

2013-003  
City of Chattanooga/RPA  
District No. 4  
Planning Version

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

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED IN THE 5500 TO 6300 BLOCKS OF HIGHWAY 58, MAHLON DRIVE, HARRISON-OOLTEWAH ROAD, CLARK ROAD, HOLDER ROAD, EASTER DRIVE, TYNER LANE, AND CHURCH ROAD, ANNEXATION AREA 6C, TO ESTABLISH PERMANENT ZONES, AS SET FORTH MORE FULLY HEREIN.

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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, be and the same hereby is amended pursuant to Section 38-653 so as to rezone properties located in the 5500 to 6300 blocks of Highway 58, Mahlon Drive, Harrison-Ooltewah Road, Clark Road, Holder Road, Easter Drive, Tyner Lane, and Church Road, annexed to the City by Ordinance Nos. 12314 and 12515 and identified as Area 6C, more particularly described herein:

Beginning at a point in the current City of Chattanooga boundary which is the US Highway 58 right-of-way and the northwestern corner of property now or formerly owned by the City of Chattanooga *clo* Electric Power Board (121-004); thence proceeding southward a distance of 392 feet, more or less, along the current City of Chattanooga boundary to southwestern corner of property now or formerly owned by Central High and Brown Middle Schools *c/o* HCDE (121-003); thence proceeding a distance of 4,102 feet, more or less, following the property line of Central High and Brown Middle Schools *clo* HCDE (121-003) to the southeastern corner of property now or formerly owned by

New Harrison Memorial Cemetery (121-002); thence proceeding northeasterly a distance of 357 feet, more or less, to the southeastern corner of property now or formerly owned by Steven Walls (121C-F-020); thence proceeding northward a distance of 105 feet, more or less, to the intersection of the southeastern corner of property now or formerly owned by Terry and Martha Wall (121C-F-021) and Bent Drive right-of-way; thence proceeding eastward a distance of 50 feet, more or less, across Bent Drive right-of-way to the southwestern corner of property now or formerly owned by Huberto Siniard (121C-F-001.02); thence proceeding eastward a distance of 308 feet, more or less, to the intersection of the southeastern corner of property now or formerly owned by Huberto Siniard (121C-F-001.02) and a point on the western line of property now or formerly owned by Huberto Siniard (121-005.02); thence proceeding a distance of 1,214 feet, more or less, following the property line of Huberto Siniard (121-005.02) to the intersection of a point on the eastern line of property now or formerly owned by Huberto Siniard (121-005.02) and the Congress Lane right-of-way; thence proceeding eastward a distance of 50 feet, more or less, across the Congress Lane right-of-way to the southwestern corner of property now or formerly owned by TRC Watersports Center LLC (121C-A-010.01); thence proceeding eastward a distance of 390 feet, more or less, following the property line to the southwestern corner of property now or formerly owned by First Tennessee Bank National Association (121C-D-001.01); thence proceeding northeasterly a distance of 252 feet, more or less, to the southwestern corner of property now or formerly owned by Kenneth and Peggy Webb (121C-D-001.02); thence proceeding northeasterly a distance of 248 feet, more or less, to the southwestern corner of property now or formerly owned by Dollar General Corporation Incorporated (121C-D-001); thence proceeding northeasterly a distance of 154 feet, more or less, to the southwestern corner of property now or formerly owned by Kanji Holdings LLC (112N-C-001.03); thence proceeding northeasterly a distance of 439 feet, more or less, continuing across the intersection of the Deerwood Drive right-of-way to the eastern corner of property now or formerly owned by Terry and Martha Wall (112-012.04); thence proceeding a distance of 1,613 feet, more or less, following the property line of Terry and Martha Wall (112-012.04) to the intersection of the northeastern corner of property now or formerly owned by Terry and Martha Wall (112-012.04) and a point on the southern line of property now or formerly owned by Waymon and Mildred Farrar (112-012);

thence proceeding northward a distance of 1,114 feet, more or less, to the intersection of the northeastern corner of property now or formerly owned by Waymon and Mildred Farrar (112-012) and a point on the southern line of property now or formerly owned by Bayside Baptist Church (112-013); thence proceeding a distance of 1,831 feet, more or less, following the property line of Bayside Baptist Church (112-013) to the intersection of the northwestern corner of property now or formerly owned by Bayside Baptist Church (112-013) and a point on the eastern line of property now or formerly owned by Bayside Baptist Church (112M-B-015.02); thence proceeding northeasterly a distance of 160 feet, more or less, to the southeastern corner of property now or formerly owned by Bayside Baptist Church (112M-B015); thence proceeding northeasterly a distance of 145 feet, more or less, to the southeastern corner of property now or formerly owned by MAPCO Express Incorporated (112M-B-015.01); thence proceeding northward a distance of 251 feet, more or less, to the southeastern corner of property now or formerly owned by Evelyn Kuberg (112M-A-022); thence proceeding northward a distance of 208 feet, more or less, to the southeastern corner of property now or formerly owned by Rayford and Becky Carter (112M-A-023.01); thence proceeding northward a distance of 68 feet, more or less, to the southeastern corner of property now or formerly owned by C & W Rentals (112M-A-023.02); thence proceeding northward a distance of 93 feet, more or less, to the southeastern corner of property now or formerly owned by C & W Rentals (112M-A-023); thence proceeding northward a distance of 766 feet, more or less, to the intersection of the said northwestern corner of property now or formerly owned by C & W Rentals (112M-A-023) and a point on the eastern line of property now or formerly owned by South Central Bell Telephone Company (112M-A-024); thence proceeding northward a distance of 184 feet, more or less, to the intersection of the northeastern corner of property now or formerly owned by South Central Bell Telephone Company (112M-A-024) and a point on the southern line of property now or formerly owned by Helen and Ann Hinson c/o Ralph Dill (112M-A-028); thence proceeding a distance of 640 feet, more or less, following the property line of Helen and Ann Hinson c/o Ralph Dill (112M-A-028) to the southeastern corner of property now or formerly owned by Brent and Natasha Davidson (112M-A030.04); thence proceeding northward a distance of 67 feet, more or less, to the southeastern corner of property now or formerly owned by William Fryar (112M-A-030.05); thence

