

4/16/13

2013-033  
Richard Davis, Broker  
First Citizens Bank & Trust  
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 7331 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL 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 property located at 7331 Shallowford Road, more particularly described herein:

Part of Lot 12, Timberland Subdivision, Plat Book 20, Page 73, ROHC, Deed Book 9558, Page 332, ROHC. Tax Map No. 149H-G-021.

and as shown on the maps attached hereto and made a part hereof by reference, from R-4 Special 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

2013-033 City of Chattanooga  
March 11, 2013

## RESOLUTION

WHEREAS, Richard Davis, Broker/First Citizens Bank & Trust 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-4 Special Zone to C-2 Convenience Commercial Zone, property located at 7331 Shallowford Road.

Part of Lot 12, Timberland Subdivision, Plat Book 20, Page 73, ROHC, Deed Book 9558, Page 332, ROHC. Tax Map 149H-G-021 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 denied.

Respectfully submitted,



John Bridger  
Secretary

# Zoning Request Form

Print 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:** 2013-033  
**Date Submitted:** 02-07-2013  
**Planning District:** 10  
**County District:** 8  
**City District:** 4  
**Jurisdiction:** Chattanooga  
**Neighborhood:** Friends of E. Brainerd/Brainerd E. Brainerd Chamber  
**Staff Action:**  
**PC Action/Date:**  
**Legis. Action/Date:**

Zoning Request	
<b>From:</b> R-4 Special Zone	<b>To:</b> C-2 Convenience Commercial Zone
Proposed Development or Use: Soccer USA retail Store, existing building to be remodeled	

Property Location / Information	
<b>Address:</b> (Street Number & Street Name) 7331 Shallowford Road	Tax Map No: 149H-G-001
	Plat Book/Page No. 20-73
Current Use: Vacant/Formerly Medical Office	Adjacent Uses: Medical Office, Restaurant, Hotel & Pharmacy

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.).
<input type="radio"/> Property Owner <input type="radio"/> Architect <input type="radio"/> Engineer <input type="radio"/> Optionee <input type="radio"/> Purchaser of Property <input type="radio"/> Trustee <input checked="" type="radio"/> Other: Broker

Name	Richard Davis	
Address:	2603 Elm Hill Pike, Suite N	
City	Nashville	State: TN
Zip Code:	37414	
Daytime Phone:	615-804-5366	
Cell Phone:	615-804-5366	
Other Phone:	615-391-3030	
Email:	dick@rpmnashville.com	
Fax:	615-391-3335	

Property Owner Information (if not applicant)	
Name:	First Citizens Bank & Trust/Tim Bylow, Vice President
Address:	P.O. Box 27131-RWN15 Raleigh, NC 27611
Phone:	919-716-4086

CHECKLIST (OFFICE USE ONLY)	
<input checked="" type="checkbox"/> Application Complete	<input checked="" type="checkbox"/> Deeds for property to be rezoned
<input checked="" type="checkbox"/> Ownership Verification (Tax Map Printout, Letter)	Deed Book: 9558-332
<input checked="" type="checkbox"/> Map showing property to be rezoned.	<input checked="" type="checkbox"/> Copy of Plats, if applicable
<input type="checkbox"/> Site Plan, if applicable	Plat Book/Page: 20-73
<input checked="" type="checkbox"/> Total acres to be considered: 0.448 Acres	<input checked="" type="checkbox"/> Notice Signs: How Many? 1
<input checked="" type="checkbox"/> Filing Fee: 635.00	<input type="checkbox"/> Cash      Check No. 3004
Accepted by: Marcla Parker	Date: 2-07-2013

