

2/12/13

2013-009
Taqi Ali Mirza and Ron Morrer/
Susan Higley
District No. 8
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1951 AND 2017 DODSON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE AND M-2 LIGHT INDUSTRIAL ZONE TO M-1 MANUFACTURING 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 properties located at 1951 and 2017 Dodson Avenue, more particularly described herein:

The Business Block, Plat of Hardy Heights, Plat Book 15, Page 112, ROHC, including its most recent subdivision being Lot 1, Final Plat of Hardy Heights in Plat Book 77, Page 111, ROHC, and being the properties described in Deed Book 6253, Page 578, and Deed Book 7396, Page 349, ROHC. Tax Map Nos. 136L-C-019 and 019.01.

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

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be subject to use as a scrap metal yard only and the requirement of an industrial conditional permit unless the requirements of Section 38-301(3)(a-d) of the Zoning Ordinance are met.

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

_____, 2013.

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2013

/mms

MAYOR

2013-009
Taqi Ali Mirza and Ron Morrer/
Susan Higley
District No. 8
Applicant Version

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PASSED on Second and Final Reading

_____, 2013.

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2013

/mms

MAYOR

2013-009 City of Chattanooga
January 14, 2013

RESOLUTION

WHEREAS, Taqi Ali Mirza & Ron Morrer/Susan Higley 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 and M-2 Light Industrial Zone to M-1 Manufacturing Zone, properties located at 1951 and 2017 Dodson Avenue.

The Business Block, Plat of Hardy Heights, Plat Book 15, Page 112, ROHC, including its most recent subdivision being Lot 1, Final Plat of Hardy Heights in Plat Book 77, Page 111, ROHC, and being the properties described in Deed Book 6253, Page 578, and Deed Book 7396, Page 349, ROHC. Tax Map 136L-C-019 and 019.01 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, subject to use as a Scrap Metal Yard only. An Industrial Conditional Permit is still required unless the requirements of Section 38-301(3)(a-d) of the Zoning Ordinance are met.

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: 2019-009

Date Submitted: 12/10/2012

Planning District: 00

County District: 4

City District: 2

Jurisdiction: Chattanooga

Neighborhood: Avondale

Staff Action:

PC Action/Date:

Legis. Action/Date:

PROPOSED ZONING

From: C-2 and M-2 **To:** M-1

Proposed Development or Use: Scrap Metal Yard

ADDRESS INFORMATION

Address: (Street Number & Street Name)
1951 and 2017 Dodson Ave

Tax Map No.: 136L-C-019 and 019.01

Plat Book/Page No.: 15/112, 77/111

Current Use: Scrap Metal Yard **Adjacent Uses:** Residential and Commercial

APPLICANT INFORMATION

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: Taqi Ali Mirza and Ron Morrer

Address: 2017 Dodson Ave

City: Chattanooga **State:** TN

Zip Code: 37406

Daytime Phone: 205-243-0131

Cell Phone: 205-243-0131

Other Phone: 205-243-0131

Email: kanrecycling@gmail.com

Fax:

Name: Susan Higley

Address: 2751 Haywood Ave
Chattanooga, TN 37415

Phone: 423-593-4174

CHECKLIST (OFFICE USE ONLY)

Application Complete Deeds for property to be rezoned
 Ownership Verification Deed Book: 6253/679, 7396/349
 (If Applicable) Letter Map showing property to be rezoned Copy of Plans, if applicable
 Site Plan, if applicable Plat Book/Page: 15/112, 77/111
 Lots to be rezoned: 4391 Notice Signs: How Many: 1
 Bill No.: 62500 Cash Check No.: 1135
Accepted by: Jennifer Ware **Date:** 12/10/2012

Case Number:	2013-009
Applicant Request:	M-1 Manufacturing Zone
Applicant:	Taqi Ali Miraz & Ron Morrer/ Susan Higley
Property Address:	1951 & 2017 Dodson Ave
Jurisdiction:	Chattanooga District 8/ Hamilton County District 4
Neighborhood:	Avondale
Proposed Development	
Site Plan Submitted:	Yes
Proposed Use:	Scrap Metal Yard
Site Characteristics	
Current Zoning:	C-2 Convenience Commercial and M-2 Light Industrial
Current Use:	Scrap Metal Yard
Adjacent Uses:	Residential, Commercial and Industrial
Size of Tract	4.39 acres

