

First Reading: _____
Second Reading: _____

2013-084
Burt Schaerer/Bts Development
District No. 6
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITION NO. 2 OF ORDINANCE NO. 12018 FROM PREVIOUS CASE NO. 2007-142, ON PROPERTY LOCATED AT 2245 HICKORY VALLEY ROAD, BEING MORE PARTICULARLY DESCRIBED HEREIN, 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, so as to lift Condition No. 2 of Ordinance No. 12018 from previous Case No. 2007-142, on property located at 2245 Hickory Valley Road, being more particularly described herein.

Lot 1, Revised Plat of Criswell Acres Subdivision, Plat Book 73, Page 18, ROHC, Deed Book 9890, Page 873, ROHC. Tax Map No. 148D-D-019.

SECTION 2. BE IT FURTHER ORDAINED to lift Condition No. 2 only of Ordinance No. 12018 from previous Case No. 2007-142, subject to the following conditions:

1. An unpaved 40-foot wide landscape area shall be installed along the Shallowford Road right-of-way.
2. Within this landscape area and in addition to the required street yard trees, the following shall be installed at a minimum:

- (a) Brick, stucco, or stone walls (concrete block can only be used when faced with said materials) installed at a minimum of eight (8) feet from the right of-way at a height of three (3) feet above grade along the entire length of the landscape area; and
 - (b) Landscaping shall be provided within the area between the right-of-way and the wall. This area shall be fully landscaped with trees, shrubs and groundcovers to completely fill in within three years.
3. No freestanding pole signs are allowed on the site. The “on premise trademark sign” as shown on the site plan shall be a monument sign. For the purposes of this condition, monument signs are defined as a horizontally-oriented sign that does not exceed 6’ in height or 10’ in width. Additionally:
- (a) Maximum sign size is 60 square feet (6’ height x 10’ width). Height is measured from the top of the sign to the lowest point of the ground cover which the proposed sign is to be located.
 - (b) Monument signs may not be located in the clear vision triangle or otherwise obstruct lines of sight for vehicular or pedestrian traffic.
 - (c) Monument signs shall not be closer than ten (10’) to any right-of-way. Any monument sign area larger than 40’ square feet shall not be closer than fifteen (15’) feet to any street right-of-way.
 - (d) A landscaped area including planting beds and/or shrubs shall be provided and maintained around the monument sign.
4. The 20’ buffer as shown on the site plan running along the western property line shall be developed with City of Chattanooga Screening Type B per Section 38-595(4).

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

2013-084 City of Chattanooga
June 10, 2013 (Deferred)
September 9, 2013 (Action)

RESOLUTION

WHEREAS, Burt Schaerer/Bts Development petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga to Lift Condition Section 2 of Ordinance No. 12018 from previous Case No. 2007-142, on property located at 2245 Hickory Valley Road.

Lot 1, Revised Plat of Criswell Acres Subdivision, Plat Book 73, Page 18, ROHC, Deed Book 9890, Page 873, ROHC. Tax Map 148D-D-019 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on June 10, 2013, at which time hearing was deferred until September 9, 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 September 9, 2013, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved Lifting Condition of Ordinance No. 12018 of previous case No. 2007-142, subject to the following conditions:

1. An unpaved 40-foot wide landscape area shall be installed along the Shallowford Road right-of-way.
2. Within this landscape area and in addition to the required street yard trees, the following shall be installed at a minimum:
 - (a) Brick, stucco, or stone walls (concrete block can only be used when faced with said materials) installed at a minimum of eight (8) feet from the right of-way at a height of three (3) feet above grade along the entire length of the landscape area; and

