

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

2015-119  
Matthew W. Thacker and  
Jean M. Thacker  
District No. 8  
Planning Version

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1402 CEMETERY AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL 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 1402 Cemetery Avenue, more particularly described herein:

Lot 365, Orange Grove Subdivision, Plat Book 3, Page 39, ROHC,  
and described as Tract 1 of Deed Book 2282, Page 268, ROHC.  
Tax Map No. 146P-F-038.

and as shown on the maps attached hereto and made a part hereof by reference, from R-3 Residential Zone to C-2 Convenience Commercial Zone.

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

subject to the following conditions:

- (1) In addition to providing the street yard as required by the City Landscape Ordinance, an evergreen hedge, to be maintained at a minimum of three (3) feet in height at maturity, shall be provided within the required street yard;
- (2) A fence, if provided, shall be a decorative metal fence and located at the interior edge of the street yard; and
- (3) No chain link fence is permitted between the proposed building and the 14<sup>th</sup> Street right of way.

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: \_\_\_\_\_

2015-119  
Matthew W. Thacker and  
Jean M. Thacker  
District No. 8  
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-3 Residential Zone to C-2 Convenience Commercial Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two  
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Passed on second and final reading: \_\_\_\_\_

\_\_\_\_\_  
CHAIRPERSON

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

/mem

2015-119 City of Chattanooga  
October 12, 2015(Deferred)  
November 9, 2015(Action taken)

## RESOLUTION

WHEREAS, Matthew W. Thacker & Jean M. Thacker 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-3 Residential Zone to C-2 Convenience Commercial Zone, property located at 1402 Cemetery Avenue.

Lot 365, Orange Grove Subdivision, Plat Book 3, Page 39, ROHC, and described as Tract 1 of Deed Book 2282, Page 268, ROHC. Tax Map 146P-F-038 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on October 12, 2015, at which time action was deferred to November 9, 2015,

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

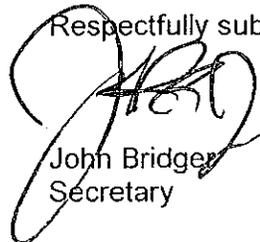
AND WHEREAS, there was opposition present to the petition,

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 consistent and 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 approved with the following conditions: 1) In addition to providing the street yard as required by the City Landscape Ordinance, an evergreen hedge, to be maintained at a minimum of three (3) feet in height at maturity, shall be provided within the required street yard. 2) A fence, if provided, shall be a decorative metal fence and located at the interior edge of the street yard. 3) No chain link fence is permitted between the proposed building and the 14<sup>th</sup> Street right of way.

Respectfully submitted,



John Bridger  
Secretary

**ZONING APPLICATION FORM**

<b>CASE NUMBER:</b>	2015-119	<b>Date Submitted:</b> 8-21-2015	
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
<b>1 Applicant Request</b>			
<b>Zoning</b>	<b>From:</b> R-3	<b>To:</b> C-2	
Total Acres in request area: 0.137			
<b>2 Property Information</b>			
<b>Property Address:</b>	1402 Cemetery Avenue at E. 14 <sup>th</sup> Street		
<b>Property Tax Map Number(s):</b>	146P-F-038 (part of)		
<b>3 Proposed Development</b>			
<b>Reason for Request and/or Proposed Use:</b>	We need to build an Automotive Shop behind our existing building		
<b>4 Site Characteristics</b>			
<b>Current Zoning:</b>	R-3		
<b>Current Use:</b>	Parking		
<b>Adjacent Uses:</b>	Residential, Commercial, & Manufacturing		
<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> Matthew W Thacker		<b>Address:</b> 1011 Jordan Road	
<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> Dacula	<b>State:</b> GA	<b>Zip Code:</b> 30019	<b>Email:</b> thackermatt525@gmail.com
<b>Phone 1:</b> 770-500-7488	<b>Phone 2:</b>	<b>Phone 3:</b>	<b>Fax:</b>
<b>6 Property Owner Information (if not applicant)</b>			
<b>Name:</b> Jean M Thacker		<b>Phone:</b> 423-503-9588	
<b>Address:</b> 6764 Hickory Creek Road Chattanooga, TN 37431			
<b>Office Use Only:</b>			
<b>Planning District:</b> 8B		<b>Neighborhood:</b> CNAC	
<b>Hamilton Co. Comm. District:</b> 4	<b>Chatt. Council District:</b> 8	<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"/>	Application Complete	<input checked="" type="checkbox"/>	Ownership Verification
<input checked="" type="checkbox"/>	Map of Proposed Zoning Area with dimensions	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	Site Plan, if required	<input checked="" type="checkbox"/>	Total Acres to be considered: 0.137
<input checked="" type="checkbox"/>	Deeds	<input checked="" type="checkbox"/>	Plats, if applicable
Deed Book(s): 2273-331 and 2282/268			
<b>Plat Book/Page:</b> 3-39		<input checked="" type="checkbox"/>	Notice Signs
		Number of Notice Signs: 1	
<input checked="" type="checkbox"/>	Filing Fee: 635.00	<input checked="" type="checkbox"/>	Cash
<input checked="" type="checkbox"/>	Check	<input checked="" type="checkbox"/>	Check Number: 1265
<b>Planning Commission meeting date:</b> 10-12-2015		<b>Application processed by:</b> Marcia Parker	

