

First Reading: _____
Second Reading: _____

2015-052
Chattanooga Neighborhood Enterprise/
Bob McNutt and Tennessee Temple
District No. 9
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1706, 1708, 1710, 1712, 1714, AND 1716 BAILEY AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO UGC URBAN GENERAL COMMERCIAL 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 1706, 1708, 1710, 1712, 1714, and 1716 Bailey Avenue, more particularly described herein:

The east fifteen (15) feet of Lot Three (3) and Lots 4, 5, 6, 7, and 8; Block 20, Highland Park Addition Number One (1), Plat Book 1, Page 23, ROHC, being the properties described in Deed Books 2045, Page 903, ROHC, Deed Book 2111, Page 415, ROHC, Deed Book 8453, Page 886, ROHC, Deed Book 2213, Page 735, ROHC, and Deed Book 3369, Page 777, ROHC. Tax Map Nos. 146J-P-004 thru 009.

and as shown on the maps attached hereto and made a part hereof by reference, from R-4 Special Zone to UGC Urban General Commercial Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be approved subject to the following:

- 1) There shall be no auto-oriented uses and/or self-service storage facilities.
- 2) Driveway access shall be from the alley unless approved by the City Department of Transportation based on vehicular and pedestrian safety concerns.

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: _____

2015-052
Chattanooga Neighborhood Enterprise/
Bob McNutt and Tennessee Temple
District No. 9
Staff Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1706, 1708, 1710, 1712, 1714, AND 1716 BAILEY AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

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subject to the following:

- 1) There shall be no auto-oriented uses and/or self-service storage facilities.
- 2) Driveway access shall be from the alley unless approved by the City Department of Transportation based on vehicular and pedestrian safety concerns.
- 3) Deviation of building mass from the 12,000 square foot building maximum to 12,533 square feet based on the following:
 - a) The deviation is compatible with the character of the area and with the size and location of buildings in the vicinity. The northeast corner of the intersection has a building footprint (the larger of the two buildings on that site) of approximately 9,000 square feet and the northwest corner a building footprint of 6,400 square feet. The building across Hawthorne Street from this site (the southeast corner of the intersection) has a building footprint of approximately 17,000 square feet. The presence of this existing three-story building just east of the site with a similar setback from Bailey Avenue as the proposed sets a precedence for building size in this area.
 - b) The proposal complies with the stated intent, goals, and general standards of the 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

First Reading: _____
Second Reading: _____

2015-052
Chattanooga Neighborhood Enterprise/
Bob McNutt and Tennessee Temple
District No. 9
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1706, 1708, 1710, 1712, 1714, AND 1716 BAILEY AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE.

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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

/mem

2015-052 City of Chattanooga
April 13, 2015

RESOLUTION

WHEREAS, Chattanooga Neighborhood Enterprise/Bob McNutt & Tennessee Temple 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 R-4 Special Zone to UGC Urban General Commercial Zone, properties located at 1706, 1708, 1710, 1712, 1714, and 1716 Bailey Avenue.

The east fifteen (15) feet of Lot Three (3) and Lots 4, 5, 6, 7, and 8; Block 20, Highland Park Addition Number One (1), Plat Book 1, Page 23, ROHC, being the properties described in Deed Books 2045, Page 903, ROHC, Deed Book 2111, Page 415, ROHC, Deed Book 8453, Page 886, ROHC, Deed Book 2213, Page 735, ROHC, and Deed Book 3369, Page 777, ROHC. Tax Maps 146J-P-004 thru 009 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on April 13, 2015,

AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

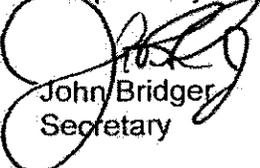
AND WHEREAS, there was opposition present to the petition,

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 April 13, 2015, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to the following conditions:

1. There shall be no auto-oriented uses and/or self-service storage facilities.
2. Driveway access shall be from the alley unless approved by the City Department of Transportation based on vehicular and pedestrian safety concerns.

