



CITY COUNCIL MEETING

Donna Pittman-Mayor

Robert J. Patrick-District 1
Trudy Jones Dean – District 2
Karen Pachuta – District 3

Pam Fleming – District 1
Brian Bates – District 2
Maria Alexander – District 3
Mayor Pro-Tem

AGENDA

December 17, 2012 6:30 PM

1) CALL TO ORDER

2) PLEDGE OF ALLEGIANCE

3) CEREMONIAL PRESENTATIONS, CITY ANNOUNCEMENTS, SPECIAL GUESTS:

- a) Mayor - Swearing Ceremony for New Police Officers

4) ROLL CALL

5) APPROVAL OF MINUTES:

- a) November 5, 2012
- b) November 19, 2012

6) PUBLIC COMMENTS ON AGENDA ITEMS

7) REPORTS: DEPARTMENTS

- a) Mayor
- b) City Attorney
- c) Stormwater
- d) Police
 - Request for exemption on policy for PTO
- e) Courts
- f) Public Works
- g) Library
- h) Parks & Recreation
- i) City Hall
 - Rental Motor Vehicle Excise Tax Ordinance
- j) Planning & Zoning
- k) IT Department
- l) Finance

8) PUBLIC HEARING

- a) Second Read Ordinance to revise zoning text for Sexually Oriented Businesses- City Attorney Cecil McLendon Jr.
- b) Conditional Use Permit at 2001 Clearview Ave- Director of Planning and Development Joe Cooley

c) Rezoning of Properties Being Annexed Into the City under Senate Bill 532- Director of Planning and Development Joe Cooley

9) OLD BUSINESS

a) City Manager Search Update

10) NEW BUSINESS

11) EXECUTIVE SESSION

a) Discussion of Hiring Personnel

12) REPORTS: COMMITTEES, COMMISSIONS, BOARDS AND APPOINTMENTS

13) PUBLIC COMMENTS

14) ADJOURNMENT



THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: Request 30 extension to PTO use or loose policy for selected personnel

Date of Meeting: 17 Dec 2012

☐

Budget Impact: Y ☐ N ☒

Budget Impact Amount: \$

Funding Source:

Annual ☐
Capital ☐
N/A ☐

Regular Meeting ☒
Work Session ☐
Recommendation

Policy/Discussion ☐
Report ☐
Other ☐

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Action Requested:

Request City Council authorize 30 day exception to policy on PTO use or loose for employees who where required to work in Radio and Jail due to staff shortfalls

History, Facts, Issues:

Personnel policy passed as ordinance

Options:

Approve or deny request

Recommended Action:

The police department is required to staff 911 dispatch 24 hours a day, staff shortfalls has forced selected employees to work keeping them from being able to use their PTO. I am requesting a 30 day extension to get us through the holiday season.

Department: City Council

Department Head: Mayor Donna Pittman

Submitted by: Chief John King

Attachment/s: 1 memo



City of Doraville Police Department

3750 Park Avenue, Doraville, Georgia 30340

Chief John King

Office (770)936-3844

Fax (770)220-1597

Mayor Donna Pittman

5 December 2012

Reference: request for exception to policy on PTO Usage

Mayor as you know our department has several severe shortages requiring constant coverage. In an effort to continue providing this essential coverage, I have required several employees to cover these shifts in our 911 Center and Jail. This requirement has kept these employees from being able to take their personal time off. I respectfully request an exception to policy in the requirement to use or lose PTO for 2012 and extend the deadline to January 31st 2013. If approved we will coordinate with the finance Director to monitor and use this time as efficiently as possible within the constraints of these essential services.

Respectfully

John F. King
Chief of Police

Bryant, Sandra

From: King, John
Sent: Thursday, December 13, 2012 12:26 PM
To: Bryant, Sandra
Subject: Fwd: PTO Hours

Please include this in the packet

Begin forwarded message:

From: Cecil McLendon <cgmclendonjr@gmail.com>
Date: December 13, 2012, 11:26:18 AM EST
To: "King, John" <John.King@Doravillega.us>
Cc: Lenny Felgin <lfelgin@rileymclendon.com>, "Pittman, Donna" <donna.pittman@Doravillega.us>
Subject: PTO Hours

Chief

As we discussed, since our ordinance regarding PTO does not provide administrative discretion, I think any waiver would need council approval.

Thanks

Cecil



AGENDA ITEM REQUEST SHEET
December 11, 2012

UPDATED

Subject: Rental Motor Vehicle Excise Tax Ordinance (2nd Reading)

Date of Meeting: December 17, 2012

Budget Impact: ☐ Yes ☒ N/A

Budget Impact Amount: \$ _____

Funding Source:

- ☐ Annual
- ☐ Capital
- ☐ Grant(s)/ Technical Assistance
- ☒ N/A

- Regular ☒
- Work Session ☐
- Recommendation ☒
- Policy/Discussion ☐
- Report ☐
- Ceremonial ☐
- Other ☐

Department: Administrative

Department Head: Mayor

Action Requested: Staff recommends adoption of the attached ordinance, levying an excise tax in the amount of three (3) percent upon each rental charge of a rental vehicle.

Background: As part of the annexation, the City will be absorbing a rental car agency located at 6715 Peachtree Industrial Boulevard. Under state law (O.C.G.A. § 48-13-93), an excise tax can be levied on rental motor vehicles that are rented or leased for 31 consecutive days or less.

State law asserts that excise taxes levied on vehicle rentals, much like hotel/ motel tax revenue, must be used for "promoting industry, trade, commerce and tourism; capital outlay projects consisting of the construction of convention, trade, sports and recreational facilities, or public safety facilities, including the acquiring, constructing, renovating, improving and equipping of parking facilities, pedestrian walkways, plazas, connections and other public improvements associated with such convention, trade, sports and recreational facilities or public safety facilities or the retirement of debt issued with respect to such capital outlay projects; and maintenance and operation expenses or security and public safety expenses associated with capital outlay projects" mentioned

above. The proposed levy is quite common throughout the state. The following jurisdictions impose the tax: Athens-Clarke County, Atlanta, Augusta-Richmond County, College Park, Chamblee, DeKalb County, Dunwoody, East Point, Gwinnett County, Johns Creek, Lawrenceville, Marietta, Newnan and Sandy Springs among others.

The annexation area includes one rental car facility – Enterprise Rent-A-Car located at 6715 Peachtree Ind. Blvd. According to the DeKalb County Finance Department, this facility remits \$3,000.00 per month, on average. For the reporting month of September, the company remitted \$3,724.70. Similarly, the Enterprise Rent-A-Car of Dunwoody typically remits \$3,800-\$4,000 per month, whereas Dunwoody's Avis and Hertz run about \$1,800-\$2,000 per month, according to Dunwoody staff.

Recommendation: Staff recommends adoption of the ordinance.

Enclosures: Draft Rental Motor Vehicle Excise Tax Ordinance

Respectfully,

S/ Luke Howe
Assistant to the Mayor

S/ Lisa Ferguson
Finance Director

**STATE OF GEORGIA
COUNTY OF DEKALB
CITY OF DORAVILLE**

ORDINANCE NO.2012-_____

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE CITY OF DORAVILLE, GEORGIA TO ESTABLISH AND LEVY A RENTAL MOTOR VEHICLE EXCISE TAX; TO IDENTIFY THE PURPOSE HEREOF; TO REFERENCE THE STATUTORY AUTHORITY HEREFOR; TO PROVIDE DEFINITIONS, TERMS, AND PROVISIONS; TO PROVIDE AN EFFECTIVE DATE; TO SPECIFY THE AMOUNT TO BE LEVIED HEREBY; TO ESTABLISH A MEANS OF COLLECTION; TO IDENTIFY PERSONS AND/OR ENTITIES SUBJECT HERETO; TO PROVIDE FOR A SYSTEM OF RECORD KEEPING AND/OR DOCUMENTATION; TO PROVIDE FOR THE ADMINISTRATION AND ENFORCEMENT HEREOF; TO REPEAL CONFLICTING ORDINANCES; TO PROVIDE FOR SEVERABILITY; TO PROVIDE FOR CODIFICATION; AND FOR OTHER PURPOSES.

WHEREAS, the City of Doraville is charged with protecting the health, safety and welfare of the citizens of the City; and,

WHEREAS, the City of Doraville is authorized by its Charter to levy certain business and excise taxes on certain businesses and occupations and provided by State Law; and,

WHEREAS, the State Law authorizes the City of Doraville to levy excise taxes on rental motor vehicle agencies; and,

WHEREAS, subsequent to the effective date of the Annexation of certain areas of previously unincorporated DeKalb County, the City of Doraville will have within its geographic boundaries an operational vehicle rental facility, and the Mayor and City Council desire to levy said excise tax on this business.

NOW, THEREFORE, BE ORDAINED, BY THE MAYOR AND CITY COUNCIL OF THE CITY OF DORAVILLE, GEORGIA AS FOLLOWS:

Section 1

That the Code of the City of Doraville, Georgia is hereby amended by revising Chapter 18 ("Taxation"), by addition of a new Article III, entitled "Rental Motor Vehicle Excise Tax," to read in its entirety as follows:

ARTICLE III. RENTAL MOTOR VEHICLES EXCISE TAX

Sec. 18-70 – Intent and statutory authority

The intent hereof is to establish and impose a rental motor vehicle excise tax pursuant to the authority and terms of Title 28, Chapter 13, Article 5 of the O.C.G.A., the funds or revenues from which taxation shall be used and expended for all lawful purposes, in accordance with O.C.G.A. §48-13-93.

Sec. 18-71 – Definitions

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Month or monthly period *means the calendar months of any year.*

Motor vehicle *means a motor vehicle designed to carry ten or fewer passengers and used primarily for the transportation of persons that is rented or leased without a driver regardless of whether such vehicle is licensed in the state.*

Rental charge *means the total value received by a rental motor vehicle concern for the rental or lease of 31 or fewer consecutive days of a rental motor vehicle, including the*

total cash and nonmonetary consideration for the rental or lease including, but not limited to, charges based on time or mileage and charges for insurance coverage or collision damage waiver, but excluding all charges for motor fuel taxes or sales taxes.

Rental motor vehicle concern means a person or legal entity which owns or leases five or more rental motor vehicles and which regularly rents or leases such vehicles to the public for value.

Tax, excise tax or taxes means the tax imposed by this Article

Sec. 18-72 – Penalty for violation

In addition to the interest charges and delinquent penalties specified in this article, any person violating any provision of this article shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punished as provided in this Code. Such persons shall be guilty of a separate offense for each and every day during which any violation of any provision of this article is committed, continued, or permitted by that person and shall be punished accordingly.

