

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

2015-109  
Tennessee Riverplace and James Little  
District No. 1  
Applicant Version

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,  
PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO  
REZONE PROPERTY LOCATED AT 1335 O'GRADY DRIVE,  
MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1  
RESIDENTIAL ZONE TO R-3 RESIDENTIAL 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 1335 O'Grady  
Drive, more particularly described herein:

Part of Tract 7, W. T. Burgess Property, Plat Book 52, Page 198,  
ROHC. To find the true point of beginning start at the southeast  
corner of Tax Map 134-034.03 where it intersects with the south  
line of Tax Map 134-034.03 thence southeast, following said south  
line, some 85 feet to a point being the point of beginning, thence  
continuing southeast 392 feet to a point, thence northeast some 185  
feet to a point thence southwestwardly some 418 feet to a point,  
thence southwest 50 feet to a point, being the point of beginning,  
being part of the property described in Deed Book 6423, Page 515.  
ROHC. Tax Map No. 134-34.03 (part).

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

2015-109 City of Chattanooga  
September 14, 2015(Defer 90 days)  
December 14, 2015(Action taken)

## RESOLUTION

WHEREAS, Tennessee Riverplace & James P. Little, MD petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga rezoning from R-1 Residential Zone to R-3 Residential Zone, property located at 1335 O'Grady Drive.

Part of Tract 7, W. T. Burgess Property, Plat Book 52, Page 198, ROHC. To find the true point of beginning start at the southeast corner of Tax Map 134-034.03 where it intersects with the south line of Tax Map 134-034.03 thence southeast, following said south line, some 85 feet to a point being the point of beginning, thence continuing southeast 392 feet to a point, thence northeast some 185 feet to a point thence southwestwardly some 418 feet to a point, thence southwest 50 feet to a point, being the point of beginning, being part of the property described in Deed Book 6423, Page 515. ROHC. Tax Map 134-34.03 (part) as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on September 14, 2015, at which time action was deferred to December 14, 2015,

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

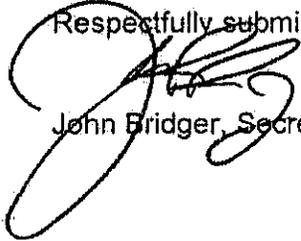
AND WHEREAS, there was opposition present to the petition,

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 with the development form of the area and would not be an extension of an existing zone.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on December 14, 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**

<b>CASE NUMBER:</b>	2015 – 109	<b>Date Submitted:</b> 07/27/2015
(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	To: R-3
Total Acres in request area: 0.96		
<b>2 Property Information</b>		
<b>Property Address:</b>	1335 O'Grady Drive	
<b>Property Tax Map Number(s):</b>	Part of Tax Map134, Parcel 034.03	
<b>3 Proposed Development</b>		
<b>Reason for Request and/or Proposed Use:</b>	Short-term vacation rental	
<b>4 Site Characteristics</b>		
<b>Current Zoning:</b>	R-1	
<b>Current Use:</b>	Vacant residential structures (was long-term rental)	
<b>Adjacent Uses:</b>	Residential, bed/breakfast, restaurant, short-term vacation rental	
<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> Tennessee Riverplace	<b>Address:</b> 3104 Scenic Waters Lane	
<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> 37419
<b>Phone 1:</b> 423-821-1077	<b>Phone 2:</b> 423-240-9673	<b>Phone 3:</b> _____
		<b>Fax:</b> 1-866-588-1596
<b>6 Property Owner Information (if not applicant)</b>		
<b>Name:</b> James P. Little, MD	<b>Phone:</b> 423-821-1077	
<b>Address:</b> 3500 Haven Oak Trail Signal Mtn. TN 37377		
<b>Office Use Only:</b>		
<input type="checkbox"/> Planning Dept	<input type="checkbox"/> Neighborhood	<input type="checkbox"/> Lookout Valley/NEBHA/Asson
<input type="checkbox"/> Hamilton County Planning	<input type="checkbox"/> Local Council District	<input type="checkbox"/> Other Municipality
<input type="checkbox"/> Staff	<input type="checkbox"/> City/Town/Village/County/Ordinance	
<input type="checkbox"/> Other		
<input checked="" type="checkbox"/> Title Verification	<input 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: 0.96	<input checked="" type="checkbox"/> Deeds <input type="checkbox"/> Plats (if applicable)
<input type="checkbox"/> Plat Book (5/1/2/3/08/15)	<input type="checkbox"/> Notice Signs: _____	<input type="checkbox"/> Number of Notice Signs: 1
<input checked="" type="checkbox"/> Filing Fee: \$150.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check: Check Number: 12795
Planning Commission meeting date: Sept. 14, 2015		
Application processed by: Rattie Dodd		

