

First Reading: _____
Second Reading: _____

2013-072
Walk2Campus Properties
c/o Roe Elam/UTC Three, LLC
District No. 8
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 863 McCALLIE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO C-3 CENTRAL BUSINESS 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 863 McCallie Avenue, more particularly described herein:

Lots 4 thru 7, T. Richmond's Addition to Chattanooga, Plat Book 1, Page 34, ROHC, Deed Book 9866, Page 730, ROHC. Tax Map No. 146H-E-001.

and as shown on the maps attached hereto and made a part hereof by reference, from C-2 Convenience Commercial Zone to C-3 Central Business Zone.

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

For all new construction, including additions to a building, the conditions below shall apply.
Interior renovations to existing buildings are exempt from these conditions:

1) Review:

- Applicants are encouraged to schedule a pre-submittal meeting with the City's Land Development Office prior to the completion of construction drawings.
- To promote compliance with the Downtown Plan, to help ensure that new development complements the existing urban fabric, and to promote the preservation of historically or architecturally significant structures, all site plans, landscaping, and building elevations shall be reviewed by the Community Design Group, a division of the Regional Planning Agency. Some of the requirements below may be adjusted during this staff review based on the limitations of the specific site, as long as the general intent of the conditions is being met.
- Historically or architecturally significant structures should be preserved.

2) Setbacks and street frontage for commercial and apartment buildings

(Facade renovations are exempt from these conditions):

- For new commercial and apartment buildings, a zero building setback is required along the street frontage.
- To accommodate outdoor pedestrian activities such as a park, plaza, or outdoor dining, a greater setback may be permitted if an edge delineating the public and private space is provided.
- This edge shall have a minimum height of three feet and a maximum height of four feet above grade and shall consist of a) brick, stucco, or stone walls (concrete block can only be used when faced with said materials), or b) decorative metal fences, or c) an evergreen hedge, with a minimum height at maturity of 3 to 4 feet. When fences are used, evergreen hedges must also be included to provide a near opaque screen. Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.

3) Building facades and access:

- The primary pedestrian entrance shall be provided from the primary street.

- Ground flood openings (doors and windows) shall constitute a minimum of 50 percent of the ground floor façade area for new commercial buildings.
 - No security-type roll up metal doors shall be permitted to front streets other than interior block alleys.
 - The minimum height of new commercial buildings shall be 18 feet. Maximum building height shall be 50 feet.
- 4) Placement of equipment:
- All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.
- 5) Access and Parking:
- Parking shall be located to the rear of the building.
 - For corner lots, or for cases where physical constraints such as topography do not allow for rear parking, any parking fronting a public street shall be screened along the public right-of-way as described under “Setbacks and Street Frontage” above.
 - Alleys, where they exist, shall be used for vehicular access.
 - Additional curb cuts shall not be permitted on the primary streets of the downtown street grid, such as (but not limited to) Broad Street, Market Street, Riverfront Parkway, 4th Street, 6th Street, Vine Street, McCallie Avenue, M. L. King Boulevard, 11th Street, Main Street, and Georgia Avenue, and portions of Chestnut Street, Carter Street, Walnut Street and 2nd Street.
 - There are no minimum requirements for the amount of off-street spaces, but the amount and location of parking to be provided must be presented by the applicant and should include the following considerations:
 - a. Proximity to transit stops;
 - b. Provision of bicycle facilities;
 - c. Availability of adjacent on-street parking, proximity to public parking facilities, shared private parking, or leased off-site parking;

- d. Type of uses and hours of operation;
 - e. Square footage of commercial uses or number of residential units;
and
 - f. Fire Department access
- 6) Landscaping:
- To achieve the city's goal of a 15% tree canopy cover in the downtown, surface parking lots shall be landscaped with a minimum of one tree for every five parking spaces. Type I shade trees shall be used unless overhead utility lines necessitate smaller trees.

For new construction of single-family, duplex, and townhome buildings:

- 7) Uses Not Permitted:
- Factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis are not permitted in the C-3 Zone.
- 8) Access and Parking:
- Garages shall be located behind the primary building.
 - Alleys, where they exist, shall be used for vehicular access. In the absence of alleys, secondary streets should be used for vehicular access. Shared drives should be used wherever possible.
 - Additional curb cuts shall not be permitted on certain streets, as described above.
 - At least one (1) pedestrian entrance shall front the street.
- 9) Setbacks:
- Residential building setbacks should be consistent with the existing setbacks on the same side of the street.

