

ORDINANCE NO. 2010-5

AN ORDINANCE REZONING THE PROPERTY LOCATED AT 315 AULT ROAD, MAP 108B-A-031, WHICH WAS FORMERLY OCCUPIED BY SIGNAL MOUNTAIN MIDDLE SCHOOL FROM LOW DENSITY RESIDENTIAL DISTRICT TO COMMUNITY COMMERCIAL DISTRICT (CCD) AND WAREHOUSING AND WHOLESALING DISTRICT (WWD), SUBJECT TO CERTAIN CONDITIONS.

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WHEREAS, the Town of Signal Mountain Planning Commission held a public hearing on June 4, 2009, on the application of Tom Poteet, Jr. to rezone the property located at 315 Ault Road at Map 108B-A-031 from Low Density Residential District to Community Commercial District and Warehousing and Wholesaling District; and

WHEREAS, a staff recommendation was provided recommending this rezoning request, subject to certain conditions, and found this rezoning request to be consistent with the Land Use Plan;

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF SIGNAL MOUNTAIN, TENNESSEE, THAT:

SECTION 1. The property located at 315 Ault Road at Map 108B-A-031, which was formerly occupied by Signal Mountain Middle School is hereby rezoned from Low Density Residential District to Community Commercial District (CCD) and Warehousing and Wholesaling District (WWD), subject to the following conditions:

1. A 50 foot natural landscape buffer shall remain along the perimeter of the property (not including along Ault Road). If the buffer is disturbed either through natural means (such as storms or infestation) or through human activity (such as utility repair), the buffer shall be replanted with appropriate trees and shrubbery to meet the intent of this condition. If substantial removal of greenery within the 50 foot buffer is removed by utility providers who have utilities within that easement, the property owner shall supplement screening (to the interior of the site) outside the 50 foot buffer either through plantings or a sight-obscuring fence as determined by the Town Manager.

2. Dumpster will be maintained at its existing location to the rear of the former school structure as illustrated on the site plan approved by the Town Council. Dumpster shall not be serviced nor commercial deliveries made between 8:00 p.m. and 8:00 a.m.
3. No outdoor amplification of noise between 8:00 p.m. and 8:00 a.m. without a special permit issued by the Town Manager.
4. Any new lights installed outside shall be downward directional lights that will not shine toward adjacent property owners.
5. All special events, including those proposed as sports camps, receptions, and birthday parties, proposed to include greater than 100 participants shall receive approval of the Town Manager. A parking plan and application for outdoor noise amplification shall be approved by the Town Manager for such special events.
6. No banks, savings and loan institutions, finance companies shall be allowed in the Community Commercial District (CCD) or Warehouse and Wholesale District (WWD).
7. If a restaurant/delicatessen becomes a tenant, any outdoor seating will not seat new customers outside after 10:00 p.m.
8. No new buildings shall be constructed or additions made that add over 10% to the existing square footage of any building. This does not include the proposed outdoor pool and outdoor batting cages.
9. Hours of operation for the indoor facilities of the athletic club may be 24 hours a day with onsite security cameras. Only members and staff will be allowed from 8:00 p.m. to 8:00 a.m.
10. No retail space shall exceed 5,000 square feet of gross leasable area. This condition is intended to allow use of the space shown as suites on the site plan dated 2/22/10 by smaller-scale, lower-intensity offices and light retail. This condition is limiting the amount of area that one user can occupy so that the entirety of the main school building is not occupied by a large-scale retail use.
11. No outdoor storage.
12. No drive-through facilities.
13. If constructed, an outdoor swimming pool shall be located no closer than 110 feet (110 feet reflects closes setbacks from rear property line of existing buildings) from a property line.
14. If constructed, outdoor pool hours shall be within the timeframe of 5:00 a.m. to 10:00 p.m. Use of the outdoor swimming pool shall be limited from the hours of 5:00 a.m. to 8:00 a.m. to exercising such as lap swimming.
15. Outdoor pool shall be available for full-time athletic club members and their guests only. The pool shall not be held out to the public as available for lease/rent/availability as a special event space.
16. Outdoor batting cages shall be no closer than 200 feet from any site property line.
17. No more than five (5) outdoor batting cages shall be built and may only be used between 10:00 a.m. to 6:00 p.m. and shall have a noise absorbing barrier to soften the noise from this use.
18. In addition to athletic club related uses, additional permitted uses limited to indoor self-storage facilities, retail office space, and retail sales only.

19. In order to allow indoor self-storage facilities onsite while ensuring the retail component is compatible, retail sales shall be limited to those listed as permitted uses in the Community Commercial District (CCD) (607.03-607.03.18), excluding 607.03.02 Banks, savings and loan institutions, finance companies and excluding 607.03.17 Department stores.
20. The following conditions apply to the self-storage facility:
- a. No perishable products may be stored in a mini-warehouse.
  - b. No flammable or explosive materials may be stored.
  - c. No operation of businesses may be conducted within the subleased space.
  - d. No access between 8:00 p.m. and 8:00 a.m.
  - e. The self-storage use shall be limited to Suites 150, 200, 250, 300, 350, 400, and 450, as shown on the site plan.
  - f. No access to individual compartments/subleased space shall be provided from the exterior.

