



CITY OF ATLANTA

SHIRLEY FRANKLIN
MAYOR

55 TRINITY AVENUE, S.W.
ATLANTA, GEORGIA 30335-0300
TEL (404) 330-6100

August 20, 2004

Council President Lisa Borders
Members of the Atlanta City Council
City Hall 2nd Floor Suite 2900
55 Trinity Avenue, SW
Atlanta, Georgia 30335

Dear President Borders and Members of Council:

O. L. ...
I hereby return with my veto, Resolution # 04-O-0269

On August 16, 2004 the Atlanta City Council adopted Ordinance #04-O-0269 to rezone from the I-2 (Heavy Industrial) District to the MR-4A (Multi-Family Residential-Subdistrict 4A) District, Property located at 1358-1374-1378 Murphy Avenue, S.W./1080-1090 Dill Avenue, S.W.

The applicant, Mr. William L. Stephenson, has requested (letter attached) that this matter be vetoed because there are environmental issues at the property that have not and may not be quickly resolved to allow for residential development.

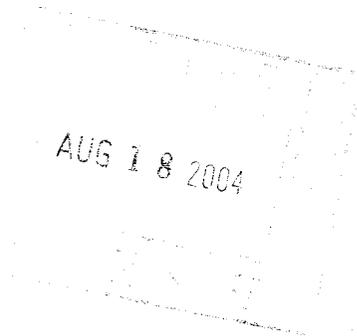
Based on the request as outlined in this letter, I urge you to sustain my veto of Resolution #04-O-0269.

Ordinance #04-O-0269

Sincerely,

Shirley Franklin
Shirley Franklin

William Stephenson Associates, P.C.
Architecture and Planning
PO 8984
Atlanta, Georgia 31106-0984
404/724-9922 fax 404/724-9926



Mr. Greg Pridgeon
Chief of Staff
City of Atlanta

via fax 404-658-7089

Mr. Alfred Berry, Jr.
Research Policy Analyst
Zoning Committee
City Council
City of Atlanta

via fax 404-658-7385

August 19, 2004

I am writing, per our messages, to request that Mayor Franklin veto the Rezoning and pass (or let pass without signature)the Land Use change on 1374 Murphy Avenue.

I was the applicant requesting the original rezoning.
Please inform me when whatever action has been taken.

If the Mayor Franklin's schedule changes, allowing further delay, please let me know.

We regret making this request, due to the support this project has received.
I apologize for any miscommunication on my part.
I have discussed this matter with Ms. Winslow and will speak with Joyce Shepperd

Sincerely,

William L. Stephenson

Unresolved Environmental
Issue
- Cadmium contaminate
in soil,



City Council
Atlanta, Georgia

04-0-0269

AN ORDINANCE
BY: ZONING COMMITTEE

Z-04-06
1-13-04

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

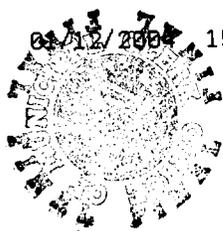
SECTION 1. That the Zoning Ordinance of the City of Atlanta, Georgia be amended and the maps established in connection therewith be changed so that the following property located at **1358-1374-1378 Murphy Avenue, S.W./1080-1090 Dill Avenue, S.W.** be changed from the **I-2 (Heavy Industrial)** District to the **MR-4A (Multi-Family Residential-Sub District 4A)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **120** of the **14th** District of **Fulton** County, Georgia, being more particularly described by the attached legal description.

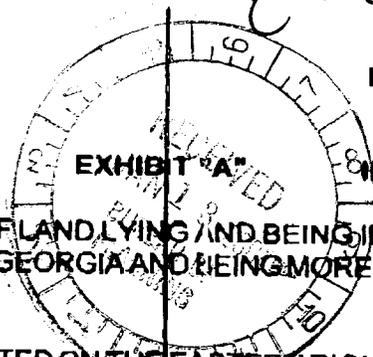
SECTION 2. If this amendment is approved under the provisions of Section 16-02.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Conditional Development," as identified by the use of the suffice "C" after the district designation in Section 1 above, the Director, Bureau of Buildings, shall 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 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 the Municipal Clerk, be changed to conform with the terms of this ordinance.

