

Planning and Zoning
1975 Lakeside Parkway, Suite 350
Tucker, GA 30084
Phone: 678-597-9040
Email: permits@tuckerga.gov
Website: www.tuckerga.gov

Land Use Petition Application

Type of Application: ☐ Rezoning ☐ Comprehensive Plan Amendment ☒ Special Land Use Permit
☒ Concurrent Variance ☐ Modification

APPLICANT INFORMATION

Applicant is the: ☐ Property Owner ☒ Owner's Agent ☒ Contract Purchaser

Name: AHS Residential, LLC c/o Dennis J. Webb, Jr., Smith, Gambrell & Russell, LLP

Address: 1105 W. Peachtree Street, NE, Suite 1000

City: Atlanta

State: Georgia

Zip: 30309

Contact Name: Dennis J. Webb, Jr.

Phone: 404.815.3620

Email: dwebb@sgrlaw.com

OWNER INFORMATION

Name: Tucker Exchange, LLC

Address: 1427 Mayson Street

City: Atlanta

State: Georgia

Zip: 30324

Contact Name: Gary Matthews

Phone: 678.672.1834

Email: gm@parksidepartners.com

PROPERTY INFORMATION

Property Address: 2059 Northlake Parkway

Present Zoning District(s): NL-2

Requested Zoning District(s): N/A

Present Land Use Category: Regional Activity Center

Requested Land Use Category: N/A

Land District: 18

Land Lot(s): 188 and 189

Acreage: +/-13.0096

Proposed Development: Mixed-Use (Multifamily Residential and Office)

Concurrent Variance(s): See attached Statement of Intent for a list of Variances

RESIDENTIAL DEVELOPMENT

No. of Lots/Dwelling Units: 507*

Dwelling Unit Size (Sq. Ft.):

Density: 38.97 units/acre

NON-RESIDENTIAL DEVELOPMENT

No. of Buildings/Lots: 1

Total Building Sq. Ft.: 59,315 sf

Density: .105 FAR

(*378 Multifamily; 129 Live-Work)

(total office space)

APPLICANT'S CERTIFICATION

THE UNDERSIGNED BELOW STATES UNDER OATH THAT THEY ARE AUTHORIZED TO MAKE THIS APPLICATION. THE UNDERSIGNED IS AWARE THAT NO APPLICATION OR REAPPLICATION AFFECTING THE SAME LAND SHALL BE ACTED UPON WITHIN 24 MONTHS FROM THE DATE OF LAST ACTION BY THE MAYOR AND CITY COUNCIL.



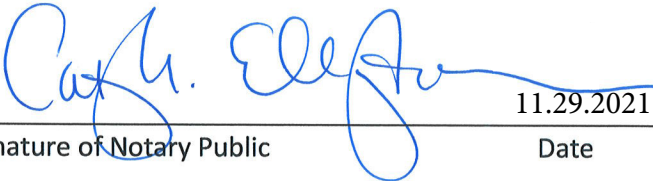
11.29.2021

Signature of Applicant

Date

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

Type or Print Name and Title



11.29.2021

Signature of Notary Public

Date



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CITY OF TUCKER

12/17/2021

PROPERTY OWNER'S CERTIFICATION

I do solemnly swear and attest, subject to criminal penalties for false swearing, that I am the legal owner, as reflected in the records of DeKalb County, Georgia, of the property identified below, which is the subject of the attached Land Use Petition before the City of Tucker, Georgia. As the legal owner of record of the subject property, I hereby authorize the individual named below to act as the applicant in the pursuit of the Application for Rezoning (RZ), Comprehensive Plan Amendment (CA), Special Land Use Permit (SLUP), Modification (M) & Concurrent Variance (CV) in request of the items indicated below.

I, Kyle Jenks, authorize, Dennis J. Webb, Jr., Smith, Gambrell & Russell, LLP
(Property Owner) (Applicant)

to file for SLUP and CV, at 2059 Northlake Parkway, Tucker, Georgia
(RZ, CA, SLUP, M, CV) (Address)

on this date December 13, 2021
(Month) (Day)

- I understand that if a rezoning is denied or assigned a zoning classification other than the classification requested in the application, then no portion of the same property may again be considered for rezoning for a period of twenty-four (24) months from the date of the mayor and city councils' final decision.
- I understand that if an application for a special land use permit affecting all or a portion of the same property for which an application for the same special land use was denied shall not be submitted before twenty-four (24) months have passed from the date of final decision by the mayor and city council on the previous special land use permit.
- I understand that failure to supply all required information (per the relevant Applicant Checklists and requirements of the Tucker Zoning Ordinance) will result in REJECTION OF THE APPLICATION.
- I understand that preliminary approval of my design plan does not authorize final approval of my zoning or signage request. I agree to arrange additional permitting separately, after approval is obtained.
- I understand that representation associated with this application on behalf of the property owner, project coordinator, potential property owner, agent or such other representative shall be binding.

Kyle Jenks 12.8.21
Signature of Property Owner Date

Tucker Exchange, LLC - Manager
Type or Print Name and Title

Christina Bickerton 12/8/2021
Signature of Notary Public Date



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LAND USE PETITION APPLICATION - REVISED JULY 15, 2020

SLUP-22-0001, CV-22-0001, CV-22-0002, CV-22-0003, CV-22-0004

12/17/2021

PLANNING & ZONING
DEPARTMENT

DISCLOSURE REPORT FORM

WITHIN THE (2) YEARS IMMEDIATELY PRECEDING THE FILING OF THIS ZONING PETITION HAVE YOU, AS THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, OR AN ATTORNEY OR AGENT OF THE APPLICANT OR OPPONENT FOR THE REZONING PETITION, MADE ANY CAMPAIGN CONTRIBUTIONS AGGREGATING \$250.00 OR MORE OR MADE GIFTS HAVING AN AGGREGATE VALUE OF \$250.00 TO THE MAYOR OR ANY MEMBER OF THE CITY COUNCIL.

CIRCLE ONE: YES (if YES, complete points 1 through 4);

NO (if NO, complete only point 4)

1. CIRCLE ONE: Party to Petition (If party to petition, complete sections 2, 3 and 4 below)

In Opposition to Petition (If in opposition, proceed to sections 3 and 4 below)

2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

| | |
|----------|----------|
| 1. _____ | 5. _____ |
| 2. _____ | 6. _____ |
| 3. _____ | 7. _____ |
| 4. _____ | 8. _____ |

3. CAMPAIGN CONTRIBUTIONS:

| Name of Government Official | Total Dollar Amount | Date of Contribution | Enumeration and Description of Gift Valued at \$250.00 or more |
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4. The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Tucker Exchange, LLC

Signature:  Date: 12-8-21

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12/17/2021

DISCLOSURE REPORT FORM

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Name (print) AHS Residential, LLC

Signature:  Date: 12/06/2021

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12/17/2021

DISCLOSURE REPORT FORM

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Name (print) Kathryn M. Zickert

Signature:

Kathryn M Zickert

Date: 11.29.2021

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SLUP-22-0001, CV-22-0001, CV-22-0002, CV-22-0003, CV-22-0004

LAND USE PETITION APPLICATION • REVISED DECEMBER 9, 2020

PLANNING & ZONING
DEPARTMENT

DISCLOSURE REPORT FORM

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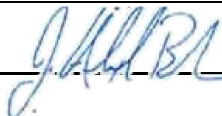
3. CAMPAIGN CONTRIBUTIONS:

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Name (print) J. Alexander Brock

Signature:



Date: 11.29.2021

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DISCLOSURE REPORT FORM

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Name (print) Dennis J. Webb, Jr.

Signature:  Date: 11.29.2021

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Pre-Application Meeting

From: Kylie Thomas <kthomas@tuckerga.gov>
Sent: Monday, December 6, 2021 4:56 PM
To: Brock, Alex; Courtney Smith; Jessica Echols
Cc: Webb, Dennis (Den)
Subject: Re: [External]Tucker Exchange - Pre-Application Form
Attachments: imagea7456e.JPG

CAUTION: This email is from an external source. Do not click links or attachments unless it's from a verified sender.

Hi Alex,

No pre-ap form or additional pre-ap meeting is necessary. You are welcome to email me the application when you are ready to submit!

Thanks!
Kylie

Get [Outlook for iOS](#)

From: Brock, Alex <jabrock@sgrlaw.com>
Sent: Monday, December 6, 2021 4:01 PM
To: Courtney Smith; Kylie Thomas; Jessica Echols
Cc: Webb, Dennis (Den)
Subject: [External]Tucker Exchange - Pre-Application Form

Courtney,

We are preparing the Special Land Use Permit application for on the Tucker Exchange development at 2059 Northlake Parkway. You met with Den several weeks ago to discuss the application and I wanted to see if you had a pre-application form from that meeting. If not, do we need to schedule another pre-app? Can it be scheduled this week?

We are preparing a submittal for the Monday 12/13 deadline and will need the pre-app form to include with it.

Thanks,
Alex

J. Alexander Brock
Attorney at Law

p | 404-815-3603
f | 404-685-6903
e | jabrock@sgrlaw.com
1105 W. Peachtree St. NE | Suite 1000 | Atlanta, GA 30309
www.sgrlaw.com | My Bio | vCard



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Confidentiality Notice

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SLUP-22-0001, CV-22-0001, CV-22-0002, CV-22-0003, CV-22-0004

PLANNING & ZONING
DEPARTMENT

Public Participation Report



Public Participation Plan Report

Project Name: Tucker Exchange Mixed-Use

Contact Name: Dennis J. Webb, Jr., Smith, Gambrell & Russell, LLP

Meeting Date: December 9, 2021

Meeting Location: The ground floor common area at 2059 Northlake Parkway, Tucker, Georgia

Meeting Start Time: 7:00 p.m.

Meeting End Time: 8:00 p.m.

Number of people in attendance: See attached sign-in sheets.

Date of Filing of Land Use Petition Application: December 13, 2021

General Introduction:

A community meetings was held at the location noted above on December 9, 2021. Notifications were sent to each property owner within 500' of the Subject Property (a copy of the letter is attached). At the meeting, the Applicant gave an overview of the proposed development as well as an explanation of the SLUP and concurrent variances requested. The Applicant then answered questions and concerns from the neighbors in attendance. A summary of the neighbors' questions are attached to this report.

Summary of concerns and issues raised at the meeting: (please list and respond to each one individually; include as many items that were discussed).

1. List question/concern/comment/request for changes to the proposed plans

Applicant Response: See attached list of questions and the Applicant's responses.

The following must be submitted at time of application submittal:

- Copy of the letter that was mailed to neighbors
- Copy of address list for mailing

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12/17/2021

- o Meeting sign-in sheet
- o Meeting minutes
- o Copy of the plan that was presented at the neighborhood meeting

I, the undersigned, as the applicant or an authorized representative of the applicant do solemnly swear and attest that the information provided is true and accurate. I have included a complete record of the neighborhood meeting, as well as an honest response regarding the intentions for development.

[Signature] 12/13/21
 Signature of Applicant or Authorized Representative Date

Dennis L. Webb, Jr.
 Type or Print Name of Applicant or Authorized Representative Date

[Signature] 12.13.2021
 Signature of Notary Date



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PLANNING & ZONING
 DEPARTMENT

AHS Residential, LLC - Community Meeting - 2059 Northlake Parkway, Tucker, GA
December 9, 2021 - 7:00 pm

| Name and Address | Email Address | Phone number |
|---|----------------------------|--------------|
| Andrea Bennett Tucker | andrea3599@gmail.com | 404-231-4130 |
| Logan Ritchie Decaturish/Tucker Observer | LCRitchie@decaturish.com | |
| Nelda MacIntyre 3403 Northlake Ct | macnelda22@yahoo.com | 770-491-7576 |
| Susan Pickens | sy pickens@bellsouth.net | |
| Keeley High | keedhigh@gmail.com | |
| Peter Reby | rp713@gmail.com | |
| Charles Strauss Pine Grove Subdivision | chuckstrauss@hotmail.com | |
| Denell A. Davis Northlake | denell.davis@yahoo.com | |
| NEAL STUBBLEFIELD | NEALSTUBBLEFIELD@GMAIL.COM | 404 395 6327 |
| FOR MARY N. HARLAN By Linda Harlan Trotter, P.O.A | Lharlantroter@gmail.com | 678-200-0674 |
| J. BARRY SCHRENK 3566 LAWR. HWY. TUCKER, GA 30084 | JBARRY3566@YAHOO.COM | 770-934-2141 |
| Andrew Greenberg 1846 Hebron Way, Tucker | HDIAndrew@aol.com | |
| James Curtis 1887 Robin Hill Ct. Tucker 30084 | 421810@bellsouth.net | 770-491-6198 |

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PLANNING & ZONING
DEPARTMENT

AHS Residential, LLC – Community Meeting – 2059 Northlake Parkway, Tucker, GA
December 9, 2021 – 7:00 pm

| Name and Address | Email Address | Phone number |
|------------------|--------------------------|--------------|
| Rod Gary | rodgary.com@gmail.com | |
| Matthew Lee | mlee@tuckernorthlake.com | |
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AHS Tucker Exchange
12.09.2021 Community Meeting Questions and Responses

1. Architecture. Members of the community voiced opinions on the architectural design and asked for examples of other AHS developments. The community wanted a consistency of architectural styles between the proposed and existing building.
 - a. RESPONSE: Applicant will create an email group from the attendees and forward examples of AHS' other local projects. The Applicant does not intend the proposed building to reflect the architecture of the existing building. The Applicant will continue to work with the City and the community to refine the proposed architecture.
2. Members of the community asked about the amenities provided.
 - a. RESPONSE: Applicant noted the clubhouse, and surrounding nature.
3. There was a question regarding the number of elevators and if there is a back-up generator situation.
 - a. RESPONSE: Applicant will confirm the answer and get back to the attendees.
4. There was a question on whether or not covered parking or a parking deck will be provided.
 - a. RESPONSE: The proposed design does not include covered parking.
5. The community had questions regarding the unit sizes and the lease rates.
 - a. RESPONSE: These items are not yet finalized, but as we continue through the design we will get that information to the attendees.
6. There was a concern regarding the abundance of apartments in the area and available units.
 - a. RESPOSNE: The Applicant notes the few apartment complexes in the area and detailed the need for additional units.
7. There was a question regarding how the proposed development will impact local traffic.
 - a. RESPONSE: The Applicant noted that a traffic impact is being prepared and will be included in its SLUP application.
8. Members of the community voiced concerns over the impacts of allowing affordable housing. The community did not want affordable housing, but voiced support for workforce housing.
 - a. RESPONSE: The Applicant noted that the units will not be affordable according to the HUD and AMI requirements, however will entertain a workforce housing component if necessary.
9. Make sure plan is consistent with Tucker Master trail plan.
 - a. RESPONSE: The proposed site plan shows a 10-foot multi use trail along E. Exchange Place. The Applicant will discuss options with City Staff for locating trails on the other sides of the property.
10. There was a question regarding the number of AHS employees working in the building.
 - a. RESPONSE: The Applicant will determine the number of employees and respond via the email group.
11. There was a question about the proximity of the residential to the railroad tracks.
 - a. RESPONSE: The railroad tracks are approximately 120-feet from the closest point of the proposed building.
12. There were no site plan changes that were requested at the meeting and the site plan was not revised as a result of the meeting.



Neighborhood Meeting Information

Information about your neighborhood meeting shall be provided to city staff at least 14 calendar days before the meeting. City staff will then post information about the meeting on the city website and the city facebook page. An email blast will also be sent through the city email list.

Project Name: Tucker Exchange - 2059 Northlake Parkway

Contact Name: Dennis J. Webb, Jr. - Smith, Gambrell & Russell, LLP
djwebb@sgrlaw.com
404.815.3500

Meeting Date: December 9, 2021

Meeting Time: 7:00pm

Meeting Location: In the ground floor common area at 2059 Northlake Parkway, Tucker, Georgia

Request: AHS will be seeking a Special Land Use Permit to permit a density above 24 units per acre and certain variances.

