

First Reading: _____
Second Reading: _____

2015-150
MD Hospitality Group/
Dhaval Patel
District No. 6
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 6705 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO O-1 OFFICE 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 6705 Shallowford Road, more particularly described herein:

Lot 29, Brookhaven Heights Subdivision, Plat Book 24, Page 27,
Deed Book 10420, Page 85, ROHC. Tax Map No. 148D-C-011.

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

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

- 1) Use restricted to office and single-family home only;

- 2) Although allowed only by Special Permit, no day care facilities are allowed due to the closeness of the structures to the street and the limited amount of lot area for the required playground and for parking and child drop off;
- 3) Use of existing structure only (with no expansions or additions excluding provisions for handicap access);
- 4) Applicant must comply with the City landscape ordinance requirements prior to occupancy of the building. If the rear yard is used for additional parking, the applicant shall, in addition to the City landscape ordinance requirements, provide a sight-obscuring fence (composite or wood material) or wall constructed of brick, stucco, or stone along all property lines to the rear of the existing structure. The minimum height of the fence or wall shall be six (6) feet above grade;
- 5) 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 flashlight or intermittent lights will be permitted, and no internally illuminated signs shall be permitted;
- 6) 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 spillage into adjoining properties;
- 7) No dumpster on site;
- 8) Applicant is required to schedule and attend a City of Chattanooga Pre-submittal Meeting; and
- 9) Subject to approval of parking and access by the City Department of Transportation.

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: _____

2015-150
MD Hospitality Group/
Dhaval Patel
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 6705 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 6705 Shallowford Road, more particularly described herein:

Lot 29, Brookhaven Heights Subdivision, Plat Book 24, Page 27,
Deed Book 10420, Page 85, ROHC. Tax Map No. 148D-C-011.

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

2015-150 City of Chattanooga
December 14, 2015(Deferred)
January 11, 2016(Action)

RESOLUTION

WHEREAS, MD Hospitality Group/Dhaval Patel 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 6705 Shallowford Road.

Lot 29, Brookhaven Heights Subdivision, Plat Book 24, Page 27, Deed Book 10420, Page 85, ROHC. Tax Map 148D-C-011 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on December 14, 2015, at which time hearing was deferred to January 11, 2016,

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 agreed with the staff's key findings and recommendations.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on January 11, 2016, recommended to the Members of the City Council of the City of Chattanooga that this petition be Deny R-4 Special Zone request; approve O-1 Office Zone with the following conditions: 1) Use restricted to office and single-family home only; 2) Although allowed only by Special Permit, no day care facilities are allowed due to the closeness of the structures to the street and the limited amount of lot area for the required playground and for parking and child drop off; 3) Use of existing structure only (with no expansions or additions excluding provisions for handicap access); 4) Applicant must comply with the City landscape ordinance requirements prior to occupancy of the

building. If the rear yard is used for additional parking, the applicant shall in addition to the City landscape ordinance requirements, provide a sight-obscuring fence (composite or wood material) or wall constructed of brick, stucco, or stone along all property lines to the rear of the existing structure. The minimum height of the fence or wall shall be six feet above grade; 5) 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 flashlight or intermittent lights will be permitted, and no internally illuminated signs shall be permitted; 6) 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 spillage into adjoining properties; 7) No dumpster on site; 8) Applicant is required to schedule and attend a City of Chattanooga Pre-submittal Meeting; and 9) Subject to approval of parking and access by the City Department of Transportation.