- (b) Landscaping shall be provided within the area between the right-of-way and the wall. This area shall be fully landscaped with trees, shrubs and groundcovers to completely fill in within three years.
3. No freestanding pole signs are allowed on the site. The "on premise trademark sign" as shown on the site plan shall be a monument sign. For the purposes of this condition, monument signs are defined as a horizontally-oriented sign that does not exceed 6' in height or 10' in width. Additionally:
- Maximum sign size is 60 square feet (6' height x 10' width). Height is measured from the top of the sign to the lowest point of the ground cover which the proposed sign is to be located.
 - Monument signs may not be located in the clear vision triangle or otherwise obstruct lines of sight for vehicular or pedestrian traffic.
 - Monument signs shall not be closer than ten (10') to any right-of-way. Any monument sign area larger than 40' square feet shall not be closer than fifteen (15') feet to any street right-of-way.
 - A landscaped area including planting beds and/or shrubs shall be provided and maintained around the monument sign.
4. The 20' buffer as shown on the site plan running along the western property line shall be developed with City of Chattanooga Screening Type B per Section 38-595(4).

Respectfully submitted,



John Bridger
Secretary

LIFT/AMEND CONDITIONS APPLICATION FORM**CASE NUMBER: 2013-084**

Date Submitted: 05-10-2013

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

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| 1 Applicant Request | |
| Conditions | Description: Lift Condition Section 2/That this Rezoning shall be subject to specified use only. Now it is a Rite-Aid and wants a Speedway Convenience Store |
| | Resolution/Ordinance Number: 12018 |
| | Previous Case Number: 2007-142 |
| 2 Property Information | |
| Property Address: | 2245 Hickory Valley Road |
| Property Tax Map Number(s): | 148D-D-019 |
| 3 Proposed Development | |
| Reason for Request and/or Proposed Use: | Property was conditioned to a Rite-Aid wants a Speedway Convenience Store |
| 4 Site Characteristics | |
| Current Zoning: | C-2 Convenience Commercial |
| Current Use: | Rite-Aid |
| Adjacent Uses: | Conoco Fuel Center/Cornerstone Auto/Champion Cleaners |
| 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: Burt Schaerer/Bts Development | Address: 1720 Scholar Avenue |
| 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: 37406 | Email: burt@schaererco.com |
| Phone 1: 423-698-2426 | Phone 2: 423-593-3834 |
| Phone 3: | Fax: 423-624-2183 |
| 6 Property Owner Information (if not applicant) | |
| Name: Same | Phone: |
| Address: | |
| Office Use Only: | |
| Planning District: 10 | Neighborhood: F.O.E.B., B.E.B.C., S.C.A.C. |
| Hamilton Co. Comm. District: 5 | Chatt. Council District: 6 |
| Staff Rec: | Other Municipality: |
| PC Action/Date: | Legislative Action/Date/Ordinance: |
| Checklist | |
| <input checked="" type="checkbox"/> Application Complete | <input checked="" type="checkbox"/> Ownership Verification |
| <input checked="" type="checkbox"/> Site Plan, if required | <input checked="" type="checkbox"/> Map of Proposed Zoning Area with dimensions |
| <input checked="" type="checkbox"/> Total Acres to be considered: 2.26 | <input checked="" type="checkbox"/> Deeds |
| <input checked="" type="checkbox"/> Plats, if applicable | |
| Deed Book(s): 9890-873 | |
| Plat Book/Page: 73-18 | Notice Signs |
| <input checked="" type="checkbox"/> Filing Fee: \$150.00 | Number of Notice Signs: |
| <input type="checkbox"/> Cash | <input checked="" type="checkbox"/> Check |
| Check Number: 1456 | |
| Planning Commission meeting date: June 10 th , 2013 | Application processed by: Marcia Parker |



2013-084 Amend Conditions

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2013-084: Approve, subject to conditions listed in the Planning Commission Resolution.



