

First Reading: 5/12/15  
Second Reading: \_\_\_\_\_

2015-046  
Amelia Roberts and Billie Lyles  
District No. 6  
Planning Version

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 4115 NORTH TERRACE, 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 4115 North Terrace, more particularly described herein:

Being that part of Lot Seven (7) (Not deeded to the State of Tennessee) and the east fifty-five (55) feet of Lot Six (6), Block R, Reamended Belvoir Place, Plat Book 11, Page 8, ROHC, being the property described in Deed Book 2945, Page 771, ROHC. Tax Map No. 1570-A-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:

- 1) Off-street parking as required by the City of Chattanooga Zoning Ordinance and no on-street parking;
- 2) One monument sign per City of Chattanooga Sign Ordinance;
- 3) Landscape buffering as required by the Landscape Provisions of the City of Chattanooga Zoning Ordinance;
- 4) Exterior lighting directed away from all residential properties as required by Article IV, Section 38-33 of the City of Chattanooga Zoning Ordinance; and
- 5) No dumpster service for trash pickup; and 6) subject to building maintaining a residential character/appearance.

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:** \_\_\_\_\_

2015-046  
Amelia Roberts and Billie Lyles  
District No. 6  
Applicant Version

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

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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

2015-046 City of Chattanooga  
April 13, 2015

RESOLUTION

WHEREAS, Amelia Roberts & Billie Lyles 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 4115 North Terrace.

Being that part of Lot Seven (7) (Not deeded to the State of Tennessee) and the east fifty-five (55) feet of Lot Six (6), Block R, Reamended Belvoir Place, Plat Book 11, Page 8, ROHC, being the property described in Deed Book 2945, Page 771, ROHC. Tax Map 1570-A-001 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on April 13, 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 April 13, 2015, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to : 1) Off-street parking as required by the City of Chattanooga Zoning Ordinance and no on-street parking; 2) One monument sign per City of Chattanooga Sign Ordinance; 3) Landscape buffering as required by the Landscape Provisions of the City of Chattanooga Zoning Ordinance; 4) Exterior lighting directed away from all residential properties as required by Article IV, Section 38-33 of the City of Chattanooga Zoning Ordinance; and 5) No dumpster service for trash pickup; and 6) subject to building maintaining a residential character/appearance.

Respectfully submitted,



John Bridger  
Secretary

**PLANNING COMMISSION CASE REPORT**

Case Number: 2015-046

PC Meeting Date: 04-13-15

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

<b>Property Location:</b>	<b>4115 North Terrace</b>
<b>Property Owner:</b>	<b>Billie Lyles</b>
<b>Applicant:</b>	<b>Amelia Roberts</b>

**Project Description**

- The applicant is proposing to convert an existing single-family residence to a professional office use.
- Proposed access to be from existing drives on North Terrace and Marlboro Avenue.
- Proposed parking areas located to the side and rear of the building for eight vehicles.

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

- The ½-acre site is located on the west corner of Marlboro Avenue at the intersection with North Terrace in the Brainerd area.
- Functional Classification: North Terrace fronts and parallels Interstate 75. Its classification is not identified on the Tennessee Department of Transportation Urban Functional Classification System map.
- Access: Currently, access to the site is from North Terrace and Marlboro Avenue.
- Development form: Everything in the immediate vicinity is one-story homes.
- Land Uses: Adjacent property to the west is used for a utility substation by the Electric Power Board; North: Single-family homes; East: Single-family homes.
- Density: Average residential density in the area is approximately 4 dwelling units per acre.

**Zoning History**

- The site is currently zoned R-1 residential.
- The nearest office zones are approximately 500 feet to the south across I-75 fronting South Terrace within the City of East Ridge. There are office zones 2,500 feet to the north along Brainerd Road, but not fronting South Terrace.
- There has been no recent zoning activity on this site.

