

2012-117
Ericka Stearns
District No. 8
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 906 EAST 10TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, be and the same hereby is amended so as to rezone property located at 906 East 10th Street, more particularly described herein:

Part of Lot 110, Park Place Addition, Plat Book 1, Page 2, ROHC, Deed Book 8522, Page 523, ROHC. Tax Map No. 146H-P-012.

and as shown on the maps and drawing attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-3 Residential Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

PASSED on Second and Final Reading

_____, 2012.

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2012.

/mms

MAYOR

2012-117 City of Chattanooga
September 10, 2012(Deferred)
October 8, 2012

RESOLUTION

WHEREAS, Ericka Stearns 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 to R-3 Residential Zone, property located at 906 East 10th Street.

Part of Lot 110, Park Place Addition, Plat Book 1, Page 2, ROHC, Deed Book 8522, Page 523, ROHC. Tax Map 146H-P-012 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on September 10, 2012, at which time hearing was deferred until October 8, 2012,

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

AND WHEREAS, there was 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.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on October 8, 2012, recommended to the Members of the City Council of the City of Chattanooga that this petition be denied.

Respectfully submitted,



John Bridger
Secretary

Case Number:	2012-117
Applicant Request:	R-3 Residential Zone
Applicant:	Ericka Stearns
Property Address:	906 East 10 th Street
Jurisdiction:	Chattanooga District 8/Hamilton County District 4
Neighborhood:	Martin Luther King
Proposed Development	
Site Plan Submitted:	Yes
Proposed Use:	4 Unit Apartment Building
Site Characteristics	
Current Zoning:	R-1 Residential Zone
Current Use:	Residential
Adjacent Uses:	Single Family, Multi-Family, Commercial, Industrial, Church, Condominiums
Size of Tract:	0.091 Acres

PLANNING COMMISSION ACTION:
Deny

STAFF RECOMMENDATION: DENY

Analysis

Extension of Existing Zoning?	No
Community Land Use Plan:	MLK Community Plan (2009)
Proposed Use Supported by Community Land Use Plan?	Yes
Proposed Use Supported by Comprehensive Plan?	Yes

Comments

Planning Staff:

Applicant Request Overview

The applicant's proposed use is to convert the building back to a prior use of four residential units. The applicant also submitted a parking plan which proposes to take advantage of approximately five on-street parking spaces.

Site Description

The lot is 0.091 acres located on the southeast corner of East 10th Street and Park Avenue in the M.L. King Neighborhood. The existing structure is a two-story house and appears to have been built as, or converted into, a multi-unit dwelling. Sanborn maps from 1928 and 1955 indicate an "apartment" building on this lot. The lot has no vehicular access and no on-site parking.

Zoning History

The same applicant applied for R-3 Residential zoning in February of 2011. The Planning Staff recommended Deferral and the Planning Commission recommended Denial. City Council denied the request.

At that time, the M.L. King Neighborhood Association expressed opposition to the rezoning. Their reasons included:

- 1) "This is spot zoning in the middle of our neighborhood."
- 2) "When our area plan was created several years ago, one of the

goals was to increase the density of the neighborhood to allow more businesses to enter our community. The expectation of the community was to increase the population by adding new developments on vacant lots and developing vacant buildings. There was not and has never been a desire by the homeowners in our neighborhood to modify existing single-family homes into multi unit rental properties.”

Applicable Plans/Policies

The map in the MLK Community Plan, adopted in February 2009, indicates single-family residential for this specific lot, however the Plan also states that “A diversity of housing is needed to support the nearby businesses.”

The Plan further recommends: “Build higher density housing, such as condos, townhouse, lofts, quads and small apartment buildings on larger corner lots and on the major streets where parking can be accommodated.”

