2004-078

APPLICATION NO: 20 -078

JURISDICTION: Chattanooga Dist. #3
Hamilton County Dist. #5

APPLICANT: Rony Dean

DATE OF PLANNING COMMISSION MEETING: April 12, 2004

LOCATION: 2869 Harrison Pike

PRESENT ZONING:	M-1 Manufacturing Zone
REQUEST FOR:	Special Exceptions Permit
PROPOSED DEVELOPMENT:	Residential PUD
SIZE OF TRACT:	88.2 Acres ±
ACCESS TO TRACT:	Good
SITE CHARACTERISTICS:	Vacant
SURROUNDING DEVELOPMENT:	Residential & Manufacturing
STAFF RECOMMENDATION:	Approve, subject to the attached PUD review.

REASONS FOR RECOMMENDATION:

Request for R-T/Z was approved by the Planning Commission in 2003. It has been deferred indefinitely at City Council, but the applicant will withdraw that case if this one is approved.

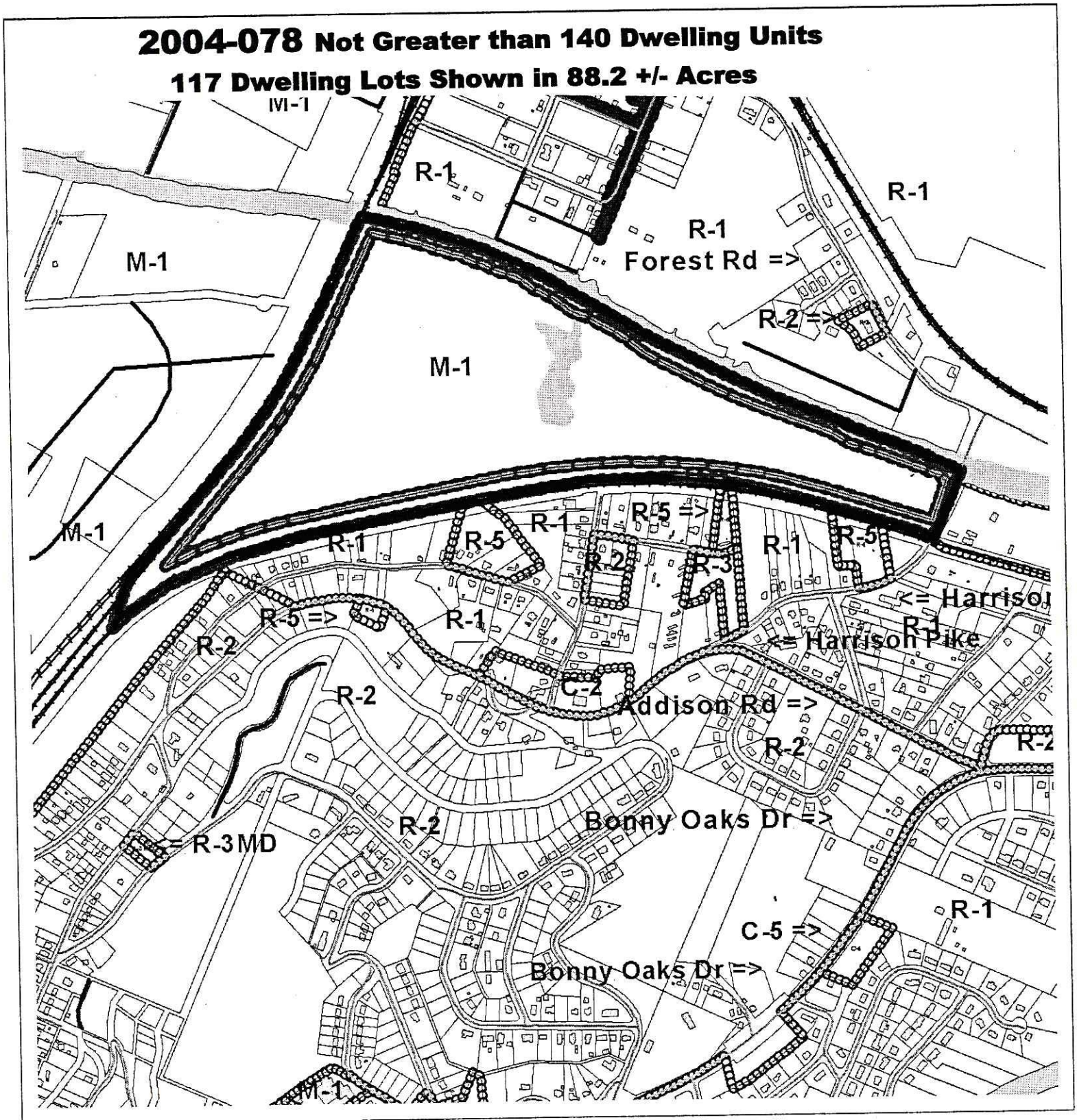
This new proposal is less dense.

