

First Reading: 2/10/15
Second Reading: _____

2015-004
Charles M. Rogers
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 3913 6TH AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 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 3913 6th Avenue, more particularly described herein:

Lot 10, Block 152 of the East End Land Company Subdivision, Plat Book 2, Page 22, R.O.H.C., being the property described in Deed Book 10320, Page 555, R.O.H.C. Tax Map No. 168H-E-023.01.

and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-2 Residential Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be approved subject to providing two driveway areas for off-street parking.

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: _____

2015-004
Charles M. Rogers
District No. 7
Applicant Version

ORDINANCE NO. _____

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and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-2 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

2015-004 City of Chattanooga
January 12, 2015

RESOLUTION

WHEREAS, Charles M. Rogers 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-2 Residential Zone, property located at 3913 6th Avenue.

Lot 10, Block 152 of the East End Land Company Subdivision, Plat Book 2, Page 22, R.O.H.C., being the property described in Deed Book 10320, Page 555, R.O.H.C. Tax Map 168H-E-023.01 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on January 12, 2015,

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 January 12, 2015, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to providing two driveway areas for off-street parking.

Respectfully submitted,

John Bridger
Secretary

PLANNING COMMISSION CASE REPORT

Case Number: 2015-004

PC Meeting Date: 01-12-15

Applicant Request

Rezone from R1 Residential Zone to R2 Family Residential Zone

Property Location:	3913 6 th Avenue
Property Owner:	Charles M. Rogers
Applicant:	Charles M. Rogers

Project Description

- Re-establish a duplex use for an existing two-family residential structure.

Site Analysis

Site Description

- The site currently contains a vacant two-family residential structure (built in approximately 2005).
- The lot (7,560 square feet in size) features pedestrian access from 6th Avenue.
- Residences on this block of 6th Avenue are primarily single-family homes. Across the street and to the east at 40th Street and 6th Avenue there is a two-family structure located on a corner lot.

Zoning History

- This property was rezoned from R2 Residential to R1 Residential as a result of the 2004 Rossville Boulevard Community Zoning Study (Ordinance 11680- April 15, 2005).
- The property recently lost its legal non-conforming use (grandfathered) status and must comply with the R-1 Zone permitted use unless it is rezoned to R-2. The current owner purchased the property in October of 2014.

Plans/Policies

- The Rossville Boulevard Community Plan (adopted by City Council November 9, 2004) recommends low-density residential. It is not included in the mixed-use focus area identified by the plan.
- The plan states that some exceptions can be made for townhouses, patio homes, and two-family dwellings if the density is compatible.
- The Rossville Boulevard Community Zoning Study (Ordinance 11680; April 5, 2005) rezoned this property to R1 Residential based on the recommendations in the land use plan mentioned above.

Key Findings

- The proposal is not supported by the recommendations of the adopted Land Use Plan for the area due to the increased density created by the reoccupation of the two-family dwelling.
- The proposal, on its own, may be compatible with surrounding single-family uses. However, reintroducing the R2 Zone at this mid-block location (vs. a corner location) would set a precedent for future similar requests. Allowing multiple duplexes on this block would then create compatibility issues.
- The proposed use does raise concerns regarding location and access.
- The 7,560 square foot lot is small and currently does not have driveway access.

Staff Recommendation :

Deny.

Planning Commission Recommendation

Approve, subject to providing two driveway areas for off-street parking.

NOTES:

Chattanooga-Hamilton County Regional

PLANNING COMMISSION CASE REPORT

- The Planning Commission recognized that the zoning request goes *against* the land use plan for the area.
- The Planning Commission felt that the applicant purchased the duplex with good intentions to make improvement and continue its use as a duplex but purchased the property without thoroughly checking on the zoning history and requirements.
- The Planning Commission felt that adding a condition requiring off-street parking areas would help to improve the request.

