First Reading:_____
Second Reading:_____

2015-124
Belle Investment Company and
BYD Cowart, GP
District No. 7
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITION 2C #4, "48 FEET MAXIMUM HEIGHT" FROM ORDINANCE NO. 12059 OF PREVIOUS CASE NO. 2007-190 OFF PROPERTY LOCATED IN THE 1200 BLOCK OF COWART STREET, BEING MORE PARTICULARLY DESCRIBED HEREIN.

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, so as to lift Condition 2C #4, "48 feet maximum height" from Ordinance No. 12059 of previous Case No. 2007-190 off property located in the 1200 block of Cowart Street, being more particularly described herein.

> An unplatted tract of land located in the 1200 block of Cowart Street and being the property described in Deed Book 10343, Page 951, ROHC. Tax Map No. 145E-M-006.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be approved for four (4) stories. A fifth story (maximum height of twelve feet) may be added if that fifth story is stepped back from the north, east (Cowart Street), and south (13th Street) building faces by ten (10) feet; and also approve lifting the condition restricting uses to Residential, Restaurant, and Deli.

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:_____

2015-124
Belle Investment Company and
BYD Cowart, GP
District No. 7
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITION 2C #4, "48 FEET MAXIMUM HEIGHT" FROM ORDINANCE NO. 12059 OF PREVIOUS CASE NO. 2007-190 OFF PROPERTY LOCATED IN THE 1200 BLOCK OF COWART STREET, BEING MORE PARTICULARLY DESCRIBED HEREIN.

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, so as to lift Condition 2C #4, "48 feet maximum height" from Ordinance No. 12059 of previous Case No. 2007-190 off property located in the 1200 block of Cowart Street, being more particularly described herein.

> An unplatted tract of land located in the 1200 block of Cowart Street and being the property described in Deed Book 10343, Page 951, ROHC. Tax Map No. 145E-M-006.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be approved for seven (7) stories.

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

2015-124 City of Chattanooga
October 12, 2015

RESOLUTION

WHEREAS, Belle Investment Company & BYD Cowart, GP petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga Lifting Condition 2C #4, "48 feet maximum height" from Ordinance #12059 of Previous Case #2007-190 off property located at in the 1200 block of Cowart Street.

An unplatted tract of land located in the 1200 block of Cowart Street and being the property described in Deed Book 10343, Page 951, ROHC. Tax Map 145E-M-006 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on October 12, 2015,

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

AND WHEREAS, the Planning Commission has determined that the proposed residential density is compatible with the surrounding densities.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on October 12, 2015, recommended to the Members of the City Council of the City of Chattanooga that this petition be: 1) Denied for lifting the condition to allow seven (7) stories, but approve four (4) stories. A fifth story (maximum height of twelve feet) may be added IF that fifth story is stepped back from the north, east (Cowart Street), and south (13th Street) building faces by ten (10) feet; and also (2) Approve lifting the condition restricting uses to Residential, Restaurant and Deli.

Respectfully submitted,

John Bridger
Secretary

Chattanooga-Hamilton County Regional Planning Agency

LIFT/AMEND CONDITIONS APPLICATION FORM

CASE NUMBER:	2015-124	Date Submitted: 8-21-2015
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)		
1 Applicant Request		
Conditions	**Description: Lift Condition 2C #4, 48 feet maximum height**	
	Resolution/Ordinance Number: Ordinance #12059	
	Previous Case Number: 2007-190	
2 Property Information		
Property Address:	1200 block of Cowart Street	
Property Tax Map Number(s):	145E-M-006	
3 Proposed Development		
Reason for Request and/or Proposed Use:	Proposed 7 story residential apartment building	
4 Site Characteristics		
Current Zoning:	C-3	
Current Use:	Gravel Parking	
Adjacent Uses:	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: Belle Investment Company		Address: 2561 Willow Point Way	
Check one:	I am the property owner	x	I am **not** the property owner
City: Knoxville	State: TN	Zip Code: 37931	Email: fullertravis@yahoo.com
Phone 1: 865-231-9866	Phone 2:	Phone 3:	Fax:

6 Property Owner Information (if not applicant)

Name: BYD Cowart, GP	Phone: 423-400-0799
Address: 735 Broad Street Suite 305 Chattanooga, TN 37402	

