

**First Reading:** \_\_\_\_\_  
**Second Reading:** \_\_\_\_\_

2015-141  
Wise Properties, LLC  
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 1920 CHESTNUT STREET, 1817 BROAD STREET, AND 423 WEST 20<sup>TH</sup> STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

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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 1920 Chestnut Street, 1817 Broad Street, and 423 West 20<sup>th</sup> Street, more particularly described herein:

Lot 1, Brockhaus Subdivision, Plat Book 31, Page 63, ROHC, and two unplatted tracts of land located at 1817 Broad Street and 1920 Chestnut Street being the properties described as Tract 1 in Deed Book 10429, Page 404, ROHC, and Tracts 1 thru 3 in Deed Book 10489, Page 994, ROHC. Tax Map Nos. 145K-G-003, 145K-H-007 and 010.01.

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 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.
- G. Provide a vehicular drive connecting the parking lot on the northwest corner of the site to the proposed new road in the railroad right-of-way.

**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
- E. Pave and stripe all new surface parking lots.

**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:** \_\_\_\_\_

2015-141  
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District No. 7  
Applicant Version

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

\_\_\_\_\_  
CHAIRPERSON

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

\_\_\_\_\_  
MAYOR

/mem

RESOLUTION

WHEREAS, Wise Properties, LLC 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 1920 Chestnut Street, 1817 Broad Street and 423 West 20<sup>th</sup> Street.

Lot 1, Brockhaus Subdivision, Plat Book 31, Page 63, ROHC, and two unplatted tracts of land located at 1817 Broad Street and 1920 Chestnut Street being the properties described as Tract 1 in Deed Book 10429, Page 404, ROHC, and Tracts 1 thru 3 in Deed Book 10489, Page 994, ROHC. Tax Map 145K-G-003, 145K-H-007 and 010.01 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on November 9, 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 proposal is consistent and compatible with surrounding uses.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on November 9, 2015, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved 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.

- 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:
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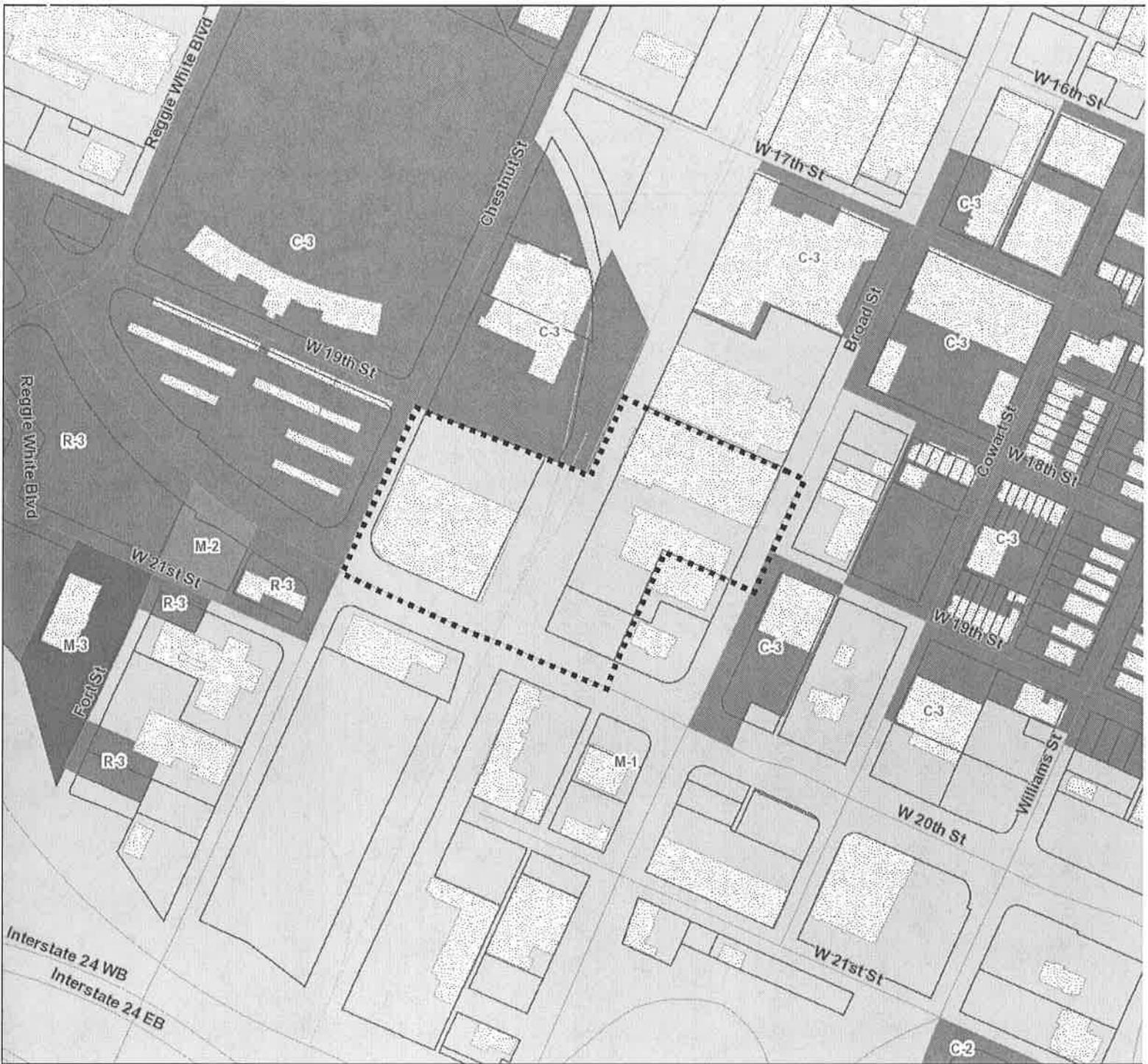
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- a. The remainder of the ground floor may be designed to incorporate parking, provided the parking is completely screened from public view.
- D. No security-type roll up metal doors shall be newly installed where they would front streets other than 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