Special attention needs to be paid to the creek bank to lessen the environmental impact to Chickamauga Creek.

Defer
until
May

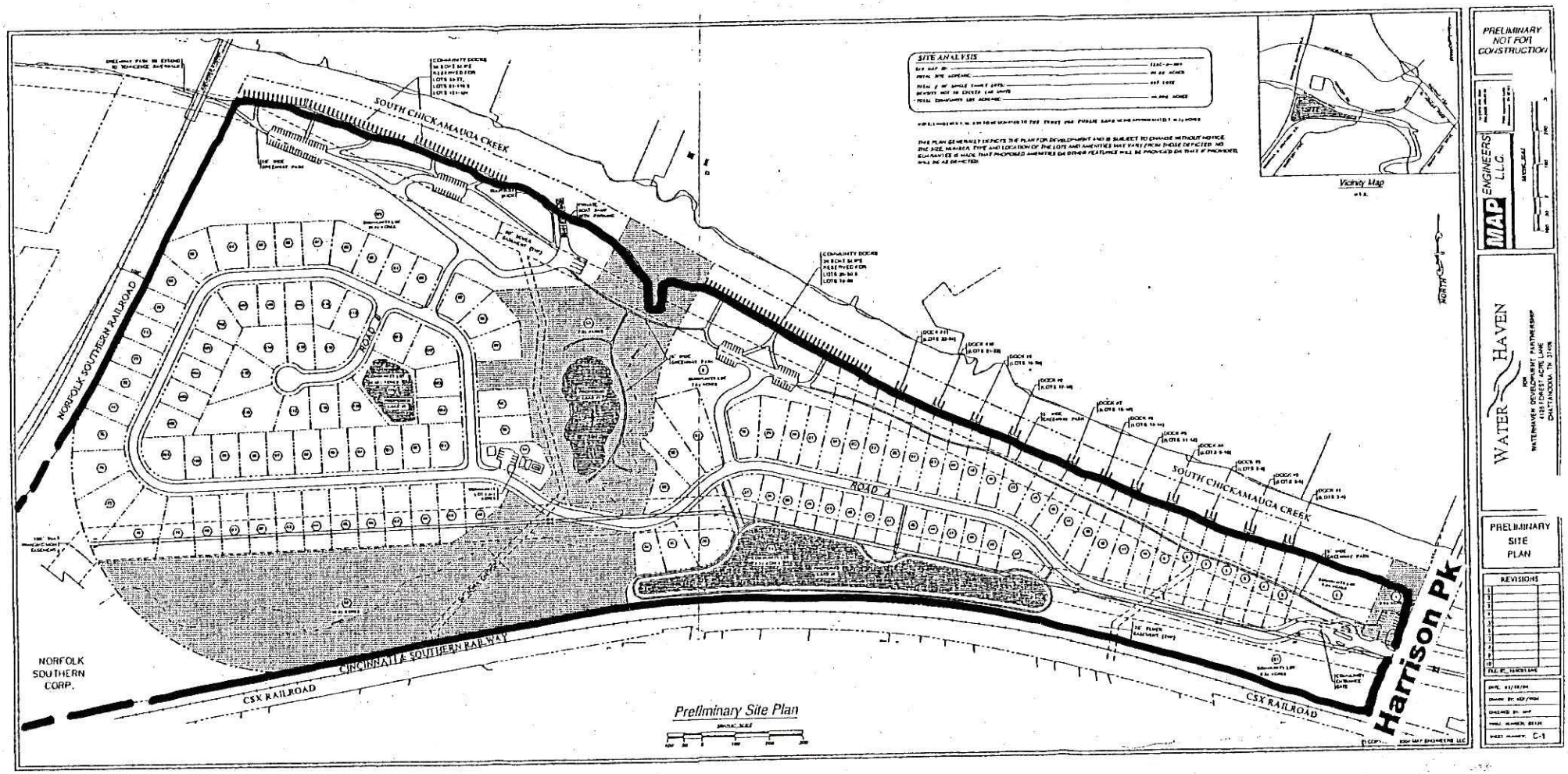
CHATTANOOGA
CASE NO: 2004-0078
PC MEETING DATE: 4/12/2004
RESIDENTIAL PUD

1 in. = 800.0 feet



2004-078 Not Greater than 140 Dwelling Units

117 Dwelling Lots Shown in 88.2 +/- Acres



P.U.D.:	Water Haven Planned Unit Development Lots 1-124 140 Dwelling Units
CASE NO.:	2004-078
DEVELOPER:	Rony Dean Waterhaven Development Partnership
ENGINEER:	MAP Engineers
DATE OF SUBMITTAL:	March 10, 2004
STATUS:	Preliminary Planned Unit Development Plan
STAFF COMMENT:	1) The property adjacent to the area included in this plan will not be adversely affected. 2) The plan is consistent with the intent and purpose of the Chattanooga Zoning Ordinance to promote public health, safety, morals and general welfare. 3) That the buildings 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 a reasonable assurance that development will proceed according to the spirit and letter of the approved plans.
STAFF RECOMMENDATION:	Approve as a Preliminary Planned Unit Development Plan, subject to the following requirements:

A. Planning Commission Requirements

1. The minimum scale for a P.U.D. plan is 1" = 100'. Since the submitted plan is at a scale of 1" = 200', redraw the plan to a minimum 1" = 100' scale.

2. The property must be rezoned since a P.U.D. is not permitted in M-1 Zone.

3. For the adjoining Norfolk Southern Corporation property, show the deed reference of the owner, the present zoning and the type of development in existence.

4. Note the lot numbers of lots which will be occupied by detached single-family houses and accessory uses only with one house per lot.

5. Show the locations of residential buildings other than detached single-family houses to be located on lots with one house per lot.

6. Note the density of the proposed development.

