

First Reading: _____
Second Reading: _____

2015-048
Pat Neuhoff of Neuhoff Taylor Architects and
The Salvation Army
District No. 8
Planning Version #3

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 902, 904, 910, 914, AND 918 EAST 8TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL 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 902, 904, 910, 914, and 918 East 8th Street, more particularly described herein:

The northern 72 feet of Lot 41, and all of Lots 42, 43, 44, and 45, A. C. Burns Subdivision, Book H, Volume 2, Page 478, ROHC, being the properties described in Deed Book 4055, Page 105, Deed Book 3996, Page 281, Deed Book 4643, Page 363, Deed Book 3546, Page 845, and Deed Book 4570, Page 480, ROHC. Tax Map Nos. 146H-B-001, 002, 003, 004, and 005.

and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-4 Special 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 buildings three (3) stories in height, a maximum twenty-five (25) foot front yard setback is required along the street frontage.
- B. For new single-family detached, duplex, townhome, and multi-family structures less than three (3) stories in height, a maximum twenty-five (25) foot front yard setback is required along the street frontage.

3. Height Requirements.

- A. The minimum height of new nonresidential buildings shall be eighteen (18) feet.
- B. The maximum height of all new buildings shall be three (3) 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 8th Street or Palmetto Street.
- 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:
 - (a) Brick, stucco, or stone walls (concrete block is permitted if faced with said materials); or
 - (b) A decorative metal fence with landscaping a minimum of three (3) feet in height at maturity, providing a year-round near opaque screen; or
 - (c) An evergreen hedge, with a minimum height at maturity of three (3) feet.
 - (d) Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.
- (2) 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.
- (3) No security-type roll up metal doors shall be newly installed where they would front streets other than interior block alleys.
- (4) All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.

7. Land Uses.

- A. Residential uses only; and
- B. Fraternal/sorority organizations or associated activities on the property are prohibited.

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/Version 3

First Reading: _____
Second Reading: _____

2015-048
Pat Neuhoff of Neuhoff Taylor Architects and
The Salvation Army
District No. 8
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 902, 904, 910, 914, AND 918 EAST 8TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-4 SPECIAL ZONE.

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and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-4 Special Zone.

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Passed on second and final reading: _____

CHAIRPERSON

APPROVED:____ DISAPPROVED:____

MAYOR

/mem

2015-048 City of Chattanooga
July 13, 2015

RESOLUTION

WHEREAS, Pat Neuhoff of Neuhoff Taylor Architects & The Salvation Army 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-1 Residential Zone to R-4 Special Zone, properties located at 902, 904, 910, 910, 914 and 918 East 8th Street.

The northern 72 feet of Lot 41, and all of Lots 42, 43, 44, and 45, A. C. Burns Subdivision, Book H, Volume 2, Page 478, ROHC, being the properties described in Deed Book 4055, Page 105, Deed Book 3996, Page 281, Deed Book 4643, Page 363, Deed Book 3546, Page 845, and Deed Book 4570, Page 480, ROHC. Tax Maps 146H-B-001, 002, 003, 004, and 005 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, 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 July 13, 2015, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved. subject to:

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.

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

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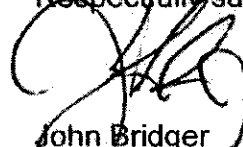
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- b. A decorative metal fence with landscaping a minimum of 3 feet in height at maturity, providing a year-round near opaque screen; or
 - c. An evergreen hedge, with a minimum height at maturity of 3 feet.
 - d. Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.
- (2) Ground floor openings (doors and windows) shall constitute a minimum of 50 percent of the ground floor façade area for new non-residential buildings.
- (3) No security-type roll up metal doors shall be newly installed where they would front streets other than interior block alleys.
- (4) All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.

7. Land Uses

- A. Residential uses only.

