

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

2014-004  
E. 10<sup>th</sup> Street RSD, LLC/  
Jake Toner  
Planning Version

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO AMEND CONDITION NO. 3 OF ORDINANCE NO. 11363 OF PREVIOUS CASE NO. 2002-132, BEING MORE PARTICULARLY DESCRIBED HEREIN, 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, so as to amend Condition No. 3 of Ordinance No. 11363 of previous Case No. 2002-132, to increase building height restriction from six stories maximum to seven stories maximum, on property located in the 900 block of Douglas Street, 411 and 415 East 10<sup>th</sup> Street, and the 900 block of University Street, being more particularly described herein:

Lots 1 thru 10, Block 19 of the Plat of Parks Foster's Subdivision in Griffin's Addition to Chattanooga, Deed Book Z, Volume 1, Page 1, ROHC, being the properties described in Deed Book 10133, Page 795; Deed Book 10092, Page 97; Deed Book 10106, Page 560, ROHC. Tax Map Nos. 145E-F-018, 019, 020, 021, 022, 023, 024 and 025.

SECTION 2. BE IT FURTHER ORDAINED to amend Condition No. 3 of Ordinance No. 11363 of previous Case No. 2002-132 subject to the following conditions:

1. Review:

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 Planning and Design Studio.

Historically or architecturally significant structures should be preserved.

2. Setbacks and street frontage:

For commercial buildings a zero building setback is required along a minimum of 80% of all street frontage.

To accommodate outdoor pedestrian activities such as a park, plaza, or outdoor dining, up to a fifteen foot 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 brick, stucco, or stone walls (concrete block can only be used when faced with said materials), decorative metal fences, cast iron, or composite material, or landscaped hedges. Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.

3) Building facades and access:

At least one 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 height of new buildings shall be 2 stories minimum and 7 stories maximum.

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.

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

2014-004  
E. 10<sup>th</sup> Street RSD, LLC/  
Jake Toner  
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

2014-004 City of Chattanooga  
January 13, 2014

## RESOLUTION

WHEREAS, E. 10<sup>th</sup> Street RSD, LLC/Jake Toner petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga Amending Condition #3 of Ordinance #11363 of Previous Case #2002-132 to Increase Building Height Restriction from 6 Stories Maximum to 7 Stories Maximum on properties located in the 900 block of Douglas Street, 411 and 415 East 10th Street, and the 900 block of University Street.

Lots 1 thru 10, Block 19 of the Plat of Parks Foster's Sub Division in Griffin's Addition to Chattanooga, Deed Book Z, Volume 1, Page 1, ROHC, being the properties described in Deed Book 10133, Page 795; Deed Book 10092, Page 97; Deed Book 10106, Page 560, ROHC. Tax Maps 145E-F-018, 019, 020, 021, 022, 023, 024 & 025 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on January 13, 2014,

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 January 13, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to:

1. Review:

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 Planning

and Design Studio.

Historically or architecturally significant structures should be preserved.

2. Setbacks and street frontage:

For commercial buildings a zero building setback is required along a minimum of 80% of all street frontage.

To accommodate outdoor pedestrian activities such as a park, plaza, or outdoor dining, up to a fifteen foot 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 brick, stucco, or stone walls (concrete block can only be used when faced with said materials), decorative metal fences, cast iron, or composite material, or landscaped hedges. Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.

3) Building facades and access:

At least one pedestrian entrance shall be provided from the primary street.

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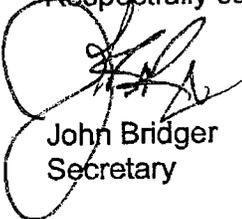
No security-type roll up metal doors shall be permitted to front streets other than interior block alleys.

The height of new buildings shall be 2 stories minimum and 7 stories maximum.

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.

Respectfully submitted,



John Bridger  
Secretary

**Planning Commission Recommendation:  
Approve Staff Recommendation**

Chattanooga-Hamilton County Regional Planning Agency

**STAFF CASE REPORT TO PLANNING COMMISSION**

**Case Number:** 2014-004 **PC Meeting Date:** 1-13-2014

**STAFF RECOMMENDATION:** APPROVE, with Conditions noted below

**Land Use & Transportation Comments**

**Planning Staff:** Applicant Request Overview

The applicant is proposing a seven story structure, consisting of five stories of student housing above two stories of parking. The height limitation attached to their C-3 Central Business District zoning only allows a maximum of six stories. According to the applicant, there are brownfield-related site conditions that prevent them from disturbing the ground in order to locate one floor of parking fully underground. Therefore, they are requesting to have the maximum six story height restriction lifted.

