4/16/13

2013-037
Rohdie Group, LLC/
Willie Mae Sweeney
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 6839 McCUTCHEON ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL 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 property located at 6839 McCutcheon Road, more particularly described herein:

> Parts of Lots 33 thru 41, Block B, Plat of Part of the Property of Robin Sterchi, Plat Book 15, Page 23, ROHC, Deed Book 1005, Page 404, ROHC. Tax Map No. 138M-C-002.

and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-3 Residential Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be subject to the following:

1) Approval of the City Traffic Engineer regarding any required transportation system improvements; and

2) A 15' wide landscape buffer with a 3' high earthen berm along McCutcheon Road and St. Stephens Place; and

3) Installation of the evergreen tree option of the Type C landscaping and not the shrub option (although supplemental shrubs or additional landscaping can be provided).

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

_____
MAYOR

/mms

2013-037
Rohdie Group, LLC/
Willie Mae Sweeney
District No. 4
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 6839 McCUTCHEON ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL 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 6839 McCutcheon Road, more particularly described herein:

> Parts of Lots 33 thru 41, Block B, Plat of Part of the Property of Robin Sterchi, Plat Book 15, Page 23, ROHC, Deed Book 1005, Page 404, ROHC. Tax Map No. 138M-C-002.

and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-3 Residential 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

_____
MAYOR

/mms

2013-037 City of Chattanooga
March 11, 2013

RESOLUTION

WHEREAS, Rohdie Group, LLC/Willie Mae Sweeney 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 to R-3 Residential Zone, property located at 6839 McCutcheon Road.

Parts of Lots 33 thru 41, Block B, Plat of Part of the Property of Robin Sterchi, Plat Book 15, Page 23, ROHC, Deed Book 1005, Page 404, ROHC. Tax Map 138M-C-002 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on March 11, 2013,

AND WHEREAS, the Planning Commission heard and considered all statements favoring and opposing 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 March 11, 2013, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to: 1) Approval of the City Traffic Engineer regarding any required transportation system improvements; and 2) A 15' wide landscape buffer with a 3' high earthen berm along McCutcheon Road and St. Stephens Place; and 3) Installation of the evergreen tree option of the Type C landscaping and not the shrub option (although supplemental shrubs or additional landscaping can be provided).

Respectfully submitted,

John Bridger
Secretary

Zoning Request Form

Print Form

Office Use Only

Case Number: 2013-037
Date Submitted: 02-08-037
Planning District: 10
County District: 5
City District: 4
Jurisdiction: Chattanooga
Neighborhood: Friends of E. Brainerd/Brainerd E. Brainerd Chamber
Staff Action:
PC Action/Date:
Legis. Action/Date:

Chattanooga-Hamilton County
RPA
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

Zoning Request:

From: R-1 Residential Zone	**To:** R-3 Residential Zone
Proposed Development or Use: Residential Apartments	

Property Location / Information

Address: (Street Number & Street Name) 6839 McCutcheon Road	Tax Map No: 138M-C-002 Plat Book/Page No. 15-23
Current Use: Residential	Adjacent Uses: Residential, Commercial and Office

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	Rohdie Group, LLC/Robert Rhodie
Address:	52 Vanderbilt Avenue, 20th floor, Suite 2007
City	New York State: NY
Zip Code:	10017
Daytime Phone:	212-682-5784
Cell Phone:	
Other Phone:	423-855-5554 (Map Engineers, LLC)
Email:	rrohdie@rohdiegroup.com
Fax:	

Property Owner Information (if not applicant)

Name:	Willie Mae Sweeney
Address:	3619 Cowan Highway, Apt 404
	Winchester, TN 37398
Phone:	423-421-7555 (Carolyn Eslinger-Broker for Seller)

CHECKLIST (OFFICE USE ONLY)

