

RESOLUTION NO. 26864

A RESOLUTION TO EXTEND THE SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT (FORMERLY KNOWN AS THE COVENANT) NOW REFERRED TO AS PERRY NORTH PLANNED UNIT DEVELOPMENT, AND REFERENCED IN CITY COUNCIL RESOLUTION NUMBER 26069, ON TRACTS OF LAND LOCATED IN THE 1000 BLOCK OF DALLAS ROAD.

WHEREAS, by Resolution Number 26069 dated September 15, 2009, the Chattanooga City Council approved, with conditions, a special exceptions permit for a Final Residential Planned Unit Development known as The Covenant Planned Unit Development and referenced by Planning Commission case number 2007-166; and

WHEREAS, said special exceptions permit expires twenty-four (24) months from its approval if said Plan has not been recorded in the Office of the County Register; and

WHEREAS, Article V, Division 25, Section 38-402(8) of the Chattanooga zoning regulations within the Chattanooga City Code provides for the request of an extension for an additional period not to exceed one (1) year by the City Council; and

WHEREAS, new property owner Vincent Morse, CEO, Perry Development, LLC, has requested such extension in order to complete the Plan and ;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, that there be and hereby granted a one (1) year extension of the Special Exceptions Permit for a Residential Planned Unit Development,

effective from the September 15, 2011 expiration, on tracts of land located in the 1000 Block of Dallas Road.

BE IT FURTHER RESOLVED, that this extension of the Special Exceptions Permit for (formerly known The Covenant Planned Unit Development) now referred to as Perry North Planned Unit Development, including the completion of all notes and conditions referenced on the Final Planned Unit Development Plan attached to Resolution Number 26069, are to be accomplished in accordance with the Planned Unit Development Plan.

ADOPTED: October 11, 2011

/mms

Sirchia Maria

From: Dodd Pattie
Sent: Tuesday, September 27, 2011 9:48 AM
To: McMahan Michael
Cc: Davis Angela; Sirchia Maria; Haynes Greg; Brunner Fred
Subject: SEP PUD resol draft
Attachments: Res26069.tif; letter extension request_0001.tif; SEP PUD resol draft.doc

Please place on the City Council agenda for consideration.

Attached is a (proposed draft) for a council resolution, original Resolution #26069, and letter from the new owner requesting an extension.

This was originally approved by Council Resolution # 26069, dated 9/15/09 and tracked by Planning Commission case number 2007-166.

The request is based on Article V, Division 25, Section 38-402(8) of the zoning regulations within City Code that allows City Council to extend a SEP-PUD for a one (1) year period.

Please let me, Greg or Fred know if additional information is needed.

Thanks!

Pattie Dodd, Planner
Development Services
Regional Planning Agency
(423) 643-5916 - *note new phone number*



September 23, 2011

Metropolitan Planning Commission
1250 Market Street
Suite 200 Development Resource Center
Chattanooga, TN 37402

RE: Proposed Perry North PUD Subdivision *fka*; Dallas Road Subdivision

Dear Mr. Chairman,

I have completed the purchase and am the legal owner of Perry North. It has been approved by the Chattanooga City Council on September 15, 2009 as a PUD. With this letter I am formally requesting that the two year PUD approval be extended one year. This will allow me to complete plans, construction and record the Final Plat.

We anticipate the new plans that staff reviewed earlier this year, will be complete in the next 10 days and construction to begin when permits are available. Please contact me with any questions.

Sincerely,

Vincent Morse, CEO
Perry Development, LLC

Cc: Joseph Ingram, WQS Inc.



RESOLUTION NO. 26069

A RESOLUTION APPROVING A PROPOSED FINAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT KNOWN AS DALLAS ROAD SUBDIVISION PLANNED UNIT DEVELOPMENT ON TRACTS OF LAND LOCATED IN THE 1000 BLOCK OF DALLAS ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE DRAWING ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, The Chattanooga City Council approved, with conditions, the special exceptions permit for the Preliminary Residential Planned Unit Development known as Dallas Road Subdivision Planned Unit Development by Resolution No. 25280 on October 9, 2007; and

WHEREAS, A final planned unit development plan has been submitted for Dallas Road Subdivision Planned Unit Development was submitted on July 30, 2009, which, after review by all applicable agencies, was determined to be in substantial conformity with the Preliminary Planned Unit Development Plan; and

WHEREAS, 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 on the attached Final Planned Unit Development Plan, subject to certain conditions;

NOW, THEREFORE,

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 tracts of land located in the 1000 block of Dallas Road, known as the Dallas Road Subdivision Planned Unit Development, more particularly described as follows:

