First Reading:_____
Second Reading:_____

2014-008
Scenic Land Company, LLC/
Jack Lonas
District No. 1
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED IN THE 6300 BLOCK OF HIGHWAY 153 AND THE 100 BLOCK OF DODSON ROAD, 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 property located in the 6300 block of Highway 153 and the 100 block of Dodson Road, more particularly described herein:

The zones described below are identified on the "Proposed Zoning Plan" that was filed and stamp dated as received on December 10, 2013 by the Chattanooga Hamilton County Regional Planning Agency Development Services. Each zone is color coded as listed.

To be rezoned from R-1 to R-3: Part of Tax Map 091A-B-001 as shown on the Proposed Zoning Plan, December 9, 2013, drawn by Hart Howarton Partners LTD and color coded in yellow.

To be rezoned from R-1 to R-4: Parts of Tax Maps 091A-B-001 and 001.01 as shown on the Proposed Zoning Plan, December 9, 2013, drawn by Hart Howarton Partners LTD and color coded in blue.

To be rezoned from R-1 to C-2: Parts of Tax Maps 091A-B-001 and 001.01. Tax Maps 091H-C-002, 002.01, 003, and 004 as shown on the Proposed Zoning Plan, December 9, 2013, drawn by Hart Howarton Partners LTD and color coded in pink.

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. Applicant's Master Rezoning Plan & Preliminary Open Space Plan dated November 14, 2013, shall be incorporated by reference into these Conditions for the purpose of visually identifying general locations of Zones, Buffer Zones, Undisturbed Buffer Zones, Recreational Open Space (Woodland) & Active Open Space.

2. Buffer Zone and Undisturbed Buffer zone shall be provided per the Master Rezoning Plan dated November 14, 2013.

3. Open Space Areas not less than the areas indicated on the Master Rezoning Plan & Preliminary Open Space Plan shall be provided.

4. Combined Total Dedicated Open Space, Greens, Gardens, natural and replanted areas will be not less than 68 acres.

5. Grading permits shall be subject to review and approval by LDO staff. Such approval and permitting of the same shall be subject to all Conditions in this Ordinance, relevant to grading.

6. The Site's highest point as indicated on the Master Rezoning Plan & Preliminary Open Space Plan will not change in elevation.

7. Non-motorized Paved Shared Lanes, not less than 8' in width, shall all connect Permitted Use Areas when Permitted Uses have been completed in two more zones. The 8' paved lane may be divided into two 4' lanes.

8. A Storm Water Management System shall be designed, permitted, and installed prior to or in conjunction with each specific land disturbance activity for the area the system shall serve.

9. Prior to the issuance of a land disturbance permit for any phase, an insurance policy shall be provided in the amount of $2 million to pay for any potential cost to remediate any adverse impact to North Chickamauga Creek as a result of Stormwater Pollution. An insurance policy shall remain in place for a period of 10 years after construction of the last land disturbance in excess of five hundred thousand dollars ($500,000) of permitted land disturbance work. The Insurer shall have a minimum "A" rating as determined by A.M. Best or reasonably equivalent rating agency. Also, the policy shall be prepaid for the maximum number of years permitted by the insurer not to exceed 10 years.

10. Parking shall be provided in compliance with city code, subject to variances granted by the City Traffic Engineering Department for reduced parking based on acceptable and shared parking agreements as determined by the Traffic Engineering Department.

11. All traffic related infrastructure improvements as identified in the summary to the Traffic Impact Study of Volkert Engineering dated 1/7/13 shall be made prior to the issuance of a Certificate of Occupancy for any Use in each Development Phase referenced in the Traffic Impact Study, and defined as Phase III in attached Preliminary Phase Plan, unless TDOT and the City Traffic Engineer determine a more efficient and less expensive alternative is warranted.

12. Prior to issuance of a Certificate of Occupancy for any Use included in Phase III, an additional left turn lane 300 feet in length at Boy Scout Road turning left onto Highway 153 South shall be funded by the Applicant, Developer of the Site or third parties on behalf of either one, hereinafter called improvement Participant. At the option of the City of Chattanooga and in lieu of and prior to the implementation of the previous improvements option, the City may require the Improvement Participant 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 SR-153 and Boy Scout Road. In any case the City shall be solely responsible for providing any required right of ways necessary to perform any such improvement. Costs for such improvements shall be limited to construction costs, design, engineering and permitting. Improvement's Participant's share of such costs shall be capped and limited to an amount not to exceed $75,000.

13. Any diseased or dead trees or other plan material installed on the Site as a Condition or as per the requirements of existing Zoning Codes or permits to

disturb the Site or make any improvement shall be replaced in a timely manner with a healthy tree or indigenous vegetation of the same species at a size required to meet City Codes and Regulations.

14. Permanent irrigation shall be provided in and around Parking Lots, defined as parking areas with more than two rows of more than 10 parking spaces in each row, with sufficient water to sustain growth of trees, grass and plant material located within the Parking Lot area or within 20 feet of the curb and gutter or edge or paving surrounding each Parking Lot.

15. All exterior loading docks defined as raised platforms with loading doors for the shipping and delivery of material, dumpsters, trash compactors, HVAC Units and similar mechanical systems visible to adjacent residential properties shall be screened.

16. Delivery and shipping by semi-truck, trash and refuse removal, and landscaping services shall be restricted between the hours of 8:00 p.m. and 7:00 a.m. Eastern Standard Time.

17. Site and exterior construction activities shall be restricted between the hours of 8:00 p.m. and 7:00 a.m. Eastern Standard Time with the exception that said work may be performed after sunrise and before sunset for the Eastern Standard Time Zone. Exceptions shall be permitted for emergency situations.

18. Proof of funding for each phase of construction in excess of $5,000,000 shall be provided prior to issuance of a Land Disturbing permit. A Land Disturbing application may be submitted for review without proof of funding.

19. 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. All interior, exterior and sign lighting is fully lighted the intensity of lighting as measured by a light meter with a cosine corrector shall not exceed 1.0 foot-candles along the property line of the subject premises adjoining residential homes unless shielded by opaque fencing.

