



# DeKalb County Government

Manuel J. Maloof Center  
1300 Commerce Drive  
Decatur, Georgia 30030

## Agenda Item

**File #:** 2019-4712  
**File Status:** Preliminary Item

1/28/2020

**Public Hearing:** YES  NO  **Department:** Planning & Sustainability

### **SUBJECT:**

**COMMISSION DISTRICT(S):** 3 & 6

**Application of Wolverton & Associates, Inc. for a Major Modification of zoning conditions pursuant to CZ-10-16426, to allow construction of a 29,100 square foot grocery store, at 1807 Memorial Drive.**

**PETITION NO:** N6. CZ-20-1243618 (2019-4712)

**PROPOSED USE:** Grocery store.

**LOCATION:** 1807 Memorial Drive

**PARCEL NO. :** 15-179-08-001

**INFO. CONTACT:** Marian Eisenberg

**PHONE NUMBER:** 404-371-4922

### **PURPOSE:**

Application of Wolverton & Associates, Inc. for a Major Modification of zoning conditions pursuant to CZ-10-16426, to allow construction of a 29,100 square foot grocery store. The property is located at the southeast corner of Memorial Drive and Warren Street, at 1807 Memorial Drive, Atlanta, GA. J The property has approximately 410.68 feet of frontage on Memorial Drive, approximately 789 feet of frontage on Warren Street, and approximately 869 feet of frontage on Wilkinson Drive and contains 12.52 acres.

### **RECOMMENDATION:**

**COMMUNITY COUNCIL:** APPROVAL.

**PLANNING COMMISSION:** APPROVAL WITH CONDITIONS.

**PLANNING STAFF:** APPROVAL WITH CONDITIONS.

**STAFF ANALYSIS:** The proposal is consistent with the intent of the Neighborhood Center character area to satisfy neighborhood residents' needs for goods and services. The applicant has provided pedestrian connections from the sidewalk at the northeast corner of the site to the front door of the building, and from the sidewalks on Memorial Drive and Warren Street. Because the Parkview Plaza lease requirements prevent the applicant from locating the building close to the sidewalk and street, the applicant has proposed sufficient

landscaping on the edges of the property to screen the parking from view. The zoning proposal is not expected to adversely affect the use or usability of adjacent or nearby property. Off-site impacts on nearby properties to the north and east will be mitigated by the distance separation provided by the adjoining streets. Finally, the desirability of redeveloping the site with a land use that will thrive at this location supports approval of the zoning proposal. Therefore, the Department of Planning and Sustainability recommends “Approval with conditions”.

**PLANNING COMMISSION VOTE: Approval with Conditions, 9-0-0.** V. Moore moved and J. Johnson seconded for approval with conditions as per the staff recommendation, with a modification to condition #6 (prohibited uses) to add check cashing as a prohibited use.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION: Approval 10-0-0.** The Community Council Board thought that the proposed grocery store would bring price-conscious food to a food desert.

## RECOMMENDED CONDITIONS

CZ-20-1243618

Major Modification of Zoning Conditions of CZ-10-16426

Condition No. 1 of CZ-10-16426 has been modified to reflect the new site plan. Condition Nos. 2, 9, and 10, which state procedural requirements that are already incorporated into the permit review process, has been deleted. Condition No. 5 regarding pedestrian connections between buildings that were proposed in 2010 has been deleted because it is no longer relevant in view of the site plan that is currently proposed. Conditions 3, 6, and 8 have been edited for clarity and general applicability.

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~~ “Proposed Zoning Conditions Site Plan”, prepared by Wolverton, dated 12/20/19.
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).~~
- 3.2. The recreational/greenspace 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 with the mall development site, in the form of paths and walking trails, ~~with the mall development site~~ shall be installed.
- 4.3. Any exterior lighting on the above referenced recreational/greenspace 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, which is the existing commercial building (currently “Pizza Hut”) located at the intersection of Memorial Drive and Warren Street.~~
- 6.4. This development shall not include liquor stores, ~~bars, nightclubs~~ late night establishments, check cashing establishments, or pawn shops. However, restaurants with beer, wine and alcoholic beverage sales are permitted.
- 7.5. No adult entertainment or sex shops shall be permitted.
- 8.6. 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.~~

### **Recommended Conditions Without Mark-ups**

1. Substantial compliance with the site plan entitled, “Proposed Zoning Conditions Site Plan”, prepared by Wolverton, dated 12-20-19.
2. The recreational/greenspace 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 with the mall development site, in the form of paths and walking trails, shall be installed.
3. Any exterior lighting on the above referenced recreational/greenspace area shall be of a directional type so as to minimize light spillage on to adjacent residential property.
4. This development shall not include liquor stores, late night establishments, check cashing establishments, or pawn shops. However, restaurants with beer, wine and alcoholic beverage sales are permitted.
5. No adult entertainment or sex shops shall be permitted.
6. 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.



**DeKalb County Department of Planning & Sustainability**

**330 Ponce De Leon Avenue, Suite 300**

**Decatur, GA 30030**

**(404) 371-2155 / [www.dekalbcountyga.gov/planning](http://www.dekalbcountyga.gov/planning)**

Michael Thurmond  
Chief Executive Officer

**Planning Commission Hearing Date: January 7, 2019, 6:30 P.M.**  
**Board of Commissioners Hearing Date: January 28, 2019, 6:30 P.M.**

**MAJOR MODIFICATION – CHANGE OF CONDITIONS**  
**STAFF ANALYSIS**

**Case No.:** CZ-20-1243618 **Agenda #:** N. 6

**Location/Address:** 1807 Memorial Drive, Atlanta, GA **Commission District:** 3 **Super District:** 6

**Parcel ID:** 15 179 08 001

**Request:** Major Modification to change zoning conditions of CZ-10-16426, to allow construction of a 29,100 square foot grocery store in an MU-4 district.

**Property Owner:** RAF Capital, LLC

**Applicant/Agent:** Wolverton & Associates, Inc. (Hunter Hyde)

**Acreage:** 12.52 acres

**Existing Land Use:** Vacated Pizza Hut building in the Parkview Plaza shopping center

**Surrounding Properties:** To the north and northeast: a Chevron service station and single-family residential (City of Atlanta); to the east: an auto repair establishment (zoned C-1) and single-family residential (zoned R-75); to the southeast and south: single-family residential (zoned R-75); to the southwest and west: DeKalb Memorial Park (City of Atlanta); to the west: a YMCA (City of Atlanta); to the northwest: Arbors of East Atlanta apartments (City of Atlanta).

