First Reading:_____
Second Reading:_____

2015-135
Jason McGlohon/
SBI Engineers
District No. 6
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 6501 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL 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 property located at 6501 Shallowford Road, more particularly described herein:

> An unplatted tract of land located at 6501 Shallowford Road being the property described in Deed Book 6312, Page 221, ROHC. Tax Map No. 138N-A-020.

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

2015-135 City of Chattanooga
November 9, 2015

RESOLUTION

WHEREAS, Jason McGlohon/SBI Engineers 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-4 Special Zone, property located at 6501 Shallowford Road.

An unplatted tract of land located at 6501 Shallowford Road being the property described in Deed Book 6312, Page 221, ROHC. Tax Map 138N-A-020 as shown on the attached map.

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

AND WHEREAS, the Planning Commission heard and considered all statements regarding 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,

AND WHEREAS, the Planning Commission has determined that the proposal is not consistent or compatible with surrounding uses.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on November 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

Chattanooga-Hamilton County Regional Planning Agency

ZONING APPLICATION FORM

CASE NUMBER:	2015-135	Date Submitted: 9-16-2015
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)		
1 Applicant Request		
Zoning	From: R-1	To: R-4
	Total Acres in request area: 0.6	
2 Property Information		
Property Address:	6501 Shallowford Road	
Property Tax Map Number(s):	138N-A-020	
3 Proposed Development		
Reason for Request and/or Proposed Use:	Engineering Office	
4 Site Characteristics		
Current Zoning:	R-1	
Current Use:	Residential	
Adjacent Uses:	Residential, Vacant & Commercial	

5 Applicant Information

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: Jason McGlohon/SBI Engineers		Address: 13246 Eldridge Road	
Check one:	I am the property owner	x	I am **not** the property owner
City: Harrison	State: TN	Zip Code: 37431	Email: jason.m@sbiengineers.com
Phone 1: 423-265-1902	Phone 2: 423-488-1272	Phone 3:	Fax: 423-265-1933

6 Property Owner Information (if not applicant)

Name: James Newby	Phone: 423-902-9548
Address: PO Box 21974 Chattanooga, TN 37424	

Office Use Only:

Planning District: 6	Neighborhood: CNAC, BEBC, FOEB	
Hamilton Co. Comm. District: 5	Chatt. Council District: 6	Other Municipality:
Staff Rec:	PC Action/Date:	Legislative Action/Date/Ordinance:

Checklist

x	Application Complete	x	Ownership Verification	x	Map of Proposed Zoning Area with dimensions		
x	Site Plan, if required	x	Total Acres to be considered: 0.6	x	Deeds		Plats, if applicable
Deed Book(s): 6312-221							
Plat Book/Page:				x	Notice Signs	Number of Notice Signs: 2	
x	Filing Fee: 635.00		Cash	x	Check	Check Number: 6116	
Planning Commission meeting date: 11-9-2015				Application processed by: Marcia Parker & Pattie Dodd			

Chattanooga-Hamilton County Regional

PLANNING COMMISSION CASE REPORT

Case Number: 2015-135 **PC Meeting Date: 11-09-15**

Applicant Request

Rezone R-1 Residential to R-4 Special Zone

Property Location:	**6501 Shallowford Road**
Property Owner:	**James Newby**
Applicant:	**Jason Mcglohon/SBI Engineers**

Project Description

- Proposal: Use existing residential structure, driveway, and parking area on the 0.6-acre site for office use.
- Proposed Access: Janeview Drive.
- Proposed Development Form: Use existing 1 ½ -story structure.

Site Analysis

Site Description

- Location: The 0.6-acre site is located on the northwest corner of the Shallowford Road and Janeview Drive intersection approximately ½-mile west of Hickory Valley Road. The site is part of the Mahala Acres residential subdivision.
- Current Access: Janeview Drive
- Tennessee Department of Transportation Functional Classification: Shallowford Road is classified as an Urban Minor Arterial.
- Current Development form: There is a mixture of one and two-story buildings within a 500 foot radius of this suburban site.
- Current Land Uses: A large wooded tract of land with two single-family homes is adjacent to the site on the west side. Single-family homes are adjacent to the north. Across Janeview Drive to the east are single-family homes. Across Shallowford Road to the south are single-family homes. Also across Shallowford Road approximately 235 feet southeast of the site is a commercial use (Dollar General store).

