

First Reading: _____
Second Reading: _____

2015-140
Owen Trepanier and Richard Puente
District No. 9
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 3120 DODSON AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM M-1 MANUFACTURING ZONE TO R-3 RESIDENTIAL ZONE, SUBJECT TO PROPOSED USE ONLY.

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 3120 Dodson Avenue, more particularly described herein:

Lots 7 and 8, Block 1, Adams of Glass Farm Subdivision, Plat Book 1, Page 1, ROHC, Deed Book 10537, Page 652, ROHC. Tax Map No. 128P-E-019.

and as shown on the maps attached hereto and made a part hereof by reference, from M-1 Manufacturing Zone to R-3 Residential Zone, subject to the proposed use only to introduce a new land use type into the area.

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

2015-140 City of Chattanooga
November 9, 2015

RESOLUTION

WHEREAS, Owen Trepanier and Richard Puente 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 M-1 Manufacturing Zone to R-3 Residential Zone, property located at 3120 Dodson Avenue.

Lots 7 and 8, Block 1, Adams of Glass Farm Subdivision, Plat Book 1, Page 1, ROHC, Deed Book 10537, Page 652, ROHC. Tax Map 128P-E-019 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on November 9, 2015,

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

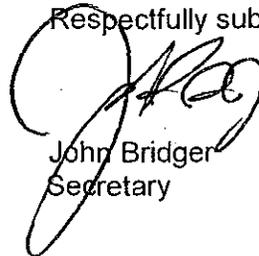
AND WHEREAS, there was opposition present to the petition,

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 introduce a new land use type into the area.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on November 9, 2015, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved for the proposed use only.

Respectfully submitted,



John Bridger
Secretary

ZONING APPLICATION FORM

CASE NUMBER:	2015-140	Date Submitted:	9-24-2015
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
1 Applicant Request			
Zoning	From: M-1	To: R-3	
Total Acres in request area: 0.44			
2 Property Information			
Property Address:	3120 Dodson Avenue		
Property Tax Map Number(s):	128P-E-019		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Allow the restoration of the existing 2 family, historic structure (lost nonconforming use) permit permanent residential use & short-term vacation rental.		
4 Site Characteristics			
Current Zoning:	M-1		
Current Use:	Two-family residential (vacant for more than 1 Year)		
Adjacent Uses:	Single-family, Multi-family, & Commercial Retail		
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: Owen Trepanier & Richard Puenté		Address: 1421 First Street	
Check one:	<input checked="" type="checkbox"/> I am the property owner	<input type="checkbox"/> I am not the property owner	
City: Key West	State: FL	Zip Code: 33040	Email: owen@owentrepanier.com
Phone 1: 305-240-0759	Phone 2:	Phone 3:	Fax: 305-293-8983
6 Property Owner Information (if not applicant)			
Name: Same		Phone:	
Address:			
Office Use Only:			
Planning District: 8B		Neighborhood: CNAC, East Chattanooga Neighborhood Association	
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"/>	Deeds
<input checked="" type="checkbox"/>	Site Plan, if required	<input checked="" type="checkbox"/>	Plats, if applicable
Total Acres to be considered: 0.44			
Deed Book(s): 10567-859			
Plat Book/Page: 1-1		<input checked="" type="checkbox"/>	Notice Signs
		Number of Notice Signs: 2	
<input checked="" type="checkbox"/>	Filing Fee: 150.00	<input checked="" type="checkbox"/>	Check
		Check Number: 1463	
Planning Commission meeting date: 11-9 2015		Application processed by: Marcia Parker	

PLANNING COMMISSION CASE REPORT

Case Number: 2015-140

PC Meeting Date: 11-09-15

Applicant Request

Rezone from M-1 Manufacturing Zone to R-3 Residential Zone

Property Location:	3120 Dodson Avenue
Property Owner:	Owen Trepanier & Richard Puente
Applicant:	Owen Trepanier & Richard Puente

Project Description

- Proposal: Restore the two-family residential use of the existing vacant home (recently lost its legal non-conforming use status) and also a short-term vacation rental use.
- Proposed Access: Elmendorf Street.
- Proposed Development Form: Use existing 2-story home.
- Proposed Density: 4.5 dwelling units per acre (2 units on 0.44 acre)

Site Analysis**Site Description**

- Location: The 0.44-acre site is located on the southeast corner of the Dodson Avenue and Elmendorf Street intersection.
- Current Access: Elmendorf Street (driveway access)
- Current Development form: There is a mixture of one and two-story structures within a 500 foot radius of this site.
- Current Land Uses: Two single-family homes and two "grandfathered" duplexes are located across Elmendorf Street to the north. Single-family homes are also located east and south of the site. Across Dodson Avenue and on the site to the west is a vacant lot (zoned for manufacturing) and a Dollar General Store.
- Current Density: The average residential density of the residential lots fronting Elmendorf Street on the opposite side of the street from the request site is approximately 5.8 dwelling units per acre (includes 3 single-family home lots and 2 grandfathered duplexes on approximately 1.2 acres).

