

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

2015-033  
Passpointe Engineering/Jan Pass &  
JJMP GP/Jasmin Patel  
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 216 MARKET STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, 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, be and the same hereby is amended so as to rezone property located at 216 Market Street, more particularly described herein:

An unplatted tract of land located at 216 Market Street, being the property described in Deed Book 9671, Page 988, ROHC. Tax Map No. 135M-A-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.
- (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 seventy-five (75) feet.

**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.

**7. Landscape Buffer**

- A. A 20-foot undisturbed landscape buffer of the existing vegetation shall be maintained along the eastern side of the property.

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: \_\_\_\_\_

2015-033  
Passpointe Engineering/Jan Pass &  
JJMP GP/Jasmin Patel  
District No. 7  
Applicant Version

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

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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  
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Passed on second and final reading: \_\_\_\_\_

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CHAIRPERSON

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
MAYOR

/mem

2015-033 City of Chattanooga  
March 9, 2015

## RESOLUTION

WHEREAS, Passpointe Engineering/ Jan Pass & JJMP GP/Jasmin Patel 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 216 Market Street.

An unplatted tract of land located at 216 Market Street, being the property described in Deed Book 9671, Page 988, ROHC. Tax Map 135M-A-004 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on March 9, 2015,

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 March 9, 2015, 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 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 seventy-five (75) feet.

**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.**

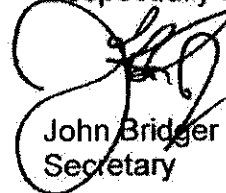
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- (1) Off-street parking fronting a public street shall be screened from the right-of way with a street edge in accordance with Condition 6.A. Front end in or parallel parking along alleys is exempt from this requirement.

- (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.
- 7. Landscape Buffer**
- A. A 20-foot undisturbed landscape buffer of the existing vegetation shall be maintained along the eastern side of the property.

Respectfully submitted,

  
John Bridger  
Secretary

**ZONING APPLICATION FORM**

<b>CASE NUMBER:</b>	2015-033	<b>Date Submitted:</b>	01/23/2015
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
<b>1 Applicant Request</b>			
<b>Zoning</b>	<b>From: M-1</b>	<b>To: C-3</b>	
Total Acres in request area: 0.56			
<b>2 Property Information</b>			
<b>Property Address:</b>	216 Market St		
<b>Property Tax Map Number(s):</b>	153M-A-004		
<b>3 Proposed Development</b>			
<b>Reason for Request and/or Proposed Use:</b>	To replace the existing building and bring the site and parking to current standards, matching current/proposed use		
<b>4 Site Characteristics</b>			
<b>Current Zoning:</b>	M-1		
<b>Current Use:</b>	Retail Sales- Liquor Store		
<b>Adjacent Uses:</b>	Restaurants, Parking Garage, Townhomes (rear), paid parking lots		
<b>5 Applicant Information</b>			
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.			
<b>Name:</b> Passpointe Engineering/Jan Pass		<b>Address:</b> 2719 Hickory Valley Rd, Suite B	
<b>Check one:</b>	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am not the property owner	
<b>City:</b> Chattanooga	<b>State:</b> TN	<b>Zip Code:</b> 37421	<b>Email:</b> janpass@passpointe.com
<b>Phone 1:</b> 423-451-6601	<b>Phone 2:</b> 423-240-7022	<b>Phone 3:</b>	<b>Fax:</b>
<b>6 Property Owner Information (if not applicant)</b>			
<b>Name:</b> JJMP GP/Jasmin Patel		<b>Phone:</b> (423) 503-3780	
<b>Address:</b> 216 Market St, Chattanooga, TN 37402			
<b>Office Use Only:</b>			
<b>Planning District:</b> 8a		<b>Neighborhood:</b> CNAC, DOWNTOWN OWNERSHIP COLLECTIVE, CHERRY ST TOWNHOMES	
<b>Hamilton Co. Comm. District:</b> 6	<b>Chart. Council Dist:</b> 7	<b>Other Municipality:</b>	
<b>Staff Rec.:</b>	<b>PC Action/Date:</b>	<b>Legislative Action/Date/Ordinance:</b>	
<b>Checklist</b>			
<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: 0.56	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
<b>Deed Book(s):</b> See Attached 9671/988			
<b>Plat Book/Page:</b>	N/A	<input checked="" type="checkbox"/> Notice Signs	<b>Number of Notice Signs:</b> 2
<input checked="" type="checkbox"/> Filing Fee: 635.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check	<b>Check Number:</b> 1951
<b>Planning Commission meeting date:</b> 03/09/2015		<b>Application processed by:</b> Jennifer Ware	

