

**DEPARTMENT OF PLANNING & SUSTAINABILITY**

**MAJOR MODIFICATION APPLICATION**

Date Submitted: 10/31/19 Case No.: CZ-10-16426

Existing Conditional Zoning No.: CZ-10-16426

**APPLICANT NAME:** WOLVERTON & ASSOCIATES, INC. / HUNTER HYDE

Daytime Phone#: 770-447-8999 Fax #: \_\_\_\_\_ E-mail: hunter.hyde@wolvertoninc.com

Mailing Address: 6745 SUGARLOAF PARKWAY, SUITE 100, DULUTH GA 30097

**OWNER NAME:** RAF CAPITAL, LLC / ARTHUR COHEN

(If more than one owner, attach contact information for each owner)

Daytime Phone#: 404-659-1516 Fax #: 404-659-1568 E-mail: Tectoninc@aol.com

Mailing Address: 651 DALLAS ST. NE, SUITE A, ATLANTA GA 30308

**SUBJECT PROPERTY ADDRESS OR LOCATION:** 1807 MEMORIAL DRIVE

ATLANTA, DeKalb County, GA, 30317

District(s): 15 Land Lot(s): 179 Block(s): 8 Parcel(s): 15 179 08 001

Acreage or Square Feet: 12.52 Ac. Commission District(s): 3 & 6 Existing Zoning: MU-4

I hereby authorize the staff of the Planning and Development Department to inspect the property that is the subject of this application.

**Signature of Applicant:** T. Hunter Hyde

Digitally signed by T. Hunter Hyde  
DN: cn=US, e=hunter.hyde@wolvertoninc.com, o=Wolverton &  
Associates, Inc., ou=Wolverton & Associates, Inc., cn=T. Hunter  
Hyde  
Location: office  
Reason: I have reviewed this document  
Contact Info: hunter.hyde@wolvertoninc.com  
Date: 2019.10.31.11:17:20 -0400

**Printed Name of Applicant:** HUNTER HYDE, WOLVERTON & ASSOC.



**WOLVERTON**  
A CHA Company



## LETTER OF TRANSMITTAL

**TO:** Ms. Marian Eisenberg  
DeKalb County Department of  
Planning & Sustainability

**DATE:** October 31, 2019  
**RE:** Major Modification for Proposed  
LIDL @ 1807 Memorial Drive

Clark Harrison Building  
330 W. Ponce de Leon Avenue  
Decatur, GA 30030

**PROJECT NO.:** 19-LD-077  
**PHONE NO.:** (404) 371-2155

**FROM:** Hunter Hyde, PE  
Practice Area Leader \\ Land Development

COPIES	DATED	DESCRIPTION
4	10/31/19	Major Modification Application Form & Check for \$250.00
4	10/29/19	Pre-Submittal Community Meeting Notice & Sign In Sheet
4	10/31/19	Letter of Application & Impact Analysis
4	10/30/19	Owner Authorization Form
4		Campaign Disclosure Statement
4	10/31/19	Full Size Survey, Site Plan, Landscape Plan and Building Elevations
4	10/31/19	Reduced Size Site Plan
4	10/10/19	Signed Pre-Application Form
1	10/31/19	Flash Drive with all above documents and plans in PDF form

**TRANSMITTED:**

<b>MAIL</b>	<b>COURIER</b>	<b>DELIVERED BY HAND</b>
<b>FED EX</b>	<b>PICKED UP</b>	<b>OTHER</b>

### NOTES/COMMENTS:

Should you have any questions or comments, please do not hesitate to contact me at 678.405.3101.

**SIGNED** T. Hunter Hyde

Digitally signed by T. Hunter Hyde  
DN: cn=T. Hunter Hyde, o=Wolverton & Associates, Inc., ou=Wolverton & Associates, Inc., cn=T. Hunter Hyde  
Location: office  
Reason: I have reviewed this document.  
Contact Info: hunter.hyde@wolvertoninc.com  
Date: 2019.10.31 11:35:57 -0400



**WOLVERTON**  
A CHA Company



October 24, 2019

Ms. Marian Eisenberg  
DeKalb County Department of Planning & Sustainability  
Clark Harrison Building  
330 W. Ponce de Leon Avenue  
Decatur, GA 30030

Re: Letter of Application and Impact Analysis for Proposed LIDL @ 1807 Memorial Drive

Dear Ms. Eisenberg:

On behalf of our client, LIDL US, LLC, please find below our Letter of Application and Impact Analysis in support of our Major Modification Application to modify existing zoning conditions (CZ-10-16426, dated July 27, 2010) placed on the 'Parkview Station' property located at 1807 Memorial Drive in unincorporated DeKalb County, GA. We are proposing to construct a LIDL grocery store at this location, however the proposed building and site layout differs from the site plan that was previously approved as a zoning condition on this property.

Letter of Application

The existing zoning classification on this property is 'MU-4', Mixed Use High Density and is suitable for a grocery store use, therefore we do not request a change in zoning classification.

Condition #1 of the current zoning conditions (CZ-10-16426) requires: 'Substantial Compliance with the site plan entitled "Parkview Station, 1807 Memorial Drive Atlanta, Georgia" prepared by Pimsler-Hoss Architects, Inc., dated May 27, 2010.' The proposed LIDL grocery store building and site layout was deemed to be not be in substantial compliance with that site plan, hence the reason for this Major Modification application.

In the southern portion of this site, there is presently a 92,400 SF (+/-) building in which existing uses include Ivy Preparatory Academy, Kirkwood Family Medicine and LIV Fitness. In the northeast corner of the site there is a 1,400 SF (+/-) building that was formerly a Pizza Hut but is presently vacant and is planned to be demolished as part of the proposed LIDL development. The LIDL development will include a 29,100 SF (+/-) single story grocery building with associated parking, drive aisles, sidewalks and landscaped areas. The number of LIDL employees on a typical shift will be 10 and the hours of operation will be 8:00 AM - 10:00 PM Monday through Sunday.

In a Pre-Submittal Community Meeting held on October 29, 2019, all attendees expressed support for the proposed LIDL.

## Impact Analysis

As previously noted, Condition #1 of the existing (2010) zoning conditions on this property requires 'substantial compliance with the site plan entitled "Parkview Station, 1807 Memorial Drive, Atlanta, GA" dated May 27, 2010'. That plan proposes two new commercial/retail buildings (labeled Buildings #2 and #3) and keeping the Pizza Hut restaurant (labeled Building #4) in the north east portion of the property. As shown on the new site plan included with this application, a LIDL grocery store is now proposed in place of these three buildings. **As such, we request the removal of Condition #1 from the zoning conditions. We also request the removal of Condition #5,** since the reference to Buildings #2, 3, and 4 (and pedestrian connectivity between them) is no longer applicable. The other eight zoning conditions (2, 3, 4, and 6-10) are acceptable to the Applicant.

The applicant believes that the proposed modifications will have no anticipated negative impacts since there are no changes proposed regarding prohibited uses and there are only minor changes to the overall planned building square footage and total proposed parking, but that are still in compliance with the MU-4 zoning district requirements. The applicant further believes that this zoning proposal is in conformity with the policy and intent of the Comprehensive Plan. The proposed re-development is not expected to cause excessive or burdensome use of existing streets, transportation facilities, or schools.

Should you have any questions, please do not hesitate to contact me at 770.447.8999 or [hunter.hyde@wolvertoninc.com](mailto:hunter.hyde@wolvertoninc.com) as I will serve as your point of contact.

Sincerely,

WOLVERTON & ASSOCIATES, INC.



Hunter Hyde, PE  
Practice Area Leader \\ Land Development

HH/s

## DEPARTMENT OF PLANNING & SUSTAINABILITY

### ZONING CONDITIONS

**Sec. 27-7-3.9 Conditions of zoning.** Conditions may be requested by an applicant, recommended by the planning department and planning commission, and imposed by the board of commissioners, as a part of any proposed change to the official zoning map, in accordance with the following requirements:

- A. Conditions may be imposed so as to ameliorate the effect(s) of the proposed developmental change for the protection or benefit of neighboring persons or properties consistent with the purpose and intent of the district(s) involved, and the goals and objectives of the comprehensive plan and state law. No condition shall be imposed which reduces the requirements of the zoning district(s) involved, except as stipulated in Section 8.1.12 of this chapter. All conditions shall be of sufficient specificity to allow lawful and consistent application and enforcement. All conditions shall be supported by a record that evidences the relationship between the condition and the impact of the developmental change. No condition in the form of a development exaction for other than a project improvement shall be imposed within the meaning of the Georgia Development Impact Fee Act, as amended.
- B. Once imposed, conditions of zoning shall become an integral part of the approved amendment and shall be enforced as such. Change to approved conditions shall be authorized only pursuant to Section 7.3.10.
- C. Site plans referenced in the conditions of zoning are conceptual only unless specific aspects of the site plan or the site plan itself are approved as a separate zoning condition. Development shall meet or exceed the imposed zoning conditions and all other applicable law, standards and regulations of DeKalb County. Compliance with the conditions of zoning shall be demonstrated prior to the issuance of a land disturbance permit or building permit and conditional improvements shall be in place prior to the issuance of the first certificate of occupancy.

**Sec. 27-7.3.10. Modifications and changes to approved conditions of zoning.**

The Director of Planning shall have sole authority to approve minor changes to conditions attached to an approved zoning amendment. Minor changes are those that implement only slight alterations to the approved conditions, made necessary by the actual field conditions at the time of development, that do not alter the impact of the development on nearby properties nor the intent or integrity of the conditions as originally imposed. Any request for minor change of conditions shall be filed with the director of planning or his/her designee on a written form which shall include a full description of the documents and/or information necessary for the application to be considered complete. At a minimum, if an approved site plan exists, the request for minor changes shall be accompanied by four copies of the proposed revised site plan. The director of planning shall decide whether to grant or deny the request for minor changes to conditions with 30 calendar days of receipt of a complete request for such minor changes. After making a decision, the director of planning shall have 10 calendar days to post a sign on the subject property which reflects the decision of the director and includes the deadline for taking an appeal of the decision. Person(s) identified in Section 7.5.2(B) shall have fifteen (15) calendar days from the posting of the sign to appeal the director of planning's decision by filing an application for appeal with the secretary of the zoning board of appeals. Any major change to conditions attached to an approved zoning amendment shall require an application and public hearings before the planning commission and the board of commissioners, as required in Section 7.2.4 of this article for amendments to the Official Zoning Map. Without limiting the meaning of the phrase, the following shall be deemed to constitute "major change" for the purposes of interpreting this section:

## DEPARTMENT OF PLANNING & SUSTAINABILITY

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1. The movement of any building or structure adjacent to an exterior boundary line, closer to the boundary line of the property;
2. Any increase in the number of dwelling units or any increase in the total amount of floor space of any nonresidential building;
3. Any decrease in the minimum size of residential units imposed in the original conditional amendment;
4. Any change in any buffer requirement(s) imposed in the original conditional zoning amendment;
5. Any increase in the height of any building or structure;
6. Any change in the portion of floor space devoted to different authorized uses; or
7. Any change to conditions, except minor changes as defined in subsection 7.3.10(A), imposed by the board of commissioners when approving any change to the official zoning map, commonly referred to as a rezoning or a zoning amendment.

### FILING FEE – MAJOR MODIFICATIONS/CHANGE OF ZONING CONDITIONS

All Districts: \$250.00

Notice Date: October 14, 2019

## PUBLIC NOTICE

To

### Request for Rezoning

Filed by: Lidl US, LLC

Located at: 1807 Memorial Drive, Atlanta, GA 30317

Current Zoning: (MU-4 with conditions)

Proposed Zoning: MU-4 (Mixed Use 4)

Proposed Use: Grocery

Hours of Operation: Sunday – Saturday, 8am-10pm

PRE-SUBMITTAL COMMUNITY MEETING TO TAKE PLACE AT: Burgess-Peterson Academy

Location: 480 Clifton St. SE Atlanta, GA 30316 (Band Room-Direct Sidewalk Access)

Date & Time: Tuesday, October 29<sup>th</sup>, 2019 at 7:00pm

**MEETING SIGN-IN SHEET**

Project: Lidl-1807 Memorial Drive

Meeting Date: 10/29/2019

Facilitator:

Location: Burgess Peterson Academy

Name	Address	Phone	Email
Allen Pinson	3276 Northside PKway	864-941-6285	pinsonab@ymail.com
Stephanie Parker	1163 Greenleaf Rd		S_d_parker_era@yahoo.com
Eric Schwartz	1575 Liberty Ave SE	678-439-8437	ericwschwartz@gmail.com
Yvonne Taylor-Cherry	177 Dearborn ST SE	678-458-5686	TaylorY126@yahoo.com
Lynn Joseph	229 Rocky Ford, 30317	404-822-7768	2wimgirl@gmail.com
Vick Vyas	1999 Hoseal Williams	678-735-0223	V.vit_vyas@hotmail.com
Mitchell Davis	1092 Beverly Woods Ct	678-251-4602	mdavis@memilliamprod.com
HUNTER HYDE	6745 Sugarleaf Parkway	<del>678-984-4458</del>	hunter.hyde@walkeer.com
Joseph Dinwiddie	1574 Liberty Ave SE	865-335-2708	jldinwiddie@gmail.com
Jonathan Baphite	1270 Caroline St. #0120-133	310-567-3718	baphite@hotmail.com
Will Bryant	119 Howard St. NE	404-449-8909	wbryant@memilliamprod.com
Shaun Walker	4632 Liberty Square Dr.	404-824-4957	Shaun.walker@aol.com

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**DEPARTMENT OF PLANNING & SUSTAINABILITY**

**AUTHORIZATION**

The property owner should complete this form or a similar signed and notarized form if the individual who will file the application with the County is not the property owner.

Date: 10/30/2019

TO WHOM IT MAY CONCERN:

(I), (WE), Victor D. Tate (Board Chairman)  
Name of Owner(s)

being (owner) (owners) of the subject property described below or attached hereby delegate authority to  
LIDL US, LLC/John Risher, Mailing Address: 400 Interstate N Parkway SE, Suite 320, Atlanta GA 30339, Phone No: 703-859-5469  
and Wolverton Inc/Hunter Hyde, Mailing Address: 6745 Sugarloaf Parkway, Suite 100, Duluth GA 30097, Phone No: 770-447-8999

Name of Applicant or Representative

to file an application on (my) (our) behalf.

[Signature]  
Notary Public  
Exp 08/09/2020

[Signature]  
Owner

**Eva T. Forest**  
Notary  
Public  
DeKalb County, State of Georgia

Notary Public

Owner

Notary Public

Owner

Notary Public

Owner

DEPARTMENT OF PLANNING & SUSTAINABILITY

DISCLOSURE OF CAMPAIGN CONTRIBUTION

In accordance with the Conflict of Interest in Zoning Act, OCGA Chapter 36-67A, the following questions must be answered.