STAFF RECOMMENDATION: DENY

Analysis	
Extension of Existing Zoning?	No
Community Land Use Plan:	Avondale Neighborhood Plan (2004)
Proposed Use Supported by Community Land Use Plan?	No
Proposed Use Supported by Comprehensive Plan?	Partially

PLANNING COMMISSION ACTION:
 Approve, subject to... (see resolution)

Comments

Planning Staff: Applicant Request Overview
 The applicant has proposed rezoning a 4.39 acre tract from C-2 Convenience Commercial and M-2 Light Industrial to M-1 Manufacturing Zone as the first step towards legally operating a recycling processing center. The second step is obtaining an Industrial Conditional Permit, required within the M-1 Zone to legally operate a recycling processing center. The applicant is pursuing the Industrial Conditional Permit concurrently with this rezoning request (Case 2013-010). This permit is approved by the Planning Commission only. However, it cannot be approved until the City Council first approves the M-1 Manufacturing Zone.

The City of Chattanooga Land Development Office found during a routine site investigation that the site was not in compliance with current zoning regulations and recommended the applicant pursue rezoning.

In order to provide a thorough and thoughtful review of this case, staff reviewed the applicant's proposal, adopted plans and policies for the area, the planning and zoning history of the site and surrounding community, relevant research and other applicable land use factors.

Site Description

The site topography is flat, there are no known floodplains or other environmentally sensitive areas associated with the site. The property is currently in use as a scrap metal yard. Adjacent uses include residential, commercial and manufacturing.

This property currently has inoperable vehicles, including tractors and other heavy equipment scattered across the site. There is a 25' buffer from the adjacent residential properties to the east. Operations are clearly visible above the existing fence.

Zoning History

In 2008, the property located at 2017 Dodson was rezoned from M-2 Light Manufacturing to C-2 Convenience Commercial for the purpose of establishing a used car dealership. Staff recommended a denial of the requested M-1 zone and, instead, recommended approval of C-2 zone subject to the following conditions :

- 1) Screening Type B except that the depth shall be 25 feet as measured towards the interior of the property;
- 2) Subject to use for automobile sales and related activities only;
- 3) Any lighting should be directed away from the adjacent residential properties;
- 4) A street yard with a minimum depth of 8 feet shall be provided as measured from the edge of the right-of-way towards the interior of the property; and
- 5) Any maintenance or repair of automobiles shall take place between the hours of 7 AM and 8 PM.

Per Ordinance 12175, Chattanooga City Council approved the C-2 Convenience Commercial Zone, subject to the above conditions.

Applicable Plans/Policies

The following is a synopsis of policies and plan recommendations for the portion of the Avondale community in which the proposed rezoning is located.

The adopted plan for this area, Avondale Neighborhood Plan (2004), recommends "Medium Density Business Mix" as the land use category for this location. This designation includes convenience commercial, neighborhood commercial, residential and similar uses.

This request is located in the Urban Growth Development Sector of the Comprehensive Plan 2030. Urban Sector development is characterized by a primarily residential network of dense neighborhoods with an interspersing of mixed uses, including offices and retail, usually confined to corner locations. Industrial and manufacturing opportunities are encouraged in this sector, but should be designed in such a way that is sensitive to the character of the community and