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12/17/2021



Dear Neighbors of 2059 Northlake Parkway,

AHS Residential, LLC (“AHS”) is interested in developing the property at 2059 Northlake Parkway, known as “Tucker Exchange,” for a mixed-use development that will incorporate the existing five-story office structure and add two new, nine-story buildings. Among other things, the mixed-use development will include approximately 59,315 square feet of office and co-working space, 129 live-work units and 378 multi-family units. To allow for the development, AHS will be seeking a Special Land Use Permit to permit a density above 24 units per acre and certain variances.

AHS broke ground on its first development in the metropolitan Atlanta area in June of 2021 at Tributary in Douglasville, Georgia. AHS is committed to creating unique, high quality communities that include apartments with well-designed amenities like a business center, a multipurpose clubhouse with swimming pool and a fitness center. AHS is also committed to providing hard-working Americans with contemporary living options that will not break the bank. AHS owns and manages over 2,000 apartments units in Florida with more communities planned in Georgia and Texas.

The first step in the process is to hold a Public Participation (neighborhood) meeting with the community to discuss our proposal with you and receive your feedback. The meetings are required before we can submit our application for a Special Land Use Permit and variances to the City. You are receiving this letter as you own property within 500’ of our project. We hope you will be able to meet with us in the ground floor common area at 2059 Northlake Parkway, Tucker, Georgia on December 9th, 2021 at 7:00 pm.

We have included a site plan of our current proposal and look forward to discussing it with you and receiving your feedback on December 9, 2021. If you are unable to attend or wish to reach out beforehand, please feel free to contact us at djwebb@sgrlaw.com or 404.815.3500.

A flyer outlining the land use petition process in the City of Tucker is also included. Questions relating to city matters can be addressed to info@tuckerga.gov.

Sincerely,

AHS Residential, LLC

ahsresidential.com

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12/17/2021

SGR/26449977.1

PLANNING & ZONING
DEPARTMENT



Land Use Petition Process for Rezoning, Special Land Use Permits, and Comprehensive Plan Amendments

1

Before filing, the applicant must host a neighborhood meeting per our Public Participation Plan requirements. The point of this meeting is for the potential applicant to discuss the proposal with neighbors and get feedback or requests for changes. More information can be found here: tuckerga.gov/ppp

2

The applicant files an application with the City of Tucker. Deadlines are listed in the Land Use Petition Application.

3

Staff completes a technical analysis of the application based on the City of Tucker Zoning Ordinance and Comprehensive Plan. This report includes a staff recommendation.

4

The City holds Public Meetings

- Planning Commission
 - Staff presentation of the staff report and staff recommendation
 - Public Hearing, which includes the applicant's presentation and a chance for the public to speak for or against the application
 - The Planning Commission votes on a recommendation to forward to City Council
- Mayor & City Council – 1st Read
 - Staff presentation of the staff report and staff recommendation
 - Public Hearing, which includes the applicant's presentation and a chance for the public to speak for or against the application
- Mayor & City Council – 2nd Read
 - Staff presentation of the staff report and staff recommendation
 - Public Hearing, which includes the applicant's presentation and a chance for the public to speak for or against the application
 - City Council can take a vote for final action on the request

Decisions on applications are based on the criteria that is set forth in the zoning ordinance. The criteria is located here: tuckerga.gov/landusecriteria

Please note that some applications, such as those that meet the Development of Regional Impact (DRI) standards, will have additional steps between filing an application and the Public Hearing.

For information about current land use petitions, including application information and public meeting dates, please visit: tuckerga.gov/landusepetitions



Firm Mailing Book For Accountable Mail

Name and Address of Sender
 Alex Brock Ste 1000
 1105 W. Peachtree St NE
 Atlanta GA 30309

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

Hasler

11/24/2021

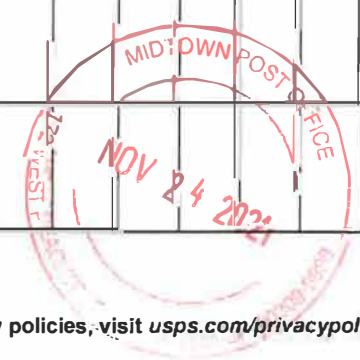
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\$14.10⁰⁰ZIP 30301
011D11636292

| USPS Tracking/Article Number | Addressee (Name, Street, City, State, & ZIP Code™) | Postage | (Extra Service) Fee | Handling Charge | Actual Value if Registered | Insured Value | Due Sender if COD | ASR Fee | ASRD Fee | RD Fee | RR Fee | SC Fee | SCRD Fee | SH Fee |
|------------------------------|---|---------|---------------------|-----------------|----------------------------|---------------|-------------------|---------|----------|--------|--------|--------|----------|--------|
| 1. | 30AIP NORTHLAKE LLC PO BOX 9456 MINNEAPOLIS, MN 55440 | .53 | .47 | | | | | | | | | | | |
| 2. | ANASTASIA PETKAS IRREVOCABLE GIFTING TRUST FOB 2062 LAVISTA CIR TUCKER, GA 30084 | .53 | .47 | | | | | | | | | | | |
| 3. | ASHIRWAD LLC 2081 NORTHLAKE PKWY TUCKER, GA 30084 | .53 | .47 | | | | | | | | | | | |
| 4. | BFS RETAIL COMMERCIAL OPERATI 9001 AIRPORT FWY # 700 FT WORTH, TX 76180 | .53 | .47 | | | | | | | | | | | |
| 5. | DEKALB COUNTY PUBLIC SAFETY & JUDICIAL FACILITIES AUTHORITY 1300 COMMERCE DR DECATUR, GA 30030 | .53 | .47 | | | | | | | | | | | |
| 6. | GEORGIA STUDENT FINANCE AUTH 2082 E EXCHANGE PL # 200 TUCKER, GA 30084 | .53 | .47 | | | | | | | | | | | |
| 7. | HUNG Q NGUYEN HUYNH HAOT 1619 STEPSTONE WAY LAWRENCEVILLE, GA 30043 | .53 | .47 | | | | | | | | | | | |



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|-----|--|-----|-----|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| 8. | ALEJANDRO LOPEZ RAMOS ARELY LOPEZ 2070 LAVISTA CIR TUCKER, GA 30084 | .53 | .47 | | | | | | | | | | | | | | | | |
| 9. | ARC CAFEUSA001 LLC 3038 SIDCO DR 12FL NASHVILLE, TN 37204 | .53 | .47 | | | | | | | | | | | | | | | | |
| 10. | BFS RETAIL COMMERCIAL 333 E LAKE ST # 300 BLOOMINGDALE, IL 60108 | .53 | .47 | | | | | | | | | | | | | | | | |
| 11. | CRE LAKESIDE LLC 6500 CITY WEST PKWY STE 440 EDEN PRAIRIE, MN 55344 | .53 | .47 | | | | | | | | | | | | | | | | |
| 12. | DREPUNG LOSELING MONASTERY INC 1781 DRESDEN DR NE ATLANTA, GA 30319 | .53 | .47 | | | | | | | | | | | | | | | | |
| 13. | GHEBREYOHANNES TSEGA OBEDNGL 1935 CAMEO CT TUCKER, GA 30084 | .53 | .47 | | | | | | | | | | | | | | | | |
| 14. | JAMES C OSER BEVERLEY OSER 2078 LAVISTA CIR TUCKER, GA 30084 | .53 | .47 | | | | | | | | | | | | | | | | |
| 15. | JOHN G WRIGHT MARINA C WRIGHT 22641 BENNER AVE TORRANCE, CA 90505 | .53 | .47 | | | | | | | | | | | | | | | | |
| 16. | LANGFORD CEMETERY 1647 N PELHAM RD NE ATLANTA, GA 30324 | .53 | .47 | | | | | | | | | | | | | | | | |
| 17. | NORTHLAKE EQUITIES LLC NORTHLAKE CHELSEA LLC 14 STEUBEN LN JACKSON, NJ 8527 | .53 | .47 | | | | | | | | | | | | | | | | |



| | | | | | | | | | | | | | | | | | | | |
|-----|--|---------|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|--|
| 18. | O T A C DEVELOPMENT GROUP LLC 2077 NORTHLAKE PKWY TUCKER, GA 30084 | 53 . 47 | | | | | | | | | | | | | | | | | |
| 19. | RODGER N BENNETT MARY L BENNETT 4950 GAIDREW JOHNS CREEK, GA 30022 | 53 . 47 | | | | | | | | | | | | | | | | | |
| 20. | SAMMY P HARLAN MARY NASH HARLAN 2094 LAVISTA CIR TUCKER, GA 30084 | 53 . 47 | | | | | | | | | | | | | | | | | |
| 21. | STALLION INVESTMENTS LLC 3378 LAWRENCEVILLE HWY TUCKER, GA 30084 | 53 . 47 | | | | | | | | | | | | | | | | | |
| 22. | JOLLY FISHERMAN ASSOCIATES 1401 MCKINNEY ST # 1200 HOUSTON, TX 77010 | 53 . 47 | | | | | | | | | | | | | | | | | |
| 23. | MANRY & HESTON INC PO BOX 49607 ATLANTA, GA 30359 | 53 . 47 | | | | | | | | | | | | | | | | | |
| 24. | NORTHLAKE REAL ESTATE LLC 5225 FIVE FORKS TRICKUM RD LILBURN, GA 30047 | 53 . 47 | | | | | | | | | | | | | | | | | |
| 25. | OGLETHORPE POWER CORP 2100 E EXCHANGE PL TUCKER, GA 30084 | 53 . 47 | | | | | | | | | | | | | | | | | |
| 26. | RONALD LEE CORN 2086 LAVISTA CIR TUCKER, GA 30084 | 53 . 47 | | | | | | | | | | | | | | | | | |
| 27. | SELIG ENTERPRISES INC 1110 SPRING ST NW # 550 ATLANTA, GA 30309 | 53 . 47 | | | | | | | | | | | | | | | | | |



Legal Description

EXHIBIT "A"
Legal Description

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 188 AND 189 OF THE 18TH DISTRICT, CITY OF TUCKER, DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT AN IRON PIN PLACED (1/2" REBAR W/CAP) AT THE INTERSECTION FORMED BY THE NORTHEASTERLY RIGHT OF WAY OF NORTHLAKE PARKWAY (VARIABLE RIGHT OF WAY) AND THE NORTHWESTERLY RIGHT OF WAY OF THE SEABOARD COASTLINE RAILROAD (100' RIGHT OF WAY) AND RUNNING THENCE NORTHWESTERLY ALONG THE NORTHEASTERLY RIGHT OF WAY OF NORTHLAKE PARKWAY (VARIABLE RIGHT OF WAY) THE FOLLOWING COURSES AND DISTANCES:

- 1) THENCE NORTH 32°53'05" WEST FOR A DISTANCE OF 75.09 FEET TO A MAG NAIL PLACED;
- 2) THENCE 45.33 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 11544.16 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 32°59'50" WEST, 45.33 FEET TO A MAG NAIL PLACED;
- 3) THENCE NORTH 38°24'48" WEST FOR A DISTANCE OF 176.82 FEET TO A MAG NAIL PLACED;
- 4) THENCE SOUTH 56°00'55" WEST FOR A DISTANCE OF 21.00 FEET TO AN IRON PIN PLACED (1/2" REBAR);
- 5) THENCE 175.75 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 11508.16 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 34°25'20" WEST, 175.75 FEET TO A CONCRETE MONUMENT FOUND;
- 6) THENCE NORTH 56°01'19" EAST FOR A DISTANCE OF 16.55 FEET TO A CONCRETE MONUMENT FOUND;
- 7) THENCE NORTH 40°51'02" WEST FOR A DISTANCE OF 82.54 FEET TO A CONCRETE MONUMENT FOUND;

THENCE DEPARTING THE NORTHEASTERLY RIGHT OF WAY OF NORTHLAKE PARKWAY (VARIABLE RIGHT OF WAY) NORTH 60°29'14" EAST FOR A DISTANCE OF 219.40 FEET TO AN IRON PIN FOUND (1/2" REBAR); THENCE NORTH 33°01'25" WEST FOR A DISTANCE OF 266.85 FEET TO AN IRON PIN PLACED (1/2" REBAR WITH CAP) ON THE SOUTHERLY RIGHT OF WAY OF EAST EXCHANGE PLACE (70' RIGHT OF WAY); THENCE ALONG THE SOUTHERLY RIGHT OF WAY OF EAST EXCHANGE PLACE (70' RIGHT OF WAY) THE FOLLOWING COURSES AND DISTANCES:

- 1) 299.87 FEET ALONG THE ARC OF A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 655.00 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 84°54'24" EAST, 297.26 FEET TO AN IRON PIN FOUND (1/2" REBAR);
- 2) THENCE SOUTH 81°58'40" EAST FOR A DISTANCE OF 60.00 FEET TO A POINT;
- 3) THENCE 360.76 FEET ALONG THE ARC OF A CURVE TO THE LEFT, SAID CURVE HAVING A RADIUS OF 795.00 FEET AND BEING SUBTENDED BY A CHORD OF NORTH 85°01'20" EAST, 357.67 FEET TO A POINT;
- 4) THENCE NORTH 72°01'20" EAST FOR A DISTANCE OF 89.91 FEET TO AN IRON PIN PLACED (1/2" REBAR W/CAP);

THENCE DEPARTING THE SOUTHERLY RIGHT OF WAY OF EAST EXCHANGE PLACE (70' RIGHT OF WAY) SOUTH 27°55'00" EAST FOR A DISTANCE OF 514.75 FEET TO AN IRON PIN PLACED (1/2" REBAR W/CAP) ON THE NORTHWESTERLY RIGHT OF WAY OF THE SEABOARD COASTLINE RAILROAD (100' RIGHT OF WAY); THENCE ALONG THE NORTHWESTERLY RIGHT OF WAY OF THE SEABOARD COASTLINE RAILROAD (100' RIGHT

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OF WAY) SOUTH 62°04'29" WEST FOR A DISTANCE OF 850.53 FEET TO THE **POINT OF BEGINNING**.

SAID TRACT OR PARCEL CONTAINING 13.00936 ACRES OR 566,688 SQUARE FEET.

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EXHIBIT "B"
Permitted Exceptions

1. All taxes for the year 2019 and subsequent years, not yet due and payable.
2. Slope Easements as contained in that certain Condemnation being Civil Action File No. 40817, aforesaid Records.
3. Easement from Citizens & Southern National Bank to Georgia Power Company, dated September 6, 1974, recorded in Deed Book 3248, Page 364, aforesaid Records.
4. Terms, conditions and obligations as contained in that certain Sanitary Sewer Easement from Hiram S. Cochran to The Citizens and Southern National Bank, a national banking association, dated March 31, 1975, filed for record April 10, 1975 at 9:21 a.m., recorded in Deed Book 331 5, Page 446, aforesaid Records.
5. Terms, conditions and obligations as contained in that certain Storm Sewer Easement from Hiram S. Cochran to The Citizens and Southern National Bank, a national banking association, dated March 31, 1975, filed for record April 10, 1975 at 9:21 a.m., recorded in Deed Book 3315, Page 449, aforesaid Records.
6. Drainage rights as contained in that certain Right of Way Deed from Citizens and Southern Georgia Corporation to DeKalb County, a political subdivision of the State of Georgia, dated April 9, 1984, filed for record April 11, 1984 at 8:30 a.m., recorded in Deed Book 4956, Page 367, aforesaid Records.
7. Those matters as disclosed by that certain survey entitled "ALTA/NSPS Land Title Survey For ATPA Tucker Exchange, LLC, a Delaware limited liability company, its successors and assigns, Atlantic Capital Bank, N.A., Calloway Title and Escrow, LLC and Chicago Title Insurance Company", prepared by Watts & Browning Engineers, Inc., bearing the seal and certification of Virgil T. Hammond, Georgia Registered Land Surveyor No. 2554, dated April 1, 2019, last revised May 6, 2019, being designated as Job No. 190312, as follows:
 - (a) Eighteen (18") inch corrugated metal pipe crossing the southwesterly and northerly boundary lines of subject property;
 - (b) Fence crossing the southwesterly boundary line of subject property;
 - (c) Back of curb crossing the southwesterly and southerly boundary lines of subject property; and
 - (d) Underground power lines crossing the northerly boundary line of subject property.

