First Reading:_____
Second Reading:_____

2016-095
Aaron White and Grant Law
District No. 7
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 804 AND 901 RIVERFRONT PARKWAY, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING 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 804 and 901 Riverfront Parkway, more particularly described herein:

> Lot 1, Newton Chevrolet Subdivision in Plat Book 42, Page 347, Deed Book 3440, Page 88, ROHC and Lot 2 Newton Chevrolet, Phase 2 in Plat Book 103, Page 191, Deed Book 2082, Page 633, ROHC. Tax Map Nos. 135N-A-003 and 135N-B-007.01.

and as shown on the maps attached hereto and made a part hereof by reference, from M-1 Manufacturing Zone to C-3 Central Business Zone.

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

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 for buildings fronting Riverfront Parkway.

(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 seventy-five (75) feet.

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 (80%) percent of the ground level building façade, facing primary streets, shall be designed as leasable space and shall not include parking lots.

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

2016-095 City of Chattanooga
June 13, 2016

RESOLUTION

WHEREAS, Aaron White & Grant Law 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 M-1 Manufacturing Zone to C-3 Central Business Zone, properties located at 804 & 901 Riverfront Parkway.

Lot 1, Newton Chevrolet Subdivision in Plat Book 42, Page 347, Deed Book 3440, Page 88, ROHC and Lot 2 Newton Chevrolet, Phase 2 in Plat Book 103, Page 191, Deed Book 2082, Page 633, ROHC. Tax Map 135N-A-003 and 135N-B-007.01 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, 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 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. **Review.**

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

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

(1) The Applicant is required to schedule a meeting with the Community Design Group during the concept development phase of site design.

(2) The Applicant is required to schedule a pre-submittal meeting with the City's Land Development Office.

(3) All site layout plans, landscaping plans, and building elevations required by the Land Development Office shall also be reviewed by the Community Design Group prior to approval.

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

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

2. Setbacks.

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

(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 75 feet.

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.
    (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.

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

Chattanooga-Hamilton County Regional Planning Agency

ZONING APPLICATION FORM

CASE NUMBER:	2016-095	Date Submitted: 4-25-2016
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)		
1 Applicant Request		
Zoning	From: M-1	To: C-3
	Total Acres in request area: 7.23	
2 Property Information		
Property Address:	804 & 901 Riverfront Parkway	
Property Tax Map Number(s):	135N-A-003 & 135N-B-007.01	
3 Proposed Development		
Reason for Request and/or Proposed Use:	Mixed Use, High Density Residential	
4 Site Characteristics		
Current Zoning:	M-1	
Current Use:	No current use, previously auto dealer parking lot	
Adjacent Uses:	C-3; High Density Residential, Business; M-1	
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: Aaron White	Address: 400 Overbeck Lane, Suite 201	
Check one:	[ ] I am the property owner	[x] I am **not** the property owner
City: Nashville / State: TN / Zip Code: 37204	Email: aaron@evergreenrealestate.com	
Phone 1: 615-498-7168 / Phone 2:	Phone 3:	Fax: 615-401-9121
6 Property Owner Information (if not applicant)		
Name: Grant Law	Phone: 423-774-2634	
Address: P.O. Box 1367 Chattanooga, TN 37401-1367		
Office Use Only:		
Planning District: 1DT	Neighborhood: CNAC	
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: 7.23	[x] Deeds / [x] Plats, if applicable
Deed Book(s): 3440-0088, 2082-633		
Plat Book/Page: 42-347	[ ] Notice Signs	Number of Notice Signs:
[x] Filing Fee: 705.00	[ ] Cash / [x] Check	Check Number: 22476
Planning Commission meeting date: 6-13-2016	Application processed by: Marcia Parker	

Chattanooga-Hamilton County Regional

PLANNING COMMISSION CASE REPORT

Case Number: 2016-095 **PC Meeting Date:** 06-13-16

Applicant Request

Rezone from M-1 Manufacturing Zone to C-3

Property Location:	804 & 901 Riverfront Parkway
Property Owner:	Grant Law
Applicant:	Aaron White

