

**First Reading:** \_\_\_\_\_  
**Second Reading:** \_\_\_\_\_

2013-063  
Ben O'Daniel/Country Oaks GP  
District No. 3  
Planning Version

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITIONS 1-3 OF ORDINANCE NO. 10201 FROM CASE NO. 1995-059, ON PROPERTY LOCATED AT 5681 HIGHWAY 153, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

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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, so as to lift conditions 1-3 of Ordinance No. 10201 from Case No. 1995-059, on property located at 5681 Highway 153, being more particularly described herein.

Lot 1, Final Plat of Northgate Motors, Plat Book 93, Page 65, ROHC, being the property described as Parcel 2 in Deed Book 5509, Page 122, ROHC. Tax Map No. 099E-B-010.

SECTION 2. BE IT FURTHER ORDAINED to retain conditions 4 and 5 of Ordinance No. 10201 from Case No. 1995-059, on property located at 5681 Highway 153 as follows:

- 1) All lighting is to be directed away from the multi-family dwellings on the west side and the single-family detached dwellings to the south; and
- 2) All existing easements are retained.

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: \_\_\_\_\_

2013-063  
Ben O'Daniel/Country Oaks GP  
District No. 3  
Applicant Version

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITIONS 1-3 OF ORDINANCE NO. 10201 FROM CASE NO. 1995-059, ON PROPERTY LOCATED AT 5681 HIGHWAY 153, BEING MORE PARTICULARLY DESCRIBED HEREIN, SUBJECT TO CERTAIN CONDITIONS.

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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, so as to lift conditions 1-3 of Ordinance No. 10201 from Case No. 1995-059, on property located at 5681 Highway 153, being more particularly described herein.

Lot 1, Final Plat of Northgate Motors, Plat Book 93, Page 65, ROHC, being the property described as Parcel 2 in Deed Book 5509, Page 122, ROHC. Tax Map No. 099E-B-010.

SECTION 2. BE IT FURTHER ORDAINED to lift conditions subject to the following:

- 1) Rezoning to exclude 10' strip along the south line;
- 2) No access from rezoned area to Oyler Lane; and
- 3) A 6' fence with sight-obscuring landscaping along Oyler Lane side of the property in conformance with screening provisions required under the M-3 Zone.

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

2013-063 City of Chattanooga  
May 13, 2013

RESOLUTION

WHEREAS, Ben O'Daniel/Country Oaks GP petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga to lift conditions 1-3 of Ordinance #10201 from Case # 1995-059: 1) Rezoning to exclude 10' strip along the south line; 2) No access from rezoned area to Oyler Lane; 3) A 6' fence with sight-obscuring landscaping along Oyler Lane side of the property in conformance with screening provisions required under the M-3 Zone, on property located at 5681 Highway 153.

Lot 1, Final Plat of Northgate Motors, Plat Book 93, Page 65, ROHC, being the property described as Parcel 2 in Deed Book 5509, Page 122, ROHC. Tax Map 099E-B-010 as shown on the attached map.

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

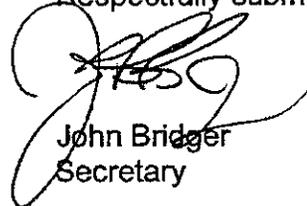
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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) All lighting is to be directed away from the multi-family dwellings on the west side and the single-family detached dwellings to the south; and 2) All existing easements are retained.

