



City Council
Atlanta, Georgia

03-0 -2244

AN ORDINANCE
BY: ZONING COMMITTEE

Z-03-82
11-13-03

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

SECTION 1. That the Zoning Ordinance of the City of Atlanta, Georgia be amended and the maps established in connection therewith be changed so that the following property located at **1950 Perry Boulevard, N.W.** be changed from the **RG-3 (Residential General-Sector 3), C-1 (Community Business) & RG-4-C (Residential General-Sector 4-Conditional)** Districts to the **PD-MU (Planned Development-Mixed Use)** District, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lots **224, 227, 228** of the **17th** 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 Chapter 19 entitled, "PD Planned Development District," and Chapters 19A through 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

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 That all ordinances or parts of ordinances that are in conflict with the terms of this ordinance are hereby repealed.

A true copy,

Shonda Dauphin Johnson
Municipal Clerk, CMC

ADOPTED by the Council
APPROVED by the Mayor

MAR 01, 2004
MAR 09, 2004

LEGAL DESCRIPTION
West Highlands Tract 1

All that tract or parcel of land lying and being in Land Lot 227 and 228, of the 17th District, city of Atlanta, Fulton County Georgia, more particularly described as follows:

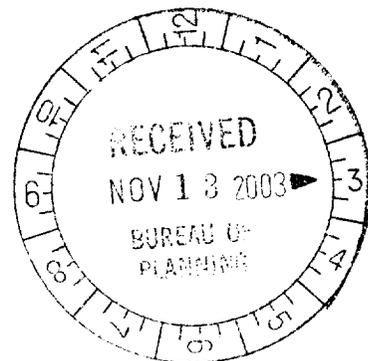
Commencing at the intersection of the Land Lot corner of Land Lots 228,227,246, and 247; thence South 89 degree 00 minutes 33 seconds East, 782.63 feet to THE POINT OF BEGINNING;

THENCE North 29 degrees 08 minutes 07 seconds West for a distance of 346.33 feet to a point;
THENCE North 19 degrees 51 minutes 38 seconds East for a distance of 541.71 feet to a point;
THENCE South 41 degrees 52 minutes 16 seconds East for a distance of 223.46 feet to a point;
THENCE along a curve to the left having a radius of 2316.67 feet and an arc length of 334.63 feet, being subtended by a chord of South 45 degrees 48 minutes 41 seconds East for a distance of 334.34 feet to a point;
THENCE South 49 degrees 45 minutes 06 seconds East for a distance of 230.37 feet to a point;
THENCE along a curve to the right having a radius of 920.21 feet and an arc length of 435.41 feet, being subtended by a chord of South 36 degrees 11 minutes 48 seconds East for a distance of 431.36 feet to a point;
THENCE South 23 degrees 26 minutes 43 seconds East for a distance of 90.29 feet to a point;
THENCE along a curve to the left having a radius of 676.38 feet and an arc length of 466.10 feet, being subtended by a chord of South 41 degrees 23 minutes 52 seconds East for a distance of 456.93 feet to a point;
THENCE South 59 degrees 36 minutes 30 seconds East for a distance of 882.20 feet to a point;
THENCE South 29 degrees 59 minutes 07 seconds West for a distance of 199.81 feet to a point;
THENCE along a curve to the right having a radius of 325.03 feet and an arc length of 197.23 feet, being subtended by a chord of South 47 degrees 22 minutes 11 seconds West for a distance of 194.22 feet to a point;
THENCE South 64 degrees 31 minutes 15 seconds West for a distance of 112.96 feet to a point;
THENCE South 25 degrees 28 minutes 45 seconds East for a distance of 831.93 feet to a point;
THENCE North 25 degrees 35 minutes 23 seconds East for a distance of 24.44 feet to a point;
THENCE North 12 degrees 00 minutes 26 seconds East for a distance of 29.79 feet to a point;
THENCE North 26 degrees 11 minutes 46 seconds East for a distance of 18.71 feet to a point;
THENCE North 69 degrees 13 minutes 55 seconds East for a distance of 10.06 feet to a point;
THENCE South 85 degrees 34 minutes 25 seconds East for a distance of 17.19 feet to a point;
THENCE North 85 degrees 19 minutes 16 seconds East for a distance of 23.06 feet to a point;
THENCE North 70 degrees 59 minutes 53 seconds East for a distance of 25.79 feet to a point;
THENCE North 51 degrees 14 minutes 14 seconds East for a distance of 25.88 feet to a point;
THENCE South 00 degrees 42 minutes 03 seconds West for a distance of 694.21 feet to a point;
THENCE North 88 degrees 50 minutes 12 seconds West for a distance of 124.00 feet to a point;
THENCE South 00 degrees 42 minutes 58 seconds West for a distance of 350.00 feet to a point;
THENCE North 88 degrees 47 minutes 47 seconds West for a distance of 364.40 feet to a point;
THENCE North 25 degrees 28 minutes 45 seconds West for a distance of 1467.50 feet to a point;
THENCE North 29 degrees 10 minutes 01 seconds West for a distance of 1915.94 feet to the POINT OF BEGINNING;

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 68.91 acres more or less.

