

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

2015-034  
Julie Gardenhire and Betty Silvers  
District No. 6  
Planning Version  
Version 3

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7104 BONNY OAKS DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE ZONE, SUBJECT TO CERTAIN CONDITIONS.

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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 7104 Bonny Oaks Drive, more particularly described herein:

An unplatted tract of land located at 7104 Bonny Oaks Drive, being the property referenced in Deed Book 1747, Page 133, ROHC, and more particularly described by measurements from the Tax Assessor records beginning at the NE corner of the parcel and going parallel with Bonny Oaks Drive 223 feet to the southeast corner of Tax Map 139A-D-001, thence 475.2 feet west, thence 180 feet northeast, thence 287 feet east to the point of beginning. Tax Map No. 139A-D-001.

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

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be approved subject to the following conditions:

- (1) Retain use of existing home on-site and no additional structures are allowed;
- (2) No dumpster allowed;
- (3) Signs incident to the permitted uses, except that only one (1) sign shall be permitted for each structure, which sign shall be set back ten (10) feet from any property line. The sign shall not exceed forty-eight (48) square feet in area and shall not be more than four (4) feet in height. If illuminated the sign shall be indirectly lit in such a way that the light source cannot be seen from any public way or adjoining property. The lighting intensity shall not exceed twenty-five (25) foot-candles at the face of the sign. No flashing or intermittent lights will be permitted, and no internally illuminated signs shall be permitted;
- (4) Parking shall be located to the side or rear of the building. Paving of the front yard shall be limited only to approved access drives. All lighting in the parking lot shall be directed inward and shall not exceed twenty-five (25') foot candles at the base of the lighting standard; and
- (5) As required by City Code, all light fixtures shall have full cut-offs. The Applicant shall submit a lighting plan to the Land Development Office to ensure no light spillage into adjoining properties.

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: \_\_\_\_\_

2015-034  
Julie Gardenhire and Betty Silvers  
District No. 6  
Applicant Version

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

2015-034 City of Chattanooga  
March 9, 2015

RESOLUTION

WHEREAS, Julie Gardenhire & Betty Silvers 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 O-1 Office Zone, property located at 7104 Bonny Oaks Drive.

An unplatted tract of land located at 7104 Bonny Oaks Drive, being the property referenced in Deed Book 1747, Page 133, ROHC, and more particularly described by measurements from the Tax Assessor records beginning at the NE corner of the parcel and going parallel with Bonny Oaks Drive 223 feet to the southeast corner of Tax Map 139A-D-001, thence 475.2 feet west, thence 180 feet northeast, thence 287 feet east to the point of beginning. Tax Map 139A-D-001 as shown on the attached map.

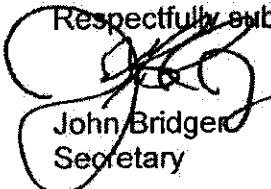
AND WHEREAS, the Planning Commission held a public hearing on this petition on March 9, 2015,

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 March 9, 2015, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to the following conditions: 1) Use existing building only; and 2) No Dumpster.

