

First Reading: _____
Second Reading: _____

2013-102
Tim McClure/J. R. Barker
District No. 2
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 4815 HIXSON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL 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 4815 Hixson Pike, more particularly described herein:

Part of two unplatted tracts of land located at 4815 Hixson Pike being the properties described in Tracts F and G in Deed Book 29, Page 229, ROHC. Tax Map Nos. 110H-C-020 (part) and 021.

and as shown on the maps and drawing attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-3 Residential 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

2013-102 City of Chattanooga
August 12, 2013

RESOLUTION

WHEREAS, Tim McClure/J.R. Barker 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 R-3 Residential Zone, property located at 4815 Hixson Pike.

Part of two unplatted tracts of land located at 4815 Hixson Pike being the properties described in Tracts F and G in Deed Book 29, Page 229, ROHC. Tax Map 110H-C-020 (part) and 021 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on August 12, 2013,

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

AND WHEREAS, there was opposition present 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 August 12, 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 APPLICATION FORM

CASE NUMBER: 2013-102 **Date Submitted: 07-02-2013**

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

1 Applicant Request

Zoning	From: R-1	To: R-3
Total Acres in request area: 3.71		

2 Property Information

Property Address:	4815 Hixson Pike
Property Tax Map Number(s):	110H-C-020 (part) and 110H-C-021

3 Proposed Development

Reason for Request and/or Proposed Use:	Multi-Family Apartments
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4 Site Characteristics

Current Zoning:	R-1
Current Use:	Residential Rental House and Vacant Land
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: Tim McClure	Address: 8319 Ellie Plaza, Suite C		
Check one:	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am not the property owner	
City: Hixson	State: TN	Zip Code: 37405	Email: tmbuilder@comcast.net
Phone 1: 423-595-4166	Phone 2: 1-423-847-0200	Phone 3:	Fax: 1-423-847-0207

6 Property Owner Information (if not applicant)

Name: J.R. Barker	Phone: 1-423- 298-3693
Address: 9551 Hixson Pike, Soddy Daisy, TN. 37379	

Office Use Only:

<input type="checkbox"/> Planning District 5	<input type="checkbox"/> Neighborhood Cloverdale and Hixson	
<input type="checkbox"/> Hamilton Co. Comm. District 3	<input type="checkbox"/> Grant Council District 2	
<input type="checkbox"/> 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 required	<input checked="" type="checkbox"/> Total Acres to be considered: 3.71	<input checked="" type="checkbox"/> Deeds <input checked="" type="checkbox"/> Plats (Applicable Deed Book(s): 985-0584 and 0029-0295)
<input type="checkbox"/> Plat Book/Page	<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 2
<input checked="" type="checkbox"/> Filing Fee: \$295.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Credit (Check Number: 4839)
Planning Commission meeting date: 8-12-2013	Application processed by: Trevor Slayton	

