

6/11/13

First Reading: _____
Second Reading: _____

2013-064
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 REZONE PROPERTY LOCATED AT 5681 HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 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 property located at 5681 Highway 153, more particularly described herein:

All that part of Lot 1, Final Plat of Northgate Motors, Plat Book 93, Page 65, ROHC which is currently zoned R-3, being part of the property described as Parcel 2 in Deed Book 5509, Page 122, ROHC. Tax Map No. 099E-B-010 (part).

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

2013-064 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 the rezoning from R-3 Residential Zone to C-2 Convenience Commercial Zone, property located at 5681 Highway 153.

All that part of Lot 1, Final Plat of Northgate Motors, Plat Book 93, Page 65, ROHC which is currently zoned R-3, being part of the property described as Parcel 2 in Deed Book 5509, Page 122, ROHC. Tax Map 099E-B-010 (part) as shown on the attached map.

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

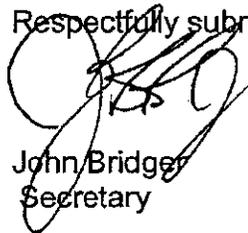
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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.

Respectfully submitted,



John Bridger
Secretary

RPA STAFF RECOMMENDATION

**Planning Commission Recommendation:
Approve Staff Recommendation**

Case Number: 2013-064 **PC Meeting Date:** 05-13-2013

STAFF RECOMMENDATION: APPROVE

Land Use & Transportation Comments

Planning Staff:

Applicant Request Overview
 The applicant is requesting to rezone approximately 2,070 square feet (10' x 207') strip of land from R-3 Residential to C-2 Convenience Commercial.

Site Description
 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 Oylar Lane. The site is presently served by an existing curb cut from Oylar 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.

Zoning History
 The property was rezoned in 1995 from R-1 Residential Zone to C-2 Convenience Commercial Zone for a proposed car lot. This 10' by 207' strip of land was not rezoned from R-3 Residential Zone to C-2 Convenience Zone.

Plans/Policies
 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.

Staff Recommendation
 Staff is recommending approval of the request to rezone this strip of land from R-3 Residential Zone to C-2 Convenience Commercial Zone.

The rezoning request would be an extension of an adjacent C-2 Convenience Commercial Zone.

The adopted plan for the area, the Hixson-North River Community Plan recommends a Medium Business Mix at this location. A C-2 Convenience Commercial Zone and the uses permitted in the C-2 Convenience Commercial Zone would be supported by the Hixson-North River Community Plan.

Just as a note, 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

RPA STAFF RECOMMENDATION

	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 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.

ZONING APPLICATION FORM**CASE NUMBER: 2013-064**

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-3	To: C-2
Total Acres in request area: 2,070 Square Feet		

2 Property Information

Property Address:	5681 Hwy 153
Property Tax Map Number(s):	099E-B-010

3 Proposed Development

Reason for Request and/or Proposed Use:	Commercial
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4 Site Characteristics

Current Zoning:	R-3 & C-2
Current Use:	Commercial
Adjacent Uses:	Commercial & Residential

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: Ben O'Daniel Country Oaks GP	Address: 4797 Gann Store Road		
Check one: <input checked="" type="checkbox"/> I am the property owner	<input type="checkbox"/> I am not the property owner		
City: Hixson	State: TN	Zip Code: 37343	Email: bol1939@aol.com
Phone 1: 423-718-4120	Phone 2: 423-718-4120	Phone 3:	Fax: 423-870-4956

