

RESOLUTION NO. 29269

A RESOLUTION ADOPTING THE WRITTEN REPORT OF THE CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING AGENCY STAFF REGARDING THE REASONABLENESS OF THE SCOPE OF SERVICES TO BE PROVIDED AND THE TIMING OF SUCH SERVICES, AS REQUIRED BY T.C.A. 6-51-102(b) FOR LOOKOUT MOUNTAIN CONSERVANCY FOR CERTAIN RIGHTS-OF-WAYS OLD WAUHATCHIE PIKE, ATCHENSONS ROAD, CRAVENS ROAD, GRANDVIEW PLACE, AND TAX MAP AND PARCEL NUMBERS 155J-B-004, 155J-B-004.01, 155J-B-006, 155J-B-009, 155J-B-010, 155J-B-011, 155J-B-008, 155J-B-013, 155I-C-002, 155I-C-001, 155I-C-001.02, 155J-A-002, 155J-A-003, 155J-A-004, 155J-A-006, 155J-C-006, 155J-C-007, 155J-C-008, 155J-C-006.01, 155J-C-005, 155J-C-004, 155J-C-025, 155J-C-003, 155J-C-002, 155I-C-003, 155J-A-007, AND 155J-A-010.

WHEREAS, the City of Chattanooga has provided a proposed Plan of Services to the Chattanooga-Hamilton County Regional Planning Commission which establishes the services to be delivered and the projected timing of services in accordance with T.C.A. Section 6-51-102(b)(2); and,

WHEREAS, the proposed Plan of Services includes, but is not limited to: police protection, fire protection, water services, electrical service, sanitary sewer service, solid waste collection, road and street construction and repair, recreational facilities and programs, street lighting, and zoning services; and,

WHEREAS, it appears that the Proposed Plan of Services provided for an area for Lookout Mountain Conservancy includes as reasonable implementation schedule for the delivery of comparable services in the territory to be annexed with respect to the services delivered to all citizens of the municipality and properly excludes services that are being provided by other public

agencies or private companies in the territories to be annexed as provided by T.C.A. Section 6-51-102(b)(2); and,

WHEREAS, the City of Chattanooga has submitted its proposed Plan of Services for areas provided to the Chattanooga-Hamilton County Regional Planning Commission for study and written report in accordance with T.C.A. Section 6-51-102(b)(2); and,

NOW, THEREFORE, BE IT RESOLVED that the Chattanooga City Council does hereby determine that the proposed Plan of Services for Lookout Mountain Conservancy for certain rights-of-way Old Wauhatchie Pike, Atchensons Road, Cravens Road, Grandview Place, and tax maps and parcel numbers 155J-B-004, 155J-B-004.01, 155J-B-006, 155J-B-009, 155J-B-010, 155J-B-011, 155J-B-008, 155J-B-013, 155I-C-002, 155I-C-001, 155I-C-001.02, 155J-A-002, 155J-A-003, 155J-A-004, 155J-A-006, 155J-C-006, 155J-C-007, 155J-C-008, 155-J-C-006.01, 155J-C-005, 155J-C-004, 155J-C-025, 155J-C-003, 155J-C-002, 155I-C-003, 155J-A-007, and 155J-A-010 includes a reasonable implementation schedule and includes all services required by statute and that the services are reasonable with the scope of services to be provided and the timing of the services; and,

BE IT FURTHER RESOLVED that the attached written report of the staff of the Chattanooga-Hamilton County Regional Planning Agency dated November 9, 2017, is adopted and approved by the Chattanooga City Council.

ADOPTED: December 12, 2017

/mem

RPA STAFF REPORT
PROPOSED PLAN OF SERVICES

To: Chattanooga Hamilton County Regional Planning Commission

From: Chattanooga-Hamilton County Regional Planning Agency

Date: November 9, 2017

Re: Report on Plan of Service for City of Chattanooga annexation of certain rights-of-way and real property located on Old Wauhatchie Pike, Atchensons Road, Cravens Road, Grandview Place (Tax Map Nos. 155J-B-004, 155J-B-004.01, 155J-B-006, 155J-B-009, 155J-B-010, 155J-B-011, 155J-B-008, 155J-B-013, 155I-C-002, 155I-C-001, 155I-C-001.02, 155J-A-002, 155J-A-003, 155J-A-004, 155J-A-006, 155J-C-006, 155J-C-007, 155J-C-008, 155-J-C-006.01, 155J-C-005, 155J-C-004, 155J-C-025, 155J-C-003, 155J-C-002, 155I-C-003, 155J-A-007, and 155J-A-010).

