

First Reading: _____
Second Reading: _____

2014-105
Charles Ankar/Joyce Douglas
District No. 7
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1812, 1816, AND 1818 MADISON 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 properties located at 1812, 1816, and 1818 Madison Street, more particularly described herein:

Lots 5-7 of Boyce Amended Addition Number 2 to Chattanooga, Plat Book 5, Page 39, ROHC, being the property described in Deed Book 4554, Page 16, ROHC. Tax Map Nos. 145M-S-002, 003, and 005.

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 to 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 6A.

- 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 shall be used for adjacent lots.
 - 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 6A. 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 1 shade tree or 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 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

/mem

First Reading: _____
Second Reading: _____

2014-105
Charles Ankar/Joyce Douglas
District No. 7
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1812, 1816, AND 1818 MADISON STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE.

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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.

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

/mem

2014-105 City of Chattanooga
October 13, 2014

RESOLUTION

WHEREAS, Charles Ankar/Joyce Douglas 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 1812, 1816, and 1818 Madison Street.

Lots 5-7 of Boyce Amended Addition Number 2 to Chattanooga, Plat Book 5, Page 39, ROHC, being the property described in Deed Book 4554, Page 16, ROHC. Tax Map 145M-S-002, 003, and 005 as shown on the attached map.

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

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

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 6A.

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 shall be used for adjacent lots.
- E. The primary pedestrian entrance to new buildings shall be provided from the primary street.

5. Off-street parking.

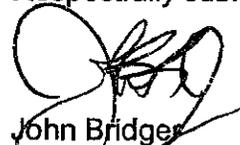
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 - (4) Type of uses and hours of operation
 - (5) Square footage of commercial uses or number of residential units

(6) Fire Department access

6. Street Frontage.

- A. Where a street edge is required, it shall be provided as follows:
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 - a. Brick, stucco, or stone walls (concrete block is permitted if faced with said materials); or
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 - 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

ZONING APPLICATION FORM

CASE NUMBER:	2014-105	Date Submitted:	08-25-2014
(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: 0.15 + or -			
2 Property Information			
Property Address:	1812, 1816 & 1818 Madison Street		
Property Tax Map Number(s):	145M-S-002, 003 & 005		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Single Family Residences		
4 Site Characteristics			
Current Zoning:	M-1		
Current Use:	Vacant		
Adjacent Uses:	Single Family Residential		
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: Charles Ankar		Address: 6101 Shallowford Road Suite 103	
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: 37421	Email: cankardds@gmail.com
Phone 1: 423-309-6616	Phone 2: 423-309-0757	Phone 3: 423-892-4477	Fax: 423-892-4229
6 Property Owner Information (if not applicant)			
Name: Joyce Douglas		Phone: 423-493-9699	
Address: 4634 Woodmore View Circle Chattanooga, TN 37411			
Office Use Only:			
Planning District: 8A		Neighborhood: Jefferson Heights, Southside Historic District	
Hamilton Co. Comm. District: 4		Chatt. Council District: 7	
Staff Rec.:		Other Municipality:	
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"/>	Total Acres to be considered: 0.15
<input checked="" type="checkbox"/>	Site Plan, if required	<input checked="" type="checkbox"/>	Deeds
<input checked="" type="checkbox"/>	Plats, if applicable	<input checked="" type="checkbox"/>	Deed Book(s): 4554-16
<input checked="" type="checkbox"/>	Plat Book/Page: 5-39	<input checked="" type="checkbox"/>	Notice Signs
<input checked="" type="checkbox"/>	Number of Notice Signs: 2	<input checked="" type="checkbox"/>	Cash
<input checked="" type="checkbox"/>	Filing Fee: 635.00	<input checked="" type="checkbox"/>	Check
<input checked="" type="checkbox"/>	Check Number: 1089	Planning Commission meeting date: October 13, 2014	
Application processed by: Marcia Parker			

STAFF CASE REPORT TO PLANNING COMMISSION

Case Number:	2014-105	PC Meeting Date: 10-13-14
Applicant Request:	Rezone from M-1 Manufacturing Zone to C-3 Central Business Zone	
Property Location:	1812, 1816, 1818 Madison Street	
Property Owner:	Joyce Douglas	
Applicant:	Charles Ankar	
Staff Recommendation:	APPROVE with the conditions stated below	

PROJECT ANALYSIS

RPA Land Use & Transportation Comments

Project Description

The applicant is proposing to re-subdivide the property in order to construct single family residences.

