

**First Reading:** \_\_\_\_\_  
**Second Reading:** \_\_\_\_\_

2015-075  
Michael Tawzer  
District No. 6

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO LIFT CONDITION NO. 1 FROM ORDINANCE NO. 12703 OF PREVIOUS CASE NUMBER 2013-004 ON PROPERTY LOCATED AT 5223 HUNTER ROAD, BEING MORE PARTICULARLY DESCRIBED HEREIN.

---

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 38, Zoning Ordinance, so as to lift Condition No. 1 from Ordinance No. 12703 of previous Case Number 2013-004 on property located at 5223 Hunter Road, being more particularly described herein.

Lot 2, Robert R Guess Subdivision, Plat Book 36, Page 235, ROHC, being the property described in Deed Book 10290, Page 887, ROHC. Tax Map No. 131-061.02.

SECTION 2. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

Passed on second and final reading: \_\_\_\_\_

\_\_\_\_\_  
CHAIRPERSON

APPROVED: \_\_\_\_\_ DISAPPROVED: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
MAYOR

/mem

2015-075 City of Chattanooga  
June 8, 2015

RESOLUTION

WHEREAS, Michael Tawzer petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga Lifting Part of Condition #1 from Ordinance No. 12703 of Previous Case Number 2013-004 from property located at 5223 Hunter Road.

Lot 2, Robert R Guess Subdivision, Plat Book 36, Page 235, ROHC, being the property described in Deed Book 10290, Page 887, ROHC. Tax Map 131-061.02 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on June 8, 2015,

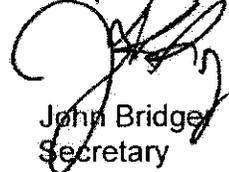
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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 June 8, 2015, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved.

Respectfully submitted,



John Bridge  
Secretary

**LIFT/AMEND CONDITIONS APPLICATION FORM**

<b>CASE NUMBER:</b>	2015-075	<b>Date Submitted:</b> 04-23-2015	
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
<b>1 Applicant Request</b>			
<b>Conditions</b>	<b>Description:</b> Lift Condition #1. a 3 foot high berm around the N.W. Corner		
	Resolution/Ordinance Number: 12703		
	Previous Case Number: 2013-004		
<b>2 Property Information</b>			
<b>Property Address:</b>	5223 Hunter Road		
<b>Property Tax Map Number(s):</b>	131-061.02		
<b>3 Proposed Development</b>			
<b>Reason for Request and/or Proposed Use:</b>	Expansion of Retail		
<b>4 Site Characteristics</b>			
<b>Current Zoning:</b>	C-2		
<b>Current Use:</b>	Retail		
<b>Adjacent Uses:</b>	C-2 & R-1		
<b>5 Applicant Information</b>			
All communication will be with the Applicant. If the applicant is not the property owner, the RPA requires a letter from the property owner(s) confirming that the applicant has permission to file this application on his/her behalf.			
<b>Name:</b> Michael Tawzer		<b>Address:</b> 310 Bass Road	
<b>Check one:</b>	<input checked="" type="checkbox"/> I am the property owner	<input type="checkbox"/> I am not the property owner	
<b>City:</b> Chattanooga	<b>State:</b> TN	<b>Zip Code:</b> 37421	<b>Email:</b> Mgs.miket@gmail.com
<b>Phone 1:</b> 423-488-2915	<b>Phone 2:</b>	<b>Phone 3:</b>	<b>Fax:</b>
<b>6 Property Owner Information (if not applicant)</b>			
<b>Name:</b> Same		<b>Phone:</b>	
<b>Address:</b>			
<b>Office Use Only:</b>			
<b>Planning District:</b> 6		<b>Neighborhood:</b> CNAC, Flagstone Community	
<b>Hamilton Co. Comm. District:</b> 9		<b>Chatt. Council District:</b> 6	<b>Other Municipality:</b>
<b>Staff Rec:</b>	<b>PC Action/Date:</b>	<b>Legislative Action/Date/Ordinance:</b>	
<b>Checklist</b>			
<input checked="" type="checkbox"/> Application Complete	<input checked="" type="checkbox"/> Ownership Verification	<input checked="" type="checkbox"/> Map of Proposed Zoning Area with dimensions	
<input checked="" type="checkbox"/> Site Plan, if required	<input checked="" type="checkbox"/> Total Acres to be considered: 0.81	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
<b>Deed Book(s):</b> 10290-887			
<b>Plat Book/Page:</b> 36-235		<input checked="" type="checkbox"/> Notice Signs	<b>Number of Notice Signs:</b> 1
<input checked="" type="checkbox"/> Filing Fee: 150.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check	<b>Check Number:</b> 1008
<b>Planning Commission meeting date:</b> 6-8-2015		<b>Application processed by:</b> Marcia Parker	