ZONING APPLICATION FORM

CASE NUMBER:	2015-004	Date Submitted:	11-20-2014
(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-2	
Total Acres in request area: .1722			
2 Property Information			
Property Address:	3913 6 th Avenue		
Property Tax Map Number(s):	168H-E-023.01		
3 Proposed Development			
Reason for Request and/or Proposed Use:	We want it rezoned R-2 it is a Duplex		
4 Site Characteristics			
Current Zoning:	R-1		
Current Use:	Duplex		
Adjacent Uses:	Single Family/Duplex in area		
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: Charles M. Rogers		Address: 4101 Jerome 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: 37407	Email: mrogers@asterinc.com
Phone 1: 423-240-1873	Phone 2: 256-605-5434	Phone 3: 423-827-1407	Fax: 423-827-1407
6 Property Owner Information (if not applicant)			
Name: Same		Phone:	
Address:			
Office Use Only:			
Planning District: 3C		Neighborhood: CNAC/Greater East Lake Community	
Hamilton Co. Comm. District: 4		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: .1722	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 10320-355			
Plan Book Page: 2-22		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 1
<input checked="" type="checkbox"/> Filing Fee: \$50.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check	Check Number: 137
Planning Commission meeting date: January 12, 2015		Application processed by: Marda Parker	



2015-004 Rezoning from R-1 to R-2

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-004:

Approve, subject to providing two driveway areas for off-street parking.



