

12/11/12

2012-152
Napier & Associates, GP/
Ken Defoor/Wayne Upchurch/
John & Vivienne Reeser
District No. 4
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7329, 7331, AND 7335 McCUTCHEON ROAD AND 2405 GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO MXU 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 7329, 7331, and McCutcheon Road and 2405 Gunbarrel Road, more particularly described herein:

Parts of Lot 4, Block B, J. L. Jenkins Subdivision, Plat Book 10, Page 49, ROHC and Lots A and B of Lots A and B, Resubdivision of Lot 4, Block B, J. L. Jenkins Subdivision, Plat Book 24, Page 12, ROHC, being the properties described in Deed Book 7996, Page 980, Deed Book 9538, Page 369, Deed Book 9583, Page 994, and Deed Book 9693, Page 198, ROHC. Tax Map Nos. 149A-B-011 thru 014.

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

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be subject to the following:

1. No temporary or permanent Certificate of Occupancy (CO) being issued until Phase 1 road improvements on Gunbarrel Road are completed to include McCutcheon and Gunbarrel Road intersection; and
2. A 20' (Type A) buffer frontage on Gunbarrel Road.

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

_____, 2012.

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2012.

/mms

MAYOR

2012-152
Napier & Associates, GP/
Ken Defoor/Wayne Upchurch/
John & Vivienne Reeser
District No. 4
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 7329, 7331, 7335 McCUTCHEON ROAD AND 2405 GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO MXU 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 7329, 7331, and 7335 McCutcheon Road and 2405 Gunbarrel Road, more particularly described herein:

Parts of Lot 4, Block B, J. L. Jenkins Subdivision, Plat Book 10, Page 49, ROHC and Lots A and B of Lots A and B, Resubdivision of Lot 4, Block B, J. L. Jenkins Subdivision, Plat Book 24, Page 12, ROHC, being the properties described in Deed Book 7996, Page 980, Deed Book 9538, Page 369, Deed Book 9583, Page 994, and Deed Book 9693, Page 198, ROHC. Tax Map Nos. 149A-B-011 thru 014.

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

_____, 2012.

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2012.

/mms

MAYOR

2012-152 City of Chattanooga
November 12, 2012

RESOLUTION

WHEREAS, Napier & Associates, GP/Ken Defoor/Wayne Upchurch/John & Vivienne Reeser 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 MXU Zone, properties located at 7329, 7331, and 7335 McCutcheon Road and 2405 Gunbarrel Road.

Parts of Lot 4, Block B, J. L. Jenkins Subdivision, Plat Book 10, Page 49, ROHC and Lots A and B of Lots A and B, Resubdivision of Lot 4, Block B, J. L. Jenkins Subdivision, Plat Book 24, Page 12, ROHC, being the properties described in Deed Book 7996, Page 980, Deed Book 9538, Page 369, Deed Book 9583, Page 994, and Deed Book 9693, Page 198, ROHC. Tax Map 149A-B-011 thru 014 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on November 12, 2012,

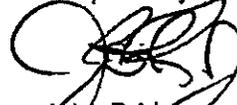
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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 November 12, 2012, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to: No temporary or permanent Certificate of Occupancy (CO) being issued until Phase 1 road improvements on Gunbarrel Road are completed to include McCutcheon and Gunbarrel Road intersection; and 2) A 20' (Type A) buffer frontage on Gunbarrel Road.

Respectfully submitted,



John Bridger
Secretary

Case Number:	2012-152
Applicant Request:	MXU Mixed Use Zone
Applicant:	Napier and Associates, GP Attn: Ken Defoor
Property Address:	7329, 7331, 7335 McCutcheon Road and 2405 Gunbarrel Rd
Jurisdiction:	Chattanooga District 4/ Hamilton County District 7
Neighborhood:	Friends of East Brainerd; Brainerd/East Brainerd Chamber Council

Proposed Development

Site Plan Submitted:	Yes
Proposed Use:	Office Development

Planning Commission Recommendation:
~~Approve portion, subject to certain conditions~~
as stated in the resolution

Site Characteristics

Current Zoning:	MXU Mixed Use Zone
Current Use:	Residential
Adjacent Uses:	Residential and Mixed Use
Size of Tract or Length of Right-of-Way:	2.008 acres

STAFF RECOMMENDATION: DEFER

Analysis

Extension of Existing Zoning?	Yes or No
Community Land Use Plan:	Hamilton Place Community Plan (2001)
Proposed Use Supported by Community Land Use Plan?	Yes or No
Proposed Use Supported by Comprehensive Plan?	Yes or No

Comments

Planning Staff:

Applicant Request Overview

The applicant is requesting a rezoning of two acres from R-1 Residential to MXU Mixed Use Zone. The property is intended to become part of the larger Waterside development.

