

Larry Crane  
District 2

RESOLUTION NO. 31919

A RESOLUTION APPROVING A NEW SPECIAL  
EXCEPTIONS PERMIT FOR A NEW LIQUOR STORE  
LOCATED AT 3973 HIXSON PIKE.

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WHEREAS, Brijesh D. Patel d/b/a 423 Liquor & Wine have applied to operate a liquor store as a lessee of property located at 3973 Hixson Pike, Chattanooga, Tennessee, owned by Larry Crane.

WHEREAS, the property located at 3973 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 Brijesh D. Patel d/b/a 423 Liquor & Wine are hereby granted a New Special Exceptions Permit for an existing liquor store on property located at 3973 Hixson Pike Tax Map No.100P-C-001.11.

ADOPTED: January 9, 2024

KCM/mem

**Chattanooga-Hamilton County Regional Planning Agency**  
**Proposed Liquor Store Site Review: 3973 Hixson Pike (Tax Map 100P-C-001.11) – 423 Liquor & Wine**  
**12/01/2023**

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.

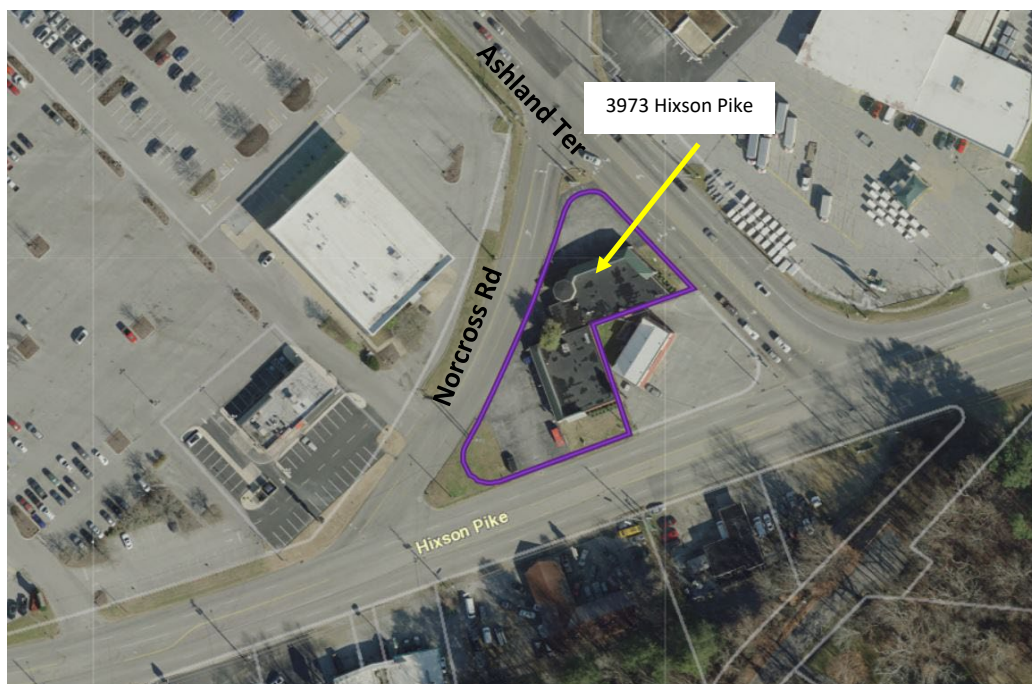
Based on Chapter V, Sec. 5-109(c) of the Chattanooga City Code:

- (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.

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

1. The proposed site for the liquor store is located at 3973 Hixson Pike. The building contains multiple commercial tenants including retail and restaurants.



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: Commercial & Storage
  - South: Commercial
  - East: Commercial
  - West: Commercial
- b. Off-street parking and loading facilities: The site has a parking lot with approximately 12 parking spaces.

- c. Points of access and ingress/egress: The site has a parking lot with two curb cuts for ingress/egress, one of Hixson Pike and one off Norcross Road.
- d. The Chattanooga Department of Transportation may require the parking lot to be restriped for ADA compliance.
- 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 curb cuts on Hixson Pike and Norcross Road.
- g. The Land Development 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 the site so the site is in compliance with the buffer 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).
    - b. Liquor stores are listed as a use permitted as Special Exceptions by the City Council.