Zoning History

- The site is currently zoned M-1 Manufacturing.
- The properties to the north and east are zoned R-1 Residential. The properties to the south and west are zoned M-1 Manufacturing.
- The nearest R-3 Residential Zone (same as the request) is located approximately 1,700 feet (straight line distance) to the east on Campbell Street.
- There has been no recent zoning activity on this site.

Plans/Policies/Regulations

- The 2004 East Chattanooga Area Plan (adopted by City Council 9/14/2004) recommends Medium Business Mix for this site, and the Land Use Plan defines this category as "Convenience Commercial, Neighborhood Commercial, Office, Residential, or similar uses."
- The Area Plan identifies this area as "Focus Area 1, Dodson Ave". This focus area is described by its zoning and potential land uses as follows:

Focus Area 1, Dodson Ave: Currently, a portion of Dodson Ave. south of Elmendorf and north of Bachman is zoned for high-intensity manufacturing uses (M-1 Manufacturing). There are three manufacturing operations in this area with the rest of the parcels containing homes or a variety of commercial uses. This corridor is recommended for expansion to allow for commercial development on three parcels west of Dodson Ave. between Cushman St. and Bachman St. Additionally, this land use plan recommends that the Dodson Ave. area is more appropriate for

PLANNING COMMISSION CASE REPORT

commercial development and any additional rezonings in this area should conform to the plan's intent. (2004 East Chattanooga Area Plan (adopted by City Council 9/14/2004))

- The M-1 Manufacturing Zone does not permit residential uses.
- The R-3 Residential Zone permits single-family homes, duplexes, multi-unit residences, and short-term vacation rentals.

Key Findings

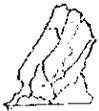
- The adopted Land Use Plan supports commercial, office, residential, or similar uses. The proposed development is for a two unit structure containing a permanent residence and a short-term vacation rental unit. The Area Plan does not identify the land use of short-term vacation rentals as commercial or residential.
- The proposed use is compatible with surrounding uses. The property is located on the corner of a local road, Elmendorf Street, and a collector road, Dodson Avenue. The existing driveway and garage are accessed from the local road.
- The proposal is to use the existing structure, which is consistent with the development form of the area.
- The proposed residential density is compatible with the surrounding densities. The existing structure is located on a parcel containing two lots, at 100 feet by 190 feet, equaling approximately 1,900 square feet. The majority of the residences surrounding this parcel are built on parcels equal to this size or smaller.
- The proposal would not be an extension of an existing zone, but the proposal is located on a corridor recommended for commercial and bordering residential activities.
- The proposal may set a precedent for future requests. The Area Plan identifies the subject property as appropriate for commercial, office, residential or a mixed-use development.

Staff Recommendation

Approve



2015-140 Rezoning from M-1 to R-3



Chattanooga Hamilton County Regional Planning Agency



247 ft





2015-140 Rezoning from M-1 to R-3

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-140:
 Approve for the proposed use only.



