

2230

13-0-1085

(Do Not Write Above This Line)

AN ORDINANCE U-13-13
BY: ZONING COMMITTEE

An Ordinance granting a Special Use Permit for a **DAY CARE CENTER**, pursuant to Section 16-06.005 (1) (b), property located at **788 MCDONOUGH BOULEVARD, S.E.** fronting approximately 173 feet on the north side of McDonough Boulevard, beginning approximately 46 feet from northeast corner of Elleby Road. Depth: varies. Area: approximately 1.137 acres. Land Lot 25, 14th District, Fulton County, Georgia.

OWNER: KEILLEN F. SMITH
APPLICANT: DAHJIA'S LEARNING ACADEMY C/O G. DOUGLAS DILLIARD
NPU W, Y AND Z
COUNCIL DISTRICT 1 *As Amended*

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

Date Referred 6/17/13
 Referred To: ZRB + Zoning
 Date Referred
 Referred To:
 Date Referred
 Referred To:

ADOPTED BY
COUNCIL

SEP 3 2013

Committee Zoning
 Date 8/28/13
 Chair [Signature]
 Referred To

Committee Zoning
 Date 8/28/13
 Chair [Signature]
 Action Fav, Adv, Hold (see rev. side)
Other as amended
 Members [Signatures]
 Refer To

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

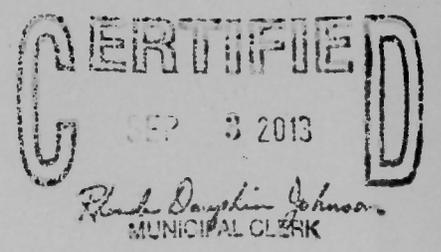
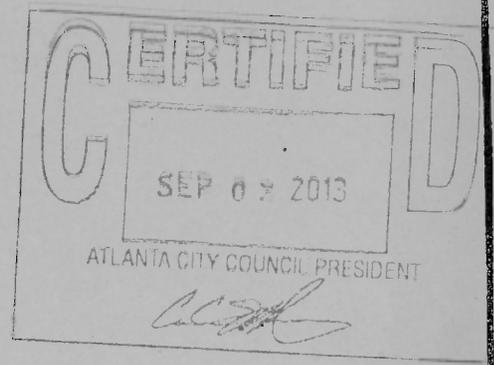
Committee
 Date
 Chair
 Action
 Fav, Adv, Hold (see rev. side)
 Other
 Members
 Refer To

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

FINAL COUNCIL ACTION

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

CERTIFIED



MAYOR'S ACTION

APPROVED

SEP 12 2013
 WITHOUT SIGNATURE
 BY OPERATION OF LAW



Municipal Clerk
Atlanta, Georgia

13-O-1085

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

U-13-13

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

SECTION 1. Under the provisions of Section 16-06.005 (1) (b) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a **DAY CARE CENTER** is hereby approved. Said use is granted to **DAHJIA’S LEARNING ACADEMY** and is to be located at **788 MCDONOUGH BOULEVARD, S.E.**, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 25, 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 ordinance are hereby repealed.

A true copy,

Deputy Clerk

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

SEP 03, 2013
SEP 12, 2013



Conditions for U-13-13 for 788 McDonough Boulevard, S.E.

1. Site Plan titled "Dahjia's Learning Academy" dated June 18, 2013 and marked received by the Office of Planning on July 24, 2013.
2. The special use permit shall be valid for a period of five (5) years from the date of Council adoption.
3. The special use permit for day care center shall be valid only as long as James Echols is the operator of the program.
4. The maximum number of children shall be 80.
5. The hours of operation shall be from 6:00 a.m. until 7:00 p.m. Monday through Friday



LEGAL DESCRIPTION (BASED ON SURVEY BY VALENTINO)

U-13-013

All that tract or parcel of land lying and being in Land Lot 25 of the 14th Land District, City of Atlanta, Fulton County, Georgia, said tract or parcel of land being more fully shown and designated on a plat of survey prepared by Valentino & Associates, Inc. (Job #13-026; Drawing/File #13-026), bearing the seal of Glenn A. Valentino, Ga. Registered Land Surveyor #2528, and being more particularly described, with bearings relative to Magnetic North, as follows:

TO FIND THE POINT OF BEGINNING, COMMENCE at a computed point at the intersection of the easterly right-of-way line of Elleby Road (apparent 40' public r/w) and the northeasterly right-of-way line of McDonough Boulevard (A.K.A. State Route 42 Spur; apparent 40' public r/w).

