

2004-121  
Barry A. Payne

RESOLUTION NO. 24404

A RESOLUTION APPROVING A PROPOSED FINAL PLANNED UNIT DEVELOPMENT SPECIAL EXCEPTIONS PERMIT FOR A PLANNED UNIT DEVELOPMENT KNOWN AS KIRKMAN ROAD PAYNE PLANNED UNIT DEVELOPMENT ON TRACTS OF LAND LOCATED AT 2817 AND 2827 KIRKMAN ROAD, MORE PARTICULARLY DESCRIBED HEREIN AND AS SHOWN ON THE FINAL PLANNED UNIT DEVELOPMENT PLAN ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

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WHEREAS, The Chattanooga City Council approved with a condition the special exceptions permit for the Preliminary Residential Planned Unit Development known as Kirkman Road Payne Planned Unit Development, formerly Payne on Kirkman Road Planned Unit Development, on July 20, 2004; and

WHEREAS, A final planned unit development plan has been submitted which substantially conforms to the preliminary planned unit development plan for Kirkman Road Payne Planned Unit Development; and

WHEREAS, The Chattanooga-Hamilton County Regional Planning Commission, as well as other affected agencies, have now reviewed the Final Residential Planned Unit Development Plan for recording; and

WHEREAS, The Chattanooga-Hamilton County Regional Planning Agency now has recommended that the Chattanooga City Council issue a special exceptions permit by Resolution to the applicant for the Final Residential Planned Unit Development, as shown by the attached Final Planned Unit Development Plan;

NOW, THEREFORE,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That there be and hereby is granted a Final Planned Unit Development Special Exceptions Permit for a Residential Planned Unit Development on tracts of land located at 2817 and 2827 Kirkman Road, known as Kirkman Road Payne Planned Unit Development, more particularly described as follows:

Part of an unplatted tract of land located at 2817 and 2827 Kirkman Road as described in Deed Book 5170, Page 795, ROHC. Tax Map 139H-A-002(part).

BE IT FURTHER RESOLVED, That the Final Planned Unit Development Plan for the Kirkman Road Payne Planned Unit Development, including the completion of all notes and conditions referenced on the attached Final Planned Unit Development Plan, are to be accomplished in accordance with the Planned Unit Development Plan.

ADOPTED: April 26, 2005

/add

P.U.D.: Kirkman Road Payne Planned Unit Development  
Lots 1-106

CASE NO.: 2004-121

DEVELOPER: Barry Payne

SURVEYOR: David Mathews Surveying Company

STATUS: Final Planned Unit Development Plan

A. Planning Commission Requirements

1. Redraw the plan to the 24" x 30" size and format requirements in Appendix 3 of the Chattanooga Subdivision Regulations.
2. Show the right-of-way width for the road at lots 90-94.
3. Show the location of the existing fire hydrant in Kirkman Road at the north line of lot 105.
4. Show that the adjoining property south of lots 4-7 is lot 1 of Julia Subdivision per Plat Book 28, Page 258.
5. Add the following note: "The only setbacks required are 25' from Kirkman Road and other outer boundaries of the P.U.D., 10' from internal road right-of-ways and 10' between free-standing buildings. Other than above, no setbacks are required".
6. Per Article 5, Section 1213-1-b of the Chattanooga Zoning Ordinance, show the surrounding type of development and land use.
7. If the two 50' wide strips to Tyner Road are not used for additional road access to this development, they do not meet the minimum 60' frontage requirement for separate lots in the R-1 zone. Consequently, either combine these two 50' wide strips with adjoining property or obtain lot width variances for them from the Chattanooga Board of Zoning Appeals before this plan is recorded. The developer should be aware that these strips are not included in the P.U.D. boundary and including them in the P.U.D. area would be a major change to the P.U.D. which would require a new preliminary P.U.D. submittal.
8. Since there are more than 25 lots, the Chattanooga Subdivision Regulations require at least two boundary monuments located to a minimum 1:20,000 accuracy in State Plane Coordinates. Show the

location and State Plane Coordinates of the two boundary control monuments.

