

First Reading: _____
Second Reading: _____

2014-055
Hixson Investors, LLC/
Wells Fargo Bank and
Raymond L. Hassler
District No. 3

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITIONS FROM ORDINANCE NO. 11827 OF PREVIOUS CASE NO. 2006-028 AND TO LIFT CONDITIONS FROM ORDINANCE NO. 11946 OF PREVIOUS CASE NO. 2007-022, OFF PROPERTIES LOCATED AT 6308 GRUBB ROAD AND 5851, 5861, AND 5857 HIGHWAY 153, BEING MORE PARTICULARLY DESCRIBED HEREIN.

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 lift conditions from Ordinance No. 11827 of previous Case No. 2006-28 and to lift conditions from Ordinance No. 11946 of previous Case No. 2007-022, off properties located at 6308 Grubb Road and 5851, 5861, and 5857 Highway 153, being more particularly described herein.

Lot 1 of the Whitaker Woods Subdivision, Plat Book 57, Page 86, ROHC, and part of Lots 3, 4, and 5 of the Jesse Evens Tract, Deed Book 806, Page 302, ROHC, being the properties described in Deed Book 9603, Page 602, Deed Book 10212, Page 124, Deed Book 6347, Page 440, and Deed Book 10115, Page 167, ROHC. Tax Map Nos. 091P-A-002, 002.01, 003, and 005.01.

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

/mem

2014-055 City of Chattanooga
June 9, 2014

RESOLUTION

WHEREAS, Hixson Investors, LLC/Wells Fargo Bank & Raymond Hassler petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga to Lift Conditions from Ordinance No. 11827 of previous Case No. 2006-028 and to Lift Conditions from Ordinance No. 11946 of previous Case No. 2007-022, off properties located at 6308 Grubb Road, and 5851, 5861, and 5857 Hwy 153.

Lot 1 of the Whitaker Woods Subdivision, Plat Book 57, Page 86, ROHC, and part of Lots 3, 4, and 5 of the Jesse Evens Tract, Deed Book 806, Page 302, ROHC, being the properties described in Deed Book 9603, Page 602, Deed Book 10212, Page 124, Deed Book 6347, Page 440, and Deed Book 10115, Page 167, ROHC. Tax Maps #091P-A-002, 002.01, 003, and 005.01 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on June 9, 2014,

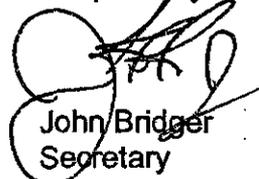
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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 June 9, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved.

Respectfully submitted,


John Bridger
Secretary

LIFT/AMEND CONDITIONS APPLICATION FORM

CASE NUMBER:	2014-055	Date Submitted: 5/12/2014
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)		
1 Applicant Request		
Conditions	Description: Lift Conditions	
11827 (Cond. 1-9)	Resolution/Ordinance Number: Ord. Nos. 11827, 11946	
11946 (Cond. 1-6)	Previous Case Number: 2006-028, 2007-022	
2 Property Information		
Property Address:	6308 Grubb Road, and 5851, 5861, and 5857 Hwy 153	
Property Tax Map Number(s):	091P-A-002, 002.01, 003, and 005.01	
3 Proposed Development		
Reason for Request and/or Proposed Use:	Ordinance has conditions tied to a large common development that was never built. Commercial strip center development	
4 Site Characteristics		
Current Zoning:	C-2	
Current Use:	Rental Equipment Store, Vacant	
Adjacent Uses:	Vacant	
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. *Consultant: ADES, Donna Shepherd, 423-266-3501, donna@adengineering.us		
Name: Hixson Investors, LLC	Address: 6711 Mountain View Road, Suite 205	
Check one:	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am not the property owner
City: Ooltewah	State: TN	Zip Code: 37363
Email: dthowe@aol.com		
Phone 1: 423-413-8348	Phone 2: *	Phone 3:
		Fax:
6 Property Owner Information (if not applicant)		
Name: Wells Fargo / Raymond Hassler	Phone:	
Address:		
Office Use Only:		
Planning District: 5	Neighborhood: Hixson Neighborhood	
Hamilton Co. Comm. District: 1	Chatt. Council District: 3	Other Municipality:
Staff Rec:	PC Action/Date:	Legislative Action/Date/Ordinance:
Checklist		
<input checked="" type="checkbox"/> Application Complete	<input checked="" type="checkbox"/> Ownership Verification	<input checked="" type="checkbox"/> Map of Proposed Zoning Area with dimensions
<input checked="" type="checkbox"/> Site Plan, if required	<input type="checkbox"/> Total Acres to be considered	<input checked="" type="checkbox"/> Deeds
		<input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 9603-602, 10212-124, 6347-440, and 10115-167		
Plat Book/Page: 57-86, 31-312, and DB-806-302	<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 2
<input checked="" type="checkbox"/> Filing Fee: \$150.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check
		Check Number: 3909
Planning Commission meeting date: 6-9-2014		Application processed by: Marcia Parker

PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL

Case Number:	2014-055	PC Meeting Date: 6-9-2014
PC RECOMMENDATION:	APPROVE	
Reason(s) for Recommendation	<ul style="list-style-type: none"> ❖ These conditions were tied to a large retail development plan that only developed on the far north end (Academy Sports, Kohl's). ❖ This site is separated from the northern site by a large detention facility in between. ❖ The conditions were intended to lessen the impacts of a proposed large-scale retail development upon the neighborhood. ❖ The conditions are no longer relevant to this portion of the site. ❖ C2 uses will front Highway 153 with the Assisted Living facility between the proposed retail and the neighborhood. 	
Applicant Present at PC Meeting?	Yes	
Opposition Present at PC Meeting?	No	

STAFF CASE REPORT TO PLANNING COMMISSION

Case Number:	2014-055	PC Meeting Date: 06-09-14
Applicant Request:	Lift Conditions 1-9 on Ordinance # 11827 and Lift Conditions 1-6 on Ordinance # 11946	
Property Location:	6308 Grubb Road and 5851, 5861, 5857 Highway 153	
Property Owner:	Wells Fargo Bank/ Raymond Hassler	
Applicant:	Hixson Investors, LLC	
Staff Recommendation:	APPROVE	

PROJECT ANALYSIS

RPA Land Use & Transportation Comments

Project Description

The applicant asks that all conditions be lifted from previous Ordinance #11827 dated May 16, 2006 and Ordinance #11946 dated March 20, 2007. These conditions tied to a partially completed large common development that currently operates Academy Sports and Kohl's department stores.

Site Description

The site currently has a rental equipment store on a portion of the site with the remainder of the site vacant/undeveloped. Surrounding adjacent properties are commercial businesses and vacant commercial property. Properties located across Grubb Road are single-family residential uses.

Zoning History

A section of this site was re-zoned to C-2 Convenience Commercial Zone with nine (9) conditions on May 16, 2006 by Ordinance #11827 (Case No.2006-028). The remaining section of this site was re-zoned to C-2 Convenience Commercial Zone with six (6) conditions on March 20, 2007 by Ordinance #11946 (Case No. 2007-022).

Plans/Policies

This site is within the 2005 Hixson North River Community Plan.

City Departmental Infrastructure & Operational Comments

All land development projects are reviewed by City Engineering & Water Quality staff, Transportation Department 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.

RPA Summary

RPA staff recommends approval of the applicant's request. The conditions, as adopted in these two ordinances, were tied to a larger common shopping center development that was never developed. The site is basically divided into a northern and southern half, due in part to the required underground detention area located in the middle of the site. The northern part of the overall site has developed with the addition of Academy Sports and Kohl's. The southern part has never been developed.

The conditions were intended to mitigate those nuisance issues typically associated with large-scale shopping center developments on nearby single-family residential neighborhoods, as well as an attempt to ensure that the site was developed in accordance with the site plans submitted during the rezoning

STAFF CASE REPORT TO PLANNING COMMISSION

request.

The overall site is no longer under one ownership and will most likely never be developed as the original site plan submitted indicated, which was as a large commercial shopping center complex. The conditions are no longer relevant to development of the site as a large-scale commercial shopping center.

