

First Reading: February 11, 2014
Second Reading: February 18, 2014

2014-008
Scenic Land Company, LLC/
Jack Lonas
District No. 1
Planning Version

ORDINANCE NO. 12809

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED IN THE 6300 BLOCK OF HIGHWAY 153 AND THE 100 BLOCK OF DODSON ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO R-3 RESIDENTIAL ZONE, R-4 SPECIAL ZONE AND C-2 CONVENIENCE COMMERCIAL ZONE, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, be and the same hereby is amended so as to rezone property located in the 6300 block of Highway 153 and the 100 block of Dodson Road, more particularly described herein:

The zones described below are identified on the "Proposed Zoning Plan" that was filed and stamp dated as received on December 10, 2013 by the Chattanooga Hamilton County Regional Planning Agency Development Services. Each zone is color coded as listed.

To be rezoned from R-1 to R-3: Part of Tax Map 091A-B-001 as shown on the Proposed Zoning Plan, December 9, 2013, drawn by Hart Howarton Partners LTD and color coded in yellow.

To be rezoned from R-1 to R-4: Parts of Tax Maps 091A-B-001 and 001.01 as shown on the Proposed Zoning Plan, December 9, 2013, drawn by Hart Howarton Partners LTD and color coded in blue.

To be rezoned from R-1 to C-2: Parts of Tax Maps 091A-B-001 and 001.01. Tax Maps 091H-C-002, 002.01, 003, and 004 as shown on the Proposed Zoning Plan, December 9, 2013, drawn by Hart Howarton Partners LTD and color coded in pink.

and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone to R-3 Residential Zone, R-4 Special Zone, and C-2 Convenience Commercial Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be subject to the following conditions:

**HILLOCKS FARM
PROPOSED CONDITIONS
TERMS**

Common words found in the Webster Dictionary shall not be defined terms in the conditions. A terms used once or a few times within the same general area of the document should be defined within the document.

Terms used throughout the document should be described within a defined terms section of the document.

COMMON WORDS

Building	Improvement	Sidewalk
Compactor	Irrigation	Street
Condition	Parking Lot	Structure
Dumpster	Pedestrian	Screen
Front	Rear	Trash
Green	Road	
HVAC	Side	

DEFINED TERMS

The following terms, as referenced in the conditions, shall be defined as follows:

Active Open Space - Areas designated on the Master Rezoning Plan & Preliminary Open Space Plan as Active Open Space which shall not include buildings intended for Permitted Uses but may include structures such as playgrounds, pavilions, gazebos, restrooms, amphitheater seating and temporary facilities including but not limited to tents, concession stands.

Area 1 - A geographic area defined on the Master Rezoning Plan generally located in the northern portion of the Site with Permitted Uses allowable under the R-3 Zone classification.

Area 2 - A geographic area defined on the Master Rezoning Plan generally located south and east of Area 1 with Permitted Uses allowable under the R-4 Zone classification.

Area 3 - A geographic area defined on the Master Rezoning Plan generally located south of Area 2 with Permitted Uses allowable under the C-2 Zone classification.

Buffer Zone - Geographic areas depicted on Applicant's Master Rezoning Plan. These areas shall remain undisturbed and no grading shall be permitted with the following exceptions:

- a. Disturbances as required to install Stormwater Management System.
- b. Disturbances for trail crossings to adjacent properties, drainage improvements, utility easements, and emergency access as may be required by Fire Marshall. These disturbances shall not exceed 10% of the proposed Buffer Zone.

Building Area - The square footage of Permitted Uses shall be determined by multiplying the depth by the width of the enclosed floor areas of spaces intended for occupancy measured from the furthest outside point on outside walls of a building and building walls shared with service corridors and common areas or the center point of common walls shared by Permitted Uses, excluding common areas, mechanical rooms, elevators, loading docks, and areas necessary for the management, maintenance, operation and security of Permitted Uses in Area 1, Area 2, and Area 3, limited to 3000 square feet per Area.

Master Rezoning Plan - A plan submitted by Applicant depicting the Site, which color codes Area 1, Area 2, and Area 3, Buffer Zones, Undisturbed Buffer Zones, and points of ingress and egress to the Site.

