





**LEGEND**

- = utility pole
- = overhead electric & telephone
- = adjointer's deed line
- = existing 6" water line
- = existing 6" sanitary sewer line
- = existing sanitary sewer manhole
- = existing gas line
- = proposed green coated privacy fence 6ft. tall
- = proposed 6" non-mountable concrete curb
- = wood planter 12"x12"x40" to hold 12-3 gallon Knockout Roses

# SITE PLAN

for  
**Lakeside Collision**  
0.39 Acres  
(17,125 s.f.)

Revised: 3/28/2020 - Added 5ft strip of landscape area with concrete curb and privacy fence.  
 Revised: 5/28/2020 - Added "Street Yard"; fence height; parking space note; landscape percentage.  
 Revised: 6/30/2020 - Added landscape plan  
 Revised: 7/06/2021 - changed from trees/bushes to planters

## Landscape Plan

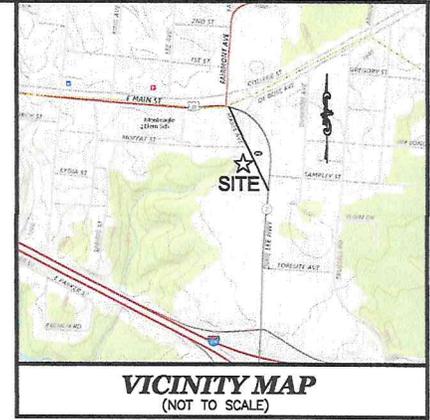
Place 6 wooden planters (12"x12"x40") equally spaced in a single row containing 12-3gal. knockout roses each.  
 Rosa "Knock Out", is a shrub rose cultivar bred by American rose grower, William Radler in 1969, and introduced into the United States by Star Roses and Plants in 2000. It was named an All-America Rose Selections winner in 2000

= wood planter 12"x12"x40" to hold 12-3 gallon Knockout Roses

**Certificate of Zoning Compliance**

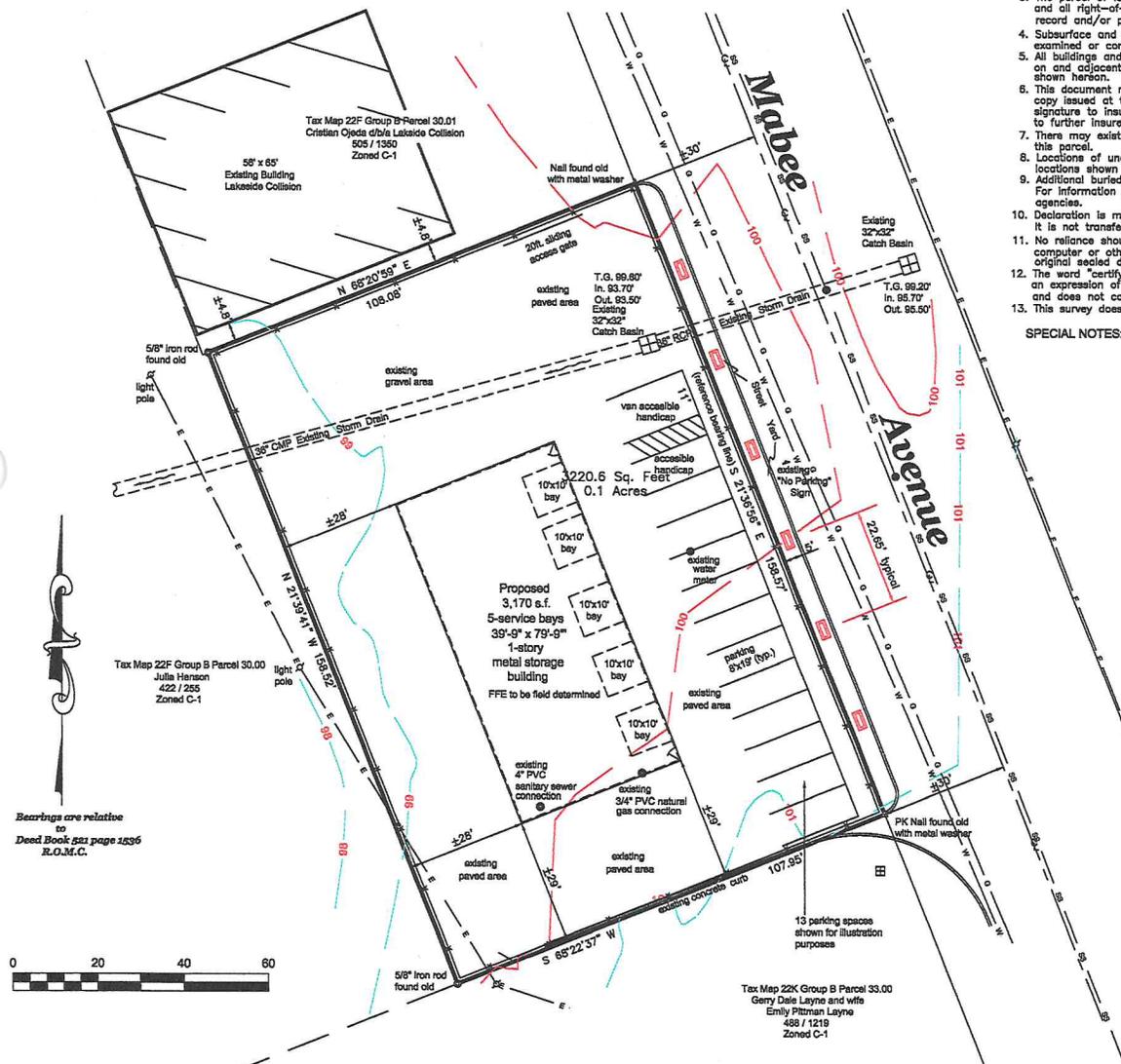
This site plan and the development shown hereon has been found to be in compliance with all applicable standards of the Montague Zoning Ordinance and was approved by the Montague Regional Planning Commission on the date indicated.

Secretary, Montague Regional Planning Commission      Date



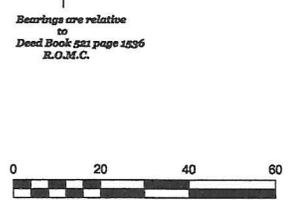
- NOTES:**
- The surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership research may reveal, title evidences, or any other facts that an accurate and current title search may disclose.
  - Property contains a total area of 17,125 s.f., 0.39 acres.
  - The parcel of land shown hereon is subject to any and all right-of-ways and/or easements either by record and/or prescription that a complete title search would reveal.
  - Subsurface and environmental conditions were not examined or considered as a part of this survey.
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  - This survey does not constitute a title search by the surveyor.

**SPECIAL NOTES:** 1. Locations of underground utilities/structures may vary from locations shown hereon.  
 2. The 5ft wide street yard is 12% of the total property between the street and front of the building.



**FLOOD NOTE:**  
 According to FIRM 47115C0080C with effective date 2/4/09 the property is not in a flood zone, but an Area of Minimal Flooding, Zone X.

Contour Interval = 1ft contours  
 Present Zoning: C-1  
**SETBACKS:**  
 FRONT 0 FT.  
 REAR 0 FT.  
 SIDE 0 FT.



This survey was done in compliance with current Tennessee Minimum Standards of Practice. I hereby certify that this is a Category 1 survey and the ratio of precision of the unadjusted survey is above 2 : 10,000 .



**Landscaping Guarantee**  
 I (we) hereby guarantee to the Town of Montague that the plant materials shown on this site plan will be maintained after issuance of the final certificate of occupancy. Any plant material that dies or is damaged will be replaced in the next appropriate planting season with equivalent material. If this property is sold, this guarantee will become the responsibility of the new owner(s).

Owner \_\_\_\_\_ Date \_\_\_\_\_

Owner of Record: Cristian Ojeda  
 103 Mabee Avenue  
 Montague, TN 37356  
 Phone: 931-924-3316  
 Property Address: 203 Mabee Avenue  
 Montague, TN 37356

Located in the Fifth Civil District of Marion County, TN in the Town of Montague lying West of and adjacent to Mabee Avenue as shown on Tax Map 22K Group "B" Parcel 31.00 .  
**DEED REFERENCE:** This is that land conveyed unto Cristian Ojeda recorded in Deed Book 521 page 1538 in the Register of Deeds of Marion County, TN.

Revised: 3/26/2020 - Added 5ft strip of landscape area with concrete curb and privacy fence.  
 Revised: 5/28/2020 - Added "Street Yard"; fence height; parking space note; landscape percentage.  
 Revised: 6/30/2020 - Added landscape plan  
 Revised: 7/06/2021 - changed from trees/bushes to planters

**CHILDERS'**  
**LAND SURVEYING**  
 PLLC  
**1604 Flat Branch Road**  
**Tracy City, TN 37387**  
**931-592-2714**

Survey for: **Cristian Ojeda**

Date: 07/06/2021	Scale: 1 in. = 20 ft.	Job: J11-40	Size: C
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Surveyed by: **John L. Childers**      TN RLS #2023

## Minutes of Monteagle Planning Commission

Tuesday, March 3<sup>rd</sup>, 2020 at 5:00pm CST

### **Call to Order** at 5:00pm

**Present:** James David Oliver; Jessica Blalock; Peter Beasley; Tony Gilliam, Kenneth Gipson. (*Quorum present*)

### **Approval of Previous Meeting Minutes**

Minutes of the February 4<sup>th</sup>, 2020 Planning Commission meeting received a motion to approve by Tony Gilliam; and a second by Peter Beasley, minutes were unanimously approved.

