

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

2015-028  
Fred Ervin and W. C. Hunter  
District No. 5  
Applicant Version

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO  
REZONE PROPERTY LOCATED AT 3525 GARNER ROAD,  
FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL  
ZONE.

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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 3525 Garner  
Road, more particularly described herein:

A tract of land shown as Future Development, Franklin  
Subdivision in Plat Book 68, Page 137, ROHC, being the property  
described in Deed Book 8632, Page 16, ROHC. Tax Map No.  
137J-C-013.

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

2015-028 City of Chattanooga  
February 9, 2015 (Deferred)  
March 9, 2015 (Action Taken)

RESOLUTION

WHEREAS, Fred Ervin & W. C. Hunter 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-3 Residential Zone, property located at 3525 Garner Road.

A tract of land shown as Future Development, Franklin Subdivision in Plat Book 68, Page 137, ROHC, being the property described in Deed Book 8632, Page 16, ROHC. Tax Map 137J-C-013 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on February 9, 2015, at which time action was deferred to March 9, 2015,

AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

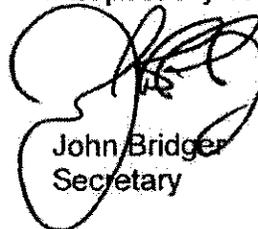
AND WHEREAS, the applicant was not present,

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 March 9, 2015, recommended to the Members of the City Council of the City of Chattanooga that this petition be denied.

Respectfully submitted,



John Bridger  
Secretary

**ZONING APPLICATION FORM**

<b>CASE NUMBER:</b>	2015-028	<b>Date Submitted:</b>	12-22-2014
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
<b>1 Applicant Request</b>			
<b>Zoning</b>	From: R-1 Residential Zone	To: R-3 Residential Zone	
Total Acres in request area: 8.69 + or -			
<b>2 Property Information</b>			
Property Address:	3525 Garner Road		
Property Tax Map Number(s):	137J-C-013		
<b>3 Proposed Development</b>			
Reason for Request and/or Proposed Use:	Build Townhomes		
<b>4 Site Characteristics</b>			
Current Zoning:	R-1		
Current Use:	Vacant		
Adjacent Uses:	Residential		
<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.			
Name: Fred Ervin		Address: 4308 Patten town Road	
Check one:	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am not the property owner	
City: Ooltewah	State: TN	Zip Code: 37363	Email: ervinfred@yahoo.com
Phone 1: 423-293-5307	Phone 2:	Phone 3:	Fax:
<b>6 Property Owner Information (if not applicant)</b>			
Name: W.C. Hunter		Phone: 423-313-4611	
Address: 4303 Patten town Road Ooltewah, TN 37363			
<b>Office Use Only:</b>			
Planning District: 9		Neighborhood: CNAC N, Brainerd Community, Eastdale & King Oak Neighborhood	
Hamilton Co. Comm. District: 5	Chatt. Council District: 5	Other Municipality:	
Staff Rec:	PD Action/Date:	Legislative Action/Date/Ordinance:	
<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: 8.69	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 8632-16			
Plat Book/Page: 68-137		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 2
<input checked="" type="checkbox"/> Filing Fee: 635.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check	Check Number: 2537
Planning Commission meeting date: 2-9-2015		Application processed by: Marcia Parker	

2015-028  
 12 signatures

THE NAMES AND SIGNATURES BELOW REPRESENTS THE RESIDENCES IN OUR AREA WHO ARE AGAINST REZONING OUR NEIGHBORHOOD FROM ZONE 1 TO ZONE 3