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

/mms

First Reading: _____
Second Reading: _____

2013-072
Walk2Campus Properties
c/o Roe Elam/UTC Three, LLC
District No. 8
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 863 McCALLIE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM C-2 CONVENIENCE COMMERCIAL ZONE TO C-3 CENTRAL BUSINESS 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 863 McCallie Avenue, more particularly described herein:

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and as shown on the maps attached hereto and made a part hereof by reference, from C-2 Convenience Commercial Zone to C-3 Central Business 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

2013-072 City of Chattanooga
June 10, 2013

RESOLUTION

WHEREAS, Walk2Campus Properties c/o Roe Elam/UTC Three, LLC petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga rezoning from C-2 Convenience Commercial Zone to C-3 Central Business Zone, property located at 863 McCallie Avenue.

Lots 4 thru 7, T. Richmond's Addition to Chattanooga, Plat Book 1, Page 34, ROHC, Deed Book 9866, Page 730, ROHC. Tax Map146H-E-001 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on June 10, 2013,

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 June 10, 2013, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to:

For all new construction, including additions to a building, the conditions below shall apply. Interior renovations to existing buildings are exempt from these conditions:

1) Review:

- Applicants are encouraged to schedule a pre-submittal meeting with the City's Land Development Office prior to the completion of construction drawings.
- To promote compliance with the Downtown Plan, to help ensure that new development complements the existing urban fabric, and to promote the preservation of historically or architecturally significant structures, all site plans, landscaping, and building elevations shall be reviewed by

the Community Design Group, a division of the Regional Planning Agency. Some of the requirements below may be adjusted during this staff review based on the limitations of the specific site, as long as the general intent of the conditions is being met.

- Historically or architecturally significant structures should be preserved.
- 2) Setbacks and street frontage for commercial and apartment buildings
(Façade renovations are exempt from these conditions):
- For new commercial and apartment buildings, a zero building setback is required along the street frontage.
 - To accommodate outdoor pedestrian activities such as a park, plaza, or outdoor dining, a greater setback may be permitted if an edge delineating the public and private space is provided.
 - This edge shall have a minimum height of three feet and a maximum height of four feet above grade and shall consist of a) brick, stucco, or stone walls (concrete block can only be used when faced with said materials), or b) decorative metal fences, or c) an evergreen hedge, with a minimum height at maturity of 3 to 4 feet. When fences are used, evergreen hedges must also be included to provide a near opaque screen. Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.
- 3) Building facades and access:
- The primary pedestrian entrance shall be provided from the primary street.
 - Ground floor openings (doors and windows) shall constitute a minimum of 50 percent of the ground floor façade area for new commercial buildings.
 - No security-type roll up metal doors shall be permitted to front streets other than interior block alleys.
 - The minimum height of new commercial buildings shall be 18 feet. Maximum building height shall be 50 feet.
- 4) Placement of equipment:
- All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.
- 5) Access and Parking:
- Parking shall be located to the rear of the building.

- For corner lots, or for cases where physical constraints such as topography do not allow for rear parking, any parking fronting a public street shall be screened along the public right-of-way as described under "Setbacks and Street Frontage" above.
- Alleys, where they exist, shall be used for vehicular access.
- Additional curb cuts shall not be permitted on the primary streets of the downtown street grid, such as (but not limited to) Broad Street, Market Street, Riverfront Parkway, 4th Street, 6th Street, Vine Street, McCallie Avenue, M. L. King Boulevard, 11th Street, Main Street, and Georgia Avenue, and portions of Chestnut Street, Carter Street, Walnut Street and 2nd Street.
- There are no minimum requirements for the amount of off-street spaces, but the amount and location of parking to be provided must be presented by the applicant and should include the following considerations:
 - a. Proximity to transit stops
 - b. Provision of bicycle facilities
 - c. Availability of adjacent on-street parking, proximity to public parking facilities, shared private parking, or leased off-site parking
 - d. Type of uses and hours of operation
 - e. Square footage of commercial uses or number of residential units
 - f. Fire Department access

6) Landscaping:

- To achieve the city's goal of a 15% tree canopy cover in the downtown, surface parking lots shall be landscaped with a minimum of one tree for every five parking spaces. Type I shade trees shall be used unless overhead utility lines necessitate smaller trees.

For new construction of single-family, duplex, and townhome buildings:

7) Uses Not Permitted:

- Factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis are not permitted in the C-3 Zone.

