

RESOLUTION NO. 31524

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 TP CHATTANOOGA PROPERTY, LLC, 5619 CLARK ROAD, TAX MAP AND PARCEL NO. 121A-E-004.

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. § 6-51-102(b)(2); and

WHEREAS, the proposed Plan of Services includes, but is not limited to: police protection, fire protection, water service, 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 Plans of Services provided for an area for 5619 Clark Road, Tax Map Parcel Number 121A-E-004 includes a 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 property excludes services that are being provided by other public agencies or private companies in the territory to be annexed as provided by T.C.A § 6-51-120(b)(2); and

WHEREAS, the City of Chattanooga has submitted its proposed Plan of Services for the area provided to the Chattanooga-Hamilton County Regional Planning Commission for study and a written report in accordance with T.C.A. § 6-51-102(b)(4); and

WHEREAS, the staff of the Planning Commission has made a written report with respect to the scope of services to be provided and the timing of such services which should be considered by the City of Chattanooga City Council prior to the adoption of any annexation ordinances or Plans of Services.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That it is hereby authorizing that the Chattanooga City Council does hereby determine that the proposed Plan of Services for TP Chattanooga Property, LLC, 5619 Clark Road, Tax Map and Parcel No. 121A-E-004 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 January 23, 2023, is hereby adopted, and approved by the Chattanooga-Hamilton County Regional Planning Commission and the Chattanooga City Council.

ADOPTED: March 14, 2023

/mem

PETITION

I/WE TP Chattanooga Property LLC, the sole owners of a tract of property in Hamilton County, Tennessee, more fully described as follows:

Tax Map No. 121A E 004

PT LT 1 HIGHWAY 58 AT CLARK ROAD SUB PB 117 PG 69

Land in the Second Civil District of Hamilton County, Tennessee, being a part of Section Sixteen (16), Township Five (5), Range Three (3), West of the Basis Line of the Ocoee District and being part of the property conveyed to Fletcher H. Bacon and wife by deed recorded in Book Z, Volume 27, Page 45, in the Register's Office of Hamilton County, Tennessee, being more particularly described as follows:

TO FIND THE BEGINNING POINT, start at a point in the Western line of Clark Road, fifty (50) feet wide, at its intersection with the Southern line of the property conveyed to Fletcher H. Bacon, Jr. and wife by Deed recorded in Book 1131, Page 212, in said Register's Office; thence Southwardly along the Western line of Clark Road, two hundred eight and 7/10 (208.7) feet to a stake, the POINT OF BEGINNING;

THENCE continuing Southwardly along the Western line of Clark Road, two hundred ninety-two and 2/10 (292.2) feet to a stake; thence North sixty-five (65) degrees forty-five (45) minutes West, four hundred forty-seven (447) feet, more or less, to a stake; THENCE North twenty-four (24) degrees fifteen (15) minutes East, ninety-nine and seven-tenths (99.7) feet to a stake; THENCE South sixty-five (65) degrees forty-five (45) minutes East sixty-five (65) feet to a stake; THENCE North eighty-one (81) degrees seventeen

(17) minutes East, two hundred eight and seven-tenths (208.7) feet to the
POINT OF BEGINNING.

This conveyance is subject to all easements, restrictive covenants and
conditions, and other matters of record, including all items set out on any
applicable plat of record.

This property is improved property known as 5619 Clark Road, Harrison, TN
37341.

Which tract is contiguous to the City of Chattanooga, do hereby petition said City to be
annexed thereto by Ordinance, pursuant to the provisions of Tennessee Code Annotated §
6-51-102.

This the 23rd day of January, 2023.