Lots 38 thru 42, Crow's Addition to Hill City, Plat Book 2, Page 7, ROHC, and Lots 32, 41 thru 45 and 61 thru 64, Map of Highland Pines, Plat Book 11, Page 36, ROHC, being part of Tract 2, Deed Book 6768, Page 980, Deed Book 6852, Page 862, Deed Book 6889, Page 79, Part of Deed Book 6984, Page 933, Deed Book 7084, Page 88, Tract 2 of Deed Book 8009, Page 896, Deed Book 8201, Page 65, ROHC, and an unplatted tract of land described as Tract 1 of Deed Book 8009, Page 896, ROHC. Tax Map 126L-C-005 and 126M-G-003 thru 008 and 014 thru 019.

BE IT FURTHER RESOLVED, That the Final Planned Unit Development Plan for the Dallas Road Subdivision Planned Unit Development is to be accomplished in accordance with the Final Planned Unit Development Plan, including the completion of all notes and conditions referenced on the attached Final Planned Unit Development Plan PUD review and site plan.

ADOPTED: September 15, 2009

/add

P.U.D.: Dallas Road Subdivision
Planned Unit Development
Lots 1-19

CASE NO.: 2007-166

DENSITY: 2.63 units per acre

DEVELOPER: R and S Development

ENGINEER: MAP Engineers

JURISDICTION: City of Chattanooga

DATE OF SUBMITTAL: July 30, 2009

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. Redraw the plat to the 30" x 24" size and format in Appendix 3 of the Chattanooga Subdivision Regulations. This is the only size and format that can be recorded.
2. Delete all notes, index to drawings and statements.
3. Note that the present zoning is R-1.
4. Note that the density is 2.63 units per acre.
5. Note the deed references for the P.U.D.
6. Add the following note: "Public sanitary sewers are available by gravity flow".
7. Add the following note: "Local Government does not certify that utilities or utility connections are available".
8. Show the areas of all lots. This could be done in a table.
9. Note the total P.U.D. area. The plan shows 5.7 acres.
10. Change '15' Drainage Easements in Lots 2 and 17 to 15' Private Drainage Easements.

11. Show a 15' Private Drainage Easement in Lots 11 and 12 along the drainage pipe from yard inlet YI #2 to the road right-of-way.
12. Give the Road "A" a name approved by the GIS Department. The GIS Department has approved Ringhill Circle as a street name.
13. Show street addresses per the GIS Department.
14. Add the following note: "The only minimum building setback required is 25' from Dallas Road right-of-way, and other outer boundaries of the P.U.D., minimum 10' from the internal road and minimum 10' between free-standing buildings. Other than above, no minimum building setbacks are required".
15. Show the beginning and ending points of curved right-of-way lines. Show length, radius, tangent distance and delta angle for all curved road right-of-way lines.
16. Show bearing and distance for all straight right-of-way lines, the rear lines of Lots 2-16 and the side lines of Lots 2-16 where no building is proposed.
17. Note a typical lot number.
18. Delete station numbers and point of curve and point of tangent numbers.
19. Label road center lines as such.
20. Add the following ownership statement and have it signed by the owner: "I certify that I am the owner in fee simple of the property shown, adopt this as my plan of planned unit development, dedicate the road right-of-ways as shown to the public use forever and certify that there are no encumbrances on the property dedicated". Show the name, address and phone number of the owner.
21. 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 plan and that the design meets proper engineering criteria". Add the seal and address of the engineer.
22. The developer should be aware that Article 5, Division 25, Section 38-402 (1c) of the Chattanooga Zoning Ordinance requires that the location of all structures except detached single-family houses must be shown on a P.U.D. Consequently,

if non-residential structures such as an entrance sign are desired, these must be shown on the recorded Final P.U.D. plan. Please be aware that the Chattanooga Traffic Engineer must approve the location of such structures.