**PLANNING COMMISSION CASE REPORT**

Case Number: 2015-109

PC Meeting Date: 12-14-15

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

Property Location:	1335 O'Grady Drive
Property Owner:	James P. Little, MD
Applicant:	Tennessee Riverplace

This case was deferred at the September Planning Commission meeting to provide time for the development of the Short Term Vacation Rental special permit tool. The City Attorney office has been researching appropriate best practices for collection of fees and rooming taxes. As of the writing of this report, RPA staff is meeting with the City Attorney to finalize this component of the draft based on their research.

**Project Description**

- Proposal: Use an existing single-family home and an existing cottage on a 0.96-acre portion of an 11-acre parcel for Short-Term Vacation Rentals.
- Proposed Access: 25-foot wide ingress/egress easement from Burgess Road east of the site.
- Proposed Development Form: Use existing 1-story home and cottage.

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

- Location: The 1-acre site is located in Lookout Valley, approximately 650 feet to the east of Burgess Road. It abuts the rear of properties that front Oak Burr Drive to the south. The site has an O'Grady Drive address because the 11-acre parcel fronts that road on the west.
- Current Access: 25-foot wide ingress/egress easement from Burgess Road east of the site.
- Current Development form: The site is rural in character with a nearby barn and large-acreage tracts to the north. The site abuts a single-family neighborhood to the south with lot sizes slightly larger than ½-acre each.
- Current Land Uses: A 29.5-acre tract with a single-family home is located to the north of the site. A single-family residential neighborhood is located adjacent to the site on the south. A single-family home and a barn are located east and adjacent to the site. A City of Chattanooga pump station is located at 1337 O'Grady Drive west of the site and is accessed by an easement through the site. There is one Short-Term Vacation Rental, one Bed and Breakfast and one restaurant in the nearby area.

**Zoning History**

- The site is currently zoned R-1 Residential.
- All immediately surrounding properties are zoned R-1 Residential.
- The nearest R-3 Residential Zone (same as the request) is approximately 1,400 feet to the north.
- There has been no recent zoning activity on this site.

**Plans/Policies/Regulations**

- The Lookout Valley Area Plan (adopted by City Council in 2003) recommends Low Density Residential.
- Short Term Vacation Rentals are only permitted in the R-3 Residential and R-4 Special zones.
- For clarification, the following is the definition a Short-Term Vacation Rental from the Chattanooga Zoning Ordinance:

Short-Term Vacation Rental: A single family detached dwelling unit that is rented in part or in its

## PLANNING COMMISSION CASE REPORT

entirety on a daily or weekly basis for not more than thirty (30) days for overnight stay where a permanent residence is not established (mailing address, vehicle registration, etc.) and are generally advertised or otherwise held out to the public. Short-Term Vacation Rentals are also sometimes referred to as "tourist homes" or "short-term residential rentals" and advertised as such. Short-Term Vacation Rentals do not include hotels, motels, or bed and breakfast establishments. Short-Term Vacation Rentals are only permitted in zoning districts that specifically list them as a permitted use, provided that:

- There shall be no signage.
- The residence shall not be rented for events such as weddings, business meetings, or other such group events.
- There shall be no more than five (5) sleeping rooms.

### Key Findings

- The proposal is consistent with the established precedent for Short Term Vacation Rentals in the area. In 2013 (Case 2013-146), City Council approved a request to rezone a tract of land (Tax Map # 134-038) to R-3 to accommodate a short term vacation rental. There are several existing R-3 zones in this area (within 2,000 feet of the proposal). Staff recommends that conditions be added to this rezoning to limit the uses to single-family dwellings and short-term vacation rentals.
- The proposed use is compatible with surrounding uses. The property is located on a local road and contains a carport and driveway parking spaces adequate for the proposed use.
- The proposal is to use the existing structures, which are consistent with the development form of the area.
- The proposal would not set a precedent for future requests, because there is already one other Short-Term Vacation Rental in the area.

### Staff Recommendation

Approve, subject to a single-family detached dwelling or Short-Term Vacation Rental only.



