

2015-123  
Dreamtech Homes, LLC/  
Sherman Smith and First Bank/  
Jim McKenzie  
District No. 4

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A RESIDENTIAL PLANNED UNIT DEVELOPMENT FOR PROPERTY LOCATED AT 1091 MACKEY AVENUE, SUBJECT TO CERTAIN CONDITIONS.

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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 for property located at 1091 Mackey Avenue, more particularly described in the attached maps:

An unplatted tract of land located at 1091 Mackey Avenue being the property described as Tract 3 in Deed Book 9299, Page 222, ROHC. Tax Map No. 159P-A-003.23.

This Special Exceptions Permit shall be approved subject to the following conditions:

- 1) Maintain the proposed Dudley road connection;
- 2) Right-of-way for Proposed Road A shall be extended through the ends of Lots 51 and 52, for future connectivity with adjacent parcels; and
- 3) All rights-of-way shall be a minimum of fifty feet (50') in width, with twenty-two feet (22') of street width as measured from faces of curb. (Note: Proposed Road B does not currently meet this requirement).

ADOPTED: \_\_\_\_\_, 2015

/mem

2015-123 City of Chattanooga  
October 12, 2015(deferred)  
November 9, 2015(action taken)

## RESOLUTION

WHEREAS, Dreamtech Homes, LLC/Sherman Smith & First Bank/Jim McKenzie 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 a Residential Planned Unit Development for property located at 1091 Mackey Avenue.

An unplatted tract of land located at 1091 Mackey Avenue being the property described as Tract 3 in Deed Book 9299, Page 222, ROHC. Tax Map 159P-A-003.23 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on October 12, 2015, at which time hearing was deferred to November 9, 2015,

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

AND WHEREAS, there was opposition present 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,

AND WHEREAS, the Planning Commission has determined that the proposal is consistent and compatible with surrounding uses.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on November 9, 2015, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved with the following conditions:

1) Maintain the proposed Dudley road connection; 2) Right-of-way for Proposed Road A shall be extended through the ends of lots 51 and 52, for future connectivity with adjacent parcels; and 3) All rights-of-way shall be a minimum of 50-feet in width, with 22-feet of street width as measured from faces of curb. (Note: Proposed Road B does not currently meet this requirement.).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'John Bridger', is written over the typed name and title.

John Bridger  
Secretary

**PLANNED UNIT DEVELOPMENT (PUD) APPLICATION FORM**

<b>CASE NUMBER:</b>	2015-123	<b>Date Submitted:</b> 08-21-2015	
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
<b>1 Applicant Request</b>			
<b>PUD</b>	<b>PUD Name: Dudley Road Residential PUD</b>		
	Acres: 20.8 +/-	Density: 2.88	<input checked="" type="checkbox"/> Residential <input type="checkbox"/> Institutional
<b>2 Property Information</b>			
<b>Property Address:</b>	1091 Mackey Avenue		
<b>Property Tax Map Number(s):</b>	159P-A-003.23		
<b>3 Proposed Development</b>			
<b>Reason for Request and/or Proposed Use:</b>	Residential Development		
<b>4 Site Characteristics</b>			
<b>Current Zoning:</b>	R-1 Planned Unit Development		
<b>Current Use:</b>	Vacant		
<b>Adjacent Uses:</b>	Residential & Commercial		
<b>5 Applicant Information</b>			
All communication will be with the Applicant. If the applicant is not the property owner, the RPA requires a letter from the property owner(s) confirming that the applicant has permission to file this application on his/her behalf.			
<b>Name:</b> Dreamtech Homes LLC/Sherman Smith		<b>Address:</b> 8412 Fenwick Drive	
<b>Check one:</b>	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am not the property owner	
<b>City:</b> Ooltewah	<b>State:</b> TN	<b>Zip Code:</b> 37363	<b>Email:</b>
<b>Phone 1:</b> 423-595-7050	<b>Phone 2:</b>	<b>Phone 3:</b>	<b>Fax:</b>
<b>6 Property Owner Information (if not applicant)</b>			
<b>Name:</b> First Bank/Jim McKenzie		<b>Phone:</b> 423-802-6681	
<b>Address:</b> P.O. Box 388 Lexington, TN 37351			
<b>Office Use Only:</b>			
<b>Planning District:</b> 10		<b>Neighborhood:</b> CNAC, BEBC, FOEB, Panorama Heights	
<b>Hamilton Co. Comm. District:</b> 7		<b>Chatt. Council District:</b> 4	<b>Other Municipality:</b>
<b>Staff Rec:</b>	<b>PC Action/Date:</b>	<b>Legislative Action/Date/Ordinance:</b>	
<b>Checklist</b>			
<input checked="" type="checkbox"/>	Application Complete	<input checked="" type="checkbox"/>	Ownership Verification
<input checked="" type="checkbox"/>	Map of Proposed Zoning Area with dimensions	<input checked="" type="checkbox"/>	
<input checked="" type="checkbox"/>	Site Plan, if required	<input checked="" type="checkbox"/>	Total Acres to be considered: 20.8
<input checked="" type="checkbox"/>	Deeds	<input checked="" type="checkbox"/>	Plats, if applicable
<b>Deed Book(s):</b> 9299-222			
<b>Plat Book/Page:</b> N/A		<input checked="" type="checkbox"/>	Notice Signs
		<b>Number of Notice Signs:</b> 2	
<input checked="" type="checkbox"/>	<b>Filing Fee:</b> 400.00	<input checked="" type="checkbox"/>	Cash
<input checked="" type="checkbox"/>	Check	<input checked="" type="checkbox"/>	Check Number: 5920
<b>Planning Commission meeting date:</b> 10-12-2015		<b>Application processed by:</b> Marcia Parker	

