

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

**DATE:** Monday, March 14, 2016  
**TIME:** 1:00 p.m.  
**PLACE:** Hamilton County Courthouse

The Planning Commission minutes are digitally recorded and are located on our website [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. This is an abbreviated version which show who made the motion, what the motion was and who seconded it. It also says if there was opposition or not.

**Present:**

**Planning  
Commission  
Members**

County Commissioner Chester Bankston, City Councilman Yusuf Hakeem, Mr. Y. L. Coker, Mr. Todd Leamon, (representing County Mayor Jim Coppinger), Mr. Jason Farmer, Ms. Mary Kay Hiatt, Mr. David Mathews, Mr. Don Moon, Mr. Eric Myers, Mr. Jimmy Parks, Mr. Barry Payne, Ms. Velma Wilson, Mr. Adam Veron, Ms. Donna Williams (representing City Mayor Andy Berke) and Chairman Ethan Collier

**Others Present:**

**Planning  
Agency  
Staff**

Mr. Greg Haynes, Ms. Sandra Harrison, Mr. Bryan Shults, Ms. Melissa Taylor, Mr. Hobert Brabson, Ms. Pattie Dodd, Ms. Karen Rennich, Ms. Akousa Cook, Mr. Justin Tirsun and Mr. John Bridger

**Public Hearing**

**Public  
Hearing  
Procedure**

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.

## **Subdivision Plats & Variances**

Mr. Greg Haynes presented the subdivision plats & variance requests to the Commission.

### **Variances**

**2016-015 Grays Addition to Jenkins Road** Lots 1A and 1B-Suburban Infill Lot Frontage  
(City of Chattanooga District 4, Hamilton County District 7)

**Grays Add**  
**Approved**

Mr. Bryan Shults, Senior Planner and Subdivision Coordinator of the RPA, gave the presentation and explained staff recommendation to deny.

Mr. Mike Price of MAP Engineers, addressed the Commission regarding this request on behalf of Mr. William Arthur of Churchview Properties.

There was no one present in opposition.

Mr. Barry Payne made motion to **approve** the request. Mr. Y. L. Coker seconded the motion and motion to approve carried.

**2016-018 City Lights Starry Nights** Lots 1 and 2-Minimum Lot Size  
(City of Chattanooga District 1, Hamilton County District 6)

**City Lights**  
**Opposition**  
**Denied**

Mr. Bryan Shults gave the presentation and explained staff recommendation to **deny**.

The applicant, Mr. Matt McDonald of 9620 Lawford Way of Ooltewah, addressed the Commission regarding this request.

Speaking in opposition was Mr. Jason Havron of 892 High Ridge Drive, City Councilman Chip Henderson and County Commissioner Joe Graham.

Mr. Yusuf Hakeem made motion to approve staff recommendation to deny. Ms. Mary Kay Hiatt seconded the motion and motion to approve staff recommendation to deny carried.

### **Preliminary Plat**

**2016-016 River Watch** Subdivision Lots 1 thru 119  
(Hamilton County District 1)

**River Watch**  
**App w/cond**

The applicant was present.

There was no one present in opposition.

Mr. Barry Payne made motion to approve staff recommendation. Mr. Jason Farmer seconded the motion and motion to approve staff recommendation carried with Mr. David Mathews recusing.

### Final Plat

**2016-019 City Lights Starry Nights** Lots 1 and 2  
(City of Chattanooga District 1, Hamilton County District 6)

City Lights  
Denied

Mr. Barry Payne made motion to approve staff recommendation to **deny**. Ms. Velma Wilson seconded the motion and motion to approve staff recommendation to deny carried.

### Old Business

**Case No. 2016-023** – Wanda Threat – 6420 Shallowford Road – City of Chattanooga – From R-1 to C-5

2016-023  
Opposition  
Approved  
City Dist #6

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

Mr. Lamar Threat of 2280 Edgmon Forest Lane addressed the Commission regarding this request. Mr. Roger Alae of 9711 Chattawaille Circle also addressed the Commission regarding the operations of the planned pharmacy.

Speaking in opposition was Mr. Walter Evans of 2252 Edgemon Forest Lane.

Lengthy discussion ensued as to the related uses of O-1 Office Zone, R-4 Special Zone and the C-5 Neighborhood Commercial Zone.

