

First Reading: _____
Second Reading: _____

2013-099
Caressa Martin
District No. 5
Staff Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 3820 MONTVIEW DRIVE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3MD MODERATE DENSITY 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 at 3820 Montview Drive, more particularly described herein:

An unplatted tract of land located at 3820 Montview Drive being the property described in Deed Book 9894, Page 619, ROHC. Tax Map No. 157A-F-030.

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

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

- 1) A revised site plan showing the number of off-street parking spaces, garbage disposal storage location, and required landscaping;

- 2) No vehicle parking shall be permitted on Montview Drive;
- 3) Applicant shall schedule and attend a pre-submittal meeting with Land Development Office to discuss plan review, parking, and landscape provisions;
- 4) A 10' type "C" landscape buffer shall be provided along the side and front property lines. The type "C" buffer must consist of evergreen trees; a shrub only buffer is not acceptable;
- 5) An area shall be reserved behind the structure and shown on the revised site plan as storage area for garbage disposal cans. This garbage disposal can storage area shall be adequately screened with fencing and landscape material;
- 6) Parking lot shall contain one tree per every five (5) spaces and screen parking on all four sides with a 4' tall evergreen shrub hedge with shrubs spaced 4' on center;
- 7) The number of parking spaces shall comply with current parking requirements: 1.25 spaces per dwelling unit and units with two (2) or more bedrooms shall have 1.75 spaces per dwelling unit; and
- 8) The property owner shall post on site the name, address, and phone number of a person to contact with regard to the enforcement of these conditions or other nuisances and issues associated with this property.

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

/mms

First Reading: _____
Second Reading: _____

2013-099
Caressa Martin
District No. 5
Applicant Version

ORDINANCE NO. _____

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(2) weeks from and after its passage.

Passed on second and final reading: _____

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

MAYOR

/mms

2013-099 City of Chattanooga
July 8, 2013

RESOLUTION

WHEREAS, Caressa Martin 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-3MD Moderate Density Zone, property located at 3820 Montview Drive.

An unplatted tract of land located at 3820 Montview Drive being the property described in Deed Book 9894, Page 619, ROHC. Tax Map 157A-F-030 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on July 8, 2013,

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 July 8, 2013, recommended to the Members of the City Council of the City of Chattanooga that this petition be denied.

Respectfully submitted,



John Bridger
Secretary

**Planning Commission Recommendation:
Deny**

Chattanooga-Hamilton County Regional Planning Agency

RPA STAFF RECOMMENDATION

Case Number:	2013-099	PC Meeting Date: 07-08-2013
STAFF RECOMMENDATION:	<p>APPROVE, subject to the following conditions:</p> <ol style="list-style-type: none"> 1). A revised site plan showing the number of off-street parking spaces, garbage disposal storage location, and required landscaping. 2). No vehicle parking shall be permitted on Montview Drive. 3). Applicant shall schedule and attend a pre-submittal meeting with Land Development Office to discuss plan review, parking, and landscape provisions. 4). A 10' type "C" landscape buffer shall be provided along the side and front property lines. The type "C" buffer must consist of evergreen trees; a shrub only buffer is not acceptable. 5). An area shall be reserved behind the structure and shown on the revised site plan as storage area for garbage disposal cans. This garbage disposal can storage area shall be adequately screened with fencing and landscape material. 6). Parking lot shall contain one tree per every five (5) spaces and screen parking on all four sides with a 4' tall evergreen shrub hedge with shrubs spaced 4' on center. 7). The number of parking spaces shall comply with current parking requirements: 1.25 spaces per dwelling unit and units with two (2) or more bedrooms shall have 1.75 spaces per dwelling unit. 8). The property owner shall post on site the name, address, and phone number of a person to contact with regard to the enforcement of these conditions or other nuisances and issues associated with this property. 	
Land Use & Transportation Comments		
Planning Staff:	<p><u>Applicant Request Overview</u></p> <p>The applicant is requesting to rezone a parcel of property located at 3820 Montview Drive from R-1 Residential to R-3MD to bring the former four-family dwelling back into use as a four-family dwelling.</p>	
	<p><u>Site Description</u></p> <p>The property contains an existing four-family structure that is presently vacant and in a state of disrepair. The structure was legally constructed as a four-family dwelling in 1960 in compliance with the zoning regulations at the time the structure was constructed.</p> <p>Uses on this block include single-family dwellings, two and four family dwellings, a two-family structure converted to a single-family dwelling. Across the street from this property appears to be a single-family dwelling that operates a daycare.</p>	
	<p><u>Zoning History</u></p> <p>This property is located in the boundary of the Brainerd Road Zoning Study of 1995 (Ordinance # 10331). This property was rezoned from R-3</p>	

RPA STAFF RECOMMENDATION

Residential to R-1 Residential by the adoption of the Brainerd Road Zoning Study.

Due to the predominance of apartments on this block, the zoning study originally proposed that this area along Montview Drive from Sunnyside Drive to Crestway Drive remain as zoned, which was R-3 Residential and R-2 Residential. The Chattanooga-Hamilton County Regional Planning Commission agreed with the recommendations of the zoning study and recommended that this area remain as R-3 Residential and R-2 Residential.

