

First Reading: \_\_\_\_\_  
Second Reading: \_\_\_\_\_

2013-097  
David Jones/  
Hamilton Avenue Properties  
District No. 1  
Planning Version

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 677 HAMILTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM RT-1 RESIDENTIAL TOWNHOUSE ZONE TO C-7 NORTHSHORE COMMERCIAL MIXED USE ZONE, SUBJECT TO CERTAIN CONDITIONS.

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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 677 Hamilton Avenue, more particularly described herein:

Lot 7, Lots 1 through 7 – Trico’s Resubdivision of Lots 12 thru 22, North Chattanooga Land Company’s Subdivision of Coward Estates, Plat Book 93, Page 117, ROHC, Deed Book 8601, Page 918, ROHC. Tax Map No. 135D-D-012.01.

and as shown on the maps and drawings attached hereto and made a part hereof by reference, from RT-1 Residential Townhouse Zone to C-7 Northshore Commercial Mixed Use Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be subject to restricting building height to a maximum of 36 feet including parapet and/or other roof treatments fronting North Market 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: \_\_\_\_\_

2013-097  
David Jones/  
Hamilton Avenue Properties  
District No. 1  
Applicant Version

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 677 HAMILTON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM RT-1 RESIDENTIAL TOWNHOUSE ZONE TO C-7 NORTHSHORE COMMERCIAL MIXED USE ZONE.

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Passed on second and final reading: \_\_\_\_\_

\_\_\_\_\_  
CHAIRPERSON

APPROVED: \_\_\_ DISAPPROVED: \_\_\_

\_\_\_\_\_  
MAYOR

/mms

2013-097 City of Chattanooga  
July 8, 2013

RESOLUTION

WHEREAS, David Jones/Hamilton Avenue Properties 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 RT-1 Residential Townhouse Zone to C-7 Northshore Commercial Mixed Use Zone, property located at 677 Hamilton Avenue.

Lot 7, Lots 1 through 7 – Trico's Resubdivision of Lots 12 thru 22, North Chattanooga Land Company's Subdivision of Coward Estates, Plat Book 93, Page 117, ROHC, Deed Book 8601, Page 918, ROHC. Tax Map 135D-D-012.01 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on July 8, 2013,

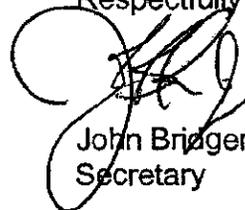
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

AND WHEREAS, there was opposition present 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 July 8, 2013, recommended to the Members of the City Council of the City of Chattanooga ~~that this petition be approved, subject to restricting building height to a maximum of 36~~ feet including parapet and/or other roof treatments fronting North Market Street.

Respectfully submitted,

  
John Bridger  
Secretary

**RPA STAFF RECOMMENDATION**

**Case Number:** 2013-097 **PC Meeting Date:** 07-08-2013

**STAFF RECOMMENDATION:** APPROVE, SUBJECT TO CERTAIN CONDITIONS:  
1) Restrict building height to a maximum of 36 feet including parapet and/or other roof treatments fronting North Market Street.

**Land Use & Transportation Comments**

**Planning Staff:**

**Applicant Request Overview**  
The applicant is requesting to rezone 0.28 acres +/- located at 677 Hamilton Avenue, Tax Map number 135D-D-012.01 from RT-1 Residential Townhome to C-7 North Shore Commercial/ Mixed Use Zone for the development of a 3,600 square-foot mixed use building with retail and office uses on the first and second floors.

In order to provide a thorough and thoughtful review of this case, staff reviewed the proposal itself, adopted plans and policies for the area, the planning and zoning history of the site and surrounding community, relevant research and other applicable land use factors.

**Site Description**  
The site topography is steep, there are no known floodplains or other environmentally sensitive areas associated with the site and has well-suited access to major highways and the interstate. It is less than one mile from Interstate 24 and State Route 27(SR-27). The property is currently vacant. Adjacent uses include residential uses to the north, south and east.

