

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

2015-070  
ASA Engineering  
c/o Allen Jones, Ronald Speicher, and  
Ben O'Daniel  
District No. 3  
Planning Version

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A PORTION OF PROPERTIES LOCATED AT 137 AND 200 OYLER LANE AND 5510 MOODY SAWYER ROAD, MORE PARTICULARLY DESCRIBED HEREIN, 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 a portion of properties located at 137 and 200 Oyler Lane and 5510 Moody Sawyer Road, more particularly described herein:

A portion of an unplatted tract of land located at 137 Lane, beginning 377.58 feet northwest of the northeast corner of Tax Map 099L-B-030 and going 326.06 feet south, thence 71.35 feet northwest, thence 309.68 feet north, thence 66.30 feet southeast to the point of beginning, being part of the property described in Deed Book 10189, Page 685, ROHC; A portion of Lot 1, Stratford Apartment Subdivision, Plat Book 55, Page 217, ROHC, and a portion of an unplatted tract of land located 5510 Moody Sawyer Road, beginning at the southeast corner of 099E-B-022 and going 1462.63 feet west, thence 854.50 feet north, thence 704.52 feet east, thence 490.10 feet south, thence 979.73 feet to the point of beginning, being parts of the properties described in Deed Book

10189, Page 647, ROHC and Deed Book 7038, Page 262, ROHC.  
Parts of Tax Map Nos. 099E-B-011 and 022, and part of Tax Map  
No. 099L-B-030.

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

2015-070 City of Chattanooga  
May 11, 2015

## RESOLUTION

WHEREAS, Asa Engineering & Allen Jones & Ronald Speicher & Ben O'Daniel 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, a portion of the properties located at 137 & 200 Oyler Lane and 5510 Moody Sawyer Road.

A portion of an unplatted tract of land located at 137 Lane, beginning 377.58 feet northwest of the northeast corner of Tax Map 099L-B-030 and going 326.06 feet south, thence 71.35 feet northwest, thence 309.68 feet north, thence 66.30 feet southeast to the point of beginning, being part of the property described in Deed Book 10189, Page 685, ROHC; A portion of Lot 1, Stratford Apartment Subdivision, Plat Book 55, Page 217, ROHC, and a portion of an unplatted tract of land located 5510 Moody Sawyer Road, beginning at the southeast corner of 099E-B-022 and going 1462.63 feet west, thence 854.50 feet north, thence 704.52 feet east, thence 490.10 feet south, thence 979.73 feet to the point of beginning, being parts of the properties described in Deed Book 10189, Page 647, ROHC and Deed Book 7038, Page 262, ROHC. Parts of Tax Maps 099E-B-011 and 022, and part of Tax Map 099L-B-030 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on May 11, 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 May 11, 2015, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved.

Respectfully submitted,

John Bridger  
Secretary

**ZONING APPLICATION FORM**

<b>CASE NUMBER:</b>	2015-070		<b>Date Submitted:</b> 3-23-15				
(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		To: R-3				
	Total Acres in request area: 15.58 Acres						
<b>2 Property Information</b>							
<b>Property Address:</b>	137 & 200 Oyler Lane (Part); 5510 Moody Sawyer Road (Part)						
<b>Property Tax Map Number(s):</b>	099E-B-011; 099E-B-022; 099L-B-030						
<b>3 Proposed Development</b>							
<b>Reason for Request and/or Proposed Use:</b>	Multi-Family Apartment Complex - 308 Units						
<b>4 Site Characteristics</b>							
<b>Current Zoning:</b>	R-1 / R-3						
<b>Current Use:</b>	Vacant / Undeveloped						
<b>Adjacent Uses:</b>	North: R-1, West: R-1, South: R-1, East: C-2						
<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> Asa Engineering - Allen Jones		<b>Address:</b> 832 Georgia Avenue, Suite 221					
<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> 37402	<b>Email:</b> ajones@asaengineeringinc.com				
<b>Phone 1:</b> 423-805-3700	<b>Phone 2:</b> 919-793-4077	<b>Phone 3:</b>	<b>Fax:</b>				
<b>6 Property Owner Information (if not applicant)</b>							
<b>Name:</b> Ronald Speicher / Ben O'Daniel		<b>Phone:</b> 423-870-5558 / 423-718-4120					
<b>Address:</b> 4563 Pinnacle Lane, Chattanooga, Tn. 37415 / 4797 Gann Store Road, Hixson, Tn. 37343							
<b>Office Use Only:</b>							
<b>Planning District:</b> 5		<b>Neighborhood:</b> CNAC, Friends of Hixson					
<b>Hamilton Co. Comm. District:</b> 1		<b>Chatt. Council District:</b> 3		<b>Other Municipality:</b>			
<b>Staff Rec.:</b>	<b>PC Action/Date:</b>	<b>Legislative Action/Date/Ordinance:</b>					
<b>Checks:</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: 15.58 Acres	<input checked="" type="checkbox"/>	Deeds	<input checked="" type="checkbox"/>	Plats, if applicable
<b>Deed Book(s):</b> 10189-647, 10189-685, and 7038-262							
<b>Plat Book/Page:</b> 55-217		<input checked="" type="checkbox"/>	Notice Signs	<b>Number of Notice Signs:</b> 1			
<input checked="" type="checkbox"/>	<b>Filing Fee:</b> \$635.00	<input type="checkbox"/>	Cash	<input checked="" type="checkbox"/>	Check	<b>Check Number:</b> 019191	
<b>Planning Commission meeting date:</b> 5-11-15			<b>Application processed by:</b> Trevor Slayton				

