Public Hearing: YES ⊠ **NO** □ **Department:** Planning & Sustainability

SUBJECT:

COMMISSION DISTRICT(S): Commission District 02 Super District 06

Application of NDM (EDENS), LLC c/o Dennis J. Webb, Jr., Smith, Gambrell & Russell, LLP to rezone two (2) properties, totaling 1.52 acres from C-1 (Local Commercial) zoning district(s) to MU-4 (Mixed Use High Density) zoning district to allow the parcels to be incorporated into the overall development of Lulah Hills, at 3861 N. Druid Hills Road and 2052 Lawrenceville Highway.

PETITION NO: N4-2024-0900 Z-24-1247113

PROPOSED USE: To allow the two parcels to be incorporated into the overall development of Lulah Hills.

LOCATION: 3861 N. Druid Hills & 2052 Lawrenceville Highway, Georgia 30033

PARCEL NO.: 18 100 02 052; 18 100 02 001

INFO. CONTACT: Andrea Folgherait, Sr. Planner

PHONE NUMBER: 404-371-2155

PURPOSE:

Application of NDM (EDENS), LLC c/o Dennis J. Webb, Jr., Smith, Gambrell & Russell, LLP to rezone two (2) properties, totaling 1.52 acres from C-1 (Local Commercial) zoning district(s) to MU-4 (Mixed Use High Density) zoning district to allow the parcels to be incorporated into the overall development of Lulah Hills.

RECOMMENDATION:

COMMUNITY COUNCIL: Approval.

PLANNING COMMISSION: Pending.

PLANNING STAFF: Approval.

STAFF ANALYSIS: The applicant, EDENS' c/o Dennis J. Webb, is seeking to rezone the subject properties from the C-1 (Local Commercial) Zoning District to the MU-4 (Mixed Use High Density) Zoning District and incorporate the two properties into the development of Lulah Hills. Lulah Hills was approved as a pedestrian oriented live-work- play environment and was formally known as North DeKalb Mall. The two (2) additional parcels, specified as "Additional Parcels" throughout the application, are located at 3861 North Druid Hills Road (Meineke Oil Change) and the other at 2052 Lawrenceville Highway (Bank of America). The Dekalb County Board of Commissioners approved EDENS' request in May of 2022 (Z-22-1245595) to rezone the 73.11-acre former mall site from C-1 to MU-4 subject to multiple conditions, a Master Development Plan, a Sign Plan, and a Subdivision Plan among other items. In the two (2) years since, EDENS has acquired the 2 Additional Parcels and has prepared more advanced engineering and grading plans which have revealed that some modifications to the original Lulah Hills zoning conditions are warranted. Therefore, the applicant has also filed a companion application (CZ-24-1247114) to modify conditions from the May 2022 approved rezoning request and conditions (Z-22-1245595). Staff has prepared a Matrix Model "Lulah Hills Conditions Matrix 1.0" (enclosed with application CZ-1245595) to outline the companion request modifications. Based on the history of Lulah Hills and the revised submitted information, the rezone proposal for the 2 subject sites appear to be consistent with the polices and strategies of the TC (Town Center) Character Area. The 2 additional parcels along the northern and southern entrances of the overall major development (see attached site plan) provide the opportunity for more commercial and/or hospitality uses, which support the intent of a TC to promote the concentration of higher

intensity residential and commercial uses which serve several communities surrounding the center, reduce automobile travel, and promote walkability (Pg. 33 2050 Unified Plan). By acquiring and rezoning these 2 parcels, Lulah Hills will be able to expand commercial uses to connect with surrounding neighborhoods north and south of the site. The proposed MU-4 rezoning and incorporation of the 2 additional parcels into the Lulah Hills project should not result in any increased impact on adjacent and surrounding properties. The Applicant's plan for the Additional Parcels is to maintain the same types of development intensity currently permitted by the underlying C-1 zoning, despite the rezoning to MU-4. The amount of office and residential uses in the revised Master Development Plan (enclosed) will remain the same. There will likely be an increase in nonoffice commercial space (i.e., restaurant, retail, etc.) due to the incorporation of the Additional Parcels. However, it is not anticipated that such a small addition of parcels will increase traffic or other impacts on the surrounding infrastructure or adjacent properties. The revised Master Development Plan labels the 2 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 uses may remain and/or the site may be redeveloped for a new 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 vacant Bank of America building. 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 2 Additional Parcels to allow for the flexibility to construct a development that is harmonious and complementary with the remainder of Lulah Hills. Therefore, upon review of Section 7.3.5 of the Zoning Ordinance, staff recommends "Approval". The applicable conditions from the companion application (CZ-24-1247114) shall apply.

PLANNING COMMISSION VOTE: Pending.

COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 7-0-1.



Planning Commission Hearing Date: September 12th, 2024 Board of Commissioners Hearing Date: September 26th, 2024

STAFF ANALYSIS

Case No.:	Z-24-1247113	Agenda #: 2024-0900	
Address:	3861 North Druid Hills Road and 2052 Lawrenceville Highway	Commission District: 02 Super District: 06	
Parcel ID(s):	18-100-02-052 and 18-100-02-001		
Request:	Rezone two properties from C-1 (Local Commercial) Zoning District to MU-4 (Mixed Use High Density) Zoning District, incorporate the two parcels into the overall redevelopment of Lulah Hills, and to apply the revised LuLah Hills conditions to the two properties.		
Property Owner(s):	NDM (EDENS)		
Applicant/Agent:	NDM (EDENS), LLC c/o Dennis J. Webb		
Acreage:	1.52 Acres		
Existing Land Use:	Meineke Oil Change and Bank of America		
Surrounding Properties:	North: MU-4, NS (Neighborhood Shopping), C-1 (Local Commercial), OI (Office Institutional), R-75 (Residential Medium Lot-75) East: C-1 South: NS, MU-4 West: MU-4		
Comprehensive Plan:	Town Center (TC) Consistent X Inconsistent		

Staff Recommendation: Approval.

The applicant, EDENS' c/o Dennis J. Webb, is seeking to rezone the subject properties from the C-1 (Local Commercial) Zoning District to the MU-4 (Mixed Use High Density) Zoning District and incorporate the two properties into the development of Lulah Hills. Lulah Hills was approved as a pedestrian oriented livework-play environment and was formally known as North DeKalb Mall. The two (2) additional parcels, specified as "Additional Parcels" throughout the application, are located at 3861 North Druid Hills Road (Meineke Oil Change) and the other at 2052 Lawrenceville Highway (Bank of America).

The Dekalb County Board of Commissioners approved EDENS' request in May of 2022 (Z-22-1245595) to rezone the 73.11-acre former mall site from C-1 to MU-4 subject to multiple conditions, a Master Development Plan, a Sign Plan, and a Subdivision Plan among other items. In the two (2) years since, EDENS has acquired the 2 Additional Parcels and has prepared more advanced engineering and grading plans which have revealed that some modifications to the original Lulah Hills zoning conditions are

warranted. Therefore, the applicant has also filed a companion application (CZ-24-1247114) to modify conditions from the May 2022 approved rezoning request and conditions (Z-22-1245595). Staff has prepared a Matrix Model "Lulah Hills Conditions Matrix 1.0" (enclosed with application CZ-1245595) to outline the companion request modifications.

Based on the history of Lulah Hills and the revised submitted information, the rezone proposal for the 2 subject sites appear to be consistent with the polices and strategies of the TC (Town Center) Character Area. The 2 additional parcels along the northern and southern entrances of the overall major development (see attached site plan) provide the opportunity for more commercial and/or hospitality uses, which support the intent of a TC to promote the concentration of higher intensity residential and commercial uses which serve several communities surrounding the center, reduce automobile travel, and promote walkability (Pg. 33 2050 Unified Plan). By acquiring and rezoning these 2 parcels, Lulah Hills will be able to expand commercial uses to connect with surrounding neighborhoods north and south of the site.

The proposed MU-4 rezoning and incorporation of the 2 additional parcels into the Lulah Hills project should not result in any increased impact on adjacent and surrounding properties. The Applicant's plan for the Additional Parcels is to maintain the same types of development intensity currently permitted by the underlying C-1 zoning, despite the rezoning to MU-4. The amount of office and residential uses in the revised Master Development Plan (enclosed) will remain the same. There will likely be an increase in nonoffice commercial space (i.e. restaurant, retail, etc.) due to the incorporation of the Additional Parcels. However, it is not anticipated that such a small addition of parcels will increase traffic or other impacts on the surrounding infrastructure or adjacent properties. The revised Master Development Plan labels the 2 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 uses may remain and/or the site may be redeveloped for a new 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 vacant Bank of America building. 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 2 Additional Parcels to allow for the flexibility to construct a development that is harmonious and complementary with the remainder of Lulah Hills. Therefore, upon review of Section 7.3.5 of the Zoning Ordinance, staff recommends a "approval". The applicable conditions from the companion application (CZ-24-1247114) shall apply.



Government Services Center 178 Sams Street Decatur, GA 30030 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

ZONING COMMENTS – AUGUST 2024

N1. 832 Hambrick Road. Add street lighting along frontage of property.

N2. 4850 Redan Road. This property lies within the Hidden Hills Overlay District, Tier 2. The overlay planner will review for infrastructure requirements of the overlay. Relocate the street furniture, trash receptacle and bike racks from impeding the 10-foot multiuse path. Relocate the pedestrian street lighting away from the road for safety of service technicians and to prevent knockdowns. All public infrastructure must be located within the public right of way. This additional right of way dedication may impact your setbacks. There must be at least 1 foot of right of way on the back side of the path for maintenance. Where overlay is silent- the Zoning Code and Land Development Codes are applied. IF a Land Development Permit is required for this project- please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Redan Road is classified as a minor arterial. Requires a right of way dedication of 40 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip with 6-foot sidewalk with 4-foot bike lanes OR (preferred) 10-foot multiuse path in lieu of sidewalk and bike lane. Street Lighting required. (hefowler@dekalbcountyga.gov) No poles may remain within the limits of the path/sidewalk.

N3. & N4. 3861 North Druid Hills Road & 2052 Lawrenceville Hwy. North Druid Hills Road and Lawrenceville Hwy are both classified as major arterials. Lawrenceville Hwy is also a state route. In Flexible Area B- Relocate driveway away from intersection or eliminate it. In Flexible Area J- Relocate driveway away from signal on Mistletoe. Close the closest driveway to the signal on North Druid Hills. Convert remaining driveway on North Druid Hills to right in/right out. IF a Land Development Permit is required for this project- please refer to the requirements in Zoning Code 5.4.3 and Land Development Code 14-190. Requires a right of way dedication of 50 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 10-foot landscape strip (with at least 5 feet between the back of curb and the sidewalk/path) 6 foot sidewalk with 4 foot bike lanes OR (preferred) 10 foot multiuse path in lieu of sidewalk and bike lane. Street Lighting required. (hefowler@dekalbcountyga.gov). Mistletoe Road is classified as a local road. Requires a right of way dedication of 27.5 feet from centerline OR such that all public infrastructure is within right of way, whichever greater. Requires a 5-foot landscape strip with a 5-foot sidewalk. Requires pedestrian scale streetlights. (hefowler@dekalbcountyga.gov). No poles may remain within the limits of the path/sidewalk.



8/05/2024

To: LaSondra H. Hill

From: Ryan Cira, Environmental Health Director

Cc: Alan Gaines, Deputy Director

Re: Rezone Application Review General Comments:

DeKalb County Health Regulations prohibit use of on-site sewage disposal systems for:

- o multiple dwellings
- o food service establishments
- o hotels and motels
- o commercial laundries
- o funeral homes schools
- o nursing care facilities
- o personal care homes with more than six (6) clients
- o child or adult day care facilities with more than six (6) clients
- o residential facilities containing food service establishments

If proposal will use on-site sewage disposal, please contact the Land Use Section (404) 508-7900.

Any proposal, which will alter wastewater flow to an on-site sewage disposal system, must be reviewed by this office prior to construction.

This office must approve any proposed food service operation or swimming pool prior to starting construction.

Public health recommends the inclusion of sidewalks to continue a preexisting sidewalk network or begin a new sidewalk network. Sidewalks can provide safe and convenient pedestrian access to a community-oriented facility and access to adjacent facilities and neighborhoods.

For a public transportation route, there shall be a 5ft. sidewalk with a buffer between the sidewalk and the road. There shall be enough space next to sidewalk for bus shelter's concrete pad installation.

Since DeKalb County is classified as a Zone 1 radon county, this office recommends the use of radon resistant construction.

DeKalb Public Health



N1- 2024-0880 SLUP-24-1247027 / 18 070 01 001

832 Hambrick Road, Stone Mountain GA 30083

No septic indicated for this property.

N2- 2024-0891 SLUP-24-1247108 / 15 224 03 004

4850 Redan Road, Stone Mountain GA 30083

No septic indicated for this property.

N3- 2024-0899 CZ-24-1247114 / 18 100 02 005; 18 100 04 014; 18 100 02 055;

18 100 02 052; 18 100 02 002

2050 Lawrenceville Hwy; 2692 Sweet Briar Road; 3777 N. Druid Hills Road; 3861 N. Druid Hills Road; 2052 Lawrenceville Hwy, Decatur GA

30033

No septic indicated for this property.

N4- 2024-0900 Z-24-1247113 / 18 100 02 052; 18 100 02 001

3861 N. Druid Hills Road; 2052 Lawrenceville Hwy, Decatur GA 30033

No septic indicated for this property.

DeKalb Public Health

445 Winn Way – Box 987 Decatur, GA 30031 404.508.7900 • www.dekalbhealth.net



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID jreid@dekalbcountyga.gov AND/OR LASONDRA HILL lahill@dekalbcountyga.gov

The following areas below may warrant comments from the Development Division. Please respond accordingly as the issues relate to the proposed request and the site plan enclosed as it relates to Chapter 14. You may address applicable disciplines. **DEVELOPMENT ANALYSIS:** Transportation/Access/Row **Storm Water Management** Flood Hazard Area/Wetlands Landscaping/Tree Preservation **Tributary Buffer**

Fire Safety			



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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COMMENTS FORM: PUBLIC WORKS WATER AND SEWER

Case No.:	Parcel I.D. #:		
Address:			
WATER:			
Size of existing water main:		(adequate/inadequate)	
Distance from property to nearest main:	Size of lin	equired, if inadequate:	
SEWER:			
Outfall Servicing Project:			
Is sewer adjacent to property: Yes	No If no, distance to nearest line:	:	
Water Treatment Facility:	adequate inadequ	uate	
Sewage Capacity:	(MGPD) Current Flow:	(MGPD)	
COMMENTS:			

Signature:



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

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COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING Case No.: _ Z - Q4 - 1Q47 4 2052 Laurences Adjacent Roadway (s): (classification) (classification) Capacity (TPD) Capacity (TPD) Latest Count (TPD) Latest Count (TPD) Hourly Capacity (VPH) Hourly Capacity (VPH) Peak Hour. Volume (VPH) Peak Hour. Volume (VPH) Existing number of traffic lanes Existing number of traffic lanes Existing right of way width Existing right of way width Proposed number of traffic lanes Proposed number of traffic lanes Proposed right of way width Proposed right of way width Please provide additional information relating to the following statement. According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7th Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1, 000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the square foot place of worship building would generate ______ vehicle trip ends, with approximately above formula, the peak hour vehicle trip ends. Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the ______ (Single Family Residential) District designation which allows a maximum of units per acres, and the given fact that the project site is approximately acres in land area, _____ daily vehicle trip end, and peak hour vehicle trip end would be generated with residential development of the parcel.

Signature: Jersefu Pursell



DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT **DISTRIBUTION FORM**

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL TO EXPEDITE THE PROCESS TO JOHN REID <u>jreid@dekalbcountyga.gov</u> AND/OR LASONDRA HILL <u>lahill@dekalbcountyga.gov</u>

REZONE COMMENTS FORM:

PUBLIC WORKS ROAD AND DRAINAGE

Case No.: Par	cel I.D. #:
Address:	
Dualina an Basim	
Drainage Basin:	
Upstream Drainage Area:	
Percent of Property in 100-Year Floodplain:	
Impact on property (flood, erosion, sedimentation) under exi	isting zoning:
Required detention facility(s):	
COMMENTS:	
Signotypo	Akin A. Akinsola

Signature:



Rezoning Application to Amend the Official Zoning Map of DeKalb County, Georgia

Date Received: 7/1/2024	Application No:
Applicant Name: NDM (EDENS), LLC c/o Denni Applicant E-Mail Address: dwebb@sgrlaw.com Applicant Mailing Address: 1105 W. Peachtree Street	
Applicant Daytime Phone: 404.815.3620	
	vner, attach list of owners.
Owner Mailing Address: See Attachment A Owner Daytime Phone: 803.779.4420	
Address of Subject Property: See Attachmen	it B
Parcel ID#: See Attachment B	
Acreage: +/-1.52 ac	Commission District: 2/6
Present Zoning District(s): C-1 Proposed Zoning District: MU-4 Present Land Use Designation: TC	
Proposed Land Use Designation (if applicable): N/A	\

ATTACHMENT A To NDM (EDENS), LLC Rezone 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 Rezone 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) (TO BE REZONED)

Owner NDM III (EDENS), LLC:

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

Development Services Center 178 Sams Street Decatur, GA 30030

Chief Executive Officer

survey).

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director Cedric Hudson

Michael Thurmond

REZONING APPLICATION CHECKLIST

Email one (1) copy of your application as one (1) PDF file to Planner. Submit application through our online portal www.epermits.dekalbcountyga.gov

You MUST email us that you've submitted the application online. For questions, email: plansustain@dekalbcountyga.gov

- 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 for appointment. 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. Submit Application (Email to planner and submit onlineepermits.dekalbcountyga.gov 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. 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 e. site plan notes of building square footages, heights, density calculations, lot coverage of impervious surfaces,
 - J. Completed, signed Pre-application Form (Provided at pre-application meeting.)

compliance with Article 5 of the Zoning Ordinance.

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

I. Building Form Information. Elevation (line drawing or rendering), or details of proposed materials, in

PRE-APPLICATION MEETING



Government Services Center 178 Sams Street Decatur, GA 30030 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
Existing Use:Proposed Use:N. DeKalb Mall Redevelopment
Supplemental Regs:Overlay District: None are. DRI:
Rezoning: Yes X No 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 X Existing Land Use: TC & SUB Proposed Land Use: Consistent X Inconsistent
Special Land Use Permit: YesNo 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 l	Disclosure:
Zoning Conditions: Commu	nity Council Meeting: Pr	ublic Notice, Si	igns:
Tree Survey, Conservation:L	and Disturbance Permit (LDP):	Sketch	Plat:
Bldg. Permits: Fire Inspection	a:Business License:	State Lice	ense:
Lighting Plan: Tent Permit:	Submittal Format: NO STAP	LES, NO BINI	DERS PLEASE
	Review of Site Plan		
Density: Density Bonuses:	Mix of Uses: _		Open Space:
Enhanced Open Space: Set	backs: front sides si	de corner	_ rear
Lot Size: Frontage:	Street Widths: Lands	cape Strips:	
Buffers: Parking Lot Landscap	ng: Parking - Auto:	Parking	g - Bicycle:
Screening: Streetscapes:	Sidewalks:Fencing	/Walls:	
Bldg. Height: Bldg. Orientation:	Bldg. Separation: Bld	g. Materials: _	
Roofs: Fenestration: Fac	cade Design: Garages:	Pedestrian	Plan:
Perimeter Landscape Strip:			
Possible Variances: Variances may	oe sought depending on deve	elopment.	
Comments: Applicant will apply to combine a	and rezone two additional parcels (3861 l	N Druid Hills & 20	052 Lawrenceville Hwy)
from C-1 to MU-4 (the principle			
22-1245595 as it pertains to the			
Planner: Andrea Folgherait, Sr. Planner Da	te:		
	FILING FEES		
REZONING: RE, RLG, R-100, R-85, R-75,		\$500.00 \$750.00	
OI, OD, OIT, NS, C1, C2, M,	L-3, MU-1, MU-2, MU-3, MU-4, MU-5 M2	\$750.00	
LAND USE MAP AMENDMENT		\$500.00	
SPECIAL LAND USE PERMIT		\$400.00	

EDENS c/o DENN WEBB NORTH DEKALB MALL REDEVELOPMENT

PROPERTY/PARCEL ID INFORMATION

(NONE ARE IN AN OVD)

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

OWNER AUTHORIZATION FORMS



AUTHORIZATION

who will file the application with the County is not the	
Date: 6 (25/2)	
TO WHOM IT MAY CONCERN:	
(I) (WE) NDM (Edens) LLC	± ±
Name of c	owner(s)
being (owner) (owners) of the subject property describe authority to	oed below or attached hereby delegate
Dennis J. Webb, Jr. (Smith, Gambre	ell & Russell, LLP)
Name of Agent of	or Representative
Notary Public Notary Public Notary Public	Owner JAMPS M KEXINES
Notary Public	Owner
Notary Public	Owner



Notary Public

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. 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. Notary Pub Owner **Notary Public** Owner **Notary Public**

Owner

CAMPAIGN DISCLOSURE FORMS

DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

Have you, the applicant, made \$250.00 or more in campaign of two years immediately preceding the filling of this application	
Vos. 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. <u>and</u> to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Notary

O6/25/12/12/12/12/14

O6/25/12/12/12/14

O6/25/12/12/12/14

O6/25/12/12/12/14

Check one: Owner X Agent (for NDM (Edens) LLC)

03/08/2015
Expiration Date/ Seal

^{*}Notary seal not needed if answer is "no".



DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

		g the filling of this ap		a local government official within
Yes No	X *			**
If the answer is ye	es, you must fil	e a disclosure report v	with the governing auth	ority 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.

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Notary Ole 125/24

Signature of Applicant /Date

Check one: Owner X ____Agent_____

(for NDM III (Edens) LLC)

03/08/2025

Expiration Date/Seal



Yes 🔨

No ____*

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 <u>must</u> 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?
Y

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. <u>and</u> to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Notary

Signature of Applicant /Date

Check one: Owner____Agen

Dennis J. Webb, Jr.

