

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

2013-061  
Priority Partnership  
District No. 5  
Alternate Version

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO CHANGE CONDITIONS OF SECTION 2, ORDINANCE NO. 9789, FROM CASE NO. 1992-157 ON PROPERTIES LOCATED AT 4976 AND 4980 HIGHWAY 58, 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 change conditions of Section 2, Ordinance No. 9789, from Case No. 1992-157 on properties located at 4976 and 4980 Highway 58, being more particularly described herein.

Part 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, being part of the property described in Deed Book 9827, Page 123, ROHC. Tax Map Nos. 129B-F-013 and 013.04.

SECTION 2. BE IT FURTHER ORDAINED, That the conditions in Case No. 1992-157 are lifted but such properties shall be subject to the following changed conditions from this date forward:

- 1) Access from Highway 58 only;
- 2) Dumpster operation not allowed between 11:00 p.m. and 7:00 a.m.;
- 3) No buildings or pavement or access to Swan Road within the landscape buffer referenced in Case No. 2013-062;
- 4) Use only as indoor storage facility; and
- 5) All lighting directed away from any residential 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

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

2013-061  
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 LIFT ALL CONDITIONS OF SECTION 2, ORDINANCE NO. 9789, FROM CASE NO. 1992-157 ON PROPERTIES LOCATED AT 4976 AND 4980 HIGHWAY 58, BEING MORE PARTICULARLY DESCRIBED HEREIN.

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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 all conditions of Section 2, Ordinance No. 9789, from Case No. 1992-157 on properties located at 4976 and 4980 Highway 58, being more particularly described herein.

Part 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, being part of the property described in Deed Book 9827, Page 123, ROHC. Tax Map Nos. 129B-F-013 and 013.04.

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

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

2013-061  
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 LIFT ALL CONDITIONS OF SECTION 2, ORDINANCE NO. 9789, FROM CASE NO. 1992-157 ON PROPERTIES LOCATED AT 4976 AND 4980 HIGHWAY 58, BEING MORE PARTICULARLY DESCRIBED HEREIN.

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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

2013-061 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 to Lift Conditions of Section 2, Ordinance #9789 from Case #1992-157: Subject to the existing natural and planted buffer which shall be continuously maintained at its present width and density, along the east line of the larger of the two tracts; Subject to the access being from Highway 58 only, on properties located at 4976 & 4980 Highway 58.

Part 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, being part of the property described in Deed Book 9827, Page 123, ROHC. Tax Map 129B-F-013 and 013.04 as shown on the attached map.

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

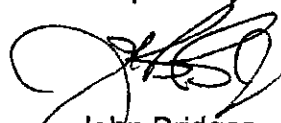
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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.

Respectfully submitted,



John Bridger  
Secretary

## RPA STAFF RECOMMENDATION

<b>Case Number:</b>	<b>2013-061</b>	<b>PC Meeting Date: 05-13-2013</b>
<b>STAFF RECOMMENDATION:</b>	<b>APPROVE</b>	
<b>Land Use &amp; Transportation Comments</b>		
<b>Planning Staff:</b>	<p><b><u>Applicant Request Overview</u></b>                      Pryor Bacon of Pryority Partnership is requesting that conditions placed by Case No.1992-157 on a tract of land located at 4976 Highway 58 be lifted.</p> <p><b><u>Zoning History</u></b>                      Case No. 1992-157 amended conditions placed by previous Case No. 1988-137. Per the City Council meeting of September 8, 1992 the wording of the conditions were changed to read: "That this ordinance shall be subject to the existing natural and planted buffer, which shall be continuously maintained at its present width and density, along the east line of the larger of the two tracts. Also, subject to the access being from Hwy 58 only."</p> <p><b><u>Plans/Policies</u></b>                      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 plan recommends that staff enforce the existing landscape ordinance and improve it by adding more buffering between residential and non-residential uses.</p> <p><b><u>Staff Recommendation</u></b>                      The staff recommends approving this request contingent upon the approval of Case 2013-062. This new set of conditions will help ensure the development is compatible with the surrounding areas but allow for the extension of the existing storage business.</p>	
<b>Infrastructure &amp; Operational Comments</b>		
<b>Public Works Staff:</b>	<p>All land development projects are reviewed by City Engineering &amp; Water Quality staff, Traffic Engineering &amp; 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.</p>	



