First Reading:_____
Second Reading:_____

2013-148
Thomas Palmer/Dan Rose
District No. 7
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1512 MARKET STREET AND 5 EAST 16TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING 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 1512 Market Street and 5 East 16th Street, more particularly described herein:

> Parts of Lot 17, 18, 19 and 20, on Block 3 of R. M. Myers Addition to Chattanooga, Deed Book D, Volume 2, Page 303, ROHC, being the property described in Deed Book 9736, Page 888, ROHC. Tax Maps Nos. 145LD-D-001 and 004.

and as shown on the maps attached hereto and made a part hereof by reference, from M-1 Manufacturing Zone to C-3 Central Business Zone.

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

1. **Review.**

The following review shall be required 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.

A. For any activity requiring a land disturbing permit, non-residential building permit, or residential building permit for structures with more than two (2) units, and excluding all interior renovations:

(1) The Applicant is required to schedule a meeting with the Community Design Group during the concept development phase of site design;

(2) The Applicant is required to schedule a pre-submittal meeting with the City's Land Development Office; and

(3) All site layout plans, landscaping plans, and building elevations required by the Land Development Office shall also be reviewed by the Community Design Group prior to approval.

B. For any activity requiring a residential building permit for new construction:

(1) The Applicant shall provide illustrations, such as specifications, photographs, or other images, to the Community Design Group for review of the work to be completed.

2. **Setbacks.**

A. For new multi-family buildings three (3) stories in height or greater, and for all new non-residential buildings, a zero building setback is required along the street frontage.

(1) To accommodate outdoor pedestrian activities including a park, plaza, or outdoor dining, a greater setback is permitted if a street edge delineating the public and private space is provided in accordance with Condition 6.A.

B. For new single-family detached, duplex, townhome, and multi-family structures less than three (3) stories in height, building setbacks shall be consistent with the existing setbacks on the same side of the street.

C. For properties fronting the Tennessee River, a public easement a minimum of thirty-five (35) feet in width shall be provided along the river for the continuation of the riverwalk.

3. Height Requirements.

A. The minimum height of new nonresidential buildings shall be eighteen (18) feet.

B. The maximum height of all new nonresidential buildings and new multi-family buildings shall be five (5) stories.

4. Access to sites and buildings.

A. New curb cuts shall not be permitted on the primary, or highest order street, that a property fronts, except when there is no alley or secondary street to provide access. The permitting and location of curb cuts on primary streets shall be approved by the City Traffic Engineer based on vehicular and pedestrian safety concerns.

B. Alleys, where they exist, shall be used as the principal vehicular access.

C. In the absence of alleys, the secondary, or lower order street, shall be used as the principal vehicular access.

D. Shared drives should be used wherever possible.

E. The primary pedestrian entrance to new buildings shall be provided from the primary street.

5. Off-street parking.

A. New off-street parking shall not be permitted between a building and the primary street frontage.

B. For new construction of a primary building, or improvements altering more than 25% of the parcel that is covered in pavement (including gravel, impervious surfaces, and pavers), the following is required:

(1) Off-street parking fronting a public street shall be screened from the right-of way with a street edge in accordance with Condition 6.A. Front end in or parallel parking along alleys is exempt from this requirement.

(2) Surface parking lots shall be landscaped with a minimum of one (1) Class I shade tree for every five parking spaces. Where conflicts with overhead utility lines exist, Class II shade trees may be used.

C. Garages for new residential dwellings shall be located behind the primary building.

D. There are no minimum requirements for the quantity of off-street parking spaces. However, site plans shall indicate the quantity and location of off-street parking provided, along with the following information:

(1) Proximity to transit stops;

(2) Provision of bicycle facilities;

(3) Availability of adjacent on-street parking, proximity to public parking facilities, shared private parking, or leased off-site parking;

(4) Type of uses and hours of operation;

(5) Square footage of commercial uses or number of residential units; and

(6) Fire Department access.

