

2/12/13

2012-089
Napier Associates/
Defoor Brothers Development, LLC/
Gunbarrel Partners/
Waterside Property Investment, LLC
District No. 4
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PARTS OF PROPERTIES LOCATED AT 2351, 2417, 2424, 2428, AND 2440 ELAM LANE; 2545 AND 2565 LIFESTYLE WAY; AND 2515 AND 2519 GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND MXU ZONE TO C-4 PLANNED COMMERCE CENTER 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 parts of properties located at 2351, 2417, 2424, 2428, and 2440 Elam Lane; 2545 and 2565 Lifestyle Way; and 2515 and 2519 Gunbarrel Road, more particularly described herein:

Beginning at the intersection of the west line of the 2300 block of Elam Lane with the north line of the 7300 block of McCutcheon Road, thence northeast some 461 feet to a point, thence some 744 feet northeast to a point, thence northwest some 456 feet to a point in the east line of the Interstate 75 right-of-way, thence southwest along the said east line some 889 feet to a point, thence southeast some 202 feet, thence southwest some 206 feet to a point, thence northwest some 29 feet to a point, thence southwest some 590 feet to a point, thence northeast some 530 feet to the intersection of the west line of the 2300 block of Elam Lane with the north line of the 7300 block of McCutcheon Road, the point of beginning being

parts of the properties described in Deed Book 8042, Page 436, Deed Book 9116, Page 511 and Deed Book 9410, Page 83, and parts of Tracts 2 thru 4 of Deed Book 9670, Page 235, ROHC. Being parts of Tax Map Nos. 149A-B-007, 007.01, 017.01, 017.02, 018 and parts of Tax Map Nos. 149H-A-019, 019.01, 019.04 and 019.05.

and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone and MXU Zone to C-4 Planned Commerce Center Zone.

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

- 1) The City Traffic Engineer's review and approval of a traffic study submitted by the applicant;
- 2) Lighting from any commercial or office development needs to be directed down and away from the abutting R-1 properties; and
- 3) The use to be incorporated in the MXU development.

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

2012-089
Napier Associates/
Defoor Brothers Development, LLC/
Gunbarrel Partners/
Waterside Property Investment, LLC
District No. 4
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PARTS OF PROPERTIES LOCATED AT 2351, 2417, 2424, 2428, AND 2440 ELAM LANE; 2545 AND 2565 LIFESTYLE WAY; AND 2515 AND 2519 GUNBARREL ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE AND MXU ZONE TO C-4 PLANNED COMMERCE CENTER 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 parts of properties located at 2351, 2417, 2424, 2428, and 2440 Elam Lane; 2545 and 2565 Lifestyle Way; and 2515 and 2519 Gunbarrel Road, more particularly described herein:

Beginning at the intersection of the west line of the 2300 block of Elam Lane with the north line of the 7300 block of McCutcheon Road, thence northeast some 461 feet to a point, thence some 744 feet northeast to a point, thence northwest some 456 feet to a point in the east line of the Interstate 75 right-of-way, thence southwest along the said east line some 889 feet to a point, thence southeast some 202 feet, thence southwest some 206 feet to a point, thence northwest some 29 feet to a point, thence southwest some 590 feet to a point, thence northeast some 530 feet to the intersection of the west line of the 2300 block of Elam Lane with the north line of the 7300 block of McCutcheon Road, the point of beginning being parts of the properties described in Deed Book 8042, Page 436,

Deed Book 9116, Page 511 and Deed Book 9410, Page 83, and parts of Tracts 2 thru 4 of Deed Book 9670, Page 235, ROHC. Being parts of Tax Map Nos. 149A-B-007, 007.01, 017.01, 017.02, 018 and parts of Tax Map Nos. 149H-A-019, 019.01, 019.04 and 019.05.

and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone and MXU Zone to C-4 Planned Commerce Center 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

_____, 2013.

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

DATE: _____, 2013

/mms

MAYOR

RESOLUTION

WHEREAS, Napier Associates/Defoor Brothers Development, LLC/Gunbarrel Partners/Waterside Property Investment, LLC 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 & MXU Zone to C-4 Planned Commerce Center Zone, parts of properties located at 2351, 2417, 2424, 2428 and 2440 Elam Lane, 2545, and 2565 Lifestyle Way and 2515 and 2519 Gunbarrel Road.

