

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

2013-104  
Troy Cox  
District No. 2  
Planning Version

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO AMEND AND REPLACE CONDITIONS OF ORDINANCE NO. 12472 FROM CASE NO. 2013-104 ON PROPERTY LOCATED AT 706, 710, AND 716 ASHLAND TERRACE, 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 amend and replace conditions of Ordinance No. 12472 from Case No. 2013-104 on property located at 706, 710, and 716 Ashland Terrace, being more particularly described herein:

Three unplatted tracts of land located at 706, 710, and 716 Ashland Terrace, being the properties described in Deed Book 9799, Page 495, ROHC. Tax Map Nos. 109O-E-008, 009 and 010.

SECTION 2. BE IT FURTHER ORDAINED to amend all of Conditions 1 and 2 below which apply to the C-2 Convenience Commercial Zoned areas only. Condition 3 applies to the R-1 Residential Zone only:

1. Within 250' of the Ashland Terrace right-of-way the following uses shall be prohibited:
  - Adult Oriented Establishments
  - Liquor Stores and Wineries
  - Late Night Entertainment/Event Facility, and/or Nightclubs
  - Hotels/Motels
  - Hospital
  - Off Premise Signs and Billboards
  - Theaters, Bowling Alleys, Billiard Rooms, and other Indoor Amusement Establishments
  - Open-Air Markets
  - Miniature Golf Courses and other similar Outdoor Establishments
  - Travel Trailer Camps and other Camping Facilities
  
2. The following shall apply beyond 250' from the Ashland Terrace right-of-way:
  - Offices with associated Indoor Storage and mini-warehouses only
  - Buildings shall not exceed 2 stories in height
  - Building setbacks shall be no closer than:
    - 100' from the south property line
    - 70' from the west property line; and,
    - 85' from the east property line
  - Outdoor lighting shall be directed downward
  - No dumpster located within 100' of the south property line
  - All existing easements are retained
  - Provide tree protection fencing on site during construction to protect the integrity of the natural buffer
  
3. The following shall apply to the R-1 Residential Zone only:
  - A sixty (60) foot buffer of existing vegetation along the south property line.
  - An eighty (80) foot buffer of existing vegetation along the south property line.
  - A fifty (50) foot buffer of existing vegetation along the west property line where adjacent to R-1 Residential Zone. If vegetation is damage or removed, trees shall be replaced on a 2 for 1 basis, minimum 6' in height.
  - Retain/maintain 56 Leyland Cypress planted 15' on center inside the existing natural buffer, except where sanitary sewer or EPB easements exists; for both easements, use alternate Type C buffer consisting of a double row (staggered) of screening shrubs spaced a maximum of 7' on center, to be installed at a minimum height of 36".

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

2013-104 City of Chattanooga  
August 12, 2013 (Deferred)  
September 9, 2013

## RESOLUTION

WHEREAS, Troy Cox petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga Amending and Replacing Conditions of Ordinance No. 12472 for property located at 706, 710, and 716 Ashland Terrace.

Three unplatted tracts of land located at 706, 710, and 716 Ashland Terrace, being the properties described in Deed Book 9799, Page 495, ROHC. Tax Maps 109O-E-008, 009 and 010 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on August 12, 2013, at which time action 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 amending all conditions as follows:

Conditions 1 and 2 below apply to the C-2 Convenience Commercial Zoned Areas only. Condition 3 applies to the R-1 Residential Zone only.

1. Within 250' of the Ashland Terrace right-of-way the following uses shall be prohibited:
  - Adult Oriented Establishments
  - Liquor Stores and Wineries
  - Late Night Entertainment/Event Facility, and/or Nightclubs
  - Hotels/Motels