Respectfully submitted,



John Bridger
Secretary

ZONING APPLICATION FORM

CASE NUMBER:	2015-150	Date Submitted:	10-21-2015
(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: .25			
2 Property Information			
Property Address:	6705 Shallowford Road		
Property Tax Map Number(s):	148D-C-011		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Using as Office & want to put up Company sign		
4 Site Characteristics			
Current Zoning:	R-1		
Current Use:	Residential Office		
Adjacent Uses:	Business Office		
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: MD Hospitality Group/Dhaval Patel		Address: 1869 Holly Oak Lane	
Check one:	<input checked="" type="checkbox"/> I am the property owner	<input type="checkbox"/> I am not the property owner	
City: Chattanooga	State: TN	Zip Code: 37421	Email: dpatel@mdhospitalitygroup.com
Phone 1: 423-400-2103	Phone 2: 434-489-1111	Phone 3: 423-667-9842	Fax:
6 Property Owner Information (if not applicant)			
Name: Same		Phone:	
Address:			
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			
<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: .25	<input checked="" type="checkbox"/>	Deeds
<input checked="" type="checkbox"/>	Plats, if applicable	<input checked="" type="checkbox"/>	Notice Signs
Deed Book(s): 10420-85		Number of Notice Signs: 1	
Plat Book/Page: 24-27		<input checked="" type="checkbox"/>	Check
<input checked="" type="checkbox"/>	Filing Fee: 635.00	<input checked="" type="checkbox"/>	Cash
Planning Commission meeting date: 12-14-2015		Application processed by: Marcia Parker	
		<input checked="" type="checkbox"/>	Check Number: 1236

PLANNING COMMISSION CASE REPORT

Case Number: 2015-150

PC Meeting Date: 12-14-15

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

Property Location:	6705 Shallowford Road
Property Owner:	MD Hospitality Group/Dhaval Patel
Applicant:	MD Hospitality Group/Dhaval Patel

Project Description

- Proposal: Use existing residential structure on 1/4-acre site for office.
- Proposed Access: Shallowford Road.
- Proposed Development Form: 1-story building.
- Proposed Density: Not applicable.

Site Analysis**Site Description**

- Location: The 10,890 square foot site, lot 29 of the Brook Haven subdivision, is located on the north side of Shallowford Road approximately 670 feet west of Hickory Valley Road.
- Current Access: Shallowford Road.
- Tennessee Department of Transportation Functional Classification: Urban Minor Arterial
- Current Development form: There are only one-story buildings within a 500 foot radius of this suburban site.
- Current Land Uses: The property adjacent to this site on the east side is a hair salon (Malek's Hair Designers). All other properties within a 500 foot radius are single-family homes. There are commercial uses approximately 400 feet east of the site.
- Current Density: Not applicable.

Zoning History

- The site is currently zoned R-1 Residential.
- In 2009, the adjacent property to the east was zoned R-4 Special with 8 specific conditions (Ordinance #12266). Those conditions are as follows: 1) Beauty salon or residence only. 2) Although allowed only by Special Permit, no day care facilities are allowed due to the closeness of the structures to the street and the limited amount of lot area for the required playground and for parking and child 3) Use of existing structure only (with no expansions or additions excluding provisions for handicap access), unless property has been compiled with multiple properties as part of a larger development. 4) A wall constructed of brick, stucco, or stone on both sides with a height of six feet above grade along the length of the rear property line (the northern property line). As this requirement is more stringent than the requirement of the landscape ordinance, this condition takes the place of the Type C landscaping yard. If the wall cannot be constructed on the property line due to easements, it shall be placed as close to the Shallowford Road side of the rear property line as possible, with access to allow for maintenance of the easement or rear property. 5) A 10' screening buffer as required by the landscaping ordinance for the right and left side yard. If acceptable to the Landscaping Coordinator, a wood, sight-obscuring fence may be used to replace the required landscaping. 6) Signs for use shall not exceed nine (9) square feet with no moving parts, flashing or intermittent lights, and no roof signs, except if multiple properties are consolidated into a single development 7) Applicant is required to schedule and attend a City of Chattanooga Presubmittal Meeting and 8) Subject to approval of parking and access by the City Traffic Engineer.
- The properties to the north, south, and west are mostly zoned R-1 Residential.
- In 2003, a 5-acre lot across the street to the south was zoned R-4 Special Zone with three specific conditions addressing landscaping and office use only (Ordinance #11399).

