

2007-212
The Covenant

RESOLUTION NO. 26358

A RESOLUTION TO EXTEND FOR ONE YEAR THE SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT KNOWN AS THE COVENANT PLANNED UNIT DEVELOPMENT, ON TRACTS OF LAND LOCATED IN THE 1600 BLOCK OF EUCALYPTUS DRIVE, SUBJECT TO CERTAIN CONDITIONS.

WHEREAS, by Resolution Number 25532 dated May 13, 2008, 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 2007-212; 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) an extension for an additional period not to exceed one (1) year by the City Council; and

WHEREAS, Dennis Neal, Director of Construction and Land Development for Habitat of Humanity, has requested such extension in order to complete the Plan;

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, from May 13, 2010, to May 12, 2011, on tracts of land located in the 1600 Block of Eucalyptus Drive, more particularly

described as follows:

Lot 14, Revised Plat of Willow Bend Subdivision, Plat Book 71, Page 94, ROHC, Deed Book 8489, Page 336, and Lot 15 of an unrecorded plat of the Willow Bend Subdivision being the property described in Deed Book 8489, Page 321, ROHC. Tax Map Nos. 147K-J-001.13 and 001.25.

and as shown on the map attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED, that this extension of the Special Exceptions Permit for The Covenant Planned Unit Development, is subject to the completion of all notes and conditions referenced on the Final Planned Unit Development Plan attached to Resolution # 25532, in accordance with the Planned Unit Development Plan.

ADOPTED: July 6, 2010.

/mms

Owner's Certification

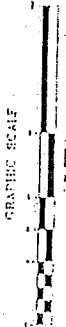
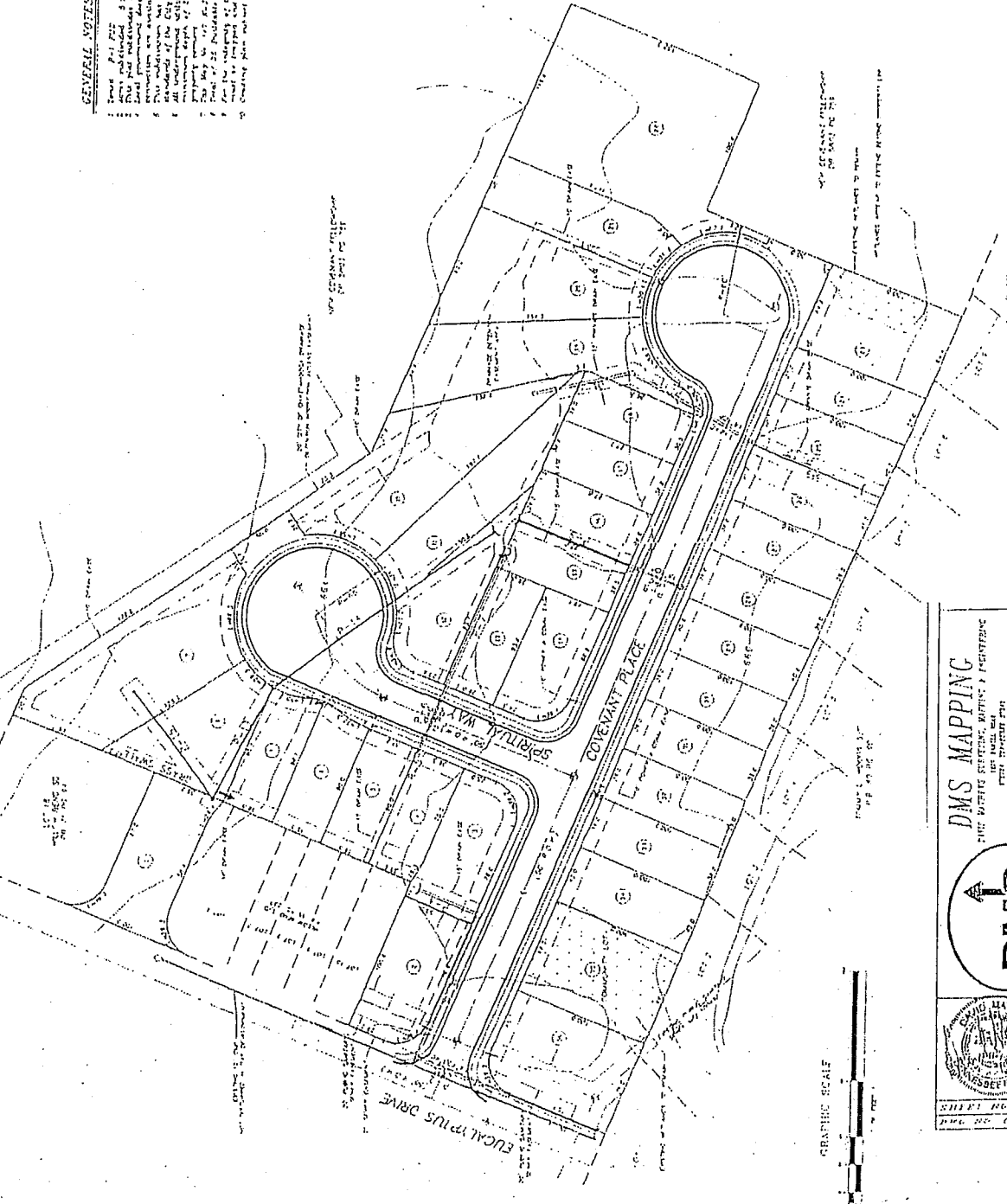
I, the undersigned owner of the property shown on this plat, hereby certify that the same is a true and correct copy of the original as shown on file in the office of the County Recorder of said County, and that the same is a true and correct copy of the original as shown on file in the office of the County Recorder of said County.

