First Reading:_____
Second Reading:_____

2016-036
ALC Holdings, LLC
District No. 7
Planning Version #3

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1605 AND 1691 WEST 39TH STREET, 109 OLD MOUNTAIN ROAD, AND 1690 SILVELS LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE, R-2 RESIDENTIAL ZONE, AND UGC URBAN GENERAL COMMERCIAL ZONE TO R-T/Z RESIDENTIAL TOWNHOUSE/ZERO LOT LINE 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 1605 and 1691 West 39th Street, 109 Old Mountain Road, and 1690 Silvels Lane, more particularly described herein:

> Tract One (1) and that part of Tract Two (2) currently zoned R-2 being property described in Deed Book 10011, Page 307, ROHC; Lot 12, Hamills Subdivision of Lot Three (3) of Kirklin Four acre tract as described in Deed Book 10502, Page 72; and that part of tax parcel 155O-D-011 currently zoned UGC and described in Deed Book 10014, Page 523, ROHC. Reference zoning exhibit in file dated 1/22/16 as "Proposed Zoning" drawn by Map Engineers, Project 13-173. Tax Map Nos. 155O-D-003, 004, 155O-D-010 (part) and 155O-D-011 (part).

and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone, R-2 Residential Zone, and UGC Urban General Commercial Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be approved subject to the condition to allow six (6) single family lots only and that all said single-family lots be rear-loaded as shown on the plan attached hereto.

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/Version 3

2016-036 City of Chattanooga
March 14, 2016

RESOLUTION

WHEREAS, ALC Holdings, LLC petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga rezoning from R-1 Residential Zone, R-2 Residential Zone and UGC Urban General Commercial Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone, properties located at 1605 & 1691 West 39th Street, 109 Old Mountain Road and 1690 Silvels Lane.

Tract One (1) and that part of Tract Two (2) currently zoned R-2 being property described in Deed Book 10011, Page 307, ROHC; Lot 12, Hamills Subdivision of Lot Three (3) of Kirklin Four acre tract as described in Deed Book 10502, Page 72; and that part of tax parcel 155O-D-011 currently zoned UGC and described in Deed Book 10014, Page 523, ROHC. Reference zoning exhibit in file dated 1/22/16 as "Proposed Zoning" drawn by Map Engineers, Project 13-173. Tax Map 155O-D-003, 004, 155O-D-010 (part) and 155O-D-011 (part) as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on March 14, 2016,

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 compatible with surrounding uses.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on March 14, 2016, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved.

Respectfully submitted,

John Bridger
Secretary

Chattanooga-Hamilton County Regional

PLANNING COMMISSION CASE REPORT

Case Number: 2016-036 **PC Meeting Date:** 03-14-16

Applicant Request

Rezone from R-1 Residential Zone, R-2 Residential Zone, and UGC Urban General Commercial Zone to R-T/Z Residential Townhouse Zero Lot Line Zone

Property Location:	1605 & 1691 W. 39th Street, 109 Old Mountain Road, 1690 Silvels Lane
Property Owner:	ALC Holdings LLC
Applicant:	ALC Holdings LLC

Project Description

- Proposal: Develop 0.6-acre site with 6 single-family dwellings.
- Proposed Access: Main entrance on Pennsylvania Avenue and additional access from proposed alley.
- Proposed Development Form: 2-story single family dwellings fronting Pennsylvania Avenue and parked from rear alley.
- Proposed Density: Approximately 10 dwelling units per acre.

Site Analysis

Site Description

- Location: The site is located on the east side of Pennsylvania Avenue between W. 39th Street and Silvels Lane.
- Current Access: From Pennsylvania Avenue and West 39th Street
- Current Development Form: There is a mixture of one and two-story single family dwellings, industrial buildings, commercial buildings, and vacant lots within a 300 foot radius of this site.
- Current Land Uses: To the south, west, and northwest are vacant lots and some residential dwellings. To the northeast are industrial uses. To the east are commercial uses and a vacant lot recently rezoned to allow mixed-use commercial and residential uses (Ordinance #12857).
- Current Density: Average residential density in the area is difficult to calculate due to the varying size of lots, allowable densities in different zones, and the varying vacancy of lots. There are lots of larger and smaller width than the proposed development within 300', but the majority of lots are 50' in width or greater.

