

DEPARTMENT OF PLANNING & SUSTAINABILITY

Chief of Executive Officer
Lorraine Cochran-Johnson

Director
Juliana A. Njoku

ZONING BOARD OF APPEALS (ZBA) APPLICATION

to Amend the Official Zoning Map of DeKalb County, Georgia

APPLICANT/OWNER: Shadowbox Studios & Henrico 183, LLC (c/o Bloom Parham, LLP)

Subject Property Address: 3600 International Park Drive & 3455 International Park Drive

City: Atlanta State: GA Zip: 30316

Parcel ID Number(s): 15 051 01 001 & 15 077 03 027

Commission District(s): 3 Super District(s): 6 Acreage: +/- 155

TYPE OF HEARING REQUESTED (check one)

- ☐ VARIANCE (from Development Standards causing undue hardship upon owners of property.)
☐ SPECIAL EXCEPTIONS (to Reduce or Waive off-street parking or loading space requirements.)
☒ OFFICIAL APPEAL OF ADMINISTRATIVE DECISIONS.

***PLEASE REVIEW THE FILING GUIDELINES ON PAGE 5.
FAILURE TO FOLLOW GUIDELINES MAY RESULT IN SCHEDULING DELAYS.***

**NOTE: PLEASE BE MINDFUL THAT THE APPLICATION AND ALL OF ITS CONTENTS IS A
PUBLIC RECORD ONCE SUBMITTED AND ACCEPTED FOR A ZONING CYCLE**

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

Owner ☒ Agent ☐

Signature

Date 6/25/20

Email plansustain@dekalbcountyga.gov with any questions

ZONING BOARD OF APPEALS (ZBA) APPLICATION

FEE: \$300.00

DeKalb County does not require payment by wire transfer.
Be aware of scammers and fraudulent emails.

INCOMPLETE APPLICATIONS WILL NOT BE ACCEPTED.

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ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION OF THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property subject to the application.

DATE: June 25, 2020

Applicant
Signature:



DATE: _____

Applicant
Signature:

ZONING BOARD OF APPEALS APPLICATION

AUTHORIZATION TO REPRESENT THE PROPERTY OWNER

I hereby authorize the staff and members of the Zoning Board of Appeals to inspect the premises of the Subject Property.

I hereby certify that the information provided in the application is true and correct.

I hereby certify that I am the owner of the property and that I authorize the applicant/agent to apply for a hearing to the Zoning Board of Appeals for the requests as shown in this application.

June 25, 2020
Date

[Signature]
Applicant/Owner Signature:

TO WHOM IT MAY CONCERN:

(I)/ (WE): Henrico 183, LLC
(Name of Owners)

being (owner/owners) of the property described below or attached hereby delegate authority to the above signed agent/applicant.

Sara Wheeler
Notary Public

[Signature]
Owner/Applicant Signature



6/25/20
Date:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California, County of Los Angeles ss.

On June 25, 2020 before me Sara Wheeler,

Notary Public, personally appeared Peter Bumbold, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. WITNESS my hand and official seal.



Simon H. Bloom
sbloom@bloom-law.com
404.577.7710

June 25, 2026

VIA EMAIL

(plansustain@dekalbcountyga.gov; ljcarter@dekalbcountyga.gov)

DeKalb County Zoning Board of Appeals
Department of Planning & Sustainability
1300 Commerce Drive
Decatur, Georgia 30030

Re: Letter of Intent to Zoning Board of Appeals ("ZBA") Regarding Appeal of Denial of Shadowbox Studios ("Shadowbox") and Henrico 183, LLC's ("Henrico") (collectively, "Shadowbox") LDP Change of Use Application for +/- 155 Acres of Property at 3600 International Park Drive, Tax Parcel ID Nos. 15 051 01 001 & 15 077 03 027 (the "Property").

To the Members of the Zoning Board of Appeals:

This firm represents Henrico 183, LLC and Shadowbox Studios with respect to the above-referenced matter. On March 6, 2026, Shadowbox applied to change the use under its land development permit from a film studio to a data center (the "Application"). Exhibit A, LDP Change of Use Application. On June 12, 2026, Lelti Abrha, Engineering Manager of the County Planning Department, informed Shadowbox that the Application was not accepted and will not be reviewed due to the County's moratorium on data center developments. Exhibit B, 6/12/2026 County Planning Department Email.

Shadowbox now appeals the County Planning Department's refusal to process or consider the Application and its denial. The County Planning Department cannot rely on the moratorium to deny the Application because doing so violates Shadowbox's vested rights, which Shadowbox acquired before the County enacted the moratorium on July 8, 2025. Accordingly, we request that the ZBA recognize Shadowbox's vested right to

develop a data center on the Property, deem the Property exempt from the moratorium, and approve the Application.¹

The DeKalb County Zoning Ordinance requires the ZBA “to hear and decide appeals where it is alleged by the appellant that there is error in any final order, requirement, or decision made by an administrative official based on or made in the enforcement of this zoning ordinance or as otherwise authorized by local law or the Code of DeKalb County as Revised 1988.” DeKalb County Zoning Ordinance, Ch. 27, Art. 7, Div. 5, § 7.5.2(A). In her role as Engineering Manager of the Planning Department, Lelti Abrha is an administrative official, and her decision to refuse to process or consider and deny the Application constitutes an erroneous final decision made in the enforcement of the zoning ordinance. Shadowbox’s appeal is timely because it has been brought within 15 days of the Planning Department’s decision. Id. at § 7.5.2(B). The ZBA thus has jurisdiction to consider this timely appeal of the Planning Department’s decision.²

A. Property Background.

The Property consists of roughly 155 acres and is zoned M, which is the County’s Light Industrial zoning district. Shadowbox purchased the Property in 2021 and originally planned to develop a film studio. The County issued Shadowbox a land development permit for the film studio on September 1, 2022. Exhibit E, Film Studio LDP. In June 2023, however, Shadowbox began to explore the possibility of including a data center component on the Property alongside the film studio development.

The County’s code of ordinances did not include, list, contemplate, or define data centers nor recognize it explicitly as a permitted use. Before spending money to pursue a data center development, Shadowbox asked the County to confirm that it could develop the Property as a data center by right. County Senior Planner Robert Satterwhite offered much needed clarity on June 16, 2023. Mr. Satterwhite confirmed that the County viewed data centers as analogous to the zoning ordinance’s “communications” use, which is “granted by right” under the Property’s M zoning classification. Exhibit F, 6/16/2023 Email.

¹ On June 11, 2026, Shadowbox also received an email from Supervising County Attorney John Jones, wherein Mr. Jones communicates that he “remain[s] unpersuaded that [Shadowbox] has a viable vested rights claim.” Exhibit C, 6/11/2026 Email from John Jones. To the extent Mr. Jones’s email constitutes a final decision by an administrative official, Shadowbox appeals that decision in addition to the Planning Department’s refusal to process or consider the Application.

² On June 22, 2026, Shadowbox reached out to Mr. Lucas Carter with the County Planning Department to schedule a pre-application meeting. On June 25, 2026, Mr. Carter confirmed that Shadowbox may proceed with filing the appeal without having had the pre-application meeting. Exhibit D, Email Communications with Lucas Carter. Mr. Carter also confirmed that the County deems Shadowbox’s appeal timely based on its expression of intent to file the appeal. Id.

Armed with this written assurance from the County, Shadowbox took additional steps to pursue a data center development on the Property, including by applying to Georgia Power on March 22, 2024 for 651 megawatts—a power allocation of a magnitude that is only necessary for a significant data center component. Exhibit G, Georgia Power Application.

Shortly after submitting the application to Georgia Power, Shadowbox sought a second written confirmation from the County that it could develop a data center on the Property. On April 12, 2024, the County reiterated its position that Shadowbox was entitled to develop the Property as a data center by right because data centers are a permitted use under the Property's M zoning classification. Just as Senior Planner Robert Satterwhite indicated in June 2023, County Zoning Administrator Rachel Bragg confirmed that data centers would be considered a "Communication-Utility" or "warehouse" and thus be allowed under M zoning. Exhibit H, 4/12/2024 Email.

Now with two written assurances from the County, Shadowbox took further action in pursuit of a data center development on the Property. Shadowbox CEO, Peter Rumbold, asked its Board of Directors to approve formally the cessation of a studio project and authorize the continued development of the property exclusively as a data center. To that end, on July 17, 2024, Shadowbox's Board of Directors voted to cancel the studio project and pivot to develop the Property 100 percent for a data center. Exhibit I, Excerpted 7/17/2024 Board Meeting Minutes.

Since pivoting to a 100 percent data center development in July 2024, Shadowbox has spent approximately \$36,700,000 in pursuit of that use. Exhibit J, Expenditures Spreadsheet. All of these expenditures were necessarily incurred in pursuit of the data center because they occurred after the 100 percent pivot. And, critically, these expenditures came after the County provided two written assurances to Shadowbox in 2023 and 2024 confirming that Shadowbox had the right to develop a data center on the Property.

