

First Reading: _____
Second Reading: _____

2015-115
Patrick Donaldson
District No. 9
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 2301 WILSON STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-2 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 2301 Wilson Street, more particularly described herein:

Lots 1 thru 8, Block 2, Ward Twelve, Arlington Heights Subdivision, Plat Book 5, Page 21, ROHC, Deed Book 9752, Page 702, ROHC. Tax Map No. 136M-F-013.

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

2015-115 City of Chattanooga
October 12, 2015

RESOLUTION

WHEREAS, Patrick Donaldson 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 2301 Wilson Street.

Lots 1 thru 8, Block 2, Ward Twelve, Arlington Heights Subdivision, Plat Book 5, Page 21, ROHC, Deed Book 9752, Page 702, ROHC. Tax Map 136M-F-013 as shown on the attached map.

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

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

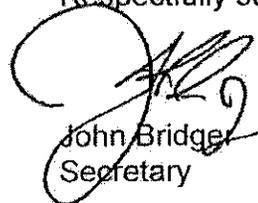
AND WHEREAS, there was opposition present to the petition,

AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development,

AND WHEREAS, the Planning Commission has determined that the proposal would set a precedent for future requests. The precedent may not be positive for the community.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on October 12, 2015, recommended to the Members of the City Council of the City of Chattanooga that this petition be denied.

Respectfully submitted,



John Bridger
Secretary

ZONING APPLICATION FORM

CASE NUMBER:	2015-115	Date Submitted:	7-30-2015
(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: 1.24			
2 Property Information			
Property Address:	2301 Wilson Street		
Property Tax Map Number(s):	136M-F-013		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Use as rental property of existing duplex		
4 Site Characteristics			
Current Zoning:	R-1		
Current Use:	Vacant Duplex		
Adjacent Uses:	Apartments (Woodlawn) SFD, Church, Commercial		
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 Donaldson		Address: 5407 Upshaw Drive	
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: 37416	Email: patrickadonaldson@gmail.com
Phone 1: 423-827-4963	Phone 2:	Phone 3:	Fax:
6 Property Owner Information (if not applicant)			
Name: Same		Phone:	
Address:			
Office Use Only:			
Planning District: 8B		Neighborhood: CNAC, Avondale Neighborhood, Wheeler Avenue Neighborhood Watch	
Hamilton Co. Comm. District: 4	Chatt. Council District: 9	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: 1.24	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 9752-702			
Plat Book/Page: 5-21		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 1
<input checked="" type="checkbox"/> Filing Fee: 295.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check	Check Number: 1845
Planning Commission meeting date: 10-12-2015		Application processed by: Marcia Parker	

PLANNING COMMISSION CASE REPORT

Case Number: 2015-115

PC Meeting Date: 10-12-15

Applicant Request

Rezone from R-1 Residential Zone to R-2 Residential Zone

Property Location:	2301 Wilson Street
Property Owner:	Patrick Donaldson
Applicant:	Patrick Donaldson

Project Description

- Proposal: Re-establish a two-family dwelling use for an existing duplex that lost its legal non-conforming use status.
- Proposed Access: Wilson Street.
- Proposed Development Form: 1-story residence.

Site Analysis**Site Description**

- Location: The 1-acre site is located on the north side of Wilson Street approximately 340 feet east of Dodson Avenue in the Avondale neighborhood.
- Current Access: Wilson Street
- Current Development form: Except for the two-story apartment buildings across the street to the south, all of the nearby residences are one-story structures.
- Current Land Uses: 2301 Wilson Street is classified as "multi-family with a duplex style structure" by the Hamilton County Tax Assessor's office. There are unused and unmaintained public rights-of-way adjacent to this sight on the west and north sides. There is also an unused and unmaintained alley right-of-way adjacent to the site on the east side. The adjacent lots to the west are used for parking and access to New Enon Baptist Church which fronts on Wilcox Boulevard to the north. The adjacent lot to the north is vacant. The adjacent lots to the east on Arlington Avenue contain single-family homes. There are also four duplex structures on this section of Arlington Avenue. Directly across the street from the site to the south is an eight-acre apartment complex (Woodlawn Apartments).

