



AN ORDINANCE BY
COUNCIL MEMBER CARLA SMITH

02-0-0854

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, SECTION 10-92(B) OF THE CITY OF ATLANTA CODE OF ORDINANCES TO PROVIDE AN EXEMPTION FROM THE DISTANCE REQUIREMENTS FROM STORE TO STORE FOR ESTABLISHMENTS LICENSED TO SELL MALT BEVERAGES AND/OR WINE BY THE PACKAGE WHICH ARE LOCATED WITHIN A CERTAIN AREA; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has an interest in protecting the public safety and general welfare and is able to do so through the regulation of the sale of alcohol; and

WHEREAS, the City of Atlanta has an interest in regulating the sale of alcoholic beverages within its city limits, and it has in place certain regulations which provide that distance requirements must be met in order to obtain a license to sell alcoholic beverages; and

WHEREAS, certain areas of the City of Atlanta are being revitalized and are being built to take advantage of the opportunity to establish an environment which caters to the convenience of neighborhood residents and businesses therein; and

WHEREAS, for a number of years, a gasoline station has existed on property located at 244 Hill Street S.E. (also known as 244 Clarke Street., S.E. per tax records) Atlanta, Fulton County Georgia 30312 (more particularly and accurately described below and as depicted in Exhibit "A" attached hereto) and at which no license to sell alcohol has ever been issued; and

WHEREAS, the current owner of this property desires to sell the property; and

WHEREAS, the property will be revitalized and improved by the new owner who will develop a new state-of-the-art convenience store facility with services and a gasoline station; and

WHEREAS, the new owner desires to offer the residents of the surrounding community the opportunity to purchase malt beverages and wine by the package in a safe, pleasant, attractive and convenient atmosphere; and

WHEREAS, the new owner will derive less than five (5) percent of its revenue from the sale of such malt beverages and wine by the package; and

WHEREAS, the development will be of economic and aesthetic value to the neighborhood and will enhance the community because it will provide persons who work and reside therein; and

WHEREAS, the City of Atlanta recognizes that the type of establishment proposed to be developed presents many advantages in that it will provide safe, pleasant, attractive and convenient shopping for those persons living and working in the surrounding community; and

WHEREAS, the City of Atlanta desires to encourage opportunities for economic development throughout the City; and

WHEREAS, Section 10-88.1 currently sets forth requirements that there must be at least 1500 feet between two establishments licensed for the sale of malt beverages and/or wine by the package; and

WHEREAS, these restrictions placed on such establishments may interfere with the ability of establishments which derive less than five (5) percent of their gross receipts from the sale of malt beverages and/or wine by the package from locating within certain neighborhoods even when the neighborhoods desire that such



establishments locate therein; and

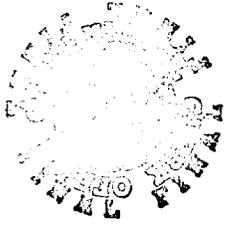
WHEREAS, there currently exists an establishment which is licensed to sell malt beverages and wine which is located less than 1500 feet from the property located at 244 Hill Street; S.E. (also known as 244 Clarke Street, S.E. per tax records) Atlanta, Fulton County Georgia 30312 and

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

Section 1. That Chapter 10, Article II, Section 10-92(b), of the City of Atlanta Code of Ordinances be amended to delete the current subsection and to substitute in lieu thereof a new subsection which shall read as follows:

(b) Any applicant for a license for the package sale of malt beverages and/or wine within the following areas shall not be required to comply with the distance requirements set forth in Section 10-88.1:

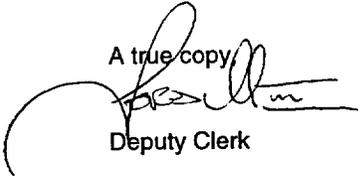
- (i) That parcel of land known as 2371 Glenwood Avenue, SE, Atlanta, Georgia under the numbering system of the City of Atlanta, more particularly described as follows: Beginning at the southern end of the miter of the intersection of the eastern right-of-way line of Second Avenue and the southern right-of-way line of Glenwood Avenue, said point being the point of beginning; run thence along the mitered right-of-way line in a northeastern direction a distance of approximately 30 feet to a point located on the southern right-of-way line of Glenwood Avenue; run thence along the southern right-of-way line of Glenwood Avenue in an eastern direction approximately 109 feet to a point; run thence in a southern direction approximately 189 feet to a point; run thence in a western direction approximately 129 feet to a point along the eastern right-of-way line of Second Avenue; run thence in a northern direction along the eastern right-of-way line of Second Avenue approximately 165 feet to the point of beginning.



