



Jill S. Arnold
Direct Dial: 404-665-1243

Email:
jarnold@pftlegal.com

June 28, 2017

VIA EMAIL AND HAND DELIVERY

John McHenry, Director of Community Development
City of Tucker
4119 Adrian Street
Tucker, GA 30084

Re: First Amendment to Comprehensive Plan Amendment; CA-17-001; 4650 & 4750
Hugh Howell Road; The Rise

Dear John:

Enclosed please find the First Amendment to the above-captioned Comprehensive Plan Amendment Application. The Applicant seeks to change the Comprehensive Plan/Future Land Use designation of the above-captioned properties from Light Industrial to **Neighborhood Center**. The Applicant previously sought a change to the Town Center Character Area.

Please contact me at 404-665-1243 with any questions. Thank you.

Sincerely,

PURSLEY FRIESE TORGRIMSON, LLP

Jill Arnold

REVISION

Enclosure

cc: Stephen Macauley
Jerry Silvio
Courtney Lankford

CITY OF TUCKER

JUN 28 2017

RECEIVED

CA-17-001

RE-17-002

SLUP-17-003

FIRST AMENDMENT TO
COMPREHENSIVE PLAN AMENDMENT APPLICATION CA-17-001
CITY OF TUCKER, GEORGIA

IN RE:)
)
MACAULEY INVESTMENTS, LLC,)
) Application No. CA-17-001
Applicant,)
)
4650 & 4750 Hugh Howell Road)

COMES NOW the Applicant, MACAULEY INVESTMENTS, LLC, and respectfully requests that the above-referenced application be amended as follows:

1.

By amending the above-referenced Comprehensive Plan Amendment Application to request a Comprehensive Plan Amendment from Light Industrial (LIND) to **Neighborhood Center**. The Application previously sought a change to the Town Center Character Area.

2.

By supplementing the above-referenced Comprehensive Plan Amendment Application, and all associated applications, with the information and analysis attached hereto at **Exhibit 1**.

Respectfully submitted this 28th day of June, 2017.

PURSLEY FRIESE TORGRIMSON

G. Douglas Dillard
Jillian S. Arnold

REVISION

CITY OF TUCKER

JUN 28 2017

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CA-17-001

RZ-17-002

SLUR-17-003

Exhibit 1

Comprehensive Plan Amendment to Neighborhood Center

Macauley Investments, LLC; CA-17-001

I. INTRODUCTION

The subject property is located at 4650 & 4750 Hugh Howell Road and is more particularly identified by the legal description submitted with the above-captioned application (“Property”). Macauley Investments, LLC (“Applicant”) seeks to develop a mixed use community consisting of a wide variety of residential, non-residential, and civic uses. Concurrent with the comprehensive plan amendment application, the Applicant has also submitted an application to rezone the Property from Industrial (M) to the MU-3 zoning category to support the mixed use project. The MU-3 zoning category is consistent with the Neighborhood Center Character Area designation.

The Property is currently zoned M and Mixed Zoning (Industrial/RE) and is designated as Light Industrial (LIND) under the City’s Comprehensive Plan. The LIND land use designation and industrial zoning on the Property are not appropriate as evidenced by the fact that the Property has remained underutilized and vacant for over 12 years. Although this Property is situated along Mountain Industrial Boulevard, which is primarily a commercial/industrial corridor, the Property is not suitable for industrial use due to its close proximity to established single-family neighborhoods, environmentally-sensitive features on site (stream and associated stream buffers), and its location within the City of Tucker.

The LIND designation is Euclidean in nature in that it supports a very limited number and mix of uses, most of which are heavy industrial uses and warehousing uses that could have a negative or hazardous impact on surrounding single-family uses. This Euclidean model of zoning results in more isolated communities and a greater reliance on automobiles. As such, the Euclidean model has become increasingly discouraged as a planning and zoning model, especially in city centers, in lieu of more dynamic zoning schemes that promote a diverse mix of complementary uses in one location or project.

The Neighborhood Center Character Area (“NC”) is a more appropriate land use designation for this parcel because it allows for an appropriate mix of uses and densities in light of surrounding land uses. The intent of NC is to “identify areas that can serve the local neighborhood’s needs for goods and services.” The NC designation would provide an effective transition or step-down between the more intense land use activities along the Mountain Industrial corridor and the residential development on the eastern side of Property. NC areas complement “the character of neighborhoods and the location of commercial areas [and seek to] reduce automobile travel, promote walkability and increased transit usage.” Primary land uses within this character area include townhomes, apartments, retail and commercial, office and institutional uses, entertainment

and cultural facilities, greenspace, and public and civic facilities. Primary policies of NC Character Area include:

- Context Sensitive Creative Design
- Mixed Use Development/Zoning
- Walkable Community Design
- Greenway/Trail Network

These planning principles should be encouraged and promoted within new developments as they create a more livable and dynamic community. The Rise development incorporates all of these principles with a specific focus on pedestrian-scale development and life-cycle communities. The commercial base along Mountain Industrial can still be maintained if the zoning and land use designation on this Property changes to NC as it still provides an opportunity from commercial uses such as retail, restaurants, and grocery uses.

II. BASIS FOR COMPREHENSIVE PLAN AMENDMENT AND WRITTEN ANALYSIS

The Applicant satisfies all of the standards and factors for comprehensive plan amendments as set forth in the City of Tucker Zoning Ordinance, § 7.3.4:

1. Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties.

The proposed land use change to NC will permit a wider variety of uses and activities along Mountain Industrial Boulevard and provide a reasonable transition between the Mountain Industrial Boulevard corridor and neighboring residential uses. The expansion of commercial and retail uses on this Property is consistent with commercial/wholesale redevelopment and infill (and away from industrial infill) along the Stone Mountain Freeway/Hugh Howell Corridor. A land use amendment to NC, coupled with the Applicant's proposed master development plan, will allow the owner to concentrate job-producing, nonresidential activities along the Mountain Industrial but within walking distance of residential uses on site. The economic activity anticipated by the Applicant's proposed development plan and permitted by the NC land use designation will complement the economic uses and development currently found along the industrial corridor.

2. Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property or properties.

The proposed land use change will not adversely affect the existing uses of adjacent property. On the contrary, the proposed land use change and development plan complement

surrounding properties by concentrating the non-residential uses along Mountain Industrial Boulevard. It should also be noted that the non-residential uses proposed by the Applicant (office, retail, and grocery uses) are job-generating uses that are compatible with and supportive of surrounding and nearby residences. This should be contrasted with the potentially noxious uses permitted by right under the current M zoning on the Property, such as fuel manufacturers and dry cleaning plants.

3. Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

The proposed land use change from LIND to NC will not cause excessive or burdensome use of existing streets, schools, or other facilities or utilities. Although a nominal increase in City facility use will occur through the change to NC, the increase in use will not be excessive or burdensome, as the City facilities in the area are adequate to handle any increase. DeKalb County has already approved the Applicant's Sewer Action Plan for the development so sewer infrastructure will be available. Moreover, the Applicant plans to add a new school along Hugh Howell Road as part of the overall development which would help mitigate any impact on public schools. With regard to transportation infrastructure, the mixed-use nature of the development will limit the number and frequency of automobile trips on a daily basis.

4. Whether the amendment is consistent with the written policies in the comprehensive plan text and any applicable small areas studies.

The proposed land use amendment from LIND to NC is consistent with the written policies of the comprehensive land text. A land use change to NC on the subject property would be consistent with the vision for the area, as derived from the text of the comprehensive plan. NC is more compatible with the adjacent Suburban land use designation and provides a more appropriate transition between the low-density Suburban land uses and the high-intensity commercial and industrial designations along Mountain Industrial Boulevard.

5. Whether there are potential impacts on property or properties in an adjoining governmental jurisdiction, in cases of proposed changes near county or municipal boundary lines.

The Property is not located near county or municipal boundary lines. The proposed land use change to NC would have no impact on any properties in an adjoining governmental jurisdiction. The requested land use change will positively impact the City of Tucker by allowing for a wider variety of uses on a parcel that has been underutilized and vacant for over 12 years.

6. Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or denial of the proposed land use change.

With the incorporation of the City of Tucker in 2016, the Property is now located in the heart of the City. The Property is in very close proximity to downtown Tucker and is uniquely located between the city center and well-established residential neighborhoods. A comprehensive plan amendment and land use change to NC would benefit the Property and the surrounding area by promoting economic growth, creating jobs, and diversifying housing alternatives in this area of Tucker. This change would also expand the urban node with a series of walkable alternatives and provide a connection between downtown Tucker and the single-family neighborhoods to the east of the Property. Area residents and neighborhood leaders have voiced strong support for the requested change, proposed uses, and enhanced connectivity in this area.

7. Whether there will be an impact on historic buildings, sites, districts or archaeological resources resulting from the proposed change.

No historic building, sites, districts or archaeological resources will be impacted by the proposed comprehensive plan amendment and land use change from LIND to NC. The subject property currently contains a tenantless distribution center, which the Applicant seeks to transform into an active mixed-use development with retail, office, residential and institutional facilities. Additionally, there are no nearby sensitive sites or properties that will be affected by the requested land use change.

III. CONCLUSION

For the foregoing reasons, the Applicant respectfully requests that the Tucker City Council approve this Application. If there are any questions about the comprehensive plan amendment, you may contact me at 404-665-1241 or at ddillard@pftlegal.com.

Sincerely,

PURSLEY FRIESE TORGRIMSON



G. Douglas Dillard
Jillian A. Arnold

CITY OF TUCKER

JUN 19 2017

RECEIVED

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:

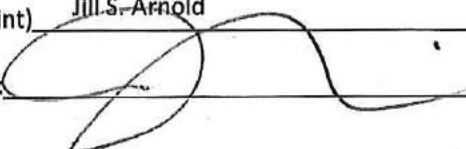
1. _____	5. _____
2. _____	6. _____
3. _____	7. _____
4. _____	8. _____

3. CAMPAIGN CONTRIBUTIONS:

Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

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) Jill S. Arnold

Signature:  Date: 6/15/2017

DISCLOSURE REPORT FORM

CITY OF TUCKER

JUN 19 2017

RECEIVED

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)

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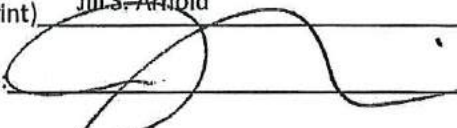
2. List all individuals or business entities which have an ownership interest in the property which is the subject of this rezoning petition:

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

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Name of Government Official	Total Dollar Amount	Date of Contribution	Enumeration and Description of Gift Valued at \$250.00 or more

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) Jill S. Arnold
 Signature:  _____ Date: 6/15/2017

JUN 19 2017

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)

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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:

Table with 4 columns: Name of Government Official, Total Dollar Amount, Date of Contribution, Enumeration and Description of Gift Valued at \$250.00 or more.

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) Jill S. Arnold
Signature: [Handwritten Signature] Date: 6/15/2017

JUN 15 2017

Building and Permitting
Department

ddillard@ptlegal.com

CA-17-001
RZ-17-002
SLUP-17-003



G. Douglas Dillard
404-665-1241

June 15, 2017

Via Email and Hand Delivery

Mayor Auman and Members of the Tucker City Council
c/o John McHenry, Director of Community Development
City of Tucker
4119 Adrian Street
Tucker, Georgia 30084

Re: 30-Day Deferral Request; CA-17-001, RZ-17-002, & SLUP-17-003; 4650 &
4750 Hugh Howell Road; The Rise

Dear Mayor Auman and Members of the Tucker City Council:

Please be advised that our firm represents Macauley Investments, LLC. Macauley Investments, LLC respectfully requests a 30-day deferral of the above-referenced applications to the July 27, 2017 Planning Commission meeting and the August 14 and 28, 2017 Mayor and City Council meetings. This matter is currently scheduled to go before the Planning Commission on June 22 and the Mayor and City Council on July 10 and July 24, 2017.