7. Show the location of parking areas for residential buildings other than detached single-family houses to be located on individual lots with one house per lot.

8. For lot numbers which will be occupied by detached single-family houses with one house per lot, note that there will be at least two off-street parking spaces and three off-street parking spaces for houses with three or more bedrooms on the lots.

9. For residential structures other than detached single-family houses on individual lots with one house per lot, show sufficient off-street parking to meet the off-street parking regulations for P.U.D. in Article V, Section 1205 of the Chattanooga Zoning Ordinance.

10. Submit road profiles, sewer design, sewer profiles, contour lines, drainage design, drainage detention design and drainage detention calculations.

11. Although roads are to be private, they must be built to the standards of public roads in the Chattanooga Subdivision Regulations and other City public road standards.

12. Note how open space areas, other than those to be given to the Trust for Public Land, are to be maintained. See Article V, Section 1210 of the Chattanooga Zoning Ordinance for options.

13. The Chattanooga Fire Department requires 13 fire hydrants.

14. Article V, Section 1208 (3) of the Chattanooga Zoning Ordinance requires minimum 5′ sidewalks or an equivalent paved internal pedestrian circulation system. If sidewalks are to be constructed on one or both sides of new streets, indicate such by note.

15. Show the floodway boundary per F.E.M.A. F.I.R.M. No. 470072-0353F.

16. Per requirements of the Chattanooga Subdivision Regulations and other City standards, Roads "A" and "B" which are to have sold lots must be built to at least the 100 year flood elevation of 661'.

17. Add the following note: "Per F.E.M.A. F.I.R.M. No. 470072-0353F dated November 7, 2002, the 100 year flood elevation is 661'".