WITNESSED my hand and seal this 1st day of August, 1914, at San Francisco, California.

LOCATION MAP

GENERAL NOTES

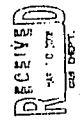
1. This plat was prepared by the undersigned owner of the property shown on file in the office of the County Recorder of said County, and that the same is a true and correct copy of the original as shown on file in the office of the County Recorder of said County.
2. This plat was prepared by the undersigned owner of the property shown on file in the office of the County Recorder of said County, and that the same is a true and correct copy of the original as shown on file in the office of the County Recorder of said County.
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DMS MAPPING
 PLAT MAPS, SURVEYS, BOUNDING & PARTITIONS
 1001 EAST BAY STREET
 SAN FRANCISCO, CALIF.
 PHONE 2-1111

Sheet No. 1 of 6
 Date of Issue 8/1/14

DATE	INDEXED	FILED



THE COVENANT

FINAL PLAT LOTS 1 THRU 36



Woodmore Manor Neighborhood Association
1102 Anita Drive
Chattanooga TN 37411

- Recreation area for the 60+ children that will reside in the subdivision.
- Home designs should be shared with Woodmore Manor prior to construction.
- Brick front homes to ensure that the new dwellings mesh with the already established homes in the surrounding community.
- Neighborhood Association is established and active at the 40% completion mark.
- Have a traffic study done to ensure that a traffic light does not need to be installed at Eucalyptus and N Moore Road.
- Make available to Woodmore Manor Association promised copy of flood plan study
- Ensure 80% of funding is in place before projected home construction begins to avoid economic downturns that would cause work stoppage and result in homes in varying degrees of completion.



Woodmore Manor Neighborhood Association
1102 Anita Drive
Chattanooga TN 37411

July 3, 2010

Re: Woodmore Manor Conditions

Attn: Peter Palmer, Executive Director
Habitat for Humanity
1201 E Main Street
Chattanooga TN 37408

Dear Mr. Palmer:

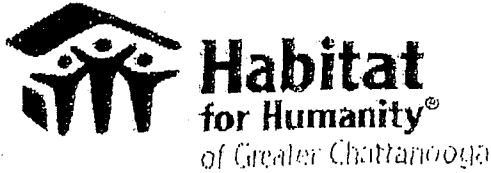
The Woodmore Manor Neighborhood Association would like to thank you, and members of your staff, for attending our neighborhood meeting on Thursday, June, 24, 2010. The purpose of this meeting was to discuss the concerns that Woodmore Manor residents have with The Covenant Planned Unit Development slated to be built on tracts of land located in the 1600 block of Eucalyptus Drive.

Due to the fact that funding has not been located to finance this project, the major concerns shared by the Woodmore Manor residents still remain outstanding. With that said, please see the attached listing of conditions that Woodmore Manor is requesting that Habitat for Humanity honor throughout the construction process. We look forward to hearing from you in the near future.

