

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

2014-078  
Ivan Mousaw/James Cunningham  
District No. 5  
Applicant Version

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 4501 JERSEY PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE TO R-3 RESIDENTIAL 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 4501 Jersey Pike, more particularly described herein:

An unplatted tract of land located at 4501 Jersey Pike, being the property property described as Tract Two (2) in Deed Book 5582, Page 782, ROHC. Tax Map No. 129I-L-013.

and as shown on the maps attached hereto and made a part hereof by reference, from R-2 Residential Zone to R-3 Residential 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

2014-078 City of Chattanooga  
August 11, 2014 (Deferred)  
September 8, 2014 (Action Taken)

## RESOLUTION

WHEREAS, Ivan Mousaw/James Cunningham 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-2 Residential Zone to R-3 Residential Zone, property located at 4501 Jersey Pike.

An unplatted tract of land located at 4501 Jersey Pike, being the property property described as Tract Two (2) in Deed Book 5582, Page 782, ROHC. Tax Map 129I-L-013 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on August 11, 2014, at which time hearing was deferred to September 8, 2014,

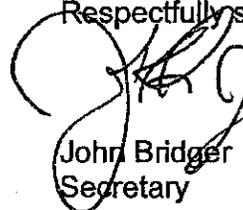
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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 September 8, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be denied.

Respectfully submitted,



John Bridger  
Secretary

**ZONING APPLICATION FORM**

<b>CASE NUMBER:</b>	2014-078		<b>Date Submitted:</b>	7-9-2014	
(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-2		To: R-3		
Total Acres in request area: 1.47					
<b>2 Property Information</b>					
<b>Property Address:</b>	4501 Jersey Pike, Chattanooga, Tn.				
<b>Property Tax Map Number(s):</b>	129I-L-013				
<b>3 Proposed Development</b>					
<b>Reason for Request and/or Proposed Use:</b>	Wireless Tower				
<b>4 Site Characteristics</b>					
<b>Current Zoning:</b>	R-2				
<b>Current Use:</b>	None (Raw Land)				
<b>Adjacent Uses:</b>	Residential, Office, Light Industrial				
<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> Ivan Mousaw			<b>Address:</b> 9915 Pin Oak Acres Way #315		
<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> Charlotte	<b>State:</b> NC	<b>Zip Code:</b> 28277	<b>Email:</b> ivan.mousaw@faulkandfoster.com		
<b>Phone 1:</b> 1-704-277-7026	<b>Phone 2:</b>	<b>Phone 3:</b>	<b>Fax:</b>		
<b>6 Property Owner Information (if not applicant)</b>					
<b>Name:</b> James Cunningham			<b>Phone:</b>		
<b>Address:</b> 77 Kilgore Drive, Rossville, GA, 30741					
<b>Office Use Only:</b>					
<b>Planning District:</b> 6			<b>Neighborhood:</b> Friends of East Brainerd, Brainerd-East Brainerd Chamber, and Lake Hills Area Neighborhood Association		
<b>Hamilton Co. Comm. District:</b> 5		<b>Chatt. Council District:</b> 5		<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:	<input checked="" type="checkbox"/>	Deeds
Plats, if applicable					
<b>Deed Book(s):</b> 5582-782					
<b>Plat Book/Page:</b>			<input checked="" type="checkbox"/>	<b>Notice Signs</b>	<b>Number of Notice Signs:</b> 1
<input checked="" type="checkbox"/>	<b>Filing Fee:</b> \$295.00	<input type="checkbox"/> Cash		<input checked="" type="checkbox"/>	<b>Check</b>
			<b>Check Number:</b> 27583		
<b>Planning Commission meeting date:</b> August 11, 2014			<b>Application processed by:</b> Trevor Slayton		

## STAFF CASE REPORT TO PLANNING COMMISSION

<b>Case Number:</b>	<b>2014-078</b>	<b>PC Meeting Date: 09-08-14</b>
<b>Applicant Request:</b>	<b>Rezone from R-2 Residential Zone to R-3 Residential Zone</b>	
<b>Property Location:</b>	<b>4501 Jersey Pike</b>	
<b>Property Owner:</b>	<b>James Cunningham</b>	
<b>Applicant:</b>	<b>Ivan Mousaw</b>	
<b>Staff Recommendation:</b>	<b>DENY</b>	

### PROJECT ANALYSIS

#### RPA Land Use & Transportation Comments

##### Project Description

The applicant is proposing to install a 150 feet tall wireless tower.