**Planning Commission Recommendation:
Deny**

Chattanooga-Hamilton County Regional Planning Agency

RPA STAFF RECOMMENDATION

Case Number:	2013-102	PC Meeting Date: 08-12-2013
STAFF RECOMMENDATION:	DENY	
Land Use & Transportation Comments		
Planning Staff:	<p><u>Applicant Request Overview</u> The applicant is requesting to rezone approximately 3.71 acres from R-1 Residential to R-3 Residential. The applicant intends to construct approximately 130 apartments on the entire 6.1 acre site with an overall density of 21.3 units per acre. With approximately 82 apartment units proposed within the R-3 area, the proposed density of that area would be 22.1 dwelling units per acre.</p> <p><u>Site Description</u> The entire apartment site is 6.1 acres with 3.7 acres of that being the area proposed for the rezoning, the remaining 2.4 acres is currently zoned C-2 Convenience Commercial. The site for the proposed apartments has frontage on Hixson Pike. Current use of the residentially-zoned property includes a vacant single-family detached dwelling and vacant land. Adjoining land uses include single-family dwellings to the rear of the property, vacant buildings, flower shop, fast food restaurant, and a small scale, low-intensity shopping center.</p> <p><u>Zoning History</u> There appear to be no prior zoning requests for these parcels.</p> <p><u>Plans/Policies</u> The Hixson-North River Community Plan, adopted in 2005 recommends Medium Business Mix for the front portions of this property that is currently zoned C-2 Convenience Commercial. Medium Business Mix is defined to include commercial uses, offices, and residential uses, such as apartments.</p> <p>The remaining portion of the site is recommended for Low Density Residential that transitions from the commercial corridor into the residential neighborhoods. Low Density Residential is defined to include detached single-family dwellings as the dominate use; however, some exceptions are made for patio homes and townhomes if density is compatible.</p> <p><u>Staff Recommendation</u> Approving a rezoning from R-1 Residential to R-3 Residential would not be in keeping with the Hixson-North River Community Plan. The plan recommends Low Density Residential for this portion of the property abutting the adjacent single-family residential neighborhood.</p> <p>The proposed apartments with a density of 22.1 units per acre would</p>	

RPA STAFF RECOMMENDATION

	<p>about a single-family residential neighborhood with approximately 1.8 dwelling units per acre (65 du/35 ac). This adjacent residential density was calculated for the residential areas bounded by Cloverdale Drive, Norcross Road, Williams Road, and the site requesting the rezoning.</p> <p>Based on the restrictions of the R-3 Zone, the number of acres and proposed dwelling units to be located in the R-3 Residential Zone area would be restricted to a maximum of 78 dwellings. The site plan indicates a proposal of 82 dwelling units.</p> <p>The site plan submitted for review also shows a portion of the parking lot abutting single-family residential dwellings. The site plan does indicate a proposed 20' landscape buffer between the parking lot and the adjacent single-family dwellings, however, having a parking lot for apartments abutting single-family dwellings can be a negative in terms of increased noise and light pollution on the single-family dwellings.</p> <p>The existing R-1 Residential Zone serves as a buffer or transitional area from the adjacent single-family residential neighborhood and the commercial or non-residential uses located along Hixson Pike. The development of this site as single-family detached dwellings or patio homes with a lower density would be in keeping with the Hixson North Community Plan and would possibly not have the same negative impacts on the adjoining single-family residential neighborhood as a proposed apartment complex with a density of 22.3 units per acre.</p> <p>The scale and intensity of the proposed apartment complex is not in keeping with the Hixson North River Community Plan. The proposed development would also have an impact on the adjoining single-family dwellings such as an increase in noise and light pollution; therefore, staff is recommending to deny the request.</p>
<p>Infrastructure & Operational Comments</p>	
<p>Public Works Staff:</p>	<p>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.</p>