- ☒ Application Complete
- ☒ Ownership Verification (Tax Map Printout, Letter)
- ☒ Map showing property to be rezoned.
- ☐ Site Plan, if applicable
- ☒ Total acres to be considered: 16.48
- ☐ Filing Fee: 635.00
- ☒ Deeds for property to be rezoned
- Deed Book: 1005-404
- ☒ Copy of Plats, if applicable
- Plat Book/Page: 15-23
- ☒ Notice Signs How Many? 2
- ☐ Cash Check No. 1767

Accepted by: Marcia Parker Date: 02-08-2013

Case Number:	2013-037
Applicant Request:	**R-3 Residential Zone**
Applicant:	Rohdie Group, LLC/Robert Rhodie
Property Address:	6839 McCutcheon Road
Jurisdiction:	Chattanooga District 4/ Hamilton County District 5
Neighborhood:	Friends of East Brainerd/Brainerd East Brainerd Chamber
Proposed Development	
Site Plan Submitted:	Yes
Proposed Use:	Residential Apartments
Site Characteristics	
Current Zoning:	R-1 Residential Zone
Current Use:	Residential
Adjacent Uses:	Residential, Commercial and Office, Church
Size of Tract:	16.48 acres

Planning Commission Recommendation:
~~Approve Staff Recommendation~~

STAFF RECOMMENDATION: APPROVE, subject to
1) Approval of the City Traffic Engineer regarding any required transportation system improvements; and
2) A 15' wide landscape buffer with a 3' high earthen berm along McCutcheon road and St. Stephens Place; and
3) Installation of the evergreen tree option of the Type C landscaping and not the shrub option (although supplemental shrubs or additional landscaping can be provided).

Analysis	
Extension of Existing Zoning?	No
Community Land Use Plan:	Shallowford Road/Lee Highway Area Plan (2004)
Proposed Use Supported by Community Land Use Plan?	See below
Proposed Use Supported by Comprehensive Plan?	Yes

Comments

Planning Staff:

Applicant Request Overview

The applicant is proposing a 250 unit apartment complex on 16. 5 acres on McCutcheon Road west of Lee Highway. The proposed density is 15.2 dwelling units an acre.

Site Description

The site is located on the north side of McCutcheon Road and the west side of St. Stephens Place. The city's regional detention pond lies to the north and a single, residential property with a home abuts the site to the west. Across St. Stephens Street from the site is St. Stephen Catholic Church in an R-4 Special Zone.

Across McCutcheon Road from the site is a series of R-1 Residential, R-4 Special Zone, and C-5 Neighborhood Commercial Zone properties. Most of these use former residential structures for their businesses which limit the intensity of the activity. A C-2 Convenience Commercial zone at the southeast corner of McCutcheon Road and Lee Parkway Drive is

developed with a retail/office complex with the back of the buildings oriented towards McCutcheon Road.

Applicable Plans/Policies

The community plan for this area is the Shallowford Road-Lee Highway Area Plan. The plan proposes Low-density Residential for this location. The classification for that states that single-unit dwellings dominate; some exceptions made for townhouse, patio homes and two-unit dwellings if density is compatible.

However, in the area bounded by Hickory Valley Road (west), McCutcheon Road (south), St Stephens Place (east) and the regional detention pond (north), there is an R-2 zone developed with multiple duplexes lining Hickory Valley Road, a recently rezoned R-3 MD Moderate Density Zone property allowing for the conversion of two garages into apartments, and two remaining R-1 Residential properties of which the proposed site is one.

The plan proposes maintaining the Light Business Mix on the south side of McCutcheon Road.

The proposed rezoning site is located in the Outer Suburban Sector of the Comprehensive Plan 2030. The housing recommendation for that sector states:

> Residential areas may continue to be kept separate from non-residential areas. Conventional residential subdivisions with some improvements are appropriate here. Single-family residential is separated from multi-family residential. However, Traditional Neighborhood Development is also encouraged. Medium and perhaps some high-density residential may be appropriate if incorporated in single-family residential development. Higher-density residential should be adjacent to a commercial center.

