

2/12/13

2013-015
Hole Foods, LLC
c/o Rob Renner/
Dr. Gene Rudnick
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 7737 EAST BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE AND R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL 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 7737 East Brainerd Road, more particularly described herein:

Lot 1, Second Unit of Cedar Acres, Plat Book 23, Page 83, ROHC,
Deed Book 4538, Page 626, ROHC. Tax Map No. 159I-A-012.

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

_____, 2013.

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2013

/mms

MAYOR

2013-015 City of Chattanooga
January 14, 2013

RESOLUTION

WHEREAS, Hole Foods, LLC, c/o Rob Renner/Dr. Gene Rudnick 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 O-1 Office Zone and R-1 Residential Zone to C-2 Convenience Commercial Zone, property located at 7737 East Brainerd Road.

Lot 1, Second Unit of Cedar Acres, Plat Book 23, Page 83, ROHC, Deed Book 4538, Page 626, ROHC and part of an unplatted tract of land beginning at the southwest corner of Tax Map 159I-A-009 thence southeast along the south line of said property some 168.8 feet to its intersection with the northeast corner of Tax Map 159I-A-012, thence northeast some 100 feet to a point, thence northwest some 186.8 feet to the east line of Tax Map 159I-A-009, thence some 101.6 feet southwest along said east line to its intersection with the southwest corner of Tax Map 159I-A-009, the point of beginning being part of the property described as Tract 1 in Deed Book 3059, Page 612, ROHC. Tax Map 159I-A-009 (part) and 012 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on January 14, 2013,

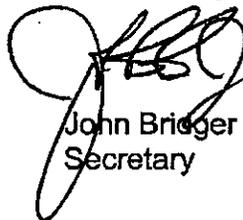
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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 January 14, 2013, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved.

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

Office Use Only

Case Number: 013-015

Date Submitted: 12/10/2012

Planning District: 11

County District:

City District:

Jurisdiction: Chattanooga

Neighborhood: Cammerdale Heights of E Brainerd, BEHC

Staff Action:

P. Action/Date:

Legis. Action/Date:

From: O-1	To: C-2
Proposed Development or Use: CONSTRUCTION OF A FAST CASUAL RESTAURANT WITH DRIVE THROUGH WINDOW. APPLICANT ALSO PURCHASING ADDITIONAL PROPERTY AND APPLYING FOR A VARIANCE FROM BOARD OF APPEALS FOR ADJACENT PARKING IN AN R-1 ZONE	

Address: (Street Number & Street Name) 7737 East Brainerd Rd	Tax Map No: 159I-A-012
	Plat Book/Page No. 23/83
Current Use: Medical Office	Adjacent Uses: Residential, Office, Commercial

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	Hole Foods, LLC Attn: Rob Renner	
Address:	860 Stuart Rd	
City	Cleveland	State: TN
Zip Code:	37312	
Daytime Phone:	423-559-1113	
Cell Phone:	423-593-3259	
Other Phone:		
Email:	rob@robrennerconstruction.com	
Fax:	423-559-1110	

Name:	Dr. Gene Rudnick
Address:	7737 East Brainerd Rd
	Chattanooga, TN 37421
Phone:	423-544-1217
CHECKLIST (OFFICIAL USE ONLY)	
<input checked="" type="checkbox"/> Application Complete	<input checked="" type="checkbox"/> Fees for property to be reviewed
<input checked="" type="checkbox"/> Ownership Verification (Tax Map Application Letter)	Plat Book: 23/83
<input checked="" type="checkbox"/> Map showing property to be reviewed	<input checked="" type="checkbox"/> Copy of Plats, if applicable
<input checked="" type="checkbox"/> One Plan, if applicable	Plat Book Page: 23/83
<input checked="" type="checkbox"/> Total acres to be considered: 0.58	<input checked="" type="checkbox"/> Notice Signs: How/Many
<input checked="" type="checkbox"/> Filing Fee: \$35.00	<input type="checkbox"/> Cash Check No: 27138
Accepted by: Jennifer Ware	Date: 12/10/2012

Case Number:	2013-015
Applicant Request:	Rezone to C-2 Convenience Commercial Zone
Applicant:	Hole Foods, LLC Attn: Rob Renner
Property Address:	7737 East Brainerd Road
Jurisdiction:	Chattanooga District 4/ Hamilton County District 7
Neighborhood:	Friends of E. Brainerd, Brainerd/E. Brainerd Chamber Council
Proposed Development	
Site Plan Submitted:	Yes
Proposed Use:	Construction of a fast-food casual restaurant with drive through window
Site Characteristics	
Current Zoning:	O-1
Current Use:	Medical Office
Adjacent Uses:	Residential, Office, Commercial
STAFF RECOMMENDATION:	APPROVE
Analysis	
Extension of Existing Zoning?	Yes
Community Land Use Plan:	Hamilton Place Community Plan (2001)
Proposed Use Supported by Community Land Use Plan?	No
Proposed Use Supported by Comprehensive Plan?	Yes
PLANNING COMMISSION ACTION: Approve	