Sec. 18-73 – Authority and records

- (a) The City Finance Director and City Clerk shall administer and enforce this Article for the levy and collection of the tax.*
- (b) Every rental motor vehicle concern subject to this article shall keep such records, receipts, invoices and other pertinent papers in such form as the Finance Director and City Clerk may require.*

Sec. 18-74 -- Excise tax levied

- (a) There is hereby assessed and levied an excise tax upon each rental charge collected by any rental motor vehicle concern when such charge constitutes a*

taxable event for the purposes of the sales and use tax as provided for under O.C.G.A. § 48-8-1 et seq. on any motor vehicle rental charge made in the city. The tax levied pursuant to this article shall be in the amount of three percent of the rental charge as defined herein. The tax levied pursuant to this article shall be imposed only at the time when and the place where a customer pays sales tax with respect to the rental charge. The customer who pays a rental charge that is subject to the tax levy as provided in this article shall be liable for the tax. The tax shall be paid by the customer to the rental motor vehicle concern. The tax shall be a debt of the customer to the rental motor vehicle concern until it is paid and shall be recoverable at law in the same manner as authorized for the recovery for other debts.

- (b) The rental motor vehicle concern collecting the tax shall remit the tax to the city, and the tax thus remitted shall be a credit against the tax imposed by this article on the rental motor vehicle concern. Every rental motor vehicle concern subject to the tax levied by this article shall be liable for the tax at the rate of three percent upon the rental charges actually collected or the amount of taxes collected from the customers, whichever is greater.*
- (c) The council declares that the proceeds received from the excise tax levied by this article are to be used for promoting industry, trade, commerce and tourism; capital outlay projects consisting of the construction of convention, trade, sports and recreational facilities, or public safety facilities, including the acquiring, constructing, renovating, improving and equipping of parking facilities, pedestrian walkways, plazas, connections and other public improvements*

associated with such convention, trade, sports and recreational facilities or public safety facilities or the retirement of debt issued with respect to such capital outlay projects; and maintenance and operation expenses or security and public safety expenses associated with capital outlay projects as mentioned above within the territorial city limits.

Sec. 18-75 – Exceptions

No tax shall be imposed pursuant to this article on the rental charge associated with the rental or lease of a rental motor vehicle if either:

- (1) The customer picks up the rental motor vehicle outside the state and returns it within the state; or*
- (2) The customer picks up the rental motor vehicle in the state and returns it outside the state.*

Sec. 18-76 – Amount of tax allowed to be retained for expenses

Each rental motor vehicle concern collecting the tax imposed by this article shall be allowed to retain three percent of the tax due and collected and may retain that amount in the form of a deduction for expenses incurred in submitting, reporting and paying the amount of taxes due, if the amounts due are not delinquent at the time of payment.

Sec. 18-77 – Statement required showing gross rental charges and taxes

- (a) On or before the 20th day of each month, the motor vehicle concern liable for the tax provided for herein shall transmit to the city a statement showing the gross rental charges and gross taxes collected through authority of this article for each preceding calendar month. Along with said statement, the motor vehicle concern*

shall submit the net taxes due for each particular month along with a remittance form prescribed by the City Clerk.

- (b) Failure to remit taxes by the due date shall subject the rental motor vehicle concern to a penalty of five percent of the tax then due and, in addition to such penalty, interest thereon the unpaid principal amount due, computed at the rate of one percent per month or fraction thereof from the due date of the taxes.*

Sec. 18-78 – Records

In order to aid in the administration and enforcement of the provisions of this article and collect all the tax imposed, all rental motor vehicle concerns are hereby required to keep a record of rental charges for rental motor vehicles and taxes collected which are related thereto. Said records shall be open for inspection and copying by the City Clerk, or designee, during business hours.

Sec. 18-79 – Deficiency determinations

- (a) If the City Clerk is not satisfied with the return or returns of the excise tax provided for herein, or the amount of the tax required to be paid in the city by any rental vehicle concern, he may compute and determine the amount required to be paid upon use of any information within his possession or that may come into his possession. Deficiency determinations may be made of the amount due for one or more monthly periods.*
- (b) The amount of the determination made by the City Clerk shall bear interest at the rate of one percent per month or fraction thereof from the due date of the taxes found due by him.*

- (c) *The City Clerk shall give to the rental vehicle concern a written notice of any such determination. The notice may be made personally or by mail and, if by mail service, shall be addressed to the operator of the rental motor vehicle concern at the address as the same appears in the records of the City Clerk as provided by each rental motor vehicle concern. Service shall be complete when delivered by certified mail with a receipt signed by an addressee or agent of addressee.*
- (d) *Except in cases of failure to make a return, every notice of deficiency determination shall be mailed within three years after the 20th day of the calendar month following the period in which the amount proposed to be determined or within three years after the return was filed, whichever period shall expire last.*

Sec. 18-80 – Audit authority

Duly authorized representatives of the city, upon exhibition of identification and during regular business hours, may examine and copy the books, papers, records, financial reports equipment and other facilities if necessary of any rental motor vehicle concern in order to verify the accuracy of any return made pursuant to this article, or if no return is made by the rental motor vehicle concern, to ascertain or determine the amount of tax required to be paid.

Sec. 18-81 -- Withholding tax on sale of business

- (a) *If any rental motor vehicle concern liable for any amount under this article transfers or sells its business or quits the business, its successors or assigns shall withhold sufficient amounts from the purchase price to cover the amount required to be paid pursuant to this article until the former owner or operator of the rental*

motor vehicle concern produces a receipt from the City Clerk or his designee showing that the indebtedness has been paid or a certificate stating that no amount is due.

- (b) If the purchaser of a business or rental motor vehicle concern fails to withhold from the purchase price as required herein, such purchaser shall be personally liable for the payment of the amount of the outstanding tax required to be withheld by him to the extent of such purchase price.*

Sec. 18-82 through 18-99 Reserved.

Section 2

- a. It is hereby declared to be the intention of the Mayor and City Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and City Council to be fully valid, enforceable and constitutional.
- b. It is hereby declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and City Council that, to the greatest extent allowed by law, no sentence, paragraph, sentence, clause or phrase of this Ordinance.
- c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is

the expressed intent of the Mayor and City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not rendered invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 3

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 4

The Ordinance shall be codified in a manner consistent with the laws of the State of Georgia and the City of Doraville.

Section 5

It is the intention of the governing body, and it is hereby ordained that the provisions of this Ordinance shall become and be made part of the Code of Ordinances, City of Doraville, Georgia and the sections of this Ordinance may be renumbered to accomplish such intention.

Section 6

This Ordinance shall become effective upon its adoption by the Mayor and Council.

SO ORDAINED AND EFFECTIVE, this 17th day of December, 2012.

CITY OF DORAVILLE, GEORGIA

Donna Pittman, Mayor

December 17, 2012

Second Reading

_____(SEAL)
Sandra Bryant, Acting City Clerk

APPROVED AS TO FORM:

Cecil G. McLendon, City Attorney

	Yea	Nay
Maria Alexander	<input type="checkbox"/>	<input type="checkbox"/>
Brian Bates	<input type="checkbox"/>	<input type="checkbox"/>
Trudy Jones Dean	<input type="checkbox"/>	<input type="checkbox"/>
Pam Fleming	<input type="checkbox"/>	<input type="checkbox"/>
Karen Pachuta	<input type="checkbox"/>	<input type="checkbox"/>
Robert Patrick	<input type="checkbox"/>	<input type="checkbox"/>



THE CITY OF DORAVILLE AGENDA ITEM SHEET

Subject: Text Amendments to City Code related to Adult Entertainment (SOB) ordinances

Date of Meeting: 12-17-2012

Budget Impact: ☐ Yes ☒ No

Budget Impact Amount: \$ n/a

Funding Source:

- ☐ Annual
☐ Capital
☒ N/A

Regular Meeting ☒
Work Session ☐
Recommendation ☐
Policy/Discussion ☐
Report ☐
Other ☐

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Action Requested: Public Hearing and 2nd Read: Text amendment revising Sec. 23-402 (definitions) regarding definitions related to adult entertainment to be consistent with the City licensing ordinance; amendments to Chapter 23 - Zoning removing adult entertainment from several zoning districts as an accepted use and allowing it as a permitted use in the M-2 zoning district; and amendment to Sec. 23-1203 Parking Standards to revise the term Adult Entertainment to be consistent with concurrent text amendments.

History, Facts, Issues: Revisions required for consistency in ordinance sections regarding Sexually Oriented Businesses (SOB)

Options: _____

Recommended Action: Amendment to City Code as submitted by City Attorney

Department: City Attorney

Planning Commission Recommendation: Approval (3-0 in favor) Nov. 7, 2012

Staff Comments and Recommendation: Approval of text amendment

Action Taken By Board: _____

STATE OF GEORGIA

CITY OF DORAVILLE

ORDINANCE NO. 2012-__

AN ORDINANCE TO REVISE CHAPTER 23 ("ZONING"), WITH REGARD TO ADULT ENTERTAINMENT ESTABLISHMENTS AND SEXUALLY ORIENTED BUSINESSES; TO PROVIDE FOR AN ADOPTION AND EFFECTIVE DATE; TO PROVIDE FOR CODIFICATION; AND TO PROVIDE FOR OTHER LAWFUL PURPOSES

WHEREAS, sexually oriented businesses require special supervision from the public safety agencies of the City in order to protect and preserve the health, safety, and welfare of the patrons of such businesses as well as the citizens of the City; and

WHEREAS, the City Council finds that sexually oriented businesses, as a category of establishments, are frequently used for unlawful sexual activities, including prostitution and sexual liaisons of a casual nature; and

WHEREAS, there is convincing documented evidence that sexually oriented businesses, as a category of establishments, have deleterious secondary effects and are often associated with crime and adverse effects on surrounding properties; and

WHEREAS, the City Council desires to minimize and control these adverse effects and thereby protect the health, safety, and welfare of the citizenry; protect the citizens from crime; preserve the quality of life; preserve the character of surrounding neighborhoods and deter the spread of urban blight; and

WHEREAS, certain sexually oriented products and services offered to the public are recognized as not inherently expressive and not protected by the First Amendment, *see, e.g., Sewell v. Georgia*, 233 S.E.2d 187 (Ga. 1977), *dismissed for want of a substantial federal question*, 435 U.S. 982 (1978) (sexual devices); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215, 224 (1990) (escort services and sexual encounter services); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007) (upholding ban on sexual novelty devices); and

WHEREAS, there is documented evidence of sexually oriented businesses, including adult bookstores and adult video stores, manipulating their inventory and/or business practices to avoid regulation while retaining their essentially "adult" nature, *see, e.g., City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002) (noting that "the nonadult video selections appeared old and several of its display cases were covered with cobwebs"); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001) (finding "plaintiff's argument that it is not an adult entertainment establishment frivolous at best"); *People ex rel. Deters v. The Lion's Den, Inc.*, Case No. 04-CH-26, Modified Permanent Injunction Order (III. Fourth Judicial Circuit, Effingham County, July 13, 2005) (noting that "the accuracy and credibility" of the

evidence on inventory in a Lion's Den was suspect, and that testimony was "less than candid" and "suggested an intention to obscure the actual amount of sexually explicit material sold"); and

WHEREAS, the City intends to regulate such businesses as sexually oriented businesses through a narrowly tailored ordinance designed to serve the substantial government interest in preventing the negative secondary effects of sexually oriented businesses; and

WHEREAS, the City's regulations shall be narrowly construed to accomplish this end; and

WHEREAS, the City recognizes its constitutional duty to interpret, construe, and amend its laws to comply with constitutional requirements as they are announced; and

WHEREAS, with the passage of any ordinance, the City and the City Council accept as binding the applicability of general principles of criminal and civil law and procedure and the rights and obligations under the United States and Georgia Constitutions, Georgia Code, and the Georgia Rules of Civil and Criminal Procedure; and

WHEREAS, it is not the intent of this ordinance to suppress any speech activities protected by the U.S. Constitution or the Georgia Constitution, but to enact legislation to further the content-neutral governmental interests of the City, to wit, the controlling of secondary effects of sexually oriented businesses.