Respectfully submitted,



John Bridger  
Secretary

**RPA STAFF RECOMMENDATION**

**Planning Commission Recommendation:  
Approve Staff Recommendation**

<b>Case Number:</b>	<b>2013-063</b>	<b>PC Meeting Date: 05-13-2013</b>
<b>STAFF RECOMMENDATION:</b>	<p><b>APPROVE, subject to the following conditions:</b></p> <ol style="list-style-type: none"> <li>1. All lighting is to be directed away from the multi-family dwellings on the west side and the single-family detached dwellings to the south.</li> <li>2. All existing easements are retained.</li> </ol>	
<b>Land Use &amp; Transportation Comments</b>		
<b>Planning Staff:</b>	<p><u><b>Applicant Request Overview</b></u></p> <p>The applicant is requesting to lift the following three conditions adopted by Ordinance Number 10201:</p> <ol style="list-style-type: none"> <li>1. Rezoning to exclude 10' strip along the south line.</li> <li>2. No access from rezoned area to Oyler Lane.</li> <li>3. A 6' fence with sight-obscuring landscaping along the Oyler Lane side of the property on conformance with the screening provisions required under the M-3 zone.</li> </ol> <p>The following conditions were included as conditions in Ordinance Number 10201. These two conditions (Conditions 4 and 5) are being carried forward as conditions with this case.</p> <ol style="list-style-type: none"> <li>4. All lighting is to be directed away from the multi-family dwellings on the west side and the single-family detached residential area to the south.</li> <li>5. All existing easements are retained</li> </ol> <p><u><b>Site Description</b></u></p> <p>The site is currently a vacant parcel. The site was most recently used as a sales lot for storage buildings. The site is located at the corner of Highway 153 and Oyler Lane. The site is presently served by an existing curb cut from Oyler Lane to the site. Adjacent land use includes multi-family dwellings to the west, single-family detached residential to the south, Highway 153 to the east, and commercial to the north.</p> <p><u><b>Zoning History</b></u></p> <p>The property was rezoned in 1995 from R-1 Residential Zone to C-2 Convenience Commercial Zone for a proposed car lot.</p> <p><u><b>Plans/Policies</b></u></p> <p>The adopted plan for the area, the Hixson-North River Community Plan, conveys a recommendation of Medium Business Mix at this location. For the purposes of the plan, Medium Business Mix includes developments or land uses permitted in the C-2 Convenience Commercial Zone, C-5 Neighborhood Commercial, O-1 Office, R-4 Special Zone, and Residential uses or similar uses.</p>	

## RPA STAFF RECOMMENDATION

### Staff Recommendation

Staff is recommending approval to lift conditions 1, 2, and 3 placed on the site by the adoption of Ordinance Number 10201 in 1995.

The rezoning request in 1995 was to rezone this site from R-1 Residential Zone to C-2 Convenience Commercial Zone for a proposed car lot. The proposed development at this site is a proposed commercial building with a proposed curb cut onto Highway 153 and an existing curb cut onto Oyler Lane.

In an effort to control and limit access to the site the following conditions were adopted.

- Rezoning to exclude 10' strip along the south line
- No access from rezoned area to Oyler Lane.

In June 1995, the Chattanooga Zoning Regulations were amended to include provisions contained in Sec. 38-511 "access to commercial, industrial, or other non-residentially zoned property shall be permitted only through a non-residential zone".

This site does abut Highway 153; however, restricting access to the site from Oyler Lane does not appear to be reasonable. The lot to the immediate north of this property, a commercial building has access to existing curb cut onto Highway 153 and Carmack Road, which serves as access to a single-family detached residential neighborhood.

In order to provide some type of buffering between the C-2 Convenience Commercial Zone and the adjacent R-1 Residential Zone and the R-3 Residential Zone a condition was added that a 6' fence with sight-obscuring landscaping be provided around along the property line where the C-2 Convenience Commercial District abuts the single-family detached residential dwellings and the multi-family dwellings. This condition was added prior to the adoption the landscape provisions of Article IX. Landscape Provisions within the Chattanooga Zoning Regulations.

The landscape regulations require Type B buffer, which is a 20' landscape yard along the property line where the C-2 Convenience Commercial Zone abuts the R-1 Residential Zone and the R-3 Residential Zone. The provisions of the landscape regulations are stricter than the existing conditions placed on the property.

