

2014-050
Patrick Johnson
District No. 7
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 5209 ST. ELMO AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL 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 5209 St. Elmo Avenue, more particularly described herein:

Lots 16-18, Block I of Ward's Amended Addition to St. Elmo, Plat Book 6, Page 67, ROHC, being the property described in Deed Book 9874, Page 86, ROHC. Tax Map No. 167J-M-008.

and as shown on the maps 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 BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That this rezoning shall be subject to (1) existing structure only; and (2) subject to review of parking and access by the City Traffic Engineer.

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

First Reading: _____
Second Reading: _____

2014-050
Patrick Johnson
District No. 7
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 5209 ST. ELMO AVENUE, 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 5209 St. Elmo Avenue, more particularly described herein:

Lots 16-18, Block I of Ward's Amended Addition to St. Elmo, Plat Book 6, Page 67, ROHC, being the property described in Deed Book 9874, Page 86, ROHC. Tax Map No. 167J-M-008.

and as shown on the maps 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: _____

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

MAYOR

/mem

2014-050 City of Chattanooga
June 9, 2014

RESOLUTION

WHEREAS, Patrick Johnson 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 5209 St. Elmo Avenue.

Lots 16-18, Block I of Ward's Amended Addition to St. Elmo, Plat Book 6, Page 67, ROHC, being the property described in Deed Book 9874, Page 86, ROHC. Tax Map # 167J-M-008 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on June 9, 2014,

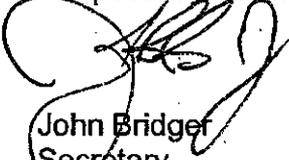
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on June 9, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to: 1) existing structure only and 2) subject to the review of parking and access by the City Traffic Engineer.

Respectfully submitted,



John Bridger
Secretary

ZONING APPLICATION FORM

CASE NUMBER:	2014-050	Date Submitted: 05-09-2014	
(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-3	
	Total Acres in request area: .41 acres		
2 Property Information			
Property Address:	5209 St. Elmo Avenue		
Property Tax Map Number(s):	167J-M-008		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Proposed to restore building into a multiple family dwelling for young professionals		
4 Site Characteristics			
Current Zoning:	R-1		
Current Use:	Single Family Residential		
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: Patrick Johnson		Address: 5301 St. Elmo Avenue	
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: 37409	Email: patrickmoffittjohnson@gmail.com
Phone 1: 423-715-5889	Phone 2:	Phone 3:	Fax:
6 Property Owner Information (if not applicant)			
Name: Same		Phone:	
Address:			
Office Use Only:			
Planning District: 8C		Neighborhood: Community Assn of Historic St Elmo	
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: .41	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 9874-86			
Plat Book/Page: 6-67		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 2
<input checked="" type="checkbox"/> Filing Fee:	Cash	<input checked="" type="checkbox"/> Check	Check Number: 1224
Planning Commission meeting date: 06-09-2014		Application processed by: Marcia Parker	

**PLANNING COMMISSION RECOMMENDATION
TO CITY COUNCIL**

Case Number:	2014-050	PC Meeting Date: 6-9-2014
PC RECOMMENDATION:	APPROVE, subject to conditions	
Reason(s) for Recommendation	<ul style="list-style-type: none">❖ St. Elmo Community Plan: Mixed-Use Residential❖ Proposed use is supported by the St. Elmo Plan if located on a corner, in proximity to similar uses, and on a major street.❖ Proposed use is 1- located on a large corner lot; 2- located on St. Elmo Avenue (major street); 3- there are several similar uses throughout the district	
Applicant Present at PC Meeting?	Yes	
Opposition Present at PC Meeting?	No	

STAFF CASE REPORT TO PLANNING COMMISSION

Case Number:	2014-050	PC Meeting Date: 06-09-14
Applicant Request:	Rezoning from R-1 Residential Zone to R-3 Residential Zone	
Property Location:	5209 St. Elmo Avenue	
Property Owner:	Patrick Johnson	
Applicant:	Same	
Staff Recommendation:	Approval with conditions of 1) existing structure only and 2) subject to the review of parking and access by the City Traffic Engineer	

PROJECT ANALYSIS

RPA Land Use & Transportation Comments

Project Description

The applicant is proposing to renovate an existing building for four or five apartments marketed to young professionals and/or students. The applicant states that the house was converted into a quadrplex in 1935 and was already being used as a multiple family dwelling, until he purchased it in 2014. At that time, the property was vacated. The applicant plans to shift parking from on-street to on-site with a gravel lot to be placed to the rear of the building.

