

2013-014  
B & L Builders  
District No. 4

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR A PRELIMINARY AND FINAL RESIDENTIAL PLANNED UNIT DEVELOPMENT ON PROPERTIES LOCATED AT 7435 AND 7437 PINWOOD DRIVE, SUBJECT TO CERTAIN REQUIREMENTS ATTACHED.

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BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That there be and is hereby granted a Special Exceptions Permit for a Preliminary and Final Residential Planned Unit Development on properties located at 7435 and 7437 Pinewood Drive, more particularly described in the attached maps and subject to certain requirements attached.

Lots 9 and 10 of Block 2 and Lots 11 and 12 of Block 3, Varnell Farms, Plat Book 14, Page 140, ROHC, Deed Book 8505, Page 660 and Deed Book 9432, Page 3, ROHC. Tax Map Nos. 149B-A-013 and 014.

ADOPTED: \_\_\_\_\_, 2013

/mms

2013-014 City of Chattanooga  
January 14, 2013

**RESOLUTION**

WHEREAS, B & L Builders petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga granting a Special Exceptions Permit for a Residential Planned Unit Development on properties located at 7435 and 7437 Pinewood Drive.

Lots 9 and 10 of Block 2 and Lots 11 and 12 of Block 3, Varnell Farms, Plat Book 14, Page 140, ROHC, Deed Book 8505, Page 660 and Deed Book 9432, Page 3, ROHC. Tax Map 149B-A-013 and 014 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on January 14, 2013,

AND WHEREAS, the Planning Commission heard and considered all statements favoring 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.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on January 14, 2013, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved as a Preliminary and Final Residential Planned Unit Development, subject to the requirements attached.

Respectfully submitted,

  
John Bridger  
Secretary

# Special Request Form



Chattanooga-Hamilton County



**Regional Planning Agency**

1250 Market Street  
Suite 2000

Development Resource Center  
Chattanooga, Tennessee  
37402

Phone: 423-668-2287  
Fax: 423-668-2289

www.chrcpa.org

Once Use Only

Case Number: 2013-013

Date Submitted: 7/10/2013

Planning District: 10

County District: 7

City District: 1

Jurisdiction: Chattanooga

Neighborhood: Brentwood, Brainerd/Brainerd E, Brainerd Chamber

Staff Action:

PC Action/Date:

LCIS Action/Date:

**Special Exceptions Permit for Planned Unit Development (P.U.D.)**

**Residential**

**Institutional**

Acreeage: 3.36 Acres

Density: 4.16 Units per Acre

**Preliminary**

**Final**

**Both**

P.U.D. Name: Wendell Way Subdivision

**Other Special Permits**

**Mandatory Referral**

**Conditions of a Previous Action**

**Special**     **Exceptions**

**Acquisition**     **Surplus**

**Lift**     **Amend**

**Conditional**

**Other**

Resolution/Ordinance No. Resolution 27277

Use: \_\_\_\_\_

Previous Case No. 2012-118

Address: <u>7435 &amp; 7437 Pinewood Drive</u>	Tax Map No. <u>149B-A-013 &amp; 014</u>	Current Zone: <u>R-1 PUD</u>
Current Use: <u>Single Family Residential</u>	Adjacent Uses: <u>Single Family Residential</u>	
Proposed Development or Use: <u>14 Single Family Lots and 1 Community Lot.</u>		

All communication by phone, fax, email, or mail will be with the Applicant. If you are not the property owner, you will need to submit a letter from the property owners(s) indicating that you are acting as their agent in filing this application (e.g. engineer, architect, consultant, broker, etc.).

**Property Owner**

**Architect**

**Engineer**

**Optionee**

**Purchaser of Property**

**Trustee**

**Other:**

Name: <u>B &amp; L Builders</u>
Address: <u>2611 Riverside Drive</u>
City: <u>Chattanooga</u> State: <u>TN</u>
Zip Code: <u>37406</u>
Daytime Phone: <u>423-593-7999</u>
Cell Phone: <u>423-593-7999</u>
Other Phone: <u>423-266-3501 AD Engineering Services</u>
Email: <u>donna@adengineering.us</u>
Fax: _____