Smith, Gambrell, & Russell, LLP

Expiration Date/ Seal

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

une 25, 2027





DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions <u>must</u> 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?

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.

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Bevery D. Campbell

No____*

Signature of Applicant /Date

Matthyn M Fichet

Check one: Owner____

 $_{\mathsf{Agent}}\mathbf{X}$

Kathryn M. Zickert

Smith, Gambrell, & Russell, LLP

Expiration Date/ Seal





DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

be	answered.
	ve you, the applicant, made \$250.00 or more in campaign contribution to a local government official withir o years immediately preceding the filling of this application?
Yes	s No X_*
lf t	he answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:
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Bevery D. Campbell

Signature of Applicant /Date

Check one: Owner_____Agent_X__

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

Expiration Date/ Seal





DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

be	answered.
tw	ove you, the applicant, made \$250.00 or more in campaign contribution to a local government official withing of years immediately preceding the filling of this application? S No $\frac{X}{X}$ *
lf t	the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:
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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. <u>and</u> to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

Bevery D. Campbe

Notary

Signature of Applicant /Date

Check one: Owner____Agent_X

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

Expiration Date/ Seal





DISCLOSURE OF CAMPAIGN CONTRIBUTION

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

be	answered.
	eve you, the applicant, made \$250.00 or more in campaign contribution to a local government official withing of this application?
Ye	s No <u>X</u> *
lf t	the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:
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2.	The dollar amount and description of each campaign contribution made during the two years immediately

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

Beverly D. Campbell

Signature of Applicant /Date

Check one: Owner____Agent_X

William Diehl Smith, Gambrell, & Russell, LLP

Expiration Date/ Seal



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 <u>June 24, 2024 at 7:00pm.</u>

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 <u>June 24, 2024</u>. If you are unable to attend or wish to reach out beforehand, please contact Den Webb at dwebb@sgrlaw.com or 404.815.3620.



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 Priority Mail Express Adult Signature Restricted Delivery Registered Mail Certified Mail Restricted Delivery Merchandise Collect on Delivery (COD) Signature Confirmation Insured Mail Signature Confirmation Priority Mail	(for		al copies o	f this receipt) f Receipt.	novaje dik	1	40 0 TAGE LASS 43320 30309						
USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered		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 Thorncliff Drive, N.E. Atlanta, Georgia 30345	.53	.60											
5.	Lorrie L. Beitzel 970 Homewood Court Decatur, Georgia 30033	.53	.60			6	N FINAN	CEU	in					
6.	Bhindi Brothers Georgia LLC 18508 Pioneer Boulevard Artesia, California 90701	.53	.60			01W 1107	IUN U7	202	Some ve	CI I				
7.	Bhindi Brothers Georgia LLC 1070 Oaktree Road Decatur, Georgia 30033	.53	.60			SANTON	MEST.	SUITE	LWELL					
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	OWN FINANCE UNIT
19.	Barbara Hanevold Carter 2682 Harrington Drive Decatur, Georgia 30033	53	.60	MUL MILE TO THE TOTAL TO THE TOTAL T
20.	Chae Hwan Cho 3648 Creekstone Drive Norcross, Georgia 30092	.53	.60	ARE ST. SUITE OF REAL PROPERTY.
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 th 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				INANCE	CARL O		
31.	Executive Leasing Company 5909 Peachtree Dunwoody Road, Ste 500 Atlanta, Georgia 30328	.53	.60		1075 PEA	JUN	202	V74 GA 3036		
32.	John C. Fayne 4720 Nutmeg Way SW Lilburn, Georgia 30047	.53	.60			EST.	SLITE 6			
33.	Si J. Feng 950 Homewood Court Decatur, Georgia 30033	.53	.60		16.0					

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			EIN	MA			
42.	Zhipin Gu 315 Pine Isle Court Alpharetta, Georgia 30033	.53	.60		Storm.	MA	- CUN	908		
43.	Sarah Amanda Harlan 951 Homewood Court Decatur, Georgia 30033	.53	.60		TOTA BEACT	JUNU	2024	WIN GAS		
44.	Rebecca A. Hillis 988 Homewood Court Decatur, Georgia 30033	.53	.60			PREST.	E6A			
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	ONN FINANCA
55.	Kenneth O. Kirby 998 Homewood Court Decatur, Georgia 30033	.53	.60	9 JUN U7 2024
56.	Irma Kocer 1035 Latham Road Decatur, Georgia 30033	.53	.60	D REAL PROPERTY OF THE PARTY OF
57.	Michael Kopsho 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		(Gu)	OWN FINA	VCEUN		
68.	MCNORTH DRUID HILLS LAND LLC 1660 HISTORIC HWY 441 N CLARKESVILLE, GA 30523	.53	.60		1075 PEAC	JUN 47	2024		
69.	MIDTOWN NATIONAL GROUP LP 9171 TOWNE CENTRE DR STE 335 SAN DIEGO, CA 92122	.53	.60		3777	ST. SUITE	6 Milker		

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		1	MOTOW	IN FINA	VCK		
81.	PLATINUM FEDERAL CREDIT UNION 4794 LAWRENCEVILLE HWY NW LILBURN, GA 30047	.53	.60		075 PEACH	IUN U	2024	30309 / LIM		

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				TOV	IN FIN	WCE (
92.	M JANE SAADEH 2775 MT OLIVE DR DECATUR , GA 30033	.53	.60			1010		1 223	2024	10300	
93.	THE SALVATION ARMY 1424 NORTHEAST EXPRESSWAY ATLANTA, GA 30329	.53	.60)		N	The state of the s	T SI III	EAM	NO WAR	

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	HIN TOWN FINANCE	
101.	DANIEL C SITARAS 1012 HOMEWOOD CT DECATUR, GA 30033	.53	.60	MIN U7 2024	
102.	SKY SPEED DISTRIBUTORS INC 602 GRASSMEADE WAY SNELLVILLE, GA 30078	.53	.60	SUITE 6 ATLANTA	
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	.6)						
112.	T C HOLMES & SON LLLP 6810 STRINGER LN FLOWERY BRANCH , GA 30542				/3	O OWN	FIVANC	CIE.		
113.	T C HOMES AND SON LLLP 6810 STRINGER LN FLOWERY BRANCH , GA 30542				7075 PEAC	JUN u	7 2024	30309		
114.	CONNOR CHRISTIAN TATHAM 1089 N DRUID HILLS CIR DECATUR , GA 30033	.53	.6	0	Tanga di Amerikan	EST. SUI	TE 6 ATU	(IR)		
115.	MOLLY CATHERINE THOMPSON 1033 HOMEWOOD CT DECATUR, GA 30033	.53	.6	0						
116.	PAMELA W TIBBETTS 2803 MOUNT OLIVE DR DECATUR, GA 30033	.53	.6	0						
117.	CHARLES C TODD 2737 MOUNT OLIVE DR DECATUR, GA 30033	.53	.6	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.	STEFAAN VER EECKE 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	NIN FIMA
125,				THE THE PARTY OF T
126.				2024 8 8
127.			J	, SUITE & ATLAN
128.				
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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 Priority Mail Express Adult Signature Restricted Delivery Registered Mail Certified Mail Restricted Delivery Merchandise Collect on Defivery (COD) Signature Confirmation Insured Mail Signature Confirmation Priority Mail	Affix Stamp Here (for additional copies of this receipt). Postmark with Date of Receipt.			F1 90C16B		\$3.0 POST/ RST-CL/ 0014950 ROM 30	AGE ASS 0501 0309						
USPS Tracking/Article Number	Addressee (Name, Street, City, State, & ZIP Code™)	Postage	(Extra Service) Fee	Handling Charge	Actual Value if Registered		Due Sender if COD	ASR Fee	ASRD Fee	RD Fee	RR Fee	SC Fee	SCRD Fee	SH Fee
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					INAN						
6.		,	(4)			1	OTOM!	ulio-	EUN	8				
7.						075 867	JUN		2024	A GA 30				
8.							MEEST	SUITE	All					
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

Panelist Details

i diletist Detaits				
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	Но	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	ghionatl@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
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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"). 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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¹ Floor areas and uses are taken from the documents attached to Rezoning Case CZ-22-1245595.

imposed.² 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 The revised Master Development Plan attached to this application labels the Highway. 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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² 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 ±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.³ 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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³ The proposed Master Development Plan and revised conditions depict an increase of $\pm 60,000$ 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." 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."5

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.

⁴ See DeKalb County 2035 Comprehensive Plan, p. 64.

- 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.⁶

В.

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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⁶ 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. 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.

⁷The proposed hotel use is limited to Flexible Area B.

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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 "onsite" 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.

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 1st day of July, 2024.

Respectfully Submitted,

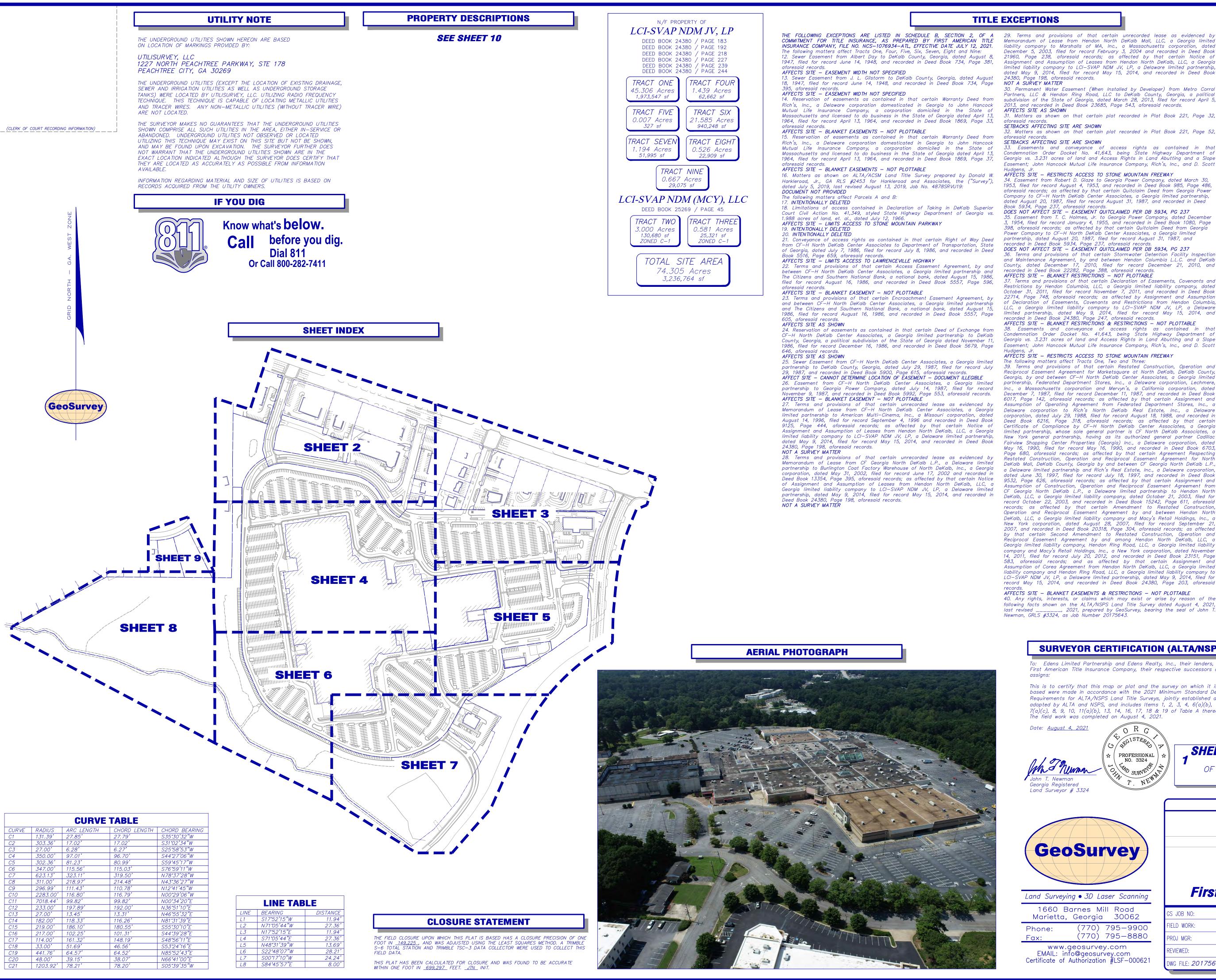
Dennis J. Webb, Jr. Kathryn M. Zickert

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



Memorandum of Lease from Hendon North DeKalb Mall, LLC, a Georgia limited liability company to Marshalls 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.

O. 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. SETBACKS AFFECTING SITE ARE SHOWN

2. Matters as shown on that certain plat recorded in Plat Book 221, Page 52. SETBACKS AFFECTING SITE ARE SHOWN

33. Easements and conveyance of access rights as contained in that 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 AFFECTS SITE - RESTRICTS ACCESS TO STONE MOUNTAIN FREEWAY

34. Easement from Robert D. Glaze to Georgia Power Company, 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.

DOES NOT AFFECT SITE - EASEMENT QUITCLAIMED PER DB 5934, PG 237 5. 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 398, 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 L.L.C. and DeKalb County, dated December 17, 2010, filed for record December 21, 2010, and recorded in Deed Book 22282, Page 388, aforesaid records.

AFFECTS SITE - BLANKET RESTRICTIONS - NOT PLOTTABLE 7. 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 f 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

AFFECTS SITE - BLANKET RESTRICTIONS & RESTRICTIONS - NOT PLOTTABLE 38. Easements and conveyance of access rights as contained in that 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

AFFÉCTS 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 6216, 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 Properties (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 Agreement for North DeKalb Mall, DeKalb County, Georgia by and between CF Georgia North DeKalb L.P., a Delaware limited partnership and Rich's Real Estate, Inc., a Delaware corporation, dated June 30, 1997, filed for record July 18, 1997, 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 CF Georgia North DeKalb L.P., a Delaware limited partnership to Hendon North 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 Amendment to Restated Construction. Operation and Reciprocal Easement Agreement by and between Hendon North DeKalb, LLC, a Georgia limited liability company and Macy's Retail Holdings, Inc., New York corporation, dated August 28, 2007, filed for record September 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 Corea 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

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 _____, 2021, prepared by GeoSurvey, bearing the seal of John T. Newman, GRLS #3324, as Job Number 20175643.



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 13089C0067K, 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 SUITES 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 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. THE MINIMUM YARD SETBACKS ARE:

FRONT (THOROUGHFARE & 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).

SURVEYOR CERTIFICATION (ALTA/NSPS)

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

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.

Date: August 4, 2021

PROFESSIONAL NO. 3324 Georgia Registered Land Surveyor # 3324

SHEET

SURVEYOR CERTIFICATION (GEORGIA)

does not subdivide or create a new parcel or make any changes t any real property boundaries. The recording information of the documents, maps, plats, or other instruments which created the parcel or parcels are stated hereon. RECORDATION OF THIS PLAT DOES NOT MPLY 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.

^rhis plat is a retracement of an existing parcel or parcels of land and

Georgia Registered and Surveyor # 3324



Land Surveying • 3D Laser Scanning

1660 Barnes Mill Road Marietta, Georgia 30062 (770) 795-9900(770) 795-8880

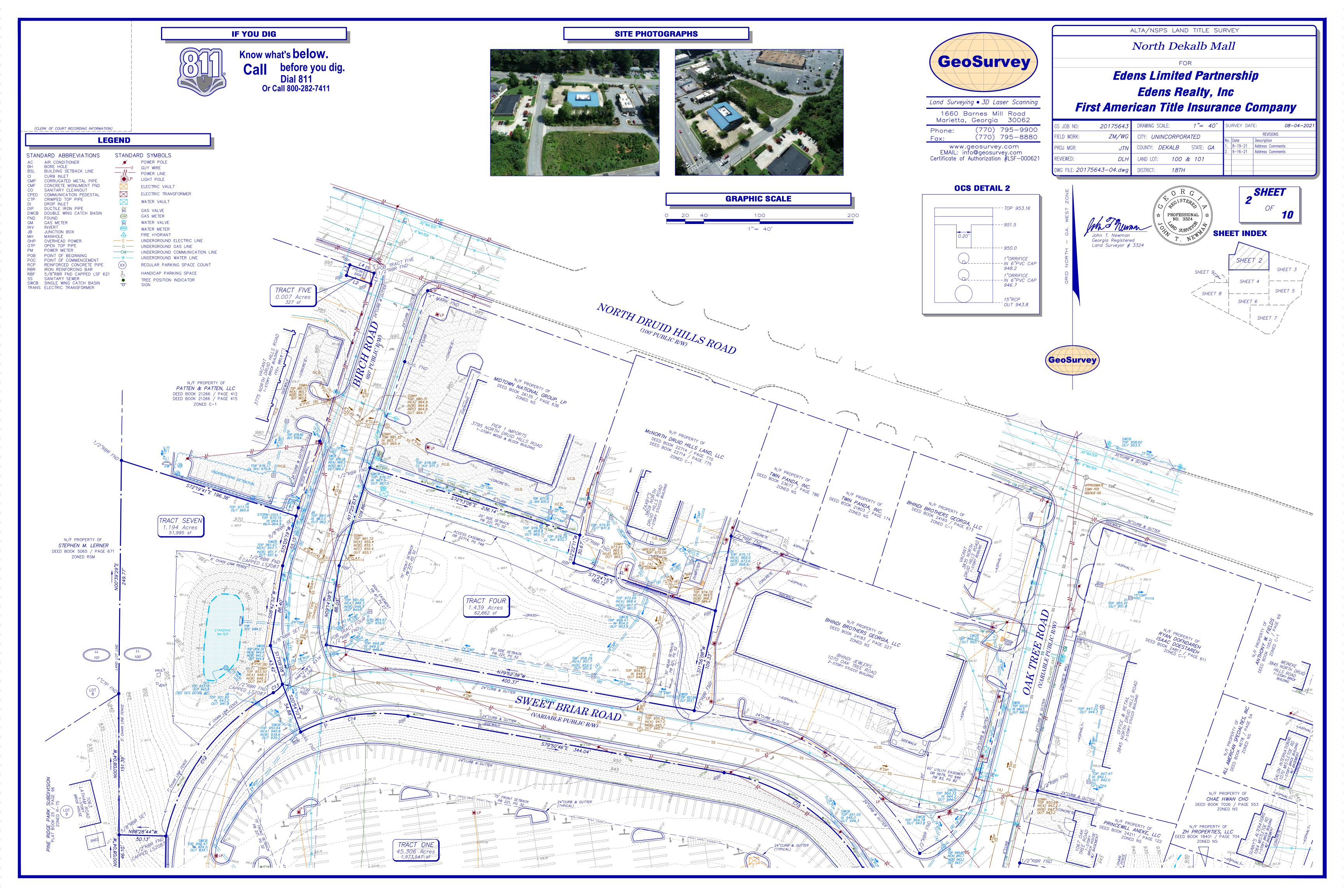
www.geosurvey.com EMAIL: info@geosurvey.com Certificate of Authorization #LSF-000621 ALTA/NSPS LAND TITLE SURVEY

