

Kathryn M. Zickert  
Smith, Gambrell, & Russell, LLP

June 25, 2027

Expiration Date/ Seal

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**DEPARTMENT OF PLANNING & SUSTAINABILITY**

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*Beverly D. Campbell*

Notary

*J. Alexander Brock*

Signature of Applicant /Date

Check one: Owner  Agent

J. Alexander Brock  
Smith, Gambrell, & Russell, LLP

*June 25, 2027*

Expiration Date/ Seal

\*Notary seal not needed if answer is "no".



**DEPARTMENT OF PLANNING & SUSTAINABILITY**

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Beverly D. Campbell  
Notary

  
Signature of Applicant /Date

Check one: Owner  Agent

Kirk R. Fjelstul  
Smith, Gambrell, & Russell, LLP

June 25, 2027  
Expiration Date/ Seal

\*Notary seal not needed if answer is "no".





**DEPARTMENT OF PLANNING & SUSTAINABILITY**

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Notary

  
Signature of Applicant /Date

Check one: Owner  Agent

William Diehl  
Smith, Gambrell, & Russell, LLP

  
Expiration Date/ Seal



\*Notary seal not needed if answer is "no".

PRE-SUBMITTAL COMMUNITY  
MEETING NOTICE AND SIGN-IN  
SHEET



Dear Neighbor:

EDENS will be filing an application for the Lulah Hills mixed use development (the former North DeKalb Mall property) to modify certain conditions of Rezoning Ordinance Z-22-1245595 and to add two parcels to the overall development. The additional parcels are located at 3861 North Druid Hills Road and 2052 Lawrenceville Highway. Both will be rezoned from C-1 to MU-4 for incorporation into the overall mixed-use development. As indicated below, EDENS plans to host a virtual community meeting to provide more information.

As property owners within the immediate area, we invite you to participate in the virtual Community Meeting on **June 24, 2024 at 7:00pm.**

**ZOOM:** <https://sgrlaw.zoom.us/join>; **Join by phone:** +1 309.205.3325  
**Meeting ID:** 952 9372 2880; **Passcode:** 741151

We look forward to discussing the application with you and getting feedback on **June 24, 2024.** If you are unable to attend or wish to reach out beforehand, please contact Den Webb at [dwebb@sgrlaw.com](mailto:dwebb@sgrlaw.com) or 404.815.3620.



**Firm Mailing Book For Accountable Mail**

Name and Address of Sender  
 Alex Brock  
 Smith, Gambrell & Russell, LLP  
 1105 West Peachtree Street, NE  
 Suite 1000  
 Atlanta, GA 30309

- Check type of mail or service
- Adult Signature Required
  - Adult Signature Restricted Delivery
  - Certified Mail
  - Certified Mail Restricted Delivery
  - Collect on Delivery (COD)
  - Insured Mail
  - Priority Mail
  - Priority Mail Express
  - Registered Mail
  - Return Receipt for Merchandise
  - Signature Confirmation
  - Signature Confirmation Restricted Delivery

Affix Stamp Here  
 (for additional copies of this receipt).  
 Postmark with Date of Receipt.



USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered	Insured Value	Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
1.	3814 North Druid Hills LLC 412 Conventry Road Decatur, Georgia 30033	.53	.60											
2.	All American Specialties Inc. 5156 Carson Court Buford, Georgia 30033	.53	.60											
3.	Amy K. Angel 1001 Latham Road Decatur, Georgia 30033	.53	.60											
4.	Shukhrat Artikov 2199 Thornclyff Drive, N.E. Atlanta, Georgia 30345	.53	.60											
5.	Lorrie L. Beitzel 970 Homewood Court Decatur, Georgia 30033	.53	.60											
6.	Bhindi Brothers Georgia LLC 18508 Pioneer Boulevard Artesia, California 90701	.53	.60											
7.	Bhindi Brothers Georgia LLC 1070 Oaktree Road Decatur, Georgia 30033	.53	.60											
8.	Clayton E. Blanchard, Jr. 4500 Red Cedar Cove, SW Lilburn, Georgia 30047	.53	.60											
9.	Michael Boatright 1013 Latham Road Decatur, Georgia 30033	.53	.60											



10.	Brad Bohacs 1118 North Druid Hills Circle Decatur, Georgia 30033	.53	.60																	
11.	Lauren Bowling 1112 North Druid Hills Circle Decatur, Georgia 30033	.53	.60																	
12.	Branch Banking and Trust P.O. Box 167 Winston-Salem, NC 27102	.53	.60																	
13.	Jeffrey Brawner 1106 North Druid Hills Circle Decatur, Georgia 30033	.53	.60																	
14.	Thomas J. Brieske 2700 Harrington Drive Decatur, Georgia 30033	.53	.60																	
15.	Terri Williams Brown 145 Daniel Avenue, S.E. Atlanta, Georgia 30317	.53	.60																	
16.	Lawrence J. Buettner 934 Homewood Court Decatur, Georgia 30033	.53	.60																	
17.	BUI and LE Real Estate Corp 2221 Sever Road Lawrenceville, Georgia 30043	.53	.60																	
18.	Cheryl L. Carroll 1113 North Druid Hills Circle Decatur, Georgia 30033	.53	.60																	
19.	Barbara Hanevold Carter 2682 Harrington Drive Decatur, Georgia 30033	.53	.60																	
20.	Chae Hwan Cho 3648 Creekstone Drive Norcross, Georgia 30092	.53	.60																	
21.	Citizens & Southern National Bank 101 North Tryon Street Charlotte, NC 28255	.53	.60																	



22.	Carolyn S. Clark 1722 Fox Valley Pittsburgh, PA 15203	.53	.60																
23.	Shufang Cui 3834 North Druid Hills Road Decatur, Georgia 30033	.53	.60																
24.	Andrew D. Day 1095 Latham Road Decatur, Georgia 30033	.53	.60																
25.	Aliheem M. Shik Deedar 985 Homewood Court Decatur, Georgia 30033	.53	.60																
26.	Sarah A. Degue 1065 North Valley Drive Decatur, Georgia 30033	.53	.60																
27.	DeKalb County 1300 Commerce Drive, 6 <sup>th</sup> Floor Decatur, Georgia 30030	.53	.60																
28.	DeKalb County 1300 Commerce Drive Decatur, Georgia 30030	.53	.60																
29.	Ryan Dosetareh 1268 Arborvista Drive, N.E. Atlanta, Georgia 30029	.53	.60																
30.	Kyla A. Edwards 2821 Concord Drive Decatur, Georgia 30033	.53	.60																
31.	Executive Leasing Company 5909 Peachtree Dunwoody Road, Ste 500 Atlanta, Georgia 30328	.53	.60																
32.	John C. Fayne 4720 Nutmeg Way SW Lilburn, Georgia 30047	.53	.60																
33.	Si J. Feng 950 Homewood Court Decatur, Georgia 30033	.53	.60																





34.	Fifth Man Group LLC 315 W Ponce De Leon Avenue, #100 Decatur, Georgia 30033	.53	.60																
35.	Fulton Realty Holding LLC P.O. Box 33795 Decatur, Georgia 30033	.53	.60																
36.	Mary Garrett 984 Homewood Court Decatur, Georgia 30033	.53	.60																
37.	Georgia Alabama Commercial Inv P.O. Box 1565 Lawrenceville, Georgia 30046	.53	.60																
38.	Recep Gezgin 2234 Serpentine Drive, N.E. Atlanta, Georgia 30345	.53	.60																
39.	Ghion Cultural Hall, Inc. 3761 North Druid Hills Road Decatur, Georgia 30033	.53	.60																
40.	Vanessa Michelle Giera 136 Harold Byrd Drive Decatur, Georgia 30033	.53	.60																
41.	Grimaud Holdings LLC 804 Old Forge Road Chapin, South Carolina 29036	.53	.60																
42.	Zhipin Gu 315 Pine Isle Court Alpharetta, Georgia 30033	.53	.60																
43.	Sarah Amanda Harlan 951 Homewood Court Decatur, Georgia 30033	.53	.60																
44.	Rebecca A. Hillis 988 Homewood Court Decatur, Georgia 30033	.53	.60																
45.	Jane C. Hopkins 1083 North Druid Hills Circle Decatur, Georgia 30033	.53	.60																



46.	Cholpon Ismailova 2650 Harrington Drive Decatur, Georgia 30033	.53	.60																
47.	J.D. Hutcheson Properties LLC 1763 Tilling Way Stone Mountain, Georgia 30087	.53	.60																
48.	Louis F. Jacob III 807 North Parkwood Road Decatur, Georgia 30030	.53	.60																
49.	Robert Matthew Janke 181 Avery Street Decatur, Georgia 30030	.53	.60																
50.	Kevin Alexander Jessup 1076 Latham Road Decatur, Georgia 30033	.53	.60																
51.	Aabida Jivani 3786 North Druid Hills Road Decatur, Georgia 30033	.53	.60																
52.	William Johnson 2823 Mount Olive Drive Decatur, Georgia 30033	.53	.60																
53.	Sinead T. Keenan 1007 Latham Road Decatur, Georgia 30033	.53	.60																
54.	Robert W. Kelso 1119 North Druid Hols Circle Decatur, Georgia 30033	.53	.60																
55.	Kenneth O. Kirby 998 Homewood Court Decatur, Georgia 30033	.53	.60																
56.	Irma Kocer 1035 Latham Road Decatur, Georgia 30033	.53	.60																
57.	Michael Kopscho 1000 Latham Road Decatur, Georgia 30033	.53	.60																



58.	Stephen M. Lerner 1505 Biltmore Drive, N.E. Atlanta, Georgia 30329	.53	.60																
59.	Heather Kelsey Lin 2656 Harrington Drive Decatur, Georgia 30033	.53	.60																
60.	Victor Lohr 2733 Mount Olive Drive Decatur, Georgia 30033	.53	.60																
61.	Jessica A. Luza 1082 Latham Road Decatur, Georgia 30033	.53	.60																
62.	Mah Brown LLC 3597 Sunderland Circle, N.E. Atlanta, Georgia 30319	.53	.60																
63.	Camille J. Malina 2020 Shangrila Drive, #301 Clearwater, Florida 33763	.53	.60																
64.	Abigail Marinelli 942 Homewood Court Decatur, Georgia 30033	.53	.60																
65.	JANE M MAUGHON 1012 LATHAM RD DECATUR, GA 30033	.53	.60																
66.	SHARON R MCALISTER 1053 N VALLEY DR DECATUR, GA 30033	.53	.60																
67.	WILLIAM M MCKINNEY 1093 N DRUID HILLS CIR DECATUR, GA 30033	.53	.60																
68.	MCNORTH DRUID HILLS LAND LLC 1660 HISTORIC HWY 441 N CLARKESVILLE, GA 30523	.53	.60																
69.	MIDTOWN NATIONAL GROUP LP 9171 TOWNE CENTRE DR STE 335 SAN DIEGO, CA 92122	.53	.60																





70.	ANTHONY MOUNTS 898 W HOWARD AVE DECATUR , GA 30033	.53	.60																
71.	WILLIAM T MURDOCK 2676 HARRINGTON DR DECATUR , GA 30033	.53	.60																
72.	NDM EDENS LLC 1221 MAIN ST STE 1000 COLUMBIA, SC 29201	.53	.60																
73.	NDM II EDENS LLC 1221 MAIN ST STE 1000 COLUMBIA, SC 29201	.53	.60																
74.	MEREDITH A OAKLEY 2692 HARRINGTON DR DECATUR , GA 30033	.53	.60																
75.	MORGAN OLSEN 1020 LATHAM RD DECATUR , GA 30033	.53	.60																
76.	GERARDO PALACIO 10855 CATON CRST CORNING , NY 14830	.53	.60																
77.	Ernest T. Parker 1037 N Valley Drive Decatur, Georgia 30033	.53	.60																
78.	Venetia Perry 2686 Harrington Drive Decatur, Georgia 30033	.53	.60																
79.	PIL RIP LLC 1700 Highland Oaks Way Lawrenceville, Georgia 30043	.53	.60																
80.	Plant Improvement Company Inc 1800 Briarcliff Road, NE Atlanta, Georgia 30329	.53	.60																
81.	PLATINUM FEDERAL CREDIT UNION 4794 LAWRENCEVILLE HWY NW LILBURN, GA 30047	.53	.60																





82.	PRINCEWILL ANEKE LLC 1416 GREENRIDGE TRL LITHONIA, GA 30058	.53	.60																
83.	CHRISTOPHER MICHAEL PRYOR 968 HOMEWOOD CT DECATUR, GA 30033	.53	.60																
84.	PSP DEKALB HOLDINGS LLC 5555 PEACHTREE DUNWOODY RD STE 130 ATLANTA, GA 30342	.53	.60																
85.	JAMES WALLACE RICE 1005 HOMEWOOD CT DECATUR, GA 30033	.53	.60																
86.	RKR GROUP IV LLC 2929 TURNER HILL RD STE 2280 LITHONIA, GA 30038	.53	.60																
87.	ROOSTER AND PIG AP TRUST 2949 HILLBROOK WAY DECATUR, GA 30033	.53	.60																
88.	SHELLEY A ROSE 1105 N DRUID HILLS CIR DECATUR, GA 30033	.53	.60																
89.	DONNA ROYSTER 421 AVERY ST DECATUR, GA 30030	.53	.60																
90.	A V RUSSELL 8060 SW 90TH TER MIAMI, FL 33156	.53	.60																
91.	JOHN R RUTLEDGE 962 HOMEWOOD CT DECATUR, GA 30033	.53	.60																
92.	M JANE SAADEH 2775 MT OLIVE DR DECATUR, GA 30033	.53	.60																
93.	THE SALVATION ARMY 1424 NORTHEAST EXPRESSWAY ATLANTA, GA 30329	.53	.60																



94.	GEORGE ALEXANDER SANCHEZ 2817 MOUNT OLIVE DR DECATUR, GA 30033	.53	.60																
95.	PAUL G SAUVE 2831 MOUNT OLIVE DR DECATUR, GA 30033	.53	.60																
96.	RENAE DANIELLE SCHMIDT 971 HOMEWOOD CT DECATUR, GA 30033	.53	.60																
97.	MOHAMMAD HASSAAN SHAFQAT 1274 HOLLY ST NW ATLANTA GA 30318	.53	.60																
98.	JAMES H SHEPHERD III PO BOX 15518 ATLANTA, GA 30333	.53	.60																
99.	DEBORAH L SIMMS 1018 HOMEWOOD CT DECATUR, GA 30033	.53	.60																
100.	CHRISTOPHER NICHOLAS SIMON 1006 LATHAM RD DECATUR, GA 30033	.53	.60																
101.	DANIEL C SITARAS 1012 HOMEWOOD CT DECATUR, GA 30033	.53	.60																
102.	SKY SPEED DISTRIBUTORS INC 602 GRASSMEADE WAY SNELLVILLE, GA 30078	.53	.60																
103.	CAITLIN H STARK 1006 HOMEWOOD CT DECATUR, GA 30033	.53	.60																
104.	STATE HIGHWAY DEPT OF GEORGIA 3736 DURHAM PARK RD DECATUR, GA 30032	.53	.60																
105.	FREDDIE NAPOLEON STEVENS III 1068 LATHAM RD DECATUR, GA 30033	.53	.60																



106.	STIVERS REALTY LC 1034 BRENTWOOD BLVD 402 ST LOUIS, MO 63117	.53	.60																
107.	MARY JANE STRUBLE LIVING TRUST 943 HOMEWOOD CT DECATUR, GA 30033	.53	.60																
108.	KRISTINA SVIRSKAITE 994 HOMEWOOD CT DECATUR, GA 30033	.53	.60																
109.	T C HOLMES & SON LLLP 6810 STRINGER LN FLOWERY BRANCH, GA 30542	.53	.60																
110.	T C HOLMES & SONS LLLP 5200 BUFFINGTON RD ATLANTA, GA 30349	.53	.60																
111.	T C HOLMES & SONS LLLP PO BOX 182571 COLUMBUS, OH 43218	.53	.60																
112.	T C HOLMES & SON LLLP 6810 STRINGER LN FLOWERY BRANCH, GA 30542																		
113.	T C HOMES AND SON LLLP 6810 STRINGER LN FLOWERY BRANCH, GA 30542																		
114.	CONNOR CHRISTIAN TATHAM 1089 N DRUID HILLS CIR DECATUR, GA 30033	.53	.60																
115.	MOLLY CATHERINE THOMPSON 1033 HOMEWOOD CT DECATUR, GA 30033	.53	.60																
116.	PAMELA W TIBBETTS 2803 MOUNT OLIVE DR DECATUR, GA 30033	.53	.60																
117.	CHARLES C TODD 2737 MOUNT OLIVE DR DECATUR, GA 30033	.53	.60																



118.	TRINITY MANAGEMENT COMPANY LLC PO BOX 505 TUCKER, GA 30085	.53	.60																	
119.	JOHNATHAN VANN 957 HOMEWOOD CT DECATUR, GA 30033	.53	.60																	
120.	STEFAN VER ECKE 455 KENBROOK DR W ATLANTA, GA 30327	.53	.60																	
121.	FORREST M WILSON 2832 CONCORD DR DECATUR, GA 30033	.53	.60																	
122.	WRM REAL ESTATE LLC 3826 N DRUID HILLS RD DECATUR, GA 30033	.53	.60																	
123.	ALEXANDRIA LIN YANG 1047 N VALLEY DR DECATUR, GA 30033	.53	.60																	
124.	Elizabeth Yates 1028 Latham Road Decatur, Georgia 30033	.53	.60																	
125.																				
126.																				
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128.																				
129.																				







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Name and Address of Sender

Alex Brock  
Smith, Gambrell & Russell, LLP  
1105 West Peachtree Street, NE  
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Atlanta, GA 30309

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1.	Druid Hills Condominium Association Homeside Properties 2555 Westside Parkway, Suite 600 Alpharetta, Georgia 30004	.53	.60											
2.	Gavin Wood Homeowner's Association 1140 Gavinwood Place Decatur, Georgia 30033	.53	.60											
3.	Druid Glen Homeowner's Association 3580 North Druid Hills Road Decatur, Georgia 30033	.53	.60											
4.	Druid Lake Homeowner's Association 1075 Druid Lake Decatur, Georgia 30033	.53	.60											
5.	Laurel Heights Homeowner's Association 3245 Peachtree Parkway, Ste D242 Suwanee, Georgia 30024	.53	.60											
6.														
7.														
8.														
9.														



**MEETING ATTENDEE REPORT**

**Lulah Hills Development - Community Meeting - June 24, 2024**

Report Generated:

6/24/2024 19:34

Topic

Webinar ID

Actual Start Time

Actual Duration (minutes)

Lulah Hills Development - Community Meeting

952 9372 2880

6/24/2024 18:33

62

Panelist Details

Attended	User Name (Original Name)	Email	Join Time	Leave Time
Yes	16469575462		6/24/2024 18:58	6/24/2024 19:34
Yes	Dustin Quinteros	dquinteros@sgrlaw.com	6/24/2024 18:35	6/24/2024 19:34
Yes	Areti Saurine	asaurine@edens.com	6/24/2024 18:57	6/24/2024 19:34
Yes	Dennis (Den) Webb	dwebb@sgrlaw.com	6/24/2024 18:33	6/24/2024 19:34
Yes	Jessica Mack	jmack@edens.com	6/24/2024 18:57	6/24/2024 19:34
Yes	Steven Tai	stai@sgrlaw.com	6/24/2024 18:36	6/24/2024 19:34
Yes	Herbert Ames	hames@edens.com	6/24/2024 18:55	6/24/2024 19:34
Yes	Jim McKenney	jmckenney@edens.com	6/24/2024 19:03	6/24/2024 19:34
Yes	gail	gailzip@gmail.com	6/24/2024 19:02	6/24/2024 19:34
Yes	Kenna Simmons	kenna.simmons@gmail.com	6/24/2024 19:02	6/24/2024 19:34
Yes	J Smith	jf1smith@gmail.com	6/24/2024 18:57	6/24/2024 19:34
Yes	Caroline Morris	cfm888@bellsouth.net	6/24/2024 19:02	6/24/2024 19:34
Yes	Anonymous resident	deaynej@gmail.com	6/24/2024 18:35	6/24/2024 19:33
Yes	Susan Hawk	sujhawk@gmail.com	6/24/2024 18:58	6/24/2024 19:34
Yes	Whitney McGinniss	wlmcginniss@gmail.com	6/24/2024 19:03	6/24/2024 19:34
Yes	Ho	monkeeboi@mail.com	6/24/2024 18:54	6/24/2024 19:34
Yes	Max Brown	maxhbrown@bellsouth.net	6/24/2024 19:00	6/24/2024 19:34
Yes	Atlanta Boardroom		6/24/2024 18:57	6/24/2024 19:34
Yes	14042778978		6/24/2024 19:17	6/24/2024 19:34
Yes	Michael's iPhone	mgpisani37@gmail.com	6/24/2024 19:01	6/24/2024 19:34
Yes	Carol	carol.m.johnstone@gmail.com	6/24/2024 18:59	6/24/2024 19:34
Yes	MK Morris	manuel.morris@gmail.com	6/24/2024 18:59	6/24/2024 19:34
Yes	Mary Hinkel	maryhinkel@comcast.net	6/24/2024 18:56	6/24/2024 19:34
Yes	16784695643		6/24/2024 19:00	6/24/2024 19:34
Yes	dsams	dsams@bizjournals.com	6/24/2024 18:58	6/24/2024 19:34
Yes	Jim Lamey, EDENS	jlamey@edens.com	6/24/2024 19:00	6/24/2024 19:34
Yes	Amra's iPhone	kadragicamra@gmail.com	6/24/2024 19:16	6/24/2024 19:34
Yes	iPhone	sharonroth316@gmail.com	6/24/2024 18:33	6/24/2024 19:34
Yes	J Saadeh	jsaadehdc@gmail.com	6/24/2024 18:51	6/24/2024 19:34
Yes	Erin T.	erin.toombs@gmail.com	6/24/2024 18:59	6/24/2024 19:34
Yes	Heather Clayton	heatherclayton@hotmail.com	6/24/2024 19:11	6/24/2024 19:17
Yes	Russell McIntosh	rustomac@gmail.com	6/24/2024 19:04	6/24/2024 19:34
Yes	Laurie Dawson	khadine50@gmail.com	6/24/2024 19:06	6/24/2024 19:34
Yes	Bill	bis3@cdc.gov	6/24/2024 18:56	6/24/2024 19:32
Yes	Pixel 4a (5G)	ja2.johnson@yahoo.com	6/24/2024 19:03	6/24/2024 19:34
Yes	Trisha Clymore	tclymore@comcast.net	6/24/2024 19:03	6/24/2024 19:34
Yes	Sandra	gscghigh9@aol.com	6/24/2024 19:18	6/24/2024 19:34
Yes	Kim Reimann	kim_reimann@yahoo.com	6/24/2024 18:58	6/24/2024 19:34
Yes	Lisa	lm_williams@bellsouth.net	6/24/2024 19:00	6/24/2024 19:00
Yes	Sami Freiji	saminet@bellsouth.net	6/24/2024 19:06	6/24/2024 19:34
Yes	Mary Shellman	mshell6239@aol.com	6/24/2024 19:10	6/24/2024 19:34
Yes	betty	elizabethmolloy@bellsouth.net	6/24/2024 19:03	6/24/2024 19:34
Yes	Shelley Rose	curlygirl56@bellsouth.net	6/24/2024 19:00	6/24/2024 19:34
Yes	14045024648		6/24/2024 19:02	6/24/2024 19:18
Yes	Paul Friederich	pbcommon@gmail.com	6/24/2024 18:58	6/24/2024 19:34
Yes	Elshadiy	ghionatt@gmail.com	6/24/2024 19:00	6/24/2024 19:34
Yes	Carol Hayes, LRSCA	cehayes@bellsoth.net	6/24/2024 18:49	6/24/2024 19:34

# STATEMENT OF INTENT

**STATEMENT OF INTENT/  
WRITTEN JUSTIFICATION**

and

Other Material Required by  
DeKalb County Zoning Ordinance for the  
Rezoning and  
Major Modification Applications

of

**NDM (EDENS), LLC**

for

Land Located in Land Lots 100 and 101, 18th District

**Rezone Two Parcels From C-1 to MU-4 (±1.52 Acres)**

**Major Modification of CZ-22-1245595 (±74.63 Acres) To Add The Two Parcels Above and  
Revise Approved Conditions**

Submitted for the Applicant by:

Dennis J. Webb, Jr.  
Kathryn M. Zickert  
J. Alexander Brock  
Smith, Gambrell & Russell, LLP  
1105 West Peachtree St., NE  
Suite 1000  
Atlanta, Georgia 30309  
404-815-3500



## I. INTRODUCTION

The Applicant, NDM (EDENS), LLC (“EDENS” and/or “Applicant”), is the owner and developer of “Lulah Hills,” a new mixed-used development intended to transform the former North DeKalb Mall site into a vibrant, pedestrian-oriented, live-work-play environment. EDENS’ original plan for the ±73.11 acre former North Dekalb Mall property consisted of ±320,000 square feet of retail, commercial and restaurant space, ±180,000 square feet of office space, a ±150-room hotel and ±1,800 residential units, to consist of a mix of apartment and townhome units (“Lulah Hills”).<sup>1</sup> The Dekalb County Board of Commissioners approved EDENS’ request in May of 2022 (CZ-22-1245595), rezoning the ±73.11 acre former mall property from C-1 (Local Commercial) to MU-4 (Mixed Use High Density) (the “2022 Rezoning”). The 2022 Rezoning was approved subject to multiple conditions, a Master Development Plan, a Sign Plan and a Subdivision Plan, among other things.

In the two years since, EDENS has acquired two additional parcels in proximity that collectively total ±1.52 acres, one located at 3861 North Druid Hills Road Decatur, GA 30033 (Parcel ID 18 100 02 052) and the other at 2052 Lawrenceville Highway Decatur, GA 30033 (Parcel ID 18 100 02 001) (collectively referred to as the “Additional Parcels”). Both are zoned C-1. It also has prepared more advanced engineering and grading plans, plans that have revealed that some modifications to the original zoning conditions are warranted. This application follows. Through it, EDENS seeks to (a) rezone the Additional Parcels from C-1 to MU-4 so that they can be added to the Lulah Hills master development; and (b) modify the original 2022 Rezoning conditions to add the Additional Parcels and to revise certain requirements originally

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<sup>1</sup> Floor areas and uses are taken from the documents attached to Rezoning Case CZ-22-1245595.

imposed.<sup>2</sup> The proposed edits to the CZ-22-1245595 conditions and the amended Master Development Plan are attached as exhibits to this application.

It is important to note that neither the addition of the two parcels nor the requested modifications will result in any increased impact from the revised Lulah Hills development. The Applicant's plan for the Additional Parcels is to maintain the same types of densities currently permitted by the underlying C-1 zoning, despite the rezoning to MU-4. Hence, there should be no additional impacts on the surrounding infrastructure from the rezoning or redevelopment of the Additional Parcels. The existing parcels are developed with a Meineke Oil Change, located at 3861 North Druid Hills Road, and a Bank of America, located at 2052 Lawrenceville Highway. The revised Master Development Plan attached to this application labels the Additional Parcels as flexible space. The 3861 North Druid Hills Road parcel will be incorporated into Lulah Hills as a separate block, labeled as Block J, and it is noted the existing commercial may remain and/or the site may be redeveloped for a commercial use. The 2052 Lawrenceville Highway parcel will be incorporated into the Master Development Plan's existing Block B, labeled as Flexible Area B ("Flexible Area B"). The Flexible Area B parcel is currently developed with a Bank of America building and while the bank is not open, the ATM is still in operation. EDENS intends to keep the existing bank building and/or allow the land upon which it is located to be redeveloped as either a commercial or hotel use. EDENS does not currently have a plan for the redevelopment of the Additional Parcels, however it wishes to preserve flexibility to allow for a development that is harmonious and complementary with the remainder of Lulah Hills.

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<sup>2</sup> Most if not all of the modifications to the zoning conditions could have been handled administratively. Since EDENS is already going through a public process to rezone the Additional Parcels, however, it has chosen to pursue through a public hearing a Major Modification application designed to clean-up certain conditions of the 2022 Rezoning.

In addition to the rezoning of the Additional Parcels, EDENS is seeking to modify select conditions from the 2022 Rezoning, including the Master Development Plan. As noted above, the changes are the result of a refinement of the design over the last two years and the need to update development calculations due to the incorporation of the Additional Parcels. The modifications are more particularly shown in the edits to the 2022 Rezoning Conditions and the updated Master Development Plan attached to this application. Among other things, EDENS seeks to incorporate the following changes:

1. Modification to several conditions regarding the location of building entrances. The Applicant has reworded these conditions, among other reasons, to allow chamfered entrances and tweaks to where entrances are located based on the site grading.
2. Revise the layout of the open space and retail building in the southeast quadrant of the intersection of Road A and Road C. The new layout proposes a smaller retail building with surrounding open space.
3. Revise the layout at the northeast corner of Block C, near Lemon Park, to create two smaller retail buildings (Retail C45 and Retail C40), and to shrink the footprint of the existing movie theater which will allow for a plaza area in front of the movie theater entrance, creating better pedestrian connectivity.
4. Create Road F to allow potential townhome alleys to connect to an internal roadway.
5. Revise the parking and layout along the southern portion of Road C, near the Retail C80 building, to create a  $\pm 3,000$  square foot retail building and a plaza.
6. As noted above, incorporate the 3861 North Druid Hills Road parcel as Block J and the 2052 Lawrenceville Highway parcel into Block B as Flexible Area B.
7. Update the calculations concerning property area (floor area ratios, density, open space, etc.) on the Master Development Plan to account for the 1.52 acres contributed by the Additional Parcels.
8. Update the floor areas for non-office commercial space to account for the Additional Parcels and the site design adjustments reflected in the updated Master Development Plan.
9. Update the Density Summary Tables and Parking Tables to account for the Master Development Plan revisions and the Additional Parcels.
10. Update the Parking Summary Table to reflect the parking ratios approved per Variance A-22-1246050, the Additional Parcels, and the modified plan layout.

The amount of office and residential uses in the revised Master Development Plan will remain the same after the requested approvals. There will be an increase in non-office commercial space (i.e. restaurant, retail, etc.), however, due to the incorporation of the Additional Parcels.<sup>3</sup> Nonetheless, EDENS does not anticipate an increase in traffic or other impacts from the Additional Parcels because, again, it is proposing densities on both parcels that would be allowed under their current C-1 zoning (i.e. it will have the same development impact today as it will after rezoning to MU-4).

EDENS submits this document 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 §27-7.3.5.

## **II. HISTORY**

The Lulah Hills property is zoned MU-4 and designated as “Town Center” and “Conservation Open Space” on the County’s Future Land Use Map. The Additional Parcels are zoned C-1 and designated as “Town Center” on the County’s Future Land Use Map. The Lulah Hills property was zoned subject to ordinances Z-73054, CZ-85160, CZ-08-14806, CZ-08-14809, and CZ-22-1245595. Ordinance CZ-22-1245595 contained multiple conditions and incorporated a Master Development Plan, among other things, prepared by Kimley-Horn and Associates, Inc. and dated 04/22/2022, that serves as the guiding document for the proposed Lulah Hills Development. A variance, A-22-1246050, was granted in 2022 to reduce the proposed multifamily parking ratio to a minimum of 1.0 spaces per unit and a maximum of 1.5 spaces per unit and allow a sidewalk and associated amenities and utilities to be located in a

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<sup>3</sup>The proposed Master Development Plan and revised conditions depict an increase of ±60,000 square feet of non-office commercial space.

portion of the 50' buffer (which had been previously cleared). The Additional Parcels are not subject to any prior rezoning or variance ordinances.

### III. IMPACT ANALYSIS

#### A.

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

The Additional Parcels are designated as “Town Center” (TC) by the DeKalb County 2035 Comprehensive Plan (the “Comp Plan”). The TC character area supports the MU-4 zoning district. Further, the TC character area is specifically intended “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.”<sup>4</sup> It also is designed to create “focal point[s] 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.”<sup>5</sup>

The Applicant’s request to rezone the Additional Parcels to MU-4, incorporate the Additional Parcels into the Lulah Hills development and modify the 2022 Rezoning conditions all are intended advance the general policies and strategies for Town Center character area, 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.

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<sup>4</sup> See *DeKalb County 2035 Comprehensive Plan*, p. 64.

<sup>5</sup> *Id.*

- 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.
- 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.<sup>6</sup>

B.

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

The Lulah Hills property is immediately adjacent to several commercial uses and in the nearby vicinity of several residential neighborhoods. The Additional Parcels are immediately

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<sup>6</sup> See DeKalb County 2035 Comprehensive Plan, p. 66.

adjacent to right-of-way and other commercial uses. As noted in the paragraphs above, the rezoning of the Additional Parcels and the proposed modifications to the 2022 Zoning Conditions will have little, if any, negative impact on adjacent or nearby property.

EDENS will have the flexibility to maintain the current uses on the Additional Parcels in the near term while allowing for their redevelopment at a later date for other commercial or hotel uses.<sup>7</sup> EDENS future development will be limited to other commercial uses, similar to what is allowed under the current C-1 zoning, for the 3861 North Druid Hills Road parcel and commercial and/or hotel uses for the 2052 Lawrenceville Highway. These uses are either allowed on the Additional Parcels under their current zoning or can be found in the proposed Lulah Hills and surrounding development. In addition, the Applicant's proposed zoning modification request only seeks to update design elements and will not introduce any new uses. As a result, there will be no negative impacts the adjacent and nearby property from the proposed use.

C.

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

The Additional Parcels are currently developed for an oil change facility and a bank. EDENS intends to keep the buildings for the near future and preserve the option to redevelop at a later date for other commercial uses. A similar redevelopment could occur under the current C-1 zoning and, consequently, the Additional Parcels do have an economic value as presently zoned. However, it is the Applicant's intent to incorporate the parcels into the Lulah Hills Master Development Plan to create a cohesive and harmonious development which cannot be done absent a rezoning to MU-4.

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<sup>7</sup>The proposed hotel use is limited to Flexible Area B.

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; 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, as reflected in the Master Development Plan, including the use of a 50-foot transitional buffer, a transitional height plane adjacent to the single-family residential, and the preservation of open space. The Applicant does not intend to reduce any of the buffers or impact the transitional height planes beyond what was previously approved.



E.

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

As noted in the previous paragraphs, EDENS seeks to rezone and incorporate the Additional Parcels into Lulah Hills design to create a more comprehensive and cohesive development. In addition, EDENS is requesting the modifications to the 2022 Rezoning conditions as the result of its continued effort to fine-tune its design. The favorable grant of the Applicant's request will result in a more practical and refined design.

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

The requested rezoning and zoning modification, if approved, will not affect existing transportation facilities. The amended Lulah Hills Master Development Plan meets the requisite parking for this development. Further, the Additional Parcels and the requested modifications will not impact traffic. The 2022 Rezoning was subject to a Development of Regional Impact (DRI) review. Pursuant to that DRI, the Applicant's engineer, Kimley-Horn and Associates, Inc., prepared a traffic study to analyze the trips generated by this development and their impact on the surrounding roadway network. The traffic study was reviewed by the Atlanta Regional Commission and the Georgia Regional Transportation Authority during the DRI process and issued recommendations based upon its findings. The Applicant's request will not result in an

increased density that will warrant another DRI review. Moreover, the future development of the Additional Parcels will be limited in intensity to what is similarly allowed under the current C-1 zoning.

The proposed rezoning of the Additional Parcels and the zoning modification will not result in additional residential units. As a result, the Applicant's request will have no 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 existing zoning on the Subject Property and any intervening designation except for that requested, are unconstitutional and that a refusal to approve the proposed rezoning or any attempt to rezone the Subject Property to an intervening classification, would be unlawful, arbitrary, capricious, irrational and a manifest abuse of discretion; all 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.

A refusal to approve the proposed Rezoning and Zoning Modification or any attempt to rezone the Subject Property to an intervening classification, would discriminate unfairly between the owner of the Subject Property and other property owners similarly situated, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph II of the Constitution of the State of Georgia.

A refusal to approve the proposed Rezoning and Zoning Modification or any attempt to rezone the Subject Property to an intervening classification, would amount to a taking of property, 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.

A refusal to approve the proposed Rezoning and Zoning Modification or any attempt to rezone the Subject Property to an intervening classification, 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 Constitution of the State of Georgia.

The DeKalb County Zoning Ordinance lacks adequate standards for the Board of Commissioners to exercise their powers to review the Rezoning and Zoning Modification Applications. Specifically, the “criteria” are not sufficient to contain the discretion of Board of Commissioners and to provide the Courts with a reasonable basis for judicial review. Because the stated standards (individually and collectively) are too vague and uncertain to provide reasonable guidance, the Zoning Ordinance is unlawful and violates, among other things, the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia.

Any limitation on the time for presentation of the issues before the Board of Commissioners, which has the power to zone and rezone property, is a violation of the guarantees of free speech under the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph V of the Constitution of the State of Georgia. Further, said limitations are in violation of the right to petition and assemble, in violation of the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph IX of the Constitution of Georgia, as well as the due process clauses of the United States and Georgia Constitutions.

Opponents to this request lack standing, have failed to exhaust administrative remedies, and have waived their rights to appeal by failing to assert legal and constitutional objections.

## V. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Rezoning and Zoning Modification Applications 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 these Applications.

This 1<sup>st</sup> day of July, 2024.

Respectfully Submitted,



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

1105 West Peachtree Street, NE  
Suite 1000  
Atlanta, GA 30309  
404-815-3500

**SURVEY AND  
LEGAL DESCRIPTIONS**



**UTILITY NOTE**

THE UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON LOCATION OF MARKINGS PROVIDED BY:

UTILISURVEY, LLC  
1227 NORTH PEACHTREE PARKWAY, STE 178  
PEACHTREE CITY, GA 30269

THE UNDERGROUND UTILITIES (EXCEPT THE LOCATION OF EXISTING DRAINAGE, SEWER AND IRRIGATION UTILITIES AS WELL AS UNDERGROUND STORAGE TANKS) WERE LOCATED BY UTILISURVEY, LLC. UTILIZING RADIO FREQUENCY TECHNIQUE. THIS TECHNIQUE IS CAPABLE OF LOCATING METALLIC UTILITIES AND TRACER WIRES. ANY NON-METALLIC UTILITIES (WITHOUT TRACER WIRE) ARE NOT LOCATED.

THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. UNDERGROUND UTILITIES NOT OBSERVED OR LOCATED UTILIZING THIS TECHNIQUE MAY EXIST ON THIS SITE BUT NOT BE SHOWN, AND MAY BE FOUND UPON EXCAVATION. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

INFORMATION REGARDING MATERIAL AND SIZE OF UTILITIES IS BASED ON RECORDS ACQUIRED FROM THE UTILITY OWNERS.

**PROPERTY DESCRIPTIONS**

SEE SHEET 10

N/F PROPERTY OF  
**LCI-SVAP NDM JV, LP**

DEED BOOK 24380 / PAGE 183  
DEED BOOK 24380 / PAGE 192  
DEED BOOK 24380 / PAGE 218  
DEED BOOK 24380 / PAGE 227  
DEED BOOK 24380 / PAGE 239  
DEED BOOK 24380 / PAGE 244

**TRACT ONE**  
45.306 Acres  
1,973,547 sf

**TRACT FOUR**  
1,439 Acres  
62,662 sf

**TRACT FIVE**  
0.007 Acres  
327 sf

**TRACT SIX**  
21.585 Acres  
940,248 sf

**TRACT SEVEN**  
1.194 Acres  
51,995 sf

**TRACT EIGHT**  
0.526 Acres  
22,909 sf

**TRACT NINE**  
0.667 Acres  
29,075 sf

**TRACT TWO**  
3.000 Acres  
130,680 sf  
ZONED C-1

**TRACT THREE**  
0.561 Acres  
25,321 sf  
ZONED C-1

**TOTAL SITE AREA**  
74.305 Acres  
3,236,764 sf

**TITLE EXCEPTIONS**

THE FOLLOWING EXCEPTIONS ARE LISTED IN SCHEDULE B, SECTION 2, OF A COMMITMENT FOR TITLE INSURANCE, AS PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, FILE NO. NCS-107834-ALT, EFFECTIVE DATE JULY 12, 2021. THE FOLLOWING MATTERS AFFECT TRACTS ONE, FOUR, FIVE, SIX, SEVEN, EIGHT AND NINE:

12. Sewer Easement from Albert Day to DeKalb County, Georgia, dated August 8, 1947, filed for record June 14, 1948, and recorded in Deed Book 734, Page 381, aforesaid records.

**AFFECTS SITE - EASEMENT WIDTH NOT SPECIFIED**

13. Sewer Easement from L. L. Gistum to DeKalb County, Georgia, dated August 18, 1947, filed for record June 14, 1948, and recorded in Deed Book 734, Page 395, aforesaid records.

**AFFECTS SITE - EASEMENT WIDTH NOT SPECIFIED**

14. Reservation of easements as contained in that certain Warranty Deed from Rich's, Inc., a Delaware corporation domesticated in Georgia to John Hancock Mutual Life Insurance Company, a corporation domiciled in the State of Massachusetts and licensed to do business in the State of Georgia dated April 13, 1964, filed for record April 13, 1964, and recorded in Deed Book 1869, Page 33, aforesaid records.

**AFFECTS SITE - BLANKET EASEMENTS - NOT PLOTTABLE**

15. Reservation of easements as contained in that certain Warranty Deed from Rich's, Inc., a Delaware corporation domesticated in Georgia to John Hancock Mutual Life Insurance Company, a corporation domiciled in the State of Massachusetts and licensed to do business in the State of Georgia dated April 13, 1964, filed for record April 13, 1964, and recorded in Deed Book 1869, Page 37, aforesaid records.

**AFFECTS SITE - BLANKET EASEMENTS - NOT PLOTTABLE**

16. Matters as shown on ALTA/ACSM Land Title Survey prepared by Donald W. Harkness, Jr., GA RLS #2453 for Harkness and Associates, Inc. ("Survey"), dated July 5, 2019, last revised August 13, 2019, Job No. 4878SRVJ19.

**DOCUMENT NOT PROVIDED**

The following matters affect Parcels A and B:

17. INTENTIONALLY DELETED

18. Limitations of access contained in Declaration of Taking in DeKalb Superior Court Civil Action No. 41349, styled State Highway Department of Georgia vs. 1.988 acres of land, et al., dated July 12, 1966.

**AFFECTS SITE - LIMITS ACCESS TO STONE MOUNTAIN PARKWAY**

19. INTENTIONALLY DELETED

20. INTENTIONALLY DELETED

21. Conveyance of access rights as contained in that certain Right of Way Deed from CF-H North Dekalb Center Associates, a Georgia limited partnership, dated August 16, 1986, filed for record August 16, 1986, and recorded in Deed Book 557, Page 605, aforesaid records.

**AFFECTS SITE - LAWRENCEVILLE HIGHWAY**

22. Terms and provisions of that certain Access Easement Agreement, by and between CF-H North Dekalb Center Associates, a Georgia limited partnership and The Citizens and Southern National Bank, a national bank, dated August 15, 1986, filed for record August 16, 1986, and recorded in Deed Book 557, Page 596, aforesaid records.

**AFFECTS SITE - BLANKET EASEMENT - NOT PLOTTABLE**

23. Terms and provisions of that certain Encroachment Easement Agreement, by and between CF-H North Dekalb Center Associates, a Georgia limited partnership and The Citizens and Southern National Bank, a national bank, dated August 15, 1986, filed for record August 16, 1986, and recorded in Deed Book 557, Page 605, aforesaid records.

**AFFECTS SITE - BLANKET RESTRICTIONS & RESTRICTIONS - NOT PLOTTABLE**

24. Reservation of easements as contained in that certain Deed of Exchange from CF-H North Dekalb Center Associates, a Georgia limited partnership to DeKalb County, Georgia, dated July 29, 1987, filed for record July 29, 1987, and recorded in Deed Book 590, Page 616, aforesaid records.

**AFFECTS SITE - CANNOT DETERMINE LOCATION OF EASEMENT - DOCUMENT ILLEGIBLE**

26. Easement from CF-H North Dekalb Center Associates, a Georgia limited partnership to Georgia Power Company, dated July 14, 1987, filed for record November 9, 1987, and recorded in Deed Book 592, Page 553, aforesaid records.

**AFFECTS SITE - BLANKET EASEMENT - NOT PLOTTABLE**

27. Assumed provisions of that certain unrecorded lease as evidenced by Memorandum of Lease from CF-H North Dekalb Center Associates, a Georgia limited partnership to American Multi-Cinema, Inc., a Missouri corporation, dated August 14, 1996, filed for record September 4, 1996, and recorded in Deed Book 9125, Page 444, aforesaid records; as affected by that certain Notice of Assignment and Assumption of Leases from Hendon North Dekalb, LLC, a Georgia limited liability company to LCI-SVAP NDM JV, LP, a Delaware limited partnership, dated May 9, 2014, filed for record May 15, 2014, and recorded in Deed Book 24380, Page 198, aforesaid records.

**NOT A SURVEY MATTER**

28. Terms and provisions of that certain unrecorded lease as evidenced by Memorandum of Lease from CF Georgia North Dekalb LP, a Delaware limited partnership to Burlington Coat Factory Warehouse of North Dekalb, Inc., a Georgia corporation, dated May 31, 2002, filed for record June 17, 2002, and recorded in Deed Book 13354, Page 395, aforesaid records; as affected by that certain Notice of Assignment and Assumption of Leases from Hendon North Dekalb, LLC, a Georgia limited liability company to LCI-SVAP NDM JV, LP, a Delaware limited partnership, dated May 9, 2014, filed for record May 15, 2014, and recorded in Deed Book 24380, Page 198, aforesaid records.

**NOT A SURVEY MATTER**

29. Terms and provisions of that certain unrecorded lease as evidenced by Memorandum of Lease from Hendon North Dekalb Mall, LLC, a Georgia limited liability company to Marshall's of MA, Inc., a Massachusetts corporation, dated December 5, 2003, filed for record February 3, 2004, and recorded in Deed Book 21960, Page 238, aforesaid records; as affected by that certain Notice of Assignment and Assumption of Leases from Hendon North Dekalb, LLC, a Georgia limited liability company to LCI-SVAP NDM JV, LP, a Delaware limited partnership, dated May 9, 2014, filed for record May 15, 2014, and recorded in Deed Book 24380, Page 198, aforesaid records.

**NOT A SURVEY MATTER**

30. Permanent Water Easement (When Installed by Developer) from Metro Corral Partners, LLC & Hendon Ring Road, LLC to DeKalb County, Georgia, a political subdivision of the State of Georgia, dated March 28, 2013, filed for record April 5, 2013, and recorded in Deed Book 23685, Page 543, aforesaid records.

**AFFECTS SITE AS SHOWN**

31. Matters as shown on that certain plat recorded in Plat Book 221, Page 32, aforesaid records.

**SETBACKS AFFECTING SITE ARE SHOWN**

32. Matters as shown on that certain plat recorded in Plat Book 221, Page 52, aforesaid records.

**SETBACKS AFFECTING SITE ARE SHOWN**

33. Easement and conveyance of access rights as contained in that certain Condemnation Order Docket No. 41,643, being State Highway Department of Georgia vs. 3,231 acres of land and Access Rights in Land Abutting and a Slope Easement, John Hancock Mutual Life Insurance Company, Rich's, Inc., and D. Scott Huggins, Jr., dated March 30, 1953, filed for record August 4, 1953, and recorded in Deed Book 985, Page 486, aforesaid records; as affected by that certain Quitclaim Deed from Georgia Power Company to CF-H North Dekalb Center Associates, a Georgia limited partnership, dated August 20, 1987, filed for record August 31, 1987, and recorded in Deed Book 5934, Page 237, aforesaid records.

**AFFECTS SITE - RESTRICTS ACCESS TO STONE MOUNTAIN FREEWAY**

**AFFECTS SITE - BLANKET RESTRICTIONS & RESTRICTIONS - NOT PLOTTABLE**

35. Easement from T. C. Holmes, Jr. to Georgia Power Company, dated December 3, 1954, filed for record January 4, 1955, and recorded in Deed Book 1080, Page 388, aforesaid records; as affected by that certain Quitclaim Deed from Georgia Power Company to CF-H North Dekalb Center Associates, a Georgia limited partnership, dated August 20, 1987, filed for record August 31, 1987, and recorded in Deed Book 5934, Page 237, aforesaid records.

**DOES NOT AFFECT SITE - EASEMENT QUITCLAIMED PER DB 5934, PG 237**

36. Terms and provisions of that certain Stormwater Detention Facility Inspection and Maintenance Agreement, by and between Hendon Columbia LLC and DeKalb County, dated December 17, 2010, filed for record December 21, 2010, and recorded in Deed Book 22282, Page 398, aforesaid records.

**AFFECTS SITE - BLANKET RESTRICTIONS & RESTRICTIONS - NOT PLOTTABLE**

37. Terms and provisions of that certain Declaration of Easements, Covenants and Restrictions by Hendon Columbia, LLC, a Georgia limited liability company, dated October 31, 2011, filed for record November 7, 2011, and recorded in Deed Book 22714, Page 748, aforesaid records; as affected by Assignment and Assumption of Declaration of Easements, Covenants and Restrictions from Hendon Columbia, LLC, a Georgia limited liability company to LCI-SVAP NDM JV, LP, a Delaware limited partnership, dated May 9, 2014, filed for record May 15, 2014, and recorded in Deed Book 24380, Page 217, aforesaid records.

**AFFECTS SITE - BLANKET RESTRICTIONS & RESTRICTIONS - NOT PLOTTABLE**

38. Easements and conveyance of access rights as contained in that certain Condemnation Order Docket No. 41,643, being State Highway Department of Georgia vs. 3,231 acres of land and Access Rights in Land Abutting and a Slope Easement; John Hancock Mutual Life Insurance Company, Rich's, Inc., and D. Scott Huggins, Jr., dated March 30, 1953, filed for record August 4, 1953, and recorded in Deed Book 985, Page 486, aforesaid records.

**AFFECTS SITE - RESTRICTS ACCESS TO STONE MOUNTAIN FREEWAY**

The following matters affect Tracts One, Two and Three:

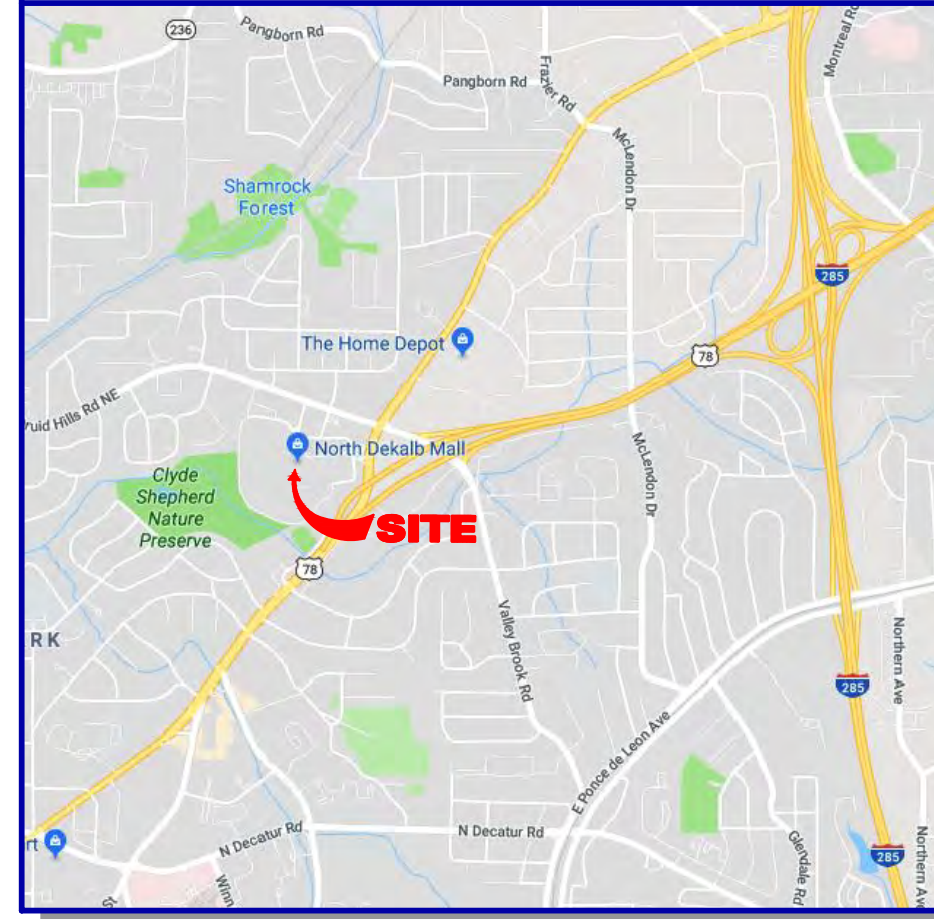
39. Terms and provisions of that certain Restated Construction, Operation and Reciprocal Easement Agreement for MarketSquare at North Dekalb, DeKalb County, Georgia, by and between CF-H North Dekalb Center Associates, a Georgia limited partnership, Federated Department Stores, Inc., a Delaware corporation, Lechmere, Inc., a Massachusetts corporation and Mervyn's, a California corporation, dated December 7, 1987, filed for record December 11, 1987, and recorded in Deed Book 6017, Page 142, aforesaid records; as affected by that certain Assignment and Assumption of Operating Agreement from Federated Department Stores, Inc., a Delaware corporation to Rich's North Dekalb Real Estate, Inc., a Delaware corporation, dated July 29, 1988, filed for record August 18, 1988, and recorded in Deed Book 620, Page 318, aforesaid records; as affected by that certain Certificate of Compliance by CF-H North Dekalb Center Associates, a Georgia limited partnership, whose sole general partner is CF North Dekalb Associates, a New York general partnership, having as its authorized general partner Cadillac Fairview Shopping Center Partners (Georgia) Inc., a Delaware corporation, dated May 16, 1990, filed for record May 16, 1990, and recorded in Deed Book 6703, Page 680, aforesaid records; as affected by that certain Agreement Respecting Restated Construction, Operation and Reciprocal Easement for North Dekalb Mall, DeKalb County, Georgia by and between CF Georgia North Dekalb LP, a Delaware limited partnership and Rich's Real Estate, Inc., a Delaware corporation, dated June 30, 1989, filed for record July 18, 1989, and recorded in Deed Book 9532, Page 626, aforesaid records; as affected by that certain Assignment and Assumption of Construction, Operation and Reciprocal Easement Agreement from DeKalb, LLC, a Georgia limited liability company, dated October 21, 2003, filed for record October 22, 2003, and recorded in Deed Book 15242, Page 611, aforesaid records; as affected by that certain Assignment and Assumption of Construction, Operation and Reciprocal Easement Agreement by and between Hendon Dekalb, LLC, a Georgia limited liability company and Macy's Retail Holdings, Inc., a New York corporation, dated August 14, 2007, and recorded in Deed Book 20318, Page 304, aforesaid records; as affected by that certain Second Amendment to Restated Construction, Operation and Reciprocal Easement Agreement by and among Hendon North Dekalb, LLC, a Georgia limited liability company, Hendon Ring Road, LLC, a Georgia limited liability company and Macy's Retail Holdings, Inc., a New York corporation, dated November 14, 2011, filed for record July 20, 2012, and recorded in Deed Book 23151, Page 583, aforesaid records; and as affected by that certain Assignment and Assumption of Core Agreement from Hendon North Dekalb, LLC, a Georgia limited liability company and Hendon Ring Road, LLC, a Georgia limited liability company to LCI-SVAP NDM JV, LP, a Delaware limited partnership, dated May 9, 2014, filed for record May 15, 2014, and recorded in Deed Book 24380, Page 203, aforesaid records.

**AFFECTS SITE - BLANKET EASEMENTS & RESTRICTIONS - NOT PLOTTABLE**

40. Any rights, interests, or claims which may exist or arise by reason of the following facts shown on the ALTA/NSPS Land Title Survey dated August 4, 2021, last revised December 15, 2021, prepared by GeoSurvey, bearing the seal of John T. Newman, GRLS #3324, as Job Number 20175643.

**VICINITY MAP**

SITE LOCATION - LATITUDE: 33° 48' 30" LONGITUDE: 84° 16' 39"



**GENERAL NOTES**

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

SURVEY TRACTS ONE THROUGH FIVE ARE LOCATED IN FLOOD ZONE "X" AND SURVEY TRACTS SIX, EIGHT, & NINE ARE LOCATED IN FLOOD ZONE "AE" BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 1308900067K, AND THE DATE OF SAID MAP IS AUGUST 15, 2019. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

PLEASE NOTE: TREES 6-INCH DBH (DIAMETER AT BREAST HEIGHT) AND LARGER WITHIN THE BOUNDARIES OF SURVEY TRACTS ONE THROUGH FIVE WERE LOCATED IN DECEMBER 2017 AND ARE SHOWN BASED ON SURVEY REFERENCE 1.

RIGHT-OF-WAY LINES SHOWN ON THIS SURVEY THAT ARE NOT ACTUAL BOUNDARIES OF THE SUBJECT TRACT(S) ARE DEPICTED GRAPHICALLY AND ARE SHOWN APPROXIMATELY FOR INFORMATIONAL PURPOSES ONLY. SAID RIGHT-OF-WAY LINES SHOULD NOT BE UTILIZED FOR DESIGN PURPOSES.

REVISIONS LISTED ON THIS SURVEY APPLY ONLY TO THE SPECIFIC CHANGES REFERENCED, AND DO NOT CONSTITUTE AN UPDATE OF OTHER DATA ON THIS SURVEY. THE "SURVEY DATE" SHOWN HEREON IS THE APPLICABLE DATE AS RELATED TO PROVISIONS OF STATUTES OF LIMITATION UNLESS SPECIFICALLY NOTED OTHERWISE.

THE INTERIOR BUILDING LINES DIVIDING THE INDIVIDUAL SITES ARE APPROXIMATE, BASED UPON OBSERVATIONS AND DIMENSIONS MADE FROM THE EXTERIOR OF THE BUILDING AND ARE NOT TO BE USED FOR REMODELING, CONSTRUCTION OR CALCULATIONS OF LEASE AREAS.

THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS, AND BASED ON POSITIONAL VALUES FOR THE VERTICAL REFERENCE STATION NETWORK DEVELOPED BY GPS SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983 (NAD83) STATE PLANE COORDINATE SYSTEM OF GEORGIA-WEST ZONE. THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DIRECTIONS OR DIMENSIONS SHOWN ARE A RECTANGULAR, GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

NO ZONING REPORT OR ZONING LETTER WAS PROVIDED TO THE SURVEYOR. THIS SITE IS ZONED "C-1" (LOCAL COMMERCIAL DISTRICT) AS SHOWN ON THE ZONING MAP OF DEKALB COUNTY.

THE MINIMUM YARD SETBACKS ARE:  
FRONT (THROUGHFARE & ARTERIAL) - 60 FEET; FRONT (OTHER) - 50 FEET SIDE (INTERIOR) - 20 FEET; SIDE (CORNER LOT) - 50 FEET; REAR - 30 FEET

PLEASE NOTE: ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING AND ZONING PRIOR TO DESIGN OR CONSTRUCTION ACTIVITIES.

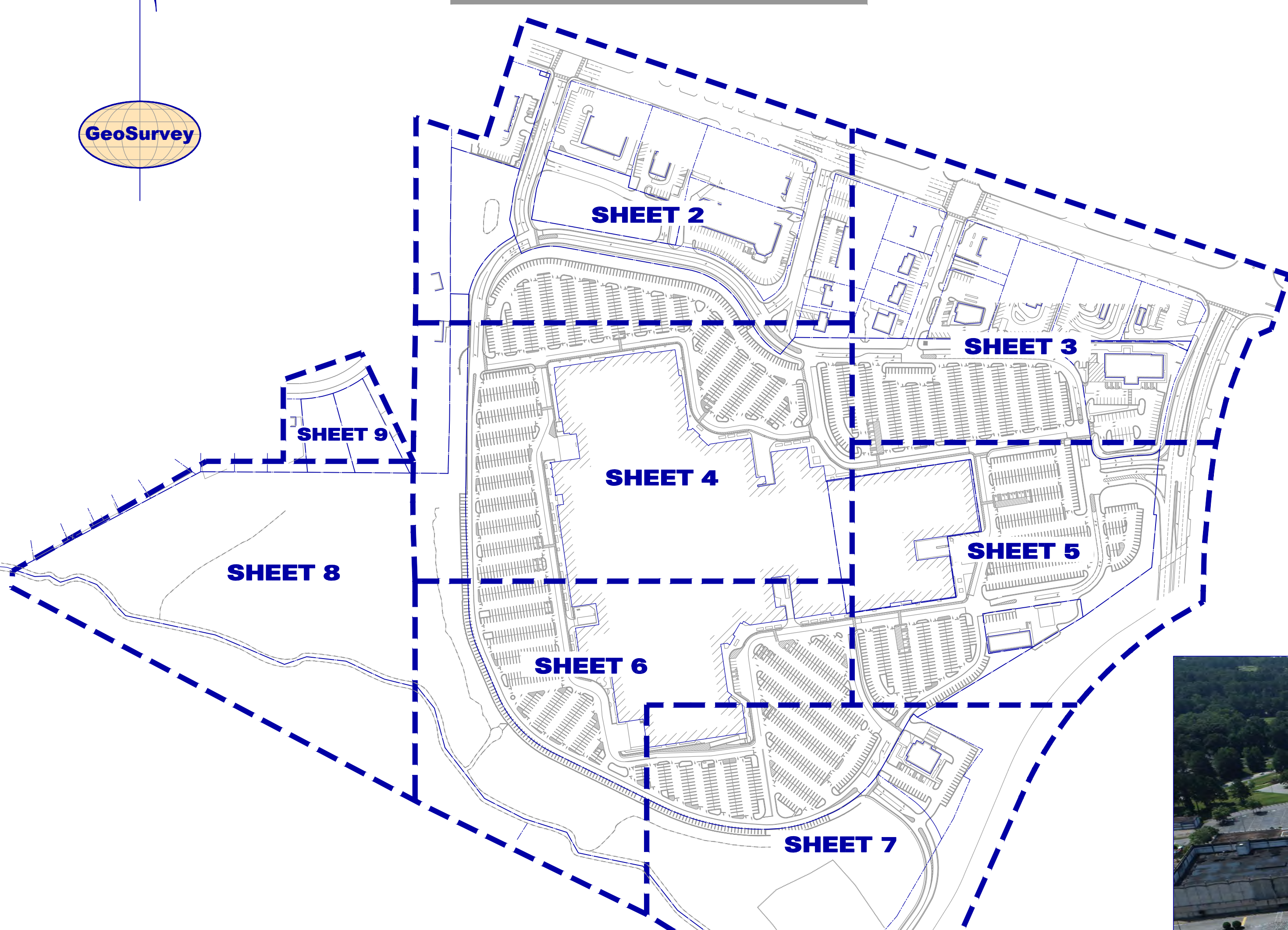
**SURVEY REFERENCES**  
1) ALTA/NSPS LAND TITLE SURVEY OF NORTH DEKALB MALL, PREPARED BY GEOSURVEY, LTD., DATED DECEMBER 15, 2017 (JOB NO. 20175643-01).

**IF YOU DIG**



Know what's below.  
Call before you dig.  
Dial 811  
Or Call 800-282-7411

**SHEET INDEX**



**AERIAL PHOTOGRAPH**



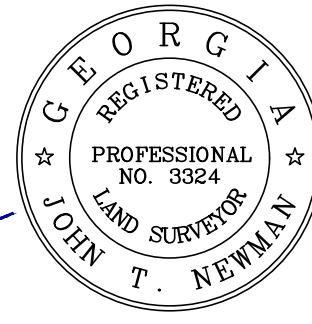
**SURVEYOR CERTIFICATION (ALTA/NSPS)**

To: Edens Limited Partnership and Edens Realty, Inc., their lenders, and First American Title Insurance Company, their respective successors and assigns:

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 6(a)(b), 7(a)(c), 8, 9, 10, 11(a)(b), 13, 14, 16, 17, 18 & 19 of Table A thereof. The field work was completed on August 4, 2021.

Date: August 4, 2021

John T. Newman  
John T. Newman  
Georgia Registered  
Land Surveyor # 3324



1 SHEET  
OF  
10

**SURVEYOR CERTIFICATION (GEORGIA)**

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

John T. Newman  
John T. Newman  
Georgia Registered  
Land Surveyor # 3324

ALTA/NSPS LAND TITLE SURVEY

**North Dekalb Mall**

FOR

**Edens Limited Partnership**

**Edens Realty, Inc**

**First American Title Insurance Company**

**CURVE TABLE**

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	131.39'	27.85'	27.79'	S35°30'32"W
C2	303.36'	17.02'	17.02'	S31°02'34"W
C3	27.00'	6.28'	6.27'	S25°58'53"W
C4	350.00'	97.01'	96.70'	S44°27'06"W
C5	302.36'	81.23'	80.99'	S59°45'17"W
C6	347.00'	115.56'	115.03'	S76°59'11"W
C7	623.13'	323.71'	319.50'	N78°72'51"W
C8	371.00'	218.97'	218.48'	N43°36'27"W
C9	296.99'	111.43'	110.78'	N12°41'45"W
C10	2283.00'	116.80'	116.79'	N00°29'06"W
C11	7018.44'	99.82'	99.82'	N00°34'20"E
C12	233.00'	192.89'	192.00'	N36°51'10"E
C13	27.00'	13.45'	13.31'	N46°53'32"E
C14	182.00'	118.33'	116.26'	N81°31'39"E
C15	219.00'	186.10'	180.55'	S55°30'10"E
C16	217.00'	102.25'	101.31'	S44°39'28"E
C17	114.00'	161.32'	148.19'	S48°56'11"E
C18	33.00'	51.69'	46.56'	S53°24'16"E
C19	441.76'	64.52'	64.52'	N85°52'43"E
C20	48.00'	39.15'	38.07'	N66°41'00"E
C21	1203.92'	78.21'	78.20'	S05°39'35"W

**LINE TABLE**

LINE	BEARING	DISTANCE
L1	S17°52'15"W	11.94'
L2	N71°05'44"E	27.36'
L3	N17°52'15"E	11.94'
L4	S71°05'44"E	27.36'
L5	N48°31'39"W	13.69'
L6	S22°48'07"W	28.21'
L7	S00°17'10"W	24.24'
L8	S84°45'57"E	8.00'

**CLOSURE STATEMENT**

THE FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 149,225, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. A TRIMBLE S-6 TOTAL STATION AND TRIMBLE TSC-3 DATA COLLECTOR WERE USED TO COLLECT THIS FIELD DATA.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 699,292 FEET. JTN, INT.



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Certificate of Authorization #LSF-000621

GS JOB NO:	20175643	DRAWING SCALE:	1" = 40'	SURVEY DATE:	08-04-2021
FIELD WORK:	ZM/JWN	CITY:	UNINCORPORATED	REVISIONS	
PROJ MGR:	JWN	COUNTY:	DEKALB	1.	8-19-21
REVIEWED:	DLH	STATE:	GA	2.	9-16-21
DWG FILE:	20175643-04.dwg	DISTRICT:	18TH	No.   Date   Description	
				1.   8-19-21   Address Comments	
				2.   9-16-21   Address Comments	

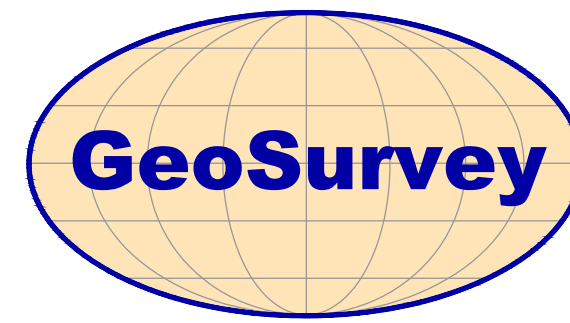


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ALTA/NSPS LAND TITLE SURVEY

North Dekalb Mall

FOR

Edens Limited Partnership

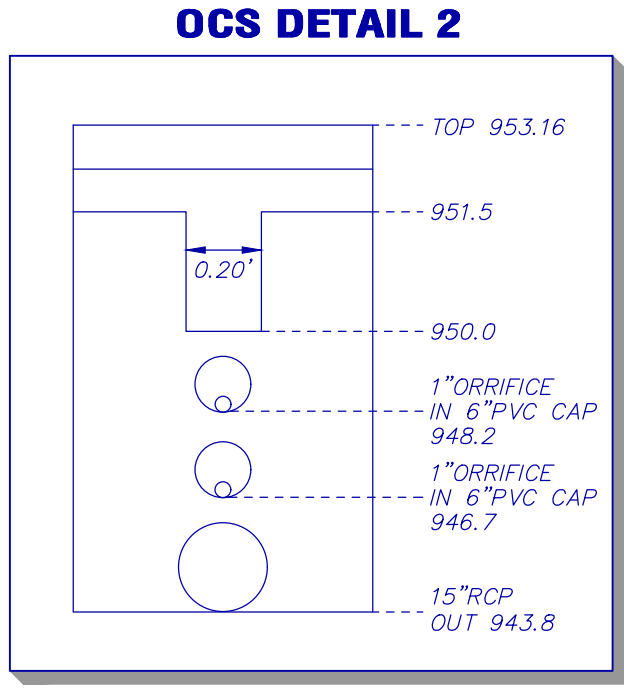
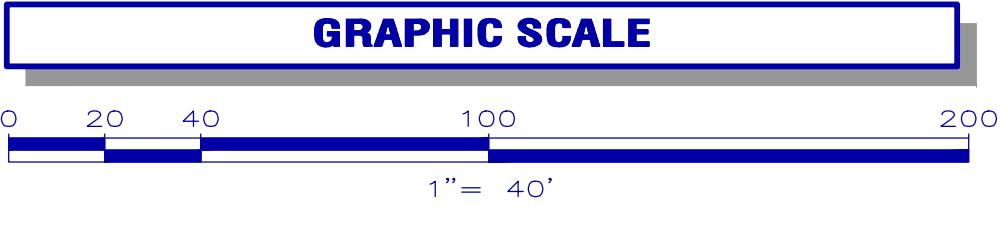
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REVIEWED:	DLH	LAND LOT:	100 & 101	1. Date	Description
DWG FILE:	20175643-04.dwg	DISTRICT:	18TH	2. 8-19-21	Address Comments
				3. 9-16-21	Address Comments

LEGEND

STANDARD ABBREVIATIONS	STANDARD SYMBOLS
AC AIR CONDITIONER	POWER POLE
BH BORE HOLE	GUY WIRE
BSL BUILDING SETBACK LINE	POWER LINE
CI CURB INLET	LIGHT POLE
CMF CORRUGATED METAL PIPE	ELECTRIC VAULT
CMF CONCRETE MONUMENT FND	ELECTRIC TRANSFORMER
CD SANITARY CLEANDOUT	WATER VAULT
CPED COMMUNICATION PEDestal	GAS VALVE
CTP CRIMPED TOP PIPE	GAS METER
DI DROP INLET	WATER VALVE
DIP DUCTILE IRON PIPE	WATER METER
DWCB DOUBLE WING CATCH BASIN	FIRE HYDRANT
FND FOUND	UNDERGROUND ELECTRIC LINE
GM GAS METER	UNDERGROUND GAS LINE
INV INVERT	UNDERGROUND COMMUNICATION LINE
JBX JUNCTION BOX	UNDERGROUND WATER LINE
MH MANHOLE	REGULAR PARKING SPACE COUNT
OHP OVERHEAD POWER	HANDICAP PARKING SPACE
OTIP OPEN TOP PIPE	TREE POSITION INDICATOR
PM POWER METER	SIGN
POB POINT OF BEGINNING	
POC POINT OF COMMENCEMENT	
RCP REINFORCED CONCRETE PIPE	
RFB IRON REINFORCING BAR	
RFP 5/8" RFB CAPPED LSF 621	
SS SANITARY SEWER	
SWCB SINGLE WING CATCH BASIN	
TRANS ELECTRIC TRANSFORMER	



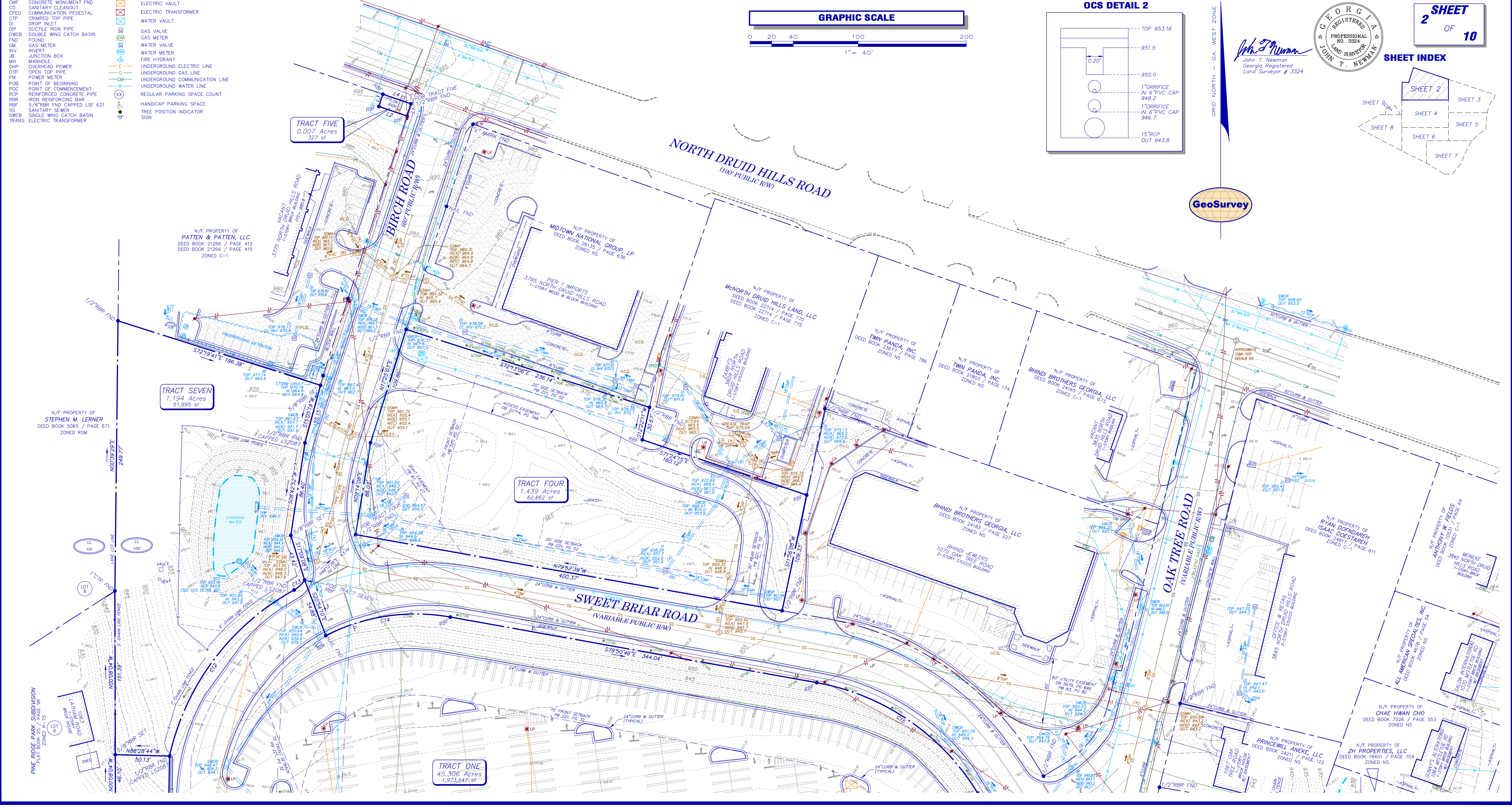
GRID NORTH - GA. WEST ZONE

John T. Newman  
Georgia Registered  
Land Surveyor # 3324

PROFESSIONAL  
NO. 3324  
JOHN T. NEWMAN  
LAND SURVEYOR

**SHEET 2 OF 10**

SHEET INDEX



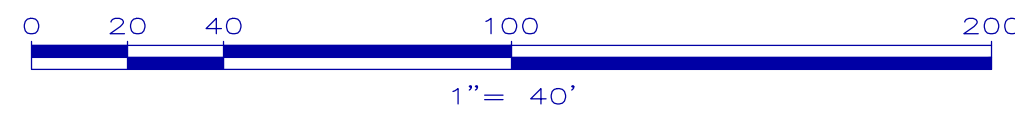


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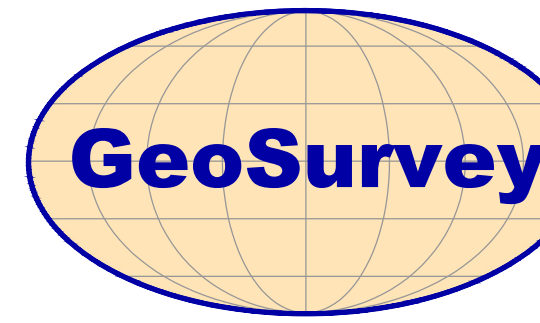


