

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

2015-085  
Valor  
District No. 4  
Planning Version #2

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 7627, 7641, 7671, 7683, AND 7691 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

---

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 7627, 7641, 7671, 7683, and 7691 Shallowford Road, more particularly described herein:

Five unplatted tracts of land all being in the 7600 block of Shallowford Road, and being the properties described in Deed Book 8205, Pages 744, 747, 749, 751, and 753, ROHC. Tax Map Nos. 149G-B-011, 011.03, 011.04, 011.05 and 012.

and as shown on the maps attached hereto and made a part hereof by reference, from O-1 Office Zone to R-4 Special Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be approved

subject to the following conditions:

1. Assisted living facility only.
2. No stand-alone banks, offices or drug stores.
3. Maximum density of 11.3 units per acre.
4. All lighting shall be directed internally onsite.
5. A twenty (20') feet Type landscape B buffer shall be provided as a minimum from all residentially-zoned property lines, except where less is needed as determined by the City landscape inspector to accommodate any stream(s) and/or detention pond access.
6. A maximum height restriction of three (3) stories shall be for the entire site.
7. Dumpsters serviced between 8:00 a.m. and 5:00 p.m.
8. Deliveries by large commercial trucks shall be between 8:00 a.m. and 7:00 p.m.
9. Black aluminum fence surrounding the existing property in a manner consistent with the adjacent 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/Version 2

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

2015-085  
Valor  
District No. 4  
Staff Version

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 7627, 7641, 7671, 7683, AND 7691 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

---

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 7627, 7641, 7671, 7683, and 7691 Shallowford Road, more particularly described herein:

Five unplatted tracts of land all being in the 7600 block of Shallowford Road, and being the properties described in Deed Book 8205, Pages 744, 747, 749, 751, and 753, ROHC. Tax Map Nos. 149G-B-011, 011.03, 011.04, 011.05 and 012.

and as shown on the maps attached hereto and made a part hereof by reference, from O-1 Office Zone to R-4 Special Zone.

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

- 1) The following uses shall be prohibited: multiple-family dwellings, banks and bank branches, drug stores or restaurants in office buildings of four (4) or more stories, radio, television and motion picture production studios, excluding transmission towers.
- 2) Maximum density of eight (8) units per acre, as recommended by the land use plan.
- 3) All lighting shall be directed internally onsite.
- 4) A twenty (20') foot Type B buffer shall be provided as a minimum from all property lines.
- 5) A maximum height restriction of three (3) stories shall be for the entire site.
- 6) Dumpsters services between 8:00 a.m. and 7:00 p.m.
- 7) Deliveries by large commercial trucks shall be between 8:00 a.m. and 7:00 p.m.

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: \_\_\_\_\_

2015-085  
Valor  
District No. 4  
Applicant Version

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 7627, 7641, 7671, 7683, AND 7691 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE ZONE TO R-4 SPECIAL 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 7627, 7641, 7671, 7683, and 7691 Shallowford Road, more particularly described herein:

Five unplatted tracts of land all being in the 7600 block of Shallowford Road, and being the properties described in Deed Book 8205, Pages 744, 747, 749, 751, and 753, ROHC. Tax Map Nos. 149G-B-011, 011.03, 011.04, 011.05 and 012.

and as shown on the maps attached hereto and made a part hereof by reference, from O-1 Office Zone to R-4 Special 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

2015-085 City of Chattanooga  
July 13, 2015

RESOLUTION

WHEREAS, Valor petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga the rezoning O-1 Office Zone to R-4 Special Zone, properties located at 7627, 7641, 7671, 7683, and 7691 Shallowford Road.