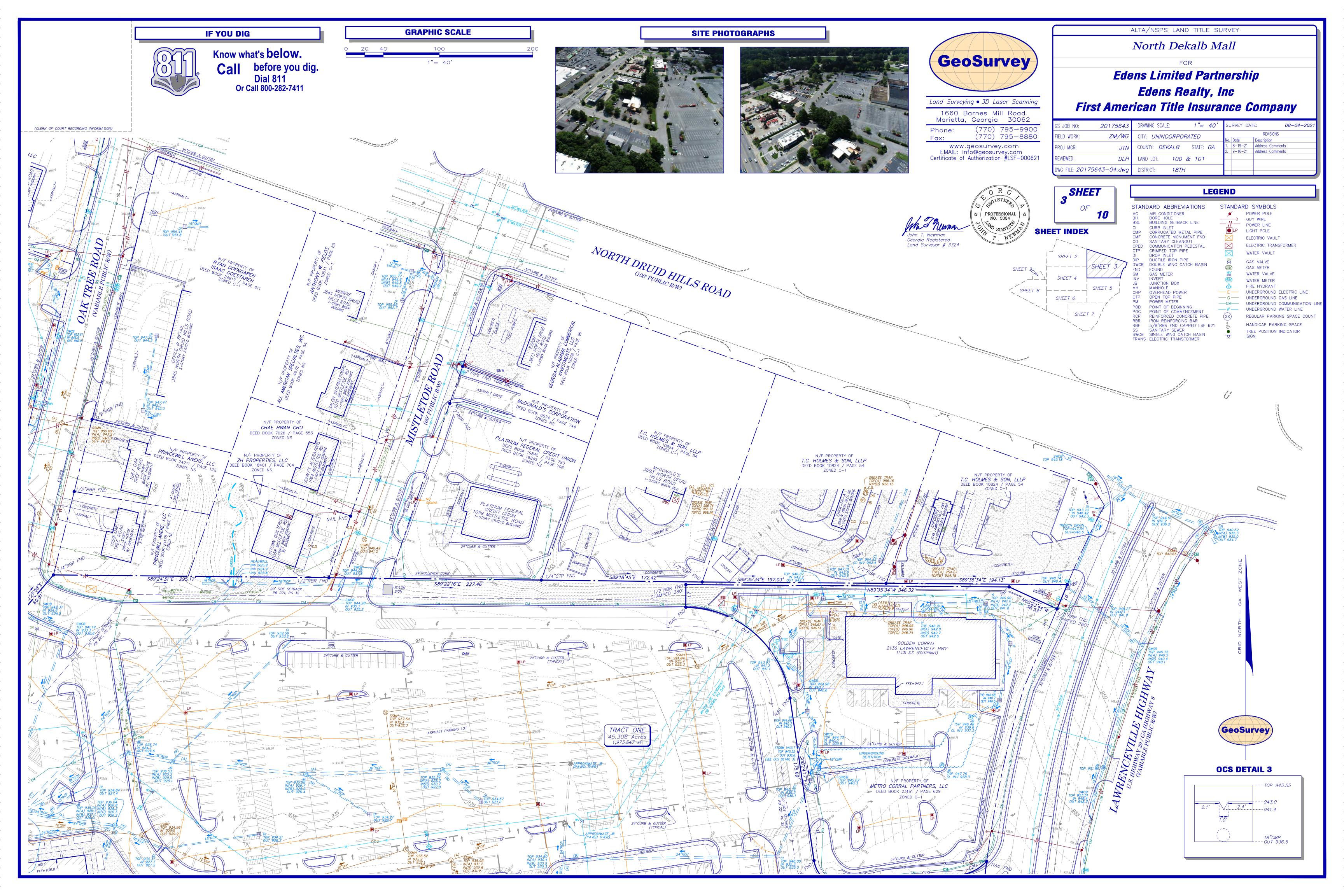
North Dekalb Mall

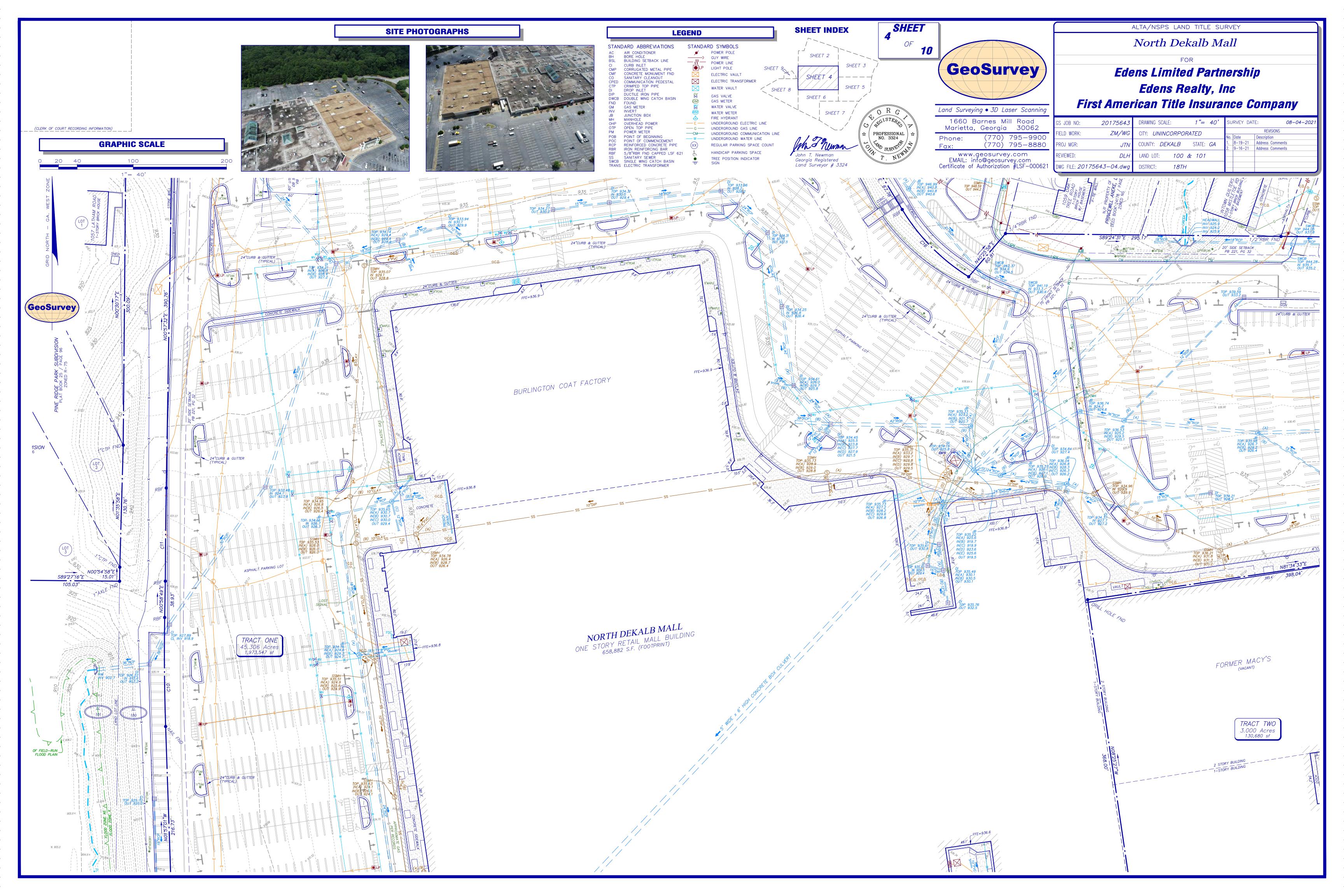
Edens Limited Partnership

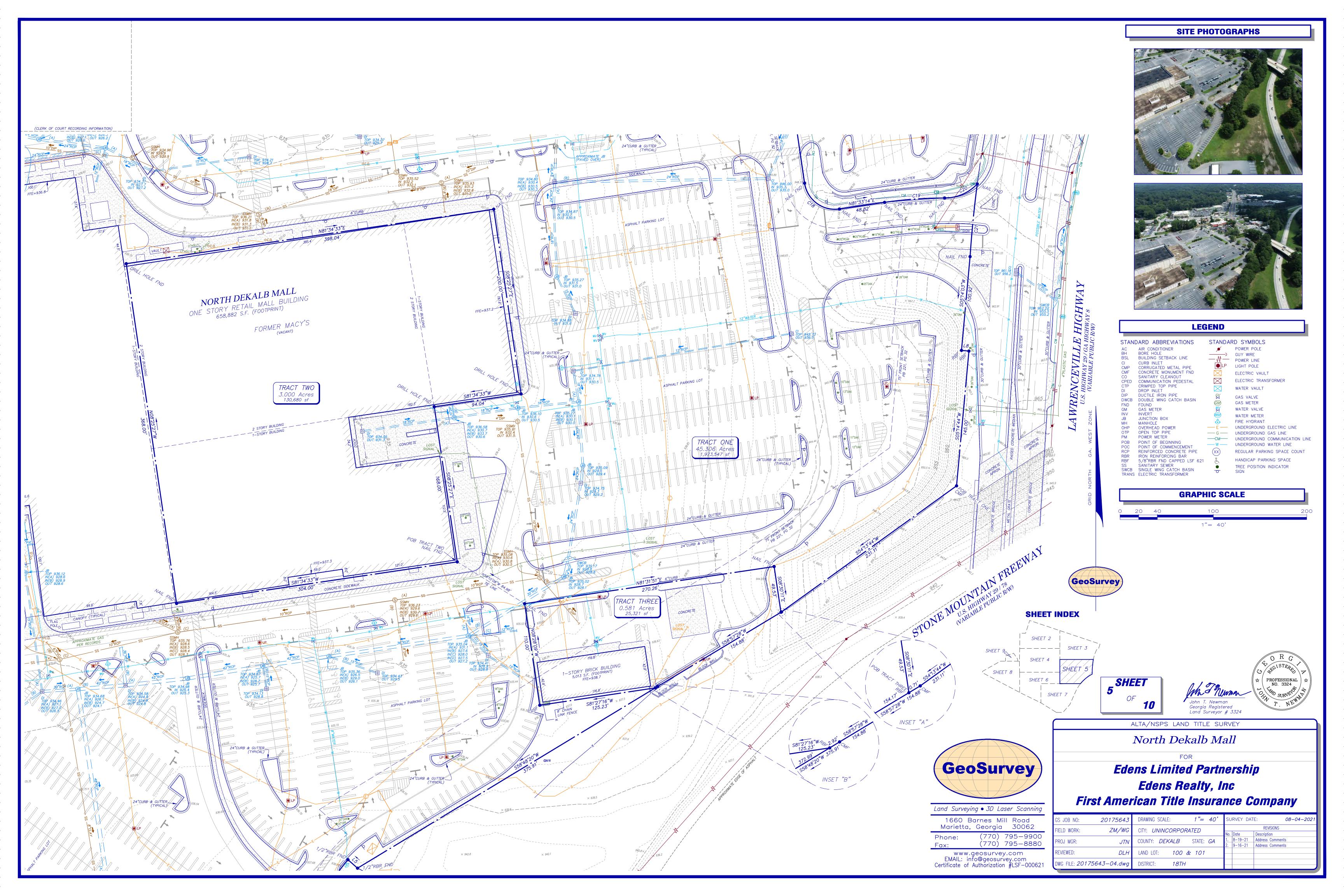
Edens Realty, Inc First American Title Insurance Company

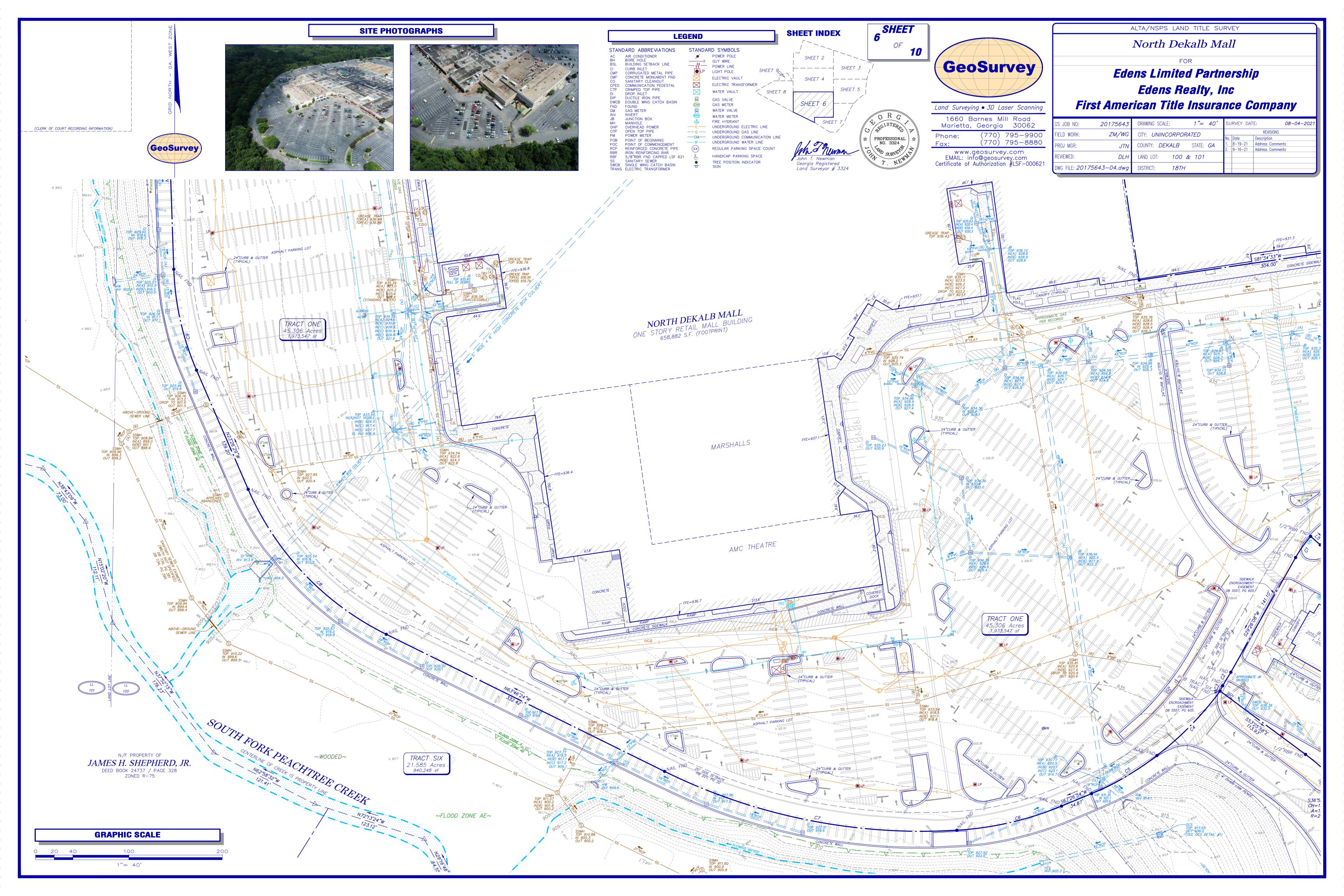
GS JOB NO:	20175643	DRAWING SCA	LE:	1 "=	40'	SU	RVEY DAT	E:	08-04-2021
FIELD WORK:	ZM/WG	CITY: UNIN	CORPO	RATED		No.	Date	REVISIONS Description	
PROJ MGR:	JTN	COUNTY: DE	KALB	STATE:	GA	1.	8-19-21 9-16-21	Address Commer	
REVIEWED:	DLH	LAND LOT:	100	& 101			0 10 21	//ddress comme	10
DWG FILE: 2017	75643-04.dwg	DISTRICT:	18TF	1					

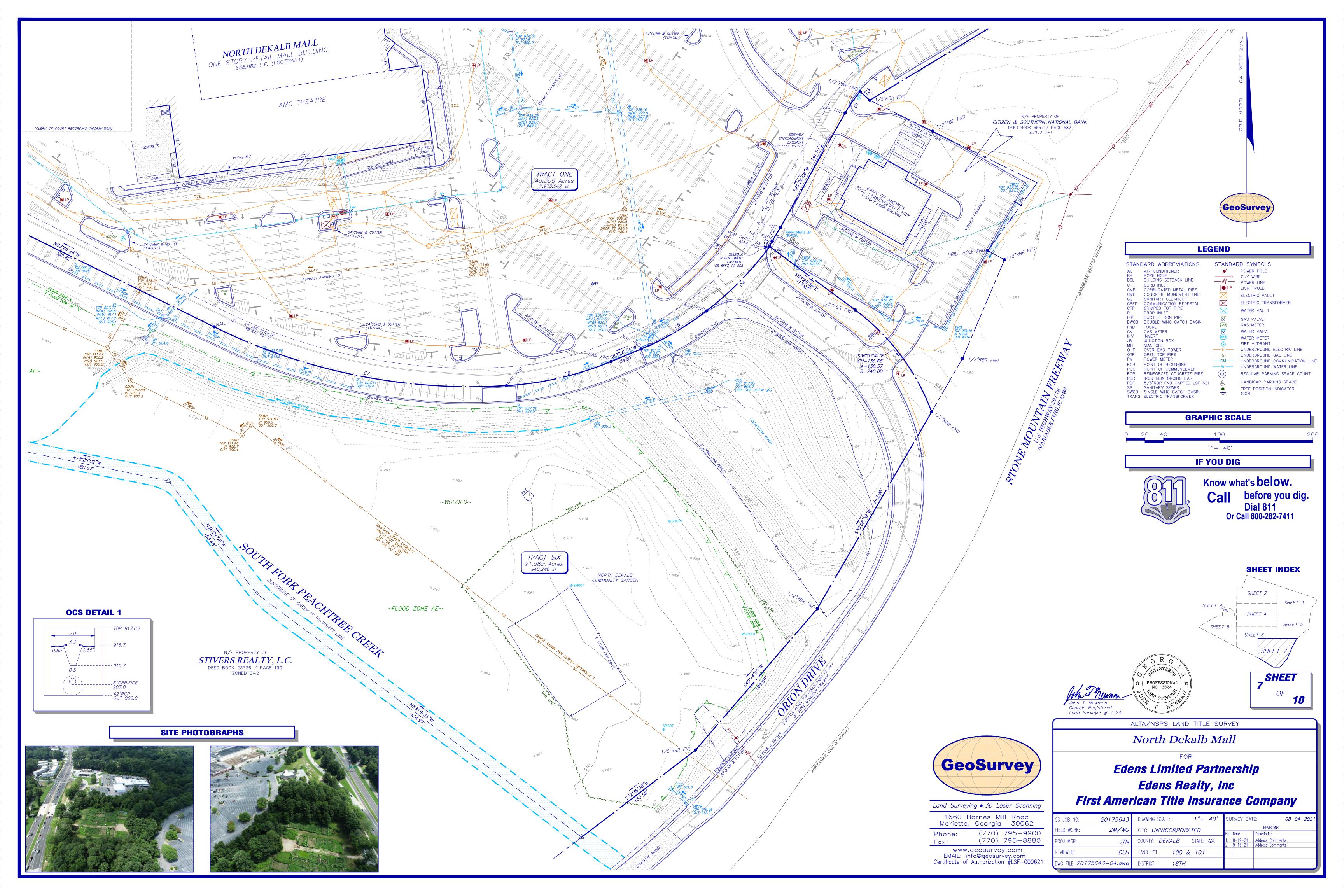


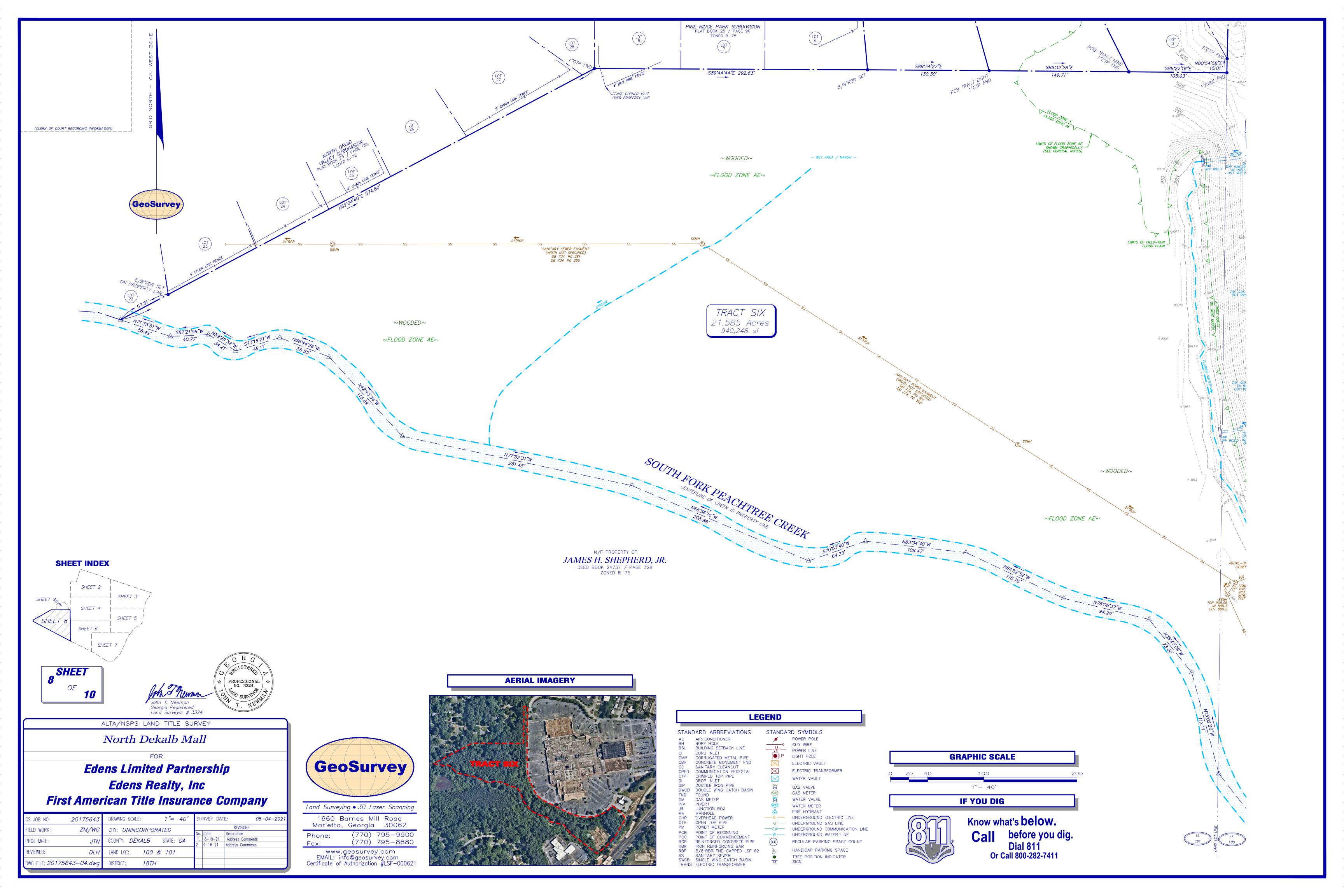






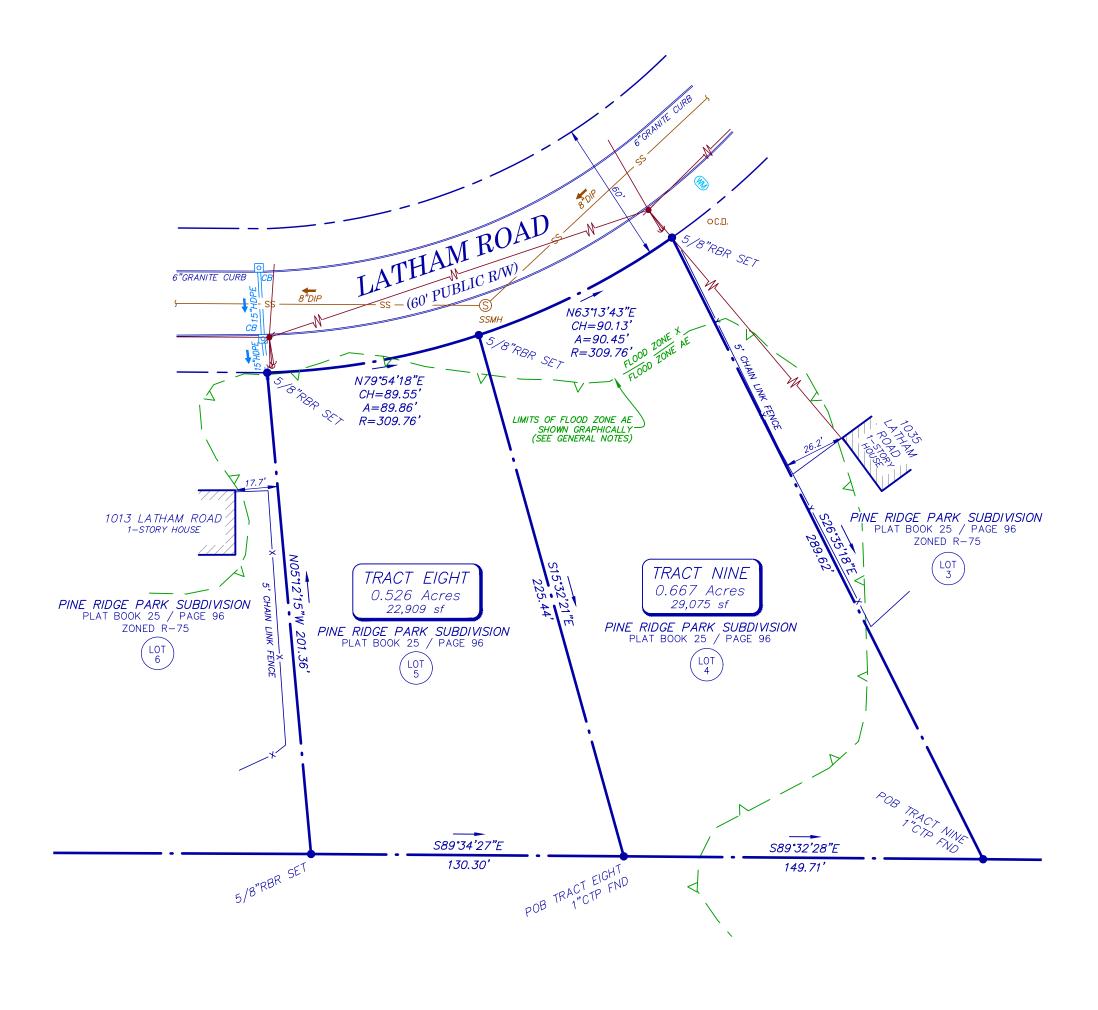






(CLERK OF COURT RECORDING INFORMATION)