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GRAPHIC SCALE



SITE PHOTOGRAPHS



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ALTA/NSPS LAND TITLE SURVEY

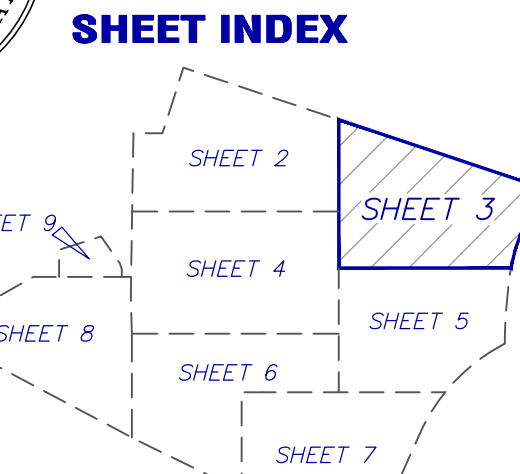
North Dekalb Mall

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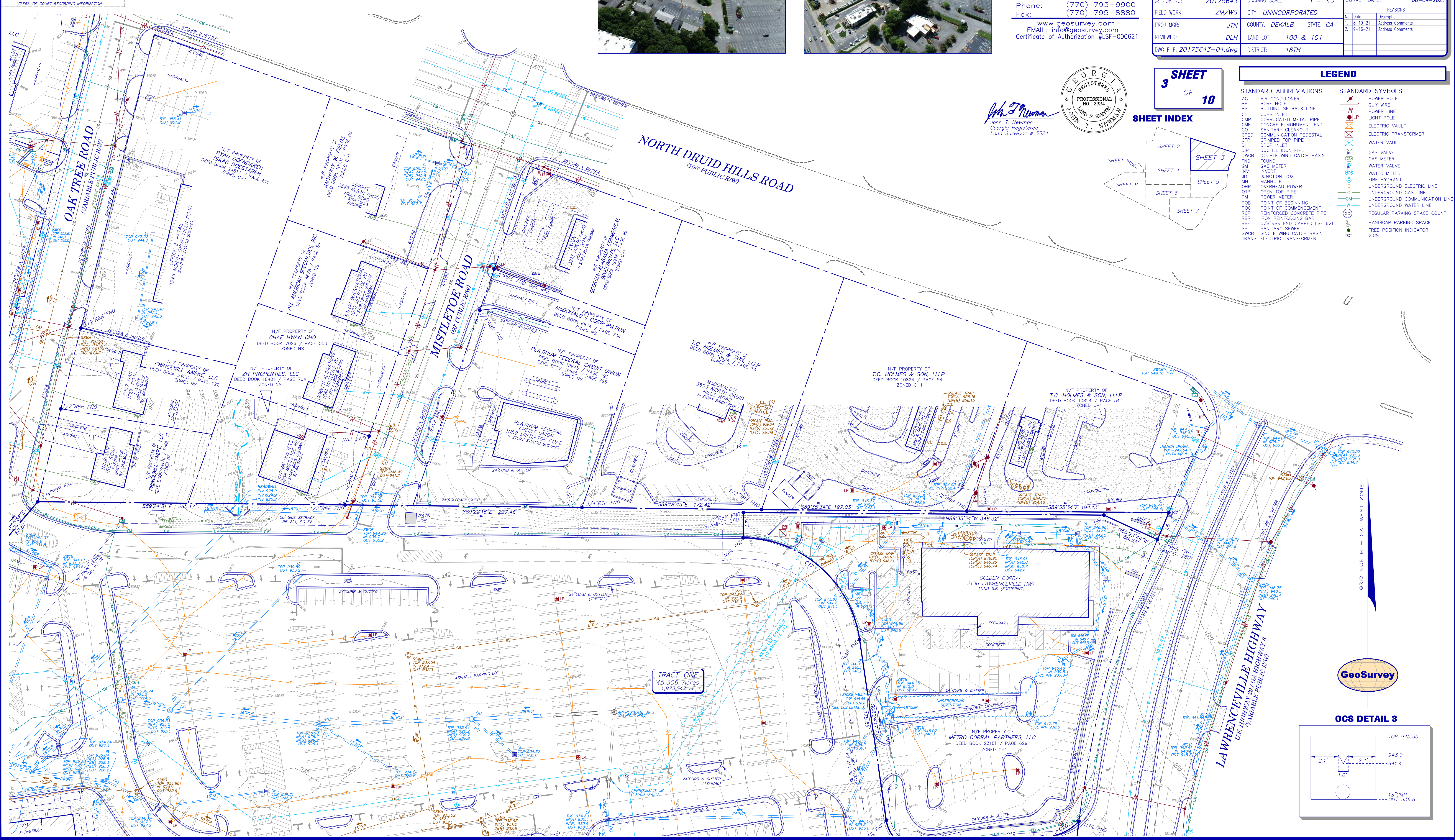
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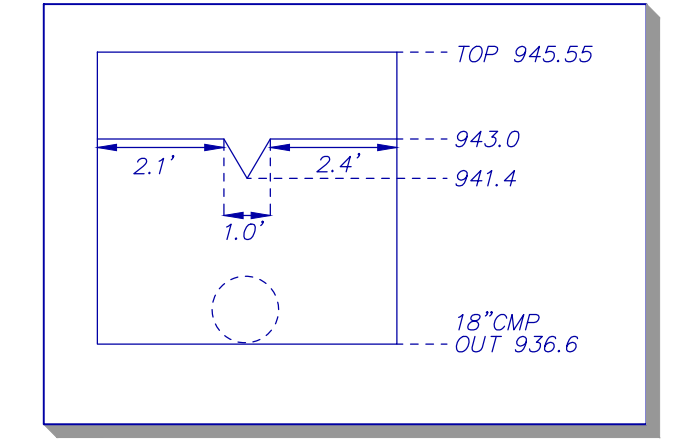
LEGEND

STANDARD ABBREVIATIONS	STANDARD SYMBOLS
AC AIR CONDITIONER	POWER POLE
BH BORE HOLE	GUY WIRE
BWL BUILDING SETBACK LINE	POWER LINE
CI CURB INLET	LIGHT POLE
CMP CORRUGATED METAL PIPE	ELECTRIC VAULT
CMF CONCRETE MONUMENT FND	ELECTRIC TRANSFORMER
CO SANITARY CLEANOUT	WATER VAULT
CPED COMMUNICATION PEDESTAL	GAS VALVE
CTP CRIMPED TOP PIPE	GAS METER
DI DROP INLET	WATER VALVE
DIP DUCTILE IRON PIPE	WATER METER
DWCB DOUBLE WING CATCH BASIN	FIRE HYDRANT
FND FOUND	UNDERGROUND ELECTRIC LINE
GM GAS METER	UNDERGROUND GAS LINE
INV INVERT	UNDERGROUND COMMUNICATION LINE
JB JUNCTION BOX	UNDERGROUND WATER LINE
MH MANHOLE	REGULAR PARKING SPACE COUNT
OHP OVERHEAD POWER	HANDICAP PARKING SPACE
OTB OPEN TOP PIPE	TREE POSITION INDICATOR
PM POWER METER	SIGN
POB POINT OF BEGINNING	
POC POINT OF COMMENCEMENT	
RCR REINFORCED CONCRETE PIPE	
RFB IRON REINFORCING BAR	
RF 5/8" RFB FND CAPPED LSF 621	
SS SANITARY SEWER	
SWCB SINGLE WING CATCH BASIN	
TRANS ELECTRIC TRANSFORMER	

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Georgia Registered  
Land Surveyor # 3324



OCS DETAIL 3





SITE PHOTOGRAPHS

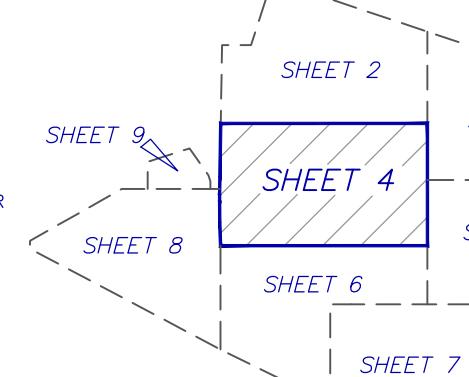


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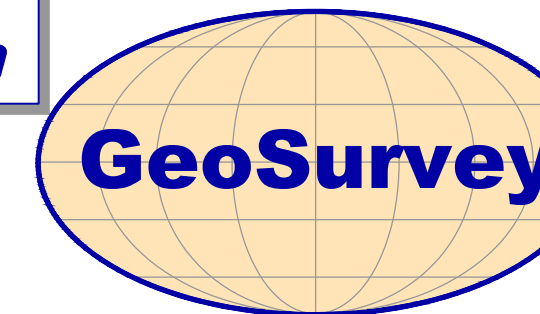
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  - BSL BUILDING SETBACK LINE
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  - SIGN

SHEET INDEX



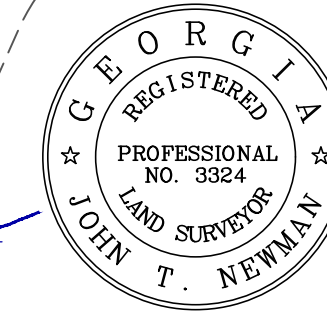
SHEET 4 OF 10



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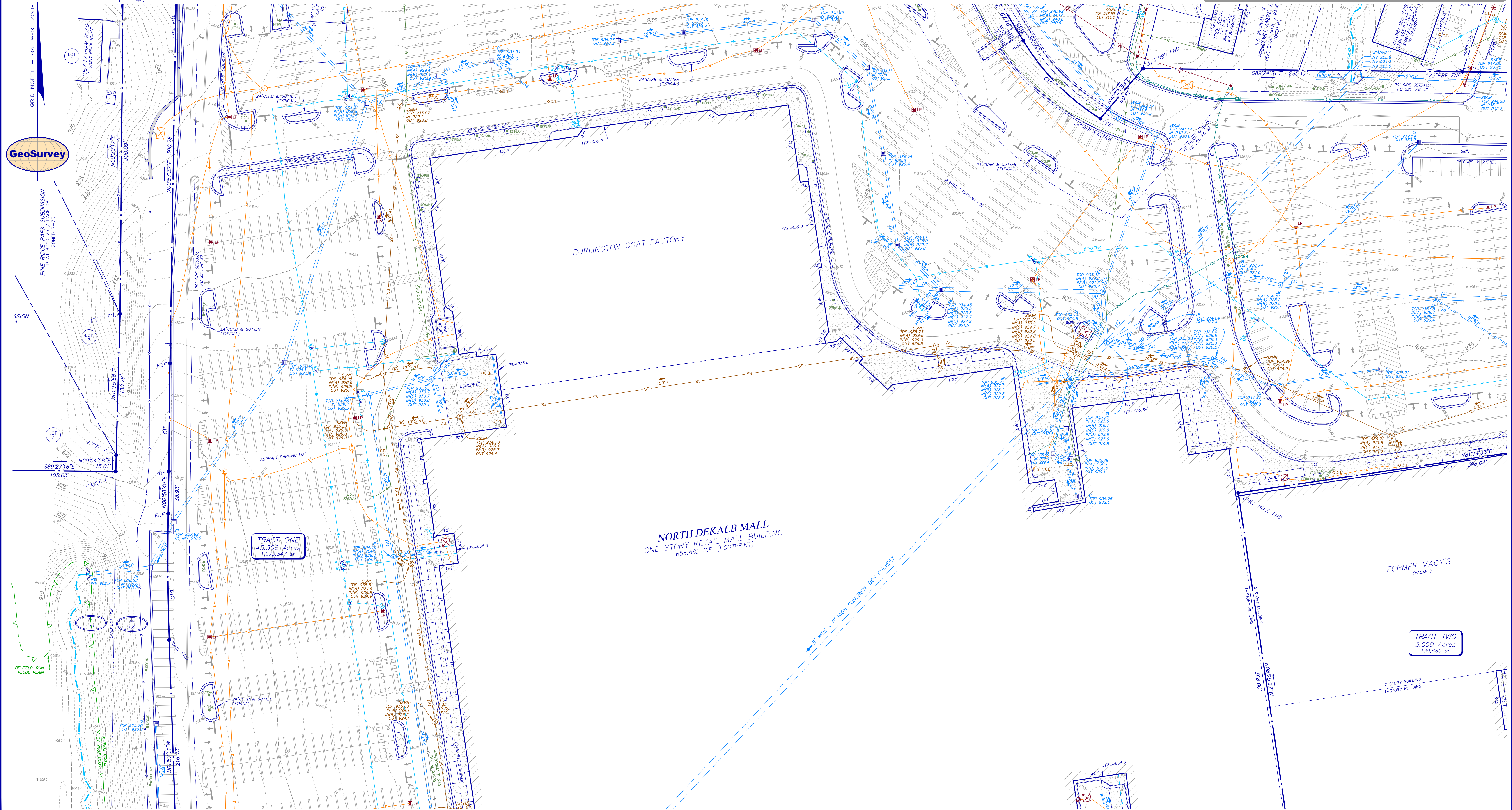
ALTA/NSPS LAND TITLE SURVEY

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PROJ MGR:	JTN	COUNTY:	DEKALB	STATE:	GA
REVIEWED:	DLH	LAND LOT:	100 & 101	DISTRICT:	18TH
DWG FILE:	20175643-04.dwg				

GRAPHIC SCALE



TRACT ONE  
45.306 Acres  
1,973,547 sf

NORTH DEKALB MALL  
ONE STORY RETAIL MALL BUILDING  
658,882 S.F. (FOOTPRINT)

TRACT TWO  
3.000 Acres  
130,680 sf



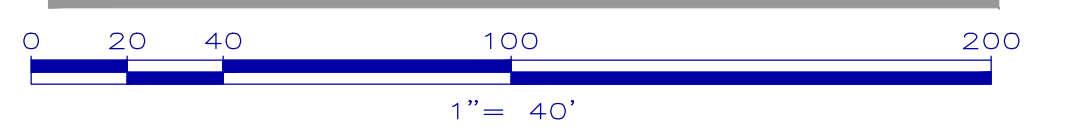
**SITE PHOTOGRAPHS**



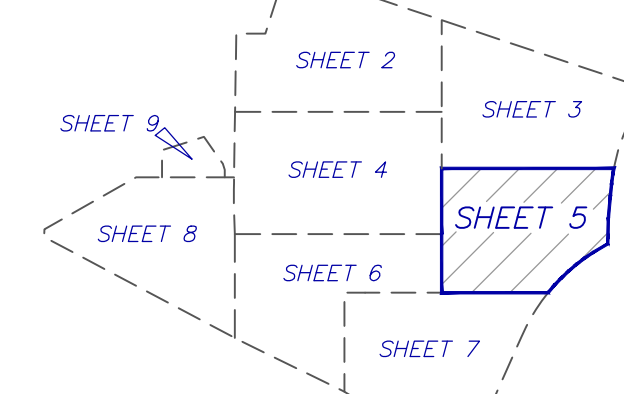
**LEGEND**

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BSL BUILDING SETBACK LINE	POWER LINE
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CMF CONCRETE MONUMENT FND	ELECTRIC TRANSFORMER
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CPED COMMUNICATION PEDESTAL	WATER VAULT
CPIMP CRIMPED TOP PIPE	GAS VALVE
DI DUCTILE IRON PIPE	GAS METER
DWP DOUBLE WING CATCH BASIN	WATER VALVE
FND FOUND	WATER METER
GM GAS METER	FIRE HYDRANT
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POC POINT OF COMMENCEMENT	SIGN
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RBF 5/8" RBR FND CAPPED LSF 621	
SS SANITARY SEWER	
SWCB SINGLE WING CATCH BASIN	
TRANS ELECTRIC TRANSFORMER	

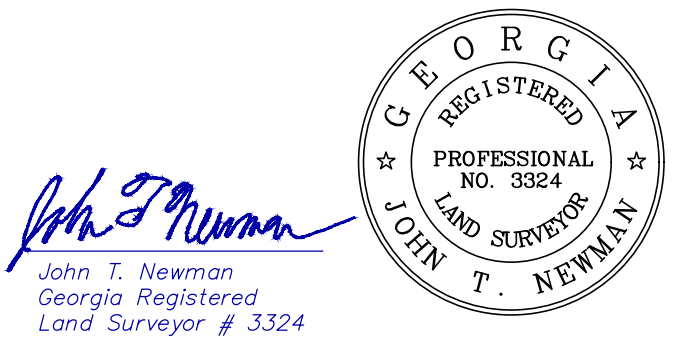
**GRAPHIC SCALE**



**SHEET INDEX**



**SHEET 5 OF 10**



ALTA/NSPS LAND TITLE SURVEY

**North Dekalb Mall**

FOR

**Edens Limited Partnership  
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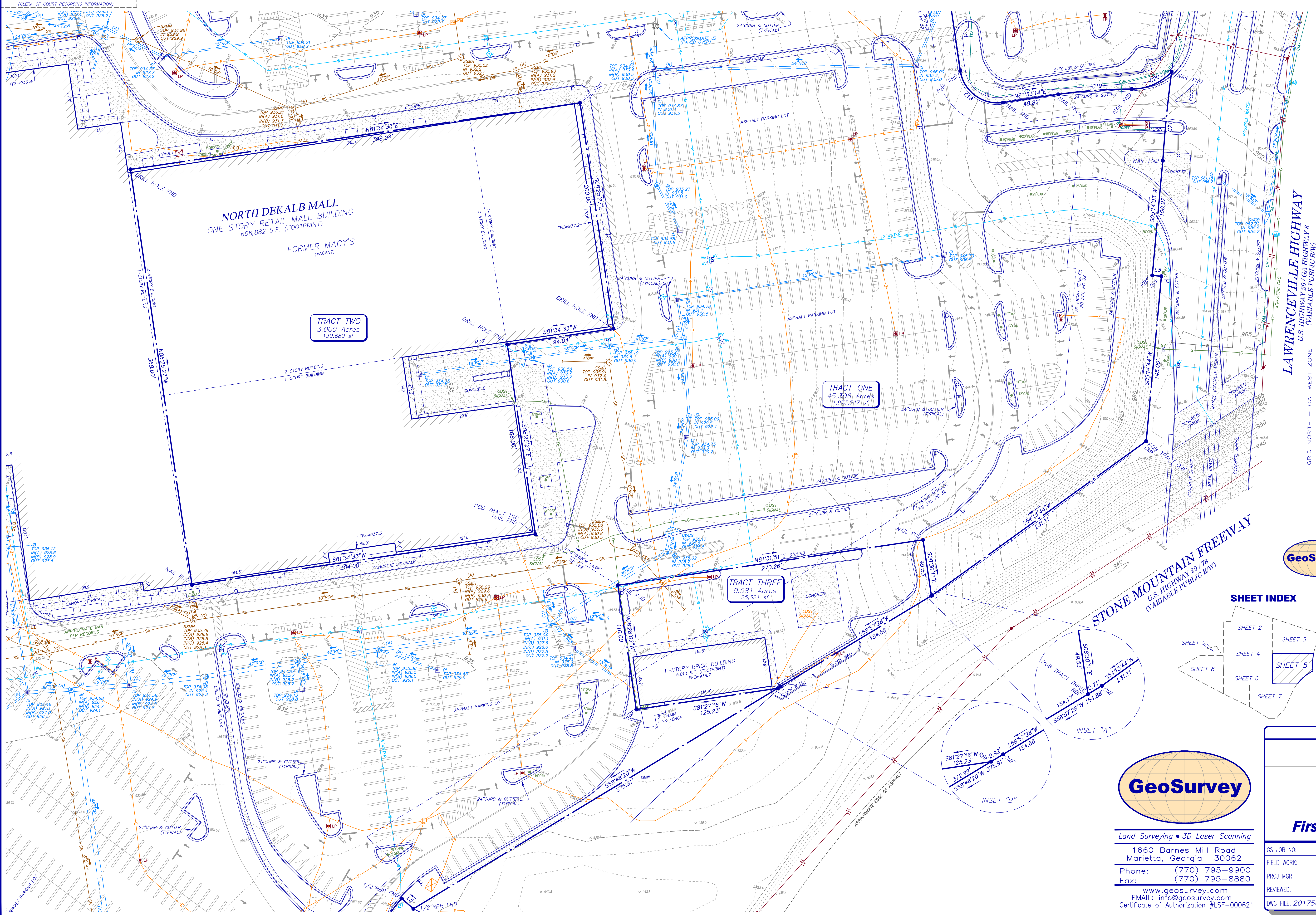


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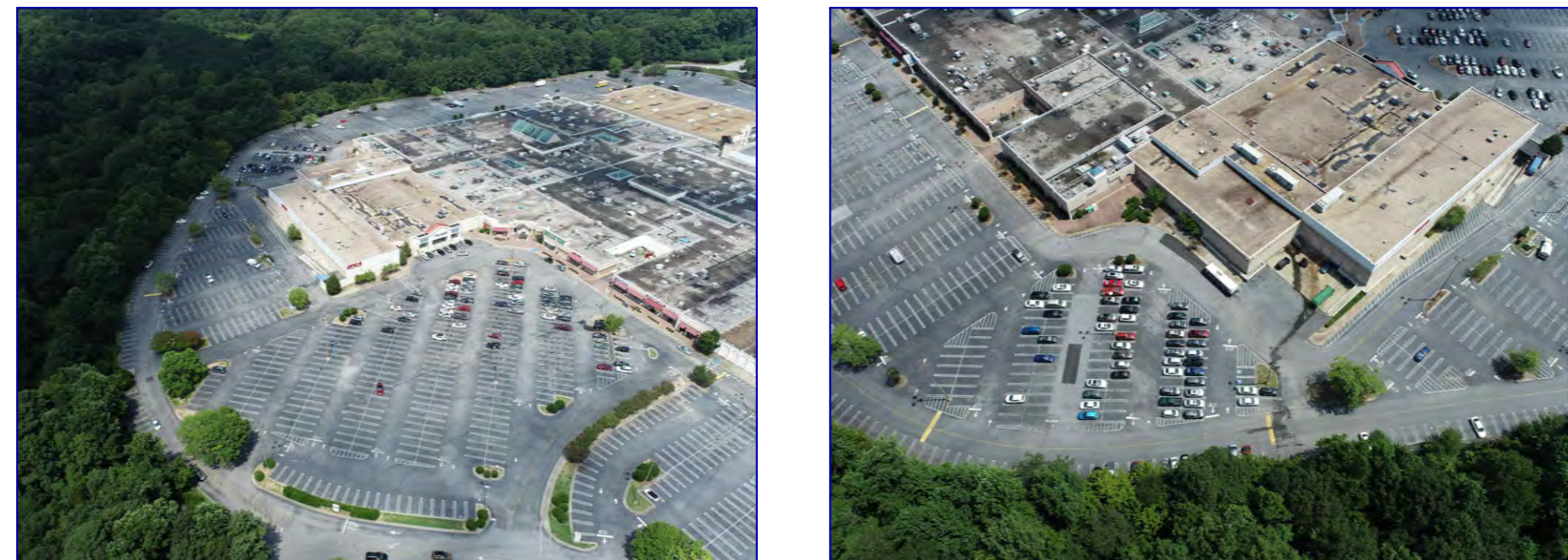
(CLERK OF COURT RECORDING INFORMATION)

GRID NORTH - GA. WEST ZONE



GRID NORTH - GA. WEST ZONE

**SITE PHOTOGRAPHS**

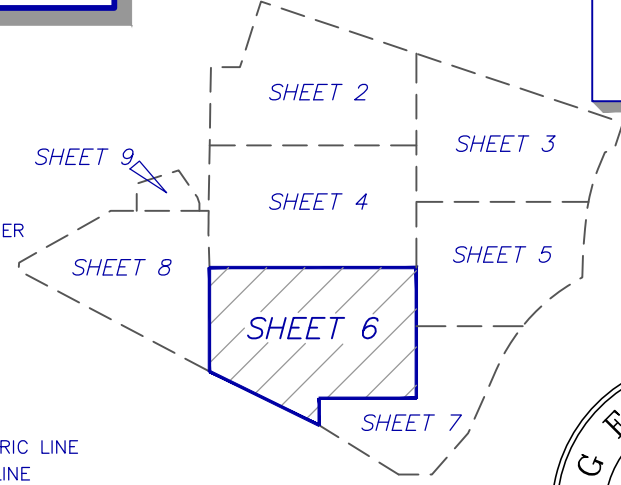


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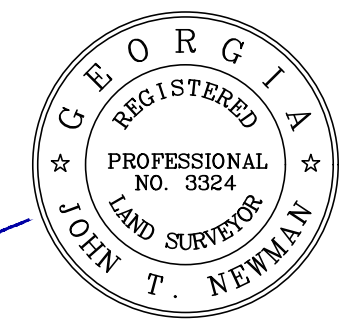
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  - UNDERGROUND WATER LINE
  - REGULAR PARKING SPACE
  - HANDICAP PARKING SPACE
  - TREE POSITION INDICATOR
  - SIWA

**SHEET INDEX**



**SHEET 6 OF 10**



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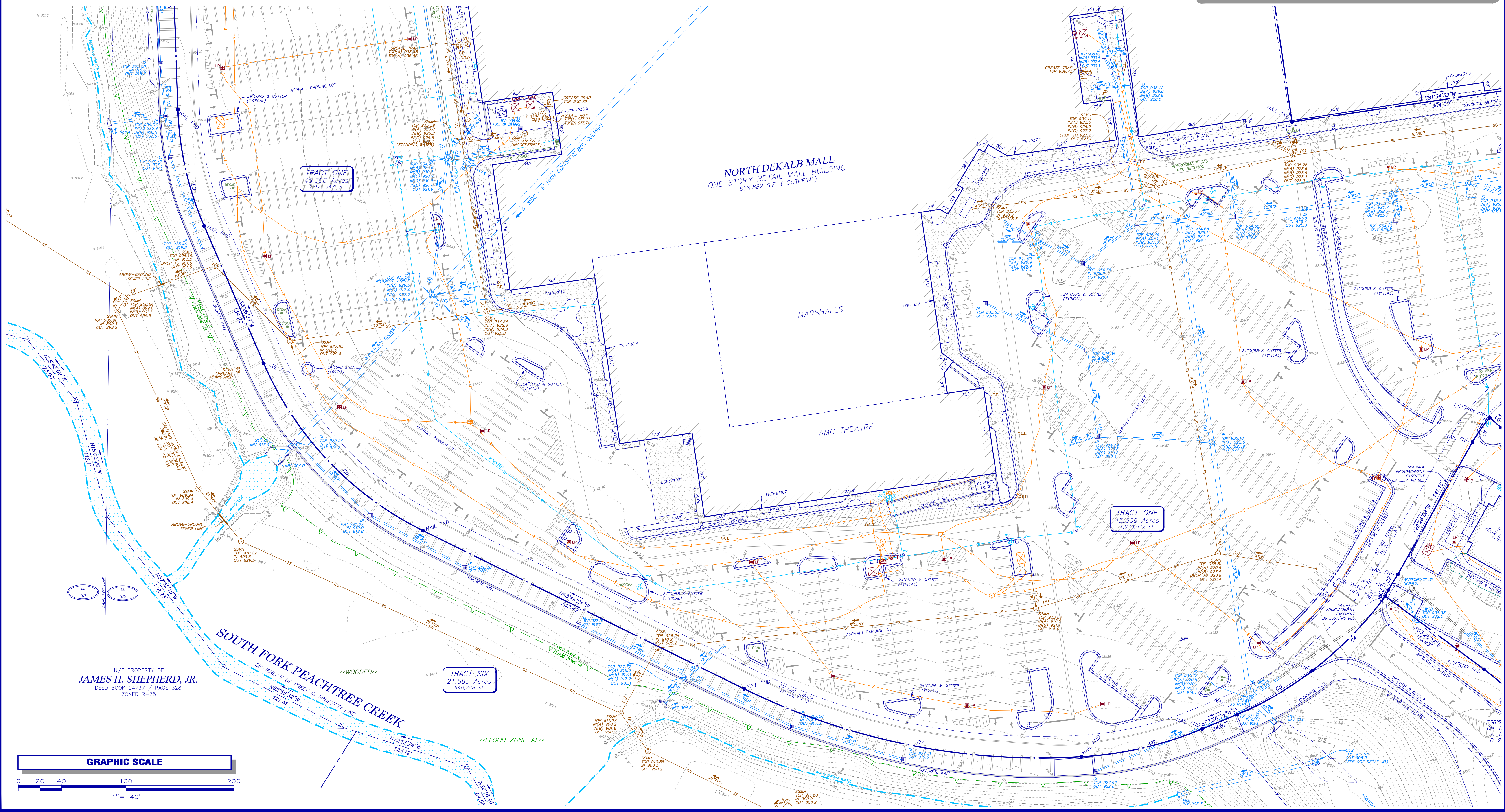
ALTA/NSPS LAND TITLE SURVEY

**North Dekalb Mall**

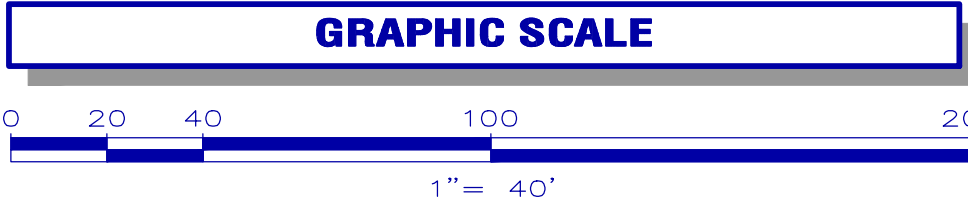
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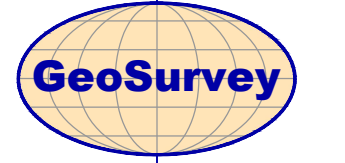
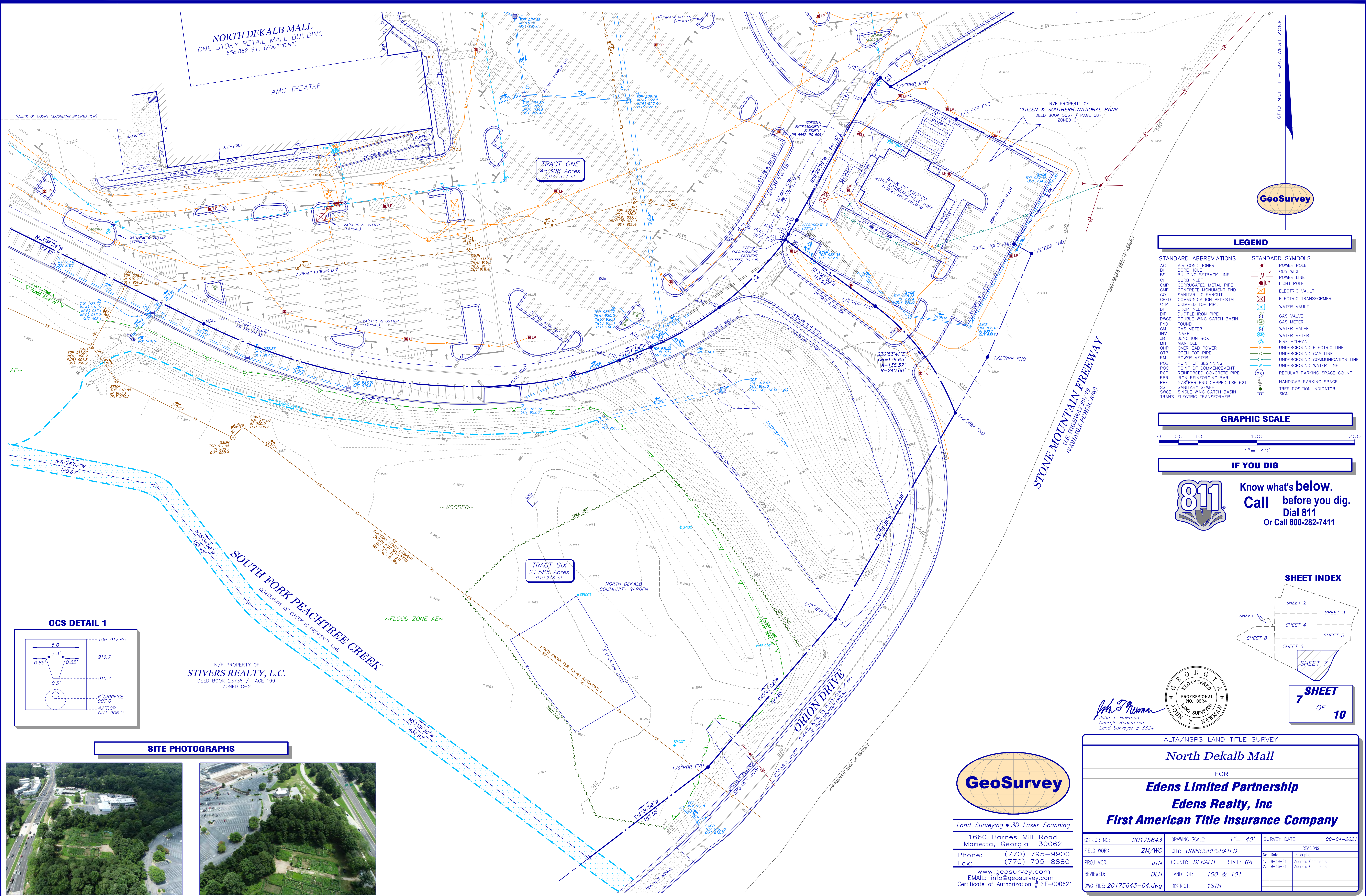
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					Description
					Address Comments



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ZONED R-75

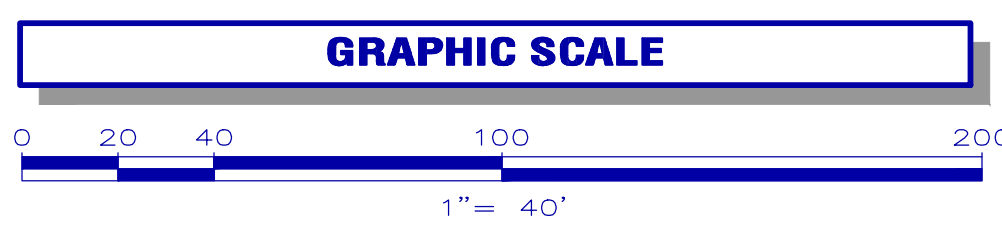






**LEGEND**

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BH BORE HOLE	GUY WIRE
BSL BUILDING SETBACK LINE	POWER LINE
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CPED CRIMPED TOP PIPE	COMMUNICATION PEDESTAL
CTP CRIMPED TOP PIPE	DROP INLET
DI DUCTILE IRON PIPE	DOUBLE WING CATCH BASIN
DWCB DOUBLE WING CATCH BASIN	FND FOUND
GM GAS METER	INV INVERT
INV INVERT	JB JUNCTION BOX
MB MANHOLE	MH MANHOLE
OHP OVERHEAD POWER	OTM OPEN TOP PIPE
OTM OPEN TOP PIPE	PM POWER METER
POB POINT OF BEGINNING	POB POINT OF BEGINNING
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REF 5/8"RBR FND CAPPED LSF 621	SS SANITARY SEWER
SS SANITARY SEWER	SWCB SINGLE WING CATCH BASIN
SWCB SINGLE WING CATCH BASIN	TRANS ELECTRIC TRANSFORMER
TRANS ELECTRIC TRANSFORMER	

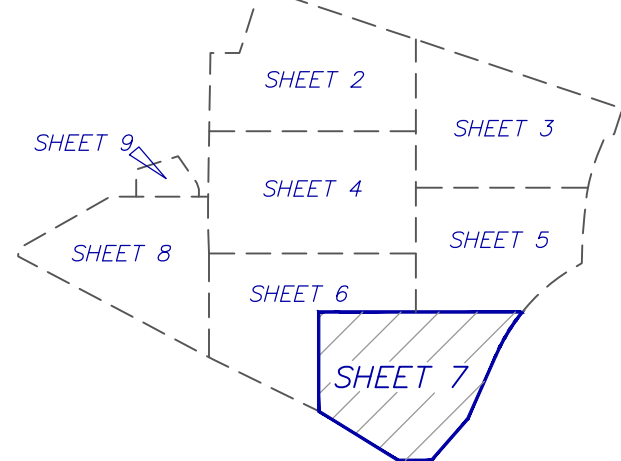


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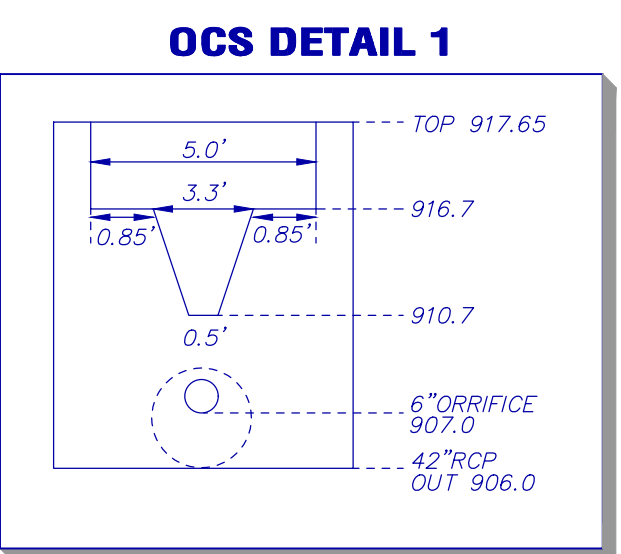
**SHEET INDEX**