Scope:

The Chattanooga-Hamilton County Regional Planning Agency has reviewed the proposed annexation Plan of Services for certain rights-of-way Old Wauhatchie Pike, Atchensons Road, Cravens Road, and Grandview Place, and tax maps and parcel numbers: 155J-B-004, 155J-B-004.01, 155J-B-006, 155J-B-009, 155J-B-010, 155J-B-011, 155J-B-008, 155J-B-013, 155I-C-002, 155I-C-001, 155I-C-001.02, 155J-A-002, 155J-A-003, 155J-A-004, 155J-A-006, 155J-C-006, 155J-C-007, 155J-C-008, 155-J-C-006.01, 155J-C-005, 155J-C-004, 155J-C-025, 155J-C-003, 155J-C-002, 155I-C-003, 155J-A-007, and 155J-A-010 which are being considered for annexation pursuant to authority granted by the State of Tennessee in T.C.A. Secs. 6-51-101 and following. The Regional Planning Agency acts as staff to the Chattanooga-Hamilton County Regional Planning Commission. It should be noted that the scope of this Report is delimited by and prepared in accordance with the strictures of T.C.A. Sec. 6-51-102(b). Specifically, it is not the province of the Planning Commission to pass on or even to comment on whether the Plan of Annexation is lawful or appropriate. That determination is left to the City of Chattanooga City Council. Rather, the Planning Commission reports only on the reasonableness of the proposed Plan of Service for the areas considered for annexation.

The Regional Planning Agency has reviewed and considered the Urban Growth Plan, the Proposed Plans of Service, and their professional knowledge or inspection of the subject areas in making this Report.

Recommendation:

The proposed annexation area is contained within the City of Chattanooga's Urban Growth Boundary/Master Interlocal Agreement as agreed to in May 2001. This area would be contiguous to the current City of Chattanooga corporate limits.

The Regional Planning Agency finds that the proposed Plan of Service is reasonable and meets the letter and spirit of the governing statutory standard set forth in T.C.A. Sec. 6-51-102(b).

The Plan of Services includes a reasonable implementation schedule for the delivery of comparable services in the annexation area with respect to the services provided to all residents of the City of Chattanooga. The implementation schedule addresses both the timing of the delivery of services and the immediate action items. Services are stated as delivered upon adoption or within a reasonable period of time following annexation. It appears that the City will be able to provide the same level of service to the annexation area as it does to the rest of the City and that, in doing so, it will not diminish the level of service to the rest of the City.

Additional fire protection, police protection, storm water management, refuse collection, street maintenance and clearing, traffic signs and control devices, zoning, inspection and code enforcement, animal control, and recreational facilities and programs access will be to the benefit of the area proposed for annexation. Water and electric services are being provided by other entities as detailed and will not be affected by implementation of the proposed Plan of Service.

Sewer service provision is as detailed in the Urban Growth Plan Master Interlocal Agreement (Paragraph 6c) and outlined in Section 10 of the Plan of Services. If the Hamilton County Water and Wastewater Treatment Authority (WWTA) cedes its service area within thirty (30) days of annexation, the City of Chattanooga will provide sewer service to the annexed area within three (3) years of the effective date of annexation. If the sewer service for properties is not ceded by WWTA, sewer service provision shall be the responsibility of WWTA.

