

ORDINANCE NO. 1018

“AN ORDINANCE TO AMEND ‘THE ZONING ORDINANCE OF THE CITY OF ATHENS, TENNESSEE,’ SO AS TO AMEND THE OFFICIAL ZONING MAP TO REZONE PROPERTY LOCATED AT 602 OLD RICEVILLE ROAD FROM R-2 (MEDIUM DENSITY RESIDENTIAL DISTRICT) TO B-1 (LOCAL BUSINESS DISTRICT) SAID AREA BEING LOCATED WITHIN THE CORPORATE LIMITS OF ATHENS, TENNESSEE.”

BE IT ORDAINED BY THE CITY OF ATHENS, TENNESSEE, AS FOLLOWS:

SECTION 1. That the official Zoning Map of Athens, Tennessee, identified and referred to in Section 3.02 of said Zoning Ordinance, be amended to show the following described property and zoning designation as described within the body of this ordinance and shown on the attached illustration; “Rezoning Request by Mitchell Dunn (Map 056K Group A Parcel 020.00) 602 Old Riceville Road from R-2 to B-1”, said property being within the corporate limits of Athens, Tennessee:

Area Description (R-2 to B-1)

The parcel to be rezoned from R-2 to B-1 is shown on McMinn County Tax Map as Map 056K Group A Parcels 020.00. The parcel is further described on the attached illustration that has been created from the Official Zoning Map of the City of Athens, Tennessee.

SECTION 2. Any Ordinance, Resolution, Motion or parts thereof in conflict herewith are hereby repealed and superseded. If any sentence, clause, phrase or paragraph of this Ordinance is declared to be unconstitutional by any Court of competent jurisdiction, such holding will not affect any other portion of this Ordinance.

SECTION 3. BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and as provided by law. As required by TENNESSEE CODE ANNOTATED, Section 13-7-203, a Public Hearing subject to fifteen day's notice has been held, and this ordinance meets the requirements of TENNESSEE CODE ANNOTATED, Section 13-7-201 through 13-7-210, including the approval of all necessary agencies.