##### Site Description

The 1.47 acre site is vacant and undeveloped. The proposed site borders the Brentwood Place subdivision. Properties to the west and north are single-family residential uses. Properties across Jersey Pike to the east are light manufacturing and office uses within the Bonny Oaks Industrial Park. Properties to the southeast across Jersey Pike are single-family residential uses and properties directly south are office.

##### Zoning History

This site was rezoned to R-2 Residential Zone in 1968 when the area was annexed into the City of Chattanooga. Prior to the annexation, the site was designated as R-2A Rural Residential District established with the adoption of the zoning regulations in 1937.

##### Plans/Policies

Development in this area is guided by the Highway 58 Community Plan adopted by Chattanooga City Council in 2002. The plan addresses a wide range of land use categories and recommends preferred land use patterns and policies to guide future development. The plan recommends a medium density classification for this parcel. This classification is intended for single, two, three, and four-family dwellings, typically 6 to 8 units per acre. This designation does not support the full range of housing types allowed under the R-3 Residential Zone, such as multi-family dwellings or apartments.

The R-3 zone is required for the wireless tower, however without a condition restricting the use to wireless tower only, rezoning to R-3 would open this property to a range of uses not supported by the land use plan.

The plan does not directly address the issue of wireless tower placement, but the plan has several policies calling for the protection of the existing character and maintaining the visual attractiveness of its neighborhoods.

#### 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

## STAFF CASE REPORT TO PLANNING COMMISSION

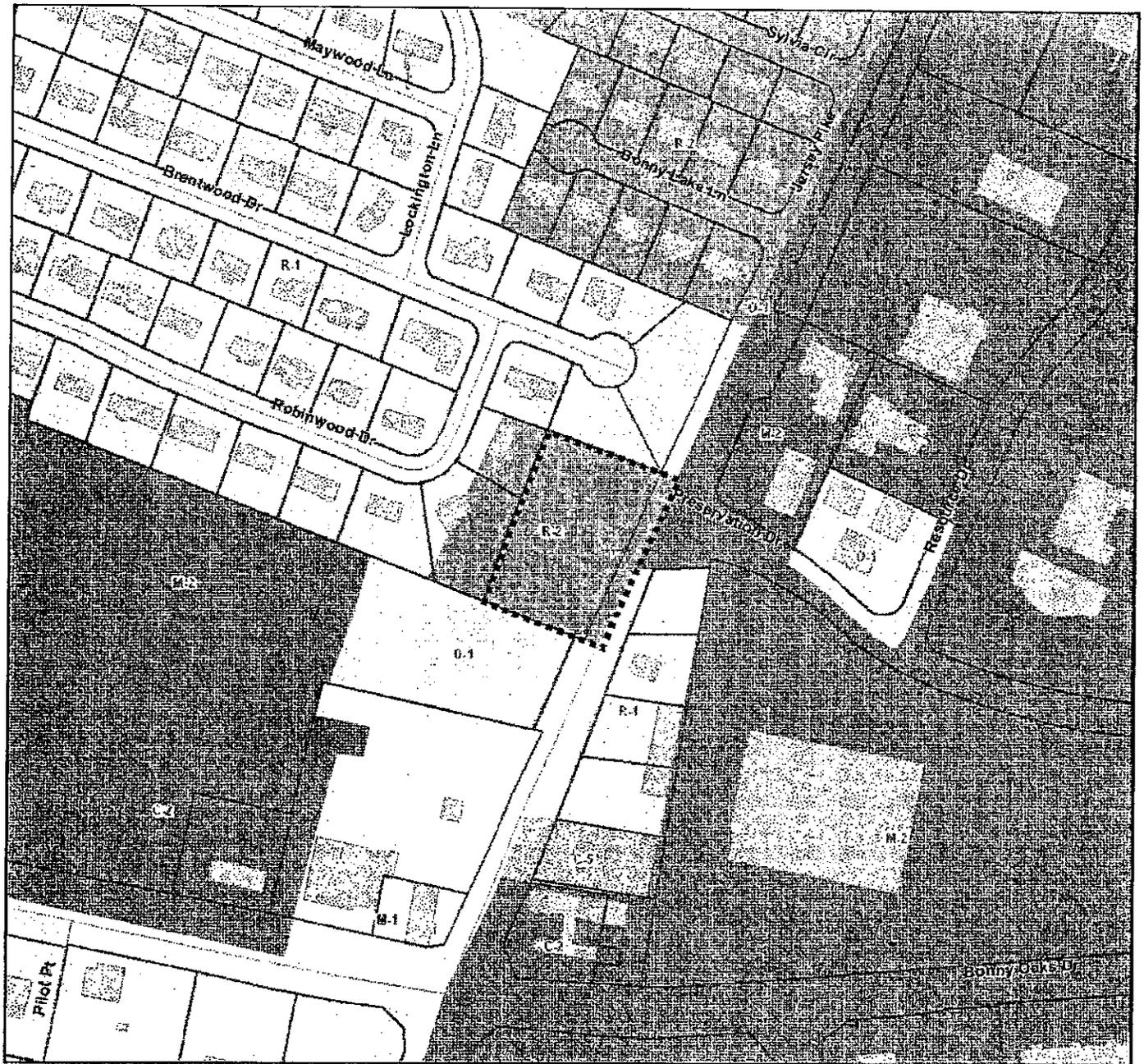
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regulations, and the landscape ordinance.