**LIFT/AMEND CONDITIONS APPLICATION FORM****CASE NUMBER: 2013-061** **Date Submitted: 04-10-2013**

(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)

**1 Applicant Request**

<b>Conditions</b>	<b>Description: Subject to the existing natural and planted buffer which shall be continuously maintained at its present width and density, along the east line of the larger of the two tracts; Subject to the access being from Hwy 58 only</b>
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<b>Section 2</b>	Resolution/Ordinance Number: 9789
	Previous Case Number: 1992-157

**2 Property Information**

Property Address:	4976 and 4980 Hwy 58
Property Tax Map Number(s):	129B-F-013 and 013.04

**3 Proposed Development**

Reason for Request and/or Proposed Use:	Commercial Property for use as storage expansion (to conform to new zoning)
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**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: Priority Partnership	Address: 4895 Cromwell Rd Suite #311
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Check one:	<input checked="" type="checkbox"/> I am the property owner	<input type="checkbox"/> I am not the property owner
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City: Chattanooga	State: TN	Zip Code: 37421	Email:
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Phone 1: 855-5555	Phone 2: 240-1800	Phone 3:	Fax:
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**6 Property Owner Information (if not applicant)**

Name: Same	Phone:
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Address:

**Office Use Only:**

Planning District: 6	Neighborhood: None
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Hamilton Co. Comm. District: 5	Chatt. Council District: 5	Other Municipality:
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Staff Rec:	PC Action/Date:	Legislative Action/Date/Ordinance:
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**Checklist**

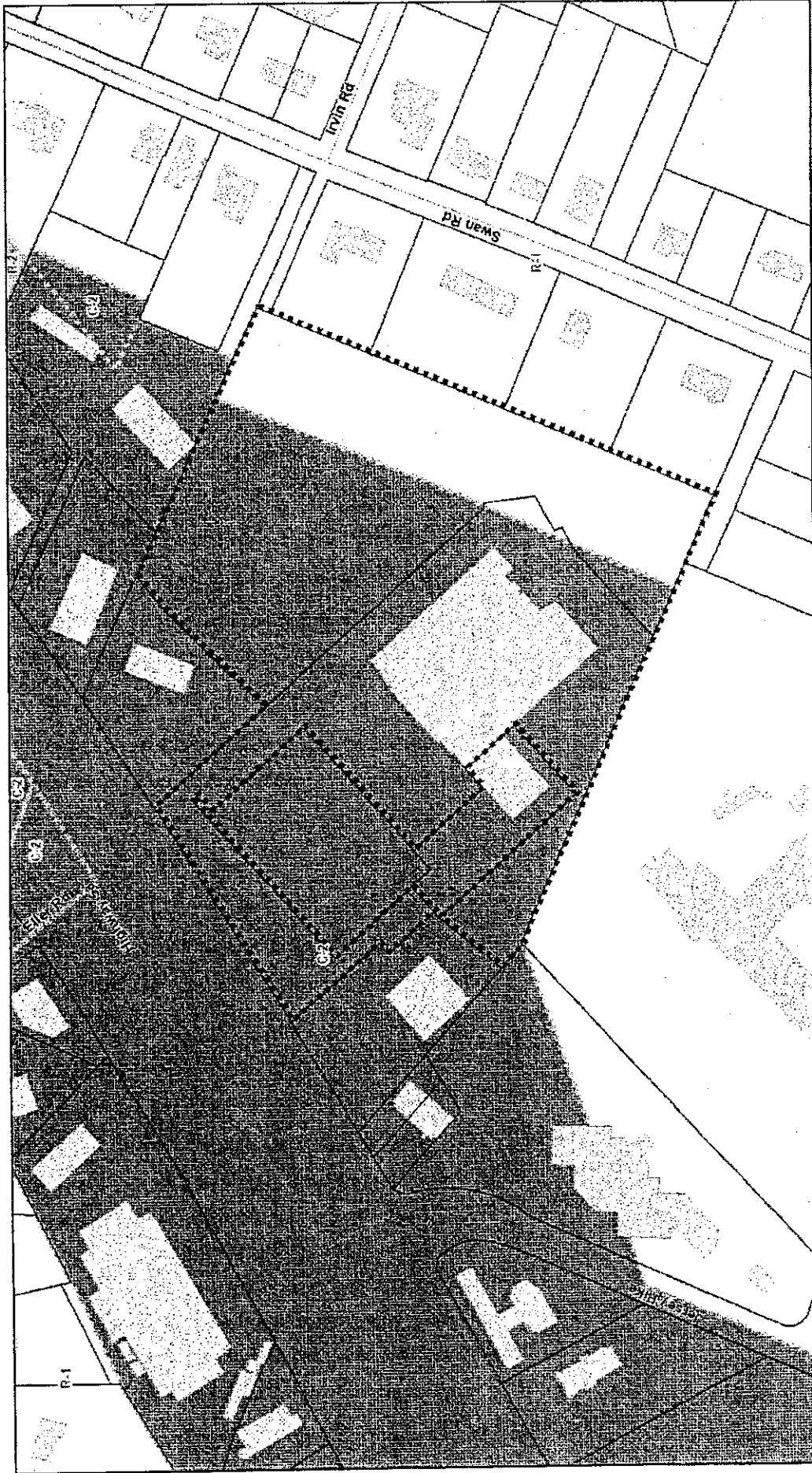
<input checked="" type="checkbox"/> Application Complete	<input checked="" type="checkbox"/> Ownership Verification	<input checked="" type="checkbox"/> Map of Proposed Zoning Area with dimensions
<input checked="" type="checkbox"/> Site Plan, if required	<input checked="" type="checkbox"/> Total Acres 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
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<input checked="" type="checkbox"/> Filing Fee: \$150.00	Cash	<input checked="" type="checkbox"/> Check	Check Number: 156
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Planning Commission meeting date: 05/13/2013	Application processed by: Marcia Parker
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**2013-061 Lift Conditions**



