

First Reading: _____
Second Reading: _____

2014-110
Polestar Development, LLC/
Sarah Henshall Rutherford
District No. 4
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7911 EAST BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL 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 7911 East Brainerd Road, more particularly described herein:

Beginning at the southeast corner of Tax Map No. 159P-B-012.02 and going approximately 540 feet northwest, thence approximately 190 feet northeast, thence approximately 260 feet east, thence approximately 295 feet southeast, thence approximately 280 feet southwest to the point of beginning, being part of Tract 2 of Rutherford's Addition to East Brainerd, Plat Book 59, Page 167, ROHC, and part of the property described in Deed Book 5968, Page 530, ROHC. Part of Tax Map No. 159P-B-012.02.

and as shown on the maps attached hereto and made a part hereof by reference, from R-4 Special Zone to C-2 Convenience Commercial Zone.

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

- 1) All parking lot lighting shall be equipped with full cut-offs to direct light downward and to minimize glare, shadows, night sky pollution, and excessive light levels.
- 2) Maximum mounting height of light fixtures in parking lots shall be twenty-eight (28') feet.
- 3) Exterior spot lighting or other illumination on non-residential uses or structures shall be directed away from any residential zones or uses.
- 4) Due to the close proximity of the neighboring single family home to the service area of the proposed grocery stores, the RPA staff recommends a thirty (30') foot Type A landscape buffer along the northern property line as the most protective measure to safeguard the residential property.

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: _____

2014-110
Polestar Development, LLC/
Sarah Henshall Rutherford
District No. 4
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7911 EAST BRAINERD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL 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 7911 East Brainerd Road, more particularly described herein:

Beginning at the southeast corner of Tax Map No. 159P-B-012.02 and going approximately 540 feet northwest, thence approximately 190 feet northeast, thence approximately 260 feet east, thence approximately 295 feet southeast, thence approximately 280 feet southwest to the point of beginning, being part of Tract 2 of Rutherford's Addition to East Brainerd, Plat Book 59, Page 167, ROHC, and part of the property described in Deed Book 5968, Page 530, ROHC. Part of Tax Map No. 159P-B-012.02.

and as shown on the maps attached hereto and made a part hereof by reference, from R-4 Special 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

2014-110 City of Chattanooga
October 13, 2014

RESOLUTION

WHEREAS, Polestar Development, LLC/Sarah Henshall Rutherford 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 R-4 Special Zone to C-2 Convenience Commercial Zone, property located at 7911 East Brainerd Road.

Beginning at the southeast corner of Tax Map 159P-B-012.02 and going approximately 540 feet northwest, thence approximately 190 feet northeast, thence approximately 260 feet east, thence approximately 295 feet southeast, thence approximately 280 feet southwest to the point of beginning, being part of Tract 2 of Rutherford's Addition to East Brainerd, Plat Book 59, Page 167, ROHC, and part of the property described in Deed Book 5968, Page 530, ROHC. Part of Tax Map 159P-B-012.02 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on October 13, 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,

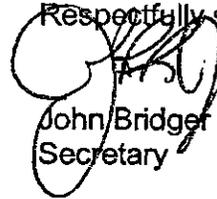
AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on October 13, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to:

- 1) All parking lot lighting shall be equipped with full cut-offs to direct light downward and to minimize glare, shadows, night sky pollution and excessive light levels.

- 2) Maximum mounting height of light fixtures in parking lots shall be 28' feet.
- 3) Exterior spot lighting or other illumination on non-residential uses or structures shall be directed away from any residential zones or uses.
- 4) Due to the close proximity of the neighboring single family home to the service area of the proposed grocery stores, the RPA staff recommends a 30' feet Type A landscape buffer along the northern property line as the most protective measure to safeguard the residential property.