**PLANNING COMMISSION CASE REPORT**

Case Number: 2015-033

PC Meeting Date: 03-09-15

**Applicant Request****Rezone from M-1 Manufacturing Zone to C-3 Central Business Zone**

Property Location:	216 Market Street
Property Owner:	JUMP GP/Jasmin Patel
Applicant:	Passpointe Engineering/Jan Pass

**Project Description**

- The applicant is proposing to demolish the existing liquor store building and construct a new building for the liquor store.
- The first floor will be retail and the partial second floor will accommodate the company's offices.
- The applicant's site plan proposes a one- and two-story building to be located up to the sidewalk at the corner of 3rd Street and Market Street, on the southern half of the site, with 21 on-site parking spaces on the northern half of the site.

**Site Analysis****Site Description**

- The one half-acre site is located on the northeast corner of Market Street and 3<sup>rd</sup> Street.
- Access: Currently, access to the site is from Market Street.
- Development form: The current building on this site is one-story in height. There are two-story buildings adjacent to this site on the north end of the same block. Across Market Street to the west is a series of one-story buildings approximately 20 feet in height (the Old Carta Bus Barns). On the opposite corner to the south is a two-level parking structure. Adjacent to the rear and located on a hill east of the site are eight three-story townhomes. A retaining wall separates the subject property from the townhomes.
- Land Uses: There is a mixture of residential and non-residential uses within a 1,000-foot radius of the site.

**Zoning History**

- The site is currently zoned M-1 Manufacturing.
- The C-3 Central Business Zone adjoins the site to the north, south, and west. The R-4 Special Zone adjoins the site to the east.
- There has been no recent zoning activity on this site.

**Plans/Policies/Regulations**

- The M-1 Manufacturing Zone permits most non-residential uses and requires a 25-foot front building setback and a 10-foot side building setback. The M-1 Zone also requires a 25-foot side and rear setback if it adjoins a residential zone as determined by the Zoning Enforcement division of the Land Development Office (423-643-5800).
- The C-3 Central Business Zone permits many non-residential uses, residential uses, and requires urban building heights and urban building setbacks.
- The Downtown Plan (adopted by City Council in 2004) makes no specific land use recommendation for this site but does support a mix of uses and site and building design that contributes to the downtown urban development form.

**Key Findings**

- The proposal is supported by the recommendations of the adopted Land Use Plan as it includes both retail and office uses and at least a portion of the building is 2-story.
- The proposed use is compatible with surrounding uses.
- The proposal is consistent with the development form of the area.
- The proposed structure does not raise concerns regarding location, lighting, or height.

## PLANNING COMMISSION CASE REPORT

- The proposal would be an extension of an existing zone.

### Staff Recommendation

Approve, subject to the following conditions:

#### 1. Review.

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## PLANNING COMMISSION CASE REPORT

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## PLANNING COMMISSION CASE REPORT