Site Description

The 0.15 acre site consists of three parcels of property, currently vacant and proposed to be re-subdivided into three (3) lots for residential use. Each proposed lot size ranges from 2,100 to 2,284 square feet in area. Jefferson Heights Park is located immediately across Madison Street from these three (3) lots. The properties to the north and west are residential and are zoned either R-3 Residential Zone or C-3 Central Business Zone. Properties to the south are manufacturing. A railroad line borders the property on the east side.

Zoning History

This site has had no recent rezoning change. Properties to the north have been rezoned to C-3 Central Business Zone in 2007 and 2014.

Plans/Policies

This site is within the 2004 Downtown Plan, which calls for a range of new housing to be built around Jefferson Heights Park. *"The mix should include single family housing, duplexes and apartment units."*

The Downtown Plan also addresses access and parking. Multiple driveways along a street *"interrupt the quality of the pedestrian experience and discourage walking. Side streets and alleys should be used for vehicular access. Off-street parking should be provided to the rear of buildings."* The existing residences to the immediate north of these three (3) lots conform to these guidelines by using shared drives to access parking to the rear of the homes.

City Departmental Infrastructure & Operational Comments

All land development projects are reviewed by City Engineering & Water Quality staff, Transportation Department 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.

RPA Summary

The proposed single-family use is in keeping with the 2004 Downtown Plan and with the recent surrounding residential development, however the submitted site plans indicate separate driveways for each lot and garages fronting the street, which is not in keeping with the Downtown Plan or the

STAFF CASE REPORT TO PLANNING COMMISSION

surrounding residential development. Approval of the C-3 Central Business Zone is recommended with the following conditions:

1. Review.

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STAFF CASE REPORT TO PLANNING COMMISSION

