

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

2016-026  
Ben Peppers of Peppers Construction Company/  
Nancy Miller  
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 1813 MARKET 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 property located at 1813 Market Street, more particularly described herein:

Lot 1, Resubdivision of part of Block D, Central Realty Company's Resubdivision of Lots 152 to 157, Fort Negley Addition, Plat Book 29, Page 5, ROHC, Deed Book 9630, Page 415, ROHC. Tax Map No. 145LD-B-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, 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.
- 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.
- C. For properties fronting the Tennessee River, a public easement a minimum of thirty-five (35) feet in width shall be provided along the river for the continuation of the Riverwalk.

**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 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 the primary street frontage.
- B. For new construction of a primary building, or improvements altering more than twenty-five (25%) percent 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:
  - (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 (50%) percent of the ground floor façade area for new non-residential buildings.
- C. Eighty (80%) percent 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.
  - (1) 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: \_\_\_\_\_

2016-026  
Ben Peppers of Peppers Construction Company/  
Nancy Miller  
District No. 7  
Applicant Version

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

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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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CHAIRPERSON

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

\_\_\_\_\_  
MAYOR

/mem

2016-026 City of Chattanooga  
February 8, 2016

## RESOLUTION

WHEREAS, Ben Peppers of Peppers Construction Company and Nancy Miller petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga rezoning from M-1 Manufacturing Zone to C-3 Central Business Zone, property located at 1813 Market Street.

Lot 1, Resubdivision of part of Block D, Central Realty Company's Resubdivision of Lots 152 to 157, Fort Negley Addition, Plat Book 29, Page 5, ROHC, Deed Book 9630, Page 415, ROHC. Tax Map 145LD-B-005 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on February 8, 2016,

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 compatible with surrounding uses.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on February 8, 2016, 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:

- (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, 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.
- 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.
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3. Height Requirements.

- A. The minimum height of new nonresidential buildings shall be eighteen (18) feet.
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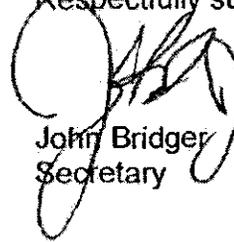
4. Access to sites and buildings.

- 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.

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:
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    - (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:
    - (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 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 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 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**

<b>CASE NUMBER:</b>	2016-026	<b>Date Submitted:</b>	12-28-2015
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
<b>1 Applicant Request</b>			
<b>Zoning</b>	<b>From: M-1</b>	<b>To: C-3</b>	
Total Acres in request area: 0.47			
<b>2 Property Information</b>			
<b>Property Address:</b>	1813 Market Street		
<b>Property Tax Map Number(s):</b>	145LD-B-005		
<b>3 Proposed Development</b>			
<b>Reason for Request and/or Proposed Use:</b>	Addition of a one story condo on top of existing structure		
<b>4 Site Characteristics</b>			
<b>Current Zoning:</b>	M-1		
<b>Current Use:</b>	Office		
<b>Adjacent Uses:</b>	Residential		
<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> Ben Peppers, Peppers Construction Co.		<b>Address:</b> 243 Signal Mountain Road	
<b>Check one:</b>	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/>	I am not the property owner
<b>City:</b> Chattanooga	<b>State:</b> TN	<b>Zip Code:</b> 37405	<b>Email:</b> ben.peppers@gmail.com
<b>Phone 1:</b> 423-718-5531	<b>Phone 2:</b> 202-240-5231	<b>Phone 3:</b>	<b>Fax:</b>
<b>6 Property Owner Information (if not applicant)</b>			
<b>Name:</b> Nancy Miller		<b>Phone:</b> 423-667-4751/423-842-1396	
<b>Address:</b> 1813 Market Street Chattanooga, TN 37408			
<b>Office Use Only:</b>			
<b>Planning District:</b> 8A		<b>Neighborhood:</b> CNAC, Southside-Historic District, 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: 0.47	<input checked="" type="checkbox"/>	Deeds
<input checked="" type="checkbox"/>	Plats, if applicable	<input checked="" type="checkbox"/>	Notice Signs
<b>Deed Book(s):</b> 9630-415		<b>Number of Notice Signs:</b> 1	
<b>Plat Book/Page:</b> 29-5	<input checked="" type="checkbox"/>	<b>Cash</b>	<input checked="" type="checkbox"/>
<b>Filing Fee:</b> 635.00	<input checked="" type="checkbox"/>	<b>Check</b>	<b>Check Number:</b> 2046
<b>Planning Commission meeting date:</b> 2-8-2016		<b>Application processed by:</b> Pattie Dodd	