SECTION 2. That this Ordinance shall become effective after the Town Council conducts a public hearing on this Zoning Amendment with at least fifteen (15) days notice of the time and place of such hearing, as required by T.C.A. § 13-7-203. After such public hearing has been conducted, this Ordinance shall become effective immediately from and after its Final passage as provided by law.

Passed First Reading 6/8, 2009.

Passed Second Reading 2/22, 2010.

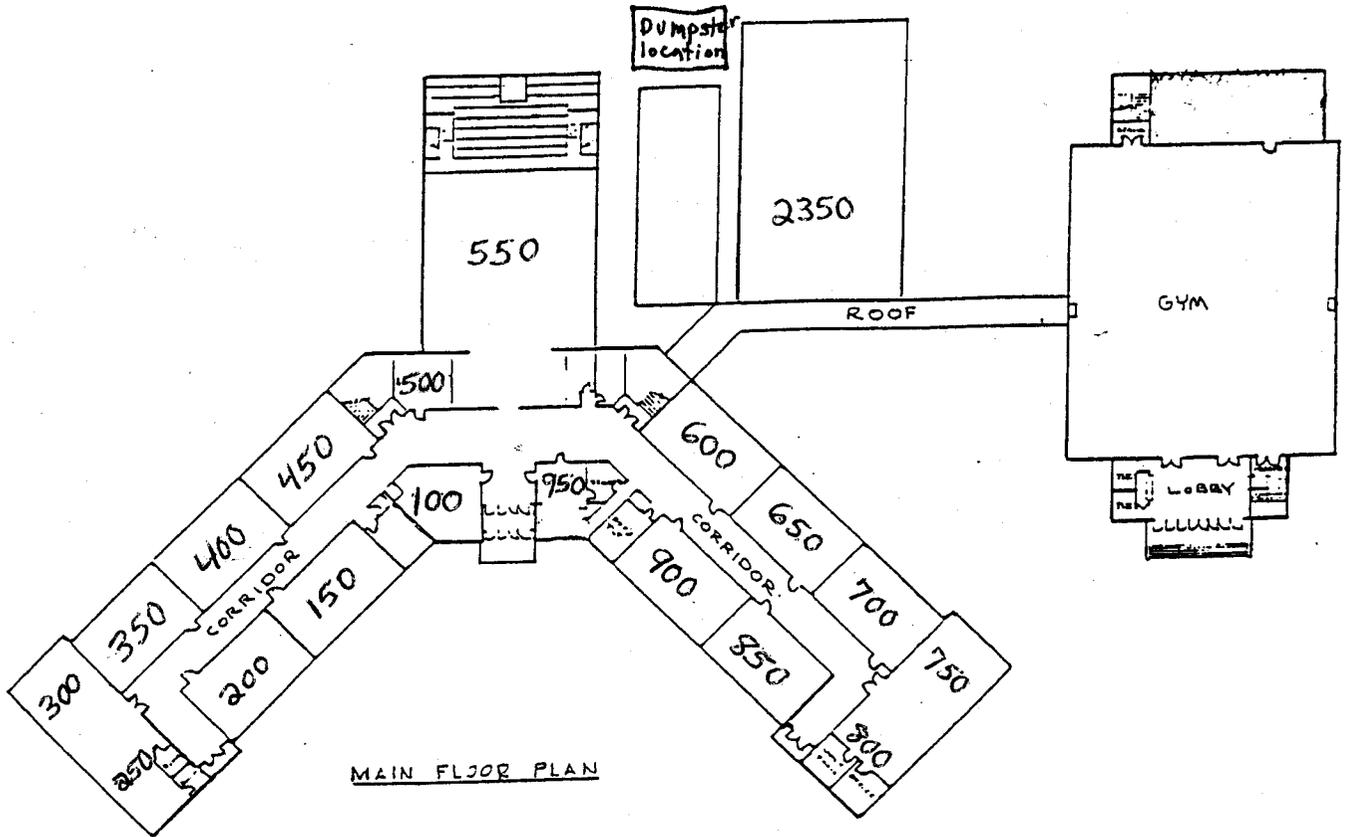


MAYOR

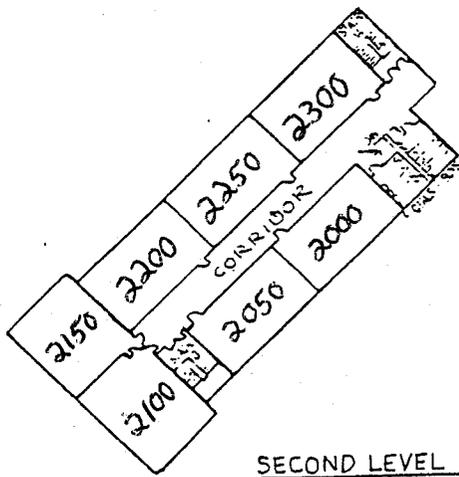


TOWN RECORDER

Site Plan Approved by Town Council  
2/22/10



MAIN FLOOR PLAN



SECOND LEVEL FLOOR PLAN