

2012-157
Scenic Land Company, LLC/
Jack and Carolyn Lonas and
Robert Brown
District No. 3
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED IN THE 100 BLOCK OF DODSON ROAD AND THE 6400 BLOCK OF HIGHWAY 153, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, R-4 SPECIAL ZONE, AND C-2 CONVENIENCE COMMERCIAL 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 properties located in the 100 block of Dodson Road and the 6400 block of Highway 153, more particularly described herein:

To be rezoned R-3: To find the point of beginning start at the northwest corner of Tax Map No. 091A-B-001 thence southwest some 100 feet along the west line of said parcel to a point being the true point of beginning; thence continuing southwest along said line some 1245 to a point, thence southeast some 967 feet to a point in the east line of said parcel, thence northeast some 1137 feet along said east line to a point, thence northwest some 955 feet to a point, thence southwest some 545 feet to a point being, the point of beginning being part of the property described in Deed Book 7168, Page 613, ROHC. Part of Tax Map No. 091A-B-001.

To be rezoned R-4: Beginning at the southwest corner of Tax Map No. 082P-B-017, thence southwest along the west line of 091A-B-001 some 139 feet to a point, thence some 49 feet east along said line to a point, thence southwest some 860 feet along said line to a

point, thence 55 feet northwest along said line to a point, thence some 145 feet southwest along said line to a point, thence east some 608 feet to a point, thence southeast some 931 feet to a point, thence southeast some 1127 to a point, thence northeast some 1021 feet to a point, thence northwest some 213 feet to a point, thence northeast some 205 feet to a point, thence northwest some 671 feet to a point, thence northeast some 504 feet to a point, thence northwest some 967 feet to a point, thence northwest some 625 feet to the point of beginning being part of the property described in Deed Book 7168, Page 613, ROHC. Part of Tax Map No. 091A-B-001.

To be rezoned C-2: Beginning at the southwest corner of 091H-C-002 thence southeast some 514 feet along the south line of said parcel to a point, thence southwest some 1018 feet to a point, thence southeast some 913 feet to a point, thence northeast some 2104 feet to a point, thence west some 1121 feet to a point, thence northwest some 931 feet to a point, thence west some 608 feet to a point, thence southeast some 741 feet to a point, thence east some 54 feet to a point, thence southeast some 776 feet to a point, thence west some 84 feet to a point, thence southeast some 371 feet to the point of beginning, being part of the properties described in Deed Book 3009, Page 364, Deed Book 3741, Page 697, Deed Book 4707, Page 771, Deed Book 7168, Page 613 and parts of Tracts 1 and 2 as describe in Deed Book 8289, Page 243, ROHC. Tax Map Nos. 091A-B-001, 001.01, 091H-C-002, 02.01, 003, 004, 091I-B-012, 013 and 018.

and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-3 Residential Zone, R-4 Special Zone, and C-2 Convenience Commercial Zone.

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

- 1) An undisturbed area between 30' to 50' shall be provided as indicated on the Master Site Plan. No grading, structures, or improvements shall be permitted within this undisturbed area, with the exception of minor disturbances for trail crossings to connect to adjacent properties,

- improved drainage easements, utility easements, and emergency access roads (as required by the Fire Marshal);
- 2) A 30' buffer zone along the eastern property line adjacent to the proposed multi-family and a 100' buffer zone along the northern, southern, and eastern property line shall be provided as indicated on the Master Site Plan. No grading, structure, or improvements are permitted within these buffer zones with the exception of stormwater management systems and pedestrian trails;
 - 3) Recreational Open Space shall be provided as indicated on the Master Site Plan. No grading, structures, or improvements shall occur within this Recreational Open Space area. The Recreational Open Space shall remain in its natural undisturbed state with the exception of minor disturbances for trails, stormwater management systems and emergency vehicle access roads (as required by the Fire Marshal). Minor disturbances shall not exceed 10% of the proposed recreational open space area;
 - 4) Sidewalks/pedestrian paths shall be incorporated throughout the development along all streets on both sides;
 - 5) No additional outparcels shall be permitted north of the main entrance/entry arrival zone;
 - 6) Lighting shall be shielded and directed down and away from adjoining residential areas. Lighting shall be of a type that minimizes glare and nuisance impacts on adjoining residential properties;
 - 7) Off-street parking shall be provided in compliance with current city code, unless documentation and approvals from Traffic Engineering Department permits reduced parking standards based on shared parking agreements;
 - 8) Where grading is proposed, no grading permit shall be issued until a grading plan (for the affected area) is submitted and approved by LDO staff that is consistent with the conditions established by this ordinance; and
 - 9) For the commercial sites, water quality management measures for all disturbed areas shall meet the standard of

the first 1.0 inches of water from every rainfall event preceded by 72 hours of no measurable precipitation with no discharge from the project site to surface waters.

B. Area 1 (R-3 Zone)

1. No ingress/egress from the development site to Boy Scout Road shall be permitted;
2. No ingress/egress from the development site to the Echo Glenn Subdivision shall be permitted, except for the possibility of providing emergency access in compliance with the Fire Marshal's requirements;
3. Buildings, streets and parking areas shall be located to follow the existing hillside contour lines to the greatest extent possible;
4. Within the areas where grading and development occurs (delineated by "development zone" on the attached site plan exhibits), replanting of trees shall be provided at a minimum rate of 60 caliper inches per acre. Parking areas shall be provided with a minimum of 1 tree per 5 spaces (these count towards the 60 caliper per acre total). Replantings shall consist of indigenous vegetation;
5. The number of dwelling units permitted within the R-3 Residential Zone shall be limited to a maximum of 280 dwelling units; and
6. The maximum height for any structure is 3 stories or 45 feet.

C. Area 2 (R-4 Zone)

1. The total square footage within the R-4 Special Zone shall be limited to a maximum of 250,000 square feet;
2. No single building footprint can exceed 40,000 square feet;
3. Buildings and structured parking shall be limited to a maximum of 4 stories or 60 feet; and

4. Buildings, streets and parking areas shall be located to follow the existing hillside contour lines to the greatest extent possible.
- D. Area 3 (C-2 Zone)
1. The total retail square footage shall be limited to a maximum of 500,000 square feet of total retail space;
 2. The maximum combined square footage of all permitted uses in excess of 50,000 square feet shall not be more than 250,000;
 3. Pedestrian Zone Area Conditions: Excluding the exception provided for in condition number 2 above, all building footprints shall not exceed 49,999 square feet. The street system shall reflect a grid design (as illustrated by the Chattanooga Village Master Plan). Buildings within or adjoining the pedestrian zone shall have their primary building entrances fronting at least one street within the pedestrian zone. Sidewalks within or adjoining the pedestrian zone shall have a minimum width of 10 feet, and constructed of a thickness and base material that is acceptable to the City Engineer's Office. All off-street parking shall be located to the side or rear of buildings that are within/adjoin the pedestrian zone. Parking lots shall reflect the design of a village character with street trees, bulb-out planted curb areas, pedestrian lighting, special signage and other details that make it a pedestrian friendly place;
 4. Tree planting in all parking lots shall be provided at a minimum rate of 1 tree for every 10 parking spaces with a maximum of 50 feet between trees;
 5. A complete storm water management system shall be installed for the parking lots and retail pedestrian retail area. This shall consist of a variety of systems for storm water management, retentions, and sediment control including bioswales, porous pavers, and surface and below grade storage and ground water recharge systems; and

6. Central gathering places such as the Event Green and Village Green shall be incorporated into the development at the same minimum size as indicated on the Master Site Plan.

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

_____, 2013.

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2013

/mms

MAYOR

2012-157
Scenic Land Company, LLC/
Jack and Carolyn Lonas and
Robert Brown
District No. 3
Alternate Version

ORDINANCE NO. _____

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To be rezoned R-4: Beginning at the southwest corner of Tax Map No. 082P-B-017, thence southwest along the west line of 091A-B-001 some 139 feet to a point, thence some 49 feet east along said line to a point, thence southwest some 860 feet along said line to a

point, thence 55 feet northwest along said line to a point, thence some 145 feet southwest along said line to a point, thence east some 608 feet to a point, thence southeast some 931 feet to a point, thence southeast some 1127 to a point, thence northeast some 1021 feet to a point, thence northwest some 213 feet to a point, thence northeast some 205 feet to a point, thence northwest some 671 feet to a point, thence northeast some 504 feet to a point, thence northwest some 967 feet to a point, thence northwest some 625 feet to the point of beginning being part of the property described in Deed Book 7168, Page 613, ROHC. Part of Tax Map No. 091A-B-001.

To be rezoned C-2: Beginning at the southwest corner of 091H-C-002 thence southeast some 514 feet along the south line of said parcel to a point, thence southwest some 1018 feet to a point, thence southeast some 913 feet to a point, thence northeast some 2104 feet to a point, thence west some 1121 feet to a point, thence northwest some 931 feet to a point, thence west some 608 feet to a point, thence southeast some 741 feet to a point, thence east some 54 feet to a point, thence southeast some 776 feet to a point, thence west some 84 feet to a point, thence southeast some 371 feet to the point of beginning, being part of the properties described in Deed Book 3009, Page 364, Deed Book 3741, Page 697, Deed Book 4707, Page 771, Deed Book 7168, Page 613 and parts of Tracts 1 and 2 as describe in Deed Book 8289, Page 243, ROHC. Tax Map Nos. 091A-B-001, 001.01, 091H-C-002, 02.01, 003, 004, 091I-B-012, 013 and 018.