6. Street Frontage.

A. Where a street edge is required, it shall be provided as follows:

(1) The street edge shall have a minimum height of three (3) feet and a maximum height of four (4) feet above grade and shall consist of:

a) Brick, stucco, or stone walls (concrete block is permitted if faced with said materials);

b) A decorative metal fence with landscaping a minimum of three (3) feet in height at maturity, providing a year-round near opaque screen;

c) An evergreen hedge, with a minimum height at maturity of three (3) feet;

d) Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.

(2) Ground floor openings (doors and windows) shall constitute a minimum of 50 percent of the ground floor façade area for new non-residential buildings.

(3) No security-type roll up metal doors shall be newly installed where they would front streets other than interior block alleys.

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

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:_____

2013-148
Thomas Palmer/Dan Rose
District No. 7
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1512 MARKET STREET AND 5 EAST 16TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING 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 1512 Market Street and 5 East 16th Street, more particularly described herein:

> Parts of Lot 17, 18, 19 and 20, on Block 3 of R. M. Myers Addition to Chattanooga, Deed Book D, Volume 2, Page 303, ROHC, being the property described in Deed Book 9736, Page 888, ROHC. Tax Maps Nos. 145LD-D-001 and 004.

and as shown on the maps attached hereto and made a part hereof by reference, from M-1 Manufacturing 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

2013-148 City of Chattanooga
November 11, 2013

RESOLUTION

WHEREAS, Thomas Palmer/Dan Rose 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 M-1 Manufacturing Zone to C-3 Central Business Zone, properties located at 1512 Market Street and 5 East 16th Street.

Parts of Lot 17, 18, 19 and 20, on Block 3 of R. M. Myers Addition to Chattanooga, Deed Book D, Volume 2, Page 303, ROHC, being the property described in Deed Book 9736, Page 888, ROHC. Tax Maps 145LD-D-001 and 004 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on November 11, 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 existing pattern of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on November 11, 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. **Review.**

   The following review shall be required 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.

   A. For any activity requiring a land disturbing permit, non-residential building permit, or residential building permit for structures with more than 2 units, and excluding all interior renovations:

(1) The Applicant is required to schedule a meeting with the Community Design Group during the concept development phase of site design.

(2) The Applicant is required to schedule a pre-submittal meeting with the City's Land Development Office.

(3) All site layout plans, landscaping plans, and building elevations required by the Land Development Office shall also be reviewed by the Community Design Group prior to approval.

B. For any activity requiring a residential building permit for new construction:

(1) The Applicant shall provide illustrations, such as specifications, photographs, or other images, to the Community Design Group for review of the work to be completed.

2. Setbacks.

A. For new multi-family buildings three (3) stories in height or greater, and for all new non-residential buildings, a zero building setback is required along the street frontage.

(1) To accommodate outdoor pedestrian activities including a park, plaza, or outdoor dining, a greater setback is permitted if a street edge delineating the public and private space is provided in accordance with Condition 6.A.

B. For new single-family detached, duplex, townhome, and multi-family structures less than three (3) stories in height, building setbacks shall be consistent with the existing setbacks on the same side of the street.

C. For properties fronting the Tennessee River, a public easement a minimum of thirty-five (35) feet in width shall be provided along the river for the continuation of the riverwalk.

3. Height Requirements.

A. The minimum height of new nonresidential buildings shall be eighteen (18) feet.

B. The maximum height of all new nonresidential buildings and new multi-family buildings shall be five (5) stories.

4. Access to sites and buildings.

A. New curb cuts shall not be permitted on the primary, or highest order street, that a property fronts, except when there is no alley or secondary street to provide access. The permitting and location of curb cuts on primary streets shall be approved by the City Traffic Engineer based on vehicular and pedestrian safety concerns.

B. Alleys, where they exist, shall be used as the principal vehicular access.

C. In the absence of alleys, the secondary, or lower order street, shall be used as the principal vehicular access.

D. Shared drives should be used wherever possible.
E. The primary pedestrian entrance to new buildings shall be provided from the primary street.