Comments

Planning Staff:

Applicant Request Overview

The applicant is pursuing rezoning from O-1 Office Zone to C-2 Convenience Commercial Zone for a fast food drive-through restaurant on East Brainerd Road. In order to accommodate the restaurant development as proposed, the applicant is proposing to purchase additional property and seek a Special Permit from the Board of Zoning Appeals to enable parking in the adjacent R-1 Residential zone to the rear.

Site Description

The site is located on East Brainerd Road 1,200 feet west of its intersection with Jenkins Road. Properties along East Brainerd Road to the west of this site are developed with an outdoor sales business and Wendy's, Dunkin Donuts and Zaxby's restaurants. Along the southern frontage of East Brainerd Road near the site are a retail shop, an office and a fire hall. All of the uses mentioned, except for the fire hall, are in the C-2 Convenience Commercial Zone. To the rear of the rezoning site is a 20-acre church property in an R-1 Residential Zone and to the east are two offices in the O-1 Office Zone.

Zoning History

The land proposed for the restaurant and the two adjoining properties were rezoned to O-1 Office in 1983.

Applicable Plans/Policies

The Hamilton Place Community Plan recommends an Office use for this location but does not provide any additional specific location for development along this portion of the East Brainerd Road corridor.

The goals for the plan are as follows:

- Protect and enhance existing neighborhoods
- Strengthen existing commercial areas
- Improve the transportation system
- Protect the environment
- Identify opportunities for community facilities and parks

The plan has the two following principles for Land Use:

- Commercial and neighborhood boundaries should be maintained as defined by the land use plan.
- Configure new development so that is compatible with existing adjoining uses. Examples include placing smaller scale, less intense buildings next to existing neighborhoods. Placement of large-scale buildings next to neighborhoods should be avoided.

Much of the plan's focus is on defending the neighborhoods and strengthening the commercial core. The geographic focus of these "critical challenges" and "pressured sites" is primarily along Gunbarrel Road, Shallowford Road and near the Hamilton Place Mall area.

Staff Recommendation

Staff is supporting a rezoning to C-2 Convenience Commercial at this location although the adopted plan for the area recommends an Office use. The plan is one factor in a staff recommendation and, in this case, the plan boundary is the northern side of East Brainerd Road, and there is not a plan with a recommendation for the southern side of East Brainerd Road at this location.