Ryan Suiter, VP of Development



PROPOSED PLAN OF SERVICES
IN ACCORDANCE WITH
TENNESSEE CODE ANNOTATED § 6-51-102
TP Chattanooga Property LLC
Tax Map No. 121A E 004
CONTAINING APPROXIMATELY 1.27 ACRES

The City Council of the City of Chattanooga, Tennessee hereby proposes the following Plan for Provision of Services for certain property, containing approximately 1.27 acres, more or less in Hamilton County, Tennessee, lying contiguous to the present corporate limits of the City of Chattanooga, Tennessee, adjacent to Clark Road, owned by TP Chattanooga Property LLC, and described as follows:

HARRISON APARTMENTS
Proposed Annexation Area

Land in the Second Civil District of Hamilton County, Tennessee, being a part of Section Sixteen (16), Township Five (5), Range Three (3), West of the Basis Line of the Ocoee District and being part of the property conveyed to Fletcher H. Bacon and wife by deed recorded in Book Z, Volume 27, Page 45, in the Register's Office of Hamilton County, Tennessee, being more particularly described as follows:

TO FIND THE BEGINNING POINT, start at a point in the Western line of Clark Road, fifty (50) feet wide, at its intersection with the Southern line of the property conveyed to Fletcher H. Bacon, Jr. and wife by Deed recorded in Book 1131, Page 212, in said Register's Office; thence Southwardly along the Western line of Clark Road, two hundred eight and 7/10 (208.7) feet to a stake, the POINT OF BEGINNING;

THENCE continuing Southwardly along the Western line of Clark Road, two hundred ninety-two and 2/10 (292.2) feet to a stake; thence North sixty-five (65) degrees forty-five (45) minutes West, four hundred forty-seven (447) feet, more or less, to a stake; THENCE North twenty-four (24) degrees fifteen (15) minutes East, ninety-nine and seven-tenths (99.7) feet to a stake; THENCE South sixty-five (65) degrees forty-five (45) minutes East sixty-five (65) feet to a stake; THENCE North eighty-one (81) degrees seventeen (17) minutes East, two hundred eight and seven-tenths (208.7) feet to the POINT OF BEGINNING.

This conveyance is subject to all easements, restrictive covenants and conditions, and other matters of record, including all items set out on any applicable plat of record.

This Plan of Services is for all property shown within proposed annexation boundary, as shown on Exhibit "A", in support of the proposed apartment complex and infrastructure improvements as required the by land disturbance permit. The proposed additional area of city services effects a portion of one building within the development.

A. 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.

B. TRAFFIC ENGINEERING

Traffic Engineering and installation of signs and other traffic control devices to be installed as required by the land disturbance permit in support apartment complex.

C. FIRE

1. 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.
2. The location of additional fire hydrants shall be provided as approved in the land disturbance permit and will be installed as part of the project.
3. Additional water lines of adequate size will be extended into the annexation area by Eastside Utility District as required to support the above-mentioned project.

D. REFUSE COLLECTION

Apartment complex will be served by private dumpster collection service according to refuse collection requirements under city code Chapter 18 et seq.

E. ROAD AND STREET CONSTRUCTION AND REPAIR; SIGNS AND LIGHTING, AND STORMWATER AND DRAINAGE

No new public streets are planned within proposed annexation area. Internal drives, lighting and private infrastructure will be maintained by the owner. A long-term maintenance agreement will be recorded as part of the project for the inspection and maintenance of the private stormwater system.

Erosion and sediment control practices will be implemented during construction of the project, as required by the land disturbance permit and TDEC.

F. PLANNING AND ZONING

The planning and zoning jurisdiction of the City will be extended to the annexed area of the effective date of annexation. Chattanooga-Hamilton County Regional Planning Agency and the Chattanooga-Hamilton County Regional Planning Commission will thereafter encompass the annexed area. Pending a review of the zoning by the Chattanooga-Hamilton County Regional Planning Commission and the City Council, the property shall be reclassified to a temporary classification which shall be rezoned in accordance with the City's Zoning Ordinances.

G. RECREATION FACILITIES AND PROGRAMS

1. All recreational areas and programs provided for the present City residents will be made available immediately to all residents of the annexed area in the same manner as current citizens of the City of Chattanooga.
2. Recreation programs such as swimming, summer camps, baseball, flag football, basketball, tennis will be made available to all residents of the annexed area in the same manner as the current residents of the City of Chattanooga.

H. WATER SYSTEM

Water for all annexed properties will continue to be provided in the same manner as it is currently provided by East Side Utility District.