Zoning History

- The site is currently zoned R-1 Residential Zone, R-2 Residential Zone, and UGC Urban General Commercial Zone.
- The site was originally part of a previous zoning case (Ordinance #12857) Which rezoned the property directly east to UGC Urban General Commercial Zone in 2014
- The properties to the south, west, and northwest are zoned R-1 Residential Zone. The property to the north east is zoned M-1 Manufacturing Zone. The properties to the east are zoned R-1 Residential Zone, UGC Urban General Commercial Zone, and C-2 Convenience Commercial Zone.
- The nearest R-T/Z Residential Townhouse Zero Lot Line Zone (same as the request) is well outside the neighborhood.

Plans/Policies/Regulations

- The 2001 St. Elmo Plan (adopted by City Council in 2001) recommends mixed-use residential development at this location. Mixed-use residential for this plan is described as, "low to moderate density residential. However, corner stores, offices, churches, and higher density residential uses may be appropriate in specific locations."
- The R-T/Z Townhouse Zero Lot Line Zone permits single family dwellings and attached townhouses. In the urban overlay a maximum density of 12 dwelling units per acre is allowed.

Key Findings

- The proposal is supported by the recommendations of the 2001 St. Elmo Plan for the area based on the moderate density residential being proposed.
- The proposed use is compatible with surrounding uses.
- The proposal is not consistent with the development form of the area based on the mixed-use development to the south and low to medium density residential north of the site.
- The proposed residential density is higher than the surrounding single family density but lower than the multi-family density adjacent to the site. This proposal could provide a transition from high density to low density.
- The proposal would not be an extension of an existing zone.
- The proposal would set a precedent for future requests.
- Streetscape will be required per City Specifications at time of permitting, including a minimum of 10' between building face and curbing along each frontage.

Staff Recommendation

Approve.

Chattanooga-Hamilton County Regional Planning Agency

ZONING APPLICATION FORM

CASE NUMBER:	2016-036	**Date Submitted: 1-22-2016**
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)		
1 Applicant Request		
Zoning	**From: R-1, R-2 & UGC**	**To: R-T/Z**
	Total Acres in request area: 0.6 +/-	
2 Property Information		
Property Address:	1605 & 1691 W. 39th Street, 109 Old Mountain Road, 1690 Silvels Lane	
Property Tax Map Number(s):	155O-D-003, 004, 155O-D-010 (part of) & 155O-D-011 (part of)	
3 Proposed Development		
Reason for Request and/or Proposed Use:	Proposed Townhome Development	
4 Site Characteristics		
Current Zoning:	R-1, R-2 & UGC	
Current Use:	Undeveloped	
Adjacent Uses:	Commercial & Residential	
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: ALC Holdings LLC	Address: 1925 Rossville Avenue	
Check one:	x I am the property owner	I am **not** the property owner
City: Chattanooga	State: TN	Zip Code: 37408	Email: paul@greentechbuild.com
Phone 1: 423-883-0410	Phone 2:	Phone 3:	Fax:
6 Property Owner Information (if not applicant)		
Name: Same	Phone:	
Address:		
Office Use Only:		
Planning District: 4	Neighborhood: CNAC, St Elmo	
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: 0.6	x Deeds	x Plats, if applicable
Deed Book(s): 10502-072, 10011-307, 10014-523		
Plat Book/Page: Q6-254, M-2-446	x Notice Signs	Number of Notice Signs: 3
x Filing Fee: 150.00	Cash	x Check	Check Number: 11001
Planning Commission meeting date: 3-14-2016	Application processed by: M Parker & P Dodd	

Pattie Dodd <pdodd@chattanooga.gov>

Old Mountain Road re-zoning.

