

**PLANNING COMMISSION CASE REPORT****Case Number: 2016-163****PC Meeting Date: 11-14-16****Applicant Request****Rezone R-1 Residential Zone to C-2 Convenience Commercial Zone**

<b>Property Location:</b>	<b>7453 E. Brainerd Road</b>
<b>Property Owner:</b>	<b>Hamilton County Department of Education</b>
<b>Applicant:</b>	<b>Legends Holding, LLC/Clint Wofford</b>

**Project Description**

- Proposal: Develop 9-acre site with an approximately 80,000 square feet retail center.
- Proposed Access: The site will have one access point on East Brainerd Road and two access points on Joiner Road.
- Proposed Development Form: 1-story retail center with outparcels facing East Brainerd Road. Service and delivery drive for tenants to run along northern boundary. A large parking field between main retail building and Joiner Road.

**Site Analysis****Site Description**

- Location: This is the site of the former East Brainerd Elementary School. It is located on the northern corner of the Joiner Road and East Brainerd Road intersection.
- Current Access: Access is currently available from East Brainerd Road and Joiner Road.
- Current Development form: The site has a large existing 1-story building on the site located at the corner of Joiner Road and East Brainerd Road. To the northeast and east are single-story single-family detached dwellings. To the southeast, south, west and northwest are 1-story and 2-story buildings set back from the road with parking between the building and the road or to the side of the building.
- Current Land Uses: The site currently contains an abandoned school building and playgrounds. To the northeast and east are low-density single-family detached residential uses. To the southeast are several automotive commercial uses. To the south, west, and northwest are commercial uses, restaurants, and a funeral home.

**Zoning History**

- The site is currently zoned R-1 Residential Zone.
- The properties to the northeast and east are zoned R-1 Residential Zone. The properties to the southeast, south, west, and northwest are zoned a mixture of C-2 Convenience Commercial Zone and R-4 Special Zone
- The nearest C-2 Convenience Commercial Zone (same as the request) is abutting the site to the west and located to the south and southeast of the site.
- There has been no recent zoning activity on this site.

**Plans/Policies/Regulations**

- The Hamilton Place Community Plan (adopted by City Council in 2001) recommends this site stay institutional.
- The R-1 Residential Zone only permits single-family homes with a minimum lot size of 7,500 square feet if on sewers. If septic tanks are to be used, the minimum lot size is determined by the Hamilton County Water Quality Program. Minimum lot frontage width is 60 feet if on sewers and 75 feet if on septic tanks. Based on building setback requirements, the typical density is approximately 3 to 4 dwelling units per acre.
- The C-2 Convenience Commercial Zone permits most commercial uses and would require a 20-foot wide landscape buffer where adjacent to a residential zone.

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### Key Findings

- The proposal is not supported by the recommendations of the adopted Land Use Plan for the area which recommends institutional uses for this site. Across Joiner Road, the Plan recommends commercial uses at the intersection but to keep low-density residential along the northern portion of this block.
- A case across Joiner Road (1432 Joiner Road, Case 2001-155) was denied by Planning Commission for R-4 Special Zone for not conforming to the Plan and being incompatible with adjacent development. This case was withdrawn by the applicant.
- The proposed use could be compatible with commercial uses fronting East Brainerd Road and along Joiner Road.
- The proposed use is not compatible with residential uses abutting and adjacent to the site.
- The proposal is not consistent with the development form of the area.
- The proposed structures do raise concerns regarding location, lighting, and large delivery and service vehicle access points in proximity to single-family residential uses.
- The proposal would be an extension of an existing commercial zone.
- The proposal would set a precedent for future requests for commercial encroaching north on Joiner Road into an established residential neighborhood.

### Staff Recommendation

Approve rezoning a portion of the site extending 330' from the right-of-way of East Brainerd Road north parallel to Joiner Road to C-2 Convenience Commercial, subject to the following condition:

1. The project shall complete a Traffic Impact Study approved by CDOT, and comply with all aspects related to transportation access and circulation for the development;
2. No late night entertainment/event facility or nightclubs, gasoline stations, oil change operations, or similar uses;
3. Business hours limited to between 7:00am and 9:00pm;
4. No dumpster service between 9:00pm and 7:00am;
5. No outdoor amplified speakers;
6. Lighting directed away from all residential areas.