

2013-002
City of Chattanooga/RPA
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 IN THE 5400 BLOCK OF HIGHWAY 58 AND 8604 NORTH HICKORY VALLEY ROAD, ANNEXATION AREA 6B, FROM TEMPORARY ZONES TO PERMANENT ZONES, AS SET FORTH MORE FULLY HEREIN.

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 pursuant to Section 38-653 so as to rezone properties located in the 5400 block of Highway 58 and 8604 North Hickory Valley Road, annexed to the City by Ordinance Nos. 12314 and 12515 and identified as Area 6B, more particularly described herein:

Beginning at a point in the current boundary of the City of Chattanooga along the right-of-way for Highway 58 and the southeastern corner of property now or formerly owned by Avondale Baptist Church TRS (120E-B-019); thence proceeding a distance of 4,744 feet, more or less, following the property line of Avondale Baptist Church TRS to the intersection of a point on the southern line of property now or formerly owned by Avondale Baptist Church TRS (120E-B-019) and the northeastern corner of property now or formerly owned by B & R Development Company (120E-B-002.07); thence proceeding southwesterly a distance of 234 feet, more or less, to the northeastern corner of property now or formerly owned by B & R Development Company (120E-B-002.06); thence proceeding southwesterly a distance of 1,316 feet, more or less, to the intersection of the northwestern corner of

property now or formerly owned by B & R Development Company (120E-B-002.06) and the eastern line of property now or formerly owned by MAPCO Express Incorporated (120E-B-001); thence proceeding a distance of 570 feet, more or less, following the property line of MAPCO Express Incorporated (120E-B-001) to the southwestern corner of property now or formerly owned by MAPCO Express Incorporated (120E-B-001) along the Highway 58 right-of-way and the current boundary of the City of Chattanooga near the intersection with Hickory Valley Road; thence proceeding northeasterly a distance of 2,358 feet, more or less, along the right-of-way of Highway 58 and the current boundary of the City of Chattanooga, to the point of beginning. Included in this annexation are all tax parcel numbers and road right of ways on the accompanying attached map for Annexation Zone 6-B. All of this property lies within the Urban Growth Boundary of the City of Chattanooga as provided in the Master Interlocal Agreement between all municipalities within Hamilton County effective May 23, 2001. References to parcel numbers in parenthesis above are based upon official Geographic Information System maps maintained by the Hamilton County GIS Department.

and as shown on the map attached hereto and made a part hereof by reference to establish permanent zones for the parcels in said area.

SECTION 2. BE IT FURTHER ORDAINED, That Tax Map Nos. 120E-B-002, 120E-B-002.05, 120E-B-002.06, and 120E-B-002.07 are permanently rezoned from temporary C-2 Convenience Commercial Zone to C-2 Convenience Commercial Zone.

SECTION 3. BE IT FURTHER ORDAINED, That Tax Map No. 120E-B-001 is permanently rezoned from temporary C-2 Convenience Commercial Zone to C-2 Convenience Commercial Zone.

SECTION 4. BE IT FURTHER ORDAINED, That Tax Map No. 120E-B-019 is permanently rezoned from temporary R-3 Residential Zone to R-3 Residential Zone.

SECTION 5. 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

RESOLUTION

WHEREAS, City of Chattanooga/RPA 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 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 #12313 and Ordinance #12514, properties located in the 5400 block of Hwy 58 and 8604 N. Hickory Valley Road.

Beginning at a point in the current boundary of the City of Chattanooga along the right-of-way for Highway 58 and the southeastern corner of property now or formerly owned by Avondale Baptist Church TRS (120E-B-019); thence proceeding a distance of 4,744 feet, more or less, following the property line of Avondale Baptist Church TRS to the intersection of a point on the southern line of property now or formerly owned by Avondale Baptist Church TRS (120E-B-019) and the northeastern corner of property now or formerly owned by B & R Development Company (120E-B-002.07); thence proceeding southwesterly a distance of 234 feet, more or less, to the northeastern corner of property now or formerly owned by B & R Development Company (120E-B-002.06); thence proceeding southwesterly a distance of 1,316 feet, more or less, to the intersection of the northwestern corner of property now or formerly owned by B & R Development Company (120E-B-002.06) and the eastern line of property now or formerly owned by MAPCO Express Incorporated (120E-B-001); thence proceeding a distance of 570 feet, more or less, following the property line of MAPCO Express Incorporated (120E-B-001) to the southwestern corner of property now or formerly owned by MAPCO Express Incorporated (120E-B-001) along the Highway 58 right-of-way and the current boundary of the City of Chattanooga near the intersection with Hickory Valley Road; thence proceeding northeasterly a distance of 2,358 feet, more or less, along the right-of-way of Highway 58 and the current boundary of the City of Chattanooga, to the point of beginning. Included in this annexation are all tax parcel numbers and road right

