

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

2015-006
Belle Investment Company/
Travis Fuller/Grider/GVH Shall
Jen Association
District No. 4
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 7810 AND 7816 SHALLOWFORD ROAD, 2237 AND 2241 JENKINS ROAD, AND 2306 AND 2338 GRIDER WAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-2 RESIDENTIAL ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE TO R-3 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 properties located at 7810 and 7816 Shallowford Road, 2237 and 2241 Jenkins Road, and 2306 and 2338 Grider Way, more particularly described herein:

Lots 1-4 of the GVH Shallowford-Jenkins Road Subdivision, Plat Book 89, Page 7, R.O.H.C. being the properties described in Deed Book 8880, Page 466; Deed Book 8640, Page 917; and Deed Book 8296, Page 188, R.O.H.C. along with two (2) unplatted tracts of land described as parts of the Sarah Davidson Estate Partition One and described in part by Deed Book 3626, Page 570 and Deed Book 8601, Page 938 R.O.H.C. Tax Map Nos. 149J-E-012, 012.01, 013, 015, 017 and 019.

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

2015-006 City of Chattanooga
January 12, 2015

RESOLUTION

WHEREAS, Belle Investment Company/Travis Fuller/Grider/GVH Shall Jen Association petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga the rezoning R-2 Residential Zone and C-2 Convenience Commercial Zone to R-3 Residential Zone, properties located at 7810 & 7816 Shallowford Road, 2237 & 2241 Jenkins Road, and 2306 & 2338 Grider Way.

Lots 1-4 of the GVH Shallowford-Jenkins Road Subdivision, Plat Book 89, Page 7, R.O.H.C. being the properties described in Deed Book 8880, Page 466; Deed Book 8640, Page 917; and Deed Book 8296, Page 188, R.O.H.C. along with two (2) unplatted tracts of land described as parts of the Sarah Davidson Estate Partition One and described in part by Deed Book 3626, Page 570 and Deed Book 8601, Page 938 R.O.H.C. Tax maps 149J-E-012, 012.01, 013, 015, 017 and 019 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, there was opposition present 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: 2015-006

PC Meeting Date: 01-12-15

Applicant Request

Rezone from C2 Convenience Commercial and R2 Residential Zones to R3 Residential Zone

Property Location:	6 parcels at southwest Corner of Shallowford Road & Jenkins Road
Property Owner:	Grider/GVH Shall Jen Association
Applicant:	Belle Investment Company/ Travis Fuller

Project Description

- Develop 10.8-acre site with 230 apartment units with main entrance on Shallowford Road and secondary entrance at Jenkins Road.
- Proposed density is approximately 22 dwelling units per acre.
- Two-story buildings are proposed to be located at the western portion of the site (nearest to Drake Forest Subdivision), four-story buildings at the center of the site, and three-story buildings fronting Shallowford Road and Jenkins Road.

Site Analysis

Site Description

- The 10.8-acre site is located at the southwest corner of Shallowford Road and Jenkins Road approximately one mile east of Gunbarrel Road.
- This section of Shallowford Road was widened from 2 lanes to 3 lanes with sidewalks on both sides of the street in 2014.
- In conjunction with the road widening, a traffic circle at the Shallowford Road and Jenkins Road was also completed in 2014.
- The site is mostly vacant with only two single-family homes currently on two of the six parcels.
- There are currently six single-family homes in Drake Forest subdivision adjacent to the west and five single-family homes adjacent on the south with an average density of 2.1 units per acre.
- A church and school is directly across the street to the north.
- Two convenience stores are located at the northeast and southeast corners of the intersection.
- A 57-acre parcel with one single-family home is located directly across the street to the east.
- The current R2 portion of the site would allow approximately 30 duplex units (7.5 units per acre) or about 40 single family units (5 units per acre).

Zoning History

- A 2.8-acre portion of the site is zoned C2 Convenience Commercial at the corner and the larger portion is zoned R2 Residential.
- The C2 portion was rezoned in 1999 with 6 conditions (Ordinance 10853).
- In 2003, a request was made to remove the C2 conditions but was withdrawn by the applicant.
- There has been no recent zoning activity on this property.