**PLANNING COMMISSION CASE REPORT**

Case Number: 2015-070

PC Meeting Date: 05-11-15

**Applicant Request****Rezone from R-1 Residential Zone to R-3 Residential Zone**

<b>Property Location:</b>	<b>137 &amp; 200 Oyler Lane; 5510 Moody Sawyer Road</b>
<b>Property Owner:</b>	<b>Ronald Speicher and Ben O' Daniel</b>
<b>Applicant:</b>	<b>Asa Engineering - Allen Jones</b>

**Project Description**

- Proposal: Develop 19.57-acre site with 308 apartments units.
- Proposed Access: Oyler Lane.
- Proposed Development Form: Site plan shows eleven buildings, between three and four stories in height.
- Proposed Density: Approximately 15.7 dwelling units per acre.

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

- Location: The site is located on the west side of Highway 153 at the west end of Oyler Lane approximately 800 feet from the intersection with Highway 153.
- Current Access: Currently, access to the site is from Oyler Lane.
- Tennessee Department of Transportation Functional Classification: Urban Principal Arterial (Highway 153)
- Current Development Form: one and two-story homes to the north and south of the site. Existing two-story apartments adjacent to the east.
- Current Land Uses: Single-family homes to the north and south; Vacant land to the west; Apartments to the east.
- Current Density: Average residential density of the neighborhood to the south is approximately 2.78 dwelling units per acre (46 lots/16.5 acres). The density of the existing adjacent apartments is approximately 12 dwelling units per acre (24 units/2 acres).

**Zoning History**

- Four acres of the 19.57-acre project site is currently zoned R-3 Residential. The remaining 15.58 acres is currently zoned R-1 Residential and is the area of this rezoning request.
- The four-acre portion of the site was rezoned to R-3 Residential in 1979 and 1980 (Ordinances #7517 & #7736).
- The property to the north is zoned R-1 Residential. The property to the east is zoned R-3 Residential. The property to the south is zoned R-1 Residential. The property to the west is zoned R-1 Residential.
- There has been no recent zoning activity on this site.

**Plans/Policies/Regulations**

- The Hixson-North River Community Plan (adopted by City Council in 2005) recommends Low-Density Residential for this area. For this land use classification, the Plan states, "detached single-family dwellings dominate; some exceptions made for townhouses, patio homes and two-family dwellings if density is compatible."
- The R-1 Residential Zone permits single-family homes only.
- The R-3 Residential Zone permits single-family homes and multi-family residential (apartments).

**Key Findings**

- The proposal is not supported by the recommendations of the adopted Land Use Plan for the area. The proposed use of the site is multi-family residential dwellings with a density of 15.7 dwelling units per acre. The adopted Land Use Plan recommends Low Density Residential. Low density residential

## PLANNING COMMISSION CASE REPORT

typically has a density range of 1 to 5 dwelling units per acre. The proposed use of the site as multi-family residential development with a density greater than 5 dwelling units an acre is not supported by the adopted Land Use Plan.

- The adopted Land Use Plan also states that “proper maintenance and preservation of the area’s natural and historic resources, specifically water quality and slope issues, must be taken into consideration when determining land use categories and rezoning requests.” All natural environmental impacts should be considered with any proposed development. The proposed development is located along a ridge with steep slopes that if not properly protected and managed could impact the topography of this site and ridge.
- The proposed use could be appropriate as an extension of the existing apartments to the east, but the site is also surrounded by existing single family subdivisions. Site design and buffering will be important to minimize any potential impacts to these bordering subdivisions.
- The proposed residential density is generally significantly higher than the surrounding densities. The proposed density of this proposed development is 15.7 dwelling units per acre. The adjacent multi-family dwelling development has a density of 18.5 dwelling units per acre (37/2). The adjacent single-family detached residential neighborhood to the south of the site has a density of 2.7 dwelling units per acre (46/16.56). The adjacent single-family detached residential neighborhood to the north of the site has a density of 1.8 dwelling units per acre (44/80).
- The proposed structure does raise concerns regarding location, lighting, or height. The site plan indicates that the structures will be a 3 or 4 story buildings. Because this site is along a ridge line the 3 or 4 story buildings could impact the topography of the ridge line and negatively impact the adjacent single-family detached residential neighborhood. Proposed access to the site is by way of one existing access point from Oyler Lane. Oyler Lane is presently a dead-end street that may be substandard with necessary improvements required by the Transportation Department. A traffic study may be required to assess the impact on traffic and the Oyler Lane and Highway 153 Intersection.
- The proposal would be an extension of an existing zone.
- The proposal would set a precedent for future requests.

