

2013-004
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 ON HUNTER ROAD, I-75, SUE RON LANE, AND OOLTEWAH-HARRISON ROAD, ANNEXATION AREA 8A, TO ESTABLISH 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 on Hunter Road, I-75, Sue Ron Lane, and Ooltewah-Harrison Road, annexed to the City by Ordinance Nos. 12296 and 12556 and identified as Area 8A, more particularly described herein:

Beginning at the present city limit boundary a point along the northern line of Interstate 75 right of way and 70 feet southeast, more or less, from property now or formerly owned by The Krystal Company (131-074.03); thence proceeding south-westerly a distance of 3,450 feet, more or less, along the northern line of Interstate 75, Hunter Road, and Hilltop Drive right of ways to the southwest corner of property now or formerly owned by MCC Outdoor LLC (131-042.03); thence proceeding north-westerly a distance of 186 feet, more or less, to a point southeast of the southwest corner of property now or formerly owned by Amon and Doris York (131-041); thence proceeding north-westerly a distance of 650 feet, more or less, along the City of Chattanooga right of way to the southwest corner of property now or formerly owned by Amon and Doris York (131-055) along the northern right of Ooltewah Harrison Road; thence proceeding North 23 degrees East

a distance of 910 feet, more or less, to a point directly across from the northwest corner of property now or formerly owned by Amon and Doris York (131-055); thence proceeding easterly a distance of 875 feet, more or less, along the northern right of way of the Ooltewah-Harrison Road right to a point directly across the road from the northern corner of property now or formerly owned by Mary and Richard Burton (131-063) at the intersection of Hunter Road and Ooltewah Harrison Road; thence proceeding easterly a distance of 50 feet, more or less, across the Hunter Road right of way to a point on the western line of property now or formerly owned by Michael Carter (131-074.01) on the eastern right of way of Hunter Road; thence proceeding north-westerly a distance of 100 feet, more or less, along the eastern line of Hunter Road right of way to the northwest corner of property now or formerly owned by Michael Carter (131-074.01); thence proceeding South 86 degrees East a distance of 1,470 feet, more or less, to the northwest corner of property now or formerly owned by Larry Armour (131-074); thence proceeding south-easterly a distance of 415 feet, more or less, to the northeast corner of property now or formerly owned by Larry Armour (131-074); thence proceeding south-easterly a distance of 463 feet, more or less, across Hunter Road right of way to the west corner of property now or formerly owned by The Krystal Company (131-074.03); thence proceeding southeasterly a distance of 280 feet, more or less, to the point of beginning. References to parcel numbers in parenthesis above are based upon official Geographic Information System maps maintained by the Hamilton County GIS Department. All of this property lies within the Urban Growth Boundary of the City of Chattanooga as provided in the Master Interlocal Agreement between municipalities within Hamilton County effective May 23, 2001. Included in this annexation are all tax parcels listed below and as shown on the attached map for Annexation Area 8-A.

and as shown on the map attached hereto and made a part hereof by reference, from Temporary Zones to Permanent Zones.

SECTION 2. BE IT FURTHER ORDAINED that Tax Map Nos. 131-034, 131-034.01, 131-035, 131-037, 131-061.01, and 131-074 are hereby permanently rezoned from Temporary R-1 Residential Zone, M-1 Manufacturing Zone, M-2 Light Manufacturing Zone, and C-2 Convenience Commercial Zone to C-2 Convenience Commercial Zone.

SECTION 3. BE IT FURTHER ORDAINED that Tax Map No. 131-061.02 is hereby permanently rezoned from Temporary C-2 Convenience Commercial Zone to C-2 Convenience Commercial Zone, subject to the following conditions:

- 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; and
- 3) No dumpster and/or trash pickup before 7am or after 7pm.

SECTION 4. BE IT FURTHER ORDAINED that Tax Map No. 131-074.01 is hereby permanently rezoned from Temporary C-2 Convenience Commercial Zone to C-2 Convenience Commercial Zone, subject to the following conditions:

- 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) City of Chattanooga accepting the applicant representatives offers 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 City of Chattanooga Engineer;
- 10) 6-foot shoulders along Hunter Road adjacent to development at entrance; and
- 11) Deceleration lane at eastern most entrance.

SECTION 5. BE IT FURTHER ORDAINED that Tax Map Nos. 131-036 and 131-042.03 be permanently rezoned from Temporary M-2 Light Industrial Zone to M-2 Light Industrial Zone.