Please also find enclosed at **Exhibit "1"** the Applicant's Reservation of Constitutional Rights and Ante Litem Notice for inclusion in the record of each of the above-captioned applications. Georgia law and the procedures of the City of Tucker require us to raise federal and state constitutional objections during the zoning process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time.

Thank you and please do not hesitate to contact me should you have any questions.

Sincerely,

PURSLEY FRIESE TORGRIMSON

G. Douglas Dillard, Esq.
Jillian S. Arnold, Esq.

Enclosure

cc: Members of the Tucker Planning Commission
Brian Anderson, Esq.
Courtney Lankford
Stephen Macauley

00053272;1

RESERVATION OF CONSTITUTIONAL RIGHTS AND ANTE LITEM NOTICE

For the Following Cases: CA-17-001; RZ-17-002; SLUP-17-003

Macauley Investments, LLC

Georgia law and the procedures of the City of Tucker require us to raise Federal and State constitutional objections during the zoning process. While the Applicant anticipates a smooth application process, failure to raise constitutional objections at this stage may mean that the Applicant will be barred from raising important legal claims later in the process. Accordingly, we are required to raise the following constitutional objections at this time:

The portions of the City of Tucker Zoning Ordinance, facially and as applied to the Property, which restrict the Property to any zoning classifications, conditions, uses, or to any development other than that proposed by the Applicant are unconstitutional in that they would destroy the Applicant's property rights without first paying fair, adequate and just compensation for such rights, in violation of Article I, Section I, Paragraph I and Section III, Paragraph I of the Constitution of the State of Georgia of 1983, and the Due Process Clause of the Fourteenth Amendment to the Constitution of the United States, and are illegal, null and void, constituting a taking of Applicant's Property in violation of the Just Compensation Clause of the Fifth Amendment to the Constitution of the United States; Article I, Section I, Paragraph I, and Section III, Paragraph I of the Constitution of the State of Georgia of 1983; and the Equal Protection and Due Process Clauses of the Fourteenth Amendment to the Constitution of the United States denying the Applicant an economically viable use of its land while not substantially advancing legitimate state interests.

A refusal by the City Council to approve the requested applications for the Property in accordance with the criteria requested by the Applicant would be unconstitutional and discriminate in an arbitrary, capricious and unreasonable manner between the Applicant and owners of the similarly situated property in violation of Article I, Section I, Paragraph II of the Constitution of the State of Georgia of 1983 and the Equal Protection Clause of the Fourteenth Amendment to the Constitution of the United States. Any zoning of the Property subject to conditions which are different from the conditions requested by the Applicant, to the extent such different conditions would have the effect of further restricting Applicant's utilization of the Property, would also constitute an arbitrary, capricious and discriminatory act in zoning the Property to a unconstitutional classification and would likewise violate each of the provisions of the State and Federal Constitutions set forth hereinabove.

The current zoning on the subject property is unconstitutional. This notice is being given to comply with the provisions of O.C.G.A. § 36-33-5 to afford the City of Tucker an opportunity to grant the requested applications. If the City Council denies the requested applications, a claim

will be filed in the Superior Court of DeKalb County demanding just and adequate compensation under Georgia law for the taking of property, diminution of value of adjacent and surrounding properties, attorney's fees and no less than \$11,000,000.00 in other damages arising out of the unlawful deprivation of the Applicant constitutionally-protected property rights.

For all the foregoing reasons, it is submitted on behalf of the Applicant that the above-captioned applications meet the requirements of the City of Tucker Zoning Ordinance.

MACAULEY

The Rise | Tucker
Amendment to Letter of Intent

May 25, 2017

Mr. Frank Auman
Mayor, City of Tucker
City of Tucker Development Department
4119 Adrian Street
Tucker, Georgia 30084

Dear Mayor Auman,

Please accept this amendment to the original Letter of Intent dated April 24, 2017.

We respectfully request grandfathering interpretation of the City of Tucker Building Code preceding the 4-January, '17 Amendment to the Building Code to allow construction of conventional wood construction of 3 stories above concrete and steel first floor podium, in lieu of all concrete and steel construction.

We ask consideration of this request based on extenuating circumstances given that this project and 4 stories has been a part of the development since first beginning this zoning process, first with DeKalb County (May, 2016), then by shift to City of Tucker (September, '16) and then revised application for when the Film Studio was removed (October, 2016) from the plan.

This evolving process was the result of continuous collaboration with the City of Tucker during the process for reasons including respect to the new Cityhood, sincere efforts to qualify and retain the Film Studio, and then, of course, providing the best possible project for the City. A 4-story design is a step above traditional 3 story construction, but by making all 4 stories concrete and steel, the market will not stand the prohibitive economic burden. Concrete and steel first floor with conventional engineered wood construction above is common and certainly meets all life and safety codes as evidenced elsewhere in DeKalb County and other municipalities in the greater Atlanta area."

Yours very truly,



Stephen H. Macauley | Macauley Investments, LLC

REVISION
CITY OF TUCKER
MAY 25
RECEIVED
CA-17-001
RZ-17-002
SLUP-17-003

APPLICATION

CITY OF TUCKER

APR 24 2017

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CA-17-001

RE-17-002

SLUP-17-003



678-597-9040 ~ www.tuckerga.gov
 4119 Adrian Street, Tucker, GA 30084

LAND USE PETITION CHECKLIST & APPLICATION FORM

REZONING, COMPREHENSIVE PLAN AMENDMENT, SPECIAL LAND USE PERMIT & CONCURRENT VARIANCE

INSTRUCTIONS

A properly completed application and fees are due at the time of submittal. **An incomplete application will not be accepted.** Original signatures are required for the Application. **Note: Applicants are highly encouraged to meet with nearby property owners prior to filing an application.**

APPLICATION MATERIALS

REQUIRED ITEMS	NUMBER OF COPIES	CHECK V
Provide one (1) a digital copy of <u>all</u> submitted materials.	• One (1) CD or flash drive in .JPEG, .TIFF, .PDF or .DOC format	<input checked="" type="checkbox"/>
Pre-Application Meeting Form	• One (1) Copy	<input checked="" type="checkbox"/>
Application	• One (1) Copy	<input type="checkbox"/>
Written Legal Description	• One (1) 8 ½" x 11" Legal Description	<input type="checkbox"/>
Boundary Survey and Proposed Site Plan (See Page 16 for Requirements)	• Ten (10) Full-Size (24" x 36") Copies of each • One (1) 8 ½" x 11" Site Plan of each	<input checked="" type="checkbox"/>
Building Elevations (renderings or architectural drawings to show compliance with Article 5)	• One (1) Copy	<input checked="" type="checkbox"/>
Letter of Intent	• One (1) Copy	<input checked="" type="checkbox"/>
Analysis of standards/criteria listed in 7.3.4, 7.3.5, 7.4.6, 7.4.7, and/or 7.5.3	• One (1) Copy	<input checked="" type="checkbox"/>
Environmental Site Analysis Form	• One (1) Copy	<input checked="" type="checkbox"/>
Disclosure Form	• One (1) Copy	<input checked="" type="checkbox"/>
THE FOLLOWING ITEMS MAY BE REQUIRED		
Traffic Impact Study	• Three (3) Copies PROVIDED TO THE CITY OF TUCKER via 3 cds	<input checked="" type="checkbox"/>
Development of Regional Impact Review Form	• Three (3) Copies	<input checked="" type="checkbox"/>
Environmental Impact Report ESA PHASE I	• Three (3) Copies DIGITAL COPIES PROVIDED OF 610 PAGE REPORT	<input checked="" type="checkbox"/>
Noise Study Report	• Three (3) Copies	<input type="checkbox"/> N/A
Other items required per the Zoning Ordinance	• Three (3) Copies SEE "OTHER" SECTION IN APPLICATION	<input checked="" type="checkbox"/>

CITY OF TUCKER

APR 24 2017

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APPLICATION

APPLICANT INFORMATION	OWNER INFORMATION
NAME: <u>MACAULEY INVESTMENTS, LLC</u>	SCR FACILITIES STATUTORY TRUST NAME: <u>NO 2003-A</u>
ADDRESS: <u>2970 PEACHTREE ST SUITE 150</u>	ADDRESS: <u>3333 BEVERLY ROAD DEPT 824</u>
CITY: <u>ATLANTA</u>	CITY: <u>HOFFMAN ESTATES</u>
STATE: <u>GEORGIA</u> ZIP: <u>30305</u>	STATE: <u>IL</u> ZIP: <u>60179</u>
PHONE: <u>770.363.2665</u>	PHONE: <u>847.286.4927</u>

CONTACT PERSON: JERRY SILVIO PHONE: 404.372.2040

CONTACT'S E-MAIL: jsilvio@silviodevelopments.com

APPLICANT IS THE:

OWNER'S AGENT
 PROPERTY OWNER
 CONTRACT PURCHASER

PRESENT ZONING DISTRICTS(S): M&RE REQUESTED ZONING DISTRICT: MU-3

PRESENT LAND USE CATEGORY: LIND REQUESTED LAND USE CATEGORY: TC

LAND DISTRICT(S): 1 LAND LOT(S): 215 | 216 ACREAGE: 64.119 | 24.503 = [total 88.62]

ADDRESS OF PROPERTY: 4650 HUGH HOWELL RD TUCKER
4750 HUGH HOWELL RD TUCKER

PROPOSED DEVELOPMENT: THE RISE TUCKER

CONCURRENT VARIANCES: NONE BEING REQUESTED

<p style="text-align: center;">RESIDENTIAL DEVELOPMENT</p> <p style="text-align: center;">SEE ATTACHED EXHIBIT A</p> <p>No. of Lots/Dwelling Units: _____</p> <p>Dwelling Unit Size (Sq. Ft.): _____</p> <p>Density: _____</p>	<p style="text-align: center;">NON-RESIDENTIAL DEVELOPMENT</p> <p style="text-align: center;">SEE ATTACHED EXHIBIT A</p> <p>No. of Buildings/Lots: _____</p> <p>Total Building Sq. Ft. _____</p> <p>Density: _____</p>
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CITY OF TUCKER

APR 24 2017

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UPDATED 8/12/2016

EXHIBIT A

DEVELOPMENT SUMMARY

	RETAIL TOTAL		156,000			
*	Mt. Ind Blvd Area	Retail	22,500	SF	113	PS
	Hugh Howell Rd	Retail	54,600	SF	273	PS
		Retail Walk UP	3,500	SF	18	PS
		Retail	75,400	SF	337	PS
	LIDL	Grocery	36,000	SF	107	PS
	Multifamily	Leased Units	308	UNITS	462	PS
	Office/H&W	Office	88,000	SF	264	PS
		Wellness Ctr	45,000	SF	120	PS
	Civic	Arts / Tech	40,000	SF	140	PS
	Non-Support Living	Multifamily Housing	175	UNITS	175	PS
	Day Care	Early Education	20,000	SF	45	PS
	Elementary School	Education	600	PPL	75	PS
**	Supportive Living	Multifamily Housing	100	BEDS	50	PS
	Dwelling, Two-Family	Active Adult	12	LOTS	24	PS
	Dwelling, Single Family (attached)	SF Lots	98	UNITS	173	PS
	* SLUP FOR DRIVE THRU WILL BE APPLIED FOR AT A LATER DATE					
	** SLUP FOR MULTIFAMILY SUPPORTIVE HOUSING					

CITY OF TUCKER

APR 24 2017

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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.



