

2693

13-0-1221

(Do Not Write Above This Line)

U-13-17

AN ORDINANCE
BY: ZONING COMMITTEE

An Ordinance granting a Special Use Permit for a **Preschool** pursuant to Section 16-06A.005 (1) (b), property located at **1223 HARDEE STREET, N.E.** fronting approximately 199 feet on the south side of Hardee Street and approximately 160 feet east of the of the intersection of Hardee Street and Screven Avenue. Depth: varies. Area: approximately 3.32 acres. Land Lot 208, 15th District, Dekalb County, Georgia.
OWNER: JAMES L. SMITH/ANTIOCH EAST BAPTIST CHURCH, INC.
APPLICANT: NEW MORNING COMMUNITY PRESCHOOL and DEBORAH N. VICKERY
NPU 0
COUNCIL DISTRICT 5 *As Amended*

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

Date Referred 9/3/13
 Referred To: ZRB + Zoning
 Date Referred _____
 Referred To: _____
 Date Referred _____
 Referred To: _____

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

1 Committee Zoning
 Date 10/30/13
 Chair [Signature]
 Action AS AMENDED
 Fav, Adv, Hold (see rev. side) _____
 Other _____
 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 _____
 ADOPTED BY _____
 NOV 04 2013 _____
 COUNCIL _____
 Refer To _____

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

FINAL COUNCIL ACTION

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

CERTIFIED
 NOV 04 2013
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 NOV 04 2013
Ronda Dushier Johnson
 MUNICIPAL CLERK

MAYOR'S ACTION
 APPROVED
 NOV 13 2013
 WITHOUT SIGNATURE
 BY OPERATION OF LAW



Municipal Clerk
Atlanta, Georgia

13-O-1221
U-13-17

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

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

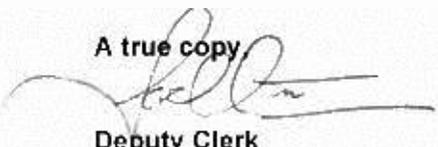
SECTION 1. Under the provisions of Section 16-06A.005 (1) (b) of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a **PRESCHOOL** is hereby granted. Said use is granted to **NEW MORNING COMMUNITY PRESCHOOL and DEBORAH N. VICKERY and CHRISTINA LANE** and is to be located at **1223 HARDEE STREET, N.E.**, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 208 of the 15th District, Dekalb County, Georgia, being more particularly described by the attached legal description and/or 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


Deputy Clerk

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

NOV 04, 2013
NOV 13, 2013



Conditions for U-13-17 for 1223 Hardee Street, N.E.

1. The special use permit shall be valid for a period of five (5) years from the date of Council adoption.
2. The special use permit for day care center shall be valid only as long as Deborah Vickery and Christina Lane is the operator of the program.



Antioch East Baptist Church

Land Lot 208, 15th district, DeKalb County Georgia

Legal Description (Tract One)



All that tract or parcel of land lying and being in land lot 208 of the 15th district of DeKalb County Georgia, Being Lots 2, 3, 4, 5, 6, 7 and a certain lot marked "reserved for future subdivision", block b, of the Moreland heights subdivision, and being more particularly described as follows:

To find the true point of beginning, commence at a point formed by the intersection of the westerly right of way line of Sanderson street with the southerly right of way line of along the southerly right of way line of Hardee street 310.0 Feet (per the plat book 9 page 11), 310.68 feet (per deed Book 5907 page 375) to the true point of beginning.

Thence from the point of beginning, run south 01 degrees 13 minutes 15 seconds west a distance of 159.70 feet to a point; thence south 89 degrees 37 minutes 13 seconds East a distance of 149.81 feet to an iron pin found; thence south 01 degrees 24 minutes 24 seconds West a distance of 150.29 feet to a point; Thence north 55 degrees 00 minutes 18 seconds west a distance of 14.00 feet to a point; thence north 05 degrees 04 minutes 29 seconds west a distance of 39.77 feet to a point; thence north 24 degrees 10 minutes 19 seconds west a distance of 60.15 feet to a point; thence north 40 degrees 53 minutes 20 seconds west a distance of 44.34 feet to a point; thence north 00 degrees 43 minutes 55 seconds east a distance of 122.18 feet to a point; thence north 89 degrees 17 minutes 10 seconds west a distance of 10.00 feet to a point; thence north 17 degrees 49 minutes 03 seconds west a distance of 158.89 feet to a point; fence north 89 degrees 34 minutes 29 seconds west a distance of 108.87 feet to a point; fence north 11 degrees 25 minutes 19 seconds west a distance of 153.2 feet to an open top found on the southerly right of way line of Hardee street; fence running along said southerly right of way line of Hardee street South 89 degrees 36 minutes 49 seconds East a distance of 102.38 feet to an iron pin found; fence south 89 degrees 33 minutes 11 second East a distance of 199.93 feet to the point of beginning.