Plans/Policies

- The 2001 Hamilton Place Community Plan recommends commercial uses for the area that is currently zoned C2. The plan recommends low to medium density residential for the remainder of the site.
- The 2001 Hamilton Place Community Plan calls for medium density residential to cap at 8 dwelling units per acre. Even high density is considered up to 15 dwelling units per acre for the area.

PLANNING COMMISSION CASE REPORT

Key Findings

- The proposal is not supported by the adopted Land Use Plan for the area as it exceeds the recommended density.
- The proposed residential density is not compatible with the surrounding densities as it would allow for up to 233 units or approximately 22 dwelling units per acre.
- The proposal would not be an extension of an existing zone.
- The proposal would set a precedent for future similar requests.

Staff Recommendation

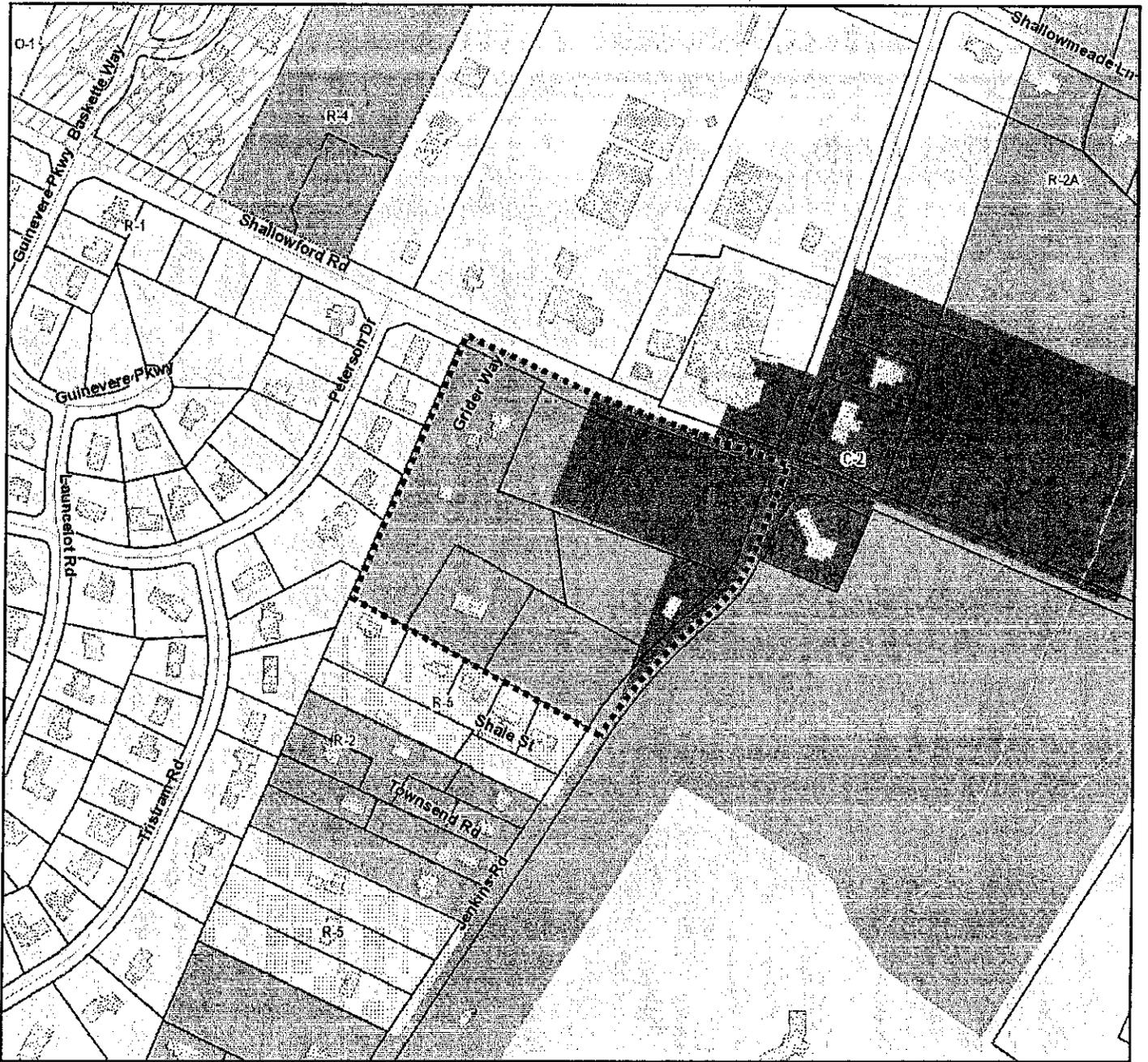
Deny.

