

LIFT/AMEND CONDITIONS APPLICATION FORM

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|---|---|--|--|
| 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"/> | |
| <input checked="" type="checkbox"/> | Site Plan, if required | 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 | Cash | <input checked="" type="checkbox"/> Check <input type="checkbox"/> Check Number: 3909 |
| Planning Commission meeting date: 6-9-2014 | | Application processed by: Marcia Parker | |

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.

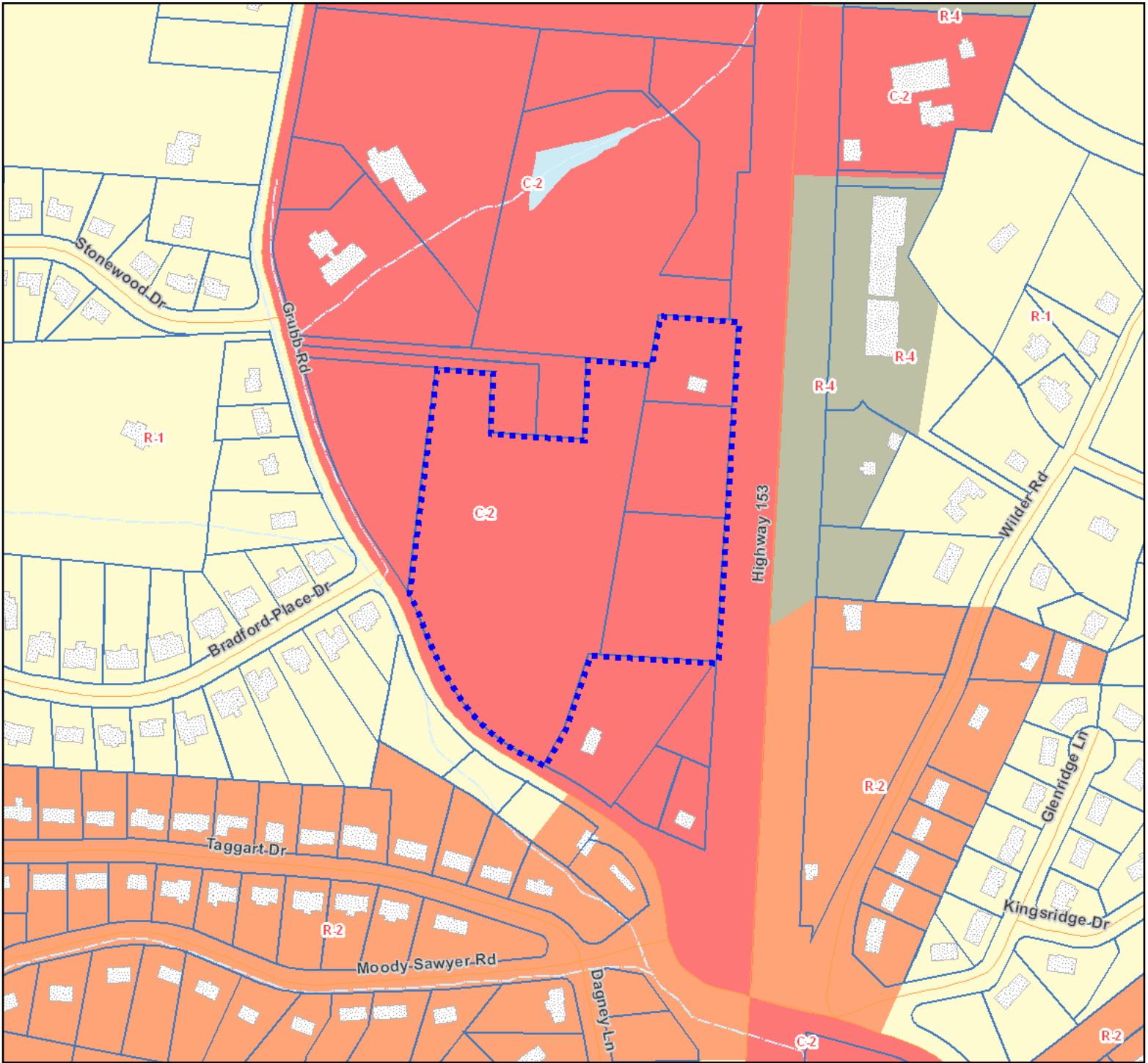
Staff comments: This condition has been satisfied by the adoption of Ordinance Number 11946.

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.

