02-O -2184

City Council
Atlanta, Georgia

AN ORDINANCE
BY: ZONING COMMITTEE

U-02-36
11-1-02

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

SECTION 1. Under the provisions of Section 16-11.005(1)(g) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for **Outdoor Dining** is hereby approved. Said use is granted to **Robert T. Budd** and is to be located at **863 Ponce de Leon Avenue, N.E.** to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot **17** of the **14th** District, **Fulton** County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Section 16-25.003 of the Zoning Ordinance of the City of Atlanta, entitled, "Special Use Permits, Procedural Requirements," and the Director, Bureau of Buildings, shall issue a building permit only in compliance with the applicable provisions of this part. The applicable conditional site plan and any other conditions hereby imposed are enumerated by attachment. The Special Use Permit hereby approved does not authorize the violation of any zoning district regulations. District regulation variances can be approved only by application to the Board of Zoning Adjustment.

SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinances are hereby repealed.

A true copy,
Rhonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council APR 21, 2003
APPROVED by the Mayor APR 28, 2003

Conditions for U-02-36

1. Site plan entitled "Site Plan, 863 Ponce de Leon Avenue" prepared by Acme American LLC, dated October 24, 2001 and marked received by the Bureau of Planning March 13, 2003.

2. The landscaping palette from the Freedom Park Plan shall be used.

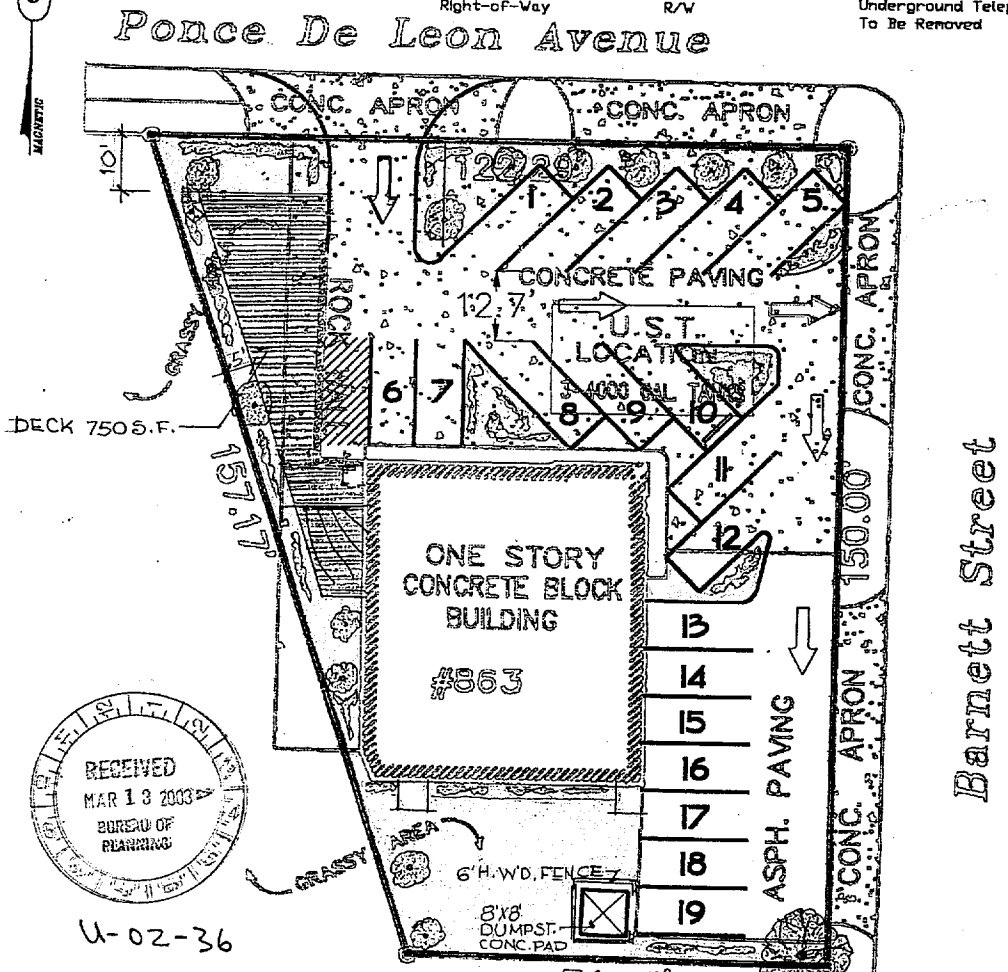
3. The deck shall be constructed in such a manner as to eliminate the possibility of use for shelter.