**PLANNING COMMISSION CASE REPORT**

Case Number: 2015-075

PC Meeting Date: 06-08-15

**Applicant Request****Lift Condition Requiring a 3-foot High Berm at the Northwest Corner**

Property Location:	5223 Hunter Road
Property Owner:	Michael Tawzer
Applicant:	Michael Tawzer

**Project Description**

- Proposal: Install a landscape buffer and retaining wall for expansion of existing retail business.
- Proposed Access: Hunter Road.

**Site Analysis****Site Description**

- Location: The 0.81-acre site is located on the west side of Hunter Road approximately 500 feet north of the Hilltop Drive intersection.
- Current Access: Hunter Road
- Current Land Uses: Single-family home adjacent to the site on the northwest side; Vacant land adjacent to the south side of the site; Vacant land across Hunter Road to the east.

**Zoning History**

- The site is currently zoned C2 Convenience Commercial with the following conditions: 1) 140' length of a minimum 8' privacy fence, evergreens and a 3' high berm around the northwest corner; 2) Exterior lighting to be installed to eliminate or minimize undesirable light pollution to adjacent properties; 3) No dumpster and/or trash pickup before 7am or after 7pm.
- The site was rezoned from A-1 Agricultural District to C-2 Local Business Commercial District *with the above conditions* in 2005 when it was in the unincorporated portion of Hamilton County (Resolution 405-22B). The site maintained its commercial zoning and conditions when it was annexed into the City of Chattanooga in 2013 (Ordinance 12703).
- The property to the north and west is zoned R-1 Residential. The property to the east is zoned C-2 Convenience Commercial with conditions. The property to the south is zoned C-2 Convenience Commercial.
- The site was recently approved for a rear building setback and landscape buffer variance from the Board of Zoning Appeals to permit the proposed landscape buffer (#14-BZ-00025).