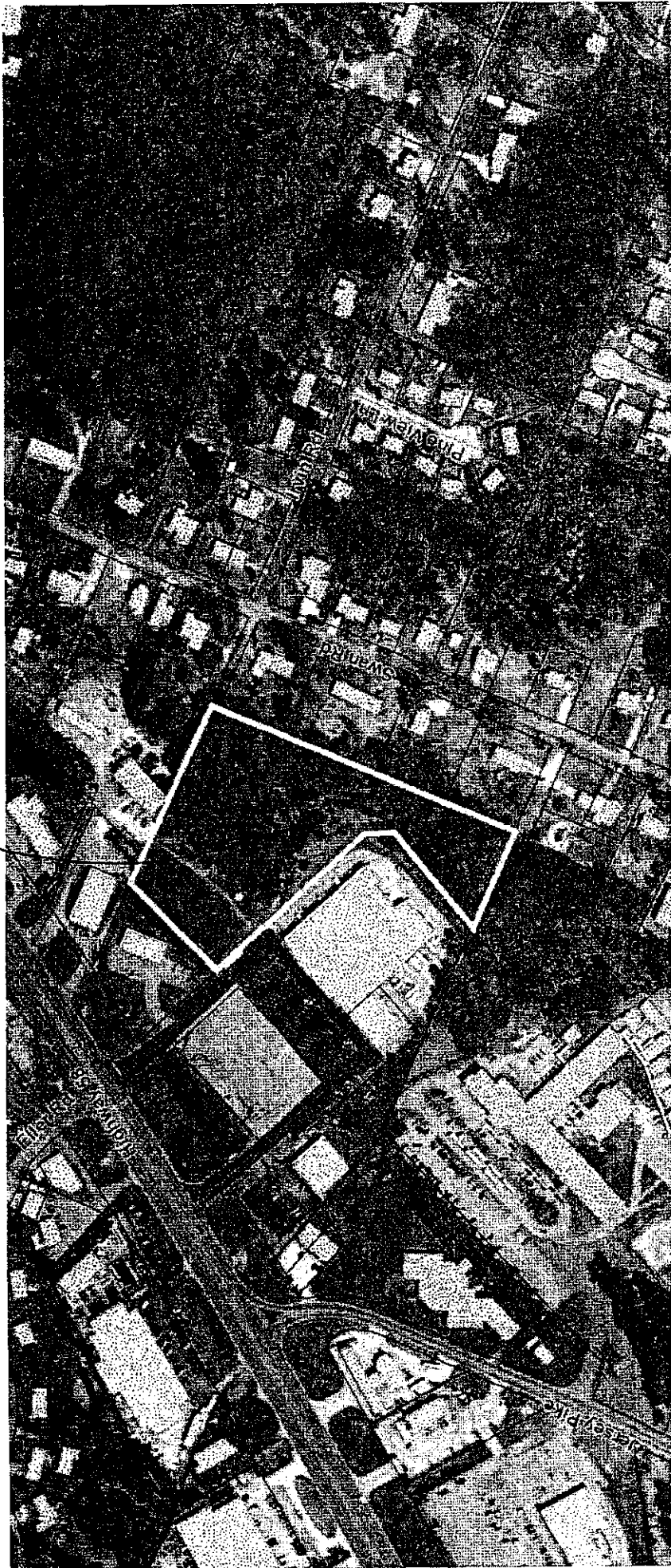
200 ft

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

**Chattanooga Hamilton County Regional Planning Agency**



Area of  
proposed storage units



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


APRIL 10, 2013

