

First Reading: _____
Second Reading: _____

2015-143
Steven Ryan/Community Funeral and
Brainerd Church of Christ
District No. 5
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 4203 BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL 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 property located at 4203 Brainerd Road, more particularly described herein:

An unplatted tract of land located at 4203 Brainerd Road, being the property described in Deed Book 874, Page 26, ROHC. Tax Map No. 157G-J-010.

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 rezoning shall be approved subject to the following conditions:

- (1) Funeral home use only;

- (2) No crematory on site;
- (3) No columbarium;
- (4) No mausoleum; and
- (5) Signage to be maximum six feet (6') by ten feet (10') or sixty (60') square feet as specified in the Brainerd Overlay Zone sign standard.

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: _____

2015-143
Steven Ryan/Community Funeral and
Brainerd Church of Christ
District No. 5
Staff Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 4203 BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

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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 rezoning shall be approved subject to the following uses: Churches, Funeral Homes, Mortuaries, and Undertaking Establishments.

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: _____

2015-143
Steven Ryan/Community Funeral and
Brainerd Church of Christ
District No. 5
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE,
PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO
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MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1
RESIDENTIAL ZONE TO R-4 SPECIAL ZONE.

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Ordinance, be and the same hereby is amended so as to rezone property located at 4203 Brainerd
Road, more particularly described herein:

An unplatted tract of land located at 4203 Brainerd Road, being the
property described in Deed Book 874, Page 26, ROHC. Tax Map
No. 157G-J-010.

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

2015-143 City of Chattanooga
December 14, 2015

RESOLUTION

WHEREAS, Steven Ryan/Community Funeral and Brainerd Church of Christ 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-4 Special Zone, property located at 4203 Brainerd Road.

An unplatted tract of land located at 4203 Brainerd Road, being the property described in Deed Book 874, Page 26, ROHC. Tax Map Number 157G-J-010 as shown on the attached map..

AND WHEREAS, the Planning Commission held a public hearing on this petition on December 14, 2015,

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

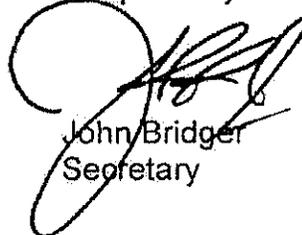
AND WHEREAS, no one was present in opposition to the petition,

AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development,

AND WHEREAS, the Planning Commission has determined that the proposal is compatible with surrounding uses.

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 approved, subject to: 1) Funeral home use only; 2) No crematory on site; 3) No columbarium; 4) No mausoleum; and 5) Signage to be maximum 6 feet by 10 feet or 60 square feet as specified in the Brainerd Overlay Zone sign standard.

Respectfully submitted,



John Bridger
Secretary

ZONING APPLICATION FORM

| | | | |
|--|---|--|---|
| CASE NUMBER: | 2015-143 | Date Submitted: | 9-28-2015 |
| (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: 2.8 | | | |
| 2 Property Information | | | |
| Property Address: | 4203 Brainerd Road | | |
| Property Tax Map Number(s): | 157G-J-010 | | |
| 3 Proposed Development | | | |
| Reason for Request and/or Proposed Use: | Rezone R-1 to R-4 for a Funeral Home | | |
| 4 Site Characteristics | | | |
| Current Zoning: | R-1 | | |
| Current Use: | Church | | |
| Adjacent Uses: | Church, UTC Observatory, Residential | | |
| 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: Steven Ryan/Community Funeral | | Address: 3600 Willow Lake Circle | |
| Check one: | <input type="checkbox"/> I am the property owner | <input checked="" type="checkbox"/> I am not the property owner | |
| City: Chattanooga | State: TN | Zip Code: 37419 | Email: stevenryan83@gmail.com |
| Phone 1: 423-364-8383 | Phone 2: | Phone 3: | Fax: |
| 6 Property Owner Information (If not applicant) | | | |
| Name: Brainerd Church of Christ | | Phone: 423-698-8011 | |
| Address: 4203 Brainerd Road Chattanooga, TN 37411 | | | |
| Office Use Only: | | | |
| <input type="checkbox"/> Hamilton County District 5 <input type="checkbox"/> Hamilton County District 6 <input type="checkbox"/> Hamilton County District 7 <input type="checkbox"/> Hamilton County District 8 <input type="checkbox"/> Hamilton County District 9 <input type="checkbox"/> Hamilton County District 10 <input type="checkbox"/> Hamilton County District 11 <input type="checkbox"/> Hamilton County District 12 <input type="checkbox"/> Hamilton County District 13 <input type="checkbox"/> Hamilton County District 14 <input type="checkbox"/> Hamilton County District 15 <input type="checkbox"/> Hamilton County District 16 <input type="checkbox"/> Hamilton County District 17 <input type="checkbox"/> Hamilton County District 18 <input type="checkbox"/> Hamilton County District 19 <input type="checkbox"/> Hamilton County District 20 <input type="checkbox"/> Hamilton County District 21 <input type="checkbox"/> Hamilton County District 22 <input type="checkbox"/> Hamilton County District 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| State Rec: | PC Action/Date: | Legislative Action/Date/Ordinance: | |
| Checklist: | | | |
| <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: 2.8 | <input checked="" type="checkbox"/> Deeds | <input type="checkbox"/> Plats, if applicable |
| Deed Book(s): 874, 261 | | | |
| Plat Book/Page: N/A | | <input checked="" type="checkbox"/> Notice Signs | Number of Notice Signs: 2 |
| <input checked="" type="checkbox"/> Filing Fee: \$35.00 | <input type="checkbox"/> Cash | <input checked="" type="checkbox"/> Check | Check Number: 91 |
| Planning Commission meeting date: 11-9-2015 | | Application processed by: Marcia Parker | |

