

First Reading: _____
Second Reading: _____

2014-130
Thomas Johnson
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 1437 AND 1439 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 properties located at 1437 and 1439 Market Street, more particularly described herein:

Lots 29 and 30 on Block 1 of the J.C. Stanton Subdivision, Record H, Volume 2, Page 156, ROHC, being the properties described in Deed Book 9834, Page 204, ROHC. Tax Map No. 145L-B-011.

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 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 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: _____

2014-130
Thomas Johnson
District No. 7
Applicant Version

ORDINANCE NO. _____

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Passed on second and final reading: _____

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

MAYOR

/mem

2014-130 City of Chattanooga
December 8, 2014

RESOLUTION

WHEREAS, Thomas Johnson 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 1437 and 1439 Market Street.

Lots 29 and 30 on Block 1 of the J.C. Stanton Subdivision, Record H, Volume 2, Page 156, ROHC, being the properties described in Deed Book 9834, Page 204, ROHC. Tax Map 145L-B-011 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on December 8, 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 December 8, 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.
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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.
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- 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.

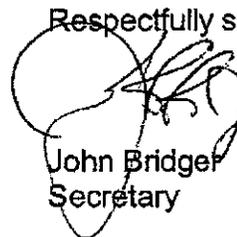
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 - c. An evergreen hedge, with a minimum height at maturity of 3 feet.
 - d. Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.
 - (2) Ground floor openings (doors and windows) shall constitute a minimum of 50 percent 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:	2014-130	Date Submitted: 10/16/2014
(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: 0.167 Acres		
2 Property Information		
Property Address:	1437 and 1439 Market Street	
Property Tax Map Number(s):	145L-B-011	
3 Proposed Development		
Reason for Request and/or Proposed Use:	Business currently has no on-site parking.	
4 Site Characteristics		
Current Zoning:	M-1	
Current Use:	Business	
Adjacent Uses:	Business	
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 Johnson	Address: 1251 Market Street	
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: 37402
Phone 1: 423-756-8838	Phone 2: 423-802-4494	Phone 3: _____ Fax: _____
6 Property Owner Information (if not applicant)		
Name:	Phone:	
Address:		
Office Use Only:		
Planning District: 8a	Neighborhood: Downtown Owners' Collective	
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: 0.167	<input checked="" type="checkbox"/> Deeds <input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 9834-204		
Plat Book/Page: Book H, Volume 2, Page 156	<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 1
<input checked="" type="checkbox"/> Filing Fee: \$635.00	Cash	<input checked="" type="checkbox"/> Check Check Number: 7591
Planning Commission meeting date: 12-8-2014	Application processed by: Trevor Slayton	

STAFF CASE REPORT TO PLANNING COMMISSION

Case Number:	2014-130	PC Meeting Date: 12-8-14
Applicant Request:	Rezone from M-1 Manufacturing Zone to C-3 Central Business Zone	
Property Location:	1437 and 1439 Market Street	
Property Owner:	Thomas Johnson	
Applicant:	Thomas Johnson	
Staff Recommendation:	APPROVE with conditions as shown	

PROJECT ANALYSIS

RPA Land Use & Transportation Comments

Project Description

The applicant plans to renovate the existing building to accommodate a new tenant. The Hot Chocolatier currently occupies one side of the building (approximately 2,300 square feet). The new tenant will be a micro-distillery, with approximately 2,600 square feet.

Site Description

The 0.167-acre lot contains one existing building. As the existing building occupies the majority of the lot, there is no room for on-site parking. On-street parking adjacent to the building is available along Market Street and a public parking garage (Shuttle Park South) is located across Market Street. The rear alley is open and will be used for deliveries.

Surrounding uses include a mix of retail, restaurants, offices, residential, and the Choo Choo complex directly across Market Street.

Zoning History

This site is currently zoned M-1 Manufacturing, as is the property to the immediate south and the Choo Choo complex across Market Street. Many other lots in the vicinity have been rezoned from M-1 Manufacturing Zone to C-3 Central Business Zone in recent years to accommodate urban, mixed use redevelopment.

