

First Reading: _____
Second Reading: _____

2014-017
Thomas Palmer
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 329 MARKET 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 329 Market Street, more particularly described herein:

Part of an unplatted tract of land located at 329 Market Street, beginning at the southwest corner of Tax Map 135MA-A-002 going south 28 feet, thence east 200 feet, thence north 28 feet, thence west 200 feet to the point of beginning, being part of the property described in Deed Book 10138, Page 491, ROHC. Tax Map (part) No. 135MA-A-002.

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 subject the following:

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.
 - (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.

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 three (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 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 fifty percent (50%) 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: _____

2014-017
Thomas Palmer
District No. 7
Applicant Version

ORDINANCE NO. _____

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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 329 Market Street, more particularly described herein:

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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.

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Passed on second and final reading:_____

CHAIRPERSON

APPROVED:____ DISAPPROVED:____

MAYOR

/mms

2014-017 City of Chattanooga
February 10, 2014

RESOLUTION

WHEREAS, Thomas Palmer 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, property located at 329 Market Street.

Part of an unplatted tract of land located at 329 Market Street, beginning at the southwest corner of Tax Map 135MA-A-002 going south 28 feet, thence east 200 feet, thence north 28 feet, thence west 200 feet to the point of beginning, being part of the property described in Deed Book 10138, Page 491, ROHC. Tax Map (part) 135MA-A-002 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on February 10, 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 February 10, 2014, 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:

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- 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.

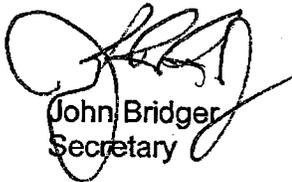
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- (4) All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.

Respectfully submitted,


John Bridger
Secretary

ZONING APPLICATION FORM**CASE NUMBER: 2014-017****Date Submitted: 01-10-2014**

(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: 0.13 Acres		

2 Property Information

Property Address:	329 Market Street
Property Tax Map Number(s):	135MA-A-003

3 Proposed Development

Reason for Request and/or Proposed Use:	We would request that the entire building to be zoned C-3 for proposed uses of a Distillery, Restaurant, and Offices
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4 Site Characteristics

Current Zoning:	M-1 & C-3
Current Use:	Vacant Building
Adjacent Uses:	C-3

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 Street #11		
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: 37408	Email: thomas@palmerbe.com
Phone 1: 423-903-7050	Phone 2:	Phone 3:	Fax:

6 Property Owner Information (if not applicant)

Name: Still House Properties, LLC	Phone: 770-893-9116
Address: 920 McCallie Avenue Chattanooga, TN 37403	

Office Use Only:

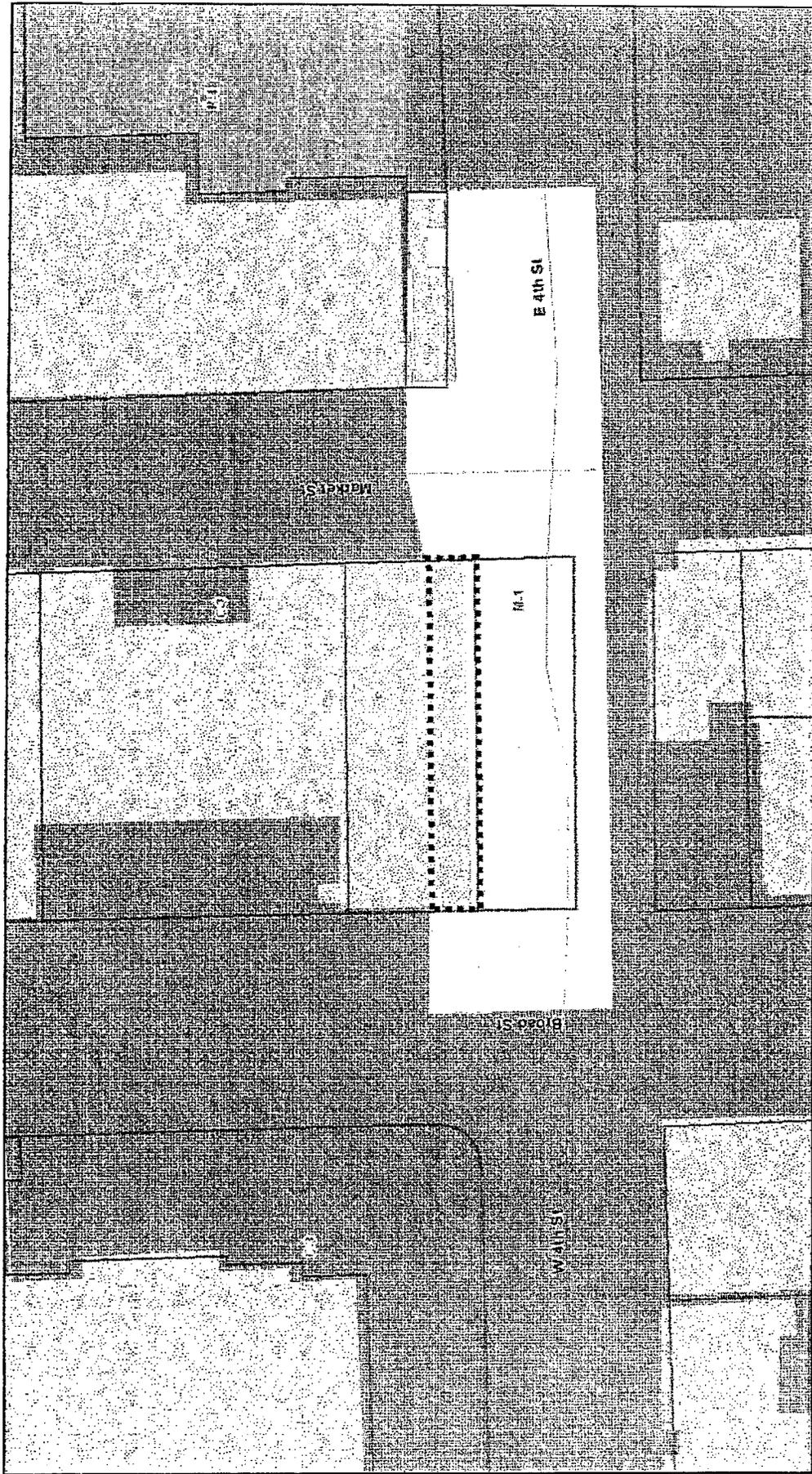
Planning District: 8A	Neighborhood: N/A	
Hamilton Co. Comm. District: 6	Chatt. Council District: 7	Other Municipality:
Staff Rec:	PC Action/Date:	Legislative Action/Date/Ordinance:

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: 0.13	<input checked="" type="checkbox"/> Deeds
Deed Book(s): 7990-655		
Plat Book/Page:	<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 3
<input checked="" type="checkbox"/> Filing Fee: 635.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check
Check Number: 1087		
Planning Commission meeting date: 2-10-2014		Application processed by: Trevor & Marcia

PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL

Case Number:	2014-017	PC Meeting Date: 2-10-2014
PC RECOMMENDATION:	APPROVE, subject to typical C3 conditions.	
Reason(s) for Recommendation	<ul style="list-style-type: none">• Proposed development will re-use an existing downtown building.• Proposed development will bring new activity to this part of downtown.• Proposed development is supported by the Downtown Plan.• This would be an extension of existing C3 zoning.	
Applicant Present at PC Meeting?	Yes	
Opposition Present at PC Meeting?	No	



