

12/11/12

2012-108
Yerbey Concrete Construction/
Mark L. Settles
District No. 5
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 4121, 4123, AND 4215 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO M-3 WAREHOUSE AND WHOLESALE ZONE, SUBJECT TO CERTAIN CONDITIONS.

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 4121, 4123, and 4215 Shallowford Road, more particularly described herein:

Lots 1 and 2, Final Plat of Duke's Office Park, Plat Book 29, Page 93, ROHC, Lot 3, Final Plat of Lot 3, Duke's Office Park, Plat Book 35, Page 342, ROHC and an unplatted tract of land located at 4121 Shallowford Road being the properties described in Deed Book 2781, Page 371, Deed Book 2835, Page 796, Deed Book 6296, Page 587, Deed Book 8917, Page 679, and Deed Book 9404, Page 75, ROHC. Tax Map Nos. 147C-E-004, 004.02, and 005.

and as shown on the maps attached hereto and made a part hereof by reference, from C-2 Convenience Commercial Zone to M-3 Warehouse and Wholesale Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be subject to no access to Agawela Drive.

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

2012-108
Yerbey Concrete Construction/
Mark L. Settles
District No. 5
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 4121, 4123, AND 4215 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO M-2 LIGHT INDUSTRIAL ZONE.

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 4121, 4123, and 4215 Shallowford Road, more particularly described herein:

Lots 1 and 2, Final Plat of Duke's Office Park, Plat Book 29, Page 93, ROHC, Lot 3, Final Plat of Lot 3, Duke's Office Park, Plat Book 35, Page 342, ROHC and an unplatted tract of land located at 4121 Shallowford Road being the properties described in Deed Book 2781, Page 371, Deed Book 2835, Page 796, Deed Book 6296, Page 587, Deed Book 8917, Page 679, and Deed Book 9404, Page 75, ROHC. Tax Map Nos. 147C-E-004, 004.02, and 005.

and as shown on the maps attached hereto and made a part hereof by reference, from C-2 Convenience Commercial Zone to M-2 Light Industrial 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

2012-108 City of Chattanooga
November 12, 2012

RESOLUTION

WHEREAS, Yerbey Concrete Construction/Mark L. Settles 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 C-2 Convenience Commercial Zone to M-2 Light Industrial Zone, properties located at 4121, 4123 and 4215 Shallowford Road.

Lots 1 and 2, Final Plat of Duke's Office Park, Plat Book 29, Page 93, ROHC, Lot 3, Final Plat of Lot 3, Duke's Office Park, Plat Book 35, Page 342, ROHC and an unplatted tract of land located at 4121 Shallowford Road being the properties described in Deed Book 2781, Page 371, Deed Book 2835, Page 796, Deed Book 6296, Page 587, Deed Book 8917, Page 679, and Deed Book 9404, Page 75, ROHC. Tax Map 147C-E-004, 004.02 and 005 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on November 12, 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 November 12, 2012, recommended to the Members of the City Council of the City of Chattanooga that this petition be denied for M-2 Light Industrial Zone and approved an M-3 Warehouse & Wholesale Zone, subject to no access to Agawela Drive.

Respectfully submitted,



John Bridger
Secretary

Case Number:	2012-108
Applicant Request:	M-2 Light Industrial Zone
Applicant:	Yerbey Concrete Construction (Mark L. Settles)
Property Address:	4121, 4123, & 4215 Shallowford Road
Jurisdiction:	Chattanooga District 5/Hamilton County District 5
Neighborhood:	North Brainerd Community Council & Neighborhood Association
Proposed Development	
Site Plan Submitted:	Yes
Proposed Use:	Warehouse and Office Space-No manufacturing on this site
Site Characteristics	
Current Zoning:	C-2 Convenience Commercial Zone
Current Use:	Vacant
Adjacent Uses:	Golf Range, FedEx, Residential
Size of Tract:	8.6 plus or minus
STAFF RECOMMENDATION:	DENY M-2 Light Industrial Zone. APPROVE M-3 Warehouse & Wholesale Zone, subject to no access to Agawela Drive.

Analysis

Extension of Existing Zoning?	No
Community Land Use Plan:	North Brainerd Area Plan (2004)
Proposed Use Supported by Community Land Use Plan?	Partially
Proposed Use Supported by Comprehensive Plan?	Yes

**Planning Commission Recommendation:
 Approve Staff Recommendation**

Comments

Planning Staff:

Applicant Request Overview

The application and site plan submitted by the applicant proposes to develop this site with four buildings for warehousing and office uses. The site plan proposes three access points on Shallowford Road.

