

First Reading: 6/10/14
Second Reading: _____

2014-042
John Anderson/Joe Franklin
Edgar Scott/Cornerstone Community Bank
District No. 8

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1300 AND 1450 EAST THIRD STREET AND AT 340 NORTH HOLTZCLAW AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.

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 located at 1300 and 1450 East Third Street and at 340 North Holtzclaw Avenue, from R-4 Special Zone to C-2 Convenience Commercial Zone, more particularly described herein:

Lots 150-1 and 150-5 of the Orchard Knob Urban Renewal Project, Plat Book 38, Page 189, ROHC, and Lot 150-4 of Chattanooga Housing Authority Orchard Knob Urban Renewal Project, Plat Book 36-216, being the properties described in Deed Book 2909, Page 417, ROHC, Deed Book 10137, Page 827, ROHC and Deed Book 9444, Page 654, ROHC. Tax Map Nos. 146G-D-001, 001.01, and 146G-E-001.

and as shown on the maps attached hereto and made a part hereof by reference, from R-4 Special Zone to C-2 Convenience Commercial 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

/mem

RESOLUTION

WHEREAS, John Anderson/Joe Franklin, Edgar Scott/Cornerstone Community Bank 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-4 Special Zone to C-2 Convenience Commercial Zone, properties located at 1300 & 1450 East Third Street and at 340 North Holtzclaw Avenue.

Lots 150-1 and 150-5 of the Orchard Knob Urban Renewal Project, Plat Book 38, Page 189, ROHC, and Lot 150-4 of Chattanooga Housing Authority Orchard Knob Urban Renewal Project, Plat Book 36-216, being the properties described in Deed Book 2909, Page 417, ROHC, Deed Book 10137, Page 827, ROHC and Deed Book 9444, Page 654, ROHC. Tax Maps 146G-D-001, 001.01, and 146G-E-001 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on May 12, 2014,

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

AND WHEREAS, there was opposition present 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 May 12, 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

CASE NUMBER:	2014-042	Date Submitted: 04-10-2014
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(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)

1 Applicant Request

Zoning	From: R-4	To: C-2
Total Acres in request area: 1.58		

2 Property Information

Property Address:	1300 E. Third Street, 1450 E. Third Street & 340 N. Holtzclaw Avenue
Property Tax Map Number(s):	146G-D-001, 001.01 & 146G-E- 001

3 Proposed Development

Reason for Request and/or Proposed Use:	Allow construction of an Convenience Store with fuel sales
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4 Site Characteristics

Current Zoning:	R-4
Current Use:	Vacant land & vacant Office buildings
Adjacent Uses:	Office, Residential, Commercial, Zoo

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: John Anderson	Address: 633 Chestnut Street, Suite 900 Republic Center
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: 37450 Email: janderson@gkhpc.com
Phone 1: 423-756-8400	Phone 2: Phone 3: Fax: 423-756-0643

6 Property Owner Information (if not applicant)

Name: Joe Franklin, Edgar Scott, Cornerstone Community Bank	Phone: See Attached
Address:	

Office Use Only:

<input type="checkbox"/> Planning District 1B <input type="checkbox"/> Planning District 2 <input type="checkbox"/> Planning District 3 <input type="checkbox"/> Other Municipality:	<input type="checkbox"/> Neighborhood Bushrow & Greward Knobs Neighborhoods <input type="checkbox"/> District Council District 3 <input type="checkbox"/> Legislative Act/Ordinance
Staff:	PC Action/Date:
Checklist:	Legislative Action/Date/Ordinance:
<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: 1.58	<input checked="" type="checkbox"/> Deed
<input checked="" type="checkbox"/> Plat (if applicable)	<input checked="" type="checkbox"/> Plat
Deed Books: 290-217, 311-7, 827, 917, 654	<input checked="" type="checkbox"/> Notice Signs: 2
Plat Book: 3818, 36, 216	<input checked="" type="checkbox"/> Number of Notice Signs: 2
<input checked="" type="checkbox"/> Filing Fee: \$25.00	<input checked="" type="checkbox"/> Cash
<input checked="" type="checkbox"/> Check	<input checked="" type="checkbox"/> Check Number: 102367
Planning Commission meeting date: 5-12-2014	Application processed by: Margo Parker

PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL

Case Number:	2014-042	PC Meeting Date: 5-12-2014
PC RECOMMENDATION:	APPROVE	
Reason(s) for Recommendation	<ul style="list-style-type: none">❖ Proposed use is appropriate for this site.❖ Note: Planning Commission encouraged applicant to have verification of neighborhood support at the City Council meeting.	
Applicant Present at PC Meeting?	Yes	
Opposition Present at PC Meeting?	No	

STAFF CASE REPORT TO PLANNING COMMISSION

Case Number: 2014-042 **PC Meeting Date:** 05-12-14

STAFF RECOMMENDATION: DENY

Land Use & Transportation Comments

Planning Staff:

Applicant Request Overview

This is a request to rezone 1300 East 3rd Street and 340 North Holtzclaw Avenue from R-4 Special Zone to C-2 Convenience Commercial Zone to construct a convenience store with fuel sales.

The proposal includes a 3,936 square foot convenience store and 18 fuel pumps under a 6,636 square foot car island canopy. The site plan depicts 24 parking spaces and access from Holtzclaw Avenue and East 3rd Street.

Site Description

The 1.58 acre site currently contains vacant office buildings. The proposed site is at the southeast corner of the intersection of East 3rd Street and Holtzclaw Avenue. The other three corners of this intersection are zoned C-2 Convenience Commercial Zone with the land uses developed as the Chattanooga Zoo, a gas station, and a medical office. The southern side of East 3rd Street generally contains offices, social service organizations and religious facilities.

Zoning History

There has been no rezoning activity at this site since the early 1980s.