**Plans/Policies/Regulations**

- The 2030 Comprehensive Plan places this area in the Inner Suburban Infill development sector. This development sector encourages separation of residential and non-residential uses.
- The 2000 North Moore Road/North Terrace Zoning Policy recommends no further zoning changes along North Terrace.
- The R-1 Residential Zone only permits single-family homes.
- The O-1 Office Zone permits single-family homes and office uses.

**Key Findings**

- The proposal is not supported by the recommendations of the adopted 2030 Comprehensive Plan. While South Terrace is not a residential street, it is not considered a major arterial corridor such as Brainerd Road.
- The proposed zoning change is not supported by the 2000 North Moore Road/North Terrace Zoning Policy.
- The proposed use is not consistent with surrounding uses.
- The maximum allowable development for this zone could raise concerns regarding location, parking, lighting, and noise.
- The proposal would not be an extension of an existing zone.

## PLANNING COMMISSION CASE REPORT

- The proposal would set a precedent for future requests by designating North Terrace as an acceptable corridor for non-residential uses. The current zoning pattern for the Brainerd area is for commercial/office zoning to be located along Brainerd Road. The only exception to this pattern is a small area on Germantown Road that has been zoned office between North Terrace and Navajo Drive.

### Staff Recommendation

Deny.

### Planning Commission Recommendation

Approve, subject to:

1. Off-street parking as required by the City of Chattanooga Zoning Ordinance and no on-street parking.
2. One monument sign per City of Chattanooga Sign Ordinance.
3. Landscape buffering as required by the Landscape Provisions of the City of Chattanooga Zoning Ordinance.
4. Exterior lighting directed away from all residential properties as required by Article IV, Section 38-33 of the City of Chattanooga Zoning Ordinance.
5. No dumpster service for trash pickup.
6. Building to maintain a residential character/appearance.

Note: There was no opposition present at the Planning Commission meeting. The applicant met with the neighborhood residents to create an agreed upon list of conditions (above).

**ZONING APPLICATION FORM**

<b>CASE NUMBER:</b>	2015-046	<b>Date Submitted:</b>	2-20-2015
(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: 0-1 Office Zone	
Total Acres in request area: 0.4 acres + or -			
<b>2 Property Information</b>			
Property Address:	4115 N. Terrace		
Property Tax Map Number(s):	1570-A-001		
<b>3 Proposed Development</b>			
Reason for Request and/or Proposed Use:	For a two Attorney Law Office		
<b>4 Site Characteristics</b>			
Current Zoning:	R-1		
Current Use:	Duplex & Beauty Parlor		
Adjacent Uses:	EPB Sub Station, Churches, Apartments, Homes, & Bx		
<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: Amelia Roberts	Address: 1222 Tremont Street #22		
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: 37405	Email: aroberts@conner-roberts.com
Phone 1: 423-266-2144	Phone 2: 423-432-2872	Phone 3: 423-266-2155	Fax: 423-266-2161
<b>6 Property Owner Information (if not applicant)</b>			
Name: Billie Lyles	Phone: 423-624-6576		
Address: 4115 N. Terrace Chattanooga, TN 37411			
<b>Office Use Only:</b>			
Planning District: 9	Neighborhood: CNAC, Brainerd Unity Group, Belvoir Neighborhood		
Hamilton Co. Comm. District: 8	Chatt. Council District: 6	Other Municipality:	
Staff Rec:	PC 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: 0.4	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 2945-771			
Plat Book/Page: 11-8	<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 1	
<input checked="" type="checkbox"/> Filing Fee: 635.00	Cash	<input checked="" type="checkbox"/> Check	Check Number: 2809
Planning Commission meeting date: 4-13-2015	Application processed by: Marcia Parker		

