

First Reading: 2/10/15  
Second Reading: \_\_\_\_\_

2015-002  
Yun Tibbitts  
District No. 7  
Planning Version

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 4411 13<sup>TH</sup> AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL 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 4411 13<sup>th</sup> Avenue, more particularly described herein:

Part of Lot 6, Block 16 of T.G. Montague's Subdivision, Plat Book 5, Page 43, R.O.H.C., being the property described in Deed Book 8693, Page 822, R.O.H.C. Tax Map No. 168J-N-017.

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

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be approved

subject to the following conditions:

- (1) Parking located to the rear of primary building and accessed from 45<sup>th</sup> Street only;
- (2) Retain existing building; and
- (3) Landscaping per the City Ordinance standards to include Streetscape and/or Street edge treatment for parking area and along sidewalks, and to include a "Type C", or similar, buffer to screen the parking area along rear property lines.

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: \_\_\_\_\_

2015-002  
Yun Tibbitts  
District No. 7  
Applicant Version

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 4411 13<sup>TH</sup> AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 RESIDENTIAL 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 4411 13<sup>th</sup> Avenue, more particularly described herein:

Part of Lot 6, Block 16 of T.G. Montague's Subdivision, Plat Book 5, Page 43, R.O.H.C., being the property described in Deed Book 8693, Page 822, R.O.H.C. Tax Map No. 168J-N-017.

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

2015-002 City of Chattanooga  
January 12, 2015

RESOLUTION

WHEREAS, Yun Tibbitts 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 to R-2 Residential Zone, property located at 4411 13th Avenue.

Part of Lot 6, Block 16 of T.G. Montague's Subdivision, Plat Book 5, Page 43, R.O.H.C., being the property described in Deed Book 8693, Page 822, R.O.H.C. Tax Map 168J-N-017 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on January 12, 2015,

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 January 12, 2015, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to: 1) Parking located to the rear of primary building and accessed from 45<sup>th</sup> Street only; 2) Retain existing building; and 3) Landscaping per the City Ordinance standards to include Streetscape and/or Street edge treatment for parking area and along sidewalks, and to include a "Type C", or similar, buffer to screen the parking area along rear property lines.

Respectfully submitted,

John Bridger  
Secretary

## PLANNING COMMISSION CASE REPORT

Case Number: 2015-002

PC Meeting Date: 01-12-15

### Applicant Request

Rezone from R-1 Residential Zone to R2 Residential Zone

Property Location:	4411 13 <sup>th</sup> Avenue
Property Owner:	Yun Tibbetts
Applicant:	Yun Tibbetts

### Project Description

- Convert existing building into a duplex with a parking lot.

### Site Analysis

#### Site Description

- The site currently contains a vacant office building at the corner of east 45<sup>th</sup> Street and 13<sup>th</sup> Avenue with a fenced-in parking area to the rear.
- The lot is accessed from East 45<sup>th</sup> Street.
- The adjacent lot to the north and the lot directly across the street to the east are single-family homes.
- The adjacent lot to the rear is a community park with a WPA drainage ditch crossing diagonally across the center of the lot.
- The two lots across the street to the south feature the Cedar Hill Voting Precinct community building and grounds.

#### Zoning History

- This property was rezoned from R2 Residential to R1 Residential as a result of the 2004 Rossville Boulevard Community Zoning Study (Ordinance 11680- April 15, 2005).
- There has been no recent zoning activity.

#### Plans/Policies

- The Rossville Boulevard Community Plan (adopted by City Council 11-9-04) recommends low-density residential, and the site is part of a focus area that highlights a mix of uses with an overall goal of stabilizing "the residential mix that creates the unique character...of East Lake."
- The plan states that some exceptions can be made for townhouses, patio homes, and two-family dwellings if the density is compatible.
- The Rossville Boulevard Community Zoning Study (Ordinance 11680) rezoned this property to R1 Residential based on the recommendations in the land use plan mentioned above.