### **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

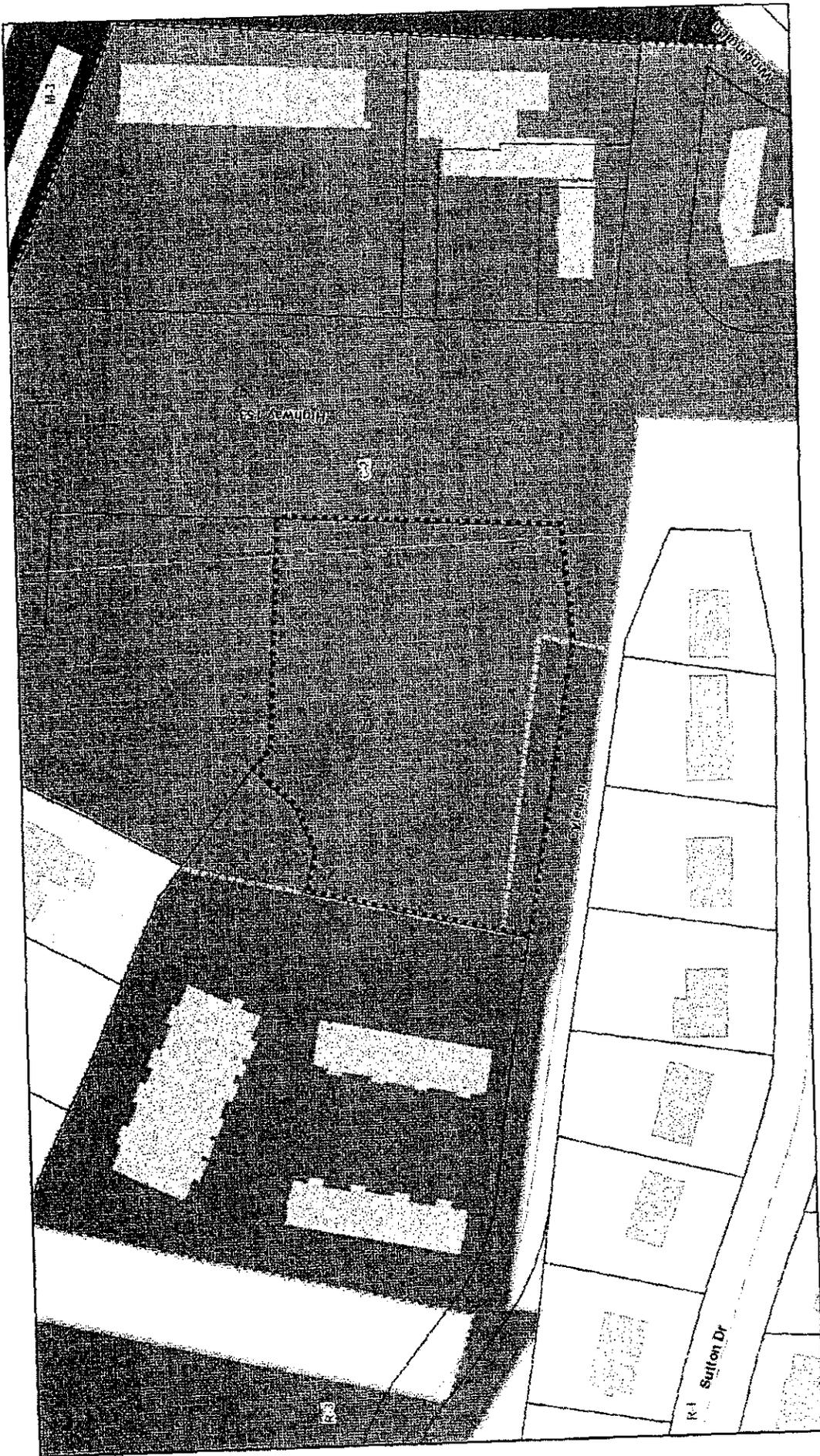
## RPA STAFF RECOMMENDATION

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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.