As Shadowbox continued to pursue a data center development on the Property, it ultimately requested a formal zoning certification letter from the County on February 10, 2025. Exhibit K, 2/10/2025 Request. The County assured Shadowbox for a third time in writing that Shadowbox had the right to develop a data center on the Property because data centers constitute a permitted use under the Property's M zoning classification. Specifically, in its zoning certification letter dated February 24, 2025, the County once again concludes that the proposed data center is analogous to the zoning ordinance's "Communication Utility" use and is permissible under the Property's M zoning classification. Exhibit L, Zoning Certification Letter.

After receiving this third written assurance in February 2025, Shadowbox continued to incur substantial reliance expenditures. Of the approximately \$36.7 million spent since the July 2024 Board Action, Shadowbox has spent \$14.7 million since the County's third and final written assurance approving data centers on the Property.

Shadowbox's \$36.7 million in expenses include typical land development expenditures as well as expenditures that can only be tied to data center development. For example, hundreds of thousands spent on developing the data center only site plan, plus hundreds of thousands spent on consultants to secure power for the project from Georgia Power, public relations professionals to assist in the promotion of the data center use, and the commissioning of an economic development study to document the economic impact of developing a data center on the Property.

Having received three written assurances from the County that a data center development was permitted by right on the Property, Shadowbox requested a pre-application meeting with County Planning Staff to discuss its plan to submit the Application to change the use of the existing LDP from a film studio to a data center. The pre-application meeting marked the final step before Shadowbox could submit the Application, which came after Shadowbox worked constructively with the County for months—and spent considerable money in the process—to finalize its plans for a data center development on the Property.

On July 3, 2025, County Planning Staff agreed to meet with Shadowbox on July 17, 2025 to discuss the Application. County Planning Staff agreed to this July 17th meeting date despite knowing that the County would vote to enact a moratorium on data centers before then on July 8th, and thus before Shadowbox could have its pre-application meetings. Shadowbox's attempt to work cooperatively with the County to properly plan the project and discuss the Application in good faith was clearly not reciprocated. To the contrary, the County deliberately selected a meeting date for after the moratorium's enactment, all to mislead Shadowbox into believing that the Application remained on track for approval. Now, nearly one year later, the County continues to rely on the moratorium to deny Shadowbox's Application.

B. Shadowbox Has Vested Rights to Develop a Data Center on the Property.

The above facts establish Shadowbox's vested right to develop a data center on the Property. "Where a landowner makes a substantial change in position by expenditures in reliance upon the probability of the issuance of a building permit, based upon an existing zoning ordinance and the assurances of zoning officials, he acquires vested rights and is entitled to have the permit issued despite a change in the zoning ordinance which would otherwise preclude the issuance of a permit." Barker v. Forsyth County, 248 Ga. 73, 76 (1981).

Property owners acquire vested rights to develop a use that complies with existing zoning after they receive assurances from zoning officials and incur reliance expenditures. That is what occurred here. Shadowbox sought an assurance that data centers are permitted under the Property's M zoning classification, the County provided that assurance (in writing) on three separate occasions, and substantial reliance expenditures followed the County's assurances. These facts check the three boxes for a vested rights claim: compliance with existing zoning, official assurances, and reliance expenditures.

The ZBA should look no further than Barker to confirm Shadowbox's vested rights. There, the property owner sought to develop an alpine slide on his property. Barker, 248 Ga. at 73. The property owner claimed he met with county zoning officials, who assured him that his alpine slide project would be permissible under the property's existing agricultural zoning with certain modifications. Id. Like Shadowbox, the property owner incurred expenditures in response to the assurances. Id. at 74. The Supreme Court of Georgia affirmed the trial court's denial of summary judgment on the property owner's vested rights claim, holding that factual disputes existed as to whether the county officials made assurances and whether the property owner incurred substantial expenditures. Id. at 76.

Shadowbox's vested rights claim is significantly stronger than the one in Barker. The property owner in Barker relied exclusively on *oral* assurances from county officials, some of which county officials denied making. Id. at 74. By contrast, the County cannot dispute the three *written* assurances it made in June 2023, April 2024, and February 2025. Nor can the County dispute that Shadowbox incurred substantial expenditures in reliance on its assurances, including the approximately \$37 million Shadowbox spent towards indisputably data center driven expenses, following receipt of, not one, not two, but three separate written County confirmations that Shadowbox had the right to develop the Property as a data center. All told, Barker remains good law, and it dictates that Shadowbox has vested rights.

The Supreme Court of Georgia's later decision in Brown v. Carson does not alter this conclusion. The property owner in Brown met with the county planning director, who confirmed that the property's zoning permitted 9,000 square foot lots. Brown v. Carson, 313 Ga. 621 (2022). The Supreme Court of Georgia concluded that the planning director's confirmation failed to provide the assurance necessary to support the property owner's vested rights claim. Id. at 621, 623.

Though the ZBA may be tempted to rely on Brown, it is distinguishable in several critical respects. First, the Brown Court emphasized that the property owner "*knew* that the zoning ordinance allowed for 9,000-square-foot lots" before his conversation with the planning director, a fact he "could easily have obtained himself by consulting the proper records." Id. at 624 (internal brackets omitted). That was not the case here. To the contrary, the County's zoning ordinance did not list or define data centers as a use.

Considering that omission, Shadowbox could not possibly glean whether data centers were a permitted use simply by reviewing the County's zoning ordinance. Instead, the ordinance's silence necessitated that Shadowbox reach out to the County and seek clarification regarding the permissibility of data centers, which it did. This is a critical distinction that the Supreme Court focused on repeatedly in its opinion.

Second, and relatedly, when Shadowbox sought clarification from the County regarding the permissibility of data centers, the response Shadowbox received was not merely "a neutral statement of the present zoning." Id. By contrast, the County offered an affirmative interpretation to fill in a gap left by its zoning ordinance—namely, that data centers are analogous to a "Communication Utility" and thus permitted under the M zoning classification. That affirmative interpretation does not mirror the neutral statement of zoning in Brown, where the planner simply parroted lot size regulations that were enumerated in the code unambiguously.

Third, the form and number of assurances Shadowbox received provide another basis for distinction. Whereas the property owner in Brown pointed to one verbal, and very generic, conversation with the county planner, Shadowbox received three separate, written assurances that reiterated the permissibility of data centers. Id. at 621. The quality and nature of the assurances Shadowbox received unquestionably strengthens its reliance interests relative to the property owner's in Brown.

Fourth, and lastly, the difference in expenditures underscores the greater extent of Shadowbox's reliance on the assurances it received. Whereas the property owner in Brown only incurred \$83,000 in expenditures following the alleged assurance, Shadowbox has spent nearly \$37 million since pivoting to a 100 percent data center development, approximately \$14,700,000 of which was spent after Shadowbox received the THIRD written assurance, the zoning certification letter. These amounts simply dwarf the meager \$83,000 spent by the property owner in Brown.

Brown's distinctions aside, the point remains that Shadowbox has a vested right to develop a data center on the Property under Barker. And the Planning Department cannot rely on the moratorium to interfere with Shadowbox's vested rights. Cannon v. Clayton County, 255 Ga. 63 (1985). Shadowbox has "a vested property interest in the property as zoned even if the county changed the zoning which it has not done. This is because [Shadowbox] made expenditures . . . in reliance on the zoning and received assurances" regarding its right to develop a data center on the Property. Id. For this reason, the ZBA should formally recognize Shadowbox's vested rights, treat the proposed data center development on the Property as exempt from the moratorium, and reverse the Planning Department's denial of Shadowbox's Application to change the use under its LDP from a film studio to a data center.

C. The Moratorium Is Facially and Substantively Invalid.

That Shadowbox has vested rights alone suffices to preclude application of the moratorium. The moratorium cannot be applied to Shadowbox for multiple additional reasons, however. First, the moratorium's text renders it facially invalid. The moratorium merely states that it does not "prevent the continued operation of any existing data centers that is [sic] operating lawfully as of the date of enactment of this moratorium." Exhibit M, Draft Resolution to Extend Moratorium.³ This language fails to account for property owners like Shadowbox that have not fully constructed a data center but nonetheless acquired vested rights to do so through assurances from the County and reliance expenditures. In failing to account for property owners like Shadowbox, the moratorium, by its plain text, disregards Georgia's vested rights doctrine that has been in place for four decades. WMM Props., Inc. v. Cobb County, 255 Ga. 436, 439 (1986) (first recognizing that property owners may acquire vested rights after receiving assurances from the county and incurring reliance expenditures). The moratorium's failure to provide any guidance to or an exemption process for property owners with vested rights ultimately renders it "too vague, indefinite and uncertain to be enforceable." Davidson Mineral Props., Inc. v. Monroe County, 257 Ga. 215, 216 (1987).

