

First Reading: _____
Second Reading: _____

2015-089
John Murphy, Gary Fillers, and
Jeffery and Nancy Fillers
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 1701 BROAD 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 1701 Broad Street, more particularly described herein:

An unplatted tract of land located at 1701 Broad Street being the property described in Deed Book 2702, Page 172, ROHC. Tax Map No. 145K-H-004.

and as shown on the maps attached hereto and made a part hereof by reference, from M-1 Manufacturing Zone to C-3 Central Business Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be approved

subject to the following conditions:

1. Review.

The following review shall be required to promote compliance with the Downtown Plan, to help ensure that new development complements the existing urban fabric, and to promote the preservation of historically or architecturally significant structures.

A. For any activity requiring a land disturbing permit, non-residential building permit, or residential building permit for structures with more than two (2) units, and excluding all interior renovations:

- (1) The Applicant is required to schedule a meeting with the Community Design Group during the concept development phase of site design.
- (2) The Applicant is required to schedule a pre-submittal meeting with the City's Land Development Office.
- (3) All site layout plans, landscaping plans, and building elevations required by the Land Development Office shall also be reviewed by the Community Design Group prior to approval.

B. For any activity requiring a residential building permit for new construction:

- (1) The Applicant shall provide illustrations, such as specifications, photographs, or other images, to the Community Design Group for review of the work to be completed.

2. Setbacks.

A. For new multi-family buildings three (3) stories in height or greater, and for all new non-residential buildings, a zero building setback is required along the street frontage.

- (1) To accommodate outdoor pedestrian activities including a park, plaza, or outdoor dining, a greater setback is permitted if a street edge delineating the public and private space is provided in accordance with Condition 6.A.
- (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. 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

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Staff Version

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Passed on second and final reading: _____

_____ CHAIRPERSON

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MAYOR

/mem

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2015-089
John Murphy, Gary Fillers, and
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District No. 7
Applicant Version

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Passed on second and final reading: _____

CHAIRPERSON

APPROVED: ____ DISAPPROVED: ____

MAYOR

/mem

2015-089 City of Chattanooga
July 13, 2015

RESOLUTION

WHEREAS, John Murphy, Gary Fillers and Jeffery & Nancy Fillers 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 1701 Broad Street.

An unplatted tract of land located at 1701 Broad Street being the property described in Deed Book 2702, Page 172, ROHC. Tax Map 145K-H-004 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.

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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:

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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.

Respectfully submitted,



John Bridger
Secretary

ZONING APPLICATION FORM

CASE NUMBER:	2015-089	Date Submitted:	5-26-2015
(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: 1.5 + or -			
2 Property Information			
Property Address:	1701 Broad Street		
Property Tax Map Number(s):	145K-H-004		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Development Mixed use Apartments		
4 Site Characteristics			
Current Zoning:	M-1		
Current Use:	Storage		
Adjacent Uses:	M-1 & 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: John Murphy		Address: 6514 Deane Hill Drive	
Check one:	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am not the property owner	
City: Knoxville	State: TN	Zip Code: 37919	Email: jamurphy@murphydevelopment.com
Phone 1: 865-558-0597	Phone 2: 865-406-7022	Phone 3:	Fax:
6 Property Owner Information (if not applicant)			
Name: Gary Fillers/Jeffery & Nancy Fillers		Phone: 423-827-9858	
Address: 1803 Glen Oaks Drive Chattanooga, TN 37412			
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): 2702-172			
Plat Book/Page: N/A		<input checked="" type="checkbox"/>	Notice Signs
Number of Notice Signs: 2		<input checked="" type="checkbox"/>	Check Number: 2730
<input checked="" type="checkbox"/>	Filing Fee: 635.00	<input checked="" type="checkbox"/>	Cash
Planning Commission meeting date: 7-13-2015		Application processed by: Marcia Parker	

PLANNING COMMISSION CASE REPORT

Case Number: 2015-089

PC Meeting Date: 07-13-15

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

Property Location:	1701 Broad Street
Property Owner:	Gary Fillers/Jeff Fillers
Applicant:	John Murphy

Project Description

- Proposal: Develop 1.5-acre site with 139 apartment units and possibly some retail.
- Proposed Access: East 17th Street and South Broad Street.
- Proposed Development Form: 4 and 5-story buildings wrapped around parking structure.

