



Michael L. Thurmond

Chief Executive Officer

## DeKalb County Zoning Board of Appeals

Department of Planning & Sustainability

178 Sams Street

Decatur, GA 30030

Wednesday, June 11, 2025

### DeKalb County's Response to Appeal



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**N12. Case No: A-25-1247544 Parcel ID(s): 18 100 02 005**

#### **Commission District 02 Super District 06**

**Appeal of:** Administrative Decision to deny a request for stream buffer encroachment at 2050 Lawrenceville Highway

**Appellant(s):** NDM (EDENS), LLC c/o Dennis J. Webb, Jr.

**Project Name:** 2050 Lawrenceville – Appeal: Stream Buffer Removal for Lulah Hills

**Location:** 2050 Lawrenceville Highway, Decatur, GA 30033

**Appeal:** Appeal of an administrative decision to deny a request for stream buffer encroachment at 2050 Lawrenceville Highway within the MU-4 (Mixed Use 4) zoning district.

**Standard:** The ....decisions made by public officials are presumed to be valid and just...An appeal shall be sustained only upon an expressed finding by the zoning board of appeals that the administrative official's action was based on an erroneous finding of a material fact, erroneously applied the zoning ordinance to the facts, or that the administrative official acted in an arbitrary manner. In exercising its powers, the zoning board of appeals may reverse or affirm, wholly or partly, or may modify the order, requirement, decision, or determination appealed from, and to that end shall have all the powers of the administrative official from whom the appeal was taken and may issue or direct the issuance of a permit, provided all requirements imposed by any applicable laws are met. Section 27-7-5 *et seq.* Code of DeKalb County, as Revised 1988.

#### **DeKalb County's**

**Position:** Planning & Sustainability staff's decision to deny the administrative request was consistent with the current stream buffer regulations found in Section 14-44.1. While the proposed project offers environmental benefits, Chapter 14 prohibits new disturbance within stream buffers regardless of intended impact. Therefore, staff's denial was appropriate under the letter of the code which does not allow for encroachments even to decrease impervious materials within the buffer.

## **BACKGROUND**

The appellant, NDM (EDENS), LLC, submitted a request to remove existing impervious paving and retaining structures within a stream buffer located on the Lulah Hills redevelopment site. The goal is to replace these legacy features with low-impact boardwalks and native landscaping to improve hydrology, pedestrian access, and stormwater performance. The subject property, approximately 71.6 acres in size, is a commercial site slated for phased redevelopment and includes buffer areas built over in the 1980s—prior to the adoption of current buffer standards.

The application was administratively denied due to Section 14-44.1, which prohibits buffer disturbance, even for beneficial retrofit purposes.

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## **BASIS FOR THE APPEAL**

The appeal asserts that the administrative denial misapplied the ordinance by not distinguishing between harmful and beneficial buffer impacts. It argues that the proposed improvements reduce impervious surface, introduce native vegetation, and provide public access benefits—objectives aligned with the intent of the ordinance and Comprehensive Plan. The appellant contends that rigid denial prevents meaningful environmental upgrades and constitutes a policy misalignment.

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## **STAFF RESPONSE TO THE APPEAL**

Staff has carefully reviewed the appeal and the original approval decision and finds the following:

- **Compliance with the Zoning Ordinance:**  
The administrative denial followed Section 14-44.1, which strictly prohibits new disturbance within stream buffers, regardless of the scope or intent of proposed improvements.
  - **Legacy Site Conditions:**  
The site contains legacy impervious development within the buffer dating back to the 1980s. While the proposed work would improve those conditions, current ordinance language does not provide flexibility for restorative activity.
  - **Policy Misalignment vs. Procedural Validity:**  
Staff acknowledges the project's environmental merit but remains procedurally bound by current code language. The denial was not arbitrary or factually erroneous but rather consistent with strict interpretation of the ordinance.
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## **CONCLUSION AND RECOMMENDATION**

Staff finds that the original decision to approve the administrative variance was appropriate, justified, and consistent with the Zoning Ordinance. The applicant has demonstrated undue hardship caused by topographical constraints, as required under Section 27-7.6.5. Furthermore, it appears approval of this variance request would partially reverse harmful development of the past by reducing the amount of impervious material located within the stream buffer.

Recommendation: Board discretion. Although the staff's denial was required under the criteria in Chapter 14, the variance request appears to provide remedy for adverse impacts of past development decisions.

# APPLICATION FORMS

APPEAL OF ADMINISTRATIVE DECISION

**ZONING BOARD OF APPEALS APPLICATION FOR PUBLIC HEARING (VARIANCES,  
SPECIAL EXCEPTIONS, APPEALS OF ADMINISTRATIVE  
DECISIONS)**

Applicant and/or  
Authorized Representative: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

City/State/Zip Code: \_\_\_\_\_

Email: \_\_\_\_\_

Telephone Home: \_\_\_\_\_ Business: \_\_\_\_\_

**OWNER OF RECORD OF SUBJECT PROPERTY**

Owner: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Email: \_\_\_\_\_ Telephone: \_\_\_\_\_ Business: \_\_\_\_\_

**ADDRESS/LOCATION OF SUBJECT PROPERTY**

Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

District(s): \_\_\_\_\_ Land Lot(s): \_\_\_\_\_ Block: \_\_\_\_\_ Parcel: \_\_\_\_\_

Zoning Classification: \_\_\_\_\_ Commission District & Super District: \_\_\_\_\_

**CHECK TYPE OF HEARING REQUESTED:**

\_\_\_\_\_ 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 4. FAILURE TO FOLLOW  
GUIDELINES MAY RESULT IN SCHEDULING DELAYS.\***

Email [plansustain@dekalbcountyga.gov](mailto:plansustain@dekalbcountyga.gov) with any questions.

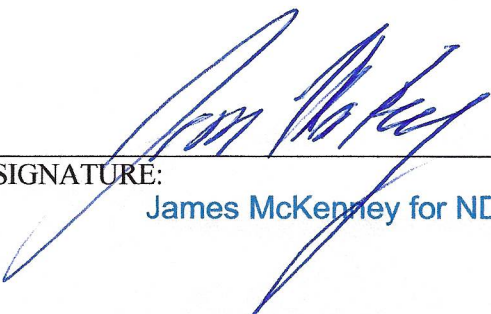


**AUTHORIZATION OF THE PROPERTY OWNER**

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.

2/25/2025  
DATE:

  
SIGNATURE:  
James McKenney for NDM (EDENS), LLC

**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.

2/21/2025

DATE:

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

APPLICANT/AGENT SIGNATURE

TO WHOM IT MAY CONCERN:


(I)/ (WE): James McKenney for NDM (EDENS), LLC

Name of Owner(s)

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

JESSICA MACK  
Notary Public - State of Maryland  
Frederick County  
My Commission Expires Jul 3, 2028

Notary Public

  
Owner Signature

# JUSTIFICATION FOR APPEAL

## **JUSTIFICATION FOR APPEAL**

### **SUMMARY**

The Applicant owns the property formerly known as North DeKalb Mall. The Applicant is in the process of redeveloping the site and must remove existing asphalt located within a stream buffer, which requires a variance. The County denied the Applicant's administrative stream buffer variance request. The Applicant plans to install landscaping and a semi-pervious boardwalk in place of the asphalt.

### **STATEMENT OF FACTS AND JUSTIFICATION**

1. The Applicant owns  $\pm 71.6$  acres of land along Lawrenceville Highway (the "Subject Property"). The Subject Property formerly housed North Dekalb Mall. North DeKalb Mall originally opened in 1965 and was later expanded in 1986.
2. A  $\pm 13$ -foot-high retaining wall bisects the Subject Property, running generally from the north to the southeast. A large parking field and what remains of the original mall buildings are located on the "high side" of the retaining wall and  $\pm 21.5$  acres of wooded open space are located on the "low side" of the retaining wall.
3. As part of the 1986 expansion, two storm drainage ditches were constructed on the low side of the retaining wall. These drainage ditches run parallel to the retaining wall and direct runoff from the parking field on the Subject Property into Peachtree Creek.
4. Decades after they were originally constructed, the drainage ditches were classified as "streams" that require a county stream buffer.
5. The Applicant is redeveloping the Subject Property into a mixed-use development known as Lulah Hills.
6. Roughly one acre (43,114 square feet) of impervious surface is currently located within the stream buffer, including the retaining wall and asphalt parking.
7. The Applicant sought an administrative variance to remove portions of the impervious surface from the stream buffer and replace it with landscaping and segments of a semi-pervious boardwalk. The request was denied and this appeal followed.
8. As demonstrated in the documents submitted with the request for administrative variance, which are and incorporated herein by reference, the Applicant meets all requirements for a stream buffer variance and the Applicant's appeal should be sustained.

LEGAL AND  
CONSTITUTIONAL  
OBJECTIONS

**NDM (EDENS), LLC**

**NOTICE OF CONSTITUTIONAL CHALLENGE AND  
LEGAL AND CONSTITUTIONAL OBJECTIONS**

The Applicant respectfully states that a refusal to sustain this appeal would be unconstitutional as the existing zoning and/or zoning conditions and/or development standards on the Subject Property are unconstitutional and submits that the County's Zoning Ordinance, as amended from time to time, to the extent that it classifies the Subject Property in any zoning district or imposes any zoning conditions which would preclude the development of this project, is unconstitutional as a taking of property, a denial of equal protection, an arbitrary and capricious act, and an unlawful delegation of authority under the specific constitutional provisions later set forth herein. Any existing inconsistent zoning of the Subject Property pursuant to the Zoning Ordinance deprives the owner of any alternative reasonable use and development of the Subject Property. Additionally, all other zoning classifications, including ones intervening between the existing classification and the one requested herein, would deprive the owner of any reasonable use and development of the Subject Property. Further, an attempt to impose greater restrictions upon the manner in which the Subject Property will be developed than presently exist, such as by way of approving the zoning district requested but limiting development to standards allowed under more stringent zoning classifications, would be equally unlawful.

Accordingly, the Applicant submits that the current zoning classification and/or zoning conditions and/or development standards, and any other zoning of the Subject Property save for what has been requested by it as established in the Zoning Ordinance, constitutes an arbitrary and unreasonable use of the zoning and police powers because it bears no substantial relationship to the public health, safety, morality, or general welfare of the public and substantially harms the Subject Property's owner. All inconsistent zoning classifications between the existing zoning and the zoning requested hereunder would constitute an arbitrary and unreasonable use of the zoning and police powers because they bear or would bear no substantial relationship to the public health, safety, morality, or general welfare of the public and would substantially harm the Subject Property's owner. Further, the existing inconsistent zoning classifications constitute, and all zoning and plan classifications intervening between the existing inconsistent zoning classification and that required to develop this project, would constitute a taking of the owner's private property without just compensation and without due process in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia, 1983, and the Due Process Clause of the Fourteenth Amendment of the United States Constitution and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States.

Further, the Applicant respectfully submits that the failure to sustain this appeal would be unconstitutional and would discriminate in an arbitrary, capricious, and unreasonable manner between the Subject Property's owner and owners of similarly situated property in violation of Article I, Section III, Paragraph I of the Constitution of the State of Georgia, 1983, and the Equal Protection Clause of the Fourteenth Amendment of the Constitution of the United States.

A refusal to sustain this appeal would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Georgia Constitution, 1983.

The Applicant respectfully submits that the County cannot lawfully impose more restrictive standards upon the development of the Subject Property than presently exist as to do so not only would constitute a taking of the property as set forth above, but also would amount to an unlawful delegation of their authority, in response to neighborhood opposition, in violation of Article IX, Section IV, Paragraph II of the Georgia Constitution, 1983.

The Zoning Ordinance lacks adequate standards for the exercise of power to review this Application. Specifically, the "standards" set out are not sufficient to contain the County's discretion and to provide the Courts with a reasonable basis for judicial review. Because the standards (individually and collectively) are too vague



and uncertain to provide reasonable guidance, the relevant Zoning Code 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 State of Georgia.

Any limitation on the time for presentation of the issues before the body(ies) that has the power to zone (conditionally or otherwise) and grant special exceptions or hear an appeal related to same 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 U.S. and Georgia Constitutions.

# UNDERLYING ADMINISTRATIVE VARIANCE REQUEST

Chief Executive Officer  
Lorraine Cochran-Johnson

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

Interim Director  
Cedric Hudson

## **Application for Administrative Variance of Development Standards Per Code 14-34 (C)**

Fee: \$200.00 – Existing home and \$300.00 for new Development (non-refundable) payable when application is filed. Attach a scale site plan showing all property lines with dimensions; location, size and species of all significant and specimen trees; all existing and proposed buildings; storm drains; sanitary sewers; flood plains; state waters; buffers; easements and fences; north arrow; and land lot and district. The plan must depict the exact nature of the site conditions from which the variance is sought (grading, soil erosion and sedimentation control, storm water management, water quality control) per 14-34(C) 3.

\* See checklist for plan requirements.