2015-046



**Date: April 13, 2015**  
**To: Regional Planning Authority**  
**Re: Zoning Request for 4115 North Terrace**

**We are asking that the following Conditions be added to the request for rezoning of the above mentioned property.**

- 1. We ask that there be no parking on the street and that there be ample parking on the property so that it does not overflow into the road and surrounding neighborhood.**
- 2. We ask that there be no large signage on the property and we prefer monument signs in keeping with the character of the house.**
- 3. We ask that there be a buffer such as fencing and landscaping between other property so that the integrity of the neighborhood would be maintained.**
- 4. We ask that all exterior lighting be directed away from all residential properties.**
- 5. We ask that trash pickups be done with the regular neighborhood pickup and not dumpsters.**

  
**Donna and Ricky King, CoPresidents**  
**Belvoir Neighborhood Association**

Zimbra

donnaking51@epbfi.com

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**Rezoning of property**

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**From :** donnaking51@epbfi.com

Thu, Mar 12, 2015 11:28 PM

**Subject :** Rezoning of property**To :** aroberts@conner-roberts.com**Cc :** donnaking51@epbfi.com, Ricky King  
<rking@lodgemfg.com>

Dear Ms. Roberts,

This is a follow up regarding the issue of rezoning property at 4115 North Terrace. Tonight at our monthly association meeting Barbara Cornwell who lives behind that property on Sunbury expressed concerns about having the property rezoned as office as she felt that her privacy would be jeopardized . Dr. Carol Berz was at our meeting and suggested that I write get down in writing what we discussed so that Mrs. Cornwell could have her concerns and so that Dr. Berz could better represent us at the Zoning Board. Below is the list of proposed zoning conditions that were agreed to.

1. We asked that there be no parking on the street and you stated that there was ample parking on the property and that you felt that there would not be a high volume of traffic at any one time as to necessitate on street parking.
  2. We asked that there be no large signage on the property and we prefer monument signs. You stated that your intent was to have signage in keeping with the character of the house. You also stated that your plans were to make cosmetic improvements to the house as well.
  3. We asked that there be a buffer such as fencing and landscaping between other property so that the integrity of the neighborhood would be maintained. You agreed to this request.
- In addition we are asking:
4. That all exterior lighting be directed away from all residential properties.
  5. That trash pickups be done with the regular neighborhood pickup and not dumpsters.

We are asking that these conditions be attached to the zoning request.

If you have any questions, please feel free to call me at 423-622-0674

Sincerely,  
Donna King

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Zimbra

donnaking51@epbf.com

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**RE: Rezoning of property**

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**From :** Amelia Roberts <aroberts@conner-roberts.com>

Fri, Mar 13, 2015 01:49 PM

**Subject :** RE: Rezoning of property**To :** donnaking51@epbf.com**Cc :** 'Ricky King' <rking@lodgemfg.com>

Absolutely. We agree to all of those items listed below.

We want to be sure privacy is maintained.

We will do decorative and privacy landscaping and high quality privacy fencing along the rear that would be stained to match the new wood shutters in keeping with the exterior of the home.

We use City of Chattanooga trash service now. This is a small law firm and I think the neighbors will not even notice but for the cosmetic improvements.

I truly appreciate you writing to me and letting me know the neighbor's concerns so that we can assure her, you, and all levels of oversight as to the vision we have for the property.

Thank you again and please do let me know if any other questions are raised and I will be glad to address them.

Amelia

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Amelia C. Roberts, Esq.

CONNER & ROBERTS, PLLC

1222 Tremont Street, Suite 102

Chattanooga, TN 37405

(423) 266-2144 Telephone

(423) 266-2161 Facsimile

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**From:** donnaking51@epbf.com [mailto:donnaking51@epbf.com]