9. Show the number of dwelling units and the density of this development.
10. Add the following engineer's statement: "I 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". Show the seal and address of the engineer. Have the engineer sign the statement.
11. Add the following owners' statement: "I certify that I am the owner in fee simple of the property shown, adopt this as my plan of the P.U.D., dedicate the road right-of-ways as shown to the public use forever and certify that there are no encumbrances on the property dedicated". Add the name, address and phone number of the owner.
12. Change note 12 to the following: "A 10' private drainage easement is reserved along the outer boundaries of this planned unit development except Kirkman Road frontage. This drainage easement is automatically abandoned if two or more lots are combined or used as one lot or no setback is required".
13. Show the size and number of acres drained for drainage pipe which cross road center lines.
14. Give streets names approved by the GIS Department.
15. Label the drainage easement in lots 56 and 106 as a private drainage easement and show its width in lot 56.
16. Show areas of individual lots.
17. Add the following note: "The City of Chattanooga is not responsible to construct or maintain drainage easements, private storm sewer easements, or any ground, drainage, facility, building, easement or anything else on Community Lot 106".
18. Add the following note: "Drainage areas and facilities installed by the developer cannot be filled, altered or changed without permission from the City Engineer".
19. Add the seal of the surveyor.

20. Show addresses per the City Technical Information Office.
21. Label the 20' public sanitary sewer easement between lots 21 and 22 as such.
22. Change "Preliminary/Final Plat" to "Final Planned Unit Development Plan".
23. Show exact distances for all straight lines of lots 87, 91, 92, 93 and 105.
24. Show length, radius, tangent distance and delta angle for all curved frontages of all lots.
25. Show length, radius, tangent distance and delta angle for all curved frontages of all lots.
26. Add the following note: "Community Lot 106 is to be used for drainage, drainage detention, utility, open space, recreation and community purposes".
27. Show bearings and distances for the offsets of the radius points of the cul-de-sacs of Roads "A" and "B".
28. Show rear distances for lots 22 and 23.
29. Show the distance from the center line of Kirkman Road to lots 1 and 105.
30. Label the 20' public sanitary sewer easement between lots 31 and 32 extended onto lot 106 as such.
31. Show a 20' public sanitary sewer and City of Chattanooga inspection access easement in lot 106 for the proposed sewer line from Road "B": at the cul-de-sac.
32. Add a 10' private drainage easement in lot 106 from the spillway of Road "B" to the 10' private drainage easement shown.
33. Show the size and nature of the easement between lots 20 and 21.
34. Label the 15' private storm sewer easements in lots 23, 24, 66-69 and 95-98 as such.

35. Article 5, Section 1208(3) of the Chattanooga Zoning Ordinance requires minimum 5 sidewalks or an equivalent paved internal pedestrian circulation system in P.U.D. If sidewalks are to be constructed, note on the plan that sidewalks will be constructed on all new roads. If the sidewalks will be on only one side of the road, indicate this in the note. If they will be on both sides of the road, indicate this in the note. If sidewalks will not be constructed, show an equivalent paved internal pedestrian circulation system.
36. As an alternative to showing all parking areas, note that houses with three or less bedrooms will have at least two off-street parking spaces on the lot and houses with four or more bedrooms will have at least three off-street parking spaces on the lot.
37. Add the following note: "Only detached single-family houses and accessory uses with one house per lot are permitted on lots 1-105."

**B. Chattanooga Sewer and Storm Water Requirements**

1. Show two private drainage detention area easements in lot 106 for the detention ponds.
2. Label the 10' private drainage easement in lots 35, 36 and 106 at the downstream end of the drainage pipe at Roads "B" and "C".
3. Show a 15' City of Chattanooga inspection access easement between the cul-de-sac of Road "B" and the larger detention area in lot 106.
4. Show proposed public sanitary sewer lines and manholes.
5. Add the following note: "No permanent structures or utilities (except utility crossings) are allowed in public sanitary easements".
6. Add the following note: "The City of Chattanooga reserves the right at any time to access the City of Chattanooga inspection access easements and private drainage detention area easements of Community Lot 106 to inspect drainages and drainage detention facilities".
7. Redesign the larger drainage detention area in lot 106 so that it is not over a sanitary sewer easement.
8. Label the 15' private storm sewer easement in lot 42 as such.

