

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

2015-084  
Dan Rose and Charles W. Hand, Jr.  
District No. 8  
Planning Version

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 20 EAST 14<sup>TH</sup> 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 20 East 14<sup>th</sup> Street, more particularly described herein:

Lot 33, Block 8, of J. C. Stanton's Subdivision as shown in Book H, Volume 2, Page 156, ROHC, and being the property described in Deed Book 9832, Page 991, ROHC. Tax Map No. 145LA-D-007.

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, 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 four (4) 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:
    - (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 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 fifty (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: \_\_\_\_\_

2015-084  
Dan Rose and Charles W. Hand, Jr.  
District No. 8  
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.

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

\_\_\_\_\_  
CHAIRPERSON

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

\_\_\_\_\_

\_\_\_\_\_  
MAYOR

/mem

2015-084 City of Chattanooga  
July 13, 2015

## RESOLUTION

WHEREAS, Dan Rose & Charles W. Hand, Jr. petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga the rezoning M-1 Manufacturing Zone to C-3 Central Business Zone, property located at 20 East 14<sup>th</sup> Street.

Lot 33, Block 8, of J. C. Stanton's Subdivision as shown in Book H, Volume 2, Page 156, ROHC, and being the property described in Deed Book 9832, Page 991, ROHC. Tax Map 145LA-D-007 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on July 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 July 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.

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:

(4) 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 four (4) 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.**

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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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(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:

(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.
- 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**

<b>CASE NUMBER:</b>	2015-084	<b>Date Submitted:</b>	5-22-2015
(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:</b> M-1	<b>To:</b> C-3	
Total Acres in request area: 0.09 Acres			
<b>2 Property Information</b>			
<b>Property Address:</b>	20 East 14th Street		
<b>Property Tax Map Number(s):</b>	145LA-D-007		
<b>3 Proposed Development</b>			
<b>Reason for Request and/or Proposed Use:</b>	Small Restaurant		
<b>4 Site Characteristics</b>			
<b>Current Zoning:</b>	M-1		
<b>Current Use:</b>	Empty, Was a Beer Warehouse		
<b>Adjacent Uses:</b>	Terminal Brewhouse; Horse-Drawn Carriage		
<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> Dan Rose	<b>Address:</b> 29 Johnson Street, 37408		
<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> 37408	<b>Email:</b> Dan@chrashpadchattanooga.com
<b>Phone 1:</b> 781-752-5890	<b>Phone 2:</b>	<b>Phone 3:</b>	<b>Fax:</b>
<b>6 Property Owner Information (if not applicant)</b>			
<b>Name:</b> Charles W. Hand, Jr.	<b>Phone:</b> 931-552-3300		
<b>Address:</b> P.O. Box 30789, Clarksville, Tn. 37040			
<b>Office Use Only:</b>			
<b>Planning District:</b> 8A	<b>Neighborhood:</b> CNAC		
<b>Hamilton Co. Comm. District:</b> 6	<b>Chatt. Council District:</b> 8	<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"/>	Deeds
<input checked="" type="checkbox"/>	Site Plan, if required	<input checked="" type="checkbox"/>	Plats, if applicable
Deed Book(s): 9832-991			
<input checked="" type="checkbox"/>	Plat Book/Page: Book H, Volume 2, Page 156	<input checked="" type="checkbox"/>	Notice Signs
<input checked="" type="checkbox"/>	Filing Fee: \$635.00	<input checked="" type="checkbox"/>	Check Number: 1231
<input checked="" type="checkbox"/>	Cash	<input checked="" type="checkbox"/>	Check
<b>Planning Commission meeting date:</b> 7-13-2015		<b>Application processed by:</b> Trevor Slayton	

**PLANNING COMMISSION CASE REPORT**

Case Number: 2015-084

PC Meeting Date: 07-13-15

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

Property Location:	20 East 14th Street
Property Owner:	Charles W. Hand Jr.
Applicant:	Dan Rose

**Project Description**

- Proposal: Develop 3,900 square foot site for a restaurant.
- Proposed Access: Main entrance on East 14<sup>th</sup> Street and secondary entrance from rear alley.
- Proposed Development Form: Reuse of existing one-story building.
- Proposed Density: No residential use is being proposed.