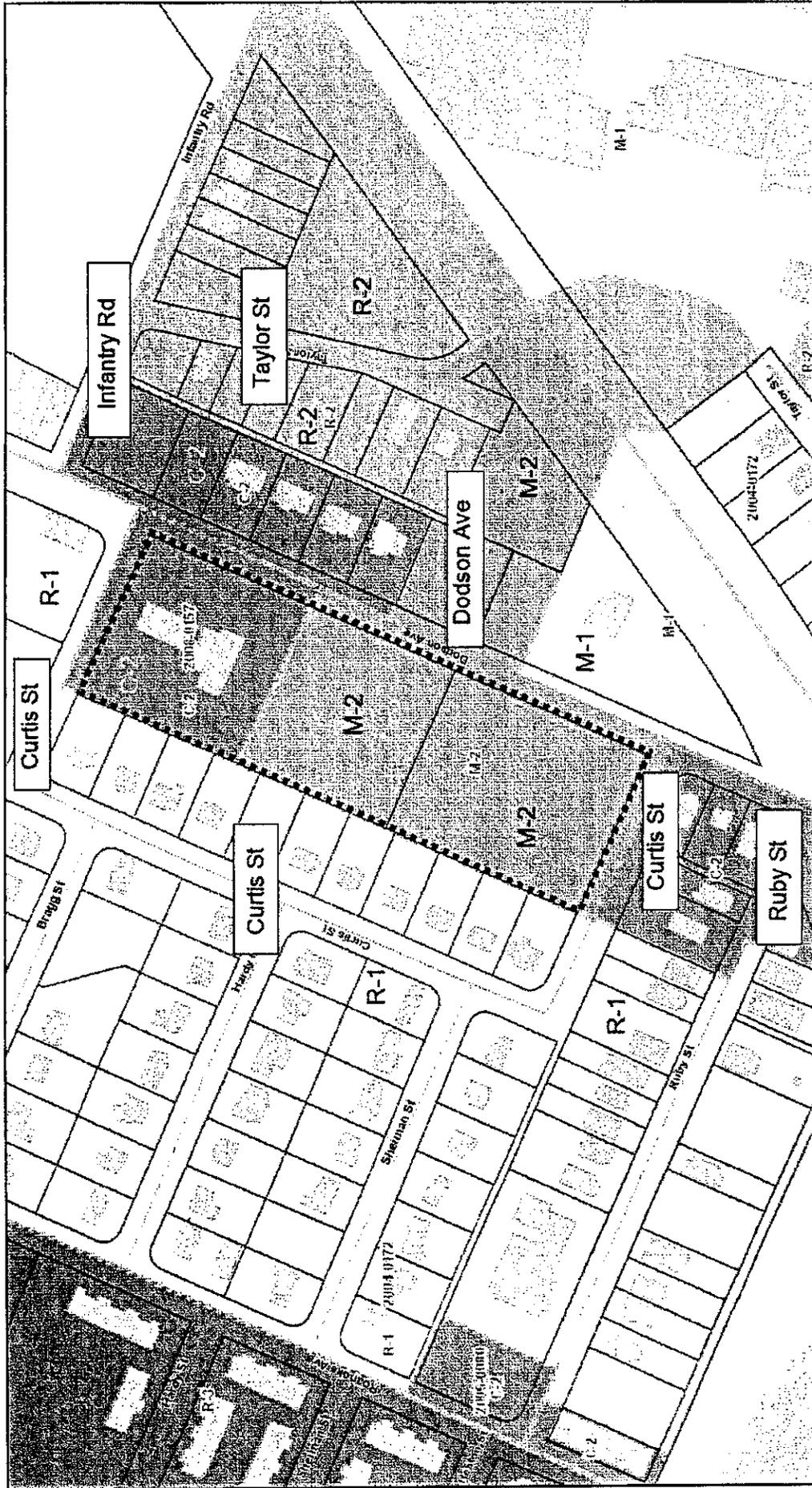
adjacent uses.

Staff Recommendation

Staff is recommending denial of this rezoning request. This proposal is for a heavy industrial use and therefore not supported by the Avondale Plan which recommends a lower intensity of commercial uses. Although the Comprehensive Plan encourages opportunities for industrial and manufacturing in this area, the subject property is less than a quarter mile from an elementary school and in the center of a predominately residential neighborhood. This request would allow a range of processing activities and other uses considered objectionable within close proximity to residences and out of character with the larger community.

A similar request for M-1 Manufacturing Zone, made in 2008, was recommended for denial for many of the same reasons listed above. Instead, C-2 Convenience Commercial was recommended by staff in its place, which was subsequently approved both the Planning Commission and City Council.