Plans/Policies

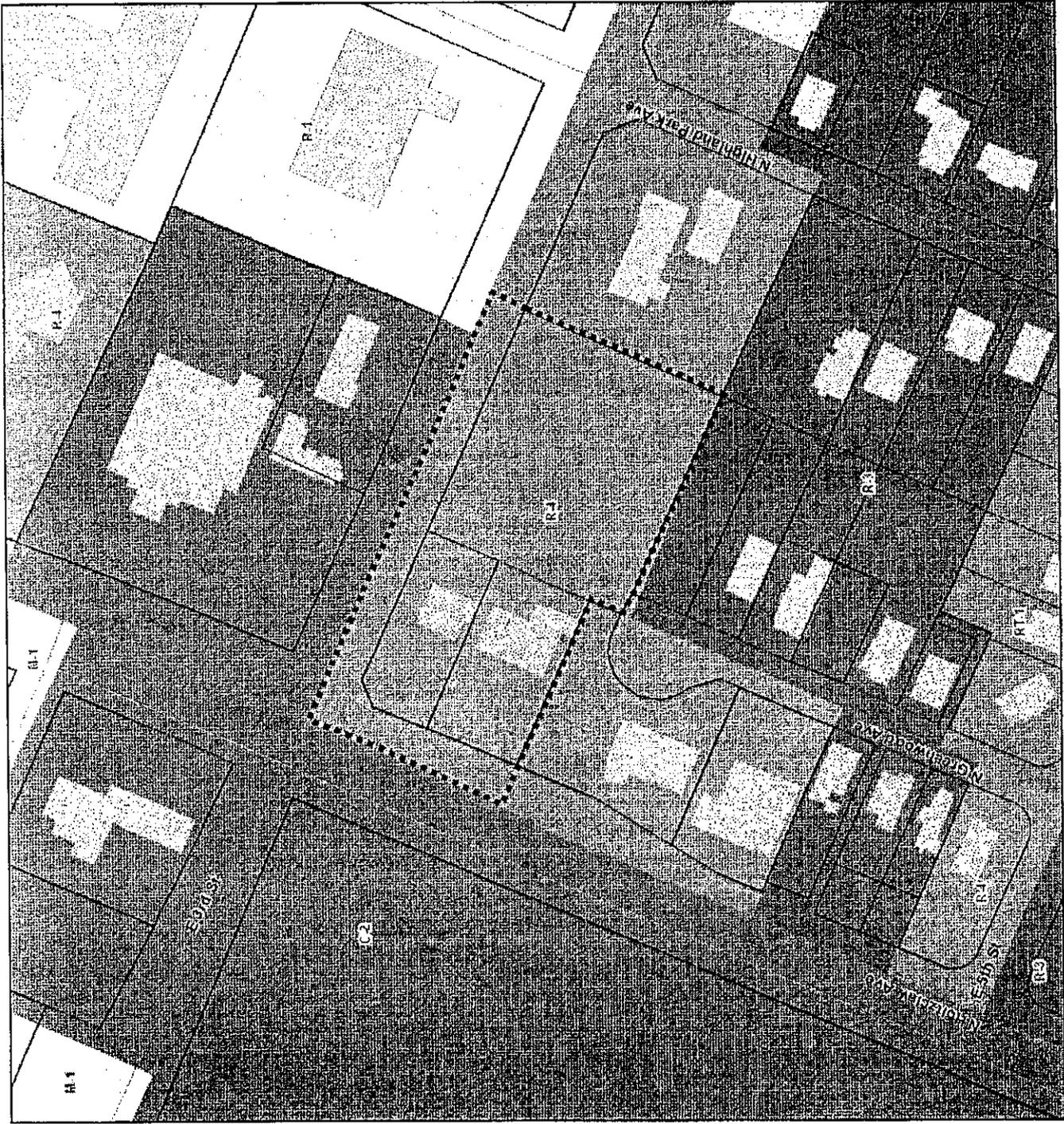
The Bushtown Area Neighborhood Plan, adopted in 2000, provides a recommended land use for this site. The neighborhood plan notes that the site's current zoning of R-4 Special Zone permits community-oriented uses such as churches, social agencies, medical offices, and nursing homes. The plan's zoning section notes that the concentration of parcels zoned R-4 Special Zone primarily located at the intersection of East 3rd Street and Holtzclaw Avenue is an "opportunity to create a community-based center for the residential neighborhood and can serve as a threshold into the Bushtown neighborhood from the commercial and light industrial uses".

The plan further states that "these parcels can be developed under the existing zoning ordinance as a retail and employment provider base for the community, thus protecting the residential area from commercial encroachment." The Plan recommends a modified Convenience Commercial Zone that is similar to the current R-4 Special Zone for this property with additional small-scale retail uses. The modified Convenience Commercial Zone is defined as permitting by-right uses such as bakeries, restaurants, banks, healthcare and beauty shops, indoor amusement establishments, office buildings, social agencies, laundries, nurseries, schools, churches and dwellings.

Infrastructure &

STAFF CASE REPORT TO PLANNING COMMISSION

<p>Operational Comments</p>	<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>
<p>Transportation Department Staff:</p>	<p>The Transportation Department recommends development in this area that follows historic urban design patterns by activating the street with building frontages and hiding parking and loading areas behind buildings. This particular site is adjacent to the existing rail line that the City is studying and anticipating to be utilized for passenger light rail service, with the surrounding area being proposed for Transit Oriented Development (TOD). The TOD will consist of mixed-use development to provide active retail and higher density residential units in a pedestrian friendly environment to serve as a node for the light rail station and as a neighborhood center for the surrounding existing residential areas. The proposed gas station is designed for a suburban format and does not fit the existing context or proposed plans for the area.</p>
<p>Summary</p>	<p>The adopted Bushtown Community Plan recommends for commercial zones, specific land uses comparable to the current R-4 Special Zone with some additional small-scale C-5 neighborhood commercial uses to achieve the Plan's vision of promoting pedestrian-friendly development that enhances the urban residential character of the area. This zoning is intended to encourage more community-centered uses and to protect the residential area from commercial encroachment from the west. While the proposal provides convenience shopping opportunities for the neighborhood, the proposed gas station use and site design featuring a large canopy with 18 pumps fronting the street does not align with the plan's vision of mixed-use, pedestrian friendly development.</p> <p>In addition, the properties fronting on the southern side of this block of East 3rd Street mainly contain social service facilities, offices, and religious facilities. This rezoning would introduce a high-intensity commercial land use that is inconsistent with the remainder of the southern side of East 3rd Street.</p> <p>Staff is recommending denial of this request because a convenience store with fuel sales is an inconsistent land use with the rest of the southern side of the East 3rd Street block, is not an extension of an existing zone on the southeastern side of this intersection, and is not supported by the adopted neighborhood plan. However, staff acknowledges the potential for future redevelopment of this important gateway corner perhaps as the mixed-use development as described above by the Transportation Department.</p>



