

2012-109  
John Boyd  
Meo Mio's Restaurant

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

A RESOLUTION APPROVING A SPECIAL EXCEPTIONS PERMIT FOR USE OF A LATE NIGHT ENTERTAINMENT CENTER LOCATED AT 4119 CUMMINGS HIGHWAY, AS MORE PARTICULARLY DESCRIBED IN THE ATTACHED REPORT AND MAPS, SUBJECT TO CERTAIN CONDITIONS.

---

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 use of a late night entertainment center located at 4119 Cummings Highway, as more particularly described in the attached report and maps, subject to certain conditions:

1. Lighting of all parking areas shall be provided; all lighting shall be directed down and away from residential areas;
2. The existing fire suppression system shall remain fully operational per requirements of the Chattanooga Fire Marshall's Office;
3. A minimum of 96 on-site parking spaces shall be provided and properly lined as on-site parking spaces;
4. Off-street parking and access shall not be permitted from Kelly's Ferry Road;
5. Off-street parking shall not be permitted on Cummings Highway;
6. Patron access shall be from the front door only;
7. Outdoor access to the deck/patio shall not be permitted. Access shall only be through the existing building;

8. No amplified noise, speakers, entertainment or lighting, and no outside sale of food or beverages shall be permitted on the outdoor deck/patio;
9. The removal of existing vegetation, screening or landscaping material around the outdoor deck/patio shall not be permitted except for normal weeding and/or replacement of any dead vegetation or landscape material. Plant material replacement shall be the equivalent of landscape screening buffer Type C and meet size, species and installation requirements of Chattanooga Landscape Ordinance;
10. All exterior doors must open outward and shall remain closed at all times except for normal entry and exit from the establishment;
11. A minimum of two (2) outdoor security officers licensed by the State of Tennessee shall be provided between the hours of 11:00 p.m. to thirty (30) minutes beyond the closing time of the establishment;
12. Outdoor security officers shall be easily and appropriately identified as security officers;
13. The second building on the site shall not be used as an extension of the operation of the proposed business establishment.

Applicant shall apply to the City Engineer's Office for a Temporary Use Permit. Portions of the dumpster enclosure, wall and pond are located within the right-of-way of Kelly's Ferry Road. If the Temporary Use Permit is not granted these structures will need to be removed from the right-of-way.

ADOPTED: \_\_\_\_\_, 2012.

/mms

## Sirchia Maria

---

**From:** Shults Bryan  
**Sent:** Monday, August 13, 2012 10:10 AM  
**To:** Sirchia Maria  
**Subject:** 4119 Cummings Highway-SEP Late Night Entertainment/Event Facility  
**Attachments:** 2012-0109 GB CASE MAP.pdf; 2012-109 Application PDF.pdf; 2012-109 Site Plan\_0001.pdf; 2012-109 Staff Report\_08\_06\_2012.doc; Doug Cox Letter.pdf

Maria,

Attached is the staff report, application, zoning map, and site plan for the Special Exceptions Permit for 4119 Cummings Highway for the August 28<sup>th</sup> City Council meeting. Let me know if you need anything else.

Bryan Shults  
Senior Planner/Development Services  
Chattanooga-Hamilton County Regional Planning Agency  
1250 Market Street Suite 2000, DRC  
Chattanooga, TN 37402  
tel: (423) 643-5937  
fax:(423) 668-2289

# Special Request Form

Print 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.chcrpa.org

Office Use Only

Case Number: 2012-109  
Date Submitted: 07-28-2012  
Planning District: 7  
County District: 2  
City District: 1  
Jurisdiction: Chattanooga  
Neighborhood: Lookout Valley  
Staff Action:  
PC Action/Date:  
Legis. Action/Date:

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

Acreeage: \_\_\_\_\_ Density: \_\_\_\_\_       **Preliminary**       **Final**       **Both**

P.U.D. Name: \_\_\_\_\_

**Other Special Permits**       **Mandatory Referral**       **Conditions of a Previous Action**

Special       **Exceptions**       Acquisition       Surplus       Lift       Amend

Conditional       Other      Resolution/Ordinance No. \_\_\_\_\_

Use: Late Night Entertainment Facility      Previous Case No. \_\_\_\_\_

Property Location / Information			
Address: 4119 Cummings Highway	Tax Map No. 153-024	Current Zone: C-2	
Current Use: Restaurant	Adjacent Uses: Vacant, Commercial, Residential		
Proposed Development or Use: Restaurant			

