

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

2013-105  
Henrietta Morris/Johnella Morris  
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 515 SPRUCE STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO UGC URBAN GENERAL COMMERCIAL 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 515 Spruce Street, more particularly described herein:

Lot 13 in Block No. 2 of Cook and Hutcheson's New Subdivision of Fisher's Amended Addition to Highland Park, Plat Book 5, Page 53, ROHC, being the property described in Deed Book 5663, Page 657, ROHC. Tax Map No. 146G-B-033.

and as shown on the maps and drawing attached hereto and made a part hereof by reference, from R-3 Residential Zone to UGC Urban General Commercial Zone.

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

- 1) Access from Spruce Street only;

- 2) Presubmittal meeting with Land Development Office; and
- 3) Residential, office, art gallery or production studio.

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:** \_\_\_\_\_

2013-105  
Henrietta Morris/Johnella Morris  
District No. 8  
Staff Version

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

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

- 1) Access from Spruce Street only;

- 2) Presubmittal meeting with Land Development Office; and
- 3) Commercial use prohibited.

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:** \_\_\_\_\_

2013-105  
Henrietta Morris/Johnella Morris  
District No. 8  
Applicant Version

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

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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

2013-105 City of Chattanooga  
August 12, 2013

RESOLUTION

WHEREAS, Henrietta Morris/Johnella Morris 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-3 Residential Zone to UGC Urban General Commercial Zone, property located at 515 Spruce Street.

Lot 13 in Block No. 2 of Cook and Hutcheson's New Subdivision of Fisher's Amended Addition to Highland Park, Plat Book 5, Page 53, ROHC, being the property described in Deed Book 5663, Page 657, ROHC. Tax Map 146G-B-033 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on August 12, 2013,

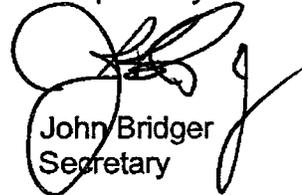
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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 August 12, 2013, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to the following conditions: 1) Access from Spruce Street only; 2) Presubmittal meeting with Land Development Office; and 3) Residential, office, art gallery or production studio.

Respectfully submitted,

  
John Bridger  
Secretary

# ZONING APPLICATION FORM

**CASE NUMBER: 2013-105** Date Submitted: 07-10-2013

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

**1 Applicant Request**

Zoning	From: R-3	To: UGC
Total Acres in request area: 0.26		

**2 Property Information**

Property Address:	515 Spruce Street, Chattanooga, Tn. 37404
Property Tax Map Number(s):	146g-b-033

**3 Proposed Development**

Reason for Request and/or Proposed Use:	Mixed Use: Residential, Retail, Commercial Office
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**4 Site Characteristics**

Current Zoning:	R-3
Current Use:	Vacant Lot (Was Used as a business)
Adjacent Uses:	Vacant

**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: Henrietta Morris	Address: Post Office Box 3422		
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: 37404	Email: <a href="mailto:selfcareinstitute@gmail.com">selfcareinstitute@gmail.com</a>
Phone 1: 423-316-3578	Phone 2:	Phone 3:	Fax:

**6 Property Owner Information (if not applicant)**

Name: Johnella Morris	Phone:
Address: 1417 Carousel Road, Chattanooga, Tn. 37411	

**Office Use Only:**

Planning District 8b	Neighborhood	
Hamilton Co. Comm. District 4	Chatt. Council District 9	Other Municipality
Staff Rec.	IC 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 Plans required	<input checked="" type="checkbox"/> Total Acres to be considered: 0.26	<input checked="" type="checkbox"/> Deeds <input checked="" type="checkbox"/> Plats if applicable
Deed Book(s) 566-577		
Plat Book/Page 5-53	<input checked="" type="checkbox"/> Notice Sign	Number of Notice Signs 1
<input checked="" type="checkbox"/> Filing fee \$635.00	<input checked="" type="checkbox"/> Cash	<input type="checkbox"/> Check
Check Number	Application processed by: Trevor Slayton	
Planning Commission meeting date: 8-12-2013		