Plans/Policies

This site is within the 2004 Downtown Plan area. The Downtown Plan recommends a diverse mix of uses throughout the area and the adaptive reuse of existing buildings. The Downtown Plan also recognizes the challenge of providing on-site parking in the urban area and promotes the use of on-street and public parking. Within the Market and Main Streets area, the Downtown Plan specifically recommends "an entertainment district, including music venues and restaurants on the ground floor."

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.

STAFF CASE REPORT TO PLANNING COMMISSION

RPA Summary

The proposed zoning and reuse of the existing building is consistent with the recommendations of the Downtown Plan and with surrounding redevelopment and land uses. The RPA recommends approval of the applicant's request to rezone from the M-1 Manufacturing Zone to C-3 Central Business Zone with the following conditions:

1. Review.

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STAFF CASE REPORT TO PLANNING COMMISSION

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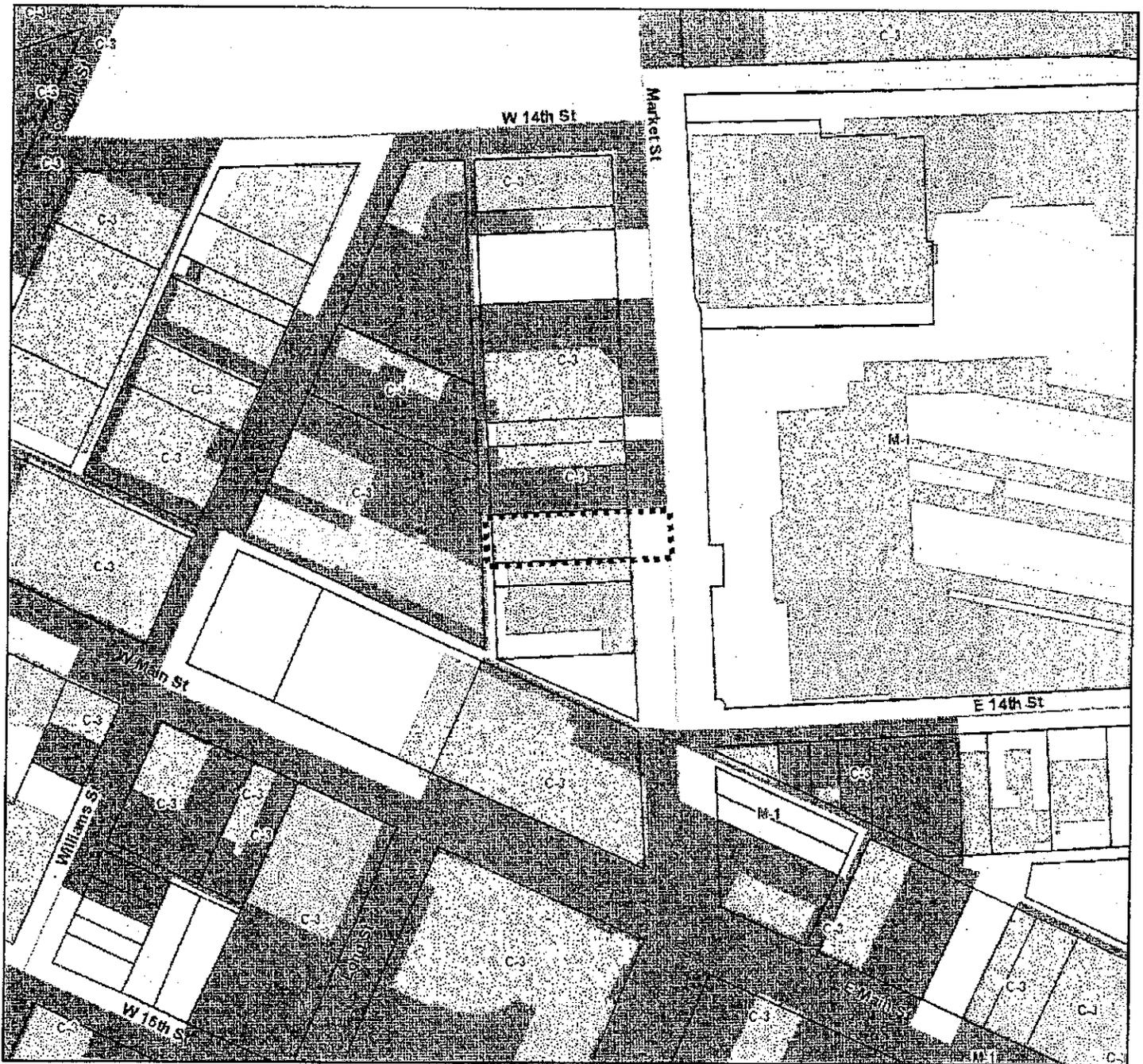
STAFF CASE REPORT TO PLANNING COMMISSION

