

First Reading: _____
Second Reading: _____

2016-066
David Hudson for McCallie Commons/
Tatiana Zadora/S.S. Moharrerri, A.M. Moharrerri,
and Mack Wiggins for WW Group
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 1006, 1008, 1010 OAK STREET AND 657 O'NEAL STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, be and the same hereby is amended so as to rezone properties located at 1006, 1008, 1010 Oak Street and 657 O'Neal Street, more particularly described herein:

Lots 16 thru 18 and part of 20, Subdivision of J. N. Trigg, Plat Book 4, Page 29, ROHC, Deed Book 3444, Page 99, Deed Book 8113, Page 146, Deed Book 10642, Page 365, and Deed Book 10663, Page 801, ROHC. Tax Map Nos. 146H-G-011 thru 013 and 016.

and as shown on the maps attached hereto and made a part hereof by reference, from R-3 Residential Zone to C-3 Central Business Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be approved

subject to the following conditions:

1. Review.

The following review shall be required to promote compliance with the Downtown Plan, to help ensure that new development complements the existing urban fabric, and to promote the preservation of historically or architecturally significant structures.

A. For any activity requiring a land disturbing permit, non-residential building permit, or residential building permit for structures with more than two (2) units, and excluding all interior renovations:

- (1) The Applicant is required to schedule a meeting with the Community Design Group during the concept development phase of site design.
- (2) The Applicant is required to schedule a pre-submittal meeting with the City's Land Development Office.
- (3) All site layout plans, landscaping plans, and building elevations required by the Land Development Office shall also be reviewed by the Community Design Group prior to approval.

B. For any activity requiring a residential building permit for new construction:

- (1) The Applicant shall provide illustrations, such as specifications, photographs, or other images, to the Community Design Group for review of the work to be completed.

2. Setbacks.

A. For new multi-family buildings three (3) stories in height or greater, and for all new non-residential buildings, a zero building setback is required along the street frontage.

- (1) To accommodate outdoor pedestrian activities including a park, plaza, or outdoor dining, a greater setback is permitted if a street edge delineating the public and private space is provided in accordance with Condition 6.A.
- (2) For multi-family buildings three (3) stories in height or greater, a greater setback is permitted if entrances to individual units front the street.

- B. For new single-family detached, duplex, townhome, and multi-family structures less than three (3) stories in height, building setbacks shall be consistent with the existing setbacks on the same side of the street.
- 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 five (5) stories.

4. Access to sites and buildings.

- A. New curb cuts shall not be permitted on the primary, or highest order street, that a property fronts, except when there is no alley or secondary street to provide access. The permitting and location of curb cuts on primary streets shall be approved by the City Traffic Engineer based on vehicular and pedestrian safety concerns.
- B. Alleys, where they exist, shall be used as the principal vehicular access.
- C. In the absence of alleys, the secondary, or lower order street, shall be used as the principal vehicular access.
- D. Shared drives should be used wherever possible.
- E. For large sites with a limited existing interior street network, the new development shall include a network of connected interior streets, with buildings fronting those streets, to be reviewed and approved by the Chattanooga Department of Transportation.
- F. The primary pedestrian entrance to new buildings shall be provided from the primary street.

5. Off-street parking.

- A. New off-street parking shall not be permitted between a building and the primary street frontage.

- B. For new construction of a primary building, or improvements altering more than twenty-five (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 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 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/Version 2

First Reading: _____
Second Reading: _____

2016-066
David Hudson for McCallie Commons/
Tatiana Zadora/S.S. Moharrerri, A.M. Moharrerri,
and Mack Wiggins for WW Group
District No. 8
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 1006, 1008, 1010 OAK STREET AND 657 O'NEAL STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE TO C-3 CENTRAL BUSINESS ZONE.