Parking

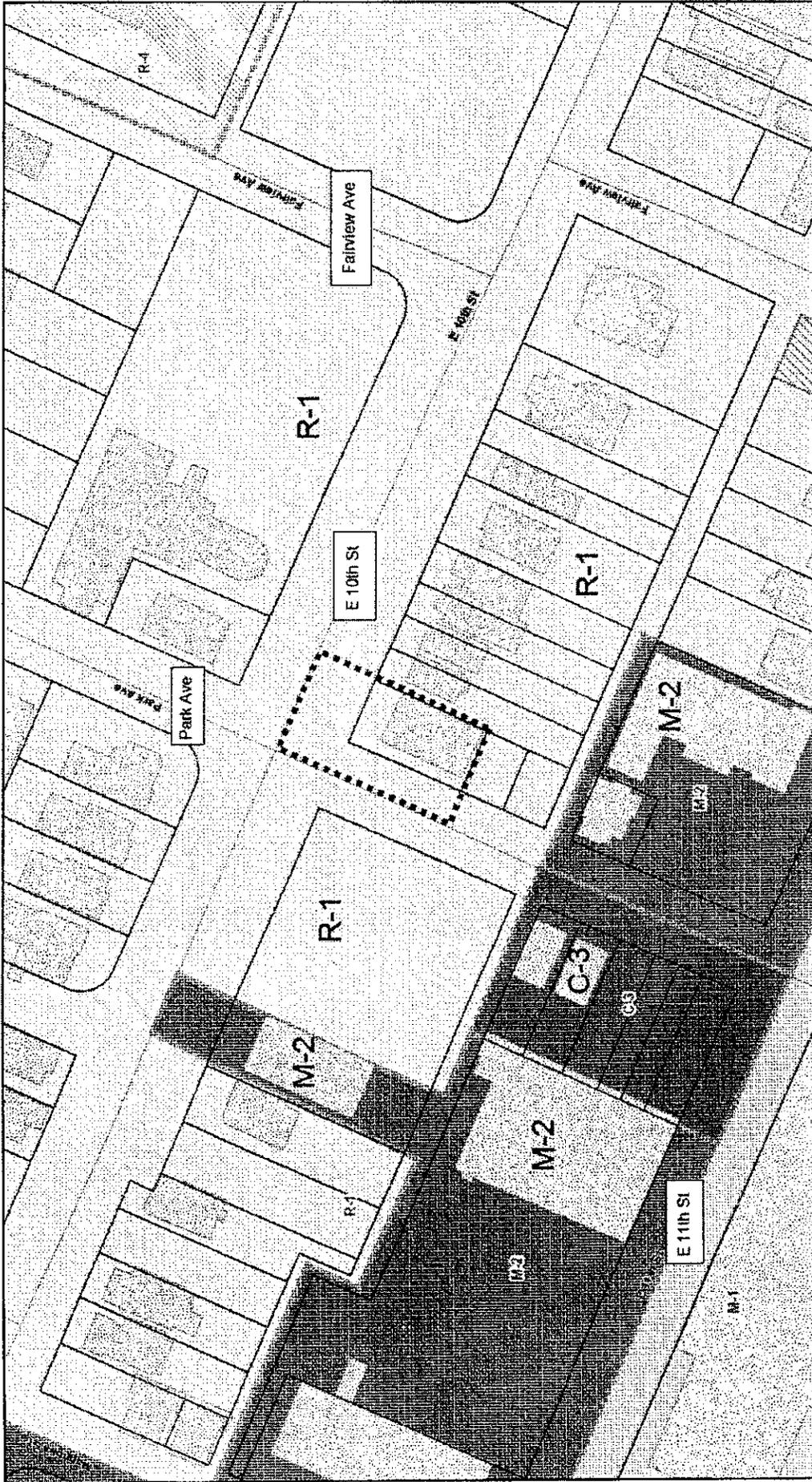
The Chattanooga Traffic Engineering Department requires parking to be on the parcel with the units unless there is a shared use agreement for being on another parcel. The availability of *on-street* parking only allows for a reduction in the number of *on-site* required parking.

Staff Recommendation

This is a large structure, on a corner, near the edge of the single-family residential portion of the neighborhood. These conditions, and its proximity to UTC, make it conducive to multi-family development.

However, the lot size is a problem. Although the lot has existed since 1928 and was previously used for multi-family, it is presently considered inadequate to accommodate multiple units and there is no on-site parking due to the lot size and topographic constraints. If the applicant were to secure appropriate off-street parking, the staff could support this request.

Therefore, the Staff recommends Denial of this request.