### **New Business:**

#### Election of Officers

James David Oliver was nominated for Chairman, Lexie Orr was appointed to the Planning Commission and nominated for Vice-Chairman, and Peter Beasley was nominated for Secretary. Motion for approval was made by Jessica Blalock, and a second by Tony Gilliam, officers as nominated were unanimously approved.

#### Meeting Time Change – 6:00pm to 5:00pm CST

A motion was made by Jessica Blalock to change the start time of the Planning Commission meeting from 6:00pm CST to 5:00pm CST. Motion was seconded by Tony Gilliam. Meeting time change was unanimously approved.

#### Taco Bell Restaurant – Site Plan

Mr. Mike Gray was present to represent Tacala for their site plan. Staff mentioned the landscaping was overlapping alongside adjacent property owned by Mr. Oliver. Applicant indicated that this was only the sod and not the trees in the landscaping plan. Applicant acknowledged that Mr. Oliver has the right to modify this sod on his property. Motion to approve was made by Tony Gilliam and seconded by Peter Beasley. Motion was unanimously approved.

#### Willow Breeze Townhomes – Site Plan/Preliminary Plat

Mr. Justin Lusk and his surveyor were present to discuss opportunities for his townhome development off of Moffat Street. Due to the length of time required for an in-depth review, staff recommended deferring this conversation to a pre-application meeting with the town prior to submittal for review. The Planning Commission agreed and told Mr. Lusk that this meeting will be held at their earliest convenience. No action was taken at this time.

#### Subdivision Regulation Amendment – Cluster Developments

Staff Planner presented the Cluster Development Subdivision Regulation amendment. There were only a few changes from the initial draft presented in February was the reduction in the minimum development size from 5 acres to 1 acre. This would allow for a minimum cluster development size to include a minimum of three (10,00 square foot) lots and 13,560 square feet for a common open space. The second change

was to include language to require a site plan *and/or* a preliminary plat, staff felt that if the applicant was not intending on selling the property then a plat would not be required.

Staff also recommended a few minor grammatical revisions and to include an additional section to allow the common open space throughout a larger development if space is available.

Due to the necessary revisions and lack of a motion, Mr. Oliver deferred this amendment to a Planning Commission work session in order to have a more involved discussion. No action was taken at this time.

#### The Camp at Monteagle L 1-70 – Preliminary Plan

Developer Chip Hayes and surveyor John Childers were present to speak on behalf of this development. Mr. Childers mentioned that no changes had been made after the staff review. Mr. Hayes requested approval stating that this plat conforms to the same requirements that were approved in 2018 under staff planner Michael Frixen. Staff Planner presented his review and stated that there were far too many detrimental revisions that were required for him to recommend approval at this time.

Staff recommended that the Planning Commission table this agenda item in order for the developer to make what changes he can during and submit those revisions prior to April's Planning Commission meeting. The developer indicated that he would bring it back in April for review. No action was taken at this time.

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### **Properly Presented New Business**

#### Lakeside Collision – Site Plan

Mr. Christian Ojeda presented his site plan for his expansion of his business to an adjacent property he owns. He stated that his business is growing and he needs to build a separate building with approximately 5 bays to work on the vehicles his clients bring in. Mr. Ojeda stated that this site plan had already been reviewed by Staff and the two lingering issues were parking, and landscaping. He stated that this is an extension of his business for staff operations only and would not be open to the public, therefore the parking which is typically intended for public use should not be required. Mr. Ojeda then explained that landscaping should not be required due to the use of the building is for an automotive body shop and that he doesn't need to beautify his property. Staff told Mr. Ojeda that the landscaping requirement's regulations aren't intended to be for the property owner's benefit but to promote the scenic quality of the community; to protect and improve the environment; to ensure the stock of native trees and vegetation is maintained and replenished; to improve the appearance of parking areas and property; to provide relief from vehicles, traffic, noise, heat, glare, and lighting; to reduce stormwater runoff, improve water quality, and reduce soil erosion; to protect and enhance property values; and to provide transition between incompatible land uses.

Mr. Oliver stated that the Town is willing to work with property owners to negotiate a fair verdict on cases such as this. Staff indicated that the Town cannot grant variances, variances will be granted by the Board of Zoning Appeals. Staff also indicated that he cannot recommend variances for 100% of the requested items, applicant would be required to show landscaping. Applicant also is required to abide by the Town's fencing requirements. No action was taken at this time, this agenda item will be on April's Planning Commission agenda for review.

Approximately 5 Members of the public were present to inquire about the development adjacent to the baseball field and Shan Chinese buffet. Staff indicated that the property owner's representative contacted him to inquire about the necessary steps for a proposed development. Nothing has been submitted for review at this time. Members of the public insisted that proper procedures be closely watched throughout this development and asked that the public be involved throughout each step. Staff made the public aware that residents of the Town are more than welcome to attend any public meeting to provide thoughtful discussion.

**Adjournment:**

A motion was made to adjourn by Tony Gilliam; a second was made by Peter Beasley, the meeting was adjourned at 7:26pm.

**Monteagle Regional Planning Commission**  
**5:00 PM CST, Tuesday April 7<sup>th</sup>, 2020**

**Meeting Agenda**

- I. Call to Order
  - James David Oliver, Chairman
  - Peter Beasley, Secretary
  - Tony Gilliam, Member
  - Lexie Orr, Vice-Chairman
  - Jessica Blalock, Member
  
- II. Approval of Previous Meeting Minutes
  - A. March 3<sup>rd</sup>, 2020
  
- III. Staff and Community Reports
  - A. Staff-approved plat report (None)
  - B. Building inspector's report
  
- IV. Old Business
  - A. Any properly presented old business
  
- V. New Business
  - A. Lakeside Collision -- Site Plan
  - B. Subdivision Regulation Amendment – Cluster Developments
  - C. The Camp at Monteagle L 1-70 – Preliminary Plat
  - D. Any properly presented new business
  
- VI. Adjournment

# SITE PLAN for Lakeside Collision 0.39 Acres (17,125 s.f.)

Revised: 3/28/2020 - Added 5ft strip of landscape area with concrete curb and privacy fence.  
Revised: 5/28/2020 - Added "Street Yard", fence height, parking space note, landscape percentage.



**VICINITY MAP**  
(NOT TO SCALE)

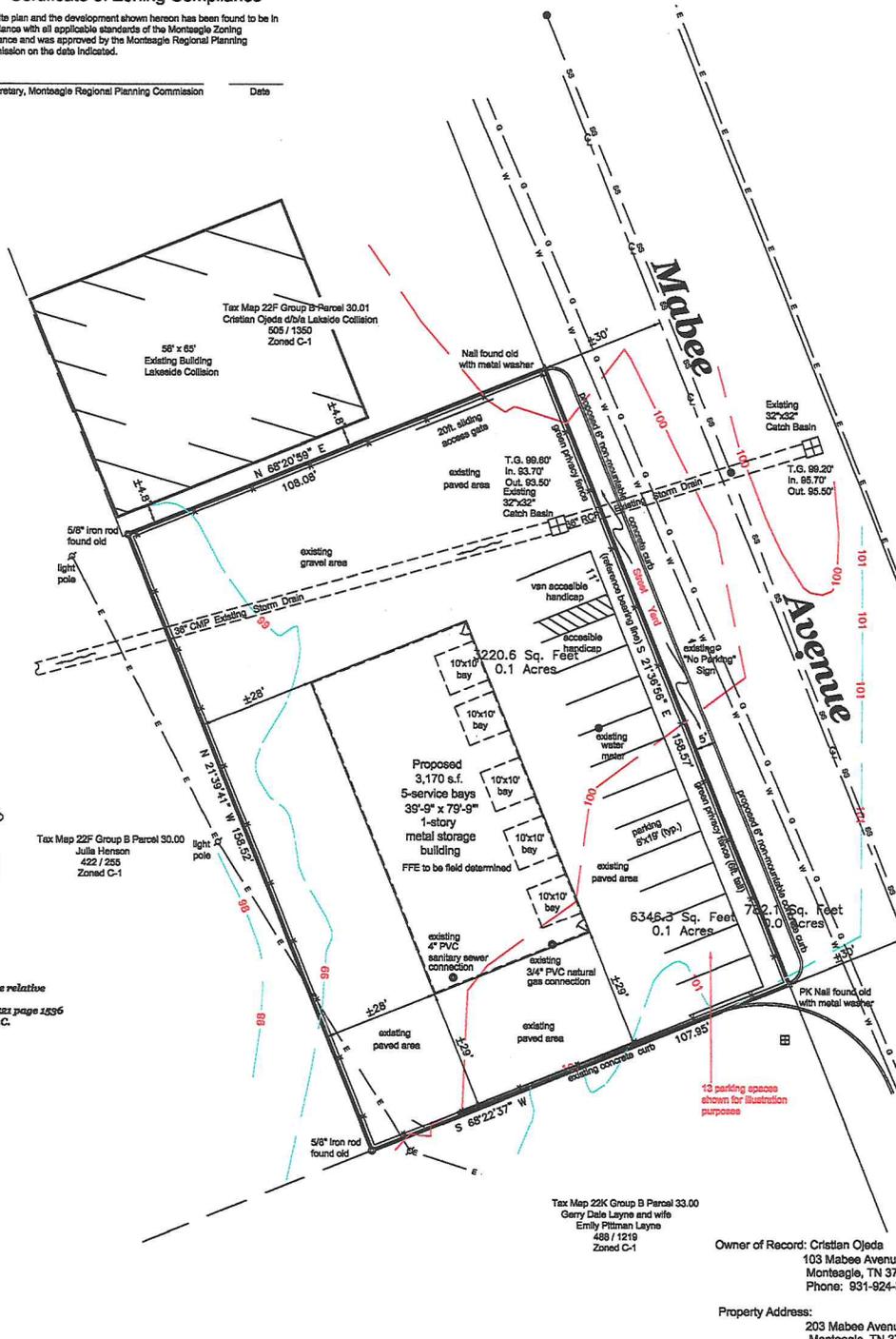
## LEGEND

- = utility pole
- = overhead electric & telephone
- = adjacent's closed line
- 
- 
- = existing sanitary sewer manhole
- = existing gas line
- = proposed green coated privacy fence 6ft. tall

## Certificate of Zoning Compliance

This site plan and the development shown hereon has been found to be in compliance with all applicable standards of the Montague Zoning Ordinance and was approved by the Montague Regional Planning Commission on the date indicated.