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



2-04-04



Book 23974 p. 370
Juanita Hicks
Clerk of Superior Court
Fulton County, Georgia

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 120 OF THE 14TH DISTRICT OF FULTON COUNTY, GEORGIA AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE POINT LOCATED ON THE EASTERN RIGHT OF WAY LINE OF MURPHY AVENUE (50' R/W) WHERE THE NORTHERN RIGHT OF WAY LINE OF ARDEN AVENUE (50' R/W) (AFTER CURVING NORTHWESTERLY, NORTHERLY AND NORTHEASTERLY TO INTERSECTION ON SAID EASTERN RIGHT OF WAY LINE OF MURPHY AVENUE) BECOMES THE EASTERN RIGHT OF WAY LINE OF MURPHY AVENUE; AND FROM THE AFORESAID POINT OF BEGINNING RUNNING THENCE ALONG SAID EASTERLY RIGHT OF WAY LINE OF MURPHY AVENUE NORTH 16 DEGREES 32 MINUTES 00 SECONDS EAST 359.46 FEET TO A POINT; THENCE ALONG A 13.72 FOOT RADIUS CURVE AN ARC DISTANCE OF 19.56 FEET TO A POINT LOCATED ON THE SOUTHERN RIGHT OF WAY LINE OF DILL AVENUE (50' R/W) (SAID ARC BEING SUBTENDED BY A CHORD TO THE RIGHT BEARING NORTH 56 DEGREES 47 MINUTES 00 SECONDS EAST 17.95 FEET); THENCE SOUTH 89 DEGREES 06 MINUTES 08 SECONDS EAST 69.77 FEET ALONG SAID SOUTHERN RIGHT OF WAY LINE OF DILL AVENUE TO A POINT; THENCE CONTINUING ALONG SAID SOUTHERN RIGHT OF WAY LINE OF DILL AVENUE AND ALONG AN 820.72 FOOT RADIUS CURVE AN ARC DISTANCE OF 175.20 FEET TO A POINT (SAID ARC BEING SUBTENDED BY A CHORD TO THE LEFT BEARING NORTH 84 DEGREES 50 MINUTES 32 SECONDS EAST 174.87 FEET) THENCE CONTINUING ALONG SAID SOUTHERN RIGHT OF WAY LINE OF DILL AVENUE NORTH 77 DEGREES 09 MINUTES 52 SECONDS EAST 61.98 FEET TO POINT; THENCE CONTINUING ALONG SAID SOUTHERN RIGHT OF WAY LINE OF DILL AVENUE AND ALONG A 653.32 FOOT RADIUS CURVE AN ARC DISTANCE OF 88.77 FEET TO AN IRON PIN SET (SAID ARC BEING SUBTENDED BY A CHORD TO THE RIGHT BEARING NORTH 80 DEGREES 56 MINUTES 00 SECONDS EAST 88.70 FEET); THENCE SOUTH 0 DEGREES 27 MINUTES 22 SECONDS WEST 208.93 FEET TO AN IRON PIN SET; THENCE NORTH 88 DEGREES 42 MINUTES 13 SECONDS WEST 99.45 FEET TO AN IRON PIN FOUND, THENCE SOUTH 01 DEGREES 29 MINUTES 28 SECONDS WEST 215.90 FEET TO AN IRON PIN SET ON SAID NORTHERN RIGHT OF WAY LINE OF ARDEN AVENUE NORTH 88 DEGREES 47 MINUTES 19 SECONDS WEST 386.56 FEET TO POINT; THENCE ALONG 15.06 FOOT RADIUS CURVE AN ARC DISTANCE OF 20.11 FEET TO THE POINT OF BEGINNING (SAID ARC BEING SUBTENDED BY A CHORD TO THE RIGHT BEARING NORTH 34 DEGREES 11 MINUTES 00 SECONDS WEST 18.65 FEET); SAID PARCEL CONTAINING 3.526 ACRES AND AS SHOWN ON BOUNDARY SURVEY FOR NCNB NATIONAL BANK OF NORTH CAROLINA, PREPARED BY VENABLE & ASSOCIATES, ALLEN I. VENABLE, JR. A GEORGIA REGISTERED LAND SURVEYOR NO. 1761, DATED 11/20/84.