Respectfully submitted,



John Bridger
Secretary

ZONING APPLICATION FORM

CASE NUMBER:	2014-110	Date Submitted:	08-25-2014
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
1 Applicant Request			
Zoning	From: R-4	To: C-2	
	Total Acres in request area: 3.38		
2 Property Information			
Property Address:	7911 East Brainerd Road		
Property Tax Map Number(s):	159P-B-012.02 (part of)		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Proposed Grocery Store		
4 Site Characteristics			
Current Zoning:	R-4		
Current Use:	Vacant		
Adjacent Uses:	Commercial & 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: Polestar Development, LLC		Address: 736 Cherry Street	
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: 37402	Email: tmitch@hutton.build
Phone 1: 423-756-9267	Phone 2: 423-771-0304	Phone 3:	Fax:
6 Property Owner Information (if not applicant)			
Name: Sarah Henshall Rutherford		Phone: 423-667-9210	
Address: 6668 Hickory Manor Circle Chattanooga, TN 37421			
Office Use Only:			
Planning District: 10		Neighborhood: F.O.E.B., B.F.B.C., Cannondale Homeowners	
Hamilton Co. Comm. District: 7		Chatt. Council District: 4	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	Total Acres to be considered: 3.38	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 5968-530			
Plat Book/Page: 59-167		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 1
<input checked="" type="checkbox"/> Filing Fee: 635.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check	Check Number: 3352
Planning Commission meeting date: October 13, 2014		Application processed by: Marcia Parker	

STAFF CASE REPORT TO PLANNING COMMISSION

Case Number:	2014-110	PC Meeting Date: 10-13-14
Applicant Request:	Rezone from R-4 Special Zone to C-2 Convenience Commercial Zone	
Property Location:	7911 East Brainerd Road	
Property Owner:	Sarah H. Rutherford	
Applicant:	Polestar Development, LLC	
Staff Recommendation:	APPROVE with conditions	

PROJECT ANALYSIS

RPA Land Use & Transportation Comments

Project Description

The applicant is proposing to construct a 41,117 square foot grocery store with 165 parking spaces incorporating this site and the adjoining properties which front East Brainerd Road already zoned C-2 Convenience Commercial Zone.

Site Description

The 3.38 acre site is currently vacant. The case is for a portion of this flag lot which lies behind properties on the south that are zoned for retail commercial uses. Property to the north is single family residential. Storage/warehousing uses are to the east. Uses on the west are retail commercial.

Zoning History

This site was zoned to R-4 Special Zone in 1981 by Ordinance No. 8481.

Plans/Policies

This site is within the 2003 East Brainerd Corridor Community Plan. The Plan calls out the intersection of Graysville Road and East Brainerd Road as an opportunity for a planned commercial center. A Planned Commerce Center is intended for a concentration of medium to high intensity mixed-uses. These developments are planned and constructed as a unit and intended to serve the diverse needs of an entire community. They are mostly auto-dependent, providing a variety of goods and services in stores and offices. They are conveniently arranged with respect to one another and to off-street parking facilities provided with safe access to and from public streets. Appropriate existing zoning for this classification would be C-4 Planned Commerce Center Zone or C-2 Convenience Commercial Zone. The Plan identifies transportation opportunities for Graysville Road to be extended north to Jenkins Road with the addition of bicycle and pedestrian facilities.

City Departmental Infrastructure & Operational Comments

All land development projects are reviewed by City Engineering & Water Quality staff, Transportation Department 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.

Additional comments are indicated by department below.