Secretary, Montague Regional Planning Commission      Date



- NOTES:**
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**SPECIAL NOTES:**

1. Locations of underground utilities/structures may vary from locations shown hereon.
2. The 5ft wide street yard is 12% of the total property between the street and front of the building.

**FLOOD NOTE:**  
According to FIRN 47115C0080C with effective date 2/4/09 the property is not in a flood zone, but an Area of Minimal Flooding, Zone X.

Contour Interval = 1ft contours  
Present Zoning: C-1  
**SETBACKS:**  
FRONT 0 FT.  
REAR 0 FT.  
SIDE 0 FT.

Bearings are relative to  
Deed Book 521 page 1536  
R.O.M.C.

This survey was done in compliance with current Tennessee Minimum Standards of Practice. I hereby certify that this is a Category 1 survey and the ratio of precision of the unadjusted survey is above 1:10,000.



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Owner of Record: Cristian Ojeda  
103 Mabee Avenue  
Montague, TN 37356  
Phone: 931-924-3316  
  
Property Address:  
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**CHILDERS'**  
**LAND SURVEYING**  
— PLLC —  
**1604 Flat Branch Road**  
**Tracy City, TN 37387**  
**931-592-2714**

<b>Survey for: Cristian Ojeda</b>			
Date: 05/28/2020	Scale: 1 in. = 20 ft.	Job: J11-40	Size: C
Surveyed by: John L. Childers		TN RLS #2023	

Monteagle Board of Zoning Appeals  
4:30 PM CST, Tuesday June 2<sup>nd</sup>, 2020

Meeting Agenda

- I. Call to Order
  - James David Oliver
  - Peter Beasley
  - Tony Gilliam
  - Lexie Orr
  - Jessica Blalock
  
- II. Approval of Previous Meeting Minutes
  - A. None
  
- III. Old Business
  - A. None
  
- IV. New Business
  - A. Election of Officers
  - B. Lakeside Collision – Site Plan
    - i. 2 variances are required
  
- V. Adjournment

# A revised site plan has been presented, applicant will still require a 5ft street yard setback variance and a parking space variance.

## 1. Parking Space Variance

- a. Site plan lacks minimum amount of parking spaces.
  - i. 25 are required, 13 are shown.

### 607 Number of Required Spaces

Specific minimum numbers of parking spaces are outlined below. Land uses which do not fit into one of the following categories shall provide a minimum of four spaces per 1,000 square feet of usable floor area, as determined by the planning commission.

#### Residential Uses

- A. Two spaces for each dwelling unit.

#### Civic and Institutional Uses

- B. One space for every four seats.
- C. If capacity is not based on seating, then one space per 100 square feet of assembly area.

#### Business and Commercial Uses

- D. For office, commercial, and retail uses, one space per 250 square feet.
- E. For restaurants, one space per 100 square feet of dining room floor area, plus one space for every two employees.
- F. For theaters, auditoriums, and other assembly halls, one space for every four seats. If capacity is not based on seating, then one space per 100 square feet of area to be occupied or used by the public.
- G. For hotels and motels, one space for each room to be rented, plus one additional space for every three employees.
- H. For rooming/boarding houses and bed & breakfasts, 1.5 spaces for each room to be occupied by guests.
- I. For medical facilities, clinics, and hospitals, four spaces per doctor, plus one additional space for each employee.

#### Industrial Uses

- J. One space for each two employees anticipated during maximum working shift, with a minimum of five spaces.

#### Other Uses

- K. At repair stations and vehicle garages, five spaces for each vehicle repair rack or service bay.

# No longer applies

## 2. Fencing Requirement Variance

- a. Fencing is shown but requirements per section 715 have not been met.

715

### Fencing Requirements

Fencing provides a physical barrier between land uses is often used for security, privacy, decoration, noise abatement, safety, and other purposes. Materials and functional utility vary widely; the Town of Monteagle has determined certain minimum standards that are necessary to ensure the objectives of this ordinance are achieved in instances where fencing is required. This section establishes classifications and basic minimum standards for fencing. Unless another standard is explicitly stated in this ordinance, the fencing standards in this section shall be in effect.

- A. General Standards. All new fences and modifications of existing fences in the Town of Monteagle shall meet the following requirements:

1. No fencing shall be located within any public street right-of-way.
  2. Fencing shall be located no closer than 12 inches from the edge of any new or existing sidewalk or multi-use trail.
  3. Fences on corner lots shall comply with the sight triangle requirements in [Section 212](#).
  4. The finished or decorative side of the fence shall face outward as to be visible from the public right-of-way or adjoining property.
  5. Chain link fencing visible from the public right-of-way in the C-1, C-2, and C-3 districts shall have a vinyl or similar coating which is black, dark green, or other color approved by the planning commission. No chain link fencing with a steel or metal finish shall be installed in a location visible from the public right-of-way within commercial districts.
  6. Within residential and commercial districts, no barbed wire, razor wire, chicken wire, or similar such fencing material shall be visible from the public right-of-way, unless used for agricultural purposes.
  7. Electric fencing and hot wire fencing is prohibited in the Town of Monteagle, unless used for agricultural purposes. This does not include electrically charged invisible pet fences commonly found in residential areas.
  8. No fence shall be constructed of used or discarded materials that are in disrepair, or other items such as pallets, tree trunks, trash, junk, railroad ties, wooden doors, utility poles, or other materials not specifically manufactured for fencing.
2. Security fences. The primary purpose of a security fence is to restrict access to a structure or area of property. In general, security fences required by this ordinance shall have a height between 6 and 10 feet. Opacity requirements shall be determined by the planning commission based upon safety considerations and the need to screen the interior area. Materials may include, but shall not be limited to, brick, wrought iron, aluminum, wood, vinyl, and chain link fencing. Chain link security fencing visible from the public right-of-way in a C-1, C-2, or C-3 district shall have a vinyl or similar coating which is black, dark green, or other color approved by the planning commission.
- C. Developments requiring fencing and landscape screening. As a general rule, when both fencing and landscape screening are required by this ordinance, landscaping shall be planted exterior of the fence as to be visible from the adjacent property or public right-of-way. This shall not preclude additional landscaping from being located on the interior of a fence if required by this ordinance. The final layout of any required fencing, screening, and other landscaping elements shall be approved by the planning commission.

### 3. Landscaping Variance

- a. Landscaping is absent from site plan.

The BZA is authorized to grant Special Exceptions for landscaping exemptions under the following circumstances:

- A. An alternate landscaping plan is not feasible.
- B. The property's existing natural features are found to be desirable, and the landscaping required by this ordinance would be superfluous or significantly disturb the existing features.
- C. The configuration or features of a particular piece of property would make compliance with this landscaping ordinance overly burdensome or impractical, even under an alternate landscaping plan. The property shall have conditions unique to that property, not characteristics that are found generally throughout the town or zoning district.
- D. When the provisions of this ordinance would deprive the applicant of reasonable use of his or her land. Mere loss in value shall not constitute grounds for a special exception; there must be a deprivation of beneficial use of land.

Financial hardship shall not constitute grounds for a Special Exception. Applicants seeking an exemption for financial hardship shall be denied a Special Exception and their site plan sent back to the planning commission for further action.

In the event the request for a Special Exception is denied, the site plan shall be resubmitted to the planning commission with the required landscaping elements.

Receipt of a variance shall not preempt future developments or expansions at the same property from being required to comply with the landscaping requirements of this ordinance.

