

11/13/12

2012-144
Chattanooga Construction Company, LLC
District No. 3

RESOLUTION NO. _____

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT ON PROPERTIES LOCATED IN THE 100 THROUGH 200 BLOCKS OF TEMPLETON LANE, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That there be and is hereby granted a Special Exceptions Permit for a Residential Planned Unit Development on properties located in the 100 through 200 blocks of Templeton Lane, subject to certain conditions, more particularly described in the attached map and drawing attached hereto.

Lots 1 thru 16, Final Planned Unit Development Plan (Phase 1)
Lots 1-16 Bent Creek Golf Villas, Plat Book 96, Page 21, ROHC,
being part of the property described in 9619, Page 771, ROHC.
Tax Map 100-034 (part).

ADOPTED: _____, 2012.

/mms

2012-144 City of Chattanooga
October 8, 2012

RESOLUTION

WHEREAS, Chattanooga Construction Company, LLC petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga granting a Special Exceptions Permit for Residential Planned Unit Development on properties located in the 100 thru 200 blocks of Templeton Lane.

Lots 1 thru 16, Final Planned Unit Development Plan (Phase 1) Lots 1-16 Bent Creek Golf Villas, Plat Book 96, Page 21, ROHC, being part of the property described in 9619, Page 771, ROHC. Tax Map 100-034 (part) as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on October 8, 2012,

AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

AND WHEREAS, no one was present in opposition to the petition,

AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on October 8, 2012, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved.

Respectfully submitted,



John Bridger
Secretary

Case Number:	2012-144	
Applicant Request:	Preliminary & Final Revised Residential Planned Unit Development	
Applicant:	Chattanooga Construction Company, LLC	
Property Address:	110-286 Templeton Lane	
Jurisdiction:	Chattanooga District 3/Hamilton County District 3	
Neighborhood:	Hixson Neighborhood	
Proposed Development		
Site Plan Submitted:	Yes	
Proposed Use:	Residential Planned Unit Development	
Site Characteristics		
Current Zoning:	R-3 Residential Zone	Planning Commission Recommendation: Approve Staff Recommendation
Current Use:	Residential	
Adjacent Uses:	Golf Course & Residential	
Size of Tract:	5.07 Acres plus or minus	
STAFF RECOMMENDATION:	APPROVE	

Analysis

Extension of Existing Zoning?	Not Applicable
Community Land Use Plan:	Hixson-North River Community Plan (2005)
Proposed Use Supported by Community Land Use Plan?	Yes
Proposed Use Supported by Comprehensive Plan?	Yes

Comments

Planning Staff:

Applicant Request Overview

On February 21, 2012 the Chattanooga City Council approved a Special Exceptions Permit for a Final Planned Unit Development (P.U.D.) Plan for Bent Creek Golf Villas. The Final P.U.D. plan will expire on February 21, 2014 if all phases are not recorded in the Hamilton County Register of Deeds Office. Phase I, Lots 1-16, was recorded April 2, 2012.

On September 12, 2012 the applicant submitted Phase II, Lots 1, 8, 16, 25-26, and 34-36 for review. Phase II included a change to the outer/exterior P.U.D. boundary. Per Section 38-401 Changes and Modifications in the Chattanooga Zoning Regulations (b) any change in the outside (exterior) boundaries after the Final P.U.D. has been adopted by the Chattanooga City Council is considered a major change and shall be considered the same as a new petition.

Site Description

The site is approximately 5.07 acres with a proposed density of 7.7 dwelling units per acre. The number of proposed dwelling units is 39 attached townhouse units. The property is zoned R-3 Residential and was originally intended to be developed as condominiums. The site is adjacent to Creeks Bend Golf Course and single-family detached residential neighborhood (Valley Brook) across Hixson Pike. Converting this previous condominium development into "fee simple" townhouse

units has many obstacles such as private streets not built to city standards, existing private 6" sewer line not built to City of Chattanooga standards for a public sewer line, and the need for multiple variances. The developer and representatives from the City of Chattanooga have continued to have discussions concerning the private sewer line with the intention of reaching some type of solution with regard to this issue.