THENCE proceeding along said northeasterly right-of-way line of McDonough Boulevard the following courses and distances:

Along a curve to the right having a radius of 1256.35 feet for an arc distance of 34.35 feet (said arc being subtended by a chord of South 49 degrees 27 minutes 37 seconds East for a distance of 34.35 feet) to a computed point;

THENCE South 48 degrees 40 minutes 38 seconds East for a distance of 11.63 feet to a 1/2"iron pin set, said 1/2"iron pin set being the POINT OF BEGINNING.

THENCE departing said northeasterly right-of-way line of McDonough Boulevard North 28 degrees 38 minutes 57 seconds East for a distance of 92.24 feet to a 3/4"open-top pipe found;

THENCE North 28 degrees 44 minutes 44 seconds East for a distance of 118.84 feet to a 3/8"rebar found;

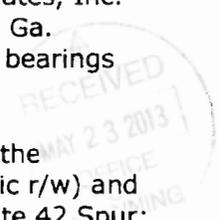
THENCE South 61 degrees 07 minutes 50 seconds East for a distance of 255.81 feet to a 1/2"iron pin set;

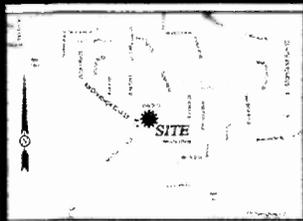
THENCE South 48 degrees 06 minutes 31 seconds West for a distance of 262.99 feet to a 1/2"iron pin set on the northeasterly right-of-way line of McDonough Boulevard;

THENCE proceeding along said northeasterly right-of-way line of McDonough Boulevard North 48 degrees 40 minutes 38 seconds West for a distance of 172.61 feet to a 1/2"iron pin set, said 1/2"iron pin set being the POINT OF BEGINNING.

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

Said tract or parcel of land contains 1.137 acres or 49,544 square feet, and is intended to be one of the same tracts of land that were previously conveyed in Deed Book 47508, Page 133, Fulton County Georgia Records.





VICINITY MAP
NOT TO SCALE

LEGEND

- E- OVERHEAD ELECTRIC LINE
- X- FENCE LINE
- COMPUTED POINT
- BSL BUILDING SETBACK LINE
- CLF CHAIN LINK FENCE
- CO CLEANOUT
- CP CONCRETE PAD
- DB PG DEED BOOK & PAGE
- EM ELECTRIC METER
- GW GUY WIRE
- HC HEADER CLND
- IPS 1/2" IRON PIN BEARING SET
- LP LIGHT POLE
- OTF OPEN TOP PIPE FOUND
- PB PG PLAT BOOK & PAGE
- PKS PL (MASONRY) NAIL SET
- PP POWER POLE
- RBF REBAR FOUND
- UGM UNDERGROUND GAS LINE MARKER
- WM WATER METER
- HWD 18" HARDWOOD TREE 18" (DIAMETER)
- OKC 18" OAK TREE 18" (DIAMETER)
- SG 18" SWEET GUM TREE 18" (DIAMETER)
- CONCRETE SURFACE

GENERAL NOTES

- 1) ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 13121C0376C, DATED 02/21/98 FOR FULTON COUNTY, GEORGIA, THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD ZONE AS DEFINED BY F.E.M.A.
- 2) CURRENT ZONING ACCORDING TO THE CITY OF ATLANTA IS LISTED AS R-4, SINGLE-FAMILY RESIDENTIAL DISTRICT. THE CITY OF ATLANTA ZONING DEPARTMENT MUST BE REFERENCED FOR ALL REQUIREMENTS UNDER THIS ZONING.
BUILDING SETBACKS:
MINIMUM FRONT SETBACK - 35 FEET.
MINIMUM SIDE SETBACK - 7 FEET.
MINIMUM REAR SETBACK - 15 FEET.
MAXIMUM BUILDING HEIGHT IS 35 FEET.
- 3) ALL DISTANCES SHOWN HEREON ARE "GROUND" DISTANCES.

