First Reading:_____
Second Reading:_____

2016-060
Jack Haylett Branch Acquisition Company, LLC/
Defoor Brothers, LLC/Tommy Thompson/
Winona Sims/Steven Dobbs Family Trust
District No. 4
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED IN THE 2300 TO 2500 BLOCKS OF GUNBARREL ROAD, 7325 THROUGH 7342 BLOCKS OF MCCUTCHEON ROAD, 2500 BLOCK OF LIFESTYLE WAY, AND 2300 THROUGH 2400 BLOCKS OF ELAM LANE, MORE PARTICULARLY DESCRIBED HEREIN, FROM MXU MIXED USE ZONE AND R-1 RESIDENTIAL ZONE TO C-4 PLANNED COMMERCE CENTER ZONE, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, be and the same hereby is amended so as to rezone properties located in the 2300 to 2500 blocks of Gunbarrel Road, 7325 through 7342 blocks of McCutcheon Road, 2500 block of LifeStyle Way, and 2300 through 2400 blocks of Elam Lane, more particularly described herein:

Lot 4, Lot 5 and Part of Lot 6, Block B, J. L. Jenkins Subdivision, Plat Book 10, Page 49, ROHC being the properties described in Deed Book 6252, Page 940, Deed Book 9103, Page 294, Deed Book 9103, Page 302, Deed Book 9583, Page 994, Deed Book 9682, Page 491, Deed Book 9693, Page 198, Deed Book 9930, Page 185, Deed Book 10416, Page 143, ROHC, Lots 24 thru 30, Timberland Subdivision, Plat Book 20, Page 73, ROHC, Tracts 1 thru 5 of Deed Book 9433, Page 409, Lots A and B of Lots A and Resubdivision of Lot 4, J. L. Jenkins Subdivision,

Plat Book 24, Page 12, ROHC, Deed Book 9803, Page 51, and Deed Book 9822, Page 342, ROHC, Lots 1 thru 3, Final Plat of Lots 1, 2, and 3 Subdivision of the W. E. Bynum Subdivision, Plat Book 35, Page 65, ROHC, being described as Tracts 1 thru 3 in Deed Book 9670, Page 235, ROHC, Lots 1 and 2, Final Plat of Lots 1 and 2, Donald E. Taylor Subdivision, Plat Book 69, Page 83, ROHC, being described as Tracts 1 and 2 in Deed Book 10083, Page 915, ROHC, Lot 6, Final Plat of Waterside Subdivision, Plat Book 88, Page 65, ROHC, being Part of Deed Book 9964, Page 873, ROHC, Lot 3, Revised Plat of Waterside Subdivision, Plat Book 87, Page 181, ROHC, being Part of Deed Book 9964, Page 873, ROHC, Lot A, Revised Plat of the Waterside Subdivision Life Style Center, Lot 7, Revised Plat Waterside Subdivision Life Style Center Lots 2 and 7, Plat Book 89, Page 76, ROHC, Deed Book 9633, Page 366, ROHC, Lots 4 and 8, Final Plat Waterside Subdivision Life Style Center Lots 4 and 8, Plat Book 92, Page 179, ROHC, Deed Book 9116, Page 511, ROHC, Lots 5 and 11, Final Plat of Waterside Subdivision Lots 5 and 11, Plat Book 96, Page 85, ROHC, Deed Book 9990, Page 653, and part of Deed Book 9964, Page 873, ROHC, Lot 2, Final Plat Waterside Subdivision Life Style Center Lots 2 and 12, Plat Book 96, Page 200, ROHC, Deed Book 9110, Page 967, ROHC, Lots 1, 13 and 14, Final Plat Waterside Subdivision Life Style Center Lots 1, 13 and 14, Plat Book 97, Page 184, ROHC, being part of the property described as Tract 1 in Deed Book 8042, Page 436, being part of the property described in Deed Book 9964, Page 873, ROHC, together with two unplatted tracts of land located at 2519 and 2527 Gunbarrel Road being described as Tracts 4 and 5 in Deed Book 9670, Page 235, ROHC. Tax Map Nos. 149A-B-007 thru 019, 149H-A-019 thru 019.05, 019.07 thru 091.09, 149H-G-002, and 149H-G-011 thru 018.

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

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

1. Prior to receiving a land disturbing permit for any phase or portion of the zoned area, the property owner/developer shall submit to the Land Development Office for review and approval, a plan that demonstrates compliance with the conditions noted below. The LDO will review the plans submitted to verify the conditions listed below are met.

2. Minimum Residential Component.

a. The development shall allocate at a minimum one hundred (100) residential units per four (4) acres be located north of Min Tom Road.

3. Restrictions on development along Gunbarrel Road.

   a. Within two hundred (200) feet of Gunbarrel there shall be no more than four (4) separate retail buildings with no retail building's square footage to exceed six thousand (6,000) square feet. There shall be no outdoor sound amplification from any retail building, except that there may be reasonable outdoor sound amplification from the rear side of any building (being the side that faces directly away from Gunbarrel).

   b. Residential buildings shall be located at least twenty-five (25) feet off of Gunbarrel.

   c. Hotels shall be located at least six hundred (600) feet off of Gunbarrel.

   d. No Drive-Thrus on the three sides of any building that are visible from Gunbarrel, such that the rear side of any building (being the side that faces directly away from Gunbarrel) may host a drive-thru.

4. Maximum total retail square footage

   a. Total allowable retail square footage for the site shall not exceed five hundred thousand (500,000) square feet.

