

First Reading: _____
Second Reading: _____

2015-120
Joseph M. Fuller
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 1627 ROSSVILLE AVENUE, 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 1627 Rossville Avenue, more particularly described herein:

Lots 38 and 39, Wilhoit's Addition to the City of Chattanooga, Plat Book 2, Page 19, ROHC, being part of the property described in Deed Book 2758, Page 362, ROHC. Tax Map No. 145LD-H-007 (part).

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 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. For large sites with a limited existing interior street network, the new development shall include a network of connected interior streets, with buildings fronting those streets, to be reviewed and approved by the Chattanooga Department of Transportation.
- F. 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
 - (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 brick, stucco, or stone walls (concrete block is permitted if faced with said materials); or
 - (2) A decorative metal fence with landscaping a minimum of three (3) feet in height at maturity, providing a year-round near opaque screen; or
 - (3) An evergreen hedge, with a minimum height at maturity of three (3) feet.

- (4) 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 of non-residential buildings, 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: _____

2015-120
Joseph M. Fuller
District No. 7
Applicant Version

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CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

MAYOR

/mem

RESOLUTION

WHEREAS, Joseph M. Fuller 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 1627 Rossville Avenue.

Lots 38 and 39, Wilhoit's Addition to the City of Chattanooga, Plat Book 2, Page 19, ROHC, being part of the property described in Deed Book 2758, Page 362, ROHC. Tax Map 145LD-H-007 (part) 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, 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 recommendations of the adopted Land Use Plan for the area.

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 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:

(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.

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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. For large sites with a limited existing interior street network, the new development shall include a network of connected interior streets, with buildings fronting those streets, to be reviewed and approved by the Chattanooga Department of Transportation.

F. 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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 - (3) An evergreen hedge, with a minimum height at maturity of 3 feet.
 - (4) 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 of non-residential buildings, 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

CASE NUMBER:	2015-120	Date Submitted:	8-21-2015
(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: 0.122			
2 Property Information			
Property Address:	1627 Rossville Avenue		
Property Tax Map Number(s):	145LD-H-007 (part of) lot 38 & 39 Wilhoites S/D		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Owner requests to build approximately 1000 square foot single family home		
4 Site Characteristics			
Current Zoning:	M-1		
Current Use:	Parking lot for Zarzours Cafe also by Mr. Fuller		
Adjacent Uses:	Apartment, Condo, Retail		
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: Joseph M Fuller		Address: 600 N. Valley Drive	
Check one:	<input checked="" type="checkbox"/> I am the property owner	<input type="checkbox"/> I am not the property owner	
City: Chattanooga	State: TN	Zip Code: 37415	Email: dixie@riverbendfestival.com
Phone 1: 423-394-2206	Phone 2: 423-756-2211	Phone 3: 423-266-0424	Fax: 423-756-2719
6 Property Owner Information (if not applicant)			
Name: Same		Phone:	
Address:			
Office Use Only:			
Planning District: 8A		Neighborhood: GNAC, Southside Historic District, Jefferson Heights	
Hamilton Co. Comm. District: 4		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"/> Site Plan, if required	<input checked="" type="checkbox"/> Total Acres to be considered: 0.122	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 2758-362			
Plat Book/Page: 2-19		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 1
<input checked="" type="checkbox"/> Filing Fee: 635.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check	Check Number: 2215
Planning Commission meeting date: 10-12-2015		Application processed by: Pattie Dodd/Marcia Parker	

PLANNING COMMISSION CASE REPORT

Case Number: 2015-120

PC Meeting Date: 10-12-15

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

Property Location:	1627 Rossville Avenue
Property Owner:	Joseph M Fuller
Applicant:	Joseph M Fuller

Project Description

- Proposal: Develop a 5,300 square foot site with an approximately 1,000-square foot single-family home that will be designed to look like a shopfront commercial building. The applicant proposes to locate the building on Rossville Avenue, adjacent to Zarzour's restaurant. Some parking for the restaurant will be maintained at the rear of the lot off Cappella Street.
- Proposed Access: Rossville Avenue and Cappella Street.
- Proposed Development Form: 1-story dwelling.

Site Analysis**Site Description**

- Location: The 5,300 square foot site currently serves as parking for Zarzour's Café and is located on the west side of Rossville Avenue at the intersection with Wilhoit Road near Main Street.
- Current Access: Rossville Avenue and Cappella Street.
- Current Development form: There is a mixture of one, two, and three-story buildings within a 500 foot radius of this downtown urban site.
- Current Land Uses: The adjacent property to the northwest is a two-story mixed use building. A parking facility is across the street to the north. The adjacent property on the southeast side is a restaurant. The properties to the rear and west are residential.

