

11/13/12

2012-137  
Homebuilders Association/  
Teresa Groves  
District No. 5  
Planning Version

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 3215, 3219, AND 3221 HARRISON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

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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 properties located at 3215, 3219, and 3221 Harrison Pike, more particularly described herein:

Lot 3, Final Plat of Arbor Developments Inc. Subdivision, Plat Book 29, Page 8, ROHC, and two unplatted tracts of land located at 3215 and 3219 Harrison Pike being the properties described in Deed Book 2782, Page 205 and Deed Book 4673, Page 722, ROHC. Tax Map Nos. 128F-A-001.02, 002 and 003.

and as shown on the maps attached hereto and made a part hereof by reference, from R-4 Special Zone to C-2 Convenience Commercial Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be subject to the following conditions:

- 1) Proposed use as event space on ground floor only;
- 2) Prohibit gas stations and drive-thru restaurants;

- 3) All outdoor audible musical use, whether live or recorded, will be prohibited with the exception that low level short duration bride processional music may be used between hours of 10:00 a.m. and 8:00 p.m.;
- 4) All outdoor lighting will be limited and directed to minimize intrusion into the surrounding residential area;
- 5) Vehicle ingress and egress will be limited to the existing access points at the side of the existing building's current paved parking area; and
- 6) A 40-foot deep landscape buffer along the rear property line (adjacent to the residential) shall be installed and maintained as shown on the site plan.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

PASSED on Second and Final Reading

\_\_\_\_\_, 2012.

\_\_\_\_\_  
CHAIRPERSON

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_, 2012.

/mms

\_\_\_\_\_  
MAYOR

11/13/12

2012-137  
Homebuilders Association/  
Teresa Groves  
District No. 5  
Staff Version

ORDINANCE NO. \_\_\_\_\_

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CHAIRPERSON

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_, 2012.

/mms

\_\_\_\_\_  
MAYOR

11/13/12

2012-137  
Homebuilders Association/  
Teresa Groves  
District No. 5  
Applicant Version

ORDINANCE NO. \_\_\_\_\_

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PASSED on Second and Final Reading

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CHAIRPERSON

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

DATE: \_\_\_\_\_, 2012.

/mms

\_\_\_\_\_  
MAYOR

2012-137 City of Chattanooga  
October 8, 2012

## RESOLUTION

WHEREAS, Homebuilders Association/Teresa Groves 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 R-4 Special Zone to C-2 Convenience Commercial Zone, properties located at 3215, 3219 and 3221 Harrison Pike.

Lot 3, Final Plat of Arbor Developments Inc. Subdivision, Plat Book 29, Page 8, ROHC, and two unplatted tracts of land located at 3215 and 3219 Harrison Pike being the properties described in Deed Book 2782, Page 205 and Deed Book 4673, Page 722, ROHC. Tax Map 128F-A-001.02, 002 and 003 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on October 8, 2012,

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

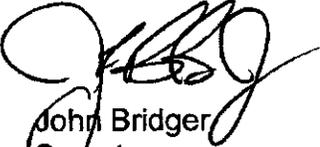
AND WHEREAS, no one was present in opposition to the petition,

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 October 8, 2012, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to the following conditions: 1) Proposed use as event space on ground floor only; 2) Prohibit gas stations and drive-thru restaurants; 3) All audible musical use, whether live or recorded, will be prohibited with the exception that low level short duration bride processional music may be used between hours of 10:00 a.m. and 8:00 p.m.; 4) All outdoor lighting will be limited and directed to minimize intrusion into the surrounding residential area; 5) Vehicle ingress and egress will be limited to the existing access points at the side of the existing building's current paved parking area; and 6) A 40-foot deep landscape buffer along the

rear property line (adjacent to the residential) shall be installed and maintained as shown on the site plan.

Respectfully submitted,



John Bridger  
Secretary



**Case Number:** 2012-137  
**Applicant Request:** Rezoning to C-2 Convenience Commercial Zone

**Applicant:** Homebuilders Association - Teresa Groves  
**Property Address:** 3215, 3219 and 3221 Harrison Pike  
**Jurisdiction:** Chattanooga District 5 / Hamilton County District 5  
**Neighborhood:** None

**Proposed Development**  
**Site Plan Submitted:** Yes  
**Proposed Use:** Event space on ground floor

**Site Characteristics**  
**Current Zoning:** R-4 Special Zone  
**Current Use:** Office  
**Adjacent Uses:** Residential, Commercial, and Manufacturing  
**Size of Tract or Length of Right-of-Way:** 1.35 acres

**Planning Commission Recommendation:**  
 Approve with change (see resolution)

**STAFF RECOMMENDATION:** APPROVE, subject to the following conditions:

1. Prohibit gas stations and drive-thru restaurants.
2. All audible musical use, whether live or recorded, will be prohibited with the exception that low level short duration bride processional music may be used between hours of 10:00 am and 8:00 pm.
3. All outdoor lighting will be limited and directed to minimize intrusion into the surrounding residential area.
4. Vehicle ingress and egress will be limited to the existing access points at the side of the existing building's current paved parking area.
5. A 40-foot deep landscape buffer along the rear property line (adjacent to the residential) shall be installed and maintained as shown on the site plan.