4. No outside music shall be allowed.

ACME American, L.L.C.	SITE PLAN	DATE: 10-24-01
707 Whitlock Ave, Suite H-12 Marietta, GA 30064	LL 17, 14TH DISTRICT FULTON COUNTY, GEORGIA.	PROJECT NO:

LEGEND

Existing Contour	---990---	Radius	R
Proposed Contour	(990)	Chord Bearing	CB
Exist. Spot Elev.	992.0	Chord	C
Proposed Spot Elev.	(992.0)	Service Pole	SP
Sanitary Sewer	——SS——	Lamp Pole	LPL
Fire Hydrant		Overhead Utility Line	OHUL
Silt Fence	——X——X——	Man Hole	MH
Water Line	——W——	Catch Basin	CB
Traffic Flow	⇒	Junction Box	JB
Power Pole	PP	Drop Inlet	DI
Gas Line	——G——	Headwall	HW
Iron Pin Set	IPS	Corrugated Metal Pipe	CMP
Iron Pin Found	IPF	Reinforced Concrete	RCP
Concrete Monument Found	CMF	Cross Drain	CD
Monument	MON	Sewer Easement	SE
Nail & Cap	N&C	Drainage Easement	DE
Fence Corner	FC	Water Valve	WV
Fence	-x-x-	Water Meter	WM
Open Top Pin	OTP	Gas Valve	GV
Crimp Top Pin	CT	Gas Meter	GM
Reinforcing Bar	Re-bar	Arc	A
Centerline	C	Underground Electricity	UE
Right-of-Way	R/W	Underground Telephone	UT
		To Be Removed	TBR



RECEIVED
MAR 13 2003
BUREAU OF PLANNING

U-02-36

863 PONCE DE LEON AVENUE
LAND LOT 17 14 TH DISTRICT
FULTON CO., ATLANTA

GRAPHIC SCALE

0 20 40 80

(IN FEET)
1 inch = 20 ft.

V-01-372

Deed Book 28753 Pg
Juanita Hicks
Clerk of Superior Court
Fulton County, Georgia

EXHIBIT "A"

LEGAL DESCRIPTION

[3,153 Square Foot Parcel]

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 17 of the 14th District, Fulton County, Georgia and being described as follows:

BEGINNING at an iron pin found on the west side of the right-of-way of Barnett Street (50 foot right-of-way), 151.33 feet south of the intersection of the west side of the right-of-way of Barnett Street and the south side of the right-of-way of Ponce de Leon Avenue (varying right-of-way); running thence South 89 degrees 48 minutes 13 seconds West 74.54 feet along the south property line of the Jodaco, Inc. property to an iron pin found on the easterly right-of-way of the Freedom Parkway (varying right-of-way); running thence South 24 degrees, 41 minutes 17 seconds East 54.94 feet along the easterly right-of-way of the Freedom Parkway to a point on the north side of a13-foot alley (not open); running thence North 89 degrees 48 minutes 13 seconds East 51.59 feet along the north side of the 13-foot alley to a point on the west side of the right-of-way of Barnett Street; running thence North 00 degrees 00 minutes 00 seconds West 50 feet along the West side of the right-of-way of Barnett Street to be iron pin found and the POINT OF BEGINNING as shown on plat of survey prepared for Jodaco, Inc. by A. S. Giometti and Associates, Inc., dated February 9, 2000; said parcel containing approximately 3,153 square feet.

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OCT 24 2001
BUREAU OF
PLANNING

U-02-36

RCS# 4618
4/21/03
2:34 PM

Atlanta City Council

Regular Session

03-O-2184 U-02-36; 863 Ponce de Leon Ave. (N-2)
Change to Outdoor Dining
ADOPT

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

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 Boazman	B Woolard

02-O -2184
(Do Not Write Above This Line)

AN ORDINANCE U-02-36
BY: ZONING COMMITTEE

AN ORDINANCE GRANTING A SPECIAL USE PERMIT FOR OUTDOOR DINING (SECTION 16-11.005(1)(g), PROPERTY LOCATED AT 863 PONCE DE LEON AVENUE, N.E. FRONTING 122.29 FEET ON THE SOUTH SIDE OF PONCE DE LEON AVENUE BEGINNING AT THE SOUTH WEST CORNER OF BARNETT STREET. DEPTH: VARIES; AREA: APPROXIMATELY 11,200 SQUARE FEET; LAND LOT 17, 14TH DISTRICT, FULTON COUNTY, GEORGIA.
OWNER: ROBERT T. BUDD
APPLICANT: SAME
NPU-N COUNCIL DISTRICT 2

ADOPTED BY
APR 2 1 2003
COUNCIL

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

Date Referred 1/6/03

Referred To: ZRB+Zoning

First Reading
Committee Zoning
Date Dec. 11, 2002
Chair Debbie Starnes

Committee	Committee
Zoning	
Date	Date
April 2, 2003	
Chair	Chair
Action: Fav, Adv, Held (see rev. side)	Action: Fav, Adv, Held (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

Committee	Committee
Date	Date
Chair	Chair
Action: Fav, Adv, Held (see rev. side)	Action: Fav, Adv, Held (see rev. side)
Other:	Other:
Members	Members
Refer To	Refer To

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

CERTIFIED
CERTIFIED
APR 2 1 2003
Felicia A. Moore
COUNCIL PRESIDENT PROTEM

CERTIFIED
APR 2 1 2003
Rhonda Dauphin Johnson
MUNICIPAL CLERK

MAYOR'S ACTION
Shirley Franklin
APR 2 8 2003
MAYOR