THEREFORE, THE MAYOR AND COUNCIL OF THE CITY OF DORAVILLE, GEORGIA HEREBY ORDAIN:

Section 1

Purpose. It is the purpose of this ordinance to regulate sexually oriented businesses in order to promote the health, safety, and general welfare of the citizens of the City, and to establish reasonable and uniform regulations to prevent the deleterious secondary effects of sexually oriented businesses within the City. The provisions of this ordinance have neither the purpose nor effect of imposing a limitation or restriction on the content or reasonable access to any communicative materials, including sexually oriented materials. Similarly, it is neither the intent nor effect of this ordinance to restrict or deny access by adults to sexually oriented materials protected by the First Amendment, or to deny access by the distributors and exhibitors of sexually oriented entertainment to their intended market. Neither is it the intent nor effect of this ordinance to condone or legitimize the distribution of obscene material.

Findings and Rationale. Based on evidence of the adverse secondary effects of adult uses presented in hearings and in reports made available to the City Council, and on findings, interpretations, and narrowing constructions incorporated in the cases of *City of Littleton v. Z.J. Gifts D-4, L.L.C.*, 541 U.S. 774 (2004); *City of Los Angeles v. Alameda Books, Inc.*, 535 U.S. 425 (2002); *City of Erie v. Pap's A.M.*, 529 U.S. 277 (2000); *City of Renton v. Playtime Theatres, Inc.*, 475 U.S. 41 (1986); *Young v. American Mini Theatres*, 427 U.S. 50 (1976); *Barnes v. Glen Theatre, Inc.*, 501 U.S. 560 (1991); *California v. LaRue*, 409 U.S. 109 (1972); *N.Y. State Liquor Authority v.*

Bellanca, 452 U.S. 714 (1981); *Sewell v. Georgia*, 435 U.S. 982 (1978); *FW/PBS, Inc. v. City of Dallas*, 493 U.S. 215 (1990); *City of Dallas v. Stanglin*, 490 U.S. 19 (1989); and

Flanigan's Enters., Inc. v. Fulton County, 596 F.3d 1265 (11th Cir. 2010); *Peek-a-Boo Lounge v. Manatee County*, 630 F.3d 1346 (11th Cir. 2011); *Daytona Grand, Inc. v. City of Daytona Beach*, 490 F.3d 860 (11th Cir. 2007); *Jacksonville Property Rights Ass'n, Inc. v. City of Jacksonville*, 635 F.3d 1266 (11th Cir. 2011); *Artistic Entertainment, Inc. v. City of Warner Robins*, 331 F.3d 1196 (11th Cir. 2003); *Artistic Entertainment, Inc. v. City of Warner Robins*, 223 F.3d 1306 (11th Cir. 2000); *Williams v. Pryor*, 240 F.3d 944 (11th Cir. 2001); *Williams v. A.G. of Alabama*, 378 F.3d 1232 (11th Cir. 2004); *Williams v. Morgan*, 478 F.3d 1316 (11th Cir. 2007); *Gary v. City of Warner Robins*, 311 F.3d 1334 (11th Cir. 2002); *Ward v. County of Orange*, 217 F.3d 1350 (11th Cir. 2002); *Boss Capital, Inc. v. City of Casselberry*, 187 F.3d 1251 (11th Cir. 1999); *David Vincent, Inc. v. Broward County*, 200 F.3d 1325 (11th Cir. 2000); *Sammy's of Mobile, Ltd. v. City of Mobile*, 140 F.3d 993 (11th Cir. 1998); *Lady J. Lingerie, Inc. v. City of Jacksonville*, 176 F.3d 1358 (11th Cir. 1999); *This That And The Other Gift and Tobacco, Inc. v. Cobb County*, 285 F.3d 1319 (11th Cir. 2002); *DLS, Inc. v. City of Chattanooga*, 107 F.3d 403 (6th Cir. 1997); *Grand Faloona Tavern, Inc. v. Wicker*, 670 F.2d 943 (11th Cir. 1982); *International Food & Beverage Systems v. Ft. Lauderdale*, 794 F.2d 1520 (11th Cir. 1986); *5634 E. Hillsborough Ave., Inc. v. Hillsborough County*, 2007 WL 2936211 (M.D. Fla. Oct. 4, 2007), *aff'd*, 2008 WL 4276370 (11th Cir. Sept. 18, 2008) (per curiam); *Fairfax MK, Inc. v. City of Clarkston*, 274 Ga. 520 (2001); *Morrison v. State*, 272 Ga. 129 (2000); *Flippen Alliance for Community Empowerment, Inc. v. Brannan*, 601 S.E.2d 106 (Ga. Ct. App. 2004); *Oasis Goodtime Emporium I, Inc. v. DeKalb County*, 272 Ga. 887 (2000); *Chamblee Visuals, LLC v. City of Chamblee*, 270 Ga. 33 (1998); *World Famous Dudley's Food & Spirits, Inc. v. City of College Park*, 265 Ga. 618 (1995); *Airport Bookstore, Inc. v. Jackson*, 242 Ga. 214 (1978); *Imaginary Images, Inc. v. Evans*, 612 F.3d 736 (4th Cir. 2010); *LLEH, Inc. v. Wichita County*, 289 F.3d 358 (5th Cir. 2002); *Ocello v. Koster*, 354 S.W.3d 187 (Mo. 2011); *84 Video/Newsstand, Inc. v. Sartini*, 2011 WL 3904097 (6th Cir. Sept. 7, 2011); *East Brooks Books, Inc. v. Shelby County*, 588 F.3d 360 (6th Cir. 2009); *Entm't Prods., Inc. v. Shelby County*, 588 F.3d 372 (6th Cir. 2009); *Sensations, Inc. v. City of Grand Rapids*, 526 F.3d 291 (6th Cir. 2008); *World Wide Video of Washington, Inc. v. City of Spokane*, 368 F.3d 1186 (9th Cir. 2004); *Ben's Bar, Inc. v. Village of Somerset*, 316 F.3d 702 (7th Cir. 2003); *H&A Land Corp. v. City of Kennedale*, 480 F.3d 336 (5th Cir. 2007); *Hang On, Inc. v. City of Arlington*, 65 F.3d 1248 (5th Cir. 1995); *Fantasy Ranch, Inc. v. City of Arlington*, 459 F.3d 546 (5th Cir. 2006); *Illinois One News, Inc. v. City of Marshall*, 477 F.3d 461 (7th Cir. 2007); *G.M. Enterprises, Inc. v. Town of St. Joseph*, 350 F.3d 631 (7th Cir. 2003); *Richland Bookmart, Inc. v. Knox County*, 555 F.3d 512 (6th Cir. 2009); *Bigg Wolf Discount Video Movie Sales, Inc. v. Montgomery County*, 256 F. Supp. 2d 385 (D. Md. 2003); *Richland Bookmart, Inc. v. Nichols*, 137 F.3d 435 (6th Cir. 1998); *Spokane Arcade, Inc. v. City of Spokane*, 75 F.3d 663 (9th Cir. 1996); *City of New York v. Hommes*, 724 N.E.2d 368 (N.Y. 1999); *Taylor v. State*, No. 01-01-00505-CR, 2002 WL 1722154 (Tex. App. July 25, 2002); *Fantasyland Video, Inc. v. County of San Diego*, 505 F.3d 996 (9th Cir. 2007); *Gammoh v. City of La Habra*, 395 F.3d 1114 (9th Cir. 2005); *Starship Enters. of Atlanta, Inc. v. Coweta County*, No. 3:09-CV-123, R. 41 (N.D. Ga. Feb. 28, 2011); *High Five Investments, LLC v. Floyd County*, No. 4:06-CV-190, R. 128 (N.D. Ga. Mar. 14, 2008); *10950 Retail, LLC v. Fulton County*, No. 1:06-CV-1923, R. 62 Order (N.D. Ga. Dec. 21, 2006); *10950 Retail, LLC v. Fulton County*, No. 1:06-CV-1923, R. 84 Contempt Order (N.D. Ga. Jan. 4, 2007); *Z.J. Gifts D-4, L.L.C. v. City of Littleton*, Civil Action No. 99-N-1696, Memorandum Decision and Order (D. Colo. March 31, 2001); *People ex rel. Deters v.*

The Lion's Den, Inc., Case No. 04-CII-26, Modified Permanent Injunction Order (Ill. Fourth Judicial Circuit, Effingham County, July 13, 2005); *Reliable Consultants, Inc. v. City of Kennedale*, No. 4:05-CV-166-A, Findings of Fact and Conclusions of Law (N.D. Tex. May 26, 2005);

and based upon reports concerning secondary effects occurring in and around sexually oriented businesses, including, but not limited to, Austin, Texas - 1986; Indianapolis, Indiana - 1984; Garden Grove, California - 1991; Houston, Texas - 1983, 1997; Phoenix, Arizona - 1979, 1995-98; Tucson, Arizona - 1990; Chattanooga, Tennessee - 1999-2003; Los Angeles, California - 1977; Whittier, California - 1978; Spokane, Washington - 2001; St. Cloud, Minnesota - 1994; Littleton, Colorado - 2004; Oklahoma City, Oklahoma - 1986; Dallas, Texas - 1997; Ft. Worth, Texas - 2004; Kennedale, Texas - 2005; Greensboro, North Carolina - 2003; Amarillo, Texas - 1977; Jackson County, Missouri - 2008; Louisville, Kentucky - 2004; New York, New York Times Square - 1994; the Report of the Attorney General's Working Group On The Regulation Of Sexually Oriented Businesses, (June 6, 1989, State of Minnesota); Dallas, Texas - 2007; "Rural Hotspots: The Case of Adult Businesses," 19 Criminal Justice Policy Review 153 (2008); "Correlates of Current Transactional Sex among a Sample of Female Exotic Dancers in Baltimore, MD," *Journal of Urban Health* (2011); "Stripclubs According to Strippers: Exposing Workplace Sexual Violence," by Kelly Holsopple, Program Director, Freedom and Justice Center for Prostitution Resources, Minneapolis, Minnesota; Fulton County, Georgia - 2001; "Sexually Oriented Businesses: An Insider's View," by David Sherman, presented to the Michigan House Committee on Ethics and Constitutional Law, Jan. 12, 2000; Memphis, Tennessee - 2005-11; and Assorted Reports Concerning Secondary Effects,

the City Council finds:

- (1) Sexually oriented businesses, as a category of commercial uses, are associated with a wide variety of adverse secondary effects including, but not limited to, personal and property crimes, prostitution, potential spread of disease, lewdness, public indecency, obscenity, illicit drug use and drug trafficking, negative impacts on surrounding properties, urban blight, litter, and sexual assault and exploitation. Alcohol consumption impairs judgment and lowers inhibitions, thereby increasing the risk of adverse secondary effects.
- (2) Sexually oriented businesses should be separated from sensitive land uses to minimize the impact of their secondary effects upon such uses, and should be separated from other sexually oriented businesses, to minimize the secondary effects associated with such uses and to prevent an unnecessary concentration of sexually oriented businesses in one area.
- (3) Each of the foregoing negative secondary effects constitutes a harm which the City has a substantial government interest in preventing and/or abating. This substantial government interest in preventing secondary effects, which is the City's rationale for this ordinance, exists independent of any comparative analysis between sexually oriented and non-sexually oriented businesses. Additionally, the City's interest in regulating sexually oriented businesses extends to preventing future secondary effects of either current or future sexually oriented businesses that may be located in the City. The City finds that the cases and documentation relied on in this ordinance are reasonably believed to be relevant to said secondary effects.

The City hereby adopts and incorporates herein its stated findings and legislative record related to the adverse secondary effects of sexually oriented businesses, including the judicial opinions and reports related to such secondary effects.

Section 2

The City of Doraville Zoning Ordinance, Chapter 23 of the City Code, is hereby amended by revising Section 23-402 ("Definitions") by deleting the strike-through text and inserting the underlined text, as indicated as follows:

Sec. 23-402. – Definitions.

For the purpose of this chapter, certain words and terms used herein shall be defined and shall have their customary dictionary definition.

...

Addition to an existing building means any walled and roofed expansion to the perimeter of a building in which the addition is connected by a common load-bearing wall other than a fire wall. Any walled and roofed addition which is connected by a fire wall or is separated by an independent perimeter load-bearing wall shall be considered new construction.

~~*Adult entertainment establishment* is any one (1) or more of the following: Adult book store, adult motion picture theater, adult mini motion picture theater, adult motion picture arcade, adult video store, and erotic entertainment/dance establishment.~~

Advertising device means any structure or device erected or intended for the purpose of displaying advertising situated upon or attached to real property.

...

Rubbish means nonputrescible solid wastes (excluding ashes), consisting of both combustible and noncombustible wastes, such as paper, cardboard, tin cans, yard clippings, wood, glass, bedding, crockery and similar materials.

Sexually oriented business means an "adult bookstore or adult video store," an "adult cabaret," an "adult motion picture theater," a "semi-nude model studio," or a "sexual device shop" as those terms are defined in Chapter 6, Article X of the Code of Ordinances, City of Doraville, Georgia.

Shopping center means a group of commercial establishments having a building composition that is an architectural unit and is not a miscellaneous assemblage of stores; planned, developed, analyzed as a unit, related in location, size and type of shops to the trade area that unit serves, and providing on-site parking in definite relationship to the types and sizes of stores.

...

Section 3

Chapter 23 ("Zoning") is further amended by revising Section 23-907 ("O-I Office/Institutional District) by deleting the strike-through text, as indicated as follows:

Sec. 23-907. – O-I office/institutional district.

Purpose: The office/institutional district ...

Permitted uses:

...

Internet-based business offices but excluding on-site shipping services ~~as otherwise restricted by the adult entertainment ordinance.~~

...

Section 4

Chapter 23 is further amended by revising Section 23-909 ("C-1 Neighborhood Commercial District") by deleting the strike-through text and inserting the underlined text, as indicated as follows:

Sec. 23-909. – C-1 Neighborhood commercial district.

Purpose: The neighborhood commercial district ...

Permitted uses:

...

~~Books and periodicals (subject to restrictions of adult entertainment), stationary, and card shops.~~ Books, periodicals, compact discs, videos, DVDs, and records, including new and/or used sales or rentals; stationary sales; and card shops sales; but not sexually oriented businesses.

...

Indoor amusement and recreation businesses including theaters, but excluding drive-in theaters, billiards and pool halls, paintball facilities, sexually oriented businesses, and waterparks.

...

Theaters (indoor only) but excluding alcohol sales and ~~adult entertainment~~ sexually oriented businesses.

...

~~Video/DVD sales of new merchandise and rental but excluding adult entertainment.~~

...

Section 5

Chapter 23 is further amended by revising Section 23-912 ("M-2 Heavy Manufacturing District") by deleting the strike-through text and inserting the underlined text, as indicated as follows:

Sec. 23-912. – M-2 heavy manufacturing district.

Purpose: This district ...

Permitted uses:

...

Heating fuel or petroleum products, storage, transmission, wholesaling, or sales provided that materials shall not be extracted or processed on the premises.

Sexually oriented businesses, subject to regulations in Chapter 6, Article X of the Code of Ordinances, City of Doraville, Georgia.

Wrecker service without automobile storage yard.

...

Conditional uses:

~~Adult entertainment establishments subject to restrictions of Code.~~

Alcohol or alcoholic beverage manufacturers provided indoor operations only.

...

Section 6

Chapter 23 is further amended by revising Section 23-914 ("CT Commercial Transition District") by deleting the strike-through text and inserting the underlined text, as indicated as follows:

Sec. 23-914. - CT commercial transition district.

Purpose. The (CT) commercial transition district ...

...

Permitted uses:

...

Art and school supply stores with or without instruction, but excluding sexually oriented businesses ~~subject to the adult entertainment ordinance.~~

...

Books, periodicals, compact discs, videos, DVD's, and records, ~~(subject to restrictions of adult entertainment)~~ including new and/or used sales or rentals; stationary sales; and card shops sales; but not sexually oriented businesses.

...

Hobby, toy, and games stores (excluding ~~adult entertainment~~ sexually oriented businesses).

...

Internet-based business offices ~~except as otherwise restricted by the adult entertainment ordinance.~~ Automotive dealer's offices shall be prohibited.

...

Mail order distribution houses ~~(excluding adult novelty and adult entertainment).~~

...

Photographers (including the sale of supplies and equipment) but excluding the classification of ~~adult entertainment~~ sexually oriented businesses.

...

~~Video/DVD sales and rental but excluding adult entertainment.~~

Section 7

Chapter 23 is further amended by revising Section 23-1203 ("Compact Car Parking") by deleting the strike-through text and inserting the underlined text, as indicated as follows:

Sec. 23-1203. – Compact car parking

The parking requirements of this article ...

The following table depicts the minimum number of off-street parking spaces and loading stalls required by type of permitted use:

Parking and Loading Spaces Required

	Parking	Loading
Apartments . . .		
Adult Entertainment Establishments	<u>One (1) space for every four hundred (400) square feet of gross floor area</u>	<u>None</u>
Automotive Sales . . .		
...		
Schools...		
<u>Sexually Oriented Businesses</u>	<u>One (1) space for every four hundred (400) square feet of gross floor area</u>	<u>None</u>
Shopping Centers...		
...		

Section 8

a. It is hereby declared to be the intention of the Mayor and Council that all sections, paragraphs, sentences, clauses and phrases of this Ordinance are or were, upon their enactment, believed by the Mayor and Council to be fully valid, enforceable and constitutional.

b. It is hereby declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Ordinance is severable from every other section, paragraph, sentence, clause or phrase of this Ordinance. It is hereby further declared to be the intention of the Mayor and Council that, to the greatest extent allowed by law, no section, paragraph, sentence, clause or phrase of this Ordinance is mutually dependent upon any other section paragraph, sentence, clause or phrase of this Ordinance.

c. In the event that any phrase, clause, sentence, paragraph or section of this Ordinance shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the Mayor and Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Ordinance and that, to the greatest extent allowed by law, all remaining phrases, clauses, sentences, paragraphs and sections of the Ordinance shall remain valid, constitutional, enforceable, and of full force and effect.

Section 9

All ordinances or parts of ordinances in conflict herewith are hereby expressly repealed.

Section 10

This Ordinance shall be codified in accordance with state law and the Code of the City of Doraville, Georgia. This Ordinance shall become effective upon adoption.

SO ORDAINED AND EFFECTIVE, this _____ day of _____, 2012.

CITY OF DORAVILLE, GEORGIA

Mayor

First Reading

Second Reading

ATTEST:

Acting City Clerk (SEAL)

APPROVED AS TO FORM:

Cecil G. McLendon, Jr., City Attorney

	Yea	Nay
Maria Alexander	<input type="checkbox"/>	<input type="checkbox"/>
Brian Bates	<input type="checkbox"/>	<input type="checkbox"/>
Pam Fleming	<input type="checkbox"/>	<input type="checkbox"/>
Karen Pachuta	<input type="checkbox"/>	<input type="checkbox"/>
Trudy Jones Dean	<input type="checkbox"/>	<input type="checkbox"/>
Robert Patrick	<input type="checkbox"/>	<input type="checkbox"/>



THE CITY OF DORAVILLE AGENDA ITEM SHEET and REPORT

Subject: Rezoning of Property & Conditional Use Permit at 2001 Clearview Ave

Date of Meeting: 10/11/12 12017012

Budget Impact: ☐ Yes ☒ No

Budget Impact Amount: \$ n/a

Funding Source:

- ☐ Annual
☐ Capital
☒ N/A

Regular Meeting ☒
Work Session ☐
Recommendation ☐
Policy/Discussion ☐
Report ☐
Other ☐

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Action Requested: PUBLIC HEARING for rezoning and conditional use permit for property located at 2001 Clearview Ave, Doraville, GA. Said parcels being: 1) DeKalb County Tax Parcels #18 311 21 001 and #18 311 21 002. Said property currently zoned C-2 General Commercial; requested zoning to O-I Office-Institutional with a Conditional Use Permit for Assisted Living Facility; application submitted by James Nay, Esq. representing Imperial Investments Doraville, Inc. and Castlestone, LLC.

