First Reading:_____
Second Reading:_____

2014-094
Global Southern Realty Holdings, LLC
Roy and Vivian Thomas
c/o Lorrie Dorsey
District No. 6
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 7408 AND 7414 BONNY OAKS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND R-3 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL 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 properties located at 7408 and 7414 Bonny Oaks Drive, more particularly described herein:

> Parts of Lot 1A and 1B of the Standifer Estate by Chancery Court Case 22922, Volume M, Book 24, Page 432, being the properties described in Deed Book 8607, Page 478, ROHC. Tax Map Nos. 139G-D-002 & 003.

and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone and R-3 Residential Zone to C-2 Convenience Commercial Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be subject to two (2) curb cuts only on Bonny Oaks Drive.

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:_____

2014-094
Global Southern Realty Holdings, LLC
Roy and Vivian Thomas
c/o Lorrie Dorsey
District No. 6
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 7408 AND 7414 BONNY OAKS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND R-3 RESIDENTIAL 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 7408 and 7414 Bonny Oaks Drive, more particularly described herein:

> Parts of Lot 1A and 1B of the Standifer Estate by Chancery Court Case 22922, Volume M, Book 24, Page 432, being the properties described in Deed Book 8607, Page 478, ROHC. Tax Map Nos. 139G-D-002 & 003.

and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone and R-3 Residential 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

2014-094 City of Chattanooga
September 8, 2014

RESOLUTION

WHEREAS, Global Southern Realty Holdings, LLC/Roy & Vivian Thomas c/o Lorrie Dorsey 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 and R-3 Residential Zone to C-2 Convenience Commercial Zone, properties located at 7408 and 7414 Bonny Oaks Drive.

Parts of Lot 1A and 1B of the Standifer Estate by Chancery Court Case 22922, Volume M, Book 24, Page 432, being the properties described in Deed Book 8607, Page 478, ROHC. Tax Maps 139G-D-002 & 003 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on September 8, 2014,

AND WHEREAS, the Planning Commission heard and considered all statements favoring or opposing 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 approved, subject to two (2) curb cuts only on Bonny Oaks Drive.

Respectfully submitted,

John Bridger
Secretary

Chattanooga-Hamilton County Regional Planning Agency

ZONING APPLICATION FORM

CASE NUMBER:	2014-094	**Date Submitted: 8-6-2014**
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)		
1 Applicant Request		
Zoning	**From: R-1 & R-3**	**To: C-2**
	Total Acres in request area: 1.02	
2 Property Information		
Property Address:	7408 & 7414 Bonny Oaks Drive	
Property Tax Map Number(s):	139G-D-002 & 003	
3 Proposed Development		
Reason for Request and/or Proposed Use:	Fast Food Restaurant	
4 Site Characteristics		
Current Zoning:	R-1	
Current Use:	Vacant & Residential	
Adjacent Uses:	Commercial & Residential	

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: Global Southern Realty Holdings LLC		Address: 216 Wax Road	
Check one:		I am the property owner	x I am **not** the property owner
City: Silver Creek	State: GA	Zip Code: 30173	Email: mabbasi@comcast.com
Phone 1: 770-547-0200	Phone 2:	Phone 3:	Fax:

6 Property Owner Information (if not applicant)

Name: Roy & Vivian Thomas c/o Lorrie Dorsey	Phone: 423-322-9228
Address: 9228 Cobblestone Drive Ooltewah TN 37363	

Office Use Only:

Planning District: 6		Neighborhood: F.O.E.B., B.E.B.C.
Hamilton Co. Comm. District: 7	Chatt. Council District: 6	Other Municipality:
Staff Rec:	PC Action/Date:	Legislative Action/Date/Ordinance:

Checklist

x	Application Complete	x	Ownership Verification	x	Map of Proposed Zoning Area with dimensions		
x	Site Plan, if required	x	Total Acres to be considered: 1.02	x	Deeds	x	Plats, if applicable

Deed Book(s): 8607-478			
Plat Book/Page: M24-432	x	Notice Signs	Number of Notice Signs: 1
x Filing Fee: 635.00		Cash	x Check Check Number: 1086
Planning Commission meeting date: September 8, 2014		Application processed by: Marcia Parker	