### Applicant Information

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	John Boyd		
Address:	8642 Surry Circle		
City	Chattanooga	State:	TN
Zip Code:	37421		
Daytime Phone:	423-521-7160		
Cell Phone:	423-667-5663		
Other Phone:			
Email:	john.boyd2208@gmail.com		
Fax:			

Property Owner Information (if not applicant)	
Name:	Sabo Entertainment, LLC
Address:	4119 Cummings Hwy
	Chattanooga, TN 37419
Phone:	423-521-7160

**CHECKLIST (OFFICE USE ONLY)**

<input checked="" type="checkbox"/> Application Complete	<input checked="" type="checkbox"/> Deeds for property to be rezoned
<input checked="" type="checkbox"/> Ownership Verification (Tax Map Printout, Letter)	Deed Book: 9498-339
<input checked="" type="checkbox"/> Map showing property to be rezoned.	<input type="checkbox"/> Copy of Plats, if applicable
<input checked="" type="checkbox"/> Site Plan, if applicable	Plat Book/Page: N/A
<input checked="" type="checkbox"/> Total acres to be considered: 7.2	<input checked="" type="checkbox"/> Notice Signs How Many? 1
<input checked="" type="checkbox"/> Filing Fee: \$250.00	<input type="checkbox"/> Cash      Check No. 5046
Accepted by: Marcia Parker	Date: 07-27-2012

**DREADEN & COX**  
Attorneys and Counselors at Law  
735 Broad Street, 404 James Building  
Chattanooga, TN 37402  
Telephone: 423/634-8000  
Facsimile: 423/266-5554

James S. Dreaden  
E-Mail: [jsdreaden@aol.com](mailto:jsdreaden@aol.com)

Douglas M. Cox  
E-Mail: [DouglasMCox37402@yahoo.com](mailto:DouglasMCox37402@yahoo.com)

July 26, 2012

To Whom It May Concern:

Re: 2012 Meo Mio Special Exception Application

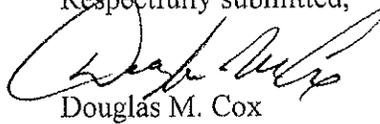
The applicant would respectfully show that it is completed several of the conditions set forth by the RPA for this property in case number 2011-112. Specifically:

- (1) all parking areas are lighted and the lighting is directed down and away from residential areas.
  - (2) a fully operational fire suppression system has been installed and approved by the Chattanooga Fire Marshall.
  - (3) Chattanooga Fire Marshall has conducted an occupancy load study and has determined that the occupancy capacity is 225.
  - (4) the site plan provides 105 lined spaces which exceeds the minimum 96 onsite parking spaces required in the previous application.
  - (5) All 105 parking spaces are lined.
  - (6) Off street parking is prohibited and there is no access from Kelly's Ferry Road to the subject property.
  - (7) off street parking is prohibited on Cummings Highway.
  - (8) Patrons are permitted to access the business from the front door only.
  - (9) Patrons may only access the deck patio through the existing building.
  - (10) there is no amplified noise, speakers, entertainment or lighting on the outdoor deck and food or beverages will not be permitted there after 11:00 p.m.
  - (11) All existing vegetation screening and landscaping material has not been removed and will not be removed, except for normal weeding and /or replacement of dead vegetation or landscape material.
  - (12) All exterior doors open outward and remain closed at all times, except for patrons entering or exiting the building.
- With respect to the 13<sup>th</sup> and 14<sup>th</sup> conditions, the applicant is prepared to hire two outdoor security officers that will be easily and appropriately identified as security officers.
- (15) the second building has not and will not be used as an extension of the operation of the existing business.

(16) the applicant has applied for temporary use for the pond and has removed the dumpster enclosure on the public right of way.

In addition to complying with all conditions set forth by the RPA on September 11, 2011, the applicant will present information regarding the effects of the sound from within the business on the adjacent residential property owners. A sound study is being conducted by Sound Lab Audio, LLC, a qualified sound engineer and the results will be presented at the city council hearing.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Douglas M. Cox", written over a horizontal line.