Site Description

The two-acre site is north of McCutcheon Road and abuts the west side of Gunbarrel Road. Residences are currently on the property and, although much of the residential structures have been cleared from the area, several homes still remain immediately adjacent to this site.

Applicable Plans/Policies

The Hamilton Place Community Plan was adopted by Chattanooga City Council in 2001. Since then, the plan has been used as one point of input into staff's recommendations on zoning case.

The plan summarizes "The Planning Challenge" for the area: "The plan for the Hamilton Place Community must address the friction that arises where these factors - the regional retail character of the area, and the established residential neighborhoods - come into conflict with each other. For example, roads that respond to the regional nature of the mall can be less than desirable addresses for residences, and residential areas adjacent to commercial tracts are not always appealing places to

live. This plan seeks to find a sustainable design solution that balances commercial needs with residential needs.”

To address this challenge, the plan addresses planning principles, of which two categories are highlighted below:

Land Use

- Commercial and neighborhood boundaries should be maintained as defined by the land use plan.
- Configure new development so that it is compatible with existing adjoining uses. Examples include placing smaller scale, less intense buildings next to existing neighborhoods.
- Placement of large-scale buildings next to neighborhoods should be avoided.

Transportation

- Promote and expand street network to provide better access to area destinations.
- Encourage multi-modal transportation system that supports pedestrians, cyclists, transit, and the automobile.
- Promote pedestrian-friendly street design including sidewalks and street trees.
- Establish neighborhood traffic calming programs.

The plan also targets the area north of Shallowford Road, east of I-75, and west of Gunbarrel Road with a specific plan recommendation:

Shallowford Road and Gunbarrel: "Triangle" Site

“The triangle site is one of the key “pressured” areas in the Hamilton Place area. This 75-acre site is accessed from Gunbarrel Road on the east and Shallowford Road on the south. The land use strategy here supports the overall intent of limiting commercial expansion by recommending a mixed-use pattern of development.

The Shallowford Road frontage should include civic and office uses. Limited supporting commercial uses are only appropriate in the context of a mixed-use planned development. The Gunbarrel Road frontage should include medium density residential uses such as townhomes. The Interstate 75 frontage should include medium and high density residential uses from townhomes to apartments.

Potential access should be planned as a series of blocks that provide multiple ways to get in and out of the site from both Shallowford Road and Gunbarrel Road. The Land Use Plan shows one potential way of organizing future development into blocks that accommodate office, townhome and apartment uses. Parks and open space should be designed as an integral part of the development providing needed public space.”

From the Hamilton Place Community Plan:

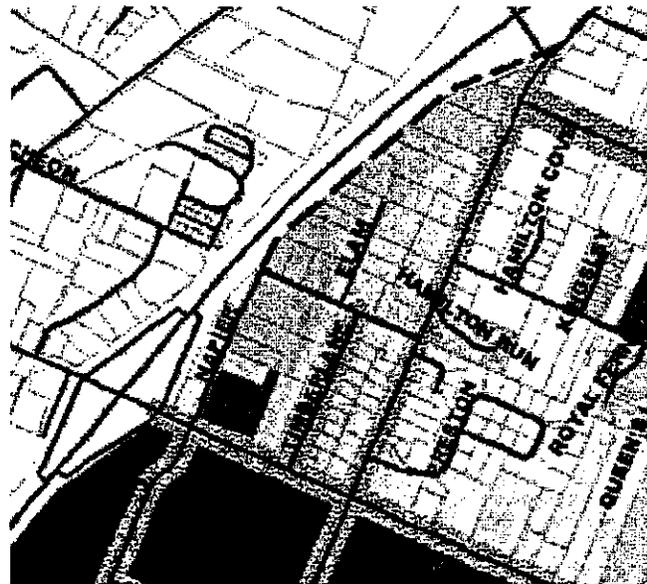
Defend the Neighborhoods

There is an overwhelming concern from area residents to protect their neighborhoods and clearly define where growth should occur. In the public phone survey 89% stated that the City should clearly define where future growth will occur, and 79% valued the protection of existing neighborhoods. The "pressured sites" are where this issue is most obvious and where solutions will occur first. The solution involves clearly defining an appropriate land use mix that can bridge the gap between the intensity of commercial uses and the surrounding single-family residential neighborhoods. These areas include among others the "triangle" site north of Shallowford Road, the area south of Shallowford Road just east of the YMCA, the Igo Gap/Gunbarrel area, and the Igo Gap/Clearview Drive area. In order to support and connect to existing neighborhoods, new development should also include parks and open spaces that are inter-connected by pedestrian-friendly sidewalks and greenways.