Have you, the applicant, made \$250.00 or more in campaign contribution to a local government official within two years immediately preceding the filing of this application?

Yes \_\_\_\_\_ No  \_\_\_\_\_ \*

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and to the Board of Commissioners of DeKalb County, 1300 Commerce Drive, Decatur, GA 30030.

\_\_\_\_\_  
Notary

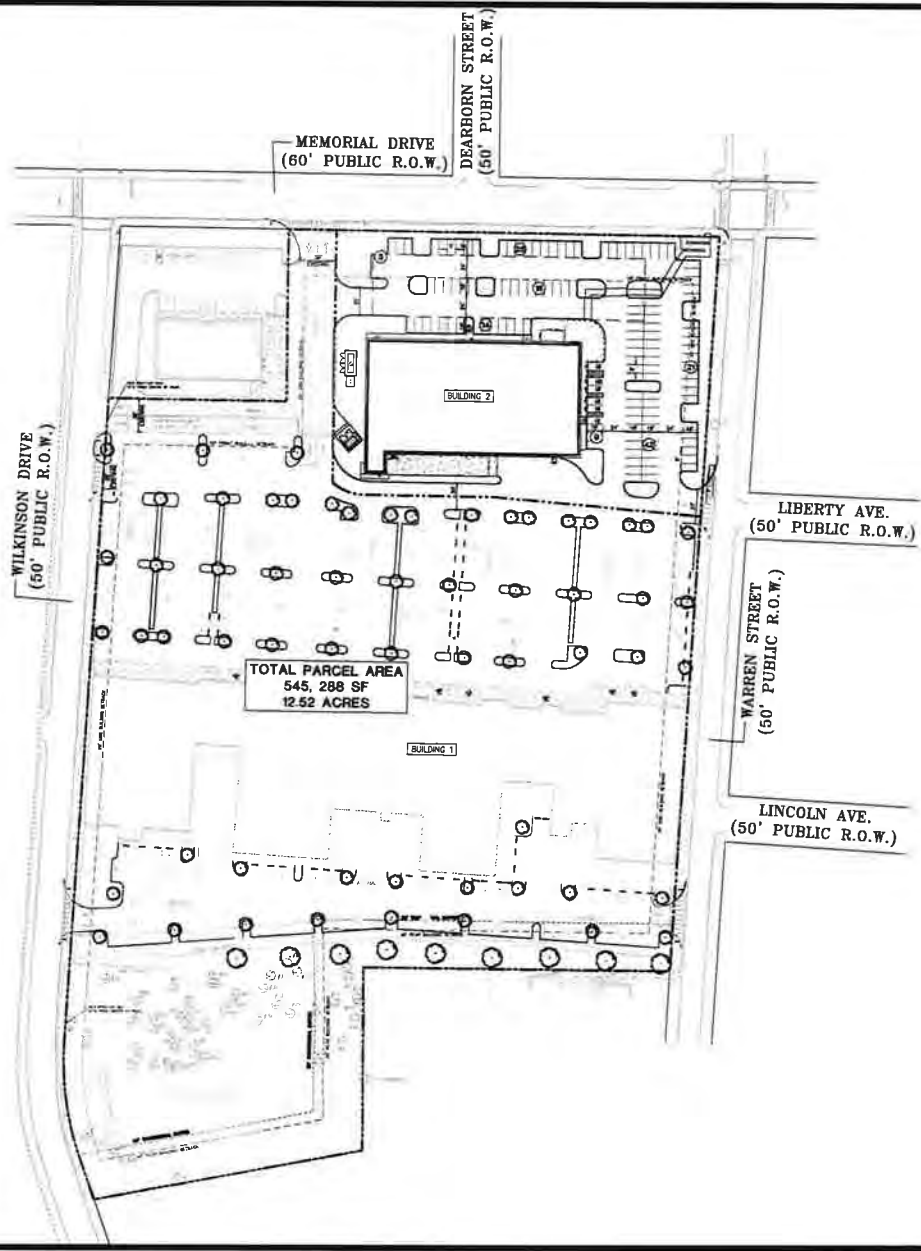
  
\_\_\_\_\_  
Signature of Applicant /Date

Check one: Owner \_\_\_\_\_ Agent

\_\_\_\_\_  
Expiration Date/ Seal

\*Notarization is not needed if the response is "No"

10/24/2019 10:58 AM 19-LD-077 Planning - L10101 2-1  
 C:\Users\jg\Documents\19-LD-077\Production\Drawings\19-LD-077\_Mapping - L10101 2-1



**SITE PLAN NOTES**

ANY LAND USE ALLOWED IN THE M-1 (FORMERLY UO1) DISTRICT SHALL BE PERMITTED IN BUILDINGS # 1 & 2 EXCEPT FOR THOSE LAND USES SPECIFICALLY PROHIBITED BY CONDITIONS # 6 & 7.

NEW LAND SURVEY PROVIDED BY JORDY & ASSOCIATES LAND SURVEYING, LLC ON 08/28/2019. THIS PROPERTY IS NOT SHOWN TO BE WITHIN THE LIMITS OF A 100 YEAR FLOOD HAZARD AREA ACCORDING TO FIRM FLOOD INSURANCE RATE MAP. UNFORTUNATELY, THESE MAPS HAVE BEEN DOWN LOADED FROM THE STATE'S WEBSITE. THE EXACTNESS IS BASED ON DIMENSIONALLY LOCATING THIS PROPERTY ON SAID MAP. AN ADDITIONAL FIELD WORK HAS BEEN DONE TO VERIFY THIS INFORMATION.

A VARIANCE HAS BEEN PREVIOUSLY AWARDED ON THIS PROPERTY TO REDUCE THE SIDEYARD SETBACKS ALONG WILKINSON DRIVE AND WARREN STREET FROM 45'-0" TO 30'-0".

**DEFINITIONS**  
 EXISTING SHALL INCLUDE BUILDINGS 1 AND 4 IN THEIR CURRENT CONFIGURATION ON SITE.  
 PROPOSED SHALL INCLUDE BUILDING 2.

LOT AREA = 13.52 ACRES (545,288 SF)  
 BUILDING HEIGHT  
 EXISTING BUILDING #1 HEIGHT: 32'  
 PROPOSED BUILDING #2 HEIGHT: 32'

LOT COVERAGE = TOTAL IMPERVIOUS SURFACE AREA/TOTAL LOT AREA  
 EXISTING LOT COVERAGE = 494,115 SF / 545,288 SF = 90.8%  
 PROPOSED LOT COVERAGE = 414,618 SF / 545,288 SF = 76.0%

OPEN SPACE = TOTAL LOT AREA - IMPERVIOUS SURFACE / TOTAL LOT AREA  
 EXISTING OPEN SPACE = 67,173 SF / 545,288 SF = 12.3%  
 PROPOSED OPEN SPACE = 130,670 SF / 545,288 SF = 23.9%

**TOTAL BUILDING AREAS**  
 TOTAL EXISTING BUILDING AREA - 424,115 SF  
 TOTAL PROPOSED BUILDING AREA ON TRACT 1 = 12,210 SF

BUILDING 1 AREA (EXISTING) = 42,418 SF  
 BUILDING 2 AREA (PROPOSED) = 38,088 SF  
 BUILDING 4 AREA (EXISTING, BUT TO BE DEMOLISHED) = 1,608 SF

**PARKING**  
 BUILDINGS 1 & 2  
 TOTAL SPACES PROVIDED = 500

TOTAL PARKING RATIO PROVIDED = 4.87 / 1,000 SF

**PROPOSED ZONING  
CONDITIONS SITE PLAN**



**Project Title**  
 PROPOSED GROCERY STORE @ PARKVIEW PLAZA  
 1607 MEMORIAL DRIVE  
 ATLANTA, DEKALB COUNTY, GA 30317  
 (US1453)

REVISIONS	BY

**DRAWN BY** DAN  
**CHECKED BY** TMM  
**DATE** 10/24/2019  
**SCALE** 1" = 60'  
**JOB NO.** 19-LD-077  
**SHEET NUMBER**  
Z-1

19-LD-077 MAPPING

**TITLE EXCEPTIONS**  
 FIRST AMERICAN TITLE INSURANCE COMPANY  
 COMMITMENT NO.: NCS-973351-ATL  
 COMMITMENT DATE: JULY 29, 2019  
 SCHEDULE B, PART II

12. EASEMENT FROM PARK VIEW PLAZA, INC. TO GEORGIA POWER COMPANY, DATED NOVEMBER 15, 1958, FILED DECEMBER 20, 1958 AND RECORDED IN DEED BOOK 1238, PAGE 294, RECORDS OF THE SUPERIOR COURT OF DEKALB COUNTY, GEORGIA. SAID DOCUMENT DESCRIBES AN EASEMENT FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF AN ELECTRIC LINE. ALSO INCLUDES THE RIGHT OF ENTRY TO ACCESS SAID LINE AND THE RIGHT TO CLEAR ANY OBSTRUCTIONS THAT MIGHT INTERFERE WITH SAID LINE. SAID EASEMENT AND RIGHTS DO AFFECT THE SUBJECT PROPERTY AND ARE BLANKET IN NATURE; UNABLE TO PLOT.

13. RIGHT-OF-WAY EASEMENT FROM PARK VIEW PLAZA, INC. TO GEORGIA POWER COMPANY, DATED FEBRUARY 14, 1968, FILED MARCH 13, 1968 AND RECORDED IN DEED BOOK 2289, PAGE 792, AFORESAID RECORDS. SAID DOCUMENT DESCRIBES AN EASEMENT FOR THE CONSTRUCTION, OPERATION, AND MAINTENANCE OF AN ELECTRIC LINE. ALSO INCLUDES THE RIGHT OF ENTRY TO ACCESS SAID LINE AND THE RIGHT TO CLEAR ANY OBSTRUCTIONS THAT MIGHT INTERFERE WITH SAID LINE. SAID EASEMENT AND RIGHTS DO AFFECT THE SUBJECT PROPERTY AND ARE BLANKET IN NATURE; UNABLE TO PLOT.

14. TEMPORARY CONSTRUCTION EASEMENT FROM F & F DEVELOPMENT PARTNERS, LLC TO CITY OF ATLANTA, DATED DECEMBER 5, 2008, FILED AUGUST 24, 2009 AND RECORDED IN DEED BOOK 21614, PAGE 44, AFORESAID RECORDS. SAID DOCUMENT DESCRIBES A TEMPORARY EASEMENT FOR THE CONSTRUCTION OF A SIDEWALK. SAID EASEMENT IS EXPIRED AND THEREFORE NO LONGER AFFECTS THE SUBJECT PROPERTY.

15. TEMPORARY CONSTRUCTION EASEMENT FROM F & F DEVELOPMENT PARTNERS, LLC TO CITY OF ATLANTA, DATED DECEMBER 5, 2008, FILED AUGUST 24, 2009 AND RECORDED IN DEED BOOK 21614, PAGE 48, AFORESAID RECORDS. SAID DOCUMENT DESCRIBES A TEMPORARY EASEMENT FOR THE CONSTRUCTION OF A SIDEWALK. SAID EASEMENT IS EXPIRED AND THEREFORE NO LONGER AFFECTS THE SUBJECT PROPERTY.

16. TEMPORARY CONSTRUCTION EASEMENT FROM JOEL S. AROGETI AND ROBERT J. AROGETI, AS CO-EXECUTORS OF THE LAST WILL AND TESTAMENT OF JAMES AROGETI, DECEASED, AROGETI ASSOCIATES, L.L.P., HERLIS ASSOCIATES, L.L.C., I.R.L. ASSOCIATES, L.L.P., TO CITY OF ATLANTA, DATED OCTOBER 7, 2009, FILED NOVEMBER 12, 2009 AND RECORDED IN DEED BOOK 21730, PAGE 643, AFORESAID RECORDS. SAID DOCUMENT DESCRIBES A TEMPORARY EASEMENT FOR THE CONSTRUCTION OF A SIDEWALK. SAID EASEMENT DOES NOT AFFECT OR BENEFIT THE SUBJECT PROPERTY.

18. NON-EXCLUSIVE DRIVEWAY EASEMENT CONTAINED IN SHORT FORM GROUND LEASE BETWEEN JAMES AROGETI, AROGETI ASSOCIATES, LTD., HERLIS ASSOCIATES, L.L.C. AND HERLIS ASSOCIATES, L.L.P. ("LANDLORD") AND AUTOZONE, INC., A NEVADA CORPORATION ("TENANT"), DATED JULY 19, 1994, FILED FEBRUARY 3, 1995 AND RECORDED IN DEED BOOK 8457, PAGE 49, AFORESAID RECORDS. SAID DOCUMENT DESCRIBES A DRIVEWAY EASEMENT AND A RESTRICTION ON USE OF PROPERTY. SAID DRIVEWAY EASEMENT DOES AFFECT THE SUBJECT PROPERTY AS SHOWN. SAID RESTRICTION DOES AFFECT THE SUBJECT PROPERTY AND IS BLANKET IN NATURE; UNABLE TO PLOT.