18. Show the pre-fill 661' contour line and indicate areas above and below.

19. Article V, Section 1102 of the Chattanooga Zoning Ordinance prohibits fill, structures or development of any kind in the Floodway Zone. Article II of the Chattanooga Zoning Ordinance defines development as "Any man-made change to improved or unimproved real estate". Since docks, walkways and a boat ramp are proposed in the floodway, a variance for this development is necessary from the Chattanooga City Council per procedures of Article V, Sections 1135 and 1136 of the Chattanooga Zoning Ordinance before these facilities can be constructed.

20. Article V, Section 1207 (1) of the Chattanooga Zoning Ordinance relative to development standards in a P.U.D. requires that all lots must have a building site above the 100 year flood elevation of 661'.

21. Residential development in a P.U.D. must meet the flood regulations of the Chattanooga Zoning Ordinance. Article V, Section 1124 of the Chattanooga Zoning Ordinance reads as follows: "New construction or substantial improvement of any residential building shall have the lowest floor, including basement, elevated to two (2) feet above base flood elevation if constructed of wood or one (1) foot above base flood elevation if constructed of concrete or other material not subject to damage by flood waters, and the minimum building site must be at or above the base flood elevation".

22. Add the following note: "No building can be located within 25' of the outer boundary of this P.U.D. The outer boundaries are the center of Chickamauga Creek, Harrison Pike right-of-way, railroad right-of-ways and Norfolk Southern Corporation property line".

23. Add the following note: "All roads are private. The City of Chattanooga is not responsible to construct or maintain any roads in this development".

24. The U.S. Army Corps of Engineers and T.V.A. must approve a general permit for construction of the boat docks in Chickamauga Creek before the docks can be constructed. Application No. 200300655 for this has been made.

25. Since Roads "A" and "B" serve lots to be sold, they must have a minimum 50' right-of-way. The cul-de-sac of Road "B" must have a minimum 50' radius right-of-way. Show right-of-way widths.

26. Show the center line of Harrison Pike and the distance from the center line to this property.

27. Show and label the center lines of Roads "A" and "B".

28. Give Roads "A" and "B" names approved by the GIS Department.

B. Chattanooga Sewer and Storm Water Department Requirements

1. Drainage detention to detain any increase in storm water flow due to development is required. Submit drainage detention calculations and a drainage detention plan. Submit a drainage plan for streets, including pipe and drainage easement locations.

2. Submit sewer plans and sewer profiles.

3. Add the following note: "No permanent structure, wall or fence is permitted in public sanitary sewer easements".

4. Due to the absence of drainage and sewer plans, the Chattanooga Sewer and Storm Water Department does not have sufficient information to review this proposal.

5. Questions about Chattanooga Sewer and Storm Water Department requirements should be directed to Mr. David Wilson at 757-5026.

C. Chattanooga Development Director Requirements

1. Submit contour lines, proposed contour lines and road profiles for Roads "A" and "B".

2. Due to lack of information, the Chattanooga Development Director does not have sufficient information to review this proposal.

3. Questions about Chattanooga Development Director requirements should be directed to Mr. Joel Booth at 757-4886.

D. Utility Requirements

1. Show and label a 10′ power and communication easement along both sides of Roads "A" and "B".

2. Show and label a 15′ power and communication easement in lots 1 and 51 along Harrison Pike.

3. Add the following note: "All utilities shall have the perpetual right at any time to access all roads shown on this plat to install, maintain, upgrade, repair, inspect or patrol their facilities".

4. Add the following note: "The right-of-ways of Roads "A" and "B" are utility easements". Use the names of Roads "A" and "B" when the names are given.

E. 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.

F. 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

G. 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.

2004-078

APPLICATION NO: 2004-0..

JURISDICTION: Cha..nooga Dist. #3
Hamilton County Dist. #5

APPLICANT: Rony Dean

DATE OF PLANNING COMMISSION MEETING: April 12, 2004

LOCATION: 2869 Harrison Pike

PRESENT ZONING:	M-1 Manufacturing Zone
REQUEST FOR:	Special Exceptions Permit
PROPOSED DEVELOPMENT:	Residential PUD
SIZE OF TRACT:	88.2 Acres ±
ACCESS TO TRACT:	Good
SITE CHARACTERISTICS:	Vacant
SURROUNDING DEVELOPMENT:	Residential & Manufacturing
STAFF RECOMMENDATION:	Approve, subject to the attached PUD review.

