

First Reading: 9/8/15  
Second Reading: \_\_\_\_\_

2015-094  
Tom Kale, Jr./  
Henry Franklin  
District No. 7  
Planning Version

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 2100 BROAD STREET, 310 WEST 21<sup>ST</sup> STREET, AND AN UNADDRESSED PROPERTY IN THE 300 BLOCK OF WEST 21<sup>ST</sup> 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 properties located at 2100 Broad Street, 310 West 21<sup>st</sup> Street, and an unaddressed property in the 300 block of West 21<sup>st</sup> Street, more particularly described herein:

Three unplatted tracts of land being the properties described in Deed Book 4838, Page 189 and Deed Book 8229, Page 592, ROHC. Tax Map Nos. 145N-B-003 thru 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 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.

- (3) 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 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 twenty-five percent (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 (5) 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
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  - (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 percent (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.
  - 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.

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: \_\_\_\_\_

2015-094  
Tom Kale, Jr./  
Henry Franklin  
District No. 7  
Applicant Version

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

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Three unplatted tracts of land being the properties described in Deed Book 4838, Page 189 and Deed Book 8229, Page 592, ROHC. Tax Map Nos. 145N-B-003 thru 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.

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(2) weeks from and after its passage.

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

\_\_\_\_\_  
CHAIRPERSON

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

\_\_\_\_\_  
MAYOR

/mem

2015-094 City of Chattanooga  
August 10, 2015

## RESOLUTION

WHEREAS, Tom Kale, Jr./Henry Franklin 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, properties located at 2100 Broad Street, 310 West 21<sup>st</sup> Street and an unaddressed property in the 300 block of West 21<sup>st</sup> Street.

Three unplatted tracts of land being the properties described in Deed Book 4838, Page 189 and Deed Book 8229, Page 592, ROHC. Tax Map 145N-B-003 thru 005 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on August 10, 2015,

AND WHEREAS, the Planning Commission heard and considered all statements regarding 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,

AND WHEREAS, the Planning Commission has determined that the proposal is supported by the recommendation of the adopted Land Use Plan for the area and is consistent with surrounding uses.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on August 10, 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.
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  - (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.
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## **3. Height Requirements.**

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- 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.**

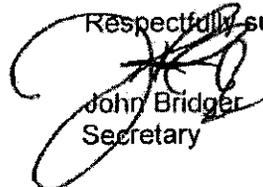
- A. New off-street parking shall not be permitted between a building and the primary street frontage.
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    - (4) An evergreen hedge, with a minimum height at maturity of 3 feet.
    - (5) Highway-style guardrails or security fencing (e.g. chain link) 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>	<b>2015-094</b>	<b>Date Submitted:</b>	<b>06/19/2015</b>
(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: M-1</b>	<b>To: C-3</b>	
Total Acres in request area: .56 acres			
<b>2 Property Information</b>			
Property Address:	2100 Broad St, 310 West 21 <sup>st</sup> St, and 300 blk of West 21 <sup>st</sup> St		
Property Tax Map Number(s):	145N-B-003, 004, 005		
<b>3 Proposed Development</b>			
Reason for Request and/or Proposed Use:	Conversion to live/work in existing structure with interior renovation only		
<b>4 Site Characteristics</b>			
Current Zoning:	M-1		
Current Use:	Office		
Adjacent Uses:	Retail, Light Industrial, Office, Hotel		
<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.			
Name: Tom Kale, Jr	Address: 1615 Cowart St, Suite 103		
Check one:	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/>	I am <b>not</b> the property owner
City: Chattanooga	State: TN	Zip Code: 37408	Email: tscale@epbfi.com
Phone 1: 423-421-0665	Phone 2:	Phone 3:	Fax:
<b>6 Property Owner Information (if not applicant)</b>			
Name: Henry Franklin	Phone: 423-619-1200		
Address: 2106 Broad St, Chattanooga, TN 37408			
<b>Office Use Only:</b>			
Planning District: 8A	Neighborhood: CNAC		
Hamilton Co. Comm. District: 6	Chatt. Council District: 7	Other Municipality:	
Staff Rec:	PC Action/Date:	Legislative Action/Date/Ordinance:	
<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"/> Site Plan, if required	<input checked="" type="checkbox"/> Total Acres to be considered: 0.56	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 4838/189, 8229/592			
Plat Book/Page N/A	<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: 1784
Planning Commission meeting date: 08/10/2015	Application processed by: Pattie Dodd & Marcia Parker		