Site Description

The 0.41 acre site currently contains a residential structure (built around 1910) that was previously classified in the Hamilton County tax records as a multi-family residence. Upon requesting a building permit to renovate the existing apartments, the applicant was informed by the City of Chattanooga Land Development Office that the property had lost its legal non-conforming status as a multi-family residence. The adjacent properties contain single-family residential uses. The existing 2½ story building is approximately 2,700 square feet on lots with a combined total of 17,396 square feet.

Zoning History

The site was rezoned from R-2 Residential Zone to R-1 Residential Zone in March 2005 by Ordinance No. 11675 as part of the 2005 St. Elmo Zoning Study.

Plans/Policies

This site is within the St. Elmo Historic District as well as the 2001 St. Elmo Community Plan.

City Departmental Infrastructure & Operational Comments

All land development projects are reviewed by City Engineering & Water Quality staff, Transportation Department 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.

RPA Summary

Approval is recommended for R-3 Residential zoning with the condition that the proposed use is tied to the existing structure only and is subject to the review of parking and access by the City Traffic Engineer. Based on the large size of the lot and corner location along St. Elmo Avenue, this project maybe considered in keeping with the character of the historic neighborhood. The apartment units proposed should provide opportunities for a more diverse, mixed-income neighborhood as desired for this urban setting. Per the St. Elmo Community Plan, "the goal for the St. Elmo community is to create and

STAFF CASE REPORT TO PLANNING COMMISSION

maintain a vibrant neighborhood in which residents of different ages as well as various racial, social, and economic backgrounds can live together in harmony, appreciating and enjoying each other's differences as well as commonalities." The Plan also states that "The Mixed-Use Residential District acknowledges that the primary use is low to moderate density residential (single-family and duplexes). However, corner stores, offices, churches and higher density residential uses may be appropriate in specific locations. The appropriateness of these uses should be based on the following factors: location on a corner, proximity to similar intensity uses and location on a major street such St. Elmo Avenue, Alabama Avenue or Tennessee Avenue."

The proposed multi-family residential structure is located on a corner lot on St. Elmo Avenue. Based on a recent windshield survey of the St. Elmo neighborhood, several multi-unit buildings can be found scattered throughout the district, with the largest concentration found in the historic core (near 49th Street and above).

Although surrounded by R-1 Residential zoning, rezoning to R-3 Residential Zone would not be considered a spot zone because it is located in a mixed-use neighborhood, the use is substantiated by an adopted plan, and there are similar uses found in the area.