Mr. Yusuf Hakeem made motion to **approve the C-5 request**. Mr. Eric Myers seconded the motion and motion to approve C-5 carried with Mr. Yusuf Hakeem, Mr. Adam Veron, Mr. Todd Leamon, Mr. David Mathews, Ms. Velma Wilson, Ms. Donna Williams, Mr. Eric Myers, Mr. Barry Payne and Mr. Jim Parks voting for the request with Mr. Jason Farmer recusing.

### New Business

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

**\*\*This was moved forward per Chairman Collier.**

**Case No. 2016-037** – Eric Emery, Tammy Cagle, Greg Brock and Norma Mahaffey – 5116 and 5120 Highway 58 – City of Chattanooga – Rezone from R-2 & C-5 to C-5 & M-2

2016-037  
App C5;  
Deny M2  
Opposition  
City Dist #5

Mr. Haynes gave the presentation and explained staff recommendation to **approve C5 and deny M2 request**.

Mr. Eric Emery of 4509 Highway 58/P.O. Box 80843 in Chattanooga addressed the Commission regarding this request.

Speaking in opposition was City Council District 5 representative, Mr. Russell Gilbert and Mr. Alonzo Noble of 5148 Mimosa Circle.

Mr. Y. L. Coker made motion to approve staff recommendation. Mr. Yusuf Hakeem seconded the motion and motion to approve staff recommendation carried with Ms. Velma Wilson and Ms. Donna Williams voting no.

**Case No. 2016-024** – Belle Investment Company, Third Street Partners and Jimmy &\* Molly Seal – 1028 and 1042 East 3<sup>rd</sup> Street; 1039, 1043 and 1047 East 4<sup>th</sup> Street – City of Chattanooga – From R-4 to C-3

**2016-024**  
**Opposition**  
**App w/conds**  
**City Dist #8**

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

**1. Review.**

The following review shall be required to promote compliance with the Downtown Plan, to help ensure that new development complements the existing urban fabric, and to promote the preservation of historically or architecturally significant structures.

A. For any activity requiring a land disturbing permit, non-residential building permit, or residential building permit for structures with more than 2 units, and excluding all interior renovations:

- (1) The Applicant is required to schedule a meeting with the Community Design Group during the concept development phase of site design.
- (2) The Applicant is required to schedule a pre-submittal meeting with the City’s Land Development Office.
- (3) All site layout plans, landscaping plans, and building elevations required by the Land Development Office shall also be reviewed by the Community Design Group prior to approval.

B. For any activity requiring a residential building permit for new construction:

- (1) The Applicant shall provide illustrations, such as specifications, photographs, or other images, to the Community Design Group for review of the work to be completed.

**2. Setbacks.**

A. For new multi-family buildings three (3) stories in height or greater, and for all new non-residential buildings, a zero building setback is required along the street frontage.

- (1) To accommodate outdoor pedestrian activities including a park, plaza, or outdoor dining, a greater setback is permitted if a street edge delineating the public and private space is provided in accordance with Condition 6.A.

B. For new single-family detached, duplex, townhome, and multi-family structures less than three (3) stories in height, building setbacks shall be consistent with the existing setbacks on the same side of the street.

- C. For properties fronting the Tennessee River, a public easement a minimum of thirty-five (35) feet in width shall be provided along the river for the continuation of the Riverwalk.

**3. Height Requirements.**

- A. The minimum height of new nonresidential buildings shall be eighteen (18) feet.
- B. The maximum height of all new nonresidential buildings and new multi-family buildings shall be six (6) stories.

**4. Access to sites and buildings.**

- A. New curb cuts shall not be permitted on the primary, or highest order street, that a property fronts, except when there is no alley or secondary street to provide access. The permitting and location of curb cuts on primary streets shall be approved by the City Traffic Engineer based on vehicular and pedestrian safety concerns.
- B. Alleys, where they exist, shall be used as the principal vehicular access.
- C. In the absence of alleys, the secondary, or lower order street, shall be used as the principal vehicular access.
- D. Shared drives should be used wherever possible.
- E. The primary pedestrian entrance to new buildings shall be provided from the primary street.

