

First Reading: _____
Second Reading: _____

2014-023
Elemi Architecture, LLC/
Matt Winget/Paul Teruya/
ALC Holdings, LLC
District No. 7

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1690 SILVELS LANE, 109 OLD MOUNTAIN ROAD, AND 1605 W. 39TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE, R-2 RESIDENTIAL ZONE, AND C-2 CONVENIENCE COMMERCIAL ZONE TO UGC URBAN GENERAL COMMERCIAL ZONE, TO BE APPROVED AS AMENDED PER SITE PLAN AT PLANNING COMMISSION.

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 at 1690 Silvels Lane, 109 Old Mountain Road, and 1605 W. 39th Street, more particularly described herein:

All of Lot 4 and part of Lots 5 and 10 of Mary Hamill's Subdivision, Deed Book M, Volume 2, Pg. 446, ROHC, and Deed Book Q, Volume 6, Pg. 254, ROHC, beginning at the southwest corner of Tax Map No. 1550-D-011 going northeast 79.7 feet, thence 49.8 feet southeast, thence 166 feet northeast, thence approximately 16 feet southeast, thence 79 feet southwest, thence 184 feet southeast, thence 165.5 feet southwest, thence 239 feet northwest to the point of beginning. Tax Map Nos. 1550-D-004 (Part), 1550-D-010 (Part), and 1550-D-011.

and as shown on the map attached hereto and made a part hereof by reference, from R-1 Residential Zone, R-2 Residential Zone, and C-2 Convenience Commercial Zone to UGC Urban General Commercial Zone, to be approved as amended per site plan at Planning Commission.

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

2014-023 City of Chattanooga
March 20, 2014 (Deferred)
April 14, 2014 (Action Taken)

RESOLUTION

WHEREAS, Elemi Architecture, LLC/Matt Winget/Paul Teruya/ALC Holdings, LLC 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-2 Residential Zone and C-2 Convenience Commercial Zone to UGC Urban General Commercial Zone, properties located at 1690 Silvels Lane, 109 Old Mountain Road, and 1605 W. 39th Street.

All of Lot 4 and part of Lots 5 and 10 of Mary Hamill's Subdivision, Deed Book M, Volume 2, Pg. 446, ROHC, and Deed Book Q, Volume 6, Pg. 254, ROHC, beginning at the southwest corner of Tax Map 155O-D-011 going northeast 79.7 feet, thence 49.8 feet southeast, thence 166 feet northeast, thence approximately 16 feet southeast, thence 79 feet southwest, thence 184 feet southeast, thence 165.5 feet southwest, thence 239 feet northwest to the point of beginning. Tax Maps 155O-D-004 (Part), 155O-D-010 (Part), and 155O-D-011 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on March 10, 2014, at which time action was deferred until April 14, 2014

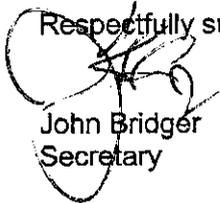
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on April 14, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved as amended per site plan at Planning Commission.