Said tract of land contains 139,919 square feet as shown on the plat of survey prepared by solar land surveying company. Dated July 10, 2003, signed and sealed by John W. Stanzalis, Jr. G.R.L.S. No 2109.



Legal Description Tract 2 (1/2 alley)

All that tract or parcel of land lying and being in land lot 208 of the 15th district of DeKalb County Georgia, Being one half the alley and being more particularly described as follows:

To find the true point of beginning, commence at a point formed by the intersection of the westerly right of way line of sanderson street with the southerly right of way line of Hardee St (40'R/W);thence run in a westerly direction along the southerly right of way line of hardee street 310.0 ft (per platt book 9 page 11), 310.68 feet to an open top found (per deed book 5907 page 375); thence south 01 degrees 13 minutes 15 seconds west a distance of 154.70 feet to a point and the true point of beginning.

Thence from the point of beginning, run south 01 degrees 13 minutes 15 seconds west a distance of 5.00 feet to a point; thence south 89 degrees 37 minutes 13 seconds east a distance of 149.81 feet to an iron pin found; thence south 01 degrees 20 minutes 09 seconds west a distance of 199.71 feet to a point; thence south 01 degrees 24 minutes 24 seconds west a distance of 150.29 feet to a point; thence a long the arc of a curve having a radius of 54.15 feet (said arc being subtended by a chord having a radius of 54.15 feet) A distance of 57.67 feet to a point; thence south 83 degrees 35 minutes 58 seconds west a distance of 132. 33 feet to a point; thence north 55 degrees 00 minutes 18 seconds west a distance of 14.00 feet to a point; thence north 05 degrees 04 minutes 29 seconds west a distance of 39.77 feet to a point; thence north 24 degrees 10 minutes 19 seconds west a distance of 60.15 feet to a point; thence north 40 degrees 53 minutes 20 seconds west a distance of 44.34 feet to a point; thence north 00 degrees 43 minutes 55 seconds east a distance of 122.18 feet to a point; thence north 89 degrees 17 minutes 10 seconds west a distance of 5.00 feet to a point located in the center of a 10 foot alley; thence along the center line of said 10 foot alley 00 degrees 43 minutes 55 seconds west a distance of 124. 08 feet to a point; thence south 40 degrees 53 minutes 20 seconds east a distance of 45.5 feet to a point; thence south 24 degrees 10 minutes 19 seconds east a distance of 58.58 feet to a point; thence south 05 degrees 04 minutes 29 seconds east a distance of 41.29 feet to a point; thence south 55 degrees 00 minutes 18 seconds east a distance of 18.22 feet to a point; thence north 83 degrees 35 minutes 58 seconds east a distance of 134.22 feet to a point; thence along the arc of a curve having a radius of 59.15 feet (said arc being subtended by a chord having a bearing of north 52 degrees 37 minutes 46 seconds east and a chord length of 60.88 feet) A distance of 63.95 feet to a point; thence north 01 degrees 24 minutes 24 seconds east a distance of 151.21 feet to a point; thence north 01 degrees 20 minutes 09 seconds east a distance of 204. 80 feet to a point; thence north 89 degrees 37 minutes 13 seconds west a distance of 154.82 to a point located at the centerline of alley and the true point of the beginning.