**SHEET 7 OF 10**

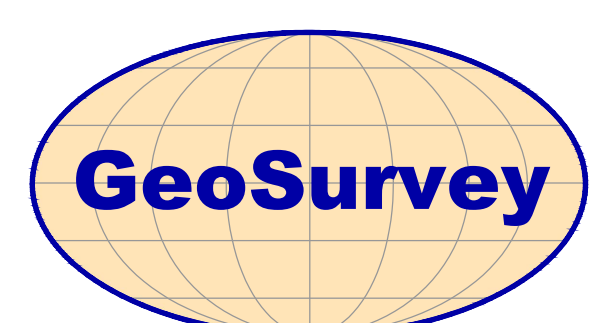


John T. Newman  
 Georgia Registered Land Surveyor # 3324



N/F PROPERTY OF  
**STIVERS REALTY, L.C.**  
 DEED BOOK 23736 / PAGE 199  
 ZONED C-2

**SITE PHOTOGRAPHS**



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 Marietta, Georgia 30062  
 Phone: (770) 795-9900  
 Fax: (770) 795-8880  
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 EMAIL: info@geosurvey.com  
 Certificate of Authorization #LSF-000621

ALTA/NSPS LAND TITLE SURVEY

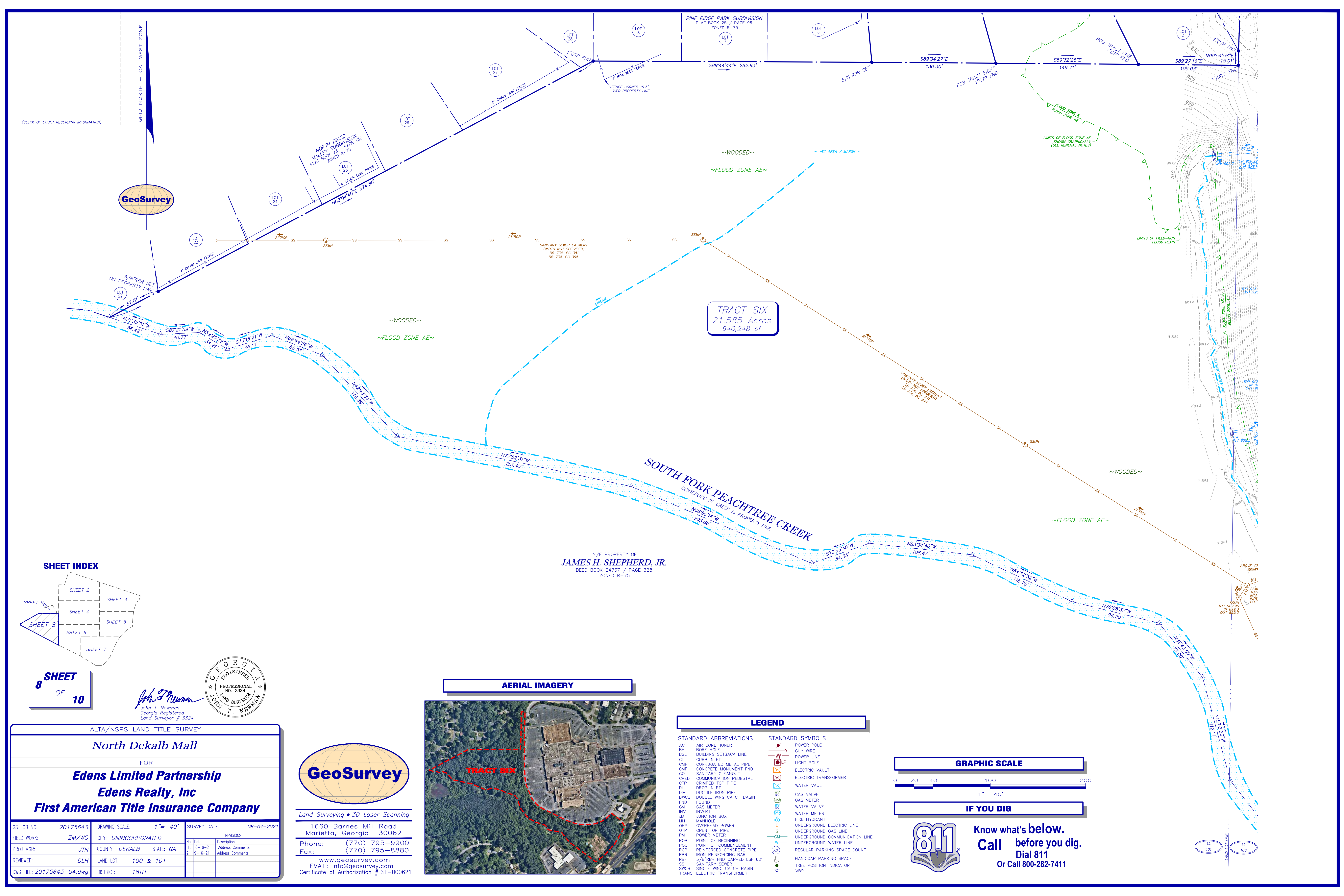
**North Dekalb Mall**

FOR

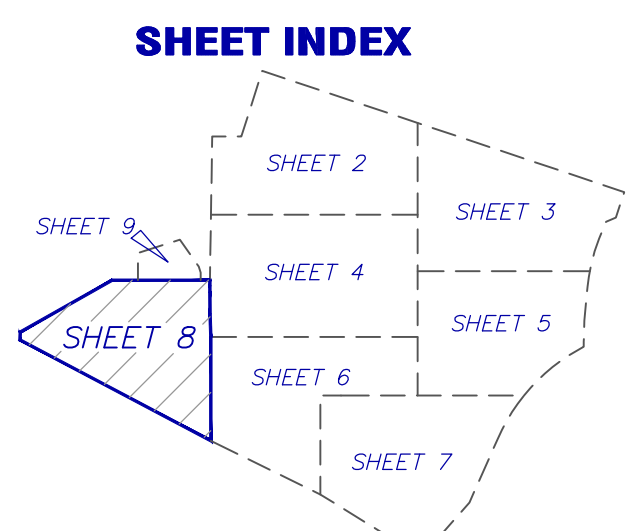
**Edens Limited Partnership**  
**Edens Realty, Inc**  
**First American Title Insurance Company**

GS JOB NO:	20175643	DRAWING SCALE:	1" = 40'	SURVEY DATE:	08-04-2021
FIELD WORK:	ZM/WG	CITY:	UNINCORPORATED	REVISIONS	
PROJ MGR:	JTN	COUNTY:	DEKALB	STATE:	GA
REVIEWED:	DLH	LAND LOT:	100 & 101	No. 1	Date 8-19-21 Description Address Comments
DWG FILE:	20175643-04.dwg	DISTRICT:	18TH	No. 2	Date 9-16-21 Description Address Comments





(CLERK OF COURT RECORDING INFORMATION)



**SHEET 8**  
OF 10

*John T. Newman*  
John T. Newman  
Georgia Registered  
Land Surveyor # 3324



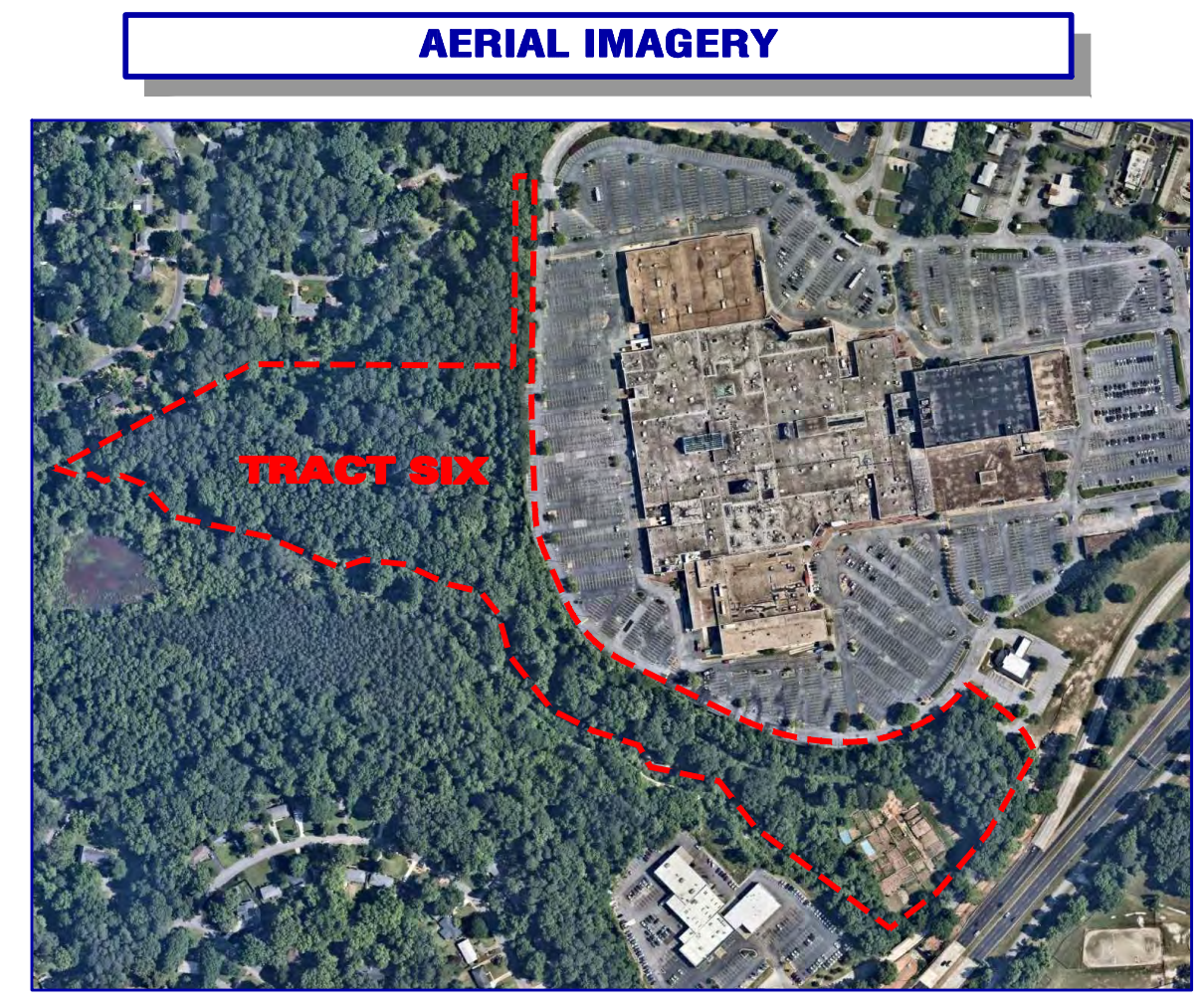
ALTA/NSPS LAND TITLE SURVEY			
<b>North Dekalb Mall</b>			
FOR			
<b>Edens Limited Partnership</b>			
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FIELD WORK:	ZM/WG	CITY:	UNINCORPORATED
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REVIEWED:	DLH	LAND LOT:	100 & 101
DWG FILE:	20175643-04.dwg	DISTRICT:	18TH
SURVEY DATE:		08-04-2021	
REVISIONS			
No.	Date	Description	Address Comments
1.	8-19-21		
2.	9-16-21		

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Marietta, Georgia 30062

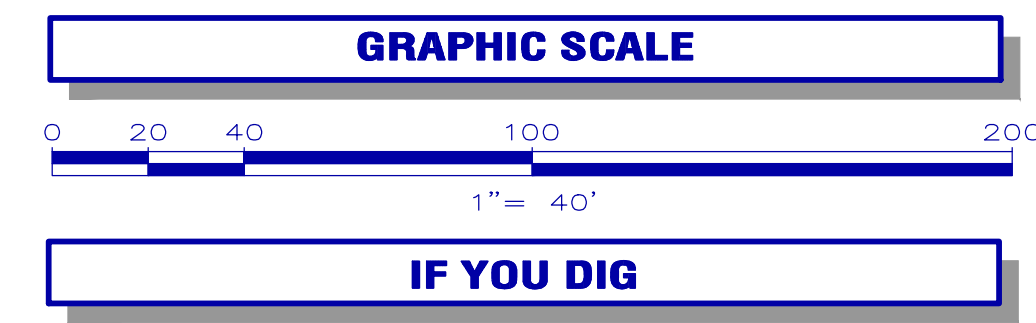
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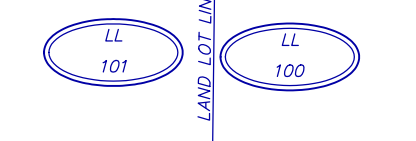
**LEGEND**

STANDARD ABBREVIATIONS	STANDARD SYMBOLS
AC AIR CONDITIONER	POWER POLE
BH BORE HOLE	GUY WIRE
BSL BUILDING SETBACK LINE	POWER LINE
CI CURB INLET	LIGHT POLE
CMP CORRUGATED METAL PIPE	ELECTRIC VAULT
CO CONCRETE MONUMENT FND	ELECTRIC TRANSFORMER
CC SANITARY CLEANOUT	WATER VAULT
CPED COMMUNICATION PEDESTAL	GAS VALVE
CTP CRIMPED TOP PIPE	GAS METER
DI DROP INLET	WATER VALVE
DIP DUCTILE IRON PIPE	WATER METER
DWCB DOUBLE WING CATCH BASIN	FIRE HYDRANT
FND FOUND	UNDERGROUND ELECTRIC LINE
GM GAS METER	UNDERGROUND GAS LINE
INV INVERT	UNDERGROUND COMMUNICATION LINE
JB JUNCTION BOX	UNDERGROUND WATER LINE
MH MANHOLE	REGULAR PARKING SPACE COUNT
OHP OVERHEAD POWER	HANDICAP PARKING SPACE
OTP OPEN TOP PIPE	TREE POSITION INDICATOR
PM POWER METER	SIGN
POB POINT OF BEGINNING	
POC POINT OF COMMENCEMENT	
RCP REINFORCED CONCRETE PIPE	
RFB IRON REINFORCING BAR	
RBF 5/8"RBR FND CAPPED LSF 621	
SS SANITARY SEWER	
SWCB SINGLE WING CATCH BASIN	
TRANS ELECTRIC TRANSFORMER	



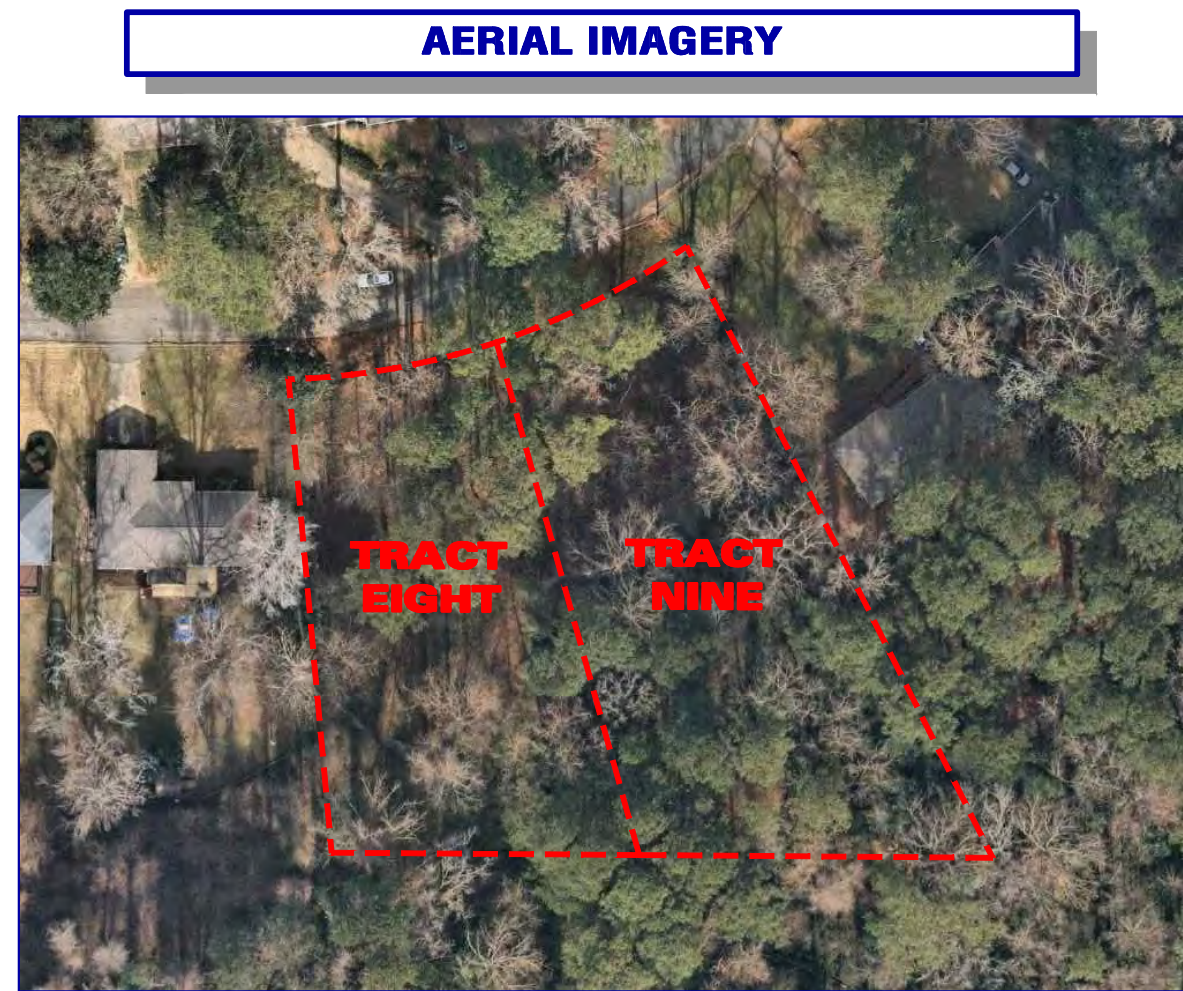
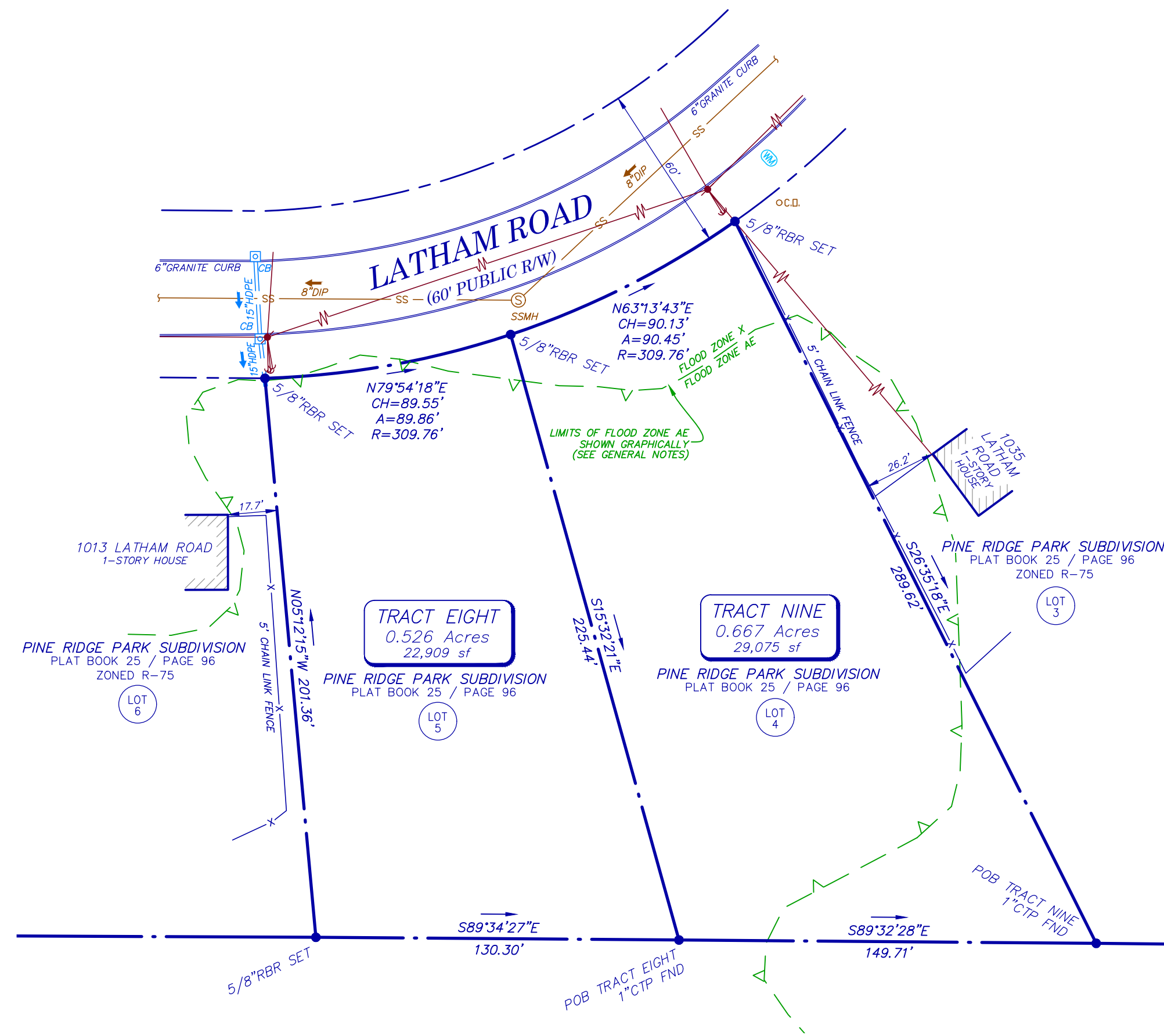
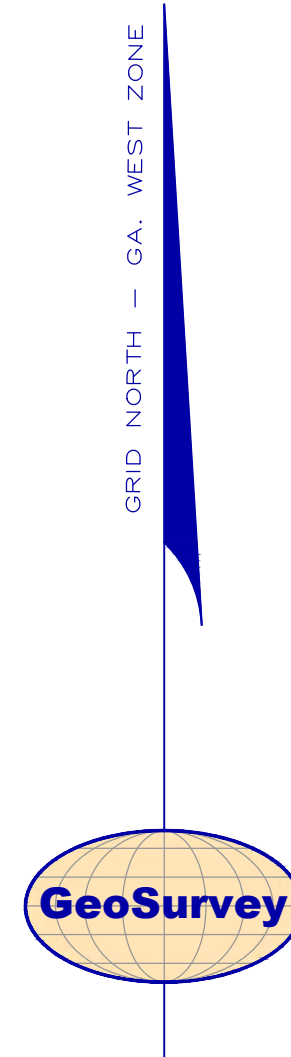
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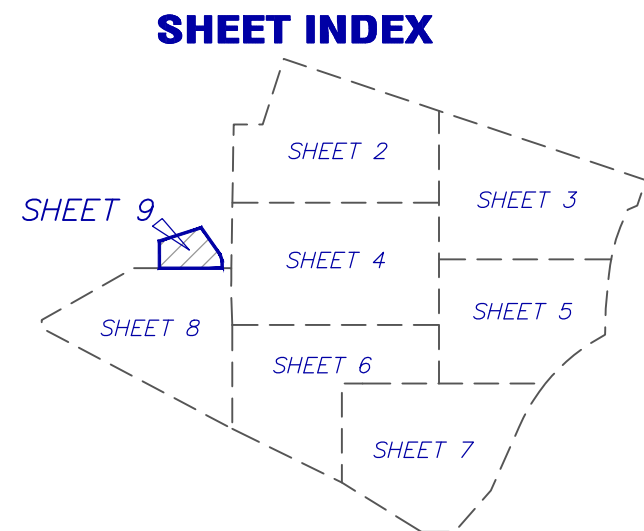
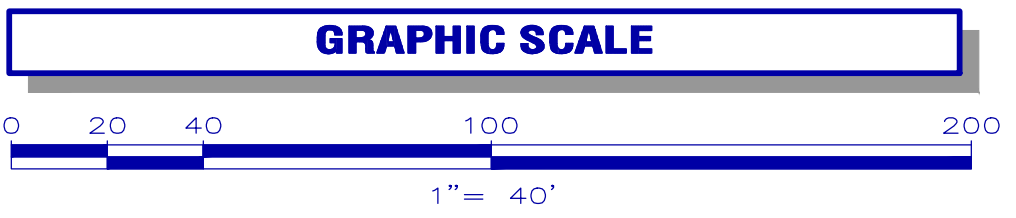
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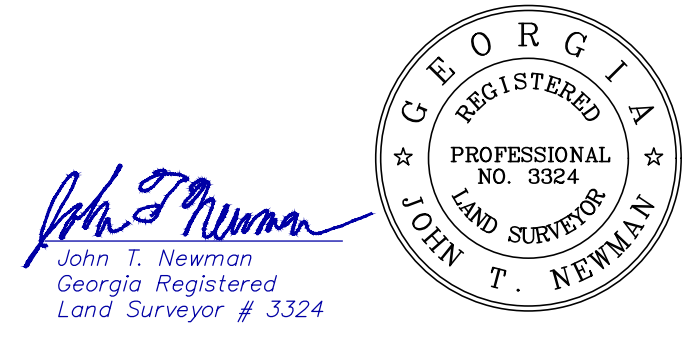
LEGEND	
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OF  
**10**



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ALTA/NSPS LAND TITLE SURVEY		
<b>North Dekalb Mall</b>		
FOR		
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DWG FILE: 20175643-04.dwg	DISTRICT: 18TH	2. 9-16-21 Address Comments

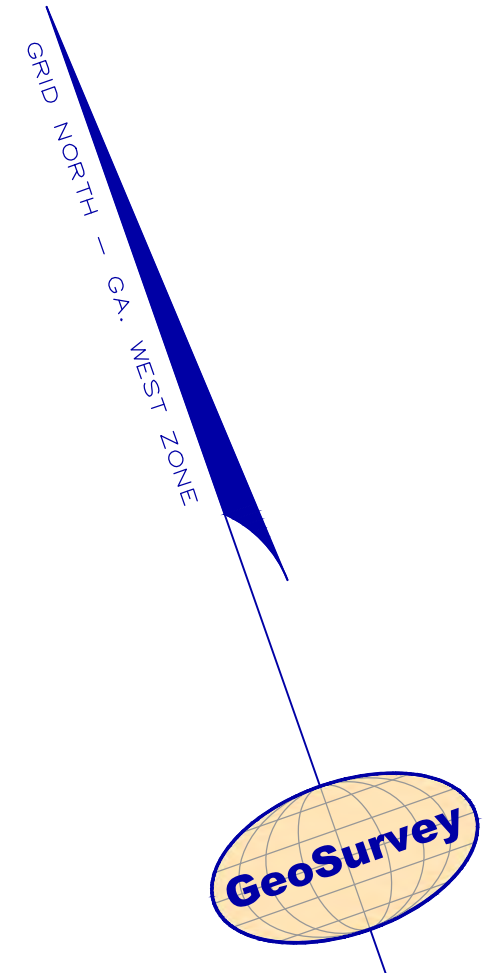
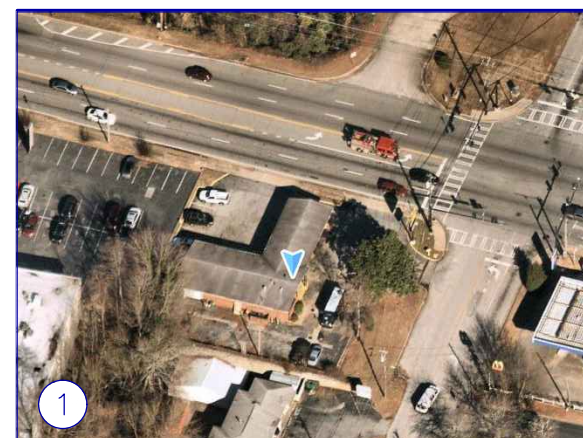






(CLERK OF COURT RECORDING INFORMATION)

SITE PHOTOGRAPHS



TITLE EXCEPTIONS

THE FOLLOWING EXCEPTIONS ARE LISTED IN SCHEDULE B, SECTION 2, OF A COMMITMENT FOR TITLE INSURANCE, AS PREPARED BY FIRST AMERICAN TITLE INSURANCE COMPANY, COMMITMENT NO. NCS-1171405-ATL, EFFECTIVE DATE MARCH 15, 2023.

- 12. Easement from T.C. Halmes Jr. to Georgia Power Company, dated December 3, 1954, filed for record January 4, 1955, and recorded in Deed Book 1080, Page 398, DeKalb County, Georgia records; as affected by Outclaim Deed from Georgia Power Company to G-11 North Dekalb Center Association, a Georgia limited partnership, dated August 20, 1987, filed for record August 31, 1987, and recorded in Deed Book 5934, Page 237, aforesaid records.
AFFECTS SITE - BLANKET IN NATURE
13. Terms and provisions of Agreement by and between Donald P. Jones and Gulf Oil Corporation, a Pennsylvania corporation, dated May 22, 1969, filed for record on May 27, 1969, and recorded in Deed Book 2427, Page 27, aforesaid records.
AFFECTS SITE - NOT PLOTTABLE
14. Matters shown on plat recorded in Plat Book 25, Page 79, aforesaid records.
DOES NOT AFFECT - SUPERCEDED BY PLAT BOOK 52, PAGE 24
15. Matters shown on plat recorded in Plat Book 52, Page 24, aforesaid records.
AFFECTS SITE AS SHOWN

LEGEND

Table with 2 columns: STANDARD ABBREVIATIONS and STANDARD SYMBOLS. Lists various symbols for utilities like air conditioner, power pole, gas valve, etc.

UTILITY NOTE

THE UNDERGROUND UTILITIES SHOWN HEREON ARE BASED ON LOCATION OF MARKINGS PROVIDED BY:

UTILISURVEY, LLC
1227 NORTH PEACHTREE PARKWAY, STE 178
PEACHTREE CITY, GA 30269

THE UNDERGROUND UTILITIES (EXCEPT THE LOCATION OF EXISTING DRAINAGE, SEWER AND IRRIGATION UTILITIES AS WELL AS UNDERGROUND STORAGE TANKS) WERE LOCATED BY UTILISURVEY, LLC, UTILIZING RADIO FREQUENCY TECHNIQUE. THIS TECHNIQUE IS CAPABLE OF LOCATING METALLIC UTILITIES AND TRACER WIRES. ANY NON-METALLIC UTILITIES (WITHOUT TRACER WIRE) ARE NOT LOCATED.

THE SURVEYOR MAKES NO GUARANTEES THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN-SERVICE OR ABANDONED. UNDERGROUND UTILITIES NOT OBSERVED OR LOCATED UTILIZING THIS TECHNIQUE MAY EXIST ON THIS SITE BUT NOT BE SHOWN, AND MAY BE FOUND UPON EXCAVATION. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH THE SURVEYOR DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE.

INFORMATION REGARDING MATERIAL AND SIZE OF UTILITIES IS BASED ON RECORDS ACQUIRED FROM THE UTILITY OWNERS.

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PROPERTY DESCRIPTION (AS SURVEYED)

PARCEL 1
All that tract or parcel of land lying and being in Land Lot 100 of the 18th district, DeKalb County, Georgia, and being more particularly described as follows:

BEGINNING at nail set at the point of intersection of the southwesterly right-of-way of North Druid Hills Road (100-foot right-of-way) and the northwesterly right-of-way of Mistletoe Road (50-foot right-of-way); Thence along said northwesterly right-of-way of Mistletoe Road South 19 degrees 17 minutes 12 seconds West, a distance of 125.00 feet to a 5/8-inch rebar set; Thence departing said right-of-way North 70 degrees 41 minutes 48 seconds West, a distance of 144.00 feet to a 5/8-inch rebar set; Thence North 19 degrees 17 minutes 12 seconds East, a distance of 125.00 feet to a 5/8-inch rebar found on the southwesterly right-of-way of North Druid Hills Road; Thence along said right-of-way South 70 degrees 41 minutes 48 seconds East, a distance of 144.00 feet to the TRUE POINT OF BEGINNING.

Said tract of land contains Acres.

PROPERTY DESCRIPTION (TITLE)

PARCEL 1
ALL THAT TRACT OF LAND LOCATED IN LAND LOT 100 OF THE 18TH DISTRICT, DEKALB COUNTY, GEORGIA TOGETHER WITH ALL BUILDINGS AND IMPROVEMENTS SITUATED THEREON TO WIT:

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHWEST SIDE OF NORTH DRUID HILLS ROAD AND THE NORTHWEST SIDE OF MISTLETOE ROAD AND RUNNING THENCE SOUTH 19 DEGREES 0 MINUTES WEST ALONG THE NORTHWEST SIDE OF MISTLETOE ROAD 125 FEET TO AN IRON PIN; THENCE NORTH 70 DEGREES 59 MINUTES WEST 144 FEET TO AN IRON PIN; THENCE NORTH 19 DEGREES 0 MINUTES EAST 125 FEET TO AN IRON PIN ON THE SOUTHWEST SIDE OF NORTH DRUID HILLS ROAD; THENCE SOUTH 70 DEGREES 59 MINUTES EAST ALONG THE SOUTHWEST SIDE OF NORTH DRUID HILLS ROAD 144 FEET TO THE POINT OF BEGINNING, AND BEING THE SAME. PROPERTY CONVEYED TO GULF BY DEED DATED FEBRUARY 19, 1969 AND RECORDED IN BOOK 2410, PAGE 419 IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT FOR DEKALB COUNTY, GEORGIA.

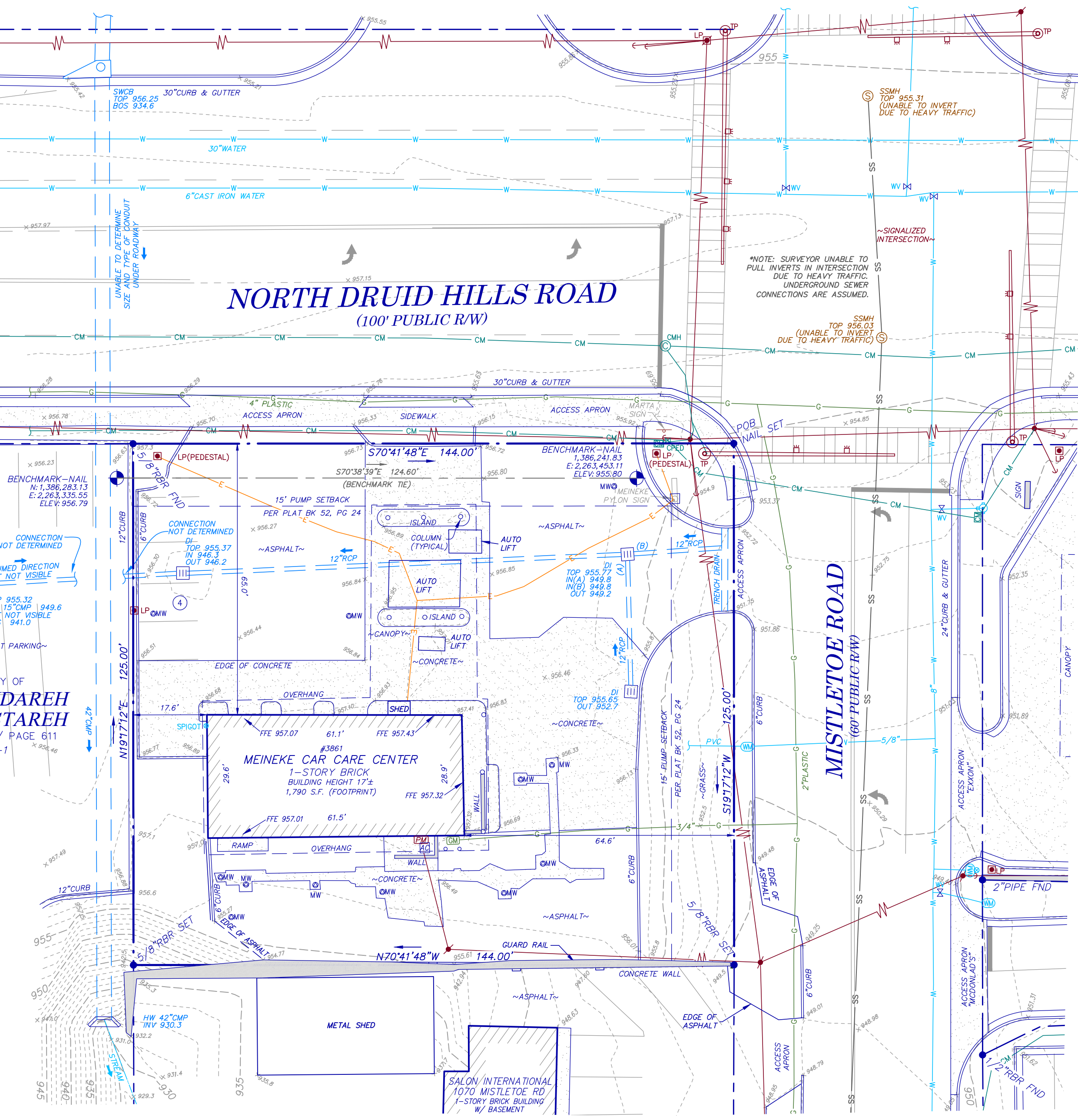
THE ABOVE DESCRIBED TRACT OF LAND IS MORE PARTICULARLY SHOWN AND DELINEATED ON A PLAT OF SURVEY MADE FOR GULF OIL CORPORATION BY BEAN & WHITNEY, INC., DATED APRIL 8, 1968, RECORDED IN PLAT BOOK 52, PAGE 24, IN THE OFFICE OF THE CLERK OF THE SUPERIOR COURT OF DEKALB COUNTY, GEORGIA.