Project Description

- Proposal: Develop 7.23-acre site with a mix of residential, commercial, hotel and restaurant uses. The site is split between a northern section and an eastern section. The northern portion is proposed to be developed with two 4-story buildings with residential units and possibly a commercial ground floor. The eastern portion is proposed to be developed with townhouses, apartments, a hotel, and mixed-use multi-story buildings.
- Proposed Access: Main entrance on Riverfront Parkway and M.L. King Boulevard and secondary entrance from unnamed internal streets in abutting development.
- Proposed Development Form: 2, 3, and 4-story buildings are proposed to be located fronting main access streets with parking internalized on site.
- Proposed Density: Approximately 26.5 dwelling units per acre.

Site Analysis

Site Description

- Location: The site has two distinct geographic locations. One is on the east side of Riverfront Parkway at 2.23 acres. The other is on the west side of Riverfront Parkway at the intersection of Riverfront Parkway and M.L. King Boulevard.
- Current Access: Main entrance on Riverfront Parkway and M.L. King Boulevard and secondary entrance from unnamed internal streets in abutting development.
- Current Development form: The current development on the site is a surface parking lot and a vacant land. To the west is the first phase of the current development which includes multi-story mixed-use buildings and townhomes. To the east of the site is the newly built city park, a multi-story office building and Alstom Power's manufacturing facility.
- Current Land Uses: To the north are warehousing and office uses. The property to the east across Riverfront Parkway is an office building. Office and industrial uses are located south of the site. The property to the west is currently being developed for mixed-use multi-family residential and is the first phase of this project. An extension of the Riverwalk is also under construction between this development project and the river, with a major pedestrian "landing" and plaza.
- Current Density: The density of the adjacent site currently under construction for residential is 25 dwelling units per acre.

Zoning History

- The site is currently zoned M-1 Manufacturing.
- The properties to the north, west, and south are zoned C-3 Central Business Zone with conditions. The property to the east is zoned M-1 Manufacturing.
- The nearest C-3 Central Business Zone (same as the request) is directly adjacent to the south and west.

Plans/Policies/Regulations

- The Downtown Plan (adopted by City Council in 2004) recommends multi-use development and a diversity of housing types in this general area. A minimum density of 12 units per acre is recommended throughout the downtown; significantly higher densities are preferred. Extension of, and pedestrian connections to, the Riverwalk are also recommended. Property owners are

encouraged to partner with the City of Chattanooga in supplementing the City's infrastructure investment, such as in new streets and streetscape.

- The M-1 Manufacturing Zone permits most types of non-residential uses, but does not permit residential uses.
- 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 Downtown Plan.
- The proposed use is consistent with surrounding uses, particularly new development.
- The proposal is consistent with the new development form of the area.
- The proposed residential density is compatible with the new surrounding densities.
- The proposed structure does not raise concerns regarding location, lighting, or height.
- The proposal would be an extension of an existing zone.
- The proposal would set a positive precedent for future requests.