**PLANNING COMMISSION CASE REPORT**

Case Number: 2015-094

PC Meeting Date: 08-10-15

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

<b>Property Location:</b>	2100 Broad St, 310 West 21 <sup>st</sup> Street, and 300 block of West 21 <sup>st</sup> Street
<b>Property Owner:</b>	Henry Franklin
<b>Applicant:</b>	Tom Kale, Jr.

**Project Description**

- **Current conditions:** This rezoning request encompasses three parcels that are under one ownership. A total of two existing buildings are located on these three parcels.
- **Proposal:** Convert the existing one-story structure (1,200 square feet) at 310 West 21<sup>st</sup> Street to a "live-work" building to function as an office/residence for up to two tenants. The owner has no plans to change the existing building at 2100 Broad Street.
- **Proposed Access:** Parking access from West 21<sup>st</sup> Street
- **Proposed Development Form:** 1-story existing buildings

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

- **Location:** The ½-acre site is located on the south side of West 21<sup>st</sup> Street between Broad Street and Williams Street directly adjacent to the Interstate 24 on-ramps.
- **Current Access:** West 21<sup>st</sup> Street.
- **Current Development form:** There are mostly one-story buildings within a 4-block distance of this downtown urban site.
- **Current Land Uses:** There is a mixture of warehousing and other non-residential uses within a 4-block distance of this site.

**Zoning History**

- The site is currently zoned M-1 Manufacturing.
- Most properties within a 500-foot radius of the site are zoned M-1 Manufacturing. Some C-3 Central Business zoning exists one block north of the site. The property to the east is zoned C-2 Convenience Commercial.
- There has been no recent zoning activity on this site.

**Plans/Policies/Regulations**

- The Downtown Plan (adopted by City Council in 2004) recommends mixed use development, including residential, in the general vicinity.
- 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.
- These properties are included in the Form-Based Code (FBC) study area and, currently, the proposed FBC zone for this area is Mixed Use (MX-6) with a maximum of 6 stories.

**Key Findings**

- The proposal is supported by the recommendations of the adopted Land Use Plan for the area as it incorporates mixed use development and the reuse of existing buildings.
- The proposed use is compatible 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.
- The proposal would not be an extension of an existing zone.

## PLANNING COMMISSION CASE REPORT

- The proposal would set a positive precedent for future requests.