2014-042 Rezoning from R-4 to C-2



125 ft



2014-042 Rezoning from R-4 to C-2



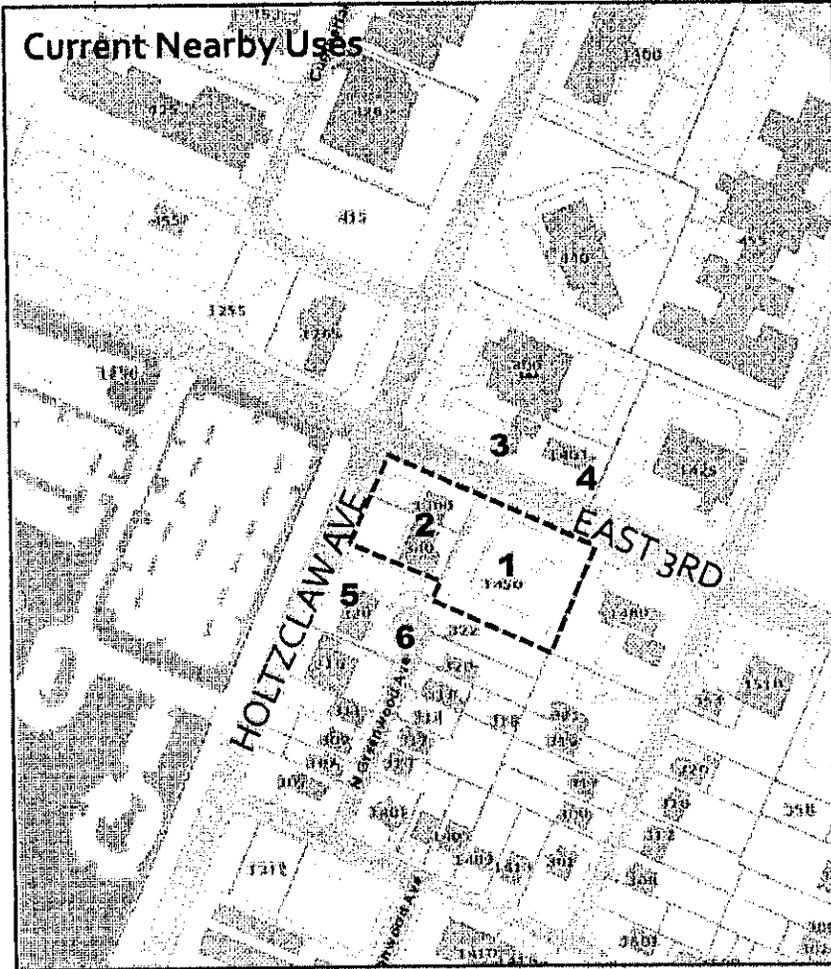
125 ft



Chattanooga Hamilton County Regional Planning Agency



Current Nearby Uses



East 3rd St / Holtzclaw Ave

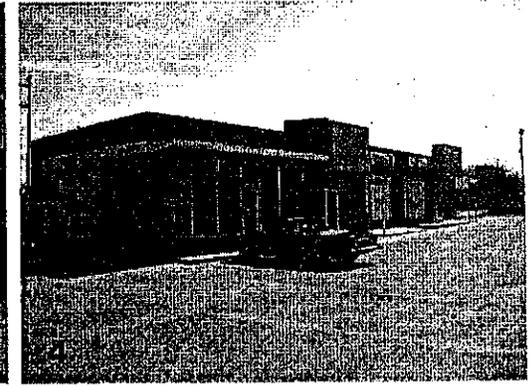
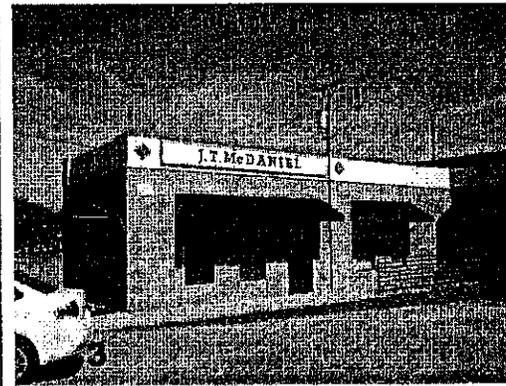
Chattanooga 8 / Hamilton County 4