<b>Case Number:</b>	<b>2013-033</b>	
<b>Applicant Request:</b>	<b>C-2 Convenience Commercial Zone</b>	
<b>Applicant:</b>	Richard Davis, Broker/First Citizens Bank	
<b>Property Address:</b>	7331 Shallowford Road	
<b>Jurisdiction:</b>	Chattanooga District 4/ Hamilton County District 8	
<b>Neighborhood:</b>	Friends of East Brainerd/Brainerd East Brainerd Chamber	
<b>Proposed Development</b>		
<b>Site Plan Submitted:</b>	Applicant using existing building, parking and access	
<b>Proposed Use:</b>	Soccer retail store, existing building to be remodeled	
<b>Site Characteristics</b>		
<b>Current Zoning:</b>	R-4 Special Zone	<b>Planning Commission Recommendation: Approve Staff Recommendation</b>
<b>Current Use:</b>	Vacant-Formerly Medical Office	
<b>Adjacent Uses:</b>	Medical Office, Restaurant, Hotel	
<b>Size of Tract:</b>	0.4 Acres	
<b>STAFF RECOMMENDATION: DENY</b>		

**Analysis**

Extension of Existing Zoning?	No
Community Land Use Plan:	Hamilton Place Community Plan (2001)
Proposed Use Supported by Community Land Use Plan?	No
Proposed Use Supported by Comprehensive Plan?	No

**Comments**

Planning Staff:

Applicant Request Overview

The applicant is proposing to convert an approximately 3,000 square foot former office building to a retail use. The proposal includes using the existing building, parking and access.

Site Description

The property fronts on the north side of Shallowford Road and adjoins the Waterside mixed-use development. A dentist office in an O-1 Office zone abuts the property to the west and a medical office, also zoned O-1 Office, to the east.

Zoning History

In 2003, this property was rezoned from R-2 Residential to R-4 Special Zone with the only condition related to retaining existing easements. The R-4 Special Zone allows 21 permitted uses with an additional 14 uses permitted as special exceptions by the Board of Appeals.

Applicable Plans/Policies

The adopted plan for the area, the Hamilton Place Community Plan, recommends on its land use plan map an Office use for this location.

The Shallowford Road and Gunbarrel "Triangle" Site is identified as one of the key "pressured" areas in the Hamilton Place area. The plan states:

"This 75-acre site is accessed from Gunbarrel Road on the east and Shallowford Road on the south. The land use strategy here supports the overall intent of limiting commercial expansion by recommending a mixed-use pattern of development.

- The Shallowford Road frontage should include civic and office uses. Limited supporting commercial uses are only appropriate in the context of a mixed-use planned development.
- The Gunbarrel Road frontage should include medium density residential uses such as townhomes.
- The Interstate 75 frontage should include medium and high density residential uses from townhomes to apartments."