**Comprehensive Plan:** Neighborhood Commercial  **Consistent**  **Inconsistent**

<b>Proposed Square Feet:</b> 29,100 sq. ft.	<b>Existing Square Feet:</b> 1,400 square feet
<b>Proposed Lot Coverage:</b> 75%	<b>Existing Lot Coverage:</b> 84%

**Zoning History:** In 2007, the Board of Commissioners rezoned the property pursuant to CZ-07-13809 from C-2 (General Commercial) and R-75 (Residential Medium Lot-75) to OCR (Office-Commercial-Residential) for a mixed residential, retail, and restaurant development. In 2009, the Board of Commissioners approved a modification to the OCR zoning conditions to remove the residential component from the development and to approve a modified site plan (CZ-09-165783). In 2010, the conditions and site plan were again modified pursuant to CZ-10-16426, to allow a charter school and health clinic along with the other uses shown on the previously-approved site plan.

## **SITE ANALYSIS**

The subject property is located on Memorial Drive, between Wilkinson Drive on the west and Warren Street on the east, just west of the Charlie Yates Golf Course. The 12.52-acre tract that is subject to the modification is developed with the Parkview Plaza shopping center. The project site is a 2.6-acre rectangular portion of the shopping center tract and is located at its northeast corner. It is developed with a vacated Pizza Hut restaurant. An Auto Zone store is located on the adjoining parcel to the west, which also fronts on Memorial Drive. Memorial Drive is a four-lane major arterial. Wilkinson Drive and Warren Street are both local streets.

The property is on the western edge of a peninsula of unincorporated land that juts northward from Glenwood Avenue and is surrounded on three sides by the City of Atlanta. Wilkinson Drive and Memorial Drive form the boundaries between the City and unincorporated DeKalb County; thus the subject property is bordered on the west and to the north by the City. The character of the surrounding area is primarily single-family residential although large tracts of land to the west are used for institutional uses: Crim High School, DeKalb Memorial park, and a YMCA. A multifamily apartment complex, Arbors of East Atlanta, is located across Memorial Drive to the northeast.

The proposal under consideration is to demolish the Pizza Hut building and construct a 29,100 square foot Lidl grocery store. The surrounding surface parking would be re-landscaped to current zoning standards with the required number of landscape islands and trees. The site plan shows a pedestrian path that starts at the sidewalk at the corner of Memorial Drive and Warren Street and continues across the parking lot to the pedestrian platform that borders the front and east side of the proposed building.

The applicant has provided documentation of a lease agreement for the Auto Zone store that provides that a “view corridor” shall be preserved along Memorial Drive, which means that no buildings near the Memorial Drive frontage of the site may be located closer to Memorial Drive than the Auto Zone building, which is set back 97 feet from the property line along Memorial Drive. There is no minimum front building setback in the MU-4 zoning district, so without this lease restriction, the building could be brought up to the edges of the property along Memorial Drive and Warren Street.

The applicant requests modification of two of the zoning conditions that were adopted in 2010: Condition No. 1, which referenced the 2010 site plan, and Condition No. 5, which required pedestrian connections between two new buildings approved in 2010 and the then-existing Pizza Hut building. Both conditions need to be modified in accordance with the currently proposed site plan.

## **LAND USE AND ZONING ANALYSIS**

**Section 27-832 of the Zoning Ordinance, “Standards and factors governing review of proposed amendments to the official zoning map” states that the following standards and factors shall govern the review of all proposed amendments to the zoning maps.**

### **A. Whether the zoning proposal is in conformity with the policy and intent of the comprehensive plan:**

The proposal is consistent with the intent of the Neighborhood Center character area to satisfy neighborhood residents’ needs for goods and services. Customers typically travel to and from grocery stores in automobiles and the Parkland Plaza shopping center has an auto-centric layout with approximately  $\frac{3}{4}$  of the site used for surface parking. Thus, while the proposed grocery store redevelops a vacated portion of the existing shopping center, it does not achieve the kind of compact mixture of uses that is contemplated by the policy to “Create compact mixed use districts and reduce automobile dependency and travel to obtain basic services.” (NC Policy No. 5) In addition, the lease restriction to preserve the view corridor along Memorial Drive prevents the applicant from developing the project site in such a way that it would be consistent with Neighborhood Center

policies to “Clearly define road edges by locating buildings near the roadside with parking in the rear.” and to “Create pedestrian scale communities that focus on the relationship between the street, buildings, streetscaping, and people.” (NC Policy No. 4) There is no minimum front building setback in the MU-4 zoning district, so without the lease restriction, the building could be brought up to the edges of the property along Memorial Drive and Warren Street. However, the applicant has provided a pedestrian connection from the sidewalk at the northeast corner of the site to the front door of the building, and staff recommendations for additional pedestrian connections, if implemented, would further link the building to the sidewalks on Memorial Drive and Warren Street. In lieu of locating the building close to the “roadsides”, the applicant has proposed sufficient landscaping on the edges of the property to screen the parking from view.

**B. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties:**

Use of the project site for a grocery store is suitable in view of its location within an existing shopping center. The site plan for the grocery store shows that it is located outside of the view corridor as required by the lease agreement.

**C. Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:**

This consideration is not applicable to the zoning proposal under consideration in this analysis because the zoning proposal does not involve a change in the zoning classification of the property.

**D. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:**

The zoning proposal is not expected to adversely affect the use or usability of adjacent or nearby property. The project site is bounded on its north side by Memorial Drive, a four-lane major arterial, on its east side by Warren Street, and on the other sides by parking lot for the Parkview Plaza shopping center. Off-site impacts on nearby properties to the north and east will be mitigated by the distance separation provided by the adjoining streets.

**E. Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal:**

The proposal under consideration represents the fourth time that the site plan and zoning conditions for the property will have been modified since 2007. The desirability of redeveloping the site with a land use that will thrive at this location supports approval of the zoning proposal.

