

**CHATTANOOGA-HAMILTON COUNTY  
REGIONAL PLANNING COMMISSION  
MINUTES**

**DATE:** Monday, April 9, 2012  
**TIME:** 1:00 p.m.  
**PLACE:** Hamilton County Courthouse

The Planning Commission minutes are digitally recorded and are located on our web site [www.chcrpa.org](http://www.chcrpa.org) by going to the Development Services tab then Monthly Zoning Information and then under Planning Commission Meeting Minutes.

**Present:**

Mr. Jon Bell, Acting Chairman City Councilman Jack Benson, Mr. Y. L. Coker, County Commissioner Mitch McClure, Ms. Beverly Johnson (representing Mayor Ron Littlefield), Mr. Ken Jordan, Mr. Alan Knowles (representing County Mayor Jim Coppinger), Mr. Wanza Lee, Mr. Don Moon, Mr. Jimmy Parks, Mr. Barry Payne, and Mr. Adam Veron

**Planning  
Commission  
Members**

**Others Present:**

Mr. John Bridger, Mr. Greg Haynes, Mr. Hugh Failing, Ms. Pattie Dodd, Mr. Bryan Shults and Ms. Karen Rennich

**Planning  
Agency  
Staff**

**Public Hearing**

The procedure followed in presenting each petition was as follows:

- 1) Presentation of maps and photos of the area showing zoning and land use.
- 2) Exceptions to this procedure come when the staff recommends approval, and no opposition is present.
- 3) The applicant will be given 7 minutes to present his case. Opposition, if any, will be given 9 minutes and the applicant will then have 2 minutes for rebuttal.

**Public  
Hearing  
Procedure**

**Public Hearing and Action – Subdivision Plats**

A motion was made by Mr. Alan Knowles and seconded by Mr. Mitch McClure to approve the staff recommendation on the Subdivision Plat.

**S/D Plat  
Approve  
Staff Rec.**

Motion passed unanimously.

**Old Business**

**Case No. 2012-035** – City of Chattanooga/Real Property Office/Gail Hart – 4800 Central Avenue - City of Chattanooga – Special Permit: Industrial Conditional Permit for Recycling Processing Center

**2012-035**  
**Approve**  
**w/conds.**  
**City Dist. #7**

Mr. Haynes gave the presentation and explained the staff recommendation to approve, subject to installation of evergreen hedge, 4' in height, planted behind the right-of-way to screen parking lot.

There was no opposition present.

Mr. Alan Knowles made motion to approve staff recommendation. Mr. Mitch McClure seconded the motion.

The motion carried unanimously.  
(Final action for this conditional permit is by the Planning Commission.)

**Case No. 2012-036** - LKQ Corporation/Bruce Barber – 310, 312 and 400 Workman Road – City of Chattanooga – Special Permit: Industrial Conditional Permit for Recycling Processing Center

**2012-036**  
**Approve**  
**w/conds.**  
**City Dist. #7**

Mr. Haynes gave the presentation and explained the staff recommendation to approve, subject to installation of evergreen hedge, 4' in height, planted behind the right-of-way to screen parking lot.

There was no opposition present.

Mr. Alan Knowles made motion to approve staff recommendation. Mr. Mitch McClure seconded the motion.

The motion carried unanimously.  
(Final action for this conditional permit is by the Planning Commission.)

**Case No. 2011-117** – Scenic Land Company, LLC/Duane Horton – 6300 blk Highway 153 & 100 blk Dodson Road – City of Chattanooga – Rezone from R-1 to C-2 & R-3

**2011-117**  
**Opposition**  
**Denied**  
**City Dist. #3**

Mr. Haynes gave the presentation and explained the lengthy staff recommendation to deny. He explained the different city department comments and that Mr. John VanWinkle was available in the audience to answer any questions regarding engineering.

Mr. Duane Horton, with Scenic Land Company, 820 Broad Street, Chattanooga, Tennessee, came forward as the applicant. He passed out a “brief” to each of the Planning Commission members and then presented his case by referencing several key points regarding intended goals, statements adopted by the “Plan”, update on corridor control, pointing out that only 80 acres were to be used for the retail portion, and offering to go above and beyond any stormwater requirements and to install three (3) times more buffering.

There was opposition present.

Mr. Frank Eaton, 5947 Crestview Drive, Hixson, Tennessee, discussed what the community meeting had talked about. Key points being \*Highway 153/Highway 27; \*Stormwater/sewage/runoff; \*Dozens of existing commercial areas available in area; \*North Chickamauga Creek, possible greenways, threats to wildlife. Wants an environmental impact study done; \*Size of project will be an eyesore; \*Developer cannot guarantee build-out.