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 1006, 1008, 1010 Oak Street and 657 O'Neal Street, more particularly described herein:

Lots 16 thru 18 and part of 20, Subdivision of J. N. Trigg, Plat Book 4, Page 29, ROHC, Deed Book 3444, Page 99, Deed Book 8113, Page 146, Deed Book 10642, Page 365, and Deed Book 10663, Page 801, ROHC. Tax Map Nos. 146H-G-011 thru 013 and 016.

and as shown on the maps attached hereto and made a part hereof by reference, from R-3 Residential Zone to C-3 Central Business Zone.

SECTION 2. 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

2016-066 City of Chattanooga
May 9, 2016

RESOLUTION

WHEREAS, David Hudson for McCallie Commons/Tatiana Zadora, S.S. Moharreri, A.M. Moharreri and Mack Wiggins for WW Group 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-3 Residential Zone to C-3 Central Business Zone, properties located at 1006,1008,1010 Oak Street and 657 O'Neal Street.

Lots 16 thru 18 and part of 20, Subdivision of J. N. Trigg, Plat Book 4, Page 29, ROHC, Deed Book 3444, Page 99, Deed Book 8113, Page 146, Deed Book 10642, Page 365, and Deed Book 10663, Page 801, ROHC. Tax Map 146H-G-011 thru 013 and 016 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on May 9, 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 would be an extension of an existing zone.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on May 9, 2016, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to residential development only.

Respectfully submitted,



John Bridger
Secretary

ZONING APPLICATION FORM

CASE NUMBER:	2016-066	Date Submitted: 3-15-2016	
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
1 Applicant Request			
Zoning	From: R-3	To: C-3	
Total Acres in request area: 0.65 + or -			
2 Property Information			
Property Address:	1006, 1008, 1010, 1030 Oak Street & 657 O'Neal Street		
Property Tax Map Number(s):	146H-G-011, 012, 013, 015, & 016		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Construction of student housing		
4 Site Characteristics			
Current Zoning:	R-3		
Current Use:	Residential		
Adjacent Uses:	R-3 & C-3		
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: David Hudson for McCallie Commons		Address: 1410 Cowart Street	
Check one:	<input checked="" type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am not the property owner	
City: Chattanooga	State: TN	Zip Code: 37408	Email: davidh@artech.pro
Phone 1: 423-643-0612	Phone 2: 423-432-6478	Phone 3:	Fax:
6 Property Owner Information (if not applicant)			
Name: Tatiana Zadora, S.S. Moharreri, A.M. Moharreri and Mack Wiggins for WW Group		Phone:	
Address:			
Office Use Only:			
Planning District: 1DT		Neighborhood: CNAC	
Hamilton Co. Comm. District: 6		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: 0.65	<input checked="" type="checkbox"/>	Deeds
<input checked="" type="checkbox"/>	Plats, if applicable	<input checked="" type="checkbox"/>	Notice Signs
Deed Book(s): 3444-0099, 10663-801, 8113-146, 10668-201, 10642-365			
Plat Book/Page: 4-29		<input checked="" type="checkbox"/>	Number of Notice Signs: 3
<input checked="" type="checkbox"/>	Filing Fee: 635.00	<input checked="" type="checkbox"/>	Check Number: 48131
Cash		<input checked="" type="checkbox"/>	Check
Planning Commission meeting date: May 9 th , 2016		Application processed by: Marcia Parker/Jen Ware	

PLANNING COMMISSION CASE REPORT

Case Number: 2016-066

PC Meeting Date: 05-09-16

Applicant Request

Rezoning from R-3 Residential Zone to C-3 Central Business Zone

Property Location:	1006, 1008, 1010, 1030 Oak Street & 657 O'Neal Street
Property Owner:	Tatiana Zadora, S.S. Moharreri, A.M. Moharreri and Mack Wiggins for WW Group
Applicant:	David Hudson for McCallie Commons

Project Description

- Proposal: To add 0.65 acres of property to the 1.72-acre student housing development proposed for the abutting lots to the west and south.
- Proposed Access: Main vehicular entrance on Oak Street and O'Neal Street. Main Pedestrian access on Central Avenue and Central Avenue.
- Proposed Development Form: 4-story 120-unit apartment building.
- Proposed Density: Approximately 50 dwelling units per acre for the entire 2.37-acre site.