**F. Whether the zoning proposal will adversely affect historic buildings, sites, districts, or archaeological resources:**

No historic buildings, sites, districts, or archaeological resources are located on the property or in the surrounding area.

**G. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools:**

The Watershed Department has commented that upgrades to the 6-inch water line may be necessary. There have been no indications from other reviewing agencies and departments that the proposed grocery store would overburden existing streets, transportation facilities, utilities, or schools.

**H. Whether the zoning proposal adversely impacts the environment or surrounding natural resources:**

Because the project site is located in an existing shopping center, there would be no significant adverse impacts on the environment or surrounding natural resources.

**STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS.**

The proposal is consistent with the intent of the Neighborhood Center character area to satisfy neighborhood residents' needs for goods and services. The applicant has provided a pedestrian connection from the sidewalk at the northeast corner of the site to the front door of the building, and staff recommendations for additional pedestrian connections, if implemented, would further link the building to the sidewalks on Memorial Drive and Warren Street. Because the Parkview Plaza lease requirements prevent the applicant from locating the building close to the sidewalk and street, the applicant has proposed sufficient landscaping on the edges of the property to screen the parking from view. The zoning proposal is not expected to adversely affect the use or usability of adjacent or nearby property. Off-site impacts on nearby properties to the north and east will be mitigated by the distance separation provided by the adjoining streets. Finally, the desirability of redeveloping the site with a land use that will thrive at this location supports approval of the zoning proposal. Therefore, the Department of Planning and Sustainability recommends "Approval" with the following modified conditions.

Condition No. 1 of CZ-10-16426 has been modified to reflect the new site plan. Condition Nos. 2, 9, and 10, which state procedural requirements that are already incorporated into the permit review process, has been deleted. Condition No. 5 regarding pedestrian connections between buildings that were proposed in 2010 has been deleted because it is no longer relevant in view of the site plan that is currently proposed. Conditions 3, 6, and 8 have been edited for clarity and general applicability.

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- ~~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).~~
- ~~3.2.~~ 2. The recreational/greenspace 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 with the mall development site, in the form of paths and walking trails, ~~with the mall development site~~ shall be installed.
- ~~4.3.~~ 3. Any exterior lighting on the above referenced recreational/greenspace area shall be of a directional type so as to minimize light spillage on to adjacent residential property.
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- ~~8.6.~~ 6. 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.~~

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### **Recommended Conditions Without Mark-ups**

1. Substantial compliance with the site plan entitled, "Proposed Zoning Conditions Site Plan", prepared by Wolverton, dated 12-20-19.
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### **ATTACHMENTS:**

1. Department and Division Comments
2. Board of Health Comments
3. Board of Education Comments
4. Application
5. Survey (existing conditions)
6. Site Plan
7. Elevations, Renderings
8. Land Use Map
9. Zoning Map
10. Aerial View
11. Site Photos

## NEXT STEPS

*Following an approval of this zoning action, one or several of the following may be required:*

- ① • **Land Disturbance Permit** *(Required for of new building construction on non-residential properties, or land disturbance/improvement such as storm water detention, paving, digging, or landscaping.)*
- ① • **Building Permit** *(New construction or renovation of a building (interior or exterior) may require full plan submittal or other documentation. Zoning, site development, watershed and health department standards will be checked for compliance.)*
- ① • **Certificate of Occupancy** *(Required prior to occupation of a commercial or residential space and for use of property for a business. Floor plans may be required for certain types of occupants.)*
- **Plat Approval** *(Required if any parcel is being subdivided, re-parceled, or combined. Issued “administratively”; no public hearing required.)*
- **Sketch Plat Approval** *(Required for the subdivision of property into three lots or more. Requires a public hearing by the Planning Commission.)*
- **Overlay Review** *(Required review of development and building plans for all new construction or exterior modification of building(s) located within a designated overlay district.)*
- **Historic Preservation** *(A Certificate of Appropriateness is required for any proposed changes to building exteriors or improvements to land when located within the Druid Hills or the Soapstone Geological Historic Districts. Historic Preservation Committee public hearing may be required.)*
- **Variance** *(Required to seek relief from any development standards of the Zoning Ordinance. A public hearing and action by the Board of Appeals are required for most variances.)*
- **Minor Modification** *(Required if there are any proposed minor changes to zoning conditions that were approved by the Board of Commissioners. The review is administrative if the changes are determined to be minor as described by Zoning Code.)*
- **Major Modification** *(Required submittal of a complete zoning application for a public hearing if there are any proposed major changes to zoning conditions that were approved by the Board of Commissioner for a prior rezoning.)*
- **Business License** *(Required for any business or non-residential enterprise operating in Unincorporated DeKalb County, including in-home occupations).*
- **Alcohol License** *(Required permit to sell alcohol for consumption on-site or packaged for off-site consumption. Signed and sealed distance survey is required. Background checks will be performed.)*

**Each of the approvals and permits listed above requires submittal of application and supporting documents, and payment of fees. Please consult with the appropriate department/division.**

N-6



# DEKALB COUNTY GOVERNMENT PLANNING DEPARTMENT DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO  
MICHELLE ALEXANDER [MMALEXANDER@DEKALBCOUNTYGA.GOV](mailto:MMALEXANDER@DEKALBCOUNTYGA.GOV) OR JOHN REID  
[JREID@DEKALBCOUNTYGA.GOV](mailto:JREID@DEKALBCOUNTYGA.GOV)

## COMMENTS FORM: PUBLIC WORKS TRAFFIC ENGINEERING

Case No.: CL-20-1243618 Parcel I.D. #: 15-179-08-001

Address: 1807  
Memorial Drive  
Atlanta, GA

### Adjacent Roadway (s):

_____	_____
(classification)	(classification)

Capacity (TPD) _____	Capacity (TPD) _____
Latest Count (TPD) _____	Latest Count (TPD) _____
Hourly Capacity (VPH) _____	Hourly Capacity (VPH) _____
Peak Hour. Volume (VPH) _____	Peak Hour. Volume (VPH) _____
Existing number of traffic lanes _____	Existing number of traffic lanes _____
Existing right of way width _____	Existing right of way width _____
Proposed number of traffic lanes _____	Proposed number of traffic lanes _____
Proposed right of way width _____	Proposed right of way width _____

Please provide additional information relating to the following statement.