RE: 2016-036

3 messages

Myles <williamyles@hotmail.com> Fri, Mar 4, 2016 at 10:29 AM
To: "regionalpc@chattanooga.gov" <regionalpc@chattanooga.gov>

Dear Commission members,

I'm sure you've all received some unpleasant e-mails regarding the development on 39th Street. I was among the cast of characters who attended the meetings 2 years ago during the last attempt to re-zone this property for a 4 story building, although I wasn't the most colorful. I own a vacant lot on 1612 West 39th, directly across from the proposed development. I bought it ten years ago, and have either driven past to check on the neighborhood's progress, or stopped to keep it mowed once a week. I'm fairly observant, and have kept track of every property north of the Incline tracks in this small neighborhood, including who owns them and whether their conditions have changed (re-model, etc).

My position remains the same as two years ago: The houses that this developer builds are uninspiring to me (I'm a former builder), but are a vast improvement over the shacks and neglected tear-downs that populate this entire neighborhood. There's a reason the historic district ends at the Incline tracks- there was nothing of value on 39th, 38th, or Old Wauhatchie Pike, nor their connecting streets.

I'm baffled at the hostile pride that residents of this neighborhood show for their homes, because every one of the houses is an embarrassment. I've fought kudzu on my lot for 10 years, having hired a TDOT-approved contractor to spray it (referred by the Lookout Mountain Conservancy), while not a single neighbor has lifted a finger to help. No one stopped to ask for his business card. No one seems to care over here. This neighborhood re-inforces the stereotype that Southerners are lazy and stupid- it looks certifiably white-trash. A resident near my property has complained publicly that this development will ruin the "scenic beauty" of 39th Street, while the gutters are literally falling off her house, the weeds have covered the outside of it, and her possessions are strewn around her yard. People who don't keep up their property don't have a leg to stand on when clean-up time arrives. This development (as well as the now failed Glen Falls proposal) represents a step towards a long overdue, long-awaited clean-up in my mind.

The city residents and government can't cherry-pick contractors to design and build only what they prefer. My wife and I participated in the charettes in St. Elmo 2 years ago, listening to residents voice their architectural preferences, and they were all over the map!

Consensus on what "looks good," even in the seemingly agreeable neighborhood of St. Elmo, is non-existent. We all know the benefits of neighborhoods evolving into the current century, and it looks like ALC/RLB holdings are the ones who have taken on part of the task (for profit, of course).

The traffic, the road widths, the sewer conditions, the sidewalks, the decrepit power lines, the crime, the lousy schools, the overgrowth of invasive species all have to be solved anyway. People are moving here from all over the country, and aren't interested in a fixer-upper in an old neighborhood with gang violence, which describes the bulk of the housing in Chattanooga. A map of yearly shootings lays the story out pretty clearly. We left East Ridge for Lookout Mountain last year due entirely to the recent and increasing presence of gunshots at night. We decided last year not to develop our lot in St. Elmo with a long-planned two-story home because St. Elmo remains a den of petty crime. These problems aren't going away.

I believe if we don't get new transplant residents, with better neighborhoods for them to live in, the problems may not be solved. I'm from Nashville- the best thing that ever happened was massive migration from elsewhere in the 80s. I've met numerous recently-moved Midwesterners who have come here with an intact business or plans for a start-up. We need them to stay.

Lastly, a quick tour of Birmingham, another supposedly poor, crime-ridden Southern city, with the same social and economic issues, reveals a much different feeling- it's got many more clean, old neighborhoods in vastly better condition than we do. A bafflingly different attitude, culture or set of values must prevail. I'm a new, unbiased resident on Lookout Mountain, and many of the homes and yards up here, if you look closely, are shabby. I'm not as impressed as some of my neighbors seem to be with themselves, particularly considering that the same hostile pride for this neighborhood exists as in St. Elmo. Drive up to Vestavia Hills in Birmingham, and the entire mountaintop community is well-kept. Again, I don't understand what the difference/problem is. If through re-zoning we can transform ugly neighborhoods like 39th St. into boring but well-kept ones such as Jefferson Heights, I'm all for it. The alternative is kudzu.