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

x	Application Complete	x	Ownership Verification	x	Map of Proposed Zoning Area with dimensions		
x	Site Plan, if required	x	Total Acres to be considered: 1.096	x	Deeds	x	Plats, if applicable
Deed Book(s): 10343-535							
Plat Book/Page: H2-156				X	Notice Signs	Number of Notice Signs: 1	
x	Filing Fee: 150.00		Cash	x	Check	Check Number: 5919	
Planning Commission meeting date: 10-12-2015				Application processed by: Marcia Parker			

Chattanooga-Hamilton County Regional

PLANNING COMMISSION CASE REPORT

Case Number: 2015-124 **PC Meeting Date: 10-12-2015**

Applicant Request

Lift C3 Central Business Zone Conditions

Property Location:	**1200 block of Cowart Street**
Property Owner:	**BYD Cowart, GP**
Applicant:	**Belle Investment Company**

Project Description

- Proposal: Lift a 48 foot maximum height condition (Ordinance #12059, Condition 2C4) to build a 7-story apartment building, wrapped around structured parking on three sides.
- Proposed Vehicular Access: Cowart Street.
- Proposed Development Form: 7-story building is proposed to front Cowart Street with a zero building setback and structured parking to the rear.
- Proposed Number of Units: Approximately 141 units (per site plan).

Site Analysis

Site Description

- Location: The 1-acre vacant site is located on the west side of Cowart Street between Market Street and West 13th Street.
- Current Access: Cowart Street, and an alley at the north end of the site that runs between Market and Broad Streets.
- Current Development form: There is a mixture of one, two, three, and four to five story buildings within a 500 foot radius of this downtown urban site.
- Current Land Uses: The site is currently used for surface parking. There is a mix of office, hotel, government, and other business and restaurant uses within a 500 foot radius of the site.

Zoning History

- The site is currently zoned C-3 Central Business Zone with a list of conditions that includes:
  - Land Use ("Residential and restaurant or deli use only")
  - Building Setbacks and Street Frontage,
  - Building Facades and Access (including building height limited to 48 feet),
  - Equipment Placement,
  - Access and Parking,
  - Landscaping, and
  - Prohibited Uses.
- The site was rezoned from M-1 Manufacturing to C-3 Central Business Zone (with conditions) in 2007 (Ordinance #12059).
- The property to the north is zoned M-1 Manufacturing. The properties to the east are zoned C-3 Central Business Zone (with conditions) and M-1 Manufacturing. The properties to the south and west are zoned C-3 Central Business Zone (with conditions).

Plans/Policies/Regulations

- The Downtown Plan (adopted by City Council in 2004) recommends mixed use development on this site in the Southside. Further recommendations include:
  - Promoting the area near Main and Market as an entertainment district, including music venues and restaurants on the ground floor.
  - Residential development with a minimum density of 12 units per acre. Significantly higher densities are preferred.
  - Buildings should be similar in height and configuration to neighboring buildings on the same block and side of the street to create continuity, balance and scale.

- The Downtown Plan includes this site in the Southside district, not the Central Business District (or core.) Regarding building height, it states, "Moving outward from the core, the maximum building height should be of a lesser height – 48 feet – to provide continuity with the lower scale of the residential areas and neighborhood commercial centers."
- Incorporate a colonnade into any new development on the north side of 13th Street (to continue the pattern established by the Chattanoogan and the Convention Center.)
- The site is located to the immediate west of the Market and Main Streets National Historic District. While this proximity does not require specific building standards, the Downtown Plan states the following regarding historic resources. "Historic tax credits may be available for some properties and the surrounding historic context should be preserved to maintain that eligibility." The historic buildings across Cowart Street from the site are two- and three-story buildings.

- The C-3 Central Business Zone Height Map (which has been used to assign building height conditions in C-3 zoning cases) places no building height limit on structures within the area identified as the "Core." This site is on the outer edge of the Core (as defined on this one map). The Height Map recommends a maximum height of 50 feet for properties immediately adjacent to the south.
- The proposed Form-Based Code, currently recommends Shopfront buildings with a maximum height of (6) six stories on this site.
- Transportation: The Chattanooga Department of Transportation recommends giving added consideration to the street edge (in terms of quality and width) if conditions are lifted to allow an increased building height. Existing conditions seem to have a limited right-of-way along both frontages, which might exclude street trees if the width is not adequate (10-14' is preferred for a proper streetscape between curb and building). Consequently, this could create an edge that is notably less people-scaled and people-oriented with a taller building.

