

5/14/13

First Reading: _____
Second Reading: _____

2013-049
Alan Haniszewski/PVS MAC II LLC
District No. 7
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1944 ROSSVILLE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE AND M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE, SUBJECT TO CERTAIN CONDITIONS.

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 so as to rezone property located at 1944 Rossville Avenue, more particularly described herein:

Lot 1, Final Plat being Lots 1 and 2 of Southern Provisions Development of Rossville Ave, Plat Book 96, Page 146, ROHC, Deed Book 5716, Page 519, ROHC. Tax Map No. 145M-U-007.01.

and as shown on the maps attached hereto and made a part hereof by reference, from R-3 Residential Zone and M-1 Manufacturing Zone to C-3 Central Business Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be subject to the following:

For all new construction and renovations:

1) Review:

Applicants are encouraged to schedule a pre-submittal meeting with the City's Land Development Office prior to the completion of construction drawings.

To promote compliance with the Downtown Plan, to help ensure that new development complements the existing urban fabric, and to promote the preservation of historically or architecturally significant structures, all site plans, landscaping, and building elevations shall be reviewed by the Community Design Group, a division of the Regional Planning Agency. Some of the requirements below may be adjusted during this staff review based on the limitations of the specific site, as long as the general intent of the conditions is being met.

Historically or architecturally significant structures should be preserved.

2) Setbacks and street frontage (for commercial buildings):

For new commercial buildings a zero building setback is required along the street frontage.

To accommodate outdoor pedestrian activities such as a park, plaza, or outdoor dining, a greater setback may be permitted if an edge delineating the public and private space is provided.

This edge shall have a minimum height of three feet and a maximum height of four feet above grade and shall consist of a) brick, stucco, or stone walls (concrete block can only be used when faced with said materials), or b) decorative metal fences, or c) an evergreen hedge, with a minimum height at maturity of 3 to 4 feet. When fences are used, evergreen hedges must also be included to provide a near opaque screen. Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.

For properties fronting the Tennessee River, a 30 foot public easement shall be maintained along the river for the continuation of the riverwalk. (A wider temporary easement may be necessary during riverwalk construction.)

3) Building facades and access:

The primary pedestrian entrance shall be provided from the primary street.

Ground floor openings (doors and windows) shall constitute a minimum of 50 percent of the ground floor façade area for new commercial buildings.

No security-type roll up metal doors shall be permitted to front streets other than interior block alleys.

The minimum height of new commercial buildings shall be 18 feet. Maximum building height shall be 50 feet.

4) Placement of equipment:

All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.

5) Access and Parking:

Parking shall be located to the rear of the building.

For corner lots, or for cases where physical constraints such as topography do not allow for rear parking, any parking fronting a public street shall be screened along the public right-of-way as described under "Setbacks and Street Frontage" above.

Alleys, where they exist, shall be used for vehicular access.

Additional curb cuts shall not be permitted on the primary streets of the downtown street grid, such as (but not limited to) Broad Street, Market Street Riverfront Parkway, 4th Street, 6th Street, Vine Street, McCallie Avenue, M. L. King Boulevard, 11th Street, Main Street, and Georgia Avenue, and portions of Chestnut Street, Carter Street, Walnut Street and 2nd Street.

There are no minimum requirements for the amount of off-street spaces, but the amount and location of parking to be provided must be presented by the applicant and should include the following considerations:

- a. Proximity to transit stops
- b. Provision of bicycle facilities
- c. Availability of adjacent on-street parking, proximity to public parking facilities, shared private parking, or leased off-site parking
- d. Type of uses and hours of operation
- e. Square footage of commercial uses or number of residential units
- f. Fire Department access

6) Landscaping:

To achieve the city's goal of a 15% tree canopy cover in the downtown, surface parking lots shall be landscaped with a minimum of one tree for every five parking spaces. Type I shade trees shall be used unless overhead utility lines necessitate smaller trees.

For Residential buildings:

7) Uses Not Permitted:

Factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis are not permitted in the C-3 Zone.

8) Access and Parking:

Garages shall be located behind the primary building.

Alleys, where they exist, shall be used for vehicular access. In the absence of alleys, secondary streets should be used for vehicular access. Shared drives should be used wherever possible.

Additional curb cuts shall not be permitted on the primary streets, as described above.

At least one (1) pedestrian entrance shall front the street.

9) Setbacks:

Residential building setbacks should be consistent with the existing setbacks on the same side of the street.

For properties fronting the Tennessee River, a minimum 30 foot public easement shall be maintained along the river for the continuation of the riverwalk. (A wider temporary easement may be necessary during riverwalk construction.)

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two

(2) weeks from and after its passage.