Approval of this request could set a negative precedent encouraging a spate of similar requests for heavy industrial zoning changes inappropriate to this area and opens the possibility of additional uses of greater intensity.



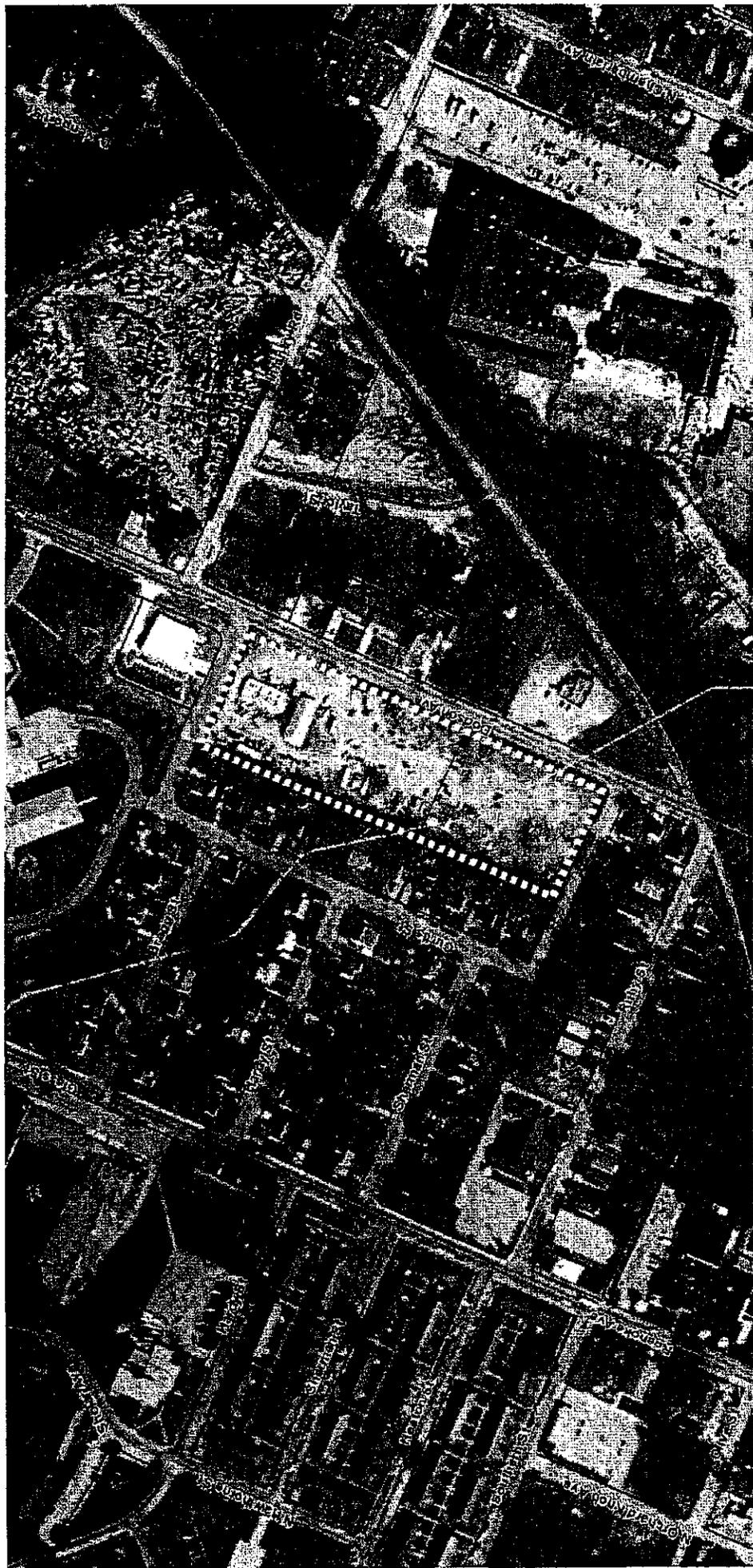
2013-0009 Rezoning C-2 and M-2 to M-1

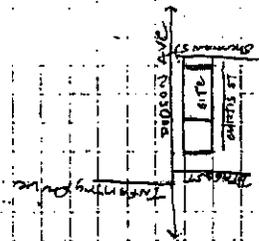


200 ft



Cherokee Hamilton County Regional Planning Agency





LOCATION MAP

NOTES

- A. Current zoning M2
- B. Use existing scale House
- C. Existing fence = x x x x x x x
- D. 25' Buff from existing properties =
- E. // // // // = existing green lot