5. Buffer from Gunbarrel Road Right-of-Way.

   a. Provide a thirty (30) foot landscape Type "B" Buffer along all portions of the property that contain commercial or office uses, and a ten (10) foot Type "C" Buffer along all portions of the property that contain a residential use, which landscape buffers shall comply with the minimum dimensions and plantings set forth in the Chattanooga Landscape Ordinance.

   b. Within the buffer described above, the goal is to provide an earthern berm where practical with a minimum height of three (3) feet, and the multi-use path described in the Transportation requirements below.

   c. One curb cut shall be permitted between McCutcheon Road to Min Tom Roads.

6. Green Space

   a. The following standards shall be met so as to meet the intent of creating green, civic spaces throughout the development to provide a visual relief from the large parking areas, and to provide an attractive pedestrian environment for shoppers and residents.

   b. The designated commercial and residential portions of the site shall each have a minimum ten (10%) percent green space consisting of such uses as squares, parks, playgrounds and/or pedestrian greenways. This area shall include any existing or new lakes and water features.

   c. All public designated green spaces shall be connected by a pedestrian circulation system.

7. Minimum Tree Plantings

   a. The following standards are established to achieve ten (10%) tree canopy coverage for the non-green space portions of the site.

   b. Within the established parking areas, provide Class I trees at a minimum distance of sixty (60) feet from parking spaces and provide a minimum rate of one (1) tree per seven (7) parking spaces. These trees can be planted within the parking lot and within ten (10) feet of the parking lot perimeter.

   c. Within designated Green Spaces, provide fifteen (15%) percent tree canopy coverage. Every Class I Tree receives a one thousand (1,000) square feet credit; every Class II Tree receives a four hundred (400) square foot credit towards the fifteen (15%) percent green space canopy standard.

8. Building Height

   a. No building shall exceed four (4) stories in height.
   b. No retail buildings shall exceed two (2) stories in height.
   c. No hotel building shall exceed seven (7) stores in height.

9. Prohibited uses

   a. Manufacturing Facilities, Warehouses and Mini-Warehouses and Mini-Warehouses, Adult-Oriented Establishments, Vehicle Sales or Vehicle Repair Facilities, Fuel Service Stations, Outdoor Commercial Storage, Alternative Financial Services, Permanent Year-Round Outdoor Display or Sales. Signage-

Signs not relating to identification of or direction to premises and occupants, or to products sold or services rendered on the premises are prohibited.

10. Internal pedestrian access

    a. Provide safe, direct and convenient pedestrian access and connectivity via sidewalks and striped crosswalks throughout the development.

11. Transportation impact and access

    a. A ten (10) foot multi-use pathway is required to be constructed on the zoned property along Gunbarrel Road as each phase or portion of the development progresses on the site, and ultimately connecting to internal sidewalks. Portions of this multi-use path may ultimately lie within the right-of-way area owned by the City of Chattanooga.

    b. Due to the additional traffic issues that will be caused by the development at the intersection of Shallowford Road and Napier Road, the intersection must be reconfigured to remove the east bound left turn lane and left turn traffic signal, to add a dedicated south bound right turn lane, and to alter traffic signal phases in order to mitigate the impacts.

    c. When warranted by the development progress, an additional east bound left turn lane must be constructed at the intersection of Shallowford Road and Lifestyle Way to accommodate the anticipated increased traffic turning into the development and Lifestyle Way must be widened to accommodate a corresponding double receiving lane. The City of Chattanooga shall assist in providing any required additional right-of-way.

    d. When warranted by the development process, traffic lights must be installed at the intersections of Gunbarrel Road and McCutcheon Road and Gunbarrel Road and Min Tom Road. The City of Chattanooga shall install conduit under Gunbarrel Road during the current City Gunbarrel widening project for the new signals based upon a design provided by the developer. The new signals must be fiber connected to the traffic signals on Shallowford Road for phase coordination. A north bound left turning lane must be provided at the intersection of Gunbarrel Road and Min Tom Road if not provided by the City of Chattanooga and the City of Chattanooga shall assist in providing any required additional rights-of-way.

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

2016-060 City of Chattanooga
May 9, 2016(Deferred)
June 13, 2016(Action)

RESOLUTION

WHEREAS, Jack Haylett Branch Acquisition Company, LLC/Defoor Brothers, LLC/Tommy Thompson/Winona Sims & Steven Dobbs Family Trust 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 MXU Mixed Use Zone and R-1 Residential Zone to C-4 Planned Commerce Center Zone, properties located in the 2300 to 2500 blocks of Gunbarrel Road, 7325 thru 7342 blocks of McCutcheon Road, 2500 block of Life Style Way and 2300 thru 2400 blocks of Elam Lane.