Passed on second and final reading: _____

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

MAYOR

/mms

First Reading: _____
Second Reading: _____

2013-049
Alan Haniszewski/PVS MAC II LLC
District No. 7
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTY LOCATED AT 1944 ROSSVILLE AVENUE, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL ZONE AND M-1 MANUFACTURING ZONE TO C-3 CENTRAL BUSINESS ZONE.

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 so as to rezone property located at 1944 Rossville Avenue, more particularly described herein:

Lot 1, Final Plat being Lots 1 and 2 of Southern Provisions Development of Rossville Ave, Plat Book 96, Page 146, ROHC, Deed Book 5716, Page 519, ROHC. Tax Map No. 145M-U-007.01.

and as shown on the maps attached hereto and made a part hereof by reference, from R-3 Residential Zone and M-1 Manufacturing Zone to C-3 Central Business Zone.

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

Passed on second and final reading: _____

CHAIRPERSON

APPROVED: _____ DISAPPROVED: _____

MAYOR

/mms

2013-049 City of Chattanooga
April 8, 2013

RESOLUTION

WHEREAS, Alan Haniszewski/PVS MAC II, LLC petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga the rezoning R-3 Residential Zone and M-1 Manufacturing Zone to C-3 Central Business Zone, property located at 1944 Rossville Avenue.

Lot 1, Final Plat being Lots 1 and 2 of Southern Provisions Development of Rossville Ave, Plat Book 96, Page 146, ROHC, Deed Book 5716, Page 519, ROHC. Tax Map 145M-U-007.01 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on April 8, 2013,

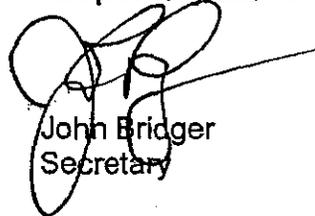
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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 April 8, 2013, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved subject to: (see the attached list of conditions).

Respectfully submitted,



John Bridger
Secretary

C3 Conditions for Case No. 2103-049

For all new construction and renovations:

1) Review:

- Applicants are encouraged to schedule a pre-submittal meeting with the City's Land Development Office prior to the completion of construction drawings.
- To promote compliance with the Downtown Plan, to help ensure that new development complements the existing urban fabric, and to promote the preservation of historically or architecturally significant structures, all site plans, landscaping, and building elevations shall be reviewed by the Community Design Group, a division of the Regional Planning Agency. Some of the requirements below may be adjusted during this staff review based on the limitations of the specific site, as long as the general intent of the conditions is being met.
- Historically or architecturally significant structures should be preserved.

2) Setbacks and street frontage (for commercial buildings):

- For new commercial buildings a zero building setback is required along the street frontage.
- To accommodate outdoor pedestrian activities such as a park, plaza, or outdoor dining, a greater setback may be permitted if an edge delineating the public and private space is provided.
- This edge shall have a minimum height of three feet and a maximum height of four feet above grade and shall consist of a) brick, stucco, or stone walls (concrete block can only be used when faced with said materials), or b) decorative metal fences, or c) an evergreen hedge, with a minimum height at maturity of 3 to 4 feet. When fences are used, evergreen hedges must also be included to provide a near opaque screen. Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.
- For properties fronting the Tennessee River, a 30 foot public easement shall be maintained along the river for the continuation of the riverwalk. (A wider temporary easement may be necessary during riverwalk construction.)

3) Building facades and access:

- The primary pedestrian entrance shall be provided from the primary street.
- Ground floor openings (doors and windows) shall constitute a minimum of 50 percent of the ground floor façade area for new commercial buildings.
- No security-type roll up metal doors shall be permitted to front streets other than interior block alleys.
- The minimum height of new commercial buildings shall be 18 feet. Maximum building height shall be 50 feet.

4) Placement of equipment:

- All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.

5) Access and Parking:

- Parking shall be located to the rear of the building.
- For corner lots, or for cases where physical constraints such as topography do not allow for rear parking, any parking fronting a public street shall be screened along the public right-of-way as described under "Setbacks and Street Frontage" above.
- Alleys, where they exist, shall be used for vehicular access.
- Additional curb cuts shall not be permitted on the primary streets of the downtown street grid, such as (but not limited to) Broad Street, Market Street Riverfront Parkway, 4th Street, 6th Street, Vine Street, McCallie Avenue, M. L. King Boulevard, 11th Street, Main Street, and Georgia Avenue, and portions of Chestnut Street, Carter Street, Walnut Street and 2nd Street.
- There are no minimum requirements for the amount of off-street spaces, but the amount and location of parking to be provided must be presented by the applicant and should include the following considerations:
 - a. Proximity to transit stops
 - b. Provision of bicycle facilities
 - c. Availability of adjacent on-street parking, proximity to public parking facilities, shared private parking, or leased off-site parking
 - d. Type of uses and hours of operation
 - e. Square footage of commercial uses or number of residential units

f. Fire Department access

6) Landscaping:

- To achieve the city's goal of a 15% tree canopy cover in the downtown, surface parking lots shall be landscaped with a minimum of one tree for every five parking spaces. Type I shade trees shall be used unless overhead utility lines necessitate smaller trees.

