

First Reading: _____
Second Reading: _____

2013-101
Towson and Dede Engsberg
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 501 EAST 16TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3 RESIDENTIAL 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 501 East 16th Street, more particularly described herein:

Lot 1, Sam Erwins Subdivision, Plat Book 5, Page 54, ROHC.
Deed Book 9825, Page 554, ROHC. Tax Map No. 145L-J-029.

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

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

- 1) Uses shall be restricted to office and residential; and
- 2) Vehicular access to the property shall be restricted to the north alley access and subject to the standard C-3 Central Business Zone conditions.

For new construction, including additions to a building, the conditions below shall apply. Interior renovations to existing buildings are exempt from these conditions.

1) Review:

- Applicants are required to schedule a pre-submittal meeting with the City's Land Development Office prior to completion of schematic design.
- To promote compliance with the Downtown Plan, to help ensure that new development compliments 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, **prior to completion of construction drawings**, by the Community Design Group, a division of the Regional Planning Agency. **Applicants are responsible for scheduling this review meeting.** 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 and apartment buildings (Facade renovations are exempt from these conditions):

- For new 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 facade 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.
- The maximum height of new buildings shall be 50 feet.

For any activity requiring a land disturbing permit, the following conditions shall apply:

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 new construction of single-family, duplex, and townhome 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 certain 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.

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: _____

2013-101
Towson and Dede Engsborg
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 501 EAST 16TH STREET,
MORE PARTICULARLY DESCRIBED HEREIN, FROM R-3
RESIDENTIAL 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 501 East 16th
Street, more particularly described herein:

Lot 1, Sam Erwins Subdivision, Plat Book 5, Page 54, ROHC.
Deed Book 9825, Page 554, ROHC. Tax Map No. 145L-J-029.

and as shown on the maps and drawing attached hereto and made a part hereof by reference,
from R-3 Residential 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

2013-101 City of Chattanooga
August 12, 2013

RESOLUTION

WHEREAS, Towson and Dede Engsborg 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 R-3 Residential Zone to C-3 Central Business Zone, property located at 501 East 16th Street.

Lot 1, Sam Erwins Subdivision, Plat Book 5, Page 54, ROHC. Deed Book 9825, Page 554, ROHC. Tax Map 145L-J-029 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on August 12, 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 August 12, 2013, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to: 1) Uses shall be restricted to office and residential; and 2) Vehicular access to the property shall be restricted to the north alley access and subject to the standard C-3 Central Business Zone conditions as follows:

For new construction, including additions to a building, the conditions below shall apply. Interior renovations to existing buildings are exempt from these conditions.

1) Review:

- Applicants are required to schedule a pre-submittal meeting with the City's Land Development Office prior to completion of schematic design.

- 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, **prior to completion of construction drawings**, by the Community Design Group, a division of the Regional Planning Agency. **Applicants are responsible for scheduling this review meeting.** 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 and apartment buildings (Façade renovations are exempt from these conditions):

- For new 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.
- The maximum height of new buildings shall be 50 feet.

For any activity requiring a land disturbing permit, the following conditions shall apply:

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 new construction of single-family, duplex, and townhome 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 certain 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.

Respectfully submitted,



John Bridger
Secretary

ZONING APPLICATION FORM

CASE NUMBER: 2013-101 Date Submitted: 07-01-2013

(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)

