

CHATT ...About

Information Bulletin



Small Craft Breweries, Wineries, and Distilleries in Chattahoochee Hills

By: Laurie Searle

The purpose of this bulletin is to inform citizens about recent changes to the zoning and ordinances to allow for small craft breweries, wineries, and distilleries in Chattahoochee Hills; and to inform residents about the Special Use Permit and associated variance submitted for the first small craft brewery at 5541 Cochran Mill Rd, Chatt Hills, GA.

The City of Chatt Hills has shared this information by announcing council meetings and public hearings in its legal organ (newspaper), and by providing city council meeting agendas and packets on its website. We offered to produce this bulletin as yet another way to disseminate the information regarding these recent changes.

Chatt About is a free publication produced by three resident volunteers as a service to the community. It is our policy to stay neutral, and to allow the City of Chattahoochee Hills the opportunity to fact check what we write about the City.

In the first part of this bulletin, we asked Jett Hattaway to summarize the zoning changes and provide information about his proposed small craft brewery. In the second part, we provide the City's ordinance changes that reference this topic.

BACKGROUND

The state of Georgia recently amended its alcohol regulation to allow small breweries and distilleries to sell limited quantities to the public without also serving food.

Earlier this year, the Chattahoochee Hills City Council began considering changes to the City's Alcohol licensing ordinance to align with the new state regulations. At the March 5th City Council meeting, the following items were approved:

- Item 19-003: Ordinance to amend and revise Chapter 35, Zoning, to allow for small craft breweries, wineries, and distilleries.
- Item 19-004: Ordinance to revise and amend Chapter 4, Alcohol Beverages, Articles I, II, V, VI and VII to create a new license for breweries, distilleries, and to provide for the sale of alcoholic beverage at breweries, farm wineries and distilleries.
- Item 19-005: Ordinance to set Alcohol Beverage License Fees for breweries, farm wineries, and distilleries.

At the April 9th City Council Meeting, the Council had the first reading of a Special Use Permit and variance request submitted by Jett Hattaway for a small craft brewery at 5541 Cochran Mill Rd. A public hearing is scheduled at the Planning Commission meeting (April 18 at 6:30 p.m.); the 2nd public hearing, 2nd reading and city council vote is scheduled at the city council meeting (May 7 at 6:00 p.m.)

Special Use Permit for Cochran Mill Brewery

Proposal for first farm brewery in Chatt Hills

By: Jett Hattaway

BACKGROUND

The father and son team of Ed and Jett Hattaway have submitted an application to open a Farm Brewery in Chattahoochee Hills. Jett was previously in the solar energy industry and his father, Ed, has been a practicing chiropractor for over 30 years and is co-owner of La Hacienda Bed & Breakfast, also in Chatt Hills. The two started home brewing in 2013 sharing their craft with neighbors and friends and have now decided to introduce it to the larger community with Cochran Mill Brewing Company.



THE PROCESS

The process for establishing this business started in January of this year when the City began exploring an amendment to the existing alcohol ordinance which would allow small wineries, craft distilleries and craft breweries within the city's various zones. After much deliberation the council elected to impose a number of provisions in the proposed special use permit to allow such establishments within the city.

The restrictions are specific to annual production volume, square footage, distribution rights and agricultural use of the land. The permit requires any applicant to meet the following criteria for a craft brewery:

- Minimum 3-acre contiguous lot
- Maximum annual production of 1,500 barrels (1 barrel = 31 gallons)
- Minimum of 1-acre of one ingredient grown on site
- No commercial or wholesale distribution off premises in the RL (rural) district
- Maximum of 3,000sqft indoor space

These provisions were intended to control the intensity and scale of any operation proposed by an applicant while maintaining an agricultural component. The special use permit allows the council and the planning commission the opportunity to vet each applicant on a case by case basis, giving consideration to neighborhood impact, permit criteria, location, business plan and community feedback.