PLANNING COMMISSION CASE REPORT

Case Number: 2015-143

PC Meeting Date: 12-14-15

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

| | |
|--------------------|---------------------------|
| Property Location: | 4203 Brainerd Road |
| Property Owner: | Brainerd Church of Christ |
| Applicant: | Steven Ryan |

This request was deferred at the November Planning Commission meeting to allow the applicant to meet with the residents of the area.

Project Description

- Proposal: Using existing structures on a 2.8-acre site for a funeral home business.
- Proposed Access: Main ingress and egress on Brainerd Road; secondary access at North Tuxedo Avenue.
- Proposed Development Form: Use existing former church facilities.

Site Analysis**Site Description**

- Location: The 2.8-acre site is located on the north side of Brainerd Road approximately ½-mile west of North Moore Road.
- Current Access: Brainerd Road and North Tuxedo Avenue
- Tennessee Department of Transportation Functional Classification: Urban Principal Arterial
- Current Development form: The adjacent surrounding structures are similar in scale and height to the structure in question.
- Current Land Uses: Existing churches are located to the west and east of the site. The University of Tennessee at Chattanooga's Jones Observatory and a former school now home to the Highland Enrichment Learning Center are located to the north. Office uses and a single-family residential neighborhood are located across the street to the south.

Zoning History

- The site is currently zoned R-1 Residential.
- The adjacent property to the north is zoned R-1 residential. Beyond that, the former school site is zoned R-4 Special Zone. The properties to the west and east are also zoned R-1 Residential. The properties fronting Brainerd Road directly across the street to the south are zoned O-1 Office Zone. There is one lot zoned R-1 Residential, but it front South Tuxedo Avenue and backs up to Brainerd Road.
- The nearest R-4 Special Zone (same as the request) is approximately 130 feet to the south across Brainerd Road. The former school site is also zoned R4 Special Zone approximately 160 feet north of the request site.
- The most recent rezoning in this area was for the former school site at the end of North Tuxedo Avenue. That property was rezoned from R-1 Residential to R-4 Special Zone by the City Council in 2012 (Ordinance #12657).

Plans/Policies/Regulations

- There is no current adopted land use plan for this area.
- The Comprehensive Plan places this site in the Inner Suburban Infill development Sector which notes commercial uses along major transportation corridors such as Brainerd Road.
- The R-1 Residential Zone permits single-family homes as well as churches and schools, but does not permit funeral homes.

PLANNING COMMISSION CASE REPORT

- The R-4 Special Zone allows funeral homes but only with a special permit approved by the Board of Zoning Appeals. R-4 also allows a wide variety of other uses such as banks, apartments, offices, dormitories and drug stores.

