

First Reading: _____
Second Reading: _____

2013-130
Green Real Estate Group, LLC/
David Devaney
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 324 VINE STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL 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 324 Vine Street, more particularly described herein:

Lot 1 of Hickman's Subdivision of the North One Hundred and Ninety Feet of the East Forty Nine Feet of Lot Number (4) Four, Block C, Long's Addition to Chattanooga, Plat Book 5, Page 3, ROHC, being the property described in Deed Book 7248, Page 681, ROHC. Tax Map No. 145D-B-009.

and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-4 Special Zone to C-3 Central Business Zone.

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

1. Review.

The following review shall be required 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.

A. For any activity requiring a land disturbing permit, non-residential building permit, or residential building permit for structures with more than two (2) units, and excluding all interior renovations:

- (1) The Applicant is required to schedule a meeting with the Community Design Group during the concept development phase of site design.
- (2) The Applicant is required to schedule a pre-submittal meeting with the City's Land Development Office.
- (3) All site layout plans, landscaping plans, and building elevations required by the Land Development Office shall also be reviewed by the Community Design Group prior to approval.

B. For any activity requiring a residential building permit for new construction:

- (1) The Applicant shall provide illustrations, such as specifications, photographs, or other images, to the Community Design Group for review of the work to be completed.

2. Setbacks.

A. For new multi-family buildings three (3) stories in height or greater, and for all new non-residential buildings, a zero building setback is required along the street frontage.

- (1) To accommodate outdoor pedestrian activities including a park, plaza, or outdoor dining, a greater setback is permitted if a street edge delineating the public and private space is provided in accordance with Condition 6.A.

- B. For new single-family detached, duplex, townhome, and multi-family structures less than three (3) stories in height, building setbacks shall be consistent with the existing setbacks on the same side of the street.
3. Height Requirements.
- A. The minimum height of new non-residential buildings shall be eighteen (18) feet.
 - B. The maximum height of all new non-residential buildings and new multi-family buildings shall be five (5) stories.
4. Access to sites and buildings.
- A. New curb cuts shall not be permitted on the primary, or highest order street, that a property fronts, except when there is no alley or secondary street to provide access. The permitting and location of curb cuts on primary streets shall be approved by the City Traffic Engineer based on vehicular and pedestrian safety concerns.
 - B. Alleys, where they exist, shall be used as the principal vehicular access.
 - C. In the absence of alleys, the secondary, or lower order street, shall be used as the principal vehicular access.
 - D. Shared drives should be used wherever possible.
 - E. The primary pedestrian entrance to new buildings shall be provided from the primary street.
5. Off-street parking.
- A. New off-street parking shall not be permitted between a building and the primary street frontage.
 - B. For new construction of a primary building, or improvements altering more than 25% of the parcel that is covered in pavement (including gravel, impervious surfaces, and pavers), the following is required:

- (1) Off-street parking fronting a public street shall be screened from the right-of-way with a street edge in accordance with Condition 6.A. Front end in or parallel parking along alleys is exempt from this requirement.
 - (2) Surface parking lots shall be landscaped with a minimum of one (1) Class I shade tree for every five (5) parking spaces. Where conflicts with overhead utility lines exist, Class II shade trees may be used.
 - C. Garages for new residential dwellings shall be located behind the primary building.
 - D. There are no minimum requirements for the quantity of off-street parking spaces. However, site plans shall indicate the quantity and location of off-street parking provided, along with the following information:
 - (1) Proximity to transit stops;
 - (2) Provision of bicycle facilities;
 - (3) Availability of adjacent on-street parking, proximity to public parking facilities, shared private parking, or leased off-site parking;
 - (4) Type of uses and hours of operation;
 - (5) Square footage of commercial uses or number of residential units; and
 - (6) Fire Department access.
6. Street Frontage.
- A. Where a street edge is required, it shall be provided as follows:
 - (1) The street edge shall have a minimum height of three (3) feet and a maximum height of four (4) feet above grade and shall consist of:
 - a. Brick, stucco, or stone walls (concrete block is permitted if faced with said materials);
 - b. A decorative metal fence with landscaping a minimum of three (3) feet in height at maturity, providing a year-round near opaque screen;

- c. An evergreen hedge, with a minimum height at maturity of three (3) feet; and
 - d. Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.
- (2) Ground floor openings (doors and windows) shall constitute a minimum of fifty (50%) percent of the ground floor façade area for new non-residential buildings.
 - (3) No security-type roll up metal doors shall be newly installed where they would front streets other than interior block alleys.
 - (4) All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.

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: _____

2013-130
Green Real Estate Group, LLC/
David Devaney
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 324 VINE STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL ZONE TO C-3 CENTRAL BUSINESS ZONE.