Thank you for considering input regarding your decision, and best of luck during the process.

W.M. Freeman

401 Scenic Highway

Lookout Mountain, TN 37350

Greg Haynes <glhaynes@chattanooga.gov> Fri, Mar 4, 2016 at 10:52 AM
To: Pattie Dodd <pdodd@chattanooga.gov>

Please place in case file 2016-036.

Thanks.

Greg Haynes, AICP
Director, Development Services
(Zoning & Subdivision Application Office)

Regional Planning Agency
1250 Market Street, Suite 2000
Chattanooga, TN 37402
423-643-5902

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Greg Haynes <glhaynes@chattanooga.gov> Fri, Mar 4, 2016 at 11:10 AM
To: Myles <williamyles@hotmail.com>
Cc: "regionalpc@chattanooga.gov" <regionalpc@chattanooga.gov>, Pattie Dodd <pdodd@chattanooga.gov>, Justin Tirsun <jtirsun@chattanooga.gov>, Andrew Ray <aray@chattanooga.gov>

W.M. Freeman:

Thank you for your comments. We will distribute them to the Planning Commission members at the March 14 meeting and also file them with the case.

Greg Haynes, AICP
Director, Development Services
(Zoning & Subdivision Application Office)

Regional Planning Agency
1250 Market Street, Suite 2000
Chattanooga, TN 37402
423-643-5902

[Quoted text hidden]

Pattie Dodd <pdodd@chattanooga.gov>

Old mountain road

2 messages

RE: 2016-034

humphreydavisllc <humphreydavisllc@gmail.com> Fri, Mar 4, 2016 at 11:00 AM
To: regionalpc@chattanooga.gov

As a business/property owner at 40th and St Elmo Av. I am in total agreement with rezoning this property. It will bring new people to the area and increase property value.
Thanks
Tony Davis

Sent via the Samsung Galaxy S®6 active, an AT&T 4G LTE smartphone

---

Greg Haynes <glhaynes@chattanooga.gov> Fri, Mar 4, 2016 at 11:11 AM
To: humphreydavisllc <humphreydavisllc@gmail.com>
Cc: regionalpc@chattanooga.gov, Pattie Dodd <pdodd@chattanooga.gov>, Justin Tirsun <jtirsun@chattanooga.gov>, Andrew Ray <aray@chattanooga.gov>

Mr. Davis:

Thank you for your comments. We will distribute them to the Planning Commission members at the March 14 meeting and also file them with the case.

Greg Haynes, AICP
Director, Development Services
(Zoning & Subdivision Application Office)

Regional Planning Agency
1250 Market Street, Suite 2000
Chattanooga, TN 37402
423-643-5902

RPA

[Quoted text hidden]

2016-036.

Greg Haynes <glhaynes@chattanooga.gov>

39th st./ St. Elmo rezoning

1 message

daniel moore jr. <danielmoore123@hotmail.com> Sun, Mar 13, 2016 at 9:38 PM
To: "regionalpc@chattanooga.gov" <regionalpc@chattanooga.gov>

To whom it may concern-

It would be fantastic to see zoning stay in St. Elmo stay in it's current design and serve it's intended purpose- to use the land as it is best suited. Many residents who live next to or near the 39th st. proposed development value and would love to keep the current zoning. As a 12 year resident and homeowner in this neighborhood and someone who would be forced to live among this development and the effects of it, I'm urging the zoning board members to not approve this change, and to seriously consider the community that this large of a development will impact.

