

First Reading: _____
Second Reading: _____

2015-062
Duane Carleo
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 1518 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 property located at 1518 Market Street, more particularly described herein:

Parts of Lots 17 and 18, R M Myers Addition, Plat Book D, Volume 2, Page 303, ROHC, being the property described in Deed Book 10419, Page 923, ROHC. Tax Map No. 145LD-D-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 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 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.
- (2) For multi-family buildings three (3) stories in height or greater, a greater setback is permitted if entrances to individual units front the street.

- 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.

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. A parking plan indicating the amount and location of the following, shall be submitted to the Chattanooga Department of Transportation for approval.
 - (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:
 - (2) Brick, stucco, or stone walls (concrete block is permitted if faced with said materials); or
 - (3) A decorative metal fence with landscaping a minimum of 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 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 percent 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: _____

2015-062
Duane Carleo
District No. 7
Applicant Version

ORDINANCE NO. _____

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Passed on second and final reading: _____

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

MAYOR

/mem

2015-062 City of Chattanooga
May 11, 2015

RESOLUTION

WHEREAS, Duane Carleo 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 1518 Market Street.

Parts of Lots 17 and 18, R M Myers Addition, Plat Book D, Volume 2, Page 303, ROHC, being the property described in Deed Book 10419, Page 923, ROHC. Tax Map 145LD-D-005 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on May 11, 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 May 11, 2015, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved 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.

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.

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(2) For multi-family buildings three (3) stories in height or greater, a greater setback is permitted if entrances to individual units front the street.

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.

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.

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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:
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- C. Garages for new residential dwellings shall be located behind the primary building.
- D. A parking plan indicating the amount and location of the following, shall be submitted to the Chattanooga Department of Transportation for approval.
 - (1) Proximity to transit stops
 - (2) Provision of bicycle facilities
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 - (4) Type of uses and hours of operation
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- (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 percent of the ground floor façade area for new non-residential buildings.

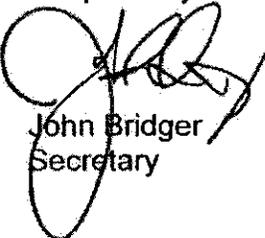
C. Eighty percent (80%) of the ground level building façade, facing primary streets, shall be designed as leasable space and shall not include parking lots.

- a. 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.

Respectfully submitted,



John Bridger
Secretary

ZONING APPLICATION FORM

CASE NUMBER:	2015-062	Date Submitted:	03-12-2015
(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: .6			
2 Property Information			
Property Address:	1518 Market Street		
Property Tax Map Number(s):	145LD-D-005		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Restaurant Bar		
4 Site Characteristics			
Current Zoning:	M-1		
Current Use:	Vacant		
Adjacent Uses:	C-3		
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: Duane Carleo		Address: 6733 W. Point Drive	
Check one:	<input checked="" type="checkbox"/> I am the property owner	<input type="checkbox"/> I am not the property owner	
City: Hixson	State: TN	Zip Code: 37343	Email: dcarleo79@gmail.com
Phone 1: 865-455-6463	Phone 2:	Phone 3:	Fax:
6 Property Owner Information (if not applicant)			
Name: Same		Phone:	
Address:			
Office Use Only:			
Planning District: 8A		Neighborhood: CNAC, Southside Historic, Jefferson Heights	
Hamilton Co. Comm. District: 4	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 type="checkbox"/> Site Plan, if required	<input checked="" type="checkbox"/> Total Acres to be considered: .6	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 10419-923			
Plat Book/Page: DZ-303		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 2
<input checked="" type="checkbox"/> Filing Fee: 635.00	Cash	<input checked="" type="checkbox"/> Check	Check Number: 1033
Planning Commission meeting date: 5-11-2015		Application processed by: Marcia Parker	

PLANNING COMMISSION CASE REPORT

Case Number: 2015-062

PC Meeting Date: 05-11-15

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

Property Location:	1518 Market Street
Property Owner:	Duane Carleo
Applicant:	Duane Carleo

Project Description

- Proposal: Use existing 1-story building for a restaurant with a bar.

