

**STATE OF GEORGIA
COUNTY OF CHEROKEE**

RESOLUTION NO. 2021-R-072

A RESOLUTION OF THE CHEROKEE COUNTY BOARD OF COMMISSIONERS TO APPROVE A COUNTY RESIDENCY REQUIREMENT WAIVER FOR A BEER & WINE LICENSE FOR PHOENIX SENIOR LIVING CENTER, LLC; AND FOR OTHER PURPOSES.

WHEREAS, Phoenix Senior Living Center, LLC is a business that desires to obtain a beer and wine license/liquor license/Sunday sales permit at 9651 Union Hill Road, Canton, Georgia 30115; and

WHEREAS, the facility is a senior assisted living center; and

WHEREAS, Section 6-12 (b) of the Cherokee County Code of Ordinances requires that the registered agent of an LLC applying for a beer/wine license be a resident of the County in order to qualify for such licensure; and

WHEREAS, the owner and managing member of the facility is Jesse Marinko, who is a resident of Cobb County, Georgia; and

WHEREAS, Mr. Marinko has requested a waiver for such County residency requirement in order to continue to operate the business and be allowed an alcohol license; and

WHEREAS, the Board finds that such residency waiver is warranted under these circumstances in order to allow Mr. Marinko to continue to operate his business and receive a permit for alcohol sales; and

WHEREAS, a copy of the waiver request and the application submitted by Mr. Marinko has been attached hereto for review and reference purposes; and

[this portion left intentionally blank]

NOW, THEREFORE, BE IT RESOLVED by the Cherokee County Board of Commissioners, and it is hereby so resolved by the authority of the same, that the Board of Commissioners does hereby approve the waiver of the County residency requirement under the Cherokee County Code of Ordinances (Section 6-12b) in order to allow the application of Phoenix Senior Living Center, LLC (Jesse Marinko) to be processed in accordance with the remaining terms of the ordinance.

SO RESOLVED, APPROVED, AND ADOPTED this 19th day of October, 2021.

By:



HARRY B. JOHNSTON, Chairman

Attest:



CHRISTY BLACK, County Clerk

(SEAL)



Kathryn L. Parker

From: Jesse Marinko <Jesse.Marinko@phoenixsriving.com>
Sent: Wednesday, October 13, 2021 10:37 AM
To: Kathryn L. Parker
Cc: Scot Burton; Teri Seckington
Subject: [EXTERNAL] The Phoenix at Union Hill Liquor License

I have applied for a liquor license in Cherokee County as licensee on behalf of Phoenix Senior Living LLC, which I own and control. I am not a Cherokee County resident. The email is a request to waive the residency requirement under local statute for the licensee/applicant. Thank you for your consideration and let me know if you need anything further.

Jesse Marinko CEO/Founder



Phoenix Senior Living
10933 Crabapple Road | Roswell, GA, 30075
O: 678-214-2900
E: jesse.marinko@phoenixsriving.com
[\[facebook.com\]](#) [\[linkedin.com\]](#)





CHEROKEE COUNTY ALCOHOLIC BEVERAGE LICENSE

Date Received: 10/12/2021

License Number: LC20210000708

DEVELOPMENT SERVICE CENTER

1130 Bluffs Parkway
Canton, GA 30114

Phone: 770-721-7810
E-mail: dsc@cherokee.ga.gov
Visit our website www.cherokee.ga.gov
For more information



Fees

- | | |
|--|--|
| <ul style="list-style-type: none"> ◆ Beer and Wine or Liquor License <u>Application</u> - \$300.00 ◆ Beer and Wine License - \$750.00 ◆ Liquor License - \$3,000.00 | <ul style="list-style-type: none"> ◆ Sunday Sales Permit - \$500.00 ◆ Ancillary Wine Tasting License - \$100.00 ◆ Manager's Permit - \$100.00 |
|--|--|

INSTRUCTIONS:

Every question must be fully and correctly answered. When completed, the application must be dated, signed and verified under oath by the applicant. Applications must be filed with the Development Service Center, together with all supporting documentation and appropriate fees.