The Chattanooga Board of Zoning Appeals granted variances for setbacks for existing structures for Lots 27 thru 31, or previous Lots 9-13 on Plat Book 96 Page 21. The Board of Appeals also approved a sidewalk variance to require a sidewalk from Hixson Pike along Templeton Lane until it passes the entrance gate. The Chattanooga-Hamilton County Regional Planning Commission also granted variances from pavement width, right-of-way width, storm water drainage pipe standards, minimum road grade and flood elevation requirements of the Chattanooga Subdivision Regulations.

Applicable Plans/Policies

The Hixson-North River Community Plan recommends Low Density Residential at this location. Low Density Residential is defined as being single-family detached dwellings; however, some exceptions are made for townhouse and patio developments.

Staff Recommendation

Staff is recommending approval of the revised *Preliminary and Final* PUD Plan, subject to certain requirements listed below.

Section 38-402(3) of the Chattanooga Zoning Ordinance requires that the recommendation specifically reference the following:

1. The property adjacent to the area included in the plan will not be adversely affected.
2. The plan is consistent with the intent and purpose of this ordinance to promote public health, safety, morals, and general welfare.
3. The building shall be used only for single-family dwellings, two-family dwellings, or multi-family dwellings and the usual accessory uses such as private or storage garages, storage space, and for community activities, including school and/or churches.
4. There is a need for such development in the proposed location.
5. There is reasonable assurance that development will proceed according to the spirit and letter of approved plans.

In reference to the above, the proposed residential form and density are in keeping with the surrounding development and meets the intent of the ordinance. Adjacent development is a golf course; therefore, the proposed conversion of condominiums to "fee simple" townhouse

development should not have a negative impact on the golf course. The gross density is medium density, approximately 7.7 units per acre. The property was originally planned for condominiums; however, last year the developers desired to convert the condominiums into "fee simple" attached townhouse developments. The Hixson-North River Community Plan recommends Low Density Residential at this location. Low Density Residential is defined as being single-family detached dwellings; however, some exceptions are made for townhouse and patio developments. No comment can be made with certainty that there exists a "need" for this development. *The following list of requirements will ensure that the development will proceed "according to the spirit and letter of approved plans":*

Planning Commission
Requirements:

1. Redraw the plat to the size and format requirements in Appendix 3 of the City of Chattanooga Subdivision Regulations. This is the only size and format that can be recorded.
2. Label the plat as Final Planned Unit Development Plan.
3. Per Section 38-399 Open Space Requirements of the Chattanooga Zoning Ordinance show and label as such on the Final PUD plan on-site usable recreation or open space.
4. Add the following note: "Per F.E.M.A. F.I.R.M. No 470072-0239F, dated 11-7-2002 a portion of this property is located inside the 100-year flood hazard area. The 100-year flood elevation is 665'".
5. Show the pre-fill 665' contour line and label as the 100-year flood elevation, pre-fill. Indicate areas above and below. If F.E.M.A. has issued a letter of Map Revision (LOMR) or letter of Map Amendment (LOMA) note the date of this letter and its F.E.M.A. case number. The post fill 665' contour can replace the pre-fill 665' contour if this has been approved by F.E.M.A.
6. Add a typical building drawing.
7. Add the following note: "This plat subdivides property described in D.B. 9419 Page 687".
8. Add the following note: "Local Government does not certify that utilities or utility connections are available".
9. Add the following note: "Sanitary sewers available by Private Line".
10. Add the following note: "City Ordinance No. 9942 entitled "Stormwater Runoff and Erosion Control" shall apply to any discharge of same from this subdivision".
11. Add the following note: "The City of Chattanooga is not responsible for the construction or maintenance of the private drainage easements or drainage detention area".
12. Add the following note: "The City of Chattanooga is not responsible to construct or maintain access easements".
13. Add the following note: "The City of Chattanooga is not responsible to provide desired utilities beyond the right-of-way of Hixson Pike".