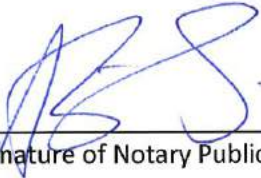
4/24/2017

Signature of Applicant

Date

STEPHEN MACAULEY, PRESIDENT OF MACAULEY INVESTMENTS, LLC

Type or Print Name and Title



4/24/2017

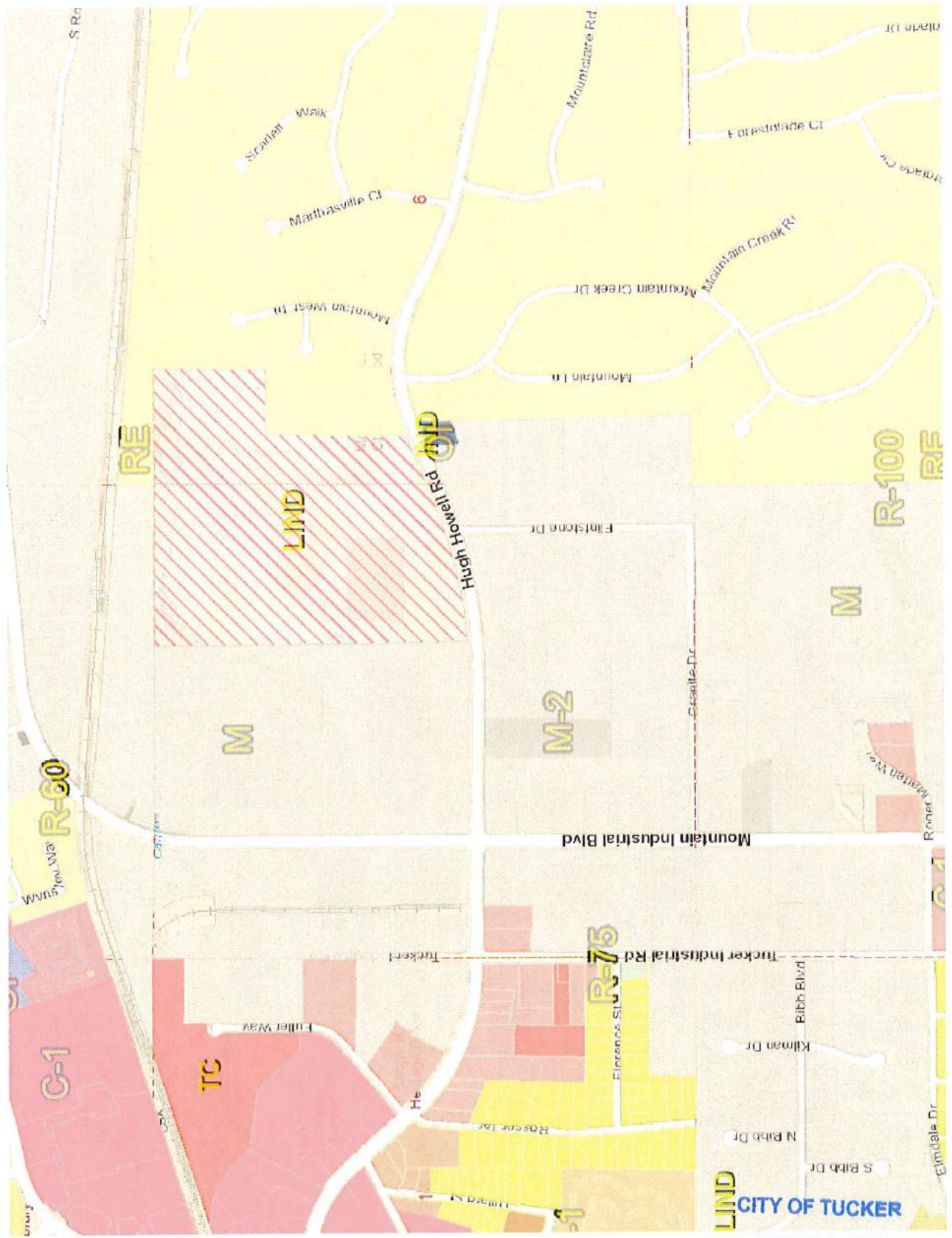
Signature of Notary Public

Date



Ashley Silvio Sanders
Notary Public, Newton County, Georgia
My Comm. Expires 03/24/2021

Zoning of Adjacent Areas



APR 24 2017

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OWNERS AUTHORIZATION FORM

CITY OF TUCKER

APR 24 2017

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SEARS HOLDINGS CORPORATION

Leslie Robelly
Senior Paralegal, Real Estate
Sears Holdings Corporation
3333 Beverly Road BC-109B
Hoffman Estates, Illinois 60179
Phone: (847) 286-2813
Fax: (847) 286- 2286
Leslie.Robelly@searshc.com

April 12, 2017

VIA UPS OVERNIGHT

Ashley Silvio Sanders
Constructive Ingenuity and Silvio Development Company
646 B Kentucky Street
Scottsdale, GA 30079

RE: Real Estate Sales Contract (the "*Agreement*")
Seller: Sears, Roebuck and Co.,
Purchaser: Macauley Investments, LLC
Property: Tucker, GA Sears#67481(the "*Property*")

Dear Ms. Sanders:

Enclosed please find one (1) fully executed Property Owner's Certification for the above referenced Property.

Should you have any questions or concerns, please feel free to call me.

Sincerely,



Leslie Robelly
Senior Paralegal, Real Estate

Enclosure

cc: Nicole Lalich, Esq.

CITY OF TUCKER

APR 24 2017

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DM#527518v1

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), & Concurrent Variance (CV) in request of the items indicated below.

I, SRC Facilities Statutory Trust No. 2013-A, authorize, MacCauley Investments LLC
(Property Owner) (Applicant)

to file for RZ, CA, SLUP, CV, at 4650 & 4750 Hugh Howell Road, Tucker, GA
(RZ, CA, SLUP, CV) (Address)

on this date April, 24th, 2017
(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.

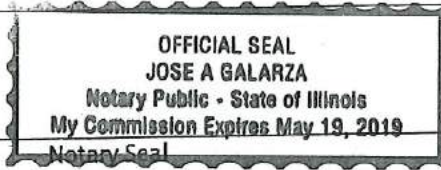
By U.S. Bank Trust National Association not in its individual capacity but solely as trustee

Melissa A. Rosal 4-10-17
Signature of Property Owner Date

Melissa A. Rosal
Vice President

Type or Print Name and Title

J. A. Galarza 4-10-17
Signature of Notary Public Date



CITY OF TUCKER

UPDATED 8/12/2016
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WRITTEN LEGAL DESCRIPTION

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L E G A L D E S C R I P T I O N

TRACT 1

All that tract or parcel of land, lying and being in Land Lot 215 and 216, 18th District, DeKalb County, State of Georgia, being more particularly described as follows,

Beginning at nail set at the base of a 1" open top pipe found, aforesaid 1" open top pipe being the Land Lot Corner common to Land Lots 215, 216, 223 and 224, all of the 18th District, Thence along the North Line of Land Lot 216 ,

South 89 degrees 55 minutes 51 seconds East for a distance of 728.66 feet to a 1/2" re-bar found with cap;

THENCE South 00 degrees 38 minutes 52 seconds West for a distance of 515.86 feet to a 1/2" re-bar found;

THENCE South 00 degrees 38 minutes 00 seconds West for a distance of 209.69 feet to a 1/2" re-bar found;

THENCE North 89 degrees 31 minutes 12 seconds West for a distance of 130.01 feet to a 1/2" open top pipe found;

THENCE North 89 degrees 27 minutes 26 seconds West for a distance of 272.95 feet to a 1/2" re-bar found with cap;

THENCE South 01 degrees 07 minutes 33 seconds West for a distance of 887.40 feet to a 1/2" re-bar set on the North 100 ft. Right-of-Way of Hugh Howell Road (also known as Georgia State Route 236);

THENCE along the North 100 ft. Right-of-Way of Hugh Howell Road, South 67 degrees 41 minutes 15 seconds West for a distance of 445.73 feet to a 1/2" re-bar set;

THENCE continuing along the North 100 ft. Right-of-Way of Hugh Howell Road, South 68 degrees 49 minutes 34 seconds West for a distance of 210.43 feet to a 1/2" re-bar set;

THENCE continuing along the North 100 ft. Right-of-Way of Hugh Howell Road, and along a curve to the right having a radius of 2785.67 feet and an arc length of 223.15 feet, being subtended by a chord of South 74 degrees 01 minutes 25 seconds West for a distance of 223.09 feet to a 1/2" re-bar set;

THENCE along a curve to the right having a radius of 2885.67 feet and an arc length of 516.73 feet, being subtended by a chord of South 81 degrees 15 minutes 14 seconds West for a distance of 516.04 feet to a 5/8" re-bar set;

THENCE leaving the North Right-of-Way of Hugh Howell Road, North 00 degrees 34 minutes 04 seconds West for a distance of 903.75 feet to a 1/2" re-bar set;

THENCE North 00 degrees 34 minutes 04 seconds West for a distance of 1091.14 feet to a 1/2" re-bar set on the North Line of Land Lot 215;

THENCE along the North Line of Land Lot 215, South 89 degrees 18 minutes 54 seconds East for a distance of 489.31 feet to a 1/2" Re-bar Found;

THENCE continuing along the North Line of Land Lot 215, North 89 degrees 22 minutes 45 seconds East for a distance of 563.48 feet to a nail set at the base of a 1" open top pipe, The True Point of Beginning.

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Said property contains 64.119 acres.

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L E G A L D E S C R I P T I O N

TRACT 2

All that tract or parcel of Land, lying and being in Land lot 215 of the 18 th District, DeKalb County, State of Georgia, being more particularly described as follows.

To find the True Point of Beginning, commence at a point formed by the intersection of the North 100 ft. Right-of-Way of Hugh Howell Road (also known as State Route 236) and the East 100 ft. Right-of-Way of Mountain Industrial Boulevard, thence North 00 degrees 05 minutes 41 seconds East for a distance of 25.14 ft. to an Iron Pin Set at the Northerly Limit of a Mitered Right-of-Way, aforementioned Iron Pin set being the True Point of Beginning,

THENCE continuing along the East 100 ft. Right-of-Way of Mountain Industrial Boulevard, North 00 degrees 05 minutes 41 seconds East for a distance of 882.36 feet to a 1/2" re-bar set;

THENCE leaving the East 100 ft. Right-of-Way of Mountain Industrial Boulevard, South 89 degrees 42 minutes 58 seconds East for a distance of 1168.82 feet to a 1/2" re-bar found;

THENCE South 00 degrees 34 minutes 04 seconds East for a distance of 903.75 feet to a 1/2" re-bar set on the North 100 ft. Right-of-way of Hugh Howell Road (also known as Georgia State Route 236);

THENCE continuing along the North 100 ft. Right-of-way of Hugh Howell Road along a curve to the right having a radius of 4666.74 feet and an arc length of 441.81 feet, being subtended by a chord of South 89 degrees 29 minutes 02 seconds West for a distance of 441.65 feet to a calculated point;

THENCE continuing along the North 100 ft. Right-of-way of Hugh Howell Road, North 89 degrees 32 minutes 08 seconds West for a distance of 724.25 feet to a 1/2" re-bar set at the start of a mitered Right-of-Way;

THENCE along the Mitered Right-of-Way, North 27 degrees 53 minutes 57 seconds West for a distance of 28.57 feet to a 1/2" re-bar set ,the True Point of Beginning.

Said property contains 24.503 acres.

Note "MIB"

The previous ALTA/ACSM survey by Moreland Altobelli Associates, Last Revised 12-12-2013, Shows the East Right-of-Way of Mountain Industrial Boulevard approximately 30 ft. into the actual Right-of-Way. The 100 ft. Right-of-way is well established as Being 50 ft. east and West of the centerline of the pavement.