proceeding northward a distance of 80 feet, more or less, to the southeastern corner of property now or formerly owned by Adam and Stephanie Rosenthal (112M-A-030); thence proceeding northward a distance of 148 feet, more or less, to the southeastern corner of property now or formerly owned by James Snowden (112M-A-030.01); thence proceeding northwesterly a distance of 110 feet, more or less, to the intersection of a point on the eastern line of property now or formerly owned by James Snowden (112M-A-030.01) and the southwestern corner of property now or formerly owned by William Fryar (112M-A-030.02); thence proceeding a distance 267 feet, more or less, following the property line of William Fryar (112M-A-030.02) to the southeastern corner of a part of parcel now or formerly owned by United States of America TVA (112-003); thence proceeding northward a distance of 333 feet, more or less, to the intersection of the northwestern corner of a part of parcel now or formerly owned by United States of America TVA (112-003) and the Highway 58 right-of-way; thence proceeding a distance of 446 feet, more or less, following the Highway 58 right-of-way, including the entire right-of-way of Highway 58, to the intersection of the Highway 58 right-of-way and the northeastern corner of property now or formerly owned by David Barrow (112-004.07); thence proceeding a distance of 543 feet, more or less, following the property line of David Barrow (112-004.07) to the northwestern corner of property now or formerly owned by David Barrow (112-004.08); thence proceeding a distance of 374 feet, more or less, following the property line of David Barrow (112-004.08) to the intersection of the Highway 58 right-of-way and the northeastern corner of property now or formerly owned by Bauling Schmitt LLC (112-004.01); thence proceeding eastward a distance of 379 feet, more or less, to the intersection of the southwestern corner of property now or formerly owned by Bauling Schmitt LLC (112-004.01) and the northwestern corner of property now or formerly owned by RI TN 2 LLC c/o Realty Income Corporation (112-005.01); thence proceeding a distance of 2,077 feet, more or less, following the property line of RI TN 2 LLC c/o Realty Income Corporation (112-005.01) to the northwestern corner of property now or formerly owned by Double James Properties LLC (112-006); thence proceeding southwesterly a distance of 564 feet, more or less, to the said northwestern corner of a part of parcel now or formerly owned by Title Guar c/o R. P. Scott (112-011); thence proceeding a distance of 1,351 feet, more or less, following the property line of Title Guar c/o R. P. Scott (112-011) to the

intersection of the Highway 58 right-of-way at Harvest Run Drive and the northeastern corner of a part of parcel now or formerly owned by Title Guar c/o R. P. Scott (112-011); thence proceeding 50 feet, more or less, following the right-of-way of Highway 58 to the northeast corner of property now or formerly owned by Title Guar c/o R.P. Scott on the south side of Harvest Run Drive; thence proceeding a distance of 1,178 feet, more or less, following the property line of Title Guar c/o R. P. Scott (112-011) to the northwestern corner of property now or formerly owned by GVH Highway 58 Associates (112N-A-001); thence proceeding southward a distance of 1,877 feet, more or less, following the property line to the northern line of the Highway 58 right-of-way and continuing to the intersection of the Holder Road right-of-way and the northeastern corner of property now or formerly owned by Martin and Cheryl McNabb (112N-A-003); thence proceeding a distance of 840 feet, more or less, following the property line of Martin and Cheryl McNabb (112N-A-003) to the intersection of the Staton Road right-of-way and continuing along the northern line of the Highway 58 right-of-way to the southeastern corner of property now or formerly owned by Ronnie Nichols (112O-J-013); thence proceeding a distance of 754 feet, more or less, following the property line of Ronnie Nichols (112O-J-013) to the northeastern corner of property now or formerly owned by Spector Enterprises Incorporated (112O-J-014); thence proceeding a distance of 564 feet, more or less, following the property line of Spector Enterprises Incorporated (112O-J-014) to the intersection of a point on the southern line of property now or formerly owned by Spector Enterprises Incorporated (112O-J-014) and the Highway 58 right-of-way; thence proceeding southwesterly a distance of 80 feet, more or less, along the northern line of the Highway 58 right-of-way to a point on the southern line of property now or formerly owned by Louise Spector (121B-C-007); thence proceeding a distance of 1,163 feet, more or less, following the property line of Louise Spector (121B-C-007) to the intersection of the northwestern corner of property now or formerly owned by Louise Spector (121B-C-007) and a point on the northern line of property now or formerly owned by Harrison Baptist Church (121B-C-008); thence proceeding northwesterly a distance of 145 feet, more or less, to the intersection of the northwestern corner of property now or formerly owned by Harrison Baptist Church (121B-C-008) and the Hillcrest Drive right-of-way; thence proceeding a distance of 1,881 feet, more or less, along the Hillcrest Drive right-of-way, including the entire

right-of-way of Hillcrest Drive and continuing westward on the Church Road right-of-way and the Easter Drive right-of-way, including the entire right-of-ways of Church Road and Easter Drive, to the intersection of the Easter drive right-of-way and the northwestern corner of property now or formerly owned by Harrison Methodist Church (121B-A-007); thence proceeding southward a distance of 1,983 feet, more or less, following the property line of Harrison Methodist Church (121B-A-007) to the intersection of the current City of Chattanooga boundary, a point on the northern right-of-way of Highway 58, and the eastern corner of property now or formerly owned by Carroll and Shirley Martin (121B-A-008.01); thence proceeding northwesterly a distance of 208 feet, more or less, to the northeastern corner of property now or formerly owned by SunTrust Bank TR (121B-A-008.02); thence proceeding southwesterly a distance of 127 feet, more or less, to the intersection of the northwestern corner of property now or formerly owned by SunTrust Bank TR (121B-A-008.02) and the Clark Road right-of-way; thence proceeding southwesterly a distance of 50 feet, more or less, across Clark Road right to the intersection of the northeastern corner of property now or formerly owned by Northwest Georgia Bank (121A-E-006) and the eastern corner of property now or formerly owned by Reba Wilson Revocable Living Trust (121A-E-005); thence proceeding a distance of 2,084 feet, more or less, following the property line of Reba Wilson Revocable Living Trust (121A-E-005) to the intersection of the southwestern corner of property now or formerly owned by Reba Wilson Revocable Living Trust (121A-E-005) and a point on the northern right-of-way of Highway 58; thence proceeding easterly a distance of 2,390 feet, more or less, following the northern boundary of the Highway 58 right-of-way which is the current boundary of the City of Chattanooga and crossing to a point on the southern boundary of Highway 58 and its intersection at the northwest corner of property now or formerly owned by City of Chattanooga c/o Electric Power Board (121-004), which is the point of beginning. Included in this annexation are all tax parcel numbers and road right-of-ways on the accompanying attached map for Annexation Zone 6 -C. All of this property lies within the Urban Growth Boundary of the City of Chattanooga as provided in the Master Interlocal Agreement between all municipalities within Hamilton County effective May 23, 2001. References to parcel numbers in parenthesis above are based upon official Geographic Information System maps maintained by the Hamilton County GIS Department.

and as shown on the map attached hereto and made a part hereof by reference, from Temporary Zones to Permanent Zones.

