

2/12/13

2013-008
Napier Associates/
Defoor Brothers
District No. 4
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO AMEND CONDITIONS OF CASE NO. 2012-014 TO CHANGE MXU BOUNDARY AND PLAN ON PROPERTIES LOCATED IN THE 2300 AND 2400 BLOCKS OF GUNBARREL ROAD, BEING MORE PARTICULARLY DESCRIBED HEREIN, 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, so as to amend conditions on properties located in the 2300 and 2400 blocks of Gunbarrel Road, being more particularly described herein.

Lot 4, Block B, J. L. Jenkins Subdivision, Plat Book 10, Page 49, Lots 24 thru 27, Timberland Subdivision, Plat Book 20, Page 73, Lots A and B Resubdivision of Lot 3, Block B, J. L. Jenkins Subdivision, Plat Book 24, Page 12, Lot 30, Revised Plat Timberland Subdivision, Plat Book 82, Page 59, Lot 3, Revised Plat Waterside Subdivision, Plat Book 87, Page 181, Lot A, Revised Plat Waterside Subdivision Life Style Center, Plat Book 89, Page 28, Lots 2 and 7, Revised Plat Waterside Subdivision Life Style Center Lots 2 and 7, Plat Book 89, Page 76, and Lot 9, Final Plat Waterside Subdivision Life Style Center Lot 9, Plat Book 94, Page 170, Lot 10, Final Plat Waterside Subdivision Life Style Center Lot 10, Plat Book 95, Page 108, and all that part currently zoned MXU of Lot 5, Final Plat Waterside Subdivision, Lots 5 and 11, Plat Book 96, Page 85, ROHC, being part of the property described in Deed Book 8042, Page 436, and the properties described in Deed Book 9110, Page 967, Deed Book 9433, Page 409, Deed Book 9433, Page 818, Tract 2, Deed Book 9512, Page 519, Deed Book 9538, Page 369, Deed Book 9583, Page 994, Deed Book 9633, Page 366, Deed Book 9693, Page 198, the

portion currently zoned MXU in Deed Book 9761, Page 926 and Deed Book 9803, Page 51, ROHC. Tax Map Nos. 149A-B-011 thru 014, 149H-A-019.02 (part), 019.03 and 019.06, 149H-G-002, 002.01, 011, 012, and 013 thru 018.

SECTION 2. BE IT FURTHER ORDAINED to amend the conditions of Case No. 2012-

014 to change MXU Boundary and Plan subject to the following conditions:

- 1) Any transportation improvements as approved by the City Traffic Engineer;
- 2) Twelve (12) feet of right-of-way along Gunbarrel Road necessary for future widening;
- 3) No more than one ingress/egress drive onto Gunbarrel Road provided that two entrances may be permitted after Gunbarrel Road is widened;
- 4) Appropriate Drainage Impact Study to be provided by the developer to City Engineering Department;
- 5) A sidewalk to be constructed along Gunbarrel Road with trees planted appropriately and street lamps per the drawings presented to City Council;
- 6) A landscaping plan shall be required for the Gunbarrel Road frontage;
- 7) Type C landscape tree buffer as relates to tree separation and buffer width, except where road and/or pedestrian connectivity occurs, with up to 25% of the trees being deciduous, shall be planted along the western property line of the lots fronting Gunbarrel Road in Area IV of the site plan;
- 8) Parcel 149H-G-018, the southernmost lot that fronts Gunbarrel Road, shall be dedicated to open/green space only;
- 9) No temporary or permanent Certificate of Occupancy (CO) being issued for Area VIII until Phase 1 road improvements on Gunbarrel Road are completed to include McCutcheon and Gunbarrel Road intersection; and
- 10) 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

MAYOR

/mms

2013-008
Napier Associates/
Defoor Brothers
District No. 4
Applicant Version

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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, so as to amend conditions on properties located in the 2300 and 2400 blocks of Gunbarrel Road, being more particularly described herein.

