

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

2013-158  
Justin Cox/Ba Duong  
District No. 5

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 2537 AND 2541 TUNNEL BOULEVARD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO RT-1 RESIDENTIAL TOWNHOUSE ZONE.

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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 2537 and 2541 Tunnel Boulevard, more particularly described herein:

Lot 158 and Lot 159, Norwood Subdivision, Plat Book 15, Page 84, ROHC, being the properties described in Deed Book 10049, Page 341, ROHC. Tax Map Nos. 137G-C-024 and 137G-C-025.

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

2013-158 City of Chattanooga  
December 9, 2013 (Deferred)  
January 13, 2014 (Deferred)  
February 10, 2014 (Action Taken)

## RESOLUTION

WHEREAS, Justin Cox/Ba Duong 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 RT-1 Residential Townhouse Zone, properties located at 2537 & 2541 Tunnel Boulevard.

Lot 158 and Lot 159, Norwood Subdivision, Plat Book 15, Page 84, ROHC, being the properties described in Deed Book 10049, Page 341, ROHC. Tax Maps 137G-C-024 & 137G-C-025 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on December 9, 2013, at which time action was deferred until January 13, 2014, at which time action was deferred until February 10, 2014,

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

AND WHEREAS, the applicant was not present,

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 January 13, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be denied.

Respectfully submitted,



John Bridger  
Secretary

# STAFF CASE REPORT TO PLANNING COMMISSION

Case Number: 2013-158 PC Meeting Date: 02-10-2014

**STAFF RECOMMENDATION:**

**DENY**

**Land Use & Transportation  
Comments**

**Planning Staff:**

**Applicant Request Overview**

The applicant is requesting to rezone two adjoining parcels (2537 & 2541 Tunnel Boulevard) from R-1 Residential Zone to RT-1 Residential Townhouse Zone to build three townhouse units on the site.

**Site Description**

Currently the proposed development site contains two parcels. The southernmost parcel contains a fire damaged single-family structure while the northern parcel is vacant. Both parcels are sparsely wooded with a slight elevation rise going east moving away from Tunnel Boulevard.

The site is surrounded by R-1 Residential zoning. A single-family home on a large lot borders the home to the south and west and single-family homes across Tunnel Boulevard face the site. A church and another single-family home about the property to the north.

**Zoning History**

The property is currently zoned R-1 Residential. There appears to be no zoning history associated with this property.

**Plans/Policies**

Currently the site is within the Inner Suburban Development Sector of the Comprehensive Plan 2030. The plan states that a mix of housing is appropriate for this Development Sector. According to the Housing recommendations for this sector, "infill development on vacant and underutilized lots in these areas should respect the prevailing scale of existing residences" and "should help reinforce the existing residential character."

The 1998 Eastdale Plan recommends single-family residential for the site. The plan also cites concerns about dilapidated properties and vacant lots contributing to perceptions about crime and lower property values. Similar to the Comprehensive Plan 2030, the Eastdale Plan states that "new development should be carefully designed to fit in with the architectural style and scale of the surrounding neighborhood."

In 2007, RPA developed a position paper that gives general guidance on townhomes location. This paper states that townhomes are appropriate in or adjacent to commercial, high density residential or transitional areas.

## STAFF CASE REPORT TO PLANNING COMMISSION

<b>Infrastructure &amp; Operational Comments</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>
<b>Summary</b>	<p>The property just to the north of this site is approximately 60 feet wide with 9,100 square feet. The house to the south straddles two lots with a combined width of approximately 285 feet and combined acreage over seven acres. The residences fronting Tunnel Boulevard to the east are on lots greater than 10,000 square feet and have lot widths ranging from 70 feet to 130 feet. The average residential density in this area is approximately three dwelling units an acre or less, all single-family detached dwellings.</p> <p>The proposed lots range from 23 feet to 48 feet wide and approximately 300 feet deep. The proposed lot sizes are between 7,000 and 15,000 square feet. The density for the proposed 3 townhouse units is approximately 3.4 dwelling units per acre. While the proposed density is similar, the long narrow lot configurations and attached housing types are not.</p> <p>Staff recommends denying the request for rezoning due to the incompatible nature of the proposed townhouse development with the surrounding single-family neighborhood. This incompatibility issue would remain regardless if the site was townhomes or apartments due to the scale and density of the proposed development.</p>