Respectfully submitted,

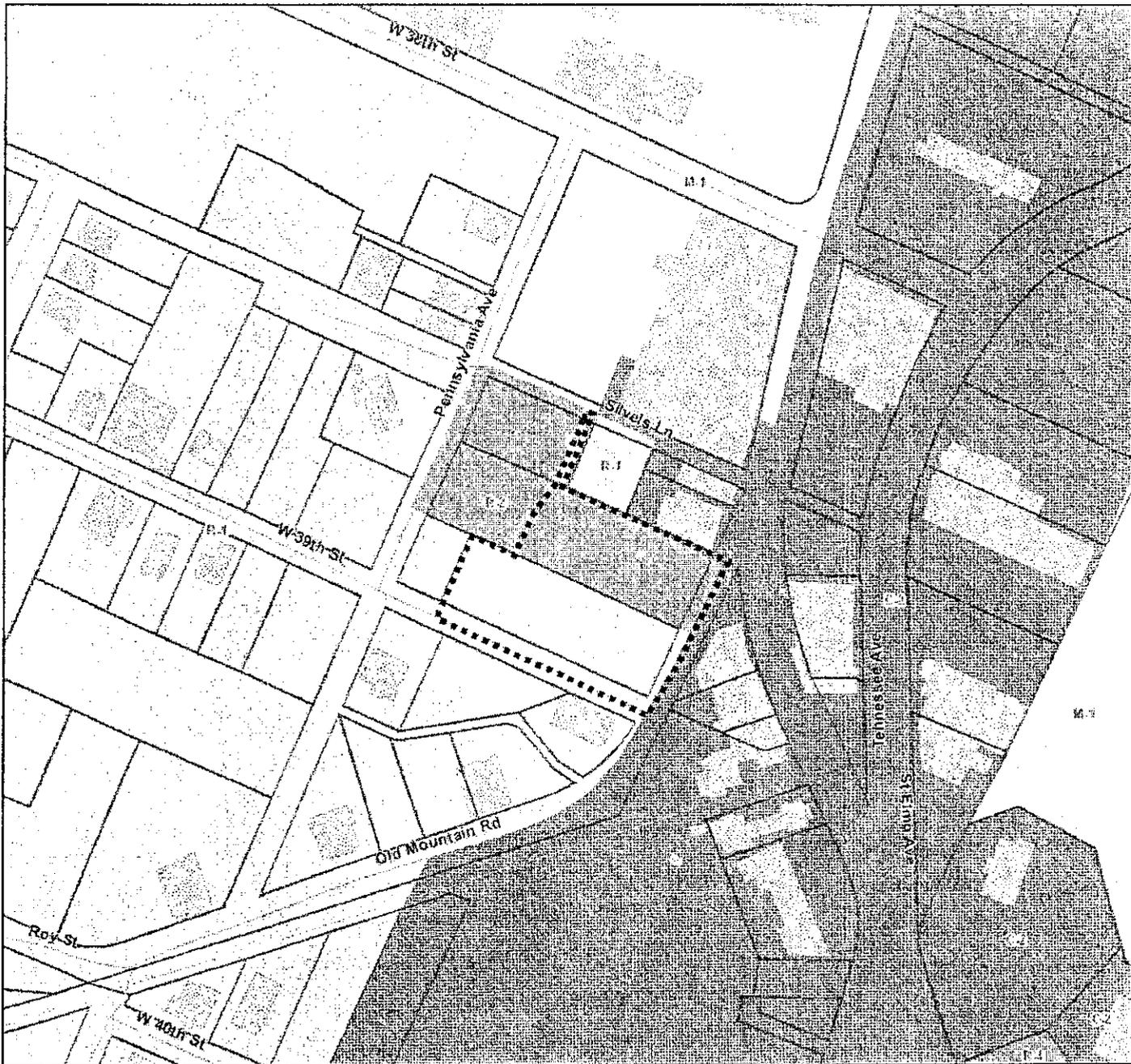

John Bridger
Secretary

ZONING APPLICATION FORM

| | | | | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-----------------------------------------------------------------|---------------------------------------------|
| CASE NUMBER: | | 2014-023 | | Date Submitted: 02-10-14 | |
| (Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed) | | | | | |
| 1 Applicant Request | | | | | |
| Zoning | | From: 0.66 acres: R-2, R-1 0.45 acres: R-2 0.01 acres: C-2 | | To: 0.66 acres: UGC 0.45 acres: R-1 0.01 acres: UGC | |
| | | Total Acres in request area: 1.11 acres | | | |
| 2 Property Information | | | | | |
| Property Address: | | Current Addresses: 1690 Silvels Lane 109 Old Mountain Road 1605 W. 39th Street | | | |
| Property Tax Map Number(s): | | 1550-D-004, 1550-D-010, and 1550-D-011 | | | |
| 3 Proposed Development | | | | | |
| Reason for Request and/or Proposed Use: | | Owner Proposes mixed-use building (ground floor commercial, 3 stories residential) for new parcel fronting Old Mountain Road Owner proposes single family residential for new parcels fronting Pennsylvania. | | | |
| 4 Site Characteristics | | | | | |
| Current Zoning: | | R-2 and R-1 | | | |
| Current Use: | | Lots are currently vacant, no use | | | |
| Adjacent Uses: | | R-1, M-1, C-2 | | | |
| 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: Elemi Architecture, LLC. per Matt Winget | | | Address: 1700 Broad Street., Suite 124 | | |
| Check one: | | <input type="checkbox"/> I am the property owner | | <input checked="" type="checkbox"/> I am not the property owner | |
| City: Chattanooga | | State: Tn. | | Zip Code: 37408 | |
| Phone 1: 423-648-7644 | | Phone 2: | | Phone 3: | |
| | | | | Fax: | |
| 6 Property Owner Information (if not applicant) | | | | | |
| Name: Paul Teruya; ALC Holdings, LLC | | | Phone: (423)-883-0410 | | |
| Address: 1925 Rossville Avenue, Chattanooga, Tn. 37408 | | | | | |
| Office Use Only: | | | | | |
| Planning District: 8C | | | Neighborhood: St. Elmo Improvement League | | |
| Hamilton Co. Comm. District: 6 | | Chatt. Council District: 7 | | 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: 1.11 acres | <input checked="" type="checkbox"/> | Deeds |
| | | | | <input checked="" type="checkbox"/> | Plats, if applicable |
| Deed Book(s): 10011-0307, 10014-0523 | | | | | |
| Plat Book/Page: Vol. Q. PB 6 Pg. 254; Vol. M. PB 2 Pg. 446 | | | <input checked="" type="checkbox"/> Notice Signs | | Number of Notice Signs: 3 |
| <input checked="" type="checkbox"/> | Filing Fee: \$635.00 | <input checked="" type="checkbox"/> Cash | | <input checked="" type="checkbox"/> Check | Check Number: 6228 |
| Planning Commission meeting date: 3-10-2014 | | | Application processed by: Trevor Slayton | | |

PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL

| | | |
|------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------|
| Case Number: | 2014-023 | PC Meeting Date: 4-14-2014 |
| PC RECOMMENDATION: | APPROVE UGC PORTION ONLY, subject to site plan submitted at the Planning Commission meeting. | |
| Reason(s) for Recommendation | <ul style="list-style-type: none">❖ Proposed mix of uses can serve as an appropriate transition from the single-family homes on Pennsylvania Ave to the urban commercial buildings fronting St. Elmo Ave.❖ The St. Elmo land use plan (2001) supports the proposed use.❖ A series of meetings were coordinated by the applicant with property owners and residents since last month. | |
| Applicant Present at PC Meeting? | Yes | |
| Opposition Present at PC Meeting? | Yes | |



2014-023 Rezoning from R-1, R-2 and C-2 to UGC

PLANNING COMMISSION RECOMMENDATION OF CASE NO. 2014-023: Approve as amended per site plan at Planning Commission.



150 ft



Chattanooga Hamilton County Regional Planning Agency



STAFF CASE REPORT TO PLANNING COMMISSION

Case Number: 2014-023 **PC Meeting Date:** 4-14-2014

STAFF RECOMMENDATION: APPROVE

Land Use & Transportation Comments

Planning Staff:

Applicant Request Overview
Note: This case was deferred by the Planning Commission on March 10, 2014 to allow additional time for the developer and architects to meet with St. Elmo property owners.

The applicant is proposing a mixed-use building with ground floor commercial and three residential stories on approximately 0.67 acres fronting Old Mountain Road in St. Elmo. They are requesting UGC Urban General Commercial Zone for this mixed-use portion. The applicant is also proposing six single-family homes on the 0.45-acre portion of the site fronting Pennsylvania Avenue. They are requesting R-1 Residential Zone for this portion of the site.

UPDATE: The applicant now plans to limit their request to only the eastern portion of the property where they are still requesting the Urban General Commercial Zone. A revised site plan is needed and should be presented at the April meeting.

Site Description
 The site encompasses a total of 1.11 acres bounded by Old Mountain Road, West 39th Street, Pennsylvania Avenue and Silvels Lane. The site slopes downhill from southwest to northeast. It is bordered by the C-2 Convenience Commercial Zone to the east and north, R-1 Residential Zone to the south and west, and M-1 Manufacturing Zone to the north.

UPDATE: During the most recent neighborhood meetings, it was noted that there are ground water features as well as existing tree cover and slope issues related to this site that may require an extra level of sensitivity as development occurs.