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BOUNDARY SURVEY & PROPOSED SITE PLAN

CITY OF TUCKER

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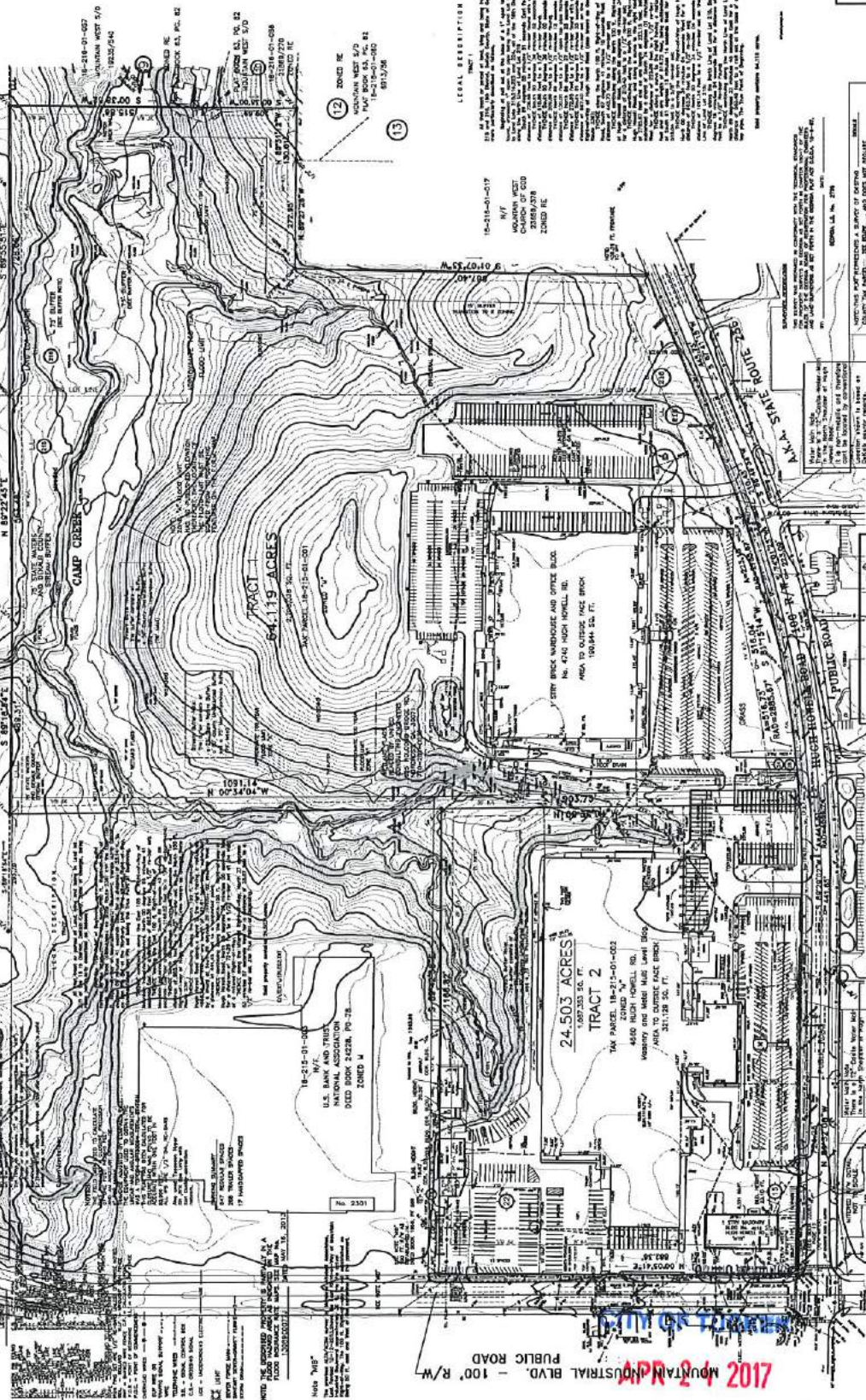


IN THE FIRST PART CONTAINS OF A PLAN
 AS TO THE LOCATION OF THE
 LANDS AND THE
 BOUNDARIES THEREOF

16-21-01-022
 FREE IMP'T. CASH OF TUCKER 2ND &
 11/29/74 D

UTILITIES PROTECTION CENTER
 CALL FREE
811
 THROUGHOUT GEORGIA
 1-800-282-7411
 THREE WORKING DAYS BEFORE YOU DIG

NOTE: THE ENCLOSED PROPERTY IS NOT TO BE A
 FLOODED INDICATED BY THE SHADY AREA TO THE
 SOUTH OF THE PROPERTY



LAND TITLE PARTY	
LAND DISTRICT	180 DISTRICT
DWGS COUNTY	DEKALB COUNTY
SCALE 1" = 100'	
DATE	07-20-08
DWG NO.	10018-018

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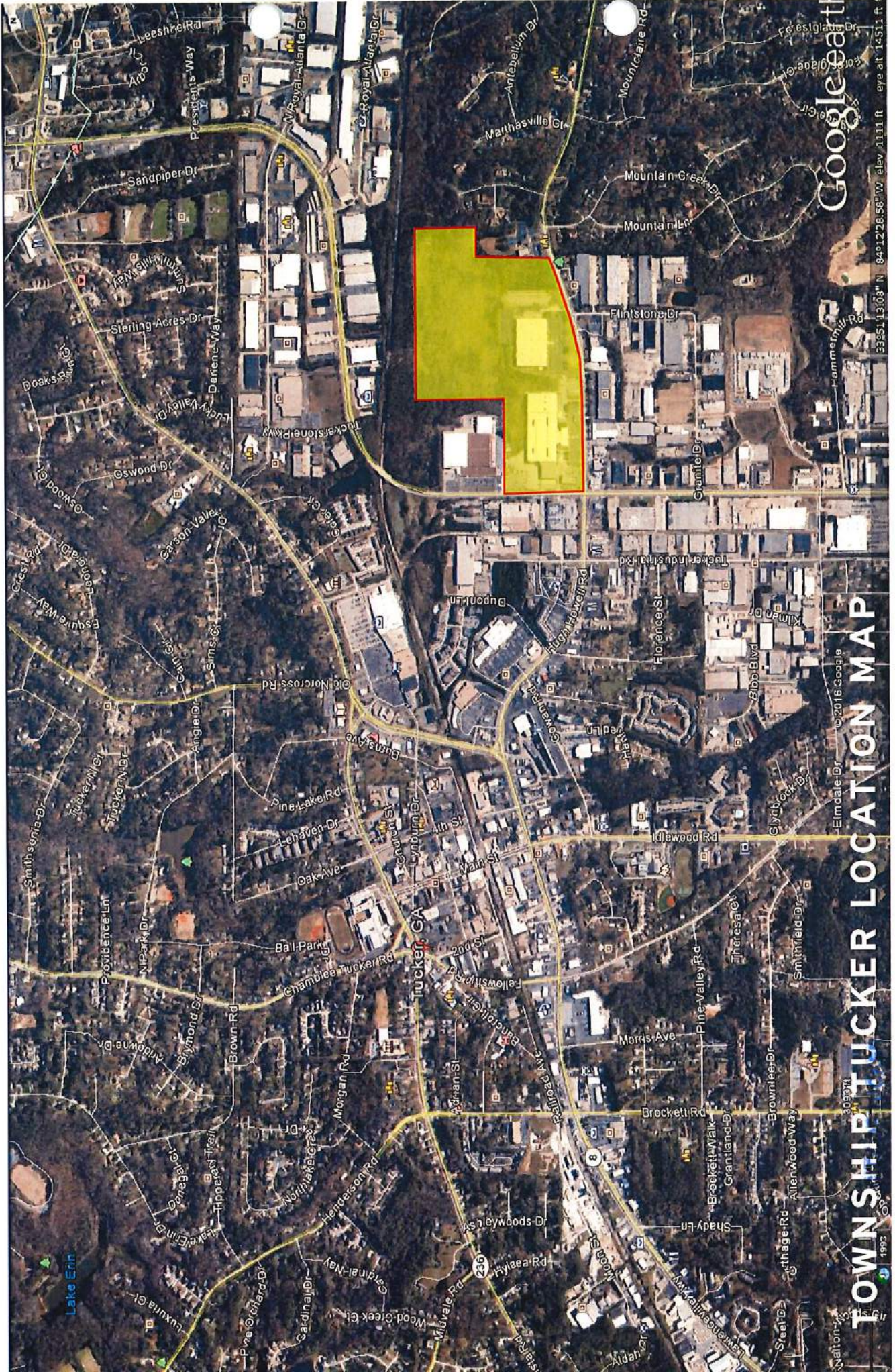
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HOUSTON ENGINEERING, INC.
 1524 VETERANS DRIVE SUITE 3
 HOUSTON, TEXAS 77058
 HOUSTON, TEXAS 77058
 HOUSTON, TEXAS 77058
 HOUSTON, TEXAS 77058



Google Earth

33°51'13.00" N 84°12'28.58" W elev 1111 ft eye alt 14511 ft

TOWNSHIP TUCKER LOCATION MAP

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SITE PLAN

CITY OF TUCKER

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SITE PLAN CHECKLIST

All items must be included on the Site Plan; separate Site Plans may be necessary to address all items

1. Key and/or legend and site location map with North arrow
2. Boundary survey of subject property which includes dimensions along property lines that match the metes and bounds of the property's written legal description and clearly indicates the point of beginning
3. Acreage of subject property
4. Location of land lot lines and identification of land lots
5. Existing, proposed new dedicated and future reserved rights-of-way of all streets, roads, and railroads adjacent to and on the subject property
6. Proposed streets on the subject site
7. Posted speed limits on all adjoining roads
8. Current zoning of the subject site and adjoining property
9. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvements on the subject property
10. Existing buildings with square footages and heights (stories), wells, driveways, fences, cell towers, and any other structures or improvement or adjacent properties within 400 feet of the subject site based on the City's aerial photography or an acceptable substitute as approved by the Director
11. Location of proposed buildings (except single family residential lots) with total square footage
12. Layout and minimum lot size of proposed single family residential lots
13. Topography (surveyed or City) on subject site and adjacent property within 200 feet as required to assess runoff effects
14. Location of overhead and underground electrical and pipeline transmission/conveyance lines
15. Required and/or proposed setbacks
16. 100 year flood plain horizontal limits and flood zone designations as shown on survey or FEMA FIRM maps
17. Required landscape strips, undisturbed buffers, and any other natural areas as required or proposed
18. Required and proposed parking spaces; Loading and unloading facilities
19. Lakes, streams, and waters on the state and associated buffers
20. Proposed stormwater management facilities
21. Community wastewater facilities including preliminary areas reserved for septic drain fields and points of access
22. Availability of water system and sanitary sewer system
23. Tree lines, woodlands and open fields on subject site
24. Entrance site distance profile assuming the driver's eye at a height of 3.5 feet
25. Wetlands shown on the County's GIS maps or survey.
26. Mail kiosk location.

