First Reading:_____
Second Reading:_____

2014-123
Chattanooga Engineering Group/
Michael Oswald
District No. 6
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITIONS FROM ORDINANCE NO. 12667 OF PREVIOUS CASE NO. 2012-131 ON PROPERTIES LOCATED AT 6803, 6807, AND 6811 McCUTCHEON ROAD, MORE PARTICULARLY DESCRIBED HEREIN.

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 Lift Conditions from Ordinance No. 12667 of previous Case No. 2012-131, on properties located at 6803, 6807, and 6811 McCutcheon Road, more particularly described herein:

> Lots 1-3 of the Skiles McCutcheon Road Property, Plat Book 97, Page 95, ROHC, being the properties described in Deed Book 10229, Page 493, ROHC and Deed Book 9718, Page 129, ROHC. Tax Map Nos. 138M-C-004, 004.02, and 004.03.

and as shown on the maps attached hereto and made a part hereof by reference.

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

2014-123 City of Chattanooga
November 10, 2014

RESOLUTION

WHEREAS, Chattanooga Engineering Group/Michael Oswald petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga Lifting Conditions from Ordinance No. 12667 of Previous Case No. 2012-131, on properties located at 6803, 6807 and 6811 McCutcheon Road.

Lots 1-3 of the Skiles McCutcheon Road Property, Plat Book 97, Page 95, ROHC, being the properties described in Deed Book 10229, Page 493, ROHC and Deed Book 9718, Page 129, ROHC. Tax Maps 138M-C-004, 004.02, and 004.03 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on November 10, 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 November 10, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved.

Respectfully submitted,

John Bridger
Secretary

Chattanooga-Hamilton County Regional Planning Agency

LIFT/AMEND CONDITIONS APPLICATION FORM

CASE NUMBER:	2014-123	Date Submitted: 9-22-14
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)		
1 Applicant Request		
Conditions	**Description: Lift condition from Ordinance #12667 to allow for two one-bedroom apartments only**	
	Resolution/Ordinance Number: 12667	
	Previous Case Number: 2012-131	
2 Property Information		
Property Address:	6811 McCutcheon Road	
Property Tax Map Number(s):	138M-C-004	
3 Proposed Development		
Reason for Request and/or Proposed Use:	To be able to build apartments in addition to the existing single family residence.	
4 Site Characteristics		
Current Zoning:	R-3MD	
Current Use:	Single Family Residential	
Adjacent Uses:	R-2 and R-1	

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: Chattanooga Engineering Group		Address: 400 E. Main Street	
Check one:		I am the property owner	X I am **not** the property owner
City: Chattanooga	State: TN.	Zip Code: 37408	Email: shannon@chattanoogaengineeringgroup.com
Phone 1: (423)-718-6067	Phone 2:	Phone 3:	Fax:

6 Property Owner Information (if not applicant)

Name: Michael Oswald	Phone:
Address: 6811 McCutcheon Road	

Office Use Only:

Planning District: 6				Neighborhood: F.O.E.B., B.E.B.C.			
Hamilton Co. Comm. District: 5			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:	X	Deeds	X	Plats, if applicable
Deed Book(s): 10229-493							
Plat Book/Page: 97-95				X	Notice Signs	Number of Notice Signs: 1357	
X	Filing Fee: $150.00		Cash	X	Check	Check Number: 1357	
Planning Commission meeting date: 11-10-14				Application processed by: Trevor Slayton			

Chattanooga-Hamilton County Regional Planning Agency

STAFF CASE REPORT TO PLANNING COMMISSION

Case Number:	2014-123	PC Meeting Date: 11-10-14
Applicant Request:	Lift condition from Ordinance 12667	
Property Location:	6803, 6807, and 6811 McCutcheon Road	
Property Owner:	Michael Oswald / Donald Skiles	
Applicant:	Chattanooga Engineering Group	
Staff Recommendation:	DENY	

PROJECT ANALYSIS

RPA Land Use & Transportation Comments

Project Description

The applicant is proposing to lift the condition imposed by Ordinance 12667 which only allows the conversion of existing garages into two one-bedroom apartments. The proposal is to construct five multi-family buildings, comprised of four quadplexes and one triplex, with 37 parking spaces for total of 19 residential units.

