

2004-155  
Pete Cory

RESOLUTION NO. 24308

A RESOLUTION APPROVING A PROPOSED FINAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT KNOWN AS MAGNOLIA GARDENS PLANNED UNIT DEVELOPMENT ON A TRACT OF LAND LOCATED IN THE 1700 BLOCK OF JOINER ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE FINAL PLANNED UNIT DEVELOPMENT PLAN ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

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WHEREAS, Pete Cory petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend that the City Council of the City of Chattanooga grant a special exceptions permit for a Planned Unit Development on a tract of land located in the 1700 block of Joiner Road; and

WHEREAS, The Chattanooga-Hamilton County Regional Planning Commission, on August 9, 2004, recommended that the Chattanooga City Council approve the Plan as a Preliminary Residential Planned Unit Development; and

WHEREAS, The Chattanooga City Council approved the special exceptions permit for the Preliminary Residential Planned Unit Development known as Magnolia Gardens Planned Unit Development on September 14, 2004; and

WHEREAS, The Chattanooga-Hamilton County Regional Planning Commission, as well as the Electric Power Board, and various City of Chattanooga agencies, have now reviewed the

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Final Residential Planned Unit Development Plan for recording and the Chattanooga-Hamilton County Regional Planning Agency now has recommended that the Chattanooga City Council issue a special exceptions permit by Resolution to the applicant for the Final Residential Planned Unit Development, as shown by the attached Final Planned Unit Development Plan;

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That there be and hereby is granted a Final Planned Unit Development Special Exceptions Permit for a Residential Planned Unit Development on a tract of land located in the 1700 block of Joiner Road, known as Magnolia Gardens Planned Unit Development, more particularly described as follows:

An unplatted tract of land located in the 1700 block of Joiner Road being part of the property described in Deed Book 7130, Page 65, ROHC. Tax Map 159H-B-007.

BE IT FURTHER RESOLVED, That the Final Planned Unit Development Plan for the Magnolia Gardens Planned Unit Development, including the completion of all notes and conditions referenced on the attached Final Planned Unit Development Plan, are to be accomplished in accordance with the Planned Unit Development Plan.

ADOPTED: January 25, 2005

/add

P.U.D.: Magnolia Gardens Planned Unit Development  
Lots 1-36

CASE NO.: 2004-155

DEVELOPER: Pete Cory

SURVEYOR: David Mathews Surveying Company

DATE OF SUBMITTAL: December 10, 2004

STATUS: Final Planned Unit Development Plan

STAFF RECOMMENDATION: Approve as a final planned unit development  
plan, subject to the following requirements:

A. Planning Commission Requirements

1. The submitted plan does not meet the 30" length requirement for documents to be recorded in the plat books. Since this is the only length that can be recorded, reduce the length of the recorded document to 30" as indicated in the Chattanooga Subdivision Regulations.
2. Since there are to be more than 25 lots, the Chattanooga Subdivision Regulations require at least two (2) boundary monuments located to 1:20,000 accuracy in State Plane Coordinates. On the final P.U.D. plan, show the location and State Plane Coordinates of these two boundary monuments.
3. Per Article 5, Section 1213(b) of the Chattanooga Zoning Ordinance, show that adjoining property to the north is commercial and adjoining property to the east and south is residential.
4. Show exact distance from lot1 to Ziegler Road.
5. Add the following note: "No fill material can be placed in a constructed drainage facility in such a manner as to impede storm water runoff flow unless approved by the City Engineer".
6. Change "Preliminary/Final Plat" to "Final Planned Unit Development Plan".
7. Show addresses per the Chattanooga Technical Information Office.
8. Show the size, number of acres drained and type for drainage pipes in the cul-de-sac and at lots 11 and 12. The City of Chattanooga requires reinforced concrete pipes (RCP) in these locations.

9. Label the center line at Magnolia Gardens Drive as such.
10. Note that there are to be 34 dwelling units.
11. Note there are to be at least two off-street parking spaces at each dwelling unit.
12. Add the seal of the surveyor.
13. Add the following to the owner's certification: "I dedicate the road right-of-way as shown to the public use forever and certify that there are no encumbrances on the property dedicated".
14. Add the following engineer's statement and have it signed by an engineer: "I certify that I have reviewed or designed all new roads, drainage, domestic water and sanitary sewers as shown on this plat and that the design meets proper engineering criteria". Add the seal and address of the engineer.
15. Show the areas of lots 20, 36 and groups of lots with solid lines. This could be done in a table if the surveyor desires.
16. Show length, radius, tangent distance and delta angle for all curved road frontages.
17. Delete note 13.
18. Add the following note: "Exact dimensions for dashed lot lines to be recorded when building locations are established".
19. Label lots 20 and 36 as Community Lots.
20. Add the following note: "The entire area of Community Lot 20 outside the public sanitary sewer and landscape easements is a drainage detention area and City of Chattanooga drainage facility inspection easement. Consequently, no building of any kind is permitted in Community Lot 20". Refer to the number of this note in lot 20 on the plat.
21. Article 5, Section 1208(3) of the Chattanooga Zoning Ordinance reads as follows: "There shall be constructed sidewalks or an equivalent paved internal pedestrian circulation system. The minimum width of such sidewalks shall be five (5) feet". If the developer wishes to construct sidewalks along Magnolia Gardens Drive, either show the location of the sidewalks or add the following note: "Per requirements of the Chattanooga Zoning Ordinance,

minimum 5' wide sidewalks will be constructed on both sides of Magnolia Gardens Drive". If there is to be a paved internal pedestrian circulation system other than sidewalks, show the location of this system.