2014-050 Rezoning from R-1 to R-3

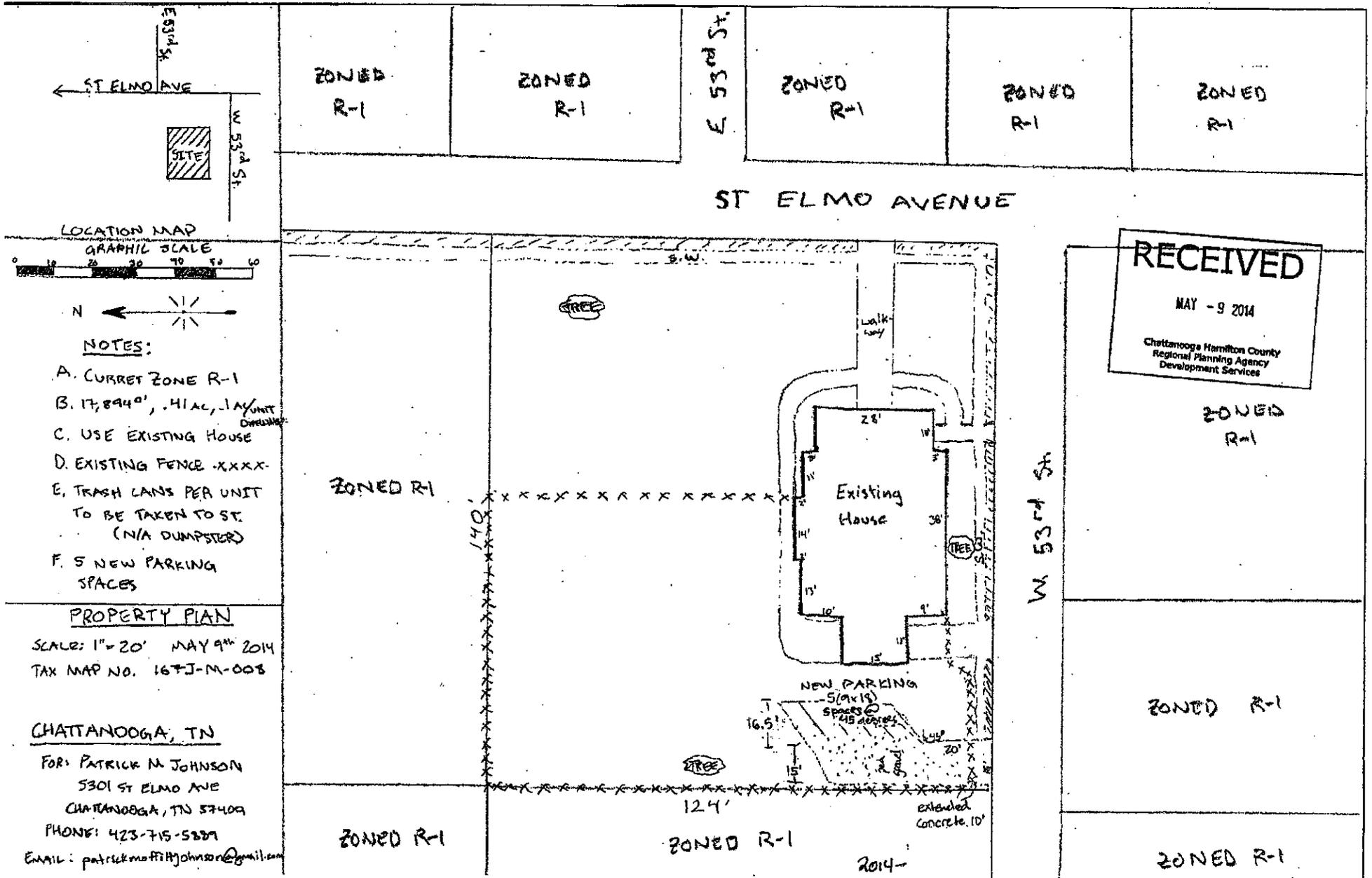


Chattanooga Hamilton County Regional Planning Agency

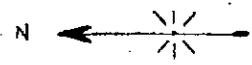
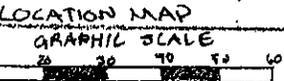


200 ft

Chattanooga-Hamilton County
RPA
 Regional Planning Agency



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 Regional Planning Agency
 Development Services

