



City Council
Atlanta, Georgia

02-0-0873

A SUBSTITUTE ORDINANCE
BY: ZONING COMMITTEE

Z-02-35
DATE FILED: 8-08-02

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the City of Atlanta be amended and the maps established in connection therewith be changed so that the following property located at **1366 Memorial Drive** be changed from the **R-4A (Single-Family Residential)** District to the **C-1-C (Community Business-Conditional)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **208** of the **15th** District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development," as identified by the use of the suffix "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the attached conditions. Any conditions hereby approved (including any conditional site plan) do not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment

SECTION 3. That the maps referred to, now on file in the Office of Municipal Clerk, be changed to conform with the terms of this ordinance.

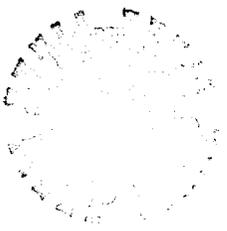
SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

A true copy,

Rhonda Daughlin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

OCT 07, 2002
OCT 15, 2002



Conditions for Z-02-35

1. Site plan titled, "Detail Shop," by Busbee Surveying Co., Inc., dated 1/21/02 stamped as received by the Bureau of Planning on June 27, 2002.
2. A minimum of a five-foot wide landscape strip with trees and shrubbery shall be placed adjacent to the curb and along the borders of the property, including the rear.
3. ADA accessible parking shall be provided.
4. Applicant shall secure property during the hours it is not open for business in order to avert drug dealers from ingress and egress to the property for illegal purposes.
5. There shall be no loitering or loud music on the premises at any time as the subject property abuts a residential community.

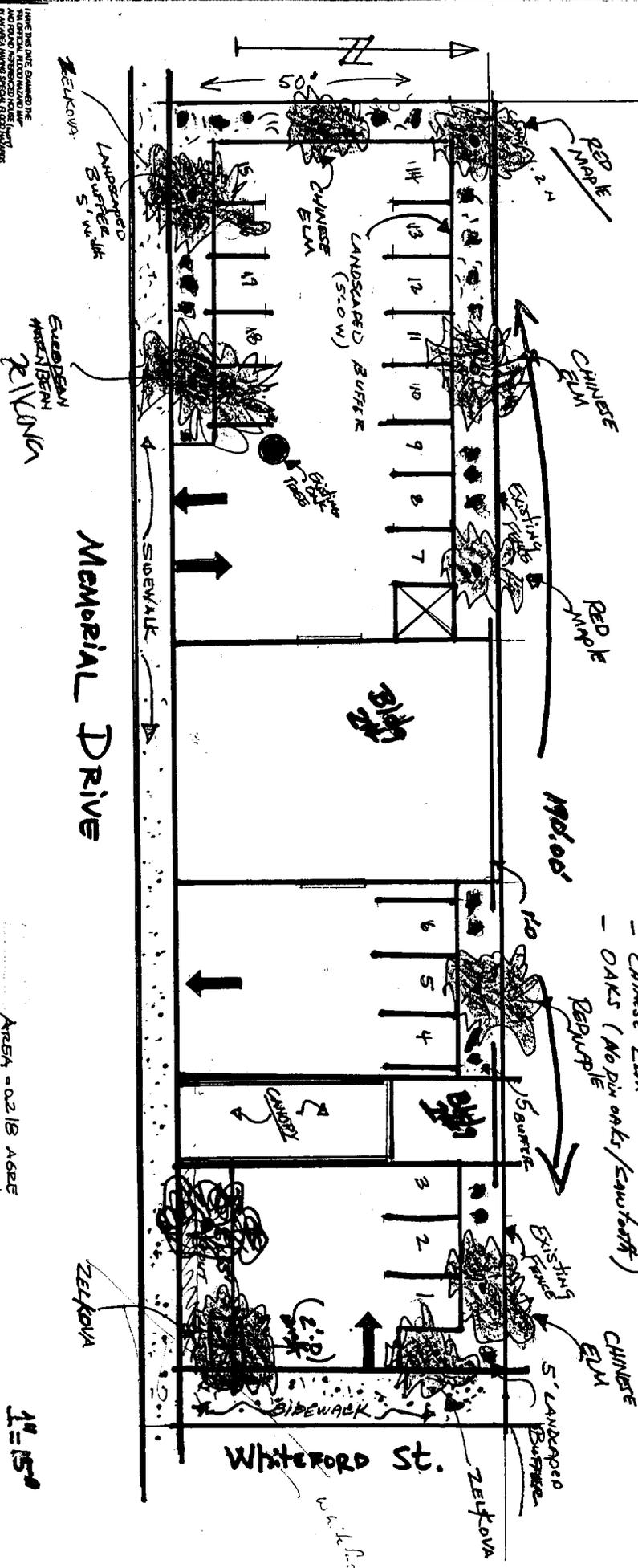
SPRUESE 2 1/4" MAX.

