

First Reading: _____
Second Reading: _____

2014-005
Arbour Valley Development/
Michael and Edward Manz, IV
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 2848 ANDERSON TERRACE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL 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 2848 Anderson Terrace, more particularly described herein:

Parts of Tract Number One (1) described in Deed Book 9843, Page 749 and Deed Book 10132, Page 803, ROHC, detailed on the submitted schematic site plan labeled as Arbours at Bonny Oaks. Said site plan is labeled as project number 13-xxx and dated 12-04-13. Tax Map No. 139A-D-009.

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 rezoning shall be subject to the following:

- (1) There being a buffer between the development and the immediately adjacent residential neighborhood on the South line of Development (Timberbrook), which buffer will consist of the following fencing and landscaping elements:
 - (a) a fence 10 feet in height; and
 - (b) additional trees planted where there are currently no trees and these trees must be the type that do not shed leaves onto the neighboring properties.
- (2) The fence required by condition #1 will span far enough across the property line, and will not include any door or similar feature, to ensure that residents do not have pedestrian access to the following neighborhoods, unless one of these neighborhoods specifically agree otherwise: Timberbrook (Tyner Crossing Drive), Dogwood Village (Blossom Circle) and The Arbours. (There is otherwise no restriction on pedestrian connectivity from the site).

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

/mms

First Reading: _____
Second Reading: _____

2014-005
Arbour Valley Development/
Michael and Edward Manz, IV
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 2848 ANDERSON TERRACE, 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 2848 Anderson Terrace, more particularly described herein:

Parts of Tract Number One (1) described in Deed Book 9843, Page 749 and Deed Book 10132, Page 803, ROHC, detailed on the submitted schematic site plan labeled as Arbours at Bonny Oaks. Said site plan is labeled as project number 13-xxx and dated 12-04-13. Tax Map No. 139A-D-009.

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

/mms

2014-005 City of Chattanooga
January 13, 2014 (Deferred)
February 10, 2014 (Action Taken)

RESOLUTION

WHEREAS, Arbour Valley Development/Michael & Edward Manz, IV petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga the rezoning R-1 Residential Zone to R-3 Residential Zone, property located at 2848 Anderson Terrace.

Parts of Tract Number One (1) described in Deed Book 9843, Page 749 and Deed Book 10132, Page 803, ROHC, detailed on the submitted schematic site plan labeled as Arbours at Bonny Oaks. Said site plan is labeled as project number 13-xxx and dated 12-04-13. Tax Map 139A-D-009 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on January 13, 2014, at which time action was deferred to February 10, 2014,

AND WHEREAS, the Planning Commission heard and considered all statements favoring 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.