Respectfully submitted,


John Bridger
Secretary

PLANNING COMMISSION CASE REPORT

Case Number: 2015-052

PC Meeting Date: 04-13-15

Applicant Request**Rezone from R-4 Special Zone to UGC Urban General Commercial Zone**

Property Location:	1706, 1708, 1710, 1712, 1714, and 1716 Bailey Avenue
Property Owner:	Tennessee Temple
Applicant:	Chattanooga Neighborhood Enterprise (CNE) c/o Bob McNutt

Project Description

- Build a 3-story mixed-use structure with 45 residential units and 1,600 square feet of retail on a 0.9-acre site at the southwest corner of Bailey Avenue and South Hawthorne Street.
- The building is proposed to front the street corner with 33 parking spaces to the rear.
- The rear parking area would be accessed from the alley via South Hawthorne Street.
- The applicant has required a building mass deviation from the Regional Planning Commission to allow a building footprint of 12,533 square feet. This is 533 square feet over the required maximum.

Site Analysis**Site Description**

- The 0.9-acre vacant site is located on the southwest corner of Bailey Avenue and South Hawthorne Street in the Highland Park neighborhood.
- Access: Currently, access to the site is from the alley via South Hawthorne Street.
- Development form: There is a mixture of one, two, three, and four story buildings within a 500 foot radius of this urban site.
- Land Uses: North- post office and 2 single-family homes; South- abandoned 4-story dormitory; West- single-family homes; East- 4-story school building, church, offices and institutional uses.

Zoning History

- 1998- Two parcels (146J-P-004 and 146J-P-005) of the project site were zoned R-4 Special Zone, subject to no apartments or boarding and lodging houses (Ordinance No. 12197) and are still zoned as such.
- 2008- The other four parcels of the project site (146J-P-006 through 009) were zoned R-4 Special Zone, subject to no duplexes, no multi-family dwellings or apartments, no lodging or boarding houses or bed and breakfasts, no dormitories, and no hospitals or nursing homes. These four parcels are still zoned as such (Ordinance No. 10720).
- The nearest UGC Urban General Commercial Zone is approximately 1,630 feet to the northeast at the corner of Chamberlain Avenue and North Willow Street.
- There has been no recent zoning activity on this site.

Plans/Policies/Regulations

- The UGC Urban General Commercial Zone permits a number of residential and non-residential uses while requiring an urban development form and off-street parking.
- The 2000 Highland Park Plan makes no specific recommendation for this site.

Key Findings

- While the previous zoning conditions for these lots did not allow apartments, this site fronts a major corridor and buildings of a similar size and height are located in the vicinity.
- The proposed use is consistent and compatible with surrounding uses.
- The proposal meets the intent of the UGC Urban General Commercial Zone which is to promote traditional urban development with multi-story buildings built close to the sidewalk and a mix of uses within each site and within individual buildings.
- The site plan and elevation drawings provided meet the intent and requirements of the UGC zone including a 15' building setback from Bailey Avenue with a landscaped street edge, parking to the rear

PLANNING COMMISSION CASE REPORT

of the building, landscape buffer between the building and the single-family residence to the west, and 30% or more of the Bailey Avenue ground floor façade comprised of doors and windows.

- The proposal is not consistent with the requirements of the UGC zone requirements for building mass. The zone limits building footprints for new construction to 12,000 square feet in order to keep building mass and scale compatible as an urban mixed-use center.
- The proposal is consistent with the development form of the general area, but the development form is not consistent with the residential home to the west of the development site. However, the site plan shows the required screening Type C landscape buffer along the shared property line with the single-family residence.
- The proposed structure does raise concerns regarding location, lighting, and height next to the residential homes to the west of this development site.
- The proposal would not be an extension of an existing zone.
- The proposal would set a precedent for future requests.

Staff Recommendation

Approve, subject to the following conditions:

1. There shall be no auto-oriented uses and/or self-service storage facilities.
2. Driveway access shall be from the alley unless approved by the City Department of Transportation based on vehicular and pedestrian safety concerns.

