

2012-143  
James D. Lee  
District No. 4  
Planning Version

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 8203 EAST BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL 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 property located at 8203 East Brainerd Road, more particularly described herein:

The southern 300 feet of an unplatted tract of land located at 8203 East Brainerd Road being part of the property described as Tract 2 in Deed Book 3053, Page 520, ROHC. Tax Map Nos. 159O-A-026 (part).

and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone to C-2 Convenience Commercial Zone.

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

- 1) The following uses shall be prohibited: predatory lending institutions, bowling alleys, billiard rooms, theaters, vehicle repair facilities, new and used vehicle dealerships and repair facilities, motels, hotels, open-air markets, adult-oriented establishments, travel trailer camps and other camping facilities, display and sale of manufactured homes, liquor stores, late night entertainment/event facilities and/or nightclubs or similar uses; and

- 2) Drive-thru uses with amplification shall be located away from the R-1 Residential property on McNichol Lane.

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

2012-143  
James D. Lee  
District No. 4  
Applicant Version

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 8203 EAST BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND R-2 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.

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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 property located at 8203 East Brainerd Road, more particularly described herein:

The southern 300 feet of an unplatted tract of land located at 8203 East Brainerd Road being part of the property described as Tract 2 in Deed Book 3053, Page 520, ROHC. Tax Map Nos. 159O-A-026 (part).

and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone and R-2 Residential 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

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

\_\_\_\_\_  
CHAIRPERSON

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

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

/mms

\_\_\_\_\_  
MAYOR

2012-143 City of Chattanooga  
October 8, 2012

**RESOLUTION**

WHEREAS, James D. Lee 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-1 Residential Zone and R-2 Residential Zone to C-2 Convenience Commercial Zone, property located at 8203 East Brainerd Road.

The southern 300 feet of an unplatted tract of land located at 8203 East Brainerd Road being part of the property described as Tract 2 in Deed Book 3053, Page 520, ROHC. Tax Map 159O-A-026 (part) as shown on the attached map.

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

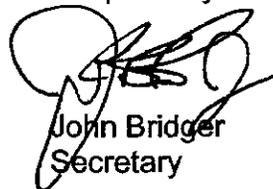
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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 denied for C-2 Convenience Commercial Zone and approved C-5 Neighborhood Commercial Zone, subject to drive-thru uses with amplification to be located away from the R-1 residential property along McNichol Lane.

Respectfully submitted,



John Bridger  
Secretary

# Zoning Request Form



Chattanooga-Hamilton County



**Regional Planning Agency**

1250 Market Street  
Suite 2000  
Development Resource Center  
Chattanooga, Tennessee  
37402  
Phone: 423-668-2287  
Fax: 423-668-2289  
www.chcrpa.org

Other Use Only  
 Case Number: 2012-113  
 Date Submitted: 02/10/2012  
 Applicant: [Redacted]  
 Property Address: [Redacted]  
 City/District: [Redacted]  
 Proposed Use: [Redacted]  
 Applicant Contact: [Redacted]  
 Applicant Title: [Redacted]  
 Applicant Phone: [Redacted]  
 Applicant Email: [Redacted]  
 Applicant Address: [Redacted]

<b>From:</b> R-1 & R-2 Residential Zone	<b>To:</b> C-2 Convenience Commercial Zone
Proposed Development or Use: Commercial Development	

<b>Address:</b> (Street Number & Street Name) 8203 East Brainerd Road	Tax Map No: 1590-A-026 (part of) Plat Book/Page No. N/A
Current Use: Vacant	Adjacent Uses: Residential & Vacant

All communication by phone, fax, email, or mail will be with the Applicant. If you are not the property owner, you will need to submit a letter from the property owners(s) indicating that you are acting as their agent in filing this application (e.g. engineer, architect, consultant, broker, etc.).

- Property Owner    
  Architect    
  Engineer    
  Optionee    
  Purchaser of Property    
  Trustee  
 Other:

Name	James D. Lee
Address:	6618 Waconda Point Drive
City	Harrison
State:	TN
Zip Code:	37341
Daytime Phone:	423-344-8161
Cell Phone:	423-667-0226
Other Phone:	
Email:	
Fax:	423-344-0150