**20% of property between the front property line and front of the building should be landscaped.**

**12% landscaping is shown**

# SITE PLAN for Lakeside Collision 0.39 Acres (17,125 s.f.)

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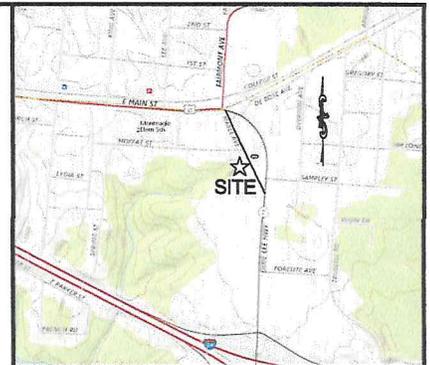
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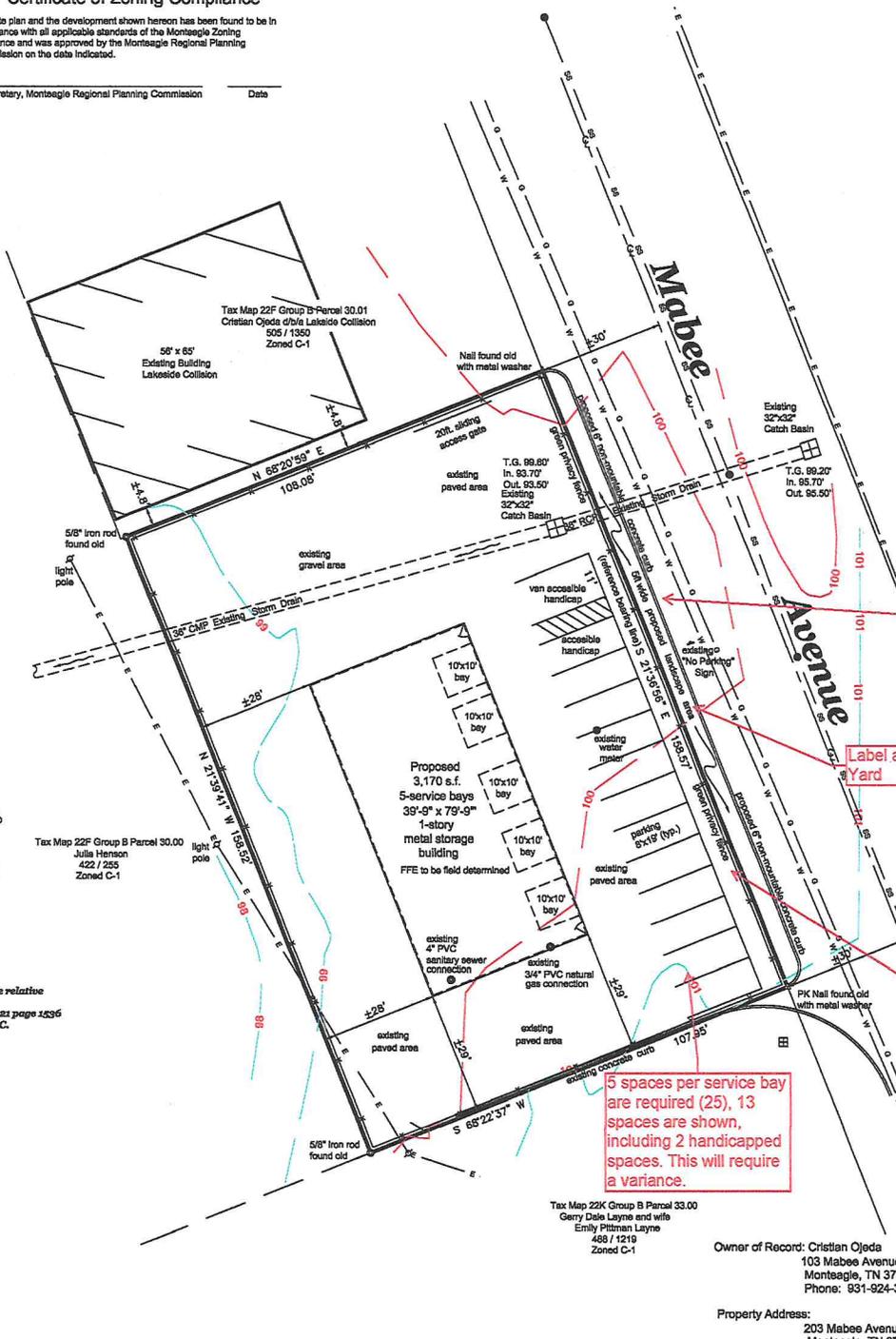
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Secretary, Montague Regional Planning Commission      Date



**VICINITY MAP**  
(NOT TO SCALE)



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Minimum 10ft street yard is required, this will require a variance

**SPECIAL NOTE:** Locations of underground utilities/structures may vary from locations shown hereon.

Label as Street Yard

**FLOOD NOTE:**  
According to FIRM 47115C0080C with effective date 2/4/09 the property is not in a flood zone, but an Area of Minimal Flooding, Zone X.  
Contour Interval = 1ft contours  
Present Zoning: C-1  
SETBACKS:  
FRONT 0 FT.  
REAR 0 FT.  
SIDE 0 FT.

How tall will the fence be? Security fences must be between 6-10 feet tall

5 spaces per service bay are required (25), 13 spaces are shown, including 2 handicapped spaces. This will require a variance.

**REVIEWED**  
By Garrett Haynes at 2:27 pm, May 21, 2020

A minimum of 20% of the total property between the street and front of the principal building shall be landscaped. Please indicate what percentage this proposed 5 foot landscaped area makes up.  
  
If less than 20%, this will require a variance.

Bearings are relative to Deed Book 521 page 1236 R.O.M.C.



This survey was done in compliance with current Tennessee Minimum Standards of Practice. I hereby certify that this is a Category I survey and the ratio of precision of the unadjusted survey is above 1:10,000.



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Survey for: **Cristian Ojeda**

Date: 03/26/2020	Scale: 1 in. = 20 ft.	Job: J11-40	Size: C
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Surveyed by: **John L. Childers**      TN RLS #2023

- R. Grading and drainage plan including any existing and proposed slopes, terraces, and retaining walls.
  - a. **This requirement is met.**
- S. Existing and proposed natural areas, recreation areas, and open space.
  - a. **This requirement is met.**
- T. Detailed design of access points and parking lots showing internal circulation lanes, total number of parking spaces, loading areas, landscaping elements, drainage plans and systems, and location of ADA-accessible spaces.
  - a. **This requirement is not met.**
    - i. **Landscaping element (screening) is not shown.**
- U. Distances between buildings.
  - a. **This requirement is met.**
- V. Number of existing and proposed dwelling units.
  - a. *Not applicable*
- W. Total gross floor area of each building.
  - a. **This requirement is met.**
- X. Lot coverage in square feet and as a percentage of total tract area.
  - a. **This requirement is met.**
- Y. **Landscaping Guarantee is shown.**
- Z. **Certification of Zoning Compliance is shown.**

**Recommendation:**

The proposed site plan does not comply with the requirements of the Monteagle Zoning Ordinance.

This review is based solely on analysis of site plan presented as well as the information staff has available. Staff reserves the right to alter this recommendation should new information be presented detrimental to adherence with local, county and state regulations.

Monteagle Board of Zoning Appeals  
4:30 PM CST, Tuesday June 2<sup>nd</sup>, 2020

Meeting Agenda

- I. Call to Order 4:34pm CST All members were present
- |   |  |
|---|--|
| <input type="checkbox"/> James David Oliver | <input type="checkbox"/> Lexie Orr       |
| <input type="checkbox"/> Peter Beasley      | <input type="checkbox"/> Jessica Blalock |
| <input type="checkbox"/> Tony Gilliam       |  |

- II. Approval of Previous Meeting Minutes  
A. None

- III. Old Business  
A. None

- IV. New Business Nomination: Chairman: JD Oliver; Vice-Chair: Lexie Orr, Secretary: Peter Beasley
- A. Election of Officers Motion: Lexie Orr 2nd: Peter Beasley Decision: Unanimously Approved
- B. Lakeside Collision – Site Plan

Discussion was held about what types of landscaping the applicant would be putting within the reduced 5 foot street yard. Applicant could not specify what types were going to be placed within the street yard.

Three variances were voted on:

1. 5ft Street Yard Variance

Motion: Kenneth Gipson (Denial) 2nd: Tony Gilliam Decision: Unanimously Denied

2. Parking Space Variance

Motion: Lexie Orr (Approval) 2nd: Tony Gilliam Decision: Unanimously Approved

3. 20% Landscaping Variance

Motion: Peter Beasley (Approval) 2nd: Jessica Blalock Decision: Unanimously Approved

Mr. and Mrs. Gadra presented a Lot Frontage Variance request for their property.

Discussion was held on whether or not there were alternative designs for the property that would allow the applicant to achieve the required 40 feet of lot frontage. Applicant stated that his neighbor had previously considered consolidating his property, which would give the lot approximately 70 feet of road frontage.

Motion: Lexie Orr (Denial) 2nd: Peter Beasley Decision: Unanimously Denied

Meeting was adjourned at 5:21pm CST.

Lakeside Collision – Information for Requested Variance

1. Landscaping Variance

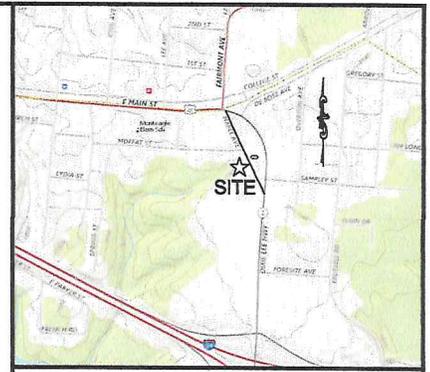
Mr. Ojeda is requesting a 5ft Street Yard Variance. Staff recommends approval of this request. See page 3 for the updated site plan showing the proposed landscaping location and species as requested at the June 2nd meeting.

**LEGEND**

- = utility pole
- = overhead electric & telephone
- = adjacent's deed line
- = existing 6" water line
- = existing 6" sanitary sewer line
- = existing sanitary sewer manhole
- = existing gas line
- = proposed green coated privacy fence 8ft. tall
- = proposed 6" non-mountable concrete curb
- = Japanese Maple
- = Crape Myrtle

# SITE PLAN for Lakeside Collision 0.39 Acres (17,125 s.f.)

Revised: 3/28/2020 - Added 5ft strip of landscape area with concrete curb and privacy fence.  
Revised: 5/28/2020 - Added "Street Yard"; fence height; parking space note; landscape percentage.  
Revised: 5/23/2020 - Added landscape plan



**VICINITY MAP**  
(NOT TO SCALE)

**Certificate of Zoning Compliance**

This site plan and the development shown hereon has been found to be in compliance with all applicable standards of the Montague Zoning Ordinance and was approved by the Montague Regional Planning Commission on the date indicated.