Site Analysis

Site Description

- Location: The site consists of three parcels located on the south side of Oak Street between Central Avenue and O'Neal Street. There is a single R-3 Residential Zone parcel located between the requested parcels for rezoning. The site is across the street from the "Fort Wood Historic District", listed both locally and on the National Register of Historic Places. The district features varied uses that are primarily single-family residential units.
- Current Access: Rear alley
- Current Development form: There are 2-story dwellings existing on the site. There is a mixture of 2-story single-family homes and apartment units along this block of Oak.
- Current Density: Average residential density in the area is 10 dwelling units per acre based on the 11 houses on 1.1 acres across Oak Street from the site.

Zoning History

- The site is currently zoned R-3 Residential Zone.
- The property to the north is zoned R-3 Residential Zone. The property to the east is zoned M-1 Manufacturing Zone. The property to the south and west is zoned C-3 Central Business Zone.
- The adjacent C-3 Central Business Zone was rezoned with conditions in 2015 (Ordinance #12909).

Plans/Policies/Regulations

- This site is within the 2004 Downtown Plan area with no specific land use recommendation. However, the Plan does recommend the following policies/principles that apply to this proposal:
 - Housing: A diversity of downtown residents creates a 24-hour experience, supports downtown businesses, and increases the safety and vitality of downtown. Promote socio-economic, racial, and age diversity downtown by building a variety of housing types (for sale, rental, market rate, low income, single-family, multifamily, large and small. Target 9,837 additional housing units by 2024.
 - Density: Building densities should be much higher in the downtown than in other parts of the city to make more efficient use of available land and to support transit pedestrian activity, schools and neighborhood commercial businesses. Build new development at a minimum density of 12 units per acre. Significantly higher densities are preferred. In residential areas, higher densities should typically be clustered near commercial centers.
 - Buildings - Historic buildings and sites are important reminders of our past, and they represent significant resources that should be reused.... Preserving a range of building stock is necessary to maintain the urban fabric; and adaptive reuse of existing urban structures is encouraged.