The City Council voted unanimously to adopt these changes at the city council meeting on March 5th. The proposed brewery is currently in the process of applying for a new special use permit under the new regulations, which will come to vote at the next City Council meeting on May 7th at 6pm. If approved, the family plans to open their new farm brewery to the public this August.

ABOUT THE BREWERY

For those unfamiliar with the concept, a Farm Brewery is a first cousin to a Farm Winery. Located exclusively in agricultural regions, Farm Breweries grow ingredients used in the traditional-styled ales and lagers they make. Besides selling beer made with 100% natural ingredients, the Cochran Mill Brewing Company plans to become a local stop for families, friends and the many bicyclists who ride the Silk Sheets to enjoy good company and refreshment in the pastoral countryside that Chatt Hills is known for.

The proposed farm brewery is located at 5541 Cochran Mill Rd, approximately 2 miles north of Cochran Mill Park.

Plans call for a 1,900 sqft building which will include a production space, cold storage and tap room all located on a 4.33-acre lot with an additional 14 acres of open family land behind the complex. The production space is host to a 3bbl (barrel) brew system which is expected to produce under 1,000bbls of beer annually with styles ranging from traditional English ales to German lagers. Many of these beers will be produced using local hops from the brewery’s hop yard and a number of adjunct ingredients sourced from local farms in the Chatt Hills community. These range from blackberries to muscadines and can be used in a wide variety of recipes.

The 1,900 sq ft facility is located 240’ from Cochran Mill Rd and maintains a natural vegetative buffer to the right of way.

Plans for the periphery of the brewery call for an 800 sq ft beer garden which will include picnic tables, a fire pit and yard games.

The beer garden sits adjacent to a half-acre greenspace which patrons can use to relax with their families and play yard games in a rural setting.

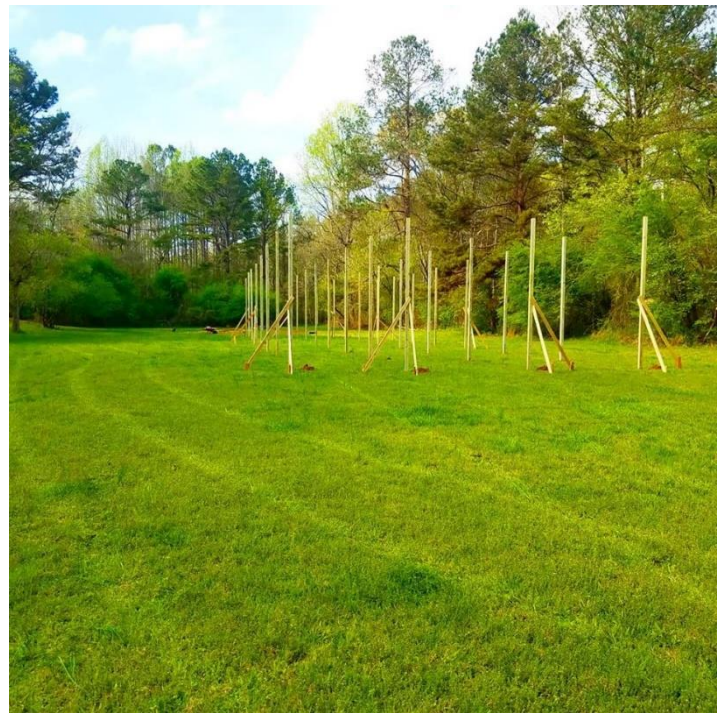


Because the proposed farm brewery is located in the RL (rural) district, distribution to the wholesale market is prohibited, so all sales will be on premise only. Patrons may consume beer on site or purchase up to 1 case (24pk) for consumption at home. Food will not be prepared in the brewery; however, small food trucks and catering will be provided during operating hours.

Hours for the brewery will be as follows: Friday 12pm-8pm, Saturday 12pm-8pm, Sunday 4pm-8pm.

The first acre of hops has already been planted at the brewery and a second acre is planned for cultivation next year.

Goats are also kept on site and are used for controlling weeds in the hop yards and disposing of spent grain generated by the brewery, thus diverting the brewery's primary waste stream.



