

First Reading: _____
Second Reading: _____

2014-127
Charles Campbell Construction/
Rajesh Chaudhari
District No. 9
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 630 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-5 NEIGHBORHOOD COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, be and the same hereby is amended so as to rezone property located at 630 Shallowford Road, more particularly described herein:

Part of an unplatted tract of land located at 630 Shallowford Road, beginning at the northwest corner of Tax Map 147I-J-003 and going 150.2 feet east, thence 87.1 feet southwest, thence 146.5 feet northwest, thence 44.3 feet northeast to the point of beginning, being part of the property described in Deed Book 10187, Page 93, ROHC. Part of Tax Map No. 147I-J-003.

and as shown on the maps attached hereto and made a part hereof by reference, from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two

(2) weeks from and after its passage.

Passed on second and final reading: _____

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

MAYOR

/mem

2014-127 City of Chattanooga
December 8, 2014

RESOLUTION

WHEREAS, Charles Campbell Construction/Rajesh Chaudhari petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga the rezoning from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone, property located at 630 Shallowford Road.

Part of an unplatted tract of land located at 630 Shallowford Road, beginning at the northwest corner of Tax Map 1471-J-003 and going 150.2 feet east, thence 87.1 feet southwest, thence 146.5 feet northwest, thence 44.3 feet northeast to the point of beginning, being part of the property described in Deed Book 10187, Page 93, ROHC. Part of Tax Map 1471-J-003 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on December 8, 2014,

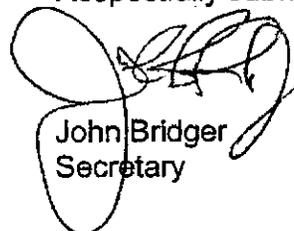
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

AND WHEREAS, there was opposition present to the petition,

AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on December 8, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be denied.

Respectfully submitted,



John Bridger
Secretary

ZONING APPLICATION FORM

CASE NUMBER:	2014-127	Date Submitted:	10-9-2014
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
1 Applicant Request			
Zoning	From: C-5	To: C-2	
Total Acres in request area: 0.22			
2 Property Information			
Property Address:	630 Shallowford Road		
Property Tax Map Number(s):	147I-J-003 (part of)		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Convenience Store (No Gas)		
4 Site Characteristics			
Current Zoning:	C-5		
Current Use:	Vacant Lot		
Adjacent Uses:	Used appliance store		
5 Applicant Information			
All communication will be with the Applicant. If the applicant is not the property owner, the RPA requires a letter from the property owner(s) confirming that the applicant has permission to file this application on his/her behalf.			
Name: Charles Campbell Construction		Address: 114 East Hawthorne Street	
Check one:	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am not the property owner	
City: Dalton	State: GA	Zip Code: 30721	Email: jess@ccc7368.com
Phone 1: 706-278-7368	Phone 2: 706-264-8966	Phone 3:	Fax: 706-278-9567
6 Property Owner Information (if not applicant)			
Name: Rajesh Chaudhari		Phone: 512-944-4656	
Address: 3604 Brainerd Road Chattanooga, TN 37411			
Office Use Only:			
Planning District: 9		Neighborhood: CNAC, N. Brainerd Community, Brainerd Unity Group, & Eastdale	
Hamilton Co. Comm. District: 5	Chatt. Council District: 9	Other Municipality:	
Staff Rec:	PC Action/Date:	Legislative Action/Date/Ordinance:	
Checklist			
<input checked="" type="checkbox"/> Application Complete	<input checked="" type="checkbox"/> Ownership Verification	<input checked="" type="checkbox"/> Map of Proposed Zoning Area with dimensions	
<input checked="" type="checkbox"/> Site Plan, if required	<input checked="" type="checkbox"/> Total Acres to be considered: 0.22	<input checked="" type="checkbox"/> Deeds	<input type="checkbox"/> Plats, if applicable
Deed Book(s): 10187-933			
Plat Book/Page: N/A		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 2
<input checked="" type="checkbox"/> Filing Fee: 635.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check	Check Number: 2364
Planning Commission meeting date: 12-8-2014		Application processed by: Marcja Parker	

