

STAFF CASE REPORT TO PLANNING COMMISSION

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| 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

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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.

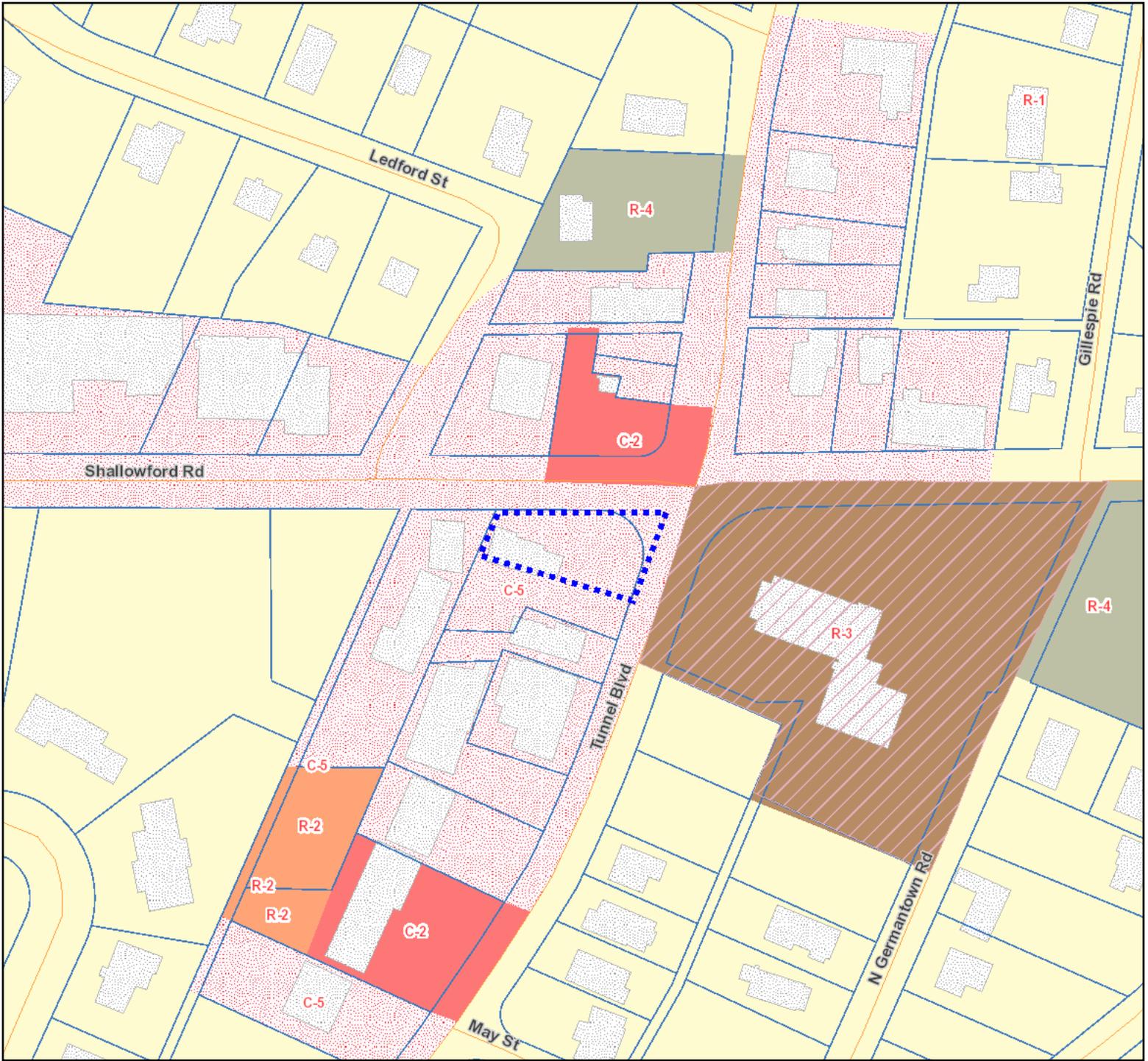
RPA Summary

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.

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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