Thanks,

Daniel Moore

290-5836

2016-034

Greg Haynes <glhaynes@chattanooga.gov>

Old Mtn Rd.,39th St., Pennsylvania Ave Development

2 messages

Cara C Kellogg <ccote25@gmail.com> Mon, Mar 14, 2016 at 10:00 AM
To: "regionalpc@chattanooga.gov" <regionalpc@chattanooga.gov>

I am asking that you please deny the request to rezone to R-T/Z. I live and own a home on 39th Street. The current proposed plan doesn't leave room for any green space which is one of the aspects that makes Chattanooga great. It paves over a current important watershed from Lookout Mountain. It also doesn't take into account what that population density (in addition to the proposed 30 unit apartment complex planned for the adjoining lot) will do to those SMALL, NARROW streets. Two cars are hardly able to pass each other on 39th street as it is. In Green Tech's plans, they have lot accounted for widening the road and/or adding sidewalks.
As a current resident of 39th Street and as someone to whom the building of these homes and developments will negatively effect, I ask that you please deny this request for rezoning.
Thank you for your time.
Cara Cote Kellogg
1715 W 39th Street

Greg Haynes <glhaynes@chattanooga.gov> Mon, Mar 14, 2016 at 10:18 AM
To: Cara C Kellogg <ccote25@gmail.com>
Cc: Pattie Dodd <pdodd@chattanooga.gov>

Ms. Kellogg:

Thank you for your comments. We will file them with the case file and distribute a copy to the Planning Commission members today at the meeting.

Greg Haynes, AICP
Director, Development Services
(Zoning & Subdivision Application Office)

Regional Planning Agency
1250 Market Street, Suite 2000
Chattanooga, TN 37402
423-643-5902