STAFF CASE REPORT TO PLANNING COMMISSION

Case Number:	2014-127	PC Meeting Date: 12-08-14
Applicant Request:	Rezone from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone	
Property Location:	630 Shallowford Road	
Property Owner:	Rajesh Chaudhari	
Applicant:	Charles Campbell Construction	
Staff Recommendation:	DENY	

PROJECT ANALYSIS**RPA Land Use & Transportation Comments****Project Description**

The applicant is requesting to rezone a portion of the property located at 630 Shallowford Road from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone for a 1,836 square foot convenience store with no gas sales. The rezoning is needed to be eligible to apply for a special use exception permit to allow for the sale of alcohol.

Site Description

The site is a vacant lot located at the southwest corner of Shallowford Rd. and Tunnel Blvd. The site was previously used as a small gas station and repair garage, but was recently cleared. The surrounding uses include a neighborhood commercial center, with uses such as tax preparation, barber shops and appliance repair and single-family and multi-family dwellings.

Zoning History

The area at the intersection of Shallowford Rd and Tunnel Blvd was rezoned to C-5 Neighborhood Commercial Zone in 1991 (case number 1991-261). This was the result of a 1991 Tunnel Boulevard/Shallowford Road/Wilcox Boulevard Zoning Study. The purpose of that study was to make the commercial zoning in the area more compatible with the neighborhood. Concerns regarding the C-2 Convenience Commercial zone at that time centered on the amount of traffic generated on Wilcox Road and Tunnel Boulevard and the proliferation of adult-oriented establishments and clubs allowed in the C-2 Convenience Commercial Zone. Therefore, much of the area was rezoned to C-5 Neighborhood Commercial Zone to promote commercial uses that complement the residential area and to prevent alcohol-related commercial activities.

Since that time there have been several requests along or near the Tunnel Boulevard corridor for rezoning from C-5 Neighborhood Commercial to C-2 Convenience Commercial. At least two of those cases were for convenience stores with the desire to have beer sales as a permitted use. Staff recommended denial for all those cases as the C-2 Convenience Commercial Zone reintroduces commercial uses that could negatively impact the surrounding neighborhoods. Two of those cases further north from the site for this case (Case 2005-068 at 3420 Wilcox Blvd, and Case 2009-090 at 3467 Wilcox Blvd) were approved by City Council with a use condition on the C-2 Convenience Commercial zone that allowed only C-5 Neighborhood Commercial uses, and included allowance for beer sales or beer and gasoline sales.

Within the immediate vicinity of the site for this case, a property to the south (Case 2009-119 at 603 Tunnel Boulevard) was rezoned to C-2 Convenience Commercial conditioned to use as an auto repair facility only (did not include conditions permitting beer sales). The property across the street to the

STAFF CASE REPORT TO PLANNING COMMISSION

north from the site (Case 2011-131 at 629 Shallowford Road) was rezoned to C-2 Convenience Commercial conditioned to a listing of uses that are the same as the C-5 Neighborhood Commercial permitted uses, including an automobile detail shop use, but prohibiting on alcohol sales (Case 2009-119 at 603 Tunnel Blvd).

The resulting actions by City Council have reestablished several C-2 Convenience Commercial zones in the area but with conditions limiting uses to those found in the C-5 Neighborhood Commercial zone or with a single use, with two actions prohibiting alcohol sales in the immediate vicinity of the site, and two allowing alcohol sales farther away from the site in question at the Wilcox Road – Tunnel Boulevard intersection to the north.

Plans/Policies

Two plans provide recommendations for the site. The Eastdale Plan (1998) and the North Brainerd Area Plan (2004). Both plans recommend commercial uses for the site.

The North Brainerd Area Plan calls for Light Business Mix land uses, which include neighborhood commercial, office, limited residential or similar uses, for this site. The land use goal for this plan is to "Maintain residential integrity while supporting appropriate residential and commercial development." As a recommendation for this goal, the plan "encourages appropriate development of existing commercially zoned vacant properties" and to "contain commercial uses to existing nodes".