**PLANNING COMMISSION CASE REPORT**

Case Number: 2015-123

PC Meeting Date: 11-9-15

**Applicant Request****Special Permit: Residential Planned Unit Development (PUD)**

Property Location:	1091 Mackey Avenue
Property Owner:	First Bank/Jim McKenzie
Applicant:	Dreamtech Homes LLC/Sherman Smith

**Project Description**

- Proposal: Develop 20.8-acre (+or-) site with 60 single-family homes.
- Proposed Access: Dudley Road.
- Proposed Development Form: 60 single-family lots; 2 community lots (5.4 acres).
- Proposed Density: 2.88 dwelling units per acre.

**Site Analysis****Site Description**

- Location: The 20.8-acre vacant site is located on the southwest side of Mackey Avenue approximately 980 feet southwest of East Brainerd Road and also at the west end of Dudley Road.
- Current Access: Mackey Avenue and Dudley Road.
- Current Development form: Suburban single-family neighborhood with street connectivity and street network located east of site. Mackey Avenue is on a 50-foot right-of-way that narrows to 40 feet at Dudley Road. Dudley Road is on a 40-foot right-of-way.
- Current Land Uses: A golf driving range is located adjacent to the site on the north side. Single-family homes are located to the east and south of the site. A 275-foot wide TVA power line easement runs north and south through the site and beyond on both the north and south sides. A single-family home on 13.5 acres is adjacent to the site on the west side.
- Current Density: The average residential density on Dodie Drive (built on sewers) to the south is 2.7 dwelling units per acre. The average residential density on Charlotte Avenue to the southeast is 1.6 dwelling units per acre (larger lots- originally built on septic tanks). The average residential density on Stanley Avenue to the east is 2.1 dwelling units per acre (larger lots- originally built on septic tanks).

**Zoning History**

- The site is currently zoned R-1 Residential.
- A 77-lot, 3.8-units per acre R-1 Planned Unit Development (PUD) with conditions was approved for the site in 2010 (Resolution #26403) but expired August 10, 2013 and is no longer valid.
- The property to the north is zoned C-2 Convenience Commercial. The property to the east is zoned R-1 Residential. The property to the south is zoned R-1 Residential and R-3 Residential. The property to the west is zoned R-1 Residential.
- There is no other Residential Planned Unit Development (PUD) within a half-mile radius of the site.

**Plans/Policies/Regulations**

- There is no current adopted land use plan for this area.
- A Planned Unit Development (PUD) allows any residential type (single-family homes, duplexes, townhouse, apartments, etc.).
- An R-1 Planned Unit Development has a maximum residential density of 5 dwelling units per acre.
- A Planned Unit Development (PUD) allows private roads if the roads are built to City of Chattanooga road standards.
- The PUD was reviewed to meet the street connectivity requirements based on the following guidelines noted by the Chattanooga City Code street design standards from CHAPTER 32, STREETS AND SIDEWALKS, Section 32-344: *The Street and Bikeway Design Guides published by the National*

## PLANNING COMMISSION CASE REPORT

*Association of City Transportation Officials (NACTO); and Designing Walkable Urban Thoroughfares, Institute of Transportation Engineers (ITE). The specific standard for street connectivity is found in Chapter 3 of the ITE reference cited above: "Network and Corridor Planning, Indices For Network Connectivity and Accessibility, Average intersection spacing: For walkability, a maximum distance of 660 feet; desirable spacing is less than 400 feet."*