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- 1) An undisturbed area between 30' to 50' shall be provided as indicated on the Master Site Plan. No grading, structures, or improvements shall be permitted within this undisturbed area, with the exception of minor disturbances for trail crossings to connect to adjacent properties,

- improved drainage easements, utility easements, and emergency access roads (as required by the Fire Marshal);
- 2) A 30' buffer zone along the eastern property line adjacent to the proposed multi-family and a 100' buffer zone along the northern, southern, and eastern property line shall be provided as indicated on the Master Site Plan. No grading, structure, or improvements are permitted within these buffer zones with the exception of stormwater management systems and pedestrian trails;
 - 3) Recreational Open Space shall be provided as indicated on the Master Site Plan. No grading, structures, or improvements shall occur within this Recreational Open Space area. The Recreational Open Space shall remain in its natural undisturbed state with the exception of minor disturbances for trails, stormwater management systems and emergency vehicle access roads (as required by the Fire Marshal). Minor disturbances shall not exceed 10% of the proposed recreational open space area;
 - 4) Sidewalks/pedestrian paths shall be incorporated throughout the development along all streets on both sides;
 - 5) No additional outparcels shall be permitted north of the main entrance/entry arrival zone;
 - 6) Lighting shall be shielded and directed down and away from adjoining residential areas. Lighting shall be of a type that minimizes glare and nuisance impacts on adjoining residential properties;
 - 7) Off-street parking shall be provided in compliance with current city code, unless documentation and approvals from Traffic Engineering Department permits reduced parking standards based on shared parking agreements;
 - 8) Where grading is proposed, no grading permit shall be issued until a grading plan (for the affected area) is submitted and approved by LDO staff that is consistent with the conditions established by this ordinance; and
 - 9) For the commercial sites, water quality management measures for all disturbed areas shall meet the standard of

the first 1.0 inches of water from every rainfall event preceded by 72 hours of no measurable precipitation with no discharge from the project site to surface waters.

B. Area 1 (R-3 Zone)

1. No ingress/egress from the development site to Boy Scout Road shall be permitted;
2. No ingress/egress from the development site to the Echo Glenn Subdivision shall be permitted, except for the possibility of providing emergency access in compliance with the Fire Marshal's requirements;
3. Buildings, streets and parking areas shall be located to follow the existing hillside contour lines to the greatest extent possible;
4. Within the areas where grading and development occurs (delineated by "development zone" on the attached site plan exhibits), replanting of trees shall be provided at a minimum rate of 60 caliper inches per acre. Parking areas shall be provided with a minimum of 1 tree per 5 spaces (these count towards the 60 caliper per acre total). Replantings shall consist of indigenous vegetation;
5. The number of dwelling units permitted within the R-3 Residential Zone shall be limited to a maximum of 280 dwelling units; and
6. The maximum height for any structure is 3 stories or 45 feet.

C. Area 2 (R-4 Zone)

1. The total square footage within the R-4 Special Zone shall be limited to a maximum of 250,000 square feet;
2. No single building footprint can exceed 40,000 square feet;
3. Buildings and structured parking shall be limited to a maximum of 4 stories or 60 feet; and

4. Buildings, streets and parking areas shall be located to follow the existing hillside contour lines to the greatest extent possible.
- D. Area 3 (C-2 Zone)
1. The total retail square footage shall be limited to a maximum of 500,000 square feet of total retail space;
 2. The maximum combined square footage of all permitted uses in excess of 50,000 square feet shall not be more than 250,000;
 3. Pedestrian Zone Area Conditions: Excluding the exception provided for in condition number 2 above, all building footprints shall not exceed 49,999 square feet. The street system shall reflect a grid design (as illustrated by the Chattanooga Village Master Plan). Buildings within or adjoining the pedestrian zone shall have their primary building entrances fronting at least one street within the pedestrian zone. Sidewalks within or adjoining the pedestrian zone shall have a minimum width of 10 feet, and constructed of a thickness and base material that is acceptable to the City Engineer's Office. All off-street parking shall be located to the side or rear of buildings that are within/adjoin the pedestrian zone. Parking lots shall reflect the design of a village character with street trees, bulb-out planted curb areas, pedestrian lighting, special signage and other details that make it a pedestrian friendly place;
 4. Tree planting in all parking lots shall be provided at a minimum rate of 1 tree for every 10 parking spaces with a maximum of 50 feet between trees;
 5. A complete storm water management system shall be installed for the parking lots and retail pedestrian retail area. This shall consist of a variety of systems for storm water management, retentions, and sediment control including bioswales, porous pavers, and surface and below grade storage and ground water recharge systems; and

6. Central gathering places such as the Event Green and Village Green shall be incorporated into the development at the same minimum size as indicated on the Master Site Plan.

7. Prior to issuance of the Certificate of Occupancy for any use included as proposed in Phase III, an additional left turn lane 300 linear feet in length at Boy Scout Road turning left onto Highway 153 South shall be funded by the land owners. At the option of the City of Chattanooga and in lieu of and prior to the implementation of the previous improvement option, the City may require the land owner to fund other improvements which may be determined to provide a greater benefit in the sole discretion of the City or up to 15% of the City's cost in reworking or modifying the existing intersection and approach of Highway 153 and Boy Scout Road. In any case the City shall solely be responsible for providing required right of ways to perform any improvement. Costs shall include design, engineering, permitting and construction costs. The land owner's cost in regard to these options shall be limited to a maximum of \$300,000.00.

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

_____, 2013.

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2013

MAYOR

/mms

2012-157
Scenic Land Company, LLC/
Jack and Carolyn Lonas and
Robert Brown
District No. 3
Applicant Version

ORDINANCE NO. _____

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To be rezoned R-3: To find the point of beginning start at the northwest corner of Tax Map No. 091A-B-001 thence southwest some 100 feet along the west line of said parcel to a point being the true point of beginning; thence continuing southwest along said line some 1245 to a point, thence southeast some 967 feet to a point in the east line of said parcel, thence northeast some 1137 feet along said east line to a point, thence northwest some 955 feet to a point, thence southwest some 545 feet to a point being, the point of beginning being part of the property described in Deed Book 7168, Page 613, ROHC. Part of Tax Map No. 091A-B-001.

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some 145 feet southwest along said line to a point, thence east some 608 feet to a point, thence southeast some 931 feet to a point, thence southeast some 1127 to a point, thence northeast some 1021 feet to a point, thence northwest some 213 feet to a point, thence northeast some 205 feet to a point, thence northwest some 671 feet to a point, thence northeast some 504 feet to a point, thence northwest some 967 feet to a point, thence northwest some 625 feet to the point of beginning being part of the property described in Deed Book 7168, Page 613, ROHC. Part of Tax Map No. 091A-B-001.

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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

_____, 2013.

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2013

/mms

MAYOR

2012-157 City of Chattanooga
December 10, 2012

RESOLUTION

WHEREAS, Scenic Land Company, LLC/Jack & Carolyn Lonas and Robert Brown 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-3 Residential Zone, R-4 Special Zone and C-2 Convenience Commercial Zone, properties located in the 100 block of Dodson Road and the 6400 block of Highway 153.

To be rezoned R-3: To find the point of beginning start at the northwest corner of Tax Map 091A-B-001 thence southwest some 100 feet along the west line of said parcel to a point being the true point of beginning; thence continuing southwest along said line some 1245 to a point, thence southeast some 967 feet to a point in the east line of said parcel, thence northeast some 1137 feet along said east line to a point, thence northwest some 955 feet to a point, thence southwest some 545 feet to a point being, the point of beginning being part of the property described in Deed Book 7168, Page 613, ROHC. Part of Tax Map 091A-B-001 as shown on the attached map.

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AND WHEREAS, the Planning Commission held a public hearing on this petition on December 10, 2012,

AND WHEREAS, the Planning Commission heard and considered all statements favoring or opposing 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 December 10, 2012, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to: 1) An undisturbed area between 30' to 50' shall be provided as indicated on the Master Site Plan. No grading, structures, or improvements shall be permitted within this undisturbed area, with the exception of minor disturbances for trail crossings to connect to adjacent properties, improved drainage easements, utility easements, and emergency access roads (as required by the Fire Marshal). 2) A 30' buffer zone along the eastern property line

adjacent to the proposed multi-family and a 100' buffer zone along the northern, southern, and eastern property line shall be provided as indicated on the Master Site Plan. No grading, structure, or improvements are permitted within these buffer zones with the exception of stormwater management systems and pedestrian trails. 3) Recreational Open Space shall be provided as indicated on the Master Site Plan. No grading, structures, or improvements shall occur within this Recreational Open Space area. The Recreational Open Space shall remain in its natural undisturbed state with the exception of minor disturbances for trails, stormwater management systems and emergency vehicle access roads (as required by the Fire Marshal). Minor disturbances shall not exceed 10% of the proposed recreational open space area. 4) Sidewalks/pedestrian paths shall be incorporated throughout the development along all streets on both sides. 5) No additional outparcels shall be permitted north of the main entrance/entry arrival zone. 6) Lighting shall be shielded and directed down and away from adjoining residential areas. Lighting shall be of a type that minimizes glare and nuisance impacts on adjoining residential properties. 7) Off-street parking shall be provided in compliance with current city code, unless documentation and approvals from Traffic Engineering Department permits reduced parking standards based on shared parking agreements. 8) Where grading is proposed, no grading permit shall be issued until a grading plan (for the affected area) is submitted and approved by LDO staff that is consistent with the conditions established by this ordinance. 9) For the commercial sites, water quality management measures for all disturbed areas shall meet the standard of the first 1.0 inches of water from every rainfall event preceded by 72 hours of no measurable precipitation with no discharge from the project site to surface waters.

