First Reading:_____
Second Reading:_____

2016-090
John Floyd and David Downer
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 5461 HIXSON PIKE, MORE PARTICULARLY DESCRIBED HEREIN, FROM O-1 OFFICE 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 5461 Hixson Pike, more particularly described herein:

> Lot 10, Map of Long Hixson Subdivision, Plat Book 14, Page 150, ROHC, Deed Book 8741, Page 981, ROHC. Tax Map No. 100J-E-008.

and as shown on the maps attached hereto and made a part hereof by reference, from O-1 Office Zone to C-2 Convenience Commercial Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be approved subject to no access to Old Hixson Pike.

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

2016-090 City of Chattanooga
June 13, 2016

RESOLUTION

WHEREAS, John Floyd & David Downer 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 O-1 Office Zone to C-2 Convenience Commercial Zone, property located at 5461 Hixson Pike.

Lot 10, Map of Long Hixson Subdivision, Plat Book 14, Page 150, ROHC, Deed Book 8741, Page 981, ROHC. Tax Map 100J-E-008 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on June 13, 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 June 13, 2016, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to no access to Old Hixson Pike.

Respectfully submitted,

John Bridger
Secretary

Chattanooga-Hamilton County Regional Planning Agency

ZONING APPLICATION FORM

CASE NUMBER:	2016-090	**Date Submitted: 4-20-2016**

(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)

1 Applicant Request		
Zoning	**From: O-1**	**To: C-2**
	Total Acres in request area: .53	
2 Property Information		
Property Address:	5461 Hixson Pike	
Property Tax Map Number(s):	100J-E-008	
3 Proposed Development		
Reason for Request and/or Proposed Use:	To rezone property from O-1 to C-2 in order to obtain a Special Permit for our Business of a Kennel	
4 Site Characteristics		
Current Zoning:	O-1	
Current Use:	Residential	
Adjacent Uses:	R-2, R-5, C-2, & C-5	

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: John Floyd		Address: 7760 East Brainerd Road	
Check one:		I am the property owner	x I am **not** the property owner
City: Chattanooga	State: TN	Zip Code: 37421	Email: jaybirdenter@aol.com
Phone 1: 423-883-7200	Phone 2: 423-521-8888	Phone 3:	Fax:

6 Property Owner Information (if not applicant)

Name: David Downer	Phone:
Address: 5461 Hixson Pike Hixson, TN 37343	

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

x	Application Complete	x	Ownership Verification	x	Map of Proposed Zoning Area with dimensions		
x	Site Plan, if required	x	Total Acres to be considered: .53	x	Deeds	x	Plats, if applicable
Deed Book(s): 8741-981							
Plat Book/Page: 14-150				x	Notice Signs	Number of Notice Signs: 2	
x	Filing Fee: 635.00		Cash	x	Check	Check Number: 2231	
Planning Commission meeting date: 6-13-2016				Application processed by: Marcia Parker			

Chattanooga-Hamilton County Regional

PLANNING COMMISSION CASE REPORT

Case Number: 2016-090 **PC Meeting Date: 06-13-16**

Applicant Request

Rezone from O-1 Office Zone to C-2 Convenience Commercial Center

Property Location:	5461 Hixson Pike
Property Owner:	David Downer
Applicant:	John Floyd

Project Description

- Proposal: Expand an existing building on a 0.53-acre site for a kennel.
- Proposed Access: Entrance on Hixson Pike and Old Hixson Pike.
- Proposed Development Form: Expansion of existing 1-story buildings with an outdoor fenced- in space for animals.

Site Analysis

Site Description

- Location: The site is located on between Old Hixson Pike and Hixson Pike approximately 300 feet southwest from the intersection of Longview Drive and Hixson Pike.
- Current Access: From Hixson Pike.
- Tennessee Department of Transportation Functional Classification: Categorized Hixson Pike as an Urban Principal Arterial and Old Hixson Pike as an Urban Collector.
- Current Development form: The site currently has a small dwelling on the lot. The area east, south, and west of the site is a mix of small dwellings and single story commercial strip centers with parking or gas pumps fronting Hixson Pike. To the north is a preserved area of the Chickamauga Creek.
- Current Land Uses: To the west is a large gas station. To the south and east are a mix of single-family residential, small offices, and small retail. North of the site is undisturbed natural land.
- The entire site is located within the FEMA 100 year flood plain.