# ZONING APPLICATION FORM

**CASE NUMBER: 2013-158** Date Submitted: 11-08-2013

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

<b>1 Applicant Request</b>		
Zoning	From: R-1	To: RT-1
Total Acres in request area: 0.86		

<b>2 Property Information</b>	
Property Address:	2537 & 2541 Tunnel Boulevard
Property Tax Map Number(s):	137G-C-024 & 025

<b>3 Proposed Development</b>	
Reason for Request and/or Proposed Use:	Town Homes

<b>4 Site Characteristics</b>	
Current Zoning:	R-1 Residential District
Current Use:	Vacant & Residential
Adjacent Uses:	Residential & Church

<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: Justin Cox	Address: 7013 Levi Road
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: 37343 Email: admin@signaturegrouppllc.us
Phone 1: 423-227-9322	Phone 2: 423-650-4846 Phone 3: Fax:

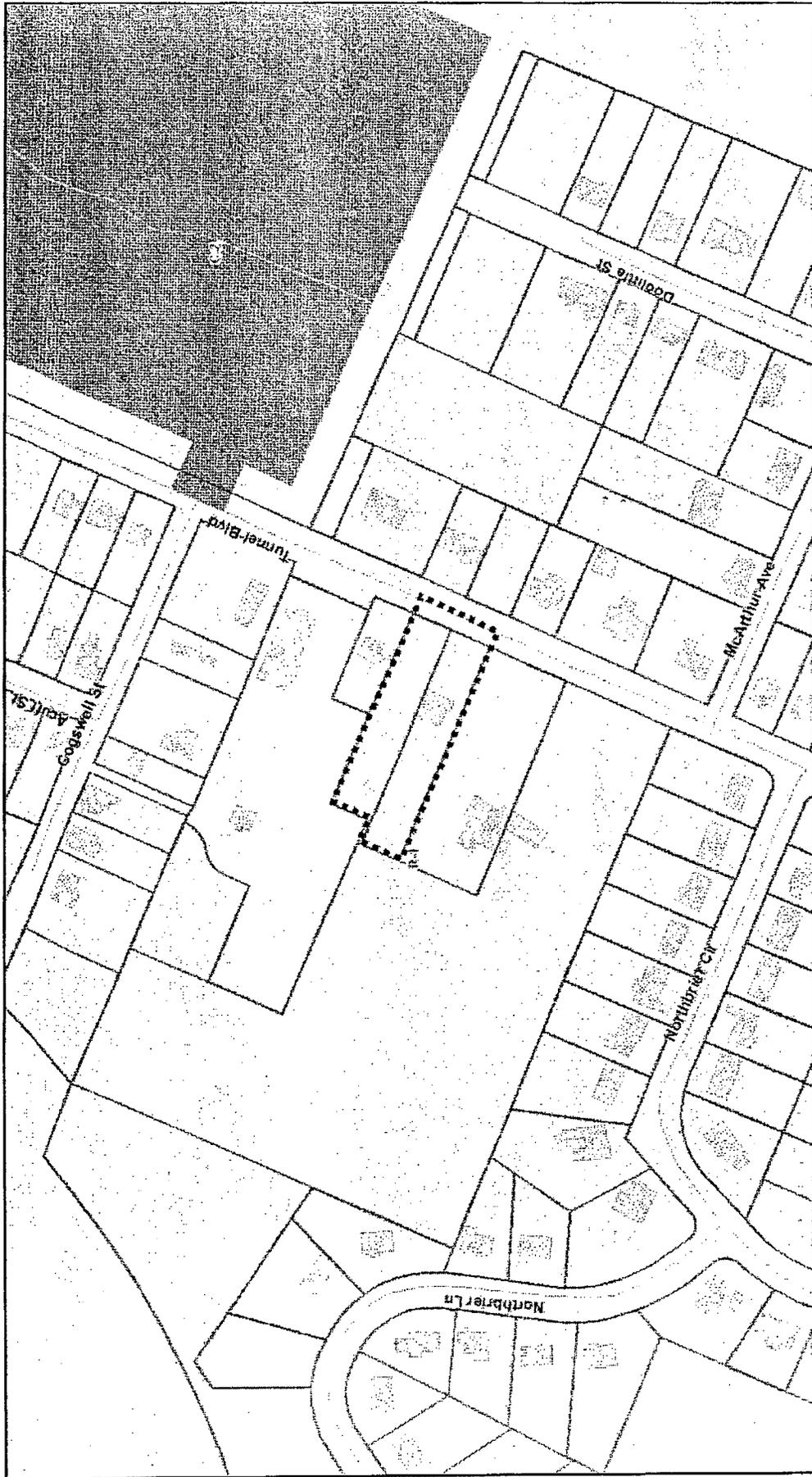
<b>6 Property Owner Information (if not applicant)</b>	
Name: Ba Duong	Phone: 423-457-9565
Address: 9408 Apison Pike #158 Ooltewah, TN 37363	