According to studies conducted by the Institute of Traffic Engineers (ITE) 6/7<sup>TH</sup> Edition (whichever is applicable), churches generate an average of fifteen (15) vehicle trip end (VTE) per 1,000 square feet of floor area, with an eight (8%) percent peak hour factor. Based on the above formula, the \_\_\_\_\_ square foot place of worship building would generate \_\_\_\_\_ vehicle trip ends, with approximately \_\_\_\_\_ peak hour vehicle trip ends.

Single Family residence, on the other hand, would generate ten (10) VTE's per day per dwelling unit, with a ten (10%) percent peak hour factor. Based on the above referenced formula, the \_\_\_\_\_ (Single Family Residential) District designation which allows a maximum of \_\_\_\_\_ units per acres, and the given fact that the project site is approximately \_\_\_\_\_ acres in land area, \_\_\_\_\_ daily vehicle trip end, and \_\_\_\_\_ peak hour vehicle trip end would be generated with residential development of the parcel.

### COMMENTS:

Field and plans reviewed. Nothing found that would disrupt traffic flow.

Signature: [Signature]



DEKALB COUNTY GOVERNMENT  
PLANNING DEPARTMENT  
DISTRIBUTION FORM

NOTE: PLEASE RETURN ALL COMMENTS VIA EMAIL OR FAX TO EXPEDITE THE PROCESS TO MICHELLE M ALEXANDER [mmalexander@dekalbcountyga.gov](mailto:mmalexander@dekalbcountyga.gov) OR JOHN REID [jreid@DEKALBCOUNTYGA.GOV](mailto:jreid@DEKALBCOUNTYGA.GOV)

COMMENTS FORM:  
PUBLIC WORKS WATER AND SEWER

Case No.: CZ-20-1243618

Parcel I.D. #: 15-179-08-001

Address: 1807 Memorial Drive

Atlanta, Georgia

WATER:

Size of existing water main: 6" CI Water Main (adequate/inadequate)

Distance from property to nearest main: Adjacent to Property

Size of line required, if inadequate: N/A

WATER PRESSURE MAY BE ISSUE OFF OF 6" LINE; UPGRADES  
MAY BE REQUIRED. MJO

SEWER:

Outfall Servicing Project: Intrenchment Creek Basin

Is sewer adjacent to property: Yes (X) No ( ) If no, distance to nearest line: \_\_\_\_\_

Water Treatment Facility: Snapfinger Creek WTF ( ) adequate ( ) inadequate

Sewage Capacity; \* (MGPD)

Current Flow: 21.77 (MGPD)

COMMENTS:

\* Please note that the sewer capacity has not been reviewed or approved for this project. A Sewer Capacity Request (SCR) must be completed and submitted for review. This can be a lengthy process and should be addressed early in the process.


Signature: [Handwritten Signature]



404.371.2155 (o)  
404.371.4556 (f)  
DeKalbCountyGa.gov

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

DEPARTMENT OF PLANNING & SUSTAINABILITY

MAJOR MODIFICATION APPLICATION

Date Submitted: 10/31/19 Case No.: CZ-10-16426  
CZ-20-1243618

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  
Last signed office  
Reason: I have reviewed this document  
Contact Info: hunter.hyde@wolvertoninc.com  
Date: 2019.10.31.11.17.30-04:00

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

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

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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: Lid1-1807 Memorial Drive

Meeting Date: 10/29/2019

Facilitator:

Location: Burgess Peterson Academy

Name	Address	Phone	Email
Allen Pirsun	3276 Northside Pkwy	864-941-6285	pirsunab@gmail.com
Stephanie Parker	1163 Greenleaf Rd		s_d_parker@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	2wingirl@gmail.com
Vick Vyas	1999 Hosea L Williams	678-735-0223	Vinit_vyas@hotmail.com
Mitchell Davis	1692 Beverly Woods Ct	678-251-4602	mdavis@memillanpark.edu
HUNTER HYDE	6745 Sugarleaf Parkway	<del>678</del> 984-4458	hunter.hyde@walkeer.com
Joseph Diawiddie	1574 Liberty Ave SE	865-335-2708	jdiawiddie@gmail.com
Jonathan Bapiste	1270 Capline St # D120-133	317-567-3718	jbapiste@hotmail.com
Will Bryant	119 Howard St NE	404-419-8909	wbryant@memillanpark.edu
Shaun Walker	4632 Liberty Square Dr.	404-824-4957	shawn.walker@ednet.edu

u\*



**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.

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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

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.

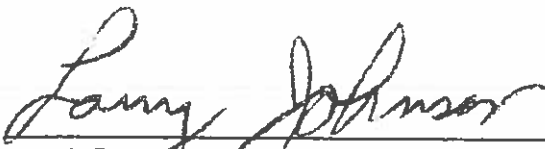
**FOR USE BY COMMISSION OFFICE/CLERK ONLY**

**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>	_____	_____	_____

5. The development of proposed Buildings 2 and 3 shall provide for pedestrian connectivity with Building 4, which is the existing commercial building (currently "Pizza Hut") located at the intersection of Memorial Drive and Warren Street.
6. This development shall not include liquor stores, bars, nightclubs or pawn shops. However, restaurants with beer, wine, and alcoholic beverage 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.

**PLANNING COMMISSION:**

**Approval with Conditions 4-1-0.** M. Butts moved and B. Lundsten seconded for approval as recommended & conditioned by staff, with a modification to condition #6 to include pawn shops as a prohibited use. The motion passed 4-1-0 for approval with conditions of this application. V. Moore opposed.

**COMMUNITY COUNCIL:**

**No Recommendation.** A motion to approve and a motion to deny both failed because the council was split between approving condition modification and denial due to discomfort with locating a health clinic next to a school. A compromise could not be reached and the council agreed not to make a recommendation.