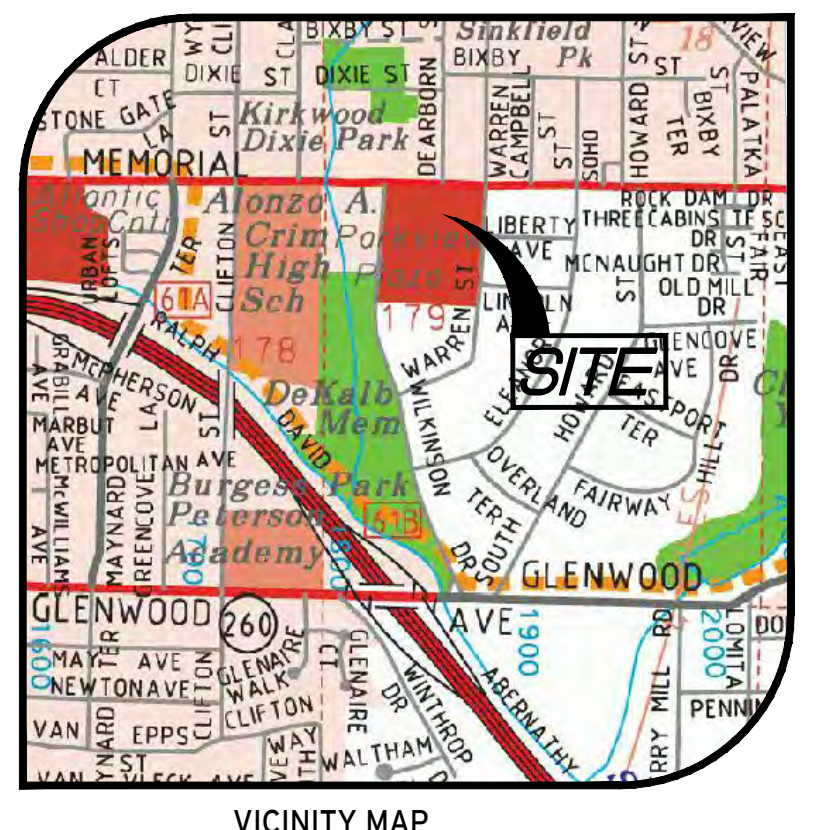
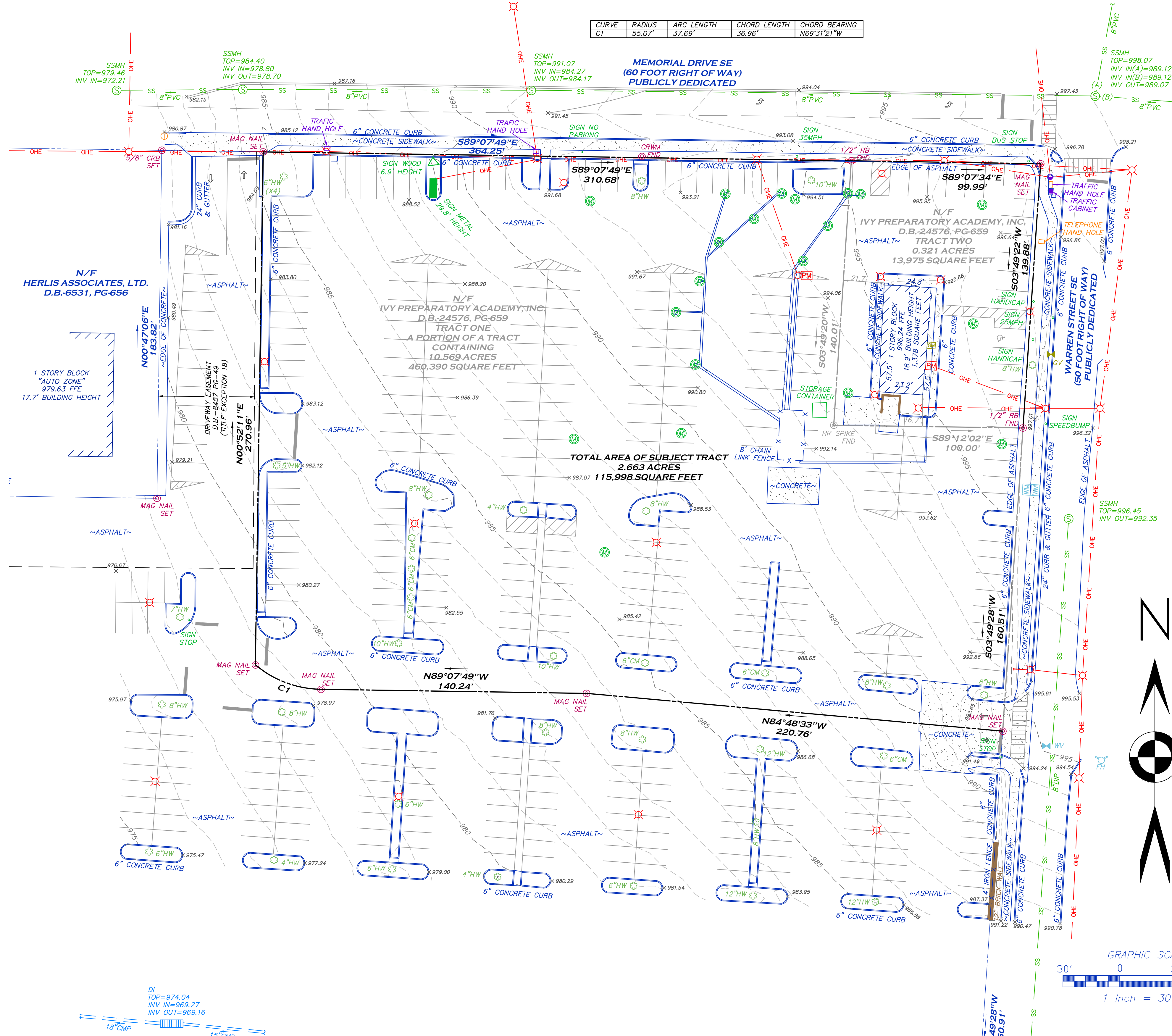
**ZONING**  
 PER ITEMS 6(A) AND 6(B) OF THE 2016 ALTA/NPS LAND TITLE SURVEY MINIMUM STANDARD DETAIL REQUIREMENTS, SETBACKS AND OTHER ZONING RESTRICTIONS/REQUIREMENTS CANNOT BE LISTED UNLESS A ZONING REPORT OR LETTER STATING SAID RESTRICTIONS/REQUIREMENTS IS PROVIDED.

**SUBJECT PROPERTY LEGAL DESCRIPTION**

ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING IN LAND LOT 179 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:  
 COMMENCING AT A MAG NAIL SET AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY OF MEMORIAL DRIVE (HAVING A 60-FOOT, PUBLICLY DEDICATED RIGHT OF WAY) AND THE WESTERLY RIGHT OF WAY OF WARREN STREET (HAVING A 50-FOOT, PUBLICLY DEDICATED RIGHT OF WAY), SAID NAIL BEING THE TRUE POINT OF BEGINNING.  
 THENCE LEAVING SAID INTERSECTION AND CONTINUING ALONG SAID RIGHT OF WAY OF WARREN STREET THE FOLLOWING COURSES AND DISTANCES: SOUTH 03 DEGREES 49 MINUTES 28 SECONDS WEST A DISTANCE OF 139.88 FEET TO A 1/2-INCH REBAR FOUND; SOUTH 03 DEGREES 49 MINUTES 28 SECONDS WEST A DISTANCE OF 160.51 FEET TO A MAG NAIL SET; THENCE LEAVING SAID RIGHT OF WAY OF WARREN STREET NORTH 84 DEGREES 48 MINUTES 33 SECONDS WEST A DISTANCE OF 220.76 FEET TO A MAG NAIL SET; THENCE NORTH 89 DEGREES 07 MINUTES 49 SECONDS WEST A DISTANCE OF 140.24 FEET TO A MAG NAIL SET; THENCE ALONG A CURVE TO THE RIGHT, SAID CURVE HAVING A RADIUS OF 55.07 FEET WITH AN ARC DISTANCE OF 37.69 FEET, WITH A CHORD BEARING OF NORTH 69 DEGREES 31 MINUTES 21 SECONDS WEST AND A CHORD LENGTH OF 36.96 FEET TO A MAG NAIL SET; THENCE NORTH 00 DEGREES 52 MINUTES 11 SECONDS EAST A DISTANCE OF 270.66 FEET TO A MAG NAIL SET ON SAID RIGHT OF WAY OF MEMORIAL DRIVE; THENCE CONTINUING ALONG SAID RIGHT OF WAY OF MEMORIAL DRIVE THE FOLLOWING COURSES AND DISTANCES: SOUTH 89 DEGREES 07 MINUTES 49 SECONDS EAST A DISTANCE OF 310.68 FEET TO A 1/2-INCH REBAR FOUND; SOUTH 89 DEGREES 07 MINUTES 34 SECONDS EAST A DISTANCE OF 98.99 FEET TO A MAG NAIL SET AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY OF MEMORIAL DRIVE AND THE WESTERLY RIGHT OF WAY OF WARREN STREET, SAID NAIL BEING THE TRUE POINT OF BEGINNING.  
 SAID TRACT OF LAND CONTAINS 2.663 ACRES (115,998 SQUARE FEET).

**SURVEYOR'S CERTIFICATION**

TO LIDL US OPERATIONS, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND FIRST AMERICAN TITLE INSURANCE COMPANY:  
 THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NPS, AND INCLUDES ITEMS 1-5, 6B, 7A, 8, 9, 13, 16, 17, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON AUGUST 28, 2019.



**SURVEY NOTES**

- PROPERTY SHOWN HEREON WAS SURVEYED AUGUST 28, 2019.
- THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1" IN 53,862" WITH AN ANGULAR ERROR OF 03 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD.
- A SOKKIA IX TOTAL STATION, TOPCON HIRER LITE+ GPS RECEIVER, AND CARLSON SURVEYOR4 DATA COLLECTOR WERE USED FOR FIELD SURVEY MEASUREMENTS.
- THIS PLAT HAS A MAP CLOSURE OF 1" IN 422,824'.
- SAID DESCRIBED PROPERTY IS LOCATED WITHIN AN AREA HAVING A ZONE DESIGNATION X ON FLOOD INSURANCE RATE MAP NO. 130800224, WITH A DATE OF IDENTIFICATION OF MAY 16, 2019, FOR COMMUNITY NUMBER 130065, IN DEKALB COUNTY, STATE OF GEORGIA, WHICH IS THE CURRENT FLOOD INSURANCE RATE MAP FOR THE COMMUNITY IN WHICH SAID PROPERTY IS SITUATED.
- CONTROL AND BEARING BASIS FOR THIS SURVEY WERE ESTABLISHED USING A TOPCON HIRER LITE+ GPS RECEIVER UTILIZING GPS-S FOR POST PROCESSING. THE RELATIVE POSITIONAL ACCURACY, AS CALCULATED ACCORDING TO THE FEDERAL GEOGRAPHIC DATA COMMITTEE PART 3: NATIONAL STANDARD FOR SPATIAL DATA ACCURACY, IS 03 FEET HORIZONTAL AND .07 FEET VERTICAL AT THE 95% CONFIDENCE LEVEL.
- NO EFFORT TO OBTAIN THE LOCATION OF UNDERGROUND UTILITIES WAS MADE DURING THE COURSE OF THIS SURVEY. LOWERY & ASSOCIATES MAKES NO GUARANTEE AS TO THE EXISTENCE OR NON-EXISTENCE OF SAID UTILITIES.
- NO OBSERVED EVIDENCE OF CEMETERIES, GRAVESITES, AND/OR BURIAL GROUNDS AT TIME OF SURVEY.
- PROPERTY SHOWN HEREON LIES WITHIN THE RECORD DESCRIPTION AS SHOWN IN GENERAL WARRANTY DEED RECORDED IN DEED BOOK 24576, PAGE 659, DEKALB COUNTY RECORDS.
- THIS DESCRIBES THE SAME PROPERTY AS DESCRIBED IN FIRST AMERICAN TITLE INSURANCE COMPANY COMMITMENT NO. NCS-973351-ATL, DATED JULY 29, 2019.
- NO ENCROACHMENTS OTHER THAN THOSE SHOWN HEREON WERE OBSERVABLE AT TIME OF SURVEY.
- AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF EARTH MOVING WORK, BUILDING CONSTRUCTION OR BUILDING ADDITIONS.
- AT THE TIME OF THE SURVEY THERE WERE NO PROPOSED CHANGES IN STREET RIGHT OF WAY LINES OR OBSERVABLE EVIDENCE OF STREET OR SIDEWALK REPAIRS.
- AT THE TIME OF THE SURVEY, THERE WAS NO OBSERVABLE EVIDENCE OF THE SITE BEING USED AS A SOLID WASTE DUMP, SUMP OR SANITARY LANDFILL.
- SUBJECT PROPERTY HAS DIRECT ACCESS TO MEMORIAL DRIVE SE AND WARREN STREET SE, BOTH BEING PUBLICLY DEDICATED RIGHTS OF WAY.
- SUBJECT PROPERTY IS CONTIGUOUS TO ALL ADJACENT PROPERTIES AND RIGHTS OF WAY. NO GAPS, GORES, OR OVERLAPS ARE KNOWN TO EXIST.

**LEGEND**

- PROPERTY LINE
- OVERHANG/WINING
- RECORD CALLS
- BUILDING SETBACK LINE
- BUILDING SETBACK LINE
- INDEX CONTOUR
- MINOR CONTOUR
- SPOT ELEVATION
- WATER LINE
- OVERHEAD UTILITY LINE
- GAS LINE
- SANITARY SEWER LINE
- UNDERGROUND ELECTRIC LINE
- FENCE LINE
- STORM DRAIN PIPE
- WATER VALVE
- WATER METER
- FIRE HYDRANT
- GAS METER
- GAS VALVE
- POWER METER
- SANITARY SEWER MANHOLE
- DROP INLET
- SINGLE-MING CATCH BASIN
- DOUBLE-MING CATCH BASIN
- JUNCTION BOX
- REBAR
- CAPPED REBAR
- CONCRETE R/W MONUMENT
- OPEN TOP PIPE
- FOUND
- MONITORING WELL
- LIGHT POLE
- SIGN
- TREE

**GRAPHIC SCALE**  
 1 Inch = 30 Feet

**LOWERY & ASSOCIATES**  
 LAND SURVEYING, LLC  
 317 GRASSDALE ROAD  
 CARTERSVILLE, GA 30011  
 770-334-8186  
 WWW.LOWERYLANDSURVEYS.COM  
 INFO@LOWERYLANDSURVEYS.COM  
 GEORGIA C.O.A.: LSF-00102

**PREPARED FOR:**  
 LIDL US OPERATIONS, LLC, A DELAWARE LIMITED LIABILITY COMPANY  
 FIRST AMERICAN TITLE INSURANCE COMPANY

