

First Reading: _____
Second Reading: _____

2016-024
Belle Investment Company/Third Street Partners/
Jimmy & Molly Seal
District No. 8
Planning Version #2

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1028 AND 1042 EAST 3RD STREET AND 1039, 1043, AND 1047 EAST 4TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-3 CONVENIENCE COMMERCIAL 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 1028 and 1042 East 3rd Street and 1039, 1043, and 1047 East 4th Street, more particularly described herein:

Lots 8 – 10, Block 3, and Lots 21 – 34, Block 5, Wiehl and Patten’s Subdivision, Plat Book 1, Page 41, ROHC, being the properties described in Deed Book 5921, Page 859, Deed Book 9303, Page 234, and Tracts 1 thru 3 of Deed Book 9384, Page 897, ROHC. Tax Map Nos. 146A-H-010, 010.01, 015, 017 and 018.

and as shown on the maps attached hereto and made a part hereof by reference, from R-4 Special Zone to C-3 Convenience Commercial 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.

- 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 eight (8) 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 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 percent (80%) of the ground level building façade, 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/Version 2

First Reading: _____
Second Reading: _____

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Belle Investment Company/Third Street Partners/
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Passed on second and final reading: _____

CHAIRPERSON

APPROVED: ____ DISAPPROVED: ____

MAYOR

/mem

First Reading: _____
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2016-024
Belle Investment Company/Third Street Partners/
Jimmy & Molly Seal
District No. 8
Applicant Version

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Passed on second and final reading: _____

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

MAYOR

/mem

2016-024 City of Chattanooga
March 14, 2016

RESOLUTION

WHEREAS, Belle Investment Company, Third Street Partners and Jimmy & Molly Seal 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 R-4 Special Zone to C-3 Convenience Commercial Zone, properties located at 1028 and 1042 East 3rd Street, 1039, 1043 & 1047 East 4th Street.

Lots 8 – 10, Block 3, and Lots 21 – 34, Block 5, Wiehl and Patten's Subdivision, Plat Book 1, Page 41, ROHC, being the properties described in Deed Book 5921, Page 859, Deed Book 9303, Page 234, and Tracts 1 thru 3 of Deed Book 9384, Page 897, ROHC. Tax Map 146A-H-010, 010.01, 015, 017 and 018 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 supported by the recommendations of the adopted Land Use Plan for the area based upon the compatible nature of uses with Erlanger Medical Center.

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 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.

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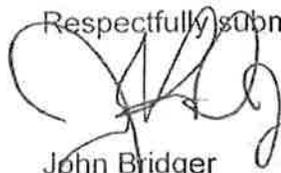
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 - a. The remainder of the ground floor may be designed to incorporate parking, provided the parking is completely screened from public view.

- 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

ZONING APPLICATION FORM

CASE NUMBER:	2016-024	Date Submitted: 12-28-2015	
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
1 Applicant Request			
Zoning	From: R-4	To: C-3	
Total Acres in request area: 2.62 +/-			
2 Property Information			
Property Address:	1028 & 1042 East Third Street, & 1039, 1043, & 1047 East 4 th Street		
Property Tax Map Number(s):	146A-H-010, 010.01, 015, 017 & 18		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Proposed Mixed Use Development & New Construction (Existing buildings to be removed)		
4 Site Characteristics			
Current Zoning:	R-4		
Current Use:	Vacant Buildings & existing Offices		
Adjacent Uses:	Office & 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: Belle Investment Company		Address: 2561 Willow Point Way	
Check one:	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am not the property owner	
City: Knoxville	State: TN	Zip Code: 37931	Email: fullertravis@yahoo.com
Phone 1: 865-231-9866	Phone 2:	Phone 3:	Fax:
6 Property Owner Information (if not applicant)			
Name: Third Street Partners, & Jimmy & Molly Seals		Phone: 423-855-0784	
Address: P.O. Box 1832 Collegedale, TN 37315			
Office Use Only:			
Planning District: 1DT		Neighborhood: CNAC	
Hamilton Co. Comm. District: 4		Chatt. Council District: 8	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: 2.62	<input checked="" type="checkbox"/>	Deeds
<input checked="" type="checkbox"/>	Plats, if applicable	<input checked="" type="checkbox"/>	Deed Book(s): 9384-897, 5921-859, 9303-234
<input checked="" type="checkbox"/>	Plat Book/Page: 1-41	<input checked="" type="checkbox"/>	Notice Signs
<input checked="" type="checkbox"/>	Number of Notice Signs: 3	<input checked="" type="checkbox"/>	Filing Fee: 635.00
<input checked="" type="checkbox"/>	Cash	<input checked="" type="checkbox"/>	Check
<input checked="" type="checkbox"/>	Check Number: 551-075	Planning Commission meeting date: 2-8-2016	
<input checked="" type="checkbox"/>	Application processed by: Marcia Parker		