Zoning History

- The site is currently zoned R-1 Residential.
- The properties to the north, east, and south are zoned R-1 Residential. The property to the west is zoned R-2 Residential.
- The nearest R-4 Special Zone (same as the request) is approximately 00 feet to the west at Standifer Gap Road.
- Across Shallowford Road from the site approximately 235 feet to the southeast is a C-2 Convenience Commercial Zone rezoned in 2014 for a Dollar General store (Ordinance #12907).

Plans/Policies/Regulations

- The Shallowford Road Policy, adopted by City Council in 2009 after the widening of Shallowford Road, recommends that this site remain R-1 Residential. The properties fronting on Shallowford Road from the Janeview Drive subdivision to the east are recommended to remain single-family residential and retain the R-1 Residential zoning. This recommendation is based on several factors:
  1) Several of these properties have severe grade changes from the street level of Shallowford Road. In some cases the grade change essentially prohibits access onto Shallowford Road; and
  2) The existing residences front on the neighborhood streets although several of these properties do have curb cuts onto Shallowford Road in addition to curbcuts off the neighborhood streets
- The existing R-1 Residential Zone only permits single-family homes.
- The requested R-4 Special Zone permits office uses and high-density residential.
- The O-1 Office Zone permits office uses, as requested, as well as single-family homes.

Key Findings

- The proposal is not supported by the recommendations of the adopted Land Use Plan and policy for the area. Whereas the recently zoned commercial property to the south fronts directly on and accesses Shallowford Road, this property fronts on a residential street with multiple single family dwellings.
- The proposal would not be an extension of an existing zone.
- The proposed use is compatible with surrounding uses.
- The proposal is consistent with the development form of the area.
- The proposal would set a precedent for future requests.

Staff Recommendation

Deny

Staff Note: While staff recommends denial of this request, if the Commission chooses to approve, the following conditions should be considered:

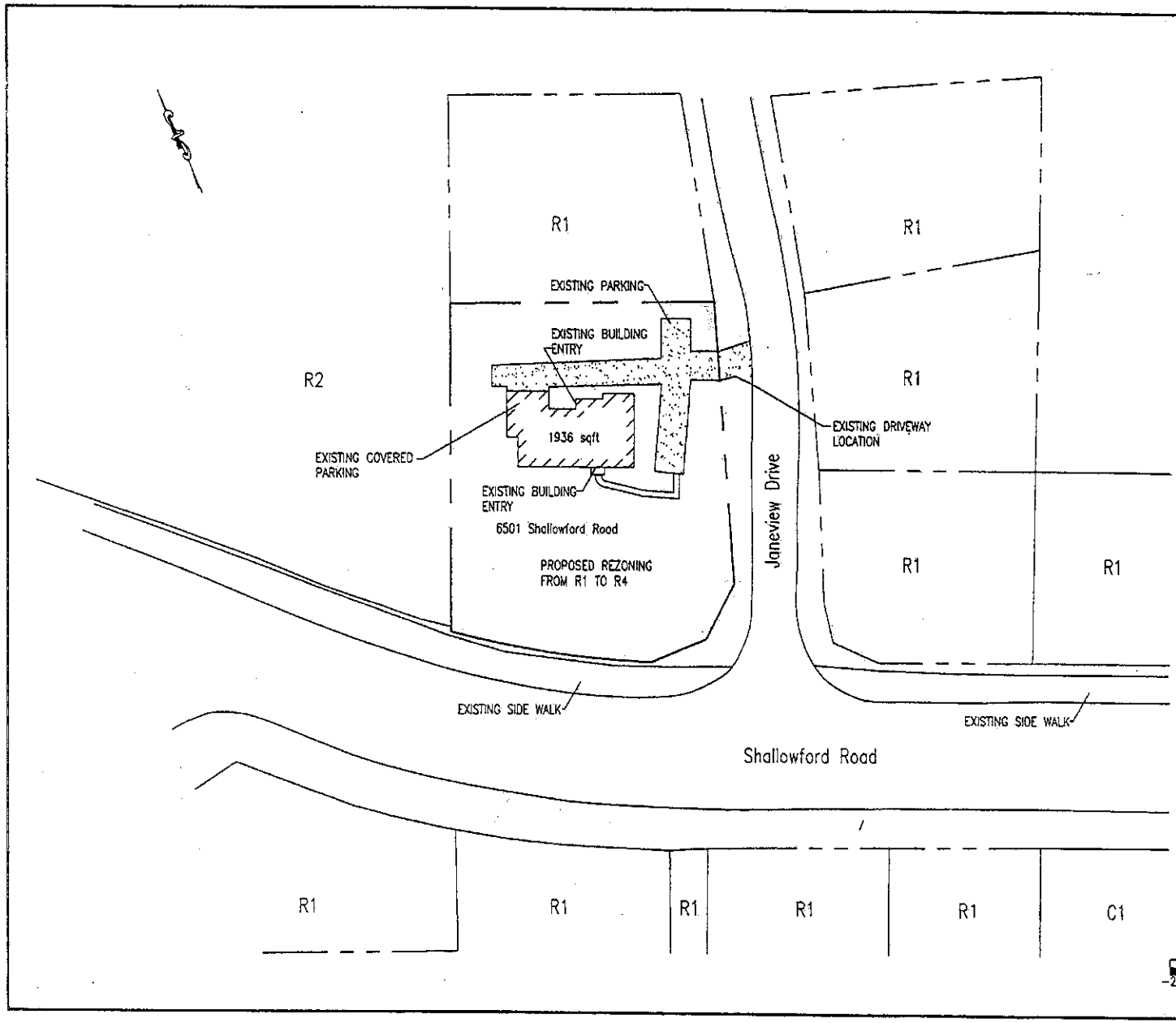
(1) Retain use of existing home on-site and no additional structures are allowed;