**Plans/Policies**  
The following is a synopsis of policies and plan recommendations for the portion of the North Chattanooga community in which the proposed rezoning is located:

**Comprehensive Plan**  
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 Urban Infill Growth Sector. Well defined neighborhoods with identifiable edges are typical of urban neighborhood infill areas. Urban neighborhoods have a denser and primarily residential urban fabric. Mixed uses including offices and retail are usually confined to certain corner locations with housing density increasing adjacent to those commercial centers. The plan recommends that new development should follow urban patterns with smaller blocks, a connected street grid, alleys, smaller lots, and shallow building setbacks.

Urban areas typically offer dense development of a variety of uses. The

## RPA STAFF RECOMMENDATION

more compact form dictates an integration of land uses. Residential uses range from single-family dwellings to multi-family apartments. Overall density is generally high. Almost without exception, these areas receive full municipal services such as sewer, sidewalks, bike facilities, and public transit. Due to the high level of land use integration, careful attention and planning is necessary to ensure development compatibility in terms of scale and impact.

- Small lots (5,000-7,500 sq. ft.)
- High number of structures per acre
- Grid / Modified Grid street network
- Sidewalks prevalent
- Public transportation and bicycle networks
- Mix of residential and non-residential uses in close proximity
- Average Residential Density: 6.5 Dwelling Units / Acre

### Adopted Plan: North Shore Plan (2007)

The 2007 North Shore Area Plan created with substantial public involvement provides more specific planning policies and land use recommendations for the area of this proposed development.

The North Shore Development Plan has specific, implementable urban design and development recommendations for the enhancement of Chattanooga's North Shore. The principles identified for land use are as follows:

- Promote development that demonstrates excellence in design and that enhances the character of the North Shore
- Encourage a harmonious mix of uses
- Protect existing residential areas from commercial encroachment
- Protect and promote the unique character and identity of the North Shore
- Provide a diversity of transportation options
- Provide intelligent parking solutions that balance the needs of automobile and pedestrian
- Expand the system of pedestrian and bicycle facilities
- Enhance connectivity within and between the North Shore, downtown, and Moccasin Bend
- Provide a public realm that is safe, vibrant, and evokes a sense of place
- Protect the natural assets and public viewsheds of the North Shore
- Respect the right of existing uses to continue operations.

Generally, a conventional land use plan provides a series of land use classifications that provide guidance for future development, redevelopment, and preservation of an area. However, the North Shore Plan includes a development form plan which covers such factors as

## RPA STAFF RECOMMENDATION

building height, setbacks, and massing; orientation; parking, curb cuts and driveway connections; landscaping; streetscaping and street furniture; and other factors.

The property in question falls within the Low-Intensity Mixed-Use category. This development form is for low-intensity mixed-uses with building footprints smaller than 5,000 square feet, and for buildings of less relative scale than those of the high-intensity form. Uses should be oriented towards the pedestrian rather than the automobile with the orientation of pedestrian entries to the primary streets with additional considerations for connections to adjacent residential areas. Parking should be placed to the rear when possible. This form can be located adjacent to low-density residential uses.

### Long Range Transportation Plan

The Chattanooga-Hamilton County/North Georgia Transportation Planning Organization 2035 Long Range Transportation Plan identifies North Market Street as an Urban Minor Arterial. The street is currently operating under capacity.

### Urban Overlay Zone

Added to the Chattanooga Zoning Ordinance in 2003, the Urban Overlay Zone alters certain underlying zoning requirements in order to help preserve the existing physical layout of the older urban portion of Downtown Chattanooga and surrounding neighborhoods. This physical layout generally includes the presence of sidewalks, public transit routes, available on-street parking and smaller lot sizes. Currently, under certain conditions, a reduction in required parking for both residential and commercial uses may be applied within the overlay zone.

### Staff Evaluation

In addition to reviewing and evaluating the applicant's proposal, staff thoroughly evaluated the above mentioned planning documents and recognized the following criteria essential in developing this staff recommendation.

1. *Consistency of planning policies for appropriateness and intensity of use relative to adjacent uses:*

The proposed mixed use development does meet the intent of the *North Shore Area Plan*. As the plans' policies state vertical mixed use is appropriate for this site.