PARCEL 2
EASEMENTS AND OTHER INTERESTS IN REAL PROPERTY AS CONTAINED IN AGREEMENT BY AND BETWEEN DONALD P. JONES AND GULF OIL CORPORATION, A PENNSYLVANIA CORPORATION, DATED MAY 22, 1969, FILED FOR RECORD ON MAY 27, 1969, AND RECORDED IN DEED BOOK 2427, PAGE 27, DEKALB COUNTY, GEORGIA RECORDS.

SURVEYOR CERTIFICATION

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plots, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

Jonathan E. Moeller
Georgia Registered
Land Surveyor # 3345



N/F PROPERTY OF
RYAN DOFNDAREH
ISAAC DOESTAREH
DEED BOOK 24817 / PAGE 611
ZONED C-1

N/F PROPERTY OF
ALL AMERICAN SPECIALTIES, INC.
DEED BOOK 4678 / PAGE 54
ZONED NS

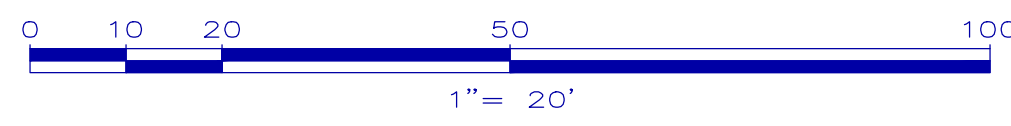
SURVEYOR CERTIFICATION

To: Joshua Tree Realty, LLC and First American Title Insurance Company
This is to certify that this map or plat of the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 5, 6(a), 7(a), 7(b-1), 8, 9, 11(a), & 13 of Table A thereof. The field work was completed on April 26, 2023.

Date: April 26, 2023

Jonathan E. Moeller
Georgia Registered
Land Surveyor # 3345

GRAPHIC SCALE

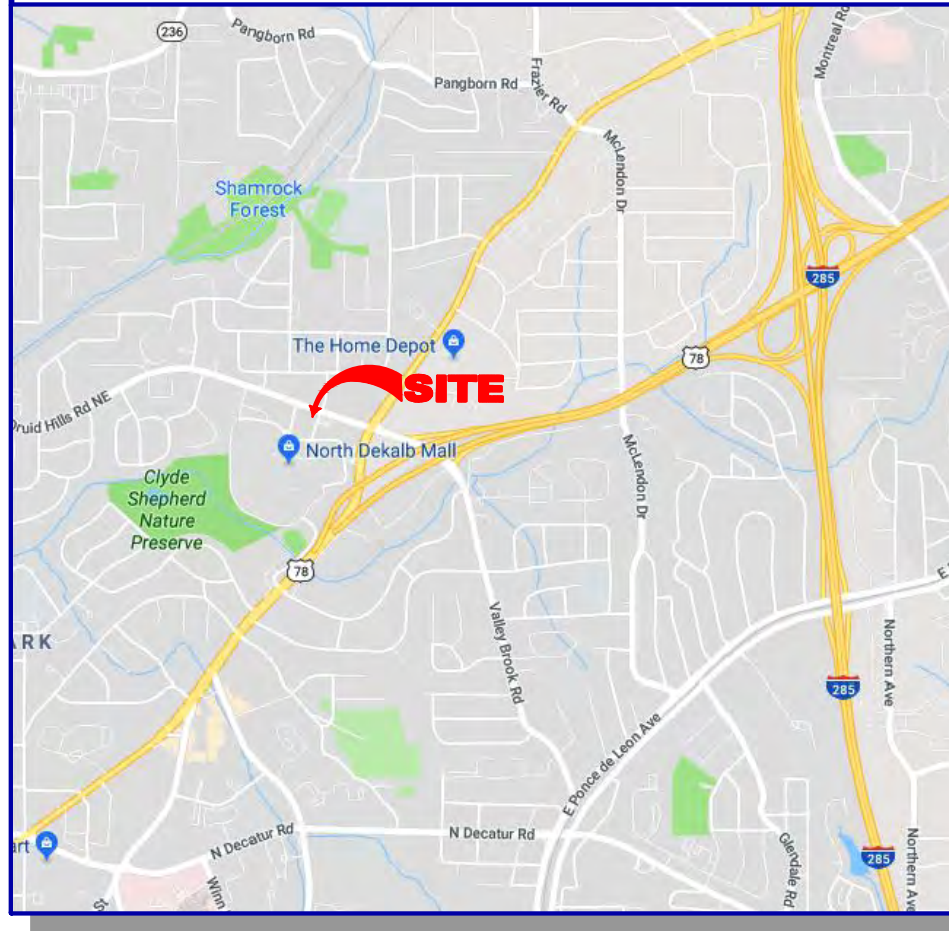


CLOSURE STATEMENT

THE FIELD CLOSURE UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 149,222, AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. A TRIMBLE "S" SERIES TOTAL STATION AND TRIMBLE "SC" SERIES DATA COLLECTOR WERE USED TO COLLECT THIS FIELD DATA. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 999,999 FEET. JEM, INT.

VICINITY MAP

SITE LOCATION - LATITUDE: 33° 48' 38.7" LONGITUDE: 84° 16' 33.5"



GENERAL NOTES

THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON OR ENTITIES NAMED HEREON. NO EXPRESS OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY PERSONS OR ENTITIES OTHER THAN THOSE SHOWN HEREON.

REVISIONS LISTED ON THIS SURVEY APPLY ONLY TO THE SPECIFIC CHANGES REFERENCED, AND DO NOT CONSTITUTE AN UPDATE OF OTHER DATA ON THIS SURVEY. THE "SURVEY DATE" SHOWN HEREON IS THE APPLICABLE DATE AS RELATED TO PROVISIONS OF STATUTES OF LIMITATION UNLESS SPECIFICALLY NOTED OTHERWISE.

THE PROPERTY IS LOCATED IN FLOOD ZONE "X" AND IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA BASED ON THE FLOOD INSURANCE RATE MAP FOR THIS AREA. THE MAP NUMBER FOR THIS AREA IS 130800067K, AND THE DATE OF SAID MAP IS AUGUST 15, 2019. THIS DETERMINATION WAS MADE BY GRAPHICALLY DETERMINING THE POSITION OF THIS SITE ON SAID FIRM MAPS UNLESS OTHERWISE NOTED.

THE DATUM FOR THIS SITE WAS ESTABLISHED UTILIZING GLOBAL POSITIONING SYSTEMS, AND BASED ON POSITIONAL VALUES FOR THE VIRTUAL REFERENCE STATION NETWORK DEVELOPED BY eGPS SOLUTIONS. THE HORIZONTAL REFERENCE FRAME IS NORTH AMERICAN DATUM OF 1983(2011)-STATE PLANE COORDINATE SYSTEM OF GEORGIA-WEST ZONE. THE VERTICAL REFERENCE FRAME IS NORTH AMERICAN VERTICAL DATUM OF 1988. ANY DIRECTIONS OR DIMENSIONS SHOWN ARE A RECTANGULAR, GROUND LEVEL PROJECTION OF THE STATE PLANE COORDINATE SYSTEM.

NO ZONING REPORT OR ZONING LETTER WAS PROVIDED TO THE SURVEYOR. THE SITE IS ZONED "C-1" (LOCAL COMMERCIAL DISTRICT) AS SHOWN ON THE ZONING MAP OF DEKALB COUNTY.

ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING AND ZONING PRIOR TO DESIGN OR CONSTRUCTION ACTIVITIES.

RIGHT-OF-WAY LINES SHOWN ON THIS SURVEY THAT ARE NOT ACTUAL BOUNDARIES OF THE SUBJECT TRACT(S) ARE DEPICTED GRAPHICALLY AND ARE SHOWN APPROXIMATELY FOR INFORMATIONAL PURPOSES ONLY. SAID RIGHT-OF-WAY LINES SHOULD NOT BE UTILIZED FOR DESIGN PURPOSES.

PROPERTY CORNERS MARKED "SET" TO BE SET AT A FUTURE DATE.

SURVEY REFERENCES
1> ALTA/NSPS LAND TITLE SURVEY OF NORTH DEKALB MALL, PREPARED BY GEOSURVEY, LTD., DATED AUGUST 4, 2021 (JOB NO. 20175643-06), LAST REVISED NOVEMBER 30, 2021.

N/F PROPERTY OF
Anthony W. Fields
DEED BOOK 10531 / PAGE 69

SITE AREA
0.413 Acres
18,000 sf
ZONED C-1

PARKING SUMMARY
4 REGULAR
0 HANDICAP
4 TOTAL

ALTA/NSPS LAND TITLE SURVEY

3861 North Druid Hills Road

FOR

Joshua Tree Realty, LLC
First American Title Insurance Company

Table with columns: GS JOB NO., DRAWING SCALE, SURVEY DATE, FIELD WORK, CITY, COUNTY, STATE, PROJ MGR, LAND LOT, DISTRICT, DWG FILE, REVISIONS (SEE GENERAL NOTES).



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Fax: (770) 795-8880

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EMAIL: info@geosurvey.com
Certificate of Authorization #LSF-000621



**LEGAL DESCRIPTION**

2052 Lawrenceville Highway Decatur, GA 30033

PARCEL 1:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 100 OF THE 18TH DISTRICT OF DEKALB COUNTY, GEORGIA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, BEGIN AT AN IRON PIN FOUND ON THE PRESENT NORTHWESTERN RIGHT-OF-WAY LINE OF LAWRENCEVILLE HIGHWAY (ALSO KNOWN AS STATE ROUTE #8, AND U.S. HIGHWAY #29) (100-FOOT RIGHT-OF-WAY AT THIS POINT), WHICH IRON PIN IS LOCATED 112 FEET SOUTHWESTERLY (AS MEASURED ALONG SAID NORTHWESTERN RIGHT-OF-WAY LINE OF LAWRENCEVILLE HIGHWAY FROM THE INTERSECTION OF SAID NORTHWESTERN RIGHT-OF-WAY LINE OF LAWRENCEVILLE HIGHWAY WITH THE SOUTHWESTERN RIGHT-OF-WAY LINE OF NORTH DRUID HILLS ROAD (100-FOOT RIGHT-OF-WAY)); AND RUN THENCE IN A GENERALLY SOUTHWESTERLY DIRECTION ALONG THE PROPOSED NORTHWESTERN RIGHT-OF-WAY LINE OF LAWRENCEVILLE HIGHWAY THE FOLLOWING COURSES AND DISTANCES: SOUTH 21 DEGREES 50 MINUTES 00 SECONDS WEST 120 FEET TO A POINT; ALONG THE ARC OF A 1,203.92-FOOT RADIUS CURVE AN ARC DISTANCE OF 267.56 FEET TO A POINT (SAID ARC BEING SUBTENDED BY A CHORD LYING TO THE SOUTHEAST THEREOF AND BEARING SOUTH 08 DEGREES 47 MINUTES 21 SECONDS WEST 267.01 FEET); AND SOUTH 03 DEGREES 54 MINUTES 00 SECONDS WEST 101.29 FEET TO A POINT; RUN THENCE SOUTH 86 DEGREES 06 MINUTES 00 SECONDS EAST 8.00 FEET TO A POINT ON THE PRESENT SOUTHWESTERN RIGHT-OF-WAY LINE OF LAWRENCEVILLE HIGHWAY; RUN THENCE SOUTH 03 DEGREES 54 MINUTES 00 SECONDS WEST ALONG SAID PRESENT RIGHT-OF-WAY LINE OF LAWRENCEVILLE HIGHWAY 145.53 FEET TO A CONCRETE MONUMENT AT THE INTERSECTION OF SAID RIGHT-OF-WAY LINE WITH THE NORTHWESTERN RIGHT-OF-WAY LINE OF STONE MOUNTAIN PARKWAY (ALSO KNOWN AS STATE ROUTE 410 AND U. S. HIGHWAY #78) (VARIABLE RIGHT-OF-WAY); RUN THENCE IN A SOUTHWESTERLY DIRECTION ALONG SAID NORTHWESTERN RIGHT-OF-WAY LINE OF STONE MOUNTAIN PARKWAY THE FOLLOWING COURSES AND DISTANCES: SOUTH 52 DEGREES 51 MINUTES 59 SECONDS WEST 231.11 FEET TO A CONCRETE MONUMENT; SOUTH 57 DEGREES 35 MINUTES 43 SECONDS WEST 154.88 FEET TO A CONCRETE MONUMENT, AND SOUTH 57 DEGREES 26 MINUTES 26 SECONDS WEST 375.90 FEET TO A POINT, WHICH IS THE TRUE POINT OF BEGINNING; FROM THE TRUE POINT OF BEGINNING AS THUS ESTABLISHED, RUNNING THENCE IN A SOUTHEASTERLY DIRECTION ALONG AN OFFSET IN SAID NORTHWESTERN RIGHT-OF-WAY LINE OF STONE MOUNTAIN PARKWAY THE FOLLOWING TWO COURSES AND DISTANCES: SOUTH 65 DEGREES 12 MINUTES 00 SECONDS EAST 75.0 FEET TO A POINT, AND SOUTH 65 DEGREES 03 MINUTES 08 SECONDS EAST 124.94 FEET TO A POINT (SAID POINT BEING LOCATED 210.06 FEET NORTHWESTERLY FROM A POINT ON THE ORIGINAL 50-FOOT RIGHT-OF-WAY LINE OF LAWRENCEVILLE HIGHWAY WHICH IS 1407.4 FEET SOUTHWESTERLY, AS MEASURED ALONG SAID RIGHT-OF-WAY LINE FROM ITS INTERSECTION WITH THE SOUTHWESTERN RIGHT-OF-WAY LINE OF NORTH DRUID HILLS ROAD); CONTINUING THENCE IN A SOUTHWESTERLY, SOUTHEASTERLY AND SOUTHWESTERLY DIRECTION ALONG SAID NORTHWESTERN RIGHT-OF-WAY LINE OF STONE MOUNTAIN PARKWAY THE FOLLOWING COURSES AND DISTANCES: SOUTH 34 DEGREES 46 MINUTES 39 SECONDS WEST 89.90 FEET TO A POINT; SOUTH 63 DEGREES 09 MINUTES 34 SECONDS EAST 20.57 FEET TO A POINT; SOUTH 21 DEGREES 42 MINUTES 15 SECONDS WEST 114.91 FEET TO A POINT, AND SOUTH 28 DEGREES 43 MINUTES 36 SECONDS WEST 66.13 FEET TO A POINT; THENCE LEAVING SAID NORTHWESTERN RIGHT-OF-WAY LINE OF STONE MOUNTAIN PARKWAY AND RUNNING IN A NORTHWESTERLY DIRECTION ALONG THE ARC OF A 240.00-FOOT RADIUS CURVE AN ARC DISTANCE OF 138.55 FEET TO A POINT (SAID ARC BEING SUBTENDED BY A CHORD LYING TO THE SOUTHWEST THEREOF AND BEARING NORTH 38 DEGREES 16 MINUTES 24 SECONDS WEST 136.63 FEET); RUNNING THENCE NORTH 54 DEGREES 48 MINUTES 39 SECONDS WEST 113.92 FEET TO A POINT; RUNNING THENCE IN A NORTHEASTERLY DIRECTION THE FOLLOWING TWO COURSES AND DISTANCES: ALONG THE ARC OF A 27.00-FOOT

RADIUS CURVE AN ARC DISTANCE OF 6.29 FEET TO A POINT (SAID ARC BEING SUBTENDED BY A CHORD LYING TO THE SOUTHEAST THEREOF AND BEARING NORTH 24 DEGREES 37 MINUTES 26 SECONDS EAST 6.27 FEET), AND ALONG THE SLIGHT ARC OF A 303.36-FOOT RADIUS CURVE AN ARC DISTANCE OF 17.02 FEET TO A POINT (SAID ARC BEING SUBTENDED BY A CHORD LYING TO THE SOUTHEAST THEREOF AND BEARING NORTH 29 DEGREES 41 MINUTES 07 SECONDS EAST 17.02 FEET); RUNNING THENCE NORTH 28 DEGREES 04 MINUTES 41 SECONDS EAST 141.13 FEET TO A POINT; RUNNING THENCE IN A NORTHEASTERLY DIRECTION ALONG THE ARC OF A 131.39-FOOT RADIUS CURVE AN ARC DISTANCE OF 27.85 FEET TO A POINT (SAID ARC BEING SUBTENDED BY A CHORD LYING TO THE SOUTHEAST THEREOF AND BEARING NORTH 34 DEGREES 09 MINUTES 05 SECONDS EAST 27.80 FEET); RUNNING THENCE SOUTH 49 DEGREES 45 MINUTES 51 SECONDS EAST 13.77 FEET TO THE POINT OF BEGINNING.

THE ABOVE-REFERENCED PROPERTY IS SHOWN AS A 1.1122-ACRE (48,447 SQUARE FEET) TRACT ON, AND IS DESCRIBED ACCORDING TO, PLAT OF SURVEY DATED JULY 28, 1986, REVISED AUGUST 7, 1986, ENTITLED "MARKETSQUARE AT NORTH DEKALB," AND IS ALSO DESCRIBED ACCORDING TO PLAT OF SURVEY DATED AUGUST 6, 1986, ENTITLED "PROPERTY OF CITIZENS AND SOUTHERN NATIONAL BANK," BOTH PREPARED BY VIRGIL F. GADDY & ASSOC., VIRGIL F. GADDY, GEORGIA REGISTERED LAND SURVEYOR NO. 969; SAID PLATS OF SURVEY BEING INCORPORATED HEREIN BY REFERENCE AND MADE A PART OF THIS DESCRIPTION.

PARCEL 2:

EASEMENTS AND OTHER INTERESTS IN REAL PROPERTY CONTAINED IN ACCESS EASEMENT AGREEMENT BY AND BETWEEN CF-H NORTH DEKALB CENTER ASSOCIATIONS, A GEORGIA LIMITED PARTNERSHIP AND THE CITIZENS AND SOUTHERN NATIONAL BANK, DATED AUGUST 15, 1986, FILED FOR RECORD AUGUST 18, 1986, AND RECORDED IN DEED BOOK 5557, PAGE 596, DEKALB COUNTY, GEORGIA RECORDS.



LEGAL DESCRIPTION

3861 North Druid Hills Road Decatur, GA 30033

All that tract or parcel of land lying and being in Land Lot 100 of the 18<sup>th</sup> District, DeKalb County, Georgia, together with all buildings and improvements situated thereon to wit: Beginning at the point of intersection of the southwest side of North Druid Hills Road and the northwest side of Mistletoe Road 125 feet to an iron pin; thence North 70 degrees 59 minutes west 144 feet to an iron pin; thence north 19 degrees 0 minutes east 125 feet to an iron pin on the southwest side of North Druid Hills Road; thence south 70 degrees 59 minutes east along the southwest side of North Druid Hills Road 144 feet to the point of beginning; and being the same property conveyed to Gulf Oil Corporation by Deed dated 2/19/69, recorded in Deed Book 241C, Page 419, DeKalb County, Georgia records; together with that drainage and fill easement on the adjoining land to the west dated 5/22/89, recorded in Deed Book 2427, Page 27, DeKalb County, Georgia records. The above described tract of land is more particularly shown and delineated on a plat of survey made for Gulf Oil Corporation by Bean & Whitney, Inc., dated 4/8/68, recorded in Plat Book 52, Page 24, DeKalb County, Georgia records.

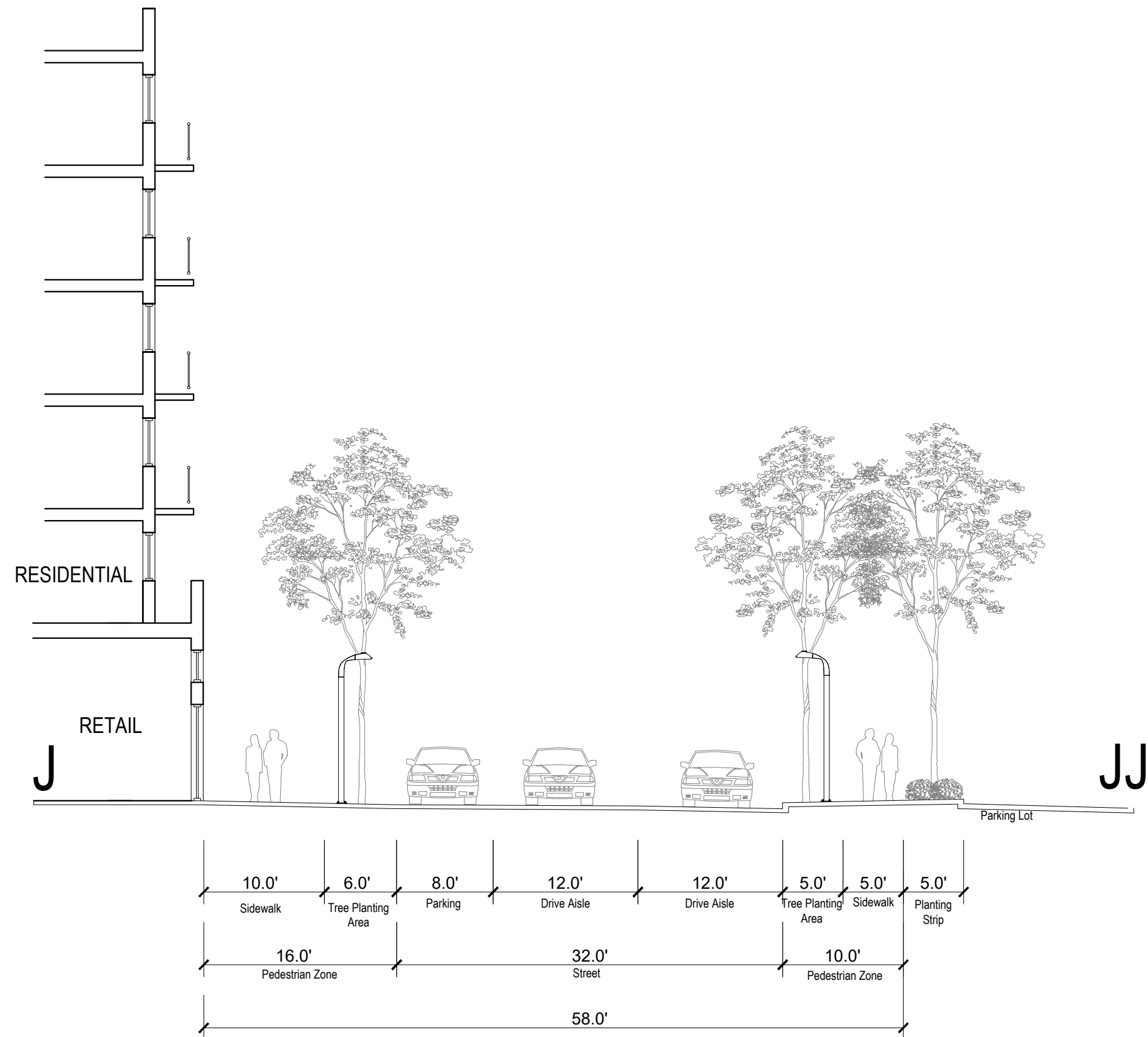
# MASTER DEVELOPMENT PLAN



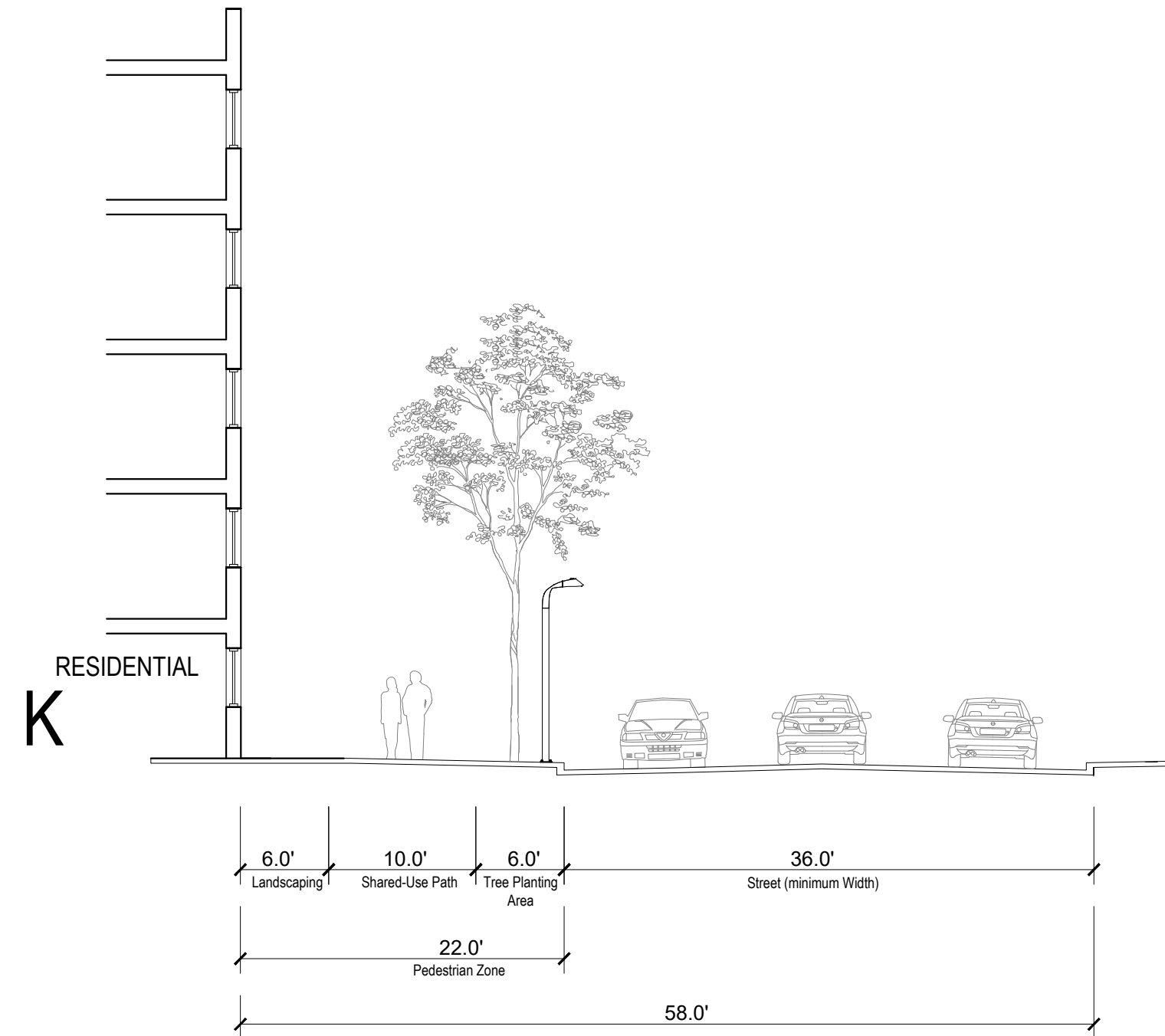




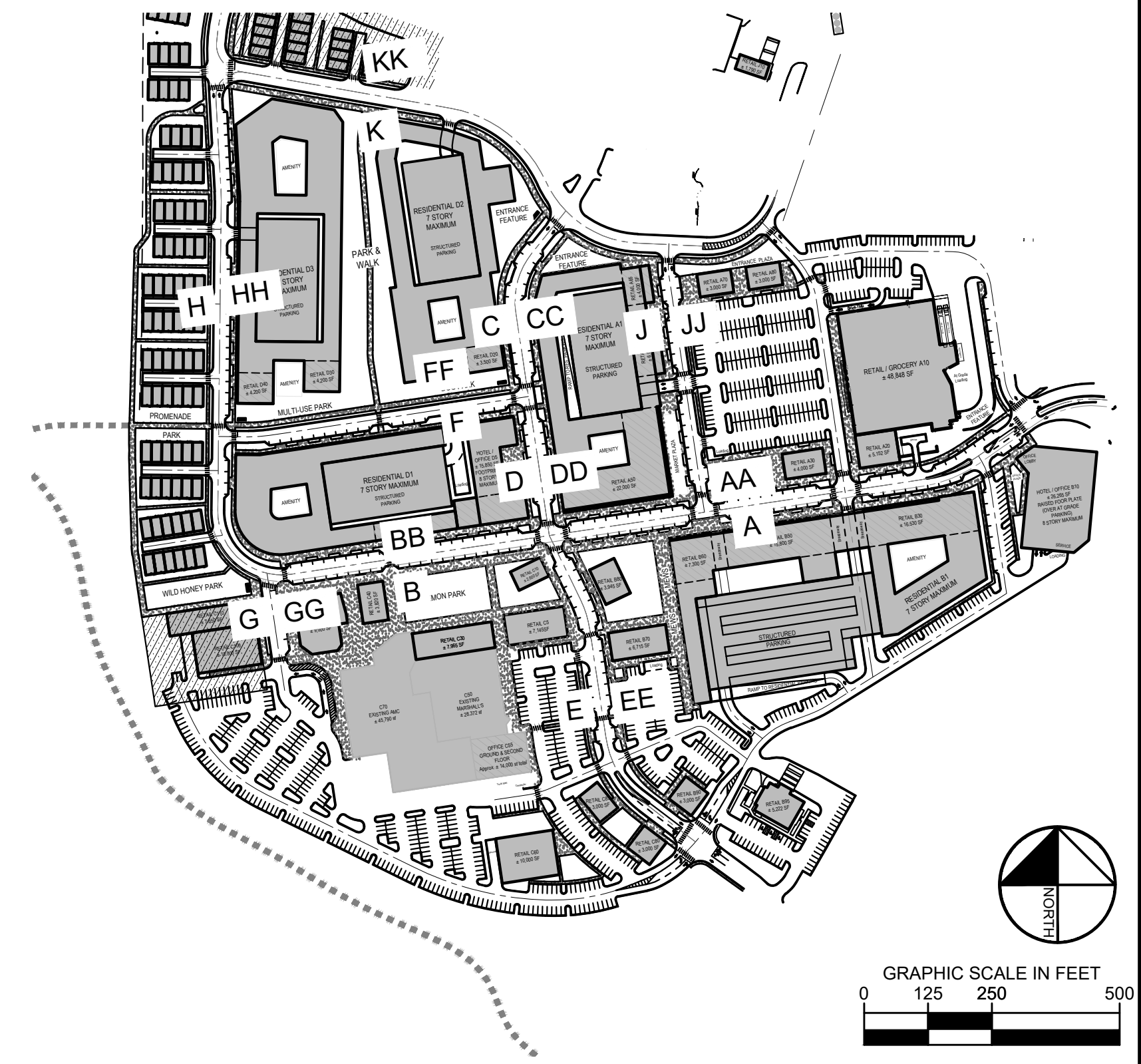
Drawing name: K:\ATL\_Civil\18381014\_North Dekalb Mall\CAD\Plansheets\C2-50 - STREET SECTIONS.dwg C2-52 STREET SECTIONS Jun 26, 2024 6:25pm by: carson.leiva



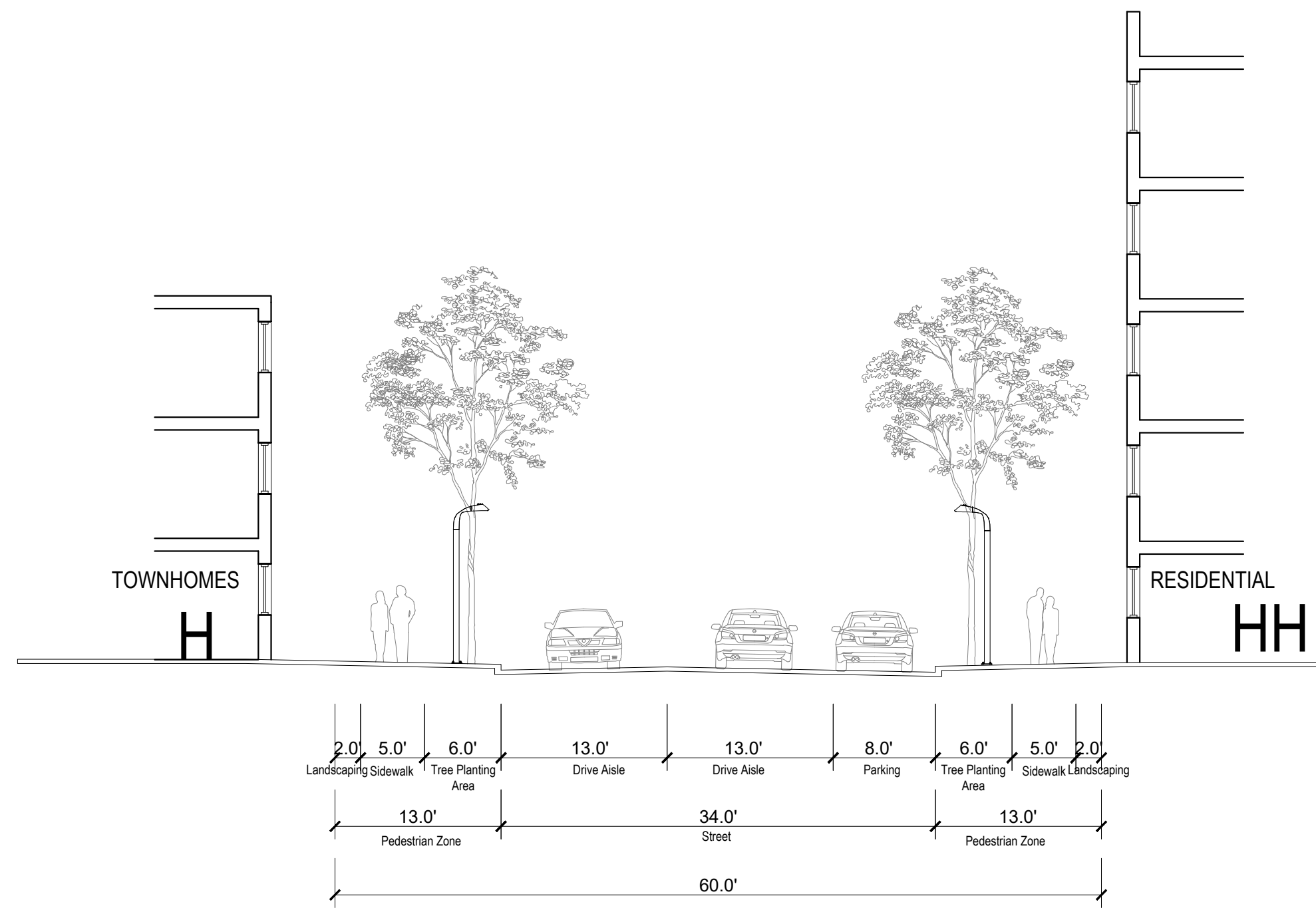
Section J - JJ: Road E  
Scale 1" = 10'



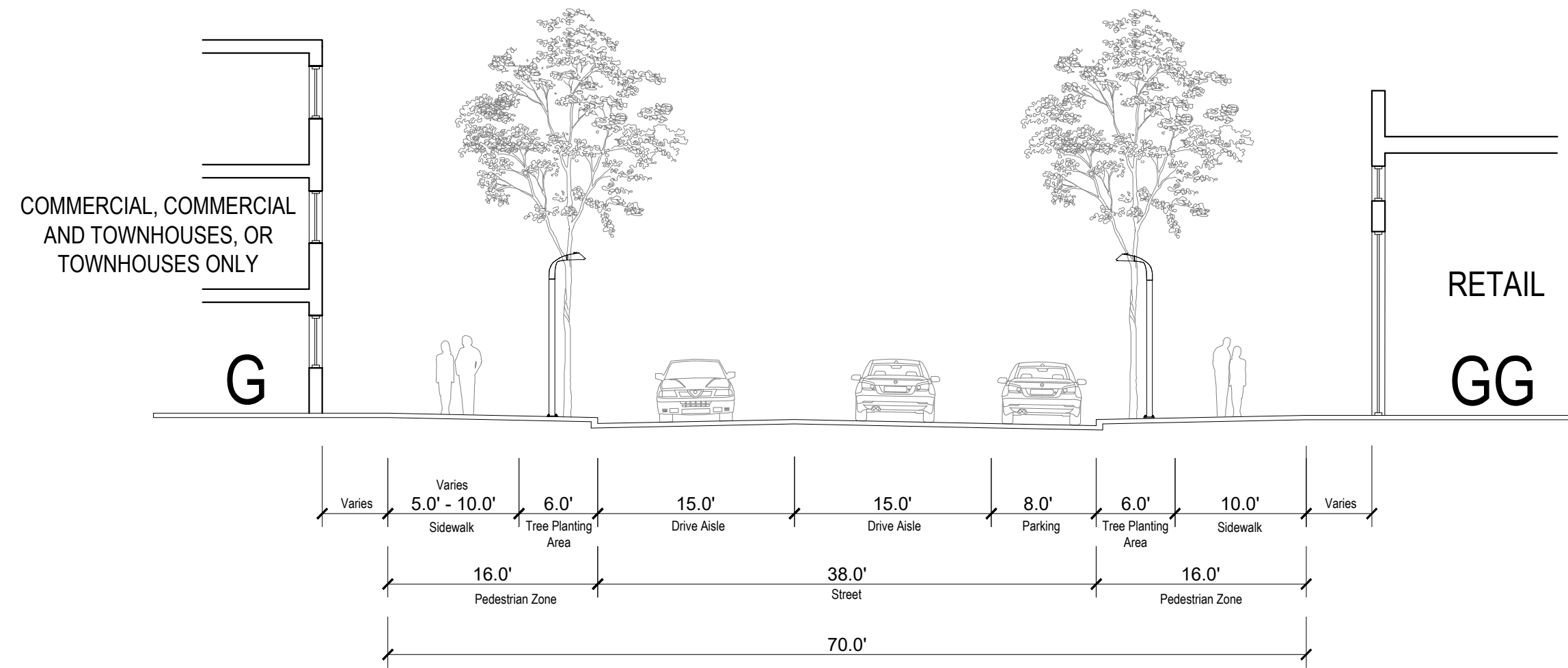
Section K - KK: Sweetbriar Road  
Scale 1" = 10'



- GENERAL NOTES:**
1. SECTIONS SHOWN ARE TYPICAL AND TREE PLANTING AREA AND SIDEWALK WIDTHS MAY VARY IN ORDER TO CREATE A VARIED WALKWAY EXPERIENCE AS LONG AS THE BELOW CRITERIA ARE MET.
  2. BUILDINGS SHOWN ARE ILLUSTRATIVE. SEE SITE PLAN FOR BUILDING USES AND NUMBER OF STORIES.
  3. STREET FURNITURE, OUTSIDE DINING, KIOSKS, FOOD TRUCKS, AND SIMILAR ITEMS MAY BE PLACED IN THE PEDESTRIAN ZONE AS LONG AS THE MINIMUM SIDEWALK WIDTH ALONG ROAD A IS 8.0' AND IN ALL OTHER LOCATIONS IS A MINIMUM OF 5.0'.
  4. BUILDING CANOPIES, AWNINGS, ARCADES, AND BAY WINDOWS MAY PROJECT INTO PEDESTRIAN ZONE SUBJECT TO THE MINIMUM SIDEWALK WIDTHS NOTED ABOVE.
  5. STREET TREES WILL BE PROVIDED ON AN AVERAGE OF 40' ON CENTER OVER EACH BLOCK FRONTAGE BUT EXACT SPACING WILL VARY IN ORDER TO CREATE A MORE VARIED DESIGN.
  6. STREET LIGHTS WILL BE PROVIDED ALONG BOTH SIDE OF THE STREETS AT AN AVERAGE OF 80' ON CENTER.