Type of Application

- | | |
|---|--|
| <input checked="" type="checkbox"/> New Beer and Wine License
<input checked="" type="checkbox"/> New Liquor License
<input checked="" type="checkbox"/> Sunday Sales Permit
<input type="checkbox"/> Change of Licensee | <input type="checkbox"/> Ancillary Wine Tasting Permit
<input type="checkbox"/> Wholesaler
<input type="checkbox"/> Other Changes Describe: _____
_____ |
|---|--|

Type of License

- | | |
|--|---------------------------------|
| <input checked="" type="checkbox"/> Consumption <u>on</u> premises | <input type="checkbox"/> Retail |
|--|---------------------------------|

Business Information

1. Business License No: OTC20210003275
2. Trade name of business for which license is applied: Phoenix Senior Living, LLC
3. Business Name and Store Number: The Phoenix at Union Hill
4. Street Address: 9651 Union Hill Road
 City: Canton State: GA Zip Code 30115
5. Mailing Address: 10933 Crabapple Road
 City: Roswell State: GA Zip Code 30075
6. Phone Number: (678) 214-2900
7. Fax Number: _____
8. E-mail Address: _____
9. Web Address: _____

10. Name and address of each person, firm and corporation having any ownership interest in business and the amount of such interest:

Jessie Marinko	3425 N. Hembree Road, Marietta, GA 30062	50%
Name	Residence	Interest
Nicholas Kavadellas	511 Walkers Ridge Court, Woodstock, GA 30189	50%
Name	Residence	Interest
Name	Residence	Interest
Name	Residence	Interest
Name	Residence	Interest

11. How much of the capital of this business is borrowed and from: (Attach exhibits if necessary)

\$0 - N/A		
Amount	Lender	Interest
Amount	Lender	Interest
Amount	Lender	Interest

12. (A) Will this business be owned by the applicant as a sole proprietorship? (Circle) Yes No

(B) If this business will be owned in whole or in part by a partnership, or corporation, list the members of such organization and give their address, state and county of their legal residence, and the amount of their interest.

Jesse Marinko	3425 N. Hembree Road, Marietta, GA 30062	50%
Name	Address	Interest
Nicholas Kavadellas	511 Walkers Ridge Court, Woodstock, GA 30189	50%
Name	Address	Interest

13. Does any person or organization listed in questions 1, 3, 4 or 5 have any financial interest whatsoever in any other business selling distilled spirits, wine or beer either in this state or any other state? If so, list the name of such person or organization and such other business together with the location of the business and the amount and type of interest.

No

14. What has been your occupation for the past five (5) years? (Give detailed list)

CEO/Owner of Phoenix Senior Living (2015 - Present)

15. What is the name of the person who, if the license is granted, will be the active manager of the business and on the job at the store?

Corey Goldsberry, Adam Kimball, Carlos Vasquez

16. If the license is a partnership, state when and where the partnership was organized, or if the licensee is a corporation, state name and address of corporation, when and where incorporated, and the names and addresses of the officers and directors.

Phoenix Senior Living, LLC, 10933 Crabapple Road, Roswell, GA 30075; Date of formation - 12/10/2010, Georgia

Jesse Marinko, 3425 N. Hembree Road, Marietta, GA 30062

Nicholas Kavadellas, 511 Walkers Ridge Court, Woodstock, GA 30189

17. (A) Is the applicant and/or license holder the owner of the building where business is to be conducted?

- Yes
 No

(B) Are you also the owner of the land?

- Yes
 No

(C) If your answer is "NO", to either question, state whether you lease, sub-lease, and/or rent the building and whether you lease, or sub-lease the land or both.

Management agreement

18. State the full name and address of the owner of the building and the name and address of the owner of the land and the name and address of all lessors and sub-lessors and attach copies of all lease agreement.

PSI Union Hill Prop, LLC, 10933 Crabapple Road, Roswell, GA 30075

19. Has the applicant and/or license holder entered into an agreement or contract with either the owner or owners, lessors and sub-lessors for either the building or land or both, which provides for the payment of rent on a percentage or profit sharing basis? (Circle) Yes No

20. Do you or does your spouse or does any member of your family own any interest in any retail store selling spirituous liquors? (Circle) Yes No

Relationship _____
If so, list information as to the Interest involved, location, relationship, etc.

21. Has the applicant or individual having and interest either as owner, partner or stockholder been convicted or entered a plea of nolo contendere within 10 years immediately prior to the filing of this application for any felony or misdemeanor of any state or of the United States or for any municipal ordinance except traffic violations?

- Yes
 No

If the answer is yes, describe in detail and give dates. _____

22. Have you within 10 years immediately prior to the filing of this application, been convicted or entered a plea of nolo contendere on any charge of tax evasion?