2. *Impact to the Community:*

While this development has potential to add to the overall quality of life of the area by providing additional housing, and employment opportunities it is important to recognize the

## RPA STAFF RECOMMENDATION

potential negative consequences to the surrounding community. The Design Guidelines for the C-7 Commercial/ Mixed Use Zone give guidance on building heights in the North Shore; however, development has extended past height boundaries established in the 2007 guidelines. The recommended height maximum of 42 feet ends at Kent Street as shown on the height map in the C-7 Design Guidelines. RPA Staff have surveyed several buildings along N. Market Street north of Kent Street and found an average building height of 33 feet. Building heights north of Kent should be carefully considered due to the change in topography relative to adjacent residential areas along Hamilton Avenue.

### Staff Recommendation

The Regional Planning Agency recommends approval of this rezoning request with conditions as the applicant's proposed use was found to meet the intent of adopted area plans and policies. The conditions, maximum building height should not exceed 36 feet fronting N. Market Street and 30 feet fronting Hamilton Avenue, are to ensure the development is compatible with adjacent lower intensity residential uses.

### **Infrastructure & Operational Comments**

#### **Public Works Staff:**

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.

Additional requirements, if needed, are indicated by department below either as comments or as conditions recommended to be attached to the final ordinance.

#### Traffic Engineering & Operations

The applicant needs, to at minimum, meet the residential parking requirements per table 1700. The site plan attached just shows retail on the Market Street side, but they plan to add residential to the Hamilton side in the future. They also show parking on N Market and that is to be a continuation from the John Wise project. They propose using city trash service for the two Market Street shops; this will require review and approval of City Services. Per the C-7 Design Guidelines, parking and streetscape plans shall be reviewed by the City Traffic

## RPA STAFF RECOMMENDATION

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Engineer.

Land Development Office

Commercial adjacent to R-2 Residential requires a 20 ft buffer; the site currently only has 8ft. The applicant will apply for a variance, contingent upon approval of rezoning request.

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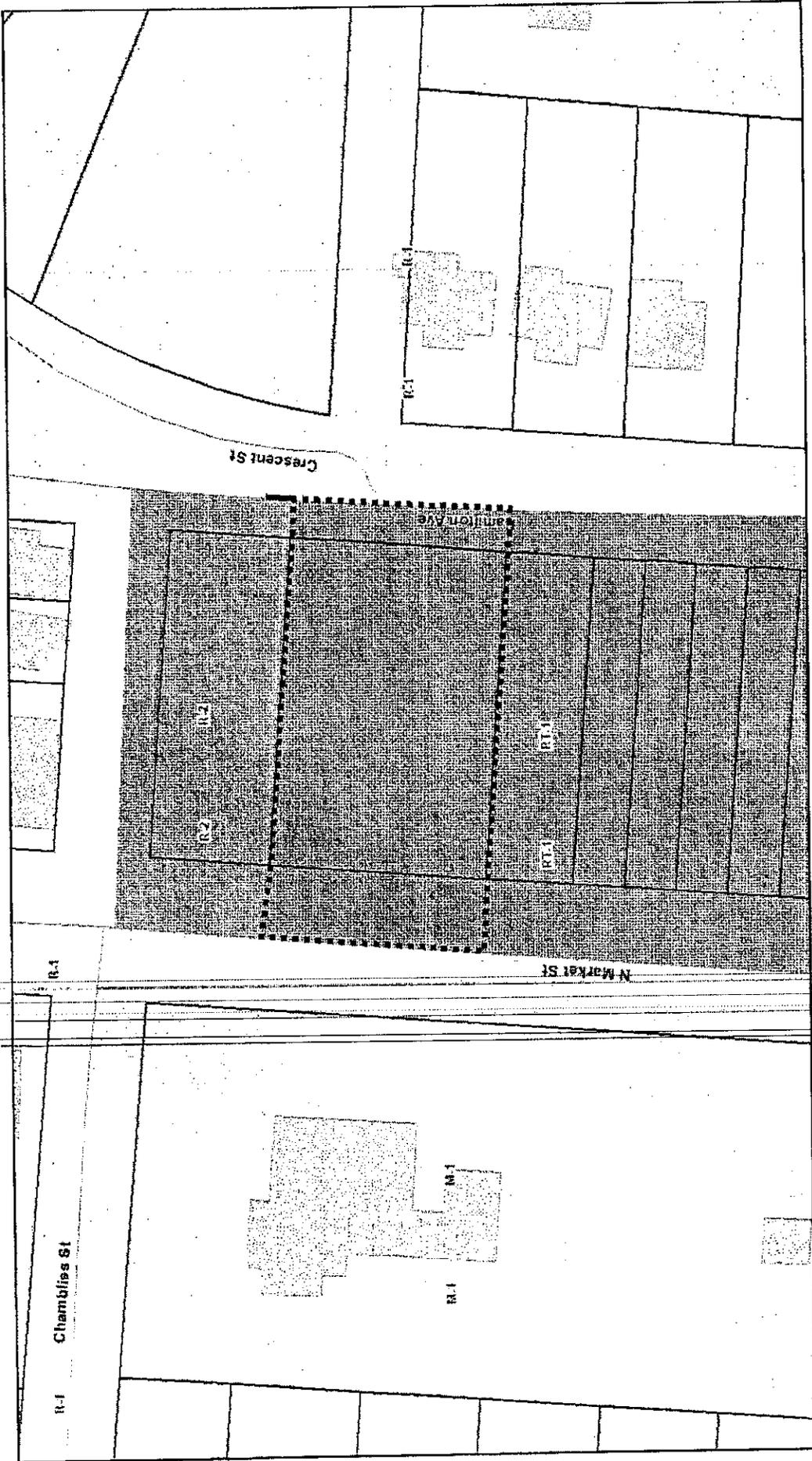
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**ZONING APPLICATION FORM**