2013-102 Rezoning from R-1 to R-3

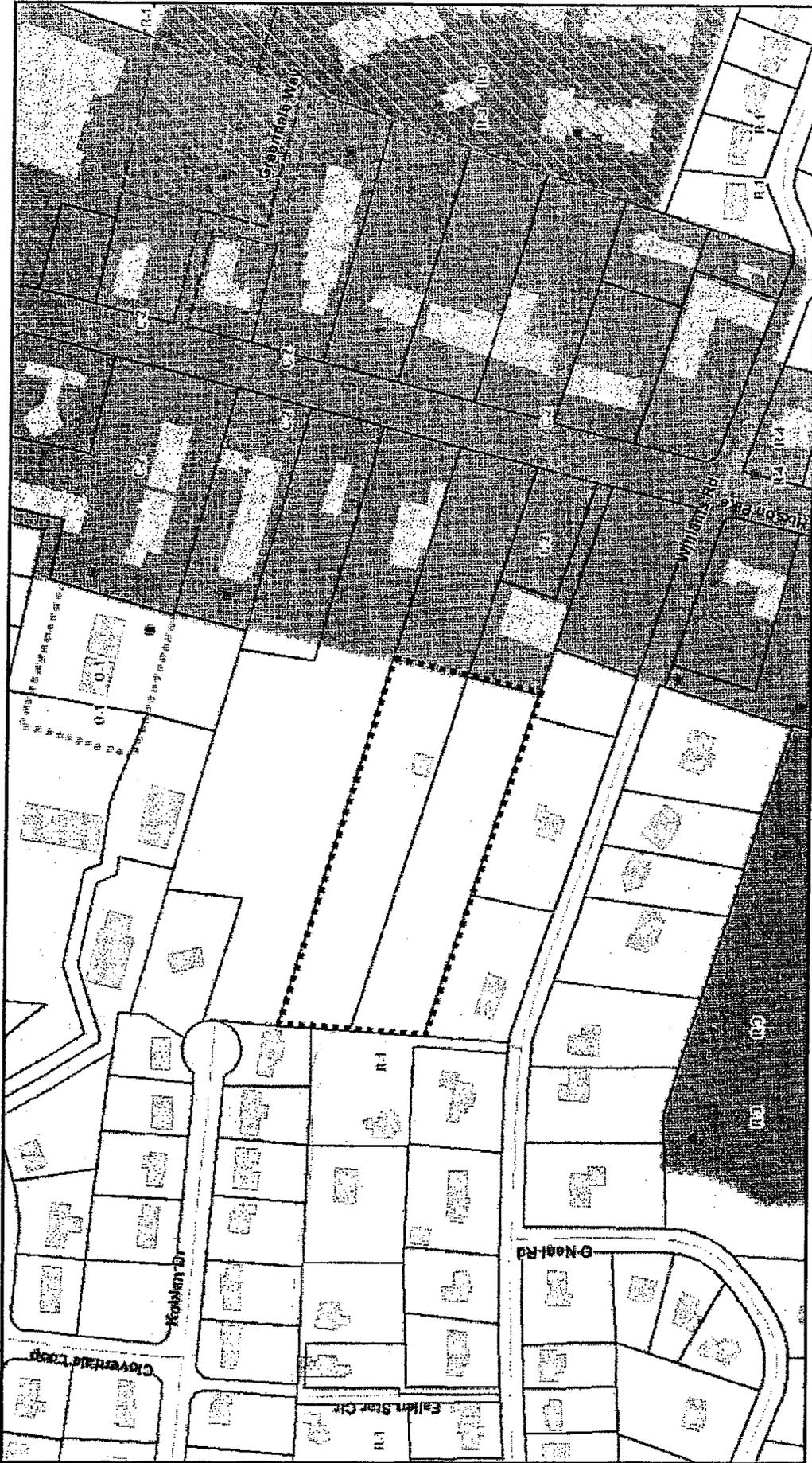
PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2013-102: Deny.



237 ft



Chattanooga Hamilton County Regional Planning Agency



2013-102 Rezoning from R-1 to R-3



237 ft



Chatham-Union 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:

2013-083 Joseph Ingram/Glen Meadows and Brett Sexton. 8599, 8601, 8603, 8605, and 8607 Petty Road, from R-5 Residential Zone to R-3MD Moderate Density Zone.

2013-101 Towson and Dede Engsberg. 501 East 16th Street, from R-3 Residential Zone to C-3 Central Business Zone, subject to certain conditions.

2013-105 Henrietta Morris/Johnella Morris. 515 Spruce Street, from R-3 Residential Zone to UGC Urban General Commercial Zone, subject to certain conditions.

2013-107 Alan Haniszewski. 630 East 19th Street, from R-3 Residential Zone to C-3 Central Business Zone, subject to certain conditions.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be denied:

2013-102 Tim McClure/J.R. Barker. 4815 Hixson Pike, from R-1 Residential Zone to R-3 Residential Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following Special Exceptions Permit be approved:

2013-082 Joseph Ingram/Glen Meadows and Brett Sexton. 8600 block of Petty Road for a Residential Planned Unit Development.

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,

September 10, 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