Site Analysis**Site Description**

- Location: The 1.5-acre site is located on the southwest corner of the West 17th Street and Broad Street intersection.
- Current Access: East 17th Street and Broad Street.
- Current Development form: There is a mixture of one and two story buildings within a 300 foot radius of this downtown urban site. There is a four-story building currently on the site.
- Current Land Uses: The property to the north is a chicken processing plant. The property to the east, across Broad Street is warehousing and office uses. The property to the south is used for warehousing, office, and a restaurant. The property adjacent to the west side of the site is railroad right-of-way.
- 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 property to the south is zoned M-1 Manufacturing. The property to the west is zoned M-1 Manufacturing.
- The nearest C-3 Central Business Zone (same as the request) is on the northeast corner of the same street intersection (East 17th and Broad).
- There has been no recent zoning activity on this site.

Plans/Policies/Regulations

- The Downtown Plan (adopted by City Council in 2004) recommends a diverse mix of uses, including housing, and the adaptive reuse of existing urban buildings. Minimum residential densities of 12 units per acre are recommended; significantly higher densities are preferred. Completion of the 17th Street pedestrian route to connect Finley Stadium and the parks in Cowart Place, Fort Negley, and Jefferson Heights is also recommended.
- The M-1 Manufacturing Zone permits most types of non-residential uses, but does not permit residential uses.
- The C-3 Central Business Zone permits residential and non-residential uses but with a required urban development form.

Key Findings

- The proposal is supported by the recommendations of 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.
- The proposed residential density is compatible with the densities in the general 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:

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PLANNING COMMISSION CASE REPORT

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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 above conditions, except that Condition 3B shall read as follows: "The maximum height of all new nonresidential buildings and new multi-family buildings shall be five (5) stories."

PLANNING COMMISSION CASE REPORT

Reason for recommendation: The proposed structure does not raise concerns regarding the location, lighting, or height. The proposed height is permitted by the C3 Central Business Zone.