of ways on the accompanying attached map for Annexation Zone 6-B. All of this property lies within the Urban Growth Boundary of the City of Chattanooga as provided in the Master Interlocal Agreement between all municipalities within Hamilton County effective May 23, 2001. References to parcel numbers in parenthesis above are based upon official Geographic Information System maps maintained by the Hamilton County GIS Department. Permanent zones are as follows by tax map numbers:

To be rezoned C-2: Tax Map 120E-B-002, 002.05, 002.06, and 002.07.

To be rezoned C-2: Tax Map 120E-B-001.

To be rezoned R-3: Tax Map 120E-B-019.

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 as permanent zones noted as follows:

To be rezoned C-2: Tax Map 120E-B-002, 002.05, 002.06, and 002.07.

To be rezoned C-2: Tax Map 120E-B-001.

To be rezoned R-3: Tax Map 120E-B-019.

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: 2013-002
Date Submitted: 3/17/2013
Planning District:
County District:
City District:
Jurisdiction: Hamilton County
Neighborhood Name:
Staff Assigned:
Re-Accepted Date:
Legal Action/Date:

From: "Temporary Zone" R-3, C-2	To: "Permanent Zone"
Proposed Development or Use: 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 #12313 and Ordinance #12514	

Address: (Street Number & Street Name) 5400 block of Hwy 58, 8604 N. Hickory Valley Rd	Tax Map No: 120E-B-001, 002, 002.05, 002.06, 002.07 and 019
Current Use:	Plat Book/Page No. 39/133 (Parcel 002.05)
	Adjacent Uses:

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	City of Chattanooga - RPA	
Address:	1250 Market St, Suite 2000	
City	Chattanooga	State: TN
Zip Code:	37402	
Daytime Phone:	423-668-2287	
Cell Phone:		
Other Phone:		
Email:		
Fax:		

Name:
Address:
Phone:
<input type="checkbox"/> I am the property owner. <input type="checkbox"/> I am an architect. <input type="checkbox"/> I am an engineer. <input type="checkbox"/> I am an optionee. <input type="checkbox"/> I am a purchaser of property. <input type="checkbox"/> I am a trustee. <input checked="" type="checkbox"/> Other:

Case Number:	2013-002	
Applicant Request:	Zoning Plan for Annexation Area 6B	
Applicant:	City of Chattanooga - RPA	
Property Address:	5400 Block of Hwy 58; 8604 N. Hickory Valley Rd	
Jurisdiction:	Chattanooga District 4/ Hamilton County District 9	
Neighborhood:	Harrison	
Proposed Development	Planning Commission Recommendation:	
Site Plan Submitted:	Yes	Approve Staff Recommendation
Proposed Use:	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 #12313 and Ordinance #12514	

Site Characteristics

Current Zoning: Temporary R-3 Residential and C-2 Convenience Commercial
Current Use: Mix of Commercial and Residential

STAFF RECOMMENDATION: APPROVE ZONING PLAN PER ATTACHED TABLE

Comments

Planning Staff:

Annexation and Zoning Plan

This property was annexed by the City of Chattanooga, effective 12/31/2012.

Per Sec. 38-653 per the City Code, “Sec. 38-653. Zoning plan for newly annexed areas. It shall be the duty of the Planning Commission, within ninety (90) days of the effective date of annexation, to recommend a zoning plan for the newly annexed areas to the City Council. Following the receipt of the recommendation of such a zoning plan from the Planning Commission, the City Council after giving notice as required in article XIII regarding changes and amendments to the zoning ordinance, shall thereafter adopt a zoning plan as an amendment to the official zoning map for the newly annexed area.”

Grandfathered/Non-Conforming Status

Zoning controls how a piece of property can be used. Sometimes, such as part of the annexation Zoning Plan process, zoning for an area is changed leaving some properties with a zone that does not permit the use that is already on it. That use is called a “legal-non-conforming” or “grandfathered” use. Generally, the use is considered legal and may stay unless it is discovered that the use has been discontinued for 100 days or more. In such cases, the property is referred to as having lost its “grandfathered” status.