Douglas M. Cox

DMC:tlb

**Special Exceptions Permit Late Night Entertainment/Event and/or Nightclub**

Staff Report-Chattanooga Land Development Office, Fire Department, Police Department, Traffic Engineering, RPA  
City Council Meeting Date: August 28<sup>th</sup>, 2012

**Case Number: 2012-109**

**Applicant Request: Special Exceptions Permit Late Night Entertainment/Event Facility and/or Nightclub-Reduction of required 750' buffer to a 75' buffer.**

- Possible Conditions:**
1. Lighting of all parking areas shall be provided; all lighting shall be directed down and away from residential areas.
  2. The existing fire suppression system shall remain fully operational per requirements of the Chattanooga Fire Marshall's Office.
  3. A minimum of 96 on-site parking spaces shall be provided and properly lined as on-site parking spaces.
  4. Off-street parking and access shall not be permitted from Kelly's Ferry Road.
  5. Off-street parking shall not be permitted on Cummings Highway.
  6. Patron access shall be from the front door only.
  7. Outdoor access to the deck/patio shall not be permitted. Access shall only be through the existing building.
  8. No amplified noise, speakers, entertainment or lighting, and no outside sale of food or beverages shall be permitted on the outdoor deck/patio.
  9. The removal of existing vegetation, screening or landscaping material around the outdoor deck/patio shall not be permitted except for normal weeding and/or replacement of any dead vegetation or landscape material. Plant material replacement shall be the equivalent of landscape screening buffer Type C and meet size, species and installation requirements of Chattanooga Landscape Ordinance.
  10. All exterior doors must open outward and shall remain closed at all times except for normal entry and exit from the establishment.
  11. A minimum of two (2) outdoor security officers licensed by the State of Tennessee shall be provided between the hours of 11:00 p.m. to thirty (30) minutes beyond the closing time of the establishment.
  12. Outdoor security officers shall be easily and appropriately identified as security officers.
  13. The second building on the site shall not be used as an extension of the operation of the proposed business establishment.
  14. Applicant shall apply to the City Engineer's Office for a Temporary Use Permit. Portions of the dumpster enclosure, wall and pond are located within the right-of-way of Kelly's Ferry Road. If the Temporary Use Permit is not granted these structures will need to be removed from the right-of-way.

## Special Exceptions Permit Late Night Entertainment/Event and/or Nightclub

Staff Report-Chatanooga Land Development Office, Fire Department, Police Department, Traffic Engineering, RPA

City Council Meeting Date: August 28<sup>th</sup>, 2012

Applicant: John Boyd  
Property Address: 4119 Cummings Highway  
Jurisdiction: Chattanooga District 1 / Hamilton County District 2  
Neighborhood: Lookout Valley  
Development Sector: Outer Suburban Growth

---

### Proposed Development

Site Plan Submitted: Yes  
Proposed Use: Restaurant-Meo Mio's

---

### Site Characteristics

Current Zoning: C-2 Convenience Commercial Zone  
Current Use: Restaurant-Meo Mio's  
Adjacent Uses: Single-family residential and vacant land  
Size of Tract: 7.2 acres  
Access: Good, direct access onto Cummings Highway

---

### Analysis

Extension of Existing Zoning? Not Applicable  
Community Land Use Plan: Lookout Valley Area Plan (2003)  
Proposed Use Supported by  
Community Land Use Plan? No-Plan Recommends Low-Density Residential  
Proposed Use Supported by  
Comprehensive Plan? Not Applicable

---

### Comments

Planning Staff Comments: The property located at 4119 Cummings Highway is zoned C-2 Convenience Commercial Zone and currently operating as a restaurant, Meo Mio's since December 2011. Meo Mio's is in the process of changing owners and the new owner has submitted an application to RPA on July 28<sup>th</sup> for a Special Exceptions Permit for a Late Night Entertainment/Event Facility and/or Nightclub.