**ALTA/NPS LAND TITLE SURVEY OF:**  
 1807 MEMORIAL DRIVE SE  
 ATLANTA, GEORGIA 30317

**COUNTY:** DEKALB  
**DISTRICT:** 15TH

**STATE:** GEORGIA  
**LAND LOT:** 179

**REVISIONS**

DATE	DESCRIPTION
10/25/19	SUBJECT PROPERTY LINES ADDED

**DATE:** SEPTEMBER 9, 2019  
**JOB #:** 192682  
**SCALE:** 1"=30'  
**SHEET 1 OF 2**

**OVERALL PARENT TRACT LEGAL DESCRIPTION**

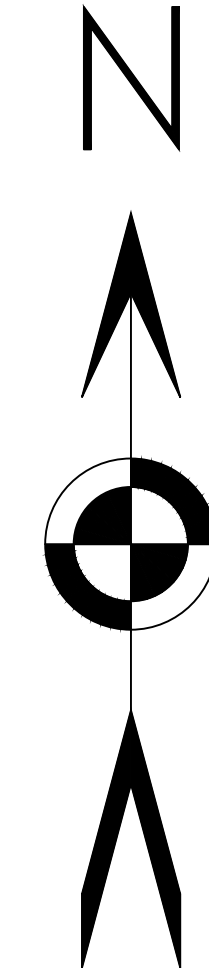
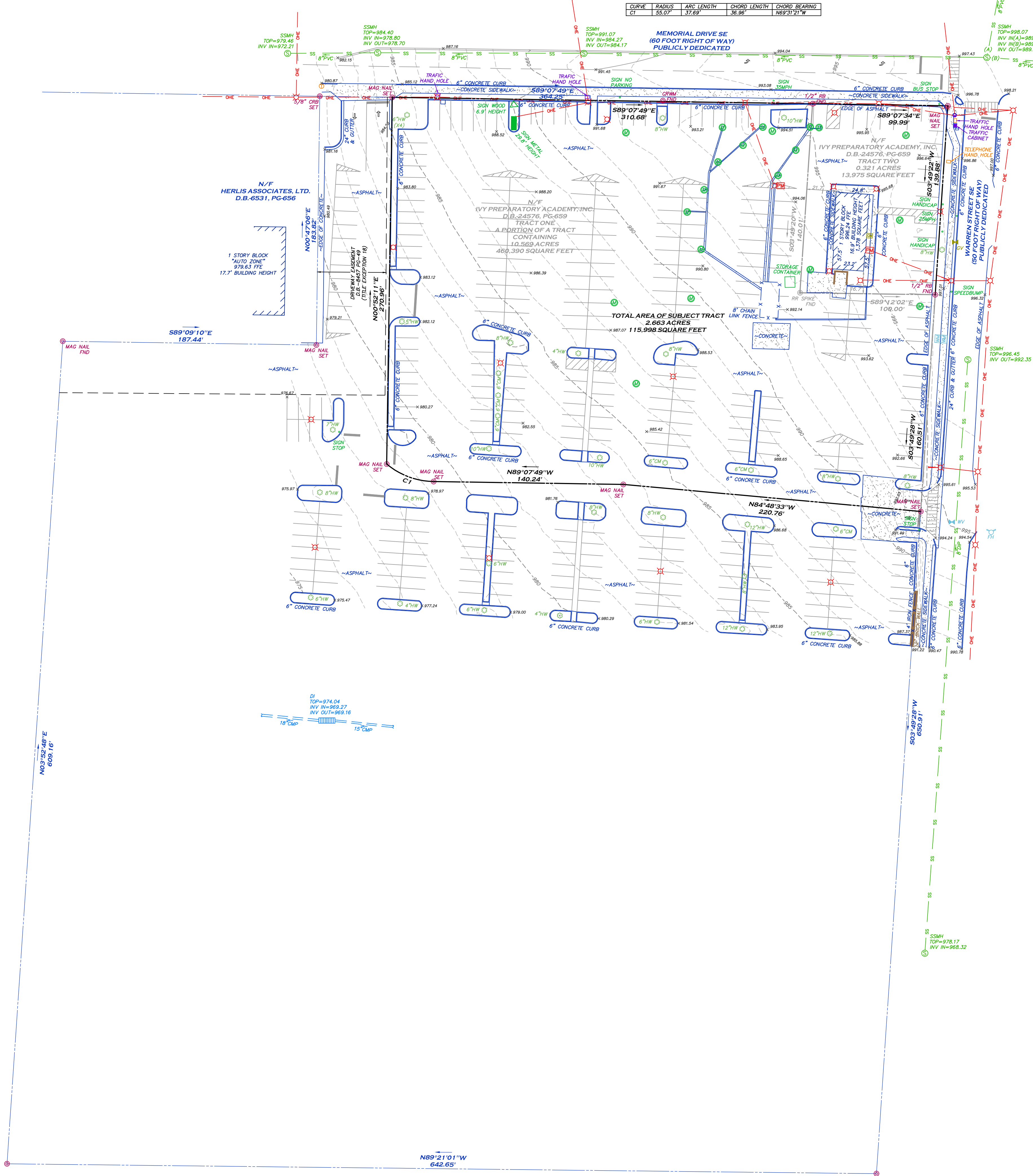
ALL THAT TRACT OR PARCEL OF LAND LYING IN AND BEING IN LAND LOT 179 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A MAG NAIL SET AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY OF MEMORIAL DRIVE (HAVING A 60-FOOT, PUBLICLY DEDICATED RIGHT OF WAY) AND THE WESTERLY RIGHT OF WAY OF WARREN STREET (HAVING A 50-FOOT, PUBLICLY DEDICATED RIGHT OF WAY), SAID NAIL BEING THE TRUE POINT OF BEGINNING.

THENCE LEAVING SAID INTERSECTION AND CONTINUING ALONG SAID RIGHT OF WAY OF WARREN STREET THE FOLLOWING COURSES AND DISTANCES: SOUTH 03 DEGREES 49 MINUTES 22 SECONDS WEST A DISTANCE OF 139.88 FEET TO A 1/2-INCH REBAR FOUND; SOUTH 03 DEGREES 49 MINUTES 28 SECONDS WEST A DISTANCE OF 650.91 FEET TO A 3/4-INCH CRIMPED TOP PIPE FOUND; THENCE LEAVING SAID RIGHT OF WAY OF WARREN STREET NORTH 89 DEGREES 21 MINUTES 01 SECONDS WEST A DISTANCE OF 642.65 FEET TO A 1/2-INCH REBAR FOUND ON THE EASTERLY RIGHT OF WAY OF WILKINSON DRIVE (HAVING A 50-FOOT, PUBLICLY DEDICATED RIGHT OF WAY); THENCE CONTINUING ALONG SAID RIGHT OF WAY OF WILKINSON DRIVE NORTH 03 DEGREES 52 MINUTES 48 SECONDS EAST A DISTANCE OF 609.16 FEET TO A MAG NAIL FOUND; THENCE LEAVING SAID RIGHT OF WAY OF WILKINSON DRIVE SOUTH 89 DEGREES 09 MINUTES 10 SECONDS EAST A DISTANCE OF 187.44 FEET TO A MAG NAIL SET; THENCE NORTH 00 DEGREES 47 MINUTES 06 SECONDS EAST A DISTANCE OF 183.82 FEET TO A 5/8-INCH CAPPED REBAR SET ON SAID RIGHT OF WAY OF MEMORIAL DRIVE; THENCE CONTINUING ALONG SAID RIGHT OF WAY OF MEMORIAL DRIVE THE FOLLOWING COURSES AND DISTANCES: SOUTH 89 DEGREES 07 MINUTES 49 SECONDS EAST A DISTANCE OF 364.25 FEET TO A 1/2-INCH REBAR FOUND; SOUTH 89 DEGREES 07 MINUTES 34 SECONDS EAST A DISTANCE OF 99.99 FEET TO A MAG NAIL SET AT THE INTERSECTION OF THE SOUTHERLY RIGHT OF WAY OF MEMORIAL DRIVE AND THE WESTERLY RIGHT OF WAY OF WARREN STREET, SAID NAIL BEING THE TRUE POINT OF BEGINNING.

SAID TRACT OF LAND CONTAINS 10.890 ACRES (474,365 SQUARE FEET).

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
CT	55.07'	37.69'	36.96'	M42.68N



GRAPHIC SCALE  
0 40' 80'  
1 Inch = 40 Feet

**LEGEND**

---	PROPERTY LINE
---	OVERHANG/AWNING
(BEARING/DISTANCE)	RECORD CALLS
---	BUILDING SETBACK LINE
---	BUILDING SETBACK LINE
---	B.S.L.
---	INDEX CONTOUR
---	MINOR CONTOUR
X	SPOT ELEVATION
---	WATER LINE
---	OVERHEAD UTILITY LINE
---	GAS LINE
---	SANITARY SEWER LINE
---	UNDERGROUND ELECTRIC LINE
X	FENCE LINE
---	STORM DRAIN PIPE
WV	WATER VALVE
WM	WATER METER
FH	FIRE HYDRANT
GM	GAS METER
GV	GAS VALVE
PM	POWER METER
SM	SANITARY SEWER MANHOLE
DI	DROP INLET
SWCB	SINGLE-WING CATCH BASIN
DWCB	DOUBLE-WING CATCH BASIN
JB	JUNCTION BOX
RB	REBAR
CRB	CAPPED REBAR
CRWM	CONCRETE R/W MONUMENT
OTP	OPEN TOP PIPE
FND	FOUND
MP	MONITORING WELL
LP	LIGHT POLE
SP	SIGNAL POLE
S	SIGN
T	TREE

**SURVEYOR'S CERTIFICATION**

TO LIDL US OPERATIONS, LLC, A DELAWARE LIMITED LIABILITY COMPANY AND FIRST AMERICAN TITLE INSURANCE COMPANY:

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE IN ACCORDANCE WITH THE 2016 MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/NSPS LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA AND NSPS, AND INCLUDES ITEMS 1-5, 6B, 7A, 8, 9, 13, 16, 17, AND 19 OF TABLE A THEREOF. THE FIELD WORK WAS COMPLETED ON AUGUST 28, 2019.

*Mitchell Lowery*  
MITCHELL LOWERY, GEORGIA, L.S. 3109  
DATE OF PLAT OR MAP: SEPTEMBER 9, 2019



**LOWERY & ASSOCIATES**  
LAND SURVEYING, LLC  
317 GRASSDALE ROAD  
CARTERSVILLE, GA 30011  
770-334-8186  
WWW.LOWERYLANDSURVEYS.COM  
INFO@LOWERYLANDSURVEYS.COM  
GEORGIA C.O.A.: LSF-00102

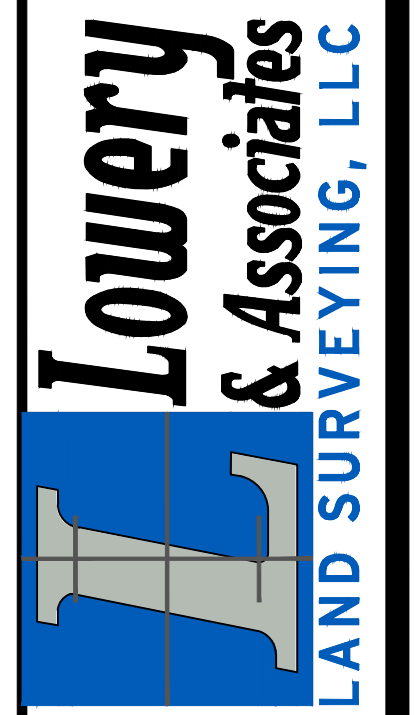
PREPARED FOR:  
LIDL US OPERATIONS, LLC, A DELAWARE LIMITED LIABILITY COMPANY  
FIRST AMERICAN TITLE INSURANCE COMPANY

ALTA/NSPS LAND TITLE SURVEY OF:  
1807 MEMORIAL DRIVE SE  
ATLANTA, GEORGIA 30317

STATE: GEORGIA  
COUNTY: DEKALB  
DISTRICT: 15TH  
LAND LOT: 179

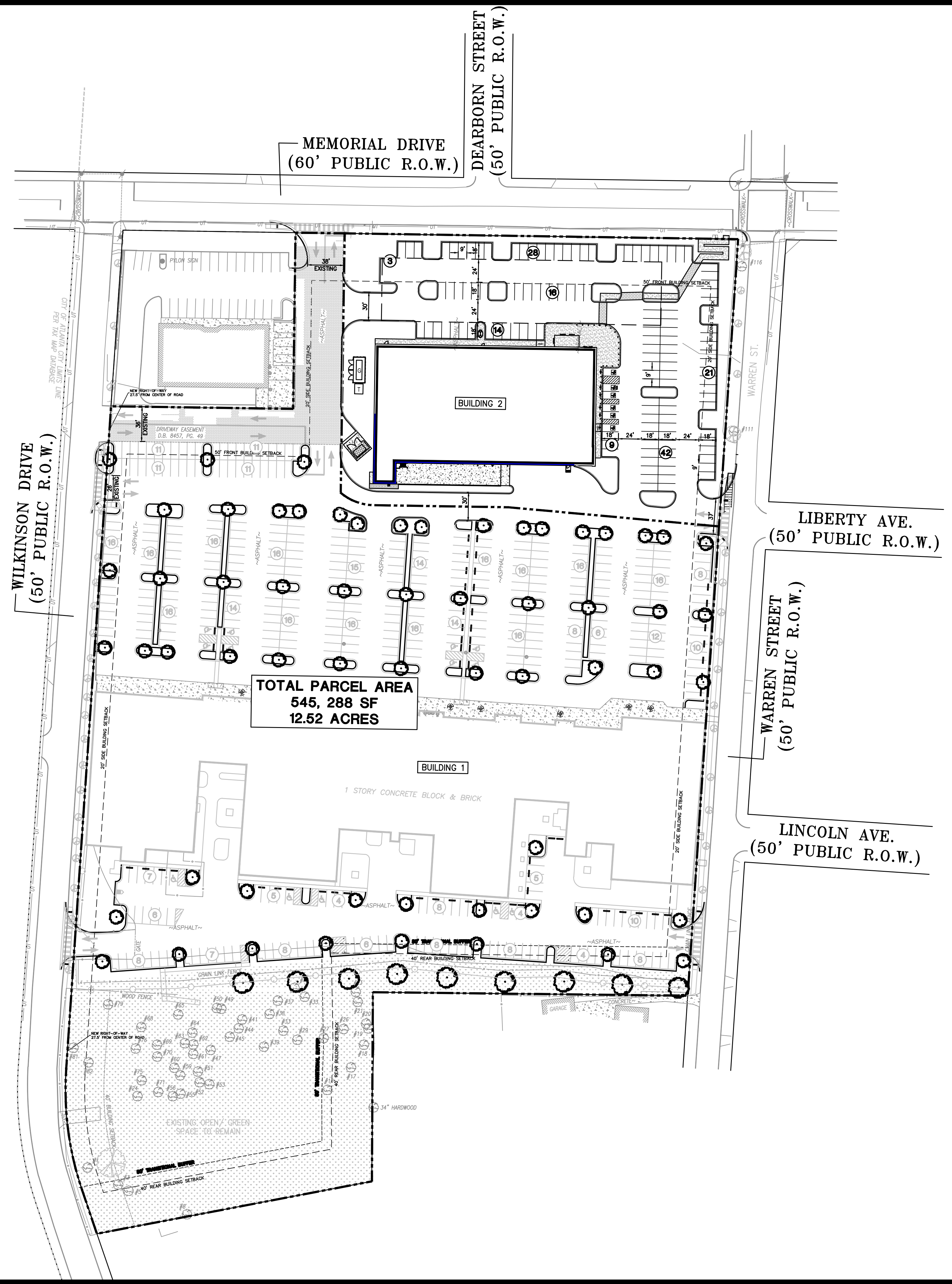
**REVISIONS**

DATE	DESCRIPTION
10/25/19	SUBJECT PROPERTY LINES ADDED



DATE: SEPTEMBER 9, 2019  
JOB #: 192682  
SCALE: 1"=40'  
SHEET 2 OF 2

USER: dmw - Oct 31, 2019 - 10:54am  
 Z:\All Project Data\Projects\2019\19-LD-077 Atlanta (Memorial Dr) GA LDA\LD\Production\Drawings\19-LD-077 MAIN.dwg - LAYOUT: Z-1



**SITE PLAN NOTES**

ANY LAND USE ALLOWED IN THE MU-4 (FORMERLY 'OCR') DISTRICT SHALL BE PERMITTED IN BUILDINGS #1 & 2 EXCEPT FOR THOSE LAND USES SPECIFICALLY PROHIBITED BY CONDITIONS #6 & #7.