### Staff Recommendation

#### Defer

RPA staff is recommending a deferral to give the applicant time to submit detailed grading plans, traffic study, and elevation drawings to RPA staff for review. The recommendations of the adopted Land Use Plan state that “proper maintenance and preservation of the area’s natural and historic resources, specifically water quality and slope issues, must be taken into consideration when determining land use categories and rezoning requests.” Based on the submitted site plan, RPA staff cannot make a determination if the rezoning request and the proposed development of the site respects, maintains and preserves the topography and steep slope of this ridge. All natural environmental impacts should be considered with any proposed development, as well as the impacts on existing residential areas. The proposed development is located along a ridge with steep slopes that if not properly managed could have a significant impact on the slopes of this ridge line; therefore, RPA staff would like to see and review detailed grading plans and elevation drawings of the site to determine the amount and extent of required grading and how the proposed building placement and height (3/4 Story Buildings) affect the view and topography of this ridge, as well as providing appropriate screening/buffering for the adjoining residential subdivisions.

### Planning Commission Recommendation

Approve

NOTE: No opposition was present at the Planning Commission meeting.



## 2015-070 Rezoning from R-1 to R-3

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-070:

Approve



400 ft



Chattanooga Hamilton County Regional Planning Agency



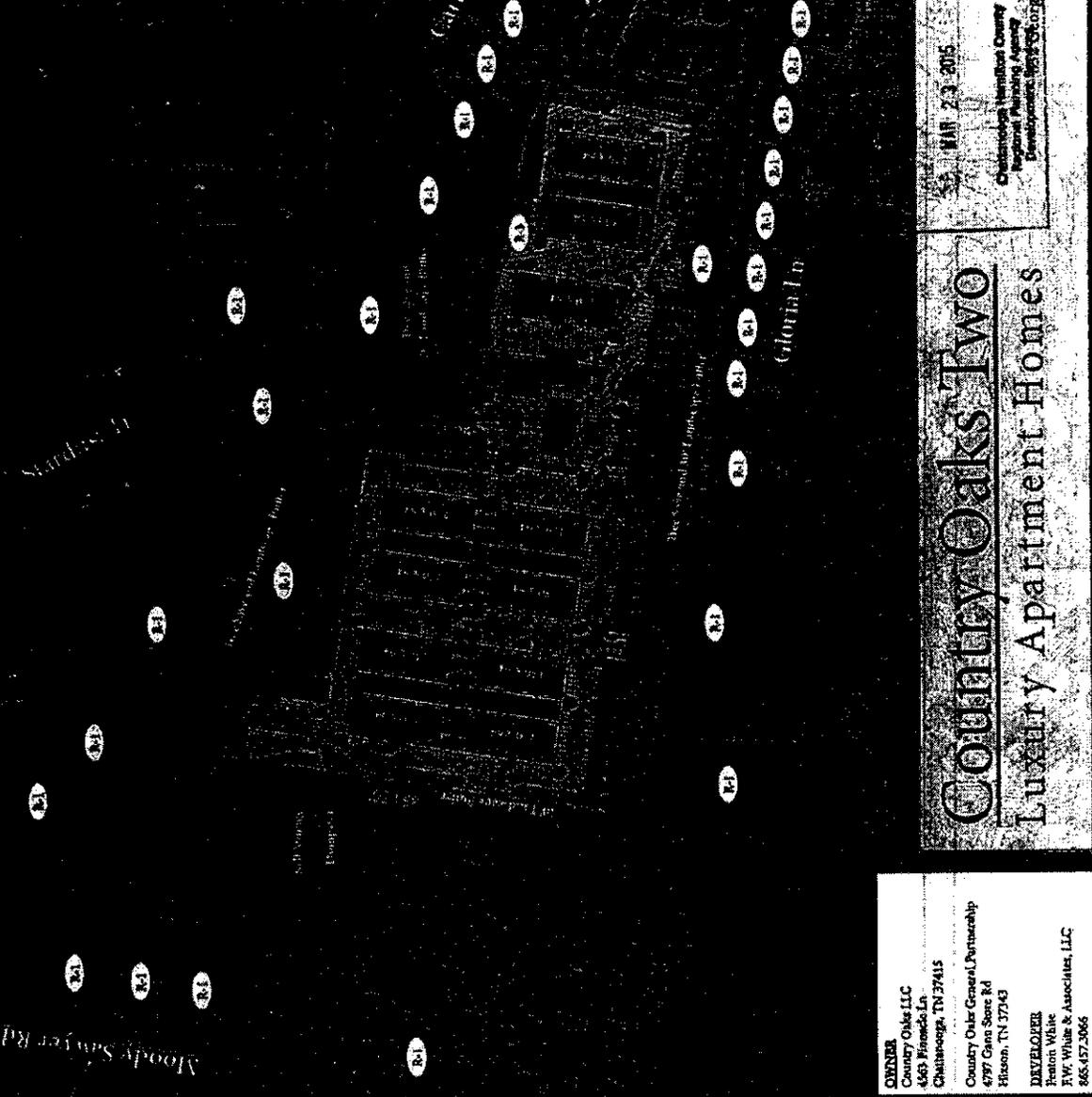
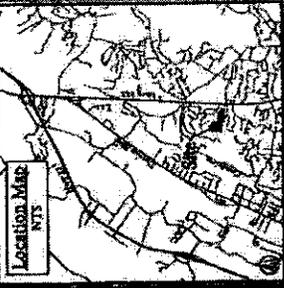


