First Reading:_____
Second Reading:_____

2016-089
Thomas Austin
District No. 1
Staff Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED IN THE 3900 BLOCK OF KELLY'S FERRY ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE, R-4 SPECIAL ZONE AND M-1 MANUFACTURING ZONE TO R-4 SPECIAL 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 property located in the 3900 block of Kelly's Ferry Road, more particularly described herein:

> An unplatted tract of land located in the 3900 block of Kelly's Ferry Road being the property described in Deed Book 6518, Page 354, ROHC. Tax Map No. 154H-A-004.

and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone, R-4 Special Zone, and M-1 Manufacturing Zone to R-4 Special Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be approved subject to the following conditions:

1. The attendance of a pre-submittal meeting set up through the Chattanooga Land Development Office;

2. A Traffic Impact Study to be provided to the Chattanooga Department of Transportation prior to pre-submittal meeting;

3. Building height not to exceed four stories;

4. Residential density not to exceed eight dwelling units-per-acre;

5. Permitted uses are limited to residential uses only; and

6. No land disturbance allowed within two hundred (200') feet of Kelly's Ferry Road, except to allow a secondary entrance as approved by the Chattanooga Transportation Department.

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

2016-089 City of Chattanooga
June 13, 2016

RESOLUTION

WHEREAS, Thomas Austin 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-1 Residential Zone, R-4 Special Zone and M-1 Manufacturing Zone to R-4 Special Zone, property located in the 3900 block of Kelly's Ferry Road.

An unplatted tract of land located in the 3900 block of Kelly's Ferry Road being the property described in Deed Book 6518, Page 354, ROHC. Tax Map 154H-A-004 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on June 13, 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 would not set a precedent for future requests in the area based on the location and size of this unique site.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on June 13, 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. The attendance of a pre-submittal meeting set up through the Chattanooga Land Development Office.
2. A Traffic Impact Study to be provided to the Chattanooga Department of Transportation prior to pre-submittal meeting.
3. Building height not to exceed four stories.
4. Residential density not to exceed eight dwelling units-per-acre.
5. Permitted uses are limited to residential uses only.

6. No land disturbance allowed within 200' of Kelly's Ferry Road, except to allow a secondary entrance as approved by the Chattanooga Transportation Department.
7. No multi-family building within 100 feet of Francis Street.
8. Emergency gate entrance only at Kelly's Ferry Road.

Respectfully submitted,

John Bridger
Secretary

Chattanooga-Hamilton County Regional Planning Agency

ZONING APPLICATION FORM

CASE NUMBER:	2016-089	**Date Submitted: 4-18-2016**

(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)

1 Applicant Request		
Zoning	**From: R-1 R-4 & M-1**	**To: R-4**
	Total Acres in request area: 32.88	
2 Property Information		
Property Address:	3900 block of Kellys Ferry Road	
Property Tax Map Number(s):	154H-A-004	
3 Proposed Development		
Reason for Request and/or Proposed Use:	R-4 Multi-Family	
4 Site Characteristics		
Current Zoning:	R-1, R-4, & M-1	
Current Use:	Raw Land	
Adjacent Uses:	R-1, M-1, & M-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: Thomas Austin		Address: 243 Signal Mountain Boulevard, Suite 129	
Check one:	x I **am** the property owner		I am **not** the property owner
City: Chattanooga	State: TN	Zip Code: 37405	Email: austinchat@gmail.com
Phone 1: 423-421-7708	Phone 2:	Phone 3:	Fax:

6 Property Owner Information (if not applicant)

Name: Same	Phone:
Address:	

Office Use Only:

Planning District: 5	Neighborhood: CNAC, Lookout Valley Neighborhood Association	
Hamilton Co. Comm. District: 6	Chatt. Council District: 1	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: 32.88	x	Deeds		Plats, if applicable
Deed Book(s): 6518-354							
Plat Book/Page: N/A				x	Notice Signs		Number of Notice Signs: 2
x	Filing Fee: 770.00		Cash	x	Check		Check Number: 6463
Planning Commission meeting date: 6-13-2016				Application processed by: Marcia Parker			

Chattanooga-Hamilton County Regional

PLANNING COMMISSION CASE REPORT

Case Number: 2016-089 **PC Meeting Date: 06-13-16**

Applicant Request

Rezone from R-1 Residential Zone, R-4 Special Zone, and M-1 Manufacturing Zone to R-4 Special Zone

Property Location:	3900 block of Kelly's Ferry Road
Property Owner:	Thomas Austin
Applicant:	Thomas Austin

Project Description

- Proposal: Develop 32.88-acre site with 246 apartments units and 11 acres of natural space left undisturbed.
- Proposed Access: Entrance on Francis Street.
- Proposed Development Form: Multiple 3-story buildings are proposed to be located in three clusters along the properties main internal road.
- Proposed Density: Approximately 7.5 dwelling units per acre.