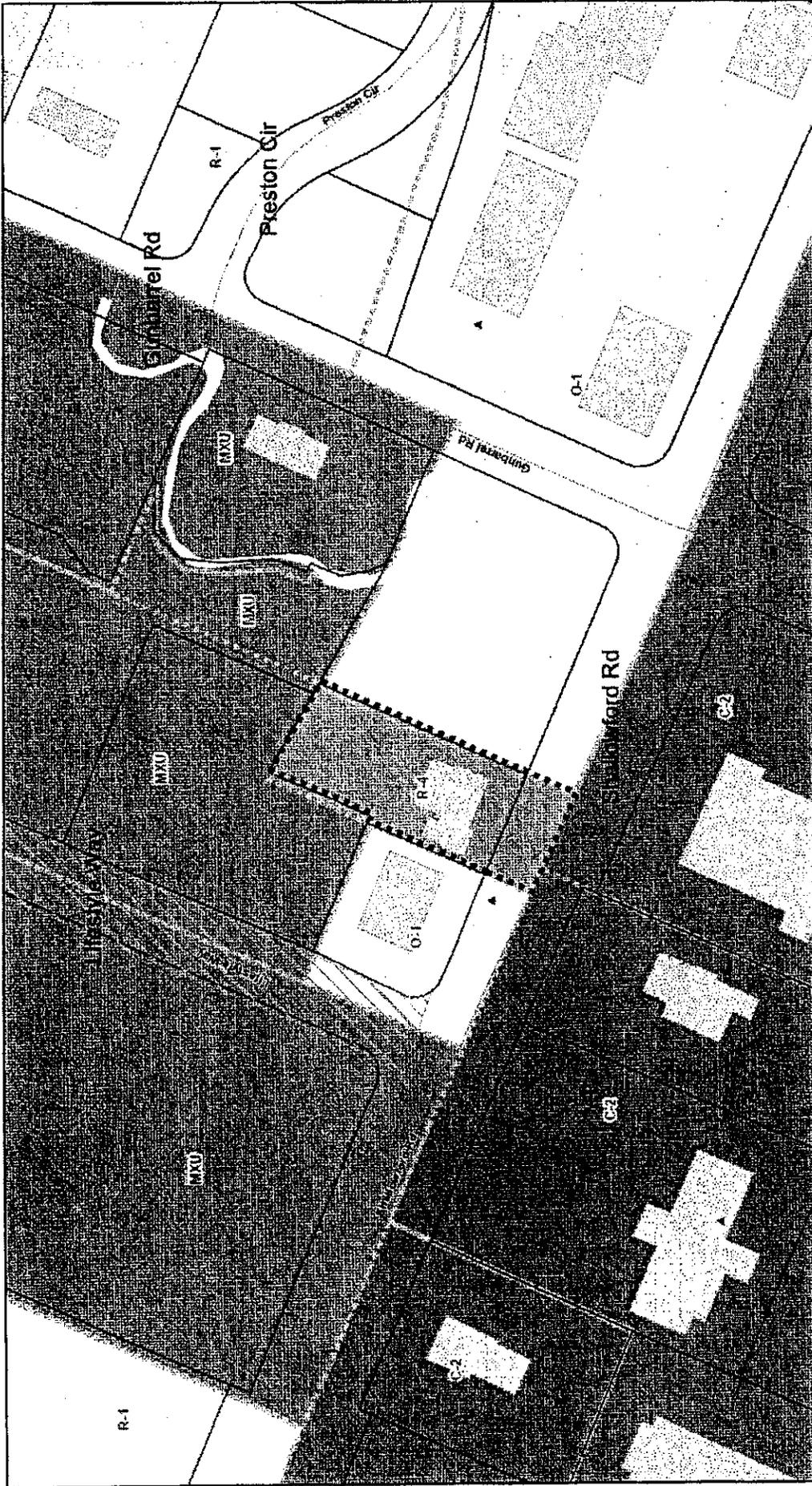
Since the development of the community plan, there have been changes in the triangle area (bounded by I-75/Shallowford Road/Gunbarrel Road) including the removal of homes, the multiple zoning requests by the same applicant, and proposed improvements to Gunbarrel Road. Since that time, the triangle site has transitioned away from the specific land use plan map recommendation while maintaining the essential principles of the plan (covered more thoroughly in other zoning recommendations).

One aspect of the triangle site that has been maintained is the zoning frontage along Shallowford Road from the interstate to Gunbarrel Road. There are no commercial (C-2 Convenience Commercial, C-4 Planned Commerce Center, C-5 Neighborhood Commercial) zones that front on the north side of that section of Shallowford Road, a situation that extends along Shallowford Road as far as Jenkins Road.

#### Staff Recommendation

Staff is recommending maintaining the existing zoning pattern that limits commercial zoning from the northern frontage of Shallowford Road. Although there have been rezoning to C-4 Planned Commerce Center for properties abutting I-75 and there is a restaurant just north of this site, those developments are part of the overall development plan of Waterside.

The plan does state that the Shallowford Road frontage could support limited supporting commercial uses but only if they are part of a mixed-use planned development. Approval of this rezoning would set a precedent of stand-alone commercial zoning north of Shallowford Road. While there are no residential properties abutting this site, keeping commercial zoning south of Shallowford Road will help strengthen existing commercial areas and maintain a line on commercial expansion.