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4. Within the areas where grading and development occurs (delineated by "development zone" on the attached site plan exhibits), replanting of trees shall be provided at a minimum rate of 60 caliper inches per acre. Parking areas shall be provided with a minimum of 1 tree per 5 spaces (these count towards the 60 caliper per acre total). Replantings shall consist of indigenous vegetation.
5. The number of dwelling units permitted within the R-3 Residential Zone shall be limited to a maximum of 280 dwelling units.
6. The maximum height for any structure is 3 stories or 45 feet.

C. Area 2 (R-4 Zone)

1. The total square footage within the R-4 Special Zone shall be limited to a maximum of 250,000 square feet.
2. No single building footprint can exceed 40,000 square feet.
3. Buildings and structured parking shall be limited to a maximum of 4 stories or 60 feet.
4. Buildings, streets and parking areas shall be located to follow the existing hillside contour lines to the greatest extent possible.

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6. Central gathering places such as the Event Green and Village Green shall be incorporated into the development at the same minimum size as indicated on the Master Site Plan.

Sincerely,

John Bridger ^{WMB}

John Bridger
Secretary

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|-----------------------------|---|--|
| Case Number: | 2012-157 | |
| Applicant Request: | R-3 Residential Zone, R-4 Special Zone, & C-2 Convenience Commercial Zone | |
| Applicant: | Scenic Land Company, LLC | |
| Property Address: | Properties in the 100 blk of Dodson Rd & 6300blk of Hwy 153 | |
| Jurisdiction: | Chattanooga District 3/Hamilton County District 3 | |
| Neighborhood: | Hixson Neighborhood | |
| Proposed Development | | |
| Site Plan Submitted: | Yes | |
| Proposed Use: | R-3 shall consist of Class "A" Apartments; R-4 shall consist of Corporate Offices; C-2 shall consist of Convenient & Destination Retail | |
| Site Characteristics | | |
| Current Zoning: | R-1 Residential Zone | Planning Commission Recommendation: Approve, subject to certain conditions as stated in the resolution. |
| Current Use: | Residential | |
| Adjacent Uses: | Residential & Commercial | |
| Size of Tract: | 189.5 Acres | |

STAFF RECOMMENDATION: DEFER 30 DAYS

| | |
|---|---|
| Analysis | |
| Extension of Existing Zoning? | Yes |
| Community Land Use Plan: | Hixson-North River Community Plan (2005) |
| Proposed Use Supported by Community Land Use Plan? | No-Depends on major transportation improvements |
| Proposed Use Supported by Comprehensive Plan? | Yes |

Staff Comments

EXECUTIVE SUMMARY

This rezoning request is for a large site on the eastern side of Highway 153 near its intersection with US 27. The applicant is requesting rezoning to an R-3 Residential Zone, a C-2 Convenience Commercial Zone and an R-4 Special Zone. A rezoning request at this location had previously been submitted in October 2011 and was withdrawn at City Council. This new rezoning request reflects a revised zoning request and site plan.

The request is for a large-scale mixed-use development containing a retail shopping center, a corporate office complex and a multi-family residential component. The proposed development is a total of 190 acres with approximately 74 acres of retail, 74 acres of office and 42 acres for a proposed multi-family development. The multi-family development consists of 280 units with a density of 6.7 units per acre. The site plan indicates two access points. One will be from Highway 153 and the other from Stoneridge Drive. The conceptual plan also indicates proposed buffers ranging from 30 to 100 feet where the property borders residential properties

Given the scale of the proposal, careful review is warranted to consider impacts to the site, adjacent properties and the surrounding community.

I. SITE DESCRIPTION

The site is located in the Hixson area within the City of Chattanooga. It fronts Highway 153, a major highway/commercial corridor, and is currently zoned R-1 Residential. R-1 Residential zoning permits development of a single-family subdivision as well as a school and/or church campus, or even a golf course. Any of those permitted uses could proceed without any additional public process. The site could be cleared, graded, and prepared in any manner necessary for those current permitted uses while still being required to meet state and local regulations. There are five small parcels in the southwest corner of the site already zoned C-2 Convenience Commercial. Three of those commercial parcels, totaling 6.7 acres, are within the request area. Two of the commercial parcels, totaling 1.8 acres, are adjacent to these for a combined total of 8.5 acres of existing C-2 property. All of the commercial parcels currently have direct access to Highway 153.

The site is bordered on all sides by single-family residential zoning and neighborhoods. Echo Glen subdivision is to the north, Stoneridge to the south, Long Branch, Northern Lights, and Sunset Point subdivisions are to the east, and Pine Marr on the west side of Highway 153. Approximately 40 single-family lots directly share the property line with the proposed development site. There are approximately 57 acres of commercial zoning across Highway 153 to the southwest with two commercial buildings and their parking areas (Kohl's and Academy Sports) using about 6 of those 57 acres. There is also approximately 30 acres of C-2 commercial zoning north of the site between Boy Scout Road and U.S. 27.

There are several commercial shopping centers located along Highway 153, although in terms of acreage the existing shopping centers are not to the same scale as the proposed development. It is important to note the size of this proposed project as compared to other existing commercial shopping centers to provide a better understanding of the proposed scale of this project:

- 2011-Proposed Chattanooga Village: 190 acres (74 acres retail, 74 acres office, 42 acres apartments)
- 2007-The Fountains/Academy Sport/Kohl's: 60 acres
- 2000-Oak Park Town Center/Walmart: 50 acres
- 2004-Towne Center North/Target: 30 acres
- 1990-Old Walmart, Lowes, Home Depot, Kmart: 66 acres
- 1974-Northgate Mall: 70 acres
- 1987- Hamilton Place Mall: 190 acres

Environmental Features

This property is a hilly, predominately wooded site that drains into the North Chickamauga Creek watershed. As this site is large and highly visible from Highway 153, it contributes to the scenic character of the Hixson area.

II. PROPOSAL REVIEW BASED ON ADOPTED POLICIES

A. Comprehensive Plan 2030 (2006)

Adopted in 2006, the underlying theme of the Comprehensive Plan is based on the idea that different types of communities require different approaches to development. Rather than providing a traditional land use map, the Comprehensive Plan utilizes a Development Plan that identifies eight types of development sectors: Preserve, Reserve, Rural Growth, Transitional Growth, Outer Suburban Growth, Inner Suburban Infill, Urban Infill, and Urban Core Infill.

This project is located in the Outer Suburban Growth Sector. The Outer Suburban Growth Sector encourages both infill and outward growth, with more specific recommendations by development type. For business uses, the Comprehensive Plan recommends that new mixed and multi-use development sites should be located at the intersection of significant thoroughfares and existing activity centers reused or revitalized as town centers. The Suburban Growth Sector considers several types of commercial activity centers ranging from Neighborhood, Community and Regional Activity Centers. The retail element, based on the pedestrian orientation and limited number of big box stores indicated on the revised site plan is more conducive to a Lifestyle Center as described in the Comprehensive Plan. "Lifestyle centers generally utilize an open air configuration and are typically anchored by upscale national chain specialty stores. Lifestyle centers serve as a destination point for leisure time, including eating establishments, entertainment, and design ambience and amenities such as fountains and street furniture that are conducive to casual browsing." However, due to the combined activity of the retail, corporate office and multi-family programming that is proposed for the site, the site overall should be classified as a Regional Activity Center.

Regional Activity Centers are defined as large-scale, high intensity, diverse mixture of land uses typically 100 or more acres in size. Due to the overall size of Regional activity centers, regional orientation, and traffic generating characteristics, regional activity centers should have a high level of accessibility to and within the center, including public transportation. Regional activity centers should be located with easy accessibility from interstate/freeway interchanges. The Plan also recommends that Regional activity centers be served by a high level of public transit.

In addressing the environment, the Outer Suburban Growth Sector recommends that the alteration of natural conditions should respect areas adjacent to the Preserve and Reserve sectors. North Chickamauga Creek, in close proximity to this proposed development site is classified in the Development Plan as being located in the Preserve Development Sector. The Comprehensive Plan also lists several goals/policies which are highlighted below:

- Goal: Protect, conserve, and wisely manage the natural resources of Hamilton County.
- Policy: Encourage responsible development that maintains the quality and integrity of existing natural resources.
- Policy: Conserve forested land.