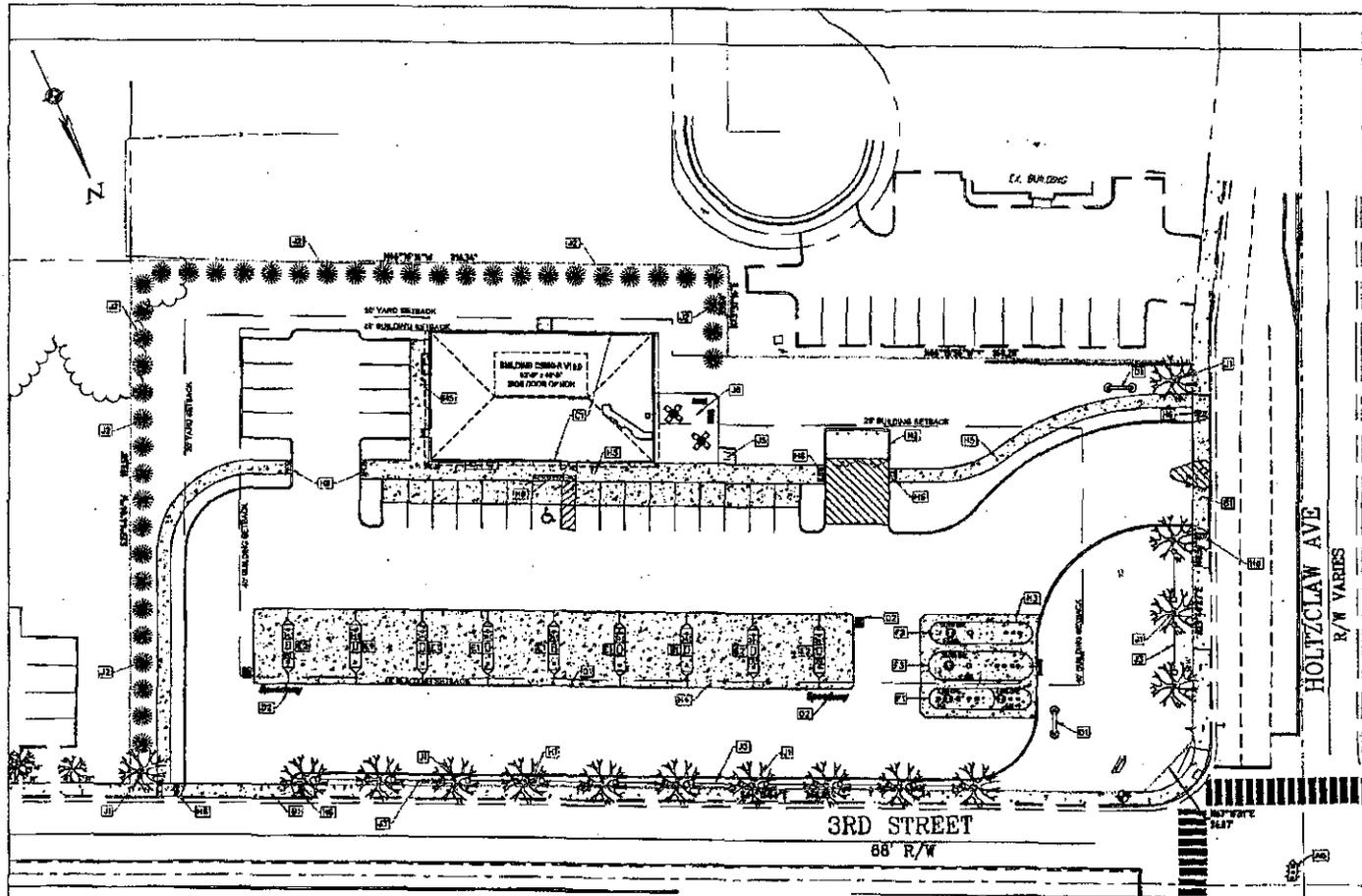
Dated: Apr 22, 2014



Chattanooga Area Chamber of Commerce. All rights reserved. This map is for informational purposes only. It is not intended to be used as a legal document. The information is provided as a service to the public and is not intended to be used as a legal document. The information is provided as a service to the public and is not intended to be used as a legal document.

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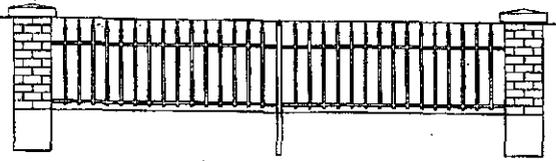
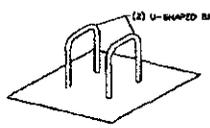
- A. EXISTING UTILITIES**
1. EXISTING UTILITIES TO BE MAINTAINED, REPAIRED, CHANGED, OR REMOVED AS NECESSARY.
 2. THE UTILITIES SHALL BE MAINTAINED OR REPAIRED TO MEET THE REQUIREMENTS OF THE CITY OF CHATTANOOGA.
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OWNERS: JOE DAVID FRANKLIN & TIMOTHY LEE FRANKLIN
 3350 REFLECTING DRIVE
 CHATTANOOGA, TENNESSEE 37415-8643
 PHONE: (423) 385-1417
 REFERENCE PARCEL #14482001

OWNER: DR. EDGAR L. SCOTT, JR.
 P.O. BOX 3855
 1300 E. THIRD STREET
 CHATTANOOGA, TENNESSEE 37404-3432
 PHONE: (423) 520-4251
 REFERENCE PARCEL #14482001

OWNER: COMMERCEBANK COMMUNITY BANK