Withdrawn

REASONS FOR RECOMMENDATION:

Request for R-T/Z was approved by the Planning Commission in 2003. It has been deferred indefinitely at City Council, but the applicant will withdraw that case if this one is approved.

This new proposal is less dense.

Special attention needs to be paid to the creek bank to lessen the environmental impact to Chickamauga Creek.

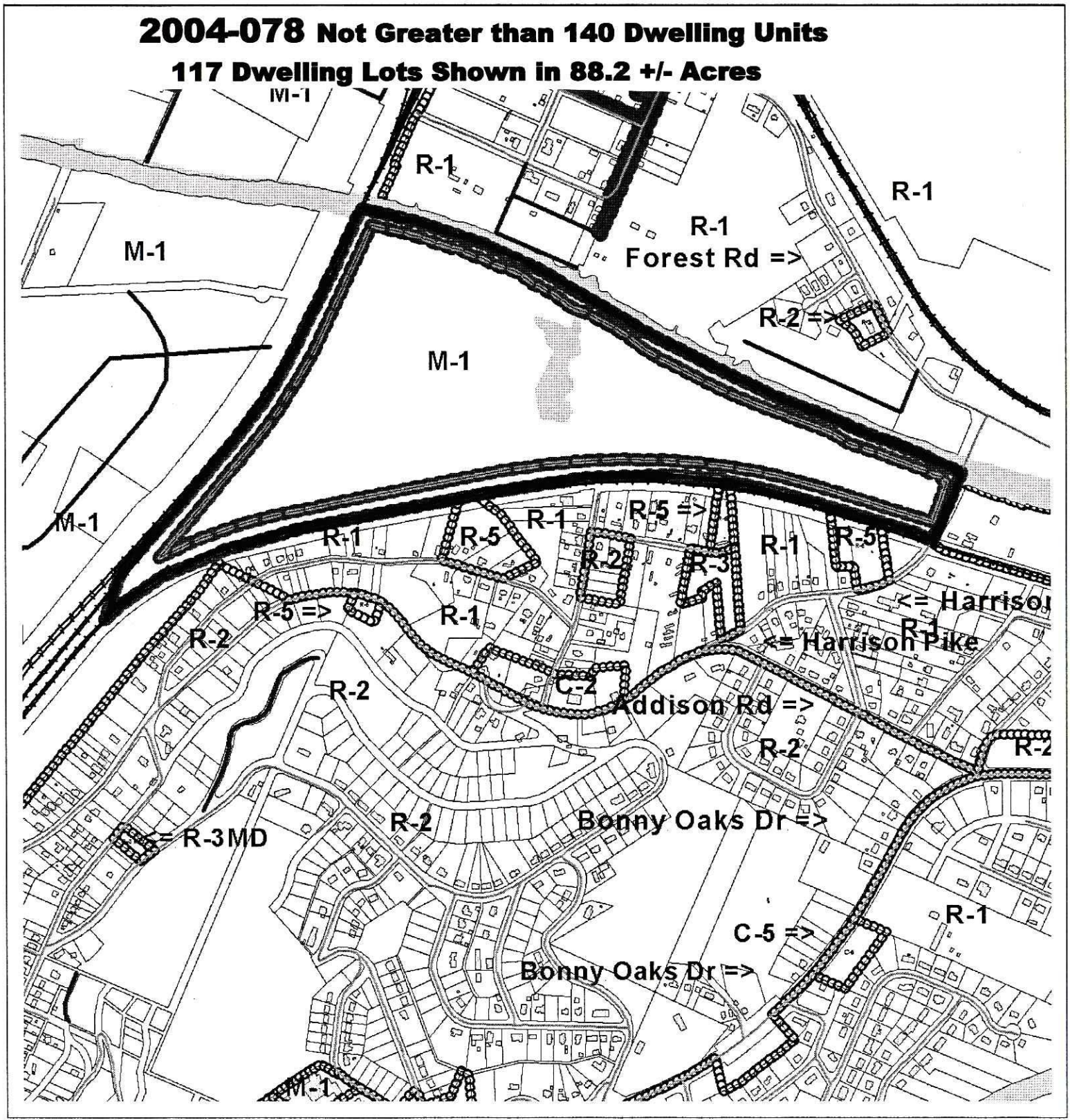
R-1 Use – although more desirable than M-1 zoning, an appropriate density and development pattern is needed for this sensitive sight – use open space design that would preserve much of the site for natural features, views, etc. or develop large lot sites (see developments to the north as an example) with appropriate buffering along the creek edge – a commons space to be shared by all and site of future greenway is an option. Greenway trails that promote public use would also be a desirable feature.

