

**U-13-13- AN ORDINANCE BY ZONING COMMITTEE 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**

Application File Date	May 23, 2013
Zoning Number	U-13-13
NPU / CD	W, Y and Z/1
Staff Recommendation	
NPU Recommendation	
ZRB Recommendation	

**Review List:**

Office of Research and Policy Analysis	Completed	06/03/2013 5:43 PM
Zoning Committee	Pending	
Atlanta City Council	Pending	
Zoning Staff	Pending	
Office of Research and Policy Analysis	Pending	

Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY – BLUE BACK

**ORDINANCE  
BY ZONING COMMITTEE**

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 That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.

## 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.