PER LAND SURVEY PROVIDED BY LOWERY & ASSOCIATES LAND SURVEYING, LLC ON 09.09.2019, THIS PROPERTY IS NOT SHOWN TO BE WITHIN THE LIMITS OF A 100 YEAR FLOOD HAZARD AREA ACCORDING TO FEMA FLOOD INSURANCE MAP NO. 13089C0127J DATED ON MAY 16, 2019. THIS STATEMENT IS BASED ON GRAPHICALLY LOCATING THIS PROPERTY ON SAID MAP, NO ADDITIONAL FIELD WORK HAS BEEN DONE TO VERIFY THIS DETERMINATION.

A VARIANCE HAS BEEN PREVIOUSLY AWARDED ON THIS PROPERTY TO REDUCE THE SIDEYARD SETBACKS ALONG WILKINSON DRIVE AND WARREN STREET FROM 40'-0" TO 20'-0".

DEFINITIONS:  
 EXISTING SHALL DENOTE BUILDINGS 1 AND 4 IN THEIR CURRENT CONFIGURATION ON SITE.  
 PROPOSED SHALL DENOTE BUILDING 2.

LOT AREA = 12.52 ACRES (545,288 SF)

BUILDING HEIGHT  
 EXISTING BUILDING #1 HEIGHT: 22'  
 PROPOSED BUILDING #2 HEIGHT: 25'

LOT COVERAGE = TOTAL IMPERVIOUS SURFACE AREA/TOTAL LOT AREA  
 EXISTING LOT COVERAGE = 438,115 SF / 545,288 SF = 80%  
 PROPOSED LOT COVERAGE = 411,181 SF / 545,288 SF = 75%

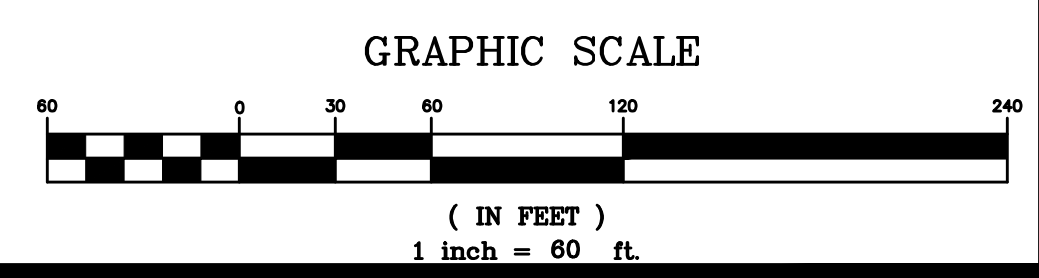
OPEN SPACE = TOTAL LOT AREA - IMPERVIOUS SURFACE / TOTAL LOT AREA  
 EXISTING OPEN SPACE = 87,173 SF / 545,288 SF = 16%  
 PROPOSED OPEN SPACE = 134,107 SF / 545,288 SF = 25%

TOTAL BUILDING AREAS  
 TOTAL EXISTING BUILDING AREA = 93,861  
 TOTAL PROPOSED BUILDING AREA ON TRACT 1 = 121,515 SF

BUILDING 1 AREA (EXISTING) = 92,426 SF  
 BUILDING 2 AREA (PROPOSED) = 29,089 SF  
 BUILDING 4 AREA (EXISTING, BUT TO BE DEMOLISHED) = 1,435 SF

PARKING  
 BUILDINGS 1 & 2  
 TOTAL SPACES PROVIDED = 592  
 TOTAL PARKING RATIO PROVIDED = 4.87 / 1,000 SF

**PROPOSED ZONING CONDITIONS SITE PLAN**



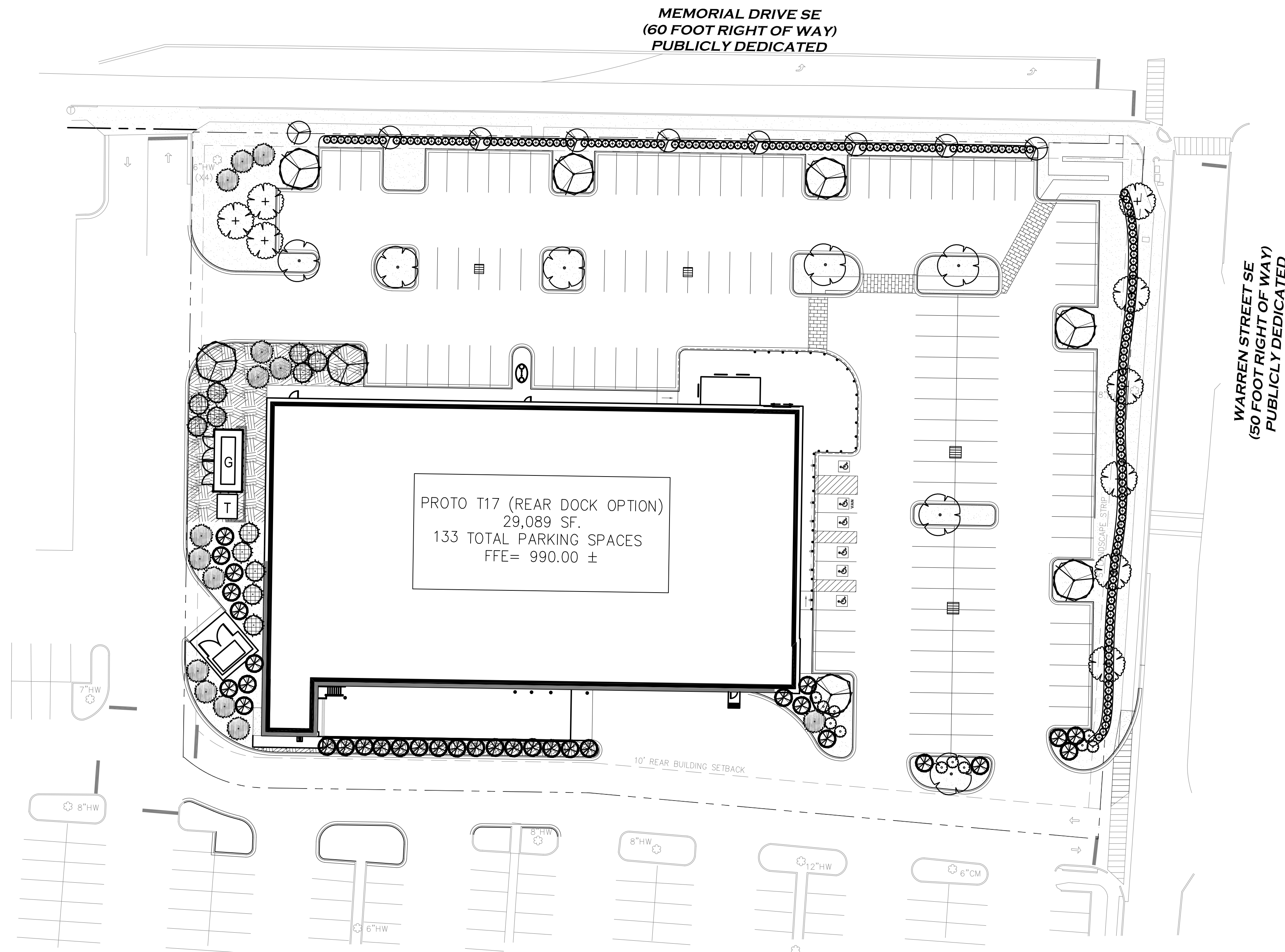
Project Title  
**PROPOSED GROCERY STORE @ PARKVIEW PLAZA  
 1807 MEMORIAL DRIVE  
 ATLANTA, DEKALB COUNTY, GA 30317  
 (US1453)**

REVISIONS	BY

DRAWN BY **DMN**  
 CHECKED BY **THH**  
 DATE **10/24/2019**  
 SCALE **1" = 60'**  
 JOB No. **19-LD-077**  
 SHEET NUMBER

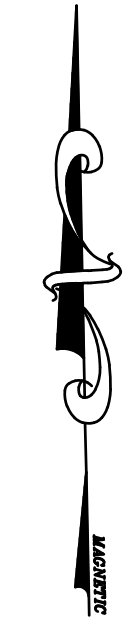
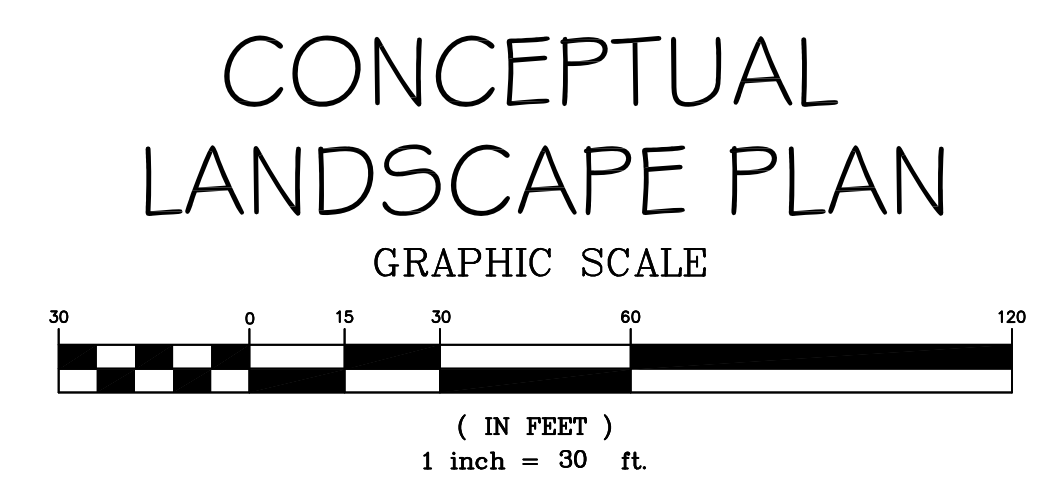
**Z-1**



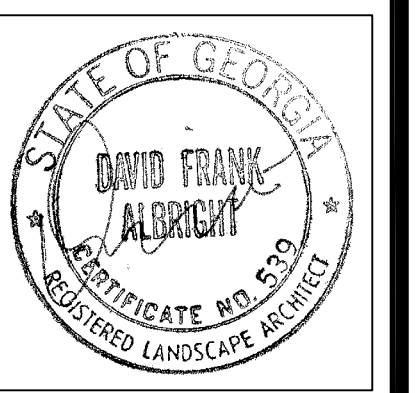


**PLANT SCHEDULE**

TREES	COMMON NAME
	Black Gum
	Shumard Oak
	Alleé Lacebark Elm
EVERGREEN TREES	COMMON NAME
	Foster's #2 Holly
	Eastern Red Cedar
	Little Gem Southern Magnolia
FLOWERING TREES	COMMON NAME
	Eastern Redbud
SHRUBS	COMMON NAME
	Burford Holly
	Canssa Holly
GROUND COVERS	COMMON NAME
	Tift 419 Hybrid Bermuda
	Shredded Hardwood Mulch



DAVID ALBRIGHT & ASSOCIATES, INC.  
 PLANNERS & LANDSCAPE ARCHITECTS  
 78 LAGRANGE STREET  
 NEWNAN, GEORGIA 30263  
 TEL: (404) 862-0350 E-MAIL: DAVID@ALBRIGHTATL.COM

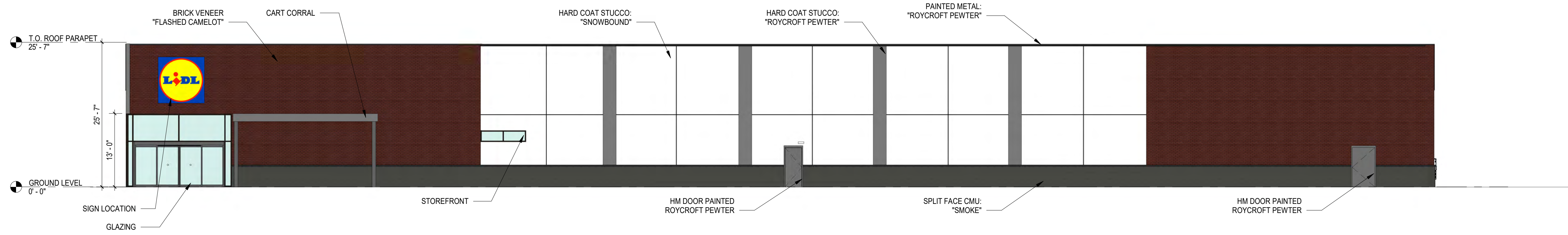


Project Title  
 PROPOSED GROCERY STORE @ PARKVIEW PLAZA  
 1807 MEMORIAL DRIVE  
 ATLANTA, DEKALB COUNTY, GA 30317  
 (US1453)

REVISIONS	BY

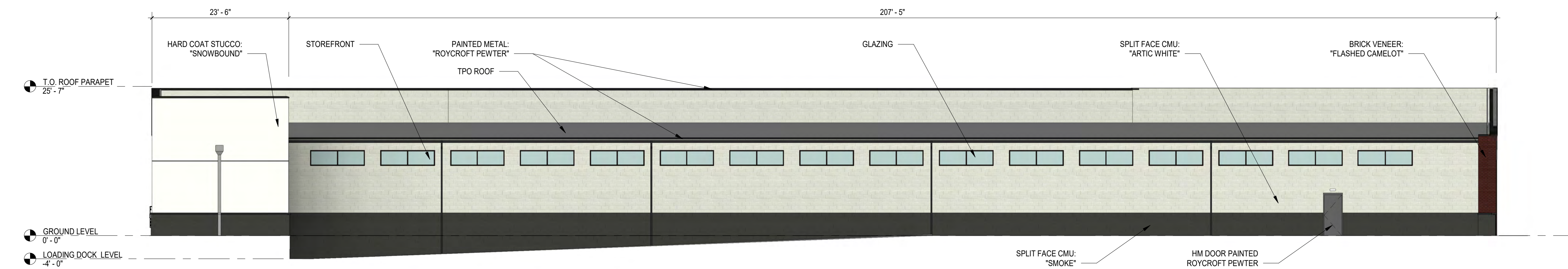
DRAWN BY DFA  
 CHECKED BY DFA  
 DATE: 10/25/2019  
 SCALE: 1" = 30'  
 JOB No. 19-170  
 SHEET NUMBER