Site Description

The site consists of eight parcels, totaling 2.25 acres. It is bounded by Douglas Street to the west, University Street to the east, 10<sup>th</sup> Street to the south, and an alley to the north, which is shared with properties fronting on MLK Boulevard. All eight parcels are currently vacant and surrounded by barbed wire and chain link fences; a few lots are being used for parking. To the east and west of the site are vacant lots, across the street to the south is a TVA facility, to the north are several business fronting on MLK Boulevard, including Champy's restaurant.

Zoning History

All eight parcels were zoned C-3 Central Business District with conditions in 2003, after an MLK neighborhood study that resulted in the re-zoning of many properties between McCallie and 11<sup>th</sup> Street. Property across the street is zoned M-2 Manufacturing, all other surrounding property is zoned C-3 Central Business District.

Plans/Policies

The MLK Community Plan recommends higher density mixed use buildings, pedestrian-oriented uses, and streetscape enhancements for the area covered by the applicant's proposal. The applicant's proposal is consistent with the MLK Community Plan.

A condition attached to the properties' zoning requires that development also be consistent with the recommendations of the Downtown Plan. The Downtown Plan recommends that parking structures fronting on public streets provide liner buildings with pedestrian-oriented uses such as retail stores or cafés.

While the density of the surrounding neighborhood may not yet support such uses, Staff has recommended to the applicant that the proposed building be designed to allow the possibility of incorporating retail in the future. Due to the amount of vacant land in that area, and

## STAFF CASE REPORT TO PLANNING COMMISSION

	<p>the need for student and other types of housing, it is reasonable to anticipate that the surrounding neighborhood will be built out to a density that supports a mix of retail uses and services. Under that scenario, and consistent with the MLK and Downtown Plans; Staff strongly encourages the applicant to allow for the possibility of additional uses along the frontage of 10<sup>th</sup> Street.</p>
	<p>All land development projects are reviewed by City Engineering &amp; Water Quality staff, Traffic Engineering &amp; 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>
<p><b>Transportation Department Staff:</b></p>	<p>Streetscape enhancements such as sidewalks, street trees, and lighting will be required.</p>
<p><b>Summary</b></p>	<p>The original condition that restricts building height was intended to prevent out-of-scale structures or high-rise type buildings in the MLK community. The intent of the conditions is also to ensure compatibility with the surrounding neighborhood.</p> <p>In this instance, the area immediately surrounding the applicant's property is mostly industrial, warehouse, manufacturing, office, or vacant property. The nearest residential use is student housing north of MLK Boulevard, and the nearest single-family detached neighborhood is 6 blocks away east of the railroad tracks. Due to the lack of existing neighborhood context, the applicant's proposal could set a positive precedent for the scale of building and type of architecture that is appropriate in this transitional area.</p> <p>Since the applicant's proposal is consistent with the MLK Community Plan and the Downtown Plan, since there is a great need for housing in this area, and since the proposed building is of a size and character that could create a desirable precedent for the area, Staff recommends approval of the request to lift the condition that building height be limited to six stories. However, Staff also recommends that the six story restriction be replaced with a seven story restriction, so that any development on the property remains compatible with the conditions attached to the C-3 Central Business District zoning of the surrounding property.</p> <p>Therefore, Staff recommends that the conditions attached to the</p>

## STAFF CASE REPORT TO PLANNING COMMISSION

applicant's property be revised as follows:

1. Review:

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 Planning and Design Studio. Historically or architecturally significant structures should be preserved.