Secretary, Montague Regional Planning Commission      Date

**Landscape Plan**

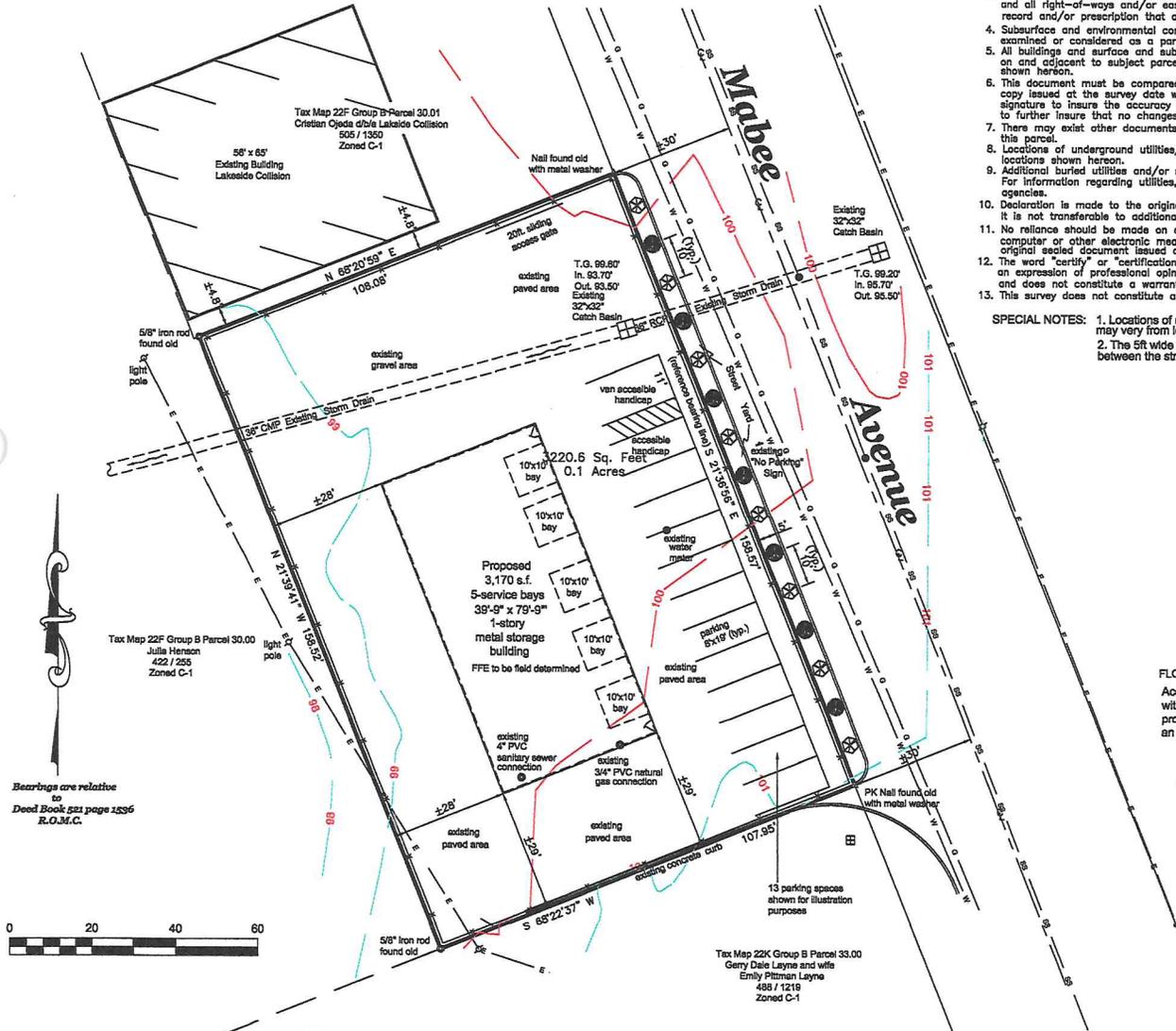
One row of Class II shade trees planted on center spaced 10 feet apart. The matrix shall consist of alternating 7 Japanese Maples with 8 Crape Myrtles. The trees are to be installed at a minimum caliper of 1.5 inches as measured 30 inches above the base of the tree at grade level.

- Japanese Maple, Acer palmatum, Red Emperor Maple, 20'-25' tall, 10'-15' wide
- Crape Myrtle, Lagerstroemia indica, Dynamite, 20'-25' tall, 10'-15' wide

- NOTES:
- The surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership, title evidence, or any other facts that an accurate and current title search may disclose.
  - Property contains a total area of 17,125 s.f., 0.39 acres.
  - The parcel of land shown hereon is subject to any and all right-of-ways and/or easements either by record and/or prescription that a complete title search would disclose.
  - Subsurface and environmental conditions were not examined or considered as a part of this survey.
  - All buildings and surface and subsurface improvements on and adjacent to subject parcel are not necessarily shown hereon.
  - This document must be compared to the original hard copy issued at the survey date with its original seal and signature to insure the accuracy of the information and to further insure that no changes have been made.
  - There may exist other documents of record that may affect this parcel.
  - Locations of underground utilities/structures may vary from locations shown hereon.
  - Additional buried utilities and/or structures may exist. For information regarding utilities, please contact the appropriate agencies.
  - Declaration is made to the original purchaser of this survey. It is not transferable to additional institutions or subsequent owners.
  - No reliance should be made on a document transmitted by computer or other electronic means unless first compared to the original sealed document issued at the time of the survey.
  - The word "certify" or "certification" as shown and used hereon means an expression of professional opinion regarding the facts of the survey and does not constitute a warranty or guarantee, expressed or implied.
  - This survey does not constitute a title search by the surveyor.

**SPECIAL NOTES:**

- Locations of underground utilities/structures may vary from locations shown hereon.
- The 5ft wide street yard is 12% of the total property between the street and front of the building.

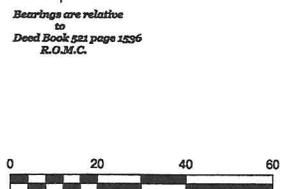


**FLOOD NOTE:**  
According to FIRM 47115C0080C with effective date 2/4/09 the property is not in a flood zone, but an Area of Minimal Flooding, Zone X.

Contour Interval = 1ft contours

Present Zoning: C-1

**SETBACKS:**  
FRONT 0 FT.  
REAR 0 FT.  
SIDE 0 FT.



This survey was done in compliance with current Tennessee Minimum Standards of Practice. I hereby certify that this is a Category I survey and the ratio of precision of the unadjusted survey is above 1:10,000.



**Landscaping Guarantee**

I (we) hereby guarantee to the Town of Montague that the plant materials shown on this site plan will be maintained after issuance of the final certificate of occupancy. Any plant material that dies or is damaged will be replaced in the next appropriate planting season with equivalent material. If this property is sold, this guarantee will become the responsibility of the new owner(s).

Owner \_\_\_\_\_ Date \_\_\_\_\_

Owner of Record: Cristian Ojeda  
103 Mabee Avenue  
Montague, TN 37356  
Phone: 931-924-3316

Property Address:  
203 Mabee Avenue  
Montague, TN 37356

Located in the Fifth Civil District of Marion County, TN in the Town of Montague lying West of and adjacent to Mabee Avenue as shown on Tax Map 22K Group "B" Parcel 31.00.

**DEED REFERENCE:** This is that land conveyed unto Cristian Ojeda recorded in Deed Book 521 page 1538 in the Register of Deeds of Marion County, TN.

Revised: 3/28/2020 - Added 5ft strip of landscape area with concrete curb and privacy fence.  
Revised: 5/28/2020 - Added "Street Yard"; fence height; parking space note; landscape percentage.  
Revised: 5/23/2020 - Added landscape plan

**CHILDERS'**  
**LAND SURVEYING**  
— PLLC —  
**1604 Flat Branch Road**  
**Tracy City, TN 37387**  
**931-592-2714**

*Survey for: Cristian Ojeda*

Date: 06/30/2020	Scale: 1 in. = 20 ft.	Job: J11-40	Size: C
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**Surveyed by: John L. Childers      TN RLS #2023**

Monteagle Board of Zoning Appeals  
4:30 PM CST, Tuesday July 7<sup>th</sup>, 2020

Jd Oliver, KG,  
PB, TG

Meeting Agenda

I. Call to Order

- |   |  |
|---|--|
| <input type="checkbox"/> James David Oliver | <input type="checkbox"/> Lexie Orr       |
| <input type="checkbox"/> Peter Beasley      | <input type="checkbox"/> Jessica Blalock |
| <input type="checkbox"/> Tony Gilliam       |  |

II. Approval of Previous Meeting Minutes

A. June 2<sup>nd</sup>, 2020

TG KG Unanimously  
Approved Minutes

III. Old Business

A. None

IV. New Business

A. Lakeside Collision – Site Plan

i. See page 2 for variance request information

PB TG Approved  
Unanimously

V. Adjournment

Adjourn: 5:51  
TG KG Unanimously  
approved.

## **Garrett Haynes**

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**From:** Garrett Haynes  
**Sent:** Wednesday, July 21, 2021 4:31 PM  
**To:** monteagleinfo@blomand.net  
**Cc:** Marilyn Rodman; Earl Geary  
**Subject:** RE: July 7, 2020  
**Attachments:** 03.03.2020 Monteagle PC Minutes.pdf; Monteagle BZA Meeting Notes 07.07.20.pdf; 05.29.20 Lakeside Collision Revised SP - BZA.pdf; Monteagle PC Agenda 04.07.20.pdf; Monteagle BZA Agenda 06.02.20.pdf

See attached. I don't have the minutes from April 2020.