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:

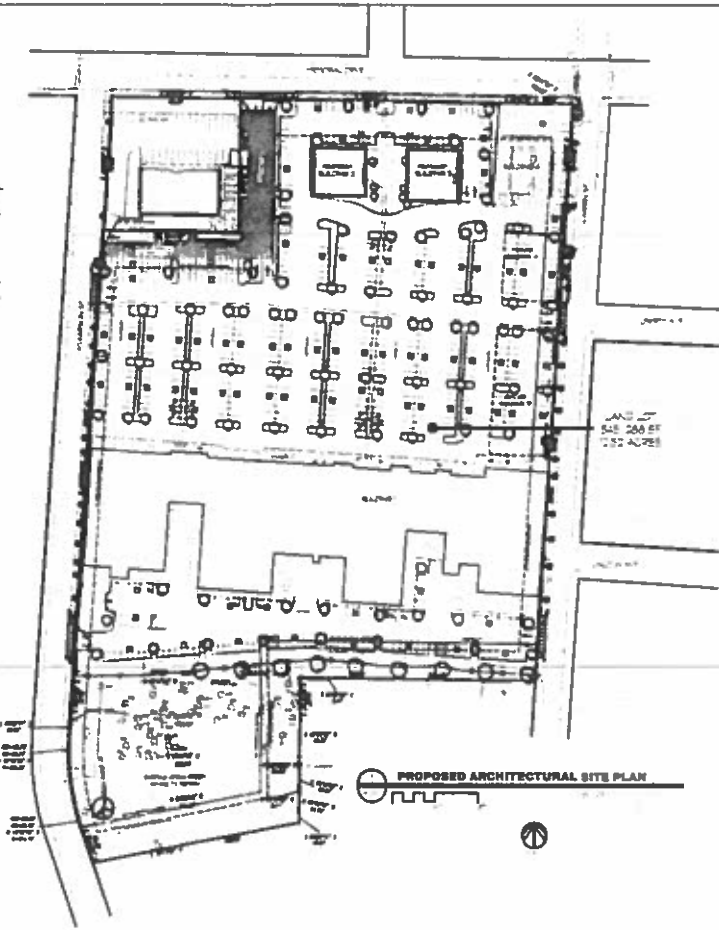
Substantial compliance with the site plan entitled "Parkview Station, 1807 Memorial Drive, Atlanta, Ga." prepared by Pimsler Hoss Architects, Inc., dated May 27, 2010.

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# Proposed Plan

## SITE PLAN NOTES

- 1. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODE AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
- 2. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE CALIFORNIA ELECTRICAL CODE AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
- 3. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE CALIFORNIA MECHANICAL CODE AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
- 4. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE CALIFORNIA PLUMBING CODE AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
- 5. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE CALIFORNIA FIRE CODE AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
- 6. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE CALIFORNIA LANDMARK PRESERVATION ACT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
- 7. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE CALIFORNIA HISTORIC PRESERVATION ACT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
- 8. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE CALIFORNIA ANTI-CORRUPTION ACT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
- 9. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
- 10. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE CALIFORNIA PUBLIC ACCESS ACT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
- 11. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE CALIFORNIA PUBLIC EMPLOYMENT ACT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
- 12. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE CALIFORNIA PUBLIC UTILITIES ACT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
- 13. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE CALIFORNIA PUBLIC WORKS ACT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
- 14. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE CALIFORNIA PUBLIC SAFETY ACT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
- 15. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE CALIFORNIA PUBLIC SERVICE ACT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
- 16. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE CALIFORNIA PUBLIC UTILITIES AND TRANSPORTATION ACT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
- 17. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE CALIFORNIA PUBLIC WORKS AND TRANSPORTATION ACT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
- 18. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE CALIFORNIA PUBLIC SAFETY AND SECURITY ACT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
- 19. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE CALIFORNIA PUBLIC SERVICE AND UTILITIES ACT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.
- 20. ALL WORK SHALL BE ACCORDING TO THE LATEST EDITIONS OF THE CALIFORNIA PUBLIC UTILITIES AND TRANSPORTATION ACT AND ALL APPLICABLE REGULATIONS AND ORDINANCES.

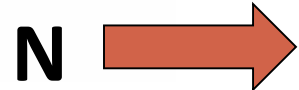
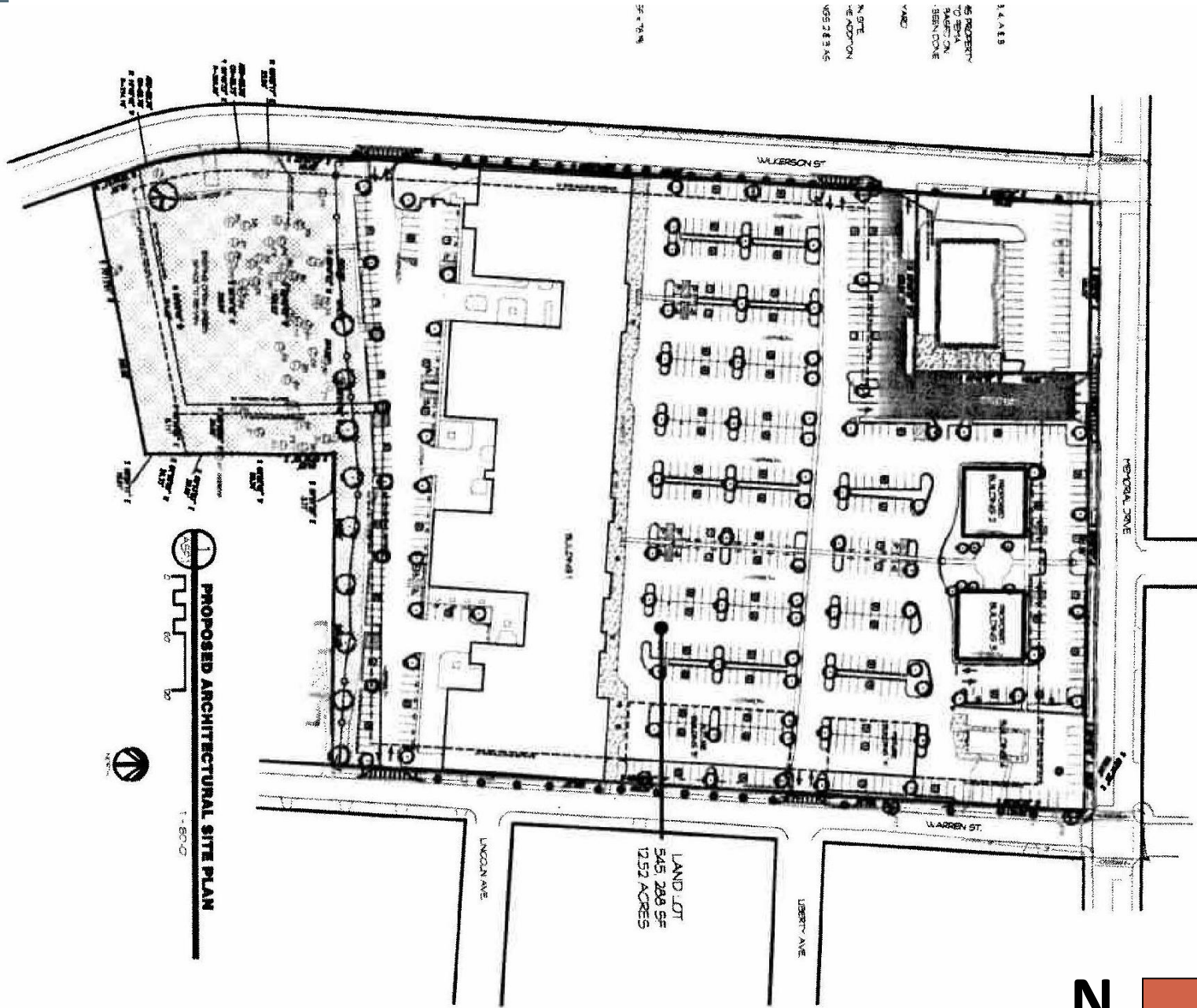