14. Add the following note: "No fill material can be placed in a constructed drainage facility in such a manner as to impede storm water run-off flow unless approved by the City Engineer".
15. Add the following note: "The City of Chattanooga is not responsible to construct or maintain Common Areas or anything else in this PUD".
16. Add the following note: "The density of this P.U.D. is 7.7 dwelling units per acre".
17. Add the following note: "A maximum of 39 dwelling units is permitted as indicated on the site plan attached to Resolution Number [Insert Resolution Number] which approved the revised preliminary and final planned unit development on [Insert Date of Resolution]".
18. In the adjoining lot change "20' sanitary sewer easement" to "20' Private Sanitary Sewer Easement".
19. In the adjoining lot label the existing sanitary sewer line in the 20' sanitary sewer easement as "Private Sanitary Sewer Line".
20. Per Plat Book 96 Page 21 show and label the existing 20' Public Sanitary Sewer Line Easement that cross the existing private sanitary sewer line easement.
21. Per Plat Book 96 Page 21 show and label the existing public sanitary sewer line and master file # 51227 that cross the existing private sanitary sewer line and easement.
22. Add the following note: "All roads are private. The City of Chattanooga is not responsible to construct or maintain any roads in this development".
23. Add the following note: "The owners of lots 1 thru 39 are responsible to maintain drainage detention areas and facilities on community lots".
24. Add the following note: "The only minimum building setbacks required are minimum 25' from Hixson Pike and other outer P.U.D. boundaries and minimum 10' between free-standing buildings".
25. Add the following note: "Per variance granted on October 12, 2011 by the Chattanooga Board of Zoning Appeals sidewalks are required along Templeton Lane between the sidewalk on Hixson Pike and the development entrance structure".
26. Add the following note: "A 10' private drainage easement is reserved along the outer boundaries of this P.U.D. except Hixson Pike frontage. This drainage easement is automatically abandoned if the outer boundary is changed or if no setback is required".
27. Add the following note: "Deed to all lots or other instrument to set forth responsibilities of access maintenance/private road".
28. Add the following note: "Chattanooga Board of Zoning Appeals granted setback variances for buildings on Lots 27-31, previously Lots 9 thru 13 on Plat Book 96 Page 21 on March 7, 2012".

29. Add the following note: "No direct access to Hixson Pike from Lots 1 and 39 is permitted".
30. Per the townhouse definition as defined in Section 38-2 of the Chattanooga Zoning Regulations revise the Final PUD plan so that there will no two unit attached townhouse dwellings located on Lots 1 thru 4. Two unit attached townhouses are not permitted as shown on Lots 1 thru 4. Two unit townhouse are permitted if it is part of a townhouse only or mixed use residential development that consists predominately of townhouses with three (3) or more units. The two unit townhouse should be sited to the interior of the development and shall not be placed adjacent to any existing single-family detached dwelling unless landscaping is provided.
31. Add the following note: "The Chattanooga-Hamilton County Regional Planning Commission on September 12, 2011 granted variances from pavement width, right-of-way, width, and storm water drainage pipe standards".
32. Add the following note: "The Chattanooga-Hamilton County Regional Planning Commission on October 11, 2011 granted variances from minimum road grade elevation and flood elevation requirements".
33. Show bearing and distance of all proposed lot lines.
34. Label Templeton Lane also as a "Utility and Private Access Easement".

Chattanooga Sewer Requirements:

1. The 6" sewer line installed in Templeton Lane does not meet City of Chattanooga standards for a public sewer line. A minimum 8" sewer line is required for public sewer lines. Consequently, either the Tennessee Department of Environment and Conservation must approve a utility for private sewer system or remove the existing 6" sewer line in Templeton Lane and replace it with a minimum 8" sewer line built to City of Chattanooga standards. If this is done show a minimum 20' public sanitary sewer easement along the new sewer line".
2. Questions about Chattanooga sewer requirements should contact Mr. Eric Douglas at 643-5814.