Site Description

The 8.6-acre site is located on Shallowford Road, north of the intersection at North Moore Road. It is a flat site adjacent to a golf driving range to the east, commercial uses to the west, service station/convenience store across the street to the south, and vacant land at the rear to the north. Most of the site lies within the 100-year floodplain. The property is currently zoned C-2 Convenience Commercial as are the properties immediately adjacent to the east and west. C-2 zoning also lies directly across the street. R-1 Residential zoning is adjacent to the rear of the property. There is also R-1 Residential zoning across the street, belonging to the Cumberland Presbyterian Church. The FedEx warehouse and distribution facility is just north of the site, across the street.

Zoning History

This site was rezoned from R-3 Residential Zone to C-2 Convenience Commercial Zone in 1996 by BHY Concrete Finishing for a proposed office and commercial development (Case 1996-184). No conditions

were placed on the zoning at that time. The most recent rezoning in the immediate vicinity was just west at 3883 Wilcox Boulevard. That property was rezoned in 2011 from R-1 Residential Zone to the C-5 Neighborhood Commercial Zone (Case 2011-044). Another rezoning was at 4250 Shallowford Road. That site was rezoned in 2006 from M-2 Light Industrial Zone and R-1 Residential Zone to the M-2 Light Industrial Zone for the entire site for the FedEx facility (Case 2006-234).

Applicable Plans/Policies

The North Brainerd Area Plan recommends "Medium Business Mix" for this area. The Medium Business Mix category includes convenience commercial, neighborhood commercial, office, residential, or similar uses. The Plan states "the Medium Business Mix category does not allow industrial uses and is more appropriate for the intersections of Shallowford Road, North Moore Road and Wilcox Boulevard due to its close proximity to residential development."

The Comprehensive Plan 2030 encourages these types of developments to be designed in such a way that is sensitive to the existing character of the community and adjacent uses. The proposed use could be viewed as a small Mixed-Use Corporate Park. The Comprehensive Plan encourages direct access to an arterial street as proposed for this development.

Staff Recommendation

Staff recommends to deny the M-2 Light Industrial Zone and approve M-3 Warehouse and Wholesale Zone.

While the proposed warehouse use is not specifically listed as a recommended use in the North Brainerd Plan, the office use is. The warehousing use would be appropriate, if built in conjunction with the office use. Additionally, there is precedence along this section of Shallowford Road with the presence of several existing warehousing and office facilities.

In addition to office and warehousing uses, the M-2 Light Industrial Zone permits many industrial uses that may be objectionable to the nearby residential area. The M-3 Warehouse and Wholesale Zone is more appropriate for this site as it permits uses that better meet the intent of the North Brainerd Area Plan. Additionally, the M-3 Warehouse and Wholesale Zone allows the proposed uses yet is more restrictive than the requested M-2 Light Industrial Zone and the current C-2 Convenience Commercial Zone.