- (2) Provision of bicycle facilities
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2014-130 Rezoning from M-1 to C-3

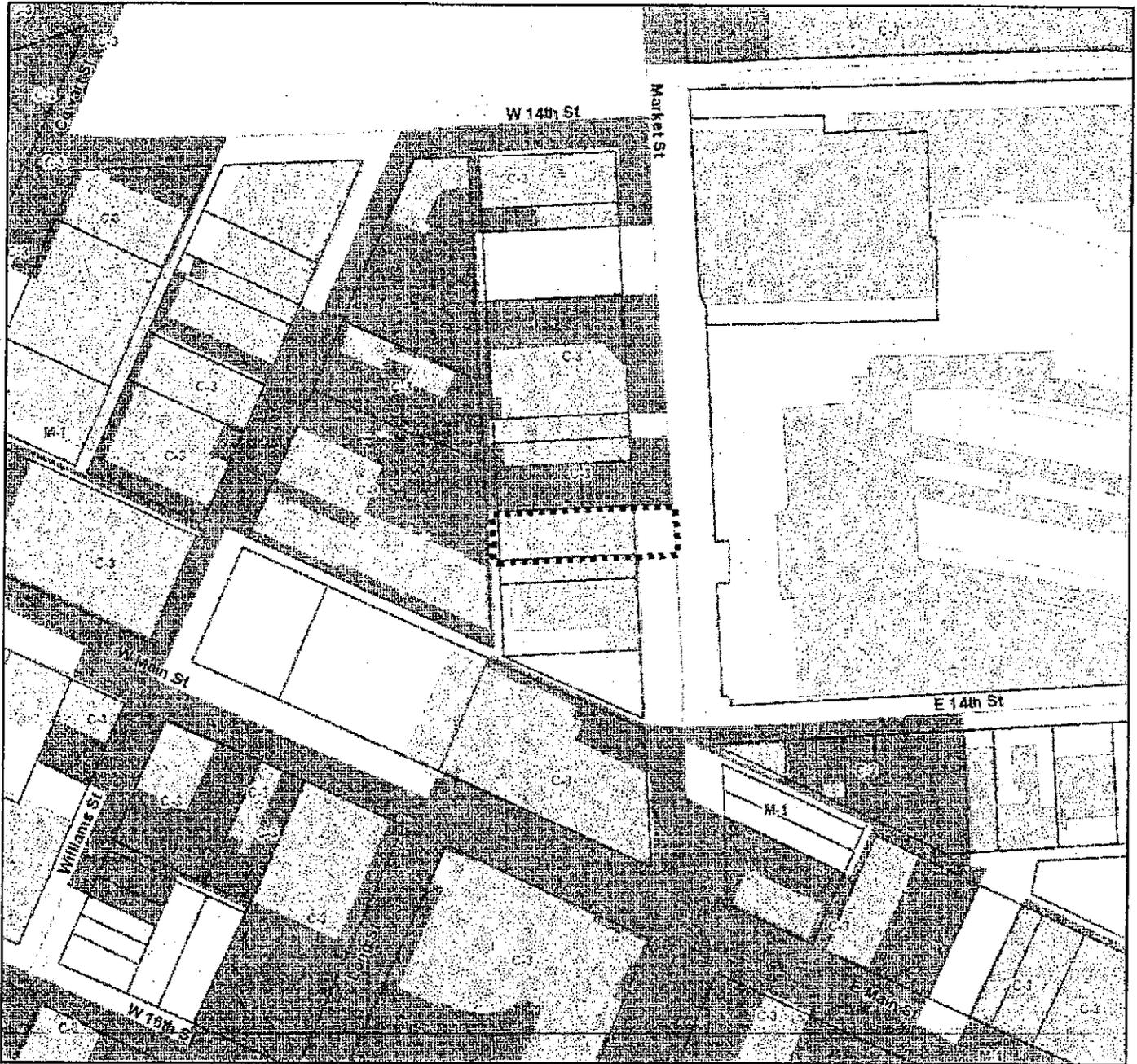


Chattanooga Hamilton County Regional Planning Agency



150 ft





2014-130 Rezoning from M-1 to C-3

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2014-130:
 Approve, subject to the list of conditions in the Planning Commission Resolution.