Mr. Gregory Vicar, with the North Chickamauga Creek group, stated he supports the Planning Commission staff on their recommendation of denial. He stated that he had a petition with over a thousand signatures but did not submit it for the record. He also spoke of stormwater concerns and safety issues.

Acting Chairman Jack Benson asked for a show of hands from the audience for additional opposition. A large delegation raised their hands in opposition.

Ms. Rita Fairing, of Stone Ridge Drive, Hixson, Tennessee stated that she also supports the Planning Commission staff recommendation to deny. She would like the proposal to be more "family friendly". She addressed the importance of infrastructure and that according to State TDOT plans, it will be 20 years before Highway 153 is improved. She said practical consideration is needed.

Mr. Morris Mitchell, 1417 Highcrest Drive, Hixson, Tennessee, questioned the effect of higher taxes, political conflict, costs going up, statistics that show failure with this type of development, pollution and waste, community division ruining the beauty of the area and in general does not want change.

Mr. Duane Horton, rebutted by saying that they already had one large neighborhood meeting and wished to meet with each individual neighborhood in the area. He also stated that he felt the staff did not address some of the "positives" to the project. He said he felt the project did meet the city goal of meeting infrastructure, the stormwater/detention issues were addressed, and that careful consideration has been made regarding the creek.

Mr. Mitch McClure commented and questioned the apartment/condo development, asking how the rental would be done. Mr. Horton stated that Class A apartments are being considered.

Acting Chairman Jack Benson recognized City Council members Deborah Scott and Pam Ladd, representatives of the area up for rezoning, in the audience.

Mr. Barry Payne questioned the property tax base and monies that could be generated for the city and county governments.

Mr. Don Moon said he would like to hear from the City Traffic Engineer at this time.

Mr. Adam Veron felt the project was not compatible unless the interchange (Highway 153/Highway 27) is addressed and said he cannot support the request at this time.

Mr. John VanWinkle, with the City Engineer's Office said that the interchange is not on any "short list" for any development or improvement. He said the impact study needs proposed improvements and Boyscout Road is at capacity now. He pointed out that Highway 153 at Dayton Pike has no means of a u-turn at present time but people make illegal turns anyway which remains a constant problem. He went on to state that this

area is not considered a high priority and that TDOT traffic engineers have concerns on capacity with a need for at least 6 lanes. Mr. Don Moon felt that it should be easy to increase to 6 lanes. Mr. Van Winkle states that the biggest hindrance is money and that ways need to be found to bring it to State level attention. Mr. Barry Payne questioned the residential zone density versus commercial use. Mr. Van Winkle said he did not have statistics but felt it would be less impact on residential use versus the proposal but even with road improvements the proposal would be at capacity.

Mr. Mitch McClure stated he has received several negative comments from area residents regarding traffic and tax issues and has not received any positive comments.

Acting Chairman Jack Benson then recognized and called City Council Members Pam Ladd and Deborah Scott to the podium.

City Council Chair Pam Ladd said that she had tried to stay neutral and listen to both sides. She said she is hearing the same things from the residents that are being stated today in this meeting. She has received no comments for support.

Ms. Deborah Scott said that she concurs with Ms. Ladd. She has received many complaints and strong involvement from the residents in the area. She thanked RPA for their extensive work on the impact. She has concerns on the stormwater runoff, elevations, impervious rooftops and retention ponds. In addition, there are concerns on the surrounding areas and the traffic dilemma is a major issue.

There being no further discussion, Acting Chairman Jack Benson asked for a motion. Mr. Adam Veron made a motion to deny. Mr. Wanza Lee seconded the motion and the motion to deny carried with Mr. Jon Bell, Mr. Barry Payne and Mr. Ken Jordan opposing.

**Case No. 2012-009** – Jana Lind – 13213 & 13217 Dayton Pike – Hamilton County -  
Rezone from A-1 and R-2A to R-3

**2012-009**  
**Denied**  
**Opposition**  
**Co.Dist.#1**

Mr. Haynes gave the presentation and explained the staff recommendation to deny.

The applicant was not present. There was opposition present.

Ms. Christy Hilliard, 13221 Dayton Pike, said the area is in a flood zone and she worries of possible flooding onto her property. She said there is not enough drainage for the road and that Possum Creek area does flood into her area and this will add to the flooding when it occurs. She stated there are no sewers in the area and traffic from the proposed apartments is a concern.

