

First Reading: _____
Second Reading: _____

2014-002
City of Chattanooga/
Regional Planning Agency
District No. 3
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES GENERALLY LOCATED IN THE 6400 BLOCK OF FAIRVIEW ROAD AND THE 6700 BLOCK OF BIG RIDGE ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM TEMPORARY R-1 RESIDENTIAL ZONE TO ZONING PLAN FOR PERMANENT R-1 RESIDENTIAL ZONE FOR ANNEXED "AREA 4C" IN ORDINANCE NOS. 12293 AND 12597.

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 properties generally located in the 6400 block of Fairview Road and the 6700 block of Big Ridge Road, more particularly described herein:

Beginning at the present city limit boundary on Hixson Marina Road a point in the southeast corner of property now or formerly owned by Robert Daughtrey (101G-A-058); thence proceeding northwesterly a distance of 4,216 feet, more or less, along the right of way of Big Ridge Road to the northwest corner of property now or formerly owned by Robert and Cathy Messler (101-050); thence proceeding southeasterly a distance of 250 feet, more or less, to the northeast corner of property now or formerly owned by

Robert and Cathy Messler (101-050) and the Fairview Road right of way; thence proceeding northeasterly a distance of 700 feet, more or less, to the northwest corner of property now or formerly owned by Melvin and Mabel Harvey (101-052); thence proceeding southeasterly a distance of 2,662 feet, more or less, to the west corner of property now or formerly owned by Richie Rolston (101G-A-061); thence proceeding southeasterly at a distance of 650 feet, more or less, to the west corner of property now or formerly owned by Rebecca Rolston-Miller (101G-A-060); thence proceeding easterly a distance of 522 feet, more or less, to the northwest corner of property now or formerly owned by Dana and Julie Harding (101G-A-059.01); thence proceeding southeasterly a distance of 160 feet, more or less, to the northwest corner of property now or formerly owned by Kenneth & Carolyn Wilson (101G-A-059); thence proceeding southeasterly a distance of 365 feet, more or less, to the northwest corner of property now or formerly owned by Robert Daughtrey (101G-A-058); thence proceeding southeasterly a distance of 296 feet, more or less, to the point of beginning. References to parcel numbers in parenthesis above are based upon official Geographic Information System maps maintained by the Hamilton County GIS Department. All of this property lies within the Urban Growth Boundary of the City of Chattanooga as provided in the Master Interlocal Agreement between all municipalities within Hamilton County effective May 23, 2001.

Permanent zones are as follows on tax parcels listed below and as shown on the attached map for Annexation Area 4C.

To be zoned from temporary R-1 Residential Zone to an official R-1 Residential Zone: Tax map numbers 101-050, 050.01, 052, 101G-A-058, 059, 059.01, 060, and 061.

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

2014-002 City of Chattanooga
January 13, 2014

RESOLUTION

WHEREAS, City of Chattanooga/Regional Planning Agency 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 Temporary R-1 Residential Zone to Zoning Plan for Permanent R-1 Residential Zone for Annexed "Area 4C" in Ordinance #12293 and 12597, properties generally located in the 6400 Block of Fairview Road and the 6700 Block of Big Ridge Road.

Beginning at the present city limit boundary on Hixson Marina Road a point in the southeast corner of property now or formerly owned by Robert Daughtrey (101G-A-058); thence proceeding northwesterly a distance of 4,216 feet, more or less, along the right of way of Big Ridge Road to the northwest corner of property now or formerly owned by Robert and Cathy Messler (101-050); thence proceeding southeasterly a distance of 250 feet, more or less, to the northeast corner of property now or formerly owned by Robert and Cathy Messler (101-050) and the Fairview Road right of way; thence proceeding northeasterly a distance of 700 feet, more or less, to the northwest corner of property now or formerly owned by Melvin and Mabel Harvey (101-052); thence proceeding southeasterly a distance of 2,662 feet, more or less, to the west corner of property now or formerly owned by Richie Rolston (101G-A-061); thence proceeding southeasterly at a distance of 650 feet, more or less, to the west corner of property now or formerly owned by Rebecca Rolston-Miller (101G-A-060); thence proceeding easterly a distance of 522 feet, more or less, to the northwest corner of property now or formerly owned by Dana and Julie Harding (101G-A-059.01); thence proceeding southeasterly a distance of 160 feet, more or less, to the northwest corner of property now or formerly owned by Kenneth & Carolyn Wilson (101G A 059); thence proceeding southeasterly a distance of 365 feet, more or less, to the northwest corner of property now or formerly owned by Robert Daughtrey (101G-A-058); thence proceeding southeasterly a distance of 296 feet, more or less, to the point of beginning. References to parcel numbers in parenthesis above are based upon official Geographic Information System maps maintained by the Hamilton County GIS Department. All of this property lies within the Urban Growth Boundary of the City of Chattanooga as provided in the Master Interlocal Agreement between all municipalities within Hamilton County effective May 23, 2001.