Planning Commission Recommendation

Deny.

ZONING APPLICATION FORM

CASE NUMBER:	2015-006	Date Submitted:	11-21-2014
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
1 Applicant Request			
Zoning	From: R-2 & C-2	To: R-3	
Total Acres in request area: 10.8			
2 Property Information			
Property Address:	7810 & 7816 Shallowford Road, 2237 & 2241 Jenkins Road, 2306 & 2338 Grider Way		
Property Tax Map Number(s):	149J-E-012, 012.01, 013, 015, 017, & 019		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Proposed Apartment Development		
4 Site Characteristics			
Current Zoning:	R-2 & C-2		
Current Use:	Undeveloped & Residential		
Adjacent Uses:	Residential & Commercial		
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: Belle Investment Company/Travis Fuller		Address: 901 Heathgate Road	
Check one:	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am not the property owner	
City: Knoxville	State: TN	Zip Code: 37923	Email: fullertravis@yahoo.com
Phone 1: 865-806-0385	Phone 2:	Phone 3:	Fax:
6 Property Owner Information (if not applicant)			
Name: Grider/GVH Shall Jen Association		Phone: 423-954-3298/615-210-6237	
Address: 2338 Grider Way Chattanooga, TN 37421/300N. Pisgah Road Eads, TN 38028			
Office Use Only:			
Planning District: 10		Neighborhood: CNAC (Friends of East Brainerd)	
Hamilton Co. Comm. District: 8		Chatt. Council District: 4	
Other Municipality:			
Staff Rec.:		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: 10.8	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 3626-570, 3296-133, 3601-933, 3640-917, 3880-266			
Plat Book/Page: 397, 26509		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 2
<input checked="" type="checkbox"/> Filing Fee: 705.00	<input checked="" type="checkbox"/> Cash 70.00	<input checked="" type="checkbox"/> Check	Check Number: 5827
Planning Commission meeting date: January 12, 2015		Application processed by: Marcia Barker	



