

AN ORDINANCE BY COUNCILMEMBER CARLA SMITH TO AMEND CHAPTER 10, ARTICLE II, SECTION 10-93 OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO PROVIDE AN EXEMPTION FROM THE DISTANCE REQUIREMENTS LISTED IN SECTION 10-88.1 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR ONE (1) PACKAGE STORE LICENSED TO SELL MALT BEVERAGES, WINE AND/OR DISTILLED SPIRITS AT 275 MEMORIAL DRIVE, S.E.; AND FOR OTHER PURPOSES.

Whereas, the City of Atlanta has an interest in maintaining the public safety and welfare of citizens of the City of Atlanta and its visitors; and

Whereas, the City of Atlanta has an interest in regulating, through the lawful exercise of its police powers, the sale of alcoholic beverages within its territorial limits; and

Whereas, the City of Atlanta is authorized to regulate the locations of establishments which are licensed to sell alcoholic beverages including businesses that sell malt beverages, wine and distilled spirits by the package; and

Whereas, Section 10-88.1 of the City of Atlanta Code of Ordinances sets forth the City's distance requirements between businesses seeking licenses to sell alcoholic beverages by the package and other businesses that sell alcoholic beverages by the package, residences, schools, parks, libraries, churches, hospitals and daycare facilities; and

Whereas, the owner of the property located at 275 Memorial Drive, SE is in the process of renovating and redeveloping such property and constructing a new building to create a mixed use development of retail shops and multifamily housing; and

Whereas, in the course of redeveloping the property located at 275 Memorial Drive, SE, the owner of the property caused to be closed and demolished a building which had been licensed to sell malt beverages, wine and distilled spirits by the package for more than thirty (30) years; and

Whereas, this redevelopment will provide new living and shopping opportunities for neighborhood residents, residents of the city of Atlanta and visitors to the city of Atlanta; and

Whereas, following the demolition of the former retail package store, the new retail section of 275 Memorial Drive, SE does not comply with the requirements of Section 10-88.1 of the City of Atlanta Code of Ordinances to permit the sale of malt beverages, wine and distilled spirits by the package; and

Whereas, on August 18, 2015, the Grant Park Neighborhood Association, at a duly called meeting conducted a vote of its qualified membership, and voted to support an effort to create an exemption from

the current distance requirements applicable to the issuance of a license to sell malt beverages, wine and distilled spirits by the package at 275 Memorial Drive, SE, to replace the former retail package store business on the property; and

Whereas, it would be in the best interest of the City of Atlanta to create an exemption from the current distance requirements in 10-88.1 to promote the effective redevelopment of 275 Memorial Drive, SE;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF ATLANTA, GEORGIA, HEREBY ORDAINS:

SECTION 1: That Chapter 10, Article II, Section 10-93 of the City of Atlanta Code of Ordinances is hereby amended by deleting Section 10-93 (b) in its entirety and replacing it with the following new Section 10-93 (b) which shall read as follows:

Sec. 10-93. - Exemptions for the sale of alcoholic beverages by the package.

(b) Any applicant for a license to sell alcoholic beverages, including beer, wine and distilled spirits, by the package within the following areas shall not be required to comply with the distance requirements set forth in Section 10-88.1 of the City Code of Ordinances:

(1) If the applicant for such license and the location for which the license is being sought meets the following requirements:

a. At the time of filing the application for a license, the applicant for the license to sell alcoholic beverages by the package, or his agent, must have been issued a license to sell alcoholic beverages by the package within the past 12 months in an establishment located within SPI 16;

b. The applicant or his agent has filed an application for a license to sell alcoholic beverages by the package at a new location within SPI 16 because the business can no longer be operated at the former location due to either the planned demolition or reconstruction of the building within which the establishment was located; and

c. The new location for which a license to sell alcoholic beverages is being sought lies within the following area:

All that tract or parcel of land lying and being in Land Lots 106 & 107 of the 17th District of Fulton County, Georgia and being more particularly described as follows: Beginning at a PK nail set at the intersection of the northwesterly right-of-way of Peachtree Place (50' R/W) and the southwesterly right-of-way of West Peachtree Street (75' R/W); thence along said right-of-way of Peachtree Place South 83 degrees 06 minutes 36 seconds West a distance of 182.35 feet to a PK nail set; thence departing said right-of-way North 13 degrees 58 minutes 14 seconds West a distance of 123.60 feet to a PK nail set; thence North 57 degrees 11 minutes 26 seconds East a distance of 169.77 feet to a PK nail set on said right-of-way of West Peachtree Street; thence along said right-of-way along a curve to the left an arc distance of 71.31 feet (being subtended by a chord distance of 71.29 feet a bearing of South 21 degrees

35 minutes 28 seconds East and a 920.70 foot radius) to a point; thence along a curve to the right an arc distance of 42.84 feet (being subtended by a chord distance of 42.84 feet, a bearing of South 20 degrees 36 minutes 11 seconds East and a 7791.88 foot radius) to said PK nail set and the POINT OF BEGINNING.

- (2) That parcel of land known as 275 Memorial Drive, S.E. and being more particularly described as all that tract or parcel of land lying and being in the City of Atlanta in Land Lot 53 of the 14th District, Fulton County Georgia and being more particularly described as follows: Beginning at a 5/8-inch rebar set at the north side of the mitered intersection of the southerly right of way of Memorial Drive having a variable right of way and the east side of Hill street having a variable right of way and thence run along said southerly right of way South 89 degrees 12 minutes 36 seconds East, a distance of 355.66 feet to a 5/8-inch rebar set; Thence South 00 degrees 40 minutes 48 seconds West, a distance of 194.01 feet to a 5/8-inch rebar set; Thence North 89 degrees 17 minutes 08 seconds West, a distance of 34.00 feet to a crimp top pipe found; Thence South 00 degrees 40 minutes 48 seconds West, a distance of 0.56 feet to a point; Thence North 89 degrees 32 minutes 53 seconds West, a distance of 66.00 feet to a 5/8-inch rebar set; Thence South 00 degrees 42 minutes 55 seconds West, a distance of 1.48 feet to a 5/8-inch rebar set; Thence North 89 degrees 12 minutes 36 seconds West, a distance of 50.00 feet to a 5/8-inch rebar set; Thence North 00 degrees 41 minutes 52 seconds East, a distance of 1.27 feet to a 5/8-inch rebar set; Thence North 89 degrees 17 minutes 08 seconds West, a distance of 57.56 feet to a 5/8-inch rebar set; Thence North 00 degrees 43 minutes 42 seconds East, a distance of 55.28 feet to a 5/8-inch rebar set; Thence North 88 degrees 49 minutes 27 seconds West, a distance of 42.58 feet to a 1/2-inch rebar found; Thence North 02 degrees 16 minutes 58 seconds East, a distance of 0.88 feet to a 5/8-inch rebar set; Thence North 89 degrees 12 minutes 05 seconds West, a distance of 130.95 feet to a 5/8-inch rebar set on said easterly right of way; Thence run along said westerly right of way North 00 degrees 46 minutes 35 seconds East, a distance of 124.40 feet to a 5/8-inch rebar set on the south side of said miter; Thence run along said miter North 61 degrees 02 minutes 12 seconds East, a distance of 28.93 feet to a 5/8-inch rebar set and the Point of Beginning.

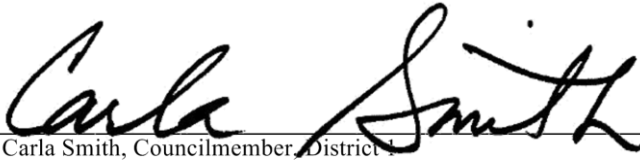
SECTION 2: This ordinance shall become effective upon the Mayor's signature or as specified by City Charter Section 2-403.

SECTION 3: All ordinances or parts of ordinances in conflict herewith are hereby waived to the extent of the conflict.

**CITY COUNCIL
ATLANTA, GEORGIA**

16-O-1213

SPONSOR SIGNATURES



Carla Smith, Councilmember, District 1

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