For Residential buildings:

7) Uses Not Permitted:

- Factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis are not permitted in the C-3 Zone.

8) Access and Parking:

- Garages shall be located behind the primary building.
- Alleys, where they exist, shall be used for vehicular access. In the absence of alleys, secondary streets should be used for vehicular access. Shared drives should be used wherever possible.
- Additional curb cuts shall not be permitted on the primary streets, as described above.
- At least one (1) pedestrian entrance shall front the street.

9) Setbacks:

- Residential building setbacks should be consistent with the existing setbacks on the same side of the street.
- For properties fronting the Tennessee River, a minimum 30 foot public easement shall be maintained along the river for the continuation of the riverwalk. (A wider temporary easement may be necessary during riverwalk construction.)

Zoning Request Form

Chattanooga-Hamilton County



Regional Planning Agency

1250 Market Street
Suite 2000
Development Resource Center
Chattanooga, Tennessee
37402

Phone: 423-668-2287

Fax: 423-668-2289

www.chcrpa.org

Office Use Only

Case Number: 2013-049

Date Submitted: 03/08/2013

Planning District: 8a

County District: 7

City District: 7

Jurisdiction: Chattanooga

Neighborhoods: Jefferson Heights, Southside

Staff Action:

PC Action/Date:

Legal Action/Date:

| | |
|--|----------------|
| From: M-1 and R-3 | To: C-3 |
| Proposed Development or Use: Single Family Homes | |

| | |
|---|----------------------------|
| Address: (Street Number & Street Name) 1944 Rossville Ave | Tax Map No: 145M-U-007.01 |
| Current Use: Light Industrial | Plat Book/Page No. 96/146 |
| | Adjacent Uses: Residential |

All communication by phone, fax, email, or mail will be with the Applicant. If you are not the property owner, you will need to submit a letter from the property owners(s) indicating that you are acting as their agent in filing this application (e.g. engineer, architect, consultant, broker, etc.).

- Property Owner
 Architect
 Engineer
 Optionee
 Purchaser of Property
 Trustee
 Other: Surveyor

| | |
|-----------------------|-------------------------|
| Name | Alan Haniszewski |
| Address: | 3073 Baggett Trail |
| City | Signal Mountain |
| State: | TN |
| Zip Code: | 37377 |
| Daytime Phone: | 423-364-6032 |
| Cell Phone: | |
| Other Phone: | |
| Email: | a_haniszewski@yahoo.com |
| Fax: | |

| | |
|--|---|
| Name: | PVS MAC II, LLC |
| Address: | 1944 Rossville Ave |
| | Chattanooga, TN 37408 |
| Phone: | |
| CHECKLIST (OFFICE USE ONLY) | |
| <input checked="" type="checkbox"/> Application Complete | <input checked="" type="checkbox"/> Fees for Property to be Zoned |
| <input checked="" type="checkbox"/> Ownership Verification | Check No. 5718519 |
| <input checked="" type="checkbox"/> Tax Map/Patrol Agency | <input checked="" type="checkbox"/> Copy of P45 (if applicable) |
| <input checked="" type="checkbox"/> Neighboring Property to be Zoned | Plat Book/Pg. 96/146 |
| <input checked="" type="checkbox"/> Site Plan (if applicable) | <input checked="" type="checkbox"/> Notice Sum. How Many? |
| <input checked="" type="checkbox"/> All Fees to be Paid | <input type="checkbox"/> Cash Check No. 1100 |
| <input checked="" type="checkbox"/> Filing Fee: 635.00 | Accepted by: Jennifer Ware Date: 03/08/2013 |

RPA STAFF RECOMMENDATION

Case Number: 2013-049 PC Meeting Date: 4-8-2013

STAFF RECOMMENDATION: APPROVE, subject to conditions listed below

**Land Use & Transportation
Comments:**

Planning Staff:

Applicant Request Overview

The Applicant is requesting to rezone the property at 1944 Rossville Avenue from M-1 Manufacturing Zone and R-3 Residential Zone to C-3 Central Business Zone for single-family housing. An existing building will be demolished and loading and parking areas removed, for fourteen (14) single-family homes.