### Key Findings

- The proposed use is compatible with surrounding uses as it remains single family residential.
- The proposal is not consistent with the development form of the area by creating a long street without access.
- The proposed residential density is compatible with the surrounding densities.
- The proposed structure does not raise concerns regarding location, lighting, or height as existing larger lots to the east are buffered from the smaller lots created by the PUD by the unopened right of way between them.
- The proposal would continue a precedent for smaller lot low-density residential.
- The transportation infrastructure displayed on the PUD does not meet the City's Street Design Standards for connectivity and right-of-way width, as noted in the comments below.

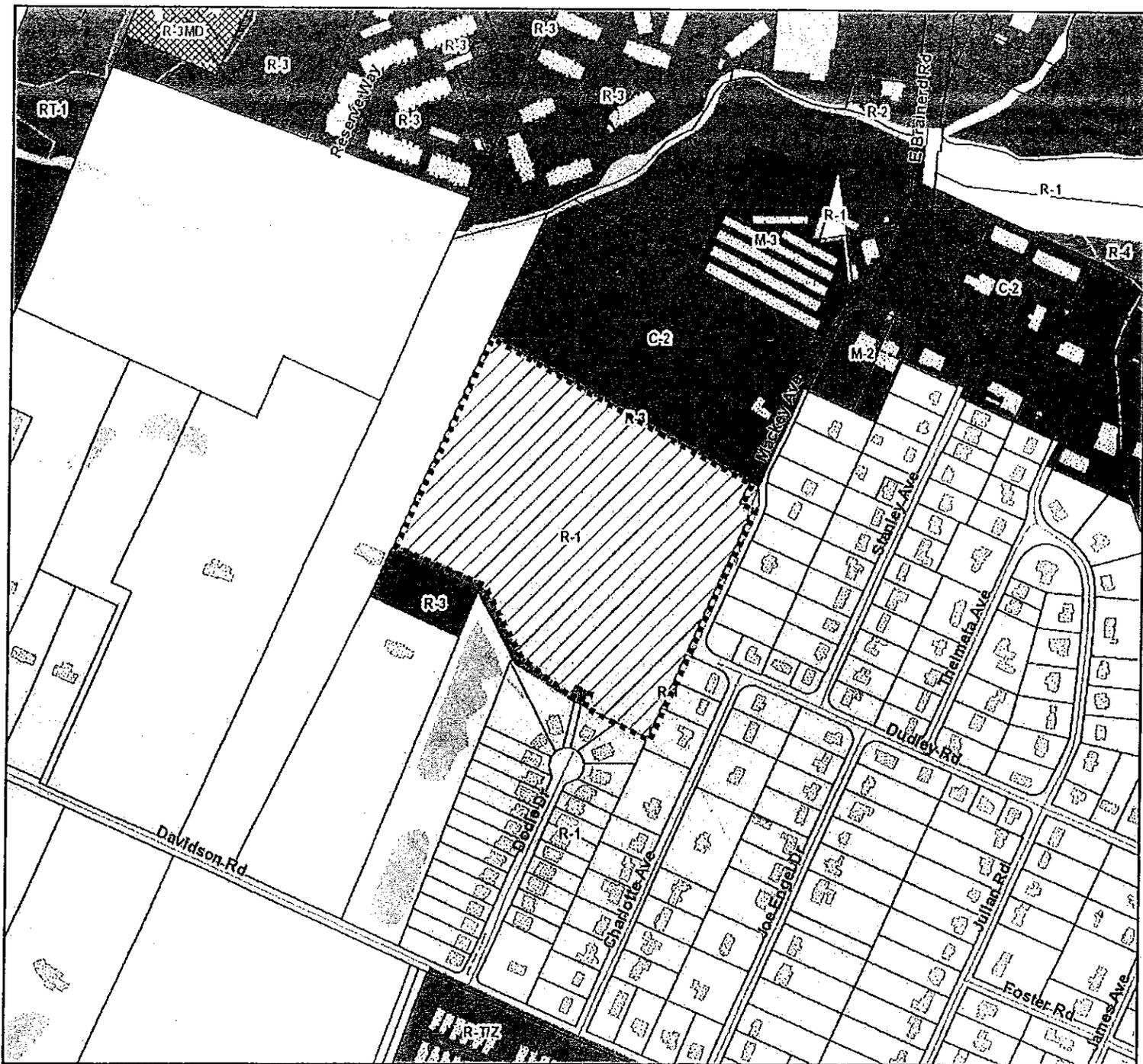
### Chattanooga Department of Transportation (CDOT) Comments..