I. ELECTRICAL SERVICE

Electricity will continue to be provided to residents of the newly annexed area by the Electric Power Board of Chattanooga.

J. SEWER SYSTEM

1. The Wastewater Treatment Authority (WWTA) currently serves said property and will continue to provide sanitary sewer services.
2. The City of Chattanooga will provide sewer services to the annexed area within three (3) years of the effective date of annexation. If the 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.
3. New sanitary sewer lines will be constructed within the apartment project development according to the land disturbance permit and as approved by the WWTA.

K. INSPECTION/CODE ENFORCEMENT

The Development Review and Permitting Department of the City now provides plans review services inspection and code enforcement services (building, electrical, plumbing, gas, and unsafe building services, land use (zoning) and development, including flood plain NFIP/FEMA requirements, and for housing, litter, overgrowth, illegal dumping) to all areas of the City of Chattanooga. These same services will be provided to the newly annexed area when it becomes a part of the City of Chattanooga.

L. ANIMAL CONTROL

The McKamey Animal Care and Adoption Center currently provides the services of animal control by contract with the City 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.

McNabb
Tax Map 121A E 007

Richardson
Tax Map 121A E 001

Hall
Tax Map 121A E 003

HAMILTON COUNTY
CITY OF CHATTANOOGA

PT LOT 1 HWY 58 AT CLARK RD S/D
TP CHATTANOOGA PROPERTY LLC
121A E 004
PB 117-69
1.27 AC +/-

PT LOT 1 HWY 58 AT CLARK RD S/D
IRON HORSE PROPERTIES TN, LLC
121A E 005
PB 117-69

LOT 2 HIGHWAY 58 AT CLARK RD S/D
LKM PROPERTIES, LP
121A E 006
PB 117-69

Clark Road

Harrison Apartments

5619 Clark Road
Tax Map 121A E 004



SCALE

Exhibit A

Annexation Petition
1/23/2023



Sandra Harrison <sharrison@chattanooga.gov>

Fwd: Petition for Annexation - 5619 Clark Road

3 messages

Maria Manalla <mmanalla@chattanooga.gov>

Fri, Jan 6, 2023 at 11:10 AM

To: Bryan Shults <bshults@chattanooga.gov>, Sandra Harrison <sharrison@chattanooga.gov>, Phil Noblett <pnoblett@chattanooga.gov>

Please see attached for placement on the February Planning Commission agenda. If there is a problem, please let us know.

Thanks,
Maria Manalla
Legal Assistant

City of Chattanooga

Office of the City Attorney

E: mmanalla@chattanooga.gov

P: 423-643-8236 or 423-643-8250

W: www.chattanooga.gov



**ONE
CHATTANOOGA**

NOTICE - This electronic message (and any documents attached to it) is intended only for the use of the addressee and may contain information that is privileged and confidential and/or may contain attorney work product. If you are not the intended recipient, you are hereby notified that any dissemination of this communication is strictly prohibited. If you have received this communication in error, please delete all electronic copies of this message and any attachments, destroy and hard copies you may have created, and notify the sender immediately so that our address record can be corrected. IRS Circular 230 requires us to inform you that any statements contained herein are not intended to be used, and cannot be used, by you or any other taxpayer, for the purpose of avoiding penalties that may be imposed by federal tax law.

----- Forwarded message -----

From: **Donna Shepherd** <donna@adengineering.us>

Date: Fri, Jan 6, 2023 at 10:54 AM

Subject: Petition for Annexation - 5619 Clark Road

To: Maria Manalla <mmanalla@chattanooga.gov>, pnoblett@chattanooga.gov <pnoblett@chattanooga.gov>

Cc: RNT <nrproptiestn@gmail.com>

Maria-

On behalf of the owner of 5619 Clark Road, I would like to submit the attached petition and Plan of Services. We hope to be placed on the February agenda of the Planning Commission for consideration of the Plan of Services and the March 7th City Council agenda. We will mail in the original signature page for the petition to your office, as requested.

Please let me know if you have any questions or if you need any additional information or changes to the POS.