**5. Off-street parking.**

- A. New off-street parking shall not be permitted between a building and the primary street frontage.
- B. For new construction of a primary building, or improvements altering more than 25% of the parcel that is covered in pavement (including gravel, impervious surfaces, and pavers), the following is required:
  - (1) Off-street parking fronting a public street shall be screened from the right-of way with a street edge in accordance with Condition 6.A. Front end in or parallel parking along alleys is exempt from this requirement.
  - (2) Surface parking lots shall be landscaped with a minimum of one (1) Class I shade tree for every five parking spaces. Where conflicts with overhead utility lines exist, Class II shade trees may be used.
- C. Garages for new residential dwellings shall be located behind the primary building.
- D. There are no minimum requirements for the quantity of off-street parking spaces. However, site plans shall indicate the quantity and location of off-street parking provided, along with the following information:
  - (1) Proximity to transit stops
  - (2) Provision of bicycle facilities
  - (3) Availability of adjacent on-street parking, proximity to public parking facilities, shared private parking, or leased off-site parking
  - (4) Type of uses and hours of operation
  - (5) Square footage of commercial uses or number of residential units
  - (6) Fire Department access

## 6. Street Frontage.

- A. Where a street edge is required, it shall be provided as follows:
  - (1) The street edge shall have a minimum height of three (3) feet and a maximum height of four (4) feet above grade and shall consist of:
  - (2) Brick, stucco, or stone walls (concrete block is permitted if faced with said materials); or
  - (3) A decorative metal fence with landscaping a minimum of 3 feet in height at maturity, providing a year-round near opaque screen; or
  - (4) An evergreen hedge, with a minimum height at maturity of 3 feet.
  - (5) Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.
- B. Ground floor openings (doors and windows) shall constitute a minimum of 50 percent of the ground floor façade area for new non-residential buildings.
- C. Eighty percent (80%) of the ground level building façade, facing primary streets, shall be designed as leasable space and shall not include parking lots.
  - a. The remainder of the ground floor may be designed to incorporate parking, provided the parking is completely screened from public view.
- D. No security-type roll up metal doors shall be newly installed where they would front streets other than interior block alleys.
- E. All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.

Representing the applicant was Mr. Greg Gillard of 2516 Willow Point Way of Knoxville stating that they accept staff recommendation with conditions.

Speaking in opposition was Mr. Kerry Cook of 1046 East 4<sup>th</sup> Street.

Mr. Bruce Kazinsky of 504 Marinay Way spoke in favor of the request.

Mr. Ken Defoor of 6110 Shallowford Road addressed the Commission.

Mr. Yusuf Hakeem made motion to approve staff recommendation. Mr. Barry Payne seconded the motion and motion to approve staff recommendation carried.

**Case No. MR-2016-029** – M & M Industries, Inc. – 6162 Enterprise Park Drive –  
City of Chattanooga –MR: Sewer Abandonment

**MR-2016-029**  
**Approved**  
**City Dist #5**

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

There was no one present in opposition.

Mr. Barry Payne made motion to approve staff recommendation. Mr. Y. L. Coker seconded the motion and motion to approve staff recommendation carried.

Case No. MR-2016-030 – Adrian Stitts – Unnamed Street off of the 1200 block of Everett Drive – Hamilton County – MR: Street Closure

MR-2016-030  
Opposition  
Defer 30 days  
Co Dist #7

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

Mr. Mike Price of MAP Engineers addressed the Commission regarding this request.

Speaking in opposition was Mr. John Wood of 1208 Springview Drive.

Mr. Barry Payne made motion to **defer 30 days**. Mr. Todd Leamon seconded the motion and motion to defer 30 days carried.

Case No. 2016-031 – Silverdale Baptist Church, Inc. – 2916 Silverdale Road – City of Chattanooga – From R-1 to C-2

2016-031  
Approved  
City Dist #6

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

Mr. Mike Price addressed the Commission regarding this request.

There was no one present in opposition.

Mr. Barry Payne made motion to **approve**. Mr. Yusuf Hakeem seconded the motion and motion to approve carried with Ms. Donna Williams and Mr. Eric Myers voting no.

Case No. MR-2016-032 – Scenic Land Company, LLC/Jack Lonas & Trusts – 100 block of Dodson Road and other unopened, unnamed r.o.w.'s – City of Chattanooga– MR: Street Closure

MR-2016-032  
Approved  
City Dist #1

The applicant was present.

There was no one present in opposition.

Mr. Barry Payne made motion to approve staff recommendation to **approve**. Mr. David Mathews seconded the motion and motion to approve staff recommendation to approve carried.

