

**12-0-0285**  
 (Do Not Write Above This Line)

AN ORDINANCE U-12-01  
 BY ZONING COMMITTEE

An Ordinance granting a Special Use Permit pursuant to Section 16-11.005 (1) (f) for outdoor dining at eating and drinking establishments when any part of such use is located within 1,000 feet of property zoned as R-1 through R5, or that is used as a residential property. Property is located at **2020 HOWELL MILL ROAD, N.W.**, and fronts approximately 45 feet on the north side of Collier Road beginning 28 feet from the easterly corner of Collier Road and Howell Mill Road. Depth: approximately 67 feet. Area: approximately 4.57 acres. Land Lot 153, 17<sup>th</sup> District, Fulton County, Georgia.

OWNER: Ward Williams  
 APPLICANT: Joan C. Janning  
 NPU C  
 COUNCIL DISTRICT 8

*As Amended*  
**ADOPTED BY**

MAY 07 2012

- CONSENT REFER
- REGULAR REPORT REFER **COUNCIL**
- ADVERTISE & REFER
- 1st ADOPT 2nd READ & REFER
- PERSONAL PAPER REFER

Date Referred 3/5/12  
 Referred To: ZBB + Zoning  
 Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_  
 Date Referred \_\_\_\_\_  
 Referred To: \_\_\_\_\_

Committee Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Referred To \_\_\_\_\_

Committee Zoning  
 Date 2012  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
 Other \_\_\_\_\_

Members \_\_\_\_\_  
 Refer To \_\_\_\_\_

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
 Other \_\_\_\_\_

Members \_\_\_\_\_  
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Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
 Other \_\_\_\_\_

Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
 Other \_\_\_\_\_

Members \_\_\_\_\_  
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Committee \_\_\_\_\_  
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 Chair \_\_\_\_\_  
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Members \_\_\_\_\_  
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Committee \_\_\_\_\_  
 Date \_\_\_\_\_  
 Chair \_\_\_\_\_  
 Action Fav, Adv, Hold (see rev. side) \_\_\_\_\_  
 Other \_\_\_\_\_

**FINAL COUNCIL ACTION**  
 2nd  1st & 2nd  3rd  
 Consent  V Vote  RC Vote

**CERTIFIED**  
 MAY 07 2012  
 ATLANTA CITY COUNCIL PRESIDENT

**CERTIFIED**  
 MAY 7 2012  
 Municipal Clerk

MAYOR'S ACTION  
**APPROVED**

MAY 16 2012  
 WITHOUT SIGNATURE  
 BY OPERATION OF LAW



Municipal Clerk  
Atlanta, Georgia

**12-O-0285**

AN AMENDED ORDINANCE  
BY: ZONING COMMITTEE

**U-12-01**

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) (l) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for an Eating and Drinking Establishment is hereby approved. Said use is granted to Joan C. Janning and is to be located at **2020 HOWELL MILL ROAD, N.W.**, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 153, 17<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description or survey/map.

**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 ordinance are hereby repealed.

A true copy,

*Rhonda Daughin Johnson*  
Municipal Clerk

ADOPTED as amended by the Atlanta City Council  
APPROVED as per City Charter Section 2-403