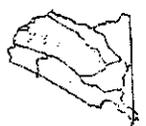
<b>CASE NUMBER: 2013-097</b>		<b>Date Submitted: 06-10-2013</b>	
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
<b>1 Applicant Request</b>			
Zoning	From: RT-1	To: C-7	
Total Acres in request area: 0.2837 Acres			
<b>2 Property Information</b>			
Property Address:	677 Hamilton Avenue		
Property Tax Map Number(s):	135D-D-012.01		
<b>3 Proposed Development</b>			
Reason for Request and/or Proposed Use:	To Build two-story Retail/Office Building		
<b>4 Site Characteristics</b>			
Current Zoning:	RT-1		
Current Use:	Vacant Land		
Adjacent Uses:	Townhouses, Vacant Land		
<b>5 Applicant Information</b>			
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: David Jones		Address: 617 Hamilton Avenue	
Check one:	<input checked="" type="checkbox"/> I am the property owner	<input type="checkbox"/> I am not the property owner	
City: Chattanooga	State: TN	Zip Code: 37405	Email: david@hillcityart.com
Phone 1: 1-423-400-9797	Phone 2:	Phone 3:	Fax:
<b>6 Property Owner Information (if not applicant)</b>			
Name: David Jones / Hamilton Avenue Properties		Phone: 1-423-400-9797	
Address: P.O. Box 4463, Chattanooga, TN. 37405			
<b>Office Use Only:</b>			
Planning District: 8b		Neighborhood: Hill City, North Shore Neighborhood	
Hamilton Co. Comm. District: 6		Chatt. Council District: 1	Other Municipality:
Staff Rec:	PC Action/Date:	Legislative Action/Date/Ordinance:	
<b>Checklist</b>			
<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): 8601-0918			
Plat Book/Page: 93 / 117		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 2
Filing Fee: \$635.00		Cash	<input checked="" type="checkbox"/> Check
Check Number: 8097		Application processed by: Trevor Slayton	
Planning Commission meeting date: July 8, 2013			