Case No. 2016-033 – Wallace Braud – 1349 Gunbarrel Road – City of Chattanooga – Amend Conditions Request from Ordinance #12841 Condition #2 of Previous Case #2014-046

2016-033  
Approved  
City Dist #6

Mr. Haynes gave the presentation and explained staff recommendation to **approve amending condition #2 on site as follows: “Signs incidental to the permitted Bed and Breakfast use, except one (1) sign shall be permitted. The sign shall be a monument sign only and shall not exceed forty-eight (48) square feet in area. If illuminated, the sign shall be directly lit in such a way that the light source cannot be seen from any public way or adjoining property. The lighting intensity shall not exceed twenty-five (25) foot-candles at the face of the sign. No flashing or intermittent lights will be permitted.”**

The applicant was present.

There was no one present in opposition.

Mr. Barry Payne made motion to approve staff recommendation. Mr. Todd Leamon seconded the motion and motion to approve carried.

**Case No. MR-2016-034** – Steward Advanced Materials, LLC– 3500 & 3600 block of Jerome Avenue – City of Chattanooga – MR: Street Closure

**MR-2016-034**  
**Approved**  
**City Dist #7**

The applicant was present.

There was no one present in opposition.

Mr. Todd Leamon made motion to approve staff recommendation to **approve**. Mr. Eric Myers seconded the motion and motion to approve staff recommendation to approve carried.

**Case No. 2016-035** – Miller Industries Towing Equipment, Inc./Amon A. C. & Doris York – 8534 Ooltewah-Harrison Road, 5226 and 5242 Tracie Lane – City of Chattanooga – From R-1 to M-1

**2016-035**  
**Opposition**  
**App M1**  
**City Dist #6**

Mr. Haynes gave the presentation and explained staff recommendation to deny M-1 Manufacturing Zone and Approve M-2 Light Industrial Zone.

Mr. Mike Price of MAP Engineers and Mr. Richard Hutsell of 7685 Monger Lane in Ooltewah, both representing Miller Industries, addressed the Commission regarding this request.

Speaking in opposition was Mr. Chris Grauel of 8549 Daju Court, Mr. Michael Robbins of 8523 Daju Court, Mr. Dan Ricky of 8543 Daju Court, Mr. Wrener Antwerpen of 5471 Little Gem Lane and Mr. Nick Tovar of 5497 Little Gem Lane.

Mr. Barry Payne made motion to **approve M-1 Manufacturing Zone**. Mr. Chester Bankston seconded the motion and motion to approve M-1 carried with Ms. Mary Kay Hiatt, Mr. Adam Veron and Ms. Velma Wilson voting no. Mr. David Mathews recused himself.

**Case No. 2016-036** – ALC Holdings, LLC – 1605 and 1691 West 39<sup>th</sup> Street, 109 Old Mountain Road and 1690 Silvels Lane – City of Chattanooga – From R-1, R-2 and UGC to R-T/Z

**2016-036**  
**Opposition**  
**Approved**  
**City Dist #7**

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

Mr. Mike Price of MAP Engineers addressed the Commission regarding this request.



Speaking in opposition was Mr. Tim McDonald of 5009 Tennessee Avenue, Mr. Mark Przybysz of 4604 Tennessee Avenue, Ms. Megan Spooner, a resident of Chickamauga, Georgia. Ms. Spooner indicated that she was speaking for Ms. Elizabeth Miller who resides at 201 Old Mountain Road. Ms. Gwen Bartoletti of 1805 West 56<sup>th</sup> Street also spoke in opposition.

Mr. David Mathews made motion to approve staff recommendation. Mr. Todd Leamon seconded the motion and motion to approve staff recommendation carried with Mr. Eric Myers recusing.

**Case No. MR-2016-038** – Pryor Bacon & TTG Partnership – Unit block of Bush Street at North Market Street – City of Chattanooga – MR: Street Closure

**MR-2016-038**  
**Approved**  
**City Dist #2**

There was no one present in opposition.

Mr. Jason Farmer made motion to **approve**. Mr. Todd Leamon seconded the motion and motion to approve carried.

**Case No. 2016-039** – Karl Sodergren & Kenneth Robison, etal – 6113 and 6117 Ooltewah-Georgetown Road – Hamilton County – From A-1 to C-2

**2016-039**  
**App w/conds**  
**Co. Dist #9**

There was no one present in opposition.

The applicant was present and accepted the staff recommendation of **approval with the following conditions:**

- 1. No liquor stores or outdoor amplification.**
- 2. Hours of operation shall be between 7:00 am and 11:00 pm.**
- 3. The dumpster shall be located away from single-family residential uses and serviced between 7:00 am and 9:00 pm.**
- 4. Mechanical units shall be screened from the road and neighboring single-family uses.**
- 5. Lighting to be directed away from all residential areas.**

Mr. Barry Payne made motion to approve staff recommendation with conditions. Mr. Chester Bankston seconded the motion and motion to approve staff recommendation with conditions carried with Mr. David Mathews recusing.