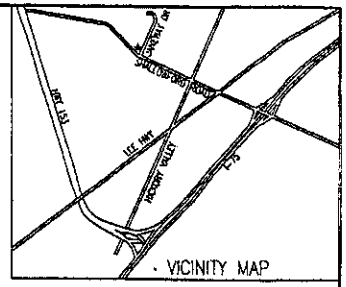
(2) No dumpster allowed;

(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





PROPERTY OWNER:
Dr JAMES NEWBY
PO Box 21974
CHATTANOOGA, TN 37424

PROPERTY SIZE: 0.6 ACRES

CURRENT ZONING: R1

PROPOSED NEW ZONING: R4

NO NEW CONSTRUCTION
NO DUMPSTER
NO LANDSCAPE BUFFER REQUIRED BETWEEN R1 to R4
NO NEW SIDEWALKS PROPOSED

PROJECT CONTACT:
JASON McGLOHON
SBI, ENGINEERS
325 CHEROKEE BLVD
(423)265-1902
email: jason.m@sbiengineers.com

RESIDENTIAL DENSITY N/A

RECEIVED
SEP 16 2015
Chattanooga Hamilton County
Regional Planning Agency
Development Services

SBI, ENGINEERS

NEWBY PROPERTY
6501 SHALLOWFORD RR CHATTANOOGA, TN

FILENAME:
DRAWN BY: JVM
CHECKED BY: JVM
DATE: 9-4-2015
PROJECT NO.:

SHEET TITLE
REZONING SITE PLAN

DRAWING NO.
C1

RE: 2015-135

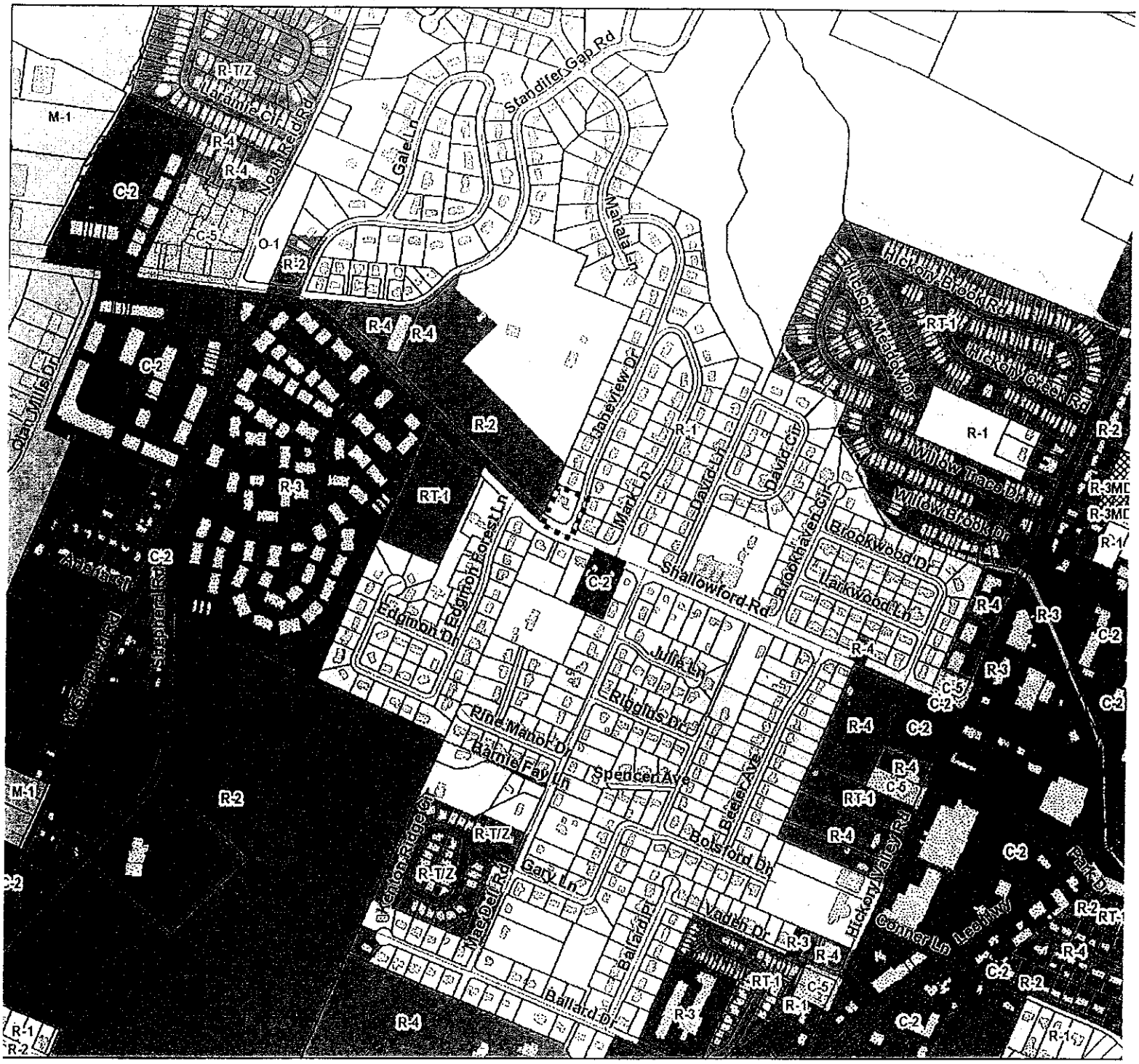
2015-135 Rezoning from R-1 to R-4

North

800 ft

Chattanooga Hamilton County Regional Planning Agency

RPA



2015-135 Rezoning from R-1 to R-4

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-135:
Deny

North

800 ft

Chattanooga Hamilton County Regional Planning Agency

RPA

2015-135
City of Chatt.

PETITION

We, the undersigned oppose any change of zoning from R1 to any other zoning for the property at the westside corner of Janeview and Shallowford Road.

Printed Name	Signature	Address	Phone
1. Donald Kaller	Donald Kaller	2348 Mark	423-510-0751
2. Geraldine Kaller	Geraldine Kaller	2348 Mark Ln	510-0751
3. Thomas P. Matthews	[illegible]	2401 Janeview Dr	894-107
4. Nina W. Norman	Nina W. Norman	2308 Mark Lane	423-892-1508
5. Samantha Holloway	Samantha Holloway	2513 Mahala Ln. Chatt., TN 37421	423-207-35
6. JIMMY CROSS		2344 JANEVIEW	
7. Carman G. Wolf		2325 Mark Lane	899-4851
8. Nancy Sue Cliett	Nancy Sue Cliett	2344 Mark Ln	8946674
9. Renee Sharp	Renee Sharp	2352 Mark LN	2962984
10. Katarina Green	Katarina Green	2405 Janeview Dr	468-3777
11. WILL R. BAILEY		2409 Janeview DR	355-2516
12. Carol Bailey		2409 Janeview	3552316
13. GRADY HICKS	Grady Hicks	2406 JANEVIEW DR	227-7469
14. MICHAEL BLASSINGAME	[illegible]	2502 Mahala Ln	899-0728
15. Charles E. Carson	Charles E Carson	2505 Mahala Ln	423-800-8031
16. PEGGY BLEVINS	Peggy Blevins	2507 MAHALA	423-892-5267
17. Janet K Gerlings	Janet K Gerlings	2333 Janeview Dr.	423-858-05
18. CHRIS HORVATH		2336 JANEVIEW DRIVE	485-1435

PETITION

We, the undersigned oppose any change of zoning from R1 to any other zoning for the property at the westside corner of Janeview and Shallowford Road.