PLANNING COMMISSION CASE REPORT

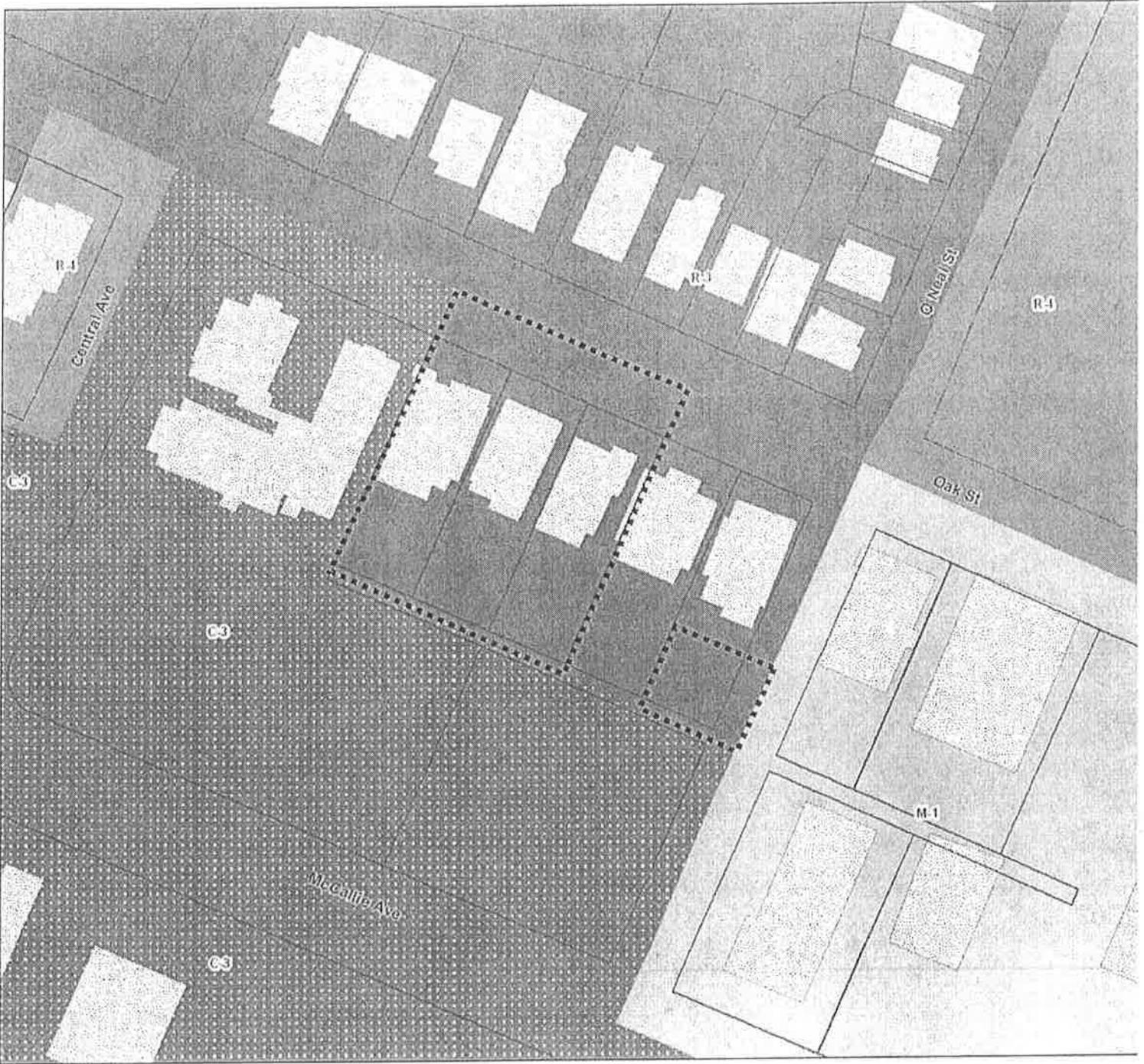
- Central Avenue and McCallie Avenue are identified as routes in the 2003 Chattanooga Bicycle Master Plan and are envisioned as “Complete Streets” that are multi-modal.
- The C-3 Central Business Zone permits residential and non-residential uses but with a required urban development form.
- The R-3 Residential Zone permits single-family dwellings, two-family dwellings (duplexes), and multi-family dwellings with three or more units. The minimum lot size is calculated by using 7,500 square feet for the first unit plus 2,000 square feet for each additional unit.

Key Findings

- The proposal is supported in part by the adopted Land Use Plan for the area which recommends higher residential densities. However, the Land Use Plan also recommends preservation and reuse of buildings and compatibility with nearby residential structures.
- The proposal is an expansion of the project submitted for Case # 2015-007 (Ordinance #12909) that featured a 4-story apartment building and separate parking garage with 300 parking spaces proposed. The original proposal primarily fronted Central Avenue and McCallie Avenue with only 146 linear feet (roughly 37% of the 1,000 block of Oak Street’s frontage). The current request indicates the removal of 3 out of the 5 remaining existing housing along the south side of Oak Street, to accommodate the expanded apartment development. The concern is how this new development will fit with the single family detached housing across the street.
- The proposal is not consistent with the existing form and scale of lower density urban residential development on the block.
- The proposed residential density is not compatible with the surrounding density found on Oak Street that serves as a neighborhood residential street.
- The proposed expansion along Oak Street does raise concerns regarding location, lighting, access, and height due to the single family residential structures found in the area.
- The proposal would be an extension of an existing zone.
- The proposal would set a precedent for future requests and may encourage continued encroachment into the single-family residential district that exists along O’Neal Street and east of Central Avenue.
- The Chattanooga Department of Transportation notes that access on major streets, such as McCallie and Central Avenue would need to be reviewed for appropriateness.