126 ft



Chattahoochee Hamilton County Regional Planning Agency

**Planning Commission Recommendation:
Approve Staff Recommendation**

Chattanooga-Hamilton County Regional Planning Agency

RPA STAFF RECOMMENDATION

| | | |
|---|---|------------------------------------|
| Case Number: | 2013-084 | PC Meeting Date: 09-07-2013 |
| STAFF RECOMMENDATION: | APPROVE , subject to conditions | |
| Land Use & Transportation Comments | | |
| Planning Staff: | <p><u>Applicant Request Overview</u> The applicant is requesting to lift the sole condition of City Council Ordinance No. 12018 that states that the rezoning to C-2 Convenience Commercial Zone "shall be subject to specified use only". The specified use being referenced was a drug store or more specifically a Rite-Aid drug store. The applicant is requesting lifting of that condition in order to construct a gas station with an approximate 4,000 square foot convenience store/restaurant and an approximately 8,400 square foot canopy.</p> <p><u>Site Description</u> The proposed gas station location is a vacant property at the southwest corner of the Hickory Valley Road and Shallowford Road intersection. The site is 2.26 acres and is across Hickory Valley Road from an existing gas station on 0.53 acres with a 1,600 square foot convenience store/food market. Completing that intersection is a car sales lot on the northeast corner and a retail services/office complex on the northwest corner.</p> <p><u>Zoning History</u> This property was rezoned from R-4 Special Zone to C-2 Convenience Commercial Zone in 2007 by Ordinance No. 12018. As stated previously, the rezoning was conditioned to a specified use of a drug store.</p> <p>An abutting five-acre property to the east was rezoned to R-4 Special Zone in 2002. One of the conditions placed on the zoning at that time was a limit of use for office purposes only. A 25 foot strip of the R-4 Special Zone property runs along the length of the proposed gas station site.</p> <p><u>Plans/Policies</u> The 2005 Shallowford Road/Lee Highway Area Plan recommends a Light Business Mix that mirrors the service/retail complex zoned C-5 Neighborhood Commercial Zone across Shallowford Road to the north. This section of Shallowford Road is a Focus Area in that plan and states "The southwest corner of Hickory Valley Road is appropriate for a Light Business Mix use similar to the use across Shallowford Road. The plan recommends that the use not extend past the residential use east of Brookwood Drive. The surrounding area, designated Office/Residential, will provide a good buffer for this use."</p> <p>In 2008, the Chattanooga-Regional Planning Commission requested that</p> | |

RPA STAFF RECOMMENDATION

the RPA review the Shallowford Road corridor from Standifer Gap Road to Hickory Valley Road for potential uses other than single-family residences based on the impact of the roadway widening underway at that time. In April 2009, Chattanooga City Council adopted the Shallowford Road: Standifer Gap Road to Hickory Valley Road Policy. That document recommends that some properties maintain a single-family residential use while other larger properties or properties not located at neighborhood entrances could transition to office, service, or moderate-density residential uses. That policy does not address the proposed gas station site.

Policy Update

At its June 2013 meeting, the Planning Commission deferred this case 90 days and asked the staff to review the 2005 Plan recommendation and the 2009 policy for this area. Since that time, RPA staff reviewed the existing policies above along with the following information:

- TDOT's Annual Average Daily Traffic count history in the area.
- Existing development pattern along Shallowford Road and Lee Highway.
- Similar intersections along the length of Shallowford Road.
- Zoning activity in the area since 2009.
- Impact of the final Shallowford Road widening on the abutting properties.
- Existing plan recommendations in light of the allowable uses and impacts under the current zoning with conditions.

Staff determined that a Medium Business Use at the four corners of the Hickory Valley Road and Shallowford Road intersection is valid. This is a recommended increase in activity from the Light Business Mix use of the 2005 plan recommendation. The Medium Business Mix classification allows the same office and neighborhood commercial uses as the Light Business Mix while also providing for convenience commercial and high-density residential uses. This recommendation mirrors the recommendation for the western side of Hickory Valley Road at its intersection with Lee Highway.

Staff Recommendation

In June, using the current adopted policies, staff recommended denial of the lifting of conditions to allow a gas station at this location.