9. Questions about Chattanooga Sewer and Storm Water requirements should be directed to Mr. David Wilson at 425-7629.

C. Chattanooga Development Director Requirements

1. Add the following note: "The owners of lots 1-106 are responsible to maintain the drainage detention area facilities on lot 106".
2. Covenants must be recorded which specify that the owners of lots 1-106 are responsible to maintain drainage detention areas and facilities on Community Lot 106 and are responsible for any costs to maintain such areas and facilities. The plan cannot be recorded until covenants have been reviewed and approved by the Chattanooga Development Director.
3. Add a 15' easement for future road development and power and communication easement along Kirkman Road in lots 1, 103, 104 and 105.
4. All drainage pipes under pavement or sidewalks must be reinforced concrete (RCP). Label all such drainage pipes as RCP.
5. A tree plan is needed.
6. Show existing and proposed sewer laterals from lots 1 and 103-105 to the existing sewer line in Kirkman Road.
7. Questions about Chattanooga Development Director requirements should be directed to Mr. Joel Booth at 757-4886.

D. Chattanooga Fire Department Requirements

1. Pave 50' radius in all cul-de-sacs.
2. Show on the plat and install a fire hydrant in each of the following locations. Alternative locations are shown so that fire hydrants can be installed on the same side of the road as water lines.
  - a. at the lot line between lots 8 and 9 or outside the curve radius of lots 70 or 97 near the intersection
  - b. at the lot line between lots 17 and 18 or the lot line between lots 24 and 25

- c. at the lot line between lots 32 and 33 or the lot line between lots 63 and 64
  - d. at the lot line between lots 37 and 38 or the lot line between lots 53 and 54
  - e. at the lot line between lots 41 and 106 or the lot line between lots 43 and 44
  - f. at the lot line between lots 77 and 78 or the lot line between lots 86 and 87
3. Questions about Chattanooga Fire Department requirements should be directed to Mr. Randall Herron at 421-4268.

E. Utility Requirements

1. Show a 10' power and communication easement along both sides of all new roads.
2. Show a 10' power and communication easement in lots 1, 103, 104 and 105 along Kirkman Road west of the 15' easement for future road development and power and communication easement required above by the Chattanooga Development Director.
3. Show a 16' power and communication easement along the lot line between lots 49 and 50 and an 8' power and communication easement along the rear of lot 50.