2014-017 Rezoning from M-1 to C-3

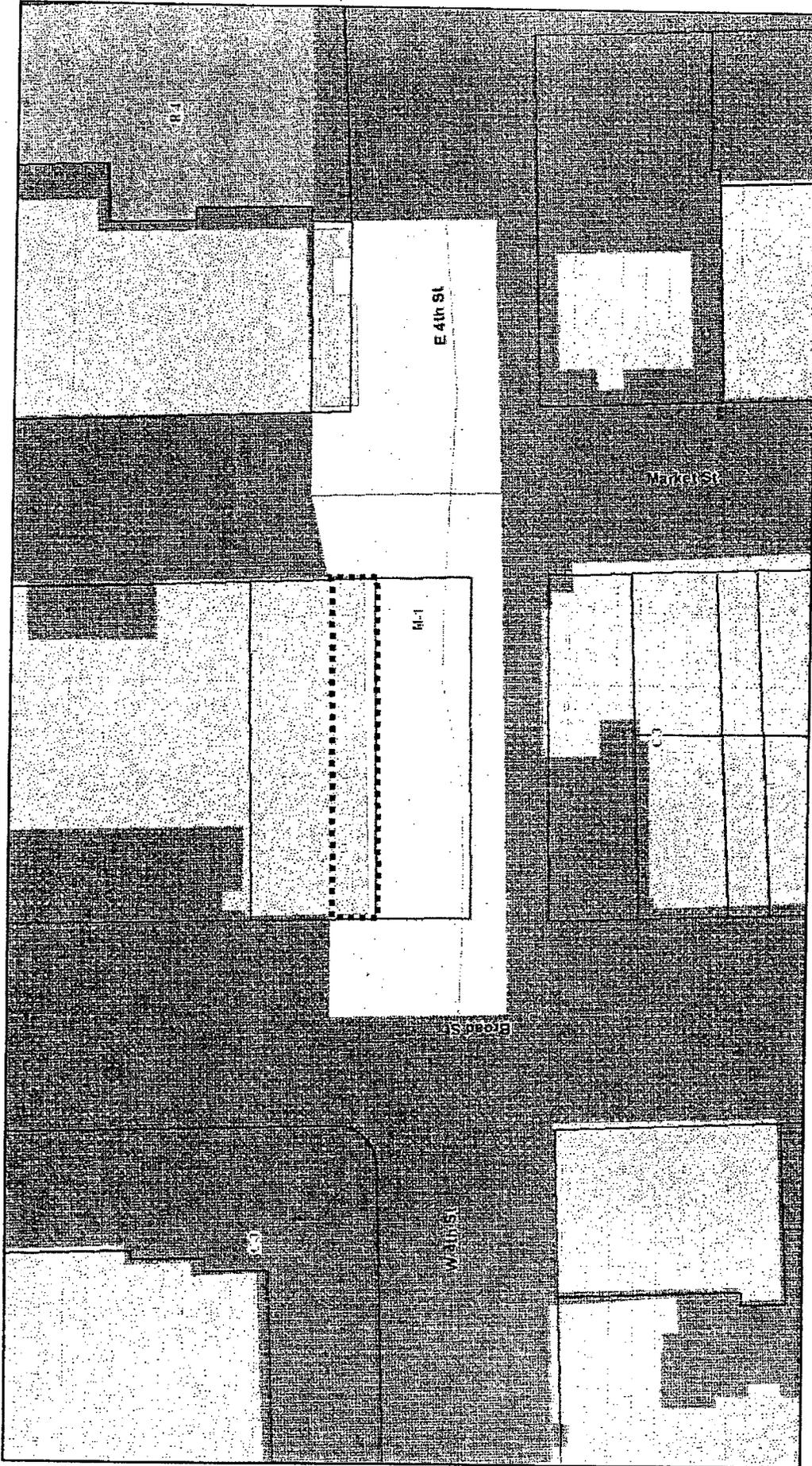
PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2014-017: Approve, subject to the conditions listed in the Planning Commission Resolution.