20. The number of dwelling units permitted within the R-3 Zone shall not exceed 380 dwelling units.

21. The dwelling units are restricted to four (4) levels.

22. The maximum height for any heated space is 45 feet from the highest floor with on grade access.

23. Streets, Sidewalks, Parking Areas and Buildings shall be located in a manner that reasonably follows the existing contour lines where possible.

24. In areas where grading and construction occurs in Area 1 other than in Parking Areas a minimum of 60 caliper inches of trees per acre shall be replanted.

25. Parking areas shall contain a minimum of 1 tree per 10 parking spaces. Trees installed in parking areas count toward this requirement.

26. The total Gross Leasable Area within the R-4 Zone shall not exceed 250,000 square feet of non-residential uses.

27. The ground floor area of any one structure shall not exceed 40,000 square feet. Structures can be connected with enclosed walkways.

28. All structures are limited to four (4) levels of office space.

29. The maximum height for any heated space is 60 feet from the highest floor with on grade access.

30. Streets, Sidewalks, Parking Areas and Buildings shall be located in a manner that reasonable follows the existing contour lines where possible.

31. The total Building Area within the C-2 Zone shall not exceed 500,000 square feet of Permitted Uses. An exception will be allowed if the Permitted Uses in the R-4 Zone are reduced below the allowable 250,000 square feet. The difference may be built within the C-2 Zone but must be limited to the Permitted Uses of an R-4 Zone.

32. No more than two structures shall exceed 125,000 square feet measured the same as Gross Leasable Area. All other building footprints shall not exceed 75,000 square feet.

33. All buildings other than those acceptable in condition 32 above shall face at least one street, pedestrian plaza or green with a primary entrance to the street, pedestrian plaza or green.

34. Sidewalks, curbs, gutters, and parking lots shall be designed and constructed to specifications consistent with existing Building Department Standards for comparable sidewalk.

35. No more than two rows of parking shall be allowed along all greens, sidewalks facing buildings, and plazas subject to Fire Marshall Regulations. Situations with

more than two rows of parking must be separated by a plaza, green, or landscaped area not less than 15' wide.

36. All non-street parking for buildings other than those accepted in condition 32 above, shall be located on the sides of buildings defined as sides without primary entrances, excluding conditions where the side or rear parking for one building faces the primary front of another building. All sidewalk crossings in the central retail area shall include bulb-outs, defined as an extension of a sidewalk and curb or sidewalk, landscape planter, and curb to reduce the pedestrian distance between adjacent sidewalks interrupted by vehicular streets and roads.

37. Sidewalks shall be illuminated for reasonable pedestrian activity.

38. Greens totaling not less than 10% of the ground area for the Permitted Uses shall be incorporated into the development of Area 3. Such Greens shall be constructed before a Certificate of Occupancy is obtained for any permitted use in which the aggregate of permitted uses exceeds 150,000 square feet of Gross Leasable Area.

39. One tree for every 20 parking spaces shall be planted in all parking lots with a maximum of 80 feet between tree planting areas defined by edge of paving.

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:_____

_____
CHAIRPERSON

APPROVED:____ DISAPPROVED:____

_____

_____
MAYOR

/mms

First Reading:_____
Second Reading:_____

2014-008
Scenic Land Company, LLC/
Jack Lonas
District No. 1
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED IN THE 6300 BLOCK OF HIGHWAY 153 AND THE 100 BLOCK OF DODSON ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, R-4 SPECIAL ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, be and the same hereby is amended so as to rezone property located in the 6300 block of Highway 153 and the 100 block of Dodson Road, more particularly described herein:

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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 Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading:_____

_____
CHAIRPERSON

APPROVED:____ DISAPPROVED:____

_____

_____
MAYOR

/mms

2014-008 City of Chattanooga
January 13, 2014

RESOLUTION

WHEREAS, Scenic Land Company, LLC/Jack Lonas 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 6300 block of Highway 153 and the 100 block of Dodson Road.

The zones described below are identified on the "Proposed Zoning Plan" that was filed and stamp dated as received on December 10, 2013 by the Chattanooga Hamilton County Regional Planning Agency Development Services. Each zone is color coded as listed.

To be rezoned from R-1 to R-3: Part of Tax Map 091A-B-001 as shown on the Proposed Zoning Plan, December 9, 2013, drawn by Hart Howarton Partners LTD and color coded in yellow.

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To be rezoned from R-1 to C-2: Parts of Tax Maps 091A-B-001 and 001.01. Tax Maps 091H-C-002, 002.01, 003, and 004 as shown on the Proposed Zoning Plan, December 9, 2013, drawn by Hart Howarton Partners LTD and color coded in pink.

AND WHEREAS, the Planning Commission held a public hearing on this petition on January 13, 2014,

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

AND WHEREAS, no one was present in opposition to the petition,

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

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on January 13, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to:

1. Applicant's Master Rezoning Plan & Preliminary Open Space Plan dated November 14, 2013, shall be incorporated by reference into these Conditions for the purpose of visually identifying general locations of Zones, Buffer Zones, Undisturbed Buffer Zones, Recreational Open Space (Woodland) & Active Open Space.
2. Buffer Zone and Undisturbed Buffer zone shall be provided per the Master Rezoning Plan dated November 14, 2013.
3. Open Space Areas not less than the areas indicated on the Master Rezoning Plan & Preliminary Open Space Plan shall be provided.
4. Combined Total Dedicated Open Space, Greens, Gardens, natural and replanted areas will be not less than 68 acres.
5. Grading permits shall be subject to review and approval by LDO staff. Such approval and permitting of the same shall be subject to all Conditions in this Ordinance, relevant to grading.
6. The Site's highest point as indicated on the Master Rezoning Plan & Preliminary Open Space Plan will not change in elevation.
7. Non-motorized Paved Shared Lanes, not less than 8' in width, shall all connect Permitted Use Areas when Permitted Uses have been completed in two more zones. The 8' paved lane may be divided into two 4' lanes.
8. A Storm Water Management System shall be designed, permitted, and installed prior to or in conjunction with each specific land disturbance activity for the area the system shall serve.
9. Prior to the issuance of a land disturbance permit for any phase, an insurance policy shall be provided in the amount of $2 million to pay for any potential cost to remediate any adverse impact to North Chickamauga Creek as a result of Stormwater Pollution. An insurance policy shall remain in place for a period of 10 years after construction of the last land disturbance in excess of five hundred thousand dollars ($500,000) of permitted land disturbance work.