Site Analysis

Site Description

- Location: The vacant site is located on the south side of Kelly's Ferry Road and the east side of Francis Street approximately 200 feet from the Kelly's Ferry Road and Francis Street intersection.
- Current Access: From Francis Street
- Current Development form: The site is currently vacant with the exception of a water tower. To the west and north of the site are small lot single-family dwellings. The eastern boundary of the site abuts Interstate 24. To the south are large lots with several large buildings.
- Current Land Uses: To the west and north are single-family dwellings. To the south are a mix of commercial, hotel, and warehousing uses. The eastern boundary of the site abuts Interstate 24.
- Current Density: The average residential density in the area is 1.6 dwelling units per acre. The average density is based on the 37 dwelling units on the 39 lots fronting Francis Street and Kelly's Ferry Road along the site.

Zoning History

- The site is currently zoned a mix of R-1 Residential Zone, R-4 Special Zone, and M-1 Manufacturing Zone.
-
- The site was rezoned from R-1 Residential Zone to R-4 Special Zone in 1986 with four conditions (Ordinance #8726).

  Condition 1: "That any R-4 permitted use be allowed with the exception of multiple family dwellings (apartments, condos, etc...)"

  Condition 2: "That access be restricted to Cummings Highway and Frances Avenue from the southwest corner of the site which is approximately 300 feet north of Cummings Highway."

  Condition 3: "In the event the site is developed or sold, the applicant will itself, or by contract with the purchaser or developer, see that Frances Avenue is improved to City standards from Cummings Highway a point north of the entrance to the site. Said improvements are to be determined and/or approved by the City Traffic Engineer."

  Condition 4: "That a fifty (50) foot buffer area to be maintained along the south property line of parcel 154H-A-5, 6, 7, and 8. Said buffer to consist of the existing natural foliage which is to be left undisturbed."
- Section 38-511 of the Chattanooga Zoning Ordinance states, *"Access to commercial, industrial or other non-residentially zoned property shall be permitted only through a non-residential zone."* And,

"The R-4 Special Zone, for purposes of access, shall be considered a residential zone if undeveloped or developed residentially; it shall be considered a non-residential zone if developed with non-residential uses or multi-family residential uses."

- The site was rezoned from R-1 Residential Zone and R-4 Special Zone to M-1 Manufacturing Zone in 1998 with three conditions (Ordinance #10820).
  Condition 1: "Use of water storage tank and telecommunications site only."
  Condition 2: "No Signs."
  Condition 3: "All existing easements are retained."
- The property to the north is zoned R-1 Residential Zone. The eastern boundary of the site abuts Interstate 24. The properties to the south are zoned a mix of C-2 Convenience Commercial Zone, R-2 Residential Zone, and M-3 Warehouse and Wholesale Zone. The properties to the west are zoned a mix of R-1 Residential Zone and R-5 Residential Zone.

Plans/Policies/Regulations

- The Lookout Valley Area Plan (adopted by City Council in 2003) recommends two different use groups for the site. The southern portion of the site is recommended to have Planned Commercial Center which is intended to provide sites for administrative, business, professional, medical, and public offices. This classification is not suitable for small, isolated parcels, but should be a part of a larger planned development which would include a variety of goods and services conveniently arranged with respect to one another. The northern portion of the site is recommended to have Medium Density Residential which is intended for single-family dwellings, townhomes, and patio homes with a density of five to eight units per acre. Townhome and patio home developments should be designed in a manner that is compatible with and enhances the surrounding neighborhood. Neighborhood-scale assisted living facilities would also be included in this classification. This classification is not intended to encourage the creation or expansion of mobile home parks or apartment buildings.
- The Lookout Valley Area Plan (adopted by City Council in 2003) has a specific recommendation for this portion of the plan stating, *"Ingress, egress, and capacity issues of Cummings Highway and Francis Street, a very narrow local road adjacent to the study area, need to be addressed prior to development of this focus area. In addition, substantial buffering would be needed to protect adjacent residential areas from any negative impacts of development. The portion of this quadrant which backs up to the residential properties on Kelley's Ferry Road is not recommended for commercial development. Medium density residential development should be used as a buffer."*
- The R-3 Multi-family Residential District permits all types of residential uses with no maximum density.