6 Property Owner Information (if not applicant)

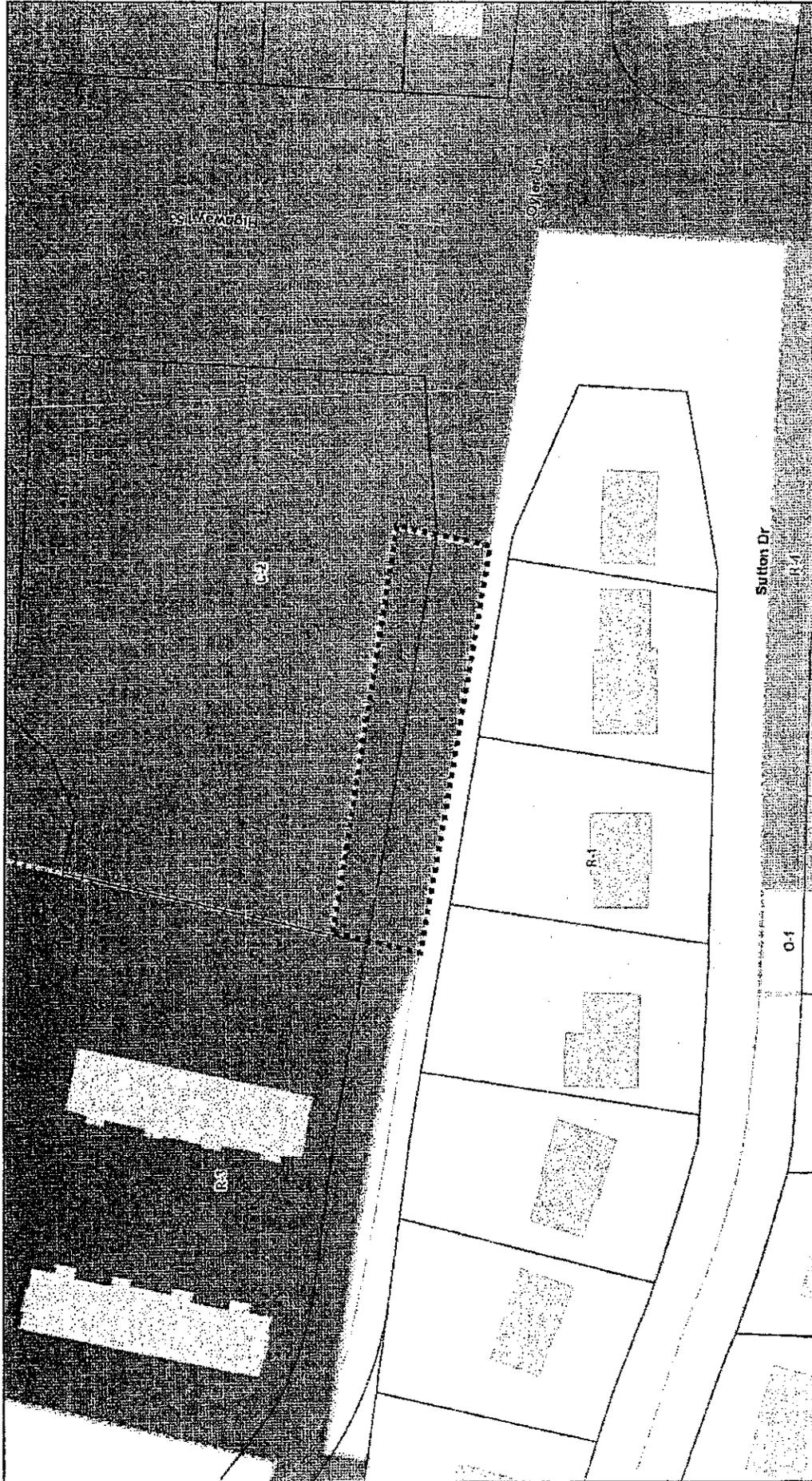
Name: Same	Phone:
Address:	

Office Use Only:

Planning District: 5	Neighborhood: Hixson Neighborhood	
Hamilton Co. Comm. District: 1	Chatt. Council District: 3	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:	<input checked="" type="checkbox"/> Deeds <input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 5509-122		
Plat Book/Page: 93-65		<input checked="" type="checkbox"/> Notice Signs
<input checked="" type="checkbox"/> Filing Fee:	Cash	<input checked="" type="checkbox"/> Check
Number of Notice Signs: 1		Check Number: 2759
Planning Commission meeting date: May 13, 2013		Application processed by: Marcia Parker



2013-064 Rezoning from R-3 to C-2



75 ft



Chattanooga Hamilton County Regional Planning Agency



LOCATION MAP n.t.s.