## 2015-109 Rezoning from R-1 to R-3

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-109: Deny

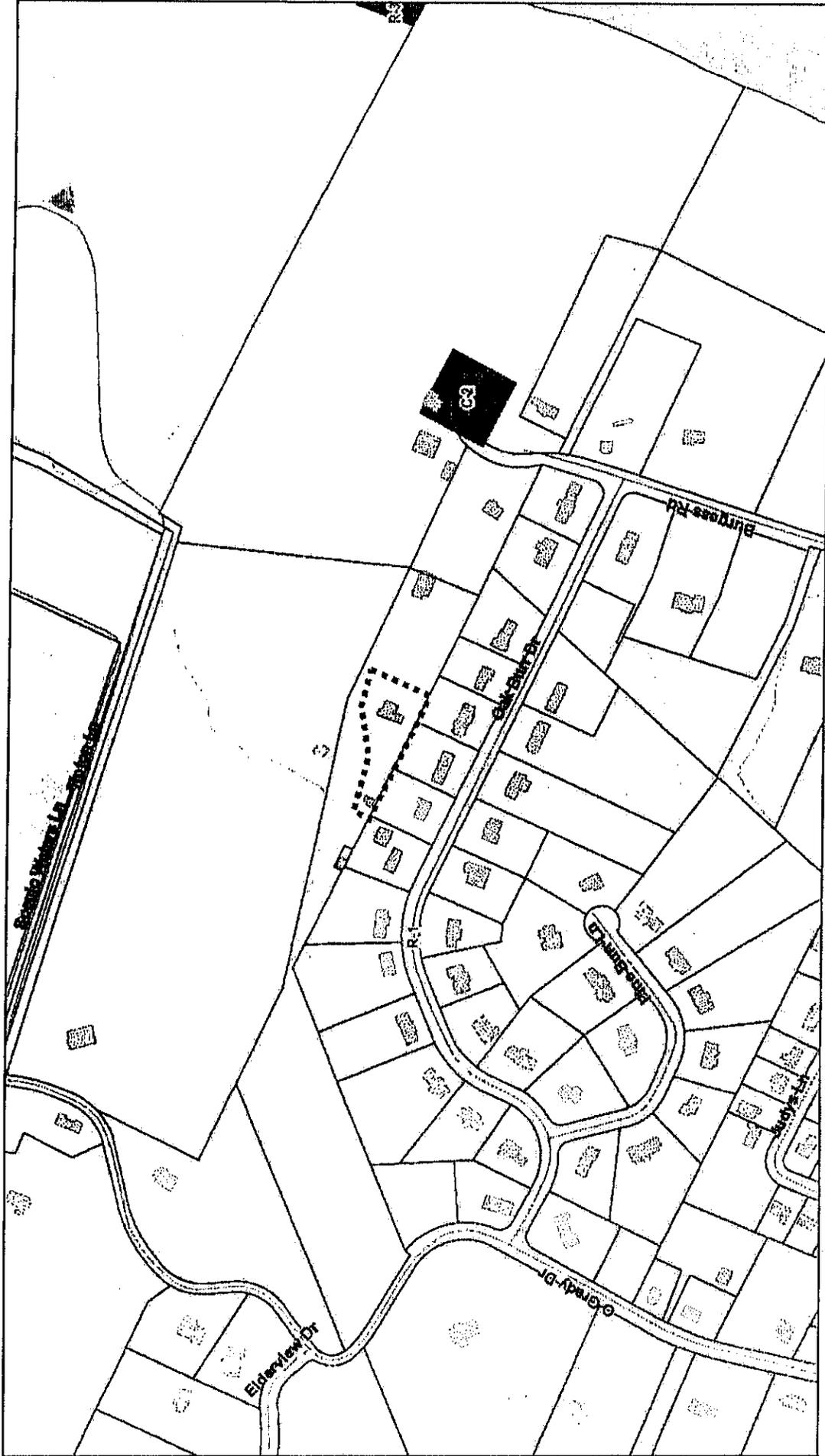


225 ft



Chattanooga Hamilton County Regional Planning Agency





## 2015-109 Rezoning from R-1 to R-3



400 FT



Chattanooga Hamilton County Regional Planning Agency

Site Plan

Case # 2015-109

Total Acres being requested for rezoning or special permit: 0.96

Total number of dwelling units (if applicable): 2

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



0 100

Date Received \_\_\_\_\_

Applicant Initial \_\_\_\_\_

**SURVEY DRAWING FOR REZONING**

JULY 20, 2015  
Parcel No.:  
Acreage:  
Owner:

134-034.03  
0.96 Acres  
James P. Little  
P.O. Box 8138

Chattanooga, Tennessee 37414  
Mark W. Lightford  
833 Chestnut Street, Suite 900  
Chattanooga, Tennessee 37450  
423-758-8400  
mlightford@tdkbox.com

