



City of Tucker, GA
ZONING BOARD OF APPEALS

November 15, 2016

**ZONING BOARD OF
APPEALS AGENDA**
Discover DeKalb
1957 Lakeside Parkway, Suite 510
Tucker GA 30084

7:00 PM

- A) Roll Call
- B) Pledge of Allegiance
- C) Approval of Minutes: (None)
- D) Old Business: (None)
- E) New Business:
 - 1. Review and Consideration of Adopting the Tucker Zoning Board of Appeals By-Laws
 - 2. Consideration to Appoint a Chair and Vice Chair of the Zoning Board of Appeals for the City of Tucker, GA
 - 3. **VARIANCE APPLICATION: V-16-001**
PETITIONER: Tucker Meridian, LLC
PRESENT ZONING: OI (Office-Institutional)
LOCATION: 4280, 4310, 4320, 4324 Lavista Road
VARIANCE REQUEST: Variance to signage requirements for two monument signs.
- F) City Business Items: (None)
- G) Comments by Staff and Zoning Board of Appeals Members
- H) Adjournment



City of Tucker

Zoning Board of Appeals Public Hearing November 15, 2016 – 7:00 P.M.

CASE NUMBER: V-16-001
PROPERTY LOCATION: 4280, 4310, 4320, 4324 Lavista Road
LAND LOT/DISTRICT: Land Lot 210, 18th District
CURRENT ZONING: OI (Office-Institutional) Conditional
PARCEL SIZE: 20.73 acres
PROPERTY OWNER(S): Tucker Meridian, LLC

STAFF RECOMMENDATION: Partial Approval/Partial Denial

REQUEST

The subject property, 4280, 4310, 4320, and 4324 Lavista Road, is currently being development as the Meridian Shopping Center, a 20.73-acre shopping center that will feature five big-box store along the north property line and three smaller outparcel buildings that front on Northlake Parkway and Lavista Road. The property was formerly known as the Lavista Office Park with the address of 2163 Northlake Parkway.

The applicant is requesting several modifications to section II.M.4.b.i of the Northlake Overlay District Design Guidelines for two monument signs. The requests include:

- 1) Increasing the number of sign placards (per side) from eight (8) to fourteen (14);
- 2) Increasing the maximum height from fifteen (15) feet to twenty (20) feet;
- 3) Increasing the maximum sign face from sixty-four (64) square feet per side to one-hundred and fifty-three (153) square feet per side;
- 4) To allow for recessed lighting and wall sconces (as shown on the elevations)

The applicant initially requested to vary the number of ground signs at the site, but this request is not necessary as the code already allows one (1) freestanding multitenant monument sign per public street frontage. While there are discrepancies within the Northlake Overlay and guidelines, as some places state that only one ground sign is permitted, Staff believes that the intent is that one ground sign shall be permitted per frontage. Since the subject property fronts on Northlake Parkway and Lavista Road, the applicant is entitled to one ground sign along each road.

BACKGROUND

The majority of the project was developed and permitted under DeKalb County, however, there is one Special Land Use Permit (SLUP) in process with the City of Tucker for a drive-through facility at the eastern most outparcel along Lavista Road. The applicant received rezoning approval from the DeKalb County Board of

Commissions in 2015, as well as obtained several sign variances from the DeKalb County Zoning Board of Appeals (see supplemental materials for both approvals).

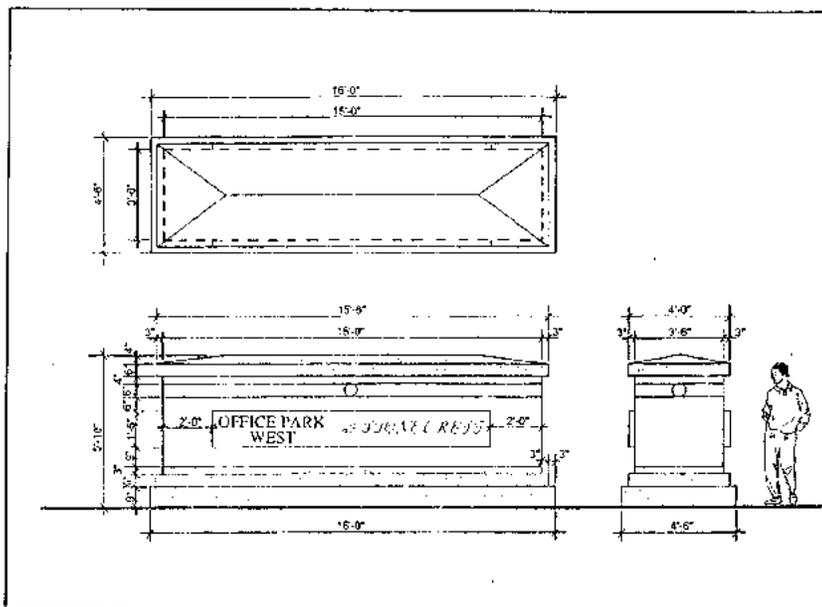
ADJACENT ZONING AND LAND USES

The subject property is zoned OI (Office-Institutional) Conditional pursuant to DeKalb County zoning case CZ-15-19671, and is located near at the northeast corner of Northlake Parkway and Lavista Road. There are four adjacent restaurants located at the intersection, which include Checkers, Waffle House, IHOP, and Folks, which are zoned C-1 (Local Commercial) District. Two office parks are located to the north, on property zoned OI (Office-Institutional) Conditional, both of which are pursuant to DeKalb County zoning case CZ-83158. The Winding Woods subdivision, zoned R-85 (Residential Medium Lot -85) is located to the east.

APPLICABLE CODE REQUIREMENTS

Section II.M.4.b.i of the Northlake Overlay District Design Guidelines:

Exhibit 10: Ground-Mounted Monument Sign



b. *Multiple-tenant buildings and parcels.* The following sign standards apply to all parcels that have more than one (1) nonresidential tenant or occupant, including, but not limited to, commercial, retail, services, office, office-distribution, wholesale, hotel, office, or financial tenants:

i. *Monument sign.* Each parcel or development with more than one (1) nonresidential tenant and a total of more than one hundred thousand (100,000) square feet shall be permitted one (1) freestanding multitenant monument sign per public street frontage, not to exceed a total of three (3). Signs shall be of a design similar to Exhibit 10 and the following:

No more than eight (8) sign placards shall be used per side of the monument sign.

Maximum height fifteen (15) feet.

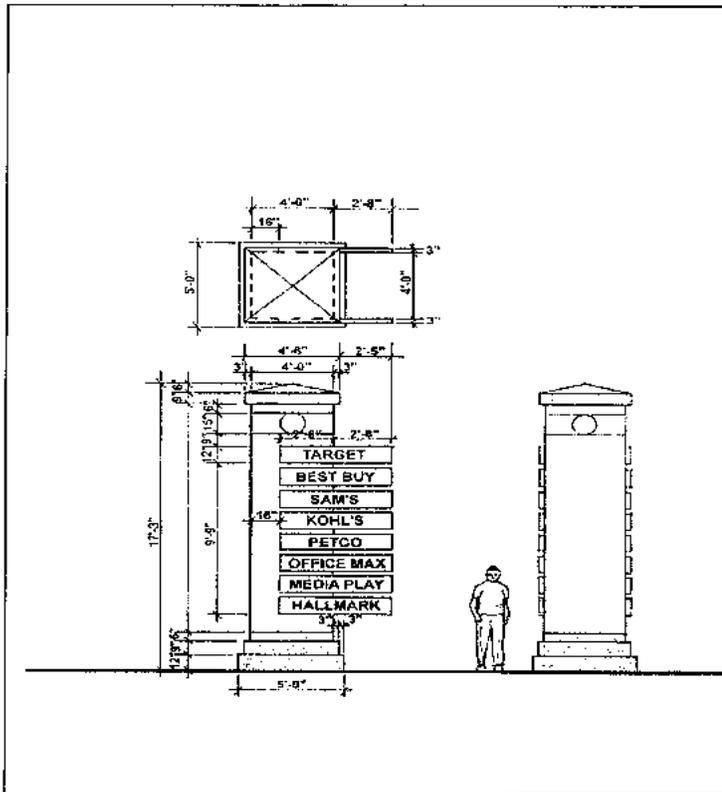
Total sign faces may not exceed sixty-four (64) square feet per side.

Sign may be single-faced or double-faced.

Sign shall be externally front-lighted, using ground mounted flood lighting.

Each parcel or development with more than one (1) non-residential tenant totaling one hundred thousand (100,000) square feet or more and having a total street frontage of more than five hundred (500) feet on all streets combined shall be permitted one freestanding multitenant monument sign similar to Exhibit 10 for each curb cut, not to exceed a total of three (3) monument signs for a single development.

Exhibit 11 – Multi-Tenant Monument Sign



VARIANCE REQUIREMENTS

Staff is including the specific conditions that must be considered for a variance to be granted in an effort to assist the Zoning Board of Appeals in considering the application and its merits.

7.5.3.A. Variances from the provisions or requirements of this chapter other than variances described in section 7.5.4 shall be authorized only upon making all of the following findings in writing:

1. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, 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.
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.

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.
4. The literal interpretation and strict application of the applicable provisions or requirements of this chapter would cause undue and unnecessary hardship.
5. The requested variance would be consistent with the spirit and purpose of this chapter and the Comprehensive Plan text.

STAFF RECOMMENDATION

Staff believes that the number of sign panels and the type of lighting are independent and should not be held to the same standards as the overall height and sign area. Therefore, the number of sign panels should be left to the discretion of the applicant/property manager. In addition, the use of an internally illuminated sign would allow the width of the requested ground sign to decrease as the sign would no longer need an area for wall sconces.

V-16-001, if granted, would not comply with all of the required variance criteria, specifically numbers 1, 3, 4, and 5. The subject property is a 20.73-acre lot that is both wide and deep, relatively flat, and has been clear-cut except for the buffer on the east property line and therefore, has no physical hardship.

The approval of the height and sign area portion of the variance could be detrimental to the businesses to the west of the proposed sign on the Lavista Road frontage as the sign is so large that it will block the view of these buildings when approaching from the east. The placement of the sign along Lavista may also cause site distance issues and shall be reviewed from a transportation perspective. No detriment would be caused by the granting of the requested variances on the Northlake Parkway frontage.

The literal interpretation and strict application of this provision could cause undue and unnecessary hardship as it would be more restrictive on this property than other businesses within the city, however, with the exception of the big boxes at the rear of the development, the other thirteen (13) suites front the road and have sufficient visibility. In these instances, the building acts as the ground sign. The proposed ground sign is twenty (20) feet tall and sixteen-feet-4-inches wide, which according to the elevations submitted with SLUP-16-004, is as tall as the building façade for the Einstein's/Caribou building that fronts on Lavista Road.

The intent of sign standards within the Northlake Overlay are to provide a more consistent pattern and appearance for signs and street graphics than would otherwise result from existing sign regulations, to establish signage as a design element that contributes a sense of place to the Northlake Commercial Center Overlay District, to generate varied and creative tenant signage through application of distinctive design, and to reduce the prominence of signage while balancing commercial and aesthetic interests. To grant an increase in height and sign area would not be consistent with these standards as it will increase the prominence of signage along this corridor and create visual clutter.

While the request does not meet criteria 1, 3, 4, and 5, the granting of the variance request would not grant special privileges as the request is within the limitations of, and consistent with, the city's sign code.