   The Insurer shall have a minimum "A" rating as determined by A.M. Best or reasonably equivalent rating agency. Also, the policy shall be prepaid for the maximum number of years permitted by the insurer not to exceed 10 years.
10. Parking shall be provided in compliance with city code, subject to variances granted by the City
    Traffic Engineering Department for reduced parking based on acceptable and shared parking agreements as determined by the Traffic Engineering Department.
11. All traffic related infrastructure improvements as identified in the summary to the Traffic Impact Study of Volkert Engineering dated 1/7/13 shall be made prior to the issuance of a Certificate of Occupancy for any Use in each Development Phase referenced in the Traffic Impact Study, and defined as Phase III in attached Preliminary Phase Plan, unless TDOT and the City Traffic Engineer determine a more efficient and less expensive alternative is warranted.

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13. Any diseased or dead trees or other plan material installed on the Site as a Condition or as per the requirements of existing Zoning Codes or permits to disturb the Site or make any improvement shall be replaced in a timely manner with a healthy tree or indigenous vegetation of the same species at a size required to meet City Codes and Regulations.
14. Permanent irrigation shall be provided in and around Parking Lots, defined as parking areas with more than two rows of more than 10 parking spaces in each row, with sufficient water to sustain growth of trees, grass and plant material located within the Parking Lot area or within 20 feet of the curb and gutter or edge or paving surrounding each Parking Lot.
15. All exterior loading docks defined as raised platforms with loading doors for the shipping and delivery of material, dumpsters, trash compactors, HVAC Units and similar mechanical systems visible to adjacent residential properties shall be screened.
16. Delivery and shipping by semi-truck, trash and refuse removal, and landscaping services shall be restricted between the hours of 8:00 p.m. and 7:00 a.m. Eastern Standard Time.
17. Site and exterior construction activities shall be restricted between the hours of 8:00 p.m. and 7:00 a.m. Eastern Standard Time with the exception that said work may be performed after sunrise and before sunset for the Eastern Standard Time Zone. Exceptions shall be permitted for emergency situations.
18. Proof of funding for each phase of construction in excess of $5,000,000 shall be provided prior to issuance of a Land Disturbing permit. A Land Disturbing application may be submitted for review without proof of funding.
19. 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. All interior, exterior and sign lighting is fully lighted the intensity of lighting as measured by a light meter with a cosine corrector shall not exceed 1.0 foot-candles along the property line of the subject premises adjoining residential homes unless shielded by opaque fencing.
20. The number of dwelling units permitted within the R-3 Zone shall not exceed 380 dwelling units.

21. The dwelling units are restricted to four (4) levels.
22. The maximum height for any heated space is 45 feet from the highest floor with on grade access.
23. Streets, Sidewalks, Parking Areas and Buildings shall be located in a manner that reasonably follows the existing contour lines where possible.
24. In areas where grading and construction occurs in Area 1 other than in Parking Areas a minimum of 60 caliper inches of trees per acre shall be replanted.
25. Parking areas shall contain a minimum of 1 tree per 10 parking spaces. Trees installed in parking areas count toward this requirement.
26. The total Gross Leasable Area within the R-4 Zone shall not exceed 250,000 square feet of non-residential uses.
27. The ground floor area of any one structure shall not exceed 40,000 square feet. Structures can be connected with enclosed walkways.
28. All structures are limited to four (4) levels of office space.
29. The maximum height for any heated space is 60 feet from the highest floor with on grade access.
30. Streets, Sidewalks, Parking Areas and Buildings shall be located in a manner that reasonable follows the existing contour lines where possible.
31. The total Building Area within the C-2 Zone shall not exceed 500,000 square feet of Permitted Uses. An exception will be allowed if the Permitted Uses in the R-4 Zone are reduced below the allowable 250,000 square feet. The difference may be built within the C-2 Zone but must be limited to the Permitted Uses of an R-4 Zone.
32. No more than two structures shall exceed 125,000 square feet measured the same as Gross Leasable Area. All other building footprints shall not exceed 75,000 square feet.
33. All buildings other than those acceptable in condition 32 above shall face at least one street, pedestrian plaza or green with a primary entrance to the street, pedestrian plaza or green.
34. Sidewalks, curbs, gutters, and parking lots shall be designed and constructed to specifications consistent with existing Building Department Standards for comparable sidewalk.
35. No more than two rows of parking shall be allowed along all greens, sidewalks facing buildings, and plazas subject to Fire Marshall Regulations. Situations with more than two rows of parking must be separated by a plaza, green, or landscaped area not less than 15' wide.
36. All non-street parking for buildings other than those accepted in condition 32 above, shall be located on the sides of buildings defined as sides without primary entrances, excluding conditions where the side or rear parking for one building faces the primary front of another building. All sidewalk crossings in the central retail area shall include bulb-outs, defined as an extension of a sidewalk and curb or sidewalk, landscape planter, and curb to reduce the pedestrian distance between adjacent sidewalks interrupted by vehicular streets and roads.
37. Sidewalks shall be illuminated for reasonable pedestrian activity.
38. Greens totaling not less than 10% of the ground area for the Permitted Uses shall be incorporated into the development of Area 3. Such Greens shall be constructed

before a Certificate of Occupancy is obtained for any permitted use in which the aggregate of permitted uses exceeds 150,000 square feet of Gross Leasable Area.

39. One tree for every 20 parking spaces shall be planted in all parking lots with a maximum of 80 feet between tree planting areas defined by edge of paving.