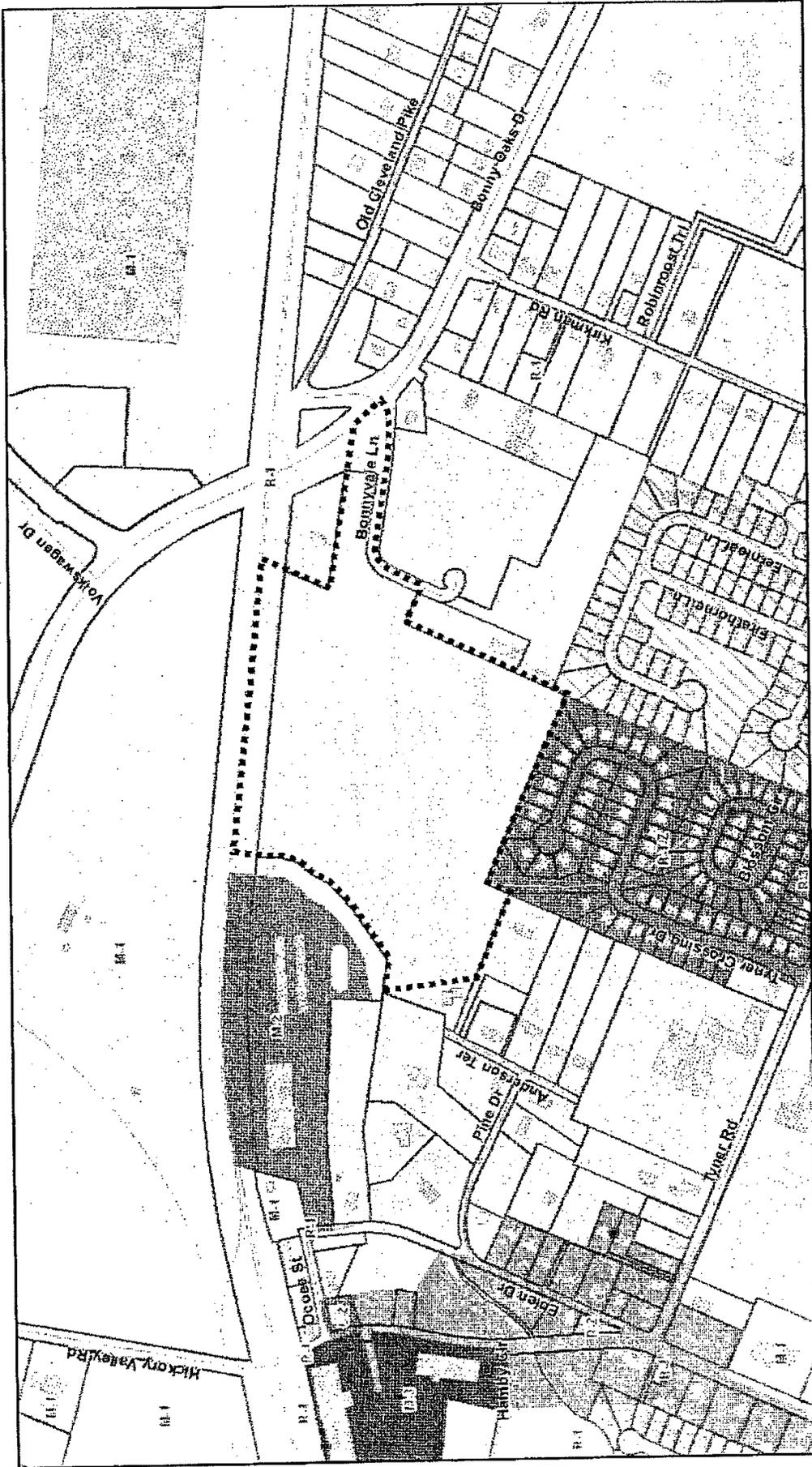
NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on February 10, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved subject to: (1) there being a buffer between the development and the immediately adjacent residential neighborhood on the South line of Development (Timberbrook), which buffer will consist of the following fencing and landscaping elements: (a) a fence 10 feet in height and (b) additional trees planted where there are currently no trees and these trees must be the type that do not shed leaves onto the neighboring properties; and (2) The fence required by condition #1 will span far enough across the property line, and will not include any door or similar feature, to ensure that residents do not have pedestrian access to the following neighborhoods, unless one of these neighborhoods specifically agree otherwise:

Timberbrook (Tyner Crossing Drive), Dogwood Village (Blossom Circle) and The Arbours. (There is otherwise no restriction on pedestrian connectivity from the site).

Respectfully submitted,



John Bridger
Secretary



2014-005 Rezoning from R-1 to R-3

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2014-005: Approve, subject to the conditions listed in the Planning Commission Resolution.



530 ft



Chattanooga Hamilton County Regional Planning Agency



STAFF CASE REPORT TO PLANNING COMMISSION

Case Number: 2014-005 PC Meeting Date: 02-10-2014

STAFF RECOMMENDATION: APPROVE

Land Use & Transportation Comments

Planning Staff:

Applicant Request Overview
 The applicant is requesting to rezone 29.2 +/- acres, at the 7100 block of Bonnyvale Lane, from R-1 Residential Zone to R-3 Residential Zone for the purpose of constructing a 264 unit apartment complex, as illustrated on the accompanying site plan.