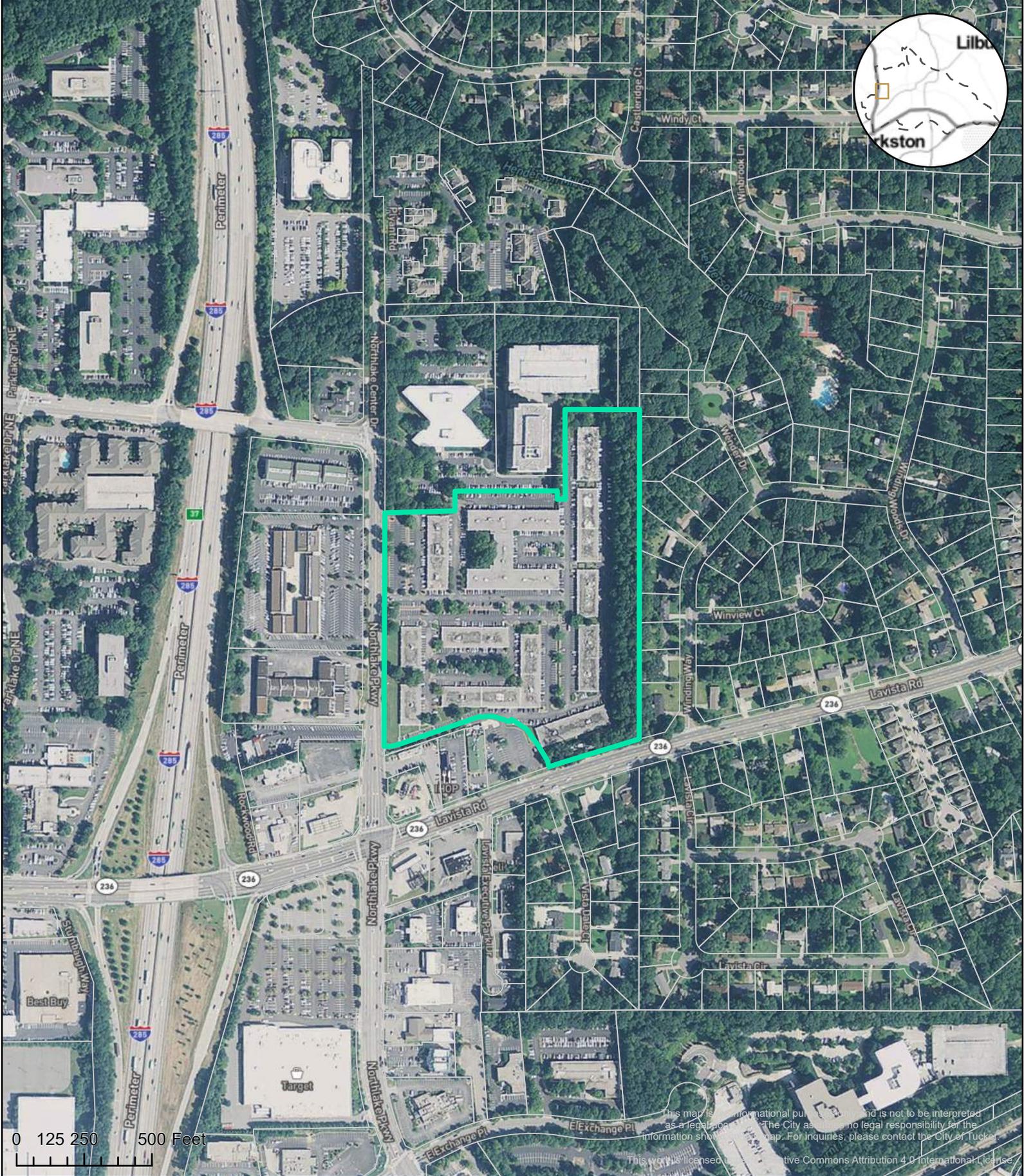
A sign of this magnitude is likely to cause negative design impacts as well as potential safety concerns and therefore, staff is unable to support the variance request, as presented. Staff recommends partial approval to include the allowance of fourteen (14) sign panels and the option for internal illumination of the sign. Staff

recommends denial of the request to increase the overall height of the sign to twenty (20) feet and the request to increase the sign area to one-hundred fifty-three (153) square feet.

RECOMMENDED CONDITIONS

Based upon the findings and conclusions herein, Staff recommends **PARTIAL APPROVAL** of **V-16-001**, with the following conditions:

1. That the ground sign may be internally illuminated, illuminated with ground mounted flood lights, or illuminated with recessed lighting;
2. That the width of the side columns be no greater than two (2) feet wide, per column;
3. That the brick base be at least two (2) feet tall;
4. That the ground sign may have up to fourteen (14) tenant panels per side;
5. That the maximum height of the ground sign shall be fifteen (15) feet tall;
6. That the width of the ground sign be no greater than ten (10) feet wide so that the overall sign is proportional;
7. That the maximum sign area not exceed 64-square feet per side;
8. That shopping center identification and address numbers be added to the ground sign;
9. That one ground sign is permitted per road frontage;
10. That the ground sign along Lavista Road be moved to the east of the curb cut to limit the impact to the businesses to the west of the development;
11. That a scaled site plan, with approved ground sign dimensions, be submittal for site distance review and approval prior to permitting.

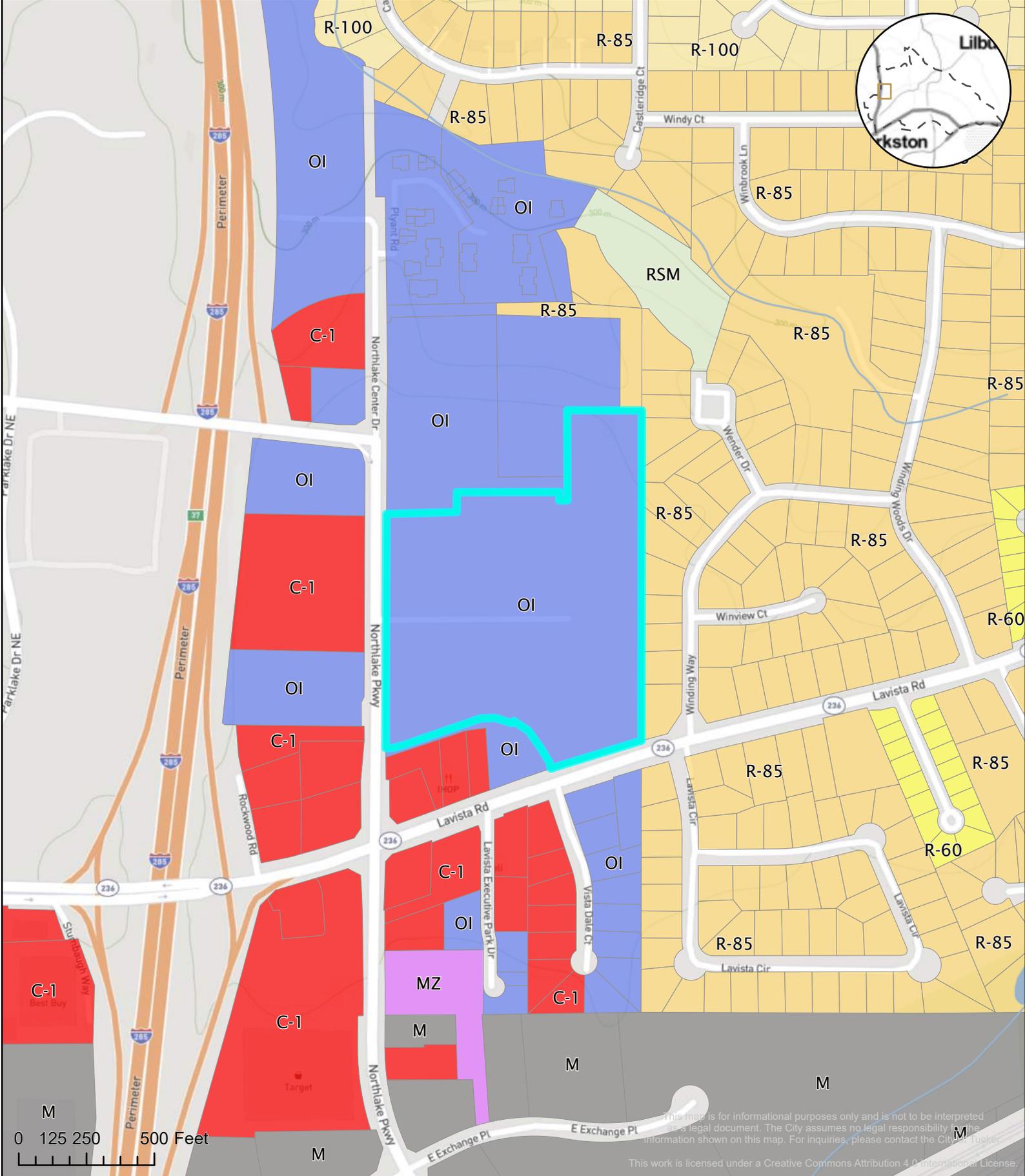


This map is for informational purposes only and is not to be interpreted as a legal document. The City assumes no legal responsibility for the information shown on this map. For inquiries, please contact the City of Tucker. This work is licensed under a Creative Commons Attribution 4.0 International License.



City of Tucker

**Aerial Map
V-16-001
4280, 4310, 4320, 4324 Lavista Road**



**City of
Tucker**

**Zoning Map
V-16-001
4280, 4310, 4320, 4324 Lavista Road**

Date Produced: 11/14/2016 9:13 AM
Folder S:\GIS\PlanningZoning\Projects\SLUP\SLUP-16-004\
Credit: City of Tucker, DeKalb County, OpenStreetMap, Mapbox, Atlanta Regional Commission

Request for to Amend Official Zoning Map of Dekalb County, Georgia

Filed by: Lavista Office Park LLC
Located at: 2163 Northlake Parkway
Tucker, Georgia 30084

- 1) There shall be a 60 foot pervious setback along the easternmost property line where it adjoins the Winding Woods subdivision. 40 feet of this setback will be undisturbed by construction. It may be cleaned up to improve the foliage and trees or shrubs will be added to it if needed to create a visual screen. The remaining 20 feet may be disturbed during construction, but then will be replanted and maintained. Retaining walls and a pervious foot path may be allowed in or adjacent to the disturbed area.
- 2) Vegetation in the proposed buffer area shall be in general compliance with the conceptual landscape plan labeled "Section B".
- 3) A six foot (6') high black vinyl coated chain link fence shall be installed a minimum of 30' from the eastern property line.
- 4) The developer will hire a licensed arborist to perform selective root cutting, consult on soil placement and compaction around critical root zones, and create a prescriptive maintenance plan to remove evasive ivy and species detrimental to tree health. This plan shall is subject to review and recommendation of the DeKalb County Arborist.
- 5) The developer shall install two rows of cryptomeria and magnolia trees with a minimum height of 8' along the fence. The height of the cryptomeria trees shall be increased to a minimum height of 18' in the buffer area adjacent the easternmost anchor tenant building wall. This plan shall be subject to the review and recommendation of the DeKalb County arborist.
- 6) Buffer trees will be planted prior to wall construction.
- 7) The eastern most building wall of the anchor tenant shall be a cream color.
- 8) The one way drive adjacent to the east wall of the shopping center shall be composed of grasscrete or similar green pervious materials, and shall be used only for emergency vehicle access.
- 9) Any portion of this site used for buildings shall comply with the transitional height plan and building material standards of the Northlake Overlay District.
- 10) An 82' foot building setback line is established from the eastern boundary of the property, where it abuts the properties located at 2212 and 2220 Winding Way, Tucker, Georgia.
- 11) Lighting shall be shielded or recessed so that direct glare and reflections are confined to the maximum extent feasible within the boundaries of the site, and shall be directed downward and away from adjoining properties. No lighting on private property shall produce an illumination level greater than one footcandle on any property within a residential zoning district except on the site of the light source.
- 12) The detention and retention pond will be designed to reduce mosquitos and minimize impacts to existing trees.
- 13) A minimum of five (5) bat boxes and five (5) bluebird houses will be installed in the buffer or around the detention pond.