Staff Recommendation

Deny



2016-066 Rezoning from R-3 to C-3

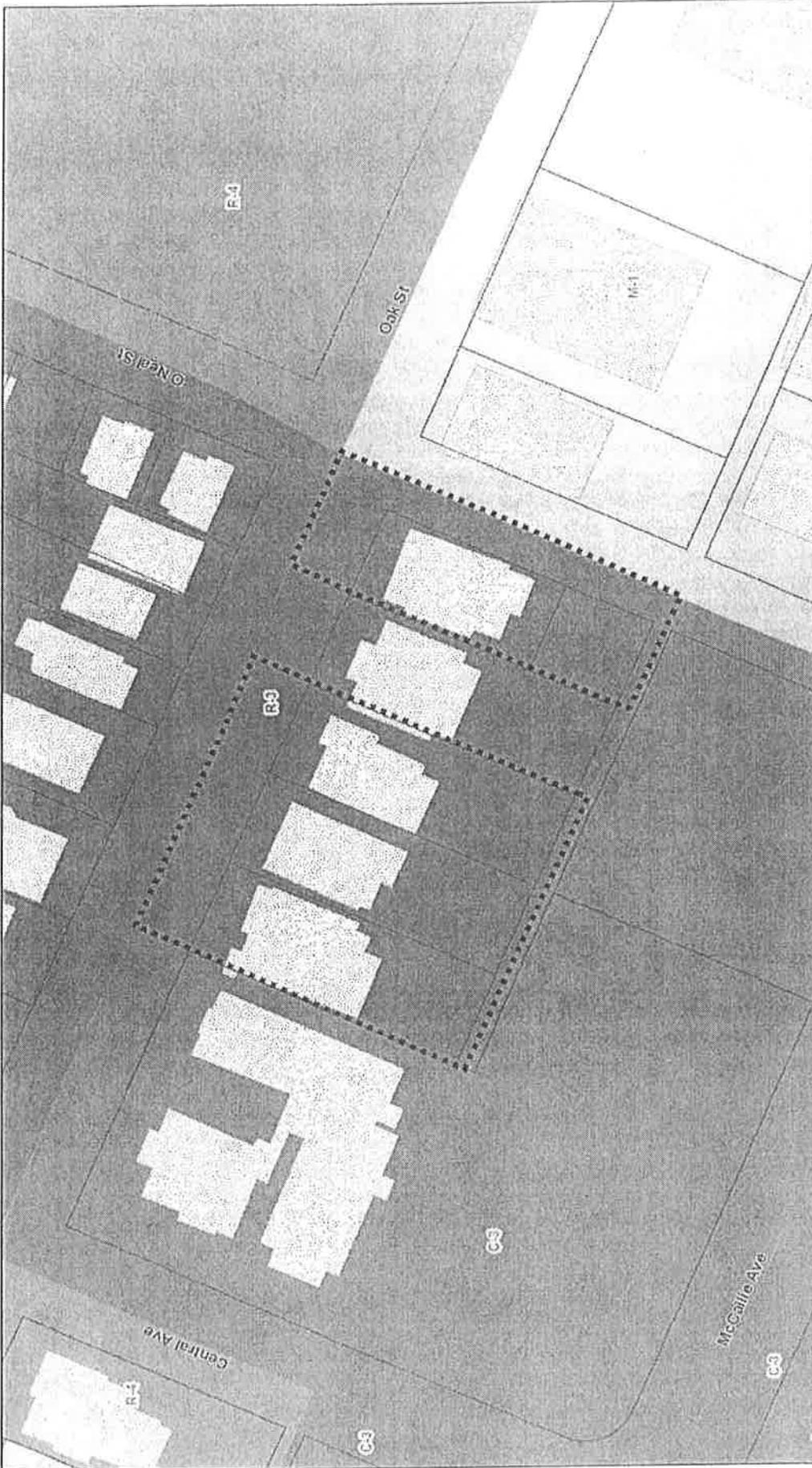
PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2016-066:

Approve, subject to residential development only.