GeoSurvey



AERIAL IMAGERY



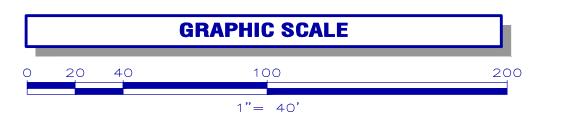
LEGEND POWER POLE
GUY WIRE
POWER LINE AIR CONDITIONER BORE HOLE
BUILDING SETBACK LINE CI CURB INLET
CMP CORRUGATED METAL PIPE
CMF CONCRETE MONUMENT FND
CO SANITARY CLEANOUT LP LIGHT POLE CO SANITARY CLEANOUT
CPED COMMUNICATION PEDESTAL
CTP CRIMPED TOP PIPE
DI DROP INLET
DIP DUCTILE IRON PIPE
DWCB DOUBLE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

TREE POSITION INDICATOR

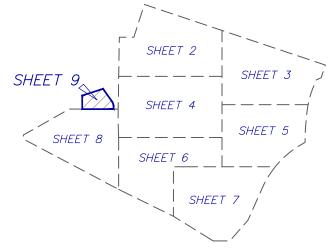
SS SANITARY SEWER
SWCB SINGLE WING CATCH BASIN
TRANS ELECTRIC TRANSFORMER

IF YOU DIG

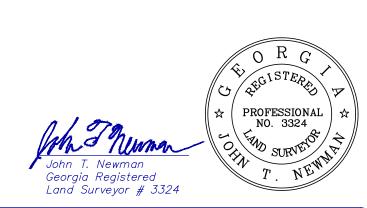
Know what's **below.** before you dig. Dial 811 Or Call 800-282-7411













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ALTA/NSPS LAND TITLE SURVEY North Dekalb Mall



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

GS JOB NO:	20175643	DRAWING S	CALE:	1 "=	40'	SU	RVEY DAT	E: 08-04-2021
FIELD WORK:	ZM/WG	CITY: UN	INCORPO	RATED		No.	Date	REVISIONS Description
PROJ MGR:	JTN	COUNTY:	DEKALB	STATE:	GA	1.	8-19-21 9-16-21	Address Comments Address Comments
REVIEWED:	DLH	LAND LOT:	100	& 101				
DWG FILE: 201756	643-04.dwg	DISTRICT:	18TH	/				

(CLERK OF COURT RECORDING INFORMATION)

All that tract or parcel of land lying and being in Land Lots 100 and 101 of the 18th District of DeKalb

Beginning at an iron pin found on the 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 a running thence in a generally southwesterly direction along the northwestern Right-of-Way line of awrenceville Highway the following courses and distances: South 21 degrees 50 minutes 00 seconds West 120.0 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: running thence South 86 degrees 06 minutes 00 seconds Fast glong an offset in the porthwestern Right-of-Way line of Lawrenceville Highway 8.00 feet to a point; running thence South 03 degrees 54 minutes 00 seconds West along said 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); running thence in a southwesterly direction along said northwestern Right-of-Way line of Stone Mountain Parkway the following courses and distances: South 52 degrees 5 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: thence leavina said northwestern Right-of-Way line of Stone Mountain Parkway and running North 49 degrees 45 minutes 51 seconds West 13.77 feet to a point; running thence in a southwesterly direction along the arc of a 131.39 foot radius curve an arc distance of 27.85 feet to point (said arc being subtended by a chord lying to the Southeast thereof and bearing South 34 degrees 09 minutes 05 seconds West 27.80 feet); running thence South 28 degrees 04 minutes 41 seconds West 141.13 feet to a point; running thence in a southwesterly direction the following two courses and distances; 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 South 29 degrees 41 minutes 07 seconds West 17.02 feet), and along the arc of a 27.00 foot radius curve an arc distance of 6.29 feet (said arc being subtended by a chord lying to the Southeast thereof and bearing South 24 degrees 37 minutes 26 seconds West 6.27 feet); running thence South 54 degrees 48 minutes 39 seconds East 113.92 feet to a point; running thence in a southeasterly direction along the arc of a 240.00 foot radius curve an arc distance of 138.55 feet to a point on the northwestern Right-of-Way line of Stone Mountain Parkway (said arc being subtended by a chord lying to the Southwest thereof and bearing South 38 degrees 16 minutes 24 seconds East 136.63 feet) running thence in a southwesterly direction along the northwestern Right—of—Way line of Stone Mountain Parkway the following three courses and distances: South 28 degrees 43 minutes 36 seconds West 243.86 feet to a point: South 39 degrees 20 minutes 39 seconds West 200.01 feet to a point, and South 5 degrees 12 minutes 45 seconds West 153.58 feet to a point in the center line of the South Fork of Peachtree Creek (said point hereinafter referred to a "Point A"); running thence in a northwesterly direction along the center line of the South Fork of Peachtree Creek and following the meandering thereof 658.12 feet, more or less, to a point (said point hereinafter referred to as Point "B"); said Point A and Point B being connected by traverse lines commencing at Point A and terminating at Point B as follows: North 51 degrees 26 minutes 36 seconds West 146.06 feet; North 54 degrees 43 minutes 18 seconds West 194.09 feet; North 46 degrees 25 minutes 57 seconds West 204.54 feet, and North 61 degrees 42 minutes 30 seconds West 113.43 feet; and continuing thence in a generally northwesterly direction along the center line of said Creek, and the following meandering thereof, 1965.00 feet more or less to an iron pin found; (said point hereinafter referred to as Point "C"); said Point B and Point of being connected by traverse line commencing at Point B and terminating at Point C as follows: North 66 degrees 01 minute 29 seconds West 1,827.06 feet; thence leaving the center line of said creek and running North 60 degrees 42 minutes 04 seconds East 574.8 feet to a point; running thence North 85 degrees 00 minutes 04 seconds East 678.00 feet to an axle on the Land Lot line common to said Land Lots 100 and 101; running thence North 01 degree 10 minutes 31 seconds West along said Land Lot line 382,26 feet to an iron pin found; running thence North 00 degrees 01 minute 12 seconds West along said Land Lot line 109.05 feet to a point; running thence North 89 degrees 58 minutes 00 seconds East 52.54 feet to a point; running thence in a northeasterly direction the following two courses and distances; along the arc of a 233.00 foot radius curve an arc distance of 197.94 feet to a point (said arc being subtended by a chord lying to the Southeast thereof and bearing North 35 degrees 27 minutes 47 seconds East 192.04 feet), and along the arc of a 27.00 foot radius curve an arc distance of 13.45 feet to a point (said arc being subtended by a chord lying to the Northwest thereof and bearing North 45 degrees 32 minutes 09 seconds East 13.31 feet); running thence South 22 degrees 17 minutes 33 seconds East 54.88 feet to a point; running thence in a northeasterly direction along the arc of an 182.00 foot radius curve an arc distance of 118.33 feet to a point (said arc being subtended by a chord lying to the South thereof and bearing North 80 degrees 06 minutes 37 seconds East 116.26 feet); running thence South 81 degrees 15 minutes 48 seconds East 344.04 feet to a point; running thence in a southeasterly direction along the arc of a 219.00 foot radius curve an arc distance of 186.09 feet to a point said arc being subtended by a chord lying to the Southeast thereof and bearing South 56 degrees 55 minutes 12 seconds East 180.55 feet); running thence South 32 degrees 1 minutes 37 seconds East 67.78 feet to a point; running thence in a southeasterly direction along the arc of a 217.00 foot radius curve an arc distance of 102.26 feet to a point (said arc being subtended by a chord lying to the Northeast thereof and bearing South 46 degrees 04 minutes 34 seconds Fast 101.31 feet); running thence North 39 degrees 02 minutes 55 seconds Fast 60.81 feet to an iron pin found: running thence North 89 degrees 12 minutes 26 seconds East 1.086.71 feet to the

Said tract contains 75.858 acres and is depicted on that certain ALTA/ACSM Land Title Survey for Hendon North DeKalb, LLC, First American Title Insurance Company, SouthTrust Bank, N.A., and CF Georgia North DeKalb, L.P., prepared by Harkleroad and Associates, certified by Donald W. Harkleroad, GRLS No. 1578, dated October 25, 1996, last revised October 14, 2003 (the "Survey").

iron pin found on the northwestern Right-of-Way line of Lawrenceville Highway at the Point of Beginning.

Less and Except from the above described property:

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 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); run thence in a generally southwesterly direction along the northwestern Right-of-Way line of Lawrenceville Highway the following courses and distances: South 21 degrees 50 minutes 0 seconds West 120.0 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 along an offset in the northwestern Right-of-Way line of Lawrenceville Highway 8.00 feet to a point; run thence South 03 degrees 54 minutes 00 seconds West along said 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 along said northwestern Right-of-Way line of Stone Mountain Parkway South 52 degrees 51 minutes 59 seconds West 231.11 feet to a concrete monument continue thence South 57 degrees 35 minutes 43 seconds West along said right-of-way line 0.71 fee to a point; thence leave said Right-of-Way line and run North 09 degrees 49 minutes 00 seconds West 49.5 feet to a point; run thence South 80 degrees 11 minutes 00 seconds West 335.15 feet to a point, and run thence North 09 degrees 49 minutes 00 seconds West 55.00 feet to a point which marks the Point of Beginning; from the Point of Beginning as thus established, running thence South 80 degrees 1 minutes 00 seconds West 304.00 feet to a point; running thence North 09 degrees 49 minutes 00 seconds West 368.00 feet to a point: running thence North 80 degrees 11 minutes 00 seconds East 398.04 feet to a point; running thence South 09 degrees 49 minutes 00 seconds East 200.00 feet to a point; running thence South 80 degrees 11 minutes 00 seconds West 94.04 feet to a point; and running thence South 09 degrees 49 minutes 00 seconds East 168.00 feet to the Point of Beginning.

Said tract contains 3.000 acres, and is designated as "Rich's (Out)" on the Survey.

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 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 North Druid Hills Road (100 foot a right-of-way); run thence in a generally southwesterly direction along the northwestern Right-of-Way line of Lawrenceville Highway the following courses and distances; South 21 degrees 50 minutes 00 seconds West 120.0 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 along an offset in the northwestern Right-of-Way line of Lawrenceville Highway 8.00 feet to a point; run thence South 03 degrees 54 minutes 00 seconds West along said 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 along said northwestern Right-of-Way line of Stone Mountain Parkway South 52 degrees 51 minutes 59 seconds West 231.11 feet to a concrete monument: continue thence South 57 degrees 35 minutes 43 seconds West along said Right-of-Way line 0.71 feet to a point which marks the Point of Beginning; from the Point of Beginning thus established, and continue thence South 57 degrees, 35 minutes 43 seconds West along said Right-of-Way line 154.17 feet to a concrete monument, continuing thence South 57 degrees 26 minutes 6 seconds West alona said riaht—of—way line 2.92 feet to a point; thence leavina said Riaht—of—Way line and running South 80 degrees 11 minutes 00 seconds West 125.17 feet to a point; running thence North 09 degrees 49 minutes 00 seconds West 110.0 feet to a point; running thence North 80 degrees 11 minutes 00 seconds East 270.15 feet to a point; running thence South 09 degrees 49 minutes 0 seconds East 49.50 feet to the northwestern Right-of-Way line of Stone Mountain Parkway and the

Said tract contains 0.582 acre and is designated as "Rich's Accessory Area (Out)" on the Survey.

ALSO LESS AND EXCEPT THAT PORTION OF THE ABOVE PROPERTY CONVEYED TO HENDON RING ROAD, LLC, by virtue of Limited Warranty Deed from Hendon North DeKalb, LLC, dated October 7, 2004, filed October 3, 2004, and recorded in Deed Book 16698, page 711, DeKalb County, Georgia Records; and as corrected by that certain Corrective Limited Warranty Deed, dated June 26, 2012, filed July 20, 2012, and recorded in Deed Book 23151, page 602, aforesaid records.

RECORD PROPERTY DESCRIPTIONS

All that tract or parcel of land lying and being in Land Lots 100 and 101 at the 18th District of DeKalb County, Georgia and more particularly described as follows:

To find the Point of Beginning commence at an iron pin found on the 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 orthwestern 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 a Right—of—Way); and a running thence in a generally southwesterly direction along the northwestern Right—of—Way line of Lawrenceville Highway the following courses and distances: South 21 degrees 50 minutes 00 seconds West 120.00 feet to a point; along the arc of a 1,203.92 fact 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 eet); and South 03 degrees 54 minutes 00 seconds West 101.29 feet to a point; running thence South 86 degrees 06 minutes 00 seconds East along an offset in a northwestern Right—of—Way line Lawrenceville Highway 8.00 feet to a point; running thence South 03 degrees 54 minutes 00 econds West along said 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); running thence in a southwesterly direction along said northwestern Right—of—Way line f 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; thence leaving said northwestern Right—of—Way line of Stone Mountain Parkway and unning North 49 degrees 45 minutes 51 seconds West 13.77 feet to a point; running thence in a southwesterly 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 being South 34 degrees 09 minutes 05 seconds West 27.80 feet); running thence South 28 degrees 04 minutes 41 ine Southeast thereof and bearing South 24 degrees 37 minutes 26 seconds West 6.27 feet); running thence South 54 degrees 48 minutes 39 seconds East 113.92 feet to a point; running thence in a southeasterly direction along the arc of a 240.00 foot radius curve an arc distance of 138.55 feet to a point on line northwestern Right—of—Way line of Stone Mountain Parkway (said arc being subtended by a chord lying to the Southwest thereof and bearing South 38 degrees 16 minutes 24 seconds East 136.63 feet) running thence in a southwesterly direction along the northwestern Right-of-Way line of Stone Mountain Parkway the following three courses and distances: South 28 degrees 43 minutes 30 seconds West 243.86 feet to a point; South 39 degrees 20 minutes 39 seconds West 200.01 feet to a point, and South 51 degrees 12 minutes 45 seconds West 153.58 feet to a point in the center line of the South Fork of Peachtree Creek (said point hereinafter referred to as "Point A"); running thence n a northwesterly direction along the center line of the South Fork of Peachtree Creek and following the meandering thereof 658.12 feet, more or less to a point (said point hereinafter referred to as Point "B"); said Point A and Point B being connected by traverse lines commencing at Point A and erminating at Point B as follows: North 51 degrees 26 minutes 36 seconds West 146.08 feet; North 54 degrees 43 minutes 18 seconds West 194.09 feet; North 46 degrees 25 minutes 57 seconds West 204.54 feet and North 61 dearees 42 minutes 30 seconds West 113.43 feet; and continuina thence in a aenerally northwesterly direction alona the center line at said Creek, and the followina meanderina thereof, 1965.00 feet, more or less to an iron pin found. (Said point hereinafter referred to as Point "C"); said Point B and Point C being connected by traverse line commencing at Point B and terminating at Point C as follows: North 66 degrees 01 minute 29 seconds West 1,827.06 feet; South 13 Degrees 44 Minutes 04 Seconds West, 9.23 feet to a point and The Point of Beginning; thence leaving the center line of said creek and running North 60 degrees 42 minutes 04 seconds East 574.8 feet to a point; running thence North 89 degrees 00 minutes 04 seconds East 293.00 southerly Right of Way of Latham Road (60 foot right of way); thence along the southerly Right of the westerly Right of Way line of Birch Road South 18 Degrees 30 Minutes 57 Seconds East, 43.28 Way line of Latham Road the following 2 calls: North 78 degrees 26 minutes 50 seconds East 89.55 feet; North 61 degrees 46 minutes 15 seconds East 90.13 feet; thence leaving said Right of Way South 28 degrees 02 minutes 46 seconds East 289.62 feet to a point; running thence North 89 the right an arc distance of 13.45 feet, said curvature having a chord bearing and distance of South dearees 00 minutes 04 seconds East 105.00 feet to an axle on the Land Lot line common to said 45 Degrees 32 Minutes 09 Seconds West, 13.31 feet and having a radius of 27.00 feet; thence along Land Lots 100 and 101; running thence North 01 degree 10 minutes 31 seconds West along said Land the northwesterly Right of Way line of Birch Road following the curvature thereof to the left an arc Lot line 382.26 feet to an iron pin found; running thence North 00 degrees 01 minute 12 seconds distance of 197.94 feet, said curvature having a chord bearing and distance of South 35 Degrees 27 West along said Land Lot line 109.05 feet to a nail places in root of beech tree; running thence Minutes 47 Seconds West, 192.04 feet and having a radius of 233.00 feet; thence leaving the North 89 degrees 58 minutes 00 seconds East 52.54 feet to a point; running thence South 00 northwesterly Right of Way line of Sweet Briar Road South 89 Degrees 58 Minutes 00 Seconds West, degrees 25 minutes 26 seconds East 390.67 feet to a point; running thence in a southeasterly 52.54 feet to a point on the Land Lot Line separating land Lots 100 and 101; thence in a northerly direction along the arc of a 7018.44—foot radius curve an arc distance of 99.80 feet to a point direction along said Land Lot Line North 00 Degrees 37 Minutes 46 Seconds West, 401.24 feet to a (said arc being subtended by a chord lying to the East thereof and bearing South 00 degrees 48 point; thence leaving said Land Lot Line South 73 Degrees 36 Minutes 36 Seconds East, 196.22 feet ninutes 36 seconds East 99.80 feet); running thence South 00 degrees 24 minutes 09 seconds East 38.92 feet to a point; running thence in a southeasterly direction along the arc of a 2283.00-foot radius curve an arc distance of 116.77 feet to a point (said arc being subtended by a chord lying to LCI-SVAP NDM (MCY), LP the East thereof and bearing South 01 degree 52 minutes 04 seconds East 116.76 feet); running thence South 03 degrees 19 minutes 59 seconds East 216.68 feet to a point; running thence in a southeasterly direction along the arc of a 296.99—foot radius curve an arc distance of 111.40 feet to a point (said arc being subtended by a chord lying to the Northeast thereof and bearing South 14 degrees 04 minutes 43 seconds East 110.75 feet); running thence South 24 degrees 49 minutes 27 seconds East 139.17 feet to a point; running thence in a southeasterly direction along the arc of c 311.00—foot radius curve an arc distance of 218.92 feet to a point (said arc being subtended by c chord lying to the Northeast thereof and bearing South 44 degrees 59 minutes 25 seconds Éast 214.43 feet); running thence South 65 degrees 09 minutes 22 seconds East 332.34 feet to a point; unning thence in a southeasterly direction along the arc of a 623.13—foot radius curve an arc distance of 323.03 feet to a point (said arc being subtended by a chord lying to the North thereof and bearing South 80 degrees 00 minutes 26 seconds East 319.43 feet); running thence in a portheasterly direction along the arc of a 347.00—foot radius curve an arc distance of 115.53 feet to a point (said arc being subtended by a chord lying to the Northwest thereof and bearing North 75 degrees 36 minutes 13 seconds East 115.00 feet); running thence North 66 degrees 03 minutes 56

Together with the following described property:

All that tract or parcel of land lying and being in Land Lot 100 of the 18th District of DeKalb County, Beginning as thus established, running thence South 80 degrees 11 minutes 00 seconds West 304.00

seconds East 34.86 feet to a point; running thence in a northeasterly direction along the arc of a

302.36—foot radius curve an arc distance of 81.21 feet to a point (said arc being subtended by a

chord lying to the Northwest thereof and bearing North 58 degrees 22 minutes 19 seconds East

80.97 feet); running thence in a northeasterly direction along the arc of a 350.00-foot radius curve

an arc distance of 96.99 feet to a point at the Point of Beginning, (said arc being subtended by a

phord lying to the Northwest thereof and bearing North 43 degrees 04 minutes 08 seconds East

Beginning at an iron pin found on the 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 80 degrees 11 minutes 00 seconds West 94.04 feet to a point; and running thence South 09 degrees pin is located 112 feet southwesterly (as measured along said northwestern Right-of-Way line of Lawrenceville Highway) form the intersection of said northwestern Right—of—Way line of Lawrenceville Highway with the southwestern Right—of—Way of North Druid Hills Road (100 foot a Right—of—Way); and a running thence in a generally southwesterly direction along the northwestern Right—of—Way line of Lawrenceville Highway South 21 degrees 50 minutes 00 seconds West 120.00 feet to a point: thence continue along the northwestern Right-of-Way line of Lawrenceville Highway along the arc of a 1,203.92 foot radius curve an arc distance of 189.07 feet to a point, said arc being subtended by a chord lying to the Southeast thereof and bearing South 10 degrees 39 minutes 19 seconds West 188.88 feet; thence leaving the northwestern Right—of—Way line of Lawrenceville Highway along the arc of a 48.00 foot radius curve an arc distance of 39.19 feet to a point, said arc being subtended by Tract II a chord lying to the Northwest thereof and bearing South 65 degrees 11 minutes 05 seconds West 38.11 feet; thence along the arc of a 441.76 foot radius curve an arc distance of 64.64 feet to a point, said arc being subtended by a chord lying to the Southeast thereof and bearing South 84 dearees 22 minutes 48 seconds West 64.58 feet: thence South 80 dearees 11 minutes 20 seconds West 48.81 feet to a point; thence along the arc of a 33.00 foot radius curve an arc distance of 51.84 feet to a point, said arc being subtended by a chord lying to the Northeast thereof and bearing North 54 degrees 48 minutes 40 seconds West 46.67 feet; thence North 09 degrees 48 minutes 40 seconds West 46.67 feet minutes 40 seconds West 175.86 feet to a point; thence along the arc of a 114.00 foot radius curve in arc distance of 161.29 feet to a point, said arc being subtended by a chord lying to the Southwest thereof and bearing North 50 degrees 20 minutes 34 seconds West 148.17 feet: thence North 00 degrees 47 minutes 34 seconds West, 27.25 feet to a point; thence North 89 degrees 12 minutes 26 seconds East 409.11 feet to the iron pin found on the northwestern Right—of—Way line of Lawrenceville Highway at The Point of Beginning, containing 1.83 acres.