Site Description

The 1.70 acre site consists of three parcels of land. There is a single-family residence and two garages at 6811 McCutcheon Road. The property abuts four R-2 Residential Zone properties, developed with two-family dwellings, along its western property line. The house to the east, currently zoned R-1 Residential Zone, is developed with a two-unit dwelling. North of the subject property is a City of Chattanooga Stormwater facility. Properties to the south are a mix of residential and office uses and zones.

Zoning History

The subject property was rezoned from R-1 Residential Zone to R-3MD Moderate Density Zone in 2012 (Case 2012-131), Ordinance 12667. Approval was subject to proposed use only.

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 proposed rezoning site is located in the Outer Suburban Sector of the Comprehensive Plan 2030. The housing recommendation for that sector states:

> Residential areas may continue to be kept separate from non-residential areas. Conventional residential subdivisions with some improvements are appropriate here. Single-family residential is separated from multi-family residential. However, Traditional Neighborhood Development is also encouraged. Medium and perhaps some high-density residential may be appropriate if incorporated in single-family residential development. Higher-density residential should be adjacent to a commercial center.

The more specific Shallowford Road-Lee Highway Area Plan recommends low-density residential development for this site. That land use is described as having "detached single-unit dwellings dominate; some exceptions made for townhouses, patio homes and two-unit dwellings if density is compatible."

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.

Additional requirements, if needed, are indicated by department below either as comments or as conditions recommended to be attached to the final ordinance.

Transportation
They would have to widen the street to 22' from the intersection with Hickory Valley Rd. to the eastern edge of their property.

RPA Summary

The Regional Planning Agency is recommending denial of the applicant's request because the proposed development is not supported by the approved land use plan. In addition to single-family homes, that plan supports townhouses, patio homes and two-unit dwellings "if density is compatible". In the previous rezoning case, the applicant's proposal of three dwelling units would have increased the density to 1.8 dwelling units per acre which was considered a compatible density for the area. However,

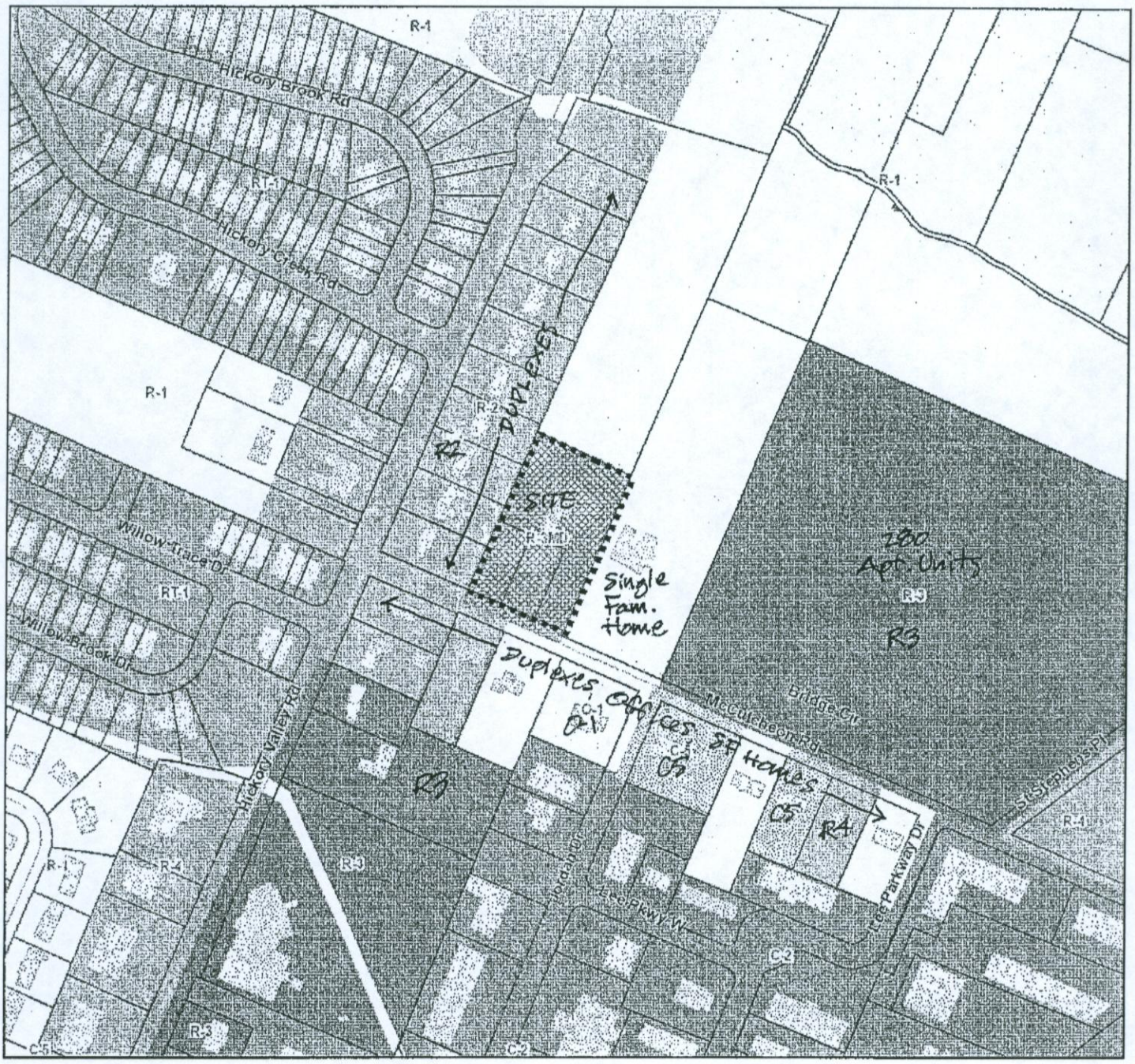
the current proposal would increase the density to 12 units an acre.