PROPOSED PLAN OF SERVICES
IN ACCORDANCE WITH
TENNESSEE CODE ANNOTATED § 6-51-122(a)(1)(B)

The City Council of the City of Chattanooga, Tennessee hereby proposes the following Plan for Provision of Services for certain property and rights-of-ways located at Old Wauhatchie Pike, Atchensons Road, Cravens Road, and Grandview Place lying contiguous to the present corporate limits of the City of Chattanooga, Tennessee, owned by Lookout Mountain Conservancy, which are shown on the attached map and described as follows:

The legal description for the property to be annexed is set forth as follows:

- Parcel 1 - 1835 Old Wauhatchie Pike (Tax ID# 155J B 004)
- Parcel 2 - 1837 Old Wauhatchie Pike (Tax ID# 155J B 004.1)
- Parcel 3 - 1907 Old Wauhatchie Pike (Tax ID# 155J B 006)
- Parcel 4 - Old Wauhatchie Pike (Tax ID# 155J B 009)
- Parcel 5 - 1921 Old Wauhatchie Pike (Tax ID# 155J B 010)
- Parcel 6 - Old Wauhatchie Pike (Tax ID# 155J B 011)
- Parcel 7 - 2000 Old Wauhatchie Pike (Tax ID# 155J B 008)
- Parcel 8 - Old Wauhatchie Pike (Tax Parcel# 155 J B 013)
- Parcel 9 - 1984 Cravens Road (Tax ID # 155I C 002)
- Parcel 10 - 1952 Cravens Road (Tax ID # 155I C 001)
- Parcel 11 - 3720 Cravens Road (Tax ID 155I C 001.02)
- Parcel 12 - 3743 Cravens Road (Tax ID 155J A 002)
- Parcel 13 - 1912 Old Wauhatchie Pike (Tax ID 155J A 003)
- Parcel 14 - 1910 Old Wauhatchie Pike (Tax ID 155J A 004)
- Parcel 15 - Old Wauhatchie Pike (Tax ID # 155J A 006)
- Parcel 16 - 1840 Old Wauhatchie Pike (Tax ID # 155J C 006)
- Parcel 17 - 1838 Old Wauhatchie Pike (Tax ID 155J C 007)

- Parcel 18 - 1832 Old Wauhatchie Pike (Tax ID # 155J C 008)
- Parcel 19 - Grandview Place (Tax ID# 155J C 006.1)
- Parcel 20 - 3710 Grandview Place (Tax ID# 155J C 005)
- Parcel 21 - Grandview Place (Tax ID # 155J C 004)
- Parcel 22 - Church Street (Tax ID#155J C 025)
- Parcel 23 - Grandview Place (Tax ID 155J C 003)
- Parcel 24 - Grandview Place (Tax ID # 155J C 002)
- Parcel 25 – JO CONN GUILD TRL (Part of Tax ID #155I C 003)
- Parcel 26 - Cravens Road (Tax ID# 155J A 007)
- Parcel 27 - Grandview Place (Tax ID# 155J A 010)

All of the above-referenced properties and rights-of-ways are located within or adjacent to the current boundaries of the City of Chattanooga and the property owner has signed a petition requesting annexation of all such properties by the City of Chattanooga as required by T.C.A. § 6-51-104.

1. POLICE

Patrolling, radio directed response to calls for assistance, crime prevention services, traffic control and accident prevention services and other police protection and support using present personnel and equipment will be provided on the effective date of annexation.

2. TRAFFIC ENGINEERING

Traffic Engineering and installation of signs and other traffic control devices to be installed as required throughout the annexation area, when the need is established by appropriate traffic studies.

3. FIRE

(a) Fire protection by present personnel and the equipment of the fire fighting force within the limitations of available water and distance from fire stations will be provided on the effective date of annexation.

(b) Additional fire services such as those made available through the City's fire prevention bureau and its arson investigation unit will be made available on the effective date of annexation.

(c) Within six (6) months after annexation, the location of fire hydrants shall be determined and installed in those areas where water mains of adequate size are available. Placement of hydrants will be on the basis of nationally-accepted standards defined by the National Fire Underwriters' Association. As additional water lines are extended into the annexation area, if not presently served, fire hydrants shall be installed as required by the above-mentioned standard when the population density or need for hydrant services is sufficient to cost effectively extend hydrant services to the annexed property in the discretion of the Mayor and the City Council.