PROPERTY OWNER: NDM (EDENS), LLC

ADDRESS FOR WHICH THE VARIANCE IS REQUESTED: 2050 Lawrenceville Highway

Parcel 18 100 02 005

PHONE: 757.717.2032 E-MAIL (required): jmack@edens.com

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

AGENT: \_\_\_\_\_ AGENT PHONE: 404-815-3620

AGENT ADDRESS: 1105 W Peachtree St NE, Ste 1000 AGENT E-MAIL: djwebb@sgrlaw.com

Atlanta, GA 30309

DESCRIPTION OF REQUESTED VARIANCE: A variance from § 14-44.1 - Land development requirements and allowable stream buffer encroachments in order to continue redevelopment of the property.

TYPE OF CONSTRUCTION (CHECK ONE):

NEW RESIDENTIAL CONSTRUCTION: ☐ NEW COMMERCIAL CONSTRUCTION: ☐  
REDEVELOPMENT OF EXISTING MULTI-FAMILY RESIDENTIAL, COMMERCIAL OR INSTITUTIONAL: ☒  
REDEVELOPMENT OR ADDITION TO EXISTING SINGLE FAMILY RESIDENTIAL: ☐

14-44.4. Except as further limited herein, an applicant may request a variance from the terms of the requirements of sections 14-37, 14-38, 14-40, 14-42 AND 14-44 of Chapter 14. The director shall have no power to consider or to grant variances which are the responsibility of the director of the EPD pursuant to O.C.G.A. § 12-2-8 and other relevant state statutes and regulations. Where variances involving the same project are requested from both the director of the EPD and the director, the director shall take no action on any such request for variance until the director of the EPD grants the variance or otherwise approves the request pending before the EPD. Receiving a variance from the director of the

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EPD does not obligate the director to permit the project to proceed if the project does not also meet all the other requirements of this article. No variance from the provisions of Chapter 14 shall be authorized except as specifically authorized in this section or specifically authorized in another section of Chapter 14.

14-44.4(i)(1). In considering any request for a variance to the terms of this Chapter authorized in subsection (1) above, the director shall apply all of the following criteria:

a. The request, while not strictly meeting the requirements of Chapter 14, will in the judgment of the director be at least as protective of natural resources and the environment as would a plan which met the strict application of these requirements. In making such a judgment, the director shall examine whether the request will be at least as protective of the natural resources and the environment with regard to the following factors:

1. Stream bank or soil stabilization.
2. Trapping of sediment in surface runoff.
3. Removal of nutrients, heavy metals, pesticides and other pollutants from surface runoff.
4. Terrestrial habitat, food chain, and migration corridor.
5. Buffering of flood flows.
6. Infiltration of surface runoff.
7. Noise and visual buffers.
8. Downstream water quality.
9. Impact on threatened and endangered species, as those species are designated by law or federal or state regulation. The shape, size, topography, slope, soils, vegetation and other physical characteristics of the property.
10. The locations of all streams on the property, including along property boundaries.
11. The location and extent of the proposed buffer or setback intrusion.
12. Whether alternative designs are possible which require less intrusion or no intrusion.
13. The long-term and construction water-quality impacts of the proposed variance.

RESPONSE See Letter of Intent

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b. By reason of exceptional topographic or other relevant physical conditions of the subject property that was not created by which were not created by the owner or applicant, there is no opportunity for any development under any design configuration unless a variance is granted.

RESPONSE See Letter of Intent

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- c. The request does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privileges inconsistent with the limitations upon other properties which are similarly situated.

RESPONSE See Letter of Intent

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- d. The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the area in which the property is located.

RESPONSE See Letter of Intent

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- e. Whether the applicant has provided a mitigation plan designed and stamped by Georgia licensed design professionals and whether that proposed mitigation plan is (a) non-structural; (b) designed to improve the quality of the stream and the associated buffer; and (c) includes a planting schedule and channel protection design.

RESPONSE See Letter of Intent

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- f. Whether the literal interpretation and strict application of the applicable provisions or requirements of Chapter 14 would cause an extreme hardship, so long as the hardship is not created by the owner. The applicant is responsible for providing proof of hardship. The proof shall demonstrate the difficult site conditions and possible alternate designs. The director shall not grant any stream buffer variances if the actions of the property owner of a given property have created the conditions of hardship on the property.

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RESPONSE See Letter of Intent  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

APPLICANT NDM (EDENS), LLC c/o Dennis J. Webb, Jr. DATE: 3/17/2025

SIGNATURE 

\*\*\*\*\*

AMOUNT: \_\_\_\_\_ MAP REFERENCE \_\_\_\_\_

RECEIPT \_\_\_\_\_ ZONING DISTRICT \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_ FILE # \_\_\_\_\_

TYPE OF VARIANCE GRANTED:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

ACTION TAKEN:  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

DATE: \_\_\_\_\_

DIRECTOR OF DEVELOPMENT

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### **Stream Buffer Variance Checklist**

- ☐ Show graphic scale and north arrow, including location of all streams, wetlands, floodplain boundaries and natural features as determined by field survey.
- ☐ Delineate all state waters located on or within 200 feet of the project site.
- ☐ Delineate 25-foot undisturbed buffers of state waters and 50-foot buffers along designated trout streams from wretched point of vegetation.
- ☐ Delineate 75-foot undisturbed buffers of state waters from wretched point of vegetation.
- ☐ Identify the project receiving waters and describe adjacent areas – such as streams, lakes, drainage ditches, residential areas etc., which might be affected.
- ☐ Variance from GA. E.P.D. required for encroachment in 25-foot state waters buffers.
- ☐ All proposed mitigation plans shall be designed and stamped by a Georgia-licensed designed professional.
- ☐ Show double row Type –C silt fence between land disturbing activity and state waters, wetlands, 2025 built-out conditions and/or I.R.F.
- ☐ File notice of intent and notice of termination with GA. E.P.D. and DeKalb Co., if land disturbance is one (1) acre or more or within 200 feet of state waters. Submission must be 14 days prior to start of land disturbance activities.
- ☐ Show soil series and their delineation.
- ☐ Provide existing and proposed lot coverage.
- ☐ Show limits of disturbance on E&SC plans.
- ☐ Provide name, address, email address and phone number of developer/owner.
- ☐ Provide Power of Attorney, if you are not the owner.
- ☐ Provide name and phone number of 24 – hour local erosion and sediment control contact.
- ☐ Show certification number, signature and seal of qualified plan designer.
- ☐ Provide vegetative plan for all temporary and permanent vegetative practices, including species, planting dates, seeding,

***\*No permanent non erodabel structure can be placed within the 75' Dekalb County Stream Buffer.***

- ☐ Show location and detail of erosion and sediment control practices, using uniform coding symbols from the manual for Erosion and Sediment Control in Georgia, Chapter 6. Practices may include, but not limited to:
  - ☐ Construction exit
  - ☐ Sediment Barrier per DeKalb STD. 900
  - ☐ Retrofitting
  - ☐ Storm Outlet Protection
  - ☐ Temporary sediment basin and calculations
  - ☐ Storm drain inlet sediment traps

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- ☐ Channel stabilization and vegetation
  - ☐ Check dams
  - ☐ Rock filter dams
  - ☐ Down drains
  - ☐ Temporary creek crossings
  - ☐ Mat blankets
  - ☐ Other
- 
- ☐ Provide 67 cubic yards per acre sediment storage. This can't be located within the 75' buffer area.
  - ☐ Provide a list of distinct and super district commissioners within which the property is located.
  - ☐ Provide a list of abutting property owners to subject property.
  - ☐ Posting of signs on site is required within 48 hours of submittal of a complete stream buffer variance application. Provide a dated photograph of the posted notice as evidence of posting within 48 hours of posting.

### **Notes on Plan:**

- ☐ Erosion and sediment control measures and practices to be inspected daily.
- ☐ Cut and fill slopes shall not exceed 3H: 1V on residential projects and lots, and lots shall not exceed 2H: 1V on all other projects.
- ☐ "I certify that the permittee's erosion, sedimentation and pollution control plan provides for an appropriate and comprehensive system of best management practices required by the Georgia Water Quality Control Act and the document 'Manual for Erosion and Sediment control in Georgia', published by the State Soil and Water Conservation Commission as of January of the year in which the land disturbing activity was permitted, provides for the sampling of the receiving water(s) or the sampling of the storm water outfalls and the designed system of Best Management Practices and sampling methods is expected to meet the requirements contained in the General NPDES Permit NO. Gar 10000-."(1,2 or 3).
- ☐ "I certify under penalty of law that this plan was prepared after a site visit to the locations described herein by myself or my authorized agent, under my direct supervision"
- ☐ Inspections by qualified personnel provided by the primary permittee and the associated records shall be kept on site in compliance with Gar.10000- (1,2 or 3).



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## **ADDITIONAL QUESTIONS:**

Do all property lines bear dimension?

☒ Yes   ☐ No

Does it include Existing Grading Topography and Proposed Contours?

☐ Yes   ☐ No

Have you inserted other Plans or Documents?

☒ Yes   ☐ No

If so, list them below:

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Are you showing Water Quality Control?

☐ Yes   ☐ No

If Buffer Reduction Request, it is required a stream buffer zone of 75'. How many feet of Buffer are you requesting? 50 Feet (encroachment into the first 25' of the Dekalb County buffer)

Check the box below if drawings indicate all of the following: The standard Dekalb 75 feet buffer; the standard State of Georgia 25 feet buffer; as well as the requested reduced buffer.

☒ Yes   ☐ No

Name what design feature or buffer management requirements have been proposed for the planned reduction.

Retaining wall, landscaping (natural green areas), wood decking

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## Stream Buffer Variance

**“Example Sign”**

(Sign must be 20” x 22” Minimum)

Name of Applicant: \_\_\_\_\_

Address of Property: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Site Plan Designer: \_\_\_\_\_

Contractor: \_\_\_\_\_

Type of Work: \_\_\_\_\_  
\_\_\_\_\_

AP Number: \_\_\_\_\_

Date Variance Applied for: \_\_\_\_\_

# STATEMENT OF INTENT



STATEMENT OF INTENT/JUSTIFICATION

and

Other Material Required by  
DeKalb County Zoning Ordinance

for the

Stream Buffer Variance Application

of

NDM (EDENS), LLC

for

± 71.67 Acres of Land  
located in  
Land Lots 100 and 101, 18<sup>th</sup> District, DeKalb County  
Being Addressed as  
2050 Lawrenceville Highway  
Decatur, Georgia 30033  
Parcel No: 18 100 02 005

**§ 14-44.1: To allow for an encroachment into the county stream  
buffer to reduce the amount of impervious surface area**

Submitted by Applicant:

James McKenney, Senior Vice President  
EDENS / NDM (EDENS), LLC  
56 East Andrews Drive, Suite 28  
Atlanta, Georgia 30305  
803.269.8913  
jmckenney@edens.com

## **Letter of Intent/Justification**

Please accept this letter as a statement of intent/justification for a Stream Buffer Variance Application at Lulah Hills. The site is located approximately 415 feet south of the intersection of Lawrenceville Highway and North Druid Hills Road being Tax Parcel Number 18 100 02 005 and having frontage on 2050 Lawrenceville Highway in Decatur, Georgia 30033 (the "Subject Property"). NDM (EDENS), LLC (the "Applicant") is seeking a variance from § 14-44.1 – Land development requirements and allowable stream buffer encroachments in order to continue redevelopment of the Subject Property.

North DeKalb Mall originally opened in 1965 and was later expanded in 1986. As part of the expansion, two (2) storm drainage ditches were constructed on the low side of the retaining wall. These drainage ditches direct runoff from the high side of the site into South Fork Peachtree Creek. The Subject Property on the low side of the wall is comprised of 21.5 acres of wooded open space adjacent to the creek. The Applicant acquired the entire site in 2021 and rezoned the Subject Property in accordance with the County Comprehensive Plan to allow for a mixed-use development (MU-4) as approved by the Board of Commissioners in 2022 (Z-22-1245595). An amendment was later filed to incorporate two (2) additional properties and some minor modifications to both the plan and conditions. These applications (Z-24-1247113/CZ-24-1247114) were approved by the Board in 2024. The Subject Property has since been consolidated into one 71.67-acre parcel of irregular shape.

In 2009, the county adopted a stream buffer ordinance (09-05) establishing the seventy-five-foot (75') stream buffer which is the subject of this application. The two (2) areas of concern for the variance request are the man-made ditches that now meet the definition of a stream per DeKalb County Land Development Code (the "code"). Section 14-1 defines a stream as natural, running water flowing continuously or intermittently in a channel on or below the surface of the ground, and includes all streams depicted on the 1995 DeKalb County Geographic Information System (GIS) map. The code requires a minimum 75' continuous undisturbed natural vegetative stream buffer on either bank of the stream, preserving existing mature riparian forest (§ 14-44.1(a)(1)). The existing stream buffer includes an approximate thirteen foot (13') high retaining wall separating the mall development on the high side from the open space and stream on the low side. The Applicant proposes work into the stream buffer for the purpose of the redevelopment consistent with the approved Master Development and Open Space Plans (See attached Zoning Exhibits, submitted with this application).