# LIFT/AMEND CONDITIONS APPLICATION FORM

<b>CASE NUMBER: 2013-063</b>		<b>Date Submitted: 04-10-2013</b>	
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
<b>1 Applicant Request</b>			
<b>Conditions</b>	<b>Description: Lift Conditions 1, 2, &amp; 3</b>		
	Resolution/Ordinance Number: 10201		
	Previous Case Number: 1995-059		
<b>2 Property Information</b>			
<b>Property Address:</b>	5681 HWY 153		
<b>Property Tax Map Number(s):</b>	099E-B-010		
<b>3 Proposed Development</b>			
<b>Reason for Request and/or Proposed Use:</b>	Commercial		
<b>4 Site Characteristics</b>			
<b>Current Zoning:</b>	C-2 & R-3		
<b>Current Use:</b>	Commercial		
<b>Adjacent Uses:</b>	Commercial & Residential		
<b>5 Applicant Information</b>			
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.			
<b>Name:</b> Ben O'Daniel Country Oaks GP		<b>Address:</b> 4797 Gann Store Road	
<b>Check one:</b>	<input checked="" type="checkbox"/> I am the property owner	<input type="checkbox"/> I am not the property owner	
<b>City:</b> Hixson	<b>State:</b> TN	<b>Zip Code:</b> 37343	<b>Email:</b> bol1939@aol.com
<b>Phone 1:</b> 423-718-4120	<b>Phone 2:</b> 423-718-4120	<b>Phone 3:</b>	<b>Fax:</b> 847-9100
<b>6 Property Owner Information (if not applicant)</b>			
<b>Name:</b> Same		<b>Phone:</b>	
<b>Address:</b>			
<b>Office Use Only:</b>			
<b>Planning District:</b> 5		<b>Neighborhood:</b> Hixson Neighborhood	
<b>Hamilton Co. Comm. District:</b> 1	<b>Chatt. Council District:</b> 3	<b>Other Municipality:</b>	
<b>Staff Rec.</b>	<b>PC Action/Date:</b>	<b>Legislative Action/Date/Ordinance:</b>	
<b>Checklist</b>			
<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: 2,070 square feet	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
<b>Deed Book(s):</b> 5509-122			
<b>Plat Book/Page:</b> 93-65		<input checked="" type="checkbox"/> Notice Signs	<b>Number of Notice Signs:</b> 1
<input checked="" type="checkbox"/> Filing Fee:	Cash	<input checked="" type="checkbox"/> Check	<b>Check Number:</b> 2759
<b>Planning Commission meeting date:</b> May 13, 2013		<b>Application processed by:</b> Marcia Parker	