History, Facts, Issues:

- This is the site also known as the Comfort Inn Hotel site. It consists of approximately 5.43 acres and a cell tower occupies the eastern corner of the property. The property has a number of large specimen trees on site.
- The property is within the Commercial Redevelopment Corridor (CRC) of the comprehensive plan and adopted LCI and shown as Highway Commercial Corridor on the Future Development Map.
 - Recommended uses with the CRC include: Commercial; Limited office/professional; Public/institutional.
 - The proposed use meets the adopted Housing Policies to:
 - " 1) Provide opportunities for a range of housing option in areas undergoing redevelopment
 - " 2) Ensure that redevelopment of existing city housing includes provisions for retaining current residents;
 - " 3) Adapt the city's housing to the aging of the general population and encourage the development of affordable housing for seniors;
 - " 4) provide housing for special needs populations such as the disabled and mentally ill.

- The property is currently used as a Comfort Inn Hotel in the C-2 zoning district and is a legal non-conforming use in that it does not have a CUP for a hotel in C-2. It is adjacent to I-285.
- Assisted living facilities are allowed by City Code with a Conditional Use Permit in the O-I zoning district. Applicant is requesting rezoning to O-I with a Conditional Use Permit to allow an assisted living facility. The Applicant wishes renovate and remodel the interiors and exteriors of the existing hotel facilities for reuse as an assisted living facility (see attached elevations and rendering). The Applicant states that occupancy rates have fallen to the point where the existing use is not financially sustainable. A market analysis study for the use as an assisted living facility was undertaken by the Applicant and shows a demand for assisted living facilities in the area. Under the proposed use buildings and grounds will be brought up to code, and no additional buildings or increase of height of the existing buildings are proposed. See attached zoning map excerpt for surrounding land uses. The Applicant had previously been granted two deferrals to address issues suggested by staff and the Planning Commission and project revisions.
- The Applicant has submitted additional floor plans, elevations, a revised site plan, a rendering, and a landscape plan as requested (attached). The Applicant requests two additional conditions (see attached letter from Holt Nev Zatcoff & Wasserman, LLP dated August 27, 2012).

Zoning Proposal Review Standards with Staff Comments:

1. The existing uses and zoning nearby:

Adjacent properties are zoned as follows: O-I to the east across Clearview Ave; M-1 to the south and southeast across Clearview Place; and I-285 corridor to the north. Access to the property is off Clearview Ave. and Clearview Place which intersect with Stewart Road that leads directly to Buford Highway. Property along ingress/egress to Buford Highway is zoned either C-2 or O-I.

2. The extent to which property values are diminished by their particular zoning restriction:

The property is currently used as a legal non-conforming use as a hotel in the C-2 zoning district in that it does not have a Conditional Use Permit and is a grandfathered use. The Applicant states that the use as a hotel is no longer economically viable.

3. The extent to which the destruction of property values of the subject property promotes the health, safety, morals or general welfare of the public:

Not sufficient information to determine.

4. The relative harm to the public as compared to the hardship imposed upon the individual property owner:

The Applicant states that non-sustainability of the property as a hotel will result in the closing of the property on such use. Fewest properties can have a negative impact on surrounding properties and neighbor lands.

5. The suitability of the subject property for other uses:

The property is surrounded by I-285, I-77, and I-405 and is located along the Urban Highway Plazas Urban Commercial Corridor, and has access to Buford Highway.

6. The length of time the property has been vacant or underdeveloped, directly or indirectly, since the last use:

The property is currently vacant.

7. **Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;**

The proposed use will be less intensive than previously on the site. The proposal involves adaptive reuse of the existing buildings with only minor additional building footprints, only major renovations of existing structures and reduction of impervious surface.

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

The proposed use will be less intensive than previously on the site. The proposal involves adaptive reuse of the existing buildings with no additional building footprints, only major renovations of existing structures. Staff foresees no negative impacts.

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

The Applicant states that the use as a hotel is no longer financially feasible due to low occupancy rates.

10. **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;**

A net decrease in traffic is expected in the proposed use as opposed to a functioning hotel with average occupancy rates. As an assisted living facility no additional impacts to schools or utilities.

11. **Whether the zoning proposal is in conformity with the policy and intent of the land use plan;**

The property is within the Highway Commercial Corridor designation in the future land use plan. The proposed use is in conformity and will be less intensive than commercial development. The proposal meets four of the policies within the Housing Element of the Comprehensive Plan.

12. **Whether there are other existing or changing conditions affecting the use and development of property which gives supporting grounds for either approval or disapproval of the zoning proposal;**

Not sufficient information to determine.

13. **The possible effects of the change in the regulations or map on the character of a zoning district, a particular piece of property, neighborhood, a particular area or the community; and**

This is the adaptive reuse of existing buildings. Any character changes would be associated with the occupancy of full-time residents as opposed to overnight travelers. No negative changes to the area are foreseen.

14. **The impact of the proposed zoning change upon pedestrian and vehicular circulation and traffic and thoroughfare capacities and capabilities.**

The level of traffic generated from the proposed use should not exceed, and probably be less than, the prior use.

Conditional Use Standards of Review with Staff Findings:

1. **Is the proposed use at the specified location consistent with the policies embodied in the adopted Comprehensive Plan?**

The property where the proposed use is located is classified as Highway Commercial Corridor on the Future Development Map of the Comprehensive Plan. The Highway Commercial Corridor Future Land-Use Policy is specifically for a wide range of commercial, limited office/retail/seasonal and public institutional uses. The property proposed uses are consistent with the Highway Commercial Corridor future

development area in the Comprehensive Plan. However, specific types of commercial uses are allowed by Conditional Use Permit only to assure compatibility with adjoining uses. The proposed use is allowed in the O-I zoning district by Conditional Use Permit as per Sec. 23-907.

- The proposed use meets the adopted Housing Policies to:
 - 1) Provide opportunities for a range of housing option in areas undergoing redevelopment
 - 2) Ensure that redevelopment of existing city housing includes provisions for retaining current residents;
 - 3) Adapt the city's housing to the aging of the general population and encourage the development of affordable housing for seniors;
 - 4) provide housing for special needs populations such as the disabled and mentally ill.

Staff finding: The proposed use is consistent with Comprehensive Plan Policies as noted above.

2. Is the proposed use consistent with the general purpose and intent of the applicable zoning district regulations?

The Purpose of O-I zoning district: Purpose: "The office/institutional district is intended to encourage development of suitable business and professional enterprise, hospitals, medical and dental facilities of a character and density deemed compatible with the primary purpose of this district..."(see Sec. 23-907)

Certain specific uses are allowed by Conditional Use Permit in the O-I district, including the proposed use of an assisted living facility. The Purpose of a conditional use permit is "to allow the establishment of uses which may be suitable only in certain locations in a zoning district or only when subject to standards and conditions that assure compatibility with adjoining uses. Conditional uses are those uses which are generally compatible with the permitted land uses in a given zoning district, but which require individual review of their proposed location, design and configuration, and the imposition of conditions in order to ensure the appropriateness of the use at a particular location within a given zoning district. Only those uses enumerated as conditional uses in a particular zoning district shall be authorized as conditional uses," (Sec. 23-1501(a)).

Staff finding: The proposed use is consistent with the intent of the O-I zoning district.

3. Is the proposed use compatible with and preserves the character and integrity of adjacent developments and neighborhoods, and includes improvements either on-site or within the public right-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, drainage or other similar adverse effects on adjacent developments and neighborhoods?

This is the adaptive reuse of existing buildings. Any character changes would be associated with the occupancy of full-time residents as opposed to overnight travelers. No negative changes to the area are foreseen.

4. Does the proposed use generate pedestrian and vehicular traffic which will be hazardous or conflict with the existing and anticipated traffic in the neighborhood?

A slight increase of pedestrian traffic may result if residents decide to walk to restaurants or other destinations. The facility will have a shuttle bus for resident transportation.

Staff finding: No negative impacts.

5. Does the proposed use incorporate roadway adjustments, traffic control devices or mechanisms, and access restrictions to control traffic flow or divert traffic as may be needed to reduce or eliminate development generated traffic on neighborhood streets?

Staff finding: No negative impacts on surrounding neighborhood streets. The proposed use does not generate the need for additional traffic control devices.

6. Does the proposed use incorporate features to minimize adverse effects, including visual impacts, of the proposed conditional use on adjacent properties; and the proposed use meets the standards for the zoning district, or to the extent variations from such standards have been requested that such variations are necessary to render the use compatible with adjoining development and neighborhoods?

The Applicant is saving existing specimen trees (see landscape plan) and making architectural element changes to the building to improve its look and visually decrease the scale.

Staff finding: Visual impact are minimize. No negative impacts are anticipated.

7. Is the proposed use based on the site plan in conformity with all space limits, buffers, parking and loading provisions, and other provisions of this article?

Staff finding: The existing facility meets dimensional requirements of the O-I district. The amount of impervious surface and parking will be reduced.

8. Is the proposed use applicant in agreement to any specific limitations or conditions necessary to protect the public interest and assure the continued beneficial use and enjoyment of nearby properties or that no special limitations are necessary to protect the public?

Applicant has proposed some conditions to be reviewed by Council.

Options: Approve rezoning & conditional use permit as presented; approve rezoning & conditional use permit with additional conditions; or deny rezoning & conditional use permit.

Recommended Action: This item has been deferred several times. Recommend moving forward with the public hearing and council decision at this time.

Department: Planning & Development

Department Head: Joe Cooley

Planning Commission Recommendation: The Planning Commission heard the presentation by the Applicant on 12/7/11 at a special meeting prior to deferrals granted by the City Council. Planning Commission recommendation was for recommendation of Approval by a 4-0 vote with the following conditions.

1. That the use be limited to an assisted living facility only.
2. A conceptual site plan be required and submitted to the City Council which reduce the amount of impervious surface and parking to the amount required by city code for the

proposed use as an assisted living facility and showing areas to be maintained as green open space.

3. A detailed landscape site development plan submitted to the city and approved by the city arborist and city planning director prior to the issuance of a certificate of occupancy. (see attached minutes)

Staff Recommendation: Approval with conditions recommended by Planning Commission and others as determined by Council.

Action Taken By Board: _____



THE CITY OF DORAVILLE AGENDA ITEM SHEET and REPORT

Subject: Rezoning of Properties Being Annexed Into the City Under Senate Bill 532

Date of Meeting: 12/17/2012

Budget Impact: ☐ Yes ☒ No

Budget Impact Amount: \$ n/a

Funding Source:

- ☐ Annual
☐ Capital
☒ N/A

Regular Meeting ☒
Work Session ☐
Recommendation ☐
Policy/Discussion ☐
Report ☐
Other ☐

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Action Requested: First reading of rezoning of properties to be incorporated into the City of Doraville effective 12/31/12.

History, Facts, Issues:

Senate Bill 532 incorporates two area (Tract 1 and Tract 2) into the City of Doraville effective on 12/31/12. As per state statute rezoning actions for such property may proceed prior to the incorporation date, but final action may not be taken by the City until after the date and time when the annexation becomes official. Current DeKalb County zoning districts have been identified for all parcels within Tract 1 and Tract 2. The closest corresponding City zoning district classification to the existing DeKalb County districts have been identified for each parcel and assigned on the attached spreadsheet titled "Existing and Proposed Zoning District Classifications for Properties in Annexation Areas Tract 1 and Tract 2 as per SB 532 (12/12/12)".