DATE	SIGNATURE	PRINT	ADDRESS
3/4/15	<i>Larry Robinson</i>	Larry Robinson	2447 Leann Cir
3/7/15	<i>Glynn Robinson</i>	Glynn Robinson	2447 Leann Cir
3/4-15	<i>Barbara Starr</i>	Barbara Starr	3707 Sumter Ave
3-4-15	<i>William R. Jennings</i>	William R Jennings	3710 Sumter Ave.
3-7-15	<i>Karen Ward</i>	Karen Ward	2412 Leann Cir
3-7-15	<i>Shirley Clark</i>	Shirley Clark	2409 Leann Cir
3-7-15	<i>Emanuel Finley</i>	Emanuel Finley	2411 Leann Circle
3/7/15	<i>ONIVIA DEATH</i>	Onivie Pratt	2415 Leann Circle
3/7/15	<i>Bessie Millsaps</i>	Bessie Millsaps	2410 Leann Circle
3/7/15	<i>Latisha Turner</i>	Latisha Turner	2419 Leann Circle
3-7-15	<i>Talena White</i>	Talena White	2412 Leann Cir
3-7-15	<i>Donna King</i>	Donna King	2428 Leann Cir
3-7-15	<i>Sonya Goodwin</i>	Sonya Goodwin	2421 Leann
3-7-15	<i>Alonzo Goodwin</i>	Alonzo Goodwin	2421 Leann Circle
3-7-15	<i>Andrea S Boaz</i>	Andrea S Boaz	2414 Leann Circle
3-7-15	<i>Randolph Thomas</i>	Randolph Thomas	2418 Leann Cir
3-7-15	<i>Rosanna Thomas</i>	ROSANNA THOMAS	2418 Leann Cir
3-7-15	<i>Nickey Hammond</i>	NICKY HAMMOND	2420 Leann Cir
3-7-15	<i>Shirley Wills</i>	Shirley Wills	2429 Leann Cir

THE NAMES AND SIGNATURES BELOW REPRESENTS THE RESIDENCES IN OUR AREA WHO ARE AGAINST REZONING OUR NEIGHBORHOOD FROM ZONE 1 TO ZONE 3

DATE	SIGNATURE	PRINT	ADDRESS
3-7-15	<i>Ruby Lambert</i>	Ruby Lambert	2235 Vinitz St.
3-7-15	<i>Friedie Lambert</i>	Friedie Lambert	2255 Vinitz St
3-7-15	<i>Tara L Mayer</i>	Tara L Mayer	3605 Eastglenn Ct.
3-7-15	<i>Sharon Taylor</i>	Sharon Taylor	3606 Eastglenn Ct
3-7-15	<i>Debra Kelley</i>	Debra Kelley	3658 Eastglenn Ct
3-7-15	<i>Gary Kelley</i>	Gary Kelley	3608 Eastglenn Ct
3-7-15	<i>Charles Bell</i>	Charles Bell	3610 Sunbuck Ave
3-7-15	<i>James Richards</i>	James Richards	3610 Sunbuck Ave
3-7-15	<i>Renee Robinson</i>	Renee Robinson	1616 Roman Rd
3-7-15	<i>John Sambes</i>	John Sambes	3544 Garner Rd
3-7-15	<i>Kenneth Sandridge</i>	Kenneth Sandridge	3554 Garner Rd
3-7-15	<i>Monty Tucker</i>	Monty Tucker	2016 Dogwood Dr
3-7-15	<i>Cassandra Tucker</i>	Cassandra Tucker	2035 Dogwood Dr
3-7-15	<i>Mary S. Scroggins</i>	MARY S. Scroggins	2035 Dogwood Dr
3-7-15	<i>Lloyd F. Scroggins</i>	Lloyd F. Scroggins	3643 Garner Rd
3-7-15	<i>Gloria Hunt</i>	Gloria Hunt	3643 Garner Rd
3-7-15	<i>Thomas Hunt</i>	Thomas Hunt	3637 Garner Rd
3-7-15	<i>Bill Aubrey</i>	Bill Aubrey	3637 Garner Rd.
3-7-15	<i>Bill Aubrey</i>	Bill Aubrey	3643 Garner Rd