Staff also recommends approval of a deviation of building mass from the 12,000 square foot building maximum to 12,533 square feet by the Chattanooga-Hamilton County Regional Planning Commission based on the following criteria:

1. The deviation is compatible with the character of the area and with the size and location of buildings in the vicinity. The northeast corner of the intersection has a building footprint (the larger of the two buildings on that site) of approximately 9,000 square feet and the northwest corner a building footprint of 6,400 square feet. The building across Hawthorne Street from this site (the southeast corner of the intersection) has a building footprint of approximately 17,000 square feet. The presence of this existing three-story building just east of the site with a similar setback from Bailey Avenue as the proposed sets a precedence for building size in this area.
2. The proposal complies with the stated intent, goals and general standards of the zone.

Planning Commission Recommendation

Approve, subject to the following conditions:

1. There shall be no auto-oriented uses and/or self-service storage facilities.
2. Driveway access shall be from the alley unless approved by the City Department of Transportation based on vehicular and pedestrian safety concerns.

Note: There was opposition *and* support present at the Planning Commission meeting.

ZONING APPLICATION FORM

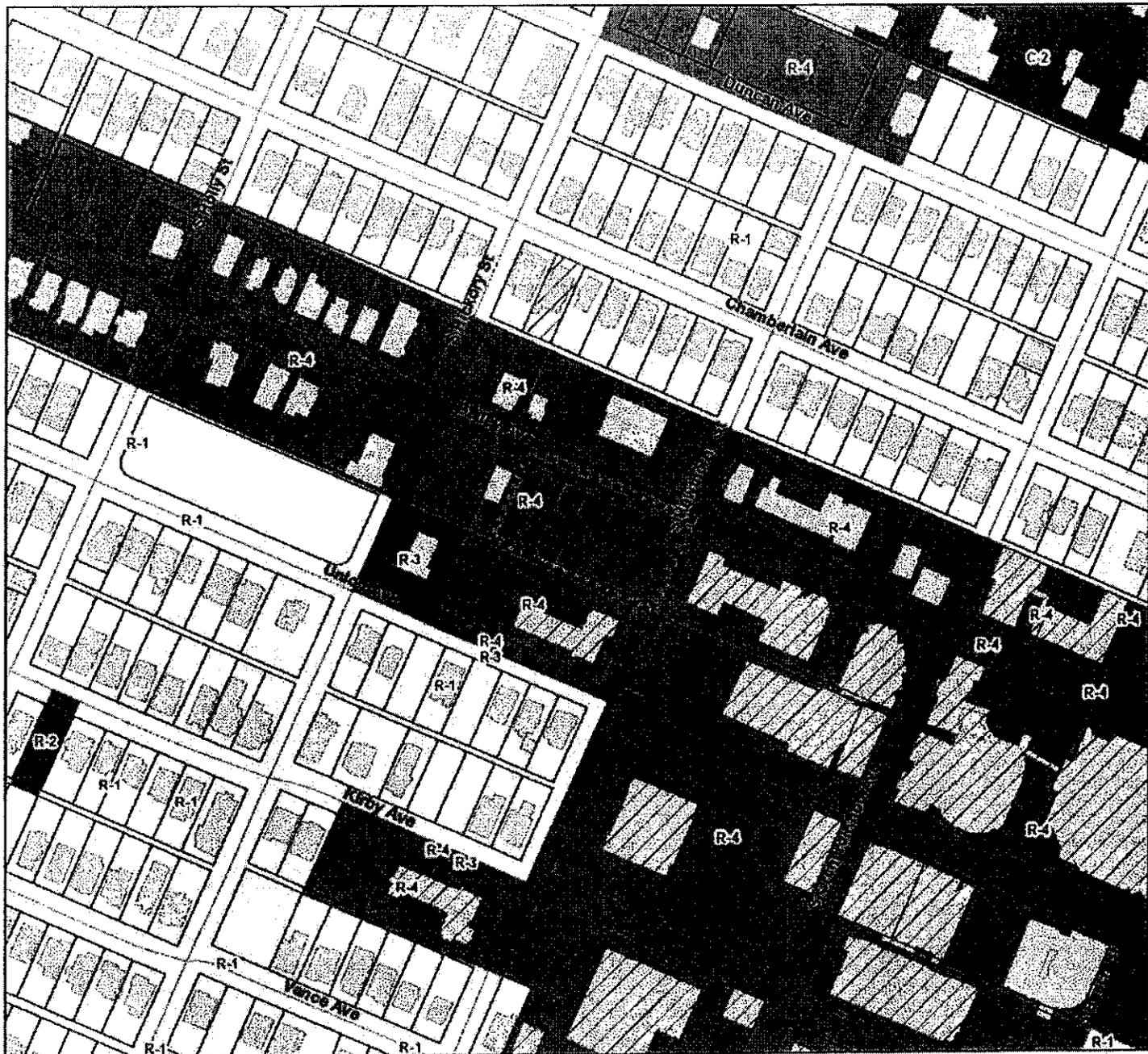
CASE NUMBER:	2015-052		Date Submitted: 2/24/2015	
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)				
1 Applicant Request				
Zoning	From: R4		To: UGC	
Total Acres in request area: 0.9 Acres				
2 Property Information				
Property Address:	1706, 1708, 1710, 1712, 1714, and 1716 Bailey Avenue			
Property Tax Map Number(s):	146J-P-004, 005, 006, 007, 008, and 009			
3 Proposed Development				
Reason for Request and/or Proposed Use:	Mixed-Use Apartment Buildings			
4 Site Characteristics				
Current Zoning:	R4			
Current Use:	Vacant Land			
Adjacent Uses:	R3 and R4			
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: CNE C/O Bob McNutt		Address: 1500 Chestnut 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: 37408	Email: bmcnett@cneinc.org	
Phone 1: 400-6908	Phone 2:	Phone 3:	Fax:	
6 Property Owner Information (if not applicant)				
Name: Tennessee Temple		Phone: 423-493-4158		
Address: 1815 Union Avenue, Chattanooga, Tn. 37404				
Office Use Only:				
Planning District: 8b		Neighborhood: Highland Park Neighborhood Watch Association, CNAC		
Hamilton Co. Comm. District: 4		Chatt. Council District: 9	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"/>
<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: 0.9	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Deeds	<input checked="" type="checkbox"/>	Plats, if applicable	
Deed Book(s): 2045-903, 2111-415, 8453-886, 2213-735, and 3369-777				
<input checked="" type="checkbox"/>	Plat Book/Page: 1-23	<input checked="" type="checkbox"/>	Notice Signs	Number of Notice Signs: 2
<input checked="" type="checkbox"/>	Filing Fee: \$635.00	<input checked="" type="checkbox"/>	Cash	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	Check	Check Number: 110271		
Planning Commission meeting date: 4-13-15		Application processed by: Trevor Slayton		

