



03-0-1082

City Council  
Atlanta, Georgia

SUBSTITUTE ORDINANCE  
BY: ZONING COMMITTEE

U-03-17  
8-7-03

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

SECTION 1. Under the provisions of Section 16-08.005(1)(j) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a **Private Park** is hereby approved. Said use is granted to **Carver Redevelopment, LLC** and is to be located at **201 Moury Avenue, S.W.** to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lots **72 & 73** of the **14<sup>th</sup>** District of **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 side 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.

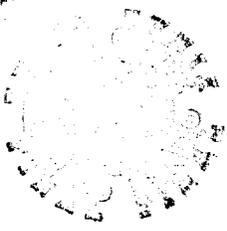
SECTION 2. That all ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

A true copy,

*Shonda Dauphin Johnson*  
Municipal Clerk, CMC

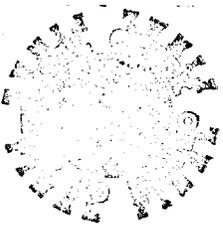
ADOPTED by the Council  
APPROVED by the Mayor

September 2, 2003  
September 10, 2003



CONDITIONS FOR U-03-17

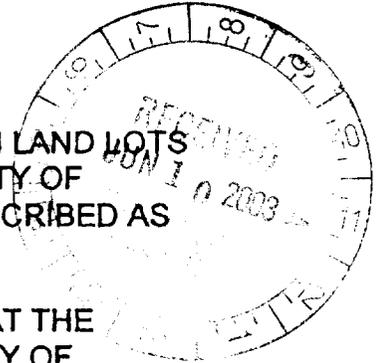
Site plan entitled "The Park at Carver" prepared by J. Lancaster Associates, Inc., dated April 4, 2003 and marked received by the Bureau of Planning June 10, 2003.



U-03-17

**LEGAL DESCRIPTION: PARK AREA 1A, PHASE III**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOTS 72 AND 73 OF THE 14TH DISTRICT OF FULTON COUNTY, (CITY OF ATLANTA) GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:



COMMENCING AT A 1/2" REBAR AND SURVEYOR'S CAP SET AT THE INTERSECTION OF THE EXISTING WESTERLY RIGHT OF WAY OF BENJAMIN BICKERS DRIVE (A.K.A. CAPITOL AVENUE) (APPARENT 50 FOOT TOTAL RIGHT OF WAY WIDTH, 25 FEET WEST OF CENTERLINE AT THIS POINT) AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF THERKELD AVENUE (APPARENT 60 FOOT TOTAL RIGHT OF WAY WIDTH);

THENCE ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF THERKELD AVENUE, NORTH 83 DEGREES 22 MINUTES 28 SECONDS WEST, 5.00 FEET TO A POINT LOCATED AT THE INTERSECTION OF THE REQUIRED WESTERLY RIGHT OF WAY LINE OF BENJAMIN BICKERS DRIVE (30 FEET WEST OF CENTERLINE AT THIS POINT) AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF THERKELD AVENUE; SAID POINT BEING THE POINT OF BEGINNING;

THENCE ALONG THE REQUIRED WESTERLY RIGHT OF WAY LINE OF BENJAMIN BICKERS DRIVE, SOUTH 03 DEGREES 00 MINUTES 55 SECONDS WEST, 60.12 FEET TO A POINT;

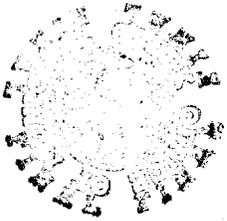
THENCE LEAVING THE REQUIRED WESTERLY RIGHT OF WAY LINE OF BENJAMIN BICKERS DRIVE, NORTH 83 DEGREES 22 MINUTES 28 SECONDS WEST, 80.16 FEET TO A POINT;

THENCE SOUTH 47 DEGREES 20 MINUTES 26 SECONDS WEST, 201.80 FEET TO A POINT;

THENCE SOUTH 71 DEGREES 05 MINUTES 56 SECONDS WEST, 27.85 FEET TO A POINT ON THE PROPOSED EASTERLY RIGHT OF WAY LINE OF FUTURE RELOCATED MIDDLETON STREET (60 FOOT TOTAL RIGHT OF WAY WIDTH);