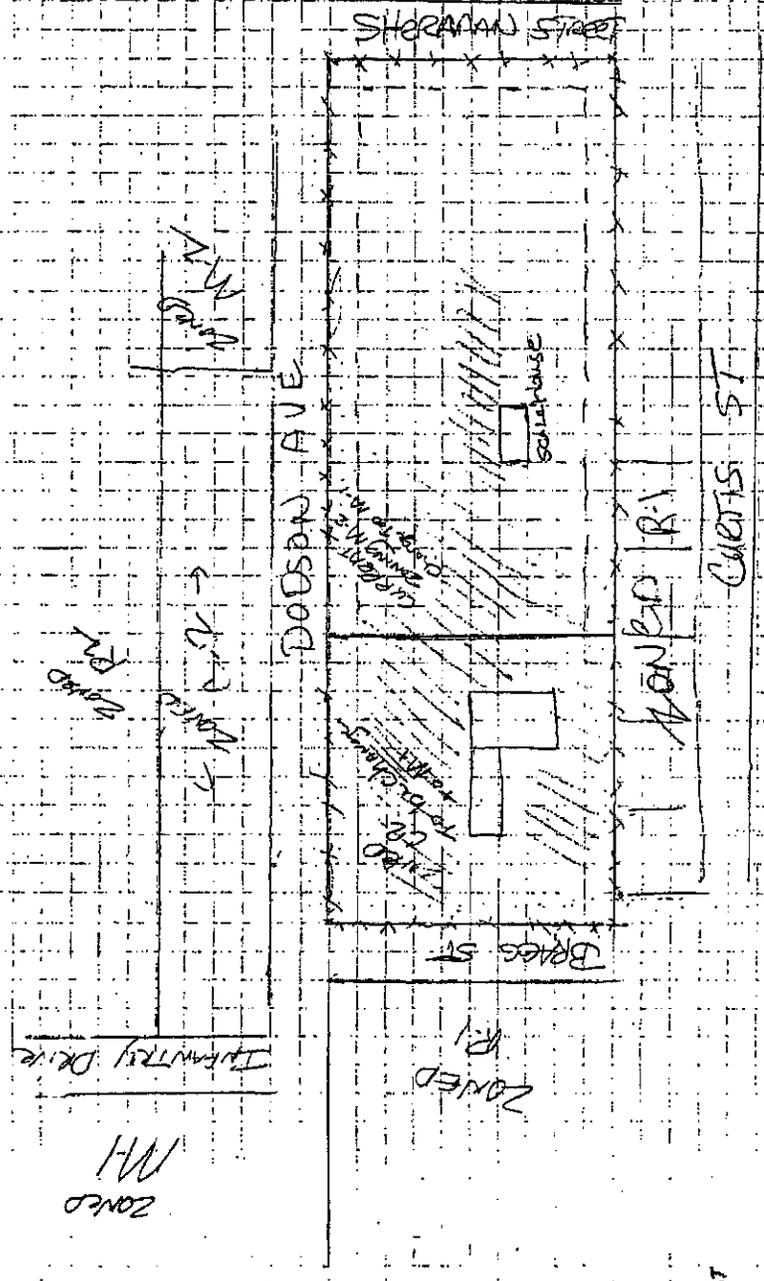
Graphic Scale
0 10 25 50 75 100 125 150

Property Plan
SCALE: 1/4" = 25'