1 Applicant Request			
Zoning	From: R-3	To: C-3	
Total Acres in request area: 0.1572 Acres			
2 Property Information			
Property Address:	501 E. 16 th Street, Chattanooga, TN. 37408		
Property Tax Map Number(s):	145L-J-029		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Mixed Use Apartments and Office Vehicle access from alley to parking lot only		
4 Site Characteristics			
Current Zoning:	R-3		
Current Use:	Former Church		
Adjacent Uses:	M-1, C-3, and R-3		
5 Applicant Information			
All communication will be with the Applicant. If the applicant is not the property owner, the RPA requires a letter from the property owner(s) confirming that the applicant has permission to file this application on his/her behalf.			
Name: Towson and Dede Engsborg		Address: 509 East Main Street	
Check one:	<input checked="" type="checkbox"/> I am the property owner	<input type="checkbox"/> I am not the property owner	
City: Chattanooga	State: TN	Zip Code: 37405	Email: towson.engsborg@mindspring.com
Phone 1: 423-309-5727	Phone 2: 770-480-8077	Phone 3:	Fax:
6 Property Owner Information (if not applicant)			
Name:		Phone:	
Address:			
Office Use Only:			
Plannin' District: 33	Neighborhood, Jefferson Heights and Southside Historical District		
Hamilton Co. Comm. District: 4	Chatt. Council District: 7	Other Municipality:	
Staff Rec. #	RE Action/Date	Legislative Action/Date/Ordinance	
Checklist:			
<input checked="" type="checkbox"/> Application Complete	<input checked="" type="checkbox"/> Ownership Verification	<input checked="" type="checkbox"/> Map of Proposed Zoning Area with dimensions	
<input checked="" type="checkbox"/> Site Plan (if required)	<input checked="" type="checkbox"/> Total Acres to be considered: 0.1572	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats (if applicable)
Deed Book(S): 982-0554			
Plat Book/Page: 57/51		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 2
<input checked="" type="checkbox"/> Filing Fee: \$635.00	<input checked="" type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check	Check Number: 1001
Planning Commission meeting date: 6-12-2013		Application processed by: Trevor Stanton	

RPA STAFF RECOMMENDATION

Case Number: 2013-101 **PC Meeting Date:** 08-12-2013

STAFF RECOMMENDATION: APPROVE, subject to the conditions specified below.

Land Use & Transportation Comments

Planning Staff:

Applicant Request Overview
 The Applicant is requesting to rezone the property at 501 East 16th Street from R-3 Residential Zone to C-3 Central Business Zone for the purpose of renovating an existing church structure into office and residential live-work units.

Site Description
 The .15 acre site is located one block south of East Main Street, at the corner of Adams Street and East 16th Street. There is an existing two-story structure on the property that was previously used as a church. The gross leasable area of the existing structure is approximately 4,500 square feet. The Applicant intends to use the top floor for apartment units, and the lower level for office space. Alley access is available to the north of the property. The alley is used for parking and garage access by adjacent properties.

Single-family detached residential homes are located to the south and east of the property. To the west is a railroad right-of-way. To the north across the alley is a vacant property zoned M-1 Manufacturing Zone, which fronts on Main Street.

Zoning History
 The site is at the north edge of a stable R-3 Residential Zone. Properties to the north fronting on Main Street are zoned C-3 Central Business Zone, M-1 Manufacturing Zone, and C-2 Commercial Zone. The Main Street corridor is in the process of transitioning to a mixed-use residential, retail, and office corridor, predominantly through C-3 Central Business Zoning.

Plans/Policies
 According to the Comprehensive Plan 2030, the site is located in the Urban Infill Development Sector. A mix of medium to high density housing options including single-family detached, multi-family, and live-work units is recommended in the Urban Infill Sector. A mix of residential and non-residential uses in the same block or building is also recommended.

The Downtown Plan recommends that Main Street be redeveloped as a pedestrian-oriented, high density, residential and mixed use corridor. Mixed-use buildings are also recommended at intersections and on corners at the edges of higher density areas.

The Applicant is proposing mixed use live-work units, on a corner lot

RPA STAFF RECOMMENDATION

adjacent to the Main Street corridor in the Urban Infill Development Sector, which is consistent with the recommendations of the Comprehensive Plan 2030 and the Downtown Plan.

Staff Recommendation

Staff recommends approval of the Applicant's proposal to rezone the subject property from R-3 Residential Zone to C-3 Central Business Zone subject to the standard C-3 Central Business Zone conditions, and to the following:

- Uses shall be restricted to office and residential; and
- Vehicular access to the property shall be restricted to the north alley access.

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1) Review:

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RPA STAFF RECOMMENDATION

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RPA STAFF RECOMMENDATION

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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

RPA STAFF RECOMMENDATION

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.