THENCE ALONG THE PROPOSED EASTERLY RIGHT OF WAY LINE OF FUTURE RELOCATED MIDDLETON STREET ALONG AN ARC OF A CURVE TO THE LEFT 53.40 FEET (SAID CURVE HAVING A RADIUS OF 530.00 FEET AND A CHORD OF NORTH 09 DEGREES 16 MINUTES 32 SECONDS EAST, 53.38 FEET) TO A POINT;

THENCE CONTINUING ALONG THE PROPOSED EASTERLY RIGHT OF WAY LINE OF FUTURE RELOCATED MIDDLETON STREET, NORTH 06 DEGREES



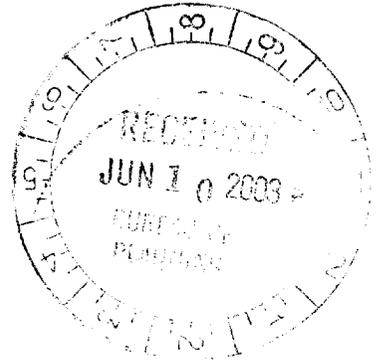
23 MINUTES 20 SECONDS EAST, 171.63 FEET TO A POINT LOCATED AT THE INTERSECTION OF THE PROPOSED EASTERLY RIGHT OF WAY LINE OF FUTURE RELOCATED MIDDLETON STREET AND THE SOUTHEASTERLY RIGHT OF WAY LINE OF THERKELD AVENUE;

THENCE ALONG THE SOUTHEASTERLY RIGHT OF WAY LINE OF THERKELD AVENUE, SOUTH 83 DEGREES 22 MINUTES 28 SECONDS EAST, 231.37 FEET TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINING 0.6361 ACRES (27,710 SQUARE FEET).

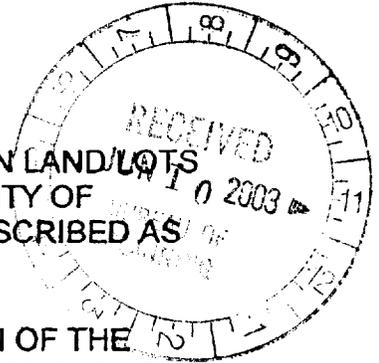
*U-03-17*

F:\LAND PROJECTS R2\0064-legal-Park Area 1A Phase III



**LEGAL DESCRIPTION: PARK AREA 1B, PHASE III**

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND/LOTS 72 AND 73 OF THE 14TH DISTRICT OF FULTON COUNTY, (CITY OF ATLANTA) GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:



COMMENCING AT A 1/2" REBAR SET AT THE INTERSECTION OF THE EXISTING WESTERLY RIGHT OF WAY LINE OF BENJAMIN BICKERS DRIVE (APPARENT 50 FOOT TOTAL RIGHT OF WAY WIDTH, 25 FEET WEST OF CENTERLINE AT THIS POINT) AND THE NORTHEASTERLY RIGHT OF WAY LINE OF MOURY AVENUE (APPARENT 60 FOOT TOTAL RIGHT OF WAY WIDTH);

THENCE ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF MOURY AVENUE, NORTH 85 DEGREES 27 MINUTES 10 SECONDS WEST, 5.00 FEET TO A POINT LOCATED AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF MOURY AVENUE AND THE REQUIRED WESTERLY RIGHT OF WAY LINE OF BENJAMIN BICKERS DRIVE (30 FEET WEST OF CENTERLINE BENJAMIN BICKERS DRIVE AT THIS POINT);

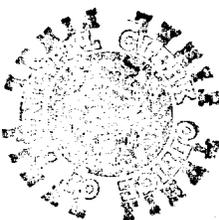
THENCE CONTINUING ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF MOURY AVENUE, NORTH 85 DEGREES 27 MINUTES 10 SECONDS WEST, 243.45 FEET TO A POINT;