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4) Placement of equipment:

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# LIFT/AMEND CONDITIONS APPLICATION FORM

**CASE NUMBER: 2014-004** Date Submitted: 12-06-2013

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

**1 Applicant Request**

<b>Conditions</b>	<b>Description: Increase building height restriction from 6 stories maximum to 7 stories maximum. Amend Condition</b>
	Resolution/Ordinance Number: 11363
	Previous Case Number: 2002-132

**2 Property Information**

Property Address:	930 Douglas Street; 411 & 415 East 10th Street.
Property Tax Map Number(s):	145E-F-020, 021, 022, 023, 024, & 025

**3 Proposed Development**

Reason for Request and/or Proposed Use:	Apartment Development
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**4 Site Characteristics**

Current Zoning:	C-3
Current Use:	Parking Lot
Adjacent Uses:	Commercial buildings, parking lots, and 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: E. 10th Street RSD, LLC c/o Jake Toner		Address: 1507 Wilder Road	
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: 37406-4067	Email: jtoner@riversidedevelopmentllc.com
Phone 1: (423) 693-2167	Phone 2: (423) 855-5554	Phone 3:	Fax: (423) 894-5458

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

Name:	Phone:
Address:	

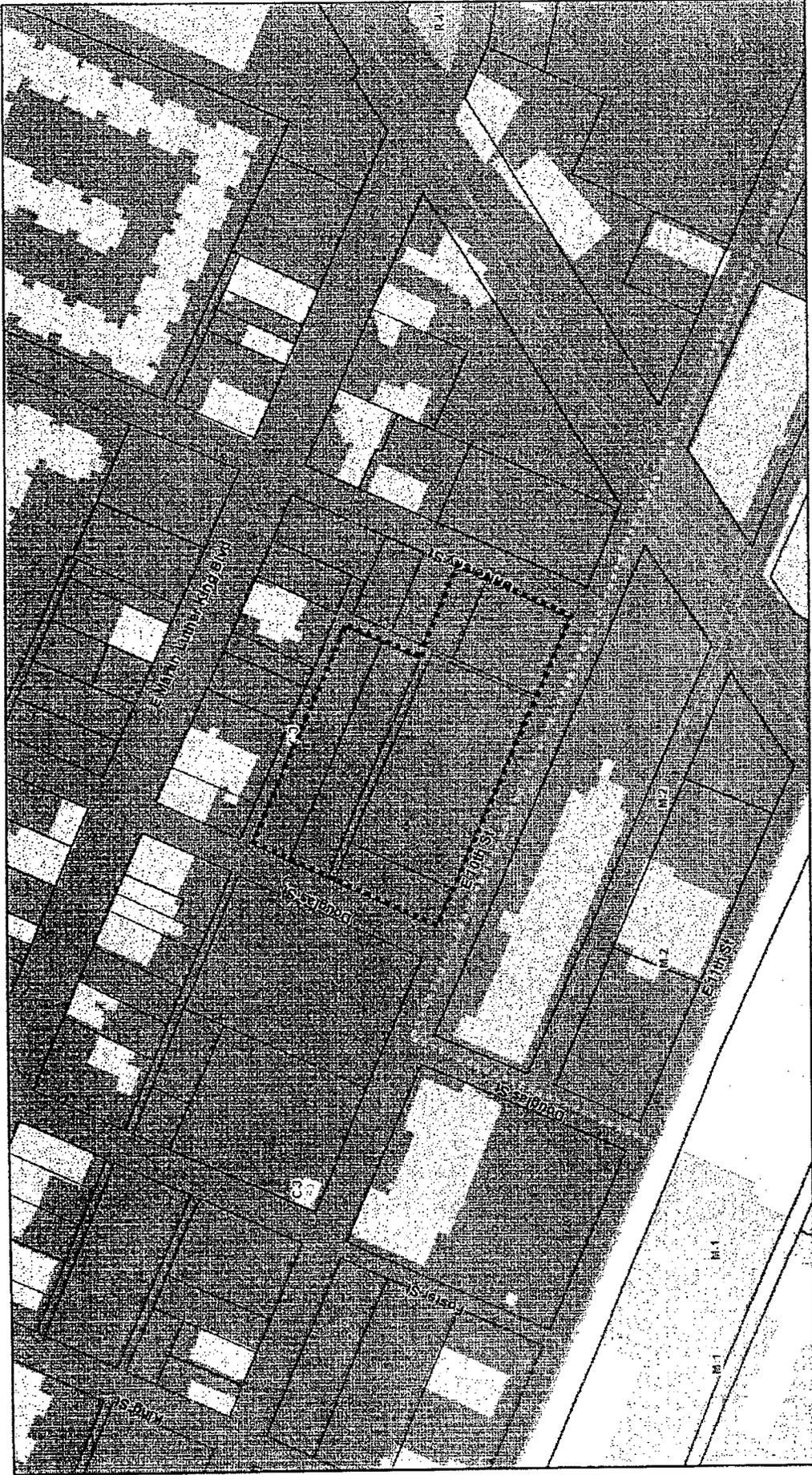
**Office Use Only:**

Planning District: 8a	Neighborhood: MLK Neighborhood Association	
Hamilton Co. Comm. District: 6	Chart. Council District: 8	Other Municipality:
Staff Rec.	PC Action/Date:	Legislative Action/Date/Ordinance:

**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: 2.254	<input checked="" type="checkbox"/> Deeds <input checked="" type="checkbox"/> Plats, if applicable

Deed Book(s): Volume Z, Page 3		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 3
Plat Book/Page: N/A (Referred to in Deed)		<input checked="" type="checkbox"/> Check	Check Number: 5739
<input checked="" type="checkbox"/> Filing Fee: \$150.00	Cash	Application processed by: Trevor Slayton	
Planning Commission meeting date: 1-13-2014			



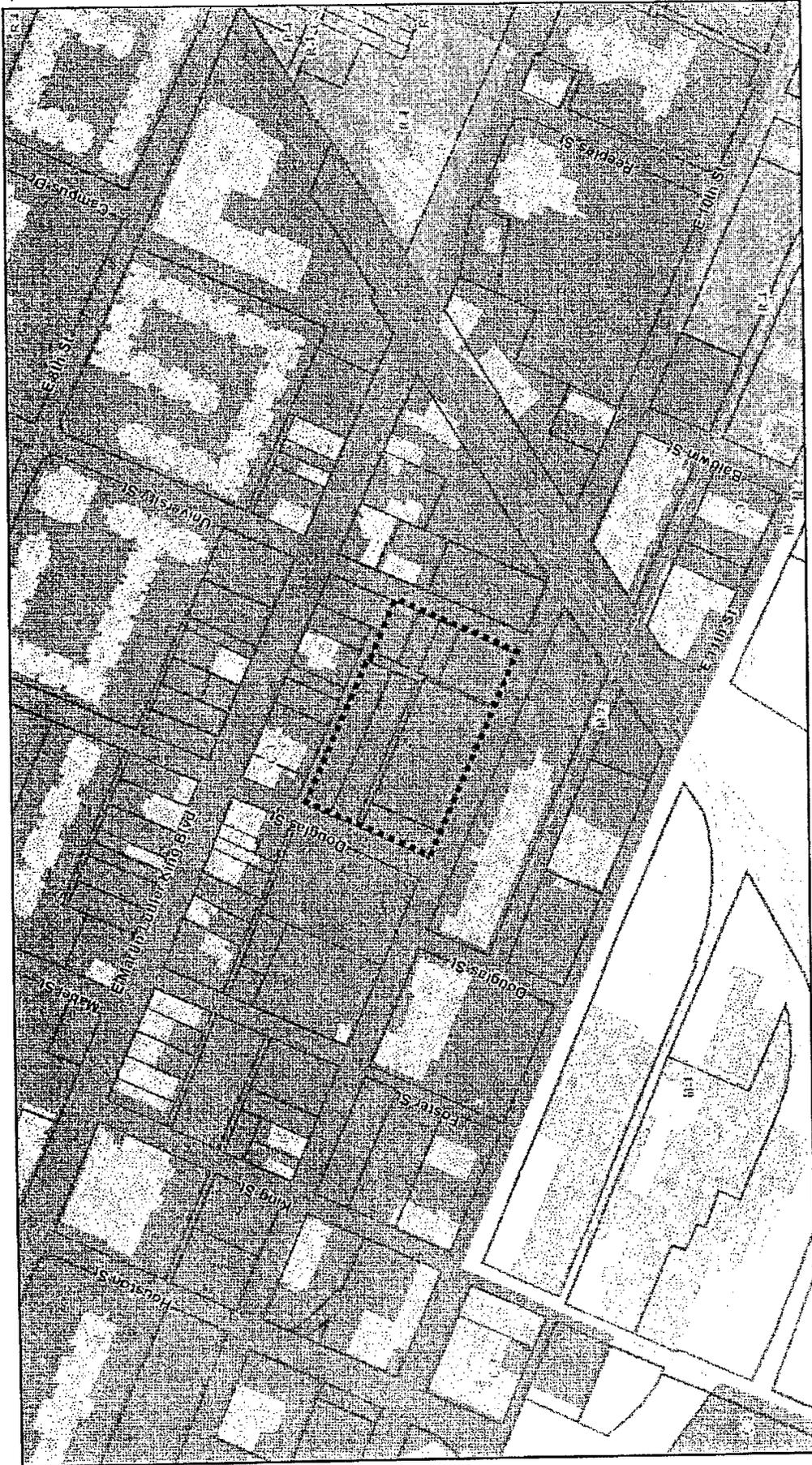
## 2014-004 Amend Conditions



186 ft



Chattanooga Hamilton County Regional Planning Agency



## 2014-004 Amend Conditions

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2014-004: Approve, subject to the conditions listed in the Planning Commission Resolution.