Preliminary Open Space Plan - A plan submitted by Applicant depicting the Site, Buffer Zones, Undisturbed Buffer Zones, Recreational Open Space (Woodland) Areas, Active Open Space Areas and points of ingress and egress to the Site.

Site - The area subject to Applicant's Rezoning Request, containing approximately 190 acres located in the City of Hixson, Hamilton County Tennessee with boundaries partially defined by SR 153, and Boy Scout Road. Such Site shall be clearly delineated on Applicant's Master Rezoning Plan.

Storm Water Management System - A Storm Water Management System is a combination of all the methods, materials, and processes designed, engineered, installed and implemented on the Site to retain water and mitigate water run-off per City regulations and additional conditions contained herein. The Area 2 & Area 3 shall achieve a minimum standard of no additional discharge of surface waters from the Site, in excess of existing conditions, resulting from the first 1.0 inch of water from every rainfall event preceded by 72 hours of no measurable precipitation.

Such System shall not allow storm water to leave the site at a faster rate than it does in its current and natural state. The System shall provide for mosquito abatement by implementing the use of fountains and/or waterfalls in wet detention ponds or other system or technique proven in the industry. The following performance criteria shall be addressed for permanent stormwater management:

1. The City's stormwater management program, as described in the Rainwater Management Guide (RMG), imposes requirements for new and redevelopment projects to manage stormwater runoff for volume management, water quality treatment, and peak rate control. Low Impact Development (LID), practices and strategies such as conservation, preservation, restoration, and green infrastructure measures, identified in the RMG, are to be used to meet the stormwater management requirements.
2. The calculations for determining peak rate flows, as found in the RMG, shall be used , at a minimum, for sizing all stormwater facilities.
3. The stormwater management practices are required to incorporate runoff reduction measures designed, constructed and maintained, to manage (infiltrate, evapotranspire, harvest and/or use), at a minimum, the first one inch of every rainfall event within the limits of site disturbance preceded by 72 hours of no measurable precipitation. This first one inch of rainfall must be 100% managed with no discharge to surface waters. The required volume to be managed is referred to as the "stay-on-volume" or SOV as calculated by the method set forth in the RMG.

Applicant's plans, drawings, and specifications for such system shall be stamped by a licensed engineer fully qualified in the design, engineering, and operation of such systems. Applicant shall provide calculations indicating the Site's natural water run-off in its current condition compared to the water run-off for the developed Site. Systems that may be used to implement Storm Water Management regulations and conditions may include but are not limited to:

- | | |
|------------------------------------|--------------------------|
| a. Detention Ponds | f. Pervious Pavements |
| b. Wet Detention Ponds | g. Undisturbed Areas |
| c. Deep Detention Ponds | h. Green Space |
| d. Chained /Series Detention Ponds | i. Groundwater Recharge |
| e. Bio-swales / Rain Garden | j. Re-Use for Irrigation |

Open Space - Geographical areas depicted on Applicant's Master Rezoning Plan & Preliminary Open Space Plan consisting of Active Open Space & Recreational Open Space (Woodland).

Permitted Use - The types of usage and activities permitted to occur in each defined Zone on the Master Rezoning Plan.

Recreational Open Space (Woodland) - Geographic areas depicted on Applicant's Preliminary Open Space Plan. These areas shall remain undisturbed and no grading shall be permitted with the exception of minor disturbances for trail crossings to adjacent properties, drainage improvements, utility easements, and emergency access as may be required by Fire Marshall. Minor Disturbances shall not exceed 10% of the proposed recreational open space area.

Total Dedicated Open Space – The total area of Buffer Areas, Undisturbed Buffer Areas, Active Open Space and Recreational Open Space (Woodland).

Undisturbed Buffer Zone - Geographic areas depicted on Applicant's Master Rezoning Plan & Preliminary Open Space Plan, located within areas to be rezoned and adjacent to surrounding properties with developed neighborhoods. These areas shall remain undisturbed and no grading shall be permitted with the exception of cross easements for utility, storm water and pedestrian access.