Zoning History

- The site is currently zoned M-1 Manufacturing.
- The adjacent property to the north is zoned M-1 Manufacturing. The property to the east is zoned C-3 Central Business Zone. The property to the south is zoned M-1 Manufacturing. The properties across Cappella Street to the south and west are zoned R-3 Residential.
- The nearest C-3 Central Business Zone (same as the request) is located directly across the street on Rossville Avenue.
- There has been no recent zoning activity on this site.

Plans/Policies/Regulations

- The Downtown Plan (adopted by City Council in 2004) recommends a mix of single-family housing, duplexes and apartments in the Southside neighborhoods.
- The Downtown Plan recommends that setbacks for residential buildings be consistent with the predominant existing setbacks within the block.
- 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.
- The proposed Form-Based Code currently recommends Mixed Use with a maximum height of (4) four stories in this location.

Key Findings

- The proposal is supported by the recommendations of the adopted Land Use Plan for the area as it recommends a mix of uses, including single-family housing.
- The proposed use is consistent with uses in the adjacent Fort Negley neighborhood.

PLANNING COMMISSION CASE REPORT

- The proposal is consistent with the development form of the area.
- The proposed residential density is compatible with the surrounding densities.
- The proposed structure does not raise concerns regarding location, lighting, or height.
- The proposal would be an extension of an existing zone.
- The proposal would set a precedent for future requests.

Staff Recommendation

Approve, with the following conditions.

1. Review.

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PLANNING COMMISSION CASE REPORT

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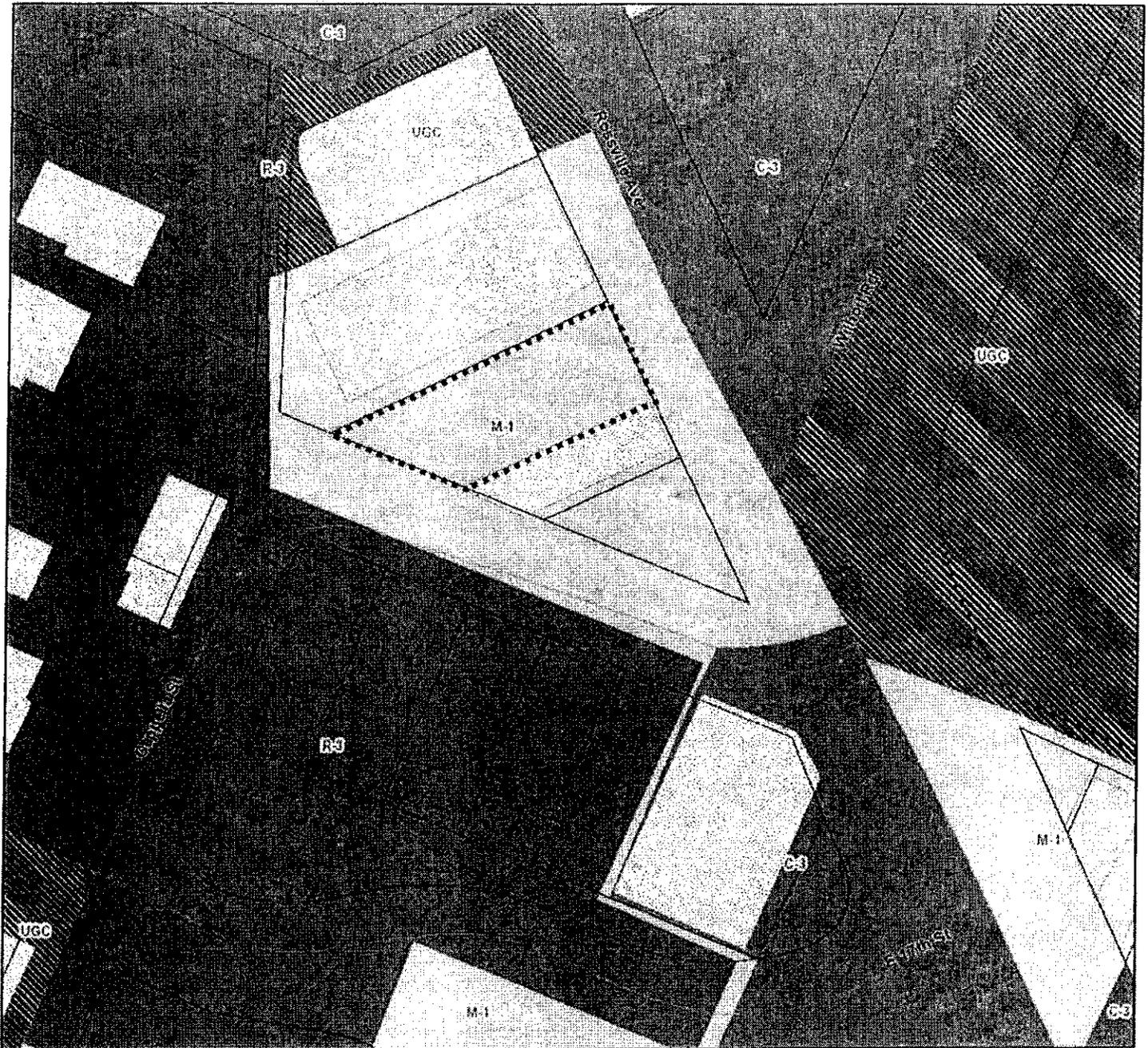
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PLANNING COMMISSION CASE REPORT