Lot 4, Lot 5 and Part of Lot 6, Block B, J. L. Jenkins Subdivision, Plat Book 10, Page 49, ROHC being the properties described in Deed Book 6252, Page 940, Deed Book 9103, Page 294, Deed Book 9103, Page 302, Deed Book 9583, Page 994, Deed Book 9682, Page 491, Deed Book 9693, Page 198, Deed Book 9930, Page 185, Deed Book 10416, Page 143, ROHC, Lots 24 thru 30, Timberland Subdivision, Plat Book 20, Page 73, ROHC, Tracts 1 thru 5 of Deed Book 9433, Page 409, Lots A and B of Lots A and Resubdivision of Lot 4, J. L. Jenkins Subdivision, Plat Book 24, Page 12, ROHC, Deed Book 9803, Page 51, and Deed Book 9822, Page 342, ROHC, Lots 1 thru 3, Final Plat of Lots 1, 2, and 3 Subdivision of the W. E. Bynum Subdivision, Plat Book 35, Page 65, ROHC, being described as Tracts 1 thru 3 in Deed Book 9670, Page 235, ROHC, Lots 1 and 2, Final Plat of Lots 1 and 2, Donald E. Taylor Subdivision, Plat Book 69, Page 83, ROHC, being described as Tracts 1 and 2 in Deed Book 10083, Page 915, ROHC, Lot 6, Final Plat of Waterside Subdivision, Plat Book 88, Page 65, ROHC, being Part of Deed Book 9964, Page 873, ROHC, Lot 3, Revised Plat of Waterside Subdivision, Plat Book 87, Page 181, ROHC, being Part of Deed Book 9964, Page 873, ROHC, Lot A, Revised Plat of the Waterside Subdivision Life Style Center, Lot 7, Revised Plat Waterside Subdivision Life Style Center Lots 2 and 7, Plat Book 89, Page 76, ROHC, Deed Book 9633, Page 366, ROHC, Lots 4 and 8, Final Plat Waterside Subdivision Life Style Center Lots 4 and 8, Plat Book 92, Page 179, ROHC, Deed Book 9116, Page 511, ROHC, Lots 5 and 11, Final Plat of Waterside Subdivision Lots 5 and 11, Plat Book 96, Page 85, ROHC, Deed Book 9990, Page 653, and part of Deed Book 9964, Page 873, ROHC, Lot 2, Final Plat Waterside

Subdivision Life Style Center Lots 2 and 12, Plat Book 96, Page 200, ROHC, Deed Book 9110, Page 967, ROHC, Lots 1, 13 and 14, Final Plat Waterside Subdivision Life Style Center Lots 1, 13 and 14, Plat Book 97, Page 184, ROHC, being part of the property described as Tract 1 in Deed Book 8042, Page 436, being part of the property described in Deed Book 9964, Page 873, ROHC, together with two unplatted tracts of land located at 2519 and 2527 Gunbarrel Road being described as Tracts 4 and 5 in Deed Book 9670, Page 235, ROHC. Tax Map 149A-B-007 thru 019, 149H-A-019 thru 019.05, 019.07 thru 091.09, 149H-G-002, and 149H-G-011 thru 018 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on June 13, 2016, at which time hearing was deferred to June 13, 2016,

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

AND WHEREAS, there was opposition present to the petition,

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

AND WHEREAS, the Planning Commission has determined that the proposal would be an extension of the existing C-4 on the western portion of the site.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on June 13, 2016, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to the following conditions:

1. Prior to receiving a land disturbing permit for any phase or portion of the zoned area, the property owner/developer shall submit to the Land Development Office for review and approval, a plan that demonstrates compliance with the conditions noted below. The LDO will review the plans submitted to verify the conditions listed below are met.

2. Minimum Residential Component.

    a. The development shall allocate at a minimum 100 residential units per 4 acres be located north of Min Tom Road.

3. Restrictions on development along Gunbarrel Road.

    a. Within 200 feet of Gunbarrel there shall be no more than 4 separate retail buildings with no retail building's square footage to exceed 6,000 sqft. There

shall be no outdoor sound amplification from any retail building, except that there may be reasonable outdoor sound amplification from the rear side of any building (being the side that faces directly away from Gunbarrel).

b. Residential buildings shall be located at least 25 feet off of Gunbarrel.
c. Hotels shall be located at least 600 feet off of Gunbarrel.
d. No Drive-Thrus on the three sides of any building that are visible from Gunbarrel, such that the rear side of any building (being the side that faces directly away from Gunbarrel) may host a drive-thru.

4. Maximum total retail square footage
   a. Total allowable retail square footage for the site shall not exceed 500,000 square feet.

5. Buffer from Gunbarrel Road Right-of-Way.
   a. Provide a 30 feet landscape Type "B" Buffer along all portions of the property that contain commercial or office uses, and a 10 foot Type "C" Buffer along all portions of the property that contain a residential use, which landscape buffers shall comply with the minimum dimensions and plantings set forth in the Chattanooga Landscape Ordinance.
   b. Within the buffer described above, the goal is to provide an earthern berm where practical with a minimum height of 3 feet, and the multi-use path described in the Transportation requirements below.
   c. One curb cut shall be permitted between McCutcheon Road to Min Tom Roads.

6. Green Space
   a. The following standards shall be met so as to meet the intent of creating green, civic spaces throughout the development to provide a visual relief from the large parking areas, and to provide an attractive pedestrian environment for shoppers and residents.
   b. The designated commercial and residential portions of the site shall each have a minimum 10% green space consisting of such uses as squares, parks, playgrounds and/or pedestrian greenways. This area shall include any existing or new lakes and water features.

c. All public designated green spaces shall be connected by a pedestrian circulation system.

7. Minimum Tree Plantings
   a. The following standards are established to achieve 10% tree canopy coverage for the non-green space portions of the site.
   b. Within the established parking areas, provide Class I trees at a minimum distance of 60 feet from parking spaces and provide a minimum rate of 1 tree per 7 parking spaces. These trees can be planted within the parking lot and within 10 feet of the parking lot perimeter.
   c. Within designated Green Spaces, provide 15% tree canopy coverage. Every Class I Tree receives a 1,000 sqft credit; every Class II Tree receives a 400 sqft credit towards the 15% green space canopy standard.

8. Building Height
   a. No building shall exceed four (4) stories in height.
   b. No retail buildings shall exceed two (2) stories in height.
   c. No hotel building shall exceed seven (7) stores in height.