The Eastdale Plan calls for commercial land uses at the site and further states that commercial businesses should be concentrated around major intersections in order to 1) provide convenient access, 2) promote walking, 3) create a critical mass of businesses and 4) protect residential areas from nuisances associated with commercial development and that it should be sensitive to surrounding neighborhoods. It also calls out the importance of having well maintained and high quality commercial development as a way to boost their usage by the community and to also encourage the same from adjacent commercial development. The plan provides very little information about what type of commercial uses would be appropriate.

City Departmental Infrastructure & Operational Comments

All land development projects are reviewed by City Engineering & Water Quality staff, Transportation Department staff, and the Land Development Office staff. In addition to the requirements of the City of Chattanooga Zoning Ordinance, all land development is further required to comply with current City of Chattanooga traffic regulations, building and development codes, storm water/water quality regulations, and the landscape ordinance.

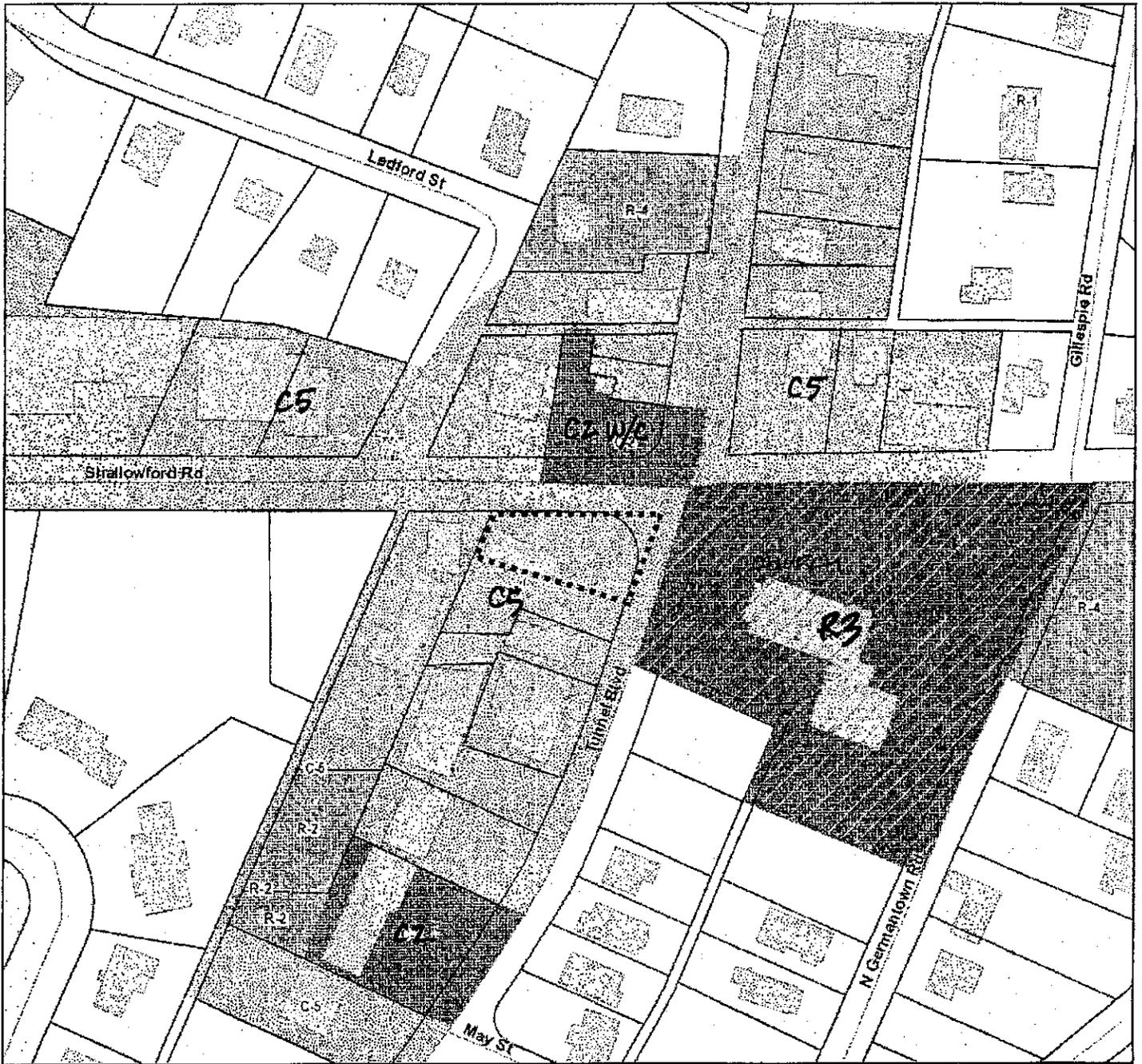
RPA Summary

Staff is supportive of a convenience store at this location providing needed groceries and drug store items. The City Zoning Official's office stated that a convenience store with no gas sales, as desired by the applicant, and no alcohol sales is an allowed use in the applicant's current C-5 zone.

However, staff continues to support the intent behind the 1998 rezoning study and the adopted plans that support neighborhood commercial uses. The existing C-5 Neighborhood Commercial Zone is appropriate for the current proposed use and is supported by the two existing land use plans for the area.

STAFF CASE REPORT TO PLANNING COMMISSION

A change to C-2 Convenience Commercial is not appropriate due to precedence set by zoning case 2011-131 which conditioned a C-2 property to no alcohol sales, citing the service would not in keeping with the C-5 neighborhood uses. Therefore, staff recommends denial of the rezoning request since the existing zoning allows the desired use, and there is a precedent to prohibit alcohol sale at this location.