82 ft





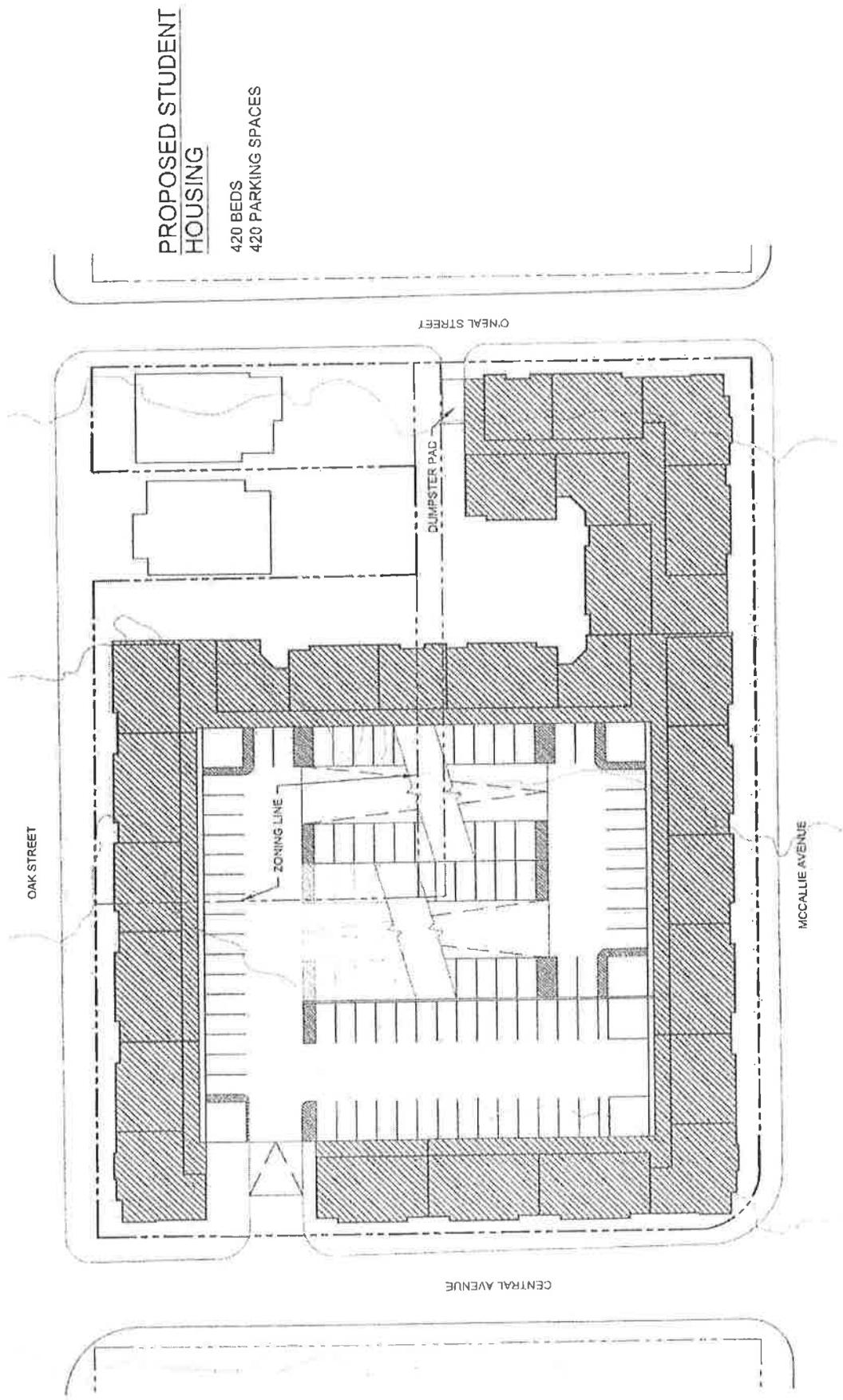
2016-066 Rezoning from R-3 to C-3



70 ft



Craftsmanoooga Hamilton County Regional Planning Agency



PROPOSED STUDENT HOUSING

420 BEDS
420 PARKING SPACES

OAK STREET

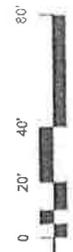
ONEAL STREET

DUMPSTER PAD

ZONING LINE

MC CALLIE AVENUE

CENTRAL AVENUE



SITE PLAN
SCALE: 1" = 40'

2



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:

2016-066 David Hudson for McCallie Commons/Tatiana Zadora, S.S. Moharreri, A.M. Moharreri, and Mack Wiggins for WW Group. 1006, 1008, 1010 Oak Street and 657 O'Neal Street, from R-3 Residential Zone to C-3 Central Business Zone, subject to certain conditions.

