

## David C. Kirk

Partner

Atlanta

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David is the only practicing attorney in Georgia who also is a Fellow of the American Institute of Certified Planners, offering clients an unmatched combination of education, experience and acumen in a broad range of development and redevelopment matters.

### OVERVIEW

David's practice focuses on land use, zoning, permitting, annexation, telecommunications law, urban development and redevelopment, ethics, and other state and local regulatory matters. David represents owners and developers of retail, residential, office, restaurant, industrial, and mixed-use projects; energy and telecommunications companies; community improvement districts; a leading hospital; private schools; charitable foundations; small businesses; and individuals before various planning bodies in the Atlanta region and throughout Georgia. He has assisted wireless communication companies in obtaining local zoning and development approvals for hundreds of telecommunications facilities in Georgia, through both administrative proceedings and, when necessary, litigation.

David also works closely with the firm's attorneys in the real estate section to assist clients in zoning and land-use due diligence efforts associated with the purchase, sale or redevelopment of property to ensure the current or contemplated use of the land complies with local regulations. He has represented clients in legislative matters before the Georgia General Assembly and in administrative matters before state and local agencies.

Prior to attending law school and beginning his legal career, David worked for 12 years in the land use and transportation planning divisions of the Atlanta Regional Commission. This experience gives David a unique perspective on land use and zoning matters, as well as the ability to work effectively with local government staff, appointed officials and elected leaders toward favorable results.

David is committed to his community. He donates his legal skills and time to a wide variety of pro bono clients and nonprofit organizations involved in the education and mentoring of at-risk youth, the care of the mentally ill, and the arts. He has served on numerous local government task forces involved in planning, permitting and development issues.

### REPRESENTATIVE MATTERS

- Provided land use and zoning counsel developer of largest corporate office project in metro Atlanta's history throughout a complex and contentious rezoning process to obtain all necessary zoning approvals.

- Successfully obtained zoning approvals for the owner of a large suburban office park seeking to redevelop the property into a mixed-use project with several hundred residential units, 700,000 square feet of office, a 2-acre park, and associated retail uses.
- Served as redevelopment and land use counsel on the team that prepared plans and legislation creating the Atlanta BeltLine, a project recognized nationally and internationally for its transformative effect on Atlanta's intown neighborhoods.
- Provides ongoing legal counsel in the expansion, renewal and operation of community improvement districts in Downtown Atlanta and in the Central Perimeter area.
- Assisted a charitable foundation in local annexation, zoning and land use matters related to the redevelopment of the community surrounding Atlanta's East Lake Golf Club, including the first significant annexation by the city of Atlanta in a generation, the development of two charter schools, and construction of more than 500 units of mixed-income rental housing and facilities supporting the operation of the foundation and the PGA TOUR Championship golf tournament.
- Represented a major resort/residential developer in obtaining local zoning and Developments of Regional Impact approvals for a 600-acre mixed-use lakefront development.
- Provides ongoing representation of a national quick service restaurant chain, the nation's leading wireless carrier, national housing developers, national retailers, and a national automotive dealership in land use, zoning, and other entitlement matters in Georgia.

## AWARDS

- *Chambers USA*: Real Estate: Zoning/Land Use (2023-2025)
- *Legal 500 United States*: Real Estate: Land Use/Zoning (2025)
- Fellow, American Institute of Certified Planners, (2012-present)
- Leadership Atlanta, Class of 2012
- Atlanta Regional Leadership Institute, Class of 2005

## TOP AREAS OF FOCUS

- Government + Regulatory
- Land Use + Zoning
- Real Estate
- Telecommunications + Infrastructure

## ALL AREAS OF FOCUS

- Economic Development
- Government + Regulatory
- Land Use + Zoning
- Real Estate
- Renewable Energy
- Telecommunications + Infrastructure

## PROFESSIONAL/COMMUNITY INVOLVEMENT

- Faculty member, Community Planning Academy, Atlanta Regional Commission (2001-present)

- Frequent guest lecturer at Georgia State University College of Law and Georgia Tech School of City and Regional Planning
- American Institute of Certified Planners
- American Planning Association – Georgia Chapter
- Corporate Leadership Council, Fernbank Museum of Natural History
- Board member, St. Teresa House

## PROFESSIONAL EXPERIENCE

- Atlanta Regional Commission
  - Deputy chief of transportation planning, 1992-1996
  - Principal transportation planner, 1985-1992
  - Senior land use planner, 1984-1985

## EDUCATION AND CERTIFICATIONS

### EDUCATION

- University of Michigan Law School, J.D., 1999
- Harvard University, M.C.R.P., 1982
- Duke University, B.A., *magna cum laude*, 1979
- Australian National University, *Rotary International Foundation Scholar*, 1983

### BAR ADMISSIONS

- Georgia

### COURT ADMISSIONS

- Supreme Court of Georgia
- Court of Appeals of Georgia
- U.S. District Court, Northern District of Georgia

## SPEAKING ENGAGEMENTS

- “Georgia Zoning Law Refresher,” Georgia Association of Zoning Administrators Winter Conference, February 2019.
- Panelist, “Unpacking Inclusionary Zoning,” Atlanta Workshop and Roundtable, Urban Land Institute, May 2018.
- Presenter, “Keeping the Law on Your Side – Georgia Planning & Zoning Law Update,” Georgia Association of Zoning Administrators Winter Conference, February 2018.
- Presenter, “Legal Foundations of Planning and Zoning,” Community Planning Academy, Atlanta Regional Commission, 2001–present.
- Moderator, “Transit Oriented Development – Density and Connectivity,” Bisnow panel, September 2017.
- Presenter, “Keeping the Law on Your Side – Georgia Planning & Zoning Law Update,” Georgia Planning Association Fall Conference, September 2017.
- Presenter, “Recent Developments in Telecommunications Law,” Joint Georgia/South Carolina Planning Conference, October 2016.

- Presenter, “Telecommunications Law and Practice in Georgia,” Georgia Association of Zoning Administrators Winter Conference, February 2016.
- Presenter, “Advanced Land Use and Zoning Law,” Georgia Association of Zoning Administrators Summer Conference, August 2014.
- Co-presenter, “Better (and Legal) Decision Making for Planning and Zoning Officials,” American Planning Association National Conference, April 2014.
- Presenter, “Georgia Land Use and Zoning Law,” Georgia Association of Zoning Administrators Winter Conference, February 2014.
- Presenter, “Georgia Planning and Zoning Law,” Georgia Planning Association, April 2013.
- Co-chair, “Georgia Land Use Law” two-day professional development seminar; Presenter, “Telecommunications Law,” December 2012.

## PUBLICATIONS

- Co-author, “Parking Perplexities: Developers Face New, Growing Challenges,” *Development Magazine*, Summer 2019.
- Co-author, “Georgia Supreme Court *Hoechstetter v. Pickens County* Decision Poses Zoning Process Challenges for Georgia Local Governments,” Georgia Planning Association, June 2018.
- Author, “Avoiding Conflicts of Interest in Zoning Actions,” *Georgia County Government* magazine, July 2005.

## MEDIA COMMENTARY

- Quoted, “Dunwoody Planning Commission Defers Decision on Big Mixed-Use Project Near Perimeter Mall,” *Reporter Newspapers*, August 12, 2022.
- Quoted, “Roswell City Council Approves Verizon Data Center Expansion,” *Alpharetta-Roswell Herald*, March 15, 2022.