<b>Office Use Only:</b>		
Planning District: 8	Neighborhood: Eastdale, Northfield, North Bridge Community Club	
Hamilton Co. Comm. District: 5	Chatt. Council District: 5	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: 0.86	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable		
Deed Book(s): 10049-341					
Plat Book/Page: 15-84					
<input checked="" type="checkbox"/> Filing Fee: 150.00	<input checked="" type="checkbox"/> Cash	<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 1		
Planning Commission meeting date: 12-9-2013					
Application processed by: Marcial Parker					

# PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL

<b>Case Number:</b>	<b>2013-158</b>	<b>PC Meeting Date: 2-10-2014</b>
<b>PC RECOMMENDATION:</b>	<b>DENY</b>	
<b>Reason(s) for Recommendation</b>	<ul style="list-style-type: none"><li>❖ Eastdale Plan recommends Single-Family Residential</li><li>❖ 3-unit townhouse is not compatible with surrounding single-family character.</li><li>❖ Proposed lot widths (23"-48") are not consistent with surrounding lot widths (70'-200').</li></ul>	
<b>Applicant Present at PC Meeting?</b>	No	
<b>Opposition Present at PC Meeting?</b>	No	



## 2013-158 Rezoning from R-1 to RT-1

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2013-158: Deny.

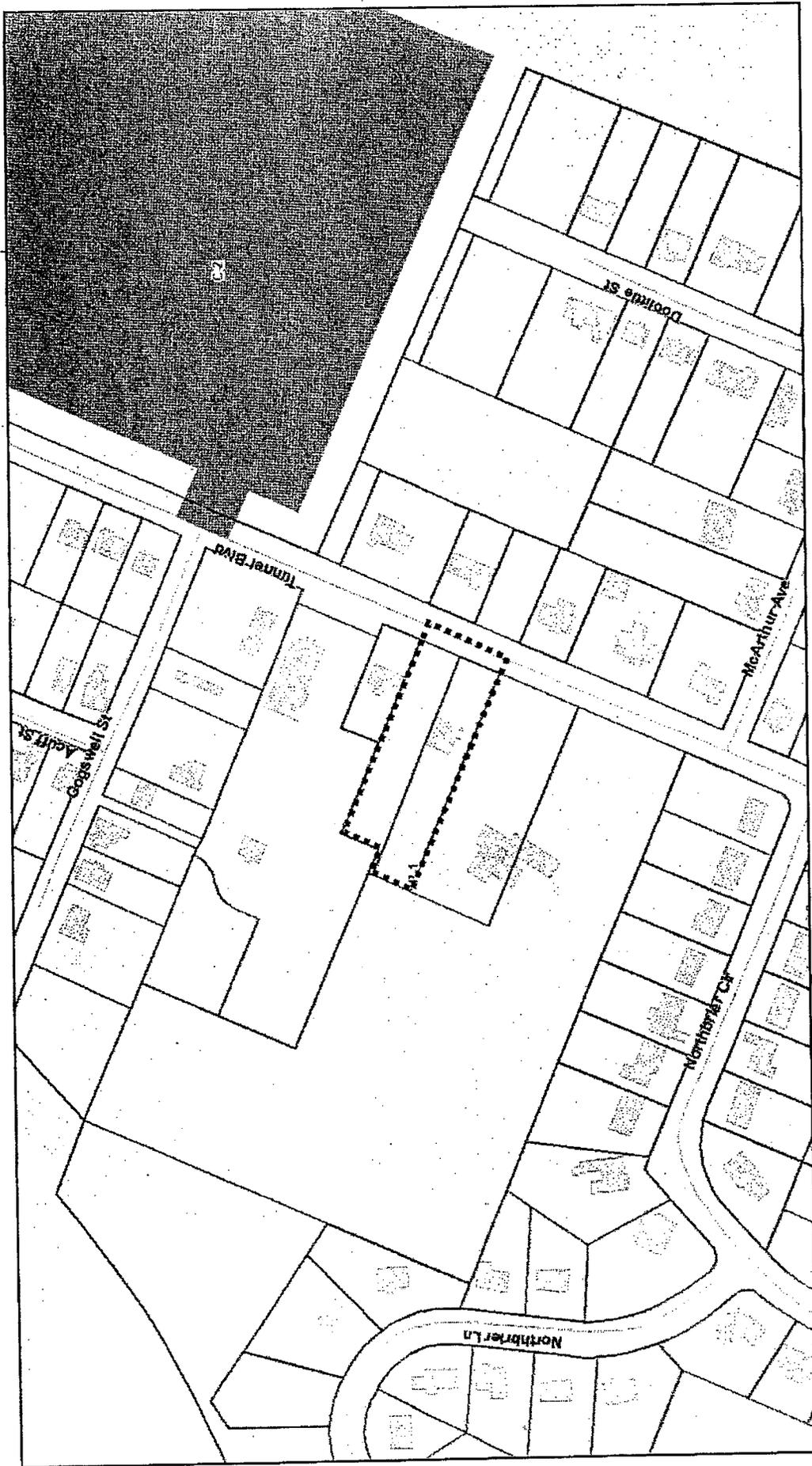


200 ft



Chattanooga Hamilton County Regional Planning Agency





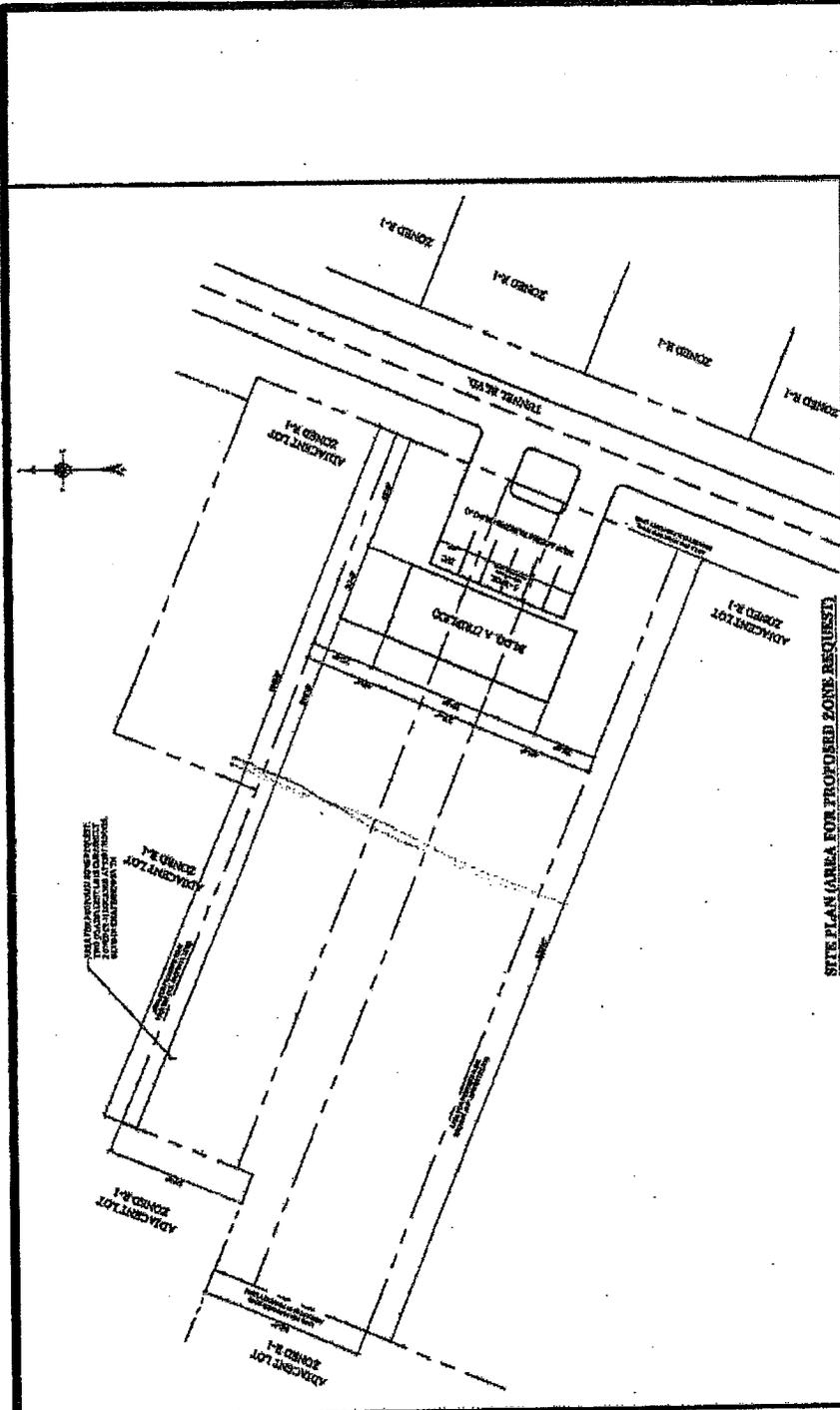
