

**FIRST AMENDED  
STATEMENT OF INTENT**

and

Other Material Required by  
City of Tucker Zoning Ordinance  
for the  
Special Land Use Permit  
and Concurrent Variances

of

**TUCKER MERIDIAN, LLC**

For

$\pm$  20.73 Acres of Land  
located in  
Land Lot 210, 18<sup>th</sup> District, DeKalb County  
Address: 4280, 4310, 4320, 4324 LaVista Rd., Tucker, GA 30084

Submitted for Applicant by:

Kathryn M. Zickert  
Dennis J. Webb, Jr.  
Vickie B. Chung  
Smith, Gambrell & Russell, LLP  
Promenade Suite 3100  
1230 Peachtree Street, NE  
Atlanta, Georgia 30309  
404-815-3500

CITY OF TUCKER

SEP 29 2016

RECEIVED

SLUP-16-004 20  
VS-16-004-01

## **I. INTRODUCTION**

This Application seeks a Special Land Use Permit (“SLUP”) and concurrent variance to allow for a  $\pm$  2,550 square foot Caribou Coffee and Einstein Brothers restaurant with drive-through (the “Restaurant”) as shown on the site plan filed with this application. This First Amended Application is submitted to add the written justification for the requested variance as well as to address questions raised by Staff in its preliminary review.

The Restaurant will be part of Tucker Meridian, an approximately 200,000 square foot shopping center located at the northeast intersection of LaVista Road and Northlake Parkway, consisting of  $\pm$  20.73 acres in Land Lot 210 of the 18<sup>th</sup> District of DeKalb County, Georgia (the “Subject Property”). Although subdivision of the Subject Property was contemplated during the process of acquiring users, the platting process was never initiated in DeKalb County nor in Tucker and the Subject Property will remain one tract with multiple users. Building “D,” where the Restaurant will be located, is a multi-tenant building consisting of two attached suites. It will be located in the southeast corner of Tucker Meridian and will be accessible from LaVista Road. The four addresses associated with this Application will remain unchanged, as DeKalb County assigns addresses to buildings, not parcels.

The Subject Property was assembled and rezoned for a shopping center prior to the incorporation of the City of Tucker. On April 28, 2015, the DeKalb County Board of Commissioners approved the rezoning of a 2.69 acre tract within the Subject Property from R-85 to O-I (Z-15-19671) in order to allow for the unified development of Tucker Meridian. That approval was premised upon nineteen (19) conditions. Thereafter, the DeKalb County Zoning Board of Appeals approved a total of five (5) variances involving specific wall sign letter height, four of which were approved on June 10, 2015 (A-15-19928), and one of which was approved on January 13, 2016 (A-16-20466). In addition, on January 13, 2016, the DeKalb County Zoning Board of Appeals approved a variance to increase the maximum front yard from 30' to 50' on LaVista Road (A-16-20466).

The Subject Property is currently zoned O-I (“Office-Institution”), designated as being within a “Regional Center” on Tucker’s Future Land Use Map, and located within the Northlake Overlay District Tier 2. The Subject Property is surrounded by similar uses: directly to the south is an IHOP, Folks Kitchen, Waffle House and Checkers restaurant with drive-through. To the west across Northlake Parkway are two smaller shopping centers, a motel, hair salon, Budget car rental, and Chevron gas station. To the north of the Subject Property are office buildings and to the east, separated by a large and heavily wooded buffer are single-family homes.

The Applicant's intent is to provide a quality, eat-in or eat-out dining option to serve Tucker Meridian and the surrounding community. The Applicant submits this document as a Statement of Intent with regard to its Application, a preservation of the Applicant's constitutional rights with respect to the Subject Property, and a written justification for the proposed SLUP and concurrent variance as required by Tucker's Zoning Ordinance, Sections 7-4-6, 7-5-10 and 7-5-3.

**II. CRITERIA TO BE APPLIED TO SPECIAL LAND USE PERMITS**

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

The size of the Subject Property is adequate for the proposed use. The proposed Restaurant with drive-through will be located in Building "D" of Tucker Meridian, which consists of two attached suites. The Restaurant itself will be modestly sized at 2,550 square feet. The Subject Property will comply with all requirements of the O-I district and the Northlake Overlay. Adequate parking, stacking and site circulation will be provided.

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

The proposed use is fully compatible with the adjacent properties and land uses as well as those in the larger surrounding area. The proposed Restaurant will complement the other retail components of Tucker Meridian and the surrounding commercial uses, while providing a new breakfast-oriented dining option for nearby residents and workers. Notably, there is an existing Checker's restaurant with a drive-through to the southwest of the Subject Property. Additionally, a Chic-fil-A, McDonald's, Captain D and Popeyes are located within a mile of the

Subject Property, all of which have drive-throughs. Most recently, a Pollo Tropical with drive-through was approved on the Target site southwest of the Subject Property.

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

There are adequate public services, public facilities, and utilities to serve the Restaurant, which will only be  $\pm$  2,550 square feet. This use is minor in size and should not have any impact on the provision of public utilities.

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

The proposed Restaurant should not unduly increase traffic or created congestion in the area. The Subject Property is located on LaVista Road (State Route 236), a four lane road with a central left turn lane and a right turn lane into the Subject Property. According to the Institute of Transportation Engineers (ITE) *Trip Generation Manual* (Ninth Edition) (Land Use Category 940: Bread/Donut/Bagel Shop with Drive-Through Window), the proposed restaurant should only generate approximately 98 a.m. peak hour trips and 48 p.m. peak hour trips. Given the capacity of LaVista Road and surrounding roads, this minor amount of additional trips should not increase traffic or create congestion in the area.

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

There should be no change in the character of vehicles visiting the Subject Property if this SLUP is approved. Additionally, while there may be some addition to the volume of traffic visiting the site, this increase should be minimal in light of the Subject Property's access to major thoroughfares.

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

There is presently sufficient ingress and egress to the Subject Property, which will not be altered by the proposed use. The proposed Restaurant will be served by a right turn lane from LaVista Road and the internal driveways of Tucker Meridian. Pedestrian walkways are provided throughout the shopping center.

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

The Subject Property is surrounded on three sides by commercial uses that will not be adversely impacted by the proposed Restaurant. The single-family homes to the east are separated from the Subject Property by a 60' vegetative buffer, which is heavily wooded with mature trees. Additionally, there is a 3 to 8 foot elevation change between the Subject Property and the single-family homes, which offers additional protection against any potential light or noise intrusion.