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2015-120 Rezoning from M-1 to C-3

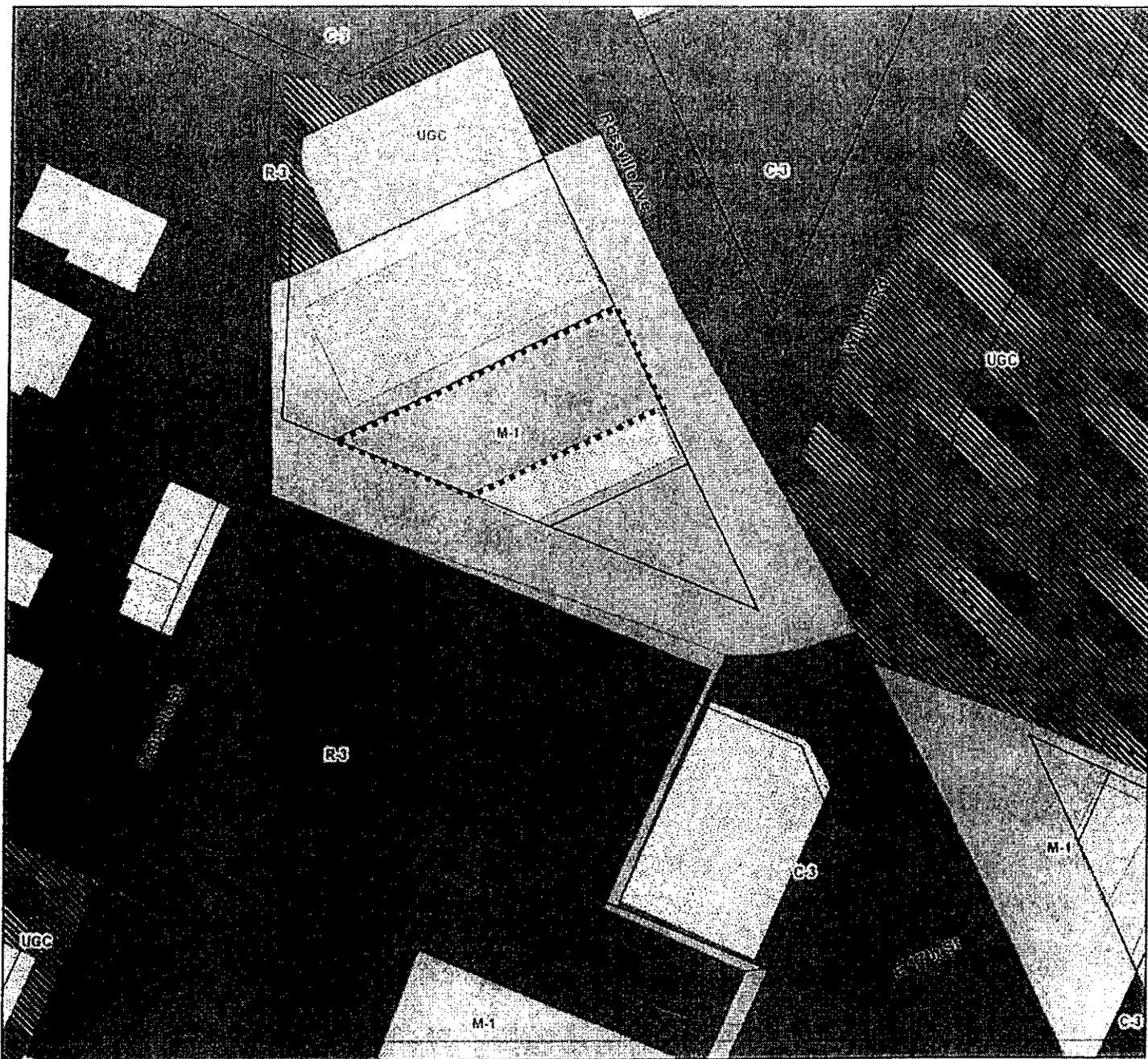


Chattanooga Hamilton County Regional Planning Agency



50 ft





2015-120 Rezoning from M-1 to C-3

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-120:
 Approve, subject to the list of conditions in the Planning Commission Resolution.



50 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:

2015-120 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