Strengthen the Commercial Core

As identified in the public phone survey, 76% of respondents believe that the prosperity of the commercial area is important to the larger community. A key challenge of this plan will be to find ways to support the future success of the commercial areas while minimizing their impact on the neighborhoods. The ability to accommodate infill development and a broader mixture of uses including retail, residential, and office will allow the commercial core to grow and adapt over time. One of the biggest challenges to this future commercial development is transportation access, which will eventually impact the quality of the area's shopping experience.

For the "triangle" site, the plan map depicts Office uses fronting on Shallowford Road with Medium and High-density Residential uses north along I-75 and Gunbarrel Road. The plan recommends maintaining the east side of Gunbarrel Road between Pinewood Road and Shallowford Road as Low to Medium-Density Residential.



- | | |
|--|---|
|  Commercial |  Medium-density residential |
|  Office |  Low to medium density residential |
|  Institutional/Civic |  Open space |
|  High-density residential |  Medium-density residential/Civic |

In 2005, Ordinance #11706 created MXU-OZ as an overlay zone within the R-4 Special Zone in order to extend the uses of the underlying R-4 zone. In 2006, Ordinance #11799 created the MXU as a separate zone and all existing MXU-OZ areas were converted to the MXU zone.

The Mixed Use Zone was intended to address two critical planning challenges of the plan- Defend the Neighborhoods and Strengthen the Commercial Core (see text box to the left). As previously discussed, this area was one of the pressured sites in the plan where the balance of commercial growth and protection of existing neighborhoods needed to be addressed. As the plan states, "The solution involves clearly defining an appropriate land use mix that can bridge the gap between the intensity of commercial uses and the surrounding single-family residential neighborhoods.

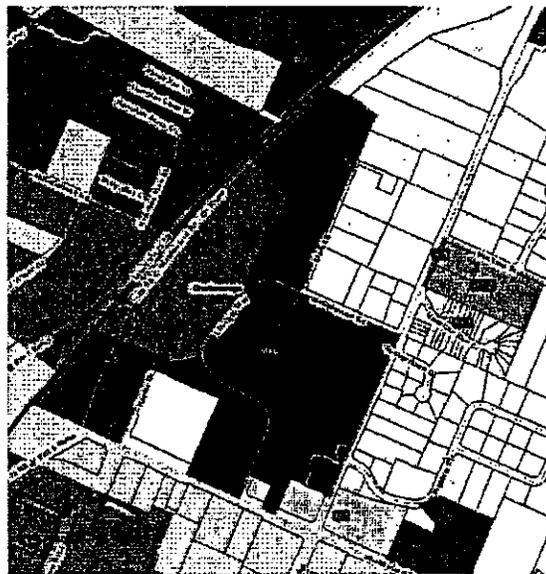
The Mixed Use Zone states that "The purpose of this zone is to allow

medium intensity mixed-use suburban development that is compact, diverse, walkable, and urban in character and form. It encourages a market-driven alternative to conventional suburban development for sites that are neither appropriate for retail-only or residential-only use. The Mixed Use Zone introduces a focus on the form of development rather than just the uses. This makes it possible to create special destinations with a "sense of place."

The MXU zone has a required residential component. Retail buildings are restricted to a building footprint of 25,000 square feet and retail land uses are limited to no more than 35% of the total land area. MXU zoned development must have 10% as civic spaces such as greenway, parks, playgrounds and walkways. A Development Plan depicting land uses, transportation, green spaces and other elements is required by the zone.

Through a series of at least nine MXU zoning cases (including three cases that modified or lifted conditions), the "triangle" site has transitioned away from the specific plan recommendation, while maintaining the essential principles of the plan.