Recommended Action: Approval of first reading.

Department: Planning & Development

Department Head: Joe Cooley

Planning Commission Recommendation: The Planning Commission reviewed the proposed ordinance at their meeting on November 7, 2012 and recommended approval of the rezoning 3-0.

Action Taken By Board: _____

	A	B	C	D	E	F	G	H	I
1	Existing and Proposed Zoning District Classifications for Properties in Annexation Areas Tract 1 and Tract as per SB 532 (12/12/12)								
2	TRACT 1								
3	Number	Street	Section	Block #	Lot	Tax Parcel #	Owner	DeKalb Co. Zoning	City of Doraville Proposed Zoning
4	2373	Ridgeway Drive	342	11	14	18 342 11 014	Cynthia Burk	R-75	R-1
5	2379	Ridgeway Drive	342	11	13	18 342 11 013	Charles Dowick	R-75	R-1
6	2384	Ridgeway Drive	342	1	22	18 342 01 022	Eugene Stanford	R-75	R-1
7	2385	Ridgeway Drive	342	11	12	18 342 11 012	Donna Howry	R-75	R-1
8	2390	Ridgeway Drive	342	1	23	18 342 01 023	Mathew Reagan	R-75	R-1
9	2391	Ridgeway Drive	342	11	11	18 342 11 011	Sigurd Konieczny	R-75	R-1
10	2394	Ridgeway Drive	342	1	24	18 342 01 024	H S Spruell	R-100	R-1
11	2397	Ridgeway Drive	342	11	10	18 342 11 010	Paula Lowe	R-75	R-1
12	2400	Ridgeway Drive	342	1	25	18 342 01 025	Myra McCall	R-75	R-1
13	2404	Ridgeway Drive	342	1	26	18 342 01 026	Thomas Hollis	R-75	R-1
14	2407	Ridgeway Drive	342	1	9	18 342 11 009	Kevin Rees	R-75	R-1
15	2410	Ridgeway Drive	342	1	27	18 342 01 027	George Geisel	R-75	R-1
16	2414	Ridgeway Drive	342	1	28	18 342 01 028	Billy Ray Scyoc	R-75	R-1
17	2415	Ridgeway Drive	342	11	8	18 342 11 008	Barry Van Wie	R-75	R-1
18	2418	Ridgeway Drive	342	1	29	18 342 01 029	Bobby Shue	R-75	R-1
19	2422	Ridgeway Drive	342	1	30	18 342 01 030	Carmin Carit	R-75	R-1
20	2423	Ridgeway Drive	342	11	7	18 342 11 007	Patsy Cordle	R-75	R-1
21	2428	Ridgeway Drive	342	1	31	18 342 01 031	Cleston Torrey	R-75	R-1
22	2429	Ridgeway Drive	342	11	6	18 342 11 006	Stephen West	R-100	R-1
23	2434	Ridgeway Drive	342	1	32	18 342 01 032	Alexander Moore	R-75	R-1
24	2435	Ridgeway Drive	342	11	5	18 342 11 005	George Bostic	R-75	R-1
25	2440	Ridgeway Drive	342	1	33	18 342 01 033	David Stewart	R-75	R-1
26	2441	Ridgeway Drive	342	11	4	18 342 11 004	John Crum	R-75	R-1
27	2446	Ridgeway Drive	342	1	35	18 342 01 035	Roy Nida	R-75	R-1
28	2447	Ridgeway Drive	342	11	3	18 342 11 003	Mark Geyer	R-75	R-1
29	2452	Ridgeway Drive	342	1	36	18 342 01 036	Jeremy Poppell	R-75	R-1
30	2453	Ridgeway Drive	342	11	2	18 342 11 002	Sherry Mury	R-75	R-1
31	2458	Ridgeway Drive	342	1	37	18 342 01 037	Shun Kwok	R-75	R-1
32	2464	Ridgeway Drive	342	1	38	18 342 01 038	Juan Valdez	R-75	R-1
33	2465	Ridgeway Drive	342	11	1	18 342 11 001	Ronald Westmoreland	R-75	R-1
34	2468	Ridgeway Drive	342	1	39	18 342 01 039	Christine Spence	R-75	R-1
35	2472	Ridgeway Drive	342	1	40	18 342 01 040	Paul Madden	R-75	R-1
36	2478	Ridgeway Drive	342	1	41	18 342 01 041	David Gress	R-75	R-1
37	2482	Ridgeway Drive	342	1	42	18 342 01 042	Grace Passos	R-75	R-1

	A	B	C	D	E	F	G	H	I
1	Existing and Proposed Zoning District Classifications for Properties in Annexation Areas Tract 1 and Tract as per SB 532 (12/12/12)								
38	2488	Ridgeway Drive	342	1	43	18 342 01 043	Joe Huebner	R-75	R-1
39	2491	Ridgeway Drive	342	11	59	18 342 11 059	Jimmy Wong	R-75	R-1
40	2492	Ridgeway Drive	342	1	44	18 342 01 044	Amy McCullum	R-75	R-1
41	2496	Ridgeway Drive	342	1	45	18 342 01 045	Amy McCullum	R-75	R-1
42	2500	Ridgeway Drive	342	1	46	18 342 01 046	Diane Hiles	R-75	R-1
43	2504	Ridgeway Drive	342	1	47	18 342 01 047	Amy McCullum	R-75	R-1
44	2508	Ridgeway Drive	342	1	48	18 342 01 048	Amy McCullum	R-75	R-1
45	2512	Ridgeway Drive	342	1	133	18 342 01 133	Amy McCullum	R-75	R-1
46	2514	Ridgeway Drive	342	1	49	18 342 01 049	Amy McCullum	R-75	R-1
47	2518	Ridgeway Drive	342	1	50	18 342 01 050	Amy McCullum	R-75	R-1
48	2524	Ridgeway Drive	342	1	51	18 342 01 051	Diane Hiles	R-75	R-1
49	2530	Ridgeway Drive	342	1	52	18 342 01 052	Amy McCullum	R-75	R-1
50	2540	Ridgeway Drive	342	1	53	18 342 01 053	Amy McCullum	R-75	R-1
51	2546	Ridgeway Drive	342	1	54	18 342 01 054	Amy McCullum	R-75	R-1
52	2552	Ridgeway Drive	342	1	55	18 342 01 055	Amy McCullum	R-75	R-1
53	2560	Ridgeway Drive	342	1	56	18 342 01 056	Harold Wes	R-75	R-1
54	2568	Ridgeway Drive	342	1	57	18 342 01 057	Diane Hiles	R-75	R-1
55	2576	Ridgeway Drive	342	1	58	18 342 01 058	Erwin Jewell	R-75	R-1
56	2580	Ridgeway Drive	342	1	64	18 342 01 063	Diane Hiles	R-85	R-1
57	2482	Van Fleet Circle	342	10	15	18 342 10 015	Marion Pritchard	R-75	R-1
58	2489	Van Fleet Circle	342	11	57	18 342 11 057	Winston Sharp	R-75	R-1
59	2499	Van Fleet Circle	342	11	55	18 342 11 055	Ana White	R-75	R-1
60	2505	Van Fleet Circle	342	11	54	18 342 11 054	Rena Crews	R-75	R-1
61	2507	Van Fleet Circle	342	10	16	18 342 10 016	Sylvia Palmer	R-75	R-1
62	2509	Van Fleet Circle	342	11	53	18 342 11 053	Mark Young	R-75	R-1
63	2515	Van Fleet Circle	342	11	52	18 342 11 52	Amy McCullum	R-75	R-1
64	2519	Van Fleet Circle	342	11	51	18 342 11 051	Amy McCullum	R-75	R-1
65	6265	Van Fleet Circle	342	12	2	18 342 12 002	Friday's Plaza Assoc. LTD	C-1	C-1
66	6211-6331	Van Fleet Circle	342	12	2	18 342 12 002	Friday's Plaza Assoc. LTD	C-1	C-1
67	6361	Peachtree Ind Blvd	342	3	1	18 342 03 001	Global Community Bank	C-1	C-1
68	6363	Peachtree Ind Blvd	342	3	38	18 342 03 038	Harold Oden	C-1	C-1
69	6380	Peachtree Ind Blvd	342	1	65	18 342 01 065	Rustam II Inc.	C-1	C-1
70	4256	Tilly Mill Rd	342	12	1	18 342 12 001	Louise Hall	O-I	O-I
71	4353	Tilly Mill Rd	342	4	11	18 342 04 011	Tilly Mill Prof. Center	C-2	C-2
72	4363	Tilly Mill Rd	342	4	10	18 342 04 010	Tilly Mill Auto Center LLC	O-I	O-I
73	2633	Beacon Drive	341	2	1	18 341 02 001	Deltroninc Enter. Inc	C-1	C-1
74	2641	Beacon Drive	341	2	1	18 341 02 001	Deltroninc Enter. Inc	C-1	C-1
75	2647	Beacon Drive	341	2	3	18 341 02 003	Howley Landscaping Inc.	C-1	C-1