**Sent:** Thursday, March 12, 2015 11:28 PM

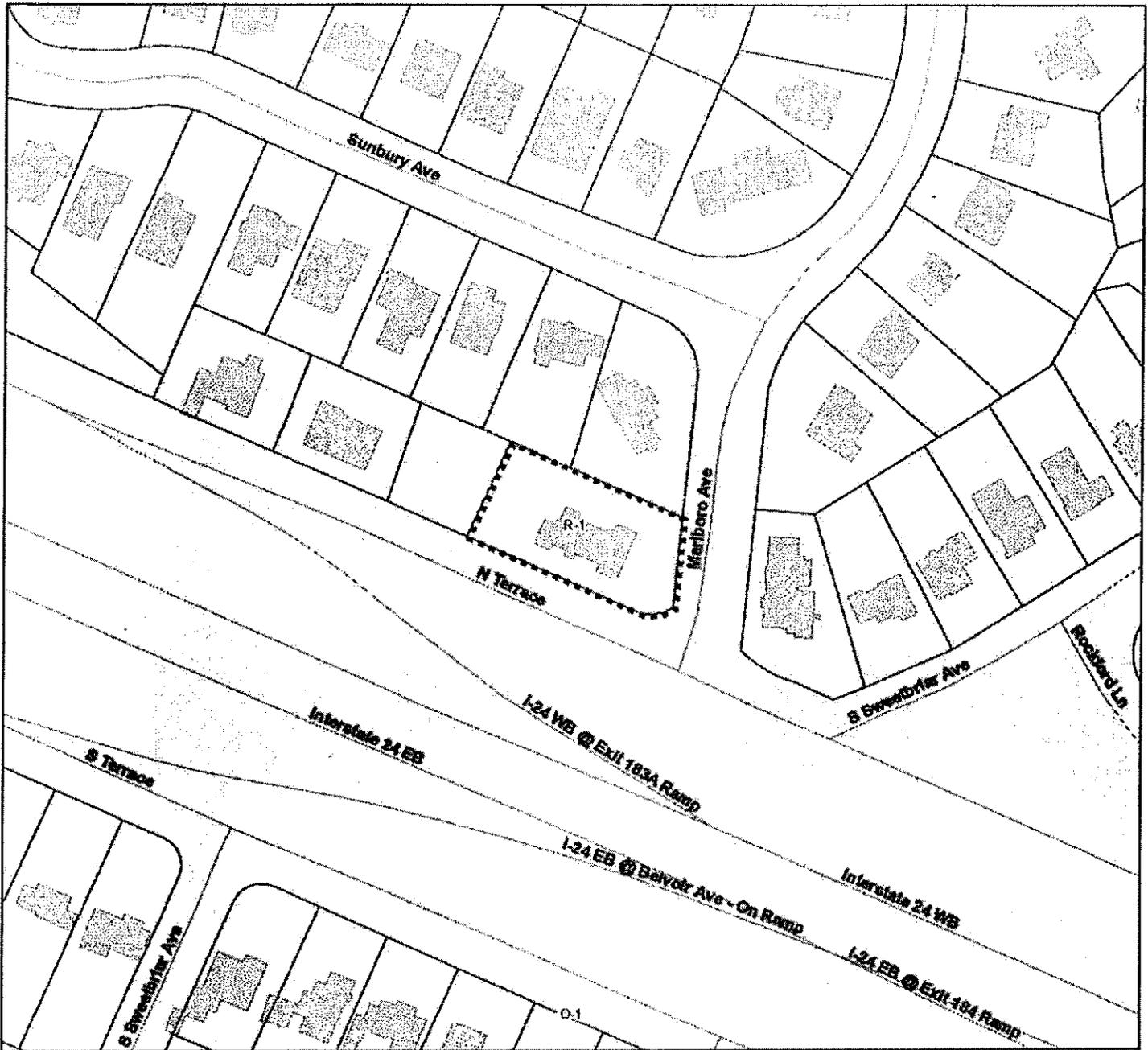
**To:** aroberts@conner-roberts.com

**Cc:** donnaking51@epbf.com; Ricky King

**Subject:** Rezoning of property

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## 2015-046 Rezoning from R-1 to O-1