Name: _____	
Address: _____	
Phone: _____	
<b>CHECKLIST OF FEES ONLY</b>	
<input checked="" type="checkbox"/> Application Complete	<input checked="" type="checkbox"/> Deed to Property (if required)
<input checked="" type="checkbox"/> Ownership Affidavit	Deed Book: <u>2431-378305-060</u>
<input checked="" type="checkbox"/> The Map (if not a letter)	<input checked="" type="checkbox"/> Copy of Plat (if applicable)
<input checked="" type="checkbox"/> Map showing property to be rezoned	Plat Book Pages: <u>14340</u>
<input checked="" type="checkbox"/> The plat (if applicable)	<input checked="" type="checkbox"/> Notice Sign (if required)
<input checked="" type="checkbox"/> Plat notes to be considered	<input type="checkbox"/> Cash
<input checked="" type="checkbox"/> Plat Fee: <u>\$4000</u>	Check No.: <u>04953</u>
Accepted by: <u>Marcia Parker</u>	Date: <u>7-10-2013</u>

**2013-014 conditions – January 14, 2013**

Section 38-402(3) of the Chattanooga Zoning Ordinance requires that the recommendation specifically reference the following:

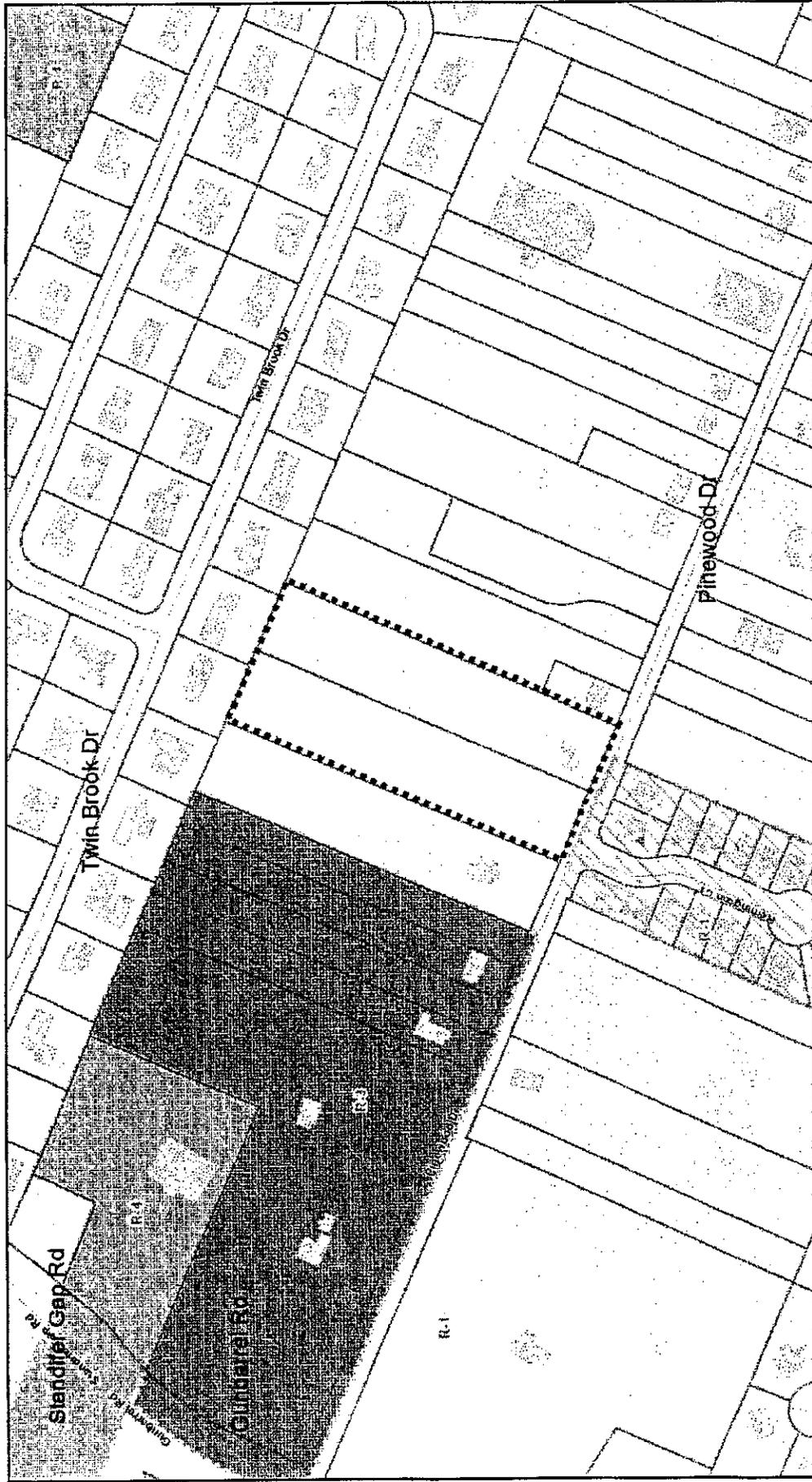
1. The property adjacent to the area included in the plan will not be adversely affected.
2. The plan is consistent with the intent and purpose of this ordinance to promote public health, safety, morals, and general welfare.
3. The building shall be used only for single-family dwellings, two-family dwellings, or multi-family dwellings and the usual accessory uses such as private or storage garages, storage space, and for community activities, including school and/or churches.
4. There is a need for such development in the proposed location.
5. There is reasonable assurance that development will proceed according to the spirit and letter of approved plans.