Chattanooga-Hamilton County Regional Planning Agency

STAFF CASE REPORT TO PLANNING COMMISSION

Case Number:	2014-094 PC Meeting Date: 09-08-14
Applicant Request:	**Rezone from R-1 Residential Zone and R-3 Residential Zone to C-2 Convenience Commercial Zone**
Property Location:	**7408, 7414 Bonny Oaks Drive**
Property Owner:	**Lorrie Dorsey, et.al**
Applicant:	**Global Southern Realty Holdings, LLC**
Staff Recommendation:	**DENY**

PROJECT ANALYSIS

RPA Land Use & Transportation Comments

Project Description
The applicant is proposing a fast food establishment with a drive-thru on Bonny Oaks Drive.

Site Description
The 1.02 acre site consists of two parcels of land. There is a single-family residence at 7408 Bonny Oaks Drive and 7414 Bonny Oaks Drive is vacant. Properties to the east and south are retail commercial and hotel uses. Properties to the south and west are owned by the Silverdale Baptist Church. Further to the west (across Silverdale Road) is the Silverdale Academy school. Properties across Bonny Oaks Drive (to the north) are single-family residential uses and the Silverdale Presbyterian Church.

Zoning History
Property at 7408 Bonny Oaks Drive is currently zoned R-1 Residential Zone and has had no zoning changes since its annexation in 1972. The parcel at 7414 Bonny Oaks Drive was rezoned to R-3 Residential Zone in 1981 (Case 1981-192), Ordinance No. 7899.

Plans/Policies
Development in the subject area is guided by the Shallowford Road-Lee Highway Area Plan (2004) and the Hamilton County Comprehensive Plan 2030. The Hamilton County Comprehensive Plan 2030 identifies this area as part of the Outer Suburban Development Sector, which is defined by the distinct separation of residential and non-residential uses. The more specific Shallowford Road-Lee Highway Area Plan recommends single unit residential development for this site.