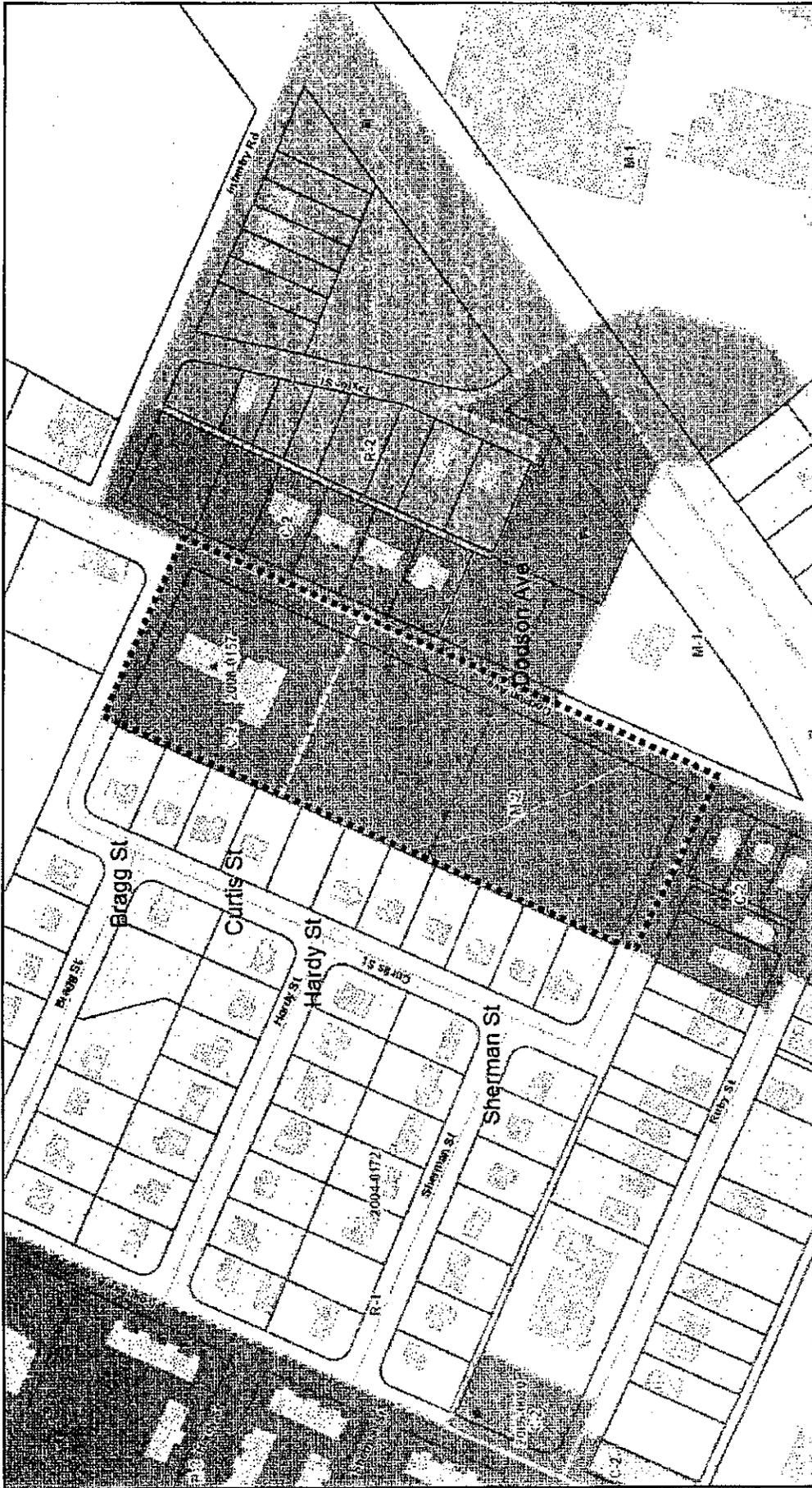
CHATT. TN
for X-RAY METAL

2017 Dodson Ave

NOTES
Site to be used for buying processing and shipment of - some with including assembly etc. All products of 1/2 ton metal metal containers are packaged, fuel is drained from it, ticks placed to buy by low customers. Metals are processed and loaded on commercial vehicle's by and separator.