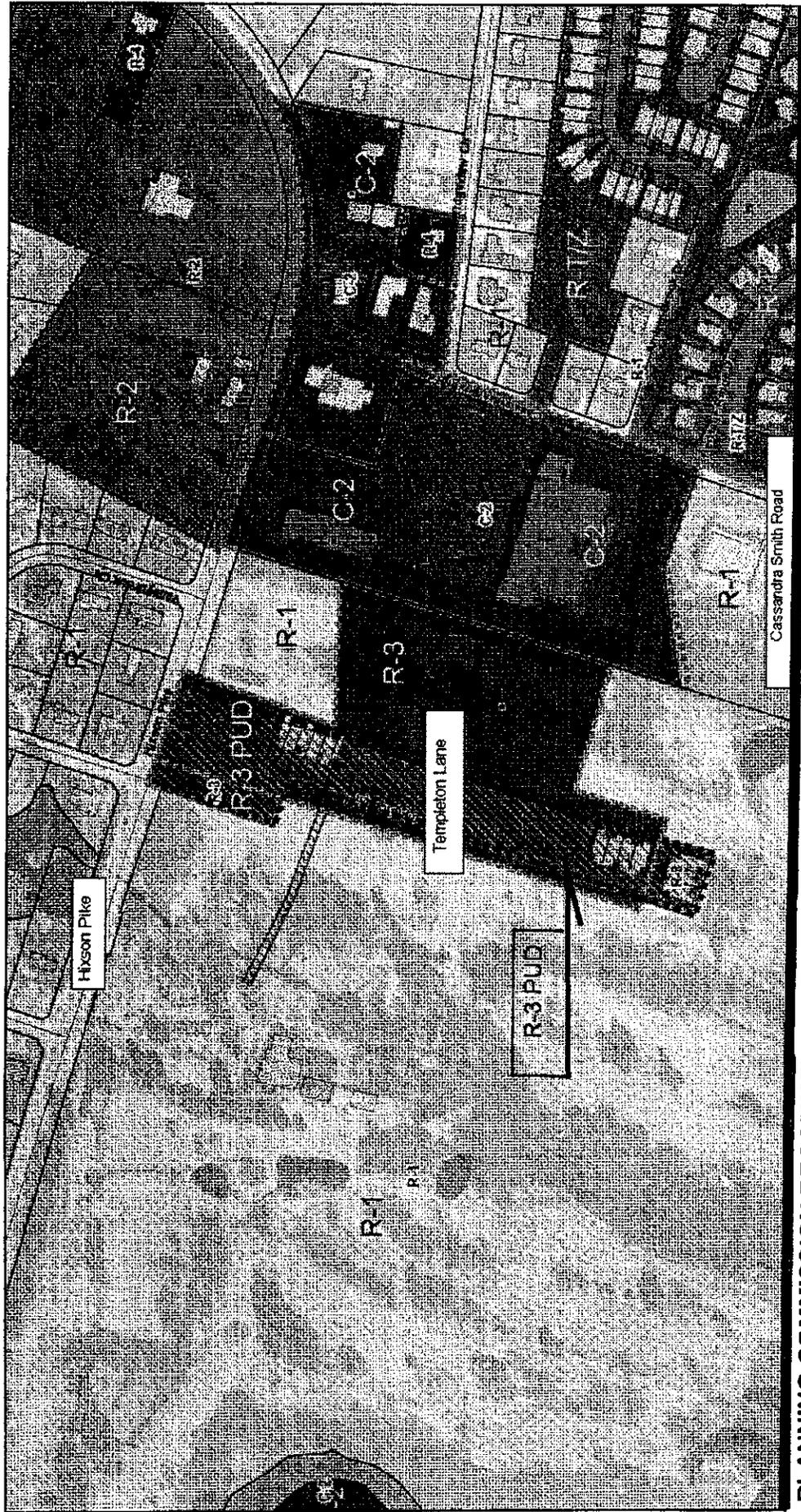
Utility Requirements:

1. Show the 16' Power and Communication easement as in lot 1 of Creeks Plantation Subdivision per Plat Book 83-Page 93.

City of Chattanooga Storm Water Requirements:

1. Add the following note: "The City of Chattanooga reserves the right to access at any time the private drainage detention area easement and City of Chattanooga inspection access easement, the 11' and 20' private drainage easement and 30' utility and private access easement between Hixson Pike and lot 4 and 5 to inspect drainage detention areas and facilities".
2. Covenants are required which specify that all lot owners are responsible to maintain the drainage area and facilities.