Zoning History

- The site is currently zoned O-1 Office Zone.
- The site was rezoned from R-2 Residential Zone to O-1 Office Zone in 1985.
- The property to the north is zoned R-1 Residential Zone. The property to the east is zoned R-2 Residential Zone and C-2 Convenience Commercial Zone. The property to the south is zoned R-4 Special Zone. The property to the west is zoned C-2 Convenience Commercial Zone with conditions.
- The nearest C-2 Convenience Commercial Zone (same as the request) is abutting the site to the west and has conditions on the site.

Plans/Policies/Regulations

- The Hixson North River Community Plan (adopted by City Council in 2004) recommends two different use groups for the site. The plan recommends Medium Business Mix for the portion fronting on Hixson Pike. The plan recommends Medium Density Residential for the portion fronting on Old Hixson Pike.
- The O-1 Office Zone permits office uses as well as single-family homes.
- 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.
- The C-2 Convenience Commercial Zone requires a Special Exception from the Board of Zoning Appeals for the proposed use of a kennel. The Board of Zoning Appeals can provide additional conditions for this Special Exception.
- Development in the 100-Year Flood Area is regulated by Article V, Division 23 Floodway Zone and Division 24 Flood Hazard Zone within the City of Chattanooga Zoning Ordinance. Contact the City of Chattanooga Land Development Office at 423-643-5880 with questions.

Chattanooga-Hamilton County Regional

PLANNING COMMISSION CASE REPORT

Key Findings

- The proposal is supported by the adopted Land Use Plan for the area which recommends Medium Business Mix.
- The proposed use could be compatible with surrounding uses. The Board of Zoning Appeals is encouraged to consider the hours of use in its deliberation on a Special Exception for a kennel at this location.
- The proposal is consistent with the development form of the area.
- The proposed structure does not raise concerns regarding location, lighting, or height.
- The proposal would be an extension of an existing zone.
- The proposal would continue a precedent for future requests by expanding the C-2 Convenience Commercial Zone into the remaining residential area.
- The adjoining C-2 Convenience Commercial Zone was conditioned to keep commercial traffic off the residential Old Hixson Pike to the rear of the property.

Staff Recommendation

Approve, subject to no access to Old Hixson Pike.

2016-090 Rezoning from O-1 to C-2

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2016-090: Approve, subject to no access to Old Hixson Pike.

135 ft

Chattanooga Hamilton County Regional Planning Agency

RPA

2016-090 Rezoning from O-1 to C-2

135 ft

Chattanooga Hamilton County Regional Planning Agency

RPA

Site Plan

Case #: 2016-090

Total Acres being requested for rezoning or special permit:

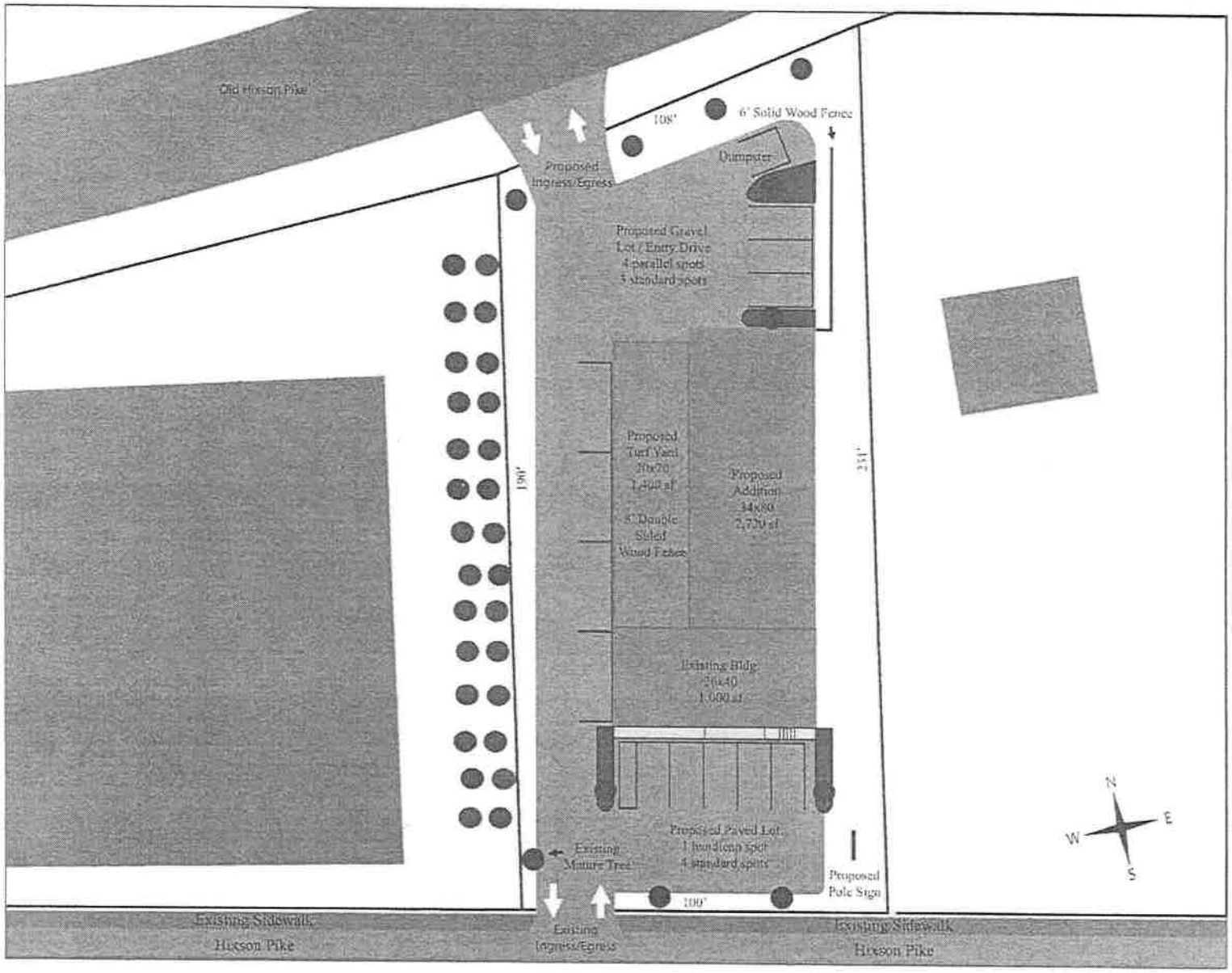
.53 Acres (100'x231')

