

**PLANNING COMMISSION CASE REPORT****Case Number: 2016-151****PC Meeting Date: 10-10-16****Applicant Request****Request to Lift Condition#4 and #10, and Amend Conditions #4, #6, #7, #8, and #9 of Hamilton County Resolution 1114-25C**

<b>Property Location:</b>	<b>1650 &amp; 1724 Ooltewah Ringgold Road &amp; 9716 East Brainerd Road</b>
<b>Property Owner:</b>	<b>Ooltewah Development, LLC</b>
<b>Applicant:</b>	<b>Ooltewah Development, LLC</b>

**Project Description**

- Proposal: The applicant desires to develop the western half of the site as commercial and the eastern half as a Residential Planned Unit Development with 72 lots for single-family detached homes (simultaneously being applied for as Case 2015-152). In order to do this, the applicant is proposing that the existing conditions on the entire site be removed and amended as follows:
- Commercial Portion
  - Condition #3 to be amended to say in Commercial Area; “Dumpsters serving the main line of buildings shall be located behind those buildings and screened as per the landscape regulations. Dumpsters serving the outparcels shall be located at least 25-feet from the right-of-ways of East Brainerd Road and Ooltewah Ringgold Road, and shall be screened as per the landscape regulations.” Condition #3 currently states, “Dumpsters serving the site shall be located behind buildings and screened on all four sides with landscaping and/or fencing.”
  - Condition #4 to be removed. Condition #4 currently states, “Existing natural vegetation and trees shall be preserved and protected for a distance of 100 feet from the east boundary and 80 feet from the south boundary.”
  - Condition #10 to be removed. Condition #10 currently states, “The buildings within the development shall not exceed 350,000 total square feet 150,000 maximum building size, or 35 feet and/or 2 stories in height.”
- PUD Portion
  - Condition #4 to be removed. Condition #4 currently states, “Existing natural vegetation and trees shall be preserved and protected for a distance of 100 feet from the east boundary and 80 feet from the south boundary.”
  - Condition #6 to be removed from Planned Unit Development area only. Condition #6 states, “All proposed or required improvements on Ooltewah Ringgold Road, State Route 321, are subject to approval by the Tennessee Department of Transportation (TOOT). If acceptable to TOOT, the middle entrance to the development (south entrance of phase one) and the traffic signal, if warranted, will be required during construction of phase one.”
  - Condition #7 to be removed from Planned Unit Development area only. Condition #7 states, “All exterior pole lighting shall be a maximum of 30 feet in height.”
  - Condition #8 to be removed from Planned Unit Development area only. Condition #8 states, “Off premises (bill boards) and neon signs shall be prohibited.”
  - Condition #9 to be removed from Planned Unit Development area only. Condition #9 states, “Storage, car lots, wrecker service, double-wide or manufactured homes, night clubs, adult-oriented business, tattoo parlors, check cashing, pawn, apartments, free standing residential condos, multifamily, temporary structures, and commercial dairies are prohibited uses”
  - Condition #10 to be removed. Condition #10 currently states, “The buildings within the development shall not exceed 350,000 total square feet 150,000 maximum building size, or 35 feet and/or 2 stories in height.”

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- **Proposed Access:** The low-density residential portion shows only access from East Brainerd Road. **Proposed Development Form:** A small-lot single-family detached subdivision dead-end without connection to attached developments. A multistory assisted living facility with parking field between the building and Ooltewah-Ringgold Road.
- **Proposed Density:** The proposed density for the single-family PUD is 4 dwelling units per acre.

### Site Analysis

#### Site Description

- **Location:** The site is located at the southeast corner of the East Brainerd Road and Ooltewah-Ringgold Road intersection.
- **Current Development form:** East along East Brainerd Road are rural development patterns including large-lot residential, churches and large agricultural lots. South along Ooltewah-Ringgold Road are a mixture of commercial outparcels, a grocery, suburban multi-family subdivision, and rural large-lot residential. To the west along East Brainerd Road are the Westview Elementary School, suburban single-family detached small-lot development, a church and cemetery, and rural large-lot residential. To the north along Ooltewah-Ringgold Road is a mixture of suburban small-lot subdivisions, rural large-lot residential, and East Hamilton High School.
- **Current Density:** Average residential density (based on those residential lots within 300' of the site) in the area is 0.6 dwelling units per acre. The Oxford Park Planned Unit Development (approved in 2011) has the highest residential density at 4.88 dwelling units per acre.

#### Zoning History

- The site is currently zoned C-2 Local Business Commercial.
- The site was rezoned from A-1 Agricultural District and C-2 Local Business Commercial District to C-2 Local Commercial District in 2014. (Resolution # 1114-25C). There were 10 conditions included in the current zoning.
  1. Concrete sidewalks, minimum width of 5 feet, shall be placed along the interior edge of the landscaped buffer along Ooltewah Ringgold Road and East Brainerd Road, Sidewalks shall be outside the right of way.
  2. Concrete sidewalks, minimum width of 5 feet, shall be placed along all interior and private streets and drives.
  3. Dumpsters serving the main line of buildings shall be located behind those buildings and screened as per the landscape regulations. Dumpsters serving the outparcels shall be located at least 25-feet from the right-of-ways of East Brainerd Road and Ooltewah Ringgold Road, and shall be screened as per the landscape regulations.
  4. Existing natural vegetation and trees shall be preserved and protected for a distance of 100 feet from the east boundary and 80 feet from the south boundary.
  5. All improvements on East Brainerd Road will require approval from the Hamilton County Engineering Department. Improvements include: a. Right of Way in the amount of 40 feet from the centerline shall be dedicated to Hamilton County Government. b. The existing drainage ditch line shall be relocated as required to the south to allow a minimum 4 foot paved shoulder. The drainage ditch may be piped along the along the shoulder or in the areas adjacent to driveways to allow for additional backfilled areas. c. An eastbound right turn lane (minimum 100') and westbound left turn lane (minimum 100') into the proposed development will be required during construction of phase one.
  6. All proposed or required improvements on Ooltewah Ringgold Road, State Route 321, are subject to approval by the Tennessee Department of Transportation (TOOT). If acceptable to TOOT, the middle entrance to the development (south entrance of phase

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one) and the traffic signal, if warranted, will be required during construction of phase one.