**Plans/Policies/Regulations**

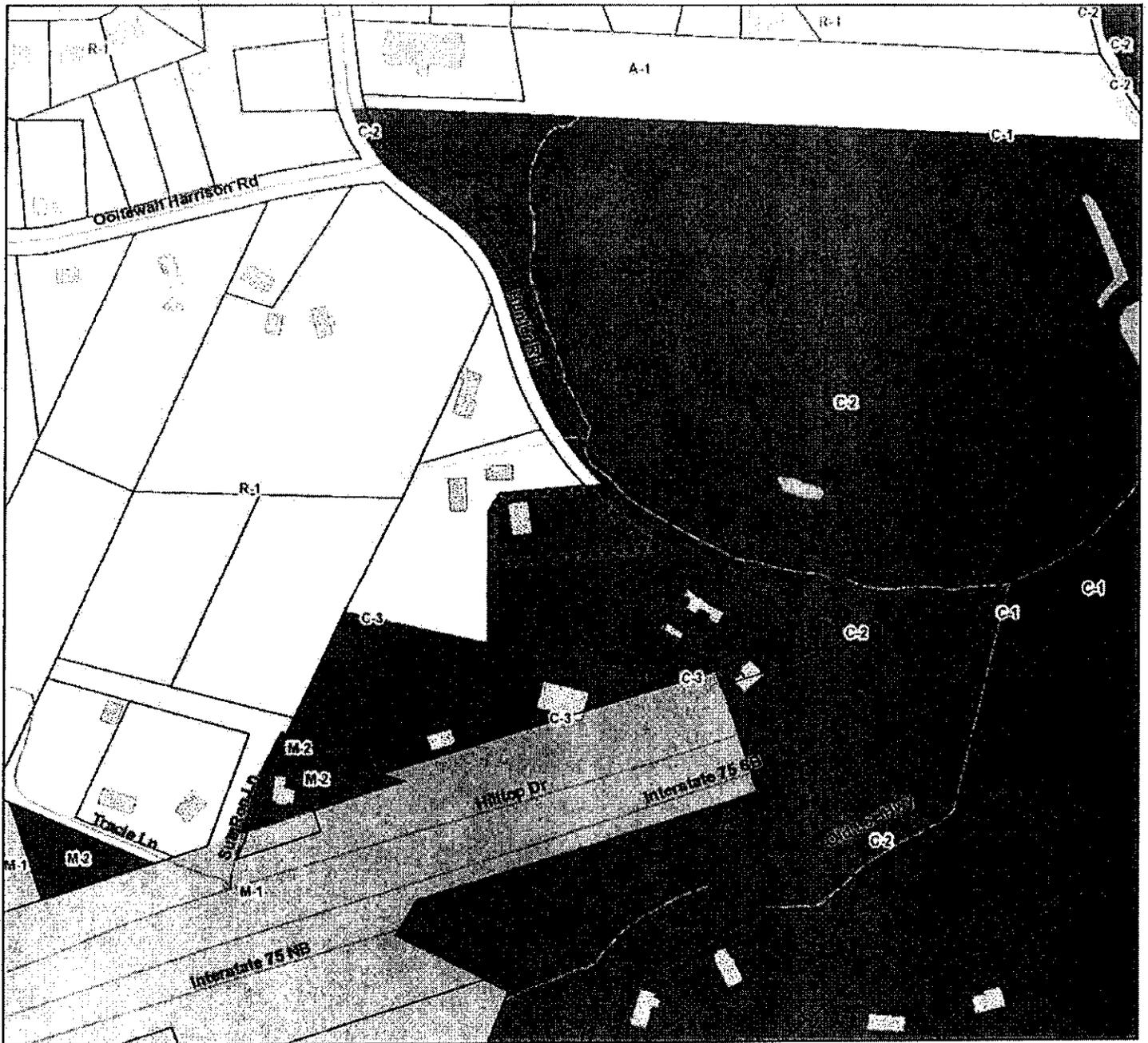
- There is no current adopted land use plan for this area.

**Key Findings**

- The request does not create any significant off-site impacts relative to the original conditions.
- The initial set of conditions imposed by Resolution 405-22B were negotiated and agreed upon by the applicant and the adjacent property owner. The original proposal was to construct a car wash and the three foot high berm was intended to reduce noise impacts. The current development is a retail goods store which does not have the same potential impact. The applicant is only requesting removal of the berm, but will still be required to install an eight foot privacy fence.
- Additional Note: RPA received a letter from the adjacent property owner that supports lifting the condition. This is mentioned as the initial set of conditions were agreed upon between the applicant and this property owner.

**Staff Recommendation**

Approve.