PLANNING COMMISSION CASE REPORT

Plans/Policies/Regulations

- The Shallowford Road Policy (adopted by City Council in 2009) makes the following specific recommendation: "Between Brookhaven and Brookwood Drive are five properties that front on Shallowford Road and have curbcuts onto Shallowford Road. These homes sit about 20-30 feet from the right-of-way and are substantially impacted by the road widening. These properties may be rezoned, if appropriate, on a case-by-case basis. The most appropriate uses for this location are those that are permitted in the R-4 Special Zone and O-1 Office Zone. Due to the topography of these lots, pervious pavement is preferred although final approval is from the city's water quality department. Parking to the rear is also preferred, although some parking or a turning area may need to be accommodated to the front of the structure. In order to best maintain the vitality of the residences abutting to the rear while allowing some relief to the residents with property fronting on the widened roadway, the following conditions are recommended for any zoning change:
 - 1) Although allowed only be Special Permit, no day care facilities are allowed due to the closeness of the structures to the street and the limited amount of lot area for the required playground and for parking and child drop-off.
 - 2) Use of existing structure only, unless multiple properties are compiled for a larger development.
 - 3) A wall constructed of brick, stucco, or stone on both sides with a height of six feet above grade along the length of the rear property line. As this requirement is more stringent than the requirement of the landscape ordinance, this condition takes the place of the Type C landscaping yard.
 - 4) A 10' screening buffer as required by the landscaping ordinance for the right and left side yard. If acceptable to the Landscaping Coordinator, a wood, sight-obscuring fence may be used to replace the required landscaping.
 - 5) Applicant is required to schedule and attend a City of Chattanooga Presubmittal Meeting."
 - The R-4 Special Zone permits any type of residential and office use.

Key Findings

- The proposal is supported by the recommendations of the adopted Land Use Plan.
- The proposed use, with conditions, is consistent and compatible with surrounding uses.
- The proposal is consistent with the development form of the area.
- The proposed structure does raise concerns regarding location, lighting, or height.
- The proposal would be an extension of an existing zone.
- The O-1 Office Zone only permits single-family homes and office uses, making it a more restrictive zone than the proposed R-4 Special Zone.
- The proposal would set a precedent for future requests.