80 ft



Chatham Hamilton County Regional Planning Agency



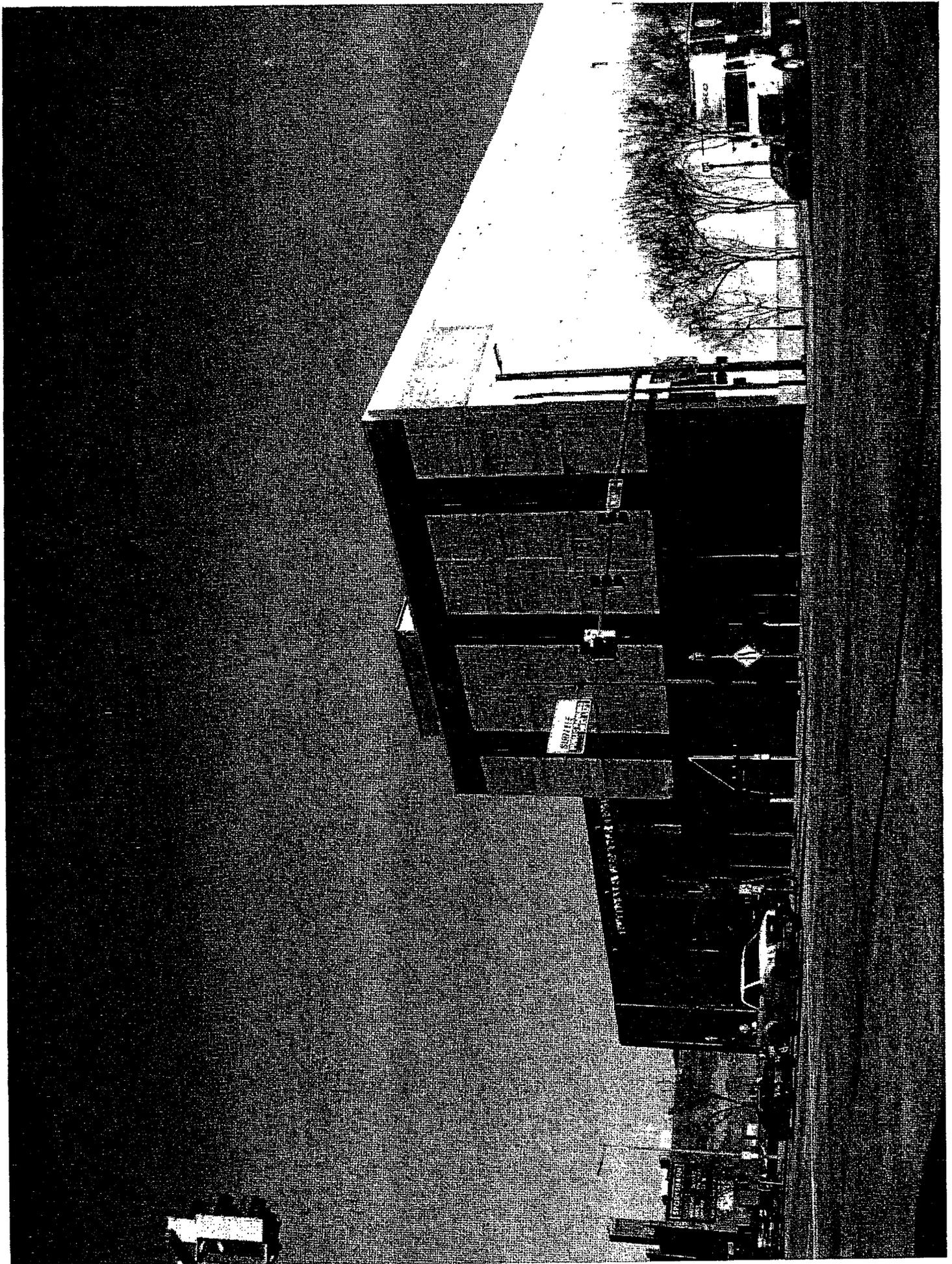
2014-017 Rezoning from M-1 to C-3



82 ft



Chattanooga 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:

2014-005 Arbour Valley Development/Michael & Edward Manz, IV. 2848 Anderson Terrace, from R-1 Residential Zone to R-3 Residential Zone, subject to certain conditions.

2014-014 Ethan Wood/Matt Wood. 5906 Hancock Road, from R-1 Residential Zone to M-2 Light Industrial Zone, subject to certain conditions.

2014-015 NAI Charter Real Estate Corporation/David Graham. 2125 and 2129 West Shepherd Road, from R-2 Residential Zone to M-1 Manufacturing Zone, subject to certain conditions.

2014-017 Thomas Palmer. 329 Market 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 petition to rezone be denied:

2013-158 Justin Cox/BA Duong. 2537 and 2541 Tunnel Boulevard, from R-1 Residential Zone to RT-1 Residential Townhouse Zone.

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

2014-013 Andre Shved. 306 and 308 Oliver Street, to lift conditions 1, 2, 3, and 4 from Ordinance No. 11657 of previous Case Number 2004-243 to allow Single Family Homes Only.

4. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following amendment be made to the Chattanooga City Code, Part II, Chapter 38, known as the Chattanooga Zoning Ordinance by:

- (a) Adding distilleries as an allowable use under Special Exceptions Permit requirements in the C-2 Convenience Commercial Zone, UGC Urban General Commercial Zone, C-3 Central Business Zone, and M-1 Manufacturing Zone;
- (b) Amending Definitions for Section 38-2 for Alcohol Distillery;
- (c) Amending Section 38-185 by adding a new subsection (1)(c) Alcohol Distillery, Small to the C-2 Convenience Commercial Zone;
- (d) Amending Section 38-205 by adding a new subsection (3) Alcohol Distillery, Small to the UGC Urban General Commercial Zone;
- (e) Amending Section 38-224 by adding a new subsection (1)(c) Alcohol Distillery, Small to the C-3 Central Business Zone; and
- (f) Amending Section 38-303 by adding a new subsection (2) Alcohol Distillery, Small and Alcohol Distillery, Large to the M-1 Manufacturing Zone and renumber the remaining uses.

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,

March 11, 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