Second, the moratorium's excessive length has resulted in a taking of Shadowbox's Property without just compensation. The Supreme Court has acknowledged that "any moratorium that lasts for more than one year should be viewed with special skepticism." Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency, 535 U.S. 302, 341 (2002). The County first enacted the moratorium on July 8, 2025 and has extended it on multiple occasions since, including most recently through September 30, 2026. The County's most recent extension of the moratorium ensures that it will be in effect for more than one year, which results in a taking of Shadowbox's Property under the Penn Central factors, as discussed in more detail below.

Third, the moratorium's continuation violates Shadowbox's substantive due process rights. A county's actions violate substantive due process when they are not "rationally related to a legitimate government purpose." Fairfax MK, Inc. v. City of Clarkston, 274 Ga. 520, 522 (2001). The County has premised its repeated extensions of the moratorium on its supposed need to prepare a text amendment to its zoning ordinance for data centers. Yet the Board of Commissioners *denied* the proposed text amendment at its most recent meeting on June 23, 2026. The County cannot continue to extend the moratorium on grounds of needing time to prepare a text amendment while simultaneously voting down proposed text amendments and taking an inordinate amount of time to complete the process. Matter of Lakeview Apartments of Hunns Lake v. Town of Stanford, 108 A.D. 2d 914 (N.Y. 2d Div. 1985) (declaring town's moratorium

³ A signed copy of the most recent resolution extending the moratorium through September 30, 2026 is not publicly available, but the minutes for the Board of Commissioners' June 9, 2026 meeting reflect that the moratorium was extended through September 30, 2026.

unconstitutional and void given its length, notwithstanding the town's claim that it was making progress in drafting a zoning ordinance). Further underscoring its delay, the County's extension of the moratorium in December 2025 relied on a supposed need to research and study the effects of data centers, yet the County still has not approved the necessary funding for this research, nor has the research even begun. This delay evinces the County's intent to keep extending the moratorium, without any basis and with no end in sight. The County's baseless continuation of the moratorium does not advance any legitimate government interest and thus violates Shadowbox's substantive due process rights.

Ultimately, the moratorium's plain text and length of time in effect render it invalid such that it cannot be applied to Shadowbox. A property owner has a vested right to the issuance of a permit "in accordance with zoning regulations as such regulations exist at the time a proper application for a . . . permit is submitted to the proper authority." WMM Props., Inc., 255 Ga. at 438. When Shadowbox submitted its LDP change-of-use Application on March 6, 2026, no valid moratorium was in effect, and the County had yet to pass a text amendment relating to data centers. Accordingly, Shadowbox has a vested right to be issued a permit in accordance with the County's zoning regulations in effect on March 6, 2026, which permitted data centers under the Property's Light Industrial zoning and included no valid moratorium or text amendment prohibiting their use. The County's multiple written assurances in fact confirmed that data centers were permitted on the Property as of March 6, 2026, so Shadowbox is entitled to approval of the Application.

D. Denial of the Application Results in an Unconstitutional Taking of Property.

In addition to violating Shadowbox's vested rights, any attempt to prevent a data center from being developed on the Property—including through denial of the Application and refusal to consider the same—constitutes a regulatory taking under both the Georgia and United States Constitutions. Government action can result in a regulatory taking under the Penn Central factors, which examine the action's "economic impact on the landowner, the extent to which it interferes with reasonable investment-backed expectations, and the interests promoted by the government action." Mann v. Ga. Dep't of Corr., 282 Ga. 754, 756–57 (2007) (citations and internal quotation marks omitted).

Denial of the Application constitutes a taking because it satisfies all three Penn Central factors. First, denial of the Application has an enormous economic impact on Shadowbox. Before pivoting to the data center use, Shadowbox pursued a film studio development on the Property, but that use proved infeasible based on market conditions, which necessitated a pivot to the data center project. Shadowbox has spent millions in pursuit of a data center since pivoting to that use, and the fruits of those expenses cannot be realized if Shadowbox's data center development is not permitted to proceed.

Second, denial of the Application undercuts Shadowbox's reasonable investment-backed expectations. Shadowbox has incurred tens of millions of dollars in expenditures pursuing a data center, including the \$36.7 million spent since pivoting fully to the data center project in July 2024. And Shadowbox incurred those expenditures because the County has confirmed the permissibility of a data center development in three written assurances. Having received three written confirmations that the Property's zoning permitted data centers, it was unquestionably reasonable for Shadowbox to invest considerable funds in pursuit of that use. The County Planning Department's denial of the Application—despite Shadowbox's prior receipt of three written assurances—vitiates Shadowbox's reasonable investment-backed expectations.

Third, and finally, denial of the Application serves no legitimate government interest. Rather than serve a legitimate government interest, denial of the Application evinces the County's reversal of its prior position without any defensible explanation. The County provided three written assurances that data centers are permitted under the Property's zoning, yet the Planning Department's denial of the Application takes the opposite position, all because of a moratorium that has been in place for nearly one year and repeatedly extended, including its recent extension for an additional 100 days through September 30, 2026. Tahoe-Sierra Preservation Council, Inc. v. Tahoe Regional Planning Agency, 535 U.S. 302, 341 (2002) (noting that “[i]t may well be true that any moratorium that lasts for more than one year should be viewed with special skepticism”).

E. Denial of the Application Violates Shadowbox's Constitutional Rights.

The Planning Department's denial of the Application violates Shadowbox's constitutional rights, and any decision by the ZBA to affirm the Planning Director's decision would likewise violate Shadowbox's constitutional rights.

Affirming the denial of the Application would violate Shadowbox's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia, Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States.

Affirming the denial of the Application would be unconstitutional, illegal, null and void, constituting a taking of the Shadowbox's property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States, Article I, Section I, Paragraph I, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

Affirming the denial of the Application would unconstitutionally discriminate, in an arbitrary, capricious, and unreasonable manner, between Shadowbox and other similarly situated entities and property owners in violation of Article I, Section I,

Paragraph II of the Constitution of the State of Georgia and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Affirming the denial of the Application would also constitute an unreasonable and extreme hardship upon Shadowbox without remotely advancing the public health, safety and welfare and would constitute an arbitrary and capricious act without any rational basis therefore, constituting an abuse of discretion in violation of Article I, Section I, Paragraph I of the Constitution of the State of Georgia, Article I, Section III, Paragraph I of the Constitution of the State of Georgia, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States.

Affirming the denial of the Application would violate Article I, Section I, Paragraph X of the Constitution of the State of Georgia.

For the reasons explained above, the Planning Department's decision to deny Shadowbox's Application on account of the moratorium should be reversed because the moratorium itself is invalid, and the denial violates Shadowbox's vested rights, constitutes a taking, and otherwise violates Shadowbox's constitutional rights. Accordingly, the ZBA should reverse the Planning Department's erroneous decision and approve Shadowbox's Application.⁴

Sincerely,

BLOOM PARHAM, LLP

/s/ Simon H. Bloom

Simon H. Bloom

⁴ Shadowbox reserves the right to supplement the record with additional documents, evidence, legal arguments, or other materials prior to the hearing before the Zoning Board of Appeals.

Exhibit A

Chief Executive Officer
Lorraine Cochran-Johnson

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director
Juliana A. Njoku

REVISION SUBMITTAL APPLICATION

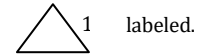
DATE: _____

HAS PERMIT BEEN ISSUED? YES ☐ NO ☐

REVISION # _____ AFTER PERMIT IS ISSUED

All revisions must be accompanied by 1 (one) copy of the REVISED SHEETS ONLY and attach to the plan set a written letter certified by the engineer (stamped and sealed) of all revisions.

Please indicate on plans: (1) "Cloud" all areas of revisions (2) Make clear/concise reference to modified document, i.e.,
(3) List all revisions with date and labels in the revision block



Revision Fee: \$300.00 Permit Extension Fee: \$300.0
Shaded Area for Office Use Only

Development AP #	Land Development Permit #
Date Development Permit Issued	Project Use
Project Name	Phase/Unit

Site/Property

Address/Parcel ID		City	State	ZIP
Building No.	Floor No.	Apartment/Suite No.		

Contact Person

Property Owner			
Address			
City	State		ZIP
Tel #	Mobile #	Fax#	
E- Mail			

Revision Summary

In the space provided below, describe in detail the proposed changes to the plan.

****Attach certified letter to plan sets**** succinctly explaining the **Reasons for the Revision**. They may include statements relating to any or all of the following: (a) The need to correct an error; (b) The need to reflect changing circumstances in field conditions; (c) The need to improve the ability of the plan to fulfill the objectives in the plan. The summary must include the chronology of all revisions and a purpose statement.

ACKNOWLEDGEMENT CERTIFICATION - I do hereby certify that, to the best of my knowledge and belief, all information supplied with this submittal is true and accurate.