- Hospital
  - Off Premise Signs and Billboards
  - Theaters, Bowling Alleys, Billiard Rooms, and other Indoor Amusement Establishments
  - Open-Air Markets
  - Miniature Golf Courses and other similar Outdoor Establishments
  - Travel Trailer Camps and other Camping Facilities
2. The following shall apply beyond 250' from the Ashland Terrace right-of-way:
- Offices with associated Indoor Storage and mini-warehouses only
  - Buildings shall not exceed 2 stories in height
  - Building setbacks shall be no closer than:
    - 100' from the south property line
    - 70' from the west property line; and,
    - 85' from the east property line
  - Outdoor lighting shall be directed downward
  - No dumpster located within 100' of the south property line
  - All existing easements are retained
  - Provide tree protection fencing on site during construction to protect the integrity of the natural buffer
3. The following shall apply to the R-1 Residential Zone only:
- A sixty (60) foot buffer of existing vegetation along the south property line.
  - An eighty (80) foot buffer of existing vegetation along the south property line.
  - A fifty (50) foot buffer of existing vegetation along the west property line where adjacent to R-1 Residential Zone. If vegetation is damaged or removed, trees shall be replaced on a 2 for 1 basis, minimum 6' in height.
  - Retain/maintain 97 Leyland Cypress planted 15' on center inside the existing natural buffer, except where sanitary sewer or EPB easements exist; for both easements, use alternate Type C buffer consisting of a double row (staggered) of screening shrubs spaced a maximum of 7' on center, to be installed at a minimum height of 36".