In 2013 City Council approved an R-3 Residential Zone east of the subject property on McCutcheon Road for a 250 unit apartment complex on 16. 5 acres, the proposed density was 15.2 dwelling units an acre. This rezoning was not supported by the land use plan, but the site's uniqueness (being the only 16 acre site in close proximity to the Lee Highway and Shallowford Road commercial node) in large part contributed to the approval. As part of that case, it was noted that development of multi-family residences at that location met the Comprehensive Plan recommendation to place higher-density residential adjacent to commercial centers. That proposed site acted as a transition from the Lee Highway commercial strip moving westward to lower-intensity residential uses.

This new proposal does not match these characteristics. The site is much smaller (1.7 acres vs. 16.5 acres), and is located further away from the Lee Highway commercial corridor and in closer proximity to established low-moderate density residential area. These factors make it more problematic to develop at the proposed density (12 du/acre) when the development pattern of the immediate area averages 4 to 8 dwellings/acre. The overall scale of the development is incompatible with the adjacent properties. Therefore, staff recommends denial of this request.

If Planning Commission is considering approval of this request then the Regional Planning Agency is requesting that conditions be added to ensure the continuing compatibility of R-3MD Moderate Density Zone at this location:

1) Approval of the City Traffic Engineer regarding any required transportation system improvements; and
2) Cap maximum density to an average for this segment of McCutcheon Road.