- Public Works Requirements:
3. Questions about Storm Water Management requirements should be directed to Mr. Mike Haponski at 643-5833.
 1. If city services are provided on Templeton Lane, a private road, a "Hold Harmless" agreement will be required.



PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2012-144: Approve.

2012-0144 SE Permit: Residential PUD




350 ft



Chattanooga Hamilton County Regional Planning Agency



MAP ENGINEERS
MAP ENGINEERS LLC
 2225 W. WOODBRIDGE BLVD.
 CHATTANOOGA, TN 37401
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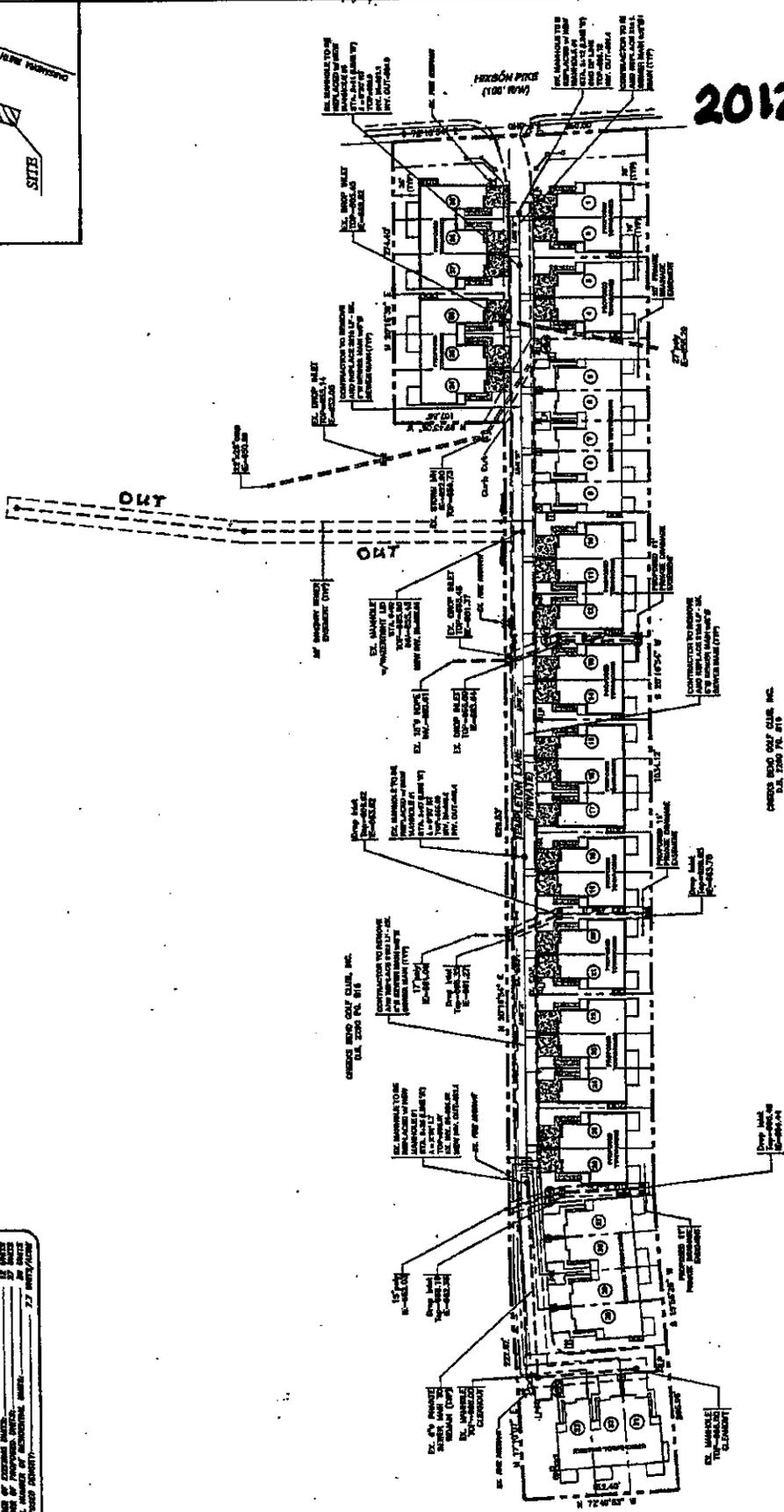
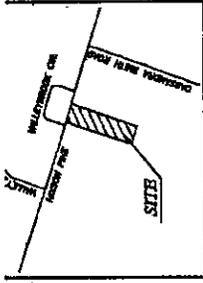
BENT CREEK GOLF VILLAS
 POB
 Chattanooga Construction Company, LLC
 P.O. BOX 828
 CHATTANOOGA, TN 37401