2015-006 Rezoning from R-2 and C-2 to R-3

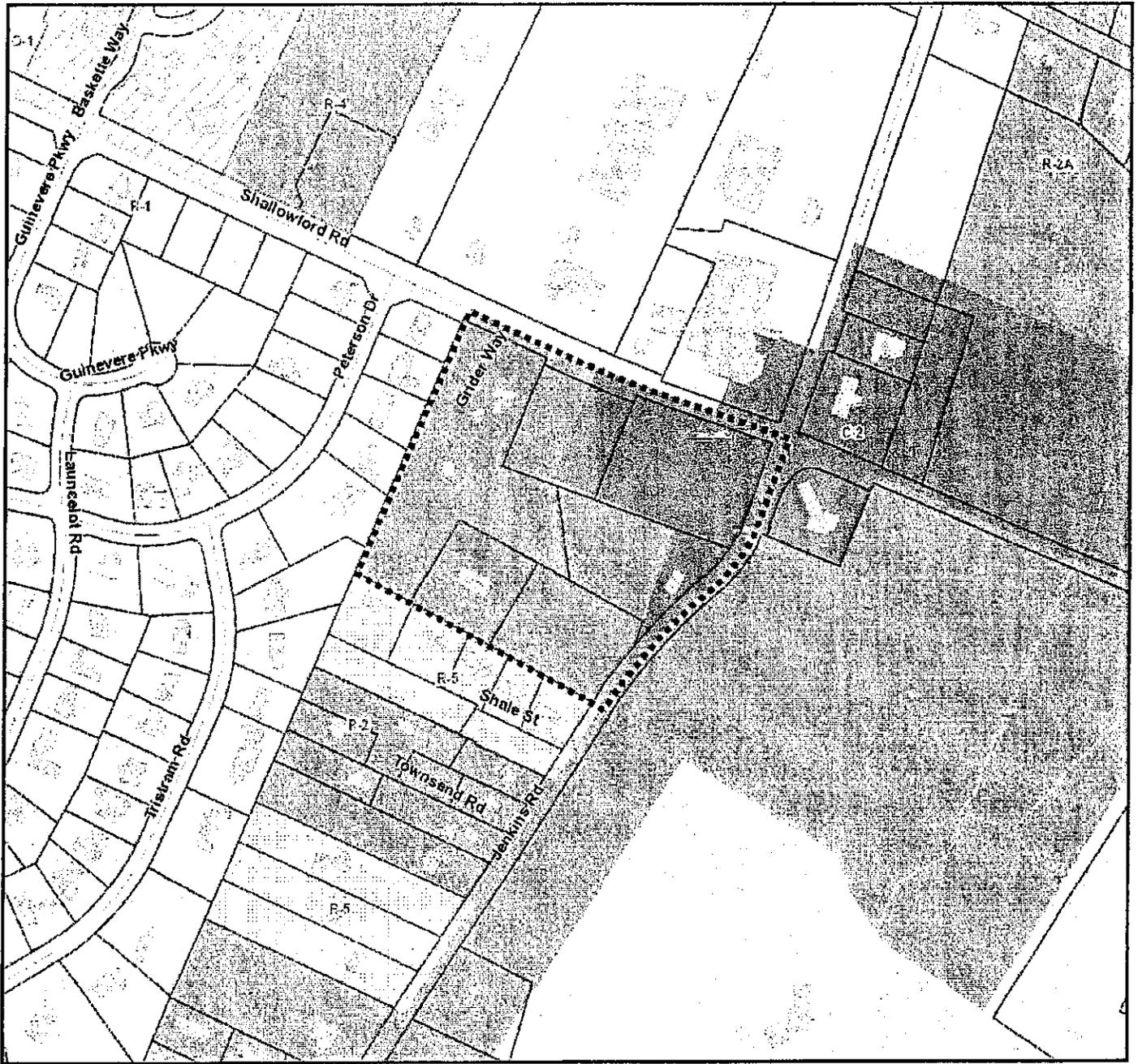
PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-006: Deny