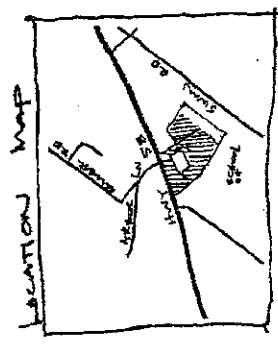
**140' WIDE AREA CHANGE TO C-2**

**Notes:**

TAX MAP NO.  
129B F013.04

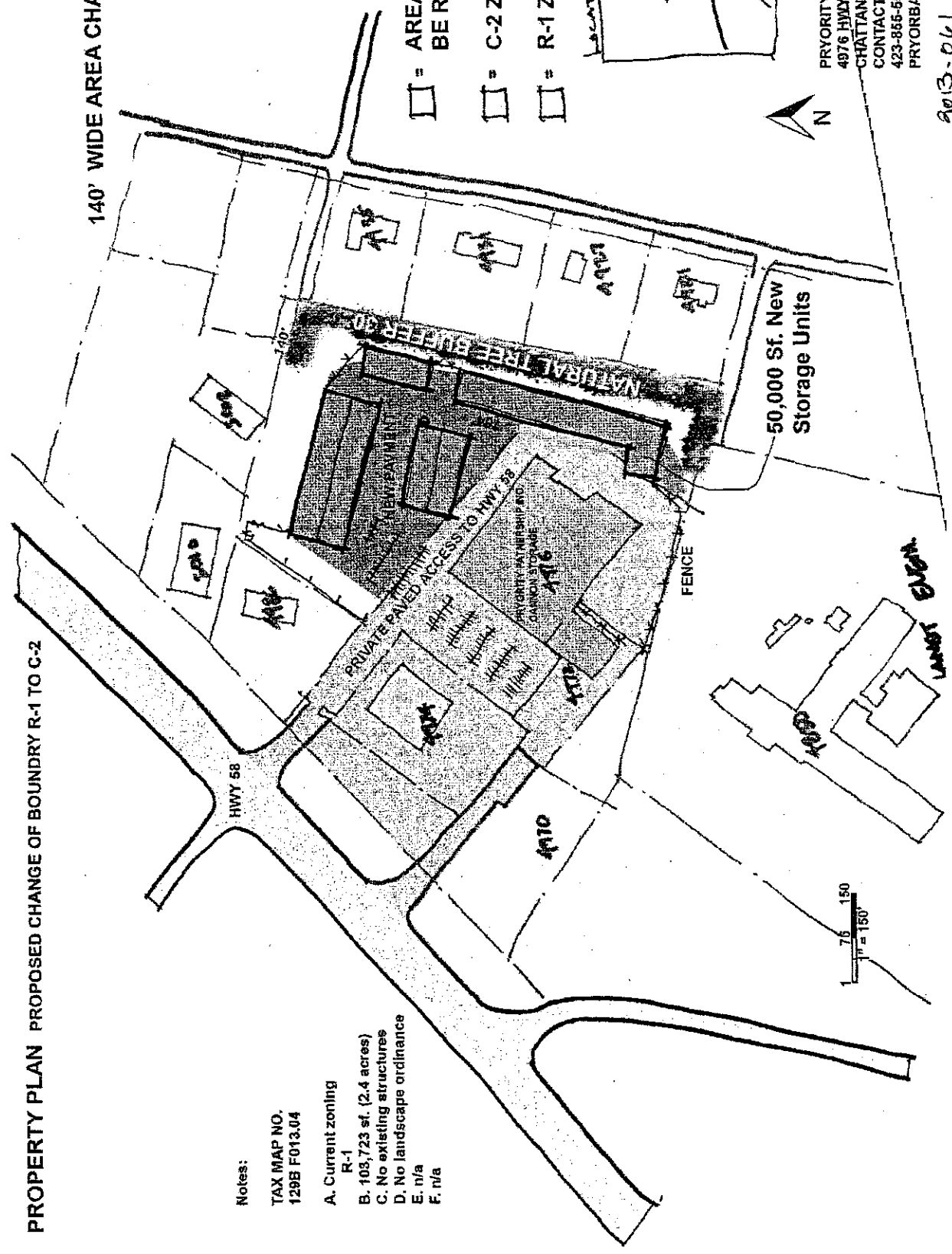
- A. Current zoning R-1
- B. 103,723 sf. (2.4 acres)
- C. No existing structures
- D. No landscape ordinance
- E. n/a
- F. n/a