Respectfully submitted,



John Bridger
Secretary

ZONING APPLICATION FORM

CASE NUMBER:	2015-048	Date Submitted:	2/20/2015
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
1 Applicant Request			
Zoning	From: R-1	To: R-4	
Total Acres in request area: 0.62 Acres			
2 Property Information			
Property Address:	902, 904, 910, 914 and 918 E. 8th Street		
Property Tax Map Number(s):	146H-B-001, -002, -003, -004 and -005		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Fraternity House (Residential Use Only)		
4 Site Characteristics			
Current Zoning:	R-1		
Current Use:	Vacant		
Adjacent Uses:	Residential / Commercial		
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: Pat Neuhoff / Neuhoff Taylor Architects		Address: 699 Dallas Road	
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: 37405	Email: pat@neuhofftaylor.com
Phone 1: 423-265-3272	Phone 2:	Phone 3:	Fax: 423-265-5502
6 Property Owner Information (if not applicant)			
Name: The Salvation Army		Phone: 423-756-1023	
Address: 822 McCallie Avenue, Chattanooga, Tn. 37403			
Office Use Only:			
Planning District: 8a		Neighborhood: CNAC, MLK Neighborhood Association	
Hamilton Co. Comm. District: 6		Chatt. Council District: 8	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"/>	Site Plan, if required
<input checked="" type="checkbox"/>	Total Acres to be considered: 0.62	<input checked="" type="checkbox"/>	Deeds
<input checked="" type="checkbox"/>	Plats, if applicable	<input checked="" type="checkbox"/>	Notice Signs
Deed Book(s): 4055-105, 3996-281, 4643-363, and 3546-845			
Plat Book/Page: H-2-478		<input checked="" type="checkbox"/>	Number of Notice Signs: 2
<input checked="" type="checkbox"/>	Filing Fee: \$150.00	<input checked="" type="checkbox"/>	Cash
<input checked="" type="checkbox"/>	Check	<input checked="" type="checkbox"/>	Check Number: 9320
Planning Commission meeting date: 4-13-2015		Application processed by: Trevor Slayton	

PLANNING COMMISSION CASE REPORT

Case Number: 2015-048

PC Meeting Date: 07-13-15

Applicant Request**Rezone from R-1 Residential to R-4 Special Zone**

Property Location:	902, 904, 910, 914 & 918 E. 8th Street
Property Owner:	The Salvation Army
Applicant:	Pat Neuhoff / Neuhoff Taylor Architects

Project Description

- Develop the 0.62-acre site for a 2-story 24-unit apartment building.
- Building would face East 8th Street with a dumpster at the rear near Flynn Street.
- Parking entrances are proposed at Palmetto Street and Flynn Street; 26 parking spaces.

Site Analysis**Site Description**

- The 0.62-acre vacant site is located on East 8th Street between Palmetto Street and Magnolia Street in the M.L. King Neighborhood.
- Access: Currently, vehicle access to the site is from East 8th Street.
- Development form: There is a mixture of one, two, three, and five story buildings within a 500-foot radius in this urban neighborhood.
- Land Uses: North- Salvation Army, offices, apartments; West- churches, offices, apartments; East- single-family homes; South- single-family homes and apartments.

Zoning History

- The site is currently zoned R-1 Residential.
- The zoning to the north and west is C-3 Central Business Zone and R-4 Special Zone. To the south is R-1 Residential, R-4 Special, and RTZ Residential Townhouse Zero Lot Line zoning. Zoning to the east is mostly R-1 Residential.
- There has been no recent zoning activity on this site.

Plans/Policies/Regulations

- The MLK Community Plan (adopted by City Council in 2008) recommends Multi-Unit residential for this site.
- The MLK Community Plan also recommended that "Design guidelines should be adopted as part of the zoning regulations to ensure the compatibility of any multi-family residential development with the existing single-family homes. Details such as the setback from the street, exterior materials, porches, location of parking, building height and roof pitches can be critical and should be carefully considered."
- The MLK Community Plan recommends "urban housing forms" with parking provided to the rear.