STAFF CASE REPORT TO PLANNING COMMISSION

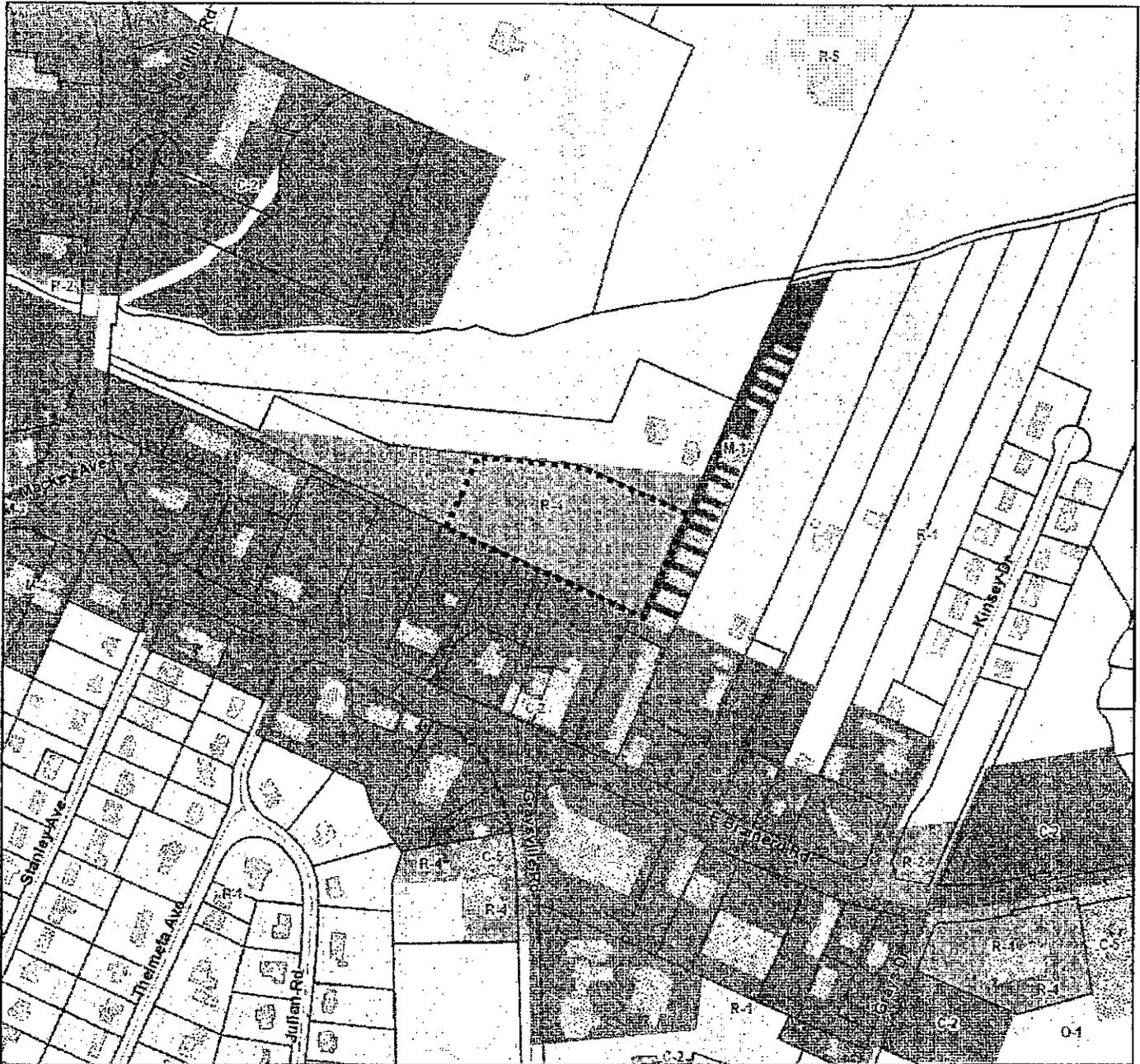
Land Development Office

The Land Development Office will require a 20' Type B landscape buffer between the proposed C-2 Convenience Commercial Zone and the existing R-4 Special Zone and R-1 Residential Zone.