- Goal: Retain the scenic beauty and diverse wildlife of Hamilton County.
- Policy: Encourage development that is sensitive to steep slopes and additional protective measures where needed.

Staff evaluation of proposal relative to Comprehensive Plan guidance:

The proposal provides a mix of uses as envisioned by the Comprehensive Plan, and the pedestrian orientation of the retail component combined with more extensive buffering/landscaping promotes compatibility with adjoining neighborhoods. The configuration of the buildings to minimize grading along the primary ridge combined with the proposed recreational open space provides opportunities to conserve the site's natural features. However, it will be important to define appropriate conditions to ensure that these features are protected. Regarding access, the site has one primary access point on Highway 153 and a secondary access point on Stone Ridge Drive. As stated in the previous report, the site is not currently served by transit.

B. Hixson-North River Community Land Use Plan (2004)

Originally adopted in 2002 and updated in 2004, the Hixson-North River Community Land Use Plan is driven by the following vision statement adopted by the community: "To create a place that promotes community accessibility and a high quality of life for all residents through planned growth that maintains a visually-attractive and cohesive built environment, convenient public facilities, strong businesses, and protection of the natural environment."

One of the key plan recommendations is to Promote Planned Growth: "Maintain a policy of directing commercial development within the planned nodes and requiring all new development within those nodes to address infrastructure impacts and to meet the site design principles outlined by this plan."

The following list of Hixson Plan goals for Commercial Development and Natural Environment derived from community input at public meetings:

| Commercial Development Goals | |
|--|---|
| <ul style="list-style-type: none">• <i>Improve the appearance and control impacts of commercial development.</i>• <i>Incorporate community amenities into commercial development</i>• <i>Concentrate or cluster commercial development as opposed to strip development.</i>• <i>Re-use vacant commercial buildings.</i> | <ul style="list-style-type: none">• <i>Renovate and revitalize existing commercial areas.</i>• <i>Increase opportunity for more high-quality jobs and business growth in the area.</i>• <i>Increase the variety and quality of places to shop and to eat.</i> |

| Natural Environment Goals | |
|---|---|
| <ul style="list-style-type: none"> • <i>Protect Steep Slopes</i> • <i>Protect the floodplain & woodlands along streams, particularly N. Chickamauga Creek</i> • <i>Protect the Cave Springs recharge area</i> • <i>Improve storm water control and management</i> • <i>Keep community clean and free from trash</i> • <i>Clean up the North Chickamauga Creek bed</i> | <ul style="list-style-type: none"> • <i>Promote the asset value and usability of our natural areas</i> • <i>Maintain consistent atmosphere that communicates natural beauty through better landscaping</i> • <i>Add more green space and reduce paving/asphalt</i> |

The Plan also specifically addresses the site under review as a Focus Area. The appropriate build-out of the site envisioned by the plan is contingent on the improvements to the Dayton Boulevard/Highway 153 interchange. The Plan states: "If no intersection improvements are made to Dayton Boulevard/Highway 153 interchange, this site is most appropriate for High-Density Residential Development. The Heavy Business Land Use category is only appropriate if major intersection/interchange improvements are undertaken." It should be noted that the current proposal does not incorporate access on to Boy Scout Road.

Staff Evaluation of Proposal Relative to Hixson-North River Community Plan Guidance:

Commercial Development Goals – Proposal Assessment

The development proposal which features community greens, landscaping of the parking lots including trees and bioswales, and perimeter buffering is supportive of the plan goals (improve the appearance and control impacts of commercial development, incorporate community amenities into commercial development). The site design promotes planned development of the entire site with controlled access as opposed to individual strip centers with multiple access points, facilitating the plan goals of concentrating/clustering commercial development. The retail component of the site could increase the variety and quality of places to shop/eat, and the corporate office component could offer opportunities for more jobs. It should be noted that since the original vacant property survey was completed by staff, a number of existing shopping centers are redeveloping such as the former Target shopping center behind Northgate mall and the former Bi-Lo shopping center on Highway 153. However, the staff has no market data or study that would indicate the probability of these outcomes, or of the impact (positive or negative) of this new development on existing retail/commercial centers in the Hixson area.

Natural Environment Goals – Proposal Assessment

The proposed site plan with the alignment of buildings along the slope to minimize grading and the recreational open space along the primary ridges is consistent with the Hixson Plan objectives for the

Natural Environment (protect steep slopes, promote the asset value and usability of our natural areas):
The applicant indicated in his proposal a commitment to retain the first 1 inch of rainfall within a 72 hour period within the commercial zone and the use of bio-swales in the parking lot areas of the site. Finally, the proposed village greens and natural open spaces would provide added park space. These amenities, appropriately defined by zoning conditions, will enhance the site's existing natural features.

C. Transportation Assessment

The applicant has submitted a revised traffic study report that indicates the build-out of the site between 2015 and 2018 and recommended transportation improvements to accommodate the proposed staging of development. However, staff has not received any feedback from TDOT on the proposed improvements. Since the road is a state route, all improvements would require approval from TDOT. The Congestion Management Process (CMP) of the Transportation Planning Organization's (TPO) regional 2035 Long Range Transportation Plan, documents that Highway 153, Dayton Boulevard/Boy Scout Road, and Highway 27 are heavily traveled corridors. Both U.S. 27 and Highway 153 are projected to reach or exceed capacity in the next three years and there are no scheduled or planned roadway improvements between now and 2025 to increase their capacity. In addition, the City Traffic Engineer and staff would like to follow-up with the applicant, TDOT, and the traffic consultant to review improvements to Boy Scout Road and other potential access options.

CITY OF CHATTANOOGA STORMWATER DEPARTMENT

The Chattanooga Stormwater Department has reviewed the Grading Plan for the proposed development. They state that the applicant must "follow all Federal, State, and Local laws that regulate erosion and sediment control and stormwater management" during the permit and construction phases of the project. They also commented that "the Tennessee Department of Environment and Conservation General Construction Permit covers sites that disturb less than 50 acres at any one time. Larger projects must be phased so that no more than 50 acres are disturbed at any one time in order to be covered by the general permit OR they must file for an individual permit that require a public hearing and typically requires water samples during construction. As indicated in the proposed conditions below, the staff is recommending a 1.6 inch water quality management standard given the site's close proximity to North Chickamauga Creek.

TENNESSEE DEPARTMENT OF CONSERVATION (TDEC)

This site is impacted by several environmental factors features such as steep slopes and storm water issues is in close proximity to North Chickamauga Creek. The site currently contains significant existing vegetation that not only provides protection and preservation of natural environment issues but scenic views as well. A commercial development of this scale would require significant clearing and removal of existing vegetation and significant changes to existing topography.

When the site was reviewed in Winter 2011/2012, RPA staff asked the Tennessee Department of Environment and Conservation (TDEC) to evaluate the site. TDEC replied and stated that they evaluated the pond/channel in 2006, and went back on November 23 of 2011 to re-evaluate and see if conditions

were the same. TDEC stated that the pond does not have a stream or spring flowing into it, nor does it have a channel flowing out of it. Therefore, TDEC said this pond is not considered to be Waters of the State. The channel that is shown as a blue line on the quad map was determined to be a wet weather conveyance, so they are automatically allowed to alter the channel under our TDEC's General Permit for the Alteration of Wet Weather Conveyances without submitting an application to TDEC, if they can meet all of the permit conditions. There was no water in the channel when TDEC looked at, even though it had rained a couple of days prior. According to TDEC, the owner/developer will be required to obtain coverage under the Tennessee NPDES Storm Water Construction Permit for the land disturbance activities associated with development.

STAFF RECOMMENDATION

After careful review of the proposal, the revised site plan, adopted planning policies, the revised Traffic Impact Study (Phased Development November 2012) performed by the applicant and consultation with state and local professionals, RPA staff is recommending deferral of the request pending feedback from TDOT on the revised traffic study. The conditions outlined below represent the staff recommendations for managing the land use elements of the site. Once formal feedback from TDOT is received and the Traffic Engineer and staff had an opportunity to discuss the revised traffic study with the applicant, staff will be prepared to make formal recommendations regarding the appropriate transportation improvements to accommodate this request.

A. Overall Conditions

1. An undisturbed area between 30' to 50' shall be provided as indicated on the Master Site Plan. No grading, structures, or improvements shall be permitted within this undisturbed area, with the exception of minor disturbances for trail crossings to connect to adjacent properties, improved drainage easements, utility easements, and emergency access roads (as required by the Fire Marshal).
2. A 30' buffer zone along the eastern property line adjacent to the proposed multi-family and a 100' buffer zone along the northern, southern, and eastern property line shall be provided as indicated on the Master Site Plan. No grading, structure, or improvements are permitted within these buffer zones with the exception of stormwater management systems and pedestrian trails.
3. Recreational Open Space shall be provided as indicated on the Master Site Plan. No grading, structures, or improvements shall occur within this Recreational Open Space area. The Recreational Open Space shall remain in its natural undisturbed state with the exception of minor disturbances for trails, stormwater management systems and emergency vehicle access roads (as required by the Fire Marshal). Minor disturbances shall not exceed 10% of the proposed recreational open space area.
4. Sidewalks/pedestrian paths shall be incorporated throughout the development along all streets on both sides.