### Key Findings

- The proposal is supported by the recommendations of the adopted Land Use Plan for the area.
- Because the site is located on a corner, is an existing commercial structure and is located within a focus area of the Rossville Boulevard Community Plan that calls for a mix of uses, approval of this request does not set a precedent for R-2 rezoning throughout the neighborhood.
- The proposed redevelopment of the existing vacant structure does not significantly impact the site's compatibility.
- The proposed residential density is compatible with the surrounding densities.
- The proposed use may be considered a less intense use than the historic commercial use of this building.

## PLANNING COMMISSION CASE REPORT

- The larger corner lot and location only two blocks away from Dodds Avenue, which includes a mix of commercial uses, makes the site more appropriate for a two-unit dwelling and higher density residential than the current R-1 Residential Zone allows.
- Reuse of a vacant building for housing purposes may be seen as a step forward in the revitalization of the East Lake community.
- The proposed building redevelopment does raise concerns regarding parking and landscaping.
- The transportation infrastructure is adequate to absorb additional on-street parking, if needed.

### Staff Recommendation

Approve, subject to certain conditions:

1. Parking located to the rear of primary building and accessed from 45<sup>th</sup> Street only.
2. Retain existing building.
3. Landscaping per the City Ordinance standards to include Streetscape and/or Street edge treatment for parking area and along sidewalks, and to include a "Type C", or similar, buffer to screen the parking area along rear property lines.

### NOTE:

The applicant is strongly encouraged to schedule a pre-submittal meeting through the City's Land Development Office for guidance regarding openings, fire and safety codes and kitchen/bath requirements.

### Planning Commission Recommendation

Approve, subject to certain conditions:

1. Parking located to the rear of primary building and accessed from 45<sup>th</sup> Street only.
2. Retain existing building.
3. Landscaping per the City Ordinance standards to include Streetscape and/or Street edge treatment for parking area and along sidewalks, and to include a "Type C", or similar, buffer to screen the parking area along rear property lines.



## 2015-002 Rezoning from R-1 to R-2

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-002: Approve, subject to: 1) Parking located to the rear of primary building and accessed from 45th Street only; 2) Retain existing building; and 3) Landscaping per the City Ordinance standards to include Streetscape and/or Street edge treatment for parking area and along sidewalks, and to include a "Type C", or similar, buffer to screen the parking area long rear property lines.