PROPOSED ARCHITECTURAL SITE PLAN

ARCHITECTURAL SITE PLAN  
 PREPARED BY  
 DATE

**PARKVIEW STATION**  
 100 PARKVIEW ST  
 ATHERTON, CA

PROPOSED ARCHITECTURAL SITE PLAN  
 ASP.2



PROPOSED ARCHITECTURAL SITE PLAN  
1" = 80'-0"

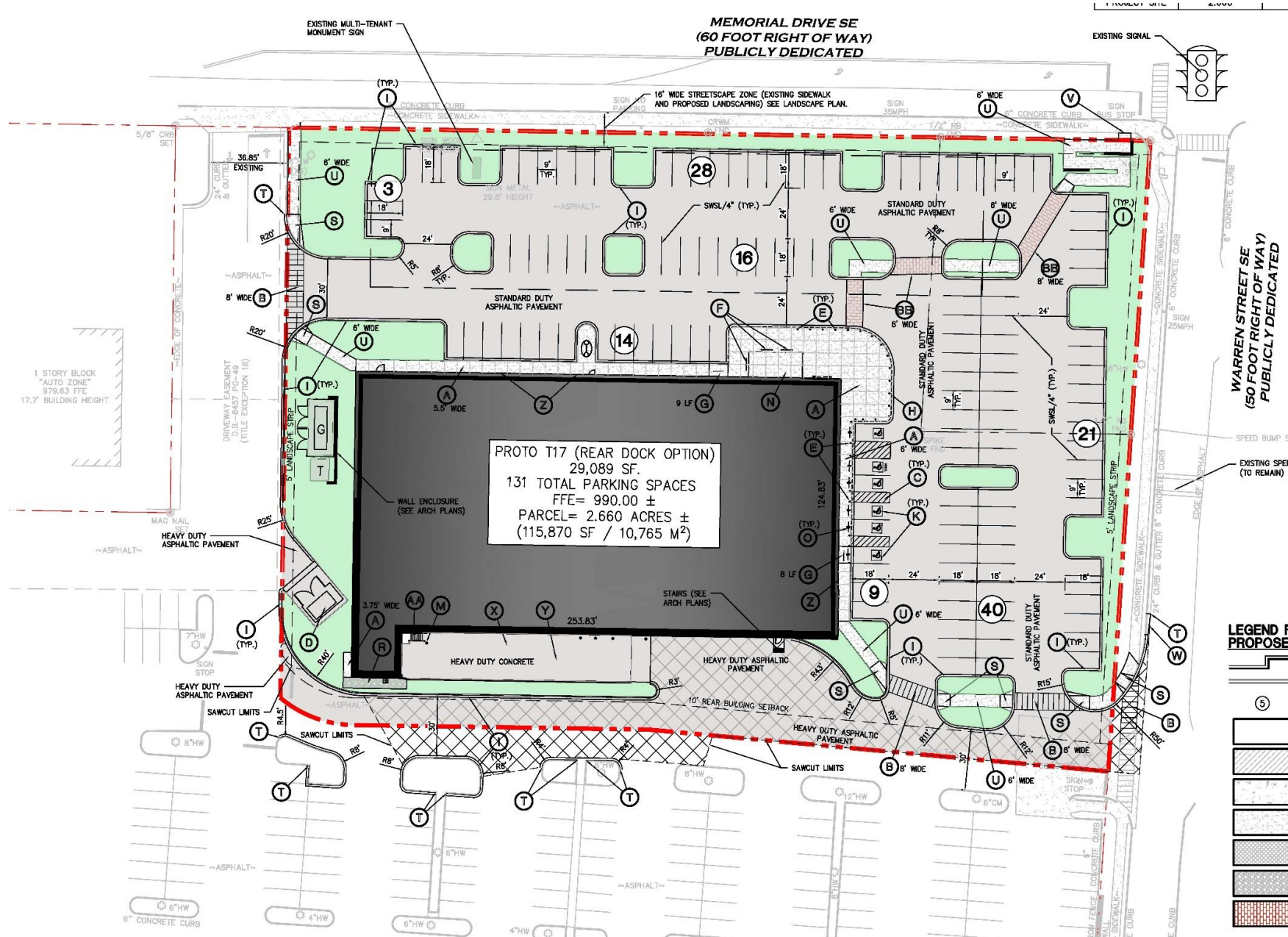
LAND LOT  
545,288 SF  
12.52 ACRES

SCALE  
AS SHOWN  
NO PROPERTY  
LINES OR  
BOUNDARIES  