Name:	Same
Address:	
Phone:	
<input checked="" type="checkbox"/> [Redacted] <input checked="" type="checkbox"/> [Redacted] <input checked="" type="checkbox"/> [Redacted] <input checked="" type="checkbox"/> [Redacted] <input checked="" type="checkbox"/> [Redacted] <input checked="" type="checkbox"/> [Redacted] <input type="checkbox"/> [Redacted] <input type="checkbox"/> [Redacted] <input checked="" type="checkbox"/> [Redacted] <input checked="" type="checkbox"/> [Redacted] <input checked="" type="checkbox"/> [Redacted] <input type="checkbox"/> [Redacted]	

<b>Case Number:</b>	<b>2012-143</b>
<b>Applicant Request:</b>	<b>C-2 Convenience Commercial Zone</b>
<b>Applicant:</b>	James D. Lee
<b>Property Address:</b>	8203 East Brainerd Road (part of)
<b>Jurisdiction:</b>	Chattanooga District 4/Hamilton County District 7
<b>Neighborhood:</b>	Friends of East Brainerd/Brainerd East Brainerd Chamber

<b>Proposed Development</b>	
<b>Site Plan Submitted:</b>	Yes
<b>Proposed Use:</b>	Commercial Development

<b>Site Characteristics</b>		<b>Planning Commission Recommendation: Approve Staff Recommendation</b>
<b>Current Zoning:</b>	R-1 & R-2 Residential	
<b>Current Use:</b>	Vacant	
<b>Adjacent Uses:</b>	Residential	
<b>Size of Tract :</b>	3.1 +/- Acres	

<b>STAFF RECOMMENDATION:</b>	<b>DENY C-2 CONVENIENCE COMMERCIAL, APPROVE C-5 NEIGHBORHOOD COMMERCIAL, subject to drive-thru uses with amplification to be located away from the R-1 Residential property along McNichol Lane</b>
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<b>Analysis</b>	
<b>Extension of Existing Zoning?</b>	No
<b>Community Land Use Plan:</b>	East Brainerd Corridor Community Plan
<b>Proposed Use Supported by Community Land Use Plan?</b>	No
<b>Proposed Use Supported by Comprehensive Plan?</b>	No

**Comments**  
 Planning Staff: Request Overview

The applicant is proposing a retail development fronting on East Brainerd Road. The entirety of the lot is over five acres but the applicant is proposing to rezone only three acres that front on East Brainerd Road. The site plan shows the rest of the lot to remain R-1 Residential with a detention pond shown near the northern property line.

Zoning History

The property is currently zoned R-2 Residential. Running along the western boundary of the proposed rezoning area is an unopened right-of-way and two undeveloped tracts of residentially-zoned land.

To the east of the proposed site, there is a C-2 Convenience Commercial zone at the corner of McNichol Lane. Conditions placed on that property subject the zone to use as a beauty salon only (Ordinance No. 10944). A portion of two residential properties that front on McNichol Lane also lie to the east of the proposed rezoning area.

In August 2012, this applicant received a rezoning of property across East Brainerd Road from this site in order to develop a mixed-use project. That rezoning, in part, enables the extension of commercial development along the frontage of East Brainerd Road through the

establishment of a C-5 Neighborhood Commercial Zone.

Applicable Plan/Policy

The East Brainerd Corridor Community Plan recommends that the frontage of this portion of East Brainerd Road between Kinsey Drive and McNichol Lane develop with Neighborhood Commercial uses. Land uses in this category are generally smaller scale with low to medium intensity and generally have less impact on bordering neighborhoods and residential properties. The plan is recommending that medium-intensity uses such as small, multi-tenant office buildings, small hardware stores, and restaurants without drive-through windows locate at or near the intersection of minor arterials or along the corridors of principal arterials and expressways. The plan states that access by a minimum cross-section of three to five lanes is preferred although two-lanes may be considered if appropriate measures are taken to accommodate traffic.

The intention of the land use strategy for East Brainerd Road is to have a combination of activity nodes and strips. Higher intensity commercial uses are grouped and located at the intersection of major streets, or nodes. Less intense uses are located between the node areas. The plan recommends that the most appropriate zone for the recommended Neighborhood Commercial land use category is the C-5 Neighborhood Commercial zone although a C-2 Convenience Commercial zone could be appropriate "depending on use, traffic, and nuisance impacts."

Transportation

According to the Tennessee Department of Transportation, they are mostly complete with right-of-way acquisition for the widening of East Brainerd Road. The project is proposed for construction funding in next year's program. If the project is funded for Construction and the department can obtain the necessary permits, the proposed earliest time the construction could be let would be late 2013. Due to the number of utilities that are in conflict with the road construction, TDOT anticipates that construction could take possible two and a half years to complete.