THENCE CONTINUING ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF MOURY AVENUE, ON AN ARC OF A CURVE TO THE RIGHT 84.74 FEET (SAID CURVE HAVING A RADIUS OF 543.00 FEET AND A CHORD OF NORTH 80 DEGREES 58 MINUTES 55 SECONDS WEST, 84.66 FEET) TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG THE NORTHEASTERLY RIGHT OF WAY LINE OF MOURY AVENUE, ON AN ARC OF A CURVE TO THE RIGHT 96.85 FEET (SAID CURVE HAVING A RADIUS OF 543.00 FEET AND A CHORD OF NORTH 71 DEGREES 24 MINUTES 05 SECONDS WEST, 96.72 FEET) TO A POINT LOCATED AT THE INTERSECTION OF THE NORTHEASTERLY RIGHT OF WAY LINE OF MOURY AVENUE AND THE PROPOSED EASTERLY RIGHT OF WAY LINE OF FUTURE RELOCATED MIDDLETON STREET (60 FOOT TOTAL RIGHT OF WAY WIDTH);

THENCE LEAVING THE NORTHEASTERLY RIGHT OF WAY LINE OF MOURY AVENUE, ALONG THE PROPOSED EASTERLY RIGHT OF WAY LINE OF FUTURE RELOCATED MIDDLETON STREET, NORTH 29 DEGREES 13 MINUTES 31 SECONDS EAST, 31.17 FEET TO A POINT;

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THENCE CONTINUING ALONG THE PROPOSED EASTERLY RIGHT OF WAY LINE OF FUTURE RELOCATED MIDDLETON STREET, ON AN ARC OF A CURVE TO THE RIGHT 35.05 FEET (SAID CURVE HAVING A RADIUS OF 170.00 FEET AND A CHORD OF NORTH 35 DEGREES 07 MINUTES 54 SECONDS EAST, 34.99 FEET) TO A POINT;

THENCE CONTINUING ALONG THE PROPOSED EASTERLY RIGHT OF WAY LINE OF FUTURE RELOCATED MIDDLETON STREET, NORTH 41 DEGREES 02 MINUTES 17 SECONDS EAST, 58.65 FEET TO A POINT;

THENCE CONTINUING ALONG THE PROPOSED EASTERLY RIGHT OF WAY LINE OF FUTURE RELOCATED MIDDLETON STREET, ON AN ARC OF A CURVE TO THE LEFT 88.48 FEET (SAID CURVE HAVING A RADIUS OF 530.00 FEET AND A CHORD OF NORTH 36 DEGREES 15 MINUTES 19 SECONDS EAST, 88.38 FEET) TO A POINT;

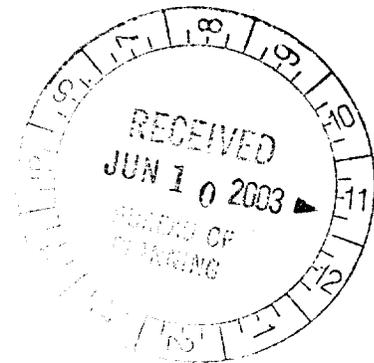
THENCE LEAVING THE PROPOSED EASTERLY RIGHT OF WAY LINE OF FUTURE RELOCATED MIDDLETON STREET, SOUTH 19 DEGREES 23 MINUTES 53 SECONDS EAST, 21.98 FEET TO A POINT;

THENCE SOUTH 12 DEGREES 57 MINUTES 39 SECONDS WEST, 186.17 FEET TO THE POINT OF BEGINNING;

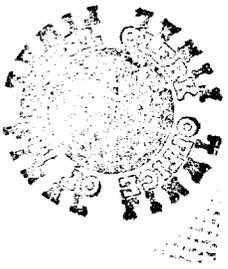
SAID TRACT OR PARCEL CONTAINING 0.2588 ACRES (11,275 SQUARE FEET).