SECTION 2. BE IT FURTHER ORDAINED, That Tax Map Nos. 112-004.01, 112-004.07, 112-004.08, 112-005, 112-005.02, 112-011.01, 112-011.02, 112-011.03, 112M-A-022, 112M-A-023.01, 112M-A-023.02, 112M-A-024, 112M-A-030, 112M-A-030.01, 112M-A-030.02, 112M-A-030.04, 112M-A-030.05, 112M-B-015.01, 112N-C-001.03, 112O-J-013, 121A-E-006, 121B-A-003, 121B-A-008, 121B-A-008.01, 121B-A-008.02, 121B-B-001, 121B-B-002, 121B-B-020, 121B-B-021, 121B-B-022, 121B-C-007, 121C-A-010.01, 121C-D-001, 121C-D-001.01 and 121C-D-001.02 be permanently rezoned from temporary C-2 Convenience Commercial Zone to C-2 Convenience Commercial Zone.

SECTION 3. BE IT FURTHER ORDAINED, That Tax Map No. 112-006 be permanently rezoned from temporary C-2 Convenience Commercial Zone to C-2 Convenience Commercial Zone with conditions of 1) R-1 on Rim Crest and Harvest Run being shielded from lighting if used; and 2) Access being from Hwy. 58 only; and Tax Map No. 112N-A-003 subject to conditions of 1) Any exterior lighting being directed down and away from residential uses; and 2) Access being from Hwy. 58 only.

SECTION 4. BE IT FURTHER ORDAINED, That Tax Map Nos. 112-011 and 121B-A-005 be permanently rezoned from temporary C-2 Convenience Commercial Zone and R-1 Residential Zone to C-2 Convenience Commercial Zone and R-1 Residential Zone following existing temporary zoning boundary lines.

SECTION 5. BE IT FURTHER ORDAINED, That Tax Map Nos. 112-005.01, 112-012, 112-012.02, 112-012.04, 112-013, 112N-A-001, be permanently rezoned from temporary C-2 Convenience Commercial Zone and R-2 Residential Zone to C-2 Convenience Commercial Zone and R-2 Residential Zone, following existing temporary zone boundaries.

SECTION 6. BE IT FURTHER ORDAINED, That Tax Map Nos. 121-005.02, 121C-F-001.02 and 121C-F-020, be permanently rezoned from temporary C-2 Convenience Commercial Zone and R-4 Special Zone to C-2 Convenience Commercial Zone and R-4 Special Zone, following existing temporary zone boundaries.

SECTION 7. BE IT FURTHER ORDAINED, That Tax Map Nos. 121A-E-005, 121B-A-001, 121B-A-002, 121B-A-004, 121B-A-004.01, 121B-A-006, and 121B-A-007 be permanently rezoned from temporary R-1 Residential Zone to R-1 Residential Zone.

SECTION 8. BE IT FURTHER ORDAINED, That Tax Map Nos. 112-003, 112M-A-023, 112M-A-028, 112O-J-014, 121B-B-003, 121B-B-019 and 121B-C-008 be permanently rezoned from temporary R-2 Residential Zone to R-2 Residential Zone.

SECTION 9. BE IT FURTHER ORDAINED, That Tax Map Nos. 121-002, 121-003, 121-003.01, 121C-F-021 and 121C-F-022 be permanently rezoned from temporary R-4 Special Zone to R-4 Special Zone.

SECTION 10. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two (2) weeks from and after its passage.

PASSED on Second and Final Reading

\_\_\_\_\_, 2013.

\_\_\_\_\_  
CHAIRPERSON

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

DATE: \_\_\_\_\_, 2013

\_\_\_\_\_  
MAYOR

/mms

RESOLUTION

WHEREAS, City of Chattanooga/RPA petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga the rezoning from Temporary Zone to Permanent Zone per City Code Article XII,. Section 38-653 - Planning Commission Zoning Plan to establish permanent zones for area annexed and identified as "Area 6-C" of Ordinance #12314 and Ordinance #12515, properties located in the 5500-6300 blocks Hwy 58, Mahlon Drive, Harrison-Ooltewah Road, Clark Road, Holder Road, Easter Drive, Tyner Lane, and Church Road.

Beginning at a point in the current City of Chattanooga boundary which is the US Highway 58 right-of-way and the northwestern corner of property now or formerly owned by the City of Chattanooga *c/o* Electric Power Board (121-004); thence proceeding southward a distance of 392 feet, more or less, along the current City of Chattanooga boundary to southwestern corner of property now or formerly owned by Central High and Brown Middle Schools *c/o* HCDE (121-003); thence proceeding a distance of 4,1 02 feet, more or less, following the property line of Central High and Brown Middle Schools *c/o* HCDE (121-003) to the southeastern corner of property now or formerly owned by New Harrison Memorial Cemetery (121-002); thence proceeding northeasterly a distance of 357 feet, more or less, to the southeastern corner of property now or formerly owned by Steven Walls (121C-F-020); thence proceeding northward a distance of 105 feet, more or less, to the intersection of the southeastern corner of property now or formerly owned by Terry and Martha Wall (121C-F-021) and Bent Drive right-of-way; thence proceeding eastward a distance of 50 feet, more or less, across Bent Drive right-of-way to the southwestern corner of property now or formerly owned by Huberto Siniard (121C-F-001.02); thence proceeding eastward a distance of 308 feet, more or less, to the intersection of the southeastern corner of