Key Findings

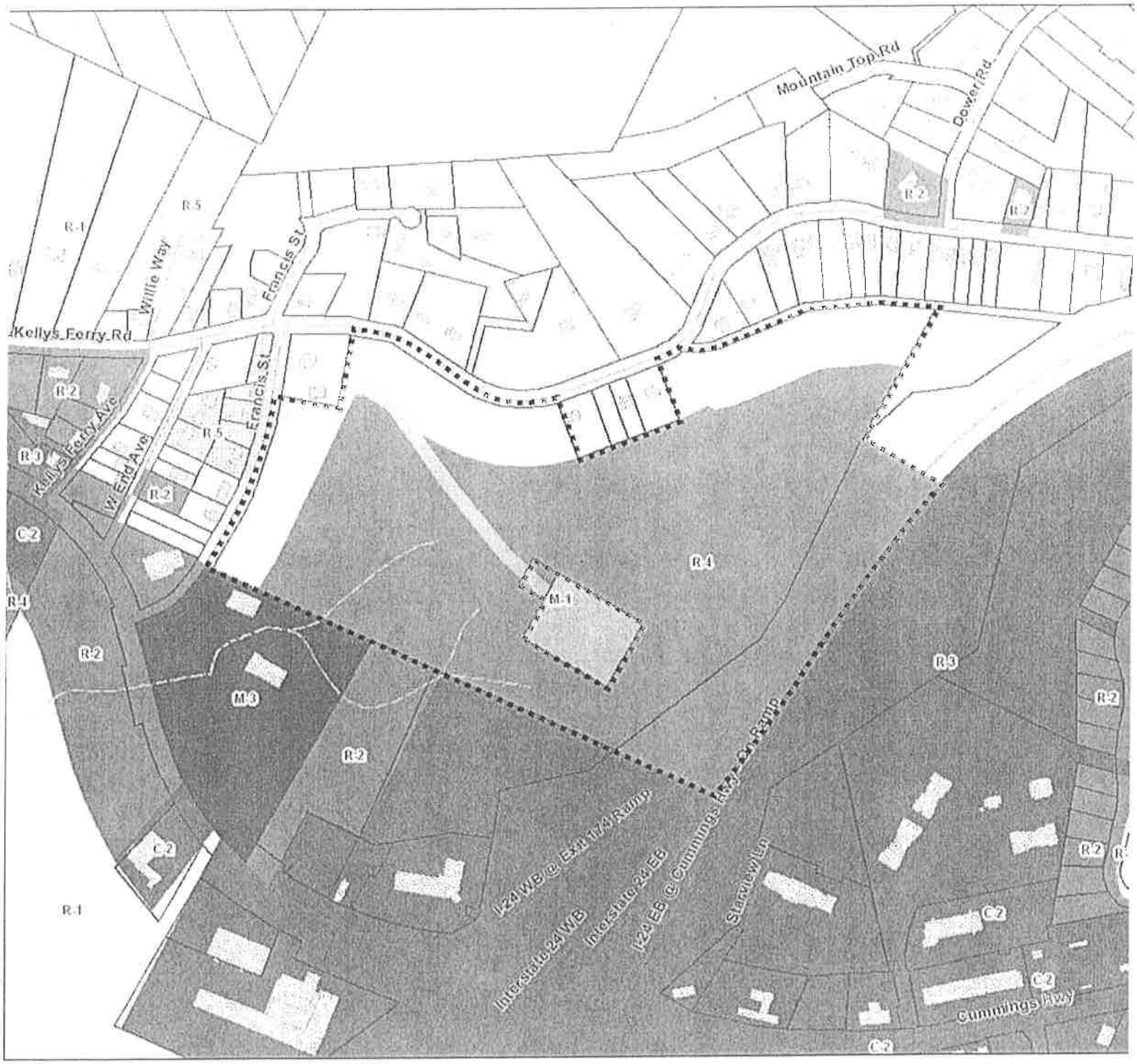
- The proposed density (7.5 dwelling units per acre) is supported by the adopted Land Use Plan for the area which recommends medium density residential and buffering single-family uses from more intense uses fronting Cummings Highway. However, the R-4 zoning without conditions to control the allowed density could result in more intensive residential development than recommended by the adopted plan policy.
- The proposed use could be compatible with surrounding uses if the topography and density are taken into consideration when siting buildings.
- The proposal is not consistent with the development form (building height and scale) of the area.
- The proposed residential density could be compatible with the surrounding densities if development density is limited to the proposed density.
- The proposed structures do not raise concerns regarding location, lighting, or height.

