

First Reading: _____
Second Reading: _____

2016-052
David J. Kluttz
District No. 3
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 5277 WILBANKS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-5 NEIGHBORHOOD COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL 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 5277 Wilbanks Road, more particularly described herein:

An unplatted tract of land located at 5277 Wilbanks Road being the property described in Deed Book 9434, Page 580, ROHC. Tax Map No. 100J-D-010.

and as shown on the maps attached hereto and made a part hereof by reference, from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be approved subject to keeping a thirty (30') foot existing undisturbed vegetative buffer, filling any gaps in existing vegetation with plantings per Type "A" Landscape Buffer standards, along northern property boundary where abutting R-2 Residential Zone.

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: _____

2016-052
David J. Kluttz
District No. 3
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 5277 WILBANKS ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-5 NEIGHBORHOOD COMMERCIAL ZONE TO C-2 CONVENIENCE COMMERCIAL 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 5277 Wilbanks Road, more particularly described herein:

An unplatted tract of land located at 5277 Wilbanks Road being the property described in Deed Book 9434, Page 580, ROHC. Tax Map No. 100J-D-010.

and as shown on the maps attached hereto and made a part hereof by reference, from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial 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

2016-052 City of Chattanooga
April 11, 2016

RESOLUTION

WHEREAS, David J. Klutz petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga the rezoning of property located at 5277 Wilbanks Road from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone.

An unplatted tract of land located at 5277 Wilbanks Road being the property described in Deed Book 9434, Page 580, ROHC. Tax Map 100J-D-010 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on April 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 has determined that the proposal is consistent with the development form of the area.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on April 11, 2016, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to keeping a 30-foot existing undisturbed vegetative buffer, filling any gaps in existing vegetation with plantings per Type "A" Landscape Buffer standards, along northern property boundary where abutting R-2 Residential Zone.

Respectfully submitted,



John Bridger
Secretary

ZONING APPLICATION FORM

CASE NUMBER:	2016-052	Date Submitted:	2-19-2016
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
1 Applicant Request			
Zoning	From: C-5	To: C-2	
Total Acres in request area: 4.86			
2 Property Information			
Property Address:	5277 Wilbanks Drive		
Property Tax Map Number(s):	100J-D-010		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Expanding Business		
4 Site Characteristics			
Current Zoning:	C-5		
Current Use:	Vacant		
Adjacent Uses:	R-2, C-2, C-5 & M-2		
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: David J Kluttz		Address: 7006 Igou Gap Road	
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: davidkluttz2@aol.com
Phone 1: 423-595-1175	Phone 2:	Phone 3:	Fax:
6 Property Owner Information (if not applicant)			
Name: Same		Phone:	
Address:			
Office Use Only:			
Planning District: 2		Neighborhood: CNAC, Friends of Hixson	
Hamilton Co. Comm. District: 3		Chatt. Council District: 3	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: 4.86	<input checked="" type="checkbox"/> Deeds	<input type="checkbox"/> Plats, if applicable
Deed Book(s): 9434-580			
Plat Book/Page: N/A		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 1
<input checked="" type="checkbox"/> Filing Fee: 635.00	Cash	<input checked="" type="checkbox"/> Check	Check Number: 4710
Planning Commission meeting date: 4-11-2016		Application processed by: Marcia Parker	

PLANNING COMMISSION CASE REPORT

Case Number: 2016-052

PC Meeting Date: 04-11-16

Applicant Request**Rezone from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone**

Property Location:	5277 Wilbanks Drive
Property Owner:	David J Kluttz
Applicant:	David J Kluttz

Project Description

- Proposal: Develop 4.86-acre site with 4,800 square foot office building with parking fronting Wilbanks Drive. The applicant also indicated in conversations with staff that a small area is also needed for outdoor storage of parking lot striping equipment and vehicles.
- Proposed Access: Entrance on Wilbanks Drive with no access to rear alley.
- Proposed Development Form: 1-story building located within 250' of Wilbanks Drive.

Site Analysis**Site Description**

- Location: The 4.86 acre site is located on the east side of Wilbanks Drive approximately 250 feet from the Old Hixson Pike and Wilbanks Drive intersection.
- Current Access: Main entrance on Wilbanks Drive with access to rear alley.
- Current Development form: Along the eastern side of Wilbanks Drive are 1-story commercial and office buildings. The western side of Wilbanks Drive is a landscape screen with no access points. To the east of the site is a low density residential subdivision.
- Current Land Uses: The properties to the north and east are single-family residential uses. The properties to the northwest and south are commercial and office uses. The property to the west is a cemetery and parking lot.