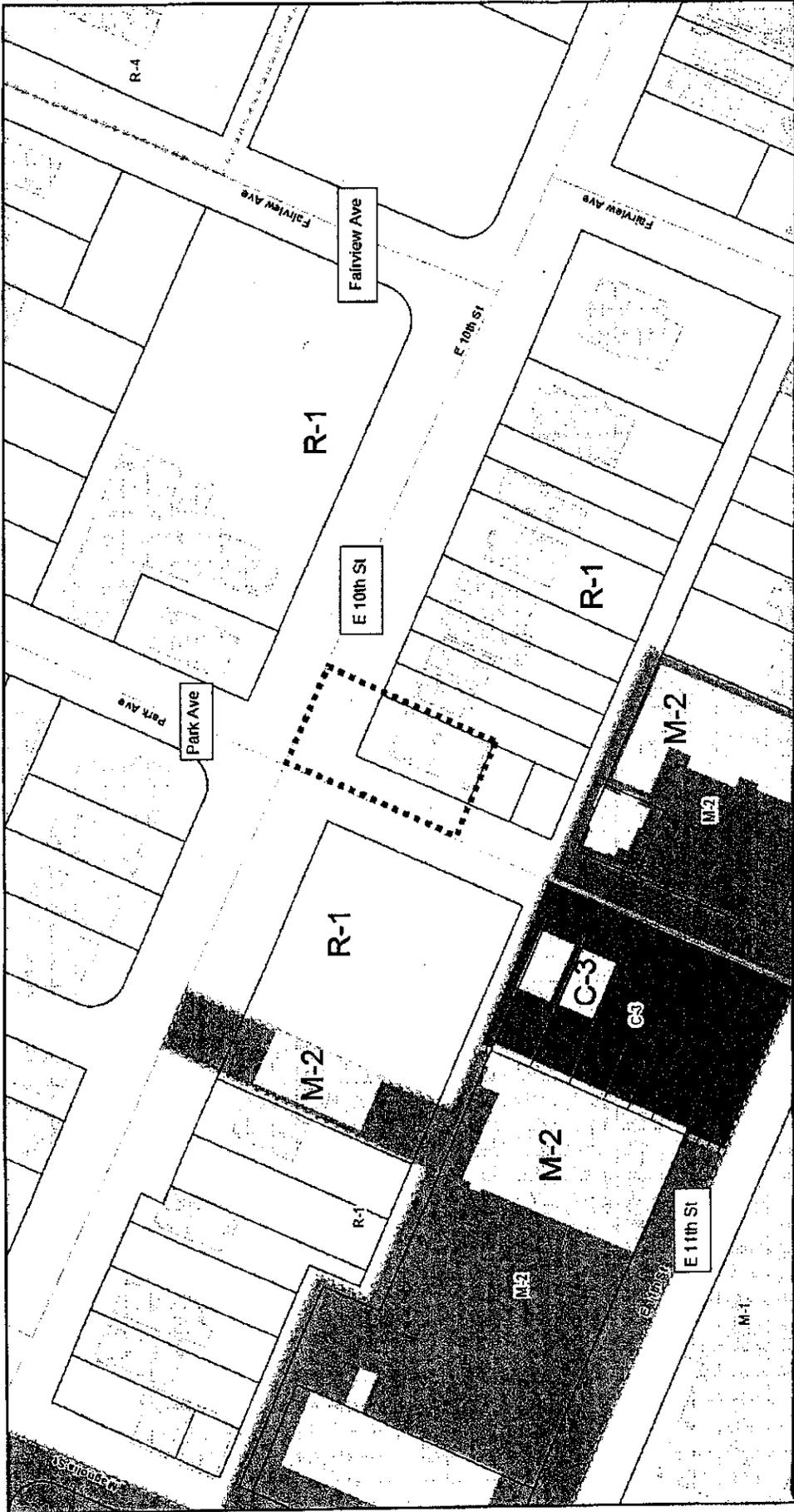
2012-0117 R-1 to R-3



98 ft



Chattanooga Hamilton County Regional Planning Agency

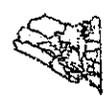


PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2012-117: Deny.

2012-0117 R-1 to R-3



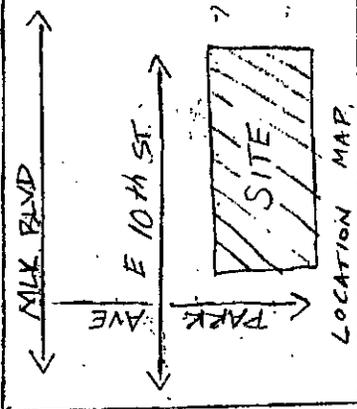
100 ft



Chattanooga Hamilton County Regional Planning Agency

2012-117

MLK BLVD



NOTES:

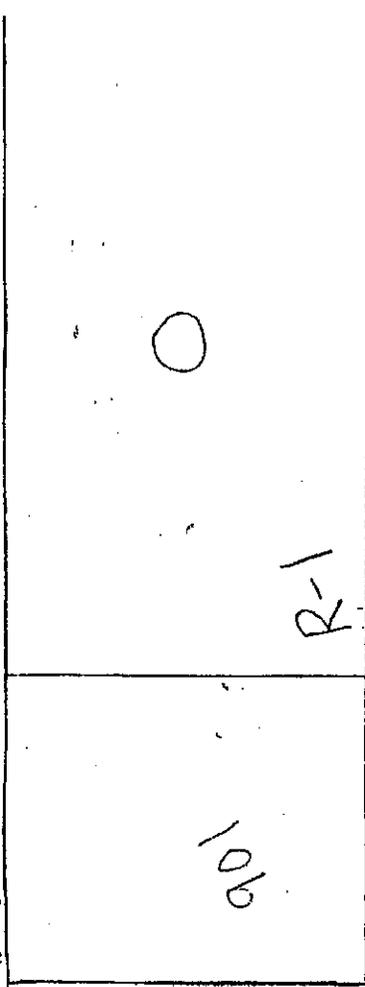
- A. CURRENT ZONING: R-1
- B. OJISC, 1978
- C. USE EXISTING HOUSE
- D. TRASH COLLECTED AS SCHEDULED (RESIDENTIAL PICK-UP) N/A DUMPSTERS



