

LAW OFFICES
ALBERT M. HORN AND GLENN ZELL
SUITE 725 CANDLER BUILDING
127 PEACHTREE STREET, N. E.
ATLANTA, GEORGIA 30303



September 8, 1967

TELEPHONE
(404) 524-6878

Honorable Milton Farris
P. O. Box 7245, Station C
Atlanta, Georgia 30309

Re: Zoning Application of T. M. Alexander,
Jr. at Simpson and West Lake

Dear Mr. Farris:

I have read in the Atlanta Constitution that you and Alderman Millican expressed resentment at the "implications" in the rezoning request I recently filed for T. M. Alexander, Jr. As you know, I did not mention either of you by name in the request nor the name of Gulf Oil Corporation. I do think the situation presents somewhat of a conflict of interest problem but know that reasonable and honorable men (which I consider you and Mr. Millican to be) might differ with me. I certainly appreciate the dilemma a politician who works for a living sometimes has in honestly representing his constituents without being unduly affected, probably unconsciously, by his personal interests.

If I have offended you and Mr. Millican I apologize. But I certainly feel obligated to represent my client by all legal means. After studying the situation and the situs which we are seeking to rezone, I am firmly convinced of the equity of our rezoning request. There is commercial property right across the street and our plot is completely unshielded from it. Only a casual visit to the premises would convince you that the plot is a part of the commercial activities at that corner. The Zoning Staff and Planning Board recommended the rezoning. Mr. Alexander has agreed to set up generous buffer zones to shield the property to the west and to the south from the sights and sounds of commercial activity (as his own plot is not shielded).

There has been talk that West Lake has been more or less a dividing line protecting Simpson west of it from the commercial activities of Simpson east of it. I submit that the protection has been "less" rather than more. Within the next few blocks going

west on Simpson (and detailed by map and pictures in our request) are: a not lovely drive-in restaurant with a large parking lot, two very unmodern grocery stores, a new diner and a relatively new filling station, a lounge just off Simpson and numerous apartment buildings.

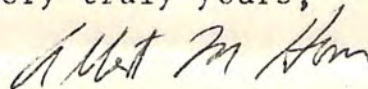
Mr. Alexander was not able to sanitarily and economically maintain the property as residential property and offered to prove such to the Zoning Committee. He could possibly use the property for something else if the Zoning Committee would allow it (one member suggested a drive-in and another said most anything but a service station). However, the logical and efficient use of the corner would be for a service station.

I am pleased that you are inclined to vote favorably on the request. We intend to ask the Board of Aldermen to grant the request. While it may be usual for the Board to follow the recommendations of a Committee, it is also usual for the Zoning Committee to follow the recommendation of the Zoning Staff on a favorable recommendation. Certainly if the rezoning is denied we believe that due process requires some articulation of the standard or standards on which the denial is based.

By the way in my letter to Gulf Oil to which you apparently referred in your statements to the Board, I said that Gulf apparently has 50 percent more service stations in Atlanta than its nearest competitor, not that Gulf has 50 percent of the stations here. I spoke with a Gulf official who says that Gulf is first in Atlanta though not in the region and he attributes this to the foresight and energy of Mr. Millican, your predecessor in charge of Gulf, in locating sites and in building modern stations here.

With best personal regards, I am

Very truly yours,



Albert M. Horn

AMH:cm

CC: Honorable Sam Massell, Jr.
 " Robert S. Dennis
 " E. Gregory Griggs
 " E. A. Gilliam
 " John M. Flanigen
 " William T. Knight
 " Q. V. Williamson
 " Hugh Pierce
 " Douglas L. Fowlkes

Honorable Charles Leftwich
 " George Cotsakis
 " G. Everett Millican
 " Richard C. Freeman
 " Cecil Turner
 " Jack Summers
 " Milton G. Farris
 " Rodney M. Cook