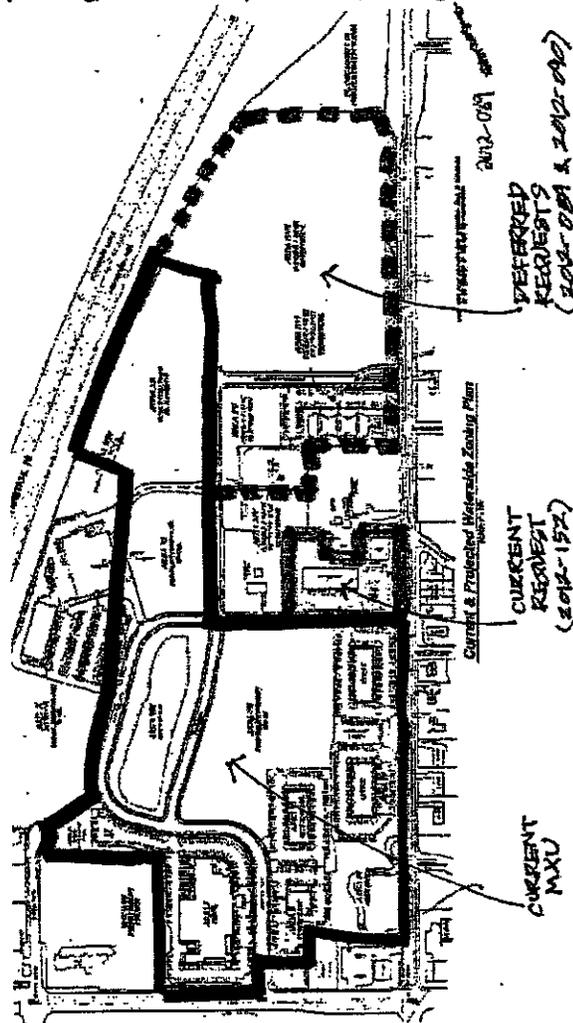
Currently, as seen on the following map, the area bordered by I-75, Shallowford Road and Gunbarrel Road is a combination of the C-5 Neighborhood Commercial Zone and the C-4 Planned Commerce Center zone along a portion of the I-75 frontage with much of the rest of the area either MXU Mixed Use Zone (shown in blue below) or R-1 Residential (light yellow).



Staff Recommendation

The staff recommendation for this case is particularly robust for a two-acre site. However, the request for rezoning from R-1 Residential to the MXU Mixed Use Zone at this location is a request to extend non-residential zoning northward from McCutcheon Road along Gunbarrel Road. The same applicant has two additional cases for rezoning north of McCutcheon Road that have been submitted with the RPA (although they have been requested for deferral by the applicant and have not been provided a staff recommendation).

Much of the property in the area bounded by I-75/Shallowford Road/Gunbarrel Road is under ownership of development partnership(s) and upcoming zoning cases reflect that much of the triangle area has been purchased for its development potential. Therefore, staff is viewing this case in conjunction with the other pending, but currently deferred, zoning cases in this area.



Essentially, the planning challenge stated in the plan-addressing "the friction that arises where these factors - the regional retail character of the area, and the established residential neighborhoods - come into conflict with each other"- still applies.

Staff's recommendation has two main components:

1) Continuation of defending the neighborhoods

As many of the properties in the triangle area have been purchased by developer(s) and the homes subsequently removed, staff is recommending a strategy of addressing any immediate impacts to the remaining residences in the triangle area and providing a substantial buffer along the length Gunbarrel Road to ensure a better transition of land uses. The plan recommendation of maintaining residential properties along the eastern side of Gunbarrel Road in this area is viable.

The recommended buffer is comprised of two factors:

- Green buffer: Staff is recommending a 50' wide green buffer to provide a transition and buffer from future development in the triangle site to the eastern side of Gunbarrel Road which the plan recommends remain residential. Staff intends to allow flexibility of design in order that the buffer becomes an integral element of the overall open space component of a potential MXU Development Plan or other development proposal. Staff is recommending that the buffer contain tree coverage of 60 caliper inches per acre installed with 50% of the trees being evergreen. Additionally, parking lots shall be screened along all the perimeter of any development along existing public streets with evergreen hedges. This parking lot screening may be part of the 50' buffer.
- Land use buffer: Development proposed near Gunbarrel Road and interior single-family residential sites should be as the plan states "Configure new development so that it is compatible with existing adjoining uses. Examples include placing smaller scale, less intense buildings next to existing neighborhoods." Additionally, "Placement of large-scale buildings next to neighborhoods should be avoided."