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

- Location: The 3,920 square foot site is located on the south side of East 14th Street approximately 275 feet east of Market Street.
- Current Access: East 14<sup>th</sup> Street and rear alley.
- Current Development form: There is a mixture of one, two, three, and four story buildings within a 500 foot radius of this downtown urban site.
- Current Land Uses: The property to the north is the Chattanooga Choo-Choo tourist attraction. The property to the east is a horse-drawn carriage stable. The properties to the south are various retail shops, offices, and restaurants. The property to the west is the Terminal Brewhouse and restaurant.
- Current Density: Not applicable.

**Zoning History**

- The site is currently zoned M-1 Manufacturing.
- The property to the north is zoned M-1 Manufacturing. The property to the east is zoned M-1 Manufacturing. The properties to the south are zoned M-1 Manufacturing and C-3 Central Business. The property to the west is zoned C-3 Central Business.
- 1472 Market Street, approximately 120 feet west of the site and adjacent to the Terminal Brewhouse restaurant, was recently rezoned from M-1 Manufacturing to C-3 Central Business (Ordinance #12924).
- There has been no recent zoning activity on this site (20 East 14<sup>th</sup> Street).

**Plans/Policies/Regulations**

- The Downtown Plan (adopted by City Council in 2004) recommends developing the area near Main and Market Streets as an entertainment district, including music venues and restaurants. The adaptive reuse of the existing urban structure is also encouraged.
- The M-1 Manufacturing Zone allows restaurants, but prohibits the sale of alcohol within 500 feet (for consumption on the premises) or 200 feet (for consumption off the premises) from schools, churches, and other uses as defined in Chattanooga City Code, Chapter 5, Article III, Division 2, Section 5-75.
- The C-3 Central Business Zone, the C-7 North Shore Commercial/Mixed Use Zone, and the UGC Urban General Commercial Zone are exempt from the above described alcohol prohibition.

**Key Findings**

- The proposal is supported by the recommendations of the adopted Land Use Plan for the area.
- The proposed use is consistent 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.
- The proposal would set a positive precedent for future requests.

### Staff Recommendation

Approve C-3 Central Business Zone, 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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## PLANNING COMMISSION CASE REPORT

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  - (4) Type of uses and hours of operation
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  - (6) Fire Department access