For this specific request, the conditions of Ordinance Number 11827 apply only to the front portion or those parcels fronting Highway 153. Again, these conditions were adopted when reviewing the development of the overall site a large common shopping center development. The conditions of Ordinance Number 11827 are no longer relevant to this portion of the site.

The conditions of Ordinance Number 11946 apply to the 9.5 acre site that is located along Grubb Road. The applicant has submitted a rezoning request (Case 2014-054) to rezone this portion from C-2 Convenience Commercial Zone to R-4 Special Zone. If this rezoning request is approved then the conditions of Ordinance 11946 no longer apply to this site unless conditions are carried over to apply to rezoning request in Case 2014-054.

Ordinance Number 11827 Conditions

1. The Conceptual Site Plan.

Staff comments: The site plan submitted with the original case was a large shopping center development. The site plan submitted with the request for this case is for two small scale retail buildings.

2. No access to Grubb Road.

Staff comments: The site plan submitted with the request for this case has no frontage or access to Grubb Road.

3. No outparcel access to 153, except the lower parcel near Grubb Road as shown on the site plan.

Staff comments: The site plan submitted with the request for this case is the area specifically permitted by the condition to have outparcel access to Highway 153.

4. Develop, design and build traffic signals per City Specifications and review and approval of the City Traffic Engineer regarding signal design and not to be activated until full build out.

Staff comments: A traffic signal has been installed at the main entrance to the northern half of the site. Any future traffic signals would need to be reviewed by and approved by the Transportation Department.

5. 100' screening/buffer from Grubb Road as shown the site plan and a 50' screen and buffered area with Type B landscape along the property line abutting the R-4 property on Grubb Road. Landscaping to consist of 2 staggered rows of evergreen trees 15' on center at the bottom and top of slope to be 2" caliper or 6' tall.

Staff comments: The site plan for this proposed area does not front or have access to Grubb Road; therefore, the 100' screening buffer would not apply to this portion of the site. The Type B screening abutting the R-4 Special Zone is a requirement of the landscape regulations.

6. Commitment for full build-out with major deviations or changes of site plan going back to RPA staff

STAFF CASE REPORT TO PLANNING COMMISSION

for approval.

Staff comments: The overall site is no longer under one ownership and will most likely never be developed as the original site plan submitted indicated. In 2010, the property owners of the northern half of the site submitted to RPA a revised site plan. RPA staff did approve the revised site plan for the northern portion of the site.

7. Detention pond with capability of handling a 50 year storm event.

Staff comments: A detention pond was developed and located in the middle of the site. Any development of this portion of the site will be required to show how they intend to handle stormwater runoff in compliance with all code and regulations of the City of Chattanooga. It appears this condition has been satisfied.

8. All lighting directed toward the development and away from residential properties.

Staff comments: In 2010, the Chattanooga Zoning Regulations were amended to address this situation. The reference is Section 38-33 of the Chattanooga Zoning Regulations.

9. Dumpster activity only from 7:00 a.m. to 7:00 p.m.

Staff comments: This condition seems to be difficult to enforce.

Ordinance Number 11946 Conditions

1. Conceptual site plan.

Staff comments: The applicant has submitted a new site plan as part of a new rezoning request to rezone this area from C-2 Convenience Commercial to R-4 Special Zone.

2. No Access to Grubb Road.

Staff comments: This condition has been carried forward to be included as part of the rezoning request for Case 2014-054.

3. 100' screening from Grubb Road as shown the site plan. Landscaping to consist of 2 staggered rows of evergreen trees 15' on center at the bottom and top of slope to be 2" caliper or 6' tall.

Staff comments: This condition has been carried forward to be included as part of the rezoning request for Case 2014-054.

4. Any major deviations or changes of site plan to be reviewed in conjunction with site plan for Case 2006-028 and approved by RPA staff. RPA signed copy of the final site plan for Case 2006-028 and 2007-022 will accompany the case at the Chattanooga City Council for final action.

Staff comments: This condition has been satisfied by the adoption of Ordinance Number 11946.

5. All lighting directed toward the development and away from residential properties.

Staff comments: In 2010, the Chattanooga Zoning Regulations were amended to address this situation. The reference is Section 38-33 of the Chattanooga Zoning Regulations.