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

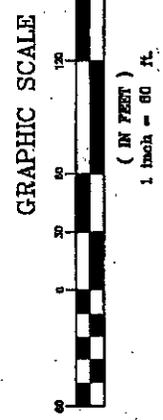
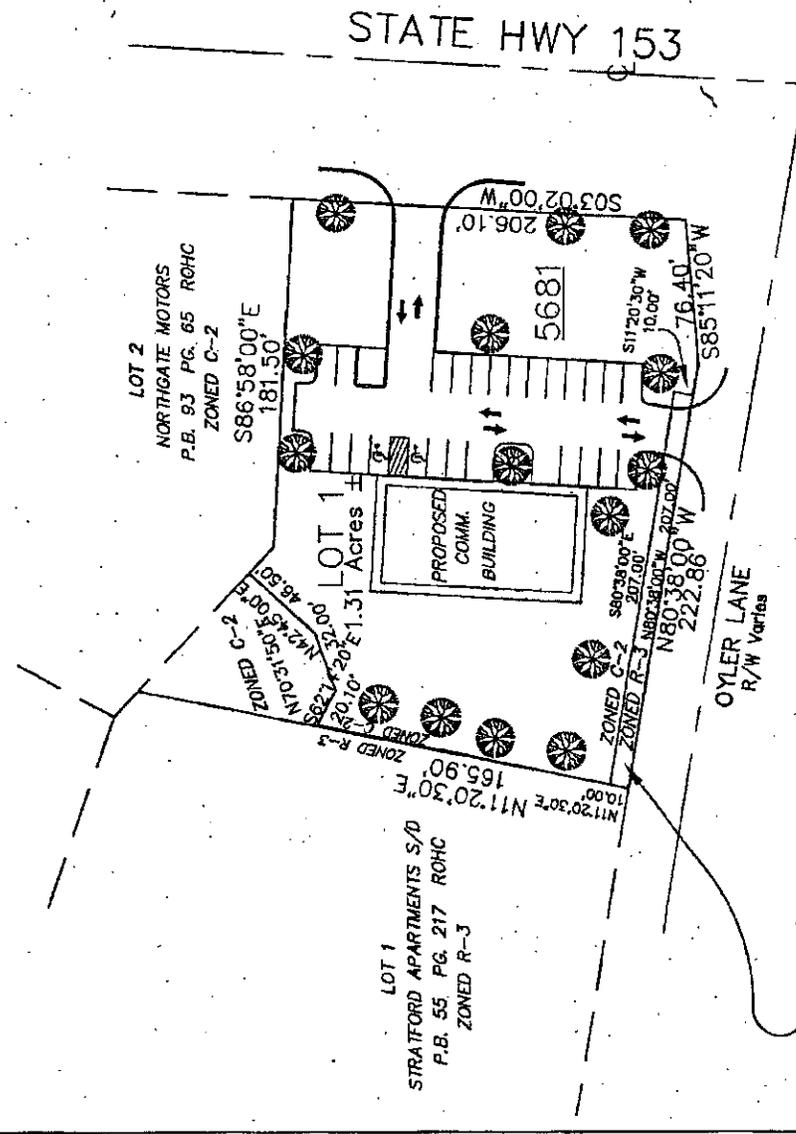
PROJECT CONTACT PERSON:
 Bennett F. O'Daniel
 4797 GANN STORE ROAD
 Hixson, TN 37343
 (423) 718-4120