Just as a reminder, the previous owner Brian Sabo appeared before the October 4<sup>th</sup>, 2011 City Council for an application for a Special Exceptions Permit for the Late Night Entertainment/Event Facility and/or Nightclub (Case 2011-112). The City Council denied the applicants request for the Special Exceptions Permit. Discussion at the October 4<sup>th</sup>, 2011 City Council meeting focused on the following issues/concerns:

- Existing outdoor deck and the close proximity to residential dwellings located in Black Creek
  - ❖ Deck is approximately 75' to the closest residential zone boundary.
  - ❖ Deck is approximately 185' to 190' to the closest residential dwelling.
- Should problems occur it puts the burden on the residents living nearby to call the police.
- Requested reduction from 750' to 75' is a large reduction. The smallest buffer reduction approved by City Council has been 200'-Fanatics on Highway 153. The adjacent residential zone is

## Special Exceptions Permit Late Night Entertainment/Event and/or Nightclub

Staff Report-Chattanooga Land Development Office, Fire Department, Police Department, Traffic Engineering, RPA  
City Council Meeting Date: August 28<sup>th</sup>, 2012

used as a cemetery.

- No natural or man-made barriers (steep topography, large right-of-ways, similar uses) in place nearby to provide some barrier to nuisance issues.
- Opposition was present.
  - ❖ Noise issues with Patrick's and decline in property values.
  - ❖ The new building built after Patrick's burned is not as sound proof.

It should be noted that Meo Mio's has been in operation at this location since December 2011. RPA did contact the Regulatory Bureau of the Chattanooga Police Department and from Police Department records there have not been any complaints or violations reported at this location.

Meo Mio's is a Cajun restaurant with an occupancy capacity over 100 (225 seats) and a city or state license to serve or allow consumption of alcohol between the hours of 11:00 p.m. to 3:00 a.m. The proposed hours of operation for Meo Mio's are from 11:00 a.m. to 1:00 a.m.

In addition to occupancy capacity and later operating hours with alcohol sales and/or consumption the applicant states that music and live entertainment, stage platform for floor shows and other live or recorded performances will be provided on-site.

Based on the existing definition of a Late Night Entertainment/Event Facility and/or Nightclub, the proposed business establishment meets the definition of a Late Night Entertainment/Event Facility and/or Nightclub requiring a Special Exceptions Permit issued by the Chattanooga City Council.

***Nightclub:*** A commercial establishment, which may or may not be held out to the public as a Bar or social gathering place, with an occupancy capacity of 100 or more people which serves alcohol or allows alcohol on the premises and which is operated as a place of entertainment at night for eating, drinking, dancing and provides live or recorded entertainment, characterized by any or all of the following activities as a principal use:

- Festival Seating: Accommodation for entertainment events in which limited or no seating is available.
- Music or video or live entertainment-live or recorded (DJ) that is amplified or very loud.
- Dance floor available.
- Later operating hours-defined as after midnight.
- Low lighting levels or darkness during any music, video or live

## **Special Exceptions Permit Late Night Entertainment/Event and/or Nightclub**

Staff Report-Chattanooga Land Development Office, Fire Department, Police Department, Traffic Engineering, RPA  
City Council Meeting Date: August 28<sup>th</sup>, 2012

entertainment event.

- Stage/platform for floor shows or other live or recorded performances.
- Serve alcohol or allows consumption between the hours of 11:00 p.m. to 3:00 a.m.

### **Site Characteristics and Adjacent Land Use**

The existing patio homes and townhouses located in Black Creek (Cummings Cove) across the street from the site were constructed sometime between 2001 and 2004. The property at 4119 Cummings Highway has been used as a restaurant and other establishments for many years prior to the construction of Black Creek (Cummings Cove).

There are no existing water or rail lines located near the business establishment. Utilizing Hamilton County GIS the right-of-way of Cummings Highway appears to measure approximately 75'. The site does have steep topography and existing natural vegetation that would provide a buffer to sound and noise; however, because of its location the topography and existing natural vegetation does not provide a buffer to sound and noise to those residents living in Black Creek (Cummings Cove) or along Kelly's Ferry Road.

Existing vegetation, buffering and screening is provided around the existing outdoor deck/patio. Existing vegetation/buffering or berm is provided along the exterior property line of the entrance to Black Creek (Cummings Cove); however, this vegetation appears to not be very substantial in order to provide any type of buffering or reduction in noise levels.