Site Description

The 1.379 acre lot is located on the northwest corner of Rossville Avenue and Madison Street. The lot is currently occupied by an existing building on the east side of the property. The current use appears to be light industrial. Warehouses and light industrial uses are also located across Rossville Avenue. Vacant land and railroad tracks are located to the east of the site, where Rossville Avenue comes to a dead end. Jefferson Heights Park is located to the north. New single-family homes are located to the west, and are also being developed by the same Applicant. Proposed housing types are similar to the new single-family homes along Jefferson and Adams to the west.

Zoning History

Much of the surrounding property east of Rossville Avenue has been rezoned to C-3 Central Business Zone.

Plans/Policies

The Downtown Plan encourages residential infill development in urban areas to increase vitality, and increase demand for 24 hour activity. The Comprehensive Plan promotes high density construction in appropriate areas, infill development, and new construction. Housing in close proximity to neighborhood parks is also encouraged.

Staff Recommendation

Infill housing is supported by the Downtown Plan and Comprehensive Plan. Therefore, Staff recommends approval of the C-3 Central Business Zone, subject to the Traffic Engineering & Operations comments below, and to the following C-3 conditions:

For all new construction and renovations:

- 1) Review:
 - Applicants are encouraged to schedule a pre-submittal

RPA STAFF RECOMMENDATION

meeting with the City's Land Development Office prior to the completion of construction drawings.

- To promote compliance with the Downtown Plan, to help ensure that new development complements the existing urban fabric, and to promote the preservation of historically or architecturally significant structures, all site plans, landscaping, and building elevations shall be reviewed by the Community Design Group, a division of the Regional Planning Agency. Some of the requirements below may be adjusted during this staff review based on the limitations of the specific site, as long as the general intent of the conditions is being met.
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- For properties fronting the Tennessee River, a 30 foot public easement shall be maintained along the river for the continuation of the riverwalk. (A wider temporary easement may be necessary during riverwalk construction.)

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RPA STAFF RECOMMENDATION

for new commercial buildings.

- No security-type roll up metal doors shall be permitted to front streets other than interior block alleys.
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RPA STAFF RECOMMENDATION

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For Residential buildings:

7) Uses Not Permitted:

- Factory manufactured mobile homes constructed as a single self-contained unit and mounted on a single chassis are not permitted in the C-3 Zone.

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- Additional curb cuts shall not be permitted on certain primary streets, as described above.
- At least one (1) pedestrian entrance shall front the street;

9) Setbacks:

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**Infrastructure & Operational
Comments**

Public Works Staff:

All land development projects are reviewed by City Engineering & Water Quality staff, Traffic Engineering & Operations staff, and the Land Development Office staff. In addition to the requirements of the City of Chattanooga Zoning Ordinance, all land development is further required to comply with current City of Chattanooga traffic regulations, building and development codes, storm water/water quality regulations, and the landscape ordinance.

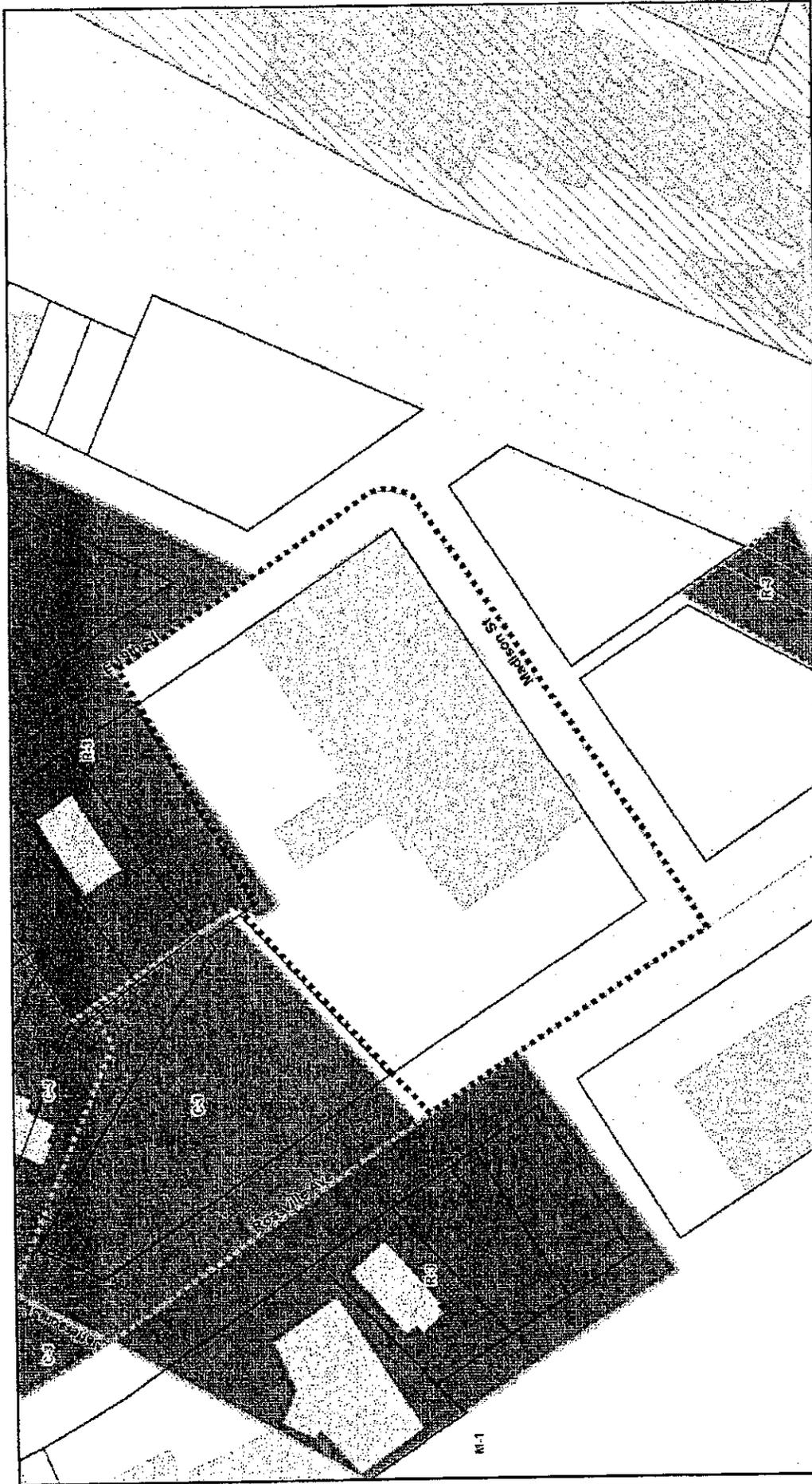
Additional requirements, if needed, are indicated by department below