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

The proposed Restaurant's hours of operation are from 5 a.m. to 9 p.m., which is similar to other restaurants in the surrounding area.

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

The manner of operation of the proposed drive-through Restaurant would be similar to that of the other retail services provided in Tucker Meridian. That is, patrons would visit the restaurant for a short time period to dine in or pick up food, much like with the patrons of the other retail providers in the shopping center. Accordingly, the proposed use would not constitute a more intense manner of operation than what is currently approved for the Subject Property.

**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 Restaurant would be fully compliant with the O-I district regulations. In addition, the proposed use is compatible with the purpose and goal of the Northlake Overlay District, Tier 2, which is “to allow opportunities for residents to live close to employment and to provide accessibility to shopping areas.”

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

The Subject Property is designated as “Regional Center” on Tucker’s Future Land Use Map. The Regional Center character area encourages commercial and retail centers such as Tucker Meridian. The proposed Restaurant is fully allowed within this character area, and promotes the following specific goals and strategies of the City’s Land Use Plan:

- LUS1: Locate developments in areas with direct access to existing infrastructure.
- LUS3: Encourage development within and near principal transportation corridors and activity centers.
- RCCAS20: Each Regional Center should include a very high-density mix of retail, office, services, and employment to serve several neighborhoods.

**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 Northlake Overlay District Tier 2 regulations require a 20’ interior side setback in addition to a 30’ transitional buffer when adjacent to a residential district. The Subject Property provides a 60’ vegetative buffer between its eastern property line and the single-family homes to the east. The 60’ buffer is heavily wooded with mature trees, which provides an effective visual screen between the Subject Property and nearby residential properties.

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

The refuse and service areas for Tucker Meridian are adequate to accommodate the 2,550 square foot drive-through Restaurant. The location of the dumpsters results from requests by neighbors during the Subject Property's rezoning process. Moreover, the dumpsters are already designed and fully permitted for construction. The gate will be attached to the front of the dumpster enclosure. While it is possible for the gate to obstruct the bypass lane, the entire lane will already be obstructed by the trash truck. This is because the dumpsters will be serviced after hours, as is standard for drive-through operations.

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

Because the proposed drive-through Restaurant is suitable for the Subject Property, there is no reason to limit the duration of the requested SLUP.

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

The size of the proposed Restaurant is appropriate in light of adjacent and nearby properties. The total building coverage on the site will be approximately 22%. This is minor in relation to many of the surrounding properties.

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

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

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

There are no supplemental regulations applicable to the requested SLUP.



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

The proposed use will not create any negative shadow impacts on adjoining properties. The Restaurant will be located in a one-story, 20' tall building. This is just a fraction of the allowed maximum height in Tier 2 of the Northlake Overlay District, and less than the transitional height plane requirement.

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

The proposed drive-through Restaurant, intended to be a Caribou Coffee and Einstein Brothers Bagels, would not result in a disproportionate proliferation of similar uses in the subject character area. The surrounding area consists of a mix of commercial, service, and restaurant uses. While there are a number of existing restaurants in the immediate area, very few of them offer a breakfast/coffee-oriented menu. Accordingly, a Caribou Coffee and Einstein Brothers Bagels would offer a new dining option for this area that would be frequented more heavily in the morning hours when the other dining establishments are closed.

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

As mentioned in subsection S above, the proposed use, a Caribou Coffee and Einstein Brothers Bagels, would offer a menu unlike that of the existing restaurant options in the immediate area. Therefore, it is a desirable use because it would add a new variety for the neighborhoods and larger community that frequents this area. In sum, it would be consistent with the Comprehensive Plan's objectives for this area of the County.

### **III. CRITERIA TO BE APPLIED TO CONCURRENT VARIANCES**

- A. By reason of exceptional narrowness, shallowness, or shape of a specific lot, or by reason of exceptional topographic and other site conditions (such as, but not limited to, floodplain, major stand of trees, steep slope), which were not created by the owner or applicant, the strict application of the requirements of this chapter would deprive the property owner of rights and privileges enjoyed by other property owners in the same zoning district.**

The Applicant requests a variance from Section 4.2.23(C) of the City's Zoning Ordinance, which states that drive-through lanes and service windows shall be located to the side or rear of the building. The need for the requested variances arises with this site because the Restaurant has dual front entrances – one facing LaVista Road and the other facing the parking lot. This design is a result of the commercial reality of the site, which is a shopping center primarily served by automobiles, and the development trends in Tucker and the surrounding areas of DeKalb County, which are increasingly more urban and walkable, with particular attention to engaging pedestrians. In addition, the dumpsters serving the Restaurant, which are already fully permitted for construction, are located at the front of the Restaurant. This location was chosen at the request of neighbors during the rezoning of the Subject Property. The drive-through is configured to accommodate the request of the neighbors, while providing the most functional design for the Restaurant.

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

The Applicant seeks the minimum relief necessary to enable it to develop the proposed Restaurant.

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

Approving the requested variance would not cause material detriment to the public welfare or injure the property or improvements of neighboring properties. The Subject Property is located in the Northlake Overlay District, which was

adopted after the completion of an LCI study in 2002 for 1000+ acres in the immediate vicinity of Northlake Mall. The Overlay District creates uniform standards to improve existing and new commercial uses within it. The proposed Restaurant is consistent with similar commercial uses in the Northlake Overlay District.

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

Not approving the requested variance would create a substantial and unnecessary hardship for the Applicant. Due to the City's prohibition against placing parking in front of the building, the Applicant is limited in where it can place the drive-through lane while still accommodating the parking needs of the Restaurant's patrons.

**E. The requested variance would be consistent with the spirit and purpose of this chapter and the Comprehensive Plan text.**

The grant of the requested variance would be consistent with the spirit and purpose of the City of Tucker's Zoning Ordinance and Comprehensive Plan. The development of the Subject Property into a shopping center is wholly consistent with the goals of the Northlake Overlay Tier 2, which anticipates providing retail amenities for nearby workers and residents. The grant of the proposed variance will allow the Applicant to develop the shopping center and Restaurant, in furtherance of this goal.

**IV. PRESERVATION OF CONSTITUTIONAL RIGHTS**

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

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

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

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

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

Tucker's Zoning Ordinance lacks adequate standards for the City Council to exercise its power to review this Application. Specifically, some of the "criteria"

set out in Section 7-4-6 and Section 7-5-3 are not sufficient to contain the discretion of the City Council and to provide the Courts with a reasonable basis for judicial review. Because the stated criteria (individually and collectively) are too vague and uncertain to provide reasonable guidance, the Zoning Ordinance is unlawful and violates, among other things, the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia.