- 14) 1 -3.5" Caliper (as measured diameter 6" above ground) tree will be planted along each street frontage for every 30 linear feet of public road frontage.
- 15) 1 - 2.5" Caliper (as measured diameter 6" above ground) shade tree will be planted per 6 parking spaces.
- 16) Evergreen groundcover plantings will be installed on all slopes steeper than 2-1/2 to 1 to aid in erosion control.
- 17) The roadway improvements recommended in the Traffic Impact Analysis For Lavista Northlake Center, dated November 13, 2014 will be installed, subject to regulatory approval. These improvements include but are not limited to:
 - Southbound left and northbound right turn lanes added to Northlake Parkway at the main site driveway
 - A traffic signal will be installed at the main entrance on Northlake Parkway.
 - A right deceleration lane will be constructed on LaVista Road at the site driveway per the GDOT requirements.
- 18) The property owner will terminate the cell tower lease when it expires in 2022.



Site Plan for:
Tucker Meridian
 Prepared for: Lavista Office Park

Section B



Lee May
Interim Chief Executive
Officer

DeKalb County
Department of Planning & Sustainability
330 Ponce De Leon Avenue, Suite 500
Decatur, GA 30030

Phone: (404)371-2155 Fax: (404)371-2813
Website: www.co.dekalb.ga.us/planning



N 11

Commission District: 1 Super District: 7

PARCEL ID: 18-210-03-047

APPLICATION NC A-15-19928

APPLICANT Lavista Office Park Llc

OWNER: Lavista Office Park Llc

LOCATION: The property is located on the north side of Lavista Road, about 160 feet west of Winding Way and on the east side of Northlake Parkway, about 263 feet north of Lavista Road (at 2163 Northlake Parkway).

PROJECT NAME 2163 Northlake Parkway

THIS IS TO ADVISE YOU THAT THE ZONING BOARD OF APPEALS AT ITS REGULARLY SCHEDULED PUBLIC HEARING ON WEDNESDAY, JUNE 10, 2015 REACHED THE FOLLOWING DECISION ON THE ABOVE REFERENCED APPLICATION:

BOA ACTION: Approval, of the following variances: (1) Allow the letters on Dick's to be 96" in height; (2) Allow the letters on DSW to be 60" in height; (3) Allow the letters on Hobby Lobby to be 48" in height; (4) Allow the letters on Ross to be 72" in height; and (5) Allow graphics behind fenestration on storefronts on the condition that graphics depict pictures and illustrations only and no lettering with word messages. R. Callihan made motion for approval. L. Keith seconded. L. Smith abstained. R. Callihan, N. Rivers-Johnson, D. Wright, and L. Keith voted in favor. The application was approved.

Note: Section 27-921 of the DeKalb County Zoning Ordinance states that any person aggrieved by a final decision of the Board of Appeals may seek review of such decision by petitioning the Superior Court of DeKalb County for a Writ of Certiorari setting forth plainly the alleged errors. Such petition shall be filed within 30 days after final decision to the Board of Appeals is rendered.

This is the deadline for filing such an appeal.

If the project applicant(s) decides to proceed with building/construction (plans) of the proposed project prior to the deadline shown they do so at their own risks.

PROJECT DATA
 PROJECT NAME: LAVISTA NORTHLAKE CENTER
 SHEET NO.: SP-1
 DATE: 05/15/15

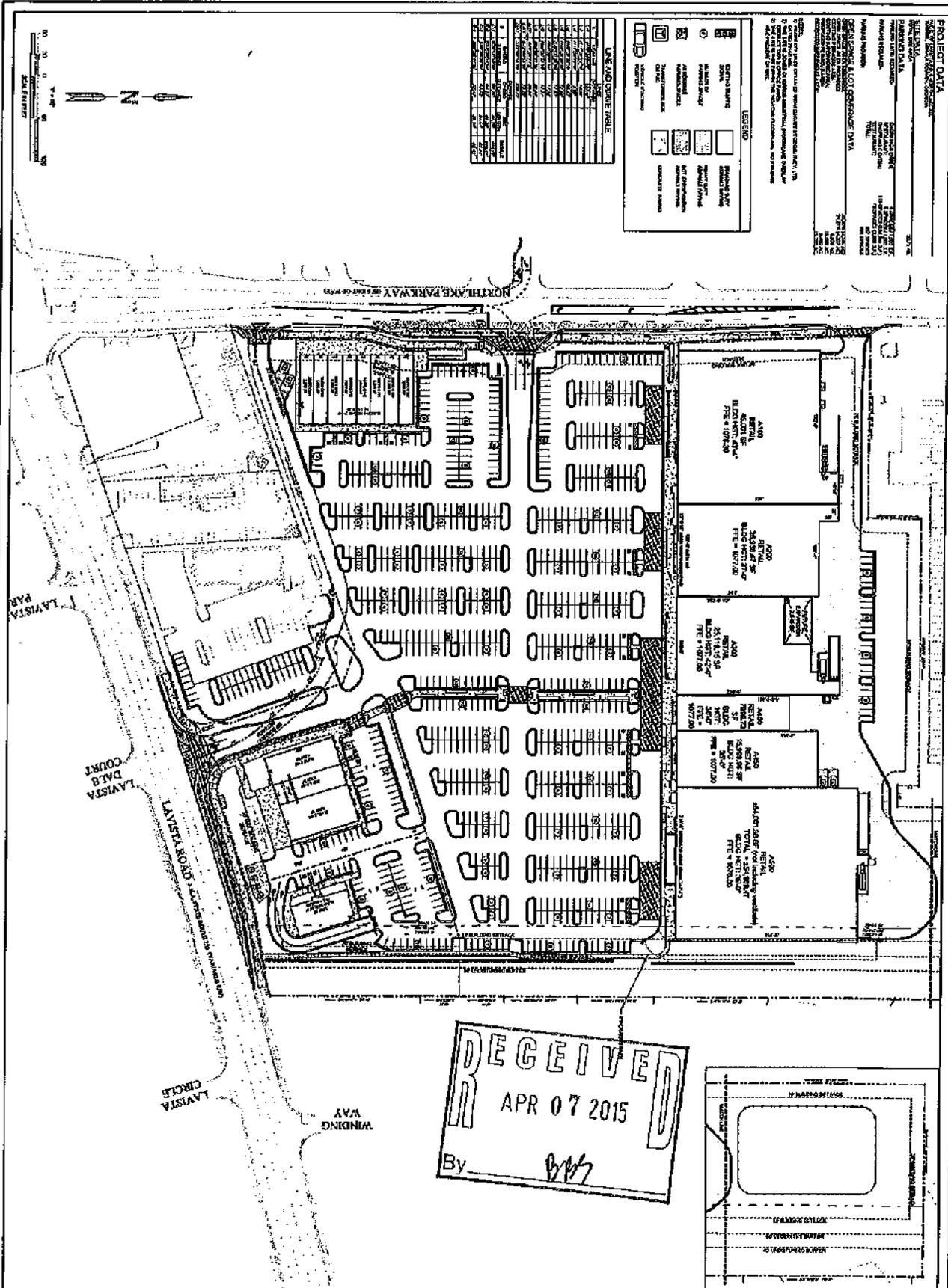
GENERAL NOTES
 1. THIS SITE PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO APPROVAL BY THE LOCAL AUTHORITIES.
 2. ALL DIMENSIONS ARE IN FEET AND INCHES.
 3. THE PROPOSED BUILDING FOOTPRINT IS SHOWN WITH A 10' SETBACK FROM THE ADJACENT PROPERTY LINES.
 4. THE PROPOSED PARKING AREAS ARE SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.
 5. THE PROPOSED DRIVEWAYS ARE SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.
 6. THE PROPOSED LANDSCAPING IS SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.
 7. THE PROPOSED UTILITIES ARE SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.
 8. THE PROPOSED SIGNAGE IS SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.
 9. THE PROPOSED FENCE IS SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.
 10. THE PROPOSED LIGHTING IS SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.
 11. THE PROPOSED SECURITY SYSTEM IS SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.
 12. THE PROPOSED ACCESS CONTROL SYSTEM IS SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.
 13. THE PROPOSED VIDEO SURVEILLANCE SYSTEM IS SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.
 14. THE PROPOSED FIRE ALARM SYSTEM IS SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.
 15. THE PROPOSED SMOKE DETECTOR SYSTEM IS SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.
 16. THE PROPOSED CARBON MONOXIDE DETECTOR SYSTEM IS SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.
 17. THE PROPOSED TILT-UP SHUTTER SYSTEM IS SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.
 18. THE PROPOSED SLIDING GLASS DOOR SYSTEM IS SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.
 19. THE PROPOSED SLIDING GLASS PARTITION SYSTEM IS SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.
 20. THE PROPOSED SLIDING GLASS WALL SYSTEM IS SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.
 21. THE PROPOSED SLIDING GLASS CURTAIN WALL SYSTEM IS SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.
 22. THE PROPOSED SLIDING GLASS SYSTEM IS SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.
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 24. THE PROPOSED SLIDING GLASS WALL SYSTEM IS SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.
 25. THE PROPOSED SLIDING GLASS CURTAIN WALL SYSTEM IS SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.
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 28. THE PROPOSED SLIDING GLASS WALL SYSTEM IS SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.
 29. THE PROPOSED SLIDING GLASS CURTAIN WALL SYSTEM IS SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.
 30. THE PROPOSED SLIDING GLASS SYSTEM IS SHOWN WITH A 5' SETBACK FROM THE ADJACENT PROPERTY LINES.

LEGEND

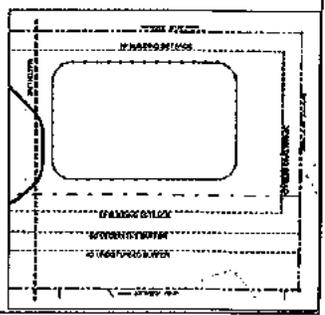
- PROPOSED LOT
- PROPOSED DRIVEWAY
- PROPOSED PARKING
- PROPOSED LANDSCAPING
- PROPOSED UTILITIES
- PROPOSED SIGNAGE
- PROPOSED FENCE
- PROPOSED LIGHTING
- PROPOSED SECURITY SYSTEM
- PROPOSED ACCESS CONTROL SYSTEM
- PROPOSED VIDEO SURVEILLANCE SYSTEM
- PROPOSED FIRE ALARM SYSTEM
- PROPOSED SMOKE DETECTOR SYSTEM
- PROPOSED CARBON MONOXIDE DETECTOR SYSTEM
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- PROPOSED SLIDING GLASS PARTITION SYSTEM
- PROPOSED SLIDING GLASS WALL SYSTEM
- PROPOSED SLIDING GLASS CURTAIN WALL SYSTEM
- PROPOSED SLIDING GLASS SYSTEM
- PROPOSED SLIDING GLASS PARTITION SYSTEM
- PROPOSED SLIDING GLASS WALL SYSTEM
- PROPOSED SLIDING GLASS CURTAIN WALL SYSTEM
- PROPOSED SLIDING GLASS SYSTEM

LINE AND CURVE TABLE

LINE NO.	START STATION	END STATION	CURVE DATA
1	0+00	0+50	100' RADIUS
2	0+50	1+00	100' RADIUS
3	1+00	1+50	100' RADIUS
4	1+50	2+00	100' RADIUS
5	2+00	2+50	100' RADIUS
6	2+50	3+00	100' RADIUS
7	3+00	3+50	100' RADIUS
8	3+50	4+00	100' RADIUS
9	4+00	4+50	100' RADIUS
10	4+50	5+00	100' RADIUS
11	5+00	5+50	100' RADIUS
12	5+50	6+00	100' RADIUS
13	6+00	6+50	100' RADIUS
14	6+50	7+00	100' RADIUS
15	7+00	7+50	100' RADIUS
16	7+50	8+00	100' RADIUS
17	8+00	8+50	100' RADIUS
18	8+50	9+00	100' RADIUS
19	9+00	9+50	100' RADIUS
20	9+50	10+00	100' RADIUS



RECEIVED
 APR 07 2015
 By *BAK*



REVISIONS

NO.	DATE	DESCRIPTION
1	05/15/15	PRELIMINARY SITE PLAN

PRELIMINARY SITE PLAN

DATE: 05/15/15

PROJECT: LAVISTA NORTHLAKE CENTER

DESIGNER: BEN F. KUSHNER CO.

