

2005-077
Dale Darby

RESOLUTION NO. 26062

A RESOLUTION APPROVING A PROPOSED FINAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT KNOWN AS AMBERBROOK GARDENS PLANNED UNIT DEVELOPMENT ON PART OF A TRACT OF LAND LOCATED AT 5506 CASSANDRA SMITH 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.

WHEREAS, The Chattanooga City Council approved, with conditions, the special exceptions permit for the Preliminary Residential Planned Unit Development known as Amberbrook Gardens Planned Unit Development by Resolution No. 24478 on June 21, 2005; and

WHEREAS, A final planned unit development plan has been submitted for Amberbrook Gardens Planned Unit Development was approved by Resolution No. 24732 on April 18, 2006; and

WHEREAS, said approval of the final planned unit development plan for Amberbrook Gardens Planned Unit Development has expired because it was not recorded within two (2) years of final approval and cannot be extended because it has been more than three (3) years since final approval; and

WHEREAS, a new final planned unit development plan for the Amberbrook Gardens Planned Unit Development was submitted on July 10, 2009 and approved by the Chattanooga-Hamilton County Planning Agency on August 4, 2009; 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 part of a tract of land located at 5506 Cassandra Smith Road, known as Amberbrook Gardens Planned Unit Development, more particularly described as follows:

Beginning at the intersection of the northwest corner of 100-063.02 and the east line of the 5500 block of Cassandra Smith Road, thence southeast following the north line of said parcel some 326 feet to its northeast corner, thence southwest following the east line of said parcel some 298 feet to its southeast corner being a point in the north line of 100-067, thence southeast following said north line some 390 feet to its northeast corner, thence southwest some 320 feet along the east line of said parcel to its southeast corner being a point in the north line of 100-072, thence southeast some 1290 feet along said north line to the southwest corner of 101-040, thence northeast some 1140 feet to the northeast corner of Lot 12, Turner Smith Farms Subdivision, Plat Book 78, Page 179, ROHC, thence northwest some 1665 feet to the northeast corner of Lot 13, Turner Smith Farms Subdivision, Plat Book 78, Page 180, ROHC, thence southwest along the east line of said property 173.49 feet to its southeast corner thence 197.86 feet northwest to its southwest corner and the east line of the 5500 block of Cassandra Smith Road, thence some 400 feet along the east line of said road to the northwest corner of 100-063.02, the point of beginning being part of Tract 1, Final Plat of Turner Smith Farms, Plat Book 52, Page 138, ROHC, being also part of Deed Book 5511, Page 551, ROHC. Tax Map 100-063(part).

BE IT FURTHER RESOLVED, That the Final Planned Unit Development Plan for Amberbrook Gardens Planned Unit Development is to be accomplished in accordance with the Planned Unit Development Plan, including the completion of all notes and conditions referenced on the attached Final Planned Unit Development Plan *and the following additional conditions:*

- 1) *Along Cassandra Smith Road, there shall be a landscaped berm;*

2) *Along the north and east property line of the Turner Smith Farm, Tract 2, shall be planted with Hollies 9 foot on center;*

3) *Units shall have a minimum of 1400 square feet; and*

4) *All units shall have a minimum of three (3) sides being bricked.*

ADOPTED: September 8, 2009

/add

P.U.D.: Amberbrook Gardens
Planned Unit Development
Lots 1-111

CASE NO.: 2005-077

DENSITY: 2.7 units per acre

DEVELOPER: Dale Darby Colony, L.P.

SURVEYOR: David Mathews Surveying Company

JURISDICTION: City of Chattanooga

DATE OF SUBMITTAL: July 10, 2009

STATUS: Final Planned Unit Development Plan

STAFF COMMENT: The Final Planned Unit Development Plan for the Amberbrook Gardens Planned Unit Development was approved by Resolution No. 24732 on April 18, 2006. This approval has since expired because the P.U.D. plan was not recorded within two years. The Final P.U.D. approval cannot be extended for the one year time allowed in the Chattanooga Zoning Ordinance because it has been more than three years since Final P.U.D. approval. This is a new submittal of the 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. Label all road center lines as such.
2. Show the right-of-way width of Cassandra Smith Road.
3. Show the location and file number for the existing sewer line in Cassandra Smith Road.
4. Add the following note: "All buildings must be at least 25 feet from Cassandra Smith Road and other outer boundaries of this P.U.D. and at least 10 feet from other public roads and Future

Roads. All free-standing buildings must be at least 10 feet apart. Other than above, no minimum building setbacks are required".