LESS AND EXCEPT:

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 120 OF THE 14TH DISTRICT, FULTON COUNTY, GEORGIA AND BEING LOTS 10 AND 11 OF THE SUBDIVISION OF THE I.N. RAGSDALE PROPERTY, PLAT BY CONN & THOMAS, C.E., JUNE 2, 1909, RECORDED IN PLAT BOOK 3, PAGE 145, FULTON COUNTY, GEORGIA RECORDS BEING IMPROVED PROPERTIES KNOWN AS 1070 DILL AVENUE, SW AND 1066 DILL AVENUE, SW, ATLANTA, GEORGIA.

RCS# 5946
8/16/04
3:09 PM

Atlanta City Council

Regular Session

04-O-0269

Z-04-06 REZONE I-2 TO MR-4A 1358-1374-
1378 MURPHY AVE SW 1080-1090 DILL AVE SW
ADOPT

YEAS: 15
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 0

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Sheperd	NV Borders

04-O-0269

VETOED LEGISLATION

I.D.# 04-0-0269

ADOPTED BY COUNCIL August 16, 2004
VETOED BY MAYOR August 20, 2004
VETO OVERRIDDEN BY COUNCIL _____
VETO SUSTAINED/FILED BY COUNCIL _____

DATE: Sept 7, **2004**

*Councilmember Deperd
w/drew Motion to Override
VETO is
sustained*

04-0-0269
 (Do Not Write Above This Line)

AN ORDINANCE Z-04-06
 BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE FROM THE
 E-2 (HEAVY INDUSTRIAL) DISTRICT
 TO THE MR-4A (MULTI-FAMILY
 RESIDENTIAL-SUB DISTRICT 4A)
 DISTRICT, PROPERTY LOCATED AT
 1358-1374-1378 MURPHY AVENUE,
 S.W./1080-1090 DILL AVENUE, S.W.,
 FRONTING 359.46 FEET ON THE
 SOUTHEASTERLY SIDE OF
 MURPHY AVENUE BEGINNING AT
 THE NORTH EAST CORNER OF
 ARDEN AVENUE. DEPTH: 386.56
 FEET; AREA: 3.073 ACRES; LAND
 LOT 120, 14TH DISTRICT, FULTON
 COUNTY, GEORGIA.
 OWNER: VICTOR WARREN FOR
 OLIVIA'S INVESTMENTS
 APPLICANT: WILLIAM L. STEPHENSON
 NPB-X COUNCIL DISTRICT 12

ADOPTED BY
 AUG 16 2004
 COUNCIL

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

Date Referred 2/16/04

Referred To: ZRB + Zoning

First Reading
 Committee: Zoning
 Date: 8/16/04
 Chair: [Signature]

Committee: [Signature]
 Date: 8/31/2004
 Chair: [Signature]

Action: [Signature]
 Fav, Adv, Held (see rev. side)
 Other: [Signature]

Members

Refer To

Committee: [Signature]
 Date: [Signature]
 Chair: [Signature]

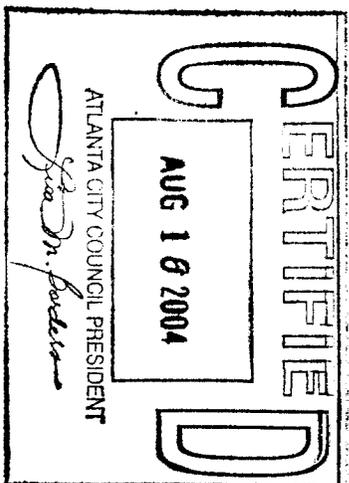
Action: [Signature]
 Fav, Adv, Held (see rev. side)
 Other: [Signature]

Members

Refer To

COUNCIL ACTION
 2nd 1st & 2nd 3rd
 Readings
 Consent V Vote RC Vote

CERTIFIED



Committee: [Signature]
 Date: 8/28/2004
 Chair: [Signature]
 Action: [Signature]
 Fav, Adv, Held (see rev. side)
 Other: [Signature]

Committee: [Signature]
 Date: [Signature]
 Chair: [Signature]
 Action: [Signature]
 Fav, Adv, Held (see rev. side)
 Other: [Signature]

Members

Members

[Signatures]

Refer To

Refer To

MAYOR'S ACTION

VETO

[Signature]
 Sustained 9/7/04
 101 Veto Objection