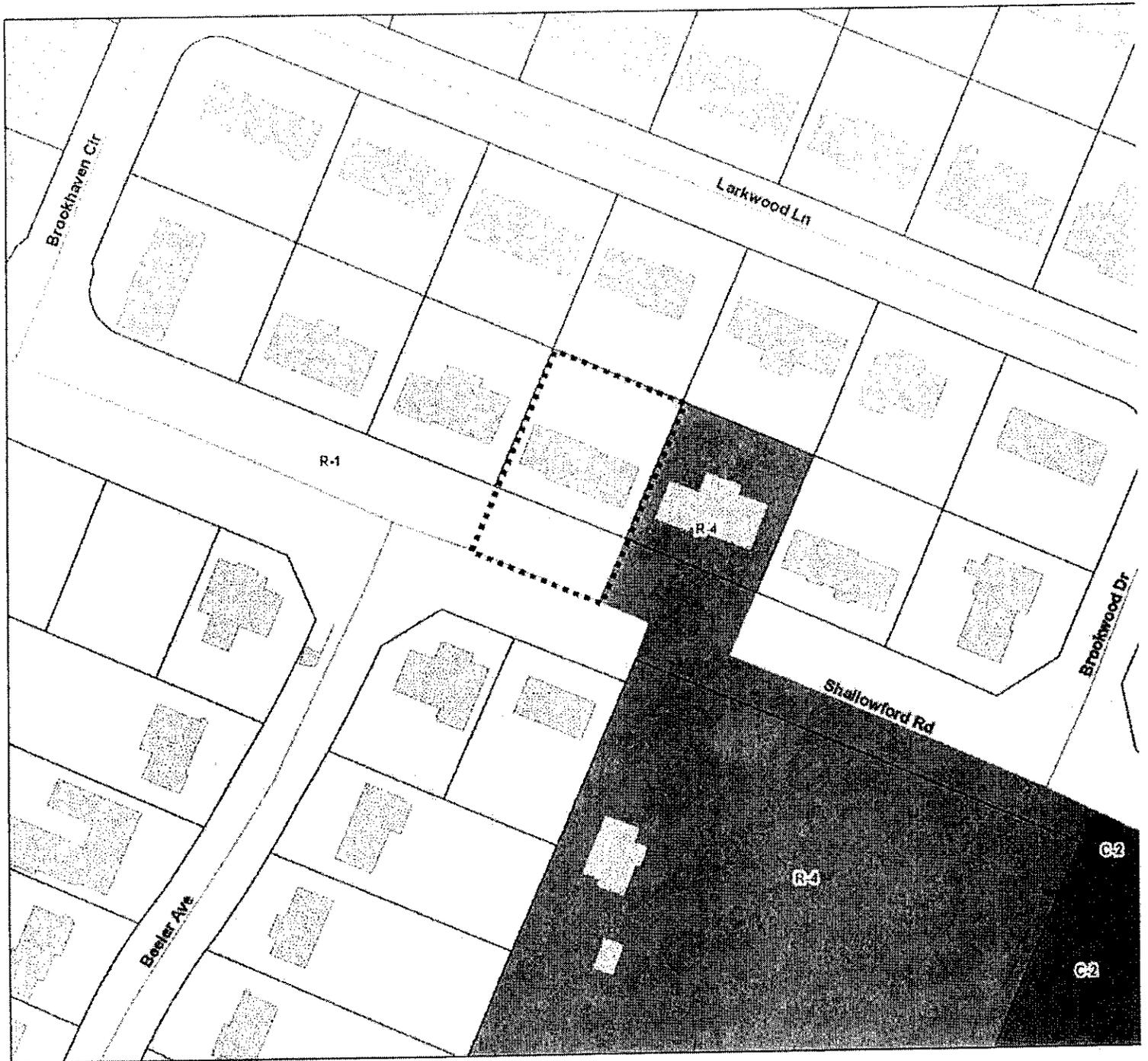
Staff Recommendation

Deny R-4, approve O-1 Office Zone with the following conditions:

1. Use restricted to office and single-family home only.
2. Although allowed only by Special Permit, no day care facilities are allowed due to the closeness of the structures to the street and the limited amount of lot area for the required playground and for parking and child drop off.
3. Use of existing structure only (with no expansions or additions excluding provisions for handicap access).
4. Applicant must comply with the City landscape ordinance requirements prior to occupancy of the building. If the rear yard is used for additional parking, the applicant shall in addition to the City landscape ordinance requirements, provide a sight-obscuring fence (composite or wood material) or wall constructed of brick, stucco, or stone on along all property lines to the rear of the existing structure. The minimum height of the fence or wall shall be six feet above grade.

PLANNING COMMISSION CASE REPORT

5. 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.
6. 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 spillage into adjoining properties.
7. No dumpster on site.
8. Applicant is required to schedule and attend a City of Chattanooga Presubmittal Meeting.
9. Subject to approval of parking and access by the City Department of Transportation.



2015-150 Rezoning from R-1 to R-4

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-150:
 Approve, subject to the list of conditions in the Planning Commission Resolution.