Lot 4, Block B, J. L. Jenkins Subdivision, Plat Book 10, Page 49, Lots 24 thru 27, Timberland Subdivision, Plat Book 20, Page 73, Lots A and B Resubdivision of Lot 3, Block B, J. L. Jenkins Subdivision, Plat Book 24, Page 12, Lot 30, Revised Plat Timberland Subdivision, Plat Book 82, Page 59, Lot 3, Revised Plat Waterside Subdivision, Plat Book 87, Page 181, Lot A, Revised Plat Waterside Subdivision Life Style Center, Plat Book 89, Page 28, Lots 2 and 7, Revised Plat Waterside Subdivision Life Style Center Lots 2 and 7, Plat Book 89, Page 76, and Lot 9, Final Plat Waterside Subdivision Life Style Center Lot 9, Plat Book 94, Page 170, Lot 10, Final Plat Waterside Subdivision Life Style Center Lot 10, Plat Book 95, Page 108, and all that part currently zoned MXU of Lot 5, Final Plat Waterside Subdivision, Lots 5 and 11, Plat Book 96, Page 85, ROHC, being part of the property described in Deed Book 8042, Page 436, and the properties described in Deed Book 9110, Page 967, Deed Book 9433, Page 409, Deed Book 9433, Page 818, Tract 2, Deed Book 9512, Page 519, Deed Book 9538, Page 369, Deed Book 9583, Page 994, Deed Book 9633, Page 366, Deed Book 9693, Page 198, the portion currently zoned MXU in Deed Book 9761, Page 926 and

Deed Book 9803, Page 51, ROHC. Tax Map Nos. 149A-B-011
thru 014, 149H-A-019.02 (part), 019.03 and 019.06, 149H-G-002,
002.01, 011, 012, and 013 thru 018.

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

MAYOR

/mms

RESOLUTION

WHEREAS, Napier Associates/Defoor Brothers petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga amend conditions of Case No. 2012-014 to change MXU Boundary & Plan on properties located in the 2300 and 2400 blocks of Gunbarrel Road.

Lot 4, Block B, J. L. Jenkins Subdivision, Plat Book 10, Page 49, Lots 24 thru 27, Timberland Subdivision, Plat Book 20, Page 73, Lots A and B Resubdivision of Lot 3, Block B, J. L. Jenkins Subdivision, Plat Book 24, Page 12, Lot 30, Revised Plat Timberland Subdivision, Plat Book 82, Page 59, Lot 3, Revised Plat Waterside Subdivision, Plat Book 87, Page 181, Lot A, Revised Plat Waterside Subdivision Life Style Center, Plat Book 89, Page 28, Lots 2 and 7, Revised Plat Waterside Subdivision Life Style Center Lots 2 and 7, Plat Book 89, Page 76, and Lot 9, Final Plat Waterside Subdivision Life Style Center Lot 9, Plat Book 94, Page 170, Lot 10, Final Plat Waterside Subdivision Life Style Center Lot 10, Plat Book 95, Page 108, and all that part currently zoned MXU of Lot 5, Final Plat Waterside Subdivision, Lots 5 and 11, Plat Book 96, Page 85, ROHC, being part of the property described in Deed Book 8042, Page 436, and the properties described in Deed Book 9110, Page 967, Deed Book 9433, Page 409, Deed Book 9433, Page 818, Tract 2, Deed Book 9512, Page 519, Deed Book 9538, Page 369, Deed Book 9583, Page 994, Deed Book 9633, Page 366, Deed Book 9693, Page 198, the portion currently zoned MXU in Deed Book 9761, Page 926 and Deed Book 9803, Page 51, ROHC. Tax Map 149A-B-011 thru 014, 149H-A-019.02 (part), 019.03 and 019.06, 149H-G-002, 002.01, 011, 012, and 013 thru 018 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on January 14, 2013,

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

AND WHEREAS, there was opposition present to the petition,

AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on January 14, 2013, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to: 1) Any transportation improvements as approved by the City Traffic Engineer; 2) Twelve (12) feet of right-of-way along Gunbarrel Road necessary for future widening; 3) No more than one ingress/egress drive onto Gunbarrel Road provided that two entrances may be permitted after Gunbarrel Road is widened; 4) Appropriate Drainage Impact Study to be provided by the developer to City Engineering Department; 5) A sidewalk to be constructed along Gunbarrel Road with trees planted appropriately and street lamps per the drawings presented to City Council; 6) A landscaping plan shall be required for the Gunbarrel Road frontage; 7) Type C landscape tree buffer as relates to tree separation and buffer width, except where road and/or pedestrian connectivity occurs, with up to 25% of the trees being deciduous, shall be planted along the western property line of the lots fronting Gunbarrel Road in Area IV of the site plan; 8) Parcel 149H-G-018, the southernmost lot that fronts Gunbarrel Road, shall be dedicated to open/green space only; 9) No temporary or permanent Certificate of Occupancy (CO) being issued for Area VIII until Phase 1 road improvements on Gunbarrel Road are completed to include McCutcheon and Gunbarrel Road intersection; and 10) A 20' (Type A) buffer frontage on Gunbarrel Road.

