

2012-012  
Kosygin Lameechee Jones  
District No. 4  
Planning Version

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 8025, 8067, 8109, 8117, AND 8119 OLD CLEVELAND PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE, R-2 RESIDENTIAL ZONE, AND R-5 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 properties located at 8025, 8067, 8109, 8117, and 8119 Old Cleveland Pike, more particularly described herein:

Lots 1 and 2, Final Plat of the Price Subdivision on Old Cleveland Pike, Plat Book 59, Page 254, ROHC, being the properties described in Deed Book 9266, Page 244, and Deed Book 7457, Page 831, ROHC, Lot 1, Revised Plat of the Kosygin L. Jones Subdivision, Plat Book 94, Page 19, ROHC, Deed Book 6008, Page 901, ROHC, Lot 2, Revised Plat of Lot 2, Owen Jones Subdivision, Plat Book 94, Page 105, ROHC, Deed Book 9320, Page 894, and an unplatted tract of land located at 8025 Old Cleveland Pike being the property described in Deed Book 4635, Page 969, ROHC. Tax Map Nos. 131P-B-004, 007, 007.01, 007.03, and 007.04.

and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone, R-2 Residential Zone, and R-5 Residential Zone to C-2 Convenience Commercial Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be subject to  
submittal of site plan before City Council action.

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

2012-012  
Kosygin Lameechee Jones  
District No. 4  
Applicant Version

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 8025, 8067, 8109, 8117, AND 8119 OLD CLEVELAND PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE, R-2 RESIDENTIAL ZONE, AND R-5 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 properties located at 8025, 8067, 8109, 8117, and 8119 Old Cleveland Pike, more particularly described herein:

Lots 1 and 2, Final Plat of the Price Subdivision on Old Cleveland Pike, Plat Book 59, Page 254, ROHC, being the properties described in Deed Book 9266, Page 244, and Deed Book 7457, Page 831, ROHC, Lot 1, Revised Plat of the Kosygin L. Jones Subdivision, Plat Book 94, Page 19, ROHC, Deed Book 6008, Page 901, ROHC, Lot 2, Revised Plat of Lot 2, Owen Jones Subdivision, Plat Book 94, Page 105, ROHC, Deed Book 9320, Page 894, and an unplatted tract of land located at 8025 Old Cleveland Pike being the property described in Deed Book 4635, Page 969, ROHC. Tax Map Nos. 131P-B-004, 007, 007.01, 007.03, and 007.04.

and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone, R-2 Residential Zone, and R-5 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

2012-012 City of Chattanooga  
February 11, 2013

## RESOLUTION

WHEREAS, Kosygin Lameechee Jones 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, R-2 Residential Zone and R-5 Residential Zone to C-2 Convenience Commercial Zone, properties located at 8025, 8067, 8109, 8117 and 8119 Old Cleveland Pike.

Lots 1 and 2, Final Plat of the Price Subdivision on Old Cleveland Pike, Plat Book 59, Page 254, ROHC, being the properties described in Deed Book 9266, Page 244, and Deed Book 7457, Page 831, ROHC, Lot 1, Revised Plat of the Kosygin L. Jones Subdivision, Plat Book 94, Page 19, ROHC, Deed Book 6008, Page 901, ROHC, Lot 2, Revised Plat of Lot 2, Owen Jones Subdivision, Plat Book 94, Page 105, ROHC, Deed Book 9320, Page 894, and an unplatted tract of land located at 8025 Old Cleveland Pike being the property described in Deed Book 4635, Page 969, ROHC. Tax Map 131P-B-004, 007, 007.01, 007.03, and 007.04 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on February 11, 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 February 11, 2013, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to submittal of site plan before City Council action.

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

**Case Number:** 2012-016  
**Date Submitted:** 07/09/2012  
**Planning District:**  
**City/County:**  
**City District:**  
**Neighborhood:** 2008 BIRLEY, C - Ooltewah, Hamilton County  
**Staff:**  
**Case/Map:**  
**Equ. Action/Date:**

<b>From:</b> A-1, R-5, & R-2A	<b>To:</b> C-3 General Business Commercial District
Proposed Development or Use: Speculative Fast Food Restaurant/ Gas Station	

<b>Address:</b> (Street Number & Street Name) 8025, 8067, 8109, 8117, 8119, Old Cleveland Pike,	<b>Tax Map No:</b> 131P-B-004, 007, 007.01, 007.03, 007.04, <b>Plat Book/Page No.</b> 59-254, 94-19, & 94-105
<b>Current Use:</b> Residential	<b>Adjacent Uses:</b> Residential, Commercial, & Manufacturing