2) Appropriately address challenges to the transportation network

Traffic Engineer's comments:

The intersection of Gunbarrel Road at McCutcheon Road has

safety issues due to the substandard vertical curvature on Gunbarrel Road. Specifically, the sight distance is very limited for eastbound traffic on McCutcheon Road turning left onto Gunbarrel Road. While traffic accidents at the intersection have occurred in the past, the number of collisions has been light due to the relatively low traffic volumes on McCutcheon Road.

Knowing that any further redevelopment of properties on and near McCutcheon Road in the vicinity of Gunbarrel Road will have the potential to significantly increase traffic volumes on McCutcheon and, hence, the risk of accidents occurring at the intersection, we recommend that no additional commercial development be allowed in this area until Gunbarrel can be widened and the vertical alignment improved. If it is decided to rezone the area for commercial development, we strongly recommend that the rezoning be approved only with the condition that McCutcheon Road is closed at Gunbarrel until such time that Gunbarrel can be improved.

The two-acre site proposed for rezoning to MXU Mixed Use Zone cannot be supported by staff until safe access and the impact on the transportation infrastructure, particularly Gunbarrel Road, is addressed.

In its Fiscal Year 2013 budget, the City of Chattanooga has \$725,000 for design and right-of-way acquisition for a Gunbarrel Road widening project from Shallowford Road to Standifer Gap Road. The City's five-year plan has a total of \$4.5 million for this roadway project. The first proposed phase of widening is from Shallowford Road to Hamilton Run which is just north of McCutcheon Road. It is staff's recommendation that this project must be complete before additional non-residential rezoning of the triangle area should occur.

