

AN ORDINANCE BY COUNCILMEMBER KWANZA HALL 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 IDENTIFIED IN SECTION 10-88.1 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR ONE (1) WINE SPECIALTY SHOP TO SELL WINE LOCATED AT 280 ELIZABETH STREET; AND FOR OTHER PURPOSES.

Workflow List:

Atlanta City Council	Completed	06/04/2014 3:15 PM
Public Safety & Legal Administration Committee	Pending	

HISTORY:

06/02/14	Atlanta City Council	REFERRED WITHOUT OBJECTION
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RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/10/2014 3:00 PM
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RESULT:	REFERRED WITHOUT OBJECTION	Next: 6/10/2014 3:00 PM
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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-1307

SPONSOR SIGNATURES



Kwanza Hall, Councilmember, District 2

AN ORDINANCE BY COUNCILMEMBER KWANZA HALL 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 IDENTIFIED IN SECTION 10-88.1 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR ONE (1) WINE SPECIALTY SHOP TO SELL WINE LOCATED AT 280 ELIZABETH STREET; 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 wine specialty shops; and

WHEREAS, Section 10-88.1 (e) of the City of Atlanta Code of Ordinances sets forth the City's distance requirements between businesses seeking licenses to operate a wine specialty shop and other wine specialty shops schools, parks, libraries, churches, hospitals and daycare facilities; and

WHEREAS, Section 10-88.1 (e)(3) of the City of Atlanta Code of Ordinances provides that no wine specialty shop may be located within 600 feet from any public or private park or recreation facility; and

WHEREAS, Section 10-1 of the City of Atlanta Code of Ordinances defines a *park* as "ally public lands owned or controlled and operated by the city, the state or any county of the state, in and upon which play facilities are provided for the recreation and enjoyment of the general public;" and

WHEREAS, the owner of the property located at 280 Elizabeth Street is in the process of renovating and redeveloping such property and constructing new buildings to create a mixed use development of restaurants, retail shops and housing; and

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

WHEREAS, a portion of the retail section of 280 Elizabeth Street located along North Highland Avenue is located less than six hundred feet (600') from Freedom Park; and

WHEREAS, the nearest play facilities situated in Freedom Park are located more than two thousand (2,000 feet) from 280 Elizabeth Street; and

WHEREAS, because of the great distance between the nearest play facilities situated in Freedom Park and 280 Elizabeth Street, permitting one (1) wine specialty shop to be located at 280 Elizabeth Street would not frustrate the purposes of Section 10-88.1 (e) (3) of the City of Atlanta Code of Ordinances; and

WHEREAS, the Inman Park Neighborhood Association, after a duly called meeting and taking a vote of its qualified membership, supports an effort to create an exemption from the current distance requirements applicable to the issuance of a license for one (1) wine specialty shop to be located at 280 Elizabeth Street; and

WHEREAS, it would be in the best interest of the City of Atlanta to create an exemption from the current distance requirements in Section 10-88.1 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 () which shall read as follows:

() For one (1) wine specialty shop located at 280 Elizabeth Street and situated on all that tract or parcel of land lying in and being in Land Lots 14 and 19 of the 14th District, Fulton County, Georgia and being more particularly described as follows:

ALL THAT TRACT OR PARCEL OF LAND LYING OR BEING IN LAND LOTS 14, AND 19 OF THE 14th LAND DISTRICT, CITY OF ATLANTA, FULTON COUNTY, GEORGIA, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:
BEGINNING AT AN IRON PIN FOUND (ONE HALF INCH REBAR) AT THE

