

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

2014-025  
City of Chattanooga/RPA  
District No. 3

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 8607, 8613, AND 8619 NORTH HICKORY VALLEY ROAD AND 520 HIGHWAY 58, MORE PARTICULARLY DESCRIBED HEREIN, FROM TEMPORARY R-3 RESIDENTIAL ZONE TO PERMANENT R-3 RESIDENTIAL ZONE PER CITY CODE ARTICLE XII, SECTION 38-653, PLANNING COMMISSION ZONING PLAN TO ESTABLISH PERMANENT ZONE FOR AREA ANNEXED BY ORDINANCE NO. 12803.

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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 8607, 8613, and 8619 North Hickory Valley Road and 5210 Highway 58, more particularly described herein:

Lots 1 and 2 and part of Lot 3 of Part of Rex Ritchie Tract, Plat Book 14, Page 82, ROHC, and two unplatted tracts of land located at 5210 Highway 58 and 8619 North Hickory Valley Road, being the properties described in Deed Book 10045, Page 165, ROHC. Tax Map Nos. 120E-A-002, 003, 004, and 010.

and as shown on the map attached hereto and made a part hereof by reference, from Temporary R-3 Residential Zone to Permanent R-3 Residential Zone per City Code Article XII, Section 38-653, Planning Commission Zoning Plan to establish permanent zone for area annexed by Ordinance No. 12803.

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

/mem

2014-025 City of Chattanooga  
April 14, 2014

RESOLUTION

WHEREAS, City of Chattanooga/RPA 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-3 Residential Zone to Permanent R-3 Residential Zone per City Code Article X-11, Section 38-653, Planning Commission Zoning Plan to establish permanent zone for area annexed by Ordinance #12803, property located at 8607, 8613, and 8619 North Hickory Valley Road & 5210 Highway 58.

Lots 1 and 2 and part of Lot 3 of Part of Rex Ritchie Tract, Plat Book 14, Page 82, ROHC, and two unplatted tracts of land located at 5210 Highway 58 and 8619 North Hickory Valley Road, being the properties described in Deed Book 10045, Page 165, ROHC. Tax Maps 120E-A-002, 003, 004, and 010 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on April 14, 2014,

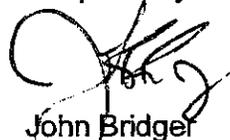
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

AND WHEREAS, no one was present in opposition to the petition,

AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on April 14, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved.

Respectfully submitted,



John Bridger  
Secretary

# ZONING APPLICATION FORM

<b>CASE NUMBER:</b>		2014-025		<b>Date Submitted:</b> 03-03-2014	
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)					
<b>1 Applicant Request</b>					
<b>Zoning</b>		From: R-3 Temporary Zone		To: R-3 Permanent Zone	
Total Acres in request area: 10 + or -					
<b>2 Property Information</b>					
<b>Property Address:</b>		8607, 8613, 8619 N. Hickory Valley Road & 5210 Hwy 58			
<b>Property Tax Map Number(s):</b>		120E-A-002, 003, 004 & 010			
<b>3 Proposed Development</b>					
<b>Reason for Request and/or Proposed Use:</b>		Per City Code Art. X11, Sec. 38-653, Planning Commission Zoning Plan To establish permanent zone for area annexed by Ordinance #12803 (See attached Annexation & Plan of Services Ordinance)			
<b>4 Site Characteristics</b>					
<b>Current Zoning:</b>		R-3 Temporary Zone			
<b>Current Use:</b>		Residential & Vacant			
<b>Adjacent Uses:</b>		R-3 & C-2			
<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.					
<b>Name:</b> City of Chattanooga-RPA			<b>Address:</b> 1250 Market Street Suite 2000		
<b>Check one:</b>		<input type="checkbox"/> I am the property owner		<input checked="" type="checkbox"/> I am not the property owner	
<b>City:</b> Chattanooga		<b>State:</b> TN		<b>Zip Code:</b> 37402	
<b>Phone 1:</b> 423-757-5216		<b>Phone 2:</b>		<b>Phone 3:</b>	
				<b>Fax:</b>	
<b>6 Property Owner Information (if not applicant)</b>					
<b>Name:</b> N/A			<b>Phone:</b>		
<b>Address:</b>					
<b>Office Use Only:</b>					
<b>Planning District:</b> 6			<b>Neighborhood:</b> None		
<b>Hamilton Co. Comm. District:</b> 9		<b>Chatt. Council District:</b> 3		<b>Other Municipality:</b>	
<b>Staff Rec:</b>		<b>PC Action/Date:</b>		<b>Legislative Action/Date/Ordinance:</b>	
<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 type="checkbox"/> Site Plan, if required		<input type="checkbox"/> Total Acres to be considered: 10 +		<input type="checkbox"/> Deeds	
<input type="checkbox"/> Plats, if applicable					
<b>Deed Book(s):</b> 10045-165					
<b>Plat Book/Page:</b> 14-82			<b>Notice Signs</b>		<b>Number of Notice Signs:</b> 0
<b>Filing Fee:</b> N/C		<b>Cash</b>		<b>Check:</b>	
				<b>Check Number:</b>	
<b>Planning Commission meeting date:</b> April 14, 2014			<b>Application processed by:</b> Marcia Parker		

## PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL

<b>Case Number:</b>	<b>2014-025</b>	<b>PC Meeting Date: 4-14-2014</b>
<b>PC RECOMMENDATION:</b>	<b>APPROVE</b>	
<b>Reason(s) for Recommendation</b>	<ul style="list-style-type: none"><li>❖ The City of Chattanooga portion of the site was rezoned to R3 Residential and the Hamilton County unincorporated portion was rezoned to R3 Apartment-Townhouse District in 2013 upon property owner's request.</li><li>❖ The Hamilton County unincorporated portion of the site was annexed in February 2014 upon property owner's request.</li><li>❖ The Permanent R3 Residential Zone is appropriate for this site.</li></ul>	
<b>Applicant Present at PC Meeting?</b>	Yes	
<b>Opposition Present at PC Meeting?</b>	No	

# STAFF CASE REPORT TO PLANNING COMMISSION

**Case Number:** 2014-025 **PC Meeting Date:** 04-14-2014

**STAFF RECOMMENDATION:** PERMANENT R-3 RESIDENTIAL ZONE

**Land Use & Transportation Comments**

**Planning Staff:**

**Background**  
 Properties located at 8607, 8613, 8619 North Hickory Valley Road and 5210 Highway 58 were annexed by the City of Chattanooga on February 18, 2014 per Ordinance 12803. At that time, the zoning on the property was classified as Temporary R-3 Residential Zone.

Per City Code Chapter 38, Article X11, Section 38-653, "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."

**Site Description**  
 The site topography is flat, there are no known floodplains or other environmentally sensitive areas associated with the site. The property is located at the intersection of N. Hickory Valley Road, and urban minor arterial, and Highway 58, an urban principal arterial according to the functional classification system. There are three vacant structures on the site. Adjacent uses include C-2 Commercial to the south, R-2A Rural Residential District to the north and west, R-3 Apartment-Townhouse District to the east.