RPA STAFF RECOMMENDATION

either as comments or as conditions recommended to be attached to the final ordinance.

Traffic Engineering & Operations

1. The City requires dedicated sidewalks along Rossville Avenue, Madison Street, Jefferson Street, and East 19th Avenue.
2. 25-Foot sight triangles must be provided at the intersections of Rossville Avenue and Madison Street; at the intersections of Madison Street and East 19th, and at the intersection of Madison Street and the proposed alley.
3. The Applicant must agree to provide private trash service in the alley, or improve the alley to City standards.
4. The intersection of Madison Street and East 19th should be improved such that trash and emergency vehicles travelling north on Madison Street will be able to make turns safely.
5. Call 643-5950 for additional information.



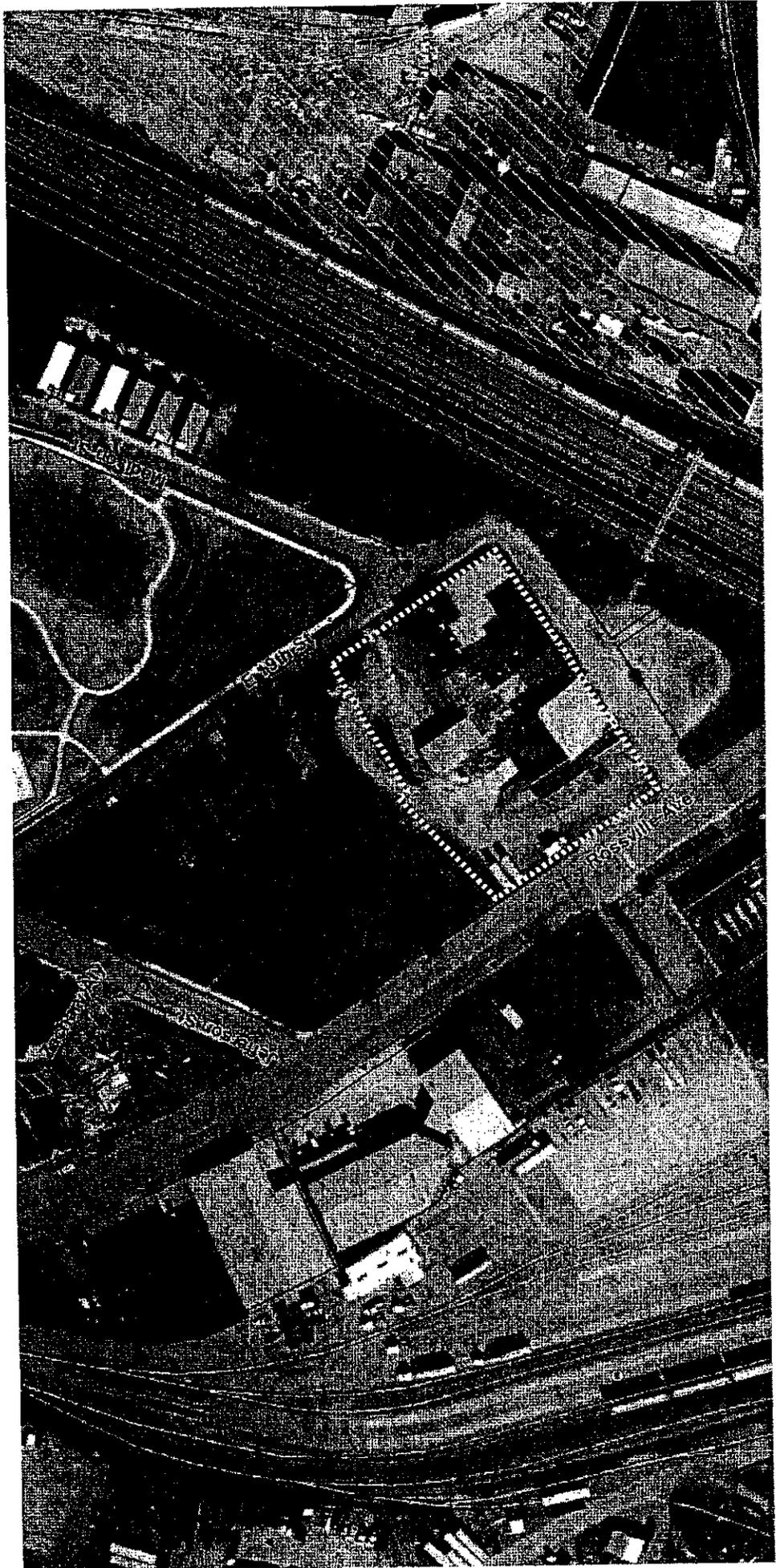
2013-049 Rezoning from M-1 and R-3 to C-3



