### **ORDINANCE NO. 1081**

AN ORDINANCE TO AMEND 'THE ZONING ORDINANCE OF THE CITY OF ATHENS,
TENNESSEE,' SO AS TO AMEND THE OFFICIAL ZONING MAP TO REZONE
THE PROPERTY LOCATED AT 200 NEW ENGLEWOOD ROAD
FROM B-3 (INTENSIVE BUSINESS DISTRICT) TO R-2 (MEDIUM DENSITY RESIDENTIAL)
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 titled; "Rezoning Request by Shayne Benoit (Tax Map 066 Parcel 008.00) from B-3 Intensive Business District to R-2 Medium Density Residential" said property being within the corporate limits of Athens, Tennessee:

# Area Description (B-3 to R-2)

The parcel to be rezoned from B-3 to R-2 is shown on McMinn County Tax Map as Tax Map 066 Parcel 008.00. The parcel is further described on the attached illustration that has been created from the Official Zoning Map of the City of Athens, Tennessee.

<u>SECTION 2</u>. Any Ordinance, Resolution, Motion or parts thereof in conflict herewith are hereby repealed and superseded.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: August 20, 2019

PASSED ON SECOND READING: September 17, 2019

DATE OF PUBLIC HEARING: September 17, 2019

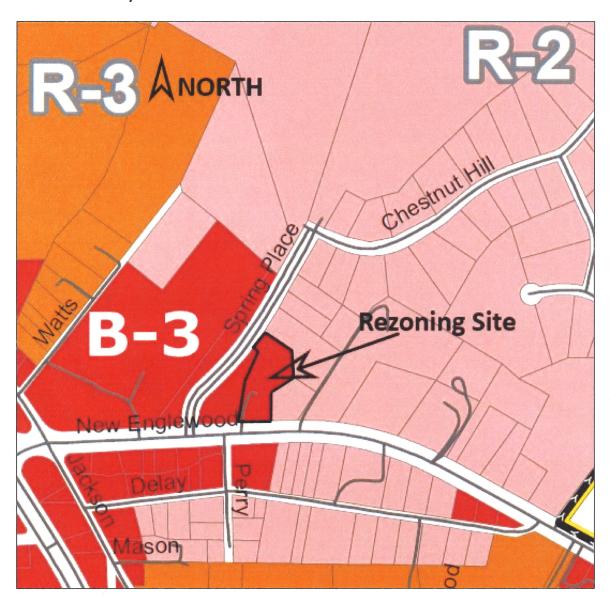
CHARLES T. BURRIS, II, Mayor

C. SETH SUMNER, City Manager

APPROVED AS TO FORM:

H. CHRIS TREW, City Attorney

Rezoning Request by Shayne Benoit (Tax Map 066 Parcel 008.00) from B-3 Intensive Business District to R-2 Medium Density Residential



### MINUTES OF THE MEETING

#### ATHENS MUNICIPAL-REGIONAL PLANNING COMMISSION

August 5, 2019

12:00 P.M.

#### CONFERENCE ROOM

# **ROLL CALL**

MEMBERS PRESENT	MEMBERS ABSENT	OTHERS ATTENDING
Chairman Tom Hamilton	Eric Newberry	Anthony Casteel
Jona Garrett		Gene McConkey
John Coker		C. Seth Sumner
Jordan Curtis		<b>Brandon Ainsworth</b>
Janice Hardaway		Ben Burchfield
Frances Witt-McMahan		Shane Benoit

#### **APPROVAL OF MINUTES**

1. Approval of the July 29, 2019 work session minutes

The minutes of the <u>July 29, 2019</u>, work session were read and approved on motion by <u>John Coker</u>; seconded by <u>Jona Garrett</u>; vote – unanimous

2. Approval of the July 1, 2019 regular minutes

The minutes of the <u>July 1, 2019</u>, regular meeting were read and approved on motion by Jona Garrett; seconded by Frances Witt-McMahan; vote – unanimous

#### **OLD BUSINESS**

1. Recommendation on rezoning request by Shayne Benoit to change a parcel identified as Tax Map 066 Parcel 008.00 located at 200 New Englewood Road from B-3 Intensive Business District to R-2 Medium Density Residential District containing approximately 1.0 acres.