**PLANNING COMMISSION CASE REPORT**

Case Number: 2015-119

PC Meeting Date: 11-9-15

**Applicant Request****Rezone R-3 Residential Zone to C-2 Convenience Commercial Zone**

Property Location:	1402 Cemetery Avenue at East 14 <sup>th</sup> Street
Property Owner:	Jean M Thacker
Applicant:	Matthew W Thacker

**Project Description**

- Proposal: Expand an existing business at 1402 Cemetery Avenue by building an automotive shop on the adjacent 5,967-square foot site to the rear. It should be noted that the site plan indicates utilization of an existing alley right-of-way for their building and parking access. The applicant will need to submit an alley closure request in order to develop according to the submitted site plan.
- Proposed Access: East 14<sup>th</sup> Street.
- Proposed Development Form: 1-story building

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

- Location: The 5,967 square foot site is located on the south side of East 14th Street at the intersection with Cemetery Avenue and just east of Central Avenue.
- Current Access: East 14<sup>th</sup> Street.
- Current Development form: There is a mixture of one and two-story buildings within a 500 foot radius of this urban site.
- Current Land Uses: The Top Flight paper manufacturing facility and single-family homes are located across 14<sup>th</sup> Street to the north. A single-family home is adjacent to the site on the east side. Several businesses are adjacent to the site on the west side. The adjacent property to the south is vacant.

**Zoning History**

- The site is currently zoned R-3 Residential.
- The property to the north is zoned R-3 Residential. The property to the east is zoned R-3 Residential. The property to the south is zoned M-1 Manufacturing. The property to the west is zoned C-2 Convenience Commercial.
- The nearest C-2 Convenience Commercial zone (same as the request) is adjacent to the site on the west side.
- There has been no recent zoning activity on this site.

**Plans/Policies/Regulations**

- There is no current adopted land use plan for this area.
- The site is located in the 2030 Comprehensive Plan's Urban Infill Development Sector. The 2030 Comprehensive Plan notes that auto-oriented developments are encouraged to be designed in such a way that is sensitive to the character of the community and adjacent uses. For this development sector, the Plan also recommends that parking should be located behind the building, or if physically impossible, then low street walls should be used to maintain the street frontage and screen the parked cars from the public streets. The plan recommends that parking lots be planted with shade trees. The R-3 Residential Zone permits single, double, and multi-family dwellings.
- The C-2 Convenience Commercial Zone permits most commercial uses and would require a 20-foot wide landscape buffer where adjacent to a residential zone.