## **DeKalb County Variance Criteria and Written Analysis**

The Applicant satisfies all of the criteria for granting a variance request, as set forth in the DeKalb County Zoning Ordinance § 7-5.3 – Applications for variances; and criteria to be used by the zoning board of appeals in deciding applications for variances:

1. *There is an extraordinary or exceptional physical condition(s) pertaining to the particular piece of property, which was not created by the owner, previous owner, or Applicant; by reason of a clearly demonstratable condition(s), the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district, as distinguished from a special privilege or convenience sought by the property owner.*

It is important to note that the Applicant did not create the scenario at play on the subject property. As stated above, the development of the mall and the construction of the retaining wall predates the existence of the Stream Buffer Ordinance in DeKalb County. As such, there is an existing encroachment of around one (1) acre (43,114 square feet) of impervious parking lot area into the county stream buffer. About 36% of this area (or 15,623 square feet) is within the 25'-50' stream buffer. As noted above, the parking lot sits on top of the 13' high retaining wall and approximately 20' above the edge of the stream.

The Applicant proposes to replace part of the existing asphalt with landscaping and a small area of semi-pervious wood decking, restoring the area to be more compliant with the intent of the Stream Buffer Ordinance. It should also be pointed out that there is no additional encroachment within the 75' stream buffer being requested with this application.

There are two (2) proposed encroachment areas, the northern area associated with the activation of Wild Honey and Promenade Parks, as well as the southern area associated with the addition of parking lot landscaped islands (see Stream Buffer Variance Exhibits, submitted with this Application). The Zoning Board of Appeals (the "ZBA") is authorized to approve applications for variances within the inner 25' of the county stream buffer nearest the stream. There is no disturbance proposed within the first 25' of the state stream buffer.

#### **Northern Encroachment (Wild Honey and Promenade Parks):**

Per approved Conditions Vb & Vf of CZ-24-1247114 regarding Open Space, a 12' wide Shared-Use Path/Promenade and linear park shall be constructed between Wild Honey and Promenade Parks in the general location shown on the Master Development Plan and Sheet LA 1 in Exhibit D (See attached Zoning Exhibits, submitted with this application). And 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 (See attached Conditions, submitted with this application). In order to achieve a proposed design in substantial conformance with the approved plans and conditions, the Applicant is proposing the removal of almost all of the existing asphalt parking lot in the northern area. 99% of the impervious surface will be removed and replaced with pervious landscaped areas while the remainder will be replaced with a semi-pervious wood decking consistent with the Promenade Seating and Woodland Overlook shown in the Zoning Exhibits.

##### **25' County Stream Buffer Nearest Stream (25'-50') for approval by the ZBA**

Existing Impervious Area = 2,016 square feet

New Pervious Area = 1,987 square feet, consisting of:

- New Pervious Landscaped Area = 1,866 square feet
- New Pervious Wood Decking = 121 square feet

Impervious Area to Remain = 29 square feet

There are no existing pervious areas that are proposed to be converted to impervious areas.

#### **Southern Encroachment (Parking Lot Area Landscaping):**

Per the Parking Area Landscaping Requirements (§ 5.4.4) of the DeKalb County Zoning Ordinance, one (1) 250 square foot island shall be provided for every ten (10) parking spaces. No parking space shall be more than forty feet (40') from a tree. In order to bring the existing parking lot to remain into compliance with the current code, the Applicant is proposing the removal of small areas of asphalt to be replaced with landscaped islands.

##### **25' County Stream Buffer Nearest Stream (25'-50') for approval by the ZBA:**

Existing Impervious Area = 13,607 square feet

New Pervious Area = 1,060 square feet

Impervious Area to Remain = 12,547 square feet

There are no existing pervious areas that are proposed to be converted to impervious areas.

The alternative plan would require leaving the existing asphalt paving within the stream buffer. This alternative would restrict the use of Wild Honey and Promenade Parks. Such a plan would not comply with the intent of the approved Master Development Plan and Conditions and would not meet the Parking Area Landscaping Requirements.

2. *The requested variance does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the zoning district in which the subject property is located:*

The requested variance seeks to improve the stream buffer, does not go beyond the minimum necessary to afford relief and does not constitute a grant of special privilege. The encroachment into the stream buffer already exists in the current condition due to the development of the mall and the construction of the retaining wall predating the existence of the ordinance in DeKalb County. There is no additional encroachment within the 75' buffer being requested with this application. The approval of the variance would reduce the amount of impervious surface within the stream buffer by 3,047 square feet.

3. *The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district in which the subject property is located:*

The grant of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district. The proposed variance will benefit the Property by allowing for complete functionality of Wild Honey Park and meet the requirements of the Parking Area Landscaping code. This request is to replace existing impervious area with pervious landscaped areas. More natural green areas with landscaping within the stream buffer will improve the noise and visual buffer as well as decrease the amount of stormwater runoff from the site and improve the downstream water quality.

4. *The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship:*

The literal interpretation and strict application of the applicable provisions or requirements of this chapter would prevent the Application from being in substantial conformance with the Master Development and Open Space Plans. The ordinance as written contemplates new encroachments into the stream buffer. This request is to remove existing impervious areas from the stream buffer; however, literal interpretation of the ordinance would prevent making the site more compliant with the intent.

5. *The requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text:*

The requested variance would be consistent with the spirit and purpose of this chapter and the DeKalb County Comprehensive Plan text as it would allow for the Subject Property to be used to its highest and best use in accordance with the applicable MU-4 zoning district and decreases the extent of encroachment within the stream buffer.



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### **Notice of Constitutional Challenge to Underlying Zoning and Preservation of Constitutional Rights**

Under these circumstances, a refusal to issue the variance in question would be unconstitutional and unlawful, arbitrary, capricious, irrational and a manifest abuse of discretion; all in violation of the Fifth 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 grant the requested variance would discriminate unfairly between the Applicant and others similar situated in violation of the Fifth 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 grant the requested variance would amount to a taking of property, in violation of the Fifth 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.

### **Conclusion**

For these reasons, we respectfully request approval of a stream buffer variance as set out above. The Applicant welcomes any questions and feedback from staff.

This 24<sup>th</sup> day of February, 2025.

Respectfully submitted,

NDM (EDENS), LLC

James McKenney, PE  
Senior Vice President, Construction

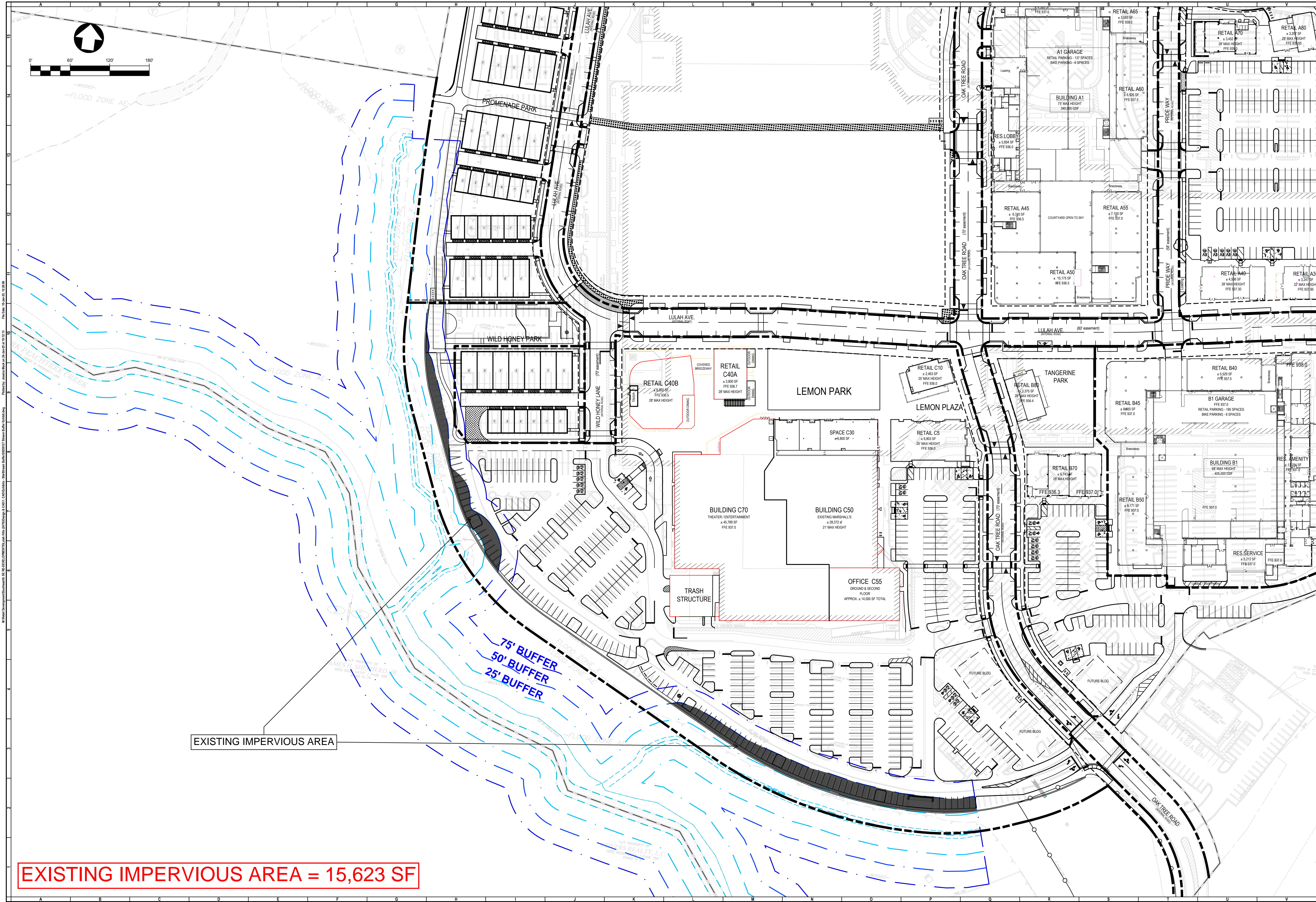
cc: Jessica Mack, PE, LEED AP



# VARIANCE EXHIBITS

# STREAM BUFFER VARIANCE EXHIBITS



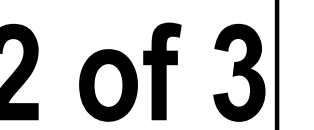


EXISTING IMPERVIOUS AREA = 15,623 SF

Stream Buffer Exhibit - Overall Existing		Lulah Hills		DeKalb County, GA	
DATE: 1/27/2025		SCALE: 1" = 60'		PROJECT # P2479	
DRAWN BY: JLM		DATE: 1/27/2025		PROJECT # P2479	
SHEET NO. 1 of 3		EDENS™		1221 Main Street • Suite 1000 • Columbia, SC • 29201 Phone: 803.779.4420 • Fax: 877.217.355	



TOTAL IMPERVIOUS AREA TO REMAIN = 29 SF









# ZONING EXHIBITS



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

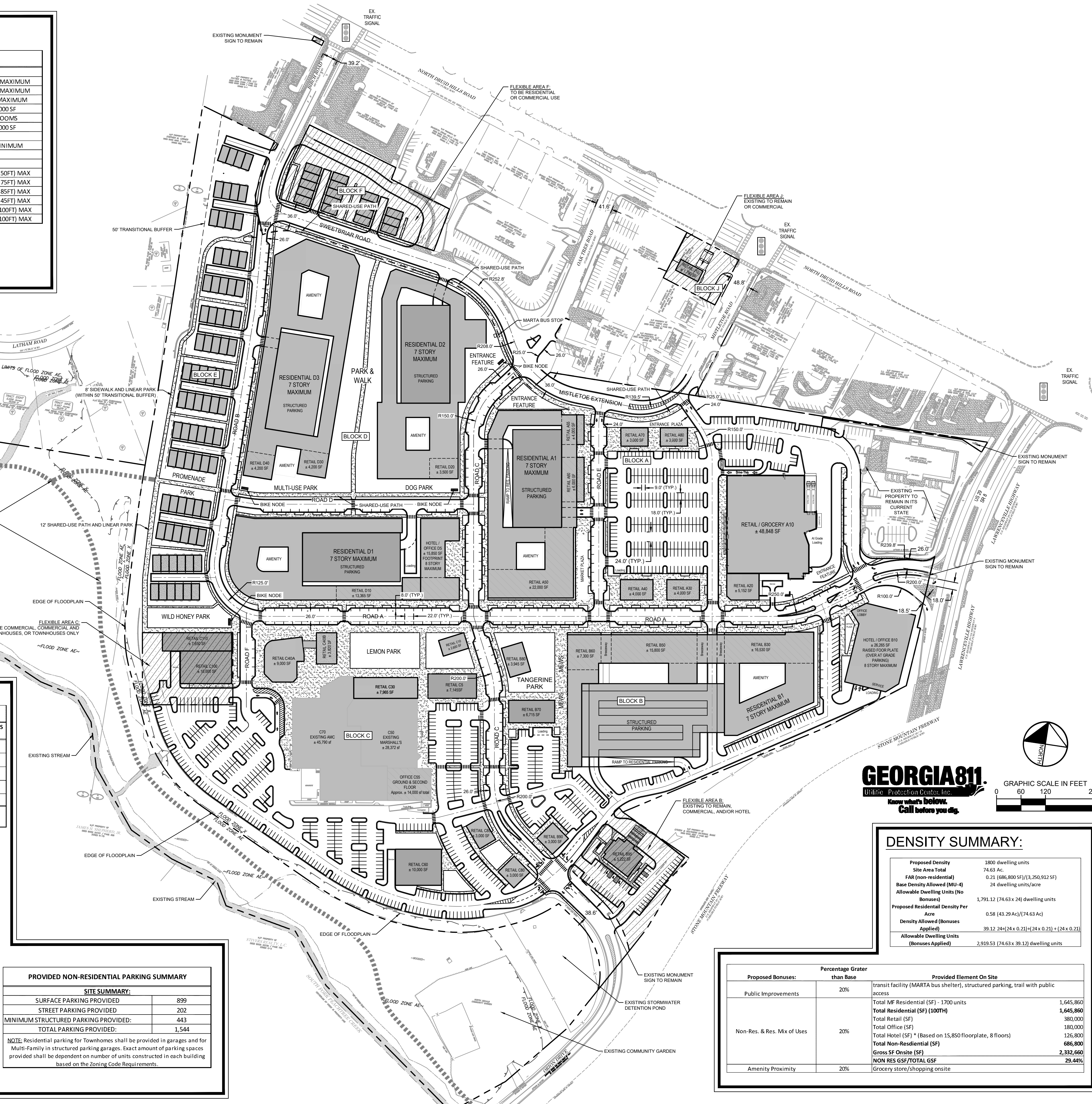
DEVELOPMENT SUMMARY	
<b>PROPOSED LAND USES &amp; DENSITIES:</b>	
RESIDENTIAL (TOTAL COMBINED):	1,800 DU MAXIMUM
MULTI-FAMILY:	1,700 DU MAXIMUM
TOWNHOMES:	200 DU MAXIMUM
RETAIL/RESTAURANT/ENTERTAINMENT:	380,000 SF
HOTEL:	150 ROOMS
OFFICE:	180,000 SF
NON-RESIDENTIAL USE PERCENTAGE:	20% MINIMUM
<b>PROPOSED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