SPECIAL NOTES

- 1) CERTIFICATION AND DECLARATION IS MADE TO THE ENTITIES AS LISTED IN THE TITLE BLOCK AND/OR CERTIFICATIONS, THE CERTIFICATIONS AND DECLARATIONS ON THIS PLAT ARE NOT TRANSFERABLE TO ADDITIONAL INSTITUTIONS OR SUBSEQUENT OWNERS.
- 2) SUBSURFACE AND ENVIRONMENTAL CONDITIONS WERE NOT EXAMINED OR CONSIDERED AS A PART OF THIS SURVEY. NO STATEMENT IS MADE CONCERNING THE EXISTENCE OF UNDERGROUND OR OVERHEAD CONTAINERS OR FACILITIES THAT MAY AFFECT THE USE OR DEVELOPMENT OF THIS PROPERTY.
- 3) THE UNDERSIGNED SURVEYOR HAS MADE NO INVESTIGATION OR INDEPENDENT SEARCH FOR EASEMENTS OF RECORD, ENCUMBRANCES, RESTRICTIVE COVENANTS, OWNERSHIP TITLE EVIDENCE, OR ANY OTHER FACTS THAT AN ACCURATE AND CURRENT TITLE SEARCH MAY DISCLOSE.
- 4) PURSUANT TO RULE 1806-09 OF THE GEORGIA STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND SURVEYORS, THE TERM "CERTIFICATION" RELATING TO PROFESSIONAL ENGINEERING AND LAND SURVEYING SERVICES SHALL MEAN A SIGNED STATEMENT BASED UPON FACTS AND KNOWLEDGE KNOWN TO THE REGISTRANT AND IS NOT A GUARANTEE OR WARRANTY, EITHER EXPRESSED OR IMPLIED.



SITE PLAN FOR:

DAHJIA'S LEARNING
ACADEMY

LAND LOT 25, 14TH DISTRICT
CITY OF ATLANTA, FULTON COUNTY, GEORGIA

VA

VALENTINO &
ASSOCIATES, INC.
LAND SURVEYORS

1020 WINCHESTER PARKWAY
SUITE 243
SMYRNA, GEORGIA 30080
PHONE: (770) 435-0015
FAX: (770) 435-6050
WEB: VALENTINOSURVEY.COM
STATE OF GEORGIA LAND
SURVEYING FIRM LICENSE
NO. LS5000704

REVISIONS

6/18/2013 REVISIONS
SPACES OF 1/8" UNDER-GROUND
SOME REVISIONS

SCALE: 1" = 40'
DATE: 4/30/2013
JOB NUMBER: 13-026
FILE NUMBER: 13-026
PLOTTED: 6/18/2013

SITE PLAN

SHEET
1 OF 1

STATE OF GEORGIA PLAT ACT CERTIFICATION

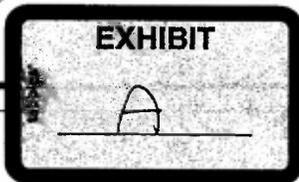
THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 1807 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 136640. I CERTIFY THAT THIS SURVEY WAS DONE UNDER MY SUPERVISION USING A TOPCON GTS 233W TOTAL STATION WITH AN ANGULAR ERROR OF 11 SECONDS PER STATION. THE TRAVEL UPON WHICH THIS PLAT IS BASED HAS BEEN CALCULATED FOR CLOSURE BY THE LEAST SQUARE RULE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 74,840 FEET. THE ADJUSTED ACCURACY OF THIS PLAT IS ONE FOOT IN 101,862 FEET.

UTILITY WARNING

INFORMATION REGARDING THE REPORTED PRESENCE, SIZE, CHARACTER, AND LOCATION OF EXISTING UNDERGROUND UTILITIES AND STRUCTURES IS SHOWN HEREON. THERE IS NO CERTAINTY OF THE ACCURACY OF THIS INFORMATION AND IT SHALL BE CONSIDERED IN THAT LIGHT BY THOSE USING THIS DRAWING. THE LOCATION AND ARRANGEMENT OF UNDERGROUND UTILITIES AND STRUCTURES SHOWN HEREON MAY BE INACCURATE AND UTILITIES AND STRUCTURES NOT SHOWN MAY BE ENCOUNTERED. THE OWNERS, THEIR EMPLOYEES, THEIR CONSULTANTS, THEIR CONTRACTORS, AND/OR THEIR AGENTS SHALL HEREBY DISTINCTLY UNDERSTAND THAT THE SURVEYOR IS NOT RESPONSIBLE FOR THE CORRECTNESS OR SUFFICIENCY OF THE UNDERGROUND UTILITY INFORMATION SHOWN HEREON.



Know what's below.
Call before you dig.
Or Call 800-282-7411
Three working days prior to excavation



PLAT REFERENCES

- 1) "SUBDIVISION OF FRANK M. DALE'S PROPERTY" PREPARED BY GORDON NALLEY, DATED 7/16/1987, RECORDED IN PLAT BOOK 4, PAGE 36, FULTON COUNTY, GEORGIA RECORDS.

FIELD DATE: 4/25/13

RCS# 2999
9/03/13
2:50 PM

Atlanta City Council

MULTIPLE 13-O-1157; 12-O-1439/U-12-24; 13-O-0111/
U-12-26; 13-O-1085 AND 13-O-1159
ADOPT AS AMNDED

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	B Bond
Y Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	Y Sheperd	NV Mitchell

MULTIPLE