Stormwater Management and Tree Cover – The new tree protection ordinance and river policy under staff development will address suitable buffers along creeks and waterways. This development should meet criteria of new regulations. Soil erosion and diminished green features for Greenway and creek as a natural area is a serious concern.

Use of the creek for motorized craft – if granted use by Corp of Engineers, a consolidated community dock (marina-like design) with an access ramp instead of proposed individual dock/slip design for less impact is suggested. Dock design should consider that not all of the homeowners of 100+ units may desire individual dock use. Non-motorized craft may be the best solution but multiple docks would still impact the area visually. Water access design should be limited and consider the capacity of the creek in terms of water pollution, erosion, air quality, noise, etc.

CHATTANOOGA
CASE NO: 2004-0078
PC MEETING DATE: 4/12/2004 **5/10/04**
RESIDENTIAL PUD

1 in. = 800.0 feet



P.U.D.:	Water Haven Planned Unit Development Lots 1-124 140 Dwelling Units
CASE NO.:	2004-078
DEVELOPER:	Rony Dean Waterhaven Development Partnership
ENGINEER:	MAP Engineers
DATE OF SUBMITTAL:	March 10, 2004
STATUS:	Preliminary Planned Unit Development Plan
STAFF COMMENT:	1) The property adjacent to the area included in this plan will not be adversely affected. 2) The plan is consistent with the intent and purpose of the Chattanooga Zoning Ordinance to promote public health, safety, morals and general welfare. 3) That the buildings 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 a reasonable assurance that development will proceed according to the spirit and letter of the approved plans.
STAFF RECOMMENDATION:	Approve as a Preliminary Planned Unit Development Plan, subject to the following requirements:

A. Planning Commission Requirements

1. The minimum scale for a P.U.D. plan is 1″ = 100′. Since the submitted plan is at a scale of 1″ = 200′, redraw the plan to a minimum 1″ = 100′ scale.

2. The property must be rezoned since a P.U.D. is not permitted in M-1 Zone.

3. For the adjoining Norfolk Southern Corporation property, show the deed reference of the owner, the present zoning and the type of development in existence.

4. Note the lot numbers of lots which will be occupied by detached single-family houses and accessory uses only with one house per lot.

5. Show the locations of residential buildings other than detached single-family houses to be located on lots with one house per lot.

6. Note the density of the proposed development.

7. Show the location of parking areas for residential buildings other than detached single-family houses to be located on individual lots with one house per lot.

8. For lot numbers which will be occupied by detached single-family houses with one house per lot, note that there will be at least two off-street parking spaces and three off-street parking spaces for houses with three or more bedrooms on the lots.

9. For residential structures other than detached single-family houses on individual lots with one house per lot, show sufficient off-street parking to meet the off-street parking regulations for P.U.D. in Article V, Section 1205 of the Chattanooga Zoning Ordinance.

10. Submit road profiles, sewer design, sewer profiles, contour lines, drainage design, drainage detention design and drainage detention calculations.

11. Although roads are to be private, they must be built to the standards of public roads in the Chattanooga Subdivision Regulations and other City public road standards.

12. Note how open space areas, other than those to be given to the Trust for Public Land, are to be maintained. See Article V, Section 1210 of the Chattanooga Zoning Ordinance for options.

13. The Chattanooga Fire Department requires 13 fire hydrants.

14. Article V, Section 1208 (3) of the Chattanooga Zoning Ordinance requires minimum 5′ sidewalks or an equivalent paved internal pedestrian circulation system. If sidewalks are to be constructed on one or both sides of new streets, indicate such by note.