**2013-158 Rezoning from R-1 to RT-1**



195 ft



**Chattanooga Hamilton County Regional Planning Agency**



SITE PLAN AREA FOR PROPOSED ZONE REQUESTS

**PROJECT NOTES:**

PROPERTY ADDRESS: 417 TUNNEL BLVD, CHATTANOOGA, TN  
 ZONING: R-1  
 PROJECT NO: 158

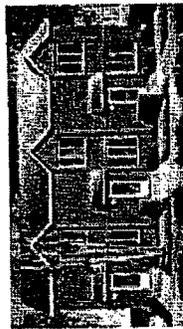
OWNER: JUSTIN COOK  
 ARCHITECT: THE SIGNATURE GROUP  
 DATE: 12-16-13

NOTE: THIS PROJECT IS SUBJECT TO THE CITY OF CHATTANOOGA'S ZONING ORDINANCES. THE PROPOSED DEVELOPMENT IS SUBJECT TO THE CITY'S ZONING ORDINANCES AND THE CITY'S SUBDIVISION MAP ACT. THE CITY ENGINEER'S OFFICE SHALL REVIEW AND APPROVE THE SUBDIVISION MAP AND THE CITY PLANNING DEPARTMENT SHALL REVIEW AND APPROVE THE ZONING REQUESTS.