23. Add the following surveyor's statement and have it signed by the surveyor: "I certify that I have surveyed the property shown and this survey is correct to the best of my knowledge and belief and the ratio of precision of the unadjusted survey is 1:_____". Show the error of closure, the name of the surveyor and the address of the surveyor. Add the seal of the surveyor.
24. Change the name of the development to Dallas Road Subdivision Planned Unit Development.
25. Label the plan as "Final Planned Unit Development Plan".
26. Resolution No. 25280, which approved the Preliminary P.U.D. Plan, required the following: "Provide landscaping at entrance". Consequently, show the landscaping to be provided at the entrance to comply with Resolution No. 25280.
27. Resolution No. 25280, which approved the Preliminary P.U.D. Plan, required the following: "Provide community lot including usable open space in addition to cul-de-sac". In order to conform to this requirement, add the following note: "Per Resolution No. 25280, no residential, commercial or industrial building is permitted on Community Lots 1 and 18. Community Lots 1 and 18 are to be used for open space, drainage, drainage detention, recreation and community purposes only".
28. Per Resolution No. 25280, show the location and file number of the existing sewer line in Dallas Road.
29. Per Resolution No. 25280 and Article 5, Division 25, Section 38-402(1c) of the Chattanooga Zoning Ordinance, show the location of all parking areas.
30. Per Resolution No. 25280 and Article 5, Division 25, Section 38-402 of the Chattanooga Zoning Ordinance, show the location of proposed sewer lines and manholes.
31. Per Article 5, Division 25, Section 38-401 (1f) of the Chattanooga Zoning Ordinance, "any change to the location of access" is a major change. Since no entrance was shown to Dallas Road from the proposed dwellings on the plan approved by Resolution No. 25280, add the following note: "Per

requirements of the Chattanooga Zoning Ordinance, no direct access to Dallas Hollow Road is permitted from Lots 1-17 and 19". If access to Community Lot 19 is desired for a dwelling or other building, this access would have to be from Road "A" (Ringhill Circle) since no additional access to Dallas Road is permitted.

32. Add the following note: "Only a detached, single-family dwelling, accessory uses and community uses are permitted on Community Lots 17 and 19".
33. Per Article 5, Division 25, Section 38-397(3) of the Chattanooga Zoning Ordinance, and Resolution 25280, sidewalks are required along Road "A" (Ringhill Circle) except at Community Lot 18. The plan approved by City Council in Resolution No. 25280 shows sidewalks along Road "A" (Ringhill Circle). Article 5, Division 25, Section 38-397(3) of the Chattanooga Zoning Ordinance requires that sidewalks must be a minimum 5' wide. Consequently, show a minimum 5' wide sidewalks along both sides of Road "A" except for the frontage of Community Lot 18.
34. If Road "A" (Ringhill Circle) is to be a public road, delete the right-of-way line separating the right-of-way of Road "A" (Ringhill Circle) from the Dallas Road right-of-way since these will both be public roads.
35. Show a 20' public sanitary sewer easement in Lot 2 along the proposed sewer line.
36. Add the following note: A 10' private drainage easement is reserved along the outer boundaries of this P.U.D. except Dallas 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".
37. Add the following note: "The City of Chattanooga is not responsible to construct or maintain drainage easements, drainage detention area easements or any ground, facility, building or anything else on any lot in this development".
38. Add the following note: "The Chattanooga-Hamilton County Regional Planning Commission granted variances from the Chattanooga Subdivision Regulations for the internal road in this P.U.D. on August 10, 2009".

39. Change "Drainage Easement for Detention Pond" to "Private Drainage Detention Area Easement and City of Chattanooga Inspection Access Easement".
40. If there is to be a Road Entrance Blowup, show the road name for Road "A", sidewalks locations and the landscaping required at the entrance by Resolution No. 25280.
41. Note that the tax map numbers as 126L-C-005, 126M-G-003 through 008 and 126M-G-014 through 018.
42. Show adjoining lot numbers, lot lines, subdivision name and plat book and page numbers for adjoining Lots 32-40, 59 and 60 in Highland Pines, Plat Book 11, Page 36 west and south of Community Lot 1 per Resolution No. 25280.
43. Show adjoining lot numbers, subdivision name and plat book and page number for adjoining Lots 32-37 of Crow's Addition to Hill City, Plat Book 2, Page 7, north of Community Lot 1 and west of Community Lot 19, per Resolution No. 25280.
44. Add the following note: "This plat abandons all interior lot lines of lots in this P.U.D. not shown".
45. Per Article 5, Division 25, Section 38-402(1b) of the Chattanooga Zoning Ordinance, add the following note: "Adjoining Lots 39 and 40 of Highland Pines Zoned R-3 and occupied by an apartment. Adjoining Lot 60 of Highland Pines Zoned R-2. All other adjoining property Zoned R-1".

B. Chattanooga Development Director 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 in Community Lot 1 to inspect drainage detention areas and facilities".
2. Covenants are required which specify that all lot owners are responsible to maintain drainage detention areas and facilities. The Mylar copy of the Final P.U.D. plan cannot be recorded until the Chattanooga Development Director has approved the proposed covenants.

3. Add the following note: "The owners of Lots 1-19 are responsible to maintain drainage detention areas and facilities on-Community Lot 1".
4. Add the following note: "Drainage detention areas and facilities installed by the developer cannot be filled, altered or changed in any way without permission of the Chattanooga City Engineer".
5. Questions about Chattanooga Development director requirements should be directed to Mr. Joel Booth at 643-5812.

