

First Reading: _____
Second Reading: _____

2014-109
Hixson Investors, LLC/
Mary Eastman
District No. 3
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITIONS 1 THROUGH 9 FROM ORDINANCE NO. 11827 OF PREVIOUS CASE NUMBER 2006-028 FROM PROPERTIES LOCATED AT 6300, 6302, AND 6306 GRUBB ROAD AND PART OF THE 5800 BLOCK OF HIGHWAY 153, 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, be and the same hereby is amended so as to Lift Conditions 1 through 9 from Ordinance No. 11827 of previous Case Number 2006-028 from properties located at 6300, 6302, and 6306 Grubb Road and part of the 5800 block of Highway 153, more particularly described herein:

Lots 1-3 of the Estate of Ruby Sliger Seago, Plat Book 36, Page 372, ROHC, and Lot 1 of Mormon Acres, Plat Book 31, Page 312, ROHC, being the properties described in Deed Book 10252, Page 736, ROHC, and Deed Book 9080, Page 592, ROHC. Tax Map Nos. 091P-A-004, 004.01, 004.02, and 005.

and as shown on the maps attached hereto and made a part hereof by reference.

SECTION 2. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That this petition to Lift Conditions 1 through 9 from Ordinance No. 11827 of previous Case No. 2006-028 from properties located at 6300, 6302, and 6306 Grubb Road and part of the 5800 block of Highway 153 be replaced with the following:

- (1) No building within one hundred (100') feet of Grubb Road; and
- (2) Grubb Road access is to be used as secondary access only.

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

/mem

First Reading: _____
Second Reading: _____

2014-109
Hixson Investors, LLC/
Mary Eastman
District No. 3
Staff Version

ORDINANCE NO. _____

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and as shown on the maps attached hereto and made a part hereof by reference.

SECTION 2. BE IT FURTHER ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That this petition to Lift Conditions 1 through 9 from Ordinance No. 11827 of previous Case No. 2006-028 from properties located at 6300, 6302, and 6306 Grubb Road and part of the 5800 block of Highway 153 be replaced with the following:

(1) Property to be used only as a stormwater detention area and to provide access to Grubb Road.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: _____

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

MAYOR

/mem

2014-109 City of Chattanooga
October 13, 2014

RESOLUTION

WHEREAS, Hixson Investors, LLC/Mary Eastman petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga Lifting Conditions 1 through 9 from Ordinance Number 11827 of Previous Case Number 2006-028 from properties located at 6300, 6302, and 6306 Grubb Road and part of 5800 Block of Highway 153.

Lots 1-3 of the Estate of Ruby Sliger Seago, Plat Book 36, Page 372, ROHC, and Lot 1 of Mormon Acres, Plat Book 31, Page 312, ROHC, being the properties described in Deed Book 10252, Page 736, ROHC, and Deed Book 9080, Page 592, ROHC. Tax Maps 091P-A-004, 004.01, 004.02, and 005 as shown on the attached map.

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

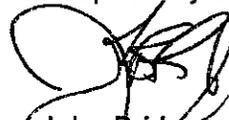
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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 October 13, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved Lifting Conditions 1 through 9 and Recommend the following conditions: 1) No building within 100' of Grubb Road; and 2) Grubb Road access is to be used as secondary access only.

Respectfully submitted,



John Bridger
Secretary

LIFT/AMEND CONDITIONS APPLICATION FORM

CASE NUMBER:	2014-109	Date Submitted:	8-25-2014
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
1 Applicant Request			
Conditions	Description: Lift Conditions		
	Resolution/Ordinance Number: Ord. No. 11827 (Conditions 1-9)		
	Previous Case Number: 2006-028		
2 Property Information			
Property Address:	6300, 6302, 6304, and 6306 Grubb Road		
Property Tax Map Number(s):	091P-A-004, 004.01, 004.02, and 005		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Ordinance has conditions tied to a large common development that was never built. (see attached Project Scope)		
4 Site Characteristics			
Current Zoning:	C-2		
Current Use:	Residential and 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, 266-3501, donna@adengineering.us			
Name: Hixson Investors, LLC.		Address: 6711 Mountain View Road, Suite 205	
Check one:	<input checked="" 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: Mary Eastman		Phone: 423-667-8412	
Address: 656 Mantonya Terrace, The Villages, Fl. 32162			
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 checked="" type="checkbox"/> Total Acres to be considered: 2.51	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 10252-736 and 9080-592			
Plat Book/Page: 31-312 and 36-372			
<input checked="" type="checkbox"/> Notice Signs		Number of Notice Signs: 2	
<input checked="" type="checkbox"/> Filing Fee: \$150.00	Cash	<input checked="" type="checkbox"/> Check	Check Number: 510
Planning Commission meeting date: 10-13-14		Application processed by: Trevor Stayton	