Below is language directly out of the City Code regarding this issue:
Chattanooga City Code, Chapter 38: ARTICLE VII. NON-CONFORMING USES

Sec. 38-541. Buildings in use at time zoning ordinance passed.

(2) If such non-conforming building is removed or the non-conforming use of such building is discontinued for 100 consecutive days regardless of the intent of the owner or occupant of such building to continue or discontinue such use, every future use of such premises shall be in

conformity with the provisions of the Ordinance.

Property owners may contact the RPA Development Services Office at (423) 668-2287 to find out the current zoning of a property. Questions regarding zoning enforcement, including non-conforming uses, should be directed to the City of Chattanooga Land Development Office at (423) 643-5883.

Zoning Conditions

As conditions are used to mitigate potential negative impacts caused by the rezoning of property, this Zoning Plan is recommending maintaining conditions that were placed on property at its time of rezoning. These conditions, if any, are specified in the following table.

Staff Recommendation

Staff has reviewed the land use and zoning pattern in the newly annexed area and is, for the most part, recommending a permanent zone that is comparable to the property's temporary classification listed in Sec. 38-651 of the City Code. The temporary classifications are the zones most similar to the former unincorporated Hamilton County zoning districts. In cases where a parcel contains multiple zoning designations, staff may recommend one zone, most often reflective of the predominant temporary zone, for the entirety of the parcel.

For this area, it includes the following recommended permanent zone(s):

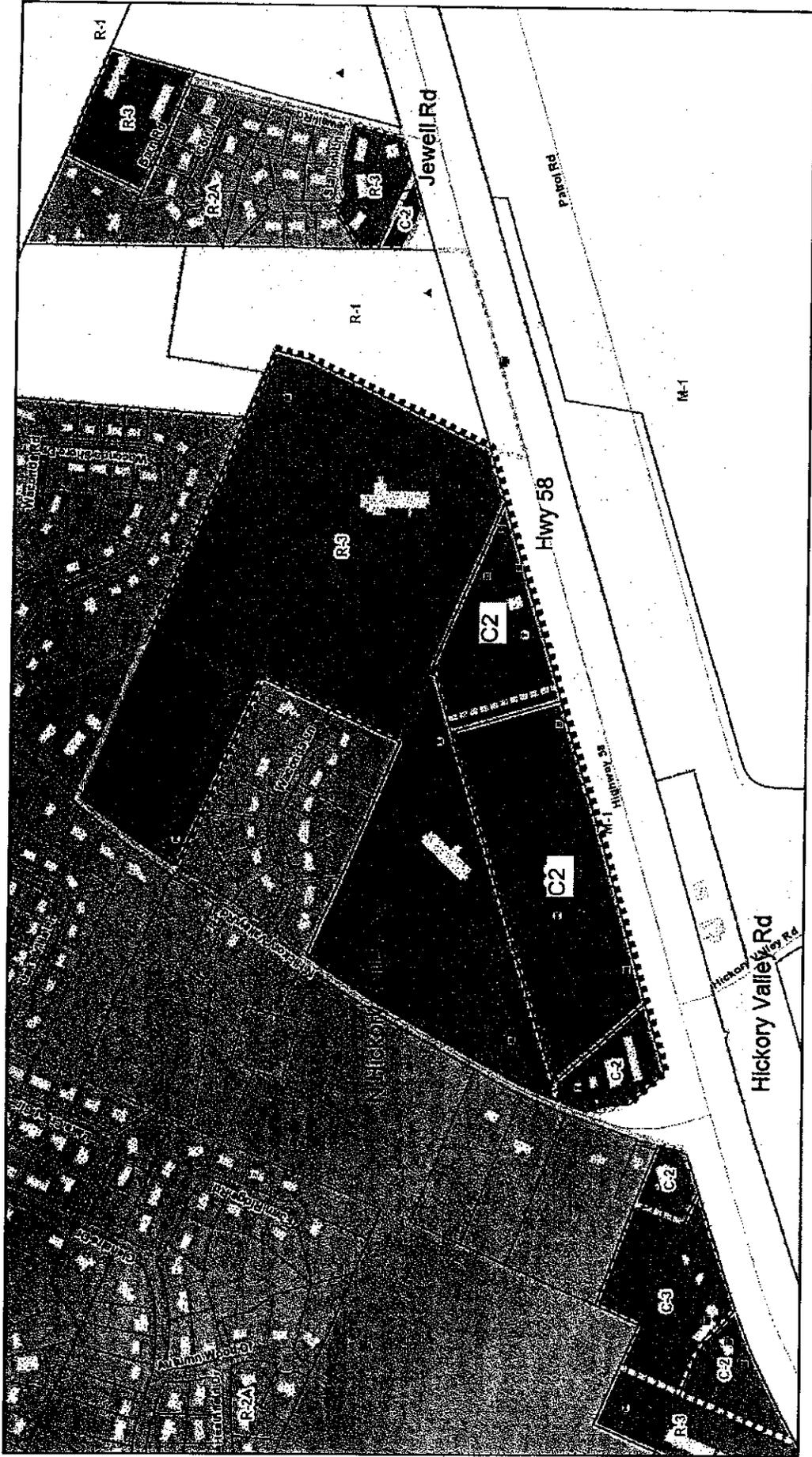
FORMER COUNTY DISTRICT CLASSIFICATION	TEMPORARY CITY ZONE	RECOMMENDED PERMANENT CITY ZONE
R-3 Apartment – Townhouse District MH Manufactured Home Park District	R-3 Residential Zone	R-3 Residential Zone
C-2 Local Business Commercial District C-3 General Business District	C-2 Convenience Commercial Zone	C-2 Convenience Commercial Zone