However, when the zoning study was before the Chattanooga City Council for review and adoption, the City Council approved an amendment to the zoning study that Montview Drive from Sunnyside Drive to Crestway Drive be rezoned from R-3 Residential and R-2 Residential to R-1 Residential.

There have been multiple rezoning requests along Montview Drive. The rezoning requests have been from R-1 Residential to R-3 Residential. All of these rezoning requests were denied by City Council. These former rezoning requests involved residential structures that were legal non-conforming uses that did not lose their grandfather protection. Because these structures did not lose their grandfather protection they have not fallen into a state of disrepair and would not be considered to be a risk to the public health and safety of the neighborhood. There have been some conversions of duplexes to single-family residential. However, to our knowledge, none of the quadrplexes, including this case, have been converted.

These structures were originally constructed as two-family dwellings and it appears from a financial feasibility standpoint, the conversion from two-family dwellings into a single-family dwelling is financially feasible. RPA has examples of this occurring in the Avondale Neighborhood, and 3816 Montview Drive. The structure at 3816 Montview Drive has been converted into a single-family residential dwelling.

In 2010 (Case 2010-142), RPA received a request to rezone this property from R-1 Residential to R-3MD. At that time RPA staff recommended approval of the request subject to conditions. There was opposition present at the Chattanooga-Hamilton County Regional Planning Commission. The Chattanooga-Hamilton County Regional Planning Commission and the Chattanooga City Council denied the request.

Plans/Policies

This property is not located in the study boundary of any neighborhood

RPA STAFF RECOMMENDATION

or community land use plan.

Staff Recommendation

In an attempt to put the site into reuse and to mitigate some of the issues and concerns associated with this site staff is recommending approval of the request, subject to several conditions. These conditions are related to on-street parking, garbage can disposal, and landscaping and are an attempt to address the concerns of the adjacent residents.

The structure was legally constructed as a four-family dwelling in compliance with the zoning regulations at the time the structure was constructed. After the rezoning of this property the use was allowed to continue as a four-family dwelling afforded the protection provided through the grandfather protection status as long as the use is not vacated or abandoned for more than 100 days.

This property has long been abandoned and vacated and as such has lost its grandfather protection; therefore, any future use of the property must be in compliance with the permitted uses in the R-1 Residential Zone, or seek a rezoning through the public planning process.

The structure was constructed in 1960 and is approximately 3,400 square feet. A structure this size may not be financially feasible to convert a four-family dwelling into a single-family dwelling.

If this site remains zoned R-1 Residential this structure will more than likely continue to remain vacant, abandoned and will remain in a state of disrepair that could have a negative impact on the neighborhood in terms of a risk to the public health and safety due to the current status of the structure.

Regarding any future zoning requests for this area, staff would like to note that apartment zoning would only be appropriate for this block which has a predominance of apartment uses.

Infrastructure & Operational

Comments

Public Works Staff:

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.

ZONING APPLICATION FORM**CASE NUMBER: 2013-099** Date Submitted: 06-11-2013

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

1 Applicant Request			
Zoning	From: R-1	To: R-3MD	
Total Acres in request area: Lot is 133x230 IRR (Approximately 0.7 acres)			
2 Property Information			
Property Address:	3820 Montview Drive, Chattanooga, TN. 37411		
Property Tax Map Number(s):	157A-F-030		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Restoration of original R-3 MD designation		
4 Site Characteristics			
Current Zoning:	R-1		
Current Use:	Vacant multi-family home		
Adjacent Uses:	Single Family Residential		
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: Caressa Martin		Address: 3209 Through Street	
Check one:	<input checked="" type="checkbox"/> I am the property owner	<input type="checkbox"/> I am not the property owner	
City: Chattanooga	State: TN	Zip Code: 37411	Email: cmartin0328@gmail.com
Phone 1: 423-760-5575	Phone 2:	Phone 3:	Fax:
6 Property Owner Information (if not applicant)			
Name:		Phone:	
Address:			
Office Use Only:			
Planning District: 9		Neighborhood: Brainerd Unity Group; Menlo Park; N. Brainerd Community Council; N. Brainerd Nbrhd Assn	
Hamilton Co. Comm. District: 5	Chatt. Council District: 5	Other Municipality: N/A	
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 type="checkbox"/> Site Plan, if required	<input checked="" type="checkbox"/> Total Acres to be considered: 0.7	<input checked="" type="checkbox"/> Deeds	Plats, if applicable: N/A
Deed Book(s): 9894-0619			
Plat Book/Page: N/A	<input checked="" type="checkbox"/> Notice Signs		Number of Notice Signs: 1
<input checked="" type="checkbox"/> Filing Fee: \$150.00	<input checked="" type="checkbox"/> Cash	<input type="checkbox"/> Check	Check Number:
Planning Commission meeting date: July 8, 2013		Application processed by: Trevor Slayton	

2013-099

Petition Notice

Re-zoning hearing will be Tuesday July 8th 2013, at Hamilton county court house, 625 Georgia Avenue- 4th floor-room 402. Please show your support by signing this Petition and your Presence at this meeting.