2015-052.

We support Chattanooga Neighborhood Enterprise Rezoning Request for the following parcels:

Tax Map 146J P 004-009: From R-4 to UGC. We believe UGC is the appropriate urban zoning, similar to the current zoning of R-4. This will facilitate a high-quality, new apartment building being built on this corner, adjacent to other commercial properties and along a key neighborhood thoroughfare.

	Name	Address
1	Alice O'Dea	1700 Duncan
2	Kathryn Faulkner	1315 Duncan
3	Judi Coyle	1904 Chamberlain
4	Phillip Coyle	1904 Chamberlain
5	Sara M. Luce	1901 Chamberlain
6	Danna Bailey	1811 Duncan
7	Marion Philippi	1810 Chamberlain
8	Mary Elizabeth Kyle	1407 S. Highland Park
9	Tyler C. Scharf	1600 E 13 th
10	Kyle Allen Philippi	1810 Chamberlain
11	Andrea Bate	1711 Chamberlain
12	Jake Brown	1902 Chamberlain
13	Michelle Thomas	1920 Kirby
14	Terry Thomas	1920 Kirby
15	Kristine Simpson	904 S. Highland Park
16	Jessie Bailey	1714 E 13 th
17	Charles Jason Moss	1600 Kirby
18	Dan Hekman	1710 E 12 th
19	Justin Hoenke	1506 Vance
20	Haley Hoenke	1506 Vance
21	Mike McJunkin	407 S. Orchard Knob
22	Jay Martin	708 S. Highland Park
23	Matthew Stevens	1807 Chamberlain
24	Sumer Arispe	1904 Chamberlain, Unit 1
25	Kevin Bate	1711 Chamberlain
26	Lisa Flint	1616 Duncan
27	Christina Herron	2001 E 13 th
28	Teletha McJunkin	407 S. Orchard Knob
29	James William Bruneau	1907 E 12 th
30	Stacy Richardson	1812 Duncan
31	Eva Grammar	1803 Chamberlain
32	William Rizzo	1904 Chamberlain, Unit 4
33	Emily Curb	2008 Duncan
34	Curt Zacharias	1601 Vance
35	Emerson Burch	1908 Chamberlain
36	Matt Busby	1609 E 14 th
37	Mary Zacharias	1601 Vance
38	Lane Wilkinson	906 S. Highland Park
39	Khristy Ann Wilkinson	906 S. Highland Park
40	Daniel Johnson	1908 Chamberlain
41	Benjie Moore	1004 S. Highland Park



