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RICHARD T. SCRUGHAM, JR.
MATTHEW A. GROSSMAN
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LAW OFFICES
FRANTZ, MCCONNELL & SEYMOUR LLP
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October 12, 2010

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SUITE 500
P.O. Box 39
KNOXVILLE, TENNESSEE 37901

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Metropolitan Planning Commission

Suite 403, City-County Building
400 Main Avenue
Knoxville, TN 37902

Re: Agenda Item #34 – Applicant Charles Richardson

Dear Commission:

This letter is written on behalf of the above Applicant who requests permission to open a small retail wine and spirits store (3,500 square feet) in the Northshore Town Center. City Council has already approved a license for Admiral Wine and Spirits for this location after MPC certified on July 23, 2010 that the site was permitted for retail sales. (A copy is enclosed.)

The Applicant is in the process of acquiring ½ acre of land to build a two story building in which 3,500 square feet would be the proposed wine store and the remainder for office and storage space.

Staff has recommended against this use because the location is in the peripheral area of the Town Center Zone. However, it is important to point out that there are other uses permitted in the peripheral area of the zone such as hotel/motels, eating and drinking establishments, clubs and lodges and churches which could have a much larger impact on the area via traffic, hours of operation and so forth, than the proposed wine store.

Furthermore, the Town Center Zone permits any other store or shop for retail trade or for rendering personal, professional, or business services which the Planning Commission finds does not produce more noise, odor, dust, vibration, blast or traffic from those that I mentioned above.

The wine store is permitted to operate 6 days a week and must be closed on Christmas, Thanksgiving, Labor Day, July 4th, and New Years Day. The Applicant who, along with his son, will be the owner of the store, proposes to close at 9:30 p.m. on weekdays and 10:00 on Friday and Saturday. The traffic impact estimated from this wine store is less than 200 trips per day. In discussions with other owners of similar wine stores in the City of Knoxville the owners find that only 12% of those trips occur after 6:00 p.m.

We submit that the proposed store is a good use for this site which presently is simply a hole in the ground and is difficult to develop. The Applicant also would like to reduce the

parking required and will be applying for a reduction in the number of parking spaces required if the use is approved.

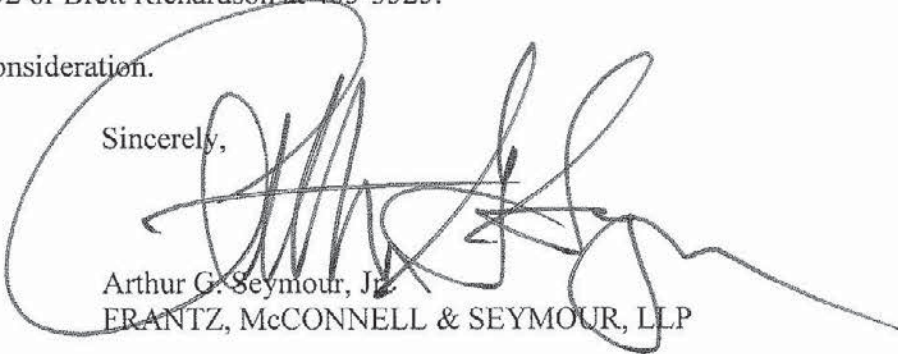
The Applicant feels that permitting this development will go a long ways toward promoting the development of this town center area which has been proposed for over 5 years.

We would urge you to support this development.

If you have any questions about the Richardsons' proposal, please call the undersigned or Chuck Richardson at 524-2452 or Brett Richardson at 405-3525.

We appreciate your consideration.

Sincerely,

A large, stylized handwritten signature in black ink, appearing to read 'A. G. Seymour, Jr.', is written over the typed name and firm name.

Arthur G. Seymour, Jr.
ERANTZ, McCONNELL & SEYMOUR, LLP

AGSJ:alh

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Certification of Zoning

Request:

To Be Issued To: *City of Knoxville*

Date of Request: *7/23/2010*

Fee Paid

Certification Requested By:

Name: *Brett Richardson*

Address: *416 Kituwah Trail*

Phone: *865-405-3525*

City: *Knoxville*

Fax:

St.: *TN* Zip: *37919*

Location of Subject Property:

Physical Address: *9753 S Northshore Drive*

Tax Parcel ID No.: *154 094*

City Block No.:

General Location: *North side of S Northshore Drive, West side of Thunderhead Road*

Name of Business (if applicable): *Admiral Wines and Spirits*

Certification:

The Current Zoning of Property as identified above is:

TC-1 (Town Center)

The following uses are permitted in the above referenced zone:

Real Estate Offices

Automobile Sales

Truck Sales

Other: *Retail*

Additional Comments:

This property is subject to all requirements and restrictions of the TC-1 zoning. A copy of the TC-1 zoning information as provided in the City of Knoxville Zoning Ordinances (Article 4, Section 3.12) has been provided.