9. Prohibited uses
   a. Manufacturing Facilities, Warehouses and Mini-Warehouses and Mini-Warehouses, Adult-Oriented Establishments, Vehicle Sales or Vehicle Repair Facilities, Fuel Service Stations, Outdoor Commercial Storage, Alternative Financial Services, Permanent Year-Round Outdoor Display or Sales. Signage-Signs not relating to identification of or direction to premises and occupants, or to products sold or services rendered on the premises are prohibited.

10. Internal pedestrian access
    a. Provide safe, direct and convenient pedestrian access and connectivity via sidewalks and striped crosswalks throughout the development.

11. Transportation impact and access
    a. A 10' multi-use pathway is required to be constructed on the zoned property along Gunbarrel Road as each phase or portion of the development progresses on the site, and ultimately connecting to internal sidewalks. Portions of this

multi-use path may ultimately lie within the right-of-way area owned by the City of Chattanooga.

b. Due to the additional traffic issues that will be caused by the development at the intersection of Shallowford Road and Napier Road, the intersection must be reconfigured to remove the east bound left turn lane and left turn traffic signal, to add a dedicated south bound right turn lane, and to alter traffic signal phases in order to mitigate the impacts.

c. When warranted by the development progress, an additional east bound left turn lane must be constructed at the intersection of Shallowford Road and Lifestyle Way to accommodate the anticipated increased traffic turning into the development and Lifestyle Way must be widened to accommodate a corresponding double receiving lane. The City of Chattanooga shall assist in providing any required additional right-of-way.

d. When warranted by the development process, traffic lights must be installed at the intersections of Gunbarrel Road and McCutcheon Road and Gunbarrel Road and Min Tom Road. The City of Chattanooga shall install conduit under Gunbarrel Road during the current City Gunbarrel widening project for the new signals based upon a design provided by the developer. The new signals must be fiber connected to the traffic signals on Shallowford Road for phase coordination. A north bound left turning lane must be provided at the intersection of Gunbarrel Road and Min Tom Road if not provided by the City of Chattanooga and the City of Chattanooga shall assist in providing any required additional rights-of-way.

Respectfully submitted,

John Bridger
Secretary

Chattanooga-Hamilton County Regional Planning Agency

ZONING APPLICATION FORM

CASE NUMBER:	2016-060	Date Submitted: 2-24-2016
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)		
1 Applicant Request		
Zoning	From: C-4, MXU, & R-1	To: C-4
	Total Acres in request area: 62 + or -	
2 Property Information		
Property Address:	2300-2500 blocks of Gunbarrel Road; 7325-7342 blocks of McCutcheon Road; 2500 block of Lifestyle Way; 2300-2400 blocks of Elam Lane	
Property Tax Map Number(s):	149A-B-007 thru 019; 149H-A-019 thru 019.05, 019.07 thru 019.09, 149H-G-002; 149H-G-011 thru 018	
3 Proposed Development		
Reason for Request and/or Proposed Use:	Retail, Multi Family Residential	
4 Site Characteristics		
Current Zoning:	C-4, MXU & R-1	
Current Use:	Retail	
Adjacent Uses:	Commercial & Residential	

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: Jack Haylett Branch Acquisition Co. LLC		Address: 3340 Peachtree Road NE Suite 600	
Check one:		I **am** the property owner	x I am **not** the property owner
City: Atlanta	State: GA	Zip Code: 30326	Email: jhaylett@branchprop.com
Phone 1: 404-832-8931	Phone 2: 404-428-8958	Phone 3:	Fax:

6 Property Owner Information (if not applicant)

Name: Defoor Brothers Development, LLC/Tommy Thompson/ Winona Sims & the Steven Dobbs Family Trust	Phone: 423-280-1520
Address: 801 Broad Street Suite 200 Chattanooga, TN 37402/2411 Gunbarrel Road Chattanooga, TN 37421/7325 McCutcheon Rd. Chattanooga, TN 37421 & 711 Cherry Street Chattanooga, TN 37402	

Office Use Only:

Planning District: 11		Neighborhood: CNAC, BEBC, FOEB,
Hamilton Co. Comm. District: 8	Chatt. Council District: 4	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: 62 +/-	x	Deeds	x	Plats, if applicable

Deed Book(s): See Attached					
Plat Book/Page: See Attached			x	Notice Signs	Number of Notice Signs: 10
x	Filing Fee: 770.00		Cash	x Check	Check Number: 131812
Planning Commission meeting date: 5-9-2016			Application processed by: Marcia Parker/ Pattie Dodd		

Chattanooga-Hamilton County Regional

PLANNING COMMISSION CASE REPORT

Case Number: 2016-060 **PC Meeting Date:** 06-13-16

Applicant Request

Rezone from MXU Mixed Use Zone and R-1 Residential Zone to C-4 Planned Commerce Center Zone

Property Location:	2300-2500 blocks of Gunbarrel Road; 7325-7342 blocks of McCutcheon Road; 2300-2500 blocks of Lifestyle Way; 2300-2400 blocks of Elam Lane
Property Owner:	Defoor Brothers Development, LLC/Tommy Thompson/ Winona Sims & the Steven Dobbs Family Trust
Applicant:	Jack Haylett Branch Acquisition Co. LLC

Project Description

- Proposal: Develop 62-acre site with retail and apartment uses.
- Proposed Access: Entrances on Gunbarrel Road and Shallowford Road.
- Proposed Development Form: The applicant's site plan shows approximately 350,000 square feet of retail, 20,000 square feet of restaurant space, and a grocery. Also part of the development is a 3 and 4-story 300-unit multi-family apartment complex.
- The applicant's C-4 site plan shows apartments on the northern portion of the site which are already permitted at this location in the current MXU Zone. This same site plan also shows "Retail, Flex Retail, and Shop" buildings along Gunbarrel Road. The proposed C-4 Zone would permit the entire site to be developed with retail if approved without specific conditions limiting uses.
- Proposed Density: Approximately 4.8 dwelling units per acre across the entire site. The density based on the area designated for apartments is 22.5 dwelling units per acre.