- The proposal would be an extension of an existing zone, except that the existing zone has a condition prohibiting the requested land-use.
- The proposal would not set a precedent for future requests in the area based on the location and size of this unique site.
- Chattanooga Department of Transportation: Parcels with over 200 dwelling units will require a 2nd access. That is not currently shown on the site plan.
- The Chattanooga Department of Transportation has asked for a Traffic Impact Study for this property to be provided before pre-submittal meeting.

Staff Recommendation

Approve, subject to the following conditions:

1. The attendance of a pre-submittal meeting set up through the Chattanooga Land Development Office.
2. A Traffic Impact Study to be provided to the Chattanooga Department of Transportation prior to pre-submittal meeting.
3. Building height not to exceed four stories.
4. Residential density not to exceed eight dwelling units-per-acre.
5. Permitted uses are limited to residential uses only.
6. No land disturbance allowed within 200' of Kelly's Ferry Road, except to allow a secondary entrance as approved by the Chattanooga Transportation Department.



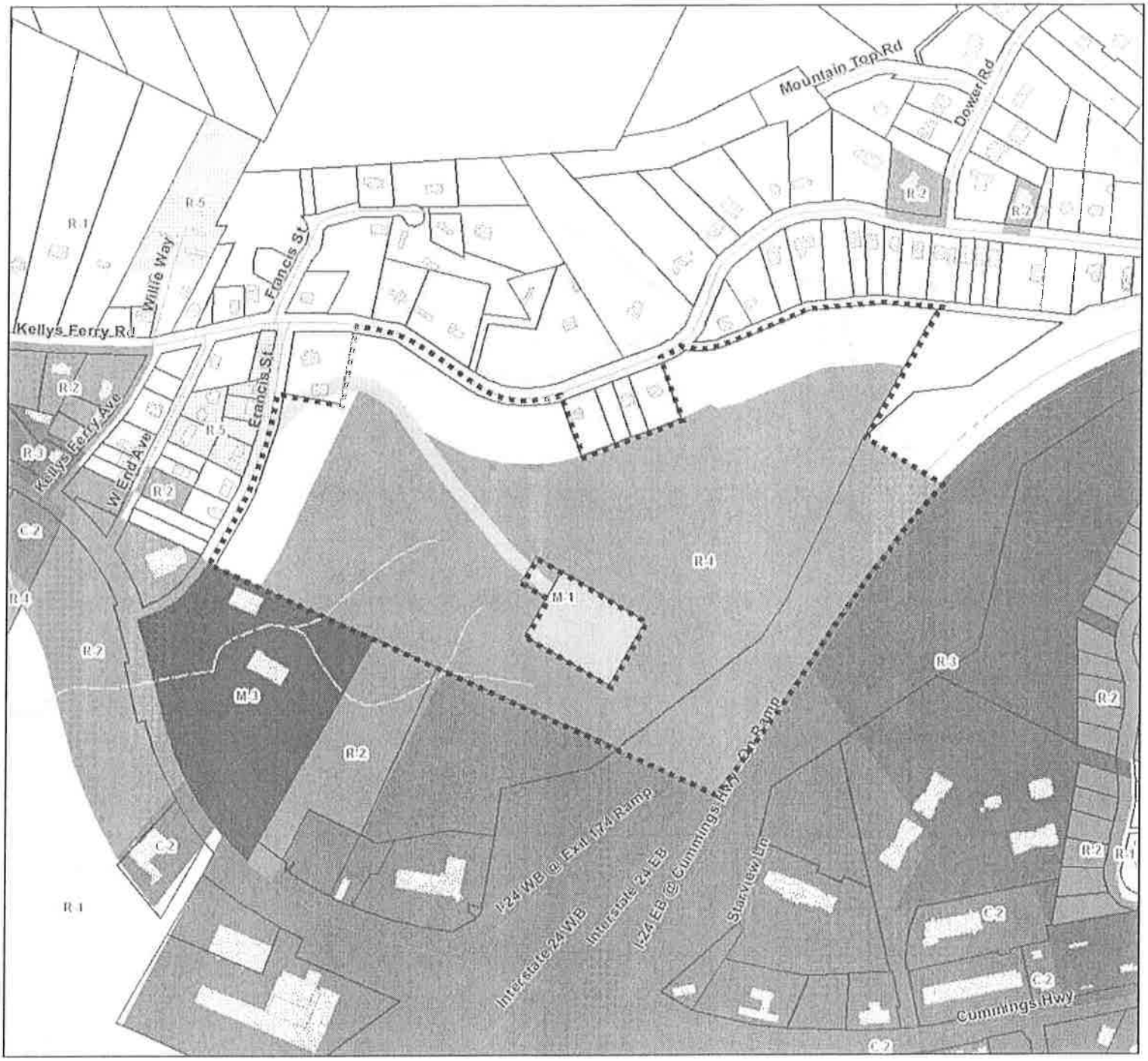
2016-089 Rezoning from R-1, R-4 and M-1 to R-4