- (3) Availability of adjacent on-street parking, proximity to public parking facilities, shared private parking, or leased off-site parking
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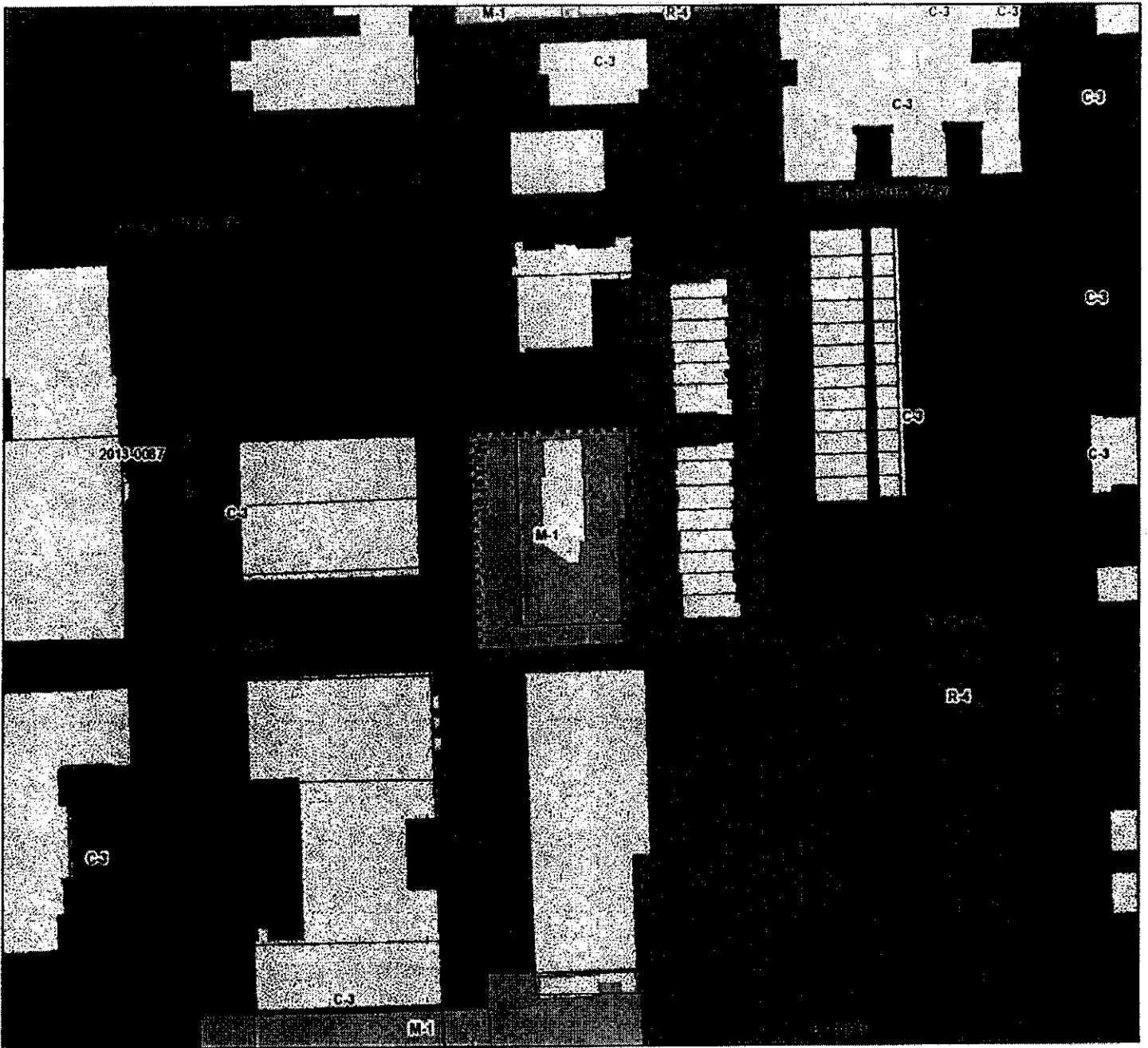
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### 7. Landscape Buffer

- A. A 20-foot undisturbed landscape buffer of the existing vegetation shall be maintained along the eastern side of the property.

#### Planning Commission Recommendation

Approve, subject to the conditions listed in the Staff Recommendation.



## 2015-033 Rezoning from M-1 to C-3

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-033:  
Approve, subject to the conditions in the Planning Commission Resolution.