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



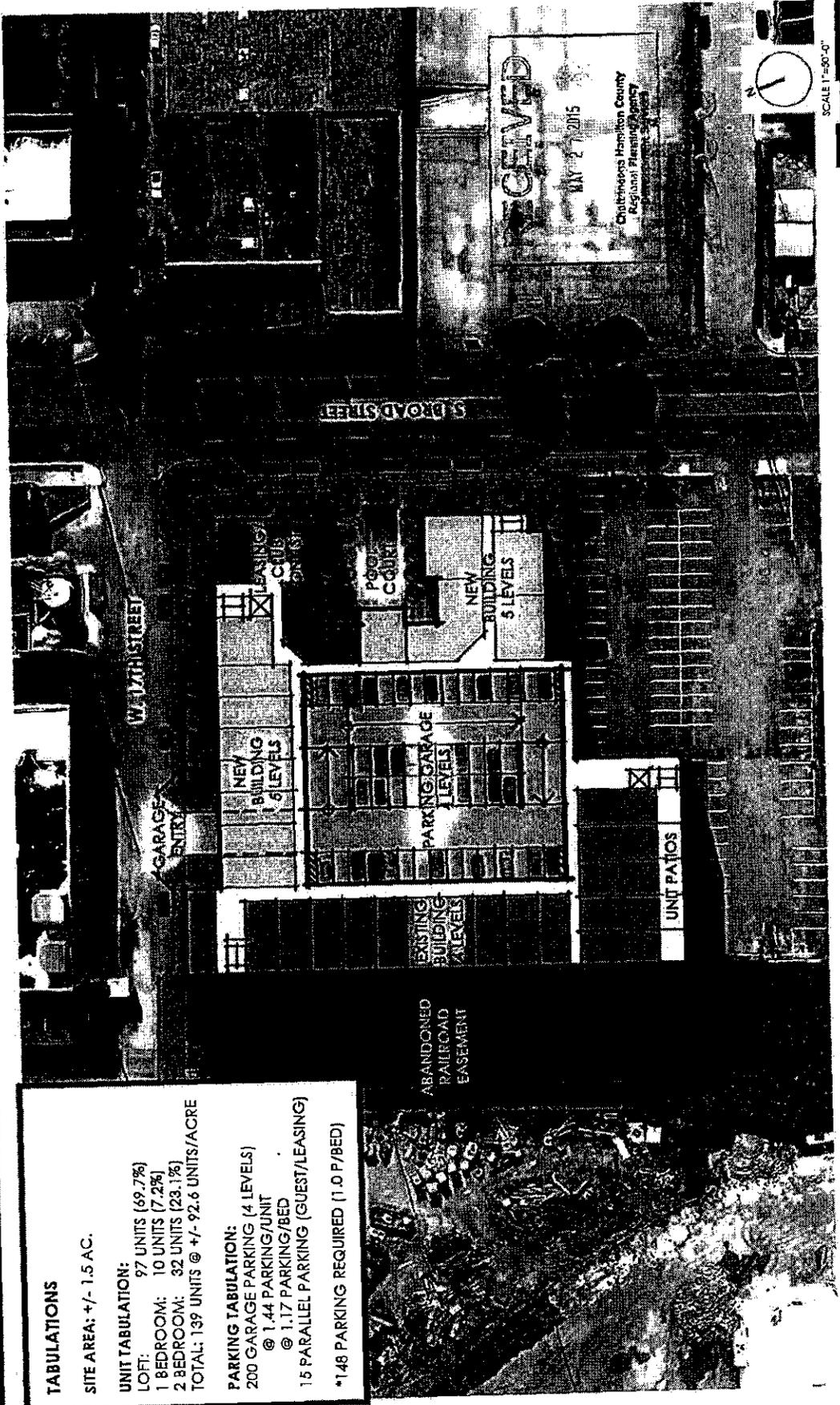
2015-089 Rezoning from M-1 to C-3



398 ft

Chattanooga Hamilton County Regional Planning Agency





TABLATIONS

SITE AREA: +/- 1.5 AC.

UNIT TABULATION:

LOFT: 97 UNITS (69.7%)
 1 BEDROOM: 10 UNITS (7.2%)
 2 BEDROOM: 32 UNITS (23.1%)
 TOTAL: 139 UNITS @ +/- 92.6 UNITS/ACRE

PARKING TABULATION:

200 GARAGE PARKING (4 LEVELS)
 @ 1.44 PARKING/UNIT
 @ 1.17 PARKING/BED
 15 PARALLEL PARKING (GUEST/LEASING)
 *148 PARKING REQUIRED (1.0 P/BED)

ABANDONED
RAILROAD
EASEMENT

RECEIVED
MAY 27 2015
Chattanooga Hamilton County
Regional Planning Agency



SCALE 1"=50'-0"

15145
05.26.2015
JOHN MURPHY

2015-089

1701 BROAD STREET LOFTS: SCHEMATIC SITE PLAN #2

CHATTANOOGA, TENNESSEE

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NOTICE

WHEREAS, petition to amend Ordinance No. 6958, known as the Zoning Ordinance, has been proposed to the City Council of the City of Chattanooga:

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

2015-048 Pat Neuhoff or Neuhoff Taylor Architects and The Salvation Army. 902, 904, 910, 914, and 918 East 8th 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 14th 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.

Nicole Gwyn
Clerk to the City Council