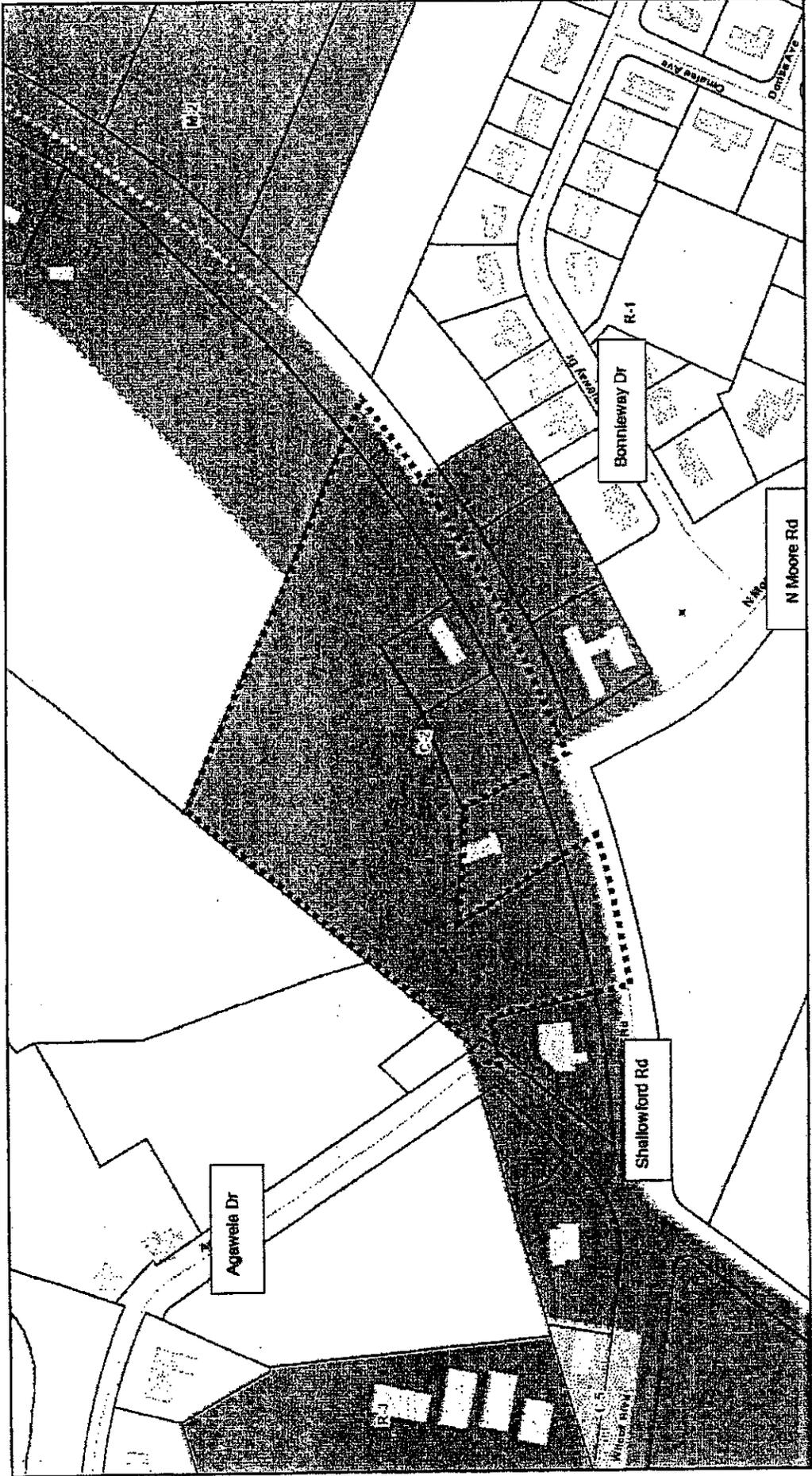
Notes:

The Chattanooga Landscape Ordinance requires Type A (30-foot deep) landscape buffers where the M-2 Light Industrial Zone abuts an R-1 Residential Zone and Type C (10-foot deep) where M-2 abuts C-2

Convenience Commercial Zone.

Also, the number and location of access drives are subject to the approval of the Chattanooga Traffic Engineer's office.

Section 38-33 of the Chattanooga Zoning Regulations requires that exterior spot lighting or other illumination of non-residential uses or structures shall be directed away from any residential zones or areas.