STAFF CASE REPORT TO PLANNING COMMISSION

Case Number:	2014-109	PC Meeting Date: 10-13-14
Applicant Request:	Lift conditions 1-9 of Ordinance 11827 (PC case 2006-028)	
Property Location:	6300, 6302, 6306 Grubb Road and part of the 5800 block Highway 153	
Property Owner:	Hixson Investors, Inc./Mary Eastman	
Applicant:	Hixson Investors, Inc.	
Staff Recommendation:	APPROVE LIFTING CONDITIONS 1 THRU 9 AND RECOMMEND THE FOLLOWING CONDITION: 1.) Property to be used only as a stormwater detention area and to provide access to Grubb Road.	

PROJECT ANALYSIS

RPA Land Use & Transportation Comments

Project Description

The applicant requests lifting conditions 1-9 of Ordinance 11827. These conditions were part of a large commercial development that was never built for the southern portion of the site. The northern portion of this larger overall development site contains the Academy Sports and Kohl's department stores.

The request will permit an access drive from Grubb Road to the proposed Assisted Living Facility. The request will also remove all other conditions placed on the property in terms of required screening, review of traffic signal placement, conceptual site plan, lighting, and dumpster activity.

Site Description

The 2.51 acre site consists of four parcels of land. One parcel is vacant and the other three have single-family residences on site. Property uses across Highway 153 on the east are residential as are properties across Grubb Road on the south. Adjacent property on the west is vacant, however an assisted living use is proposed. Adjacent property on the north is vacant, however it is zoned C-2 Convenience Commercial Zone. Property uses further north is retail commercial currently used by Academy Sports and Kohl's.

Zoning History

This site was zoned to C-2 Convenience Commercial Zone with conditions (listed below as part of the RPA Summary) in 2006, Ordinance No. 11827. Adjacent property to the west was recently rezoned in 2014 to R-4 Special Zone for the assisted living facility. In June of this year the Chattanooga-Hamilton County Regional Planning Commission recommended approval of lifting the conditions of Ordinance Nos. 11827 and 11946 on the adjoining property. The Chattanooga City Council approved the lifting of conditions on August 26, 2014 by the adoption of Ordinance No. 12840.

Plans/Policies

This site is within the 2005 Hixson-North River Community Plan. The Hixson North River Community Plan recommends High Density Residential for the property abutting Grubb Road and Medium Business Mix for the property abutting Highway 153.

City Departmental Infrastructure & Operational Comments

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

STAFF CASE REPORT TO PLANNING COMMISSION

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

The conditions listed below, as adopted in Ordinance No. 11827, were tied to a larger shopping center 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. However, earlier this year, the applicant's request to lift conditions and rezone the adjacent property to be used as an Assisted Living Facility was approved by City Council.

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 process. The overall site is no longer under one ownership and is unlikely to be developed as the original site plan indicated, which was as a large commercial shopping center complex.

For this specific request, the conditions of Ordinance No. 11827 apply only to the front portion of those parcels fronting Highway 153. Again, these conditions were adopted when reviewing the development of the overall site as a large shopping center development and are no longer relevant to this portion of the site. The following is a listing of the conditions of Ordinance No. 11827 and staff comments related to each condition:

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 indicates access to the adjacent proposed Assisted Living Facility from Grubb Road. In order for access to Grubb Road to occur this condition needs to be lifted.

As part of the review of this case the Transportation Department advised that a connection should be provided to the proposed adjacent Assisted Living Facility from Grubb Road. Based on the topography of the site this location appears to be the only place to provide this secondary access to property from 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 CASE REPORT TO PLANNING COMMISSION

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 Special Zone 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 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.

The RPA recommends approval of the applicant's request to lift conditions 1 thru 9 of Ordinance No. 11827 and recommends that the property be used only for stormwater detention and access to Grubb Road.