SHOWN  
UNLESS  
OTHERWISE  
NOTED

DATE  
NOV 2015

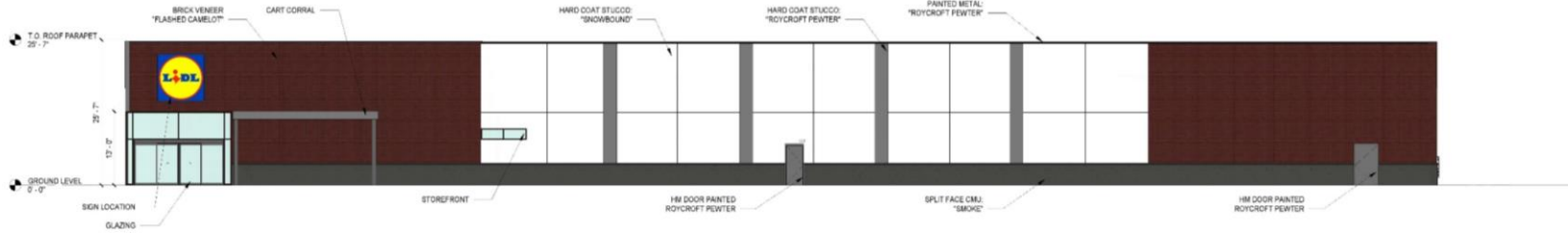
BY  
[Signature]





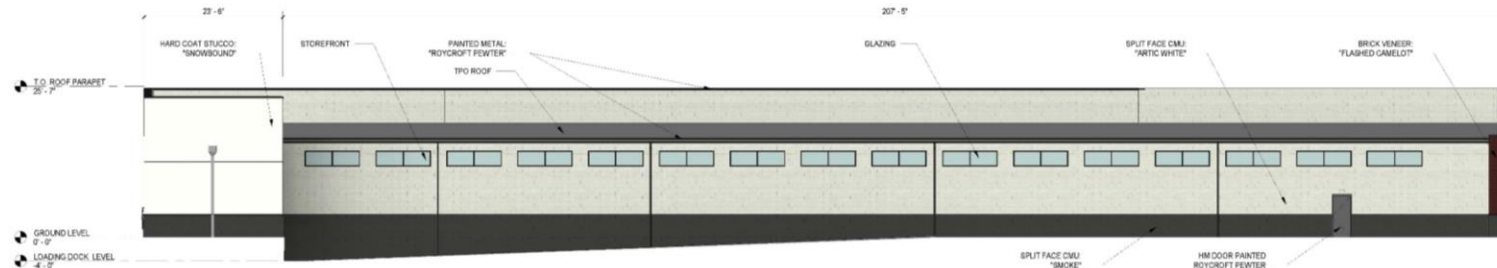
Site Plan dated 12-20-19





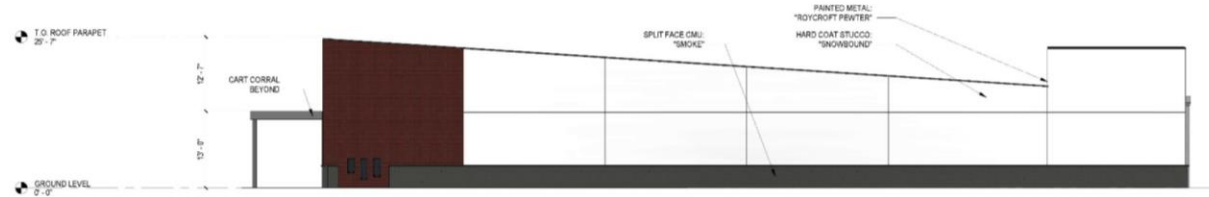
NORTH ELEVATION

3/32" = 1'-0"



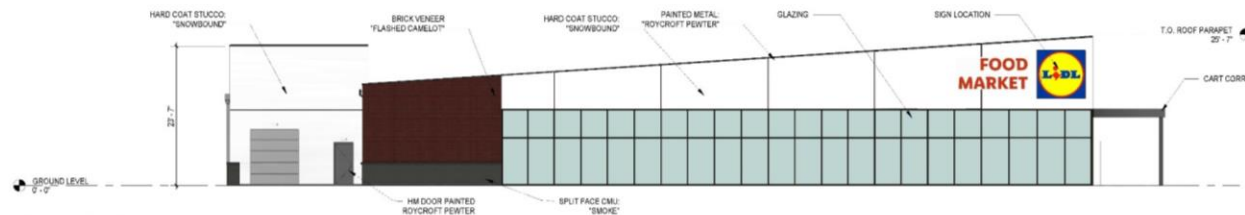
SOUTH ELEVATION

3/32" = 1'-0"









WEST ELEVATION

3/32" = 1'-0"