Respectfully submitted,  
  
John Bridger  
Secretary

**ZONING APPLICATION FORM**

<b>CASE NUMBER:</b>	2015-034	<b>Date Submitted:</b> 01-26-2015
(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: O-1 Office Zone
Total Acres in request area: 1.6 Acres + or -		
<b>2 Property Information</b>		
<b>Property Address:</b>	7104 Bonny Oaks Drive	
<b>Property Tax Map Number(s):</b>	139A-D-001	
<b>3 Proposed Development</b>		
<b>Reason for Request and/or Proposed Use:</b>	Office Space for Home Instead Senior Care	
<b>4 Site Characteristics</b>		
<b>Current Zoning:</b>	R-1	
<b>Current Use:</b>	Residential	
<b>Adjacent Uses:</b>	R-1 & M-1	
<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> Julie Gardenhire	<b>Address:</b> 7625 Hamilton Park Drive	
<b>Check one:</b>	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am not the property owner
<b>City:</b> Chattanooga	<b>State:</b> TN	<b>Zip Code:</b> 37421
<b>Email:</b> juliegardenire@yahoo.com		
<b>Phone 1:</b> 423-413-5782	<b>Phone 2:</b> 423-893-9993	<b>Phone 3:</b> 423-554-4669
<b>Fax:</b> 423-893-9975		
<b>6 Property Owner Information (if not applicant)</b>		
<b>Name:</b> Betty Silvers	<b>Phone:</b> 423-899-5565	
<b>Address:</b> 7104 Bonny Oaks Drive Chattanooga, TN 37421		
<b>Office Use Only:</b>		
<b>Planning District:</b> 5	<b>Neighborhood:</b> CNAC, FOEB, BEBC, DVHA, TAMA	
<b>Hamilton Co. Comm. District:</b> 5	<b>Chatt. Council District:</b> 5	<b>Other Municipality:</b>
<b>Staff Fee:</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: 1.6	<input checked="" type="checkbox"/> Deeds
<input type="checkbox"/> Plats (if applicable)		
<b>Deed Book(s):</b> 1747-133		
<b>Plat Book/Page:</b> N/A	<input checked="" type="checkbox"/> Notice Signs	<b>Number of Notice Signs:</b> 2
<input checked="" type="checkbox"/> Filing Fee: 635.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check
<b>Check Number:</b> 001044		
<b>Planning Commission meeting date:</b> 3-9-2015	<b>Application processed by:</b> Marcia Parker	

**PLANNING COMMISSION CASE REPORT**

Case Number: 2015-034

PC Meeting Date: 03-09-15

**Applicant Request****Rezone from R-1 Residential Zone to O-1 Office Zone**

Property Location:	Address 7104 Bonny Oaks Drive
Property Owner:	Betty Silvers
Applicant:	Julie Gardenhire

**Project Description**

- The applicant proposes to use the existing single-family residential structure as administrative office space for a small business (Home Instead Senior Care).

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

- The 1.6-acre site is located on the west side of Bonny Oaks Drive at the railroad overpass approximately 875 feet south of the entrance to the Enterprise South Industrial Park.
- Functional Classification: The Tennessee Department of Transportations' Functional Classification System classifies this section of Bonny Oaks Drive as an Urban Principal Arterial.
- Access: Currently, access to the site is from Bonnyvale Lane.
- Land Uses: The site fronts Bonny Oaks Drive. An active rail line is located directly adjacent to the north side of the site. Approximately 30 undeveloped vacant acres is on the west side of the site. There are several single-family homes within 600 feet of the site to the south, one of which is used as a pet kennel (Pet Inn Kennel).

**Zoning History**

- The site is currently zoned R-1 Residential which only permits single-family homes.
- The 30-acres adjacent to the west of the site was requested to be rezoned to R-3 Residential in 2014. The Planning Commission recommended approval of the request with certain conditions, but the request was withdrawn by the applicant before it reached the City Council (Case 2014-005).
- The nearest non-residential zone is the M-1 Manufacturing Zone located approximately 100 feet north of the site at the centerline of the railroad right-of-way.

**Plans/Policies/Regulations**

- The O-1 Office Zone being requested only permits single-family homes and office uses.
- The Shallowford Road-Lee Highway Area Plan (adopted by City Council in 2005) recommends single-unit residential.

**Key Findings**

- There are several grandfathered commercial uses along Bonny Oaks Drive making the proposed use compatible with surrounding uses.
- The proposal to use the existing building is consistent with the development form of the area.
- The proposal would not be an extension of an existing zone.
- Approval of this development is not intended to set a precedent for future requests. This request is appropriate because it has direct access on to Bonny Oaks Drive.