SECTION 6. BE IT FURTHER ORDAINED that Tax Map No. 131-036.01 be permanently rezoned from Temporary M-2 Light Industrial Zone to M-2 Light Industrial Zone, subject to conditions of improvements to access drive to be approved by the Chattanooga City Engineer.

SECTION 7. BE IT FURTHER ORDAINED that Tax Map Nos. 131-038, 131-039, 131-040, 131-041, 131-055, 131-056, 131-056.01, 131-060, 131-061, 131-062, 131-063 and 131-063.01 be permanently rezoned from Temporary R-1 Residential Zone to R-1 Residential Zone.

SECTION 8. 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 8-A" of Ordinance #12296 and Ordinance #12556, properties located on Hunter Rd, I-75, Sue Ron Lane, and Ooltewah-Harrison Road.

Beginning at the present city limit boundary a point along the northern line of Interstate 75 right of way and 70 feet southeast, more or less, from property now or formerly owned by The Krystal Company (131-074.03); thence proceeding south-westerly a distance of 3,450 feet, more or less, along the northern line of Interstate 75, Hunter Road, and Hilltop Drive right of ways to the southwest corner of property now or formerly owned by MCC Outdoor LLC (131-042.03); thence proceeding north-westerly a distance of 186 feet, more or less, to a point southeast of the southwest corner of property now or formerly owned by Amon and Doris York (131-041); thence proceeding north-westerly a distance of 650 feet, more or less, along the City of Chattanooga right of way to the southwest corner of property now or formerly owned by Amon and Doris York (131-055) along the northern right of Ooltewah Harrison Road; thence proceeding North 23 degrees East a distance of 910 feet, more or less, to a point directly across from the northwest corner of property now or formerly owned by Amon and Doris York (131-055); thence proceeding easterly a distance of 875 feet, more or less, along the northern right of way of the Ooltewah-Harrison Road right to a point directly across the road from the northern corner of property now or formerly owned by Mary and Richard Burton (131-063) at the intersection of Hunter Road and Ooltewah Harrison Road; thence proceeding easterly a distance of 50 feet, more or less,

across the Hunter Road right of way to a point on the western line of property now or formerly owned by Michael Carter (131-074.01) on the eastern right of way of Hunter Road; thence proceeding north-westerly a distance of 100 feet, more or less, along the eastern line of Hunter Road right of way to the northwest corner of property now or formerly owned by Michael Carter (131-074.01); thence proceeding South 86 degrees East a distance of 1,470 feet, more or less, to the northwest corner of property now or formerly owned by Larry Armour (131-074); thence proceeding south-easterly a distance of 415 feet, more or less, to the northeast corner of property now or formerly owned by Larry Armour (131-074); thence proceeding south-easterly a distance of 463 feet, more or less, across Hunter Road right of way to the west corner of property now or formerly owned by The Krystal Company (131-074.03); thence proceeding southeasterly a distance of 280 feet, more or less, to the point of beginning. References to parcel numbers in parenthesis above are based upon official Geographic Information System maps maintained by the Hamilton County GIS Department. All of this property lies within the Urban Growth Boundary of the City of Chattanooga as provided in the Master Interlocal Agreement between municipalities within Hamilton County effective May 23, 2001. Included in this annexation are all tax parcels listed below and as shown on the attached map for Annexation Area 8-A. Permanent zones are as follows by tax map numbers:

To be rezoned C-2: Tax Map 131-034, 034.01, 035, 037, 061.01, and 074.

To be rezoned C-2 with conditions: Tax Map 131-061.02 subject to conditions 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; Tax Map 131-074.01 subject to conditions 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) City of Chattanooga 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 City of Chattanooga Engineer, 10) 6-foot shoulders along Hunter Road adjacent to development at entrance, 11) Deceleration lane at eastern most entrance.

To be rezoned M-2: Tax Map 131-036 and 042.03.

To be rezoned M-2 with conditions: Tax Map 131-036.01 Subject to condition of improvements to access drive as approved by the City of Chattanooga Engineer.

To be rezoned R-1: Tax Map 131-038, 039, 040, 041, 055, 056, 056.01, 060, 061, 062, 063 and 063.01.

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 with conditions noted as follows:

To be rezoned C-2: Tax Map 131-034, 034.01, 035, 037, 061.01, and 074.

To be rezoned C-2 with conditions: Tax Map 131-061.02 subject to conditions 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; Tax Map 131-074.01 subject to conditions 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) City of Chattanooga 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 City of Chattanooga Engineer, 10) 6-foot shoulders along Hunter Road adjacent to development at entrance, 11) Deceleration lane at eastern most entrance.