Any limitation on the time for presentation of the issues before the City Council that has the power to zone and grant SLUPs and concurrent variances is a violation of the guarantees of free speech under the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph V of the Constitution of the State of Georgia. Further, said limitations are in violation of the right to petition and assemble, in violation of the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph IX of the Constitution of Georgia, as well as the due process clauses of the U.S. and Georgia Constitutions.

#### **V. CONCLUSION**

For the foregoing reasons, the Applicant respectfully asks that the proposed SLUP and concurrent variance be approved. The Applicant also invites and welcomes any comments from City staff, officials, and other interested parties so

that such recommendations or input may be considered as conditions of approval of this Application.

This \_\_\_ day of September, 2016.

**Smith, Gambrell & Russell, LLP**  
Promenade, Suite 3100  
1230 Peachtree Street, N.E.  
Atlanta, Georgia 30309  
404-815-3500

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



2016-122L

CITY OF TUCKER

SEP 26 2016

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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: Ben F. Kushner Co.

Site Address: 2163 Northlake Parkway Parcel Size: \_\_\_\_\_

Proposal Description: SLUP for a restaurant  
dine thru

Existing Zoning Designation and Case Number: O-1/Northlake Overlay  
16-002

Proposed Zoning Designation: \_\_\_\_\_

Comprehensive Land Use Map Designation: Regional Center

Overlay District: Northlake

Staff: Jm Mully Date: 9/23/16

## APPLICATION

APPLICANT INFORMATION	OWNER INFORMATION
NAME: Tucker Meridian, LLC c/o Kathryn M. Zickert	NAME: Tucker Meridian, LLC
ADDRESS: 1230 Peachtree St., NE, Ste. 3100	ADDRESS: 19241 Birmingham Hwy
CITY: Atlanta	CITY: Alpharetta
STATE: GA ZIP: 30309	STATE: GA ZIP: 30004
PHONE: 404-815-3704	PHONE: 770-886-1963

CONTACT PERSON: Kathryn M. Zickert	PHONE: 404-815-3704
CONTACT'S E-MAIL: kmzickert@sgrlaw.com	

APPLICANT IS THE:		
<input checked="" type="checkbox"/> OWNER'S AGENT	<input type="checkbox"/> PROPERTY OWNER	<input type="checkbox"/> CONTRACT PURCHASER
PRESENT ZONING DISTRICT(S): O-1 REQUESTED ZONING DISTRICT: _____		
Commercial		
PRESENT LAND USE CATEGORY: _____ REQUESTED LAND USE CATEGORY: _____		
LAND DISTRICT(S): 18	LAND LOT(S): 210	ACREAGE: 20.73
ADDRESS OF PROPERTY: 4280, 4310, 4320, 4324 LaVista Rd., Tucker, GA 30084		
PROPOSED DEVELOPMENT: Restaurant with drive through		
CONCURRENT VARIANCES: _____		

RESIDENTIAL DEVELOPMENT	NON-RESIDENTIAL DEVELOPMENT
No. of Lots/Dwelling Units _____	No. of Buildings/Lots: _____
Dwelling Unit Size (Sq. Ft.): _____	Total Building Sq. Ft. _____
Density: _____	Density: _____



**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.

Kathryn M Zickert 9/26/16  
Signature of Applicant Date

Kathryn M. Zickert, Esq.

\_\_\_\_\_  
Type or Print Name and Title

Shawna E. Avila 9-26-16 \_\_\_\_\_  
Signature of Notary Public Date Notary Seal



**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, Tucker Meridian, LLC, authorize, Kathryn M. Zickert  
(Property Owner) (Applicant)

to file for SLUP, at 4280, 4310, 4320, 4324 LaVista Rd., Tucker, GA 300  
(RZ, CA, SLUP, CV) (Address)

on this date September 26, 2016  
(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.

*[Handwritten Signature]*

9/14/2016

Signature of Property Owner

Date

Ben Kushner, President

Type or Print Name and Title

*[Handwritten Signature]*

9/14/2016

Signature of Notary Public

Date

Notary Seal



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

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**

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**

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.

**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.

## 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

## 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

## 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:

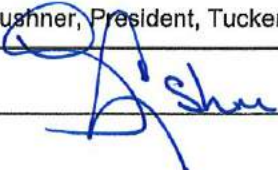
1. _____	5. _____
2. _____	6. _____
3. _____	7. _____
4. _____	8. _____

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) Ben Kushner, President, Tucker Meridian, LLC

Signature:                     Date: 9/14/2016

## 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:

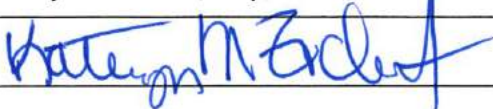
1.	5.
2.	6.
3.	7.
4.	8.

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) Kathryn M. Zickert, Esq., Smith, Gambrell & Russell, LLP

Signature: 

Date: 9-26-16

## 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.

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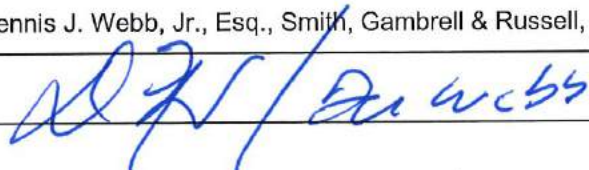
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3.	7.
4.	8.

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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

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Name (print) Dennis J. Webb, Jr., Esq., Smith, Gambrell & Russell, LLP  
 Signature:                     Date: 8/26/14



## 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)
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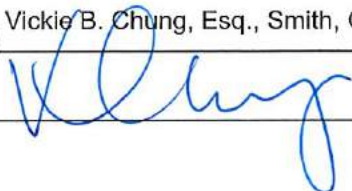
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4.            The undersigned acknowledges that this disclosure is made in accordance with the Official Code of Georgia, Section 36-67A-1 et. seq. Conflict of interest in zoning actions, and that the information set forth herein is true to the undersigned's best knowledge, information and belief.