Signature: _____ Date: _____

Exhibit B

From: Lelti T. Abrha <ltabrha@dekalbcountyga.gov>
Sent: Friday, June 12, 2026 5:14 PM
To:
Cc: sbloom@bloom-la.com
Subject: Clarification Regarding Status of LDP Application #1248045

Follow Up Flag: Follow up
Flag Status: Completed

You don't often get email from ltabrha@dekalbcountyga.gov. [Learn why this is important](#)

Greetings, Kimley-Horn and Associates,

I am writing to clarify the status of the new LDP application submitted for the 1415 Constitution Road project, named 3600 International Drive Revision LDP (Project No. LDP 1248045).

Although information displayed in the application portal may have suggested that the application was successfully submitted and is currently under review, it was not accepted for processing due to the applicable data center moratorium that was in effect when the application was submitted. Accordingly, no substantive review of the application is being conducted by County staff at this time.

We wanted to provide this clarification to avoid any possible misunderstanding regarding the application's status. If you have any questions, please feel free to reach out.

Thanks,

Lelti T. Abrha, P.E., CFM
Engineering Manager

DeKalb County Government | Department of Planning & Sustainability
Government Services Center | 178 Sams Street | Decatur, GA 30030

Email: ltabrha@dekalbcountyga.gov

Office: 404-371-2182

Mobile: 470-561-3559



Exhibit C

From: Jones, John E. <jejones@dekalbcountyga.gov>
Sent: Thursday, June 11, 2026 1:08 PM
To: Simon Bloom
Cc: Ronnie Thompson; Michael Petty; Phillips, Terry G.
Subject: RE: Finalized Letter to John Jones

Simon,

I met once again this a.m. with Interim County Attorney Phillips regarding this matter. I have reviewed your initial submission and voluminous supplementations, met with you (and Ronnie) to discuss (with Michael), and discussed internally in the Law Dept. I remain unpersuaded that your client has a viable vested rights claim based on the materials presented and applicable law. As such, please advise what specifically you are asking of the County or Law Dept. at this juncture.

Thanks,

John

John E. Jones, Jr.
Supervising Attorney - Infrastructure
DeKalb County Government | Law Department
Manuel J. Maloof Center | 1300 Commerce Drive | Decatur, GA 30030
Email: jejones@dekalbcountyga.gov
Website: www.dekalbcountyga.gov
Office: 404-371-2322
Mobile: 404-783-7216



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From: Simon Bloom <sbloom@bloom-law.com>
Sent: Tuesday, June 9, 2026 10:00 AM
To: Jones, John E. <jejones@dekalbcountyga.gov>
Cc: Ronnie Thompson <rthompson@bloom-law.com>; Michael Petty <jmpetty@dekalbcountyga.gov>
Subject: Re: Finalized Letter to John Jones

Exhibit D

From: Carter, Lucas J <ljcarter@dekalbcountyga.gov>
Sent: Thursday, June 25, 2026 3:01 PM
To: Ronnie Thompson
Cc: Plansustain; Bragg, Rachel L.
Subject: RE: URGENT: RE: Pre-Application Meeting for ZBA Appeals
Attachments: Zoning Board of Appeals (ZBA) Application_01.2026.pdf

Hi there,

Most immediate matter—You may proceed with submitting the application without the pre-application meeting. For the purposes of the deadline, we may consider this email chain, which expresses intent to submit, as meeting the deadline. Do you need instruction on how to submit to our epermits portal? I've attached a blank application to this message.

Second, we will still required a pre-application meeting. I will be following back up with proposed times as there are scheduling conflicts with staff.

Let me know if you have any questions,

Lucas Carter

Planner – Public Hearings – Zoning Board of Appeals – “Mr. Variance”

This email is AI-free

DeKalb County | Planning & Sustainability | Current Planning/Zoning Division

Government Services Center | 178 Sams Street | Decatur, GA 30030

Email (Best): LJCarter@DeKalbCountyGA.gov

Phone (Requires Scheduling): 470 – 561 – 3570



DeKalb County
GEORGIA

From: Ronnie Thompson <rthompson@bloom-law.com>
Sent: Thursday, June 25, 2026 1:07 PM
To: Carter, Lucas J <ljcarter@dekalbcountyga.gov>
Cc: Plansustain <plansustain@dekalbcountyga.gov>
Subject: URGENT: RE: Pre-Application Meeting for ZBA Appeals

Good afternoon, Mr. Carter,

I am following up regarding our request for a pre-application meeting.

I initially reached out to your office on Monday to ask whether a pre-application meeting is required for administrative appeals. On Wednesday morning, you indicated that you had availability for a pre-application meeting this morning, Thursday, June 25th. Since confirming my availability to meet this morning and identifying the decision being appealed (which you specifically requested), I have not heard back from you, despite multiple follow-ups.

Our deadline to appeal the decision is tomorrow. We have acted in good faith in an attempt to schedule the pre-application meeting. We respectfully request that you agree to meet with us this afternoon, or, if you are not available, that someone else from your office meet with us for the pre-application meeting.

If we do not hear back from you by 4:00 p.m. today, we will have no choice but to proceed with filing of the administrative appeal in light of the approaching deadline.

Thank you,
Ronnie Thompson

Ronnie Thompson, Attorney

Bloom Parham, LLP

977 Ponce de Leon Ave., NE | Atlanta, GA 30306

P 404.577.7710 | F 404.577.7715

rthompson@bloom-law.com | www.bloom-law.com

From: Ronnie Thompson <rthompson@bloom-law.com>

Sent: Thursday, June 25, 2026 9:26 AM

To: Carter, Lucas J <ljcarter@dekalbcountyga.gov>

Cc: Plansustain <plansustain@dekalbcountyga.gov>

Subject: Re: Pre-Application Meeting for ZBA Appeals

Good morning, Mr. Carter,

We remain flexible this morning for the pre-application meeting and are generally available through 4:30 p.m. today. We need to have this meeting today, so we would very much appreciate your confirmation of a meeting time.

Thank you,
Ronnie

Ronnie Thompson, Attorney

Bloom Parham, LLP

977 Ponce de Leon Ave., NE | Atlanta, GA 30306

P 404.577.7710 | F 404.577.7715

rthompson@bloom-law.com | www.bloom-law.com

From: Ronnie Thompson

Sent: Wednesday, 24 June 2026 16:51:56

To: Carter, Lucas J <ljcarter@dekalbcountyga.gov>

Cc: Plansustain <plansustain@dekalbcountyga.gov>

Subject: RE: Pre-Application Meeting for ZBA Appeals

Mr. Carter:

Could we please confirm a time for tomorrow morning? We remain flexible.

Thank you,
Ronnie

Ronnie Thompson, Attorney

Bloom Parham, LLP
977 Ponce de Leon Ave., NE | Atlanta, GA 30306
P 404.577.7710 | F 404.577.7715
rthompson@bloom-law.com | www.bloom-law.com

From: Ronnie Thompson
Sent: Wednesday, June 24, 2026 12:06 PM
To: 'Carter, Lucas J' <ljcarter@dekalbcountyga.gov>
Cc: Plansustain <plansustain@dekalbcountyga.gov>
Subject: RE: Pre-Application Meeting for ZBA Appeals

Thanks for getting back to me.

We are available at any time tomorrow morning, so we could meet at any point between 9:00 a.m. and noon. Feel free to select what time works best for you.

As far as the decision being appealed, Bloom Parham, LLP represents Henrico 183, LLC and Shadowbox Studios in connection with a data center development on property at 3600 International Park Drive. We are appealing the attached decision from planning staff, which communicates that our LDP change-of-use application was not accepted and will not be processed because of the data center moratorium.

Jeff Weber of Shadowbox Studios will be attending tomorrow's meeting with me. We can provide additional background at the meeting.

Thank you for your assistance.

Best,
Ronnie

Ronnie Thompson, Attorney

Bloom Parham, LLP
977 Ponce de Leon Ave., NE | Atlanta, GA 30306
P 404.577.7710 | F 404.577.7715
rthompson@bloom-law.com | www.bloom-law.com

From: Carter, Lucas J <ljcarter@dekalbcountyga.gov>
Sent: Wednesday, June 24, 2026 10:36 AM
To: Ronnie Thompson <rthompson@bloom-law.com>
Cc: Plansustain <plansustain@dekalbcountyga.gov>
Subject: RE: Pre-Application Meeting for ZBA Appeals

Hi there,

I have availability tomorrow morning and Friday. Send me three times you're available and we'll book. It's a one-hour virtual meeting.

However, please relay me context on the staff decision you are appealing to ensure you're going about the right process and I can properly advise during the meeting. Any documents related to the matter are also encouraged.

Let me know if you have any questions,

Lucas Carter

Planner – Public Hearings – Zoning Board of Appeals – “Mr. Variance”

This email is AI-free

DeKalb County | Planning & Sustainability | Current Planning/Zoning Division

Government Services Center | 178 Sams Street | Decatur, GA 30030

Email (Best): LCarter@DeKalbCountyGA.gov

Phone (Requires Scheduling): 470 – 561 – 3570



From: Ronnie Thompson <rthompson@bloom-law.com>

Sent: Tuesday, June 23, 2026 10:23 AM

To: Carter, Lucas J <ljcarter@dekalbcountyga.gov>

Cc: Plansustain <plansustain@dekalbcountyga.gov>

Subject: RE: Pre-Application Meeting for ZBA Appeals

Good morning, Mr. Carter,

If you could please let me know your availability for a pre-application meeting this week, I would appreciate it.