CHECKED: JAMES L. WALKER

SCALE: AS SHOWN

LAVISTA NORTHLAKE CENTER

N.E.C. OF LAVISTA RD, S NORTHLAKE RD.
 TUCKER, DEKALB COUNTY, GEORGIA

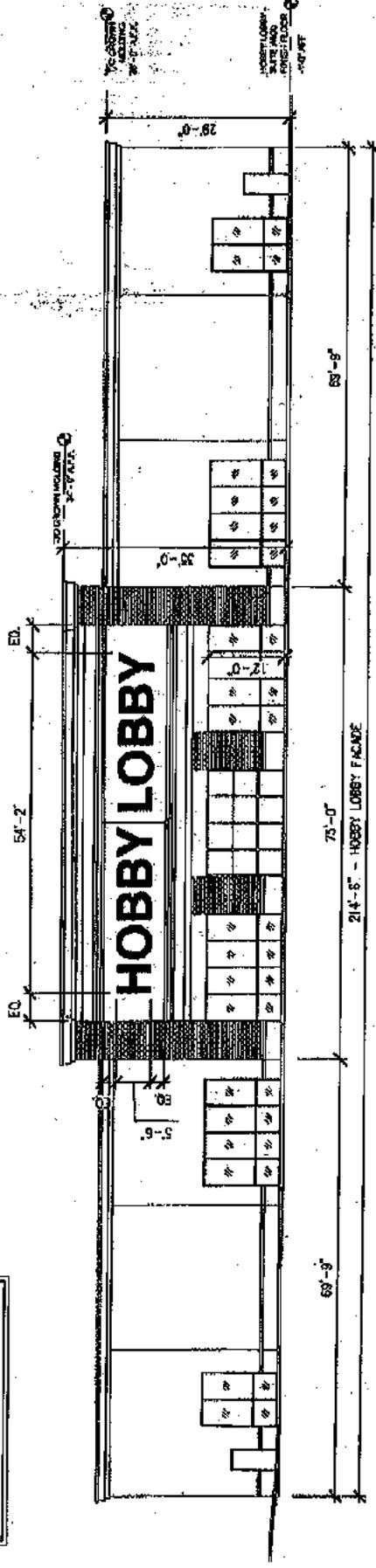
FORESITE

Project Name: Lavista Northlake Center
 11700 Peachtree Dunwoody Rd.
 Atlanta, GA 30339

BEN F. KUSHNER CO.
 11700 Peachtree Dunwoody Rd.
 Atlanta, GA 30339

100% COMPLETE

SIGNAGE
 GROSS BUILDING FOOTPRINT = 54,980 SF
 TOTAL FACADE = 6,670.5 SF
 SIGNAGE = 296 SF
 LETTER HEIGHT = 66"



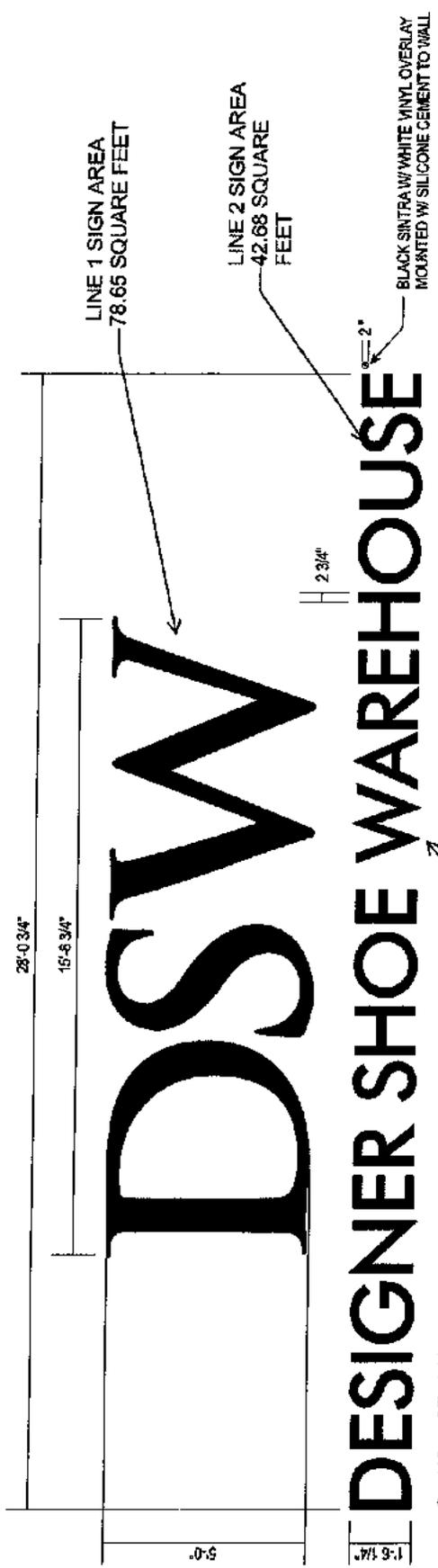
1 HOBBY LOBBY STOREFRONT SIGNAGE EXHIBIT
 SCALE: 1/8" = 1'-0"

RECEIVED
 MAY 29 2015
 By

2860 Buford Highway
 Suite 100
 Duluth, Georgia 30355
 Tel: 770-550-2266 Fax: 770-550-2255
 Acceptance - Planning - Permits
 Grant.manning@cityofatlanta.org

PROJECT: The MERIDIAN at TUCKER - TUCKER, GEORGIA
 HOBBY LOBBY SIGNAGE EXHIBIT - VARIANCE

DATE: MAY 22, 2015
 TIME: 1:00 PM
 BY: SH-01
 PAGE: 6

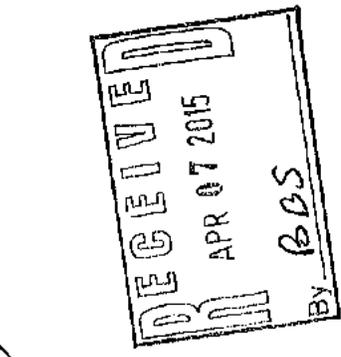


DESIGNER SHOES WAREHOUSE

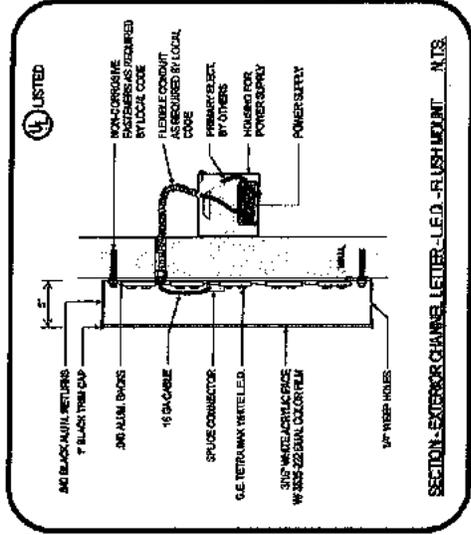
Front View of Flush Mounted White Channel Letters
Scale: 3/8" = 1'-0"

NOTE: PROPORTION CHANGES TO THE LOGO MUST BE APPROVED BY CLIENT

TOTAL SIGN AREA = 122 SF



Complies w/ Chapter 21
 Overlay - Sec. 27-730.2.23 (f) allows two signs and limits area to 150 SF or 10% of the Wall Area; does not specify letter height.
 Overlay Sec. 27-730.2.23(M) (4) (b) (2) Limits the letter height to 36" and sign area to 240 square feet.



WALTON SIGNAGE
 217 Main St.
 Wallingford, CT 06495
 Tel: 203-261-1111

Client: **DESIGNER SHOES WAREHOUSE**
 Address: **DESIGNER SHOES WAREHOUSE**
 Location: **COLLINGSBROS. OHL 4319**
 State: **CT** City: **NEW BRITAIN** PO: **06110**

There is no copyright in any design, logo, or trademark. The client is responsible for obtaining all necessary permissions, clearances, and approvals for the use of any design, logo, or trademark. The client is responsible for obtaining all necessary permissions, clearances, and approvals for the use of any design, logo, or trademark.

Revision: _____
 Buyer: _____ Date: _____
 Production: _____ Date: _____

120967
 SPEC. 10.01.2015



V-16-001
 CITY OF TUCKER
 OCT 13 2016
 RECEIVED

VARIANCE APPLICATION FORM

Instructions

A properly completed application and fees are due at the time of submittal. The submittal deadline is the second Wednesday of each month. Variance requests will be considered the third Tuesday of the following month by the Board of Zoning Appeals (ZBA).

Application Materials

REQUIRED ITEMS	CHECK ✓
Variance Application —Provide one copy of the original and notarized signatures of the property owner(s) and applicant(s), or a notarized statement from the property owner authorizing submittal of the variance by the applicant on their behalf.	✓
Variance Fee — \$300.00	✓
Site Plan & Legal Description —Provide three copies of a dimensioned, orientated and scaled site plan on 8 ½" x 11" or 11" x 17" showing the <u>subject property</u> , <u>street frontage(s)</u> , <u>proposed addition</u> or <u>extent of encroachment</u> , all applicable <u>setback</u> measurements, all neighboring parcels and homes. Additionally, a variance pertaining to the stream buffer shall show the location of the stream, with buffers, on the site plan.	✓
Survey with Topography & Trees —May be waived by the Community Development Department if the request does not concern the removal of trees or the topography of the site. If this requirement is not waived, the applicant shall provide three copies.	✓
Letter of Appeal —Provide three copies of the letter of appeal. The letter should state the hardship, background and justification for the variance request and any additional information to support the request. The hardship should address the property's limitations preventing compliance with the zoning standards. Variance criteria may be found in Section 27-7.5 of the Zoning Ordinance, Section 14-44.5 of Chapter 14 of the City Code, and Section 21-27 of Chapter 21 of the City Code.	✓
Pictures —Provide photos of the site and/or what is being proposed for the requested variance	✓
Sign Variance —If the requested variance is pertinent to signage, provide three copies of sign and wall elevations and other details shall be required, as appropriate. Please note that no variance shall be granted to the height of a sign or the aggregate area of signs permitted on a lot. No variance shall be granted which increases the size of a sign more than twenty (20) percent of that allowed by Chapter 21.	✓
Stream Buffer Variance —If the requested variance is pertinent to the stream buffer. In addition to the above referenced materials, provide answers to these three questions: 1) Documentation of unusual hardship should the buffer be maintained; At least one alternative plan, which does not include a buffer or setback intrusion, or an explanation of why such a site plan is not possible; 2) A calculation of the total area and length of the proposed intrusion; A stormwater management site plan, if applicable; and, 3) Proposed mitigation, if any, to offset intrusion/encroachment into the stream buffer. The proposed mitigation can be completed after the initial application is submitted.	X