Respectfully submitted,

John Bridger
Secretary

Chattanooga-Hamilton County Regional Planning Agency

ZONING APPLICATION FORM

CASE NUMBER: 2014-008			Date Submitted: 12-09-2013
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
1 Applicant Request			
Zoning	**From: R-1**	**To: R-3, R-4, & C-2**	
	Total Acres in request area: 190 Acres±		
2 Property Information			
Property Address:	0 & 6300 Hwy 153 - 1, 100, 108 & 116 Dodson Rd.		
Property Tax Map Number(s):	91A-B-001, 001.01, 091I-B-012, 013, 018, 091H-C-002, 002.01, 004		
3 Proposed Development			
Reason for Request and/or 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		
4 Site Characteristics			
Current Zoning:	R-1		
Current Use:	Residential		
Adjacent Uses:	Residential & Commercial		
5 Applicant Information			
All communication will be with the Applicant. If the applicant is not the property owner, the RPA requires a letter from the property owner(s) confirming that the applicant has permission to file this application on his/her behalf.			
Name: Scenic Land Company LLC		Address: 820 Broad Street, Suite 200	
Check one:	I am the property owner	X	I am **not** the property owner
City: Chattanooga	State: TN	Zip Code: 37402	Email: duane@gentechconstruction.com
Phone 1: 423-267-3373	Phone 2: 423-593-1613	Phone 3:	Fax: 423-267-3402
6 Property Owner Information (if not applicant)			
Name: Jack Lonas		Phone: 423-843-0486	
Address: 116 Dodson Road, Hixson, Tn. 37343			
Office Use Only:			
Planning District: 5		Neighborhood: Hixson Neighborhood	
Hamilton Co. Comm. District: 3	Chatt. Council District: 1	Other Municipality:	
Staff Rec:	PC Action/Date:	Legislative Action/Date/Ordinance:	
Checklist			
X Application Complete	X Ownership Verification	X Map of Proposed Zoning Area with dimensions	
X Site Plan, if required	X Total Acres to be considered: 190±	X Deeds	X Plats, if applicable
Deed Book(s): 7168-613, 6046-0597, 8289-0243, 3741-0697, 4707-0771, & 9982-0392			
Plat Book/Page: 12-45		X Notice Signs	Number of Notice Signs: 2
X Filing Fee: $770.00	Cash	X Check	Check Number: 105 & 2005
Planning Commission meeting date: 01-13-2014		Application processed by: Trevor Slayton	

Chattanooga-Hamilton County Regional Planning Agency

STAFF CASE REPORT TO PLANNING COMMISSION

Planning Commission Recommendation:
Approve, subject to... (see resolution)

Case Number:	2014-008	PC Meeting Date: 1-13-2014
STAFF RECOMMENDATION:	**DENY**	
Land Use & Transportation Comments		
Planning Staff:	**Applicant Request Overview** The applicant is requesting to rezone approximately 190 total acres in the Hixson area of Chattanooga from its current R-1 Residential zone to three different zones: an R-3 Residential Zone (approximately 42 acres), a C-2 Convenience Commercial Zone (approximately 87 acres), and an R-4 Special Zone (approximately 48 acres). The remaining acreage (approximately 13 acres) is proposed to remain R-1 Residential as a buffer between the adjacent single-family residential neighborhoods. The site plan submitted with the application shows 280 multi-family residential units proposed for the northern third of the site; a restaurant with 130 parking spaces located at the center of the site; 250,000 square feet of office space within several two-four story office buildings located on the eastern side of the site; and 500,000 square feet of retail with approximately 2,000 parking spaces occupying the bottom half of the site. The site plan indicates two access points. One will be from Highway 153 and the other from Stone Ridge Drive. The conceptual plan also indicates proposed buffers ranging from 30 to 100 feet where the property borders existing residential properties. The applicant is proposing 39 conditions to address retention of open space, undisturbed buffers, stormwater management, location of loading docks, lighting, parking lot landscaping, building height, building size, residential density and road improvements to address immediate site impacts. **Site Description** The 190-acre site is located in the Hixson area within the City of Chattanooga on the eastern side of Highway 153 near its intersection with Boy Scout Road and US 27. It fronts Highway 153, a major highway/commercial corridor, and is currently zoned R-1 Residential. The R-1 Residential zone permits development of a single-family subdivision as well as a school and/or religious facility, or even a golf course. There are five small parcels in the southwest corner of the site already zoned C-2 Convenience Commercial currently and have direct access to Highway 153. While those five parcels are a part of the development plan, they are not part of the rezoning request. 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. 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. There are several commercial shopping centers located along Highway 153, although in terms of acreage, the existing shopping centers are not as large as the proposed development:

- 2011-Proposed Hillocks Farm: 190 acres (87 acres retail, 48 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

The proposed development site 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.

Zoning History

A rezoning request at this location had previously been submitted in October 2011 (Case 2011-117) and was withdrawn by the applicant at City Council. In 2012, another application was made (Case 2012-157) to rezone the property and was denied by the Chattanooga City Council on January 22, 2013.

Plans/Policies

Comprehensive Plan 2030- This project is located in the Outer Suburban Growth Sector of the Comprehensive Plan 2030, adopted in 2006. The Outer Suburban Growth Sector encourages both infill and new 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 Outer Suburban Growth Sector considers several types of commercial activity centers ranging from Neighborhood, Community and Regional Activity Centers.

Due to the combined retail, corporate office, and multi-family programming that is proposed for the site, the overall site should be classified as a Regional Activity Center. Regional Activity Centers are defined in the Comprehensive Plan as large-scale, high intensity, and diverse mixtures of land uses, typically 100 or more acres in size. Due to their overall size, regional orientation, and traffic generating characteristics, such centers should have a high level of accessibility, including public transportation. Regional activity centers should be located with easy accessibility from interstate/freeway interchanges. The Comprehensive Plan also recommends good vehicle accessibility and circulation within Regional activity centers.

The Outer Suburban Growth Sector recommends that any alteration of natural conditions should respect areas adjacent to the Preserve and Reserve sectors of the Comprehensive Plan. 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 recommends the following:

- Protect, conserve, and wisely manage the natural resources of Hamilton County.
- Encourage responsible development that maintains the quality and integrity of existing natural resources.
- Conserve forested land.
- Retain the scenic beauty and diverse wildlife of Hamilton County.
- Encourage development that is sensitive to steep slopes and additional protective measures where needed.