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Church (112-013); thence proceeding a distance of 1,831 feet, more or less, following the property line of Bayside Baptist Church (112-013) to the intersection of the northwestern corner of property now or formerly owned by Bayside Baptist Church (112-013) and a point on the eastern line of property now or formerly owned by Bayside Baptist Church (112M-B-015.02); thence proceeding northeasterly a distance of 160 feet, more or less, to the southeastern corner of property now or formerly owned by Bayside Baptist Church (112M-B015); thence proceeding northeasterly a distance of 145 feet, more or less, to the southeastern corner of property now or formerly owned by MAPCO Express Incorporated (112M-B-015.01); thence proceeding northward a distance of 251 feet, more or less, to the southeastern corner of property now or formerly owned by Evelyn Kuberg (112M-A-022); thence proceeding northward a distance of 208 feet, more or less, to the southeastern corner of property now or formerly owned by Rayford and Becky Carter (112M-A-023.01); thence proceeding northward a distance of 68 feet, more or less, to the southeastern corner of property now or formerly owned by C & W Rentals (112M-A-023.02); thence proceeding northward a distance of 93 feet, more or less, to the southeastern corner of property now or formerly owned by C & W Rentals (112M-A-023); thence proceeding northward a distance of 766 feet, more or less, to the intersection of the said northwestern corner of property now or formerly owned by C & W Rentals (112M-A-023) and a point on the eastern line of property now or formerly owned by South Central Bell Telephone Company (112M-A-024); thence proceeding northward a distance of 184 feet, more or less, to the intersection of the northeastern corner of property now or formerly owned by South Central Bell Telephone Company (112M-A-024) and a point on the southern line of property now or formerly owned by Helen and Ann Hinson c/o Ralph Dill (112M-A-028); thence proceeding a distance of 640 feet, more or less, following the property line of Helen and Ann Hinson c/o Ralph Dill (112M-A-028) to the southeastern corner of property now or formerly owned by Brent and Natasha Davidson (112M-A030.04); thence

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LLC c/o Realty Income Corporation (112-005.01); thence proceeding a distance of 2,077 feet, more or less, following the property line of RI TN 2 LLC c/o Realty Income Corporation (112-005.01) to the northwestern corner of property now or formerly owned by Double James Properties LLC (112-006); thence proceeding southwesterly a distance of 564 feet, more or less, to the said northwestern corner of a part of parcel now or formerly owned by Title Guar c/o R. P. Scott (112-011); thence proceeding a distance of 1,351 feet, more or less, following the property line of Title Guar c/o R. P. Scott (112-011) to the intersection of the Highway 58 right-of-way at Harvest Run Drive and the northeastern corner of a part of parcel now or formerly owned by Title Guar c/o R. P. Scott (112-011); thence proceeding 50 feet, more or less, following the right-of-way of Highway 58 to the northeast corner of property now or formerly owned by Title Guar c/o R.P. Scott on the south side of Harvest Run Drive; thence proceeding a distance of 1,178 feet, more or less, following the property line of Title Guar c/o R. P. Scott (112-011) to the northwestern corner of property now or formerly owned by GVH Highway 58 Associates (112N-A-001); thence proceeding southward a distance of 1,877 feet, more or less, following the property line to the northern line of the Highway 58 right-of-way and continuing to the intersection of the Holder Road right-of-way and the northeastern corner of property now or formerly owned by Martin and Cheryl McNabb (112N-A-003); thence proceeding a distance of 840 feet, more or less, following the property line of Martin and Cheryl McNabb (112N-A-003) to the intersection of the Staton Road right-of-way and continuing along the northern line of the Highway 58 right-of-way to the southeastern corner of property now or formerly owned by Ronnie Nichols (112O-J-013); thence proceeding a distance of 754 feet, more or less, following the property line of Ronnie Nichols (112O-J-013) to the northeastern corner of property now or formerly owned by Spector Enterprises Incorporated (112O-J-014); thence proceeding a distance of 564 feet, more or less, following the property line of Spector Enterprises Incorporated (112O-J-014) to the intersection of a point on the southern

line of property now or formerly owned by Spector Enterprises Incorporated (112O-J-014) and the Highway 58 right-of-way; thence proceeding southwesterly a distance of 80 feet, more or less, along the northern line of the Highway 58 right-of-way to a point on the southern line of property now or formerly owned by Louise Spector (121B-C-007); thence proceeding a distance of 1,163 feet, more or less, following the property line of Louise Spector (121B-C-007) to the intersection of the northwestern corner of property now or formerly owned by Louise Spector (121B-C-007) and a point on the northern line of property now or formerly owned by Harrison Baptist Church (121B-C-008); thence proceeding northwesterly a distance of 145 feet, more or less, to the intersection of the northwestern corner of property now or formerly owned by Harrison Baptist Church (121B-C-008) and the Hillcrest Drive right-of-way; thence proceeding a distance of 1,881 feet, more or less, along the Hillcrest Drive right-of-way, including the entire right-of-way of Hillcrest Drive and continuing westward on the Church Road right-of-way and the Easter Drive right-of-way, including the entire right-of-ways of Church Road and Easter Drive, to the intersection of the Easter drive right-of-way and the northwestern corner of property now or formerly owned by Harrison Methodist Church (121B-A-007); thence proceeding southward a distance of 1,983 feet, more or less, following the property line of Harrison Methodist Church (121B-A-007) to the intersection of the current City of Chattanooga boundary, a point on the northern right-of-way of Highway 58, and the eastern corner of property now or formerly owned by Carroll and Shirley Martin (121B-A-008.01); thence proceeding northwesterly a distance of 208 feet, more or less, to the northeastern corner of property now or formerly owned by SunTrust Bank TR (121B-A-008.02); thence proceeding southwesterly a distance of 127 feet, more or less, to the intersection of the northwestern corner of property now or formerly owned by SunTrust Bank TR (121B-A-008.02) and the Clark Road right-of-way; thence proceeding southwesterly a distance of 50 feet, more or less, across Clark Road right to the intersection of the northeastern corner of

property now or formerly owned by Northwest Georgia Bank (121A-E-006) and the eastern corner of property now or formerly owned by Reba Wilson Revocable Living Trust (121A-E-005); thence proceeding a distance of 2,084 feet, more or less, following the property line of Reba Wilson Revocable Living Trust (121A-E-005) to the intersection of the southwestern corner of property now or formerly owned by Reba Wilson Revocable Living Trust (121A-E-005) and a point on the northern right-of-way of Highway 58; thence proceeding easterly a distance of 2,390 feet, more or less, following the northern boundary of the Highway 58 right-of-way which is the current boundary of the City of Chattanooga and crossing to a point on the southern boundary of Highway 58 and its intersection at the northwest corner of property now or formerly owned by City of Chattanooga c/o Electric Power Board (121-004), which is the point of beginning. Included in this annexation are all tax parcel numbers and road right-of-ways on the accompanying attached map for Annexation Zone 6 - C. All of this property lies within the Urban Growth Boundary of the City of Chattanooga as provided in the Master Interlocal Agreement between all municipalities within Hamilton County effective May 23, 2001. References to parcel numbers in parenthesis above are based upon official Geographic Information System maps maintained by the Hamilton County GIS Department. Permanent zones are as follows by tax map numbers:

To be rezoned C-2: Tax Map 112-004.01, 004.07, 004.08, 005, 005.02, 011.01, 011.02, 011.03, 112M-A-022, 023.01, 023.02, 024, 030, 030.01, 030.02, 030.04, 030.05, 112M-B-015.01, 112N-C-001.03, 112O-J-013, 121A-E-006, 121B-A-003, 008, 008.01, 008.02, 121B-B-001, 002, 020, 021, 022, 121B-C-007, 121C-A-010.01, 121C-D-001, 001.01 and 001.02.

To be rezoned C-2 with conditions: Tax Map 112-006 subject to conditions 1) R-1 on Rim Crest and Harvest Run being shielded from lighting if used, 2) Access being from Hwy. 58 only; and Tax Map 112N-A-003 subject to conditions 1) Any exterior lighting being directed down and away from residential uses, 2) Access being from Hwy. 58 only.

To be rezoned C-2 and R-1: Tax Map 112-011 and 121B-A-005 (following existing zoning boundary lines.)

To be rezoned C-2 and R-2: Tax Map 112- 005.01, 112-012, 112- 012.02, 112- 012.04, 112- 013, 112N-A-001 (following existing zoning boundary lines.)

To be rezoned C-2 and R-4: Tax Map 121-005.02, 121C-F-001.02 and 121C-F-020 (following existing zoning boundary lines.)

To be rezoned R-1: Tax Map 121A-E-005, 121B-A-001, 002, 004, 004.01, 006, and 007.

To be rezoned R-2: Tax Map 112-003, 112M-A-023, 028, 112O-J-014, 121B-B-003, 019 and 121B-C-008.

To be rezoned R-4: Tax Map 121-002, 003, 003.01, 121C-F-021 and 022.

AND WHEREAS, the Planning Commission held a public hearing on this petition on February 11, 2013,

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 February 11, 2013, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved as permanent zones with conditions noted as follows:

To be rezoned C-2: Tax Map 112-004.01, 004.07, 004.08, 005, 005.02, 011.01, 011.02, 011.03, 112M-A-022, 023.01, 023.02, 024, 030, 030.01, 030.02, 030.04, 030.05, 112M-B-015.01, 112N-C-001.03, 112O-J-013, 121A-E-006, 121B-A-003, 008, 008.01, 008.02, 121B-B-001, 002, 020, 021, 022, 121B-C-007, 121C-A-010.01, 121C-D-001, 001.01 and 001.02.

To be rezoned C-2 with conditions: Tax Map 112-006 subject to conditions 1) R-1 on Rim Crest and Harvest Run being shielded from lighting if used, 2) Access being from Hwy. 58 only; and Tax Map 112N-

A-003 subject to conditions 1) Any exterior lighting being directed down and away from residential uses, 2) Access being from Hwy. 58 only.

To be rezoned C-2 and R-1: Tax Map 112-011 and 121B-A-005 (following existing zoning boundary lines.)

To be rezoned C-2 and R-2: Tax Map 112- 005.01, 112-012, 112- 012.02, 112- 012.04, 112- 013, 112N-A-001 (following existing zoning boundary lines.)

To be rezoned C-2 and R-4: Tax Map 121-005.02, 121C-F-001.02 and 121C-F-020 (following existing zoning boundary lines.)

To be rezoned R-1: Tax Map 121A-E-005, 121B-A-001, 002, 004, 004.01, 006, and 007.

To be rezoned R-2: Tax Map 112-003, 112M-A-023, 028, 112O-J-014, 121B-B-003, 019 and 121B-C-008.

To be rezoned R-4: Tax Map 121-002, 003, 003.01, 121C-F-021 and 022.

Respectfully submitted,

John Bridger  
Secretary



<b>Case Number:</b>	<b>2013-003</b>	
<b>Applicant Request:</b>	<b>Zoning Plan for Annexation Area 6C</b>	
<b>Applicant:</b>	City of Chattanooga - RPA	
<b>Property Address:</b>	5500-6300 Blocks of Highway 58; Mahlon Drive, Harrison-Ooltewah Road, Clark Road, Holder Road, Easter Drive, Tyner Lane, and Church Road	
<b>Jurisdiction:</b>	Chattanooga District 4/ Hamilton County District 5, 9	
<b>Neighborhood:</b>	Harrison	
<b>Proposed Development</b>	<b>PLANNING COMMISSION ACTION:</b> <b>Approve</b>	
<b>Site Plan Submitted:</b>		Yes
<b>Proposed Use:</b>		Per City Code Article XII, Section 38-653 – Planning Commission Zoning Plan to establish permanent zones for area annexed and identified as “Area 6-C” of Ordinance #12314 and Ordinance #12515
<b>Site Characteristics</b>		
<b>Current Zoning:</b>	Temporary Zone R-1, R-2, R-4 and C-2	
<b>Current Use:</b>	Mix of Residential, Commercial and Office	
<b>STAFF RECOMMENDATION:</b>	<b>APPROVE ZONING PLAN PER ATTACHED TABLE</b>	

**Comments**

**Planning Staff:** This property was annexed by the City of Chattanooga, effective 12/31/2012.

Per Sec. 38-653 per the City Code, “Sec. 38-653. Zoning plan for newly annexed areas. It shall be the duty of the Planning Commission, within ninety (90) days of the effective date of annexation, to recommend a zoning plan for the newly annexed areas to the City Council. Following the receipt of the recommendation of such a zoning plan from the Planning Commission, the City Council after giving notice as required in article XIII regarding changes and amendments to the zoning ordinance, shall thereafter adopt a zoning plan as an amendment to the official zoning map for the newly annexed area.”