2014-127 Rezoning from C-5 to C-2



131 ft

Chattanooga Hamilton County Regional Planning Agency





2014-127 Rezoning from C-5 to C-2

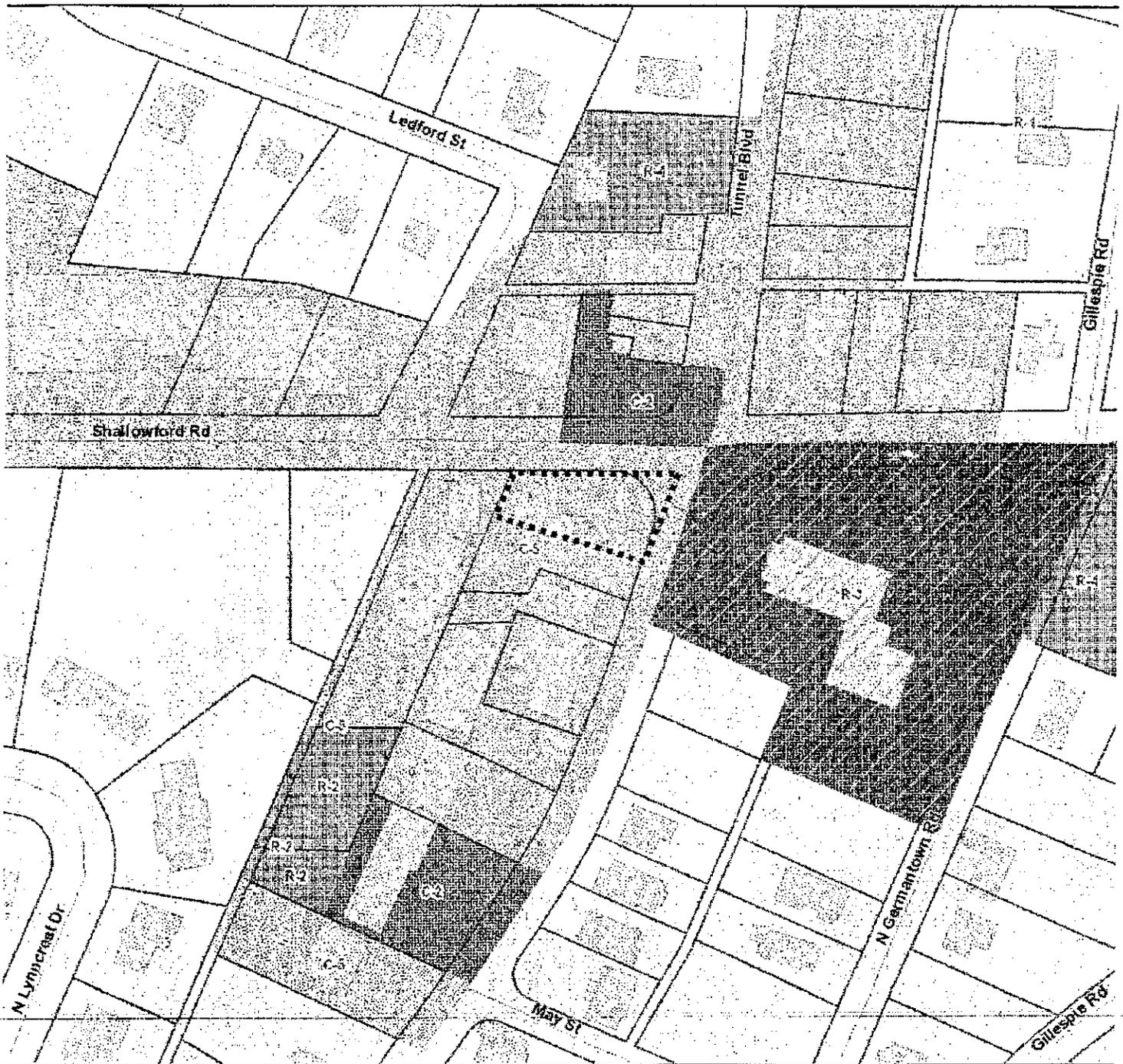


131 ft



Chattanooga Hamilton County Regional Planning Agency



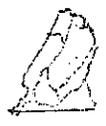


2014-127 Rezoning from C-5 to C-2

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2014-127: Derry

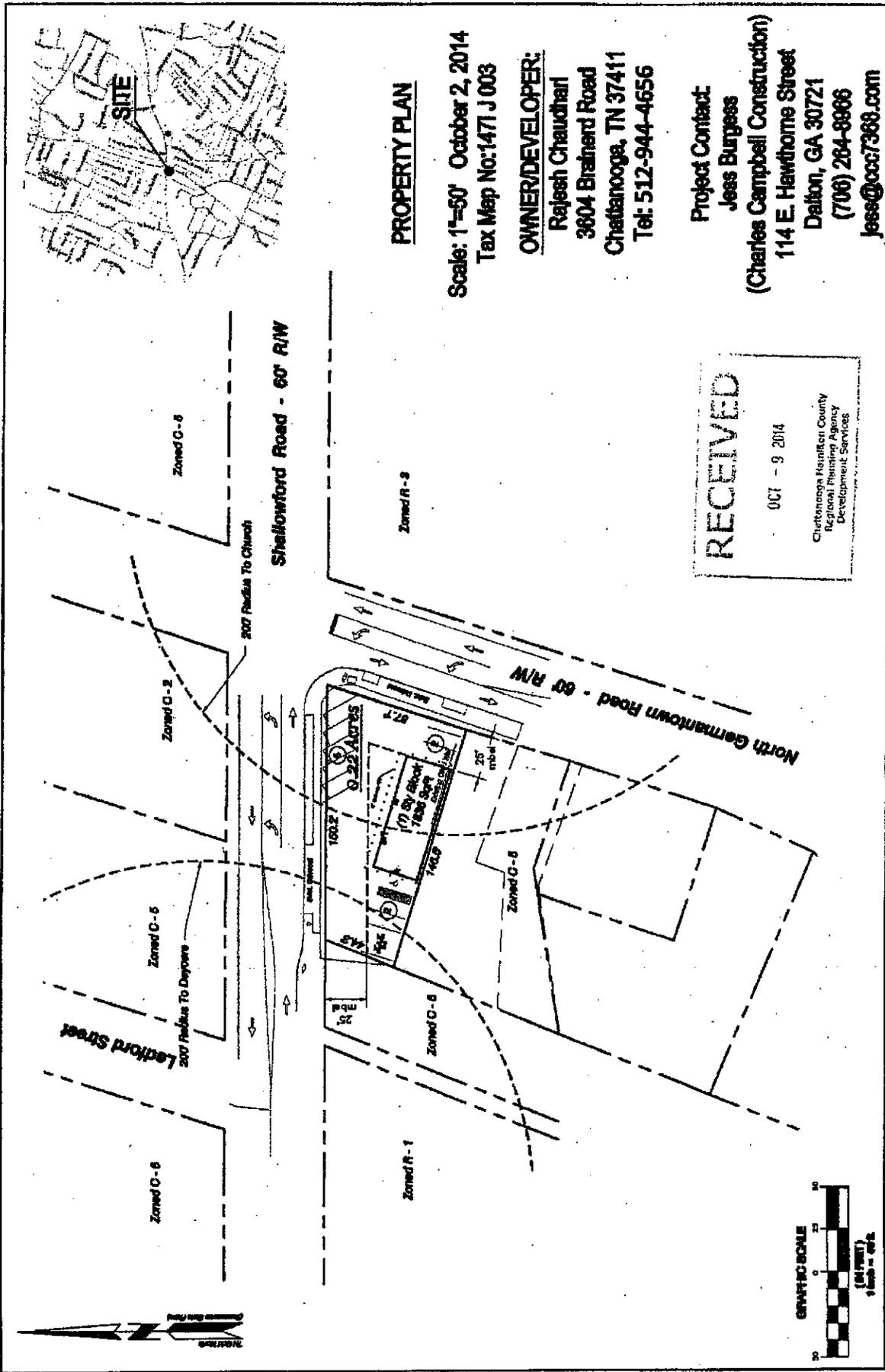


131 ft



Chattanooga Hamilton County Regional Planning Agency





PROPERTY PLAN

Scale: 1"=50' October 2, 2014
Tax Map No:1471 J 003

OWNER/DEVELOPER:
Rajesh Chaudhrai
3804 Brainerd Road
Chattanooga, TN 37411
Tel: 512-944-4656

Project Contact:
Jess Burgess
(Charles Campbell Construction)
114 E. Hawthorne Street
Dalton, GA 30721
(706) 264-8866
jess@ccc7368.com

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OCT - 9 2014