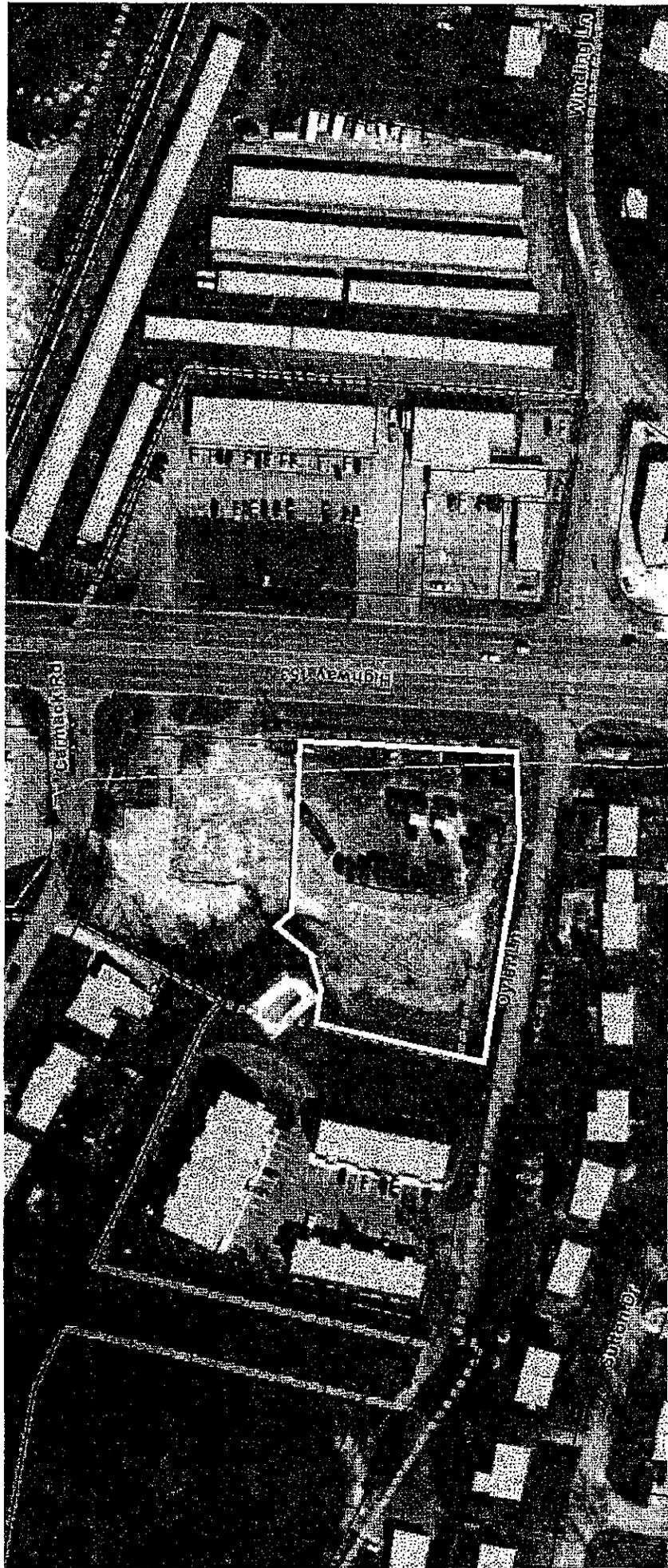
**2013-063 Lift Conditions**



100 ft

Chattanooga Hamilton County  
**RPA**  
 Regional Planning Agency

**Chattanooga Hamilton County Regional Planning Agency**





LOCATION MAP n.t.s.

**SITE ANALYSIS:**  
 ACRES = 1.31±  
 PRESENT ZONING: C-2, R-3

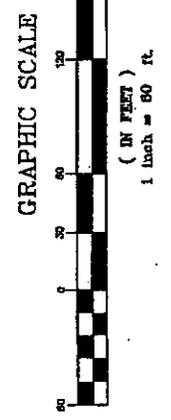
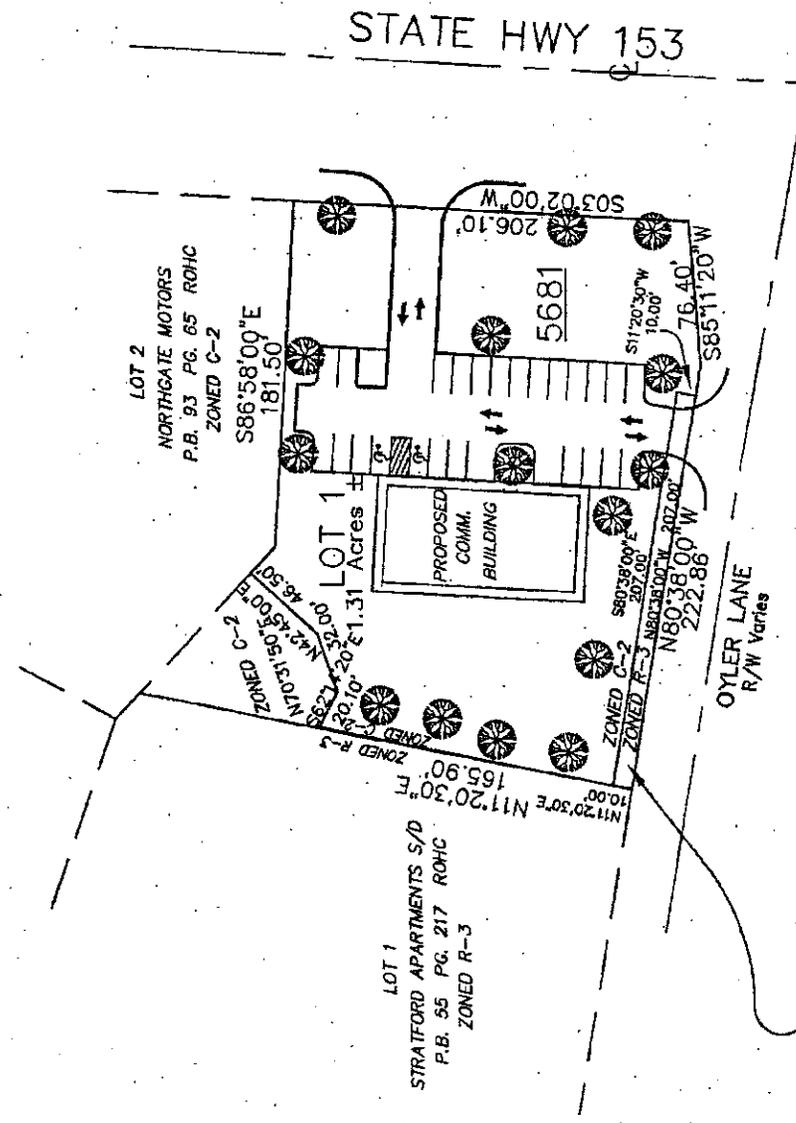
**PROJECT CONTACT PERSON:**  
 Bennett F. O'Daniel  
 4797 GANN STORE ROAD  
 Hixson, TN 37343  
 (423) 718-4120