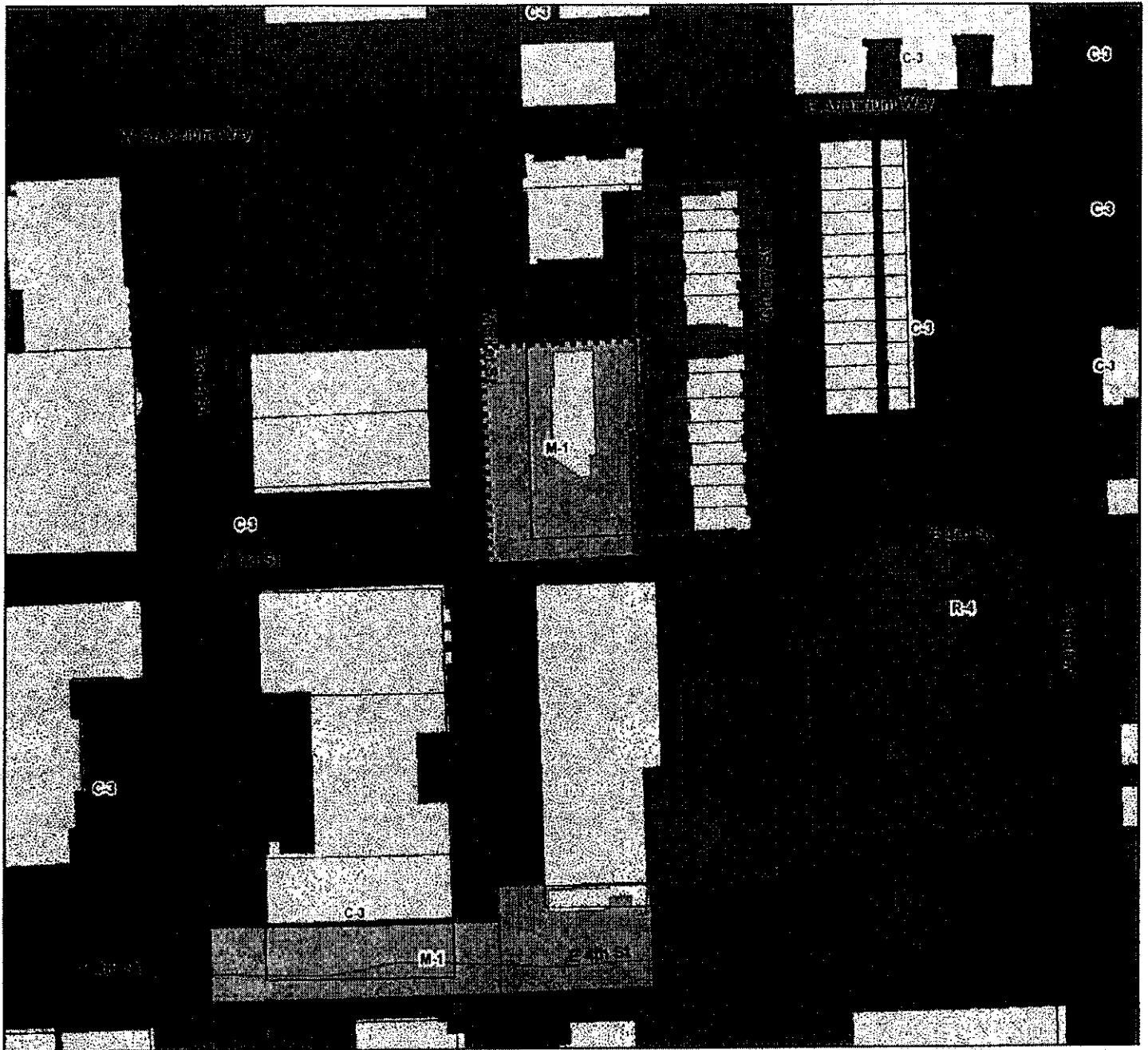
150 ft



Chattanooga Hamilton County Regional Planning Agency








## 2015-033 Rezoning from M-1 to C-3



150 ft

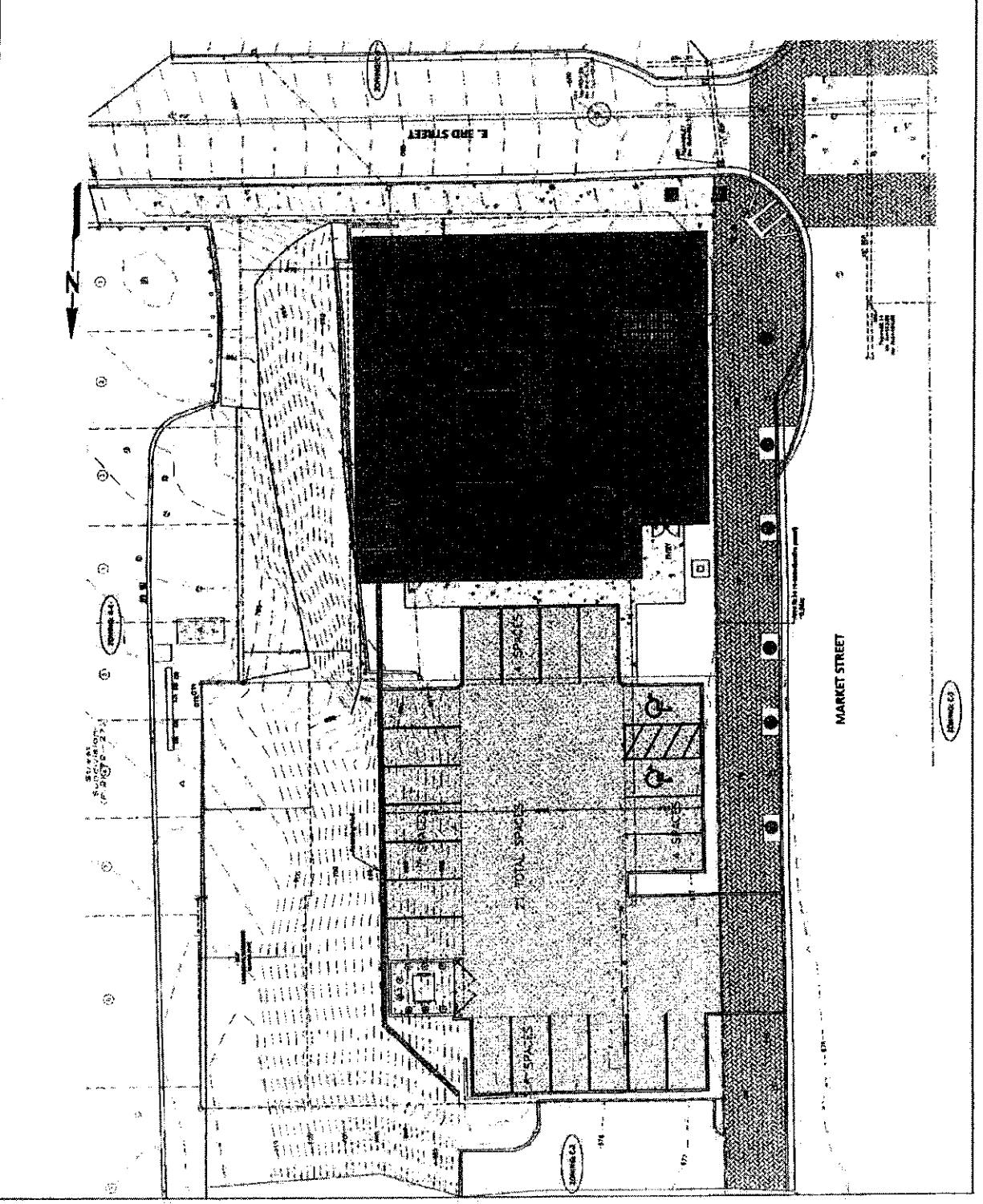
Chattanooga Hamilton County Regional Planning Agency