5. Since there are more than 25 lots in this P.U.D., locate 2 boundary control monuments to minimum 1:20,000 accuracy in State Plane Coordinates and show the location and coordinates of these two boundary control monuments.
6. Article 5, Division 25, Section 38-297(2) of the Chattanooga Zoning Ordinance requires sidewalks or an equivalent paved internal pedestrian circulation system. Accordingly, show the location of the required sidewalks or equivalent paved internal pedestrian circulation system or add the following note: "Per requirements of the Chattanooga Zoning Ordinance, sidewalks are required on both sides of all internal streets except on any entrance island between lots 1-5 and 55-60".
7. Change "Final Plat" to "Final Planned Unit Development Plan".
8. Show exact bearings and distances for all straight lot lines and length, radius, tangent distance and delta angle for all curved lot lines.
9. Show the exact distance from lot 1 to Heritage Ridge Drive.
10. Delete note 3.
11. Add the following note: "Local Government does not certify that utilities or utility connections are available".
12. The area at the south end of the development shown as zoned R-5 has been rezoned to R-1. Consequently, delete the former R-1/R-5 zoning line.
13. Due to requirements of Article 5, Division 25, Section 38-399(3) of the Chattanooga Zoning Ordinance, Community Lots 60 and 111 do not count toward the open space requirement since they do not meet the open space requirements of that Section. Consequently, show lot 18 as a community lot and label it as an "Open Space" or see No. 59 below.
14. Add the following note: "Per Resolution 24478, only detached, single-family houses and accessory uses with one house per lot are permitted on lots 1-17, 19-59 and 61-111.

15. On Community Lots 60 and 111, show Private Drainage Detention Area Easements and City of Chattanooga Inspection Access Easements for the drainage detention areas shown on the Stormwater and Erosion Control Plan.
16. Add the following note: "Due to conditions of Resolution No. 24478, no residential building of any kind is permitted on Community Lot 60".
17. Add the following note: "Community Lot 111 is to be used for open space, community uses, drainage, drainage detention, sewers or a detached, single-family house and accessory uses".
18. Show 15' private drainage easements along proposed drainage pipes in Community Lots 60 and 111.
19. 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 Easements, private drainage easements and public sanitary sewer easements in Community Lots 60 and 111 to inspect drainage detention areas and facilities".
20. In Lots 45 and 111, change "15' Drain. Easement" to "15' Private Drain. Easement".
21. In Lots 46, 47 and 111, change "30' San. Sewer Easement" to "30" Public San. Sewer Easement".
22. Give Roads "A", "B", "C" and "D" names approved by the GIS Department.
23. Show street addresses per the GIS Department. The developer should be aware that the GIS Department will not give street addresses until street names have been approved.
24. Show the file number for the existing sewer lines in adjoining Lots 3 and 14 of Turner Smith Farms.
25. Show the adjoining lot line separating adjoining Lots 2 of Gudel Subdivision and 14 of Turner Smith Farms Subdivision.
26. Change the 60' radius temporary cul-de-sac to a 50' radius temporary cul-de-sac since the cul-de-sac is less than 150' long.
27. Note that a maximum of 110 detached, single-family dwelling units are permitted with a density of 2.7 units per acre.