## 2015-141 Rezoning from M-1 to C-3

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-141:  
 Approve, subject to the conditions in the Planning Commission Resolution.



263 ft



**Chattanooga Hamilton County Regional Planning Agency**



**ZONING APPLICATION FORM**

<b>CASE NUMBER:</b>	2015-141	<b>Date Submitted:</b> 09-25-2015	
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
<b>1 Applicant Request</b>			
<b>Zoning</b>	From: M-1	To: C-3	
	Total Acres in request area: 3.5		
<b>2 Property Information</b>			
<b>Property Address:</b>	1920 Chestnut Street, 1817 Broad Street, 423 W. 20 <sup>th</sup> Street		
<b>Property Tax Map Number(s):</b>	145K-G-003, 145K-H-007 & 145K-H-010.01		
<b>3 Proposed Development</b>			
<b>Reason for Request and/or Proposed Use:</b>	Change existing usage to apartments & continue warehouse		
<b>4 Site Characteristics</b>			
<b>Current Zoning:</b>	M-1		
<b>Current Use:</b>	Vacant		
<b>Adjacent Uses:</b>	C-3		
<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.			
<b>Name:</b> Wise Properties, LLC		<b>Address:</b> 298 Acorn Oak Circle	
<b>Check one:</b>	<input checked="" type="checkbox"/> I am the property owner	<input type="checkbox"/> I am not the property owner	
<b>City:</b> Chattanooga	<b>State:</b> TN	<b>Zip Code:</b> 37405	<b>Email:</b> jwise@wiselivingonline.com
<b>Phone 1:</b> 423-593-1040	<b>Phone 2:</b>	<b>Phone 3:</b>	<b>Fax:</b>
<b>6 Property Owner Information (if not applicant)</b>			
<b>Name:</b> Same		<b>Phone:</b>	
<b>Address:</b>			
<b>Office Use Only:</b>			
<b>Planning District:</b> 8A		<b>Neighborhood:</b> CNAC, Southside/Cowart Place	
<b>Hamilton Co. Comm. District:</b> 6		<b>Chatt. Council District:</b> 7	<b>Other Municipality:</b>
<b>Staff Rec:</b>	<b>PC Action/Date:</b>	<b>Legislative Action/Date/Ordinance:</b>	
<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: 3.5	<input checked="" type="checkbox"/>	Deeds
<input checked="" type="checkbox"/>	Plats, if applicable	<input checked="" type="checkbox"/>	Deed Book(s): 10429-404, 10489-994
<input checked="" type="checkbox"/>	Plat Book/Page: 31-63	<input checked="" type="checkbox"/>	Notice Signs
<input checked="" type="checkbox"/>	Number of Notice Signs: 4	<input checked="" type="checkbox"/>	Filing Fee: 635.00
<input checked="" type="checkbox"/>	Cash	<input checked="" type="checkbox"/>	Check
<input checked="" type="checkbox"/>	Check Number: 10106	Planning Commission meeting date: 11-09-2015	
<input checked="" type="checkbox"/>		Application processed by: Marcia Parker	

**PLANNING COMMISSION CASE REPORT**

Case Number: 2015-141

PC Meeting Date: 11-09-15

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

Property Location:	1920 Chestnut Street, 1817 Broad Street, 423 W. 20 <sup>th</sup> Street
Property Owner:	Wise Properties, LLC
Applicant:	Wise Properties, LLC

**Project Description**

- Proposal: Develop 3.5-acre site with 179 apartments units, warehousing, retail, and dog grooming/boarding.
- Proposed Access: Chestnut Street and Broad Street. The applicant is proposing to build a new private road on the railroad right-of-way between Broad and Chestnut Streets at 20<sup>th</sup> Street. He is currently negotiating the land sale with the railroad company.
- Proposed Development Form: 1 to 4-story buildings.