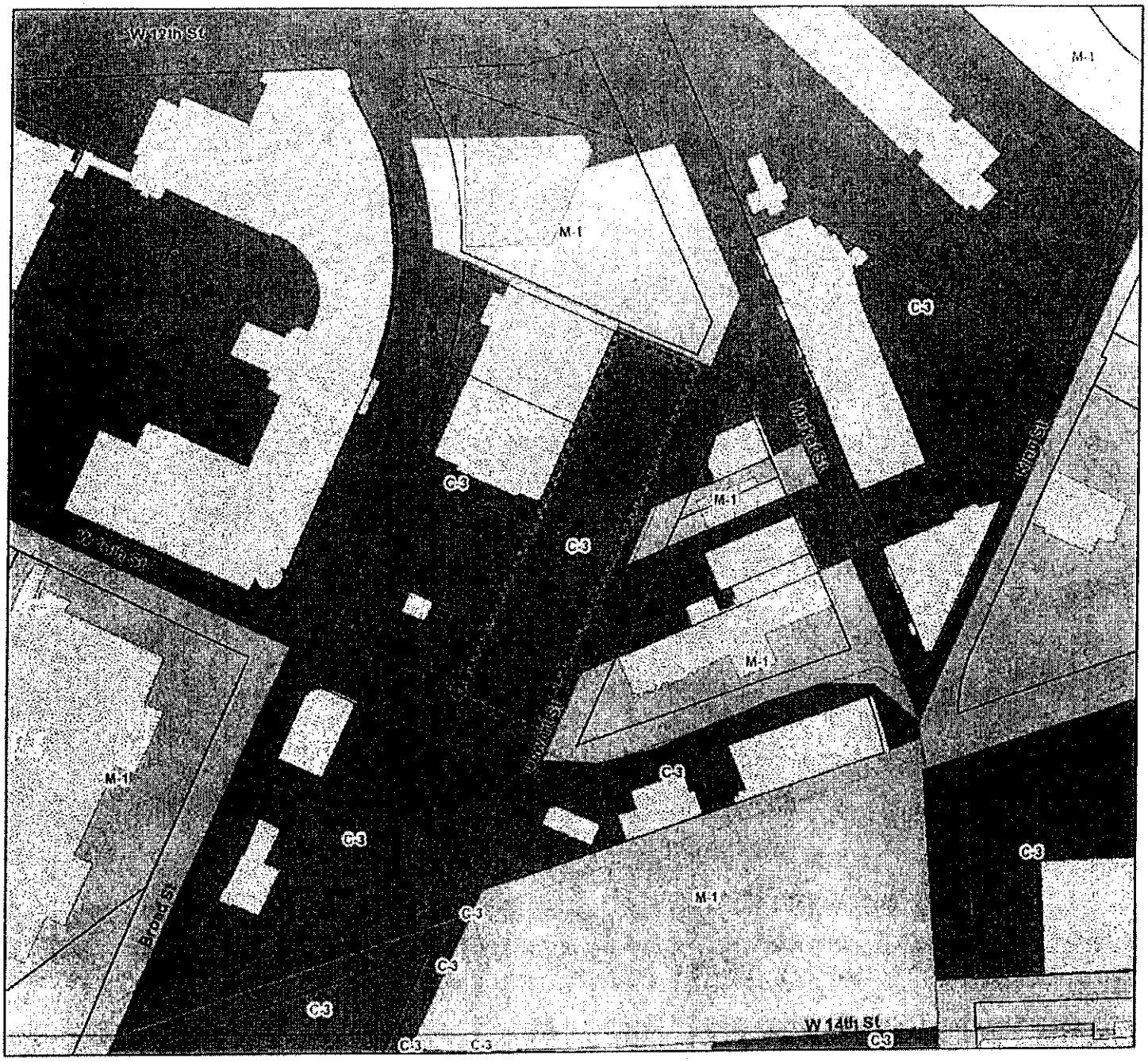
Key Findings

- The proposal to lift the maximum height condition and build a 7-story building is not supported by the recommendations of the adopted Land Use Plan for the area, as the historic buildings across the street are only two and three stories. The closest five-story buildings are The Chattanoogan and the TVA building.
- The proposed <u>use</u> is consistent with surrounding uses. Although not requested by the applicant, the current zoning land use conditions (restricting to "Residential and restaurant or deli use only") are too restrictive and staff is recommending lifting this condition.
- The proposed building height is not consistent with the building heights in the area.
- The proposed structure does raise concerns regarding height.
- The proposal would set a negative precedent for future requests.

Staff Recommendation

1) Deny lifting the condition to allow seven (7) stories, but approve four (4) stories. A fifth story (maximum height of twelve feet) may be added IF that fifth story is stepped back from the north, east (Cowart Street), and south (13th Street) building faces by ten (10) feet

2) Approve lifting the condition restricting uses to Residential, Restaurant and Deli.