We, the participants and supporters of the Montview, Crestway Drive and Sunnyside residents oppose the re-zoning request . Code # 2013-099

Three years ago (09/13/ 2010) this same unit came before this board for a re-zone request from R-1 to R-3. We are thankful this request was denied.

26 signatures

On June 10, 2013 Ms. Caresa Martin (owner as of 03/04/2013) posted a re-zoning sign at 3820 Montview Drive requesting re-zoning from residential R-1 to R-3 M D. This last unit has been vacant well over 100 days (five years)

In the past several (4) multi-units on this street have resorted back to R-1 single family dwellings due to non maintenance of property and long periods of vacancies.

Please, we the community are requesting this request Not be granted. This is the last triplex unit trying for a re-zone from R-1 to R-3 M D.

Please do not let our past efforts to maintain our R-1 single family neighborhood be in vain.

Names	Address/Phone #
1 Samuel Robinson	3821 Montview Dr. 423 622 0489 37411
2.Tammie Ware	302 Crestway Dr 37411 423 629 8851
3.Whitney Kidd	302 Crestway 37411 423 629 8851
4.Kassandra Robinson	3821 Montview Dr. 37411 423 227 8232
5.Gregory Futch	305 Sunnyside Dr. 37411 423 645 3221
6.Lynn Eddins	302 Crestway Dr 37411 423 629 1141
7.Rob Hatch	326 Crestway Dr 37411 423 629 1141
8.Marialia Hatch	326 Crestway Dr 37411 423 629 1141
9.Elena Hatch	326 Crestway Dr. 37411 423 629 1141
10.Carrie Robinson	3821 Montview Dr. 37411 423 622 0489
11. Ariyah Robinson	3821 Montview Dr. 37411 423 622 04.

12.A. J. Hammond	300 Crestway Dr. 37411	423 622 6483
13.Paulin Hammond	302 Crestway Dr. 37411	423 622 6483
14.Rebecca Cowan	101 Sunnyside Dr. 37411	423 629 6855
15.Adam Cowan	101 Sunnyside Dr	37411 423 629 6855
16.Naudiei Maluaudi	306 Crestway Dr	37411
17.Randy Justice	306 Crestway Dr.	37411
18.Jan Cochrane	317 Crestway Dr.	37411 423 698 1342
19.Betty Cochrane	317 Crestway Dr.	37411 423 698 1342
20.Bobby Dixon	319 Crestway Dr. 37411	423 698 1475
21.Barbara Gowne	324 Crestway Dr.	37411
22.Brandon Karl	307 Crestway Dr.	37411
23.Christa Molar	307 Crestway Dr.	37411
24.Moon Jin Lee	311 Crestway Dr.	37411
25.Remell Sorrells	321 Crestway Dr.	37411 423 624 3033
26. Samuel D. Robinson Jr.	3821 Montview Dr	37411 423 227 7380