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2016-089: Approve, subject to the list of conditions listed in the Planning Commission Resolution.

474 ft

Chattanooga Hamilton County Regional Planning Agency

RPA



2016-089 Rezoning from R-1, R-4 and M-1 to R-4

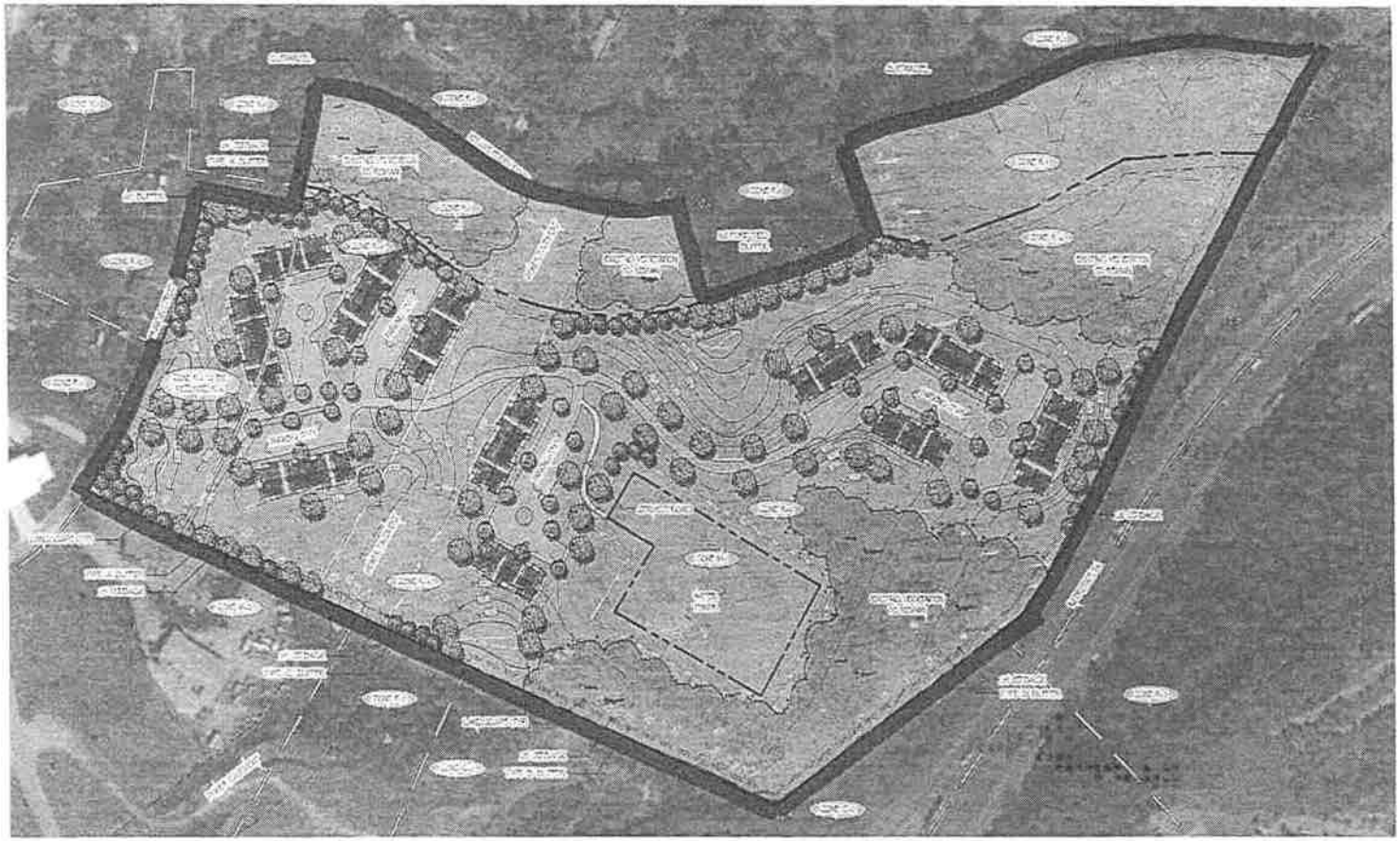
North

474 ft

Chattanooga Hamilton County Regional Planning Agency

RPA

2016-089



SITE INFO

LEGEND

RECEIVED
APR 18 2016
Chattanooga Hamilton County
Regional Planning Agency
Development Services

AUSTIN DEVELOPMENT

3900 KELLYS FERRY ROAD
CHATTANOOGA, TN

SITE PLAN

cdg | CRAIG DESIGN GROUP
Landscape Architecture
415 SPEARS AVENUE
CHATTANOOGA, TN 37405
O: 423.821.7622
F: 1.800.855.1365
E: glenn@craigdesigngroup.com

SCALE 1" = 100'

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:

2016-060 Jack Haylett Branch Acquisition Company, LLC/Defoor Brothers, LLC/Tommy Thompson/Winona Sims & Steven Dobbs Family Trust. 2300 to 2500 blocks of Gunbarrel Road, 7325 thru 7342 blocks of McCutcheon Road, 2500 block of Life Style Way, and 2300 thru 2400 blocks of Elam Lane, from MXU Mixed Use Zone and R-1 Residential Zone to C-4 Planned Commerce Center Zone, subject to certain conditions.

2016-084 South Broad, LLC and DEW, LLC. 2600 blocks of Long Street, Broad Street, Cowart Street, and Williams Street and the 200 blocks of West 27th Street and 131 West 27th Street, from R-3 Residential Zone, C-2 Convenience Commercial Zone, and UGC Urban General Commercial Zone to C-3 Central Business Zone, subject to certain conditions.

