

## **Retail Distilled Spirits License**

### **Pre-Application Meeting**

**August 16, 2023 – 9:00 am**

Brantley Day, Director of the Community Development Agency, started the meeting at 9:18 am and welcomed everyone. Brantley then introduced staff members in attendance and the responsibilities they represent.

Brantley gave an overview of how the meeting was going to proceed and noted that minutes and questions and answers will be published on the website ( <https://www.cherokeega.com/dsc/Retail-Distilled-Spirits/>). He explained where to find this information on the Development Service Center (DSC) website and referenced the new GIS map layer for Distilled Spirits Retail Districts. The Development Service Center email address ([dsc@cherokeega.com](mailto:dsc@cherokeega.com)) was explained to be the best email address for applicants to use to ask questions through this process.

**Distilled Spirits Ordinance Overview:** Applications will be accepted starting at 9:00 a.m. on September 1, 2023 until 5:00 p.m. on October 31, 2023. Applications must be submitted in person. Applications must include the documents listed on the checklist. The application is new and was created for the purpose of Retail Distilled Spirits licenses. Chapter 6 – Alcoholic Beverages (Code of Ordinances) is currently in place amended in May with new requirements effective September 1; the referendum to issue licenses for distilled spirits was approved in the fall of 2022. Article II of the ordinance received the most updates starting with Sec. 6-81, however, Brantley encouraged everyone to review the entire Alcoholic Beverages Ordinance.

Sec. 6-83 outlines the creation of the six (6) distilled spirits retail districts. Only one store is allowed in each district or on a property within one (1) mile of the distilled spirits district boundary. The GIS online map (Cherokee County Geocortex Viewer) will be helpful in verifying locations (<https://www.cherokeega.com/GIS/>).

Stores are only allowed in the General Commercial (GC) zoning district, Traditional Neighborhood Development (TND) zoning district, as well as existing PUD property designated as commercial. Please contact the Planning and Zoning Department for any zoning related questions. A Special Use Permit is needed and requires Board of Commissioners (BOC) approval. Sec. 6-84 Building Requirements was also mentioned.

Next, the District Map was discussed. Brantley pointed out the District Key and noted that a package store cannot be located closer than one (1) mile from another package store selling distilled spirits in unincorporated Cherokee County, not other jurisdictions. Package stores in other jurisdictions do not apply.

Brantley noted that Sec. 6-85 of the ordinance outlines the steps in the licensing process which states that the applicant has ninety (90) days from the lottery decision to apply for a Special Use Permit and must receive Board of Commissioners approval within 180 days from applying. After the Special Use Permit is approved, an applicant can then apply to the Department of Revenue. The process overview was discussed with special mention of Sec. 6-85 which is the key section of the ordinance that talks about the licensing process. Brantley reiterated that September 1<sup>st</sup> the application submittal window

opens, and that staff will review the applications as they come in and contact applicants if anything is missing from the application. Brantley encouraged everyone to submit early in the submittal window. Once applications are deemed complete, a preliminary certificate of compliance will be issued. Within thirty (30) days of public notice, the Board of Commissioners will hold a lottery conducted by an independent third party which will be open to the public. Multiple applications for one of the retail districts will require a lottery draw and all applications will be assigned a lottery number. Once the successful finalist has been drawn, the license fee will be due. Applicants are encouraged to work with Planning and Zoning on the Special Use Permit process. It was noted that there are only two (2) waivers available to request - a Residential Distance Waiver and a Residency Waiver, both of which require Board of Commissioners approval. After waivers receive BOC approval, the applicant would enter the Special Use Permit process. After approval of a Special Use Permit, a Conditional Alcoholic Beverage License would be issued at which time the applicant would have two (2) years to complete construction and obtain a Certificate of Occupancy (C.O.) and ninety days to open to the public from issuance of the C.O.

The application for Retail Distilled Spirits is a new application created for this process. It is important when you submit your application that it is complete. A concept should be included in the application submittal, however, please be aware of distances. Captain Casteel from the Marshal's Office reviews the distance surveys and noted that applicants can request a residential distance waiver by letter with the application. No other waivers to distance are available (except for between unincorporated county distilled spirits retailers and none presently exist).

The lottery will be held at a Board of Commissioners meeting. The BOC meets the 1<sup>st</sup> and 3<sup>rd</sup> Tuesday of each month. Once the lottery is called, a public hearing notice will be published, and the lottery will be conducted by a third party. If a finalist cannot move forward, the runner up will be contacted to start the process.

License Fees were discussed; the application fee of \$500.00 and fingerprinting fee of \$50.00 are non-refundable, however these fees will be credited towards 50% of the \$135,000.00 license fee. The license fee will be due after finalist is selected in the lottery, half or \$67,500.00 of the license fee can be used as a credit toward other fees which the county will track. If the finalist is unable to move forward, they can request a partial refund of fees not already incurred.

Brantley stated that the application along with all the publications that were handed out today will be available on our website along with minutes from this meeting. Staff will also be sending an email to those in attendance today once the minutes are available. Questions about this process can be sent to [dsc@cherokeega.com](mailto:dsc@cherokeega.com), and staff will be available to offer assistance.

Brantley opened the floor to questions:

1. A question was raised about the number of retail districts in other jurisdictions and asked how this was going to affect this process. Distilled Spirit stores in other jurisdictions will not count for this requirement.
2. A question was raised about state law being 1,500-foot distance relative to package stores. Per Sec. 6-24 our distances are 600 feet from a school property line, 600 feet from a church, 300 feet from Alcohol Treatment Center and 600 feet from residential. County Attorney confirmed a distance for package stores is not in state law.

3. A question was raised about being able to apply for all six (6) districts. You can apply for all 6 districts; however, the \$500.00 Application Fee for each district and the \$50.00 Background/Fingerprinting fee is required with each application and would be non-refundable.
4. A question was raised about how the \$135,000.00 fee was quantified. Brantley reiterated that of the \$135,000.00 application fee, \$67,500.00 can be used as a credit towards other license fees, impact fees, etc. and that incurred fees are non-refundable.

Brantley referred again to the application and noted that Sec. 6-5 forward of the ordinance explains the step-by-step process and again encouraged everyone to read the ordinance in its entirety.

5. A question was raised regarding whether the Special Use Permit could be received sooner than 180 days. Yes.

Brantley again directed everyone to use [dsc@cherokeega.com](mailto:dsc@cherokeega.com) for questions that arise after this meeting. Brantley thanked everyone for attending. The meeting was adjourned at 10:08 am.

Post adjournment questions:

6. A question was raised about the 600 foot door to door distance. Distance should be measured in a straight line from the customer front door to the front door of a house, and from the customer front door to property line for schools only. It was noted that the placement of the customer door is something to consider with site planning.
7. A question was raised about not having an address/location. A prospective location is needed to process the application.
8. A question was raised about site concept. A sketch could be included in the application. For example, it would be acceptable to mark up a survey. Full site plans are not required with license application.
9. A question was raised about tenant space. Tenant space is not allowed.
10. A question was raised about fingerprinting. One background/fingerprint result can be applied to multiple applications. This is obtained through a consent form.

Additional information:

To clarify the timeline, following the meeting staff developed a prospective timeline for the process which is posted on the website. Once the application window closes on October 31, incomplete applications will be rejected, unless a background check is pending. Staff will take the time necessary to complete the reviews of applications and thereafter submit a slate of applications to the BOC to then call for the lottery, which will be conducted 30 days after public notice is given for the lottery.