

6/11/13

First Reading: _____
Second Reading: _____

2013-062
Priority Partnership
District No. 5
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 4976 AND 4980 HIGHWAY 58, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL 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 properties located at 4976 and 4980 Highway 58, more particularly described herein:

All those parts of Lot 1A, Corrective Plat of the Resubdivision of Lots 1A, 1B, & 2, Bruno's Subdivision, Plat Book 75, Page 180, ROHC and Revised Lot 5, Corrective Plat Revised Lot 4 and Revised Lot 5, Bruno's - 58 Subdivision, Plat Book 54, Page 173, ROHC which are currently zoned R-1, being part of the property described in Deed Book 9827, Page 123, ROHC. Tax Map Nos. 129B-F-013(part) and 013.04 (part).

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

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

- 1) Preserve a 30' of landscape buffer as shown on site plan, along the rear property line (adjacent to the residential) wrapping around both the north and south;
- 2) No buildings or pavement within the buffer;
- 3) Provide screening from the school, an opaque fence (not chain-link) 6' minimum height; and
- 4) Access from Highway 58 only.

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: _____

CHAIRPERSON

APPROVED:____ DISAPPROVED:____

MAYOR

/mms

First Reading: _____
Second Reading: _____

2013-062
Priority Partnership
District No. 5
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 4976 AND 4980 HIGHWAY 58, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL 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 properties located at 4976 and 4980 Highway 58, more particularly described herein:

All those parts of Lot 1A, Corrective Plat of the Resubdivision of Lots 1A, 1B, & 2, Bruno's Subdivision, Plat Book 75, Page 180, ROHC and Revised Lot 5, Corrective Plat Revised Lot 4 and Revised Lot 5, Bruno's - 58 Subdivision, Plat Book 54, Page 173, ROHC which are currently zoned R-1, being part of the property described in Deed Book 9827, Page 123, ROHC. Tax Map Nos. 129B-F-013(part) and 013.04 (part).

and as shown on the maps attached hereto and made a part hereof by reference, from R-1 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:_____

CHAIRPERSON

APPROVED:____ DISAPPROVED:____

MAYOR

/mms

2013-062 City of Chattanooga
May 13, 2013

RESOLUTION

WHEREAS, Priority Partnership 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 C-2 Convenience Commercial Zone, part of properties located at 4976 and 4980 Highway 58.

All those parts of Lot 1A; Corrective Plat of the Resubdivision of Lots 1A, 1B, & 2, Bruno's Subdivision, Plat Book 75, Page 180, ROHC and Revised Lot 5, Corrective Plat Revised Lot 4 and Revised Lot 5, Bruno's - 58 Subdivision, Plat Book 54, Page 173, ROHC which are currently zoned R-1, being part of the property described in Deed Book 9827, Page 123, ROHC. Tax Map 129B-F-013(part) and 013.04 (part) as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on May 13, 2013,

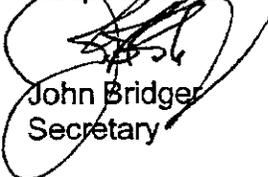
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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 May 13, 2013, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to the following conditions: 1) Preserve a 30' of landscape buffer as shown on site plan, along the rear property line (adjacent to the residential) wrapping around both the north and south; 2) No buildings or pavement within the buffer; 3) Provide screening from the school, an opaque fence (not chain-link) 6' minimum height; and 4) Access from Highway 58 only.