The site plan does not indicate any other use on the site other than stormwater detention and access to Grubb Road; therefore, staff is recommending a condition be added limiting the use of the property to stormwater detention and access only. This property has a long history with the adjacent residential property owners and many conditions were placed on the property in an attempt to mitigate any nuisance issues imposed on the adjacent residential uses. If the conditions are lifted this would leave an unrestricted commercial zone property at this intersection that could impact the adjacent residential property owners. Restricting the use of the property to stormwater detention and access to Grubb Road only would require, in the future, any other use of the property to go through the public hearing process to lift these conditions and will provide the opportunity for review and identification of potential conditions to mitigate any nuisance issues with a proposed development on this site and the adjacent residential uses.



2014-109 Lift All 9 Conditons of Ordinance #11827

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2014-109:

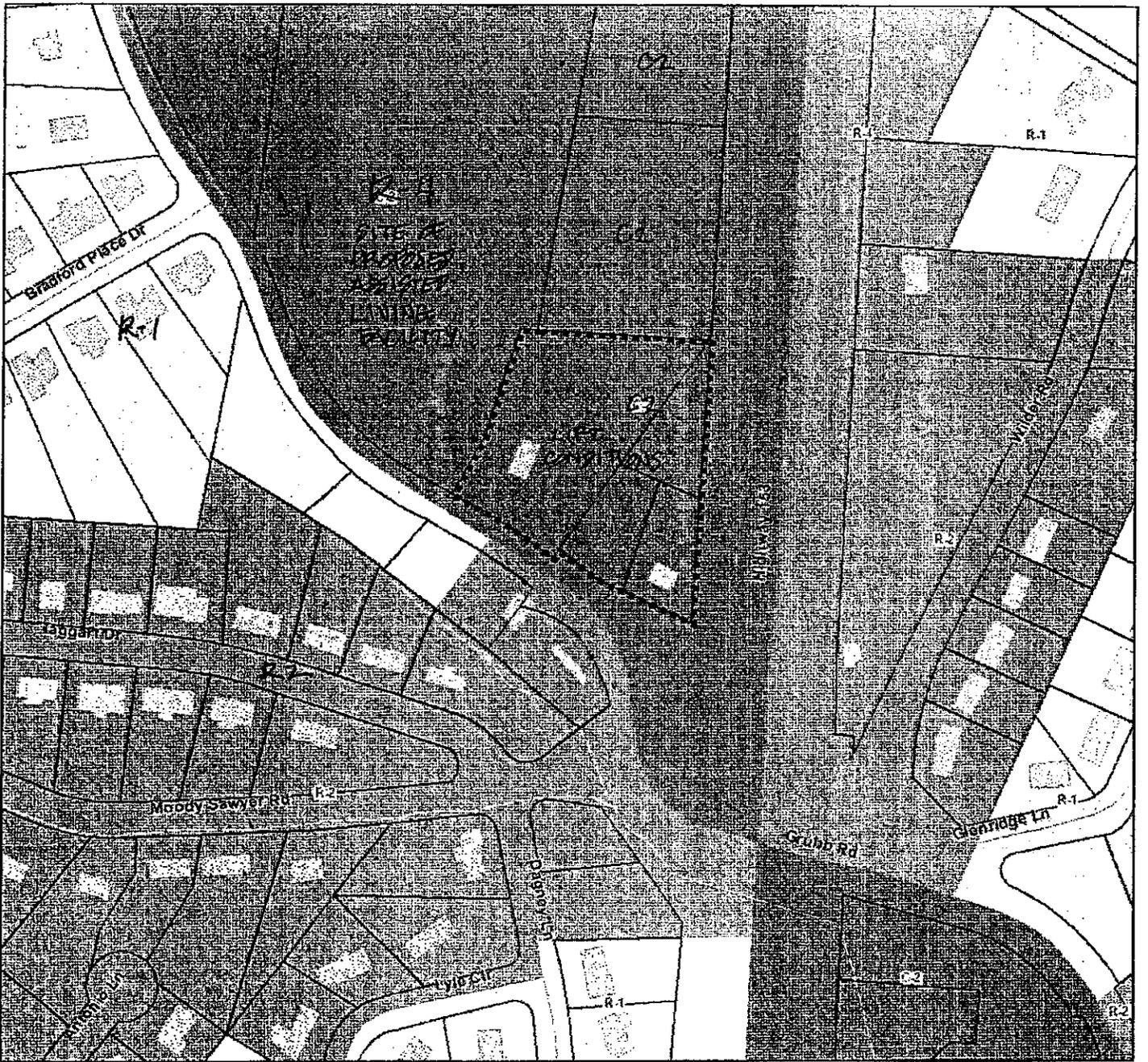
Approve Lifting Conditions 1 through 9 and Recommend the following conditions: 1) No building within 100' of Grubb Road; and 2) Grubb Road access is to be used as secondary access only.