Beginning at the intersection of the west line of the 2300 block of Elam Lane with the north line of the 7300 block of McCutcheon Road, thence northeast some 461 feet to a point, thence some 744 feet northeast to a point, thence northwest some 456 feet to a point in the east line of the Interstate 75 right-of-way, thence southwest along the said east line some 889 feet to a point, thence southeast some 202 feet, thence southwest some 206 feet to a point, thence northwest some 29 feet to a point, thence southwest some 590 feet to a point, thence northeast some 530 feet to the intersection of the west line of the 2300 block of Elam Lane with the north line of the 7300 block of McCutcheon Road, the point of beginning being parts of the properties described in Deed Book 8042, Page 436, Deed Book 9116, Page 511 and Deed Book 9410, Page 83, and parts of Tracts 2 thru 4 of Deed Book 9670, Page 235, ROHC. Being parts of Tax Maps 149A-B-007, 007.01, 017.01, 017.02, 018 and parts of Tax Maps 149H-A-019, 019.01, 019.04 and 019.05 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) The City Traffic Engineer's review and approval of a traffic study submitted by the applicant; 2) Lighting from any commercial or office development needs to be directed down and away from the abutting R-1 properties; and 3) The use to be incorporated in the MXU development.

Respectfully submitted,

John Bridger
Secretary

Zoning Request Form

Print 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: 017-089

Date Submitted: 11-09-2012

Planning District: 40

County District:

City/District:

Jurisdiction: Chattanooga

Neighborhood: Friends of E. Brainerd, Brainerd, Brainerd Chamber

Staff Action:

PC Action Date:

Legis. Action Date:

| | |
|--|---|
| From: R-1 Residential Zone & MXU Mixed Use Zone | To: C-4 Planned Commerce Center Zone |
| Proposed Development or Use: Commercial Development | |

| | |
|--|--|
| Address: (Street Number & Street Name) 2351 2417, 2424, & 2428 & 2440 Elam Lane, 2545 & 2565 Lifestyle Way, 2515 & 2519 Gunbarrel Road | Tax Map No.: (Parts of) 149H-A-019, 019.01, 019.04, 019.05, & (Parts of) 149A-B-007, 07.01, 017.01, 017.02, 018 |
| Current Use: Undeveloped | Plat Book/Page No.: 88-65, 92-179, 44-328, 69-83 |
| | Adjacent Uses: Undeveloped |

ALL INFORMATION ON THIS FORM IS TO BE PROVIDED TO THE APPLICANT BY THE APPLICANT OR THE APPLICANT'S AGENT.

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 Associates, Defoor Brothers Development LLC ** | |
| Address: | 7201 Shallowford Road Suite 200 | |
| City | Chattanooga | State: TN |
| Zip Code: | 37421 | |
| Daytime Phone: | 423-855-0784 | |
| Cell Phone: | ** Gunbarrel Partners | |
| Other Phone: | ** Waterside Property Investment LLC | |
| Email: | ken@defoordevelopments.com | |
| Fax: | 423-855-1526 | |

| | |
|--|---|
| Name: | Same |
| Address: | |
| Phone: | |
| CHECKLIST (OFFICE USE ONLY) | |
| <input checked="" type="checkbox"/> Application Complete | <input checked="" type="checkbox"/> Deeds for property to be rezoned |
| <input checked="" type="checkbox"/> Ownership Verifications | Deed Book: 8043-436, 9670-235 |
| <input checked="" type="checkbox"/> Tax Map Parcel Letter | <input checked="" type="checkbox"/> Copy of Plats, if applicable |
| <input checked="" type="checkbox"/> Map showing property to be rezoned | Plat Book/Pages: 88-65, 92-179 |
| <input checked="" type="checkbox"/> Site Plan, if applicable | <input checked="" type="checkbox"/> Notice Signs: How Many? 2 |
| <input checked="" type="checkbox"/> Total acres to be considered: 12.5 | <input type="checkbox"/> Cash <input type="checkbox"/> Check No. 3559 |
| <input checked="" type="checkbox"/> Filing Fee: \$770.00 | Accepted by: Manda Parker Date: 11-09-2012 |