Beainning at the intersection of the southerly Right of Way line of North Druid Hills Road (100 foot Right of Way) and the westerly Right of Way line of Birch Road (60 foot Right of Way); thence along the westerly Right of Way line of Birch Road South 16 degrees 31 minutes 00 seconds West, 11.94 eet to a point; thence leaving the westerly Right of Way line of Birch Road North 27 degrees 26 minutes 59 seconds West, 27.36 feet to a point; thence North 16 degrees 31 minutes 00 seconds East, 11.94 feet to a point on the southerly Right of Way line of North Druid Hills Road; thence along the southerly Right of Way line of North Druid Hills Road South 27 degrees 26 minutes 59 seconds East, 27.36 feet to The Point of Beginning containing 0.01 Acres.

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

To find The Point of Beginning commence at an iron pin found on the 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 orthwestern 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 fills Road (100 foot a Right—of—Way); thence along the northwestern Right—of—Way line of Lawrenceville Highway South 21 degrees 50 minutes 00 seconds West 26.81 feet to a point and The Point of Beginning, and a running thence in a generally southwesterly direction along the northwestern Right—of—Way line of Lawrenceville Highway the following courses and distances; South 21 degrees 50 minutes 00 seconds West 93.19 feet to a point; along the arc of a 1,203.92 foot radius curve an arc distance of 189.07 feet to a point (said arc being subtended by a chord lying to the Southeast thereof and bearing South 10 degrees 39 minutes 19 seconds West 188.88 feet); thence leaving the northwestern Right-of-Way line of Lawrenceville Highway along the arc of a 48.00 foot radius curve to the right an arc distance of 39.19 feet to a point

(said arc being subtended by a chord lying to the Southeast thereof and bearing South 65 degrees 11 minutes 05 seconds West 38.11 feet); thence along the arc of a 441.76 foot radius curve to the left an arc distance of 64.64 feet to a point (said arc being subtended by a chord lying to the Southeast thereof and bearing South 84 degrees 22 minutes 48 seconds West 64.58 feet); thence South 80 degrees 11 minutes 20 seconds West 48.81 feet to a point; thence along the arc of a 33.00 foot radius curve to the right an arc distance of 51.84 feet to a point (said arc being subtended by a chord lying to the Southeast thereof and bearing North 54 degrees 48 minutes 40 seconds West 46.67 feet): thence North 09 degrees 48 minutes 40 seconds East 175.86 feet to a point; thence along the arc of a 114.00 foot radius curve to the left an arc distance of 161.29 feet to a point (said arc beina subtended by a chord lyina to the Southeast thereof and bearina North 50 degrees 20 minutes 34 seconds West 148.17 feet); thence North 00 degrees 12 minutes 34 seconds West 24.25 feet to a point; thence North 89 degrees 12 minutes 26 seconds East 346.11 feet to a point; thence South 68 degrees 10 minutes 00 seconds East 56.53 feet to The Point of Beginning

All that tract or parcel of land lying and being in Land Lot 100 of the 18th District of DeKalb County Georgia being more particularly described as Parcel "B", a 1.437 acre tract as depicted on that certain plat recorded in Plat Book 221, Page 52, DeKalb County, Georgia records, and also described

All that tract or parcel of land lying and being in Land Lot 100 of the 18th District of DeKalb County,

To find the Point of beginning commence at the intersection of the southerly Right of Way line of North Druid Hills Road (100' Right of Way) and the easterly Right of Way line of Birch Road (60 Right of Way); thence along the easterly Right of Way line of Birch Road South 16 Degrees 56 Minutes 09 Seconds West. 79.78 feet to a point: thence continue along the easterly Right of Way line of Birch Road South 16 Degrees 32 Minutes 47 Seconds West, 119.73 feet to a point and The Point seconds West 141.13 feet to a point; running thence in a southwesterly direction along the arc of a of Beginning; thence leaving the easterly Right of Way line of Birch Road South 73 Degrees 36 303.36 foot radius curve an arc distance of 17.02 feet to a point (said arc being subtended by a Minutés 03 Seconds East, 236.20 feet tó a point; thence South 10 Degrees 59 Minutes 14 Seconds chord lying to the Southeast thereof and bearing South 29 degrees 41 minutes 07 seconds West West, 30.67 feet to a point; thence South 72 Degrees 55 Minutes 55 Seconds East, 160.00 feet to a 17.02 feet), running thence in a southwesterly direction along the arc of a 27.00 foot radius curve an point; thence South 10 Degrees 34 Minutes 49 Seconds West, 109.33 feet to a point on the northerly arc distance of 6.29 feet to the Point of Beginning (said arc being subtended by a chord lying to Right of Way line of Sweet Briar Road (60' Right of Way); thence along the northerly Right of Way line of Sweet Briar Road North 81 Dearees 14 Minutes 23 Seconds West, 160.00 feet to a point thence continue along the northerly Right of Way line of Sweet Briar Road North 81 Degrees 2. Minutes 09 Seconds West, 240.29 feet to a point located at the intersection of the northerly Right o Way line of Sweet Briar Road and the easterly Right of Way line of Birch Road; thence along the easterly Right of Way line of Birch Road North 07 Degrees 50 Minutes 46 Seconds East, 86.02 feet to a point; thence continue along the easterly Right of Way line of Birch Road North 16 Degrees 01 Minutes 44 Seconds East, 109.85 feet to The Point of Beginning containing 1.44 Acres.

All that tract or parcel of land lying and being in Land Lots 100 of the 18th District of DeKalb

County, Georgia and more particularly described as follows: To find The Point of Beginning commence at the intersection of the southerly Right of Way line of North Druid Hills Road (100 foot Right of Way) and the westerly Right of Way line of Birch Road (60 foot Right of Way); thence along the westerly Right of Way line of Birch Road South 16 Degrees 31 Minutes 00 Seconds West, 11.94 feet to a point; thence continue along the westerly Right of Way line of Birch Road South 16 Degrees 31 Minutes 00 Seconds West 177.58 feet to a point thence continue along the westerly Right of Way line of Birch Road South 16 Degrees 34 Minutes 33 Seconds West, 74.93 feet to a point; thence continue along the westerly Right of Way line of Birch Road thence continue along the westerly Right of Way line of Birch Road South 13 Degrees 44 Minutes 04 East 574.8 feet to a point; running thence North 89 degrees 00 minutes 04 seconds East 293.00 Seconds West, 55.21 feet to a point; thence continue along the westerly Right of Way line of Birch feet to a point; thence North 06 degrees 39 minutes 43 seconds West 201.36 feet to a point on the Road South 07 Degrees 21 Minutes 03 Seconds West, 86.12 feet to a point; thence continue along feet to a point on the northerly Right of Way line of Sweet Briar Road (60 foot Right of Way); thence along the northerly Right of Way line of Sweet Briar Road following the curvature thereof to

All that tract or parcel of land lying and being in Land Lot 100 of the 18th District of DeKalb County,

o find the true point of beginning, begin at an iron pin found on the 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 orthwestern 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); run thence in a generally southwesterly direction along the northwestern right-of-way line of Lawrenceville Highway the following courses and distances: South 21 degrees 50 minutes 00 seconds West 120.0 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 bearina South 08 dearees 47 minutes 21 seconds West 267.01 feet): and South 3 degrees 54 minutes 00 seconds West 101.29 feet to a point; run thence South 86 degrees 06 ninutes 00 seconds East along an offset in the northwestern right—of—way line of Lawrenceville Highway 8.00 feet to a point; run thence South 03 degrees 54 minutes 00 seconds West along said 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 along said northwestern right—of—way line of Stone Mountain Parkway South 52 degrees 51 minutes 59 seconds West 231.11 feet to a concrete monument: continue thence South 57 degrees 35 minutes 43 seconds West along said right-of-way line 0.71 feet to a point; thence leave said right-of-way line and run North 09 degrees 49 minutes 00 seconds West 49.5 feet to a point; run thence South 80 degrees 1 minutes 00 seconds West 335.15 feet to a point, and run thence North 09 degrees 49 minutes 00 seconds West 55.00 feet to a point which marks the True Point of Beginning; from the True Point of et to a point; running thence North 09 degrees 49 minutes 00 seconds West 368.00 feet to a point; running thence North 80 degrees 11 minutes 00 seconds East 398.04 feet to a point; running thence South 09 degrees 49 minutes 00 seconds East 200.00 feet to a point; running thence South 49 minutes 00 seconds East 168.00 feet to the Point of Beginning.

The above referenced property is shown as a 3.00-acre tract designated "Rich's" on, and is described according to, plat of survey dated July 28, 1986, last revised July 8, 1987, prepared by Virgil Gaddy & Assoc., Virail F. Gaddy, Georgia Registered land Surveyor No. 969, entitled "Marketsauare at North DeKalb, Property of CFH North DeKalb Center Associates"; said survey being incorporated herein by reference and made a part of this description.

All that tract or parcel of land lying and being in Land Lot 100 of the 18th District of DeKalb County,

To Find The True Point Of Beginning, begin at an iron pin found on the northwestern right-of-way 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 southwestern right-of-way line of North Druid Hills Road (100-foot a right-of-way); run thence in a generally southwesterly direction along the northwestern right-of-way line of Lawrenceville Highway the following courses and distances: South 21 degrees 50 minutes 00 seconds West 120.0 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 bearina South 08 dearees 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 6 minutes 00 seconds East along an offset in the northwestern right—of—way line of Lawrenceville Highway 8.00 feet to a point; run thence South 03 degrees 54 minutes 00 seconds West along said 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 along said northwestern right-of-way line of Stone Mountain Parkway South 52 degrees 51 minutes 59 seconds West 231.11 feet to a concrete monument; continue thence South 57 degrees 35 minutes 43 seconds West along said right-of-way line 0.71 feet to a point which marks the True Point of Beginning; from the True Point of Beginning as thus established, continuing thence South 57 degrees 35 minutes 43 seconds West along said right—of—way line 154.17 feet to a concrete monument; continuing thence South 57 degrees 26 minutes 26 seconds West along said right-of-way line 2.92 feet to a point; thence leaving said right-of-way line and running South 80 degrees 11 minutes 00 seconds West 125.17 feet to a point; running thence North 09 degrees 49 minutes 00 seconds West 110.0 feet to a point; running thence North 80 degrees 11 minutes 00 seconds East 270.15 feet to a point; running thence South 09 degrees 49 minutes 00 seconds East 49.50 feet to the northwestern right-of-way line of Stone Mountain Parkway and the Point of Beginning.

The above-referenced property is shown as a 0.5815-acre tract designated "Rich's" on, and is described according to plat of survey dated July 28, 1986, last revised July 8, 1987, prepared by Virgil F. Gaddy & Assoc., Virgil F. Gaddy, Georgia Registered Land Surveyor No. 969, entitled Marketsquare at North DeKalb, Property of CFH North DeKalb Center Associates"; said survey being incorporated herein by reference and made a part of this description.

The above-described tract being the same tracts, respectively, as Tracts 3 and 4 on a Plat of Survey entitled, " Property Line Plat for North DeKalb Shopping Center," made by Gaddy-Cordes & Associates, Registered land Surveyors, dated March 5, 1964.

SURVEY TRACT ONE All that tract or parcel of land lying or being in Land Lot 100, 18th District, Dekalb

County, Georgia, and being more particularly described as follows:

Beginning at a concrete monument found at the intersection of the Westerly right-of-way of Lawrenceville Highway (U.S. Highway 29, Georgia Highway 8) (variable right-of-way) with the Northerly right-of-way of Stone Mountain Freeway (U.S. Highway 29/78) (variable right—of—way); thence along said right—of—way of Stone Mountain Freeway South 54 degrees 13 minutes 44 seconds West, a distance of 231.11 feet to a concrete monument found; thence South 58 degrees 57 minutes 28 seconds West, a distance of 0.71 feet to a 5/8 inch rebar found; ; thence leaving said right-of-way North 08 degrees 30 minutes 11 seconds West, a distance of 49.53 feet to a nail found: thence South 81 degrees 31 minutes 51 seconds West, a distance of 270.26 feet to nail found; thence South 08 degrees 28 minutes 09 seconds East, a distance of 110.00 feet to a 5/8 inch rebar found; thence North 81 degrees 27 minutes 16 seconds East, a distance of 125.23 feet to a 5/8 inch rebar found on the Northerly right-of-way of Stone Mountain Freeway; thence along said right—of—way South 58 degrees 48 minutes 20 seconds West, a distance of 372.99 feet to a 1/2 inch rebar found; thence leaving said right-of-way North 48 degrees 31 minutes 39 seconds West, a distance of 13.69 feet to a 1/2 inch rebar found; thence along a curve to the left, said curve having an arc lenath of 27.85 feet with a radius of 131.39 feet, being subtended by a chord bearing of South 35 degrees 30 minutes 32 seconds West, a distance of 27.79 feet to a nail found: thence South 29 dearees 26 minutes 08 seconds West, a distance of 141.10 feet to a nail found; thence along a curve to the left, said curve having an ard length of 17.02 feet with a radius of 303.36 feet, being subtended by a chord bearing of South 31 degrees 02 minutes 34 seconds West, a distance of 17.02 feet to a n found: thence alona a curve to the left, said curve havina an arc lenath of 6.28 fee with a radius of 27.00 feet, being subtended by a chord bearing of South 25 degrees 58 minutes 53 seconds West, a distance of 6.27 feet to a nail found; thence along a curve to the right, said curve having an arc length of 97.01 feet with a radius of 350.00 feet, being subtended by a chord bearing of South 44 degrees 27 minutes 0 seconds West, a distance of 96.70 feet to a nail found: thence alona a curve to the right, said curve having an arc length of 81.23 feet with a radius of 302.36 feet, being subtended by a chord bearing of South 59 degrees 45 minutes 17 seconds West, distance of 80.99 feet to a nail found; thence South 67 degrees 26 minutes 54 seconds West, a distance of 34.87 feet to a nail found: thence along a curve to the right, said curve having an arc length of 115.56 feet with a radius of 347.00 feet, being subtended by a chord bearing of South 76 degrees 59 minutes 11 seconds West, o distance of 115.03 feet to a nail found: thence along a curve to the right, said curve having an arc length of 323.11 feet with a radius of 623.13 feet, being subtended by a chord bearing of North 78 degrees 37 minutes 28 seconds West, a distance of 319.50 feet to a nail found: thence North 63 dearees 46 minutes 24 seconds West. a distance of 332.42 feet to a nail found; thence along a curve to the right, said curve having an arc length of 218.97 feet with a radius of 311.00 feet, being subtended by a chord bearing of North 43 degrees 36 minutes 27 seconds West, a distance of 214.48 feet to a nail found; thence North 23 degrees 26 minutes 29 seconds West, a distance of 139.20 feet to a nail found; thence along a curve to the right, said curve having an arc length of 111.43 feet with a radius of 296.99 feet, being subtended by a chord bearing of North 12 degrees 41 minutes 45 seconds West, a distance of 110.78 feet to a n found; thence North 01 degrees 57 minutes 01 seconds West, a distance of 216.73 feet to a nail found; thence along a curve to the right, said curve having an arc length of 116.80 feet with a radius of 2283.00 feet, being subtended by a chord bearing of North 00 degrees 29 minutes 06 seconds West, a distance of 116.79 feet to a 5/8 inch rebar pund; thence North 00 degrees 58 minutes 49 seconds East, a distance of 38.93 fee to a 5/8 inch rebar found; thence along a curve to the right, said curve having an arc length of 99.82 feet with a radius of 7018.44 feet, being subtended by a chord bearing of North 00 degrees 34 minutes 20 seconds East, a distance of 99.82 feet to a 5/8 inch rebar found; thence North 00 degrees 57 minutes 32 seconds East, a distance of 390.76 feet to a 1/2 inch rebar found; thence along a curve to the right, said curve having an arc length of 197.89 feet with a radius of 233.00 feet, being subtended by a chord bearing of North 36 degrees 51 minutes 10 seconds East, a distance of 192.00 feet to a 1/2 inch rebar found; thence along a curve to the left, said curve having an arc length of 13.45 feet with a radius of 27.00 feet, being subtended by a chord bearing of North 46 degrees 55 minutes 32 seconds East, a distance of 13.31 feet to a 5/8 inch rebar found on the Southerly right—of—way of Sweetbriar Road (variable right—of—way); thence along said right—of—way South 20 degrees 54 minutes 10 seconds ast, a distance of 54.88 feet to a nail found; thence along a curve to the right, said curve having an arc length of 118.33 feet with a radius of 182.00 feet, being subtended by a chord bearing of North 81 degrees 31 minutes 39 seconds East, a distance of 116.26 feet to a 5/8 inch rebar found; thence South 79 degrees 50 minutes 46 seconds East, a distance of 344.04 feet to a 5/8 inch rebar found; thence along curve to the right, said curve having an arc length of 186.10 feet with a radius of 219.00 feet, being subtended by a chord bearing of South 55 degrees 30 minutes 10 seconds East, a distance of 180.55 feet to a 5/8 inch rebar found; thence South 31 degrees 09 minutes 35 seconds East. a distance of 67.78 feet to a 5/8 inch rebar found: thence alona a curve to the left, said curve havina an arc lenath of 102.25 feet with a radius of 217.00 feet, being subtended by a chord bearing of South 44 degrees 39 minutes 28 seconds East, a distance of 101.31 feet to a 5/8 inch rebar found: thence North 40 degrees 25 minutes 58 seconds East, a distance of 60.81 feet to a 3/4 inch rebar found; thence leaving said right-of-way South 89 degrees 24 minutes 31 seconds East, a distance of 295.17 feet to a 1/2 inch rebar found; thence South 89 degrees 22 minutes 16 seconds East, a distance of 227.46 feet to a 3/4 inch crimp op pipe found; thence South 89 degrees 18 minutes 45 seconds East, a distance of 172.42 feet to a 1/2 inch rebar found; thence South 89 degrees 35 minutes 34 seconds East, a distance of 197.03 feet to a 1/2 inch rebar found; thence South 89 degrees 35 minutes 34 seconds East, a distance of 194.13 feet to a 5/8 inch rebar ound on the Westerly right—of—way of Lawrenceville Highway; thence along said right-of-way South 22 degrees 48 minutes 07 seconds West, a distance of 28.21 feet to a 1/2 inch rebar found; thence leaving said right-of-way North 65 degrees 23 minutes 44 seconds West, a distance of 56.53 feet to a 5/8 inch rebar found: thence North 89 degrees 35 minutes 34 seconds West, a distance of 346.32 feet to a 1/2 inch rebar found; thence South 00 degrees 17 minutes 10 seconds West, a distance of 24.24 feet to a nail found; thence along a curve to the right, said curve having an arc length of 161.32 feet with a radius of 114.00 feet, being subtended by a chord bearing o South 48 degrees 56 minutes 11 seconds East, a distance of 148.19 feet to a nail found; thence South 08 degrees 24 minutes 17 seconds East, a distance of 175.89 feet to a nail found; thence along a curve to the left, said curve having an arc length o 51.69 feet with a radius of 33.00 feet, being subtended by a chord bearing of South 53 degrees 24 minutes 16 seconds East, a distance of 46.56 feet to a nail found; thence North 81 degrees 33 minutes 14 seconds East, a distance of 48.82 feet to a nail found; thence along a curve to the right, said curve having an arc length of 64.57 feet with a radius of 441.76 feet, being subtended by a chord bearing of North 85 degrees 52 minutes 43 seconds East, a distance of 64.52 feet to a nail found; thence along curve to the left, said curve having an arc length of 39.15 feet with a radius of 48.00 feet, being subtended by a chord bearing of North 66 degrees 41 minutes 00 seconds East, a distance of 38.07 feet to a nail found on the Westerly right—of—way of Lawrenceville Highway; thence along said right-of-way, along a curve to the left, said curve having an arc length of 78.21 feet with a radius of 1203.92 feet, being subtended by a chord bearing of South 05 degrees 39 minutes 35 seconds West, a distance of 78.20 feet to a nail found; thence South 05 degrees 14 minutes 03 seconds West, o

monument found, said point being the True Point of Beginning. LESS AND EXCEPT THE FOLLOWING TRACT OF LAND

All that tract or parcel of land lying or being in Land Lot 100, 18th District, Dekalb County, Georgia, and being more particularly described as follows:

distance of 100.92 feet to a 5/8 inch rebar found; thence South 84 degrees 45

minutes 57 seconds East, a distance of 8.00 feet to a 5/8 inch rebar found; thence

South 05 degrees 14 minutes 44 seconds West, a distance of 145.00 feet to a concrete

Commencing at a concrete monument found at the intersection of the Easterly right—of—way of Lawrenceville Highway (U.S. Highway 29, Georgia Highway 8) (variable right—of—way) with the Northerly right—of—way of Stone Mountain Freeway (U.S. Highway 29/78) (variable right-of-way); thence along said right-of-way of Stone Mountain Freeway South 54 degrees 13 minutes 44 seconds West, a distance of 231.11 feet to a concrete monument found; thence South 58 degrees 57 minutes 28 seconds West, a distance of 0.71 feet to a 5/8 inch rebar found; thence leaving said right-of-way North 08 degrees 30 minutes 11 seconds West, a distance of 49.53 feet to a nail found; thence South 81 degrees 31 minutes 51 seconds West, a distance of 270.26 feet to a nail found; thence along a tie-line North 58 degrees 10 minutes 08 seconds West, a distance of 84.98 feet to a nail found, said point being the True Point of Beginning; thence South 81 degrees 34 minutes 33 seconds West, a distance of 304.00 feet to nail found; thence North 08 degrees 25 minutes 27 seconds West, a distance of 368.00 feet to a drill hole found; thence North 81 degrees 34 minutes 33 seconds East, a distance of 398.04 feet to a nail found; thence South 08 degrees 25 minutes 27 seconds East, a distance of 200.00 feet to a drill hole found; thence South 81 degrees 34 minutes 33 seconds West, a distance of 94.04 feet to a drill hole found; thence South 08 degrees 25 minutes 27 seconds East, a distance of 168.00 feet to a nail found, said point being the True Point of Beginning.