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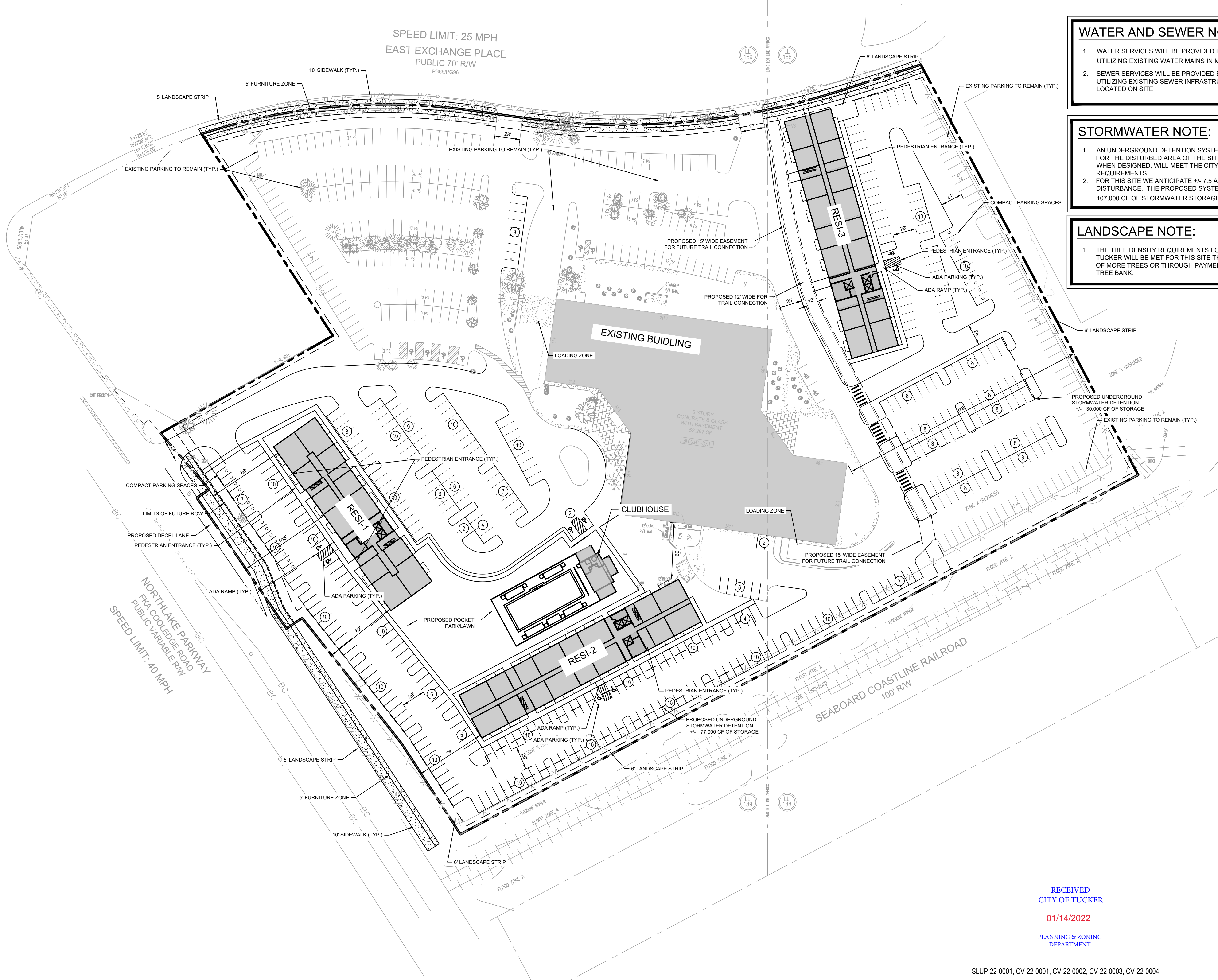
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Site Plan



WATER AND SEWER NOTES:

1. WATER SERVICES WILL BE PROVIDED BY DEKALB COUNTY UTILIZING EXISTING WATER MAINS IN MAIN ROAD
2. SEWER SERVICES WILL BE PROVIDED BY DEKALB COUNTY UTILIZING EXISTING SEWER INFRASTRUCTURE CURRENTLY LOCATED ON SITE

STORMWATER NOTE:

1. AN UNDERGROUND DETENTION SYSTEM WILL BE PROVIDED FOR THE DISTURBED AREA OF THE SITE. THIS SYSTEM WHEN DESIGNED, WILL MEET THE CITY AND STATE REQUIREMENTS.
2. FOR THIS SITE WE ANTICIPATE +/- 7.5 ACRES OF DISTURBANCE. THE PROPOSED SYSTEM WILL PROVIDE +/- 107,000 CF OF STORMWATER STORAGE.

LANDSCAPE NOTE:

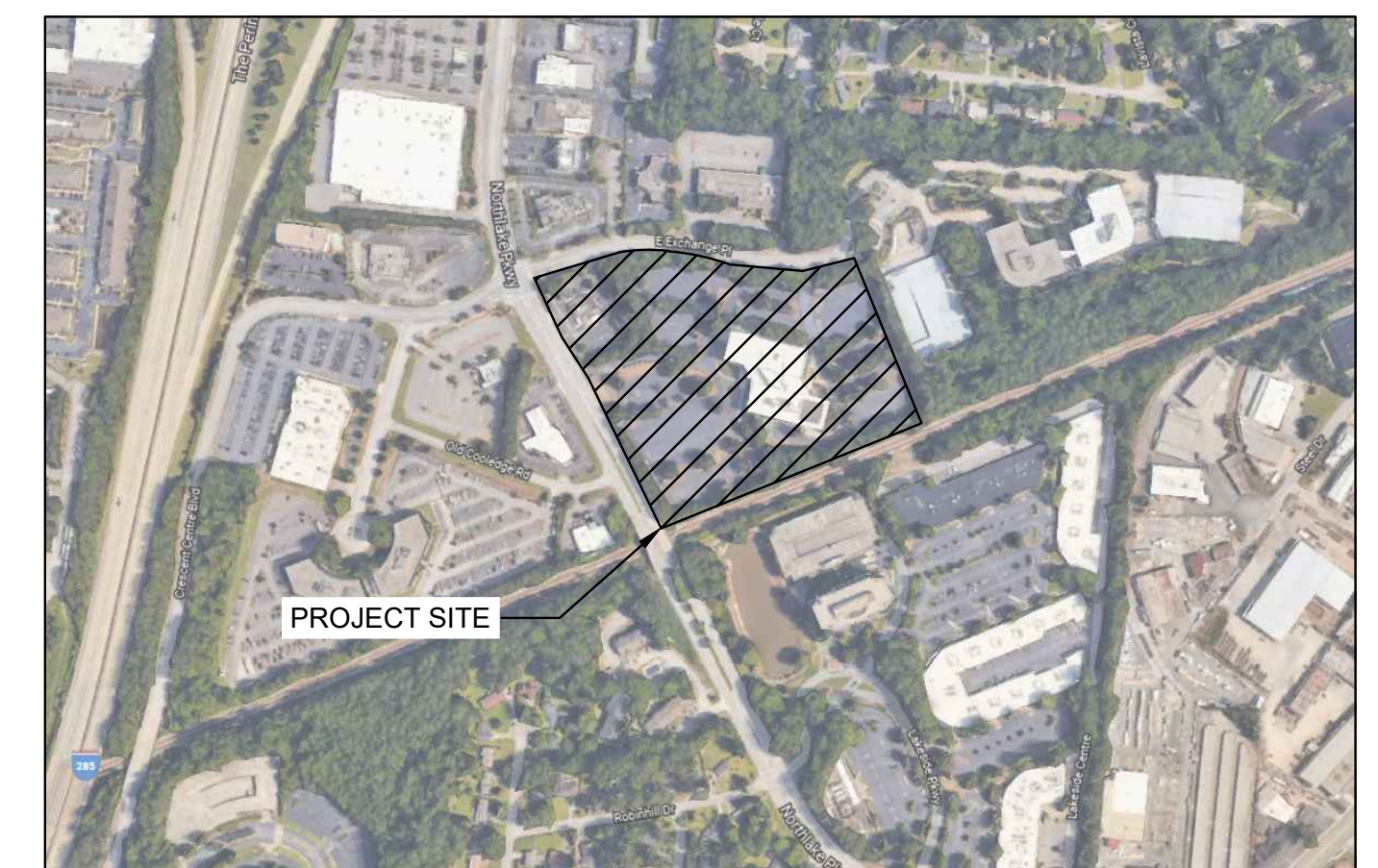
1. THE TREE DENSITY REQUIREMENTS FOR THE CITY OF TUCKER WILL BE MET FOR THIS SITE THOUGH THE ADDITION OF MORE TREES OR THROUGH PAYMENT INTO THE CITY TREE BANK.

| DEVELOPMENT SUMMARY: | |
|--|---|
| SITE SUMMARY: | |
| CURRENT ZONING: | NL-2 |
| PROPOSED ZONING: | NL-2 |
| SITE AREA: | 13.00 ACRES |
| DISTURBED AREA: | +/- 5.50 ACRES |
| LOT COVERAGE: | 10.3 ACRES (79.2%) |
| OPEN SPACE: | 2.7 ACRES (20.7%) |
| REQUIRED BUILDING HEIGHT : | 135 FT 9 STORIES |
| PROPOSED BUILDING HEIGHT: | 89' FT (RES 3) 9 STORIES 83' FT (RES 1 AND RES 2) 8 STORIES |
| EXISTING BUILDING HEIGHT: | 87.1' FT 5 STORIES |
| BUILDING SETBACK REQUIREMENTS: | FRONT (MIN) 0 FT FRONT (MAX) 30 FT SIDE (MIN) 20 FT BACK (MIN) 20 FT |
| LANDSCAPE SETBACK: | FRONT (MIN) 6 FT SIDE (MIN) 6 FT BACK (MIN) 6 FT |
| PROPOSED LAND USES & DENSITIES: | |
| MULTIFAMILY RESIDENTIAL | 368 UNITS |
| LIVE WORK | 129 UNITS |
| OFFICE/COWORKING SPACE: | 97,240 SF |
| TOTAL FLOOR SPACE: 579,951 GSF | |
| RESIDENTIAL: 482,711 SF | |
| OFFICE/LOBBY/AMENITY: 97,240 | |
| PROPOSED DENSITY: 39 UNITS/ACRE | |
| PARKING SUMMARY: | |
| REQUIRED PARKING (MINIMUM): | 616 SPACES (TOTAL) |
| MULTIFAMILY (368 UNITS): | 368 SPACES (1.00/UNIT) |
| LIVE WORK (129 UNITS): | 129 SPACES (1.00/UNIT) |
| OFFICE/COWORKING (59,315 SF): | 119 SPACES (1.0/500 SF) |
| REQUIRED PARKING (MAXIMUM): | 1,729 SPACES (TOTAL) |
| MULTIFAMILY (368 UNITS): | 1,104 SPACES (3.00/UNIT) |
| LIVE WORK (129 UNITS): | 387 SPACES (3.00/UNIT) |
| OFFICE/COWORKING (59,315 SF): | 238 SPACES (1.0/500 SF) |
| PROPOSED PARKING: | 694 SPACES (TOTAL) |
| STANDARD: | 654 SPACES |
| COMPACT: | 10 SPACES |
| HANDICAP: | 33 SPACES |
| PARKING LOT LANDSCAPING: | |
| REQUIRED: | 10% MIN. |
| PROPOSED: | 10% |

ALTERNATIVE VEHICLE AND BIKE PARKING:

1. THE SITE WILL PROVIDE BIKE/MOPED PARKING AS REQUIRED BY CODE. THE EXACT LOCATION WILL BE DETERMINED DURING THE PERMITTING PHASE. FOR THIS SITE, 36 BIKE/MOPED SPACES WILL BE PROVIDED (1 PER 20).
2. THE SITE WILL PROVIDE ALTERNATIVE VEHICLE PARKING THROUGHOUT THE SITE AS REQUIRED BY CODE. THE EXACT LOCATION WILL BE DETERMINED DURING THE PERMITTING PHASE. FOR THIS SITE, 15 ALTERNATIVE FUEL SPACES WILL BE PROVIDED (2% OF TOTAL).

SITE LOCATION MAP

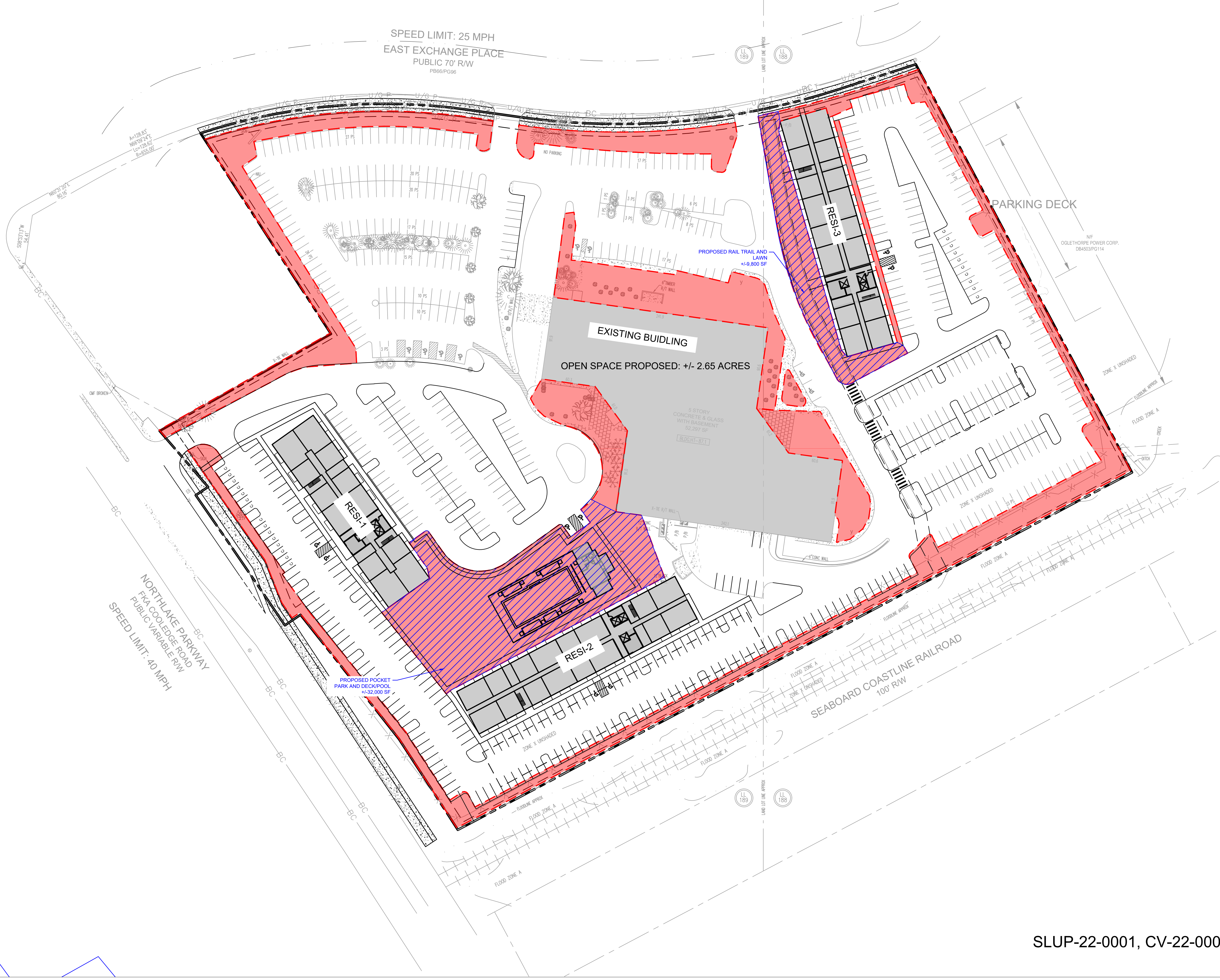


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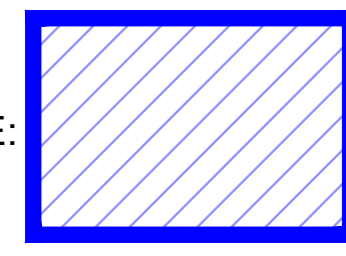
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LEGEND:

OPEN SPACE: 

OUTDOOR SPACE: 

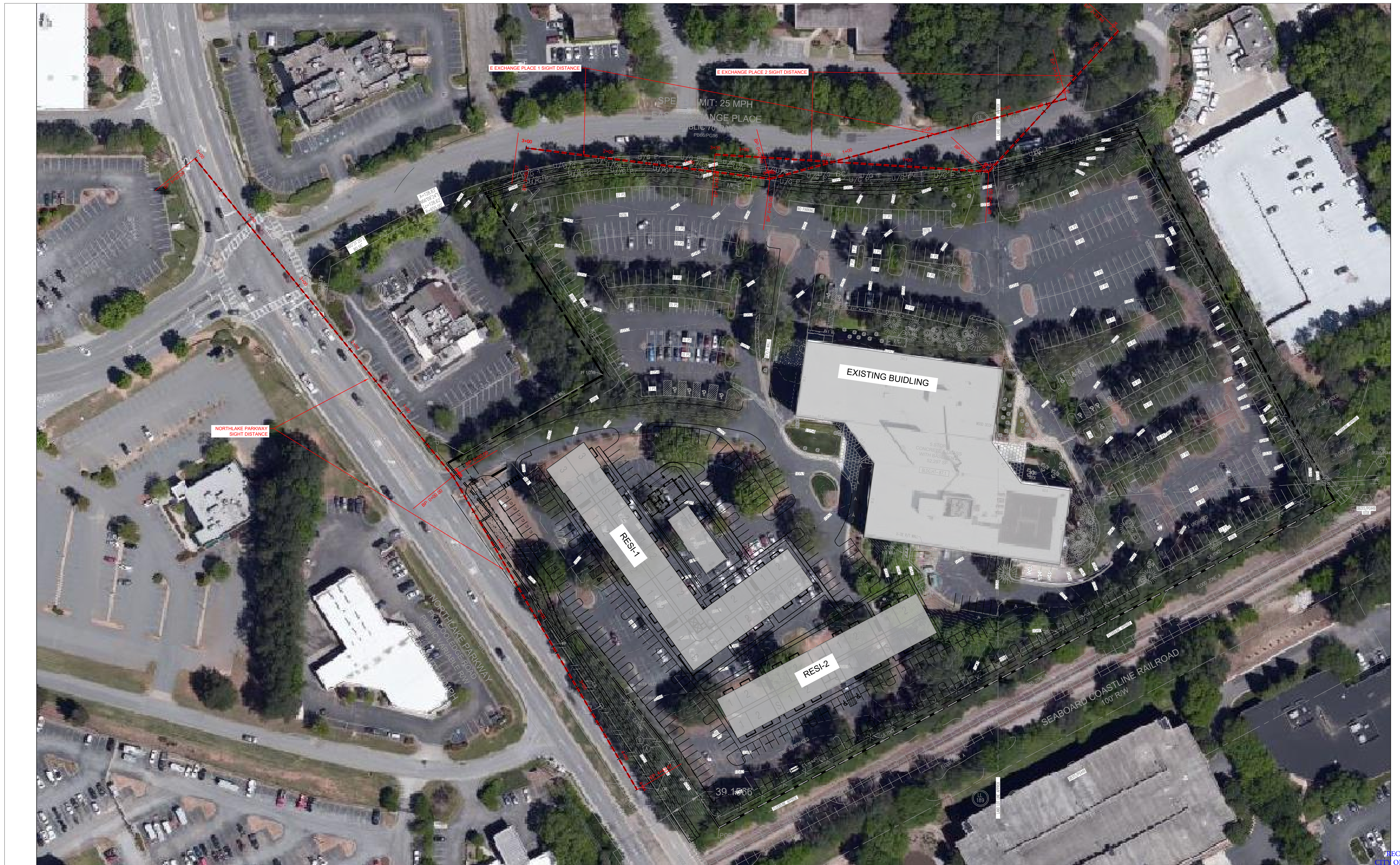
DEVELOPMENT SUMMARY:

SITE SUMMARY:

| | |
|------------------|--------------------|
| CURRENT ZONING: | NL-2 |
| PROPOSED ZONING: | NL-2 |
| SITE AREA: | 13.00 ACRES |
| OPEN SPACE: | 2.65 ACRES (20.4%) |
| OUTDOOR SPACE: | 0.90 ACRES (7.0%) |

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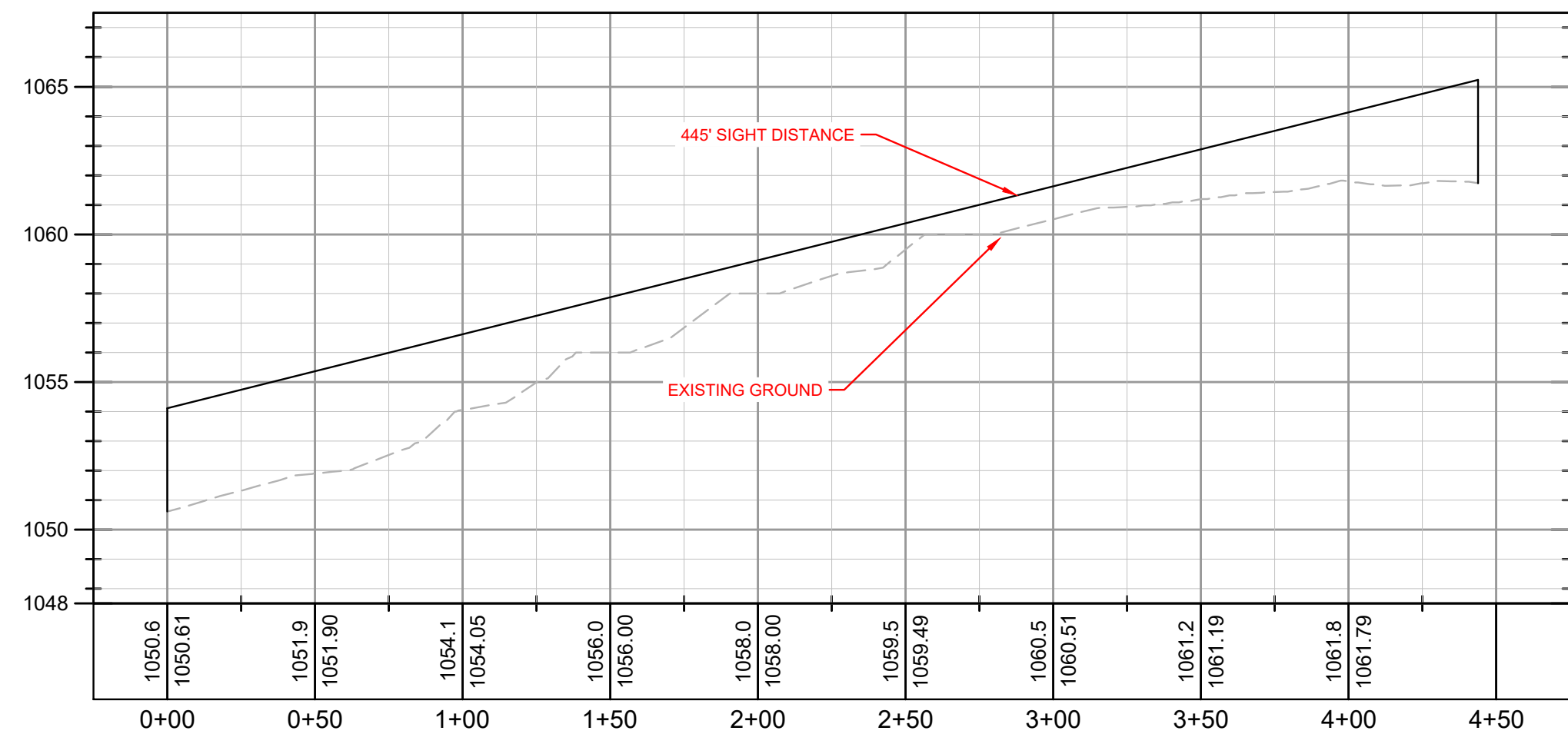
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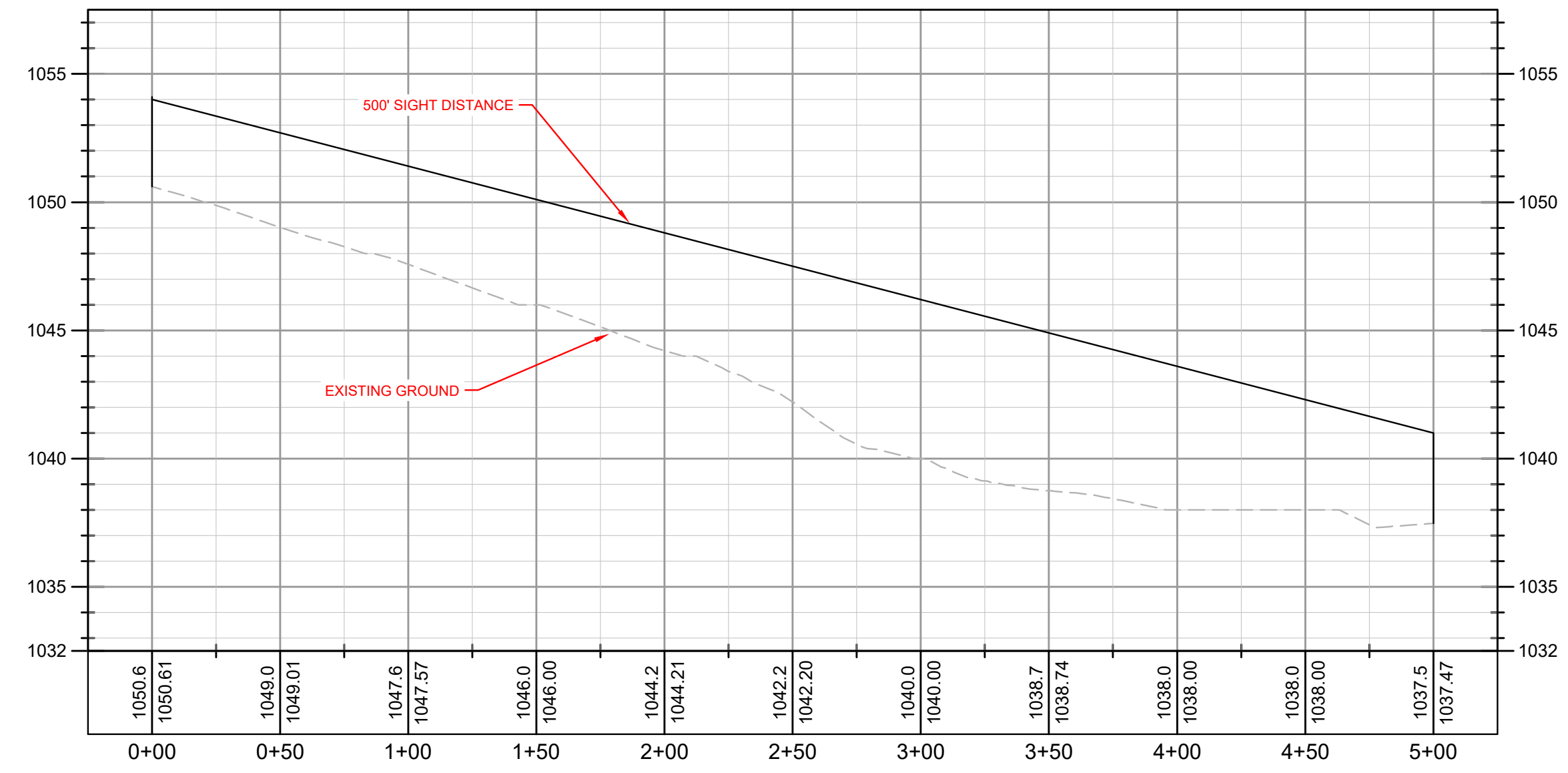
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PROFILE VIEW
Northlake Pkwy Left
1" = 40' HORZ.
1" = 4' VERT.



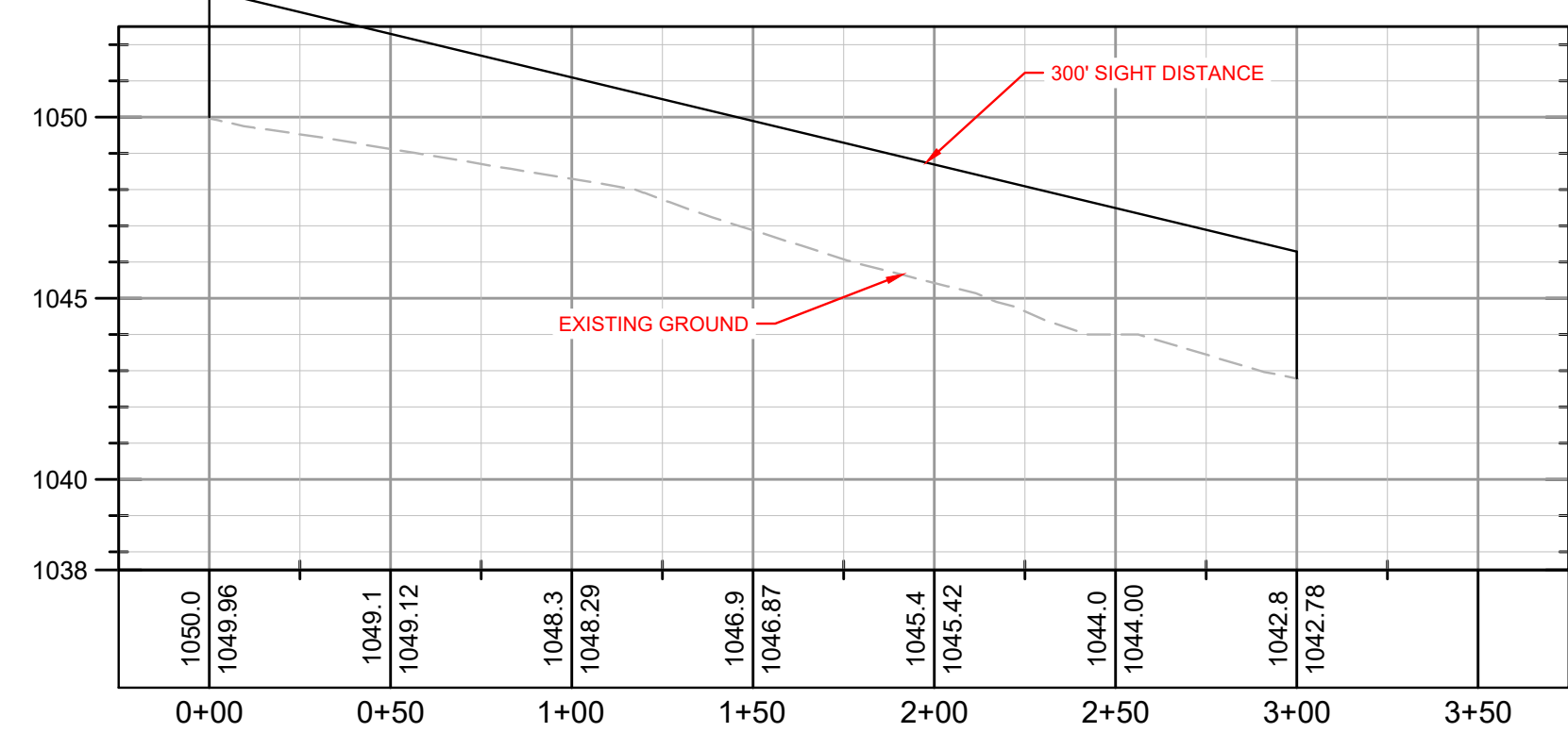
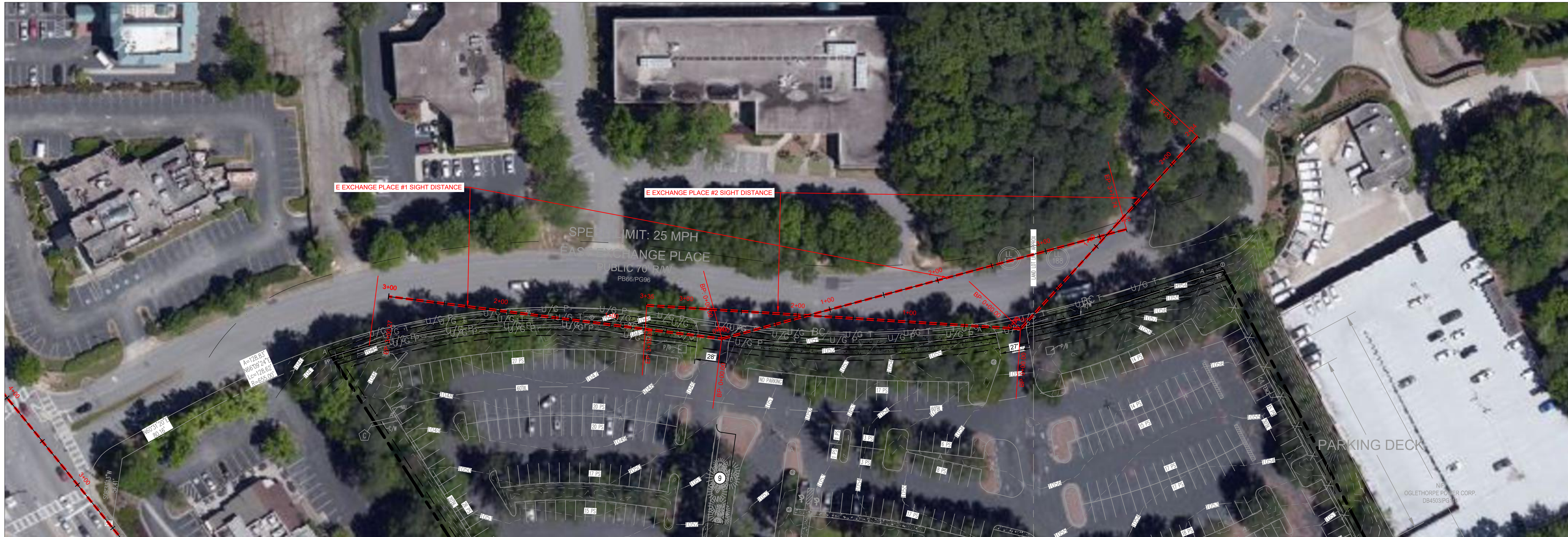
PROFILE VIEW
Northlake Pkwy Right
1" = 40' HORZ.
1" = 4' VERT.