| | |
|-----------------------------|--|
| Case Number: | 2012-089 |
| Applicant Request: | C-4 Planned Commerce Center Zone |
| Applicant: | Napier Associates-Defoor Brothers Development, LLC/Gunbarrel Partners/ Waterside Property Investments, LLC |
| Property Address: | 2351, 2417, 2424, 2428, & 2440 Elam Lane, 2545 & 2565 Lifestyle Way, 2515 & 2519 Gunbarrel Road (Parts of) |
| Jurisdiction: | Chattanooga District 4/Hamilton County District 7 |
| Neighborhood: | Friends of East Brainerd, & Brainerd East Brainerd Chamber |
| Proposed Development | |
| Site Plan Submitted: | Yes |
| Proposed Use: | Commercial Development |
| Site Characteristics | |
| Current Zoning: | MXU Mixed Use Zone & R-1 Residential Zone |
| Current Use: | Mostly Undeveloped |
| Adjacent Uses: | Undeveloped Property, Residential and Retail uses |
| Size of Tract: | 12.5 Acres |

STAFF RECOMMENDATION: DEFER FOR TRAFFIC STUDY PER THE CITY TRAFFIC ENGINEER

Analysis

| | | |
|--|--------------------------------------|--|
| Extension of Existing Zoning? | Yes | PLANNING COMMISSION ACTION: Approve, subject to... (see resolution) |
| Community Land Use Plan: | Hamilton Place Community Plan (2001) | |
| Proposed Use Supported by Community Land Use Plan? | No | |
| Proposed Use Supported by Comprehensive Plan? | Yes | |

Comments

Planning Staff: Applicant Request Overview

The applicant is requesting a rezoning of 12.5 acres from MXU Mixed Use Zone and R-1 Residential zone to C-4 Planned Commerce Center Zone. The proposed rezoning area is part of the Waterside lifestyle center generally bordered by I-75 to the west, Shallowford Road to the south and Gunbarrel Road to the east. This case should be considered in conjunction with case 2013-008 which is proposing to amend the existing MXU Development Plan.

Site Description

The site is adjacent to an existing C-4 Planned Commerce Center zone along the eastern side of I-75. The proposal is to extend the existing zone northward an additional +/- 900 feet. The site is mostly undeveloped and vacant although a small portion of the rezoning area is a parking lot and access drives for the existing commercial development.

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

partnership(s). A recent zoning case north of McCutcheon Road and this case and its partner case (Case No. 2013-008) reflect that much of the triangle area has been purchased for its development potential.

Traffic Engineer's Office Comments

Given the scale and the number of changes proposed for the Waterside rezoning plan, the City Traffic Engineer will require an updated traffic impact study prepared by the developer that addresses the impacts from the revised Waterside Development Plan and proposed C-4 Planned Commerce Center expansion on the surrounding street network. Also (and specifically), the City Traffic Engineer 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
- 2) the proposal to connect Napier Road to Lifestyle Way

Until the traffic impacts of these changes can be determined, the City Traffic Engineers office is not in a position 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

