

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

2015-010
Phil Whitfield/Capitol Toyota
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 211 AND 301 CHICKAMAUGA ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 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 211 and 301 Chickamauga Road, more particularly described herein:

Parts of Lots 12 and 13, Block C of the Lee Highway Place Subdivision, Volume Z, Deed Book 29, Page 446, R.O.H.C., going southeast 80 feet from the northwest corner of 158H-A-009, thence southwest 176.68 feet, thence northwest 80 feet, thence 176.68 feet to the point of beginning, being the properties described in Deed Book 7065, Page 913, R.O.H.C. and Deed Book 4696, Page 703, R.O.H.C., respectively. Parts of Tax Map Nos. 158H-A-009 and 010.

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

2015-010 City of Chattanooga
January 12, 2015

RESOLUTION

WHEREAS, Phil Whitfield/Capitol Toyota 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 C-2 Convenience Commercial Zone, properties located at 211 & 301 Chickamauga Road.

Parts of Lots 12 and 13, Block C of the Lee Highway Place Subdivision, Volume Z, Deed Book 29, Page 446, R.O.H.C., going southeast 80 feet from the northwest corner of 158H-A-009, thence southwest 176.68 feet, thence northwest 80 feet, thence 176.68 feet to the point of beginning, being the properties described in Deed Book 7065, Page 913, R.O.H.C. and Deed Book 4696, Page 703, R.O.H.C., respectively. Parts of Tax Maps 158H-A-009 and 010 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.

Respectfully submitted,

John Bridger
Secretary

PLANNING COMMISSION CASE REPORT

Case Number: 2015-010

PC Meeting Date: 01-12-15

Applicant Request

Rezone from R1 Residential Zone to C2 Convenience Commercial Zone

Property Location:	211 & 301 Chickamauga Road
Property Owner:	Capitol Toyota
Applicant:	Phil Whitfield

Project Description

- Capitol Toyota wants to rezone an additional 16,000 square feet of commercial zoning to add a car wash for their use only directly behind the existing parts department. The car wash will be operated during the normal operating hours of Capital Toyota. The 16,000 square feet is only a portion of their property. The remainder of the property fronting Chickamauga Road is proposed to remain R1 Residential.

Site Analysis

Site Description

- The site includes a portion of two parcels fronting Chickamauga Road near the Brainerd Hills area of Chattanooga.
- The two parcels are owned by Capitol Toyota and are located to the rear of their current office and parts department and are used for their vehicle parking.
- The site is surrounded by a wooden privacy screen, a landscape yard approximately 10 feet deep along the Chickamauga Road right-of-way with no site access to or from Chickamauga Road.
- The adjacent lot to the north is also owned by Capitol Toyota and used for vehicle parking.
- The adjacent two lots to the south are used for single-family homes.
- All of the properties across Chickamauga Road to the east are single-family homes.

Zoning History

- Adjacent properties to the north and south and all properties across the street on Chickamauga Road are zoned R1 Residential.
- The adjacent property to the west, fronting Lee Highway is currently zoned C2 Convenience Commercial.
- A special permit for parking in the R1 Zone was issued by the Board of Zoning Appeals to Capitol Toyota for these parcels in 1995.
- There has been no recent zoning activity involving this property.

Plans/Policies

- The East Brainerd Area Study (adopted in 1990) recommends commercial use for Lee Highway but makes no specific land use recommendation for this site.
- There is no recently adopted land use plan for this area.

Key Findings

- The proposed project scale is consistent with the development form of the area.
- The proposed use is consistent/compatible with surrounding uses.
- The proposed structure does not raise concerns regarding location, lighting, height.
- The proposal would be an extension of an existing zone.
- The proposal would set a precedent for future requests so as to maintain the R1 zoning fronting Chickamauga Road.

PLANNING COMMISSION CASE REPORT

- The proposal does provide adequate buffers from the commercial uses to the residential uses to the east and south by maintaining a R-1 zone for the remaining portions of the two parcels being rezoned.