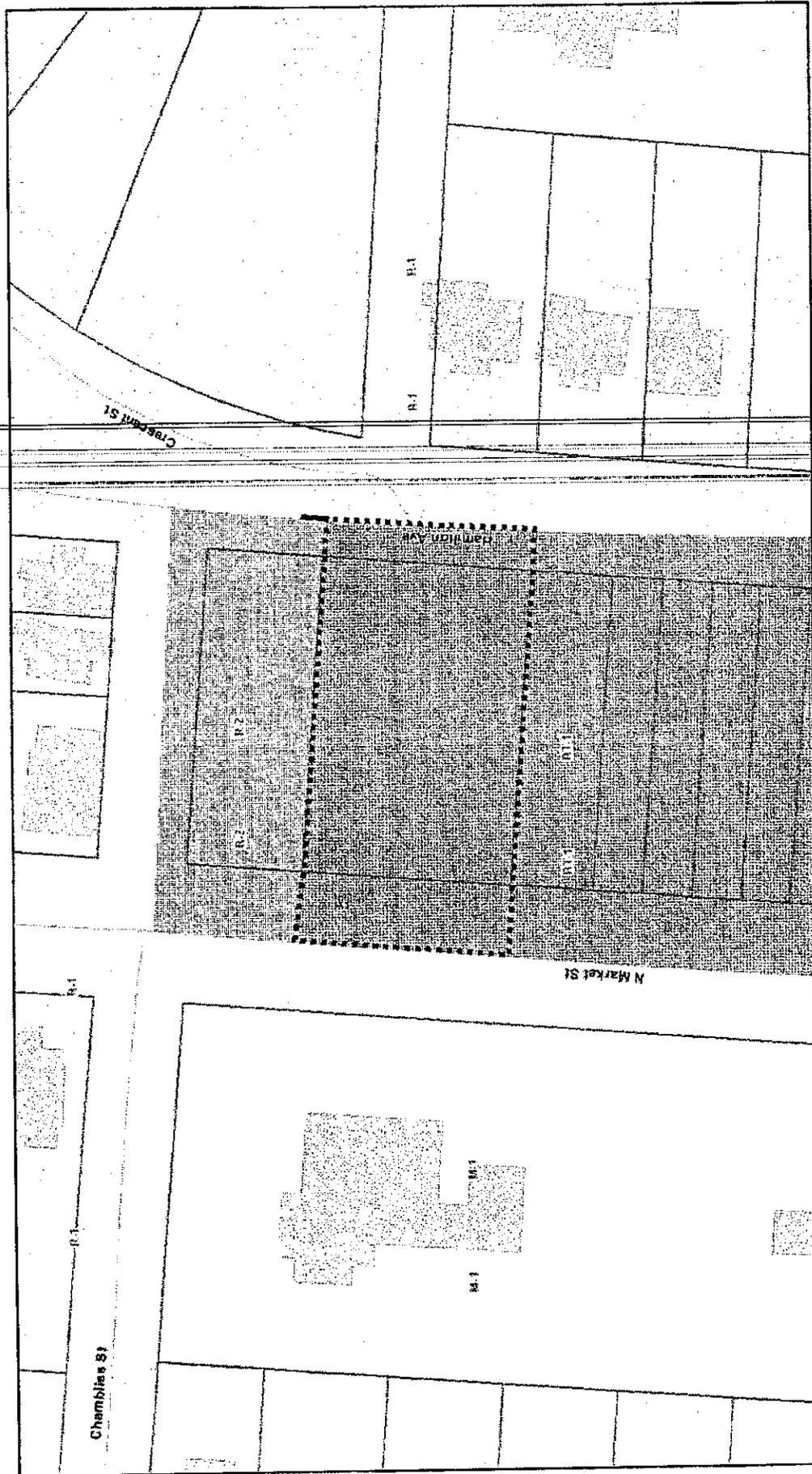
**2013-097 Rezoning from R1-1 to C-7**



57 ft



**Chattanooga Hamilton County Regional Planning Agency**



## 2013-097 Rezoning from RT-1 to C-7

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2013-097. Approve, subject to restricting building height to a maximum of 36 feet including parapet and/or other roof treatments fronting North Market Street.



