



# Hamilton County Board of Commissioners RESOLUTION

No. 117-23

(P.C. NO. 2016-194)

**A RESOLUTION GRANTING A SPECIAL EXCEPTIONS  
PERMIT FOR A RESIDENTIAL PLANNED UNIT  
DEVELOPMENT OF PROPERTIES LOCATED AT 8199  
AND 8231 BALATA DRIVE**

**WHEREAS**, Jacob Lemus & Michael Herman petitioned the Chattanooga-Hamilton County Regional Planning Commission to grant a Special Exceptions Permit for a Residential Planned Unit Development of Properties located at 8199 and 8231 Balata Drive, and said Planning Commission after hearing recommended that this petition be approved; and

**WHEREAS**, Jacob Lemus & Michael Herman requested that the County Commission consider said petition and notice has been published in a newspaper in general circulation in Hamilton County that the County Commission will hold a public hearing on January 18, 2017, concerning the passage of this Resolution as required by law, and such hearing having been held.

**NOW, THEREFORE, BE IT RESOLVED, BY THIS COUNTY LEGISLATIVE BODY IN SESSION ASSEMBLED:** That the zoning regulations of Hamilton County be amended granting a Special Exceptions Permit for a Residential Planned Unit Development of Properties located at 8199 and 8231 Balata Drive. Lots 92 and 93, Mountain Lake Estates Manor, Plat Book 85, age 136, ROHC, Deed Book 9110, Page 50, and Deed Book 10502, Page 158, ROHC. Tax Map 123C-B-042 and 043 as shown on the attached map.

**BE IT FURTHER RESOLVED, THAT THIS RESOLUTION TAKE EFFECT FROM AND AFTER ITS PASSAGE, THE PUBLIC WELFARE REQUIRING IT.**

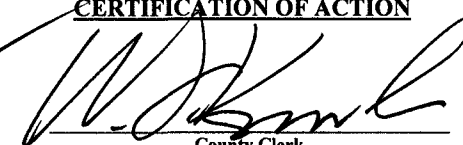
**CERTIFICATION OF ACTION**

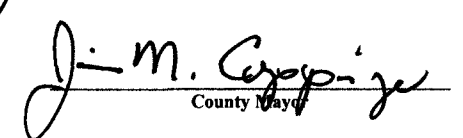
Approved:

Rejected:

Approved:

Vetoed:

  
\_\_\_\_\_  
County Clerk

  
\_\_\_\_\_  
County Mayor

January 18, 2017

Date

2016-194 Hamilton County  
December 12, 2016

RESOLUTION

WHEREAS, Jacob Lemus & Michael Herman petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the County Mayor and Members of the County Commission granting a Special Exceptions Permit for a Residential Planned Unit Development of Properties located at 8199 and 8231 Balata Drive.

Lots 92 and 93, Mountain Lake Estates Manor, Plat Book 85, age 136, ROHC, Deed Book 9110, Page 50, and Deed Book 10502, Page 158, ROHC. Tax Map 123C-B-042 and 043 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on December 12, 2016,

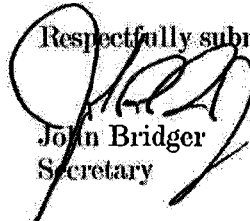
AND WHEREAS, the Planning Commission heard and considered all statements regarding the petition,

AND WHEREAS, no one was present in opposition to the petition,

AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development,

AND WHEREAS, the Planning Commission has determined that the proposal is consistent with the development form of the area.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on December 12, 2016, recommended to the County Mayor and Members of the County Commission that this petition be approved.

Respectfully submitted,  
  
John Bridger  
Secretary



## 2016-194 Special Exceptions Permit for a Residential PUD

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2016-194: Approve



769 ft.



Chattanooga Hamilton County Regional Planning Agency



**PLANNING COMMISSION CASE REPORT**

Case Number: 2016-194

PC Meeting Date: 12-12-16

**Applicant Request****Special Permit to amend boundary of existing Planned Unit Development**

|                    |                             |
|--------------------|-----------------------------|
| Property Location: | 8199 & 8231 Balata Drive    |
| Property Owner:    | Jacob Lemus, Michael Herman |
| Applicant:         | Jacob Lemus, Michael Herman |

**Project Description**

- Proposal: To expand Planned Unit Development boundary to include entire parcel currently bisected by boundary line.
- Proposed Access: Entrance on Balata Drive.
- Proposed Development Form: The proposal does not increase the density or number of lots from existing Planned Unit Development.

**Site Analysis****Site Description**

- Location: The site is located on the west side of Balata Drive approximately 4,000 feet south from the entrance of the Mountain Lakes subdivision.
- Current Access: Balata Drive is the only current access for the site.
- Current Development form: The area is undeveloped minus the other detached single-family dwellings on the single street.
- Natural Resources: The site sits on steep slopes along the ridgeline of White Oak Mountain.

**Zoning History**

- The site is currently zoned A-1 Agricultural District.
- The site was granted a Planned Unit Development special permit in 2002. The properties surrounding the site are A-1 Agricultural District except for the parcels abutting to the north, which are zoned R-1 Single-Family Residential District.

**Plans/Policies/Regulations**

- The Wolftever Creek Plan (adopted by City Council in 2010) recommends Slope Residential for this site. Slope Residential is a designation which states, "Excessively steep regions should be developed lightly if at all. To minimize negative impacts of slope development in terms of viewshed destruction, water runoff and hillside slumping, residential densities should be limited to one dwelling unit per two acres."
- A Planned Unit Development (PUD) is a special exceptions permission intended to encourage creative master planning by not requiring adherence to rigid land use, setback, height, parking, and similar restrictions. It is further intended that PUDs be designed by collaboration between the applicant and the community, rather than the strict limits of zoning.
- The Development Policy from the Comprehensive Plan 2030 update (Called the Renewing Our Vision and adopted by Planning Commission in 2016) identifies this site as being in intensity level 1. Level 1 has the least potential for development, or future public services and facilities. However, they have high potential for protecting large natural areas through parks, greenways, working farms and conservation easements.

**Key Findings**

- The proposal is supported by the adopted Land Use Plan for the area which recommends low-density residential which respect the topographic challenges of the area.
- The proposed use is consistent with surrounding uses.
- The proposal is consistent with the development form of the area.
- The proposed residential density is compatible with the surrounding densities.



## 2016-194 Special Exceptions Permit for a Residential PUD

769 ft

**Chattanooga Hamilton County Regional Planning Agency**