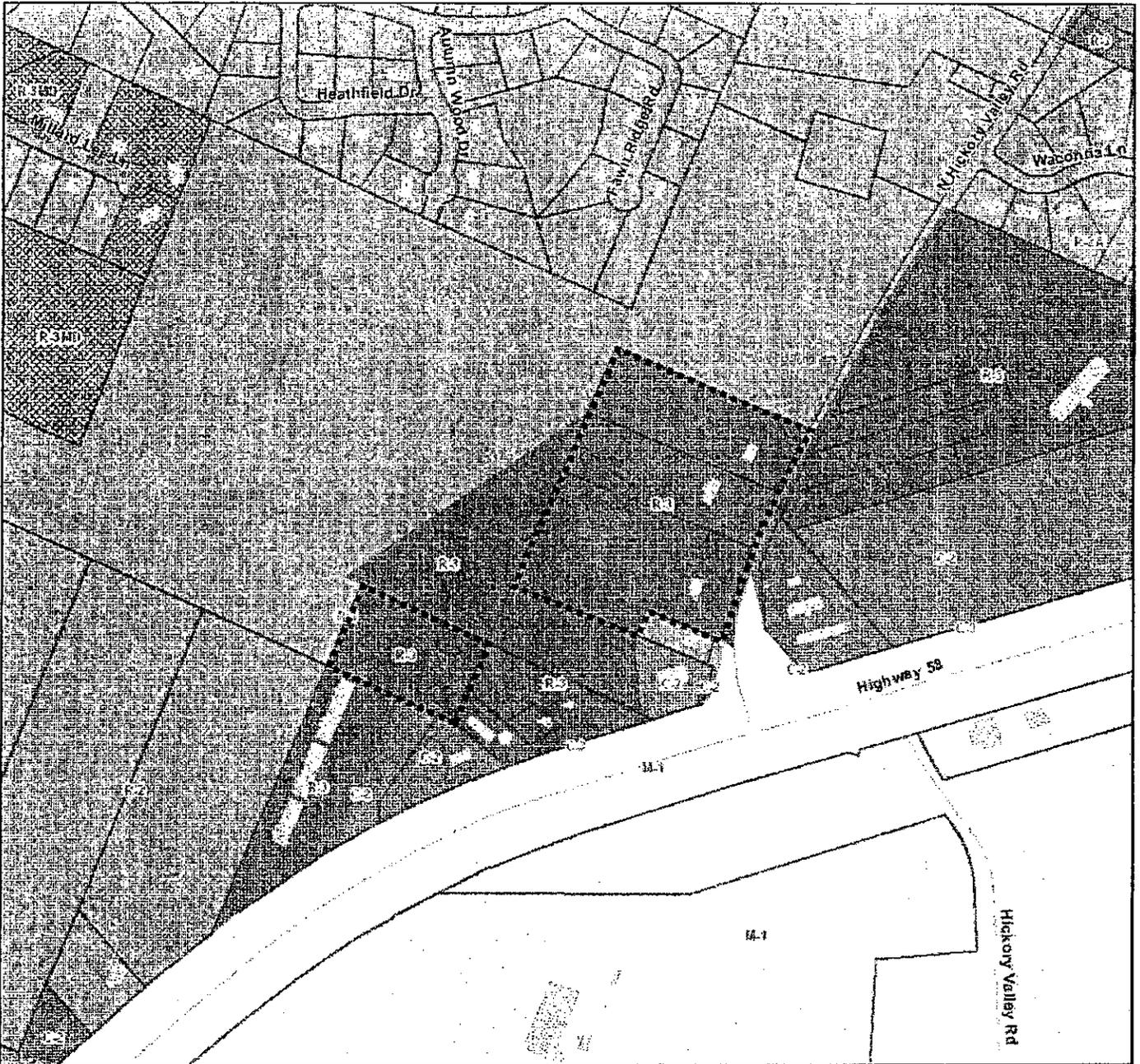
**Zoning History**  
 In June 2013 Arlington Properties requested to rezone these four parcels, totaling approximately 10 acres, from C-2 Commercial Zone to R-3 Residential Zone in order to consolidate properties for the construction of a 264 unit apartment complex. Several buildings on the site plan were split between two jurisdictions. The applicant requested voluntary annexation into the City of Chattanooga to rectify the situation.

**Plans/Policies**  
 Although there are no specific references to this site, the Hamilton County Comprehensive Plan 2030 provides general guidance on appropriate future development types, land use patterns, and physical form by Development Sectors. The plan identifies this site as part of the Outer Suburban Growth Sector typically characterized by a very distinct separation of land uses, larger residential lots, and a lack of a grid street network and recommends higher-density residential adjacent to a commercial centers.

The plan recommends several development models appropriate for the area, but the model most closely representing this site based on the existing adjacent and surrounding uses is the Suburban Development.

## 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>At the property owner's request, the rezoning of these properties to R-3 Residential and R-3 Apartment-Townhouse District was approved by City Council in July 2013. After annexing all of the properties into the City of Chattanooga, also at the property owner's request, the zoning became a temporary R-3 Residential Zone. Because there was a thorough review and a thorough decision making process within the past year for these properties, it is reasonable to maintain the R-3 Residential zoning for the entire site.</p>