28. Add the following note: "All adjoining property zoned R-1".
29. Show the areas of individual lots. This could be done in a table.
30. Add the following note: "Drainage detention areas and facilities installed by the developer cannot be filled, altered or changed in any way without permission from the Chattanooga City Engineer".
31. Add the following note: "A 10' private drainage easement is reserved along the outer boundaries of this P.U.D. except Cassandra Smith Road frontage. This drainage easement is automatically abandoned if the line is moved or no setback is required".
32. There is an existing sewer line through Lots 17, 83-89, 108, 109, 46 and 47. The easement for this line must be abandoned by the Chattanooga City Council following a recommendation by the Planning Commission. The applicant or his representative must submit a request to the Regional Planning Agency for a recommendation to the City Council about the abandonment of the easement for the existing sewer line or the Chattanooga City Engineer must submit a request for a recommendation about this abandonment before this P.U.D. plan can be recorded.
33. Show the adjoining 20' driveway easement per Deed Book 1009, Page 462, north of lots 8-11 shown on Plat Book 36, Page 380.
34. Show the adjoining 30' power and communication easement north of lots 11-14 in lot 14 of Turner Smith Farms per Plat Book 78, Page 180.
35. Show the 20' public sanitary sewer easement in lot 14 of Turner Smith Farms per Plat Book 78, Page 180 which is north of Community Lot 18.
36. Note a typical lot number.
37. Add the following note: "The City of Chattanooga is not responsible to construct or maintain the entrance island".
38. If there are to be 112 lots, change the lot numbers to 1-112 in the title area.
39. Add the following note: "The City of Chattanooga is not responsible to construct or maintain drainage easement, entrance islands, drainage detention areas, drainage detention

facilities or any ground, facility, building or anything else on any lot in this development”.

40. The lot bearings, dimensions and curve data are printed too small to read. Print this information larger.
41. Label the road right-of-way between lots 13 and 14 as a Utility Easement and Future Road.
42. Show the sizes of all drainage pipes in road right-of-ways.
43. Show the number of acres drained for all drainage pipes which cross road right-of-way center lines.
44. Show a 10' private drainage easement for the swale in lots 18-33.
45. Show the size, location and number of acres drained for the drainage pipe installed in Cassandra Smith Road at Road "A".
46. Delete note 13 since No. 39 above includes it.
47. If there is to be an entrance island in Road "A", show it on the P.U.D. plan.
48. If there is to be an entrance island in Road "A" at the sewer line, add the following note: "That part of the entrance island within 10' of the public sanitary sewer is a public sanitary sewer easement. No structure of any kind is permitted in the public sanitary sewer easement and the only planting permitted in the public sanitary sewer easement in the entrance island is grass or small shrubs".
49. Add the following note: "Per Resolution No. 24732, a landscaped berm is required in Lot 1 and Community Lot 60 along Cassandra Smith Road".
50. Add the following note: "Per Resolution No. 24732, Hollies planted 9 foot on center are required in Lots 53, 55-60 and 111 adjoining the north and east lines of Tract 2 of the Turner Smith Farms Subdivision".
51. Since a landscaped berm is required along Cassandra Smith Road, add the following note: "No access to Cassandra Smith Road is permitted from Lot 1 and Community Lot 60".

52. 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.
53. Add the seal of the surveyor.
54. 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.
55. Show a 15' private drainage easement along the drainage pipes in the Utility Easement and Future Road between Lots 13 and 14.
56. Delete the solid line between Cassandra Smith Road and Road "A" since both will be public roads.
57. Note on the P.U.D. plan the resolution number for Final P.U.D. plan approval by the City Council.
58. If there is to be no entrance island within 100' of Cassandra Smith Road, Section 302.3.4.1.1 of the Chattanooga Subdivision Regulations requires a minimum 30' of paving from inside of curb to inside of curb for at least 100' from Cassandra Smith Road. Thereafter, the width may be tapered to the width for the remainder of Road "A".
59. Since 110 building lots are allowed, the frontage part of Lot 18 could be separated as a buildable lot from the large remainder. If this is done, Resolution No. 24478 which approved the preliminary P.U.D. plan requires a 25' access strip to a public road. If this is done, label the large remaining area as Community Lot 112 and add the following note: "Due to conditions of Resolution No. 24478, no residential building of any kind is permitted on Community Lot 112. Community Lot 112 is to be used for open space, recreation or community purposes only".
60. If there will be no island in Road "A", the width of Road "A" can be reduced to 50'. If there is to be an entrance island and the

width of the island is reduced to a maximum of 8', then the right-of-way of Road "A" could be reduced to 60'.