5. No additional outparcels shall be permitted north of the main entrance/entry arrival zone.
6. Lighting shall be shielded and directed down and away from adjoining residential areas. Lighting shall be of a type that minimizes glare and nuisance impacts on adjoining residential properties.
7. Off-street parking shall be provided in compliance with current city code, unless documentation and approvals from Traffic Engineering Department permits reduced parking standards based on shared parking agreements.
8. Where grading is proposed, no grading permit shall be issued until a grading plan (for the affected area) is submitted and approved by LDO staff that is consistent with the conditions established by this ordinance.
9. For the entire site, water quality management measures for all disturbed areas shall meet the standard of the first 1.6 inches of water from every rainfall event preceded by 72 hours of no measurable precipitation with no discharge from the project site to surface waters.

B. Area 1 (R-3 Zone)

1. No ingress/egress from the development site to Boy Scout Road shall be permitted.
2. No ingress/egress from the development site to the Echo Glenn Subdivision shall be permitted, except for the possibility of providing emergency access in compliance with the Fire Marshal's requirements.
3. Buildings, streets and parking areas shall be located to follow the existing hillside contour lines to the greatest extent possible.
4. Within the areas where grading and development occurs (delineated by "development zone" on the attached site plan exhibits), replanting of trees shall be provided at a minimum rate of 60 caliper inches per acre. Parking areas shall be provided with a minimum of 1 tree per 5 spaces (these count towards the 60 caliper per acre total). Replantings shall consist of indigenous vegetation.
5. The number of dwelling units permitted within the R-3 Residential Zone shall be limited to a maximum of 280 dwelling units.
6. The maximum height for any structure is 3 stories or 45 feet.

C. Area 2 (R-4 Zone)

1. The total square footage within the R-4 Special Zone shall be limited to a maximum of 250,000 square feet.
2. No single building footprint can exceed 30,000 square feet.
3. Buildings and structured parking shall be limited to a maximum of 4 stories or 60 feet.

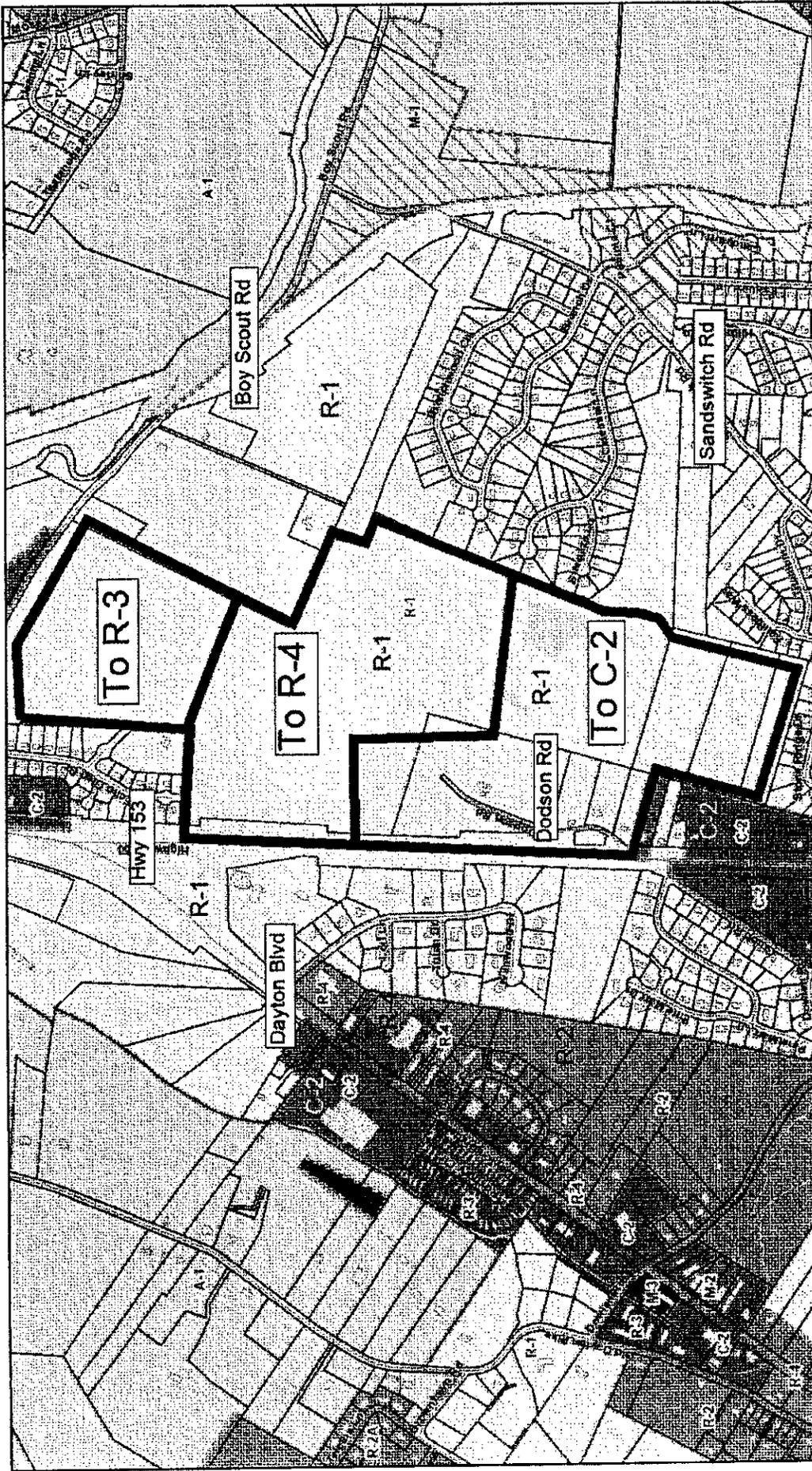
4. Buildings, streets and parking areas shall be located to follow the existing hillside contour lines to the greatest extent possible.

D. Area 3 (C-2 Zone)

1. The total retail square footage shall be limited to a maximum of 500,000 square feet of total retail space.
2. Area 3 shall be limited to 2 anchor stores, with each anchor store having a range from 65,000 square feet to 90,000 square feet.
3. Pedestrian Zone Area Conditions: Excluding the exception provided for in condition number 2 above, all building footprints shall not exceed 45,000 square feet. The street system shall reflect a grid design (as illustrated by the Chattanooga Village Master Plan). Buildings within or adjoining the pedestrian zone shall have their primary building entrances fronting at least one street within the pedestrian zone. Sidewalks within or adjoining the pedestrian zone shall have a minimum width of 10 feet, and constructed of a thickness and base material that is acceptable to the City Engineer's Office. All off-street parking shall be located to the side or rear of buildings that are within/adjoin the pedestrian zone. Parking lots shall reflect the design of a village character with street trees, bulb-out planted curb areas, pedestrian lighting, special signage and other details that make it a pedestrian friendly place.
4. Tree planting in all parking lots shall be provided at a minimum rate of 1 tree for every 10 parking spaces with a maximum of 50 feet between trees.
5. A minimum 10 feet wide bio-swale strip shall be provided along the centerline of all parking bays within parking lots.
6. Central gathering places such as the Event Green and Village Green shall be incorporated into the development at the same minimum size as indicated on the Master Site Plan.

Closing Remarks

The revised site plan and rezoning proposal, with appropriate conditions and transportation improvements could be in keeping with the Hixson community plan's vision and objectives. Given the site's prominent location and size, it will play a critical role in the next 20-30 years of the Hixson community. The recommended land use/site design conditions by the staff helps to establish a framework to promote development form that also complements the site's natural features, while managing potential water quality impacts. The key remaining piece to this project is the transportation improvements. The final staff recommendation for this project hinges on addressing this important element of the project. Over the next 30 days, staff will review the proposed traffic study improvements with TDOT, and the City Traffic engineer to determine the appropriate improvements that should be provided in concert with the proposed development phasing.