VARIANCE REQUEST FOR ADDITIONAL PARKING

While there is parking available for the Bed & Breakfast located on the premises, the current ordinance requires that additional parking be provided for the patrons of the brewery.

According to the City's zoning, areas dedicated to automobile parking shall be prohibited from being located between the primary facade and the adjacent sidewalk and thoroughfare. Off-street parking requirements for the individual zoning district shall be as set forth in Table 35-401. In the RL district, the table requirements shall be minimum required parking calculations.

We are requesting a variance to locate the parking in an existing gravel area as shown on the concept map (see previous page) for the following reasons:

As the majority of the property is located in the layer 1, due to the shape of the land and the location of the primary structure, the buildable area for any parking is extremely limited. In addition to the limited remaining space not contained in the first layer, the buildable portion of subject property is accessed and bordered by an access easement that is not granted for commercial use. Attempts to access this buildable location by other means would create a traffic bottleneck, cause proposed brewery operation to be unable to meet its farming obligations, force the farming activities to occur in a sub-prime location, and unnecessarily detract from the rural character of the property by requiring additional paving and development of a secondary driveway. For these reasons, we are requesting the issuance of a variance in order to allow for additional parking to be located in the first layer. In addition to our compliance with all other parking ordinances, we sincerely believe that this parking location will both act to maintain the rural character of the land as well as providing safe and efficient ingress and egress from the premises.

According to the City's zoning, the City Council may authorize Variances only upon making all of the following findings:

- a) There are extraordinary and exceptional conditions pertaining to the particular Property in question because of its size, shape or topography;

- b) The application of this Zoning Ordinance to the particular piece of Property would create an unnecessary Hardship;
- c) Such conditions are peculiar to the particular piece of Property involved;
- d) Such conditions are not the result of any actions of the Property owner; and
- e) Relief, if granted, would not cause substantial detriment to the public good nor impair the purposes or intent of this Zoning Ordinance.

The Planning Commission will review the variance application at its April 18 meeting, which also includes a Public Hearing.

COMMUNITY INFORMATION MEETING - April 23 at 6:00 p.m.

The farm brewery will be hosting a community information meeting at the proposed site at 5541 Cochran Mill Rd on April 23rd at 6:00pm. We encourage everyone to visit our site to review our plans, ask us questions and give us feedback.

Our first goal is to serve the community of Chatt Hills and create a place where people can come spend time with their friends and family immersed in the beauty of nature.

Please visit the link below for more information on this upcoming meeting.

<https://www.eventbrite.com/e/future-brewery-information-meeting-tickets-60262384414>

CITY OF CHATTAHOOCHEE HILLS PUBLIC HEARINGS AND COUNCIL VOTE

The following dates are the next steps in the process for the Special Use Permit and Variance for our small craft brewery:

Thursday, April 18
6:30 p.m. Planning Commission Meeting and 1st Public Hearing.
The Public will have an opportunity to make comments.
The Commission will review the Special Use Permit and Variance Request and vote on its recommendation to the City Council.

Tuesday, May 7
6:00 p.m. City Council Meeting and 2nd Public Hearing and Council Vote.
The Public will have an opportunity to make comments.
The recommendation of Planning Commission and City Planner will be heard.
The Council will vote on the Special Use Permit and Variance application.

City of Chattahoochee Hills Ordinance Changes

STATE OF GEORGIA
COUNTY OF FULTON

ORDINANCE NO. 19-03-194

AN ORDINANCE TO REVISE AND AMEND CHAPTER 4, ALCOHOL BEVERAGES, ARTICLES I, II, V, VI and VII TO CREATE A NEW LICENSE FOR BREWERIES, A NEW LICENSE FOR DISTILLERIES, AND TO PROVIDE FOR THE SALE OF ALCOHOLIC BEVERAGES AT BREWERIES, FARM WINERIES, AND DISTILLERIES AND FOR OTHER PURPOSES

WHEREAS, the City of Chattahoochee Hills finds that its current ordinance governing the sale of alcohol does not adequately address the needs and concerns for such sales at breweries, farm wineries, and distilleries as permitted under state law; and

WHEREAS, it is further found and declared that there is a need for adequate laws governing breweries, farm wineries, and distilleries where alcohol sales are permitted.