Site Analysis**Site Description**

- Location: The ½-acre site contains a vacant 1-story building and is located on the east side of Market Street at the corner of Market and East 16th Street approximately 250 feet south of the intersection with Main Street.
- Current Access: Like many downtown businesses, there is no vehicular access or off-street parking to the site.
- Current Development Form: There is a mixture of one, two, three, and four story buildings within a 500 feet radius of this downtown urban site.
- Current Land Uses: West- Battle Academy Elementary School is across Market Street; North- vacant buildings; East- vacant property adjacent and to the rear of the site; South- woodworking school across East 16th Street. There are several existing establishments that have sold or currently sell alcoholic beverages in close proximity to Battle Academy Elementary.

Zoning History

- The site is currently zoned M-1 Manufacturing.
- The adjacent property on the north and the property to the south across East 16th Street are zoned M-1 Manufacturing. The school across Market street and the adjacent property to the rear are zoned C-3 Central Business Zone.
- There has been no recent zoning activity on this site.

Plans/Policies/Regulations

- The C-3 Central Business Zone is exempt from the 500 foot distance requirement from schools and churches for on-premise consumption of alcohol (Chattanooga City Code, Chapter 5, Article III, Division 2, Section 5-75(b)).
- The site is not located within the Chattanooga Amplified Music District, therefore a maximum of 55 decibels is allowed.
- The Downtown Plan (adopted by City Council 2004) recommends, "Promote the development of the area near Main and Market as an entertainment district, including music venues and restaurants on the ground floor."

Key Findings

- The proposal is supported by the recommendations of the adopted Land Use Plan for the area as it includes a restaurant.
- While the proposed use is across from an existing school, it is consistent with the precedent of other alcohol serving establishments in close proximity to this school. The proposed use is generally consistent with surrounding uses.
- The proposal is consistent with the existing development form of the area, however the Downtown Plan recommends a minimum height of two-stories for new construction.
- The proposed structure does not raise concerns regarding location, lighting, or height.
- The proposal would be an extension of an existing zone.

PLANNING COMMISSION CASE REPORT

- The proposal would set a positive precedent for future requests.
- Because restaurants typically generate a significant demand for parking, the Chattanooga Department of Transportation (CDOT) requires a plan for shared parking.