Five unplatted tracts of land all being in the 7600 block of Shallowford Road, and being the properties described in Deed Book 8205, Pages 744, 747, 749, 751, and 753, ROHC. Tax Map 149G-B-011, 011.03, 011.04, 011.05 and 012 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on July 13, 2015,

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

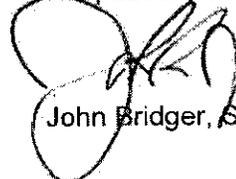
AND WHEREAS, there was opposition present to the petition,

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 July 13, 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. Assisted living facility only
2. No stand-alone banks, offices or drug stores.
3. Maximum density of 11.3 units per acre.
4. All lighting shall be directed internally onsite.
5. A 20' Type landscape B buffer shall be provided as a minimum from all residentially-zoned property lines, except where less is needed as determined by the City landscape inspector to accommodate any stream(s) and/or detention pond access.
6. A maximum height restriction of 3 stories shall be for the entire site
7. Dumpsters serviced between 8:00am and 5:00pm
8. Deliveries by large commercial trucks shall be between 8:00am and 7:00pm

Respectfully submitted,



John Bridger, Secretary

**ZONING APPLICATION FORM**

<b>CASE NUMBER:</b>	2015-085		<b>Date Submitted:</b> 05-22-2015	
(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: O-1		To: R-4	
Total Acres in request area: 11.5 +/-				
<b>2 Property Information</b>				
<b>Property Address:</b>	7627, 7641, 7671, 7683, & 7691 Shallowford Road			
<b>Property Tax Map Number(s):</b>	149G-B-011, 011.03, 011.04, 011.05, & 012			
<b>3 Proposed Development</b>				
<b>Reason for Request and/or Proposed Use:</b>	Proposed Senior Independent Living Community			
<b>4 Site Characteristics</b>				
<b>Current Zoning:</b>	O-1			
<b>Current Use:</b>	Vacant			
<b>Adjacent Uses:</b>	Office & 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.				
<b>Name:</b> Valor		<b>Address:</b> 6110 Shallowford Road		
<b>Check one:</b>		<input checked="" type="checkbox"/> I am the property owner		<input type="checkbox"/> I am not the property owner
<b>City:</b> Chattanooga	<b>State:</b> TN	<b>Zip Code:</b> 37421	<b>Email:</b> ken@defoordevelopments.com	
<b>Phone 1:</b> 423-855-0784	<b>Phone 2:</b>	<b>Phone 3:</b>	<b>Fax:</b>	
<b>6 Property Owner Information (if not applicant)</b>				
<b>Name:</b> Same		<b>Phone:</b>		
<b>Address:</b>				
<b>Office Use Only:</b>				
<b>Planning District:</b> 10		<b>Neighborhood:</b> CNAC, BEBC, FOEB		
<b>Hamilton Co. Comm. District:</b> 8		<b>Chatt. Council District:</b> 4		<b>Other Municipality:</b>
<b>Staff Rec:</b>	<b>PC Action/Date:</b>		<b>Legislative Action/Date/Ordinance:</b>	
<b>Checklist</b>				
<input checked="" type="checkbox"/>	<b>Application Complete</b>	<input checked="" type="checkbox"/>	<b>Ownership Verification</b>	<input checked="" type="checkbox"/> <b>Map of Proposed Zoning Area with dimensions</b>
<input checked="" type="checkbox"/>	<b>Site Plan, if required</b>	<input checked="" type="checkbox"/>	<b>Total Acres to be considered:</b> 11.5	<input checked="" type="checkbox"/> <b>Deeds</b> <input type="checkbox"/> <b>Plats, if applicable</b>
<b>Deed Book(s):</b> 8205-749, 8205-744, 8205-751, 8205-747, 8205-753				
<b>Plat Book/Page:</b> N/A		<input checked="" type="checkbox"/> <b>Notice Signs</b>		<b>Number of Notice Signs:</b> 2
<input checked="" type="checkbox"/>	<b>Filing Fee:</b> 770.00	<input type="checkbox"/> <b>Cash</b>	<input checked="" type="checkbox"/> <b>Check</b>	<b>Check Number:</b> 5897
<b>Planning Commission meeting date:</b> 07-13-15			<b>Application processed by:</b> Marcia Parker	

**PLANNING COMMISSION CASE REPORT**

Case Number: 2015-085

PC Meeting Date: 07-13-15

**Applicant Request****Rezone from O-1 Office Zone to R-4 Special Zone**

Property Location:	7627, 7641, 7671, 7683, & 7691 Shallowford Road
Property Owner:	Valor
Applicant:	Valor

**Project Description**

- Proposal: Develop the 11.5-acre site with a 130-unit senior independent living facility.
- Proposed Access: Shallowford Road.
- Proposed Development Form: A single large 3-story building with two garages for 30 vehicles.
- Proposed Density: Approximately 11.3 dwelling units per acre.