2015-052 Rezoning from R-4 to UGC

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-052 :

Approve, subject to the following conditions: 1) There shall be no auto-oriented uses and/or self-service storage facilities. 2. Driveway access shall be from the alley unless approved by the City Department of Transportation based on vehicular and pedestrian safety concerns.

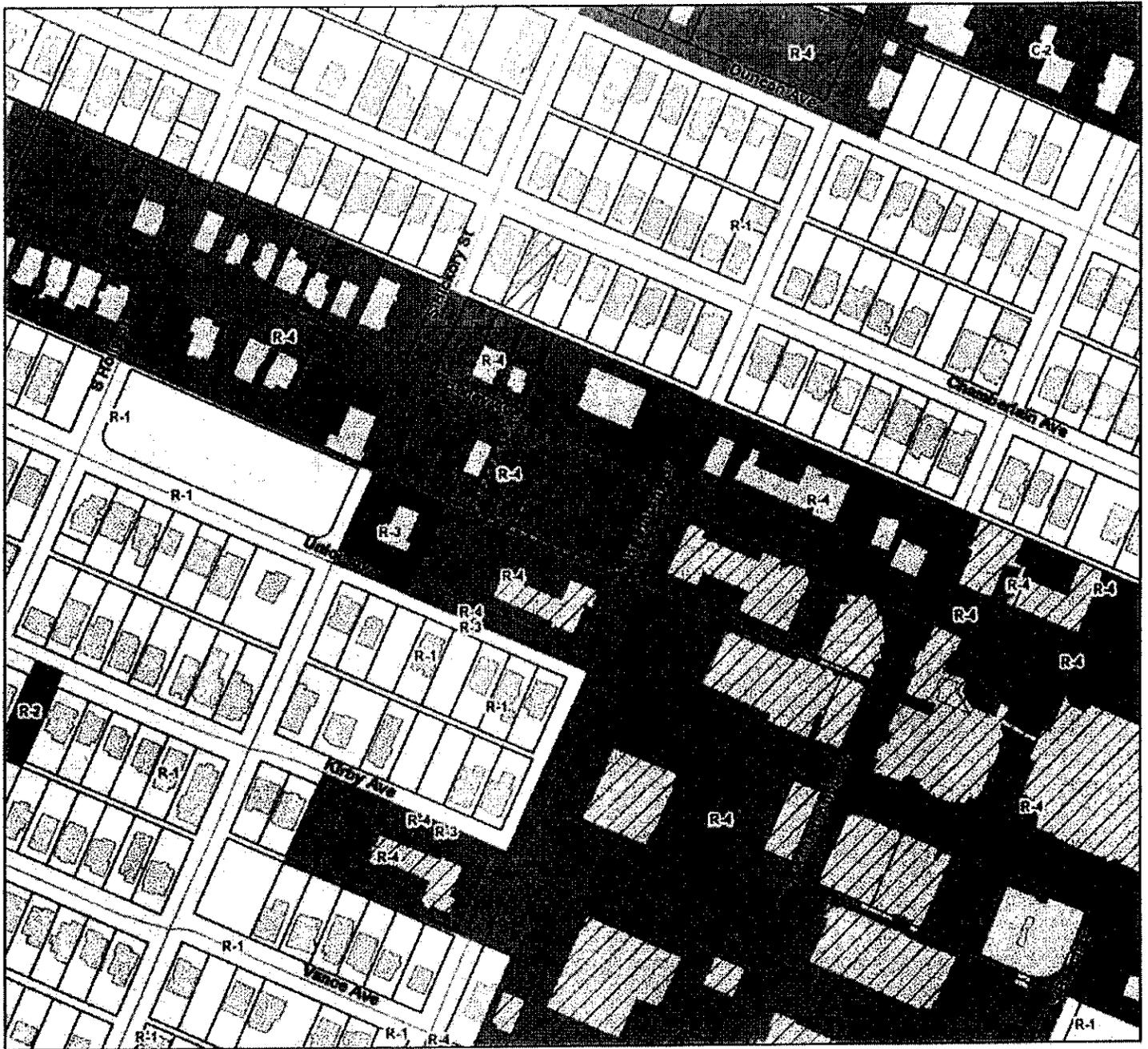


229 ft



Chattanooga Hamilton County Regional Planning Agency





2015-052 Rezoning from R-4 to UGC



229 R

Chattanooga Hamilton County Regional Planning Agency

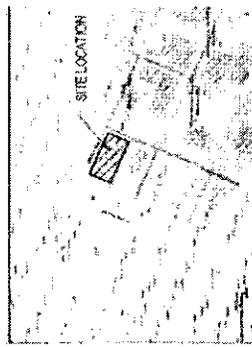
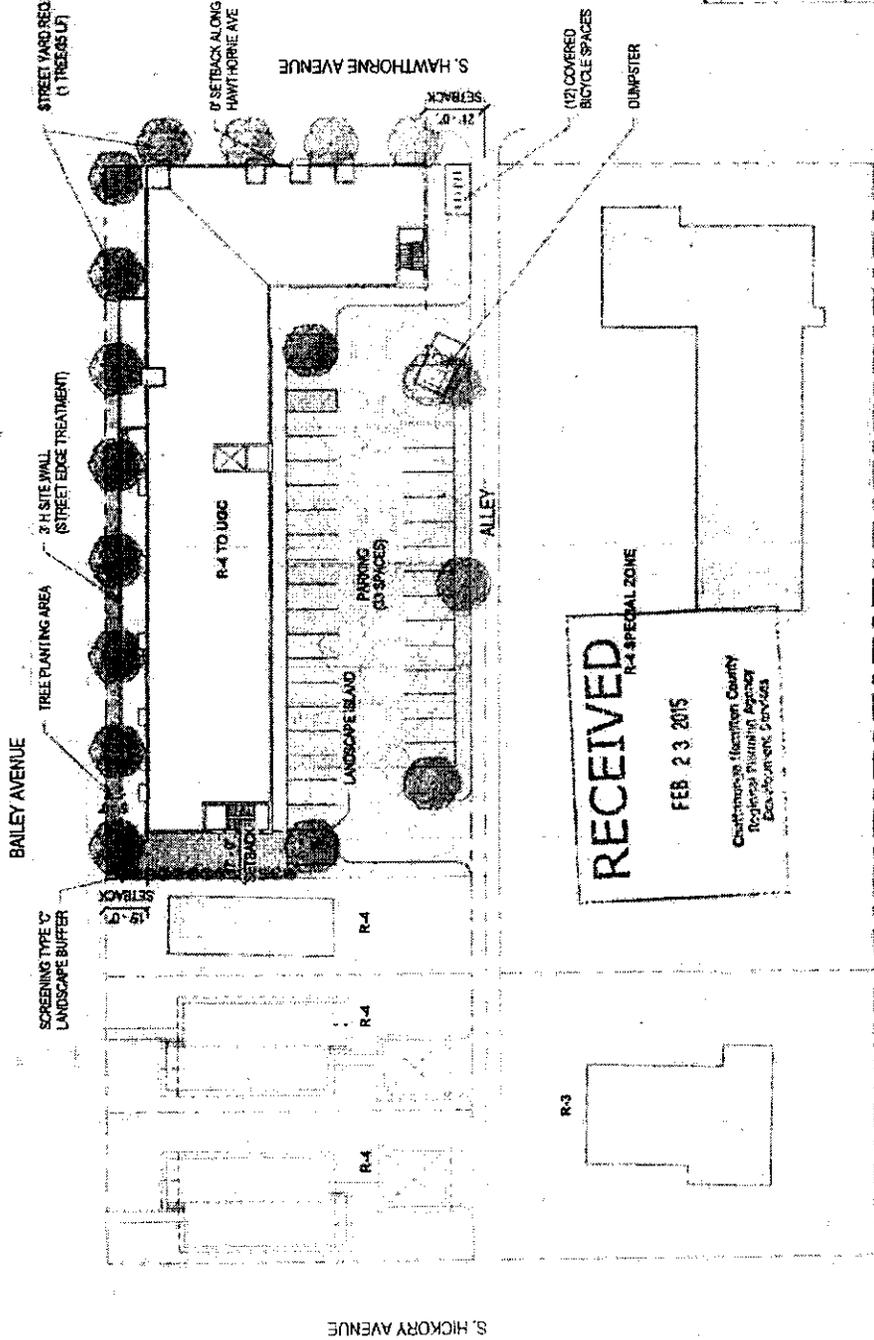