## 2015-075 Lift Conditions

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2015-075:  
Approve

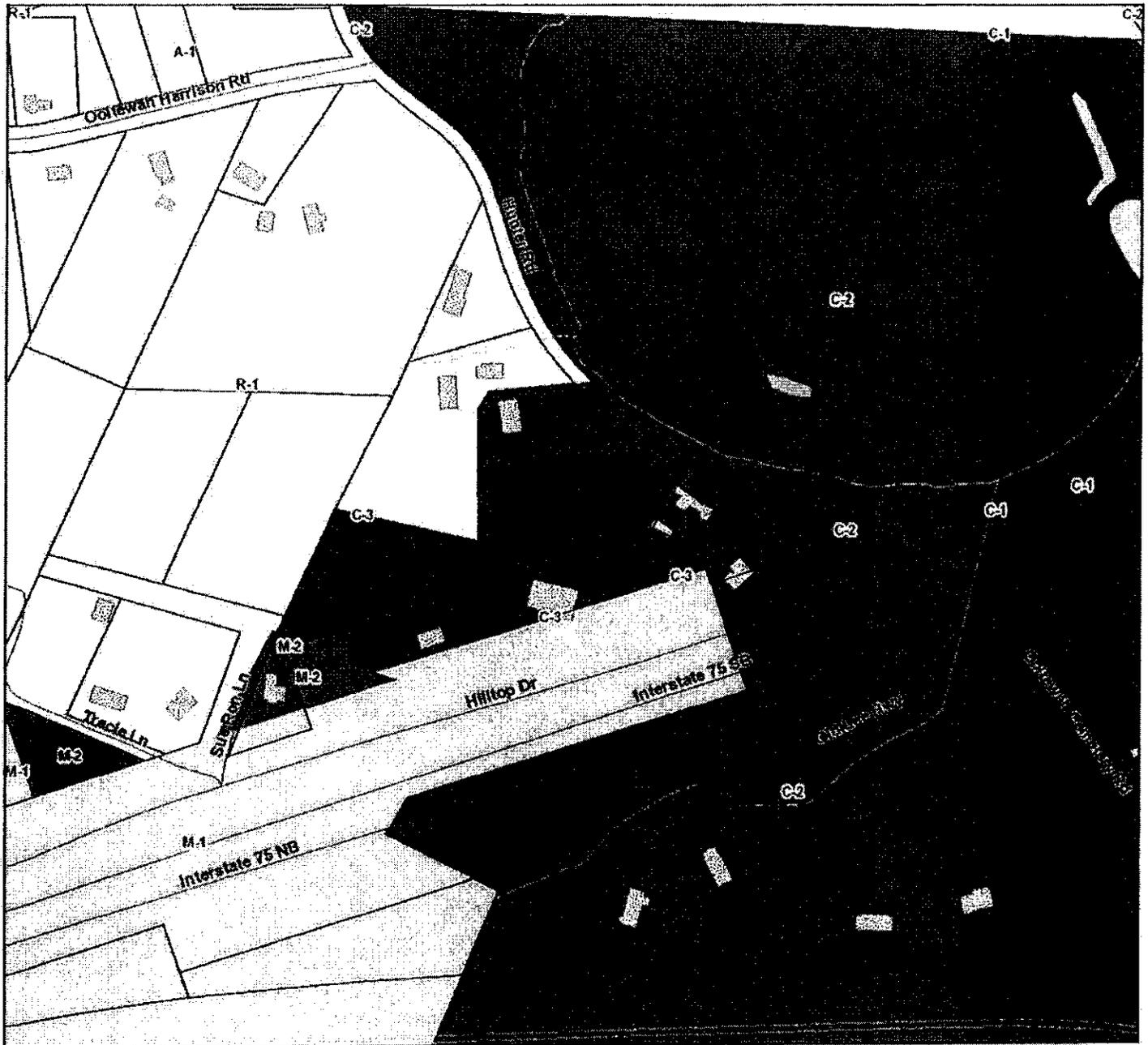


260 ft



Chattanooga Hamilton County Regional Planning Agency





## 2015-075 Lift Conditions

**Chattanooga Hamilton County Regional Planning Agency**

260 ft

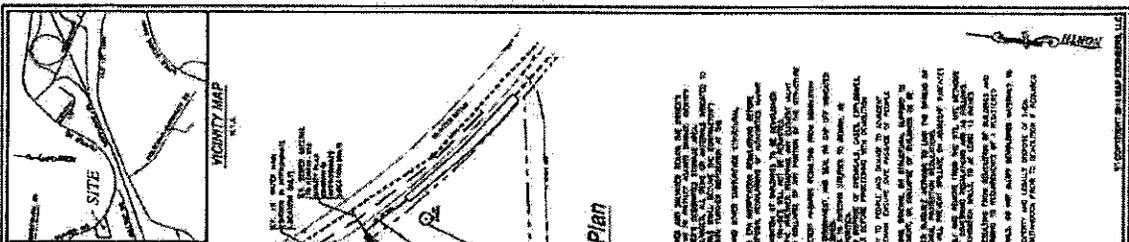
**THE OWL COVE**  
 FOR: MICHAEL TAWZER  
 310 BASS ROAD  
 CHATTANOOGA, TN 37421