Mr. Alan Knowles made a motion to deny. Mr. Mitch McClure seconded the motion and the motion to deny carried unanimously.

**Case No. 2012-010** – Jana Lind – 13213 & 13217 Dayton Pike – Hamilton County -  
Special Exceptions Permit: Residential Home for Aged.

**2012-010**  
**WITHDRAWN**  
**Opposition**

Mr. Haynes advised members that Ms. Lind asked that this request be withdrawn as she had been advised by the State that her changed proposed use would not require a state permit.

Mr. Alan Knowles made motion to allow withdrawal. Mr. Mitch McClure seconded the motion and the motion to withdraw carried unanimously.

**New Business**

**Rezoning, Closures, Abandonments and Special Permits, Condition Amendments**

**Case No. MR-2012-033** – H. Wood Sibold – Vernon Street (unopened) – Hamilton County – MR: Street Closure

**MR-2012-033**  
**Opposition**  
**Defer 30 days**  
**Co. Dist. #2**

Mr. Haynes gave the presentation and explained the staff recommendation to defer this request for 30 days.

There was opposition present.

Mr. H. Wood Sibold was present and stated that he did not want to deny the other property owners access. He said he applied for the closure because he was told it was needed in order for him to do a subdivision plat.

Mr. Rodney Whitt, 5910 Sawyer Road, said this would land lock his property and is in opposition to this request.

Ms. Summer Stewart, 5962 Sawyer Road said the closure would also land lock her property.

Mr. Jack Kruesi, owner of surrounding property, said he wants to negotiate some of his property and to reach a solution that would make everybody happy.

The applicant was asked if he would consider deferral of his request for thirty (30) days. Mr. Sibold agreed.

Mr. Alan Knowles made a motion to defer this request for thirty days. Mr. Mitch McClure seconded the motion and the motion carried unanimously.

**Case No. MR-2012-034** – Jay Heavilon, Member, JEllen LLC – Alley off 1600 blk of Read Avenue – City of Chattanooga – MR: ROW Closure/Abandonment

**MR-2012-034**  
**Approved**  
**w/conds.**  
**CityDist.#7**

Mr. Haynes gave the presentation and explained the staff recommendation to deny the request and recommend applying for a Temporary Use Permit through Public Works Department.

There was no opposition present.

The applicant, Mr. Jay Heavilon, 110 E. Main Street, stated there is still another alley that would provide access and that there are no utilities in the requested site. He said the current C-2 zone does not need a parking area.

Ms. Beverly Johnson asked if he would be opposed to asking for a temporary use permit from the City Engineering office to which Mr. Heavilon answered that he was opposed to

asking for a temporary use. He said if he can not get the closure approved he would not clean it up.

Mr. Alan Knowles made a motion to approve this request, subject to approval of the City Engineer and all public utilities. Mr. Jimmy Parks seconded the motion and the motion to approve with conditions carried unanimously.

**Case No. 2012-039** – Marvin Francisco – 13264 Jones Gap Road – Hamilton County -  
SP: Single Wide Manufactured Home

**2012-039**  
**Approved**  
**Co.Dist.#1**

Mr. Haynes gave the presentation and explained the staff recommendation to approve.

The applicant was not present.

There was no opposition present.

Ms. Beverly Johnson made motion to approve staff recommendation. Mr. Alan Knowles seconded the motion and the motion to approve carried unanimously.  
(Final action is by the Planning Commission.)

**Case No. 2012-040** – Bruce Allen Jacobs – 6511 Cooley Road – Hamilton County  
SP: Single Wide Manufactured Home

**2012-040**  
**Approved**  
**Co.Dist.#9**

Mr. Haynes gave the presentation and explained the staff recommendation to approve.

There was no opposition present.

Mr. Alan Knowles made motion to approve staff recommendation. Mr. Adam Veron seconded the motion and the motion to approve carried unanimously.  
(Final action is by the Planning Commission.)

**Case No. 2012-041** – City of Lakesite/RPA – 8700 block Hixson Pike – City of Lakesite  
Rezone from A-1 and R-1 and C-1 to R-1 and C-1

**2012-041**  
**Approved**  
**Lakesite**

Mr. Haynes gave the presentation and explained the staff recommendation to approve C-1 Commercial Zone and R-1 Residential Zone for property annexed by the City of Lakesite.

There was no opposition present.