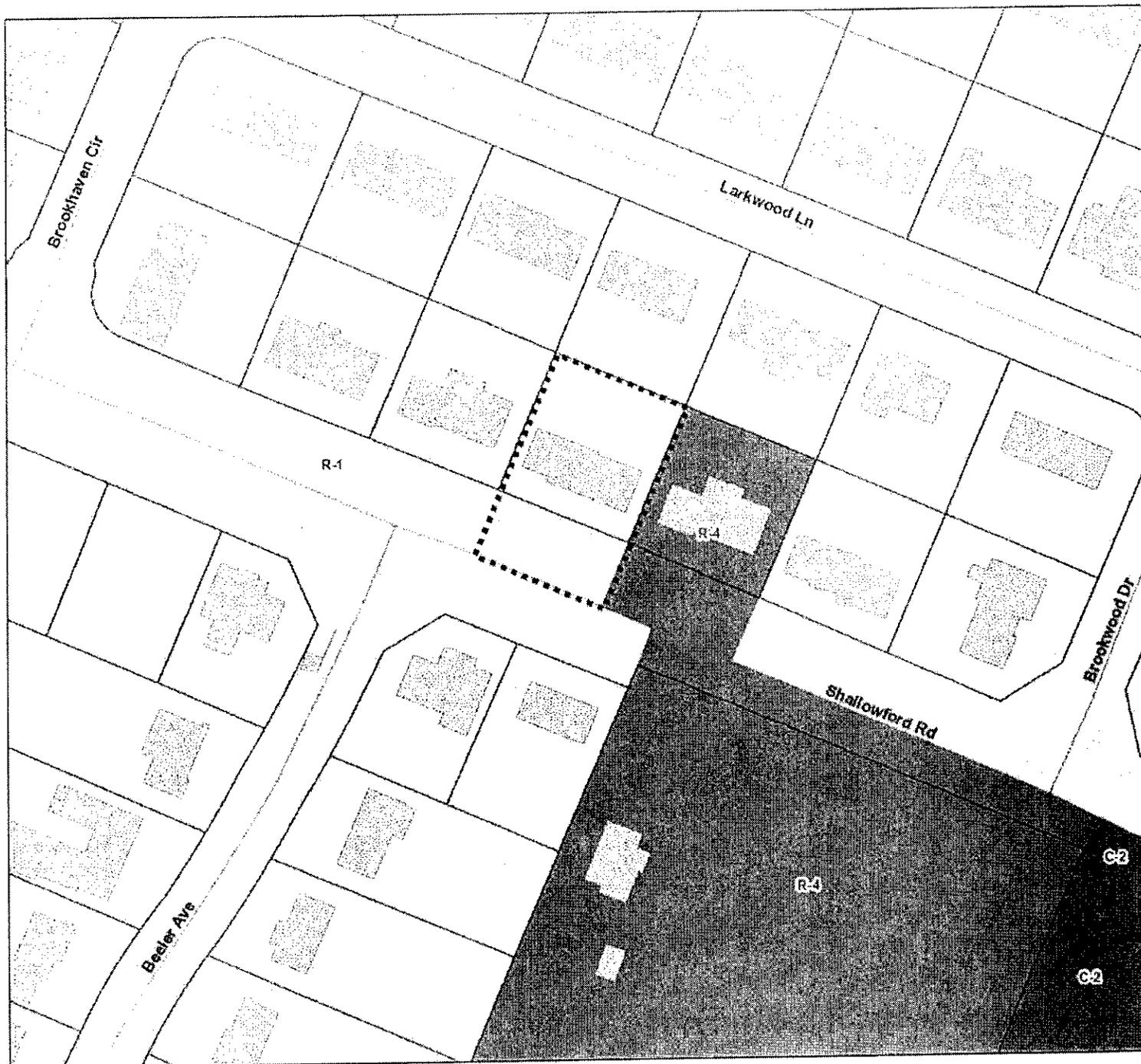


100 ft



Chattanooga Hamilton County Regional Planning Agency





2015-150 Rezoning from R-1 to R-4

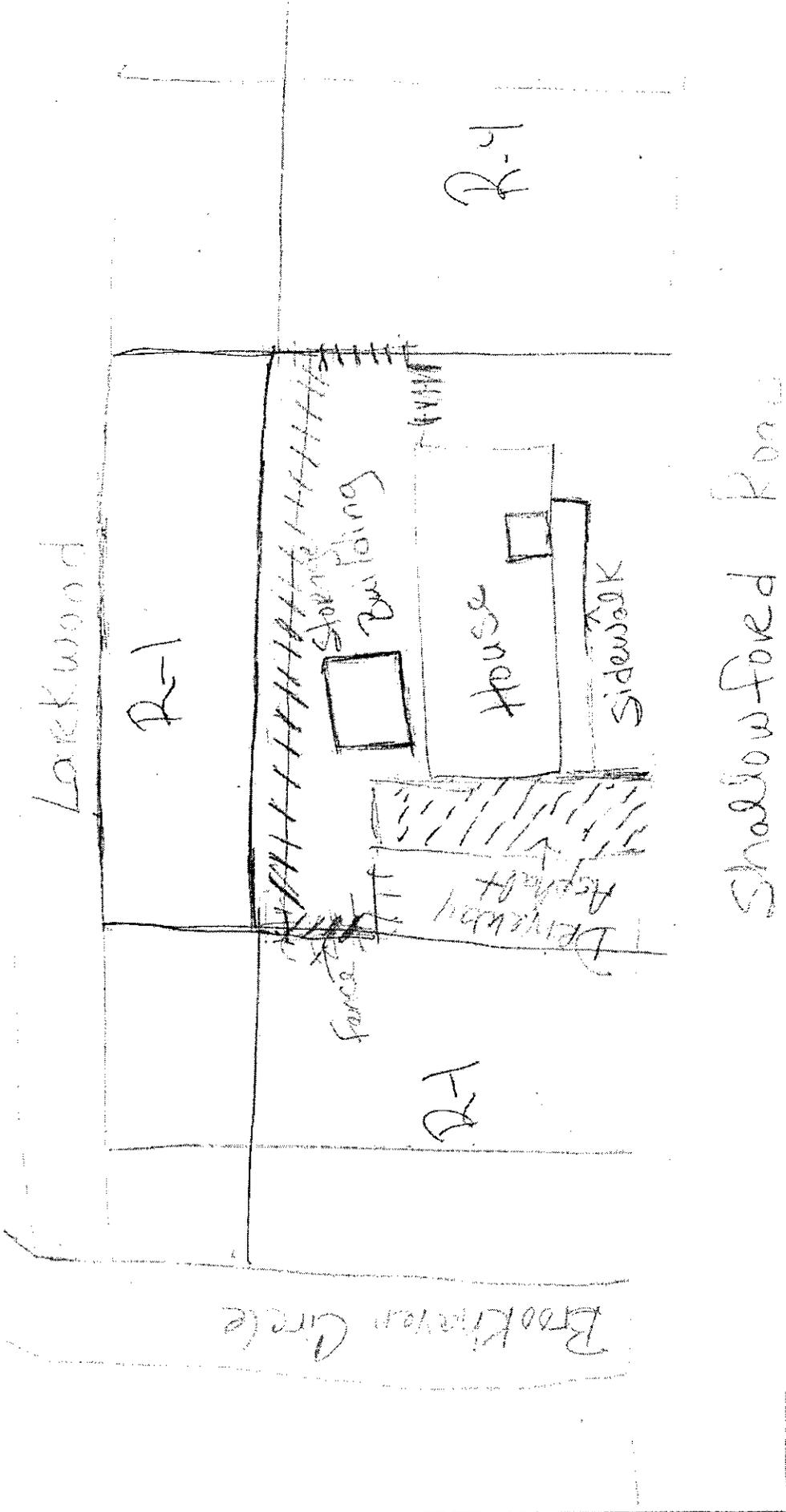


Chattanooga Hamilton County Regional Planning Agency



100 ft





RECEIVED
 OCT 21 2015
 Chattanooga Hamilton County
 Regional Planning Agency
 Development Services

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 petition to rezone be approved:

2015-150 MD Hospitality Group/Dhaval Patel. 6705 Shallowford 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 petition to rezone be denied:

2016-001 Young Life c/o David Haskins/Russell Wilson and Hsin Yin Wilson. 912 East Martin Luther King Boulevard, from R-1 Residential Zone to R-4 Special 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,

February 9, 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 _____, 2016.

Nicole Gwyn
Clerk to the City Council