200 ft

Chattanooga Hamilton County Regional Planning Agency





2014-109 Lift All 9 Conditions of Ordinance #11827



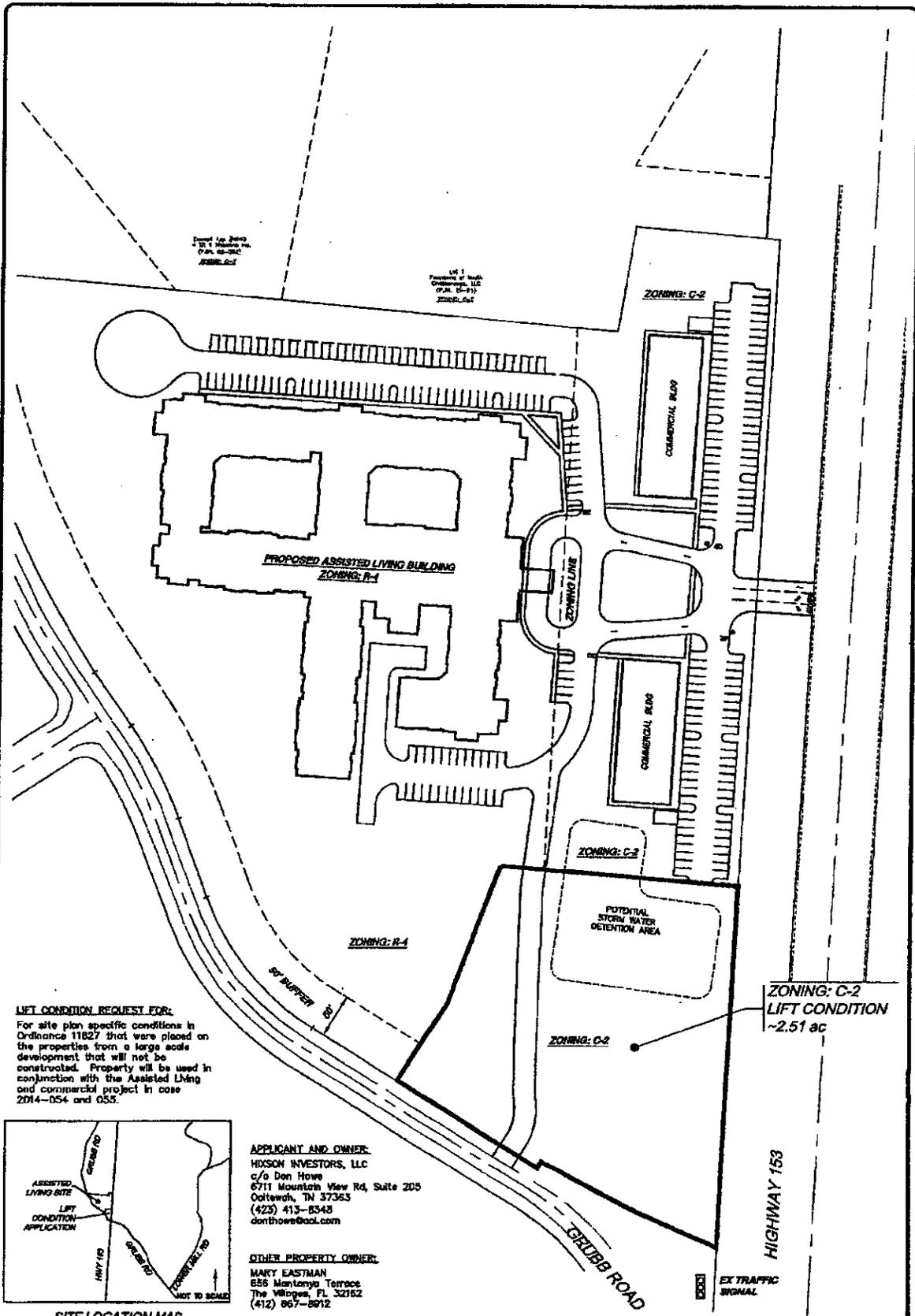
- LIFT CONDITIONS TO ALLOW
ACCESS DRIVEWAY ON CRUBB
ROAD



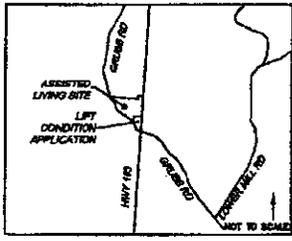
200 ft

Chattanooga Hamilton County Regional Planning Agency

CHATTANOOGA
HAMILTON COUNTY
RPA



LIFT CONDITION REQUEST FOR:
 For site plan specific conditions in Ordinance 11827 that were placed on the properties from a large scale development that will not be constructed. Property will be used in conjunction with the Assisted Living and commercial project in case 2014-054 and 055.



SITE LOCATION MAP

APPLICANT AND OWNER:
 HIXSON INVESTORS, LLC
 c/o Don Howe
 6711 Mountain View Rd, Suite 205
 Coltercroft, TN 37363
 (423) 413-8348
 donthowe@aol.com

OTHER PROPERTY OWNER:
 MARY EASTMAN
 656 Montoya Terrace
 The Villages, FL 32162
 (412) 967-8912

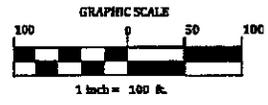
**ZONING: C-2
 LIFT CONDITION
 ~2.51 ac**

AD ENGINEERING SERVICES, INC.
 COMPLETE ENGINEERING & DESIGN SERVICES
 651 E. 4th Street, Suite 407
 Chattanooga, TN 37403
 PH: (423) 266-3601 FAX: (423) 266-3726

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

CONCEPTUAL SITE PLAN
 Lift Condition for C-2 Zone

SCALE: 1" = 100'
 DATE: 08/25/2014
 DRAWN BY: DJS
 CHECKED BY: ASD
 JOB NO: 14188



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 petitions to rezone be approved:

2014-105 Charles Ankar/Joyce Douglas. 1812, 1816, and 1818 Madison Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2014-108 Alan Haniszewski/HP Partners. 1200 South Watkins Street, 1206 Lyerly Street, and 2308 East 12th Street, from M-1 Manufacturing Zone and R-2 Residential Zone to M-2 Light Industrial Zone, subject to certain conditions.

