

2014-140
J.T. McDaniel

RESOLUTION NO. 28091

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR USE OF A LATE NIGHT ENTERTAINMENT CENTER LOCATED AT 2301 MILNE STREET, MORE PARTICULARLY DESCRIBED IN THE ATTACHED DOCUMENTS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That there be and is hereby granted a Special Exceptions Permit for use of a late night entertainment center located at 2301 Milne Street, as more particularly described in the attached documents.

ADOPTED: December 9, 2014.

/mem

SPECIAL PERMIT APPLICATION FORM

CASE NUMBER:	2014-140	Date Submitted:	10-28-14
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
1 Applicant Request			
Special Permit	Type: Special Exceptions Permit for Late Night Entertainment		
2 Property Information			
Property Address:	2301 Milne Street		
Property Tax Map Number(s):	146D-D-029		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Request permission to sell beer after 11:00 PM, we will serve food until closing. I am requesting a 2:30 AM closing.		
4 Site Characteristics			
Current Zoning:	C-2		
Current Use:	Entertainment and Restaurant		
Adjacent Uses:	Retail - Convenient Store - Entertainment		
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: J.T. McDaniel		Address: 204 Glenwood Drive	
Check one:	<input checked="" type="checkbox"/> I am the property owner	<input type="checkbox"/> I am not the property owner	
City: Chattanooga	State: Tn.	Zip Code: 37406	Email:
Phone 1: (423) 505-7538	Phone 2: (423)-505-7539	Phone 3: (423) 698-5749	Fax:
6 Property Owner Information (if not applicant)			
Name:		Phone:	
Address:			
Office Use Only:			
Planning District: 38	Neighborhood: GNAC, Catholic Charities / Glenwood, Wheeler Avenue Neighborhood Watch		
Hamilton Co. Comm. District: 4	Chatt. Council District: 8	Other Municipality:	
Stat. 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: 0.19	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 9630-586			
Plat Book/Page: 2-8	<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 2	
<input checked="" type="checkbox"/> Filing Fee: \$250.00	<input checked="" type="checkbox"/> Cash	<input type="checkbox"/> Check	Check Number:
City Council meeting date: 12-9-2014		Application processed by: Trevor Slayton	

**SPECIAL EXCEPTIONS PERMIT LATE NIGHT ENTERTAINMENT/
EVENT FACILITY, AND/OR NIGHTCLUBS REVIEW CHECKLIST**



LATE NIGHT ENTERTAINMENT/EVENT FACILITY, AND/ OR NIGHTCLUB COMPONENTS

(Check all that apply)

- Festival Seating: A form of audience/spectator accommodation for entertainment events in which limited or no seating, other than floor or ground surface, is provided for the audience/spectators gathered to observe entertainment events, dance, or watch a performance. It is not the intent of this section to apply the term festival seating to exhibitions, sports events, conventions, and bona fide political, religious, and educational events.
- Musical or video or live entertainment-live or recorded (DJ) that is amplified or very loud. This category does not include karaoke unless such activity continues after midnight.
- Dance floor available for use during certain hours.
- Later operating hours - defined as after midnight.
- Low lighting levels or darkness during any musical, video or live entertainment event. It is not the intent of this section to apply to movie theaters.
- Stage/platform for floor shows or other live or recorded performances.
- Operates with a city or state license to serve alcohol or allows consumption of alcohol on the premises during musical, video, or live entertainment events between the hours of 11:00 p.m. until 3:00 a.m.

GENERAL INFORMATION (To be provided in addition to Special Request Form)

- (a). Applicant Name: J.T. McDaniel
- (b). Contact Information: 2001 E. 3rd St - 204 Glenwood Dr.
CHATT. TN. 37404 (423) 505-7538
- (c). Property Address: 2301 Milne St
CHATT. TN. 37406
- (d). Applicant Name for a Beer License at this location: J.T. McDaniel
- (e). Applicant Name for Liquor by the Drink application at this location: N/A
- (f). Hours of operation at establishment: Present 7: PM - 11: PM
- (g). What is the maximum occupancy at establishment: 125 - 130

REQUIRED INFORMATION

The following information is required to be shown on the site plan for this review of this Special Exceptions Permit process.

- (a). Any adequate site plan or brief description that addresses each of the following:
- Location and size of existing buildings, outside gathering places such as deck, balconies, covered areas, and patios.
 - Distance from the doorway entrance regularly used for ingress and egress and outdoor gathering places such as deck, balconies, or patio to the nearest residential zone boundary.
 - Is the doorway entrance regularly used for ingress and egress or the outdoor gathering places such as a deck, balconies, or patio more than 750' away from the nearest boundary of a residential zone: Yes: _____ No: _____ (State Distance): _____
 - Locations of amplified speakers and or stage location shown on the site.
 - Required number of parking spaces for the proposed establishment.
 - Proposed number of parking spaces for the proposed establishment.
 - Is the applicant preparing to have parking off-site? If you answer yes to this question, please provide a copy of your shared parking agreement with this application
Yes: No: _____
824-830-910 Dodson
J.T. McDaniel (Owner)
 - Indicate on site plan any proposed landscaping or other noise reduction efforts.
 - Optional Information: A copy of this site's Tennessee Alcoholic Beverage Commission Liquor by Drink application and paperwork.
 - Show existing and proposed buildings on the site. If there are plans to construct a new building, the applicant will be required to submit plans for review to the Land Development Office.