Name (print) Vickie B. Chung, Esq., Smith, Gambrell & Russell, LLP

Signature:                     Date: 9/26/16



2016101011

DEED BOOK

25658 Pg 209



Filed and Recorded:

7/8/2016 11:41:40 AM

Real Estate Transfer Tax \$14,000.00

Debra DeBerry

Clerk of Superior Court  
DeKalb County, Georgia

**RETURN DOCUMENT TO:**

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

AFTER RECORDING RETURN TO  
GEORGE C. CALLOWAY, ESQ. (8)  
SPECIALIZED TITLE SERVICES, INC.  
6133 PEACHTREE DUNWOODY ROAD NE  
ATLANTA, GEORGIA 30328  
(770) 394-7000 STS FILE NO 1165-0793

STATE OF GEORGIA  
COUNTY OF FULTON

**LIMITED WARRANTY DEED**

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

**WITNESSETH:**

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

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

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

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

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

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

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

Signed, sealed and delivered in the presence of:

**LAVISTA OFFICE PARK, LLC, a Georgia limited liability company**

*[Handwritten Signature]*  
\_\_\_\_\_  
WITNESS

*[Handwritten Signature]* (SEAL)  
By: \_\_\_\_\_  
Printed Name: Ben F. Kushner  
Title: Manager

*Patty S. Altman*  
\_\_\_\_\_  
NOTARY PUBLIC  
My Commission expires \_\_\_\_\_  
[NOTARIAL SEAL]



**EXHIBIT A****AMERIS BANK/TUCKER MERIDIAN, LLC**  
**LEGAL DESCRIPTION**

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

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

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

Said tract of land contains 21.148 Acres.

**EXHIBIT "B"****PERMITTED EXCEPTIONS**

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

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

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

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



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

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

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

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

11. Permanent Construction and Maintenance Easement from Richard Heller, *et al.* to Department of Transportation, dated April 5, 1988, filed for record April 29, 1988 at 3:43 p.m., recorded in Deed Book 6121, Page 137, aforesaid Records.

12. Easement from LaVista Office Park, J.V. to BellSouth Telecommunications, Inc., a Georgia corporation, dated April 28, 1998, filed for record May 4, 1998 at 8:30 a.m., recorded in Deed Book 9974, Page 542, aforesaid Records; as shown on the Survey (defined below).

13. In addition to the matters set forth above, ALTA/NSPS Land Title Survey, 2163 Northlake Parkway, for Alston & Bird LLP, Tucker Meridian, LLC, Ameris Bank, DIF-Tucker Meridian LLC, LaVista Office Park, LLC, Venture Capital Properties, Inc., and Stewart Title Guaranty Company, prepared by GeoSurvey, Ltd., bearing the seal and certification of David L. Hester, Georgia Registered Land Surveyor No. 3042, dated March 10, 2016, last revised June 28, 2016 (the "Survey"), discloses the following:

- (a) water meters, water vaults, water valves, and underground water lines located throughout the subject property;
- (b) underground communication lines located throughout the subject property;
- (c) electric transformers and underground electrical lines located throughout the subject property;
- (d) brace pole for power pole located in the westerly portion of the subject property;
- (e) power boxes and phone box located in the southeasterly portion of the subject property;

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

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

**STATEMENT OF INTENT**

and

Other Material Required by  
City of Tucker Zoning Ordinance  
for the  
Special Land Use Permit

of

**TUCKER MERIDIAN, LLC**

For

$\pm$  20.73 Acres of Land  
located in

Land Lot 210, 18<sup>th</sup> District, DeKalb County  
Address: 4280, 4310, 4320, 4324 LaVista Rd., Tucker, GA 30084

Submitted for Applicant by:

Kathryn M. Zickert  
Dennis J. Webb, Jr.  
Vickie B. Chung  
Smith, Gambrell & Russell, LLP  
Promenade Suite 3100  
1230 Peachtree Street, NE  
Atlanta, Georgia 30309  
404-815-3500

## **I. INTRODUCTION**

This Application seeks a Special Land Use Permit (“SLUP”) to allow for a ± 2,550 square foot Einstein Brothers Bagels restaurant with drive-through (the “Restaurant”) as shown on the site plan filed with this application. The Restaurant will be part of Tucker Meridian, an approximately 200,000 square foot shopping center located at the northeast intersection of LaVista Road and Northlake Parkway, consisting of ± 20.73 acres in Land Lot 210 of the 18<sup>th</sup> District of DeKalb County, Georgia. (the “Subject Property”). The Restaurant will be located in the southeast corner of Tucker Meridian and will be accessible from LaVista Road.

The Subject Property was assembled and rezoned for a shopping center prior to the incorporation of the City of Tucker. On April 28, 2015, the DeKalb County Board of Commissioners approved the rezoning of a 2.69 acre tract within the Subject Property from R-85 to O-I (Z-15-19671) in order to allow for the unified development of Tucker Meridian. That approval was premised upon nineteen (19) conditions. Thereafter, the DeKalb County Zoning Board of Appeals approved a total of five (5) variances involving specific wall sign letter height, four of which were approved on June 10, 2015 (A-15-19928), and one of which was approved on January 13, 2016 (A-16-20466). In addition, on January 13, 2016, the DeKalb

County Zoning Board of Appeals approved a variance to increase the maximum front yard from 30' to 50' on LaVista Road (A-16-20466).

The Subject Property is currently zoned O-I ("Office-Institution"), designated as being within a "Regional Center" on Tucker's Future Land Use Map, and located within the Northlake Overlay District Tier 2. The Subject Property is surrounded by similar uses: directly to the south is an IHOP, Folks Kitchen, Waffle House and Checkers restaurant with drive-through. To the west across Northlake Parkway are two smaller shopping centers, a motel, hair salon, Budget car rental, and Chevron gas station. To the north of the Subject Property are office buildings and to the east, separated by a large and heavily wooded buffer are single-family homes.

The Applicant's intent is to provide a quality, eat-in or eat-out dining option to serve Tucker Meridian and the surrounding community. The Applicant submits this document as a Statement of Intent with regard to its Application, a preservation of the Applicant's constitutional rights with respect to the Subject Property, and a written justification for the proposed SLUP as required by Tucker's Zoning Ordinance, Section 7-4-6.

## **II. CRITERIA TO BE APPLIED TO SPECIAL LAND USE PERMITS**

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

The size of the Subject Property is adequate for the proposed use. The proposed Restaurant with drive-through will be located in Building "D" of Tucker Meridian, which consists of two attached suites. The Restaurant itself will be modestly sized at 2,550 square feet. The Subject Property will comply with all requirements of the O-I district and the Northlake Overlay. Adequate parking, stacking and site circulation will be provided.