**Analysis**  
**Extension of Existing Zoning?** Yes  
**Community Land Use Plan:** Highway 58 Community Plan (2002)  
**Proposed Use Supported by Community Land Use Plan?** In Part  
**Proposed Use Supported by Comprehensive Plan?** No

**Comments**  
**Planning Staff:** Request Overview  
 Teresa Groves on behalf of the Homebuilders Association has requested to rezone 1.35 acres located at 3215, 3219 and 3221 Harrison Pike from R-4 Special Zone to C-2 Convenience Commercial Zone. As indicated on the submitted site plan, the development is expected to include new and existing parking, a new gazebo, walking trail and a 40' landscape buffer along the adjacent residential area.

Site Description  
 The site is located on Harrison Pike near the Highway 153 and Amnicola

Highway interchange. The Homebuilder's Association offices are currently located within a portion of the building on this property.

#### Plans/Policies

Development in this area is guided by the Highway 58 Community Plan adopted by Chattanooga City Council in 2002. The plan addresses a wide range of land use categories and recommends preferred land use patterns and policies to guide future development. The adopted plan for the area recommends an Office land use for this property.

#### Transportation

As required by the Chattanooga Zoning Ordinance, C-2 Convenience Commercial Zones "shall be located so as to primarily serve traffic on arterial or collector streets." Also, "businesses developed within such zones shall be situated on site so as to offer convenient ingress and egress to such streets." Harrison Pike is classified as an Urban Collector as defined by the Functional Classification System of Streets in the Chattanooga Zoning Ordinance. This site also provides the appropriate ingress and egress.

#### Staff Recommendation

Staff is recommending approval with conditions to prohibit specific uses and adhere to voluntary restrictions. The proposed use of an event space on the ground floor and the continued office use on the second floor are in keeping with the surrounding development and the community plan. While the plan does not support the construction of new commercial buildings, this project allows an additional use of an existing structure and additionally, the C-2 Convenience Commercial Zone represents an extension of existing zoning. However, the close proximity to residential properties necessitates conditions be applied. The applicant proposes to maintain the existing precedent in the area of a forty-foot buffer between commercial property and the adjoining residential neighborhood by installing a forty-foot deep landscape buffer along the rear property line.

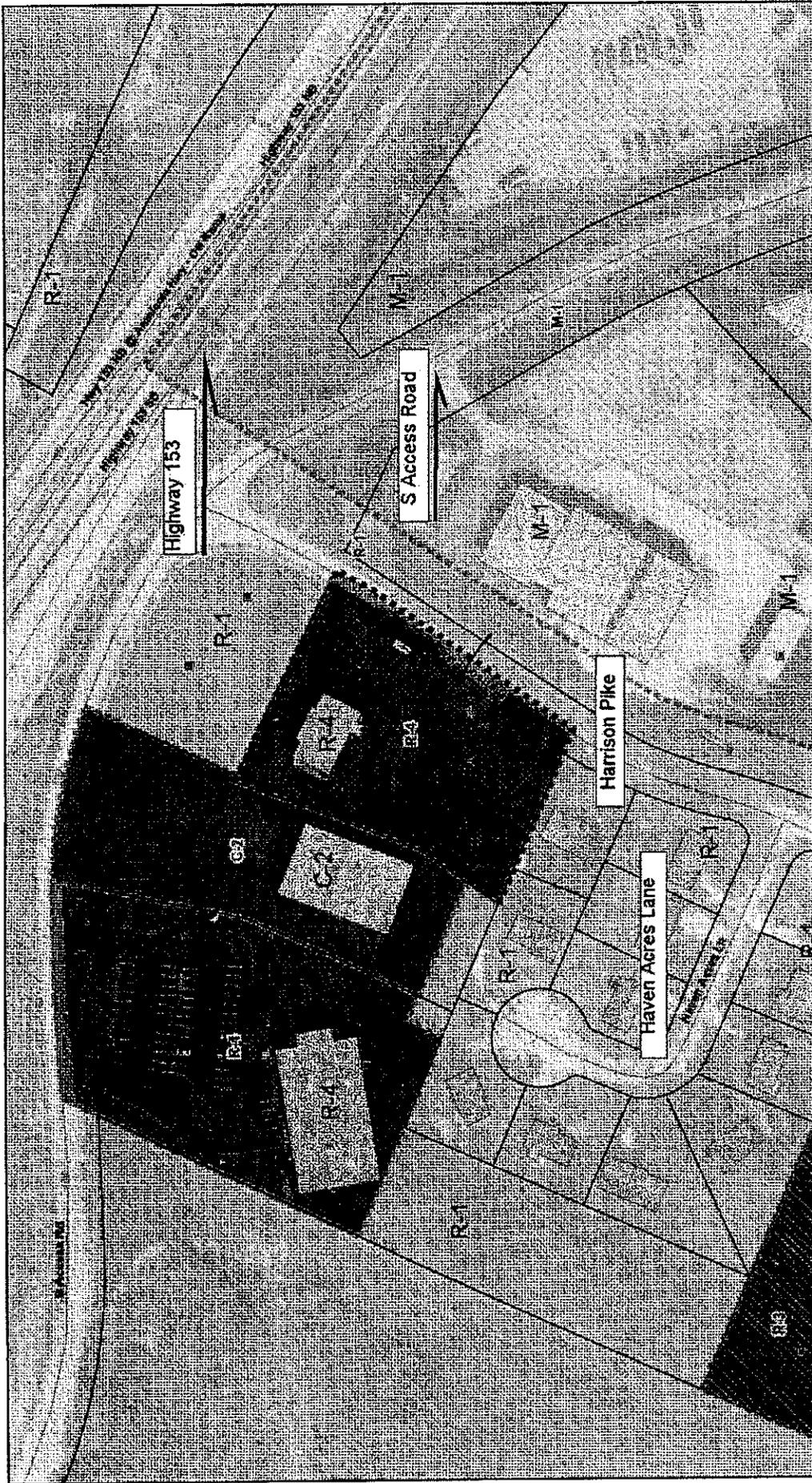
Currently there are two parcels on the property and the potential to further subdivide; therefore staff is recommending the restriction of certain higher intensity commercial uses.