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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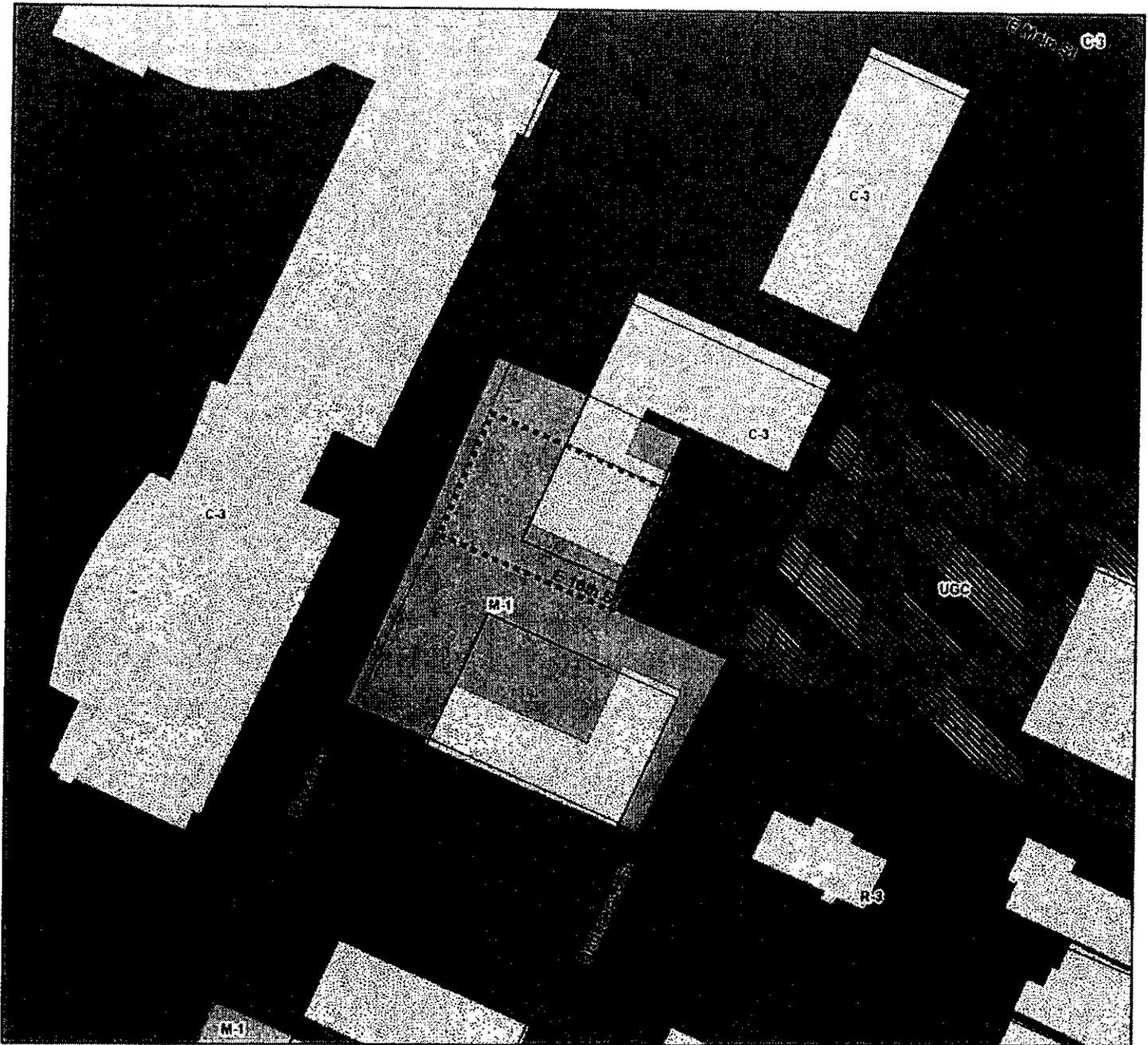
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- E. All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.

Planning Commission Recommendation

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

NOTE: No opposition was present at the Planning Commission meeting.



2015-062 Rezoning from M-1 to C-3

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-062:
Approve, subject to the list of conditions in the Planning Commission Resolution.