## PLANNING COMMISSION CASE REPORT

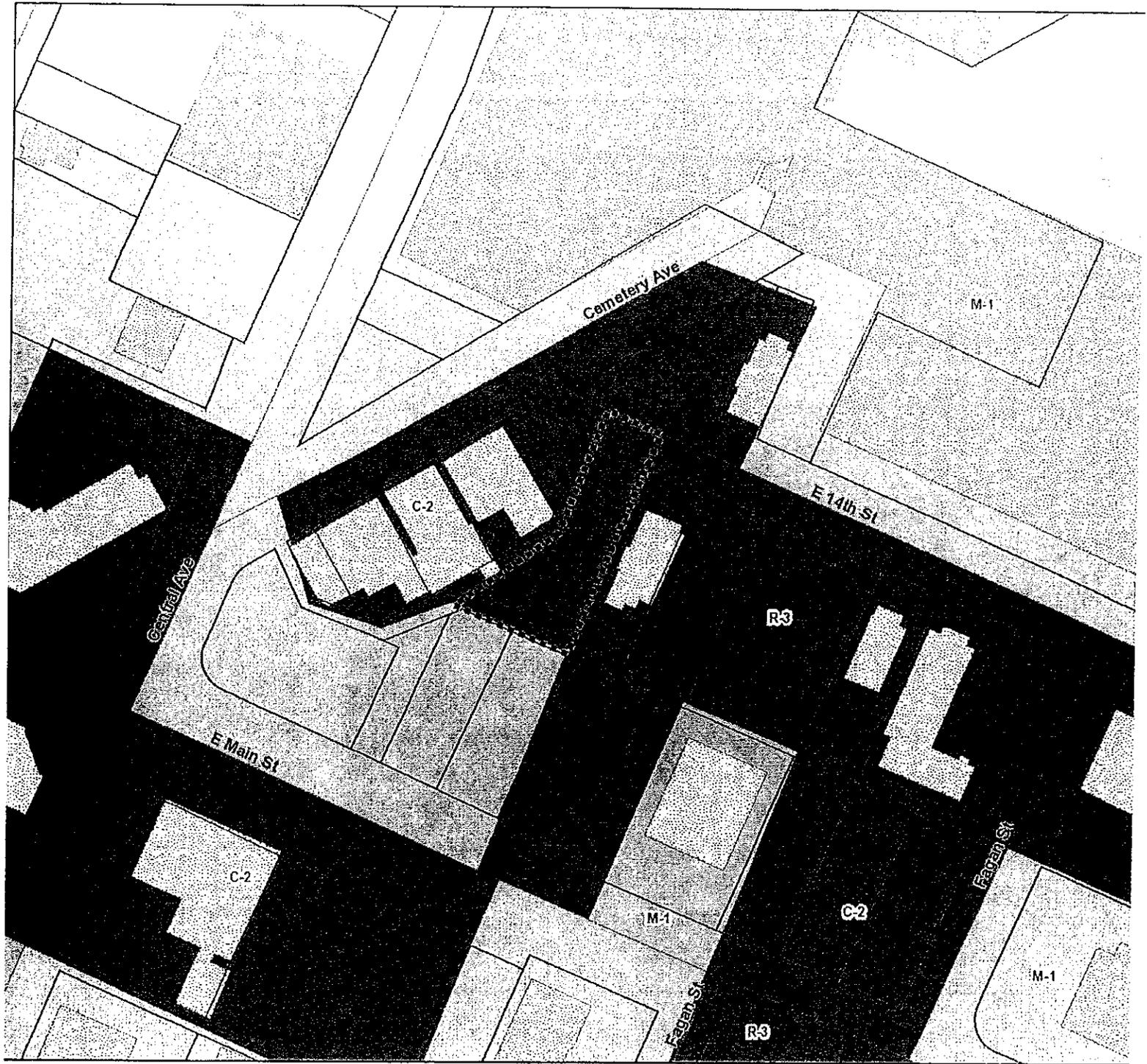
### Key Findings

- The proposed auto oriented use is supported by the recommendations of the adopted 2030 Comprehensive Plan for the Urban Infill Development Sector. The Plan does give specific recommendations regarding site design, noted above.
- The proposed use is consistent with surrounding uses. There are a variety of light manufacturing, religious, single-family and business uses in the area.
- The proposal is not consistent with the development form of the area. The majority of the non-residential development in the area has a zero setback.
- The proposed structure does raise concerns regarding location, lighting, or height. It should be noted that a 20-foot landscape buffer is required between the proposed structure and the adjacent residential lot. The landscaped street edge treatment between the proposed parking fronting East 14<sup>th</sup> Street should be addressed with a condition added to this recommendation.
- The proposal would be an extension of an existing zone. This is an expansion of an existing business at 1402 Cemetery Avenue.
- The proposal would set a precedent for future additional requests. Even though similar uses are located in the area, the staff recommends conditions to address the site design as called for in the 2030 Comprehensive Plan.
- Chattanooga Department of Transportation comment: 14th Street and Cemetery Avenue are planned as neighborhood greenways, similar in style to the Virginia Avenue Neighborhood Greenway currently under construction in St. Elmo. Due to the anticipated increase in pedestrian and bicycle traffic along this corridor, building placement and treatment could be a vital piece to ensuring the safety and quality of this experience by enhancing the eyes-on-the-street concept.
- RPA Staff comments: Given the proximity of the proposed building indicated on the site plan to the existing commercial building, and the proposed utilization of an existing public right of way to the rear, the applicant should schedule a pre-submittal meeting at the LDO office to ensure the currently proposed building placement and proposed parking are feasible. Applicant will also need to submit an application with the RPA Development Services office to permanently abandon a portion of the existing rear right-of-way. The applicant will also need to apply for a landscape buffer variance (landscape ordinance requires a minimum 20-foot buffer, and the site plan shows a 10-foot buffer) through the LDO office.

### Staff Recommendation

Approve, with the following conditions:

- 1) In addition to providing the street yard as required by the City Landscape Ordinance, an evergreen hedge, to be maintained at a minimum of three (3) feet in height at maturity, shall be provided within the required street yard.
- 2) A fence, if provided, shall be a decorative metal fence and located at the interior edge of the street yard.
- 3) No chain link fence is permitted between the proposed building and the 14<sup>th</sup> Street right of way.