This case was deferred from the January Planning Commission hearing for further review and to allow time for the applicant to have a meeting with the neighbors.

Site Description
 The property is located at the intersection of Bonnyvale Lane and Bonny Oaks Drive, an urban minor arterial according to the functional classification system. The site is heavily wooded and undeveloped. There is currently one single-family residence adjacent to the west of the site. A 50' Petroleum Easement bisects the site. A widening project along Bonny Oaks Drive was approved for the 2014-2017 Transportation Improvement Program. A CSX rail line runs across the northern edge of the property. Adjacent uses include manufacturing and single-unit residential.

Zoning History
 There are no previous zoning requests at this location.

Plans/Policies
 Although there are no specific references to this site, the Hamilton County Comprehensive Plan 2030 provides general guidance on appropriate future development types, land use patterns, and physical form by Development Sectors. The plan identifies this site as part of the Outer Suburban Growth Sector typically characterized by a very distinct separation of land uses, with housing segregated into large clusters containing units of similar type and costs. The plan recommends higher-density residential adjacent to higher intensity uses such as commercial and employment centers.

The plan recommends several development models appropriate for the area, but the model most closely representing this site based on the existing adjacent and surrounding uses is the Suburban Development Model. Considering that the suburban development pattern will most likely continue to be the most common development form in this area; the Plan recommends modifications to new developments to improve the existing form.

- More public green space.

STAFF CASE REPORT TO PLANNING COMMISSION

	<ul style="list-style-type: none"> • Greater street connectivity to provide a variety of routes. • Better pedestrian access. • Parking lots that do not dominate the site. • More attention to architectural details and landscaping. <p>Development in this area is directed by the Shallowford Road – Lee Highway Area Plan (2005) which addresses a wide range of land use categories and recommends preferred land use patterns and policies to guide future development. The Plan recommends Single-Unit Residential for the site; however, this plan addresses several focus areas with the purpose of developing a strategy to balance commercial demands while protecting existing neighborhoods. The subject property falls within Focus Area 8 which reads:</p> <p style="padding-left: 40px;"><i>“Bonny Oaks Drive, particularly west of Silverdale Road, is recommended to continue as a residential area. While the land use plan map designates this area as Single-Unit Residential, this area may be appropriate for higher-density residential in the future....no expansion of the existing commercial or new non-residential development is encouraged”</i></p>
<p>Infrastructure & Operational Comments</p>	<p>All land development projects are reviewed by City Engineering & Water Quality staff, Traffic Engineering & Operations staff, and the Land Development Office staff. In addition to the requirements of the City of Chattanooga Zoning Ordinance, all land development is further required to comply with current City of Chattanooga traffic regulations, building and development codes, storm water/water quality regulations, and the landscape ordinance.</p> <p>Additional requirements, if needed, are indicated by department below either as comments or as conditions recommended to be attached to the final ordinance.</p>
<p>Transportation Department Staff:</p>	<ul style="list-style-type: none"> • Connect buildings 4 and 11 with 8' min. width pathway, see sketch for concept. • Extend sidewalk on entry road to edge of property on Bonnyvale Lane, see sketch. • Second entrance adequate if Fire Dept. approves.
<p>Land Development Office Staff:</p>	<ul style="list-style-type: none"> • Requires 10' screen between the site and R-1 zoned property. • Requires a street yard – 8' minimum from both streets. • Room to landscape end of every row of parking. • Requires 6' opaque screen for dumpsters. • Requires 30' landscape buffer to residential.
<p>Public Works Staff:</p>	<ul style="list-style-type: none"> • A wetlands determination for site needs to be conducted, especially near the retention ponds.