Permanent zones are as follows on tax parcels listed below and as shown on the attached map for Annexation Area 4C.

To be zoned from temporary R-1 Residential Zone to an official R-1 Residential Zone: Tax map numbers 101-050, 050.01, 052, 101G-A-058, 059, 059.01, 060, and 061.

AND WHEREAS, the Planning Commission held a public hearing on this petition on January 13, 2014,

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 existing pattern of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on January 13, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved.

Respectfully submitted,



John Bridger
Secretary

Chattanooga-Hamilton County Regional Planning Agency

ZONING APPLICATION FORM

CASE NUMBER: 2014-002		Date Submitted: 12-31-2013	
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
1 Applicant Request			
Zoning	From: R-1 Temporary Zone	To: Permanent Zone	
Total Acres in request area: 38.39			
2 Property Information			
Property Address:	Generally located in the 6400 block of Fairview Rd and the 6700 block of Big Ridge Rd		
Property Tax Map Number(s):	101-050, 050.01, 052, 101G-A-058, 059, 059.01, 060 and 061		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Per City Code section 38-653 Planning Commission Zoning Plan to establish permanent zones for area annexed and identified as "Area 4C" in Ord #12293 and 12597		
4 Site Characteristics			
Current Zoning:	Temporary R-1 Residential Zone		
Current Use:	Vacant/Residential		
Adjacent Uses:	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: City of Chat./Regional Planning Agency		Address: 1250 Market St, Suite 2000	
Check one:	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am not the property owner	
City: Chattanooga	State: TN	Zip Code: 37402	Email:
Phone 1: 423-668-2287	Phone 2:	Phone 3:	Fax:
6 Property Owner Information (if not applicant)			
Name:		Phone:	
Address:			
Office Use Only:			
Planning District: 5		Neighborhood:	
Hamilton Co. Comm. District: 3	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: 38.39	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s):			
Plat Book/Page:		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs:
<input checked="" type="checkbox"/> Filing Fee: N/A	<input type="checkbox"/> Cash	<input type="checkbox"/> Check	Check Number:
Planning Commission meeting date: 01/13/2014		Application processed by: Jennifer Ware	