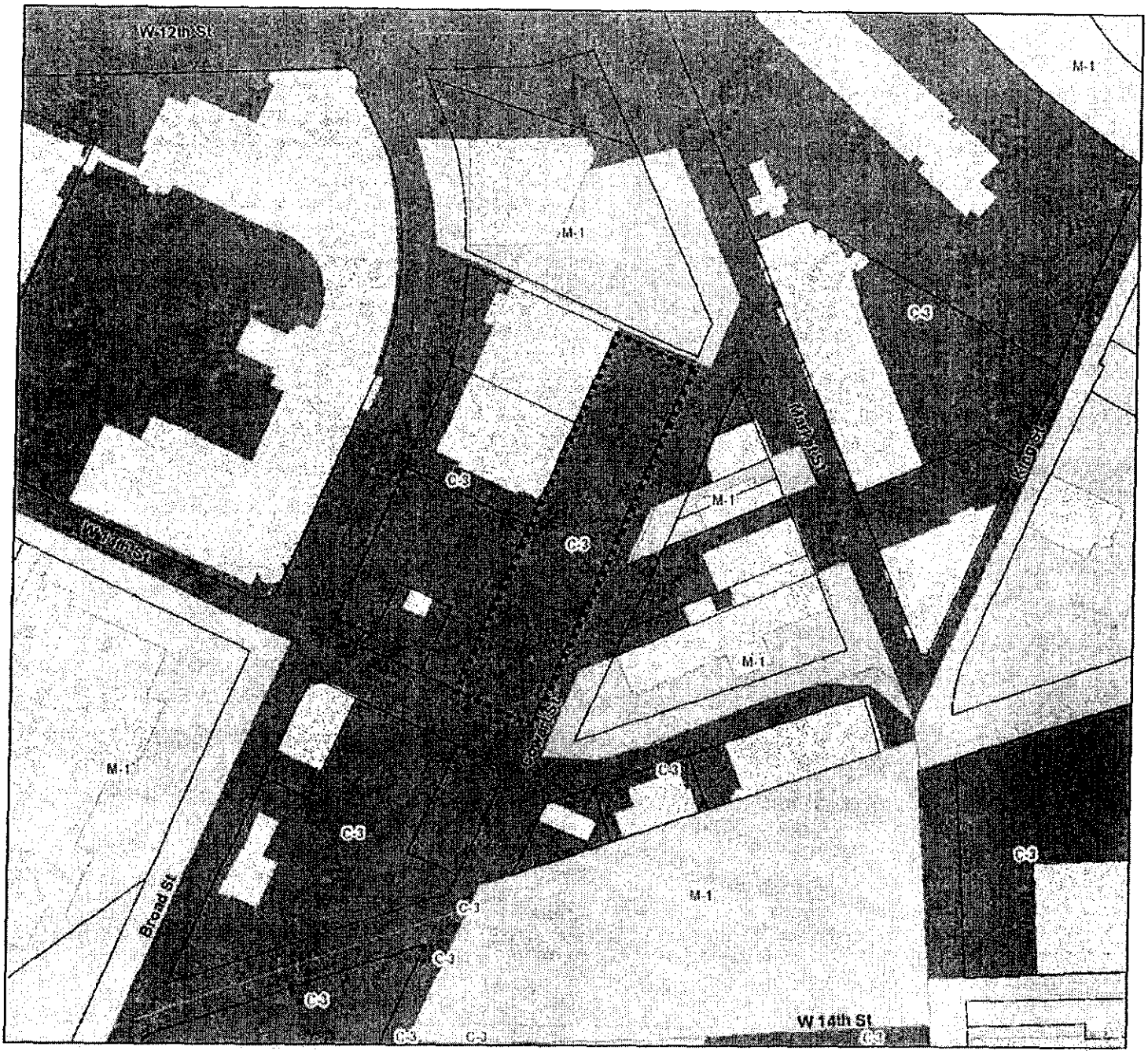
2015-124 Lift Conditions

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-124:
Deny request; Approve other, subject to the conditions in the Planning Commission Resolution.