Site Analysis

Site Description

- Location: The 62-acre site is located on the west side of Gunbarrel Road approximately 100 feet north from the Gunbarrel Road and Shallowford Road intersection.
- Tennessee Department of Transportation Functional Classification: Gunbarrel Road and Shallowford Road are designated Urban Minor Arterial.
- Current Development: The site has a strip-center and single retail anchor existing on the site. South of the site is a 7-story hotel and multistory office and retail development. Across Gunbarrel Road are 1 and 2-story single-family houses and townhouses. North of the site is a religious facility. The site is bordered to the west by Interstate 75.
- Current Density: Average residential density for the single-family and townhouse neighborhoods is 2.1 dwelling units per acre based on 68 dwellings on 32.26 acres within 300' of the site. There is an apartment complex slightly farther north of the site at Pinewood Drive and Gunbarrel Road with a density of 17 dwelling units per acre.

Zoning History

- The site is currently zoned C-4 Planned Commerce Center Zone, MXU Mixed Use Zone and R-1 Residential Zone.
- In 2005, the site was zoned a mix of R-4 Special Zone, O-1 Office Zone, and R-1 Residential Zone.
- A portion of the site was rezoned from R-4 Special Zone and R-1 Residential Zone to R-4 Special Zone and MXU Mixed Use Zone with conditions in 2005. (Ordinance #11718).
- A portion of the site was rezoned from R-1 Residential Zone to R-4 Special Zone with conditions in 2006. (Ordinance #11795 and #11796).
- A portion of the site was rezoned from R-4 Special Zone and MXU Mixed Use Zone to C-4 Planned Commerce Center Zone with conditions and MXU Mixed Use Zone in 2006. (Ordinance #11797 and #11798).

- A mandatory referral for closing a portion of Napier Drive and McCutcheon Road was approved with several conditions in 2006 (Ordinance #11841).
- A portion of the site was rezoned from R-1 Residential Zone and O-1 Office Zone to MXU Mixed Use Zone in 2006 (Ordinance #11854 and Ordinance #11915).
- A portion of the site was rezoned from MXU Mixed Use Zone to C-4 Planned Commerce Center Zone in 2006 (Ordinance #11855).
- A portion of the site was rezoned from O-1 Office Zone and R-1 Residential Zone to MXU Mixed Use Zone with conditions in 2007 (Ordinance #11989).
- Several zoning cases were approved in 2007 to lift all conditions from several previous rezonings (Ordinance # 12013 and Ordinance #12073 and Ordinance #12014).
- In 2012, a zoning case was approved to amend additional conditions on a previous case (Ordinance # 12583).
- A portion of the site was rezoned from R-1 Residential Zone to MXU Mixed Use Zone in 2012 (Ordinance #12680).
- A portion of the site was rezoned from MXU Mixed Use Zone to C-4 Planned Commerce Center Zone (Ordinance #12691).
- In 2013, the MXU Mixed Use Zone boundary was modified and conditions on the MXU Mixed Use Zone were amended (Ordinance #12692).
- A portion of the site was rezoned from R-1 Residential Zone and C-4 Planned Commerce Center Zone to MXU Mixed Use Zoning and C-4 Planned Commerce Center with conditions in 2013 (Ordinance #12854 and Ordinance #12855).
- In total, there have been 12 rezoning cases, 5 lifting or amending condition cases, and 2 mandatory referrals on this site in the past 11 years.
- Current C4 Conditions: I) The City Traffic Engineer's review and approval of a traffic study submitted by the applicant; 2) Lighting from any commercial or office development needs to be directed down and away from the abutting R-1 properties; and 3) The use to be incorporated in the MXU development with no access to Napier Drive
- Current MXU Conditions:1) Dumpsters should be located no closer than I 00 feet to Gunbarrel Road and screened from view of Gunbarrel Road; and 2) The applicant shall install a shared-use path with a minimum 20 feet deep buffer area along the eastern property line within the MXU that abuts the Gunbarrel Road right-of-way that incorporates landscaping, berming and sidewalk features as illustrated in Attachment A.
- The properties to the north are zoned R-1 Residential Zone, R-3 Residential Zone, and R-4 Special Zone. The properties to the east are zoned R-1 Residential Zone, R-T/Z Residential Townhouse and Zero-Lot-Line Zone, and RT-1 Residential Townhouse Zone. The properties to the south are zoned O-1 Office Zone, and R-4 Special Zone. The property is bounded on the west by Interstate 75.