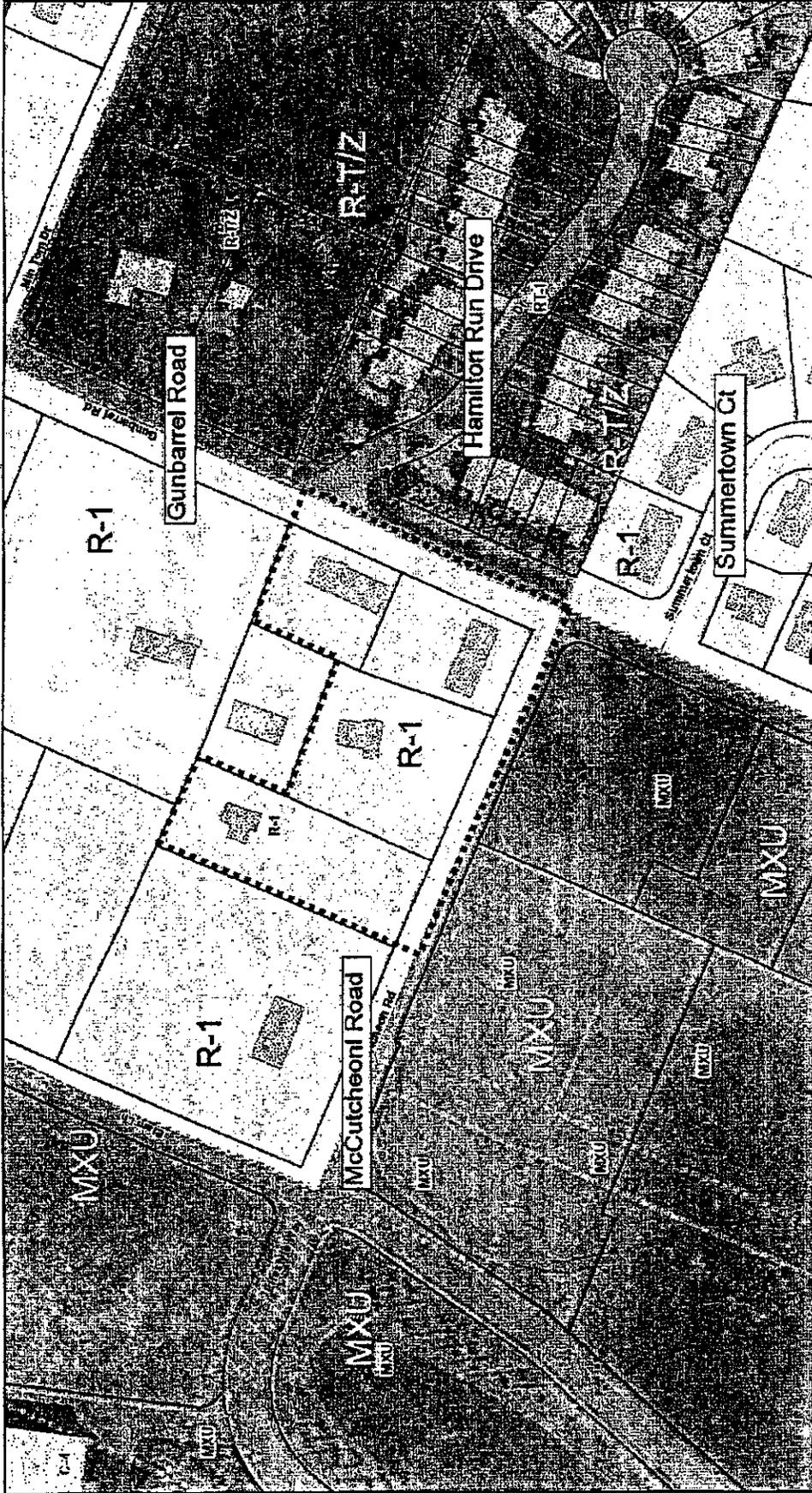
Summary

Staff is recommending deferral of action on the rezoning request to MXU because of the lack of safe traffic infrastructure particularly at the location of the intersection of McCutcheon Road and Gunbarrel Road. Additional development at this intersection would only compound the safety concerns there.

Due to the changes in the triangle area (bounded by I-75/Shallowford Road/Gunbarrel Road) and the multiple pending zoning requests by the same applicant, staff acknowledges that much of the remainder of the triangle site could transition from single-family residences to other uses. However, this is more reason to proactively address improvements to Gunbarrel Road prior to additional MXU or other rezoning in the area.

Staff recommends that the applicant combine his existing zoning cases

into one overall development proposal (regardless of the proposed zoning designation) and approach development in the triangle site holistically addressing the land use and green buffer recommendations.