PASSED ON FIRST READING: April 16, 2013

PASSED ON SECOND READING: May 21, 2013

DATE OF PUBLIC HEARING: May 21, 2013




MITCHELL B. MOORE, City Manager

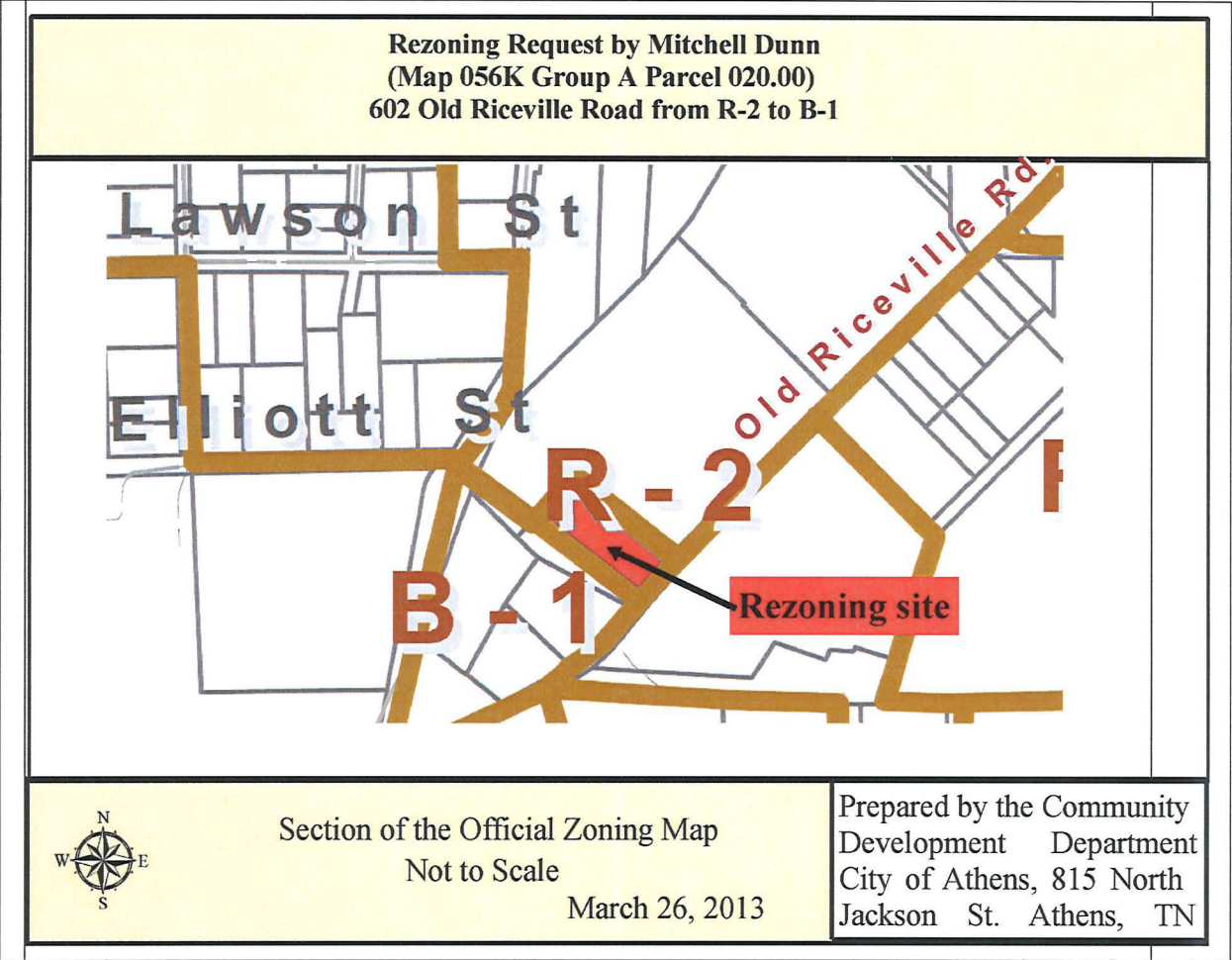


R. HAL BUTTRAM, Mayor

APPROVED AS TO FORM:



H. CHRIS TREW, City Attorney



4. **Rezoning request for Mitchell Dunn** – property is located at 602 Old Riceville Road (Parcel Map 056K Group A Parcel 20.00) request to rezone from R-2 Medium Density Residential to B-1 Local Business District.

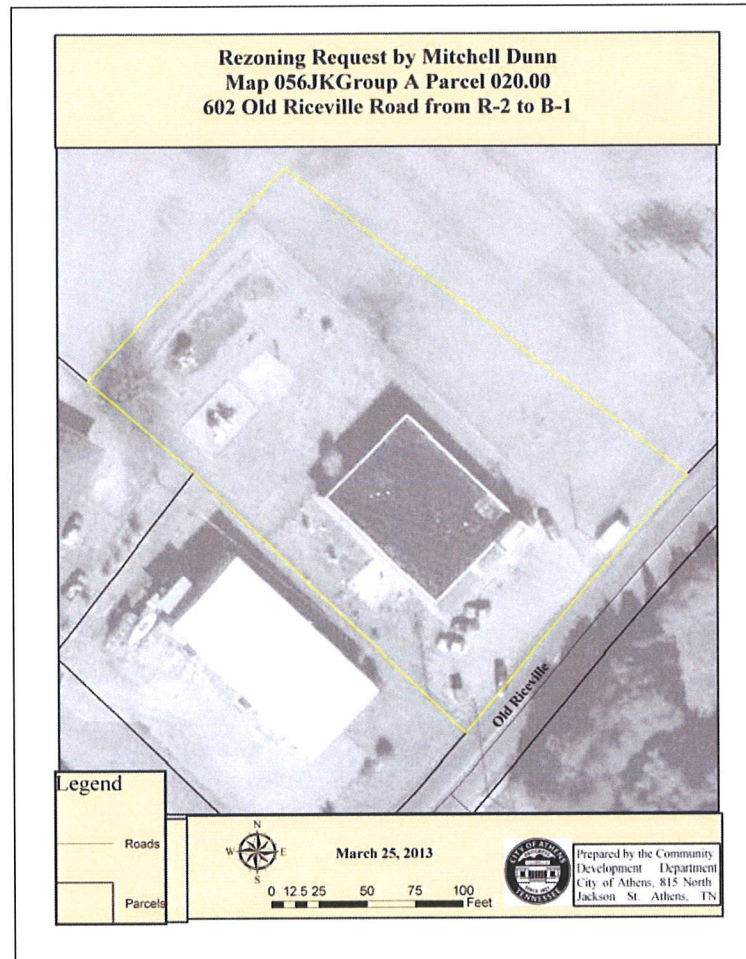
Mr. Dunn stated that he had purchased the former La Petit Academy behind Ingles and is requesting it be rezoned from R-2 (Medium Density Residential) to B-1 (Local Business District). Mr. Casteel stated that he would like for it to be the least intensive commercial zone because of the street it is on and he did not think it should be B-4 (Highway & Major Arterial Serving Business District) because Old Riceville Road is not a Major Arterial or a Major Highway so local commercial will allow him to have medical offices which is Mr. Dunn's interest in the property. Chairman Hamilton asked if they needed to look at rezoning the rest of that area and Mr. Casteel stated that this was the only property that was not commercial in this block. The other properties near it are Commercial and industrial property is located across the street.

MOTION:

A motion was made to recommend the request to City Council to rezone 602 Old Riceville Road from R-2 (Medium Density Residential) to B-1 (Local Business District).

MADE: Dick Pelley
SECOND: Ralph Fenton
VOTE: Unanimous
MOTION PASSED

4. **Rezoning request for Mitchell Dunn** – property is located at 602 Old Riceville Road (Parcel Map 056K Group A Parcel 20.00) request to rezone from R-2 Medium Density Residential to B-1 Local Business District.



The zoning adjacent to the north and east of the site is B-4 Highway and Major Arterial Serving Business District, and B-1 Local Business District to the west. Across Old Riceville Road to the south is zoned Light Industrial I-1. This parcel is an isolated section of R-2 Medium Density Residential and does not fit into the land use pattern of the general area. The land use plans states the following *“The City shall encourage and support infill development within the existing clusters of commercial development.” “The City shall identify and encourage the redevelopment of abandoned commercial sites; such as vacant big boxes”*. This site was used as a day care center and that may be the reason it was zoned residentially in the first place. Regardless of why it is R-2 currently, the area has transitioned over time to be a mainly mixed use commercial combined with office and warehouse uses in the general area. Staff recommends approval of the request to rezone the property from R-2 to B-1.