In short, he submitted a site plan for review in late February 2020. I told him it would be on the April PC agenda as he missed the deadline for March PC review. He showed up in March anyways to discuss his site plan and debated with the PC, hoping to get it approved. Which resulted in the PC telling him that he needed to come back in April as he missed the submittal deadline and did not meet the minimum requirements of the Zoning Ordinance. He presented his site plan in April and expected a variance for all of the items he claimed he couldn't change. The PC told him that he would need a variance from the BZA for this, not the PC. So he went before the BZA in June 2020 and presented his case for a variance. The BZA did not grant any of the variances in June as the site plan still did not meet the minimum requirements. He came back before the BZA in July and they granted him two out of the three requested variances. See below:

**Three variances were voted on:**

**1. 5ft Street Yard Variance**

**Motion: Kenneth Gipson (Denial) 2nd: Tony Gilliam Decision: Unanimously Denied**

**2. Parking Space Variance**

**Motion: Lexie Orr (Approval) 2nd: Tony Gilliam Decision: Unanimously Approved**

**3. 20% Landscaping Variance**

**Motion: Peter Beasley (Approval) 2nd: Jessica Blalock Decision: Unanimously Approved**

The fence that was approved was a "privacy fence" fence per the site plan. I outlined in my review of his recent site plan submittal, and told Cristian directly, that I deemed a "privacy fence" a screening fence per the Town's Zoning Ordinance as the general definition for a privacy fence aligns very closely with the intent and purpose of the screening fence identified in the zoning ordinance.

# LEGEND

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- ∅ — = utility pole
- E — = overhead electric & telephone
- — = adjainer's deed line
- W — = existing 6" water line
- SS — = existing 6" sanitary sewer line
- ● — = existing sanitary sewer manhole
- G — = existing gas line
- \* — \* — = proposed green coated privacy fence 6ft. tall

I've recently explained all of this to Cristian and he seemed to understand the events of last year.

Garrett Haynes  
**Regional Planner**  
Southeast Tennessee Development District  
1000 Riverfront Parkway  
Chattanooga, TN 37402  
O : 423.424.4245 | M: 423.827.3733 | W: SEDEV.ORG

**From:** monteagleinfo@blomand.net <monteagleinfo@blomand.net>  
**Sent:** Wednesday, July 21, 2021 3:53 PM  
**To:** Garrett Haynes <ghaynes@sedev.org>  
**Subject:** RE: July 7, 2020

Do you have anything on Lakeside Collision? He said his plat was approved last year?

**From:** Garrett Haynes <ghaynes@sedev.org>  
**Sent:** Wednesday, July 21, 2021 2:39 PM  
**To:** [monteagleinfo@blomand.net](mailto:monteagleinfo@blomand.net)  
**Subject:** RE: July 7, 2020

Ah, see attached.

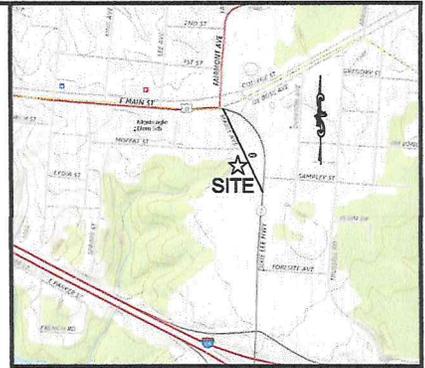
Garrett Haynes

**LEGEND**

- = utility pole
- = overhead electric & telephone
- = adjacent's deed line
- 
- 
- = existing sanitary sewer manhole
- = existing gas line
- = proposed green coated privacy fence 6ft. tall
- 
- 

# SITE PLAN for Lakeside Collision 0.39 Acres (17,125 s.f.)

Revised: 3/26/2020 - Added 5ft strip of landscape area with concrete curb and privacy fence.  
 Revised: 5/28/2020 - Added "Street Yard"; fence height; parking space note; landscape percentage.  
 Revised: 6/30/2020 - Added landscape plan  
 Revised: 7/03/2021 - changed from trees/bushes to planters



**VICINITY MAP**  
(NOT TO SCALE)

## Landscape Plan

Place 6 wooden planters (12"x12"x40") equally spaced in a single row containing 12-3gal. knockout roses each.

*Rosa 'Knock Out'*, is a shrub rose cultivar bred by American rose grower, William Radler in 1989, and introduced into the United States by Star Roses and Plants in 2000. It was named an All-America Rose Selections winner in 2000

= wood planter 12"x12"x40" to hold 12-3 gallon Knockout Roses

**Certificate of Zoning Compliance**

This site plan and the development shown hereon has been found to be in compliance with all applicable standards of the Montague Zoning Ordinance and was approved by the Montague Regional Planning Commission on the date indicated.

Secretary, Montague Regional Planning Commission      Date

**NOTES:**

1. The surveyor has made no investigation or independent search for easements of record, encumbrances, restrictive covenants, ownership, title evidence, or any other facts that an accurate and current title search may disclose.
2. Property contains a total area of 17,125 s.f., 0.39 acres.
3. The parcel of land shown hereon is subject to any and all right-of-ways and/or easements either by record and/or prescription that a complete title search may disclose.
4. Subsurface and environmental conditions were not examined or considered as a part of this survey.
5. All buildings and surface and subsurface improvements on and adjacent to subject parcel are not necessarily shown hereon.
6. This document must be compared to the original hard copy issued at the survey date with its original seal and signature to insure the accuracy of the information and to further insure that no changes have been made.
7. There may exist other documents of record that may affect this parcel.
8. Locations of underground utilities/structures may vary from locations shown hereon.
9. Additional buried utilities and/or structures may exist. For information regarding utilities, please contact the appropriate agencies.
10. Declaration is made to the original purchaser of this survey, it is not transferable to additional institutions or subsequent owners.
11. No reliance should be made on a document transmitted by computer or other electronic means unless first compared to the original sealed document issued at the time of the survey.
12. The word "certify" or "certification" as shown and used hereon means an expression of professional opinion regarding the facts of the survey and does not constitute a warranty or guarantee, expressed or implied.
13. This survey does not constitute a title search by the surveyor.

**SPECIAL NOTES:**

1. Locations of underground utilities/structures may vary from locations shown hereon.
2. The 5ft wide street yard is 12% of the total property between the street and front of the building.

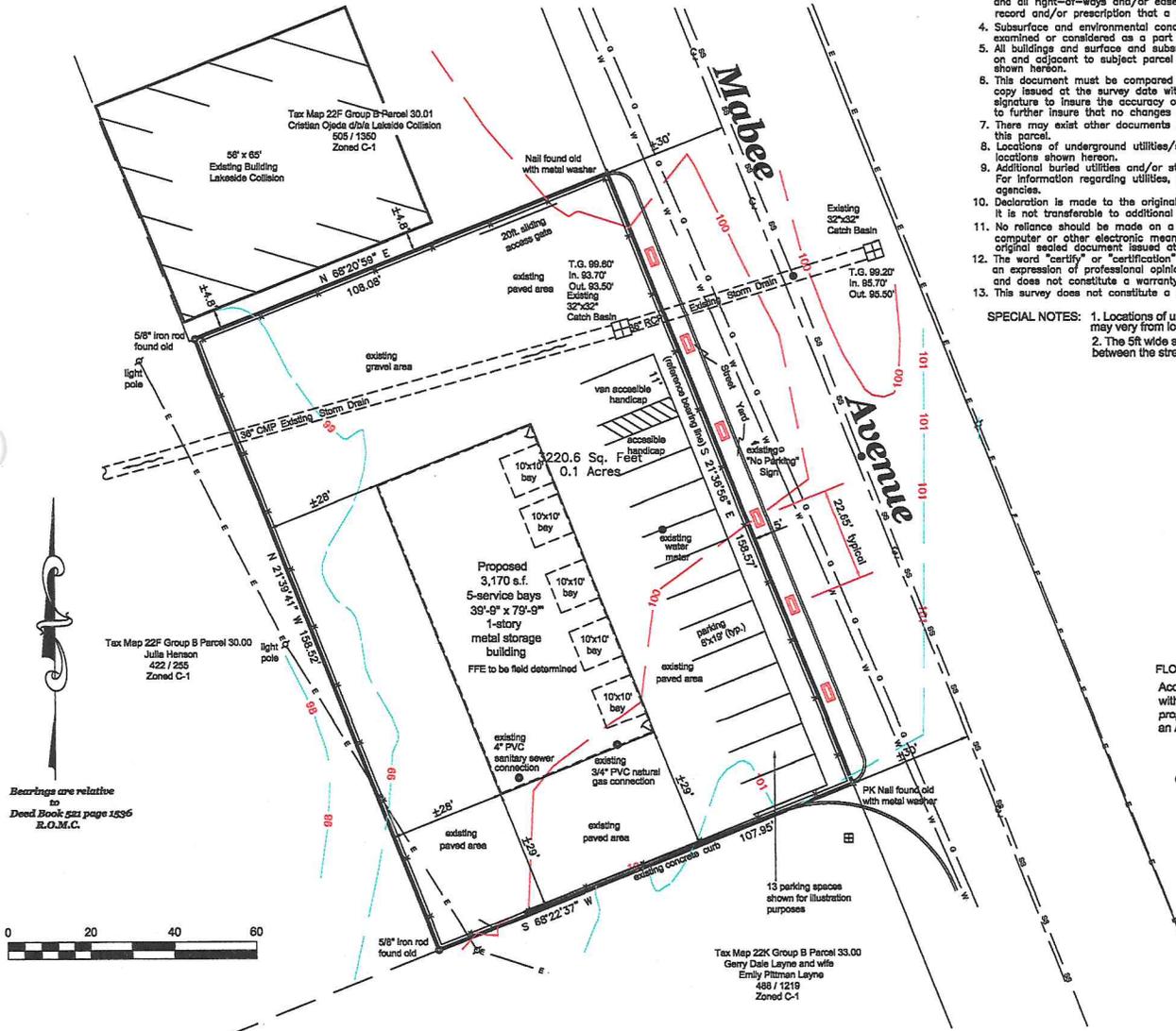
**FLOOD NOTE:**

According to FIRM 47115C0080C with effective date 2/4/09 the property is not in a flood zone, but an Area of Minimal Flooding, Zone X.