B. Chattanooga Development Director Requirements

1. Per Section 306.5.1 of the Chattanooga Subdivision Regulations, all storm water drainage pipes under pavement and sidewalk areas must be reinforced concrete (RCP). Consequently, all drainage pipes shown must be reinforced concrete (RCP) except in Community Lots and in Lot 45.
2. Covenants which require that the owners of Lots 1-112 are responsible to maintain the drainage detention areas and drainage detention facilities on Community Lots 60 and 111 and are responsible for any costs to maintain these areas and facilities must be approved by the Chattanooga Development Director before this P.U.D. plan can be recorded.
3. Add the following note: "The owners of Lots 1-112 are responsible to maintain drainage detention areas and facilities on Community Lots 60 and 111".
4. Add the following note: "All storm water drainage pipes in road right-of-ways must be reinforced concrete (RCP)".
5. If the right-of-way of Road "A" is reduced, show a 10' power, communication and private drainage easement along the frontage of Lots 55-59. If the drainage pipe in Road "A" at Lots 55-59 is no longer in the road right-of-way as a consequence of reducing the right-of-way width to 50', the City Engineer may permit another material than reinforced concrete to be used. If this is the case, show on the plan the type of material for the drainage pipe in front of Lots 55-59.
6. Questions about Chattanooga Development Director requirements should be directed to Mr. Joel Booth at 643-5812.

C. Chattanooga Traffic Engineer Requirements

1. The Final P.U.D. Plan approved by Resolution No. 24732, shows a 20' wide and 260' long entrance island in Road "A". This design is not acceptable.

2. The developer could choose to eliminate the entrance island. If there is no entrance island in Road "A", the right-of-way could be reduced to 50'.
3. If there is to be an entrance island, reduce the width of the island to a maximum 8' and pave at least 19' on each side of the entrance island measured from inside of curb to inside of curb.
4. The length of entrance islands can only be a maximum of 125' with a minimum 24' break between islands if there is to be more than one island.
5. Any entrance island or entrance island must end at least 25' from the right-of-way of Cassandra Smith Road and Road "B" as extended across the intersection.
6. To have acceptable site distance, the maximum height of any structure or plantings in an entrance is land is 3'.
7. If there is to be an entrance island or islands in Road "A", submit a detailed plan for these features showing at least the island location, pavement width on each side, right-of-way locations, sidewalks locations, plantings and structures and the location of any fire hydrant in the entrance island. This plat must be approved by the Traffic Engineer's Office before the P.U.D. plan can be recorded.
8. Questions about Chattanooga Traffic Engineer's Office requirements should be directed to Mr. John Wall at 757-5005.

D. Chattanooga Sewer Requirements

1. Submit a letter from the developer stating that he will build sewers to the plan.
2. Questions about Chattanooga sewer requirements should be directed to Mr. Eric Douglas at 643-5814.

E. Chattanooga Fire Department Requirements

1. Show on the plat and install a fire hydrant at the lot line between Lots 65 and 66 or in the entrance island within 25' of the right-of-way of Road "B" if there is to be an entrance island in Road "A" within 25' of the right-of-way of Road "B". This

hydrant must be installed with the first unit if the plan is recorded in units.

2. Show on the plan and install a fire hydrant in each of the three following locations. Alternative locations are given so that fire hydrants can be installed on the same side of the road as water lines.
 - a. at the lot line between Lots 79 and 80 or the lot line between Lots 12 and 13
 - b. at the lot line between Lots 41 and 42 or the lot line between Lots 94 and 95
 - c. at the lot line between Lots 27 and 28 or the lot line between Lots 103 and 104
3. Show fire hydrants in their installed locations in the road right-of-way.
4. The Chattanooga Fire Department may permit fire hydrant locations to be changed if development is recorded in phases. When phases have been determined, check with the Chattanooga Fire Department to determine if fire hydrant locations need to be adjusted.
5. There are open ditches or pits in this development. These need to be eliminated or secured so they will not be a hazard to anyone entering here.
6. Questions about Chattanooga Fire Department requirements should be directed to Mr. Randall Herron at 421-4268.

