

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

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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.

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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.

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