**RPA STAFF RECOMMENDATION**

<b>Case Number:</b>	2013-105	<b>PC Meeting Date:</b> 08-12-2013
<b>STAFF RECOMMENDATION:</b>	<p><b>APPROVE, subject to the following conditions:</b></p> <ol style="list-style-type: none"> <li>1. Access from Spruce Street only.</li> <li>2. Presubmittal meeting with Land Development Office.</li> <li>3. Commercial uses prohibited.</li> </ol>	
<b>Land Use &amp; Transportation Comments</b>		
<b>Planning Staff:</b>	<p><b><u>Applicant Request Overview</u></b> The applicant has submitted a request to rezone 0.26 acres of land, currently zoned R-3 Residential Zone to UGC Urban General Commercial for the purpose of developing a mixed use project.</p> <p><b><u>Site Description</u></b> The site is located at the corner of Spruce Street and Bailey Avenue. It is currently vacant with residential uses to the north, financial institutions are to the east and west of the property and the National Cemetery is to the south. The topography is flat and access to the site from Spruce Street is adequate. Bailey Avenue is an Urban Principal Arterial according to the State Functional Classification System of Streets, while Spruce Street is a local road.</p> <p><b><u>Plans/Policies</u></b> Development in the subject area is guided by the countywide Comprehensive Plan 2030. The Comprehensive Plan divides the County into growth sectors. This site is located within Urban Infill growth sector, which is defined by neighborhoods with identifiable edges, and a denser and primarily residential urban layout. The Comprehensive Plan recommends that new development within the Urban Infill sector should follow urban patterns with smaller blocks, a connected street grid, alleys, smaller lots and shallow building setbacks.</p> <p>The Comprehensive Plan supports an urban area with a mix of multiple uses integrated vertically and horizontally. Mixed uses including offices and retail are directed to corner locations with housing density increasing adjacent to commercial centers.</p> <p>The subject property also lies within the Urban Overlay Zone. This zone was created to maintain the physical layout of this older urban area, recognizing that downtown Chattanooga and its surrounding neighborhoods have a different development pattern than the rest of the city. The overlay zone is a tool to deal with special requirements and is placed over the existing zoning to alter some of the regulations.</p> <p>In the Urban Overlay Zone, all non-residential uses shall receive a 10% reduction in their parking requirement by right. For non-residential uses less than 5,000 square feet, up to an additional 20% reduction may also be obtained. To receive this additional 20% reduction, applicants</p>	

## RPA STAFF RECOMMENDATION

receive a 5% reduction each for being close to a transit stop, having on-street parking abutting the property, providing bicycle parking, and being close to residential uses or zones. Residential uses also have a lower parking standard in the Urban Overlay Zone

The applicant is requesting to rezone to Urban General Commercial Zone (UGC) which allows retail, office and residential development to occur in one development. The proposed development would infill what is currently vacant property on a corner lot.

It is the intent of the UGC zone to promote traditional urban development with multi-story buildings built close to the sidewalk and a mix of uses within each site and within individual buildings. Such urban places are intended to provide a concentration of goods and services that attract commerce – all within a walkable environment.

The UGC zone is intended for Urban Infill areas as described in the Comprehensive Plan 2030 and in the Urban Overlay Zone (Article III, Section 38-11). This zone is also intended to promote higher density development that supports transit and multimodal transportation including automobile, bicycle, and pedestrian traffic, thereby reducing the need for parking. Parking reductions may also be used in conjunction with all shared parking options to further reduce the number of spaces required.

The Urban General Commercial Zone addresses several basic principles of urban form:

- Setbacks should reflect urban design. Traditionally, urban areas have buildings set flush with the sidewalk except for small setbacks for entries, courtyards, or outdoor activity areas.
- Parking should be to the side or rear of the building. As parking lots are not prominent in these areas, parking is encouraged to be located behind buildings or, if necessary, to the side of buildings.