Upon further review, as staff views the Hickory Valley Road and Shallowford Road intersection as a Medium Business Mix then a gas station may be an appropriate use. Transitioning westward from the site is the adjacent property zoned R-4 Special Zone. Since it is conditioned to an office use only, and is an approximately 350' wide lot, it provides a step down in activity from the intersection towards the residential area.

RPA STAFF RECOMMENDATION

The southwest corner of this intersection is a gateway to that lower-intensity area where the adopted policy seeks to address the careful balance of appropriate economic development and maintaining and supporting existing residential neighborhoods. Therefore, while staff is recommending approval of the gas station use, staff is reiterating a statement from its prior zoning recommendation at this site (at that time for the drug store). That concept is that sufficient buffering and landscaping and some additional building placement changes, the proposed use can be compatible in this area. Although not recommended as a condition, the applicant is encouraged to consider reorienting the building and canopy to focus major points of activity on Hickory Valley Road. Additionally, the applicant is encouraged to provide pedestrian connectivity from the existing Shallowford Road sidewalk to the store/restaurant.

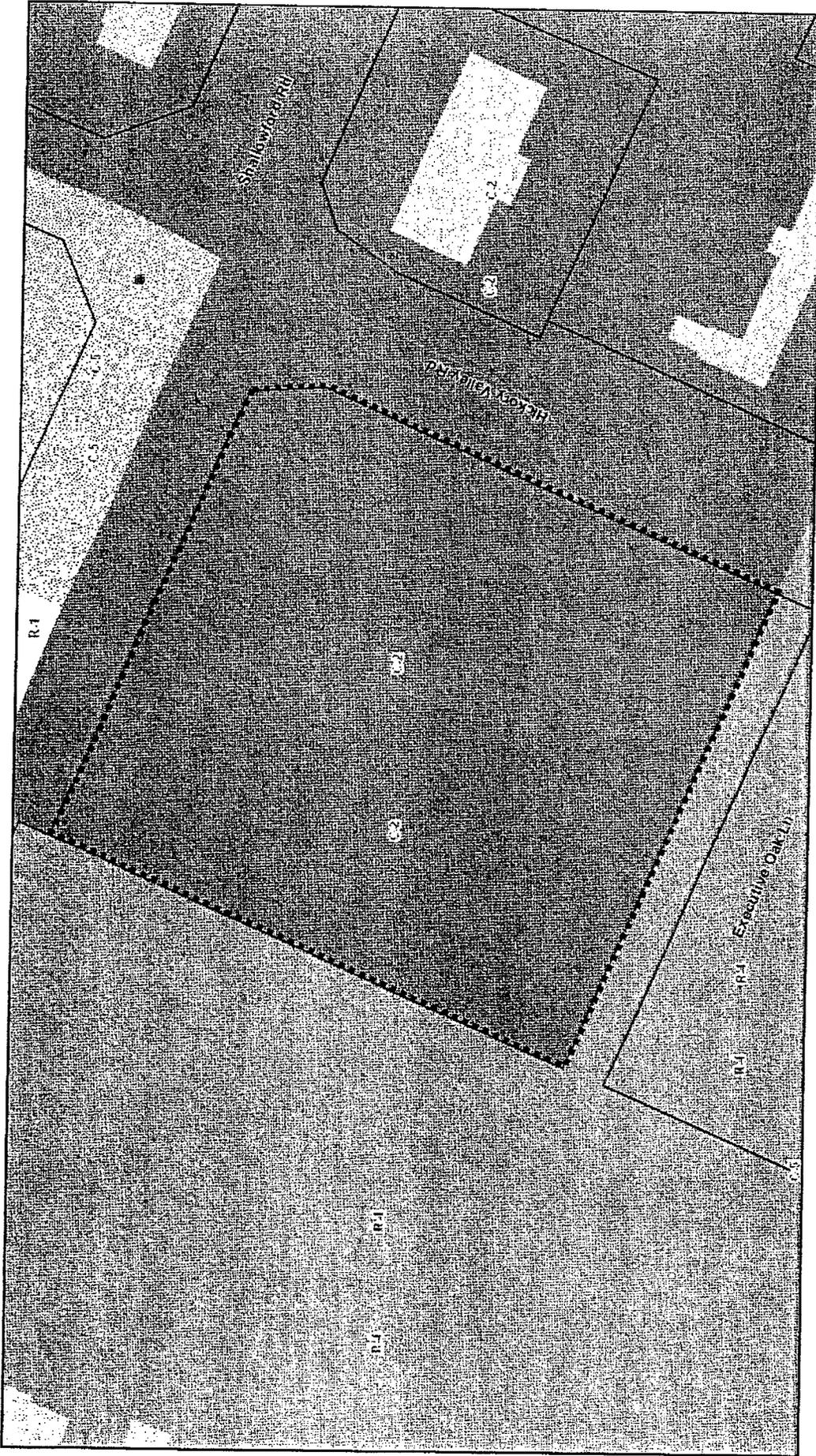
Staff is recommending that conditions be placed to ensure completion of some of the elements already shown on the submitted site plan with additional changes to be made.