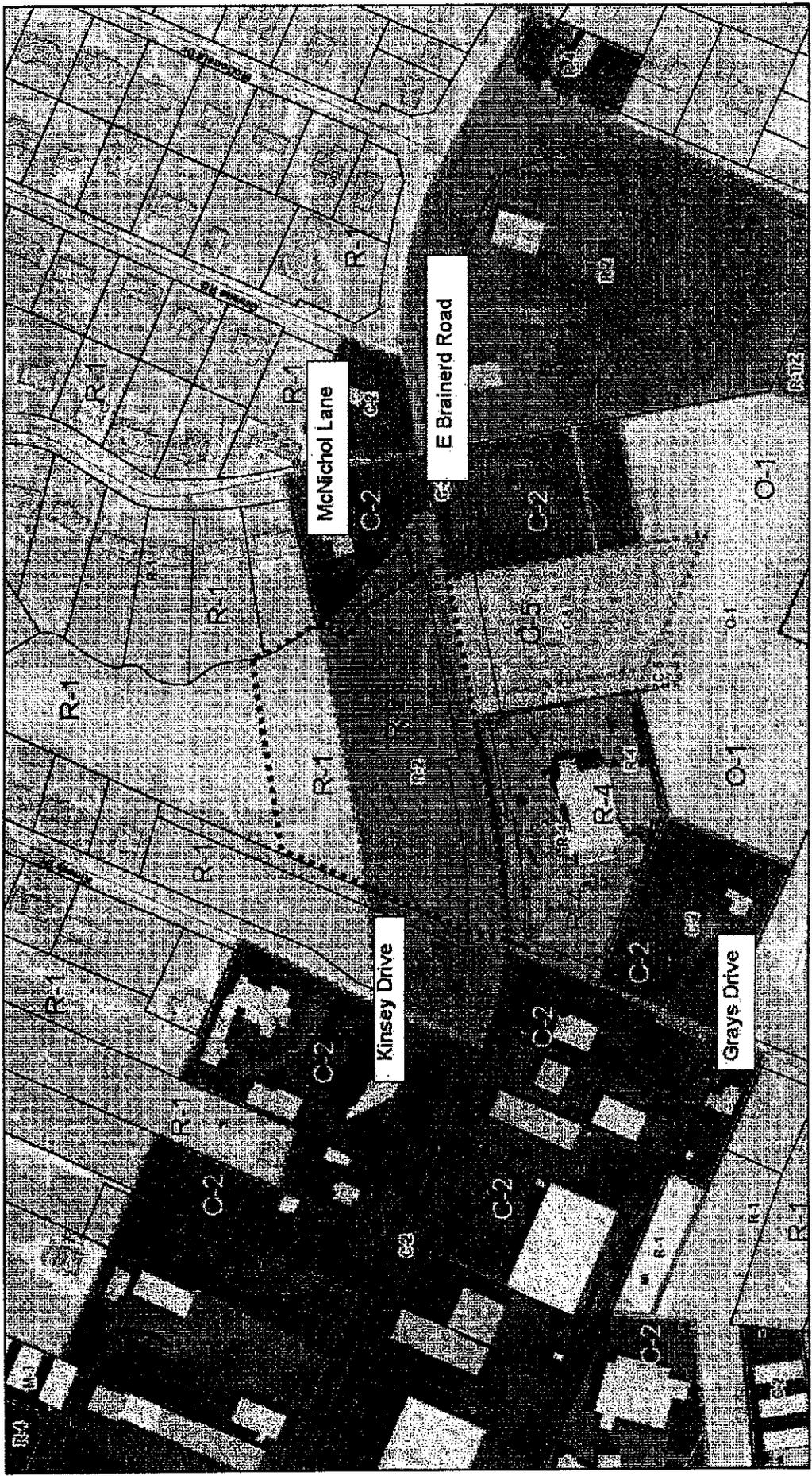
Staff Recommendation

Staff is recommending denial of the C-2 Convenience Commercial Zone but recommending, instead, approval of the C-5 Neighborhood Commercial Zone. The site plan shows a proposed bank and an 18,000 square foot retail center. "Banks", "bank branches", and "banking facilities" are all listed as permitted uses between the R-4 Special Zone and the C-5 Neighborhood Commercial Zone.

In most instances staff does not recommend that a rezoning be conditioned to a very specific site plan (although there are circumstances where this is appropriate), and the applicant does not

provide an indication of the potential uses of the retail center. In order to promote the development strategy of the area plan, and to keep high-intensity business nodes located at the intersection of major streets, staff is recommending development in this area remain of a scale and intensity of uses found in the C-5 Neighborhood Commercial Zone. This is in keeping with the abutting commercial zone that is conditioned to the beauty salon use only and with the R-4 Special Zone and C-5 Neighborhood Commercial Zones across East Brainerd Road from this site.