RPA Summary

The case site is a flag lot with a long entrance to East Brainerd Road. The portion of the site being rezoned sits off the intersection of Graysville Road and East Brainerd Road, separated from the road by several C-2 Convenience Commercial Zoned parcels. The intention of this rezoning is to allow the owner to incorporate those parcels in the creation of a small Planned Commercial Center. The intent and the zoning does align with the Plan for the area. The site's proximity to other businesses and residential uses does raise several concerns. Therefore the RPA recommends APPROVAL with several conditions:

1. All parking lot lighting shall be equipped with full cut-offs to direct light downward and to minimize glare, shadows, night sky pollution, and excessive light levels.
2. Light spill on neighboring property shall not be permitted.
3. Maximum mounting height of light fixtures in parking lots shall be 20 feet.
4. Exterior spot lighting or other illumination of non-residential uses or structures shall be directed away from any residential zones or uses.
5. There shall be no commercial deliveries between 7:00 p.m. and 8:00 a.m. to those portions of the site abutting residential uses.
6. Due to the close proximity of the neighboring single family home to the service area of the proposed grocery store, the RPA staff recommends a 30' feet Type A landscape buffer along the northern property line as the most protective measure to safeguard the residential property.



2014-110 Rezoning from R-4 to C-2

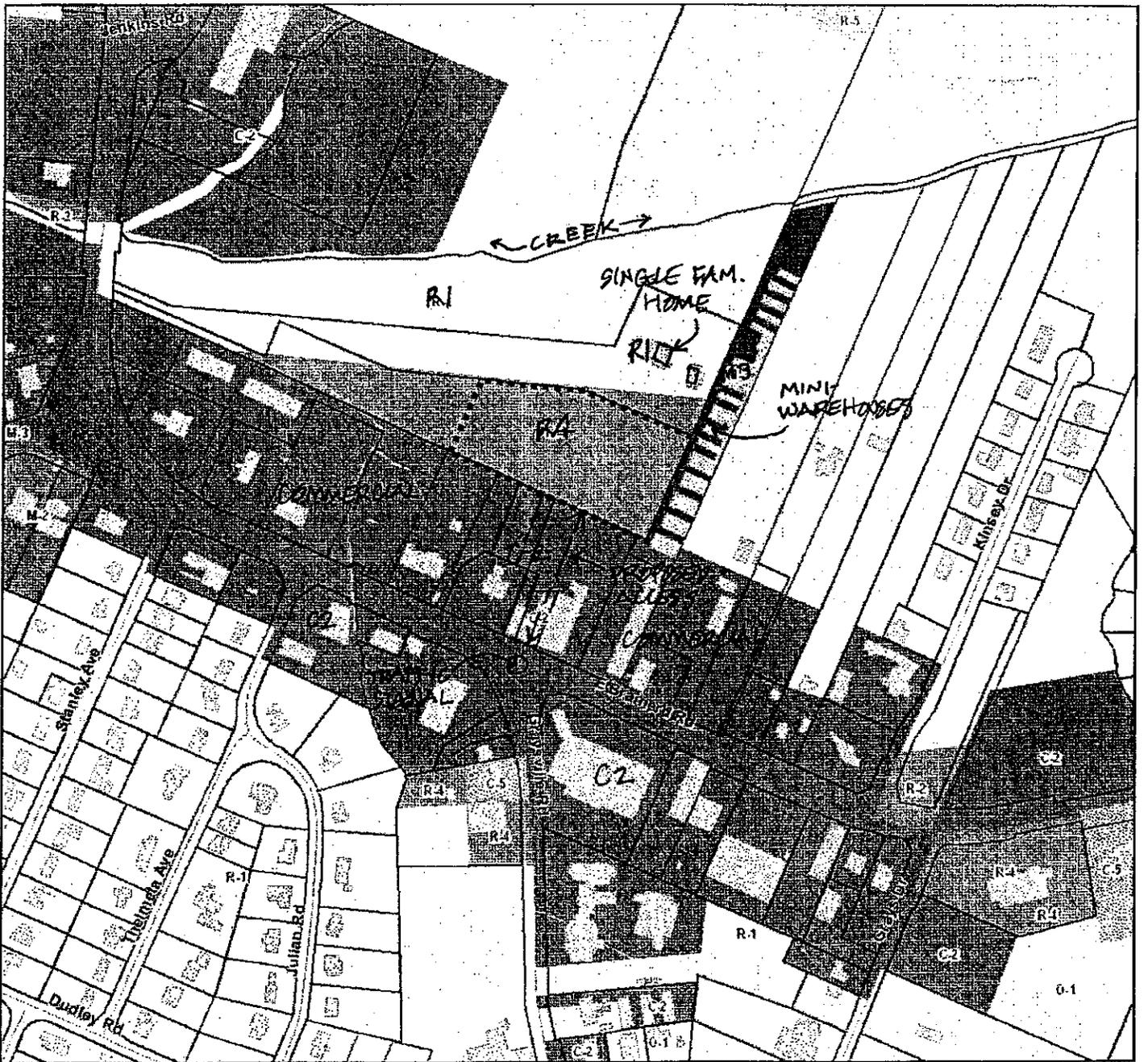
PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2014-110: Approve, subject to: 1) All parking lot lighting shall be equipped with full cut-offs to direct light downward and to minimize glare, shadows, night sky pollution and excessive light levels. 2) Maximum mounting height of light fixtures in parking lots shall be 28' feet. 3) Exterior spot lighting or other illumination on non-residential uses or structures shall be directed away from any residential zones or uses. 4) Due to the close proximity of the neighboring single family home to the service area of the proposed grocery stores, the RPA staff recommends a 30' feet Type A landscape buffer along the northern property line as the most protective measure to safeguard the residential property.