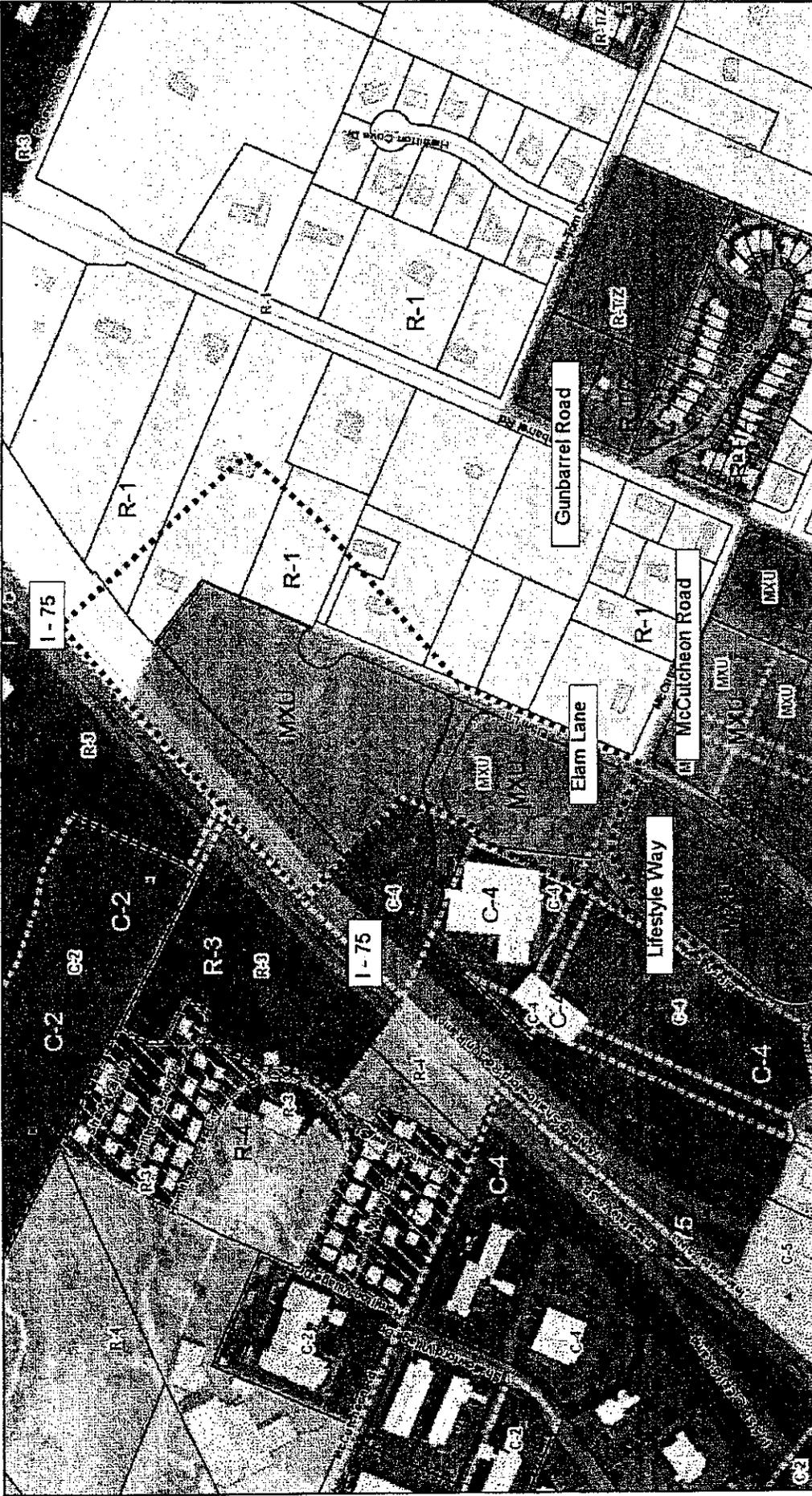
The land use principles of the plan support that commercial and neighborhood boundaries should be maintained as defined by the land use plan. However, due to the changes in the triangle area (bounded by I-75/Shallowford Road/Gunbarrel Road), the removal of homes, and the multiple zoning requests by the same applicant, and proposed improvements to Gunbarrel Road, staff acknowledges that the triangle site has transitioned away from the specific land use plan map recommendation. 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 of Gunbarrel Road to ensure a better transition of land uses.

In 2006, a portion of the Waterside development's frontage on I-75 was rezoned from an MXU overlay to C-4 Planned Commerce Center Zone. The proposed expansion of the C-4 Planned Commerce Center Zone northward along I-75 is an extension of that existing zone.

Additionally, much of the proposed rezoning area is currently zoned MXU and could potentially be developed with non-residential uses (as long as the land use patterns of the MXU Mixed Use Zone were maintained). The new proposed development and development site is of a nature found along an interstate. The plan recommends that "placement of large-scale buildings next to neighborhoods should be avoided." Although there are several remaining residential properties that must be considered, the proposed rezoning provides additional locations for larger-scale buildings in this area without site impacts to the many surrounding neighborhoods.

Summary

Although many aspects of the land use portion of the rezoning may be acceptable, staff is recommending deferral of action on the rezoning request to C-4 Planned Commerce Center Zone due to the need to adequately address the traffic impacts presented by the revised site plan, including the proposed access to Napier Drive and a new access point onto Gunbarrel Road as shown on the site plan.



2012-0089 R-1 & MXU to C-4



350 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:

2012-089 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