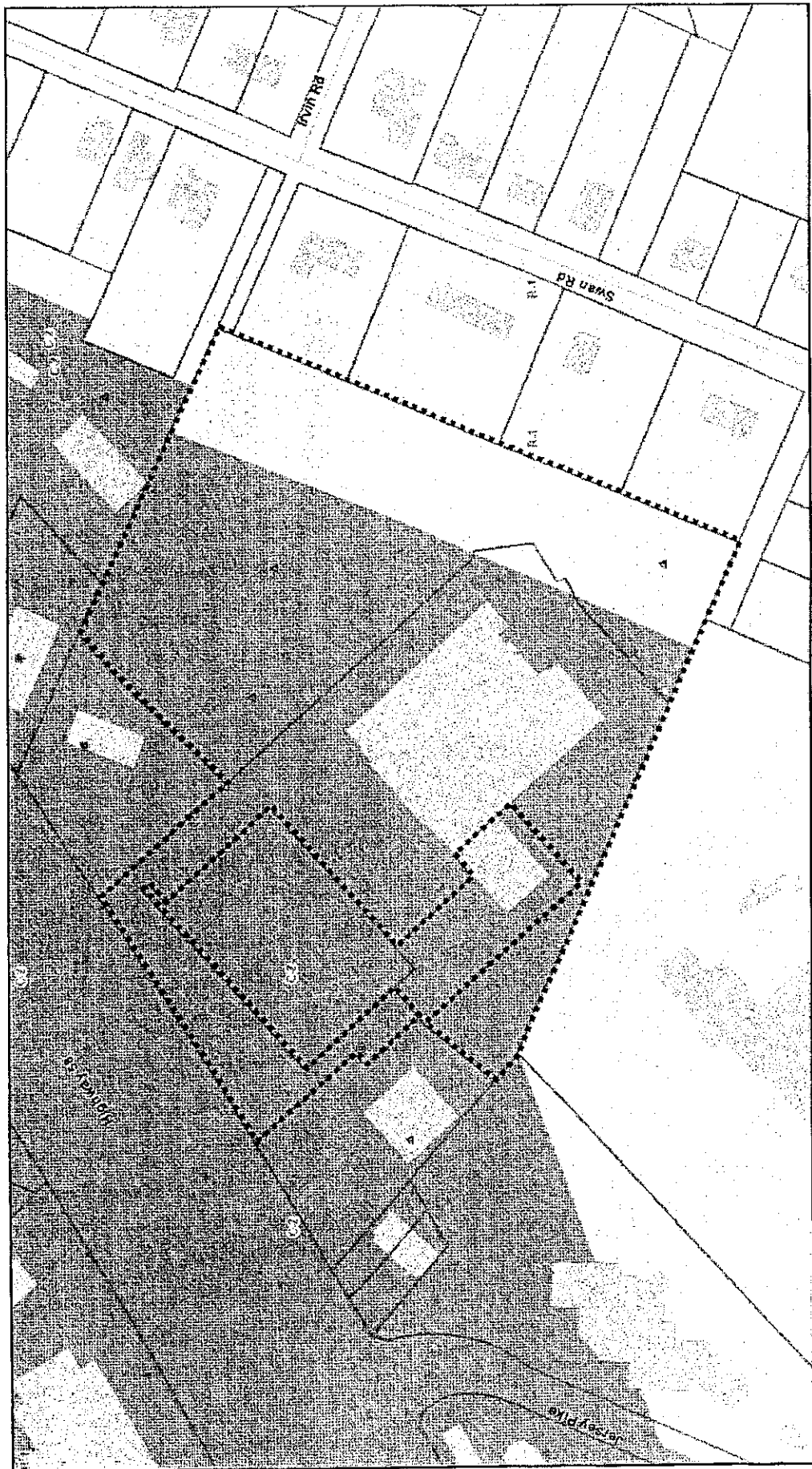
-  = AREA TO BE REZONED
-  = C-2 Zoned
-  = R-1 Zoned