367 ft

Chattanooga Hamilton County Regional Planning Agency





2014-110 Rezoning from R-4 to C-2

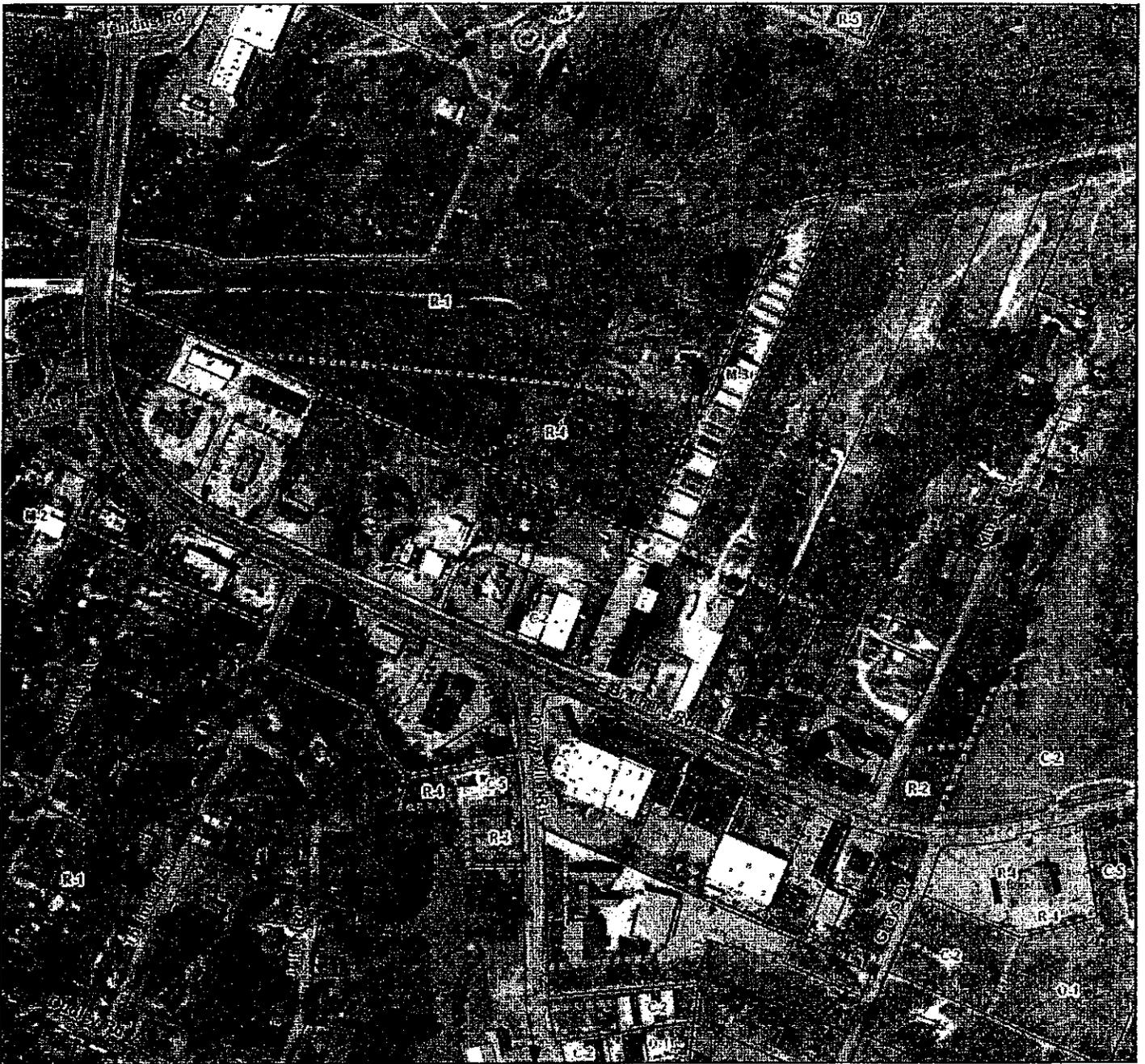


367 ft

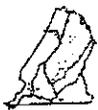


Chattanooga Hamilton County Regional Planning Agency

RFA



2014-110 Rezoning from R-4 to C-2



367 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:

2014-105 Charles Ankar/Joyce Douglas. 1812, 1816, and 1818 Madison Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2014-108 Alan Haniszewski/HP Partners. 1200 South Watkins Street, 1206 Lyerly Street, and 2308 East 12th Street, from M-1 Manufacturing Zone and R-2 Residential Zone to M-2 Light Industrial Zone, subject to certain conditions.

2014-110 Polestar Development, LLC/Sarah Henshall Rutherford. 7911 East Brainerd Road, from R-4 Special Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2014-111 Polestar Development, LLC/First Cumberland Presbyterian. 1505 North Moore Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone.

2014-112 Passpointe Engineering, PLLC/Walnut Street Enterprises/Marvin Berke/Claudette C. Braley. 102 Walnut Street and 213 East Aquarium Way, from R-4 Special Zone to C-3 Central Business Zone, subject to certain conditions.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following Special Exceptions Permit be approved:

2014-107 Southern Land Company/Obar Investments, LLC. 900 block of River Gorge Drive, for a Residential Planned Unit Development, subject to certain conditions.

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

2014-109 Hixson Investors, LLC/Mary Eastman. 6300, 6302, and 6306 Grubb Road and part of 5800 block of Highway 153, lifting conditions 1 through 9 from Ordinance No. 11827 of previous Case No. 2006-028, subject to certain conditions.

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) Adding a new sub-section (23) to Article VIII, Section 38-568 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."
- (b) Adding a new definition in alphabetical order to Article II, Section 38-2 entitled, "Lot of Record."
- (c) Amending definition in Article II, Section 38-2 by changing the definition name entitled, "Dwelling, Multiple to Dwelling, Multi-family."
- (d) Adding a new sub-section (5) to Article V, Section 38-92 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."
- (e) Adding a new sub-section (4) to Article V, Section 38-102 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."
- (f) Adding a new sub-section (7) to Article V, Section 38-112 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."
- (g) Adding a new sub-section (15) to Article V, Section 38-122 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."

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,

November 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