8) Access and Parking:

- Garages shall be located behind the primary building.
- Alleys, where they exist, shall be used for vehicular access. In the absence of alleys, secondary streets should be used

for vehicular access. Shared drives should be used wherever possible.

- Additional curb cuts shall not be permitted on certain streets, as described above.
- At least one (1) pedestrian entrance shall front the street.

9) Setbacks:

Residential building setbacks should be consistent with the existing setbacks on the same side of the street.

Respectfully submitted,



John Bridger
Secretary

**Planning Commission Recommendation:
Approve Staff Recommendation**

Chattanooga-Hamilton County Regional Planning Agency

RPA STAFF RECOMMENDATION

Case Number:	2013-72	PC Meeting Date: 6-10-2013
STAFF RECOMMENDATION:	APPROVE, with attached conditions	
Land Use & Transportation Comments:		
Planning Staff:	<p><u>Applicant Request Overview</u></p> <p>The applicant is requesting to rezone a property along the 800 block of McCallie Avenue from C-2 Convenience Commercial Zone to C-3 Central Business Zone, for the purposes of a multi-family apartment complex. The interior of the existing building will be renovated for the proposed use. The applicant is seeking the rezoning to allow greater flexibility with regard to the number and size of dwelling units provided.</p> <p>Under the C-2 Convenience Commercial zoning, the applicant would be permitted approximately 12 units. According to the applicant, based on the size of the existing building, these units would be three or four bedrooms. Under C-3 Central Business zoning, the Applicant would be able to provide a greater number of two-bedroom units.</p> <p><u>Site Description</u></p> <p>The property is located at 863 McCallie Avenue. The portion of the building fronting on McCallie Avenue is one-story; the majority of the building behind is two-story. There are currently 38 parking spaces on the site. To the east of the property is an office building, to the west is the Catholic Charities building, to the north are residential properties, to the south are various commercial, office, residential, and vacant properties.</p> <p><u>Zoning History</u></p> <p>The site is zoned C-2 Convenience Commercial. The properties to the east and west are also zoned C-2 Commercial. The properties to the north are zoned R-3 Residential. The properties across McCallie are zoned C-3 Central Business Zone.</p> <p><u>Plans/Policies</u></p> <p>The Downtown Plan (2004) and Comprehensive Plan (2006) recommend redevelopment and re-use of existing buildings in the Urban Infill Development Sector, where this property is located. High-density apartments are appropriate along major commercial corridors such as McCallie Avenue, and in close proximity to the university. The University of Tennessee at Chattanooga's master plan also calls for more apartment housing to meet the demands of their increasing student population.</p> <p><u>Staff Recommendation</u></p> <p>Since the reuse of existing buildings and high-density residential uses are supported by the Downtown plan and Comprehensive Plan, Staff recommends approval of the request to rezone the property from C-2</p>	

RPA STAFF RECOMMENDATION

Convenience Commercial to C-3 Central Business Zone with the following conditions:

For new construction, including additions to a building, the conditions below shall apply. Interior renovations to existing buildings are exempt from these conditions.

1) Review:

- Applicants are encouraged to schedule a pre-submittal meeting with the City's Land Development Office prior to the completion of construction drawings.
- To promote compliance with the Downtown Plan, to help ensure that new development complements the existing urban fabric, and to promote the preservation of historically or architecturally significant structures, all site plans, landscaping, and building elevations shall be reviewed by the Community Design Group, a division of the Regional Planning Agency. Some of the requirements below may be adjusted during this staff review based on the limitations of the specific site, as long as the general intent of the conditions is being met.
- Historically or architecturally significant structures should be preserved.

2) Setbacks and street frontage for commercial and apartment buildings (Façade renovations are exempt from these conditions):

- For new commercial and apartment buildings, a zero building setback is required along the street frontage.
- To accommodate outdoor pedestrian activities such as a park, plaza, or outdoor dining, a greater setback may be permitted if an edge delineating the public and private space is provided.
- This edge shall have a minimum height of three feet and a maximum height of four feet above grade and shall consist of a) brick, stucco, or stone walls (concrete block can only be used when faced with said materials), or b) decorative metal fences, or c) an evergreen hedge, with a minimum height at maturity of 3 to 4 feet. When fences are used, evergreen hedges must also be included to provide a near opaque screen. Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.

3) Building facades and access:

- The primary pedestrian entrance shall be provided from the primary street.
- Ground floor openings (doors and windows) shall constitute a minimum of 50 percent of the ground floor façade area for new commercial buildings.
- No security-type roll up metal doors shall be permitted to

RPA STAFF RECOMMENDATION

front streets other than interior block alleys.