PLANNING COMMISSION CASE REPORT

Case Number: 2016-024

PC Meeting Date: 03-14-16

Applicant Request

Rezone from R-4 Special Zone to C-3 Central Business Zone

Property Location:	1028 & 1042 East 3 rd Street, & 1039, 1043, & 1047 East 4 th Street
Property Owner:	Third Street Partners, & Jimmy & Molly Seals
Applicant:	Belle Investment Company

Project Description

- Proposal: Develop a 2.62 acre site with a mixed-use development. This development proposal includes 220 residential units and ground floor commercial and parking.
- Proposed Access: The proposed site shows access from East 3rd Street, East 4th Street, and Central Avenue.
- Proposed Development Form: Urban 5-story buildings built up to sidewalk.
- Proposed Density: Approximately 84 dwelling units per acre.

Site Analysis**Site Description**

- Location: The 2.62 acre site is located at the southwest corner of East 3rd Street and Central Avenue.
- Current Access: Access from East 3rd Street, East 4th Street, and pedestrian access from Central Avenue.
- Tennessee Department of Transportation Functional Classification: East 3rd Street and Central Avenue are both classified as Urban Minor Arterial.
- Current Development Form: The site is between Erlanger Hospital and the Fort Wood residential neighborhood. Erlanger hospital, directly north of the site, is a 13 story medical tower. Fronting East 3rd Street are one, two, and three story office buildings. South of the site are a mix of one and two story residential buildings, and vacant lots.
- Current Land Uses: West of the site are medical offices. North of the site is Erlanger hospital. South of the site are a mix of residential and office uses.
- Current Density: Average residential density in the area is approximately 8 dwelling units per acres based upon the 6 single-family residential units each on 5500 square foot lots south of the site.

Zoning History

- The site is currently zoned R-4 Special Zone.
- The property to the south, west, and north are zoned R-4 Special Zone. The property to the east is zoned O-1 Office Zone.
- The nearest C-3 Central Business Zone (same as the request) is approximately 1,300 feet to the south on Central Avenue.
- There has been no recent zoning activity on this site.

Plans/Policies/Regulations

- The Downtown Plan (adopted by City Council 2004) recommends fully integrating Erlanger Medical Center into the surrounding neighborhoods by improving pedestrian orientation and providing inviting spaces for patients and nearby residents.
- The requested R-4 Special Zone permits residential uses, bed and breakfast establishments, dormitories, professional and medical offices, banks, and short-term vacation rentals
- 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 based upon the compatible nature of uses with Erlanger Medical Center.

PLANNING COMMISSION CASE REPORT

- The proposal is supported by the recommendations of the adopted Land Use Plan for the area based upon the intended increase in residential units in the downtown.
- The proposed use is compatible with surrounding uses based on the mix of residential, commercial, and institutional uses in the area.
- The proposal as shown may be consistent with the development form of the area based on the proposed building not being setback from the road and keeping curb-cuts to a minimum along Central Avenue.
- The proposed residential density is significantly higher than the surrounding densities.
- The proposed structure does raise concerns regarding location, lighting, or height.
- The proposal would not be an extension of an existing zone.
- The proposal would set a precedent for future requests by introducing a new zone to the area and increasing the residential density of the area.

Staff Recommendation

Approve C-3 Central Business Zone 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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- 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.