80 ft



Chattanooga Hamilton County Regional Planning Agency



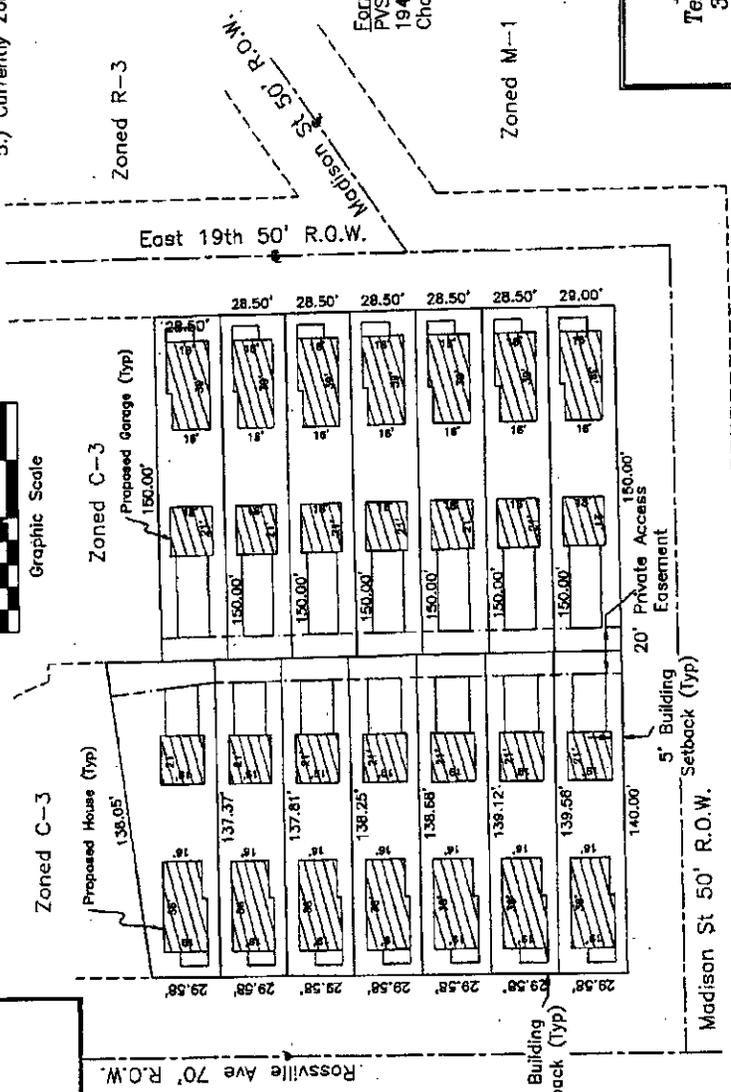
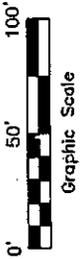
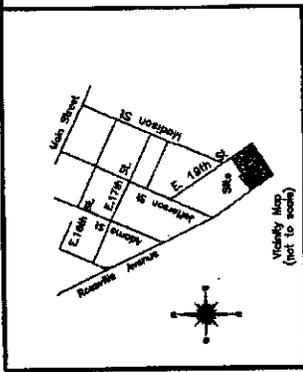
Site Plan
Being A Portion Of The Property Recorded In Deed
Book 5718, Page 119 R.O.H.C.
Chattanooga, Hamilton County, Tennessee

