

Case Number:	2011-117
Applicant Request:	Rezoning to C-2 Convenience Commercial Zone and R-3 Residential Zone
STAFF RECOMMENDATION:	DENY
Applicant:	Scenic Land Company, LLC/Duane Horton
Property Address:	100 Block Dodson Road and 6300 Block Highway 153
Jurisdiction:	Chattanooga District 3/Hamilton County District 3
Neighborhood:	Hixson
Development Sector:	Outer Suburban Growth
Proposed Development	
Site Plan Submitted:	Yes
Proposed Use:	Mixed-use
Purpose:	Commercial, office, and apartment
Site Characteristics	
Current Zoning:	R-1 Residential and C-2 Convenience Commercial
Current Use:	Residential and wooded
Adjacent Uses:	Single-family detached residences
Size of Tract:	189 acres
Access:	Highway 153 & Stoneridge Drive
Analysis	
Extension of Existing Zoning?	Yes
Community Land Use Plan:	Hixson-North River Community Plan (2005)
Proposed Use Supported by Community Land Use Plan?	No- Depends on major transportation improvements
Proposed Use Supported by Comprehensive Plan?	No

Comments:

PROPOSAL OVERVIEW

Regional Planning Agency

Originally made in October of 2011, the request is for a large scale regional commercial shopping center development that includes an office and multi-family residential component. The proposed development totals 190 acres with 148 acres devoted to commercial/office/parking uses and 42 acres for a proposed multi-family use. The multi-family component consists of 280 units with a density of 6.7 units per acre. The revised site plan indicates two access points. One will be from Highway 153 and the other from Stoneridge Drive. The conceptual plan also indicates that a 50' landscape buffer and a 50' slope buffer will be provided. This is a large proposal for a large site. Given the large scale of the proposal, careful review is warranted to consider impacts to the site, adjacent properties and the surrounding community.

SITE DESCRIPTION

Context

The site is located in the Hixson area within the City of Chattanooga. It fronts Highway 153, a major highway/commercial corridor, and is currently zoned R-1 Residential. R-1 Residential would permit the development of a single-family subdivision as well as a school and/or church campus, or even a golf course. Any of those permitted uses could proceed without any additional public process. The site could be cleared, graded, and prepared in any manner necessary for those current permitted uses while still being required to meet state and local regulations. There are five small parcels in the southwest corner of the site already zoned C-2 Convenience Commercial. Three of those commercial parcels, totaling 6.7 acres, are within the request area. Two of the commercial parcels, totaling 1.8 acres, are adjacent to these for a combined total of 8.5 acres of existing C-2 property. All of the commercial parcels have direct access to Highway 153.

The site is bordered on all sides by single-family residential zoning and neighborhoods. Echo Glen subdivision is to the north, Stoneridge to the south, Long Branch, Northern Lights, and Sunset Point subdivisions are to the east, and Pine Marr on the west side of Highway 153.

Approximately 40 single-family lots directly share the property line with the proposed development site. There is approximately 57 acres of commercial zoning across Highway 153 to the southwest with two commercial buildings and their parking areas (Kohl's and Academy Sports) using about 6 of those 57 acres. There is also approximately 30 acres of C-2 commercial zoning north of the site between Boy Scout Road and U.S. 27.

There are several commercial shopping centers located along Highway 153, although in terms of acreage the existing shopping centers are not to the same scale as the proposed development. It is important to note the size of this proposed project as compared to other existing commercial shopping centers to provide a better understanding of the proposed scale of this project:

- **2011-Proposed Chattanooga Village: 190 acres**
- 2007-The Fountains/Academy Sport/Kohl's: 60 acres
- 2000-Oak Park Town Center/Walmart: 50 acres
- 2004-Towne Center North/Target: 30 acres
- 1990-Old Walmart, Lowes, Home Depot, Kmart: 66 acres
- 1974-Northgate Mall: 70 acres
- 1987- Hamilton Place Mall: 190 acres

Environmental Features

This property is a hilly, predominately wooded site that drains into the North Chickamauga Creek watershed. As this site is large and highly visible from Highway 153, it contributes to the scenic character of the Hixson area.