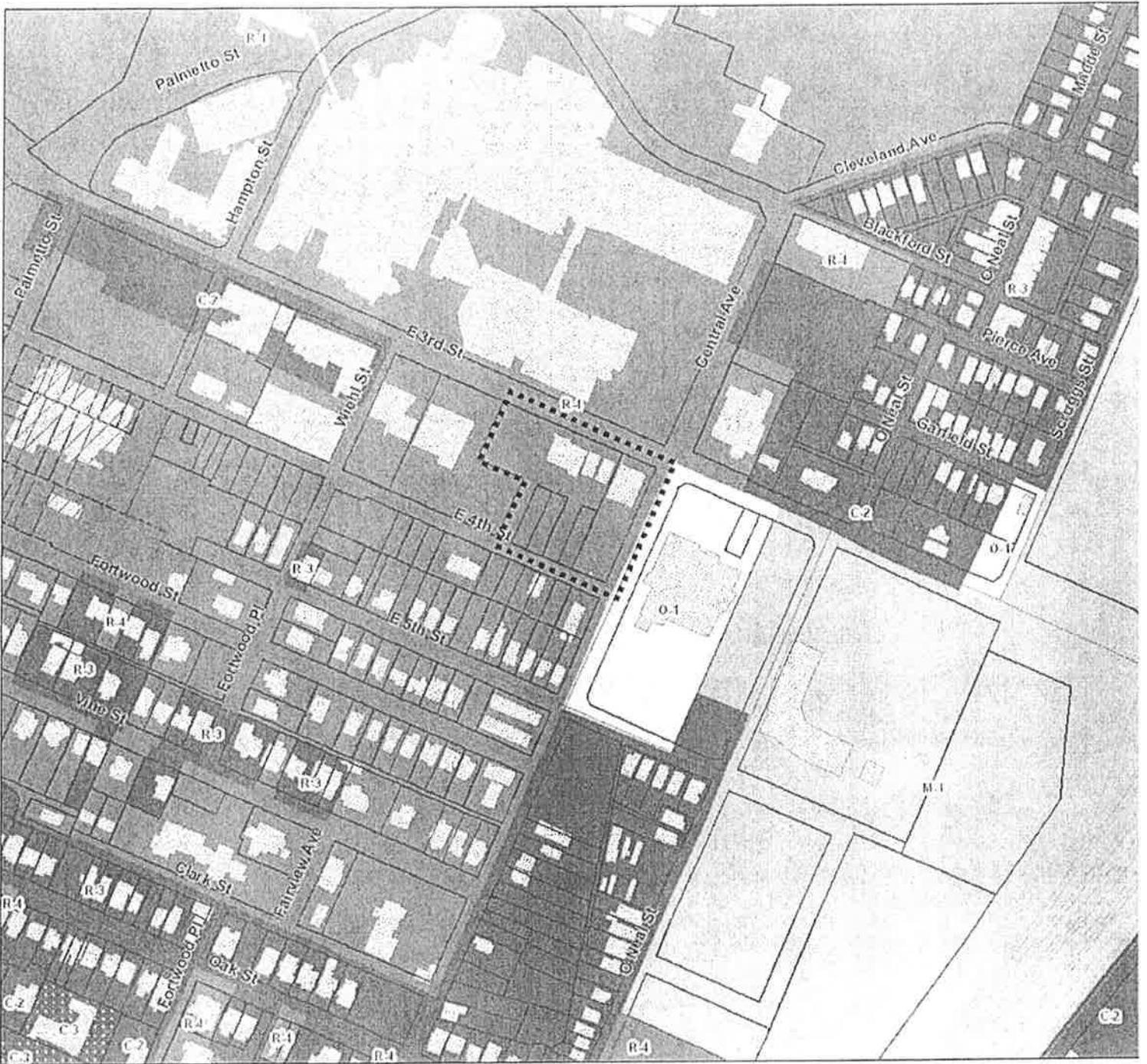
- A. The minimum height of new nonresidential buildings shall be eighteen (18) feet.

PLANNING COMMISSION CASE REPORT

- B. The maximum height of all new nonresidential buildings and new multi-family buildings shall be six (6) 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 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
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.

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- (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, 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.