Scale: 1" = 50' March 7, 2013

- Notes:
- 1.) All lots to have rear entry garages and off street parking pod.
 - 2.) Project area: 1.4± ac.
 - 3.) Tax Parcel #145M-U-007.01.
 - 4.) No landscape ordinance.
 - 5.) Currently Zoned M-1.

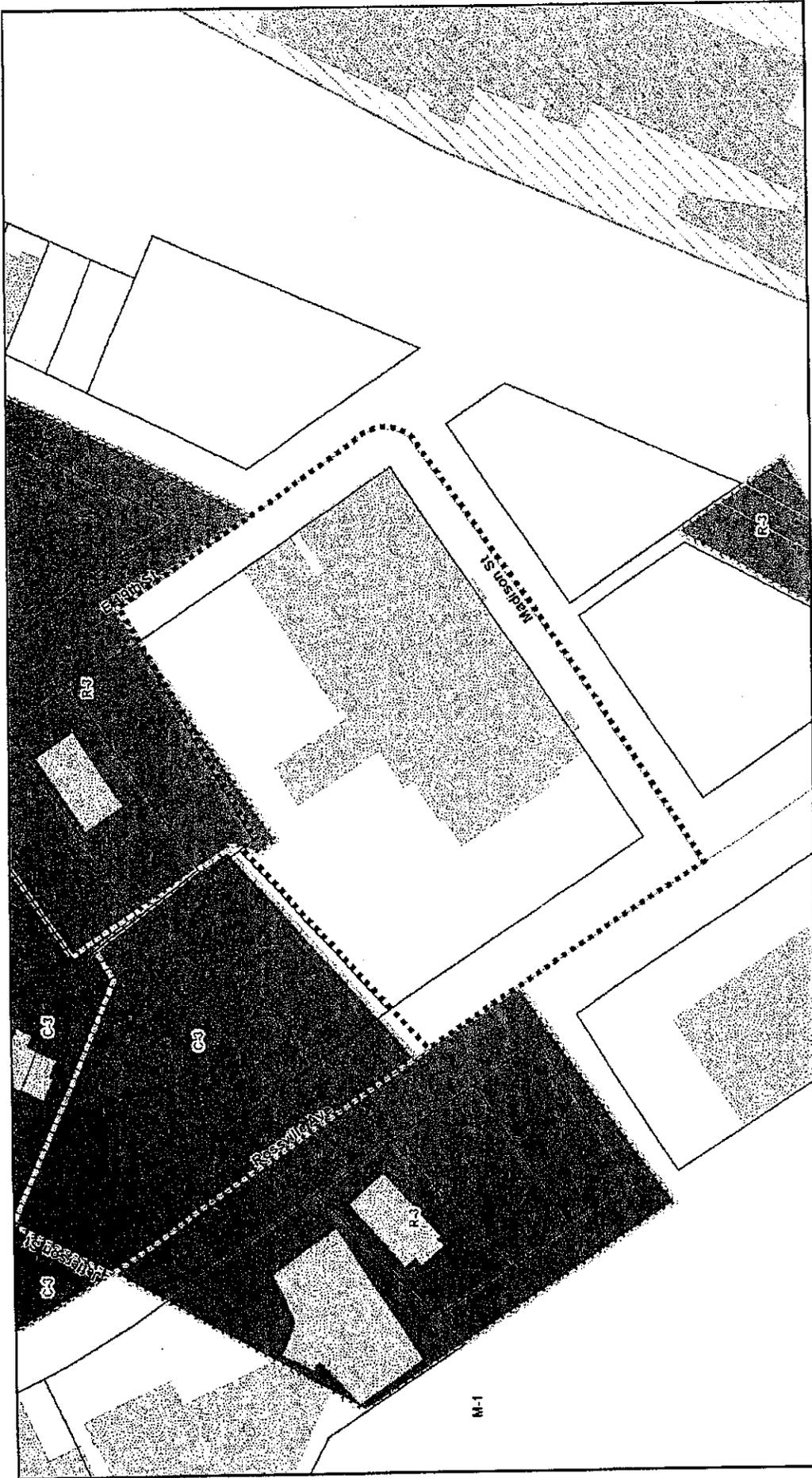
FOC:
 PVS MAC II, LLC
 1944 Rossville Ave
 Chattanooga, TN 37408

Project Contact
Alan Haniszewski
 Tennessee PLS #2398
 3073 Baggett Trail
 Signal Mountain, TN 37377
 423-364-6092
 a_haniszewski@yahoo.com



File Name: Jefferson Trace Zoning Site 2
 Drawing No. 13-33-1

2013-049



2013-049 Rezoning from M-1 and R-3 to C-3

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2013-049: Approve, subject to the list of conditions in the Planning Commission Resolution.



