

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

2014-054  
Hixson Investors, LLC/  
Wells Fargo Bank and  
Raymond L. Hassler  
District No. 3  
Planning Version

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 6308, 6338, 6348, AND 6352 GRUBB ROAD AND 5851 HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO R-4 SPECIAL ZONE, 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, be and the same hereby is amended so as to rezone property located at 6308, 6338, 6348, and 6352 Grubb Road and 5851 Highway 153, more particularly described herein:

Lots 1 (Part), 2, 3 and 4 of the Whitaker Woods Subdivision, Plat Book 57, Page 86, ROHC, and part of Lot 5 of the Jesse Evans Tract, Deed Book 806, Page 302, ROHC, being the properties described in Deed Book 9603, Page 602, Deed Book 6347, Page 440, and Deed Book 10115, Page 167, ROHC. Tax Maps Nos. 091P-A-003 (Part), 005.01 (Part), 005.02, 005.03, and 006.

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

SECTION 2. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That this rezoning shall be subject to maintaining a fifty (50) foot wide existing vegetation buffer/screen along Grubb Road.

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

/mem

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

2014-054  
Hixson Investors, LLC/  
Wells Fargo Bank and  
Raymond L. Hassler  
District No. 3  
Applicant Version

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 6308, 6338, 6348, AND 6352 GRUBB ROAD AND 5851 HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO R-4 SPECIAL 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 property located at 6308, 6338, 6348, and 6352 Grubb Road and 5851 Highway 153, more particularly described herein:

Lots 1 (Part), 2, 3 and 4 of the Whitaker Woods Subdivision, Plat Book 57, Page 86, ROHC, and part of Lot 5 of the Jesse Evans Tract, Deed Book 806, Page 302, ROHC, being the properties described in Deed Book 9603, Page 602, Deed Book 6347, Page 440, and Deed Book 10115, Page 167, ROHC. Tax Maps Nos. 091P-A-003 (Part), 005.01 (Part), 005.02, 005.03, and 006.

and as shown on the maps attached hereto and made a part hereof by reference, from C-2 Convenience Commercial Zone to R-4 Special 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, Hixson Investors, LLC/Wells Fargo Bank & Raymond L. Hassler 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 C-2 Convenience Commercial Zone to R-4 Special Zone, properties located at 6308, 6338, 6348, 6352 Grubb Road and 5851 Hwy 153.

Lots 1 (Part), 2, 3 and 4 of the Whitaker Woods Subdivision, Plat Book 57, Page 86, ROHC, and part of Lot 5 of the Jesse Evans Tract, Deed Book 806, Page 302, ROHC, being the properties described in Deed Book 9603, Page 602, Deed Book 6347, Page 440, and Deed Book 10115, Page 167, ROHC. Tax Maps #091P-A-003 (Part), 005.01 (Part), 005.02, 005.03, and 006.

AND WHEREAS, the Planning Commission held a public hearing on this petition on June 9, 2014,

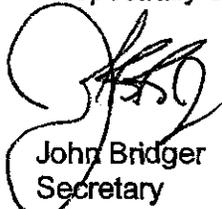
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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 June 9, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to maintaining a 50-foot wide existing vegetation buffer/screen along Grubb Road.

Respectfully submitted,



John Bridger  
Secretary

**ZONING APPLICATION FORM**

<b>CASE NUMBER:</b>	<b>2014-054</b>	<b>Date Submitted: 05-12-2014</b>	
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
<b>1 Applicant Request</b>			
<b>Zoning</b>	<b>From: C-2</b>	<b>To: R-4</b>	
<b>Total Acres in request area: Approximately 9.5 acres</b>			
<b>2 Property Information</b>			
<b>Property Address:</b>	6308, 6338, 6348, 6352 Grubb Road & 5851 Hwy 153		
<b>Property Tax Map Number(s):</b>	091P-A-003, 005.01, 005.02, 005.03, 006		
<b>3 Proposed Development</b>			
<b>Reason for Request and/or Proposed Use:</b>	Assisted Living Facility		
<b>4 Site Characteristics</b>			
<b>Current Zoning:</b>	C-2		
<b>Current Use:</b>	Vacant		
<b>Adjacent Uses:</b>	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. (CONSULTANT: DONNA SHEPHERD, 266-3501, DONNA@ADENGINEERING.US)			
<b>Name:</b> Hixson Investors, LLC		<b>Address:</b> 6711 Mountain View Road, Suite 205	
<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> Ooltewah	<b>State:</b> TN	<b>Zip Code:</b> 37363	<b>Email:</b> dthowe@aol.com
<b>Phone 1:</b>	<b>Phone 2:</b>	<b>Phone 3:</b>	<b>Fax:</b>
<b>6 Property Owner Information (if not applicant)</b>			
<b>Name:</b> Well Fargo & Raymond L. Hassler		<b>Phone:</b> 404-877-6708 & 423-285-3017	
<b>Address:</b> See Attachment			
<b>Office Use Only:</b>			
<b>Planning District:</b> 5		<b>Neighborhood:</b> Hixson Neighborhood	
<b>Hamilton Co. Comm. District:</b> 1		<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 checked="" type="checkbox"/> Site Plan, if required	<input checked="" type="checkbox"/> Total Acres to be considered: 9.5	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
<b>Deed Book(s):</b> 9603-602, 6347-440, 10115-167			
<b>Plat Book/Page:</b> 57-86, 31-312, DB 806-302		<input checked="" type="checkbox"/> Notice Signs	<b>Number of Notice Signs:</b> 2
<input checked="" type="checkbox"/> Filing Fee: \$705.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check	<b>Check Number:</b> 3910
<b>Planning Commission meeting date:</b> 06-09-2014		<b>Application processed by:</b> Marcia Parker	

# PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL

<b>Case Number:</b>	<b>2014-054</b>	<b>PC Meeting Date:</b> 6-9-2014
<b>PC RECOMMENDATION:</b>	<b>APPROVE, subject to conditions</b>	
<b>Reason(s) for Recommendation</b>	<ul style="list-style-type: none"><li>❖ Proposed development is supported by the Hixson-North River Community Plan.</li><li>❖ Rezoning from C2 to a more restrictive zone (R4) is appropriate for this site .</li><li>❖ Maintaining existing trees and vegetation for a landscape buffer will help integrate the development into the 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

<b>Case Number:</b>	<b>2014-054</b>	<b>PC Meeting Date: 06-09-14</b>
<b>Applicant Request:</b>	<b>Rezoning from C-2 Convenience Commercial Zone to R-4 Special Zone</b>	
<b>Property Location:</b>	<b>6308, 6338, 6348, 6352 Grubb Road and 5851 Highway 153</b>	
<b>Property Owner:</b>	<b>Wells Fargo Bank / Raymond Hassler</b>	
<b>Applicant:</b>	<b>Hixson Investors, LLC</b>	
<b>Staff Recommendation:</b>	<b>APPROVE, subject to the following condition:</b> <b>1. Maintain a 50-foot wide existing vegetation buffer/screen along Grubb Road.</b>	

## PROJECT ANALYSIS

### RPA Land Use & Transportation Comments

#### Project Description

The applicant is proposing an assisted living facility in the 5800 block of Highway 153.

#### Site Description

The 9.5 acre site is currently vacant and undeveloped. Parcels directly adjacent to the north are predominately vacant. Abutting the site to the north is the current location for Academy Sports and Kohl's department stores. Parcels across Grubb Road to the west are single-family residential uses.

#### Zoning History

Portions of this site were rezoned to C-2 Convenience Commercial Zone with nine (9) detailed conditions by Ordinance #11827 on May 16, 2006 (Case 2006-028). The remaining portions of this site were rezoned to C-2 Convenience Commercial Zone with six (6) detailed conditions by Ordinance #11946 on March 20, 2007 (Case 2007-022). Adjacent properties to the north are zoned C-2 Convenience Commercial.

#### Plans/Policies

This site is within the 2005 Hixson North River Community Plan. The Hixson-North River Community Plan recommends as a future land use category for this site "High Density Residential". The High Density Residential land use classification in the plan is defined as single-family dwellings, townhouses, patio homes, two, three, four, and multi-family dwellings. A proposed assisted living facility would be of a similar character and use as a multi-family apartment complex. The existing C-2 Convenience Commercial Zone at this location is not compliance with the Hixson-North River Community Plan.

Goal # 7 of the Hixson-North River Community Plan is to "Create younger home owner and senior housing opportunities. The plan recognizes and recommends the need for more sites to be zoned for smaller housing units such as townhouses and retirement facilities. Approving this rezoning would be another step in the fulfillment of the goals and policies as identified in the Hixson-North River Community Plan.

### City Departmental Infrastructure & Operational Comments

All land development projects are reviewed by City Engineering & Water Quality staff, Transportation Department 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.

## STAFF CASE REPORT TO PLANNING COMMISSION

---

Additional comments are indicated by department below.

### **Transportation Department**

The Transportation Department will require that a revised Traffic Study be completed for the site. The existing Traffic Study examined the site as if it were to be fully developed as a commercial shopping center. The proposed use of the site has now shifted from a commercial shopping center to assisted living facility.

