

Joseph G. DeGaetano and
Heather B. DeGaetano
District 2

RESOLUTION NO. 32440

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A BOUTIQUE WINE AND CHEESE SHOP LOCATED AT 50 FRAZIER AVENUE, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, The Cheese Tax LLC d/b/a Pedestrian Wine and Cheese have applied to operate a boutique wine and cheese shop as a lessee of property located at 50 Frazier Avenue owned by Joseph G. DeGaetano and Heather B. DeGaetano.

WHEREAS, the property located at 50 Frazier Avenue is zoned E-SH-4 which allows the operation of a boutique wine and cheese shop 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 The Cheese Tax LLC d/b/a Pedestrian Wine and Cheese are hereby granted a Special Exceptions Permit for a boutique wine and cheese shop on property located at 50 Frazier Avenue, Tax Map No. 135E-D-010, and such permit is subject to the following conditions:

- 1) Shall maintain a Tennessee Agriculture License;
- 2) Shall have an annual minimum of ten (10%) percent of retail sales be non-alcohol, such as food; and
- 3) Retail display space shall not exceed nine hundred (900') square feet.

ADOPTED: March 25, 2025.

KCM/mem/v5

Chattanooga-Hamilton County Regional Planning Agency
Proposed Liquor Store Site Review: 50 Frazier Ave Unit 250 (Tax Map 135E-D-010)- Pedestrian Wine and Cheese
01/28/2024

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 50 Frazier Ave.



The site proposed for the use is pictured below:



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

▪ RPA response:

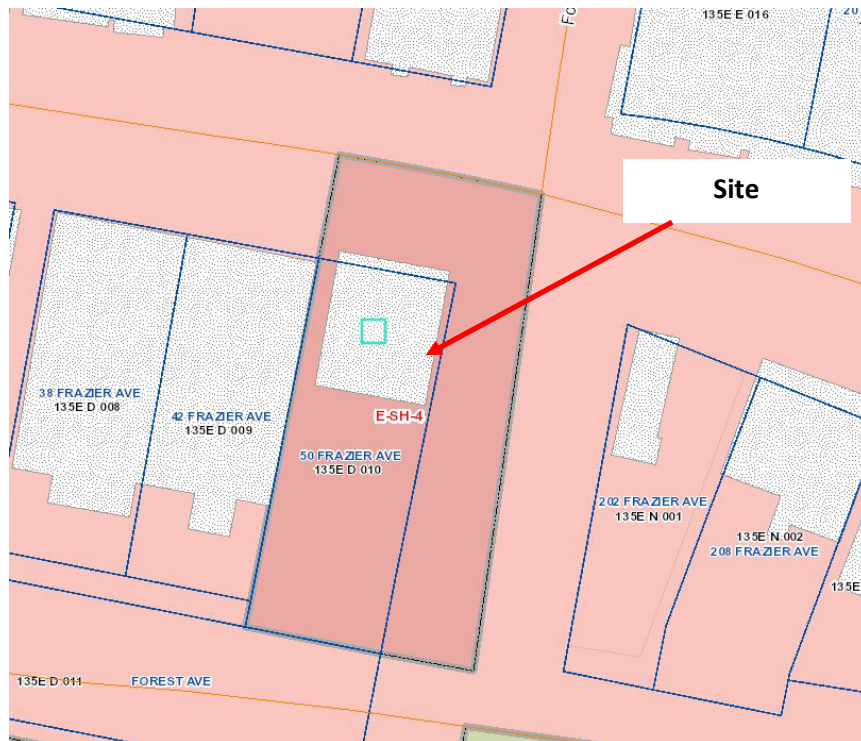
- a. The applicant is leasing a portion of the property located at 50 Frazier Ave. Adjacent land uses include the following:
 - North: Commercial
 - South: Commercial, Coolidge Park & Parking Lot
 - East: Commercial & Walnut St Bridge
 - West: Commercial Parking Lot
- b. Off-street parking and loading facilities: There is street parking along Frazier Avenue and public parking lots in Coolidge Park behind the site.
- c. Proposed points of access and ease of ingress and egress: The site has a pedestrian entrance and street parking along Frazier Ave.
- d. The Chattanooga Department of Transportation has no concerns or comments.
- e. The Land Development Office has no concerns or comments.
- 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 two hundred (200) 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 in the Form Based Code boundary and zoned E-SH-4; therefore, the distance prohibition does not apply.
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 E-SH-4 (see zoning map below) with no zoning conditions. Liquor stores are listed as a use permitted in those zones (permitted as special exceptions by City Council).



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