2012-0157 Rezoning from R-1 to R-3, R-4 and C-2

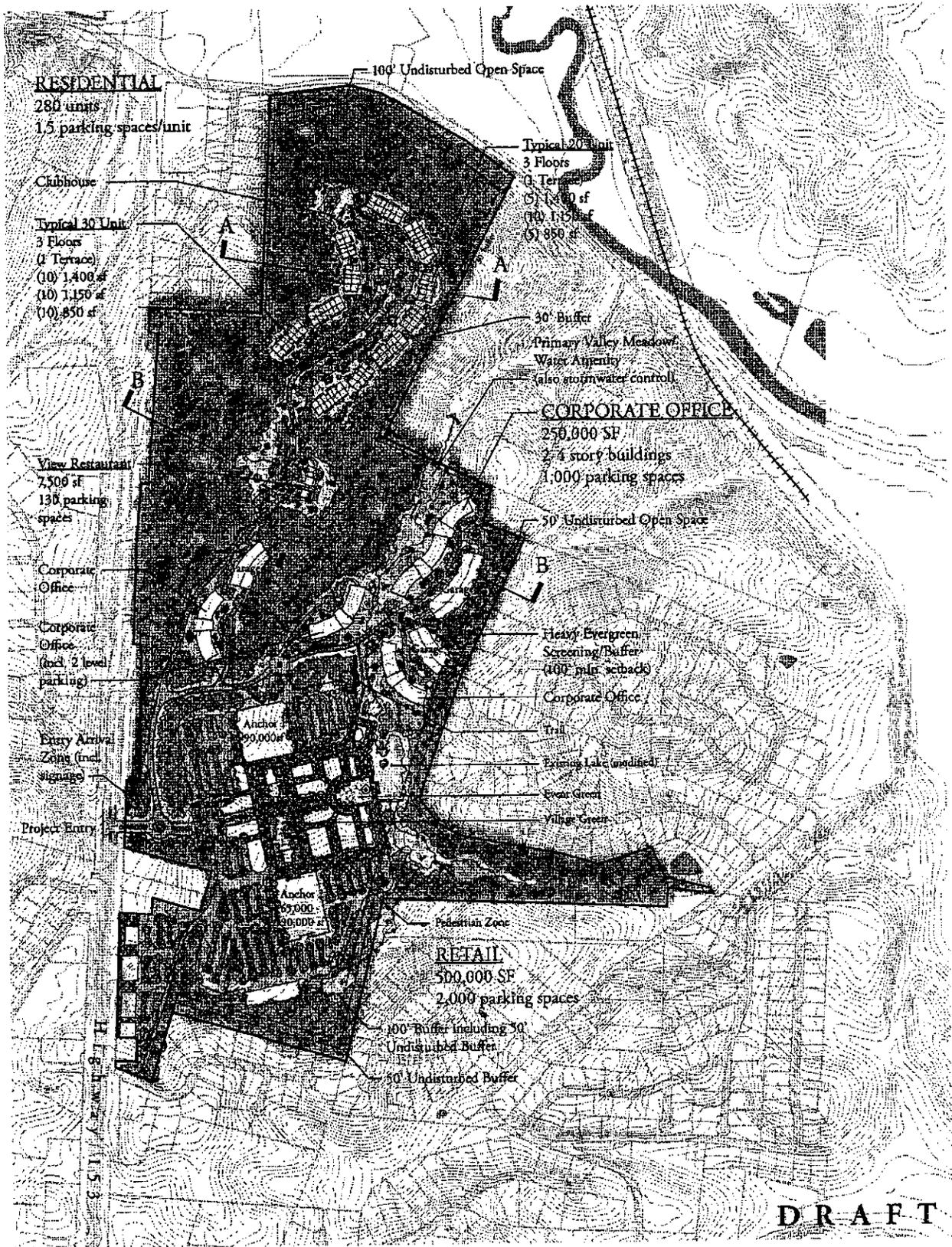


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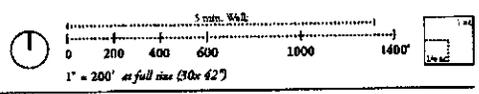


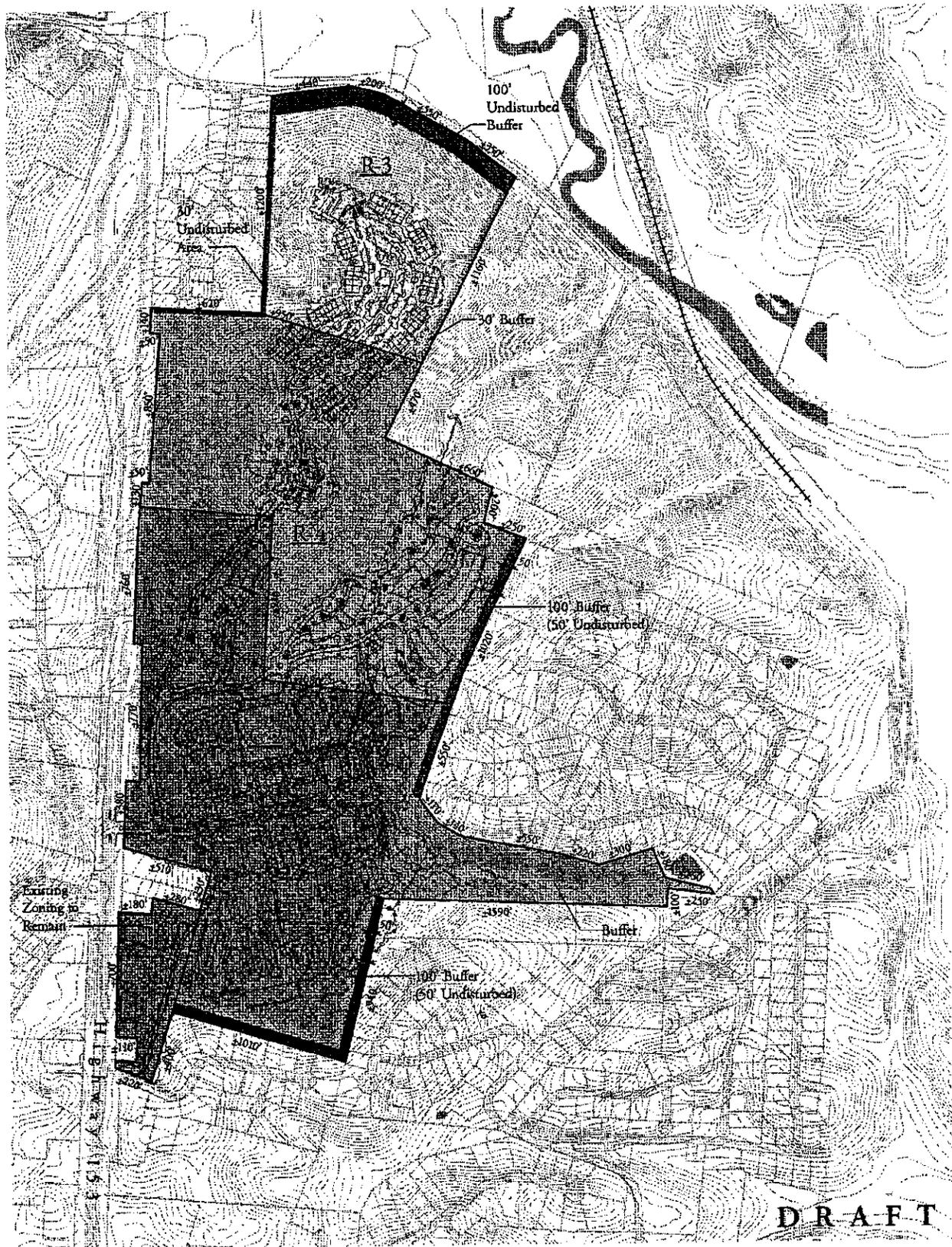
Chattanooga Hamilton County Regional Planning Agency



