

**AN ORDINANCE BY COUNCIL MEMBER KWANZA HALL TO AMEND CHAPTER 10, ARTICLE 11, SECTION 10-92 (B) AND 10-94 (A) OF THE CITY OF ATLANTA CODE OF ORDINANCES SO AS TO PROVIDE AN EXEMPTION FROM THE DISTANCE REQUIREMENTS LISTED IN SECTION 10-88.1 FOR PACKAGE STORES LICENSED TO SELL MALT BEVERAGES AND/OR WINE BY THE PACKAGE AND TO PROVIDE FOR AN EXEMPTION TO THE DISTANCE REQUIREMENTS LISTED IN SECTION 10-88 FOR ON- PREMISE CONSUMPTION OF ALCOHOLIC BEVERAGES FOR THE ESTABLISHMENT/PROPERTY LOCATED AT 99 KROG STREET, ATLANTA, GEORGIA; AND FOR OTHER PURPOSES.**

**Workflow List:**

Atlanta City Council	Completed	02/20/2014 11:22 AM
Public Safety & Legal Administration Committee	Pending	
Mayor's Office	Pending	

**HISTORY:**

02/17/14	Atlanta City Council	REFERRED WITHOUT OBJECTION
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<b>RESULT:</b>	<b>REFERRED WITHOUT OBJECTION</b>	<b>Next: 2/25/2014 3:00 PM</b>
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Certified by Presiding Officer	Certified by Clerk
Mayor's Action <i>See Authentication Page Attachment</i>	

LEGISLATION HISTORY – BLUE BACK

CITY COUNCIL  
ATLANTA, GEORGIA

14-O-1114

SPONSOR SIGNATURES



Kwanza Hall, Councilmember, District 2

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WHEREAS, the City of Atlanta has an interest in maintaining the public health, safety and welfare of the 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 for the public health, safety and welfare; and

WHEREAS, Chapter 10 of the City of Atlanta Code of Ordinances regulates the issuance of licenses for the consumption of alcoholic beverages on and off the premises; and

WHEREAS, Section 10-88.1 (b)(1) of the City of Atlanta Code of Ordinances provides that no package store may be located within 600 feet from any structure in residential use; and

WHEREAS, Section 10-88 (a) of the City of Atlanta Code of Ordinances provides that no license for on-premise consumption of alcohol shall be issued for a location within 300 feet of any private residence; and

WHEREAS, the western edge of the Inman Park Historic District, Subarea 3, near the BeltLine includes obsolete industrial buildings that are undergoing renovation and revitalization and conversion to mixed use;

AN ORDINANCE



BY COUNCILMEMBER KWANZA HALL

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

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**WHEREAS**, Chapter 10 of the City of Atlanta Code of Ordinances regulates the issuance of licenses for the consumption of alcoholic beverages on and off the premises; and

**WHEREAS**, Section 10-88.1 (b)(1) of the City of Atlanta Code of Ordinances provides that no package store may be located within 600 feet from any structure in residential use; and

**WHEREAS**, Section 10-88 (a) of the City of Atlanta Code of Ordinances provides that no license for on-premise consumption of alcohol shall be issued for a location within 300 feet of any private residence; and

**WHEREAS**, the western edge of the Inman Park Historic District, Subarea 3, near the BeltLine includes obsolete industrial buildings that are undergoing renovation and revitalization and conversion to mixed use;

**WHEREAS**, the owner of the property known as 99 Krog Street at the intersection of Edgewood Avenue is in the process of renovating and redeveloping existing industrial buildings and constructing new buildings to create a mixed use development of restaurants, shops, and housing; and

**WHEREAS**, this redevelopment, to be known as "Krog Street Market," will provide new dining and shopping opportunities for neighborhood residents and users of the BeltLine; and

**WHEREAS**, the current alcohol distance regulations unduly restrict the potential effectiveness of the redevelopment of this area; and

**WHEREAS**, it would be in the best interest of the City of Atlanta to create an exemption from the current distance requirements in order to promote the effective redevelopment of this immediate area.