Zoning History

- The site is currently zoned C-5 Neighborhood Commercial Zone.
- The properties to the north are zoned C-5 Neighborhood Commercial Zone and R-2 Residential Zone. The property to the east is zoned R-2 Residential Zone. The properties to the south are zoned M-2 Light Industrial Zone and C-2 Convenience Commercial Zone. The property to the west is zoned R-2 Residential Zone.
- The nearest C-2 Convenience Commercial Zone (same as the request) is adjacent to the south of the site.
- There has been no recent zoning activity on this site.

Plans/Policies/Regulations

- The Hixson-North River Community Plan (adopted by City Council 2004) recommends medium business mix which is defined as convenience commercial, neighborhood commercial, office, residential, or similar uses.
- 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.

Key Findings

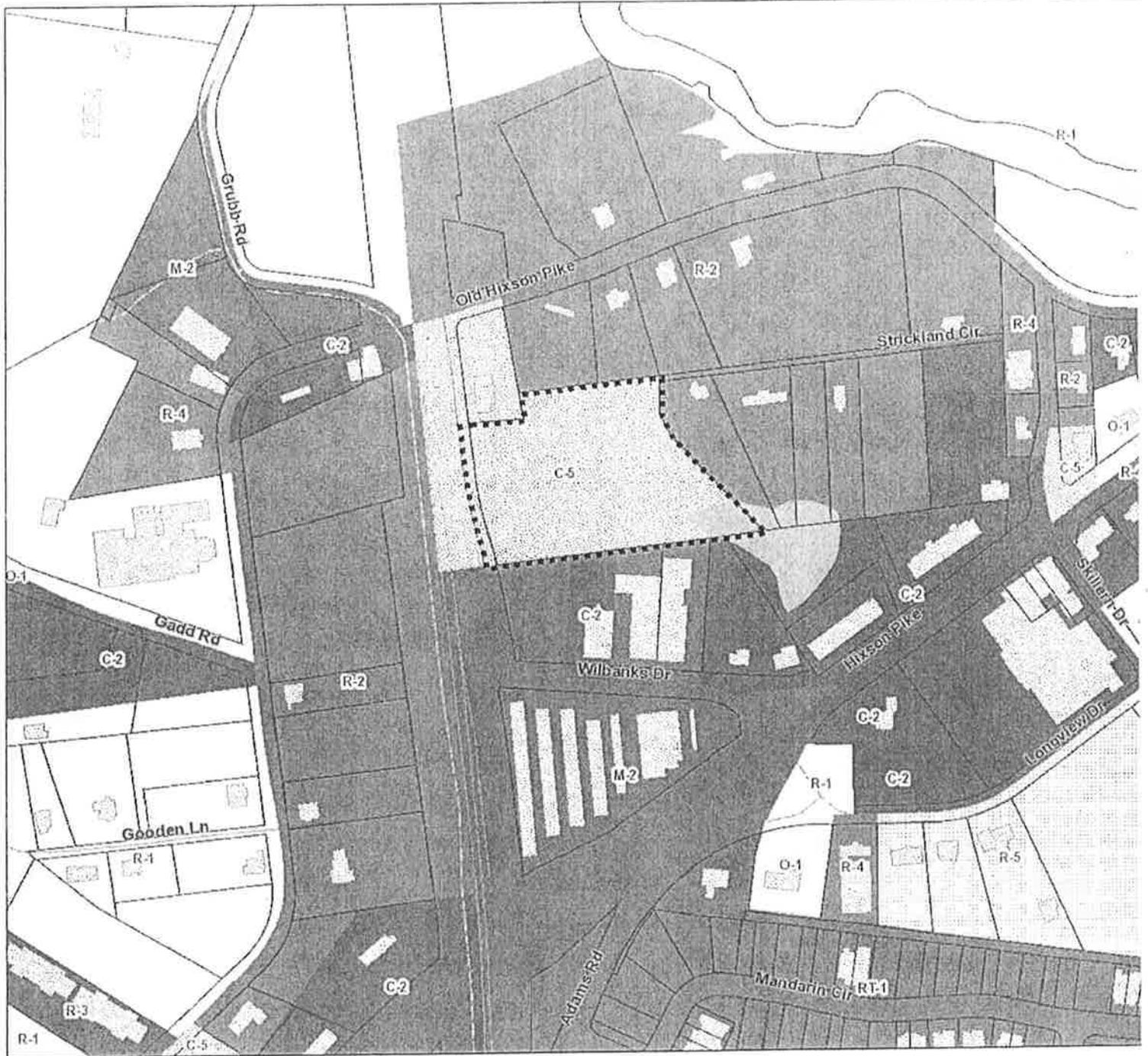
- The proposal is supported by the recommendations of the adopted Land Use Plan for the area based on C-2 Convenience Commercial Zone allowing medium business uses.
- The proposed use can be compatible with surrounding uses if landscape buffering is required next to abutting residential properties.
- 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.