The Urban General Commercial Zone shall be located so as to primarily serve traffic on arterial or collector streets and all businesses developed within such zones shall be situated on site so as to offer convenient ingress and egress to such streets.

Applicants seeking to rezone to the Urban General Commercial Zone must attend the City of Chattanooga's Pre-submittal meeting to gather important guidance and feedback on the technical issues of the project as required in the Chattanooga Zoning Ordinance Sec.38-211(6).

The Regional Planning Agency's Site Plan Requirements policy calls for site plans that will provide sufficient information for planners, planning

## RPA STAFF RECOMMENDATION

commissioners, elected officials, and other interested parties to make more informed decisions regarding rezoning requests. Site plans that meet the requirements of this policy should promote greater understanding of the request and provide sufficient information under most circumstances to officials and stakeholders to allow informed decisions to be made.

The applicant's site plan is too conceptual to determine if the proposed uses, specifically commercial retail, are appropriate to this location. A presubmittal meeting is strongly encouraged for this development.

### Staff Recommendation

The Regional Planning Agency recommends approval of this rezoning request with conditions. The proposed development is an appropriate use of infill development and a mix of uses, both of which are encouraged in the Comprehensive Plan. However, certain concerns with the proposal require that the approval is subject to several conditions:

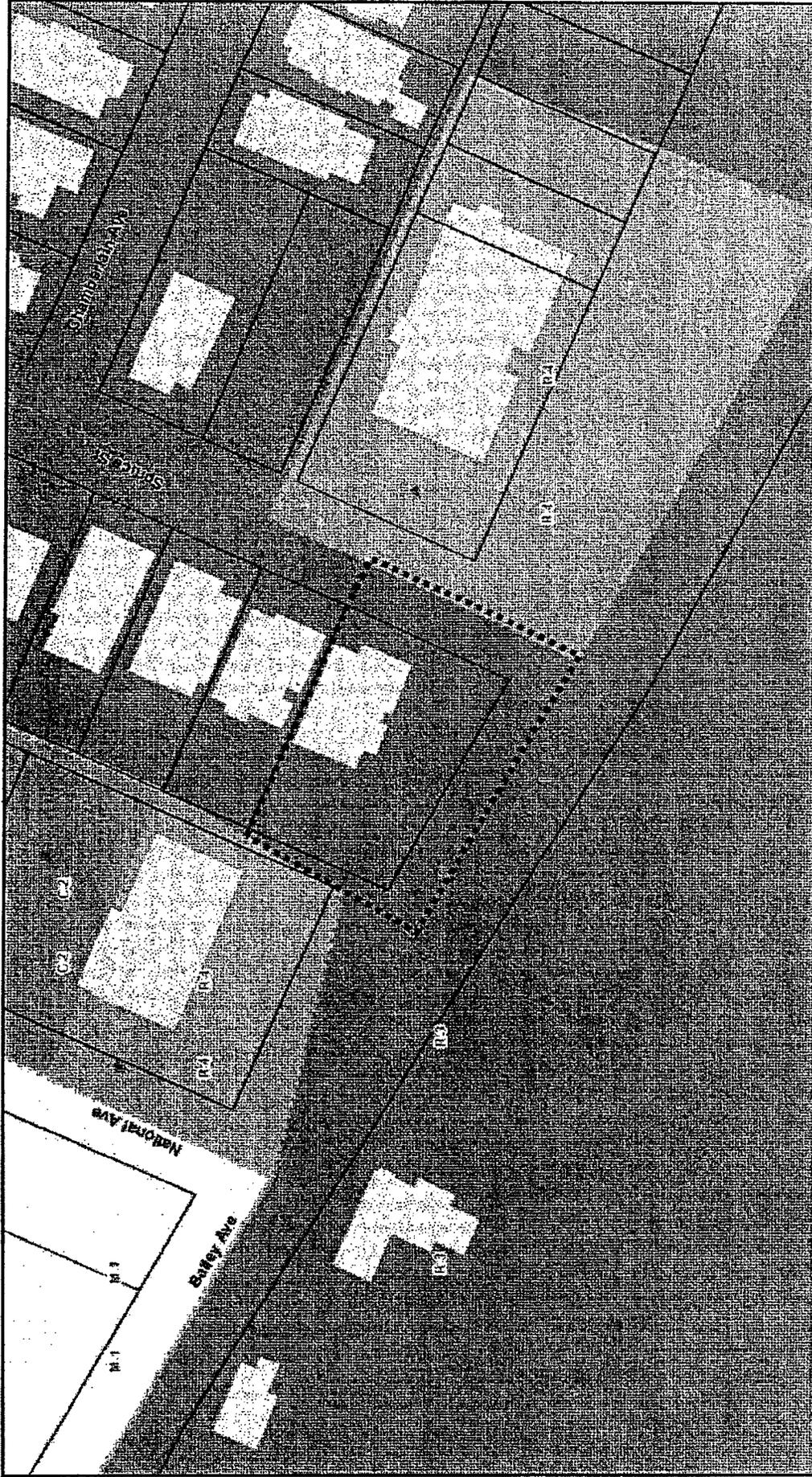
- Spruce Street is preferred to be used for access; the City Traffic Engineer has deemed it unsafe to locate vehicular access to Bailey Avenue.
- A Presubmittal Meeting is a requirement to rezone to UGC zone; this is a vehicle for the applicant to gather important guidance and feedback. The applicant has been made aware of this regulation.
- Commercial uses prohibited. It is staff's opinion that the submitted site plan does not adequately address the type or configuration of uses. The UGC allows a wide range of commercial uses, some of which would be incongruent with the neighboring residential and across from the National Cemetery. Staff supports a mix of urban scale office and residential that would be compatible with the surrounding area.

