

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).

PLANNING COMMISSION CASE REPORT

- 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: 1) 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 100 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

PLANNING COMMISSION CASE REPORT

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

PLANNING COMMISSION CASE REPORT

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

PLANNING COMMISSION CASE REPORT

- 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.

PLANNING COMMISSION CASE REPORT

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.

PLANNING COMMISSION CASE REPORT