Best,
Ronnie Thompson

Ronnie Thompson, Attorney

Bloom Parham, LLP

977 Ponce de Leon Ave., NE | Atlanta, GA 30306

P 404.577.7710 | F 404.577.7715

rthompson@bloom-law.com | www.bloom-law.com

From: Plansustain <plansustain@dekalbcountyga.gov>

Sent: Tuesday, June 23, 2026 7:10 AM

To: Ronnie Thompson <rthompson@bloom-law.com>

Cc: Carter, Lucas J <ljcarter@dekalbcountyga.gov>

Subject: RE: Pre-Application Meeting for ZBA Appeals

Greetings.

The ZBA process does require a pre-application meeting.

Planner, Mr. Lucas Carter is copied above to assist you.

Thank you.

From: Ronnie Thompson <rthompson@bloom-law.com>

Sent: Monday, June 22, 2026 4:17 PM

To: Plansustain <plansustain@dekalbcountyga.gov>

Subject: Pre-Application Meeting for ZBA Appeals

Good afternoon,

I am writing to inquire whether the County requires a pre-application meeting for appeals to the ZBA of decisions of administrative officials.

If so, what times during this week is the County available for a pre-application meeting? I understand that those meetings are conducted virtually.

Thank you,
Ronnie Thompson

Ronnie Thompson, Attorney

Bloom Parham, LLP

977 Ponce de Leon Ave., NE | Atlanta, GA 30306

P 404.577.7710 | F 404.577.7715

rthompson@bloom-law.com | www.bloom-law.com

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under the Internal Revenue Code. If you are not the intended recipient and intentionally intercept or forward this message to someone else, you may be subject to criminal and/or civil penalties. See 18 U.S.C. 2511 et seq.

Exhibit E



Department of Planning & Sustainability
Land Development Permit
PERMIT # 1244688

Project

Permit Name: Blackhall Studios Phase 2

Project Type: D-COM

Department of Commerce: Warehouse

AP/Project#: 1244688

Property

Address: 3600 W International Park DR Atlanta GA 30316

Parcel ID: 15 051 01 001

Zoning: M

Land Use: LIND

Census: 23.423

District: SD06 CD03

Conditions:

Rezone: N/A

BOA: N/A

Adm Variance: N/A

PLATS: N/A

Disturbed Acreage: 115.1

Overlay Name: N/A

SLUPS: N/A

Impervious Area %: 51.6

Stream: N/A

Stream/Tree: N/A

Tree: N/A

Owner/Applicant/Contractor

Owner: Henrico 183 LLC

1415 Constitution Road SE Atlanta Georgia 30316

(949)422-3555

Developer: Henrico 183, LLC

1415 Constitution Road SE Atlanta Georgia 30316

(949)422-3555

Contractor: Contractor name not on file

Contractor address not on file

N/A

Engineer: Christopher Planning & Engineering

12460 Crabapple Road Suite 202-612 Alpharetta Georgia 30004

(770)331-7303

24 Hr. 24 hr name not on file

24 hr address not on file

N/A

Applicant: Sotir Christopher

12460 Crabapple Rd Suite 202-612 Alpharetta GA 30004

(770)331-7303

Owner Signature

Comments:

Movie studio campus expansion: development to contain studio/stage buildings, office buildings and warehouse space with adjoining parking and parking deck. Access to the site will be provided via 2 bridges over south river. Above Ground water quality ponds along with infiltration BMPs are proposed.

Land Development Permit# 1244688. Gary Liao

24-HR Contact information: Mr. Chet Mirabal - 770-480-5343

IMPORTANT NOTES

(1) Compliance with the Army Corps of Engineers permit conditions SAS-2021-00274 for use of Nationwide Permit (NWP) No. 39 CONDITIONS IS REQUIRED

(2) No EPD variance requested for this project per the EPD

(3) Permanent impacts include 217 linear feet (0.05-acre) of two perennial streams and 0.133-acre of three wetlands. Temporary impacts include 48 linear feet (0.006-acre) of one intermittent stream, and 1.21-acres of wetlands. The proposed project would result in a total loss of 0.183-acre of waters of the U.S. The permittee shall purchase 2,051 grandfathered stream credits from the Little Sandy Creek 1 Mitigation Bank as well as purchase 3.52 grandfathered wetland in-lieu fee credits from the Georgia-Alabama Land Trust and submit documentation of these credit purchases to the U.S. Army Corps of Engineers. The project proposes to place 17,928 cubic yards of fill in the floodplain and cut 17,999 cubic yards yielding 71 CY of increase in floodplain capacity. With 143.24 acres of floodplain impacted property under easement agreement from DeKalb County for parcel 15 051 01 002 the fill volume to floodplain area is 90.75 CY/Ac. The flood study documents a no-rise in predicted water surface elevation. CUSH, April 28, 2022.

(4) During the construction, traffic is intended to access the Blackhall project using an existing bridge. The DeKalb County Parcel Viewer based on the flood model shows the existing bridge is expected to be under roughly 3 feet of water during a 2-year storm event. Entry and egress will not be possible if the temporary bridge is underwater. Developer, engineer and contractor shall implement the necessary measures to prevent any adverse impacts of such situation if it occurs.

(5) A bridge is proposed to be constructed over an existing railroad track. The developer and engineer shall provide a document from the railroad company confirming that the height clearance between the bridge and railroad track is adequate.

(6) The structural aspect of the proposed bridges is not approved under this permit. Only the location and associated site work/disturbance has been accepted under this permit. A separate building permit is required for the structural aspect analysis and approval.

Holds:

N/A

Date Issued: 09/01/2022

Director of Planning & Sustainability _____

Note:

Note: All work done under this Development permit must be in accordance with applicable provisions of the codes of DeKalb County, GA, and requirements of the various county departments of applicable jurisdiction and must be in conformity with this permit and site plans on file with DeKalb County Development Department. Any Federal or State permits or approvals required by law are not waived by issuance of this permit. No site work to begin until orange placard obtained from Development Inspections Division is posted on site. A copy of this permit and a set of approved plans must be available for inspection at the construction site during construction activity. Please call 404-371-2117 for additional information

To schedule an on site Pre-construction meeting contact the environmental inspector for that area.

Exhibit F

From: [ANDREW BAKER](#)
To: [Jeff Weber](#)
Subject: Fwd: Use Table
Date: Friday, June 16, 2023 1:07:59 PM
Attachments: [image.png](#)

Jeff

FYI. Yes permitted by right.

Andrew

Sent from my iPhone

Begin forwarded message:

From: "Satterwhite, Robert A." <rasatter@dekalbcountyga.gov>
Date: June 16, 2023 at 12:24:32 PM EDT
To: Andrew Baker <aabaker@aol.com>
Cc: "White, Brandon L." <BLWhite@dekalbcountyga.gov>, "Bragg, Rachel L." <RLBragg@dekalbcountyga.gov>, "Satterwhite, Robert A." <rasatter@dekalbcountyga.gov>
Subject: Re: Use Table

Good afternoon Andrew,

Although the 2015 Zoning Ordinance does not list data center, our interpretation of this use felt more in line with communications, and the M and M-2 Zoning District would be granted by right unlike cell tower projects requiring a special administrative permit (SAP).

Our Innovative Technology Department is cited in the Codes as shown below based on governmental authority is somewhat an equivalent.

Sec. 4. - Data center.

The data center is responsible for providing computerized data processing services to all county departments. It maintains, plans, operates and provides central data processing, storage compilation, and computer services.

Cross reference— Data processing advisory committee, § 2-166.

Since Brandon may be out of position on this response, I am including Rachel on this email for any additional insight.

Cordially,
Robert

Robert A. Satterwhite, Veteran (U.S. Navy)

Senior Planner

DeKalb County Planning & Sustainability Department

Planning Services Division - Current Planning Section

178 Sams Street, 3rd Floor Suite A3600

Decatur, Georgia 30030

(404) 687-2419 Office

(470) 561-3576 Mobile Number

rasatter@dekalbcountyga.gov

Our office has been in "remote operations" as of March 24, 2020 per the Covid-19 pandemic, and all applications are now processed online electronically.

Due to the Covid-19 pandemic, our OFFICE IS CLOSED and staff members are working remotely until further notice.

Please visit our Department's Website for pertinent information: www.planningdekalb.net

For customer assistance, send an email to: Permitinfo@dekalbcountyga.gov

From: Andrew Baker <aabaker@aol.com>

Sent: Friday, June 16, 2023 11:48 AM

To: Satterwhite, Robert A. <rasatter@dekalbcountyga.gov>

Cc: White, Brandon L. <BLWhite@dekalbcountyga.gov>

Subject: Re: Use Table

Good Morning Robert

The client has asked if the data center is allowed by right in M and M-2 zoning? Please confirm

Andrew

On Wednesday, June 14, 2023 at 02:36:23 PM EDT, Satterwhite, Robert A. <rasatter@dekalbcountyga.gov> wrote:

Good afternoon Andrew,

Sorry for the delayed response, but another busy day at DeKalb County.