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

The proposed use is fully compatible with the adjacent properties and land uses as well as those in the larger surrounding area. The proposed Restaurant will complement the other retail components of Tucker Meridian and the surrounding commercial uses, while providing a new breakfast-oriented dining option for nearby residents and workers. Notably, there is an existing Checker's restaurant with a drive-through to the southwest of the Subject Property. Additionally, a Chic-fil-A, McDonald's, Captain D and Popeyes are located within a mile of the Subject Property, all of which have drive-throughs. Most recently, a Pollo Tropical with drive-through was approved on the Target site southwest of the Subject Property.

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

There are adequate public services, public facilities, and utilities to serve the Restaurant, which will only be  $\pm$  2,550 square feet. This use is minor in size and should not have any impact on the provision of public utilities.

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

The proposed Restaurant should not unduly increase traffic or created congestion in the area. The Subject Property is located on LaVista Road (State Route 236), a four lane road with a central left turn lane and a right turn lane into the Subject Property. According to the Institute of Transportation Engineers (ITE) *Trip Generation Manual* (Ninth Edition) (Land Use Category 940: Bread/Donut/Bagel Shop with Drive-Through Window), the proposed restaurant should only generate approximately 98 a.m. peak hour trips and 48 p.m. peak hour trips. Given the capacity of LaVista Road and surrounding roads, this minor amount of additional trips should not increase traffic or create congestion in the area.

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

There should be no change in the character of vehicles visiting the Subject Property if this SLUP is approved. Additionally, while there may be some addition to the volume of traffic visiting the site, this increase should be minimal in light of the Subject Property's access to major thoroughfares.

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

There is presently sufficient ingress and egress to the Subject Property, which will not be altered by the proposed use. The proposed Restaurant will be served by a right turn lane from LaVista Road and the internal driveways of Tucker Meridian. Pedestrian walkways are provided throughout the shopping center.



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

The Subject Property is surrounded on three sides by commercial uses that will not be adversely impacted by the proposed Restaurant. The single-family homes to the east are separated from the Subject Property by a 60' vegetative buffer, which is heavily wooded with mature trees. Additionally, there is a 3 to 8 foot elevation change between the Subject Property and the single-family homes, which offers additional protection against any potential light or noise intrusion.

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

The proposed Restaurant's hours of operation are from 5 a.m. to 9 p.m., which is similar to other restaurants in the surrounding area.

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

The manner of operation of the proposed drive-through Restaurant would be similar to that of the other retail services provided in Tucker Meridian. That is, patrons would visit the restaurant for a short time period to dine in or pick up food, much like with the patrons of the other retail providers in the shopping center. Accordingly, the proposed use would not constitute a more intense manner of operation than what is currently approved for the Subject Property.

**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 Restaurant would be fully compliant with the O-I district regulations. In addition, the proposed use is compatible with the purpose and goal of the Northlake Overlay District, Tier 2, which is "to allow opportunities for residents to live close to employment and to provide accessibility to shopping areas."

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

The Subject Property is designated as “Regional Center” on Tucker’s Future Land Use Map. The Regional Center character area encourages commercial and retail centers such as Tucker Meridian. The proposed Restaurant is fully allowed within this character area, and promotes the following specific goals and strategies of the City’s Land Use Plan:

- LUS1: Locate developments in areas with direct access to existing infrastructure.
- LUS3: Encourage development within and near principal transportation corridors and activity centers.
- RCCAS20: Each Regional Center should include a very high-density mix of retail, office, services, and employment to serve several neighborhoods.

**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 Northlake Overlay District Tier 2 regulations require a 20’ interior side setback in addition to a 30’ transitional buffer when adjacent to a residential district. The Subject Property provides a 60’ vegetative buffer between its eastern property line and the single-family homes to the east. The 60’ buffer is heavily wooded with mature trees, which provides an effective visual screen between the Subject Property and nearby residential properties.

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

The refuse and service areas for Tucker Meridian are adequate to accommodate the 2,550 square foot drive-through Restaurant.

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

Because the proposed drive-through Restaurant is suitable for the Subject Property, there is no reason to limit the duration of the requested SLUP.

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

The size of the proposed Restaurant is appropriate in light of adjacent and nearby properties. The total building coverage on the site will be approximately 22%. This is minor in relation to many of the surrounding properties.

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

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

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

There are no supplemental regulations applicable to the requested SLUP.

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

The proposed use will not create any negative shadow impacts on adjoining properties. The Restaurant will be located in a one-story, 20' tall building. This is just a fraction of the allowed maximum height in Tier 2 of the Northlake Overlay District, and less than the transitional height plane requirement.

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

The proposed drive-through Restaurant, intended to be an Einstein Brothers Bagels, would not result in a disproportionate proliferation of similar uses in the subject character area. The surrounding area consists of a mix of commercial, service, and restaurant uses. While there are a number of existing restaurants in the immediate area, very few of them offer a breakfast/coffee-oriented menu. Accordingly, an Einstein Brothers Bagels would offer a new dining option for this area that would be frequented more heavily in the morning hours when the other dining establishments are closed.

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

As mentioned in subsection S above, the proposed use, an Einstein Brothers Bagels, would offer a menu unlike that of the existing restaurant options in the immediate area. Therefore, it is a desirable use because it would add a new variety for the neighborhoods and larger community that frequents this area. In sum, it would be consistent with the Comprehensive Plan's objectives for this area of the County.

**III. PRESERVATION OF CONSTITUTIONAL RIGHTS**

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

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

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

A refusal to approve the proposed SLUP would be unjustified from a fact-based standpoint and instead would result only from constituent opposition, which

would be an unlawful delegation of authority in violation of Article IX, Section II, Paragraph IV of the Constitution of the State of Georgia.

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

Tucker's Zoning Ordinance lacks adequate standards for the City Council to exercise its power to review this Application. Specifically, some of the "criteria" set out in Section 7-4-6 are not sufficient to contain the discretion of the City Council and to provide the Courts with a reasonable basis for judicial review. Because the stated criteria (individually and collectively) are too vague and uncertain to provide reasonable guidance, the Zoning Ordinance is unlawful and violates, among other things, the Fifth Amendment and Fourteenth Amendment of the Constitution of the United States and Article I, Section I, Paragraphs I and II of the Constitution of the State of Georgia.

Any limitation on the time for presentation of the issues before the City Council that has the power to zone and grant SLUPs is a violation of the guarantees of free speech under the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph V of the Constitution of the State

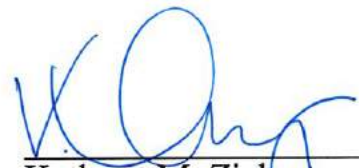
of Georgia. Further, said limitations are in violation of the right to petition and assemble, in violation of the First Amendment of the Constitution of the United States and Article I, Section I, Paragraph IX of the Constitution of Georgia, as well as the due process clauses of the U.S. and Georgia Constitutions.