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:

<b>Name</b>	Kosygin Lameechee Jones	
<b>Address:</b>	8109 Old Cleveland Pike	
<b>City</b>	Ooltewah	<b>State:</b> TN
<b>Zip Code:</b>	37363	
<b>Daytime Phone:</b>	423-635-4244	
<b>Cell Phone:</b>		
<b>Other Phone:</b>	423-320-1313	
<b>Email:</b>		
<b>Fax:</b>		

<b>Name:</b>	See Attached
<b>Address:</b>	
<b>Phone:</b>	
<b>CHECKLIST OFFICER ONLY</b>	
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

<b>Case Number:</b>	<b>2012-012</b>
<b>Applicant Request:</b>	<b>C-3 General Business Commercial District</b> <b>Note: Based on requested uses, staff is reviewing this as a C-2 Convenience Commercial Zone request since the C-3 General Business Commercial District is not a City of Chattanooga zoning designation (annexation effective 12/21/2012)</b>
<b>STAFF RECOMMENDATION:</b>	<b>DEFER until site plan is submitted</b>
<b>Applicant:</b>	Kosygin Lameechee Jones
<b>Property Address:</b>	8067, 8101, 8109, 8117, 8119 Old Cleveland Pike
<b>Jurisdiction:</b>	City Council District 4/Hamilton County District 5
<b>Neighborhood:</b>	Summit
<b>Development Sector:</b>	Outer Suburban Growth
<b>Proposed Development:</b>	<b>PLANNING COMMISSION ACTION:</b> Approve, subject to... (see resolution)
<b>Site Plan Submitted:</b>	No
<b>Proposed Use:</b>	Commercial
<b>Purpose:</b>	Speculative fast food restaurant/gas station
<b>Site Characteristics</b>	
<b>Current Zoning:</b>	Temporary R-1 Residential, R-5 Residential, R-2 Residential Zones (part of annexed area 9B recommended to become Permanent R-1 Residential, R-5 Residential, R-2 Residential Zones)
<b>Current Use:</b>	Residential, Religious Facility
<b>Adjacent Uses:</b>	Vacant, Residential
<b>Size of Tract:</b>	4.41 acres
<b>Access:</b>	Old Cleveland Pike, Apison Pike (new connector to Interstate 75)
<b>Analysis</b>	
<b>Extension of Existing Zoning?</b>	Pending zoning request revision
<b>Community Land Use Plan:</b>	Summit Land Use Plan (draft January 2013)
<b>Proposed Use Supported by Community Land Use Plan?</b>	Pending zoning request revision
<b>Proposed Use Supported by Comprehensive Plan?</b>	Yes
<b>Comments</b>	
<b>Planning Staff:</b>	<u>Applicant Request Overview</u> In February 2012, the applicant submitted a request to rezone five properties from agricultural and residential zoning to a C-3 General Business Commercial District.  The Chattanooga-Hamilton County Regional Planning Commission moved to defer that rezoning case one year so that a land use study could be completed to provide guidance on a rezoning recommendation.  Since last year, the property's annexation by the City of Chattanooga became effective. The C-3 General Business Commercial District is not a City of Chattanooga zone and staff is recommending that the applicant review the C-2 Convenience Commercial Zone based on his proposed uses.
	<u>Site Description</u> These properties abut or are in close proximity to the newly

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constructed connector road that extends Apison Pike to connect to the new interchange at Interstate 75.

This new interchange connection serves as an important gateway. This gateway can serve as a first impression to the neighboring communities and help provide an identity to visitors traveling through the area. The Apison Pike connector shares access to Interstate 75 with Volkswagen Drive which leads to Enterprise South Industrial Park with regionally important economic generators (including Volkswagen and McKee Foods) as well as the regional Enterprise South Nature Park. Additionally, the newly extended Apison Pike will ensure that this exit becomes the main route to the City of Collegedale with McKee Foods.

The western edge of the proposed rezoning area is zoned M-1 Industrial with limited conditions. The Apison Pike connector road to Interstate 75 passes through an adjacent piece of property that forms the eastern boundary of this rezoning site. That property was rezoned to C-3 in 2005 for the proposed use of a restaurant and retail shopping center. That property is currently not developed with retail/commercial uses. Both of those sites were rezoned prior to the construction of the Apison Pike extension and the development of Enterprise South Industrial Park with premier industries. The annexation Zoning Plan for these two manufacturing and commercial properties will recommend a similar City of Chattanooga permanent zone.