Section H - HH: Road B  
Scale 1" = 10'



Section G - GG: Road F  
Scale 1" = 10'

NO.	ISSUANCE AND REVISION DESCRIPTIONS	DATE	BY

GSWCC NO. (LEVEL II)	0000095769
DRAWN BY	CLH
DESIGNED BY	CLH
REVIEWED BY	TML
DATE	04/25/2022
PROJECT NO.	018381014



# MASTER SIGN PROGRAM

# **NORTH DEKALB**

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## **MASTER SIGN PROGRAM**

**Approved 5/26/2022**

**Revised 7/1/2024**

# north dekalb sign criteria

## INTRODUCTION

The purpose of this Master Sign Program is to set criteria for the overall Property Signage as well as for all Tenants to follow concerning the design aesthetic of their identification signage. Tenants will be obligated to comply with the following criteria. The Landlord may have additional signage criteria stipulated in the lease. The more restrictive of the two criterias (this Sign Program or the Landlord's criteria) will govern.

All Tenants are required to secure both a permit from DeKalb County and from the Landlord. Tenants should obtain written Landlord approval before submitting for Dekalb County permit and before installation.

Tenant sign vendors must be properly credentialed to work at North Dekalb Mall. All licenses and insurances shall be submitted to the Landlord for approval prior to any work commencing.

## EDENS TENANT CRITERIA

- All Tenant signage must be approved by EDENS.
- After reviewing the Signage Criteria, Tenant shall submit their sign concept proposal or final sign proposal to Landlord's Tenant Construction Manager for approval.
- Sign packages must include a building elevation with the proposed sign drawn to scale, a cut sheet detailing the proposed sign construction, as well as a call out of colors, all dimensions, and method of lighting.
- Incomplete proposals will be rejected.
- Proposals must be submitted in a legible PDF format for comments and approval.



# i. property sign criteria

## GROUND SIGNS

- Existing Ground Signs #1-4 indicated on the Sign Plan shall be permitted to remain and be rebuilt/refaced as long as the height or size is not increased. If existing ground signs need to be removed based on road widening (or other County imposed reasons), then the signs shall be permitted to be re-built to the same size and height as existing.
- New Ground Signs shall be limited to 25 feet in height, 15 feet in width and 200 SF.

## ENTRANCE SIGNS

- Entrance Signs may be constructed in locations indicated on the Sign Plan and sign area shall be limited to 8' in height, 32' in width and 150 SF.
- Entrance Signage text shall be limited to the name of the Center and shall not include tenant signage.
- Entrance Signs may be freestanding or mounted on a building, wall, or similar element.

## DIRECTIONAL SIGNS

- Directional Signs shall be permitted outside public right-of-way within the development and shall be limited to 25 SF.
- Directional Signage may include names of streets, parks, and/or tenants.

## ARTISTIC SIGNS

- Artistic Signs may be located throughout the project, except Block E, as long as outside of internal streets.
- The intent of artistic signs is to create unique visual moments to make the property more inspiring for residents and visitors.
- Artistic Signs may include the name of the project and other text or images but may not include the name of tenants unless treated as tenant signage.
- Artistic Signs may be ground mounted, mounted or painted on buildings or parking structures, or mounted on the roof tops of buildings or parking structures.



# sign plan



## LEGEND

- OFFICE / HOTEL / RETAIL
- RETAIL / RESTAURANT / GROCERY / ENTERTAINMENT
- GROUND FLOOR RETAIL
- RESIDENTIAL
- TOWNHOUSE
- PARKS AND OPEN SPACE



# property sign types

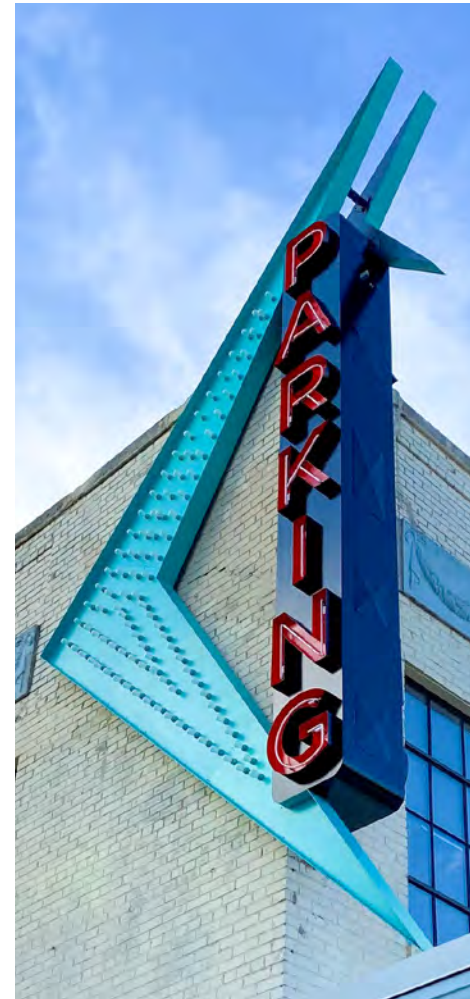
## ENTRANCE SIGNAGE





# property sign types

## ARTISTIC SIGNAGE



# ii. tenant sign criteria

## FAÇADE/PRIMARY IDENTIFICATION SIGNAGE CRITERIA

- In general, all building-mounted Tenant signs shall be individually-mounted halo-lit channel letter forms. Tenants over 5,000 SF or occupying an entire building can have face-lit individual letters. Face illumination must only consist of day/night type (dulite/dual-lite) face materials so that the face reads as a solid element during the day and illuminates at night. Deviation from these standards must be approved in writing by the Landlord.
- Panel or cabinet style signs are prohibited on all buildings, except small panel / cabinet signs may be used as part of an ATM or similar machine.
- In areas where the building's structural elements do not allow for the use of individual letters, Tenants will be permitted to mount the individual letters to a backplate which may be no more than 3" deep. In general, the backplate must be painted to match the façade except if the Tenant has a nationally registered signage design that includes a background color, in which case the backplate may be painted that color (subject to Landlord written approval); however, in that case the size of the sign will be based on the size of the backplate.
- Signage is prohibited from encroaching on any architectural feature of the building.
- Façade signs must have a minimum clearance of 10" from upper and lower edges of the sign band, and 12" clearance from the demising wall center line. Façade signs and other sign elements may not be installed outside of Tenant frontage without prior Landlord approval.
- For tenants up to 10,000 SF Tenant Façade Signs shall be limited to 30 SF or 4 SF per lineal feet of tenant wall, whichever is greater, up to a maximum of 150 SF per wall.

- For all tenants between 10,000 SF and 20,000 SF the maximum sign size shall be 200 SF per wall, and for tenants over 20,000 SF, the maximum sign size shall be 250 SF per wall.
- The existing AMC may retain their existing signage or as part of a remodel may install a 60 SF sign at each entrance to their lobby, install a 100 SF iconic sign facing Lemon Park, and retain their existing sign or install a new 100 SF sign on the East side of the existing building (South of Marshalls).

### NUMBER OF WALL SIGNS

- Each side of a tenant space which faces a street, parking lot, and/or public open space shall be allowed to have a sign the size of which shall be governed by the length of that wall.

### FONT

- Nationally registered font styles and/or logos are permitted in their natural font.

### COLORS

- Tenants with nationally-registered colors may use their colors on building-mounted signage.

### ELECTRICAL REQUIREMENTS

- Industry standards apply, and each electrical component must be U. L. listed and properly labeled. All power supplies must be concealed behind the wall and must be accessible for inspections and service.
- Disconnect switches need to be installed as required by code and the switch must be painted to match the wall.

## PROHIBITED ELEMENTS

- Sign raceways
- Cabinet signs (except for use at ATM machines)
- Flashing lights
- Animated components
- Window graphics that exceed 25% of window area and block visibility into Tenant space
- Generic Tenant identity (ex: "Nails")
- **RED, GREEN, or YELLOW** as a primary or majority color of Tenant signage (without prior Landlord approval). This includes material finish as well as illumination.

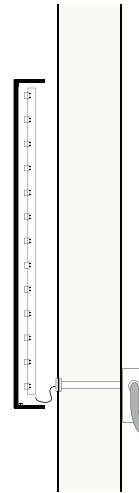


# tenant façade sign types



OPTION 1: Halo-Lit Reverse Channel Letter Forms

SECTION



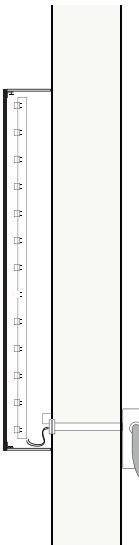
ELEVATION

TENANT STORE



OPTION 2: Internally-Illuminated White Acrylic Lettering with Opaque Veneer

SECTION



ELEVATION

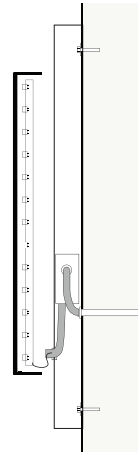
TENANT STORE



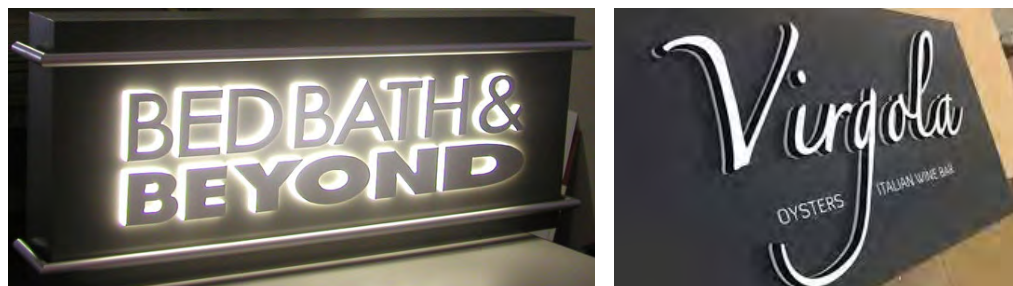
**OPTION 3A: Halo-Lit Reverse Channel Letter Forms with Back Plate**

- Back plate must receive prior Landlord approval
- Matching back plate color to façade color is encouraged

SECTION



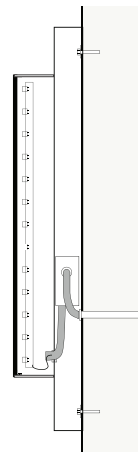
ELEVATION



**OPTION 3B: Internally-Illuminated Push-Through White Acrylic Lettering with Opaque Veneer and Back Plate**

- Back plate must receive prior Landlord approval
- Matching back plate color to façade color is encouraged

SECTION



ELEVATION

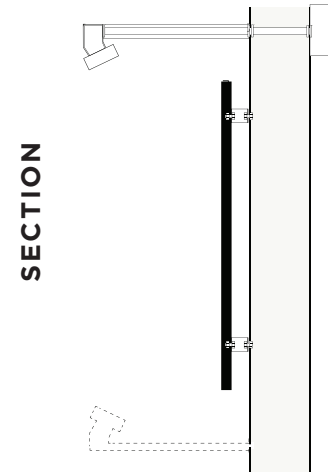


\* THIS OPTION IS ONLY AVAILABLE IF FAÇADE CONCEALED RACEWAY IS NOT POSSIBLE. REQUIRES LANDLORD APPROVAL FOR CLASSIFICATION. EXPOSED RACEWAY IS NOT PERMITTED.



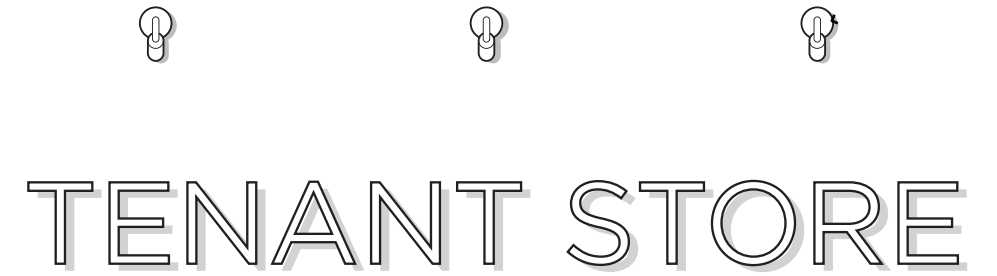


### OPTION 4A: Individual Dimensional Letter Forms with Gooseneck External Illumination



SECTION

ELEVATION



#### EDENS STANDARD SPEC FOR GOOSENECK LIGHT FIXTURE:

COOPER LIGHTING CAMBRIA 922

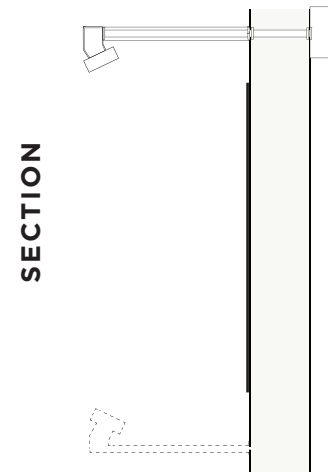
PAR20 BULLET SIGN LIGHTER

Recommended 1-LED2741 light source (this is wide angle) with OSL lens option

- Lights mounted with O.C. spacing, approx. 24" (28" max.)

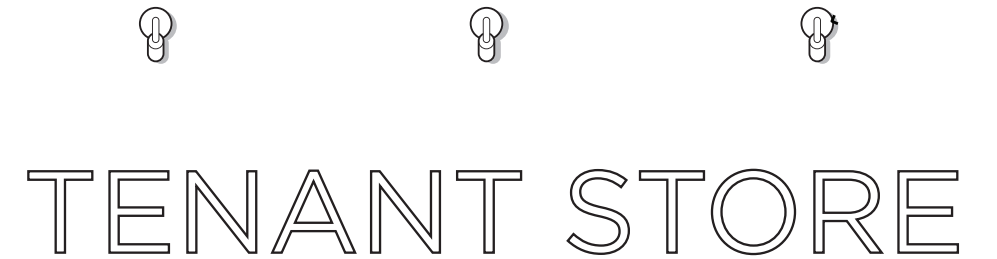


### OPTION 4B: Painted Lettering with Gooseneck External Illumination



SECTION

ELEVATION



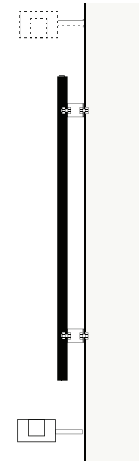
\* DIRECT PAINTED SIGNAGE MAX HEIGHT IS 1.25 X THE STANDARD APPROVED SIGN HEIGHT



### OPTION 5A: Individual Dimensional Letter Forms with LED Strip Light External Illumination



SECTION



ELEVATION

# TENANT STORE

**EDENS STANDARD SPEC FOR LED STRIP LIGHT:**  
12SYSTEMS V-LINE V321

### OPTION 5B: Painted Lettering with LED Strip Light External Illumination



SECTION



ELEVATION

# TENANT STORE

\* DIRECT PAINTED SIGNAGE MAX HEIGHT IS 1.25 X THE STANDARD APPROVED SIGN HEIGHT

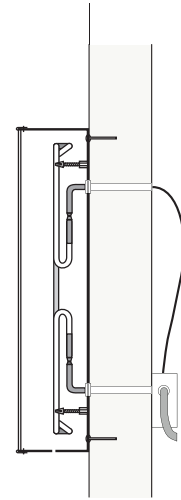




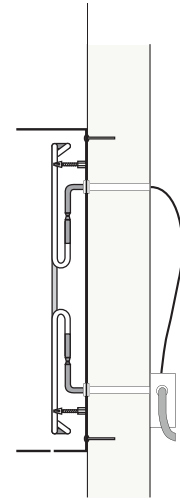
**OPTION 6A: Traditional Neon in a Channel with a Clear Acrylic Face Plate**

**OPTION 6B: Traditional Neon in a Channel**

SECTION 6A



SECTION 6B



ELEVATION

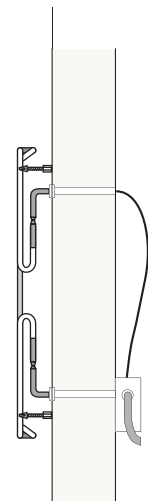
TENANT STORE



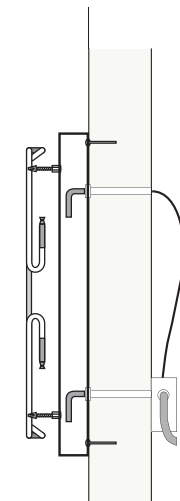
**OPTION 7A: Exposed Neon Mounted Directly to Façade**

**OPTION 7B: Exposed Neon Mounted on Solid Letter Forms**

SECTION 7A



SECTION 7B



ELEVATION

TENANT STORE



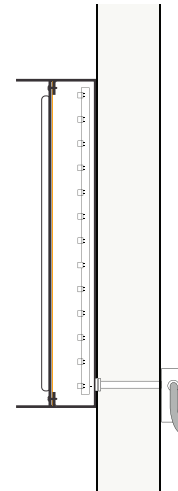




### OPTION 8: Neon Look Push-Through Acrylic Lettering

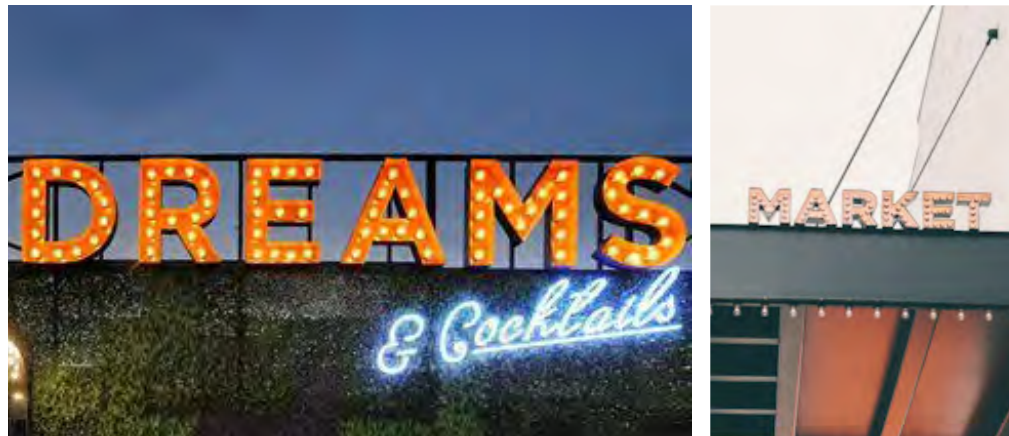
- 1/2" clear acrylic push-through double line, 1/2" wide letter strokes with routed, polished, bullnose-face for faux neon look

SECTION



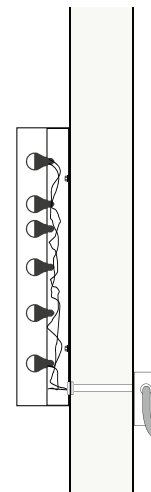
ELEVATION

TENANT STORE



### OPTION 9: Individual Channel Letters with Marquee Illumination

SECTION



ELEVATION

TENANT STORE

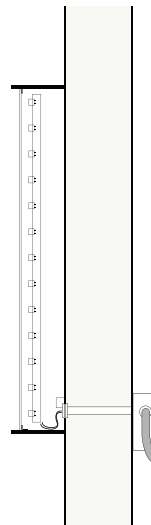




**OPTION 10: JR/ANCHOR ONLY (GREATER THAN 5,000 SF)**  
LED Internally Face-Lit Channel Letter Forms

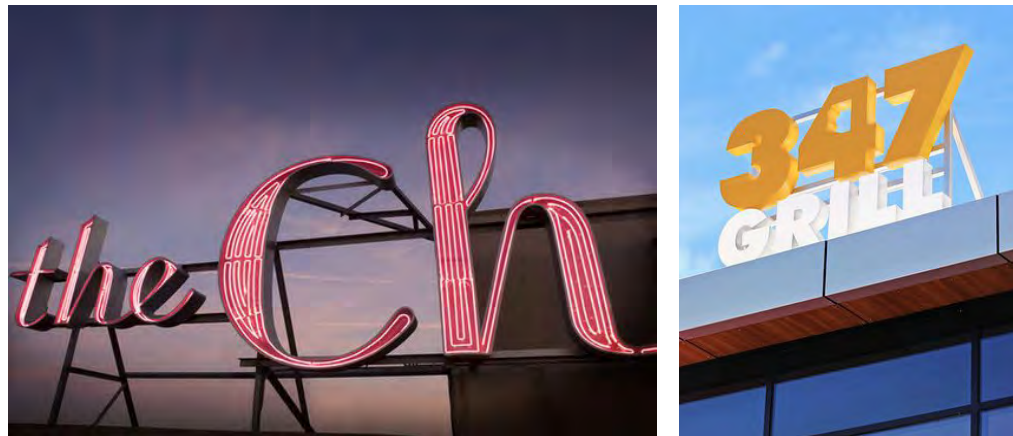


SECTION



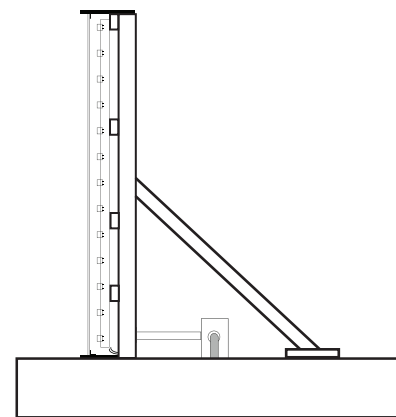
ELEVATION

TENANT STORE



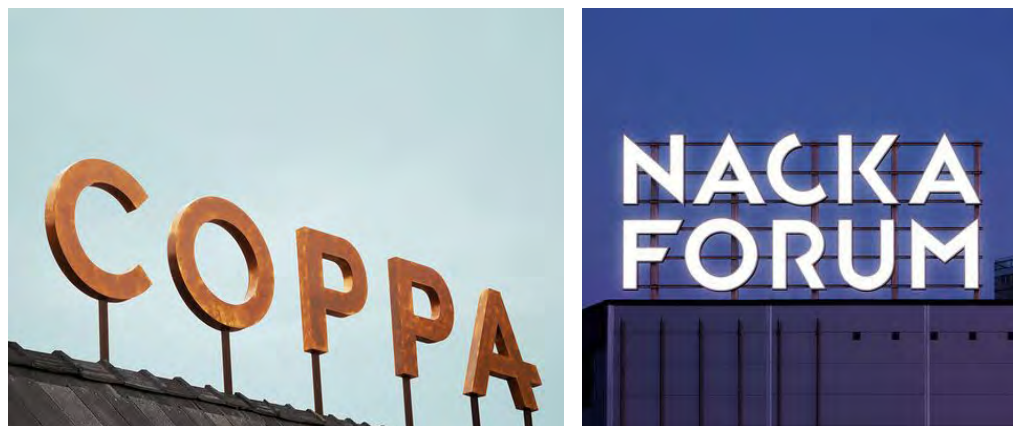
**OPTION 11: Roof-Mounted Signs: JR/ANCHOR ONLY (GREATER THAN 5,000 SF)**

SECTION



ELEVATION

TENANT STORE



**GENERAL NOTES**

DIAGRAMS ARE SHOWN FOR REFERENCE ONLY. ACTUAL TENANT SIGN WILL REFLECT INDIVIDUAL IDENTITY THROUGH SHAPE, FONT, ETC.

ALL ELECTRICAL MUST BE HIDDEN UNLESS REQUIRED BY CODE.

(FOR EX: A PHOTO CALL OR MANUAL ON-OFF SWITCH)



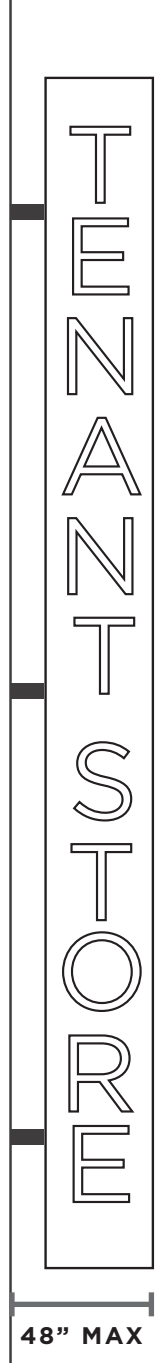


### OPTION 12: VERTICAL SIGNS

SECTION



ELEVATION





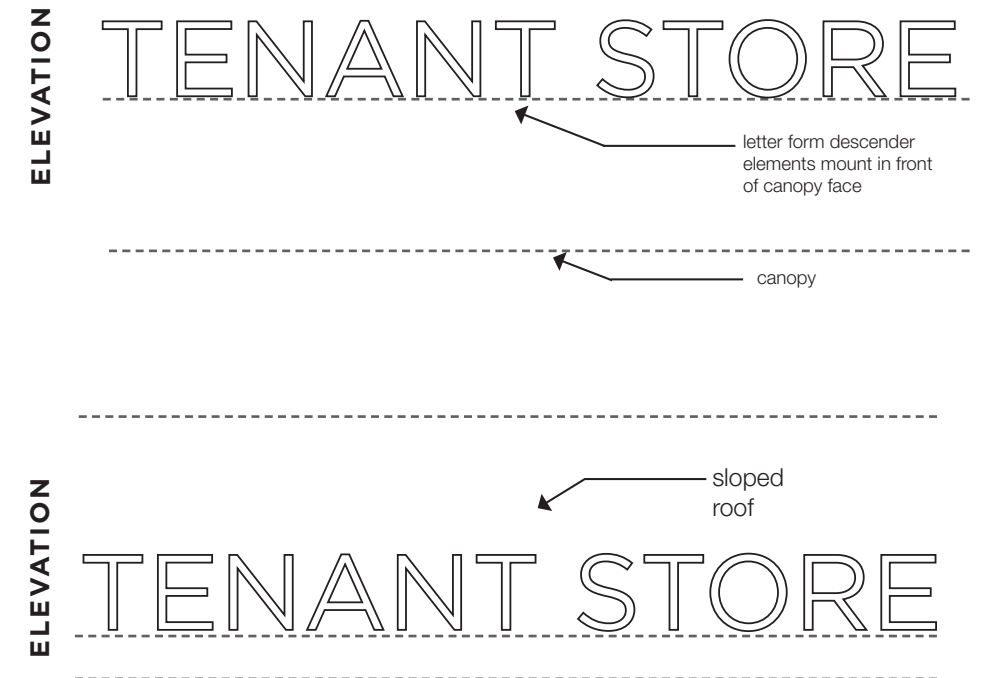
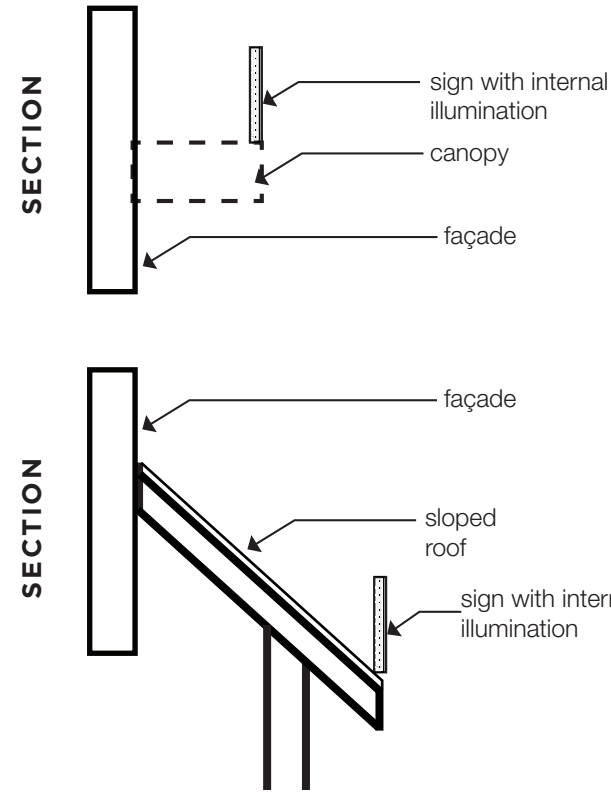


### OPTION 13: Canopy / Sloped Roof Signs

Depending on the architecture of the shopping center, applicable Tenants may, with Landlord approval, use a canopy/sloped roof mounted sign. Approved Tenants shall be allowed one (1) canopy/sloped roof sign; however, a Tenant whose storefront turns a corner may have one (1) sign on each façade thereof, providing the arrangement meets the approval of the Landlord and is within the restrictions of the local sign code. A canopy/sloped roof sign cannot be used as primary retail identification if a Tenant also has a façade sign.

Three kinds of canopy/sloped roof signs are allowed:

- Internally-Lit Sign
- Back-Lit Sign with LED Strip Light
- Up-Lit Sign with LED Strip Light



### OPTION 14: Awning Signs

- Use approved lighting from options 4 & 5

#### PLACEMENT

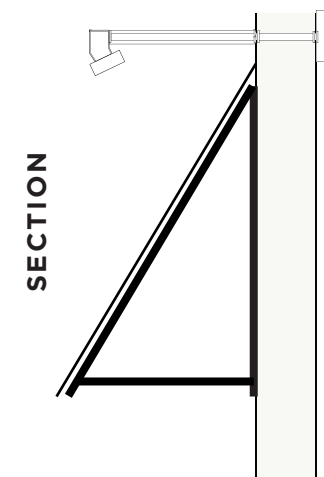
- Use of awnings must be approved by Landlord unless specified in lease
- Awning placement & design shall be prior approved by Landlord
- Placement of awning must coordinate with façade signage & architectural elements of façade

#### PROFILE

- Awning shop drawings must be reviewed & approved by Landlord prior to installation
- Awning frame should be structurally sound
- Awning should have open sides.
- Valences are prohibited unless approved by Landlord.

#### COLOR

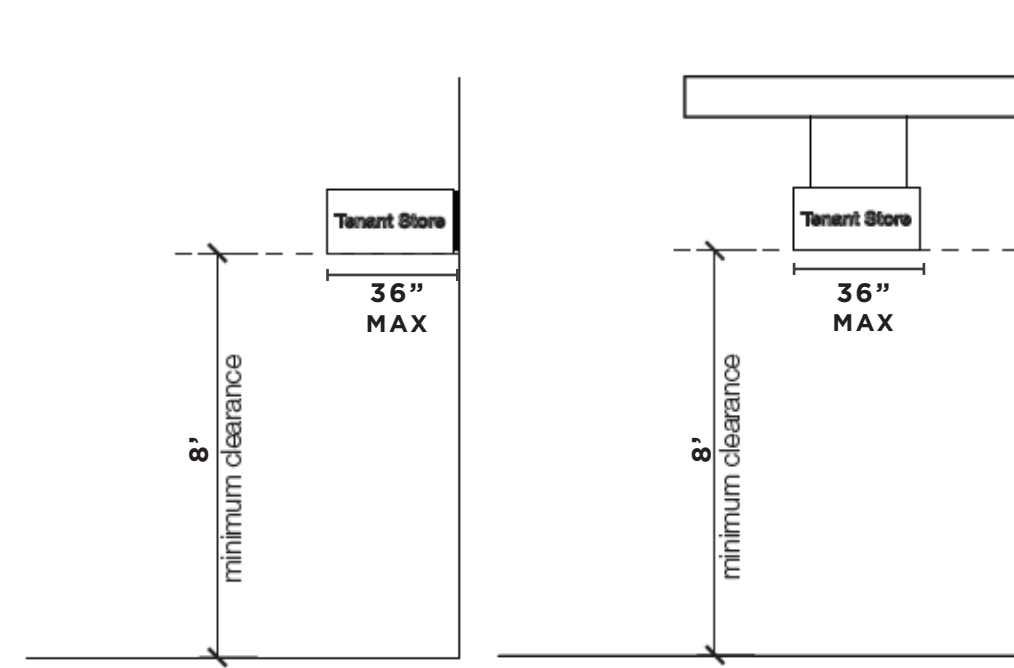
- Only solid colors allowed (no stripes, printed graphics, logos, etc.), unless approved by Landlord. Fabric color must be reviewed by Landlord.





# blade signs

- Tenant's may have blade signs in addition to the permitted tenant facade signs. Blade signs shall be limited to 6 SF per side.
- All blade signs must allow a 8' clearance between the sidewalk and the sign.
- Blade sign graphics must be submitted to the Landlord for approval before installation.
- Blade signs may project from the building up to three (3) feet, when attached to the face of the building; provided that no projecting sign shall be maintained less than eight 8' above the ground level when erected over pedestrian walkways or driveways and no less than fourteen 14' above vehicle access.



Projecting

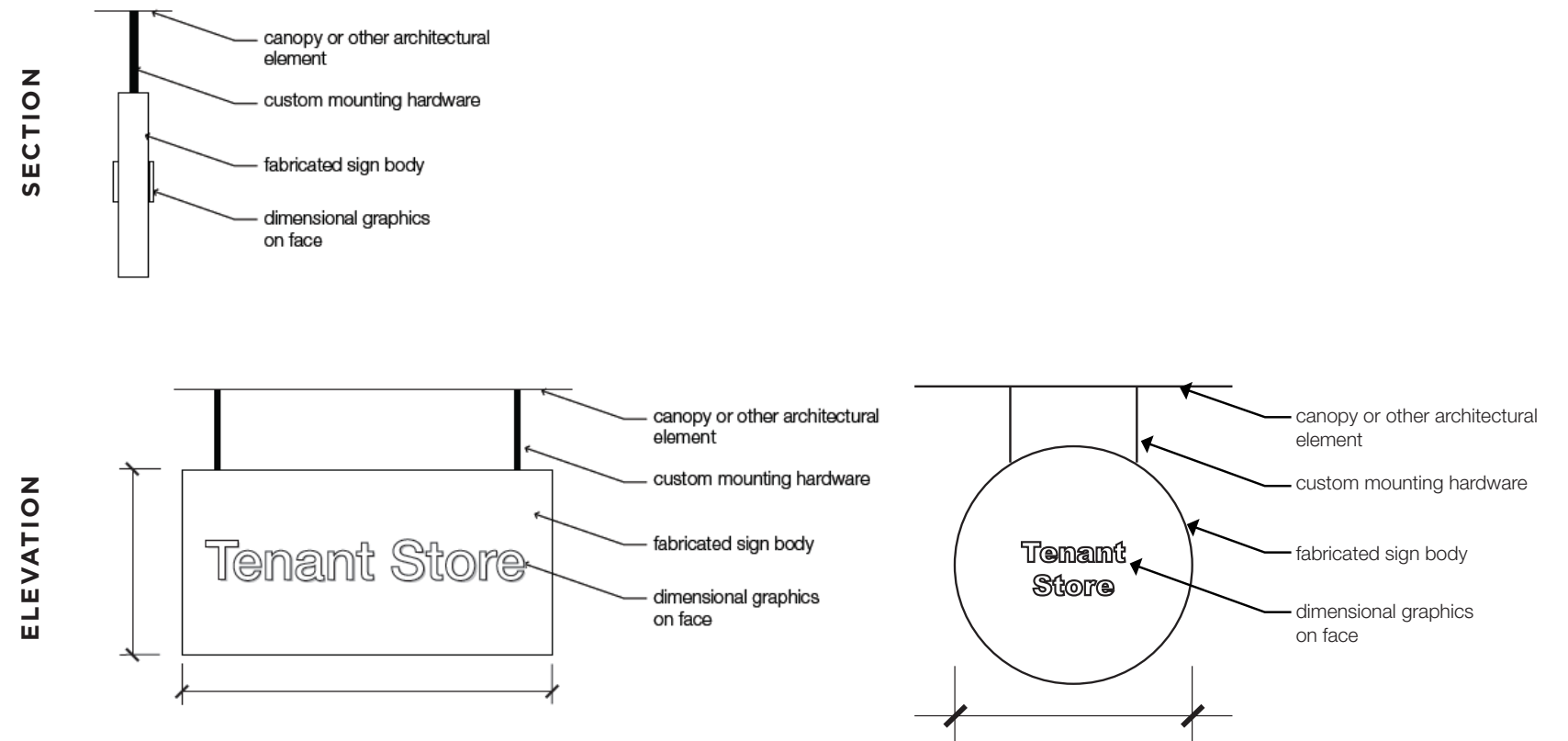
## PROJECTING SIGN

A sign attached to and extending outward from the face of a building

Suspended

## SUSPENDED SIGN

A sign hanging down from a marquee, awning, canopy.