Property Owner/Applicant Information

Property Owner: Tucker Meridian, LLC Phone: 770-886-1963
Address: 19241 Birmingham Hwy.
Alpharetta, GA 30004

Email: _____
Applicant: Tucker Meridian, LLC Phone: 770-886-1963
Address: 19241 Birmingham Hwy., Alpharetta, Georgia 30004

Email: _____
Contact Person: Kathryn M. Zickert, Esq. Phone: 404-815-3704
Email: kmzickert@sgrlaw.com

Briefly Describe Variance Request

Monument signs. See Statement of Intent

Parcel Information

Parcel Identification Number (PIN): 18-210-08-016
Land Lot & District: 210 / 18
Site Address: 4280, 4310, 4320, 4324 LaVista Rd., Tucker, Ga 30084
Subdivision Name (if applicable): _____
Parcel Size: 20.73 acres

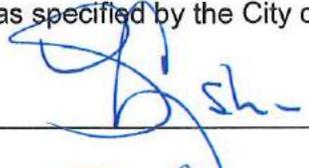
Zoning and Land Use

Existing Zoning Designation and Case Number: O-1
Zoning of Surrounding Properties: (N) O1 / RSM (S) O1 / C-1 (E) RSM / R-85 (W) O1 / C-1

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Notarized Certification

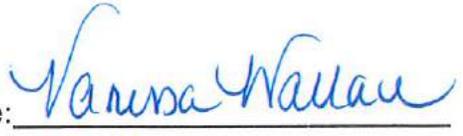
To the best of my knowledge, this variance application form is correct and complete. If additional materials are determined to be necessary, I understand that I am responsible for filing additional materials as specified by the City of Tucker Zoning Ordinance.

Owner Signature:  Date: 10/12/2016

Applicant Signature:  Date: 10/12/2016

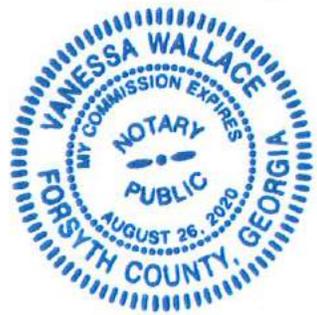
Sworn to and subscribed before me this 12th Day of October 2016

NOTARY PUBLIC:

Signature: 

Email: VWallace@bfkeo.com

Phone Number: (770) 886-1963



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STATEMENT OF INTENT & WRITTEN JUSTIFICATION

and

Other Material Required by
DeKalb County Zoning Ordinance

for the

Application to Obtain Variances under
The Northlake Overlay District

of

Tucker Meridian, LLC

for

± 20.73 Acres of Land on 4280, 4310, 4320, 4324 LaVista Rd., Tucker, GA 30084
Land Lot 210, 18th District, DeKalb County

- (1) To increase number of sign placards allowed per side of sign from eight (8) to fourteen (14);
- (2) To increase maximum height from fifteen (15) feet to twenty (20) feet;
- (3) To increase maximum sign face from sixty four (64) square feet per side to one hundred and fifty three (153) square feet per side;
- (4) To allow for recessed lighting and wall sconces as shown on elevations; and
- (5) To allow for more than one monument sign per lot.

Submitted for Applicant by:

SMITH, GAMBRELL & RUSSELL, LLP

Kathryn M. Zickert

Dennis J. Webb, Jr.

Vickie B. Chung

Promenade, Suite 3100

1230 Peachtree Street, NE

Atlanta, Georgia 30309

404-815-3500

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I. INTRODUCTION

The City of Tucker Zoning Ordinance, § 7.5.3, authorizes the Zoning Board of Appeals to decide applications for variances where the strict application of any regulation would result in exceptional and undue hardship upon the owner of property. Additionally, Section (M)(2) of the Tier 2 Northlake Overlay District authorizes variances of its Design Guidelines if approved by the ZBA.

The property at issue consists of \pm 20.73 acres on 4280, 4310, 4320, 4324 LaVista Rd., Tucker, GA 30084, Land Lot 210, 18th District, DeKalb County (the "Subject Property"). The Subject Property is currently zoned O-I and is located within the Northlake Overlay District, Tier 2. The 20.73 acre development was previously used as an office park and is currently being redeveloped as a regional shopping center ("Tucker Meridian"), which contains a total of approximately 200,000 square feet of retail space. This application concerns the proposed monument signs for the shopping center, one of which will be located at the entrance on LaVista Road and one of which will be located at the entrance on Northlake Parkway.

The Subject Property was assembled and rezoned for a shopping center prior to the incorporation of the City of Tucker. On April 28, 2015, the DeKalb County Board of Commissioners approved the rezoning of a 2.69 acre tract within the Subject Property from R-85 to O-I (Z-15-19671) in order to allow all the unified development of a retail center. That approval was premised upon nineteen (19) conditions. Thereafter, the DeKalb County Zoning Board of Appeals approved a total of five (5) variances involving specific wall sign letter height, four of which were approved on June 10, 2015 (A-15-19928):

CITY OF TUCKER

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- (1) To allow the Letters on Dick's wall signage to be 96" in height.
- (2) To allow the Letters on DSW wall signage to be 60" in height.
- (3) To allow the Letters on Hobby Lobby wall signage to be 48" in height
- (4) To allow the Letters on Ross wall signage to be 72" in height.
- (5) To allow graphics behind fenestration on storefronts on the condition that graphics depict pictures and illustrations only and no lettering with word messages.

An additional sign variance was approved on January 13, 2016 (A-16-20466), to allow the letters on the Sprouts sign to be 84" in height. In addition, on January 13, 2016, the DeKalb County Zoning Board of Appeals approved a variance to increase the maximum front yard from 30' to 50' on LaVista Road (A-16-20466).

The design Guidelines for the Northlake Commercial Center Compatible Use Overlay District, (II)(M)(4)(b)(i), provide that for a multiple-tenant building of 100,000 square feet in size or larger, one (1) freestanding monument sign is allowed per street frontage, not to exceed a total of three (3).¹ Signs may have no more than eight (8) sign placards per side; may be a maximum of fifteen (15) feet in height; may not exceed sixty four (64) square feet of total sign faces per side; may be single-faced or double-faced, and; must be externally front-lighted, using ground mounted flood lighting. The proposed monument sign for Tucker Meridian will have fourteen (14) placards per side, be 20 feet tall, have 153 square feet of sign face per side, and be lit by recessed lighting and wall sconces as shown on the elevation submitted with this Application. Therefore, the Applicant seeks a variance to: increase number of sign placards allowed per side from eight (8) to fourteen (14); increase maximum height from fifteen (15) feet to twenty (20)

¹ Section 3.35.20(c) of the Northlake Overlay itself prohibits more than one ground-mounted sign per lot, which is internally inconsistent. In an abundance of caution, the Applicant seeks a variance from that prohibition as well.

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feet; increase sign face from sixty four (64) square feet per side to one hundred and fifty three (153) square feet per side; and allow for recessed lighting and wall sconces. And, as noted, in case Section 3.35.20(c) applies, a variance is being requested from it. It should be noted that the actual sign ordinance for the City of Tucker would expressly allow the requested monument signage.

This document is submitted as a Statement of Intent with regard to this Application, a preservation of the Applicant's Constitutional Rights and a Written Justification for the Application as required by the City of Tucker Zoning Ordinance.

II. CRITERIA TO BE APPLIED TO VARIANCE APPLICATIONS

This Application meets the criteria for variances:

- (1) By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, 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.**

Every large box commercial store in the Northlake Overlay has very large signage which is often of sizes and letters much larger than what the Overlay allows. DeKalb County recognized the inappropriateness of the Overlay signage guidelines being applied here by approving five (5) separate variances to allow the Applicant to increase logo sign sizes in Tucker Meridian, including the allowance of a Dick's sign 96" in height; a DSW sign 60" in height; Hobby Lobby sign 48" in height; Ross sign 72" in height; and Sprouts sign 42" in height. These variances recognize that given the sizes of the front facades of each store and the inward orientation required by the approved plan for Tucker Meridian, the sign sizes allowed for by the Overlay are too restrictive. Similarly, the restrictions on monument signs in the Overlay create a hardship because they do not adequately

accommodate for the size of the retail center. Section (II)(M)(4)(b)(i) of the Code applies the same requirements to Tucker Meridian, a shopping center with over 200,000 square feet of retail space, to a shopping center half its size. A larger shopping center will have more tenants, which will require a larger monument sign with more sign placards and a greater sign face.

- (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 proposed variances are the minimum necessary for the Applicant to accommodate all of its retail tenants on the proposed monument signs with adequate visibility on Northlake Parkway, a four lane minor arterial, and LaVista Road, a four lane state highway. The individual placards displaying each tenant's signage will only be 19" tall, with some having a width of 116" and others 58". The proposed placards will comply fully with overlay design standards.

- (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 Subject Property is adjoined by commercial uses to the west across Northlake Parkway and to the south across LaVista Road which will not be detrimentally affected by the proposed monument signs.

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

Retail tenants will not locate to a shopping center without adequate signage. As previously stated, the hardship here stems from the application of the same signage restrictions to a shopping center with more than 200,000 square feet of retail space as to

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one half its size.

- (5) **The requested variance would be consistent with the spirit and purpose of this chapter and the Comprehensive Plan text.**

The requested variances are entirely consistent with the Comprehensive Plan. The Plan designation here is Regional Activity Center. It is precisely where large retail stores should be located, and the variance will accommodate a use which is fully consistent with the Overlay. In addition, the proposed signs will fully comply with overlay design requirements.

III. PRESERVATION OF CONSTITUTIONAL RIGHTS

Under these circumstances, a refusal to issue the variances in question would be unlawful, arbitrary, capricious, irrational, and a manifest abuse of discretion; all in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph 1 and Article I, Section I, Paragraph 2 of the Constitution of the State of Georgia of 1983.

A refusal to grant the requested variances would discriminate unfairly between this Applicant and others similarly situated, in violation of the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States, and Article I, Section I, Paragraph 1 and Article I, Section II, Paragraph 2 of the Constitution of the State of Georgia of 1983.

A refusal to grant the requested variances 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, Article I, Section I, Paragraph 2, and Article I, Section III, Paragraph I of the Constitution of the State of Georgia of 1983.

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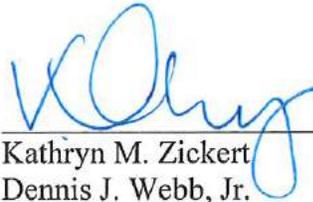
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IV. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests the approval of the proposed variance. 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 October, 2016.