#### Zoning History

The City of Chattanooga annexation of the properties requested for rezoning became effective on December 31, 2012. At that time the properties requested for rezoning, and the neighboring properties, were incorporated into the City of Chattanooga. An annexation Zoning Plan for this area will be heard at the Chattanooga-Hamilton County Regional Planning Commission's February meeting. Staff is recommending in the Zoning Plan that these properties' temporary zoning become their permanent zoning.

#### Staff Recommendation

At the time of the initial request in February 2012, staff recommended approval of the request: "In most cases, staff does not support the speculative rezoning of property where there is not an identified use/user and there is no site plan. However, this site is located between a mostly unrestricted M-1 Industrial District and C-3 General Business Commercial District. It fronts a major corridor and is within close proximity to an interstate interchange. Also, there is not an adopted plan for this area to give guidance on stakeholder consensus on development of this corridor but the retail use does generally conform to the general Comprehensive Plan recommendations."

The countywide Comprehensive Plan 2030 identifies I-75 at Apison Pike as an Opportunity Area and states that "the completion of this

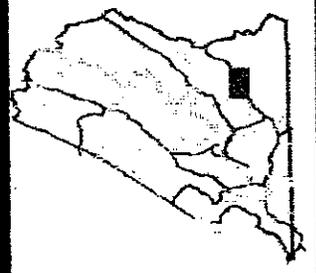
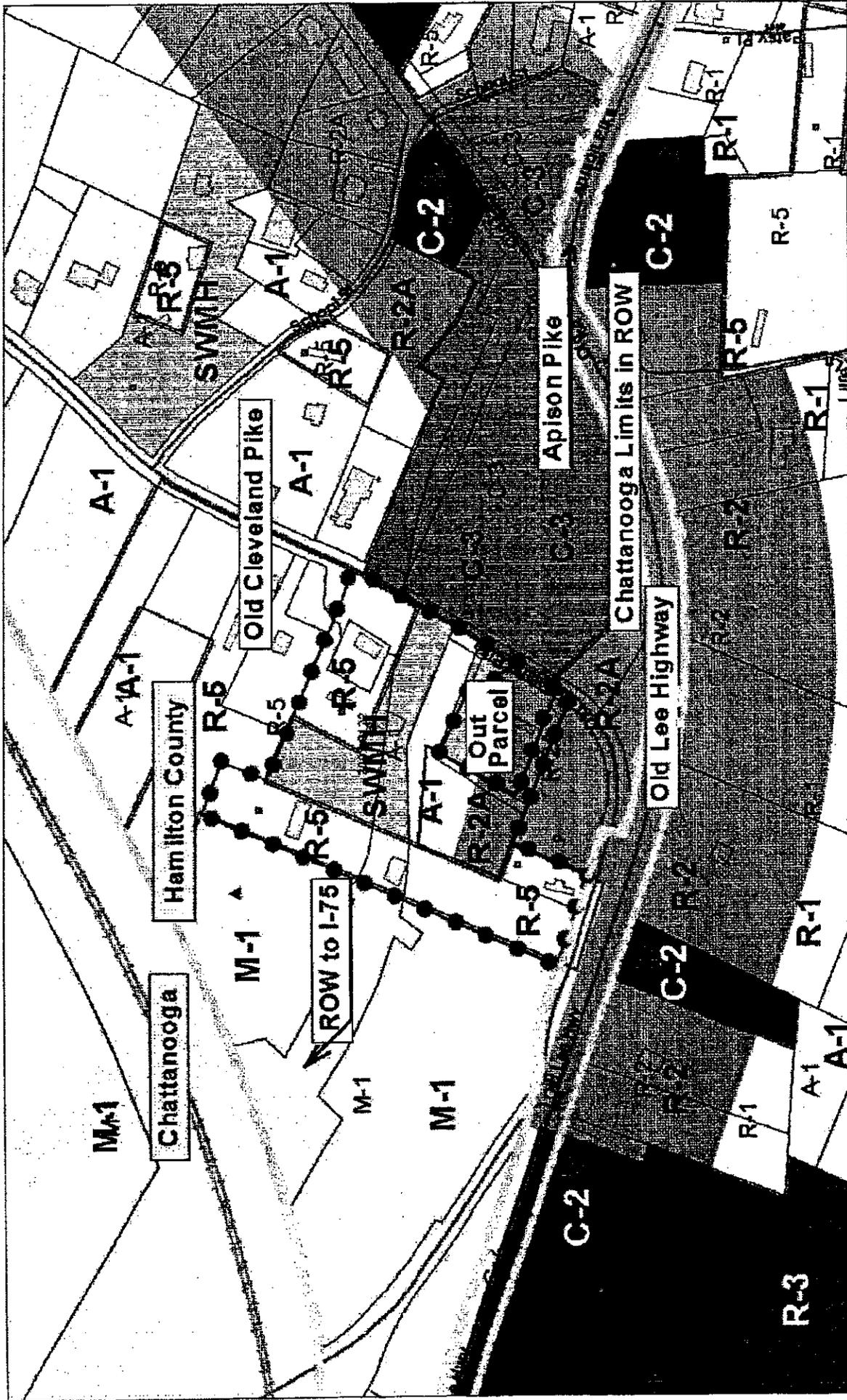
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interchange will provide new opportunities for growth in an area previously limited by the roadway network". This corridor is located in the Outer Suburban Growth Sector. In this sector, new mixed and multi-use development sites are recommended to be located at the intersection of significant thoroughfares and existing activity centers.