**Site Analysis**

- Location: The 11.5-acre vacant site is located on the north side of Shallowford Road approximately 3,200 feet east of Gunbarrel Road and 2,200 feet west of Jenkins Road.
- Current Access: Shallowford Road.
- Tennessee Department of Transportation Functional Classification: Urban Minor Arterial.
- Current Development form: There is a mixture of one and two story homes to the west and north of the site. One-story patio homes are located on the east side of the site.
- Current Land Uses: Single family homes are located on the west and north sides of the site. Four-unit patio homes are located on the east side of the site. An assisted living facility is located across Shallowford Road to the south.
- Current Density: Baskette Way- approximately 5 dwelling units per acre; Ashford Drive- approximately 3.6 dwelling units per acre.
- R-4 Density: Several R-4 zoned developments exist within a quarter mile of the site. Each site has a density over 8 dwelling units per acre.

**Zoning History**

- The site is currently zoned O-1 Office.
- The site was rezoned from R-1 Residential to O-1 Office with conditions in 2006 (Ordinance #11913).
- The existing O-1 conditions are as follows: "1) Lighting directed towards the interior of the development; and 2) Aluminum fence and Leyland cypress to be placed along the perimeter of the development, and to be developed as the buildings are constructed. Instead of a fence, a berm shall be constructed along the eastern property line in alignment from the rear of the first building to the front of the easternmost building behind the detention pond."
- The property to the north is zoned R-1 Residential. The property to the east is zoned R-1 Residential. The property to the south is zoned R-4 Special Zone. The property to the west is zoned R-1 Residential.
- There are two properties zoned R-4 Special Zone in close proximity to this request. One is directly across Shallowford and adjacent to the front of the property (The Lantern at Morning Pointe, parcel 149G B 011.02). The other is located 520 feet to the east of the site (Morning Pointe, parcel 149 G B016). It should be noted that Chattanooga City Council approved an R-4 rezoning request for Morning Pointe (Case 2013-85/86) with a limited density of 8.3 dwelling units per acre, to be consistent with the plan recommendation of an overall density cap of 8 dwelling units per acre for moderate density residential.

**Plans/Policies/Regulations**

- The Hamilton Place Community Plan (adopted by City Council in 2001) recommends Low to Medium Residential. Medium Residential is defined by the plan as under 8 dwelling units per acre.

## PLANNING COMMISSION CASE REPORT

- The current O-1 Office Zone permits office uses and single-family homes. The requested R-4 Special Zone permits offices, banks, and multi-family residential uses. Assisted living facilities are also permitted in the R-4 Special Zone, but only with a special permit approved by the Board of Zoning Appeals.
- Stormwater Staff Comments: The site plan as presented for the zoning case does not appear to comply with Chapter 31 of the City Code regarding stormwater management and Water Quality Buffers. Issuance of a Land Disturbing Permit will be contingent upon compliance with this chapter. In addition, this site plan requires concurrence from the State of Tennessee Department of Environment and Conservation (TDEC) with regard to the relocation of the stream, which has been categorized as Waters of the State. In the event that TDEC does not issue the appropriate permits for the stream relocation, the existing stream will be subject to the Water Quality Buffer requirements in the City Code, which may require modifications to the proposed site plan. The existing and proposed new stream buffer must be placed into a deed restricted conservation easement. The City has documented significant downstream flooding potential in this subwatershed. The burden will be on the developer to demonstrate to the satisfaction of the City of Chattanooga Land Development Office and Department of Public Works that this development will not contribute to downstream flooding.

### Key Findings

- The proposed use is supported by the recommendations of the adopted Land Use Plan for the area as residential, but the proposed density exceeds the medium density suggested in the Plan.
- The proposed use is compatible with surrounding uses.
- The proposal is consistent with the development form of the area.
- The proposed residential density is not compatible with the surrounding densities.
- The proposed structure does raise concerns regarding location, lighting, and height.
- The proposal would be an extension of an existing zone.
- Approving the proposal would strengthen the precedence that R-4 zones in this area are appropriate with higher densities.
- Based on the comments from City Stormwater staff, the proposal may require additional stormwater analysis and/or modifications of the proposed site plan to address storm water and flooding issues.