Staff Recommendation

Approve, 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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   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:
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      (5) Square footage of commercial uses or number of residential units
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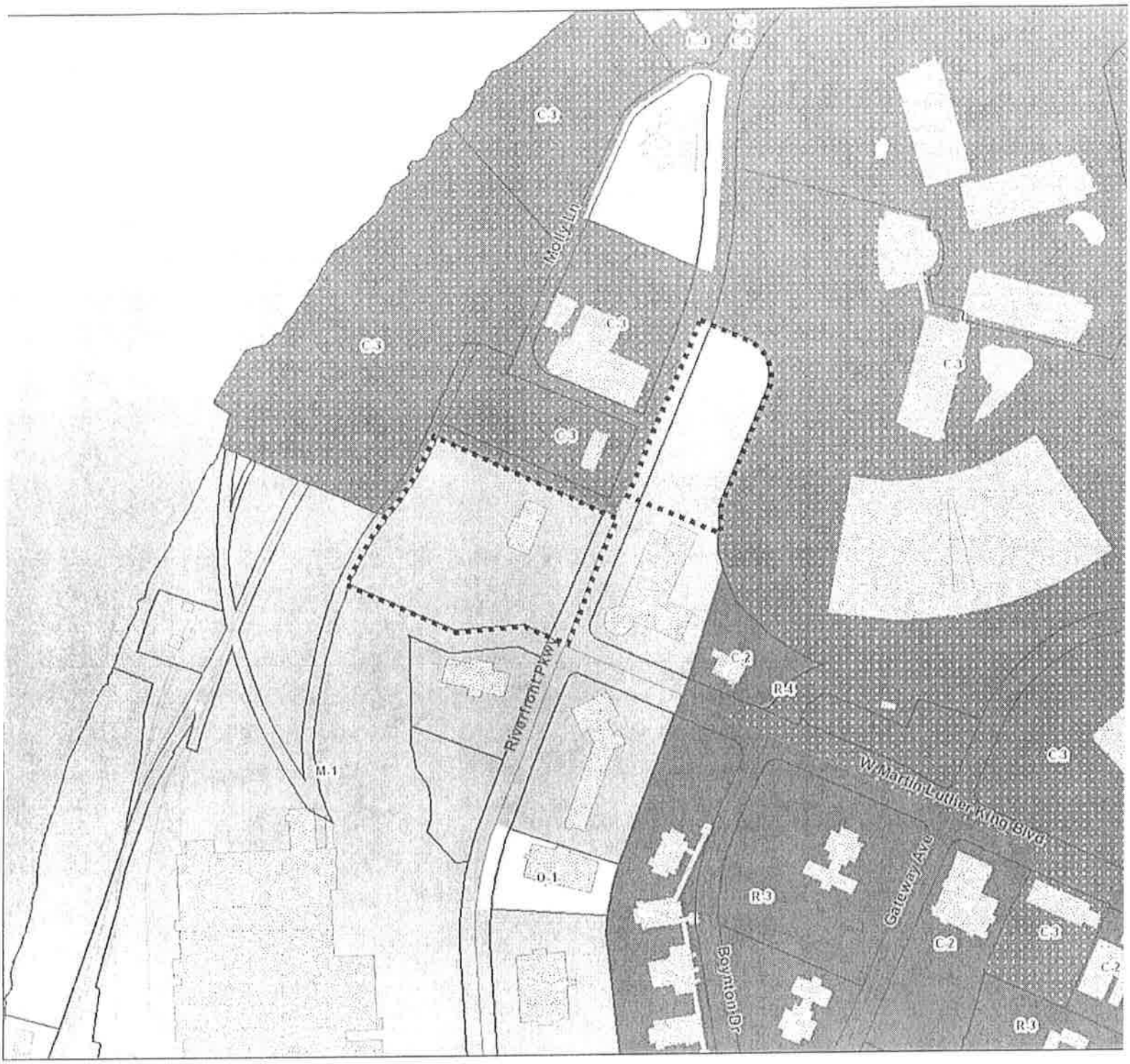