7. All exterior pole lighting shall be a maximum of 30 feet in height.
  8. Off premises (bill boards) and neon signs shall be prohibited.
  9. Storage, car lots, wrecker service, double-wide or manufactured homes, night clubs, adult-oriented business, tattoo parlors, check cashing, pawn, apartments, free standing residential condos, multifamily, temporary structures, and commercial dairies are prohibited uses.
  10. The buildings within the development shall not exceed 350,000 total square feet 150,000 maximum building size, or 35 feet and/or 2 stories in height.
- The properties to the north are zoned a mixture of C-2 Local Business Commercial District and A-1 Agricultural District. The properties to the east are zoned A-1 Agricultural District and R-1 Single-Family District. The property to the south is zoned A-1 Agricultural District. The properties to the west are zoned a mixture of C-2 Local Business Commercial District and R-1 Single-Family District with a Planned Unit Development Special Permit.

### Plans/Policies/Regulations

- The East Brainerd Corridor Community Plan addresses the properties located on the western edge of the Ooltewah-Ringgold Road and East Brainerd Road intersection. The plan recommends medium to high intensity mixed-uses to be planned and constructed as a unit. It also recommends improvements be made to both roads.
- The Development Policy from the Comprehensive Plan 2030 update (Called the Renewing Our Vision and adopted by Planning Commission in 2016) identifies this site as being in intensity level 3 and 1. Level 3 describes the development potential appropriate for low-to-medium intensity development based on the limited infrastructure. Level 1 has the least potential for development, or future public services and facilities. However, they have high potential for protecting large natural areas through parks, greenways, working farms and conservation easements.
- A Planned Unit Development (PUD) is a special exceptions permission intended to encourage creative master planning by not requiring adherence to rigid land use, setback, height, parking, and similar restrictions. It is further intended that PUDs be designed by collaboration between the applicant and the community, rather than the strict limits of zoning. A PUD is limited to what is shown on the PUD Plan as approved by the Hamilton County Commission.

### Key Findings

- The proposal is supported by the adopted Land Use Plan for the area.
- The proposed use is consistent and compatible with surrounding uses.
- The proposal is consistent with the development form of the area.
- The proposed residential density is compatible with the surrounding densities.
- The proposed structures do not raise concerns regarding location, lighting, or height.
- The proposal would be an extension of an existing zone.
- The proposal would not set a precedent for future requests.
- **Staff supports the proposal as submitted.** However, to avoid confusion with conditions, commercial zoning, and a proposed residential PUD, staff is recommending to simply rezone the PUD area to the R-1 Single-Family Residential District (with no conditions) and only list the conditions that will apply to the remaining C-2 Local Business Commercial District.

### Staff Recommendation

Deny amending conditions only;

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**Approve** rezoning the PUD portion to R-1 Single-Family Residential District and amend the conditions for the remaining C-2 Local Business Commercial District as follows:

1. Concrete sidewalks, minimum width of 5 feet, shall be placed along the interior edge of the landscaped buffer along Ooltewah Ringgold Road and East Brainerd Road, Sidewalks shall be outside the right of way.
2. Concrete sidewalks, minimum width of 5 feet, shall be placed along all interior and private streets and drives.
3. Dumpsters serving the site shall be located behind buildings and screened on all four sides with landscaping and/or fencing. Dumpsters serving the outparcels shall be located at least 25-feet from the right-of-ways of East Brainerd Road and Ooltewah Ringgold Road, and shall be screened as per the landscape regulations.
4. Existing natural vegetation and trees shall be preserved and protected for a distance of 80 feet from the south boundary. Retention pond(s) are also permitted within this area.
5. All improvements on East Brainerd Road will require approval from the Hamilton County Engineering Department. Improvements include: a. Right of Way in the amount of 40 feet from the centerline shall be dedicated to Hamilton County Government. b. The existing drainage ditch line shall be relocated as required to the south to allow a minimum 4 foot paved shoulder. The drainage ditch may be piped along the along the shoulder or in the areas adjacent to driveways to allow for additional backfilled areas. c. An eastbound right turn lane (minimum 100') and westbound left turn lane {minimum 100'} into the proposed development will be required during construction of phase one.
6. All proposed or required improvements on Ooltewah Ringgold Road, State Route 321, are subject to approval by the Tennessee Department of Transportation (TDOT). If acceptable to TDOT, the middle entrance to the development (south entrance of phase one) and the traffic signal, if warranted, will be required during construction of phase one.
7. All exterior pole lighting shall be a maximum of 30 feet in height.
8. Off premises (bill boards) and neon signs shall be prohibited.
9. Storage, car lots, wrecker service, double-wide or manufactured homes, night clubs, adult-oriented business, tattoo parlors, check cashing, pawn, apartments, free standing residential condos, multifamily, temporary structures, and commercial dairies are prohibited uses.
10. The development shall not exceed 350,000 total square feet; 150,000 square feet maximum building size, or 35 feet and/or 2 stories in height.