Also, to help ensure compatibility with the abutting and nearby residences along McNichol Lane, staff is recommending that drive-thru uses with amplification such as possible by the four-lane drive-thru bank as shown on the site plan, be directed towards East Brainerd Road or towards the interior of the commercial site.



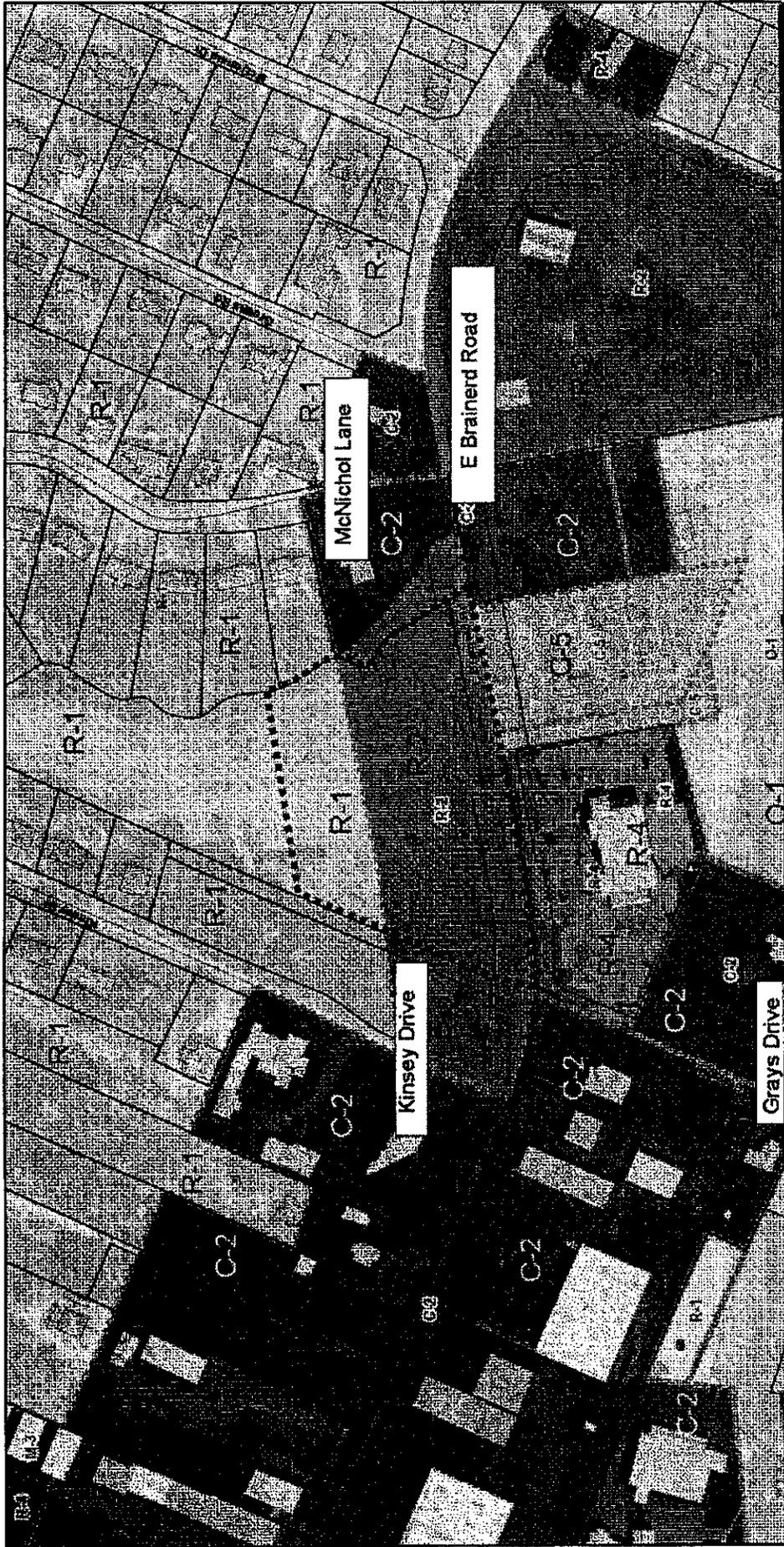
2012-0143 R-1 & R-2 to C-2



230 ft

Chattanooga-Hamilton County  
**CRPA**  
 Regional Planning Agency

Chattanooga Hamilton County Regional Planning Agency



**PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2012-143: Approve C-5 Neighborhood Commercial Zone, subject to drive-thru uses with amplification to be located away from the R-1 Residential property along McNichol Lane.**