Respectfully submitted,



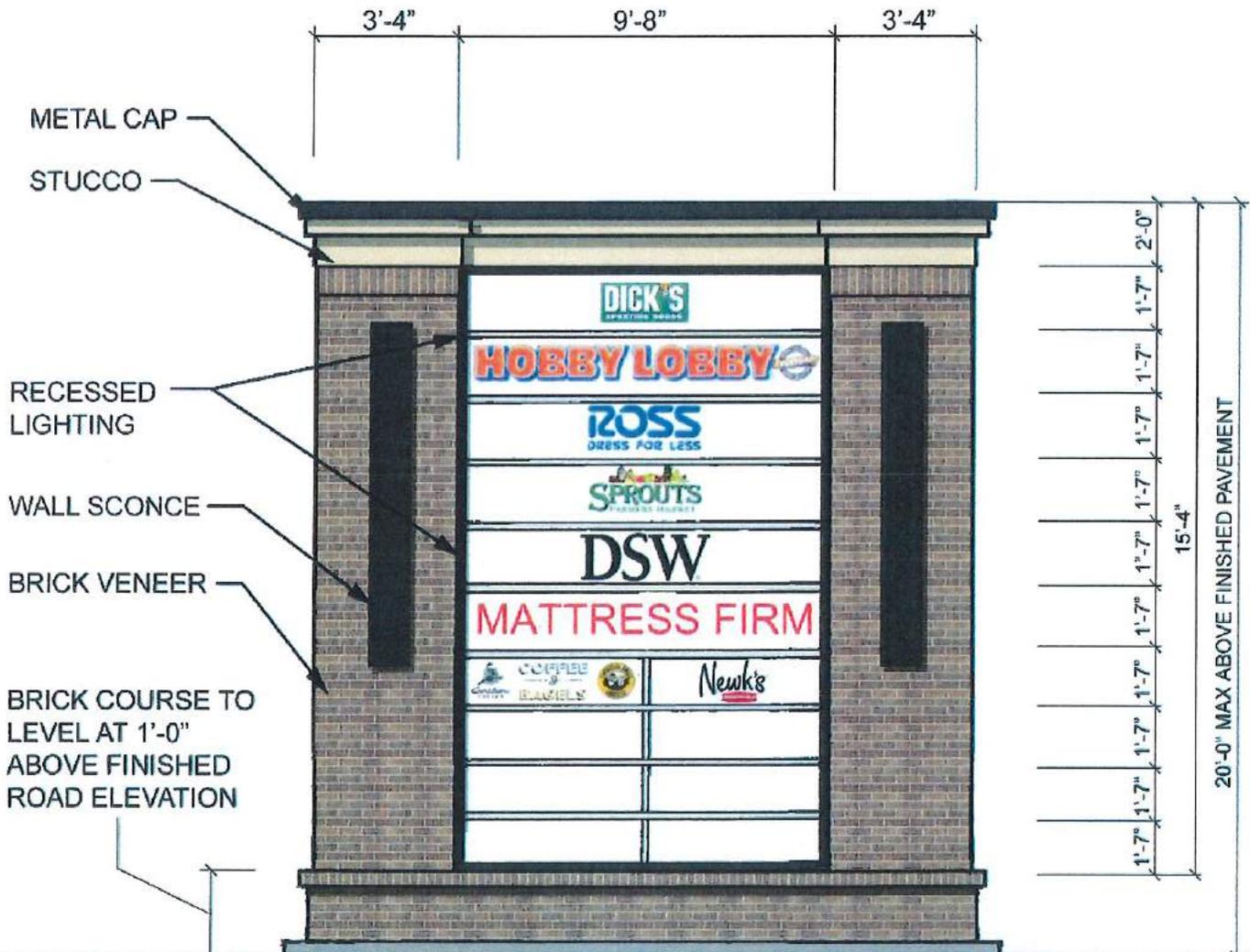
Kathryn M. Zickert
Dennis J. Webb, Jr.
Vickie B. Chung
Attorneys for Applicant

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SIGN ELEVATION

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DEVELOPED BY:

BEN F. KUSHNER COMPANY

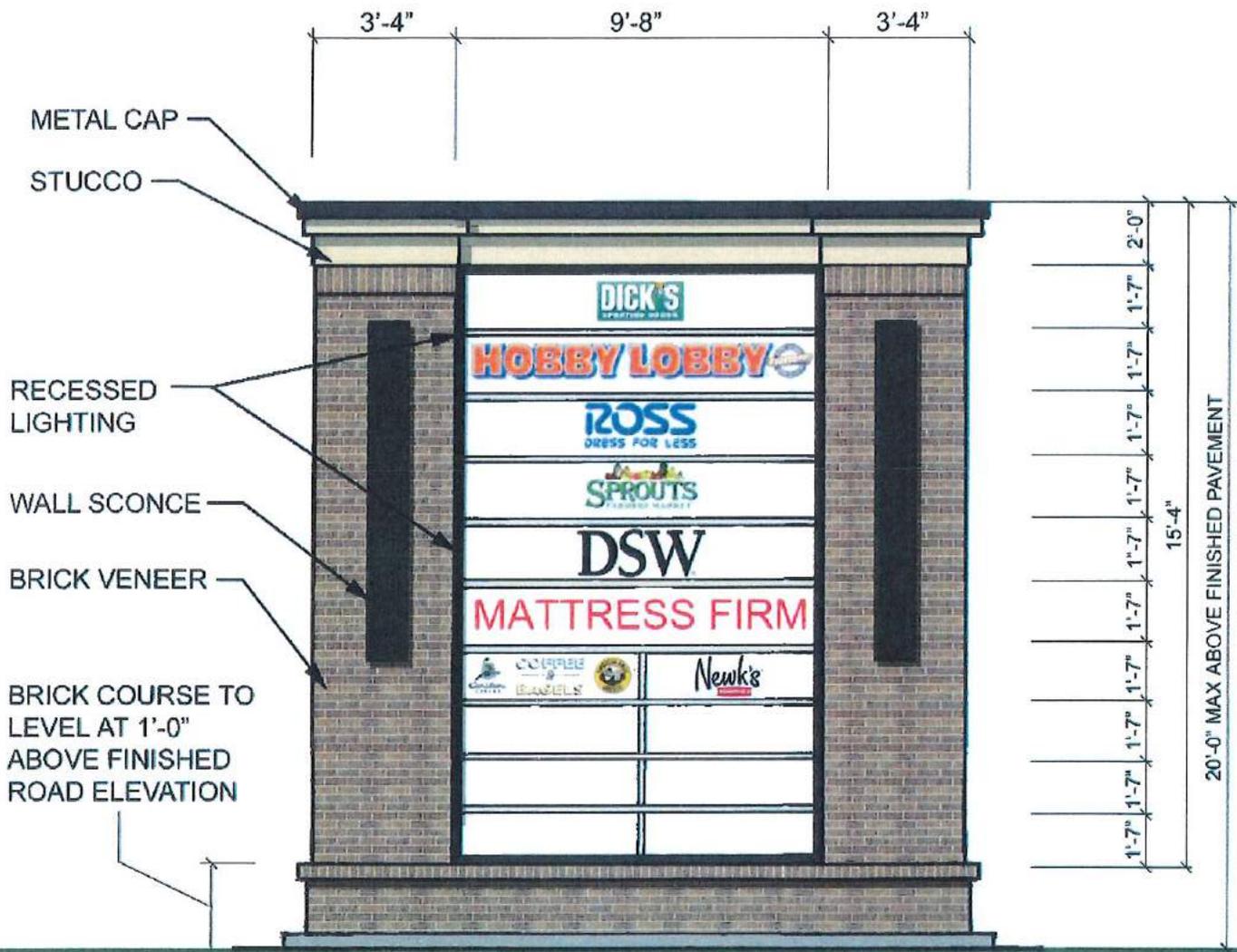
THE MERIDIAN
AT
TUCKER

FREE STANDING SIGN ELEVATION

MaxDesignGroup

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SIGN ELEVATION

N.T.S.

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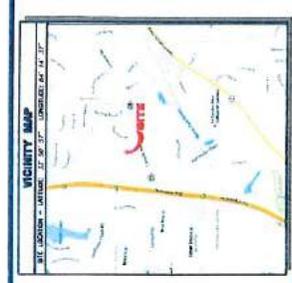
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MONUMENT SIGN RENDERING IS A GRAPHIC REPRESENTATION AND THE ACTUAL SIGN MAY VERY SLIGHTLY BUT WILL HAVE THE SAME CHARACTER IN KEEPING WITH THE MUNICIPALITIES REQUIREMENTS.

DEVELOPED BY:
BEN F. KUSHNER COMPANY

THE MERIDIAN
AT
TUCKER
FREE STANDING SIGN ELEVATION

MaxDesignGroup
Architecture · Planning · Interiors
D14-148 - 10 OCTOBER 2016



GENERAL NOTES

THE SURVEY HAS BEEN MADE FOR THE PROPOSED USE OF THE PROPERTY AS SHOWN ON THE ATTACHED PLANS. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER USES OF THE PROPERTY AND THEREFORE THE SURVEY IS MADE ON THE ASSUMPTION THAT THE PROPERTY IS TO BE USED FOR THE PURPOSES SHOWN ON THE PLANS.

THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER USES OF THE PROPERTY AND THEREFORE THE SURVEY IS MADE ON THE ASSUMPTION THAT THE PROPERTY IS TO BE USED FOR THE PURPOSES SHOWN ON THE PLANS.

TITLE EXCEPTIONS

THE FOLLOWING EXCEPTIONS ARE LISTED IN PARAGRAPHS 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

PROPERTY DESCRIPTION

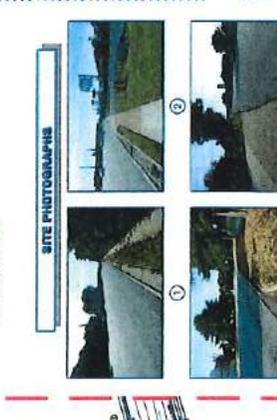
THE PROPERTY IS DESCRIBED AS FOLLOWS: [Detailed description of the property boundaries, easements, and encumbrances.]

THE PROPERTY IS DESCRIBED AS FOLLOWS: [Detailed description of the property boundaries, easements, and encumbrances.]

LEGEND

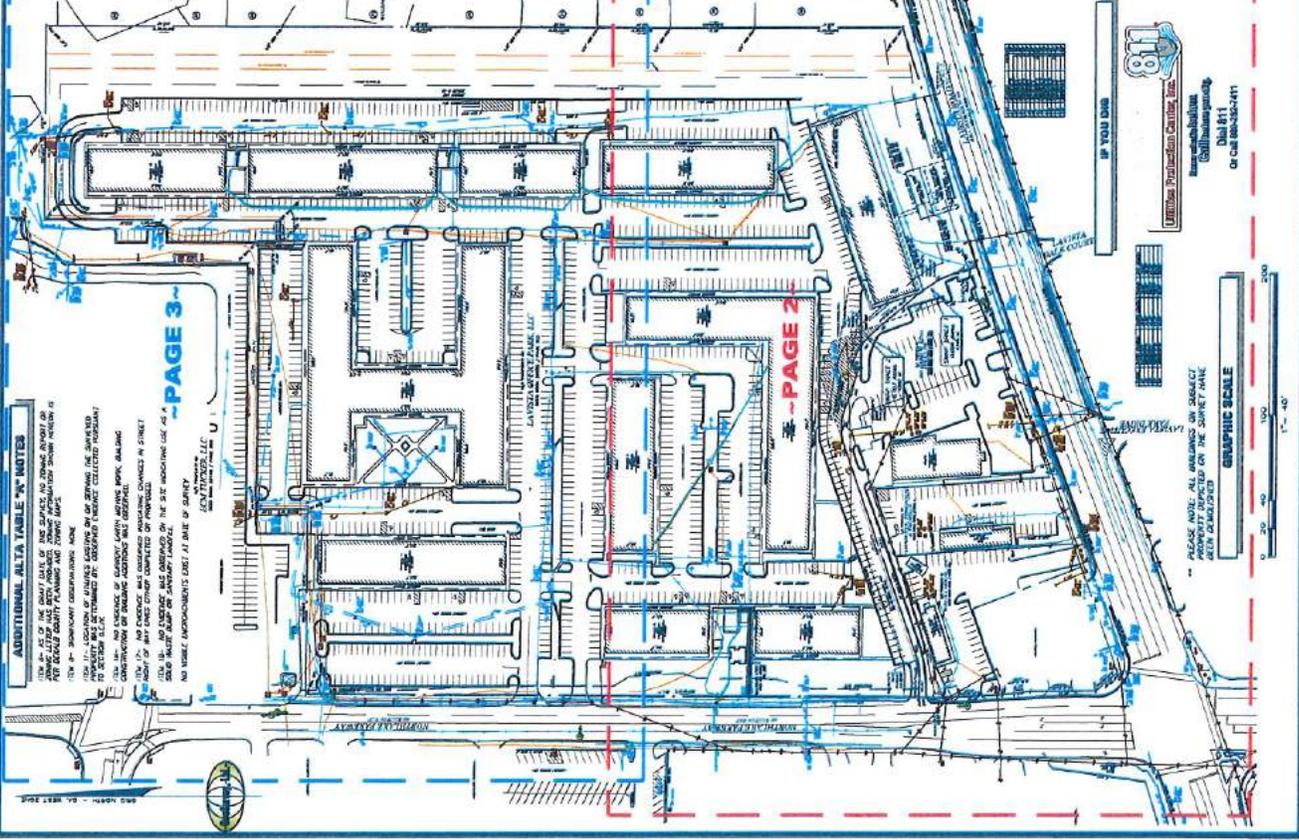
STANDARD ABBREVIATIONS: [List of symbols and their corresponding terms.]