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

- Location: The 3.5-acre site is located between Chestnut Street and Broad Street at West 20<sup>th</sup> Street.
- Current Access: Chestnut Street and Broad Street.
- Current Development form: There is a mixture of one- to four-story buildings within a 500 foot radius of this downtown urban site.
- Current Land Uses: A mix of restaurants, office, retail, and warehousing uses are located north and east of the site. Warehousing, auto service, and salvage uses are located across West 20<sup>th</sup> Street to the south. Finley Stadium and surface parking are located west of the site.

**Zoning History**

- The site is currently zoned M-1 Manufacturing.
- The properties to the north are zoned C-3 Central Business Zone and M-1 Manufacturing. The properties to the east are zoned C-3 Central Business Zone and M-1 Manufacturing. The property to the south is zoned M-1 Manufacturing. The property to the west is zoned C-3 Central Business Zone.
- The nearest C-3 zone (same as the request) is adjacent to the site to the north and west along Chestnut Street.
- There has been no recent zoning activity on this site.

**Plans/Policies/Regulations**

- The Downtown Plan (adopted by City Council in 2004) recommends the following:
  - A mix of uses and a diversity of housing with minimum densities of 12 units per acre. Significantly higher densities are preferred.
  - Downtown buildings should have an urban form.
  - Off-street parking should be provided to the rear of buildings.
- 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 as it includes a mix of uses, including multi-family housing.
- The proposed uses are compatible with surrounding uses.
- The proposal is consistent with the development form of the area.

## PLANNING COMMISSION CASE REPORT

- The proposed residential density is higher than that of the closest residential developments along Cowart, 18<sup>th</sup> and 19<sup>th</sup> Streets, but higher densities are recommended in the Downtown Plan.
- The proposed structures do not raise concerns regarding location, lighting, or height.
- The proposal would be an extension of an existing zone.
- The proposal would set a positive precedent for future requests.
- The Chattanooga Department of Transportation requests the new 63-space parking lot on the northwest corner of the site be connected to the proposed new private road in the railroad right-of-way in order to provide better access and circulation.
- The Chattanooga Department of Transportation and the Land Development Office request that new parking lots be paved and striped, due to the negative impacts that parking lots made of gravel or crusher run are having on neighboring properties, and in the Central Business District as a whole. Such impacts include the following:
  - Airborne particulate affecting air quality.
  - Sediment clogging the infrastructure in the Combined Sewer Overflow, decreasing water quality, and causing additional problems for the Consent Decree program.
  - Loose gravel creating slip and fall hazards in pedestrian zones.
  - Inability to create appropriate landscape islands without City standard curbs to:
    - Separate high pH gravel from the low pH required for trees to live, and
    - Direct traffic within parking lots.
  - Poor quality of materials and construction is detrimental to City economic development.

