

AN ORDINANCE TO AMEND PART II OF ORDINANCES, CHAPTER 10, ARTICLE II SECTION 10.92 SO AS TO CREATE AN EXEMPTION TO CERTAIN OF THE DISTANCE REQUIREMENTS IN SECTION 10.88 AND 10.88.1(A) IN A CERTAIN AREA AND FOR OTHER PURPOSES.

WHEREAS, for ten (10) years, a coffee bar/restaurant, and later, a boutique wine shop operated next to Tiffany inside of Phipps Plaza at 3500 Peachtree Road, Atlanta, Fulton County, Georgia;

WHEREAS, the boutique wine shop lawfully engaged in the retail package sale of premium vinous beverages, and the coffee bar/restaurant lawfully engaged in the on-premises consumption sales of beverage alcohol pursuant to and in compliance with their duly issued licenses;

WHEREAS, as a result of the expansion of the Tiffany retail store at Phipps Plaza into the boutique wine shop and coffee bar/restaurant space, the boutique wine shop and the coffee bar/restaurant closed its operations at Phipps Plaza and seeks to move both business operations directly across Peachtree Road from Phipps Plaza to the new Lenox Marketplace Shopping Center;

WHEREAS, Lenox Marketplace Shopping Center is an extensive retail development in the Buckhead area intended to provide an array of quality retail services within the Buckhead area, the City of Atlanta and the region;

WHEREAS, as a part of these quality, retail services and its customer base in the neighborhood, the owner of the boutique wine shop and coffee bar/restaurant space wishes to relocate its business to the Lenox Marketplace Shopping Center;

WHEREAS, the subject business owner proposes to develop a new boutique food and beverage shop which will sell premium domestic and imported malt and vinous beverages and prepared foods including gourmet soups and salads, fresh pasta and home-made sauces, imported meats, sausages and pate, prepared gourmet dinners and tabletop merchandise immediately adjacent to the subject owner's new coffee bar/restaurant, both located at 3535 Peachtree Road, Unit 105, Atlanta, Fulton County within the proposed distance defined below;

WHEREAS, this development will be of economic and esthetic benefit to the area;

NOW THEREFORE BE IT ORDAINED by the Atlanta City Council as follows:

Section 1. That § 10.92 (c) of the City of Atlanta Code of Ordinances, which reads as follows:

- (c) This section shall not apply to applications for licenses for adult entertainment establishments.

be deleted in its entirety and replaced with the following language:

- (c) Any applicant for a license for the package sale of malt beverages or wine within the following area shall not be required to comply with the distance requirements set forth in section 10.88 and 10.88.1(a):

That parcel of land known as 3535 Peachtree Road, NE, Unit No. 105, Atlanta, Georgia, under the numbering system of the City of Atlanta, and more particularly described as follows:

All that tract or parcel of land lying and being in Land Lot 45 of the 17th District, City of Atlanta, Fulton County, Georgia and beginning at a point marked by a capped 5/8" Rebar set, said point formed by the intersection of the Northern right-of-way of Prichard Way and the Eastern right-of-way of Oak Valley Road; thence proceeding along the Eastern right-of-way of Oak Valley Road, North 28 degrees 48 minutes 33 seconds West, 85.00 feet to a capped 5/8" rebar set; North 28 degrees 43 minutes 25 seconds West, 89.56 feet to a capped 5/8" rebar set; and North 28 degrees 44 minutes 02 seconds West, approximately 63 feet to a point, said point being the point of beginning; thence departing from said right-of-way of Oak Valley Road in a Northeastern direction a distance of approximately 147 feet to a point; thence in a Northwesterly direction a distance of approximately 43 feet to a point; thence in a Southwesterly direction approximately 145 feet to the Eastern right-of-way of Oak Valley Road; thence proceeding along the Eastern right-of-way of Oak Valley Road, South 28 degrees 44 minutes 02 seconds East a distance of approximately 43 feet to the point of beginning.

Section 2. That § 10.92 be amended to add subparagraph (d) as follows:

- (d) This section shall not apply to applicants for licenses for adult entertainment establishments.

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

Section 4. In the event that any section, subsection, sentence, clause or phrase of this ordinance shall be declared or adjudged invalid or unconstitutional, such adjudication shall in no manner affect other sections, subsections, sentences, clauses or phrases in the ordinance, which shall remain in full force and effect as if the section, subsection, sentence, clause or phrase so declared invalid or unconstitutional were not originally a part thereof.

RCS# 2928
6/04/01
4:51 PM

Atlanta City Council

Regular Session

01-0-0743

Create exemption to certain distance
requirements (Sec. 10-88 & 10-88 (a))
FILE

YEAS: 8
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 5
EXCUSED: 0
ABSENT 3

Y McCarty	B Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
NV Bond	B Morris	NV Maddox	NV Alexander
NV Winslow	Y Muller	B Boazman	NV Pitts

01-0-0743

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(Do Not Write Above This Line)

AN ORDINANCE BY
COUNCILMEMBER LEE MORRIS

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OF ORDINANCES, CHAPTER 10,
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AND 10.88.1 (A) IN A CERTAIN AREA
AND FOR OTHER PURPOSES

FILED BY
CITY COUNCIL
JUN 04 2001

with objection

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

Date Referred 5/7/01

Referred To: Public Safety

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair C. T. ...
Referred to _____

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

Committee PSUA
Date 5/15/01
Chair C. T. ...
Action: _____
Fav, Adv, Hold (see rev. side) _____
Other: 2wk time extension
Members _____
Refer To _____

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

Committee PSUA
Date 5/29/01
Chair C. T. ...
Action: _____
Fav, Adv, Hold (see rev. side) _____
Other: Referred to for Public Safety
Members [Signature]
Refer To _____

FINAL COUNCIL ACTION
 2nd
 1st & 2nd
 3rd
 Readings
 Consent
 V Vote
 RC Vote

CERTIFIED

CERTIFIED
 JUN 4 2001
 ATLANTA CITY COUNCIL PRESIDENT
[Signature]

CERTIFIED
 JUN 04 2001
[Signature]
 MUNICIPAL CLERK

MAYOR'S ACTION