CURRENT POLICIES

Comprehensive Plan 2030 (2006)

Adopted in 2006, the underlying theme of the Comprehensive Plan is based on the idea that different types of communities require different approaches to development. Rather than providing a traditional land use map, the Comprehensive Plan utilizes a Development Plan that identifies eight types of development sectors: Preserve, Reserve, Rural Growth, Transitional Growth, Outer Suburban Growth, Inner Suburban Infill, Urban Infill, and Urban Core Infill.

This project is located in the Outer Suburban Growth Sector. The Outer Suburban Growth Sector encourages both infill and outward growth, with more specific recommendations by development type. For business uses, the Comprehensive Plan recommends that new mixed and multi-use development sites should be located at the intersection of significant thoroughfares and existing activity centers reused or revitalized as town centers. The Suburban Growth Sector considers several types of commercial activity centers ranging from Neighborhood, Community and Regional activity centers. The proposal under consideration would be considered a Regional activity center.

Regional activity centers are defined as large-scale, high intensity, diverse mixture of land uses typically 100 or more acres in size. Due to the overall size of Regional activity centers, regional orientation, and traffic generating characteristics, regional activity centers should have a high level of accessibility to and within the center, including public transportation. Regional activity centers should be located with easy accessibility from interstate/freeway interchanges. The Plan also recommends that Regional activity centers be served by a high level of public transit.

In addressing the environment, the Outer Suburban Growth Sector recommends that the alteration of natural conditions should respect areas adjacent to the Preserve and Reserve sectors. North

Chickamauga Creek, in close proximity to this proposed development site is classified in the Development Plan as being located in the Preserve Development Sector. Preservation areas include water bodies, protected wetlands, protected habitats, purchased open space with riparian corridors, conservation easements, and open space development. Appropriate uses in this sector would include parks, natural preserves, recreation, and camping.

Staff evaluation of proposal relative to Comprehensive Plan guidance:

While the proposal does provide a mix of uses as envisioned by the Comprehensive Plan, it does not have the desired level of accessibility from being served by an interchange. Based on consultation with CARTA, it is not likely that this site would be served by transit in the foreseeable future. The proposal, as a result of the grading proposed, would also significantly impact areas identified as Reserve/Preserve (site itself contains features identified as Reserve from the steep slope areas)

Hixson-North River Community Land Use Plan (2004)

Originally adopted in 2002 and updated in 2004, the Hixson-North River Community Land Use Plan is driven by the following vision statement adopted by the community: ***“To create a place that promotes community accessibility and a high quality of life for all residents through planned growth that maintains a visually-attractive and cohesive built environment, convenient public facilities, strong businesses, and protection of the natural environment.”***

One of the key plan recommendations is to Promote Planned Growth: ***“Maintain a policy of directing commercial development within the planned nodes and requiring all new development within those nodes to address infrastructure impacts and to meet the site design principles outlined by this plan.”***

The following list of Hixson Plan goals for Commercial Development derived from community input at public meetings:

- Improve the appearance and control impacts of commercial development.
- Incorporate community amenities into commercial development

- Concentrate or cluster commercial development as opposed to strip development.
- Increase the variety and quality of places to shop and to eat.
- Re-use vacant commercial buildings.
- Renovate and revitalize existing commercial areas.
- Increase opportunity for more high-quality jobs and business growth in the area.