90 ft

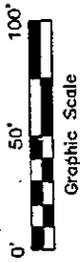


Hamilton County Regional Planning Agency



Site Plan
Being A Portion Of The Property Recorded In Deed
Book 5718, Page 119 R.O.H.C.
Chattanooga, Hamilton County, Tennessee

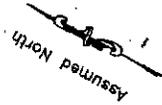
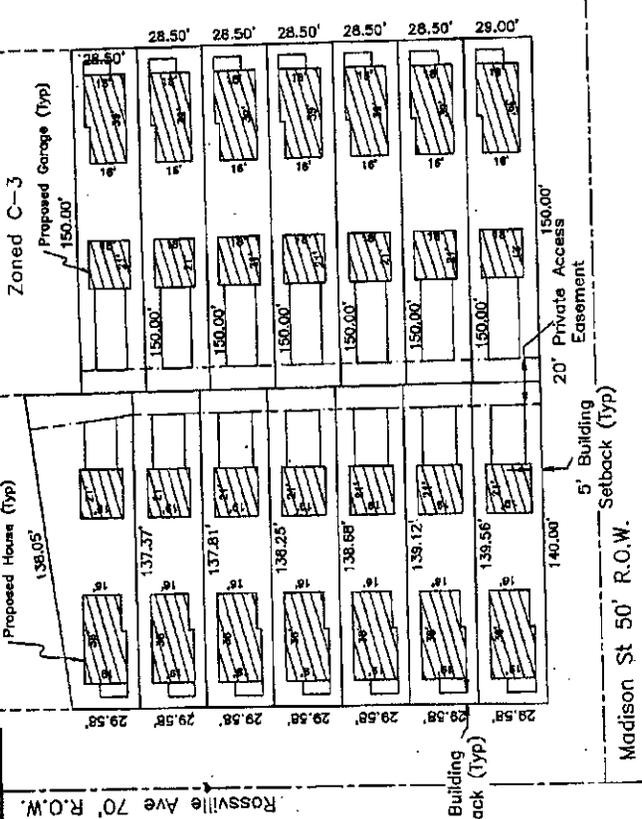
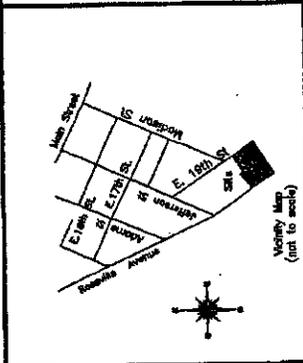
Scale: 1" = 50' March 7, 2013



- Notes:**
- 1.) All lots to have rear entry garages and off street parking pad.
 - 2.) Project area; 1.4± ac.
 - 3.) Tax Parcel #145M-U-007.01.
 - 4.) No landscape ordinance.
 - 5.) Currently Zoned M-1.

For:
 PVS MAC II, LLC
 1944 Rossville Ave
 Chattanooga, TN 37408

Project Contact
 Alan Haniszewski
 Tennessee PLS #2388
 3073 Begett Trail
 Signal Mountain, TN 37377
 423-364-6032
 a_haniszewski@yahoo.com



File Name: Jefferson Trace Zoning Site 2
 Drawing No. 13-33-1

2013-049

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:

2013-031 TDK Construction Company, Inc./Tim Keach, CEO. 2216, 2228, 2242, and 2252 Murray Lane and 7608 Shallowford Road, from R-1 Residential Zone to R-3 Residential Zone, subject to certain conditions.

2013-044 Habitat for Humanity Greater Chattanooga Area/Linda Sneary. 1129 East 14th Street, from M-1 Manufacturing Zone to R-3 Residential Zone.

2013-049 Alan Haniszewski/PVS MAC II, LLC. 1944 Rossville Avenue, from R-3 Residential Zone and M-1 Manufacturing Zone to C-3 Central Business Zone.

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

2013-045 John Wise/June Jones. 530 Cherokee Boulevard and 335 Stringer Street, from R-1 Residential Zone, O-1 Office Zone and C-2 Convenience Commercial Zone to C-7 Northshore Commercial Mixed Use Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended the granting of an Industrial Conditional Permit for a Recycling Processing Center on the following property:

2013-048 Taqi Mirza/Robmer Partners. 2108 Chestnut Street.

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,

May 14, 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.

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