- (ii) That parcel of land lying and being in the City of Atlanta, in Land Lot 53 of the 14th District of Fulton County, Georgia known as 244 Hill Street, Atlanta, Georgia 30312 under the numbering system of the City of Atlanta, more particularly described as follows: Beginning at the Northwest corner of Clarke Street and Hill Street, and running thence North 89 degrees 31 minutes west, along the North side of Clarke Street, 97 feet to a point; running thence North 00 degrees 17 minutes East, 71.37 feet to a point; running thence North 88 degrees 15 minutes West, 50 feet to a point; running thence North 00 degrees 01 minutes West, 125.81 feet to a point; running thence North 89 degrees 49 minutes East, 146.84 feet to a point on the West side of Hill Street; running thence South along the West side of Hill Street 200 feet to the North side of Clarke Street and the point of beginning.

Section 2. Should any ordinance or part thereof be found to conflict with this ordinance or the provisions thereof, then those sections contained herein shall be deemed controlling.

A true copy,


Deputy Clerk

ADOPTED by the Council
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403

JUN 03, 2002

JUN 12, 2002

RCS# 3776
6/03/02
2:19 PM

Atlanta City Council

Regular Session

CONSENT I Pgs. 1-14; Except 02-R-0974; 02-O-0952

ADOPT

YEAS: 14
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 1
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y Smith	Y Archibong	Y Moore	Y Mitchell
B Starnes	Y Fauver	Y Martin	Y Norwood
Y Young	Y Shook	Y Maddox	Y Willis
Y Winslow	Y Muller	Y Boazman	NV Woolard

ITEM (S) REMOVED FROM
CONSENT AGENDA
02-O-0952

06/03/02 Council Meeting

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS ADOPTED ON
CONSENT AGENDA**

**ITEMS
ADVERSED
ON CONSENT
AGENDA**

1. 02-O-0726
2. 02-O-0723
3. 02-O-0694
4. 02-O-0854
5. 02-O-0709
6. 02-O-0710
7. 02-O-0711
8. 02-O-0712
9. 02-O-0713
10. 02-O-0714
11. 02-O-0715
12. 02-O-0716
13. 02-O-0717
14. 02-O-0953
15. 02-O-0719
16. 02-O-0720
17. 02-O-0722
18. 02-O-0959
19. 02-O-0962
20. 02-O-0966
21. 02-O-0967
22. 02-O-0730
23. 02-O-0958
24. 02-O-0961
25. 02-R-0894
26. 02-R-0948
27. 02-R-0949
28. 02-R-0905
29. 02-R-0906
30. 02-R-0904
31. 02-R-0954
32. 02-R-0974
33. 02-R-0801

34. 02-R-0892
35. 02-R-0895
36. 02-R-0896
37. 02-R-0897
38. 02-R-0898
39. 02-R-0903
40. 02-R-0950
41. 02-R-0968
42. 02-R-0975
43. 02-R-0910
44. 02-R-0911
45. 02-R-0912
46. 02-R-0913
47. 02-R-0914
48. 02-R-0915
49. 02-R-0916
50. 02-R-0917
51. 02-R-0918
52. 02-R-0919
53. 02-R-0920
54. 02-R-0921
55. 02-R-0922
56. 02-R-0923

57. 02-R-0924
 58. 02-R-0925
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 62. 02-R-0929
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 69. 02-R-0936
 70. 02-R-0937
 71. 02-R-0938
 72. 02-R-0939
 73. 02-R-0940
 74. 02-R-0941
 75. 02-R-0942
 76. 02-R-0943
 77. 02-R-0944
 78. 02-R-0945
 79. 02-R-0946
 80. 02-R-0947
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02-0854

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AN ORDINANCE

COUNCIL MEMBER CARLA SMITH

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, SECTION 10-92(B) OF THE CITY OF ATLANTA CODE OF ORDINANCES TO PROVIDE AN EXCEPTION FROM THE DISTANCE REQUIREMENTS FROM STORE TO STORE FOR ESTABLISHMENTS LICENSED TO SELL MALT BEVERAGES AND/OR WINE BY THE PACKAGE WHICH ARE LOCATED WITHIN A CERTAIN AREA; AND FOR OTHER PURPOSES.

ADOPTED BY

JUN 03 2002

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

Date Referred 5/6/02

Referred To: Public Safety

Date Referred

Referred To:

Date Referred

Referred To:

First Reading

Committee _____
Date _____
Chair _____
Referred to _____

PSLA
Date 5-14-02
Chair [Signature]
Action: Fav, Adv, Hold (see rev. side)
Other:
Members: [Signatures]
Refer To: [Signature]

PSLA
Date 5-28-02
Chair [Signature]
Action: Fav, Adv, Hold (see rev. side)
Other:
Members: [Signatures]
Refer To: [Signature]

FINAL COUNCIL ACTION

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

CERTIFIED

CERTIFIED
JUN 03 2002
ATLANTA CITY COUNCIL PRESIDENT
Catherine W. Woodard

CERTIFIED
JUN 03 2002
Ruth Douglas Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED

JUN 12 2002

WITHOUT SIGNATURE
BY OPERATION OF LAW