Exhibit A
Page 1 of 7



West Highlands at Perry Boulevard
1950 et al. Perry Boulevard, S.W., Atlanta
Applicant: Perry Homes Redevelopment, LLC
Owner: Atlanta Housing Authority, et al.
Rezoning Application: RG-3, RG-4-C and C-1 to PD-MU

TRACT 1A

All that tract or parcel of land situated and lying in Land Lot 227, 17th District, Fulton County, Georgia, being part of land described deed recorded in Deed Book 3031, Page 555, Deed Records of Fulton County, Georgia, said lands being more particularly described on a survey by Joe W. Arnold, III recorded in Plat Book 47, Page 35, Plat Records of Fulton County, Georgia and being more particularly described as follows:

Beginning at a 1/2 inch rebar at the intersection of the Southerly right-of-way line of Perry Boulevard (formerly Sweat Road) (60' R/W) with the East line of Land Lot 227, as defined by the above mentioned Arnold Survey, said point being located North 59° 25' 58" West, a distance of 1232.07 feet from the intersection of the Southerly right-of-way line of Perry Boulevard (apparent 60' R/W) with the Westerly right-of-line line of Habershal Drive (apparent 60' R/W); thence South 00° 42' 26" West, leaving Perry Boulevard and along said East line of Land Lot 227, passing a 1/2 inch rebar at a distance of 900.00 feet and continuing for a total distance of 934.60 feet to a point in the center of a creek; thence along the center of said creek and the meanderings thereof with selected centerline points being defined as follows: First, South 89° 24' 37" West, a distance of 37.83 feet; thence South 70° 12' 07" West, a distance of 38.87 feet; thence, South 45° 51' 53" West, a distance of 50.16 feet; thence, South 25° 24' 40" West, a distance of 30.40 feet; thence, North 25° 28' 37" West, leaving said creek and passing a 1/2 inch rebar on the bank of said creek at a distance of 22.50 feet and continuing for a total distance of 821.48 feet to a 1/2 inch rebar; thence, North 64° 31' 23" East, a distance of 114.29 feet to a 1/2 inch rebar; thence, with a curve to the left having a radius of 325.00 feet, a chord bearing and distance of North 47° 15' 19" East, 192.95 feet and an arc distance of 195.90 feet to a 1/2 inch rebar; thence, North 29° 59' 15" East, a distance of 199.29 feet to a 1/2 inch rebar on said Southerly right-of-way line of Perry Boulevard; thence, South 59° 45' 43" East, along the Southerly right-of-way line of Perry Boulevard, a distance of 166.51 feet to the Point of Beginning and containing 7.02 acres of land, more or less.

*Exhibit A
Page 2 of 7*

LEGAL DESCRIPTION
West Highlands Tract 2

All that tract or parcel of land lying and being in Land Lot 227, of the 17th District, city of Atlanta, Fulton County Georgia, more particularly described as follows:

Commencing at the intersection of the Land Lot corner of Land Lots 228,227,246, and 247; thence South 89 degree 00 minutes 33 seconds East, 164.79 feet to THE POINT OF BEGINNING;

- THENCE South 89 degrees 00 minutes 33 seconds East for a distance of 386.53 feet to a point;
- THENCE South 29 degrees 10 minutes 01 seconds East for a distance of 2025.73 feet to a point;
- THENCE South 25 degrees 28 minutes 21 seconds East for a distance of 1360.45 feet to a point;
- THENCE North 88 degrees 47 minutes 47 seconds West for a distance of 789.88 feet to a point at the center of Proctor creek;
- THENCE along the center of Proctor creek for a distance of 1139'+/- feet to a point;
- THENCE North 89 degrees 25 minutes 05 seconds West for a distance of 1113.12 feet to a point;
- THENCE North 00 degrees 28 minutes 37 seconds East for a distance of 840.81 feet to a point;
- THENCE South 89 degrees 40 minutes 08 seconds East for a distance of 296.83 feet to a point at the center of Proctor creek;
- THENCE along the center of Proctor creek for a distance of 1575'+/- feet to the POINT OF BEGINNING.

Together with and subject to covenants, easements, and restrictions of record.