1) Junipers
by Abiles (Chelera)

Tree Placements: UNDER POWER LINES -
(2 1/2" CALIBER)

OPEN AREA:

- RED MAPLE (OCT. GILROY/REDSUNSET)
- CHINESE ELM
- OAKS (NO PIN OAKS/SAUBERT)



AREA - 0218 ASSE

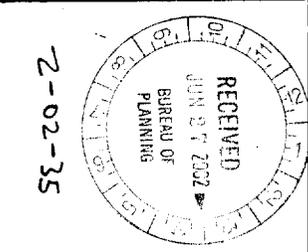
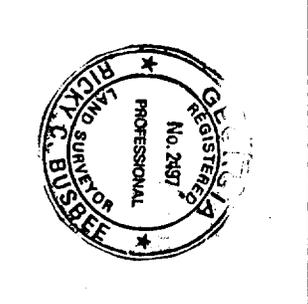
1" = 15'

I HAVE THE DATE EXAMINED THE...
THE FIELD DATA UPON WHICH THIS PLAN IS BASED HAS...
A COMPLETE REVISION OF THE FOOT NOTATIONS...
ADJUSTED LONG OR SHORTLY FILE THE PLAN ON PLAT...
BEING OBTAINED FOR CLOSURE AND IS FOUND TO BE ACCURATE...
THE BOUNDARY BEING 1/4" (0.25") FEET...
BY THE SURVEYOR AND HIS ASSISTANT...
IN THE PRESENCE OF THE PLAT OFFICER...
AND THE RECORDS CLERK...
BUSBEE SURVEYING CO., INC.
LAND SURVEYING
3348 HIGHWAY 120 DULUTH, GEORGIA 30096
PH: (770) 497-9886
FAX: (770) 497-9881

Site Plan:

ELOSHUA (808) ELLIOTT
ALFRED WITT-TIMOTHY

LOT	REVISIONS
DEED BOOK 913, PAGE 723	
PLAT BOOK PAGE	
LAND LOT 208	
1ST DISTRICT	CC. 8-5
DECALB COUNTY, GEORGIA	DRAWN 2-6
DATE: 01/21/02 SCALE: 1" =	CHKD.
	JOB NO.
	24534



2-02-35

DETAIL SHOT

1566 Memorial Drive



SELLER(S) AFFIDAVIT

STATE OF
COUNTY OF

THE UNDERSIGNED(S) being first duly sworn deposes and says:

1. That (s)he/they is/are the owner(s) of that certain real estate located in the County of DEKALB, State of Georgia, to-wit:

ALL THAT LOT OF LAND LYING AND BEING IN LAND LOT 208 OF THE 15TH LAND DISTRICT OF DEKALB COUNTY, GEORGIA BEING THAT CERTAIN LOT, PRESENTLY OWNED BY GRANTOR, WHICH IS LOCATED AT THE NORTHWEST CORNER OF THE INTERSECTION OF MEMORIAL DRIVE (FORMERLY FAIR STREET) AND WHITEFORD STREET (FORMERLY BELL STREET), SAID LOT HAVING DIMENSIONS OF APPROXIMATELY 190 FEET, MORE OR LESS, ON ITS NORTHERN AND SOUTHERN BOUNDARIES AND 50 FEET, MORE OR LESS, ON ITS EASTERN AND WESTERN BOUNDARIES, BEING THE SAME PROPERTY WHICH DR. T. M. MCINTOSH PURCHASED FROM MRS. M.G. BRILEY BY DEED DATED MAY 9, 1928, RECORDED IN DEED BOOK 281, PAGES 284 AND 285, CLERK'S OFFICE, DEKALB SUPERIOR COURT.

