

**PLANNING COMMISSION CASE REPORT****Case Number: 2015-124****PC Meeting Date: 10-12-2015****Applicant Request****Lift C3 Central Business Zone Conditions**

<b>Property Location:</b>	<b>1200 block of Cowart Street</b>
<b>Property Owner:</b>	<b>BYD Cowart, GP</b>
<b>Applicant:</b>	<b>Belle Investment Company</b>

**Project Description**

- Proposal: Lift a 48 foot maximum height condition (Ordinance #12059, Condition 2C4) to build a 7-story apartment building, wrapped around structured parking on three sides.
- Proposed Vehicular Access: Cowart Street.
- Proposed Development Form: 7-story building is proposed to front Cowart Street with a zero building setback and structured parking to the rear.
- Proposed Number of Units: Approximately 141 units (per site plan).

**Site Analysis****Site Description**

- Location: The 1-acre vacant site is located on the west side of Cowart Street between Market Street and West 13<sup>th</sup> Street.
- Current Access: Cowart Street, and an alley at the north end of the site that runs between Market and Broad Streets.
- Current Development form: There is a mixture of one, two, three, and four to five story buildings within a 500 foot radius of this downtown urban site.
- Current Land Uses: The site is currently used for surface parking. There is a mix of office, hotel, government, and other business and restaurant uses within a 500 foot radius of the site.

**Zoning History**

- The site is currently zoned C-3 Central Business Zone with a list of conditions that includes:
  - Land Use ("Residential and restaurant or deli use only")
  - Building Setbacks and Street Frontage,
  - Building Facades and Access (including building height limited to 48 feet),
  - Equipment Placement,
  - Access and Parking,
  - Landscaping, and
  - Prohibited Uses.
- The site was rezoned from M-1 Manufacturing to C-3 Central Business Zone (with conditions) in 2007 (Ordinance #12059).
- The property to the north is zoned M-1 Manufacturing. The properties to the east are zoned C-3 Central Business Zone (with conditions) and M-1 Manufacturing. The properties to the south and west are zoned C-3 Central Business Zone (with conditions).

**Plans/Policies/Regulations**

- The Downtown Plan (adopted by City Council in 2004) recommends mixed use development on this site in the Southside. Further recommendations include:
  - Promoting the area near Main and Market as an entertainment district, including music venues and restaurants on the ground floor.
  - Residential development with a minimum density of 12 units per acre. Significantly higher densities are preferred.
  - Buildings should be similar in height and configuration to neighboring buildings on the same block and side of the street to create continuity, balance and scale.

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- The Downtown Plan includes this site in the Southside district, not the Central Business District (or core.) Regarding building height, it states, “Moving outward from the core, the maximum building height should be of a lesser height – 48 feet – to provide continuity with the lower scale of the residential areas and neighborhood commercial centers.”
- Incorporate a colonnade into any new development on the north side of 13<sup>th</sup> Street (to continue the pattern established by the Chattanooga and the Convention Center.)
- The site is located to the immediate west of the Market and Main Streets National Historic District. While this proximity does not require specific building standards, the Downtown Plan states the following regarding historic resources. “Historic tax credits may be available for some properties and the surrounding historic context should be preserved to maintain that eligibility.” The historic buildings across Cowart Street from the site are two- and three-story buildings.
- The C-3 Central Business Zone Height Map (which has been used to assign building height conditions in C-3 zoning cases) places no building height limit on structures within the area identified as the “Core.” This site is on the outer edge of the Core (as defined on this one map). The Height Map recommends a maximum height of 50 feet for properties immediately adjacent to the south.
- The proposed Form-Based Code, currently recommends Shopfront buildings with a maximum height of (6) six stories on this site.
- Transportation: The Chattanooga Department of Transportation recommends giving added consideration to the street edge (in terms of quality and width) if conditions are lifted to allow an increased building height. Existing conditions seem to have a limited right-of-way along both frontages, which might exclude street trees if the width is not adequate (10-14' is preferred for a proper streetscape between curb and building). Consequently, this could create an edge that is notably less people-scaled and people-oriented with a taller building.

### Key Findings

- The proposal to lift the maximum height condition and build a 7-story building is not supported by the recommendations of the adopted Land Use Plan for the area, as the historic buildings across the street are only two and three stories. The closest five-story buildings are The Chattanooga and the TVA building.
- The proposed use is consistent with surrounding uses. Although not requested by the applicant, the current zoning land use conditions (restricting to “Residential and restaurant or deli use only”) are too restrictive and staff is recommending lifting this condition.
- The proposed building height is not consistent with the building heights in the area.
- The proposed structure does raise concerns regarding height.
- The proposal would set a negative precedent for future requests.

### Staff Recommendation

1) Deny lifting the condition to allow seven (7) stories, but approve four (4) stories. A fifth story (maximum height of twelve feet) may be added IF that fifth story is stepped back from the north, east (Cowart Street), and south (13<sup>th</sup> Street) building faces by ten (10) feet

2) Approve lifting the condition restricting uses to Residential, Restaurant and Deli.