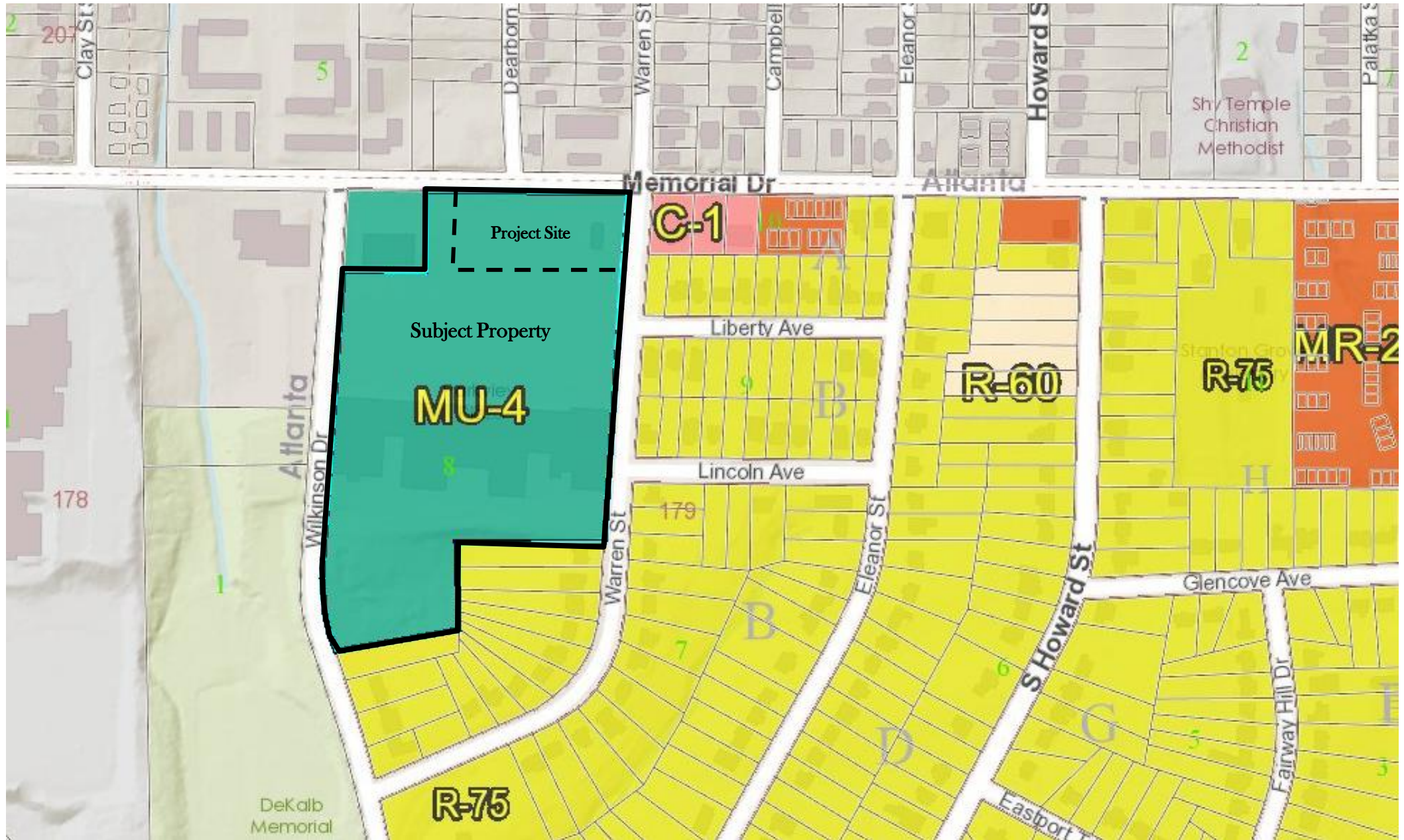


EAST ELEVATION

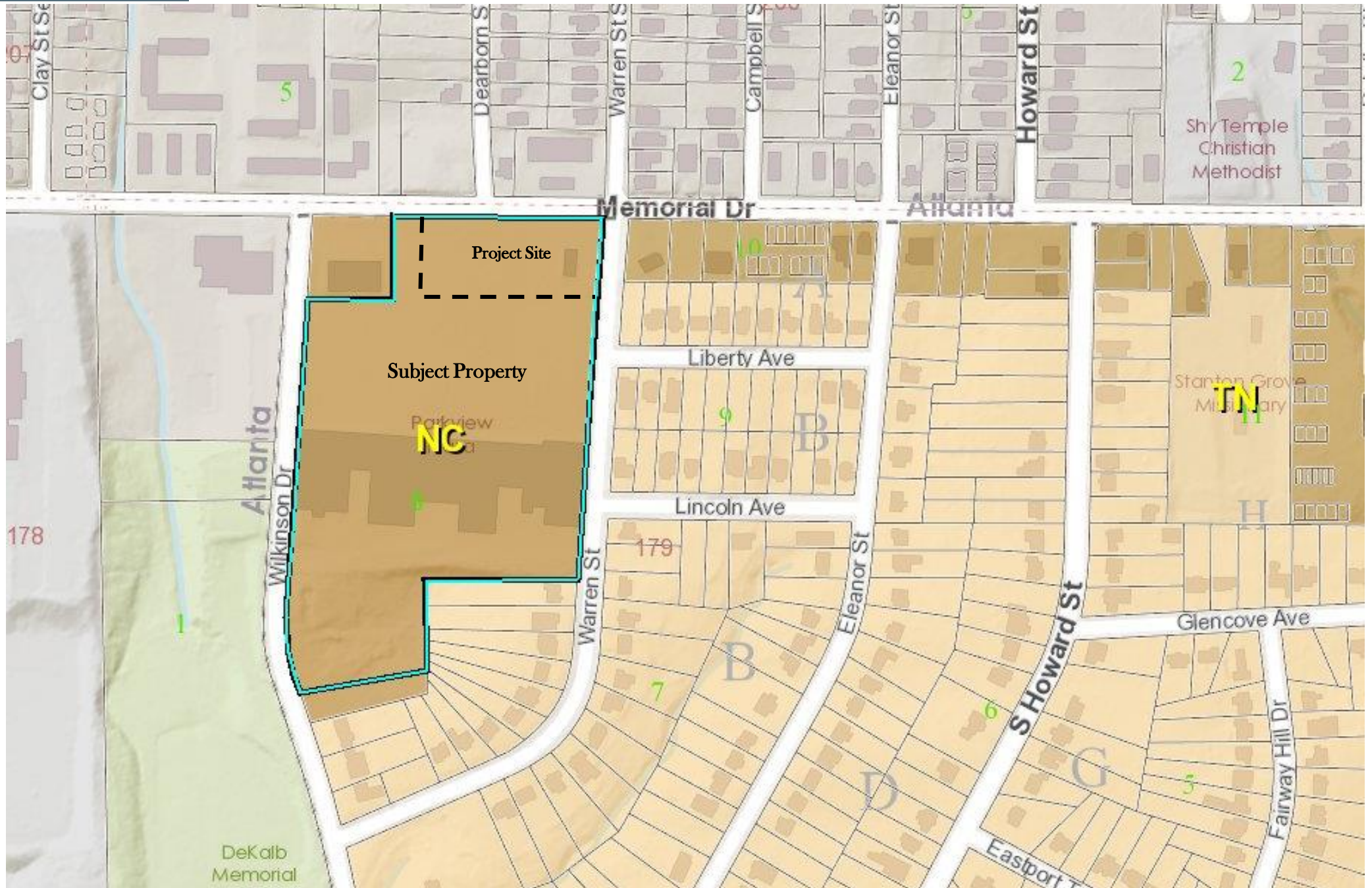
3/32" = 1'-0"

	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















(left) View from northeast corner of site.

(right) View from northwest.