### Staff Recommendation

Approve, 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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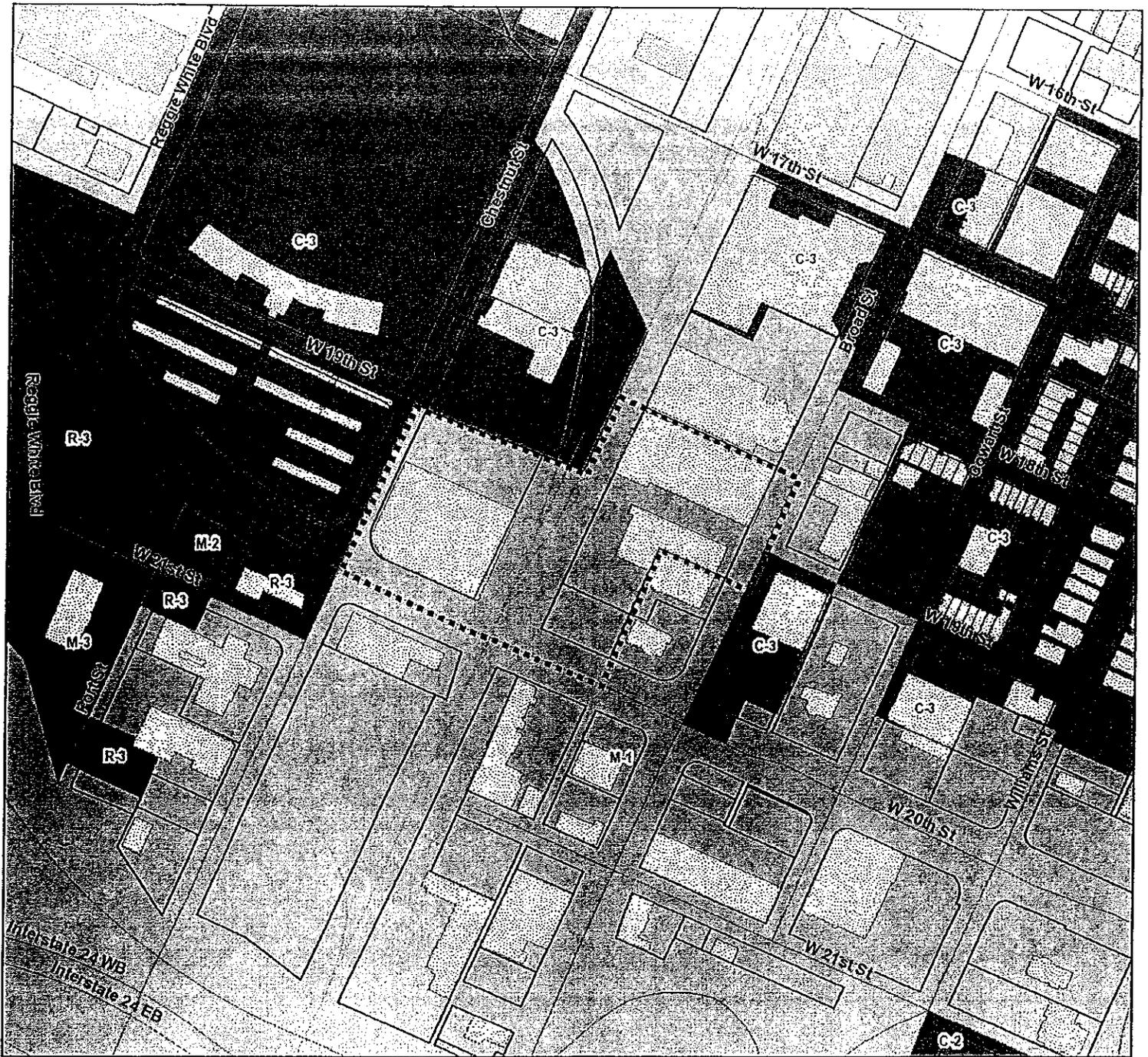
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## PLANNING COMMISSION CASE REPORT

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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.