125 ft

**Chattanooga Hamilton County Regional Planning Agency**



# ZONING APPLICATION FORM

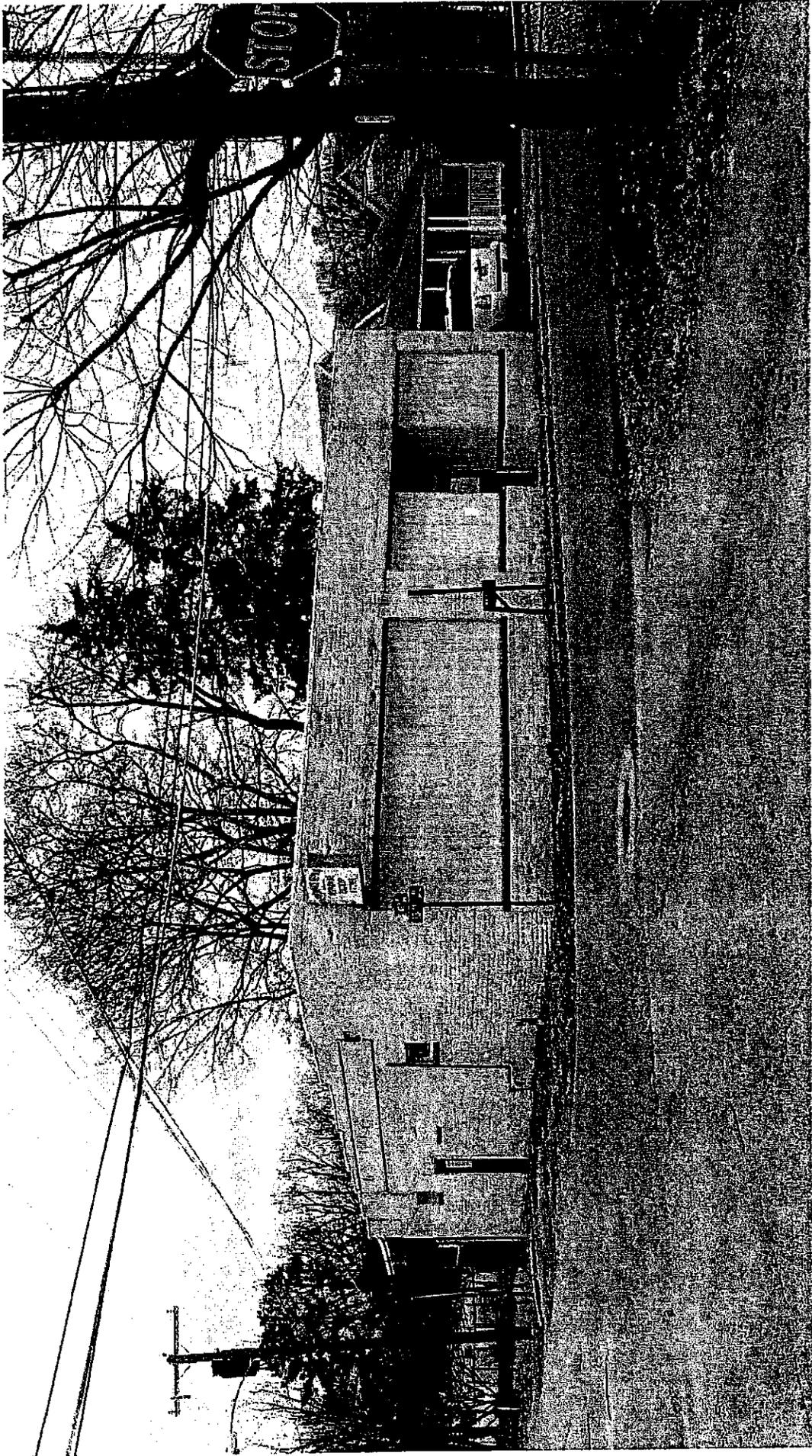
<b>CASE NUMBER:</b>	<b>2015-002</b>	<b>Date Submitted:</b>	<b>11/6/2014</b>
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
<b>1 Applicant Request</b>			
<b>Zoning</b>	<b>From: R-1</b>	<b>To: R-2</b>	
Total Acres in request area: 0.13 Acres			
<b>2 Property Information</b>			
<b>Property Address:</b>	4411 13th Avenue		
<b>Property Tax Map Number(s):</b>	168J-N-017		
<b>3 Proposed Development</b>			
<b>Reason for Request and/or Proposed Use:</b>	Duplex		
<b>4 Site Characteristics</b>			
<b>Current Zoning:</b>	R-1		
<b>Current Use:</b>	Abandoned Building		
<b>Adjacent Uses:</b>	R-1 and R-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.			
<b>Name:</b> Yun Tibbitts		<b>Address:</b> 711 Orchard Terrace	
<b>Check one:</b>	<input checked="" type="checkbox"/> I am the property owner	<input type="checkbox"/> I am not the property owner	
<b>City:</b> Rossville	<b>State:</b> Ga.	<b>Zip Code:</b> 30741	<b>Email:</b>
<b>Phone 1:</b> 423-322-2777	<b>Phone 2:</b>	<b>Phone 3:</b>	<b>Fax:</b>
<b>6 Property Owner Information (if not applicant)</b>			
<b>Name:</b>		<b>Phone:</b>	
<b>Address:</b>			
<b>Office Use Only:</b>			
<b>Planning District:</b> 3c		<b>Neighborhood:</b> Cedar Hill Improvement League, GNAC, Greater East Lake Community Council	
<b>Hamilton Co. Comm. District:</b> 4		<b>Chair Council District:</b> 7	
<b>State/Reg:</b>		<b>Other Municipality:</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: 0.13	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plans if applicable
<b>Order Book(s):</b> 3693-322		<input checked="" type="checkbox"/> Notice Signs	
<b>Plan Book/Page:</b> 5-13		<b>Number of Notice Signs:</b> 2	
<input checked="" type="checkbox"/> Filing Fee: \$150.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check	<b>Check Number:</b> 1570
<b>Planning Commission meeting date:</b> 1-12-2015		<b>Application processed by:</b> Trevor Slayton	