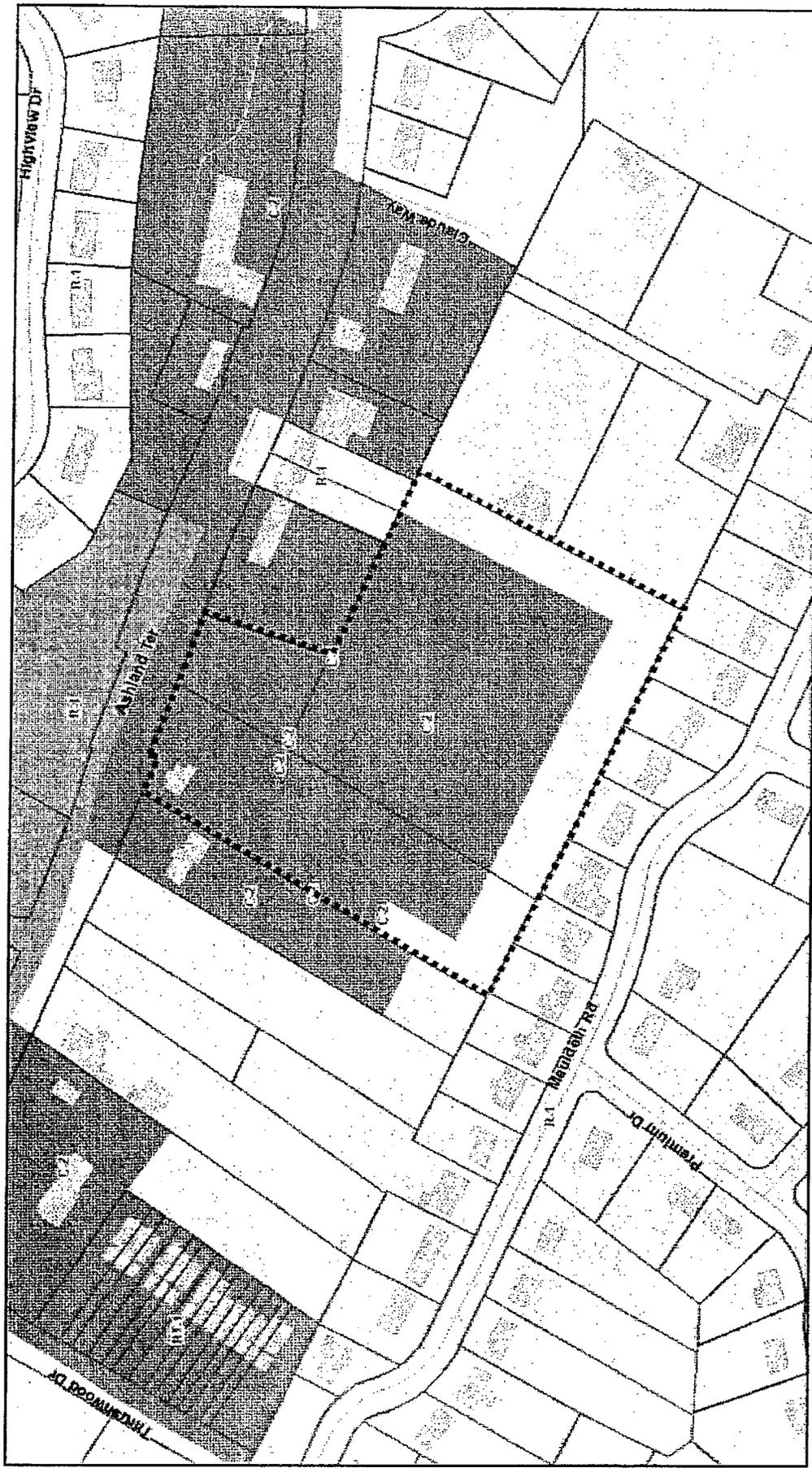
Respectfully submitted,



John Bridger  
Secretary

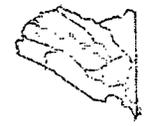
**LIFT/AMEND CONDITIONS APPLICATION FORM**

<b>CASE NUMBER: 2013-104</b>		<b>Date Submitted: 07-10-2013</b>	
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
<b>1 Applicant Request</b>			
Conditions	Description: Amend and Replace Current Conditions with proposed conditions		
	Resolution/Ordinance Number: Ordinance 12472		
	Previous Case Number: 2010-162		
<b>2 Property Information</b>			
Property Address:	716 (Temporary Address), and 706, 710 Asland Terrace		
Property Tax Map Number(s):	109O-E-010, 109O-E-008, 109O-E-009		
<b>3 Proposed Development</b>			
Reason for Request and/or Proposed Use:	Commercial Development		
<b>4 Site Characteristics</b>			
Current Zoning:	C-2 w/ Conditions &R-1		
Current Use:	Commercial		
Adjacent Uses:	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.			
Name: Troy Cox		Address: 370 Classic Drive	
Check one:	<input checked="" type="checkbox"/> I am the property owner	<input type="checkbox"/> I am not the property owner	
City: Soddy Daisy	State: Tn.	Zip Code: 37379	Email:
Phone 1: 423-322-3010	Phone 2:	Phone 3:	Fax:
<b>6 Property Owner Information (if not applicant)</b>			
Name:		Phone:	
Address:			
<b>Office Use Only:</b>			
Planning District: 5		Neighborhood: Manchester Park	
Hamilton Co. Comm. District: 2	Chatt. Council District: 2	Other Municipality:	
Staff Rec:	PC Action/Date:	Legislative Action/Date/Ordinance:	
<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: 7.15	<input checked="" type="checkbox"/> Deeds	<input type="checkbox"/> Plats, if applicable
Deed Book(s): 9799-495			
Plat Book/Page:		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 1
<input checked="" type="checkbox"/> Filing Fee: \$150	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check	Check Number: 2537
Planning Commission meeting date: 08-12-2013		Application processed by: Trevor Slayton	



## 2013-104 Lift Conditions of Ordinance 12472

PLANNING COMMISSION RECOMMENDATION FOR CASE 2013-104: Approve, subject to conditions listed in the Planning Commission Resolution.



200 ft



**Chattanooga Hamilton County Regional Planning Agency**

**RPA STAFF RECOMMENDATION**

**Case Number: 2013-104 PC Meeting Date: 09-09-2013**

**STAFF RECOMMENDATION:**

**APPROVE** amending all conditions as follows:

Conditions 1 and 2 below apply to the C-2 Convenience Commercial Zoned Areas only. Condition 3 applies to the R-1 Residential Zone only.