Chattanooga Hamilton County
Regional Planning Agency
Development Services

NOTICE

WHEREAS, petition to amend Ordinance No. 6958, known as the Zoning Ordinance, has been proposed to the City Council of the City of Chattanooga:

1. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be denied:

2014-127 Charles Campbell Construction/Rajesh Chaudhari. 630 Shallowford Road, from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petitions to rezone be approved:

2014-130 Thomas Johnson. 1437 and 1439 Market Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2014-134 Aaron White/MC Holdings, LLC. 751 Riverfront Parkway, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2014-136 GreenSpaces NextGen, LLC/Jim Wilson and Hamilton Avenue Partners. 677 and 703 Hamilton Avenue, from C-7 Northshore Commercial Mixed Use Zone and R-2 Residential Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following amendments be made to the Chattanooga City Code, Part II, Chapter 38, known as the Chattanooga Zoning Ordinance by:

- (a) Deleting in its entirety Section 38-43, Uses Permitted as Special Exceptions by the City Council, Item 4.
- (b) Deleting in its entirety Section 38-524, Special Permit for a Two-Family Dwelling in the R-1 Residential Zone.

The City Council of the City of Chattanooga, Tennessee will hold a public hearing in the Council Assembly Room, City Council Building, 1000 Lindsay Street, Room 101, Tuesday,

January 13, 2015

at 6:00 p.m. for the purpose of hearing any person whose property may be affected by, or who may otherwise be interested in, said amendments.

This the ____ day of _____, 2014.

Nicole Gwyn
Clerk to the City Council