THE NAMES AND SIGNATURES BELOW REPRESENTS THE RESIDENCES IN OUR AREA WHO ARE AGAINST REZONING OUR NEIGHBORHOOD FROM ZONE 1 TO ZONE 3

DATE	SIGNATURE	PRINT	ADDRESS
3-6-15	<i>[Signature]</i>	Stacy Lightfoot	3709 Sumter Ave 37406
3-6-15	<i>[Signature]</i>	Cula Goodwin	3709 Sumter Ave 37406
3-6-15	<i>[Signature]</i>	Charla Goodwin	3709 Sumter Ave 37406
3-6-15	<i>[Signature]</i>	Dwain G. Williams	8929 Leann Cir
3-6-15	<i>[Signature]</i>	Stacy Williams	2414 Leann Circle
3-6-15	<i>[Signature]</i>	Debra Bunt	2402 LeAnn Circle
3-6-15	<i>[Signature]</i>	Valerie Morgan	2437 LEANN Circle 37406
3-6-15	<i>[Signature]</i>	Charlotte Williams	2426 LeAnn Circle 37406
3-6-15	<i>[Signature]</i>	DeAngelo Jackson	2406 LeAnn Cr 37406
3-6-15	<i>[Signature]</i>	2438 LeAnn Cir	Juliette Harrison
3-6-15	<i>[Signature]</i>	William Harrison	2430 LeAnn Cir
3-6-15	<i>[Signature]</i>	Dorell Steele	3614 Sumter Ave
3-6-15	<i>[Signature]</i>	Eric Jackson	3614 Sumter Ave
3-6-15	<i>[Signature]</i>	Latisha M Bell	3610 Sumter Ave
3-6-15	<i>[Signature]</i>	Jacob Threath	3607 Sumter Ave
3-6-15	<i>[Signature]</i>	Larry M S Millon	3607 Sumter Ave
3-6-15	<i>[Signature]</i>	MATHE COOPERLAND	2306 Nimitz Street
3-6-15	<i>[Signature]</i>	Brian E Washington	2337 Nimitz St
3-6-15	<i>[Signature]</i>	Serey Washington	2337 Nimitz St





**PLANNING COMMISSION CASE REPORT**

Case Number: 2015-028

PC Meeting Date: 03-09-15

**Applicant Request****Rezone from R1 Residential Zone to R-3 Residential Zone**

<b>Property Location:</b>	3525 Garner Road
<b>Property Owner:</b>	W.C. Hunter
<b>Applicant:</b>	Fred Ervin

**Project Description**

- Per the pre-application meeting notes, the applicant is proposing to develop the 8.7-acre site with a total of 86 apartment units. The site plan submitted by the applicant indicates that there will be 16 individual 2-story buildings. Each building will contain 4 to 8 units.
- The entrance is proposed to be on Garner Road.
- Based on 86 units, the proposed density is approximately 9.9 dwelling units per acre.

**Site Analysis****Site Description**

- The 8.7-acre vacant site is located in Eastdale on Garner Road just east of the intersection with Tunnel Boulevard and approximately 7/10 of a mile north of the Tunnel Boulevard and Wilcox Boulevard intersection.
- Functional Classification: According to the Tennessee Department of Transportation's Functional Classification System, Tunnel Boulevard is classified as an Urban Principal Arterial.
- Access: Currently, access to the site is from Garner Road.
- Development Form: The site is located within a suburban area of Chattanooga. Generally, much of the area within a 1-mile radius of the site was developed with 1-story homes between the 1950's and 1970's.
- Land Uses: Except for approximately 10 duplexes on the south side of Green Forest Drive to the east of the site, most all of the properties within ¼-mile of the site are used for single-family homes.
- Density: The average single-family residential density in the immediate vicinity of the site is approximately 2 dwelling units per acre.