0 ft 50 ft

RECEIVED
APR 20 2016
Chattanooga Hamilton County

Date Received: 4-20-2016

Applicant Initial:



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:

2016-060 Jack Haylett Branch Acquisition Company, LLC/Defoor Brothers, LLC/Tommy Thompson/Winona Sims & Steven Dobbs Family Trust. 2300 to 2500 blocks of Gunbarrel Road, 7325 thru 7342 blocks of McCutcheon Road, 2500 block of Life Style Way, and 2300 thru 2400 blocks of Elam Lane, from MXU Mixed Use Zone and R-1 Residential Zone to C-4 Planned Commerce Center Zone, subject to certain conditions.

2016-084 South Broad, LLC and DEW, LLC. 2600 blocks of Long Street, Broad Street, Cowart Street, and Williams Street and the 200 blocks of West 27th Street and 131 West 27th Street, from R-3 Residential Zone, C-2 Convenience Commercial Zone, and UGC Urban General Commercial Zone to C-3 Central Business Zone, subject to certain conditions.

2016-089 Thomas Austin. 3900 block of Kelly's Ferry Road, from R-1 Residential Zone, R-4 Special Zone, and M-1 Manufacturing Zone to R-4 Special Zone, subject to certain conditions.

2016-090 John Floyd and David Downer. 5461 Hixson Pike, from O-1 Office Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2016-095 Aaron White and Grant Law. 804 and 901 Riverfront Parkway, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2016-097 City of Chattanooga/Regional Planning Agency. 425, 427 West Bell Avenue, 610, 611 W. Manning Street, 700 block of North Market Street, 600 River Street, 200 Market Street, 418, 422, 424 Georgia Avenue, 1440 Adams Street, and 1511 Jefferson Street.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following condition to amend be approved:

> 2016-094 Asa Engineering c/o Allen Jones/Brian Sullivan. 7407 Igou Gap Road, to amend Ordinance No. 12885 of Previous Case No. 2014-0121, subject to certain conditions.

3. 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) **Deleting** Article V, Division 24, Section 38-402(b) in its entirety and substitute in lieu thereof, so as to clarify PUD development plan requirements.

(b) **Removing** the text "and site area" from the first sentence of Article V, Zone Regulations: Division 26, Planned Unit Development Institutional, Section 38-414.

(c) **Amending** Article VIII, Section 38-568(12) by adding subsection 38-568(12)(d), relative to the Powers of the Board of Appeals for Variances and Special Permits.

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,

July 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 _____, 2016.

_____

Nicole Gwyn
Clerk to the City Council