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1	Existing and Proposed Zoning District Classifications for Properties in Annexation Areas Tract 1 and Tract as per SB 532 (12/12/12)								
76	2653	Beacon Drive	341	2	4	18 341 02 004	Howley Landscaping Inc.	C-1	C-1
77	2657	Beacon Drive	341	2	5	18 341 02 005	Amy James	C-1	C-1
78	2663	Beacon Drive	341	2	6	18 341 02 006	Al Maad Al Islami Inc.	C-1	C-1
79	2632	Woodwin Rd	341	2	32	18 341 02 032	Mehdiof LLC	C-1	C-1
80	2638	Woodwin Rd	341	2	31	18 341 02 031	Mehdiof LLC	C-1	C-1
81	2644	Woodwin Rd	341	2	30	18 341 02 030	Austin Foster	C-1	C-1
82	2650	Woodwin Rd	341	2	29	18 341 02 029	4 Seasons Landscape Group LLC	C-1	C-1
83	2656	Woodwin Rd	341	2	28	18 341 02 028	4 Seasons Landscape Group LLC	C-1	C-1
84	2662	Woodwin Rd	341	2	27	18 341 02 027	Al Maad Al Islami Inc.	C-1	C-1
85	2668	Woodwin Rd	341	2	26	18 341 02 026	Al Maad Al Islami Inc.	C-1	C-1
86	2674	Woodwin Rd	341	2	25	18 341 02 025	Al Maad Al Islami Inc.	C-1	C-1
87	TRACT 2								
88	6675	Peachtree Ind Blvd	356	6	4	18 356 06 004	Peachtree Renaissance LLC	OI	O-I
89	6685	Peachtree Ind Blvd	356	6	5	18 356 06 005	Peachtree Renaissance LLC	OI	O-I
90	6701	Peachtree Ind Blvd	356	6	2	18 356 06 002	Xu Ke Wei	C-2	C-2
91	6695	Peachtree Ind Blvd	356	6	6	18 356 06 006	Peachtree Renaissance LLC	C-2	C-2
92	6715	Peachtree Ind Blvd	356	6	1	18 356 06 001	James & Anne Choi	C-2	C-2
93	6735	Peachtree Ind Blvd	356	6	7	18 356 06 007	Peachtree Renaissance LLC	C-2	C-2
94	4371	Winters Chapel Rd	340	2	2	18 340 02 003	Winters Chapel 592 LLC	RM-85	R-3
95	4335	Winters Chapel Rd	340	2	9	18 340 02 008	Winters Chapel 592 LLC	RM-85	R-3
96	4323	Winters Chapel Rd	340	2	4	18 340 02 004	PCCP JSP Lincoln Parc Apt	RM-100	R-4
97	2869	Oakcliff Rd	340	2	8	18 340 02 008	Abu Shawareb H M Dr	X-	M-2
98	4259	Winters Chapel Rd	340	3	1	18 340 03 001	DeKalb County	? Rd Ext	M-2
99	4245	Winters Chapel Rd	340	4	2	18 340 04 002	DeKalb County	? Rd Ext	M-2
100	2875	Aspen Woods Entry	340	5	1	18 340 05 001	Kenneth Kirby	RM-100	R-4
101	2877	Aspen Woods Entry	340	5	2	18 340 05 002	Thomas Shulman	RM-100	R-4
102	2879	Aspen Woods Entry	340	5	3	18 340 05 003	Marvin Robbins	RM-100	R-4
103	2881	Aspen Woods Entry	340	5	4	18 340 05 004	Kaiser Ali	RM-100	R-4
104	2883	Aspen Woods Entry	340	5	5	18 340 05 005	Abid Sheikh	RM-100	R-4
105	2885	Aspen Woods Entry	340	5	6	18 340 05 006	Margarita Mejia	RM-100	R-4
106	2895	Aspen Woods Entry	340	5	7	18 340 05 007	Jasmina & Fadil Redzic	RM-100	R-4
107	2897	Aspen Woods Entry	340	5	8	18 340 05 008	An Shan	RM-100	R-4
108	2899	Aspen Woods Entry	340	5	9	18 340 05 009	Emma Paz	RM-100	R-4
109	2901	Aspen Woods Entry	340	5	10	18 340 05 010	Jose Araya	RM-100	R-4
110	2903	Aspen Woods Entry	340	5	11	18 340 05 011	Mari Ware	RM-100	R-4
111	2905	Aspen Woods Entry	340	5	12	18 340 05 012	Pot Sim	RM-100	R-4
112	2907	Aspen Woods Entry	340	5	13	18 340 05 013	Svetlana Fourman	RM-100	R-4
113	2909	Aspen Woods Entry	340	5	14	18 340 05 014	Baharnebat Abdulahi	RM-100	R-4

	A	B	C	D	E	F	G	H	I
1	Existing and Proposed Zoning District Classifications for Properties in Annexation Areas Tract 1 and Tract as per SB 532 (12/12/12)								
114	2911	Aspen Woods Entry	340	5	15	18 340 05 015	Mikhail Elkin	RM-100	R-4
115	2913	Aspen Woods Entry	340	5	16	18 340 05 016	Jolanda Williams	RM-100	R-4
116	4460	Aspen Woods Ct	340	5	17	18 340 05 017	Sow Chun Khan	RM-100	R-4
117	4462	Aspen Woods Ct	340	5	18	18 340 05 018	Larissa Liapidous	RM-100	R-4
118	4464	Aspen Woods Ct	340	5	19	18 340 05 019	Roman Khiyayev	RM-100	R-4
119	4466	Aspen Woods Ct	340	5	20	18 340 05 020	Aster Desta	RM-100	R-4
120	4470	Aspen Woods Ct	340	5	21	18 340 05 021	Ausrius Karalius	RM-100	R-4
121	4472	Aspen Woods ct	340	5	22	18 340 05 022	Michael Beer	RM-100	R-4
122	4474	Aspen Woods Ct	340	5	23	18 340 05 023	Janice Bernat	RM-100	R-4
123	4476	Aspen Woods Ct	340	5	24	18 340 05 024	Myra McDade	RM-100	R-4
124	4478	Aspen Woods Ct	340	5	25	18 340 05 025	Karl Coleman	RM-100	R-4
125	4480	Aspen Woods Ct	340	5	26	18 340 05 026	Clyde Thigpen	RM-100	R-4
126	4482	Aspen Woods Ct	340	5	27	18 340 05 027	Edgar Pena	RM-100	R-4
127	4481	Aspen Woods Ct	340	5	28	18 340 05 028	Lawrence Smith	RM-100	R-4
128	4479	Aspen Woods Ct	340	5	29	18 340 05 029	Joseph Nureev	RM-100	R-4
129	4477	Aspen Woods Ct	340	5	30	18 340 05 030	Riaz Choudhry	RM-100	R-4
130	4475	Aspen Woods Ct	340	5	31	18 340 05 031	Mary Zeigler	RM-100	R-4
131	2915	Aspen Woods Entry	340	5	32	18 340 05 032	Wondwosen Yelema	RM-100	R-4
132	2917	Aspen Woods Entry	340	5	33	18 340 05 033	Anna Tam	RM-100	R-4
133	2874	Aspen Woods Entry	340	5	34	18 340 05 034	Anthony Bienes	RM-100	R-4
134	2876	Aspen Woods Entry	340	5	35	18 340 05 035	James Coleman	RM-100	R-4
135	2878	Aspen Woods Entry	340	5	36	18 340 05 036	Bank of America	RM-100	R-4
136	2880	Aspen Woods Entry	340	5	37	18 340 05 037	Jo Ann Rawls	RM-100	R-4
137	2882	Aspen Woods Entry	340	5	38	18 340 05 038	Michelle Reed	RM-100	R-4
138	2884	Aspen Woods Entry	340	5	39	18 340 05 039	Antonia Ortiz	RM-100	R-4
139	2886	Aspen Woods Entry	340	5	40	18 340 05 040	Sow Chun Khan	RM-100	R-4
140	2888	Aspen Woods Entry	340	5	41	18 340 05 041	James Huskins	RM-100	R-4
141	2890	Aspen Woods Entry	340	5	42	18 340 05 042	Derek Matthews	RM-100	R-4
142	2892	Aspen Woods Entry	340	5	43	18 340 05 043	Jennifer Raccuglia	RM-100	R-4
143	2894	Aspen Woods Entry	340	5	44	18 340 05 044	Reginam Carder	RM-100	R-4
144	2896	Aspen Woods Entry	340	5	45	18 340 05 045	Peter Fu	RM-100	R-4
145	2898	Aspen Woods Entry	340	5	46	18 340 05 046	Qian Xin Yu	RM-100	R-4
146	2900	Aspen Woods Entry	340	5	47	18 340 05 047	James Goodchild	RM-100	R-4
147	2902	Aspen Woods Entry	340	5	48	18 340 05 048	Eric Watts	RM-100	R-4
148	2904	Aspen Woods Entry	340	5	49	18 340 05 049	Arthur Green	RM-100	R-4
149	2906	Aspen Woods Entry	340	5	50	18 340 05 050	Jane Okafor	RM-100	R-4
150	2908	Aspen Woods Entry	340	5	51	18 340 05 051	Liange Zhao	RM-100	R-4
151	2910	Aspen Woods Entry	340	5	52	18 340 05 052	Carolos Zaldana	RM-100	R-4

	A	B	C	D	E	F	G	H	I
1	Existing and Proposed Zoning District Classifications for Properties in Annexation Areas Tract 1 and Tract as per SB 532 (12/12/12)								
152	2912	Aspen Woods Entry	340	5	53	18 340 05 053	Amie McDougal	RM-100	R-4
153	2914	Aspen Woods Entry	340	5	54	18 340 05 054	Karen Alweiss	RM-100	R-4
154	2916	Aspen Woods Entry	340	5	55	18 340 05 055	Yu Chai Chen	RM-100	R-4
155	2918	Aspen Woods Entry	340	5	56	18 340 05 056	Johnny Hayes	RM-100	R-4
156	2920	Aspen Woods Entry	340	5	57	18 340 05 057	Mark Jenkins	RM-100	R-4
157	2922	Aspen Woods Entry	340	5	58	18 340 05 058	Anwar Syed	RM-100	R-4
158	3039	Bankers Industrial Dr	249	1	3	06 249 01 003	Selig Enterprises Inc	M	M-1
159	2745	Bankers Industrial Dr	249	1	4	06 249 01 004	Beford Realty LLC	M	M-1
160	4410	Bankers Circle	249	1	5	06 249 01 005	CH Realty IV/MK LLC	M	M-1
161	4300	Bankers Circle	249	1	7	06 249 01 007	DC Northeast LLC	M	M-1
162	2775	Bankers Industrial Dr	249	1	8	06 249 01 008	CH Realty IV/MK LLC	M	M-1
163	2783	Bankers Industrial Dr	249	1	9	06 249 01 009	CH Realty IV/MK LLC	M	M-1
164	4340	Bankers Circle	249	1	10	06 249 01 010	Xian De Chen	M	M-1
165	4420	Bankers Circle	249	1	11	06 249 01 011	CH Realty IV/MK LLC	M	M-1
166	4400	Bankers Circle	249	1	12	06 249 01 012	CH Realty IV/MK LLC	M	M-1
167	2755	Bankers Industrial Dr	249	1	13	06 249 01 013	CH Realty IV/MK LLC	M	M-1
168	2765	Bankers Industrial Dr	249	1	14	06 249 01 014	CH Realty IV/MK LLC	M	M-1
169	4301	Winters Chapel Rd	249	1		06 249 01 015	Najam Hasan	RM-100	R-4
170	2861	Bankers Industrial Dr	249	2	1	06 249 02 001	CH Realty IV/MK LLC	M	M-1
171	2801	Bankers Industrial Dr	249	2	3	06 249 02 003	Jerome Abbott Grandchildrens Trust	M	M-1
172	4411	Bankers Circle	249	2	4	06 249 02 004	CH Realty IV/MK LLC	M	M-1
173	4401	Bankers Circle	249	2	5	06 249 02 005	CH Realty IV/MK LLC	M	M-1
174	2925	Aspen Woods Entry	249	3	1	06 249 03 001	Eberlene King	RM-100	R-4
175	2927	Aspen Woods Entry	249	3	2	06 249 03 002	Charnette Cason	RM-100	R-4
176	2929	Aspen Woods Entry	249	3	3	06 249 03 003	Tanya Lennon	RM-100	R-4
177	2931	Aspen Woods Entry	249	3	4	06 249 03 004	Mark Kleyman	RM-100	R-4
178	2933	Aspen Woods Entry	249	3	5	06 249 03 005	Farbod Shokrieh	RM-100	R-4
179	2935	Aspen Woods Entry	249	3	6	06 249 03 006	Seemie Syed	RM-100	R-4
180	2937	Aspen Woods Entry	249	3	7	06 249 03 007	George McIntosh	RM-100	R-4
181	2939	Aspen Woods Entry	249	3	8	06 249 03 008	Paulius Barkevicius	RM-100	R-4
182	2941	Aspen Woods Entry	249	3	9	06 249 03 009	Rodney Tullie	RM-100	R-4
183	2943	Aspen Woods Entry	249	3	10	06 249 03 001	Reginal Blanks	RM-100	R-4
184	2945	Aspen Woods Entry	249	3	11	06 249 03 011	Yolanda Langley	RM-100	R-4
185	2947	Aspen Woods Entry	249	3	12	06 249 03 012	Roomina Smith	RM-100	R-4
186	2949	Aspen Woods Entry	249	3	13	06 249 03 001	Zimitawork Minassie	RM-100	R-4
187	2951	Aspen Woods Entry	249	3	14	06 249 03 014	Jason Oneal	RM-100	R-4
188	2953	Aspen Woods Entry	249	3	15	06 249 03 015	Matthew Lung	RM-100	R-4
189	2955	Aspen Woods Entry	249	3	16	06 249 03 016	Yin May Lee	RM-100	R-4