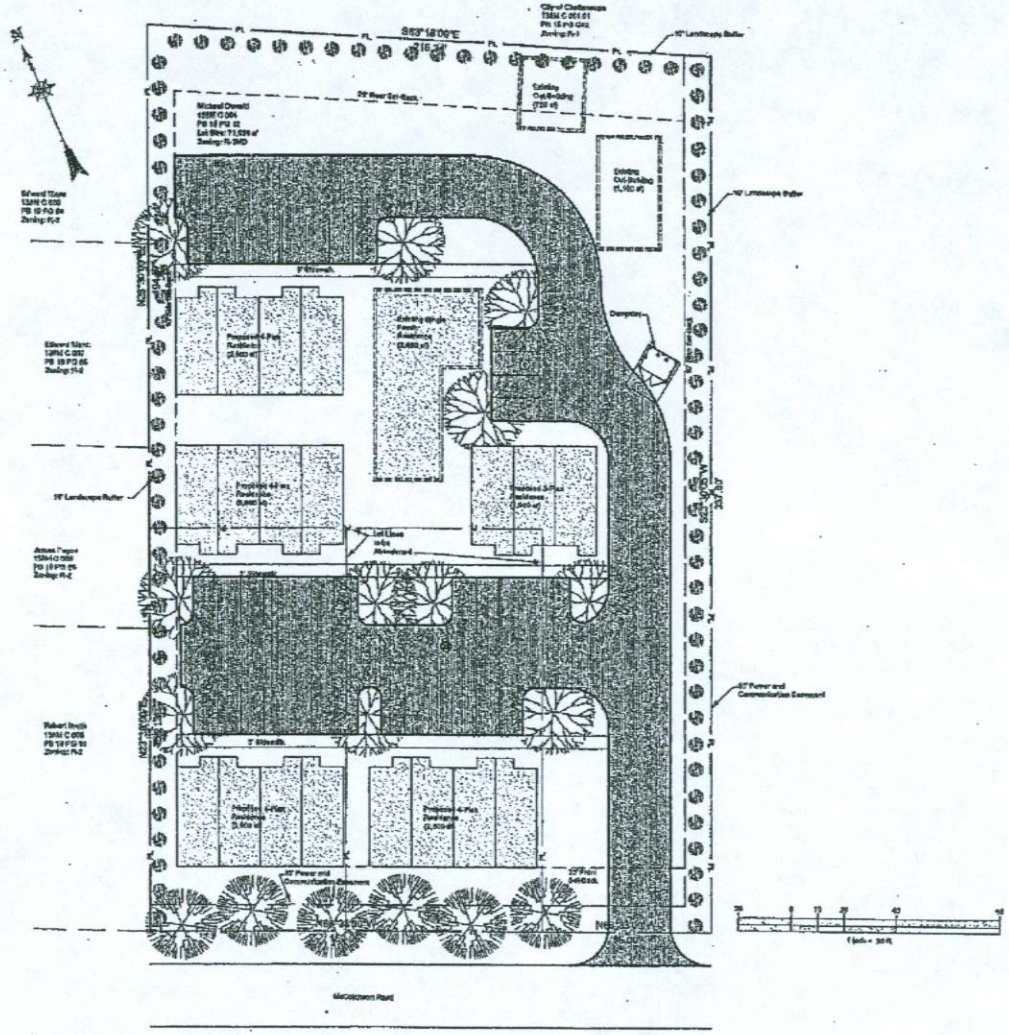
2014-123 Lift Conditions

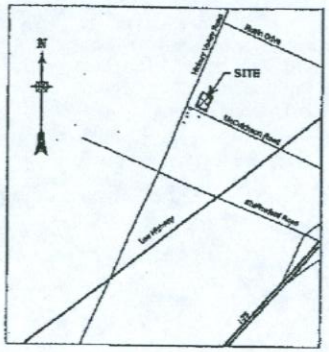
Current condition limits the use to converting an existing garage to two 1-bedroom apartments only.

285 ft

Chattanooga Hamilton County Regional Planning Agency

RPA





Location Map

GENERAL NOTES

Source: Boundary and easements by a plat prepared by Mahwood Surveying Co.

Proposed Owner & Current Owner of 6811 McCutcheon Road
Michael Oswald
5303 Campbellton Bay Drive
Chilhowie, Tennessee 37302

Current Owner of 6811 & 6817 McCutcheon Road
Donald Stiles
5816 N Northside Drive
Chattanooga, Tennessee 37421

Existing Owners
Rudy Sheehan
450 East Main Street, Suite 120
Chattanooga, Tennessee 37408
(423) 629-9110
Rudy@Chattanoogaheadlinerrow@gmail.com