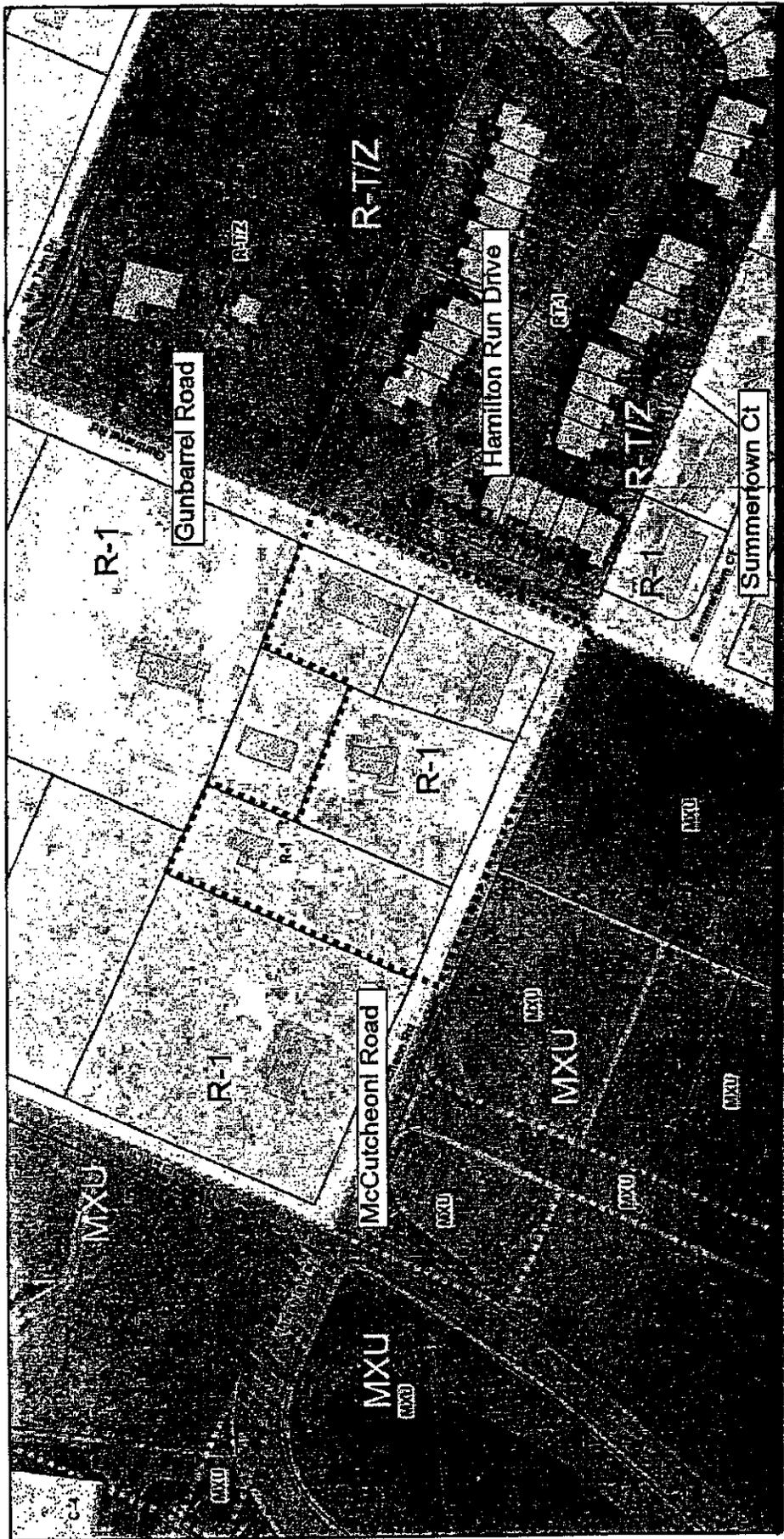
2012-0152 R-1 to MXU



150 ft



Chatanooga Hamilton County Regional Planning Agency



PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2012-152: Approve MXU Zone subject to conditions as stated in the Planning Commission Resolution.

2012-0152 R-1 to MXU



150 ft



Charlotte-Mecklenburg County Regional Planning Agency





MAP ENGINEERS LLC
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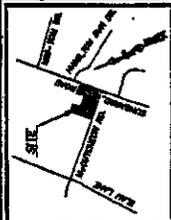
OFFICES AT MCCUTCHEON
 FOR
 NAPIER & ASSOCIATES
 7201 SHALLOWFORD ROAD, SUITE 200
 CHATTANOOGA, TN 37421

ZONING PLAN

REVISIONS

NO.	DATE	DESCRIPTION
1	10/17/12	REVISED PER CITY COMMENTS

DATE: 10/17/12
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: AS SHOWN
SHEET NUMBER: 2-1