Grandfathered/Non-Conforming Status

Zoning controls how a piece of property can be used. Sometimes, such as part of the annexation Zoning Plan process, zoning for an area is changed leaving some properties with a zone that does not permit the use that is already on it. That use is called a “legal-non-conforming” or “grandfathered” use. Generally, the use is considered legal and may stay unless it is discovered that the use has been discontinued for 100 days or more. In such cases, the property is referred to as having lost its “grandfathered” status.

Below is language directly out of the City Code regarding this issue:

Chattanooga City Code, Chapter 38: ARTICLE VII. NON-CONFORMING USES, Section 38-541. Buildings in use at time zoning ordinance passed.

(2) If such non-conforming building is removed or the non-conforming use of such building is discontinued for 100 consecutive days regardless of the intent of the owner or occupant of such building to continue or discontinue such use, every future use of such premises shall be in

conformity with the provisions of the Ordinance.

Property owners may contact the RPA Development Services Office at (423) 668-2287 to find out the current zoning of a property. Questions regarding zoning enforcement, including non-conforming uses, should be directed to the City of Chattanooga Land Development Office at (423) 643-5883.

Zoning Conditions

As conditions are used to mitigate potential negative impacts caused by the rezoning of property, this Zoning Plan is recommending maintaining conditions that were placed on property at its time of rezoning. These conditions, if any, are specified in the following table.

Staff Recommendation

Staff has reviewed the land use and zoning pattern in the newly annexed area and is, for the most part, recommending a permanent zone that is comparable to the property's temporary classification listed in Sec. 38-651 of the City Code. The temporary classifications are the zones most similar to the former unincorporated Hamilton County zoning districts. In cases where a parcel contains multiple zoning designations, staff may recommend one zone, most often reflective of the predominant temporary zone, for the entirety of the parcel.

For this area, it includes the following recommended permanent zone(s):

FORMER COUNTY DISTRICT CLASSIFICATION	TEMPORARY CITY ZONE	RECOMMENDED PERMANENT CITY ZONE
A-1 Agricultural District R-1 Single – Family Residential District	R-1 Residential Zone	R-1 Residential Zone
R-2 Urban Residential District R-2A Rural Residential District	R-2 Residential Zone	R-2 Residential Zone
O-1 Office District	R-4 Special Zone	R-4 Special Zone
C-1 Tourist Court & Motel District	C-2 Convenience Commercial Zone	C-2 Convenience Commercial Zone
C-2 Local Business Commercial District C-3 General Business District	C-2 Convenience Commercial Zone	C-2 Convenience Commercial Zone

