

First Reading: September 20, 2016
Second Reading: September 27, 2016

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

ORDINANCE NO. 13110

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 in four (4) acres, 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 twenty (20) 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 earthen 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 eight (8%) 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%) percent 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) stories 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

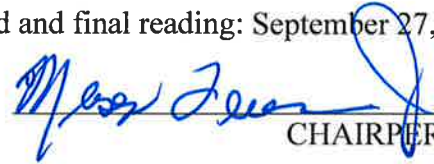
Financial Services, Permanent Year-Round Outdoor Display or Sales. Signage - Signs not relating to identification of or direction to premises and occupants, or to products sold or services rendered on the premises are prohibited.

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 Rd. as each phase or portion of the development progresses on the site, and connecting to internal and external 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 during Phase Two, 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 during Phase Two, 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 procedurally in providing any required additional rights of way.
 - d. When warranted by the development progress, 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 and adjacent to Gunbarrel Road during the current City Gunbarrel widening project for the new signals, the cost of which shall be borne 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: September 27, 2016


CHAIRPERSON


APPROVED: 1 DISAPPROVED:


MAYOR

/mem/Alternate Version #4




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



665 ft

Chattanooga Hamilton County Regional Planning Agency





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