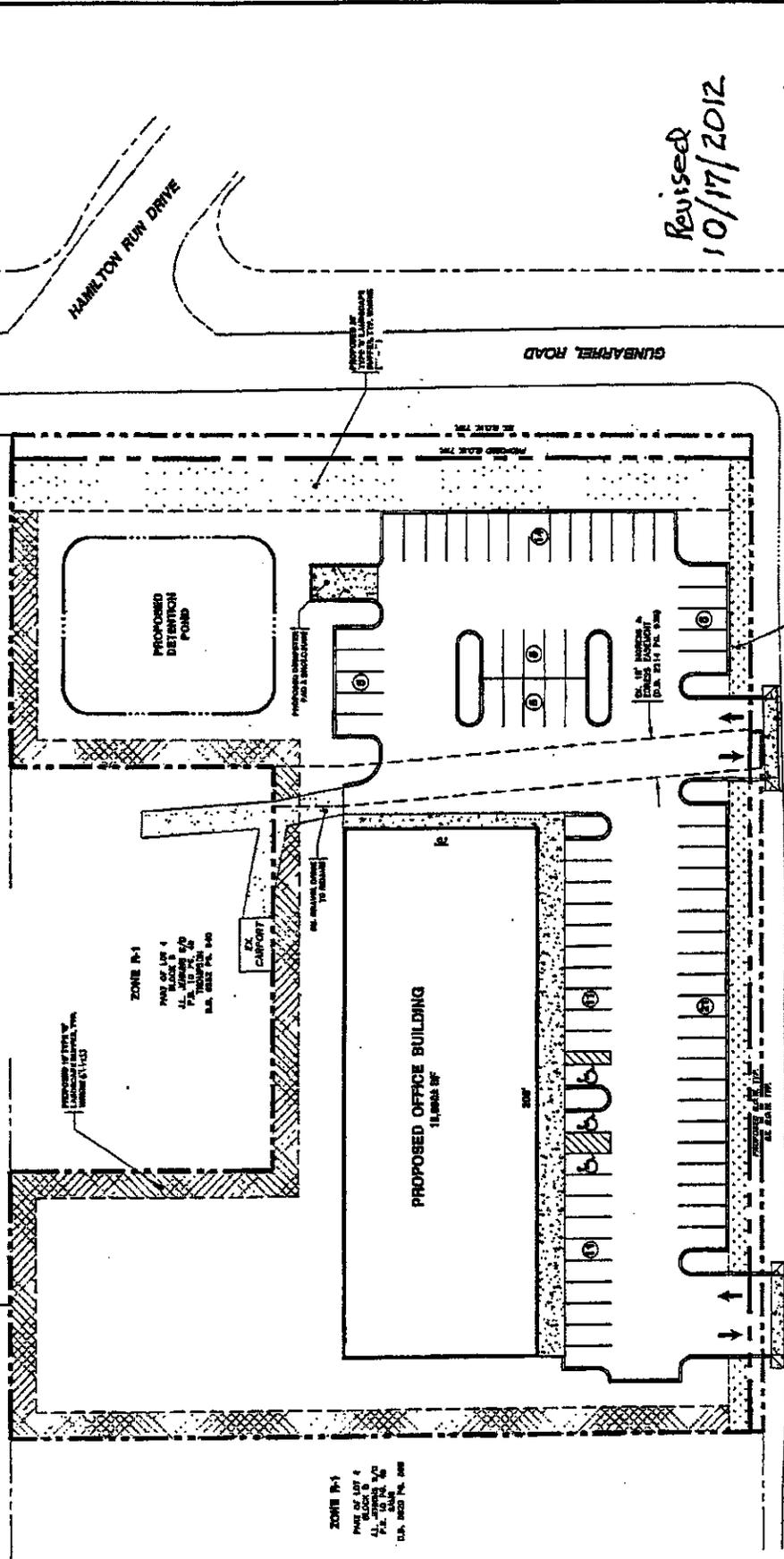
2012-152

SITE ANALYSIS

ADJACENT ZONING	RESIDENTIAL SINGLE-FAMILY (R-1)
ADJACENT LAND USE	RESIDENTIAL SINGLE-FAMILY
ADJACENT PROPERTY OWNER	[Name]
ADJACENT STREET FRONTAGE	100.00 FT.
ADJACENT STREET WIDTH	40.00 FT.
ADJACENT STREET CURB TO CURB	40.00 FT.
ADJACENT STREET RIGHT-OF-WAY	40.00 FT.
ADJACENT STREET CENTERLINE TO CENTERLINE	80.00 FT.
ADJACENT STREET RIGHT-OF-WAY TO RIGHT-OF-WAY	80.00 FT.
ADJACENT STREET CENTERLINE TO RIGHT-OF-WAY	40.00 FT.
ADJACENT STREET RIGHT-OF-WAY TO CENTERLINE	40.00 FT.
ADJACENT STREET CENTERLINE TO CENTERLINE	80.00 FT.
ADJACENT STREET RIGHT-OF-WAY TO RIGHT-OF-WAY	80.00 FT.
ADJACENT STREET CENTERLINE TO RIGHT-OF-WAY	40.00 FT.
ADJACENT STREET RIGHT-OF-WAY TO CENTERLINE	40.00 FT.

ZONE R-1
 PART OF LOT 1
 ALL RIGHTS RESERVED
 P.L. 10/17/12
 S.A. 1000 P.L. 200

ZONE R-1
 PART OF LOT 4
 ALL RIGHTS RESERVED
 P.L. 10/17/12
 S.A. 1000 P.L. 200



Revised
 10/17/2012

Zoning Plan
 SCALE: 1" = 20'

© 2012 MAP ENGINEERS LLC

NOTICE

WHEREAS, petitions to amend Ordinance No. 6958, known as the Zoning Ordinance, have 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:

2012-148 Young Properties, LLC. 3906 10th Avenue, from R-2 Residential Zone to M-1 Manufacturing Zone, subject to certain conditions.

2012-152 Napier & Associates, GP/Ken Defoor/Wayne Upchurch/John & Vivienne Reeser. 7329, 7331, and 7335 McCutcheon Road and 2405 Gunbarrel Road, from R-1 Residential Zone to MXU Zone, subject to certain conditions.

2012-153 J R Realty/James Vincent, Sr. 6400 block of Hixson Pike, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

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

2012-108 Yerbey Concrete Construction/Mark L. Settles. 4121, 4123, and 4215 Shallowford Road, from C-2 Convenience Commercial Zone to M-2 Light Industrial Zone, subject to certain conditions.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following Special Exceptions Permit be denied:

2012-149 Peter E. Johnson, Esquire/Energy Way Corporation. 110 Gardner Street, to allow a duplex.

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 11, 2012

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 _____, 2012.

Carol K. O'Neal, CMC
Clerk to the City Council