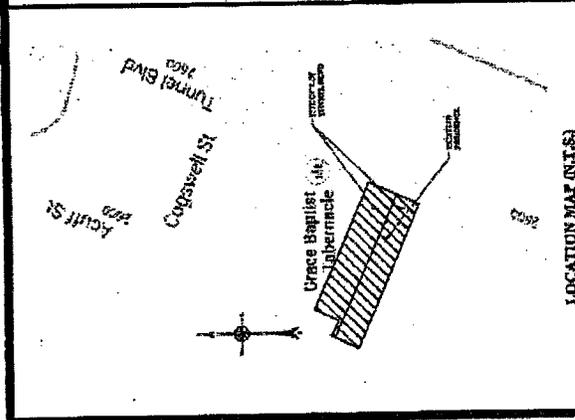
IF THE PROPOSED DEVELOPMENT IS SUBJECT TO THE CITY'S ZONING ORDINANCES, THE DEVELOPER SHALL OBTAIN THE NECESSARY ZONING PERMITS FROM THE CITY ENGINEER'S OFFICE AND THE CITY PLANNING DEPARTMENT BEFORE COMMENCING CONSTRUCTION.

**CHECKLIST NOTES:**

OWNER: JUSTIN COOK  
 ADDRESS: 417 TUNNEL BLVD, CHATTANOOGA, TN  
 PROJECT NO: 158  
 DATE: 12-16-13  
 CHECKLIST ITEMS:  
 [ ] SITE PLAN  
 [ ] SUBDIVISION MAP  
 [ ] ZONING PERMITS  
 [ ] CITY ENGINEER'S REVIEW  
 [ ] CITY PLANNING DEPARTMENT REVIEW



SKETCH OF FINISHED TRIPLEX (FRONT VIEW)



LOCATION MAP (INSET)

THE SIGNATURE GROUP JUSTIN COOK CHATTANOOGA, TN	DATE: 12-16-13	REV: 001
CUSTOMER NAME: THE SIGNATURE GROUP	DRAWING NO.: 1502-09-41-577EX	REV: 001
PROJECT DESCRIPTION: SITE PLAN FOR ZONING TRIPLEX DEVELOPMENT	DRAWN BY: JEC	APPROVED BY: JEC
SCALE: 1" = 45'-0"	DATE: 12-16-13	REV: 001

2013-158

## 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:

2014-005 Arbour Valley Development/Michael & Edward Manz, IV. 2848 Anderson Terrace, from R-1 Residential Zone to R-3 Residential Zone, subject to certain conditions.

2014-014 Ethan Wood/Matt Wood. 5906 Hancock Road, from R-1 Residential Zone to M-2 Light Industrial Zone, subject to certain conditions.

2014-015 NAI Charter Real Estate Corporation/David Graham. 2125 and 2129 West Shepherd Road, from R-2 Residential Zone to M-1 Manufacturing Zone, subject to certain conditions.

2014-017 Thomas Palmer. 329 Market Street, from M-1 Manufacturing 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:

2013-158 Justin Cox/BA Duong. 2537 and 2541 Tunnel Boulevard, from R-1 Residential Zone to RT-1 Residential Townhouse Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following conditions to be lifted be denied:

2014-013 Andre Shved. 306 and 308 Oliver Street, to lift conditions 1, 2, 3, and 4 from Ordinance No. 11657 of previous Case Number 2004-243 to allow Single Family Homes Only.

4. 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) Adding distilleries as an allowable use under Special Exceptions Permit requirements in the C-2 Convenience Commercial Zone, UGC Urban General Commercial Zone, C-3 Central Business Zone, and M-1 Manufacturing Zone;
- (b) Amending Definitions for Section 38-2 for Alcohol Distillery;
- (c) Amending Section 38-185 by adding a new subsection (1)(c) Alcohol Distillery, Small to the C-2 Convenience Commercial Zone;
- (d) Amending Section 38-205 by adding a new subsection (3) Alcohol Distillery, Small to the UGC Urban General Commercial Zone;
- (e) Amending Section 38-224 by adding a new subsection (1)(c) Alcohol Distillery, Small to the C-3 Central Business Zone; and
- (f) Amending Section 38-303 by adding a new subsection (2) Alcohol Distillery, Small and Alcohol Distillery, Large to the M-1 Manufacturing Zone and renumber the remaining uses.

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,

**March 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.

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Sandra Freeman  
Clerk to the City Council