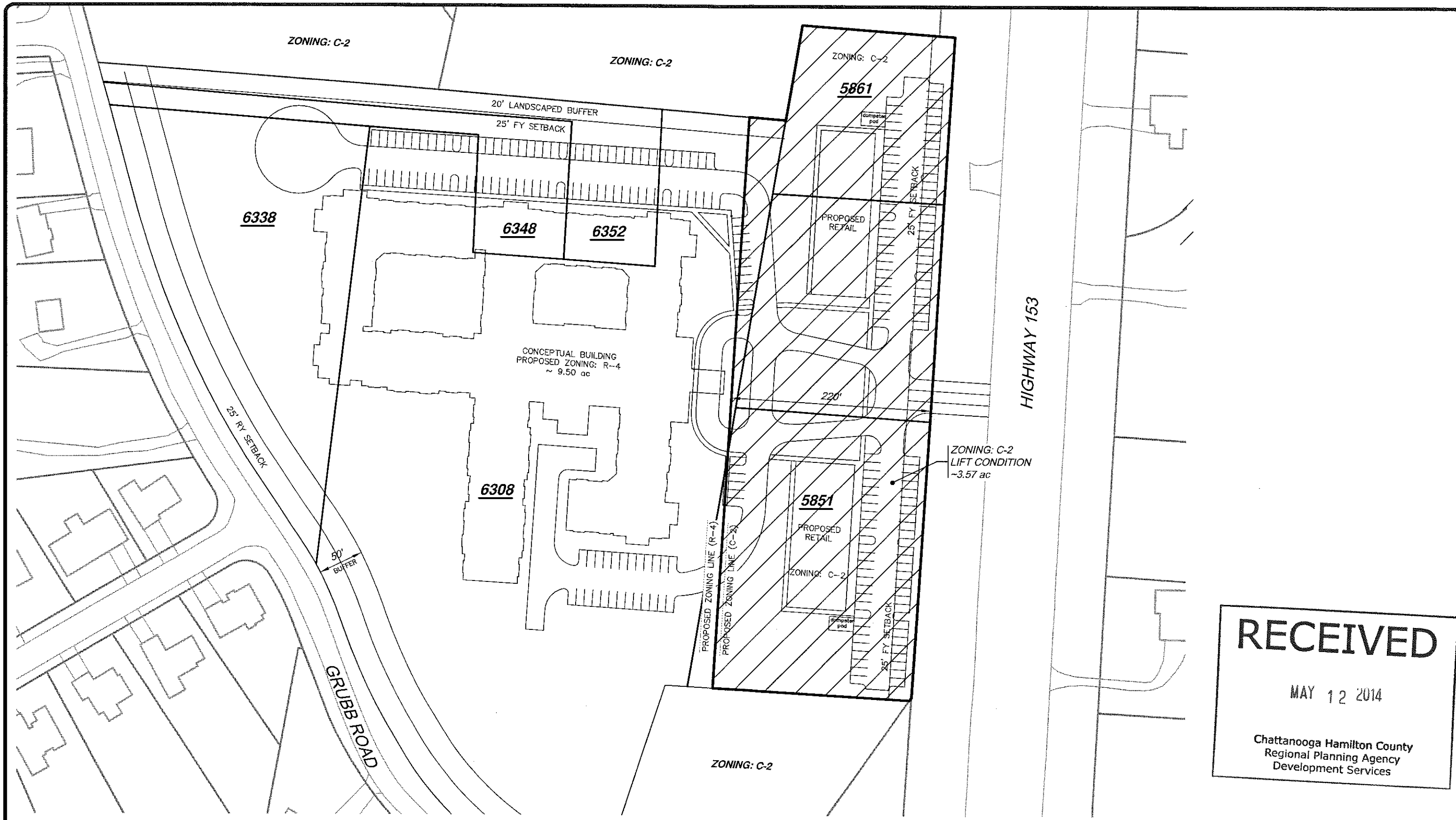
Staff comments: This condition seems to be difficult to enforce.



2014-055 Lift All Conditions of Ordinance 11827 & 11946

Chattanooga Hamilton County Regional Planning Agency

300 ft



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MAY 12 2014

Chattanooga Hamilton County
Regional Planning Agency
Development Services

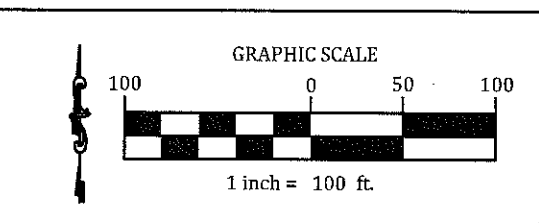
AD ENGINEERING SERVICES, INC.
COMPLETE ENGINEERING & DESIGN SERVICES

651 E. 4th Street, Suite 407
Chattanooga, TN 37403
PH: (423) 266-3501 FAX: (423) 266-3286

ZONING APPLICATION
Hixson 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