Respectfully submitted,



John Bridger
Secretary

RPA STAFF RECOMMENDATION

**Planning Commission Recommendation:
Approve Staff Recommendation**

Case Number:	2013-062	PC Meeting Date: 05-13-2013
STAFF RECOMMENDATION:	<p>APPROVE, subject to the following conditions:</p> <ol style="list-style-type: none"> 1. Preserve a 30' of landscape buffer as shown on site plan, along the rear property line (adjacent to the residential) wrapping around both the north and south. 2. No buildings or pavement within the buffer. 3. Provide screening from the school, an opaque fence (not chain-link) 6' minimum height. 4. Access from Highway 58 only. 	
Land Use & Transportation Comments		
Planning Staff:	<p><u>Request Overview</u> Pryor Bacon on behalf of the Priority Partnership has requested to rezone 2.4 acres located at 4976 and 4980 Highway 58 from R-1 Residential Zone to C-2 Convenience Commercial Zone. As indicated on the submitted site plan, the development is expected to include new and existing parking, 50,000 square feet of new storage units and a 30' landscape buffer along the adjacent residential area.</p> <p><u>Site Description</u> The property is currently vacant. There are no existing structures on the site and has grading at a 2:1 slope. There are residential properties to the east and Lakeside Elementary School to the south.</p> <p><u>Zoning History</u> In 1988 this property was rezoned from R-1 Residential Zone and C-1 Highway Commercial District to C-2 Convenience Commercial District for the development of a shopping center. Staff recommended approval subject to a planted, natural buffer and a sight obscuring fence along the east line of the larger of two tracts and access limited to Highway 58 only. In 1992, those conditions were amended by case 1992-157 to provide for alternate screening, the rationalization for which was that the existing cut into the hillside and natural foliage would serve as an adequate screen along with the 162' R-1 Residential buffer at the rear of the properties on Swan Road.</p> <p><u>Plans/Policies</u> Development in this area is guided by the Highway 58 Community Plan adopted by Chattanooga City Council in 2002. The plan addresses a wide range of land use categories and recommends preferred land use patterns and policies to guide future development. The adopted plan for the area recommends Community Commercial for this property. The intent of this designation is to cluster retail and other high-intensity commercial uses into commercial activity districts which serve the immediate community and beyond.</p> <p>The Planning Principles of the plan as related to Land Use are as follows:</p>	

RPA STAFF RECOMMENDATION

- Enforce existing landscape ordinance and improve it by adding more buffering between residential and non-residential uses.

Transportation

As required by the Chattanooga Zoning Ordinance, C-2 Convenience Commercial Zones "shall be located so as to primarily serve traffic on arterial or collector streets." Also, "businesses developed within such zones shall be situated on site so as to offer convenient ingress and egress to such streets." Highway 58 is classified as an Urban Principal Arterial as defined by the Functional Classification System of Streets in the Chattanooga Zoning Ordinance and provides the appropriate ingress and egress.

Staff Recommendation

Staff is recommending approval with conditions. The C-2 Convenience Commercial Zone represents an extension of existing zoning and is supported by the approved land use plan. However, the close proximity to residential properties necessitates conditions be applied. The applicant proposes to maintain a thirty-foot buffer between commercial property and the adjoining residential neighborhood.

Currently, there are two unopened right-of-ways to the east of the property. A condition of the rezoning staff is recommending that access be limited to Highway 58 only.

Infrastructure & Operational Comments

Public Works Staff:

All land development projects are reviewed by City Engineering & Water Quality staff, Traffic Engineering & Operations staff, and the Land Development Office staff. In addition to the requirements of the City of Chattanooga Zoning Ordinance, all land development is further required to comply with current City of Chattanooga traffic regulations, building and development codes, storm water/water quality regulations, and the landscape ordinance.