15. Show the floodway boundary per F.E.M.A. F.I.R.M. No. 470072-0353F.

16. Per requirements of the Chattanooga Subdivision Regulations and other City standards, Roads "A" and "B" which are to have sold lots must be built to at least the 100 year flood elevation of 661'.

17. Add the following note: "Per F.E.M.A. F.I.R.M. No. 470072-0353F dated November 7, 2002, the 100 year flood elevation is 661'".

18. Show the pre-fill 661' contour line and indicate areas above and below.

19. Article V, Section 1102 of the Chattanooga Zoning Ordinance prohibits fill, structures or development of any kind in the Floodway Zone. Article II of the Chattanooga Zoning Ordinance defines development as "Any man-made change to improved or unimproved real estate". Since docks, walkways and a boat ramp are proposed in the floodway, a variance for this development is necessary from the Chattanooga City Council per procedures of Article V, Sections 1135 and 1136 of the Chattanooga Zoning Ordinance before these facilities can be constructed.

20. Article V, Section 1207 (1) of the Chattanooga Zoning Ordinance relative to development standards in a P.U.D. requires that all lots must have a building site above the 100 year flood elevation of 661'.

21. Residential development in a P.U.D. must meet the flood regulations of the Chattanooga Zoning Ordinance. Article V, Section 1124 of the Chattanooga Zoning Ordinance reads as follows: "New construction or substantial improvement of any residential building shall have the lowest floor, including basement, elevated to two (2) feet above base flood elevation if constructed of wood or one (1) foot above base flood elevation if constructed of concrete or other material not subject to damage by flood waters, and the minimum building site must be at or above the base flood elevation".

22. Add the following note: "No building can be located within 25' of the outer boundary of this P.U.D. The outer boundaries are the center of Chickamauga Creek, Harrison Pike right-of-way, railroad right-of-ways and Norfolk Southern Corporation property line".

23. Add the following note: "All roads are private. The City of Chattanooga is not responsible to construct or maintain any roads in this development".

24. The U.S. Army Corps of Engineers and T.V.A. must approve a general permit for construction of the boat docks in Chickamauga Creek before the docks can be constructed. Application No. 200300655 for this has been made.

25. Since Roads "A" and "B" serve lots to be sold, they must have a minimum 50' right-of-way. The cul-de-sac of Road "B" must have a minimum 50' radius right-of-way. Show right-of-way widths.

26. Show the center line of Harrison Pike and the distance from the center line to this property.

27. Show and label the center lines of Roads "A" and "B".

28. Give Roads "A" and "B" names approved by the GIS Department.

B. Chattanooga Sewer and Storm Water Department Requirements

1. Drainage detention to detain any increase in storm water flow due to development is required. Submit drainage detention calculations and a drainage detention plan. Submit a drainage plan for streets, including pipe and drainage easement locations.

2. Submit sewer plans and sewer profiles.

3. Add the following note: "No permanent structure, wall or fence is permitted in public sanitary sewer easements".

4. Due to the absence of drainage and sewer plans, the Chattanooga Sewer and Storm Water Department does not have sufficient information to review this proposal.

5. Questions about Chattanooga Sewer and Storm Water Department requirements should be directed to Mr. David Wilson at 757-5026.

C. Chattanooga Development Director Requirements

1. Submit contour lines, proposed contour lines and road profiles for Roads "A" and "B".

2. Due to lack of information, the Chattanooga Development Director does not have sufficient information to review this proposal.

3. Questions about Chattanooga Development Director requirements should be directed to Mr. Joel Booth at 757-4886.

D. Utility Requirements

1. Show and label a 10′ power and communication easement along both sides of Roads "A" and "B".

2. Show and label a 15′ power and communication easement in lots 1 and 51 along Harrison Pike.

3. Add the following note: "All utilities shall have the perpetual right at any time to access all roads shown on this plat to install, maintain, upgrade, repair, inspect or patrol their facilities".

4. Add the following note: "The right-of-ways of Roads "A" and "B" are utility easements". Use the names of Roads "A" and "B" when the names are given.