### 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

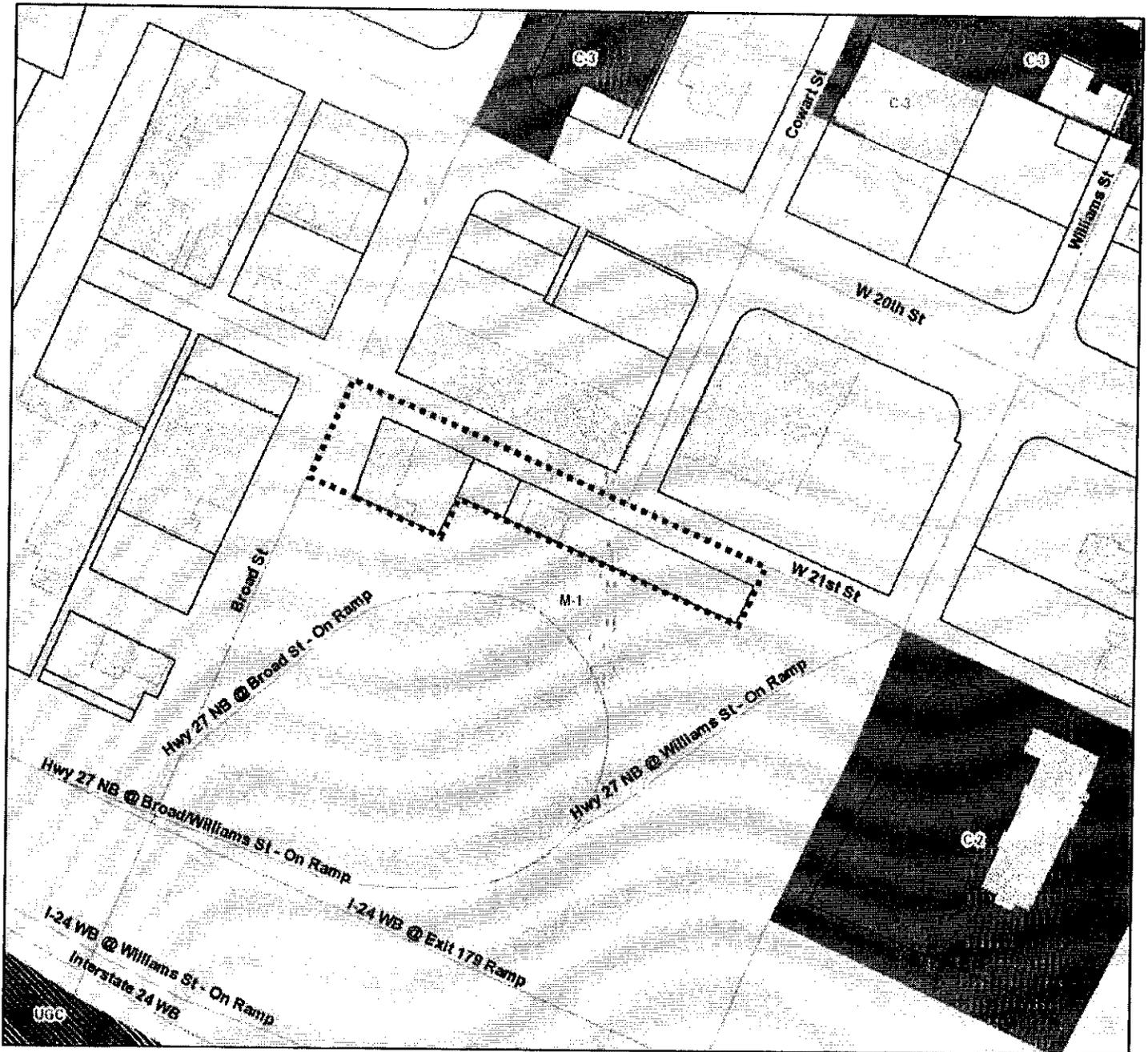
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  - D. No security-type roll up metal doors shall be newly installed where they would front streets other than interior block alleys.
  - E. All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.

### Planning Commission Recommendation

Approve, subject to the above conditions.

Reason: The proposal is supported by the recommendation of the adopted Land use Plan for the area and is consistent and compatible with surrounding uses.

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



## 2015-094 Rezoning from M-1 to C-3

PLANNING COMMISSION RECOMMENDATION FOR CASE 2015-094: Approve, subject to the list of conditions in the Planning Commission Resolution.