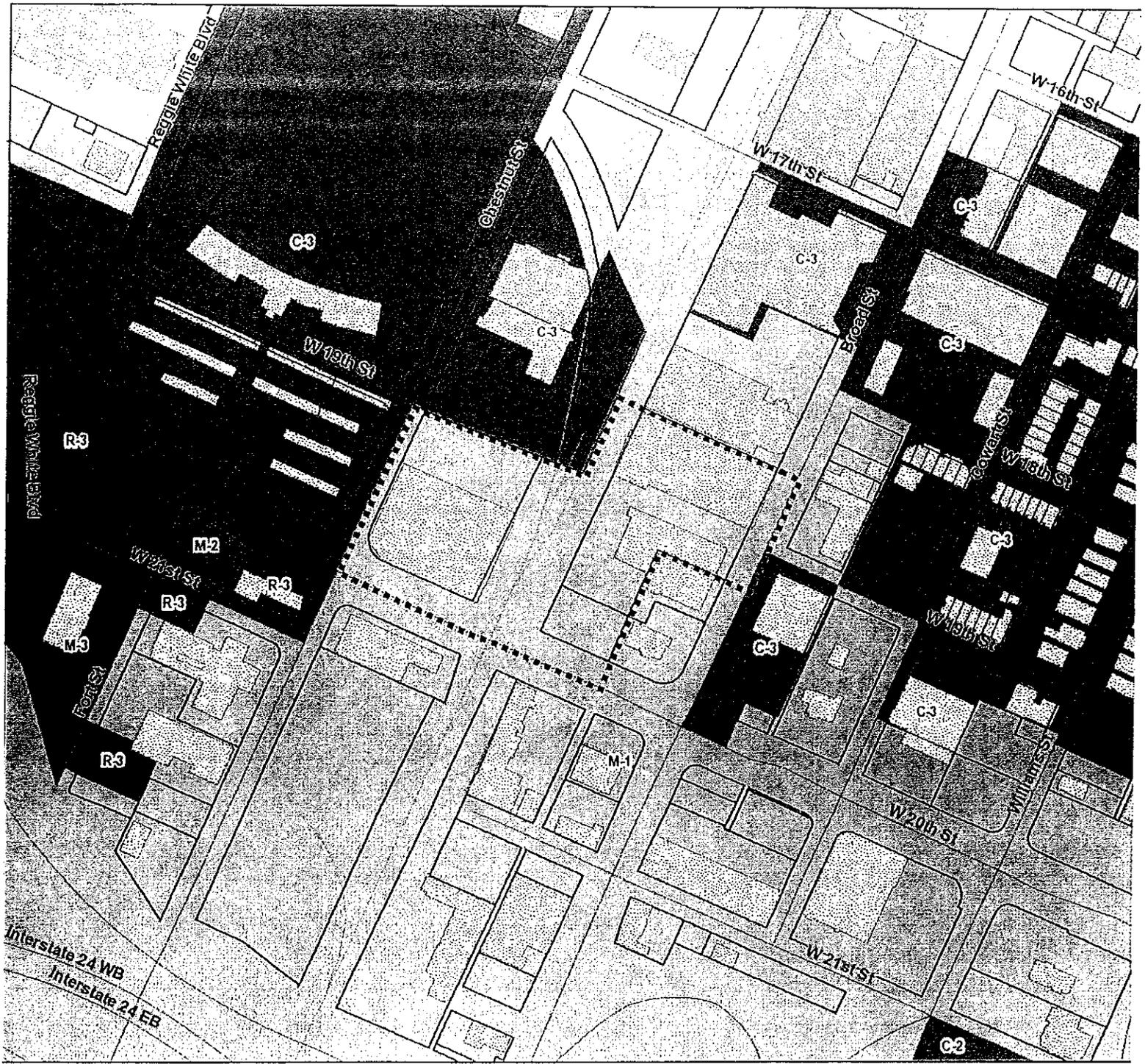
## 2015-141 Rezoning from M-1 to C-3



263 ft

Chattanooga Hamilton County Regional Planning Agency





# 2015-141 Rezoning from M-1 to C-3

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-141:  
 Approve, subject to the conditions in the Planning Commission Resolution.



263 ft





## 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:

2015-119 Matthew W. Thacker and Jean M. Thacker. 1402 Cemetery Avenue, from R-3 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2015-136 James Hixson. 2700 and 2708 Walker Road, from R-2 Residential Zone to R-4 Special Zone.

2015-138 Peter C. Cory and Miles D. Raborn. 8407 and 8575 Petty Road, from R-5 Residential Zone to R-1 Residential Zone.

2015-140 Owen Trepanier and Richard Puente. 3120 Dodson Avenue, from M-1 Manufacturing Zone to R-3 Residential Zone, subject to certain conditions.

2015-141 Wise Properties, LLC. 1920 Chestnut Street, 1817 Broad Street, and 423 West 20<sup>th</sup> Street, from M-1 Manufacturing Zone to C-2 Central Business Zone, subject to certain conditions.

2015-144 Nick Adams and Christy Clark/Adams Masonry. Part of 2833 Calhoun Avenue and all of 2902 Morgan Avenue, from R-2 Residential Zone to M-1 Manufacturing Zone.

2015-145 Bristol Development Group and Scott Black. 401, 403, 407, 409, 411, and 413 Somerville Avenue, from M-1 Manufacturing Zone and C-2 Convenience Commercial Zone to C-7 Northshore Commercial Mixed Use Zone, subject to certain conditions.

2015-149 City of Chattanooga/RPA. 3000 Broad Street, from M-1 Manufacturing Zone to M-2 Light Industrial Zone, subject to certain conditions.

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

2015-135 Jason McGlohon/SBI Engineers, 6501 Shallowford Road, from R-1 Residential Zone to R-4 Special Zone.

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

2015-123 Dreamtech Homes, LLC/Sherman Smith and First Bank/Jim McKenzie, 1091 Mackey Avenue, for a Residential Planned Unit Development, subject to certain conditions.

2015-139 Peter C. Cory and Miles D. Raborn, 1813 Morris Hill Road and 8407 and 8575 Petty Road, for a Residential Planned Unit Development, subject to certain conditions.

4. 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 Section 38-563, Jurisdiction of the Board, by adding subsection (6).
- (b) Amending Section 38-2, Definitions, by deleting the definition "Alternative Financial Services" and adding in lieu thereof a new definition in alphabetical order.

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,

**December 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