- Yes
 No

If the answer is yes, state the offense and the disposition of the case. _____

23. Has the spouse of the applicant or the spouse of any individual having an interest either as owner, partner or stockholder been convicted or entered a plea of nolo contendere within 10 years immediately prior to the filing of this application for any felony or misdemeanor of any state or of the United States or for any municipal ordinance except traffic violations? If the answer is yes, describe in detail and give dates.

No

24. Has the applicant or any individual having an interest either as owner, partner or stockholder, or a spouse of such individual, been found guilty of violating the regulations of any city, state or federal regulatory agency.

No

25. Have you or your spouse any financial interest in an wholesale liquor business? If so, give details.

No

26. What is the straight line distance in lineal feet from your store to the nearest:

- A. School Ground 10,417 feet
- B. Public Library _____
- C. Church Property 1,569 feet
- D. Residential Property 1,848 feet

27. Name the manager of the business for which this application is filed and state how he is compensated.

Adam Kimball, 72 Green Farm Street, Jasper, GA 30143, Salary
Name Address

Adam Goldsberry, 251 Brigadier Court, BallGround, GA 30107, Salary
Compensation

Antonio Vasquez, 4745 Marco Lane, Cumming, GA 30028, Salary

28. List all other liquor, beer or wine business that your general manager is interested in, employed by, or associated with, in any way whatsoever.

N/A
Name Address

Type, interest and amount

29. Is any non-resident of the state of Georgia interested in the operation of this business in any way whatsoever?

No
Name Address Interest

Name Address Interest

Name Address Interest

30. Has any place of business engaged in the sale of distilled spirits, wine or beer with which you have been associated ever been cited or charge at any time with any violation of Georgia law or federal law or municipal law or any rule or regulation or ordinance concerning the sale of such products?

No
Date Authority Issuing Citation Violation Alleged Result

Date Authority Issuing Citation Violation Alleged Result

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Date Authority Issuing Citation Violation Alleged Result

31. List all owners of property zoned residential within 300 feet (if applying for consumption off the premises); 600 feet (if applying for consumption on the premises - restaurant) 1000 feet (if applying for consumption on the premises - lounge) of proposed location. Use additional pages if necessary.

N/A	Name	Address
	Name	Address
	Name	Address
	Name	Address

32. How long has business for which license is applied been in operation? September 2020

33. I have attached a fingerprint card, which are true and correct for this application.

- Yes Initials N/A
- No Initials _____

34. I have attached certified zoning certification.

- Yes Initials JM
- No Initials _____

INITIAL HERE

As applicant and/or license holder, I have read the Ordinance of Cherokee County relating to Alcoholic Beverage Licenses issuance and all amendments pertaining to the Ordinance governing the sale of Alcoholic Beverage in Cherokee County, Georgia.

Jesse Marinko
Signature Jesse Marinko

SIGN HERE

Verification

I, Jesse Marinko, applicant, do solemnly swear, subject to criminal penalties for false swearing, that the statements and answers made by me to the foregoing questions in this application for a County of Cherokee license as a dealer in alcoholic beverages, are true, and no false or fraudulent statement or answer is made therein to procure the granting of such license.



Applicant's Signature
(full name signed in ink)

SIGN HERE

I certify that Jesse Marinko has provided me with proper documentation as verification of his/her identity; documentation being: drivers license. I also certify that he/she signed his/her name to the foregoing application after stating to me that he/she knew and understood all statements and answers made therein, and under oath actually administered by me, has sworn that said statements and answers are true.

This 10th day of August, 2021.