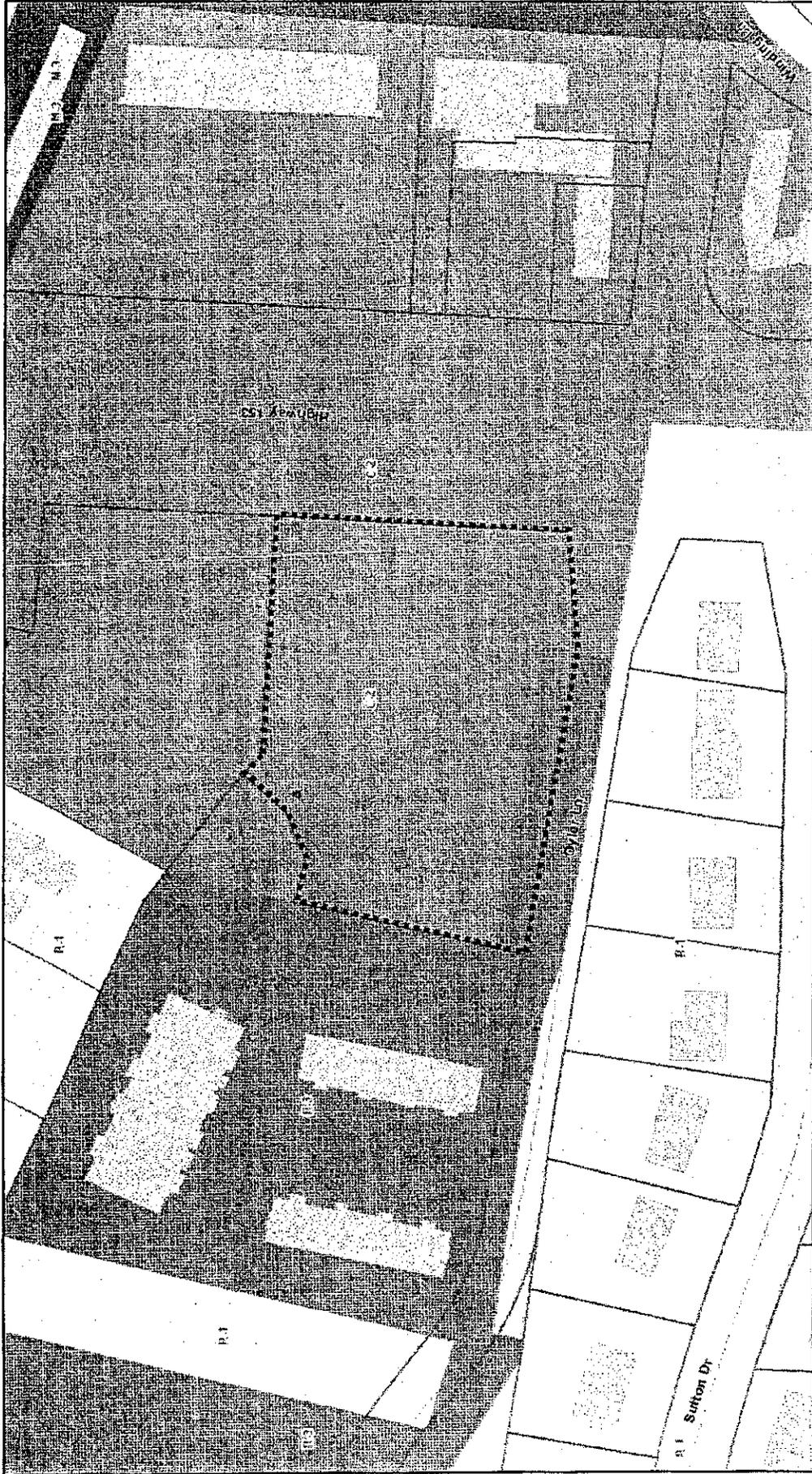
TAX MAP # 099E B 010  
 REZONING REQUEST