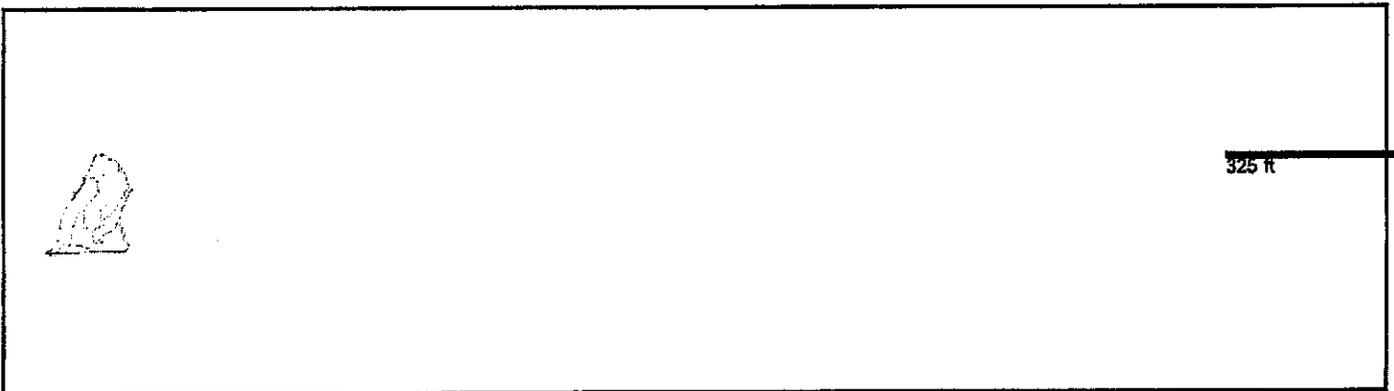
325 ft

Chattanooga Hamilton County Regional Planning Agency





2015-006 Rezoning from R-2 and C-2 to R-3

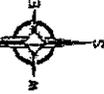


PDI Architecture, LLC 1020 Breazeale Road, Pendleton, SC 29670 ph. (864) 224-5800