5. Off-street parking.

A. New off-street parking shall not be permitted between a building and the primary street frontage.
B. For new construction of a primary building, or improvements altering more than 25% of the parcel that is covered in pavement (including gravel, impervious surfaces, and pavers), the following is required:
   (1) Off-street parking fronting a public street shall be screened from the right-of way with a street edge in accordance with Condition 6.A. Front end in or parallel parking along alleys is exempt from this requirement.
   (2) Surface parking lots shall be landscaped with a minimum of one (1) Class I shade tree for every five parking spaces. Where conflicts with overhead utility lines exist, Class II shade trees may be used.
C. Garages for new residential dwellings shall be located behind the primary building.
D. There are no minimum requirements for the quantity of off-street parking spaces. However, site plans shall indicate the quantity and location of off-street parking provided, along with the following information:
   (1) Proximity to transit stops
   (2) Provision of bicycle facilities
   (3) Availability of adjacent on-street parking, proximity to public parking facilities, shared private parking, or leased off-site parking
   (4) Type of uses and hours of operation
   (5) Square footage of commercial uses or number of residential units
   (6) Fire Department access

6. Street Frontage.

A. Where a street edge is required, it shall be provided as follows:
   (1) The street edge shall have a minimum height of three (3) feet and a maximum height of four (4) feet above grade and shall consist of:
      a. Brick, stucco, or stone walls (concrete block is permitted if faced with said materials); or
      b. A decorative metal fence with landscaping a minimum of 3 feet in height at maturity, providing a year-round near opaque screen; or
      c. An evergreen hedge, with a minimum height at maturity of 3 feet.
      d. Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.

(2) Ground floor openings (doors and windows) shall constitute a minimum of 50 percent of the ground floor façade area for new non-residential buildings.
(3) No security-type roll up metal doors shall be newly installed where they would front streets other than interior block alleys.
(4) All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.

Respectfully submitted,

John Bridger
Secretary

Chattanooga-Hamilton County Regional Planning Agency

ZONING APPLICATION FORM

CASE NUMBER: 2013-148		Date Submitted: 10-10-2013
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)		
1 Applicant Request		
Zoning	**From: M-1**	**To: C-3**
	Total Acres in request area: 0.22	
2 Property Information		
Property Address:	1512 Market St & 5 E 16th St	
Property Tax Map Number(s):	145LD-D-001 & 004	
3 Proposed Development		
Reason for Request and/or Proposed Use:	Renovate existing 2 story building to residential upstairs and retail commercial downstairs with vacant lot for future development	
4 Site Characteristics		
Current Zoning:	M-1	
Current Use:	Vacant	
Adjacent Uses:	Vacant Commercial Buildings, Battle Academy	
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: Thomas Palmer		Address: 1426 Williams St, Unit 11
Check one:	I **am** the property owner	x I am **not** the property owner
City: Chattanooga	State: TN	Zip Code: 37408
Email: Thomas@palmerbe.com		
Phone 1: 423-903-7050	Phone 2:	Phone 3:
Fax:		
6 Property Owner Information (if not applicant)		
Name: Dan Rose		Phone: 781-752-5890
Address: 29 Johnson St, Chattanooga, TN 37408		

Office Use Only:			
Planning District: 8a			Neighborhood: Jefferson Heights/Southside Historic
Hamilton Co. Comm. District: 4	Chatt. Council District: 7		Other Municipality:
Staff Rec:	PC Action/Date:		Legislative Action/Date/Ordinance:
Checklist			
x Application Complete	x Ownership Verification	x	Map of Proposed Zoning Area with dimensions
x Site Plan, if required	x Total Acres to be considered: 0.22	x	Deeds x Plats, if applicable
Deed Book(s): 9736/888			
Plat Book/Page: D/2/303		x	Notice Signs Number of Notice Signs: 2
x Filing Fee: 635.00	Cash	x	Check Check Number: 1160
Planning Commission meeting date: Nov. 11, 2013			Application processed by: Jennifer Ware