TAX MAP # 099E B 010
 REZONING REQUEST

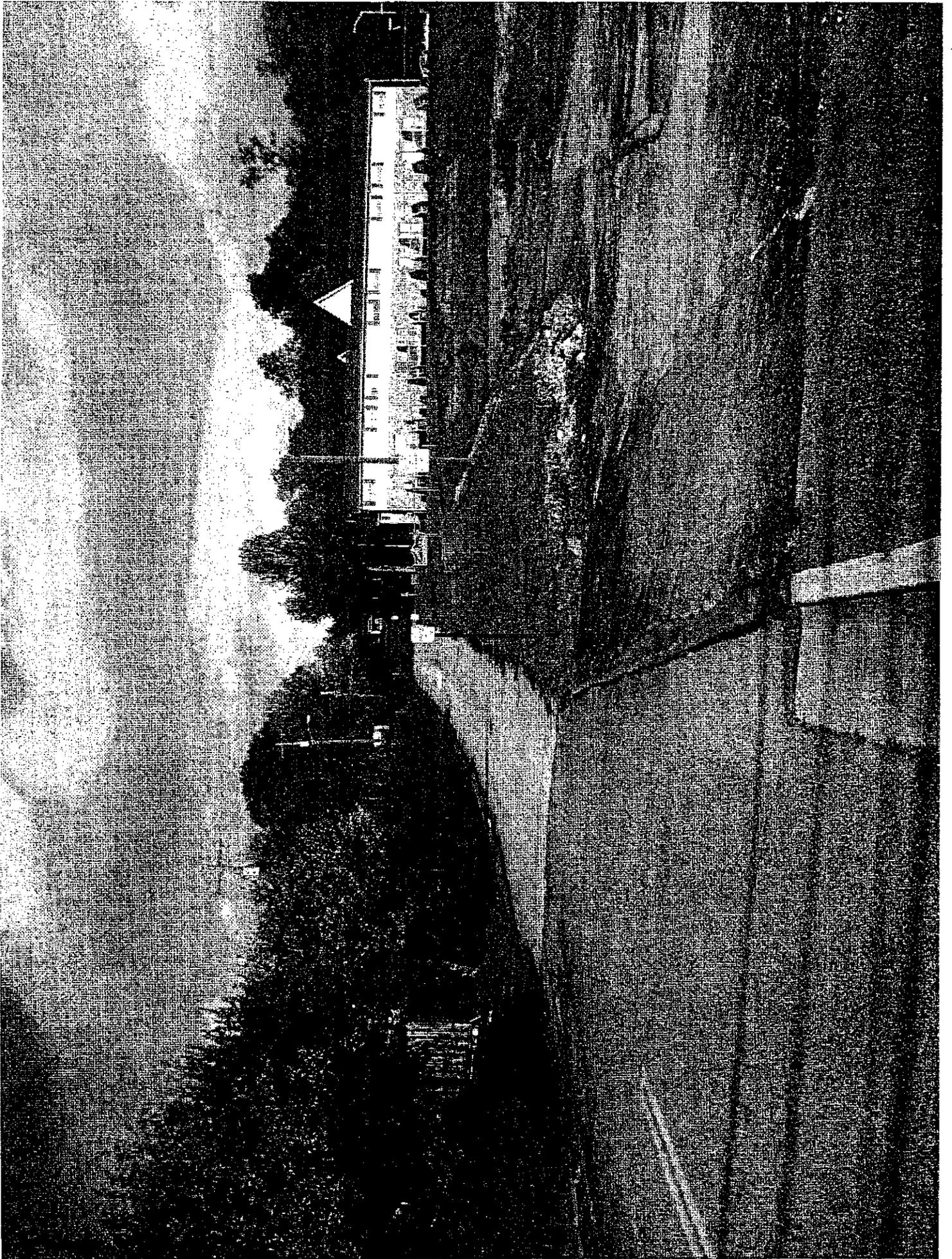
LOT 1

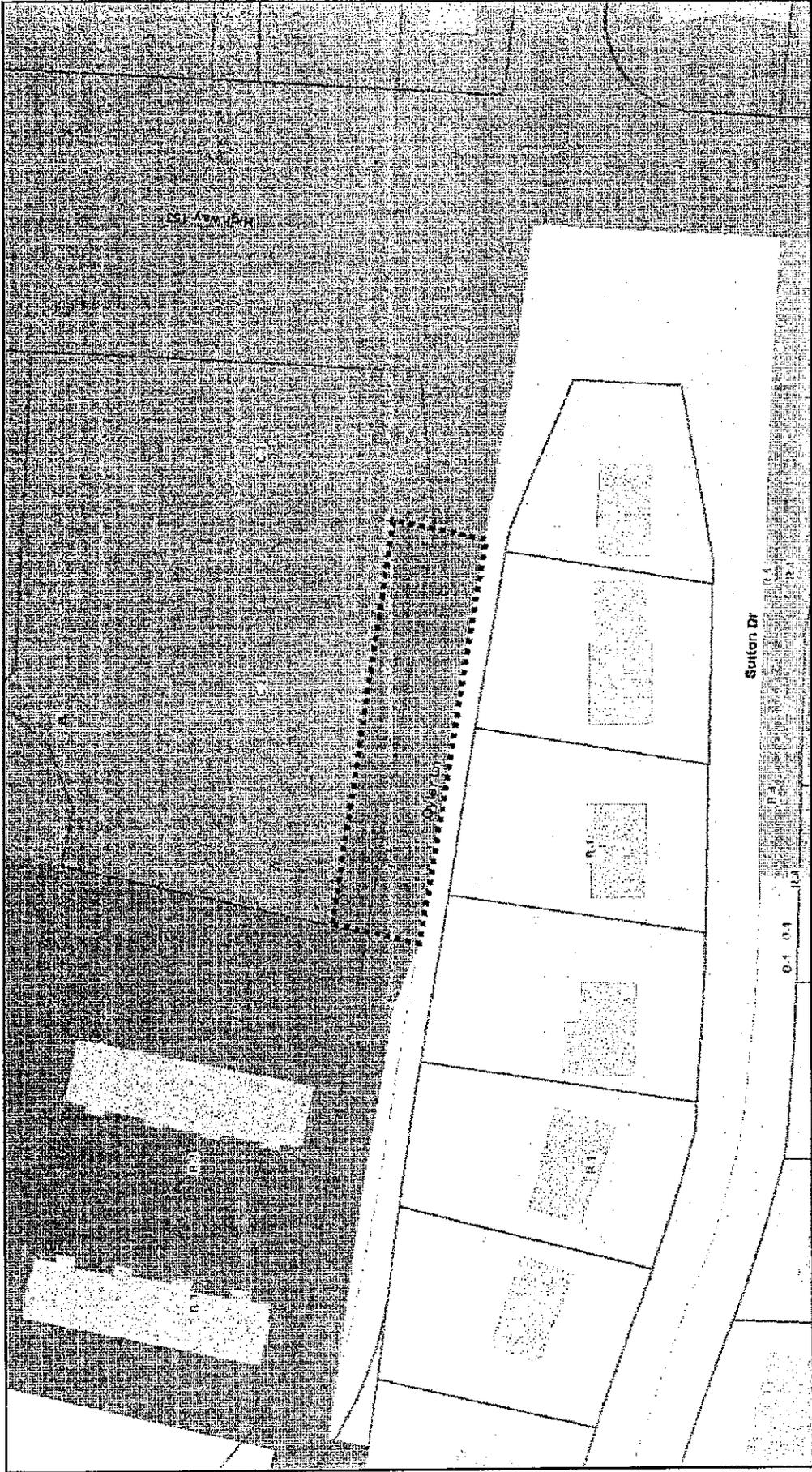
COUNTRY OAKS D.B. 5509 PAGE 122 ROHC
 LOT 1 NORTHGATE MOTORS S/D PB. 93 PAGE 65 ROHC
 5681 HIGHWAY 153
 CHATTANOOGA TENNESSEE

Date : 04/09/13	Drawn : DGC	Dwg. Name
Scale : 1" = 60'	Checked : JGC	5681HWY153
Copp Engineering Group		
1961 NORTHPOINT BLVD, UNIT 120		
Hixson, TN, 37343		
423-847-9100 Office		