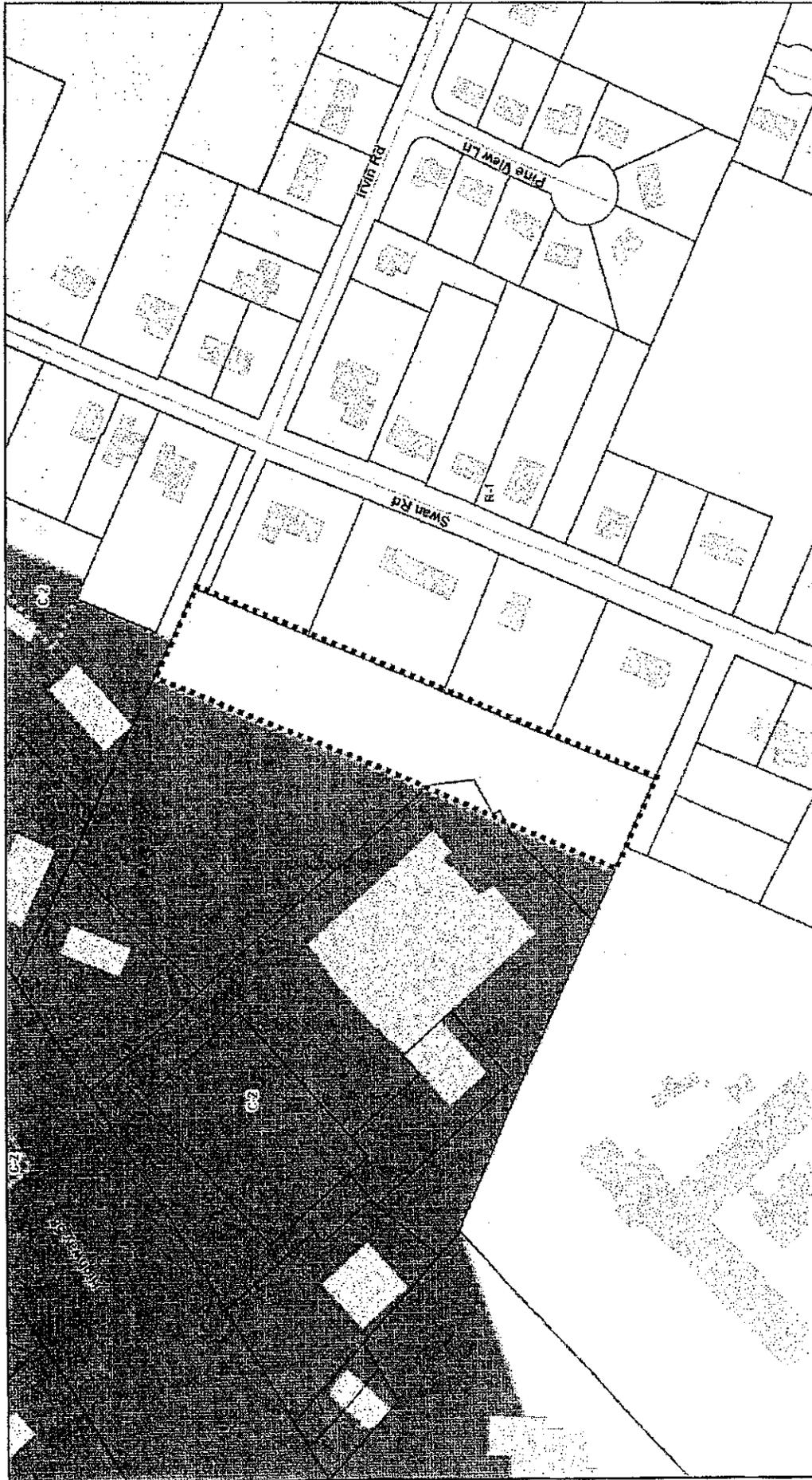
Additional requirements, if needed, are indicated by department below either as comments or as conditions recommended to be attached to the final ordinance.

Land Development Office

The Land Development Office recommends that the developer install an opaque fence to screen the development from the existing elementary school.

ZONING APPLICATION FORM

CASE NUMBER: 2013-062		Date Submitted: 04-10-2013	
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
1 Applicant Request			
Zoning	From: R-1	To: C-2	
Total Acres in request area: 103723 sq ft (2.4 acres)			
2 Property Information			
Property Address:	4976 (part) and 4980 Hwy 58 (part)		
Property Tax Map Number(s):	129B-F-013 (part) and 013.04 (part)		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Commercial property is divided into two zones. Owner wants it all zoned the same way for future storage expansion		
4 Site Characteristics			
Current Zoning:	R-1		
Current Use:	Undeveloped		
Adjacent Uses:	C-2 and R-1		
5 Applicant Information			
All communication will be with the Applicant. If the applicant is not the property owner, the RPA requires a letter from the property owner(s) confirming that the applicant has permission to file this application on his/her behalf.			
Name: Pryority Partnership		Address: 4295 Cromwell Rd, #311	
Check one:	<input checked="" type="checkbox"/> I am the property owner	<input type="checkbox"/> I am not the property owner	
City: Chattanooga	State: TN	Zip Code: 37421	Email: pbacon@pryorbacon.com
Phone 1: 423-855-5555	Phone 2: 423-240-1800	Phone 3:	Fax:
6 Property Owner Information (if not applicant)			
Name:		Phone:	
Address:			
Office Use Only:			
Planning District: 6		Neighborhood: None	
Hamilton Co. Comm. District: 5	Chatt. Council District: 5	Other Municipality:	
Staff Rec:	PC Action/Date:	Legislative Action/Date/Ordinance:	
Checklist			
<input checked="" type="checkbox"/> Application Complete	<input checked="" type="checkbox"/> Ownership Verification	<input checked="" type="checkbox"/> Map of Proposed Zoning Area with dimensions	
<input checked="" type="checkbox"/> Site Plan, if required	<input checked="" type="checkbox"/> Total Acres to be considered: 1.427	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 9827/123			
Plat Book/Page: 54/173, 75/180		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 1
<input checked="" type="checkbox"/> Filing Fee: \$635.00	<input type="checkbox"/> Cash	<input type="checkbox"/> Check	Check Number: 145
Planning Commission meeting date: 05/13/2013		Application processed by: Marcia Parker	