NON-RESIDENTIAL PARKING SUMMARY					
LAND USE	QUANTITY OF LAND USE	MINIMUM PARKING RATIO	MINIMUM SPACES REQUIRED	MAXIMUM PARKING RATIO	MAXIMUM SPACES ALLOWED
RETAIL & GROCERY	262,210	1 SPACE/500 SF	525.0	1 SPACE/200 SF	1312.0
RESTAURANT	71,120 SF	1 SPACE/150 SF	475.0	1 SPACE/75 SF	949.0
THEATER	900* SEATS	1 SPACE/4 SEATS	225.0	1 SPACE/2 SEATS	450.0
OFFICE	180,000 SF	1 SPACE/500 SF	360.0	1 SPACE/250 SF	720.0
HOTEL	150 ROOMS	1 SPACE/ROOM	150.0	1.2 SPACES/ROOM	180.0
*Number of seats will initially be reduced to 1,800 following demolition and ultimately to 900 following interior renovation by AMC.		TOTAL MINIMUM PARKING REQUIRED:	1735.0	TOTAL MAXIMUM PARKING ALLOWED:	3611.0

SHARED PARKING REDUCTION (MINIMUM REQUIRED)					
LAND USE	WEEKDAYS		OVERNIGHT	WEEKENDS	
	6 AM - 5 PM	5 PM - 1 AM	1 AM - 6 AM	6 AM - 5 PM	5 PM - 1 AM
RETAIL & GROCERY	315.0	472.5	52.5	525.0	367.5
RESTAURANT	237.5	475.0	47.5	475.0	475.0
THEATER	90.0	225.0	22.5	180.0	225.0
OFFICE	360.0	36.0	18.0	36.0	18.0
HOTEL	112.5	135.0	150.0	112.5	135.0
TOTAL	1,115.0	1,343.5	290.5	1,328.5	1,220.5

PROVIDED NON-RESIDENTIAL PARKING SUMMARY	
SITE SUMMARY:	
SURFACE PARKING PROVIDED	899
STREET PARKING PROVIDED	202
MINIMUM STRUCTURED PARKING PROVIDED:	443
TOTAL PARKING PROVIDED:	1,544

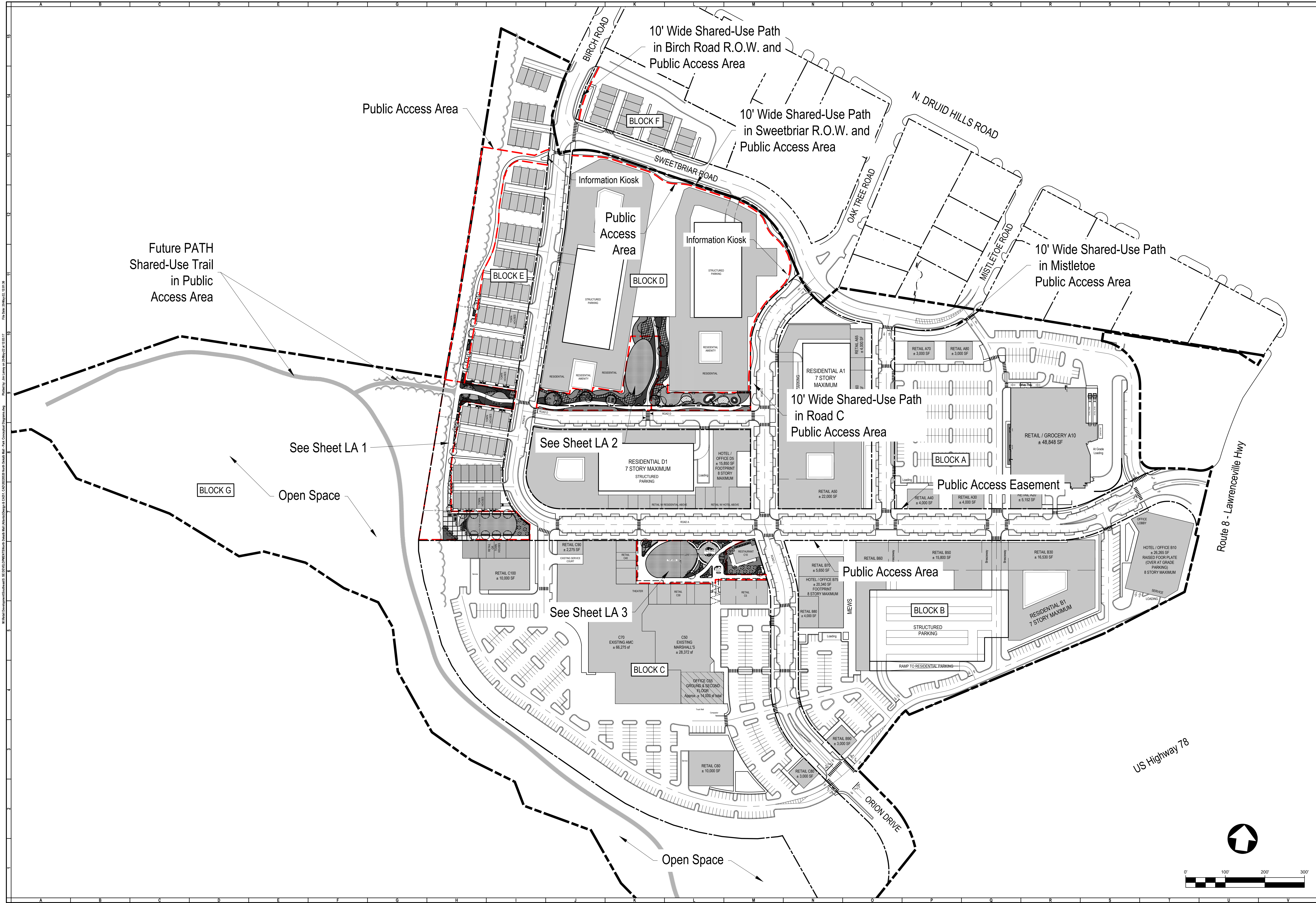
**NOTE:** Residential parking for Townhomes shall be provided in garages and for Multi-Family in structured parking garages. Exact amount of parking spaces provided shall be dependent on number of units constructed in each building based on the Zoning Code Requirements.



Proposed Density	1800 dwelling units
Site Area Total	74.63 Ac.
FAR (non-residential)	0.21 (686,800 SF)/(3,250,912 SF)
Base Density Allowed (MU-4)	24 dwelling units/acre
Allowable Dwelling Units (No Bonuses)	1,791.12 (74.63 x 24) dwelling units
Proposed Residential Density Per Acre	0.58 (43.29 Ac)/(74.63 Ac)
Density Allowed (Bonuses Applied)	39.12 $24 + (24 \times 0.21) + (24 \times 0.21) + (24 \times 0.21)$
Allowable Dwelling Units (Bonuses Applied)	2,919.53 (74.63 x 39.12) dwelling units

Percentage Grater than Base		Provided Element On Site
Proposed Bonuses:		
Public Improvements	20%	transit facility (MARTA bus shelter), structured parking, trail with public access
Non-Res. & Res. Mix of Uses	20%	Total MF Residential (SF) - 1700 units
		Total Residential (SF) (100TH)
		Total Retail (SF)
		Total Office (SF)
		Total Hotel (SF) * (Based on 15,850 floorplate, 8 floors)
		Total Non-Residential (SF)
		Gross SF Onsite (SF)
Amenity Proximity	20%	Grocery store/shopping onsite



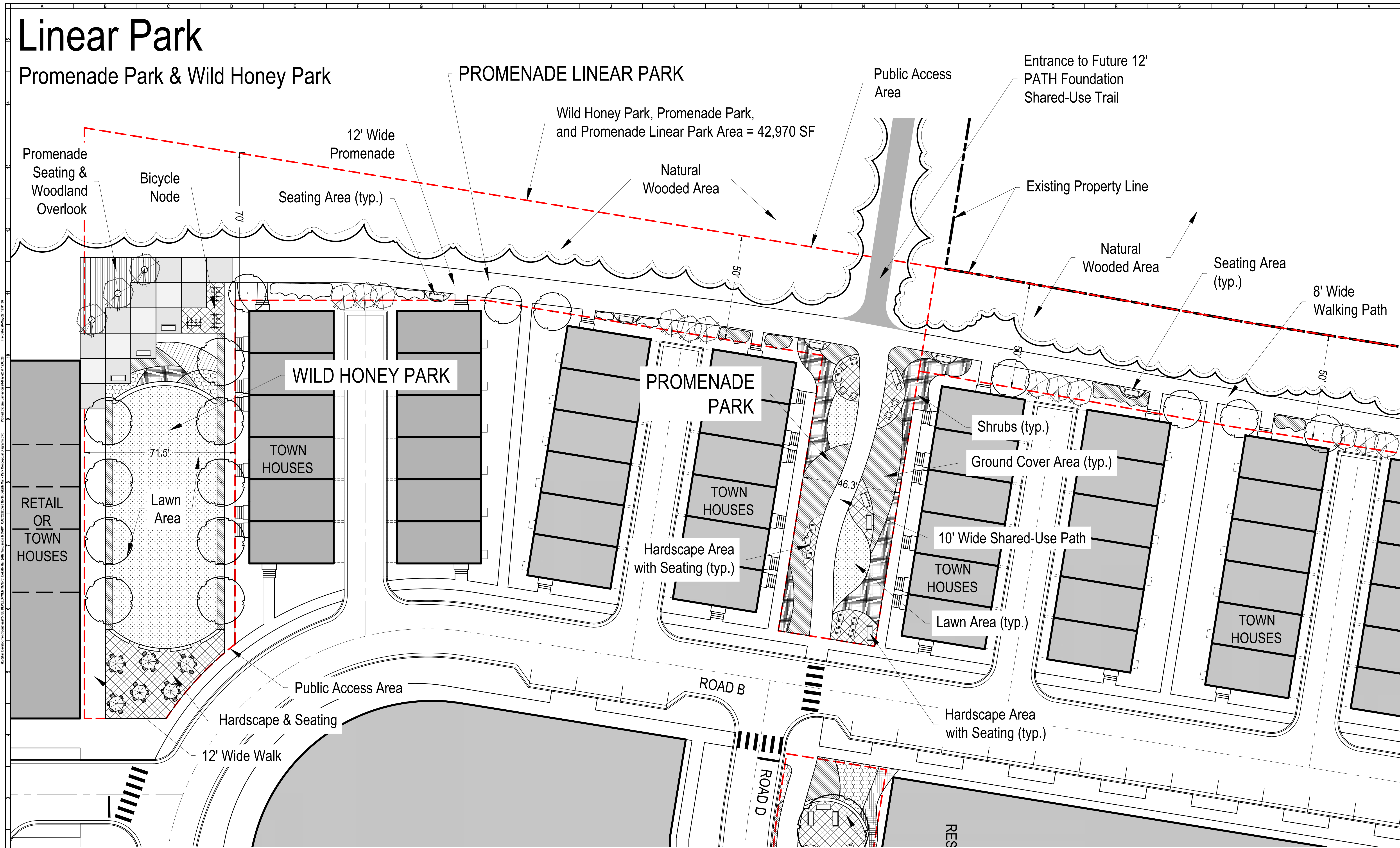


PROJECT #		---	
DATE	5/20/2022	SCALE	As Noted
Conceptual Open Space Plan		North Dekalb Mall	
EDENS™		1221 Main Street • Suite 1000 • Columbia, SC • 29201 Phone: 803.779.4420 • Fax: 877.217.355	
SHEET NO.		OS 1	



# Linear Park

Promenade Park & Wild Honey Park



- Plan Notes:**
- Design shown is conceptual and represents the type of open space to be created. Actual layout and design details will be finalized as part of Land Disturbance Permit.
  - The overall Public Access Area of Wild Honey Park, Promenade Park, and Promenade Linear Park shall not be reduced by more than 15% of the area indicated.
  - Existing trees to the West of the 12' wide promenade shall be limbed up to allow views into the flood plain area.
  - The exact location of Wild Honey Park and Promenade Park may shift North or South but the width shall not be decreased by more than 5' from what is shown on the plan.