Respectfully submitted,

John Bridger
Secretary

Special Request Form

Chattanooga-Hamilton County



Regional Planning Agency

1250 Market Street
Suite 2000
Development Resource Center
Chattanooga, Tennessee
37402
Phone: 423-668-2287
Fax: 423-668-2289
www.chcrpa.org

Office Use Only

Case Number: 2012-014

Date Submitted: 12/10/2012

Planning District: B

Group/District: C

City/District:

Jurisdiction: Chattanooga

Neighborhood: 019H-B-002-C

Site Address:

Proposed Date:

Legal Action/Dates:

Special Exceptions Permit for Planned Unit Development (P.U.D.) Residential Institutional

Acreage: _____ Density: _____ Preliminary Final Both

P.U.D. Name: _____

Other Special Permits Mandatory Referral Conditions of a Previous Action

Special Exceptions Acquisition Surplus Lift Amend

Conditional Other Resolution/Ordinance No. 12583

Use: _____ Previous Case No. 2012-014

Address: Properties in the 2300 & 2400 Block of Gunbarrel Road	Tax Map No. 149A-B-011 thru 014**	Current Zone: MXU & R-1
Current Use: Mixed Use	Adjacent Uses: Mixed Use and Residential	
Proposed Development or Use: Change the MXU boundary and plan		
**149H-A-019.03, 149H-G-002, 002.01, 011		

All communication by phone, fax, email, or mail will be with the Applicant. If you are not the property owner, you will need to submit a letter from the property owners(s) indicating that you are acting as their agent in filing this application (e.g. engineer, architect, consultant, broker, etc.).

Property Owner Architect Engineer Optionee Purchaser of Property Trustee

Other:

Name	Napier Assoc/Defoor Bros	
Address:	7201 Shallowford Rd, Suite 200	
City	Chattanooga	State: TN
Zip Code:	37421	
Daytime Phone:	423-855-0784	
Cell Phone:		
Other Phone:		
Email:		
Fax:		

Name: _____

Address: _____

Phone: _____

CHECKLIST OFFICE USE ONLY

<input checked="" type="checkbox"/> Application Complete	<input checked="" type="checkbox"/> Needs for property to be zoned
<input checked="" type="checkbox"/> Ownership verification	<input checked="" type="checkbox"/> Code Book
<input checked="" type="checkbox"/> Tax Map/Parcels Letter	<input checked="" type="checkbox"/> Copy of plat if applicable
<input checked="" type="checkbox"/> Map showing property to be rezoned	<input type="checkbox"/> Introductory
<input checked="" type="checkbox"/> Other not applicable	<input checked="" type="checkbox"/> Notice sent (HP by Mail #2)
<input checked="" type="checkbox"/> All zoning rules considered	<input type="checkbox"/> Case # _____
<input checked="" type="checkbox"/> All zoning rules considered	<input type="checkbox"/> Case # _____

Accepted by: Jennifer Ware Date: 12/10/2012

Case Number:	2013-008
Applicant Request:	MXU Mixed Use Zone
Applicant:	Napier and Associates, GP Attn: Ken Defoor
Property Address:	Properties in the 2300 & 2400 block of Gunbarrel Road
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:	Change the MXU boundary and plan
Site Characteristics	
Current Zoning:	MXU Mixed Use Zone
Current Use:	Vacant, Retail, Open Space
Adjacent Uses:	Retail, Vacant, Residential
STAFF RECOMMENDATION:	DEFER FOR TRAFFIC STUDY PER CITY TRAFFIC ENGINEER
Analysis	
Extension of Existing Zoning?	Yes
Community Land Use Plan:	Hamilton Place Community Plan (2001)
Proposed Use Supported by Community Land Use Plan?	Yes
Proposed Use Supported by Comprehensive Plan?	Yes