60 ft



Chattanooga Hamilton County Regional Planning Agency

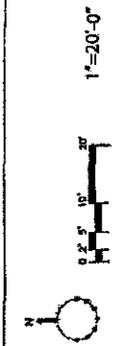




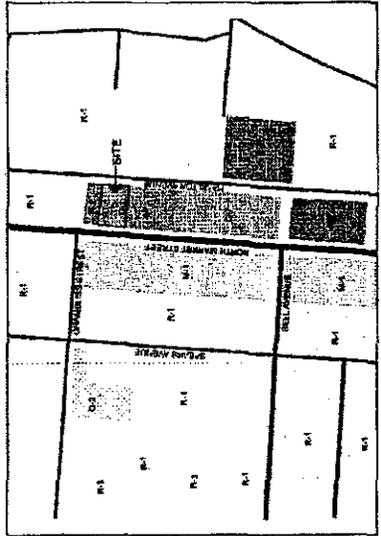
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**SITE PLAN | NORTH MARKET RETAIL**

JUNE 10, 2013  
TAX PARCEL ID: 135D-D-012.01



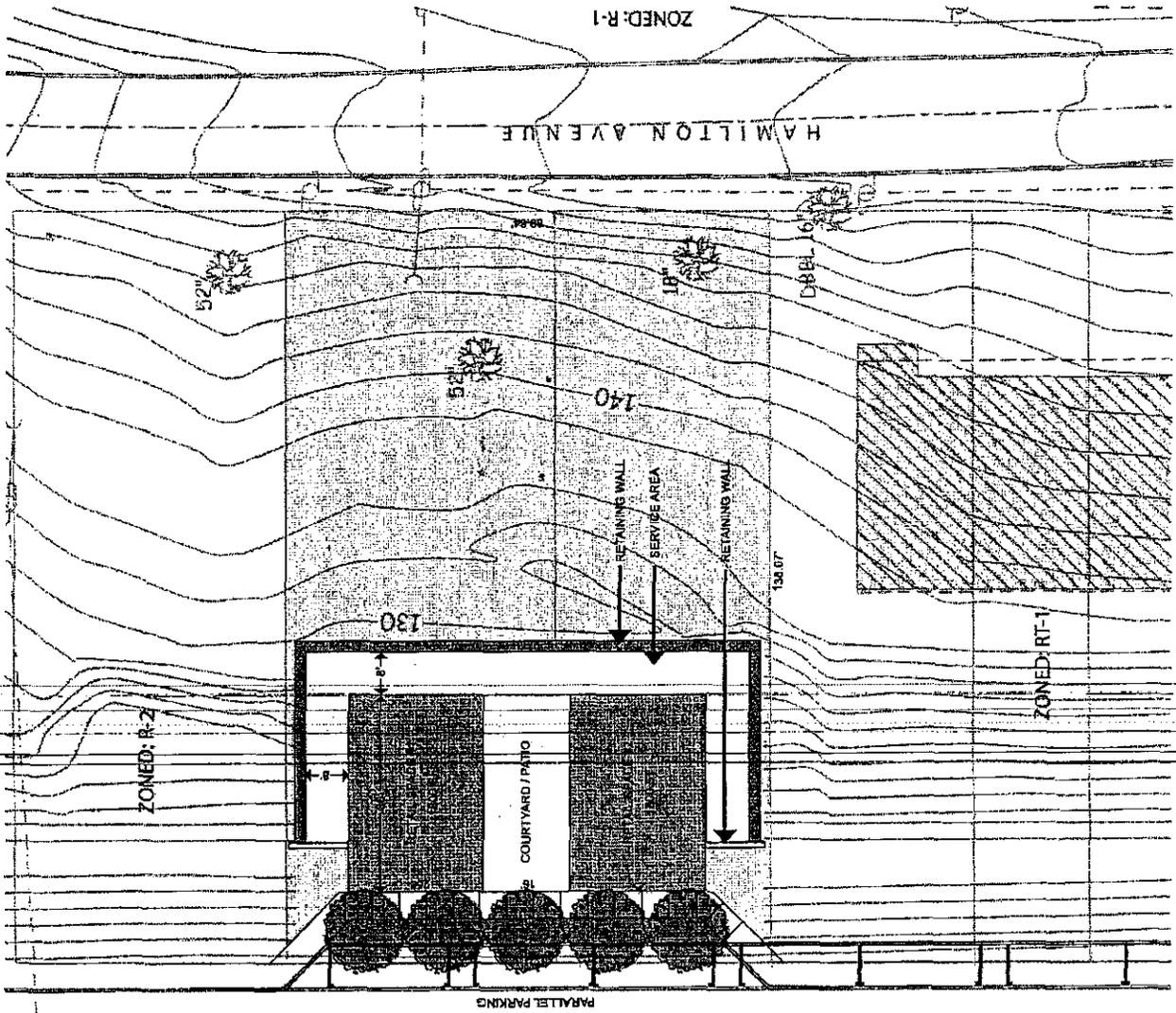
**PROJECT NOTES:**  
+ CURRENT ZONING: RT-1  
+ PROPERTY BOUNDARY: 0.2837 ACRES  
+ NO EXISTING STRUCTURES  
+ WASTE REMOVAL - PUBLIC WORKS BY CONTAINER.