SITE PLAN - HIGHLAND PARK MIXED USE INFILL

FEBRUARY 12TH, 2015
TAX PARCEL ID (8 LOTS): 146J P 004, 146J P 005, 146J P 006, 146J P 007, 146J P 008, 146J P 009
ADDRESS: 1706 - 1716 BAILEY AVE

PROJECT NOTES:

- CURRENT ZONING: R-4
- REZONING REQUEST: UGC
- PROPERTY BOUNDARY: 8 LOTS - 0.78 ACRES TOTAL
- NO EXISTING STRUCTURES
- WASTE REMOVAL: PUBLIC WORKS BY CONTAINER
- 3 STORES MIXED USE RESIDENTIAL W/ 1800 S.F. OF RETAIL SPACE ON 1ST FLOOR AT CORNER OF BAILEY AND HAWTHORNE
- 1233 G.S.F. FOOTPRINT PER FLOOR
- 48 RESIDENTIAL UNITS
- PARKING REQUIRED: 33 SPACES MINIMUM W/ PARKING DISCOUNTS FOR URBAN OVERLAY ZONE (CALC. ATTACHED)
- PARKING PROVIDED: 33 SPACES & 12 COVERED BIKE SPACES



LOCATION MAP

1. ARCHITECTURAL SITE PLAN
1" = 40'-0"



HIGHLAND PARK INFILL

PROJECT NUMBER: 01501
DATE: 12 FEB 2015

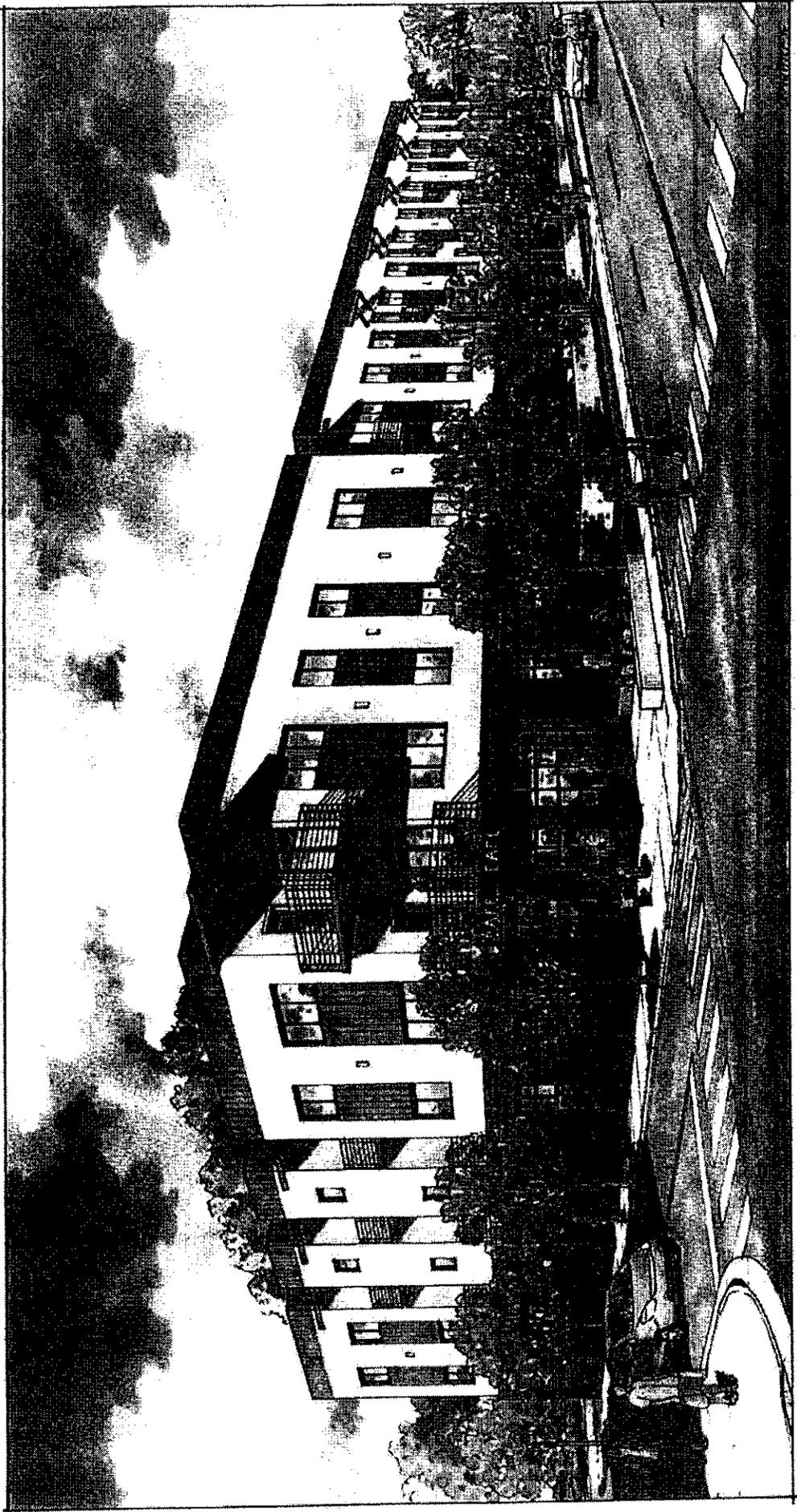
SITE PLAN

SK-01

SCALE: As Indicated

2015-052

2015-052



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:

2015-046 Amelia Roberts and Billie Lyles. 4115 North Terrace, from R-1 Residential Zone to O-1 Office Zone, subject to certain conditions.

2015-047 Highland Park, LLC (Chattanooga Neighborhood Enterprise). 1704, 1706, and 1714 Kirby Avenue, from R-4 Special Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone, subject to certain conditions.