Key Findings

- The proposed use is supported by the adopted Land Use Plan for the area which recommends a diversity of housing types.
- The proposed use is consistent with surrounding uses.
- The proposed site plan is not consistent with the development form of the area. The surrounding single-family and multi-family residential development have shallow, "urban" setbacks with parking in the rear.
- The proposed residential density is compatible with the surrounding densities.
- The proposed structure does not raise concerns regarding height.
- The proposed structure does raise concerns regarding its proposed location on the property (setbacks), the proposed location of parking, and potential lighting of the parking area.
- The proposal would be an extension of an existing zone.

PLANNING COMMISSION CASE REPORT

- While staff would prefer to consider C-3 Central Business District zone for this site because it promotes urban development form, the proposed use is permitted in R-4 Special Zone.
- The R-4 Special Zone has a minimum front yard setback of 25 feet. However, a front yard setback not to exceed 15 feet would be more consistent with the existing residential front yard setbacks on 8th Street.
- To achieve a 15 feet front yard setback, the applicant can request a variance from the Board of Zoning appeals to reduce the front yard setback.
- The applicant met with the MLK neighborhood. The neighborhood asked for the following:
 - A “single-family attached building form with porches on both streets” instead of a building that looks like an apartment building.
 - Treat both 8th Street and Palmetto Street as primary streets, with dumpsters not being visible from either street.
 - Wait until the new Form-Based Code is in place.

Staff Recommendation

Recommend R-4 Special Zone, with the following conditions:

1. Review.

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B. Alleys, where they exist, shall be used as the principal vehicular access.

PLANNING COMMISSION CASE REPORT

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- A. Residential uses only.

Planning Commission Recommendation on next page...

PLANNING COMMISSION CASE REPORT

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 opposition to this request at the Planning Commission meeting.



Case #2015-048 Rezoning from R-1 to R-4

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-048:
 Approve, subject to the conditions in the Planning Commission Resolution.



125 ft



Chattanooga Hamilton County Regional Planning Agency





2015-048 Rezoning from R-1 to R-4



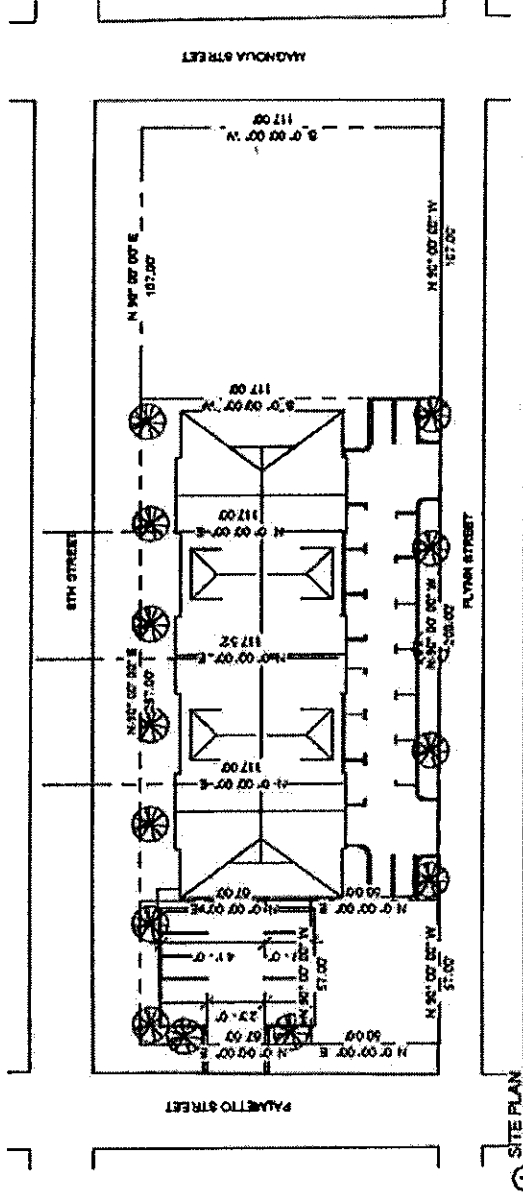
Chattanooga Hamilton County Regional Planning Agency