#### IV. CONCLUSION

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

This 23<sup>rd</sup> day of September, 2016.

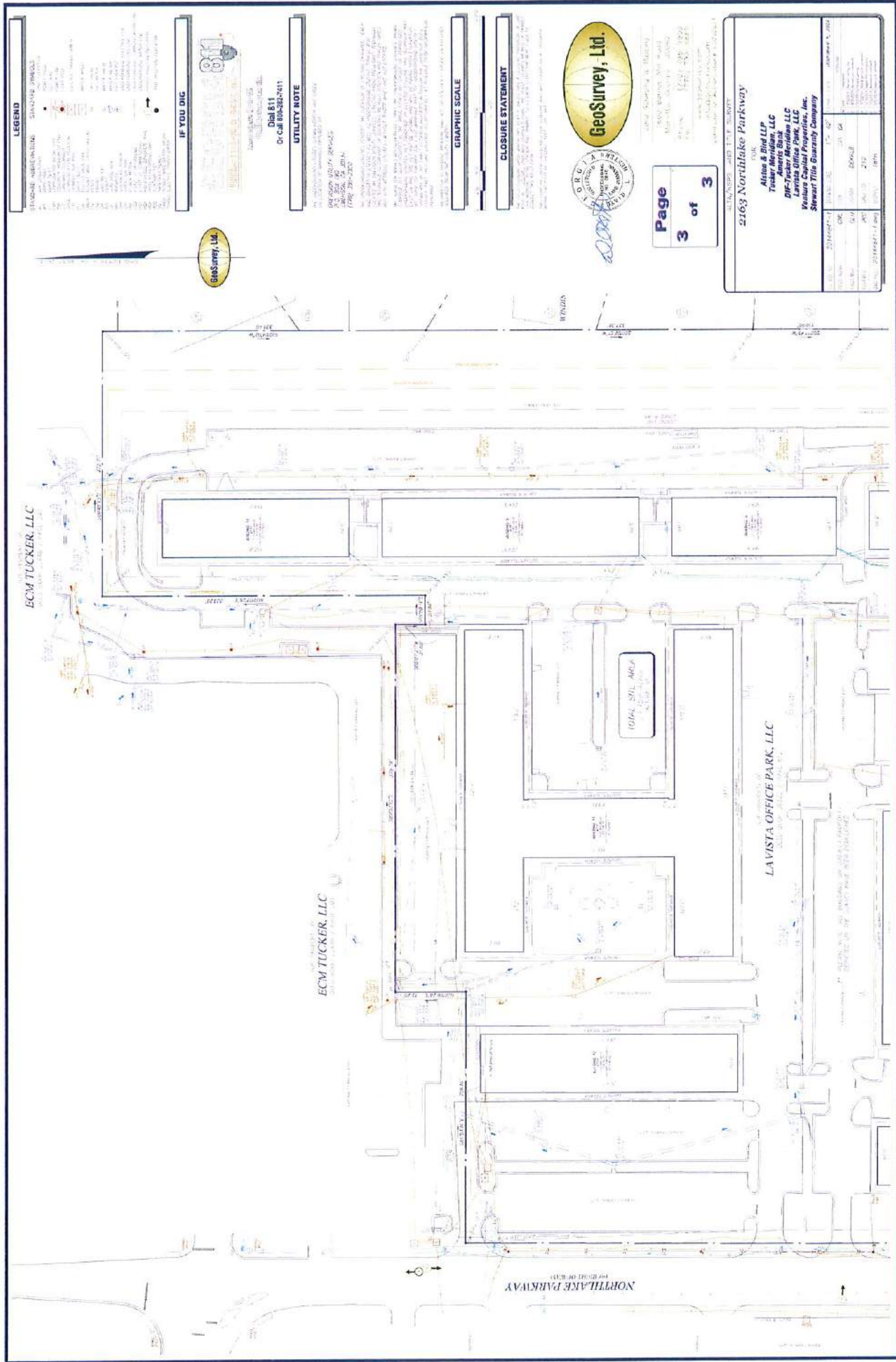
**Smith, Gambrell & Russell, LLP**  
Promenade, Suite 3100  
1230 Peachtree Street, N.E.  
Atlanta, Georgia 30309  
404-815-3500

  
\_\_\_\_\_  
Kathryn M. Zickert  
Dennis J. Webb, Jr.  
Vickie B. Chung  
*Attorneys For Applicant*









**LEGEND**

- STANDARD ABBREVIATIONS:**
- 1. CENTERLINE
  - 2. PROPERTY LINE
  - 3. EASEMENT
  - 4. EASEMENT
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**IF YOU DIG**



Dial 811  
Or call 800-282-7411

**UTILITY NOTE**

ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO ANY CONSTRUCTION OR DIGGING OPERATIONS.

**GRAPHIC SCALE**

1" = 100'

**CLOSURE STATEMENT**

THIS PLAN WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A LICENSED PROFESSIONAL SURVEYOR IN THE STATE OF FLORIDA. I HEREBY CERTIFY THAT THE INFORMATION CONTAINED HEREIN IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



Page  
3 of 3

2183 Northlake Parkway  
OKC

Alison & Brad LLP  
Tucker Meridian, LLC  
Amerigo Bank  
DPS-Tucker Meridian, LLC  
Lavista Office Park, LLC  
Venture Capital Properties, Inc.  
Stewart Title Guaranty Company

DATE	2/14/2024	BY	DSH
CHK	11	DATE	2/14/24
NO. OF SHEETS	3	DATE	2/14/24
PROJECT NO.	212	DATE	2/14/24
PROJECT NAME	212	DATE	2/14/24
PROJECT LOCATION	212	DATE	2/14/24
PROJECT CLIENT	212	DATE	2/14/24
PROJECT ADDRESS	212	DATE	2/14/24
PROJECT CITY	212	DATE	2/14/24
PROJECT STATE	212	DATE	2/14/24
PROJECT ZIP	212	DATE	2/14/24