- The minimum height of new commercial or apartment buildings shall be 18 feet. The maximum building height shall be 50 feet.

For any activity requiring a land disturbing permit, the following conditions shall apply:

4) Placement of equipment:

- All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.

5) Access and Parking:

- Parking shall be located to the rear of the building.
- For corner lots, or for cases where physical constraints such as topography do not allow for rear parking, any parking fronting a public street shall be screened along the public right-of-way as described under "Setbacks and Street Frontage" above.
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 - a. Proximity to transit stops
 - b. Provision of bicycle facilities
 - c. Availability of adjacent on-street parking, proximity to public parking facilities, shared private parking, or leased off-site parking
 - d. Type of uses and hours of operation
 - e. Square footage of commercial uses or number of residential units
 - f. Fire Department access

6) Landscaping

- To achieve the city's goal of a 15% tree canopy cover in the downtown, surface parking lots shall be landscaped with a minimum of one tree for every five parking spaces. Type I shade trees shall be used unless overhead utility lines necessitate smaller trees.

For new construction of single-family, duplex, and townhome buildings:

RPA STAFF RECOMMENDATION

	<p>7) Uses Not Permitted:</p> <ul style="list-style-type: none">• Factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis are not permitted in the C-3 Zone. <p>8) Access and Parking:</p> <ul style="list-style-type: none">• Garages shall be located behind the primary building.• Alleys, where they exist, shall be used for vehicular access. In the absence of alleys, secondary streets should be used for vehicular access. Shared drives should be used wherever possible.• Additional curb cuts shall not be permitted on certain primary streets, as described above.• At least one (1) pedestrian entrance shall front the street; <p>9) Setbacks:</p> <ul style="list-style-type: none">• Residential building setbacks should be consistent with the existing setbacks on the same side of the street.
Infrastructure & Operational Comments	
Public Works Staff:	<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>

ZONING APPLICATION FORM**CASE NUMBER: 2013-072** **Date Submitted: 05-08-2013**

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

1 Applicant Request

Zoning	From: C-2	To: C-3
Total Acres in request area: .685 acres		

2 Property Information

Property Address:	863 McCallie Avenue
Property Tax Map Number(s):	146H-E-001

3 Proposed Development

Reason for Request and/or Proposed Use:	Multi-Family
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4 Site Characteristics

Current Zoning:	C-2 Convenience Commercial
Current Use:	Vacant
Adjacent Uses:	Accounting Office, Catholic Charity

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: Walk2Campus Properties C/O Roe Elam	Address: 605 Lindsay Street
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Check one:	<input checked="" type="checkbox"/> I am the property owner	<input type="checkbox"/> I am not the property owner
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City: Chattanooga	State: TN	Zip Code: 37403	Email: relam@walk2campus.com
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Phone 1: 423-201-4512	Phone 2: 423-319-2106	Phone 3:	Fax:
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6 Property Owner Information (if not applicant)

Name: UTC Three, LLC	Phone: Same
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Address: Same

Office Use Only:

Planning District: 8A	Neighborhood: Fort Wood Neighborhood Association
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Hamilton Co. Comm. District: 6	Chatt. Council District: 8	Other Municipality:
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Staff Rec:	PC Action/Date:	Legislative Action/Date/Ordinance:
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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:	<input checked="" type="checkbox"/> Deeds <input checked="" type="checkbox"/> Plats, if applicable