Staff Recommendation

The site is bounded by a regional detention pond to the north, street and church to the east, street and mixed business area (with some residential property) to the south, and two residential lots (one developed with a duplex and the other the recently rezoned R-3MD Moderate Density lot) to the west.

The plan recommends Low-density Residential for this site, a plan category that includes a variety of housing types, including attached housing, as long as density is compatible. This location is one of the few large undeveloped sites in the plan boundary with this designation. Although there are locations identified as Medium or High-density Residential, the majority of the plan residential is recommended to develop as detached single-unit dwellings only.

In examining the site and specific request, staff is recommending approval of the R-3 Residential zone and proposed apartment development. This site is relatively unique in this area in being a 16 acre site in very close proximity to the Lee Highway and Shallowford Road intersection and 0.4 miles from I-75. Although possible, it seems unlikely that this site would develop as a single-family subdivision due to its proximity to the Lee Highway commercial uses, the existence of the businesses across the street, and the proximity of a regional detention pond with possible concerns about stormwater impacts.

The plan supports development of other residential types if density is compatible. Apartments are not listed in the plan classification but as there is very little remaining residential property in the area, this use can be appropriate even if it equates to a higher-density. Development of apartment at this location does meet the recommendation of the Comprehensive Plan recommendation to place higher-density residential adjacent to commercial centers. In this case, the multi-family residential use acts as a transition from the Lee Highway commercial strip moving westward to lower-intensity residential uses.

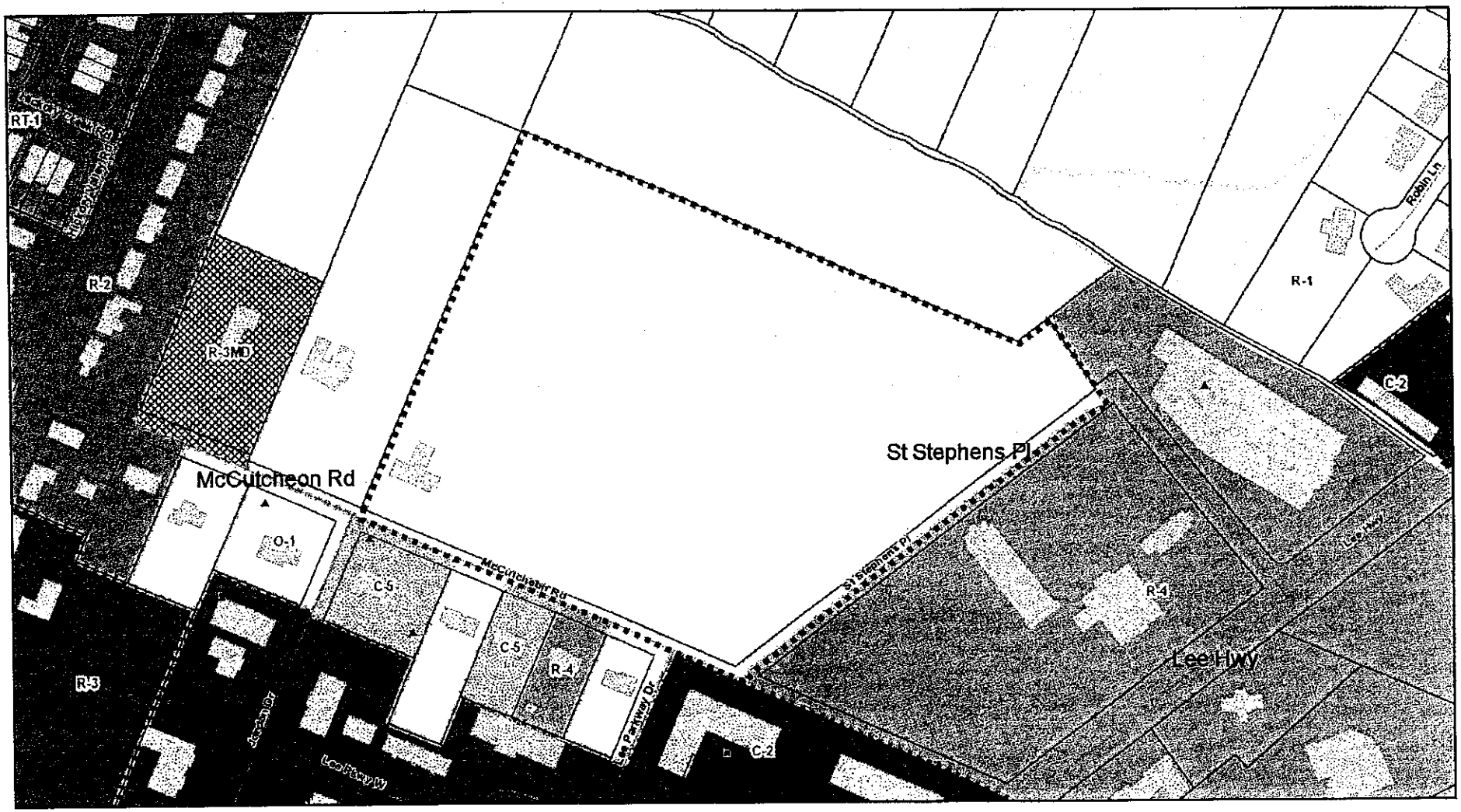
The applicant is proposing a 15' wide landscape buffer with a 3' high undulating earthen berm along McCutcheon road and St. Stephens Place. That will help integrate this development with the relatively low-intensity businesses on McCutcheon Road and the remaining homes on the south side. The applicant will be required to provide Type C screening per the landscaping ordinance. However, as the western property line of the proposed apartments abuts a single, continuous 750' property line, the applicant should be required to install the evergreen trees option of the Type C landscaping and not the shrub option although supplemental shrubs or additional landscaping can be provided. The evergreen tree option will provide a more robust long-term screening option.