167 ft

Chattanooga Hamilton County Regional Planning Agency

RPA

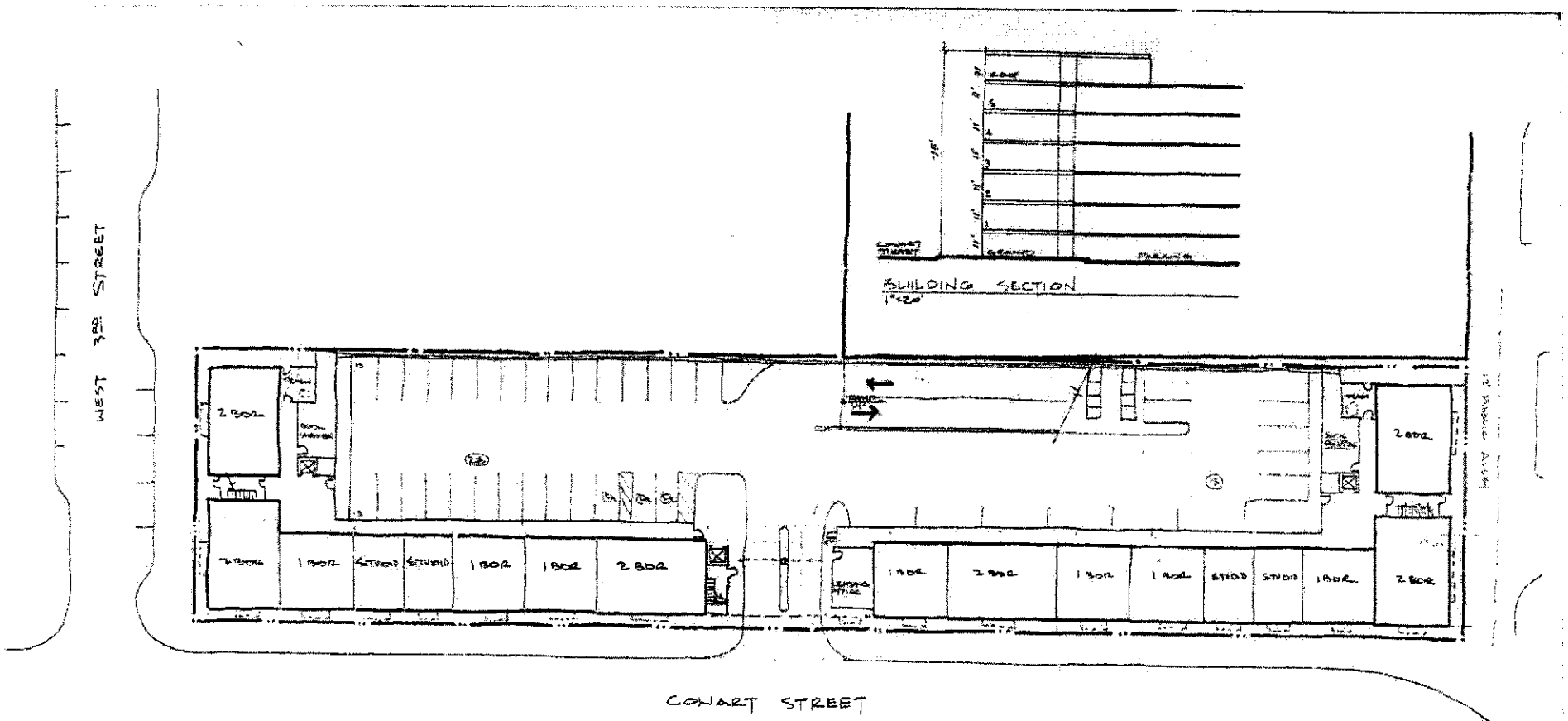


2015-124 Lift Conditions

167 ft

Chattanooga Hamilton County Regional Planning Agency

RPA



GROUND LEVEL FLOOR PLAN

1"=20'