The house they just purchased was carried over with a business zoning and in order for them to get any improvement loans for the property, the bank requires for it to be a residential loan. They are requesting it be rezoned to R-2 (Medium Density Residential).

Chairman Hamilton said it is adjacent to an R-2 zone already.

Mr. Casteel said to east and side it is an R-2.

Mr. Coker asked if this was formerly a business or a residence.

Mr. Casteel said he thinks when they originally done Springplace Subdivision, the owner requested for both of those parcels to be commercial for future development and it did not ever pan out. Mr. Benoit bought one that was already developed residential and now he is trying to get financing it is the same problem they run into quite often. They will not finance improvements or purchase of residential properties when they are in a zone where they cannot be rebuilt.

Mr. Coker asked if the house was existing when they zoned it B-3 (Intensive Business District).

<u>Chairman Hamilton said there was some discussion at work session about rezoning the adjacent lot.</u> He ran into the owner of that lot. He wants to leave his lot B-3; that is the lot between Springplace Drive and the subject lot they are speaking about.

Mr. Coker asked for clarification the last time they rezoned B-3 to an R-2, if it was for remodeling purposes. He had the cashflow to do it, he wanted it rezoned strictly for selling purposes.

Mr. Casteel said it was the same issues this gentleman had for finance purposes. The gentleman that done the last rezoning was not living there it was investment properties, but this gentleman lives in the home.

<u>Chairman Hamilton said the problem with the other one, he had it sold but could not get it financed because it was a in a business zone. He said Mr. Benoit wanted to build a swimming pool and could not get it financed so it really amounts to the same thing. The lending institutions are slow to lend money on properties like this.</u>

MOTION: To recommend to City Council to rezone the house located

at 200 New Englewood Road from B-3 to R-2.

MADE: Jordan Curtis

SECOND: Frances Witt-McMahan

VOTE: Unanimous

**MOTION PASSED** 

# **STAFF REPORT**

# ATHENS MUNICIPAL-REGIONAL PLANNING COMMISSION

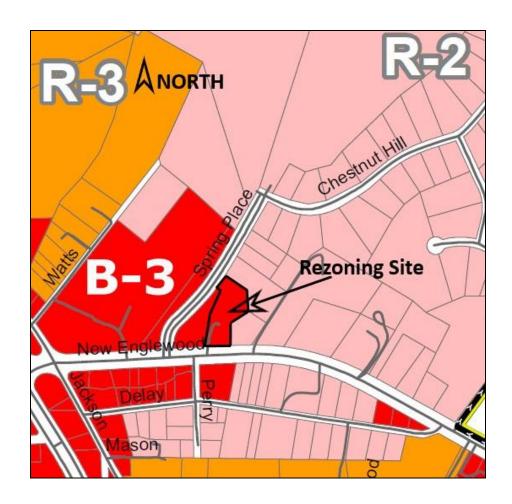
August 5, 2019

12:00 P.M.

# **CONFERENCE ROOM**

# **OLD BUSINESS**

1. Recommendation on rezoning request by Shayne Benoit to change a parcel identified as Tax Map 066 Parcel 008.00 located at 200 New Englewood Road from to B-3 Intensive Business District to R-2 Medium Density Residential District containing approximately 1.0 acres.



This parcel was developed with single-family detached dwelling in 1930 according the Tennessee Real Estate Database. The development predates zoning in the City of Athens and was most likely annexed into the city after construction. The owners have run into the problem concerning the issue an equity loan and the issue of under our current zoning code the home cannot be rebuilt in the B-3 district being destroyed beyond 51% of its fair market value. This in turn causes certain financial institutions to not loan money on them because the investment cannot be ensured in case of an event that destroys the property. The original developer requested this lot that fronted on Highway 39 to be commercial when they developed Spring Place Subdivisions in the late 1990's. Staff doesn't see any reason that this residential developed parcel needs to remain commercial at this time.

Staff recommends approval of the rezoning request from B-3 Intensive Business to R-2 Medium Density Residential.

#### **NEW BUSINESS**

1. Preliminary Plat Concept approval request for Derek Judd on property shown as Tax Map 048P Group C Parcel 038.00 on the McMinn County Property Assessors-Property Search Application Website. The subdivision is located on Tellico Avenue and contains 6.46 acres and 9 lots.