2013-062 Rezoning from R-1 to C-2

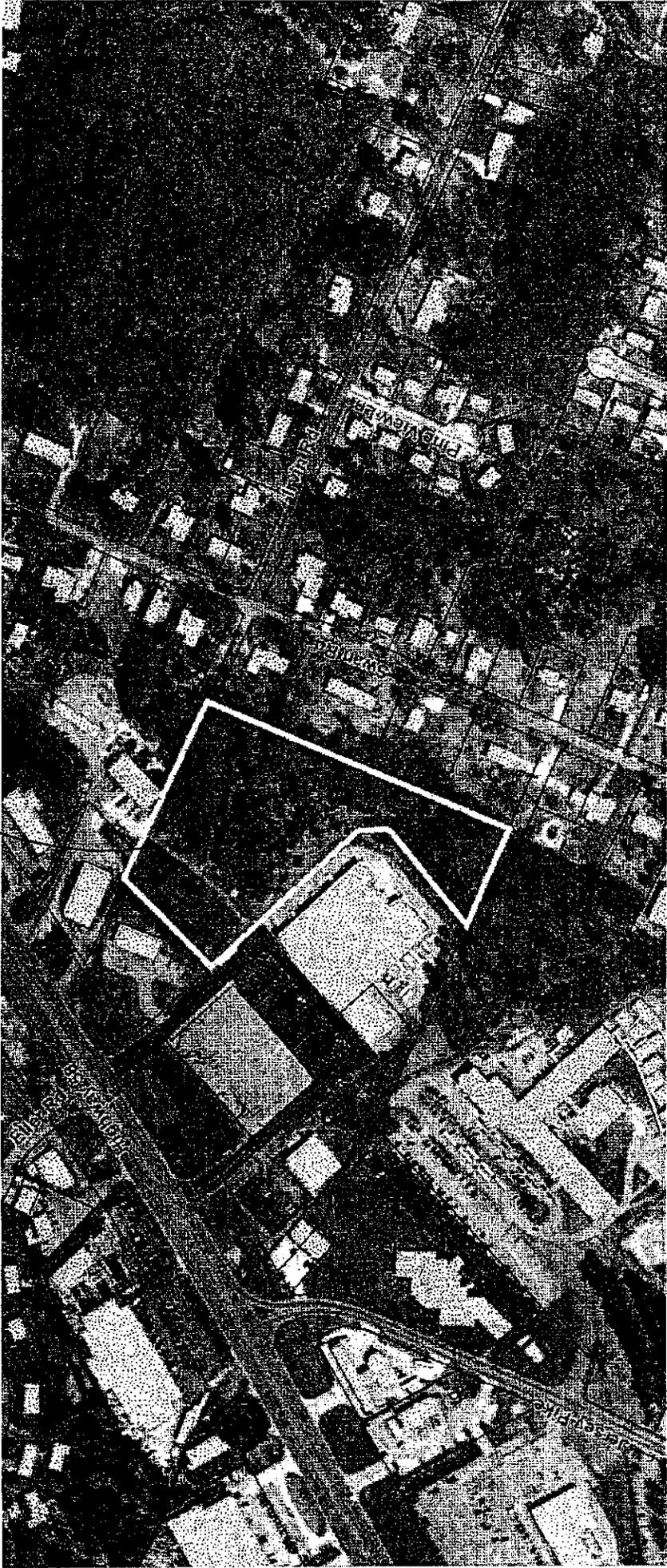


200 ft

Chattahoochee-Hamilton County
RPA
 Regional Planning Agency

Chattahoochee-Hamilton County Regional Planning Agency

Area of
proposed storage units



PROPERTY PLAN PROPOSED CHANGE OF BOUNDARY R-1 TO C-2

APRIL 10, 2013

140' WIDE AREA CHANGE TO C-2

Notes:

TAX MAP NO.
129B F013.04

A. Current zoning
R-1

B. 103,723 sf. (2.4 acres)

C. No existing structures

D. No landscape ordinance

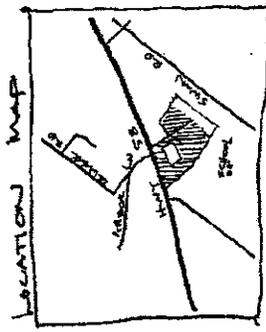
E. n/a

F. n/a

□ = AREA TO
BE REZONED

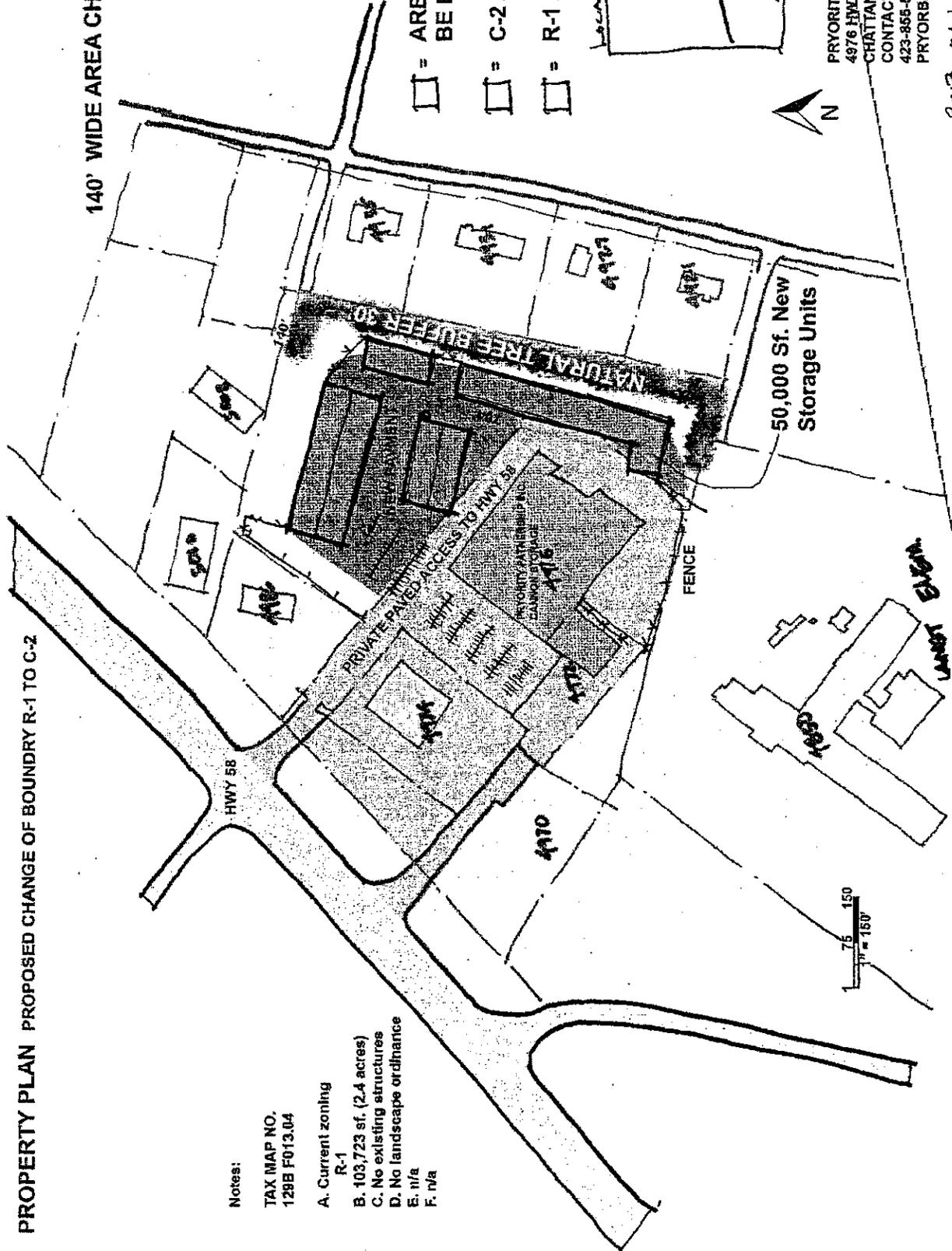
□ = C-2 Zoned

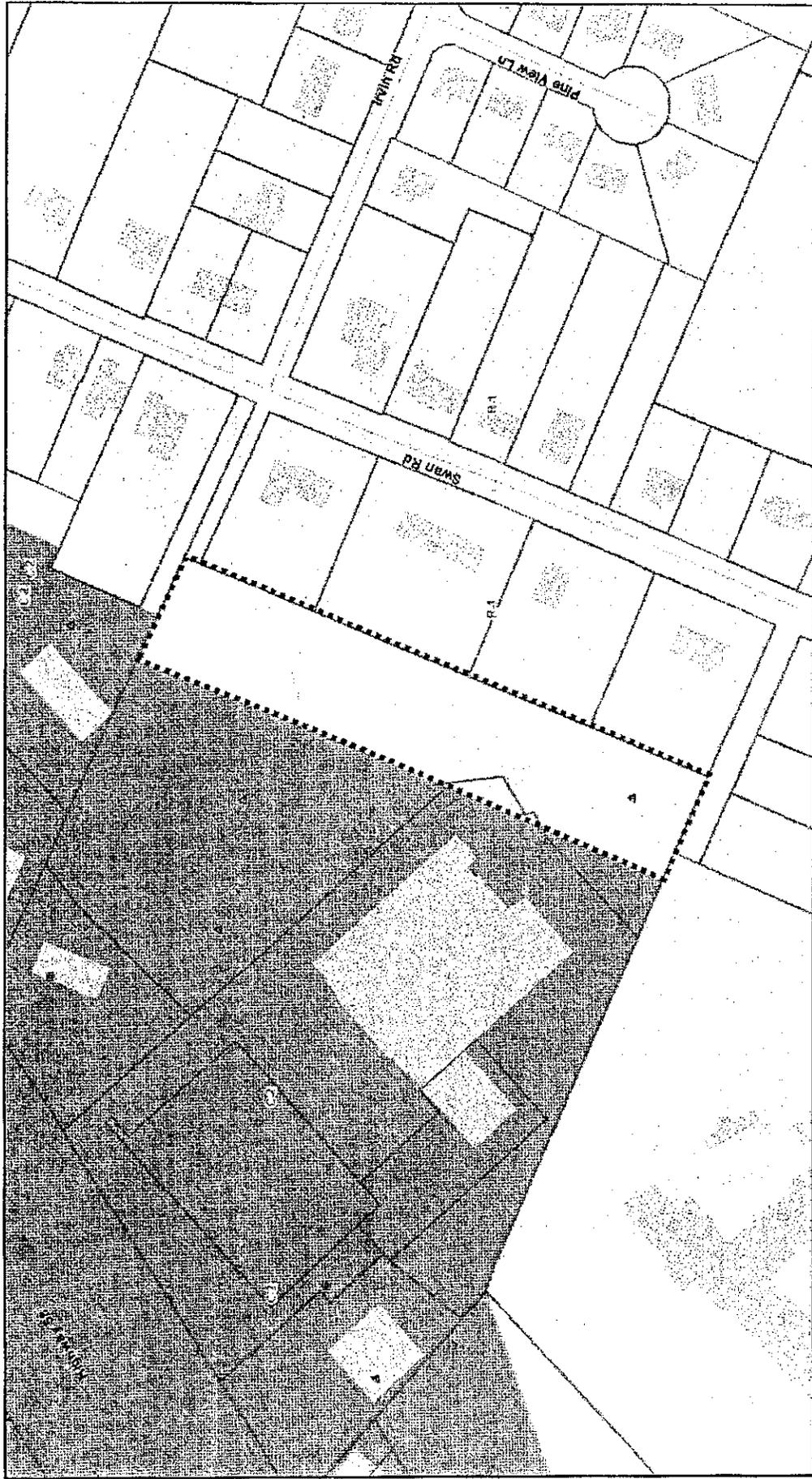
□ = R-1 Zoned



PRIORITY PARTNERSHIP INC.
4976 HWY-58
CHATTANOOGA, TN 37416
CONTACT: PRYOR BACON III
423-858-5555
PRYORBACON@PRYORBACON.COM