In reference to the above, the proposed residential form and density are in keeping with the surrounding development and meets the intent of the ordinance. The gross density is relatively low although it is of a greater density than many of the surrounding lots. The proposed development has lots ranging from 4,662 square feet to the large community lot at 30,112 square feet. However, Remington Court across the street from this proposed development has a similar density and design. Remington Court's has several lots in the 5,600-6,600 square foot range. The proposed buildings shall be used for detached single-family dwellings and accessory uses. No comment can be made with certainty that there exists a "need" for this development. *The following list of requirements will ensure that the development will proceed "according to the spirit and letter of approved plans":*

1. Submit Mylar copy of the PUD drawn to a size of 24"x36".
2. In the title block change "Planned Unit Development" to "Final Planned Unit Development".
3. Show and label the existing public sanitary sewer line and manholes located in Pinewood Drive.
4. Show the Master File Number for the public sanitary sewer line located in Pinewood Drive as "MF#51992".
5. Show and label as such the installed public sanitary sewer line installed along Wendell Way.
6. Add the following note: "Type of Development Proposed: Single-Family Detached Residential".
7. Check with Hamilton County GIS for street addresses prior to creation of Mylar for recording purposes.
8. State the distance from the corner property line of Lot 1 to the intersection of Gunbarrel Road.
9. In the adjoining lot owned by Arthur Williams add "Lot 8 Varnell Farms Pb 14 Pg 140".
10. In the adjoining Lot 13 just north of Lot 13 add "Lot 14 Resub of Varnell Farms Pb 50 Pg 68".

11. Show the radius of the cul-de-sac of Wendell Way. The Chattanooga Fire Department requires a 50' paved radius.
  12. Show the bearing and distance of proposed lots.
  13. Add the following note: "Number of Acres Subdivided 3.36."
  14. Delete the following note: "Questions about EPB requirements should be directed toward Mr. Billy McGhee at (423) 648-3259."
  15. Add the tax map and parcel numbers of the property being subdivided.
  16. Add the deed book and page number of the property being subdivided.
  17. Add the following note: "Public sanitary sewers are available by gravity flow."
  18. Add the following note: "Local Government does not certify that utilities or utility connections are available."
  19. Add the following note: "City Ordinance Number 9942 Entitled "Stormwater Runoff and Erosion Control" shall apply to any discharge of same from this subdivision of property."
  20. 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."
  21. Add the following note: "This subdivision has been developed according to the design standards of the subdivision regulations of the City of Chattanooga."
  22. Add the Certificate of Ownership and Dedications as follows: "I hereby adopt this as my plan of subdivisions and certify that the rights-of-way are dedicated to the public use forever. I also certify that there are no encumbrances on the property to be dedicated and that I am the owner of the property in fee simple".
  23. Add the Certification of the Surveyor to the PUD plan drawing.
  24. Add the Engineers Statement of Design: "I hereby certify that I have reviewed or designed all new roads, drainage, domestic water and sanitary sewers as shown on this plat and that the design meets proper engineering criteria."
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1. Questions about EPB Requirements should be directed toward Mr. Billy McGhee at 648-3259.
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1. Provide sidewalk connection and handicap ramp at Pinewood Drive and cul-de-sac.
  2. Questions about Chattanooga Development Ombudsman requirements should be directed to Mr. Joel Booth at 643-5812.
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1. Questions about Chattanooga Traffic Engineering requirements should be directed to Mr. Ben Taylor at 643-5957.
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1. Show and label as such, one fire hydrant located at the lot line of lot 4 or lot 5 or at the lot line of lot 10 and lot 11.
  2. Questions about Chattanooga Fire Department requirements should be directed to Mr. Randall Herron at 643-5649.