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and as shown on the map and drawing attached hereto and made a part hereof by reference, from R-4 Special 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

2013-130 City of Chattanooga
October 14, 2013

RESOLUTION

WHEREAS, Green Real Estate Group, LLC/David Devaney 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-4 Special Zone to C-3 Central Business Zone, property located at 324 Vine Street.

Lot 1 of Hickman's Subdivision of the North One Hundred and Ninety Feet of the East Forty Nine Feet of Lot Number (4) Four, Block C, Long's Addition to Chattanooga, Plat Book 5, Page 3, ROHC, being the property described in Deed Book 7248, Page 681, ROHC. Tax Map 145D-B-009 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on October 14, 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 October 14, 2013, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved with the following conditions:

1. Review.

The following review shall be required 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.

- A. For any activity requiring a land disturbing permit, non-residential building permit, or residential building permit for structures with more than 2 units, and excluding all interior renovations:

(1)The Applicant is required to schedule a meeting with the Community Design Group during the concept development phase of site design.

(2) The Applicant is required to schedule a pre-submittal meeting with the City's Land Development Office.

(3) All site layout plans, and building elevations required by the Land Development Office shall also be reviewed by the Community Design Group prior to approval.

B. For any activity requiring a residential building permit for new construction:

(1) The Applicant shall provide illustrations, such as specifications, photographs, or other images, to the Community Design Group for review of the work to be completed.

2. Setbacks.

A. For new multi-family buildings three (3) stories in height or greater, and for all new non-residential buildings, a zero building setback is required along the street frontage.

(1) To accommodate outdoor pedestrian activities including a park, plaza, or outdoor dining, a greater setback is permitted if a street edge delineating the public and private space is provided in accordance with Condition 6.A.

B. For new single-family detached, duplex, townhome, and multi-family structures less than three (3) stories in height, building setbacks shall be consistent with the existing setbacks on the same side of the street.

3. Height Requirements.

A. The minimum height of new nonresidential buildings shall be eighteen (18) feet.

B. The maximum height of all new nonresidential buildings and new multi-family buildings shall be five (5) stories.

4. Access to sites and buildings.

A. New curb cuts shall not be permitted on the primary, or highest order street, that a property fronts, except when there is no alley or secondary street to provide access. The permitting and location of curb cuts on primary streets shall be approved by the City Traffic Engineer based on vehicular and pedestrian safety concerns.

B. Alleys, where they exist, shall be used as the principal vehicular access.

C. In the absence of alleys, the secondary, or lower order street, shall be used as the principal vehicular access.

D. Shared drives should be used wherever possible.

E. The primary pedestrian entrance to new buildings shall be provided from the primary street.

5. Off-street parking.

A. New off-street parking shall not be permitted between a building and the primary street frontage.

B. For new construction of a primary building, or improvements altering more than 25% of the parcel that is covered in pavement (including gravel, impervious surfaces, and pavers), the following is required:

- (1) Off-street parking fronting a public street shall be screened from the right-of way with a street edge in accordance with Condition 6.A. Front end in or parallel parking along alleys is exempt from this requirement.
- (2) Surface parking lots shall be landscaped with a minimum of one (1) Class I shade tree for every five parking spaces. Where conflicts with overhead utility lines exist, Class II shade trees may be used.

C. Garages for new residential dwellings shall be located behind the primary building.

D. There are no minimum requirements for the quantity of off-street parking spaces. However, site plans shall indicate the quantity and location of off-street parking provided, along with the following information:

- (1) Proximity to transit stops
- (2) Provision of bicycle facilities
- (3) Availability of adjacent on-street parking, proximity to public parking facilities, shared private parking, or leased off-site parking
- (4) Type of uses and hours of operation
- (5) Square footage of commercial uses or number of residential units
- (6) Fire Department access

6. Street Frontage.

A. Where a street edge is required, it shall be provided as follows:

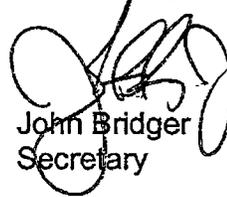
- (1) The street edge shall have a minimum height of three (3) feet and a maximum height of four (4) feet above grade and shall consist of:
 - a. Brick, stucco, or stone walls (concrete block is permitted if faced with said materials); or
 - b. A decorative metal fence with landscaping a minimum of 3 feet in height at maturity, providing a year-round near opaque screen; or
 - c. An evergreen hedge, with a minimum height at maturity of 3 feet.
 - d. Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted.

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

C. No security-type roll up metal doors shall be newly installed where they would front streets other than interior block alleys.