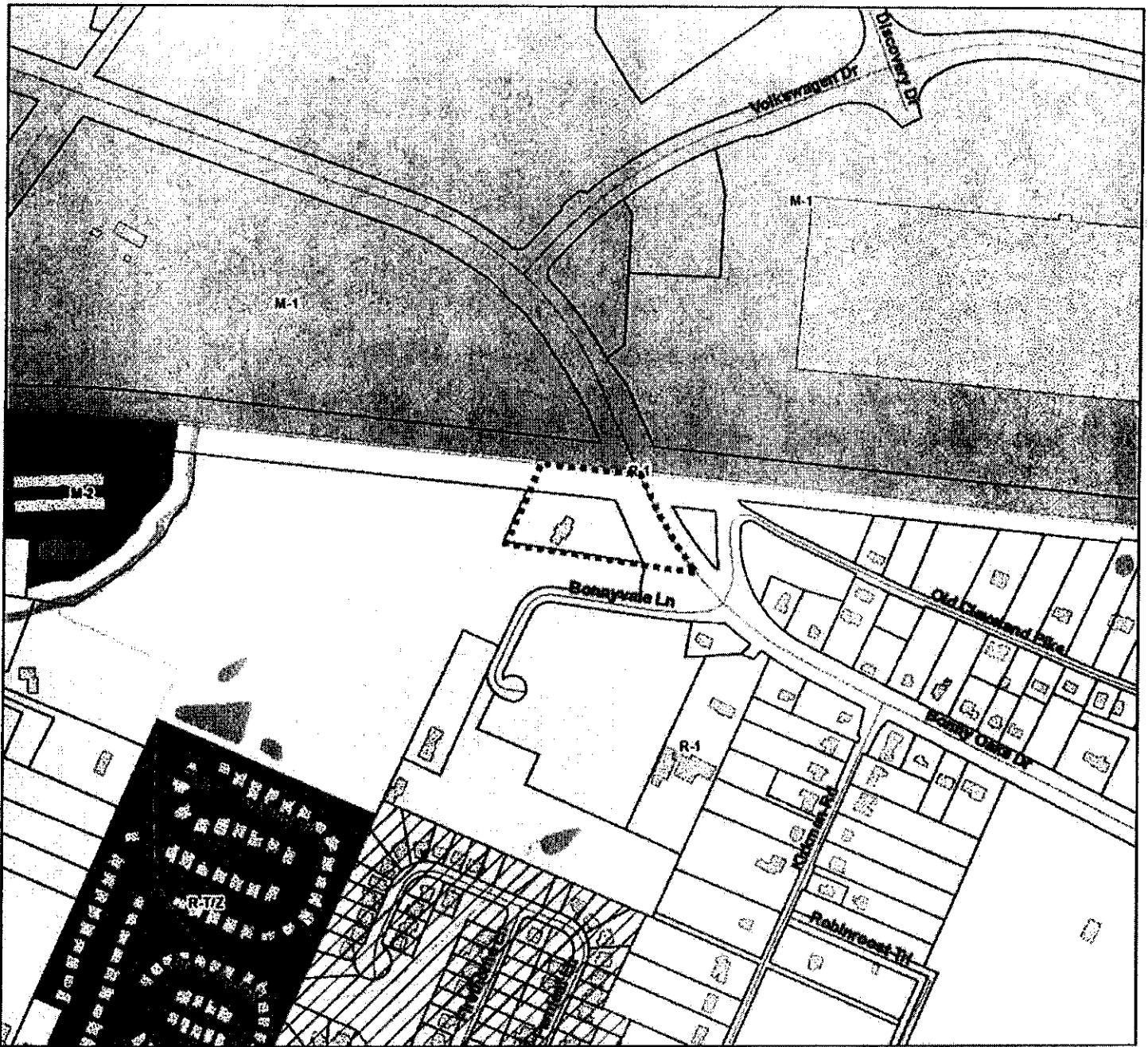
**Staff Recommendation**

Approval, subject to the following conditions:

- Use existing building only.
- No Dumpster.

**Planning Commission Recommendation**

Approve, subject to the conditions listed in the Staff Recommendation.



## 2015-034 Rezoning from R-1 to O-1

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-034:

Approve, subject to: 1) Use existing building only; and 2) No Dumpster.