STAFF CASE REPORT TO PLANNING COMMISSION

	<ul style="list-style-type: none">• Need to check it is not within a flood plain.• There needs to be a 60' buffer along the creek.
Summary	
	<p><u>Staff Recommendation</u></p> <p>The Regional Planning Agency recommends approval of this rezoning request as the applicant's proposed use was found to be compatible the approved land use plans. The applicant has conducted both a Market Study and Noise Study that found multifamily housing to be the most appropriate use for the subject property. Bonny Oaks Drive, with a complete improvement design, provides access to a major employment center (Enterprise South) and I-75, which increases the desirability of this location to provide a workforce housing alternative.</p> <p>By retaining much of the existing tree canopy the applicant is providing a substantial buffer against the abutting lower density housing; nevertheless the RPA is suggesting that future iterations of the development plan pay special attention to mitigating negative impacts to the surrounding properties.</p> <p>Staff has been informed that the applicant has scheduled a meeting with the residents that will take place prior to the February Planning Commission hearing.</p>

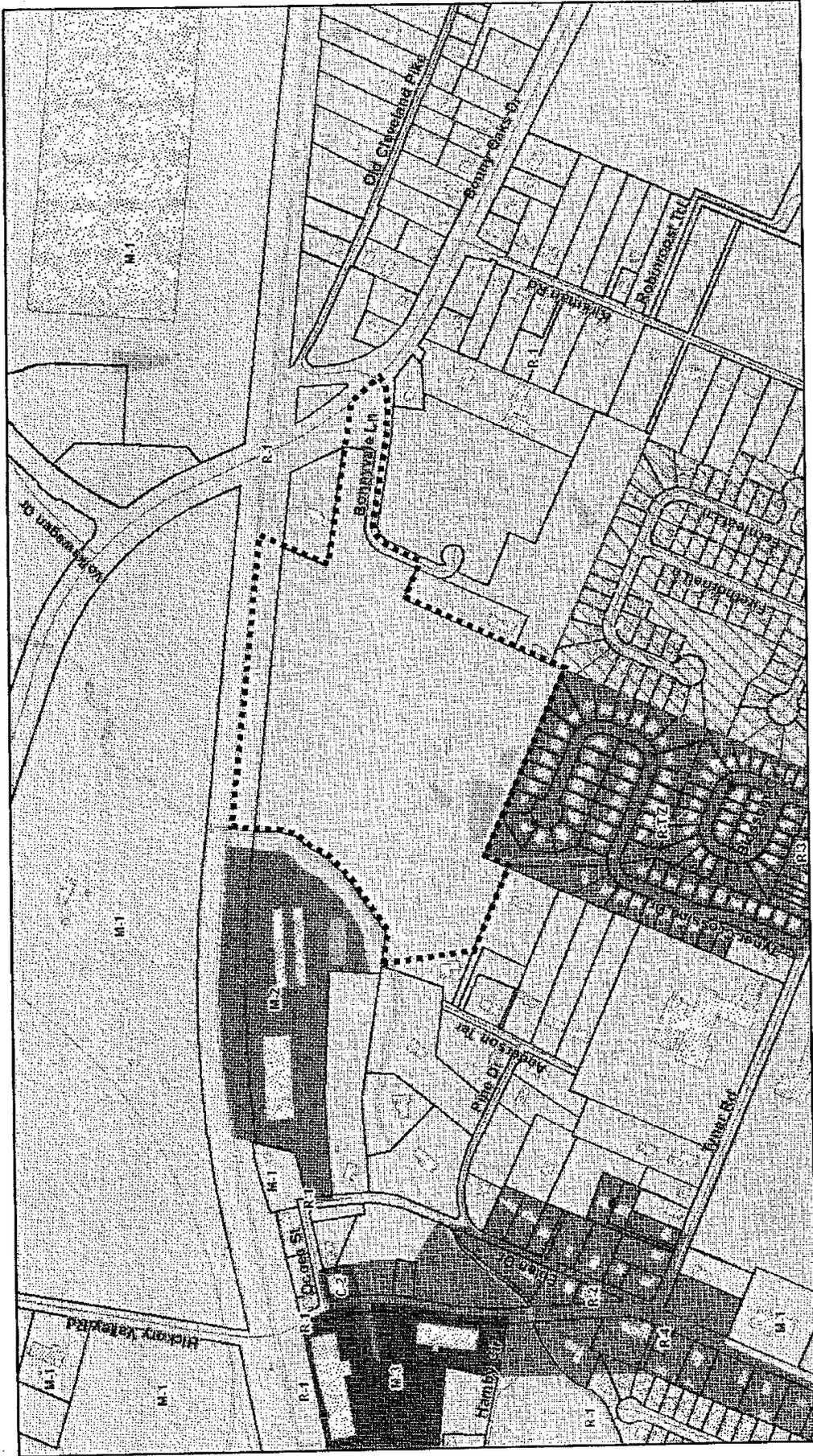
ZONING APPLICATION FORM

CASE NUMBER: 2014-005		Date Submitted: 12-06-2013	
(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-3	
Total Acres in request area: 30			
2 Property Information			
Property Address:	2848 Anderson Terrace, Chattanooga, Tn. 37421		
Property Tax Map Number(s):	139A-D-009		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Multifamily Development		
4 Site Characteristics			
Current Zoning:	R-1		
Current Use:	Single Family Home		
Adjacent Uses:	Single Family Residential, Industrial		
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: Arbour Valley Development		Address: 33 Inverness Center Pkwy, Suite LL130	
Check one:	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am not the property owner	
City: Birmingham	State: Al	Zip Code: 35242	Email: taylor@arbourvalley.com
Phone 1: 1-205-909-0055	Phone 2: 1-205-807-4567	Phone 3: 1-205-981-3300	Fax: 1-205-991-9674
6 Property Owner Information (if not applicant)			
Name: Michael Alan Manz & Edward H. Manz, IV		Phone: 423-356-0538	
Address: 2848 Anderson Terrace			
Office Use Only:			