### Staff Recommendation

Staff recommends approval of the request subject to the following conditions:

1. The following uses shall be prohibited: multiple-family dwellings, banks and bank branches, drug stores or restaurants in office buildings of four (4) or more stories, radio, television and motion picture production studios, excluding transmission towers
2. Maximum density of 8 units per acre, as recommended by the land use plan.
3. All lighting shall be directed internally onsite.
4. A 20' Type B buffer shall be provided as a minimum from all property lines.
5. A maximum height restriction of 3 stories shall be for the entire site.
6. Dumpsters serviced between 8:00am and 7:00pm
7. Deliveries by large commercial trucks shall be between 8:00am and 7:00pm

\*\* Staff also notes that the site plan presented does not conform to necessary setbacks for storm water protection; the ecology of the site must be taken into consideration when considering a building permit.

### Planning Commission Recommendation

Approve, subject to the following conditions:

1. Assisted living facility only.

## PLANNING COMMISSION CASE REPORT

2. No stand-alone banks, offices, or drug stores.
3. Maximum density of 11.3 units per acre.
4. All lighting shall be directed internally onsite.
5. A 20-foot Type B landscape buffer shall be provided as a minimum from all residentially-zoned property lines, except where less is needed as determined by the City landscape inspector to accommodate any stream(s) and/or detention pond access.
6. A maximum height restriction of 3 stories shall be for the entire site.
7. Dumpsters serviced between 8:00am and 5:00pm
8. Deliveries by large commercial trucks shall be between 8:00am and 7:00pm

Reason for recommendation: The proposal is consistent and compatible with surrounding uses.

**Note:** There was opposition to this request at the Planning Commission meeting.



## 2015-085 Rezoning from O-1 to R-4

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-085 Approve, subject to the following conditions:

1. Assisted living facility only
2. No stand alone banks, offices or drug stores
3. Maximum density of 11.3 units per acre
4. All lighting shall be directed internally onsite
5. A 20' Type landscape Buffer shall be provided as a minimum from all residentially zoned property lines, except where less is needed as delineated by the City Landscape Department as reasonable any (heights) and/or deflection pond access
6. A maximum height restriction of 3 stories shall be for the entire site
7. Dumpsters enclosed between 8:00am and 5:00pm
8. Hours of legitimate commercial trucks shall be between 8:00am and 7:00pm



500 ft



**Chattanooga Hamilton County Regional Planning Agency**







## 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:

2015-048 Pat Neuhoff or Neuhoff Taylor Architects and The Salvation Army. 902, 904, 910, 914, and 918 East 8<sup>th</sup> Street, from R-1 Residential Zone to R-4 Special Zone, subject to certain conditions.

2015-084 Dan Rose and Charles W. Hand, Jr. 20 East 14<sup>th</sup> Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-085 Valor. 7627, 7641, 7671, 7683, and 7691 Shallowford Road, from O-1 Office Zone to R-4 Special Zone, subject to certain conditions.

2015-088 Craig Kronenberg, JB Holdings, and Mark Jarvis. 801 Riverfront Parkway, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-089 John Murphy, Gary Fillers, and Jeffery and Nancy Fillers. 1701 Broad 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 Special Exceptions Permit be approved:

2015-087 Collier Construction and C. Richard Posey. 8118 Hitchcock Road, granting a Special Exceptions Permit for a Residential Planned Unit Development.

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) Amending Article VIII, Board of Appeals for Variances and Special Permits by adding Item (5) to Section 38-563.
- (b) Amending Section 38-25, Lots to Front Street; Exceptions in its entirety and substituting in lieu thereof.
- (c) Deleting Section 38-321, M-2 Light Industrial Zone, Use Regulations, (2), (v) in its entirety and substituting in lieu thereof.
- (d) Deleting Section 38-324, M-2 Light Industrial Zone Uses Permitted as Special Exceptions, in its entirety.
- (e) Deleting Section 38-528, Special Exception Permit for Ethanol Transfer Facility, in its entirety.

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,

**August 11, 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