CL-1



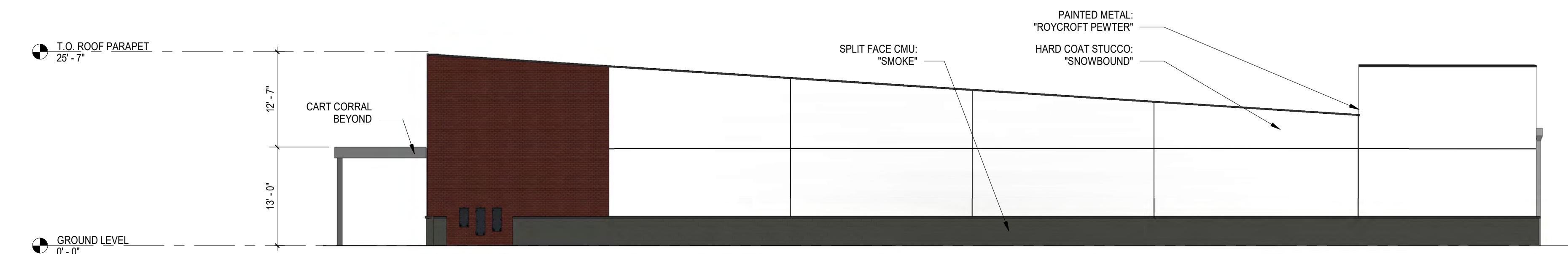
**NORTH ELEVATION**

3/32" = 1'-0"



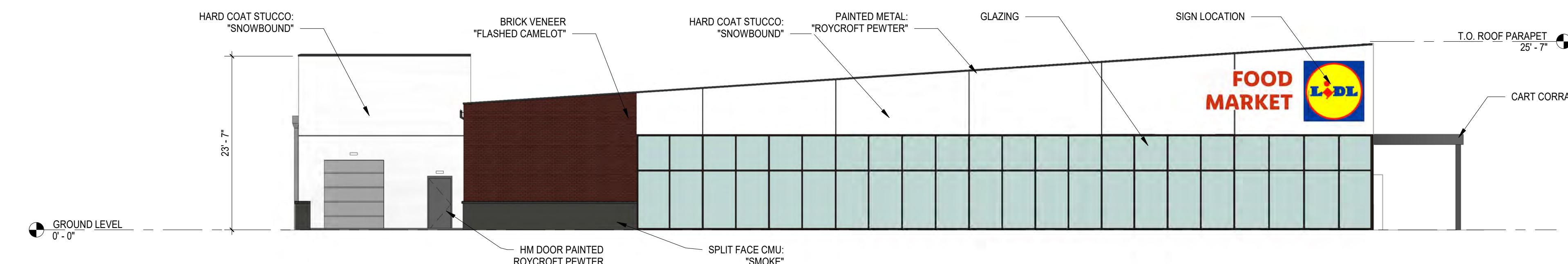
**SOUTH ELEVATION**

3/32" = 1'-0"









**WEST ELEVATION**

3/32" = 1'-0"



**EAST ELEVATION**

3/32" = 1'-0"

	FULL-SIZE BRICK VENEER GLEN GERY 'FLASHED CAMELOT' UTILITY SIZE		SPLIT FACE CMU 'ARTIC WHITE'
	HARD COAT STUCCO 'SNOWBOUND'		SPLIT FACE CMU 'SMOKE'
	SW2848 ROYCROFT PEWTER		GLAZING SOLARBAN 70XL 'CLEAR'

**MATERIAL LEGEND**





Chief Executive Officer  
Michael Thurmond

DEPARTMENT OF PLANNING & SUSTAINABILITY

Director  
Andrew A. Baker, AICP

**PRE-APPLICATION FORM**  
**REZONE, SPECIAL LAND USE PERMIT, MODIFICATION, AND LAND USE**  
(Required prior to filing application: signed copy of this form must be submitted at filing)

Applicant Name: Lidl US operations Phone: John Risher 703-859-5469 Email: John.risher@lidl.us

Property Address: 1807 Memorial Dr

Tax Parcel ID: 15-179-08-001 Comm. District(s): 3, 6 Acreage: \_\_\_\_\_

Existing Use: shopping center Proposed Use: Lidl grocery store

Supplemental Regs: \_\_\_\_\_ Overlay District: \_\_\_\_\_ DRI: \_\_\_\_\_

Rezoning: Yes \_\_\_\_\_ No \_\_\_\_\_

Existing Zoning: MU-4 Proposed Zoning: C2-10-16426, C209-15783, C207-13809, C2 05-05079 Square Footage/Number of Units: \_\_\_\_\_

Rezoning Request: \_\_\_\_\_

Land Use Plan Amendment: Yes \_\_\_\_\_ No \_\_\_\_\_

Existing Land Use: \_\_\_\_\_ Proposed Land Use: \_\_\_\_\_ Consistent \_\_\_\_\_ Inconsistent \_\_\_\_\_

Special Land Use Permit: Yes \_\_\_\_\_ No \_\_\_\_\_ Article Number(s) 27- \_\_\_\_\_

Special Land Use Request(s) \_\_\_\_\_

**Major Modification:**

Existing Case Number(s): C210-16426

Condition(s) to be modified:

1. site plan, 5 other vacant parcels

DEKALB COUNTY

ITEM NO.

BOARD OF COMMISSIONERS

ZONING AGENDA / MINUTES

MEETING DATE: July 27, 2010

HEARING TYPE  
PUBLIC HEARING

ACTION TYPE  
ORDINANCE

SUBJECT: **Rezone** – John Bell

COMMISSION DISTRICTS: 3 & 6

DEPARTMENT: Planning

PUBLIC HEARING:  YES  NO

ATTACHMENT:  YES  No  
PAGES: 20

INFORMATION CONTACT: Jonathan Weintraub/Kevin Hunter  
PHONE NUMBER: (404) 371-2155

**PURPOSE:**  
**CZ-10-16426**

Application of John Bell to **modify Condition #1 of the existing zoning conditions pursuant to Case CZ-09-15783 zoned OCR (Office-Commercial-Residential) by revising the site plan to allow a charter school, health clinic, office/retail uses, and other permitted uses within the OCR District.** The property is located on the south side of Memorial Drive, between Warren Street and Wilkinson Drive. The property has 456 feet of frontage along Memorial Drive, 890 feet along Wilkinson Drive, 790 feet on Warren Street and contains 12.52 acres.

**Subject Property: 15-179-08-001**

**RECOMMENDATION(S):**

**PLANNING DEPARTMENT:**

**APPROVAL WITH CONDITIONS (REVISED 7/8/10).** The existing zoning conditions (Case CZ-09-15783) and site plan for the property currently propose office, restaurant, and retail uses and specifically prohibit adult entertainment, bars, nightclubs and other uses as indicated in Conditions #6 and #7. The applicant is requesting to modify Condition #1 of the zoning conditions by revising the site plan to allow a charter school, Grady Hospital health care clinic, office/retail uses, and other land uses permitted within the OCR (Office-Commercial-Residential) District not specifically prohibited by the pre-existing conditions(Conditions #6 and #7) of the existing OCR zoning. There is also a slight 2% increase in total building square footage (117,168 to 119,069 square feet), and a 2% decrease in parking spaces (583 spaces to 569 spaces) from the previously approved plan by the Board of Commissioners. Based on the submitted information, as well as field investigation of the project site, it appears that the proposed modifications to the existing zoning conditions allowing a charter school and health care clinic in addition to retail and office uses are consistent with the use of the surrounding properties. The modifications will have no anticipated negative impacts since there are no changes proposed regarding prohibited uses, no buildings are being moved closer to any property lines, and there are only minor changes to overall building square footage and parking area which are in compliance with the OCR zoning requirements. Therefore, it is the recommendation of the Planning and Development Department that the proposed request to modify the site plan (Condition #1) be "Approved, subject to the following conditions": (Conditions #2 - Condition #10 are carried over from the previous approved conditions of CZ-09-15783, with modifications (slightly) to conditions #5 and #6).

1. Substantial compliance with the site plan entitled "Parkview Station, 1807 Memorial Drive, Atlanta, Georgia." prepared by Pimsler-Hoss Architects, Inc., dated May 27, 2010.
2. Access and circulation shall be subject to approval of the Transportation Division of the Public Works Department and the Department of Transportation for the State of Georgia (GADOT).
3. The recreational/green space area at the rear of the property along Wilkinson Drive shall be primarily passive but may be developed with children's play equipment, picnic tables and benches and similar low intensity uses. Interconnectivity, in the form of paths and walking trails, with the main development site shall be installed.
4. Any exterior lighting on the above referenced recreational/green space area shall be of a directional type so as to minimize light spillage on to adjacent residential property.

**FOR USE BY COMMISSION OFFICE/CLERK ONLY**

**ACTION: D5 CZ-10-16426**

MOTION was made by Commissioner Johnson, seconded by Commissioner Gannon and passed 7-0-0-0 to approve with conditions on agenda the rezoning application of John Bell.

ADOPTED: JUL 27 2010  
(DATE)

CERTIFIED: JUL 27 2010  
(DATE)



PRESIDING OFFICER  
DEKALB COUNTY BOARD OF COMMISSIONERS



CLERK,  
DEKALB COUNTY BOARD  
OF COMMISSIONERS

**MINUTES:**

John Bell, 1201 Peachtree Road, Suite 300, Atlanta, Ga. 30361, Lonnie King, 525 Parkway Drive, Atlanta, Ga. 30308, Charles Black, One Lullwater Place, Atlanta, Ga. 30307, Arthur Cohen, 1807 Memorial Drive, Atlanta, Ga., Joe Ani, 778 Rays Road, Stone Mountain, Ga. 30083, Patricia Johnson, 2945 Winding Grove Drive, Lithonia, Ga. 30038, spoke in support of the application.

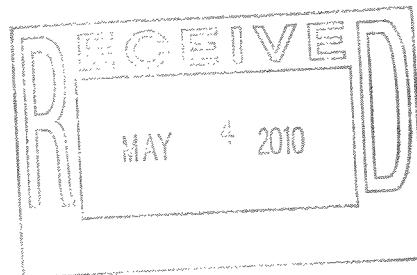
No one spoke in opposition of the application.

	FOR	AGAINST	ABSTAIN	ABSENT
DISTRICT 1 - ELAINE BOYER	<u>X</u>	_____	_____	_____
DISTRICT 2 - JEFF RADER	<u>X</u>	_____	_____	_____
DISTRICT 3 - LARRY JOHNSON	<u>X</u>	_____	_____	_____
DISTRICT 4 - SHARON BARNES SUTTON	<u>X</u>	_____	_____	_____
DISTRICT 5 - LEE MAY	<u>X</u>	_____	_____	_____
DISTRICT 6 - KATHIE GANNON	<u>X</u>	_____	_____	_____
DISTRICT 7 - CONNIE STOKES	<u>X</u>	_____	_____	_____

Conditions for CZ-09-15783

COMM. \_\_\_\_\_  
ITEM NO. D2 9, 21, 09  
CLERK'S OFFICE John Bell

1. Substantial compliance with the site plan entitled "Parkview Plaza, Memorial Drive, Atlanta, Ga." prepared by Pimsler Hoss Architects, Inc., dated June 1, 2009 and last revised July 20, 2009.
2. Access and circulation shall be subject to approval of the Transportation Division of the Public Works Department and the Department of Transportation for the State of Georgia (GADOT).
3. The recreational/green space area at the rear of the property along Wilkinson Drive shall be primarily passive but may be developed with children's play equipment, picnic tables and benches and similar low intensity uses. Interconnectivity, in the form of paths and walking trails, with the main development site shall be installed.
4. Any exterior lighting on the above referenced recreational/green space area shall be of a directional type so as to minimize light spillage on to adjacent residential property.
5. The development of proposed Buildings 2 and 3 shall provide for pedestrian connectivity with Building 4, the existing "Pizza Hut" at the intersection of Memorial Drive and Warren Street.
6. This development shall not include liquor stores, bars or nightclubs (restaurants with beer, wine and liquor sales are permitted).
7. No adult entertainment or sex shops shall be permitted.
8. Barber shops, hair salons and nail salons are permitted only as part of an upscale spa offering a range of hair, nail, waxing and related aesthetic services (Natural Body, for example).
9. Sidewalks will be constructed, in compliance with DeKalb County standards, along all adjacent public streets.
10. The development will comply with the provisions of the DeKalb County Tree Ordinance.



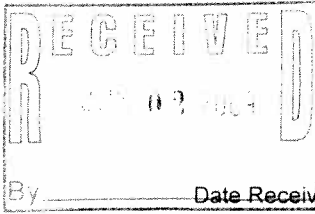


# DeKalb County Planning & Development Department

Burrell Ellis  
Chief Executive Officer

Patrick Ejike  
Director

By: \_\_\_\_\_  
Date: \_\_\_\_\_



## APPLICATION TO AMEND OFFICIAL ZONING MAP OF DEKALB COUNTY, GEORGIA

CZ-09-15783

Z/CZ No. CZ-09-15783  
Filing Fee: \_\_\_\_\_

By \_\_\_\_\_ Date Received: \_\_\_\_\_ Application No.: \_\_\_\_\_

Applicant: John A. Bell E-Mail: bell.johna@gmail.com

Applicant Mailing Address: P.O. Box 756, Duluth, Ga. 30096-0014 **MAY 06 2009**

Applicant Phone: 404-312-3574 Fax: \_\_\_\_\_

Owner(s): BAE Capital LLC E-Mail: Tectaninc@aol.com  
(If more than one owner, attach as Exhibit "A")

Owner's Mailing Address: Arthur Cohen  
651 Dallas St. NE, Suite A, Atlanta, Ga. 30308-2900

Owner(s) Phone: 404-659-1516 Fax: 404-659-1568

Address/Location of Subject Property: Memorial Drive

District(s): 15 Land Lot(s): 179 Block: 08 Parcel(s): ~~001-004-014~~

Acreage: 12.52 Commission District(s): 3 + 6

Present Zoning Category: OCR Proposed Zoning Category: OCR

Present Land Use Category: Town Center

**MAY 06 2009**

### PLEASE READ THE FOLLOWING BEFORE SIGNING

This form must be completed in its entirety before the Planning Department accepts it. It must include the attachments and filing fees identified on the attachments. An application, which lacks any of the required attachments, shall be determined as incomplete and shall not be accepted.