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1	Existing and Proposed Zoning District Classifications for Properties in Annexation Areas Tract 1 and Tract as per SB 532 (12/12/12)								
190	2959	Aspen Woods Entry	249	3	17	06 249 03 017	Ranee Starks	RM-100	R-4
191	2961	Aspen Woods Entry	249	3	18	06 249 03 018	Noemi Placeres	RM-100	R-4
192	2963	Aspen Woods Entry	249	3	19	06 249 03 019	Haley Denson	RM-100	R-4
193	2965	Aspen Woods Entry	249	3	20	06 249 03 020	Linda Lee	RM-100	R-4
194	2967	Aspen Woods Entry	249	3	21	06 249 03 021	Theresa Gloss	RM-100	R-4
195	2969	Aspen Woods Entry	249	3	22	06 249 03 022	Arvydas Didas	RM-100	R-4
196	2971	Aspen Woods Entry	249	3	23	06 249 03 023	Semmie Naz Syed	RM-100	R-4
197	2973	Aspen Woods Entry	249	3	24	06 249 03 024	Thomas Strain	RM-100	R-4
198	2974	Aspen Woods Entry	249	3	25	06 249 03 025	Forrest King	RM-100	R-4
199	2972	Aspen Woods Entry	249	3	26	06 249 03 026	Kenneth Kirby	RM-100	R-4
200	2970	Aspen Woods Entry	249	3	27	06 249 03 027	Jane Omuvwie	RM-100	R-4
201	2968	Aspen Woods Entry	249	3	28	06 249 03 028	John Stewart	RM-100	R-4
202	2966	Aspen Woods Entry	249	3	29	06 249 03 029	Alexandra Grider	RM-100	R-4
203	2964	Aspen Woods Entry	249	3	30	06 249 03 030	Semmie Naz Syed	RM-100	R-4
204	2962	Aspen Woods Entry	249	3	31	06 249 03 031	Duke Robertson	RM-100	R-4
205	2960	Aspen Woods Entry	249	3	32	06 249 03 032	Almaz Ghebrehiwot	RM-100	R-4
206	2958	Aspen Woods Entry	249	3	33	06 249 03 033	Christina Love	RM-100	R-4
207	2956	Aspen Woods Entry	249	3	34	06 249 03 034	Jean Goff	RM-100	R-4
208	2954	Aspen Woods Entry	249	3	35	06 249 03 035	Andrea Holyfield	RM-100	R-4
209	2952	Aspen Woods Entry	249	3	36	06 249 03 036	Todd Pillard	RM-100	R-4
210	2950	Aspen Woods Entry	249	3	37	06 249 03 037	Alexandra Sirota	RM-100	R-4
211	2948	Aspen Woods Entry	249	3	38	06 249 03 038	Charles Orwick	RM-100	R-4
212	2946	Aspen Woods Entry	249	3	39	06 249 03 039	Charles Ray	RM-100	R-4
213	2944	Aspen Woods Entry	249	3	40	06 249 03 040	Patricia Bryant	RM-100	R-4
214	2928	Aspen Woods Entry	249	3	41	06 249 03 041	Christine King	RM-100	R-4
215	2926	Aspen Woods Entry	249	3	42	06 249 03 042	Rosaling Dorsey	RM-100	R-4
216	2924	Aspen Woods Entry	249	3	43	06 249 03 043	Mei Zhang	RM-100	R-4
217	4445	Aspen Woods Ct	249	3	44	06 249 03 044	Henry Aifah	RM-100	R-4
218	4473	Aspen Woods Ct	278	5	1	06 278 05 001	Mary King	RM-100	R-4
219	4469	Aspen Woods Ct	278	5	2	06 278 05 002	Guerline Gadellen	RM-100	R-4
220	4467	Aspen Woods Ct	278	5	3	06 278 05 003	Kit Lam	RM-100	R-4
221	4465	Aspen Woods Ct	278	5	4	06 278 05 004	Chuen Lam	RM-100	R-4
222	4463	Aspen Woods Ct	278	5	5	06 278 05 005	Kathi Gregory	RM-100	R-4
223	4461	Aspen Woods Ct	278	5	6	06 278 05 006	Li H Chen-Chiang	RM-100	R-4
224	4459	Aspen Woods Ct	278	5	7	06 278 05 007	Evelina Trakhman	RM-100	R-4
225	4457	Aspen Woods Ct	278	5	8	06 278 05 008	Linda Richmond	RM-100	R-4
226	4455	Aspen Woods Ct	278	5	9	06 278 05 009	Anna So Man Tam	RM-100	R-4
227	4453	Aspen Woods Ct	278	5	10	06 278 05 010	Haiyan Wang	RM-100	R-4

	A	B	C	D	E	F	G	H	I
1	Existing and Proposed Zoning District Classifications for Properties in Annexation Areas Tract 1 and Tract as per SB 532 (12/12/12)								
228	4451	Aspen Woods Ct	278	5	11	06 278 05 011	Gwendolyn Johnson	RM-100	R-4
229	4449	Aspen Woods Ct	278	5	12	06 278 05 012	Michelle Warren	RM-100	R-4
230	4447	Aspen Woods Ct	278	5	13	06 278 05 013	Baharnebat Abdulahi	RM-100	R-4



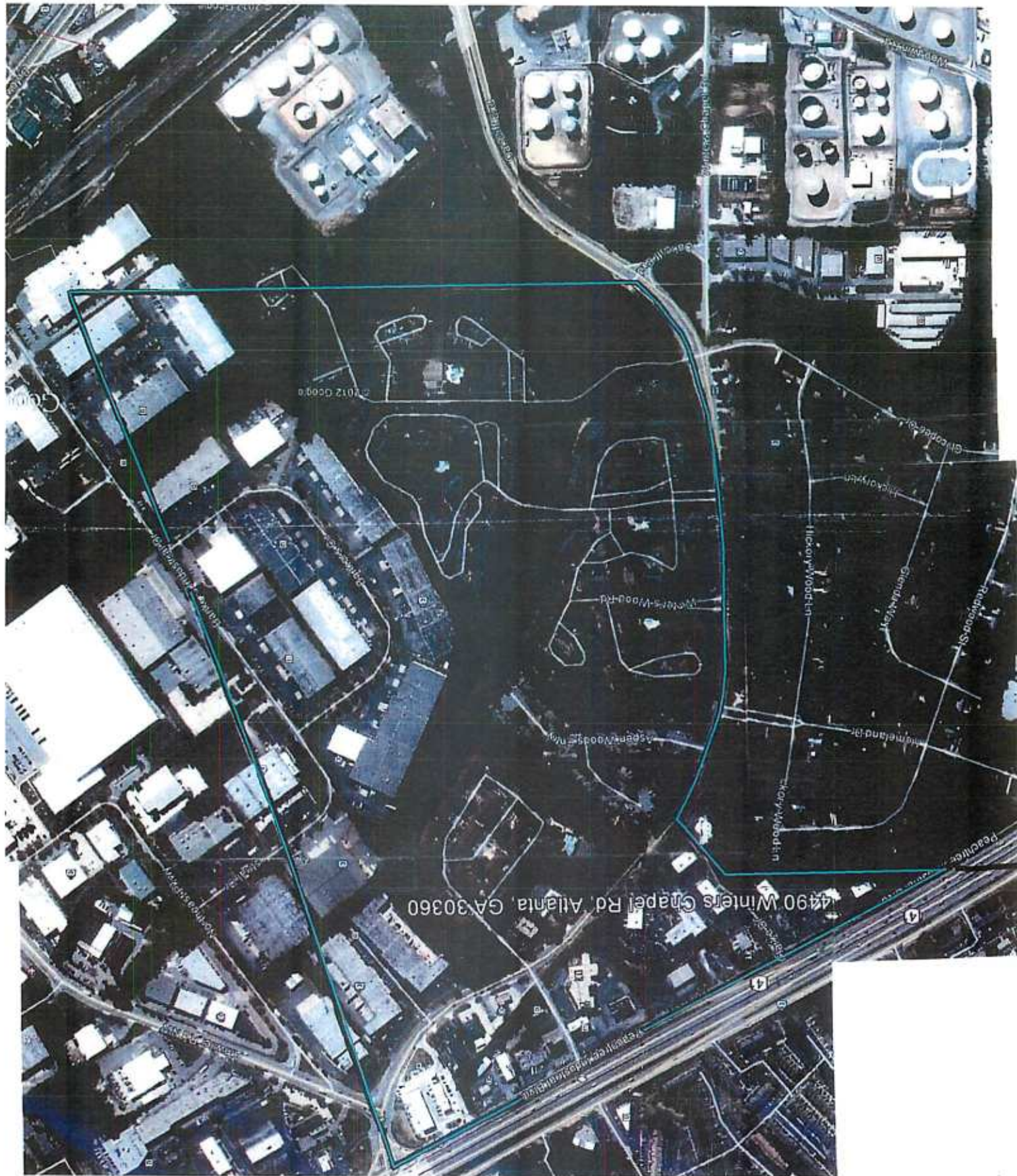
Google earth

feet
meters

2000

700

Tract I SB 532 – Doraville Annexation 12-31-2012
(based upon Google Earth photo & approximation of new limits)



Tract II SB 532 – Doraville Annexation 12-31-2012
(based upon collage of Google Earth photos & approximation of new limits)