 809 LEE HIGHWAY, SUITE B
 CHATTANOOGA, TENNESSEE 37421-2404
 PHONE: (423) 385-3000
 REFERENCE PARCEL #14482001.01

CONTACT PERSON: JOHN R. ANDERSON
 BRANT, KONVALINKA & HARRISON, P.C.
 SUITE 800 REPUBLIC CENTRE
 633 CHESTNUT STREET
 CHATTANOOGA, TENNESSEE 37450-0600
 PHONE: (423) 786-4400
 EMAIL: jander800@khhpc.com



RECEIVED

APR 9 2014

Chattanooga Hamilton County
 Regional Planning Agency
 Development Services

2014-092

cesr
 CONSULTING ENGINEERS SURVEYORS
 1111 MARKET STREET
 CHATTANOOGA, TN 37402
 (423) 263-1111

Speedway
 A Division of
 CUMMINS
 CHATTANOOGA, TN 37402
 (423) 263-1111

NO.	DESCRIPTION	DATE
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PLOT PLAN
NEW BUILD
 810 S. MARKET STREET
 CHATTANOOGA, TN 37402

100444
 137839

100444-P1A

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 petition to rezone be approved:

2014-042 John Anderson/Joe Franklin, Edgar Scott/Cornerstone Community Bank. 1300 and 1450 East Third Street and at 340 North Holtzclaw Avenue, from R-4 Special Zone to C-2 Convenience Commercial Zone.

2. 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,

June 10, 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