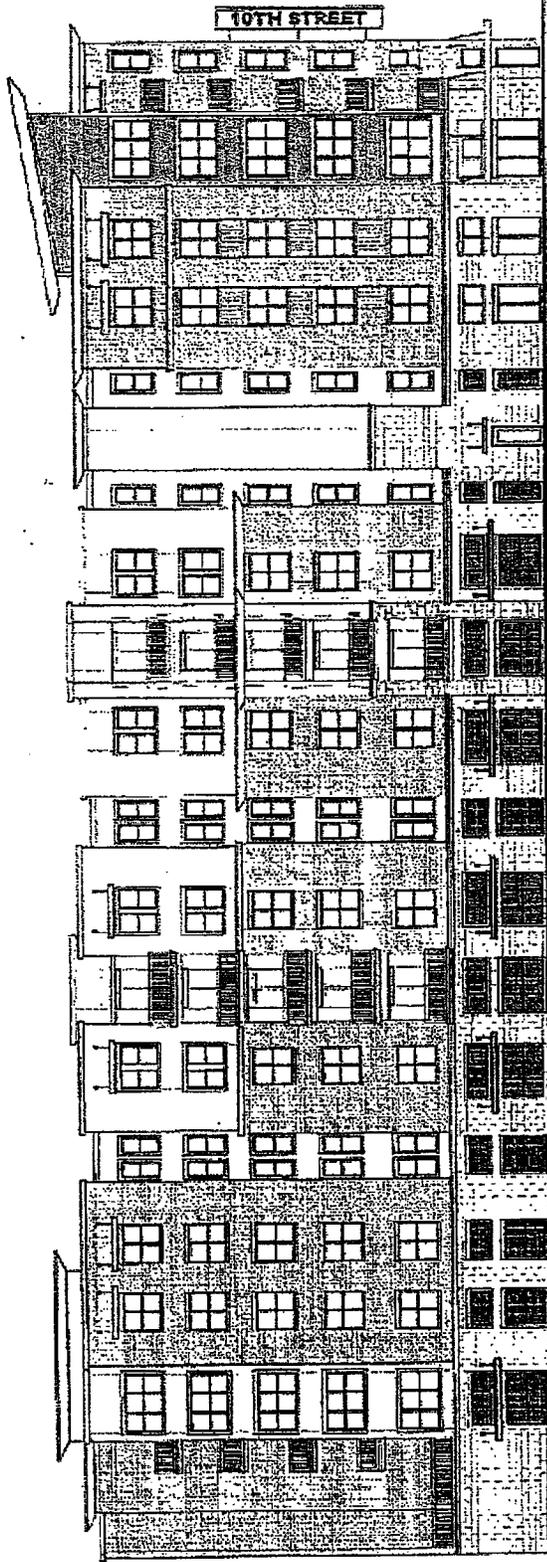
250 ft

Chattanooga-Hamilton County  
**RPA**  
 Regional Planning Agency



**Chattanooga Hamilton County Regional Planning Agency**

# E 10TH STREET ELEVATION



NOTE: 7 STORIES TOTAL (2 STORIES PARKING, 5 STORIES APARTMENTS)