3. Height Requirements.

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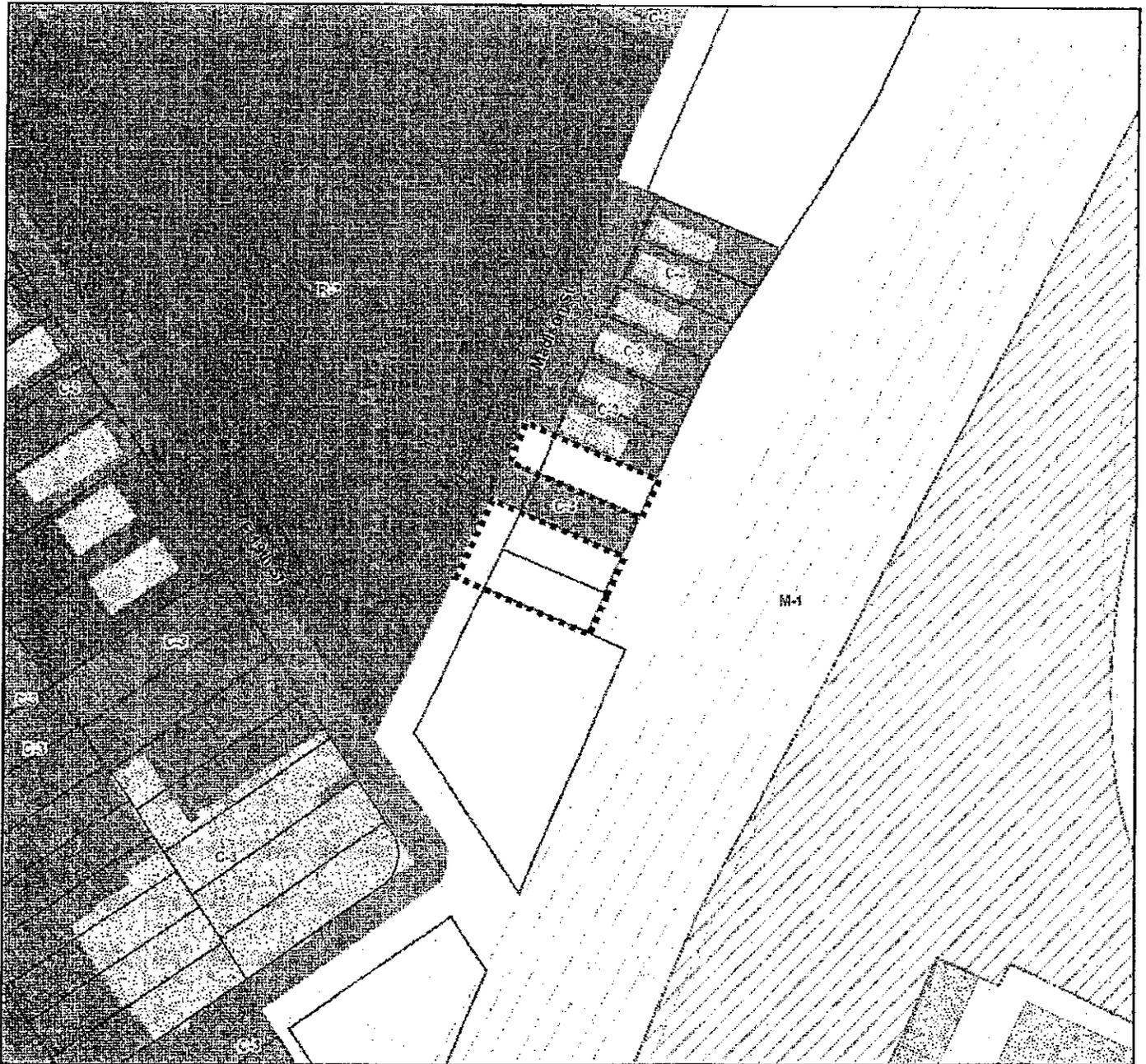
STAFF CASE REPORT TO PLANNING COMMISSION

- (1) Proximity to transit stops
- (2) Provision of bicycle facilities
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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.



2014-105 Rezoning from M-1 to C-3

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2014-105:
 Approve, subject to the list of conditions in the Planning Commission Resolution.