2016-009



2013-009 Rezoning from C-2 and M-2 to M-1

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2013-009: Approve, subject to use as Scrap Metal Yard only.

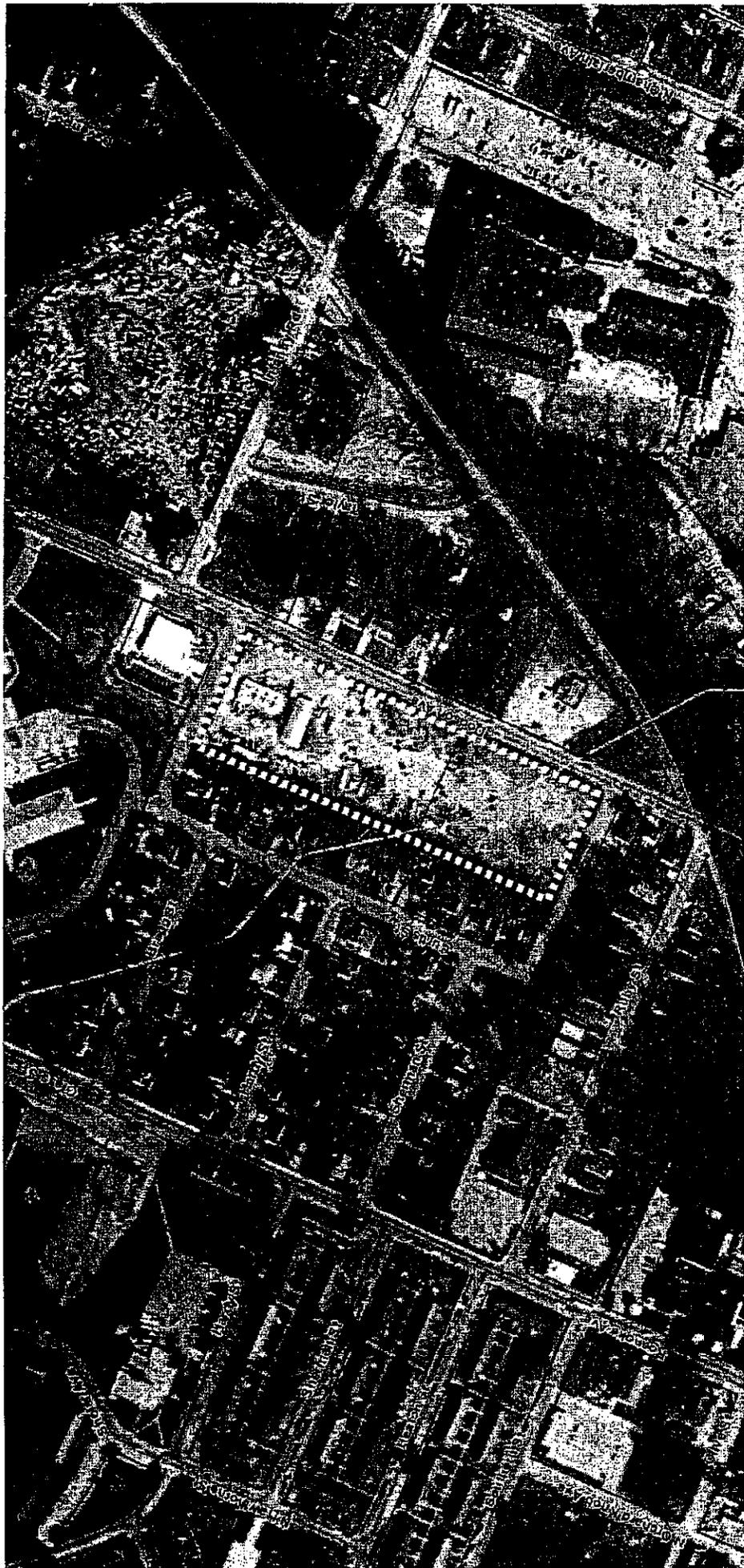


200 ft



Chattanooga Hamilton County Regional Planning Agency





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