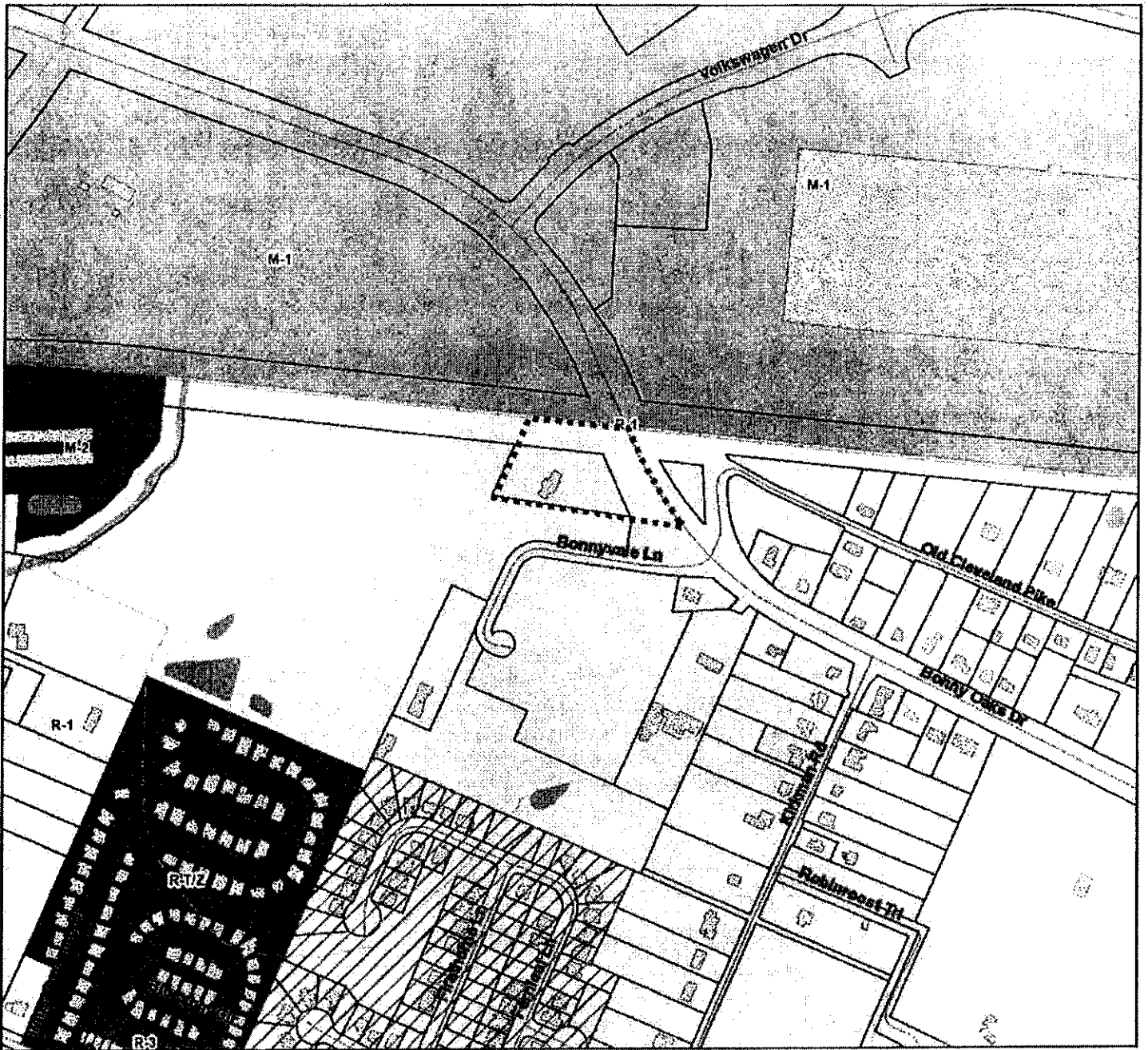
461 ft



Chattanooga Hamilton County Regional Planning Agency







# 2015-034 Rezoning from R-1 to O-1



461 ft

Chattanooga Hamilton County Regional Planning Agency



**Site Plan**

Case # 2015-034

Total Acres being requested for rezoning or special permit: 1.6