**Project Contact**

Dwellings: 2  
Current Zoning: R-1  
Requested zoning: R-3  
No rework of property lines is proposed  
Access to site is from Brown's Ferry Road extension  
No additional parking areas is proposed

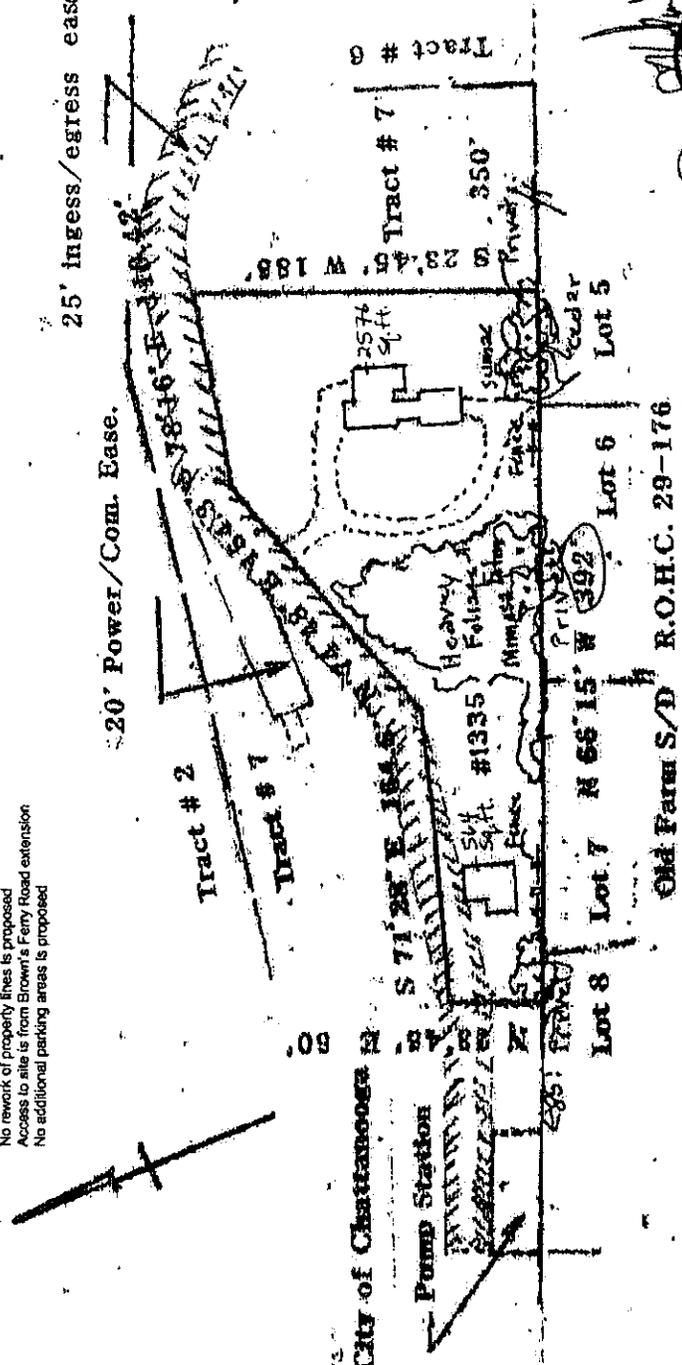
**RECEIVED**

JUL 27 2015

Chattanooga Hamilton County  
Regional Planning Agency  
Development Services

25' Ingress/Egress eas.

20' Power/Com. Ease.



**HOPKINS SURVEYING GROUP**

David L. Hopkins, Jr. -- Registered Land Surveyor No. 120  
175 Hiram Road -- P.O. Box 4366  
Chattanooga, Tennessee 37405  
(423) 267-3751 Office / (423) 267-0611 Facsimile  
Copyright -- By Hopkins Surveying Group

Old Farm S/D R.O.H.C. 29-176



**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:

2015-143 Steven Ryan/Community Funeral and Brainerd Church of Christ, 4203 Brainerd Road, from R-1 Residential Zone to R-4 Special Zone, subject to certain conditions.

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

2015-109 Tennessee Riverplace and James P. Little, MD, 1335 O'Grady Drive, from R-1 Residential Zone to R-3 Residential Zone.

2015-130 Joseph Ingram/Sergey Lyashevskiy, 7712 and 7716 Shallowford Road, from R-1 Residential Zone to RT-1 Residential Townhouse Zone.

2015-147 Lorrie Cantrell, Parts of 2012 and 2018 Jenkins Road, from R-1 Residential Zone to R-2 Residential Zone.

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,

**January 12, 2016**

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