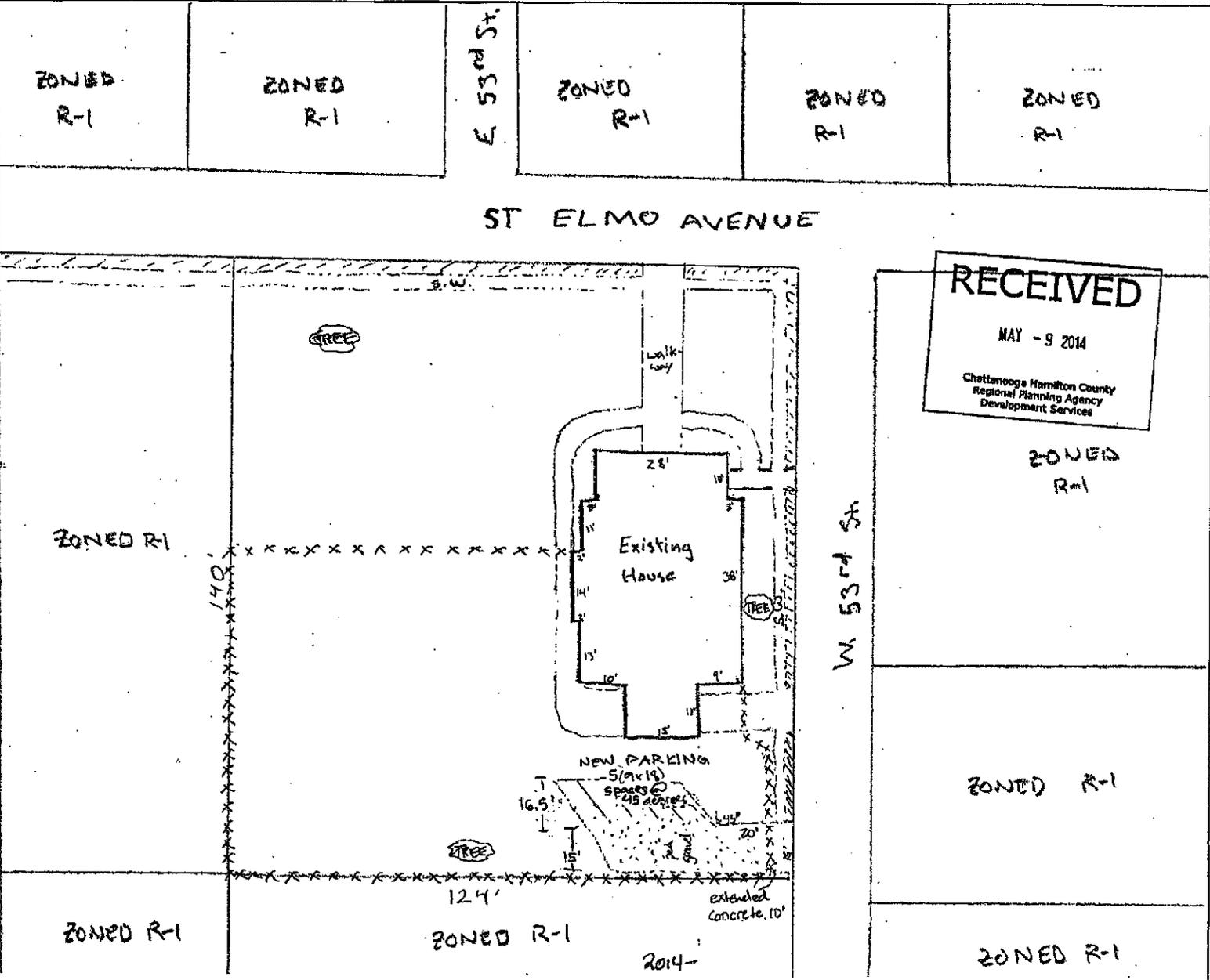


- NOTES:**
- A. CURRET ZONE R-1
 - B. 17,894^{sq} ft. .41 AC. .14 UNIT ^{CREATING}
 - C. USE EXISTING HOUSE
 - D. EXISTING FENCE .XXXX.
 - E. TRASH CANS PER UNIT TO BE TAKEN TO ST. (N/A DUMPSTER)
 - F. 5 NEW PARKING SPACES

PROPERTY PLAN

SCALE: 1" = 20' MAY 9th 2014
 TAX MAP NO. 167J-M-008

CHATTANOOGA, TN
 FOR: PATRICK M JOHNSON
 5301 ST ELMO AVE
 CHATTANOOGA, TN 37409
 PHONE: 423-715-5881
 EMAIL: patrickmoffitjohnson@gmail.com





2014-050 Rezoning from R-1 to R-3

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2014-050:
 Approve, subject to: 1) existing structure only; and 2) subject to the review of parking
 and access by the City Traffic Engineer.



200 ft



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 petition to rezone be approved:

2014-046 Wallace and Nancy Braud. 1329 and 1349 Gunbarrel Road, from R-1 Residential Zone to M-1 Manufacturing Zone, subject to certain conditions.

2014-050 Patrick Johnson. 5209 St. Elmo Avenue, from R-1 Residential Zone to R-3 Residential Zone, subject to certain conditions.

2014-051 RTB Holdings, LLC/Parks Properties, LLC. 614 East Main Street (at rear of parcel), from M-3 Warehouse and Wholesale Zone to C-3 Central Business Zone, subject to certain conditions.

2014-054 Hixson Investors, LLC/Wells Fargo Bank and Raymond L. Hassler. 6308, 6338, 6348, 6352 Grubb Road and 5851 Highway 153, from C-2 Convenience Commercial 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 Permit be approved:

2014-043 Chattanooga Construction Company/Lighthouse Enterprises, LLC. 5336, 5344, and 5050 Hunter Road, for a proposed Residential Planned Unit Development (PUD), subject to certain conditions.

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

2014-055 Hixson Investors, LLC/Wells Fargo Bank and Raymond Hassler. 6308 Grubb Road and 5851, 5861, and 5857 Highway 153, so as to lift conditions from Ordinance No. 11827 of previous Case No. 2006-028 and to lift conditions from Ordinance No. 11946 of previous Case No. 2007-022.

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) Deleting in its entirety Section 38-25, Lots to front street; exceptions, and substituting in lieu thereof; and
- (b) Adding a new Division 4 to Article III, Zones and boundaries, Brainerd Road Streetscape Overlay Zone (BR-SO).

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 8, 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