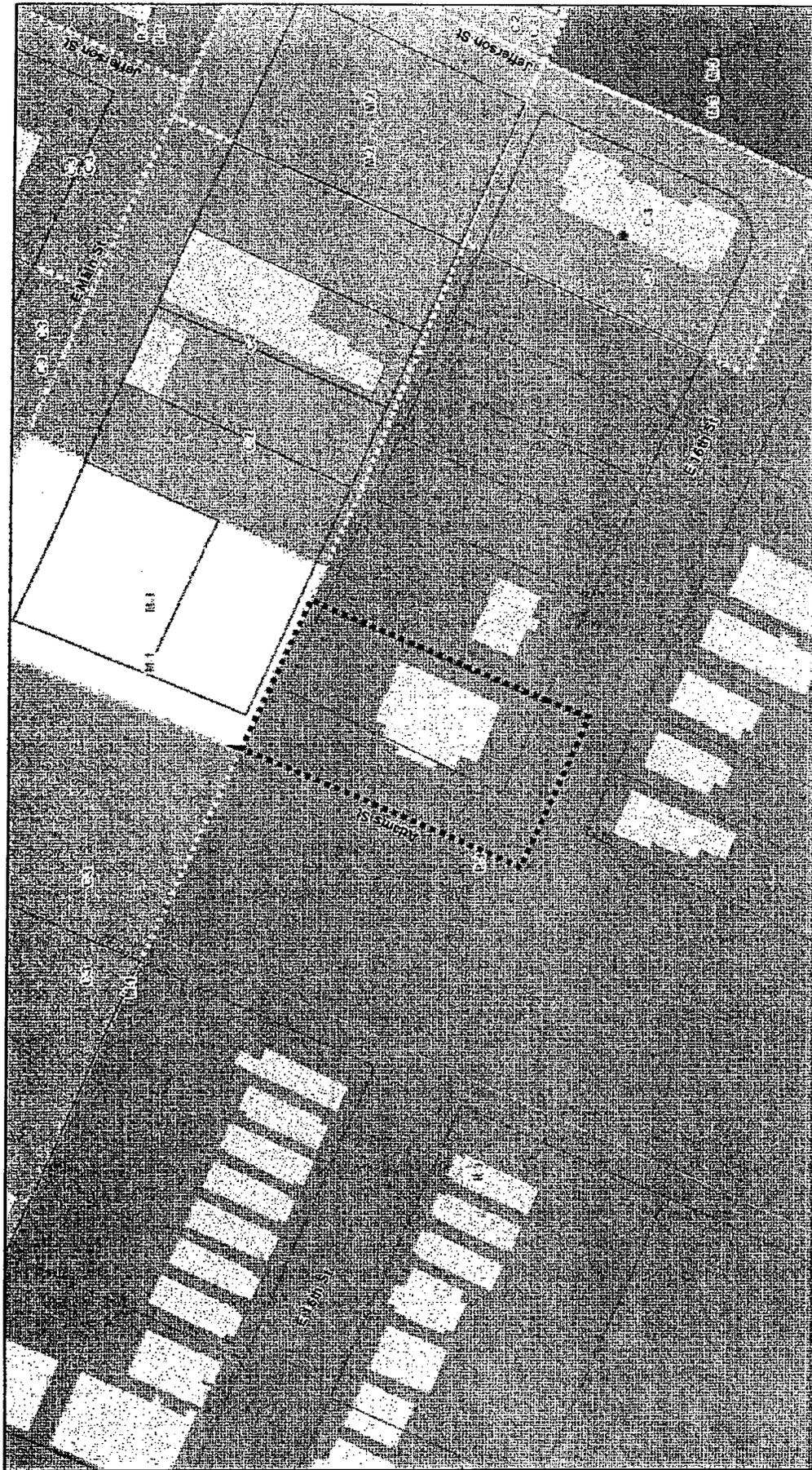
Additional requirements, if needed, are indicated by department below either as comments or as conditions recommended to be attached to the final ordinance.

Traffic Engineering & Operations

The Applicant may be required to document that a long-term lease agreement has been reached with the adjacent property owner to the north to meet parking needs.

Land Development Office

Since the Applicant is changing the use, the property shall be brought up to all applicable building and landscape codes.