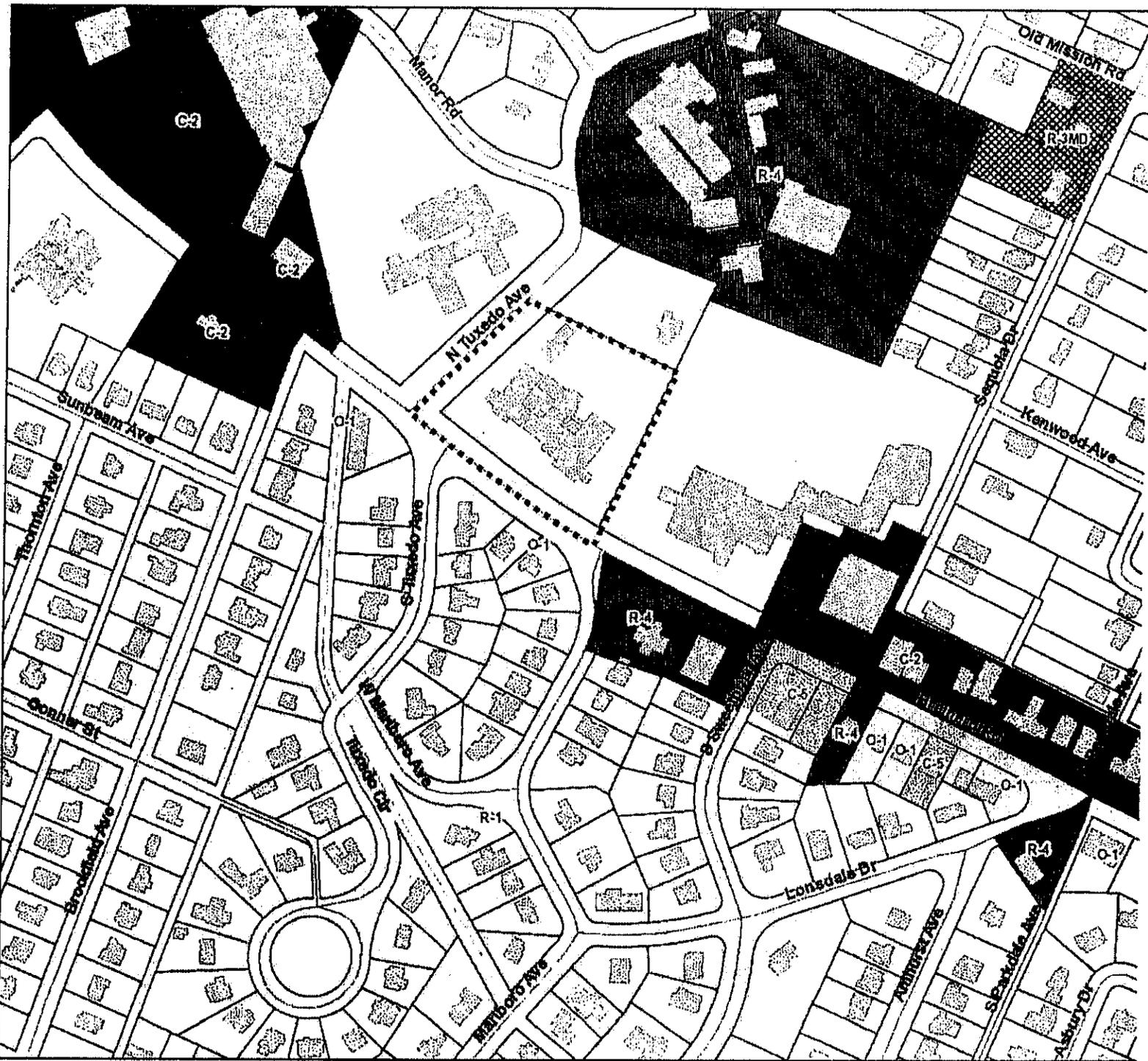
Key Findings

- The proposal is supported by the Comprehensive Plan as it places commercial along a major transportation corridor, but it is not supported by the Comprehensive Plan by creating a large swath of R-4 Special Zone in proximity to other residential zones.
- The proposed use is compatible with surrounding uses.
- The proposed zone is appropriate for the requested use; however, the staff would recommend restricting the use to the proposed use only, to ensure compatibility with bordering properties.
- The proposal is consistent with the development form of the area based on the applicant's desire to keep the majority of the existing building.
- The proposed structure does raise concerns regarding location, lighting, or height.
- The proposal would not be an extension of an existing zone, but there are several R-4 Special Zone parcels within 250'.
- The proposal would set a precedent for future requests by introducing large R-4 lots fronting Brainerd Road.