LOCATION MAP



**NORTH CHATTANOOGA**  
PRESENTED BY:  
ELEM ARCHITECTURE  
423.648.7644  
FOR:  
DAVID JONES +  
HAMILTON AVENUE PARTNERS



NORTH MARKET STREET

PARALLEL PARKING

ZONED: M-1

## 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:

2013-073 John R. Anderson/Dallas and Beverly Bunton. 2910 Silverdale Road, from R-1 Residential Zone to O-1 Office Zone, subject to certain conditions.

2013-089 Jacob Becker/PTC Properties. 503 Hamilton Avenue and 502 North Market Street, from R-4 Special Zone to C-7 Northshore Commercial Mixed Use Zone, subject to certain conditions.

2013-091 Britt Goodson/State of Tennessee. 5528 and 5530 Hwy. 153, from R-2 Residential Zone to C-2 Convenience Commercial Zone.

2013-096 Jody Shea/Shea Properties, LLC. 1800 E. 25<sup>th</sup> Street, from R-2 Residential Zone to M-2 Light Industrial Zone, subject to certain conditions.

2013-097 David Jones/Hamilton Avenue Properties. 677 Hamilton Avenue, from RT-1 Residential Townhouse Zone to C-7 Northshore Commercial Mixed Use Zone, subject to certain conditions.

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

2013-099 Caressa Martin. 3820 Montview Drive, from R-1 Residential Zone to R-3MD Moderate Density Zone.

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

2013-079 Continental 171 Fund, LLC/Ken Liem, Fenella Pinewood, LLC, K&L Enterprises, Inc. 7400 block of Pinewood Drive, lifting Condition #1 of Ordinance No. 12305 from previous Case No. 2009-129 and upon Staff Determination possibly Condition #2 and Condition #5, 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) Amending Section 38-2, Definitions, by adding "Kennel";
- (b) Amending Section 38-394, Height and area regulations, by deleting items (2) and (3) in their entirety and substituting in lieu thereof;
- (c) Amending Section 38-395, General provisions, by deleting item (1) in its entirety and substituting in lieu thereof;
- (d) Amending Section 38-400, Staging, by adding item (3);
- (e) Amending Section 38-401, Changes and modifications, by deleting same in its entirety and substituting in lieu thereof;
- (f) Amending Section 38-402, Application procedure for planned unit development, by deleting same in its entirety and substituting in lieu thereof;
- (g) Amending Section 38-419, Staging, by deleting same in its entirety and substituting in lieu thereof;
- (h) Amending Section 38-420, Major Changes, by deleting same in its entirety and substituting in lieu thereof; and
- (i) Amending Section 38-421, Application procedure for institutional planned unit development, by deleting same in its entirety and substituting in lieu thereof;

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,

**August 13, 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.

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Sandra Freeman  
Clerk to the City Council