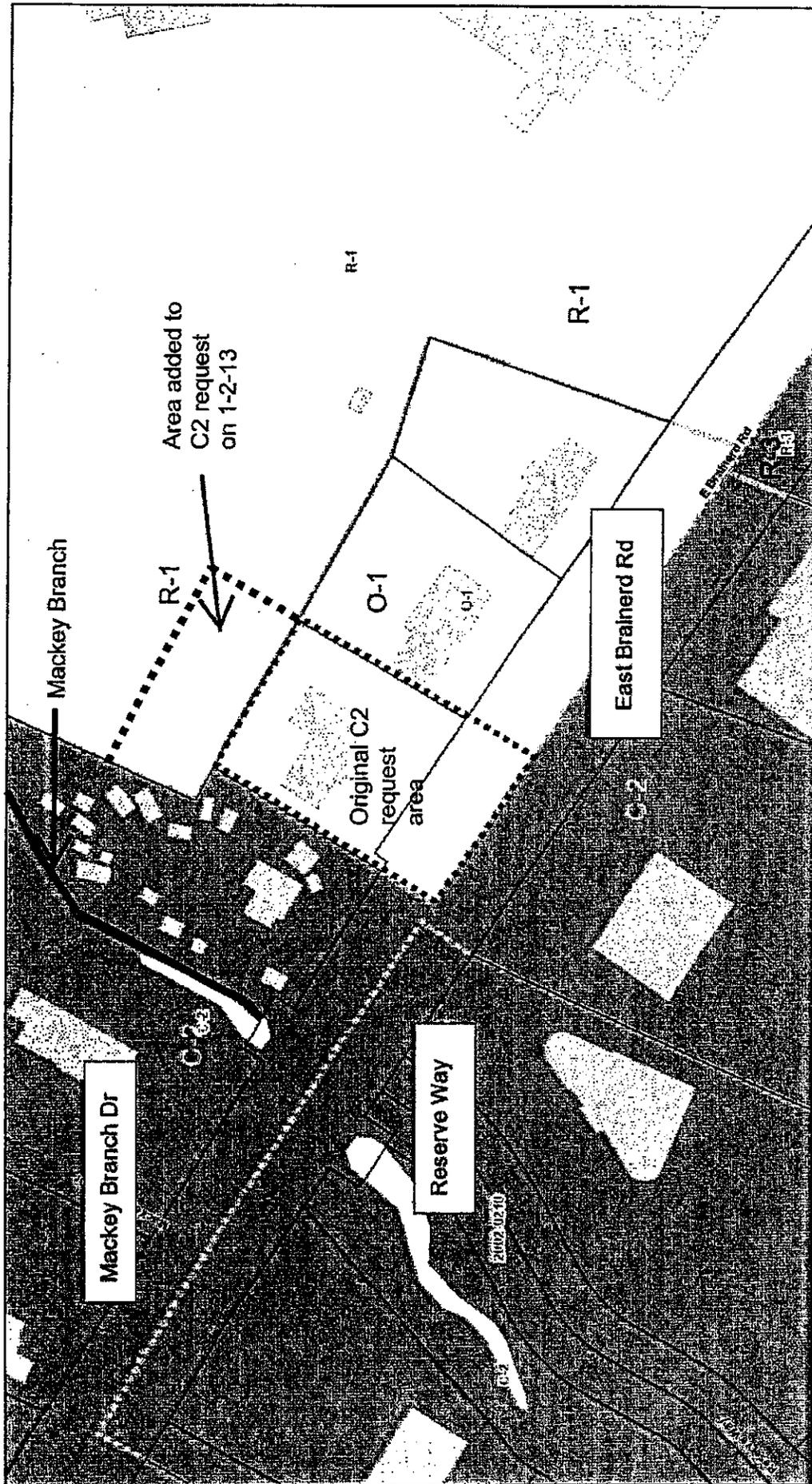
Rezoning to a commercial use at this site does not seem in conflict with the plan goals or the land use principles. There is not a neighborhood near this site and, in fact, the adjacent uses are nonresidential or the 20-acre church site. The large church site is itself a buffer from the non-residential uses along East Brainerd Road and the residential core to the north. The site is already zoned O-1 Office and redevelopment of this site contributes to the existing commercial land use pattern along East Brainerd Road.

The site is adjacent to the commercially-zoned development along Mackey Branch Drive. That development extends northward over 900 feet from East Brainerd Road. The commercial zone across the street from the site extends 500 feet south of East Brainerd Road. This site is

about ½ acre and extends less than 200 feet from the road. The applicant is minimizing the amount of rezoning for commercial use by seeking a permit for parking in the R-1 Residential Zone portion.

So, although the plan recommends an Office land use at this location, rezoning of this site is an extension of an existing zone, is similar to the established development pattern, and is not situated as to negatively impact existing residential neighborhoods. Therefore, staff is recommending approval of the rezoning.

NOTE: The applicant should contact the City of Chattanooga Land Development Office regarding stormwater requirements for this proposed development due to its proximity to Mackey Branch.