## 2015-119 Rezoning from R-3 to C-2

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-119:  
Approve, subject to the conditions in the Planning Commission Resolution.



100 ft



Chattanooga Hamilton County Regional Planning Agency



Site Plan

Case # 2015-119

Total Acres being requested for rezoning or special permit: 0.137

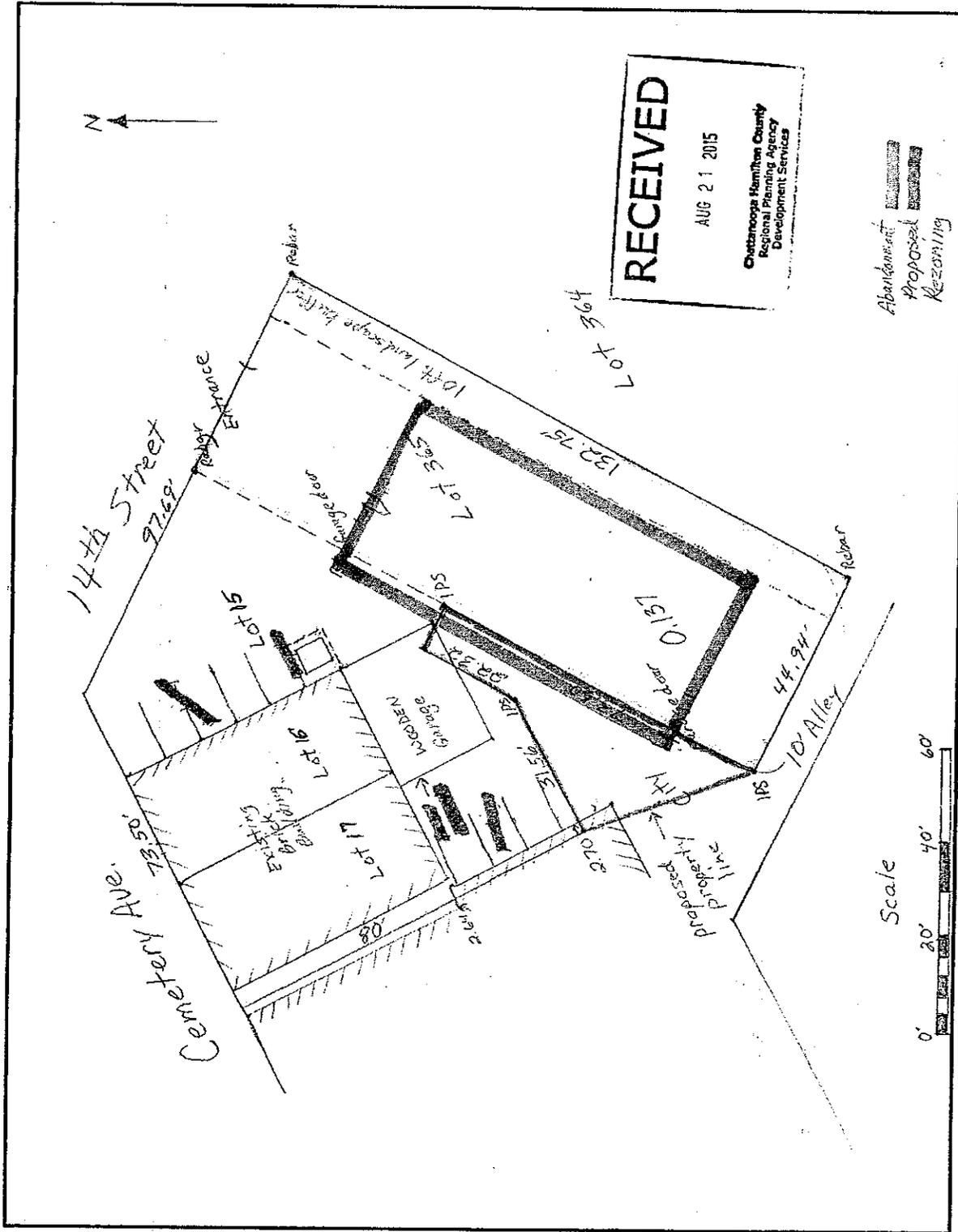
Total number of dwelling units (if applicable): \_\_\_\_\_

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



Date Received 8-21-2015

Applicant Initials MB



Abandonment  
Proposed  
Rezoning

2015-119

## 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 20<sup>th</sup> 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.

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Nicole Gwyn  
Clerk to the City Council