A review of adjacent land uses include single-family detached residential dwellings on large tracts of land located along Kelly's Ferry Road. The parcel of property immediately to the west of the proposed business establishment is a vacant parcel of property that is zoned R-1 Residential. The parcel of property immediately to the east of the proposed business establishment is currently a vacant building zoned C-2 Convenience Commercial. The site is directly across the street from the entrance to Black Creek (Cummings Cove), which includes single-family attached residential dwellings (townhouses), as well as single-family patio homes. The Tennessee State Highway Patrol Headquarters is nearby the business establishment at the corner of Cummings Highway and Cummings Road.

The road configuration is somewhat confusing. The property actually fronts two roads, Kelly's Ferry Road, which is a dead-end street that runs parallel to Cummings Highway. Kelly's Ferry Road provides access to several single-family residential dwellings adjacent to the proposed business establishment. Access to the property is provided by way of

## **Special Exceptions Permit Late Night Entertainment/Event and/or Nightclub**

Staff Report-Chattanooga Land Development Office, Fire Department, Police Department, Traffic Engineering, RPA  
City Council Meeting Date: August 28<sup>th</sup>, 2012

an existing curb-cut from Cummings Highway.

### **Existing Outdoor Deck/Patio and Doorway**

Section 38-527(e) of the Chattanooga Zoning Regulation states that any doorway entrance regularly used for egress/ingress or outdoor place of gathering such as a deck/patio **shall be located more than seven hundred and fifty (750')** from the nearest **boundary** of any residential zone. The ordinance doesn't say nearest residential dwelling.

The existing deck/patio measures approximately 75' from an R-1 Residential Zone along Kelly's Ferry Road, and 75' from an RZ-1 Zero Lot Line Residential Zone for Black Creek (Cummings Cove). The RZ-1 Zero Lot Line Residential Zone boundary goes to the centerline of Cummings Highway. Just for comparison purposes, the measurement from the outdoor deck/patio to the closest residential dwelling is approximately 185' to 190'.

The doorway used normally used for entrance and exit is approximately 155' from the closest boundary of a residential zone, which is the RZ-1 Zero Lot Line Residential Zone in Black Creek (Cummings Cove). The measurement from the front door to the closest residential dwelling is approximately 210' to 215' feet.

### **Reduction of Required 750' Buffer from any Residential Boundary**

Section 38-527(e) of the Chattanooga Zoning Regulation states that the 750' buffer distance **may be decreased** in part or entirety and the City Council may impose additional conditions for the protection of residential properties from excessive noise or other nuisance issues **depending** on the proximity and location of water, rail, and road rights-of-way, topography, adjoining land uses, or other natural or man-made barriers to sound and noise.

### **Previous Special Exception Permit Requests**

Since the adoption of the Special Exceptions Permit in 2009, and later amendments, there have been ten (10) requests and one (1) appeal. Each of the previous requests except one (1) has asked for a reduction in the required buffer distance.

- (1) Pinstrikes-6241 Perimeter Drive-Reduction in buffer from 750' to 700'. Request approved by City Council.
- (2) Fanatics-5425 Highway 153-Reduction in buffer from 750' to 200'. Request approved by City Council.
- (3) Skyzoo-5709 Lee Highway-Reduction in buffer from 750' to 700'. Request approved by City Council.
- (4) Mocha, LLC-3116 Brainerd Road-Reduction in buffer from 750' to 100'. Request denied by City Council.
- (5) Meo Mio's Restaurant-4119 Cummings Highway-Requested reduction from 750' to 75'. Requested denied by City Council.

## Special Exceptions Permit Late Night Entertainment/Event and/or Nightclub

Staff Report-Chattanooga Land Development Office, Fire Department, Police Department, Traffic Engineering, RPA  
City Council Meeting Date: August 28<sup>th</sup>, 2012

- (6) Ms. Blackmon-3209 Wilcox Boulevard-Requested reduction from 750' to 235'. Requested approved by City Council.
- (7) Malibu-6425 Lee Highway-Requested reduction from 750' to 340'. Requested approved by City council.
- (8) The Hangover-2819 Cummings Highway-No buffer reduction required. The request approved by City Council.
- (9) Charlies-4021 Hixson Pike-Requested reduction from 750' to 160'. Request denied by City Council.
- (10) Paisa Inc-6175 Airways Blvd-Requested reduction from 750' to 345'. Request approved by City Council.

