

Public Hearing: YES  NO

Department: Planning & Sustainability

**SUBJECT:**

**COMMISSION DISTRICT(S):** Commission District 02 Super District 06

**Application of Director of Planning and Sustainability for a text amendment to the Emory Village Overlay-Sec. 3.22 to allow the limited sale of beer, wine, and spirits as an accessory retail use for off-site consumption at any location within the overlay district.**

**PETITION NO:** N18. TA-22-1245621 (2022-1486)

**PROPOSED USE:** Limited sale of beer, wine, and spirits as an accessory retail use for off-site consumption.

**LOCATION:** N. Decatur Road and Oxford Road

**PARCEL NO. :** N/A

**INFO. CONTACT:** Rachel Bragg, Sr. Planner

**PHONE NUMBER:** 404-371-2155

**PURPOSE:**

Application of the Director of Planning and Sustainability for a text amendment to the Emory Village Overlay-Sec. 3.22 to allow the limited sale of beer, wine, and spirits as an accessory retail use for off-site consumption at any location within the overlay district. The property is located on North Decatur Road and Oxford Road.

**RECOMMENDATION:**

**COMMUNITY COUNCIL:** Deferral.

**PLANNING COMMISSION:** Approval.

**PLANNING STAFF:** Deferral. (Rev. 5.13.2022)

**STAFF ANALYSIS:** Deferral.

**PLANNING COMMISSION VOTE:** Approval 5-1-0. Jana Johnson moved, Lauren Blaszyk seconded for Approval, per Staff recommendation. Tess Snipes opposed.

**COMMUNITY COUNCIL VOTE/RECOMMENDATION:** Deferral 9-1-0.

### **Section 27-3.22.5 Accessory uses, buildings and structures**

Accessory uses, buildings, and structures incidental to any authorized principal use as defined in [article 9](#) shall be permitted, ~~except~~ as established below.

A. Parking lots and parking garages are permitted only if these facilities are accessory uses to principal uses and structures otherwise authorized and permitted in the Emory Village Overlay District.

B. Drive-through facilities or drive-through service windows are not authorized; however, drive-through facilities existing at the time of the adoption of this overlay district shall be allowed to continue operation. If the building/site where the drive-through(s) is currently located is redeveloped, then said drive-through(s) may be replaced so long as they follow the design guidelines.

C. Retail liquor stores, where accessory to any principal use, are prohibited.

[D. Sale of beer, wine, and/or spirits as an accessory use to a principal, neighborhood scale market or grocery store, when the square footage devoted to sales and storage of beer, wine and/or spirits constitutes less than twenty percent \(20%\) of the gross floor area.](#)