To be rezoned M-2: Tax Map 131-036 and 042.03.

To be rezoned M-2 with conditions: Tax Map 131-036.01 Subject to condition of improvements to access drive as approved by the City of Chattanooga Engineer.

To be rezoned R-1: Tax Map 131-038, 039, 040, 041, 055, 056, 056.01, 060, 061, 062, 063 and 063.01.

Respectfully submitted,

John Bridger
Secretary

Case Number:	2013-004
Applicant Request:	Rezoning Plan for Annexation Area 8A
Applicant:	City of Chattanooga - RPA
Property Address:	Hunter Road, Interstate-75, Sue Ron Lane, Ooltewah-Harrison Road
Jurisdiction:	Chattanooga District 4/ Hamilton County District 9
Neighborhood:	None
Proposed Development	PLANNING COMMISSION ACTION:
Site Plan Submitted:	Yes Approve
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 8-A” of Ordinance #12296 and Ordinance #12556
Site Characteristics	
Current Zoning:	Temporary R-1 Residential, C-2 Convenience Commercial and M-2 Light Industrial
Current Use:	Mix of Agricultural, Manufacturing and Commercial
STAFF RECOMMENDATION:	APPROVE ZONING PLAN PER ATTACHED TABLE

Comments

Planning Staff: 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
A-1 Agricultural District R-1 Single – Family Residential District	R-1 Residential Zone	R-1 Residential Zone
C-2 Local Business Commercial District C-3 General Business District	C-2 Convenience Commercial Zone	C-2 Convenience Commercial Zone
M-2 Wholesale & Light Industrial District	M-2 Light Industrial Zone	M-2 Light Industrial Zone

AREA 8A

PARCEL	OWNERNAME1	ADDRESS	TEMPORARY ZONING	CONDITIONS	PROPOSED PERMANENT ZONING
131 034	DENTON MELVIN ETAL TRS	8633 HILLTOP DR	C-2	NO	C-2
131 034.01	LOCKHART ROBERT L ETAL	HUNTER RD	C-2	NO	C-2
131 035	DENTON MELVIN ETAL TRS	5213 HUNTER RD	C-2	NO	C-2
131 036	HARRIS EDWARD J & MARIAN H	8603 HILLTOP DR	M-2	NO	M-2
131 036.01	THOMPSON WILLIARD GARRY	8607 HILLTOP DR	M-2	YES- see conditions pg.	M-2 W/C
131 037	HARRIS EDWARD J JR & MARIAN	8627 HILLTOP DR	R-1, C-2, M-1, M-2	NO	C-2
131 038	HILLIS JERRY WAYNE ETAL	HILLTOP DR	R-1	NO	R-1
131 039	KING ROGER S & JOLENA T TRS	5218 TRACIE LN	R-1	NO	R-1
131 040	YORK AMON A C & DORIS M	5242 TRACIE LN	R-1	NO	R-1
131 041	YORK AMON A C & DORIS M	5226 TRACIE LN	R-1	NO	R-1
131 042.03	MCC OUTDOOR LLC	0 HWY I-75	M-2	NO	M-2
131 055	YORK AMON A C & DORIS M	8534 OOLTEWAH HARRISON RD	R-1	NO	R-1
131 056	EDDINGTON THOMAS C & RENA M	8602 OOLTEWAH HARRISON RD	R-1	NO	R-1
131 056.01	EDDINGTON JAMES T & KRISTI R	8606 OOLTEWAH HARRISON RD	R-1	NO	R-1
131 060	SCOGGINS RAYMOND E & PHYLLIS A	8612 OOLTEWAH HARRISON RD	R-1	NO	R-1
131 061	STERN RICHARD A	5225 HUNTER RD	R-1	NO	R-1
131 061.01	HARRIS EDWARD J & MARIAN H	5217 HUNTER RD	C-2	NO	C-2
131 061.02	TAWZER MICHAEL R	5223 HUNTER RD	C-2	YES- see conditions pg.	C-2 W/C
131 062	STERN RICHARD O & BEVERLY	5229 HUNTER RD	R-1	NO	R-1
131 063	BURTON MARY L & RICHARD	8624 OOLTEWAH HARRISON RD	R-1	NO	R-1
131 063.01	HULLANDER H W	8618 OOLTEWAH HARRISON RD	R-1	NO	R-1
131 074	ARMOUR C LARRY	5149 HUNTER RD	C-2	NO	C-2
131 074.01	ROGERS FRANCIS C ETAL	HUNTER RD	C-2	YES- see conditions pg.	C-2 W/C

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