Hixson-North River Community Land Use Plan- 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 recommendations of this plan is to: "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 is a list of Hixson Plan Commercial Development Goals:

- *Improve the appearance and control impacts of commercial development.*
- *Incorporate community amenities into commercial development*
- *Concentrate or cluster commercial development as opposed to strip development.*
- *Re-use vacant commercial buildings.*
- *Renovate and revitalize existing commercial areas.*
- *Increase opportunity for more high-quality jobs and business growth in the area.*
- *Increase the variety and quality of places to shop and to eat.*

The following is a list of Hixson Plan Natural Environment Goals:

- *Protect Steep Slopes*
- *Protect the floodplain & woodlands along streams, particularly N. Chickamauga Creek*
- *Protect the Cave Springs recharge area*
- *Improve storm water control and management*
- *Keep community clean and free from trash*
- *Clean up the North Chickamauga Creek bed*
- *Promote the asset value and usability of our natural areas*
- *Maintain consistent atmosphere that communicates natural beauty through better landscaping*
- *Add more green space and reduce paving/asphalt*

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**. This relatively dense residential development will increase the traffic significantly at that intersection but not to the extent that a large commercial complex would." The Plan also states: "**The Heavy Business Land Use category is only appropriate if major intersection/interchange improvements are undertaken by the developer.** The amount of traffic generated by a large commercial development at this site is not only a traffic generating issue but also a congestion and safety issue on lateral streets such as Boy Scout Road and Sandswitch Road."

2035 Long Range Transportation Plan- 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 U.S. 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. ** It should be noted that the current draft 2040 Regional Transportation Plan (to be adopted this Spring) proposes widening Highway 153 from a 4-lane section to a 6-lane section from Stone Ridge to US-27 which is planned to be constructed by the year 2020. However, the draft plan proposes no improvement to the Dayton Boulevard interchange.
Infrastructure & Operational Comments	
	All land development projects are reviewed by City Engineering & Water Quality staff, Traffic Engineering & Operations staff, and the Land Development Office staff. In addition to the requirements of the City of Chattanooga Zoning Ordinance, all land development is further required to comply with current City of Chattanooga traffic regulations, building and development codes, storm water/water quality regulations, and the landscape ordinance. Additional requirements, if needed, are indicated by department below either as comments or as conditions recommended to be attached to the final ordinance.
Transportation Department Staff:	Our existing transportation infrastructure is growing and becoming relatively more and more costly to maintain. Some of the areas of our city's fastest growth are outpacing the ability of our transportation infrastructure to accommodate its resulting traffic, resulting in not only present-day congestion, but a bigger deficit than otherwise between existing infrastructure and needed capacity. For this reason, in general, our policy in reviewing development is to make sure that development does not outpace improvements to infrastructure required to accommodate it. In the immediate vicinity of the proposed Hillock Farm development, there are a number of specific challenges with the adjacent traffic network: 1. Traffic intending to travel westbound onto Dayton Boulevard from northbound Highway 153 cannot make this movement directly, stressing the system both in the added traffic on neighborhood streets, such as Dowlen Rd, and the inevitable U-turn movements that occur north of the interchange. 2. Multiple approaches to the intersection of Boy Scout Road and Highway 153 are already challenging with a current Level of Service (LOS) D for westbound left turn traffic from Boy Scout Road onto Highway 153, LOS F for southbound left turn traffic

from Highway 153 onto Boy Scout Road, and LOS C for northbound through traffic. Projected conditions based on the submitted traffic study indicate a degraded LOS for these approaches to LOS E or F.

3. There is a high accident rate currently at the Boy Scout Road intersection and we anticipate this development would exacerbate that situation.
4. Secondary outlets and inlets into a development of this size could mitigate congestion, providing more alternatives to avoid delays. But due to the topography of the site, as well as the perceived wishes of the surrounding communities, additional access points into the development are either not feasible or not wanted. Because of the lack of a proposed minor additional outlet/inlet into the development, all traffic wishing to access 153 or the development in the future from the east would be required to use Boy Scout Road and required to access Highway 153 via the same left-turning movement that is currently already a challenge before the development – at this intersection.

The applicant has made several commitments to improving the existing infrastructure, such as the improvements which add turn lanes for the north and south approaches on Highway 153 and also to widen a certain distance eastward back from the Boy Scout Rd intersection. We think that the developer is prepared to make a reasonable amount of improvements to the vicinity to mitigate the traffic impacts of the development. However, the macro community impacts cannot be addressed feasibly, either by the developer or within a time frame that is reasonable to accommodate the transportation stresses.

Lastly, the character of all of the land development in the vicinity – not only residential neighborhoods but also the commercial strips along the corridors – is such that multi-modal travel is infeasible. The block sizes are large, density low, and traffic speeds high. Our system of high volume arterials and collectors is a barrier to a highly functioning multi-modal transportation network. This is not a problem in and of itself – and is no different than the locations of some of our city's other Regional Activity centers. But it does mean that there is limited flexibility of solutions for traffic and safety challenges. And those solutions typically cost more to build and maintain, and, often, even when built to accommodate tolerable present-day traffic volumes, disconnected land use patterns can create congestion faster than roadway capacity can be increased.

STAFF CASE REPORT TO PLANNING COMMISSION

Summary	

Immediate Site Considerations

When looking at just the 190-acre site, the adjacent neighborhoods, and the immediate vicinity, the proposed development plan seems to address many of the important issues and concerns. The proposed site plan and conditions provide 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.

Regarding site accessibility, the proposed 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 proposed development features one primary access point on Highway 153 and a minor access point at Stone Ridge Drive. The staff would prefer that the site have another direct access point to Boy Scout Road to better distribute traffic that would access this development, and to minimize conflicting turning movements on Highway 153. As stated in the previous report, the site is not currently served by transit.

The development proposal shows approximately 60 acres, or about 30% of the site dedicated to green areas and open space. This open space features community greens, landscaping of the parking lots, including trees and bioswales, and perimeter buffering is supportive of the Hixson-North River Community Plan goals to improve the appearance and control impacts of commercial development, incorporate community amenities into commercial development.

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/office zones 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.