2. That they are in exclusive, full, complete and undisputed possession of said property and that there are no leases, options, claims, unpaid taxes or interest of any kind held thereon, by any other party except:

None

3. That no labor has been performed upon nor any materials furnished to said property for which laborers or materialmen have any right of lien; that there are no mechanics, materialmen's or laborer's liens against the above described property.

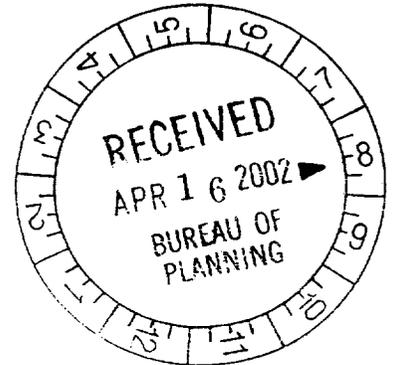
4. That personal property located on the premises above described is also free of all liens, claims and encumbrances; that sales tax laws now in effect have been complied with in connection with any operation on said premises.

5. That there are no encroachments of buildings, fences or other improvements on the above described property, nor do any buildings, fences or other improvements located on said property encroach on abutting property.

6. That this affidavit is made for the purpose of inducing YOLANDA WILLIAMS FAVORS P.C. to issue title insurance to ELOSHUA ELLIOTT and ALFRED WITTINGHAM

WITNESSES

James A. Wingfield
JAMES A. WINGFIELD



COUNTY OF
STATE OF

I HEREBY CERTIFY that on this _____ day of _____, 20____, before me, an officer duly qualified to take acknowledgements, personally appeared: JAMES A. WINGFIELD to me known to be the persons described in and who executed the foregoing instrument and acknowledged before me that they executed the same.

NOTARY PUBLIC
COMMISSION EXPIRATION:

Prepared by:
YOLANDA WILLIAMS FAVORS P.C.

2-02-35

02-0-0873

(Do Not Write Above This Line)

AN ORDINANCE Z-02-35
BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE FROM THE R-4A (SINGLE-FAMILY RESIDENTIAL) DISTRICT TO THE C-1 (COMMUNITY BUSINESS) DISTRICT, PROPERTY LOCATED AT 1366 MEMORIAL DRIVE, S.E., FRONTING APPROXIMATELY 50 FEET ON THE WEST SIDE OF WHITEFOORD STREET BEGINNING AT THE NORTHWEST CORNER OF MEMORIAL DRIVE AND WHITEFOORD STREET. DEPTH: 190 FEET; AREA: .218 ACRES; LAND LOT 208 OF THE 15TH DISTRICT, DEKALB COUNTY, GEORGIA.

OWNER: ALFRED WITTINGHAM
APPLICANT: SAME
NPU-0 COUNCIL DISTRICT 5

ADOPTED BY
OCT 07 2002
COUNCIL

- CONSENT REFER
- REGULAR REPORT REFER
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER

Date Referred 5/20/02

Referred To: ZRB + Zoning

First Reading

Committee: Zoning
Date: May 15, 2002
Chair: Detrick Starns

Committee: Zoning
Date: Sept. 11, 2002
Chair: [Signature]
Actions: ON substitute
Fav, Adv, Held (see rev. side)
Other: [Signature]
Members: [Signature]
Refer To: [Signature]

COUNCIL ACTION

- 2nd Reading
- 1st & 2nd Reading
- 3rd Reading
- Consent V Vote
- RC Vote

CERTIFIED

CERTIFIED
OCT 07 2002
[Signature]

CERTIFIED
OCT 07 2002
[Signature]

MAYOR'S ACTION

MAYOR'S ACTION
[Signature]
OCT 15 2002
MAYOR