LOT 1

COUNTRY OAKS D.B. 5509 PAGE 122 ROHC	
LOT 1 NORHIGATE MOTORS S/D PB. 93 PAGE 65 ROHC	
5681 HIGHWAY 153 CHATTANOOGA TENNESSEE	
Date: 04/09/13	Drawn: DGC
Scale: 1" = 60'	Checked: JGC
Copp Engineering Group	
1961 NORTHPOINT BLVD. UNIT 120 Hixson, TN, 37343 423-847-9100 Office	
Dwg. Name 5681HWY153	

2013.063



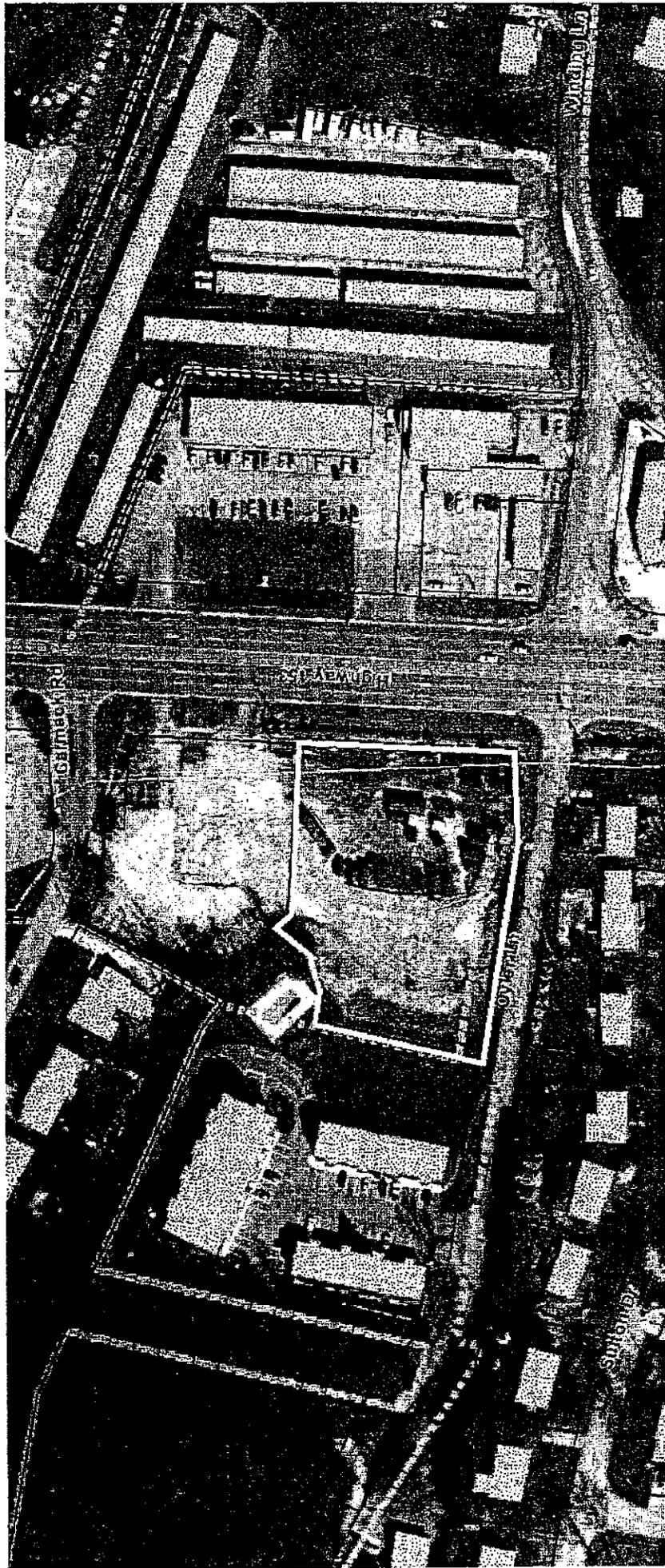


## 2013-063 Lift Conditions

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2013-063: Approve, subject to: 1) All lighting is to be directed away from the multi-family dwellings on the west side and the single-family detached dwellings to the south; and 2) All existing easements are retained.