F:\LAND PROJECTS R2\LEGALSI\0064-legal-Park Area 1B Phase III

U-03-17



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**LEGAL DESCRIPTION: PARK AREA 2, PHASE III**



ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 720 2003 OF THE 14TH DISTRICT OF FULTON COUNTY, (CITY OF ATLANTA) GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A 1/2" REBAR AND SURVEYOR'S CAP SET AT THE INTERSECTION OF THE EXISTING WESTERLY RIGHT OF WAY LINE OF BENJAMIN BICKERS DRIVE (A.K.A. CAPITOL AVENUE) (APPARENT 50 FOOT TOTAL RIGHT OF WAY WIDTH, 25 FEET WEST OF CENTERLINE AT THIS POINT) AND THE SOUTHWESTERLY RIGHT OF WAY LINE OF MOURY AVENUE (APPARENT 60 FOOT TOTAL RIGHT OF WAY WIDTH);

THENCE ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF MOURY AVENUE, NORTH 85 DEGREES 27 MINUTES 10 SECONDS WEST, 5.00 FEET TO A POINT LOCATED AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF MOURY AVENUE AND THE REQUIRED WESTERLY RIGHT OF WAY LINE OF BENJAMIN BICKERS DRIVE (30 FEET WEST OF CENTERLINE BENJAMIN BICKERS DRIVE AT THIS POINT).

THENCE CONTINUING ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF MOURY AVENUE, NORTH 85 DEGREES 27 MINUTES 10 SECONDS WEST, 244.98 FEET TO A POINT.

THENCE CONTINUING ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF MOURY AVENUE, ON AN ARC OF A CURVE TO THE RIGHT 44.75 FEET (SAID CURVE HAVING A RADIUS OF 603.00 FEET AND A CHORD OF NORTH 83 DEGREES 19 MINUTES 36 SECONDS WEST, 44.74 FEET) TO A POINT AT THE INTERSECTION OF THE EASTERLY RIGHT OF WAY LINE OF FUTURE TROUP STREET (60 FOOT TOTAL RIGHT OF WAY WIDTH) AND THE SOUTHWESTERLY RIGHT OF WAY LINE OF MOURY AVENUE (APPARENT 60 FOOT TOTAL RIGHT OF WAY WIDTH) TO A POINT.

THENCE CONTINUING ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF MOURY AVENUE, ON AN ARC OF A CURVE TO THE RIGHT 60.10 FEET (SAID CURVE HAVING A RADIUS OF 603.00 FEET AND A CHORD OF NORTH 78 DEGREES 20 MINUTES 43 SECONDS WEST, 60.07 FEET) TO A POINT AT THE INTERSECTION OF THE WESTERLY RIGHT OF WAY LINE OF FUTURE TROUP STREET (60 FOOT TOTAL RIGHT OF WAY WIDTH) AND THE SOUTHWESTERLY RIGHT OF WAY LINE OF MOURY AVENUE (APPARENT 60 FOOT TOTAL RIGHT OF WAY WIDTH) AND THE POINT OF BEGINNING.

THENCE LEAVING SAID SOUTHWESTERLY RIGHT OF WAY LINE OF MOURY AVENUE, AND CONTINUING ALONG THE WESTERLY RIGHT OF



WAY LINE OF FUTURE TROUP STREET, SOUTH 14 DEGREES 28 MINUTES 04 SECONDS WEST, 22.35 FEET TO A POINT.

THENCE CONTINUING ALONG THE WESTERLY RIGHT OF WAY LINE OF FUTURE TROUP STREET, ON AN ARC OF A CURVE TO THE RIGHT 181.08 FEET (SAID CURVE HAVING A RADIUS OF 470.00 FEET AND A CHORD OF SOUTH 25 DEGREES 30 MINUTES 18 SECONDS WEST, 179.96 FEET) TO A POINT.

THENCE CONTINUING ALONG THE WESTERLY RIGHT OF WAY LINE OF FUTURE TROUP STREET, SOUTH 36 DEGREES 32 MINUTES 32 SECONDS WEST, 160.29 TO A POINT.

THENCE CONTINUING ALONG THE WESTERLY RIGHT OF WAY LINE OF FUTURE TROUP STREET, ON AN ARC OF A CURVE TO THE LEFT 38.64 FEET (SAID CURVE HAVING A RADIUS OF 530.00 FEET AND A CHORD OF SOUTH 34 DEGREES 27 MINUTES 14 SECONDS WEST, 38.63 FEET) TO A POINT.