Said tract of land contains 45.306 Acres.

All that tract or parcel of land lying or being in Land Lot 100, 18th District, Dekalb County, Georgia, and being more particularly described as follows:

Commencing at a concrete monument found at the intersection of the Westerly right-of-way of Lawrenceville Highway (U.S. Highway 29, Georgia Highway 8) (variable right-of-way) with the Northerly right-of-way of Stone Mountain Freeway (U.S. Highway 29/78) (variable right—of—way); thence along said right—of—way of Stone Mountain Freeway South 54 degrees 13 minutes 44 seconds West, a distance of 231.11 feet to a concrete monument found; thence South 58 degrees 57 minutes 28 seconds West, a distance of 0.71 feet to a 5/8 inch rebar found; thence leaving said right-of-way North 08 degrees 30 minutes 11 seconds West, a distance of 49.53 feet to a nail found; thence South 81 degrees 31 minutes 51 seconds West, a distance of 270.26 feet to a nail found; thence along a tie-line North 58 degrees 10 minutes 08 seconds West, a distance of 84.98 feet to a nail found, said point being the True Point of Beginning;

Thence South 81 degrees 34 minutes 33 seconds West, a distance of 304.00 feet to a nail found; thence North 08 degrees 25 minutes 27 seconds West, a distance of 368.00 feet to a drill hole found; thence North 81 degrees 34 minutes 33 seconds East, a distance of 398.04 feet to a nail found; thence South 08 degrees 25 minutes 27 seconds East, a distance of 200.00 feet to a drill hole found; thence South 81 degrees 34 minutes 33 seconds West, a distance of 94.04 feet to a drill hole found; thence South 08 degrees 25 minutes 27 seconds East, a distance of 168.00 feet to a nail found, said point being the True Point of Beginning. Said tract of land contains 3.000 Acres.

AS-SURVEYED PROPERTY DESCRIPTIONS

All that tract or parcel of land lying or being in Land Lot 100, 18th District, Dekalb County, Georgia, and being more particularly described as follows:

Commencing at a concrete monument found at the intersection of the Westerly right-of-way of Lawrenceville Highway (U.S. Highway 29, Georgia Highway 8) (variable right-of-way) with the Northerly right-of-way of Stone Mountain Freeway (U.S. Highway 29/78) (variable right-of-way); thence along said right-of-way of Stone Mountain Freeway South 54 degrees 13 minutes 44 seconds West, a distance of 231.11 feet to a concrete monument found; thence South 58 degrees 57 minutes 28 seconds West, a distance of 0.71 feet to a 5/8 inch rebar found, said point being the True

Thence leaving said right—of—way North 08 degrees 30 minutes 11 seconds West, a distance of 49.53 feet to a nail found; thence South 81 degrees 31 minutes 5 seconds West, a distance of 270.26 feet to a nail found: thence South 08 degrees 28 minutes 09 seconds East, a distance of 110.00 feet to a 5/8 inch rebar found; thence North 81 degrees 27 minutes 16 seconds East, a distance of 125.23 feet to a 5/8 inch rebar found on the Northerly right-of-way of Stone Mountain Freeway, thence along said right-of-way North 58 degrees 48 minutes 20 seconds East, of distance of 2.92 feet to a concrete monument found; thence North 58 degrees 57 minutes 28 seconds East, a distance of 154.17 feet to a 5/8 inch rebar found, said point being the True Point of Beginning.

Said tract of land contains 0.581 Acres

SURVEY TRACT FOUR All that tract or parcel of land lying or being in Land Lot 100, 18th District, Dekalb County, Georgia, and being more particularly described as follows:

Beginning at a 1/2 inch rebar found at the intersection of the Northerly right-of-way of Sweet Briar Road (variable right-of-way) with the Easterly right-of-way of Birch Road (60 foot right-of-way); thence along said right-of-way of Birch Road North 09 degrees 14 minutes 08 seconds East, a distance of 86.03 feet to a 5/8 inch rebar found: thence North 17 dearees 25 minutes 03 seconds East. a distance of 109.86 feet to a 1/2 inch rebar found; thence leaving said right-of-way South 72 degrees 13 minutes 06 seconds East, a distance of 236.14 feet to a 1/2 inch rebar found; thence South 12 degrees 22 minutes 11 seconds West, a distance of 30.67 feet to a 5/8 inch rebar found; thence South 71 degrees 24 minutes 15 seconds East, a distance of 160.12 feet to a 5/8 inch rebar found; thence South 11 degrees 56 minutes 08 seconds West, a distance of 109.33 feet to a 1/2 inch rebar found on the Northerly right-of-way of Sweet Briar Road; thence along said right-of-way North 79 degrees 52 minutes 39 seconds West, a distance of 400.37 feet to a 1/2 inch rebar found, said point being the True Point of Beginning.

Said tract of land contains 1.439 Acres.

All that tract or parcel of land lying or being in Land Lot 100, 18th District, Dekalb

County, Georgia, and being more particularly described as follows:

Beginning at a 1/2 inch rebar found at the intersection of the Southerly right-of-way of North Druid Hills Road (100 foot right-of-way) with the Westerly right-of-way of Birch Road 60 foot right-of-way); thence along said right-of-way of Birch Road South 17 degrees 52 minutes 15 seconds West, a distance of 11.94 feet to a 5/8 inch rebar found; thence leaving said right-of-way North 71 degrees 05 minutes 44 seconds West, a distance of 27.36 feet to a 5/8 inch rebar found; thence North 17 degrees 52 minutes 15 seconds East, a distance of 11.94 feet to a 5/8 inch rebar found on the Southerly right-of-way of North Druid Hills Road; thence along said right-of-way South 71 degrees 05 minutes 44 seconds East, a distance of 27.36 feet to a 1/2 inch rebar found, said point being the True Point of Beginning.

Said tract of land contains 0.007 Acres.

All that tract or parcel of land lying or being in Land Lot 100 and 101, 18th District, Dekalb County, Georgia, and being more particularly described as follows:

mmencing at a concrete monument found at the intersection of the Westerly right-of-way of Lawrenceville Highway (U.S. Highway 29, Georgia Highway 8) (variable right-of-way) with the Northerly right-of-way of Stone Mountain Freeway (U.S. Highway 29/78) (variable right-of-way); thence along said right-of-way of Stone Mountain Freeway South 54 degrees 13 minutes 44 seconds West, a distance of 231.11 feet to a concrete monument found; thence South 58 degrees 57 minutes 28 seconds West, a distance of 0.71 feet to a 5/8 inch rebar found; ; thence leaving said right-of-way North 08 degrees 30 minutes 11 seconds West, a distance of 49.53 feet o a nail found; thence South 81 degrees 31 minutes 51 seconds West, a distance of 270.26 feet to a nail found; thence South 08 degrees 28 minutes 09 seconds East, a distance of 110.00 feet to a 5/8 inch rebar found; thence North 81 degrees 27 minutes 16 seconds East, a distance of 125.23 feet to a 5/8 inch rebar found on the Northerly right-of-way of Stone Mountain Freeway, thence along said right-of-way South 58 degrees 48 minutes 20 seconds West, a distance of 372.99 feet to a 1/2 inch rebar found; thence leaving said right-of-way North 48 degrees 31 minutes 39 seconds West, a distance of 13.69 feet to a 1/2 inch rebar found; thence along a 131.39 feet, being subtended by a chord bearing of South 35 degrees 30 minutes 32 seconds West, a distance of 27.79 feet to a nail found: thence South 29 degrees 26 minutes 08 seconds West, a distance of 141.10 feet to a nail found; thence along a curve to the left, said curve having an arc length of 17.02 feet with a radius of 303.36 feet, being subtended by a chord bearing of South 31 degrees 02 minutes 34 seconds West, a distance of 17.02 feet to a nail found; thence along a curve to the left, said curve having an arc length of 6.28 feet with a radius of 27.00 feet, being subtended by a chord bearing of South 25 degrees 58 minutes 53 seconds West, a distance of 6.27 feet to a nail found, said point being the True Point of Beginning:

Thence South 53 degrees 25 minutes 58 seconds East, a distance of 113.93 feet to a 1/2 inch rebar found; thence along a curve to the right, said curve having an arc length of 138.57 feet with a radius of 240.00 feet, being subtended by a chord bearing of South 36 degrees 53 minutes 41 seconds East, a distance of 136.65 feet to a 1/2 inch rebar found on the Northwesterly right-of-way of Stone Mountain Highway, thence along said right-of-way South 30 degrees 08 minutes 39 seconds West, a distance of 243.96 feet to a 1/2 inch rebar found; thence South 40 degrees 44 minutes 02 seconds West, a distance of 199.85 feet to a 1/2 inch rebar found; thence South 52 degrees 36 minutes 08 seconds West, a distance of 153.58 feet to a point in the center of South Fork of Peachtree Creek; thence leaving said right—of—way, along the center of said creek, the following courses and distances:

North 53 degrees 09 minutes 35 seconds West, a distance of 434.97 feet to a point North 38 degrees 04 minutes 08 seconds West, a distance of 153.48 feet to a point; North 78 degrees 26 minutes 02 seconds West, a distance of 180.67 feet to a point North 29 degrees 16 minutes 48 seconds West, a distance of 64.55 feet to a point, North 72 degrees 13 minutes 24 seconds West, a distance of 123.12 feet to a point, North 62 degrees 58 minutes 32 seconds West, a distance of 121.41 feet to a point, North 37 degrees 52 minutes 15 seconds West, a distance of 176.23 feet to a point; North 15 degrees 02 minutes 20 seconds West, a distance of 112.11 feet to a point, North 38 degrees 43 minutes 09 seconds West, a distance of 73.00 feet to a point, North 76 degrees 08 minutes 37 seconds West, a distance of 94.20 feet to a point, North 64 degrees 52 minutes 52 seconds West, a distance of 115.76 feet to a point, North 83 degrees 34 minutes 40 seconds West, a distance of 108.47 feet to a point, South 70 degrees 53 minutes 40 seconds West, a distance of 64.33 feet to a point, North 66 degrees 56 minutes 16 seconds West, a distance of 205.88 feet to a point; North 77 degrees 52 minutes 31 seconds West, a distance of 251.45 feet to a point; North 42 degrees 43 minutes 34 seconds West, a distance of 115.89 feet to a point, North 68 degrees 44 minutes 26 seconds West, a distance of 56.55 feet to a point, South 73 degrees 16 minutes 21 seconds West, a distance of 49.11 feet to a point; North 59 degrees 29 minutes 32 seconds West, a distance of 34.21 feet to a point; South 87 degrees 21 minutes 59 seconds West, a distance of 40.77 feet to a point; North 71 degrees 35 minutes 51 seconds West, a distance of 56.42 feet to a point;

Thence leaving the center of said creek North 62 degrees 04 minutes 40 seconds East, a distance of 574.80 feet to a 1 inch open top pipe found; thence South 89 degrees 44 minutes 44 seconds East, a distance of 292.63 feet to a 5/8 inch rebar set; thence South 89 degrees 34 minutes 27 seconds East, a distance of 130.30 feet to a 1 inch crimp top pipe found; thence South 89 degrees 32 minutes 28 seconds East, a distance of 149.71 feet to a 1 inch crimp top pipe found; thence South 89 degrees 27 minutes 16 seconds East, a distance of 105.03 feet to a 1 inch axle found; thence North 00 degrees 54 minutes 58 seconds East, a distance of 15.01 feet o a 1 inch crimp top pipe found; thence North 01 degrees 35 minutes 58 seconds ' East, a distance of 130.76 feet to a 1 inch crimp top pipe found; thence North 00 dearees 30 minutes 17 seconds East, a distance of 300.09 feet to a 1/2 inch rebar found; thence North 00 degrees 08 minutes 04 seconds West, a distance of 46.10 feet to a 5/8 inch rebar set; thence South 88 degrees 28 minutes 44 seconds East, a distance of 50.13 feet to a 1/2 inch rebar found; thence South 00 degrees 57 minutes 32 seconds West, a distance of 390.76 feet to a 5/8 inch rebar found; thence along a curve to the left, said curve having an arc length of 99.82 feet with a radius of 7018.44 feet, being subtended by a chord bearing of South 00 degrees 34 minutes 20 seconds West, a distance of 99.82 feet to a 5/8 inch rebar found; thence South 00 degrees 58 minutes 49 seconds West, a distance of 38.93 feet to a 5/8 inch rebar found; thence along a curve to the left, said curve having an arc length of 116.80 feet with a radius of 2283.00 feet, being subtended by a chord bearing of South 00 degrees 29 minutes 06 seconds East, a distance of 116.79 feet to a nail found; thence South 01 degrees 57 minutes 01 seconds East, a distance of 216.73 feet to a nail found; thence along a curve to the left, said curve having an arc length of 111.43 feet with a radius of 296.99 feet, being subtended by a chord bearing of South 12 degrees 41 minutes 45 seconds East, a distance of 110.78 feet

thence South 23 degrees 26 minutes 29 seconds East, a distance of 139.20 feet to a nail found; thence along a curve to the left, said curve having an arc length of 218.97 feet with a radius of 311.00 feet, being subtended by a chord bearing of South 43 degrees 36 minutes 27 seconds East, a distance of 214.48 feet to a nail found; hence South 63 degrees 46 minutes 24 seconds East, a distance of 332.42 feet to a nail found; thence along a curve to the left, said curve having an arc length of 323.11 feet with a radius of 623.13 feet, being subtended by a chord bearing of South 3 degrees 37 minutes 28 seconds East, a distance of 319.50 feet to a nail found; ence along a curve to the left, said curve having an arc length of 115.56 feet with a radius of 347.00 feet, being subtended by a chord bearing of North 76 degrees 59 minutes 11 seconds East, a distance of 115.03 feet to a nail found; thence North 67 degrees 26 minutes 54 seconds East, a distance of 34.87 feet to a nail found; hence along a curve to the left, said curve having an arc length of 81.23 feet with a radius of 302.36 feet, being subtended by a chord bearing of North 59 degrees 45 minutes 17 seconds East, "a distance of 80.99 feet to a nail found; thence along a curve to the left, said curve having an arc length of 97.01 feet with a radius of 350.00 feet, being subtended by a chord bearing of North 44 degrees 27 minutes 06 seconds East, a distance of 96.70 feet to a nail found, said point being the True

Said tract of land contains 21.585 Acres.

III that tract or parcel of land lying or being in Land Lot 100, 18th District, Dekalb County, Georgia, and being more particularly described as follows:

Commencing at a 1/2 inch rebar found at the intersection of the Northerly right-of-way of Sweet Briar Road (variable right-of-way) with the Easterly right—of—way of Birch Road (60 foot right—of—way); thence leaving said right—of—way, along a tie line, South 48 degrees 12 minutes 28 seconds West, a distance of 63.19 feet to a 5/8 inch rebar found on the Westerly right-of-way of Birch Road, said point being the True Point of Beainning

Thence leaving said right—of—way, along a curve to the right, said curve having an arc length of 13.45 feet with a radius of 27.00 feet, being subtended by a chord bearing of South 46 degrees 55 minutes 32 seconds West, a distance of 13.31 feet to a 1/2 inch rebar found; thence along a curve to the left, said curve having an arc length of 197.89 feet with a radius of 233.00 feet, being subtended by a chord bearing of South 36 degrees 51 minutes 10 seconds West, a distance of 192.00 feet to a 1/2 inch rebar found; thence North 88 degrees 28 minutes 44 seconds West, a distance of 50.13 feet to a 5/8 inch rebar set; thence North 00 degrees 08 minutes 04 seconds West, a distance of 151.39 feet to a 1 inch crimp top pipe found; thence North 00 degrees 39 minutes 29 seconds East, a distance of 249.77 feet to a 1/2 inch rebar found; thence South 72 degrees 19 minutes 41 seconds East, a distance of 196.38 feet to a 5/8 inch rebar set on the Westerly right—of—way of Birch Road; hence along said right—of—way South 15 degrees 05 minutes 19 seconds West, a distance of 55.15 feet to a 1/2 inch rebar found; thence South 08 degrees 42 minutes 52 seconds West, a distance of 86.40 feet to a 5/8 inch rebar set; thence South 17 degrees 09 minutes 08 seconds East, a distance of 43.42 feet to a 5/8 inch rebar found, said point being the True Point of Beginning.

Said tract of land contains 1.194 Acres.

All that tract or parcel of land lying or being in Land Lot 101, 18th District, Dekalb County, Georgia, and being more particularly described as follows:

mmencina at an axle found on the Easterly line of Land Lot the Southeasterly corner of Lot 3, Pine Ridge Park Subdivision, recorded at Plat book 25, page 96, Dekalb County records; thence North 89 degrees 27 minutes 16 seconds West, a distance of 105.03 feet to a 1 inch crimp top pipe found; thence North 89 degrees 32 minutes 28 seconds West, a distance of 149.71 feet to a 1 inch crimp top pipe found, said point being the True Point of Beginning;

thence North 89 degrees 34 minutes 27 seconds West, a distance of 130.30 feet to a 5/8 inch rebar set; thence North 05 degrees 12 minutes 15 seconds West, a distance of 201.36 feet to a 5/8 inch rebar set on the Southerly right—of—way of Latham Road (60 foot right—of—way); thence along said right—of—way, along a curve to the left, said curve having an arc length of 89.86 feet with a radius of 309.76 feet, being subtended by a chord bearing of North 79 degrees 54 minutes 18 seconds East, a distance of 89.55 feet to a 5/8 inch rebar set; thence leaving said right-of-way South 15 degrees 32 minutes 21 seconds East, a distance of 225.44 feet to a 1 inch crimp top pipe found, said point being the True Point of Beginning.

Said tract of land contains 0.526 Acres.

SURVEY TRACT NINE All that tract or parcel of land lying or being in Land Lot 101, 18th District, Dekalb County, Georgia, and being more particularly described as follows:

Commencing at an axle found on the Easterly line of Land Lot 101, said axle being the Southeasterly corner of Lot 3. Pine Ridge Park Subdivision, recorded at Plat book 25, page 96, Dekalb County records; thence North 89 degrees 27 minutes 16 seconds West, a distance of 105.03 feet to a 1 inch crimp top pipe found, said point being the True Point of Beginning;

Thence North 89 degrees 32 minutes 28 seconds West, a distance of 149.71 feet to a 1 inch crimp top pipe found; thence North 15 degrees 32 minutes 21 seconds West, a distance of 225.44 feet to a 5/8 inch rebar set on the Southerly right-of-way of Latham Road (60 foot right—of—way); thence along said right—of—way, along a curve to the left, said curve having an arc length of 90.45 feet with a radius of 309.76 feet, being subtended by a chord bearing of North 63 degrees 13 minutes 43 seconds East, a distance of 90.13 feet to a 5/8 inch rebar set; thence leaving said right-of-way South 26 degrees 35 minutes 18 seconds East, a distance of 289.62 feet to a 1 inch crimp top pipe found, said point being the True Point of Beginning.

Said tract of land contains 0.667 Acres.





PROFESSIONAL

NO. 3324

ALTA/NSPS LAND TITLE SURVEY North Dekalb Mall

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

GS JOB NO:	20175643	DRAWING SCALE	:	1 "=	40'	SU	RVEY DAT	E:	08-04-2021
FIELD WORK:	ZM/WG	CITY: UNINCORPORATED			Nο	REVISIONS No. Date Description			
PROJ MGR:	JTN	COUNTY: <i>DEK</i>	ALB	STATE:	GA	1.	8-19-21	Address Co	mments
REVIEWED:	DLH	LAND LOT:	100	& 101			0 10 21	- Nadioso so	
DWG FILE: 2017564	!3-04.dwg	DISTRICT:	18TH						



Land Surveying • 3D Laser Scanning 1660 Barnes Mill Road

Marietta, Georgia 30062 (770) 795-9900 Phone: (770) 795-8880

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

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

12. 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 398, DeKalb County, Georgia records; as affected by Quitclaim Deed from Georgia Power Company to CF-H 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

AFFECTS SITE - NOT PLOTTABLE 14. Matters shown on plat recorded in Plat Book 25, Page 79, aforesaid

DOES NOT AFFECT - SUPERCEDED BY PLAT BOOK 52, PAGE 24 15. Matters shown on plat recorded in Plat Book 52, Page 24, aforesaid

LEGEND STANDARD ABBREVIATIONS AIR CONDITIONER BORF HOLF BUILDING SETBACK LINE CURB INLET CORRUGATED METAL PIPE CONCRETE MONUMENT FND SANITARY CLEANOUT COMMUNICATION PEDESTA DROP INLET DUCTILE IRON PIPE DWCB DOUBLE WING CATCH BASIN FOUND GAS METER INVERT JUNCTION BOX

AFFECTS SITE AS SHOWN

(CLERK OF COURT RECORDING INFORMATION)

MANHOLE OUTLET CONTROL STRUCTURE POWER METER POINT OF COMMENCEMENT REINFORCED CONCRETE PIPE

IRON REINFORCING BAR 5/8"RBR SET CAPPED LSF 621 SANITARY SEWER SWCB SINGLE WING CATCH BASIN TRANS ELECTRIC TRANSFORMER

GUY WIRE —₩— power line LP LIGHT POLE

1 PHOTO POSITION INDICATOR

TREE POSITION INDICATOR

STANDARD SYMBOLS ≠ POWER POLE

ELECTRIC TRANSFORMER GAS VALVE GAS METER WATER VALVE

WATER METER FIRE HYDRANT UNDERGROUND ELECTRIC LINE

REGULAR PARKING SPACE COUNT HANDICAP PARKING SPACE

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

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.