CONCEPT  
SUBDIVISION PLAN



**DEVELOPMENT SUMMARY:**

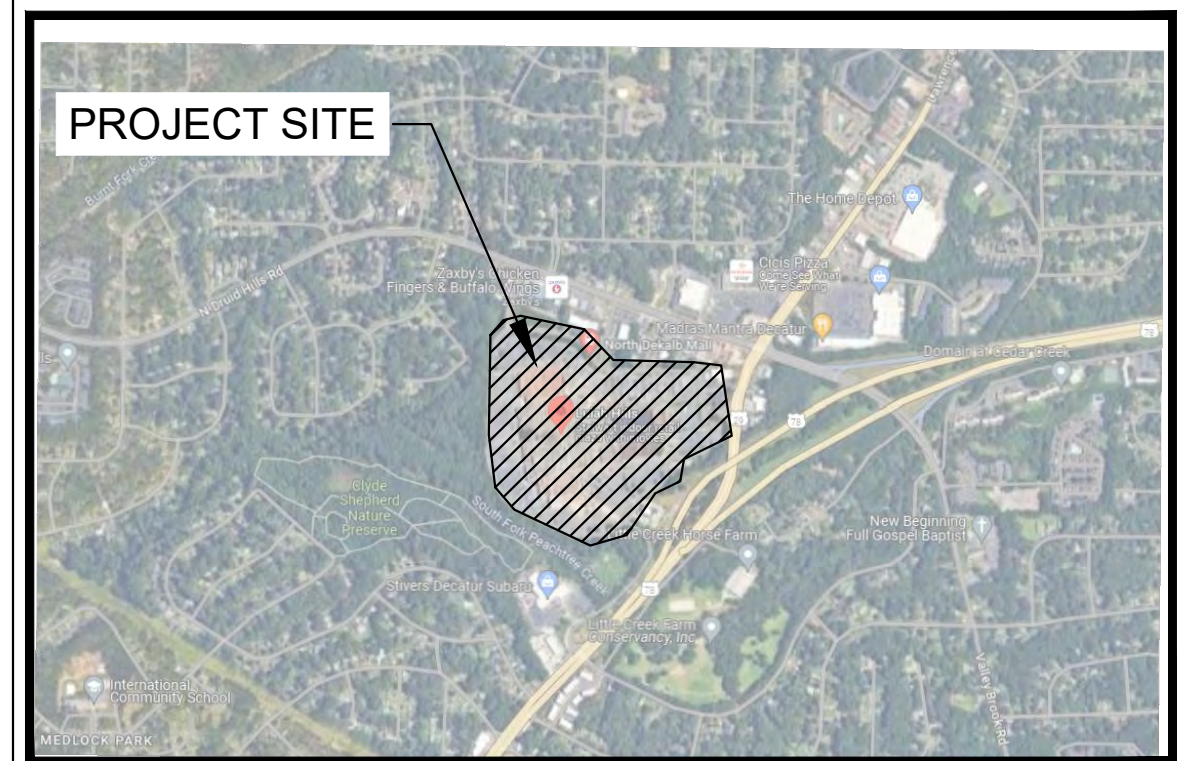
DEVELOPMENT SUMMARY	
<b>SITE SUMMARY:</b>	
CURRENT ZONING:	C-1
PROPOSED ZONING:	MU-4
SITE AREA (AC.):	74.63
TOTAL OPEN SPACE (AC):	19.04
REQ. OPEN SPACE (10%) (AC.):	7.46
<b>BUILDING SETBACKS:</b>	
FRONT (FT):	0
SIDE (FT):	0
BACK (FT):	10
<b>TRANSITIONAL BUFFERS:</b>	
ABUTTING RESIDENTIAL (FT)	50
<b>ADDITIONAL INFORMATION:</b>	
BASE DENSITY ALLOWED	24 DWELLING UNITS/ ACRE
<b>BONUSES:</b>	
PUBLIC IMPROVEMENTS	20%
MIXED-USE	20%
AMENITY PROXIMITY	20%

DEVELOPMENT SUMMARY	
<b>PROPOSED LAND USES &amp; DENSITIES:</b>	
RESIDENTIAL (TOTAL COMBINED):	1,800 DU MAXIMUM
MULTI-FAMILY:	1,700 DU MAXIMUM
TOWNHOMES:	200 DU MAXIMUM
RETAIL/RESTAURANT/ENTERTAINMENT:	380,000 SF
HOTEL:	150 ROOMS
OFFICE:	180,000 SF
<b>NON-RESIDENTIAL USE PERCENTAGE:</b>	
	20% MINIMUM
<b>PROPOSED BUILDING HEIGHTS:</b>	
RETAIL:	2-STORY (50FT) MAX
MULTI-FAMILY:	6-STORY (75FT) MAX
MULTI-FAMILY + RETAIL:	7-STORY (85FT) MAX
TOWNHOMES:	3-STORY (45FT) MAX
OFFICE:	8-STORY (100FT) MAX
HOTEL:	8-STORY (100FT) MAX

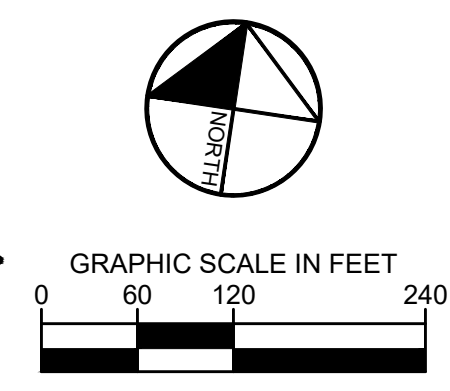
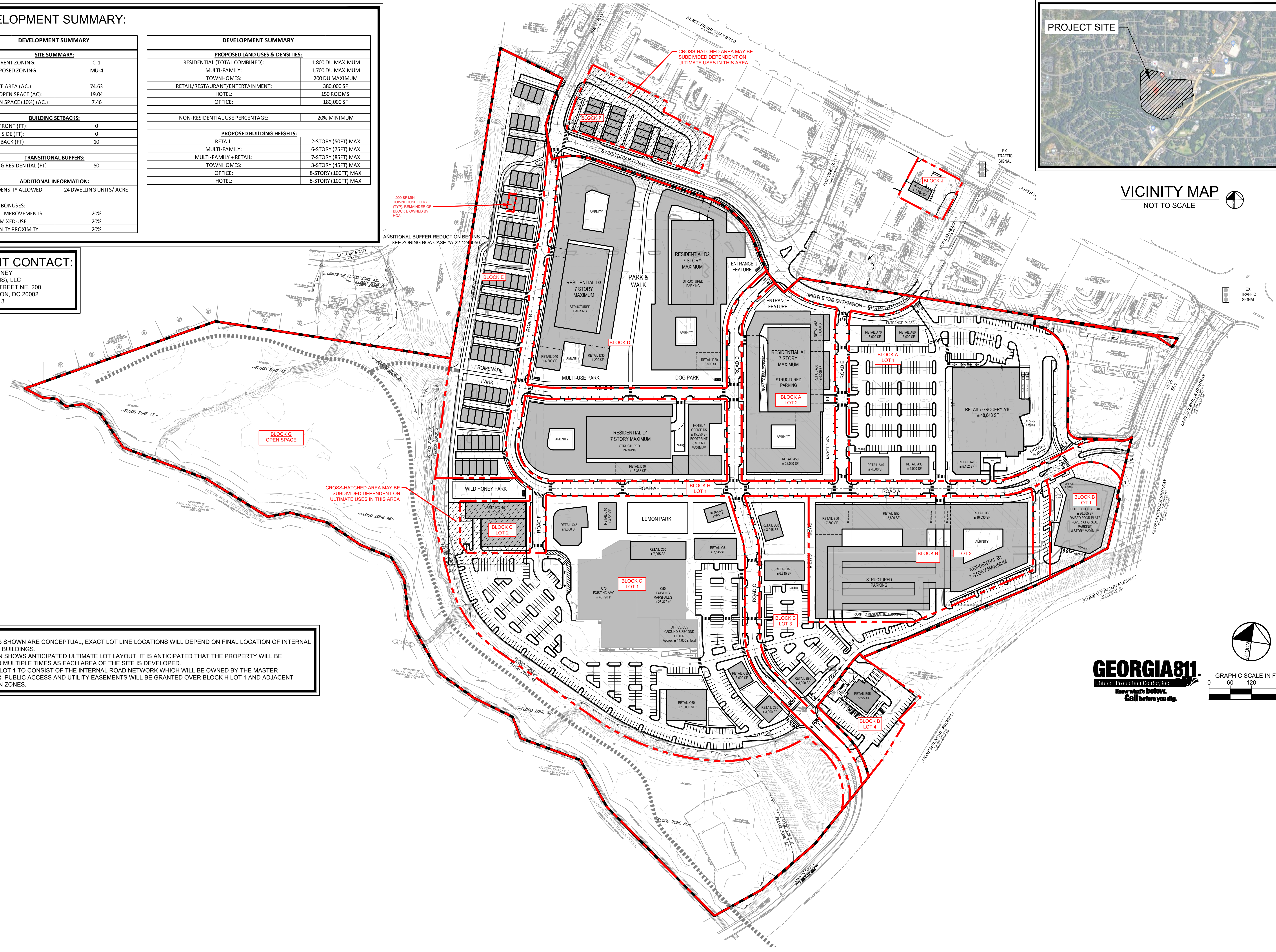
**CLIENT CONTACT:**

JIM MCKENNEY  
NDM (EDENS), LLC  
1272 5TH STREET NE, 200  
WASHINGTON, DC 20002  
803-269-8913

**NOTES:**  
1. LOT LINES SHOWN ARE CONCEPTUAL. EXACT LOT LINE LOCATIONS WILL DEPEND ON FINAL LOCATION OF INTERNAL ROADS AND BUILDINGS.  
2. THIS PLAN SHOWS ANTICIPATED ULTIMATE LOT LAYOUT. IT IS ANTICIPATED THAT THE PROPERTY WILL BE SUBDIVIDED MULTIPLE TIMES AS EACH AREA OF THE SITE IS DEVELOPED.  
3. BLOCK H LOT 1 TO CONSIST OF THE INTERNAL ROAD NETWORK WHICH WILL BE OWNED BY THE MASTER DEVELOPER. PUBLIC ACCESS AND UTILITY EASEMENTS WILL BE GRANTED OVER BLOCK H LOT 1 AND ADJACENT PEDESTRIAN ZONES.



**VICINITY MAP**  
NOT TO SCALE



**GEORGIA811**  
Utility Protection Center, Inc.  
Know what's below.  
Call before you dig.

**Kimley»Horn**  
© 2021 KIMLEY-HORN AND ASSOCIATES, INC.  
11720 AMBER PARK DRIVE, SUITE 800  
ATLANTA, GA 30309  
PHONE (770) 674-4281  
WWW.KIMLEY-HORN.COM

**NDM (EDENS), LLC**  
3050 PEACHTREE ROAD, NW, SUITE 580  
ATLANTA, GA 30305

NO.	ISSUANCE AND REVISION DESCRIPTIONS	DATE	BY

**NORTH DEKALB MALL REDEVELOPMENT**  
2050 LAWRENCEVILLE HWY, DECATUR, GA 30033

GSWCC NO. (LEVEL II)	0000021723
DRAWN BY	CLH
DESIGNED BY	CLH
REVIEWED BY	TML
DATE	04/25/2022
PROJECT NO.	018381014

**SUBDIVISION PLAN**

SHEET NUMBER  
**C1-25**

Drawing name: K:\ATL\_Civil\018381014\_North Dekalb Mall\CAD\Plansheets\C1-25 - SUBDIVISION PLAN.dwg C1-25 SUBDIVISION PLAN Jun 27, 2024 8:00pm By: Tyler Rosser



**MODIFIED  
ZONING CONDITIONS**



**CONDITONS**  
**Z-22-1245595**

**Rezone from C-1 (Local Commercial) to MU-4 (Mixed Use – 4)**

~~May 26, 2022~~ July 1, 2024

**I. Zoning District, Master Development Plan and Exhibits:**

Master Development Plan, prepared by Kimley-Horn and dated 04/25/2022 and revised 07/01/2024, is attached hereto as Exhibit “A” (the “Master Plan”). Subject to the other conditions contained herein, the Master Plan is hereby approved as the long-term planning document that will provide a guide for future growth and development. It is expressly recognized that the Master Plan is intended to be dynamic and to allow for future flexibility in both the design of the project and its development and reasonable modifications are both anticipated and authorized, as provided for in Article 27-7.3.10 of the Zoning Ordinance. However, the street layout and percentage mix of land uses, maximum square footages of land use types, and minimum square footage of open space in the development shall be substantially the same as those shown on the Master Plan. Similarly, the cross-hatched areas on the Master Plan are intended as flexible areas limited to the following uses: existing to remain, commercial, and/or a hotel in Block B; commercial, commercial and townhomes or townhomes only in Block C; ~~and~~ commercial, townhouses, or multi-family residential in Block F; and existing to remain or commercial in Block J. A Master Sign Program, prepared pursuant to Section 2.19.4.B.4.b. and attached as Exhibit “B” (the “Sign Package”), dated 05/26/2022 and revised 07/01/2024 is incorporated herein as a condition of this rezoning. The Architectural Standards, prepared pursuant to Section 2.19.4.B.4.a., are attached as Exhibit “C”, dated 04/27/2022 and incorporated herein as a condition of this rezoning. Open Space shall be provided per the Open Space Plans which are attached as Exhibit “D”, dated 05/20/2022 and incorporated herein as a condition of this rezoning. In addition, the Subject Property will be subdivided in the future and a subdivision map is attached hereto as Exhibit “E” (the “Subdivision Plan”), dated 04/25/2022 and revised 07/01/2024 and incorporated herein as a condition of this rezoning. A Sustainability Program, attached as Exhibit “F”, dated 05/20/2022 and made a condition herein, shall be implemented as part of the overall project.



II. **Phasing:**

- a. Developer shall build no more than 750 multi-family units until 140,000 square feet of non-office commercial space (to include existing non-office commercial space proposed for renovation) has been constructed or renovated.

III. **Uses, Building Heights and Parking:**

a. Non-Office Commercial:

1. Non-Office Commercial uses, to include Retail, Restaurant, and/or Recreation and Entertainment uses as identified in Article 27-4.1.3, shall be developed for up to ~~320,000~~380,000 square feet of combined space and any square footage not used under this commercial threshold may be transferred to other non-residential uses, subject to these conditions, provided that non-office commercial uses together with the office and hotel uses shall comprise a minimum of 20% of total building square footage (excluding townhouse building square footage).
2. Non-Office Commercial building heights shall be limited to a maximum of two stories or 50 feet, whichever is less, unless incorporated into a mixed-use building.

b. Office and Hotel:

1. Office uses shall be developed for up to 180,000 square feet, except that unused commercial square footage may be transferred to office uses, which shall increase this threshold proportionately (but not the DRI threshold for office uses).
2. Up to 150 hotel rooms are allowed. Additional hotel rooms may be added up to a maximum of 180 hotel rooms, but only if the amount of allowable commercial space is reduced by 500 square feet for each additional room (but not the DRI threshold for hotel rooms).
3. Office and hotel building heights shall be limited to a maximum of eight stories (100 feet).
4. Developer shall be allowed to locate office and/or hotel uses ~~on~~ throughout all Blocks except Blocks E and G. the areas shown on the Site Plan interchangeably. Further, Developer shall be allowed to locate office uses above any retail building, so long as the



square footage thresholds and maximum building heights herein are not exceeded. If office is incorporated into the Flexible Area cross hatched in Block C, it shall be limited to three stories or 50'.

c. Residential:

1. Residential uses shall consist of a combination of multi-family units and townhome units (for-sale and/or for-rent) and shall not exceed 1,800 total units. Further, multi-family units shall not exceed 1,700 units. The Developer agrees to and shall submit a variance request to reduce the minimum required number of parking spaces for multi-family units to 1 parking space per unit. Subject to approval of such variance, a maximum of 1.5 parking spaces shall be permitted per unit. Developer shall endeavor to provide the minimum number of parking spaces necessary and in no case more than one parking space per bedroom. This condition does not prohibit the rental of residential parking spaces separately from the residential housing.
2. Developer may add micro-units to townhouses, multi-family buildings, or stand-alone micro-unit buildings. Micro-units, as may subsequently be defined in the zoning ordinance, shall not count toward the overall unit count or the calculation of total building area in III.a.1. above.
3. Multi-family building heights shall not exceed six-stories (75 feet) unless ground floor commercial is incorporated, in which case the maximum building height shall be seven-stories (85 feet). The height of Residential Building D3 shall not exceed six-stories (75 feet) within 100 feet of the townhouses located in Block E.
4. Townhome building heights shall be a maximum of three stories (45 feet). Rooftop structures, e.g. trellises, canopies, building pop-ups, on townhomes that do not exceed 50% of the total area of the roof deck surface shall not be considered as a building story but shall be subject to the 45-foot height limitations herein.

d. Prohibited Uses:

1. The following use shall be prohibited in all portions of the development: Any use related to adult entertainment or adult service facility, pawn shop, title loan, check cashing, convenience



store, gas station, funeral home/crematorium, or drive-through restaurant.

IV. **Building Locations and Orientation:**

- a. Subject to the other conditions contained herein, the final location, size, and use of buildings and parking shown on the plan may vary as provided for in Article 27-7.3.10 of the Zoning Ordinance, but the overall density cannot exceed the proposed development program summary, except as may be allowed by these conditions.
- b. Block A shall have the following limitations:
  1. ~~The A~~ primary entrance to at least one tenants in Building A20 shall be on Road A and its facade shall have windows and/or doorways that occupy at least fifty (50) percent of the width of the first-floor street-level façade.
  2. The primary entrance to tenants in Buildings A50 and A60 shall be on Road A, Road E and/or Road C and these facades shall have windows and/or doorways that occupy at least twenty-five (25) percent of the width of the first-floor street-level façade.
  3. ~~The A~~ primary or secondary entrance to at least one tenants in Buildings A65 and, A70, and A80 shall be on Mistletoe Extension or Road E. The primary entrance to tenants in Building A80 shall be on Mistletoe Extension or the parking lot. The primary entrance facades-façades facing Mistletoe Extension and Road E shall have windows and/or doorways that occupy at least fifty (50) percent of the width of the first-floor street-level façade. The sides of Buildings A70 and A80 that face Mistletoe Extension shall either have windows and/or doors that comprise at least fifty (50) percent of the width of the first-floor street-level façade; be decorated with a mural or painting; be a green wall; or have a comparable design treatment, subject to approval by the Director of Planning and Sustainability or designee.
  4. A minimum of one (1) fifteen (15) foot wide breezeway shall be provided from the lower level of the parking structure in Residential Building A1 to Road E. The breezeway shall be well-lit at all times, shall be surveilled with security monitors, and shall be open, accessible, and ungated at all times.
  5. The openings in Residential Building A1 ~~intended for vehicular ingress and egress~~ loading and/or waste management access shall be high enough to accommodate sanitation and recycling vehicles.



6. In the areas of Residential Building A1 which do not have ground floor retail, the ground floor residential units shall provide doorways to Road C. Such doorways can be secondary entrances but shall imitate front doors. The doorways and windows of said ground floor residential units shall comprise at least 30% of the width of the front facades of the ground floor residential units.
  7. The rear of Building A10 and the service areas for A10 and A20 shall be screened from Road A with a combination of decorative walls and/or landscaping, subject to approval by the Director of Planning and Sustainability or designee.
- c. Block B shall have the following limitations:
1. The primary entrance to tenants in Building B30 shall be on Road A and these facades shall have windows and/or doorways that occupy at least fifty (50) percent of the width of the first-floor street-level façade.
  2. The primary entrance to tenants in Buildings ~~B70 and B80~~ shall be on Road A, ~~or Road C,~~ or Tangerine Park and ~~thisese primary entrance façade~~ facades shall have windows and/or doorways that occupy at least twenty-five (25) percent of the width of the first-floor street-level façade.
  3. The ~~primary entrance to tenants inside of~~ Building B70 ~~that faeces~~ shall be on Tangerine Park or Road C ~~Road A shall either and this primary entrance façade shall~~ have windows that comprise at least fifty (50) percent of the width of the first-floor street-level façade; ~~be decorated with a mural or painting; be a green wall; or have a comparable design treatment, subject to approval by the Director of Planning and Sustainability or designee.~~
  4. The primary lobby to Building B10 shall be on Road A or the Office Plaza adjacent to Road A and these facades shall have windows and/or doorways that occupy at least fifty (50) percent of the façade.
  5. ~~The primary lobby to Building B75 shall be on Road C or the Mews and the facades shall have windows and/or doorways that occupy at least fifty (50) percent of the width of the first floor street-level façade.~~ The Flexible Area B hatched location indicated on the Site Plan can remain as existing, be Commercial Uses and/or a Hotel Use.
  6. A minimum of one (1) fifteen (15) foot wide breezeway shall be provided from the lower level of the parking structure in



Residential Building B1 to Road A. In addition, breezeways shall be provided on each side of the vehicular entrance to the parking structure from Road A. The breezeways shall be well-lit at all times, shall be surveilled with security monitors, and shall be open, accessible, and ungated at all times.

7. The openings in the liner building around the structured parking in Block B intended for ~~vehicular ingress and egress~~ loading and/or waste management access shall be high enough to accommodate sanitation and recycling vehicles.
  8. The primary or secondary entrance to tenants in Building B90 shall be on Road C. ~~This~~ primary entrance ~~façades facing Road C~~ shall have windows and/or doorways that occupy at least fifty (50) percent of the width of the first-floor façade.
- d. Block C shall have the following limitations:
1. The primary entrance to tenants in Buildings C5, C10, and C30, and C40 shall be on Road A, Road C, or Lemon Park and these façades shall have windows and/or doorways that occupy at least fifty (50) percent of the width of the first-floor street-level façade.
  2. The primary entrance to Building C50 (Existing Marshall's) shall remain in the existing store entrance location.
  3. The primary entrance façades for Buildings C40 and C45 shall have windows and/or doorways that occupy at least fifty (50) percent of the width of the first-floor façade. The primary entrance to tenants in Buildings C90 and C110 shall be on Road A and Wild Honey Park, respectively, and these façades shall have windows and/or doorways that occupy at least fifty (50) percent of the width of the first-floor street-level façade.
  4. ~~The A~~ primary or secondary entrance to tenants in Buildings C60, C80 and ~~C85~~ shall face Road C. ~~These~~ primary entrance ~~façades facing Road C~~ shall have windows and/or doorways that occupy at least fifty (50) percent of the width of the first-floor street-level façade for buildings C80 and C85 and thirty-five (35) percent of the width of the first-floor street-level façade for building C60.
  5. The Flexible Area C hatched location indicated on the Site Plan can be Commercial Uses only like shown on the Site Plan, Townhouses only ~~with fronts facing on Wild Honey Park,~~ or Townhouses facing on Wild Honey Park with a Commercial Building located to the south behind the townhouses.
- e. Block D shall have the following limitations:



1. The primary entrance to tenants in Buildings D5 and D10 shall be on Road A or Road C and these facades shall have windows and/or doorways that occupy at least fifty (50) percent of the width of the first-floor street-level façade.
2. In the areas of Residential Building D1 which do not have ground floor retail, the ground floor residential units shall provide doorways to the adjacent roads. Such doorways can be secondary entrances but shall imitate front doors. The doorways and windows of said ground floor residential units shall comprise at least 30% of the width of the front facades of the ground floor residential units.
3. Ground floor retail can be constructed anywhere in Building D5 and in Residential Building D1 along Road A.
4. Ground floor retail in Buildings D2 and D3 shall not be required. If ground floor retail is constructed in Buildings D2 and/or D3 it shall be limited to 5,000 SF in each location and shall be located along the parks adjacent to Road D. The primary entrance to tenants in these retail spaces shall be on the adjacent roads or parks and these facades shall have windows and/or doorways that occupy at least fifty (50) percent of the width of the first-floor street-level façade. At least thirty (30) percent of the width of the facades of stories above the ground floor, and of the ground floor if the ground floor is residential, shall be comprised of window and door openings.
5. The openings in Residential Building D1 intended for vehicular ingress and egress loading and/or waste management access shall be high enough to accommodate sanitation and recycling vehicles if sanitation/recycling is located in the parking structure, otherwise sanitation and recycling areas shall be screened.
6. Townhouses may be incorporated into Block D and the building locations may vary from those shown including the addition of internal streets as long the Shared-Use Path connecting Road B and Road C remains and a multi-use park and dog park at similar sizes to those shown on Sheet LA 2 are constructed adjacent to the path.
7. In the areas of Residential Building D2 and D3 which do not have ground floor retail, the ground floor residential units shall provide doorways to the adjacent streets. Such doorways can be secondary entrances but shall imitate front doors. The doorways and windows of said ground floor residential units shall comprise at least 30% of the width of the front facades of the ground floor

residential units in all locations where adjacent sidewalk grades allow.

- f. Block E shall have the following limitations:
  - 1. Only Residential Dwellings as allowed in Table 4.1 Use Table of the DeKalb County Zoning code shall be permitted in Block E.
  - 2. Where adjacent to single-family residential, building heights shall be limited by the transitional height plane as required by the DeKalb County code.
  - 3. Residential units adjacent to Road B and the shared-use path shall provide doorways to Road B or the shared-use path. Such doorways can be secondary entrances but shall imitate front doors. The doorways and windows of said ground floor residential units shall comprise at least 30% of the width of the front facades of the ground floor residential units.
- g. Block F shall have the following limitations:
  - 1. Uses shall consist of commercial buildings or residential buildings consisting either of townhouses or a multi-family building limited to 6 stories in height.
  - 2. Due to the elevation change across the site, street facing doorways may not be possible in all locations but a connection to the street from all entry doors shall be required.
- h. Block G – Open Space shall have the following limitations:
  - 1. The area shall be limited to open space to include paved or unpaved trails, community gardens, an existing detention pond by Orion Drive, and other passive or active recreational uses as deemed appropriate by the Director of Planning and Sustainability, or designee based upon the intent of the Conservation/Open Space designation in the Comprehensive Plan.
- i. Block J shall have the following limitations:
  - 1. The Flexible Area J hatched location indicated on the Site Plan can remain as existing or be Commercial Uses only.

V. **Open Space:**

- a. Developer agrees to (a) contribute \$~~235~~5,000 to DeKalb County (or other appropriate entity) towards improvements to the Community Garden, and (b) construct a gravel driveway ramp to provide access to said Community Garden ~~and (c) install piping between the existing storm drainage system and/or a detention pond to a 5,000-gallon cistern for use~~



- ~~of the Community Garden.~~ Developer shall make the funds in (a) above available within thirty (30) days of demand but in no case prior to the issuance of the first Certificate of Occupancy and shall complete items (b) ~~and (c)~~ as part of the first Land Development Permit issued for the project subject to all other necessary governmental approvals.
- b. A 12' wide Shared-Use Path/Promenade and linear park shall be constructed between Wild Honey Park and Promenade Park in the general location shown on the Master Development Plan and Sheet LA 1 in Exhibit D. An 8' wide sidewalk and linear park shall be constructed north of Promenade Park, a portion of which is located in the already cleared portion of the 50' transitional buffer, in the general location as shown on the Master Development Plan and Sheet OS 1. These paths/sidewalks shall be located within a public access area and shall not be gated, although reasonable restrictions may be placed on the hours such paths are open to the general public.
  - c. Lemon Park shall be built in the first phase of the project and shall consist of a combination of turf, grass, landscaping, hardscaping, seating and/or play areas; the design shall be similar to that shown on Sheet LA 3 in Exhibit D. Outside dining and events shall be allowed if such dining and/or events remain inside the Park and do not obstruct pedestrian access to buildings via sidewalks and hardscaping around the buildings.
  - d. A dog park and multi-use park shall be constructed in Block D adjacent to the Shared-Use Path, an internal road, or adjacent to a pedestrian path connecting to the Shared-Use Path or internal road. The multi-use park shall consist at a minimum of some turf or grass play areas as well as passive or active recreational areas. A dog waste disposal station shall be provided in the dog park and in strategic locations adjacent to the dog park. The design shall be similar to that shown on Sheet LA 2 in Exhibit D.
  - e. Promenade Park shall consist of the Shared-Use Path and seating and landscape areas, creating an entry/transition from the future Block G PATH trail into the site. The design shall be similar to that shown on Sheet LA 1 in Exhibit D.
  - f. Wild Honey Park shall consist of a mixture of hard surfaces, landscaped areas, and casual seating that can be activated by a variety of events. The design shall be similar to that shown on Sheet LA 1 in Exhibit D.
  - g. The Entrance Plaza on Mistletoe Extension shall be a pedestrian orientated park integrated into the area between ~~the shared-use path~~ Mistletoe Extension and the retail uses to create an inviting activated entrance from Mistletoe Road into the project site. Outside dining may be

- provided in portions of the entrance plaza as long as pedestrian access is maintained through the park area. An entrance sign may be added in compliance with the Master Sign Program.
- h. Public access shall be provided across all Open Spaces as shown on Sheets OS 1, LA 1, LA 2, and LA3 contained in Exhibit D. These areas are private but shall be made available to the general public, although reasonable restrictions may be placed as to the use of such spaces and the hours such spaces are open to the general public.
  - i. Before County issuance of a land disturbance permit, the Developer shall submit a plan to the Director of Planning and Sustainability outlining the continued maintenance of the Block G Open Space area. Such plan may be self-administered by the Developer and/or administered by a third party under contract or agreement with Developer or a combination thereof. Further, Developer may sell or transfer some or all of the area to a third party, such as a conservation organization or governmental entity, who accepts the ongoing maintenance responsibilities. While the primary intent of the area is as a forested conservation area, the continued maintenance will include general cleanup of trash, removal of invasive species, and maintenance of trails or other active/passive open spaces areas established in Block G. Developer may reserve the right to terminate any agreements with third parties and take back maintenance of the Block G Open Space area.

VI. **PATH Trail Connection:**

- a. The Developer(s) and/or Owners shall allow construction of a future PATH trail in Block G as shown on the Master Plan and Sheet OS 1. The final location of such trail within Block G shall be determined by DeKalb County in conjunction with the Developer as long as the trail connects to trail built by the Developer in Promenade Park. The Developer(s) and/or Owners shall grant, at no cost, to DeKalb County or appropriate entity a 25' wide permanent easement and construction easements as required for construction and continued operation and maintenance of such trail within Block G; the PATH trail within Block G shall be maintained by DeKalb County.

VII. **Infrastructure:**

- a. Contingent upon any necessary approvals, Developer agrees to contribute \$550,000 to DeKalb County (or other appropriate entity) to be



- exclusively applied towards the following improvements, which are public improvements: (a) the improvements to the intersection of Birch Road and North Druid Hills Road as outlined in the GRTA Notice of Decision dated April 14, 2022 and (b) the construction of a Shared-Use Trail on Mistletoe Road extending from the project site to North Druid Hills Road (hereafter collectively the “Improvements”). Developer shall have no obligation to provide funding for the Improvements except as specified in this condition. Developer shall make said funds available within thirty (30) days of demand but in no case prior to the date Developer makes application for a Land Disturbance Permit. Further, Dekalb County shall cause the improvements identified in (a) and (b) above to be completed within 36 months of approval of this rezoning. The Developer shall self-perform the following improvement, which is a public improvement: the improvement to the intersection of Orion Drive and Lawrenceville Highway as outlined in the GRTA Notice of Decision dated April 14, 2022 (the “Orion Drive Improvement”). In the event that a Tax Allocation District (TAD) capable of funding the Improvements and/or the Orion Drive Improvement is created, Developer’s obligation to fund said improvements and this condition shall immediately and automatically become null and void and, to the extent that Developer has already provided some or all of the funding for the Improvements and/or the Orion Drive Improvement, Developer shall be entitled to seek reimbursement for same from the TAD proceeds.
- b. The Developer will work with MARTA to develop the best design and location/s for a bus/transit stop ~~on Sweetbriar Road and along Lawrenceville Highway~~ within or adjacent to the development. The design shall include consideration of the need for pull-over lanes and shelters. Such obligation shall be completed prior to issuance of the initial Land Disturbance Permit. ~~Further, a sidewalk shall be constructed connecting the bus stop on Lawrenceville Highway to the development.~~
  - c. Unless noted otherwise, all “internal roads” shown on the plan are to be privately owned and maintained with a public access easement granted for vehicular and pedestrian traffic; internal roads will not be Private Streets as defined in the DeKalb County code. All lots will have frontage on internal roads or in the case of townhouses onto alleys which connect to internal roads.
  - d. Road A, Road B, Road C, Road E, and Mistletoe Extension shall be built at locations that are substantially the same as the locations in the general location shown on the Master Plan and shall be built as part of the first phase of the Project.

- e. Road D may be built as part of a future phase and the exact location may vary as long as the shared-use path connection is maintained from the Future PATH trail to Road C. Additional “internal roads” may be constructed in Block D depending on the final building layout on this block.
- f. Streetscape dimensions for all internal road sections shall be as shown on Sheets C2-50 to C2-52, prepared by Kimley Horn, dated 02/21/22 and revised 07/01/24. Further, block and lot requirements shall be as shown on the Master Plan and the Subdivision Plan. If the DeKalb County Fire Marshall agrees to reduce the road widths below 26’ (2-13’ lanes) adjacent to buildings taller than 30’ high, then the width by which the drive aisles are decreased shall be added to the pedestrian zones on that street section. If the Fire Marshall approves such reduction, revised road sections will be submitted as part of the Land Disturbance Permit.
- g. Designated areas of internal roads may be periodically closed to vehicles to provide for street fairs, farmers markets, events, etc. as long as vehicular and pedestrian traffic routes are maintained to provide access to all parts of the site.
- h. The shared-use path shown on the Master Plan connecting the Future PATH trail with Mistletoe Road shall be built in the first phase of the project. A temporary paved path may be provided from Road B to Road C until the permanent path is built when Road D is constructed.
- i. Bike Nodes consisting of a combination of bike racks, information kiosks, and/or bike maintenance stands shall be constructed at key points along the shared-use path in the general location shown on the Site Plan.

### VIII. Architecture:

- a. Building architecture shall be substantially compliant with the Architectural Standards in Exhibit “C”. Building elevations will be submitted as part of the Land Disturbance Permit process and shall be reviewed by the Director of Planning and Sustainability or designee for substantial compliance with the Architectural Standards.
- b. West facades of Residential Buildings D1 and D3 shall be articulated with design features that shall echo or be compatible with the scale of the front facades of the townhomes on the opposite side of Road B.
- c. Ground floor retail uses, as well as stand-alone retail buildings, shall have functional door and window openings in the facades that face the



sidewalks along the interior roads. Doors in the sidewalk-facing facades shall be unlocked and usable by customers during business hours. Windows in the sidewalk-facing facades shall be transparent and shall allow views into the interiors of the retail spaces.

- d. Parking structures in Blocks A and D shall be screened with the use of liner buildings or other buildings to not be visible from public streets or internal roads.
- e. The parking structure in Block B shall be screened from Road A and Road C with liner buildings. If the parking structure facing Stone Mountain Highway is not screened with a liner building or other building, then a mural and/or signage as allowed per the Master Sign Program shall be placed on the unscreened side. In lieu of a mural or signage, an alternative façade treatment or screening shall be allowed upon approval of the Director of Planning and Sustainability or designee.

**IX. Townhome Construction:**

- a. The electrical panel in the townhouses shall be sized to accommodate a 40-amp double pole breaker on the opposite end of the panel labeled “reserved for solar”.
- b. A minimum of twenty-five (25) percent of townhouses shall be pre-wired and shall be pre-plumbed to accommodate a future micro-unit, such unit to be located on the lowest level of the townhouse exclusive of the garage. ~~Micro-units shall be as defined in condition III.c.2.~~
- c. A minimum of twenty-five (205) percent of the townhouses shall be designed such that purchasers shall have the option to purchase an elevator.
- d. A minimum of one 240 V AC plug (or current industry standard) shall be installed in each townhouse garage to accommodate electric vehicle charging.

**X. Signage:**

- a. Signage for the development shall be consistent with the standards in Exhibit “B.” Prior to the issuance of a Land Disturbance Permit, the Developer shall submit to the Director of Planning and Sustainability design standards for minor signs, i.e. ground signs, directional signs, parking signs, and general wayfinding signs.

- b. Flashing, animated, sound emitting, rotating and inflatable signs are prohibited. Electronic or digital signs shall comply with the DeKalb County Sign Ordinance.

**XI. Common Area Maintenance:**

- a. The common areas within the Development shall be kept and maintained in first class order and repair as compared to any other first class mixed-use development similar to the caliber, type and character of the Development and located in the Atlanta, Georgia metropolitan area.

**XII. Subdivision:**

- a. The Subject Property may be subdivided in general accordance with Exhibit E and parts of the Subject Property may be owned separately and/or conveyed as separate tracts and to separate owners with different ownership structures.
- b. Should there be separate ownership of parts of the Subject Property and/or a conveyance of part of the Subject Property to different owners, all conditions and variances, if any, shall remain applicable to any portion of the Subject Property, regardless of what person or entity owns the property. A true copy of the approved conditions and zoning agreement shall be attached to any and all legal documents transferring ownership of any part of the development.
- c. Separate ownership of parts of the Subject Property and/or conveyance of part of the Subject Property to different owners shall not create non-conforming lots or uses and shall not require any changes to the Site Plan for the development nor any variances. The newly created property lines which arise from these conveyances are not required to observe setback, buffer, or other zoning requirements, except as may be reflected on the Site Plan.