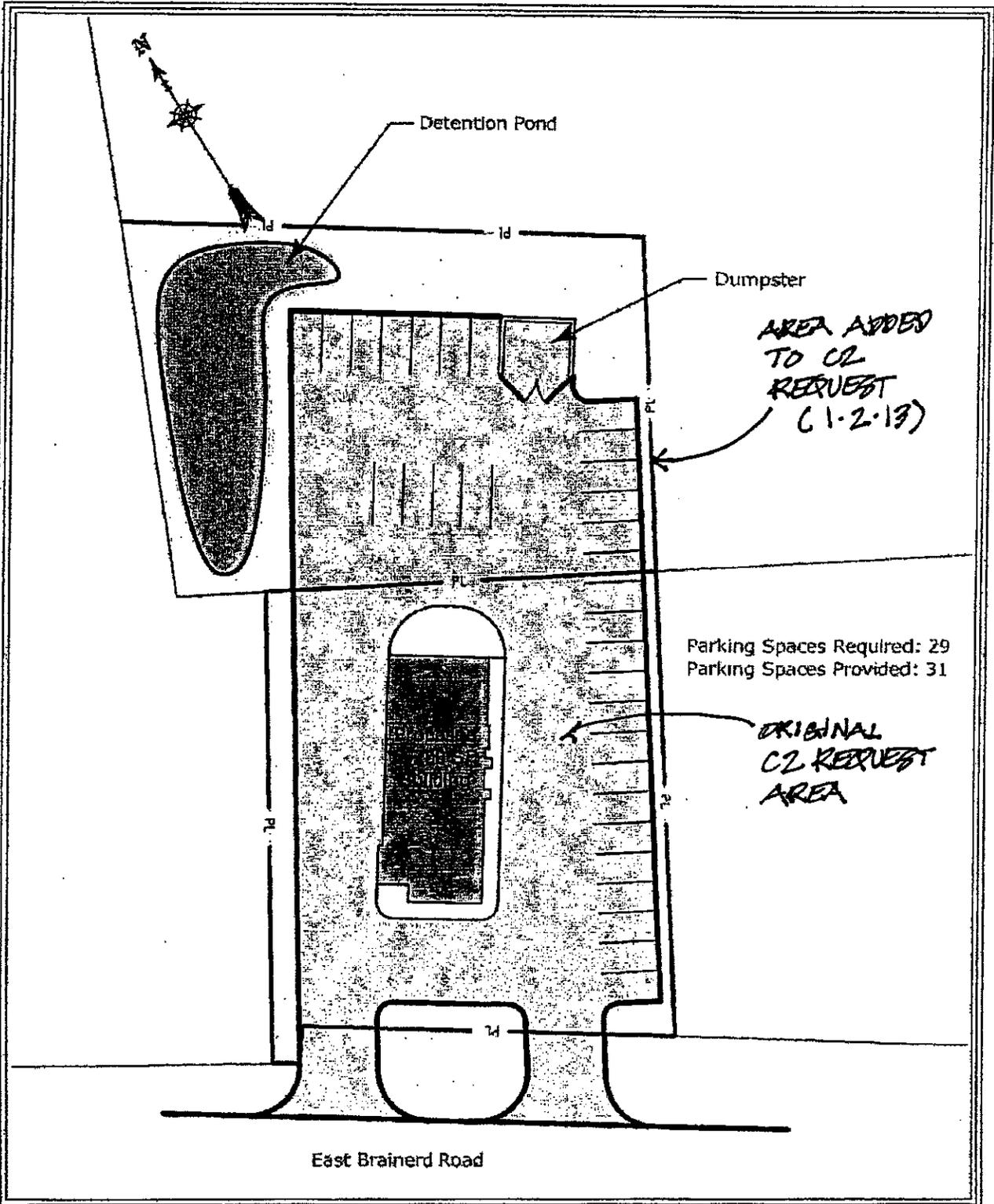
2013-015 Rezoning O-1 to C-2



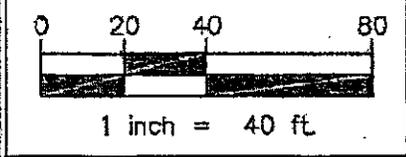
100 ft



Chattanooga Hamilton County Regional Planning Agency



Einstein Bros. Bagels
 7737 East Brainerd Road
 Chattanooga, Tennessee
 November 13, 2012 Sketch Plan