247 ft

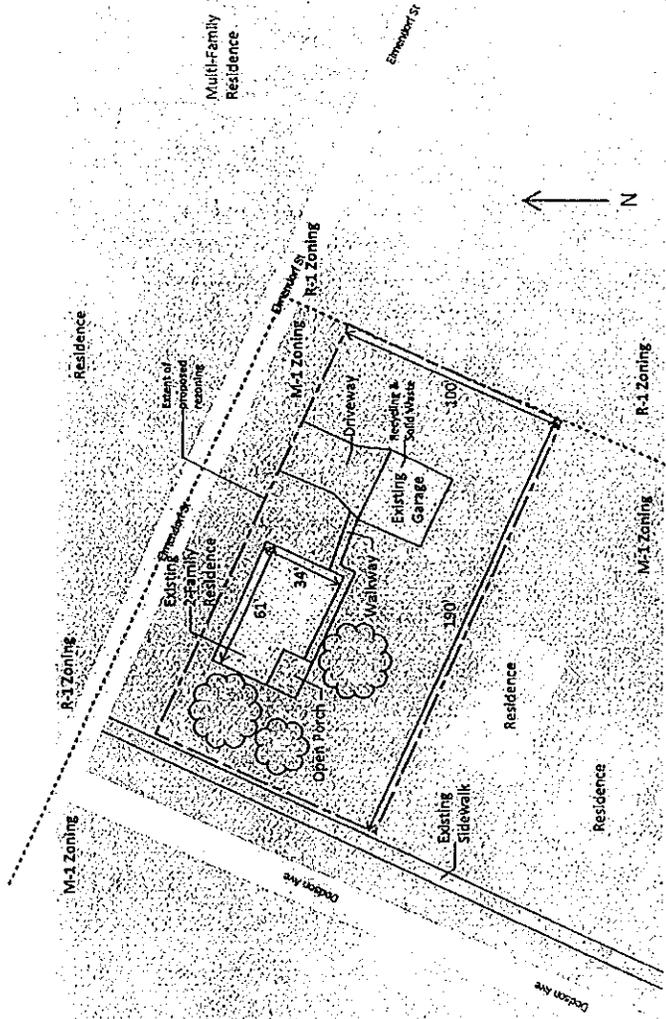


Chattanooga Hamilton County Regional Planning Agency

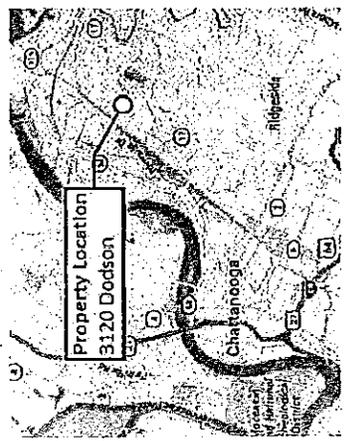


3120 Dodson Avenue

Lots 7 & 8 Adam Glass Farms
Tax Map No. 128P E 019
Lot Size: 19,000 sq. ft.
Zoning
 M-1 Existing
 R-3 Proposed
No other changes proposed
Property Owners:
 Owen Trepanier
 Richard Puente
 1421 First Street
 Key West, FL 33040
 305-240-0759
 owen@owentrepanier.com



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 Chatham County
 Regional Planning Agency
 Development Services



2015-140

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:

2015-119 Matthew W. Thacker and Jean M. Thacker. 1402 Cemetery Avenue, from R-3 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2015-136 James Hixson. 2700 and 2708 Walker Road, from R-2 Residential Zone to R-4 Special Zone.

2015-138 Peter C. Cory and Miles D. Raborn. 8407 and 8575 Petty Road, from R-5 Residential Zone to R-1 Residential Zone.

2015-140 Owen Trepanier and Richard Puente. 3120 Dodson Avenue, from M-1 Manufacturing Zone to R-3 Residential Zone, subject to certain conditions.

2015-141 Wise Properties, LLC. 1920 Chestnut Street, 1817 Broad Street, and 423 West 20th Street, from M-1 Manufacturing Zone to C-2 Central Business Zone, subject to certain conditions.

2015-144 Nick Adams and Christy Clark/Adams Masonry. Part of 2833 Calhoun Avenue and all of 2902 Morgan Avenue, from R-2 Residential Zone to M-1 Manufacturing Zone.

2015-145 Bristol Development Group and Scott Black. 401, 403, 407, 409, 411, and 413 Somerville Avenue, from M-1 Manufacturing Zone and C-2 Convenience Commercial Zone to C-7 Northshore Commercial Mixed Use Zone, subject to certain conditions.

2015-149 City of Chattanooga/RPA. 3000 Broad Street, from M-1 Manufacturing Zone to M-2 Light Industrial Zone, subject to certain conditions.

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

2015-135 Jason McGlohon/SBI Engineers, 6501 Shallowford Road, from R-1 Residential Zone to R-4 Special Zone.

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

2015-123 Dreamtech Homes, LLC/Sherman Smith and First Bank/Jim McKenzie, 1091 Mackey Avenue, for a Residential Planned Unit Development, subject to certain conditions.

2015-139 Peter C. Cory and Miles D. Raborn, 1813 Morris Hill Road and 8407 and 8575 Petty Road, for a Residential Planned Unit Development, 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 38-563, Jurisdiction of the Board, by adding subsection (6).
- (b) Amending Section 38-2, Definitions, by deleting the definition "Alternative Financial Services" and adding in lieu thereof a new definition in alphabetical order.

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,

December 8, 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