Upon reviewing your email regarding your client intent to locate a data center in DeKalb

County, an analysis of the Use Table 4.1 has begun.

Thanks for the link regarding data center, since this use is a unique operation based on multiple items are of concern - *noise, cooling system, energy usage, greenhouse gas emission and etc.*

The Fox 5 New Station at 1551 Briarcliff Road in the OI Zoning District, and they utilize antennas, satellites and a backup generator(s) for operation, and it is buffered along the west, north and east side greatly than the south side with existing houses and permitted 24 new attached housing units in 2016.



This information is provided to stipulate the use as a Radio or television broadcasting studio or Radio or television broadcasting transmission designations would be appropriate versus an office, and the Zoning Districts allowing these uses are as follows: OI (studio only), C-2, M and M-2.

Per discussion with specific staff, a text amendment will be beneficial in the near future to address your client's particular use based on current society norms towards the next phase per technology gains.

We hope this information is helpful, and I know Brandon will provide great insight on this matter too.

Cordially,
Robert

Robert A. Satterwhite, Veteran (U.S. Navy)

Senior Planner

DeKalb County Planning & Sustainability Department

Planning Services Division - Current Planning Section

178 Sams Street, 3rd Floor Suite A3600

Decatur, Georgia 30030

(404) 687-2419 Office
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Due to the Covid-19 pandemic, our OFFICE IS CLOSED and staff members are working remotely until further notice.

Please visit our Department's Website for pertinent information: www.planningdekalb.net

For customer assistance, send an email to: Permitinfo@dekalbcountyga.gov

From: Andrew Baker <aabaker@aol.com>
Sent: Tuesday, June 13, 2023 7:36 PM
To: Satterwhite, Robert A. <rasatter@dekalbcountyga.gov>
Cc: White, Brandon L. <BLWhite@dekalbcountyga.gov>
Subject: Use Table

Good Morning Robert

I have a client that wants to locate a data center in DeKalb County. A data center is a physical facility that organizations use to house their critical applications and data. [It is a building, a dedicated space within a building, or a group of buildings used to house computer systems and associated components, such as telecommunications and storage systems 1 .](#)

Data centers are typically referred to as a singular entity, but they are actually made up of racks, cabinets, cables, batteries, and backup generators in case of a power breakdown.

Question - based on the information above, what zoning district is required to construct a data center?

Thank you for your assistance.

Andrew

Exhibit G

From: Chris Cowan <cc@cwamgroup.com>

Sent: Friday, March 22, 2024 9:48 PM

To: Brookins, Caleb Barton <CBBROOKI@southernco.com>

Cc: Petty, Kline <RKPETTY@southernco.com>; Peter Rumbold <PR@cwamgroup.com>; Kai Victoria <KV@cwamgroup.com>

Subject: RE: Georgia Power Follow-Up

Caleb / Kline,

As discussed and per your email below, please see attached a survey and associated load ramp for the priority site we're submitting. I've also included a Google Map link here for reference: <https://maps.app.goo.gl/vGUGG74XVy3NN33k6>

Let us know anything else needed and if we should reconnect again live on Monday to discuss. Thanks, and hope you have a great weekend!

Chris

ANNUAL POWER RAMP									
Year Ending		2027	2028	2029	2030	2031	2032	2033	2034
	Total								
Grand Total Power Ramp ⁽¹⁾	651.0	74.4	74.4	74.4	83.7	111.6	111.6	111.6	9.3

MONTHLY POWER RAMP													
Month Ending	1/31/2027	2/28/2027	3/31/2027	4/30/2027	5/31/2027	6/30/2027	7/31/2027	8/31/2027	9/30/2027	10/31/2027	11/30/2027	12/31/2027	
	Total												
Grand Total Power Ramp ⁽¹⁾	651.0	9.3	0.0	9.3	9.3	0.0	9.3	9.3	0.0	9.3	9.3	0.0	9.3

(1) Assumes seven 93-MW buildings, each supporting 10, 9.3-MW data halls. The first data hall delivers at the end of January 2027, with each successive data hall delivering every ~45 days after that for the first three buildings, after which deliveries ramp up to one data hall every ~30 days for the last four buildings.

1/31/2028	2/29/2028	3/31/2028	4/30/2028	5/31/2028	6/30/2028	7/31/2028	8/31/2028	9/30/2028	10/31/2028	11/30/2028	12/31/2028	1/31/2029	2/28/2029	3/31/2029	4/30/2029	5/31/2029	6/30/2029
9.3	0.0	9.3	0.0	9.3	9.3	0.0	9.3	9.3	0.0	9.3	9.3	0.0	9.3	9.3	0.0	9.3	9.3

7/31/2029	8/31/2029	9/30/2029	10/31/2029	11/30/2029	12/31/2029	1/31/2030	2/28/2030	3/31/2030	4/30/2030	5/31/2030	6/30/2030	7/31/2030	8/31/2030	9/30/2030	10/31/2030	11/30/2030	12/31/2030
0.0	9.3	9.3	0.0	9.3	9.3	0.0	9.3	9.3	0.0	9.3	9.3	0.0	9.3	9.3	9.3	9.3	9.3

[illegible]

[illegible]

Exhibit H

From: [ANDREW BAKER](#)
To: [Jeff Weber](#)
Subject: Fwd: Use Table Data Center
Date: Friday, April 12, 2024 12:22:31 PM
Attachments: [image001.png](#)
[image002.png](#)

Good morning Jeff

Please see email below from Rachel

Andrew
Sent from my iPhone

Begin forwarded message:

From: "Bragg, Rachel L." <RLBragg@dekalbcountyga.gov>
Date: April 12, 2024 at 11:57:01 AM EDT
To: ANDREW BAKER <Aabaker@aol.com>
Cc: "Satterwhite, Robert A." <rasatter@dekalbcountyga.gov>
Subject: RE: Use Table

Hey Andrew,

Since Data Centers aren't in the Use Table, they would be considered *Communication-Utility* or *warehouse*, depending on the specifics of the data center. Both of those uses are allowed in M and M2.

Thanks!



DeKalb County
GEORGIA

Government Services Center
178 Sams Street
Decatur, GA 30030

Rachel L. Bragg

Zoning Administrator (she/her)
Planning & Sustainability Department
Current Planning Division



rlbragg@dekalbcountyga.gov
470.371.1494



DeKalbCountyGa.gov/planning

From: ANDREW BAKER <aabaker@aol.com>
Sent: Thursday, April 11, 2024 5:50 PM
To: Bragg, Rachel L. <RLBragg@dekalbcountyga.gov>
Subject: Fwd: Use Table

Good evening Rachel

Please see the email trail below. Robert stated that Data Centers were allowed by right in M and M-1 but was going to confirm with you. Can you please confirm the required zoning district for a Data Center?

Andrew

Begin forwarded message:

Begin forwarded message:

From: "Satterwhite, Robert A." <rasatter@dekalbcountyga.gov>
Date: June 16, 2023 at 12:24:32 PM EDT
To: Andrew Baker <aabaker@aol.com>
Cc: "White, Brandon L." <BLWhite@dekalbcountyga.gov>, "Bragg, Rachel L." <RLBragg@dekalbcountyga.gov>, "Satterwhite, Robert A." <rasatter@dekalbcountyga.gov>
Subject: Re: Use Table

Good afternoon Andrew,

Although the 2015 Zoning Ordinance does not list data center, our interpretation of this use felt more in line with communications, and the M and M-2 Zoning District would be granted by right unlike cell tower projects requiring a special administrative permit (SAP).

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Sec. 4. - Data center.

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Cross reference— Data processing advisory committee, § 2-166.

Since Brandon may be out of position on this response, I am including Rachel on this email for any additional insight.

Cordially,
Robert

Robert A. Satterwhite, Veteran (U.S. Navy)
Senior Planner
DeKalb County Planning & Sustainability Department
Planning Services Division - Current Planning Section
178 Sams Street, 3rd Floor Suite A3600
Decatur, Georgia 30030
(404) 687-2419 Office
(470) 561-3576 Mobile Number
rasatter@dekalbcountyga.gov

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From: Andrew Baker <aabaker@aol.com>
Sent: Friday, June 16, 2023 11:48 AM
To: Satterwhite, Robert A. <rasatter@dekalbcountyga.gov>
Cc: White, Brandon L. <BLWhite@dekalbcountyga.gov>
Subject: Re: Use Table

Good Morning Robert

The client has asked if the data center is allowed by right in M and M-2 zoning? Please confirm

Andrew

On Wednesday, June 14, 2023 at 02:36:23 PM EDT, Satterwhite, Robert A. <rasatter@dekalbcountyga.gov> wrote:

Good afternoon Andrew,

Sorry for the delayed response, but another busy day at DeKalb County.