 <b>DISPERSIVE ENGINEERING</b> 216 Market Street, Chattanooga, TN 37402 PRELIMINARY	<b>Jax Liquor Store</b> 216 Market Street, Chattanooga, TN 37402		SHEET NO. <b>CS0.1</b>
	DATE: 11/11/15 DRAWN BY: [Name] CHECKED BY: [Name] APPROVED BY: [Name]	PROJECT NO.: [Number] CLIENT: [Name]	

**RELIEF NOTES:**

1. All elevations are in feet.
2. Contour interval is 2 feet.
3. Elevation of spot heights is in feet.
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## 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:

2015-028 Fred Ervin and W.C. Hunter. 3525 Garner Road, from R-1 Residential Zone to R-3 Residential Zone.

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

2015-033 Passpointe Engineering/Jan Pass and JJMP GP/Jasmin Patel. 216 Market Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-034 Julie Gardenhire and Betty Silvers. 7104 Bonny Oaks Drive, from R-1 Residential Zone to O-1 Office Zone, subject to certain conditions.

2015-035 Skip Pond and Alfred Jayne. 941 McCallie Avenue, from R-4 Special Zone to C-3 Central Business Zone, subject to certain conditions.

2015-038 Gabe Thomas of Collier Construction and Tammy Development Company, LLC (Hickory Land). 3100 Saint Elmo Avenue, from M-1 Manufacturing Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone and UGC Urban General Commercial Zone, subject to certain conditions.

2015-039 City of Chattanooga/RPA and Johnston Southern Company, LLC. 9337 and 9339 Bradmore Lane, from Temporary C-2 Convenience Commercial Zone to a Permanent Zone per City Code, Article XII, Section 38-653 Planning Commission Zoning Plan to establish permanent zones for area annexed as identified in Ordinance No. 12897, adopted January 20, 2015, by City Council.

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 Item (18) in its entirety in Section 38-121 (R-4 Special Zone), Permitted Uses, and renumber the remaining items in numerical order.
- (b) Deleting Item (9) in its entirety in Section 38-171 (O-1 Office Zone), Permitted Uses, and deleting Item (12) in its entirety and renumber the remaining items in numerical order.
- (c) Deleting the last paragraph of Article V, Division 15, C-3 Central Business Zone, Section 38-228(1) and substituting in lieu thereof.
- (d) Adding a second paragraph to Article VIII, Section 38-565, Notices.

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,

**April 14, 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 \_\_\_\_\_, 2015.

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Nicole Gwyn  
Clerk to the City Council