ECM TUCKER, LLC

ECM TUCKER, LLC

LAVISTA OFFICE PARK, LLC

NORTHLAKE PARKWAY



**FORESITE**  
Group

17701 Lake Blvd  
Suite 200  
Houston, TX 77058  
Tel: 281.416.1000  
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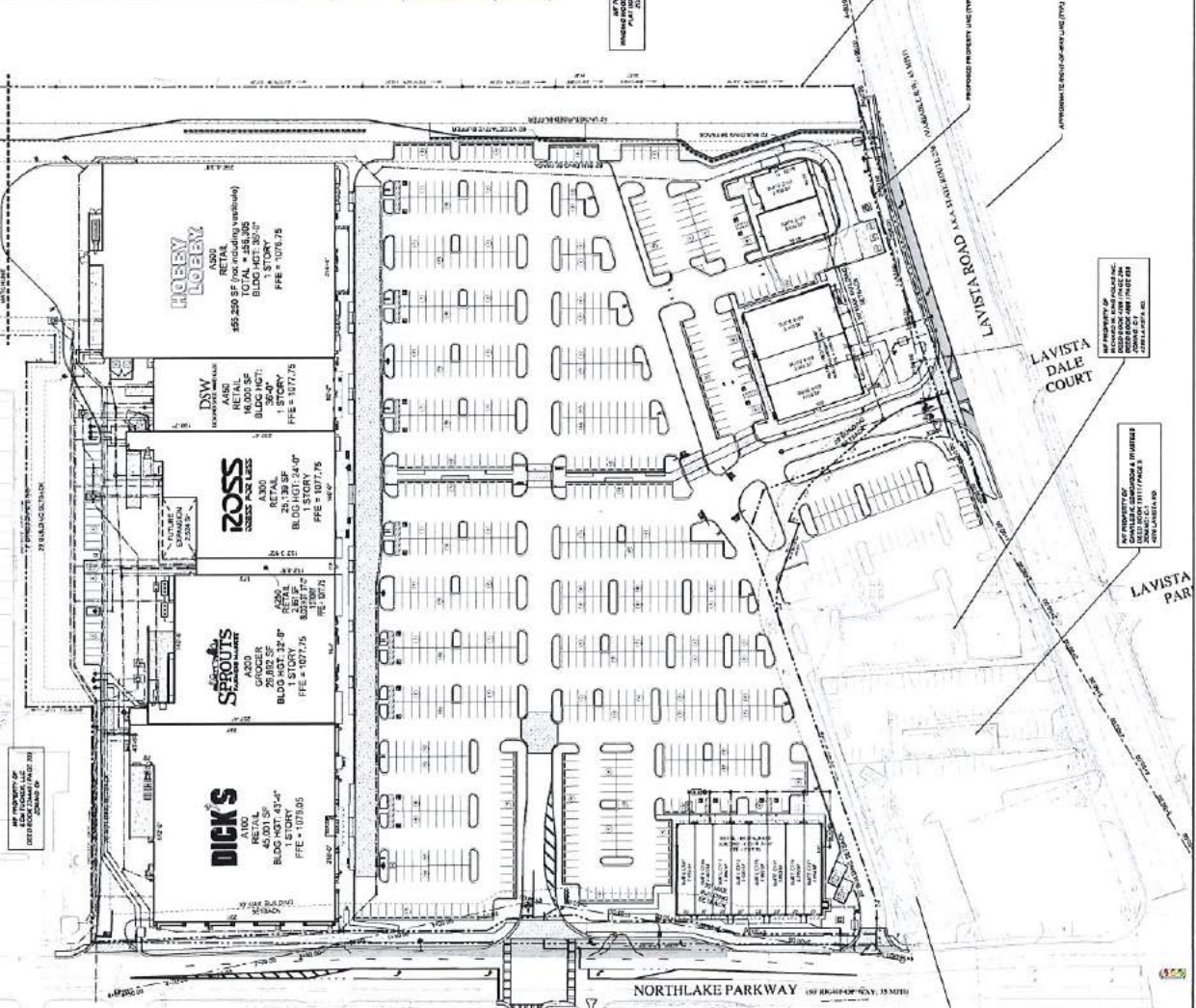
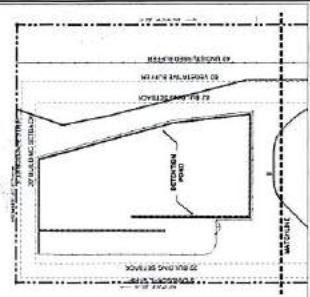
**TUCKER MERIDIAN LLC**  
PREVIOUSLY (LAVISTA OFFICE PARK LLC)  
1400 WINDING WAY  
TUCKER, GA 30084

**TUCKER MERIDIAN**  
PREVIOUSLY (THE MERIDIAN AT TUCKER)  
1400 WINDING WAY  
TUCKER, DEKALB COUNTY, GEORGIA

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

PROJECT MANAGER: \_\_\_\_\_  
DESIGNER: \_\_\_\_\_  
DATE: \_\_\_\_\_  
SCALE: \_\_\_\_\_  
TITLE: \_\_\_\_\_

**SLUP SITE PLAN**  
SHEET NUMBER: \_\_\_\_\_  
1 OF 3  
COMMENT: NEXT RELEASED FOR CONSTRUCTION  
SHEET NUMBER: 555.001



**PROJECT DATA**  
TUCKER MERIDIAN LLC  
1400 WINDING WAY  
TUCKER, GA 30084

**APPROVALS**  
APPROVED FOR PERMITTING: \_\_\_\_\_  
APPROVED FOR CONSTRUCTION: \_\_\_\_\_

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TOTAL STALLS: \_\_\_\_\_  
TOTAL STALLS: \_\_\_\_\_

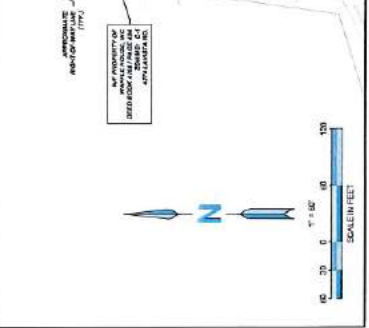
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TOTAL OPEN SPACE: \_\_\_\_\_  
TOTAL LOT COVERAGE: \_\_\_\_\_