PROPERTY DESCRIPTION: [List of property features and their descriptions.]



CLOSURE STATEMENT

THE SURVEYOR HAS BEEN ADVISED THAT THE PROPERTY IS TO BE USED FOR THE PURPOSES SHOWN ON THE PLANS. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER USES OF THE PROPERTY AND THEREFORE THE SURVEY IS MADE ON THE ASSUMPTION THAT THE PROPERTY IS TO BE USED FOR THE PURPOSES SHOWN ON THE PLANS.



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7/8/2016 11:41:40 AM

Real Estate Transfer Tax \$14,000.00

Debra DeBerry
Clerk of Superior Court
DeKalb County, Georgia

RETURN DOCUMENT TO:

Thad C. Gould, Esq.
GREENFIELD, BOST & KLIROS, P.C.
990 Hammond Drive, Suite 650
Atlanta, Georgia 30328

AFTER RECORDING RETURN TO
GEORGE C. CALLOWAY, ESQ. (B)
SPECIALIZED TITLE SERVICES, INC.
6133 PEACHTREE DUNWOODY ROAD NE
ATLANTA, GEORGIA 30328
(770) 394-7000 STS FILE NO 1165 0793

STATE OF GEORGIA
COUNTY OF FULTON

LIMITED WARRANTY DEED

THIS INDENTURE is made as of this 7 day of July, 2016 between LAVISTA OFFICE PARK, LLC, a Georgia limited liability company ("Grantor"), and TUCKER MERIDIAN, LLC, a Georgia limited liability company ("Grantee") (the words "Grantor" and "Grantee" to include their respective heirs, administrators, executors, personal representatives, successors and assigns where the context requires or permits).

WITNESSETH:

GRANTOR, for and in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, in hand paid at and before the sealing and delivery of these presents, the receipt whereof is hereby acknowledged, has granted, bargained, sold, aliened, conveyed and confirmed, and by these presents does grant, bargain, sell, alien, convey and confirm unto Grantee the following described real property together with all, easements, rights and licenses appurtenant thereto (hereinafter collectively referred to as the "Property"):

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 210, 18th District, DeKalb County, Georgia, and being more particularly described on Exhibit "A" attached hereto and by this reference made a part hereof.

This conveyance is made subject to those items set out in Exhibit "B" attached hereto and made a part hereof.

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TO HAVE AND TO HOLD the Property, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging or in any wise appertaining to the only proper use, benefit and behoof of Grantee, forever, IN FEE SIMPLE.

Grantor will warrant and forever defend the right and title of the Property unto Grantee, against the lawful claims of all persons claiming by, through, or under Grantor.

Except for the limited warranty of title contained herein, the conveyance of the Property is on an "as is" basis.

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed as of the day and year first above written.

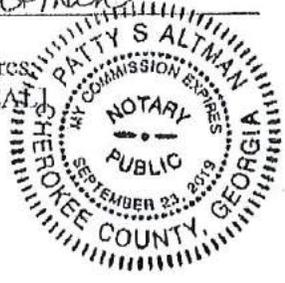
Signed, sealed and delivered in the presence of:

LAVISTA OFFICE PARK, LLC, a Georgia limited liability company

[Handwritten signature]
WITNESS

[Handwritten signature] (SEAL)
By: Ben F. Kushner
Printed Name: Ben F. Kushner
Title: Manager

Patty A. Altman
NOTARY PUBLIC
My Commission expires
[NOTARIAL SEAL]



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EXHIBIT A**AMERIS BANK/TUCKER MERIDIAN, L.L.C**
LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Lands Lot 210 of the 18th District of DeKalb County, Georgia, and being more particularly described as follows:

Commencing at the intersection of the northern right-of-way of on the northern right-of-way of Lavista Road (aka State Route 235) (variable right-of-way) with the eastern right-of-way line of Northlake Parkway (80' right-of-way); Thence along said right-of-way of Northlake Parkway the following courses and distances: North 00 degrees 16 minutes 41 seconds West a distance of 92.28 feet to a point; North 07 degrees 12 minutes 18 seconds West a distance of 39.73 feet to a concrete monument found; North 02 degrees 41 minutes 12 seconds West a distance of 84.02 feet to a concrete monument found; North 00 degrees 45 minutes 35 seconds East a distance of 33.70 feet to a PK nail set, said PK nail set being the **TRUE POINT OF BEGINNING**. Thence North 00 degrees 18 minutes 40 seconds East a distance of 864.71 feet to a PK nail set; Thence South 89 degrees 53 minutes 16 seconds East a distance of 259.16 feet to a PK nail found; Thence North 00 degrees 06 minutes 28 seconds East a distance of 73.20 feet to a PK nail set; Thence South 89 degrees 53 minutes 12 seconds East a distance of 378.74 feet to a PK nail set; Thence South 00 degrees 07 minutes 21 seconds West a distance of 31.00 feet to a PK nail set; Thence South 89 degrees 50 minutes 11 seconds East a distance of 29.94 feet to a PK nail found; Thence North 00 degrees 07 minutes 26 seconds East a distance of 333.28 feet to a 1/2-inch rebar found; Thence South 89 degrees 48 minutes 15 seconds East a distance of 272.71 feet to a 1/2-inch rebar found; Thence South 00 degrees 04 minutes 02 seconds West a distance of 333.40 feet to a 1/2-inch rebar found; Thence South 00 degrees 07 minutes 51 seconds West a distance of 337.38 feet to a 1/2-inch rebar found; Thence South 00 degrees 11 minutes 49 seconds West a distance of 110.00 feet to a 1/2-inch rebar found; Thence South 00 degrees 15 minutes 08 seconds West a distance of 102.26 feet to a 1/2-inch rebar found; Thence South 00 degrees 03 minutes 05 seconds East a distance of 119.59 feet to a 1/2-inch rebar found; Thence South 00 degrees 00 minutes 23 seconds West a distance of 209.16 feet to a 5/8-inch rebar set on the northern right-of-way of Lavista Road (aka State Route 235) (variable right-of-way); Thence along said right-of-way, South 72 degrees 44 minutes 16 seconds West a distance of 352.99 feet to a point; South 70 degrees 38 minutes 59 seconds West a distance of 127.87 feet to a point; Thence leaving said right-of-way, North 19 degrees 06 minutes 42 seconds West a distance of 1.94 feet to a point; Thence North 70 degrees 53 minutes 18 seconds East a distance of 53.63 feet to a point; Thence along a curve to the left having a radius of 32.50 feet and an arc length of 29.63 feet, being subtended by a chord bearing of North 44 degrees 46 minutes 13 seconds East for a distance of 28.61 feet to a point; Thence along a curve to the left having a radius of 32.50 feet and an arc length of 22.30 feet, being subtended by a chord bearing of North 01 degrees 00 minutes 10 seconds West for a distance of 21.86 feet to a point; Thence North 03 degrees 54 minutes 08 seconds East a distance of 26.58 feet to a point; Thence North 20 degrees

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07 minutes 18 seconds West a distance of 88.93 feet to a point; Thence North 20 degrees 07 minutes 18 seconds West a distance of 78.93 feet to a point; Thence North 71 degrees 35 minutes 41 seconds West a distance of 50.70 feet to a point; Thence South 70 degrees 48 minutes 17 seconds West a distance of 106.22 feet to a point; Thence South 70 degrees 48 minutes 17 seconds West a distance of 307.91 feet to a point; Thence along a curve to the right having a radius of 95.43 feet and an arc length of 32.59 feet, being subtended by a chord bearing of South 80 degrees 30 minutes 44 seconds West for a distance of 32.43 feet to a point; Thence North 88 degrees 22 minutes 51 seconds West a distance of 29.06 feet to a PK nail set on the eastern right-of-way of Northlake Parkway, said PK nail set being the **TRUE POINT OF BEGINNING**.

Said tract of land contains 21.148 Acres.

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EXHIBIT "B"**PERMITTED EXCEPTIONS**

1. All taxes for the year 2016 and subsequent years, which are a lien not yet due and payable.
2. Lease as evidenced by Memorandum of Lease between 200 E. 38th St. Co., a New York limited partnership, and SprintCom, Inc., a Kansas corporation, dated January 14, 1998, filed for record June 24, 1998 at 8:30 a.m., recorded in Deed Book 10071, Page 798, Records of DeKalb County, Georgia; as affected by Subordination, Non-Disturbance and Attornment Agreement by and between Ameris Bank, a Georgia banking corporation, SprintCom, Inc., a Kansas corporation, and Tucker Meridian, LLC, a Georgia limited liability company, dated _____, 2016, filed for record _____, 2016 at ____:____.m., recorded in Deed Book _____, Page _____, aforesaid Records.
3. Lease as evidenced by Memorandum of Ground Lease by and between 200 E. 38th St. Co., a New York Limited Partnership whose sole General Partner is Allan Stillman; Richard Heller, individually, and as Executor of the Last Will and Testament of Frances H. Cahen, deceased; and Phillis H. Rosenthal; as tenants in common, d/b/a LaVista Office Park, and Dial Call, Inc., a Georgia Corporation d/b/a Nextel Communications, dated as of September 13, 1996, filed for record April 23, 1999 at 10:25 a.m., recorded in Deed Book 10665, Page 446, aforesaid Records; as assigned by Memorandum of Assignment by and between Nextel South Corp., a Georgia corporation, formerly known as Dial Call, Inc., and Tower Parent Corp., a Delaware corporation, dated as of April 20, 1999, filed for record November 20, 2001 at 2:16 p.m., recorded in Deed Book 12665, Page 689, aforesaid Records; as further assigned by Memorandum of Assignment by and between Tower Parent Corp., a Delaware corporation, and Tower Assett Sub, Inc., a Delaware corporation, dated as of April 20, 1999, filed for record November 20, 2001 at 2:16 p.m., recorded in Deed Book 12665, Page 695, aforesaid Records; as further assigned by Assignment and Assumption of Lease or Other Agreement from Tower Asset Sub, LLC, a Delaware limited liability company, to American Tower Asset Sub, LLC, a Delaware limited liability company, dated February 27, 2007, filed for record February 18, 2009 at 9:36 a.m., recorded in Deed Book 21271, Page 417, aforesaid Records; as affected by Assignment from LaVista Office Park, LLC, a Georgia limited liability company, to Tucker Meridian, LLC, a Georgia limited liability company, as to lessor's interest in the underlying ground lease, dated _____, 2016, filed for record _____, 2016 at ____:____.m., recorded in Deed Book _____, Page _____, aforesaid Records; and as affected by Subordination and Non-Disturbance Agreement by and between Ameris Bank, a Georgia banking corporation, American Tower Asset Sub, LLC, a Delaware limited liability company, and Tucker Meridian, LLC, a Georgia limited liability company, dated _____, 2016, filed for record _____, 2016 at ____:____.m., recorded in Deed Book _____, Page _____, aforesaid Records.
4. Sanitary Sewer Easement between W. M. Wender and DeKalb County, Georgia, dated November 1, 1963, filed for record January 7, 1964 at 3:00 p.m., recorded in Deed Book 1841, Page 23, aforesaid Records.