1. Within 250' of the Ashland Terrace right-of-way the following uses shall be prohibited:

- Adult Oriented Establishments
- Liquor Stores and Wineries
- Late Night Entertainment/Event Facility, and/or Nightclubs
- Hotels/Motels
- Hospital
- Commercial Signs and Billboards
- Theaters, Bowling Alleys, Billiard Rooms, and other Indoor Amusement Establishments
- Open-Air Markets
- Miniature Golf Courses and other similar Outdoor Establishments
- Travel Trailer Camps and other Camping Facilities

2. The following shall apply beyond 250' from the Ashland Terrace right-of-way:

- Offices with associated Indoor Storage and mini-warehouses only
- Buildings shall not exceed 20' in height
- Building setbacks shall be no closer than:
  - 100' from the south property line
  - 70' from the west property line; and,
  - 85' from the east property line
- Outdoor lighting shall be directed downward
- No dumpster located within 100' of the south property line
- All existing easements are retained
- Provide tree protection fencing on site during construction to protect the integrity of the natural buffer

3. The following shall apply to the R-1 Residential Zone only:

- A sixty (60) foot buffer of existing vegetation along the south property line.
- An eighty (80) foot buffer of existing vegetation along the south property line.
- A fifty (50) foot buffer of existing vegetation along the west property line. If vegetation is damage or removed, trees shall be replaced on a 2 for 1 basis, minimum 6' in height.
- An additional 97 Leyland Cypress planted 15' on center inside

**RPA STAFF RECOMMENDATION**

	<p>the existing natural buffer, except where sanitary sewer or EPB easements exists; for both easements, use alternate Type C buffer consisting of a double row (staggered) of screening shrubs spaced a maximum of 7' on center, to be installed at a minimum height of 36".</p>
<p><b>Land Use &amp; Transportation Comments</b></p>	
<p><b>Planning Staff:</b></p>	<p><b><u>Applicant Request Overview</u></b>                  The applicant is requesting to amend and replace the existing conditions of Ordinances 11290, 11372, and 12472 for property located at 706, 710, and 716 Ashland Terrace. All of these conditions were associated with previous C-2 Convenience Commercial rezonings.</p> <p>Currently, the property has 14 conditions. Some conditions apply to the <i>front</i> portion of the property, <i>within</i> approximately 250 feet of the Ashland Terrace right-of-way. Some of the conditions apply to the <i>rear</i> of the property, approximately 250 feet <i>beyond</i> the Ashland Terrace right-of-way. In addition, all of these conditions are contained within a confusion of the three ordinances (11290, 11372, and 12472) mentioned above.</p> <p>The current conditions for the property are as follows:</p> <p><b><u>Front Portion (Ordinance 11290)</u></b></p> <ol style="list-style-type: none"> <li>1. Use as a furniture and appliance store only.</li> <li>2. All existing easements are retained.</li> </ol> <p><b><u>Rear Portion (Ordinance 11372 &amp; 11472)</u></b></p> <ol style="list-style-type: none"> <li>1. Offices and associated indoor storage and mini warehouses.</li> <li>2. One (1) frame shop.</li> <li>3. A sixty (60) foot buffer of existing vegetation along the east property line (applies to the R-1 portion).</li> <li>4. An eighty (80) foot buffer of existing vegetation along the south property line.</li> <li>5. A fifty (50) foot buffer of existing vegetation along the west property line. If vegetation is damaged or removed trees shall be replaced on a 2 for 1 basis, minimum 6' in height.</li> <li>6. Building setbacks shall be no closer than 100' from south property line, 70' from the west property line, and 85' from the east property line.</li> <li>7. 97 Leyland Cypress trees planted 15' on center inside the existing natural buffer areas except where sanitary sewer or EPB easements exist. For both easements, use alternate Type C buffer consisting of double row (staggered) of screening shrubs spaced a maximum of 7' on center, to be installed at a minimum height of 36".</li> <li>8. Provide tree protection fencing on site during construction to</li> </ol>

## RPA STAFF RECOMMENDATION

protect the integrity of the natural buffer.

9. Internal lighting shall be directed downward.
10. Buildings shall not exceed 20' in height.
11. No dumpsters located within 100' of the south property line; and
12. Subject to the attached site plan.
13. All existing easements are retained.