NOW THEREFORE, the Mayor and Council of the City of Chattahoochee Hills, Georgia ordain that Chapter 4, Article I (*In General*); Article II (*Licensing*); Article IV (*Location of Sales*); Article V (*Business Regulations*); Article VI (*Employment Restrictions and Handling Requirements*); and Article VII (*Requirements for Consumption on the Premises Licenses*) be amended with the following ordinance which is hereby adopted and approved as part of the Code of Ordinances of the City of Chattahoochee Hills, Georgia.

Section 1. Article I, (*In General*) is amended by adding the following definitions to Section 4-2:

“Barrel” means 31 gallons.

“Brewery” means any commercial establishment in which malt beverages are manufactured or brewed that is licensed by the State.

“Distillery” means any commercial establishment in which distilled spirits are manufactured that is licensed by the State.

Section 2. Article II (*Licensing*) is amended by adding Section 4-26.1 as follows:

(a) In addition to the other licenses set forth in Sections 4-26 and 4-27, applicants may apply for a Brewery license provided the applicant meets the following qualifications:

- (1) Licensees that sell less than 1500 barrels of malt beverages per year produced at the brewery’s licensed premises to individuals who are on such premises;
- (2) Licensees sell to consumers for consumption on the premises; and
- (3) Licensees sell to consumers for consumption off the premises, provided that such sales for consumption off the premises shall not exceed a maximum of 288 ounces of malt beverages per consumer per day.

- (b) Licensees may sell malt beverages pursuant to this ordinance and state law on all days and at all times that sales of malt beverages by licensees holding a consumption on the premises license are lawful in the city, including, but not limited to, Sundays.
- (c) Provided that application for Sunday sales is made and the fee paid, a brewery under this license shall be permitted to sell on Sundays and shall not be subject to the eating establishment requirements set forth in Section 4-130.
- (d) Licensees shall not be required to maintain a full-service kitchen as defined in Section 4-187 in order to obtain a brewery license.
- (e) Breweries are further regulated in Chapter 35, Zoning, Sections 35-570, 35-595 and Article VIII, Division 4 of Chapter 35.

Section 3. Article II (*Licensing*) is amended by adding Section 4-26.2 as follows:

- (a) In addition to the other licenses set forth in Sections 4-26 and 4-27, applicants may apply for a Distillery license provided the applicant meets the following qualifications:
 - (1) Licensees that sell less than 250 barrels of distilled spirits per year produced at the distillery's licensed premises to individuals who are on such premises;
 - (2) Licensees sell to consumers for consumption on the premises; and
 - (3) Licensees sell to consumers for consumption off the premises, provided that such sales for consumption off the premises shall not exceed a maximum of 2,250 milliliters of distilled spirits per consumer per day.
- (b) Licensees may sell distilled spirits pursuant to this ordinance and state law on all days and at all times that sales of distilled spirits by licensees holding a consumption on the premises license are lawful in the city, including, but not limited to, Sundays.
- (c) Provided that application for Sunday sales is made and the fee paid, a distillery under this license shall be permitted to sell on Sundays and shall not be subject to the eating establishment requirements set forth in Section 4-130.
- (d) Licensees shall not be required to maintain a full-service kitchen as defined in Section 4-187 in order to obtain a distillery license.
- (e) A licensee may not sell distilled spirits pursuant to this ordinance and state law for consumption off the premises at a price less than the price at which a person licensed to sell distilled spirits by the package is permitted to sell distilled spirits pursuant to state law.
- (f) Distilleries are further regulated in Chapter 35, Zoning, Sections 35-570, 35-595 and Article VIII, Division 4 of Chapter 35.