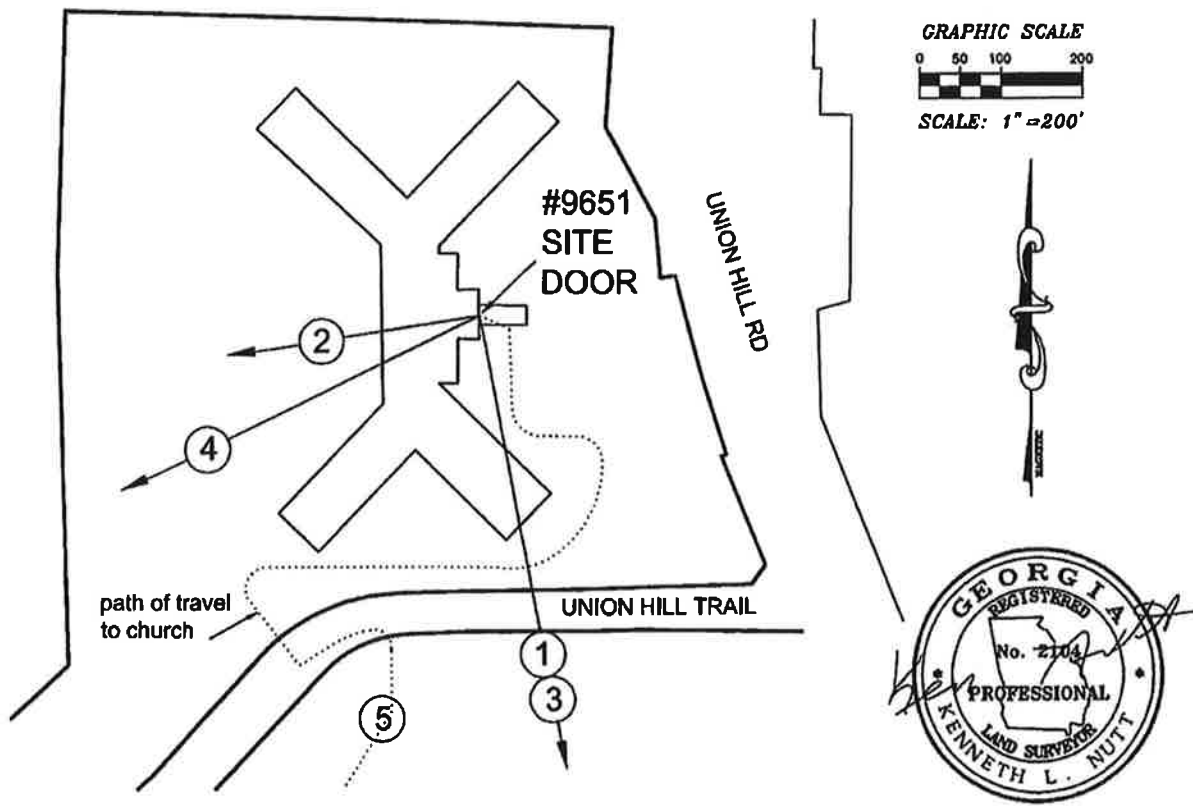
(Affix Seal)




Notary Public

The following distances were measured in accordance with regulations specified in the current Cherokee County ordinance in Feet Distances shall be measured in lineal feet by the most direct route of travel as follows:
 Consumption on premises restaurant; shall be measured from any door of customer entry of the proposed premises of a license by the shortest route along a public thoroughfare (street, alley or sidewalk); as the traffic or pedestrian flows; to the nearest door of entry of any school, church, college or day care.
 All other; shall be measured from any door of customer entry of the proposed premises of a license by the shortest route along a public thoroughfare (street, alley or sidewalk); as the traffic or pedestrian flows; to the property line of the tract on which is located the school ground, church, college campus or day care.

- 1.) Nearest School Building: 10,417 feet +/- to Avery Elementary School @ 6391 E Cherokee Dr, Canton, GA
- 2.) Nearest Hospital: 26,928 feet +/- to Kaiser Permanente Health Care @ 450 Northside Cherokee Blvd, Canton, GA
- 3.) Nearest Daycare: 9,504 feet +/- to Dogwood Hills KinderCare @ 8039 Union Hill Rd, Canton, GA
- 4.) Nearest Residential property: 1,848 feet +/- to 1118 Forest Creek Dr, Canton, GA
- 5.) Nearest Church Building: 1,569 feet +/- to Revolution Church @ 125 Union Hill Trl, Canton GA



Job #: 008321 9651 Union Hill

TIN: 14N29 139 C
 PIN: 03-1007-0003

9651 Union Hill Rd
 Land Lots 937,938,1007,1008, 2nd District
 Canton, Cherokee County
 Georgia, 30115

Alcohol Permit Exhibit for:

Phoenix Senior Living, LLC
 d/b/a
The Phoenix at Union Hill



Perimeter Surveying Co., Inc.
 All Your Surveying Needs!
 1055 Sandtown Road, SW, Marietta, GA, 30008
 Phone: (770)425-6824 | Fax: (770)425-8768 | kencoper@aol.com
 Kenneth L. Nutt, Ga. R.L.S. #2104, OAM LSF001223

Party Chief: KN
 Date Surveyed: 08/06/2021
 Date Drawn: 08/09/2021

Computed by: JF
 Drawn by: JF
 Checked by: KN

REFERENCES

Plat Bk: 118 Pg. 1447
 Deed Bk. 14279 Pg. 2304