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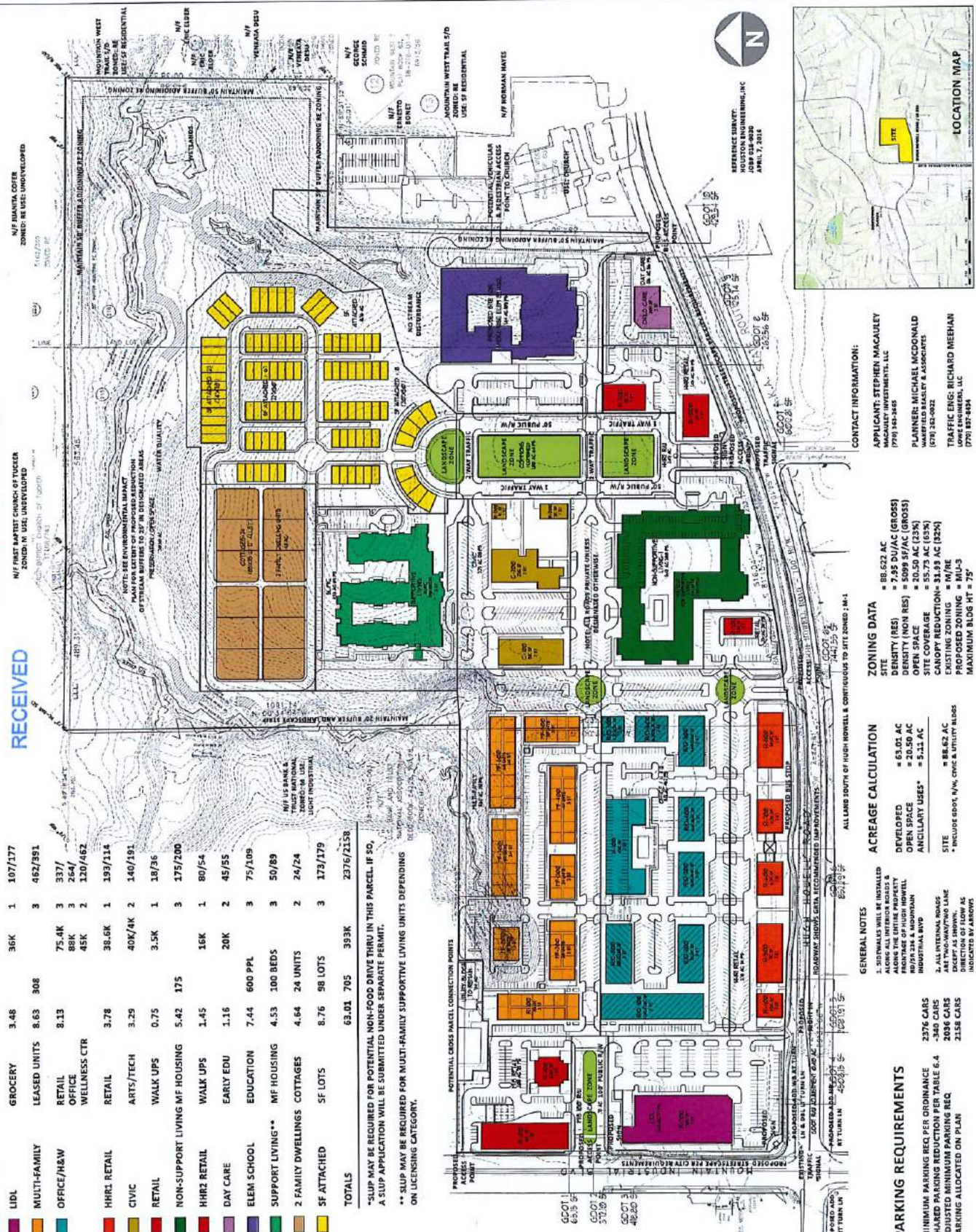
CA-17-001
R2-17-002
SLUP-17-003

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DEVELOPMENT SUMMARY

PARCEL	LAND USE	AC	UNITS	SF	ST	PS (R/ALOT)
1	RETAIL	2.08	1	113/77		
2	GROCERY	3.48	1	107/117		
3	LEASED UNITS	8.63	308	462/391		
4	RETAIL	8.13	3	337/		
5	OFFICE/H&W	264/	3	264/		
6	WELLNESS CTR	45K	2	120/462		
7	RETAIL	38.6K	1	193/114		
8	ARTS/TECH	40K/AK	2	140/191		
9	RETAIL	3.5K	1	18/36		
10	WALK UPS	0.75	3	175/200		
11	NON-SUPPORT LIVING MF HOUSING	5.42	175			
12	WALK UPS	1.45	16K	1	80/54	
13	EARLY EDU	1.16	20K	2	45/55	
14	ELEM SCHOOL	7.44	600 PPL	3	75/109	
15	SUPPORT LIVING**	4.53	100 BEDS	3	50/89	
16	2 FAMILY DWELLINGS	4.64	24 UNITS	2	24/24	
17	SF ATTACHED	8.76	98 LOTS	3	173/179	
TOTALS		63.01	705	393K	2376/2158	

*SLUP MAY BE REQUIRED FOR POTENTIAL NON-FOOD DRIVE THRU IN THIS PARCEL. IF SO, A SLUP APPLICATION WILL BE SUBMITTED UNDER SEPARATE PERMIT.
**SLUP MAY BE REQUIRED FOR MULTI-FAMILY SUPPORTIVE LIVING UNITS DEPENDING ON LICENSING CATEGORY.



CONTACT INFORMATION:
 APPLICANT: STEPHEN MACAULEY
 MACAULEY INVESTMENTS, LLC
 (770) 949-3465
 PLANNER: MICHAEL McDONALD
 MICHAEL McDONALD & ASSOCIATES
 (770) 342-0032
 TRAFFIC ENG: RICHARD MEEHAN
 RICHARD MEEHAN & ASSOCIATES, LLC
 (770) 817-4834

ZONING DATA
 SITE = 63.02 AC
 DENSITY (RES) = 7.95 DU/AC (GROSS)
 DENSITY (NON RES) = 2099 SF/AC (GROSS)
 OPEN SPACE = 20.50 AC (32%)
 SITE COVERAGE = 33.73 AC (53%)
 CANOPY REDUCTION = 31.73 AC (50%)
 PROPOSED ZONING = RUL-3
 MAXIMUM BLDG HT = 75'

ACREAGE CALCULATION
 DEVELOPED = 63.01 AC
 OPEN SPACE = 20.50 AC
 ANCILLARY USES* = 5.11 AC
 SITE = 68.62 AC
 * INCLUDE GROUND, PAV, CIVIC & UTILITY BLDG'S
 INDICATED BY ALPHAS

GENERAL NOTES
 1. EXTERIOR WALLS SHALL BE INSTALLED ALONG ALL INTERIOR BOUNDS & ALONG THE ENTIRE PROPERTY BOUNDARY OF HIGH DENSITY INDUSTRIAL BLDG.
 2. ALL INTERIOR DOORS EXCEPT AS SHOWN, INDICATED BY ALPHAS

PARKING REQUIREMENTS
 MINIMUM PARKING REQ PER ORDINANCE = 2376 CARS
 ADJUSTED MINIMUM PARKING REQ PER TABLE 6.4 = 340 CARS
 ADJUSTED MINIMUM PARKING REQ = 2036 CARS
 PARKING ALLOCATED ON PLAN = 2158 CARS

WAKEFIELD BEASLEY & ASSOCIATES
 5000 Avon Boulevard
 Atlanta, GA 30309
 P 770-290-0000
 www.wakefieldbeasley.com



THE RISE TACKER

Macaulay Investments, LLC
 2770 Peachtree Road, Suite 130
 Atlanta, GA 30305
 P 1770-963665

ZONING SITE PLAN

LOCATION MAP

Submitted for Zoning

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CA-17-001
R2-17-002
SLUP-17-003

THE RISE
TUCKER



WAKEFIELD
BERSLEY &
ASSOCIATES

APRIL 24, 2017
SCALE: 1"=100'-0"



MACAULEY

CA-17-001
RZ-17-002
SLUP-17-003

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WAKEFIELD ASSOCIATES

APRIL 24, 2017 PERMITS 0328137

SCALE: 1"=100'-0"

ILLUSTRATIVE MASTER PLAN



MACAULEY

NON-SUPPORTIVE LIVING UNITS

CONCRETE WALKS & SURFACES

BUS STOP

TRAILHEAD

RETAIL

MAIN ID SIGN

RETAIL

DAY CARE

ENTRY

MAIN ID

PROPOSED SIGN

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CITY OF TUCKER

CA-17-001
RZ-17-002
SUP-17-003

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STREAM BUFFER IMPACT SUMMARY

	ONSITE 25' STATE BUFFER
	APPROX EXISTING AREA = 205,443 SF
	APPROX DISTURBED AREA (PERMITTED) = 16,653 SF
	APPROX DISTURBED AREA (PERMITTED) = 8.10 %
	ONSITE 25'-50' CITY BUFFER
	APPROX EXISTING AREA = 197,189 SF
	APPROX DISTURBED AREA = 86,444 SF
	APPROX ENCROACHMENT AREA NEEDED = 43.83 %
	ONSITE 50'-75' CITY (IMPERVIOUS) BUFFER
	APPROX EXISTING AREA = 191,221 SF
	APPROX DISTURBED AREA = 98,384 SF
	APPROX ENCROACHMENT AREA NEEDED = 52.07 %
	ONSITE BUFFERS TO REMAIN UNDISTURBED
	TREE RECOMPENSE



ZONING DATA

SITE	= 88.822 AC
DENSITY (RES)	= 7.92 DU/AC (6000S)
DENSITY (NON RES)	= 20.92 SF/AC (6000S)
SITE COVERAGE	= 53.73 AC (61%)
CANOPY REDUCTIONS	83.93 AC (94%)
EXISTING ZONING	= M/RE
PROPOSED ZONING	= M/RE
MAXIMUM BLDG HT	= 75'

ACREAGE CALCULATION

DEVELOPED	= 63.01 AC
OPEN SPACE	= 20.50 AC
ANCILLARY USES*	= 5.11 AC
SITE	= 88.62 AC
* INCLUDE GDOT, R/W, CIVIC & UTILITY BLDGS	

- GENERAL NOTES:**
1. IMPERVIOUS SITE COVERAGE APPROX - 63%
 2. LOSS OF EXISTING CANOPY APPROX - 32%
 3. DISTURBANCE TO CAMP CREEK - 0%
 4. DISTURBANCE TO MINOR STREAMS APPROX - 25%
* RECOVERED WITHIN 50'
 5. IMPACTS TO WETLANDS - 0%

CONTACT INFORMATION:

APPLICANTS: STEPHEN MACAULEY
MACAULEY INVESTMENTS, LLC
(770) 363-2665

PLANNER: MICHAEL McDONALD
WAKEFIELD BEASLEY & ASSOCIATES
(770) 361-0822

TRAFFIC ENG: RICHARD MEEHAN
LOWE ENGINEERS, LLC
(770) 857-4434



WAKEFIELD BEASLEY & ASSOCIATES

5200 Avenue Boulevard
Alpharetta, GA 30005
P 1770-2009930
www.wbassoc.com



THE RISE TUCKER

Macaulay Investments, LLC
2970 Peachtree Road, Suite 150
Atlanta, GA 30329
P 1770-363-2665

ENVIRONMENTAL IMPACT & TREE MITIGATION PLAN

PREPARED BY: WAKEFIELD BEASLEY & ASSOCIATES

DATE: 11 APRIL 2017

PROJECT: ZONING PACKAGE CITY OF TUCKER

SCALE: 1" = 100'

DATE: 11 APRIL 2017

ZP-2

SUBMITTED FOR ZONING

400' radius around site



BUILDING ELEVATIONS & RENDERINGS

SEE "OTHER" SECTION FOR DEVELOPMENT STANDARDS
AND ARCHITECTURAL CHARACTER

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LETTER OF INTENT
[INCLUDING EXHIBIT A]

CITY OF TUCKER

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MACAULEY

April 24, 2017

Mr. Frank Auman
Mayor, City of Tucker
City of Tucker Development Department
4119 Adrian Street
Tucker, Georgia 30084

Reference: Letter of Intent, Rezoning, Land Use Map Amendment, SLUP for Supportive Living (SLUP for Drive-through (non-food) will be applied for at a later date)

Dear Mayor Auman,

This Letter of Intent is provided as part of the Land Use Petition Checklist & Application Form and is updated as previously suggested by Staff and Council to include additional background regarding reductions/additions, and reasons for changes.