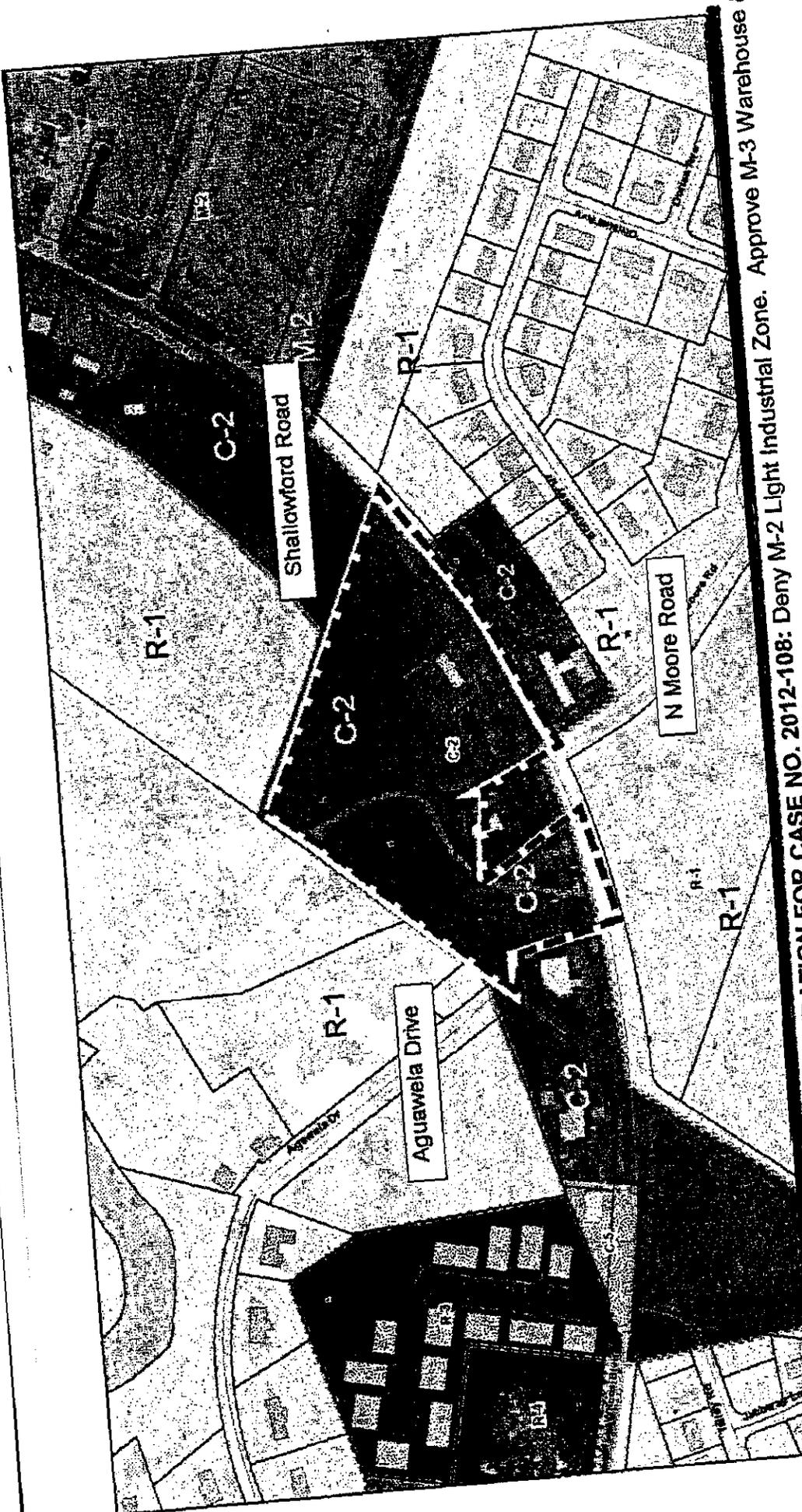
2012-0108 C-2 to M-2

Chattanooga Hamilton County Regional Planning Agency



250 ft





Approve M-3 Warehouse & Deny M-2 Light Industrial Zone.

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2012-108: Deny M-2 Light Industrial Zone. Approve M-3 Warehouse & Wholesale Zone, subject to no access to Agawela Drive.

2012-0108 C-2 to M-2



320 ft



Chattanooga Hamilton County Regional Planning Agency



TAX PARCEL
147C-E-003

ZONE R-1
ZONE C-2

ZONE C-2
ZONE C-2

ZONE R-1
ZONE C-2

TAX PARCEL
147C-E-001

ZONE R-1
ZONE C-2

TAX PARCEL
147C-E-001.02

TAX PARCEL
147C-E-001.03

TAX PARCEL
147C-E-004

TAX PARCEL
147C-E-004.04

TAX PARCEL
147C-E-006

TAX PARCELS 147C-E-004, 004.02, & 005
TO BE REZONED FROM C-2 TO M-2
(8.9 AC. ±)