6. Dumpster activity only from 7:00 a.m. to 7:00 p.m.

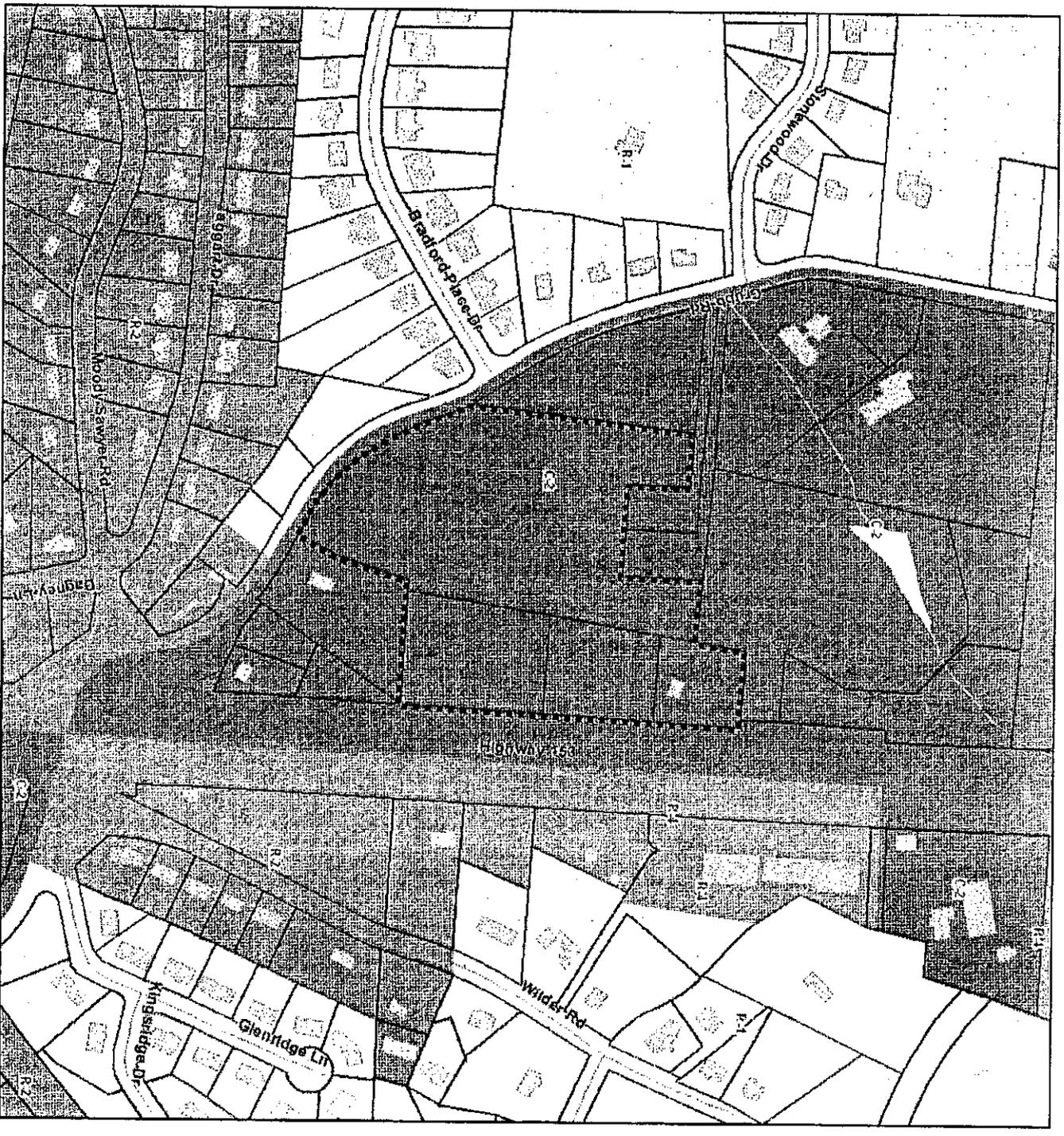
Staff comments: This condition seems to be difficult to enforce.