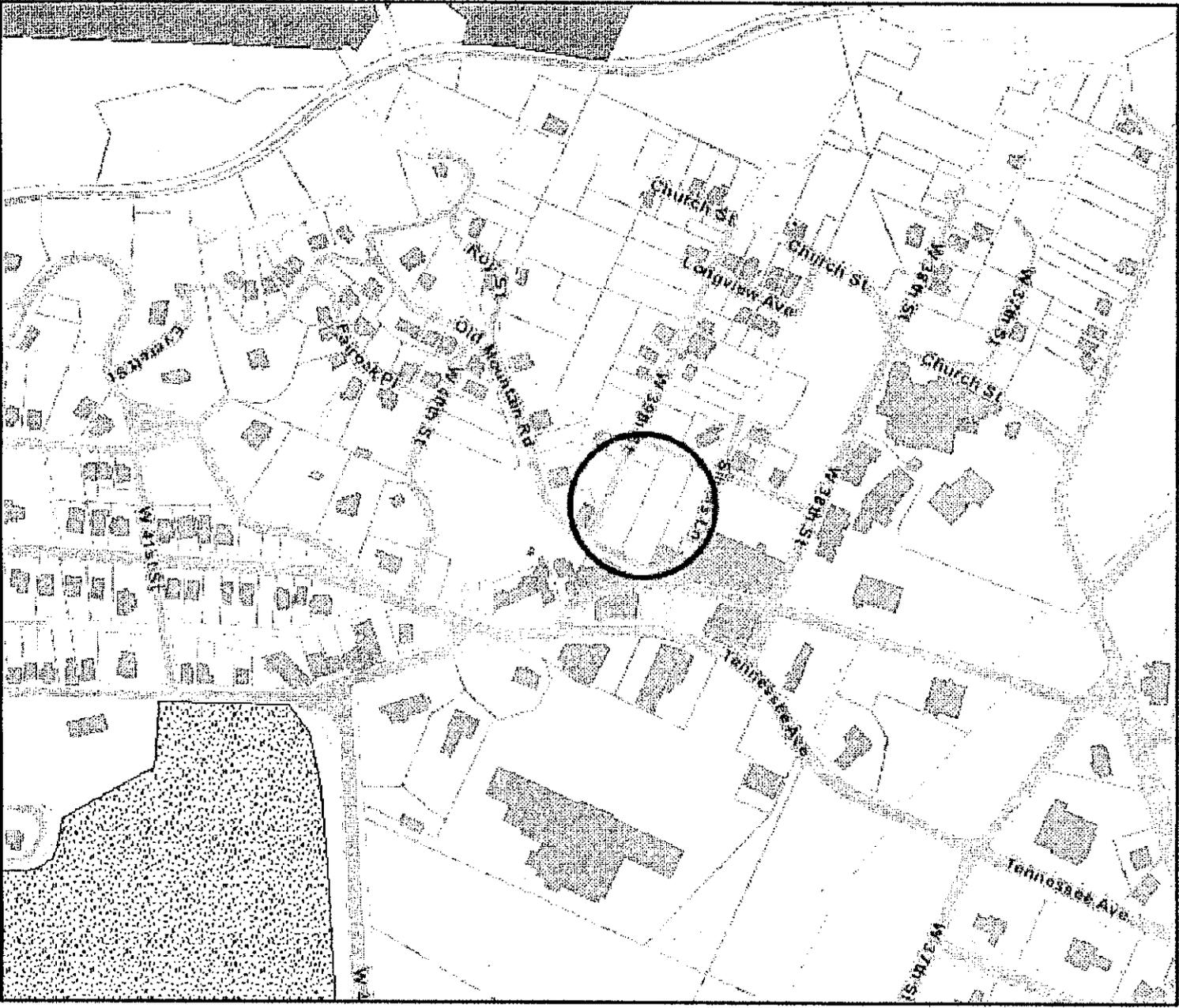
Zoning History
 The portion of the site where UGC Urban General Commercial Zone is requested is currently zoned R-1 Residential, R-2 Residential and C-2 Convenience Commercial.

Plans/Policies
 The 2001 St. Elmo Plan recommends mixed-use residential development for this location:

The primary use is low to moderate density residential. However, corner stores, offices, churches and higher density residential uses may be appropriate in specific locations.

STAFF CASE REPORT TO PLANNING COMMISSION

| | |
|--------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| | <p>In January 2014, Chattanooga Neighborhood Enterprise hosted a public design charrette focused on the St. Elmo commercial center. Although no recommendations from that recent charrette have as yet been adopted, community participants emphasized a desire for commercial and residential infill development in and around the commercial center.</p> |
| Infrastructure & Operational Comments | |
| | <p>All land development projects are reviewed by City Engineering & Water Quality staff, Traffic Engineering & Operations staff, and the Land Development Office staff. In addition to the requirements of the City of Chattanooga Zoning Ordinance, all land development is further required to comply with current City of Chattanooga traffic regulations, building and development codes, storm water/water quality regulations, and the landscape ordinance.</p> |
| Summary | |
| | <p>This site is located at the boundary between residential and commercial uses, and across the street from existing urban commercial buildings. As such, the proposed mix of uses can serve as an appropriate transition from the single-family homes along Pennsylvania Avenue to the urban commercial buildings along St. Elmo Avenue.</p> <p><i>UPDATE: A series of specially called meetings coordinated by the applicant has provided the property owners and St. Elmo residents an opportunity to review the project and discuss appropriate development types and offer comments. Generally, discussion focused on the following issues: building height, materials, location of building, types of uses, parking, traffic concerns, detailing such as balconies and porches, landscaping and stormwater management.</i></p> <p>The 2001 St. Elmo Plan also calls for mixed-use residential at this location, therefore, staff recommends approval.</p> |