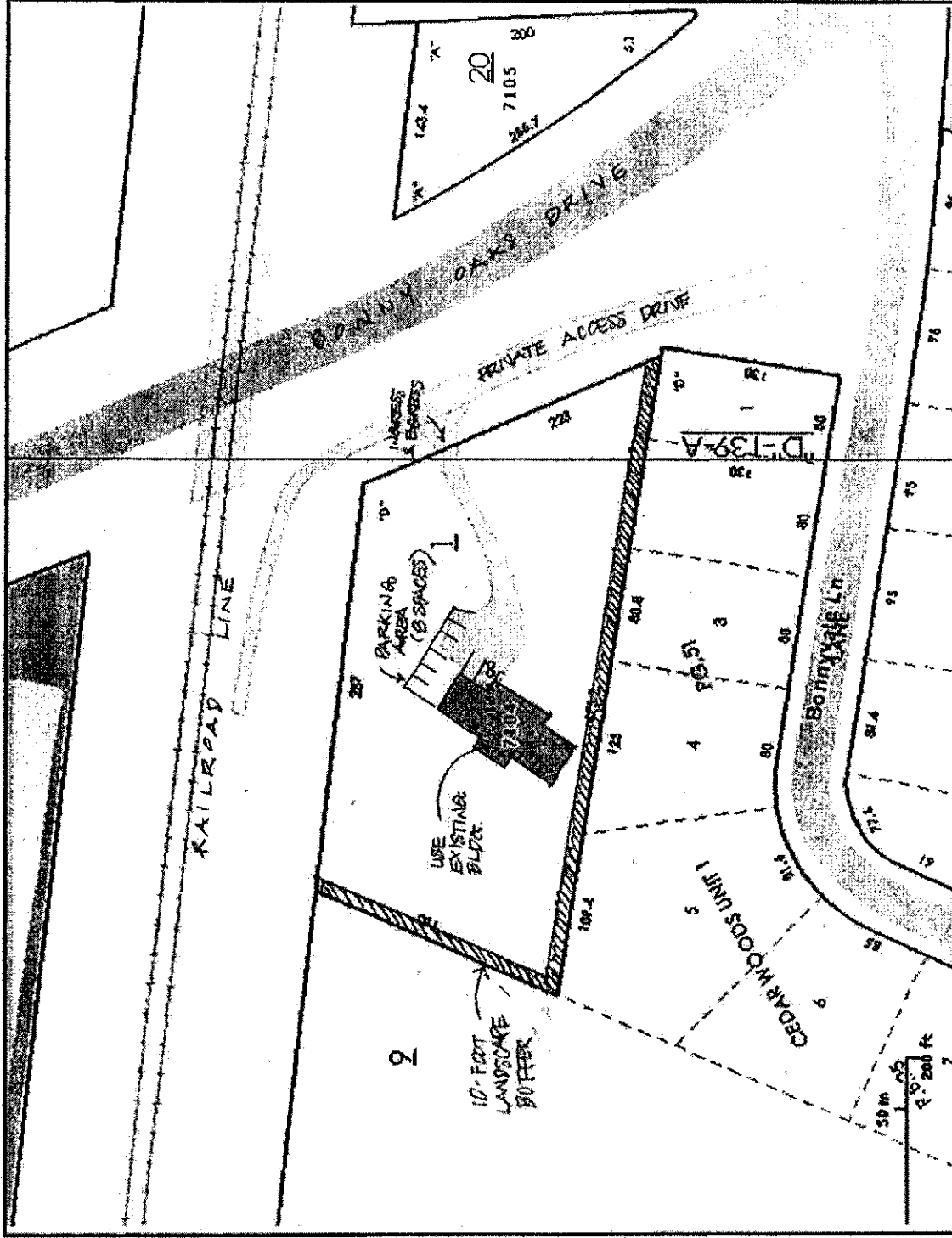
Total number of dwelling units (if applicable): 1/1A

Identify all items on the site plan that are listed in the RPA Site Plan Policy



Date Received 1-26-15

Applicant Initial \_\_\_\_\_



## 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