2013-061





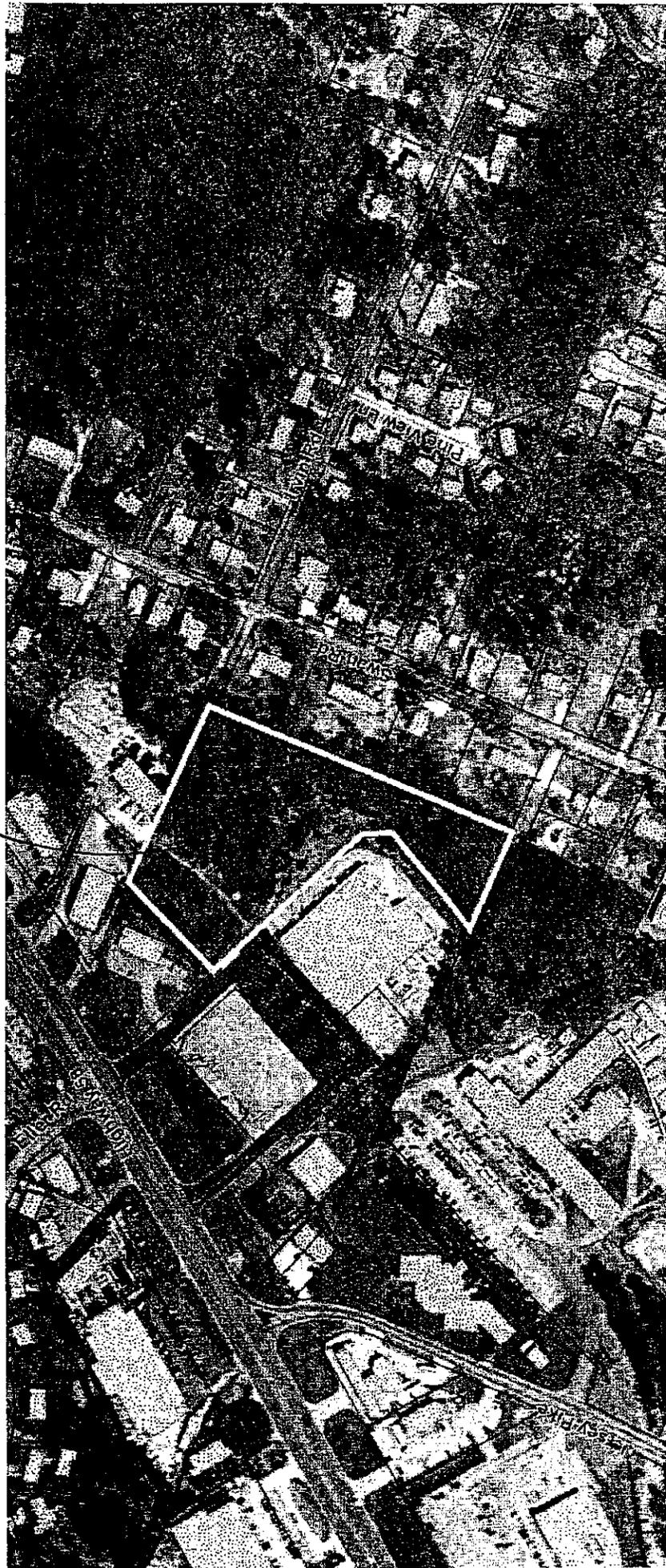
2013-062 Rezoning from R-1 to C-2

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2013-062: Approve, subject to: 1) Preserve a 30' of landscape buffer as shown on the site plan, along the rear property line (adjacent to the residential wrapping around both the north and south); 2) No buildings or pavement within the buffer; 3) Provide screening from the school, an opaque fence (not chain-link) 6' minimum height; and 4) Access from Highway 58 only.



175 ft

Area of
proposed storage units



PROPERTY PLAN PROPOSED CHANGE OF BOUNDRY R-1 TO C-2

APRIL 10, 2013

140' WIDE AREA CHANGE TO C-2

Notes:

TAX MAP NO.
129B F013.04

A. Current zoning
R-1

B. 103,723 sf. (2.4 acres)

C. No existing structure

D. No landscape ordinance

E. n/a

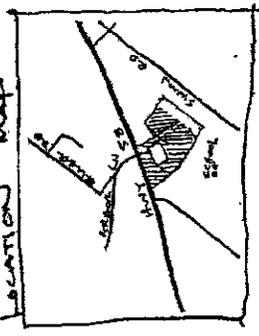
F. n/a

 = AREA TO BE REZONED

 = C-2 Zoned

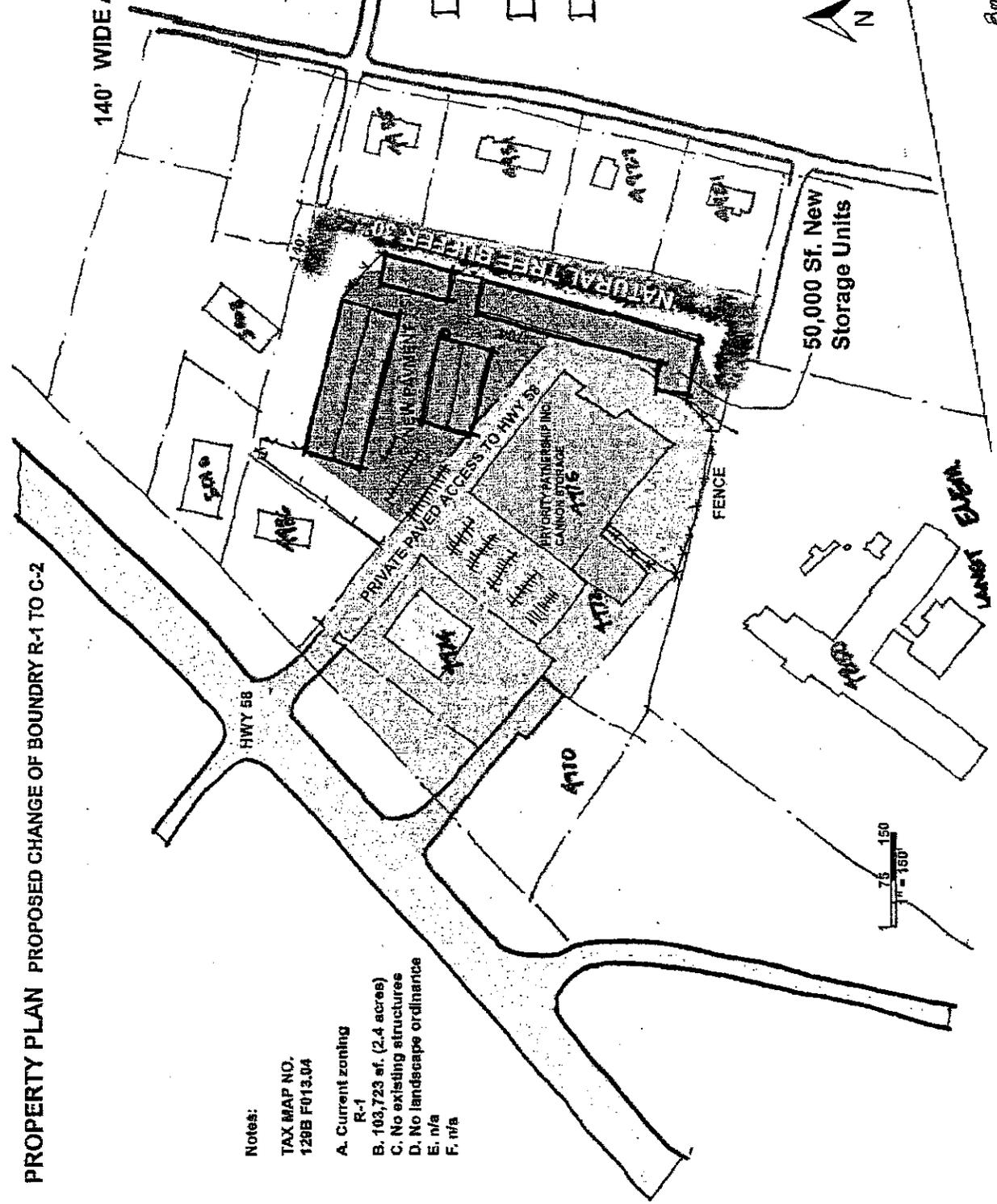
 = R-1 Zoned

LOCATION MAP



PRIORITY PARTNERSHIP INC.
4976 HWY-58
CHATTANOOGA, TN 37418
CONTACT: PRYOR BACON III
423-855-5555
PRYORBACON@PRYORBACON.COM

2013-041



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:

2012-042 Jay M. Simpson. 5461 Hixson Pike, from O-1 Office Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2013-062 Priority Partnership. 4976 and 4980 Highway 58, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2013-064 Ben O'Daniel/Country Oaks GP. 5681 Highway 153, from R-3 Residential Zone to C-2 Convenience Commercial Zone.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petitions to lift conditions be approved:

2013-061 Priority Partnership. 4976 and 4980 Highway 58, to lift conditions of Section 2, Ordinance No. 9789, from Case No. 1992-157, subject to certain conditions.

2013-063 Ben O'Daniel/Country Oaks GP. 5681 Highway 153, to lift conditions 1-3 of Ordinance No. 10201, from Case No. 1995-059, subject to certain conditions.

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,

June 11, 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.

Sandra Freeman
Clerk to the City Council