**MAP ENGINEERS L.L.C.**  
Professional Engineer  
State of Tennessee  
No. 0000000000



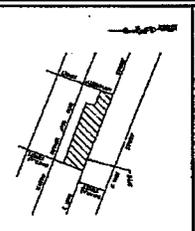
GRAPHIC SCALE  
0 10 20 30 40 50  
FEET

**EAST 10th STREET APARTMENTS**  
FOR  
RIVERSIDE DEVELOPMENT, LLC  
1507 WALDER STREET  
CHATTAHOOGA, TN 37406

**SITE PLAN**

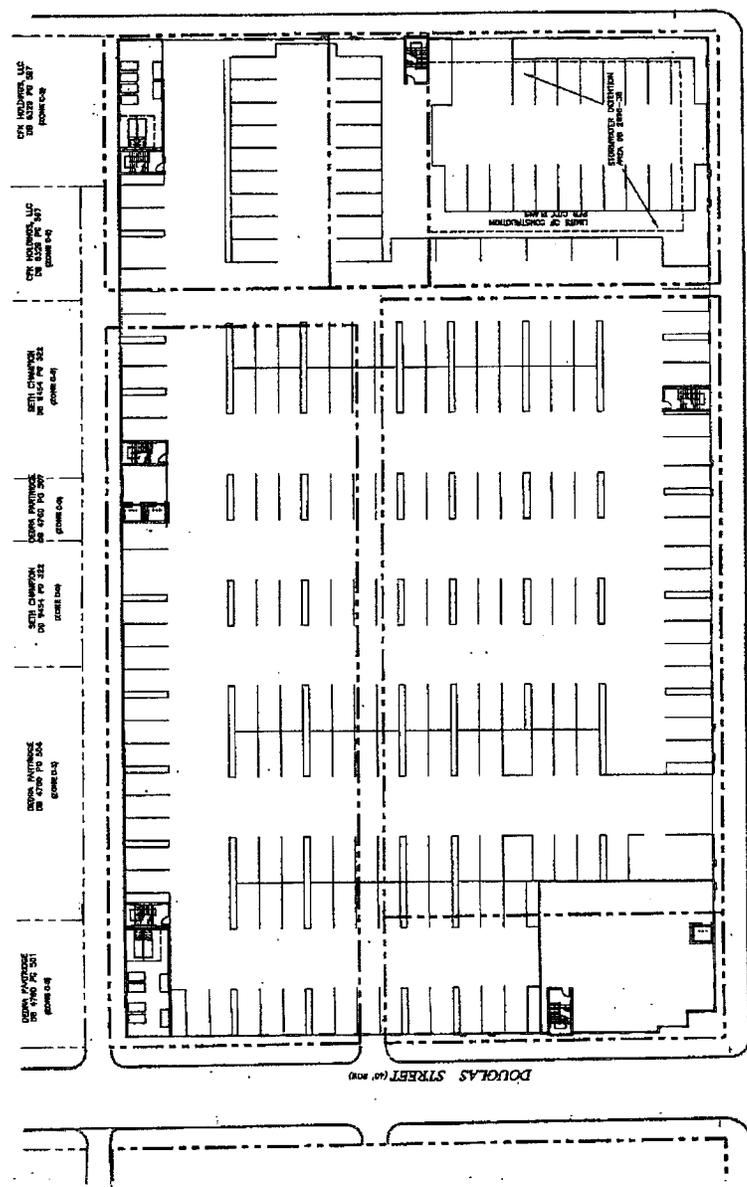
**REVISIONS**

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		



**SITE ANALYSIS**

ADDRESS: 1507 WALDER ST. 411 & 412 EAST 10TH ST.  
 ZONING: RES-1 (RESIDENTIAL SINGLE-FAMILY)  
 PLAT BOOK / PAGE NUMBER: 1507 WALDER ST. PLAT BOOK 1507 WALDER ST. PAGE 1507  
 AREA: 1.5 ACRES  
 DISTRICT: 1507 WALDER ST. DISTRICT  
 SUBDIVISION: 1507 WALDER ST. SUBDIVISION  
 DEED: 1507 WALDER ST. DEED  
 DEED NUMBER: 1507 WALDER ST. DEED NUMBER  
 DEED DATE: 1507 WALDER ST. DEED DATE  
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**E. 10TH STREET (40' R.O.W.)**

**Site Plan**  
SCALE: 1" = 40'



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**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:

The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to amend condition be approved:

2014-004 E. 10<sup>th</sup> Street RSD, LLC/Jake Toner. 900 block of Douglas Street, 411 and 415 East 10<sup>th</sup> Street, and the 900 block of University Street, to amend Condition No. 3 of Ordinance No. 11363 of previous Case No. 2002-132 to increase building height restriction from six stories maximum to seven stories maximum, subject to certain conditions.

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,

**January 28, 2014**

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 \_\_\_\_\_, 2014.

\_\_\_\_\_  
Sandra Freeman  
Clerk to the City Council