**PRIORITY PARTNERSHIP INC.**  
4976 HWY-58  
CHATTANOOGA, TN 37416  
CONTACT: PRYOR BACON III  
423-855-6656  
PRYORBACON@PRYORBACON.COM

2013-061





## 2013-061 Lift Conditions

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2013-061: Approve



175 ft

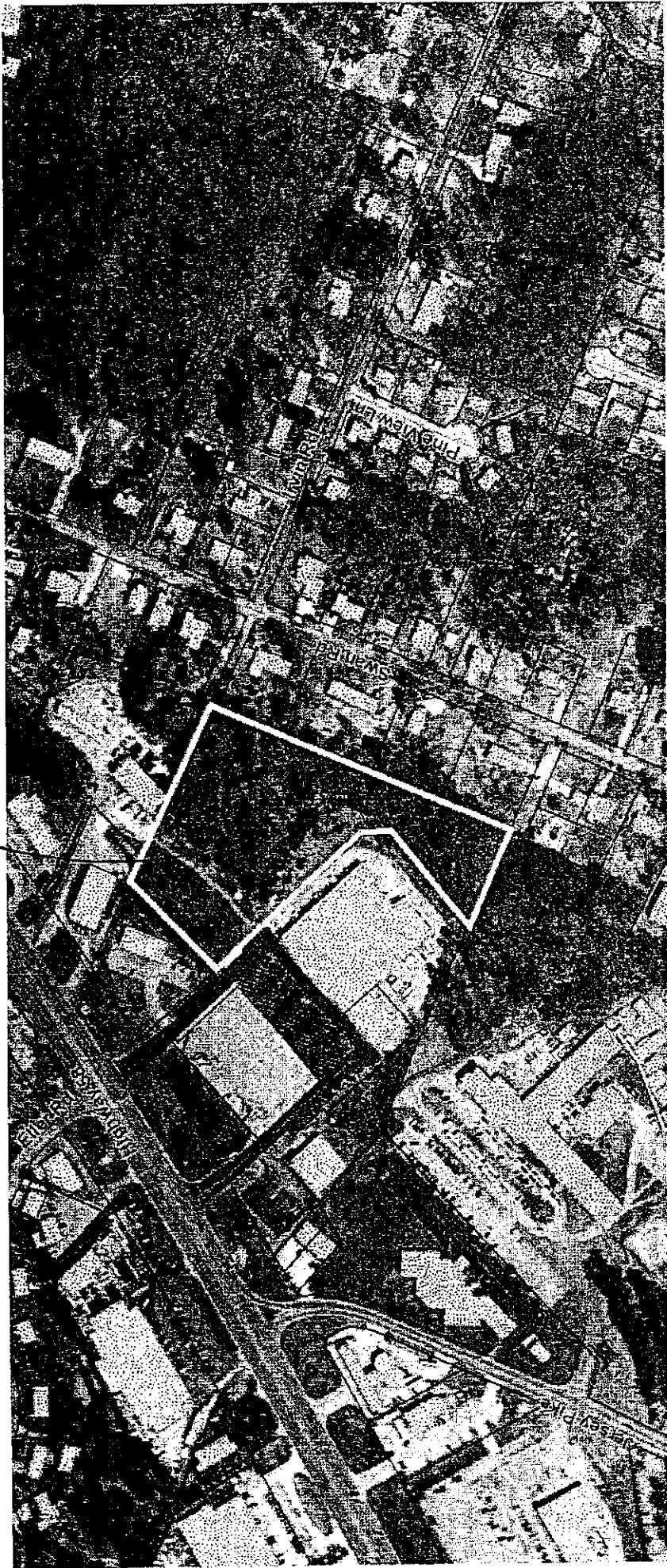


Chattanooga Hamilton County Regional Planning Agency





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.  
128B F013.04

A. Current zoning  