Some of the Council Members have expressed preference for written rather than personal communication, thus, we have tried to include as much background, narrative and graphic detail as possible for this significant in scope and size project. We have commitments for some but not all of the categories and thus need to maintain some degree of reasonable flexibility.

This application is based on Plans dated 24 April, 2017 to comply with the zoning and overlay ordinances for MU-3.

- The plans are the basis for this request for rezoning; Architectural Guidelines are included.
- Proposed zoning classification of MU-3.
- Land Use Map Amendment to accommodate the Town Center (TC) classification from Light Industrial (LIND).
- Special Land Use Permit (SLUP) to allow, as required, a Supportive Living (and non-food drive-through will be applied for at a later date).
- Reason for the rezoning request is to allow redevelopment of approximately 65 acres of an 88 acre tract by removal of three (3) 40 to 50 year old, vacant for 12+ years, buildings totaling 617,000 sf. Upon removal of these antiquated and functionally obsolete industrial buildings, the property will be developed into a model of sustainability, walkability, live/work/play mixed use development. The intent is to provide a regional show case development for life long neighborhood design.

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It is common for higher and better use of industrial use land to evolve, especially in older industrial parks and as evidenced along Mountain Industrial and Hugh Howell roads.

The residential components are key to long term sustainability versus traditional 20-40 year development cycles.

- Development plans need flexibility and are subject to physical, geological and market demands during more detailed analysis and study and when fully brought to market, but presently consist of the following as taken from the April 24, 2017 Wakefield Beasley Zoning and Land Use Plans:

DEVELOPMENT SUMMARY					
	RETAIL TOTAL		156,000		
*	Mt. Ind Blvd Area	Retail	22,500	SF	113 PS
	Hugh Howell Rd	Retail	54,600	SF	273 PS
		Retail Walk UP	3,500	SF	18 PS
		Retail	75,400	SF	337 PS
	LIDL	Grocery	36,000	SF	107 PS
	Multifamily	Leased Units	308	UNITS	462 PS
	Office/H&W	Office	88,000	SF	264 PS
		Wellness Ctr	45,000	SF	120 PS
	Civic	Arts / Tech	40,000	SF	140 PS
	Non-Support Living	Multifamily Housing	175	UNITS	175 PS
	Day Care	Early Education	20,000	SF	45 PS
	Elementary School	Education	600	PPL	75 PS
**	Supportive Living	Multifamily Housing	100	BEDS	50 PS
	Dwelling, Two-Family	Active Adult	12	LOTS	24 PS
	Dwelling, Single Family (attached)	SF Lots	98	UNITS	173 PS
	* SLUP FOR DRIVE THRU WILL BE APPLIED FOR AT A LATER DATE				
	** SLUP FOR MULTIFAMILY SUPPORTIVE HOUSING				

Exhibit "A" is attached to this letter of intent as suggested for more background and information of general interest.

We are comfortable with and embrace this plan for development based on public, private and market feedback, and believe The Rise will meet the long term wants and needs of the community.

We have enjoyed and appreciate the guidance provided by your departments and staff. Please let me know if there are any questions.

Yours very truly,



Stephen H. Macauley | Macauley Investments, LLC

CITY OF TUCKER

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The Rise

Exhibit "A" to Letter of Intent

April 24, 2017

Project Evolution:

Following is a brief explanation of the changes which have been reflective of public, private, and market suggestions. Please note that the market suggestions are based on private company market studies which preceded existing Letters of Intent, Memoranda of Understanding, Term Sheets and/or Purchase and Sale agreements, contingent upon rezoning and closing for Purchased by Applicant from Sears' Holdings:

- The reduction of Multifamily from 616 to 308 was suggested by community representatives, both public and private, as community desire for fewer multifamily.
- The Retail has been consistent from the beginning.
- The Office/High Tech increased from 28,000 to 88,000 SF and fills the void left by the reduction in Multifamily, and was suggested by the community to yield more jobs.
- The Single Family Attached and Two Family Dwellings are categories suggested by the community from our many community meetings; the number of units has been based on market and developer feedback and the amount of land available for this purpose. The Two Family Dwellings are part of the lifelong concept, owned and managed by the Senior Housing and Supportive Living sub-developer.
- The Grocery has been consistent from the beginning.
- The Performing Arts facility has been removed because it is dependent upon the formation of a DDA and 50-67% tax abatement which enables developer contribution toward construction of the facility and land and other development amenities.
- The Non-Supportive and Supportive Living Housing component increased from 240 to 275 with separation of the Independent Living (175 units) from the Supportive Living (100 units), as well as 12 lots for Two Family attached dwellings. This change reflects community suggestions as well as market research from the sub-developer.
- The Child Care (early learning center) has been consistent from the beginning.
- The Elementary School has been consistent from the beginning, although the number of students varied, depending upon whether the present design for 600 included or excluded future expansion to 900.
- Removal of the utility buildings on the northwestern 0.5 acre portion of the property is not presently within Applicant's land acquisition or control. These 2 small buildings and sub-station serve both the Outlet Store to the north and the building to the south. Applicant has made an overly generous offer toward the cost for independent utility service to the Outlet Store for these utility buildings to not be required. However, Sears can separate services to the south and continue Service to

Service to
SERVING PUCKER

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the Outlet Store to the north and may not give up the parcel on which the utility buildings are located.

General informational updates:

Economic Impact:

Presently, the complex vacant for 12 years generates no beneficial value to the community with no jobs and only unsightly declining appearance. Presently, property taxes are \$190,000 per year.

The \$250,000,000+ development proposed by Macauley Investments, at build out, conservatively represents \$1 billion impact to the region, 842+ permanent jobs, annual wages/salaries \$42 million , annual sales tax revenue of \$3.3 million based on \$48 million annual sales, and significant entertainment and quality of life improvements to the community.

Annual property taxes, assuming **no** tax abatement are estimated to be \$3.5 million, or with tax abatement at 67%, \$1.8 million.

This land and the buildings existing are part of the decline of manufacturing for this and other similar areas which has been vacating for 25 years. The subject buildings do not have a useful economic benefit due to physical and functional obsolescence as evidenced by 12 years of vacancy. Further, the only higher and best use for this property is either big box or what Macauley Investments proposes, mixed use, encouraged by ARC/GRTA. This location is a focal point for continued commercial and retail growth from both the south and west, tying together a good comprehensive land plan. The existing north/south truck traffic is not impaired by this development, but in fact is improved by way of traffic improvements enhanced and accelerated sooner rather than later.

It has been stated that the industrial park contributes \$9 billion to the Dekalb Economy and is the 9th (?) largest economic district in the County. This is the result of both growth in other areas and the park's changing character, thus, its reducing economic impact over the past 25 years. The Rise represents a \$1 billion economic impact from the \$250 million imported new dollars and adds to the existing \$9 billion, plus significant jobs, salaries, property taxes and sales' tax revenue.

Camp Creek and drainage ditches:

Presently there exists no storm detention or water quality features on the existing property; those features will be added as required for development. To develop this property into a vibrant, attractive re-development of community pride and enhancement, some impacts are normal in the course of design. We seek and have continued to reduce those impacts with improvements to the plan, both from community, public and private suggestions.

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The Individual Permit currently submitted to the Corp for stream piping, commonly known as existing drainage ditches (for Sears' storm water run-off), has been revised through field discovery and re-design for less impact to the point where an Individual Permit is no longer required (Nationwide Permit expected by end of March/early April). Note that this does not impact Camp Creek, the west-east creek. Original stream impacts were approximately 20% of that which exists (not including Camp Creek), then were reduced to 15%, and with the Corp on a site visit, is now down to approximately 12%. This reflects original linear footage from 671' to the point where piping will be less than 300' and thus not require the Individual Permit. Instead, the piping can be accommodated via the less involved Nationwide Permit process.

Therefore, the existing property goes from no storm water detention, no water quality, and massive drainage ditch and stream degradation to the ideal.

Open and Natural Area:

This has been consistent in set aside area, approximating 22+ acres or 25% of the project. Presently, these 22+ acres are private and not open to the Public.

ARC/GRTA:

There have been 3 traffic studies for each of the changes to the plans and ARC/GRTA has previously ruled that no re-review is required. Existing traffic improvements and on-site traffic accommodations by Developer will accelerate improvements sooner rather than later. Developer is an additional party to improvements through ROW donation, accel/decel lanes, reduced curb cuts, etc. Developer's development is one which is embraced by ARC/GRTA and in the form of a Live/work/play development and lifelong sustainability development.

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ANALYSIS OF STANDARDS | CRITERIA

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**STANDARDS AND FACTORS GOVERNING REVIEW OF PROPOSED AMENDMENTS
TO THE OFFICIAL ZONING MAP**

X Section 7.3.5 of the City of Tucker Zoning Ordinance lists standards and factors that are found to be relevant to the exercise of the city's zoning powers and shall govern the review of all proposed amendments to the Official Zoning Map. The applicant shall write a detailed written analysis of each standard and factor as it relates to their proposed project.

**STANDARDS AND FACTORS GOVERNING REVIEW OF PROPOSED AMENDMENTS
TO THE COMPREHENSIVE PLAN MAP**

X Section 7.3.4 of the City of Tucker Zoning Ordinance lists standards and factors that are found to be relevant for evaluating applications for amendments to the comprehensive plan map and shall govern the review of all proposed amendments to the comprehensive plan map. The applicant shall write a detailed written analysis of each standard and factor as it relates to their proposed project.

SPECIAL LAND USE PERMIT CRITERIA

X Section 7.4.6 and 7.4.7 of the City of Tucker Zoning Ordinance lists specific criteria that shall be considered by the community development department, the planning commission, and the mayor and city council in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the mayor and city council unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and the application is in compliance with all applicable regulations in Article 4. The applicant shall write a detailed written analysis of criteria as it relates to their proposed project.

SUPPORTIVE LIVING - MULTIFAMILY HOUSING

CONCURRENT VARIANCE CRITERIA

Section 7.5.3 of the City of Tucker Zoning Ordinance lists specific criteria the board shall use in determining whether or not to grant a variance. The applicant shall provide a written analysis of how the request complies with this criteria, if they are requesting a concurrent variance.

NONE REQUESTED

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SECTION 7.3.4 – STANDARDS AND FACTORS GOVERNING REVIEW OF PROPOSED AMENDMENTS TO THE COMPREHENSIVE PLAN MAP

Sec. 27-1804. - Standards and factors governing review of proposed amendments to the comprehensive plan map.

The following standards and factors are found to be relevant for evaluating applications for amendments to the comprehensive plan map and shall govern the review of all proposed amendments to the comprehensive plan map:

- (a) Whether the proposed land use change will permit uses that are suitable in consideration of the use and development of adjacent and nearby property or properties.
Change will permit uses that are suitable to this location where retail and commercial are evolving (and in some cases, changing existing industrial to wholesale retail and other direct to the public sale uses) from all directions on both Mountain Industrial Blvd and Hugh Howell Road. Since this development will have live/work/play components, be walkable and sustainable, it will complement the very large residential development known as Smoke Rise (to the east) and provide transition to the City of Tucker, and will not impair the north/south transportation corridor.
- (b) Whether the proposed land use change will adversely affect the existing use or usability of adjacent or nearby property or properties.
Change will complement existing use and usability of adjacent or nearby property and increase economic opportunity, and may help increase demand for service related companies to fill the many vacant industrial buildings on Hugh Howell, Flintstone and Tucker Industrial.
- (c) Whether the proposed land use change will result in uses which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- **Change will not burden use of existing streets, transportation facilities, or utilities or schools, per DRI and GRTA review process and recommendations.**
 - **This development will only slightly increase the transportation vehicular volume, and is located midway between primary freeway system corridors (I-85 and Stone Mountain Freeway) and is served by MARTA.**
 - **The Stone Mountain CID, DeKalb County, and the State of Georgia have plans in-process for improving the intersection of Mountain Industrial Blvd and Hugh Howell Road (State Route 236) with the addition of a second turning lane in Mountain Industrial to Hugh Howell.**
 - **This development will have minimal impact on already existing utilities; DeKalb Watershed has abundant sewer treatment capacity and is executing plans of action for restoring public service lines from this basin to the treatment plan, mainly repair and maintenance from years of neglect, with a schedule to restore capacity to accommodate this development upon its demand. The Rise sewer demand will begin in late 2019 and reach build out 3-5 years later. The Rise has received from DeKalb Watershed, a**

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“Conditional Sewer Capacity” letter dated 10-February, '17 (copy attached) approving an engineered back up plan in the unlikely event the Countywide plan of action is delayed beyond 2020.