2016-095 Rezoning from M-1 to C-3

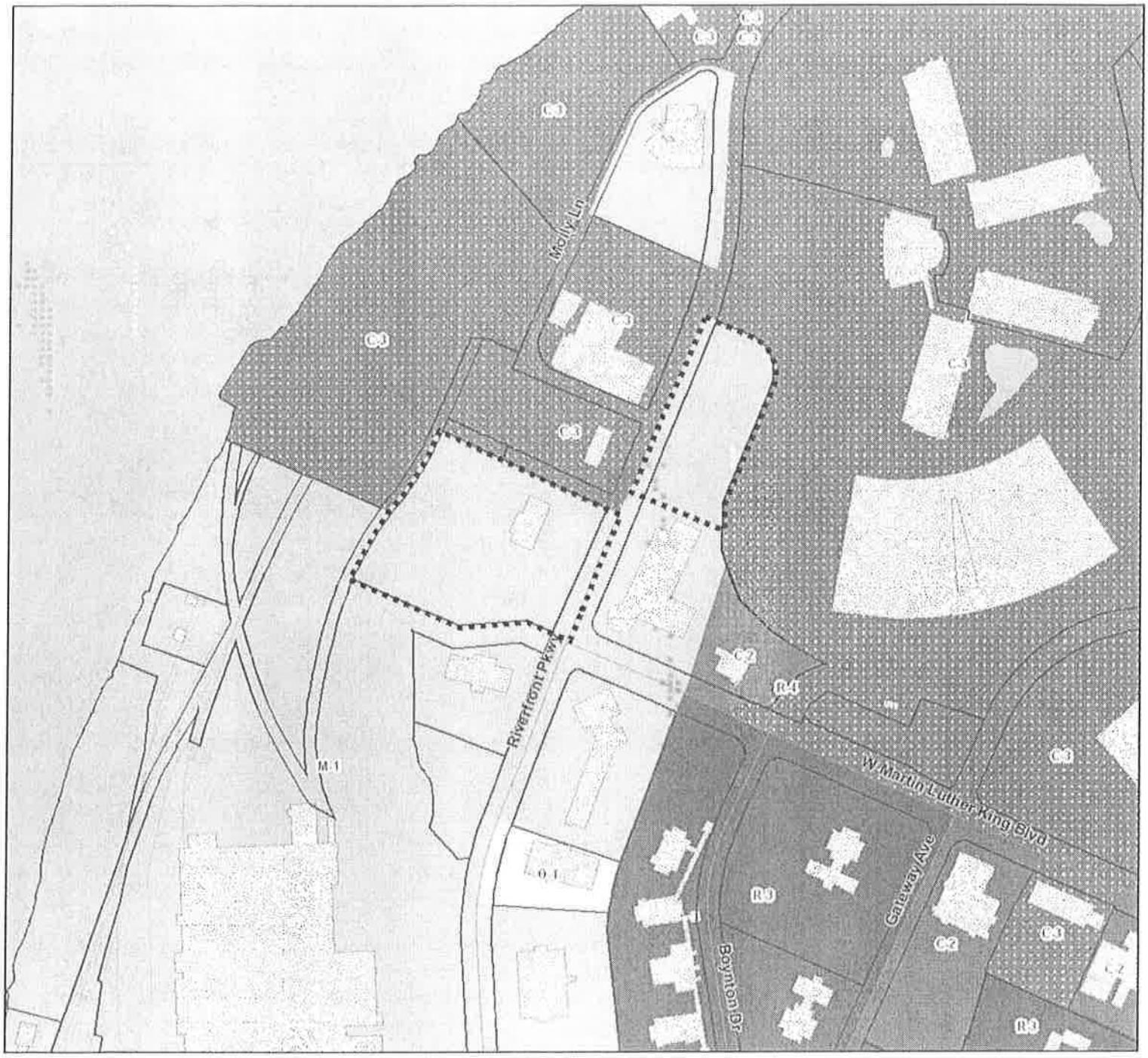
PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2016-095:
Approve, subject to the list of conditions listed in the Planning Commission Resolution.