SITE GENERAL CONDITIONS

- 0.1. Applicant's Master Rezoning Plan & Preliminary Open Space Plan dated December 9, 2013, shall be incorporated by reference into these Conditions for the purpose of visually identifying general locations of Zones, Buffer Zones, Undisturbed Buffer Zones, Recreational Open Space (Woodland) & Active Open Space.
- 0.2. Buffer Zone and Undisturbed Buffer Zone shall be provided per the Master Rezoning Plan dated December 9, 2013.
- 0.3. Open Space Areas not less than the areas indicated on the Master Rezoning Plan & Preliminary Open Space Plan shall be provided.
- 0.4. Combined Total Dedicated Open Space, Greens, Gardens, natural and replanted areas will be not less than 68 acres.
- 0.5. Grading permits shall be subject to review and approval by LDO staff. Such approval and permitting of the same shall be subject to all Conditions in this Ordinance, relevant to grading.
- 0.6. The Site's highest point as indicated on the Master Rezoning Plan & Preliminary Open Space Plan will not change in elevation.
- 0.7. Non-motorized Paved Shared Lanes, not less than 8' in width, shall all connect Permitted Use Areas when Permitted Uses have been completed in two or more Zones. The 8' paved lane may be divided into two 4' lanes.

0.8. A Storm Water Management System shall be designed, permitted, and installed prior to or in conjunction with each specific land disturbance activity for the area the system shall serve.

0.9. Prior to the issuance of a land disturbance permit for any phase, an insurance policy shall be provided in the amount of \$2 million to pay for any potential cost to remediate any adverse impact to North Chickamauga Creek as a result of Stormwater Pollution. An insurance policy shall remain in place for a period of 10 years after construction of the last land disturbance in excess of five hundred thousand dollars (\$500,000) of permitted land disturbance work.

The Insurer shall have a minimum "A" rating as determined by A.M. Best or reasonably equivalent rating agency. Also, the policy shall be prepaid for the maximum number of years permitted by the Insurer not to exceed 10 years.

0.10. Parking shall be provided in compliance with city code, subject to variances granted by the City Traffic Engineering Department for reduced parking based on acceptable and shared parking agreements as determined by the Traffic Engineering Department.

0.11. All traffic related infrastructure improvements as identified in the summary to the Traffic Impact Study of Volkert Engineering dated 1/7/13 shall be made prior to the issuance of a Certificate of Occupancy for any Use in each Development Phase referenced in the Traffic Impact Study, and defined as Phase III in attached Preliminary Phase Plan, unless TDOT and the City Traffic Engineer determine a more efficient and less expensive alternative is warranted.

0.12. Prior to issuance of a Certificate of Occupancy for any Use included in Phase III an additional left turn lane 300 feet in length at Boy Scout Road turning left onto Highway 153 South shall be funded by the Applicant, Developer of the Site or third parties on behalf of either one, hereinafter called Improvement Participant. At the option of the City of Chattanooga and in lieu of and prior to the implementation of the previous improvements option, the City may require the Improvement Participant to fund other improvements which may be determined to provide a greater benefit in the sole discretion of the City or up to 15% of the City's cost in reworking or modifying the existing intersection and approach of SR 153 and Boy Scout Road. In any case the City shall be solely responsible for providing any required right of ways necessary to perform any such improvement. Costs for such improvements shall be limited to construction costs, design, engineering, and permitting. Improvement's Participant's share of such costs shall be capped and limited to an amount not to exceed \$75,000.

0.13. Any diseased or dead trees or other plant material installed on the Site as a Condition or as per the requirements of existing Zoning Codes or permits to

disturb the Site or make any improvement shall be replaced in a timely manner with a healthy tree or indigenous vegetation of the same species at a size required to meet City Codes and Regulations. All installed landscape materials shown on approved plans shall be maintained in healthy condition or replaced for the life of this project.