City Departmental Infrastructure & Operational Comments

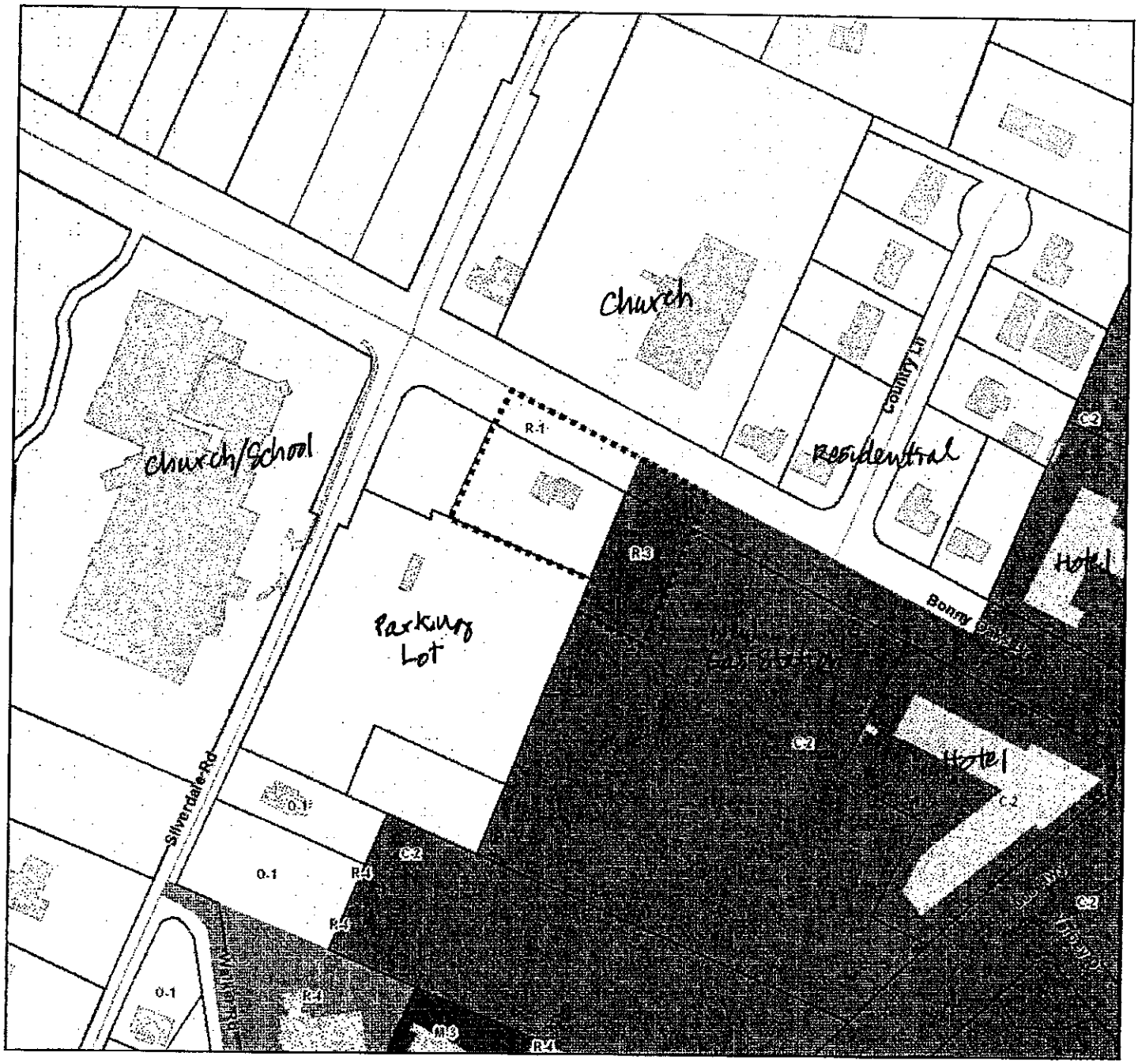
All land development projects are reviewed by City Engineering & Water Quality staff, Transportation Department staff, and the Land Development Office staff. In addition to the requirements of the City of Chattanooga Zoning Ordinance, all land development is further required to comply with current City of Chattanooga traffic regulations, building and development codes, storm water/water quality regulations, and the landscape ordinance.

RPA Summary

The Regional Planning Agency is recommending denial of the applicant's request because the proposed use is not supported by the approved land use plan. Furthermore, the land use plan discourages the expansion of existing commercial or new non-residential development along the Bonny Oaks Drive

corridor. It should be noted that a portion of the adjacent property at 7420 Bonny Oaks Drive, the Speedway gas station, was rezoned to C-2 Convenience Commercial Zone in 2003 (case number 2003-189) which was before the land use plan was adopted. Subsequently, when the remainder of the property was rezoned to C-2 Convenience Commercial Zone in 2009 (case 2009-006), the staff report noted that the recommendation for approval was only partly consistent with the land use plan and suggested that the existing R-3 Residential Zone (a portion of the proposed restaurant site) be retained as a buffer between the heavy business mix to the east and the lower intensity residential uses to the west. Additionally, conditions were put in place (location of access drive and increased landscape yard along Bonny Oaks Drive) by that zoning case to help ameliorate the impact of that use on the residences near the entrance of County Lane (a small subdivision to the north). One of the conditions limited the site to one entrance located to the east of Country Lane on Bonny Oaks Drive. The site plan submitted with this commercial rezoning request indicates three entrances located to the west of Country Lane, placing it in conflict with the land use plan and the prior staff recommendation for the existing commercial node.

A fast food drive-thru restaurant is a relatively intense commercial use; the applicant's proposal would place this use across from a church and three residences. Staff is not recommending expanding the commercial node at Lee Highway westward along Bonny Oaks Drive due to the location of single-family homes to the north of Bonny Oaks Drive. Although the properties to the immediate west and south of the proposed rezoning site are being used, in part, for church parking lots, a lower-intensity transitional use such as offices is currently more appropriate at this location.