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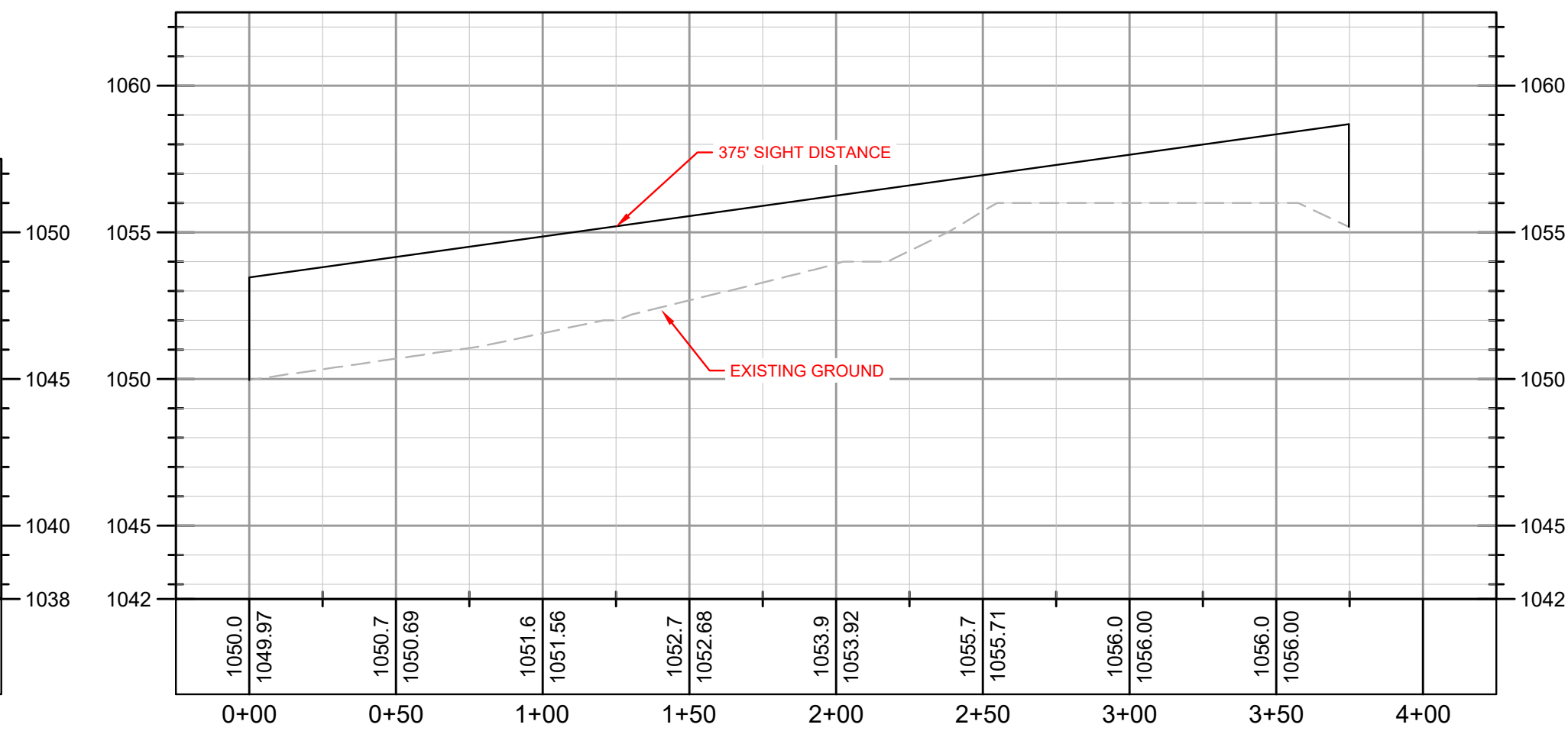
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DEPARTMENT

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PROFILE VIEW
E EXCHANGE PI (1) LEFT
1" = 40' HORIZ.
1" = 4' VERT.



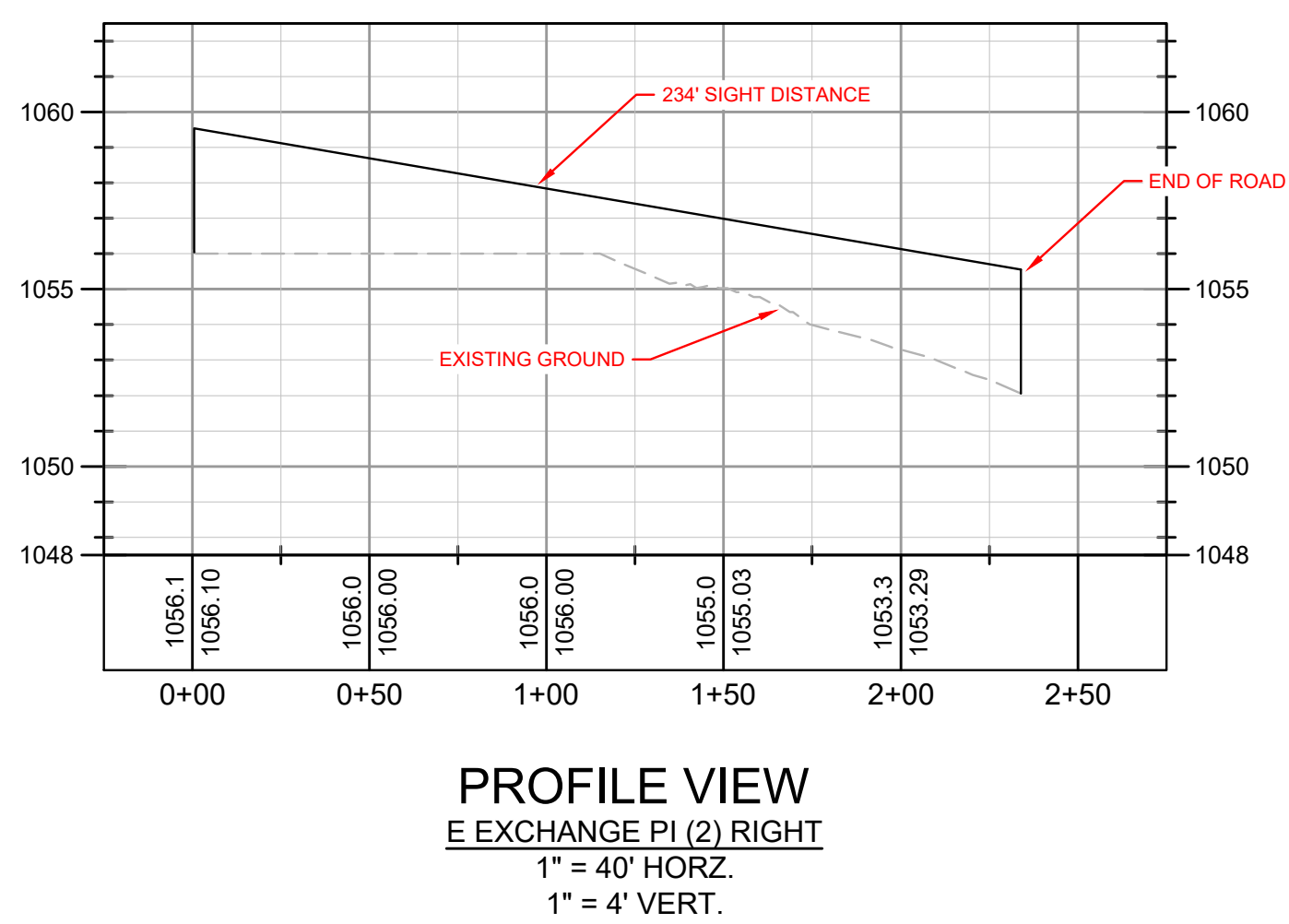
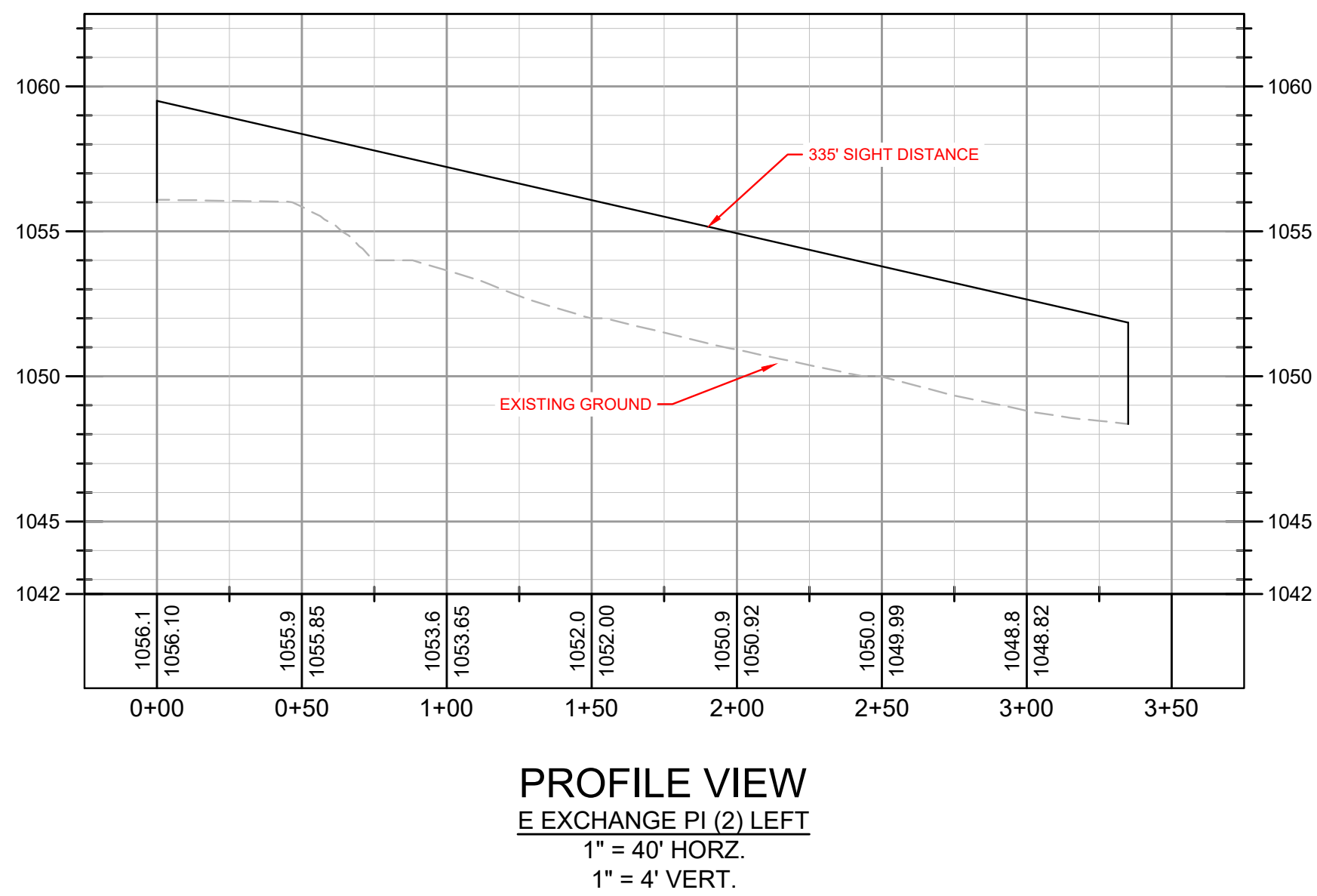
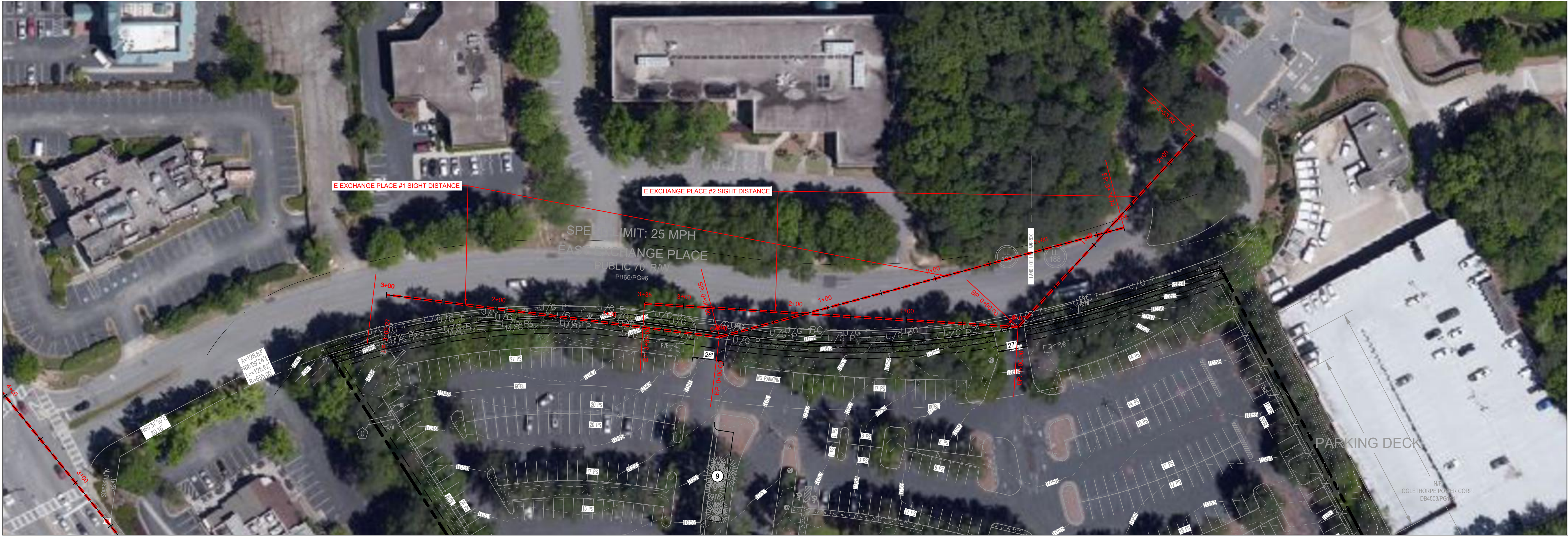
PROFILE VIEW
E EXCHANGE PI (1) RIGHT
1" = 40' HORIZ.
1" = 4' VERT.