IF YOU DIG



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

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

right-of-way of North Druid Hills Road (100-foot right-of-way) and the 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 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

PROPERTY DESCRIPTION (TITLE)

ALL THAT TRACT OF LAND LOCATED IN LAND LOT 100 OF THE 18TH

BEGINNING AT THE POINT OF INTERSECTION OF THE SOUTHWEST SIDE OF AND RUNNING THENCE SOUTH 19 DEGREES O MINUTES WEST ALONG THE NORTH 19 DEGREES O MINUTES EAST 125 FEET TO AN IRON PIN ON THE 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 SUPERIOR COURT FOR DEKALB COUNTY, GEORGIA.

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.

nis plat is a retracement of an existing parcel or parcels of land and does n OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR the rules and regulations of the Georgia Board of Registration for Professional

ngineers and Land Surveyors and as set forth in O.C.G.A. Section 15—6—67.

Jonathan E. Moeller Georgia Registered Land Surveyor # 3345

PROPERTY DESCRIPTION (AS SURVEYED

BEGINNING at nail set at the point of intersection of the southwesterly northwestly right-of-way of Mistletoe Road (60-foot right-of-way); Thence 125.00 feet to a 5/8-inch rebar found on the southwesterly right-of-way

Said tract of land contains Acres.

DISTRICT. DEKALB COUNTY, GEORGIA TOGETHER WITH ALL BUILDINGS AND IMPROVEMENTS SITUATED THEREON TO WIT:

NORTH DRUID HILLS ROAD AND THE NORTHWEST SIDE OF MISTLETOE ROAD 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 SOUTHWEST SIDE OF NORTH DRUID HILLS ROAD; THENCE SOUTH 70 DEGREES

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.

SURVEYOR CERTIFICATION

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 struments which created the parcel or parcels are stated hereon. RECORDATION REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND urthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in

*NOTE: SURVEYOR UNABLE PULL INVERTS IN INTERSECTION DUE TO HEAVY TRAFFIC NORTH DRUID HILLS ROAD UNDERGROUND SEWER CONNECTIONS ARE ASSUMED. (100' PUBLIC R/W) ACCESS APRON ACCESS APRON ¹³ S70°41′48″E 144.00 E: 2.263.453. S70°38'39"E 124.60' BENCHMARK-NAI N: 1,386,283.13 E: 2,263,335.55 ELEV: 956.79 O ISLAND C ~ASPHALT PARKING ~CONÇRETE~ EDGE OF CONCRETE N/F PROPERTY OF RYAN DOFNDAREH ISAAC DOESTAREH ~CONCRETE~ ZONED C-1 MEINEKE CAR CARE CENTER 1-STORY BRICK BUILDING HEIGHT 17'± 1,790 S.F. (FOOTPRINT) N70°41'48"W CONCRETE WALL ~ASPHALT~ METAL SHED SALON/INTERNATIONA 1—STORY BRICK BUILDING / W/ BASEMENT

SURVEYOR CERTIFICATION

6"CAST IRON WATER

To: Joshua Tree Realty, LLC and First American Title Insurance Company

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, 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: <u>April 26, 2023</u>

Jonathan E. Moeller Georgia Registered Land Surveyor # 3345

GRAPHIC SCALE

CLOSURE STATEMENT

N/F PROPERTY OF

ALL AMERICAN SPECIALTIES, INC.

DEED BOOK 4678 / PAGE 54

ZONED NS

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" SERIES TOTAL STATION AND TRIMBLE TSC SERIES DATA COLLECTOR WERE USED TO

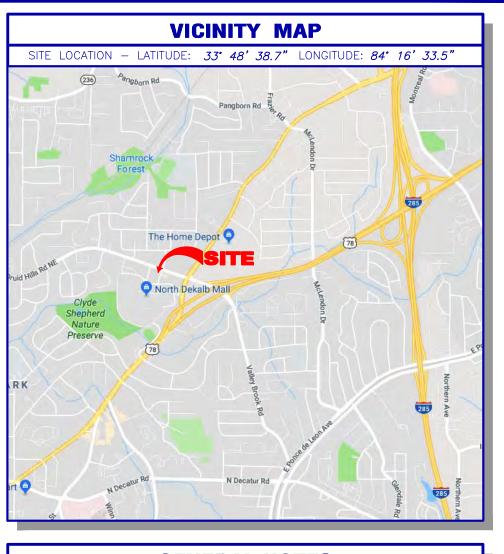
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN <u>999,999</u> FEET. <u>JEM</u> INIT.



Land Surveying • 3D Laser Scanning 1660 Barnes Mill Road Marietta, Georgia 30062 (770) 795—9900 Phone: (770) 795-8880www.geosurvey.com

EMAIL: info@geosurvey.com

Certificate of Authorization #LSF-000621



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 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

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 13089C0067K, 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 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 APPROXIMATFI Y FOR INFORMÀTÍONAI PURPOSES ONI Y. SAID

RIGHT-OF-WAY LINES SHOULD NOT BE UTILIZED FOR DESIGN PURPOSES

ZONING AND SETBACKS SHOULD BE CONFIRMED AND VERIFIED BY PLANNING AND

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 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 O HANDICAP 4 TOTAL

ALTA/NSPS LAND TITLE SURVEY

3861 North Druid Hills Road

FOR

Joshua Tree Realty, LLC First American Title Insurance Company

GS JOB NO: 20175643	DRAWING SCALE: 1"= 20'	SURVEY DATE: 4-26-2023
FIELD WORK: JS	CITY: UNINCORPORATED	REVISIONS <i>(SEE GENERAL NOTES)</i> No. Date Description
PROJ MGR: JEM	COUNTY: <i>DEKALB</i> STATE: <i>GA</i>	no. Dute Description
REVIEWED: DLH	LAND LOT: 100	
DWG FILE: 20175643-11.dwg	DISTRICT: 18TH	

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:

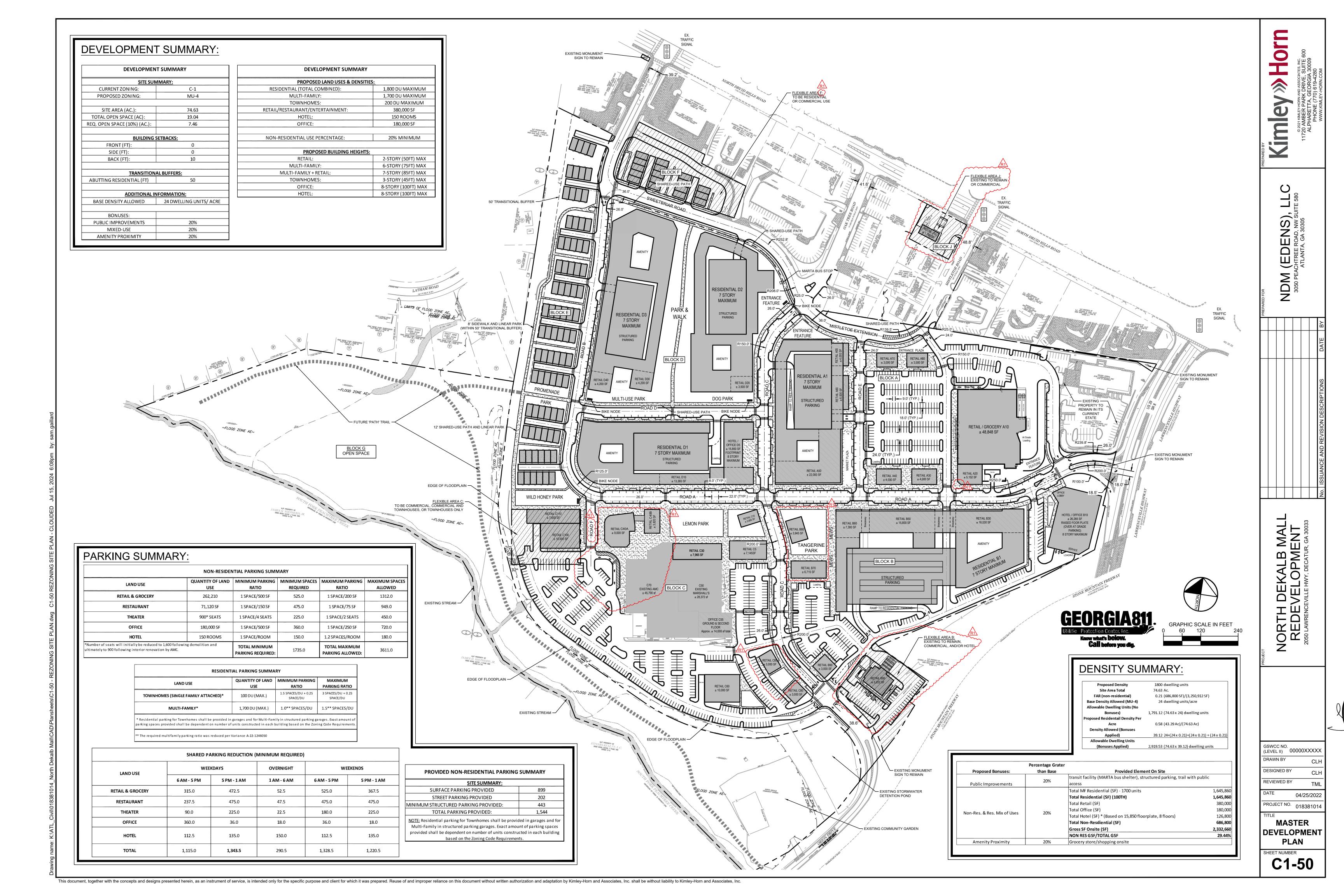
EASEMENTS AND OTHER INTERESTS IN REAL PROPERTY CONTAINED IN ACCESS EASEMENT AGREEMENT BY AND BETWEEN CF-H NORTH DEKALB CENTER ASSOCIATIONS, A GEORGIA LIMITED PARTNERSHIP AND THE CITIZENS AND SOUTHERN NATIONAL BANK, DATED AUGUST 15, 1986, FILED FOR RECORD AUGUST 18, 1986, AND RECORDED IN DEED BOOK 5557,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

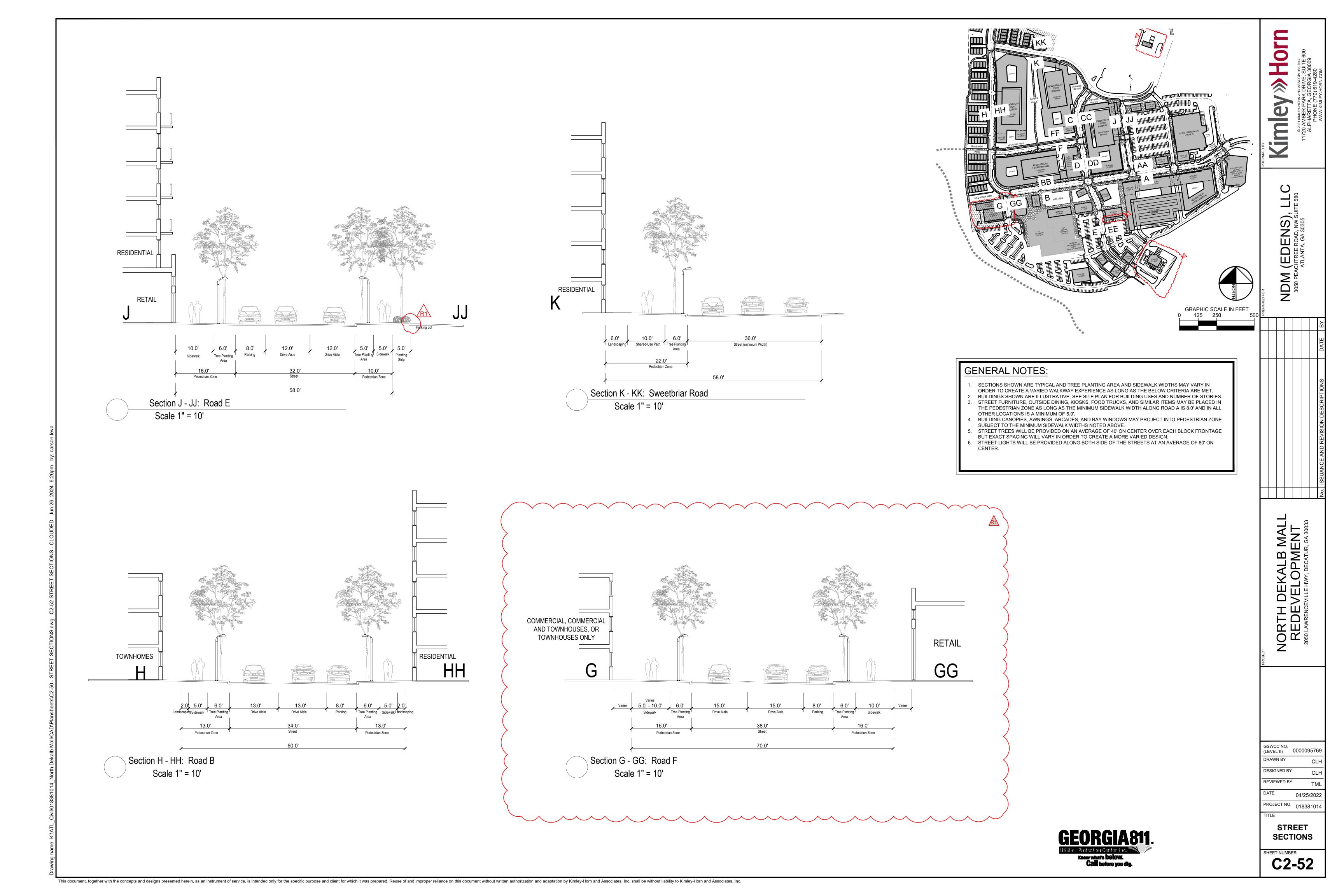
LEGAL DESCRIPTION

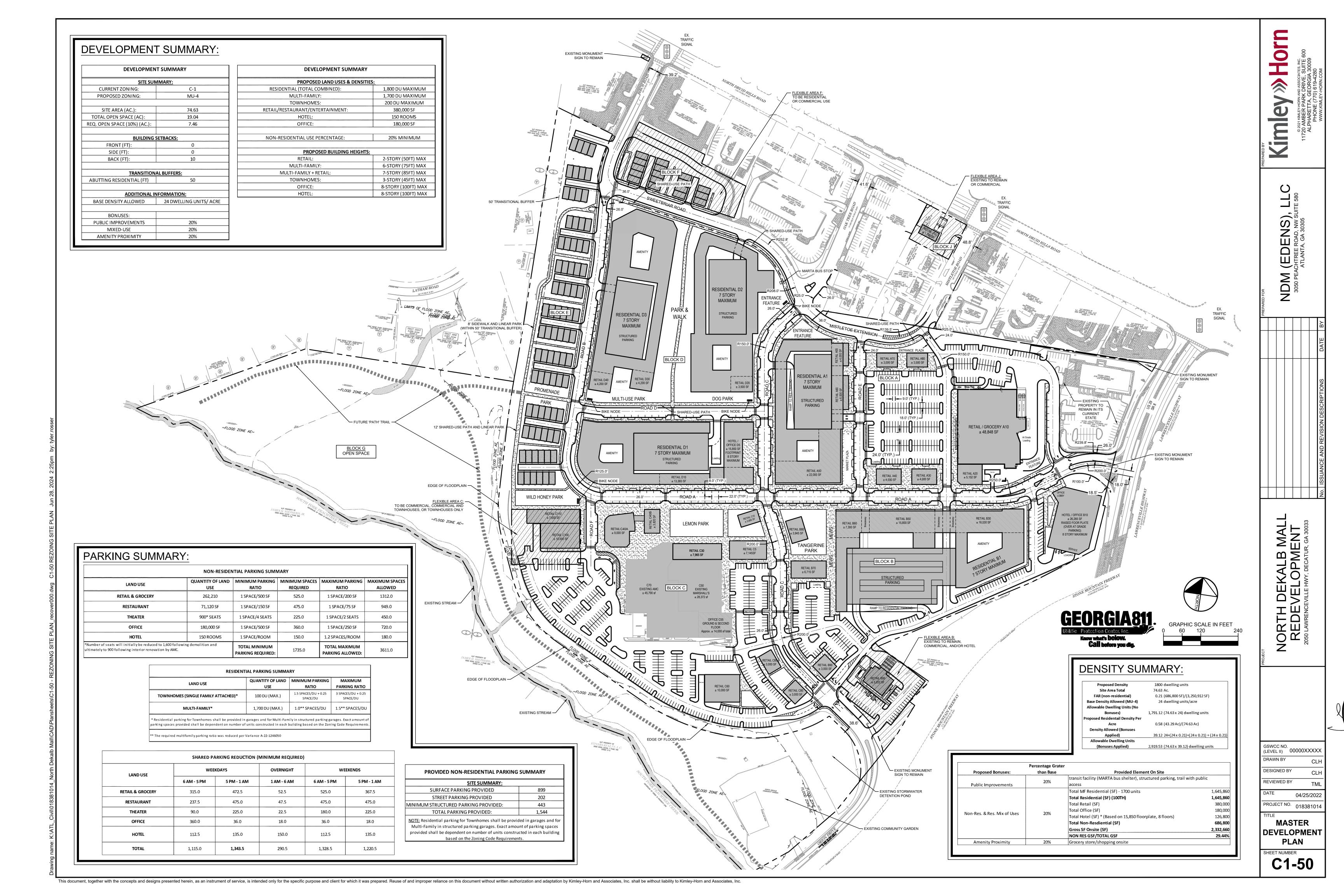
3861 North Druid Hills Road Decatur, GA 30033

All that tract or parcel of land lying and being in Land Lot 100 of the 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 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







MASTER SIGN PROGRAM

NORTH DEKALB

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.



property sign types

ENTRANCE SIGNAGE













property sign types

ARTISTIC SIGNAGE











ii. tenant sign criteria

FACADE/PRIMARY IDENTIFICATION SIGNAGE CRITERIA

- In general, all building-mounted Tenant signs shall be individuallymounted 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 Facade 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 govered 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

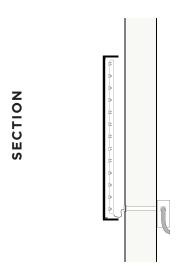
- Sign raceways
- Cabinet signs (except for use at ATM machines)
- Flashing lights
- Animated components
- Window graphics that exceed 25% of window area and block visibility into Tenant space
- Generic Tenant identity (ex: "Nails")
- **RED**, **GREEN**, or **YELLOW** as a primary or majority color of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







OPTION 1: Halo-Lit Reverse Channel Letter Forms

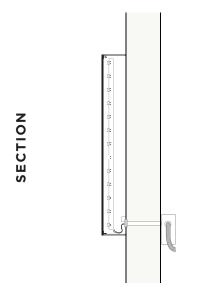








OPTION 2: Internally-Illuminated White Acrylic Lettering with Opaque Veneer











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

ELEVATION









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

ELEVATION

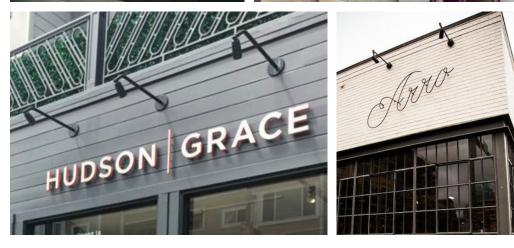
- Back plate must receive prior Landlord approval
- · Matching back plate color to façade color is encouraged

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

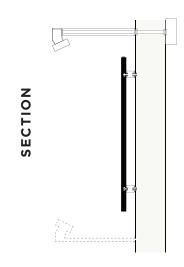








OPTION 4A: Individual Dimensional Letter Forms with Gooseneck External Illumination



TENANT STORE

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.)

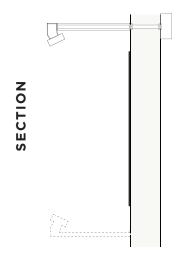






The Pub & The People











TENANT STORE

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













EDENS STANDARD SPEC FOR LED STRIP LIGHT:

12SYSTEMS V-LINE V321

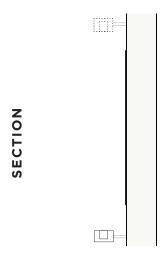








OPTION 5B: Painted Lettering with LED Strip Light External Illumination



TENANT STORE

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

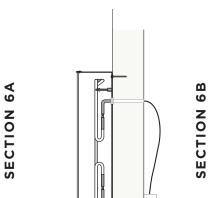


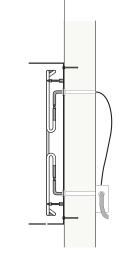




OPTION 6A: Traditional Neon in a Channel with a Clear Acrylic Face Plate

OPTION 6B: Traditional Neon in a Channel





TENANT STORE

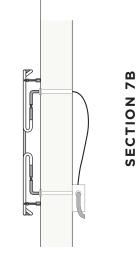


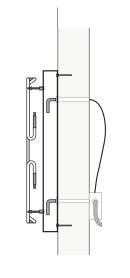




OPTION 7A: Exposed Neon Mounted Directly to Façade **OPTION 7B:** Exposed Neon Mounted on Solid Letter Forms







ELEVATION

TENANT STORE

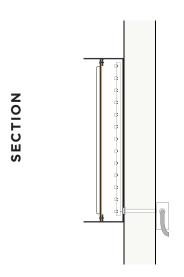






OPTION 8: Neon Look Push-Through Acrylic Lettering

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

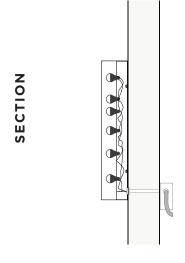


TENANT STORE





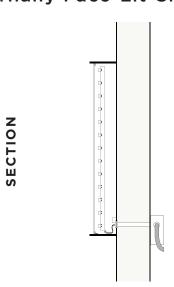
OPTION 9: Individual Channel Letters with Marquee Illumination



west elm



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



TENANT STORE

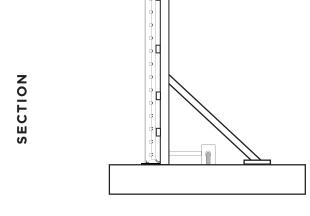


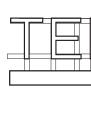




OPTION 11: Roof-Mounted Signs: JR/ANCHOR ONLY (GREATER THAN 5,000 SF)

ELEVATION







GENERAL NOTES

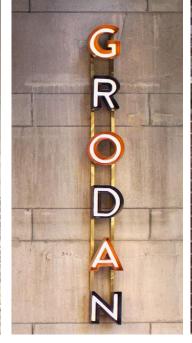
DIAGRAMS ARE SHOWN FOR REFERENCE ONLY. ACTUAL TENANT SIGN WILL REFLECT INDIVIDUAL IDENTITY THROUGH SHAPE, FONT, ETC.