North

369 ft

Chattanooga Hamilton County Regional Planning Agency

RPA



2016-095 Rezoning from M-1 to C-3

North

369 ft

Chattanooga Hamilton County Regional Planning Agency

RPA

Site Plan

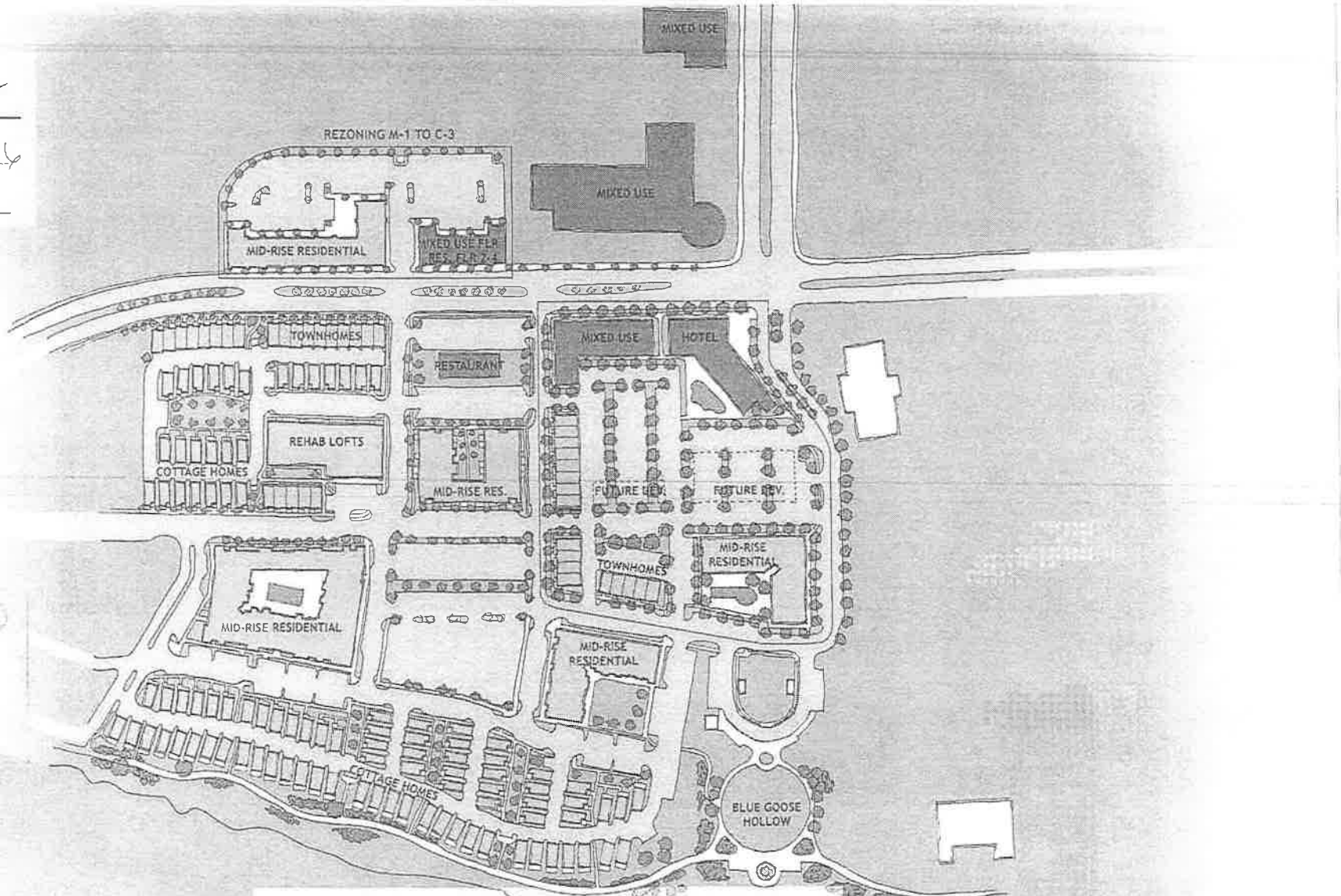
Case # 2016-095

Date Received 4-25-16

Applicant Initial

RECEIVED

APR 25 2016



EVERGREEN REALESTATE MASTERPLAN

DEVELOPMENT CONTEXT SITE PLAN