Plans/Policies/Regulations

- The 2001 Hamilton Place Community Plan (adopted by City Council in 2001) recommends medium and high density residential development for the site. The plan identifies the site as a "pressure site" capable of handling a mix of uses but highlights the need for compatibility in order to best integrate such uses with the neighborhood located adjacent to property.
- The MXU Mixed Use Zone allows many types of residential, retail, hotel, and office uses but with specific land use and landscaping requirements, **all subject to an approved site plan**.
- The MXU Mixed Use Zone was created for mixed use developments in the suburban regions of Chattanooga.
- The C-4 Planned Commerce Center Zone permits most large retail, restaurant, and commercial uses

along with multi-family residential, hotels, and office uses **but not subject to an approved site plan.**

Key Findings

- The existing development pattern and zoning on the site represents a departure from the original policy recommendation by the Hamilton Place Community Plan. The original policy vision for the site noted *"Shallowford Road and Gunbarrel: "Triangle" Site. The triangle site is one of the key "pressured" areas in the Hamilton Place area. This 75-acre site is accessed from Gunbarrel Road on the east and Shallowford Road on the south. The land use strategy here supports the overall intent of limiting commercial expansion by recommending a mixed-use pattern of development. The Shallowford Road frontage should include civic and office uses. Limited supporting commercial uses are only appropriate in the context of a mixed-use planned development. The Gunbarrel Road frontage should include medium density residential uses such as townhomes. The Interstate 75 frontage should include medium and high density residential uses from townhomes to apartments. Potential access should be planned as a series of blocks that provide multiple ways to get in and out of the site from both Shallowford Road and Gunbarrel Road. The Land Use Plan shows one potential way of organizing future development into blocks that accommodate office, townhome and apartment uses. Parks and open space should be designed as an integral part of the development providing needed public space."* While the original plan vision called for limited retail development on this site, the actual development of retail approved through past zoning cases has increased the scale of retail. While staff acknowledges this existing condition for the site, it is even more imperative that any new site plan design address transportation impacts due to the increase in commercial development and provide sufficient buffering and transition between this property and the bordering residences along Gunbarrel Road.
- While the C-4 Zone would allow uses that are consistent with existing on-site uses, it would also allow retail uses that may not be compatible with uses facing the site across Gunbarrel Road to the east.
- While the original intent of previous approved MXU Zones at this location was to create a transition area along Gunbarrel Road with office uses, it appears that the current MXU Development Plan (dated July 30, 2014) and approved by Council on September 16, 2014 would permit office *and* retail uses as well.
- The current MXU Development Plan shows an internally connected network of streets and walkways using the existing public Elam Lane, whereas the proposed C-4 plan abandons and closes Elam Lane, increases retail with large parking fields along Gunbarrel Road that do not align driveways or provide clear pedestrian connections.
- The proposed multi-unit residential density is higher than the current MXU approved apartments. The density is also higher than the surrounding densities and is not spread across a mixed use project but contained to the northern corner creating a node of density exceeding the recommendations of the plan.
- The proposed structures do raise concerns regarding location, lighting, or height to residents fronting Gunbarrel Road.
- The proposal would be an extension of the existing C-4 on the western portion of the site.
- The proposal would also set a precedent for commercial zoning along this section of Gunbarrel Road. However, the proposed site plan does show apartments along a

portion of the eastern edge of the site along Gunbarrel to provide a better transition between the commercial portion of the site and the bordering single family residences.

- Gunbarrel Road at this location is scheduled for widening and improvements within the near future.
- With a proposed increase of retail development and a potential for total retail development at this location, the Chattanooga Department of Transportation has asked for a Traffic Impact Analysis which has not been provided at the time of staff review. The RPA agrees that a Traffic Analysis would help to determine the impact of the C-4 Planned Commerce Zone on Gunbarrel and Shallowford Road.
- Any new design for this site should include a residential component, address transition along Gunbarrel Road from the large scale commercial uses to the single family residential homes that front the eastern side of Gunbarrel Road, and address traffic impacts and connectivity to disperse traffic and accommodate pedestrian/bike access. To address buffering of the site along Gunbarrel Road where commercial development is proposed (south of Hamilton Run Drive), staff recommends a buffer similar in design and scale to the current buffer condition for this site (The applicant shall install a shared-use path with a minimum 20 feet deep buffer area along the eastern property line within the MXU that abuts the Gunbarrel Road right-of-way that incorporates landscaping, berming and sidewalk features).

Staff Recommendation

Approve, subject to the following conditions:

1. Prior to receiving a land disturbing permit for any phase or portion of the zoned area, the property owner/developer shall submit a master development plan for the entire zoned area to the Land Development Office for review and approval that demonstrates compliance with the conditions noted below. At a minimum, the master development plan shall include the following: define the residential and commercial portions of the site; building locations, dimensions and square footages; vehicular drives, parking lanes, bays and number of parking spaces; pedestrian sidewalks, paths and street crossings; designated green spaces that comply with the conditions, including dimensions and areas; and designated buffer zones, including dimensions and areas. The property owner shall submit with the master development plan a schedule that documents how the plan meets each of the conditions specified below. All development activities within the zoned area shall be consistent with the elements defined on the approved site plan. The LDO office may approve amendments to the master development plan provided they are consistent with the conditions listed below.

2. Minimum Residential Component.
    a. The development shall allocate at a minimum, 13 acres for residential development and provide at a minimum 300 residential units. This area shall not have commercial development.

3. Restrictions on development within 400' of Gunbarrel Road.
    a. No more than 4 separate retail buildings with no building's individual square footage to exceed 5,000 square feet.
    b. No Drive-Thru

c. No outdoor sound amplification
d. No Fuel Service Stations

4. Maximum total retail square footage
   a. Total allowable retail square footage for the site shall not exceed 500,000 square feet.

5. Buffer from Gunbarrel Road Right-of-Way.
   a. Provide a 30 feet landscape Type "A" buffer yard that complies with the minimum dimensions and plantings set forth in the Chattanooga Landscape Ordinance.
   b. Within the buffer, provide a continuous or overlapping berm with a minimum height of 3 feet. A multi-use path, as required by Chattanooga Department of Transportation, shall be provided within the buffer.
   c. No curb-cuts from McCutcheon Road to Min Tom Road.