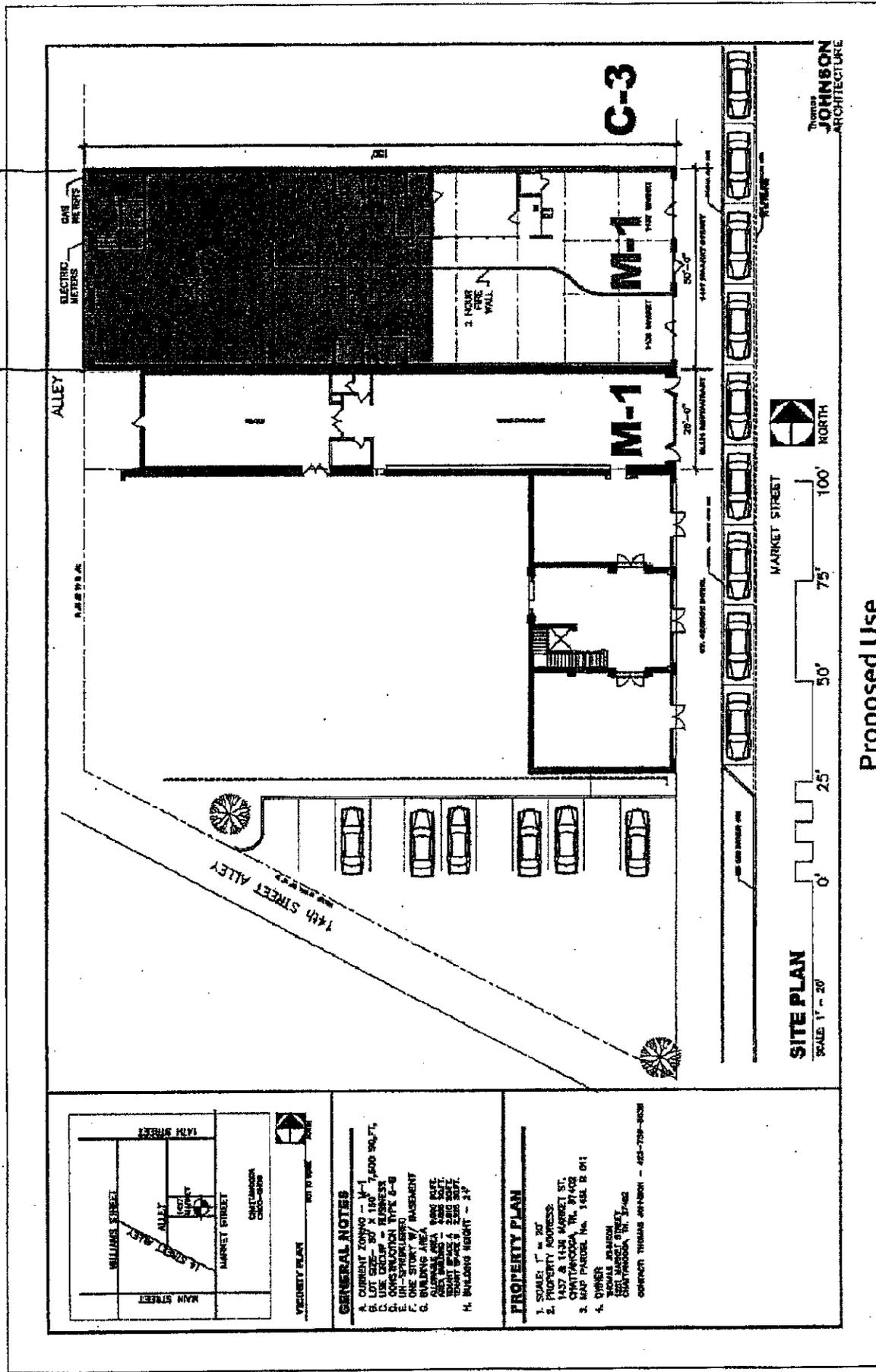
150 ft



Chattanooga Hamilton County Regional Planning Agency



CB Request



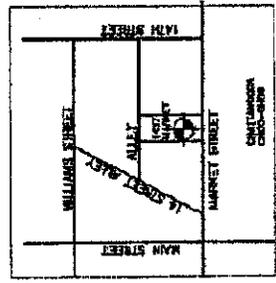
THOMAS JOHNSON ARCHITECTURE



MARKET STREET
100'
75'
50'
25'
0'

SITE PLAN
SCALE 1" = 20'