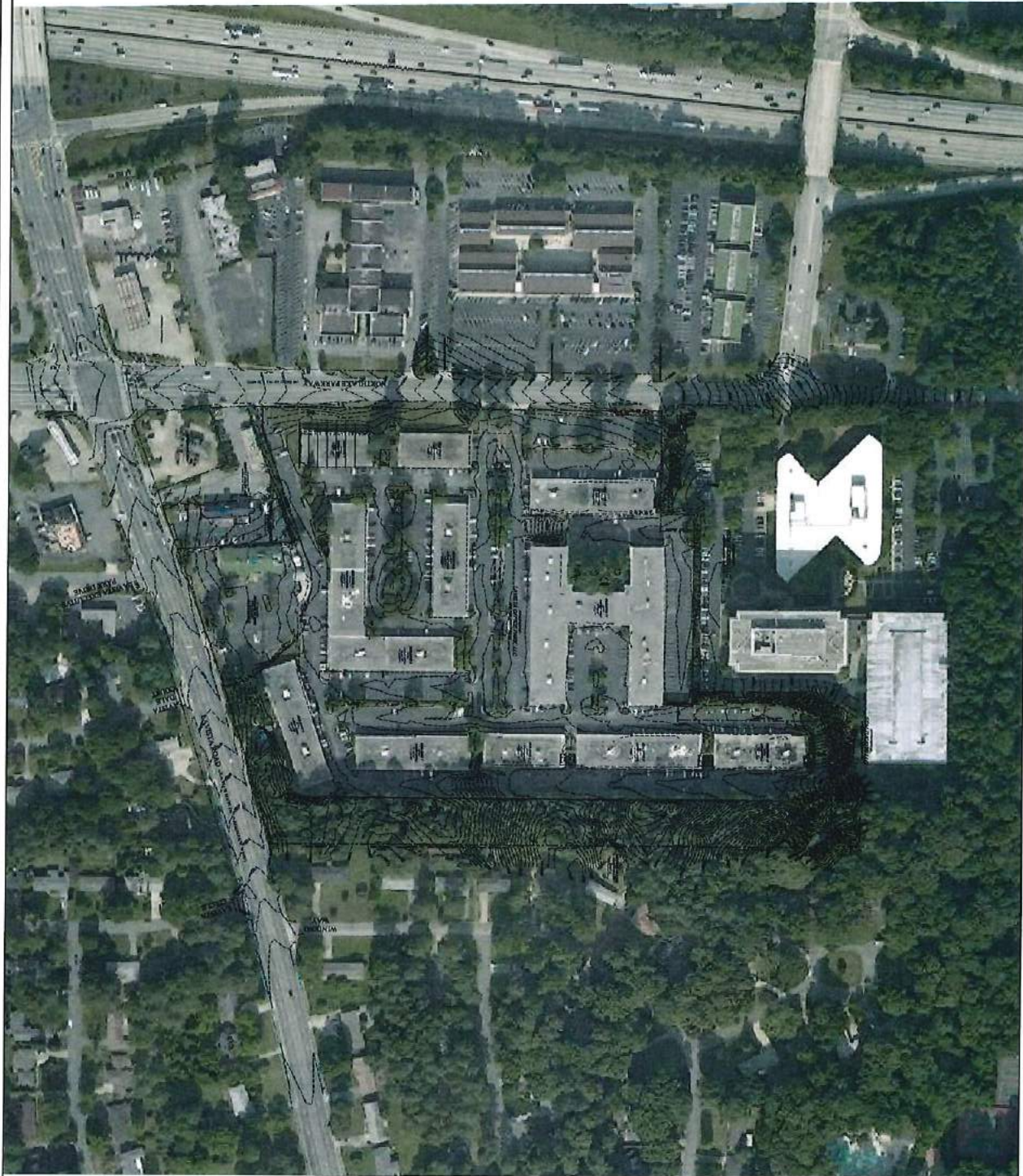
**LINE AND CURVE TABLE**

LINE NO.	START STATION	END STATION	LENGTH	CHORD BEARING	CHORD DISTANCE	ARC DISTANCE	ARC BEARING	ARC CENTER	ARC RADIUS
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2	0+10	0+20	10.00	N 45° 00' 00" E	14.14	10.00	45° 00' 00"	7.07	7.07
3	0+20	0+30	10.00	N 0° 00' 00" E	10.00	10.00	0° 00' 00"	0.00	∞
4	0+30	0+40	10.00	S 45° 00' 00" E	14.14	10.00	45° 00' 00"	7.07	7.07
5	0+40	0+50	10.00	S 0° 00' 00" E	10.00	10.00	0° 00' 00"	0.00	∞

**LEGEND**

- CONCRETE PAVEMENT
- ASPHALT PAVEMENT
- GRAVEL PAVEMENT
- TEMPORARY DRAINAGE
- VEGETATION
- EXISTING DRIVEWAY
- EXISTING SIDEWALK
- EXISTING CURB
- EXISTING UTILITY
- EXISTING FENCE
- EXISTING SIGN
- EXISTING LIGHTING
- EXISTING LANDSCAPE
- EXISTING TREES
- EXISTING UTILITIES
- EXISTING WATER MAIN
- EXISTING SANITARY MAIN
- EXISTING GAS MAIN
- EXISTING TELEPHONE MAIN
- EXISTING CABLE MAIN
- EXISTING FIBER OPTIC MAIN
- EXISTING POWER MAIN
- EXISTING WATER MAIN
- EXISTING SANITARY MAIN
- EXISTING GAS MAIN
- EXISTING TELEPHONE MAIN
- EXISTING CABLE MAIN
- EXISTING FIBER OPTIC MAIN
- EXISTING POWER MAIN





OWNER

**FORESITE**  
Group

Project Group, Inc.  
2010 American Park  
Norcross, GA 30092  
Tel: 770.441.2999  
Fax: 770.441.2998  
www.foresitegroup.com

DESIGNER

**TUCKER MERIDIAN LLC**  
PRESIDENT (KARLA) GIBBS PARKER  
1501 BRUSH DR. SUITE 100  
ALPHARETTA, GA 30009

CONTACT

JACOBUS, ME

**TUCKER MERIDIAN**  
PREVIOUSLY (THE MERIDIAN AT TUCKER)  
4280, 4310, 4320, 4324 LAVISTA RD.  
TUCKER, DEKALB COUNTY, GEORGIA

PROJECT

SITE

NO. 1	DATE
NO. 2	DATE
NO. 3	DATE
NO. 4	DATE
NO. 5	DATE
NO. 6	DATE
NO. 7	DATE
NO. 8	DATE
NO. 9	DATE
NO. 10	DATE

PROJECT NUMBER	DATE
DESIGNER	DATE
APPROVED BY	DATE
DATE	DATE
SCALE	DATE
TITLE	DATE

**EXISTING CONDITIONS**

SHEET NUMBER: 2 OF 3  
 COMMENTS: NOT RELATED FOR EXISTING  
 ZONING NUMBER: 555.001