PROJECT #	---	DRAWN BY	JAL
DATE	5/20/2022	SCALE	As Noted

Conceptual Park Diagram  
North Dekalb Mall

**EDENS™**  
1221 Main Street • Suite 1000 • Columbia, SC • 29201 Phone: 803.779.4420 • Fax: 877.217.3355

SHEET NO.  
**LA 1**



# CONDITIONS

**CONDITONSCZ-24-1247113**  
**(Formally Z-22-1245595**  
**as approved by the Board of Commissioners on May 26<sup>th</sup>, 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 pop-ups, on townhomes that do not exceed 50% of the total area of the roof deck surface shall not be considered as a building story but shall be subject to the 45-foot height limitations herein.

d. Prohibited Uses:

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

IV. **Building Locations and Orientation:**

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

4. A minimum of one (1) fifteen (15) foot wide breezeway shall be provided from the lower level of the parking structure in Residential Building A1 to Road E. The breezeway shall be well-lit at all times, shall be surveilled with security monitors, and shall be open, accessible, and ungated at all times.
  5. The openings in Residential Building A1 intended for loading and/or waste management access shall be high enough to accommodate sanitation and recycling vehicles.
  6. In the areas of Residential Building A1 which do not have ground floor retail, the ground floor residential units shall provide doorways to Road C. Such doorways can be secondary entrances but shall imitate front doors. The doorways and windows of said ground floor residential units shall comprise at least 30% of the width of the front facades of the ground floor residential units.
  7. The rear of Building A10 and the service areas for A10 and A20 shall be screened from Road A with a combination of decorative walls and/or landscaping, subject to approval by the Director of Planning and Sustainability or designee.
- c. Block B shall have the following limitations:
1. The primary entrance to tenants in Building B30 shall be on Road A and these facades shall have windows and/or doorways that occupy at least fifty (50) percent of the width of the first-floor street-level façade.
  2. The primary entrance to tenants in Building B80 shall be on Road A, Road C, or Tangerine Park and this primary entrance façade shall have windows and/or doorways that occupy at least twenty-five (25) percent of the width of the first-floor street-level façade.
  3. The primary entrance to tenants in Building B70 shall be on Tangerine Park or Road C and this primary entrance façade shall have windows that comprise at least fifty (50) percent of the width of the first-floor street-level façade.
  4. The primary lobby to Building B10 shall be on Road A or the Office Plaza adjacent to Road A and these facades shall have windows and/or doorways that occupy at least fifty (50) percent of the façade.
  5. The Flexible Area B hatched location indicated on the Site Plan can 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.
- l. All multi-family parking structures shall be designed to accommodate the infrastructure for future conversion to allow for electric vehicle charging stations for a minimum twenty (20) percent of the parking spaces.

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

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

CONCEPTUAL  
ELEVATIONS AT  
SUBJECT AREA





**LULAH HILLS** DeKalb, GA | Wild Honey Park

PN 2023002 | SEPTEMBER 2024 | EDENS





**LULAH HILLS** DeKalb, GA | Wild Honey Park

PN 2023002 | SEPTEMBER 2024 | EDENS





**LULAH HILLS** DeKalb, GA | Wild Honey Park

PN 2023002 | SEPTEMBER 2024 | EDENS



END

UNDERLYING ADMINISTRATIVE  
VARIANCE REQUEST

# LAND SURVEY & LEGAL DESCRIPTION



(CLERK OF COURT RECORDING INFORMATION)

GRID NORTH - GA. WEST ZONE



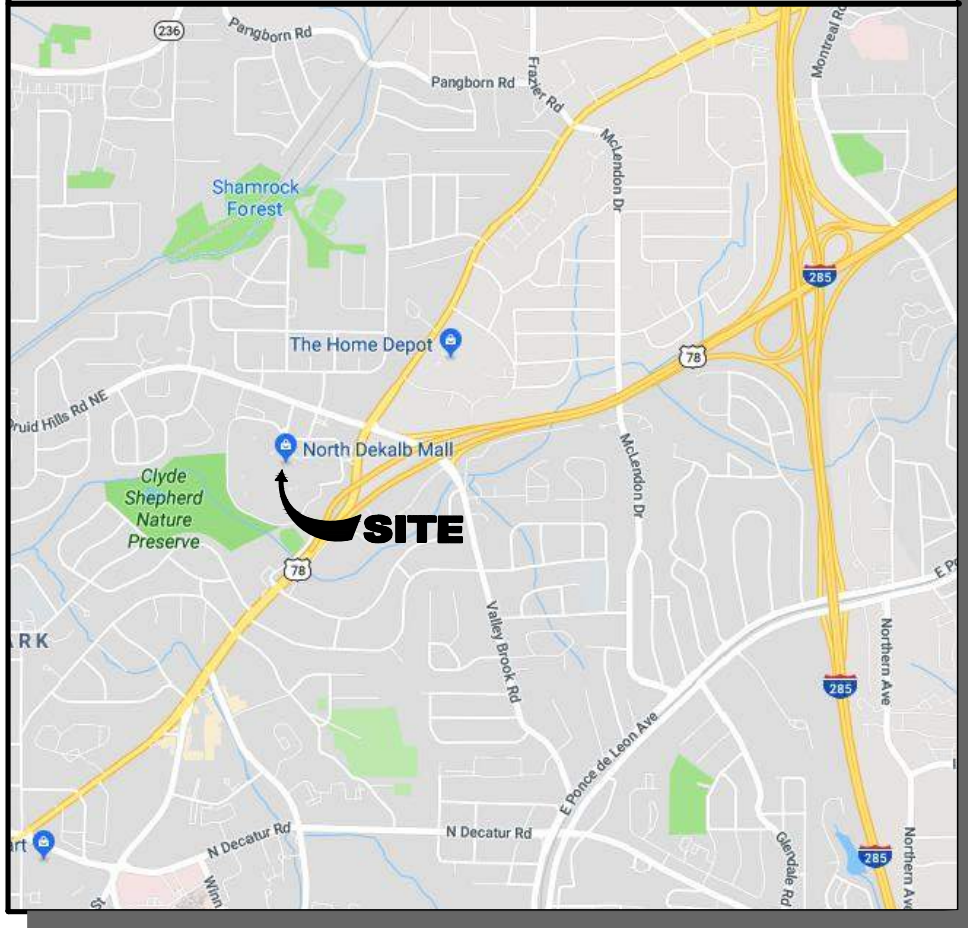
## SHEET INDEX

SHEET 1 : COVERSHEET

SHEETS 2-8 : EXISTING CONDITIONS SURVEY

## VICINITY MAP

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



## GENERAL NOTES

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

THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE INSPECTION REPORT. EASEMENTS OR OTHER ENCUMBRANCES MAY EXIST ON PUBLIC RECORD BUT NOT BE SHOWN HEREON.

A PORTION OF THE PROPERTY DEPICTED HEREON IS 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.

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. THIS SITE IS ZONED:

"MU-4" (MIXED USE HIGH DENSITY DISTRICT) AS SHOWN ON THE ZONING MAP OF DEKALB COUNTY. THE MINIMUM YARD SETBACKS ARE: FRONT - NO MIN./MAX.; SIDE - NO MIN./MAX.; REAR - NO MIN./MAX.

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

THERE IS NO VISIBLE EVIDENCE OF BURY PITS AT DATE OF SURVEY

ELECTRIC SERVICE IS PROVIDED UNDERGROUND

WATER AND SEWER SERVICE IS PROVIDED BY DEKALB COUNTY, GEORGIA

A 75' TRIBUTARY BUFFER WILL BE MAINTAINED ON ALL STATE WATERS THAT ARE NOT APPROVED FOR A BUFFER ENCROACHMENT VARIANCE BY DEKALB COUNTY OR GEORGIA E.P.D.

THE OWNER OF THE PROPERTY IS RESPONSIBLE FOR COMPLIANCE WITH THE CORPS OF ENGINEERS' REQUIREMENTS REGARDING WETLANDS

THE RECEIVING WATER BEING THE SOUTH FORK PEACHTREE CREEK

**SURVEY REFERENCES**  
1> ALTA/NSPS LAND TITLE SURVEY OF NORTH DEKALB MALL, PREPARED BY GEOSURVEY, LTD., DATED AUGUST 4, 2021 (JOB NO. 20175643-04).

## OWNER

NDM EDENS LLC  
1221 MAIN ST SUITE 1000  
COLUMBIA SC 29201

**1 SHEET**  
OF  
**8**

## EXISTING CONDITIONS

## LULAH HILLS

FOR

## NDM (EDENS), LLC

**GeoSurvey**

Land Surveying • 3D Laser Scanning

1660 Barnes Mill Road  
Marietta, Georgia 30062

Phone: (770) 795-9900  
Fax: (770) 795-8880

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

## ADDRESSES

Tract 1: Retaining Parcel ID# & Address, after combination: 18 100 02 005 & 2050 Lawrenceville Highway Decatur, GA 30033

## FLOOD NOTE

THE WORK WAS EVALUATED, THE FLOODPLAIN COORDINATOR CONSULTED, AND THE ACTIVITY DEEMED IMMATERIAL TO THE BASE FLOOD. A FLOOD STUDY IS NOT REQUIRED.

## SURVEYOR'S ACKNOWLEDGEMENT

In my opinion, this plat, drawn by me or under my supervision, was made from actual survey, and is a correct representation of the land platted and has been prepared in conformity with the minimum standards and requirements of law.  
Date: December 16, 2022

David L. Hester  
Georgia Registered  
Land Surveyor # 3042

## SCOPE OF PLAT

THE PURPOSE OF THIS PLAT IS TO COMBINE EXISTING PARCELS 1, 2, 3, 6 & 7 INTO ONE PARCEL.

## SURVEYOR CERTIFICATION

As required by subsection (d) of O.C.G.A. Section 15-6-67, this plat has been prepared by a land surveyor and approved by all applicable local jurisdictions for recording as evidenced by approval certificates, signatures, stamps, or statements hereon. Such approvals or affirmations should be confirmed with the appropriate governmental bodies by any purchaser or user of this plat as to intended use of any parcel. 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.

David L. Hester  
Georgia Registered  
Land Surveyor # 3042

## CLOSURE STATEMENT

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

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND WAS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 631,319 FEET, MEAN INIT.

## IF YOU DIG



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



IF YOU DIG



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

(CLERK OF COURT RECORDING INFORMATION)

### LEGEND

#### STANDARD ABBREVIATIONS

AC AIR CONDITIONER  
BH BORE HOLE  
BSL BUILDING SETBACK LINE  
CI CURB INLET  
CMP CORRUGATED METAL PIPE  
CMF CONCRETE MONUMENT FND  
CD 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  
OTF OPEN TOP PIPE  
PM POWER METER  
POB POINT OF BEGINNING  
POC POINT OF COMMENCEMENT  
RCP REINFORCED CONCRETE PIPE  
RBR IRON REINFORCING BAR  
SS 5/8" RBR FND CAPPED LSF 621  
SS SANITARY SEWER  
SWCB SINGLE WING CATCH BASIN  
TRANS ELECTRIC TRANSFORMER

#### STANDARD SYMBOLS

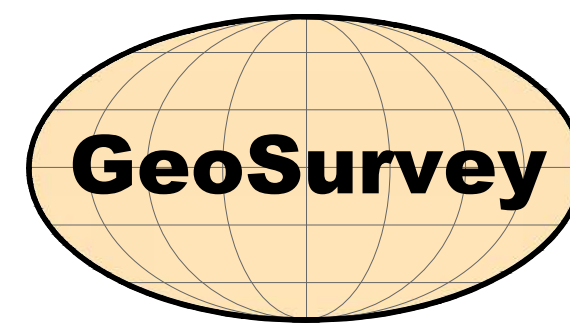
POWER POLE  
GUY WIRE  
POWER LINE  
LIGHT POLE  
ELECTRIC VAULT  
ELECTRIC TRANSFORMER  
WATER VAULT  
GAS VALVE  
GAS METER  
WATER VALVE  
WATER METER  
FIRE HYDRANT  
UNDERGROUND ELECTRIC LINE  
UNDERGROUND GAS LINE  
UNDERGROUND COMMUNICATION LINE  
UNDERGROUND WATER LINE  
REGULAR PARKING SPACE COUNT  
HANDICAP PARKING SPACE  
TREE POSITION INDICATOR  
SIGN

### CURVE TABLE

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	131.39'	27.85'	27.79'	S35°30'32"W
C2	303.36'	17.02'	17.02'	S31°02'34"W
C3	27.00'	6.28'	6.27'	S25°58'53"W
C4	182.00'	118.33'	116.26'	N61°31'39"E
C5	219.00'	186.10'	180.55'	S55°30'10"E
C6	217.00'	102.25'	101.31'	S44°39'28"E
C7	114.00'	161.32'	148.19'	S48°56'11"E
C8	33.00'	51.69'	46.56'	S53°24'16"E
C9	441.76'	64.57'	64.52'	N65°52'43"E
C10	48.00'	39.15'	38.07'	N66°41'00"E
C11	1203.92'	78.21'	78.20'	S05°39'35"W