F. Utility Requirements

1. Show a 10' Power and Communication Easement along both sides of Roads "A", "B", "C" and "D".
2. Show a 10' Power and Communication Easement in Lots 13 and 14 along the Future Road.

G. 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.

H. 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

I. S.W.P.P.P. Permit

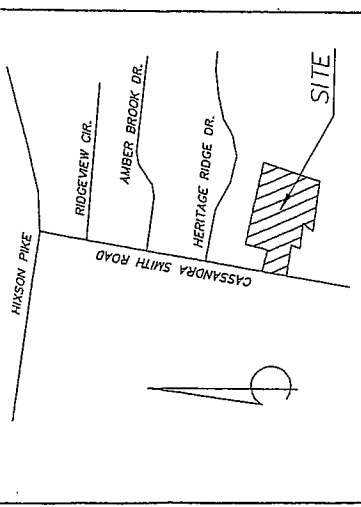
1. As a part of Storm Water Pollution Prevention Plan (S.W.P.P.P.), the State of Tennessee may require 60' riparian buffer zones during construction along or in drainage areas of streams designated by the State as high quality or impaired. The developer should contact the Tennessee Department of Environment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

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.

FB:sh
Amberbrook



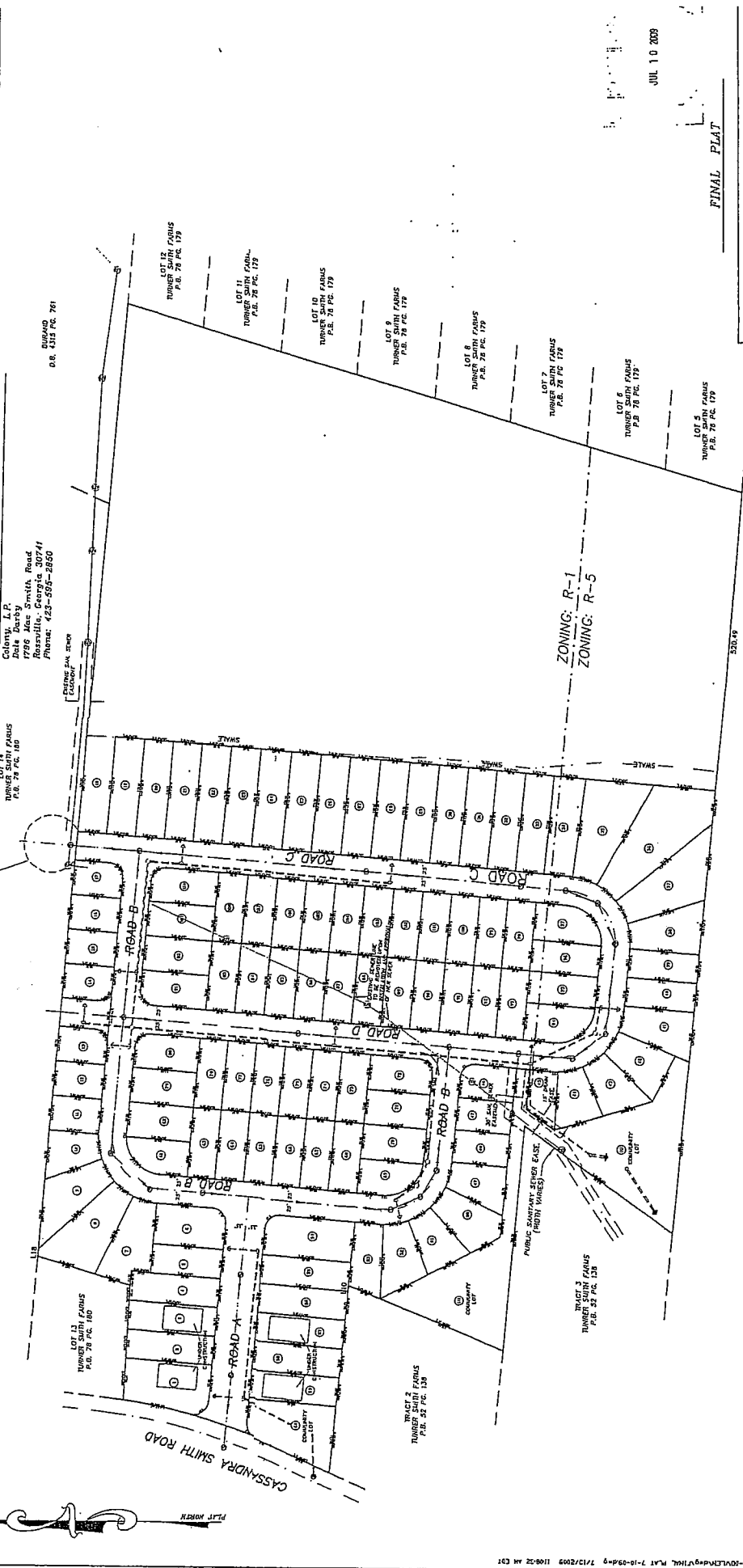
LOCATION MAP

LOT 2
CUREL SHIMMONSON
P.B. 78 P.C. 130

GENERAL NOTES

1. Zoned: R-1 B.U.D.
2. Acres subdivided: 40.9624 Acres
3. This plat subdivides deed: 7585-939
4. This subdivision complies with the standards of the City of Chattanooga.
5. This subdivision complies with the standards of the City of Chattanooga. Subarea lines to be shown on the plat.
6. All utility stubs and service lines to be shown on the plat.
7. Property corners of 24 inches when located within 10 feet of the plat boundary.
8. The plat boundary is shown by a dashed line.
9. All corners are to be marked with a 1/2" diameter iron nail.
10. City Ordinance No. 9942 entitled "Standard Specifications for the Construction of Storm Sewerage and Sanitary Sewerage Systems" shall apply to any discharge of storm water run-off from this subdivision.
11. No material is to be placed in or on any constructed drainage facility in such a manner as to impede the flow of water therefrom.