**PLANNING COMMISSION ACTION:
 Approve, subject to... (see resolution)**

Comments

Planning Staff:

Applicant Request Overview

The applicant has pursued a revised MXU Mixed Use Zone for property already zoned MXU Mixed Use. This is being done primarily for two reasons. The first is that the applicant is requesting a rezoning to C-4 Planned Commerce Center Zone for a portion of the Waterside development currently zoned MXU Mixed Use Zone (Case 2012-089). The zoning ordinance requires that "Any desire to change the Mixed Use Zone boundary line as shown on an approved Mixed Use Zone Development Plan shall be considered a "major change" to the site plan and shall require submittal of a new Mixed Use Zone Application and Development Plan." Also, this provides an opportunity to review the entirety of the Waterside MXU which has developed under a series of rezonings over a seven year period.

The applicant's revised site plan shows access to Napier Drive.

Site Description

The Waterside mixed-use lifestyle development contains several retail establishments, a hotel, open space and developable areas.

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. As the property in question is already zoned MXU Mixed Use Zone, this staff

recommendation will focus on the merits of the revised site plan and not the zone itself.

Zoning History

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.

Through a series of at least ten MXU Mixed Use Zone cases (including three cases that modified or lifted conditions) and one commercial rezoning, development of the Waterside lifestyle center has occurred.

City Traffic Engineers Office Comments

Given the scale and the number of changes proposed for the Waterside rezoning plan, the City Traffic Engineer will require that an updated traffic impact study be prepared by the developer that addresses the impacts that the changes will have on the surrounding street network. Also (and specifically), the City Traffic Engineers has some design concerns with:

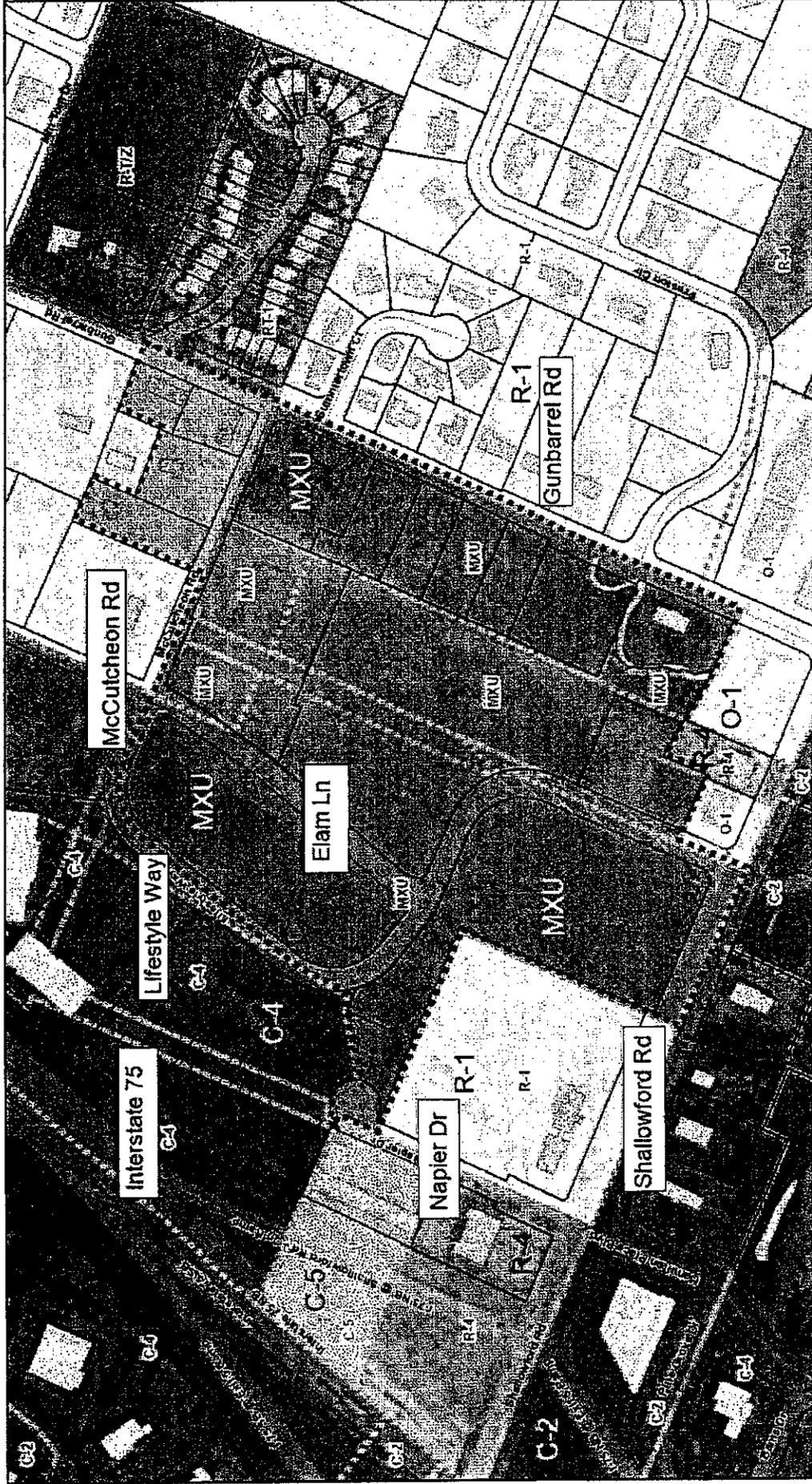
- 1) the proposed parking and access plan for the proposed commercial development for the area south and west of the intersection on Gunbarrel Road at McCutcheon Road and
- 2) the proposal to connect Napier Road to Lifestyle Way.