Planning Commission Recommendation:
Approve Staff Recommendation

Chattanooga-Hamilton County Regional Planning Agency

STAFF RECOMMENDATION (Rezonings, Special Permits & Mandatory Referrals)

Case Number:	2013-148 PC Meeting Date: 11-11-2013
STAFF RECOMMENDATION:	APPROVE, with C-3 Conditions as noted below
Land Use & Transportation Comments	
Planning Staff:	**Applicant Request Overview** The applicant is requesting to rezone two parcels totaling 0.22 acres along Market Street from M-1 Manufacturing to C-3 Central Business District. The applicant intends to renovate an existing structure for residential and retail mixed-uses on one of the parcels. The first floor will be redeveloped for several storefronts, though specific tenants have not yet been identified. No development is proposed on the other parcel at this time. **Site Description** The site is at the corner of Market Street and the alley that runs south of Main Street. There is an existing vacant 2-story building on the parcel at the corner, and a vacant lot that fronts on 16th Street. Across Market Street is Battle Academy. The adjacent lot to the south has a vacant building, and the block behind the parcels is a vacant lot. To the north is the site of a proposed mixed use 4-story residential and retail building. **Zoning History** Several parcels immediately adjacent and to the south of the site are zoned M-1 Manufacturing. However, this area is in transition from M-1 Manufacturing to C-3 Central Business District. Property to the north, south, and west of the site is zoned C-3 Central Business District. Property to the east is zoned UGC Urban General Commercial. A large area of property to the southeast is zoned R-3 Residential. **Plans/Policies** The Downtown Plan recommends mixed use, residential, entertainment and retail uses for this area. While no specific recommendations are made for the applicant's property, residential and retail uses are encouraged in the Market and Main Street area. **Staff Recommendation** Since the applicant's proposal is consistent with the recommendations of the Downtown Plan and with current redevelopment efforts in this area, Staff recommends approval of the request to rezone the property from M-1 Manufacturing to C-3 Central Business District. To ensure compatibility with commercial development in the area, and with nearby residential neighborhoods, Staff recommends the following typical C-3 conditions be attached: 1. **Review.** The following review shall be required 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.