E. 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.

F. 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:

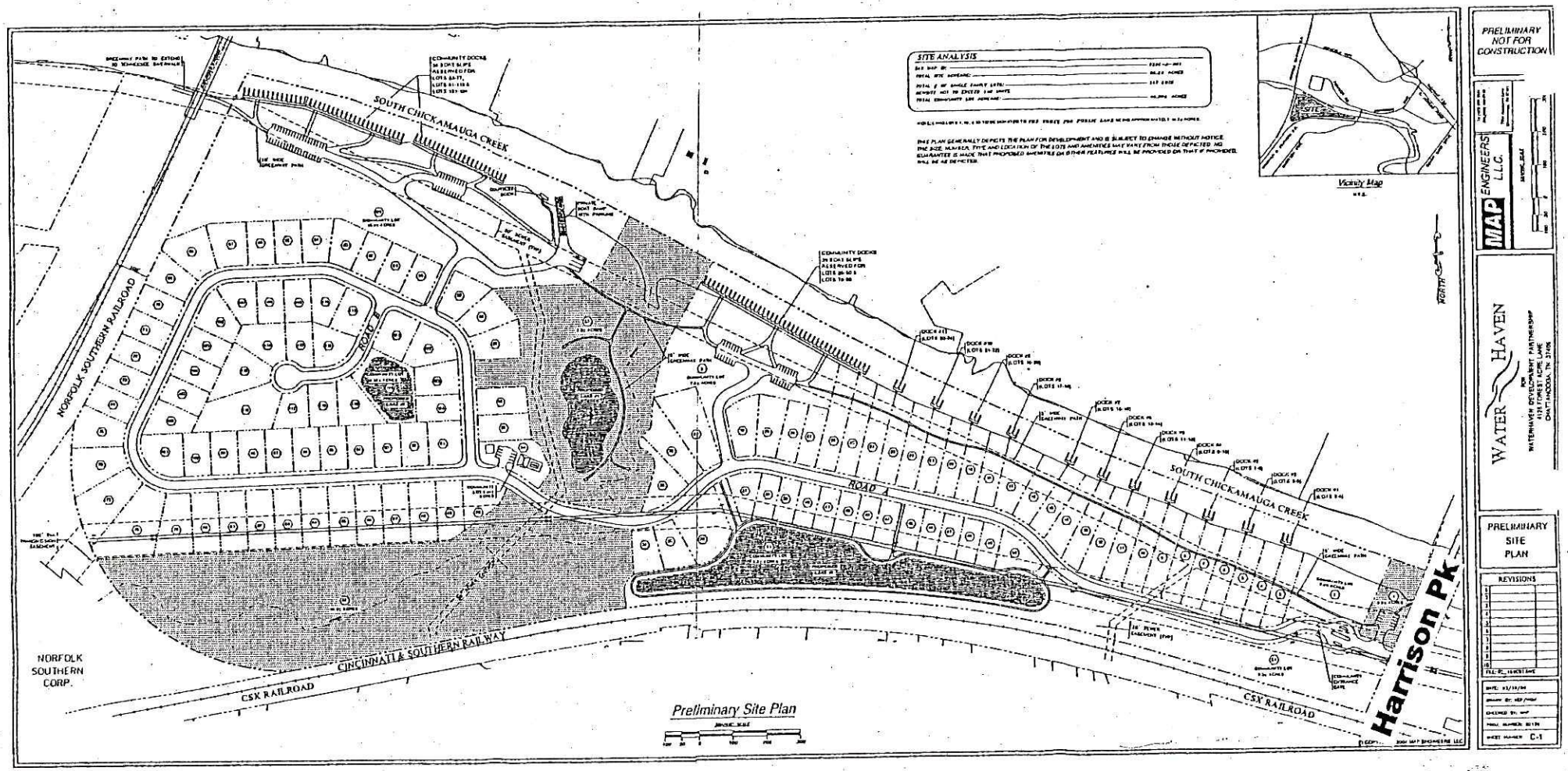
   Tennessee Department of Environment and Conservation
   Division of Water Pollution Control
   540 McCallie Avenue
   Suite 550
   Chattanooga, TN 37402
   (423) 634-5745

G. 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.

2004-078 Not Greater than 140 Dwelling Units

117 Dwelling Lots Shown in 88.2 +/- Acres