RIVERFRONT PARKWAY & W M L KING BLVD, CHATTANOOGA, TN

APRIL 25, 2016

1:1160

HK HEFFERLIN + KRONENBERG ARCHITECTS PLLC

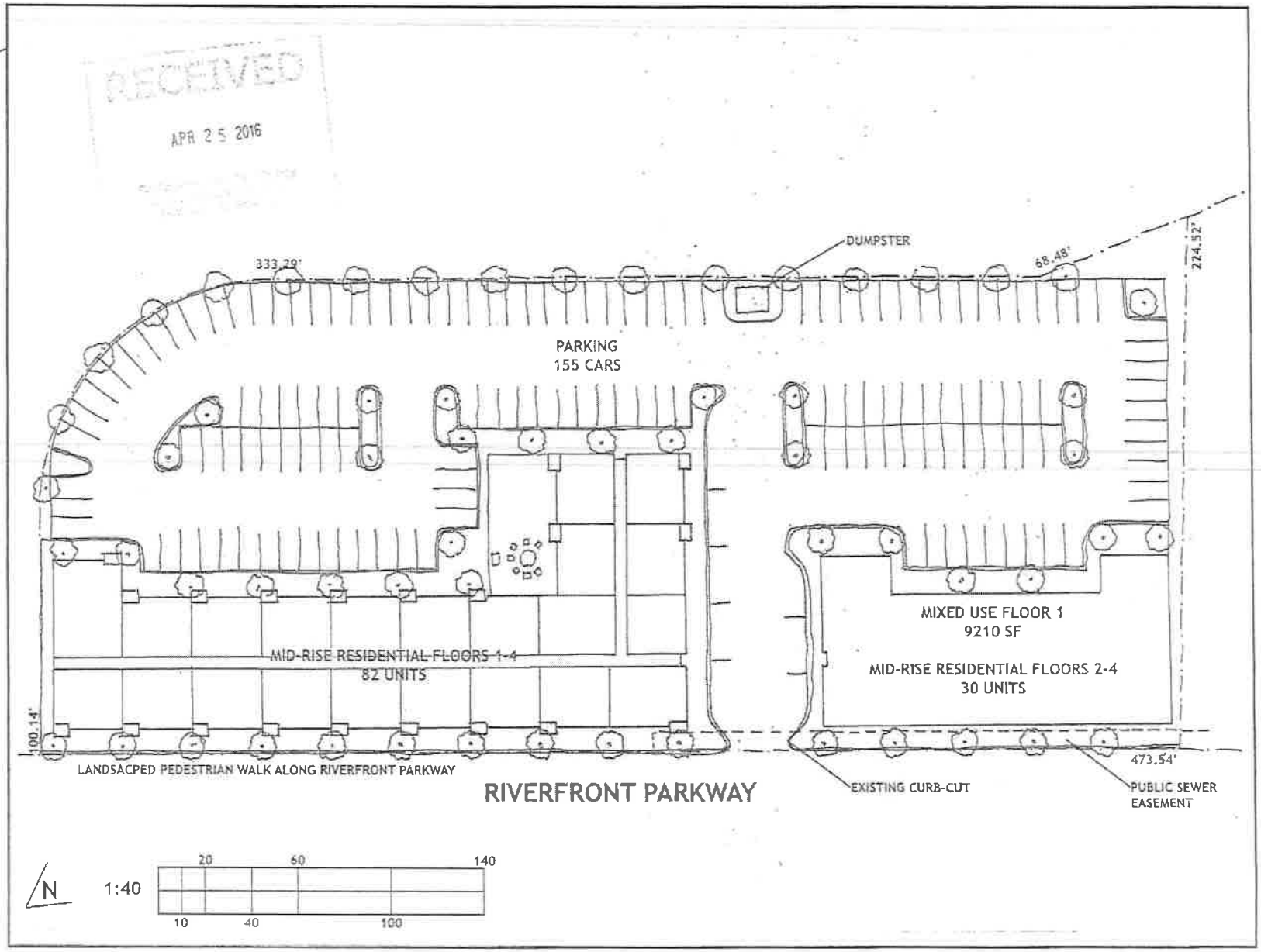
Site Plan

Case # 2016-095

Total Acres being requested for rezoning or special permit:
2.23 ACRES

Total number of dwelling units (if applicable): 112

Identify all items on the site plan that are listed in the RPA Site Plan Policy



Date Received 4-25-16