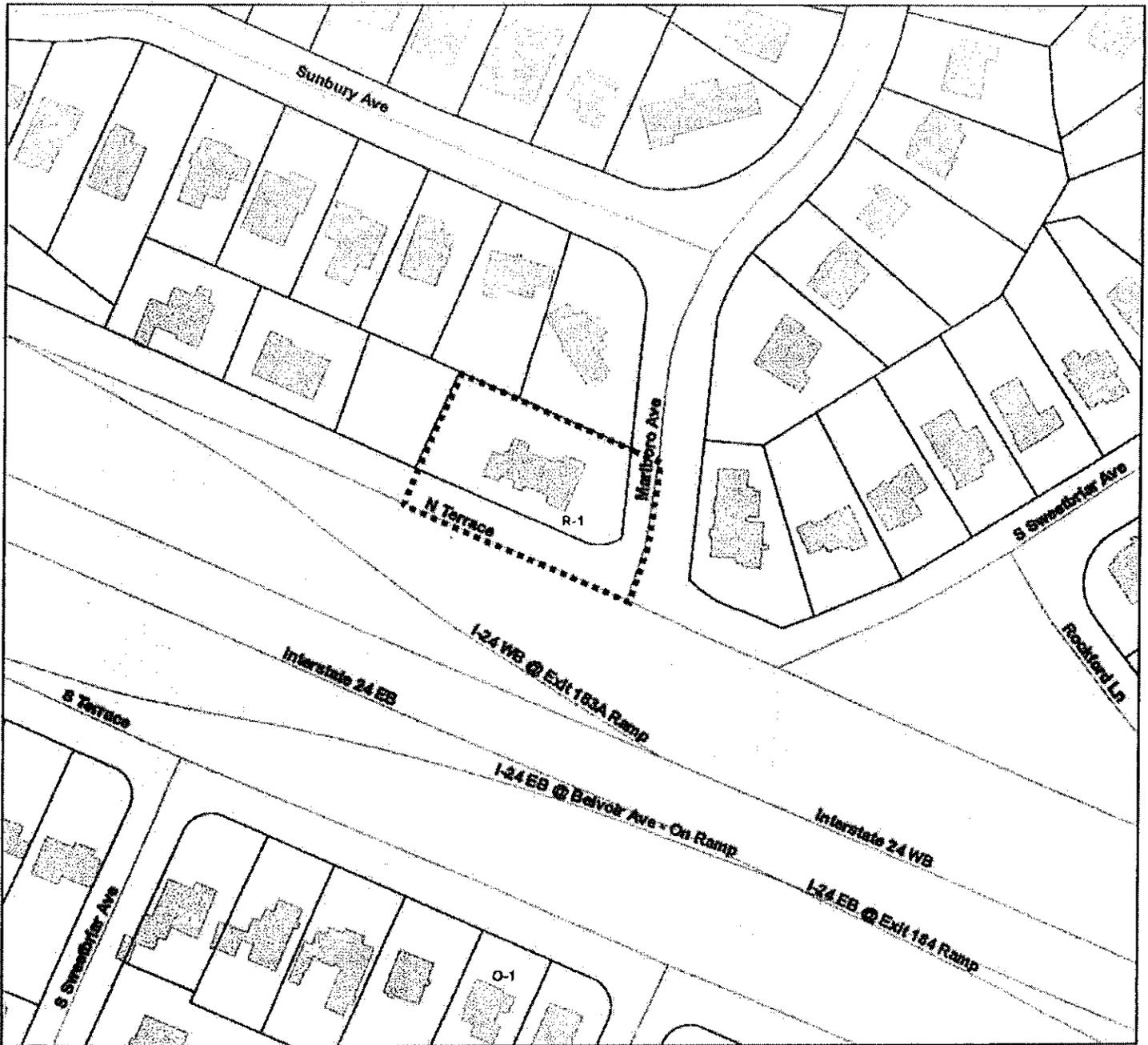
PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-046: Approve, subject to 1) Off-street parking as required by the City of Chattanooga Zoning Ordinance and no on-street parking; 2) One monument sign per City of Chattanooga Sign Ordinance; 3) Landscape buffering as required by the Landscape Provisions of the City of Chattanooga Zoning Ordinance; 4) Exterior lighting directed away from all residential properties as required by Article IV, Section 38-33 of the City of Chattanooga Zoning Ordinance; and 5) No dumpster service for trash pickup; and 6) subject to building maintaining a residential character/appearance