PRELIMINARY SITE PLAN

REVISIONS

NO.	DATE	DESCRIPTION
1		
2		
3		
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10		

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 DATE: 5/14/2012
 DRAWN BY: [Name]
 CHECKED BY: [Name]
 SCALE: AS SHOWN
 SHEET NUMBER: C-1



2012-144

NOTE: CONTRACTOR TO BE BIDD ON EXISTING SANITARY SEWER SERVICES LATERALS TO THE PROPOSED SANITARY SEWER MAIN AS REQUIRED.

NOTE: WATER AND SANITARY SEWER SERVICE IS AVAILABLE TO EACH LOT IN THE DEVELOPMENT.

CHERRY ROAD, OUT CURB, INC.
 U.S. 7250 P.O. BOX

5/14/2012
 2012-144

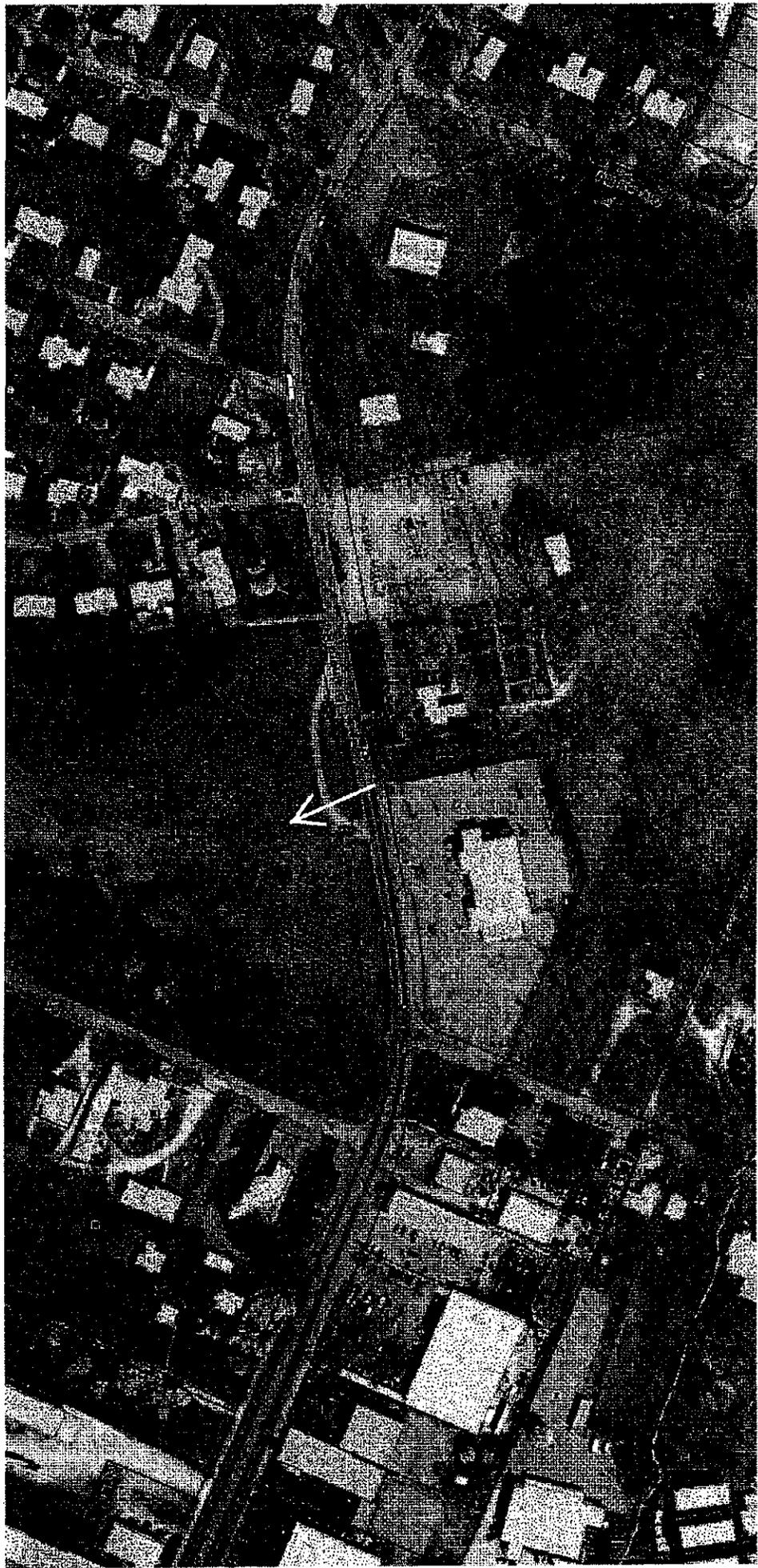
Preliminary Site Plan
 Scale: 1"=20'