- The proposed PUD needs a second right of way connection from Mackey Avenue to improve transportation connectivity and reduce the traffic burden through narrow neighborhood streets (i.e. Dudley, Charlotte, Engel) that have substandard widths for safely handling the additional residential demand.
- Dudley Road connection shall continue to be included such that residents may use the traffic signal at Engel Avenue for safe left turns onto East Brainerd Road, and to further conform to Complete Streets standards.
- Proposed Road B on the PUD plan does not meet the minimum right of way standard of fifty (50) feet.

### Staff Recommendation

Approve, with the following conditions:

1. A second street right-of-way connection shall be provided from Mackey Avenue through lot 33 as identified on the PUD plan.
2. Right-of-way improvements along Mackey Avenue shall stretch northward from Proposed Road A, through Lot 33, and would terminate at the southernmost driveway for Chattanooga Golf Center. Improvements shall include curb and gutter, sidewalk, and a minimum street width of 22-feet as measured from face of curb and conforming to current City standards.
3. Maintain the proposed Dudley road connection.
4. Right-of-way for Proposed Road A shall be extended through the ends of lots 51 and 52, for future connectivity with adjacent parcels.
5. All rights-of-way shall be a minimum of 50-feet in width, with 22-feet of street width as measured from faces of curb. (Note: Proposed Road B does not currently meet this requirement.)



## 2015-123 Special Exceptions Permit for a Residential PUD



477 ft

Chattanooga Hamilton County Regional Planning Agency





## 2015-123 Special Exceptions Permit for a Residential PUD

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-123:  
 Approve, subject to the conditions in the Planning Commission Resolution.



477 ft





## NOTICE

WHEREAS, petition to amend Ordinance No. 6958, known as the Zoning Ordinance, has 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:

2015-119 Matthew W. Thacker and Jean M. Thacker. 1402 Cemetery Avenue, from R-3 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2015-136 James Hixson. 2700 and 2708 Walker Road, from R-2 Residential Zone to R-4 Special Zone.

2015-138 Peter C. Cory and Miles D. Raborn. 8407 and 8575 Petty Road, from R-5 Residential Zone to R-1 Residential Zone.

2015-140 Owen Trepanier and Richard Puente. 3120 Dodson Avenue, from M-1 Manufacturing Zone to R-3 Residential Zone, subject to certain conditions.

2015-141 Wise Properties, LLC. 1920 Chestnut Street, 1817 Broad Street, and 423 West 20<sup>th</sup> Street, from M-1 Manufacturing Zone to C-2 Central Business Zone, subject to certain conditions.

2015-144 Nick Adams and Christy Clark/Adams Masonry. Part of 2833 Calhoun Avenue and all of 2902 Morgan Avenue, from R-2 Residential Zone to M-1 Manufacturing Zone.

2015-145 Bristol Development Group and Scott Black. 401, 403, 407, 409, 411, and 413 Somerville Avenue, from M-1 Manufacturing Zone and C-2 Convenience Commercial Zone to C-7 Northshore Commercial Mixed Use Zone, subject to certain conditions.

2015-149 City of Chattanooga/RPA. 3000 Broad Street, from M-1 Manufacturing Zone to M-2 Light Industrial Zone, subject to certain conditions.

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

2015-135 Jason McGlohon/SBI Engineers. 6501 Shallowford Road, from R-1 Residential Zone to R-4 Special Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following Special Exceptions Permits be approved as follows:

2015-123 Dreamtech Homes, LLC/Sherman Smith and First Bank/Jim McKenzie. 1091 Mackey Avenue, for a Residential Planned Unit Development, subject to certain conditions.

2015-139 Peter C. Cory and Miles D. Raborn. 1813 Morris Hill Road and 8407 and 8575 Petty Road, for a Residential Planned Unit Development, subject to certain conditions.

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

- (a) Amending Section 38-563, Jurisdiction of the Board, by adding subsection (6).
- (b) Amending Section 38-2, Definitions, by deleting the definition "Alternative Financial Services" and adding in lieu thereof a new definition in alphabetical order.

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,

**December 8, 2015**

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 \_\_\_\_\_, 2015.

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Nicole Gwyn  
Clerk to the City Council