12. The City Engineer shall not be responsible to construct or maintain drainage easements.
13. The City Engineer shall not be responsible to construct or maintain drainage easements.

60' radius roadway
curb-to-curb easement to be
shown on the plat. The
HIGHWAY IS EXTENDED AND
ACCEPTED BY THE GOVERNMENT
OF THE CITY OF CHATTANOOGA.



Colony, L.P.
Delta Realty
1796 Mac Smith Road
Rossville, Georgia 30074
Phone: 423-595-2600

Surveyor's Certification

I certify that I have surveyed the property shown hereon and that the survey is correct to the best of my knowledge and belief; and that the ratio of precision of the unadjusted survey exceeds 1:10,000. This is a Category "1" Survey.

David Mathews PLS7747

Owner's Certification

I/we, the undersigned owner/s of the property shown hereon, do hereby adopt this plat and certify that I/we do not have any other claims or interests in the property shown hereon. I, the undersigned owner, do hereby certify that I/we do not have any other claims or interests in the property shown hereon. I, the undersigned owner, do hereby certify that I/we do not have any other claims or interests in the property shown hereon.

APPROVED FOR RECORDING

HAMILTON COUNTY GIS DEPT
DATE: _____

RESTRICTIONAL AUTHORITY

DATE: _____

CHATTANOOGA CITY REGIONAL PLANNING COMMISSION

DATE: _____

AMBERBROOK GARDENS

PLANNED UNIT DEVELOPEMENT

LOTS 1 thru 111

CHATTANOOGA, HAMILTON COUNTY, TENNESSEE

Dated: 7-10-09
Drawn: B Davis
Checked: DLM
Scale: 1" = 100'

DAVID MATHEWS SURVEYING
1825 HAVILL ROAD
CHATTANOOGA, TENN, 37412
TEL: 423-870-8877
FAX: 423-870-8881

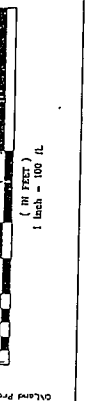
05-S33

JUL 10 2009

FINAL PLAT

North Arrow

NORTH ARROW CHURCH OF GOD
U.S. 1771 P.C. 234



04/26/09 Projects 22/CASSANDRA SMITH DEVELOPMENT/PLAT 7-10-09/949 7/13/2009 11:00:32 AM CST