2013-037

Haynes Greg

From: Mark White [markwhite099@yahoo.com]
Sent: Sunday, March 10, 2013 10:07 PM
To: Haynes Greg
Subject: Proposed development site McCutcheon rd

Hello,
As a property owner on Robin drive and part of a single family residential neighborhood to the north of the proposed build site, I would like to go on record to note opposition for the site plan and development proposal as submitted. My main concern is that there should be more time given to study the potential impacts of an apartment complex of this scale and density. I request that the case be deferred in order to allow the developer and neighborhood an opportunity to address the following:
Building placement and parking layout (Use of pervious surfaces) i.e. address storm water runoff in a more creative manner
Relocation and redesign of proposed retention pond to compliment current city retention area and provide connection to Friar Branch creek for future trail use.
Utilize existing trees as part of buffers and open space to the NORTH increasing buffers on the northern property line. (We in the neighborhood to the North are appalled that the northern border was not even mentioned in the "RPA staff report and recommendations" paper, case# 2013-037. I can assure you that my neighbors and I are much put off by this lack of sensitivity to our neighborhood while St Stephens street and the single property to the west were given consideration in regards to aesthetics and buffers.)
Study traffic and access impacts at Lee Highway and Hickory Valley road.
In closing, we to the north of the proposed development site live in an old and established, unique, neighborhood in this area. Many homes are on 2 or more acres and we retain a semi-rural lifestyle in the midst of the city which should be preserved. I thoroughly enjoy being in my yard and seeing the fields, trees, creek and all manner of wildlife, including deer, owls, hawks, and blue herons, to name a few. In fact this was my primary motivation for purchasing my home. If this site is developed as planned, I and my neighbors will be gazing upon parking lots and the backsides of several apartment complexes with hundreds of occupants and the attendant noise that accompanies such endeavors. We in the neighborhood would like considerations to be taken to minimize this impact by reevaluating the site plan and at the very least creating a substantial and meaningful buffer on the north side of the development. Otherwise our way of life here will be altered and impacted in a very unfair, unnecessary, insensitive and negative way.
Respectfully,
Mark White
6826 Robin Drive
Chattanooga, TN



