

First Reading: _____
Second Reading: _____

2015-055
ASA Engineering
c/o Allen Jones and Marshall Berry
District No. 7
Staff Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1400 CHESTNUT STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, be and the same hereby is amended so as to rezone property located at 1400 Chestnut Street, more particularly described herein:

An unplatted tract of land located at 1400 Chestnut Street, being the property described as Tract Six (6) in Deed Book 10149, Page 951, ROHC. Tax Map No. 145F-J-003.

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:

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 six (6) 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:
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 - (3) A decorative metal fence with landscaping a minimum of three (3) feet in height at maturity, providing a year-round near opaque screen; or
 - (4) An evergreen hedge, with a minimum height at maturity of three (3) feet.
 - (5) Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.
- B. Ground floor openings (doors and windows) shall constitute a minimum of 50% of the ground floor façade area for new non-residential buildings.
- C. Eighty percent (80%) of the ground level building façade, facing primary streets, shall be designed as leasable space and shall not include parking lots.

- (1) The remainder of the ground floor may be designed to incorporate parking, provided the parking is completely screened from public view.
- D. No security-type roll up metal doors shall be newly installed where they would front streets other than interior block alleys.
- E. 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: _____

2015-055
ASA Engineering
c/o Allen Jones and Marshall Berry
District No. 7
Planning Version

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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.

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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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- 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.
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- C. Garages for new residential dwellings shall be located behind the primary building.
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- B. Ground floor openings (doors and windows) shall constitute a minimum of 50% of the ground floor façade area for new non-residential buildings.
- C. The ground floor may be designed to incorporate parking, provided the parking is completely screened from public view.

- D. No security-type roll up metal doors shall be newly installed where they would front streets other than interior block alleys.
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Passed on second and final reading: _____

CHAIRPERSON

APPROVED: ____ DISAPPROVED: ____

MAYOR

/mem

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Second Reading: _____

2015-055
ASA Engineering
c/o Allen Jones and Marshall Berry
District No. 7
Applicant Version

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CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

MAYOR

/mem

2015-055 City of Chattanooga
April 13, 2015

RESOLUTION

WHEREAS, ASA Engineering c/o Allen Jones & Marshall Berry 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 1400 Chestnut Street.

An unplatted tract of land located at 1400 Chestnut Street, being the property described as Tract Six (6) in Deed Book 10149, Page 951, ROHC. Tax Map 145F-J-003 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, 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 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. 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.

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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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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

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(5) Square footage of commercial uses or number of residential units

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B. Ground floor openings (doors and windows) shall constitute a minimum of 50 percent of the ground floor façade area for new non-residential buildings.

C. The ground floor may be designed to incorporate parking, provided the parking is completely screened from public view.

D. No security-type roll up metal doors shall be newly installed where they would front streets other than interior block alleys.

E. 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

PLANNING COMMISSION CASE REPORT

Case Number: 2015-055

PC Meeting Date: 04-13-15

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

Property Location:	1400 Chestnut Street
Property Owner:	Marshall Berry
Applicant:	ASA Engineering - Allen Jones

Project Description

- Develop 1.62-acre downtown site with a 5-story, 220-unit apartment building plus ground floor parking for 192 vehicles.
- The entrance to the parking level is proposed to be from Chestnut Street.

Site Analysis**Site Description**

- The 1.62-acre vacant site is located on the east side of Chestnut Street approximately 180 feet north of the intersection with West Main Street.
- Access: Currently, access to the site is from Chestnut Street.
- Development form: There are currently one, two, and four-story buildings along both sides of this section of Chestnut Street between West Main Street and West 13th Street. The nearest 5-story building is the hotel at the corner of West 13th Street and Carter Street, located approximately 560 feet (straight line distance) northeast of the site.
- Land Uses: North- warehouse and office use; East- the City of Chattanooga "Main Terrain" public park is adjacent to the site on the east side; South- offices; West- offices, warehouses, restaurants.