Zoning History

- The site is currently zoned R-1 Residential.
- The site was rezoned from R-2 Residential to R-1 Residential in 2004 (Avondale Zoning Study-Ordinance #11622).
- The property to the north is zoned C-2 Convenience Commercial. The properties to the east are zoned R-1 Residential. The property to the south is zoned R-3 Residential. There are four properties to the south that are zoned R-1 Residential. The property to the west is zoned R-1 Residential.
- The nearest R-2 Residential Zone (same as the request) is approximately 160 feet to the west on the southeast corner of Wilson Street and Dodson Avenue.
- There has been no recent zoning activity on this site.

Plans/Policies/Regulations

- The Avondale Land Use Plan (adopted by City Council in 2004) recommends Low Density residential for this area. The plan defines Low Density Residential as single-family housing predominately; however, some exceptions may be made for townhouses, patio homes and two-family dwellings.
- The 2004 Avondale Neighborhood Zoning Study recommends the Planning Commission, City Council and neighborhood residents give additional input regarding the rezoning of this property to accommodate the existing duplex.
- The R-2 Residential Zone permits single-family homes and two-family homes (duplexes).

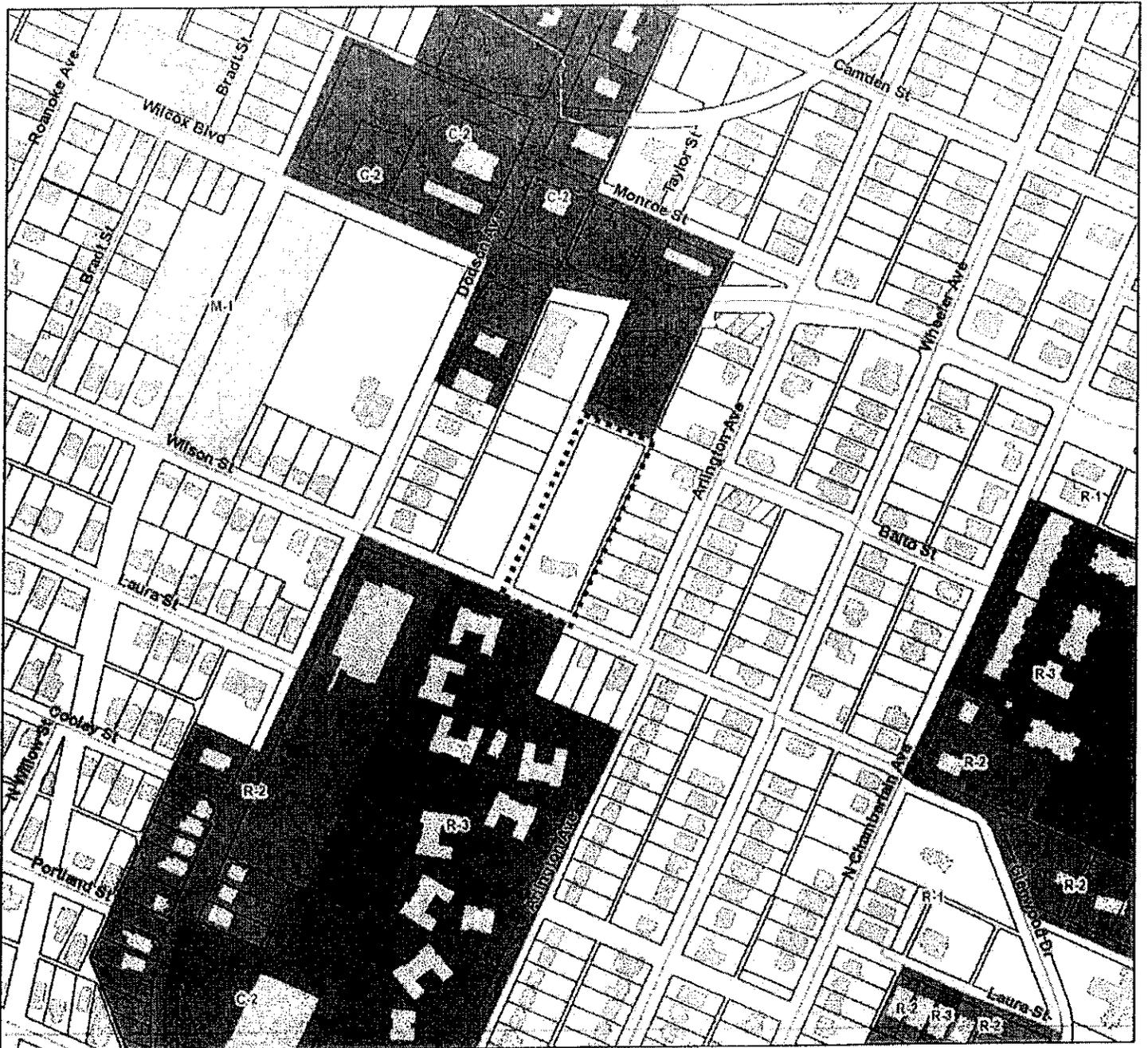
PLANNING COMMISSION CASE REPORT

Key Findings

- The proposal is supported by the recommendations of the adopted Land Use Plan for the area due to the recommendation of Low Density Residential, as defined above. The Plan notes that some exceptions can be considered for duplexes and townhomes. RPA staff believes that the proposal is appropriate based on the findings below.
- The proposed use is consistent with surrounding uses. Woodlawn Apartments are a similar use located across Wilson Street. There are also four duplex structures on properties to the east on Arlington Avenue.
- The proposal is consistent with the development form of the area. The proposal is built as a one-story residential duplex. The majority of the structures in the area are one-story residential structures.
- The proposed residential density is compatible with the surrounding densities. The neighboring Woodlawn Apartments, single family and two family homes are at higher densities than the proposed residential density of a two unit structure on a 1 acre site.
- The proposal would not be an extension of an existing zone, and the proposal would set a precedent for future requests.
- The applicant has requested rezoning to allow a two-family use of the existing structure. However, the entirety of the property- one acre- is included as part of the request. This one parcel contains eight lots. Those lots are approximately 6,900 square feet. The zoning ordinance allows a duplex to be built on any lot of record that has an area of 7,500 square feet. Rezoning the entirety of this property would allow the construction of possible 8 new duplexes. Therefore, the RPA is recommending only rezoning the portion of the property that has the existing structure.

Staff Recommendation

Approve R-2 Residential for that portion of parcel 136M-F-013 comprised of lots 1, 2, and 3.