The Plan also specifically addresses the site under review as a Focus Area. The appropriate build-out of the site envisioned by the plan is contingent on the improvements to the Dayton Boulevard/Highway 153 interchange. The Plan states: ***“If no intersection improvements are made to Dayton Boulevard/Highway 153 interchange, this site is most appropriate for High-Density Residential Development. The Heavy Business Land Use category is only appropriate if major intersection/interchange improvements are undertaken.”***

Another key component of the Hixson-North River Community Plan is the protection and preservation of the natural environment. The plan stated that the preservation and maintenance of the area’s natural and historic resources, specifically water quality and slope issues should be taken into consideration when determining rezoning request. As noted in the Hixson-North River Community Plan, one area of particular concern in regard to potential development is the area around the U.S. 27 and Highway 153 interchange. This area is identified as having slopes greater than 25%, as well as being in close proximity to North Chickamauga Creek. Any development in this area should take measures to ensure protection of the floodway, floodplain, and highly sloped areas, and the creek.

On March 12th, 2012 RPA staff attended a public meeting in the Hixson area hosted by the developer regarding the rezoning request. Staff was not there to comment on the case or provide a formal record of citizens’ concerns, but rather to listen and try to understand the issues mentioned by stakeholders. Stormwater, traffic and safety concerns on Hwy. 153 and Boy Scout Road, existing and possibly future vacant storefronts, and other site specific issues such as noise and lighting were mentioned. Comments made by area stakeholders confirmed to staff that the vision and principles stated in the plan continue to be supported by the values and concerns expressed during the public meeting. In particular, many of the public comments are summarized

by the following plan principles:

- Infrastructure should lead development.
- Continue to accommodate growth, through good planning and design.
- Natural amenities, such as North Chickamauga Creek woodlands and hillsides are an important part of the community's identity and quality of life.
- Maintain and improve the quality of life in our neighborhoods.

**Staff Evaluation of Proposal Relative to Hixson-North River
Community Plan Guidance:**

The proposed site plan does indicate landscaping and buffering to promote the plan goals of "Improve the appearance and control impacts of commercial development". However, as a result of the proposed grading and scale, the development would also significantly impact the site's natural features. The proposed site plan does provide for controlled access that would minimize the number of curb cuts on Highway 153. However the proposal does not address the improvement of the interchange that was specifically identified as a condition for considering commercial development on the site, particularly at the scale proposed. The traffic study performed by the applicant indicates proposed improvements which, while helping off-set the immediate impacts of the proposed development, would not improve the operating capacity of the interchange at Boy Scout Road and Highway 153. While it is understandable that the developer should not be required to pay for the improvement of this interchange, a key principle identified in the Plan is "Infrastructure should lead development." The proposed development would intensify the reduction in operating capacity of the interchange and this section of Highway 153 which is already projected to reach or exceed capacity in the next three years.

Since one of the key plan goals was "Re-use vacant commercial buildings" and "Renovate and revitalize existing commercial areas", the RPA conducted a vacancy survey in March 2012 of commercially-zoned properties in the Hixson area to get a "snapshot" of current inventory of existing or potential retail space. The field survey area generally includes the Hwy. 153 corridor from Dupont Pkwy north to US 27, Hixson Pike from Lupton Drive to the railroad tracks east of Northgate Mall, and the area around Northgate Mall. During the time of the field survey, there were:

- 49 vacant lots of varying size totaling 84.34 acres that are zoned commercial (included in this total is the Fountains commercial shopping

center that was recently developed in 2010, has currently built out approximately 6 acres of the 57 acre development)

- 29 vacant stand-alone buildings or attached storefronts
- 66 small vacant storefronts (deli, sole-proprietor professional office, travel agency, ice cream shop)
- 7 medium vacant storefronts (clothing store, restaurant)
- 4 large vacant storefronts (grocery, furniture store)
- 1 multi-story building with available site
- Northgate Mall (mall footprint) has 12 small vacant storefronts and 7 medium vacant storefronts

A certain number of vacant retail spaces can be healthy for a retail district and allows new businesses to become established or a business to relocate to another space to accommodate growth. This information is provided to aid in decision-making and give a context of the current vacant commercial inventory in the Hixson area.