The Transportation Department will also encourage and prefers a secondary access point to the site from Grubb Road. Discussions will need to occur between the applicant and Transportation Department as to how this secondary access point to Grubb Road could be accomplished.

### **RPA Summary**

RPA recommends approval of the applicant's request. Approval of the request is in compliance with the intent, goals, policies, and recommendations of the Hixson-North River Community Plan.

A request to rezone a less restrictive C-2 Convenience Commercial Zone to a more restrictive R-4 Special Zone at this location would be an appropriate request and would not have a negative impact on adjacent land uses, especially if some of the existing trees and vegetation are retained as a landscape buffer along this section of Grubb Road. Adjacent uses to the north of the site include vacant land and commercial uses, to the south and west across Grubb Road are single-family detached residential neighborhoods.

Just as a note, in 1986 (Case 1986-351) this property was rezoned from R-1 Residential Zone and R-5 Residential Zone to R-4 Special Zone subject to a nursing home use only.

Case 2014-054  
2014-055

## Community Support

June 5, 2014

In signing this document, I state that I am a resident and/or business owner of the community near the proposed Assisted Living Project on Hwy. 153. While I enjoy the benefits of having commercial developments like Academy Sports and Kohls, I would prefer to see an Assisted Living Center on this site rather than another large commercial development.

✓ Name: Rosa M. Jones

Phone 825-3923 Email

Address 519 Woodcroft Dr

✓ Name: Jack Gibson

Phone 877-2309 Email RosaG@EPBFi.com

Address 508 Woodcroft Dr.

✓ Name: Bhristine Beardmore

Phone 877-9795 Email

Address 451 Kingsridge Dr.

✓ Name: Charles & Carolyn Ellett

Phone 8705739 Email escape@bellsouth.net

Address 625 Glenridge Ln  
Hixson Tenn

✓ Name: Misty Anderson

Phone 433-240-0711 Email MistAnderson1@

Address 421 Kingsridge Dr

✓ Name: Paul & Susan Howard

Home@Com

Phone 877-5040 Email RHOWARD@AOL.COM

Address 6220 Bramblewood Dr

✓ Name: Del Packer

Phone 423-503-6197 Email delpacker@gmail.com

Address 452 Kingsridge Dr

✓ Name: Joe Knight

Phone 875-0523 Email

Address 414 Kingsridge Dr.