1. Questions regarding Chattanooga Sewer requirements should contact Mr. Eric Douglas at 643-5814.
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. Permit to discharge storm water associated with construction activity is necessary.
2. Although there is no 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 the N.P.D.E.S. Permit requirements should contact the Tennessee Department of Environment and Conservation.
  
1. As part of Storm Water Pollution Prevention Plan, 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.
  
1. Since a stream may be involved in this subdivision, an A.R.A.P. may be required by the State of Tennessee.
2. Although there is no 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 filling such a permit.
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 or if the current A.R.A.P. on file for this site under a previous development is still current and valid.
  
- 4.



## 2013-014 Special Exceptions Permit for a Residential Planned Unit Development

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2013-014: Approve as Preliminary and Final Residential Planned Unit Development, subject to the requirements listed in the Planning Commission Resolution.



250 ft



**Chatham County Regional Planning Agency**





2012-118

<b>AD ENGINEERS, INC.</b> 402 E. 4th Street, Suite 407 Chattanooga, TN 37403 PHS (423) 266-9301 FAX (423) 266-2295		Mr. Jason Davis 2011 Riverchase Dr. Chattanooga, TN 37485 (423) 553-1589		LINDY LAKE SUBDIVISION 7455 Riverchase Drive Chattanooga, Hamilton County, TN	
PROJECT NO. 118 SHEET NO. C-2		DATE: 11/15/11 DRAWN BY: JLD CHECKED BY: JLD APPROVED BY: JLD		SITE PLAN	

**SITE NOTES**

1. THE SITE IS TO BE DEVELOPED AS A RESIDENTIAL SUBDIVISION. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE DEVELOPER SHALL ALSO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EASEMENTS AND RIGHTS-OF-WAY FROM THE ADJACENT PROPERTY OWNERS.

2. THE SITE IS TO BE DEVELOPED AS A RESIDENTIAL SUBDIVISION. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE DEVELOPER SHALL ALSO BE RESPONSIBLE FOR OBTAINING ALL NECESSARY EASEMENTS AND RIGHTS-OF-WAY FROM THE ADJACENT PROPERTY OWNERS.