Long-Term and Area Wide Considerations

Good planning practice and decision-making should also consider the long-term and area-wide implications of decisions, particularly for a large scale project such as this on community development patterns and the resulting transportation infrastructure improvement needs. It should be anticipated that approval of this request will likely lead to additional commercial/higher intensity development in the immediate area (there are several large tracts of land currently zoned R-1 that border the property to the rear, fronting on Boy Scout Road). This additional development will increase traffic within this area that will need to be appropriately managed through added street networks, road capacity improvements, and/or traffic management by the City of Chattanooga.

It has been documented in the Hixson Area plan that the Dayton Boulevard/Highway 153 interchange is substandard and needs to be improved. This was a key consideration identified by the plan when considering the potential of this site for commercial development. Currently there are no plans to improve this interchange in the Chattanooga Capital budget, the Regional Transportation Plan or the Transportation Improvement Program. This area was also highlighted in both the current and proposed Regional Transportation Plan, and the 2010 Congestion Management Plan as a congested area.

The only currently planned/programmed improvements for this area are:

- 2035 Plan: There is only one project planned for the year 2035 in the current Long Range Transportation plan for this section of Hwy 153 (SR 153 Gothard Rd. to Dayton Blvd. Widening from 4 to 6 Lanes which is planned to be constructed by the year 2035)

- Proposed 2040 Plan (estimated future funds): The proposed 2040 Regional Transportation Plan (RTP) expected to be approved by FHWA, FTA, and EPA by March of 2014 also only includes the one project in the same section, but with slightly different termini (Widening from a 4-lane section to a 6-lane section from Stone Ridge to US-27 which is planned to be constructed by the year 2020); Transit - Expansion of bus routes 2 and 28 to improve and provide new service to areas along Hwy 153 from Gadd Road to Northgate Mall, Chattanooga State Community College and Dayton Blvd/Red Bank (by 2030); Transit - New Bus-Rapid Transit (BRT) Line Soddy Daisy to

Hamilton Place Area servicing U.S. 27 and Hwy 153, Northgate Mall, the Airport, and Hamilton Place Mall (by 2040)

- Current 2014-2017 Transportation Improvement Program (committed funding): There are no transportation improvements in the TIP for this section of Hwy 153.

The most significant of these proposed improvements is the planned widening of Highway 153 from 4 to 6 lanes (slated to occur in 2020). However, none of the listed improvements address the Dayton Boulevard/Highway 153 interchange or adding additional network/capacity within the local street networks surrounding this site. The draft 2040 Plan recognizes the need for a more integrated and multimodal system considering existing congestion and growth. This will be the first plan to fiscally constrain a number of new transit services for the region.

It should be noted that the applicant has also proposed designing/improving the access points to the development site and the west bound approach portion of the Boy Scout Road intersection.

However, these proposed improvements do not address the limited road network in the area (mostly two lane roads and limited networks to distribute traffic), or the Dayton Boulevard interchange. Staff is not suggesting that the applicant has the responsibility for making these improvements, only that ultimately the City would need to anticipate making these improvements to accommodate the consequential growth in traffic that would occur as development intensifies around this location.

Compounding these challenges, the steep topography and areas of floodplain within this area limit opportunities to improve local roadway capacity or new networks to handle additional traffic that would occur if this area becomes a commercial center.

Commercial growth in the right location can provide economic growth, fiscal revenues, and contribute to livability when thoughtful consideration is given to the short and long-term infrastructure demands for the area, the impact on critical natural features/systems and surrounding neighborhoods. The proposed site plan and conditions do address the immediate impacts to surrounding neighborhoods, and demonstrates sensitivity to the site's existing features. However, due to the limited existing network within a topographically constrained area, and the fact that current road improvement plans do not account for improving the Dayton Boulevard – Highway 153 interchange or the local

	road network that would be impacted by more intense development patterns fostered by this proposal, the staff recommends denial of this request.

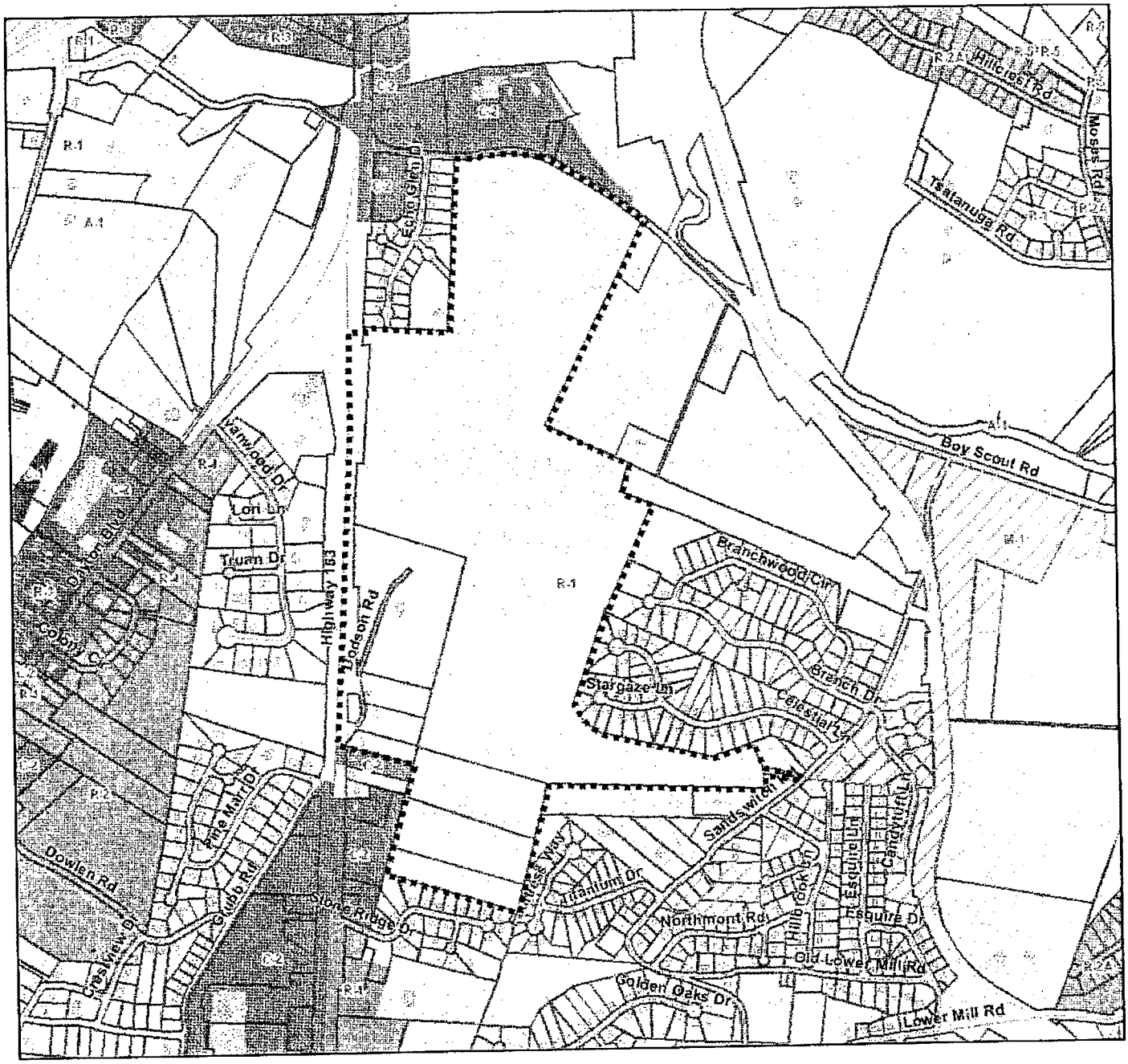
2014-008 Rezoning from R-1 to R-3, R-4, and C-2