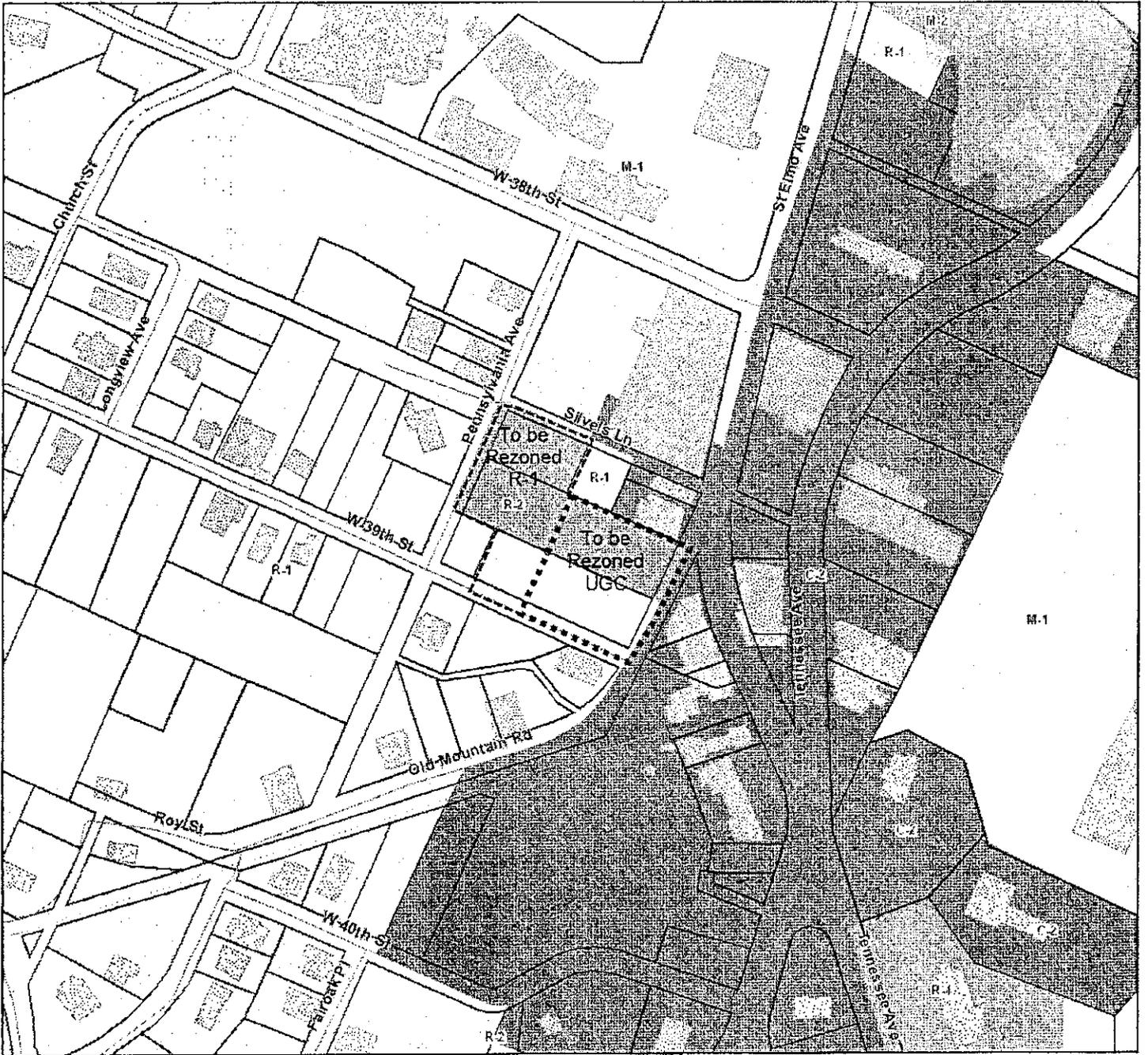
109 Old Mountain Rd

Chattanooga 7 / Hamilton County 6

Printed: Mar 13, 2014

Disclaimer: This map is to be used for reference only, and no other use or reliance on the same is authorized. Parcel lines are shown for reference only and are not intended for conveyance. Use is intended to substitute for a legal survey or property abstract.

HCCGIS

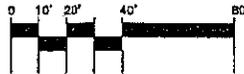
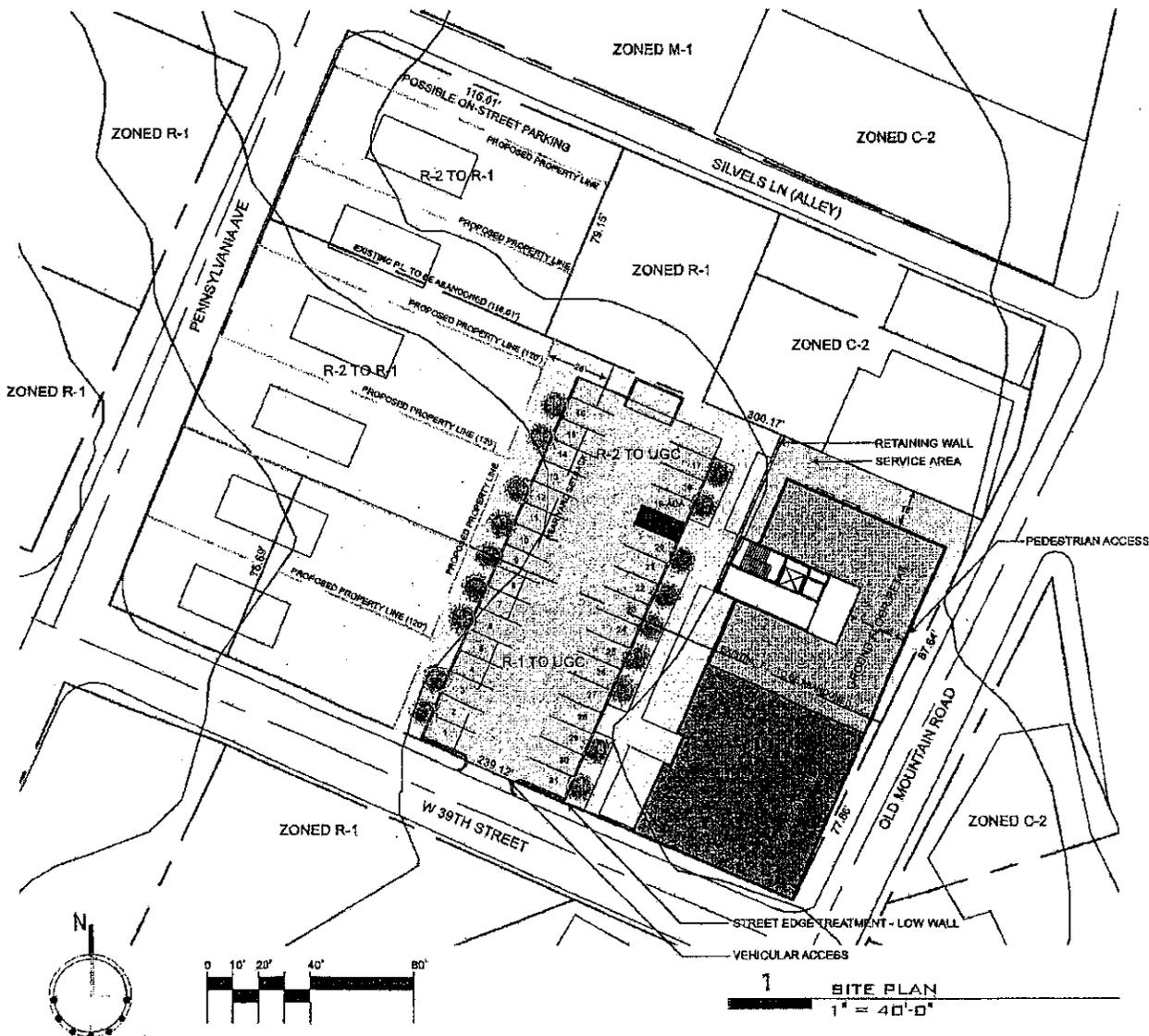


