Hamilton Realty LLC
District 6

RESOLUTION NO. 31662

A RESOLUTION APPROVING A NEW SPECIAL EXCEPTIONS PERMIT FOR AN EXISTING LIQUOR STORE LOCATED AT 7022 SHALLOWFORD ROAD.

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WHEREAS, Om Guru Krupa, LLC, d/b/a Ronnie's Wine and Spirits have applied to operate a liquor store as a lessee of property located at 7022 Shallowford Road owned by Hamilton Realty, LLC.

WHEREAS, the property located at 7022 Shallowford Road 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 Om Guru Krupa, LLC, d/b/a Ronnie's Wine and Spirits are hereby granted a new Special Exceptions Permit for an existing liquor store on property located at 7022 Shallowford Road, Tax Map No. 148E-B-008.

ADOPTED: June 13, 2023

KCM/mem

Chattanooga-Hamilton County Regional Planning Agency
Proposed Liquor Store Site Review: 7022 Shallowford Rd (Tax Map 148E-B-008) – Om Guru Krupa
05/25/2023

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 7022 Shallowford Rd. There is an existing liquor store at this location, Ronnie's Wine and Spirits, that has been in operation for more than twenty years.
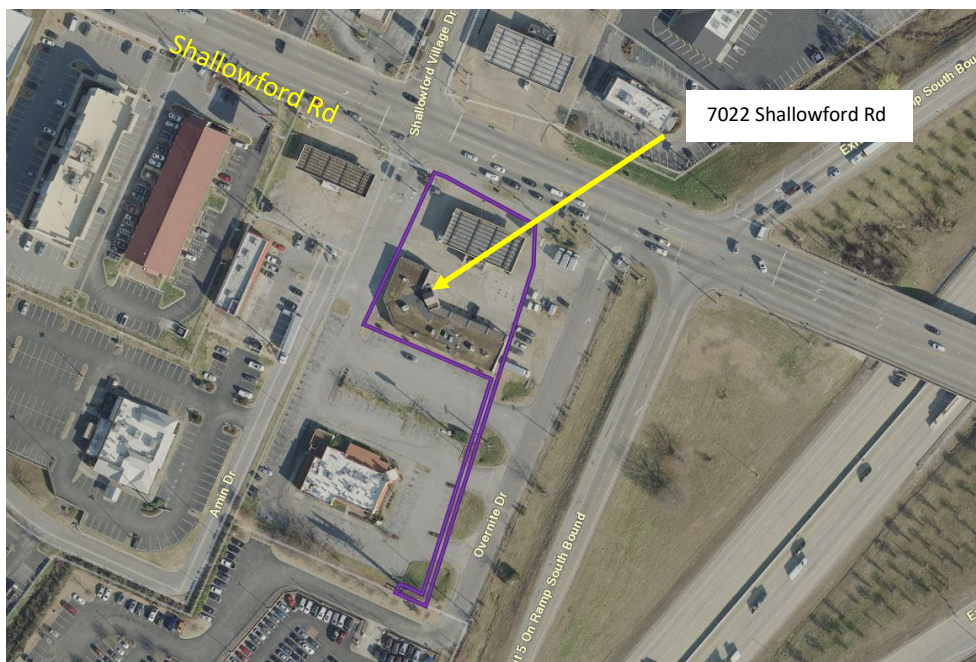
The site proposed for the use is pictured below:

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

- RPA response:
   a. The applicant is leasing property located at 7022 Shallowford Rd. Adjacent land uses include the following:
      - North: Commercial
      - South: Commercial
      - East: I-75
      - West: Commercial
   b. Off-street parking and loading facilities: The site contains an on-site parking lot with approximately 48 lined parking spaces. The building is approximately 7,800 sq. ft. in size and requires 8 parking spaces. The liquor store building shares a property with a convenience store, and the total amount of square footage for both buildings is 9,310 sq. ft. according to the Hamilton County Tax Assessor's Office. Therefore, the total amount parking for the entire site is approximately 10 spaces so the site exceeds the minimum parking requirements.
   c. Proposed points of access and ease of ingress and egress: The site has a parking lot with a curb cut off Shallowford Rd and curb cut off Overnite Dr.
   d. The lot, yard and open space requirements: There is no minimum lot size for commercial uses in the C-2 Zone.
   e. Whether a traffic hazard will be created: The Chattanooga Division of Transportation has no comments or concerns.
   f. The Land Development Office has no concerns or comments.
   g. 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.
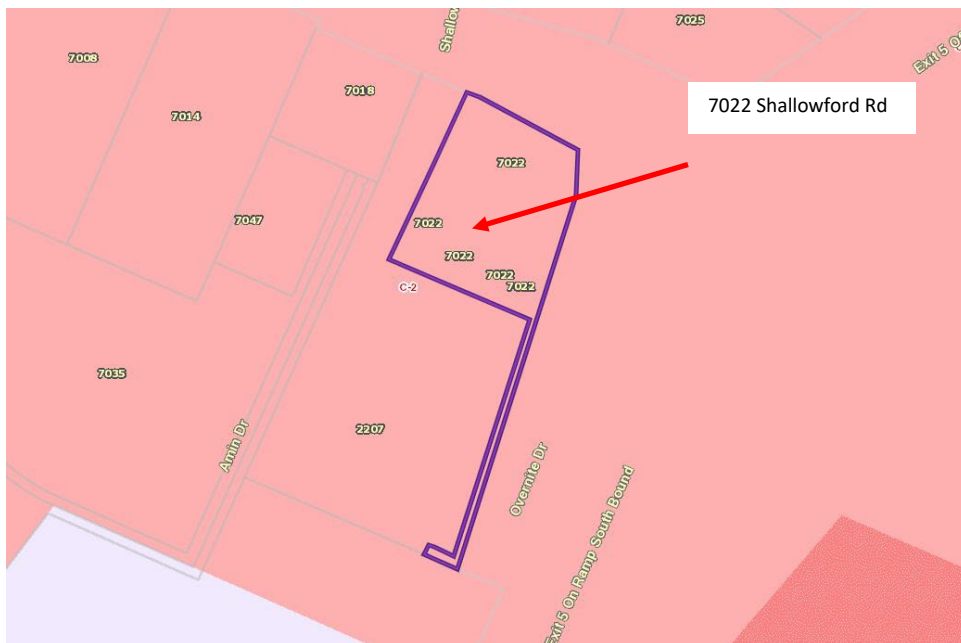
(b)   The distance prohibition set forth in Subsection (a) shall not apply to a retail license or permit for the sale of wine and/or high alcohol content beer as defined by T.C.A. § 57-3-101 within the area zoned C-3 Central Business District or within the area zoned pursuant to the Downtown Form-Based Code (City Code Chapter 38, Article XVI).

- o The proposed liquor store property is zoned C-2 Convenience Commercial Zone; therefore, the distance prohibition applies. **The building meets the distance requirements.**

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 zoning conditions. All adjacent properties are zoned C-2 Convenience Commercial Zone. Liquor stores are listed as a use permitted as Special Exceptions by the City Council.

4. Additional requirements which are needed in order to make the development more compatible with the surrounding land use.
   - None