### LINE TABLE

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



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Fax: (770) 795-8880

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

EXISTING CONDITIONS

LULAH HILLS

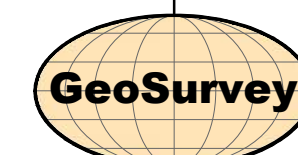
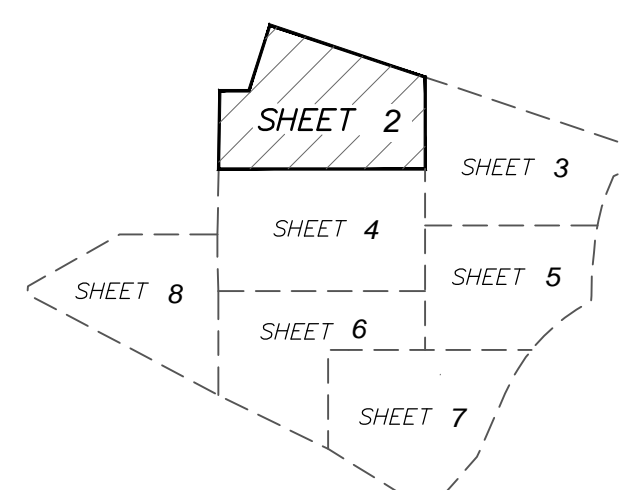
FOR

**NDM (EDENS), LLC**

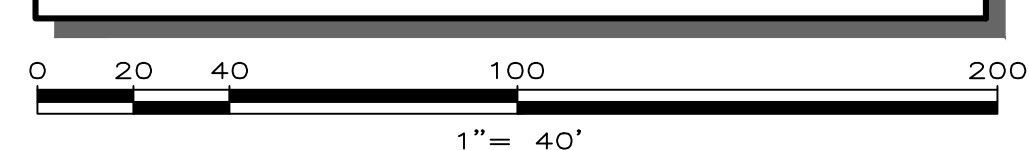
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FIELD WORK:	ZM/WG	CITY:	UNINCORPORATED	No. Date	REVISIONS
PROJ MGR:	JEM	COUNTY:	DEKALB	STATE:	GA
REVIEWED:	DLH	LAND LOT:	100 & 101		
DWG FILE:	20175643-09.dwg	DISTRICT:	18TH		

**2** SHEET  
OF  
**8**

### SHEET INDEX



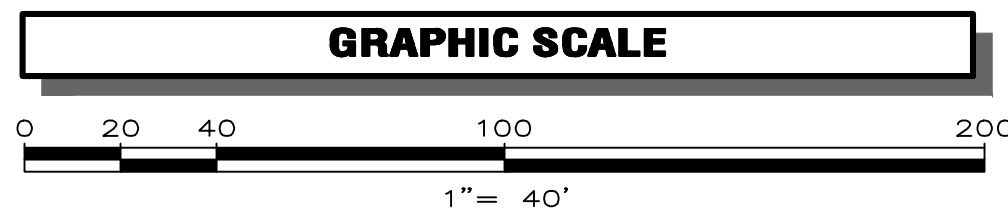
### GRAPHIC SCALE





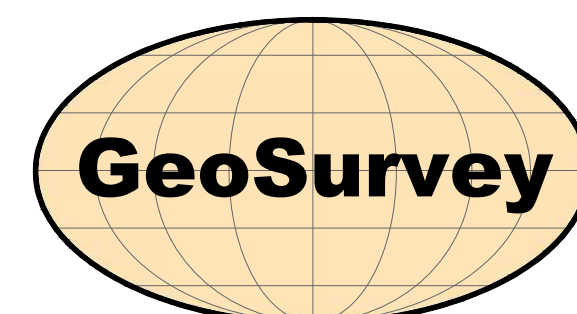


**IF YOU DIG**  
Know what's below.  
Call before you dig.  
Dial 811  
Or Call 800-282-7411



CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	131.39'	27.85'	27.79'	S35°30'32"W
C2	303.36'	17.02'	17.02'	S31°02'34"W
C3	27.00'	6.28'	6.27'	S25°58'53"W
C4	182.00'	118.33'	116.26'	N81°31'39"E
C5	219.00'	186.10'	180.55'	S55°30'10"E
C6	217.00'	102.25'	101.31'	S44°59'28"E
C7	114.00'	161.32'	148.19'	S48°56'11"E
C8	33.00'	51.69'	46.56'	S53°24'16"E
C9	441.76'	64.57'	64.52'	N85°52'43"E
C10	48.00'	39.15'	38.07'	N66°41'00"E
C11	1203.92'	78.21'	78.20'	S05°39'35"W

LINE TABLE		
LINE	BEARING	DISTANCE
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**SHEET**  
**3** OF **8**  
**SHEET INDEX**

EXISTING CONDITIONS

**LULAH HILLS**

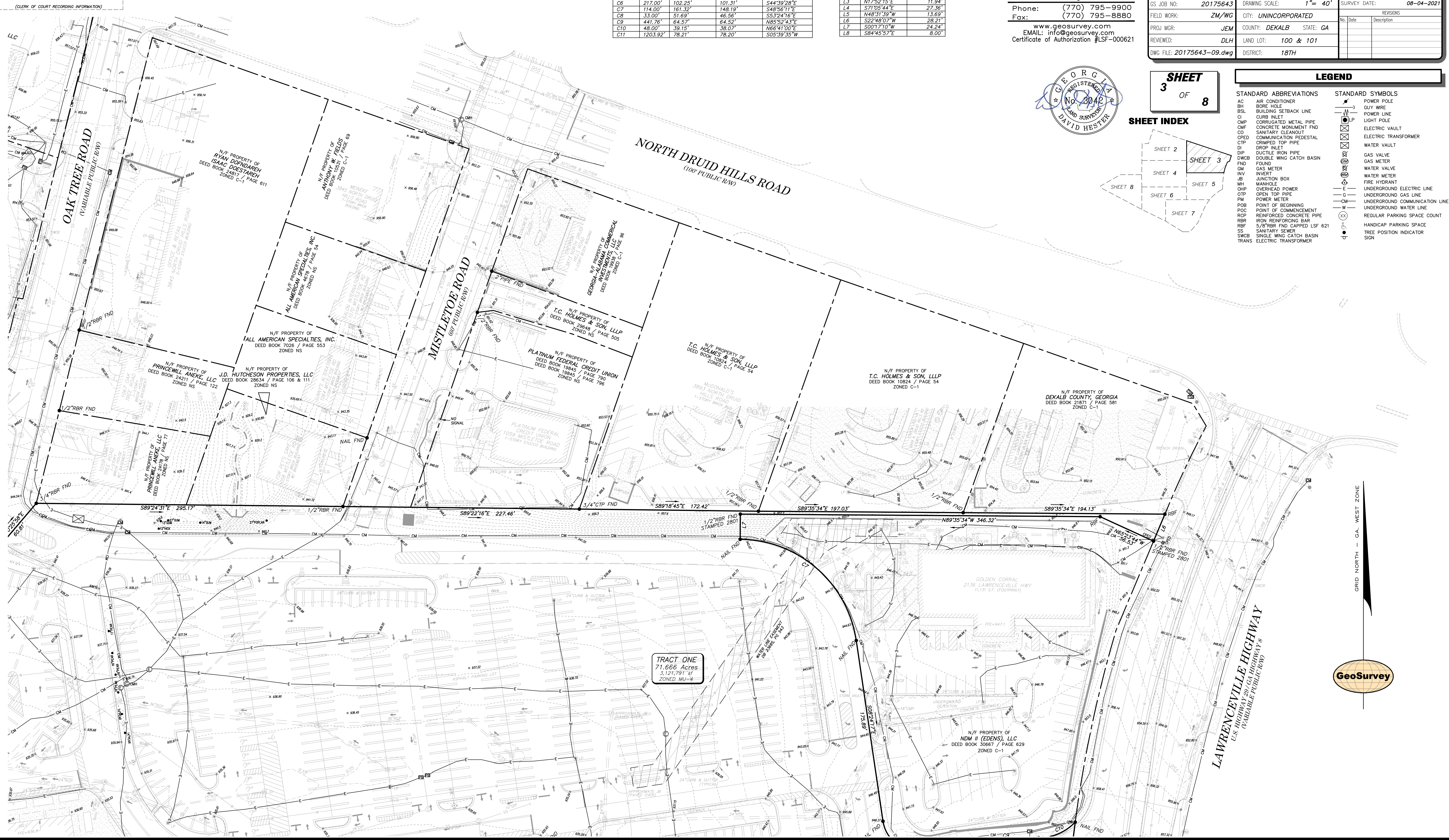
FOR

**NDM (EDENS), LLC**

GS JOB NO:	20175643	DRAWING SCALE:	1" = 40'	SURVEY DATE:	08-04-2021
FIELD WORK:	ZM/WG	CITY:	UNINCORPORATED	REVISIONS	
PROJ MGR:	JEM	COUNTY:	DEKALB	STATE:	GA
REVIEWED:	DLH	LAND LOT:	100 & 101	No.	Date
DWG FILE:	20175643-09.dwg	DISTRICT:	18TH	Description	

**LEGEND**

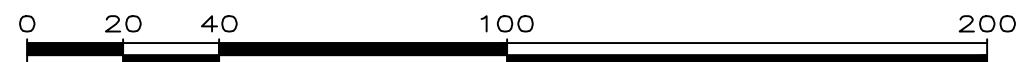
STANDARD ABBREVIATIONS		STANDARD SYMBOLS	
AC	AIR CONDITIONER	LP	POWER POLE
BH	BURE HOLE	LP	GUY WIRE
BSL	BUILDING SETBACK LINE	LP	POWER LINE
CI	CURB INLET	LP	LIGHT POLE
CMP	CORRUGATED METAL PIPE	LP	ELECTRIC VAULT
CMF	CONCRETE MONUMENT FND	LP	ELECTRIC TRANSFORMER
CO	SANITARY CLEANOUT	LP	WATER VAULT
CPED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





(CLERK OF COURT RECORDING INFORMATION)

GRAPHIC SCALE



CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	131.39'	27.85'	27.79'	S35°30'32"W
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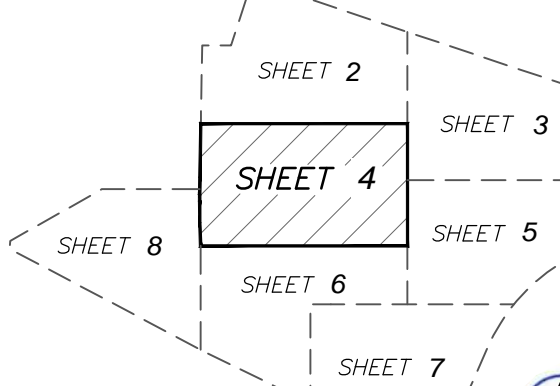
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LEGEND

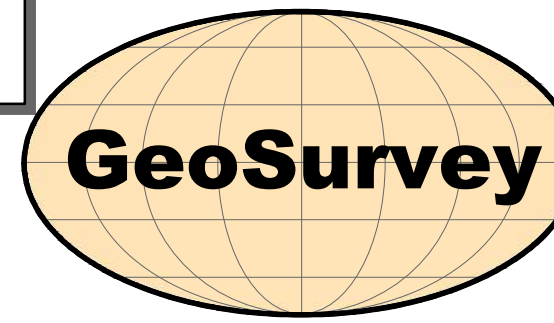
STANDARD ABBREVIATIONS  
AC AIR CONDITIONER  
BH BORE HOLE  
BSL BUILDING SETBACK LINE  
CI CURB INLET  
CMP CORRUGATED METAL PIPE  
CMF CONCRETE MONUMENT FND  
CO SANITARY CLEANOUT  
COP COMMUNICATION FEDESTAL  
CTP CRIMPED TOP PIPE  
DIP DROP INLET  
DIP DUCTILE IRON PIPE  
DWCB DOUBLE WING CATCH BASIN  
FND FOUND  
GM GAS METER  
INV INVERT  
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MH MANHOLE  
OHP OVERHEAD POWER  
OTF OPEN TOP PIPE  
PM POWER METER  
POB POINT OF BEGINNING  
POC POINT OF COMMENCEMENT  
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RBR IRON REINFORCING BAR  
RFB 5/8" RBR FND CARRIED LSF 621  
SS SANITARY SEWER  
SWCB SINGLE WING CATCH BASIN  
TRANS ELECTRIC TRANSFORMER

STANDARD SYMBOLS  
POWER POLE  
GUY WIRE  
POWER LINE  
LIGHT POLE  
ELECTRIC VAULT  
ELECTRIC TRANSFORMER  
WATER VAULT  
GAS VALVE  
GAS METER  
WATER VALVE  
WATER METER  
FIRE HYDRANT  
UNDERGROUND ELECTRIC LINE  
UNDERGROUND GAS LINE  
UNDERGROUND COMMUNICATION LINE  
UNDERGROUND WATER LINE  
REGULAR PARKING SPACE  
HANDICAP PARKING SPACE  
TREE POSITION INDICATOR  
SIGN