Applicant Initial KW

Site Plan

Case # 2016-095

Total Acres being requested for rezoning or special permit:
5.0 ACRES

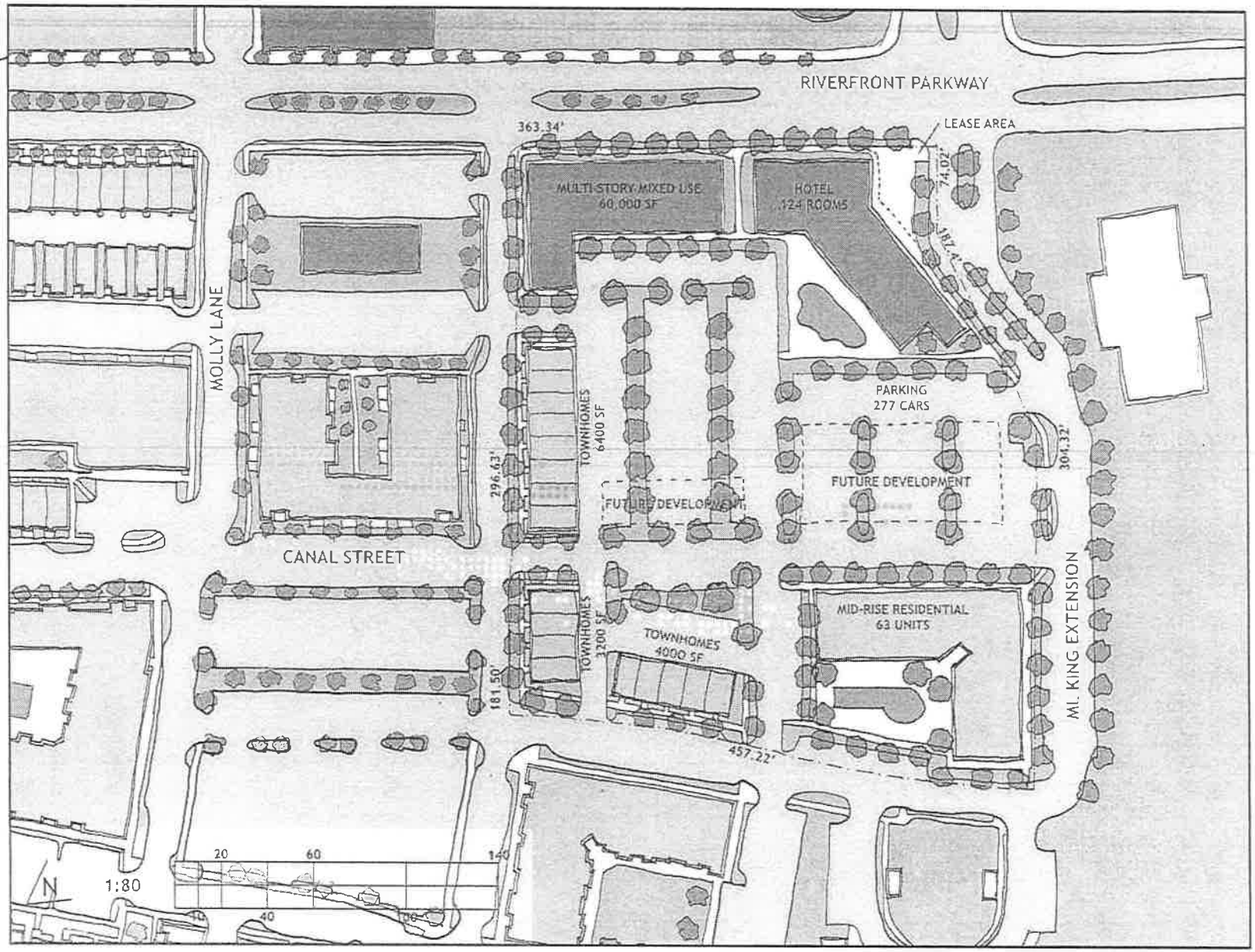
Total number of dwelling units (if applicable): 80

Identify all items on the site plan that are listed in the RPA Site Plan Policy

RECEIVED
APR 25 2016

Date Received 4-25-16

Applicant Initials



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