Finally, while the applicant has indicated a commitment to seek commercial tenants for the proposed development that currently do not exist in the Hixson area or would not be interested in locating in other existing zoned sites, staff is not aware of any legal tool to enforce such a commitment, and would not recommend such a condition to rezoning.

The Chattanooga-Hamilton County/North Georgia Transportation Planning Organization (TPO) coordinates transportation activities within Hamilton County and North Georgia along with the Tennessee and Georgia Departments of Transportation.

TRANSPORTATION CONTEXT

As the proposal is for an activity center of a regional scale, regional transportation plans and processes are used here to inform decision-making on impacts to the transportation system.

Congestion Management Process (CMP)

The Congestion Management Process (CMP) of the Transportation Planning Organization's (TPO) regional 2035 Long Range Transportation Plan, documents that Highway 153, Dayton Boulevard/Boy Scout Road, and Highway 27 are heavily traveled corridors. Both U.S. 27 and Highway 153 are projected to reach or exceed capacity in the next three years and there are no scheduled or planned roadway improvements between now and 2025 to increase their capacity. In addition, Highway 153 has two locations currently cited as "Tier I" congested intersections one of which is causing traffic delay less than two miles from the site at Gadd Road. A Tier I rating means the intersection will have a Level of Service of D or worse (describes congested driving conditions with more stops and delays averaging up to 40 seconds per vehicle; most cars have

to stop at red lights and more vehicles have to wait for more than one green light before passing through the intersection). A mixed use development of this magnitude will generate additional traffic on these corridors thus increasing the level of congestion which could result in these corridors exceeding their capacity earlier than the expected three years if no roadway improvements are constructed at the time of development.

Long-Range Transportation Plan (LRTP)/Transportation Improvement Plan (TIP)

A review of the Chattanooga-Hamilton County/North Georgia LRTP 2035 (Long Range Transportation Plan) lists the widening of Highway 153 as a Tier 3, 2035 project that proposes to widen Highway 153 from 4 to 6 lanes from Gothard Road, just south of the project to Dayton Boulevard. The LRTP 2035 does not go into detail as to intersection improvements, though it does reference the CMP findings mentioned above.

Public Works

City of Chattanooga Traffic Engineering Department

The City Traffic Engineer recommends that any additional rezoning along this corridor should be made only if a commitment is made by the City and the Tennessee Department of Transportation (TDOT) to address the long-standing operational and design issues on Highway 153 between Dayton Boulevard and US 27.

He further recommends that 1) the proposed road improvements on Highway 153 at the two driveways should be made prior to or concurrent with the construction of the first phase of development and 2) that the proposed traffic signals will be approved only when the projected traffic volumes warrant the installation of them. Additionally, he recommends that the TPO make a formal request to TDOT to initiate a design analysis to study and design road improvements to address these problems.

The City Traffic Engineer generally agrees with the conclusions and recommendations summarized in the traffic impact study conducted by Volkert. To accommodate the immediate traffic impacts of the proposed development, the report recommends that:

- the six-lane (currently four-lane) cross-section of Highway 153 be extended northward to the south entrance of the

- development, opposite the Fountains north driveway,
- a 250' separate right turn lane be provided for the northbound Highway 153 approach to the south entrance,
- an additional (third) northbound lane be built on Highway 153 to provide a separate right turn lane into the north entrance,
- double left turn lanes for left turn movements in and out of the north entrance and double right turn lanes be providing for traffic exiting this driveway,
- signals be installed for both driveway entrances on Highway 153, and
- the south entrance have three exit lanes to accommodate right, through, and left turn movements.

The regional analysis that Volkert conducted documented that the Highway 153 interchange with Dayton Boulevard and the Highway 153 intersection with Boy Scout Road both have long-standing operational and design problems which will have to be addressed. Again, the City Traffic Engineer's Office concurs with these conclusions and recommends that the City and the Chattanooga-Hamilton County/North Georgia Transportation Planning Organization (TPO) consider further study of this section of Highway 153.