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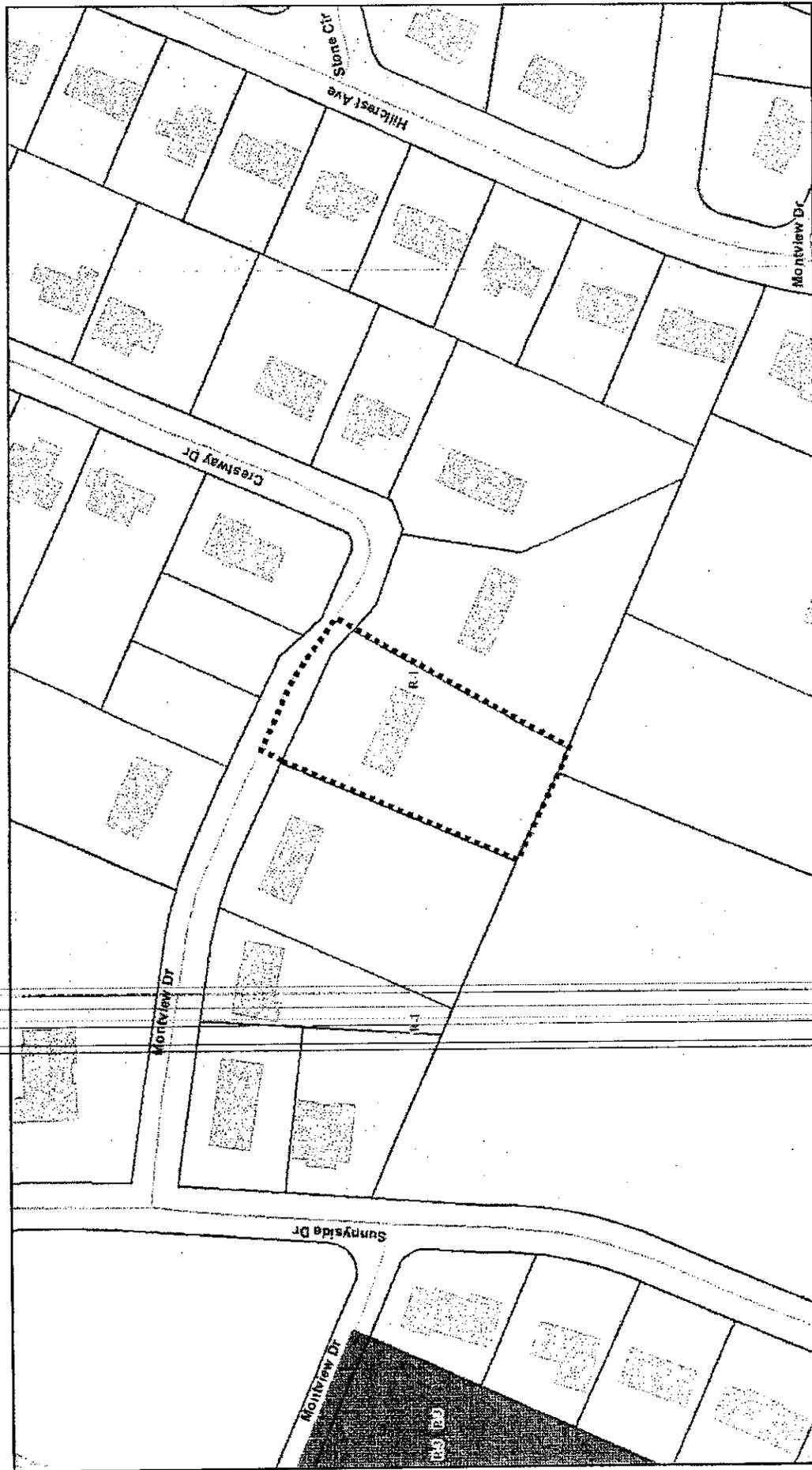
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- | Names | Address/Phone # |
|-----------------------|--------------------------------------|
| 1. Samuel Rubin | 3821 Montview Dr 37411
(622) 0489 |
| 2. Tammie Ware | 302 Crestway 37411 |
| 3. Whitney Kade | 302 Crestway 37411 (423) 629-8851 |
| 4. Cassandra Robinson | 3821 Montview Dr City (423) 227-8232 |
| 5. Gregory (Gregory) | 425645 3221 |
| 6. Eddins | 302 Crestway 37411 - 629-8851 ✓ |
| 7. Rob Lynn | 326 Crestway Dr 37411 423 629 1141 |
| 8. Marialia Hater | 326 Crestway Dr 37411 (423) 629-1141 |
| 9. Elean Hater | 326 Crestway Dr 37411 (423) 629-1141 |
| 10. Carrie Blinn | 3821 Montview Dr 423 622 0489 37411 |
| 11. Oriyah Robinson | 3821 Montview Dr 423 622 0489 37411 |

11. A.D. Hammond 300 Crestway Dr.
12. PAULINE Hammond " "
13. Rebecca Cowan 101 Sunnyside Drive 37411 629-6855
14. Adam Cowan 101 Sunnyside Drive 37411 505-6100
15. Nandini Mahandi 300 Crestway Drive
16. Randy Jettre 300 Crestway Drive
17. Jan Cochran 317 Crestway Drive 37411
18. Betty Cochran 317 Crestway Dr 37411
19. Bobby Tipton 319 Crestway Dr.
20. ~~John~~ 324 Crestway Dr. 37411
21. Barbara Ford 1307 CRESTWAY DR 37411
22. Christopher 307 Crestway Dr. 37411
23. Moon Jin Lee 311 Crestway Dr. 37411
24. Romell Sorrells 321 Crestway Drive 624-3033 37411
25. Samuel Deason Robin 3821 Montrose Dr. 37411 ~~37411~~ 7380 423 227