THENCE CONTINUING ALONG THE WESTERLY RIGHT OF WAY LINE OF FUTURE TROUP STREET, SOUTH 32 DEGREES 21 MINUTES 55 SECONDS WEST, 65.64 FEET TO A POINT AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF MELDON AVENUE (APPARENT 60 FOOT RIGHT OF WAY WIDTH) AND THE WESTERLY RIGHT OF WAY LINE OF FUTURE TROUP STREET (60' TOTAL RIGHT OF WAY WIDTH).

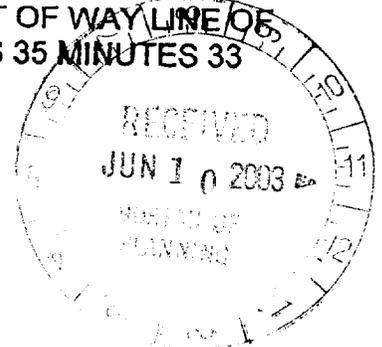
THENCE CONTINUING ALONG THE NORTHERLY RIGHT OF WAY LINE OF MELDON AVENUE, ON AN ARC OF A CURVE TO THE RIGHT 16.04 FEET (SAID CURVE HAVING A RADIUS OF 923.00 FEET AND A CHORD OF NORTH 55 DEGREES 55 MINUTES 03 SECONDS WEST, 16.04 FEET) TO A POINT.

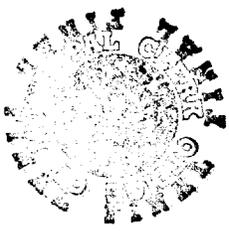
THENCE CONTINUING ALONG THE NORTHERLY RIGHT OF WAY LINE OF MELDON AVENUE NORTH 55 DEGREES 25 MINUTES 11 SECONDS WEST, 134.71 FEET TO A POINT AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY LINE OF MELDON AVENUE (APPARENT 60 FOOT RIGHT OF WAY WIDTH) AND THE PROPOSED EASTERLY RIGHT OF WAY LINE OF THE FUTURE RELOCATED MIDDLETON STREET (PROPOSED 60 FOOT TOTAL RIGHT OF WAY WIDTH).

THENCE LEAVING SAID RIGHT OF WAY LINE OF MELDON AVENUE AND CONTINUING ALONG THE PROPOSED EASTERLY RIGHT OF WAY LINE OF RELOCATED MIDDLETON STREET, NORTH 33 DEGREES 35 MINUTES 33 SECONDS 73.93 FEET TO A POINT.

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THENCE CONTINUING ALONG THE PROPOSED EASTERLY RIGHT OF WAY LINE OF THE RELOCATED MIDDLETON STREET, ON AN ARC OF A CURVE TO THE RIGHT 53.59 FEET (SAID CURVE HAVING A RADIUS OF 270.00 FEET AND A CHORD OF NORTH 39 DEGREES 16 MINUTES 41 EAST, 53.50) TO A POINT.

THENCE CONTINUING ALONG THE PROPOSED EASTERLY RIGHT OF WAY LINE OF RELOCATED MIDDLETON STREET, NORTH 44 DEGREES 57 MINUTES 49 SECONDS EAST, 117.80 FEET TO A POINT.

THENCE CONTINUING ALONG THE PROPOSED EASTERLY RIGHT OF WAY LINE OF THE RELOCATED MIDDLETON STREET, ON AN ARC OF A CURVE TO THE LEFT 90.65 FEET (SAID CURVE HAVING A RADIUS OF 330.00 FEET AND A CHORD OF NORTH 37 DEGREES 05 MINUTES 40 EAST, 90.36) TO A POINT.