Public Works

CITY OF CHATTANOOGA STORMWATER DEPARTMENT

The Chattanooga Stormwater Department has reviewed the Grading Plan for the proposed development. They state that the applicant must "follow all Federal, State, and Local laws that regulate erosion and sediment control and stormwater management" during the permit and construction phases of the project. They also commented that "the Tennessee Department of Environment and Conservation General Construction Permit covers sites that disturb less than 50 acres at any one time. Larger projects must be phased so that no more than 50 acres are disturbed at any one time in order to be covered by the general permit OR they must file for an individual permit that require a public hearing and typically require water samples during construction."

State of Tennessee

TENNESSEE DEPARTMENT OF CONSERVATION (TDEC)

This site has several environmental factors features such as steep slopes and is in close proximity to North Chickamauga Creek. The site currently contains significant existing vegetation that not only provides protection and preservation of natural environment issues but scenic views as well. A commercial development of this scale would require significant clearing and removal of existing vegetation and significant changes to existing topography.

RPA staff asked The Tennessee Department of Environment and Conservation (TDEC) to evaluate the site. TDEC replied and stated that they evaluated the pond/channel in 2006, and went back on November 23 of 2011 to re-evaluate and see if conditions were the same. TDEC stated that the pond does not have a stream or spring flowing into it, nor does it have a channel flowing out of it. Therefore, TDEC said this pond is not considered to be Waters of the State. The channel that is shown as a blue line on the quad map was determined to be a wet weather conveyance, so they are automatically allowed to alter the channel under TDEC's General Permit for the Alteration of Wet Weather Conveyances without submitting an application to TDEC, if they can meet all of the permit conditions. There was no water in the channel when TDEC looked at, even though it had rained a couple of days prior. According to TDEC, the owner/developer will be required to obtain coverage under the Tennessee NPDES Storm Water Construction Permit for the land disturbance activities associated with development.

Regional Planning Agency

SUMMARY

Because of its large scale, much effort has gone into the review and study of the rezoning request. The case has been deferred several months by the Planning Commission to allow time for this to happen. The applicant/developer has been very cooperative in providing additional site plans, grading plans, and traffic studies. Because this is such an important site with impacts, both known and unknown, RPA staff proceeded with much caution and consideration. The RPA staff's responsibility for this request was to evaluate the appropriateness of adding a regional scale commercial development with supporting multi-family, as proposed, to this site.