*26 listed on 1st sheet



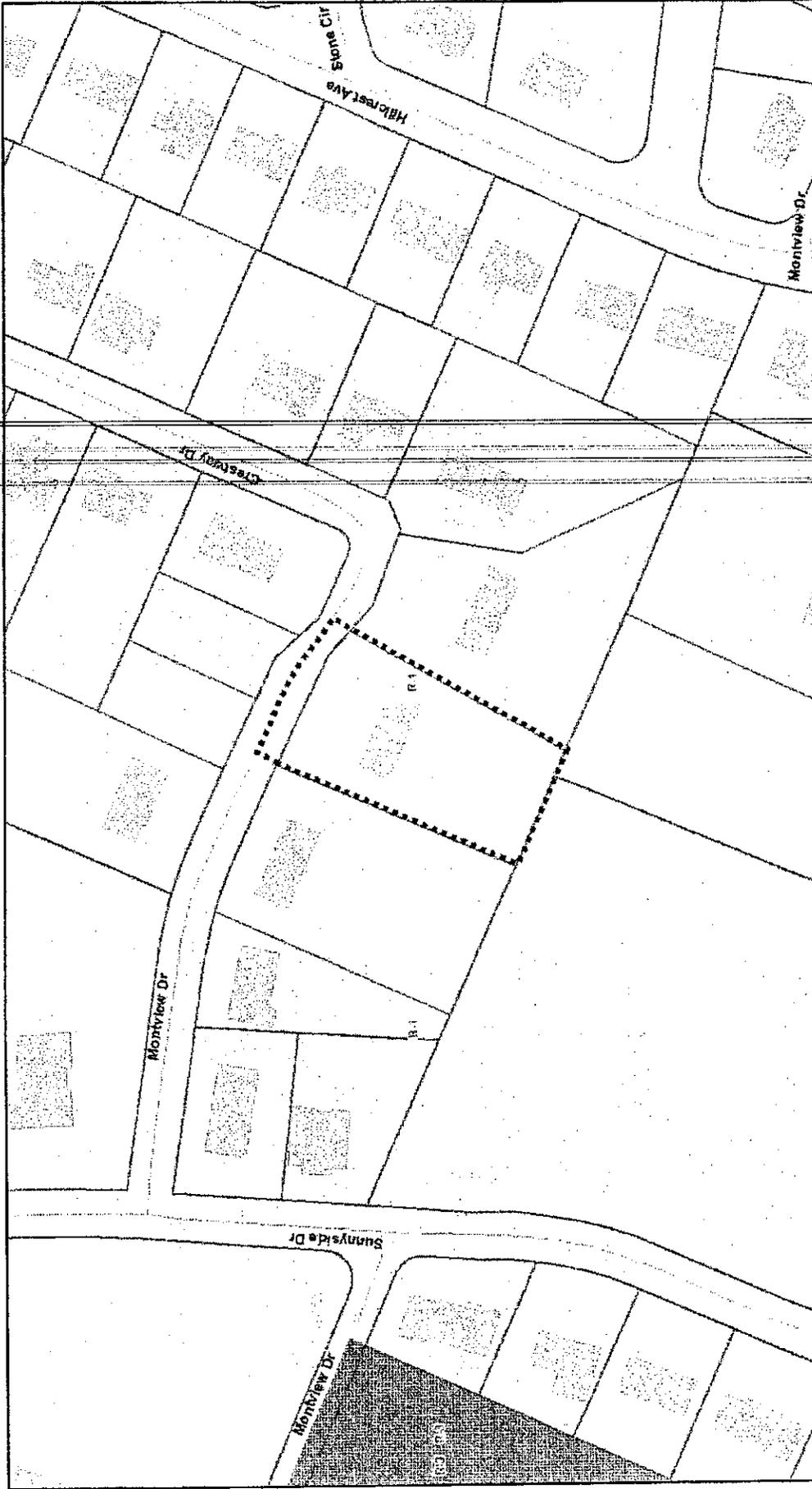
2013-099 Rezoning from R-1 to R-3MD



120 ft



Chattanooga Hamilton County Regional Planning Agency



2013-099 Rezoning from R-1 to R-3MD

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2103-099: Deny

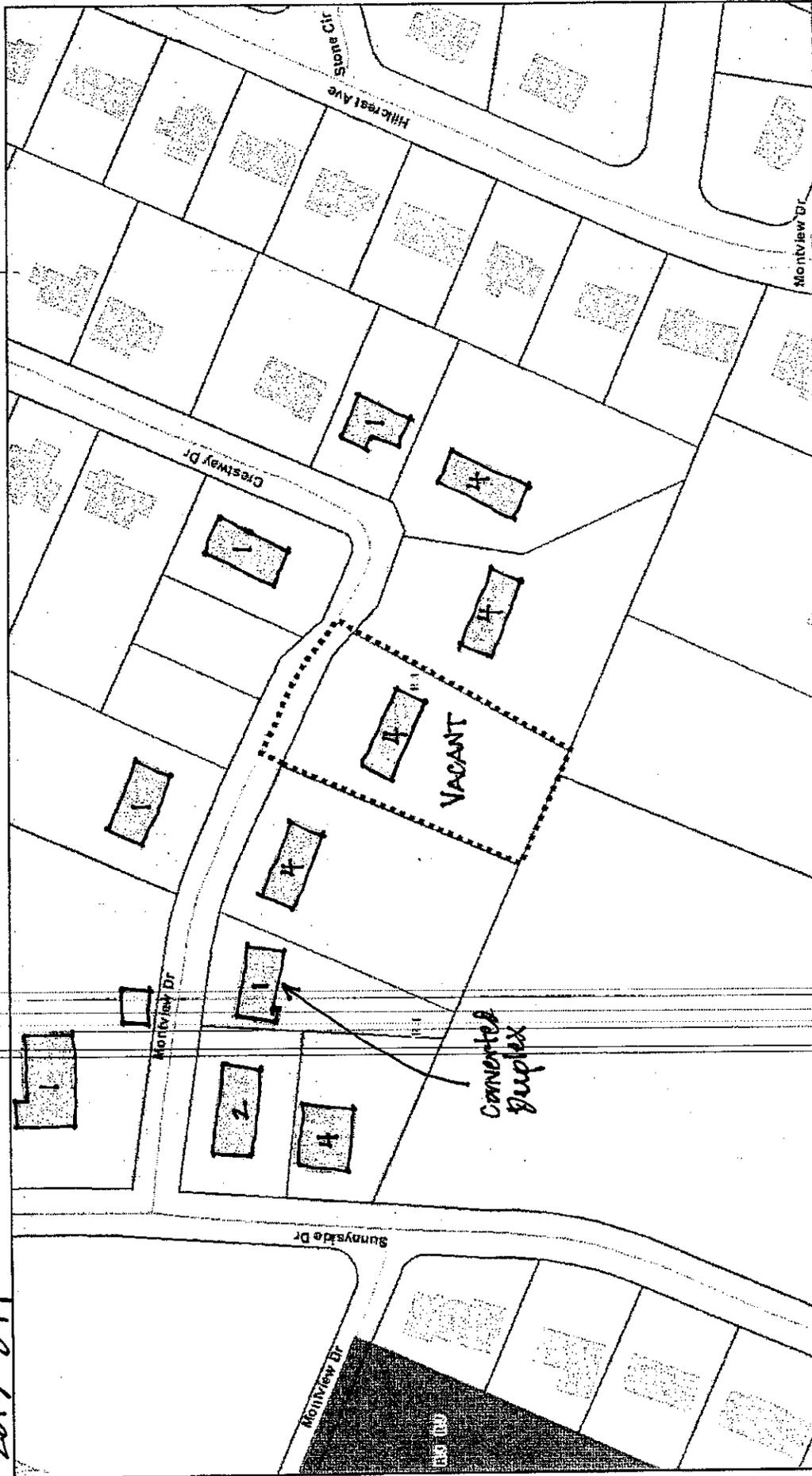


120 ft

Charlottesville-Hamilton County
IRIPA
 Regional Planning Agency

Chattahoochee Hamilton County Regional Planning Agency

2013-099



2013-099 Rezoning from R-1 to R-3MD

STRUCTURE TYPES

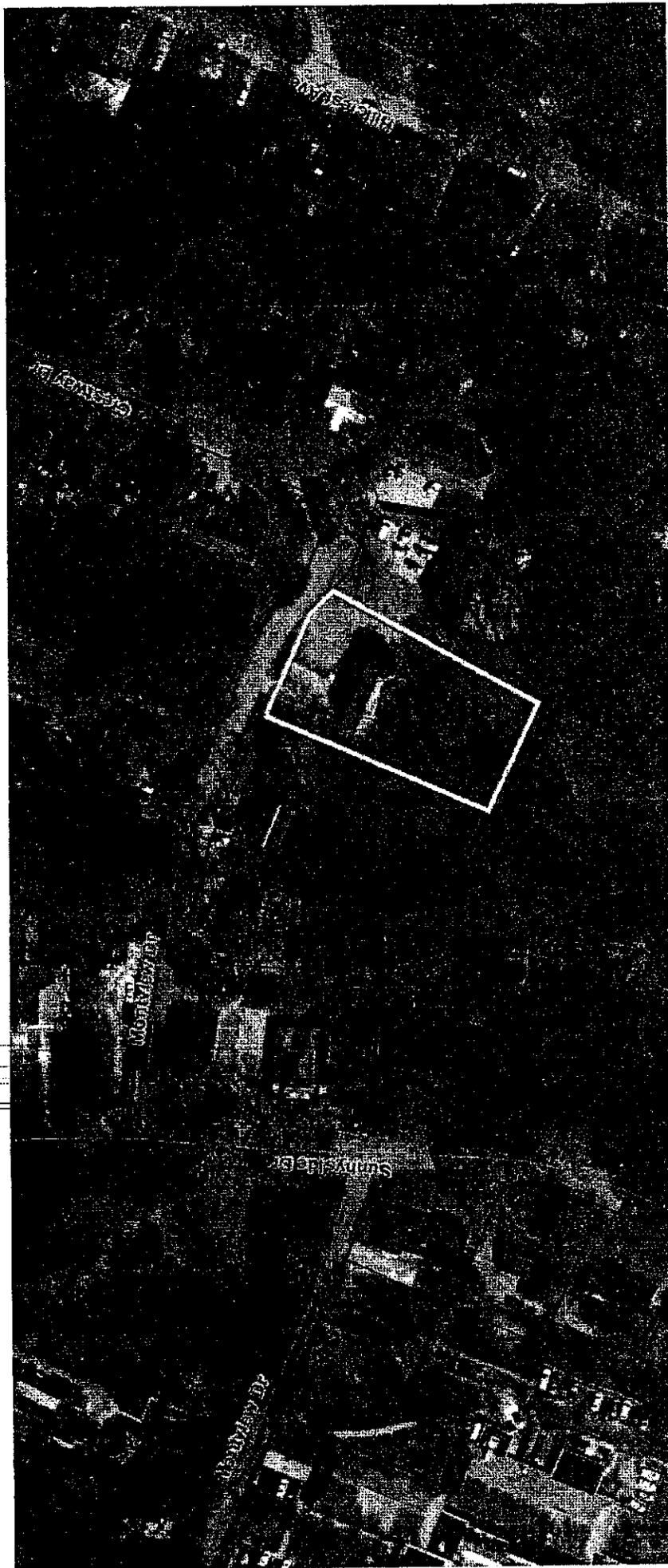
Number indicates units per building



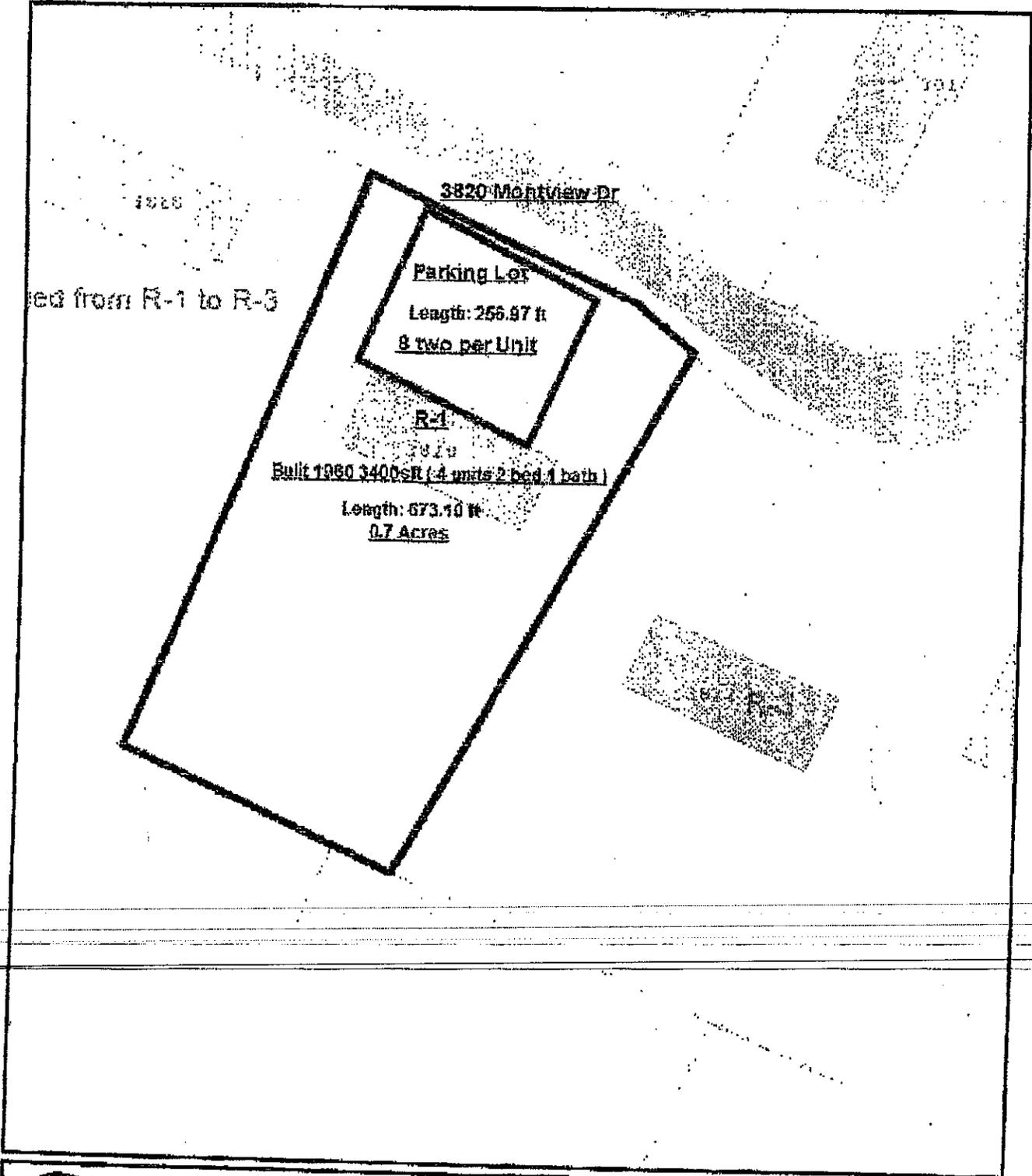
120 ft



Champlain-Hamilton County Regional Planning Agency



SITE PLAN



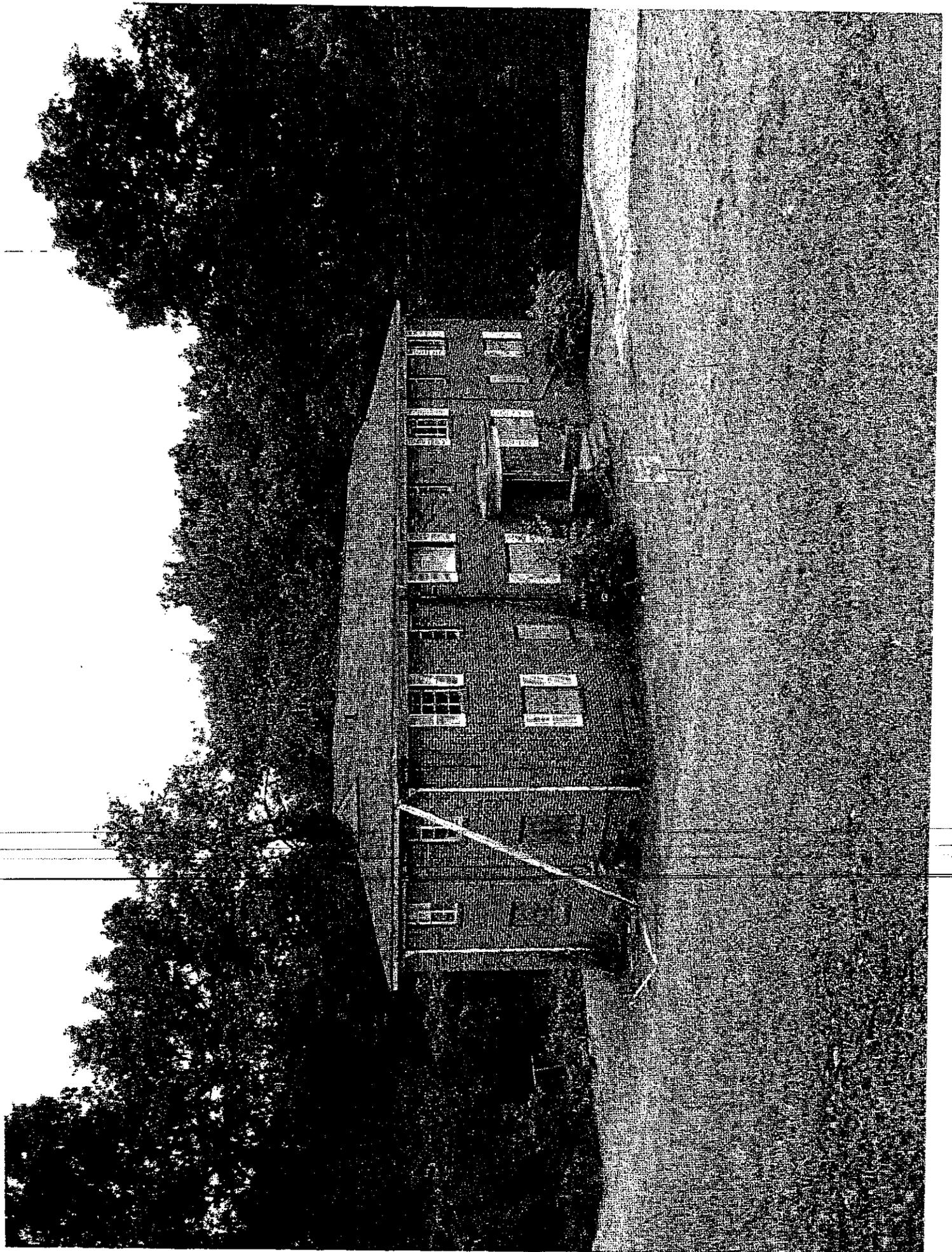
Caressa Martin 3209 Through St

Printed: Jun 11, 2015

0.7 Acres 4 Units

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, nor is it intended to substitute for a legal survey or property abstract.