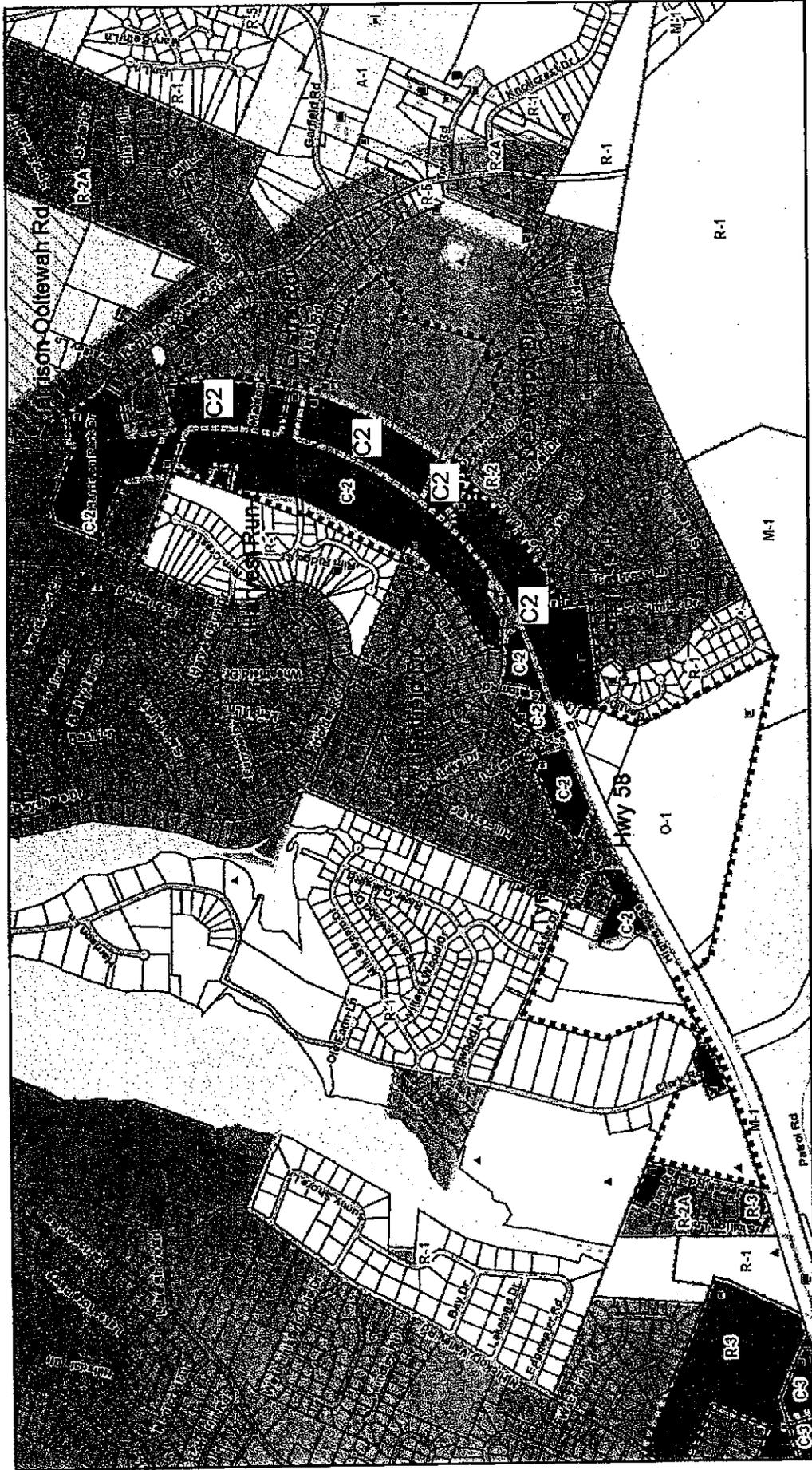
AREA 6C

GISLINK	OWNERNAME1	ADDRESS	TEMPORARY ZONING	CONDITIONS	PROPOSED PERMANENT ZONING
112 003	UNITED STATES OF AMERICA T V A	0 HWY 58	R-2	NO	R-2
112 004.01	SCHMITT BAULING IANN LLC	6301 HWY 58	C-2	NO	C-2
112 004.07	BARROW DAVID ETAL	6315 HWY 58	C-2	NO	C-2
112 004.08	BARROW DAVID ETAL	6309 HWY 58	C-2	NO	C-2
112 005	JLS PROPERTIES	6225 HWY 58	C-2	NO	C-2
112 005.01	RI TN 2 LLC	6239 HWY 58	C-2 & R-2	NO	C-2 & R-2
112 005.02	JLS PROPERTIES	6231 HWY 58	C-2	NO	C-2
112 006	DOUBLE JAMES PROPERTIES LLC	6221 HWY 58	C-2	YES- see conditions pg.	C-2 W/C
112 011	TITLE GUAR & TR CO TR	0 HWY 58	C-2 & R-1	NO	C-2 & R-1
112 011.01	ALLYNS INC	6215 HWY 58	C-2	NO	C-2
112 011.02	COMMUNITY TRUST & BANKING	6207 HWY 58	C-2	NO	C-2
112 011.03	GHAMGOSAR FARROKH	0 HWY 58	C-2	NO	C-2
112 012	FARRAR JAMES CLAY	6008 HWY 58	C-2 & R-2	NO	C-2 & R-2
112 012.02	DOUBLE JAMES PROPERTIES LLC	6010 HWY 58	C-2 & R-2	NO	C-2 & R-2
112 012.04	WALL TERRY & MARTHA	0 HWY 58	C-2 & R-2	NO	C-2 & R-2
112 013	BAYSIDE BAPTIST CHURCH	6100 HWY 58	C-2 & R-2	NO	C-2 & R-2
112M A 022	KUBERG EVELYN C	6200 HWY 58	C-2	NO	C-2
112M A 023	C & W RENTALS	6216 HWY 58	R-2	NO	R-2
112M A 023.01	CARTER RAYFORD L & BECKY T	6210 HWY 58	C-2	NO	C-2
112M A 023.02	C & W RENTALS	6212 HWY 58	C-2	NO	C-2
112M A 024	SOUTH CENTRAL BELL	6222 HWY 58	C-2	NO	C-2
112M A 028	HINSON HELEN & ANN DILL	6302 HWY 58	R-2	NO	R-2
112M A 030	FRYAR WILLIAM H	6310 HWY 58	C-2	NO	C-2
112M A 030.01	SOUTHERN MARINE TOWING & SALVAGE LLC	6320 HWY 58	C-2	NO	C-2
112M A 030.02	FRYAR WILLIAM H	6377 HARRISON OOLTEWAH RD	C-2	NO	C-2
112M A 030.04	DAVIDSON BRENT H & NATASHA A	6306 HWY 58	C-2	NO	C-2
112M A 030.05	FRYAR WILLIAM H	6308 HWY 58	C-2	NO	C-2
112M B 015.01	MAPCO EXPRESS INC	6120 HWY 58	C-2	NO	C-2
112N A 001	GVH HIGHWAY 58 ASSOCIATES	5921 HWY 58	C-2 & R-2	NO	C-2 & R-2
112N A 003	MC NABB MARTIN & CHERYL	6810 HOLDER RD	C-2	YES- see conditions pg.	C-2 W/C
112N C 001.03	KANJI HOLDINGS LLC	5940 HWY 58	C-2	NO	C-2

GISLINK	OWNERNAME1	ADDRESS	TEMPORARY ZONING	CONDITIONS	PROPOSED PERM ZONING
1120 J 013	NICHOLS RONNIE	5809 HWY 58	C-2	NO	C-2
1120 J 014	SPECTOR LOUISE E	0 HWY 58	R-2	NO	R-2
121 002	NEW HARRISON MEMORIAL CEMETERY	0 HWY 58	R-4	NO	R-4
121 003	CENTRAL HIGH & BROWN MIDDLE SCHOOLS	5728 HWY 58	R-4	NO	R-4
121 003.01	WALL TERRY & MARTHA M	5730 HWY 58	R-4	NO	R-4
121 004	CHATT CITY OF	5636 HWY 58	R4	NO	R4
121 005.02	SINIARD HUBERT O JR	0 HWY 58	C-2 & R-4	NO	C-2 & R-4
121A E 005	WILSON REBA S REVOCABLE LIVING	5613 CLARK RD	R-1	NO	R-1
121A E 006	NORTHWEST GEORGIA BANK	5531 HWY 58	C-2	NO	C-2
121B A 001	MILLIKEN RALPH K JR &	6504 EASTER DR	R-1	NO	R-1
121B A 002	BORDERS ROBERT MORRIS & GAIL RENEE	6510 EASTER DR	R-1	NO	R-1
121B A 003	RURITAN CLUB OF HARRISON INC	5709 TYNER LN	C-2 & R-1	NO	C-2
121B A 004	BRUCE LARRY E & BRENDA L	5723 TYNER LN	R-1	NO	R-1
121B A 004.01	HARRISON RECREATIONAL	0 EASTER DR	R-1	NO	R-1
121B A 005	MAST PETER S & LORI L	5719 TYNER LN	C-2 & R-1	NO	C-2 & R-1
121B A 006	HARRISON ELEMENTARY SCHOOL	5637 HWY 58	C-2 & R-1	NO	R-1
121B A 007	HARRISON METHODIST CHURCH	5621 HWY 58	R-1	NO	R-1
121B A 008	SUNTRUST BANK TRUSTEE MC6500	5607 HWY 58	C-2	NO	C-2
121B A 008.01	MARTIN CARROLL C & SHIRLEY A	5611 HWY 58	C-2	NO	C-2
121B A 008.02	SUNTRUST BANK TR	5606 CLARK RD	C-2	NO	C-2
121B B 001	HARRISON LODGE NO 114	5707 HWY 58	C-2	NO	C-2
121B B 002	DILL MARION E & DEBORAH DILL LIVELY	0 TYNER LN	C-2	NO	C-2
121B B 003	DILL BEVERLY JEAN	5718 TYNER LN	R-2	NO	R-2
121B B 019	MC ELHANEY KENNETH A TR	6606 CHURCH RD	R-2	NO	R-2
121B B 020	MC ELHANEY KENNETH A & MARTHA F	5723 HWY 58	C-2	NO	C-2
121B B 021	VARNELL WENDELL A	5719 HWY 58	C-2	NO	C-2
121B B 022	DILL MARION E &	5717 HWY 58	C-2	NO	C-2
121B C 007	SPECTOR LOUISE E	0 HWY 58	C-2	NO	C-2
121B C 008	HARRISON BAPTIST CHURCH	6620 CHURCH RD	R-2	NO	R-2
121C A 010.01	RAMEY MARK S & VANESSA L	5900 HWY 58	C-2	NO	C-2
121C D 001	DOLGENCORP INC	5934 HWY 58	C-2	NO	C-2
121C D 001.01	FIRST TENN BANK NATIONAL ASSOC	5914 HWY 58	C-2	NO	C-2
121C D 001.02	WEBB KENNETH E & PEGGY M	5928 HWY 58	C-2	NO	C-2
121C F 001.02	SINIARD HUBERT O JR	5736 BENT DR	C-2 & R-4	NO	C-2 & R-4
121C F 020	WALLS STEVEN T	5733 BENT DR	C-2 & R-4	NO	C-2 & R-4
121C F 021	WALL TERRY & MARTHA	5737 BENT DR	R-4	NO	R-4
121C F 022	IIFP REALTY LLC	5740 HWY 58	R-4	NO	R-4