#### Disclosure of Campaign Contributions

In accordance with the Conflict of Interest in Zoning Act, O.C.G.A., Chapter 36-67A, the following questions must be answered:

Have you the applicant made \$250 or more in campaign contributions to a local government official within two years immediately preceding the filing of this application? \_\_\_\_\_ Yes X No

If the answer is yes, you must file a disclosure report with the governing authority of DeKalb County showing:

1. The name and official position of the local government official to whom the campaign contribution was made.
2. The dollar amount and description of each campaign contribution made during the two years immediately preceding the filing of this application and the date of each such contribution.

The disclosure must be filed within 10 days after the application is first filed and must be submitted to the C.E.O. and the Board of Commissioners, DeKalb County, 1300 Commerce Drive, Decatur, Ga. 30030.

NOTARY

MAY 11, 2010  
EXPIRATION DATE / SEAL

SIGNATURE OF APPLICANT / DATE

Check One: Owner \_\_\_\_\_ Agent X

330 West Ponce de Leon Avenue - Suites 400-500 - Decatur, Georgia - 30030  
[voice] 404.371.2555 [Planning Fax] (404) 371-4556 [Development Fax] (404) 371-3007  
Web Address: <http://www.co.DeKalb.ga.us/planning>  
Email Address: [planning@co.DeKalb.ga.us](mailto:planning@co.DeKalb.ga.us) and [development@co.DeKalb.ga.us](mailto:development@co.DeKalb.ga.us)

001, 002,  
000, 003,  
021, 014  
JWB

Letter of Application  
Justification

The current conditional zoning was approved in July, 2009 (CZ-09-15783) to permit renovation of the existing 92,000 square foot shopping center building and the construction (as a later phase) of some free standing retail space along the Memorial Drive and Warren Street street frontage.

At the time of this approval, the developer was uncertain as to the final use of the structure as renovated. However, likely uses included retail, restaurant and office space, with a definite possibility of use by a newly approved charter school. At the time the application was submitted, the proposed conditional site plan identified use of the building for office and retail use. This notation was included for information only and was not intended to be a limitation on the types of use.

To the contrary, the applications included the following proposed condition, which clearly contemplated a possibility of different uses:

10. The proportion of floor space in the development devoted to retail/office/restaurant uses may be modified from that shown on the attached site plan without constituting a change in zoning conditions.

In fact, the possibility of a change of use to a school was explicitly discussed with the community, Commissioner Larry Johnson and others during the course of the application's review.

At the time of the public hearing held by the Board of Commissioners, use of the property was discussed at length, and the developer agreed to a condition which excluded certain uses from the site (adult businesses, for example). The clear implication of this action was that any other uses allowed in OCR were permitted.

Unfortunately, the Planning Department has now taken the position that Section 27-845 of the Zoning Ordinance prohibits any use of the site but retail and office. This was clearly not the intent of the developer or the Board of Commissioners at the time of approval.

In addition, the developer requests permission to locate 19 trailers on site for a period not to exceed 180 days for the use of the school pending completion of the renovations to the building.

The Zoning Ordinance specifically contemplates such a use on a temporary basis in Section 27-780, which reads as follows:

Sec. 27-780. Temporary buildings, use and construction of.  
Temporary buildings, except where herein otherwise specifically permitted, shall not be allowed in any district except temporary buildings used in conjunction with construction work or pending completion of a permanent building for a period not to exceed one (1) year. Such time period may be extended upon approval by the director of public works. Such temporary buildings shall be sited and permitted in any district upon approval of the director of public works. Such temporary buildings shall be removed when the construction has been completed.

The developer's request is entirely consistent with this provision.

The developer files this application so as to clarify the position regarding use of this property and submits that its use for 71,667 square feet of charter school space and 14,494 square feet of space for a Grady Hospital clinic is entirely consistent with the OCR zoning and with the intent of the Board of Commissioners in approving the original application.

# Proposed Plan

## SITE PLAN NOTES

ANY LAND USE ALLOWED IN THE OOR DISTRICT SHALL BE PERMITTED IN BUILDINGS # 1, 2, 3, 4, A & B EXCEPT FOR THOSE LAND USES SPECIFICALLY PROHIBITED BY CONDITIONS # 6 & 7

PER LAND SURVEY PROVIDED BY ARISTEON LAND SURVEYS, INC. ON 08/28/2007, THIS PROPERTY IS NOT SHOWN TO BE WITHIN THE LIMITS OF A 100-YR FLOOD-HAZARD AREA ACCORDING TO FEMA FLOOD INSURANCE MAP NO. 13068G0274 DATED ON MAY 07, 2007. THIS STATEMENT IS BASED ON GRAPHICALLY LOCATING THIS PROPERTY ON SAID MAP. NO ADDITIONAL FIELD WORK HAS BEEN DONE TO VERIFY THIS DETERMINATION.

A VARIANCE HAS BEEN PREVIOUSLY AWARDED ON THIS PROPERTY TO REDUCE THE SOFYARD SETBACKS ALONG WILKERSON DRIVE AND WARREN STREET FROM 40'-0" TO 20'-0"

### DEFINITIONS

EXISTING SHALL DENOTE BUILDINGS 1 AND 4 IN THEIR CURRENT CONFIGURATION ON SITE  
 PROPOSED SHALL DENOTE BUILDINGS 1 RECONFIGURED, BUILDING 4, AS WELL AS THE ADDITION OF BUILDINGS 2 & 3  
 FUTURE EXPANSION SHALL DENOTE BUILDINGS 1 RECONFIGURED, BUILDING 4, BUILDINGS 2 & 3 AS WELL AS BUILDINGS A & B

LOT AREA = 2.52 ACRES (545,288 SF)

BUILDING HEIGHT  
 EXISTING BUILDING HEIGHT 22  
 PROPOSED BUILDING HEIGHT 25

LOT COVERAGE = TOTAL IMPERVIOUS SURFACE AREA / TOTAL LOT AREA  
 EXISTING LOT COVERAGE = 458,785 SF / 545,288 SF = 84%  
 PROPOSED LOT COVERAGE = 403,005 SF / 545,288 SF = 74%  
 FUTURE EXPANSION LOT COVERAGE = 403,705 SF / 545,288 SF = 74%

OPEN SPACE = TOTAL LOT AREA - BUILDING FOOTPRINT / TOTAL LOT AREA  
 EXISTING OPEN SPACE (INCLUDING PARKING LOT) = 45,427 SF / 545,288 SF = 8.3%  
 PROPOSED OPEN SPACE (INCLUDING PARKING LOT) = 44,743 SF / 545,288 SF = 8%  
 FUTURE EXPANSION OPEN SPACE (INCLUDING PARKING LOT) = 426,222 SF / 545,288 SF = 78.1%

### TOTAL BUILDING AREAS

TOTAL EXISTING BUILDING AREA = 93,481 SF  
 TOTAL PROPOSED BUILDING AREA ON TRACT 1 = 103,548 SF  
 TOTAL FUTURE EXPANSION BUILDING AREA ON TRACT 1 = 79,059 SF

BUILDING 1 AREA = 92,426 SF

BUILDING 2 & 3 AREA = 9,685 SF

BUILDING 4 AREA = 1,435 SF

### FUTURE EXPANSION AREAS

FUTURE BUILDING A = 5,318 SF  
 FUTURE BUILDING B = 10,342 SF

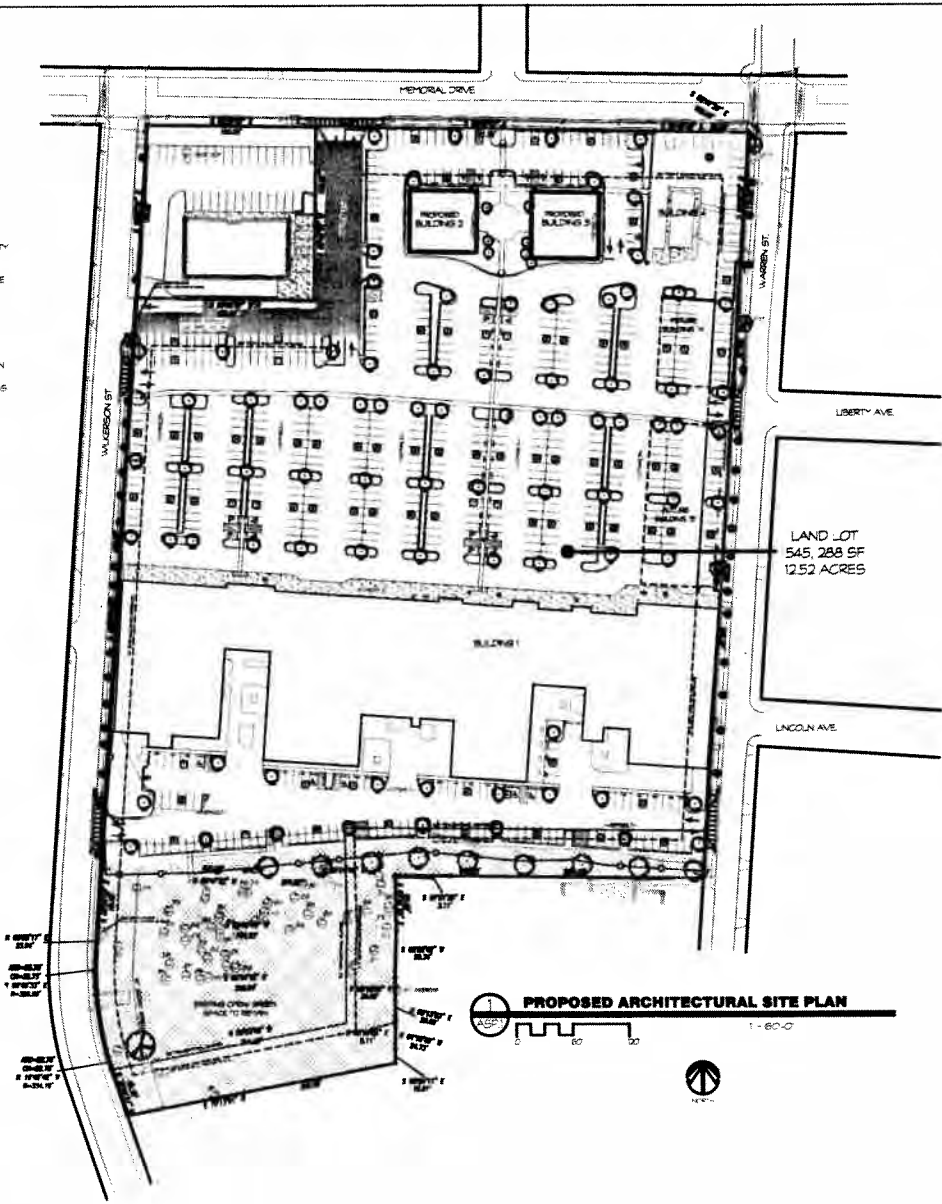
TOTAL FUTURE BUILDING AREA = 15,232 SF

### PARKING

BUILDINGS 1, 2, 3, & 4  
 TOTAL SPACES PROVIDED = 649

### FUTURE EXPANSION PARKING

BUILDINGS 1, 2, 3, 4, A & B  
 TOTAL SPACES PROVIDED = 569



PRIMBLER + HOBB  
 ARCHITECTS, INC.  
 1807 MEMORIAL DRIVE, SUITE 200  
 ATLANTA, GA 30303  
 TEL: 404.525.1100  
 FAX: 404.525.1101  
 WWW.PRIMBLERHOBB.COM

**PARKVIEW STATION**  
 1807 MEMORIAL DRIVE  
 ATLANTA, GA

PROJECT NO	10110
SCALE	1" = 60'-0"
REV.	DATE DESCRIPTION
1	8.27.10 COMMENTS

DRAWN BY: WSB/V  
 CHECKED BY:  
**PROPOSED ARCHITECTURAL SITE PLAN**

**ASP.2**

8.27.10 NOT RELEASED FOR CONSTRUCTION



# Existing Plan

## SITE PLAN NOTES

PER LAND SURVEY PROVIDED BY ARMSTRONGS LAND SURVEYING, INC. ON 06/28/2007, THIS PROPERTY IS NOT SHOWN TO BE WITHIN THE LIMITS OF A 100 YR FLOOD HAZARD AREA ACCORDING TO FEMA FLOOD INSURANCE MAP NO. 22088A0207H DATED ON MAY 07, 2001. THIS STATEMENT IS BASED ON GRAPHICALLY LOCATING THIS PROPERTY ON SAID MAP. NO ADDITIONAL FIELD WORK HAS BEEN DONE TO VERIFY THIS DETERMINATION.

A VARIANCE HAS BEEN PREVIOUSLY AWARDED ON THIS PROPERTY TO REDUCE THE SIDEYARD SETBACKS ALONG WALKERSON DRIVE AND WARREN STREET FROM 40'-0" TO 20'-0".

### DEFINITIONS:

EXISTING SHALL DENOTE BUILDINGS 1 & 4 IN THEIR CURRENT CONFIGURATION ON SITE.  
 PROPOSED SHALL DENOTE BUILDINGS 2 & 3 RECONFIGURED, BUILDING 4 TO REMAIN IN ITS CURRENT CONFIGURATION AS WELL AS THE ADDITION OF BUILDINGS 2 & 3.  
 FUTURE EXPANSION SHALL DENOTE BUILDING 1, RECONFIGURED, BUILDING 4 TO REMAIN IN ITS CURRENT CONFIGURATION, BUILDINGS 2 & 3 AS WELL AS BUILDINGS A & B.