### 6. Street Frontage.

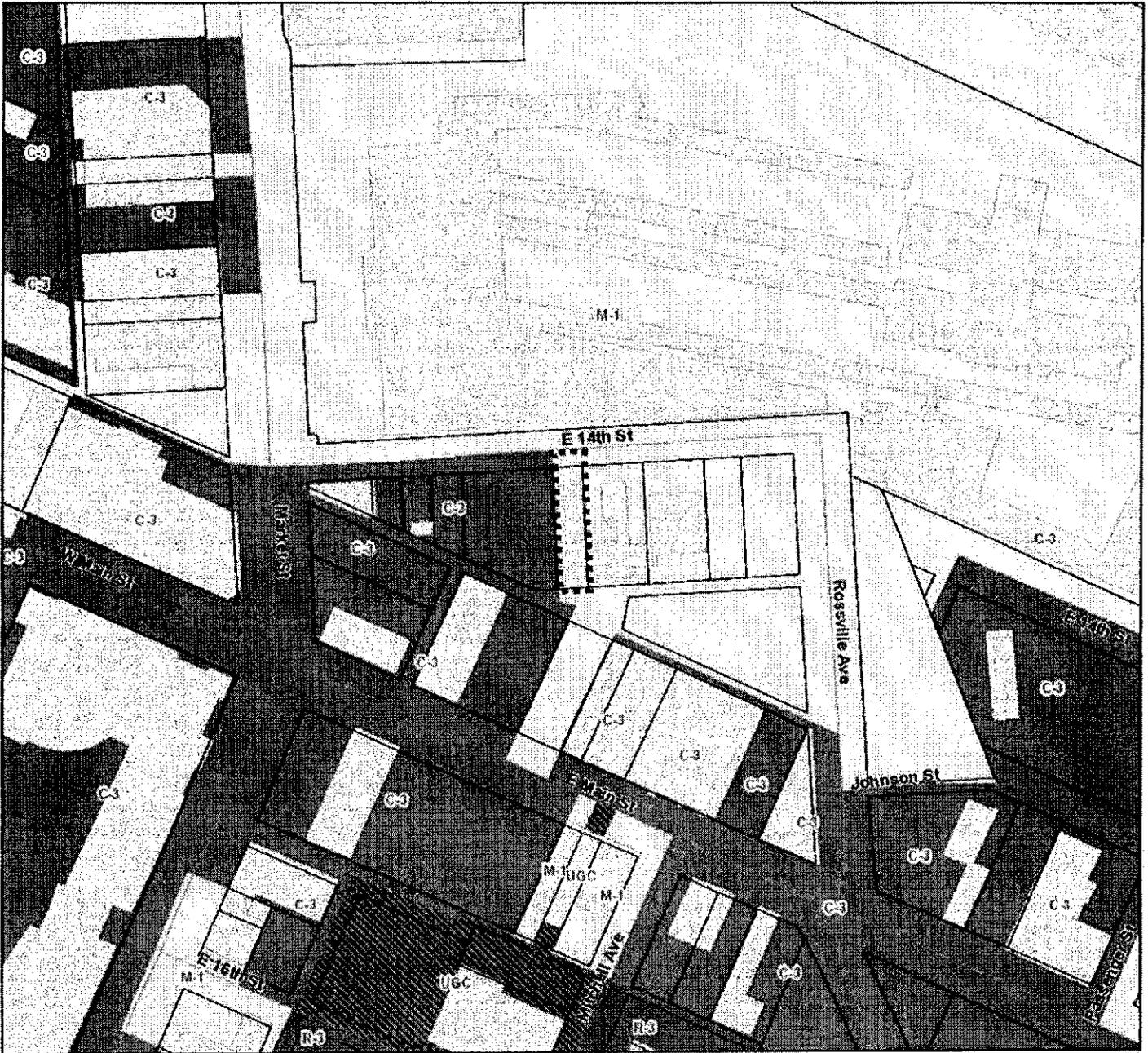
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  - a. The remainder of the ground floor may be designed to incorporate parking, provided the parking is completely screened from public view.
- D. No security-type roll up metal doors shall be newly installed where they would front streets other than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

#### Planning Commission Recommendation

Approve, subject to the above conditions.

Reason for recommendation: The proposal is supported by the recommendations of the adopted Land use Plan.

Note: There was no opposition to this request at the Planning Commission meeting.



# Case #2015-084 Rezoning from M-1 to C-3

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-084:  
 Approve, subject to the conditions in the Planning Commission Resolution.