**Zoning History**

- The site is currently zoned R-1 Residential.
- Except for Green Forest Drive on the west side of Tunnel Boulevard, all of the properties within a ¼-mile radius of the site are zoned R-1 Residential.
- The nearest R-3 Residential Zone is approximately one mile to the south on Wilcox Boulevard.
- There has been no recent zoning activity on this site.

**Plans/Policies**

- The Eastdale Plan (adopted by City Council in 1998) recommends single-family residential for this general area.

**Key Findings**

- The proposal is not supported by the recommendations of the adopted Land Use Plan (The Eastdale Plan) which recommends single-family residential, not multi-family residential for this location.
- The proposal is not consistent with the development form of the area.
- The proposed residential density is not compatible with the surrounding densities.
- The proposal would not be an extension of an existing zone.
- The proposal would set a precedent for future requests.

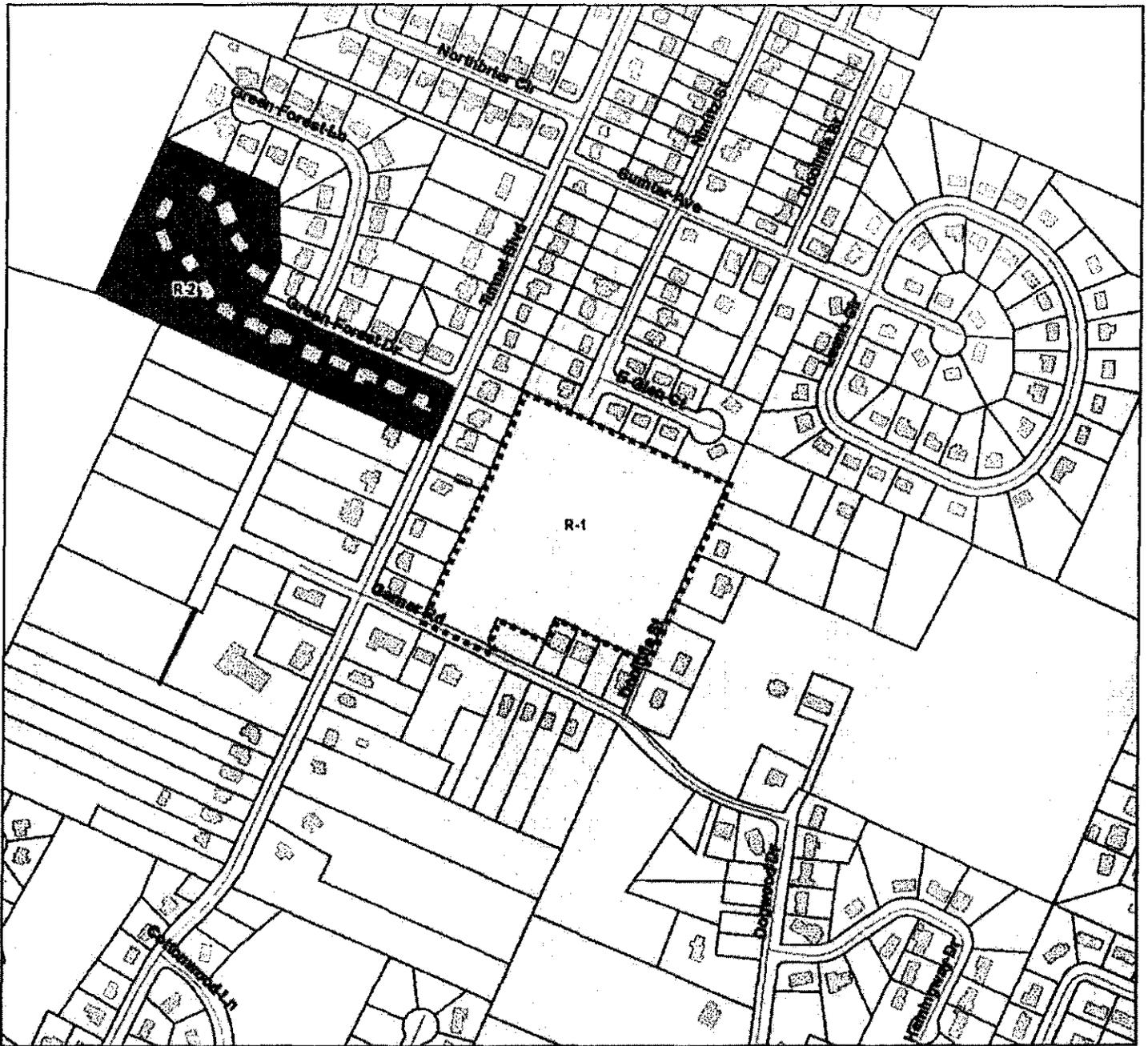
**Staff Recommendation**

Deny. NOTE: Staff has not received any revised site plan or request.

**Planning Commission Recommendation**

Deny. Opposition was present at the March 9, 2015 Planning Commission meeting.