Upon reviewing your email regarding your client intent to locate a data center in DeKalb County, an analysis of the Use Table 4.1 has begun.

Thanks for the link regarding data center, since this use is a unique operation based on multiple items are of concern - *noise, cooling system, energy usage, greenhouse gas emission and etc.*

The Fox 5 New Station at 1551 Briarcliff Road in the OI Zoning District, and they utilize antennas, satellites and a backup generator(s) for operation, and it is buffered along the west, north and east side greatly than the south side with existing houses and permitted 24 new attached housing units in 2016.



This information is provided to stipulate the use as a Radio or television broadcasting studio or Radio or television broadcasting transmission designations would be appropriate versus an office, and the Zoning Districts allowing these uses are as follows: OI (studio only), C-2, M and M-2.

Per discussion with specific staff, a text amendment will be beneficial in the near future to address your client's particular use based on current society norms towards the next phase per technology gains.

We hope this information is helpful, and I know Brandon will provide great insight on this matter too.

Cordially,
Robert

Robert A. Satterwhite, Veteran (U.S. Navy)
Senior Planner
DeKalb County Planning & Sustainability Department
Planning Services Division - Current Planning Section
178 Sams Street, 3rd Floor Suite A3600
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Cc: White, Brandon L. <BLWhite@dekalbcountyga.gov>
Subject: Use Table

Good Morning Robert

I have a client that wants to locate a data center in DeKalb County. A data center is a physical facility that organizations use to house their critical applications and data. [It is a building, a dedicated space within a building, or a group of buildings used to house computer systems and associated components, such as telecommunications and storage systems1.](#)

Data centers are typically referred to as a singular entity, but they are actually made up of racks, cabinets, cables, batteries, and backup generators in case of a power breakdown.

Question - based on the information above, what zoning district is required to construct a data center?

Thank you for your assistance.

Andrew

Exhibit I

Approval of Resolution to Cancel the ATL 2 Construction Loan and Pivot the Project to Data Center Development

Mr. Rumbold made a motion for the Board to approve Management's recommendation to terminate the construction loan with Sculptor in connection with the ATL 2 project and to pivot the project from studio development to data center development. Mr. Stern seconded the motion. All Directors present at the special meeting voted in favor of the motion.

Resolution

THEREFORE, be it resolved, that the officers of the Company are authorized and directed to terminate the construction loan with Sculptor on the terms discussed in the special meeting of July 17, 2024, and to take any and all further actions necessary or appropriate to carry out the intent and accomplish the purpose of such loan termination, including but not limited to the issuance of cancellation notices to the general contractor and sub-contractors in order to mitigate ongoing expenditures associated with studio development, in favor of the Company's pivot of the ATL 2 project to data center development.

Adjournment

There being no further business, the special meeting was adjourned.

* * * *

Exhibit J

Provider	2024							2025												2026					Grand Total
	July	August	September	October	November	December	2024 Total	January	February	March	April	May	June	July	August	September	October	November	December	2025 Total	January	February	March	2026 Total	
HARD COSTS																									
SUBTOTAL			7,992,830	3,714,958	-	3,377,182	15,084,969	208,428	-	4,695,537	1,525,844	-	2,116,020	-	1,775,688	784,623	-	5,534,982	-	16,641,121	-	46,376	-	46,376	31,772,466
PERMITS																									
SUBTOTAL			-	-	-	55,112	55,112	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	55,112
UTILITIES																									
SUBTOTAL			-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	5,000	5,000	61,794	-	-	61,794	66,794
MISC SOFT COSTS																									
SUBTOTAL			374,129	664,983	6,865	686,735	1,732,712	17,725	11,253	271,114	440,783	157,580	128,658	362,154	475,989	163,311	224,093	427,860	304,508	2,985,027	77,033	26,952	27,000	130,985	4,848,723
Grand Total			8,366,959	4,379,940	6,865	4,119,029	16,872,793	226,153	11,253	4,966,651	1,966,627	157,580	2,244,677	362,154	2,251,676	947,934	224,093	5,962,842	309,508	19,631,147	138,827	73,328	27,000	239,155	36,743,096

NOTE:
This schedule is shown on a cash basis and may differ from accrual accounting which can be performed at a later date if needed. Assumes all payments are made for work in the prior month (i.e. September 2024 payment for August 2024 work). As the Shadowbow Board's decision to cancel studio project and pivot to a 100% data center project was made in July 2024, this schedule excludes payments made in August 2024 and earlier.

Exhibit K

From: [Hudson, Cedric](#)
To: [Andrew Baker](#); [Bragg, Rachel L.](#); [Jeff Weber](#)
Subject: Re: 3600 International Park Drive SE
Date: Tuesday, February 11, 2025 11:00:39 AM
Attachments: [image004.png](#)
[image005.png](#)
[Outlook-Home__DeK.png](#)

Good morning, Andrew,

We will work on getting you and Mr. Weber something, per your request.

I understand the urgency of the request, but staff has to consider the impact of allowing data centers throughout the entire county. We are currently researching this and staff is close to finalizing our work.

Should you have further questions, do not hesitate to contact me.

Kindest Regards,

Cedric G. Hudson, MCRP

Director (interim)

DeKalb County Government | Planning and Sustainability

Government Service Center | 178 Sams Street | Decatur, GA 30030

Email: chudson@dekalbcountygov

Website: www.dekalbcountyga.gov

Office: 404.687.7154

Mobile: 404.906.8162



From: Andrew Baker <aabaker@aol.com>
Sent: Monday, February 10, 2025 8:43 PM
To: Hudson, Cedric <chudson@dekalbcountyga.gov>; Bragg, Rachel L. <RLBragg@dekalbcountyga.gov>; Jeff Weber <jeff@shadowboxstudios.com>
Subject: 3600 International Park Drive SE

Good evening, Cedric

Please see the email trail below from your DeKalb County team regarding Data Centers. This is a formal request for a **Zoning Certification Letter** related to the allowance of a Data Center at 3600 International Park Drive, SE Atlanta GA 30316. The property tax parcel ID#15 051-01 001.

As you know, this is the former site for the Shadowbox Studios. Due to the decline in the film industry, the property owner has to pivot to another compatible use allowable

in the industrial zoning district. Although, the use is not a film production studio, the Data Center will continue to be a major economic development project for this underserved area of DeKalb County. Please address the letter to the following:

- Peter Rumbold, Chief Executive Officer
Jeff Weber, Chief Development Officer
Shadowbox Studios
1415 Constitution Road SE
Atlanta, GA 30316
Peter@ShadowboxStudios.com
Jeff@ShadowboxStudios.com
(949) 422-3555

The matter is time sensitive. Since your staff is familiar with the project, we would appreciate a quick turnaround on the Zoning Certification letter. Should you have any questions, or need additional information, do not hesitate to call.

Andrew Baker
Smart Growth Strategies

Begin forwarded message:

From: "Bragg, Rachel L." <RLBragg@dekalbcountyga.gov>
Date: April 12, 2024 at 11:57:01 AM EDT
To: ANDREW BAKER <Aabaker@aol.com>
Cc: "Satterwhite, Robert A." <rasatter@dekalbcountyga.gov>
Subject: RE: Use Table

Hey Andrew,

Since Data Centers aren't in the Use Table, they would be considered *Communication-Utility* or *warehouse*, depending on the specifics of the data center. Both of those uses are allowed in M and M2.

Thanks!



DeKalb County
GEORGIA

Government Services Center
178 Sams Street
Decatur, GA 30030

Rachel L. Bragg

Zoning Administrator (she/her)
Planning & Sustainability Department
Current Planning Division



rlbragg@dekalbcountyga.gov
470.371.1494



DeKalbCountyGa.gov/planning

From: ANDREW BAKER <aabaker@aol.com>
Sent: Thursday, April 11, 2024 5:50 PM
To: Bragg, Rachel L. <RLBragg@dekalbcountyga.gov>
Subject: Fwd: Use Table

Good evening Rachel

Please see the email trail below. Robert stated that Data Centers were allowed by right in M and M-1 but was going to confirm with you. Can you please confirm the required zoning district for a Data Center?

Andrew

J

—

+

Begin forwarded message:

Begin forwarded message:

From: "Satterwhite, Robert A." <rasatter@dekalbcountyga.gov>
Date: June 16, 2023 at 12:24:32 PM EDT
To: Andrew Baker <aabaker@aol.com>
Cc: "White, Brandon L."

<BLWhite@dekalbcountyga.gov>, "Bragg,
Rachel L." <RLBragg@dekalbcountyga.gov>,
"Satterwhite, Robert A."
<rasatter@dekalbcountyga.gov>
Subject: Re: Use Table

Good afternoon Andrew,

Although the 2015 Zoning Ordinance does not list data center, our interpretation of this use felt more in line with communications, and the M and M-2 Zoning District would be granted by right unlike cell tower projects requiring a special administrative permit (SAP).