***The applicant is proposing to amend the conditions as follows:***

***Front Portion:*** Lift all conditions within 250' of the Ashland Terrace Right-Of-Way.

***Rear Portion:*** The following uses shall be prohibited beyond 250 feet from the Ashland Terrace Right-Of-Way: Meat and fish markets, bowling alleys, billiard rooms, theaters, indoor amusement establishments, restaurants and other establishments serving prepared food and beverages, hospitals, commercial signs and billboards, motels and hotels, adult-oriented establishments, liquor stores, Late Night Entertainment/Event Facility and/or Nightclubs kennels, boarding, grooming, training and similar uses for small animals, communication towers

All other conditions in the approved Ordinances with regard to increased setbacks, increased landscaping/buffering, dumpster location, building height, and direction of lighting would remain.

### **Site Description**

The entire site is approximately seven acres abutting Ashland Terrace. The rear of the property abuts the Manchester Park neighborhood, a single-family residential neighborhood. The site is relatively flat with a steeper slope to the rear of the property closest to the Manchester Park neighborhood. The property is currently being used for a restaurant, landscape retail business, and mini-warehouses/outdoor storage.

Adjacent land uses are small scale, low intensity non-residential uses such as a plumbing office, neighborhood bar, convenience store, funeral home, car wash, hair salon, and a multi-family structure. To the rear of the property, as mentioned, is the Manchester Park single-family residential neighborhood.

### **Zoning History**

The current property has made a number of zoning and condition requests over the past ten years. The property was originally rezoned in 2002 with several conditions adopted as part of the rezoning. The entire 7 acre site contains three (3) separate parcels of property that were rezoned by three separate ordinances with various conditions, as previously mentioned.

## RPA STAFF RECOMMENDATION

The C-2 Convenience Commercial is the least restrictive commercial zone in terms of permitted uses. Some of the permitted uses in the C-2 Zone may or may not be appropriate near residential neighborhoods. In 2002, conditions were recommended and adopted by the Chattanooga City Council in an effort to control the scale, intensity, and potential nuisance issues of the proposed commercial development (furniture store and offices) due to its proximity to the Manchester Park neighborhood.

In 2010, the applicant requested to amend and lift the conditions to permit as an additional use of the property mini-warehouses, lift parking restrictions, and to amend the required increased landscape buffer. RPA considered the request to permit mini-warehouses to be appropriate because the scale and intensity of mini-warehouses would be in keeping with the intensity and scale of adjacent businesses along this section of Ashland Terrace. The request was approved by the Chattanooga City Council.

In 2011, the applicant submitted a request to amend the conditions to include a hotel/motel and a restaurant, and to reduce the amount of landscape buffer required by the conditions. RPA recommended denial of this request. The scale and intensity of a hotel/motel and a public restaurant would have introduced a higher intensity and scale of development that is not found along this section of Ashland Terrace. Commercial development along this section of Ashland Terrace is small scale, low intensity uses such as a car wash, hair salon, convenience store, and plumbing contractor's office. The scale and intensity of a hotel/motel would have had a negative noise and lighting impact on the adjacent Manchester Park residential neighborhood. The request was denied by the Chattanooga City Council.

Just as a reminder, the intent behind the conditions adopted in 2002 by the Chattanooga City Council was to control the scale, intensity and impact of any non-residential development on this site on the adjoining Manchester Park and other single-family residential uses.

