

First Reading: 2/10/15
Second Reading: _____

2015-008
Joseph Ingram/Chris Paty
District No. 2

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT THE CONDITION FROM RESOLUTION NO. 27748 WITH REGARD TO SIDEWALKS BEING REQUIRED ON PROPERTIES LOCATED ALONG THE STRETCH OF THE 1000 BLOCK OF DALLAS ROAD, BEING 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, so as to lift the condition from Resolution No. 27748 with regard to sidewalks being required on the properties located along the stretch of the 1000 block of Dallas Road, being more particularly described herein.

Lots 38 thru 42 of Crow's Addition to Hill City, Plat Book 2, Page 7, R.O.H.C., and Lots 41 thru 45 and Lots 61 thru 63 of Map of Highland Pines being a Subdivision of Frazier & Sawyer's Addition, Plat Book 11, Page 63, R.O.H.C., and an unplatted tract of land located in the 1000 Block of Dallas Road, being the property described as Tract One (1) in Deed Book 10044, Page 108, R.O.H.C. Tax Map Nos. 126L-C-005, 126M-G-003 thru 008, and 126M-G-014 thru 018.

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

/mms

2015-008 City of Chattanooga
January 12, 2015

RESOLUTION

WHEREAS, Joseph Ingram/Chris Paty petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga Lifting the Condition from Resolution 27748 of sidewalks being required along the stretch of Dallas Road for the length of the property, on properties located on the 1000 Block of Dallas Road.

Lots 38 thru 42 of Crow's Addition to Hill City, Plat Book 2, Page 7, R.O.H.C., and Lots 41 thru 45 and Lots 61 thru 63 of Map of Highland Pines being a Subdivision of Frazier & Sawyer's Addition, Plat Book 11, Page 63, R.O.H.C., and an unplatted tract of land located in the 1000 Block of Dallas Road, being the property described as Tract One (1) in Deed Book 10044, Page 108, R.O.H.C. Tax Maps 126L-C-005, 126M-G-003 thru 008, and 126M-G-014 thru 018 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 denied.

Respectfully submitted,

John Bridger
Secretary

PLANNING COMMISSION CASE REPORT

Case Number: 2015-008

PC Meeting Date: 01-12-15

Applicant Request

Lift a condition of a Planned Unit Development (PUD) requiring a sidewalk along Dallas Road

Property Location:	1000 block of Dallas Road
Property Owner:	Chris Paty
Applicant:	Joseph Ingram

Project Description

- The current Cottages at Normal Park PUD has one condition, approved by City Council, requiring the developer to install sidewalks along the stretch of Dallas Road for the length of the property.
- The applicant believes that the proposed sidewalk would be dangerous for the public to use and is requesting to have the sidewalk requirement removed.

Site Analysis

Site Description

- The 5.75-acre site is currently vacant but is approved to be developed with 19 single-family homes and one community lot.
- The site is located on the west side of Dallas Road, just south of the West Mississippi Avenue intersection near Normal Park upper middle school.

Zoning History

- A 1.3-acre portion of this site was zoned R3 residential in 1997 (Ordinance 10574).
- In 2005, the site was rezoned to R1 Residential (Ordinance 11758).
- In 2013, the current R1-PUD was approved, subject to sidewalks being required along the stretch of Dallas Road for the length of the property (Resolution 27748).

Plans/Policies

- This site is within the 2003 Hill City-Northside Neighborhood Plan area and recommends sidewalk improvements on Dallas Road from North Market Street up to Sylvan Street.

Key Findings

- Sidewalks in this area are needed to provide connectivity to two schools (Chattanooga School for Creative Arts and Normal Park Museum Magnet).