2014-110 Polestar Development, LLC/Sarah Henshall Rutherford. 7911 East Brainerd Road, from R-4 Special Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2014-111 Polestar Development, LLC/First Cumberland Presbyterian. 1505 North Moore Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone.

2014-112 Passpointe Engineering, PLLC/Walnut Street Enterprises/Marvin Berke/Claudette C. Braley. 102 Walnut Street and 213 East Aquarium Way, from R-4 Special Zone to C-3 Central Business Zone, subject to certain conditions.

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

2014-107 Southern Land Company/Obar Investments, LLC. 900 block of River Gorge Drive, for a Residential Planned Unit Development, subject to certain conditions.

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

2014-109 Hixson Investors, LLC/Mary Eastman. 6300, 6302, and 6306 Grubb Road and part of 5800 block of Highway 153, lifting conditions 1 through 9 from Ordinance No. 11827 of previous Case No. 2006-028, subject to certain conditions.

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) Adding a new sub-section (23) to Article VIII, Section 38-568 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."
- (b) Adding a new definition in alphabetical order to Article II, Section 38-2 entitled, "Lot of Record."
- (c) Amending definition in Article II, Section 38-2 by changing the definition name entitled, "Dwelling, Multiple to Dwelling, Multi-family."
- (d) Adding a new sub-section (5) to Article V, Section 38-92 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."
- (e) Adding a new sub-section (4) to Article V, Section 38-102 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."
- (f) Adding a new sub-section (7) to Article V, Section 38-112 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."
- (g) Adding a new sub-section (15) to Article V, Section 38-122 entitled, "Special Permit for Two-family or Multi-family Dwellings on Lots of Record."

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,

November 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