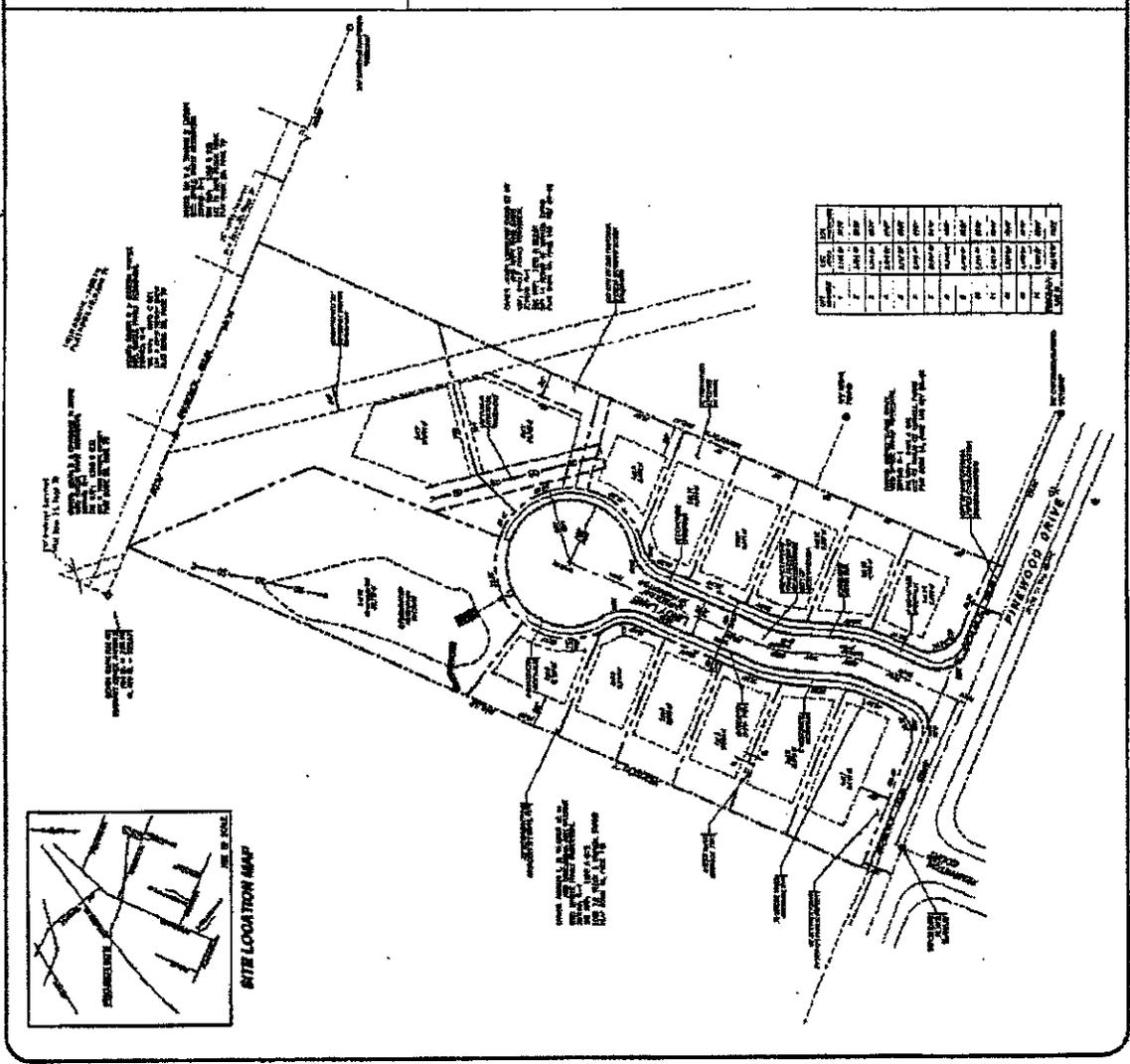
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CURRENT PUD

## NOTICE

WHEREAS, petitions to amend Ordinance No. 6958, known as the Zoning Ordinance, have 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:

2012-089 Napier Associates/Defoor Brothers Development, LLC/Gunbarrel Partners/Waterside Property Investment, LLC. 2351, 2417, 2424, 2428, and 2440 Elam Lane; 2545 and 2565 Lifestyle Way; and 2515 and 2519 Gunbarrel Road, from R-1 Residential Zone and MXU Zone to C-4 Planned Commerce Center Zone, subject to certain conditions.

2013-009 Taqi Ali Mirza and Ron Morrer/Susan Higley. 1951 and 2017 Dodson Avenue, from C-2 Convenience Commercial Zone and M-2 Light Industrial Zone to M-1 Manufacturing Zone, subject to certain conditions.

2013-013 Grace Episcopal Church/Randy Durham, Treasurer. 4018, 4022, and 4026 Brainerd Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2013-015 Hole Foods, LLC c/o Rob Renner/Dr. Gene Rudnick. 7737 East Brainerd Road, from O-1 Office Zone and R-1 Residential Zone to C-2 Convenience Commercial Zone.

2013-016 Regan-Smith Associates/Brant Enderle. 3800 block of Cummings Road, from R-1 Residential Zone to R-3 Residential Zone, subject to certain conditions.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following conditions be amended:

2013-008 Napier Associates/Defoor Brothers. 2300 and 2400 blocks of Gunbarrel Road, to change MXU Boundary and Plan, subject to certain conditions.

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

2013-014 B & L Builders. 7435 and 7437 Pinewood Drive, for a Residential Planned Unit Development, subject to certain requirements.

2013-017 Ragan-Smith Associates/Brant Enderle. 3800 block of Cummings Road, for a Single Family Planned Unit Development, subject to certain requirements.

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,

**February 12, 2013**

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 \_\_\_\_\_, 2013.

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Carol K. O'Neal, CMC  
Clerk to the City Council