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:

2013-073 John R. Anderson/Dallas and Beverly Bunton. 2910 Silverdale Road, from R-1 Residential Zone to O-1 Office Zone, subject to certain conditions.

2013-089 Jacob Becker/PTC Properties. 503 Hamilton Avenue and 502 North Market Street, from R-4 Special Zone to C-7 Northshore Commercial Mixed Use Zone, subject to certain conditions.

2013-091 Britt Goodson/State of Tennessee. 5528 and 5530 Hwy. 153, from R-2 Residential Zone to C-2 Convenience Commercial Zone.

2013-096 Jody Shea/Shea Properties, LLC. 1800 E. 25th Street, from R-2 Residential Zone to M-2 Light Industrial Zone, subject to certain conditions.

2013-097 David Jones/Hamilton Avenue Properties. 677 Hamilton Avenue, from RT-1 Residential Townhouse Zone to C-7 Northshore Commercial Mixed Use Zone, subject to certain conditions.

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

2013-099 Caressa Martin. 3820 Montview Drive, from R-1 Residential Zone to R-3MD Moderate Density Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following conditions be lifted:

2013-079 Continental 171 Fund, LLC/Ken Liem, Fenella Pinewood, LLC, K&L Enterprises, Inc. 7400 block of Pinewood Drive, lifting Condition #1 of Ordinance No. 12305 from previous Case No. 2009-129 and upon Staff Determination possibly Condition #2 and Condition #5, subject to certain conditions.

4. 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) Amending Section 38-2, Definitions, by adding "Kennel";
- (b) Amending Section 38-394, Height and area regulations, by deleting items (2) and (3) in their entirety and substituting in lieu thereof;
- (c) Amending Section 38-395, General provisions, by deleting item (1) in its entirety and substituting in lieu thereof;
- (d) Amending Section 38-400, Staging, by adding item (3);
- (e) Amending Section 38-401, Changes and modifications, by deleting same in its entirety and substituting in lieu thereof;
- (f) Amending Section 38-402, Application procedure for planned unit development, by deleting same in its entirety and substituting in lieu thereof;
- (g) Amending Section 38-419, Staging, by deleting same in its entirety and substituting in lieu thereof;
- (h) Amending Section 38-420, Major Changes, by deleting same in its entirety and substituting in lieu thereof; and
- (i) Amending Section 38-421, Application procedure for institutional planned unit development, by deleting same in its entirety and substituting in lieu thereof;

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,

August 13, 2013

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 _____, 2013.

Sandra Freeman
Clerk to the City Council