Planning District: 6		Neighborhood: Friends of East Brainerd, Brainerd-East Brainerd Chamber	
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"/>	Deeds
<input checked="" type="checkbox"/>	Site Plan, if required	<input checked="" type="checkbox"/>	Total Acres to be considered: 30
<input checked="" type="checkbox"/>	Plats, if applicable	<input checked="" type="checkbox"/>	Notice Signs
Deed Book(s): 9843-0749 & 10132-803			
Plat Book/Page: 25/51		<input checked="" type="checkbox"/>	Number of Notice Signs: 2
<input checked="" type="checkbox"/>	Filing Fee: \$770.00	<input checked="" type="checkbox"/>	Check Number: 1070
Cash		<input checked="" type="checkbox"/>	Check
Planning Commission meeting date: 1-13-2014		Application processed by: Trevor Slayton	

PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL

Case Number: 2014-005 **PC Meeting Date:** 2-10-2014

<p>PC RECOMMENDATION:</p>	<p>APPROVE, subject to certain conditions:</p> <ol style="list-style-type: none"> 1. There will be a buffer between the development and the immediately adjacent residential neighborhood on the South line of Development (Timberbrook), which buffer will consist of the following fencing and landscaping elements: <ul style="list-style-type: none"> • A 10 foot fence. • Additional trees planted where there are currently no trees- and these trees must be the type that do not shed leaves onto the neighboring properties. 2. The fence required by condition #1 will span far enough across the property line, and will not include any door or similar feature, to ensure that residents do not have pedestrian access to the following neighborhoods, unless one of those neighborhoods specifically agree otherwise: <ul style="list-style-type: none"> • Timberbrook (Tyner Crossing Drive) • Dogwood Village (Blossom Circle) • The Arbours <p>(There is otherwise no restriction on pedestrian connectivity from the site.)</p>
<p>Reason(s) for Recommendation</p>	<ul style="list-style-type: none"> • Shallowford Road/Lee Highway Area Plan: Area west of Silverdale Rd may be appropriate for higher-density residential. • Site is in close proximity to provide workforce housing for Enterprise South. • Applicant's site plan shows no access to or from Anderson Terrace. • Transp Dept: Entrance adequate if Fire Dept approves.
<p>Applicant Present at PC Meeting?</p>	<p>Yes</p>
<p>Opposition Present at PC Meeting?</p>	<p>No</p>