**Case No. 2016-040** – Joseph Ingram, Marcus Jones, Magnolia Investors, LLC, Jack Thompson and Allen Headrick – 604 and 635 Samoyed Trail, 1039 Meroney Street, 1400 Hamilton Avenue and unnumbered Wert Street – City of Chattanooga – Special Exceptions Permit: Residential Planned Unit Development

**2016-040**  
**Opposition**  
**Approved**  
**City Dist #2**

M. Haynes gave the presentation and explained staff recommendation to **approve**.

Mr. Marcus Jones of 1038 Meroney Street addressed the Commission regarding this request.

Ms. Kelly Smith Graves of 1014 Meroney Street spoke in opposition.

Mr. Jason Farmer made motion to approve staff recommendation. Mr. Y. L. Coker seconded the motion and motion to approve staff recommendation carried.

\*\*\*\*\*Chairman Collier left the meeting and Mr. Todd Leamon took the chair.

**Case No. 2016-041** – Field, LLC, Gabe Thomas and Keith A. Riley – 5430, 5438 and 5444 Glen Falls, 200 West 38<sup>th</sup> Street, 5465, 5483, 5491 and 5501 Alabama Avenue – City of Chattanooga – From R-1 to RZ-1 & R-T/Z

**2016-041**  
**WITHDRAWN**  
**City Dist #7**

**Case No. 2016-042** – Field, LLC, Gabe Thomas and John and Jennifer Langworthy - 721, 725 and 729 North Market Street, 14, 16 18 and 20 Peak Street and 718 Spears Avenue – City of Chattanooga – From R-1 to UGC

**2016-042**  
**App w/conds.**  
**City Dist #1**

There was no opposition present.

The applicant was present and indicated that he accepts staff recommendation.

Mr. Jason Haverlon of the Hill City Neighborhood Association gave a brief history of this area.

Mr. David Mathews made motion to **approve staff recommendation to approve, subject to subject to the following conditions: 1) Limit to residential, retail and office uses; retail uses, if included, shall be incorporated into the same structure as the residential uses (no free-standing retail structures; 2) No auto-oriented commercial uses allowed; and 3) Limit to 2-story height for all buildings. Those buildings with frontage within 100' of the northeast corner of the site may have a 3-story height maximum.** Mr. Chester Bankston seconded the motion and motion to approve staff recommendation carried with Mr. Eric Myers recusing.

**Case No. 2016-043** – BCS Land Company, LLC/Estate of George Rogers c/o David Kesler and Valleybrook Church, Inc. – 5933 Hixson Pike and 6001 Hixson Pike – City of Chattanooga – From R-1 to C-2

**2016-043**  
**WITHDRAWN**  
**City Dist #3**

**A Resolution Adopting Comprehensive Plan Update 2030**

**Comp Plan**  
**Approved**

Mr. Jason Farmer made motion to **approve**. Mr. Chester Bankston seconded the motion and motion to approve carried.

**A Resolution to Amend the Hamilton County Zoning Regulations, Article VI, Exceptions, Section 400 Special Permits by Hamilton County Commission, Section 401.6, Changes and Modifications by Correcting the Wording of Item A(4)**

**Co Zon Regs**  
**Modify/Change**  
**Approved**

Mr. Barry Payne made motion to **approve**. Mr. Eric Myers seconded the motion and motion to approve carried.

**GOVERNMENT MANDATORY REFERRAL:**

**Case No. MR-2016-050** – City of Chattanooga/Real Property Office – 107 South Watkins Street – City of Chattanooga – MR: Lease Agreement

**MR-2016-050**  
**Approved**  
**City Dist #6**

Mr. David Mathews made motion to **approve**. Mr. Jason Farmer seconded the motion and motion to approve carried.

**Public Comments on Non-Agenda Items**

(None)

**Approval of Minutes of February 8, 2016**

**Minutes**  
**Feb 2016**  
**Approved**

Mr. Barry Payne made motion to approve the minutes. Mr. David Mathews seconded the motion and the motion to approve carried.

**Adjournment:**

**Adjourn**

There being no further business, the meeting adjourned at 4:08 p.m.

Respectfully submitted,



Ethan Collier, Chairman



John Bridger, Secretary

EC:JB:sh