**PLANNING COMMISSION CASE REPORT**

Case Number: 2016-026

PC Meeting Date: 02-08-16

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

Property Location:	1813 Market Street
Property Owner:	Nancy Miller
Applicant:	Ben Peppers, Peppers Construction Co.

**Project Description**

- Proposal: Develop 0.47-acre site with a 1-story condominium added to existing 1-story office creating a 2-story mixed-use building.
- Proposed Access: Access onto Market Street
- Proposed Development Form: 2-story building located on the south western portion of property with an approximate 10 foot setback from Market Street.
- Proposed Density: Approximately 2 dwelling units per acre.

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

- Location: The 0.47 acre site is located on the west side of Market Street approximately 100 feet north from the Market Street and 19<sup>th</sup> Street intersection.
- Current Access: Access is currently available from Market Street and a rear alley.
- Tennessee Department of Transportation Functional Classification: Market Street is classified as an Urban Minor Arterial.
- Current Development form: Fronting Market Street is a 1-story commercial development adjacent to the site. To the rear of the site are 2-story single-family dwellings.
- Current Land Uses: To the north and north east are auto centered uses. To the east and south are retail uses.
- Current Density: The neighborhood west of the site has an average density of 11 dwelling units per acre.

**Zoning History**

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

**Plans/Policies/Regulations**

- The Downtown Plan (adopted by City Council in 2004) recommends more mixed-use developments within the Southside neighborhood.
- 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 due to the proposals mixed-use nature.
- The proposed use is compatible with surrounding uses.
- The proposal is not consistent with the development form of the area, but is consistent with development form envisioned in the Downtown Plan.
- The proposed residential density is compatible with the surrounding densities.
- The proposed structure does raise concerns regarding location, lighting, or height.

## PLANNING COMMISSION CASE REPORT

- The proposal would be an extension of an existing zone.

### Staff Recommendation

Approve, with the following conditions.