2014-023 Rezoning from R-1, R-2 and C-2 to R-1 and UGC

200 ft

Chattanooga Hamilton County Regional Planning Agency





1 SITE PLAN
1" = 40'-0"

SITE PLAN | ST. ELMO MIXED USE

JAN. 23, 2014

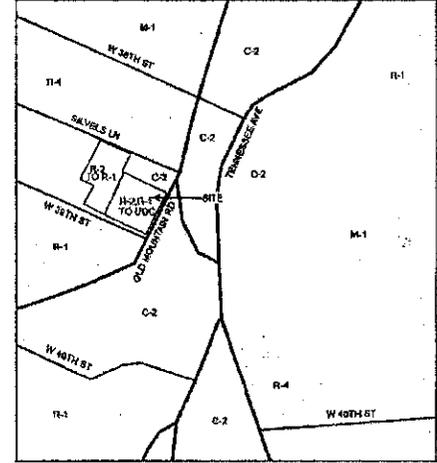
TAX PARCEL ID: 1550 D 004, 1550 D 010, 1550 D 011

PROJECT NOTES:

CURRENT ZONING: R-1 AND R-2
 PROPERTY BOUNDARY: 3 LOTS - 1.24 ACRES
 FRONT LOT .86 acres (FRONTING OLD MOUNTAIN ROAD) REZONED UGC
 REAR LOT .44 acres (FRONTING PENNSYLVANIA AVE) REZONED R-1
 GROUND FLOOR COMMERCIAL/3 STORIES APTS ABOVE PROPOSED
 NO EXISTING STRUCTURES
 WASTE REMOVAL - PUBLIC WORKS BY CONTAINER
 PARKING REQUIRED: COMMERCIAL (25% REDUCTION) - 13 SPACES
 RESIDENTIAL (1 PER UNIT X 9 UNITS PER FLOOR) - 27 SPACES
 40 SPACES REQUIRED: 31 SPACES SHOWN



SECTION DIAGRAM



LOCATION MAP

ST. ELMO
 PRESENTED BY:
 ELEMI ARCHITECTURE
 423.648.7644
 matt@elemiarchitects.com

FOR:
 PAUL TERUYA
 ALC HOLDINGS LLC



2014-023

Dear Zoning Board Members, 4-13-14

We have lived in St. Elmo for 15 years (minus two that we lived in Georgia, while retaining our St. Elmo property. St. Elmo offered many advantages to us and we missed it, so we moved back). Currently we own our house and a rental duplex in St. Elmo.

We share the Field family's concerns about the proposed 4-story apartment building right next to their home and business. When we visit them, there is no place to park. That area has a number of popular businesses and attractions, as well as limited parking and frequent congestion. Several friends in the area already speak of driving and parking difficulties there.

We support preserving St. Elmo's seasonal (and potentially permanent) stream beds. Keeping these open and healthy increases our neighborhood's beauty, relaxes people, and provides for wildlife needs. Ignoring their existence and building on top of them increases the risk of building damage and threats to human safety.

Rentals are a necessary thing — we have been renters, and we now rent to others. Some people have to rent, and others do it for other reasons or choose to for a certain period of time. I am not criticizing renters here. In general, though, renters are not as committed

RD
klh

or as emotionally attached to a neighborhood as the homeowners are. Renters tend to be more transient - I would imagine even more so in an apartment complex than in an individual house as many renters are in St. Elmo. You cannot split up a large house in St. Elmo into apartments anymore. The area in question is outside the historic zoning laws, but it is right here in our neighborhood. In our minds it is considered part of St. Elmo. There are several open places along Broad Street that might be more suitable for this project.

St. Elmo is a very strong community, a wonderful neighborhood to live in. People want to live here, and we are an asset to the city.

How will it affect our neighborhood to:

- erect a building on top of a wet-weather creek,
- fill it full of tenants,
- provide inadequate parking,
- retain very little greenspace for beauty, health, and absorption of water runoff from the large area of new concrete and asphalt,
- and
- make it the most imposing structure in that area?

RF
ref

All of this would be placed at the currently welcoming entrance and business area of our community.

We believe this is important. Thank you for your time in consideration of these concerns. Please vote against this project as presented.

Sincerely,

Jessica Hansen Jessica Hansen (423) 822-0214
(Representing a family of 7)

The Fishers have lived in St. Elmo 1 1/2 years and agree with this letter.
Richard Fisher Richard Fisher (423) 486-1541

KAREN H. FISHER Karen H. Fisher 423-486-1541

One of our 5 children threw up several times this morning and we will not be able to attend the meeting today as we had hoped. Also I will not be able to take this to St. Elmo friends to sign this.

Last week my son and I spoke in person with at least eight St. Elmo households. All of them were opposed to this project. Many residents probably don't even know about it.



04-10-2014

Our family would like the
building to be two (2) stories or less
for the new zoning. More than this
would be too much for the
community.

Thanks
the Jones family
215 Old mtn. Rd. 37409



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[Update Customers](#)

[Update Vendors](#)

Internal Note

Incoming Email ID 185660

From: "Lynn Greer" <lgreer7533@epbf.com>

Subject: Letter to Zoning Commission

Date: 2014-04-11 17:24:09

To: The Field Family <SaintElmo@SurfNUsa.NET>

April 11, 2014

<?xml:namespace prefix = o ns = "urn:schemas-microsoft-com:office:office" />

To: Planning and Zoning Commission

From: Lynn Greer, St. Elmo Resident

Subject: Case 2014-023, 4 Story Apartment Building on <?xml:namespace prefix = st1 ns = "urn:schemas-microsoft-com:office:smarttags" />Old Mountain Rd.

The proposed apartment building is not consistent with the buildings and narrow streets in this historic area. This area is already congested with vehicle and pedestrian traffic and lacks sufficient parking for the existing business.

I am opposed to this zoning change.

Lynn Greer
4609 Alabama Ave
Chattanooga, TN 37409
423-821-2632

ST. ELMO DELI & GRILL

April 11, 2014

RE: Old Mountain Road Project in St. Elmo

Dear Sir or Madam:

I am a small business owner in St. Elmo and wish to express my feelings concerning the proposed development on Old Mountain Road in St. Elmo. As a business owner, I stand to benefit from additional housing units in the neighborhood, especially within easy walking distance of my deli. However I am concerned by the plans which I have seen so far. The proposed plans strike me as out of character with the surrounding historic buildings. They are tall and dense. I am also concerned with parking for this many cars in the new development. I also travel Old Mountain Road multiple times per day, and am frequently forced to stop and sometimes even back up to allow oncoming traffic to pass, on a very narrow road. I haven't seen any plans which address the narrowness of this road, or where parking for all of the additional vehicles is planned.