Said property contains 65.8 acres more or less.

*Exhibit A
page 3 of 7*



2-03-82

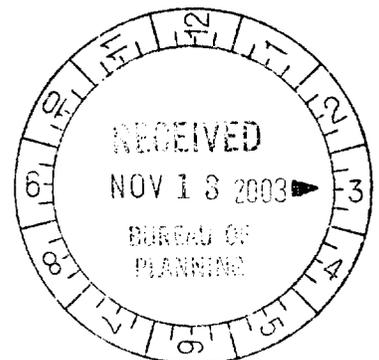
Tract "C" – Habershal Road

All that parcel of land lying or being in Land Lot 224, 17th District, City of Atlanta, Fulton County, Georgia and more particularly described as follows:

Begin at a point located at the intersection of the south line of Land Lot 224 (common line with the north line of Land Lot 225) and the east right-of-way of Habershal Road (60-foot right-of-way); **Thence** along the east right-of-way of Habershal Road North 02 degrees 11 minutes 48 seconds West a distance of 56.01 feet to a point; **Thence** continuing along a curve to the right having a radius of 456.45 feet, an arc length 371.30 feet and a chord which bears North 21 degrees 06 minutes 25 seconds East having a chord distance of 361.14 feet to a point; **Thence** continuing along Habershal Road North 44 degrees 24 minutes 38 seconds East a distance of 303.99 feet to a point; **Thence** leaving the right-of-way of Habershal Road South 46 degrees 53 minutes 10 seconds East a distance of 34.46 feet to a point; **Thence** South 25 degrees 26 minutes 22 seconds West a distance of 285.94 feet to a point; **Thence** South 24 degrees 41 minutes 20 seconds East a distance of 79.16 feet to a point; **Thence** South 64 degrees 20 minutes 11 seconds East a distance of 360.46 feet to an iron pin found; **Thence** South 46 degrees 26 minutes 26 seconds East a distance of 156.32 feet to an iron pin found on the south line of Land Lot 224, common with the north line of Land Lot 225; **Thence** North 89 degrees 23 minutes 59 seconds West a distance of 714.25 feet to the **Point of Beginning**.

said parcel of land contains 179,236 square feet or 4.115 acres of land, more or less.

*Exhibit A
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Tract "D" – Habershal Road

All that parcel of land lying or being in Land Lot 224, 17th District, City of Atlanta, Fulton County, Georgia and more particularly described as follows:

Commence at an iron pin found on the southwest corner of Land Lot 224, common corner with Land Lots 225,226 and 227.

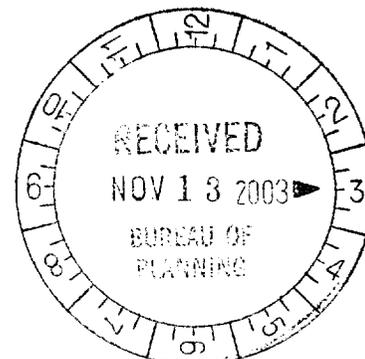
Thence along the west line of Land Lot 224 (common with the east line of Land Lot 227) North 00 degrees 39 minutes 07 seconds East a distance of 350.03 feet to

a concrete monument; **Thence** continuing along the west line of Land Lot 224 North 00 degrees 41 minutes 36 seconds East a distance of 565.81 feet to the **Point of Beginning**.

Thence continuing along the west line of Land Lot 224 North 00 degrees 41 minutes 36 seconds East a distance of 985.59 feet to a point; **Thence** leaving the west line of Land Lot 224 and the east line of Land Lot 227 South 59 degrees 48 minutes 54 seconds East a distance of 154.18 feet to a point; **Thence** South 18 degrees 23 minutes 33 seconds East a distance of 109.40 feet to a point; **Thence** South 47 degrees 04 minutes 59 seconds East a distance of 50.59 feet to a point; **Thence** South 25 degrees 37 minutes 23 seconds East a distance of 492.07 feet to a point; **Thence** South 01 degrees 56 minutes 55 seconds East a distance of 107.70 feet to a point; **Thence** South 23 degrees 44 minutes 59 seconds East a distance of 100.00 feet to a point; **Thence** South 65 degrees 29 minutes 20 seconds West a distance of 177.19 feet to a point; **Thence** South 04 degrees 16 minutes 06 seconds West a distance of 65.00 feet to a point; **Thence** North 85 degrees 43 minutes 54 seconds West a distance of 211.48 feet to a point; **Thence** along a curve to the left having a radius of 406.99 feet, an arc length 96.87 feet and a chord which bears South 87 degrees 26 minutes 59 seconds West having a chord distance of 96.64 feet to the **Point of Beginning**.