A copy of this form will be sent to the Knoxville Beer Board.

To the best of my knowledge and belief, our zoning map is accurate with respect to the subject property. If further certification of zoning is a significant issue, however, it is suggested that you or your attorney search the public record located in the office of the Knoxville City Recorder, City County Building, 400 Main Street, Knoxville, TN (if parcel is in the City) or in the office of the Knox County Clerk, 300 Main Street, Knoxville, TN (if parcel is in the County).

Certified by MPC Staff: *Marc Payne*

Signature: _____

Date: *7/23/2010*

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REGGIE E. KEATON
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October 13, 2010

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Metropolitan Planning Commission

Suite 403, City-County Building
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Re: Agenda Item #34 – Applicant Charles Richardson

Dear Commissioners:

Please let this supplement my letter of October 12, 2010 concerning the above.

I enclose herewith a Resolution adopted by the City of Knoxville on August 24, 2010 stating that Admiral Wine & Spirits Liquor Store complies with local regulations concerning the location of a retail wine and spirits store at 9753 S. Northshore Drive. You will notice on the Retailers Certificate the statement is made:

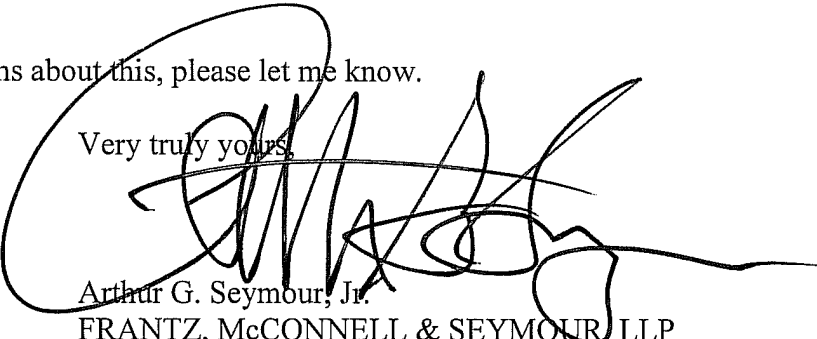
“The applicant or applicants have secured a location for the business which complies with all restrictions of any local law, ordinance, or resolution, duly adopted by the local jurisdiction, as to the location of the business”.

On the Agenda Information Sheet furnished to City Council Number 4 states as follows:

“Received Certificate of Zoning letter from MPC appropriate for property”.

If you have any questions about this, please let me know.

Very truly yours,


Arthur G. Seymour, Jr.

FRANTZ, McCONNELL & SEYMOUR LLP

AGSJ:alh

Enc.

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RESOLUTION

A RESOLUTION OF THE COUNCIL OF THE CITY OF KNOXVILLE APPROVING THE ISSUANCE OF A CERTIFICATE OF COMPLIANCE TO ADMIRAL WINE & SPIRITS LLC RELATIVE TO ITS APPLICATION TO THE TENNESSEE ALCOHOLIC BEVERAGE COMMISSION FOR A LICENSE TO OPERATE A LIQUOR STORE IN THE CITY.

RESOLUTION NO: R-244-2010

REQUESTED BY: Finance & Accountability
PREPARED BY: Law

APPROVED: 08-24-2010

APPROVED AS AN EMERGENCY MEASURE: _____

MINUTE BOOK: 74 PAGE _____

WHEREAS, pursuant to TENN. CODE ANN. Section 57-3-208(a), an applicant is required to obtain a certificate of compliance from the legislative body of the municipality in which the licensed premises will be located as a condition precedent to the issuance of a retail liquor store license from the Tennessee Alcoholic Beverage Commission; and

WHEREAS, Admiral Wine & Spirits LLC, which is owned by Charles F. Richardson, Jr. and Brett A. Richardson and is located at 9753 S. Northshore Drive, Knoxville, Tennessee, 37922, applied for a certificate of compliance from the City of Knoxville on August 6, 2010; and


WHEREAS, Admiral Wine & Spirits LLC has met the necessary requirements contained in TENN. CODE ANN. § 57-3-208(b) including meeting the distance requirements established in Section 4-131 of the City Code; and

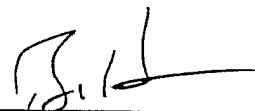
WHEREAS, the Council of the City of Knoxville desires to approve the application of Admiral Wine & Spirits LLC for a certificate of compliance.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF KNOXVILLE:

SECTION 1: The Council of the City of Knoxville hereby approves the issuance of a certificate of compliance to Admiral Wine & Spirits LLC in accordance with TENN. CODE ANN. § 57-3-208(b).