#### 1. Review.

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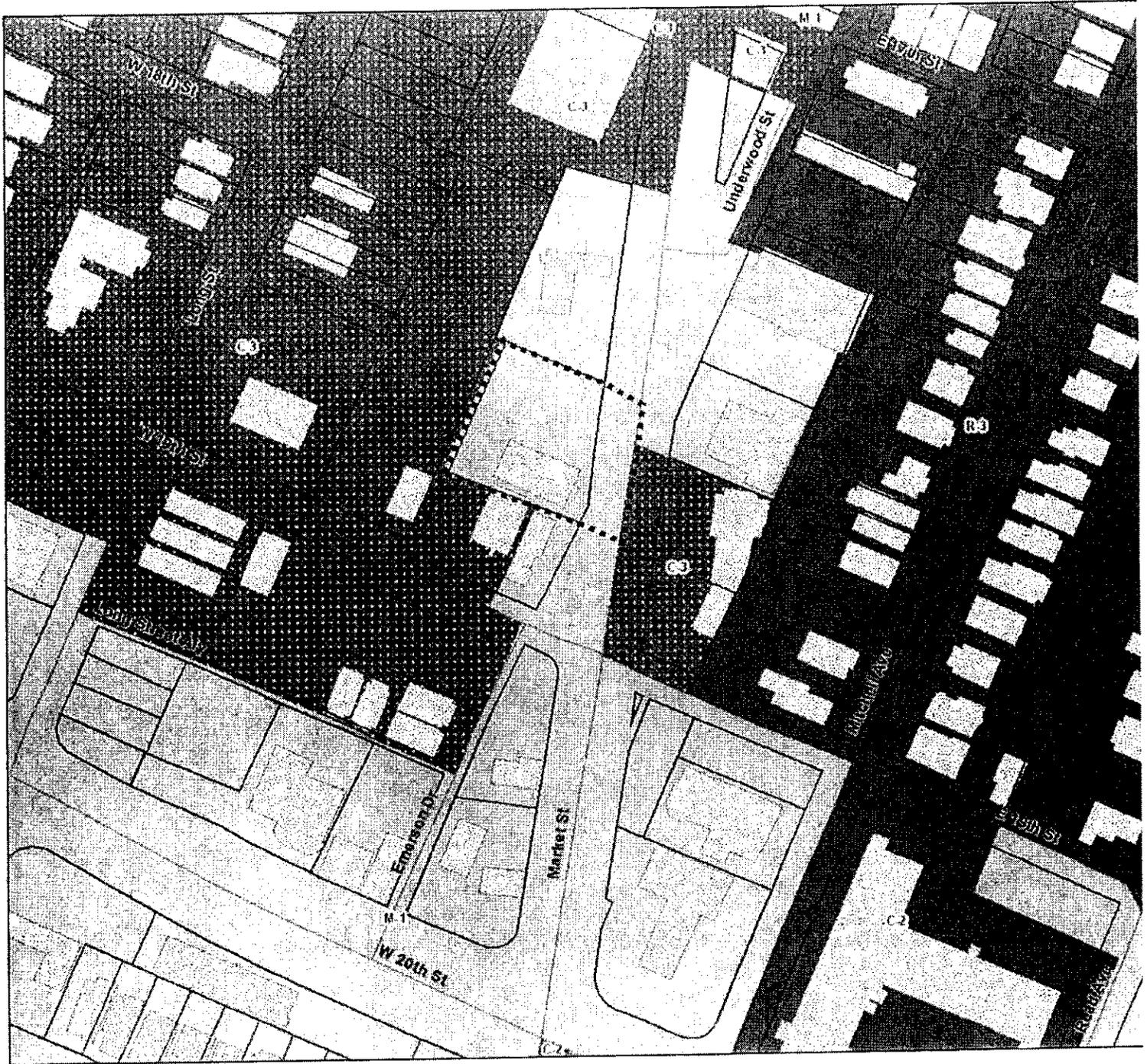
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## PLANNING COMMISSION CASE REPORT

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## 2016-026 Rezoning from M-1 to C-3

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2016-026: Approve, subject to the conditions in the Planning Commission Resolution.