In addition to the staff recommended restrictions, the applicant has proposed a set of voluntary restrictions for the outdoor area.

#### **Voluntary Restrictions for Outdoor Area**

- 1) All audible musical use, whether live or recorded, will be prohibited with the exception of low-level short-duration bride processional music may be used between hours of 10:00 am and 8:00 pm.
- 2) All outdoor lighting will be limited and directed to minimize

- intrusion into the surrounding residential area.
- 3) Vehicle ingress and egress will be limited to the existing access points at the side of the existing building's current paved parking area.
  - 4) A 40-foot deep landscape buffer along the rear property line (adjacent to the residential) shall be installed and maintained as shown on the site plan.



2012-0137 R-4 to C-2

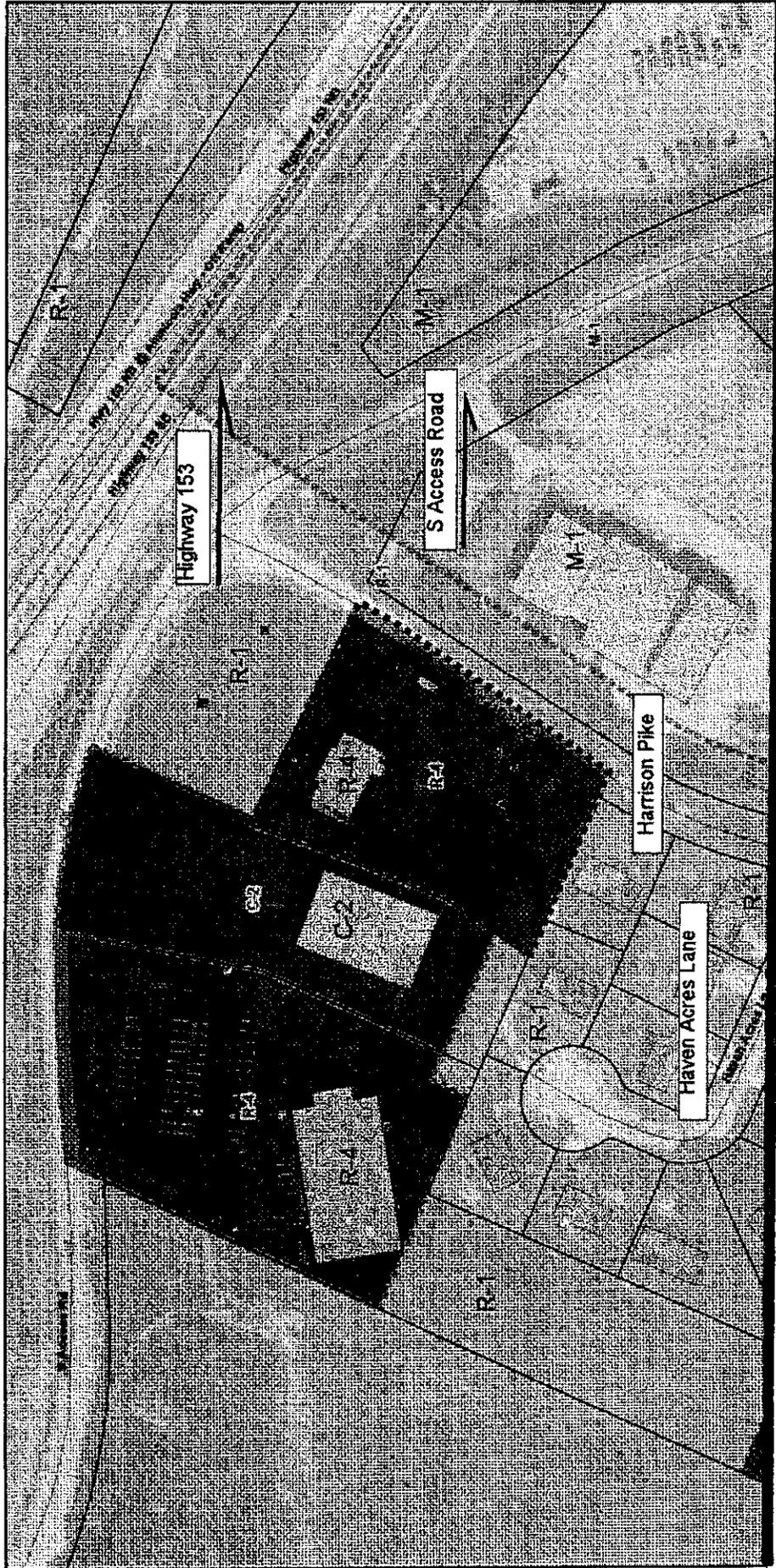


150 ft.



Chattanooga Hamilton County Regional Planning Agency





PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2012-137: Approve, subject the conditions in the Planning Commission Resolution.

2012-0137 R-4 to C-2



150 ft



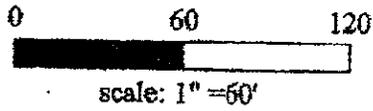
Chattanooga Hamilton County Regional Planning Agency

**2012-137**

**Voluntary Restrictions for Outdoor Area**

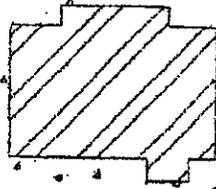
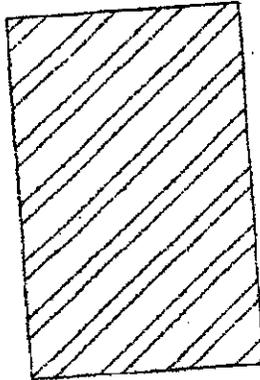
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- A landscape buffer area adjacent to the residential area will be maintained as shown on the site plan.

South Access Rd.



**2012-137**

C-2



Existing  
Parking



New Gazebo

New Parking

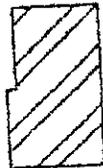
Harrison Pike

M-1

R-1

40' Landscape Buffer

R-1



R-1



**2012-137**

**Voluntary Restrictions for Outdoor Area**  
**(PROVIDED BY APPLICANT)**

- All audible musical use, whether live or recorded, will be prohibited with the exception of low level short duration bride processional music may be used between hours of 10:00 am and 8:00 p.m.