Community Support

June 5, 2014

In signing this document, I state that I am a resident and/or business owner of the community near the proposed Assisted Living Project on Hwy. 153. While I enjoy the benefits of having commercial developments like Academy Sports and Kohls, I would prefer to see an Assisted Living Center on this site rather than another large commercial development.

- ✓ Name: Rosa M. Lopez
Phone 825-392.3 Email _____ Address 519 Woodcroft Dr
- ✓ Name: Jack Gibson
Phone 877-2309 Email Rosag@EBFI.com Address 508 Woodcroft Dr.
- ✓ Name: Christine Scarborough
Phone 877-9795 Email _____ Address 451 Kingsridge Dr.
- ✓ Name: Charles & Carolyn Ellett
Phone 8705739 Email escape@bellsouth.net Address 625 Glenridge LN
HIXSON TENN
- ✓ Name: Misty Anderson
Phone 423-240-0774 Email MistyAnderson1@ Address 421 Kingsridge Dr
- ✓ Name: RONALD & SUSAN HOWARD #Email-
Phone 877-5040 Email RHOWARD@HOCMAST.NET Address 6220 Bramblewood Dr
- ✓ Name: Del packed York
Phone 423-503-6197 Email delpacked@ymail.com Address 452 Kingsridge Dr
- ✓ Name: Joe Knight
Phone 875-0523 Email _____ Address 414 Kingsridge Dr.
- ✓ Name: Clarence Handrickson
Phone 875-2528 Email _____ Address 436 Kingsridge Drive