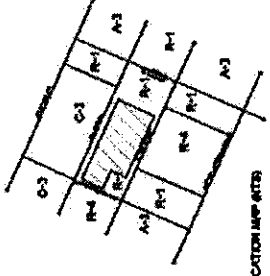
125 ft



SITE PLAN



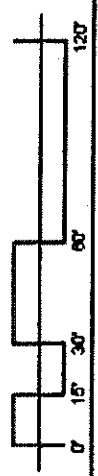
① SITE PLAN
1" = 40'-0"



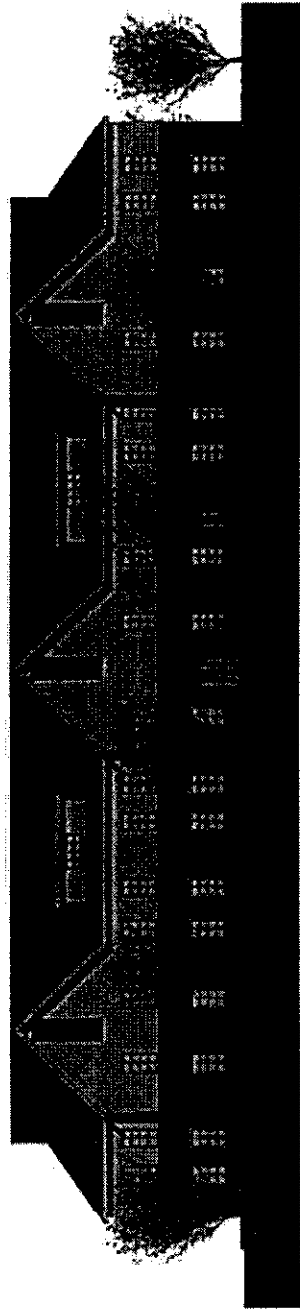
LOCATION MAP (FTS)

PARKING SUMMARY

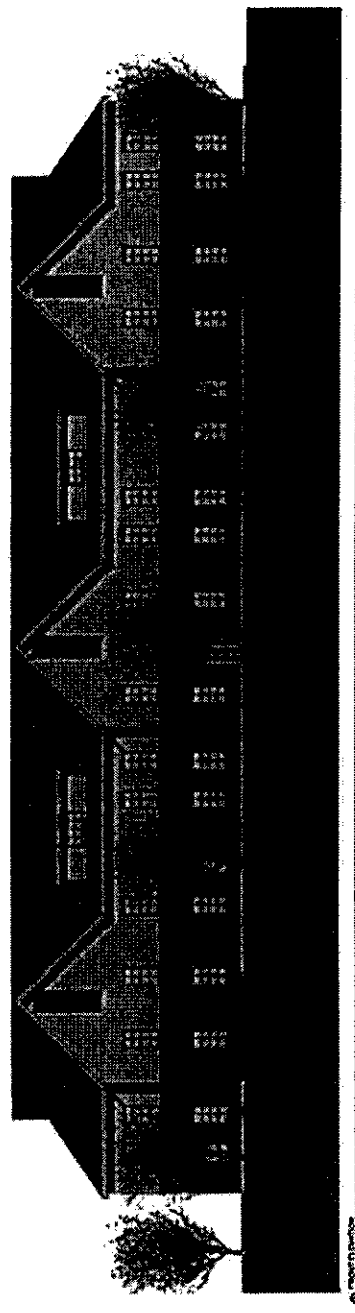
APARTMENT:	1 PER 2 LOGGERS
LOCAL OFFICE:	2 SPACES
PARKING PROVIDED:	2 SPACES
H.C. SPACES REQUIRED:	2 SPACES
H.C. SPACES PROVIDED:	2 SPACES
TOTAL PARKING PROVIDED:	2 SPACES



RENDERED ELEVATION



© 2012



© 2012

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