INTERSECTION OF THE SOUTHERLY RIGHT-OF-WAY LINE OF NORTH HIGHLAND AVENUE (HAVING A 50 FOOT WIDE RIGHT-OF-WAY) AND THE LAND LOT LINE COMMON TO SAID LAND LOTS 14 AND 19, SAID POINT BEING THE POINT OF BEGINNING; THENCE FROM THE POINT OF BEGINNING AS THUS ESTABLISHED, DEPARTING SAID LAND LOT LINE COMMON TO LAND LOTS 14 AND 19 AND ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF NORTH HIGHLAND AVENUE NORTH 56 DEGREES 34 MINUTES 25 SECONDS EAST A DISTANCE OF 298.50 FEET TO AN IRON PIN FOUND (ONE HALF INCH REBAR) ON THE WESTERLY RIGHT-OF-WAY LINE OF ELIZABETH STREET (HAVING A 50 FOOT WIDE RIGHT-OF-WAY); THENCE DEPARTING THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF NORTH HIGHLAND AVENUE AND ALONG THE SAID WESTERLY RIGHT-OF-WAY LINE OF ELIZABETH STREET SOUTH 03 DEGREES 38 MINUTES 41 SECONDS EAST A DISTANCE OF 431.10 FEET TO A NAIL FOUND IN ASPHALT ON THE NORTHERLY RIGHT-OF-WAY LINE OF LAKE AVENUE (HAVING A 60 FOOT WIDE RIGHT-OF-WAY); THENCE DEPARTING THE SAID WESTERLY RIGHT-OF-WAY LINE OF ELIZABETH STREET AND ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE OF LAKE AVENUE THE FOLLOWING TWO COURSES AND DISTANCES: ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 1,014.19 FEET, AN ARC LENGTH OF 185.27 FEET, BEING SUBTENDED BY A CHORD BEARING OF SOUTH 47 DEGREES 04 MINUTES 40 SECONDS WEST AND A CHORD DISTANCE OF 185.01 FEET TO A POINT; THENCE SOUTH 39 DEGREES 05 MINUTES 04 SECONDS WEST A DISTANCE OF 98.69 FEET TO AN IRON PIN FOUND (ONE HALF INCH REBAR); THENCE DEPARTING THE SAID NORTHERLY RIGHT-OF-WAY LINE OF LAKE AVENUE NORTH 45 DEGREES 38 MINUTES 13 SECONDS WEST A DISTANCE OF 110.88 FEET TO AN IRON PIN FOUND (ONE HALF INCH REBAR) ON THE SAID LAND LOT LINE COMMON TO LAND LOTS 14 AND 19; THENCE ALONG THE SAID LAND LOT LINE COMMON TO LAND LOTS 14 AND 19 NORTH 00 DEGREES 03 MINUTES 51 SECONDS EAST A DISTANCE OF 75.95 FEET TO AN IRON PIN FOUND (ONE HALF INCH REBAR); THENCE DEPARTING THE SAID LAND LOT LINE COMMON TO LAND LOTS 14 AND 19 NORTH 89 DEGREES 55 MINUTES 51 SECONDS WEST A DISTANCE OF 62.19 FEET TO AN IRON PIN FOUND (BENT ONE HALF INCH REBAR); THENCE NORTH 00 DEGREES 03 MINUTES 51 SECONDS EAST A DISTANCE OF 120.00 FEET TO AN IRON PIN FOUND (ONE

HALF INCH REBAR); THENCE SOUTH 89 DEGREES 56 MINUTES 12 SECONDS EAST A DISTANCE OF 8.80 FEET TO A POINT; THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 4.50 FEET, AN ARC LENGTH OF 9.70 FEET, BEING SUBTENDED BY A CHORD BEARING OF NORTH 28 DEGREES 17 MINUTES 33 SECONDS EAST AND A CHORD DISTANCE OF 7.93 FEET TO A POINT; THENCE NORTH 56 DEGREES 31 MINUTES 53 SECONDS EAST A DISTANCE OF 12.06 FEET TO AN IRON PIN FOUND (ONE HALF INCH REBAR); THENCE NORTH 33 DEGREES 28 MINUTES 42 SECONDS WEST A DISTANCE OF 73.32 FEET TO A NAIL FOUND IN CONCRETE; THENCE NORTH 33 DEGREES 28 MINUTES 07 SECONDS WEST A DISTANCE OF 55.90 FEET TO A NAIL FOUND IN CONCRETE ON THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF NORTH HIGHLAND AVENUE; THENCE ALONG THE SAID SOUTHERLY RIGHT-OF-WAY LINE OF NORTH HIGHLAND AVENUE NORTH 56 DEGREES 31 MINUTES 53 SECONDS EAST A DISTANCE OF 133.14 FEET TO A THE POINT OF BEGINNING.

SAID TRACT OR PARCEL OF LAND CONTAINS 3.309 ACRES (BEING 144,143 SQUARE FEET), ALSO BEING ALL OF TRACT 1 AND TRACT 2 COMBINED.

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

SECTION 3: 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.

(Do Not Write Above This Line)

AN ORDINANCE BY COUNCIL MEMBER KWANZA HALL 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 IDENTIFIED IN SECTION 10-88.1 OF THE CITY OF ATLANTA CODE OF ORDINANCES FOR ONE (1) WINE SPECIALTY SHOP TO SELL WINE LOCATED AT 280 ELIZABETH STREET AND FOR OTHER PURPOSES.

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

Date Referred: 9/2/14
 Referred To: Public Safety
 Date Referred:
 Referred To:
 Date Referred:
 Referred To:

First Reading

Committee _____
 Date _____
 Chair _____
 Referred To _____

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

Committee

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

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

CERTIFIED

MAYOR'S ACTION

AN ORDINANCE

BY COUNCIL MEMBER KWANZA HALL



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