2014-055 Lift All Conditions of Ordinance 11827 & 11946

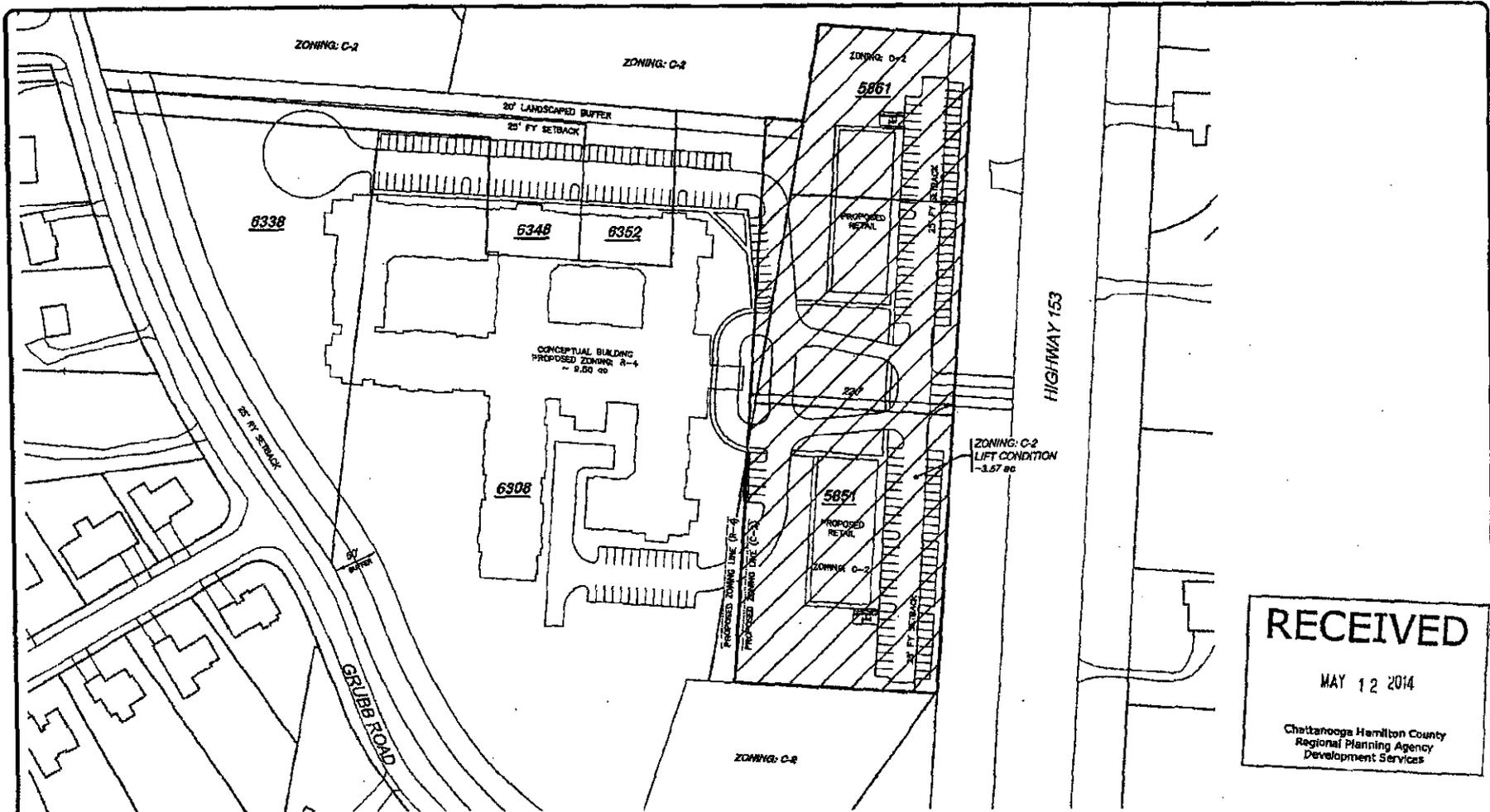


300 ft



Chattanooga Hamilton County Regional Planning Agency





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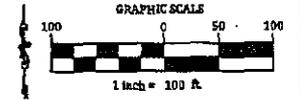
Chattanooga Hamilton County
Regional Planning Agency
Development Services

AD ENGINEERING SERVICES, INC.
COMPLETE ENGINEERING & DESIGN SERVICES
 681 E. 4th Street, Suite 107
 Chattanooga, TN 37403
 PH: (423) 266-3501 FAX: (423) 266-3286

ZONING APPLICATION
 Hisson Investors, LLC
 Highway 153, Chattanooga, TN

CONCEPTUAL SITE PLAN
 with LIFT Condition Area Shaded
 and Existing Property Lines

SCALE: 1" = 100'
 DATE: 05/08/2014
 DRAWN BY: DJS
 CHECKED BY: ASD
 JOB NO: 14168



2014-055



2014-055 Lift All Conditions of Ordinance 11827 & 11946

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2014-055:

Approve.



231 ft



Chattanooga Hamilton County Regional Planning Agency



NOTICE

WHEREAS, petition to amend Ordinance No. 6958, known as the Zoning Ordinance, has been proposed to the City Council of the City of Chattanooga:

1. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be approved:

2014-046 Wallace and Nancy Braud. 1329 and 1349 Gunbarrel Road, from R-1 Residential Zone to M-1 Manufacturing Zone, subject to certain conditions.

2014-050 Patrick Johnson. 5209 St. Elmo Avenue, from R-1 Residential Zone to R-3 Residential Zone, subject to certain conditions.

2014-051 RTB Holdings, LLC/Parks Properties, LLC. 614 East Main Street (at rear of parcel), from M-3 Warehouse and Wholesale Zone to C-3 Central Business Zone, subject to certain conditions.

2014-054 Hixson Investors, LLC/Wells Fargo Bank and Raymond L. Hassler. 6308, 6338, 6348, 6352 Grubb Road and 5851 Highway 153, from C-2 Convenience Commercial Zone to R-4 Special Zone, subject to certain conditions.

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

2014-043 Chattanooga Construction Company/Lighthouse Enterprises, LLC. 5336, 5344, and 5050 Hunter Road, for a proposed Residential Planned Unit Development (PUD), subject to certain conditions.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following conditions be lifted and approved:

2014-055 Hixson Investors, LLC/Wells Fargo Bank and Raymond Hassler. 6308 Grubb Road and 5851, 5861, and 5857 Highway 153, so as to lift conditions from Ordinance No. 11827 of previous Case No. 2006-028 and to lift conditions from Ordinance No. 11946 of previous Case No. 2007-022.

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

- (a) Deleting in its entirety Section 38-25, Lots to front street; exceptions, and substituting in lieu thereof; and
- (b) Adding a new Division 4 to Article III, Zones and boundaries, Brainerd Road Streetscape Overlay Zone (BR-SO).

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,

July 8, 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