

W. Stuart Wood, Kimberly J.
Wood, and Abdon Vazquez
District 7

RESOLUTION NO. 31322

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS
PERMIT FOR A NEW LIQUOR STORE LOCATED AT 3933 ST.
ELMO AVENUE.

WHEREAS, Matt Olson Enterprises d/b/a Scenic City Wine has applied to operate a liquor store as a lessee of property located at 3933 St. Elmo Avenue owned by W. Stuart Wood, Kimberly J. Wood, and Abdon Vazquez; and

WHEREAS, the property located at 3933 St. Elmo Avenue 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 Matt Olson Enterprises d/b/a Scenic City Wine is hereby granted a Special Exceptions Permit for a new liquor store on property located at 3933 St. Elmo Avenue, Tax Map No. 155O-E-010.

ADOPTED: October 4, 2022

KCM/mem

Chattanooga-Hamilton County Regional Planning Agency
Proposed Liquor Store Site Review: 3933 St. Elmo Avenue (Tax Map 1550-E-010) – Scenic City Wine
08/15/2022

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

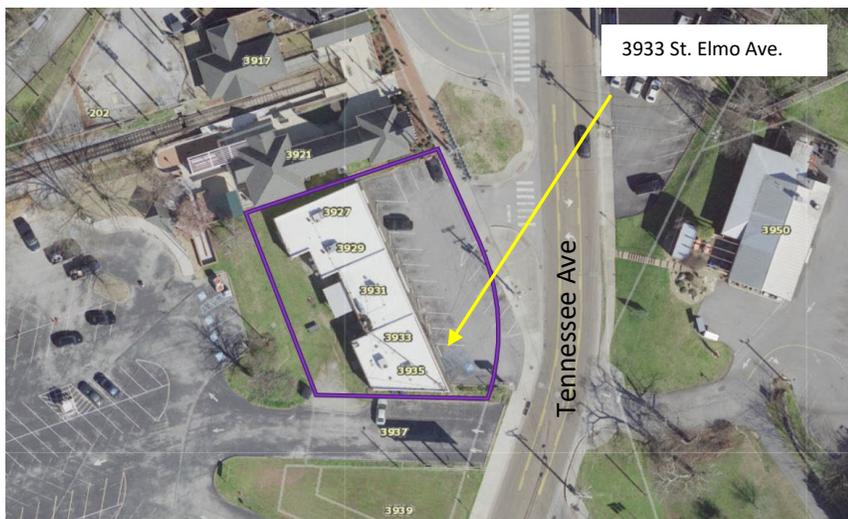
- (b) The planning staff of the Chattanooga-Hamilton County Regional Planning Commission shall conduct an analysis of the proposed liquor store site which will include, but shall not be limited to, the following:
- (1) A land use survey of the surrounding development;
 - (2) Off-street parking and loading 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 3933 St. Elmo Ave. The building is a mixed-use development with commercial and residential.



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 a portion of the property located at 3393 St Elmo Ave. Adjacent land uses include the following:
 - North: Commercial
 - South: Vacant
 - West: Lookout Mountain Incline Railway Parking Lot
 - East: Restaurant/Commercial
- b. Off-street parking and loading facilities: The site contains a parking lot in front of the building with approximately 18 parking spaces. There also is a large parking lot to the west of the site for the Incline Railway.
- c. The Chattanooga Department of Transportation has no concerns or comments.
- d. Proposed points of access and ease of ingress and egress: The site has a parking lot with a curb cut for ingress/egress off Tennessee Ave.
- e. The lot, yard and open space requirements: There is no minimum lot size for commercial uses in the C-2 Convenience Commercial Zone.
- f. Whether a traffic hazard will be created: The site is an existing commercial building with access to Tennessee Ave.
- g. The Development Review and Permitting Office has no concerns or comments.
- h. 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:

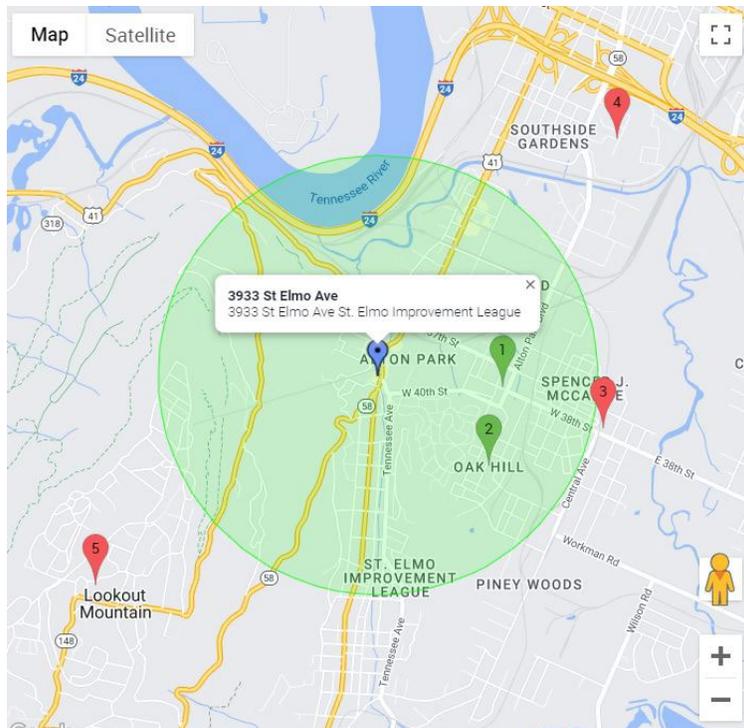
Sec. 5-108. - Location and signs for liquor stores.

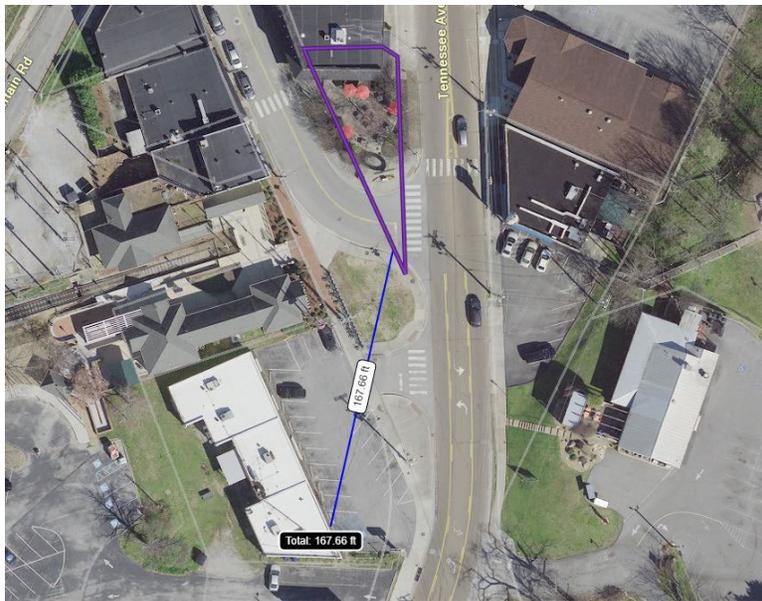
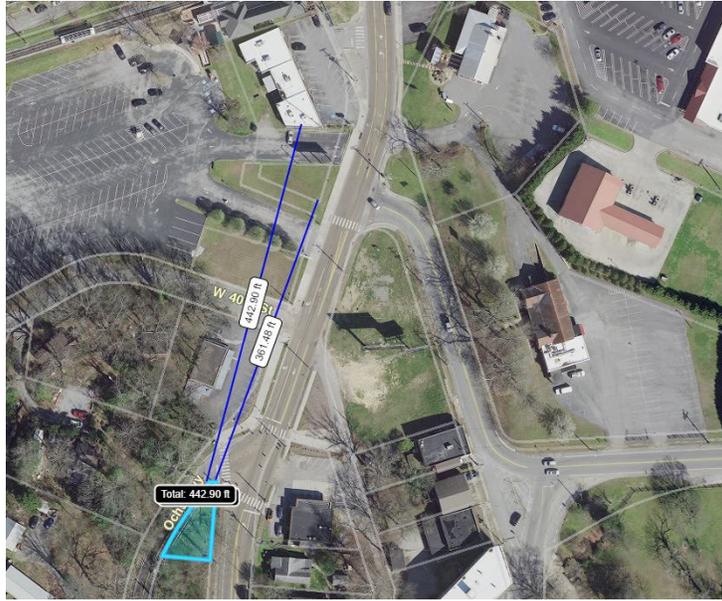
(a) **No lot proposed for a liquor store site may be located within five hundred (500) feet from the nearest property line of a site which is used for the purpose of a recreational park (ornamental parks are not to be considered in this requirement), place of worship, school (an academic learning center 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.