SHALLOWFORD ROAD

2012-108

SITE
4100 BLOCK OF SHALLOWFORD ROAD
TAX MAP PARCELS:
147C-E-004, 147C-E-004.02, & 147C-E-005

OWNER:
YERBEY CONCRETE CONSTRUCTION
P.O. BOX 3286, CHATTANOOGA, TN 37404

CONTACT:
MARK SETTLES
msettles@yerbey.com
(423) 786-8881



2012-108

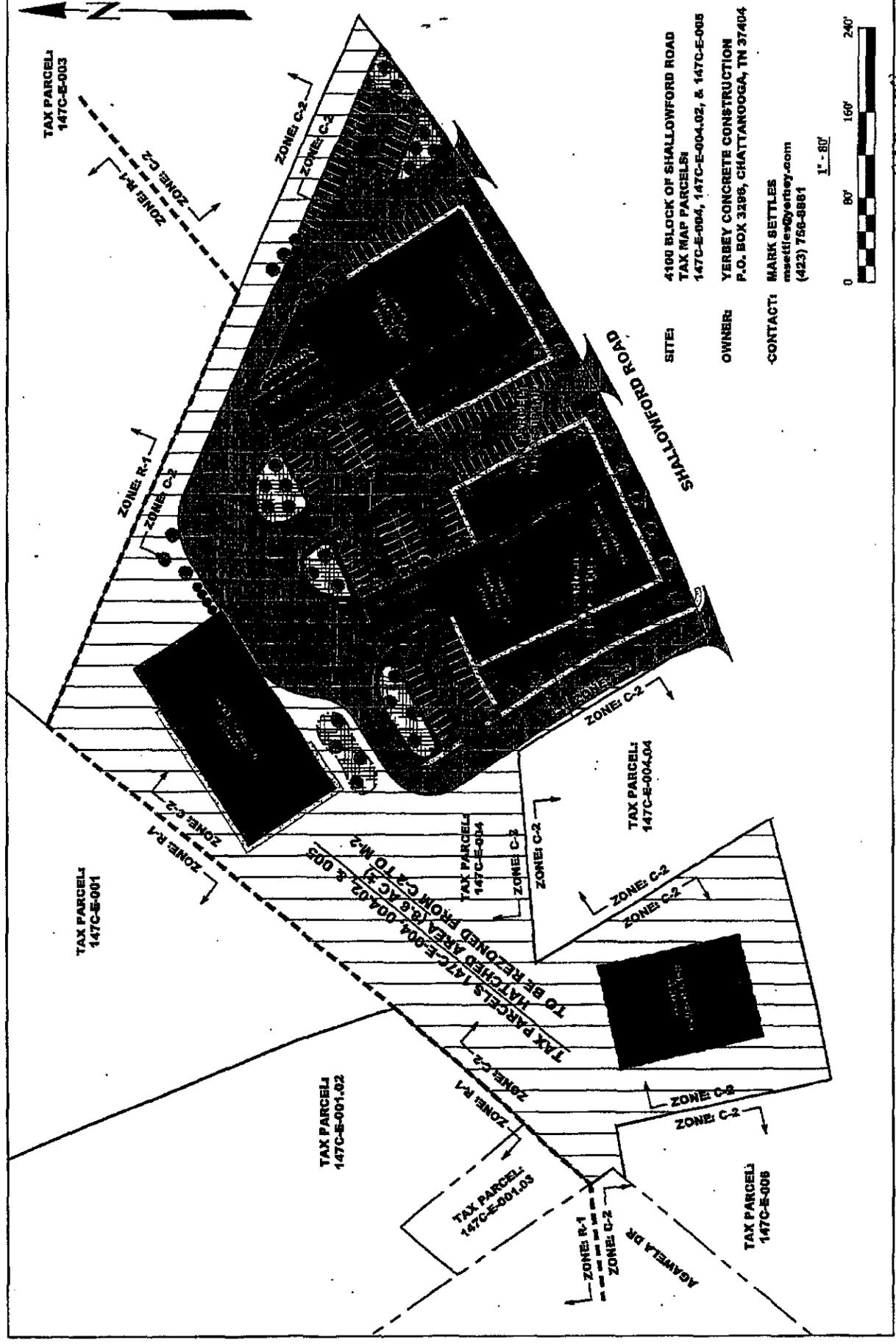
SNO1



Passport Engineering, PLLC
 7625 Hamilton Park Dr, Suite 21
 Chattanooga, Tennessee 37421

Recounting of Tax Parcels 147C-E-004, 004.02, & 005
 DATE: 07-18-12
 SCALE: 1"=80'

REVISIONS	DATE	DESCRIPTION



SITE: 4100 BLOCK OF SHALLOWFORD ROAD
 TAX MAP PARCELS 147C-E-004, 147C-E-004.02, & 147C-E-005

OWNER: YERBEY CONCRETE CONSTRUCTION
 P.O. BOX 3296, CHATTANOOGA, TN 37404

CONTACT: MARK SETTLES
 msettles@yerbey.com
 (423) 756-8861



2012-108

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:

2012-148 Young Properties, LLC. 3906 10th Avenue, from R-2 Residential Zone to M-1 Manufacturing Zone, subject to certain conditions.

2012-152 Napier & Associates, GP/Ken Defoor/Wayne Upchurch/John & Vivienne Reeser. 7329, 7331, and 7335 McCutcheon Road and 2405 Gunbarrel Road, from R-1 Residential Zone to MXU Zone, subject to certain conditions.

2012-153 J R Realty/James Vincent, Sr. 6400 block of Hixson Pike, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

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

2012-108 Yerbey Concrete Construction/Mark L. Settles. 4121, 4123, and 4215 Shallowford Road, from C-2 Convenience Commercial Zone to M-2 Light Industrial Zone, subject to certain conditions.

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

2012-149 Peter E. Johnson, Esquire/Energy Way Corporation. 110 Gardner Street, to allow a duplex.

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,

December 11, 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