Mr. Alan Knowles made motion to approve staff recommendation. Mr. Y. L. Coker seconded the motion and the motion to approve staff recommendation carried unanimously.

**Case No. 2012-042** – Jay M. Simpson – 5461 Hixson Pike – City of Chattanooga -  
Rezone from O-1 to C-2

**2012-042**  
**Approved**  
**w/conds.**

Mr. Haynes gave the presentation and explained the staff recommendation to approve, subject to **no access** to Old Hixson Pike and scheduling and attending a pre-submittal meeting with the Land Development Office.

The applicant, Mr. Jay Simpson, 8519 W. Crabtree Road, Hixson, Tennessee, was present and stated there will be nothing outside and any overflow will go to another area. He also stated that he has met with City Traffic Engineering, and needs the Old Hixson Pike access. He said he understands the concerns of “cut through” and wants to put up a gate that will be controlled by him to allow for business use exits only.

There was no opposition present.

Mr. Alan Knowles made motion to approve the request, subject to: 1) **Rear access** onto Old Hixson Pike be approved by the City Traffic Engineer; and 2) subject to the applicant scheduling and attending a pre-submittal meeting with the Land Development Office.

Mr. Y. L. Coker seconded the motion and the motion carried unanimously.

**Case No. 2012-043** – Thomas Austin – 122 West Main Street, 1512 & 1514 Williams Street – City of Chattanooga – Rezone from M-1 to C-3

**2012-043**  
**Defer 30 days**  
**City Dist.#8**

Mr. Haynes gave the presentation and explained the staff recommendation to defer this request 30 days.

There was no opposition present.

Mr. Thomas Austin said that he agrees to staff recommendation to defer 30 days.

Mr. Alan Knowles made motion to defer 30 days. Mr. Y. L. Coker seconded the motion and the motion carried unanimously.

**Case No. MR-2012-044** – M. Shane Loyd – Unnamed alleys off 200 blk Spears Avenue and 100 blk of Kent Street – City of Chattanooga – MR: Alley Closure

**MR-2012-044**  
**Approved**  
**w/change**  
**CityDist.#1**

Mr. Haynes gave the presentation and explained the staff recommendation to approve the portion between unnamed alley and Kent Street, subject to review and approval by City Engineer and to approve the portion between Spears Avenue and Velma Street, subject to maintaining access for service vehicle, pedestrians and bikes, subject to review and approval by City Engineer.

The applicant was not present.

Mr. Haynes explained in later conversation with the applicant and City Engineer it has been agreed upon to keep the east/west right-of-way open and either the City Engineer or the applicant would apply next month for a franchise to allow the applicant to connect the garage to the building and go across the east/west right-of-way instead of totally abandoning in order to allow the applicant connection to pedestrian walk access.

Mr. Alan Knowles made motion to approve closure of the 15' north/south unopened alley from Kent Street to another alley and to deny closure of the 25' east/west unopened alley from Velma Street to Spears Avenue, subject to approval of City Engineer and all public utilities. Mr. Mitch McClure seconded the motion and the motion carried unanimously.

**Case No. MR-2012-045** – McCallie School/Bill Kropff – Alley off 2700 blk Bennett Avenue – City of Chattanooga – MR: Alley Closure

**MR-2012-045**  
**Approved**

w/conds.  
CityDist.#7

Mr. Haynes gave the presentation and explained the staff recommendation to approve, subject to approval of City Engineer and all public utilities.

There was no opposition present.

Mr. Y. L. Coker made motion and approve staff recommendation. Mr. Alan Knowles seconded the motion and the motion carried unanimously.

**Case No. 2012-046** – Lester Sandidge – 8831 East Brainerd Road, 1216, 1223, and 1273 Foundation Way and 1236, 1259 and 1281 Lester Lane – Hamilton County- Rezone from R-2A to C-2

**2012-046**  
**Defer 1 year**  
**Co.Dist.#7**

Mr. Haynes gave the presentation and explained the staff recommendation to defer 30 days.

There was no opposition present.

County Commissioner Larry Henry was in attendance and stated that he represents this area and would like to know Mr. Sandidge's intent for the property and why there was not a site plan. Mr. Sandidge responded that his plans are somewhat speculative and that he does not want to submit a site plan because he has no proposed usage yet. He said that he may have someone who wants to put a car lot on it.

There was discussion among members of the commission to defer the request until the applicant has a planned use. Mr. Alan Knowles asked Mr. Sandidge if he would go with a one year deferral to get a use and come back sooner with a site plan.