Thanks,

Donna

Donna Shepherd, E.I.



537 Market St, Suite 202

Chattanooga, TN 37402

Phone (423) 266-3501

donna@adengineering.us

ADEngineering.us



2 attachments

 **Petition for Annexation 5619 Clark signed 1 5 23.pdf**
466K

 **5619 Clark Road annexation plan of service 1 5 23.pdf**
561K

Sandra Harrison <sharrison@chattanooga.gov>

To: Maria Manalla <mmanalla@chattanooga.gov>

Cc: Bryan Shults <bshults@chattanooga.gov>, Phil Noblett <pnoblett@chattanooga.gov>

Mon, Jan 9, 2023 at 12:54 PM

Thank you!

[Quoted text hidden]

--
Sandra Harrison
Administrative Support Specialist
Regional Planning Agency
Development Services Subdivision and Zoning
1250 Market Street, Suite 2000
423-643-5902 Main
423-643-5917 Direct
423-643-6197 Fax

City of Chattanooga
Regional Planning Agency
: <https://chcrpa.org>



www.chattanooga.gov



ONE
CHATTANOOGA

Bryan Shults <bshults@chattanooga.gov>

Mon, Jan 9, 2023 at 4:31 PM

To: Maria Manalla <mmanalla@chattanooga.gov>

Cc: Sandra Harrison <sharrison@chattanooga.gov>, Phil Noblett <pnoblett@chattanooga.gov>, Emily Wood <ewood@chattanooga.gov>, Cassie Cline <clcline@chattanooga.gov>, Karen Rennich <krennich@chattanooga.gov>

Thanks Maria. We will add the Plan of Services to the February PC Agenda. Outside of our normal notification process at this time we dont have to do any special legal notice for the Plan of Service?

Bryan Shults

Director of Development Services

Chattanooga-Hamilton County Regional Planning Agency

1250 Market Street, Suite 2000

Chattanooga, TN 37402

E: bshults@chattanooga.gov

P: 423-643-5937

W: <https://chcrpa.org>



On Fri, Jan 6, 2023 at 11:11 AM Maria Manalla <mmanalla@chattanooga.gov> wrote:

[Quoted text hidden]

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:

2023-0011 Stone Creek Consulting c/o Allen Jones. 5103 Central Avenue, from R-2 Residential Zone to UGC Urban General Commercial Zone, subject to certain conditions.

2023-0020 Stone Creek Consulting c/o Allen Jones. Properties located at 7368, 7376, 7384, and 7390 Old Cleveland Pike, from R-1 Residential Zone to R-T/Z Residential Townhouse/Zero Lot Line Zone, subject to certain conditions.

2023-0022 EA Homes, LP. Part of a property located at 7671 Goodwin Road, from R-1 Residential Zone to R-4 Special Zone, subject to certain conditions.

2023-0024 1211 5th MU, LLC. 1601 South Holtzclaw Avenue, from UGC Urban General Commercial Zone (pre 8/30/2022) to UGC Urban General Commercial Zone (post 8/30/2022), subject to certain conditions.

2023-0026 Grant Ellis. 335 Browns Ferry Road, from R-5 Residential Zone to R-3MD Moderate Density Zone.

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

2023-0019 Sansbury Melton, Ltd. 1414 East 49th Street, from R-1 Residential Zone to R-2 Residential Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following Special Exceptions Permit be approved:

2023-0023 EA Homes, LP. 7671 Goodwin Road and part of a property located at 7555 Goodwin Road, for a Residential Planned Unit Development, subject to certain conditions.

4. The Chattanooga-Hamilton County Regional Planning Commission has recommended that a written report be adopted 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 the proposed Plan of Services for TP Chattanooga Property, LLC, 5619 Clark Road, Tax Map and Parcel No. 121A-E-004.

The City Council of the City of Chattanooga, Tennessee will hold a public hearing in the City Council Assembly Room, John P. Franklin Sr. Council Building located at 1000 Lindsay Street, Chattanooga, TN 37402, on

March 14, 2023,

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 _____, 2023.

Nicole Gwyn
Clerk to the City Council