100 ft





SITE

LOCATION MAP n.t.s.

**SITE ANALYSIS:**  
 ACRES = 1.31±  
 PRESENT ZONING: C-2, R-3

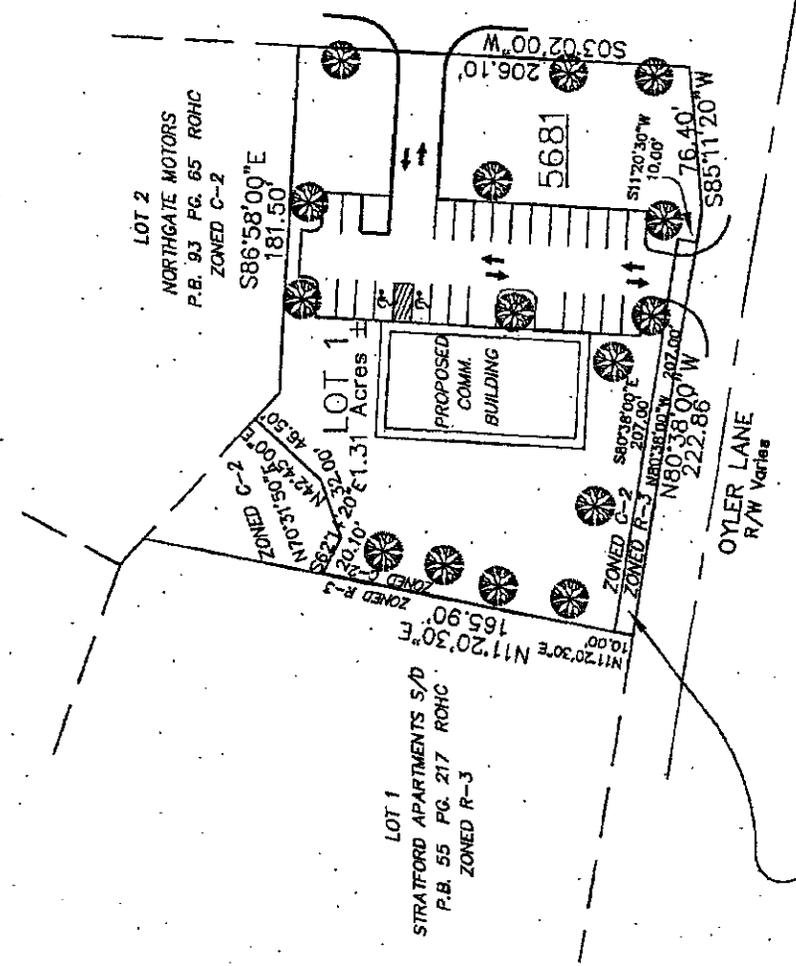
**PROJECT CONTACT PERSON:**  
 Bennett F. O'Daniel  
 4797 GANN STORE ROAD  
 Hixson, TN 37343  
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TAX MAP # 099E B 010  
 REZONING REQUEST

LOT 1

COUNTRY OAKS D.B. 5509 PAGE 122 ROHC	
LOT 1 NORHGate MOTORS S/D PB. 93 PAGE 65 ROHC	
5681 HIGHWAY 153 CHATTANOOGA TENNESSEE	
Date : 04/09/13	Drawn : DGC
Scale : 1"=60'	Checked : JGC
Copp Engineering Group	
1961 NORTHPOINT BLVD. UNIT 120 Hixson, TN. 37343 423-847-9100 Office	
Dwg. Name	5681HWY153

STATE HWY 153



2013.06.3

## 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.

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Sandra Freeman  
Clerk to the City Council