North

1,000 ft

Chattanooga Hamilton County Regional Planning Agency

RPA
Regional Planning Agency



2014-008 Rezoning from R-1 to R-3, R-4, and C-2

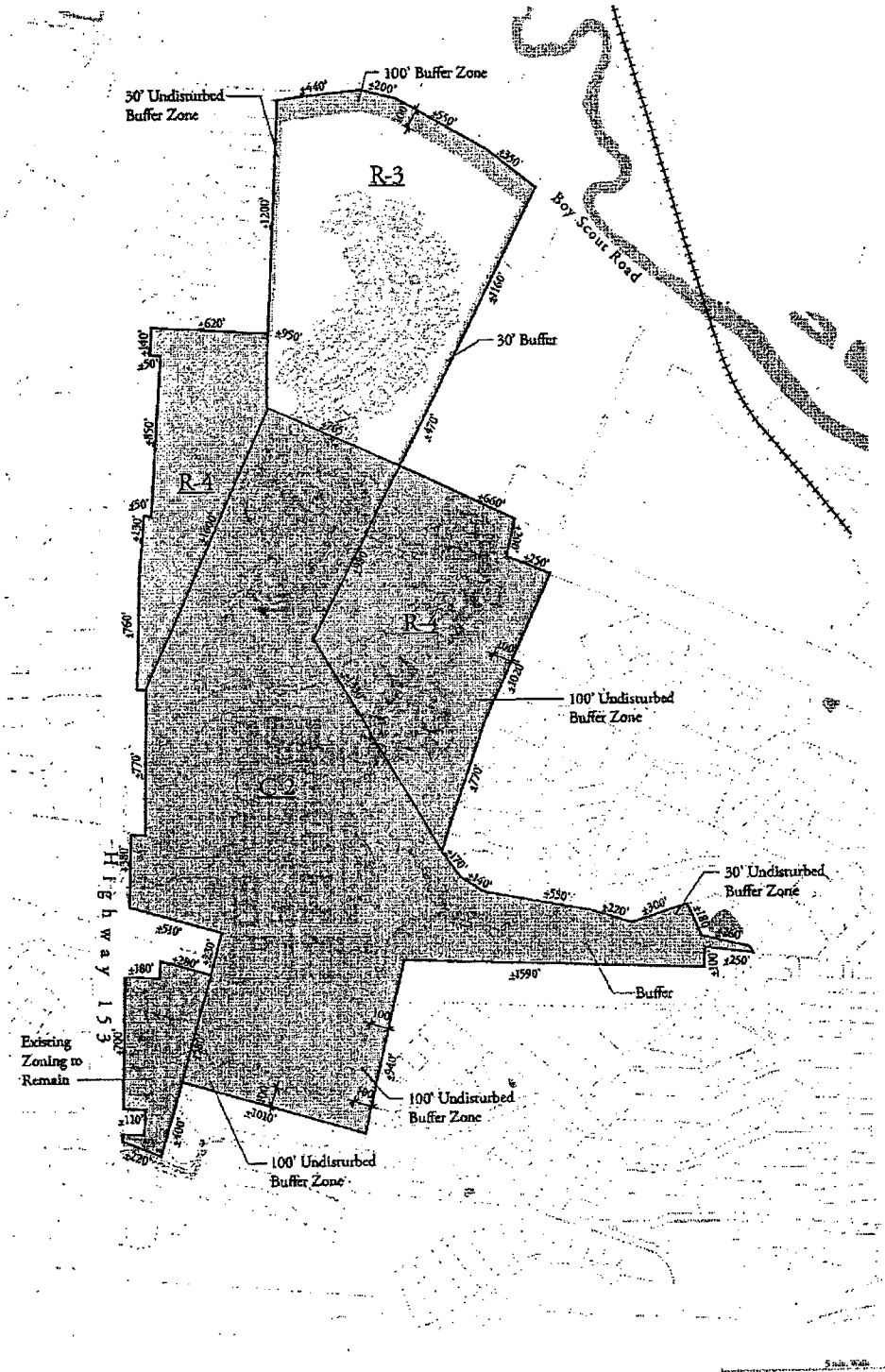
PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2014-008:

Approve, subject to the conditions listed in the Planning Commission Resolution.