118 ft

Chattanooga Hamilton County Regional Planning Agency





## 2015-046 Rezoning from R-1 to O-1



118 ft



Chattanooga Hamilton County Regional Planning Agency

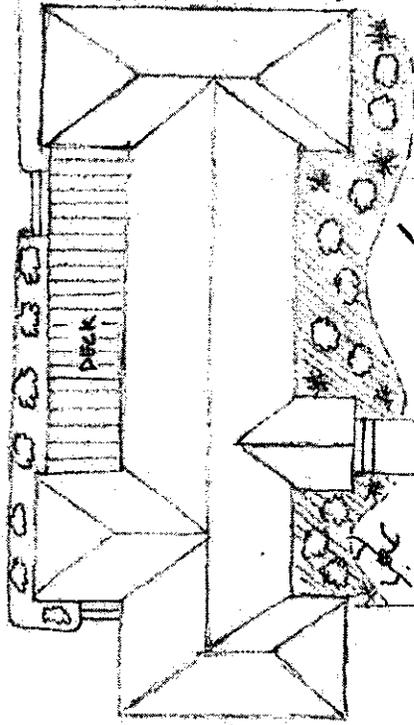


Leyland Cypress



TANDEM SPACES 2

E.D.

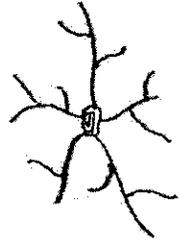


Proposed LANDSCAPING

EXISTING DRIVE

Proposed 6 SPACES

E.D.



E.D.

RECEIVED

FEB 20 2015

Chattahoochee Hamilton County  
Regional Planning Agency  
Consistent Services

## 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 petitions to rezone be approved:

2015-046 Amelia Roberts and Billie Lyles. 4115 North Terrace, from R-1 Residential Zone to O-1 Office Zone, subject to certain conditions.

2015-047 Highland Park, LLC (Chattanooga Neighborhood Enterprise). 1704, 1706, and 1714 Kirby Avenue, from R-4 Special Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone, subject to certain conditions.

2015-049 John Straussberger/Southside Centre, LLC. 1700 Broad Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-052 Chattanooga Neighborhood Enterprise/Bob McNutt and Tennessee Temple. 1706, 1708, 1710, 1712, 1714, and 1716 Bailey Avenue, from R-4 Special Zone to UGC Urban General Commercial Zone, subject to certain conditions.

2015-054 Tower Construction Company/Calvin Ball. 2408, 2410, and 2412 Chamberlain Avenue, from R-2 Residential Zone to R-T/Z Residential Townhouse Zero Lot Line Zone, subject to certain conditions.

2015-055 ASA Engineering c/o Allen Jones and Marshall Berry. 1400 Chestnut Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-058 Elemi Architecture and Jim Lee. 1705 Market Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be denied for the R-4 Special Zone request and recommend an O-1 Office Zone as follows:

2015-057 Becky Lockwood and Diantha Swift. 2211 and 2217 Hickory Valley Road, from R-1 Residential Zone to O-1 Office Zone, subject to certain conditions.

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 in its entirety Article XIII, Changes and Amendments, Section 38-672, Method of Procedure, and replacing in lieu thereof.
- (b) Deleting in its entirety Article VIII, Board of Appeals for Variances and Special Permits, Section 38-565, Notices, and replacing in lieu thereof.
- (c) Adding item (6) to Article VIII, Board of Appeals for Variances and Special Permits, Section 38-566, Hearings.

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,

**May 12, 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