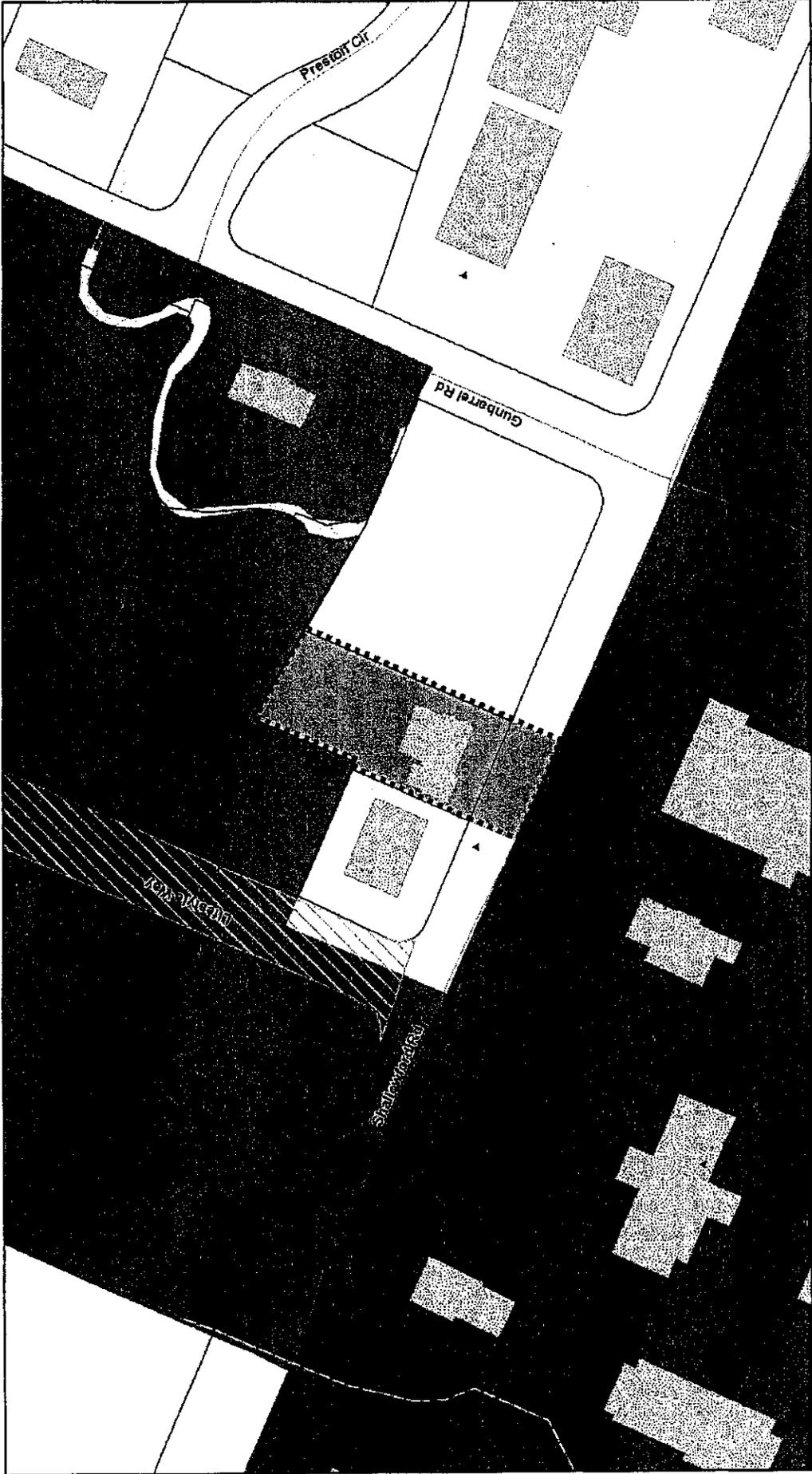
**2013-033 Rezoning from R-4 and MXU and C-2**



125 ft

Chattanooga-Hamilton County  
**RRA**  
 Regional Planning Agency

**Chattanooga Hamilton County Regional Planning Agency**



## 2013-033 Rezoning from R-4 to C-2

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2013-033: Deny



125 ft



Chatahoochee-Hawkins 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:

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.

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