### Outdoor Amplified Music

The site plan submitted with this application indicates speakers on the outdoor deck/patio. Section 38-527(f) of the Chattanooga Zoning Regulations states that outdoor gathering places such as decks, balconies, covered areas and patios ***shall have no*** amplified noise, no entertainment or theatrical lighting, and no outside sale of food or beverages. If the permit is granted these speakers will need to be removed or not operational.

### Revocable Permit

Section 38-527(i) of the Chattanooga Zoning Regulations states that the Special Exceptions Permit may be revoked by the City Council at anytime upon notice to the owner after a public hearing. Triggers for revocation include at the time of a third suspension of a license by the beer board or any other state alcohol licensing board; recommendation from the Zoning Official, Chief Building Official, Police Department, or the Beer Board.

Police Department  
Comments:

In an effort to control potential noise and nuisance issues and to increase public safety for patrons outdoor lighting should be provided. In addition, outdoor security officers should be provided to help control noise and nuisance issues in the parking lot during the later operating hours of the establishment.

***The Attorney representing the applicant has stated that all parking areas are lighted and the lighting is directed down and away from residential areas. The applicant is prepared to hire two outdoor security officers that will be appropriately identified as security officers.***

Traffic Engineering  
Comments:

The applicant submitted Patrick's old site plan. The minimum required number of parking spaces is 96 on-site parking spaces. ***Currently, 105 lined parking spaces are provided.***

Off-street parking shall not be permitted along Kelly's Ferry Road and

**Special Exceptions Permit Late Night Entertainment/Event and/or Nightclub**

Staff Report-Chattanooga Land Development Office, Fire Department, Police Department, Traffic Engineering, RPA  
City Council Meeting Date: August 28<sup>th</sup>, 2012

Cummings Highway. Access to the site at 4119 Cummings Highway shall not be permitted from Kelly's Ferry Road.

Fire Marshall's Office  
Comments:

Prior to the original application in 2011 the Chattanooga Fire Marshall's Office met with the applicant on site to review the interior and discussed with the applicant that a fully operational fire suppression system will be required to be installed prior to the opening of the establishment.

***The fire suppression system has been installed and approved by the Chattanooga Fire Marshall's Office.*** A condition is suggested that the existing fire suppression system remain fully operational per the requirements of the Chattanooga Fire Marshall's Office.

The Chattanooga Fire Marshall's Office also indicated that an occupancy test would need to be conducted to determine the true occupancy or capacity load for the business establishment. ***This study has been conducted by the Chattanooga Fire Marshall's Office and it has determined that the occupancy capacity is 225.***

Land Development  
Office/Codes Enforcement  
Comments:

Section 38-527(f) of the Chattanooga Zoning Regulations states that outdoor gathering places such as decks, balconies, covered areas and patios ***shall have no*** amplified noise, no entertainment or theatrical lighting, and no outside sale of food or beverages. The site plan submitted with the application indicates the use of outdoor speakers. These speakers will need to be removed or not operational.

***The Attorney representing the applicant has stated that there is no amplified noise, speakers, entertainment or lighting on the outdoor deck and food and beverages will not be permitted there after 11:00 p.m.***

Patron access to the establishment should be restricted to the front door only. In an effort to control or limit any potential noise issues all exterior doors must open outward and should remain closed at all times except for normal entry and exit from the establishment.

Every effort should be made to limit and control potential noise and nuisance issues from the outdoor deck on the adjacent residential uses. Therefore, outdoor access to the deck/patio shall not be permitted. Access to the deck/patio shall be permitted only through the existing building. Existing vegetation and landscape material is currently provided around the perimeter of the deck/patio. There should be no removal of existing vegetation or landscape material around the

**Special Exceptions Permit Late Night Entertainment/Event and/or Nightclub**

Staff Report-Chattanooga Land Development Office, Fire Department, Police Department, Traffic Engineering, RPA

City Council Meeting Date: August 28<sup>th</sup>, 2012

deck/patio except for normal weeding and replacement of dead vegetation and landscape material. ***All existing vegetation screening and landscaping material has not been removed and will not be removed, except for normal weeding and/or replacement of dead vegetation.***

An additional building is located on the property at 4119 Cummings Highway that was original used as single-family dwelling. The purchase of the property does include this building; therefore, should not be an extension of the operation of the proposed business establishment.