## 2015-070 Rezoning from R-1 to R-3



Chattanooga Hamilton County Regional Planning Agency





**ASA**  
 ARCHITECTURE & CONSULTING, INC.  
 Allen Jones, P.L.A.  
 Chattanooga, TN  
 423.805.3700  
 ajones@asacengineeringinc.com

CHATTANOOGA METROPOLITAN GOVERNMENT  
 REGIONAL PLANNING AGENCY  
 DEVELOPMENT DIVISION  
 MAY 23, 2015

# COUNTRY OAKS TWO

## Luxury Apartment Homes

**OWNER**  
 Country Oaks LLC  
 4463 Winado Ln  
 Chattanooga, TN 37415

**DEVELOPER**  
 Country Oaks General Partnership  
 4797 Gann Stone Rd  
 Hixson, TN 37343

**ARCHITECT**  
 R.W. White & Associates, LLC  
 865.437.3066

SITE DATA	
<b>PROPERTY INFORMATION</b>	
Street Address	137 & 200 Oyer Ln
Tax Map	099L B 011 & 099L B 022
Lot Size	6.2 Acres & 1.0 Acre
Current Zoning	R-1/R-3 & R-1
Proposed Zoning	R-3
Street Address	3510 Moody Sawyer Rd
Tax Map	099L B 030
Lot Size	69.59 Acres
Current Zoning	R-1
Proposed Zoning	R-3
Total Acreage for Development	19.57 acres
Total Acreage for Rezoning	15.58 acres (blue)
Residential Density	15.7 units/acre
<b>PROJECT INFORMATION</b>	
Proposed Use	Multi-Family
Building Height	Varies (3 - 4 Stories)
Proposed Units	308 Units (96) 1 Bedroom Units (212) 2-3 Bedroom Units
Parking Requirement	125 Spaces for 1 Bedroom Unit 175 Spaces for 2-3 Bedroom Unit
Parking Provided	491 Spaces 546 Spaces

2015-070

2015-070

## 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:

2015-061 James Scott and Holy Temple Church of God, 2311 Bliss Avenue, from M-1 Manufacturing Zone to R-4 Special Zone, subject to certain conditions.

2015-062 Duane Carleo, 1518 Market Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-070 Asa Engineering, Allen Jones, Ronald Speicher, and Ben O'Daniel, 137 and 200 Oyler Lane and 5510 Moody Sawyer Road, from R-1 Residential Zone to R-3 Residential Zone.

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 approval of R-3 Moderate Density as follows:

2015-063 Donald Runyan and Smart Living Trust, 4200 Willard Drive, from R-2 Residential Zone to R-4 Special Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following Special Permit be approved:

2015-067 MAP Engineers c/o Mike Price and Bernard H. Brown, III, 4500, 4506, 4510, 4514, and 4550 Webb Road, for a Residential Planned Unit Development.

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) Amending Article V, Division 15, C-3 Central Business Zone, Section 38-223, by adding a Special Exceptions Permit requirement for assisted living facilities operated for profit.
- (b) Deleting the Urban Overlay Zone area description in Article III, Division 3, Urban Overlay Zone, Section 38-11(2) beginning in the text at “the 1800 block of Hixson Pike” and ending with “the center line of the 1200 block of Hixson Pike” and replacing in lieu thereof.

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,

**June 9, 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