## 2015-028 Rezoning from R-1 to R-3

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-028: Deny



390 ft

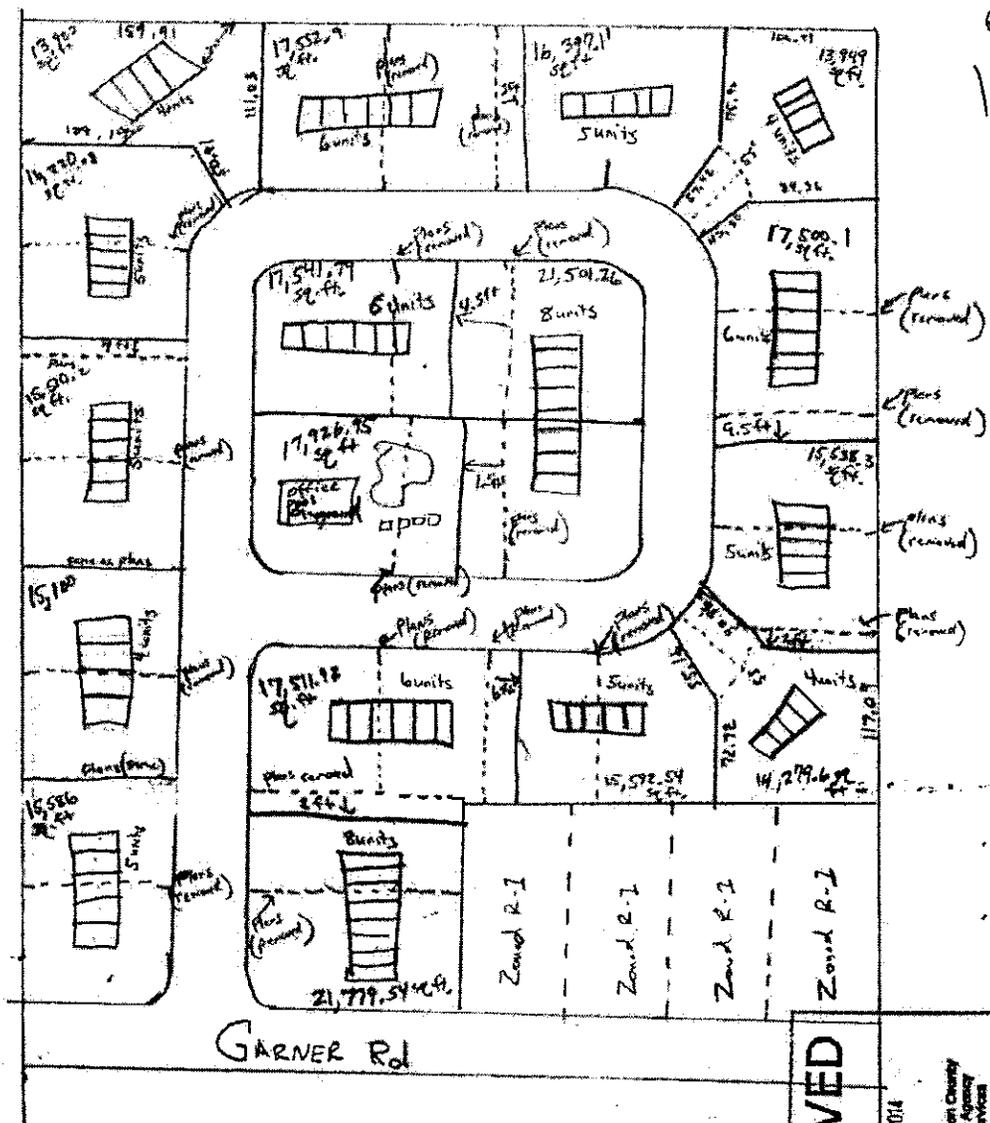


Chattanooga Hamilton County Regional Planning Agency



Zoned R-1

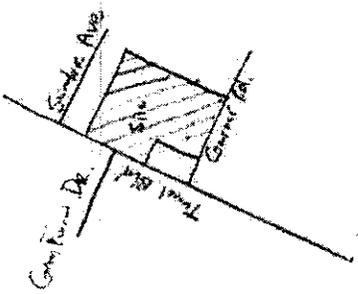
86 units



2015-028

GARNER Rd

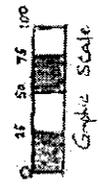
**RECEIVED**  
 DEC 22 2014  
 Chatham County Hamilton County  
 Regional Planning Agency  
 Development Services



Location Map

Notes:

- A. Current Zoning R-1
- B. 8-69 NOTES
- C. Lot Lines will be reset according to half ordinance
- D. All requirements (sewer, water, power, setbacks, etc.) will be set to city standards



Property Plan

Scale: 1/4" = 25ft.

Tax Map No. 137-J-C-013

Chattanooga, TN

File: Lavered Grundy + Fred Ervin  
 POB 1819  
 Marietta, GA 30126  
 423-334611  
 laveredg@yaho.com

## 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:

2015-028 Fred Ervin and W.C. Hunter. 3525 Garner Road, from R-1 Residential Zone to R-3 Residential Zone.

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

2015-033 Passpointe Engineering/Jan Pass and JJMP GP/Jasmin Patel. 216 Market Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-034 Julie Gardenhire and Betty Silvers. 7104 Bonny Oaks Drive, from R-1 Residential Zone to O-1 Office Zone, subject to certain conditions.

2015-035 Skip Pond and Alfred Jayne. 941 McCallie Avenue, from R-4 Special Zone to C-3 Central Business Zone, subject to certain conditions.

2015-038 Gabe Thomas of Collier Construction and Tammy Development Company, LLC (Hickory Land). 3100 Saint Elmo Avenue, from M-1 Manufacturing Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone and UGC Urban General Commercial Zone, subject to certain conditions.

2015-039 City of Chattanooga/RPA and Johnston Southern Company, LLC. 9337 and 9339 Bradmore Lane, from Temporary C-2 Convenience Commercial Zone to a Permanent Zone per City Code, Article XII, Section 38-653 Planning Commission Zoning Plan to establish permanent zones for area annexed as identified in Ordinance No. 12897, adopted January 20, 2015, by City Council.

3. 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) Deleting Item (18) in its entirety in Section 38-121 (R-4 Special Zone), Permitted Uses, and renumber the remaining items in numerical order.
- (b) Deleting Item (9) in its entirety in Section 38-171 (O-1 Office Zone), Permitted Uses, and deleting Item (12) in its entirety and renumber the remaining items in numerical order.
- (c) Deleting the last paragraph of Article V, Division 15, C-3 Central Business Zone, Section 38-228(1) and substituting in lieu thereof.
- (d) Adding a second paragraph to Article VIII, Section 38-565, Notices.

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,

**April 14, 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.

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Nicole Gwyn  
Clerk to the City Council