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- Vehicle ingress and egress will be limited to the existing access points at the side of the existing building's current paved parking area.
- A landscape buffer area adjacent to the residential area will be maintained as shown on the site plan.

## NOTICE

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

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

2012-121 The Broadway Group, LLC/Lee McCay/Tiftonia Church of Christ. 151 Browns Ferry Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2012-129 John Wise. 1810 Chestnut Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2012-131 Don Skiles. 6811 McCutcheon Road, from R-1 Residential Zone to R-3MD Moderate Density Zone, subject to certain conditions.

2012-137 Homebuilders Association/Teresa Groves. 3215, 3219, and 3221 Harrison Pike, from R-4 Special Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2012-140 Barry Evans/James Pratt. 402 Forest Avenue, from R-4 Special Zone to R-TZ Residential Townhouse Zero Lot Line Zone, subject to certain conditions.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be approved and denied in part:

2012-143 James D. Lee. 8203 East Brainerd Road, from R-1 Residential Zone and R-2 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

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

2012-117 Ericka Stearns. 906 East 10<sup>th</sup> Street, from R-1 Residential Zone to R-3 Residential Zone.

4. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following Special Exceptions Permit be approved:

2012-144 Chattanooga Construction Company, LLC. 100 thru 200 blocks of Templeton Lane, for a Residential Planned Unit Development.

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

- (a) Amending Section 38-672, Method of procedure, to include special permit petition acceptance.

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,

**November 13, 2012**

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 \_\_\_\_\_, 2012.

\_\_\_\_\_  
Carol K. O'Neal, CMC  
Clerk to the City Council