Section 4. Article II (*Licensing*) is amended by deleting the word "Eight" in Section 4-27(a) and replacing it with the word "Twelve" such that Subsection (a) begins as follows:

- (a) Twelve classes of retail consumption on the premises licenses are available. Unless otherwise specifically provided in this chapter, retail consumption on the premises licenses are available only to eating establishments.

Section 5. Article IV (*Location of Sales*) is amended by replacing Section 4-96(a) with the following language:

No package malt beverage license, package wine license, consumption on the premises license, brewery license, or farm winery license shall be issued for any place of business which is located within 100 yards of any school building, educational building, school grounds, or college campus. The subsection shall not apply at any location for which a new license is applied for if the sale of wine or malt beverages or consumption on the premises was lawful at such location at any time during the 12 months immediately preceding such application.

Section 6. Article IV (*Location of Sales*) is amended by replacing Section 4-96(b) with the following language:

No package distilled spirits license shall be issued for any place of business which is located within 100 yards of any church building or alcohol treatment center or which is located within 200 yards of a school building, educational building, school grounds, or college campus. The subsection shall not apply at any location for which a new license is applied for if the sale of package distilled spirits was lawful at such location at any time during the 12 months immediately preceding such application.

Section 7. Article IV (*Location of Sales*) is amended by replacing Section 4-98(b) with the following language:

A retail consumption on the premises licensee, a brewery licensee, a farm winery licensee, and a distillery licensee may sell, serve, or otherwise dispense alcohol beverages in a patio/open area type environment or is an area where the licensee normally serves patrons.

Section 8. Article V (*Business Regulations*) is amended by replacing Section 4-129(b) with the following language:

Except as otherwise permitted in Section 4-130(a), no licensee shall permit the sale of alcohol beverages on Sunday unless such licensee is a bona fide eating establishment, caterer, private club, special events facility, brewery, farm winery, or distillery as defined in this chapter and any requisite fee for Sunday sales is paid, that amount of which shall set by way of the adoption of the city's annual budget, which amount shall remain in effect until modified or amended by subsequent budgets adopted by the city council..

Section 9. Article V (*Business Regulations*) is amended by replacing Section 4-133 with the following language:

Except for breweries, farm wineries and distilleries, it shall be unlawful for any person to consume any alcohol beverages on premises licensed for the sale of alcohol beverages by the package. Except for breweries, farm wineries and distilleries, it shall be unlawful for any package licensee to open or break the package of any alcohol beverages for a purchaser or to permit the consumption of alcohol beverages on the licensed premises.

Section 10. Article VI (*Employment Restrictions and Handling Requirements*) is amended by replacing Subsection 4-158(a)(1) and by adding a new Subsection 4-158(a)(3) as follows:

(1) Any employee of a consumption on the premises licensee who dispenses, sells, serves, or take orders for alcohol beverages, mixes alcohol beverages, or serves in any managerial position.

(3) Any employee of a brewery licensee, farm winery licensee, or distillery licensee who dispenses, sells, serves, or takes orders for alcohol beverages or serves in any managerial position.

Section 11. Article VII (*Requirements for Consumption on the Premises Licenses*) is amended by amending Section 4-194 by adding a new Subsections 4-194(e) and (f) as follows:

(e) Licensees shall sell less than 15,500 gallons of its wine.

(f) Farm wineries are further regulated in Chapter 35, Zoning, Sections 35-570, 35-595 and Article VIII, Division 4 of Chapter 35.

Section 12. Article VII (*Requirements for Consumption on the Premises Licenses*) is amended by replacing Section 4-199 with the following language:

- (a) It shall be unlawful for any alcohol beverages to be sold by the package from premises licensed for consumption on the premises except as set forth herein.
- (b) The prohibition of sales of packaged malt beverages shall not apply to breweries except to the extent of the limitations on the maximum ounces that may be sold pursuant to Section 4-26.1(a).
- (c) The prohibition of sales of packaged wine shall not apply to farm wineries.
- (d) The prohibition of sales of packaged distilled spirits shall not apply to distilleries except to the extent of the limitations on the maximum milliliters that may be sold pursuant to Section 4-26.2(a).