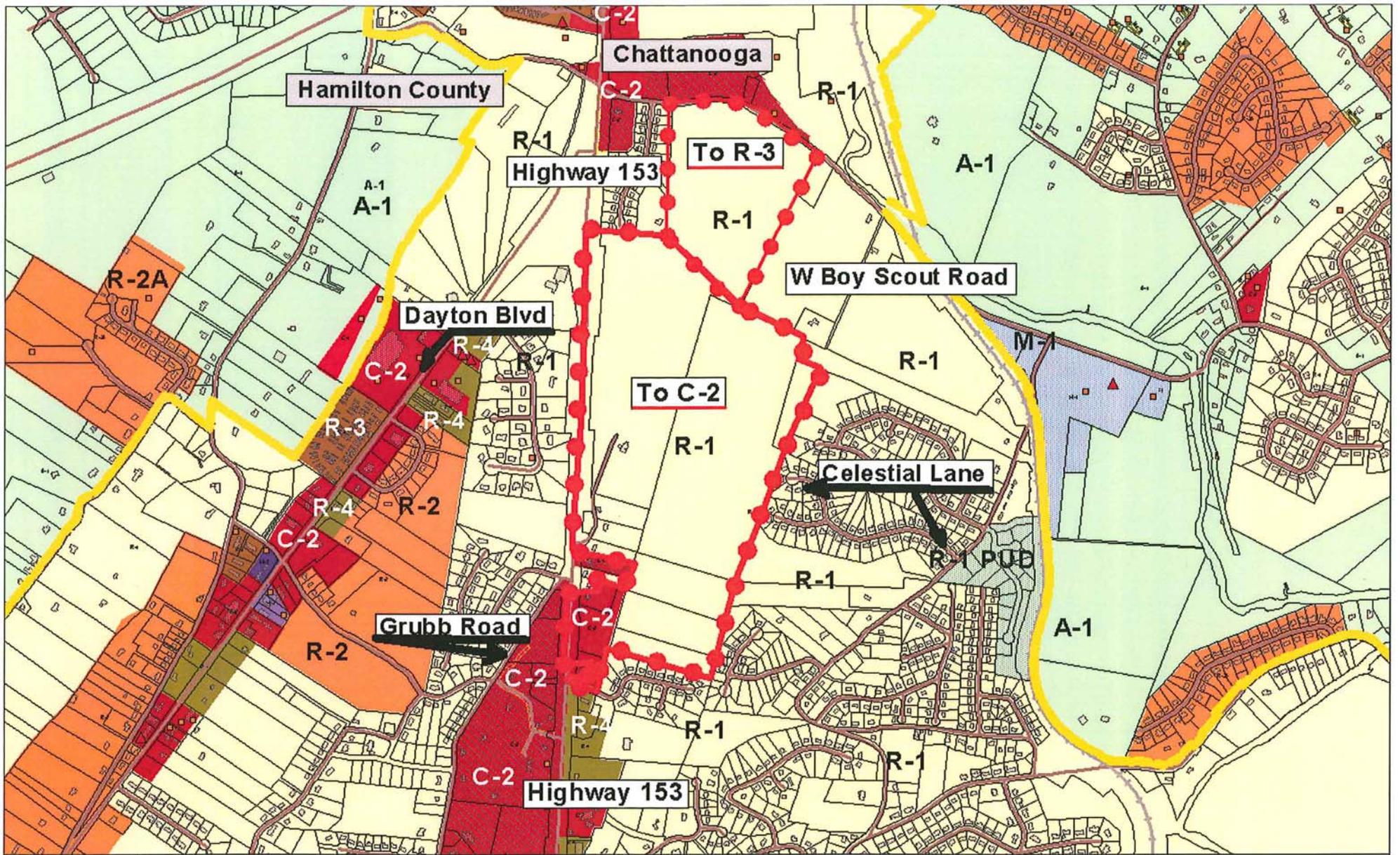
Is it reasonable to consider that this 190-acre suburban site could be developed as anything other than a single-family residential subdivision, golf course, school or religious campus, or a combination of these uses? All of these uses are permitted in the current R-1 zone. The RPA staff thinks it *is* reasonable for the site to be developed more intensely, but at a much different scale and with a different arrangement of uses to reflect the site conditions, limited transportation infrastructure and capacity, and plan recommendations.

The site could be developed in a mixed-use fashion following the recommendations and suggestions of the Hixson-North River Community Plan, the Comprehensive Plan, the Long-Range Transportation Plan, and using good urban design and planning

principals.

The site could be developed with a majority of the site allocated to residential uses (apartments, townhouses and/or single family) and a smaller area dedicated to commercial/office with the objective of minimizing site grading and utilizing the site's existing natural features to provide the necessary stormwater and water quality controls, community parks, and tree coverage. This is just one option, and there are probably many more options that could be explored for this site.

Therefore, after careful review of the proposal, the adopted Comprehensive Plan, the Hixson Area Plan, the Long Range Transportation Plan, the traffic study performed by the applicant and consultation with state and local professionals, the staff is recommending denial of the request as proposed.



2011-0117 R-1 to R-3 and C-2



1 in. = 1,200.0 feet

Chattanooga - Hamilton County Regional Planning Agency