Staff Recommendation

Approve with the following conditions:

1. Conditioned to the following uses: Churches, Funeral Homes, Mortuaries, and Undertaking Establishments.



2015-143 Rezoning from R-1 to R-4

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-143:
 Approve, subject to the list of conditions in the Planning Commission Resolution

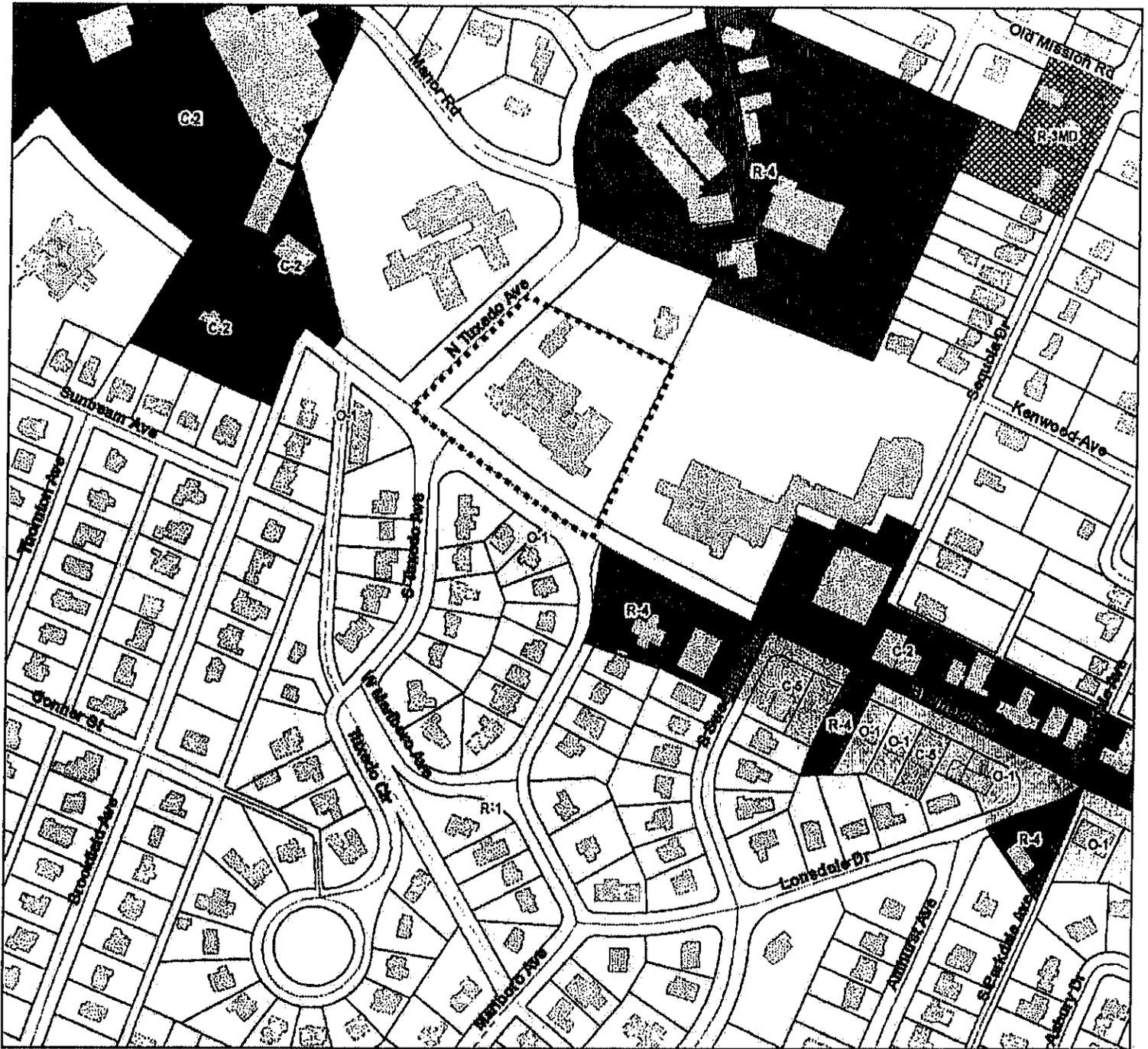


300 ft



Chattanooga Hamilton County Regional Planning Agency





2015-143 Rezoning from R-1 to R-4



300 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:

2015-143 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.

Nicole Gwyn
Clerk to the City Council