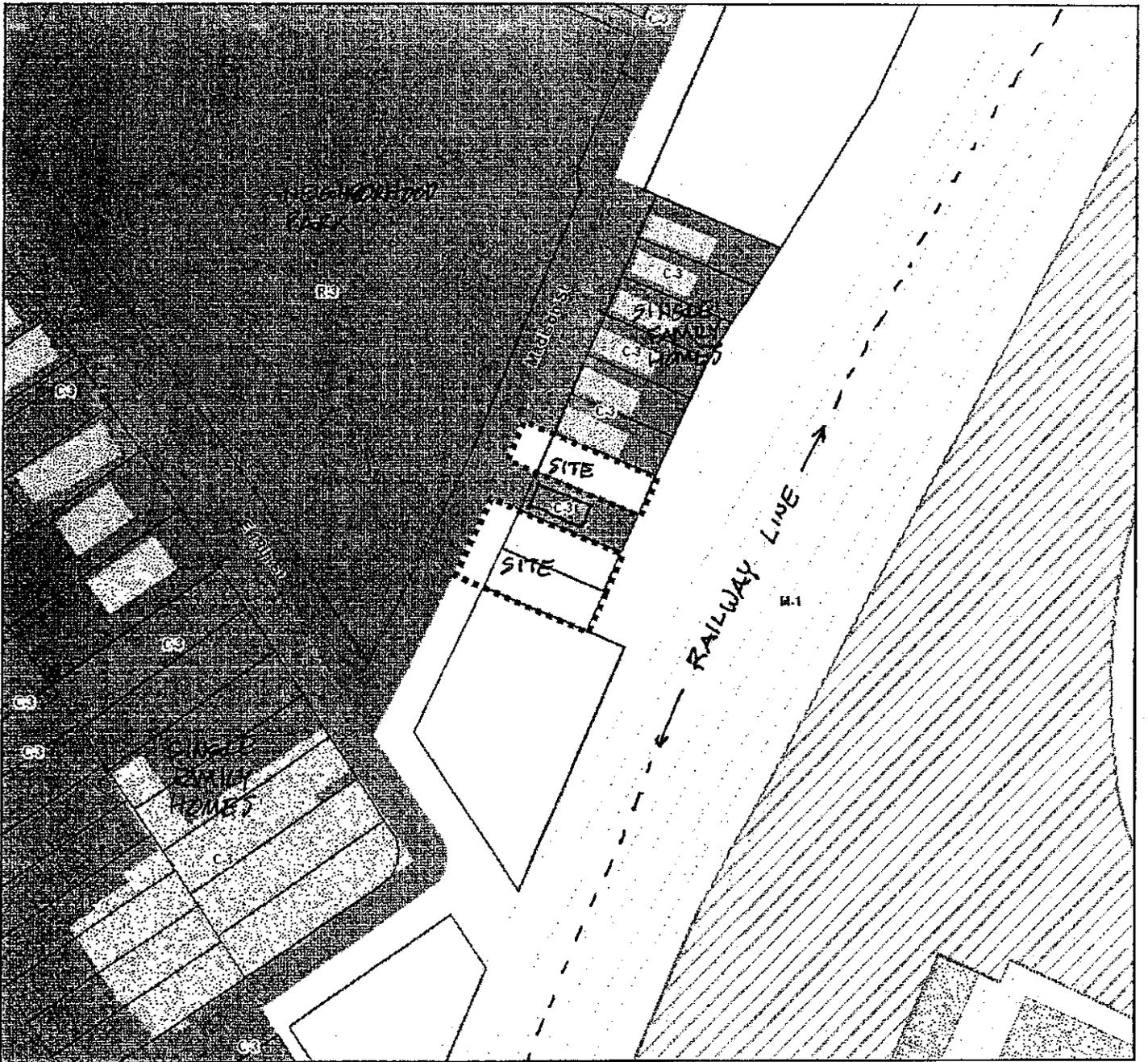


100 ft



Chattanooga Hamilton County Regional Planning Agency





2014-105 Rezoning from M-1 to C-3



3 Single Family Homes Proposed



100 ft

Chattanooga Hamilton County Regional Planning Agency

RPA

General Notes:

- 1. Tax Map: 146M-5-2, 3 & 6
- 2. Street Address: 1818, 1816 & 1818 Madison Street