**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 is hereby amended to add a new subsection (12) which shall read as follows:

(12) For one (1) retail establishment selling malt beverages and wine by the package located at 99 Krog Street, NE, and situated on all that tract or parcel of land lying in and being in land lot 19 of the 14<sup>th</sup> District, Fulton County, Georgia and being more particularly described as follows:

BEGINNING AT A THE BUILDING CORNER AT 'THE INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY OF LAKE AVENUE (50' RIGHT-OF-WAY) AND THE EASTERLY RIGHT-OF-WAY OF KROG STREET (40' RIGHT-OF-WAY); RUNNING THENCE, ALONG SAID LAKE AVENUE RIGHT-OF-WAY THE FOLLOWING. CALLS: S 89°06'12" E A DISTANCE OF 110.09' TO AN IRON PIN FOUND; S 88°47'41" E A DISTANCE OF 40.88 TO A REBAR SET; S 89°03'35" E A DISTANCE OF 142.80' TO A REBAR SET AT THE INTERSECTION OF SAID SOUTHERLY RIGHT-OF-WAY OF LAKE AVENUE AND THE WESTERLY RIGHT-OF-WAY OF WADDELL STREET (44' RIGHT-OF-WAY); THENCE, ALONG SAID RIGHT-OF-WAY OF WADDELL STREET S 06'42'39" W A DISTANCE OF 127.79' TO A POINT; THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY OF WADDELL STREET WITH A CURVE

TURNING TO THE LEFT WITH AN ARC LENGTH OF 105.95', WITH A RADIUS OF 2392.20', WITH A CHORD BEARING OF S 05°26'31" W, WITH A CHORD LENGTH OF 105.94' TO A REBAR SET; THENCE, LEAVING SAID RIGHT-OF-WAY OP WADDELL STREET N 89°43'40" W A DISTANCE OF 145.01' TO A REBAR SET; THENCE S 02°50'16" W A DISTANCE OF 157.78' TO A REBAR SET; THENCE S 85°49'28" E A DISTANCE OF 13.00' TO A REBAR SET; THENCE S 05°52'51" E A DISTANCE OF 185.00' TO A REBAR SET; THENCE S 83°30'00" W A DISTANCE OF 23.00' TO A REBAR SET; THENCE S 12°36'45" E A DISTANCE OF 102.14' TO A REBAR SET; THENCE S 83°58'03" W A DISTANCE OF 139.02' TO AN IRON PIN FOUND ON AFORESAID EASTERLY RIGHT-OF-WAY OF KROG STREET; THENCE, ALONG SAID RIGHT-OF-WAY OF KROG STREET N 06°44'06" W A DISTANCE OF 168.13' TO A POINT; THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY OF KROG STREET WITH A CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 125.41', WITH A RADIUS OF 1809.68', WITH A CHORD BEARING OF N 04°44'59" W, WITH A CHORD LENGTH OF 125.38' TO A POINT; THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY OF KROG STREET WITH A COMPOUND CURVE TURNING TO THE RIGHT WITH AN ARC LENGTH OF 285.31', WITH A RADIUS OF 1825.13', WITH A CHORD BEARING OF N 01°09'02" E, WITH A CHORD LENGTH OF 285.02' TO A POINT; THENCE, CONTINUING ALONG SAID RIGHT-OF-WAY OF KROG STREET N 07°19'35" E A DISTANCE OF 120.16' TO THE POINT OF BEGINNING:

SAID TRACT OR PARCEL OF LAND, BEING DESIGNATED AS TRACT NO. III AND TRACT NO. IV, CONTAINING 134638 SQUARE FEET OR 3.090 ACRES AS SHOWN ON ALTA/ACSM LAND TITLE SURVEY PREPARED FOR KROG OWNER, LLC, NXT CAPITAL, LLC, LENDER AND AGENT, ITS SUCCESSORS AND ASSIGNS, SPECIALIZED TITLE SERVICES, INC., AND COMMONWEALTH LAND TITLE INSURANCE COMPANY AS PREPARED ON 02/13/2012 BY SURVEY SYSTEMS & ASSOC., INC., LAST REVISED 10/22/12.

**SECTION 2:** That Chapter 10, Article II, Section 10-94 (a) of the City of Atlanta Code of Ordinances is hereby amended to add a new subsection (8) which shall read as follows:

(8) Any room or area within the premises located at 99 Krog Street, NE, which is bounded by Lake Avenue on the north, Edgewood Avenue on the south, and Krog Street on the west.

**SECTION 3:** All ordinances or parts of ordinances in conflict herewith are hereby repealed.

ATLANTA 5535927.1