Until the traffic impacts that these changes would have can be determined, the City Traffic Engineers office is not in a position to be able to provide a recommendation for this case. Accordingly, they recommend that the case be deferred until the traffic study has been completed and they have had an opportunity to review it.

Staff Recommendation

As part of this MXU Mixed Use Zone revision, the applicant is requesting access to Napier Drive and, ultimately, another access point to Shallowford Road. As this connection needs to be closely explored, along with the impact of additional development enabled by the companion rezoning request to C-4 Planned Commerce Center Zone, staff is recommending deferral of action on this MXU revision until the traffic impacts are determined as presented by the revised site plan, including the proposed access to Napier Drive and a new access point onto Gunbarrel Road.

Note: The applicant should review the conditions placed on the existing C-4 Planned Commerce Center Zone (Ordinance 11797) as they address access to Napier Drive.



2013-008 Amend Conditions of Ordinance 12583 to Change MXU Boundary and Plan



300 ft



Chattanooga Hamilton County Regional Planning Agency

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:

2012-089 Napier Associates/Defoor Brothers Development, LLC/Gunbarrel Partners/Waterside Property Investment, LLC. 2351, 2417, 2424, 2428, and 2440 Elam Lane; 2545 and 2565 Lifestyle Way; and 2515 and 2519 Gunbarrel Road, from R-1 Residential Zone and MXU Zone to C-4 Planned Commerce Center Zone, subject to certain conditions.

2013-009 Taqi Ali Mirza and Ron Morrer/Susan Higley. 1951 and 2017 Dodson Avenue, from C-2 Convenience Commercial Zone and M-2 Light Industrial Zone to M-1 Manufacturing Zone, subject to certain conditions.

2013-013 Grace Episcopal Church/Randy Durham, Treasurer. 4018, 4022, and 4026 Brainerd Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2013-015 Hole Foods, LLC c/o Rob Renner/Dr. Gene Rudnick. 7737 East Brainerd Road, from O-1 Office Zone and R-1 Residential Zone to C-2 Convenience Commercial Zone.

2013-016 Regan-Smith Associates/Brant Enderle. 3800 block of Cummings Road, from R-1 Residential Zone to R-3 Residential Zone, subject to certain conditions.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following conditions be amended:

2013-008 Napier Associates/Defoor Brothers. 2300 and 2400 blocks of Gunbarrel Road, to change MXU Boundary and Plan, subject to certain conditions.

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

2013-014 B & L Builders. 7435 and 7437 Pinewood Drive, for a Residential Planned Unit Development, subject to certain requirements.

2013-017 Ragan-Smith Associates/Brant Enderle. 3800 block of Cummings Road, for a Single Family Planned Unit Development, subject to certain requirements.

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,

February 12, 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