SHEET INDEX



SHEET  
4 OF 8



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



EXISTING CONDITIONS

LULAH HILLS

FOR

NDM (EDENS), LLC

GS JOB NO:	20175643	DRAWING SCALE:	1"= 40'	SURVEY DATE:	08-04-2021
FIELD WORK:	ZM/WG	CITY:	UNINCORPORATED	REVISIONS	
PROJ MGR:	JEM	COUNTY:	DEKALB	STATE:	GA
REVIEWED:	DLH	LAND LOT:	100 & 101	No. Date Description	
DWG FILE:	20175643-09.dwg	DISTRICT:	18TH		



TRACT ONE  
71.666 Acres  
3,121,791 sf  
ZONED MU-4



(CLERK OF COURT RECORDING INFORMATION)

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

FORMER MACY'S  
(VACANT)

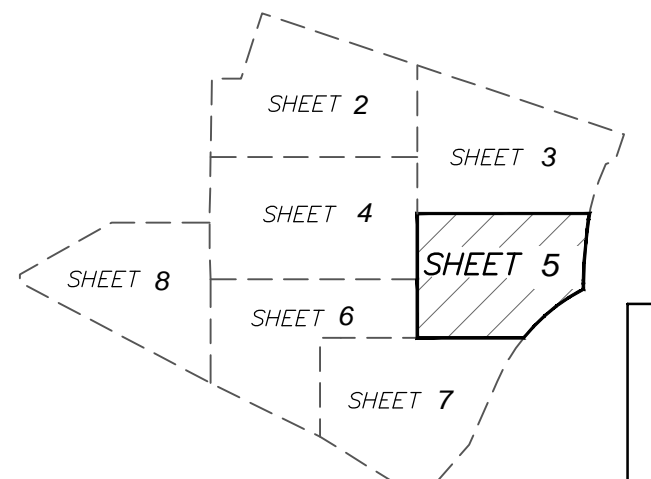
TRACT ONE  
71.666 Acres  
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ZONED MU-4

LAWRENCEVILLE HIGHWAY  
U.S. HIGHWAY 29 / GA HIGHWAY 8  
(VARIABLE PUBLIC R/W)

STONE MOUNTAIN FREEWAY  
U.S. HIGHWAY 29 / 78  
(VARIABLE PUBLIC R/W)



#### SHEET INDEX



**SHEET**  
5 OF 8

EXISTING CONDITIONS			
LULAH HILLS			
FOR			
NDM (EDENS), LLC			
GS JOB NO:	20175643	DRAWING SCALE:	1" = 40'
FIELD WORK:	ZM/WG	CITY:	UNINCORPORATED
PROJ MGR:	JEM	COUNTY:	DEKALB
REVIEWED:	DLH	STATE:	GA
DWG FILE:	20175643-09.dwg	LAND LOT:	100 & 101
		DISTRICT:	18TH
		SURVEY DATE: 08-04-2021	
		REVISIONS	
		No.	Date Description

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#### LEGEND

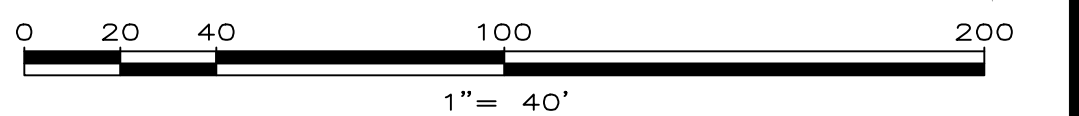
##### STANDARD ABBREVIATIONS

AC AIR CONDITIONER  
BH BORE HOLE  
BSL BUILDING SETBACK LINE  
CI CURB INLET  
CMP CORRUGATED METAL PIPE  
CMF CONCRETE MONUMENT FND  
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  
POC POINT OF COMMENCEMENT  
RCP REINFORCED CONCRETE PIPE  
RBR IRON REINFORCING BAR  
RBF 5/8" RBR FND CAPPED LSF 621  
SS SANITARY SEWER  
SWCB SINGLE WING CATCH BASIN  
TRANS ELECTRIC TRANSFORMER

##### STANDARD SYMBOLS

POWER POLE  
GUY WIRE  
POWER LINE  
LIGHT POLE  
ELECTRIC VAULT  
ELECTRIC TRANSFORMER  
WATER VAULT  
GAS VALVE  
GAS METER  
WATER VALVE  
WATER METER  
FIRE HYDRANT  
UNDERGROUND ELECTRIC LINE  
UNDERGROUND GAS LINE  
UNDERGROUND COMMUNICATION LINE  
UNDERGROUND WATER LINE  
REGULAR PARKING SPACE COUNTRY  
HANDICAP PARKING SPACE  
TREE POSITION INDICATOR  
SIGN

#### GRAPHIC SCALE





GRID NORTH — CA. WEST ZONE

(CLERK OF COURT RECORDING INFORMATION)

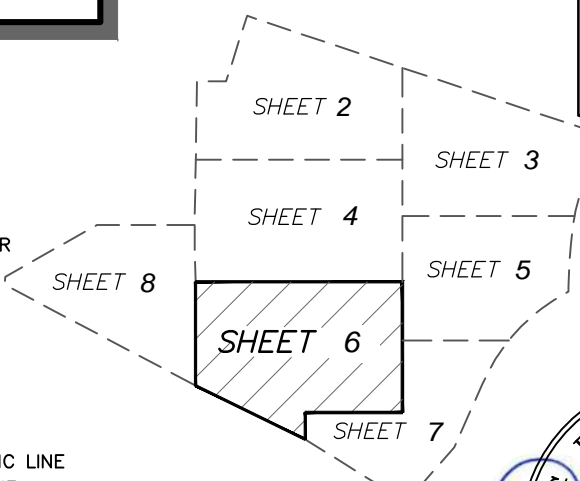


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LEGEND	
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DIP DUCTILE IRON PIPE	WATER METER
DWCB DOUBLE WING CATCH BASIN	FIRE HYDRANT
FND FOUND	UNDERGROUND ELECTRIC LINE
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INV INVERT	UNDERGROUND COMMUNICATION LINE
JB JUNCTION BOX	UNDERGROUND WATER LINE
MH MANHOLE	REGULAR PARKING SPACE COUNT
OHP OVERHEAD POWER	HANDICAP PARKING SPACE
OTF OPEN TOP PIPE	TREE POSITION INDICATOR
PM POWER METER	SDN
POB POINT OF BEGINNING	
POC POINT OF COMMENCEMENT	
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TRANS ELECTRIC TRANSFORMER	

SHEET INDEX



SHEET

6

OF

8

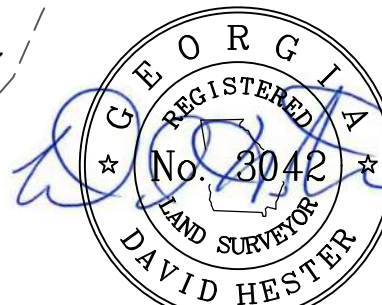


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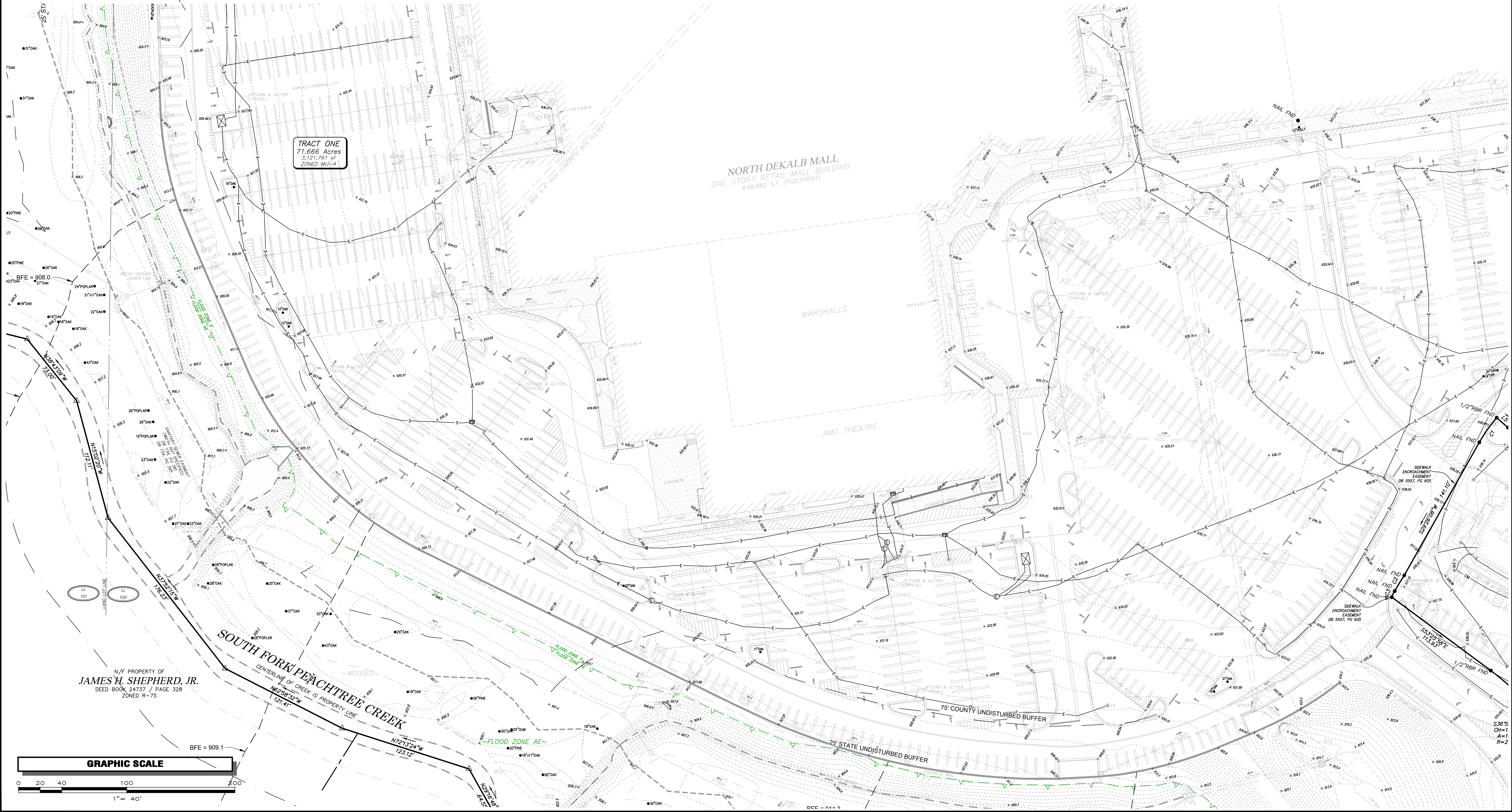
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LULAH HILLS

FOR

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TRACT ONE  
71.666 Acres  
3,121,791 sq  
ZONED MU-4

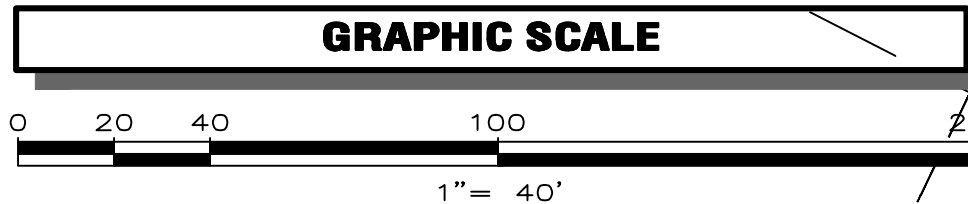
NORTH DEKALB MALL  
ONE STORY RETAIL MALL BUILDING  
658,882 S.F. (FOOTPRINT)