R-1




B. 103,723 sf. (2.4 acres)

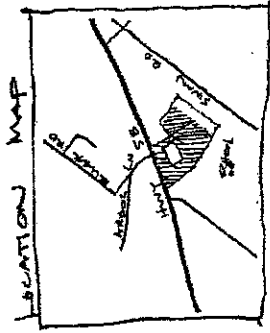
C. No existing structures

D. No landscape ordinance

E. n/a

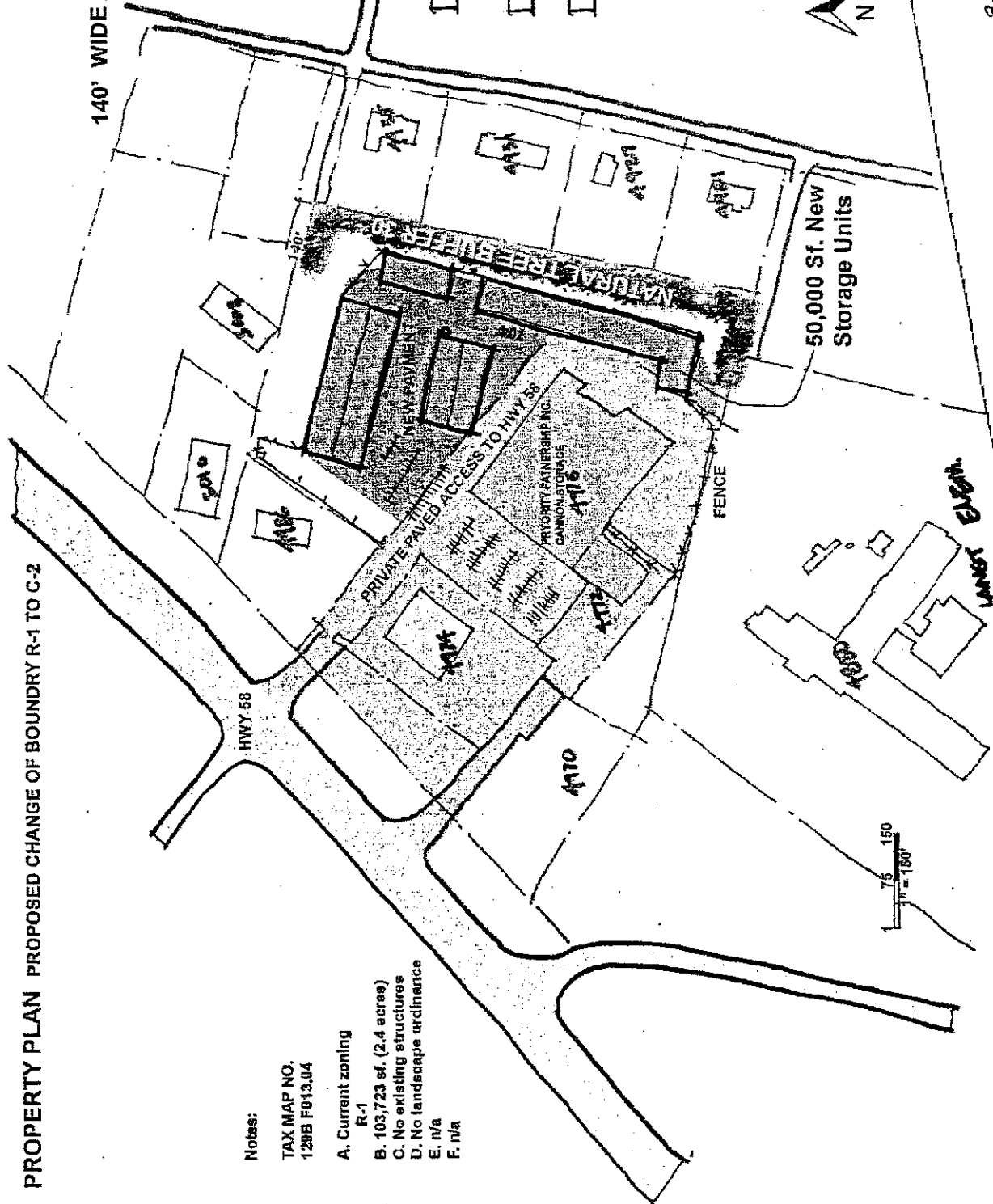
F. n/a

-  = AREA TO BE REZONED
-  = C-2 Zoned
-  = R-1 Zoned



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4976 HWY-58  
CHATTANOOGA, TN 37416  
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2013-061



## 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