(d) Within six (6) months after annexation, a study will be completed to determine the need for the establishment of a fire substation in or near the annexed area to assure the continued compliance with standards established by the National Fire Underwriters appropriate to the existing fire insurance rating.

4. REFUSE COLLECTION

The same regular refuse collection now provided by the City will be extended to the annexed area on the effective date of annexation.

5. ROAD AND STREET CONSTRUCTION AND REPAIR; SIGNS AND LIGHTING

1. Emergency maintenance of streets (repair of hazardous chuck holes, measures necessary to maintain normal traffic flow), removal of snow and/or sanding of streets during icing conditions will begin on the effective date of annexation.

2. Routine maintenance, on the same basis as in the present City, will begin in the annexed area following the effective date of annexation.

3. Within six (6) months of annexation, street name signs will be installed as needed in all substantially developed areas.

4. Street lights will be installed under the same standards as now prevail in the City.

6. PLANNING AND ZONING

The planning and zoning jurisdiction of the City will be extended to the annexed area of the effective date of annexation. City planning will thereafter encompass the annexed area. Pending a review of the zoning by the Chattanooga-Hamilton County Regional Planning Agency and the City, the property shall be reclassified to a temporary classification pursuant to Article X, Section 100 of the City's Zoning Ordinance consistent with zoning classifications of this property in Hamilton County.

7. RECREATION FACILITIES AND PROGRAMS

1. All of the recreational areas and programs provided for the present City residents will be made available immediately to the residents of the annexed area.

2. Summer recreation programs such as softball tournaments and Little League will be made available to all residents.

8. WATER SYSTEM

Water for domestic, commercial and industrial uses will continue to be provided to residents of the newly annexed area by the Tennessee American Water Utility District.

9. ELECTRICAL SERVICE

Electricity for domestic, commercial and industrial uses will continue to be provided to residents of the newly annexed area by the Electric Power Board of Chattanooga.

10. SEWER SYSTEM

The City of Chattanooga will provide sewer services to the annexed area within three (3) years of the effective date of annexation, as provided in Paragraph 6(C) of the Master Interlocal

Agreement approved by the City of Chattanooga dated May 23, 2001, if the Hamilton County Water and Wastewater Treatment Authority, (hereinafter “WWTA”), cedes its service area to the City within thirty (30) days of the date of annexation. If sewer services for properties within the annexed area are not ceded to the City of Chattanooga or allowed to be provided by the City of Chattanooga because this area is retained by the WWTA, such services will be provided to the residents of the newly annexed area by the WWTA to the extent that lines are available within the annexed area and density of development makes new sewer lines feasible and funds for construction of necessary sewer lines are available as determined by the WWTA Board.

11. INSPECTION/CODE ENFORCEMENT

Chattanooga now provides inspection and code enforcement services (building, electrical, plumbing, gas, and better housing) to all areas of the City. These same services will be provided to the newly annexed area when it becomes a part of the municipality.

12. ANIMAL CONTROL

The Chattanooga Animal Services provides the services of animal control and enforces the City’s leash laws and other animal control ordinances. This service will be available in the new area when the annexation becomes effective.

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CITY OF CHATTANOOGA, TENNESSEE

IN RE: Lookout Mountain Conservancy
Annexation of Tax Parcels

PETITION FOR ANNEXATION

Lookout Mountain Conservancy, Inc. (“LMC”) is a Tennessee non-profit corporation and is the owner of real property parcels located at Old Wauhatchie Pike, and designated as Hamilton County Tax Parcels:

- Parcel 1, 1835 Old Wauhatchie Pike (Tax ID# 155J B 004)
- Parcel 2, 1837 Old Wauhatchie Pike (Tax ID# 155J B 004.1)
- Parcel 3 – 1907 Old Wauhatchie Pike (Tax ID# 155J B 006)
- Parcel 4 – Old Wauhatchie Pike (Tax ID# 155J B 009)
- Parcel 5 -1921 Old Wauhatchie Pike (Tax ID# 155J B 010)
- Parcel 6 - Old Wauhatchie Pike (Tax ID# 155J B 011)
- Parcel 7 – 2000 Old Wauhatchie Pike (Tax ID# 155J B 008)
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- Parcel 15 - Old Wauhatchie Pike (Tax ID # 155J A 006)
- Parcel 16, 1840 Old Wauhatchie Pike (Tax ID # 155J C 006)
- Parcel 17, 1838 Old Wauhatchie Pike (Tax ID 155J C 007)
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- Parcel 19 - Grandview Place (Tax ID# 155J C 006.01)
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- Parcel 24 - Grandview Place (Tax ID # 155J C 002)
- Parcel 25 - JO CONN GUILD TRL (Part of Tax Parcel# 155 I C 003)
- Parcel 26 - Cravens Road (Tax ID# 155J A 007)
- Parcel 27 - Grandview Place (Tax ID# 155 J A 010)

(the "Parcels").

LMC hereby requests that the City of Chattanooga, Tennessee (the "City") annex the Parcels into the City limits.

EXECUTED the 1st day of May, 2017.

REVISED the 7th day of October, 2017.

REVISED this 9th day of November, 2017.

LOOKOUT MOUNTAIN CONSERVANCY, INC.

By: _____
Name: _____
Title: _____

NOTICE

WHEREAS, petition to amend Ordinance No. 6958, known as the Zoning Ordinance, has been proposed to the City Council of the City of Chattanooga:

1. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petitions to rezone be approved:

2017-081 Christopher Griggs. 144 Browns Ferry Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2017-143 Todd Plain. 1815 Gunbarrel Road, from R-4 Special Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2017-146 Jeff Page. 332 Browns Ferry Road, from R-2 Residential Zone to R-4 Special Zone, subject to certain conditions.

2017-148 Shea Properties, LLC. 1517 and 1519 Foust Street, from R-2 Residential Zone to M-1 Manufacturing Zone.

2017-153 Five Star Development. Part of a property in the 100 block of Raider Lane, from R-1 Residential Zone to C-2 Convenience Commercial Zone.

2017-157 Tower Construction. 1206 South Lyerly Street, from R-2 Residential Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone, subject to certain conditions.

2017-159 Hagaman Construction. 1007 Forest Avenue, from R-1 Residential Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone, subject to certain conditions.

2017-160 Wanda C. Williams. 5957 Dayton Boulevard, from R-2 Residential Zone to C-2 Convenience Commercial Zone.

2017-161 ASA Engineering. 1212, 1220, and 1226 East 13th Street and 1226 East 14th Street, from M-1 Manufacturing Zone and R-3 Residential Zone to UGC Urban General Commercial Zone.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be denied:

2017-158 Stephen Holmes. Properties in the 400 block of Dogwood Lane, from R-2 Residential Zone to R-3 Residential Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission is adopting the written report regarding the reasonableness of the scope of services to be provided and the time of such services, as required by T.C.A. 6-51-102(b) for Lookout Mountain Conservancy for certain rights-of-ways Old Wauhatchie Pike, Atchensons Road, Cravens Road, Grandview Place, and Tax Map and Parcel Numbers 155J-B-004, 155J-B-004.01, 155J-B-006, 155J-B-009, 155J-B-010, 155J-B-011, 155J-B-008, 155J-B-013, 155I-C-002, 155I-C-001, 155I-C-001.02, 155J-A-002, 155J-A-003, 155J-A-004, 155J-A-006, 155J-C-006, 155J-C-007, 155J-C-008, 155J-C-006.01, 155J-C-005, 155J-C-004, 155J-C-025, 155J-C-003, 155J-C-002, 155I-C-003, 155J-A-007, and 155J-A-010.

The City Council of the City of Chattanooga, Tennessee will hold a public hearing in the Council Assembly Room, City Council Building, 1000 Lindsay Street, Room 101, Tuesday,

December 12, 2017

at 6:00 p.m. for the purpose of hearing any person whose property may be affected by, or who may otherwise be interested in, said amendments.

This the ____ day of _____, 2017.

Nicole Gwyn
Clerk to the City Council

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