MARSHALLS

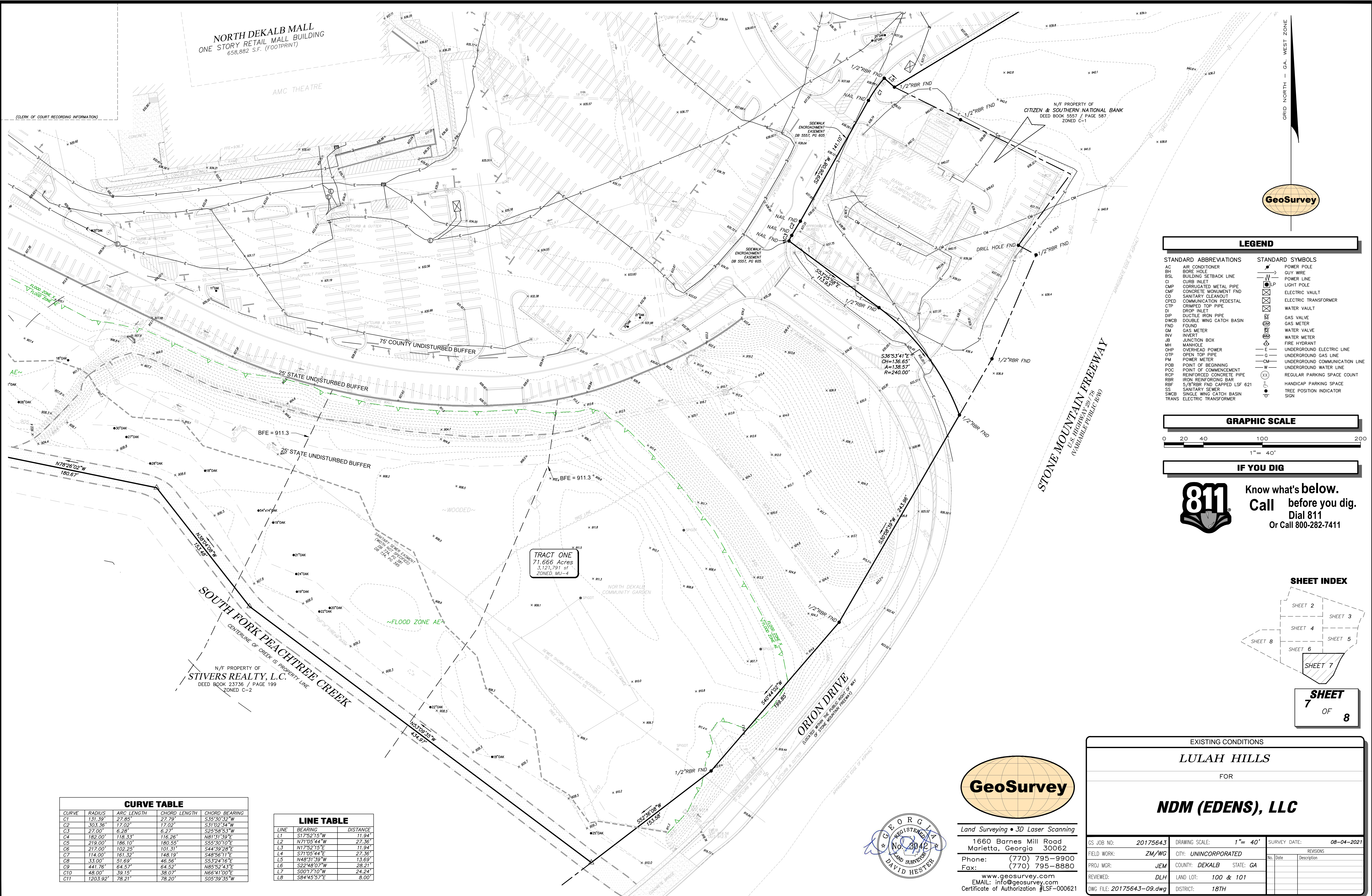
AMC THEATRE

SOUTH FORK PEACHTREE CREEK  
CENTERLINE OF CREEK IS PROPERTY LINE  
N02°59'32"W 121.41'  
N72°13'24"W 123.12'

N/F PROPERTY OF  
JAMES H. SHEPHERD, JR.  
DEED BOOK 24737 / PAGE 328  
ZONED R-75







(CLERK OF COURT RECORDING INFORMATION)

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

AMC THEATRE

STONE MOUNTAIN FREEWAY  
US HIGHWAY 29/78  
(VARIABLE PUBLIC RD)

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

TRACT ONE  
71.666 Acres  
3,121,791 sq ft  
ZONED MU-4

ORION DRIVE  
(LOCATED WITHIN THE PUBLIC RIGHT OF WAY  
OF THE CITY OF ATLANTA)

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
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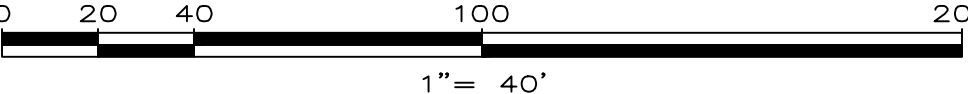
LEGEND

- STANDARD ABBREVIATIONS

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  - BH BORE HOLE
  - BSL BUILDING SETBACK LINE
  - CI CURB INLET
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  - POB POINT OF BEGINNING
  - POC POINT OF COMMENCEMENT
  - RCP REINFORCED CONCRETE PIPE
  - RRB IRON REINFORCING BAR
  - RFB 5/8" RFB CAPPED LSF 621
  - SS SANITARY SEWER
  - SWCB SINGLE WING CATCH BASIN
  - TRANS ELECTRIC TRANSFORMER
- STANDARD SYMBOLS

  - POWER POLE
  - GUY WIRE
  - POWER LINE
  - LIGHT POLE
  - ELECTRIC VAULT
  - ELECTRIC TRANSFORMER
  - WATER VAULT
  - GAS VALVE
  - GAS METER
  - WATER VALVE
  - WATER METER
  - FIRE HYDRANT
  - UNDERGROUND ELECTRIC LINE
  - UNDERGROUND GAS LINE
  - UNDERGROUND COMMUNICATION LINE
  - UNDERGROUND WATER LINE
  - REGULAR PARKING SPACE COUNT
  - HANDICAP PARKING SPACE
  - TREE POSITION INDICATOR SIGN

GRAPHIC SCALE

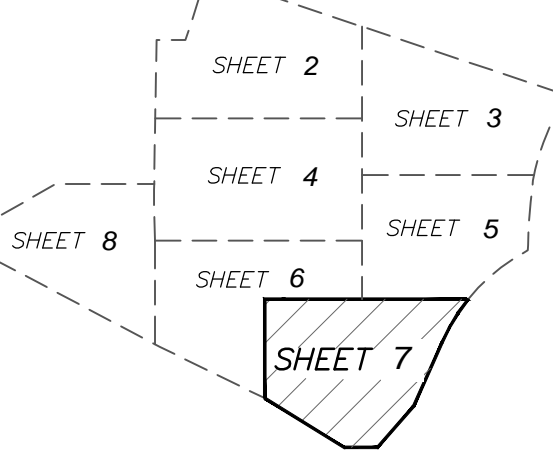


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SHEET INDEX



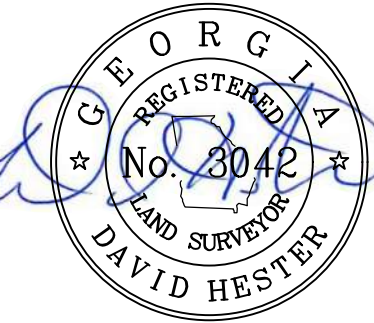
SHEET  
7  
OF  
8



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EXISTING CONDITIONS

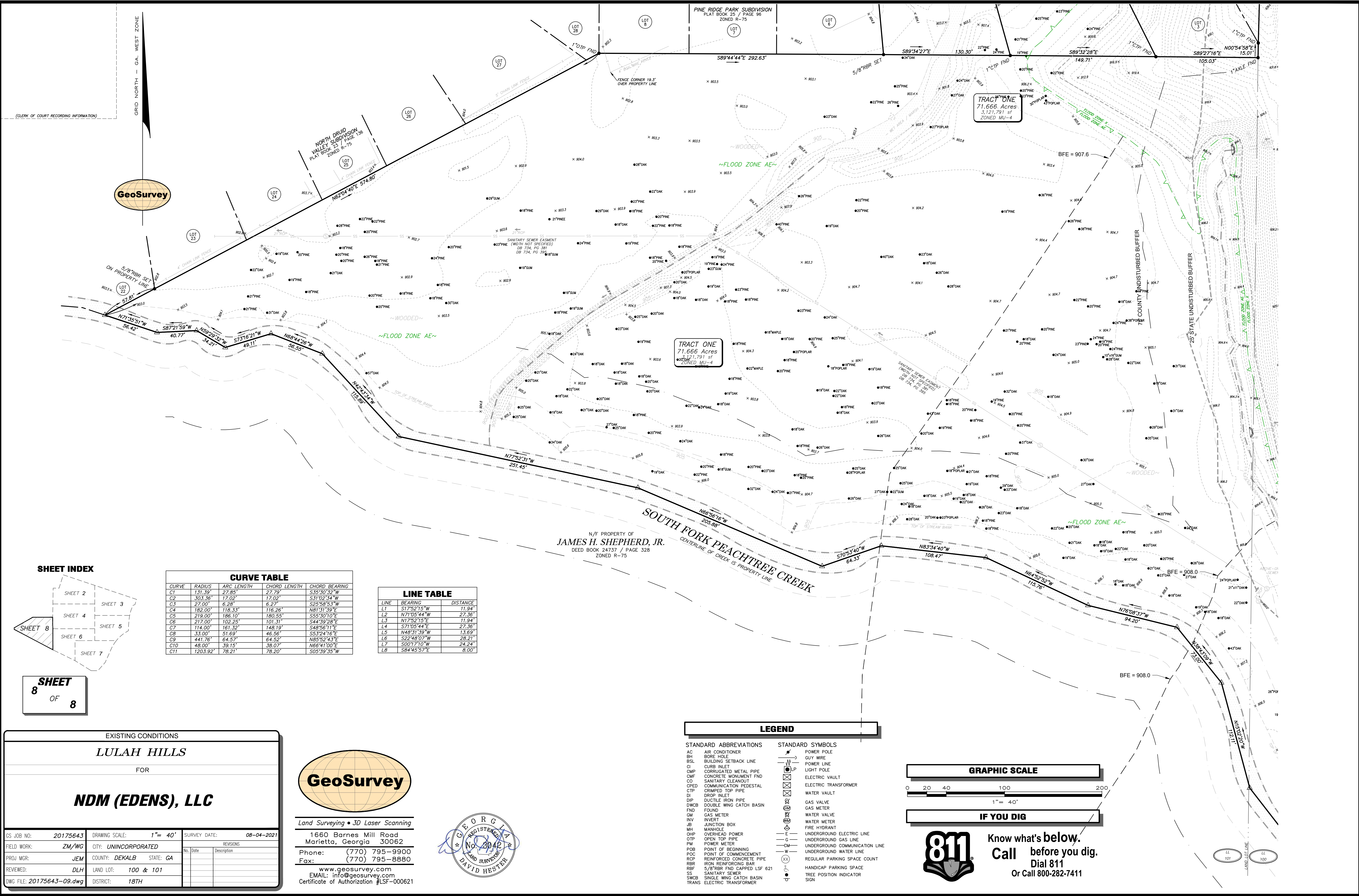
LULAH HILLS

FOR

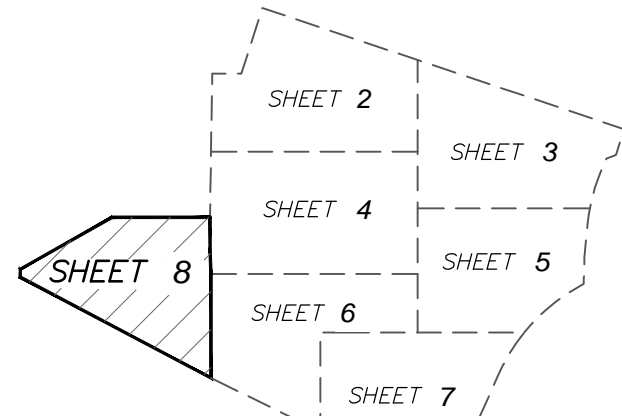
NDM (EDENS), LLC

GS JOB NO:	20175643	DRAWING SCALE:	1" = 40'	SURVEY DATE:	08-04-2021
FIELD WORK:	ZM/WG	CITY:	UNINCORPORATED	REVISIONS	
PROJ MGR:	JEM	COUNTY:	DEKALB	STATE:	GA
REVIEWED:	DLH	LAND LOT:	100 & 101	No.	Date
DWG FILE:	20175643-09.dwg	DISTRICT:	18TH	Description	





SHEET INDEX



SHEET  
8  
OF  
8

CURVE TABLE				
CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	131.39'	27.85'	27.79'	S35°30'32"W
C2	303.36'	17.02'	17.02'	S31°02'34"W
C3	27.00'	6.28'	6.27'	S25°58'53"W
C4	182.00'	118.33'	116.26'	N81°31'39"E
C5	219.00'	186.10'	180.55'	S55°30'10"E
C6	217.00'	102.25'	101.31'	S44°39'28"E
C7	114.00'	161.32'	148.19'	S48°56'11"E
C8	33.00'	51.69'	46.56'	S53°24'16"E
C9	441.76'	64.57'	64.52'	N85°52'43"E
C10	48.00'	39.15'	38.07'	N66°41'00"E
C11	1203.92'	78.21'	78.20'	S05°39'35"W

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

EXISTING CONDITIONS

LULAH HILLS

FOR

NDM (EDENS), LLC

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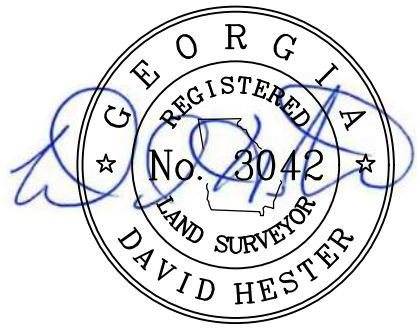


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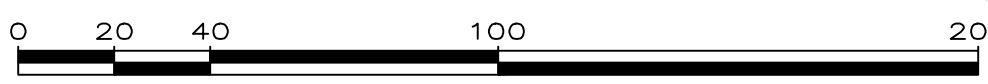
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LEGEND

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

GRAPHIC SCALE



1" = 40'

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