## 2015-002 Rezoning from R-1 to R-2



125 ft



## 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 denied:

2015-006 Belle Investment Company/Travis Fuller/Grider/GVH Shall Jen Association. 7810 and 7816 Shallowford Road, 2237 and 2241 Jenkins Road, and 2306 and 2338 Grider Way, from R-2 Residential Zone and C-2 Convenience Commercial Zone to R-3 Residential Zone.

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

2014-139 The Broadway Group, LLC/Joseph E. Proctor. 6514 and 6518 Shallowford Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2015-001 Frank Goodwin/Hard Luck Land & Cattle Company. 500 Whitehall Road, from R-3 Residential Zone to RZ-1 Zero Lot Line Residential Zone, subject to certain conditions.

2015-002 Yun Tibbitts. 4411 13<sup>th</sup> Avenue, from R-1 Residential Zone to R-2 Residential Zone, subject to certain conditions.

2015-004 Charles M. Rogers. 3913 6<sup>th</sup> Avenue, from R-1 Residential Zone to R-2 Residential Zone, subject to certain conditions.

2015-005 Allen Jones/Alton Properties, LLC. 510 East Main Street, from C-2 Convenience Commercial Zone to C-3 Central Business Zone, subject to certain conditions.

2015-007 David Hudson/New Home Missionary Baptist Church. 1001 and 1019 McCallie Avenue, from M-1 Manufacturing Zone, C-2 Convenience Commercial Zone, and R-4 Special Zone to C-3 Central Business Zone, subject to certain conditions.

2015-009 Choo Choo Partners, LP. 1400 Market Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-010 Phil Whitfield/Capitol Toyota. 211 and 301 Chickamauga Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following condition to be lifted be denied:

2015-008 Joseph Ingram/Chris Paty. 1000 block of Dallas Road, lifting the condition from Resolution No. 27748 with regard to sidewalks being required on properties located along the stretch.

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) Adding a new definition in alphabetical order to Article II, Section 38-2, entitled "Alternative Financial Service.
- (b) Adding a new subsection (4), entitled "Alternative Financial Services" to Article V, Division 13, C-2 Convenience Commercial Zone, Section 38-185, Uses permitted as special exceptions by the City Council.
- (c) Striking Article V, Division 14, UGC Urban General Commercial Zone, Section 38-205, Uses permitted as special exceptions by the City Council, and inserting a new Section in lieu thereof.
- (d) Adding a new subsection (3), entitled "Alternative Financial Services" to Article V, Division 15, C-3 Central Business Zone, Section 38-224, Uses permitted as special exceptions by the City Council.
- (e) Adding a new subsection (3), entitled "Alternative Financial Services" to Article V, Division 16, C-4 Planned Commerce Center Zone, Section 38-246, Uses permitted as special exceptions by the City Council.

- (f) Adding a new subsection (9) and renumbering old subsection (9) and adding subsection (10), Article V, Division 17, C-5 Neighborhood Commercial Zone, Section 38-266, Prohibited uses and structures.
- (g) Striking subsection (2), Article V, Division 18, C-7 North Shore Commercial/Mixed Use Zone, Section 38-289, Uses which require a special permit, and inserting a new subsection in lieu thereof.
- (h) Adding a new subsection (5), entitled "Alternative Financial Services" to Article V, Division 19, M-1 Manufacturing Zone, Section 38-303, Uses permitted as special exceptions by the City Council.
- (i) Striking subsection (7) of Article V, Division 10, MXU Mixed Use Zone, Section 38-134, General Function (Permitted Uses), and inserting a new subsection in lieu thereof.
- (j) Adding a new Article VI, Division 2, Section 38-529, Exception Permit for Alternative Financial Services Establishment.

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,

**February 10, 2015**

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 \_\_\_\_\_, 2015.

---

Nicole Gwyn  
Clerk to the City Council