I am in no way opposed to new development on this parcel, however I would hope that any new development would remain in the style of the surrounding buildings, be done at an acceptable density level, and address traffic and parking concerns on the very narrow streets that would service such a development.

Sincerely,

Peter L. Horne, IV
Owner

To Planning Commission Board:

I believe the proposed building
by old Mtn Road is way to tall.

It needs to be 2 stories and
not block the view of lookout Mtn

Its also too much density for
this area.

Sarah Anne Field

3821 Saint Elmo Avenue

Chattanooga, TN 37409

2014-4-14

in OPPOSED TO PROPOSED BUILDING ON
OLD MAN ROAD!

TIM E. ARNOLD / RES OF STELMO 73 YRS

4100 ALABAMA AVE

CHATT. TN 37409

821-2707





March 31, 2014

To Whom It May Concern,

Hello, I am the owner of Mojo Burrito in St Elmo. It has come to my attention via Alan Field that there are intentions to get zoning for a commercial and residential proposed building to be located on the property adjacent to Alan Field's that will encompass quite a large (yet small) area.

As a business owner in the district for the last 12 years I can tell you that I am very happy to see progress on the horizon. It is a very positive thing for building owners and residents of the St Elmo community.

Unfortunately, I have a unique set of concerns. Predominately, I have access concerns for my business. What progress means for me in the interim is a lot of headache and strong potential of lost business. I have suffered many, many road closures in the last decade for the sake of progress. Each and every time it has negatively affected our sales. In addition to road closures there has been more retail success in the area which has increased the terrible parking problem.

I am writing to seek information on timelines, road closures, equipment placement and anything else that would point to no parking and no or limited access to my restaurant. I am a tenant not an owner of the building. My lease expires in May and I have some big decisions to make and plead for any information you can give me so I can make an intelligent decision. I have weathered a lot over the years and fear that all of this progress to come may eclipse Mojo Burrito from future success.

I also wonder about the size of the building proposed. If the drawings are accurate that have been provided to me I feel that they are a bit out of scale and look akin to the white elephant appearance. That is just a personal opinion and I'm sure the final proposal will keep the historic significance in mind as well as the scale of its surroundings.

So, cheers to success and not my demise.

Sincerely,

A handwritten signature in black ink that reads "Eve Williams". The signature is written in a cursive style with a large, looping initial "E".

Eve Williams

President, Mojo Burrito

cell: 423-902-4546 or eve@mojoburrito.com



This email contains 1 embedded attachment

From: Elizabeth Miller <wauhaichie@gmail.com>
Subject: more about Developer, Paul Teruya
Date: 2014-03-23 10:32:14
To: mary barnett<mfbarnett039@hotmail.com>
gladtohelp@surfnusa.net
Happy Baker<happybaker@msn.com>
joemartin@epbfl.com
Helen Burns Sharp<corryhelen@msn.com>

From: Deborah Sue Trimble [mailto:debbiesuetrimble@gmail.com]
Sent: Wednesday, March 19, 2014 10:03 PM
To: Elizabeth Miller
Subject: Re: [neighbors] Free Range Chicken for Sale

Hi Elizabeth! Im glad you emailed me also. It is easier to send the pics via email than phone due to size. Im honesty having a very hard time knowing Paul Teruya is here in my neighbor. I feel a little sick over this. I want growth in St Elmo, but not what he is known for creating. He is a greedy, dishonest, snake in the grass. I feel violated yet again by his presence. Attached are a few pics of what he did to my property in North Chattanooga- he was 100% aware, was reminded, and informed us he (and his partner Jim Storey) would fix it...he shook our hands on this! He did nothing to fix the problems, and more harm continued to occur. 2 massive mud slides occurred destroying my original limestone wall and wall of an original garage, 7 adult compromised trees (4 of which died and I had cut down), 2 crumpled retaining walls, splatter our siding with tar and cement, and damaged the street leading up to the homes he was constructing. The city didn't care and like I said, was urged by the city attorney to "get a lawyer". We had to file a law suit against these turds. It was settled out of court BUT I got the short end of the stick. I crumbled emotionally with the threats this could go on for years occurred. Im still dealing with the aftermath and unfortunately have to fix these issue myself. I have no love or light in my heart for Paul. My negative emotions are revisited when his name and projects come up. I am very sad for you living next to this. Be careful and don't put up with his crap- he has no integrity of word. Let me know if I can help you with any thing else. ~ Debbie Sue (Trimble) Przybysz 440 759 0852

On Wed, Mar 19, 2014 at 1:23 PM, Elizabeth Miller <Elizabeth.Miller@chattanooga.state.edu> wrote:

Is this Debbie Sue who I talked to last night at the St. Elmo Firehall meeting?

Elizabeth Miller, Secretary

Regional Health Programs

Nursing & Allied Health

Phone: 423-697-3360 Fax: 423-697-3324

1610 West 40th St.
Chattanooga, TN 37409

- Family Petition

To whom it may concern,
I think that the proposal to put a
four story apartment building at Old Mountain
Park and 39th St. is the high road
block a nice view for those living in the
area.

4-11-14

My name is Jay Phelps, and I am a proud St. Elmo resident. I don't think this project has St. Elmo in its best interest and would not benefit the community! Even if they consider dropping 2 stories. I think there are better ways to bring in more affordable housing!

Thank you for your time,

Jay Phelps

4621 Guild Ter.

4-11-14



4-70-2014

Be better suited if it
was only two story.

16 Fair Oak Pl. Mary R. Jensen

4.10.14

To Whom it May Concern,

We at 3 Fairbank Place,
one block away from the
proposed structure, oppose the
building of 27 units. We
oppose a few story building and
all of the effects this would
have on the surrounding infra-
structure. Something of mixed-
use and much smaller would
be more beneficial for the
neighborhood.

Regards,

Jesse Teague

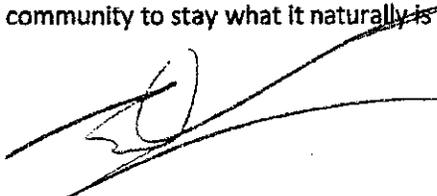
Jesse Teague 4.10.14
423.503.8949

Brad Pentiah
Karenza Pentiah
96 Everett St.
Chattanooga Tn, 37409

April 9, 2014

To whom it may concern:

My family and I are opposed to the rezoning of the lot at St. Elmo and Old Mountain Rd. We are afraid of the long term effects of rezoning and developers changing what St. Elmo stand for. We moved to Chattanooga 5 years ago, my wife grew up in Chattanooga. We moved into our house in St. Elmo because of the community of St. Elmo. Developers are trying to take advantage of the new development of St. Elmo which I think can be positive but not at the sake of the people that live in St. Elmo and of the community itself. There is a problem with traffic at that intersection right now with patrons visiting the shops and restaurants. Hopefully with a different plan will allow St. Elmo to be safer and allow the community to stay what it naturally is a Historical Society!