Sincerely,

Janet D. Moore
Woodmore Manor Neighborhood President

cc: Alice T Keith, Vice President
Joyce Taylor, Secretary
Helene Hawkins-Curtis, Treasurer
Councilman Russell Gilbert



Board of Directors

May 6, 2010

Sumner McCallie
President

Request to the Chattanooga City Council

Jeff McCall
1st Vice President

Reference: Lot 14 and Lot 15 of Willow Bend Subdivision,
Tax Map 147K-J-001.13 and 001.25

Linda Mines
2nd Vice President

Ethan Collier
Secretary

Habitat for Humanity of Greater Chattanooga received approval as a Final Planned Unit Development Plan on May 13, 2008 for Covenant Property – a development located in the 1600 block of Eucalyptus Drive off N. Moore Road. This development was for 36 Habitat for Humanity houses.

William (Chip) Busk, Jr.
Treasurer

Due to market conditions, we have not been able to develop this property as planned.

Ramsey Dethero
Dr. Eugene Mathis
Jack Montgomery
Andrew Morkert
Bob Reid
Jay Robinson
Rebecca Smith
Liz Stone
Barrett Taylor
Ann Talbot
David Wade
Ida Walldorf
Donna Williams

We are requesting the City Council to grant a one year extension of the P.U.D. for Covenant Property. We would greatly appreciate your consideration of this request.

Sincerely,

Dennis Neal

Director of Construction and Land Development
dneal@habichatt.org
(423) 756-0507 extension 17

cc: David Mathews Surveying Company

P.U.D.: The Covenant Planned Unit Development
Lots 1-36

CASE NO.: 2007-212

DENSITY: 5.9 units per acre

DEVELOPER: Habitat for Humanity

SURVEYOR: David Mathews Surveying Company

DATE OF SUBMITTAL: March 10, 2008

JURISDICTION: City of Chattanooga

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 plan to the size and format in Appendix 3 of the Chattanooga Subdivision Regulations. This is the only size and format that can be recorded.
2. Since there are 25 lots in this subdivision, Section 305.4 of the Chattanooga Subdivision Regulations requires two boundary control monuments located to an accuracy of 1:20,000 in State Plane Coordinates. Show the location and coordinates of these monuments.
3. 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".
4. Add the seal of the surveyor.
5. Add the following engineer's statement and have it signed by an engineer: "I certify that I have reviewed the roads, drainage, domestic water and sanitary sewers as shown on this plan and the design meets proper engineering criteria". Add the seal and address of the engineer.
6. In Note 1, change the zoning the RT-1 P.U.D.
7. Show the deed reference for the area developed.
8. Note that the density is 5.9 units per acre.

9. Delete Note 10.
10. Delete "Final Plat" and label this plan as "Final Planned Unit Development Plan".
11. Add the following note: "The only minimum building setbacks required are minimum 25' from Eucalyptus Drive and other outer boundaries of the P.U.D., minimum 10' from Covenant Place and Spiritual Way R.O.W. and minimum 10' between free-standing buildings. Other than above, no minimum building setbacks are required".
12. Add the following note: "Only detached single-family houses and accessory uses with one house per lot are allowed on Lots 1-34 and 36".
13. Add the following note: "Per requirements of the Chattanooga Zoning Ordinance, sidewalks are required on both sides of Covenant Place and Spiritual Way".
14. Add the following note: "No residential building permit is permitted on Community Lot 35. Community Lot 35 is to be used for open space or community purposes only".
15. Add the following note: "No building is permitted in the wetlands area of Lot 23".
16. The staff understands that the developer has requested a setback variance from the 25' side setback required on Lot 1. If the Chattanooga Board of Zoning Appeals grants a setback variance for any lots before this plan is recorded, add a note stating which lots had setback variances granted and the dates these variances were granted by the Chattanooga Board of Zoning Appeals.
17. Add the following note: "Adjoining lots in Tommy L. Woods Subdivision zoned R-T/Z. All other adjoining property zoned RT-1".
18. Change all easements shown as drainage easements to "private drainage easements".
19. The 15' private drainage easement between Lots 4 and 5 does not appear to be piped. If this is the case, reduce this to a 10' private drainage easement.