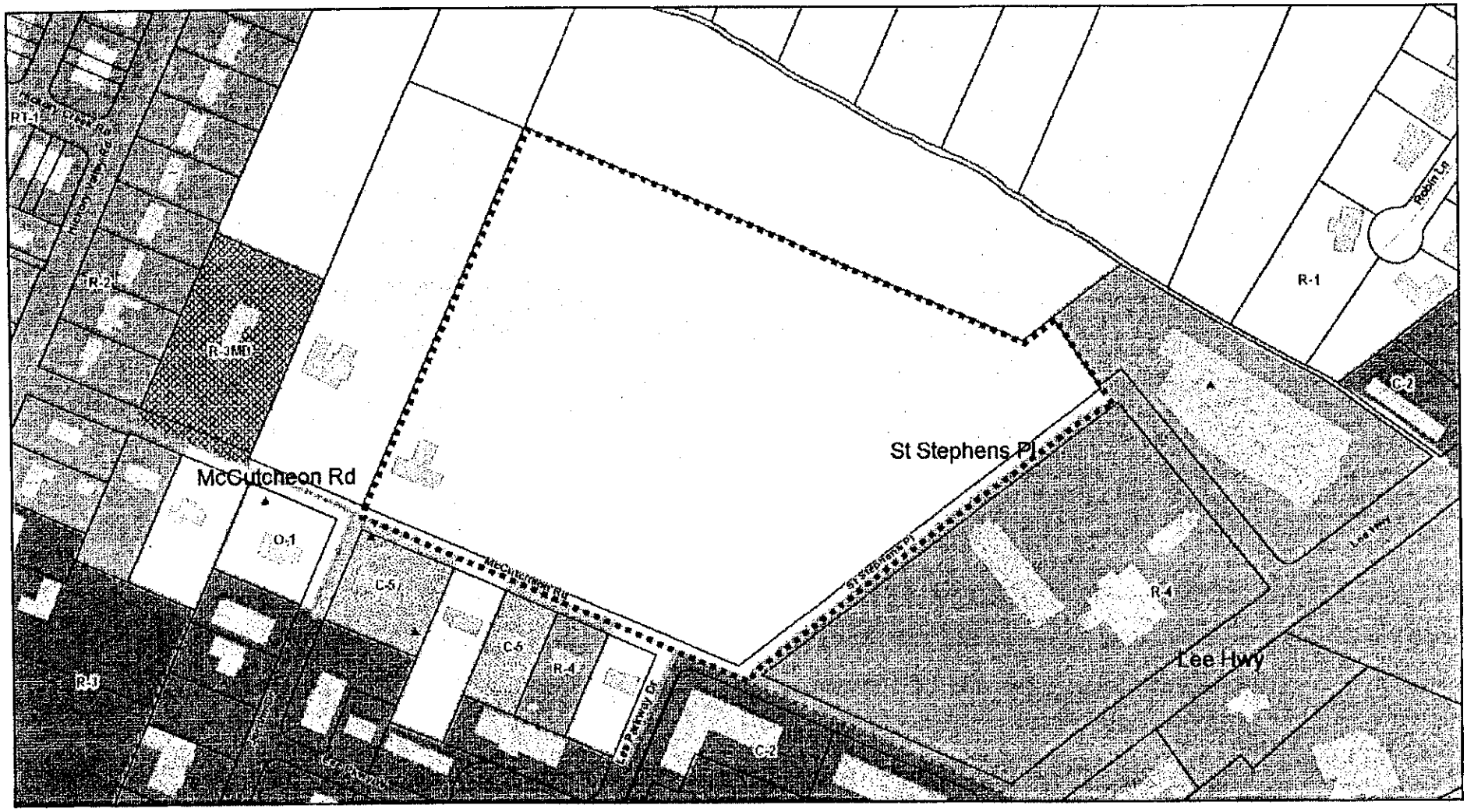
2013-037 Rezoning from R-1 to R-3

Chattanooga Hamilton County Regional Planning Agency

North

250 ft

Chattanooga-Hamilton County RPA Regional Planning Agency



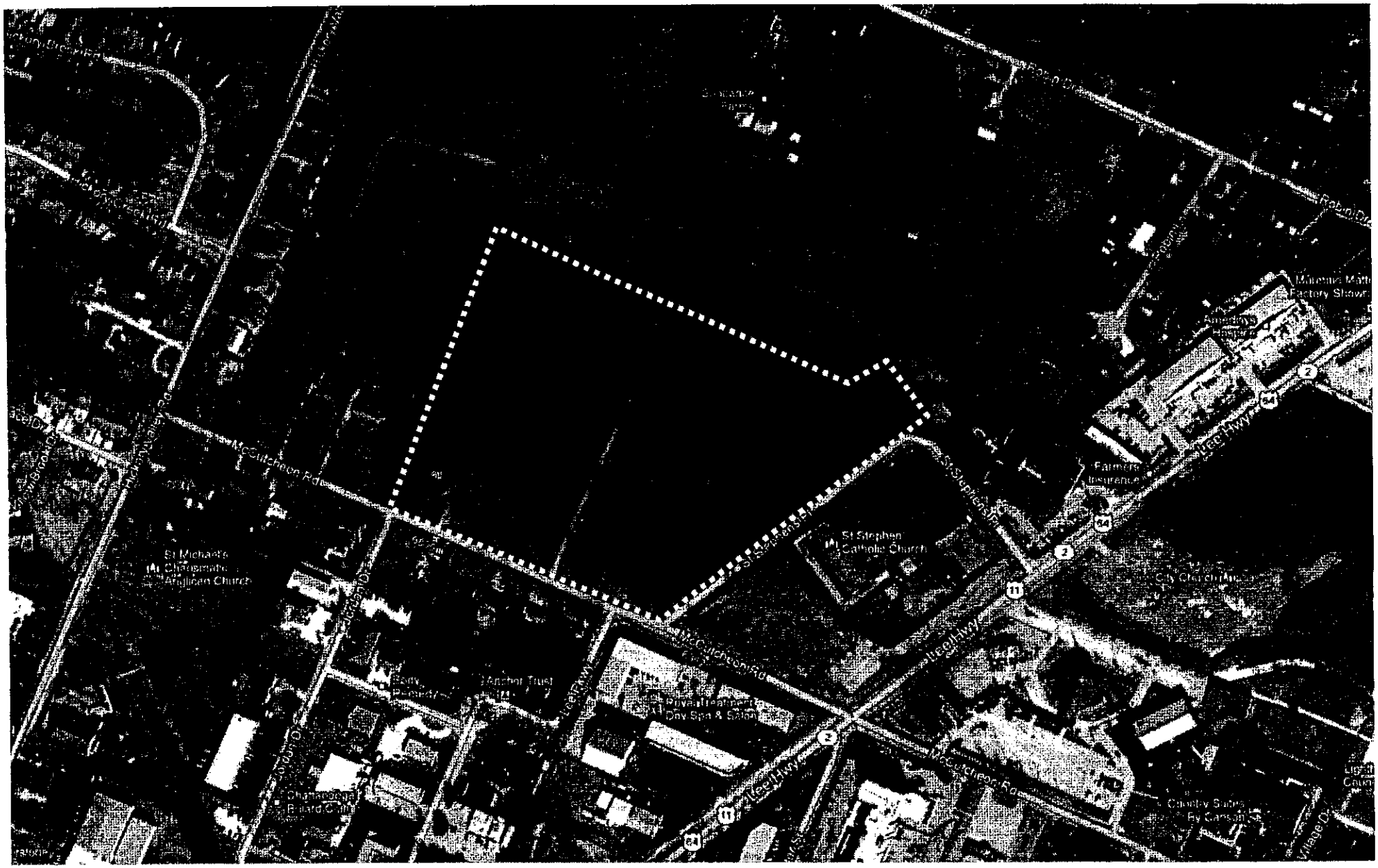
2013-037 Rezoning from R-1 to R-3

North

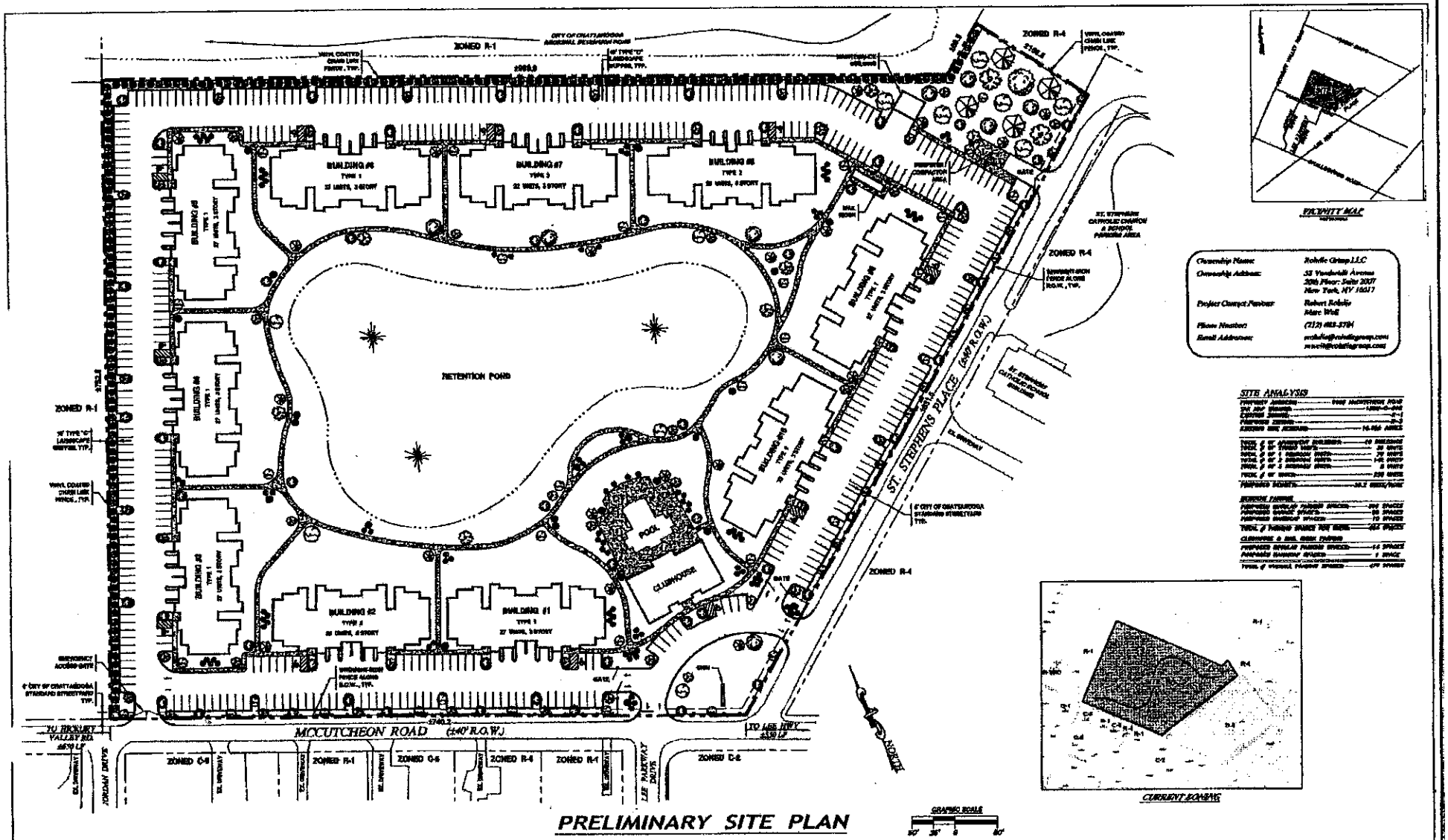
250 ft

Chattanooga Hamilton County Regional Planning Agency

Chattanooga-Hamilton County RPA Regional Planning Agency



Robin Dr
Lee Hwy
McCutcheon Rd
St Stephens Pl
St Stephen Catholic Church
Farmers Insurance
St Michael's Chapmanic Anglican Church
Anchor Trust
Royal Treatment Day Spa & Salon
Country Suites By Carlson


ZONED R-1
ZONED R-4
BUILDING #6
BUILDING #7
BUILDING #5