**MAP ENGINEERS LLC**

**LANDSCAPE & DEMOLITION PLAN**

DATE: 03/12/15  
 SCALE: 1" = 10'-0"

PROJECT NO.: 15-015  
 SHEET NO.: C-1



**GENERAL NOTES:**

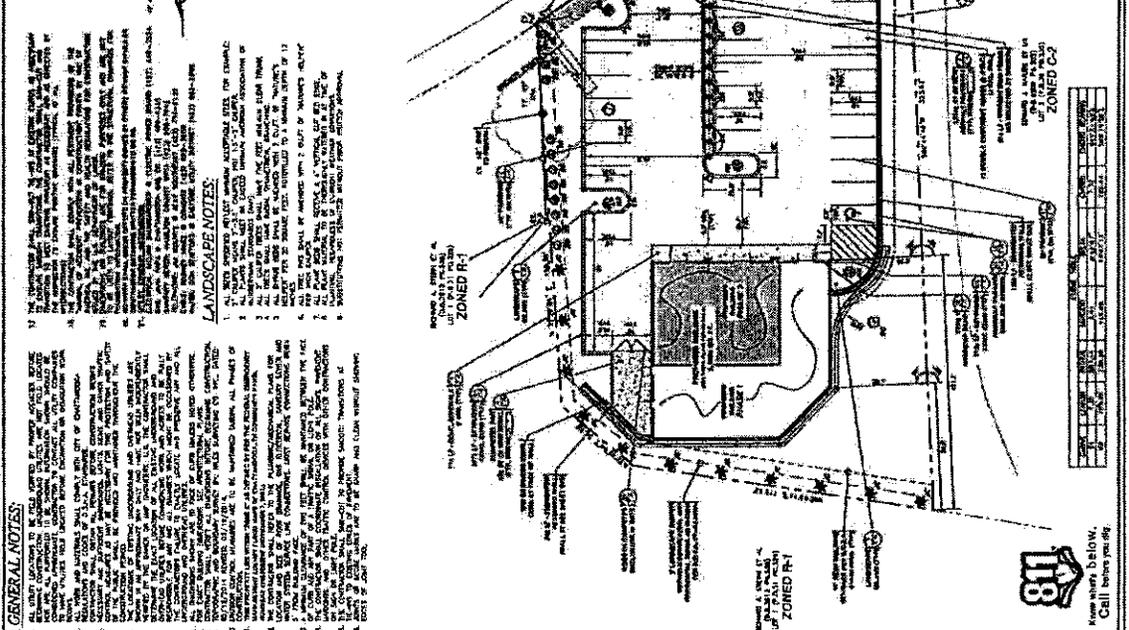
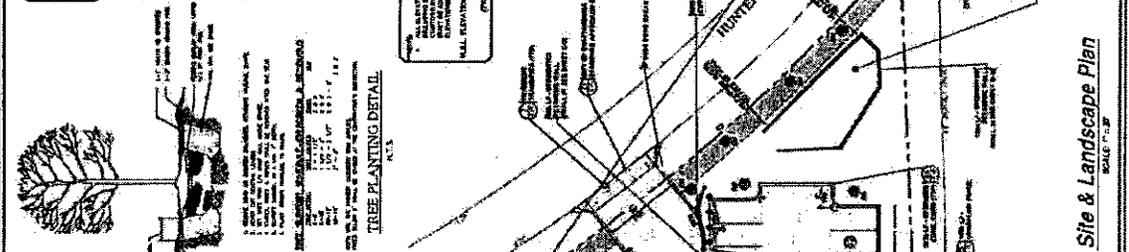
1. ALL DEMOLITION SHALL BE IN ACCORDANCE WITH THE CITY OF CHATTANOOGA ORDINANCES AND THE STATE OF TENNESSEE.
2. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
3. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
4. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
5. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
6. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
7. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
8. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
9. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
10. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