Staff Recommendation

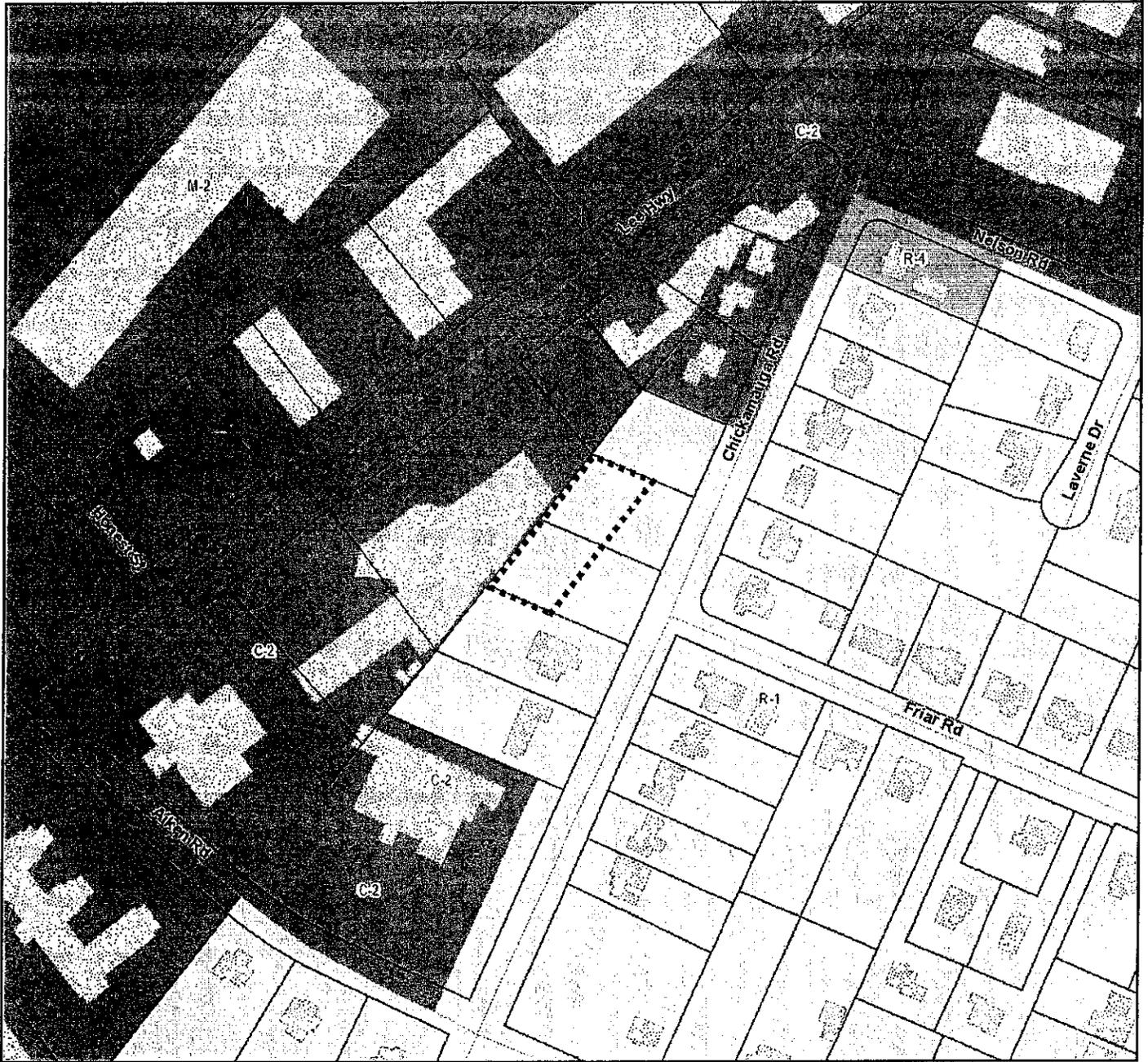
Approve

Planning Commission Recommendation

Approve

ZONING APPLICATION FORM

CASE NUMBER:	2015-010	Date Submitted:	11-24-2014
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
1 Applicant Request			
Zoning	From: R-1	To: C-2	
Total Acres in request area: .37			
2 Property Information			
Property Address:	211 & 301 Chickamauga Road		
Property Tax Map Number(s):	158H-A-009 & 010 (part of)		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Capital Toyota wishes to add a car wash for their use only directly behind the existing parts department		
4 Site Characteristics			
Current Zoning:	R-1		
Current Use:	Inventory Parking		
Adjacent Uses:	R-1 & C-2		
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: Phil Whitfield		Address: 651 E. 4 th Street Suite 500	
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: 37403	Email: philw@twharch.com
Phone 1: 423-756-5046	Phone 2: 423-619-1483	Phone 3:	Fax: 423-756-8021
6 Property Owner Information (If not applicant)			
Name: Capitol Toyota		Phone: 423-892-0661	
Address: 5808 Lee Highway Chattanooga, TN 37421			
Office Use Only:			
Planning District: <input type="checkbox"/> 3		Neighborhood: <input type="checkbox"/> CNAC, <input type="checkbox"/> F-018-B, <input type="checkbox"/> Drainerd/Unity Group	
Hamilton Co. Comm. District: <input type="checkbox"/> 8		Chart. Council District: <input type="checkbox"/> 6	
Other Municipality: <input type="checkbox"/>			
Staff Rec:	<input type="checkbox"/> PC Action/Date:	<input type="checkbox"/> 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: .37	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plans, if applicable
Paid Book(s): /065-019, /065-008			
Plan Book/Page: 719-716		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 1
<input checked="" type="checkbox"/> Filing Fee: \$15.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check	Check Number: 18882
Planning Commission meeting date: January 12, 2015		Application processor: Layla March Parker	



2015-010 Rezoning from R-1 to C-2

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-010:

Approve

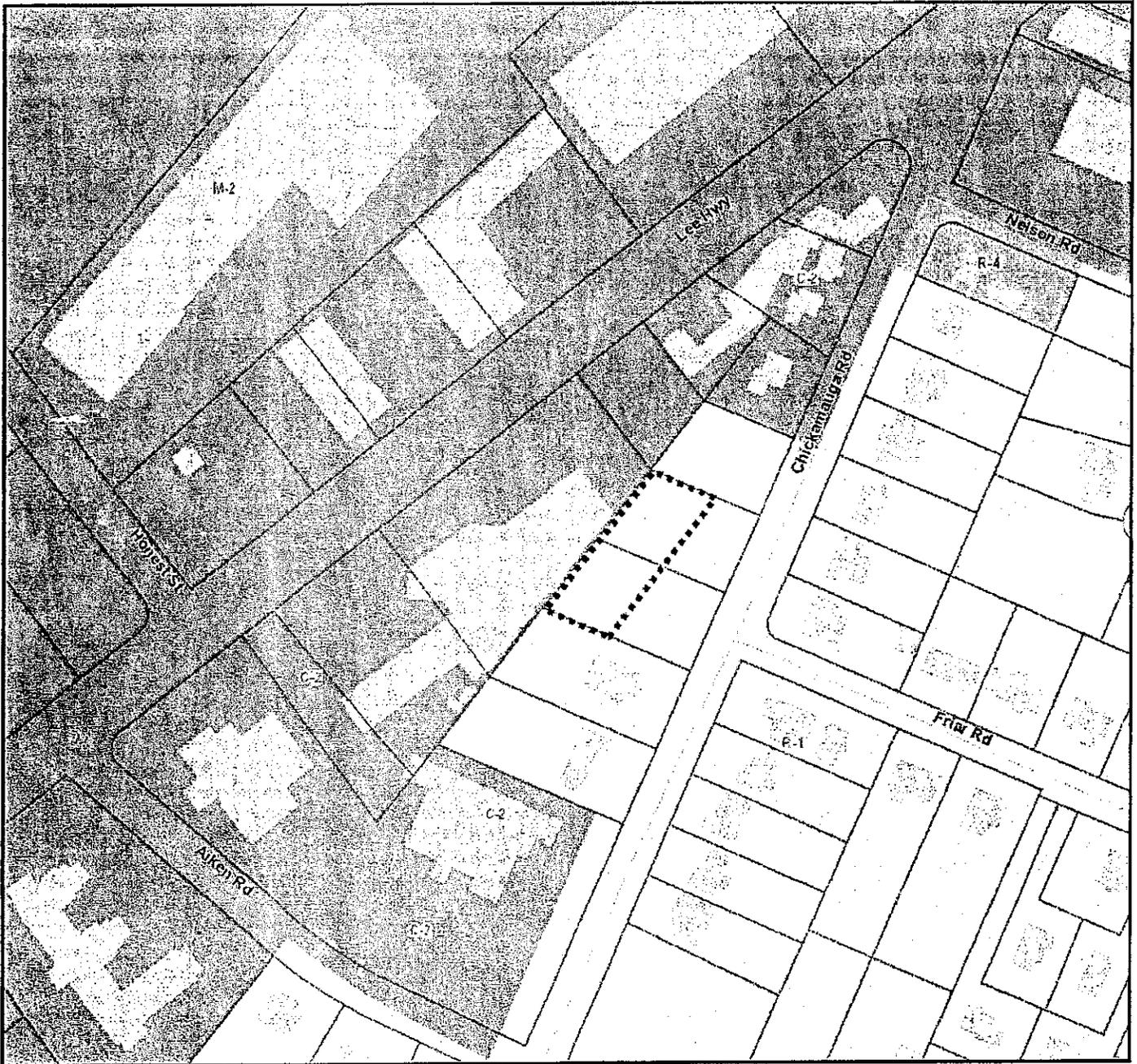


175 ft

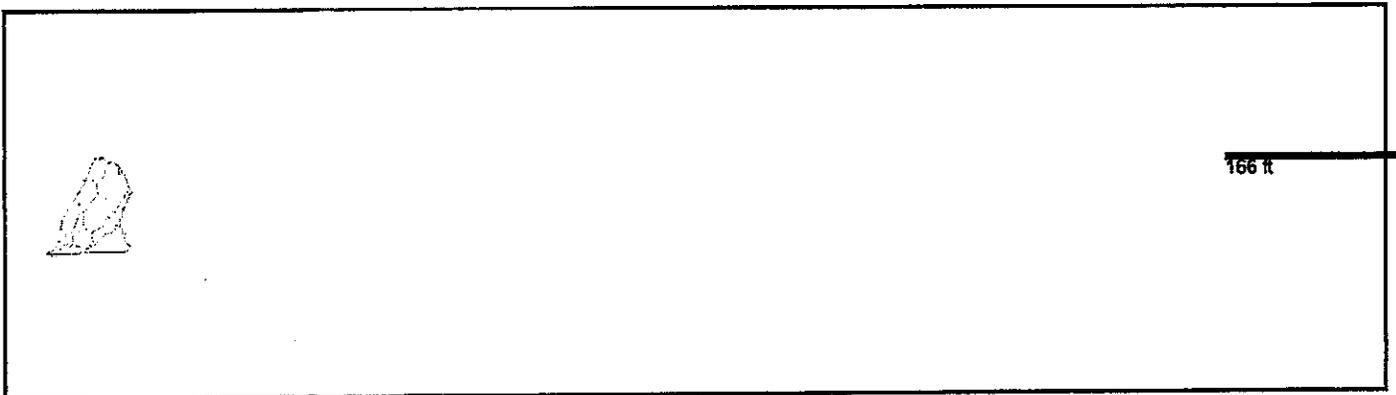


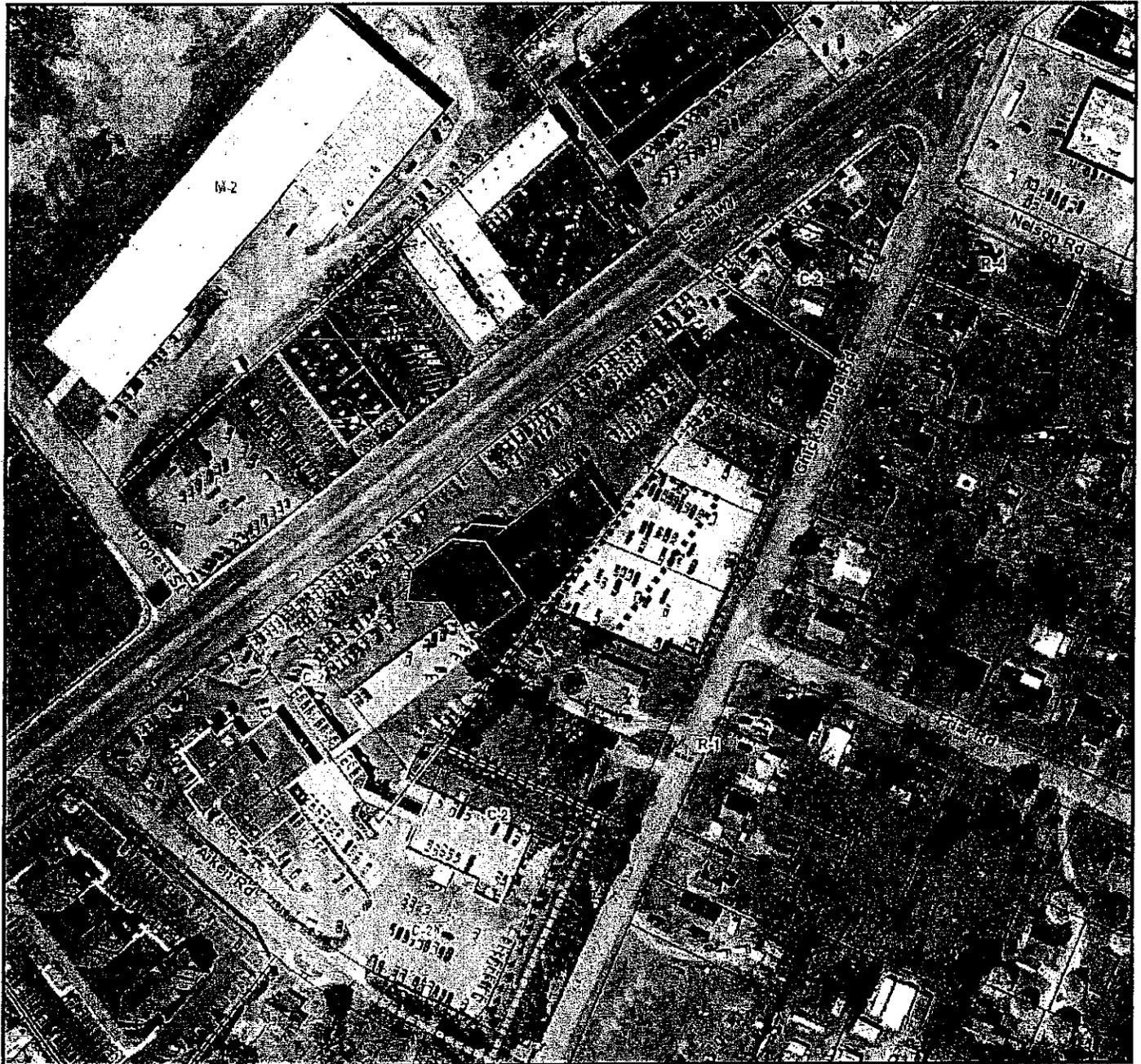