Zoning History

- The site is currently zoned M-1 Manufacturing.
- Properties on the north and east side of the site are zoned M-1 Manufacturing. The property adjacent to the south and one property west across Chestnut Street are zoned C-3 Central Business Zone.
- There has been no recent zoning activity on this site.

Plans/Policies/ Regulations

- The Downtown Plan (adopted by City Council in 2004) recommends multi-family housing for this location.
- The Downtown Plan recommends that "any parking that front a street should be screened from the street with low walls, decorative fences or landscaping."

Key Findings

- The proposal is supported by the adopted Land Use Plan for the area.
- The proposed use is compatible with surrounding uses.
- The proposal is consistent with the development form of the area.
- While few residential uses exist in the immediate area, the proposed residential density is supported by the adopted Downtown Plan.
- The proposed structure does not raise concerns regarding location, lighting, or height.
- The proposed ground floor parking raises concerns for the visual quality of the street frontage and lack of animation/programming along Chestnut Street.
- The proposal would be an extension of an existing zone.
- The proposal would set a precedent for future requests.

PLANNING COMMISSION CASE REPORT

Staff Recommendation

Approve C-3 Central Business Zone with 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.

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PLANNING COMMISSION CASE REPORT

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PLANNING COMMISSION CASE REPORT

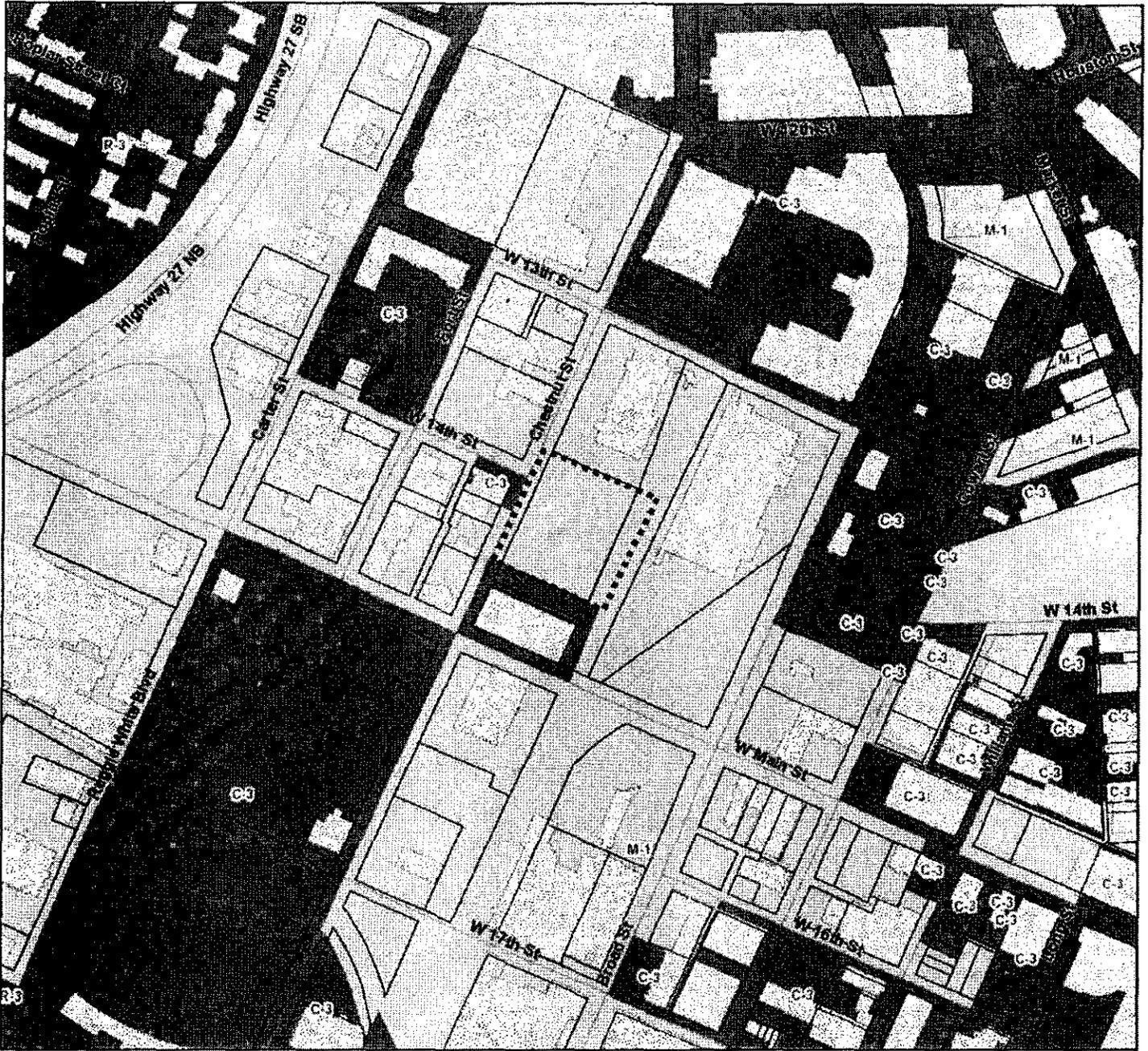
Approve, subject to all of the conditions listed in the Staff Recommendation except that Condition 6-C should read as follows:

"The ground floor may be designed to incorporate parking, provided the parking is completely screened from public view."

Note: There was no opposition present at the Planning Commission meeting.

ZONING APPLICATION FORM

CASE NUMBER:	2015-055	Date Submitted:	2/23/2015
(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: 1.62 Acres			
2 Property Information			
Property Address:	1400 Chestnut Street		
Property Tax Map Number(s):	145F-J-003		
3 Proposed Development			
Reason for Request and/or Proposed Use:	New 220 Unit Multi-Family Apartment Complex		
4 Site Characteristics			
Current Zoning:	M-1		
Current Use:	Vacant / Undeveloped		
Adjacent Uses:	North: M-1 West: M-1 / C-3 South: C-3 East: M-1		
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: ASA Engineering - Allen Jones		Address: 832 Georgia Avenue, Suite 221	
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: 37402	Email: ajones@asaengineeringinc.com
Phone 1: 423-805-3700	Phone 2: 919-793-4077	Phone 3:	Fax:
6 Property Owner Information (if not applicant)			
Name: Marshall Berry		Phone: 423-280-6546	
Address: 7015 Tenderfoot Trail, Ooltewah, Tn. 37363			
Office Use Only:			
Planning District: 8a	Neighborhood: CNAC / Southside / Cowart Place		
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"/>	Deeds
<input checked="" type="checkbox"/>	Site Plan, if required	<input checked="" type="checkbox"/>	Plats, if applicable
Deed Book(s): 10149-951			
Plat Book/Page:	<input checked="" type="checkbox"/>	Notice Signs	Number of Notice Signs: 1
<input checked="" type="checkbox"/>	Filing Fee: \$635.00	<input checked="" type="checkbox"/>	Check Number: 108
Planning Commission meeting date: 4-13-15	Application processed by: Trevor Slayton		



2015-055 Rezoning from M-1 to C-3

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-055:
 Approve, subject to the list of conditions in the Planning Commission Resolution.