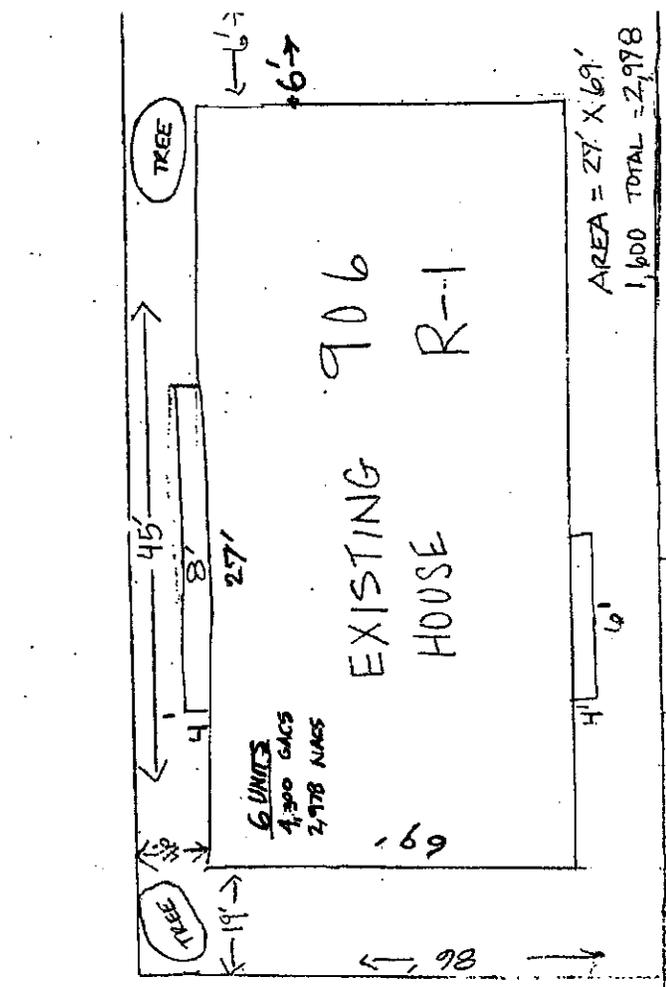
PROPERTY PLAN

SCALE: 1" = 20'
 TAX MAP: 146H-P-01Z
 CHATTANOOGA, TN
 E Stearns
 P.O. BOX 3144
 CHATTANOOGA, TN 37404
 (423) 653-7625

PROJECT CONTACT IS THE SAME AS ABOVE



E 10th ST

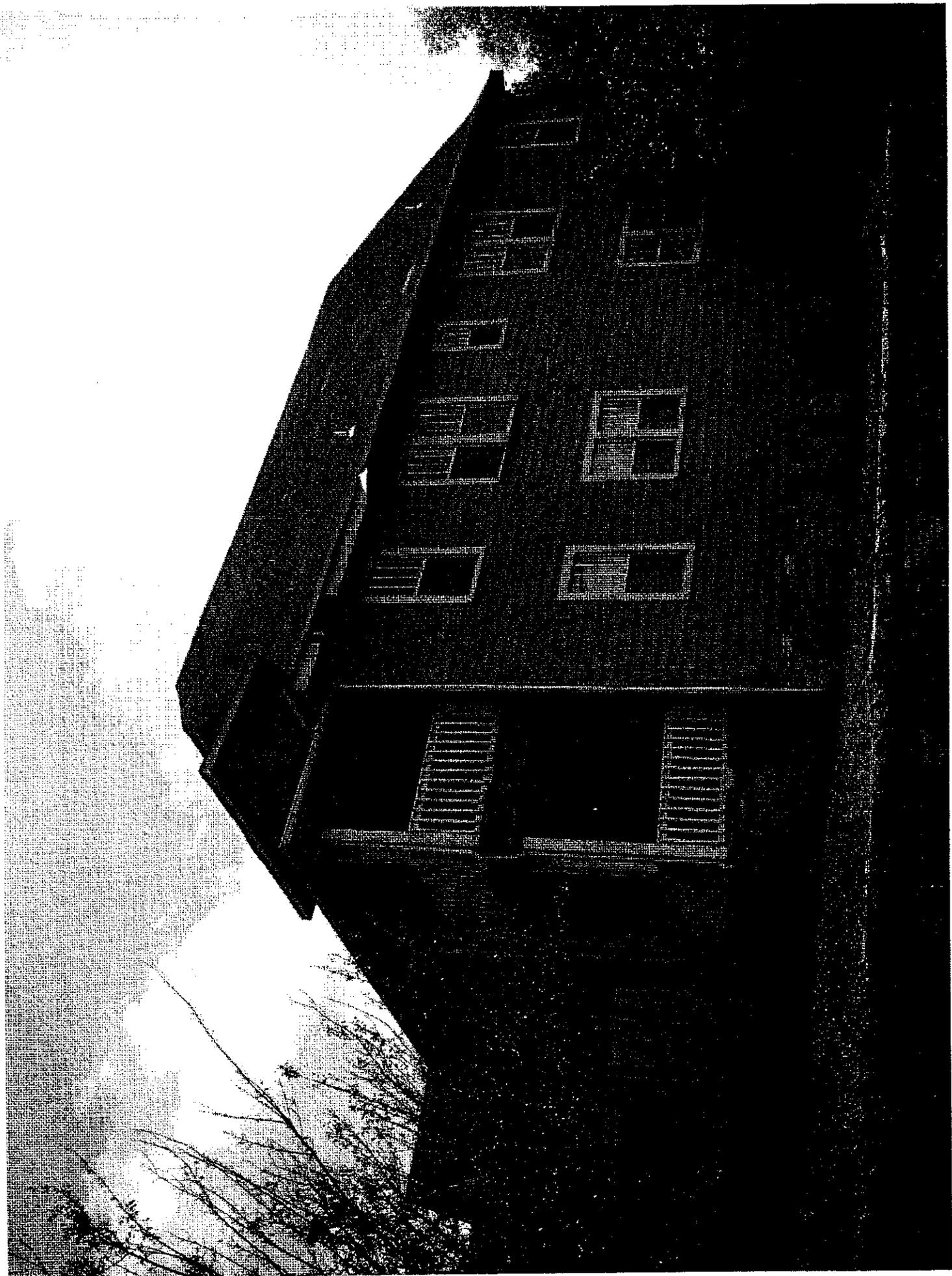


PARK AVE

81A

CS

N-2



NOTICE

WHEREAS, petitions to amend Ordinance No. 6958, known as the Zoning Ordinance, have 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:

2012-121 The Broadway Group, LLC/Lee McCay/Tiftonia Church of Christ. 151 Browns Ferry Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2012-129 John Wise. 1810 Chestnut Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2012-131 Don Skiles. 6811 McCutcheon Road, from R-1 Residential Zone to R-3MD Moderate Density Zone, subject to certain conditions.

2012-137 Homebuilders Association/Teresa Groves. 3215, 3219, and 3221 Harrison Pike, from R-4 Special Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2012-140 Barry Evans/James Pratt. 402 Forest Avenue, from R-4 Special Zone to R-TZ Residential Townhouse Zero Lot Line Zone, subject to certain conditions.

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

2012-143 James D. Lee. 8203 East Brainerd Road, from R-1 Residential Zone and R-2 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

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

2012-117 Ericka Stearns. 906 East 10th Street, from R-1 Residential Zone to R-3 Residential Zone.

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

2012-144 Chattanooga Construction Company, LLC, 100 thru 200 blocks of Templeton Lane, for a Residential Planned Unit Development.

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

- (a) Amending Section 38-672, Method of procedure, to include special permit petition acceptance.

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,

November 13, 2012

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 _____, 2012.

Carol K. O'Neal, CMC
Clerk to the City Council