6. Green Space
   a. The following standards shall be met so as to meet the intent of creating green, civic spaces throughout the development to provide a visual relief from the large parking areas, and to provide an attractive pedestrian environment for shoppers and residents.
   b. The designated commercial and residential portions of the site shall each have a minimum 10% green space consisting of squares, parks, playgrounds and/or pedestrian greenways.
   c. All designated green spaces shall be connected by a pedestrian circulation system and have a minimum area of 2,000 square feet and a minimum depth of twenty feet.
   d. Parking islands, detention basins, or portions of the property within 100 feet of the western property line abutting Interstate 75 are not eligible as green space.

7. Minimum Tree Plantings
   a. The following standards are established to achieve 15% tree canopy coverage for the site.
   b. Within the established parking areas, provide Class I trees at a minimum rate of 1 tree per 5 parking spaces. These trees can be planted within the parking lot and within 10 feet of the parking lot perimeter.
   c. Within designated Green Spaces, provide 15% tree canopy coverage. Every Class I Tree receives a 1,000 sqft credit; every Class II Tree receives a 400 sqft credit towards the 15% canopy standard.
   d. Parking islands located in the parking area planted with trees shall have a minimum area of 250 sqft.

8. Building Height
   a. No building shall exceed four (4) stories in height.

9. Prohibited uses
    a. Manufacturing Facilities, Warehouses and Mini-Warehouses, Adult-Oriented Establishments, Vehicle Sales or Vehicle Repair Facilities, Fuel Service Stations, Convenience Markets, Outdoor Commercial Storage, Alternative Financial Services, Outdoor Display or Sales. Signage-Signs not relating to identification of or direction to premises and occupants, or to products sold or services rendered on the premises are prohibited.
10. Internal pedestrian access
    a. All internal drives shall have a sidewalk on at least one side of the drive.
    b. All development must provide safe, direct and convenient pedestrian access connecting designated Green Spaces, public streets, vehicle drives and parking lots to primary building entrances, and to all other uses in the development that allow for public access.
    c. Pedestrian access must consist of an accessible, easily discernible, well-lit, and ADA compliant walkway a minimum of 6 feet in width. The pedestrian access surface located on private property must be paved with fixed, nonslip semi-pervious or impervious materials. Pedestrian access routes between buildings and parking areas must be physically separated from drive aisles, except when crossing a drive aisle. Where a pedestrian walkway crosses a drive aisle, the walkway must have a continuous surface treatment across the drive aisle. Pedestrian walkways must be designed and installed to allow for cross-access between abutting properties.
11. Transportation impact and access
    a. A 10' multi-use pathway is required to be constructed along Gunbarrel Rd., starting at the northern end of the development property and extended to the southern end, and connecting to all internal sidewalks.
    b. Due to the additional traffic issues that will be caused by the development at the intersection of Shallowford Road and Napier Road, the intersection must be reconfigured to remove the east bound left turn lane and left turn traffic signal, to add a dedicated south bound right turn lane, and to alter traffic signal phases in order to mitigate the impacts.
    c. An additional east bound left turn lane must be constructed at the intersection of Shallowford Road and Lifestyle Way to accommodate the anticipated increased traffic turning into the development. Lifestyle Way must be widened to accommodate a corresponding double receiving lane.
    d. Traffic lights must be installed at the intersections of Gunbarrel Road and McCutcheon Road and Gunbarrel Road and Min Tom Road. The new signals must be fiber connected to the traffic signals on Shallowford Road for phase coordination. A north bound left turning lane must be provided at the intersection of Gunbarrel Road and Min Tom Road if not provided by the City of Chattanooga.