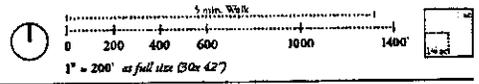


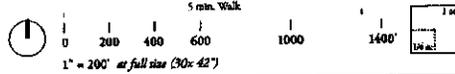
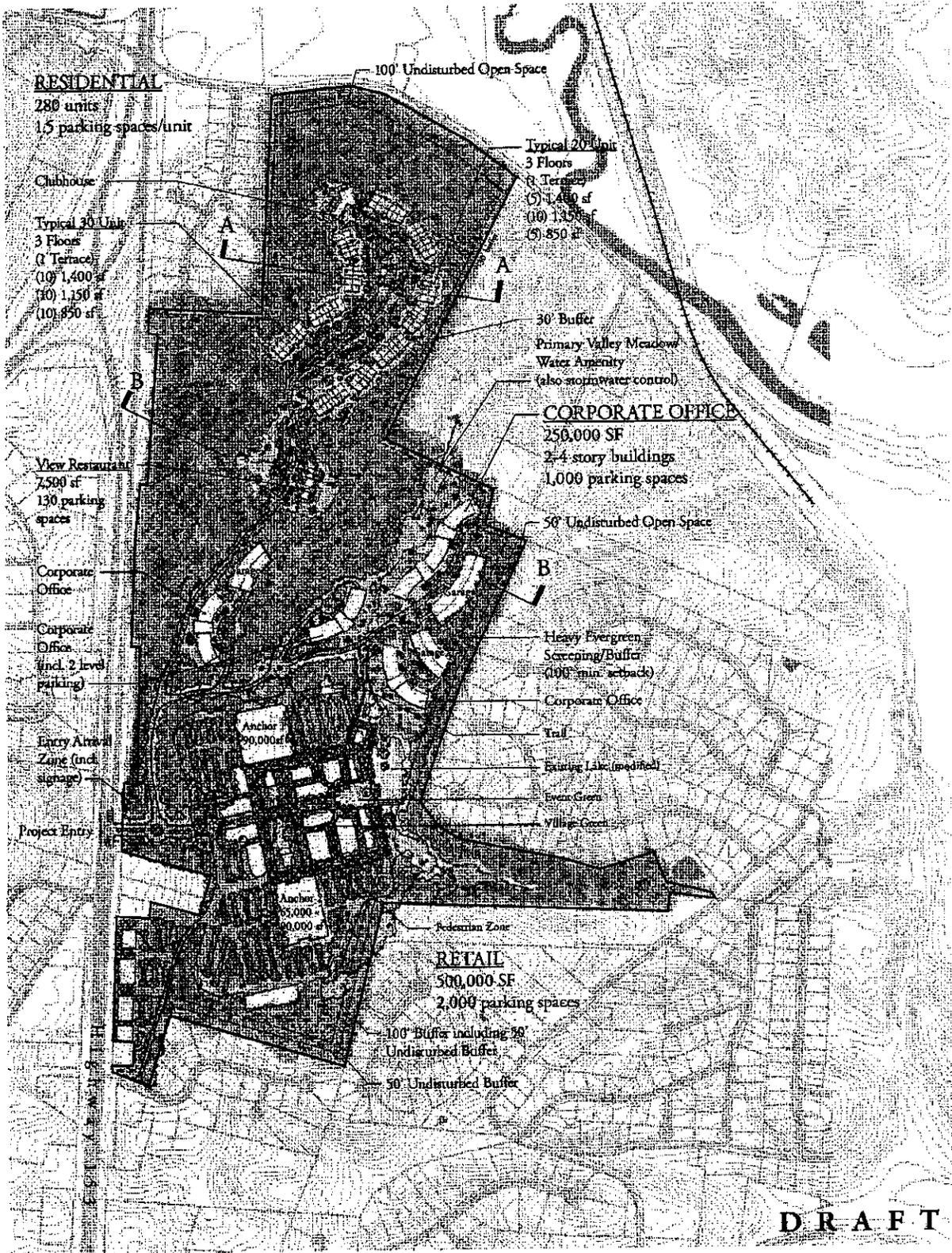
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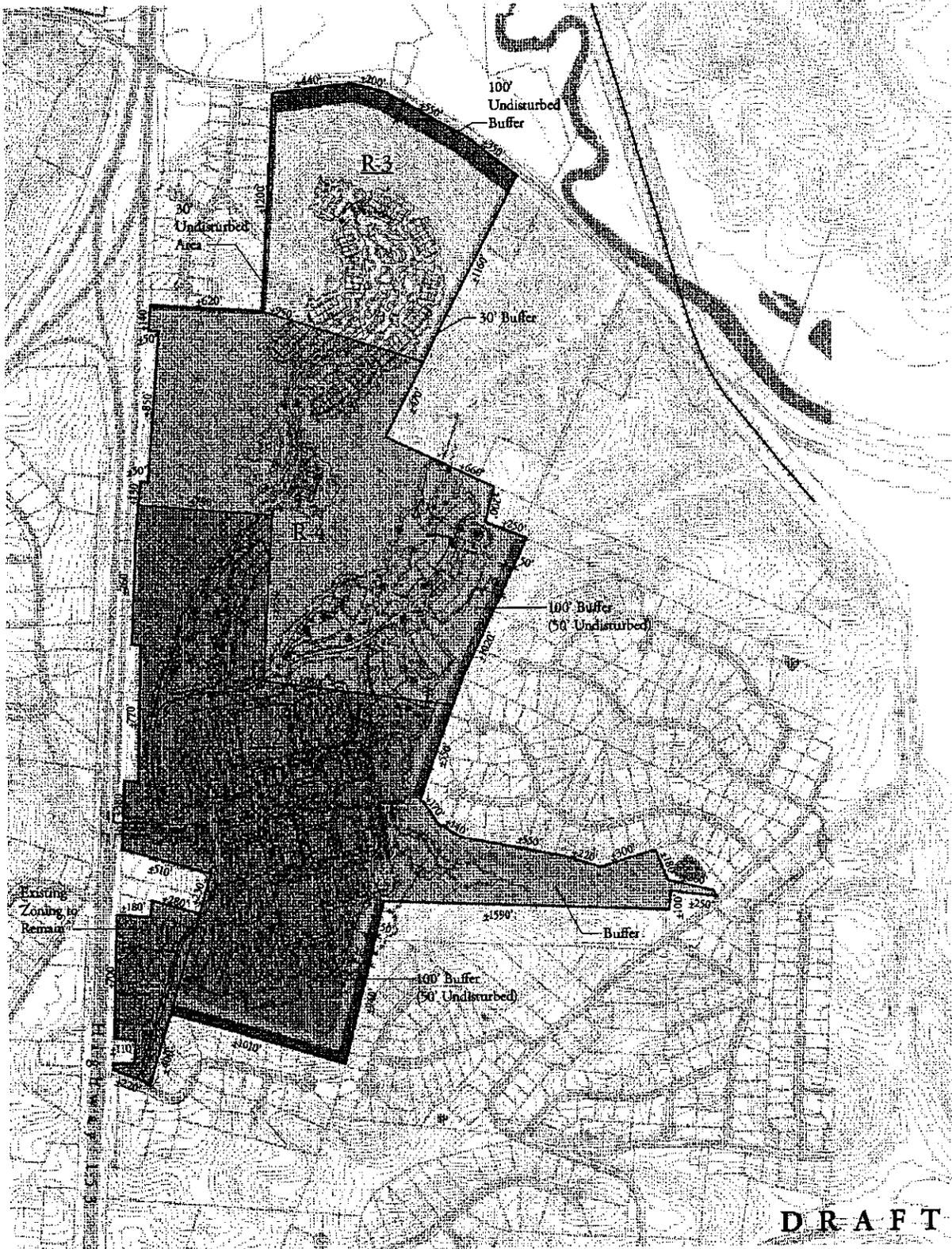




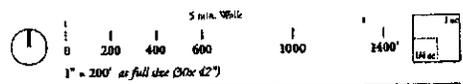
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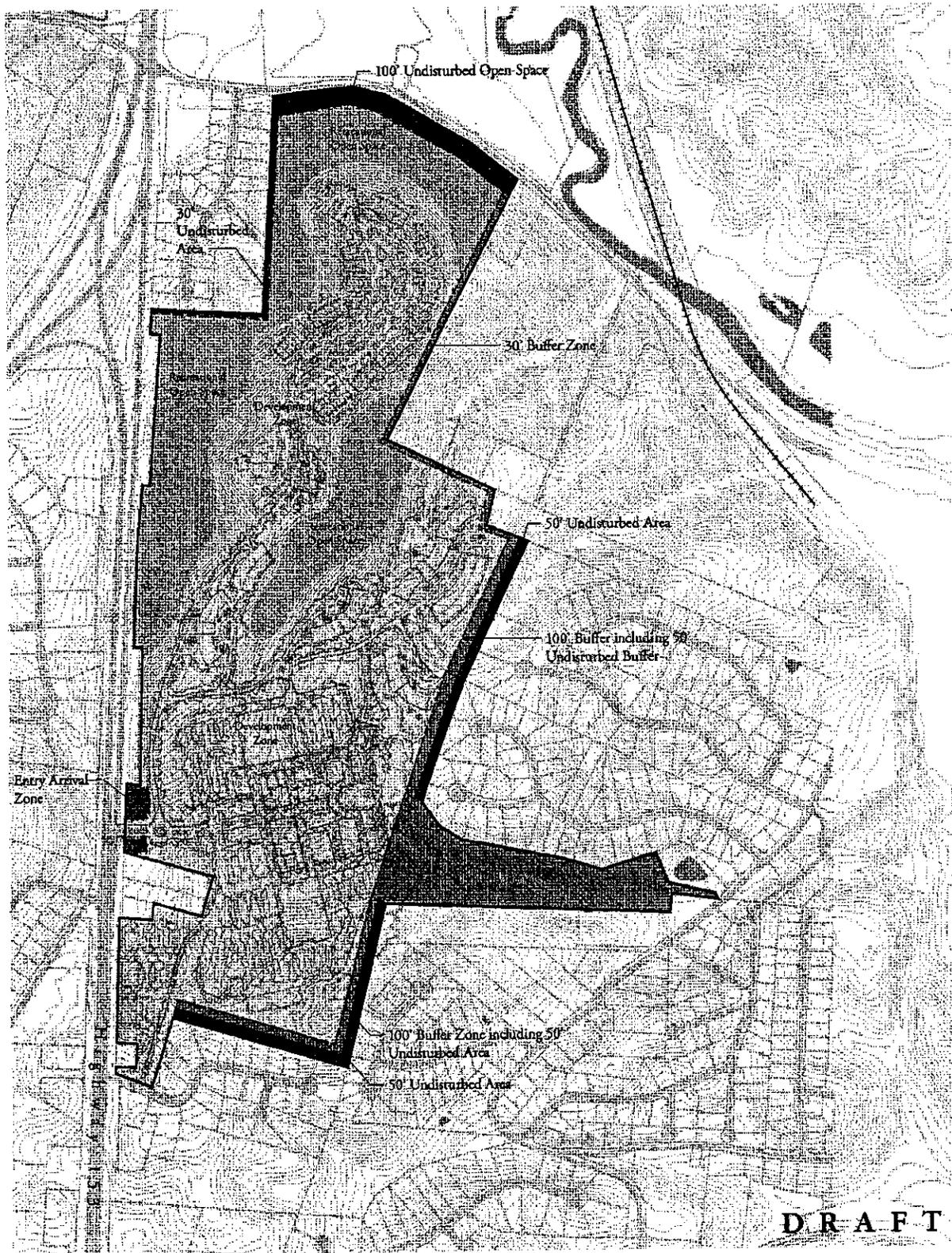