STAFF CASE REPORT TO PLANNING COMMISSION

Case Number:	2014-002	PC Meeting Date: 01-13-2014
STAFF RECOMMENDATION:	APPROVE	
Land Use & Transportation Comments		
Planning Staff:	<p><u>Annexation and Zoning Plan</u> This property, identified as "Area 4 C" of Ordinance Number 12293 and 12597, was annexed by the City of Chattanooga, effective December 31, 2013.</p> <p>Per Section 38-653 of the City Code, "It shall be the duty of the Planning Commission, within ninety (90) days of the effective date of annexation, to recommend a zoning plan for the newly annexed areas to the City Council. Following the receipt of the recommendation of such a zoning plan from the Planning Commission, the City Council after giving notice as required in article XIII regarding changes and amendments to the zoning ordinance, shall thereafter adopt a zoning plan as an amendment to the official zoning map for the newly annexed area."</p> <p><u>Grandfathered/Non-Conforming Status</u> Zoning controls how a piece of property can be used. Sometimes, such as part of the annexation Zoning Plan process, zoning for an area is changed leaving some properties with a zone that does not permit the use that is already on it. That use is called a "legal-non-conforming" or "grandfathered" use. Generally, the use is considered legal and may stay unless it is discovered that the use has been discontinued for 100 days or more. In such cases, the property is referred to as having lost its "grandfathered" status.</p> <p>Below is language directly out of the City Code regarding this issue:</p> <p>If such non-conforming building is removed or the non-conforming use of such building is discontinued for 100 consecutive days regardless of the intent of the owner or occupant of such building to continue or discontinue such use, every future use of such premises shall be in conformity with the provisions of the Ordinance (Chapter 38, Article VII, Section 38-541(2)).</p> <p>Property owners may contact the RPA Development Services Office at (423) 668-2287 to find out the current zoning of a property. Questions regarding zoning enforcement, including non-conforming uses, should be directed to the City of Chattanooga Land Development Office at (423) 643-5883.</p> <p><u>Zoning Conditions</u> Conditions are often added to the rezoning of property to help mitigate potential negative impacts caused by the rezoning of property. However, there are no existing conditions on the properties within</p>	

STAFF CASE REPORT TO PLANNING COMMISSION

	Annexation Area 4C.
Infrastructure & Operational Comments	
	<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> <p>Additional requirements, if needed, are indicated by department below either as comments or as conditions recommended to be attached to the final ordinance.</p>

Summary	
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Staff has reviewed the land use and zoning pattern in the newly annexed area and is recommending a permanent zone that is comparable to the property's temporary classification listed in Section 38-651 of the City Code. The temporary classifications are the zones most similar to the former unincorporated Hamilton County zoning districts. In cases where a parcel contains multiple zoning designations, staff may recommend one zone, most often reflective of the predominant temporary zone, for the entirety of the parcel.

For this area, it includes the following recommended permanent zone(s):

FORMER COUNTY DISTRICT CLASSIFICATION	TEMPORARY CITY ZONE	RECOMMENDED PERMANENT CITY ZONE
A-1 Agricultural District R-1 Single – Family Residential District	R-1 Residential Zone	R-1 Residential Zone