**LANDSCAPE NOTES:**

1. ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH THE CITY OF CHATTANOOGA ORDINANCES AND THE STATE OF TENNESSEE.
2. ALL LANDSCAPING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
3. ALL LANDSCAPING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
4. ALL LANDSCAPING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
5. ALL LANDSCAPING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
6. ALL LANDSCAPING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
7. ALL LANDSCAPING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
8. ALL LANDSCAPING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
9. ALL LANDSCAPING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
10. ALL LANDSCAPING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

**DEMOLITION NOTES:**

1. ALL DEMOLITION SHALL BE IN ACCORDANCE WITH THE CITY OF CHATTANOOGA ORDINANCES AND THE STATE OF TENNESSEE.
2. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
3. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
4. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
5. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
6. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
7. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
8. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
9. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
10. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.



**GENERAL NOTES:**

1. ALL DEMOLITION SHALL BE IN ACCORDANCE WITH THE CITY OF CHATTANOOGA ORDINANCES AND THE STATE OF TENNESSEE.
2. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
3. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
4. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
5. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
6. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
7. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
8. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
9. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
10. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

**LANDSCAPE NOTES:**

1. ALL LANDSCAPING SHALL BE IN ACCORDANCE WITH THE CITY OF CHATTANOOGA ORDINANCES AND THE STATE OF TENNESSEE.
2. ALL LANDSCAPING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
3. ALL LANDSCAPING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
4. ALL LANDSCAPING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
5. ALL LANDSCAPING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
6. ALL LANDSCAPING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
7. ALL LANDSCAPING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
8. ALL LANDSCAPING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
9. ALL LANDSCAPING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
10. ALL LANDSCAPING SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

**DEMOLITION NOTES:**

1. ALL DEMOLITION SHALL BE IN ACCORDANCE WITH THE CITY OF CHATTANOOGA ORDINANCES AND THE STATE OF TENNESSEE.
2. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
3. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
4. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
5. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
6. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
7. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
8. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
9. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
10. ALL DEMOLITION SHALL BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.

2015-075

## NOTICE

WHEREAS, petition to amend Ordinance No. 6958, known as the Zoning Ordinance, has been proposed to the City Council of the City of Chattanooga:

1. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petition to rezone be denied for R-4 Special Zone but approved for an O-1 Office Zone:

2015-073 Joshua Good of Land Titans Investments, LLC and Robert Pettross. 507 Ashland Terrace, from R-1 Residential Zone to R-4 Special Zone, subject to certain conditions.

2. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following petitions to rezone be approved:

2015-077 Passpointe Engineering c/o Jan Pass and Tennessee Valley Railroad Museum c/o Tim Andrews. 2202 North Chamberlain Avenue, from R-1 Residential Zone to M-1 Manufacturing Zone, subject to certain conditions.

2015-082 Frank Kinser/East Brainerd Land Company. 6001 Lee Highway, from R-1 Residential Zone to M-1 Manufacturing Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following condition be lifted from Ordinance No. 12703 of previous Case No. 2013-004 as follows:

2015-075 Michael Tawzer. 5223 Hunter Road, lifting part of Condition No. 1 from Ordinance No. 12703 of previous Case No. 2013-004.

4. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following Special Permit be approved:

2015-050 Joseph Ingram/Salient Investments. 6801 Conner Lane and 2115 North Concord Road, granting a Special Permit for a Residential Planned Unit Development, subject to certain conditions.

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,

**July 14, 2015**

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 \_\_\_\_\_, 2015.

---

Nicole Gwyn  
Clerk to the City Council