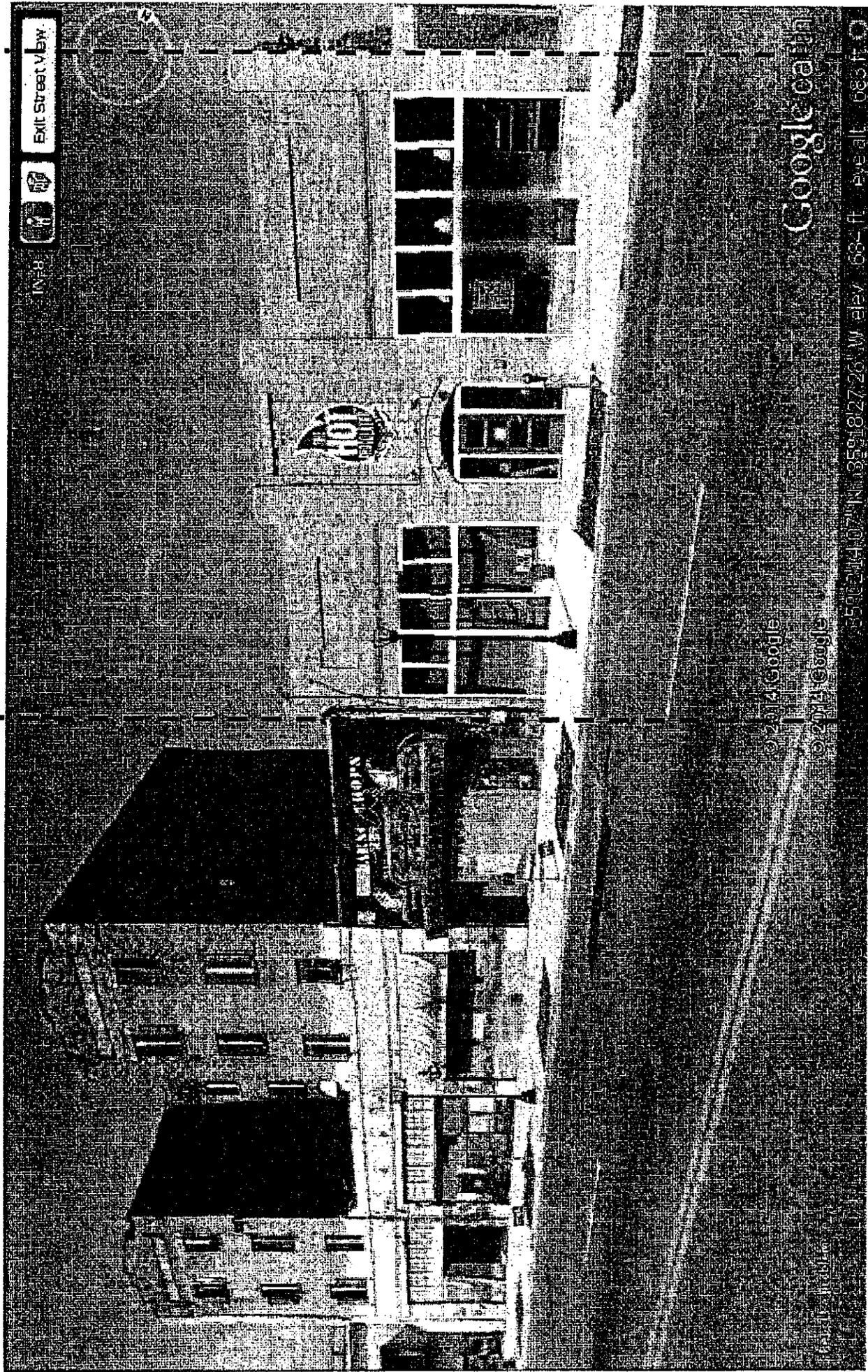
Proposed Use



VELOCITY PLAN
NOT TO SCALE

GENERAL NOTES
 A. CURRENT ZONING - M-1
 B. LOT SIZE - 50' X 150' 7,500 SQ. FT.
 C. USE DESIGN - REPAIRS
 D. CONSTRUCTION TYPE 2-B
 E. ONE STORY W/ BASEMENT
 F. BUILDING AREA
 G. ALLOWABLE AREA 5,000 SQ. FT.
 H. BUILDING HEIGHT - 24'

PROPERTY PLAN
 1. SCALE: 1" = 20'
 2. PROPERTY ADDRESS: 1437 & 1438 MARKET ST. CHARLOTTE, NC 28203
 3. MAP PARCEL NO. 1442 & 011
 4. OWNER: THOMAS JOHNSON ARCHITECTURE
 2501 MARKET STREET
 CHARLOTTE, NC 28203
 CONTACT: THOMAS JOHNSON - 482-759-8628



Exit Street View



INR8

© 2014 Google

© 2014 Google

Google earth

50°23'41.07"N 105°59'18.2726"W Elev: 688-ft Event: 083110

Building requesting C2 ↑

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 petition to rezone be denied:

2014-127 Charles Campbell Construction/Rajesh Chaudhari. 630 Shallowford Road, from C-5 Neighborhood Commercial Zone to C-2 Convenience Commercial Zone.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petitions to rezone be approved:

2014-130 Thomas Johnson. 1437 and 1439 Market Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2014-134 Aaron White/MC Holdings, LLC. 751 Riverfront Parkway, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2014-136 GreenSpaces NextGen, LLC/Jim Wilson and Hamilton Avenue Partners. 677 and 703 Hamilton Avenue, from C-7 Northshore Commercial Mixed Use Zone and R-2 Residential Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone.

3. 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) Deleting in its entirety Section 38-43, Uses Permitted as Special Exceptions by the City Council, Item 4.
- (b) Deleting in its entirety Section 38-524, Special Permit for a Two-Family Dwelling in the R-1 Residential Zone.

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 13, 2015

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.

Nicole Gwyn
Clerk to the City Council