Contour Interval = 1ft contours

Present Zoning: C-1

**SETBACKS:**  
FRONT 0 FT.  
REAR 0 FT.  
SIDE 0 FT.



Bearings are relative to  
Deed Book 221 page 1336  
R.O.M.C.

0 20 40 60

**Landscaping Guarantee**

I (we) hereby guarantee to the Town of Montague that the plant materials shown on this site plan will be maintained after issuance of the final certificate of occupancy. Any plant material that dies or is damaged will be replaced in the next appropriate planting season with equivalent material. If this property is sold, this guarantee will become the responsibility of the new owner(s).

Owner \_\_\_\_\_ Date \_\_\_\_\_

This survey was done in compliance with current Tennessee Minimum Standards of Practice. I hereby certify that this is a Category 1 survey and the ratio of precision of the unadjusted survey is above 1 : 10,000 .



Located in the Fifth Civil District of Marion County, TN in the Town of Montague lying West of and adjacent to Mabee Avenue as shown on Tax Map 22K Group "B" Parcel 31.00 .  
**DEED REFERENCE:** This is that land conveyed unto Cristian Ojeda recorded in Deed Book 521 page 1536 in the Register of Deeds of Marion County, TN.

Revised: 3/26/2020 - Added 5ft strip of landscape area with concrete curb and privacy fence.  
 Revised: 5/28/2020 - Added "Street Yard"; fence height; parking space note; landscape percentage.  
 Revised: 6/30/2020 - Added landscape plan  
 Revised: 7/03/2021 - changed from trees/bushes to planters

Owner of Record: Cristian Ojeda  
103 Mabee Avenue  
Montague, TN 37356  
Phone: 931-924-3316

Property Address:  
203 Mabee Avenue  
Montague, TN 37356

**CHILDERS'**  
**LAND SURVEYING**  
— PLLC —  
**1604 Flat Branch Road**  
**Tracy City, TN 37387**  
**931-592-2714**

**Survey for: Cristian Ojeda**

<b>Date:</b> 07/06/2021	<b>Scale:</b> 1 in. = 20 ft.	<b>Job:</b> J11-40	<b>Size:</b> C
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**Surveyed by: John L. Childers** **TN RLS #2023**



Southeast Tennessee Development District  
 Community Development  
 P.O. Box 4757 | 1000 Riverfront Parkway  
 Chattanooga, TN 37405  
 Phone: (423) 266-5781 Fax: (423) 267-7705  
 www.sedev.org

**REVIEW**

**Property Owner:**  
 Cristian Ojeda  
 103 Mabee Avenue  
 Monteagle, TN 37356

**Surveyor:**  
 Childers' Land Surveying  
 1604 Flat Branch Road  
 Tracy City, TN 37387

**Location:**  
 203 Mabee Avenue  
 Monteagle, TN 37356  
 (022K B 031.00)

**Building Setbacks:**  
*Side:* 10 feet

*Front:* 40 feet  
*Rear:* 10 feet

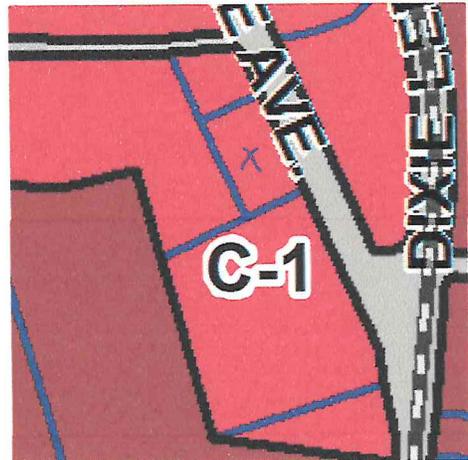
**Zoning:** C-3  
**Flood Zone:** NO

*Background*

This site plan for Lakeside Collision was reviewed and approved in 2020. This property was rezoned in January 2021 with the adoption of the new zoning map. This property changed from C-1 Corridor Commercial District to C-3 Interchange Commercial District. This land use is currently a nonconforming use that is permitted. Note that the setbacks are shown on the site plan for C-1.

The property owner requested three different variances for the property in 2020:

1. Reduction in the number of required parking spaces from 25 down to 13. **(Approved)**
2. Reduction in overall landscaping from 20% down to 12%. **(Approved)**
3. Reduction in street yard from 10' to 5'. **(Denied)**



The property owner presented a revised site plan at the July 6<sup>th</sup> Planning Commission meeting requesting the Planning Commission to consider an alternative landscaping plan and clarification about the required fencing materials. Mr. Earl Geary mentioned that the materials of the fence being built does not meet the requirements of a screening fence per the Zoning Ordinance. This item was not on the agenda for review in July and therefore I recommended that Mr. Ojeda resubmit the site plan for review and consideration of the alternative landscaping plan and fencing material.

**This site plan will be on the August 3<sup>rd</sup> Planning Commission Agenda for review.  
 The meeting will be at 6:00pm CT at Town Hall.**

**508 Automotive Body Shops and Service Facilities**

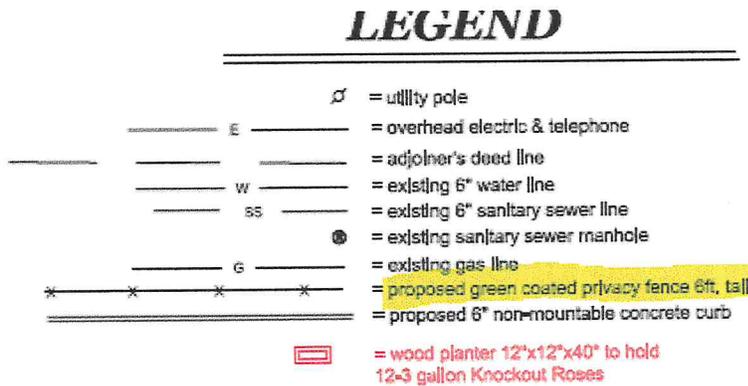
Automotive body shops service facilities shall comply with all applicable general provisions of this zoning ordinance and the requirements of this section. Where there is a conflict with another regulation or dimensional requirement, the standard specified in this section shall control.

- A. All damaged, wrecked, undriveable, and inoperable vehicles, and any salvage vehicles used for parts, shall be contained indoors or entirely within a screening fence as set forth in Section 715, except for driveway areas.
- B. Automotive body shops where five or more motor vehicles of any kind are located which are incapable of operation, exposed to the weather, and which may be used for salvage or spare parts shall be considered “junkyards” under the provisions of this zoning ordinance and regulated as such.

It was communicated in 2020 that any damaged, wrecked, undriveable, inoperable or salvage vehicles used for parts will be contained indoors within the new building as it was an expansion of his existing business for servicing such vehicles.

The fencing material was recently brought up and I will try to clarify what is permitted/prohibited. As long as there are no “damaged, wrecked, undriveable, inoperable or salvage vehicles used for parts” in the parking spaces or otherwise located on the property, a security fence may be permitted. If any of these types of vehicles are present, a screening fence will be required.

The site plan currently shows a “proposed green coated privacy fence 6ft tall”.



A “privacy fence” is not one of the fencing classifications under Section 715.

The following classifications are given:

- Residential Fences
- Security Fences
- Screening Fences
- Pool Fences

Typically, a “privacy fence” is opaque in nature in effort to retain privacy. See two commonly accepted definitions for privacy fence below:

- **fence, privacy** A solid fence erected or constructed to prevent views across the fence line. (Fort Wayne, Ind.)
- Any fence constructed of materials which creates an opaque wall or screen. (Huntington, Ind.)

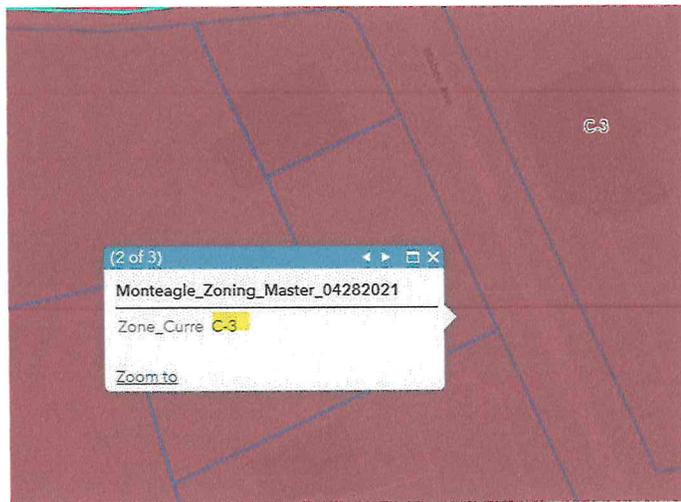
The two definitions above closely align with the intent of screening fences in the Monteaule Zoning Ordinance.

Section 706 requires that landscaped screening is required per the provided zoning matrix. This property was surrounded by C-3 in 2020 and still is in 2021.