2015-115 Rezoning from R-1 to R-2

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-115:
Deny

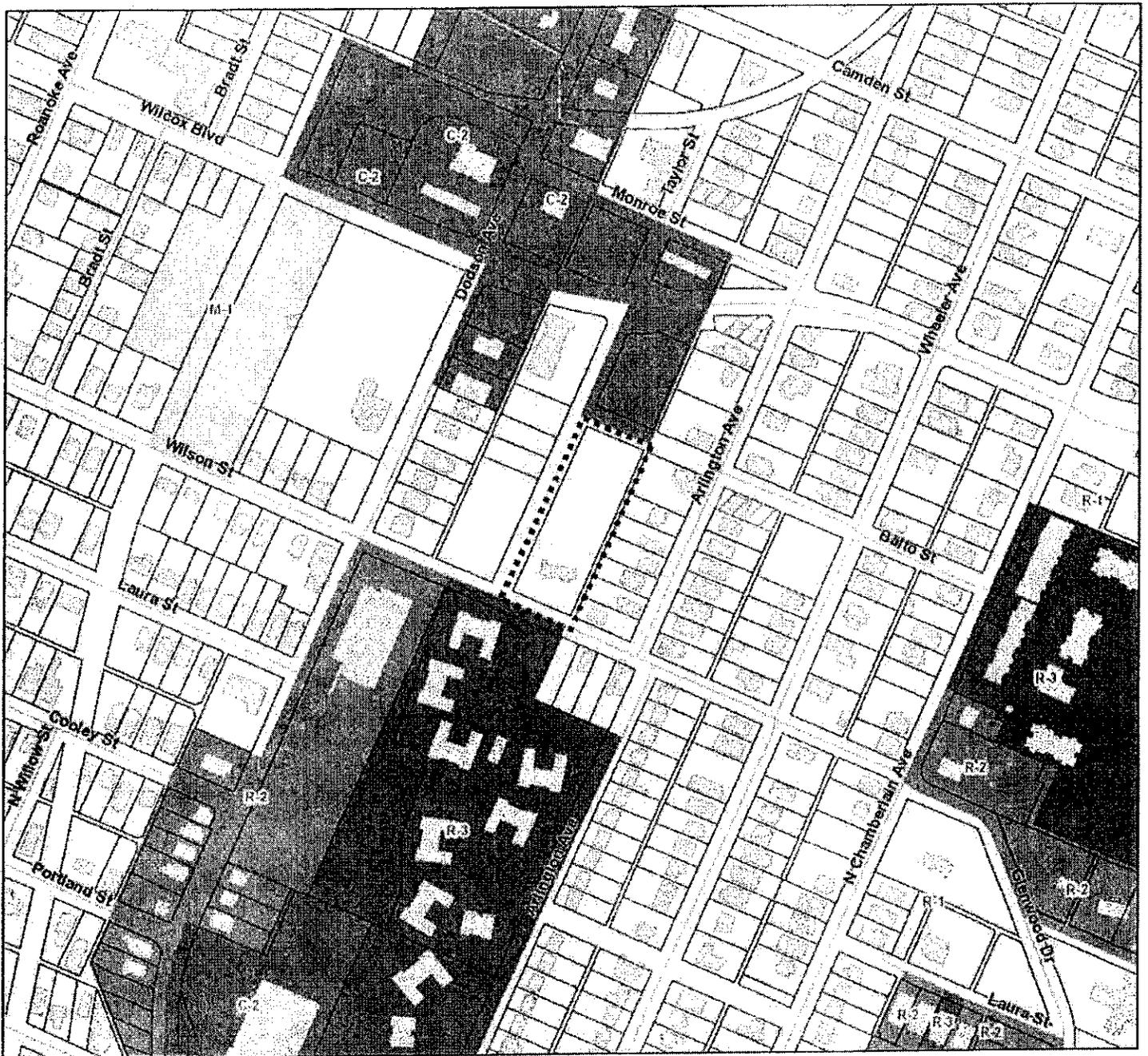


309 ft



Chattanooga Hamilton County Regional Planning Agency





2015-115 Rezoning from R-1 to R-2

309 ft

Chattanooga Hamilton County Regional Planning Agency

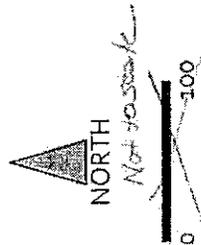
Site Plan

Case # 2015-115

Total Acres being requested for rezoning or special permit: 1.24

Total number of dwelling units (if applicable): 2

Identify all items on the site plan that are listed in the RPA Site Plan Policy



Date Received 7/30/15

Applicant Initial _____

Contact: Patrick Donnellson
5709 Upshaw Dr.
Chattanooga, TN 37416
423-822-1741 ext. 3

R-1

105 ±

R-1

Taylor Street

Alley

R-1

RECEIVED
JUL 30 2015
Chattanooga Hamilton County
Regional Planning Agency
Development Services

Wilson Street

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:

2015-120 Joseph M. Fuller. 1627 Rossville Avenue, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-132 CBG Properties, LLC/John Strawn. 2831 Silverdale Road, from R-3 MD Moderate Density Zone to R-4 Special Zone, subject to certain conditions.

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

2015-115 Patrick Donaldson. 2301 Wilson Street, from R-1 Residential Zone to R-2 Residential Zone.

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

2015-124 Belle Investment Company and BYD Cowart, GP. 1200 block of Cowart Street, to lift Condition 2C #4, "48 feet maximum height" from Ordinance No. 12059 of Previous Case No. 2007-190.

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

2015-129 Joseph Ingram and Marcus Jones. 1308 Meroney Street and 605 Samoyed Trail, for a Residential Planned Unit Development.

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 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