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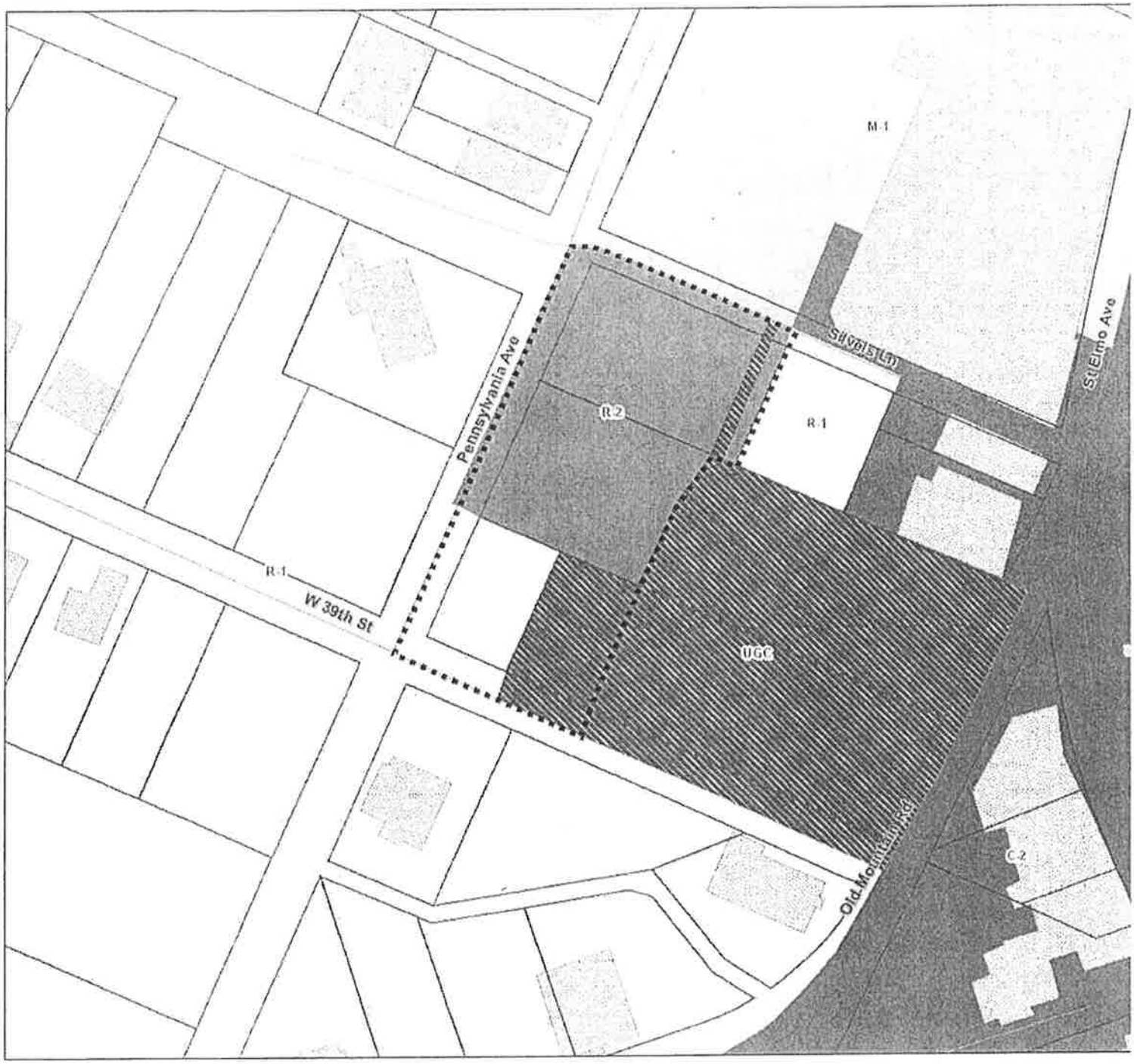
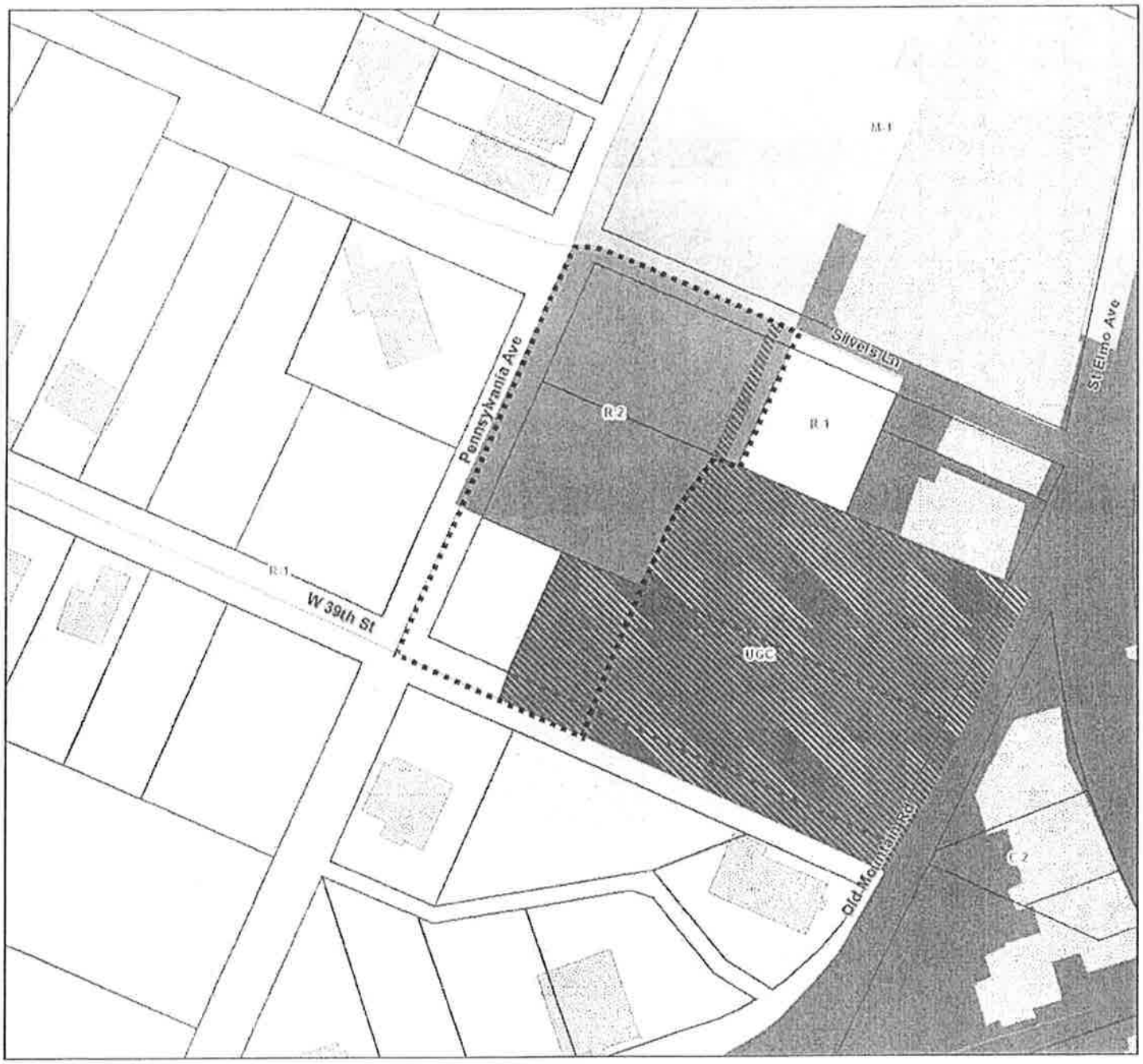


