CITY COUNCIL
ATLANTA, GEORGIA

04-O-0786

AN ORDINANCE BY COUNCILMEMBER ANNE FAUVER AS SUBSTITUTED BY THE PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE

AN ORDINANCE TO AMEND CHAPTER 10, ARTICLE II, SECTION 10-92(b) OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO PROVIDE AN EXEMPTION FROM THE DISTANCE REQUIREMENTS FOR PACKAGE STORES LICENSED TO SELL MALT BEVERAGES AND/OR WINE BY THE PACKAGE LISTED IN SECTION 10-88.1 FOR A RETAIL GROCERY SUPERMARKET LOCATED AT 650 PONCE DE LEON AVENUE AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta has promulgated legislation which specifically provides that there must be at least 600 feet between stores licensed to sell alcohol by the package and structures in residential use; and

WHEREAS, the City of Atlanta has promulgated legislation which specifically provides that package stores that derive less than 5% of their gross receipts from the sale of alcoholic beverages shall be exempt from the requirement that there must be at least 600 feet between stores licensed to sell alcohol by the package and structures in residential use; and

WHEREAS, the location of retail grocery supermarkets within walking distance of structures in residential use, by promoting pedestrian travel, reduces motor vehicle traffic on the city streets and provides valuable services which support residential in-town living; and

WHEREAS, in order to provide a full range of products to its customers, in most instances retail grocery supermarkets offer for sale, beer and wine by the package to their customers; and

WHEREAS, the demand for higher priced wines in retail grocery supermarkets has increased thereby making it more difficult for retail grocery supermarkets to maintain gross receipts from the sale of alcoholic beverages to less than 5% of their total gross receipts; and

WHEREAS, a retail grocery supermarket is presently located at 650 Ponce de Leon Avenue, Atlanta, Georgia, which retail grocery supermarket is currently licensed to sell beer and wine only by the package; and

WHEREAS, the retail grocery supermarket located at 650 Ponce de Leon Avenue is located within 600 feet of a structure in residential use; and

WHEREAS, the retail grocery supermarket located at 650 Ponce de Leon Avenue compliments the local neighborhood and community at large; and

WHEREAS, sufficient safeguards exist in the form of written agreements negotiated by the local neighborhood, which encumber the property located at 650 Ponce de Leon Avenue, to satisfy the intended safeguards of the current legislation which provides that there must be a least 600 feet between stores licensed to sell alcohol by the package and structures in residential use;

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 by adding the following:

(5) For one retail grocery supermarket located on that parcel of land known as 650 Ponce de Leon Avenue, Atlanta, Georgia, under the numbering system of the City of Atlanta provided that such retail grocery supermarket contains an interior floor area of 14,000 square feet or more and that the retail grocery supermarket derives less than 15% of gross receipts from the sale of alcoholic beverages, such parcel of land being more particularly described as: All that tract or parcel of land tying and being in Land Lot 17 of the 14th District, City of Atlanta, Fulton County, Georgia, and being more particularly described as follows:

> BEGINNING AT a hole in concrete found on the eastern right-of-way of Lakeview Avenue (50 foot r/w), said hole being located North 00 degrees 05 minutes 19 seconds East, 82.91 feet from the intersection of the northern right-of-way of Ponce de Leon Avenue (90 foot r/w) and the eastern right-of-way of Lakeview Avenue if said right-of-ways were extended to meet at an angle instead of a curve; thence along the eastern right-of-way of Lakeview Avenue, run North 00 degrees 05 minutes 19 seconds East, 633.16 feet to a point at the northerly terminus of Lakeview Avenue; thence North 89 degrees 51 minutes 18 seconds West, 50.18 feet to an open top pipe found on the northerly right-of-way of St. Charles Avenue (50 foot r-o-w); thence continuing along said right-of-way, run North 89 degrees 51 minutes 18 seconds West, 101.83 feet to a point on the eastern line of Proposed Right-of-Way Dedication Tract; thence leaving said right-of-way, and with the eastern line of said Proposed Tract, run North 00 degrees 40 minutes 31 seconds East, 455.36 feet to a point at the intersection of said Proposed Tract with the southern right-of-way of Greenwood Avenue (60 foot r/w); thence crossing Greenwood Avenue, North 00 degrees 33 minutes 28 seconds East, 60.02 feet to a point on the northern right-of-way of Greenwood Avenue; thence along the northern right-of way of Greenwood Avenue, South 89 degrees 45 minutes 00