Brad Pentiah



Karenza Pentiah

No more TRAFFIC, No tall buildings
No multi rent buildings.

Richard C. Hill

4-10-64

Richard C. Hill
106 EVERETT ST
CHATT TN 37409

Jerry Harris
300 Old Mtn Rd.

I don't want any apartments
in this area, and the
roads won't take it

Jerry Harris

April 11, 2014

From: Bryant Black, resident, St. Elmo, 105 Everette St

To: Hamilton County Zoning Commission

Re: Case 2014-023

I strongly urge the commission to reject the request for a zoning variance. A four story building violates the integrity of the St. Elmo business district, the spirit of the adjacent historic zoning with respect to St. Elmo, and is unwise given the inadequate infrastructure and the wet weather creek that runs through the property. I built my house in 1997-1998 in St. Elmo with the revitalization of St. Elmo as a community of families owning and restoring a local neighborhood. We are a local, family-centered neighborhood. This variance would be a step backwards in the revitalization of this urban neighborhood.

Respectfully submitted,



Bryant M. Black

Alan Field of SurfnDevelopment Corporation 2014-04-07 09:07:32 Container 108.174.96.224

[Help](#)



Reply Reply All Forward Print Followup

Contact Records

| | | |
|---------------------------------------------|-------------------|-------------|
| Contact | Company | Type |
| Communications Specialist: Elizabeth Miller | Miller, Elizabeth | Prospect |

Internal Note

Incoming Email ID 185199

This email contains 1 embedded attachment

From: Elizabeth Miller <wauhatchie@gmail.com>
Subject: Re: Meeting Yesterday?
Date: 2014-04-07 08:48:12
To: stelmo@surfnusa.net

Hi Bryan...I did know about the meeting Thursday via the email list but was unable to attend. I heard they had 2 tables with plans on them but both tables seemed to have different plans. They do seem to be stuck on 4 stories and I am profoundly grieving the loss. You should attend tonight's neighborhood meeting at 7 at the Firehall. We will talk about the city's new greening of the stormwater system. Elizabeth

On Fri, Apr 4, 2014 at 3:38 PM, <stelmo@surfnusa.net> wrote:
Elizabeth,

This is Bryan Field. I heard there was a meeting yesterday at the old fire hall. Did you hear about it? Did you attend? Did you find out through the St. Elmo mailing list?

We did not know about it.

Thanks,



423-821-3463

Bryan Field, Systems Administrator
Chattanooga Software Center
home of Pineapple Code
- Better Business Software

—
Elizabeth Miller
Communications Specialist

my update

Dear St. Elmo Neighbor,

We are a group of concerned neighbors reaching out to you regarding the proposal for the rezoning and commercial/rental-apartment development at the corner of Old Mountain Road and W. 39th Street, just uphill from Mojo Burrito. There have been a few open meetings around this project that you may be familiar with in which the architects (Elemi), property owner (Paul Teruya), and his civil engineer shared preliminary details with us.

The official zoning meeting that was originally scheduled in March was deferred to **this-coming Monday, April 14th, and will take place at 1:00 pm at the County Courthouse, Georgia Avenue, 4th floor.** Since the zoning announcement signage on the property has not been updated, we want to inform and encourage you to attend this very important meeting where decisions that affect us will be made. And since the meeting is coming up so quickly and at a difficult time of day for attendance, we ask that you reply to this email with your comments and preferences based on the information below. Your comments will be shared with the RPA zoning commission in advance of Monday's meeting.

We welcome development on this beautiful site on the lower slope of Lookout Mountain. It could be an opportunity for St. Elmo to lead the way in the city's new high standards for rainwater management and low-impact green commercial building.

Our concerns are:

- The zoning code change that Elemi Design proposes (from R-1 to UGC) is appropriate for a "Live-Work" design in the urban village. But UGC is restricted to limits on Height and Density. Elemi's proposal calls for a variance to the constraints of the code to accommodate their proposed high density project. Elemi proposes a variance to build 27 apartments on .062 acres in a monolithic building constructed on 2 lots. Height: UGC max height is 40' (approx. 2 story building). Elemi proposes 48' w/4 stories.
- Rain Water Management: Incentives are available now for property owners to adopt new Resource Rain codes immediately and we hope Old Mountain Road will indeed be a pilot project for the city's new standards that go into effect in December. The site is on a Watershed and development needs sensitivity to the fragile karst terrain.
- Increased population density will directly impact traffic, light pollution and noise. We would like more information on any traffic engineering study and the development's projected impact.

Please reply with your comments, especially regarding the height/density code variance, and neighbors' request for the developer to consider a lower impact green infrastructure mixed use development on the site.

Elizabeth Miller and neighbors

April 11, 2014

To Whom It May Concern,

The proposed 4-story building proposed for Old Mountain Rd. is too tall, too unshapely, ugly, and, compared to the trees and creek, most unsightly. How can you allow construction of this sort to replace nature if you care about St. Elmo?

Sincerely,

Nancy Seanknecht
4502 Alabama Av.
(423) 822-6408

FROM: YURIKO HOSHINO & CLARK WILLIAMS
4304 MICHIGAN AVE
CHATTANOOGA TN, 37409

4-11-14

Dear Zoning Board Representative,

As a St. Elmo resident homeowner,
I oppose the building ~~of~~ proposed by
ELEM1 ARCHITECTURE. It is ~~seems~~ not appropriate
for our historical neighborhood. Our
residents are cooperative with our
~~our~~ neighborhood historical association,
complying with even the smallest
building regulations such as window
frames and fences. ~~There is~~ This development
~~a~~ plan does not seem consistent with
the stringent regulations that apply
to our ~~new~~ residents. I also have
not had positive experiences with developer
Paul Teruya who built a house behind
our property. He did not respond to
my requests that he clean up the garbage
left on our property from his construction
project and his team razed two trees of ours
despite my having informed him ~~about~~ in writing
~~request~~ to please respect our property.

If this development is approved, I respectfully
request that careful consideration is given to
the size - especially height of the building as it
would be a visual blight on our downtown area.

Respectfully, YURIKO HOSHINO

- Calvin Lewis
- 1722 W. 39th St.

- I would like to see the
- plans downsized to 2
- to 3 storey building.

- Old Mountain Rd end
- bottom of W. 39th widening

41014

Please consider lowering
the height of the
building to less than
four stories. I am concerned
with the height of the
building, especially in
comparison to the buildings
in the surrounding area.