Staff is recommending the following conditions:

1. An unpaved 40-foot wide landscape area shall be installed along the Shallowford Road right-of-way.
2. Within this landscape area and in addition to the required street yard trees, the following shall be installed at a minimum:
 - (a) Brick, stucco, or stone walls (concrete block can only be used when faced with said materials) installed at a minimum of eight (8) feet from the right of-way at a height of three (3) feet above grade along the entire length of the landscape area; and
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 - b. Monument signs may not be located in the clear vision triangle or otherwise obstruct lines of sight for vehicular or pedestrian traffic.
 - c. Monument signs shall not be closer than ten (10') to any right-of-way. Any monument sign area larger than

RPA STAFF RECOMMENDATION

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| | <p>40' square feet shall not be closer than fifteen (15') feet to any street right-of-way.</p> <p>d. A landscaped area including planting beds and/or shrubs shall be provided and maintained around the monument sign.</p> <p>4. The 20' buffer as shown on the site plan running along the western property line shall be developed with City of Chattanooga Screening Type B per Section 38-595(4).</p> |
| Infrastructure & Operational Comments | |
| Public Works Staff: | <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> |



2013-084 Amend Conditions



76 ft

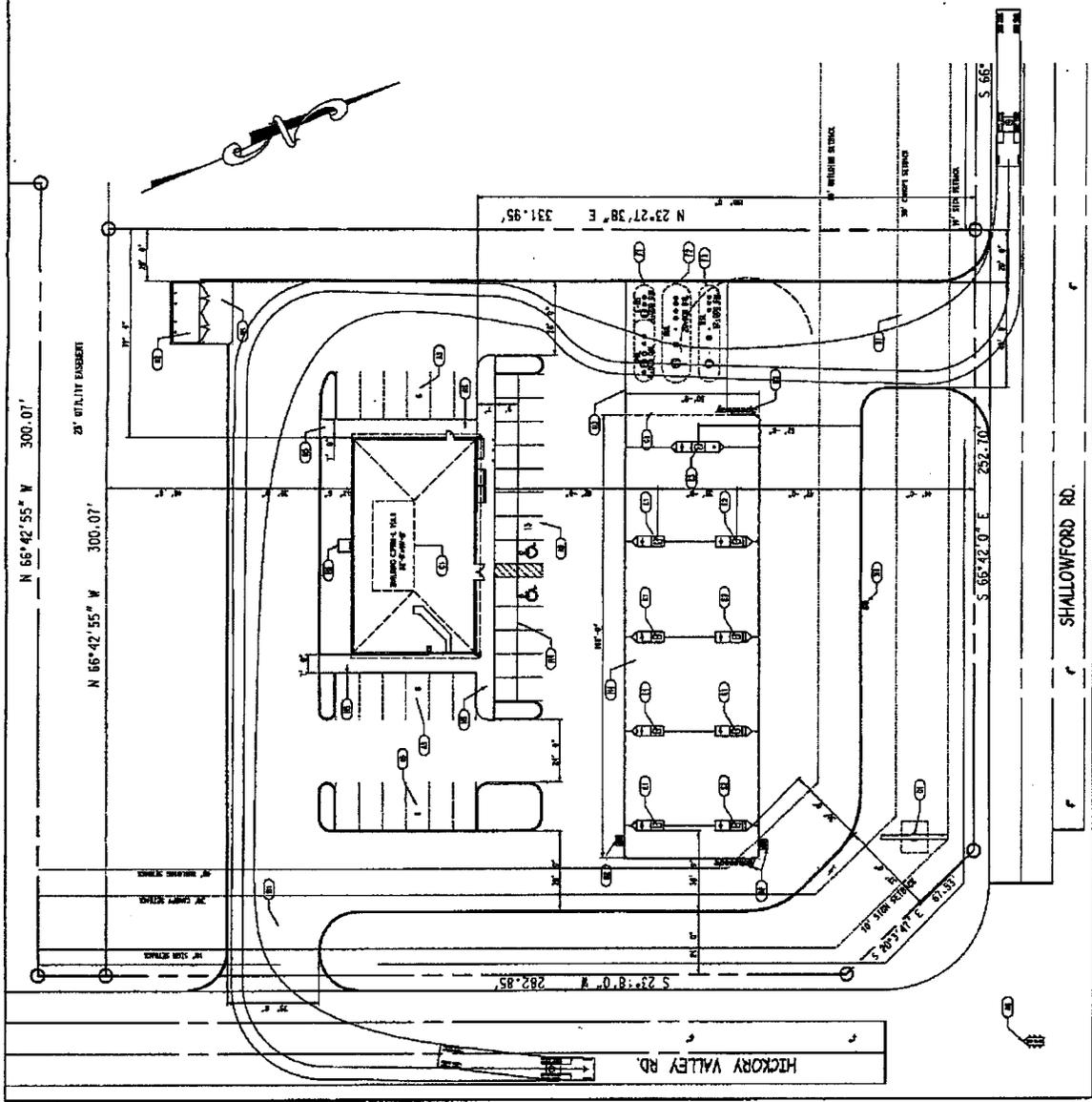


Chattanooga Hamilton County Regional Planning Agency

Speedway

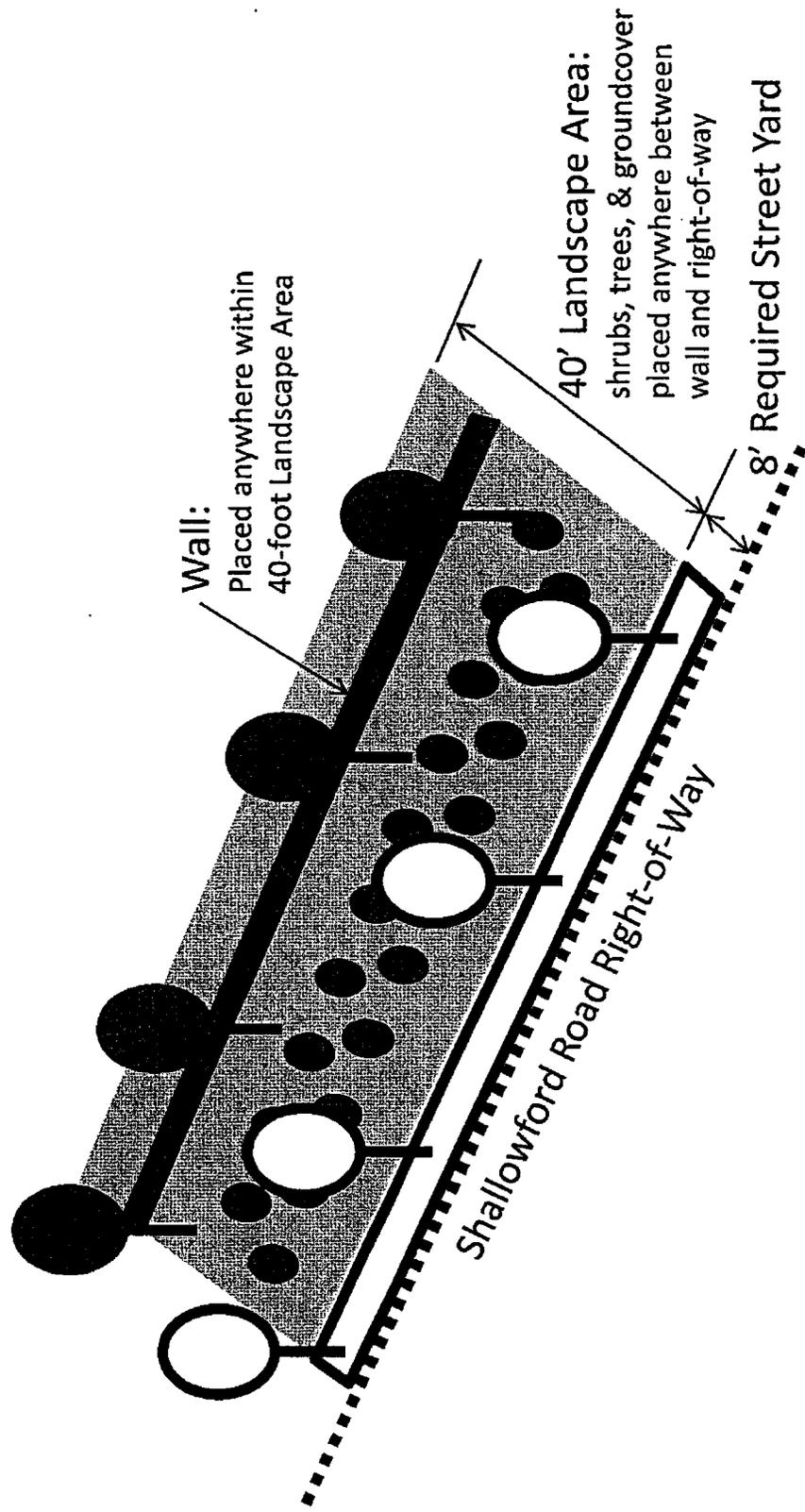
CONCEPTUAL PLAN
 NEW BUILD
 SHALLOWFORD RD. & HICKORY VALLEY RD.
 PROJECT NUMBER: 107214
 DATE: 01/03/73
 DRAWN BY: J. W. HARRIS
 CHECKED BY: J. W. HARRIS
 PROJECT NO.: 107214
 SHEET NO.: 107214 C-1

1. REMOVE EXISTING 20' UTILITY EASEMENT.
2. REMOVE EXISTING 20' UTILITY EASEMENT.
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8813-084

2013-084 / Landscape Conditions



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 petition to rezone be approved:

2013-113 Jesse O. Farr. 2712 Walker Road, from R-2 Residential Zone to R-4 Special Zone.

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

2013-109 James Pratt/John C. Whitmire, Colony Land and Investments. 5650 Cassandra-Smith Road for a Residential Planned Unit Development.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that conditions be amended and replaced:

2013-104 Troy Cox. 706, 710, and 716 Ashland Terrace, amending and replacing conditions of Ordinance No. 12472.

4. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following condition be lifted and approved:

2013-084 Burt Schaerer/Bts Development. 2245 Hickory Valley Road, lifting condition Section 2 of Ordinance No. 12018 from previous Case No. 2007-142, subject to certain conditions.

5. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following amendment be made to the Chattanooga City Code, Part II, Chapter 38, known as the Chattanooga Zoning Ordinance by:

(a) Amending Division 13, by adding Section 38-190, Maximum Building Footprint.

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,

October 8, 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