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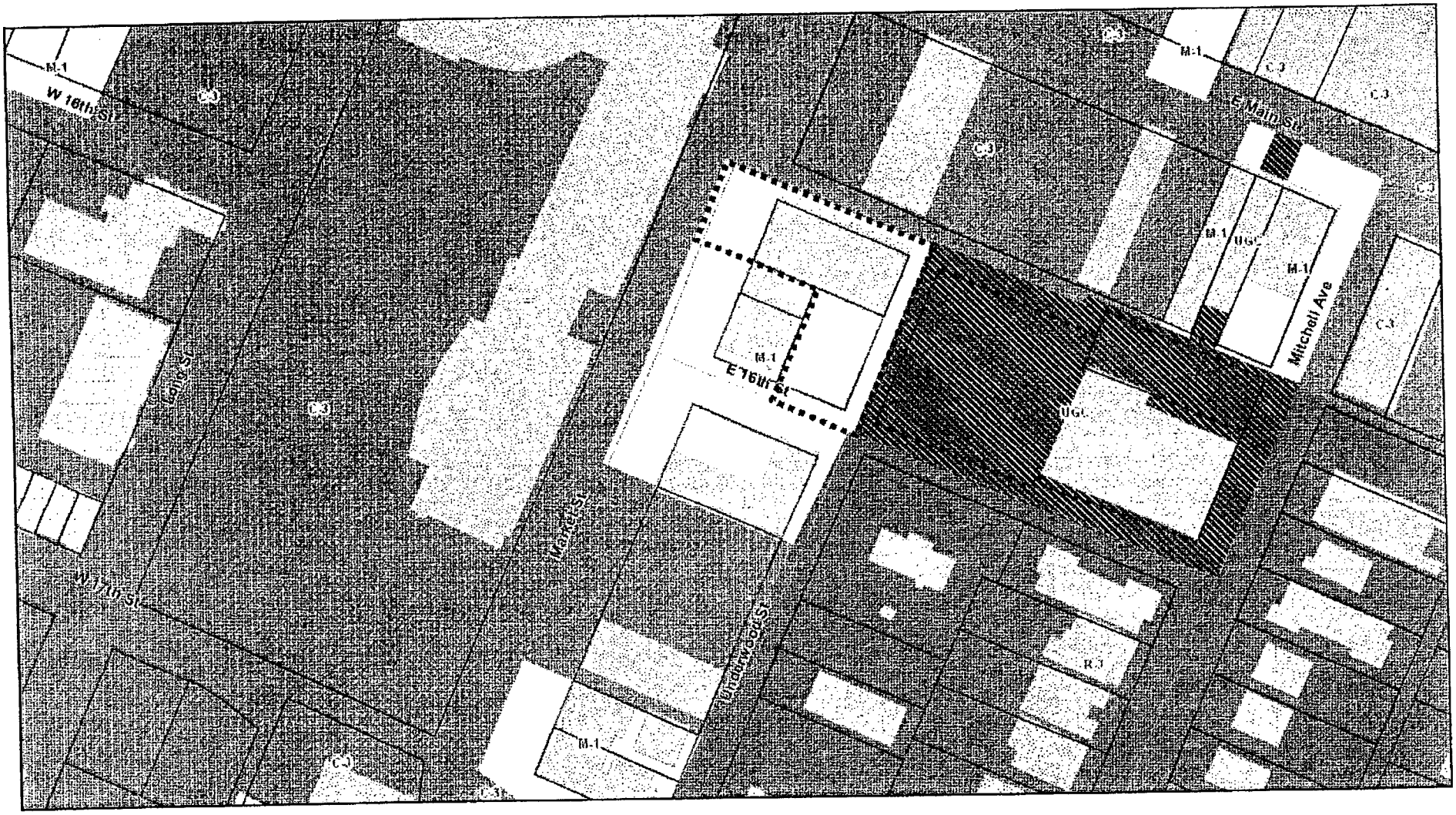
d. Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.

(2) Ground floor openings (doors and windows) shall constitute a minimum of 50 percent of the ground floor façade area for new non-residential buildings.

	(3) No security-type roll up metal doors shall be newly installed where they would front streets other than interior block alleys. (4) All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.
Infrastructure & Operational Comments	
	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.