2016-060 Rezoning from C-4, MXU and R-1 to C-4

North

665 ft

Chattanooga Hamilton County Regional Planning Agency

RPA

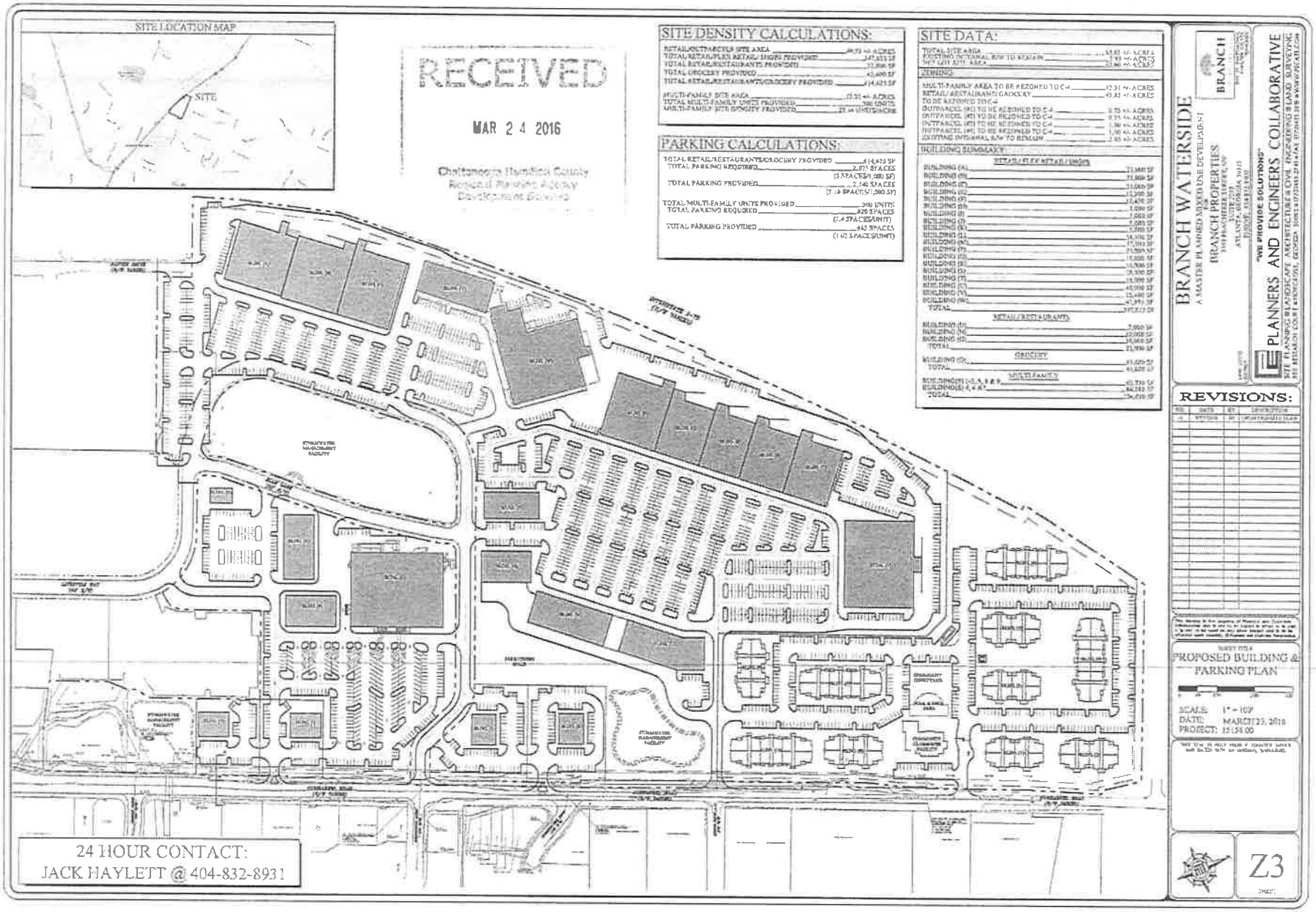
2016-060 Rezoning from C-4, MXU and R-1 to C-4

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2016-060: Approve, subject to the list of conditions in the Planning Commission Resolution

665 ft

Chattanooga Hamilton County Regional Planning Agency

RPA


SITE LOCATION MAP
SITE
RECEIVED
MAR 24 2016
Chattanooga Hamilton County
Regional Planning Agency
Development Services
SITE DENSITY CALCULATIONS:
PARKING CALCULATIONS:
SITE DATA:
ZONING
BUILDING SUMMARY
RETAIL/FLEX RETAIL/SHOPS
RETAIL/RESTAURANTS
GROCERY
MULTI-FAMILY
BRANCH WATERSIDE
A MASTER PLANNED MIXED USE DEVELOPMENT
BRANCH PROPERTIES
BRANCH
"WE PROVIDE SOLUTIONS"
PLANNERS AND ENGINEERS COLLABORATIVE
REVISIONS:
PROPOSED BUILDING & PARKING PLAN
SCALE: 1" = 100'
DATE: MARCH 23, 2016
PROJECT: 15158.00
Z3
24 HOUR CONTACT:
JACK HAYLETT @ 404-832-8931

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:

2016-060 Jack Haylett Branch Acquisition Company, LLC/Defoor Brothers, LLC/Tommy Thompson/Winona Sims & Steven Dobbs Family Trust. 2300 to 2500 blocks of Gunbarrel Road, 7325 thru 7342 blocks of McCutcheon Road, 2500 block of Life Style Way, and 2300 thru 2400 blocks of Elam Lane, from MXU Mixed Use Zone and R-1 Residential Zone to C-4 Planned Commerce Center Zone, subject to certain conditions.

2016-084 South Broad, LLC and DEW, LLC. 2600 blocks of Long Street, Broad Street, Cowart Street, and Williams Street and the 200 blocks of West 27th Street and 131 West 27th Street, from R-3 Residential Zone, C-2 Convenience Commercial Zone, and UGC Urban General Commercial Zone to C-3 Central Business Zone, subject to certain conditions.

2016-089 Thomas Austin. 3900 block of Kelly's Ferry Road, from R-1 Residential Zone, R-4 Special Zone, and M-1 Manufacturing Zone to R-4 Special Zone, subject to certain conditions.

2016-090 John Floyd and David Downer. 5461 Hixson Pike, from O-1 Office Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2016-095 Aaron White and Grant Law. 804 and 901 Riverfront Parkway, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2016-097 City of Chattanooga/Regional Planning Agency. 425, 427 West Bell Avenue, 610, 611 W. Manning Street, 700 block of North Market Street, 600 River Street, 200 Market Street, 418, 422, 424 Georgia Avenue, 1440 Adams Street, and 1511 Jefferson Street.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following condition to amend be approved:

> 2016-094 Asa Engineering c/o Allen Jones/Brian Sullivan. 7407 Igou Gap Road, to amend Ordinance No. 12885 of Previous Case No. 2014-0121, subject to certain conditions.

3. 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** Article V, Division 24, Section 38-402(b) in its entirety and substitute in lieu thereof, so as to clarify PUD development plan requirements.

(b) **Removing** the text "and site area" from the first sentence of Article V, Zone Regulations: Division 26, Planned Unit Development Institutional, Section 38-414.

(c) **Amending** Article VIII, Section 38-568(12) by adding subsection 38-568(12)(d), relative to the Powers of the Board of Appeals for Variances and Special Permits.

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 12, 2016

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 _____, 2016.

_____

Nicole Gwyn
Clerk to the City Council