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5. Easement from Hicks and Associates to Georgia Power Company, dated October 18, 1972, filed for record November 1, 1972 at 10:42 a.m., recorded in Deed Book 2906, Page 515, aforesaid Records.

Note: Georgia Power Company, by letter dated March 8, 2006, claims no further interest in the above easement except the right to operate, maintain, rebuild and renew its existing facilities within its presently maintained right-of-way.

6. Slope Easement contained in Right of Way Deed from Executive Enterprises, Inc., *et al.* to DeKalb County, a political subdivision of the State of Georgia, dated December 12, 1967, filed for record January 6, 1968 at 2:11 p.m., recorded in Deed Book 2317, Page 250, aforesaid Records.
7. Easement for connection to fire main contained in Warranty Deed from LaVista Perimeter Associates, a partnership under Agreement dated April 30, 1971, by and among Glenn E. Hicks, Jr., Curtis O. Hicks, Max R. Johnson, and Robert E. McAfee, Jr., to Richard Heller, Frances H. Cahen, Phillis H. Rosenthal, and 200 E. 38th St. Co., a New York limited partnership, having Allan Stillman and Stanley Stillman as the General Partners, dated November 24, 1975, filed for record December 3, 1975 at 9:37 a.m., recorded in Deed Book 3422, Page 69, aforesaid Records; as affected by Quitclaim Deed from BellSouth Advertising & Publishing Corporation, a Georgia corporation, and Development Authority of DeKalb County to LaVista Office Park, LLC, a Georgia limited liability company (as to a 19% undivided interest), Venture Capital Properties, Inc., a Georgia corporation (as to a 71% undivided interest), and Showcase Distributors, a Georgia general partnership composed of Warren Steinberg and Robert Khoury (as to a 10% undivided interest), dated April 3, 2006, filed for record April 5, 2006 at 10:21 a.m., recorded in Deed Book 18573, Page 621, aforesaid Records; as further affected by Quitclaim Deed from LaVista Office Park, LLC, a Georgia limited liability company (as to a 19% undivided interest), Venture Capital Properties, Inc., a Georgia corporation (as to a 71% undivided interest), and Showcase Distributors, a Georgia general partnership composed of Warren Steinberg and Robert Khoury (as to a 10% undivided interest), to Development Authority of DeKalb County, dated April 3, 2006, filed for record April 5, 2006 at 10:21 a.m., recorded in Deed Book 18573, Page 627, aforesaid Records.
8. License Agreement as evidenced by Memorandum of Agreement by and between Nextel South Corp. (f/k/a Dial Call, Inc.), a Georgia corporation, d/b/a Nextel Communications, and Powertel/Atlanta, Inc., a Delaware corporation, dated as of October 1, 1997, filed for record August 5, 1999 at 10:35 a.m., recorded in Deed Book 10869, Page 727, aforesaid Records; as affected by Subordination and Non-Disturbance Agreement by and between Ameris Bank, a Georgia banking corporation, American Tower Assot Sub, LLC, a Delaware limited liability company, and Tucker Meridian, LLC, a Georgia limited liability company, dated _____, 2016, filed for record _____, 2016 at _____:_____.m., recorded in Deed Book _____, Page _____, aforesaid Records.

9. Easement from A. Stillman to Georgia Power Company, dated May 17, 1977, filed for record September 9, 1977 at 1:20 p.m., recorded in Deed Book 3699, Page 903, aforesaid Records.

Note: Georgia Power Company, by letter dated March 8, 2006, claims no further interest in the above easement except the right to operate, maintain, rebuild and renew its existing facilities within its presently maintained right-of-way.

10. Right-of-Way Easement from LaVista Office Park to Southern Bell Telephone and Telegraph Company, dated April 25, 1980, filed for record April 29, 1980 at 10:50 a.m., recorded in Deed Book 4259, Page 226, aforesaid Records.

Note: Bell South Telecommunications, LLC d/b/a AT&T Georgia claims no further interest in the above easement other than the rights granted by the easement or otherwise by operation of law, limited to the rights to operate, maintain, replace, add to and/or remove existing facilities under the terms and conditions of the easement and the right to operate, replace, add to and remove facilities within 25 feet of the public right of way. BellSouth Telecommunications, LLC d/b/a AT&T Georgia further retains the right to place, install, and maintain any facilities necessary to provide service to any building located on the subject tract.

11. Permanent Construction and Maintenance Easement from Richard Heller, *et al.* to Department of Transportation, dated April 5, 1988, filed for record April 29, 1988 at 3:43 p.m., recorded in Deed Book 6121, Page 137, aforesaid Records.
12. Easement from LaVista Office Park, J.V. to BellSouth Telecommunications, Inc., a Georgia corporation, dated April 28, 1998, filed for record May 4, 1998 at 8:30 a.m., recorded in Deed Book 9974, Page 542, aforesaid Records; as shown on the Survey (defined below).
13. In addition to the matters set forth above, ALTA/NSPS Land Title Survey, 2163 Northlake Parkway, for Alston & Bird LLP, Tucker Meridian, LLC, Ameris Bank, DIF-Tucker Meridian LLC, LaVista Office Park, LLC, Venture Capital Properties, Inc., and Stewart Title Guaranty Company, prepared by GeoSurvey, Ltd., bearing the seal and certification of David L. Hester, Georgia Registered Land Surveyor No. 3042, dated March 10, 2016, last revised June 28, 2016 (the "Survey"), discloses the following:
- (a) water meters, water vaults, water valves, and underground water lines located throughout the subject property;
 - (b) underground communication lines located throughout the subject property;
 - (c) electric transformers and underground electrical lines located throughout the subject property;
 - (d) brace pole for power pole located in the westerly portion of the subject property;
 - (e) power boxes and phone box located in the southeasterly portion of the subject property;

- (f) sanitary sewer line with sanitary sewer manholes located in the northerly and easterly portion of the subject property; and
 - (g) drainage structures with drop inlets located throughout the subject property.
14. Lease as evidenced by Memorandum of Lease by and between LaVista Office Park, LLC, a Georgia limited liability company, and Hobby Lobby Stores, Inc., an Oklahoma corporation, dated March 23, 2015, filed for record April 16, 2015 at 12:26 p.m., recorded in Deed Book 24885, Page 315, aforesaid Records; as assigned by Assignment of Lease from LaVista Office Park, LLC, a Georgia limited liability company, to Tucker Meridian, LLC, a Georgia limited liability company, dated _____, 2016, filed for record _____, 2016 at ____:____.m., recorded in Deed Book _____, Page _____, aforesaid Records; and as affected by Subordination, Non-Disturbance and Attornment Agreement by and between Ameris Bank, a Georgia banking corporation, Hobby Lobby Stores, Inc., an Oklahoma corporation, and Tucker Meridian, LLC, a Georgia limited liability company, dated _____, 2016, filed for record _____, 2016 at ____:____.m., recorded in Deed Book _____, Page _____, aforesaid Records.
 15. Lease as evidenced by Memorandum of Lease by and between LaVista Office Park, LLC, a Georgia limited liability company, and Ross Dress For Less, Inc., a Virginia corporation, dated June 4, 2015, filed for record August 13, 2015 at 1:40 p.m., recorded in Deed Book 25106, Page 1, aforesaid Records; as assigned by Assignment of Lease from LaVista Office Park, LLC, a Georgia limited liability company, to Tucker Meridian, LLC, a Georgia limited liability company, dated _____, 2016, filed for record _____, 2016 at ____:____.m., recorded in Deed Book _____, Page _____, aforesaid Records; and as affected by Subordination, Nondisturbance and Attornment Agreement by and between Ameris Bank, a Georgia banking corporation, Ross Dress for Less, Inc., a Virginia corporation, and Tucker Meridian, LLC, a Georgia limited liability company, dated _____, 2016, filed for record _____, 2016 at ____:____.m., recorded in Deed Book _____, Page _____, aforesaid Records.
 16. Restrictive Covenant by LaVista Office Park, LLC, a Georgia limited liability company, dated September 23, 2015, filed for record September 29, 2015 at 1:45 p.m., recorded in Deed Book 25181, Page 531, aforesaid Records.
 17. Stormwater Detention Facility Inspection and Maintenance Agreement Plan of Meridian at Tucker by and between LaVista Office Park LLC and DeKalb County, dated September 10, 2015, filed for record October 26, 2015 at 12:43 p.m., recorded in Deed Book 25227, Page 540, aforesaid Records, and Stormwater Detention Facility Inspection and Maintenance Agreement Plan of Meridian at Tucker by and between LaVista Office Park LLC and DeKalb County, dated October 26, 2015, filed for record October 27, 2015 at 10:23 a.m., recorded in Deed Book 25229, Page 289, aforesaid Records.
 18. Rights of tenants listed on the attached Exhibit "B"; as tenants only under unrecorded leases, with no right of first refusal or purchase options.

19. The following exceptions affect Swap Tract 1:
- (a) Sanitary Sewer Easement between W. M. Wender and DeKalb County, Georgia, dated November 1, 1963, filed for record January 7, 1964 at 3:00 p.m., recorded in Deed Book 1841, Page 23, aforesaid Records;
 - (b) Drainage rights contained in Right of Way Deed by and between Glenn E. Hicks and DeKalb County, a political subdivision of the State of Georgia, dated January 7, 1971, filed for record January 15, 1971 at 10:50 a.m., recorded in Deed Book 2608, Page 73, aforesaid Records;
 - (c) Easement from KFC National Management Company to Georgia Power Company, dated February 10, 1977, filed for record May 16, 1977 at 12:48 a.m., recorded in Deed Book 3658, Page 609, aforesaid Records;
 - (d) Conveyance of Access Rights by and between the Department of Transportation, State of Georgia, and Folks, Inc., dated November 1, 1983, filed for record December 8, 1983 at 8:30 a.m., recorded in Deed Book 4883, Page 251, aforesaid Records; and
 - (e) Permanent Construction and Maintenance Easement from Richard King and Richard Pratt (Folks, Inc.), to the Department of Transportation, dated April 6, 1987, filed for record April 13, 1987, in Deed Book 5800, Page 50, aforesaid Records.
20. Terms and conditions of Reciprocal Construction Easement by and between Tucker Meridian, LLC, a Georgia limited liability company, and Richard W. King and Richard J. Pratt, dated _____, 2016, filed for record _____, 2016 at ____:____.m., recorded in Deed Book _____, Page _____, aforesaid Records.
21. Deed to Secure Debt from Tucker Meridian, LLC, a Georgia limited liability company, to Ameris Bank, a Georgia banking corporation, dated _____, 2016, filed for record _____, 2016 at ____:____.m., recorded in Deed Book _____, Page _____, aforesaid Records.