2016-036 Rezoning from R-1, R-2 and UGC to R-T/Z

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2016-036: Approve

Chattanooga Hamilton County Regional Planning Agency

RPA



2016-036 Rezoning from R-1, R-2 and UGC to R-T/Z

82 ft

Chattanooga Hamilton County Regional Planning Agency

RPA

2016 - 036

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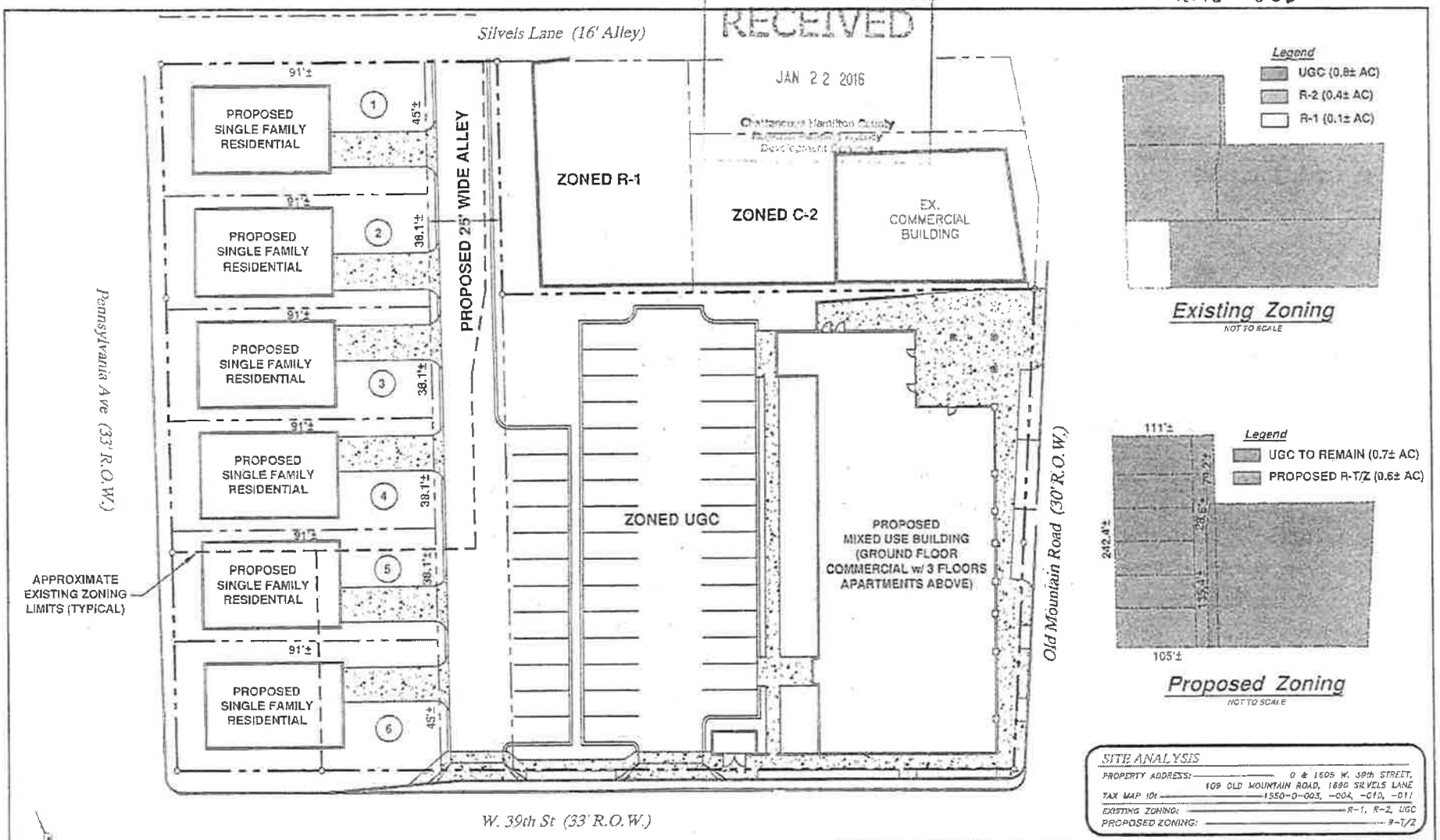
Chattanooga-Hamilton County
Regional Planning Agency
Development Services