Ms. Beverly Johnson made motion to defer up to one year in order to give the applicant time to submit a site plan. Mr. Alan Knowles seconded the motion and the motion carried unanimously.

**Case No. 2012-047** – Paul Shrum – 7623 Sawyer Pike – Hamilton County – Special Permit: Single Wide Manufactured Home

**2012-047**  
**Opposition**  
**Approved**  
**CoDist.#2**

Mr. Haynes gave the presentation and explained the staff recommendation to deny.

Mr. Paul Shrum, 462 Clifford Dukes Road, Tracy City, Tennessee, was present to represent the property owners. He stated that the existing residence was falling apart and some grant money had been obtained for an energy style single wide manufactured home with underpinning. He said the existing trailer will be removed as the condition it is in is so bad that it is unlivable. He explained the need to help this elderly family.

Ms. Mary Lee Seabold, representing the property owner on the grant, stated that you cannot see it from the main road and that there are safety and health related conditions in question and the property owner cannot afford any better.

Ms. Elizabeth Wood, representing the SETN Home Development District verified the application to the property owner for the grant has been approved and has met the conditions for such a grant.

There was opposition present.

Mr. Tony Willingham, 4405 Wilson Avenue, stated he and area neighbors were in opposition and presented a petition that stated it would be detrimental to the area. He went on to say that a single wide mobile home was not wanted in the area and questioned why the grant could not be used for construction of a house.

Mr. Wanza Lee asked who the property owner is. The owners were seated in the audience and raised their hands.

Mr. Ken Jordan stated that he thought there was a process for a temporary permit for up to three years through the Board of Appeals and could be renewed at the Board's discretion. Mr. Shrum stated that this process would not be acceptable for the grant.

There was more discussion among commission members relating to the conditions of the existing home, the need of the family involved and the fact that the location could not be seen from the road. Mr. Shrum said that there would be removal and cleanup of the existing mobile home before the new one was placed.

Mr. Alan Knowles made a motion to approve the request. Ms. Beverly Johnson seconded the motion. There was discussion after the second regarding the access in which it was established that there is a 50' easement there and that the structure will meet all setbacks. The motion carried with Mr. Don Moon opposing.  
(Final action is by the Planning Commission.)

**Mandatory Referral**

**Case No. MR-2012-037** – City of Chattanooga/Engineering Department/Bill Payne - 200 blk 6<sup>th</sup> Street – City of Chattanooga – MR: Franchise Easement

**MR-2012-037**  
**Defer 30 days**  
**CityDist.#8**

Mr. Haynes gave the presentation and explained the staff recommendation to defer 30 days.

There was discussion among commission members as to the reason for this request.

The applicant was not present.

Mr. Mitch McClure made motion to defer 30 days. Ms. Beverly Johnson seconded the motion with additional request that Mr. Bill Payne, City Engineer, be present to answer questions.  
(Note: Mandatory Referrals go forward to City Council regardless of Planning action.)

**Regulation Amendment**

A Resolution to Amend the Chattanooga City Code, Part II, Chapter 38 Zoning Ordinance, Section 38-2, Definitions; Section 38-203 UGC Urban General Commercial Zone; and Section 38-222 C-3 Central Business Zone to Allow Mobile Food Units as a Permitted Use

**City Zone Ord.**  
**Mobile Food Units**  
**Approved**

Ms. Beverly Johnson made motion to approve this amendment. Mr. Alan Knowles seconded the motion and the motion to approve carried unanimously.

**Approval of Minutes of March 12, 2012**

**Minutes**  
**Mar. 12, 2012**  
**Approved**

A motion was made by Ms. Beverly Johnson and seconded by Mr. Alan Knowles to approve the minutes as submitted.

Motion passed unanimously.

**Discussion**

**Discussion**

Mr. Don Moon said he would like the Planning Commission to send a resolution to the TPO to prioritize the intersection at Highway 153/Highway 27 and give it some ranking of a proposed project, if possible. He asked the RPA staff to draw up the resolution and bring it back to Planning Commission at the May meeting for consideration. Ms. Karen Rennich spoke about the transportation program. Mr. Mitch McClure stated that the County and City need to have a united front on this issue.

**Adjourn**

**Adjourn**

There being no further business, the meeting adjourned at 3:35 p.m.

Respectfully submitted,

\_\_\_\_\_  
Dale Mabee, Chairman

\_\_\_\_\_  
John Bridger, Secretary

DM:JB:pd:sh