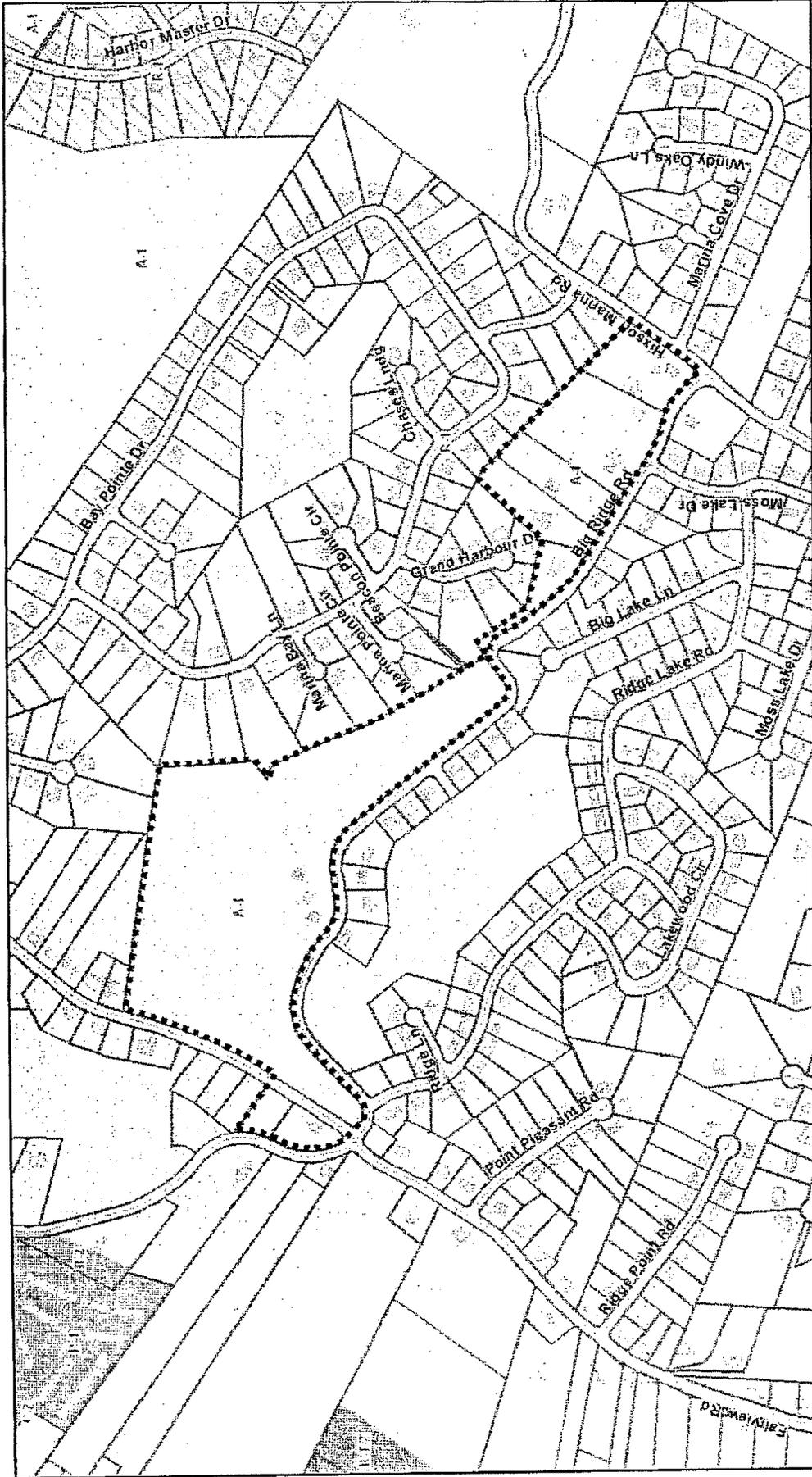


2014-002 Annexation Area 4-C from Temporary to Permanent Zones

590 ft

Chattanooga-Hamilton County
RPA
 Regional Planning Agency

Chattanooga Hamilton County Regional Planning Agency



2014-002 Annexation Area 4-C from Temporary to Permanent Zones

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2014-002: Approve.



600 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 petitions to rezone be approved:

2013-156 Yuriy Liashevskiy. 7700 block of Shallowford Road, from R-1 Residential Zone to RT-1 Residential Townhouse Zone, subject to certain conditions.

2014-002 City of Chattanooga/Regional Planning Agency. 6400 block of Fairview Road and the 6700 block of Big Ridge Road, from Temporary R-1 Residential Zone to Zoning Plan for Permanent R-1 Residential Zone for Annexed "Area 4C" in Ordinance Nos. 12293 and 12597.

2014-003 City of Chattanooga/Regional Planning Agency. 39 streets between the 6600 to 7000 blocks of Middle Valley Road and the 6500 to 7000 blocks of Hixson Pike, from Temporary R-1 Residential Zone, RT-1 Residential Townhouse Zone, R-2 Residential Zone, R-5 Residential Zone and C-2 Convenience Commercial Zone to Zoning Plan for Permanent Zones R-1 Residential Zone, RT-1 Residential Townhouse Zone, R-2 Residential Zone, R-5 Residential Zone, and C-2 Convenience Commercial Zone for Annexed "Area 4A" in Ordinance Nos. 12292 and 12596.

2014-006 Alan Haniszewski/RTB Holdings. 1814 Madison Avenue, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2014-007 Alan Haniszewski/ALC Holdings. 2000 block of Rossville Avenue, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2014-008 Scenic Land Company, LLC/Jack Lonas. 6300 block of Highway 153 and the 100 block of Dodson Road, from R-1 Residential Zone to R-3 Residential Zone, R-4 Special Zone, and C-2 Convenience Commercial Zone, subject to certain conditions.

2014-009 Andrew Stone. 2701 South Broad Street, from M-1 Manufacturing Zone to UGC Urban General Commercial Zone.

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,

February 11, 2014

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 _____, 2014.

Sandra Freeman
Clerk to the City Council