Staff Recommendation

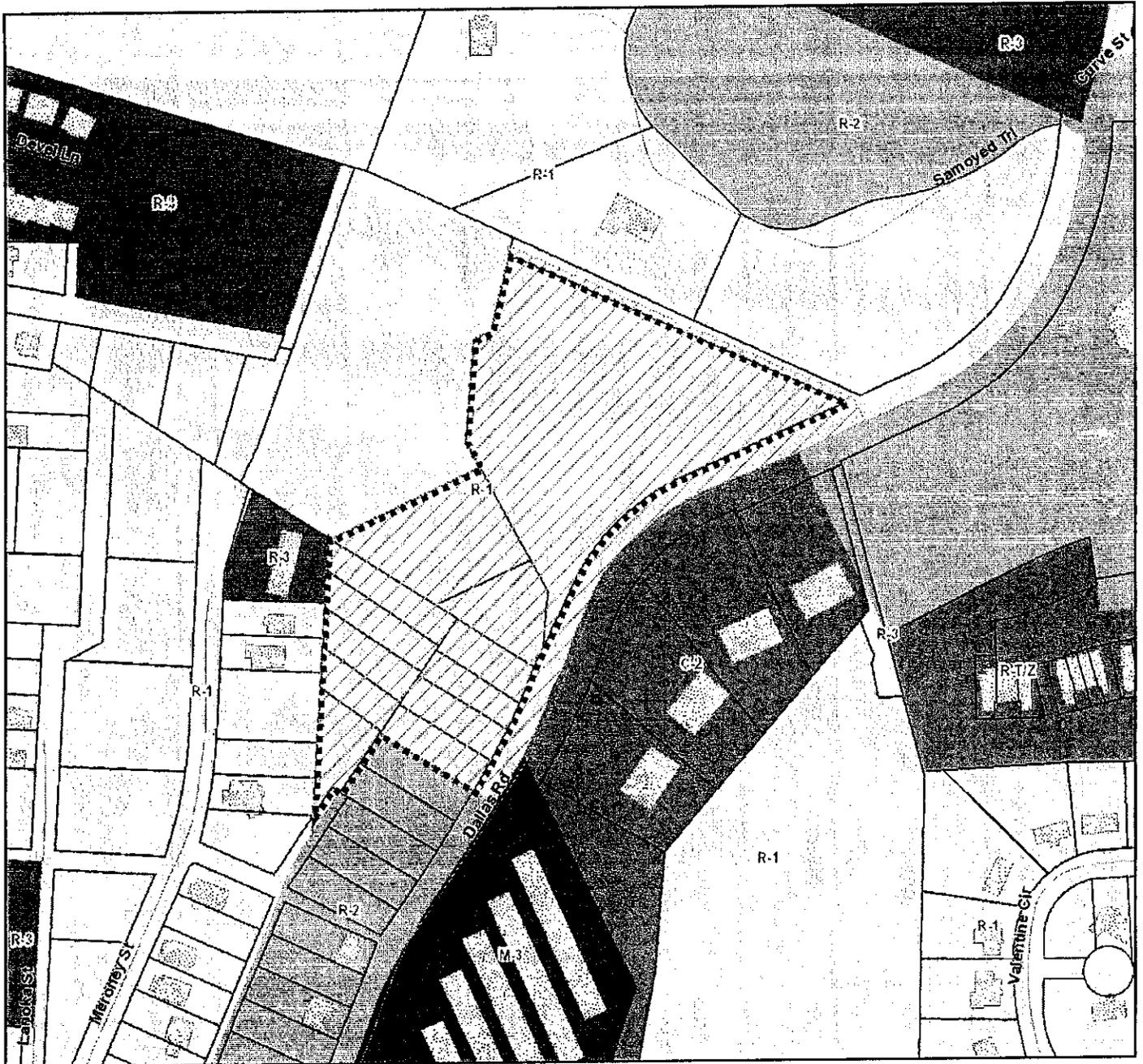
Deny

Planning Commission Recommendation

Deny

LIFT/AMEND CONDITIONS APPLICATION FORM

CASE NUMBER:	2015-008	Date Submitted:	11/24/14
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
1. Applicant Request			
Conditions	Description: Lift condition for sidewalk		
	Resolution/Ordinance Number: Resolution #27748		
	Previous Case Number: 2013-149		
2. Property Information			
Property Address:	Properties located on the 1000 Block of Dallas Road		
Property Tax Map Number(s):	126L-C-005, 126M-G-003 thru 008 and 014 thru 018		
3. Proposed Development			
Reason for Request and/or Proposed Use:	We believe that the proposed sidewalk would be dangerous for the public to use.		
4. Site Characteristics			
Current Zoning:	R-1 P.U.D.		
Current Use:	R-1 P.U.D.		
Adjacent Uses:	R-1 & R-3		
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: Joseph Ingram		Address: 115 S. Lovell Avenue	
Check one:	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am not the property owner	
City: Chattanooga	State: TN	Zip Code: 37411	Email: joseph@ingramgore.com
Phone 1: 423-774-7177	Phone 2:	Phone 3:	Fax:
6. Property Owner Information (if not applicant)			
Name: Chris Paty		Phone: 423-508-8471	
Address: 488 Druid Lane, Chattanooga, TN. 37405			
Office Use Only:			
Planning District: 30		Neighborhood: GNAC, North Shore Neighborhood, Hill City	
Hamilton Co. Comm. District: 6		City Council District: 2	
State Rec. PC Action/Date:		Other Municipality Legislative Action/Date/Ordinance:	
Checklist:			
<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: 5.75	<input checked="" type="checkbox"/> Deck	<input checked="" type="checkbox"/> P&E, if applicable
Dead Book(s): 100, 11, 108			
Plan Book/Page: 2-72, 11, 86		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 11
<input checked="" type="checkbox"/> Filing fee: \$150.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check	check Number: 1067
Planning Commission meeting date: 11/2, 2014		Application processed by: Trevor Slayton	