✓ Name: Clarence Handrickson

Phone 875-2528 Email

Address 436 Kingsridge Drive

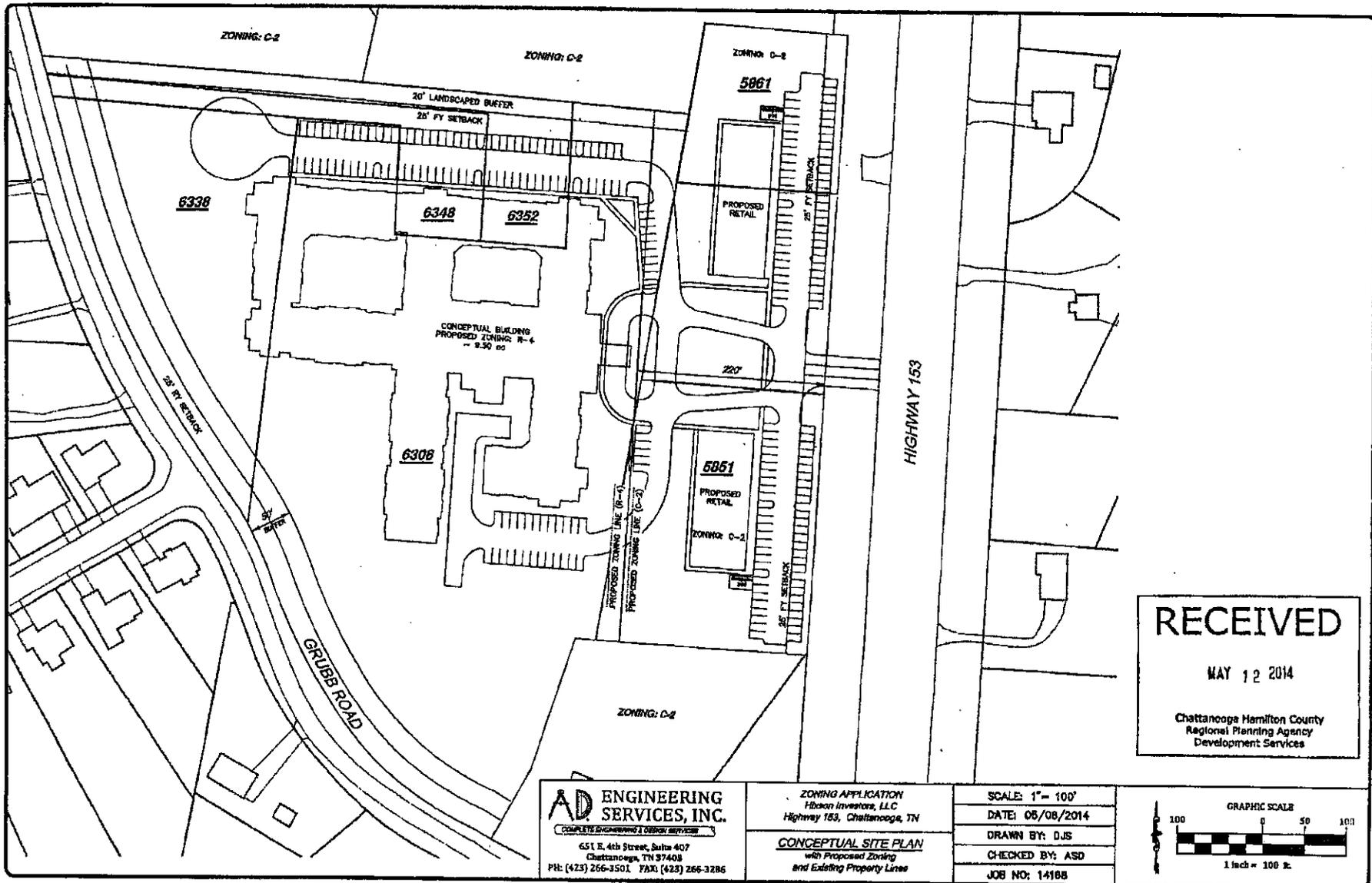


# 2014-054 Rezoning from C-2 to R-4



300 ft





**RECEIVED**

MAY 12 2014

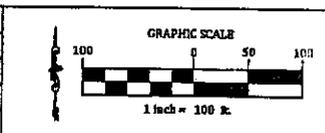
Chattanooga Hamilton County  
Regional Planning Agency  
Development Services

**AD ENGINEERING SERVICES, INC.**  
COMPLETE ENGINEERING & DESIGN SERVICES  
 651 E. 4th Street, Suite 407  
 Chattanooga, TN 37408  
 PH: (423) 266-3501 FAX: (423) 266-3286

ZONING APPLICATION  
 Hixon Investors, LLC  
 Highway 153, Chattanooga, TN

**CONCEPTUAL SITE PLAN**  
 with Proposed Zoning  
 and Existing Property Lines

SCALE: 1" = 100'  
 DATE: 06/08/2014  
 DRAWN BY: DJS  
 CHECKED BY: ASD  
 JOB NO: 14188



2014-054



## 2014-054 Rezoning from C-2 to R-4

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2014-054:  
 Approve, subject to maintaining a 50-foot wide existing vegetation buffer/screen  
 along Grub Road.



300 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 petition to rezone be approved:

2014-046 Wallace and Nancy Braud. 1329 and 1349 Gunbarrel Road, from R-1 Residential Zone to M-1 Manufacturing Zone, subject to certain conditions.

2014-050 Patrick Johnson. 5209 St. Elmo Avenue, from R-1 Residential Zone to R-3 Residential Zone, subject to certain conditions.

2014-051 RTB Holdings, LLC/Parks Properties, LLC. 614 East Main Street (at rear of parcel), from M-3 Warehouse and Wholesale Zone to C-3 Central Business Zone, subject to certain conditions.

2014-054 Hixson Investors, LLC/Wells Fargo Bank and Raymond L. Hassler. 6308, 6338, 6348, 6352 Grubb Road and 5851 Highway 153, from C-2 Convenience Commercial 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 Permit be approved:

2014-043 Chattanooga Construction Company/Lighthouse Enterprises, LLC. 5336, 5344, and 5050 Hunter Road, for a proposed Residential Planned Unit Development (PUD), subject to certain conditions.

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

2014-055 Hixson Investors, LLC/Wells Fargo Bank and Raymond Hassler. 6308 Grubb Road and 5851, 5861, and 5857 Highway 153, so as to lift conditions from Ordinance No. 11827 of previous Case No. 2006-028 and to lift conditions from Ordinance No. 11946 of previous Case No. 2007-022.

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

- (a) Deleting in its entirety Section 38-25, Lots to front street; exceptions, and substituting in lieu thereof; and
- (b) Adding a new Division 4 to Article III, Zones and boundaries, Brainerd Road Streetscape Overlay Zone (BR-SO).

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,

**July 8, 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