Lot Size: 1.70 acres

Proposed Residential Density: 12 units per acre

RECEIVED

SEP 22 2014

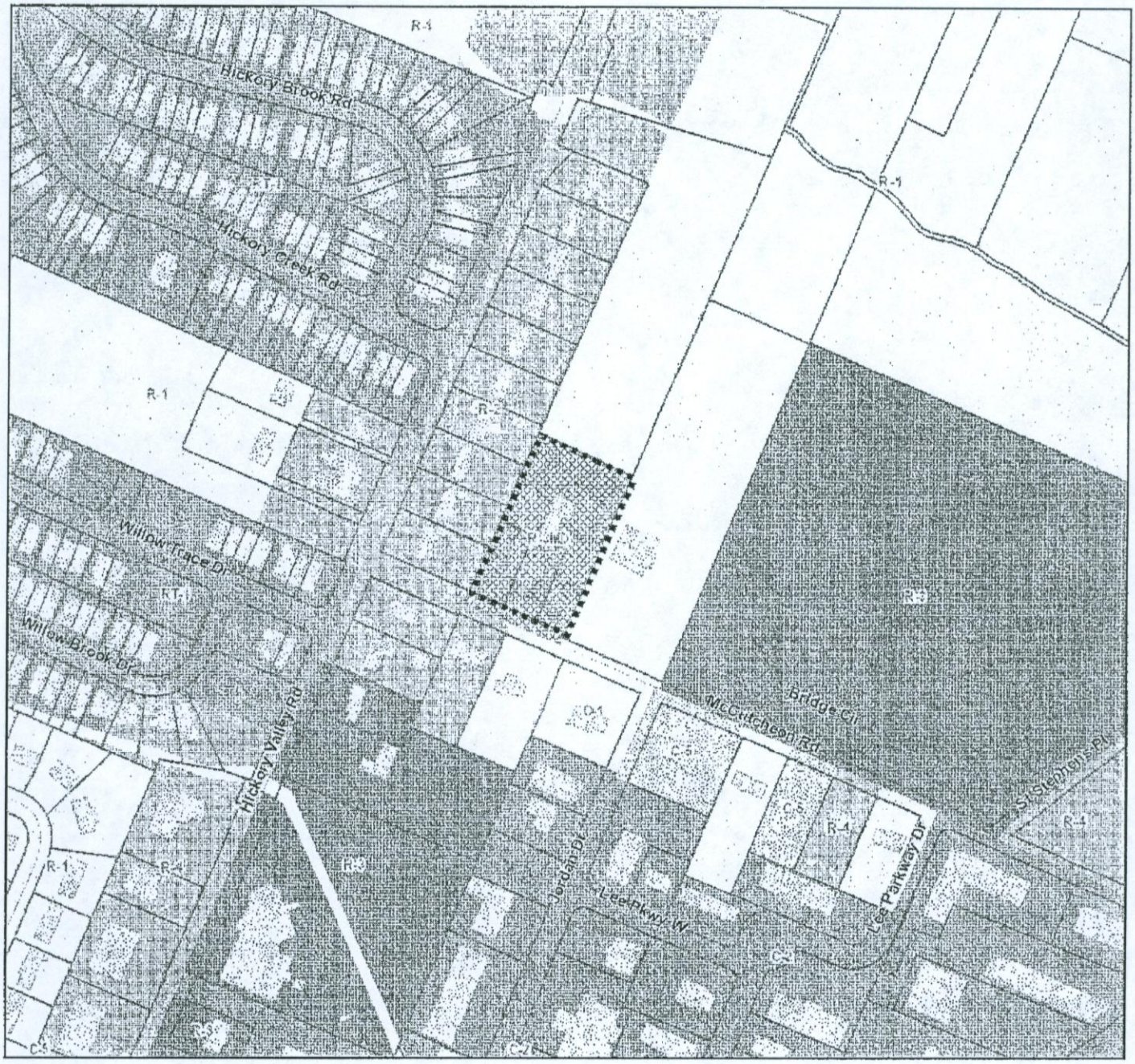
Chattanooga Hamilton County
Regional Planning Agency
Development Services

McCutcheon Road Apartments
Michael Oswald
6811 McCutcheon Road
136M C 004

Preliminary Not for Construction

C201

Site Plan



2014-123 Lift Conditions

North

285 ft

Chattanooga Hamilton County Regional Planning Agency

RPA

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:

> 2014-118 John A. Tucker/International Board of Jewish Missions. 5106 Genesis Lane, from M-1 Manufacturing Zone to C-2 Convenience Commercial Zone.
>
> 2014-121 Allen Jones/University Investors, LLC. 7407 Igou Gap Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.
>
> 2014-124 Charles Adamson/Mount Summit of Peace Church. 8062 and 8074 Old Lee Highway, from R-1 Residential Zone and R-2 Residential Zone to R-3 Residential Zone.

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

> 2014-115 Carol Page Wnuk. 304 Gillespie Road, for a two-family dwelling in an R-1 Residential Zone.

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

> 2014-123 Chattanooga Engineering Group/Michael Oswald. 6803, 6807, and 6811 McCutcheon Road, to lift conditions from Ordinance No. 12667 of previous Case No. 2012-131.

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,

December 9, 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