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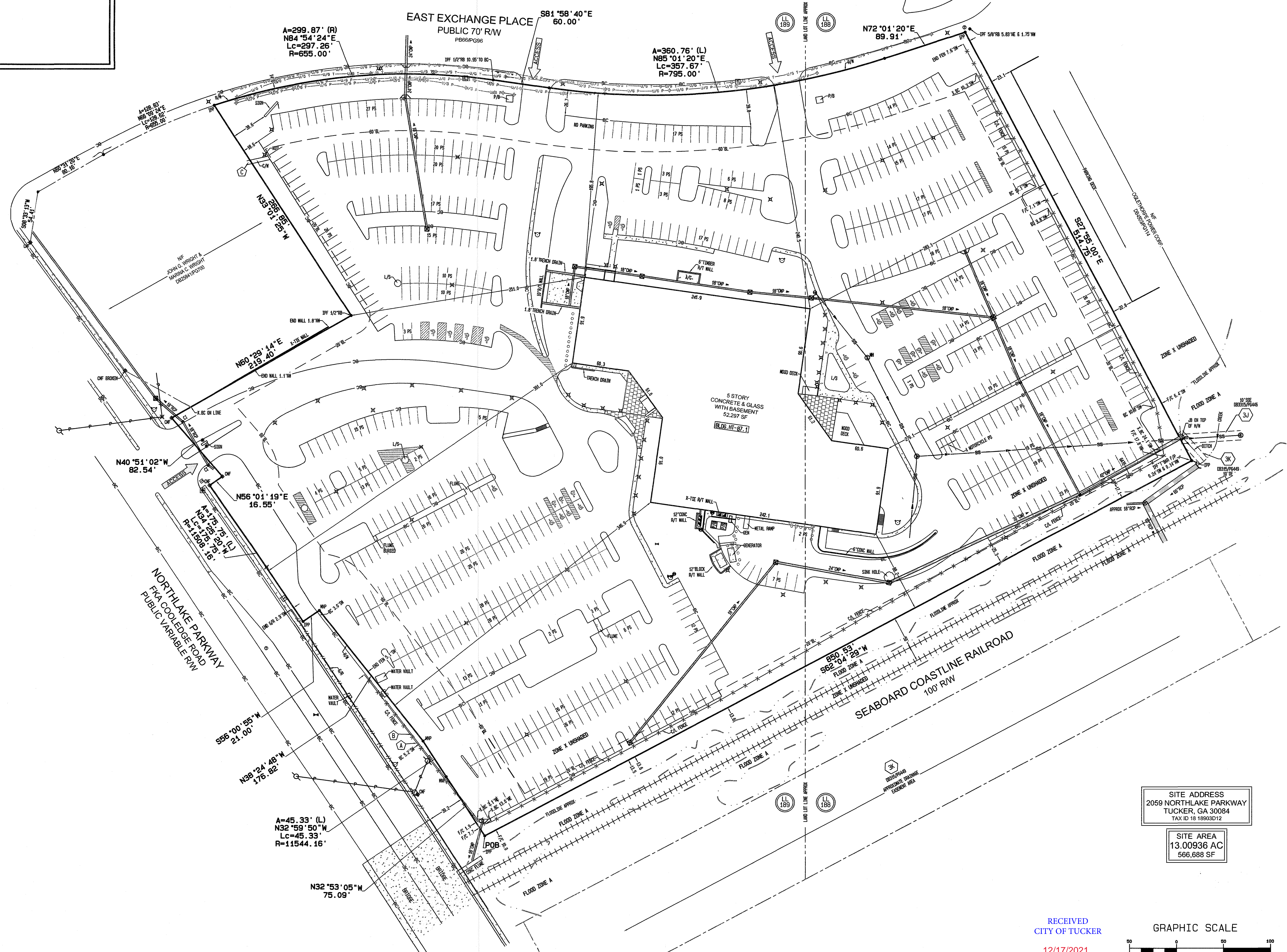
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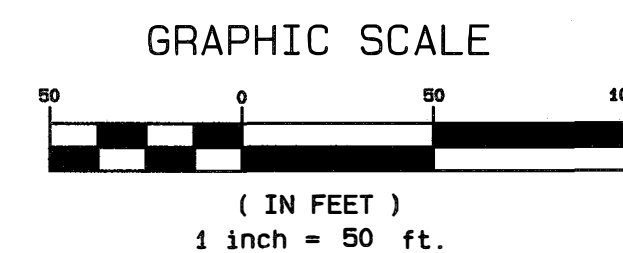
SLUP-22-0001, CV-22-0001, CV-22-0002, CV-22-0003, CV-22-0004

Survey



SITE ADDRESS
2059 NORTH LAKE PARKWAY
TUCKER, GA 30084
TAX ID 18 18903D12

SITE AREA
13.00936 AC
566,688 SF



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ATPA TUCKER EXCHANGE, LLC
A DELAWARE LIMITED LIABILITY COMPANY,
ITS SUCCESSORS AND ASSIGNS
ATLANTIC CAPITAL BANK, N.A.
CALLOWAY TITLE AND ESCROW, LLC
AND CHICAGO TITLE INSURANCE COMPANY



| REVISION | DATE | BY | DESCRIPTION |
|----------|----------|------|---|
| 1 | 04/15/19 | AMCH | ADDRESS ATTORNEY COMMENTS |
| 2 | 04/22/19 | AMCH | ADD ZONING NOTES; REVISE EXC L SCH OF H/W |
| 3 | 05/06/19 | AMCH | REVISE TITLE & CERTIFICATION |

W&B
WATTS & BROWNING ENGINEERS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1349 OLD 41 HWY NW STE 225
MARIETTA, GEORGIA 30060
PHONE: (770) 854-2393
FAX: (770) 854-8496
WWW.WBENG.COM
LSF000429 - PEF000714

| | |
|-----------------|---------------|
| SCALE: | 1" = 50' |
| DATE SURVEYED: | 03/24/2019 |
| DATE UPDATED: | N/A |
| SURVEYED BY: | AMT |
| DATE DRAFTED: | 04/01/2019 |
| UPDATE DRAFTED: | N/A |
| DRAWN BY: | AMCH |
| CHECKED BY: | VTH |
| FIELD BOOK #: | 2700 |
| JOB NUMBER: | 190312 |
| FOLDER NUMBER: | 190312 |
| CSDO FILE: | N/A |
| DISC FILE: | 190312 |
| COUNTY/LL/D/S: | DEKALB/189/18 |
| PLAT FILE: | B |
| SHEET: | 2 OF 2 |

Building Elevations



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CV-22-0003, CV-22-0004

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SLUP-22-0001, CV-22-0001, CV-22-0002, CV-22-0003, CV-22-0004



EXISTING BUILDING IMAGES

TUCKER EXCHANGE

SLUP-22-0001, CV-22-0001, CV-22-0002, CV-22-0003, CV-22-0004

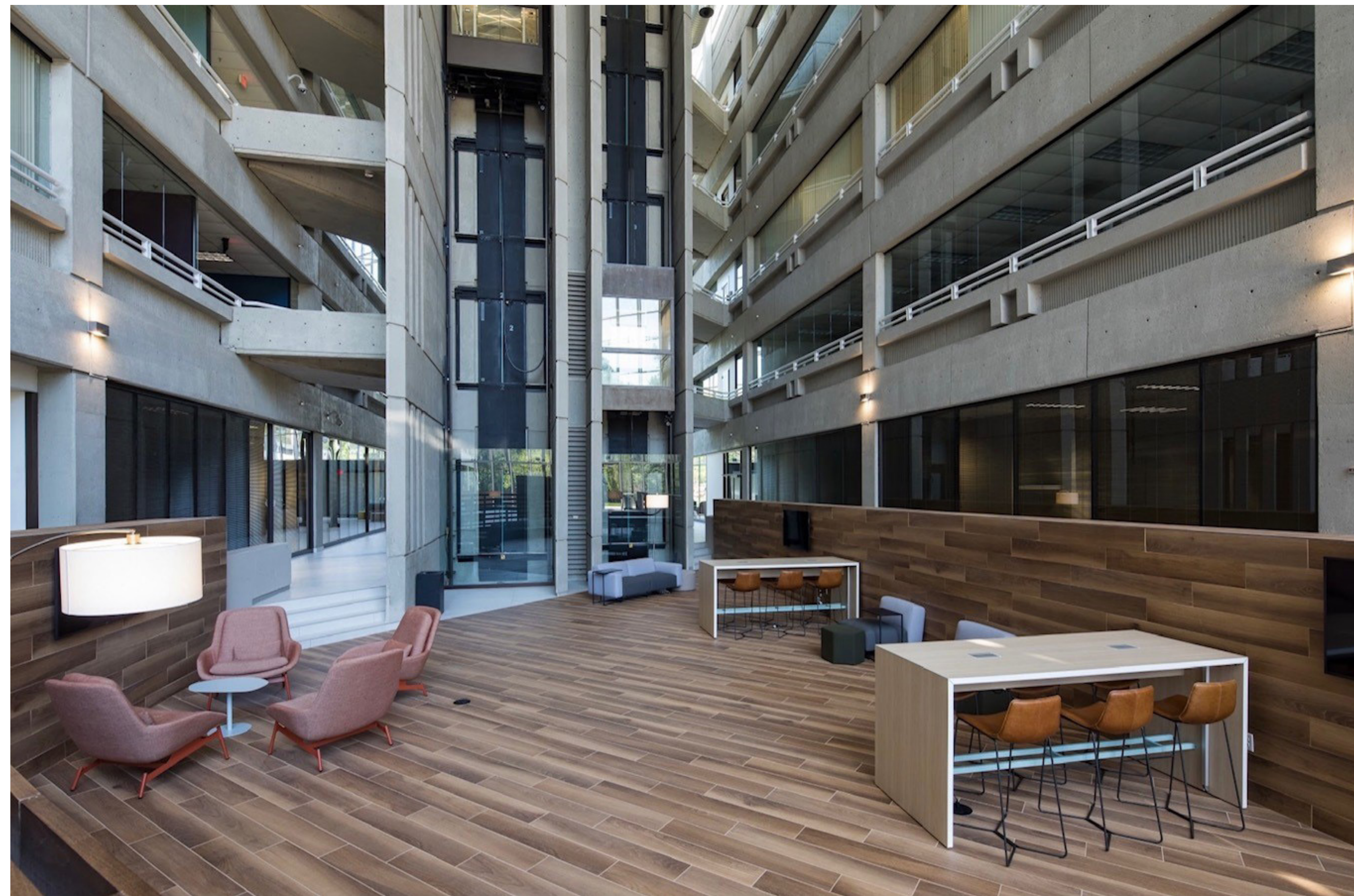
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PLANNING & ZONING
DEPARTMENT

ahs
RESIDENTIAL

Gensler



EXISTING AND AS IMPROVED BUILDING IMAGES

TUCKER EXCHANGE

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DEPARTMENT



Gensler

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AS IMPROVED BUILDING IMAGES

TUCKER EXCHANGE

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Statement of Intent

STATEMENT OF INTENT

and

Other Material Required by
City of Tucker Zoning Ordinance
for the
Special Land Use Permit
And Concurrent Variance Application

of

AHS RESIDENTIAL, LLC

For

± 13.00 Acres of Land
located in
Land Lots 188 and 189, 18th District, DeKalb County
Address: 2059 Northlake Parkway, Tucker, GA 30084

Submitted for Applicant by:

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

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SGR/26506153.2

SLUP-22-0001, CV-22-0001, CV-22-0002, CV-22-0003, CV-22-0004

I. INTRODUCTION

This Application seeks a Special Land Use Permit (“SLUP”) and concurrent variances to allow for the construction of a mixed-use project with ±378 residential apartment units, ±129 live-work units and ±59,315 square feet of office and co-working space on a 13-acre site on Northlake Parkway, Land Lots 188 and 189 of the 18th District of DeKalb County, Georgia (the “Subject Property”). The Subject Property is zoned NL-2 (Northlake Office Park), which would in general allow the mixed-use development proposed. It also is designated as being within a “Regional Activity Center” on the City’s Future Land Use map, a designation that fully supports this request. This SLUP application is being filed to allow a multifamily density over 24 units per acre.¹ The criteria for the SLUP and concurrent variance requests are considered in Sections II and III, respectively.

The development will incorporate an existing, five-story, ±252,091 square foot structure that will house the ±129 live-work units and the ±59,315 square feet of office and co-working space. The 378 apartment units will be divided among two nine-story structures with surface parking, which will be concealed from the street. The residential units facing Northlake Parkway will engage the street by providing direct sidewalk access. At least 20% open space will be provided and maintained by the multi-family owner management company. The amenities

¹ The proposed multifamily density is ±39 units per acre.

proposed and all residential building entrances will be connected by an internal sidewalk system, which will connect to the public sidewalk.

The Subject Property is located in an area that has seen growth and redevelopment. The Subject Property, which is bounded to the west by Northlake Parkway and the north by East Exchange Place, is surrounded by uses compatible to those proposed. For example, the Subject Property is in immediate proximity to a variety of office uses and Tucker Meridian, a ±200,000 square foot shopping center. Across I-285 from the Subject Property are offices, apartments, hotels and other commercial uses.

The office market in the Northlake commercial district is already heavily saturated. For that reason, the Subject Property would best serve the goals of the Northlake Zoning District by being redeveloped for commercial and residential uses, as proposed. The Applicant submits this document as a Statement of Intent with regard to its Application, a preservation of the Applicant's constitutional rights with respect to the Subject Property, and a written justification for the proposed SLUP as required by Tucker's Zoning Ordinance, Section 46-1589.

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II. CRITERIA TO BE APPLIED TO SPECIAL LAND USE PERMITS

A. Adequacy of the size of the site for the use contemplated and whether or not adequate land area is available for the proposed use including provision of all required yards, open space, off-street parking, and all other applicable requirements of the zoning district in which the use is proposed to be located.

The size of the Subject Property is adequate for the proposed use. The proposed residential units, which will be located on the ±13-acre Subject Property, will be within the allowed density once the SLUP issues. The proposed office and co-working space is modestly sized at 59,315 square feet. Adequate parking, landscaping, open space and sidewalks will be provided.

B. Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.

The proposed use is fully compatible with the adjacent properties and land uses as well as those in the larger surrounding area. The proposed multi-family units will add a much-needed housing option to the Northlake commercial area.

C. Adequacy of public services, public facilities, and utilities to serve the proposed use.

There are adequate public services, public facilities, and utilities to serve the proposed development. The vast majority of anticipated residents will be young professionals without children and empty nesters. For those residents with school-aged children, the proposed development will be served by Midvale Elementary

School, Tucker Middle School² and Tucker High School, all of which have capacity.³

D. Adequacy of the public street on which the use is proposed to be located and whether or not there is sufficient traffic-carrying capacity for the use proposed so as not to unduly increase traffic and create congestion in the area.

The proposed development should not unduly increase traffic or create congestion in the area. The Applicant's traffic impact study submitted with this application details the proposed development's vehicular trips and impacts to the surrounding roadways. Using the Institute of Transportation Engineers' (ITE) Trip Generation Manual, 10th Edition, 2017, the traffic study anticipates the 507 multifamily units (ITE Category 221) and 59,315 square feet of office (ITE Category 710) will generate a net of 3,390 total daily trips, 246 AM peak hour trips, and 271 PM peak hour trips.⁴ It is important to note, however, that the traffic study does not take into account the net trip reduction from repurposing the existing office use. When factoring the reduced office area from 259,091 sf (existing) to 59,315 sf (proposed), the proposed development will result in a net increase of 718 total daily trips, a net reduction⁵ of 24 AM peak hour trips, and a net reduction of 10 PM peak hour trips. The traffic study does not anticipate the

² Tucker Middle School is forecasted to be at capacity for the 2021-2022 school year, but enrollment has been declining, and will continue, so that it will be under capacity in the coming years.