**XIII. Housing Affordability and Retail Incubator**

- a. Developer agrees to provide 10% workforce and affordable housing as part of the projects within the multi-family components, up to the maximum multi-family unit numbers in III.c.1. Developer agrees to provide 3 Affordable Housing Units (AHU) per multi-family building (15 total), defined as housing that is affordable to households earning no more than 60 percent of Area Median Income (AMI). The balance of the



- 10% shall be made up of Workforce Housing Units (WHU), defined as housing that is affordable to households earning between 60 percent and 120 percent of AMI. WHU and AHUs shall have the same access to amenities and services within the multi-family buildings as the market rate units. Subject to applicable laws, each multi-family building owner/operator shall establish a program to give a preference for rental of the AHU and WHU to individuals who work within the Project site.
- b. The Department of Community Development shall be responsible for tracking the availability and rental of AHU and WHUs.
  - c. Developer shall submit an annual report on the rental history of AHU and WHUs to the Department of Community Development starting one year from the issuance of the first certificate of occupancy of a multi-family unit in the development. A copy of the report shall simultaneously be transmitted to the Director of the Department of Planning and Sustainability.
  - d. Developer recognizes the importance of local retail in the community as an economic opportunity and further agrees to create a space (the “Incubator Space”) that fosters an entrepreneurial community within the project with support from programs such as but not limited to Emory StartMe Program. A goal of this condition is to graduate these entrepreneurs into permanent retail spaces and deals either in the project or elsewhere in competing retail centers throughout DeKalb County. The Incubator Space is to be leased for local retail with flexible terms relative to market with minimal investment required by the retailers to open for business. Developer shall pursue any number of deal structures to achieve this goal including but not limited to leasing spaces to individual retailers or leasing a space to one operator who then creates opportunities to host the local retailers in one cohesive retail experience. The Incubator Space shall in no event be less than 2,000 sf in total and shall be made available for a minimum of two years, starting from the date of issuance of a Certificate of Occupancy for the Incubator Space. Prior to commencing operations at the incubator, Developer shall provide a plan for the operation of the incubator to the Director of Planning and Sustainability. Developer shall then submit two reports to the Director of Planning and Sustainability summarizing the performance of the Incubator Space, the first to be submitted 12 months after the issuance of a Certificate of Occupancy for the Incubator Space and the second to be

submitted 24 months after the issuance of the Certificate of Occupancy. At the end of 2 years, Developer will evaluate and determine the viability and sustainability of continuing the Incubator Space. Should Developer choose to discontinue the Incubator Space at any point after two years, it shall provide 90 days' written notice to the Director of Planning and Sustainability. During these 90 days, the Developer shall negotiate in good faith with the County to identify and deploy resources necessary to attempt to continue the incubator program.

XIV. **Miscellaneous:**

- a. Food trucks, shipping container stores, and similar structures shall be allowed in all locations except Blocks E and G as long as adequate pedestrian access is maintained. Food trucks and shipping container stores shall comply with all applicable State and County regulations.
- b. Outdoor dining associated with a restaurant or other commercial establishment shall be allowed throughout all Blocks except Blocks E and G, provided that such outdoor dining does not block access, by pedestrians or persons in wheelchairs, to building entrances and exits and provided that outdoor dining allows the use of sidewalks by pedestrians and persons in wheelchairs.
- c. All Blocks, except Block E, shall be designated a Special Events Facility and otherwise be exempt from the requirements of section 27-7.6 and/or 27-4.3.
- d. Information and advertising kiosks shall be allowed throughout all Blocks except Blocks E and G. This provision shall not preclude the installation of Directional Signage as allowed in the Master Sign Program in Blocks E and G as long as such signage does not include tenant signage.
- e. Walk-up ATMs shall be allowed either integrated into buildings or free-standing. A Drive-up ATM shall be allowed subject to a Special Land Use Permit.
- f. Murals shall be allowed except in Block E and G; however, a mural shall be permitted on the existing retaining wall in Block G. Murals which meet the definition of a sign shall comply with the requirements of the Master Sign Program.
- g. A drive-through pharmacy shall be allowed as indicated at Building A10 subject to a Special Land Use Permit.
- h. On all buildings in the development, roof mounted mechanical equipment and appurtenances shall be located and/or screened so that they are not



visible from the ground immediately adjacent to the building. Said ~~equipment shall also be screened with~~ screening materials ~~shall be~~ that are compatible with the surrounding building materials and architectural design.

- i. The development shall provide a minimum of one (1) bicycle/moped parking spaces per twenty (20) parking spaces in surface parking lots and non-residential parking structures and a minimum of one (1) secured bicycle parking spaces per twelve (12) parking spaces in multi-family parking structures, except that this provision shall not apply to townhouse garages.
- j. A minimum of 3 percent of all surface parking lots and non-residential portions of parking structures shall be striped and signed for alternative fuel vehicle parking. EV charging station parking spaces may be used toward this total.
- k. A minimum of two percent parking spaces in surface parking lots and parking structures shall have electric vehicle charging stations. In designing the overall electrical distribution for the development, the Developer will work with Georgia Power to ensure the overall system can accommodate enough power, either initially or through future upgrades, for eventual conversion of ten percent of all parking spaces to have EV charging stations and shall provide room sufficient enough to allow upgrading the transformers or adding transformers for such future electrical demands associated with the additional EV charging stations.
- l. All multi-family parking structures shall be designed to accommodate the infrastructure for future conversion to allow for electric vehicle charging stations for a minimum twenty (20) percent of the parking spaces. All parking structures shall be designed so as to not preclude the addition of additional EV charging stations including designing the transformers to accommodate the loads from additional charging stations or providing room for additional transformers for such future electrical demands associated with the EV charging stations. Further, parking structures will be designed to either incorporate conduits or allow for future installation of conduits for the future EV charging stations without the need for structural modifications of the parking structure.
- m. Smart thermostats shall be installed in all residential units (multi-family and townhouses).
- n. The site shall be provided with underground utilities for electricity, phone, cable, and internet services.
- o. Developer shall employ pest and rodent abatement measures during demolition.

- p. Developer shall employ dust abatement measures during demolition.
- q. Setbacks shall be measured by existing right-of-way, versus any future right-of-way that County may demand incidental to development.
- r. No cell towers/structures/monopoles shall be permitted anywhere on project property, but non-tower-mounted flat antennas may be located on roof tops or parking structures.
- s. The Sustainability Program included in Exhibit F shall be implemented as part of the overall project. The Sustainability Program can be updated in the future as needed based on future advances in sustainable design and practices; such updated Program shall be provided to the Director of Planning and Sustainability.
- t. Before County issuance of a land disturbance permit, the Developer shall submit a framework plan for waste management. The framework plan shall outline the method of recycling that will be used in the development. Recycling bins shall be provided in all multi-tenant buildings in locations convenient for use by residents. Storage areas for construction materials and/or equipment shall be screened from view from residential properties and structures with opaque construction fencing.
- u. An outdoor lighting plan shall be submitted in conjunction with the application for a land disturbance permit and shall meet the standards of Sec. 5.6.1 of the DeKalb County Zoning Code.
- v. Rooftop amenities or uses on top of buildings or parking structures (i.e. cocktail bars, outside dining, special events facilities, recreation and entertainment facilities) shall be permitted and shall not be counted toward any square footage or height threshold defined herein or required parking. This condition shall not apply to townhouse rooftops which shall be governed by condition III.c.4.



**[FINAL COPY]**  
**CONDITONS**  
**Z-22-1245595**

**Rezone from C-1 (Local Commercial) to MU-4 (Mixed Use – 4)**

**July 1, 2024**

**I. Zoning District, Master Development Plan and Exhibits:**

Master Development Plan, prepared by Kimley-Horn and dated 04/25/2022 and revised 07/01/2024, is attached hereto as Exhibit “A” (the “Master Plan”). Subject to the other conditions contained herein, the Master Plan is hereby approved as the long-term planning document that will provide a guide for future growth and development. It is expressly recognized that the Master Plan is intended to be dynamic and to allow for future flexibility in both the design of the project and its development and reasonable modifications are both anticipated and authorized, as provided for in Article 27-7.3.10 of the Zoning Ordinance. However, the street layout and percentage mix of land uses, maximum square footages of land use types, and minimum square footage of open space in the development shall be substantially the same as those shown on the Master Plan. Similarly, the cross-hatched areas on the Master Plan are intended as flexible areas limited to the following uses: existing to remain, commercial, and/or a hotel in Block B; commercial, commercial and townhomes or townhomes only in Block C; commercial, townhouses, or multi-family residential in Block F; and existing to remain or commercial in Block J. A Master Sign Program, prepared pursuant to Section 2.19.4.B.4.b. and attached as Exhibit “B” (the “Sign Package”), dated 05/26/2022 and revised 07/01/2024 is incorporated herein as a condition of this rezoning. The Architectural Standards, prepared pursuant to Section 2.19.4.B.4.a., are attached as Exhibit “C”, dated 04/27/2022 and incorporated herein as a condition of this rezoning. Open Space shall be provided per the Open Space Plans which are attached as Exhibit “D”, dated 05/20/2022 and incorporated herein as a condition of this rezoning. In addition, the Subject Property will be subdivided in the future and a subdivision map is attached hereto as Exhibit “E” (the “Subdivision Plan”), dated 04/25/2022 and revised 07/01/2024 and incorporated herein as a condition of this rezoning. A Sustainability Program, attached as Exhibit “F”, dated 05/20/2022 and made a condition herein, shall be implemented as part of the overall project.

II. **Phasing:**

- a. Developer shall build no more than 750 multi-family units until 140,000 square feet of non-office commercial space (to include existing non-office commercial space proposed for renovation) has been constructed or renovated.

III. **Uses, Building Heights and Parking:**

a. Non-Office Commercial:

1. Non-Office Commercial uses, to include Retail, Restaurant, and/or Recreation and Entertainment uses as identified in Article 27-4.1.3, shall be developed for up to 380,000 square feet of combined space and any square footage not used under this commercial threshold may be transferred to other non-residential uses, subject to these conditions, provided that non-office commercial uses together with the office and hotel uses shall comprise a minimum of 20% of total building square footage (excluding townhouse building square footage).
2. Non-Office Commercial building heights shall be limited to a maximum of two stories or 50 feet, whichever is less, unless incorporated into a mixed-use building.

b. Office and Hotel:

1. Office uses shall be developed for up to 180,000 square feet, except that unused commercial square footage may be transferred to office uses, which shall increase this threshold proportionately (but not the DRI threshold for office uses).
2. Up to 150 hotel rooms are allowed. Additional hotel rooms may be added up to a maximum of 180 hotel rooms, but only if the amount of allowable commercial space is reduced by 500 square feet for each additional room (but not the DRI threshold for hotel rooms).
3. Office and hotel building heights shall be limited to a maximum of eight stories (100 feet).



4. Developer shall be allowed to locate office and/or hotel uses throughout all Blocks except Blocks E and G. Further, Developer shall be allowed to locate office uses above any retail building, so long as the square footage thresholds and maximum building heights herein are not exceeded. If office is incorporated into the Flexible Area cross hatched in Block C, it shall be limited to three stories or 50'.

c. Residential:

1. Residential uses shall consist of a combination of multi-family units and townhome units (for-sale and/or for-rent) and shall not exceed 1,800 total units. Further, multi-family units shall not exceed 1,700 units. The Developer agrees to and shall submit a variance request to reduce the minimum required number of parking spaces for multi-family units to 1 parking space per unit. Subject to approval of such variance, a maximum of 1.5 parking spaces shall be permitted per unit. Developer shall endeavor to provide the minimum number of parking spaces necessary and in no case more than one parking space per bedroom. This condition does not prohibit the rental of residential parking spaces separately from the residential housing.
2. Developer may add micro-units to townhouses, multi-family buildings, or stand-alone micro-unit buildings. Micro-units, as may subsequently be defined in the zoning ordinance, shall not count toward the overall unit count or the calculation of total building area in III.a.1. above.
3. Multi-family building heights shall not exceed six-stories (75 feet) unless ground floor commercial is incorporated, in which case the maximum building height shall be seven-stories (85 feet). The height of Residential Building D3 shall not exceed six-stories (75 feet) within 100 feet of the townhouses located in Block E.
4. Townhome building heights shall be a maximum of three stories (45 feet). Rooftop structures, e.g. trellises, canopies, building pop-ups, on townhomes that do not exceed 50% of the total area of the roof deck surface shall not be considered as a building story but shall be subject to the 45-foot height limitations herein.

d. Prohibited Uses:

1. The following use shall be prohibited in all portions of the development: Any use related to adult entertainment or adult service facility, pawn shop, title loan, check cashing, convenience store, gas station, funeral home/crematorium, or drive-through restaurant.

IV. **Building Locations and Orientation:**

- a. Subject to the other conditions contained herein, the final location, size, and use of buildings and parking shown on the plan may vary as provided for in Article 27-7.3.10 of the Zoning Ordinance, but the overall density cannot exceed the proposed development program summary, except as may be allowed by these conditions.
- b. Block A shall have the following limitations:
  1. A primary entrance to at least one tenant in Building A20 shall be on Road A and its facade shall have windows and/or doorways that occupy at least fifty (50) percent of the width of the first-floor street-level façade.
  2. The primary entrance to tenants in Buildings A50 and A60 shall be on Road A, Road E and/or Road C and these facades shall have windows and/or doorways that occupy at least twenty-five (25) percent of the width of the first-floor street-level façade.
  3. A primary or secondary entrance to at least one tenant in Buildings A65 and A70 shall be on Mistletoe Extension or Road E. The primary entrance to tenants in Building A80 shall be on Mistletoe Extension or the parking lot. The primary entrance façades shall have windows and/or doorways that occupy at least fifty (50) percent of the width of the first-floor street-level façade. The sides of Buildings A70 and A80 that face Mistletoe Extension shall either have windows and/or doors that comprise at least fifty (50) percent of the width of the first-floor street-level façade; be decorated with a mural or painting; be a green wall; or have a comparable design treatment, subject to approval by the Director of Planning and Sustainability or designee.



4. A minimum of one (1) fifteen (15) foot wide breezeway shall be provided from the lower level of the parking structure in Residential Building A1 to Road E. The breezeway shall be well-lit at all times, shall be surveilled with security monitors, and shall be open, accessible, and ungated at all times.
  5. The openings in Residential Building A1 intended for loading and/or waste management access shall be high enough to accommodate sanitation and recycling vehicles.
  6. In the areas of Residential Building A1 which do not have ground floor retail, the ground floor residential units shall provide doorways to Road C. Such doorways can be secondary entrances but shall imitate front doors. The doorways and windows of said ground floor residential units shall comprise at least 30% of the width of the front facades of the ground floor residential units.
  7. The rear of Building A10 and the service areas for A10 and A20 shall be screened from Road A with a combination of decorative walls and/or landscaping, subject to approval by the Director of Planning and Sustainability or designee.
- c. Block B shall have the following limitations:
1. The primary entrance to tenants in Building B30 shall be on Road A and these facades shall have windows and/or doorways that occupy at least fifty (50) percent of the width of the first-floor street-level façade.
  2. The primary entrance to tenants in Building B80 shall be on Road A, Road C, or Tangerine Park and this primary entrance façade shall have windows and/or doorways that occupy at least twenty-five (25) percent of the width of the first-floor street-level façade.
  3. The primary entrance to tenants in Building B70 shall be on Tangerine Park or Road C and this primary entrance façade shall have windows that comprise at least fifty (50) percent of the width of the first-floor street-level façade.
  4. The primary lobby to Building B10 shall be on Road A or the Office Plaza adjacent to Road A and these facades shall have windows and/or doorways that occupy at least fifty (50) percent of the façade.
  5. The Flexible Area B hatched location indicated on the Site Plan can remain as existing, be Commercial Uses and/or a Hotel Use.

6. A minimum of one (1) fifteen (15) foot wide breezeway shall be provided from the lower level of the parking structure in Residential Building B1 to Road A. In addition, breezeways shall be provided on each side of the vehicular entrance to the parking structure from Road A. The breezeways shall be well-lit at all times, shall be surveilled with security monitors, and shall be open, accessible, and ungated at all times.
  7. The openings in the liner building around the structured parking in Block B intended for loading and/or waste management access shall be high enough to accommodate sanitation and recycling vehicles.
  8. The primary or secondary entrance to tenants in Building B90 shall be on Road C. This primary entrance façades shall have windows and/or doorways that occupy at least fifty (50) percent of the width of the first-floor façade.
- d. Block C shall have the following limitations:
1. The primary entrance to tenants in Buildings C5, C10, and C30 shall be on Road A, Road C, or Lemon Park and these facades shall have windows and/or doorways that occupy at least fifty (50) percent of the width of the first-floor street-level façade.
  2. The primary entrance to Building C50 (Existing Marshall's) shall remain in the existing store entrance location.
  3. The primary entrance façades for Buildings C40 and C45 shall have windows and/or doorways that occupy at least fifty (50) percent of the width of the first-floor façade.
  4. A primary or secondary entrance to tenants in Buildings C60, C80 and C85 shall face Road C. These primary entrance façades shall have windows and/or doorways that occupy at least fifty (50) percent of the width of the first-floor street-level façade for buildings C80 and C85 and thirty-five (35) percent of the width of the first-floor street-level façade for building C60.
  5. The Flexible Area C hatched location indicated on the Site Plan can be Commercial Uses only like shown on the Site Plan, Townhouses only or Townhouses facing on Wild Honey Park with a Commercial Building located to the south behind the townhouses.



- e. Block D shall have the following limitations:
1. The primary entrance to tenants in Buildings D5 and D10 shall be on Road A or Road C and these facades shall have windows and/or doorways that occupy at least fifty (50) percent of the width of the first-floor street-level façade.
  2. In the areas of Residential Building D1 which do not have ground floor retail, the ground floor residential units shall provide doorways to the adjacent roads. Such doorways can be secondary entrances but shall imitate front doors. The doorways and windows of said ground floor residential units shall comprise at least 30% of the width of the front facades of the ground floor residential units.
  3. Ground floor retail can be constructed anywhere in Building D5 and in Residential Building D1 along Road A.
  4. Ground floor retail in Buildings D2 and D3 shall not be required. If ground floor retail is constructed in Buildings D2 and/or D3 it shall be limited to 5,000 SF in each location and shall be located along the parks adjacent to Road D. The primary entrance to tenants in these retail spaces shall be on the adjacent roads or parks and these facades shall have windows and/or doorways that occupy at least fifty (50) percent of the width of the first-floor street-level façade. At least thirty (30) percent of the width of the facades of stories above the ground floor, and of the ground floor if the ground floor is residential, shall be comprised of window and door openings.
  5. The openings in Residential Building D1 intended for loading and/or waste management access shall be high enough to accommodate sanitation and recycling vehicles if sanitation/recycling is located in the parking structure, otherwise sanitation and recycling areas shall be screened.
  6. Townhouses may be incorporated into Block D and the building locations may vary from those shown including the addition of internal streets as long the Shared-Use Path connecting Road B and Road C remains and a multi-use park and dog park at similar sizes to those shown on Sheet LA 2 are constructed adjacent to the path.
  7. In the areas of Residential Building D2 and D3 which do not have ground floor retail, the ground floor residential units shall provide doorways to the adjacent streets. Such doorways can be secondary entrances but shall imitate front doors.

The doorways and windows of said ground floor residential units shall comprise at least 30% of the width of the front facades of the ground floor residential units in all locations where adjacent sidewalk grades allow.

- f. Block E shall have the following limitations:
  - 1. Only Residential Dwellings as allowed in Table 4.1 Use Table of the DeKalb County Zoning code shall be permitted in Block E.
  - 2. Where adjacent to single-family residential, building heights shall be limited by the transitional height plane as required by the DeKalb County code.
  - 3. Residential units adjacent to Road B and the shared-use path shall provide doorways to Road B or the shared-use path. Such doorways can be secondary entrances but shall imitate front doors. The doorways and windows of said ground floor residential units shall comprise at least 30% of the width of the front facades of the ground floor residential units.
  
- g. Block F shall have the following limitations:
  - 1. Uses shall consist of commercial buildings or residential buildings consisting either of townhouses or a multi-family building limited to 6 stories in height.
  - 2. Due to the elevation change across the site, street facing doorways may not be possible in all locations but a connection to the street from all entry doors shall be required.
  
- h. Block G – Open Space shall have the following limitations:
  - 1. The area shall be limited to open space to include paved or unpaved trails, community gardens, an existing detention pond by Orion Drive, and other passive or active recreational uses as deemed appropriate by the Director of Planning and Sustainability, or designee based upon the intent of the Conservation/Open Space designation in the Comprehensive Plan.
  
- i. Block J shall have the following limitations:
  - 1. The Flexible Area J hatched location indicated on the Site Plan can remain as existing or be Commercial Uses only.



V. **Open Space:**

- a. Developer agrees to (a) contribute \$35,000 to DeKalb County (or other appropriate entity) towards improvements to the Community Garden and (b) construct a gravel driveway ramp to provide access to said Community Garden. Developer shall make the funds in (a) above available within thirty (30) days of demand but in no case prior to the issuance of the first Certificate of Occupancy and shall complete item (b) as part of the first Land Development Permit issued for the project subject to all other necessary governmental approvals.
- b. A 12' wide Shared-Use Path/Promenade and linear park shall be constructed between Wild Honey Park and Promenade Park in the general location shown on the Master Development Plan and Sheet LA 1 in Exhibit D. An 8' wide sidewalk and linear park shall be constructed north of Promenade Park, a portion of which is located in the already cleared portion of the 50' transitional buffer, in the general location as shown on the Master Development Plan and Sheet OS 1. These paths/sidewalks shall be located within a public access area and shall not be gated, although reasonable restrictions may be placed on the hours such paths are open to the general public.
- c. Lemon Park shall be built in the first phase of the project and shall consist of a combination of turf, grass, landscaping, hardscaping, seating and/or play areas; the design shall be similar to that shown on Sheet LA 3 in Exhibit D. Outside dining and events shall be allowed if such dining and/or events remain inside the Park and do not obstruct pedestrian access to buildings via sidewalks and hardscaping around the buildings.
- d. A dog park and multi-use park shall be constructed in Block D adjacent to the Shared-Use Path, an internal road, or adjacent to a pedestrian path connecting to the Shared-Use Path or internal road. The multi-use park shall consist at a minimum of some turf or grass play areas as well as passive or active recreational areas. A dog waste disposal station shall be provided in the dog park and in strategic locations adjacent to the dog park. The design shall be similar to that shown on Sheet LA 2 in Exhibit D.
- e. Promenade Park shall consist of the Shared-Use Path and seating and landscape areas, creating an entry/transition from the future Block G PATH trail into the site. The design shall be similar to that shown on Sheet LA 1 in Exhibit D.

- f. Wild Honey Park shall consist of a mixture of hard surfaces, landscaped areas, and casual seating that can be activated by a variety of events. The design shall be similar to that shown on Sheet LA 1 in Exhibit D.
- g. The Entrance Plaza on Mistletoe Extension shall be a pedestrian orientated park integrated into the area between Mistletoe Extension and the retail uses to create an inviting activated entrance from Mistletoe Road into the project site. Outside dining may be provided in portions of the entrance plaza as long as pedestrian access is maintained through the park area. An entrance sign may be added in compliance with the Master Sign Program.
- h. Public access shall be provided across all Open Spaces as shown on Sheets OS 1, LA 1, LA 2, and LA3 contained in Exhibit D. These areas are private but shall be made available to the general public, although reasonable restrictions may be placed as to the use of such spaces and the hours such spaces are open to the general public.
- i. Before County issuance of a land disturbance permit, the Developer shall submit a plan to the Director of Planning and Sustainability outlining the continued maintenance of the Block G Open Space area. Such plan may be self-administered by the Developer and/or administered by a third party under contract or agreement with Developer or a combination thereof. Further, Developer may sell or transfer some or all of the area to a third party, such as a conservation organization or governmental entity, who accepts the ongoing maintenance responsibilities. While the primary intent of the area is as a forested conservation area, the continued maintenance will include general cleanup of trash, removal of invasive species, and maintenance of trails or other active/passive open spaces areas established in Block G. Developer may reserve the right to terminate any agreements with third parties and take back maintenance of the Block G Open Space area.

VI. **PATH Trail Connection:**

- a. The Developer(s) and/or Owners shall allow construction of a future PATH trail in Block G as shown on the Master Plan and Sheet OS 1. The final location of such trail within Block G shall be determined by DeKalb County in conjunction with the Developer as long as the trail connects to trail built by the Developer in Promenade Park.



The Developer(s) and/or Owners shall grant, at no cost, to DeKalb County or appropriate entity a 25' wide permanent easement and construction easements as required for construction and continued operation and maintenance of such trail within Block G; the PATH trail within Block G shall be maintained by DeKalb County.

VII. **Infrastructure:**

- a. Contingent upon any necessary approvals, Developer agrees to contribute \$550,000 to DeKalb County (or other appropriate entity) to be exclusively applied towards the following improvements, which are public improvements: (a) the improvements to the intersection of Birch Road and North Druid Hills Road as outlined in the GRTA Notice of Decision dated April 14, 2022 and (b) the construction of a Shared-Use Trail on Mistletoe Road extending from the project site to North Druid Hills Road (hereafter collectively the "Improvements"). Developer shall have no obligation to provide funding for the Improvements except as specified in this condition. Developer shall make said funds available within thirty (30) days of demand but in no case prior to the date Developer makes application for a Land Disturbance Permit. Further, Dekalb County shall cause the improvements identified in (a) and (b) above to be completed within 36 months of approval of this rezoning. The Developer shall self-perform the following improvement, which is a public improvement: the improvement to the intersection of Orion Drive and Lawrenceville Highway as outlined in the GRTA Notice of Decision dated April 14, 2022 (the "Orion Drive Improvement"). In the event that a Tax Allocation District (TAD) capable of funding the Improvements and/or the Orion Drive Improvement is created, Developer's obligation to fund said improvements and this condition shall immediately and automatically become null and void and, to the extent that Developer has already provided some or all of the funding for the Improvements and/or the Orion Drive Improvement, Developer shall be entitled to seek reimbursement for same from the TAD proceeds.
- b. The Developer will work with MARTA to develop the best design and location/s for a bus/transit stop within or adjacent to the development. The design shall include consideration of the need for pull-over lanes and shelters. Such obligation shall be completed prior to issuance of the initial Land Disturbance Permit.

- c. Unless noted otherwise, all “internal roads” shown on the plan are to be privately owned and maintained with a public access easement granted for vehicular and pedestrian traffic; internal roads will not be Private Streets as defined in the DeKalb County code. All lots will have frontage on internal roads or in the case of townhouses onto alleys which connect to internal roads.
- d. Road A, Road B, Road C, Road E, and Mistletoe Extension shall be built at locations that are substantially the same as the locations in the general location shown on the Master Plan and shall be built as part of the first phase of the Project.
- e. Road D may be built as part of a future phase and the exact location may vary as long as the shared-use path connection is maintained from the Future PATH trail to Road C. Additional “internal roads” may be constructed in Block D depending on the final building layout on this block.
- f. Streetscape dimensions for all internal road sections shall be as shown on Sheets C2-50 to C2-52, prepared by Kimley Horn, dated 02/21/22 and revised 07/01/24. Further, block and lot requirements shall be as shown on the Master Plan and the Subdivision Plan. If the DeKalb County Fire Marshall agrees to reduce the road widths below 26’ (2-13’ lanes) adjacent to buildings taller than 30’ high, then the width by which the drive aisles are decreased shall be added to the pedestrian zones on that street section. If the Fire Marshall approves such reduction, revised road sections will be submitted as part of the Land Disturbance Permit.
- g. Designated areas of internal roads may be periodically closed to vehicles to provide for street fairs, farmers markets, events, etc. as long as vehicular and pedestrian traffic routes are maintained to provide access to all parts of the site.
- h. The shared-use path shown on the Master Plan connecting the Future PATH trail with Mistletoe Road shall be built in the first phase of the project. A temporary paved path may be provided from Road B to Road C until the permanent path is built when Road D is constructed.
- i. Bike Nodes consisting of a combination of bike racks, information kiosks, and/or bike maintenance stands shall be constructed at key points along the shared-use path in the general location shown on the Site Plan.



VIII. **Architecture:**

- a. Building architecture shall be substantially compliant with the Architectural Standards in Exhibit “C”. Building elevations will be submitted as part of the Land Disturbance Permit process and shall be reviewed by the Director of Planning and Sustainability or designee for substantial compliance with the Architectural Standards.
- b. West facades of Residential Buildings D1 and D3 shall be articulated with design features that shall echo or be compatible with the scale of the front facades of the townhomes on the opposite side of Road B.
- c. Ground floor retail uses, as well as stand-alone retail buildings, shall have functional door and window openings in the facades that face the sidewalks along the interior roads. Doors in the sidewalk-facing facades shall be unlocked and usable by customers during business hours. Windows in the sidewalk-facing facades shall be transparent and shall allow views into the interiors of the retail spaces.
- d. Parking structures in Blocks A and D shall be screened with the use of liner buildings or other buildings to not be visible from public streets or internal roads.
- e. The parking structure in Block B shall be screened from Road A and Road C with liner buildings. If the parking structure facing Stone Mountain Highway is not screened with a liner building or other building, then a mural and/or signage as allowed per the Master Sign Program shall be placed on the unscreened side. In lieu of a mural or signage, an alternative façade treatment or screening shall be allowed upon approval of the Director of Planning and Sustainability or designee.

IX. **Townhome Construction:**

- a. The electrical panel in the townhouses shall be sized to accommodate a 40-amp double pole breaker on the opposite end of the panel labeled “reserved for solar”.
- b. A minimum of twenty-five (25) percent of townhouses shall be pre-wired and shall be pre-plumbed to accommodate a future micro-unit, such unit to be located on the lowest level of the townhouse exclusive of the garage.
- c. A minimum of twenty (20) percent of the townhouses shall be designed such that purchasers shall have the option to purchase an elevator.

- d. A minimum of one 240 V AC plug (or current industry standard) shall be installed in each townhouse garage to accommodate electric vehicle charging.

X. **Signage:**

- a. Signage for the development shall be consistent with the standards in Exhibit "B." Prior to the issuance of a Land Disturbance Permit, the Developer shall submit to the Director of Planning and Sustainability design standards for minor signs, i.e. ground signs, directional signs, parking signs, and general wayfinding signs.
- b. Flashing, animated, sound emitting, rotating and inflatable signs are prohibited. Electronic or digital signs shall comply with the DeKalb County Sign Ordinance.

XI. **Common Area Maintenance:**

- a. The common areas within the Development shall be kept and maintained in first class order and repair as compared to any other first class mixed-use development similar to the caliber, type and character of the Development and located in the Atlanta, Georgia metropolitan area.

XII. **Subdivision:**

- a. The Subject Property may be subdivided in general accordance with Exhibit E and parts of the Subject Property may be owned separately and/or conveyed as separate tracts and to separate owners with different ownership structures.
- b. Should there be separate ownership of parts of the Subject Property and/or a conveyance of part of the Subject Property to different owners, all conditions and variances, if any, shall remain applicable to any portion of the Subject Property, regardless of what person or entity owns the property. A true copy of the approved conditions and zoning agreement shall be attached to any and all legal documents transferring ownership of any part of the development.
- c. Separate ownership of parts of the Subject Property and/or conveyance of part of the Subject Property to different owners shall not create non-conforming lots or uses and shall not require any changes to the Site Plan for the development nor any variances.



The newly created property lines which arise from these conveyances are not required to observe setback, buffer, or other zoning requirements, except as may be reflected on the Site Plan.

**XIII. Housing Affordability and Retail Incubator**

- a. Developer agrees to provide 10% workforce and affordable housing as part of the projects within the multi-family components, up to the maximum multi-family unit numbers in III.c.1. Developer agrees to provide 3 Affordable Housing Units (AHU) per multi-family building (15 total), defined as housing that is affordable to households earning no more than 60 percent of Area Median Income (AMI). The balance of the 10% shall be made up of Workforce Housing Units (WHU), defined as housing that is affordable to households earning between 60 percent and 120 percent of AMI. WHU and AHUs shall have the same access to amenities and services within the multi-family buildings as the market rate units. Subject to applicable laws, each multi-family building owner/operator shall establish a program to give a preference for rental of the AHU and WHU to individuals who work within the Project site.
- b. The Department of Community Development shall be responsible for tracking the availability and rental of AHU and WHUs.
- c. Developer shall submit an annual report on the rental history of AHU and WHUs to the Department of Community Development starting one year from the issuance of the first certificate of occupancy of a multi-family unit in the development. A copy of the report shall simultaneously be transmitted to the Director of the Department of Planning and Sustainability.
- d. Developer recognizes the importance of local retail in the community as an economic opportunity and further agrees to create a space (the “Incubator Space”) that fosters an entrepreneurial community within the project with support from programs such as but not limited to Emory StartMe Program. A goal of this condition is to graduate these entrepreneurs into permanent retail spaces and deals either in the project or elsewhere in competing retail centers throughout DeKalb County. The Incubator Space is to be leased for local retail with flexible terms relative to market with minimal investment required by the retailers to open for business. Developer shall pursue any number of deal structures to achieve this goal including but not limited to leasing spaces to individual retailers or leasing a space to one operator who then creates opportunities to host the local retailers in one cohesive retail experience.

The Incubator Space shall in no event be less than 2,000 sf in total and shall be made available for a minimum of two years, starting from the date of issuance of a Certificate of Occupancy for the Incubator Space. Prior to commencing operations at the incubator, Developer shall provide a plan for the operation of the incubator to the Director of Planning and Sustainability. Developer shall then submit two reports to the Director of Planning and Sustainability summarizing the performance of the Incubator Space, the first to be submitted 12 months after the issuance of a Certificate of Occupancy for the Incubator Space and the second to be submitted 24 months after the issuance of the Certificate of Occupancy. At the end of 2 years, Developer will evaluate and determine the viability and sustainability of continuing the Incubator Space. Should Developer choose to discontinue the Incubator Space at any point after two years, it shall provide 90 days' written notice to the Director of Planning and Sustainability. During these 90 days, the Developer shall negotiate in good faith with the County to identify and deploy resources necessary to attempt to continue the incubator program.

**XIV. Miscellaneous:**

- a. Food trucks, shipping container stores, and similar structures shall be allowed in all locations except Blocks E and G as long as adequate pedestrian access is maintained. Food trucks and shipping container stores shall comply with all applicable State and County regulations.
- b. Outdoor dining associated with a restaurant or other commercial establishment shall be allowed throughout all Blocks except Blocks E and G, provided that such outdoor dining does not block access, by pedestrians or persons in wheelchairs, to building entrances and exits and provided that outdoor dining allows the use of sidewalks by pedestrians and persons in wheelchairs.
- c. All Blocks, except Block E, shall be designated a Special Events Facility and otherwise be exempt from the requirements of section 27-7.6 and/or 27-4.3.
- d. Information and advertising kiosks shall be allowed throughout all Blocks except Blocks E and G. This provision shall not preclude the installation of Directional Signage as allowed in the Master Sign Program in Blocks E and G as long as such signage does not include tenant signage.



- e. Walk-up ATMs shall be allowed either integrated into buildings or free-standing. A Drive-up ATM shall be allowed subject to a Special Land Use Permit.
- f. Murals shall be allowed except in Block E and G; however, a mural shall be permitted on the existing retaining wall in Block G. Murals which meet the definition of a sign shall comply with the requirements of the Master Sign Program.
- g. A drive-through pharmacy shall be allowed as indicated at Building A10 subject to a Special Land Use Permit.
- h. On all buildings in the development, roof mounted mechanical equipment and appurtenances shall be located and/or screened so that they are not visible from the ground immediately adjacent to the building. Said screening materials shall be compatible with the surrounding building materials and architectural design.
- i. The development shall provide a minimum of one (1) bicycle/moped parking spaces per twenty (20) parking spaces in surface parking lots and non-residential parking structures and a minimum of one (1) secured bicycle parking spaces per twelve (12) parking spaces in multi-family parking structures, except that this provision shall not apply to townhouse garages.
- j. A minimum of 3 percent of all surface parking lots and non-residential portions of parking structures shall be striped and signed for alternative fuel vehicle parking. EV charging station parking spaces may be used toward this total.
- k. A minimum of two percent parking spaces in surface parking lots and parking structures shall have electric vehicle charging stations. In designing the overall electrical distribution for the development, the Developer will work with Georgia Power to ensure the overall system can accommodate enough power, either initially or through future upgrades, for eventual conversion of ten percent of all parking spaces to have EV charging stations and shall provide room sufficient enough to allow upgrading the transformers or adding transformers for such future electrical demands associated with the additional EV charging stations.
- l. All multi-family parking structures shall be designed to accommodate the infrastructure for future conversion to allow for electric vehicle charging stations for a minimum twenty (20) percent of the parking spaces.

- All parking structures shall be designed so as to not preclude the addition of additional EV charging stations including designing the transformers to accommodate the loads from additional charging stations or providing room for additional transformers for such future electrical demands associated with the EV charging stations. Further, parking structures will be designed to either incorporate conduits or allow for future installation of conduits for the future EV charging stations without the need for structural modifications of the parking structure.
- m. Smart thermostats shall be installed in all residential units (multi-family and townhouses).
  - n. The site shall be provided with underground utilities for electricity, phone, cable, and internet services.
  - o. Developer shall employ pest and rodent abatement measures during demolition.
  - p. Developer shall employ dust abatement measures during demolition.
  - q. Setbacks shall be measured by existing right-of-way, versus any future right-of-way that County may demand incidental to development.
  - r. No cell towers/structures/monopoles shall be permitted anywhere on project property, but non-tower-mounted flat antennas may be located on roof tops or parking structures.
  - s. The Sustainability Program included in Exhibit F shall be implemented as part of the overall project. The Sustainability Program can be updated in the future as needed based on future advances in sustainable design and practices; such updated Program shall be provided to the Director of Planning and Sustainability.
  - t. Before County issuance of a land disturbance permit, the Developer shall submit a framework plan for waste management. The framework plan shall outline the method of recycling that will be used in the development. Recycling bins shall be provided in all multi-tenant buildings in locations convenient for use by residents. Storage areas for construction materials and/or equipment shall be screened from view from residential properties and structures with opaque construction fencing.
  - u. An outdoor lighting plan shall be submitted in conjunction with the application for a land disturbance permit and shall meet the standards of Sec. 5.6.1 of the DeKalb County Zoning Code.



- v. Rooftop amenities or uses on top of buildings or parking structures (i.e. cocktail bars, outside dining, special events facilities, recreation and entertainment facilities) shall be permitted and shall not be counted toward any square footage or height threshold defined herein or required parking. This condition shall not apply to townhouse rooftops which shall be governed by condition III.c.4.