Said parcel contains 301,029 square feet or 6.911 acres of land, more or less.

Exhibit A
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2-03-82

Tract "E" – Habershal Road

All that parcel of land lying or being in Land Lot 224 and, 17th District, City of Atlanta, Fulton County, Georgia and more particularly described as follows:

Commence at an iron pin found on the southwest corner of Land Lot 224, common corner with Land Lots 225, 226 and 227.

Thence along the west line of Land Lot 224 (common with the east line of Land Lot 227) North 00 degrees 39 minutes 07 seconds East a distance of 29.77 feet to **Point of Beginning**

Thence continuing along the west line of Land Lot 224 North 00 degrees 39 minutes 07 seconds East a distance of 320.26 feet to a point;

Thence continuing along the west line of Land Lot 224 North 00 degrees 41 minutes 36 seconds East a distance of 514.92 feet to a point;

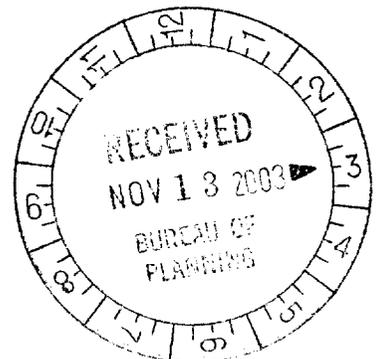
Thence leaving the west line of Land Lot 224 along a curve to the right having a radius of 356.99 feet, an arc length 93.86 feet and a chord which bears North 86 degrees 44 minutes 10 seconds East having a chord distance of 93.59 feet to a point;

Thence South 85 degrees 43 minutes 54 seconds East a distance of 211.24 feet to a point; **Thence** along a curve to the right having a radius of 261.48 feet, an arc length 161.62 feet and a chord which bears South 68 degrees 01 minutes 29 seconds East having a chord distance of 159.06 feet to a point;

Thence South 50 degrees 19 minutes 04 seconds East a distance of 108.57 feet to a point; **Thence** South 02 degrees 49 minutes 04 seconds East a distance of 20.43 feet to a point located on the northwesterly right-of-way of Habershal Road (60-foot right-of-way); **Thence** along the northwesterly right-of-way of Habershal Road South 44 degrees 24 minutes 38 seconds West a distance of 381.33 feet to a point; **Thence** continuing along Habershal Road along a curve to the left having a radius of 516.45 feet, an arc length 420.10 feet and a chord which bears South 21 degrees 06 minutes 25 seconds West having a chord distance of 408.62 feet to a point; **Thence** continuing along Habershal Road South 02 degrees 11 minutes 48 seconds East a distance of 23.12 feet to a point; **Thence** leaving the right-of-way of Habershal Road North 89 degrees 28 minutes 01 seconds West a distance of 132.92 feet to **Point of Beginning**.

Said parcel contains 203,939 square feet or 4.682 acres of land, more or less.

Exhibit A
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2-03-82

Tract "F" – Habershal Road

All that parcel of land lying or being in Land Lot 224, 17th District, City of Atlanta, Fulton County, Georgia and more particularly described as follows:

Begin at the mitered corner at the intersection of the southerly right-of-way of Perry Boulevard (60-foot right-of-way) and the northwesterly right-of-way of Habershal Road (60-foot right-of-way).

Thence along Habershal Road a curve to the right having a radius of 1,857.90 feet, an arc length 376.89 feet and a chord which bears South 36 degrees 02 minutes 18 seconds West having a chord distance of 376.24 feet to a point;

Thence leaving the right-of-way of Habershal Road North 63 degrees 00 minutes 23 seconds West a distance of 206.86 feet to a point;

Thence North 23 degrees 34 minutes 26 seconds West a distance of 150.00 feet to a point;

Thence North 29 degrees 20 minutes 13 seconds West a distance of 151.09 feet to a point;

Thence North 20 degrees 21 minutes 17 seconds West a distance of 203.00 feet to a point;

Thence North 28 degrees 45 minutes 46 seconds West a distance of 216.12 feet to a point located on the southerly right-of-way of Perry Boulevard (60-foot right-of-way);

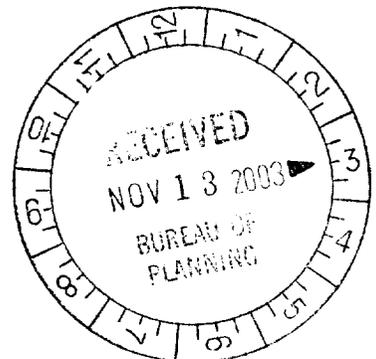
Thence along Perry Boulevard South 59 degrees 28 minutes 09 seconds East a distance of 822.95 feet to a point;

Thence South 14 degrees 49 minutes 43 seconds East a distance of 21.28 feet to the **Point of Beginning**.