Section 13. Article VII (*Requirements for Consumption on the Premises Licenses*) is amended by replacing Section 4-200(a) with the following language:

- (a) All alcohol beverages sold or otherwise dispensed by consumption on the premises licensees shall be consumed only on the licensed premises except as permitted under O.C.G.A. § 3-6-4 governing the removal of one unsealed bottle of wine per patron, O.C.G.A. § 3-5-24.1 governing the consumption off premises of malt beverages sold by breweries, O.C.G.A. § 3-4-24.2 governing the consumption off premises of distilled spirits sold by distilleries, or under Section 4-199(b). It shall be unlawful for any person to remove from the licensed premises any alcohol beverages sold for consumption on the premises except as permitted under O.C.G.A. § 3-6-4, O.C.G.A. § 3-5-24.1, O.C.G.A. § 3-4-24.2, or Section 4-199(b), and it shall be unlawful for the licensee to permit any person to remove from the licensed premises any alcohol beverages sold for consumption on the premises except as permitted under O.C.G.A. § 3-6-4, O.C.G.A. § 3-5-24.1, O.C.G.A. § 3-4-24.2, or Section 4-199(b). The licensee shall be responsible for ensuring that no person removes any alcohol beverages from the premises in any type of container except as permitted under O.C.G.A. § 3-6-4 or alcohol beverages sold in sealed containers designated for consumption off premises.

Section 14. All ordinances or parts of ordinances in conflict with this ordinance are hereby repealed.

Section 15. If any section, clause, sentence or phrase of this ordinance is held to be invalid or unconstitutional by any court of competent jurisdiction, then said holding shall in no way effect the validity of the remaining portions of this ordinance.

Section 16. This ordinance shall become effective immediately upon its adoption by the Council of the City of Chattahoochee Hills, Georgia.

SO ORDAINED AND EFFECTIVE this 5th day of March, 2019.

Additional Information

Public Hearings Procedures/Zoning Hearing Procedures Statement for Chatt Hills

Public hearings are held for the purposes of receiving citizen input on a particular item such as public improvement projects, ordinances, zoning changes, special exceptions to zoning, a proposed budget, annexation, closure of an alleyway, reading of a new ordinance, and text amendments to land development or zoning regulations. The following procedures for Chattahoochee Hills was provided by the City Clerk.

The Mayor will allow each side equal opportunity to the floor and establish time limits for this public hearing. If you desire to speak in support of, or in opposition to the item, you must fill out a public comment card and turn it into the City Attorney. Those called to speak will be taken in the order that the speaker cards were received by the City Attorney. All speakers should identify themselves by name, address, and organization, if applicable, before beginning their presentation. In this case, each side will have 10 minutes to present their case.

The applicant, and all of those speaking in support of the application, will speak first. The applicant may choose to save some of the allotted time for rebuttal following the presentation by the opposition.

Those opposing the issue will speak next. If any time remains, the opposition will be allowed to rebut the final remarks made by the applicant.

Following the presentations by the applicant, those speaking in support of the application and those opposing the application, the City staff shall present its position.

The City Clerk will keep track of time and will inform you when your allotted time has expired.

During the public hearing, members of the City Council shall listen to the presentation made by all those who speak. No action on their part is in order until the Mayor declares the public hearing complete.

In addition, the applicant shall not submit new material to the City Council during the meeting unless requested to do so by a Council Member. All material which the applicant wishes to be considered shall be submitted to the City Planner prior to the meeting so that the material may be included in the normal distribution of packages to the Council.

[Read the following paragraph in a rezoning public hearing]

Finally, in a rezoning matter, the applicant and any person who desires to speak during the public hearing who has contributed campaign contributions totaling \$250.00 or more to any member of the Mayor and Council, he or she shall disclose such contributions prior to speaking during the public hearing. Failure to disclose such campaign contributions constitutes a misdemeanor.

Mayor and City Council

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