

RESOLUTION NO. 32003

A RESOLUTION APPROVING A NEW SPECIAL
EXCEPTIONS PERMIT FOR A NEW LIQUOR STORE
LOCATED AT 5506 HIXSON PIKE.

WHEREAS, VNB Corporation d/b/a Vine and Barrel have applied to operate a liquor store as a lessee of property located at 5506 Hixson Pike, Chattanooga, Tennessee, owned by Larry Crane.

WHEREAS, the property located at 5506 Hixson Pike is zoned C-2 Convenience Commercial Zone which allows the operation of a liquor store upon issuance of a Special Exceptions Permit, as more particularly described in the attached report by the Chattanooga-Hamilton County Regional Planning Agency.

NOW, THEREFORE,

SECTION 1. BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that VNB Corporation d/b/a Vine and Barrel are hereby granted a New Special Exceptions Permit for an existing liquor store on property located at 5506 Hixson Pike, Tax Map No. 100K-B-008.02.

ADOPTED: March 12, 2024

KCM/mem

Chattanooga-Hamilton County Regional Planning Agency
Proposed Liquor Store Site Review: 5506 Hixson Pike (Tax Map 100K-B-008.02) – Vine and Barrel (Changing Owners)
2/13/2024

Based on Chapter V, Sec. 5-109(b) of Chattanooga City Code:

- (b) The planning staff of the Chattanooga-Hamilton County Regional Planning Commission shall conduct an analysis of the proposed liquor store site which will include, but shall not be limited to, the following:
- (1) A land use survey of the surrounding development;
 - (2) Off-street parking and loading facilities;
 - (3) Proposed points of access and ease of ingress and egress;
 - (4) The lot, yard and open space requirements; and
 - (5) Whether a traffic hazard will be created.

Based on Chapter V, Sec. 5-109(c) of the Chattanooga City Code:

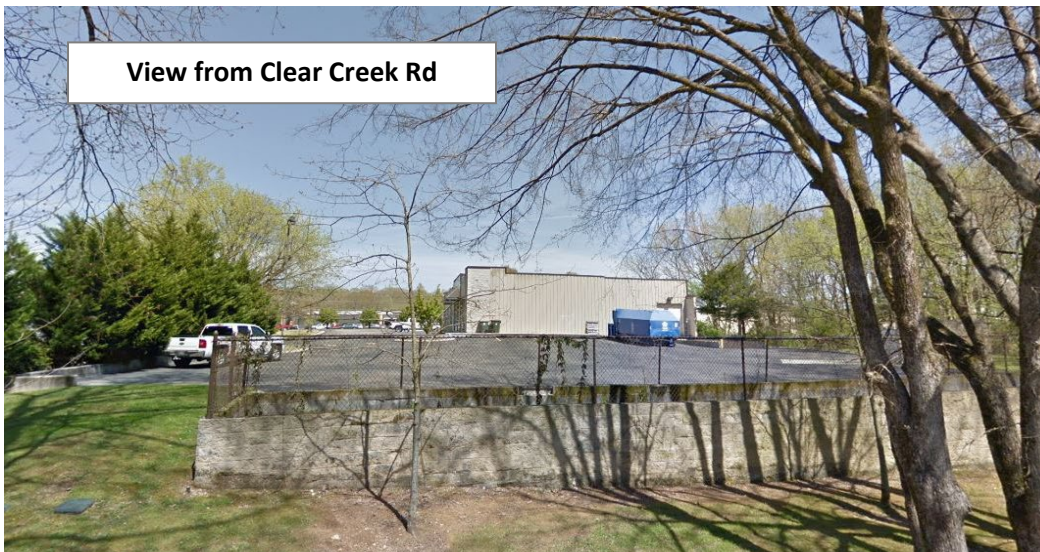
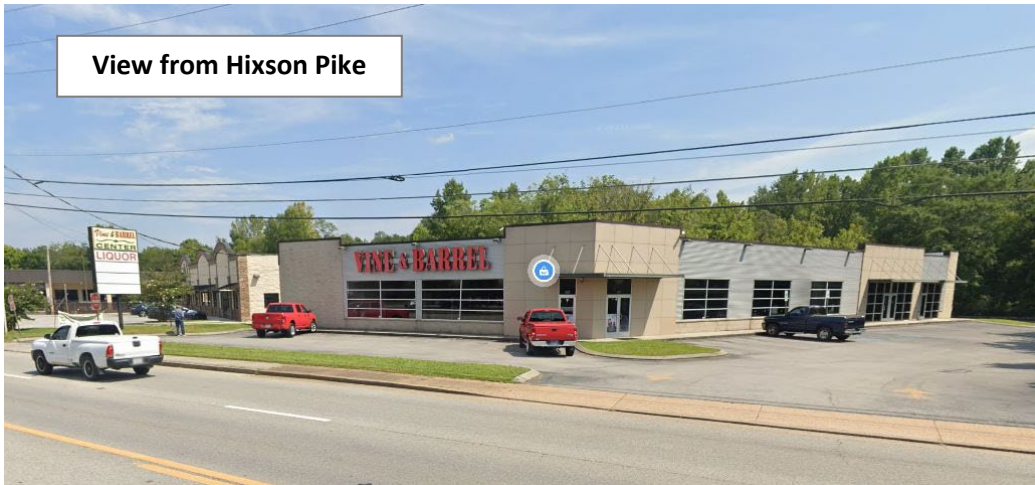
- (c) The Executive Director shall submit the findings of the staff of the Chattanooga-Hamilton County Regional Planning Commission to the City Council for consideration and action. This report is to include, but is not limited to, the following areas of concern:
- (1) The probable effect on the property adjacent to the site under consideration.
 - (2) The consistency of the proposal with the intent and purpose of this article to promote the public health, safety, morals and general welfare.
 - (3) Additional requirements which are needed in order to make the development more compatible with the surrounding land use.