- 0.14. Permanent irrigation shall be provided in and around Parking Lots, defined as parking areas with more than two rows of more than 10 parking spaces in each row, with sufficient water to sustain growth of trees, grass, and plant material located within the Parking Lot area or within 20 feet of the curb and gutter or edge of paving surrounding each Parking Lots.
- 0.15. All exterior loading docks defined as raised platforms with loading doors for the shipping and delivery of material, dumpsters, trash compactors, HVAC Units, and similar mechanical systems visible to adjacent residential properties shall be screened.
- 0.16. Delivery and shipping by semi-truck, trash and refuse removal, and landscaping services shall be restricted between the hours of 8:00 p.m. and 7:00 a.m. Eastern Standard Time.
- 0.17. Site and exterior construction activities shall be restricted between the hours of 8:00 p.m. and 7:00 a.m. Eastern Standard Time with the exception that said work may be performed after sunrise and before sunset for the Eastern Standard Time Zone. Exceptions shall be permitted for emergency situations.
- 0.18. Proof of funding for each phase of construction in excess of \$5,000,000 shall be provided prior to issuance of a Land Disturbance permit. A Land Disturbance application may be submitted for review without proof of funding.
- 0.19. Lighting shall be dark sky compliant and directed down and away from adjoining residential areas. Lighting shall be of a type that minimizes glare and nuisance impacts on adjoining residential properties. All interior, exterior and sign lighting is fully lighted the intensity of lighting as measured by a light meter with a cosine corrector shall not exceed 1.0 foot-candles along the property line of the subject premises adjoining residential homes unless shielded by opaque fencing.

SPECIFIC CONDITIONS FOR AREA 1 (R-3 Zone)

- 1.1. The number of dwellings units permitted within the R-3 Zone shall not exceed 280 dwelling units.
- 1.2. The dwelling units are restricted to four (4) occupied stories.
- 1.3. The maximum height for any heated space is 45 feet from the highest floor with on grade access.

- 1.4. Streets, Sidewalks, Parking Areas and Buildings shall be located in a manner that reasonably follows the existing contour lines where possible.
- 1.5. In areas where grading and construction occurs in Area 1 other than in Parking Areas a minimum of 60 caliper inches of trees per acre shall be replanted.
- 1.6. Parking areas shall contain a minimum of 1 tree per 10 parking spaces. Trees installed in parking areas count toward the requirement in item 1.6.

SPECIFIC CONDITIONS FOR AREA 2 (R-4 Zone)

- 2.1. The total Gross Leasable Area within the R-4 Zone shall not exceed 250,000 square feet of non-residential uses.
- 2.2. The ground floor area of any one structure shall not exceed 40,000 square feet. Structures can be connected with enclosed walkways.
- 2.3. All structures are limited to four (4) occupied stories of office space.
- 2.4. The maximum height for any heated space is 60 feet from the highest floor with on grade access.
- 2.5. Streets, Sidewalks, Parking Areas and Buildings shall be located in a manner that reasonably follows the existing contour lines where possible.

SPECIFIC CONDITIONS FOR AREA 3 (C-2 Zone)

- 3.1. The total Building Area within the C-2 Zone shall not exceed 500,000 square feet of Permitted Uses. An exception will be allowed if the Permitted Uses in the R-4 Zone are reduced below the allowable 250,000 square feet. The difference may be built within the C-2 Zone but must be limited to the Permitted Uses of an R-4 Zone.
- 3.2. No more than two structures shall exceed 125,000 square feet measured the same as Gross Leasable Area. All other building footprints shall not exceed 75,000 square feet.
- 3.3. All buildings other than those acceptable in 3.2 above shall face at least one street, pedestrian plaza or green with a primary entrance to the street, pedestrian plaza or green.
- 3.4. Sidewalks, curbs, gutters, and parking lots shall be designed and constructed to specifications consistent with existing Building Department Standards for comparable sidewalks.

- 3.5. No more than two rows of parking shall be allowed along all greens, sidewalks facing buildings, and plazas subject to Fire Marshall Regulations. Situations with more than two rows of parking must be separated by a plaza, green, or landscaped area not less than 15' wide.
- 3.6. All non-street parking for buildings other than those accepted in 3.2 above, shall be located on the sides of buildings defined as sides without primary entrances, excluding conditions where the side or rear parking for one building faces the primary front of another building.

All sidewalk crossings in the central retail area shall include bulb-outs, defined as an extension of a sidewalk and curb or sidewalk, landscape planter, and curb to reduce the pedestrian distance between adjacent sidewalks interrupted by vehicular streets and roads.
- 3.7. Sidewalks shall be illuminated for reasonable pedestrian activity.
- 3.8. Greens totaling not less than 10% of the ground floor area of the Permitted Uses shall be incorporated into the development of Area 3. Such Greens shall be constructed before a Certificate of Occupancy is obtained for any permitted use in which the aggregate of permitted uses exceeds 150,000 square feet of Gross Leasable Area.
- 3.9. One tree for every 20 parking spaces shall be planted in all parking lots with a maximum of 80 feet between tree planting areas defined by edge of paving.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: February 18, 2014

Yusuf Hakeem
CHAIRPERSON

APPROVED: DISAPPROVED:

My Bel
MAYOR



2014-008 Rezoning from R-1 to R-3, R-4, and C-2

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2014-008:
 Approve, subject to the conditions listed in the Planning Commission Resolution.