2013-101 Rezoing from R-3 to C-3

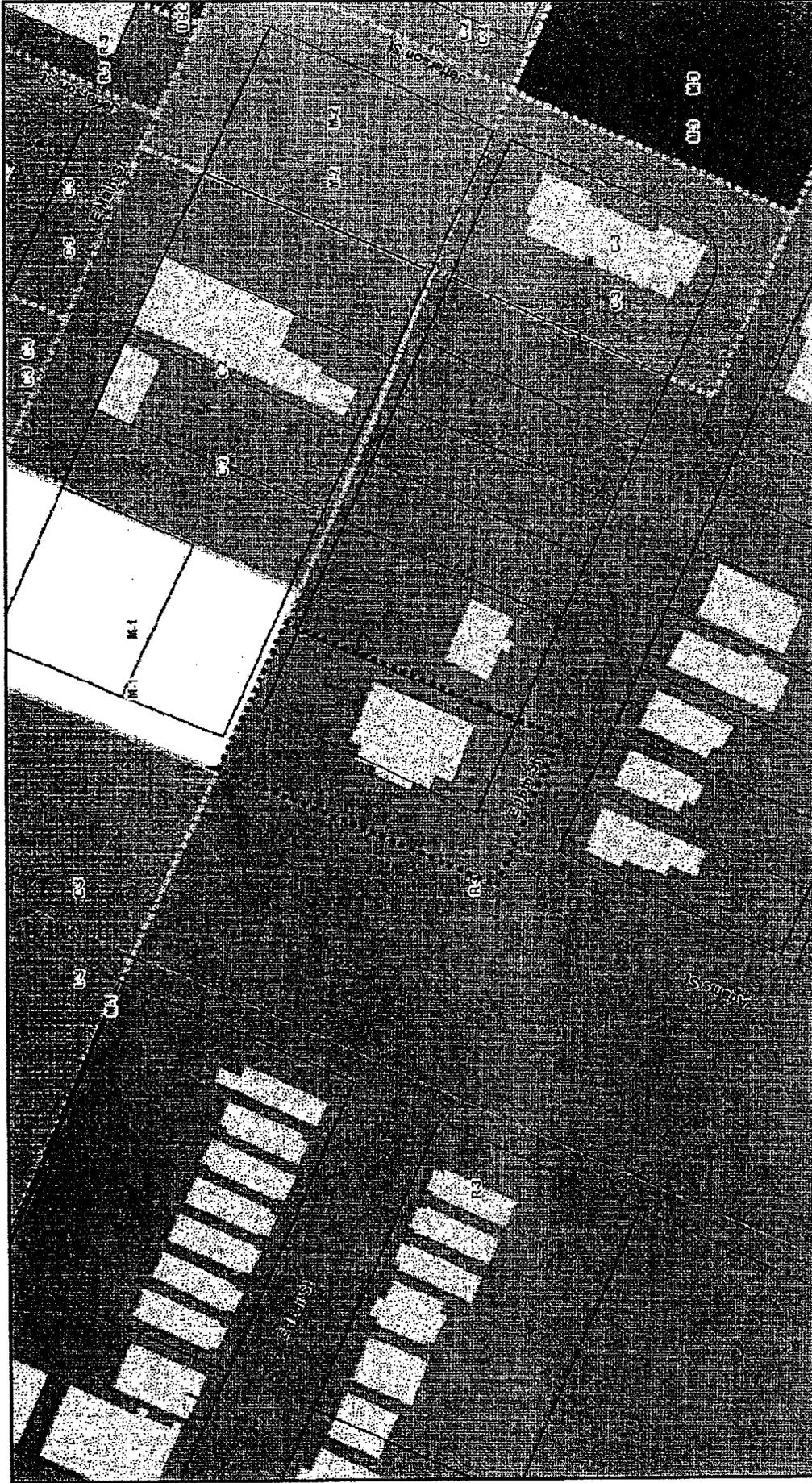
PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2013-101: Approve, subject to the list of conditions in the Planning Commission Resolution.



75 ft



Chattanooga Hamilton County Regional Planning Agency



2013-101 Rezoning from R-3 to C-3



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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:

2013-083 Joseph Ingram/Glen Meadows and Brett Sexton. 8599, 8601, 8603, 8605, and 8607 Petty Road, from R-5 Residential Zone to R-3MD Moderate Density Zone.

2013-101 Towson and Dede Engsberg. 501 East 16th Street, from R-3 Residential Zone to C-3 Central Business Zone, subject to certain conditions.

2013-105 Henrietta Morris/Johnella Morris. 515 Spruce Street, from R-3 Residential Zone to UGC Urban General Commercial Zone, subject to certain conditions.

2013-107 Alan Haniszewski. 630 East 19th Street, from R-3 Residential Zone to C-3 Central Business Zone, subject to certain conditions.

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

2013-102 Tim McClure/J.R. Barker. 4815 Hixson Pike, from R-1 Residential Zone to R-3 Residential Zone.

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

2013-082 Joseph Ingram/Glen Meadows and Brett Sexton. 8600 block of Petty Road for a Residential Planned Unit Development.

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,

September 10, 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.

Sandra Freeman
Clerk to the City Council