C. Chattanooga Sewer Requirements

1. In designing the landscaping at the entrance required by Resolution No. 25280, please be aware that only small shrubs and grass are permitted in the public sanitary sewer easement in Lot 2.
2. No structure of any kind, including subdivision entrance signs, is permitted in the 20' public sanitary sewer easement in Lot 2.
3. Questions about Chattanooga Sewer requirements should be directed to Mr. Eric Douglas at 643-5814.

D. Chattanooga Traffic Engineer's Office Requirements

1. Location of landscaping and structures at the entrance is subject to review and approval by the Chattanooga Traffic Engineer's Office to insure safe and adequate site distance at the intersection. Before the plat is recorded, submit a detailed plan for landscaping at the entrance as required by Resolution No. 25280.
2. If structures such as entrance signs are desired at the entrance, the location of these structures must be shown on the P.U.D. plan and approved by the Chattanooga Traffic Engineer's Office.
3. Resolution No. 25280 which approved the preliminary P.U.D. plan required the following: "Entrance location to be approved by the City Traffic Engineer".
4. The proposed entrance design in Dallas Road is not acceptable to the City Traffic Engineer. Replace the narrow island proposed for approximately 210' south of Road "A" with a two-way turn lane in Dallas Road. Change the plan to reflect this.

5. Questions about Chattanooga Traffic Engineer's Office requirements should be directed to that office at 757-5005.

E. Chattanooga Fire Department Requirements

1. Show on the plan and install a fire hydrant at Lot 2 and 17 at the entrance but outside the 15' and 25' radius rounded right-of-way at the intersection. Install this fire hydrant on the same side of the road as the water line.
2. Show on the plan and install a fire hydrant on the same side of Ringhill Circle as Community Lot 18 opposite the lot line between Lots 13 and 14. Install the fire hydrant in this location even if the water line is on the other side of the road. A fire hydrant at the lot line between Lots 13 and 14 is not acceptable because it is too close to proposed buildings.
3. Article 3, Section 302.3.4.2 of the Chattanooga Subdivision Regulations reads, in part, as follows:

"On streets having a pavement width of 24 feet, on-street parking is restricted to one side of the street as approved by the City Engineer as required by Appendix D of the International Fire code, as amended. Appropriate street marking shall be provided by the developer of the subdivision."

Since 24' wide streets are proposed, indicate the parts of Road "A" (Ringhill Circle) that will not have parking to comply with this regulation.

4. Variances from Chattanooga Subdivision Regulations for Road "A" (Ringhill Circle) have been approved subject to approval by the Chattanooga Fire Department.
5. Questions about Chattanooga Fire Department requirements should be directed to Mr. Randall Herron at 421-42698.

F. Chattanooga Storm Water Management Requirements

1. At the intersection of Road "A" and Dallas Road, replace the hood and grate with a junction box with manhole cover.

2. Install a City standard curb inlet at the north line of Road "A" (Ringhill Circle) at Dallas Road. This facility will intercept water on Dallas Road before the intersection.
3. Connect the junction box with manhole and the city standard curb inlet with a 15' reinforced concrete pipe (RCP).
4. Questions about Chattanooga Storm Water Management requirements should be directed to Mr. Keith Curtis.

G. Utility Requirements

1. Show a 15' power and communication easement along Dallas Road.
2. Show a 10' power and communication easement along Road "A" (Ringhill Circle) in Lots 2-17.

H. Private Road Option

1. If the developer wants to have Road "A" (Ringhill Circle) to be a private road, there will need to be several changes to the plan. Although some of the changes are listed below, there would need to be further review by affected City agencies if Road "A" (Ringhill Circle) is to be private.
 - a. Show a 20' public sanitary sewer easement for the proposed sewer line in Road "A"
 - b. Label Road "A" as a Utility and Private Access Easement
 - c. The City of Chattanooga will require agreements or other changes to the plan if the developer wishes to have City garbage service on a private road.
 - d. The Traffic Engineer's Office would need to determine what changes, if any, would need to be made to accommodate inadvertent traffic turning onto Road "A" and needing to leave in a safe manner.

F. 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 extension.

G. 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 any 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

H. S.W.P.P.P. Permit

1. As a part of Storm Water Pollution Prevention Plan (S.W.P.P.P.), the State of Tennessee may require 60' riparian buffer zones during construction along or in drainage areas of streams designated by the State as high quality or impaired. The developer should contact the Tennessee Department of Environment and Conservation to determine if buffer zones are required.

I. 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.

FB:sh
DallasRdPUD