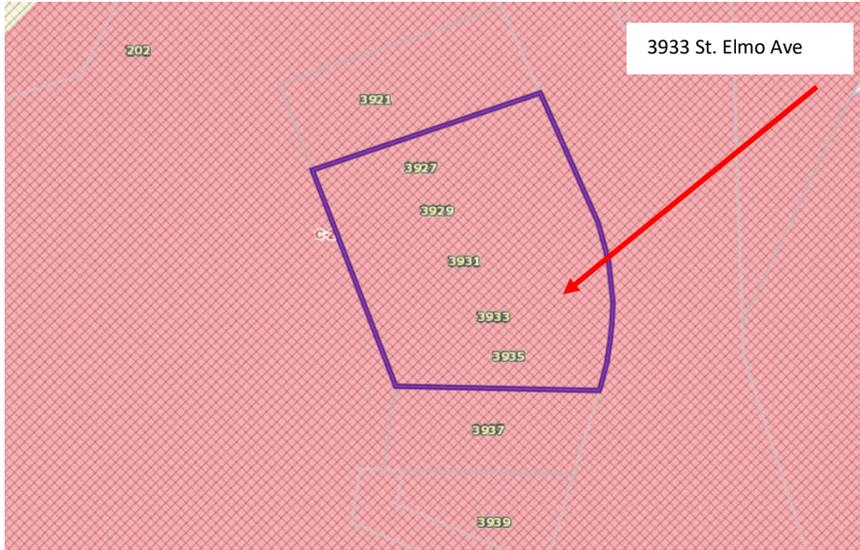
(b) The distance prohibition set forth in Subsection (a) shall not apply to a retail license or permit for the sale of wine and/or high alcohol content beer as defined by T.C.A. § 57-3-101 within the area zoned C-3 Central Business Zone or within the area zoned pursuant to the Downtown Form-Based Code (City Code Chapter 38, Article XVI).

- The proposed liquor store property is zoned C-2 Convenience Commercial Zone; therefore, the distance prohibition applies. An RPA field review indicates there are no school, recreational parks, places of worship or other liquor store within 500' of St Elmo Ave. See school and daycare map below. The green circle indicates a mile radius.
- It should be noted that the City of Chattanooga owns property within 500' of the leased area but the City is not currently using this property as a recreational park. It is being used as right-of-way features including landscaping, outdoor seating and public art. See aerial maps below.





3. The consistency of the proposal with the intent and purpose of this article to promote the public health, safety, morals and general welfare.
 - RPA response:
 - a. The site is zoned C-2 Convenience Commercial Zone (see zoning map below) with no conditions.
 - b. Liquor stores are listed as a use permitted as Special Exceptions by the City Council.



3. Additional requirements which are needed in order to make the development more compatible with the surrounding land use.
 - No additional requirements are suggested.