ZONING OF ABUTTING PROPERTY	ZONING OF DEVELOPMENT			
	C-1, C-2	C-3	I-1	R-3, R-4, I-D
C-1, C-2	None	Required	Required	Required
C-3	None	Required	Required	Required
I-1	None	Required	Required	Required
R-3, R-4, I-D	Required	Required	Required	Required
R-1, R-2	Required	Required	Required	Required

This property will require one of the following methods of screening:

- A. One row of screening trees planted on-center and spaced 10 feet apart.
- B. Two staggered rows of screening shrubs with 7 feet of separation between the rows and shrubs planted 8 feet apart.



**This requirement is not met.**

**710 Alternate Landscaping Plan**

The Town of Monteagle recognizes that existing site conditions or the nature of a proposed development may make it impractical or impossible to comply with the strict landscaping provisions of this ordinance. In such cases, the planning commission is authorized to approve an alternate landscaping plan, provided that the proposed arrangement complements the building façade, enhances the public viewshed, and advances the goals of Section 701. The planning commission may impose conditions it deems necessary when approving alternate landscaping plans to ensure the spirit and intent of this ordinance is fulfilled. Alternate plans shall be submitted in accordance with Section 710.

The property owner has presented an alternate landscaping plan consisting of 6 wooden planters equally spaced in a single row containing 12 three-gallon knockout rose bushes per planter.

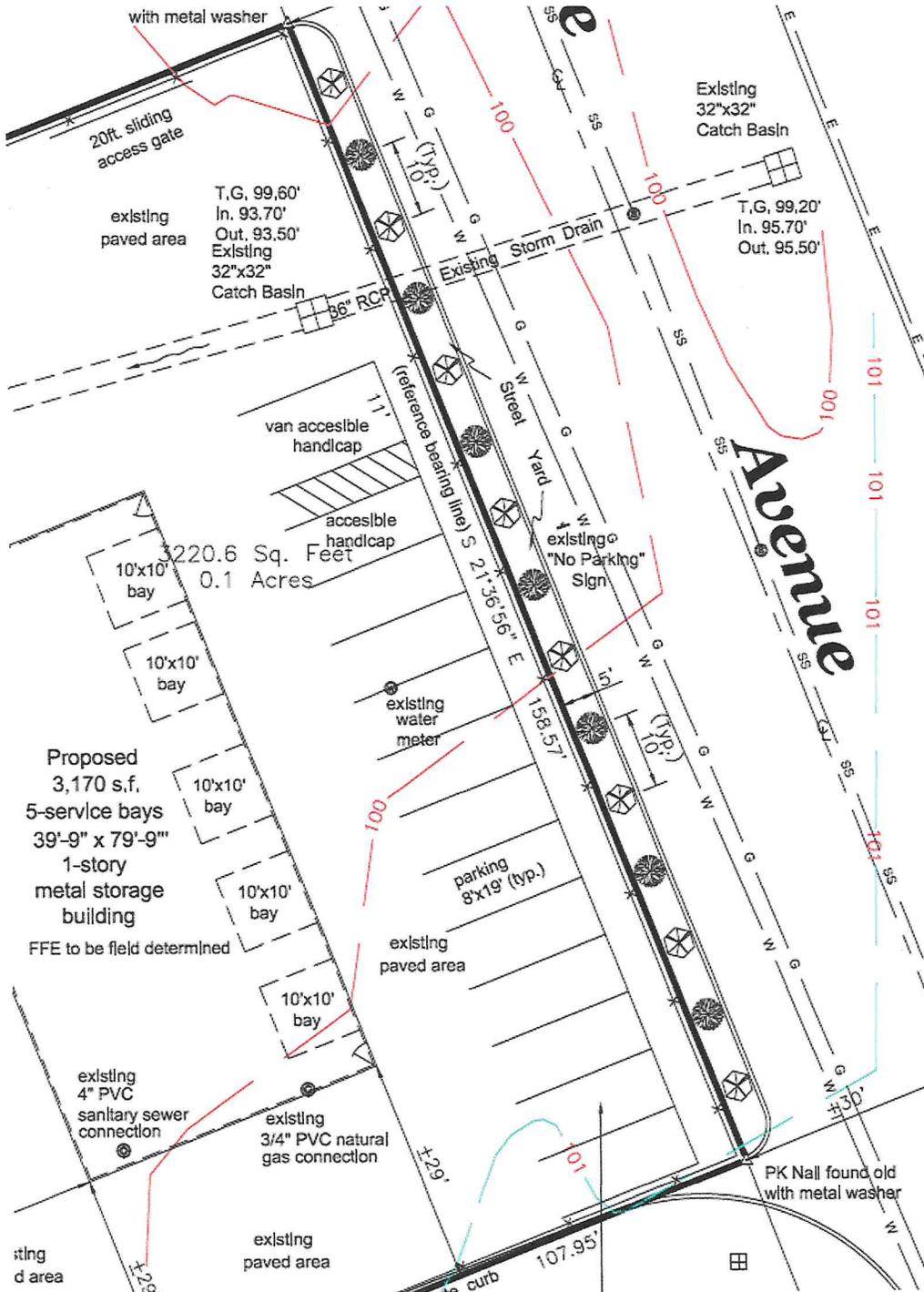
This landscaping plan is in place of the previously approved landscaping plan shown on the site plan which was approved in 2020. (See below)

(From site plan submitted on 7.1.2020)

# Landscape Plan

One row of Class II shade trees planted on center spaced 10 feet apart.  
The matrix shall consist of alternating 7 Japanese Maples with 8 Crape Myrtles. The trees are to be installed at a minimum caliper of 1.5 inches as measured 30 inches above the base of the tree at grade level.

-  Japanese Maple, *Acer palmatum*, Red Emperor Maple, 20'-25' tall, 10'-15' wide
-  Crape Myrtle, *Lagerstroemia Indica*, Dynamite, 20'- 25' tall, 10'-15' wide



The alternate landscaping plan significantly alters the overall visual appearance of the property from the public viewshed and does not advance the goal of section 701. Approval of this alternative landscaping plan is not recommended.

701

#### Landscaping Goals

The goals of the landscaping requirements of this chapter are: to promote the scenic quality of the community; to protect and improve the environment; to ensure the stock of native trees and vegetation is maintained and replenished; to improve the appearance of parking areas and property; to provide relief from vehicles, traffic, noise, heat, glare, and lighting; to reduce stormwater runoff, improve water quality, and reduce soil erosion; to protect and enhance property values; and to provide transition between incompatible land uses.



*Source: Google Street View April 2021*

The submitted site plan does not show a screening fence, nor does it show any landscaping or landscaped screening. All elements are required and cannot be reviewed by the Planning Commission until addressed.

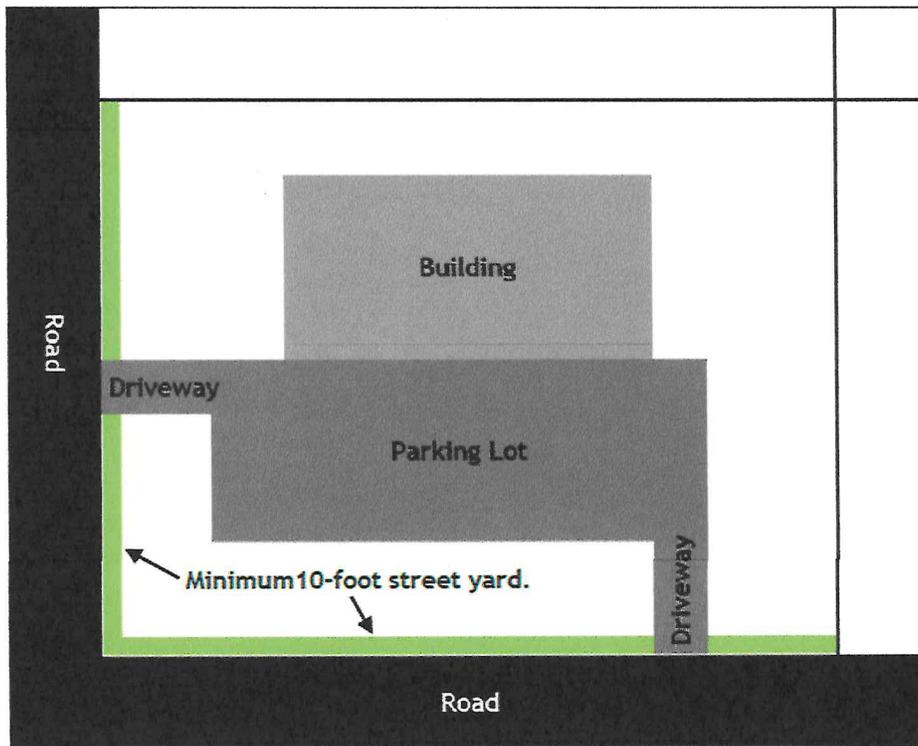
Section 704 – Street Yard Requirements

Along each property line abutting a public road, a street yard at least 10 feet in width shall be provided. This shall be measured from the ROW line towards the interior of the property. No parking areas, structures, or impervious surfaces—with the exception of sidewalks and approved driveways—are permitted within this street yard, which shall consist of grass, landscaping, or other natural living ground cover material.

**A variance request for a reduced street yard was denied in 2020, this site plan lacks the required street yard and accompanying landscaping.**

**704 Street Yard Requirements**

Along each property line abutting a public road, a street yard at least 10 feet in width shall be provided. This shall be measured from the ROW line towards the interior of the property.



No parking areas, structures, or impervious surfaces—with the exception of sidewalks and approved driveways—are permitted within this street yard, which shall consist of grass, landscaping, or other natural living ground cover material.