LOT AREA = 12.51 ACRES (544,739 SF)

BUILDING HEIGHT  
 EXISTING BUILDING HEIGHT 22  
 PROPOSED BUILDING HEIGHT 25

LOT COVERAGE = TOTAL IMPERVIOUS SURFACE AREA / TOTAL LOT AREA  
 EXISTING LOT COVERAGE = 444,441 SF / 544,739 SF = 81.5%  
 PROPOSED LOT COVERAGE = 477,507 SF / 544,739 SF = 87.6%  
 FUTURE EXPANSION LOT COVERAGE = 493,250 SF / 544,739 SF = 90.6%

OPEN SPACE = TOTAL LOT AREA - BUILDING FOOTPRINT / TOTAL LOT AREA  
 EXISTING OPEN SPACE = 103,298 SF / 544,739 SF = 18.9%  
 PROPOSED OPEN SPACE = 174,649 SF / 544,739 SF = 32.1%  
 FUTURE EXPANSION OPEN SPACE = 178,705 SF / 544,739 SF = 32.8%

TOTAL BUILDING AREAS ON TRACT  
 TOTAL EXISTING BUILDING AREA = 973,859  
 TOTAL PROPOSED BUILDING AREA = 1,074,444 SF  
 TOTAL FUTURE EXPANSION BUILDING AREA = 1,116,666 SF

BUILDING 1 AREA = 90,336 SF  
 RETAIL RETAINED = 64,593 SF  
 PROPOSED OFFICE = 25,733 SF

BUILDING 2 & 3 AREA = 9,685 SF

BUILDING 4 AREA = 433 SF

FUTURE EXPANSION AREAS

FUTURE BUILDING 'A' RETAIL = 5382 SF  
 FUTURE BUILDING 'B' RETAIL = 10,342 SF  
 TOTAL FUTURE BUILDING AREA = 15,724 SF

### PARKING

BUILDING 1 PARKING  
 250 SF / PARKING SPACE  
 90,336 / 250 SF = 362 PARKING SPACES

BUILDING 2 & 3 PARKING  
 75 SF / PARKING SPACE  
 9,685 SF / 75 SF = 129 PARKING SPACES

BUILDING 4 PARKING  
 433 SF / 75 SF = 58 PARKING SPACES

TOTAL PARKING REQUIRED  
 362 + 129 + 58 = 550

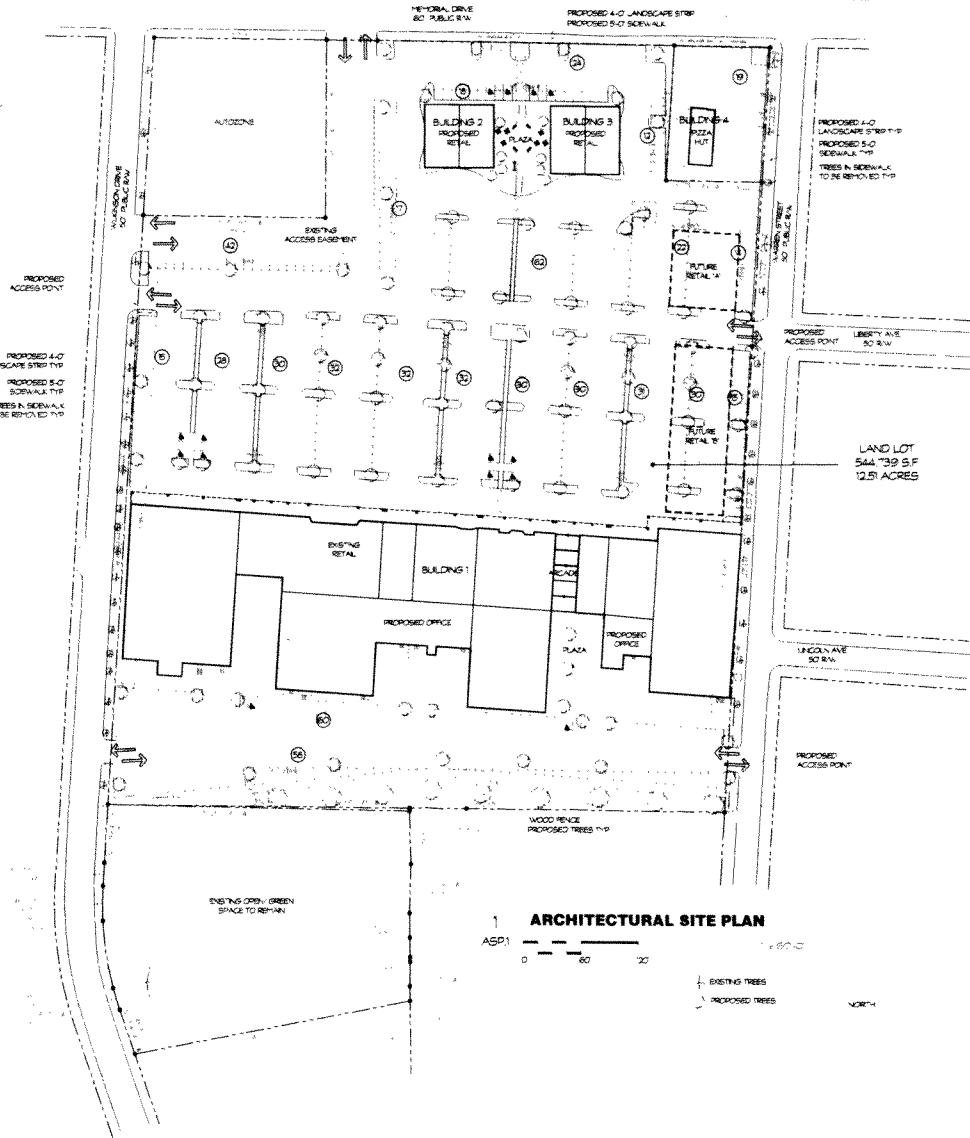
TOTAL SPACES PROVIDED = 657

FUTURE EXPANSION PARKING  
 250 SF / PARKING SPACE  
 15,724 / 250 SF = 63 PARKING SPACES

TOTAL PARKING REQUIRED  
 510 + 63 = 573

TOTAL SPACES PROVIDED = 583

PROPOSED 4'-0" LANDSCAPE STRIP TYP  
 PROPOSED 5'-0" SIDEWALK TYP  
 TREES N. SIDEWALK TO BE REMOVED TYP



## ARCHITECTURAL SITE PLAN

SCALE: 1" = 40'-0"  
 0 20 40

EXISTING TREES  
 PROPOSED TREES

NORTH

PIMBLER + HOSS  
 ARCHITECTS, INC.  
 1000 N. ALBANY AVE., S.W.  
 ATLANTA, GA 30309  
 TEL: 404.525.1100  
 FAX: 404.525.1101  
 WWW.PIMBLERHOSS.COM

**PARKVIEW PLAZA**  
 MEMORIAL DRIVE  
 ATLANTA, GA

PROJECT NO. 09151  
 SCALE: 1" = 40'-0"  
 REV. DATE DESCRIPTION

DRAWN BY: [Signature]  
 CHECKED BY: [Signature]

ARCHITECTURAL SITE PLAN

ASP.1

06/01/09  
 NOT RELEASED  
 FOR CONSTRUCTION

May 27, 2010

Letter of Intent  
Specific Alterations

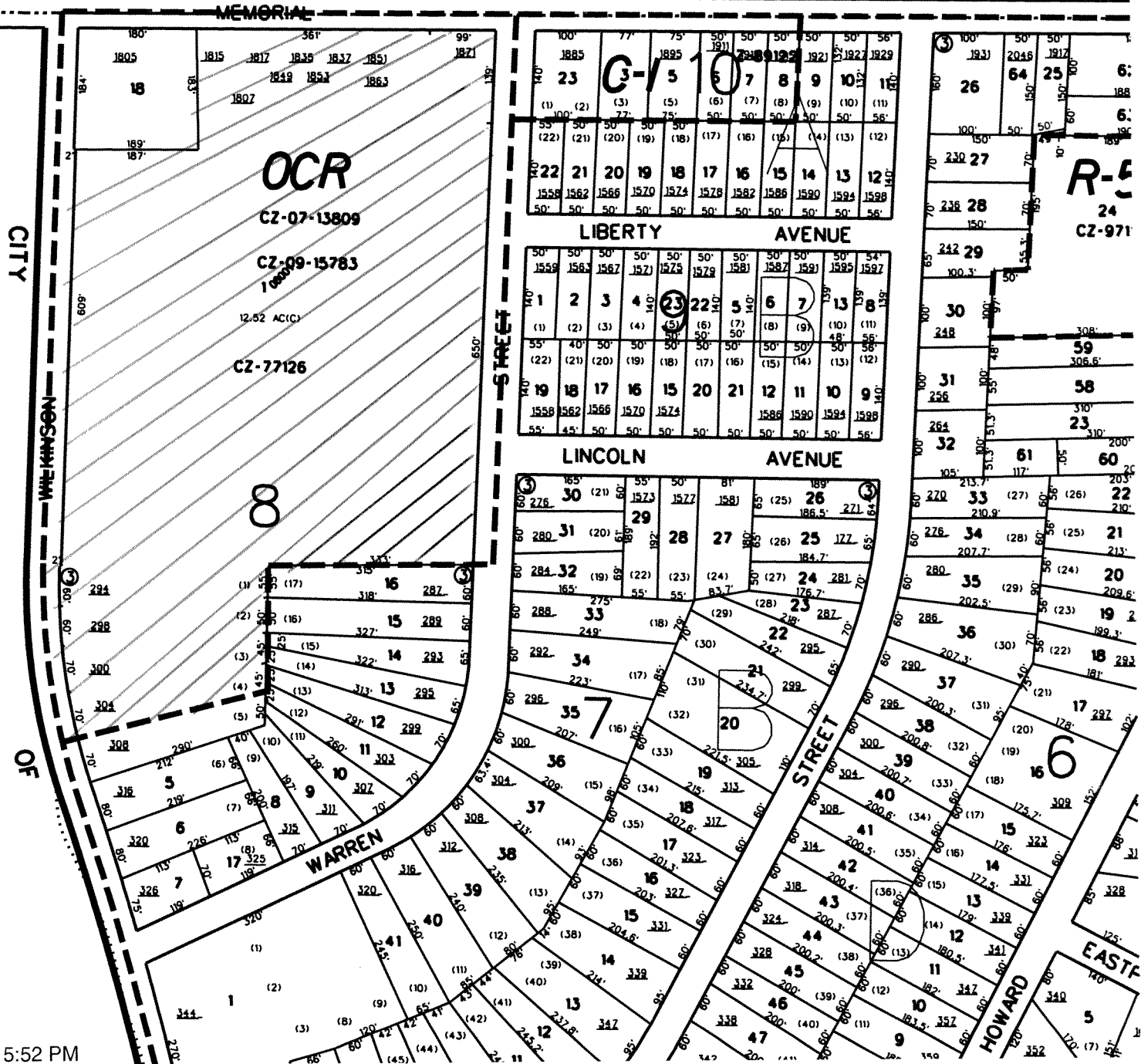
The applicant requests the following alterations to the approved conditions for Parkview Plaza Shopping Center, Memorial Drive (CZ-09-15783). A copy of the subject ordinance is attached.

1. Delete Condition No. 1, which reads:

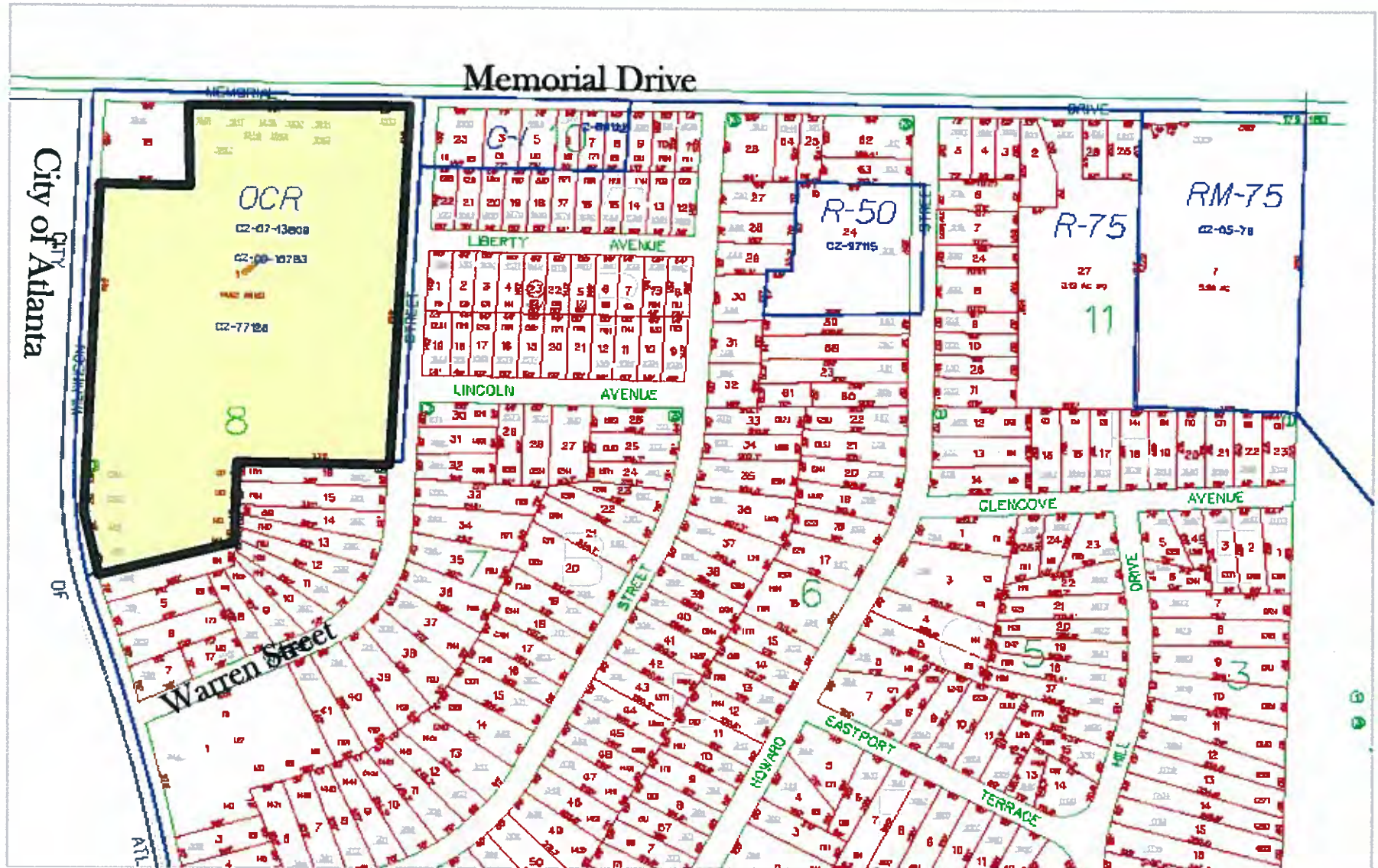
Substantial compliance with the site plan entitled "Parkview Plaza, Memorial Drive, Atlanta, Ga." prepared by Pimsler Hoss Architects, Inc., dated June 1, 2009 and last revised July 20, 2009.

and substitute therefore the following new Condition No. 1:

Substantial compliance with the site plan entitled "Parkview Station, 1807 Memorial Drive, Atlanta, Ga." prepared by Pimsler Hoss Architects, Inc., dated May 27, 2010.



SEE 15-179A







DIXIE ST

1811 1819 1823

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197  
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1926 1930 1940

1816-20 1828

1835 1837

1863

1911 1913 1915 1921 1929

770

1800

1805  
1815  
1849  
1807

1562 1566 1570

1578 1582 1586 1590 1594 1598

1766

LIBERTY AVE

1559 1563 1567

1575 1579 1581 1587 1591 1595



353

1558

1574

LINCOLN AVE

1573 1577

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WILKINSON

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307