2016-089 Thomas Austin. 3900 block of Kelly's Ferry Road, from R-1 Residential Zone, R-4 Special Zone, and M-1 Manufacturing Zone to R-4 Special Zone, subject to certain conditions.

2016-090 John Floyd and David Downer. 5461 Hixson Pike, from O-1 Office Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2016-095 Aaron White and Grant Law. 804 and 901 Riverfront Parkway, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2016-097 City of Chattanooga/Regional Planning Agency. 425, 427 West Bell Avenue, 610, 611 W. Manning Street, 700 block of North Market Street, 600 River Street, 200 Market Street, 418, 422, 424 Georgia Avenue, 1440 Adams Street, and 1511 Jefferson Street.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following condition to amend be approved:

> 2016-094 Asa Engineering c/o Allen Jones/Brian Sullivan. 7407 Igou Gap Road, to amend Ordinance No. 12885 of Previous Case No. 2014-0121, subject to certain conditions.

3. 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 24, Section 38-402(b) in its entirety and substitute in lieu thereof, so as to clarify PUD development plan requirements.

(b) **Removing** the text "and site area" from the first sentence of Article V, Zone Regulations: Division 26, Planned Unit Development Institutional, Section 38-414.

(c) **Amending** Article VIII, Section 38-568(12) by adding subsection 38-568(12)(d), relative to the Powers of the Board of Appeals for Variances and Special Permits.

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,

July 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