AREA 6B					
GISLINK	OWNERNAME1	ADDRESS	TEMPORARY ZONING	CONDITIONS	PROPOSED PERMANENT ZONING
120E B 00100	MAPCO EXPRESS INC	8604 N HICKORY VALLEY RD	C-2 & R-3	NO	C-2*
120E B 00200	TITLE GUARANTY & TRUST CO TR	0 HWY 58	C-2	NO	C-2
120E B 00205	WOOD BOBBY G TR	5469 HWY 58	C-2	NO	C-2
120E B 00206	B & R DEVELOPMENT CO	0 HWY 58	C-2	NO	C-2
120E B 00207	B & R DEVELOPMENT CO	0 HWY 58	C-2	NO	C-2
120E B 01900	CORNERSTONE BAPTIST CHURCH OF	5479 HWY 58	R-3	NO	R-3

* Staff zoning change

CONDITIONS

Case No.	Co.Resol.No.	Annexed Area	Parcels affected	Conditions of County Resolution
2013-001	492-34B (Case 1992-039)	Area 6A	120E-A-007, 008	Subject to natural sight-obscuring screen along abutting residential zones
2013-003	505-24B (Case 2005-045)	Area 6C	112-006	1) R-1 on Rim Crest and Harvest Run being shielded from lighting if used, 2) Access being from Hwy. 58 only
2013-003	610-27B (Case 2009-085)	Area 6C	112N-A-003	1) Any exterior lighting being directed down and away from residential uses, 2) Access being from Hwy. 58 only.
2013-004	405-22B (Case 2005-038)	Area 8A	131-061.02	1) 140' length of a minimum 8' privacy fence, evergreens and a 3' high berm around the northwest corner, 2) Exterior lighting to be installed to eliminate or minimize undesirable light pollution to adjacent properties, 3) No dumpster and/or trash pickup before 7am or after 7pm.
2013-004	906-32B (Case 2006-166)	Area 8A	131-036.01	Subject to improvements to access drive as approved by the County Engineer
2013-004	1112-20C (Case 2012-115)	Area 8A	131-074.01	1) No restaurants and other establishments serving prepared food and beverages, 2) No hotels and motels, 3) No adult oriented establishments, 4) No Liquor stores, 5) No wineries including vineyards, processing, bottling and sales facilities, 6) Hamilton County accepting the applicant representatives offer to donate needed right-of-way for future intersection realignment and installation of a traffic signal at Hunter Road and Ooltewah-Harrison Road, 7) Construction of intersection realignment and installation of traffic signal required prior to the development of the northwest outparcel shown on the site plan, 8) If no intersection realignment or traffic signal is installed prior to development, northwest parcel will be required to be interconnected with the existing C-1 zoned portion of the development, 9) Only one combined ingress/egress point onto Hunter Road upon approval of the Hamilton County Engineer, 10) 6-foot shoulders along Hunter Road adjacent to development at entrance, 11) Deceleration lane at eastern most entrance.
2013-005	200-26B (Case 2000-019)	Area 9B	1310-B-011.03	One warehouse only
2013-006	712-15C (Case 2012-046)	Area 11A	171C-B-002, 002.02, 002.03, 003, 003.01, 003.02(pt.)	Subject to only two ingress/egress point from East Brainerd Road



2013-002 Annexation Map 6-B Rezoning from Temporary to Permanent Zone



500 ft



Chattahoochee-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.

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