³ Data obtained from the DeKalb County School District Enrollment & Capacity by School data on its website at: <https://www.dekalbschoolsga.org/operations/planning/> (last visited December 9, 2021 at 9:00 am).

⁴ The net calculation incorporates a reduction in trips for mixed-use.

⁵ The proposed trips will generate less than the existing office development.

proposed trips to overly burden the surrounding roadways or intersections.⁶ Refer to the Traffic Impact Study for AHS Tucker Exchange, prepared by Kimley-Horn and Associates, Inc. and dated December 2021, a copy of which is attached to this Application.

E. Whether or not existing land uses located along access routes to the site will be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use.

There should be no change in the character of vehicles visiting the Subject Property if this SLUP is approved. Additionally, while there may be some additional daily volume of traffic visiting the site, this increase will be minimal and the peak AM and PM trips are anticipated to decrease. The few additional daily trips are not anticipated to negatively impact the area in light of the Subject Property's access to major thoroughfares.

F. Adequacy of ingress and egress to the subject property and to all proposed buildings, structures, and uses thereon, with particular reference to pedestrian and automotive safety and convenience, traffic flow and control, and access in the event of fire or other emergency.

Adequate ingress and egress to the Subject Property will be provided, both for vehicular and pedestrian traffic. The proposed development will be served by three vehicular access points (one on Northlake Parkway, and two on East Exchange Place), in addition to internal sidewalks that connect to the public

⁶ The traffic study notes the intersection at Northlake Parkway and Lawrenceville Highway will require future improvements regardless of whether or not the proposed development is constructed.

sidewalk system. The proposed development will also provide for the required bicycle parking spaces.

G. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust or vibration generated by the proposed use.

The Subject Property is surrounded by office and commercial uses that will not be adversely impacted by the proposed development.

H. Whether or not the proposed use will create adverse impacts upon any adjoin land use by reason of the hours of operation of the proposed use.

The proposed development's office component will maintain hours of operation similar to other uses in the surrounding area.

I. Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use.

The manner of operation of the development will be similar to that of the other uses in the area. Accordingly, the proposed use would not create adverse impacts upon any adjoining land use.

J. Whether or not the proposed use is otherwise consistent with the requirements of the zoning district classification in which the use is proposed to be located.

Due to the size, shape and topography of the Subject Property and the fact that it is already developed, the Applicant will be seeking certain variances to the NL-2 zoning district, as identified herein. The Applicant notes, however, that the

proposed use is compatible with the following purposes and goals of the NL-2 district:

- To encourage development and redevelopment of properties in order to achieve a mixed-use community;
- Provide for the development of sidewalks and walkways in order to promote safe and convenient pedestrian access and to reduce dependence on automobile travel;
- Promote a physically attractive, environmentally safe and economically sound mixed-use community;
- To enhance the long-term economic viability of the Northlake area by encouraging new commercial and residential developments that increase the tax base and provide jobs to the citizens of the City of Tucker;
- Permit and encourage mixed-use developments containing both commercial and residential uses to create a pedestrian oriented community in which people can live, work and play;
- To provide a balanced distribution of regional and community-focused commercial and mixed-use office centers;
- To support higher-density housing, office, and mixed-use centers which have appropriate access and infrastructure;
- Allow and encourage development densities and land use intensities that are capable of making productive use of alternative transportation modes such as bus transit, rail transit, ridesharing, bicycling and walking;
- Encourage the formation of a well-designed, pedestrian-friendly activity center with high-density commercial and residential development that increases vitality and choices in living environments for the citizens of City of Tucker;
- To protect nearby established single-family residential areas from the encroachment of commercial, retail, office, and industrial uses by providing for increased density of development within the NL districts.

K. Whether or not the proposed use is consistent with the policies of the comprehensive plan.

The Subject Property is designated as “Regional Activity Center” on Tucker’s Future Land Use Map. The Regional Activity Center character area

encourages a higher-density mix of uses including office and residential, such as those proposed. The proposed development is fully allowed within this character area, and promotes the following specific goals and strategies of the City's Tucker Tomorrow Comprehensive Plan (the "Comprehensive Plan"):

- As Northlake is mostly developed, these strategies focus on redeveloping and retrofitting the area to include more residential uses, to "right-size" the amount of commercial space to meet expected demand and to enhance walkability.
- Encouraging relatively high-density mix of retail, office, services, and employment to serve a regional market area.
- Developing a diverse mix of higher-density housing types, including multi-family townhomes, apartments, lofts, and condominiums, including affordable and workforce housing.
- Designing the area's streetscapes to be pedestrian-oriented, with strong, walkable connections.
- Promote the integration of pedestrian and bicycle enhancements into all investments in this area, designing streetscapes to be pedestrian-oriented, with strong, walkable connections.

L. Whether or not the proposed use provides for all required buffer zones and transitional buffer zones where required by the regulations of the zoning district in which the use is proposed to be located.

The proposed development provides for certain buffers and transitional zones, but seeks variations for others as indicated herein.

M. Whether or not there is adequate provision of refuse and service areas.

Adequate refuse and service areas will be provided.

N. Whether the length of time for which the special land use permit is granted should be limited in duration.

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Because the proposed development is suitable for the Subject Property, there is no reason to limit the duration of the requested SLUP.

O. Whether or not the size, scale and massing of proposed buildings are appropriate in relation to the size of the subject property and in relation to the size, scale and massing of adjacent and nearby lots and buildings.

The size of the proposed two new multi-family buildings is appropriate in light of adjacent and nearby properties, which are of comparable heights. In addition, the proposed development will provide at least 20% of open space.

P. Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.

The Applicant is not aware of any historic buildings, sites, districts, or archaeological resources in the nearby or surrounding area.

Q. Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.

There are no supplemental regulations applicable to the requested SLUP.

R. Whether or not the proposed use will create a negative shadow impact on any adjoining lot or building as a result of the proposed building height.

The proposed use will not create any negative shadow impacts on adjoining properties. The multi-family units will be within the allowed maximum height.

S. Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject character area.

The proposed use would not result in a disproportionate proliferation of similar uses in the subject character area. The surrounding area consists of a

diverse mix of commercial, retail and residential uses, but has relatively few apartment options in relation to other uses.

T. Whether the proposed use would be consistent with the needs of the neighborhood or the community as a whole, be compatible with the neighborhood, and would not be in conflict with the overall objective of the comprehensive plan.

As mentioned in subsection S above, the proposed development will provide uses that are relatively lacking in the immediate area, contributing to the Northlake District's goals of creating a community where residents and workers can live, work and play. In sum, it would be consistent with the City's Zoning Ordinance and Comprehensive Plan's objectives for this area.

III. REQUESTED CONCURRENT VARIANCES

A. § 46-1036; Table 3-10: Increase minimum front yard setback to 100-feet

The Subject Property has a front yard along Northlake Parkway, which has a dramatic change in grade. The elevation of Northlake Parkway is over 20 feet higher at the Subject Property's frontage with steep slopes down to the property line. The NL-2 district requires buildings to be set back between 0 (min.) to 30 feet (max.) from the front property line. In comparison, the existing building on the Subject Property is setback ±347 feet from Northlake Parkway.

The intent of having the building located closer to the street is to promote an active street zone with residences engaging the street pedestrian area. Due to the topography, however, any development of the Subject Property will not result in

street-level uses. For example, a strict enforcement of the setback requirement to the Subject Property would result in the first two floors of the proposed multifamily building facing a graded slope or retaining wall. The result will be undesirable for the future residents and would serve no public benefit. Instead the Applicant intends to set the building back ± 100 feet from the right-of-way to allow room for views and daylighting of the ground floor units, creating a more attractive living space for the future residents. In addition, the Applicant is installing a 10-foot wide sidewalk along its Northlake Parkway frontage and providing direct pedestrian access from the development. As a result, the proposed grant of the variance to increase the setback will allow a beneficial design without any detrimental impacts to the public welfare.

B. § 46-1036(c)(2); § 46-1046; § 46-1419: Allow parking in front yard.⁷

The Applicant is proposing two rows of parking between the multifamily building and Northlake Parkway. The Subject Property is oddly-shaped with frontage on two streets and the existing office building located in the center of the property. The Subject Property's double-frontage and existing development restricts options for parking and prevents a layout where the parking is not in-between a building and a street. Moreover, the steep slope along Northlake Parkway dictates that the proposed building be located further from the right-of-

⁷ § 46-1036(c)(2) restricts parking in the front yard; §§ 46-1046 and 46-1419 limits the parking location to the side or rear a street-facing building;

way (refer to the paragraphs above). This results in an area with limited potential for development other than parking.

To mitigate the effects of the parking, the Applicant proposes additional landscaping along Northlake Parkway so that the parking area cannot be viewed from the right-of-way. Also, a majority of the parking will be substantially below the elevation of Northlake Parkway and out of view from the right-of-way. In fact, the existing parking is in generally in the same location as the proposed parking, and is currently hidden due to the existing vegetation and topography. Therefore, there will be no detriment to the public from allowing the parking in the front yard.

C. § 46-1037: Eliminate block and street stub-out requirements.

The block and street stub-out requirements would create undue hardship on the Applicant with no benefit to the public. The Subject Property has a ± 555 -foot frontage along Northlake Parkway and Tucker Code §47-1037 requires a maximum 300-foot block length. The block requirements would result in an additional curbcut along Northlake Parkway or relocation of the existing curbcut. As noted in the paragraphs above, there is a ± 20 -foot difference in elevation between Northlake Parkway and the Subject Property. Thus, the topography will not allow any additional drive entrances to create a 300-foot block.

Moreover, the surrounding properties' current development do not support a block layout and/or stub-out street connections. The Subject Property is bordered

by right-of-way to the north and west, as well as railroad right-of-way to the south. To the east, the Subject Property borders the Oglethorpe Power Corporation property (“Oglethorpe Property”). The Oglethorpe Property is currently developed with an office building and a large parking deck spanning most of the Subject Property’s eastern border. The small portion of the eastern property line that does not border the parking deck is in floodplain, thus leaving no room for a cross-street.

Waiving the stub-out street requirement will not frustrate the Code’s intent, however. The Subject Property is served by East Exchange Place, which is a short, local road terminating in a cul-de-sac at the Oglethorpe Property, with no through traffic and serving only the few office buildings and businesses fronting that road. In effect, East Exchange Place acts as a cross-parcel access for the Subject Property and the Oglethorpe Property to the east.

D. § 46-1039: Eliminate in-parcel access requirements

As noted in the paragraphs above, the Subject Property and the surrounding properties are already developed with established parking layouts, drive aisles and connections to the right-of-way. The Subject Property’s existing development and the development of the surrounding properties makes retrofitting inter-parcel connections impractical. In addition to the hardships mentioned in the previous paragraphs, there is no practical benefit in providing a connection between the

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properties. Inter-parcel connections encourage vehicular travel between properties. One of the benefits of placing multi-family residential in proximity to office uses is the benefit of being able to walk to work. In fact, by not providing the connection it encourages future residents to walk instead of using their cars for the short distance. The Applicant's proposed design incorporates a number of internal sidewalks, as well as the construction of a multiuse trail along East Exchange Parkway and a 10-foot sidewalk along Northlake Parkway to promote pedestrian activity in and around the development.

Pursuant to Tucker Code of Ordinances § 46-1633, the criteria for each variance is met. First, there are extraordinary and exceptional conditions pertaining to the particular property in question because of its size, shape, or topography that were not created by the owner and a strict application of the requirements would deprive the owner of rights and privileges enjoyed by other owners in the same zoning district. Second, the requested variances do 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 same zoning district. Third, the grant of the variances will not be materially detrimental to the public welfare or injurious to the property or improvements in the zoning district. Fourth, the literal interpretation and strict application of the applicable provision to requirements of this chapter would cause undue and unnecessary hardship.

Finally, the requested variance would be consistent with the spirit and purpose of the Zoning Code and the Comprehensive Plan text.

IV. PRESERVATION OF CONSTITUTIONAL RIGHTS

The Applicant respectfully submits that a refusal to approve the proposed SLUP and variances would be unconstitutional and would be an unlawful, arbitrary, capricious, irrational and a manifest abuse of discretion; all in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal to approve the proposed SLUP and variances would amount to a taking of property, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph I and Article I, Section III, Paragraph I of the Constitution of the State of Georgia.

A refusal to approve the proposed SLUP and variances would be in violation of the Dormant Commerce Clause of the Constitution of the United States.

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

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A refusal to approve the proposed SLUP and variances would be invalid inasmuch as the Zoning Ordinance of the City of Tucker is unlawful, null and void because its adoption and map adoption/maintenance did not and does not comply with the requirements of its predecessor ordinance and/or the Zoning Procedures Law, O.C.G.A. § 36-66-1, *et seq.*

Tucker's Zoning Ordinance lacks adequate standards for the City Council to exercise its power to review this Application. Specifically, some of the "criteria" set out in Section 46-1589 are not sufficient to contain the discretion of the City Council and to provide the Courts with a reasonable basis for judicial review. Because the stated criteria (individually and collectively) are too vague and uncertain to provide reasonable guidance, the Zoning Ordinance is unlawful and violates, among other things, the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia.

Any limitation on the time for presentation of the issues before the City Council that has the power to zone and grant SLUPs and variances 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.

The practical effect of a denial of this application will be to drive up the cost of housing which will have the effect of discriminating on the basis of age and/or race in violation of the Fair Housing Act of the United States and Georgia.

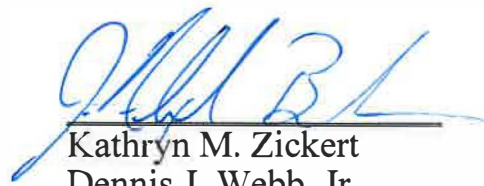
Opponents to this request, if any, lack standing; have failed to exhaust administrative remedies; and have waived their rights to appeal by failing to assert legal and constitutional objections.

V. CONCLUSION

For the foregoing reasons, the Applicant respectfully asks that the proposed SLUP and variances be approved. The Applicant also invites and welcomes any comments from City staff, officials, and other interested parties so that such recommendations or input may be considered as conditions of approval of this Application.

This 13th day of December, 2021.

Smith, Gambrell & Russell, LLP
1105 W. Peachtree Street, NE
Suite 1000
Atlanta, Georgia 30309
404-815-3500


Kathryn M. Zickert
Dennis J. Webb, Jr.
J. Alexander Brock
Attorneys For Applicant

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Environmental Site Analysis

MEMORANDUM

TO: City of Tucker, Department of Community Development

FROM: J. Alexander Brock, P.E. Smith, Gambrell & Russell, LLP (GA P.E. 031209)
Dennis J. Webb, Jr., Smith, Gambrell & Russell, LLP

DATE: December 13, 2021

RE: Environmental Site Analysis – 2059 Northlake Parkway

1) CONFORMANCE WITH THE COMPREHENSIVE PLAN.

The property is a ± 13.00 acre tract located in Land Lots 188 and 189 of the 18th District of DeKalb County on the east side of Northlake Parkway, approximately 300-feet south of its intersection with East Exchange Place (Parcel ID 18 214 10 026) (“Subject Property”). The Subject Property is zoned Northlake Office Park (NL-2) and the currently contains a $\pm 259,091$ square foot (sf) office building and associated site improvements. The Applicant seeks a Special Land Use Permit (SLUP) to allow the redevelopment of the Subject Property into an office and residential mixed-use. The Proposed Development will include the conversion of a portion of the existing building into residential units and the construction of two new 9-story multifamily buildings. A $\pm 59,315$ sf portion of the existing office building will remain as an office use.

The City of Tucker’s Tucker Tomorrow Comprehensive Plan (the “Comprehensive Plan”) and Land Use Maps identify the Subject Property as being within the Regional Activity Center (RAC) character area. The proposed mixed-use is consistent with the Comprehensive Plan and the RAC character area. The Comprehensive Plan’s stated policy and intent for the RAC character area is for a higher intensity mix of office and housing, among other uses, including higher density multi-family.