125 ft



Chattanooga Hamilton County Regional Planning Agency





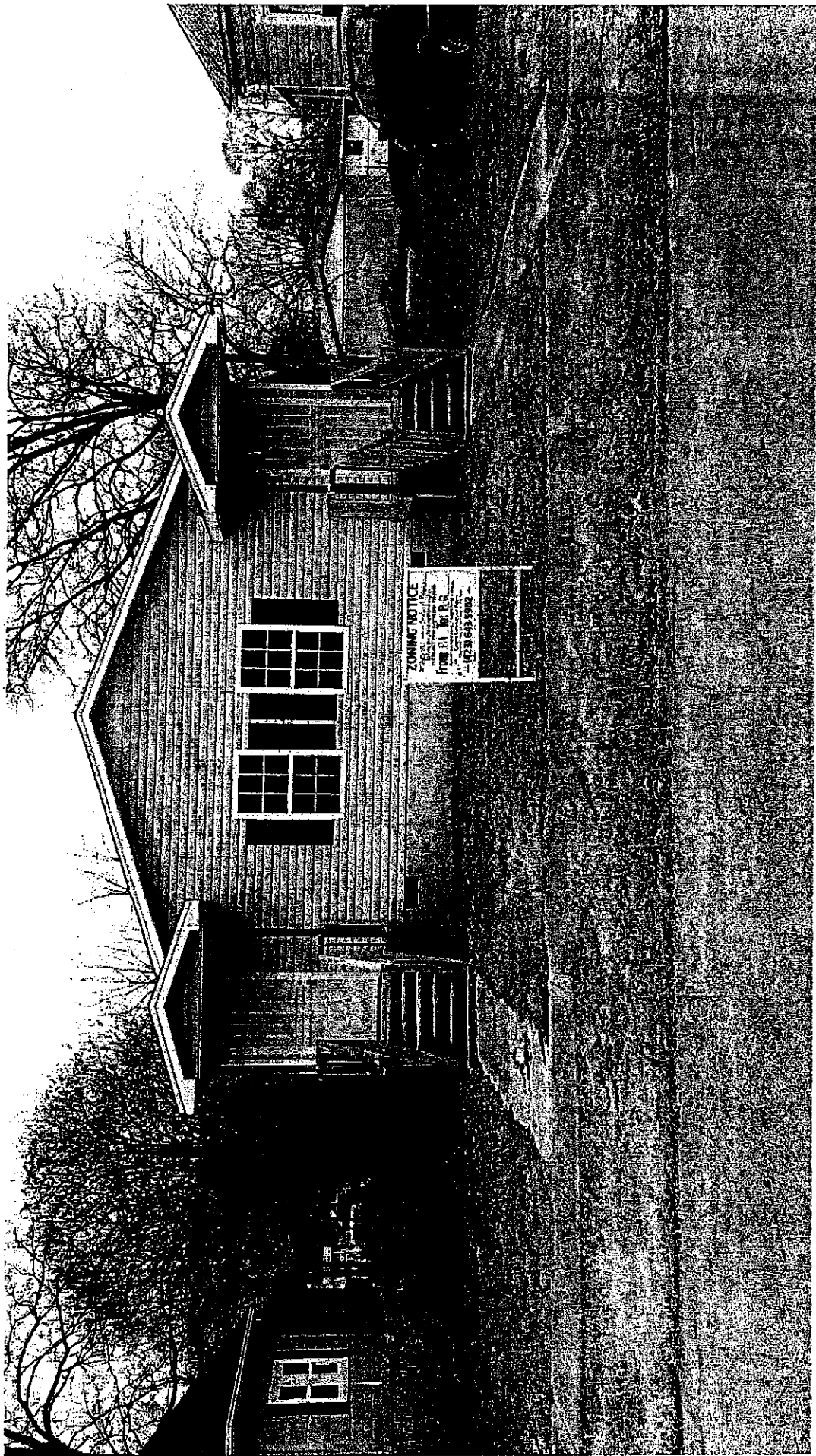
2015-004 Rezoning from R-1 to R-2



165 ft

Chattanooga Hamilton County Regional Planning Agency





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 denied:

2015-006 Belle Investment Company/Travis Fuller/Grider/GVH Shall Jen Association. 7810 and 7816 Shallowford Road, 2237 and 2241 Jenkins Road, and 2306 and 2338 Grider Way, from R-2 Residential Zone and C-2 Convenience Commercial Zone to R-3 Residential Zone.

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

2014-139 The Broadway Group, LLC/Joseph E. Proctor. 6514 and 6518 Shallowford Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2015-001 Frank Goodwin/Hard Luck Land & Cattle Company. 500 Whitehall Road, from R-3 Residential Zone to RZ-1 Zero Lot Line Residential Zone, subject to certain conditions.

2015-002 Yun Tibbitts. 4411 13th Avenue, from R-1 Residential Zone to R-2 Residential Zone, subject to certain conditions.

2015-004 Charles M. Rogers. 3913 6th Avenue, from R-1 Residential Zone to R-2 Residential Zone, subject to certain conditions.

2015-005 Allen Jones/Alton Properties, LLC. 510 East Main Street, from C-2 Convenience Commercial Zone to C-3 Central Business Zone, subject to certain conditions.

2015-007 David Hudson/New Home Missionary Baptist Church. 1001 and 1019 McCallie Avenue, from M-1 Manufacturing Zone, C-2 Convenience Commercial Zone, and R-4 Special Zone to C-3 Central Business Zone, subject to certain conditions.

2015-009 Choo Choo Partners, LP. 1400 Market Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-010 Phil Whitfield/Capitol Toyota. 211 and 301 Chickamauga Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone.

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

2015-008 Joseph Ingram/Chris Paty. 1000 block of Dallas Road, lifting the condition from Resolution No. 27748 with regard to sidewalks being required on properties located along the stretch.

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) Adding a new definition in alphabetical order to Article II, Section 38-2, entitled "Alternative Financial Service.
- (b) Adding a new subsection (4), entitled "Alternative Financial Services" to Article V, Division 13, C-2 Convenience Commercial Zone, Section 38-185, Uses permitted as special exceptions by the City Council.
- (c) Striking Article V, Division 14, UGC Urban General Commercial Zone, Section 38-205, Uses permitted as special exceptions by the City Council, and inserting a new Section in lieu thereof.
- (d) Adding a new subsection (3), entitled "Alternative Financial Services" to Article V, Division 15, C-3 Central Business Zone, Section 38-224, Uses permitted as special exceptions by the City Council.
- (e) Adding a new subsection (3), entitled "Alternative Financial Services" to Article V, Division 16, C-4 Planned Commerce Center Zone, Section 38-246, Uses permitted as special exceptions by the City Council.

- (f) Adding a new subsection (9) and renumbering old subsection (9) and adding subsection (10), Article V, Division 17, C-5 Neighborhood Commercial Zone, Section 38-266, Prohibited uses and structures.
- (g) Striking subsection (2), Article V, Division 18, C-7 North Shore Commercial/Mixed Use Zone, Section 38-289, Uses which require a special permit, and inserting a new subsection in lieu thereof.
- (h) Adding a new subsection (5), entitled "Alternative Financial Services" to Article V, Division 19, M-1 Manufacturing Zone, Section 38-303, Uses permitted as special exceptions by the City Council.
- (i) Striking subsection (7) of Article V, Division 10, MXU Mixed Use Zone, Section 38-134, General Function (Permitted Uses), and inserting a new subsection in lieu thereof.
- (j) Adding a new Article VI, Division 2, Section 38-529, Exception Permit for Alternative Financial Services Establishment.

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,

February 10, 2015

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 _____, 2015.

Nicole Gwyn
Clerk to the City Council