

2694

13-0-1222
(Do Not Write Above This Line)

U-13-18/U-05-31

AN ORDINANCE
BY: ZONING COMMITTEE

An Ordinance to amend Ordinance 05-O-1941 (U-05-31) which granted a Special Use Permit for a **DAY CARE CENTER** pursuant to Section 16-05.005 (1) (b), property located at **2700 BUTNER ROAD, S.W.**, fronting approximately 282 feet on the southeasterly side of Butner Road. Depth: varies; Area: .37 acres; Land Lot 66, 14th FF District, Fulton County, Georgia.

OWNER: SHIWILA M. WILLIS
APPLICANT: SHIWILA M. WILLIS
NPU P
COUNCIL DISTRICT 11
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: _____

First Reading

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

Committee Zoning
Date 11/26/13
Chair [Signature]
Action Forward
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 _____
FILED
DEC 02 2013
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
Readings
 Consent V Vote RC Vote

CERTIFIED
DEC 02 2013
ATLANTA CITY COUNCIL PRESIDENT
[Signature]
CERTIFIED
DEC 03 2013
Rhonda Dushine Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

RCS# 3208
12/02/13
5:50 PM

Atlanta City Council

13-O-1222

AMEND 05-O-1941 SUP FOR A DAYCARE AT
2700 BUTNER RD; U-05-31; U-13-18
FILE

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

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

13-O-1222

Municipal Clerk
Atlanta, Georgia

13-O-1222

AN AMENDED ORDINANCE
BY: ZONING COMMITTEE

U-13-18/U-05-31

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

SECTION 1. Under the provisions of 16-05.005 (1) (b), of the Zoning Ordinance of the City of Atlanta, a Special Use Permit for a **DAY CARE CENTER** is hereby amended. Said amended use is granted to **SHIWILA M. WILLIS** and is to be located at **2700 BUTNER ROAD, S.W.**, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 66 of the 14th FF District, Fulton 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.

Conditions for U-13-18/U-05-31 for 2700 Butner Road, S.W.

1. A site plan similar to one entitled "Proposed Site Plan for Butner Learning Center" by Lawrence A. Martin, P.E. dated 8/6/13 last revised 11/1/13 and stamped received by the Office of Planning November 4, 2013.
2. The 3 off street parking spaces located in the west area of the site shall be signed to direct ingress from Butner Road and egress to Tell Road only.
3. The play area shall be fenced.
4. The special use permit for a day care facility shall be valid only as long as Shiwila M. Willis is the operator of the facility. The special use permit is not transferable.
5. Hours of operation shall not exceed 6:00 a.m. to 7:00 p.m. daily.
6. The pre-engineered building shall be placed on a fixed foundation.
7. No further expansion of the facility shall be permitted.

Municipal Clerk
Atlanta, Georgia

13-1222

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SECTION 3. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

PROPERTY LINE DESCRIPTION

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 66 OF THE 14TH DISTRICT, CITY OF ATLANTA, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

TO FIND THE TRUE POINT OF BEGINNING, COMMENCE AT THE INTERSECTION OF THE NORTHERLY RIGHT OF WAY OF TELL ROAD (APPARENT 50'R/W) AND THE SOUTHEASTERLY RIGHT OF WAY OF BUTNER ROAD (APPARENT 40'R/W) IF SAID RIGHT OF WAY LINES WERE PROJECTED TO INTERSECTION; THENCE LEAVING SAID NORTHERLY RIGHT OF WAY OF TELL ROAD AND FOLLOWING THE SOUTHEASTERLY RIGHT OF WAY OF BUTNER ROAD NORTH 50 DEGREES 54 MINUTES 28 SECONDS EAST, 18.83 FEET TO A POINT AND THE TRUE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID SOUTHEASTERLY RIGHT OF WAY OF BUTNER ROAD NORTH 50 DEGREES 54 MINUTES 28 SECONDS EAST, 255.32 FEET TO A #4 REBAR FOUND; THENCE NORTH 70 DEGREES 01 MINUTES 48 SECONDS EAST, 14.00 FEET TO A 1" OPEN TOP PIPE FOUND; THENCE LEAVING SAID SOUTHEASTERLY RIGHT OF WAY OF BUTNER ROAD SOUTH 13 DEGREES 54 MINUTES 32 SECONDS WEST, 189.10 FEET TO A #4 REBAR FOUND ON THE NORTHERLY RIGHT OF WAY OF TELL ROAD; THENCE FOLLOWING ALONG THE NORTHERLY RIGHT OF WAY OF TELL ROAD NORTH 88 DEGREES 07 MINUTES 37 SECONDS WEST, 161.74 FEET TO A POINT; THENCE CONTINUING ALONG A CURVE TO THE RIGHT, AN ARC DISTANCE OF 17.07 FEET, SAID CURVE HAVING A RADIUS OF 7.03 FEET AND BEING SUBTENDED BY A CHORD OF 13.18 FEET, AT NORTH 18 DEGREES 36 MINUTES 34 SECONDS WEST, TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING.

SAID TRACT CONTAINS 0.40 ACRES (17,254 S.F.) AS SHOWN ON SURVEY FOR SHIWLA WILLIS FELTON, BUTNER LEARNING CENTER, INCORPORATED, CIT SMALL BUSINESS LENDING CORPORATION, FIDELITY NATIONAL TITLE INSURANCE COMPANY AND FOUNDATION TITLE & ESCROW, LLC., PREPARED BY GASKINS, BEARING THE SEAL OF CHRISTOPHER A. EVANS, GEORGIA REGISTERED LAND SURVEYOR #2784, DATED JUNE 24, 2010, LAST REVISED JUNE 28, 2010.