### Plans/Policies

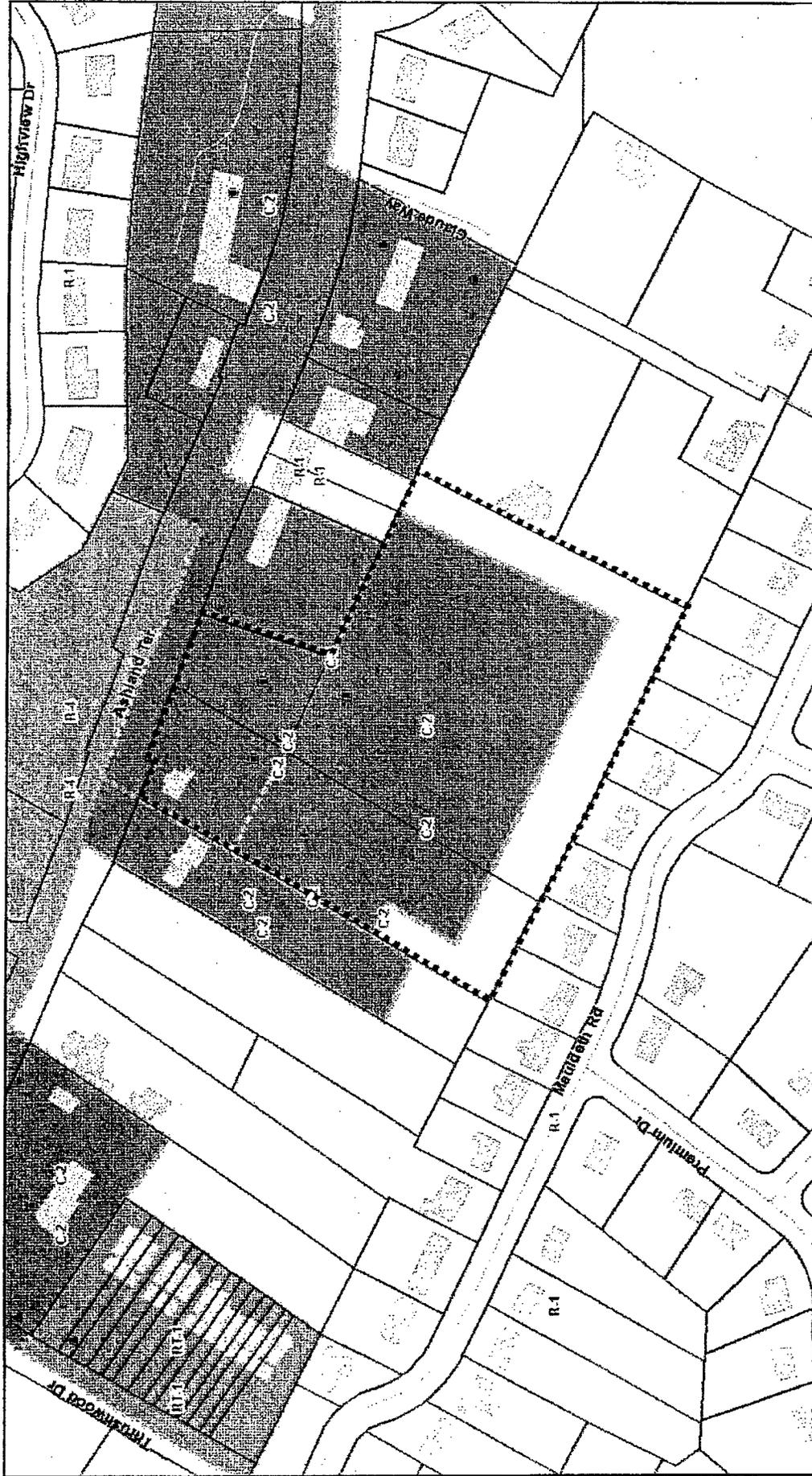
The Hixson-North River Community Plan, adopted in 2005, recommends a Medium-Business Mix for those properties immediately abutting Ashland Terrace. The plan also recommends Low-Density Residential for those parcels not abutting Ashland Terrace.

### Staff Recommendation

In order to control the scale, intensity, and impact of the commercial uses, staff is recommending to amend all of the conditions so that some additional uses are permitted within 250' of the right-of-way of Ashland Terrace and uses beyond 250' of the right-of-way are limited to office

## RPA STAFF RECOMMENDATION

	<p>and associated indoor storage, and mini-warehouses only.</p> <p>It should be noted that, if approved by the Chattanooga City Council, this new ordinance will replace and supersede all previous conditions adopted in previous ordinances for this property, making it easier for the City Zoning Enforcement division to understand and enforce.</p> <p>Amending the conditions to permit an <i>unrestricted C-2</i> Convenience Commercial Zone at this property would not be in keeping with the adjacent residential uses and the Hixson North River Community Plan.</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>



**2013-104 Lift Conditions of Ordinance 12472**



200 ft



**Chattanooga Hamilton 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 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