ZONING EXHIBIT

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DRAWN	SR
CHECKED	MAP
DATE	1/22/2016
SCALE	1" = 100'
MAP PROJECT	13-172

MAP ENGINEERS
Tel.(423) 855-2554
Fax.(423) 485-8110
7080 Applegate Ln.
Chattanooga, TN 37421

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:

> 2016-023 Wanda Threat. 6420 Shallowford Road, from R-1 Residential Zone to C-5 Neighborhood Commercial Zone.
>
> 2016-024 Belle Investment Company, Third Street Partners, and Jimmy & Molly Seal. 1028 and 1042 East 3rd Street and 1039, 1043, and 1047 East 4th Street, from R-4 Special Zone to C-3 Convenience Commercial Zone, subject to certain conditions.
>
> 2016-031 Silverdale Baptist Church, Inc. Part of a property located at 2916 Silverdale Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone.
>
> 2016-035 Miller Industries Towing Equipment, Inc./Amon A.C. and Doris York. 8534 Ooltewah-Harrison Road and 5226 and 5242 Tracie Lane, from R-1 Residential Zone to M-1 Manufacturing Zone.
>
> 2016-036 ALC Holdings, LLC. 1605 and 1691 West 39th Street, 109 Old Mountain Road, and 1690 Silvels Lane, from R-1 Residential Zone, R-2 Residential Zone, and UGC Urban General Commercial Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone.
>
> 2016-042 Field, LLC, Gabe Thomas/John and Jennifer Langworthy. 721, 725, and 729 North Market Street, 14, 16, 18, and 20 Peak Street, and 718 Spears Avenue, subject to certain conditions.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be approved for C-5 Neighborhood Commercial Zone and denied for the M-2 Light Industrial Zone:

> 2016-037 Eric Emery/Tammy Cagle, Greg Brock, and Norma Mahaffey. 5116 and 5120 Highway 58.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following Special Exceptions Permit for a Residential Planning Unit Development be approved:

> 2016-040 Joseph Ingram/Marcus Jones/Magnolia Investors, LLC/Jack Thompson and Allen Headrick. 604 and 638 Samoyed Trail, 1038 Meroney Street, 1400 Hamilton Avenue, and unnumbered Wert Street.

4. The Chattanooga-Hamilton County Regional Planning Commission has recommended that Condition No. 2 be amended from Ordinance No. 12841 of Previous Case No. 2014-046 regarding Signage Replacement and Design Restrictions for 2016-033 Wallace Braud on property located at 1349 Gunbarrel Road.

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,

April 12, 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.

_____

Nicole Gwyn
Clerk to the City Council