2013-064





2013-064 Rezoning from R-3 to C-2

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2013-064: Approve

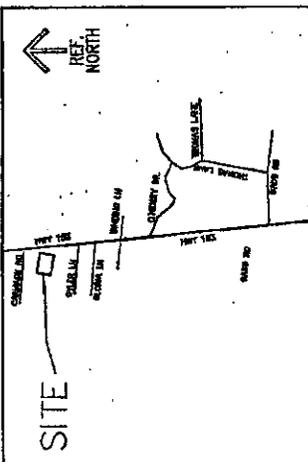


75 ft



Chattanooga Hamilton County Regional Planning Agency





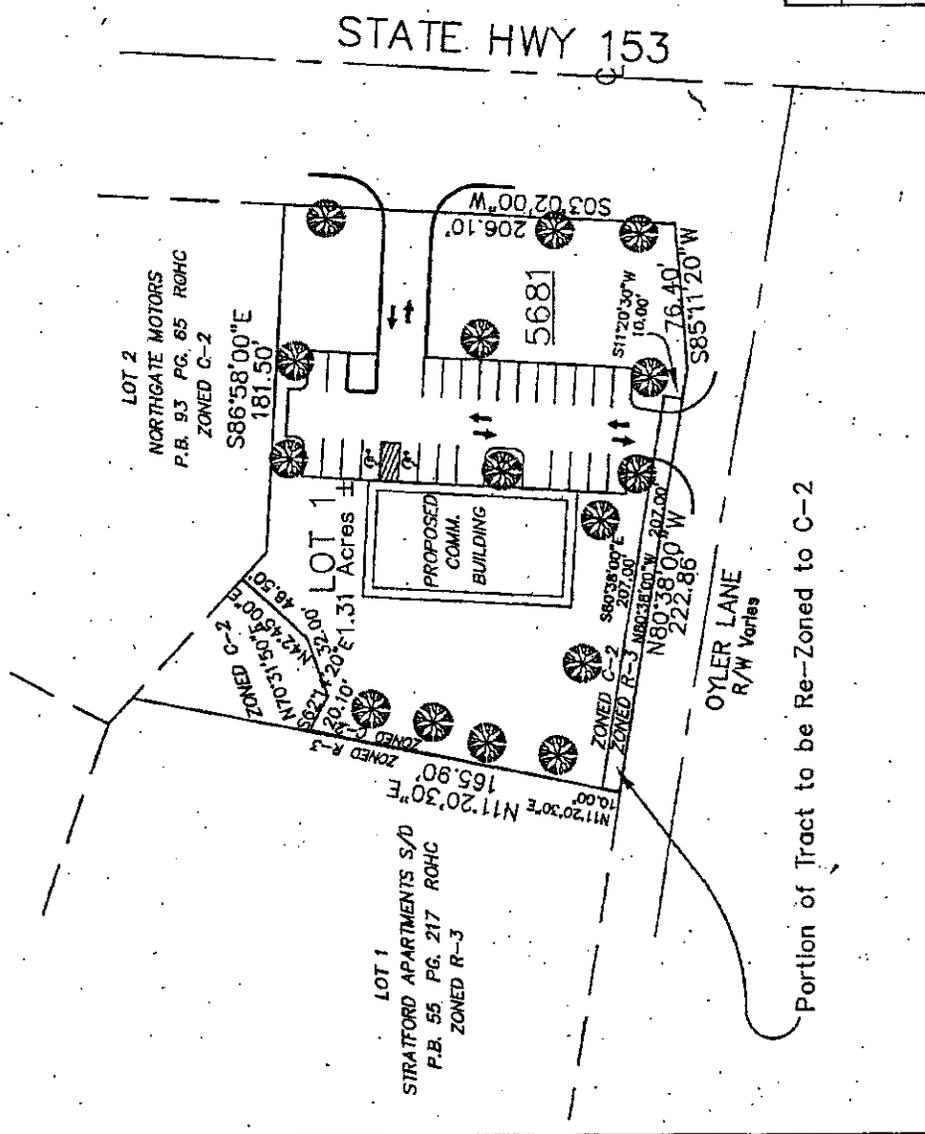
LOCATION MAP n.t.s.