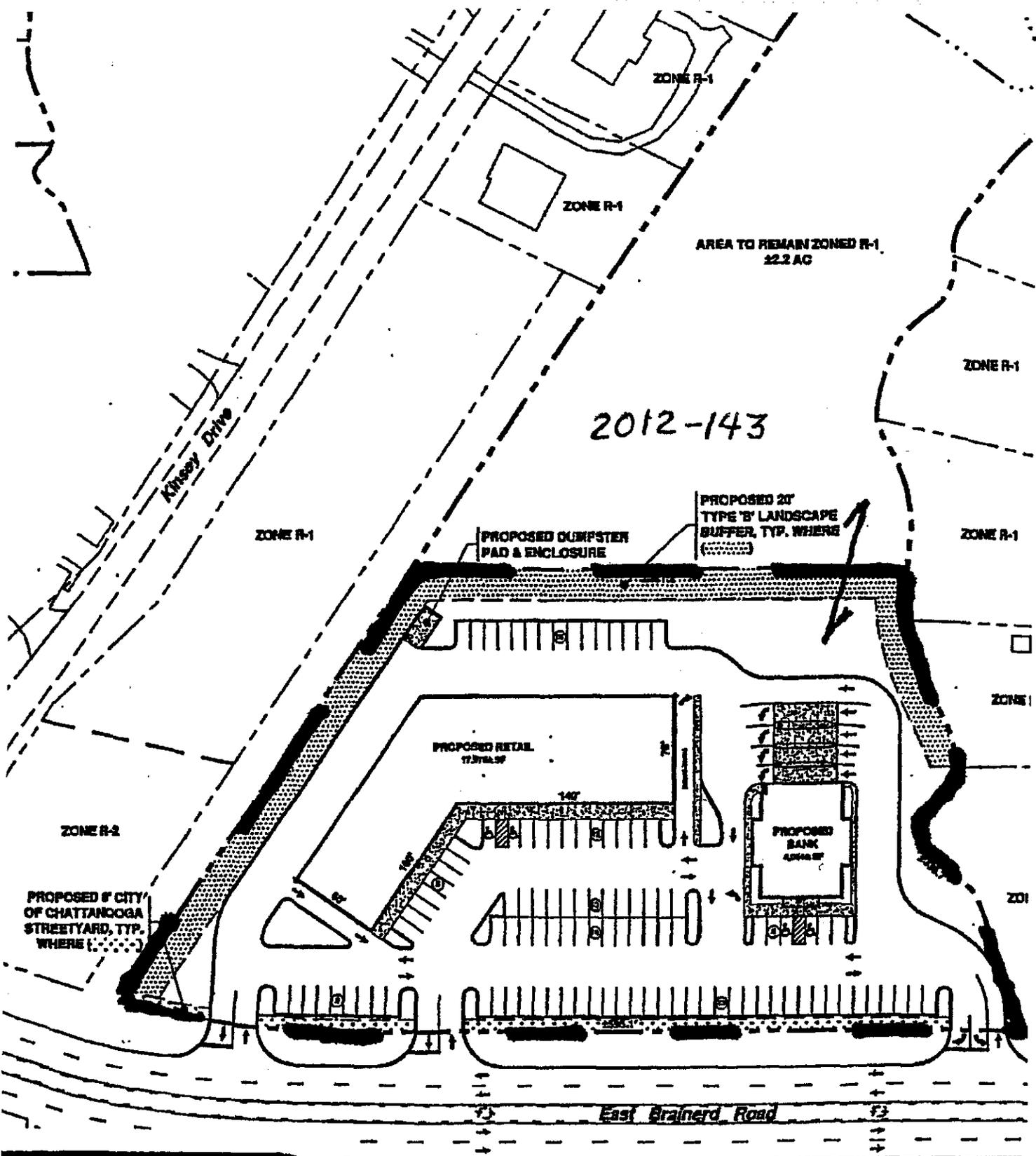
**2012-0143 R-1 & R-2 to C-2**



230 ft



Chattanooga Hamilton County Regional Planning Agency



**REFLECTS THE  
RESENTATION  
DENING OF**

***Proposed Zoning Plan***

SCALE: 1" = 50'





## 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.

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