Cava Cota

Cava Cota
1715 W 39th St.

April 8, 2014

To Whom It May Concern:

We are concerned with the height & location (over an ~~underground~~ creek = possible sink holes). St. Elmo, being a historic district should be cautious with new building to reflect our heritage. A four story building of new construction would stand out against the older, historically beautiful structures which are currently in that area.

Respectfully submitted,

Mrs. Brian Kvale

4102 Alabama Avenue

Chattanooga, TN 37409

TRAVIS D. HUTCHINSON
ONE FAIR OAK PLACE
CHATTANOOGA, TENNESSEE 37409

9 April 2014

To the City of Chattanooga,

On behalf of my family of 5, please know that we strongly oppose the proposed high density development at St Elmo Avenue and Old Mountain Road. I live two blocks away in a currently wonderful and quiet neighborhood. Please don't ~~it~~ not issue a zoning exemption for this monstrosity. Please don't issue any variance.

Thank you.

Travis D. Hutchinson

4-10-14

We would like for
the apartments to be
two story high

Mildred Hicks
3871 Longview St
Chick, In 37489

April 9, 2014

That building would be
too much for this location.
Especially if it were 4 stories.
There's no place for parking,
and it would block the view.

James E. Harris

39.06 Pennsylvania Ave

To Whom it may concern,

I would not want
the building to be
four stories. Cut it
in half.

This type of development
sets a trend to
destroying a community
like this.

Barbara Rainer
303 Old 144th Rd.
Chat, TN 37409
9 April 2014

Brooks, Moore & Associates, Inc.
Investment Advisory Services
3905 St. Elmo Avenue
Chattanooga, Tennessee 37409
(423) 756-8628 Fax (423) 265-9436
(800) 909-4961 Toll Free

April 14, 2014

We would prefer that the development project fronting Old Mountain Road in St. Elmo include a shorter building that includes more green space.

Sincerely,

Brooks, Moore and Associates, inc.

April 14, 2014

The building proposed is much larger than what I would like to see in this area. The added traffic is definitely not welcome, and generally I would prefer home owners over apartment renters to be in this area. A 2 story building would be acceptable if it coordinated with other buildings in the area.

Bryan A Field

Bryan Field

3821 St. Elmo Ave.

The proposed development on Old Mountain road would not fit in with the rest of the buildings in the area. It must be 2 stories or not built at all.

Elizabeth Field

3821 Saint Elmo Ave.

Chattanooga, TN 37409

2017-04-14

The proposed development on Old Mountain Road should not be 4 stories. It should be consistent with the other buildings here in Saint Elmo which are mostly 2 stories. Also the creek should be considered carefully. We do not want another sinkhole for our children and grandchildren to deal with.

Susan Field

✓ Mary Field

2014-04-14

To Whom it May Concern

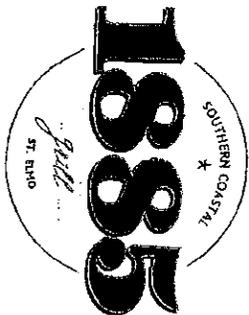
The Building proposed is To: Big and Does not
Fit in with The other Buildings on Saint elmo
Avenue. The amount of Green Space proposed also
Does not Fit in ~~with~~ With what I would like to
See Saint elmo Become _____

3821 Saint elmo ave

Chattanooga TN 37409

Morales
4304 Saint Elmo Ave
Chattanooga, TN 37409

To whom it may concern...
I'm sorry I can not attend today, but
I wanted to voice my opinion through
letter. The Elmo St Elmo Project is a
great push for the beginning stages of "growing
St Elmo", but I feel it is too large
for the area. The idea of blocking the
view of the mountain by any building is
not great planning, and will greatly
affect the look, feel, & history of the
area. I am all for the styles of
rebuild noted in the recent Chert
Drawings, but notice the buildings were
all to scale, & no building shadowed
the next. They were all in harmony.
If this size building is allowed, it will
bring more, and St Elmo will lose its charm.
~~Thank you - Mrs. Sue -~~



Sharon Moore
1606 W. 43rd St
Chattanooga TN 37409
(423) 822-7022
April 11, 2014

To whom it may concern—

This building* doesn't sound like a good idea too much packed into a small space. Maybe not 4 stories. We have to be concerned about the surrounding neighbors

Thank you

Sharon C. Moore

* The old Mountain road development.

April 11 ~ 2014

Dear Zoning Board ~

Please reconsider
approving the 4 story
mixed use building on
Old Mountain Road ~
While the idea might be
welcome in other sections
of our neighborhood ~
I do not support it

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:

2014-023 Elemi Architecture, LLC/Matt Winget/Paul Teruya/ALC Holdings, LLC. 1690 Silvels Lane, 109 Old Mountain Road, and 1605 W. 39th Street, from R-1 Residential Zone, R-2 Residential Zone, and C-2 Convenience Commercial Zone to UGC Urban General Commercial Zone, as amended per site plan.

2014-025 City of Chattanooga/RPA. 8607, 8613, and 8619 North Hickory Valley Road and 5210 Highway 58, from Temporary R-3 Residential Zone to Permanent R-3 Residential Zone per City Code Article X-11, Section 38-653, Planning Commission Zoning Plan to establish permanent zone for area annexed by Ordinance No. 12803.

2014-026 Dan Dykstra. 332 Sylvan Street, from R-2 Residential Zone to R-3 Residential Zone, as a single family, short term vacation rental only.

2014-029 Passpointe Engineering/Jan Pass/Woodland Park Baptist Church. 6700 block of Standifer Gap Road, from R-1 Residential Zone and R-2 Residential Zone to R-4 Special Zone, subject to certain conditions.

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

2014-028 The Southern Land Company/Obar Investments. 3886 Cummings Road, for a Residential Planned Unit Development, subject to certain conditions.

2014-030 Passpointe Engineering/Jan Pass/Woodland Park Baptist Church. 6700 block of Standifer Gap Road, for an Institutional Planned Unit Development.

2014-031 Lee Hodges/Housing Trust Group/ERB, LLC. 1351 Reserve Way and 7650 East Brainerd Road, for a Residential Planned Unit Development, subject to certain conditions.

4. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following amendment be made to the Chattanooga City Code, Part II, Chapter 38-2, known as the Chattanooga Zoning Ordinance by:

- (a) Deleting the definition of “Building, Height of” in its entirety and substitute in lieu thereof;
- (b) Adding the definition “Grade Plane”.

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,

May 13, 2014

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 _____, 2014.

Sandra Freeman
Clerk to the City Council