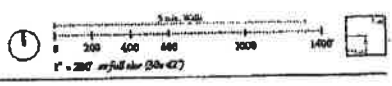
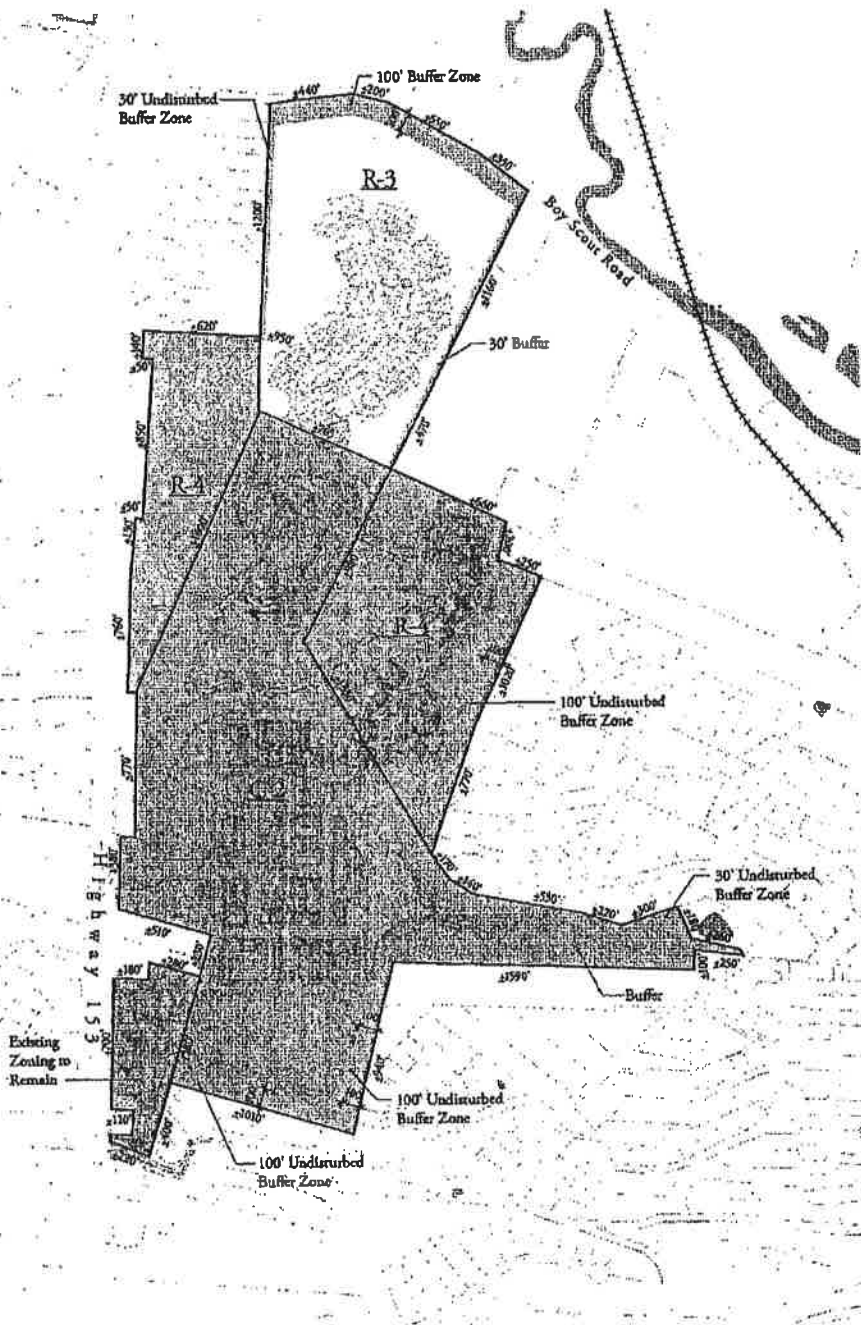