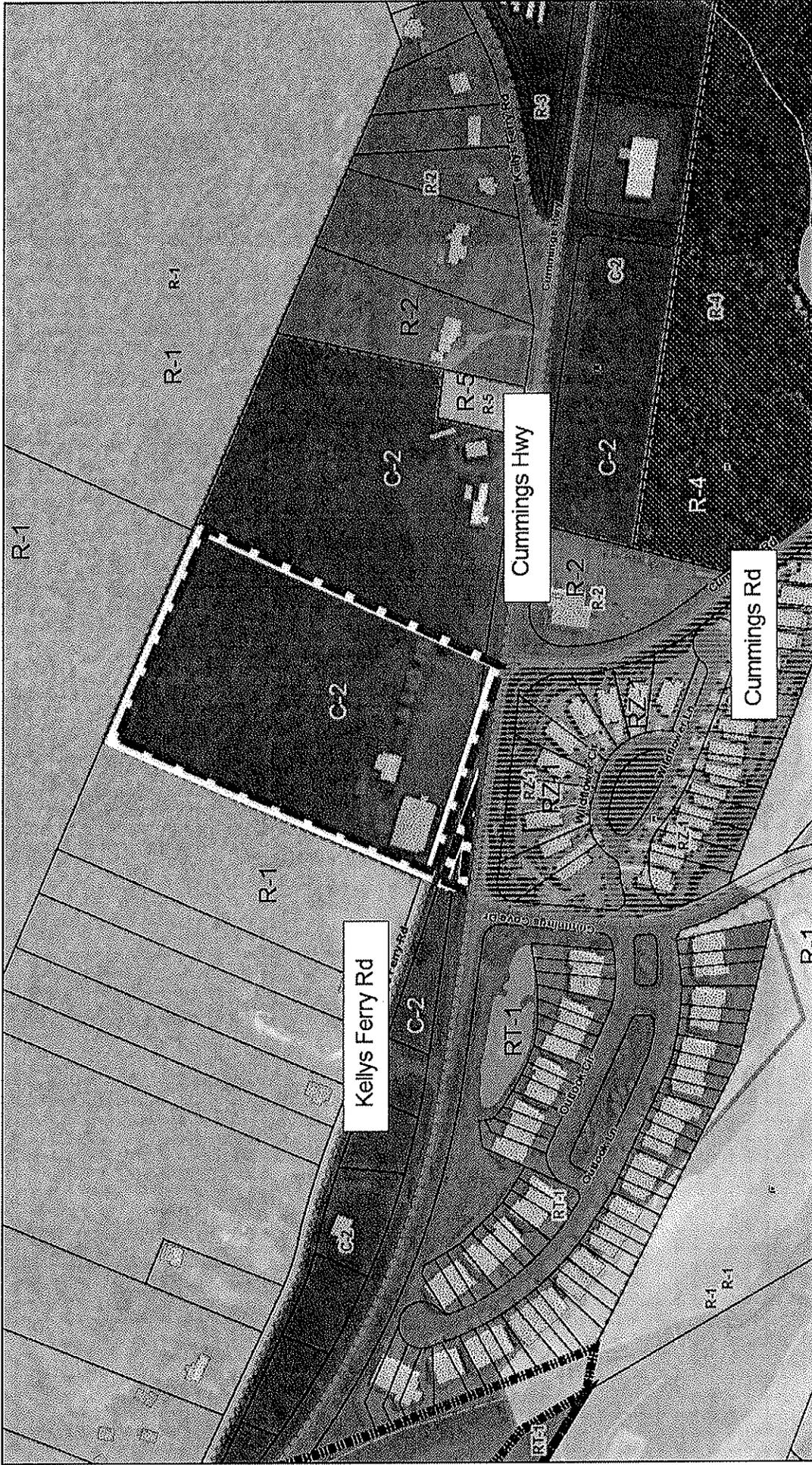
City Engineer's Office

Comments:

Based on GIS it appears that a portion of the existing pond and wall on the site is located within the right-of-way of Kelly's Ferry Road. The applicant will either have to apply for a temporary permit from the City Engineer's Office to allow portion of the enclosure for the dumpster, pond and wall to remain in the right-of-way or remove the structures.

***The applicant has applied for Temporary Use Permit for the pond and has removed the dumpster enclosure on the public right-of-way.***





2012-0109 SP Exceptions Permit: Late Night Entertainment Facility



300 ft