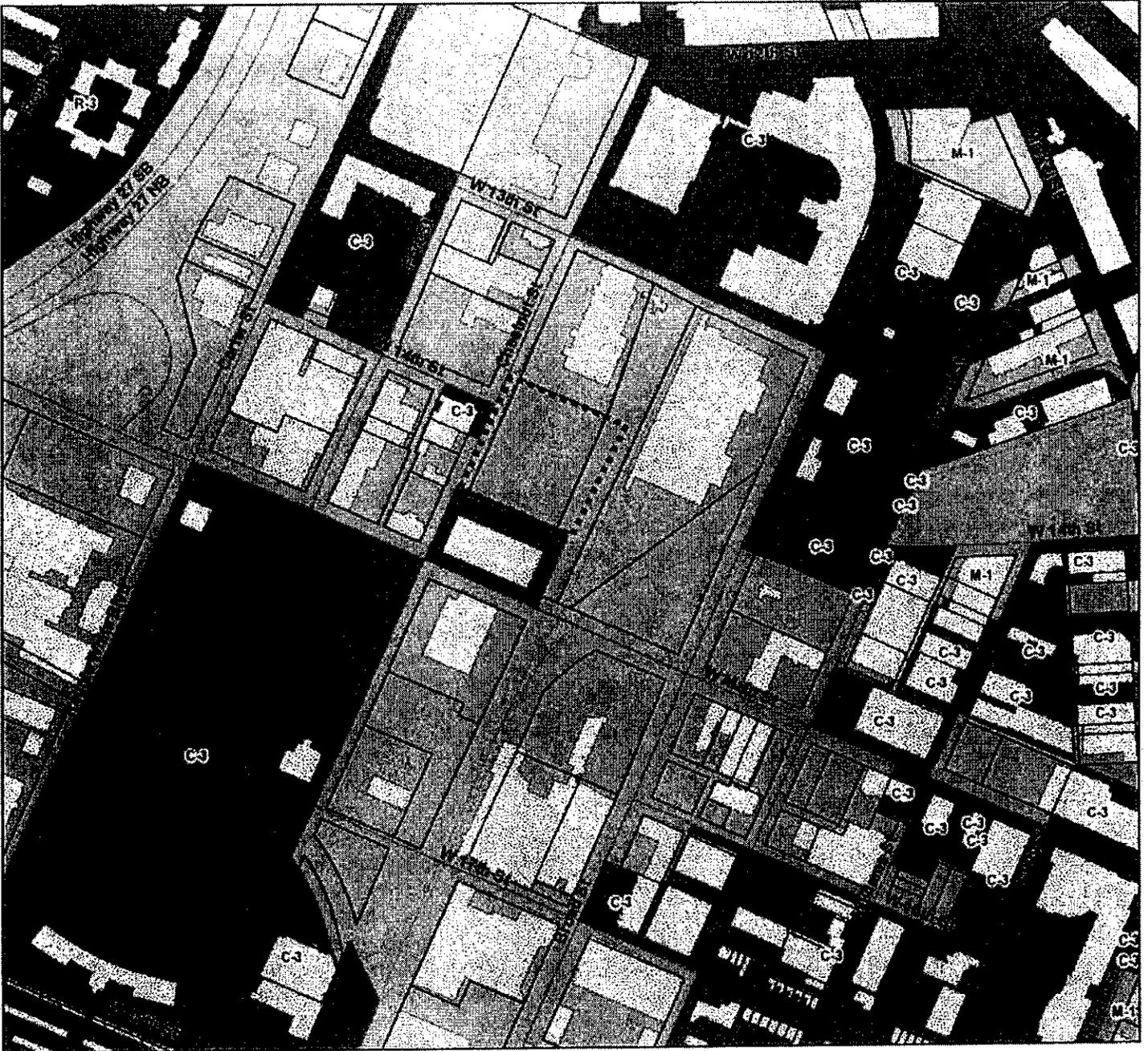


348 R



Chattanooga Hamilton County Regional Planning Agency





2015-055 Rezoning from M-1 to C-3



Chattanooga Hamilton County Regional Planning Agency



348 ft



Project Information

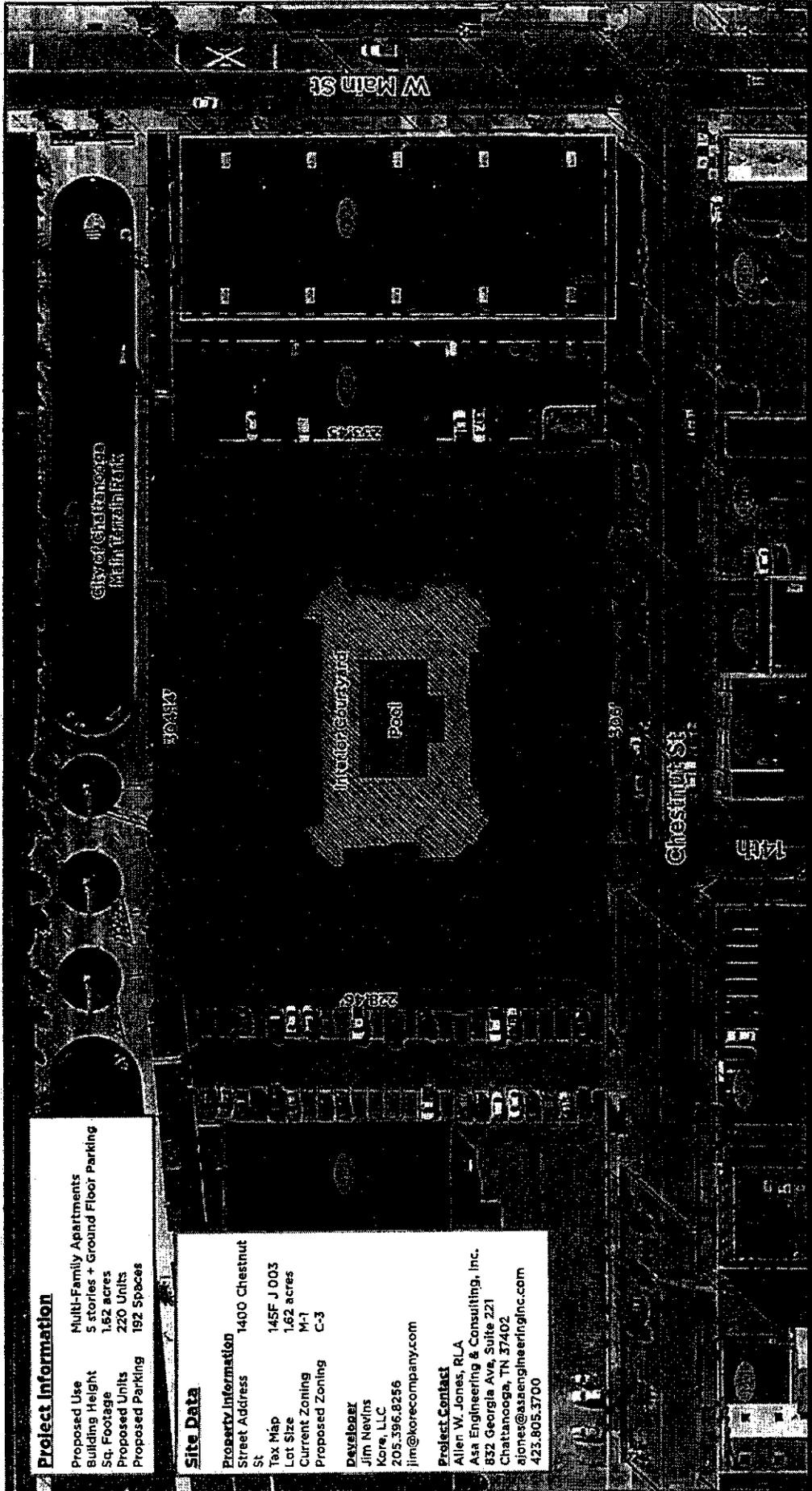
Proposed Use Multi-Family Apartments
Building Height 5 stories + Ground Floor Parking
Sq. Footage 1.62 acres
Proposed Units 220 Units
Proposed Parking 192 Spaces

Site Data

Property Information
Street Address 1400 Chestnut St
Tax Map 145F J 003
Lot Size 1.62 acres
Current Zoning M-1
Proposed Zoning C-3

Developer
Jim Nevins
Kore, LLC
205.396.8286
jim@korecompany.com

Project Contact
Allen W. Jones, RLA
Asa Engineering & Consulting, Inc.
852 Georgia Ave, Suite 221
Chattanooga, TN 37402
ajones@asaengineeringinc.com
423.805.3700