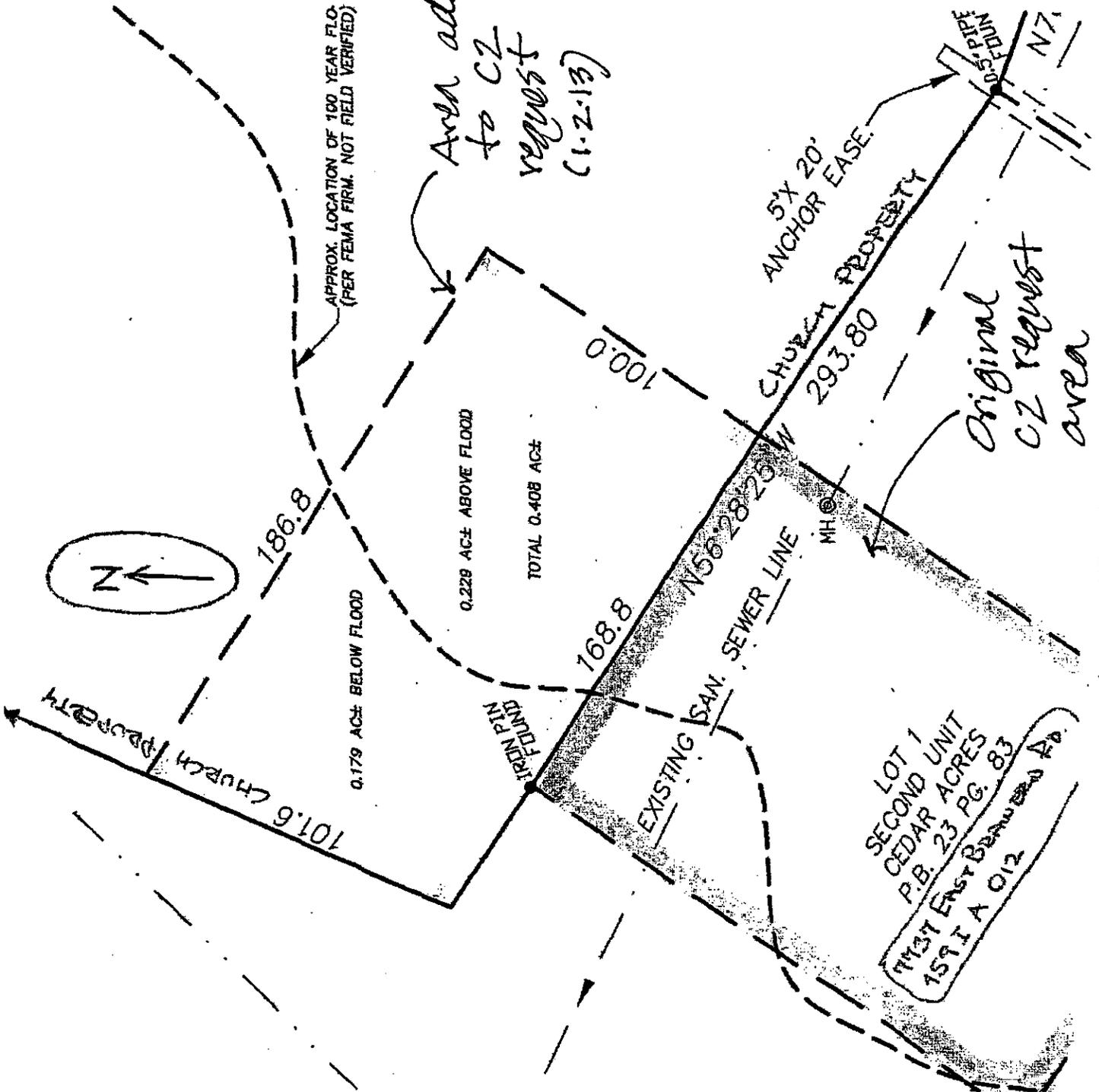


ENGINEERING GROUP
 400 East Main Street, Suite 130
 Chattanooga, TN 37408
 Phone: 423-600-9110

DAVID MATHEWS SURVEYING
MAPPING & ENGINEERING

PROFESSIONAL SURVEYORS & ENGINEERS
TOPOGRAPHIC & AERIAL MAPPING • SITE PLANS
SUBDIVISION DESIGN • BOUNDARY SURVEYS

1420 HAMILTON ROAD
CHAITANOOSA, TN 37433
PHONE: (615) 891-1100
FAX: (615) 891-1101



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:

2012-089 Napier Associates/Defoor Brothers Development, LLC/Gunbarrel Partners/Waterside Property Investment, LLC. 2351, 2417, 2424, 2428, and 2440 Elam Lane; 2545 and 2565 Lifestyle Way; and 2515 and 2519 Gunbarrel Road, from R-1 Residential Zone and MXU Zone to C-4 Planned Commerce Center Zone, subject to certain conditions.

2013-009 Taqi Ali Mirza and Ron Morrer/Susan Higley. 1951 and 2017 Dodson Avenue, from C-2 Convenience Commercial Zone and M-2 Light Industrial Zone to M-1 Manufacturing Zone, subject to certain conditions.

2013-013 Grace Episcopal Church/Randy Durham, Treasurer. 4018, 4022, and 4026 Brainerd Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2013-015 Hole Foods, LLC c/o Rob Renner/Dr. Gene Rudnick. 7737 East Brainerd Road, from O-1 Office Zone and R-1 Residential Zone to C-2 Convenience Commercial Zone.

2013-016 Regan-Smith Associates/Brant Enderle. 3800 block of Cummings Road, from R-1 Residential Zone to R-3 Residential Zone, subject to certain conditions.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following conditions be amended:

2013-008 Napier Associates/Defoor Brothers. 2300 and 2400 blocks of Gunbarrel Road, to change MXU Boundary and Plan, subject to certain conditions.

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

2013-014 B & L Builders. 7435 and 7437 Pinewood Drive, for a Residential Planned Unit Development, subject to certain requirements.

2013-017 Ragan-Smith Associates/Brant Enderle. 3800 block of Cummings Road, for a Single Family Planned Unit Development, subject to certain requirements.

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,

February 12, 2013

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 _____, 2013.

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