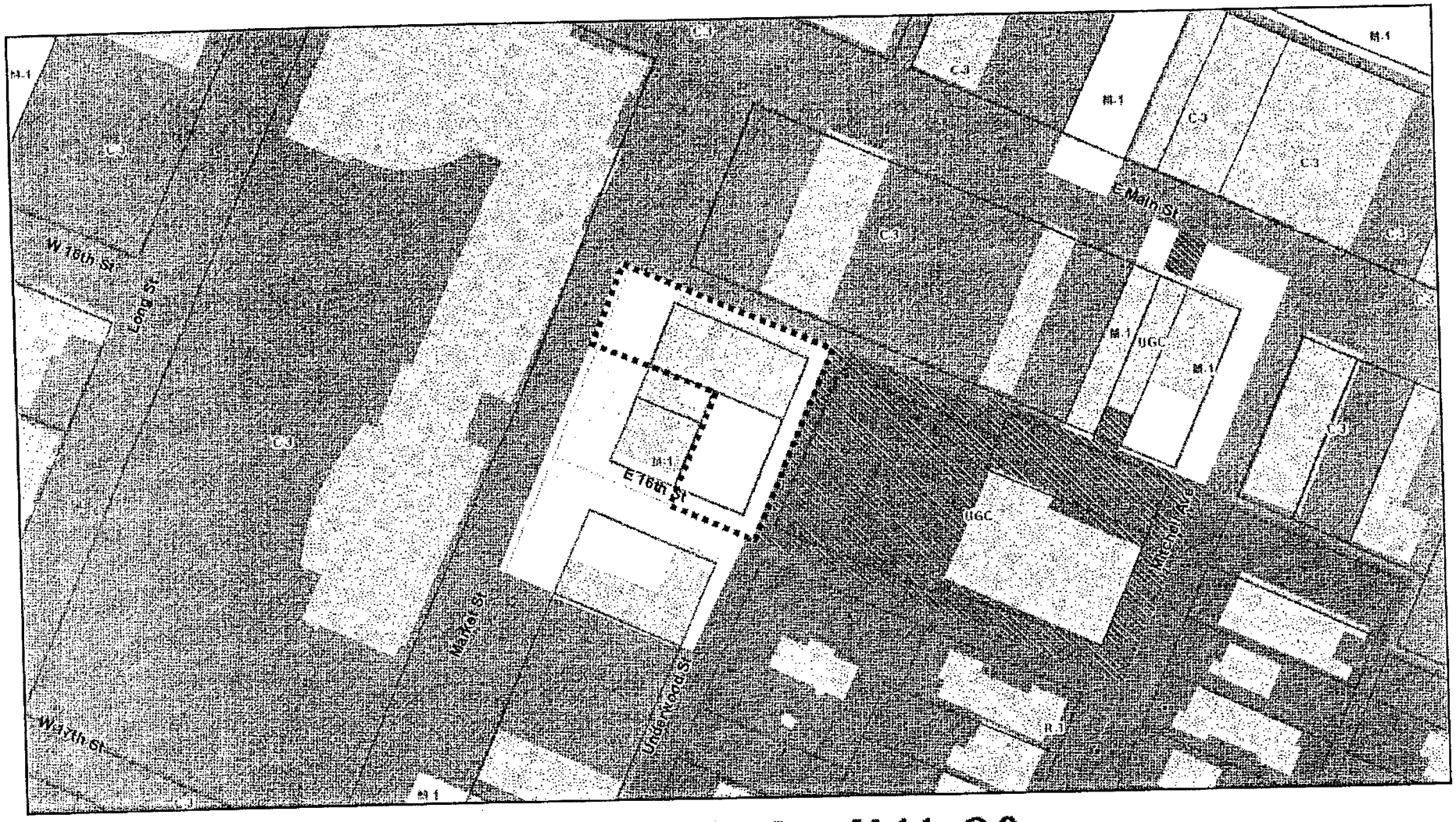
2013-148 Rezoning from M-1 to C-3

North

102 ft

Chattanooga Hamilton County Regional Planning Agency

Chattanooga-Hamilton County RPA Regional Planning Agency



2013-148 Rezoning from M-1 to C-3

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2013-148: Approve, subject to the list of conditions in the Planning Commission Resolution.

North

100 ft

Chattanooga Hamilton County Regional Planning Agency

Chattanooga-Hamilton County RPA Regional Planning Agency

SCHEMATIC DESIGN

Project #:	2013-002
	10/09/2013
	ARCHITECTURAL SITE PLAN
	C1.1
Scale	1" = 20'-0"

1512 Market Street

Chattanooga, TN

10/3/2013 3:16:37 PM

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:

> 2013-146 John Anderson/James P. Little. 1418 O'Grady Drive, from R-1 Residential Zone to R-3 Residential Zone, subject to certain conditions.
>
> 2013-148 Thomas Palmer/Dan Rose. 1512 Market Street and 5 East 16th Street, from M-1 Manufacturing 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:

> 2013-149 Joseph Ingram/Leslie C. Fox. 1000 Block of Dallas Road for a Residential Planned Unit Development.

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

> 2013-134 B & M Development. 1309 Panorama Drive, to lift condition #1 from Ordinance No. 12581 of previous Case No. 2012-015.

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,

December 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.

_____

Sandra Freeman
Clerk to the City Council