- This development will have minimal impact on schools, since this development’s target market focus is the millennium and senior demographic groups.

(d) Whether the amendment is consistent with the written policies in the comprehensive plan text and any applicable small areas studies.

The site is currently unrestricted as industrial land use with by rights’ components, many of which are shown within The Rise, but without the live/walk/play sustainable initiatives that enhance the development. The residential components give development longevity, versus traditional historical 20-40 year cycles.

(e) Whether there are potential impacts on property or properties in an adjoining governmental jurisdiction, in cases of proposed changes near county or municipal boundary lines.

Only positive impacts benefitting neighboring city and county residents providing more options as perceived, as well as serving the needs of residents populating the residential components focused on millennials and senior citizens.

(f) Whether there are other existing or changing conditions affecting the use and development of the affected land areas which support either approval or denial of the proposed land use change.

- City of Tucker is commercially growing in the direction of this property; this development would create a crown jewel for the new city.
- Existing commercial development is converting former industrial buildings along Mountain Industrial into higher uses, as well as on in-fill tracts with new construction.
- The existing buildings on the Sears tract are obsolete for today’s industrial users who require wide column spacing, high ceilings and acres of trailer storage. Industrial users of large facilities prefer locations on prime transportation corridors, outside areas of high traffic congestion.

(g) Whether there will be an impact on historic buildings, sites, districts or archaeological resources resulting from the proposed change.

Only positive impacts benefitting historic sites such as Stone Mountain Memorial Park and Tucker’s town center with greater visitation (from this development, as well as from those who visit this development).

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SECTION 7.3.5 - STANDARDS AND FACTORS GOVERNING REVIEW OF PROPOSED AMENDMENTS TO THE OFFICIAL ZONING MAP

Sec. 27-1805. - Standards and factors governing review of proposed amendments to the official zoning map.

The following standards and factors are found to be relevant to the exercise of the city's zoning powers and shall govern the review of all proposed amendments to the official zoning map:

- (a) Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan.
The New City of Tucker is growing in all directions with properties changing from residential to business and commercial, and in some instances, redevelopment of properties from the 1960s, as is the case for this 12+ year vacant Sears obsolete distribution center.
Tucker is presently reviewing its comprehensive plan with outside opinion for future land use, or in some cases, present land use. Given evolving existing changes in land use along Mountain Industrial and Hugh Howell roads, and the natural linkage with the significant residential development to the east, we believe Applicant's development fits nicely into Tucker's future land use and will raise the bar for and encourage quality future development.
- (b) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property or properties
Stone Mountain Industrial Park has been undergoing change over the last 25 years with the addition of sidewalks, transportation improvements and conversion of older industrial buildings into retail and service oriented businesses.
A drive along Mountain Industrial north from the freeway and along Hugh Howell east from Tucker reinforces this tract of land's higher and best use as MU rather than "site by site" development.
The residential components would come on line and provide units in demand to those who most likely will be more community oriented and participatory than a location more remote from the Tucker town center.
- (c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.
The subject property, known as the Sears Complex, is located strategically between I-85 to the north, and the Stone Mountain Freeway to the south. It is specifically located on the NE quadrant of the intersection of Mountain Industrial Blvd and Hugh Howell Road. The current zoning and functionally and physically obsolete facilities clearly do not have reasonable economic use as currently zoned as evident by unsuccessful marketing for 12+ years and declining industrial uses along Mountain Industrial Blvd.
- (d) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property or properties.
On this 88 acre tract of land are three (3) industrial buildings totaling approximately 617,000 SF: one with a tire service center (NTB, about 17,000 SF) and 2 vacant and closed Sears Distribution Centers and Customer Service Center (about 600,000 SF), constructed 40 years ago. The Sears buildings have been vacant for about 12 years with huge trucking, trailer

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storage and parking lots with unsightly grass growing in the pavement cracks and curbing cracks. Naturally, Sears Outlet Store welcomes the development. And to the east, Mountain West Church of God, also welcomes this development and has expressed desire to be viewed as part of this welcomed addition to the community.

- (e) Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.
The industrial market has changed over the years, moving further outside metro areas, and into more modern higher ceiling facilities in less congested areas for truck traffic. These changes support higher use as this development proposes.
- (f) Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources.
Only positive impacts benefitting historic sites such as Stone Mountain Memorial Park and Tucker's town center with greater visitation (from this development, as well as from those who visit this development).
- (g) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
This proposed mixed use development aligns with ARC's support and encouragement for life long sustainability and livability, as well as including live/work/play components. This development will generate less traffic than other possible uses. In other words, greater internal flow and less outbound generation from those who populate the residential components (millennials and senior housing). In addition, MARTA serves the community along Mountain Industrial Blvd and Hugh Howell Road; we have not yet, but plan meetings with MARTA, to coordinate and incorporate expanded connectivity.
- (h) Whether the zoning proposal adversely impacts the environment or surrounding natural resources.
This development will provide for on-site services, serve the needs of the citizens of Tucker and the surrounding region, and offer alternatives for residential and commercial not presently available except in more congested areas of Atlanta. This development is planned to be a regional model of sustainability and excellence. It will not adversely impact the environment or surrounding abundant natural resources by way of repairing and enhancing non-existent water quality and storm water management components and replacing acres of asphalt with a quality development.
The Rise addresses the City's recognized deficit of public park space with a net increase of 22+ acres complimenting close-by Stone Mountain Memorial Park.

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SECTION 7.4.6 – SPECIAL LAND USE PERMIT CRITERIA

[SUPPORTIVE LIVING – MULTIFAMILY HOUSING]

Sec. 27-1836. - Special land use permit; criteria to be considered.

The following criteria shall be considered by the planning department, the planning commission, and the Mayor and City Council in evaluating and deciding any application for a special land use permit. No application for a special land use permit shall be granted by the board of commissioners unless satisfactory provisions and arrangements have been made concerning each of the following factors, all of which are applicable to each application, and the application is in compliance with all applicable regulations in article IV:

- (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.
Yes, development is adequate for the use contemplated and totals approximately 10.0 acres within the 88 acre development and is flexible based on final Senior Housing and Independent requirements. Please see "zoning plan" dated 27-March, 2017 for area within the development.

- (b) Compatibility of the proposed use with adjacent properties and land uses and with other properties and land uses in the district.
Yes, proposed use is compatible and complimentary with adjacent properties certainly within the development and land uses and with other properties and land uses in the district.

- (c) Adequacy of public services, public facilities, and utilities to serve the proposed use.
Yes, adequacy of both on-site and off-site public services, public facilities, and utilities to serve the use contemplated exist, and will be augmented with adjacent and on-site amenities and improvements.

- (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.
Yes, adequacy of the public streets (Hugh Howell and Mountain Industrial) is currently under improvements sponsored by the Stone Mountain CID, DeKalb County, and GDOT; however, as part of the ARC/GRTA review process, additional improvements have been determined (for the total 88 acre development). It appears that The Rise will have little or no more traffic generation than the former Sears' Logistics and Fashion Center facilities trucking and employment. Future transportation improvements, both on-site as well as planned off-site, will facilitate better traffic conditions than presently exist.

- (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.
Existing land uses located along access routes to the site will NOT be adversely affected by the character of the vehicles or the volume of traffic generated by the proposed use, all of which have undergone Traffic Study analysis.

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- (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.
Provision is provided for 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.
- (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 proposed development will NOT create adverse impacts upon any adjoining land use by reason of noise, smoke, odor, dust, or vibration generated by the proposed use.
- (h) Whether or not the proposed use will create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use.
The proposed development will NOT create adverse impacts upon any adjoining land use by reason of the hours of operation of the proposed use, but instead will create positive impact to the area versus a huge dormant tract of land with vacancy and the bad elements that potentially follow.
- (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 proposed development will NOT create adverse impacts upon any adjoining land use by reason of the manner of operation of the proposed use. Mountain West Church of God to the east and adjacent to The Rise, and Sears' Outlet Store to the north have publically embraced this development.
- (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.
The proposed plan is consistent with all the requirements of the proposed zoning district classification in which the use is proposed to be located, and contributes to the regional sustainability and lifelong livability concept.
- (k) Whether or not the proposed use is consistent with the policies of the comprehensive plan.
The proposed development is consistent with the policies of the Comprehensive Plan of the future, assuming the natural evolutions of higher and best use are recognized, as well as the lifelong and sustainability concept is embraced.
- (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 all required buffer zones and transitional buffer zones where required by the regulations of the district in which the use is proposed to be located or if not, reasonable variances will be requested through normal process. Presently, we are not asking for any transitional buffer variances.
- (m) Whether or not there is adequate provision of refuse and service areas.
Yes, there will be adequate and screened provision of refuse and service areas, a given.

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- (n) Whether the length of time for which the special land use permit is granted should be limited in duration.
The length of time for which the special land use permit is granted should not be limited in duration; however, The Rise is estimated to take 4-6 years for build out.
- (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 proposed development is appropriate and adequately sized both for the subject site as well as within The Rise development as provided by Site Planner and Architect. Particular attention has been given to perspective and scale of view for a site equaling 85 football fields in size.
- (p) Whether the proposed use will adversely affect historic buildings, sites, districts, or archaeological resources.
Only positive impacts benefitting historic sites such as Stone Mountain Memorial Park and Tucker's town center with greater visitation (from this development, as well as from those who visit this development).
- (q) Whether the proposed use satisfies the requirements contained within the supplemental regulations for such special land use permit.
The proposed use satisfies the requirements contained within the Supplemental Regulations for such special land use permit.
- (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 building(s) height and scale will NOT impose a negative shadow impact on any adjoining lot or building. The proposed buildings will be part of a much larger development master plan designed by Architects and Master Planners. The development will support other area properties economic opportunities.
- (s) Whether the proposed use would result in a disproportionate proliferation of that or similar uses in the subject character area;
The proposed use will NOT result in a disproportional proliferation of that or similar uses in the subject character area, as this use is but one of several categories, all blended for compatibility, and enhance economic opportunity.
- (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.
Yes, the proposed use is consistent with and supports the needs of the neighborhood and of the community as a whole. No doubt it will be compatible with the neighborhood and will not conflict with the overall objectives of the comprehensive plan, as evidenced by the results of our many meetings and especially at the earlier Pre-Community Council and Neighborhood meetings.
The Rise effectively stitches together the City of Tucker, the Smoke Rise Development to the east, and the commercial and industrial development in other directions.

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ENVIRONMENTAL SITE ANALYSIS FORM

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ENVIRONMENTAL SITE ANALYSIS (ESA) FORM

Analyze the impact of the proposed rezoning and provide a written point-by-point response to Points 1 through 3:

1. **CONFORMANCE WITH THE COMPREHENSIVE PLAN.** Describe the proposed project and the existing environmental conditions on the site. Describe adjacent properties. Include a site plan that depicts the proposed project.