seconds West, 49.99 feet to a 1" open top pipe set; thence leaving said right-of-way, North 00 degrees 39 minutes 09 seconds East, 389.72 feet to a 1/2" rebar found; thence South 88 degrees 54 minutes 38 seconds East, 498.09 feet to a 1/2" rebar found on the western right of Southern Railway System (100 foot r/w); thence along said right-of-way, run the following three (3) courses and distances: along a curve to the right, an arc distance of 312.30 feet, said curve having a radius of 2570.74 feet and being subtended by a chord of 312.11 feet, at South 14 degrees 47 minutes 28 seconds East, to a hole in concrete found; South 10 degrees 21 minutes 16 seconds East, 309.44 feet to a point; South 11 degrees 20 minutes 11 seconds East, 719.86 feet to a 1" open top pipe set at the northeast corner of property now or formerly owned by Ronald J. Lazarus and Scott G. Ardolino, Deed Book 13490, Page 268; thence leaving said right-of-way, and with the line of Lazarus and Ardolino, North 86 degrees 52 minutes 35 seconds West, 57.32 feet to a PK nail set; thence South 75 degrees 53 minutes 08 seconds West, 76.59 feet to a PK nail set; thence South 01 degrees 28 minutes 07 seconds West, 233.66 feet to a 1/2" rebar found; thence along a curve to the left, an arc distance of 59.05 feet, said curve having a radius of 101.33 feet and being subtended by a chord of 58.21 feet, at South 17 degrees 11 minutes 14 seconds East, to a 1/2" rebar found; Thence North 89 degrees 28 minutes 16 seconds West, 10.77 feet to a point; Thence South 89 degrees 09 minutes 39 seconds West, 35.41 feet to a point; Thence North 78 degrees 49 minutes 43 seconds West, 4.58 feet to a point; Thence North 00 degrees 31 minutes 44 seconds East, 14.15 feet to a point; Thence North 89 degrees 28 minutes 16 seconds West, 42.19 feet to a point; Thence South 05 degrees 04 minutes 16 seconds West, 26.18 feet to a point; Thence North 84 degrees 55 minutes 44 seconds West, 21.90 feet to a point; thence South 05 degrees 04 minutes 16 seconds West, 9.99 feet to a point on the northern right,-of-way of Ponce De Leon Avenue (90 foot r/w); thence along said right-of-way run the following three (3) courses and distances: North 84 degrees 55 minutes 23 seconds West, 194.34 feet to a point; North 87 degrees 26 minutes 09 seconds West, 90.80 feet to a hole in concrete found; thence run along a curve to the right, an arc distance of 40.29 feet, said curve having a radius of 38.99 feet and being subtended by a chord of 38.52 feet, at North 57 degrees 39 minutes 10 seconds West, to a 1/2" rebar found on a curve joining the intersection of said northern right-of-way and the eastern right of way of Lakeview Avenue; thence run North 28 05 minutes 27 seconds West, 52.07 feet to a 1/2" rebar found on the eastern right-of-way of Lakeview Avenue; thence with said right-of-way, along a curve to the right, an arc distance of 19.93 feet, said curve having a radius of 40.40 feet and being subtended by a chord of 19.73 feet; at North 14 degrees 01 minutes 26 seconds West, to a hole in concrete found 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,
Rhonda Daughtin Johnson
Municipal Clerk, CMC

ADOPTED by the Council May 3, 2004
RETURNED WITHOUT SIGNATURE OF THE MAYOR
APPROVED as per City Charter Section 2-403 May 12, 2004

AN ORDINANCE BY:
COUNCILMEMBER ANNE FAUVER

04- O -0786

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WHEREAS, the City of Atlanta has promulgated legislation which specifically provides that there must be at least 600 feet between stores licensed to sell alcohol by the package and structures in residential use; and

WHEREAS, the City of Atlanta has promulgated legislation which specifically provides that package stores that derive less than 5% of their gross receipts from the sale of alcoholic beverages shall be exempt from the requirement that there must be at least 600 feet between stores licensed to sell alcohol by the package and structures in residential use; and

WHEREAS, the location of retail grocery supermarkets within walking distance of structures in residential use, by promoting pedestrian travel, reduces motor vehicle traffic on the city streets and provides valuable services which support residential in-town living; and

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WHEREAS, the retail grocery supermarket located at 650 Ponce de Leon Avenue is located within 600 feet of a structure in residential use; and

WHEREAS, the retail grocery supermarket located at 650 Ponce de Leon Avenue compliments the local neighborhood and community at large; and

WHEREAS, sufficient safeguards exist in the form of written agreements negotiated by the local neighborhood, which encumber the property located at 650 Ponce de Leon Avenue, to satisfy the intended safeguards of the current legislation which provides that there must be a least 600 feet between stores licensed to sell alcohol by the package and structures in residential use;

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ADOPTED BY
MAY 3 2004
COUNCIL

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

Date Referred 4/19/04
Referred To: Public Safety
Date Referred
Referred To:
Date Referred
Referred To:

First Reading
Committee
Date
Chair
Referred to

Committee	Committee
PSLA	
Date	Date
April 27, 2004	
Chair	Chair
Action: Fav, Adv, Hold (see rev. side)	Action: Fav, Adv, Hold (see rev. side)
Other: on substitute	Other:
Members: Marie Norwood, Frank Shaw, Carla Smith	Members
Refer To	Refer To

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

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

CERTIFIED

CERTIFIED
MAY 3 2004
COUNCIL PRESIDENT PROTEM

CERTIFIED
MAY 3 2004
Phoebe Danielson Johnson
MUNICIPAL CLERK

MAYOR'S ACTION

APPROVED
MAY 12 2004
WITHOUT SIGNATURE
BY OPERATION OF LAW