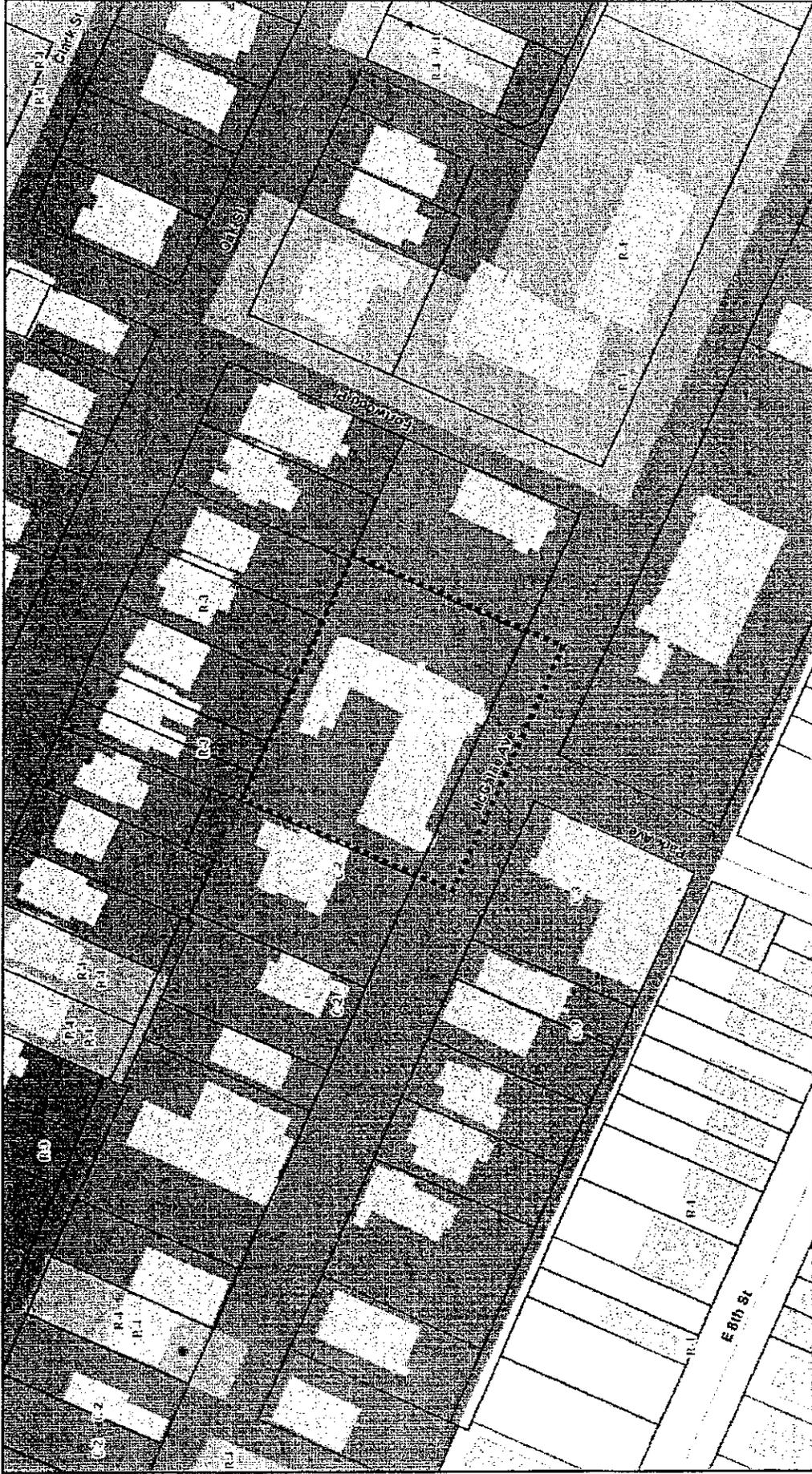
Deed Book(s): 9886-730

Plat Book/Page: 1-34	<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 1
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<input checked="" type="checkbox"/> Filing Fee: \$635.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check	Check Number: 3215
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Planning Commission meeting date: June 10 th , 2013	Application processed by: Marcia Parker
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2013-072 Rezoning from C-2 to C-3



100 ft



Hamilton County Regional Planning Agency

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:

2013-072 Walk2Campus Properties c/o Roe Elam/UTC Three, LLC. 863 McCallie Avenue, from C-2 Convenience Commercial Zone to C-3 Central Business Zone, subject to certain conditions.

2013-074 Roy Williams/Nathaniel and Linda Long. 1113 East 11th Street, from R-1 Residential Zone to R-4 Special Zone.

2013-080 Richard W. McCoy/Arlington Properties, Inc. 5300 block of Highway 58, from C-2 Convenience Commercial Zone to R-3 Residential Zone.

2013-086 Independent Healthcare Properties/National Bank of Tennessee. 7715, 7719, and 7721 Shallowford Road, from R-1 Residential Zone to R-4 Special Zone, subject to approval of the Institutional Planned Unit Development of Case No. 2013-085.

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

2013-085 Independent Health Properties/National Bank of Tennessee. 7715, 7719, and 7721 Shallowford Road, for an Institutional Planned Unit Development, subject to certain conditions.

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

2013-066 Marie and Jeff Fisher. 4301 Forest Plaza Drive, for a Residential Home for the Aged.

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 9, 2013

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 _____, 2013.

Sandra Freeman
Clerk to the City Council