Chattanooga Hamilton County Regional Planning Agency



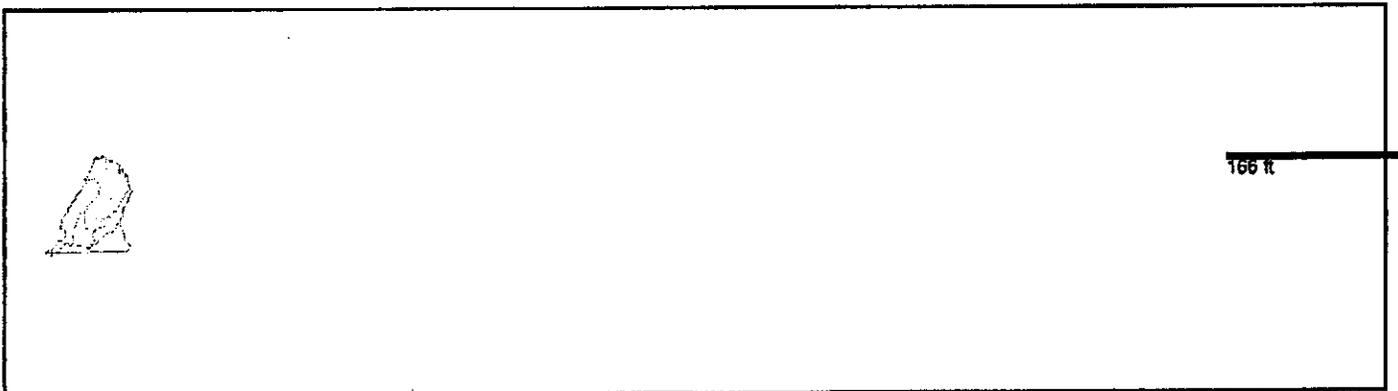


2015-010 Rezoning from R-1 to C-2





2015-010 Rezoning from R-1 to C-2



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