2014-005 Rezoning from R-1 to R-3



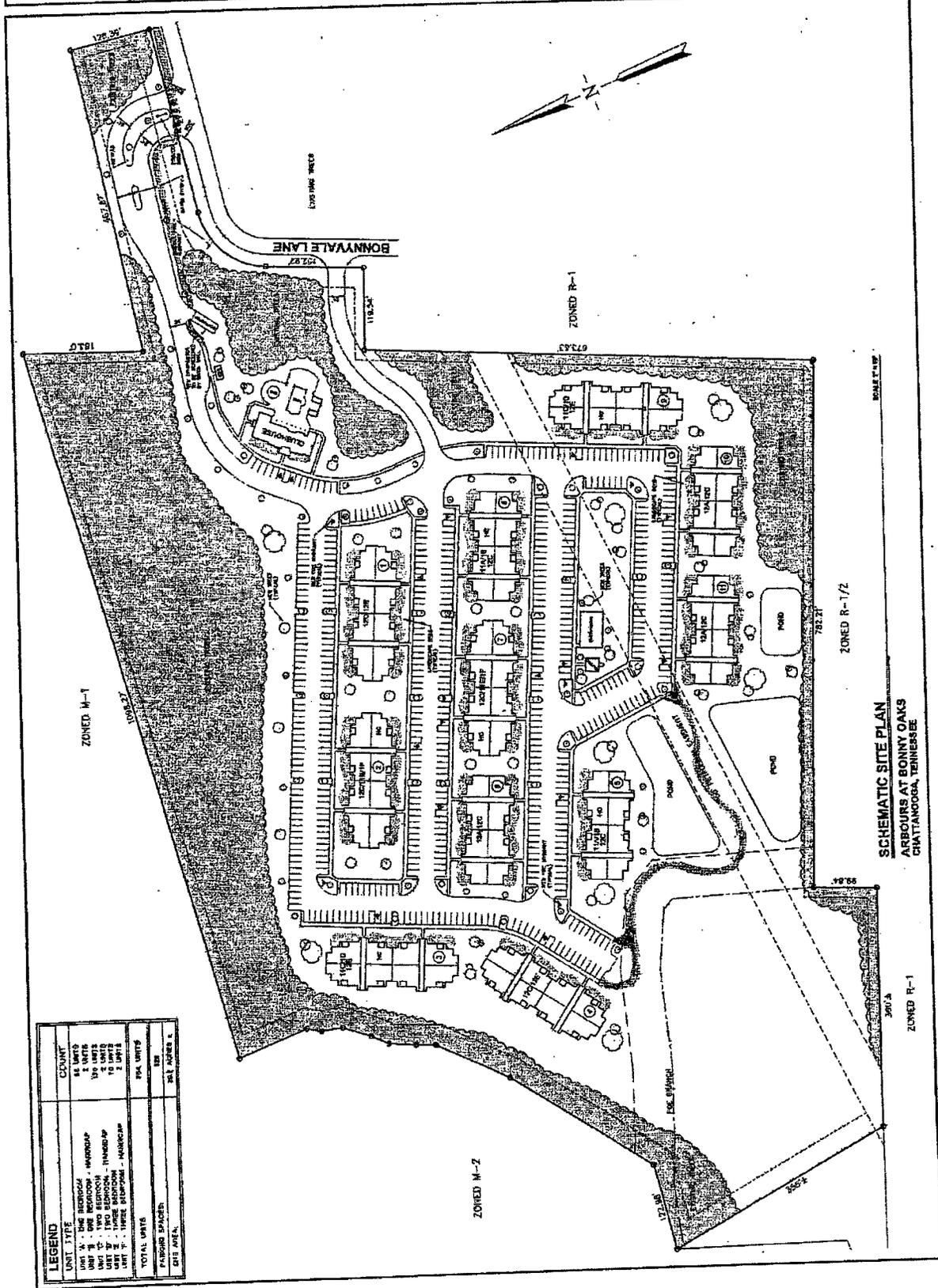
530 ft



Chattanooga Hamilton County Regional Planning Agency

Sheet Title: BOUNDARY SITE PLAN

Prepared By:	DATE:
Checked By:	DATE:
Drawn By:	DATE:
Scale:	DATE:
Project No.:	DATE:
Sheet No.:	DATE:



LEGEND

UNIT TYPE	COUNT
UNIT A - ONE BEDROOM - HANDBRAP	44 UNITS
UNIT B - ONE BEDROOM - HANDBRAP	125 UNITS
UNIT C - TWO BEDROOM - HANDBRAP	4 UNITS
UNIT D - THREE BEDROOM - HANDBRAP	1 UNITS
TOTAL UNITS	174 UNITS
PENDING SPACES	58
GRT TOTAL	232

SCHEMATIC SITE PLAN
ARBOURS AT BONNY OAKS
CHATTANOOGA, TENNESSEE

NOTICE

WHEREAS, petitions to amend Ordinance No. 6958, known as the Zoning Ordinance, have 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:

2014-005 Arbour Valley Development/Michael & Edward Manz, IV. 2848 Anderson Terrace, from R-1 Residential Zone to R-3 Residential Zone, subject to certain conditions.

2014-014 Ethan Wood/Matt Wood. 5906 Hancock Road, from R-1 Residential Zone to M-2 Light Industrial Zone, subject to certain conditions.

2014-015 NAI Charter Real Estate Corporation/David Graham. 2125 and 2129 West Shepherd Road, from R-2 Residential Zone to M-1 Manufacturing Zone, subject to certain conditions.

2014-017 Thomas Palmer. 329 Market Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

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

2013-158 Justin Cox/BA Duong. 2537 and 2541 Tunnel Boulevard, from R-1 Residential Zone to RT-1 Residential Townhouse Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following conditions to be lifted be denied:

2014-013 Andre Shved. 306 and 308 Oliver Street, to lift conditions 1, 2, 3, and 4 from Ordinance No. 11657 of previous Case Number 2004-243 to allow Single Family Homes Only.

4. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following amendment be made to the Chattanooga City Code, Part II, Chapter 38, known as the Chattanooga Zoning Ordinance by:

- (a) Adding distilleries as an allowable use under Special Exceptions Permit requirements in the C-2 Convenience Commercial Zone, UGC Urban General Commercial Zone, C-3 Central Business Zone, and M-1 Manufacturing Zone;
- (b) Amending Definitions for Section 38-2 for Alcohol Distillery;
- (c) Amending Section 38-185 by adding a new subsection (1)(c) Alcohol Distillery, Small to the C-2 Convenience Commercial Zone;
- (d) Amending Section 38-205 by adding a new subsection (3) Alcohol Distillery, Small to the UGC Urban General Commercial Zone;
- (e) Amending Section 38-224 by adding a new subsection (1)(c) Alcohol Distillery, Small to the C-3 Central Business Zone; and
- (f) Amending Section 38-303 by adding a new subsection (2) Alcohol Distillery, Small and Alcohol Distillery, Large to the M-1 Manufacturing Zone and renumber the remaining uses.

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,

March 11, 2014

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 _____, 2014.

Sandra Freeman
Clerk to the City Council