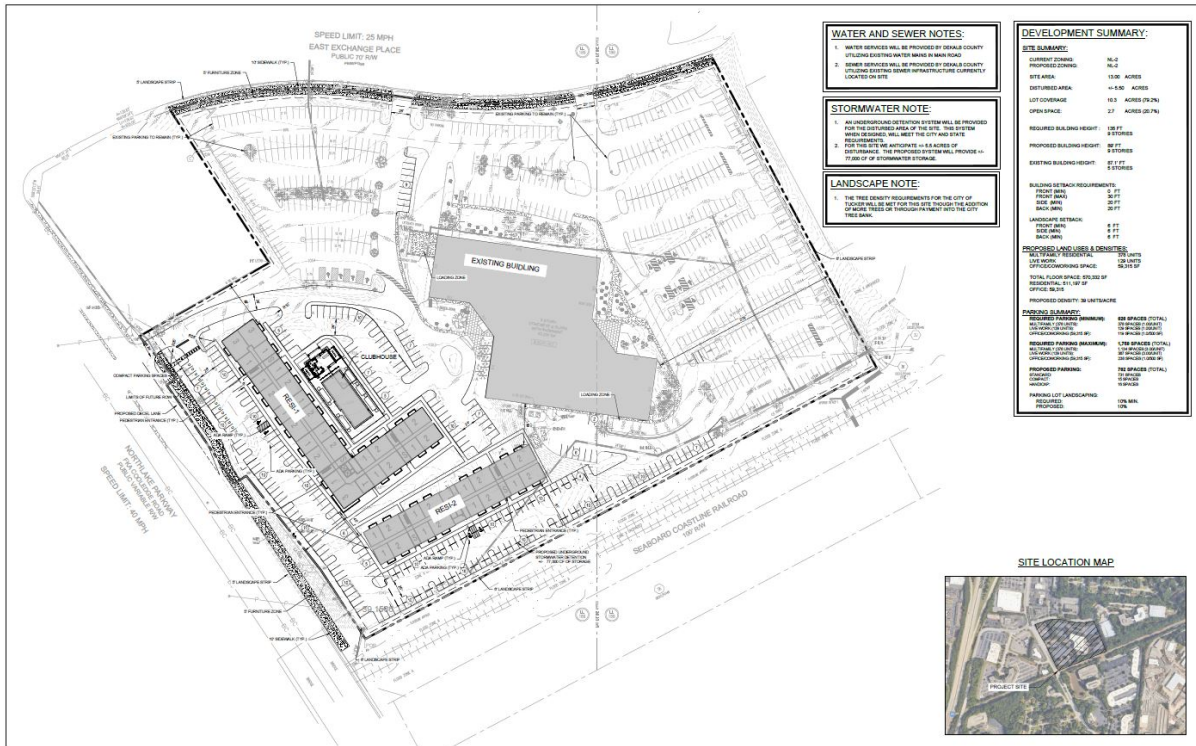


Figure 1. Site Plan

2) ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT.

a) Wetlands

There are no wetlands on the Subject Property as indicated by the U. S. Fish and Wildlife Service, National Wetlands Inventory Maps. There are riverine and freshwater emergent wetlands on adjacent properties, however these will not be affected by the Proposed Development. The Proposed Development will have no impacts to any wetlands.

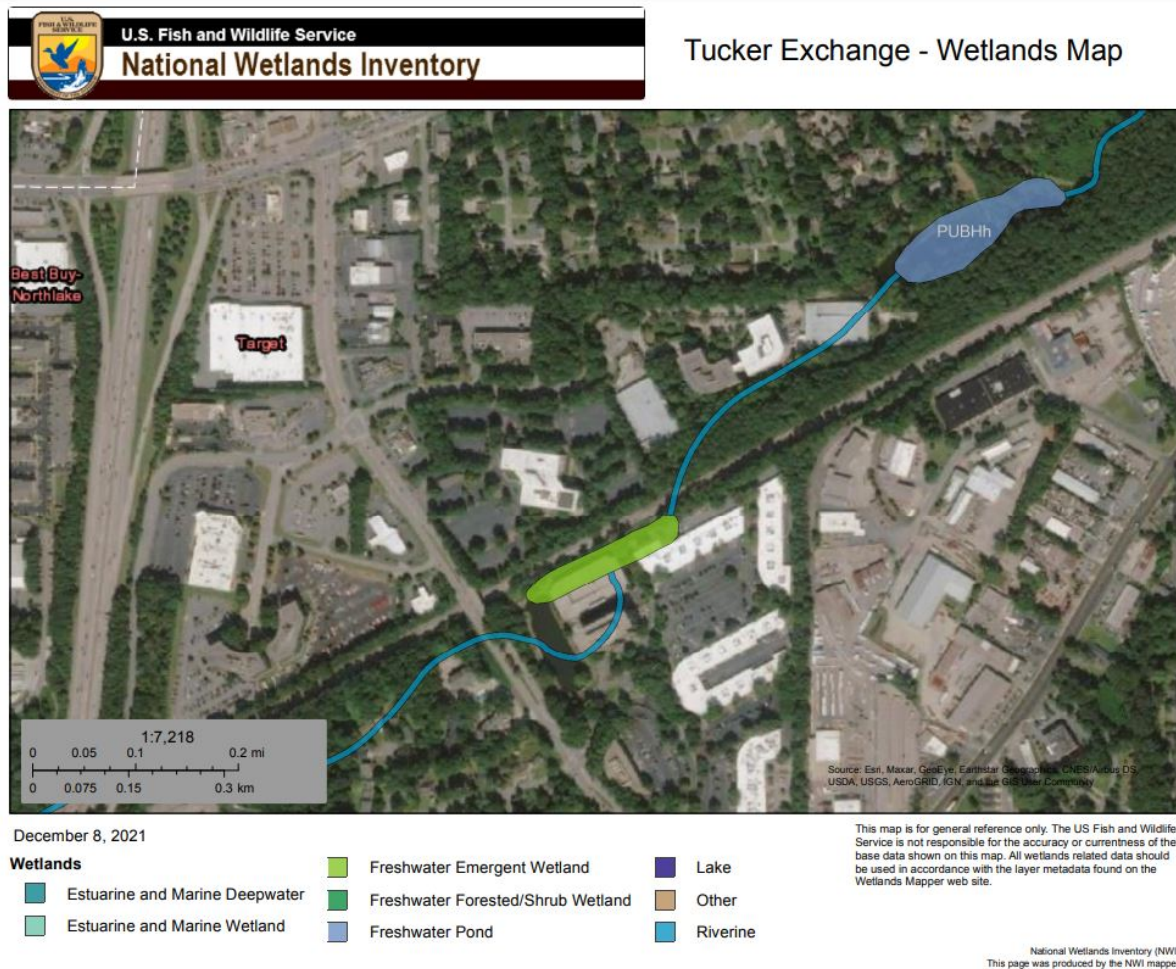


Figure 2. National Wetlands Inventory Map

b) Floodplain

A small portion of the Subject Property's southern boundary is within a Zone AE floodplain as designated on the FEMA FIRM Map, Panel numbers 13089C0076K, effective August 15, 2019 and 13089C0078K, effective August 15, 2019. The Proposed Development, however, will not encroach into any portion of the floodplain.

National Flood Hazard Layer FIRMette

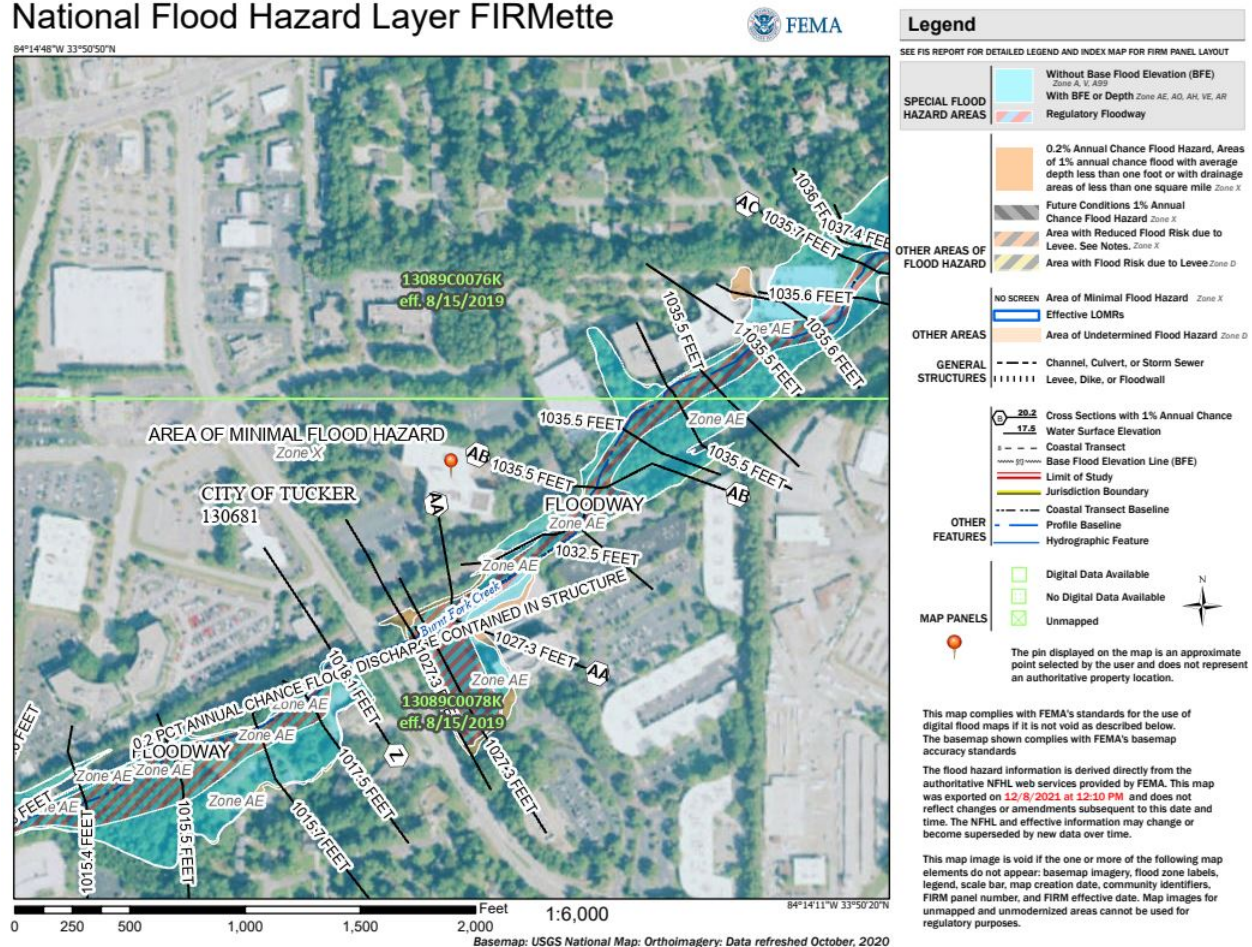


Figure 3. FEMA FIRM Panel

c) Streams/stream buffers

There are no state waters present on the Subject Property based on site observations and as reflected in the ALTA survey prepared by Watts & Browning Engineers, Inc., dated April 1, 2019.

d) Slopes exceeding 25 percent over a 10-foot rise in elevation

Based on topographic maps and site observation there are no slopes in excess of 25% over a 10-feet in rise on the Subject Property.

e) Vegetation

The project site is currently developed and the remaining vegetation consists primarily of well maintained landscaping. An IPaC Trust Resource Report was generated from the U.S. Fish and Wildlife Service. The report revealed one plant native to the region that is endangered (Michaux's Sumac). This species was not found during the site visit conducted on December 12, 2021.

f) Wildlife Species (including fish)

An IPaC Trust Resource Report was generated from the U.S. Fish and Wildlife Service. The report revealed one animal (Monarch Butterfly) and one plant (Michaux's Sumac) native to the region that are endangered. None were found to be present or nesting at the project location during the site visit on December 12, 2021.

g) Archeological/Historical Sites

According Georgia's Natural, Archaeological and Historic Resources GIS (GNAHRGIS) maps, the project site is not on a historic or archaeological registry. The site is currently developed with a ±259,091 square foot (sf) office building and appurtenant site improvements.

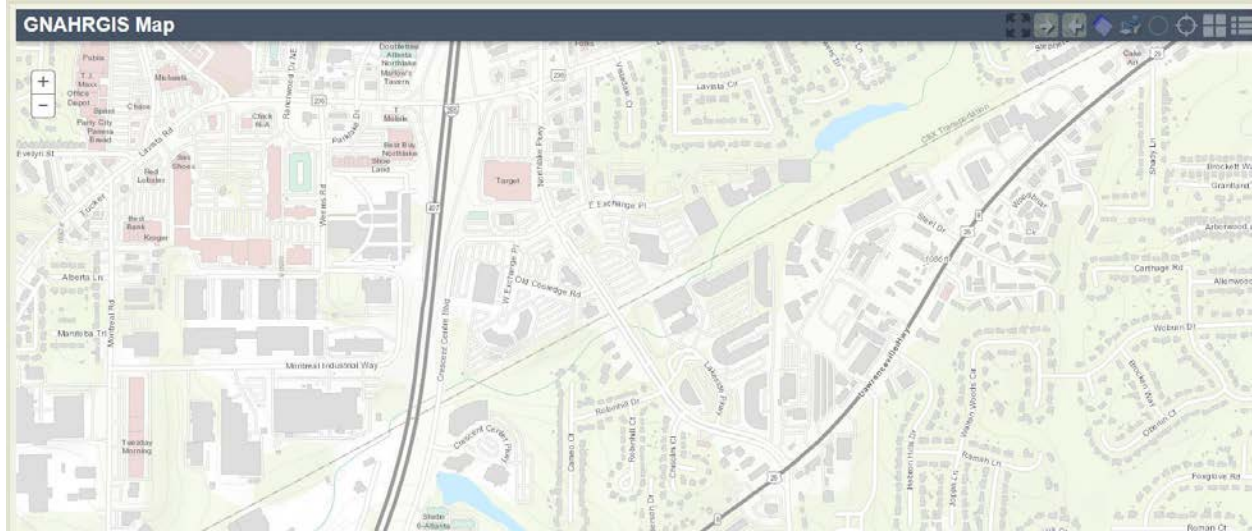


Figure 4. GNAHRGIS Map

3) **PROJECT IMPLEMENTATION MEASURES.**

a) Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.

There are environmentally sensitive areas identified along the Subject Property's southern border. The environmentally sensitive areas consist of existing floodplain.

b) Protection of water quality

The Proposed Development will treat stormwater for pollutants prior to discharge from the site. The overall impact to the downstream stormwater infrastructure will be positive and an improvement over existing conditions.

c) Minimization of negative impacts on existing infrastructure

The Proposed Development has access to existing utilities with sufficient capacity to support the proposed use. The proposed use is not anticipated to overly burden existing utilities.

d) Minimization on archeological/historically significant areas

No archeological/historically significant areas were identified on or adjacent to the site and as a result no impacts are anticipated.

e) Minimization of negative impacts on environmentally stressed communities where environmentally stressed communities are defined as communities exposed to a minimum of two environmentally adverse conditions resulting from public and private municipal (e.g., solid waste and wastewater treatment facilities, utilities, airports, and railroads) and industrial (e.g., landfills, quarries and manufacturing facilities) uses.

There are no environmentally adverse conditions (waste treatment facilities, airports, landfills, etc.) and therefore, the Subject Property is not in an environmentally stressed area.

f) Creation and preservation of green space and open space

The proposed development will incorporate portions of the overall site for open space areas.

g) Protection of citizens from the negative impacts of noise and lighting

The Proposed Development will not have negative impacts on the surrounding uses. The proposed design, however, is incorporating the use of certain setbacks and buffers along the property lines which will minimize noise and lighting impacts to/from nearby properties along the other property lines.

h) Protection of parks and recreational green space

No existing parks will be impacted.

i) Minimization of impacts to wildlife habitats

No sensitive wildlife areas were observed during the December 12, 2021 site visit and as a result no impacts are anticipated.