The following are the RPA’s key findings for this site:

1. The proposed site for the liquor store is located at 5506 Hixson Pike. The building was formerly occupied by a liquor store, “Vine and Barrel” and the ownership of the liquor store changed requiring a new liquor license.



The proposed site is pictured below:

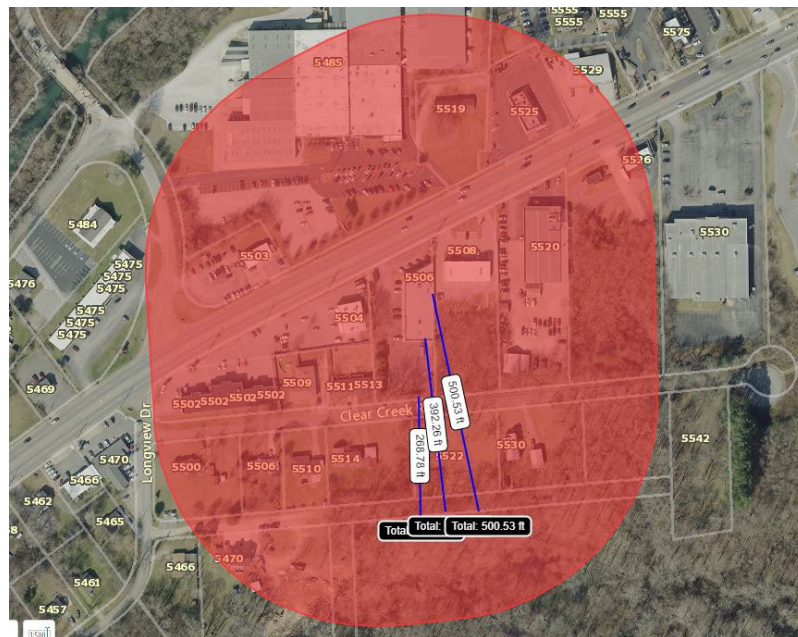


2. The probable effect on the property adjacent to the site under consideration.

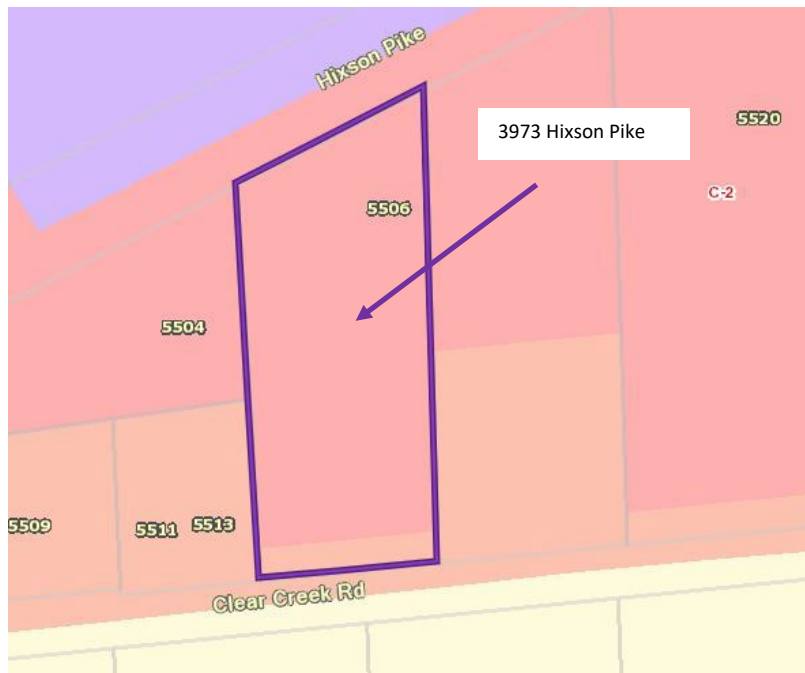
▪ RPA response:

- a. The applicant is leasing the building located at 3973 Hixson Pike. Adjacent land uses include the following:
 - North: Industrial
 - South: Single-Unit Residential and Vacant
 - East: Commercial
 - West: Commercial & Multi-Unit Residential
- b. Off-street parking and loading facilities: The site has an existing parking lot with approximately 25 parking spaces.
- c. Points of access and ingress/egress: The site has a parking lot with two curb cuts for ingress/egress on Hixson Pike.
- d. The lot, yard and open space requirements: There is no minimum lot size for commercial uses in the C-2 Convenience Commercial Zone.

- e. Whether a traffic hazard will be created: The site is an existing commercial building with curb cuts on Hixson Pike.
- f. Based on Sec. 5-108 Location and signs for liquor stores, distance requirements for parks, places of worship, schools, day care centers and other liquor stores apply to properties zoned C-2 Convenience Commercial:
 - Sec. 5-108. - Location and signs for liquor stores.
 - a) **No lot proposed for a liquor store site may be located within five hundred (500) feet from the nearest property line of a site which is used for the purpose of a recreational park (ornamental parks are not to be considered in this requirement), place of worship, school (an academic learning center whether public or private, from the level of nursery through twelfth grade), day care center or other liquor store.** Measurement shall be made from the nearest property line of the applicant's premises to the nearest property line of the above-mentioned uses. Measurements for leased premises shall be measured from the property line of the applicant to the nearest property line of the above mentioned uses measured on a straight line basis. For purposes of this subsection, the applicants' property line on leased premises shall be construed to be the nearest point of a leasehold line.
 - b) The distance prohibition set forth in Subsection (a) shall not apply to a retail license or permit for the sale of wine and/or high alcohol content beer as defined by T.C.A. § 57-3-101 within the area zoned C-3 Central Business Zone or within the area zoned pursuant to the Downtown Form-Based Code (City Code Chapter 38, Article XVI).
- o The proposed liquor store is located in an existing building with a liquor store, and the property is zoned C-2 Convenience Commercial Zone with conditions; therefore, the distance prohibition applies. **An RPA field review indicates there is a church within 500' from liquor store property line to the church property line. However, the leased area of the liquor store appears to be located outside the 500' buffer requirement. See map below.**



3. The consistency of the proposal with the intent and purpose of this article to promote public health, safety, morals and general welfare.
- RPA response:
 - a. The site is zoned C-2 Convenience Commercial Zone with conditions (see zoning map below). The conditions were approved as part of rezoning the site from R-2 Residential Zone to C-2 Convenience Commercial Zone in 1987 (Ordinance #8001). The conditions are listed below:
 - Property being graded as fill material is placed to prevent runoff from reaching adjacent properties. Fill material shall not be placed in a manner that will obstruct runoff from adjacent properties. The surface of the filled area shall be sloped towards the center of the property from the north, east, and west sides, and a minimum of 20 feet side swale shall be provided to drain all runoff to the south of the property. Fill material shall not be placed or other construction work permitted on the south 20-foot strip of the property. Bales of straw shall be placed, and staked if necessary, at the toe of the south fill slopes in areas that water runs over the fill slope. All grading necessary to comply with this zoning restriction shall be performed within 30 days of written notice of non-compliance by the City or the City shall perform the work at the property owner's expense.
 - b. The site was required to meet this zoning condition during the time of site development and permitting.
 - c. Liquor stores are listed as a use permitted as Special Exceptions by the City Council.



4. There are no additional requirements that are recommended to make the development more compatible with the surrounding land use.