Describe how the project conforms to the Comprehensive Land Use Plan. Include the portion of the Comprehensive Plan Land Use Map which supports the project's conformity to the Plan. Evaluate the proposed project with respect to the land use suggestion of the Comprehensive Plan as well as any pertinent Plan policies.

2. **ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT.** For each environmental site feature listed below, indicate the presence or absence of that feature on the property. Describe how the proposed project may encroach or adversely affect an environmental site feature. Information on environmental site features may be obtained from the indicated source(s).

a. Wetlands

- U. S. Fish and Wildlife Service, National Wetlands Inventory (<http://wetlands.fws.gov/downloads.htm>)
- Georgia Geologic Survey (404-656-3214)
- Field observation and subsequent wetlands delineation/survey if applicable

b. Floodplain

- Federal Emergency Management Agency (<http://www.fema.org>)
- Field observation and verification

c. Streams/stream buffers

- Field observation and verification

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

- United States Geologic Survey Topographic Quadrangle Map
- Field observation and verification

e. Vegetation

- United States Department of Agriculture, Nature Resource Conservation Service
- Field observation

f. Wildlife Species (including fish)

- United States Fish and Wildlife Service
- Georgia Department of Natural Services, Wildlife Resources Division, Natural Heritage Program
- Field observation

g. Archeological/Historical Sites

- Historic Resources Survey
- Georgia Department of Natural Resources, Historic Preservation Division
- Field observation and verification

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ENVIRONMENTAL SITE ANALYSIS (ESA) FORM (CONTINUED)

3. **PROJECT IMPLEMENTATION MEASURES.** Describe how the project implements each of the measures listed below as applicable. Indicate specific implementation measures required to protect environmental site feature(s) that may be impacted.
- a. Protection of environmentally sensitive areas, i.e., floodplain, slopes exceeding 25 percent, river corridors.
 - b. Protection of water quality
 - c. Minimization of negative impacts on existing infrastructure
 - d. Minimization on archeological/historically significant areas
 - 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.
 - f. Creation and preservation of green space and open space
 - g. Protection of citizens from the negative impacts of noise and lighting
 - h. Protection of parks and recreational green space
 - i. Minimization of impacts to wildlife habitats

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ENVIRONMENTAL SITE ANALYSIS [ESA] FORM

1. CONFORMANCE WITH THE COMPREHENSIVE PLAN.

Site plan: Attached

Description of the project: Mixed use consisting of:

DEVELOPMENT SUMMARY					
	RETAIL TOTAL		156,000		
*	Mt. Ind Blvd Area	Retail	22,500	SF	113 PS
	Hugh Howell Rd	Retail	54,600	SF	273 PS
		Retail Walk UP	3,500	SF	18 PS
		Retail	75,400	SF	337 PS
	LIDL	Grocery	36,000	SF	107 PS
	Multifamily	Leased Units	308	UNITS	462 PS
	Office/H&W	Office	88,000	SF	264 PS
		Wellness Ctr	45,000	SF	120 PS
	Civic	Arts / Tech	40,000	SF	140 PS
	Non-Support Living	Multifamily Housing	175	UNITS	175 PS
	Day Care	Early Education	20,000	SF	45 PS
	Elementary School	Education	600	PPL	75 PS
**	Supportive Living	Multifamily Housing	100	BEDS	50 PS
	Dwelling, Two-Family	Active Adult	12	LOTS	24 PS
	Dwelling, Single Family (attached)	SF Lots	98	UNITS	173 PS
	* SLUP FOR DRIVE THRU WILL BE APPLIED FOR AT A LATER DATE				
	** SLUP FOR MULTIFAMILY SUPPORTIVE HOUSING				

Existing 3 longtime vacant, functionally obsolete industrial buildings, 14 acres under roof, to be removed.

Existing 30 acres of trucking and parking asphalt paving to be removed.

Existing environmental conditions are the results of 40-50 year old construction and site development, with deteriorated storm water management system. Drainage ditches have eroded and there is ineffective storm water management structures and no water quality features.

Properties adjacent:

East – Mountain West Church of God and a portion of Smoke Rise residential to the northeast.

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North – eastern part, vacant property, heavily wooded and steep topography; north along Mountain Industrial Blvd, the Sears' Outlet Store.

West – Mountain Industrial Blvd and on the other side of Mountain Industrial Blvd, industrial buildings.

South – Hugh Howell Road (State Route 236), and on the other side of Hugh Howell Road, industrial buildings, some of which are now semi-commercial in use.

Comprehensive Land Use Plan conformity description:

The Land Use Plan should continue evolution from less to more density, especially for lifelong sustainability developments such as this project. Other formerly industrial uses continue to change from former industrial to wholesale to retail activities both along Hugh Howell and Mountain Industrial Blvd, in conformity to the Land Use Plan.

2. ENVIRONMENTAL IMPACTS OF THE PROPOSED PROJECT: Presence or absence, effects on feature:

a) Wetlands:

Project includes 88 acres, 20 acres of which are on the northern portion and contain the wetlands which have been flagged and recorded on the recent ALTA survey. Drainage ditches from existing 40 year old development lead to the wetland. The proposed development will improve the wetlands with the addition of water quality and storm water detention structures for central detention, as well as improvements opening up this natural presently private area for public enjoyment by use of a system of trails and bridges. A central feature planned is a likeness of Monet's Lillie Pond (still in design and feasibility study).

b) Floodplain:

The existing floodplain has been surveyed with corrections noted on the ALTA survey. This feature will be improved with definition and will not be adversely impacted.

c) Streams/stream buffers:

Camp Creek will not be adversely impacted, but will be improved through the proposed development's storm water and water quality features.

Minor ephemeral and intermittent streams have been identified and walked with DeKalb County's stream representative with our environmental engineer to complete the ESA-1 report. Subsequent numerous walks have been made for verification.

The western segment closest to Mountain Industrial Blvd will be piped through Nationwide process approval.

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A stream buffer reduction to 25' is required for the western and middle drainage ditches that lead to the ephemeral and intermittent streams that eventually flow into the wetland, flood plain and into Camp Creek. This reduction is in common throughout Georgia, and with 25% essentially undisturbed land, these reductions restore densities for the project to enable economic feasibility, not otherwise possible.

We understand that any encroachment to the city buffers will require a stream buffer variance from the City of Tucker.

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

Field verification of topographic maps was part of the ALTA survey work.

Engineering and code recommendations will be followed. In some locations, there will be engineered wall construction as part of site development. Prior to LDP, those items will be specifically engineered and shown on the plans submittal.

e) Vegetation:

We will work with the City of Tucker Arborist prior to LDP.

f) Wildlife Species (including fish):

We do not believe there are any endangered wildlife species for which to be concerned on this property that will be impacted through this development, given unrestrained storm water runoff to the Camp Creek (normally about 4" deep and varying widths of 5' to 20' due to stream bank erosion.

g) Archeological/Historical Sites:

None identified from the ESA-1 report.

3. PROJECT IMPLEMENTATION MEASURES: Describe measures specific measures required to protect environmental site features that could be impacted:

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

Developer will follow good engineering and construction practices programs to be defined during LDP plans and permit preparation. Presently all roof and pavement areas dump into the drainage ditches that flow into Camp Creek; as shown on the following photos.

i) Protection of water quality:

Developer will follow good engineering and construction practices programs to be defined during LDP plans and permit preparation.

j) Minimization of negative impacts on existing infrastructure:

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Existing infrastructure is weathered and require improvements which this development will bring.

k) Minimization on archeological/historically significant areas:
Nothing here of which to be concerned.

l) Minimization of negative impacts on environmentally stressed communities...
Nothing here that would qualify.

m) Creation and preservation of green space and open space:
Not only preservation, but enhancement and expansion thereof. The existing open space is mostly trucking and parking asphalt, with grass growing through the cracks. This development provides 20+ acres of net new public green space adjacent to a mature large lot 2300 home development adjacent to the 3200 acre Stone Mountain Memorial Park.

n) Protection of citizens from the negative impacts of noise and lighting:
There will be no negative impacts from noise and lighting, only positive impacts. There are no residences close to this development.

o) Protection of parks and recreational green space:
Presently there are no parks or recreational green space within this development, however, 25% of the development will be set aside as Open Space.

p) Minimization of impacts to wildlife habitats.
Again, by enhancing the wetland and floodplain features, human enjoyment will be possible, without negative impact to wildlife. This is one of the sustainable, walkable, lifelong development features that makes this type of development attractive.

There will be some loss of wildlife habitat, but not in the areas where wildlife predominately occupies. Most of the impacted area of this 88 acre tract of land is covered by buildings and asphalt.

OTHER COMMENTS:

1. The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties, from the south along Mountain Industrial Blvd, from the west along Hugh Howell Road and the Outlet Store to the north. Retail and commercial development has been progressing over the last 20 years toward this intersection.
2. The property to be affected by the proposed zoning does not have a reasonable economic use as currently zoned. Current zoning of industrial and the 2 large

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(600,000 SF total) functionally obsolete buildings have been vacant and on the market for 12+ years.

3. The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties.
4. There are other or existing and changing conditions affecting the use and development of the property which give supporting grounds for approval of the zoning proposal. The existing Stone Mountain CID is making and coordinating improvements to the greater area known as Stone Mountain Industrial Park in which lends support of a zoning as proposed.
5. The zoning proposal will not adversely affect historic buildings, sites, districts or archaeological resources.
6. The zoning proposal will not result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, or schools. The proposed development is planned as a regional model of life long sustainability, livability, walkability, and will contain components including live/work/play. This development with sidewalks, bike paths, water features and gardens will generate less traffic than other possible uses. Through the DRI process, a traffic study was conducted as part of the submission to ARC/GRTA under an approved methodology. MARTA serves this location and meetings are planned for further collaboration. The Stone Mountain CID has coordinated additional transportation improvements not yet completed, but will enhance existing traffic movements. There are other site specific improvements anticipated for ingress/egress from both Hugh Howell Road and Mountain Industrial Blvd. These improvements will come sooner rather than later in conjunction with this development.

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DISCLOSURE FORM

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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

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) STEPHEN MACAULEY

Signature:

CITY OF TUCKER Date: 4/24/2017

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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)

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1. _____	5. _____
2. _____	6. _____
3. _____	7. _____
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Name (print) JERRY SILVIO

Signature: *Jerry Silvio*

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Date: 4/24/2017

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PRE APPLICATION FORM

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PRE-APPLICATION FORM

REZONING, COMPREHENSIVE PLAN AMENDMENT, SPECIAL LAND USE PERMIT, AND CONCURRENT VARIANCE

Purpose & Process

A Pre-Application Meeting provides you the opportunity to present a conceptual plan and letter of intent to a representative of the Community Development Department. This meeting benefits you, the applicant, by receiving general comments on the feasibility of the plan, the process(es)/procedure(s) and fees required to process and review the application(s). Please contact Courtney Lankford at clankford@tuckerga.gov to schedule an appointment. This form will be completed during the pre-application meeting. After completing the pre-application meeting, the applicant may file the Land Use Petition.

Applicant: MACAULEY INVESTMENTS, LLC

Site Address: 4650 HUGH HOWELL RD TUCKER 64.119 | 24.503=
4750 HUGH HOWELL RD TUCKER Parcel Size: [total 88.622]

Proposal Description: M TO MU-3 REZONING REQUEST

SLUP - SUPPORTIVE LIVING MULTIFAMILY HOUSING

SLUP - DRIVE THRU NON FOOD RELATED - at later date

Existing Zoning Designation and Case Number: M & RE

Proposed Zoning Designation: MU-3 REZONING REQUEST

Comprehensive Land Use Map Designation: TOWNCENTER

Overlay District: MOUNTAIN INDUSTRIAL BLVD OVERLAY

Staff: *[Signature]*

Date: 3.23.17

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