NOTE: ELEMENTS SHOWN ON THIS PLAN ARE PRELIMINARY. CONTRACTOR TO VERIFY ALL ELEMENTS FOR ALL REMAINING UTILITY AND ACCESS ELEMENTS.

SITE ANALYSIS
 PROJECT: [Name]
 LOCATION: [Address]
 SCALE: [Scale]
 DATE: [Date]
 DRAWN BY: [Name]
 CHECKED BY: [Name]

RESIDENTIAL LAND USE
 ZONING: [Code]
 PERMITTED: [List]
 PROHIBITED: [List]





NOTICE

WHEREAS, petitions to amend Ordinance No. 6958, known as the Zoning Ordinance, have been proposed to the City Council of the City of Chattanooga:

1. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petitions to rezone be approved:

2012-121 The Broadway Group, LLC/Lee McCay/Tiftonia Church of Christ. 151 Browns Ferry Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2012-129 John Wise. 1810 Chestnut Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2012-131 Don Skiles. 6811 McCutcheon Road, from R-1 Residential Zone to R-3MD Moderate Density Zone, subject to certain conditions.

2012-137 Homebuilders Association/Teresa Groves. 3215, 3219, and 3221 Harrison Pike, from R-4 Special Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2012-140 Barry Evans/James Pratt. 402 Forest Avenue, from R-4 Special Zone to R-TZ Residential Townhouse Zero Lot Line Zone, subject to certain conditions.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be approved and denied in part:

2012-143 James D. Lee. 8203 East Brainerd Road, from R-1 Residential Zone and R-2 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be denied:

2012-117 Ericka Stearns. 906 East 10th Street, from R-1 Residential Zone to R-3 Residential Zone.

4. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following Special Exceptions Permit be approved:

2012-144 Chattanooga Construction Company, LLC. 100 thru 200 blocks of Templeton Lane, for a Residential Planned Unit Development.

5. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following amendment be made to the Chattanooga City Code, Part II, Chapter 38, known as the Chattanooga Zoning Ordinance by:

- (a) Amending Section 38-672, Method of procedure, to include special permit petition acceptance.

The City Council of the City of Chattanooga, Tennessee will hold a public hearing in the Council Assembly Room, City Council Building, 1000 Lindsay Street, Room 101, Tuesday,

November 13, 2012

at 6:00 p.m. for the purpose of hearing any person whose property may be affected by, or who may otherwise be interested in, said amendments.

This the ____ day of _____, 2012.

Carol K. O'Neal, CMC
Clerk to the City Council