### **RPA Summary**

The Regional Planning Agency is recommending denial of the applicant's request for two reasons. First, the adopted land use plan does not support the R-3 Residential Zone for this property and second, staff has concerns regarding the visual impact to the bordering residential properties due to the tower's height.





## 2014-078 Rezoning from R-2 to R-3

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2014-078: Deny



250 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:

2014-064 MAP Engineers c/o Mike Price/Valor. 7518 Standifer Gap Road, from R-4 Special Zone to M-3 Warehouse and Wholesale Zone.

2014-066 Chris Senn/IMI Merchandising Holding, Inc. 950 Riverside Drive, from M-1 Manufacturing Zone to R-4 Special Zone, subject to certain conditions.

2014-085 Frank Goodwin. 1400 block of Adams Street, from R-3 Residential Zone to C-3 Central Business Zone, subject to certain conditions.

2014-094 Global Southern Realty Holdings, LLC/Roy & Vivian Thomas c/o Lorrie Dorsey. 7408 and 7414 Bonny Oaks Drive, from R-1 Residential Zone and R-3 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2014-097 MAP Engineers, LLC/MPL Construction/Gold Bond, Inc. 5485 Old Hixson Pike and 5519 Hixson Pike, from C-2 Convenience Commercial Zone to M-2 Light Industrial Zone.

2014-099 David Harris. 3326 Jenkins Road, from R-4 Special Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2014-100 Travis L. Hulsey/William J. Hulsey. 6115 Mountain View Road, from M-2 Light Industrial Zone to C-2 Convenience Commercial Zone.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petitions to rezone be denied:

2014-078 Ivan Mousaw/James Cunningham. 4501 Jersey Pike, from R-2 Residential Zone to R-3 Residential Zone.

2014-080 RSN Group, LLC/Vanessa Knight. 1809 Gunbarrel Road, from O-1 Office Zone to C-2 Convenience Commercial Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be denied and recommends approval of a Special Exceptions Permit:

2014-093 Carol Page Wnuk, 304 Gillespie Road, from R-1 Residential Zone to R-2 Residential Zone, petition to be denied and recommends approval of a Special Exceptions Permit for a duplex in the R-1 Residential 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,

**October 14, 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