Printed Name	Signature	Address	Phone
19. DANIEL DIRK HORVATH	Dirk Horvath	2336 JANEVIEW	(423) 933-7216
20. Pat Noll	Pat Noll	2324 Janeview	423 591-112
21. Sue Conyton		2325 Janeview Dr	423-894-4818
22. Lauren Thrasher		2320 Janeview Dr.	308-9464
23. Debbie Long		2316 JANEVIEW DR	CHATT 510-1451
24. Lana Long		2316 JANE VIEW DR	CHATT 510-1451
25. Daniel Kociolek		2313 JANEVIEW DRIVE	423 892-4304
26. Mary Ann Kociolek		2313 Janeview Dr	892-4304
27. Christy Sims		2308 Janeview Dr.	893-7413
28. Annie P Sanders		2336 Mark Ln	892-9993
29. Julie L Sanders		2336 Mark Ln	892-9993
30. Neville + Marilyn Forsythe		2332 Mark Lane	(423) 973-6291
31.			
32. John L Harrison Sr		2329 Mark Ln	(423) 933-2763
33. S. Mathews		2401 Janeview Dr	423-994-8223
34.			
35.			
36.			

PETITION

We, the undersigned oppose any change of zoning from R1 to any other zoning for the property at the westside corner of Janeview and Shallowford Road.

Printed Name	Signature	Address	Phone
37. Billie Ball	BILLIE BALL	2509 MAHALA LN	892-3123
38. John S. Ball		2509 MAHALA LN 37421	892-3123
39. Judith Taylor	Judith Taylor	2510 Mahala Ln 37421	
40. Jean Lewis	Jean Lewis	2512 Mahala Ln, 37421	
41. Charlotte Brooks	Charlotte Brooks	2516 Mahala 37421	
42. Tim Brooks	Tim Brooks	2516 Mahala Lane 37421	
43. THOMAS L. STODDEN	Thomas L. Stodden	2518 MAHALA LN	855-8858
44. Martha Woolman	Martha Woolman	2522 Mahala Lane 423-521-5579	
45. Loretta Moses	Loretta Moses	2524 Mahala Ln	423-756-1881 892-4379
46. ELAINE OVERTURF	Elaine Overturf	2525 Mahala Ln	423-779-3779
47. Anne Elizabeth Kaller	Anne Elizabeth Kaller	2521 Mahala Ln 37421	
48. Zachary D Holloway	[illegible]	2513 Mahala LN 3742	
49.			
50.			
51.			
52.			
53.			
54.			

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:

> 2015-119 Matthew W. Thacker and Jean M. Thacker. 1402 Cemetery Avenue, from R-3 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.
>
> 2015-136 James Hixson. 2700 and 2708 Walker Road, from R-2 Residential Zone to R-4 Special Zone.
>
> 2015-138 Peter C. Cory and Miles D. Raborn. 8407 and 8575 Petty Road, from R-5 Residential Zone to R-1 Residential Zone.
>
> 2015-140 Owen Trepanier and Richard Puente. 3120 Dodson Avenue, from M-1 Manufacturing Zone to R-3 Residential Zone, subject to certain conditions.
>
> 2015-141 Wise Properties, LLC. 1920 Chestnut Street, 1817 Broad Street, and 423 West 20th Street, from M-1 Manufacturing Zone to C-2 Central Business Zone, subject to certain conditions.
>
> 2015-144 Nick Adams and Christy Clark/Adams Masonry. Part of 2833 Calhoun Avenue and all of 2902 Morgan Avenue, from R-2 Residential Zone to M-1 Manufacturing Zone.
>
> 2015-145 Bristol Development Group and Scott Black. 401, 403, 407, 409, 411, and 413 Somerville Avenue, from M-1 Manufacturing Zone and C-2 Convenience Commercial Zone to C-7 Northshore Commercial Mixed Use Zone, subject to certain conditions.
>
> 2015-149 City of Chattanooga/RPA. 3000 Broad Street, from M-1 Manufacturing Zone to M-2 Light Industrial Zone, subject to certain conditions.

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

> 2015-135 Jason McGlohon/SBI Engineers. 6501 Shallowford Road, from R-1 Residential Zone to R-4 Special Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following Special Exceptions Permits be approved as follows:

> 2015-123 Dreamtech Homes, LLC/Sherman Smith and First Bank/Jim McKenzie. 1091 Mackey Avenue, for a Residential Planned Unit Development, subject to certain conditions.
>
> 2015-139 Peter C. Cory and Miles D. Raborn. 1813 Morris Hill Road and 8407 and 8575 Petty Road, for a Residential Planned Unit Development, subject to certain conditions.

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 Section 38-563, Jurisdiction of the Board, by adding subsection (6).
>
> (b) Amending Section 38-2, Definitions, by deleting the definition "Alternative Financial Services" and adding in lieu thereof a new definition in alphabetical order.

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,

December 8, 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