ALL ELECTRICAL MUST BE HIDDEN UNLESS REQUIRED BY CODE.

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

OPTION 12: VERTICAL SIGNS



















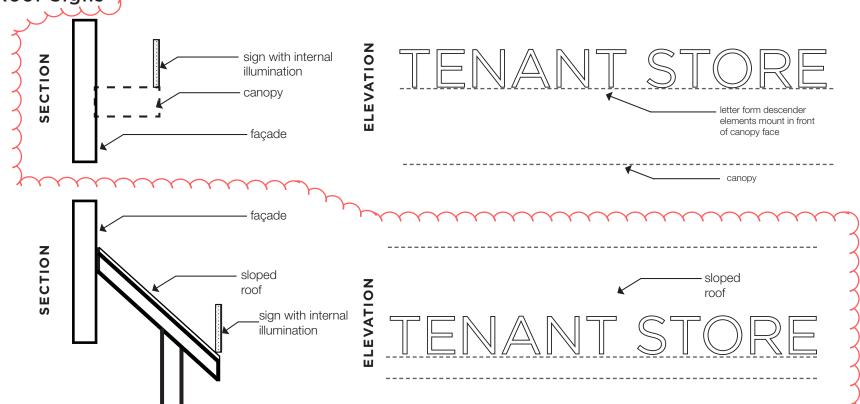


OPTION 13: Canopy / Sloped Roof Signs

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

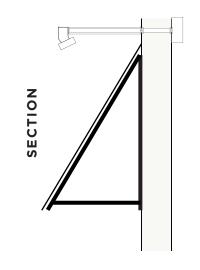
- Use of awnings must be approved by Landlord unless specified in lease
- Awning placement & design shall be prior approved by Landlord
- Placement of awning must coordinate with façade signage & architectural elements of façade

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.

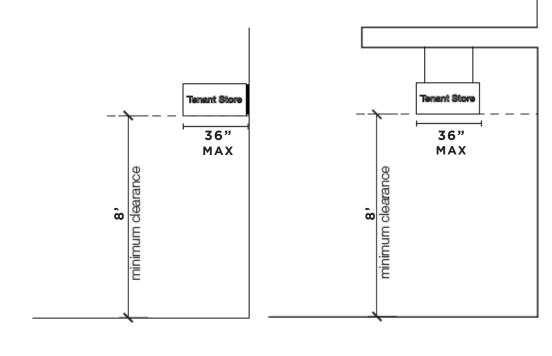




blade signs

- 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

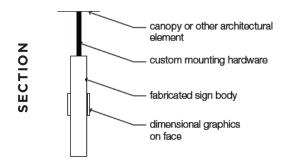
A sign attached to and extending outward from the face of a building

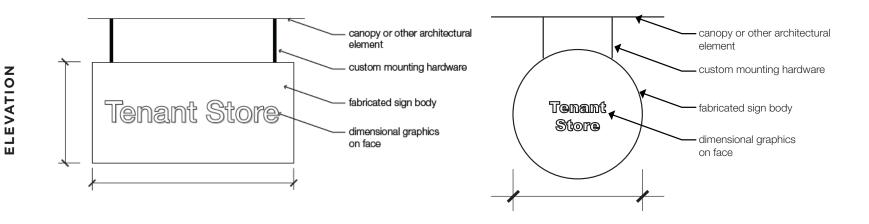
Suspended

SUSPENDED SIGN

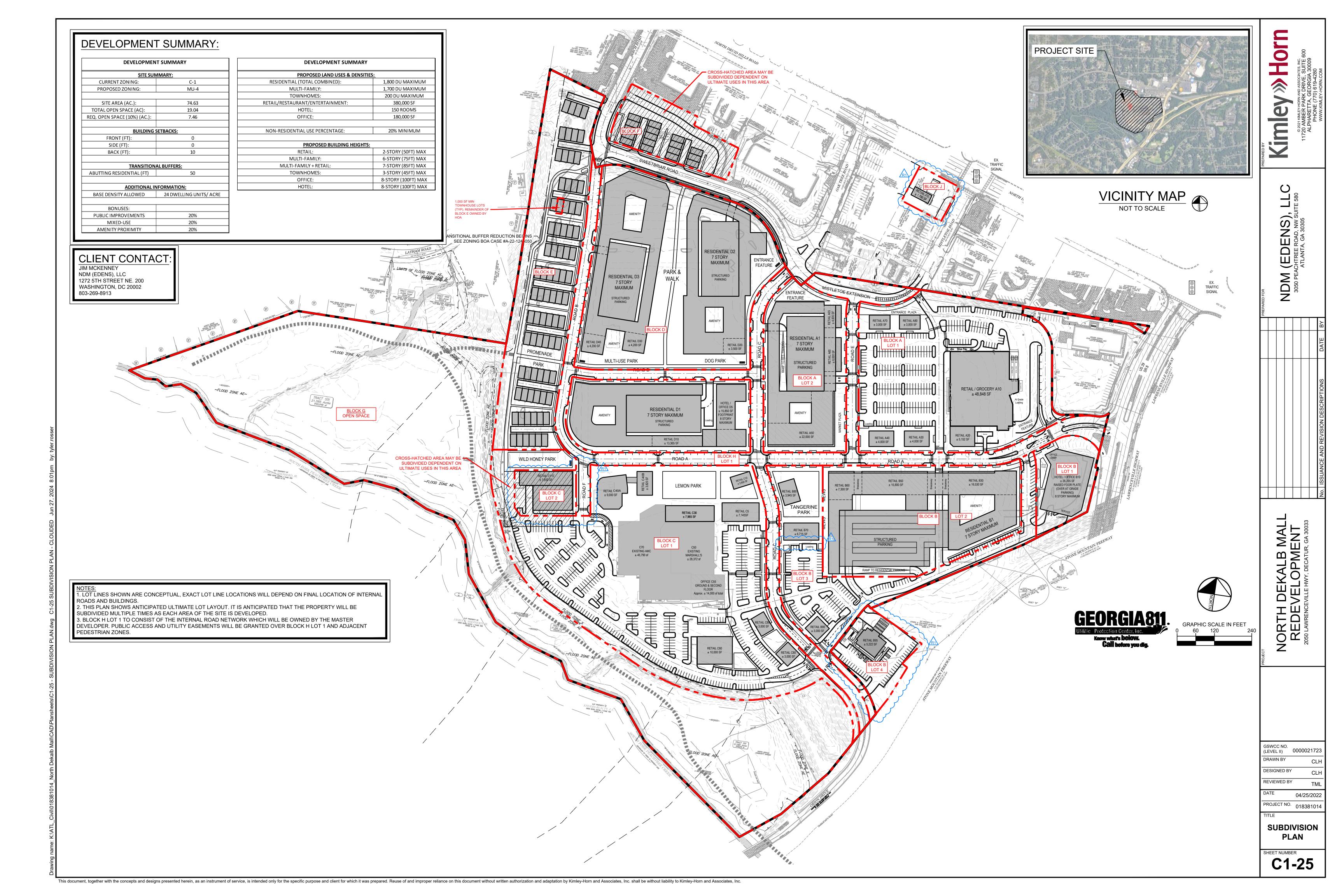
A sign a sign hanging down from a marquee, awning,

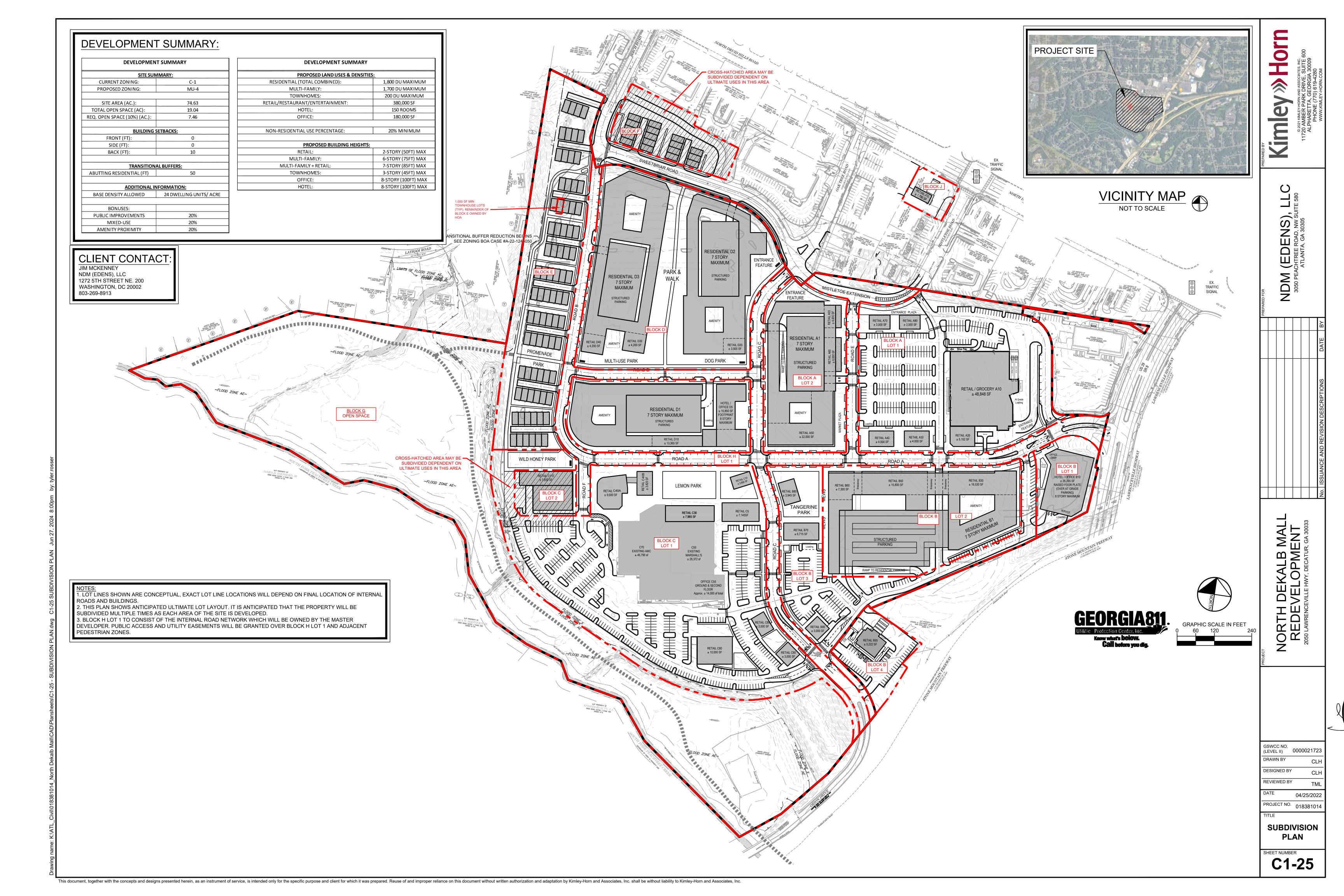
canopy.





CONCEPT SUBDIVISION PLAN





MODIFIED ZONING CONDITIONS

CONDITONS CZ-24-1247113 (Formally Z-22-1245595 as approved by the Board of Commissioners on May 26th, 2002)

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

August 22, 2024

I. Zoning District, Master Development Plan and Exhibits:

Master Development Plan, prepared by Kimley-Horn and dated 04/25/2022 and revised 08/22/2024, 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 08/22/2024 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 popups, 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 Alintended 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 BuildingB80 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 be Commercial Uses and/or a Hotel Use. The existing building and parking lot may remain, but all uses must comply with these conditions and/or the applicable zoning codes.

- 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 C40A and C40B 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 be Commercial Uses only. The existing building and parking lot may remain, but all uses must comply with these conditions and/or the applicable zoning codes.

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:

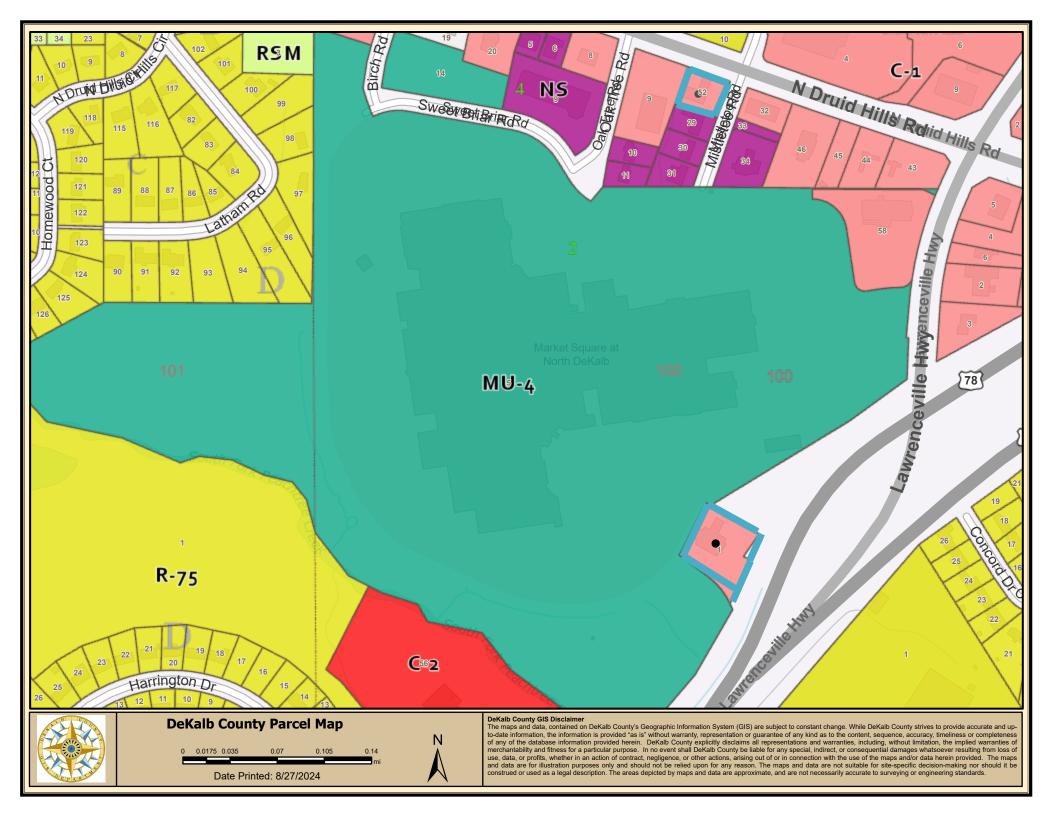
- a. Food trucks, shipping container stores, and similar structures shall be allowed in all locations except Blocks E and G as long as adequate pedestrian access is maintained. Food trucks and shipping container stores shall comply with all applicable State and County regulations.
- b. Outdoor dining 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.

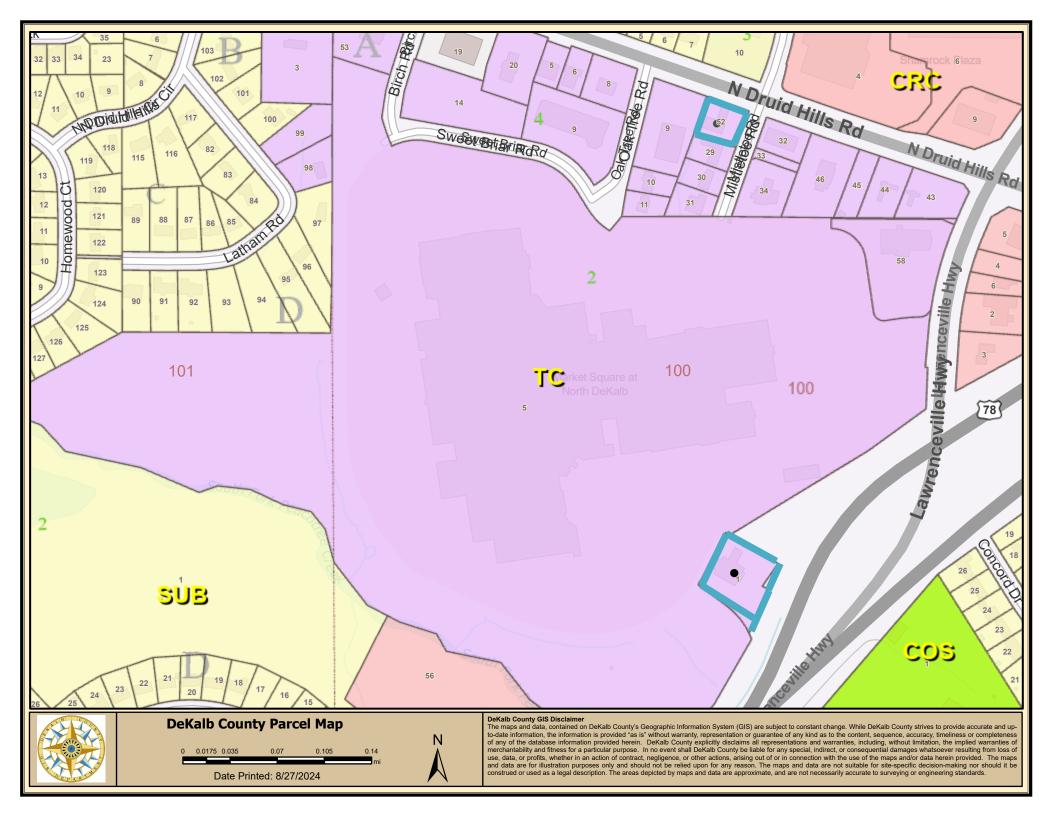
- e. Walk-up ATMs shall be allowed either integrated into buildings or free-standing. A Drive-up ATM shall be allowed subject to a Special Land Use Permit.
- f. Murals shall be allowed throughout the development. Murals which meet the definition of a sign shall comply with the requirements of the Master 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.
- 1. 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.

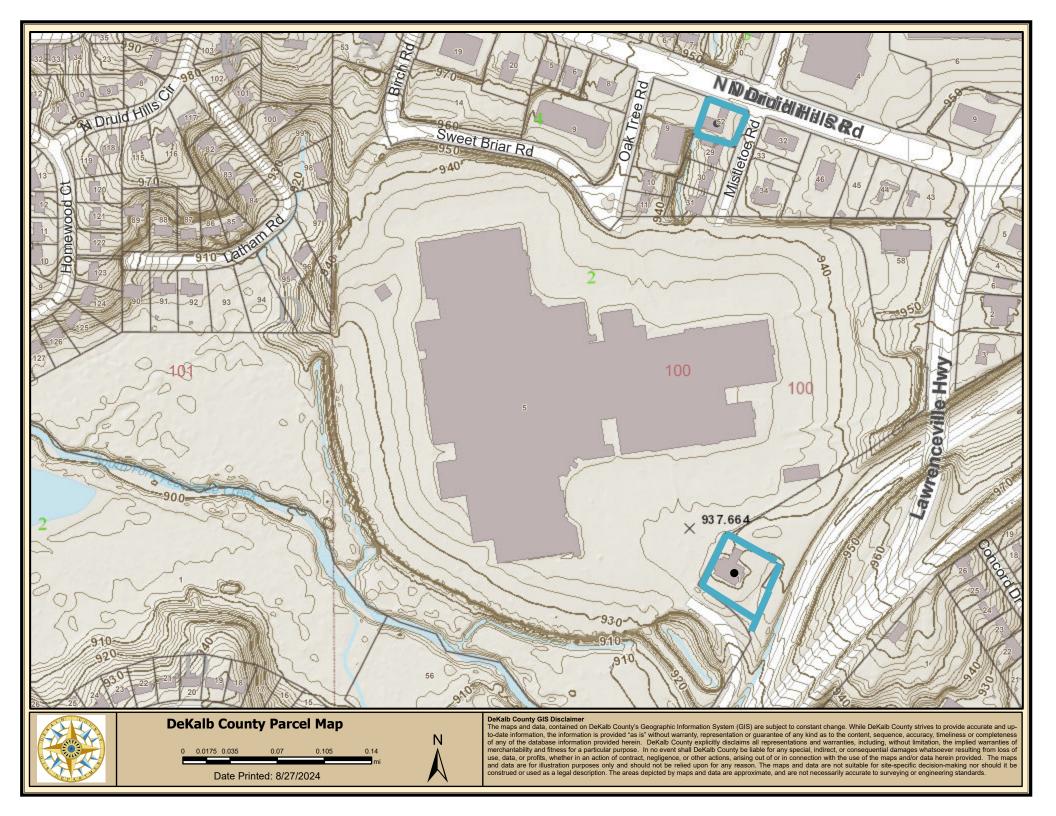
All parking structures shall be designed so as to not preclude the addition of additional EV charging stations including designing the transformers to accommodate the loads from additional charging stations or providing room for additional transformers for such future electrical demands associated with 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.











DeKalb County Parcel Map

Date Printed: 8/27/2024



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