(b). Additional Comments: Using ~~exit~~ Bldg.
existing

STAFF REPORT FOR SPECIAL EXCEPTIONS LATE NIGHT ENTERTAINMENT PERMIT

CASE 2014-140

Per Section 38-527 of the Chattanooga City Code, " *If a commercial establishment, which may or may not be held out to the public as a Bar or other social gathering place, with an occupancy capacity of more than one hundred (100) people, and which serves alcohol or allows alcohol on the premises and is operated as a place of entertainment at night for eating, drinking, dancing and provides live or recorded entertainment and engages in certain activities referenced under the nightclub definition at Chattanooga City Code 38-2, such commercial establishment shall require a special permit under Chattanooga City Code 38-527 before any certificate of occupancy can be issued by the Building Official.*"

APPLICATION REQUIREMENTS SPECIFIED BY THIS PERMIT IN THE CODE:

- ❖ The applicant shall submit a site plan to the Regional Planning Agency which shows the proposed structure for the facility and any outdoor activities that would require landscaping or noise reduction.
- ❖ Any doorway entrance regularly used for ingress and egress or outdoor place of gathering shall be located more than 750 feet away from the nearest boundary of any residential zone. City Council has the option of decreasing this distance with additional conditions to protect residential properties from noise or other related nuisance issues.

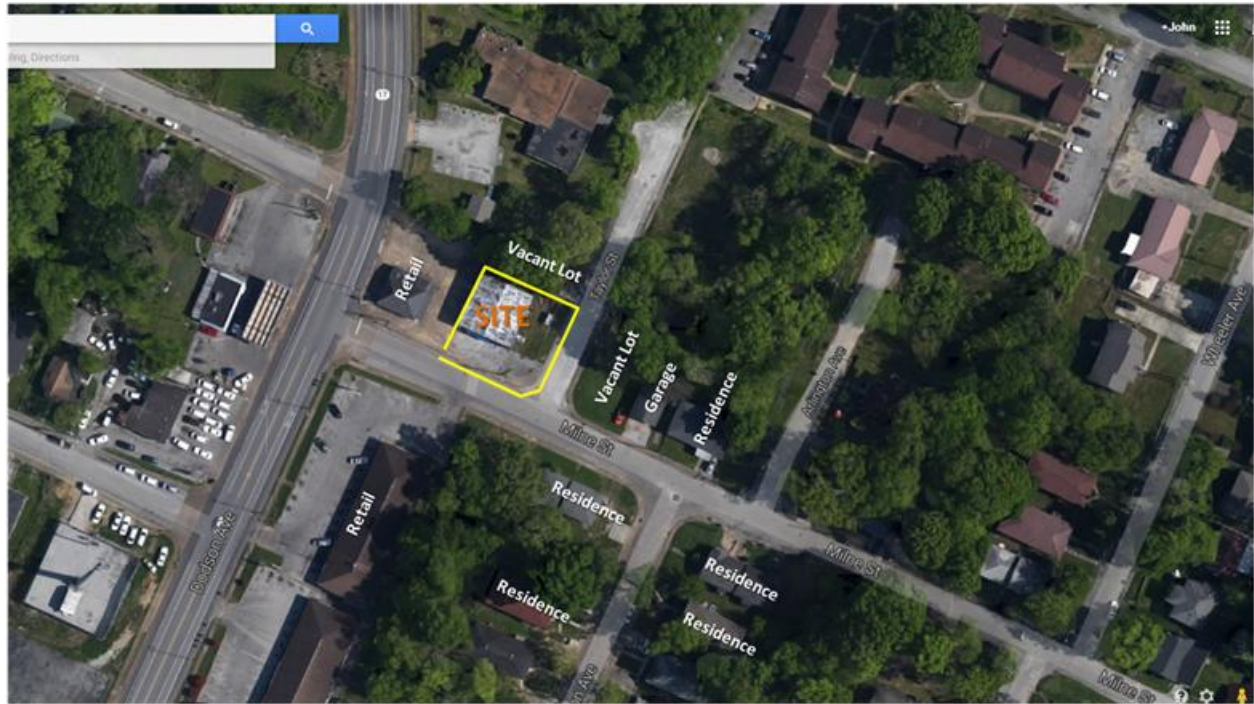
The purpose of this report is to not make a recommendation, but to note the facts as it relates to the request.

APPLICANT REQUEST	Special Exceptions Permit Late Night Entertainment/Event Facility
LOCATION	2301 Milne Street
APPLICANT	J.T. McDaniel
SITE ZONING	C-2 Convenience Commercial
ADJACENT ZONING	C-2 Convenience Commercial to the west and south; R-2 zoning to the north; R-1 zoning to the east (see Area Zoning map)
CURRENT USE	Entertainment and Restaurant
REASON FOR REQUEST	Request permission to sell beer after 11:00pm, and proposes to serve food until closing. Requesting 2:30am closing.
SURROUNDING USES	Retail (convenience stores) uses bordering the property to the east and south; vacant lot immediately bordering the property to the north; vacant lot across the street to the east, but several residences within the 750 ft buffer area (see Area Land Use map)
SITE PLAN COMMENTS	Submitted site plan does not indicate any outdoor seating areas. It is not clear from the submitted site plan how parking would be managed.
DISTANCE FROM DOORWAY TO NEAREST RESIDENTIAL ZONE	61 linear feet (see area zoning map)
STAFF COMMENTS	Staff received feedback from the police department which has concerns opening this back up as a bar. When it operated as a bar in the past, it was noted that there were frequent police calls to this location. RPA also received feedback from Robert L. Schreane of the North Brainerd Community Council in opposition to this request.

AREA ZONING MAP



AREA LAND USE MAP



SUBMITTED SITE PLAN