20. Label the 15' private drainage easements along drainage pipes in Lot 8 as such.
21. Add the following note: "A 10' private drainage easement is reserved along the P.U.D. outer boundaries except road lines in Lot 1. These drainage easements are automatically abandoned if two or more lots are combined or used as one lot or no setback is required".
22. Add the following note: "Public sanitary sewers are available by gravity flow".
23. Show the individual areas of all lots. This could be done in a table.
24. Delete all contour lines. These lines are useful for preliminary review but make the recorded instrument difficult to read.
25. Show the length, radius, tangent distance and delta angle for all curved road frontage lines and lot lines. Show exact bearings and distances for all straight lot and road lines.
26. Show the size, type of pipe and number of acres drained for pipe P-14 under the cul-de-sac of Spiritual Way.
27. Since proposed pipe sizes and types are not shown outside road right-of-ways, add an index of pipe information by pipe number.
28. Add a 10' private drainage easement along the west, Eucalyptus Drive line of Lot 36. This is necessary due to a drainage pipe in the road right-of-way very near this lot line.
29. Label the private drainage easement along the south, Covenant Place line of Lot 2 as such.
30. Show the 10' private drainage easement along the rear lines of adjoining Lots 2-9 of Tommy L. Woods Subdivision per Plat Book 80, Page 90.
31. Per Plat Book 80, Page 90, show that the 20' public sanitary sewer easement for File No. 100498 extends onto adjoining Lots 1 and 2 of Tommy L. Woods Subdivision.
32. Show the 21' sewer easement in adjoining Lot 10 of Willow Bend Subdivision per Plat Book 39, Page 237.

33. Show the 10' power and communication easement in adjoining Lot 18 of Willow Bend Subdivision per Plat Book 71, Page 94.
34. Change "Drainage Detention Easement Area" to "Private Drainage Detention Area Easement and City of Chattanooga Inspection Access Easement".
35. Add the following note: "The City of Chattanooga reserves the right to access at any time the 20' City of Chattanooga Drainage Detention Inspection Access Easement in Lot 10 and the Private Drainage Detention Area Easement and City of Chattanooga Inspection Access Easement to inspect drainage detention areas and facilities".
36. 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 City Engineer".
37. Add the following note: "City Ordinance Nor. 9942 entitled Storm Water Runoff and Erosion Control, shall apply to any discharge of same from this subdivision of property".
38. 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".
39. Add the following note: "The City of Chattanooga is not responsible to trap beavers, destroy beaver dams or do anything else for the integrity of the existing drainage basin".
40. Add the following note: "The City of Chattanooga is not responsible to construct or maintain drainage easements, drainage detention areas, drainage detention facilities, swales, grounds, buildings, facilities or anything else on any lot in this development".
41. Add the following note: "The City of Chattanooga is not responsible to maintain wetlands or determine their locations".
42. In Lots 9 and 10, extend the 10' power and communication easement along the 21.9' frontages of both lots.
43. Label the sidewalk shown along the new roads as such.

B. Chattanooga Development Director Requirements

1. The plat cannot be recorded until covenants are recorded which specify that lot owners are responsible to maintain drainage detention areas and facilities and are responsible for any costs to maintain these areas and facilities. Submit proposed covenants to the Chattanooga Development Director for approval.
2. Add the following note: "The owners of Lots 1-36 are responsible to maintain drainage detention areas and facilities".
3. Questions about Chattanooga Development Director requirements should be directed to Mr. Joel Booth at 757-4886.

C. Chattanooga City Engineer's Office Requirements

1. A reinforced concrete pipe (RCP) is required for that part of pipe P14 under pavement and sidewalk areas of Spiritual Way.
2. Show on the plat and install a manhole in Pipe P14 at the lot line between Lots 11 and 12 in the right-of-way of Spiritual Way but beyond the sidewalk. This manhole is necessary due to the length of pipe and to serve as the end of the city maintained pipe under Spiritual Way.
3. Oil skimmers are required at the following locations:
 - a. lot line between Lots 11 and 12
 - b. lot line between Lots 12 and 13
 - c. lot line between Lots 15 and 16
 - d. lot line between Lots 20 and 21

Oil skimmers do not need to be shown on the recorded P.U.D. plan but need to be shown on drainage construction plans.

4. Questions about City Engineer's Office requirements should be directed to the City Engineer at 757-5117.

D. 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.

E. 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

F. 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.

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.