OWNER: CHARLIE ANKAR
 6101 SHALLWORTH ROAD SUITE 103
 CHATTANOOGA, TN 37421
 PHONE: (423) 309-6616

PRESENT ZONING: M-1
 REQUESTED ZONING: C-3
 TOTAL SITE ACRES: 0.15±AC.
 DENSITY: 20 UNITS PER ACRE

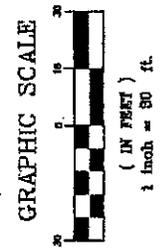
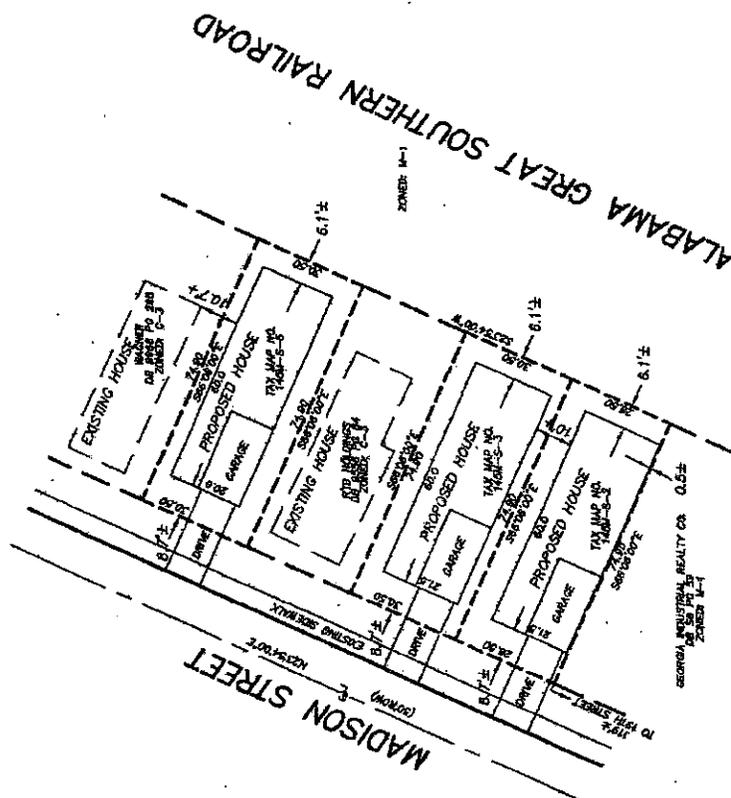
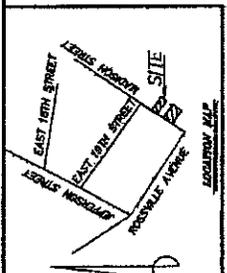
SITE PLAN

PROPERTY DESCRIBED IN DEED BOOK
 4554 PAGE 16 AND IN DEED
 BOOK 3940 PAGE 637
 CHATTANOOGA, HAMILTON COUNTY, TENNESSEE

Drawn: 8-21-2014	Drawn by: R. Middleton	Job #: 14-487
Scale: 1"=80'	Checked: D.M.	
DAVID MATHEWS SURVEYING		
1820 HAMIL ROAD CHATTANOOGA, TENN. 37421 423-870-4208		
		FOLDER

2014-105

RECEIVED
 AUG 25 2014
 Chattanooga Hamilton County
 Regional Planning Agency
 Development Services



NOTICE

WHEREAS, petition to amend Ordinance No. 6958, known as the Zoning Ordinance, has 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:

2014-105 Charles Ankar/Joyce Douglas. 1812, 1816, and 1818 Madison Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2014-108 Alan Haniszewski/HP Partners. 1200 South Watkins Street, 1206 Lyerly Street, and 2308 East 12th Street, from M-1 Manufacturing Zone and R-2 Residential Zone to M-2 Light Industrial Zone, subject to certain conditions.

2014-110 Polestar Development, LLC/Sarah Henshall Rutherford. 7911 East Brainerd Road, from R-4 Special Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2014-111 Polestar Development, LLC/First Cumberland Presbyterian. 1505 North Moore Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone.

2014-112 Passpointe Engineering, PLLC/Walnut Street Enterprises/Marvin Berke/Claudette C. Braley. 102 Walnut Street and 213 East Aquarium Way, from R-4 Special 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:

2014-107 Southern Land Company/Obar Investments, LLC. 900 block of River Gorge Drive, for a Residential Planned Unit Development, subject to certain conditions.

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

2014-109 Hixson Investors, LLC/Mary Eastman. 6300, 6302, and 6306 Grubb Road and part of 5800 block of Highway 153, lifting conditions 1 through 9 from Ordinance No. 11827 of previous Case No. 2006-028, 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) Adding a new sub-section (23) to Article VIII, Section 38-568 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."
- (b) Adding a new definition in alphabetical order to Article II, Section 38-2 entitled, "Lot of Record."
- (c) Amending definition in Article II, Section 38-2 by changing the definition name entitled, "Dwelling, Multiple to Dwelling, Multi-family."
- (d) Adding a new sub-section (5) to Article V, Section 38-92 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."
- (e) Adding a new sub-section (4) to Article V, Section 38-102 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."
- (f) Adding a new sub-section (7) to Article V, Section 38-112 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."
- (g) Adding a new sub-section (15) to Article V, Section 38-122 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."

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,

November 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