North

1,000 ft

Chattanooga Hamilton County Regional Planning Agency



1" = 200' on full size (30x42")

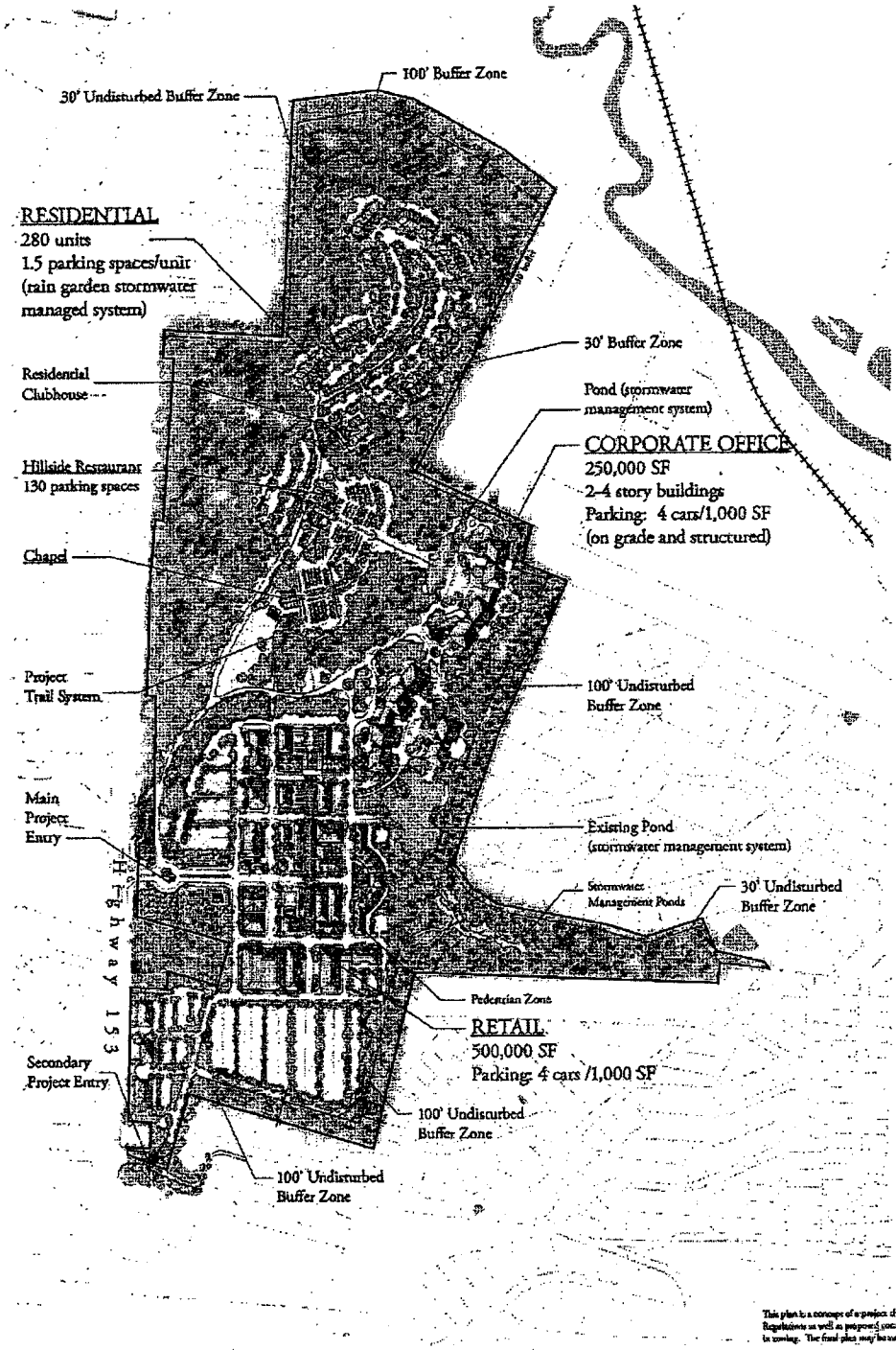
HART | HOWERTON

CHATTANOOGA VILLAGE

Hixson, TN

Proposed Zoning Plan

December 9, 2015



This plan is a concept of a project that meets current City & State Regulations as well as proposed conditions per the requested change in zoning. The final plat may be subject to change.

1

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1" = 200' at full size (30x42")

HART HOWERTON

CHATTANOOGA VILLAGE

Hixson, TN

Preliminary Master Plan

December 9, 2015

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:

2013-156 Yuriy Liashevskiy. 7700 block of Shallowford Road, from R-1 Residential Zone to RT-1 Residential Townhouse Zone, subject to certain conditions.

2014-002 City of Chattanooga/Regional Planning Agency. 6400 block of Fairview Road and the 6700 block of Big Ridge Road, from Temporary R-1 Residential Zone to Zoning Plan for Permanent R-1 Residential Zone for Annexed "Area 4C" in Ordinance Nos. 12293 and 12597.

2014-003 City of Chattanooga/Regional Planning Agency. 39 streets between the 6600 to 7000 blocks of Middle Valley Road and the 6500 to 7000 blocks of Hixson Pike, from Temporary R-1 Residential Zone, RT-1 Residential Townhouse Zone, R-2 Residential Zone, R-5 Residential Zone and C-2 Convenience Commercial Zone to Zoning Plan for Permanent Zones R-1 Residential Zone, RT-1 Residential Townhouse Zone, R-2 Residential Zone, R-5 Residential Zone, and C-2 Convenience Commercial Zone for Annexed "Area 4A" in Ordinance Nos. 12292 and 12596.

2014-006 Alan Haniszewski/RTB Holdings. 1814 Madison Avenue, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2014-007 Alan Haniszewski/ALC Holdings. 2000 block of Rossville Avenue, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2014-008 Scenic Land Company, LLC/Jack Lonas. 6300 block of Highway 153 and the 100 block of Dodson Road, from R-1 Residential Zone to R-3 Residential Zone, R-4 Special Zone, and C-2 Convenience Commercial Zone, subject to certain conditions.

2014-009 Andrew Stone. 2701 South Broad Street, from M-1 Manufacturing Zone to UGC Urban General Commercial Zone.

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 11, 2014

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 _____, 2014.

_____

Sandra Freeman
Clerk to the City Council