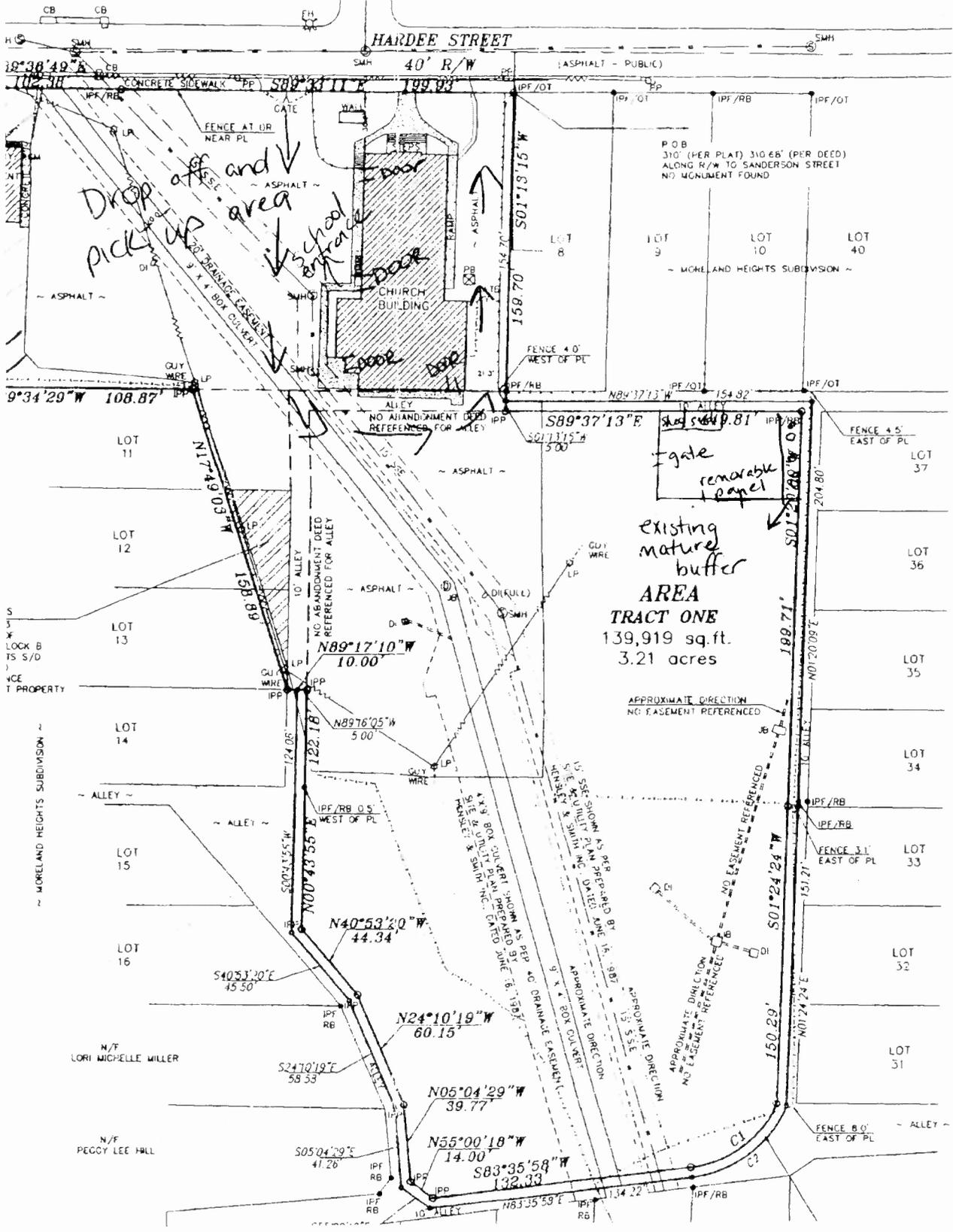
Said tract or parcel of land to contain 4,917 square feet (0.11 acres) and being one half the alley as shown on survey prepared for Antioch East Baptist Church, prepared by solar land surveying company dated July 10, 2003. Last revised December 9, 2003, signed and sealed by John W. Stanzilis, Jr. G.R.L.S. NO. 2109



U-13-17



| CURVE TABLE | | | | |
|-------------|--------|--------|-------|-------------|
| CURVE | LENGTH | RADIUS | CHORD | BEARING |
| C1 | 57.67 | 54.15 | 54.98 | S53°05'30"W |
| C2 | 63.95 | 59.15 | 60.88 | N52°37'46"E |



TOTAL AREA
TRACT ONE is
144,836 sq
3.32 acre

existing mature
buffer
AREA
TRACT ONE
139,919 sq.ft.
3.21 acres

RCS# 3129
11/04/13
3:26 PM

Atlanta City Council

MULTIPLE 13-O-1221, 13-O-1225 AND 13-O-1005

ADOPT AS AMNDED

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

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

MULTIPLE