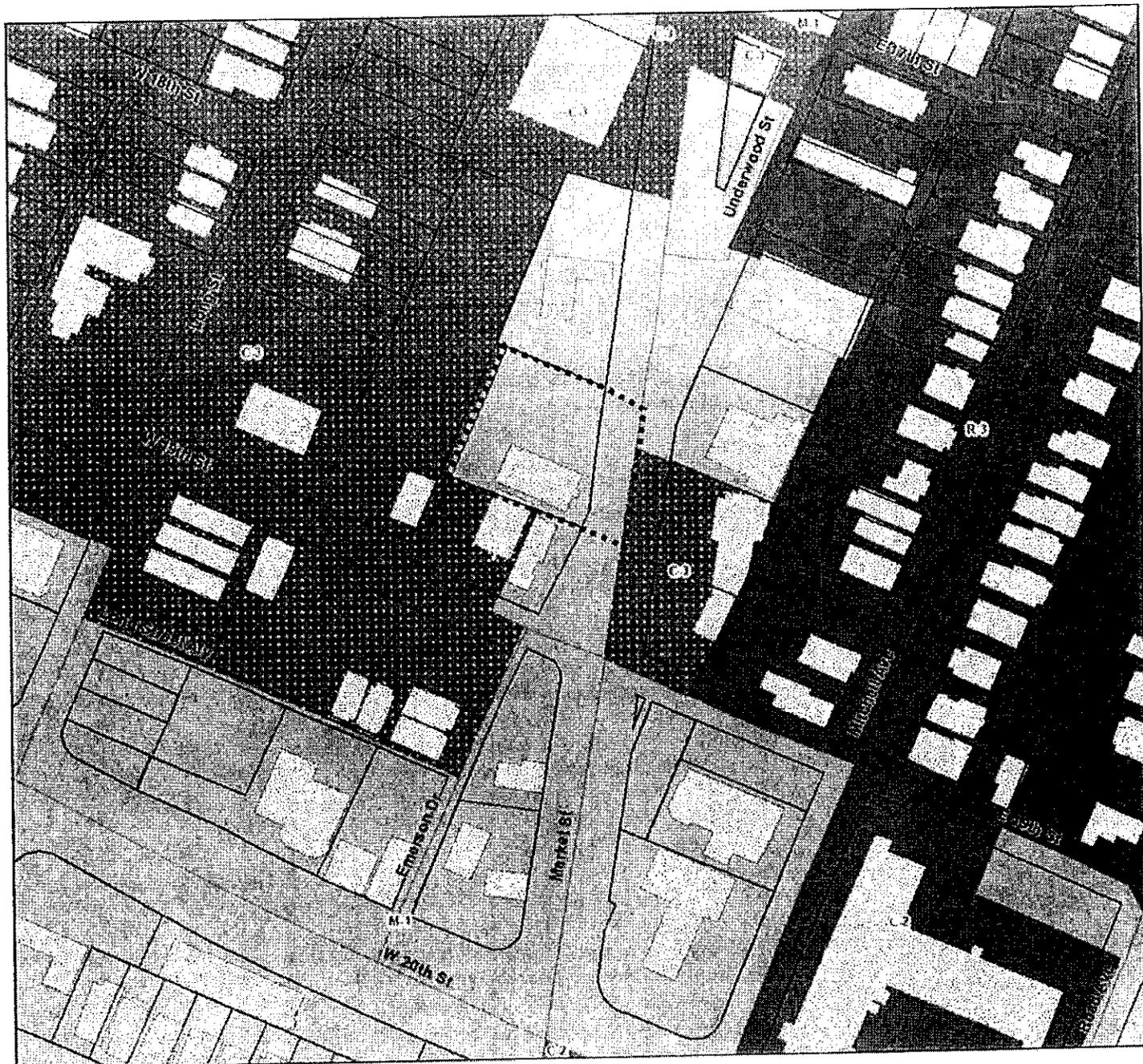


140 ft



Chattanooga Hamilton County Regional Planning Agency





## 2016-026 Rezoning from M-1 to C-3



140 ft



Chattanooga Hamilton County Regional Planning Agency

RPA



## 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:

2016-012 Richard Zavala. 1446 Central Avenue and 901, 911, and 915 East Main Street, from M-1 Manufacturing Zone to UGC Urban General Commercial Zone, subject to certain conditions.

2016-013 Chestnut Holdings, LLC/Matt Hullander, Jonathan Frost, and John Clark. 1413 Chestnut Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2016-015 Asa Engineering c/o Allen Jones and John Pregulman/Robber Partners. 551 West 21<sup>st</sup> Street, from R-3 Residential Zone to C-3 Central Business Zone, subject to certain conditions.

2016-018 Joseph Parks and James Rogers. 7504 Old Lee Highway, from C-2 Convenience Commercial Zone to R-4 Special Zone.

2016-025 Roger Radpoir and Kaihan Strain. 6708 Hixson Pike, from R-1 Residential Zone to C-2 Convenience Commercial Zone.

2016-026 Ben Peppers of Peppers Construction Company and Nancy Miller. 1813 Market 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 amendments be made to the Chattanooga City Code, Part II, Chapter 38, known as the Chattanooga Zoning Ordinance by:

- (a) **Amending Section 38-402, Application procedure for planned unit development** by amending subsection (2)(b); removing "active" from the last sentence of subsection (5)(a); deleting subsection 6(a) in its entirety and re-letter the remaining items alphabetically; and removing "expires or" from the first sentence in subsection 6(c).

- (b) **Deleting Article V, Zone Regulations, Division 26, Planned Unit Development: Institutional** in its entirety and substituting in lieu thereof new Sections 38-411 through 38-419.
- (c) **Deleting Section 38-482(1)&(2), Process** and substituting in lieu thereof, and adding subsection (3) and renumbering subsection (3) to subsection (4).

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,

**March 8, 2016**

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 \_\_\_\_\_, 2016.

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Nicole Gwyn  
Clerk to the City Council