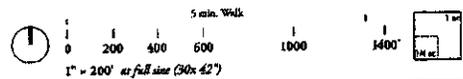


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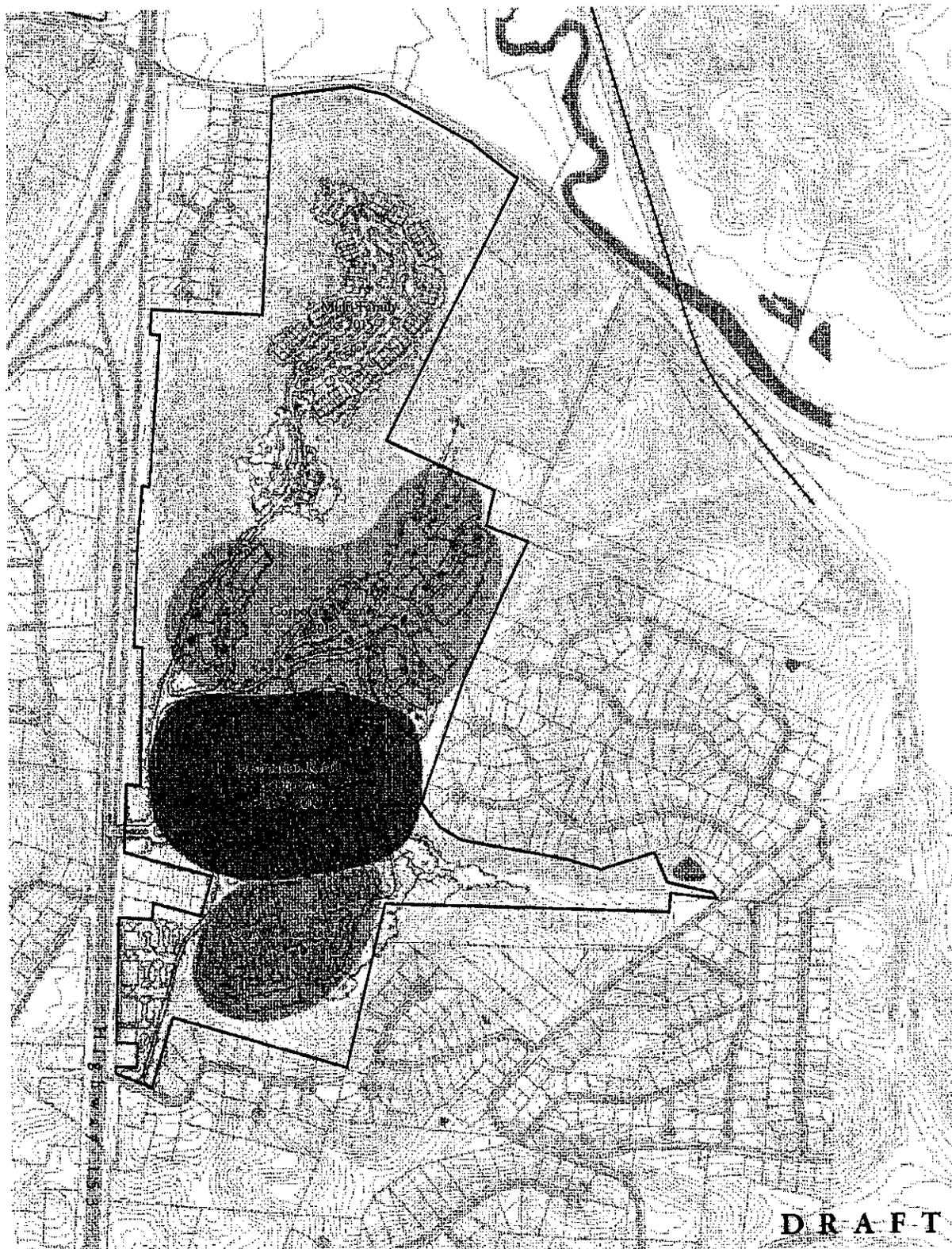


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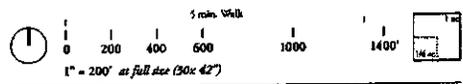
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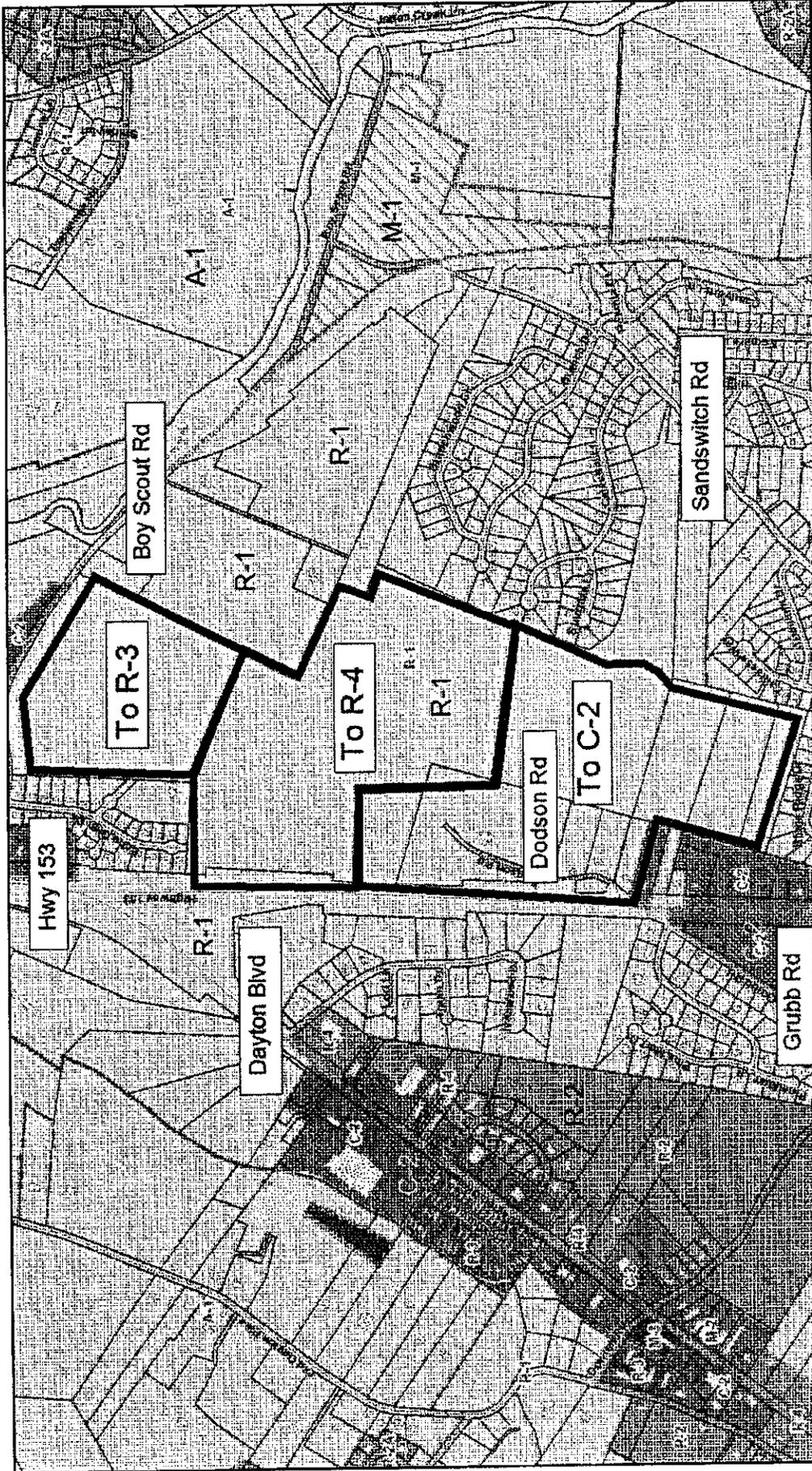
CHATTANOOGA VILLAGE
Hixson, TN

Preliminary Open Space Plan
November 29, 2012



DRAFT





2012-157 Rezoning from R-1 to R-3, R-4 and C-2

Planning Commission Recommendation:

Approve, subject to the conditions in the Planning Commission Recommendation

Chattanooga Hamilton County Regional Planning Agency



960 ft



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:

2012-156 City of Chattanooga/Regional Planning Agency. 9300 block of Lee Highway, from M-1 Manufacturing Zone (Temporary Zone) to Urban General Commercial (Permanent Zone).

2012-157 Scenic Land Company, LLC/Jack and Carolyn Lonas and Robert Brown. 100 block of Dodson Road and the 6400 block of Highway 153, from R-1 Residential Zone to R-3 Residential Zone, R-4 Special Zone, and C-2 Convenience Commercial Zone, subject to certain conditions.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following amendment be made to the Chattanooga City Code, Part II, Chapter 38, known as the Chattanooga Zoning Ordinance by:

(a) Amending Section 38-84, Height, Area and Building Regulations.

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,

January 8, 2013

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 _____, 2013.

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