SECTION 2: This Resolution will take effect from and after its passage, the welfare of the City requiring it.


Recorder



Presiding Officer of the Council

Retailer's Certificate

This is to certify that Charles F. Richardson Jr. – Admiral Wine & Spirits LLC d/b/a Admiral Wine & Spirits

Who has made application for a retailer's license to handle alcoholic beverages in the COUNTY OF KNOX, State of Tennessee, at 9753 S. Northshore Dr
Knoxville, Tn. 37922, which is a location within the CITY OF KNOXVILLE,

Complies with T.C.A. Section 57-3-208(b) in that

- (1) The applicant or applicants who are to be in actual charge of the business have not been convicted of a felony within a ten-year period immediately preceding the date of application and, if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten-year period immediately preceding the date of the application; and further, that in the official's opinion the applicant will not violate any of the provisions of this chapter;
- (2) The applicant or applicants have secured a location for the business which complies with all restrictions of any local law, ordinance, or resolution, duly adopted by the local jurisdiction, as to the location of the business;
- (3) The applicant or applicants have complied with any local law, ordinance, or resolution duly adopted by the local authorities regulating the number of retail licenses to be issued within the jurisdiction.

This the 24th day of August, 2010.

KNOXVILLE CITY COUNCIL

By: [Signature]
Presiding Officer of City Council

[Signature]
Recorder

Retailer's Certificate

This is to certify that Brett A. Richardson – Admiral Wine & Spirits
LLC d/b/a Admiral Wine & Spirits

Who has made application for a retailer's license to handle alcoholic beverages in
the COUNTY OF KNOX, State of Tennessee, at 9753 S. Northshore Dr.
Knoxville, Tn. 37922, which is a location within the
CITY OF KNOXVILLE,

Complies with T.C.A. Section 57-3-208(b) in that

- (1) The applicant or applicants who are to be in actual charge of the business have not been convicted of a felony within a ten-year period immediately preceding the date of application and, if a corporation, that the executive officers or those in control have not been convicted of a felony within a ten-year period immediately preceding the date of the application; and further, that in the official's opinion the applicant will not violate any of the provisions of this chapter;
- (2) The applicant or applicants have secured a location for the business which complies with all restrictions of any local law, ordinance, or resolution, duly adopted by the local jurisdiction, as to the location of the business;
- (3) The applicant or applicants have complied with any local law, ordinance, or resolution duly adopted by the local authorities regulating the number of retail licenses to be issued within the jurisdiction.

This the 24th day of August, 2010.

KNOXVILLE CITY COUNCIL

By: [Signature]
Presiding Officer of City Council

[Signature]
Recorder



CITY OF KNOXVILLE, TENNESSEE

CITY COUNCIL

AGENDA INFORMATION SHEET

AGENDA DATE: August 24, 2010
DEPARTMENT: Finance & Accountability, Revenue Collection
DEPT. DIRECTOR: Jim York- 215-2013

AGENDA SUMMARY: Request for Certificate of Compliance for Admiral Wine & Spirits LLC, 9753 S. Northshore Dr, Knoxville, Tn. 37922 owned by Charles F. Richardson Jr. and Brett A. Richardson.

COUNCIL DISTRICT(S) AFFECTED: 2 nd District

BACKGROUND: This is the application for a new retail package store being constructed by Mr. Charles Richardson and Mr. Brett Richardson. This is a requirement of the ABC Board for a license to operate a liquor store. The applicant has met these requirements:

1. Submitted completed application and \$300 application fee each;
2. Provided letter from bank official of financial responsibility of \$40,000;
3. Purchased city business license;
4. Received Certificate of Zoning letter from MPC appropriate for property;
5. Received acceptable background check from KPD;
6. Submitted letter from a licensed surveyor confirming distance requirements have been met.
7. Publisher's Affidavit will follow as soon as applicant receives document from newspaper.

OPTIONS: Approve, disapprove or postpone.

RECOMMENDATION: Approve application at this time so applicant can meet ABC schedule to go before ABC Board with license application.

ESTIMATED PROJECT SCHEDULE: N/A

PRIOR ACTION/REVIEW: N/A

FISCAL INFORMATION: N/A

ATTACHMENTS: Complete application file with documentation that all requirements are met.

Respectfully Submitted:

Doris J. Martin
Revenue Administrator