



CITY OF DUNWOODY

41 Perimeter Center East, Suite 250
Phone: 678.382.6700 • Fax: 678.382.6701
www.dunwoodyga.gov

MEMORANDUM

To: Mayor and City Council
From: Howard Koontz, City Planner
Date: September 14, 2009
Subject: Liquor License Application – 5020 Winters Chapel Road Suite B

The latest application reviewed by staff for a package store to be located at 5020-B Winters Chapel failed the Community Development portion of the review process, as the suite in question is located too close to a property zoned for single family residential use.

Chapter 4, Article 4, section 1 delineates the distancing restrictions for new package liquor stores. Upon measuring the distance along the ground from the front door of 5020-B to the nearest portion of the property located at 3036 Peeler Road, staff found the distance to be 570 feet. The code requires 200 yards (600 feet) or more between those two points. Therefore, it is staff's recommendation to deny the liquor license application for 5020 Winters Chapel Road Suite B

Article 4: Location of Sales.

Section 1: Distance from Churches, Schools, etc

- (a) No package malt beverage license, package wine license, or consumption on the premises license shall be issued for any place of business which is located within one hundred (100) yards of any school building, educational building, school grounds, college campus, or adult entertainment establishment.
 - (b) No package distilled spirits license shall be issued for any place of business which is located within one hundred (100) yards of any church building or alcohol treatment center or which is located within two hundred (200) yards of a school building, educational building, school grounds, college campus, or adult entertainment establishment or which is located within five hundred (500) yards of another licensed package distilled spirits business.
 - (c) No package distilled spirits license shall be issued for any place of business which is located within two hundred (200) yards of a private single-family or two-family dwelling in a zoning district that permits single and/or two family dwellings; provided, however, this prohibition shall not apply with respect to a private dwelling located in a zoning district in which alcohol beverage outlets are authorized and which dwelling is on the same street as the premises for which a package license is applied.
 - (d) Unless otherwise provided by law, all measurements to determine the distances referred to in this Section shall be measured by the most direct route of travel on the ground and shall be measured in the following manner:
 - (1) From the front door of the structure, as determined by the Director of Community Development, from which alcohol beverages are sold or proposed to be sold; and
 - (2) In a straight path to the front door of the building or to the nearest portion of the grounds, as determined by the Director of Community Development, whichever is applicable under this Chapter.
- No license shall be revoked and no application for a license or renewal shall be denied by reason of the method of measurement set out in this subsection, if such license or license application or renewal application is for premises for which a license was granted prior to the enactment of this Chapter in reliance on another method of measurement.
- (e) Unless otherwise on file with the City, no application for a license shall be approved which does not include, or have attached thereto, a certificate from a registered surveyor which shows a scale drawing of the premises and the location at which the applicant desires to operate an alcohol beverage outlet and which shows, with linear foot measurements where appropriate, such location's compliance or noncompliance

with the provisions of this Section, or a certificate from a registered surveyor which states that the subject alcohol beverage outlet meets all of the location and distance requirements of this ordinance, and shows such location's compliance or noncompliance with linear foot measurements where appropriate or required.

- (f) When a license application is for premises not yet constructed or not yet completed, a license may be issued if the application includes the plans for the premises and a surveyor's certificate, as required under subsection (e) of this Section, clearly showing that the premises will, when completed, meet the requirements of this Section.
- (g) If the distance requirements of this Section were met at the time a license was issued, a subsequent violation of a prohibited distance shall not prevent the continuance of an existing license or the issuance of a new license to the same or a subsequent owner of the property; provided, however, that as to any new license, the prior license must have been lawful and validly issued at the location at any time during the twelve (12) months immediately preceding the application for the new license.
- (h) As used in this Section, the term "school building" or "educational building" shall apply only to State, County, City or church school buildings and to such buildings at any other schools in which are taught subjects commonly taught in the schools and colleges of this State and which are public schools and private schools as defined in O.C.G.A. § 20-2-690(b). The term "school building" includes only those structures in which instruction is offered. The term "church building" as used in this section shall mean the main structure used by any religious organization for purposes of worship.