Our Innovative Technology Department in cited in the Codes as shown below based on governmental authority is somewhat an equivalent.

Sec. 4. - Data center.

The data center is responsible for providing computerized data processing services to all county departments. It maintains, plans, operates and provides central data processing, storage compilation, and computer services.

Cross reference— Data processing advisory committee, § 2-166.

Since Brandon may be out of position on this response, I am including Rachel on this email for any additional insight.

Cordially,
Robert

Robert A. Satterwhite, Veteran (U.S.
Navy)
Senior Planner
**DeKalb County Planning & Sustainability
Department**
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to: Permitinfo@dekalbcountyga.gov

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To: Satterwhite, Robert A.

<rasatter@dekalbcountyga.gov>

Cc: White, Brandon L.

<BLWhite@dekalbcountyga.gov>

Subject: Use Table

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Question - based on the information above, what zoning district is required to construct a data center?

Thank you for your assistance.

Andrew

Exhibit L

From: [Bragg, Rachel L.](#)
To: [Peter Rumbold](#); [Jeff Weber](#)
Cc: [Andrew Baker](#); [Hudson, Cedric](#); [Wells, Debora M](#)
Subject: Parcel # 15 051 01 001 – 3600 International Park Drive, SE, Atlanta, Georgia 30316
Date: Wednesday, February 26, 2025 3:09:32 PM
Attachments: [image001.png](#)
[ZCLetter 3600 International P.pdf](#)

Good afternoon,

Please find attached a zoning certification letter regarding 3600 International Park Drive.

Let me know if you have any questions,

Rachel L. Bragg

Zoning Administrator (she/her)

Planning & Sustainability Department

Current Planning | Zoning Division

Government Services Center

178 Sams Street | Decatur, GA 30030

Email: rlbragg@dekalbcountyga.gov

Website: www.dekalbcountyga.gov

Office: 470-371-1494



Chief Executive Officer
Lorraine Cochran-Johnson

DEPARTMENT OF PLANNING & SUSTAINABILITY

Interim Director
Cedric G. Hudson, MCRP

February 24, 2025

Shadowbox Studios

ATTN: Peter Rumbold & Jeff Weber

1415 Constitution Road, SE

Atlanta, GA 30316

Email: peter@shadowboxstudios.com and jeff@shadowboxstudios.com

Parcel # 15 051 01 001 – 3600 International Park Drive, SE, Atlanta, Georgia 30316

This is to confirm that the above-referenced portions of real property lying and being in Land Lot **051** of the **15th** District Parcels **01 001** of DeKalb County, Georgia, which is described as **3600 International Park Drive, SE, Atlanta, Georgia 30316** and being further described by the enclosed zoning map has a zoning classification of **M (Light Industrial) District**.

Upon review, it is our determination that the proposed data center (i.e., Communication Utility—radio or television broadcasting transmission facility) is a permissible use in the M (Light Industrial) Zoning District. The Zoning Ordinance does not contain the use term “data center” however, IBM defines it as “a physical room, building, or facility that houses IT infrastructure for building, running, and delivering applications and services, and for storing and managing the data associated with those applications and services.” Additionally, as internet and data transmission services have become a ubiquitous necessity of modern society, its status has become consistent with that of a utility¹.

The following link is to the DeKalb County Zoning Code, Chapter 27 adopted September 1, 2015 pertaining to **Article 4.1 - Use Regulations**. The total zoning code should be consulted for all applicable zoning standards pertaining to the overlay district, site design, buffering, landscaping, and parking. The Zoning Code is available in its entirety at the link above.

Please refer to **DeKalb Code Section, Article 8 – Nonconformities. 8.1.1.** regarding any existing nonconforming use(s) of land or structure(s) (often called “**grandfathered**” situations) within the zoning districts. No such non-conforming building, structure, or use of land shall be enlarged, expanded, moved, or otherwise altered in a manner that increases the degree of nonconformity, except where expressly authorized in the Zoning Ordinance.

This confirmation is made as of the date of this letter and does not constitute any representation or assurance that the property will remain in the zoning classification for any specified period, nor that this confirmation may be solely relied upon for the issuance of any permits or other official documents.

Sincerely,



Government Services Center
178 Sams Street
Decatur, GA 30030



Admin Specialist/Office Management
Planning & Sustainability Department
Current Planning/Zoning Division
• dmwells@dekalbcountyga.gov
• 470.650.9475 County Cell



DeKalbCountyGa.gov/planning

¹**Section 9.1.3 - Utility:** Any public or private agency that provides for the generation, transmission or distribution of electricity, gas, water, stormwater, wastewater, communication, transportation, or other similar service, excluding those utilities that are public uses.

Exhibit M

RESOLUTION

A RESOLUTION DECLARING A MORATORIUM ON THE ACCEPTANCE OF APPLICATIONS RELATING TO THE ESTABLISHMENT OR EXPANSION OF DATA CENTERS.

WHEREAS, the Governing Authority of DeKalb County from time to time reviews its ordinances to ensure that its laws preserve the quality of life for citizens while imposing limited and effective regulations on certain industrial and commercial uses that impact quality of life; and

WHEREAS, the Governing Authority of DeKalb County intends to consider revisions to the Code designed to protect existing access to power and water supply for the County's residents.

WHEREAS, by enactment of this moratorium the Governing Authority of DeKalb County does not intend to disturb the operation of any data center that is operating lawfully on the date of adoption of this moratorium.

WHEREAS, the Governing Authority approved a Resolution establishing the Moratorium until 11:59 p.m. on **June 23, 2026**

WHEREAS, the Governing Authority of DeKalb County must take immediate and responsive action to protect the interests of DeKalb County, and it is in the best interests of the health, safety and welfare of the citizens of DeKalb County that no applications be accepted in unincorporated DeKalb County for a time period up to, **August 12, 2026** if such applications relate to the establishment of new data centers or the expansion of currently existing data centers, including any applications for special land use permits, rezonings, land disturbance permits, building permits, business licenses, or certificates of occupancy.

WHEREAS, by enactment of this Resolution the Governing Authority of DeKalb County extends the Moratorium until 11:59 p.m. on, **August 12, 2026** to establish terms and definitions and to consider appropriate regulations for the health, safety, and welfare of the County's residents and businesses.

**NOW, THEREFORE, BE IT RESOLVED AND IT IS DECLARED BY THE
GOVERNING AUTHORITY OF DEKALB COUNTY, GEORGIA, AS FOLLOWS:**

1. The moratorium imposed herein incorporates the findings and statements set forth in the preceding “Whereas” clauses and such clauses are made a part of this Resolution.
2. For the purposes of this Resolution, "data center" means a physical room, building, or facility that houses infrastructure for building, running, delivering or transmitting applications and services, or for storing and managing the data associated with those applications or services.
3. For a time period up to, **August 12**, 2026 from the date of adoption of this Resolution, notwithstanding any provision of the Code to the contrary, there shall be a complete moratorium on the acceptance of any applications relating to the establishment of new data centers or the expansion of currently existing data centers, including any applications for special land use permits, rezonings, land disturbance permits, building permits, business licenses, or certificates of occupancy, in unincorporated DeKalb County.
4. For a time period up to, **August 12**, 2026 from the date of adoption of this Resolution, notwithstanding any provision of the Code to the contrary, no licenses or permits shall be granted or denied concerning the establishment of new data centers or the expansion of currently existing data centers, including special land use permits, rezonings, land disturbance permits, building permits, business licenses, or certificates of occupancy for such establishments, in unincorporated DeKalb County.
5. This moratorium shall expire at 11:59 p.m. on, **August 12**, 2026 unless shortened or extended by official action of the Governing Authority of DeKalb County.
6. The Planning and Sustainability Department and the Law Department shall study the effects of data centers on the health, safety, and welfare of the County's residents and businesses.
7. Nothing in this Resolution shall prevent the continued operation of any existing data centers that is operating lawfully as of the date of enactment of this moratorium.
8. If any section, subsection, sentence, clause, phrase or other portion of this Resolution, or its application to any person, entity or circumstance, is held by a court of competent jurisdiction to be unconstitutional or invalid, the remainder of the Resolution, or application of the provision to other persons, entities or circumstances, shall not be affected.

ADOPTED by the DeKalb County Board of Commissioners, this _____ day of _____, 2026

CHAKIRA JOHNSON

Presiding Officer

Board of Commissioners DeKalb County, Georgia

APPROVED by the Chief Executive Officer of DeKalb County, this _____ day of _____, 2026.

LORRAINE COCHRAN-JOHNSON

Chief Executive Officer

DeKalb County, Georgia

ATTEST:

BARBARA H. SANDERS-NORWOOD, CCC

Clerk to the Board of Commissioners and

Chief Executive Officer

DeKalb County, Georgia

APPROVED AS TO SUBSTANCE:

APPROVED AS TO FORM:

JULIANA A. NJOKU

Director, Planning and Sustainability

Terry Phillips

County Attorney