CHATTANOOGA, TN

18 UNITS

7/24/2015

WAKEFIELD BEASLEY & ASSOCIATES

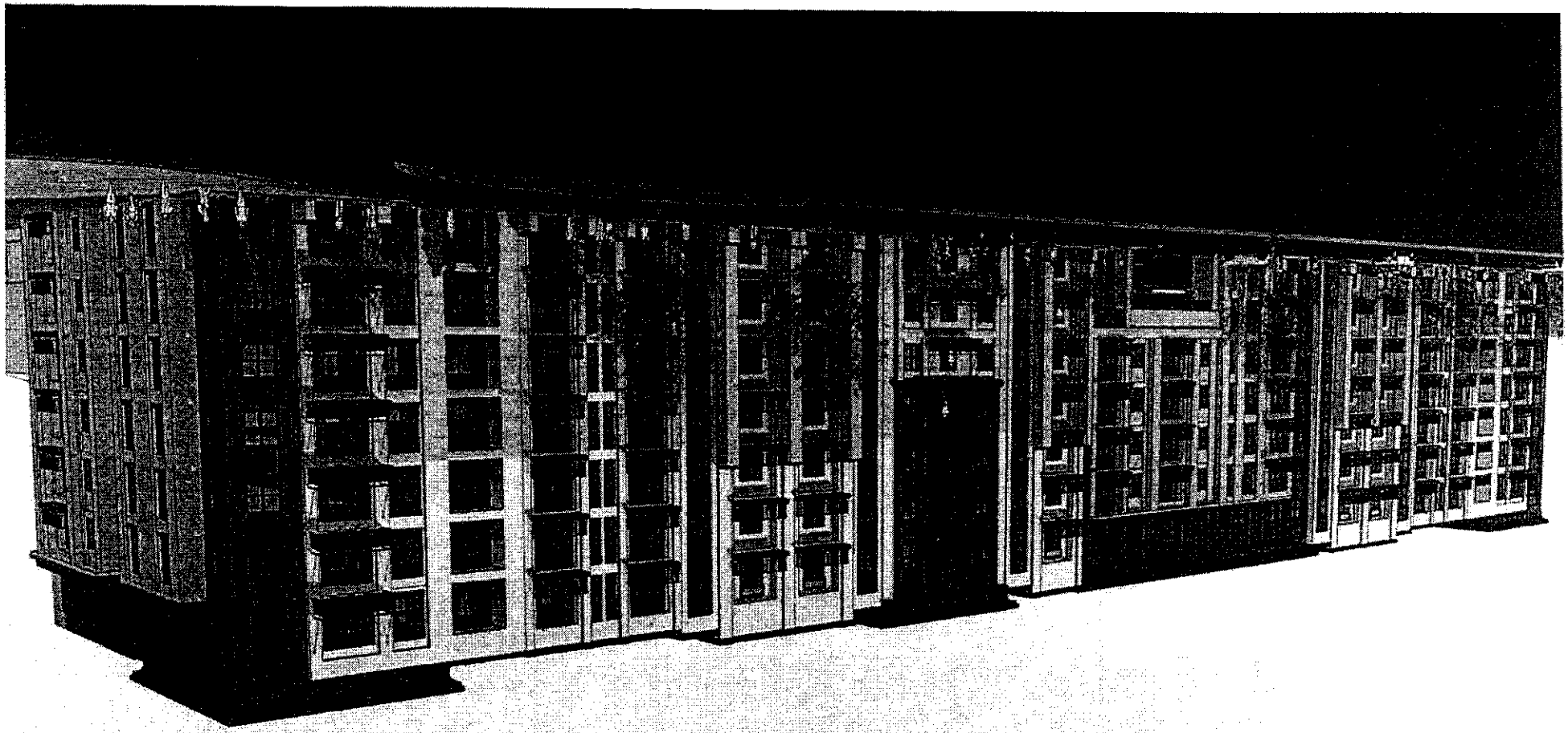
UNIT COUNT		PARKING
GROUND	17	41
LEVELS 1-5	95	39x4=156
ROOF	29	0
TOTAL	[illegible]	197

SQUARE FOOTAGE ANALYSIS

LEVEL	ENCLOSED	PARKING
GROUND	19,810	24,800
1-5	104,960	86,400
ROOF	32,280	—
TOTAL	156,030	109,900
ROOF TERRACE		10,230

RECEIVED
AUG 21 2015
Chattanooga Hamilton County
Regional Planning Agency
Development Services

2015-124



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:

> 2015-120 Joseph M. Fuller. 1627 Rossville Avenue, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.
>
> 2015-132 CBG Properties, LLC/John Strawn. 2831 Silverdale Road, from R-3 MD Moderate Density Zone to R-4 Special Zone, subject to certain conditions.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be denied:

> 2015-115 Patrick Donaldson. 2301 Wilson Street, from R-1 Residential Zone to R-2 Residential Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following condition be lifted as follows:

> 2015-124 Belle Investment Company and BYD Cowart, GP. 1200 block of Cowart Street, to lift Condition 2C #4, "48 feet maximum height" from Ordinance No. 12059 of Previous Case No. 2007-190.

4. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following Special Exceptions Permit be approved as follows:

> 2015-129 Joseph Ingram and Marcus Jones. 1308 Meroney Street and 605 Samoyed Trail, for a Residential Planned Unit Development.

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,

November 10, 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