2016-070 Southeast Medical Properties, II, LLC. 7127 Igou Gap Road, from R-1 Residential Zone to R-4 Special Zone, subject to certain conditions.

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

2016-077 Jr. Food Stores, Inc. 101 and 103 Glendale Drive and two unaddressed properties in the 1100 block of Signal Mountain Road, from R-1 Residential Zone and C-2 Convenience Commercial Zone to C-2 Convenience Commercial Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be denied for the M-1 Manufacturing Zone and approval is requested of the M-2 Light Industrial Zone:

2016-077 Chris Maughon/Peggy J. Holder. 4155 Randolph Circle, from A-1 Urban Agricultural Zone to M-1 Manufacturing Zone, only that portion of 128E-A-005 that is within six hundred (650') feet from the South Access Road right-of-way as measured along Benton Drive.

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

2016-069 Pratt & Associates. 5706 and 5650 Cassandra Smith Road and Phases 1 through 3 of Amberbrook Gardens, for a Residential Planned Unit Development.

2016-078 Pratt & Associates/Robert D. & Sandra S. Purcell. 660 Julian Road, for a Residential Planned Unit Development.

2016-079 The Baylor School. 100 block of Baylor School Road,
for an Institutional Planned Unit Development.

5. 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) **Deleting** Article V, Division 18, C-7 North Shore Commercial/Mixed Use Zone in its entirety.
- (b) **Adding** a new Article XVI, Downtown Form-Based per the digital copy on the website online at www.chcrpa.org.
- (c) **Adding** a new Item (24) of Article III, Section 38-568, Powers, etc., of board; hearings.
- (d) **Adding** Section 38-530 of Article VI, Division 2, Other Special Exceptions.

6. The Chattanooga-Hamilton County Regional Planning Commission has recommended that a petition to rezone be approved for specific properties within the Downtown Chattanooga Form-Based Code Area Boundary, more particularly described in the Downtown Zoning Study attached to the proposed ordinance and made a part by reference from M-1 Manufacturing Zone, C-3 Central Business Zone, C-7 North Shore Commercial/Mixed Use Zone, R-3 Residential Zone, C-2 Convenience Commercial Zone, R-4 Special Zone, R-1 Residential Zone, R-T/Z Residential Townhouse/Zero Lot Line Zone, RT-1 Residential Townhouse Zone, UGC Urban General Commercial Zone, O-1 Office Zone, and M-2 Light Industrial Zone to the following zones within the Downtown Chattanooga Form-Based Code: D-RM Residential Multi-Unit Zone, D-CX Commercial Mixed Use Zone, D-SH Shopfront Mixed Use Zone, D-CIV Civic Zone, D-PK Parks and Open Space Zone, R-RF Riverfront Zone, R-RV River View Zone, R-CIV Civic Zone, R-PK Parks and Open Space Zone, U-RD Residential Detached Zone, U-RA Residential Attached Zone, U-RM Residential Multi-Unit Zone, U-CX Commercial Mixed Use Zone, U-SH Shopfront Mixed Use Zone, U-IX Industrial Mixed Use Zone, U-CC Commercial Corridor, U-IN Industrial Zone, U-CIV Civic Zone, U-PK Parks and Open Space Zone, E-RD Residential Detached Zone, E-RA Residential Attached Zone, E-RM Residential Multi-Unit Zone, E-CX Commercial Mixed Use, E-SH Shopfront Mixed Use Zone, E-IX Industrial Mixed Use Zone, E-IN Industrial Zone, E-CIV Civic Zone, and E-PK Parks and Open Space Zone.

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,

June 14, 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