BUILDING #4
BUILDING #3
BUILDING #2
BUILDING #1
RETENTION POND
POOL
CLUBHOUSE
ST. STEPHENS PLACE (±40' R.O.W.)
MCCUTCHEON ROAD (±40' R.O.W.)
TO HICKORY VALLEY RD.
TO LEE HWY.
JORDAN DRIVE
LEE PARKWAY DRIVE
ZONED C-2
ZONED C-5
NORTH
GRAPHIC SCALE
VICINITY MAP
CURRENT ZONING
SITE ANALYSIS
Ownership Name: Rohlfe Group LLC
Ownership Address: 53 Vanderbilt Avenue 20th Floor: Suite 2007 New York, NY 10017
Project Contact Partner: Robert Rohlfe Marc Weil
Phone Number: (212) 683-3784
Email Address:
PRELIMINARY SITE PLAN
McCutcheon Road Apartment Development
MAP ENGINEERS L.L.C.
NOTE: SUBJECT PLAN IS A CONCEPTUAL LAYOUT AND IS SUBJECT TO CHANGE AS DEVELOPMENT IS CONSTRUCTED.
©COPYRIGHT 2013 MAP ENGINEERS, LLC

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:

> 2013-006 City of Chattanooga/RPA. Amberley Trail, Colonial Parkway, Ellington Way, Fenchcroft Lane, Haven Crest Drive, Igou Gap Road, King Court Lane, Morris Glen Court, Morris Hill Road, Pebble Creek Road, Pine Needles Trail, and Ray Jo Circle, 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 11A" of Ordinance Nos. 12299 and 12557, subject to certain conditions.
>
> 2013-037 Rohdie Group, LLC/Willie Mae Sweeney. 6839 McCutcheon 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 petition to rezone be denied:

> 2013-033 Richard Davis, Broker/First Citizens Bank & Trust. 7331 Shallowford Road, from R-4 Special Zone to C-2 Convenience Commercial Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following amendments be made to the Chattanooga City Code, Part II, Chapter 38, known as the Chattanooga Zoning Ordinance by:

> (a) Amending Section 38-2, Definitions for Animal, Domestic; Animal, Farm/Livestock or Fowl; Animal, Wild or Exotic; Cemetary, Pet; Crematory, Pet; Household Pet; Livestock; Hospital, Domestic Animal; and Mobile food unit.
>
> (b) Amending Sections 38-122, 38-184, 38-204, and 38-302, Uses permitted as special exceptions by the Board of Appeals; and

(c) Amending Section 38-568, Powers, etc., of board; hearings.

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,

April 16, 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