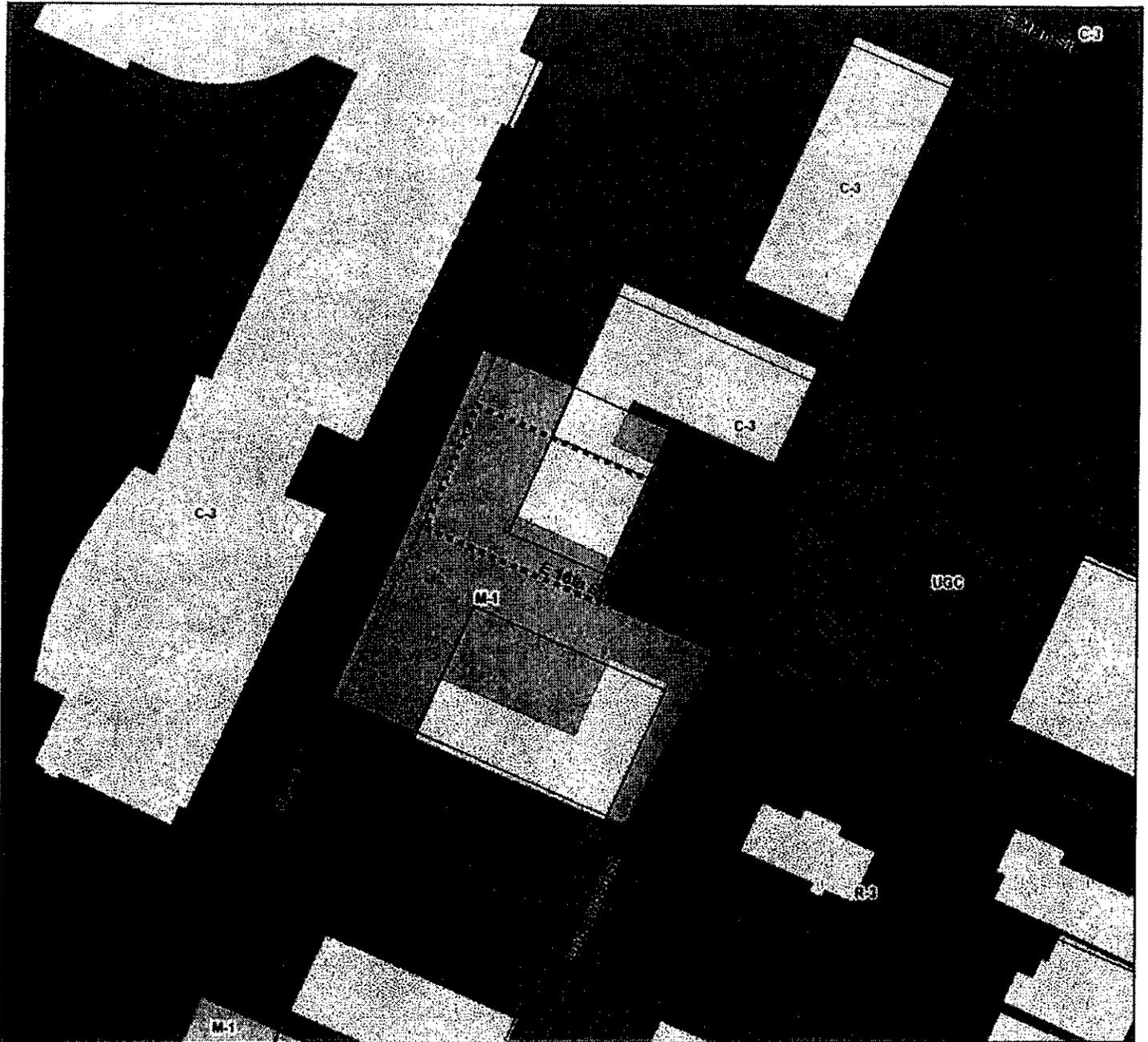


88 ft



Chattanooga Hamilton County Regional Planning Agency





2015-062 Rezoning from M-1 to C-3



Chattanooga Hamilton County Regional Planning Agency



68 ft



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:

2015-061 James Scott and Holy Temple Church of God. 2311 Bliss Avenue, from M-1 Manufacturing Zone to R-4 Special Zone, subject to certain conditions.

2015-062 Duane Carleo. 1518 Market Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-070 Asa Engineering, Allen Jones, Ronald Speicher, and Ben O'Daniel. 137 and 200 Oyler Lane and 5510 Moody Sawyer Road, from R-1 Residential Zone to R-3 Residential Zone.

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 approval of R-3 Moderate Density as follows:

2015-063 Donald Runyan and Smart Living Trust. 4200 Willard Drive, from R-2 Residential Zone to R-4 Special Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following Special Permit be approved:

2015-067 MAP Engineers c/o Mike Price and Bernard H. Brown, III. 4500, 4506, 4510, 4514, and 4550 Webb Road, for a Residential Planned Unit Development.

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) Amending Article V, Division 15, C-3 Central Business Zone, Section 38-223, by adding a Special Exceptions Permit requirement for assisted living facilities operated for profit.
- (b) Deleting the Urban Overlay Zone area description in Article III, Division 3, Urban Overlay Zone, Section 38-11(2) beginning in the text at “the 1800 block of Hixson Pike” and ending with “the center line of the 1200 block of Hixson Pike” and replacing in lieu thereof.

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,

June 9, 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