Within the past few months, RPA has drafted a land use plan for the Summit Area. Three public meetings were held in the community to develop land use plan recommendations and a draft is being presented to the Planning Commission in February. The area proposed for rezoning is recommended for Heavy Commercial or a Medium-scale Commercial mix of uses depending on location. This could include restaurants and gas station as proposed by the applicant.

In October 2012, the Planning Commission passed a resolution stating that all rezoning requests should be accompanied by a site plan. That, along with the fact that the RPA just completed an intensive planning process with the community discussing potential growth and redevelopment patterns, has caused RPA to revise its recommendation in this case to support the provision of a site plan for a rezoning.

Therefore, staff is recommending deferral of action on this case until the applicant 1) reviews the C-2 Convenience Commercial zone and confirms that the zone is the one desired and 2) provides a site plan.



# 2012-0012 A-1, R-5 & R-2A to C-3

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:

2012-012 Kosygin Lameechee Jones. 8025, 8067, 8109, 8117, and 8119 Old Cleveland Pike, from R-1 Residential Zone, R-2 Residential Zone, and R-5 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2013-001 City of Chattanooga/RPA. 5300 block of Hwy. 58 and 5136, 5141, and 5145 Turkeyfoot Trail, from Temporary Zone to Permanent Zone per City Code Article XII, Section 38-653 – Planning Commission Zoning Plan to establish permanent zones for area annexed and identified as “Area 6-A” of Ordinance No. 12312 and Ordinance No. 12513, subject to certain conditions.

2013-002 City of Chattanooga/RPA. 5400 block of Hwy. 58 and 8604 North Hickory Valley Road, from Temporary Zone to Permanent Zone per City Code Article XII, Section 38-653 – Planning Commission Zoning Plan to establish permanent zones for area annexed and identified as “Area 6-B” of Ordinance No. 12313 and Ordinance No. 12514.

2013-003 City of Chattanooga/RPA. 5500-6300 blocks of Hwy. 58, Mahlon Drive, Harrison-Ooltewah Road, Clark Road, Holder Road, Easter Drive, Tyner Lane, and Church Road, from Temporary Zone to Permanent Zone per City Code Article XII, Section 38-653 – Planning Commission Zoning Plan to establish permanent zones for area annexed and identified as “Area 6-C” of Ordinance No. 12314 and Ordinance No. 12515, subject to certain conditions.

2013-004 City of Chattanooga/RPA. Hunter Road, I-75, Sue Ron Lane, and Ooltewah-Harrison Road, from Temporary Zone to Permanent Zone, per City Code Article XII, Section 38-653 – Planning Commission Zoning Plan to establish permanent zones for area annexed and identified as “Area 8-A” of Ordinance No. 12296 and Ordinance No. 12556, subject to certain conditions.

2013-005 City of Chattanooga/RPA. Hunter Road, I-75, Sue Ron Lane and Ooltewah-Harrison Road, from Temporary Zone to Permanent Zone, per City Code Article XII, Section 38-653 – Planning Commission Zoning Plan to establish permanent zones for area annexed and identified as “Area 9-B” of Ordinance No. 12317 and Ordinance No. 12543, subject to certain conditions.

2013-024 BYD, LLC/Kevin C. Boehm/GADG Leasing, Ltd. 1616 Broad Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2013-025 Hefferlin & Kronenberg. 625 East Main Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2013-027 Inasmuch, Inc. d/b/a The Samaritan Center. 6021 Ooltewah Georgetown Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone.

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,

**March 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.

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