1400 Chestnut Street Apartments

Site Plan Chattanooga, Tennessee



FEB 23, 2015

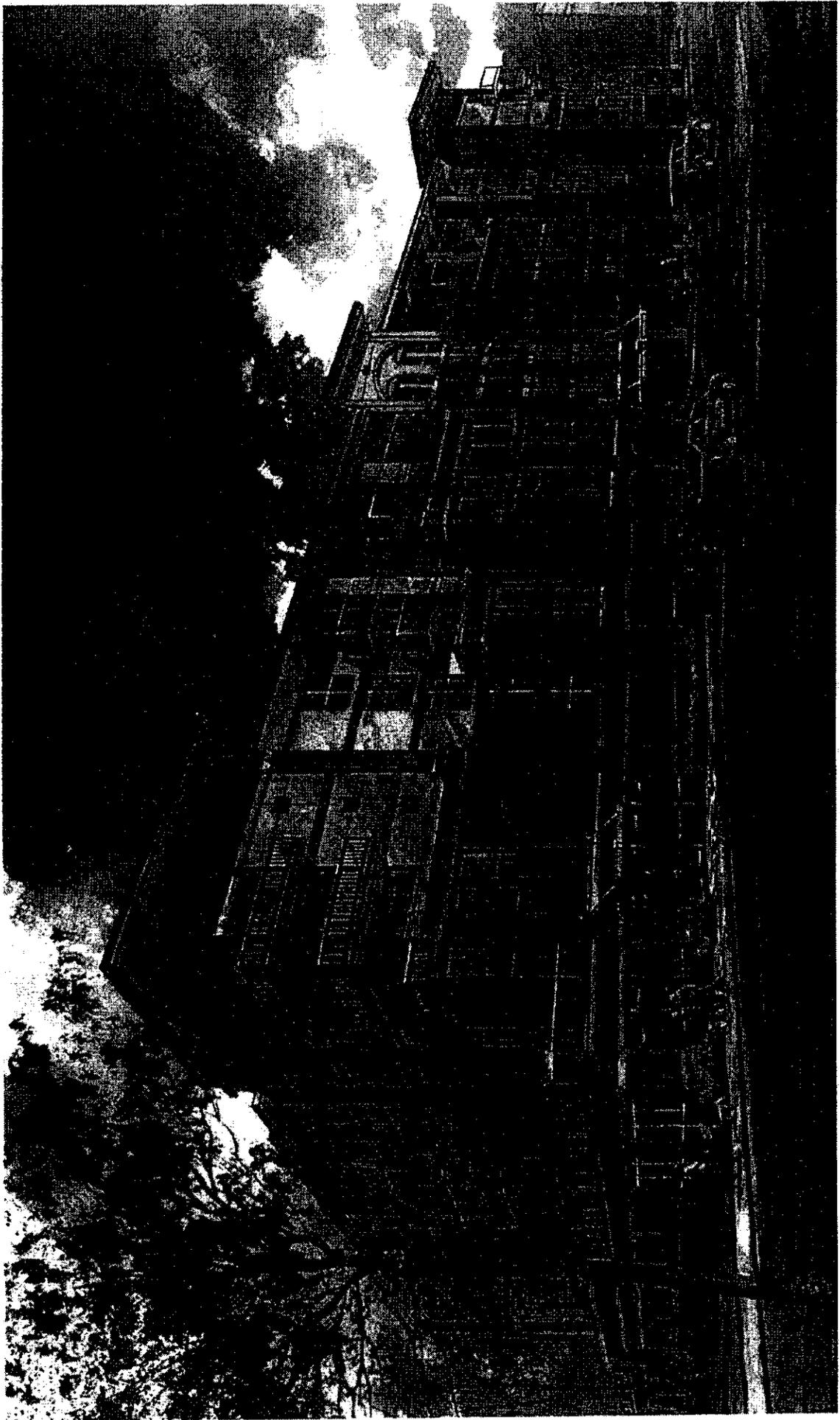
Chattanooga Hamilton County
Regional Planning Agency
Free Development Service



2015-055



2015-055



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