RECEIVED

016 - B 2014

Charleston-Horry County
Regional Planning Agency
2000 Municipal Center

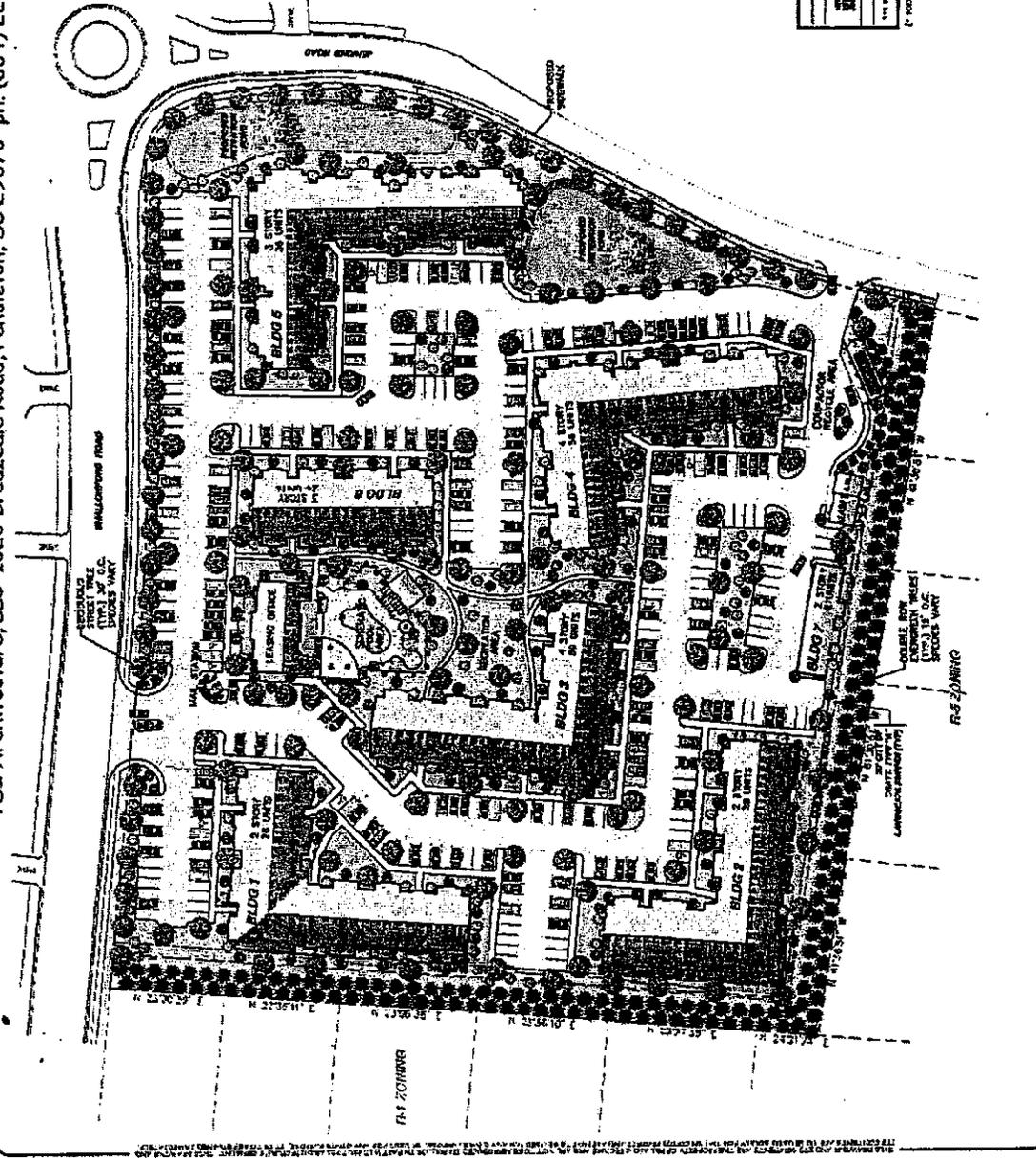


CONCEPTUAL RESUBDIVISION
SITE PLAN

December 5, 2014

PROJECT SUMMARY	
CLIENT	CONCEPTUAL RESUBDIVISION
DATE	12/5/14
PROJECT NO.	016 - B 2014
PROJECT NAME	CONCEPTUAL RESUBDIVISION
PROJECT ADDRESS	1020 BREAZEALE ROAD, PENDLETON, SC 29670
PROJECT AREA	10.0 AC (APPROXIMATE)
PROJECT TYPE	RESUBDIVISION
PROJECT STATUS	CONCEPTUAL

PRELIMINARY
FOR CONSTRUCTION



PLANNING DEPARTMENT
CONCEPTUAL RESUBDIVISION APPLICANTS
1000 Municipal Center
Pendleton, SC 29670

**THE VILLAGE OF ASHWOOD
HOMEOWNERS ASSOCIATION**

December 27, 2014

Mr. John Bridger, Director
Chattanooga – Hamilton County
Regional Planning Commission
1250 Market Street
Chattanooga, TN 37402

Re: Case Number: 2015-006
Shallowford Road at Jenkins Road
Chattanooga, TN

Dear Mr. Bridger and Members of the Planning Commission:

This letter is to present the objection of the residents of the Village of Ashwood to the referenced application for rezoning the subject properties from C2 and R2 to R3 for the purpose of the development and construction of the residential rental apartments described in the Application.

The Village of Ashwood, consisting of one level, low density residences, was developed following an intense round of community planning meetings resulting in the existing development plan for the area. A key factor in adopting a neighborhood plan was to alleviate the terrible traffic gridlock escalating in the near mall neighborhoods. Residents of our neighborhood purchased their properties with the understanding that Shallowford Road from Gunbarrel Road to Jenkins Road would be lower density residential, and otherwise according to the adopted 2001 Hamilton Place Community Plan (the "Plan").

Several properties on Shallowford remain for development. Our citizens on at least one past occasion have successfully appeared before the Planning

Commission and the City Council to defend their neighborhood from proposed developments of higher density or that would otherwise violate the Plan.

Since the last such attempt to rezone contrary to the adopted Plan, the City and State have carried through with their commitment to widen our section of Shallowford with a traffic storage lane, a roundabout at Shallowford and Jenkins and sidewalks that enhance our community and better handles the traffic gridlock moving through our neighborhoods to more distant residential areas. This new street improvement and pedestrian-friendly way has improved and beautified our neighborhoods, and is much appreciated.

In fact, adherence to the Plan and completion of the planned Shallowford Road traffic improvement has led, at least in part, to the next door development of a beautiful and needed assisted living facility compatible with our community and meeting the density requirements of the Plan. The Morning Pointe developers worked closely with our community citizens and within the Plan to ensure the qualities that make good neighbors and neighborhoods.

In short, our citizens oppose the subject development and any future proposed developments that are not compatible with the Plan and the promises relied upon when The Village of Ashwood was developed and their homes purchased.

The requested rezone of the subject property would not only violate the Plan and overwhelm the neighborhoods with higher densities, especially near the church and school and the roundabout at critical morning and evening drive-times, but would set a terrible precedent for future development of the vacant properties in the Gunbarrel to Jenkins area.

We respectfully urge denial of the subject application.

The Citizens of and
The Village of Ashwood Homeowner's Association

By: Joseph R. Schultz
President

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