Said parcel contains 208,677 square feet or 4.791 acres of land, more or less.

Exhibit A
page 7 of 7

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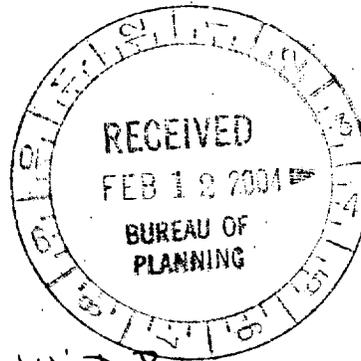


West Highlands at Perry Boulevard
1950 et al. Perry Boulevard, S.W., Atlanta
Applicant: Perry Homes Redevelopment, LLC
Owner: Atlanta Housing Authority, et al.
Rezoning Application: RG-3, RG-4-C and C-1 to PD-MU

TRACT 1B – LEGAL DESCRIPTION

All that tract or parcel of land lying and begin in Land Lot 224 of the 17th District of Fulton County, Georgia, and being more particularly described as follows:

BEGINNING at an iron pin at the northwestern corner of Habershal Drive (a new street with a 60-foot right-of-way) and Johnson Street, said pin being 30 feet north from the south line of said Land Lot 224; and running thence South 88°55' West along the north side of Johnson Street 124 feet to an iron pin; thence North 0°40' West, 315 feet to an iron pin; thence North 88°55' East, 197.6 feet to an iron pin on the westerly side of Habershal Drive; thence southerly along the westerly side of Habershal Drive, following the curvature thereof, 283.93 feet to an iron pin, said curvature having a chord bearing of South 14°52'39" West and a chord dimension of 279.54 feet; thence South 01°01' West, 45.37 feet to the POINT OF BEGINNING; said tract contains 1.075 acres as shown on a plat of survey entitled Baptist Church Property, prepared by Morrison J. Simms & Associates, P.C., Atlanta, Georgia, dated February 5, 1974, revised last October 22, 1974.



*Exhibit B
Page 1 of 1*



Conditions for Z-03-82

A site plan entitled "West Highlands Re-Zoning Master Plan" by Keyfer Architecture Planning dated February 11, 2004, Revised and marked received by the Bureau of Planning February 12, 2004

RCS# 5483
3/01/04
4:07 PM

Atlanta City Council

Regular Session

03-O-2244

REZONE RG-3, C-1, RG-4-C TO PD-MU
1950 PERRY BLVD
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 0

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

03-O-2244

03-0-2244

(Do Not Write Above This Line)

AN ORDINANCE Z-03-82
BY: ZONING COMMITTEE

AN ORDINANCE TO REZONE FROM THE
RG-3 (RESIDENTIAL GENERAL-SECTOR
3), C-1 (COMMUNITY BUSINESS), AND
RG-4-C (RESIDENTIAL GENERAL-
SECTOR 4-CONDITIONAL) DISTRICTS
TO THE PD-MU (PLANNED
DEVELOPMENT-MIXED USE) DISTRICT,
PROPERTY LOCATED AT 1950 PERRY
BOULEVARD, N.W., FRONTING
APPROXIMATELY 3651.91 FEET ON
THE SOUTHWESTERLY SIDE OF
PERRY BOULEVARD BEGINNING AT
THE SOUTHWEST CORNER OF
HABERSHAL DRIVE. DEPTH:
VARIES; AREA: APPROXIMATELY
162.229 ACRES.

OWNER: THE HOUSING AUTHORITY OF
THE CITY OF ATLANTA, GEORGIA
APPLICANT: PERRY HOMES
REDEVELOPMENT, LLC

BY: ROBERT L. ZOECKLER, ATTORNEY
NPU-G COUNCIL DISTRICT 9

ADOPTED BY

MAR 01 2004

COUNCIL

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

Date Referred 1/5/04

Referred To: ZRB & Zoning

First Reading

Committee
Date
Chair

Zoning
Feb. 25 2004
Robert L. Zoekler

Committee

Zoning
Feb. 25 2004
Robert L. Zoekler

Date
Chair
Action:
Fav, Adv, Held (see rev. side)
Other:

Members

Refer To

Committee

Date

Chair

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

Members

Refer To

COUNCIL ACTION

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

CERTIFIED

Robert L. Zoekler
MAR 01 2004

CERTIFIED
MAR 01 2004

Robert L. Zoekler
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
Robert L. Zoekler
MAYOR