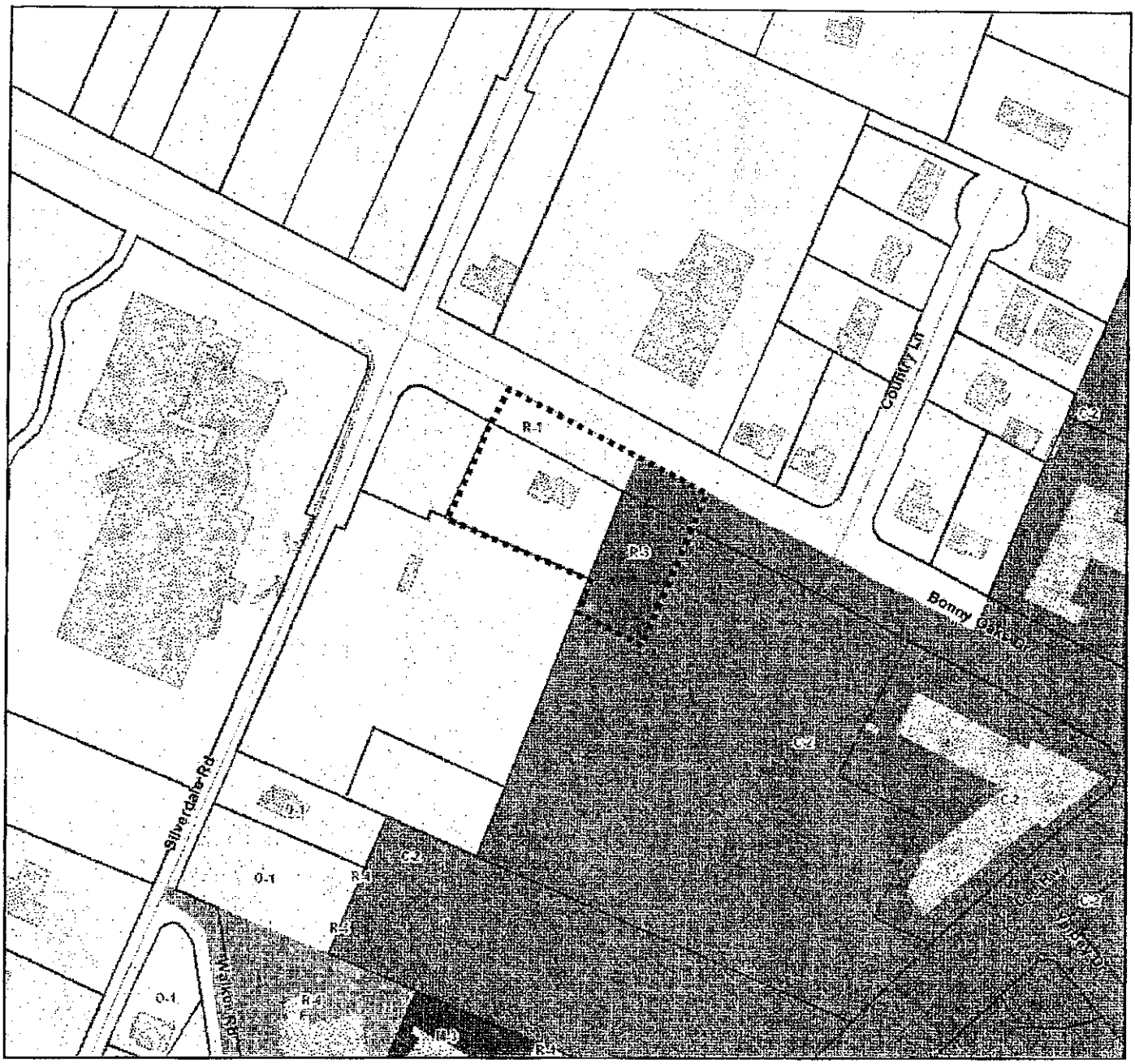


2014-094 Rezoning from R-1 and R-3 to C-2

183 ft

Chattanooga Hamilton County Regional Planning Agency

RPA



2014-094 Rezoning from R-1 and R-3 to C-2

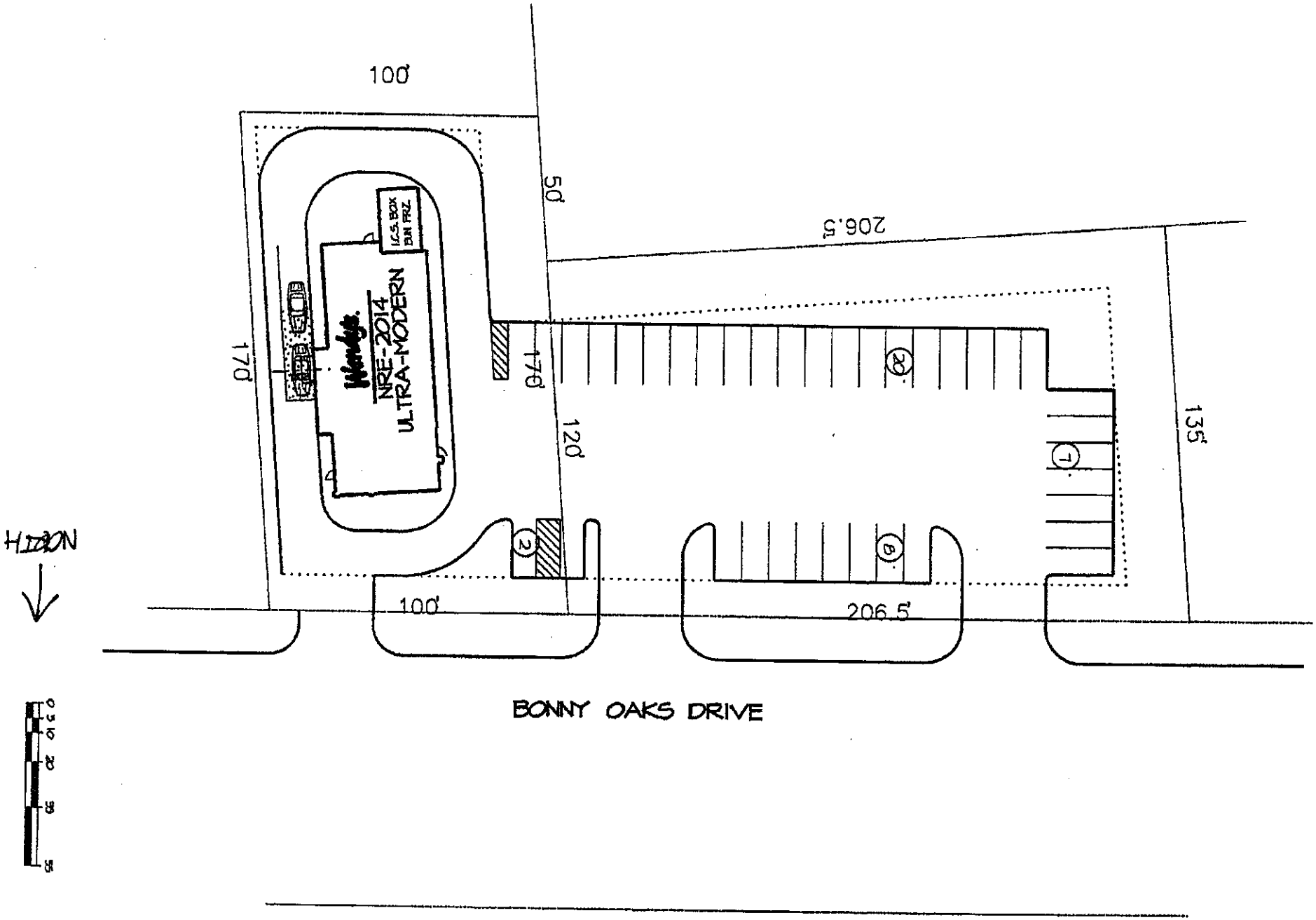
PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2014-094:

Approve, subject to two (2) curb cuts only on Bonny Oaks Drive.

183 ft

Chattanooga Hamilton County Regional Planning Agency

RPA


100'
50'
206.5'
170'
170'
120'
135'
100'
206.5'
I.C.S. BOX
BUN FRZ.
Wendy's
NRE-2014
ULTRA-MODERN
20
7
2
8
NORTH
0 5 10 20 35 55
BONNY OAKS DRIVE

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.

_____
Sandra Freeman
Clerk to the City Council