2015-049 John Straussberger/Southside Centre, LLC. 1700 Broad Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-052 Chattanooga Neighborhood Enterprise/Bob McNutt and Tennessee Temple. 1706, 1708, 1710, 1712, 1714, and 1716 Bailey Avenue, from R-4 Special Zone to UGC Urban General Commercial Zone, subject to certain conditions.

2015-054 Tower Construction Company/Calvin Ball. 2408, 2410, and 2412 Chamberlain Avenue, from R-2 Residential Zone to R-T/Z Residential Townhouse Zero Lot Line Zone, subject to certain conditions.

2015-055 ASA Engineering c/o Allen Jones and Marshall Berry. 1400 Chestnut Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-058 Elemi Architecture and Jim Lee. 1705 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 for the R-4 Special Zone request and recommend an O-1 Office Zone as follows:

2015-057 Becky Lockwood and Diantha Swift 2211 and 2217
Hickory Valley Road, from R-1 Residential Zone to O-1 Office
Zone, subject to certain conditions.

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 Article XIII, Changes and Amendments, Section 38-672, Method of Procedure, and replacing in lieu thereof.
- (b) Deleting in its entirety Article VIII, Board of Appeals for Variances and Special Permits, Section 38-565, Notices, and replacing in lieu thereof.
- (c) Adding item (6) to Article VIII, Board of Appeals for Variances and Special Permits, Section 38-566, Hearings.

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,

May 12, 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.

Nicole Gwyn
Clerk to the City Council