May 07, 2012  
May 16, 2012

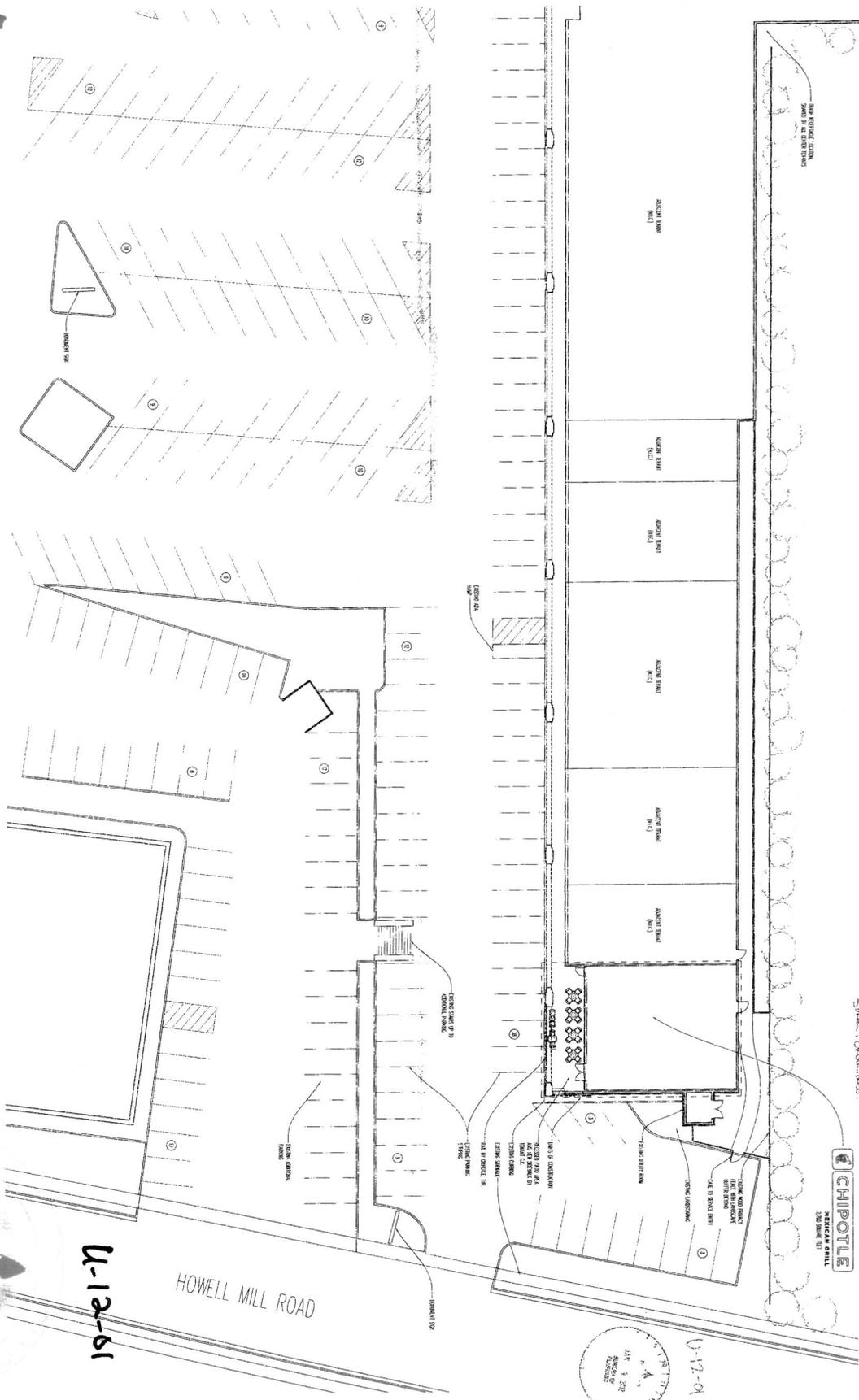


**Conditions for U-12-01 for 2020 Howell Mill Road, N.W.**

1. A site plan entitled "Store 1866", dated January 6, 2012 and marked received by the Office of Planning on January 9, 2012.



ARCHITECTURAL SITE PLAN



**GENERAL NOTES**

1. ALL SITE WORK INCLUDING STAKING, GRADING, PAVING, PARKING LOT LAYOUT, SIGNAGE, LIGHTING, AND DRAINAGE SHALL BE IN ACCORDANCE WITH THE CITY OF ATLANTA'S STANDARDS AND SPECIFICATIONS FOR PUBLIC WORKS, LATEST EDITION.

2. ALL UTILITIES SHALL BE DEPTH MARKED BY THE CITY OF ATLANTA'S PUBLIC WORKS DEPARTMENT.

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9. ALL UTILITIES SHALL BE DEPTH MARKED BY THE CITY OF ATLANTA'S PUBLIC WORKS DEPARTMENT.

10. ALL UTILITIES SHALL BE DEPTH MARKED BY THE CITY OF ATLANTA'S PUBLIC WORKS DEPARTMENT.



1200 BROAD ST.



STORE # 1866  
 HOWELL MILL  
 2020 HOWELL MILL ROAD  
 ATLANTA, GA 30318

**red**  
 Architects + Planning LLC

855 GRANDVIEW AVENUE  
 COLUMBUS, OHIO 43215  
 PHONE: 614.457.8770  
 FAX: 614.457.8777

RECEIVED  
 JUN - 9 2012  
 Bureau of Planning

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HOWELL MILL ROAD

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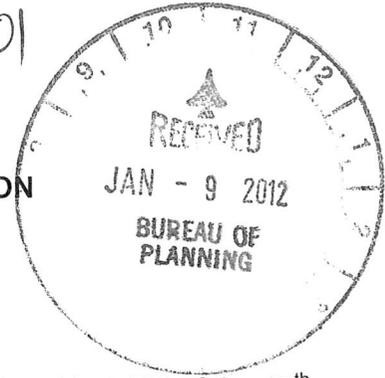


V-12-01

EXHIBIT A

SHOPPING CENTER LEGAL DESCRIPTION

HOWELL MILL VILLAGE



TRACT A

All that tract or parcel of land lying and being in the City of Atlanta in Land Lot 153 of the 17<sup>th</sup> District of Fulton County, Georgia, being that property shown and delineated on the Plat of Survey made by Samuel G. Evans, Jr., Registered Land Surveyor No. 1159 dated February 13, 1981, and being more particularly described as follows:

BEGINNING at a point on the northerly side of Collier Road (having a 50 foot right-of-way) at the intersection thereof with the westerly side of Howell Mill Road; and running thence north 88 degrees 44 minutes 39 seconds west along the northerly side of Collier Road a distance of 246.18 feet to a point; running thence north 07 degrees 04 minutes 21 seconds east, a distance of 146.32 feet to a point; running thence south 89 degrees 10 minutes 51 seconds east, a distance of 258.24 feet to the westerly side of Howell Mill Road (having a 50 foot right-of-way); running thence south 11 degrees 34 minutes 49 seconds west along the westerly side of Howell Mill Road, a distance of 149.96 feet to the northerly side of Collier Road the point of beginning.

TRACT B

Parcel I

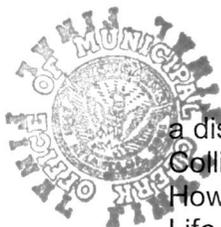
All of the right, title, interest and leasehold estate of the lessee in, to and under that certain Leased, dated January 27, 1978, between Mrs. Lola E. Springer, as Lessor, and King Three, Inc., as lessee, as amended by that certain First Amendment to Lease, dated November 17, 1978 between Mrs. Lola E. Springer and King Three, Inc., the lessee's interest having been subsequently assigned to Three Kings, Ltd., a Georgia limited partnership, which Lease as so amended demises the following tract of land, to wit:

All that tract or parcel of land lying and being located in Land Lot 153 of the 17<sup>th</sup> District of Fulton County, Georgia and being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING, commence at a point located at the intersection of the westernmost right-of-way margin of Howell Mill Road (50 foot right-of-way at this point) and the northernmost right-of-way margin of Collier Road (50 foot right-of-way at this point); thence running along said northernmost right-of-way margin of Collier Road and following the curvature thereof in a generally westerly direction 246.18 feet to a point and an iron pin on said northernmost right-of-way margin of Collier Road and THE TRUE POINT OF BEGINNING; thence continuing along said northernmost right-of-way margin of Collier Road north 18°44'39" west, a distance of 140.00 feet to a point and an iron pin; thence leaving said northernmost right-of-way margin of Collier Road north 02°41'21" east, a distance of 284.50 feet to a point and an iron pin; thence north 89°41'21" east, a distance of 284.50 feet to a point and an iron pin on said westernmost right-of-way margin of Howell Mill Road; thence running along said westernmost right-of-way margin of Howell Mill Road south 11°34'49" west, a distance of 149.91 feet to a point and an iron pin on said westernmost right-of-way margin of Howell Mill Road; thence leaving said westernmost right-of-way margin of Howell Mill Road north 89°10'51" west,

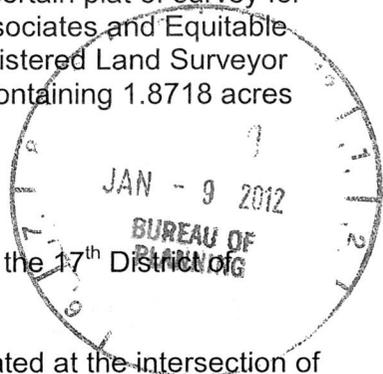
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a distance of 146.32 feet to a point and iron pin on said northernmost right-of-way margin of Collier Road and the TRUE POINT OF BEGINNING; according to that certain plat of survey for Howell Mill Village Shopping Center prepared for Howell Mill Village Associates and Equitable Life Insurance Company of Iowa by Samuel G. Evans, Jr., Georgia Registered Land Surveyor No. 1159, dated December 4, 1979, revised December 14, 1979, and containing 1.8718 acres according to the aforesaid plat.



Parcel II

All that tract or parcel of land lying and being located in Land Lot 153 of the 17<sup>th</sup> District, Fulton County, Georgia being more particularly described as follows:

TO FIND THE TRUE POINT OF BEGINNING commence at a point located at the intersection of the westernmost right of way margin of Howell Mill Road (50 foot right of way at this point) and the northernmost right of way margin of Collier Road (50 foot right of way) thence along said northernmost right of way margin of Collier Road following the curvature thereof in a generally westerly direction 246.18 feet to a point and an iron pin; thence continuing along said northernmost right of way margin of Collier Road north 88°44'39" west, a distance of 140.00 feet to a point and an iron pin and the TRUE POINT OF BEGINNING (which point is also located at the southwestern corner of Tract I described above); thence continuing along said northernmost right of way margin of Collier Road in a westerly direction along a curve to the right an arc distance of 161.08 feet to a point and an iron pin (said arc being subtended by a chord bearing north 68°00'40" west, and having a length of 157.59 feet, the arc being southwest of its chord); thence continuing along said northernmost right of way margin of Collier Road along a curve to the left an arc distance of 58.52 feet to a point and an iron pin (said arc being subtended by a chord bearing north 58°27'18" west, and having a length of 58.15 feet, the arc being northeast of its chord); thence leaving said northernmost right of way margin of Collier Road north 0244'09" east, a distance of 199.98 feet to a point and an iron pin; thence north 02°03'00" east, a distance of 99.35 feet to a point and an iron pin; thence south 89°01'59" east, a distance of 200.70 feet to a point and an iron pin; thence south 02°41'21" west, a distance of 101.00 feet to a point and an iron pin (which point is also located at the northwestern corner of Tract I described above; thence continuing south 02°41'21" west along the westernmost line of Tract I described above, a distance of 284.50 feet to a point and an iron pin on said northernmost right of way margin of Collier Road and the TRUE POINT OF BEGINNING; according to that certain plat of survey for Howell Mill Village Shopping Center prepared for Howell Mill Village Associates and Equitable Life Insurance Company of Iowa by Samuel G. Evans, Jr., Georgia Registered Land Surveyor No. 1159, dated December 4, 1979 revised December 14, 1979, and containing 1.6200 acres according to the aforesaid plat.

HOWELL MILL VILLAGE SHOPPING CENTER EXPANSION

Tracts C, D, and E

All that tract or parcel of land lying and being in Land Lots 186 and 153 of the 17<sup>th</sup> District, Fulton County, Georgia as shown on that certain Plat of Survey prepared for Three Kings, Ltd. by Chester M. Smith (Georgia Registered Land Surveyor No. 1445 of Metro Engineering and Surveying Co., Inc., dated May 25, 1983 and last revised June 7, 1983 and being more particularly described as follows:

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TO FIND THE TRUE POINT OF BEGINNING, commence at a chiseled point in the sidewalk located at the intersection of the westerly right of way line of Howell Mill Road (a 50 foot right of way); and the northerly right of way line of Collier Road (a 50 foot right of way); thence running along said northerly right of way line north 88 degrees 44 minutes 39 seconds west a distance of 386.18 feet to a point; thence running along an arc of a curve to the right with a radius of 222.75 feet (said arc being subtended by a chord bearing north 68 degrees 00 minutes 40 seconds west a chord distance of 157.59 feet) an arc distance of 161.08 feet to a point; thence continuing along said northerly right of way line along an arc of a curve to the left with a radius of 274.98 feet (said arc being subtended by a chord bearing north 64 degrees 26 minutes 43 seconds west a chord distance of 114.89 feet) an arc distance of 115.74 feet to a point of THE TRUE POINT OF BEGINNING; from said TRUE POINT OF BEGINNING, thence continuing along said northerly right of way line along an arc of a curve to the left with a radius of 274.98 feet (said arc being subtended by a chord bearing north 82 degrees 45 minutes 15 seconds west a chord distance of 59.88 feet) an arc distance of 60 feet to a point; thence continuing along said northerly right of way line north 89 degrees 00 minutes 16 seconds west a distance of 291.10 feet to a point; thence continuing along said northerly right of way line along an arc of a curve to the right with a radius of 641.31 feet (said arc being subtended by a chord bearing north 74 degrees 09 minutes 28 seconds west a chord distance of 328.65 feet) an arc distance of 332.36 feet to a point; thence continuing along said northerly right of way line north 59 degrees 18 minutes 40 seconds west a distance of 23.24 feet to a point; thence continuing along said northerly right of way line along an arc of a curve to the left with a radius of 397.22 feet (said arc being subtended by a chord bearing north 63 degrees 35 minutes 13 seconds west a chord distance of 105.42 feet) an arc distance of 105.73 feet to a one-inch pipe found; thence continuing along said northerly right of way line along an arc of a curve to the left with a radius of 379.22 feet (said arc being subtended by a chord bearing north 78 degrees 30 minutes 53 seconds west a chord distance of 100.98 feet) an arc distance of 101.25 feet to a half-inch R bar found; thence running south 89 degrees 18 minutes 10 seconds east a distance of 130.16 feet to a half-inch R bar found; thence running south 89 degrees 17 minutes 09 seconds east a distance of 69.88 feet to a half-inch R bar found; thence running south 89 degrees 23 minutes 26 seconds east a distance of 205.02 feet to a half-inch R bar found; thence running south 89 degrees 34 minutes 16 seconds east a distance of 162.32 feet to a point; thence running south 00 degrees 34 minutes 22 seconds east a distance of 280.43 feet to a point located on the northerly right of way line of Collier Road and THE TRUE POINT OF BEGINNING.

Said tract or parcel of land contains 4.5741 acres, according to the above referenced survey.



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