PLANNING COMMISSION CASE REPORT

- The proposal would set a precedent for future requests.
- The site has a significant amount of wetlands on the rear of the site.

Staff Recommendation

Approve, subject to keeping a 30-foot existing undisturbed vegetative buffer, filling any gaps in existing vegetation with plantings per Type "A" Landscape Buffer standards, along northern property boundary where abutting R-2 Residential Zone.



2016-052 Rezoning from C-5 to C-2

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2016-052: Approve, subject to keeping a 30-foot existing undisturbed vegetative buffer, filling any gaps in existing vegetation with plantings per Type "A" Landscape Buffer standards, along northern property boundary where abutting R-2 Residential Zone



307 ft

Chattanooga Hamilton County Regional Planning Agency





2016-052 Rezoning from C-5 to C-2

307 ft

Chattanooga Hamilton County Regional Planning Agency

2016-052

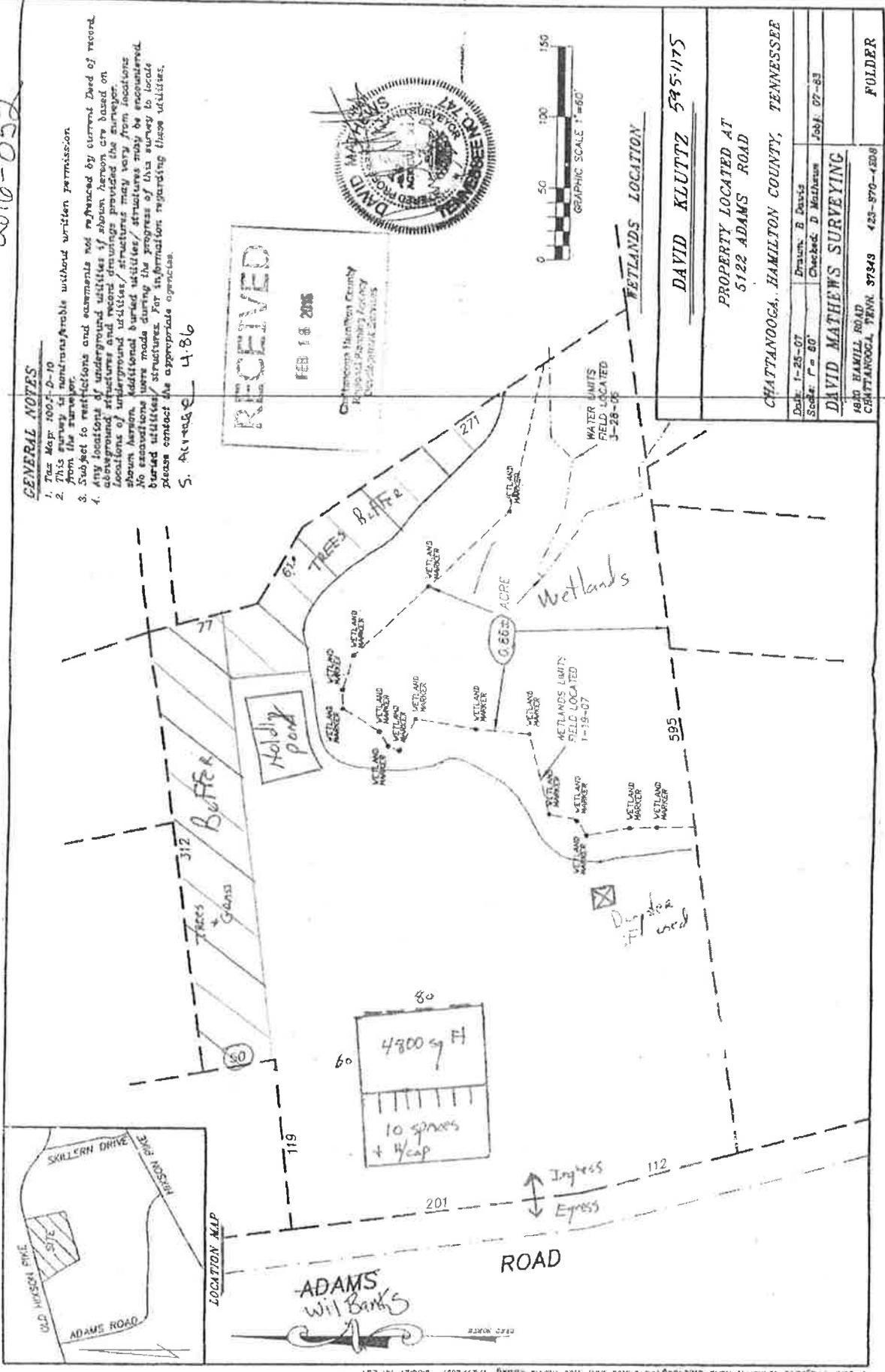
GENERAL NOTES

1. See Map: 100'-D-10
2. This survey is nontransferrable without written permission from the surveyor.
3. Subject to restrictions and easements not referenced by current David of record.
4. Any locations of underground utilities of shown herein are based on appropriate structures and record drawings provided the surveyor. Locations of underground utilities/ structures may vary from locations shown herein. Additional buried utilities/ structures may be encountered. No excavations were made during the progress of this survey to locate buried utilities/ structures. For information regarding these utilities, please contact the appropriate agencies.
5. Acreage 4.86

RECEIVED

FEB 18 2016

Chattanooga Hamilton County
Regional Planning Agency
Environmental Services



DAVID KLUTTZ 595-1175

PROPERTY LOCATED AT
5122 ADAMS ROAD

CHATTANOOGA, HAMILTON COUNTY, TENNESSEE

Date: 1-25-07	Drawn: B Davis
Scale: 1" = 60'	Checked: D Mathews
Job#: 07-83	
DAVID MATHEWS SURVEYING	
4830 HAMIL ROAD CHATTANOOGA, TENN. 37349 423-970-1208	
FOLDER	

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:

2016-049 Sonja Y. Benning. 109 Workman Road, from M-1 Manufacturing Zone to R-1 Residential Zone.

2016-051 Duane Carleo and Mark Neal. 24 East 14th Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2016-052 David J. Kluttz. 5277 Wilbanks Road, from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2016-053 Adamson Developers. 8062 and 8074 Old Lee Highway, from R-2 Residential Zone to R-3 Residential Zone.

2016-054 Chambliss Center for Children. 402 and 406 Gillespie Road, from R-1 Residential Zone to R-2 Residential Zone.

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

2016-048 Sunnyside Properties, LLC. 4820 Oakland Avenue, from M-1 Manufacturing Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone, recommending denial for the R-T/Z Residential Townhouse Zero Lot Line and approved for R-1 Residential Zone, subject to one single-family residential dwelling only.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that Condition No. 4 be lifted from Ordinance No. 12867 of Previous Case No. 2014-094 on property located at 7408 Bonny Oaks Drive.

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 38-2, Definitions**, by adding definitions for Animal day care facility; Animal, domestic; Animal, small; Animal grooming service; Animal run; and Kennel.
- (b) **Amending Section 38-184, Uses permitted as special exceptions by the board of appeals**, by deleting subsection (7) in its entirety and substituting in lieu thereof.
- (c) **Amending Section 38-204, Uses permitted as special exceptions by the board of appeals**, by deleting subsection (7) in its entirety and substituting in lieu thereof.
- (d) **Amending Section 38-302, Uses permitted as special exceptions by the board of appeals**, by deleting subsection (6) in its entirety and substituting in lieu thereof.
- (e) **Amending Section 38-568, Powers, etc., of board; hearings**, by deleting subsection (12) in its entirety and substituting in lieu thereof.
- (f) **Amending Section 38-361(3), Areas included**, by deleting in its entirety and substituting in lieu thereof.

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,

May 10, 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