While staff is recommending a condition prohibiting commercial uses within this proposed development. The Urban General Commercial zone is still the most appropriate zone for the considering the physical constraints of the site and the flexible parking requirements of the zone.

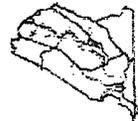
**Infrastructure & Operational  
Comments**

**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.



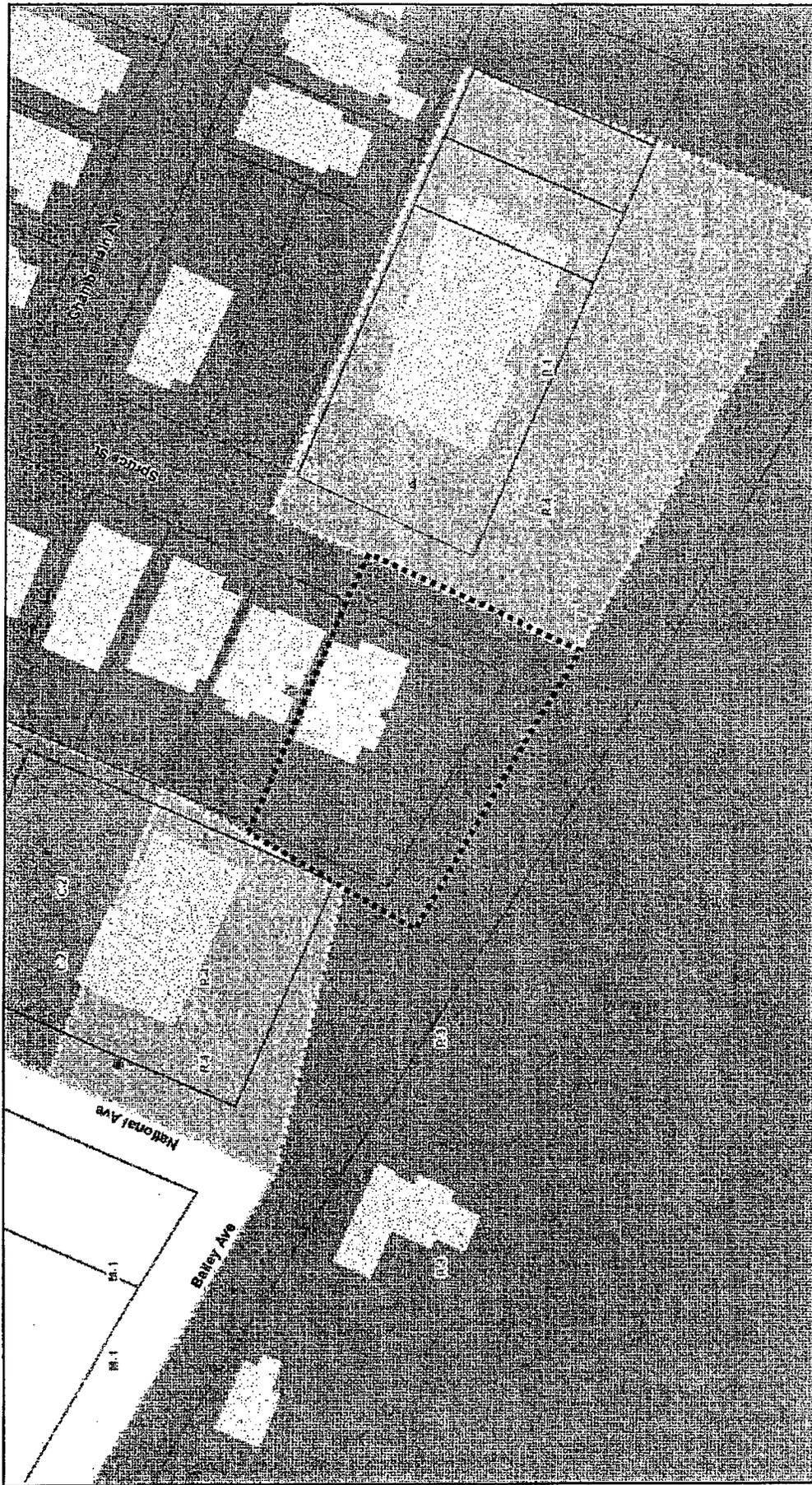
# 2013-105 Rezoning from R-3 to UGC



75 ft



Chattanooga Hamilton County Regional Planning Agency



## 2013-105 Rezoning from R-3 to UGC

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2013-105: Approve, subject to: 1) Access from Spruce Street only; 2) Presubmittal meeting with Land Development Office; and 3) Residential, office, art gallery or production studio.



75 ft

Chatham County  
**RPCA**  
 Regional Planning Agency

**Chatham 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:

2013-083 Joseph Ingram/Glen Meadows and Brett Sexton. 8599, 8601, 8603, 8605, and 8607 Petty Road, from R-5 Residential Zone to R-3MD Moderate Density Zone.

2013-101 Towson and Dede Engsborg. 501 East 16<sup>th</sup> Street, from R-3 Residential Zone to C-3 Central Business Zone, subject to certain conditions.

2013-105 Henrietta Morris/Johnella Morris. 515 Spruce Street, from R-3 Residential Zone to UGC Urban General Commercial Zone, subject to certain conditions.

2013-107 Alan Haniszewski. 630 East 19<sup>th</sup> Street, from R-3 Residential 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:

2013-102 Tim McClure/J.R. Barker. 4815 Hixson Pike, from R-1 Residential Zone to R-3 Residential Zone.

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

2013-082 Joseph Ingram/Glen Meadows and Brett Sexton. 8600 block of Petty Road for a Residential Planned Unit Development.

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,

**September 10, 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