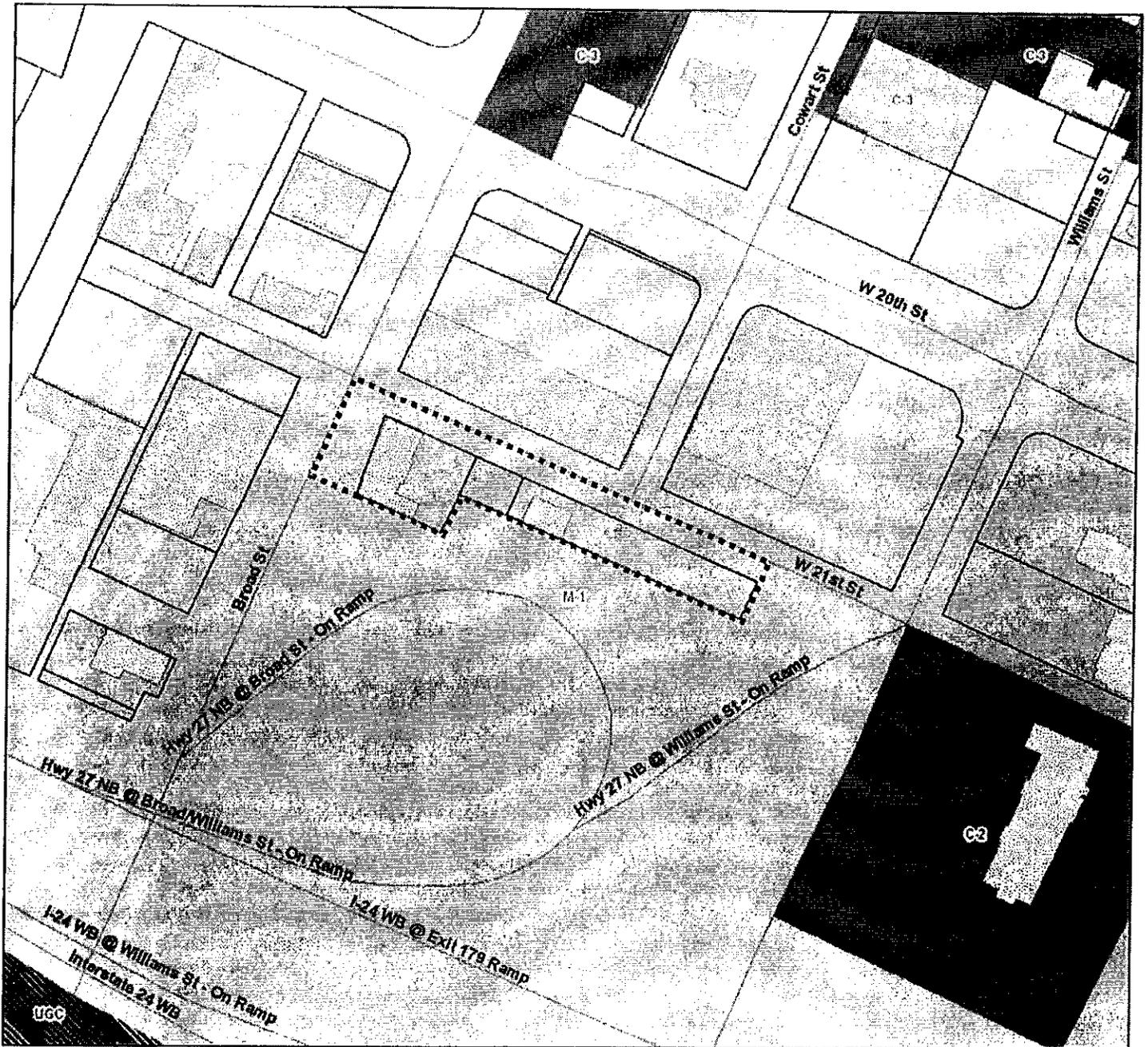


150 ft



Chattanooga Hamilton County Regional Planning Agency





## 2015-094 Rezoning from M-1 to C-3

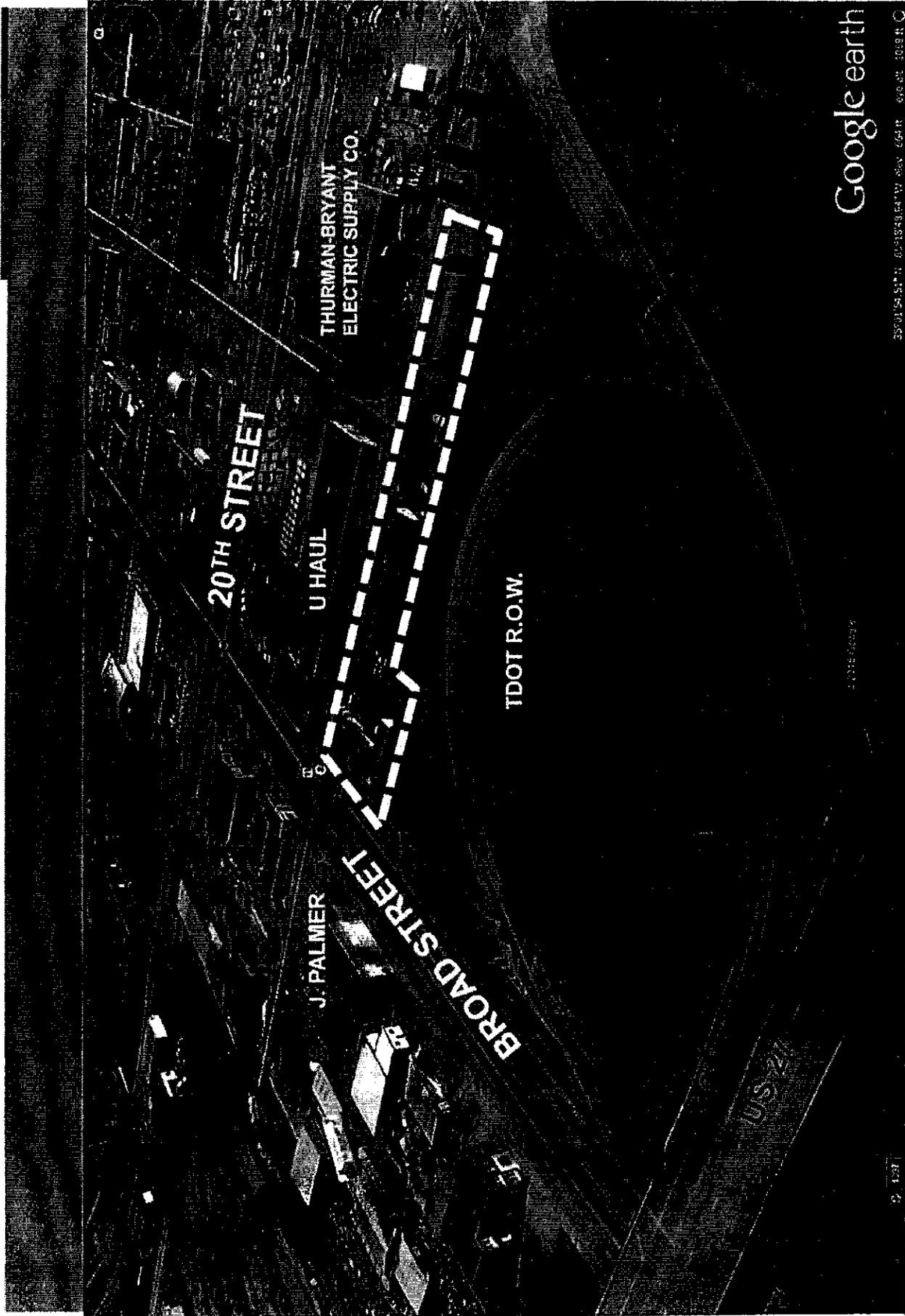


**Chattanooga Hamilton County Regional Planning Agency**



150 ft





Google earth

35°01'54.51" N 82°15'48.64" W May 2011 eye alt 3059 ft

20TH STREET

U HAUL

THURMAN-BRYANT  
ELECTRIC SUPPLY CO.

TDOT R.O.W.

J. PALMER

BROAD STREET



Charlotte, NC  
Regional Planning Associates

## **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:

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

2015-094 Tom Kale, Jr./Henry Franklin. 2100 Broad Street, 310 West 21<sup>st</sup> Street, and an unaddressed property in the 300 block of West 21<sup>st</sup> Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-099 City of Chattanooga/Regional Planning Agency. 8603 and 8699 North Hickory Valley Road, for Annexed Area by Ordinance No. 12959, from C-2 Convenience Commercial Zone to Permanent C-2 Convenience Commercial Zone.

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,

**September 8, 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