2015-008 Lift Conditions

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-008: Deny

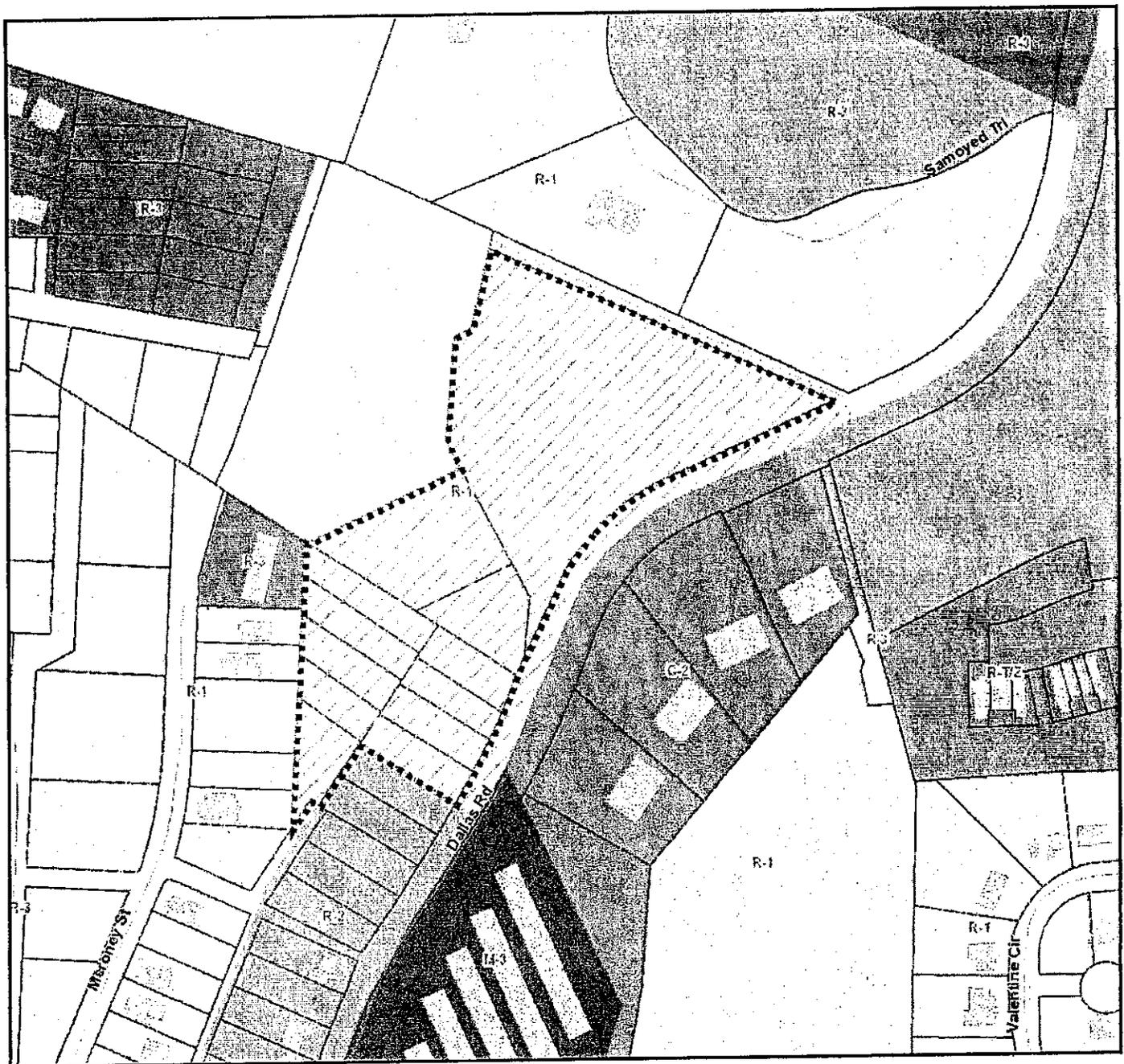


200 ft

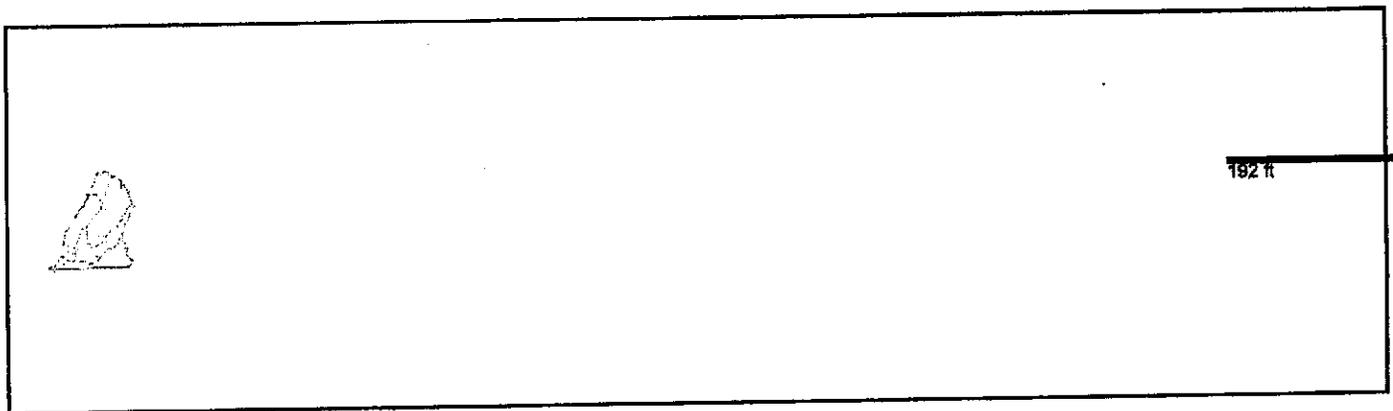


Chattanooga Hamilton County Regional Planning Agency





2015-008 Lift Conditions



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 13th Avenue, from R-1 Residential Zone to R-2 Residential Zone, subject to certain conditions.

2015-004 Charles M. Rogers. 3913 6th 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