1,000 ft



Chattanooga Hamilton County Regional Planning Agency

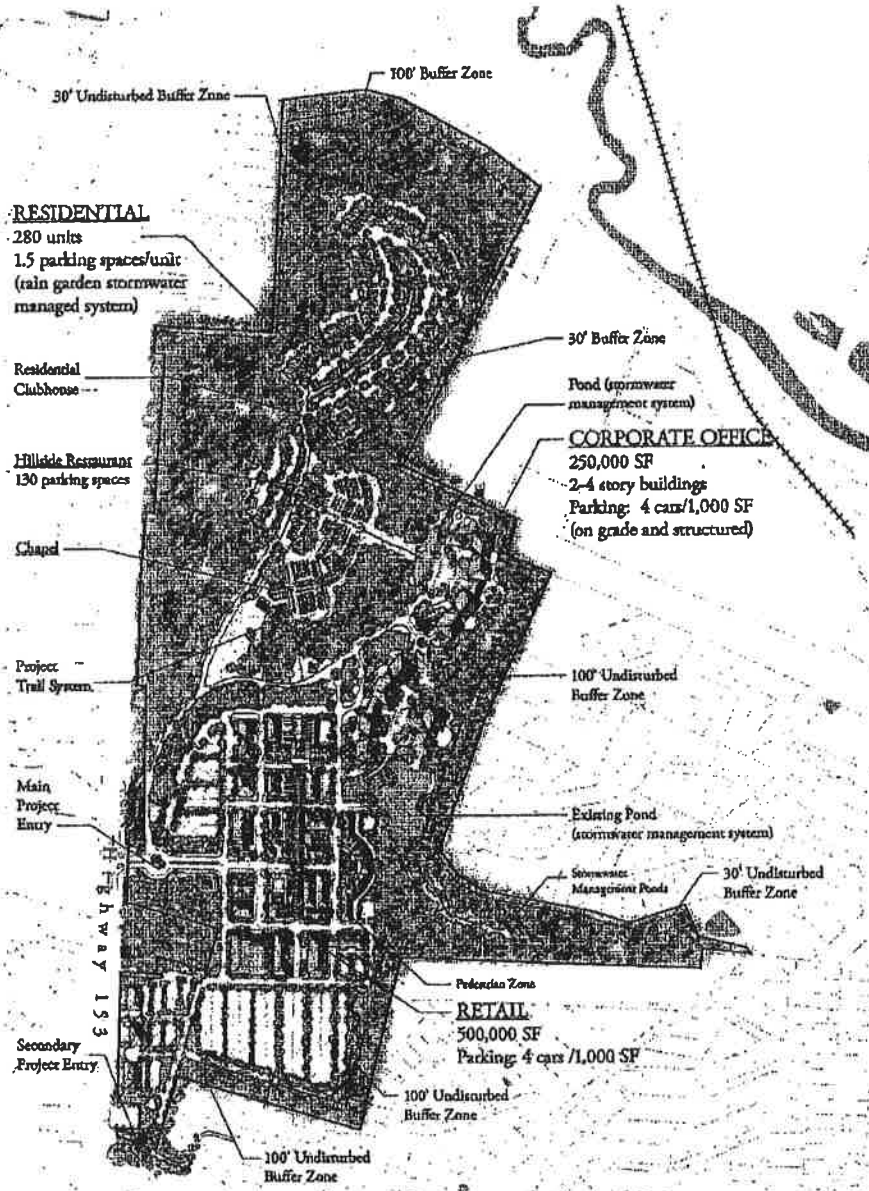




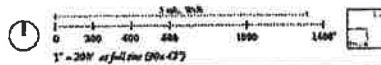
HART HOWERTON
PLANNING AND DESIGN SERVICES, INC.
 1000 N. W. 10th St., Suite 100, Ft. Lauderdale, FL 33304
 Phone: (954) 575-1100

CHATTANOOGA VILLAGE
 Hixson, TN

Proposed Zoning Plan
 December 9, 2013



This plan is a summary of a project that meets certain City of Chattanooga Regulations as well as proposed conditions for the requested change to zoning. The final plan may be subject to change.



HART HOWERTON
 ARCHITECTS

CHATTANOOGA VILLAGE
 Hixson, TN

Preliminary Master Plan
 December 9, 2015