F. 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.

G. N.P.D.E.S. Permit

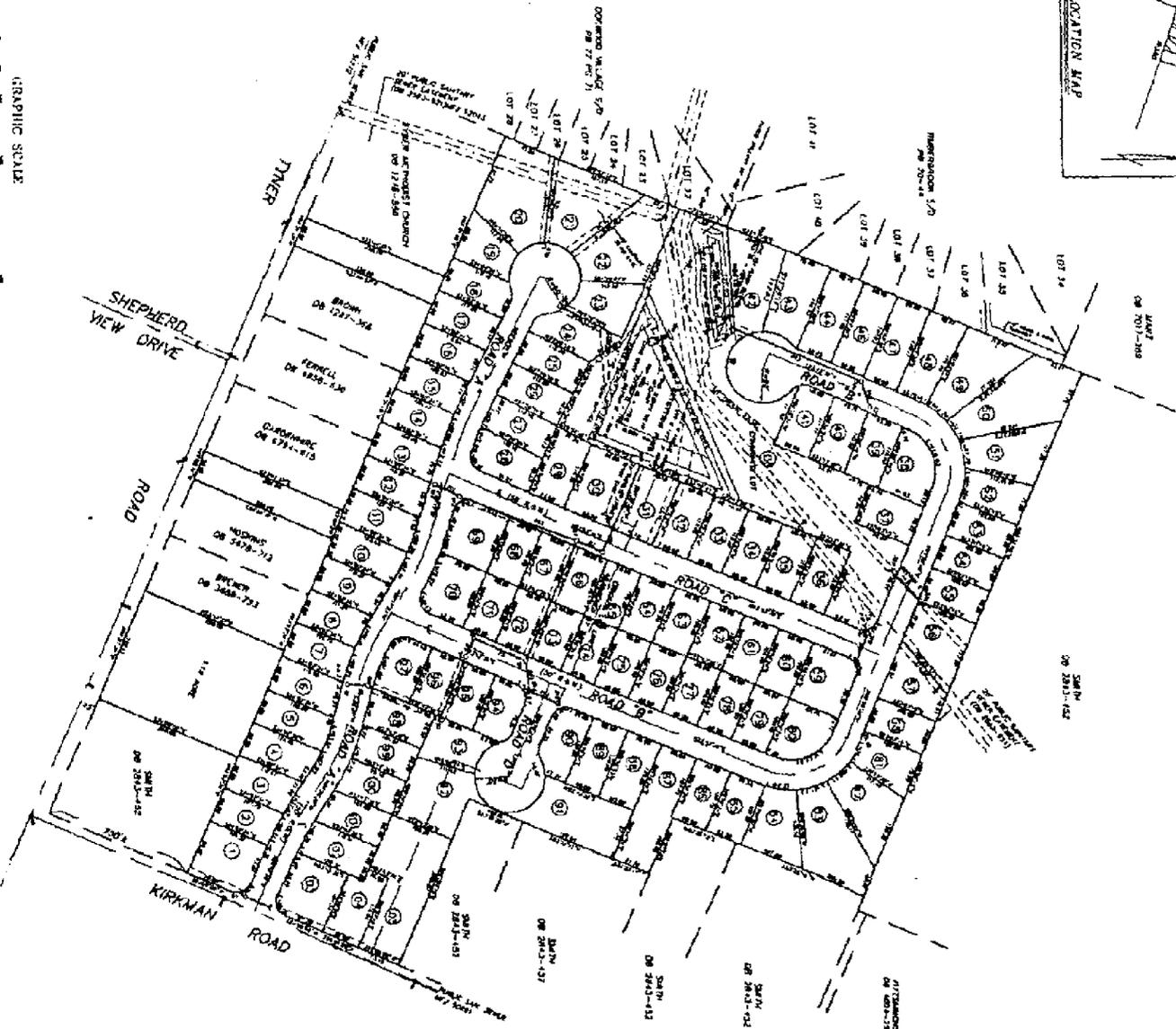
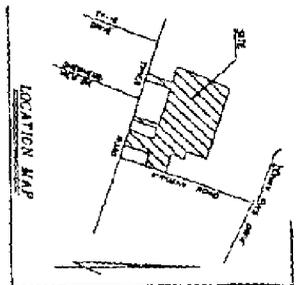
1. Since there is to be more than one acre of disturbed ground, including building sites, in this subdivision, an N.P.D.E.S. (National Pollutant Discharge Elimination System) Permit to discharge storm water associated with construction activity is necessary.

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

H. 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.



**SUPERVISOR'S CERTIFICATION**

I hereby certify that I have examined the foregoing plat and believe that the same is correct in the light of the laws and regulations governing the same and that the same is a correct and true copy of the original.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
 District Supervisor

**GENERAL NOTES**

1. The lot area is 100,000 sq. ft.
2. The lot area is 100,000 sq. ft.
3. The lot area is 100,000 sq. ft.
4. The lot area is 100,000 sq. ft.
5. The lot area is 100,000 sq. ft.
6. The lot area is 100,000 sq. ft.
7. The lot area is 100,000 sq. ft.
8. The lot area is 100,000 sq. ft.
9. The lot area is 100,000 sq. ft.
10. The lot area is 100,000 sq. ft.

APPROVED FOR RECORDING  
 DATE: \_\_\_\_\_  
 BY: \_\_\_\_\_  
 COUNTY CLERK

PRELIMINARY/PIPING PLAN  
 KIRKMAN ROAD PAYNE P.U.D.  
 CHATTANOOGA COUNTY  
 LOTS 1 THRU 106



**DMS MAPPING**  
 DAVID MATHIAS SURVEYING & MAPPING  
 1000 BIRCHWOOD DRIVE  
 NORTON, MISSISSIPPI 37424

**KIRKMAN ROAD PAYNE P.U.D.**

DATE:	1-1-2008	APPROVED:	
SCALE:	1"=200'	DATE:	01-10-08
FILE NO.:	106		