THENCE CONTINUING ALONG THE PROPOSED EASTERLY RIGHT OF WAY LINE OF THE RELOCATED MIDDLETON STREET, NORTH 29 DEGREES 13 MINUTES 31 SECONDS EAST, 103.46 FEET TO A POINT AT THE INTERSECTION OF THE SOUTHWESTERLY RIGHT OF WAY LINE OF MOURY AVENUE (APPARENT 60 FOOT TOTAL RIGHT OF WAY WIDTH) AND THE PROPOSED EASTERLY RIGHT OF WAY LINE OF RELOCATED MIDDLETON STREET (60 FOOT TOTAL RIGHT OF WAY WIDTH).

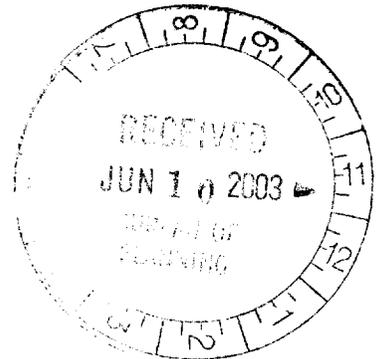
THENCE LEAVING SAID RIGHT OF WAY LINE OF RELOCATED MIDDLETON STREET AND CONTINUING ALONG THE SOUTHWESTERLY RIGHT OF WAY LINE OF MOURY AVENUE, ON AN ARC OF A CURVE TO THE LEFT 102.60 FEET (SAID CURVE HAVING A RADIUS OF 603.00 AND A CHORD OF SOUTH 70 DEGREES 36 MINUTES 57 SECONDS EAST, 102.47 FEET) TO THE POINT OF BEGINNING.

SAID TRACT OR PARCEL CONTAINING 1.3676 ACRES (59,571 SQUARE FEET)

U-03-17

Revised 11-29-01

F:\Land projects R2\0064\legals\0064-legal-Park Area 2 Phase III



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0064-LEGAL PARK AREA 2 PHASE III.doc



RCS# 4996  
9/02/03  
2:16 PM

Atlanta City Council

Regular Session

MULTIPLE

03-O-1082; 03-O-1084; 03-O-1085

ADOPT ON SUB

YEAS: 14  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 2  
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	NV Boazman	NV Woolard

MULTIPLE

03-0-1082

(Do Not Write Above This Line)

AN ORDINANCE U-03-17  
BY: ZONING COMMITTEE

AN ORDINANCE GRANTING A SPECIAL  
USE PERMIT FOR A PRIVATE PARK  
(SECTION 16-08.005(1)(j)), PROPERTY  
LOCATED AT 201 MOURY AVENUE,  
S.W., FRONTING 102.60 FEET ON THE  
SOUTHWESTERLY SIDE OF MOURY  
AVENUE BEGINNING AT THE  
SOUTHEAST CORNER OF MIDDLETON  
STREET. PROPERTY ALSO FRONTS  
96.85 FEET ON THE NORTHEASTERLY  
SIDE OF MOURY AVENUE AND 231.37  
FEET ON THE SOUTH SIDE OF  
THIRKELD AVENUE. DEPTH: VARIES;  
AREA: 2.2625 ACRES; LAND LOTS 72  
AND 73, 14TH DISTRICT, FULTON  
COUNTY, GEORGIA.

OWNER: THE HOUSING AUTHORITY OF  
THE CITY OF ATLANTA  
APPLICANT: CARVER  
REDEVELOPMENT, LLC  
BY: JAMES BAILEY  
NPU-Y COUNCIL **ADOPTED** BY

SEP 0 2 2003

**COUNCIL**

*Adopted*

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

Date Referred 7/21/03

Referred To: ZRB & Zoning

First Reading

Committee  
Date  
Chair

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Others

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Others

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Others

Members

Refer To

Committee

Date

Chair

Actions

Fav, Adv, Held (see rev. side)

Others

Members

Refer To

COUNCIL ACTION

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

CERTIFIED

CERTIFIED  
SEP 0 2 2003  
ATLANTA CITY COUNCIL PRESIDENT  
*Caitlin M. Woodard*

CERTIFIED  
SEP 0 2 2003

*Rachel Douglas Johnson*  
MUNICIPAL CLERK

MAYOR'S ACTION

*Staley Franklin*  
SEP 0 2 2003