# CONDITIONS

Case No.	Co. Resol. No.	Annexed Area	Parcels affected	Conditions of County Resolution
2013-001	492-34B (Case 1992-039)	Area 6A	120E-A-007, 008	Subject to natural sight-obscuring screen along abutting residential zones
2013-002		Area 6B		NONE
2013-003	405-22B (Case 2005-038)	Area 8A	131-061.02	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.
2013-004	906-32B (Case 2006-166)	Area 8A	131-036.01	Subject to improvements to access drive as approved by the County Engineer
2013-004	1112-20C (Case 2012-115)	Area 8A	131-074.01	1) No restaurants and other establishments serving prepared food and beverages, 2) No hotels and motels, 3) No adult oriented establishments, 4) No Liquor stores, 5) No wineries including vineyards, processing, bottling and sales facilities, 6) Hamilton County accepting the applicant representatives offer to donate needed right-of-way for future intersection realignment and installation of a traffic signal at Hunter Road and Ooltewah-Harrison Road, 7) Construction of intersection realignment and installation of traffic signal required prior to the development of the northwest outparcel shown on the site plan, 8) If no intersection realignment or traffic signal is installed prior to development, northwest parcel will be required to be interconnected with the existing C-1 zoned portion of the development, 9) Only one combined ingress/egress point onto Hunter Road upon approval of the Hamilton County Engineer, 10) 6-foot shoulders along Hunter Road adjacent to development at entrance, 11) Deceleration lane at eastern most entrance.
2013-005	200-26B (Case 2000-019)	Area 9B	131O-B-011.03	One warehouse only
2013-006	712-15C (Case 2012-046)	Area 11A	171C-B-002, 002.02, 002.03, 003, 003.01, 003.02(pt.)	Subject to only two ingress/egress point from East Brainerd Road



**2013-003 Annexation Map 6-C Rezoning from Temporary to Permanent Zone**



1,300 ft



**Chattanooga Hamilton County Regional Planning Agency**

## NOTICE

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

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

2012-012 Kosygin Lameechee Jones. 8025, 8067, 8109, 8117, and 8119 Old Cleveland Pike, from R-1 Residential Zone, R-2 Residential Zone, and R-5 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2013-001 City of Chattanooga/RPA. 5300 block of Hwy. 58 and 5136, 5141, and 5145 Turkeyfoot Trail, from Temporary Zone to Permanent Zone per City Code Article XII, Section 38-653 – Planning Commission Zoning Plan to establish permanent zones for area annexed and identified as “Area 6-A” of Ordinance No. 12312 and Ordinance No. 12513, subject to certain conditions.

2013-002 City of Chattanooga/RPA. 5400 block of Hwy. 58 and 8604 North Hickory Valley Road, from Temporary Zone to Permanent Zone per City Code Article XII, Section 38-653 – Planning Commission Zoning Plan to establish permanent zones for area annexed and identified as “Area 6-B” of Ordinance No. 12313 and Ordinance No. 12514.

2013-003 City of Chattanooga/RPA. 5500-6300 blocks of Hwy. 58, Mahlon Drive, Harrison-Ooltewah Road, Clark Road, Holder Road, Easter Drive, Tyner Lane, and Church Road, from Temporary Zone to Permanent Zone per City Code Article XII, Section 38-653 – Planning Commission Zoning Plan to establish permanent zones for area annexed and identified as “Area 6-C” of Ordinance No. 12314 and Ordinance No. 12515, subject to certain conditions.

2013-004 City of Chattanooga/RPA. Hunter Road, I-75, Sue Ron Lane, and Ooltewah-Harrison Road, from Temporary Zone to Permanent Zone, per City Code Article XII, Section 38-653 – Planning Commission Zoning Plan to establish permanent zones for area annexed and identified as “Area 8-A” of Ordinance No. 12296 and Ordinance No. 12556, subject to certain conditions.

2013-005 City of Chattanooga/RPA. Hunter Road, I-75, Sue Ron Lane and Ooltewah-Harrison Road, from Temporary Zone to Permanent Zone, per City Code Article XII, Section 38-653 – Planning Commission Zoning Plan to establish permanent zones for area annexed and identified as “Area 9-B” of Ordinance No. 12317 and Ordinance No. 12543, subject to certain conditions.

2013-024 BYD, LLC/Kevin C. Boehm/GADG Leasing, Ltd. 1616 Broad Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2013-025 Hefferlin & Kronenberg. 625 East Main Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2013-027 Inasmuch, Inc. d/b/a The Samaritan Center. 6021 Ooltewah Georgetown Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone.

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,

**March 12, 2013**

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 \_\_\_\_\_, 2013.

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Carol K. O’Neal, CMC  
Clerk to the City Council