22. Add the following note: "The City of Chattanooga is not responsible to construct or maintain any drainage, drainage facility, community facility, landscape, land, building or anything else on community lots 20 and 36".
23. Add the following note: "A 10' private drainage easement is reserved along the outer boundaries of this P.U.D. except Joiner Road frontage. This drainage easement is automatically abandoned if two or more lots are combined or used as one lot or no setback is required".
24. Change "Class C Landscape Area" to "10' Landscape Easement".
25. At the rear of lots 5-11, move the 10' Landscape Easement to be north of the sanitary sewer easement and not overlapping the sanitary sewer easement.
26. Add the following note: "Per Ordinance No. 11615, a Type "C" landscaping per the Chattanooga Zoning Ordinance is required in the 10' Landscape Easement".
27. Add the following to the end of note 11: "or private storm sewer easements".
28. Add the following note: "The only setbacks required are 25' from Joiner Road and other outer boundaries of this P.U.D. and 10' from other public roads. Free-standing buildings must be at least 10' apart. Other than above, no other setbacks are required".
29. Per Article 5, Section 1210 of the Chattanooga Zoning Ordinance, note how Community Lot 36 is to be maintained.
30. Correct the spelling of the owner's name to Cory.

B. Chattanooga Sewer and Storm Water Requirements

1. Change all sanitary sewer easements to public sanitary sewer easements.
2. Submit hydraulic loading calculations for sewers.

3. Submit a sewer capacity letter from the Moccasin Bend Sewage Treatment Plant.
4. On the sewer plans, show any existing "T" connections for existing sewer lines along the north line of this P.U.D., south of lots 4-11 and in Joiner Road at lots 1, 35 and 36.
5. Show the size of the outflow pipe from the drainage detention area in Community Lot 20.
6. Near the rear of lots 11 and 12, install the silt fence along or just above the 708' contour line.
7. Questions about Chattanooga Sewer and Storm Water requirements should be directed to Mr. David Wilson at 425-7629.

C. Chattanooga Development Director Requirements

1. Add the following note: "The owners of lots 1-36 are responsible to maintain the drainage detention facilities and drainage detention easement on Community Lot 20".
2. Covenants must be recorded which specify that the owners of lots 1-36 are responsible to maintain Community Lot 20 and are responsible for any costs to maintain drainage detention easements and facilities on Community Lot 20. The final P.U.D. plan cannot be recorded until the Chattanooga Development Director has reviewed and approved these covenants.
3. Questions about Chattanooga Development Director requirements should be directed to Mr. Joel Booth at 757-4886.

D. Chattanooga Fire Department Requirements

1. Show on the plat and install a fire hydrant in lots 1 or 35 near the intersection but outside the curved right-of-way and on the same side of the road as the water line.
2. Show on the plat and install a fire hydrant at the lot line between lots 21 and 36 or the lot line between lots 15 and 16 on the same side of the road as the water line.

3. Questions about Chattanooga Fire Department requirements should be directed to Mr. Randall Herron at 421-4268.

E. Chattanooga Building Inspection Department Requirements

1. Since the area of this subdivision is more than 5 acres, Article 5, Section 1128 of the Chattanooga Zoning Ordinance requires that base flood elevation shall be provided. In order to conform to this requirement, add the following note: "Per F.E.M.A. F.I.R.M. No. 470072-0368F dated November 7, 2002, the entire area of this development is outside of the 100 year flood area and above the 100 year flood elevation of 687'".
2. Questions about Chattanooga Building Inspection Department requirements should be directed to Mr. Ron Estdaile at 757-5105.

F. Utility Requirements

1. Show a 10' power and communication easement along both sides of Magnolia Gardens Drive.
2. Show a 15' power and communication easement along Joiner Road in lots 1, 35 and the 244.5' frontage of lot 36.

G. Hamilton County GIS Department Requirements

1. The proposed street name, Magnolia Gardens Drive, is not acceptable because it exceeds the maximum 13 characters permitted for a street name.
2. Select another name for the street and have this proposed name approved by this GIS Department.
3. Questions about GIS requirements should be directed to the GIS Department at 209-7760.

H. Tennessee Department of Health and Environment Requirements

1. Under current policies, the Mylar copy of the final plat cannot be recorded until the Tennessee Department of Health and Environment, Division of Water Supply has approved the water line extensions.

I. N.P.D.E.S. Permit

1. Since there is to be more than one acre of disturbed ground, including building sites, in this subdivision, an N.P.D.E.S. (National Pollutant Discharge Elimination System) Permit to discharge storm water associated with construction activity is necessary.
2. Although there is not local enforcement of this permit, the state can impose civil and criminal penalties on the developer for failure to obtain a permit when one is necessary. The developer should contact the following office to answer questions about filing such a permit:

Tennessee Department of Environment and Conservation  
Division of Water Pollution Control  
540 McCallie Avenue  
Suite 550  
Chattanooga, TN 37402  
(423) 634-5745

J. A.R.A.P. Permit

1. Since a stream may be involved in this subdivision, an A.R.A.P. (Aquatic Resource Alteration Permit) may be required by the State of Tennessee.
2. Although there is no local requirement or enforcement of this permit, the state can impose penalties and requirements if an A.R.A.P. permit is necessary but has not been obtained.
3. The developer is urged to contact the Tennessee Department of Environment, Division of Water Pollution Control at the above address and phone number to determine if an A.R.A.P. permit is required.