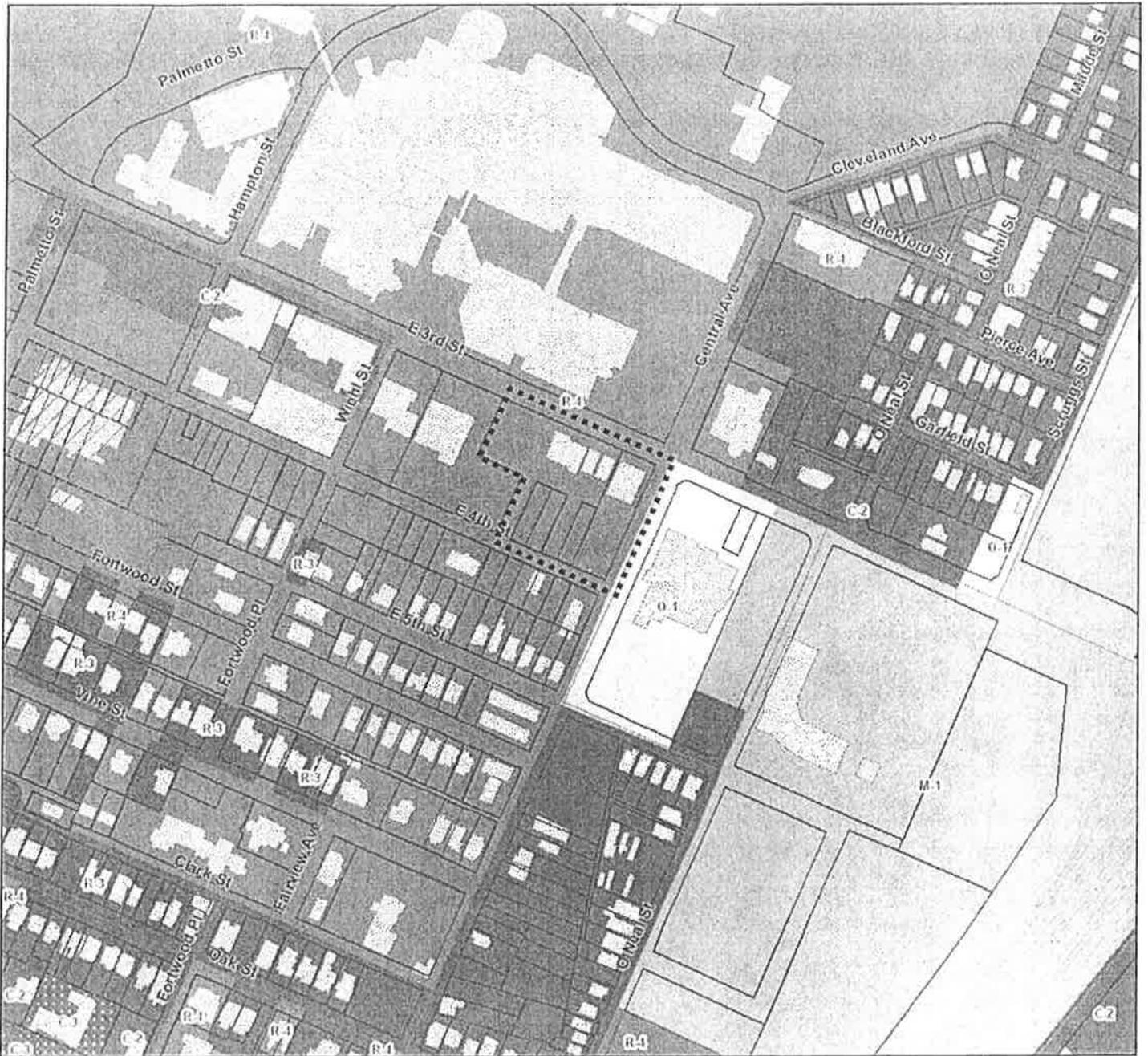
2016-024 Rezoning from R-4 to C-3

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2016-024:
 Approve, subject to the conditions listed in the Planning Commission Resolution.



351 ft





2016-024 Rezoning from R-4 to C-3



351 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:

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