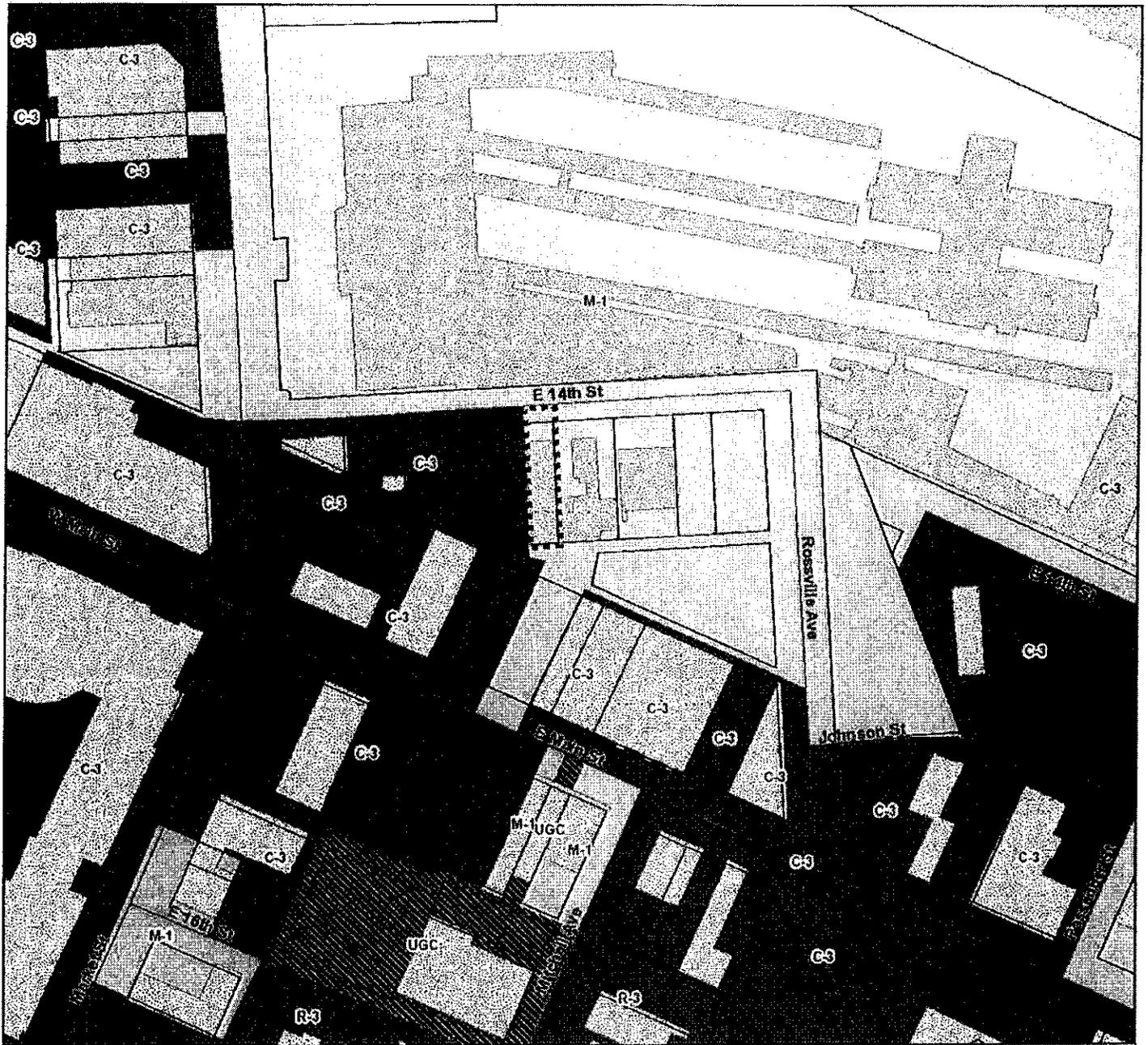


150 ft



**Chattanooga Hamilton County Regional Planning Agency**





## 2015-084 Rezoning from M-1 to C-3



150 ft

Chattanooga Hamilton County Regional Planning Agency





## 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:

2015-048 Pat Neuhoff or Neuhoff Taylor Architects and The Salvation Army. 902, 904, 910, 914, and 918 East 8<sup>th</sup> Street, from R-1 Residential Zone to R-4 Special Zone, subject to certain conditions.

2015-084 Dan Rose and Charles W. Hand, Jr. 20 East 14<sup>th</sup> Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-085 Valor. 7627, 7641, 7671, 7683, and 7691 Shallowford Road, from O-1 Office Zone to R-4 Special Zone, subject to certain conditions.

2015-088 Craig Kronenberg, JB Holdings, and Mark Jarvis. 801 Riverfront Parkway, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-089 John Murphy, Gary Fillers, and Jeffery and Nancy Fillers. 1701 Broad 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 Special Exceptions Permit be approved:

2015-087 Collier Construction and C. Richard Posey. 8118 Hitchcock Road, granting a Special Exceptions Permit for a Residential Planned Unit Development.

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) Amending Article VIII, Board of Appeals for Variances and Special Permits by adding Item (5) to Section 38-563.
- (b) Amending Section 38-25, Lots to Front Street; Exceptions in its entirety and substituting in lieu thereof.
- (c) Deleting Section 38-321, M-2 Light Industrial Zone, Use Regulations, (2), (v) in its entirety and substituting in lieu thereof.
- (d) Deleting Section 38-324, M-2 Light Industrial Zone Uses Permitted as Special Exceptions, in its entirety.
- (e) Deleting Section 38-528, Special Exception Permit for Ethanol Transfer Facility, in its entirety.

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,

**August 11, 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