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

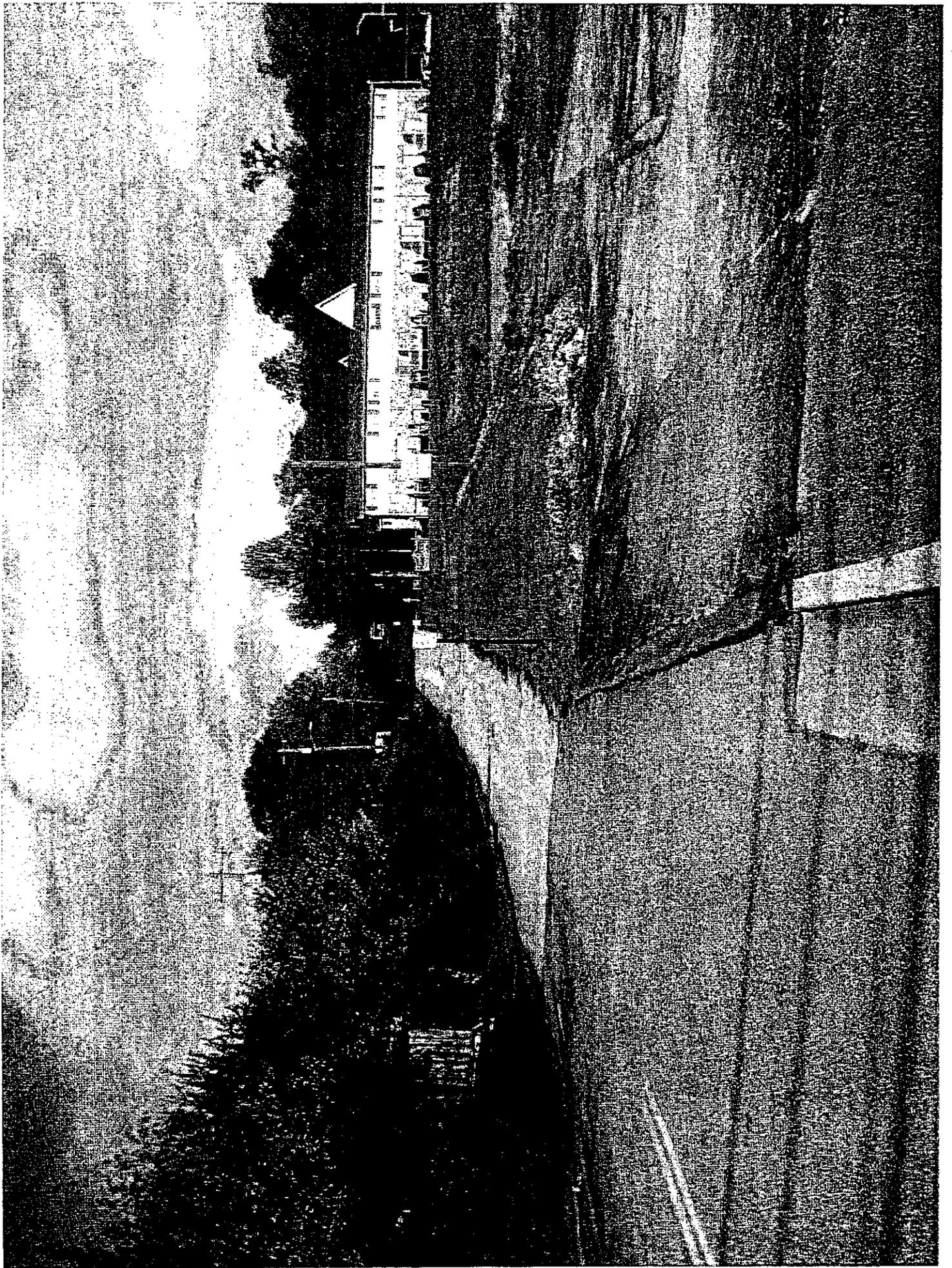
PROJECT CONTACT PERSON:
 Bennett F. O'Daniel
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 Hixson, TN 37343
 (423) 718-4120

TAX MAP # 099E B 010
 REZONING REQUEST

LOT 1	
COUNTRY OAKS D.B. 5509 PAGE 122 ROHC	
LOT 1 NORHGATE MOTORS S/D PB. 93 PAGE 65 ROHC	
5681 HIGHWAY 153	
CHATTAHOOGA TENNESSEE	
Date : 04/09/13	Drawn : DGC
Scale : 1"=60'	Checked : JGC
Copp Engineering Group	
1981 NORTHPOINT BLVD, UNIT 120	
Hixson, TN, 37343	
423-847-9100 Office	
Dwg. Name	5681HWY153



2013-064



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