## 2014-025 Rezoning from Temporary to Permanent Zone

PLANNING COMMISSION RECOMMENDATION OF CASE NO. 2014-025: Approve

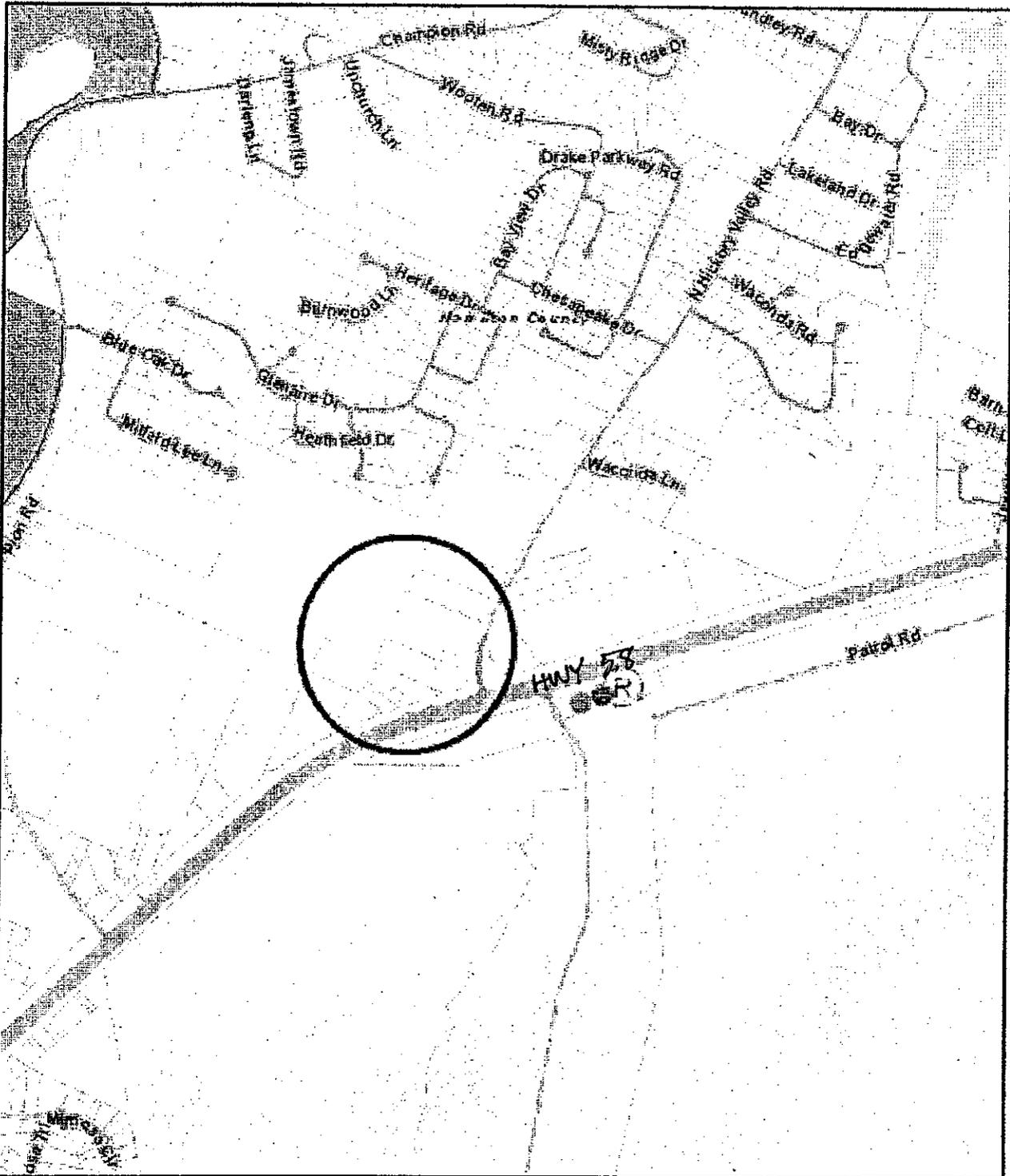


400 ft



**Chattanooga Hamilton County Regional Planning Agency**





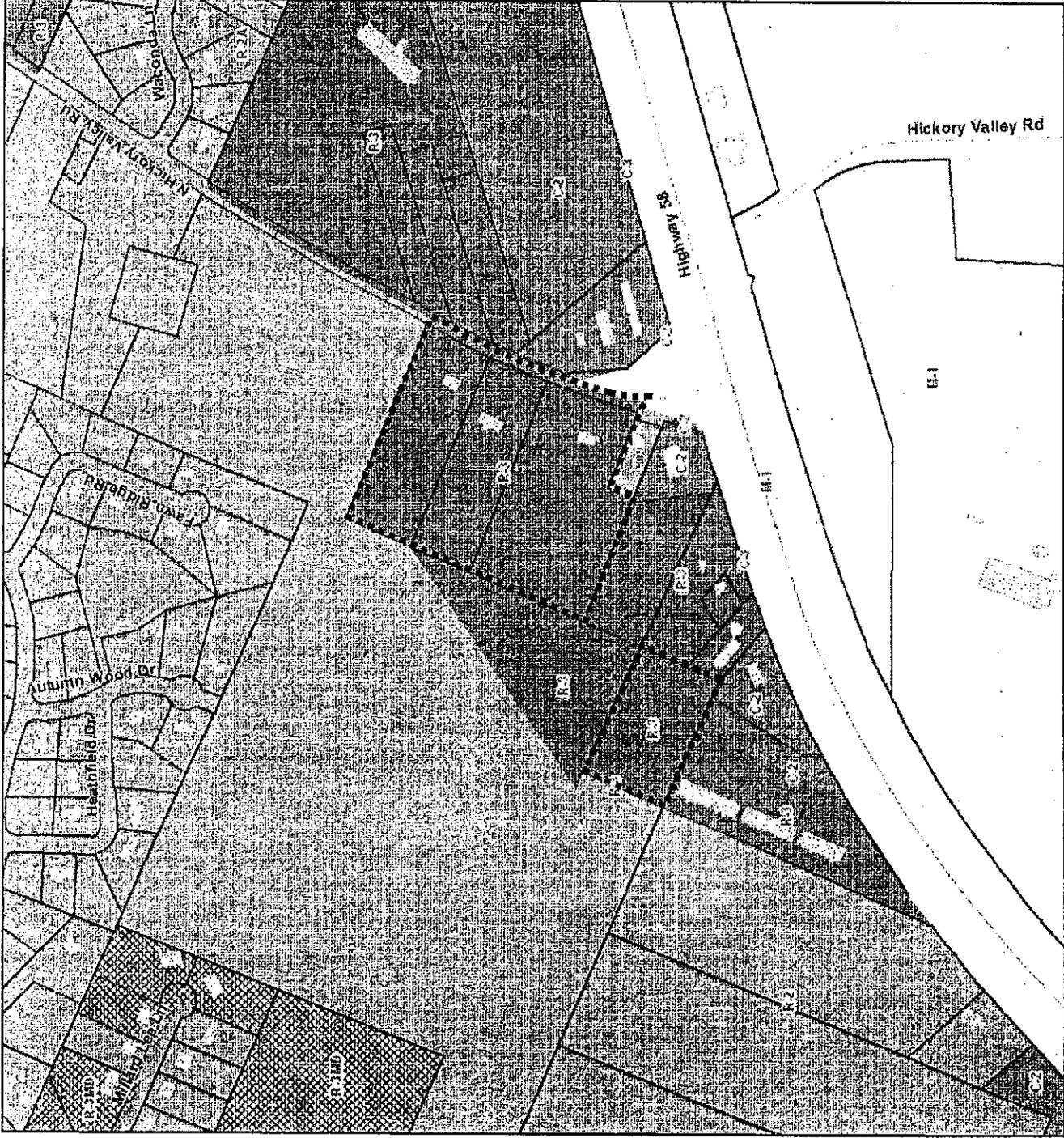
# 8600 Block N. Hickory Valley Rd

Printed: Mar 13, 2014

Chattanooga 3 / Hamilton County 9

Disclaimer: This map is to be used for reference only, and no other use or reliance on the same is authorized. Parcel lines are shown for reference only and are not intended for conveyances, nor is it intended to substitute for a legal survey or property abstract.

HCCGIS



# 2014-025 Rezoning from Temporary to Permanent Zone



400 FT



Chattanooga Hamilton County Regional Planning Agency

## NOTICE

WHEREAS, petition to amend Ordinance No. 6958, known as the Zoning Ordinance, has 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:

2014-023 Elemi Architecture, LLC/Matt Winget/Paul Teruya/ALC Holdings, LLC. 1690 Silvels Lane, 109 Old Mountain Road, and 1605 W. 39<sup>th</sup> Street, from R-1 Residential Zone, R-2 Residential Zone, and C-2 Convenience Commercial Zone to UGC Urban General Commercial Zone, as amended per site plan.

2014-025 City of Chattanooga/RPA. 8607, 8613, and 8619 North Hickory Valley Road and 5210 Highway 58, from Temporary R-3 Residential Zone to Permanent R-3 Residential Zone per City Code Article X-11, Section 38-653, Planning Commission Zoning Plan to establish permanent zone for area annexed by Ordinance No. 12803.

2014-026 Dan Dykstra. 332 Sylvan Street, from R-2 Residential Zone to R-3 Residential Zone, as a single family, short term vacation rental only.

2014-029 Passpointe Engineering/Jan Pass/Woodland Park Baptist Church. 6700 block of Standifer Gap Road, from R-1 Residential Zone and R-2 Residential Zone to R-4 Special Zone, subject to certain conditions.

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

2014-028 The Southern Land Company/Obar Investments. 3886 Cummings Road, for a Residential Planned Unit Development, subject to certain conditions.

2014-030 Passpointe Engineering/Jan Pass/Woodland Park Baptist Church. 6700 block of Standifer Gap Road, for an Institutional Planned Unit Development.

2014-031 Lee Hodges/Housing Trust Group/ERB, LLC. 1351 Reserve Way and 7650 East Brainerd Road, for a Residential Planned Unit Development, subject to certain conditions.

4. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following amendment be made to the Chattanooga City Code, Part II, Chapter 38-2, known as the Chattanooga Zoning Ordinance by:

- (a) Deleting the definition of “Building, Height of” in its entirety and substitute in lieu thereof;
- (b) Adding the definition “Grade Plane”.

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,

**May 13, 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