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

Respectfully submitted,



John Bridger
Secretary

ZONING APPLICATION FORM

| | | | | | | | |
|---|--|---|--|--|---|-------------------------------------|----------------------|
| CASE NUMBER: 2013-130 | | Date Submitted: 09-10-2013 | | | | | |
| (Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed) | | | | | | | |
| 1 Applicant Request | | | | | | | |
| Zoning | From: R-4 | To: C-3 | | | | | |
| Total Acres in request area: 0.079 | | | | | | | |
| 2 Property Information | | | | | | | |
| Property Address: | 324 Vine Street Chattanooga, Tn. 37403 | | | | | | |
| Property Tax Map Number(s): | 145D-B-009 | | | | | | |
| 3 Proposed Development | | | | | | | |
| Reason for Request and/or Proposed Use: | Multi-Story Student Housing | | | | | | |
| 4 Site Characteristics | | | | | | | |
| Current Zoning: | R-4 | | | | | | |
| Current Use: | Restaurant | | | | | | |
| Adjacent Uses: | Church, Office, and Parking Lots | | | | | | |
| 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: Green Real Estate Group, LLC | | Address: 63 North Ocoee Street | | | | | |
| Check one: | <input type="checkbox"/> I am the property owner | <input checked="" type="checkbox"/> I am not the property owner | | | | | |
| City: Cleveland | State: Tn. | Zip Code: 37311 | Email: adam.green@greengrouptn.com | | | | |
| Phone 1: 423.509.6688 | Phone 2: 727.776.6517 | Phone 3: | Fax: 866.776.5117 | | | | |
| 6 Property Owner Information (if not applicant) | | | | | | | |
| Name: David F. Devaney, SIOR, CCIM, President | | Phone: 423.308.3762 | | | | | |
| Address: 414 Vine Street, Chattanooga, TN. 37403 *NAI Charter Real Estate Corp. | | | | | | | |
| Office Use Only: | | | | | | | |
| Planning District: 8a | | Neighborhood: | | | | | |
| Hamilton Co. Comm. District: 6 | Chatt. Council District: 7 | Other Municipality: | | | | | |
| Staff Rec: | PC 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: 0.079 | <input checked="" type="checkbox"/> | Deeds | <input checked="" type="checkbox"/> | Plats, if applicable |
| Deed Book(s): 7248-0681 | | | | | | | |
| Plat Book/Page: 5-3 | | <input checked="" type="checkbox"/> | Notice Signs | Number of Notice Signs: 2 | | | |
| <input checked="" type="checkbox"/> | Filing Fee: \$635.00 | <input type="checkbox"/> | Cash | <input checked="" type="checkbox"/> | Check | Check Number: 5179 | |
| Planning Commission meeting date: 10-14-2013 | | | | Application processed by: Trevor Slayton | | | |

STAFF RECOMMENDATION (Rezoning, Special Permits & Mandatory Referrals)

| | | |
|---|--|------------------------------------|
| Case Number: | 2013-130 | PC Meeting Date: 10-14-2013 |
| STAFF RECOMMENDATION: | APPROVE, with conditions as noted below | |
| Land Use & Transportation Comments | | |
| Planning Staff: | <p><u>Applicant Request Overview</u> The applicant is requesting to rezone a .079 acre property from R-4 Special Zone to C-3 Central Business Zone for a multi-family housing structure. The applicant is proposing to tear down the existing fire-damaged structure, to construct a four-story multi-family residential building. The applicant's target population is university students.</p> <p><u>Site Description</u> The property is located at 324 Vine Street, on the southwest corner of Vine Street and Lindsey Street. The property was the site of the "Toast" restaurant, where a fire severely damaged the building. Parking lots are located to the north across Vine Street, and to the west adjacent to the property. A church is located to the east across Lindsey Street. To the south is a two-story office building that also may have some residential uses.</p> <p><u>Zoning History</u> The parking lots across the street are zoned C-3 Central Business Zone. The parcels to the east, west, and south are zoned R-4 Special Zone.</p> <p><u>Plans/Policies</u> The Downtown and Comprehensive Plans recommend higher density residential and mixed-use development in this area. There is no specific recommendation for the applicant's property, though multi-family buildings are recommended for the parking lots across the street and in other nearby locations. The University of Tennessee at Chattanooga's master plan also notes the need for additional residential and student housing close to the university.</p> <p><u>Staff Recommendation</u> Staff recommends approval of the applicant's request to rezone the property from R-4 Special Zone to C-3 Central Business Zone. The proposed use is consistent with the Downtown and Comprehensive Plans, and there is a need for additional housing in this location. To ensure that the development is consistent with the character of downtown and the neighborhood, staff recommends the standard C-3 Conditions be attached as follows:</p> <p>1. Review. The following review shall be required 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.</p> | |

STAFF RECOMMENDATION (Rezoning, Special Permits & Mandatory Referrals)

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STAFF RECOMMENDATION (Rezoning, Special Permits & Mandatory Referrals)

vehicular access.

- C. In the absence of alleys, the secondary, or lower order street, shall be used as the principal vehicular access.
- D. Shared drives should be used wherever possible.
- E. The primary pedestrian entrance to new buildings shall be provided from the primary street.

5. Off-street parking.

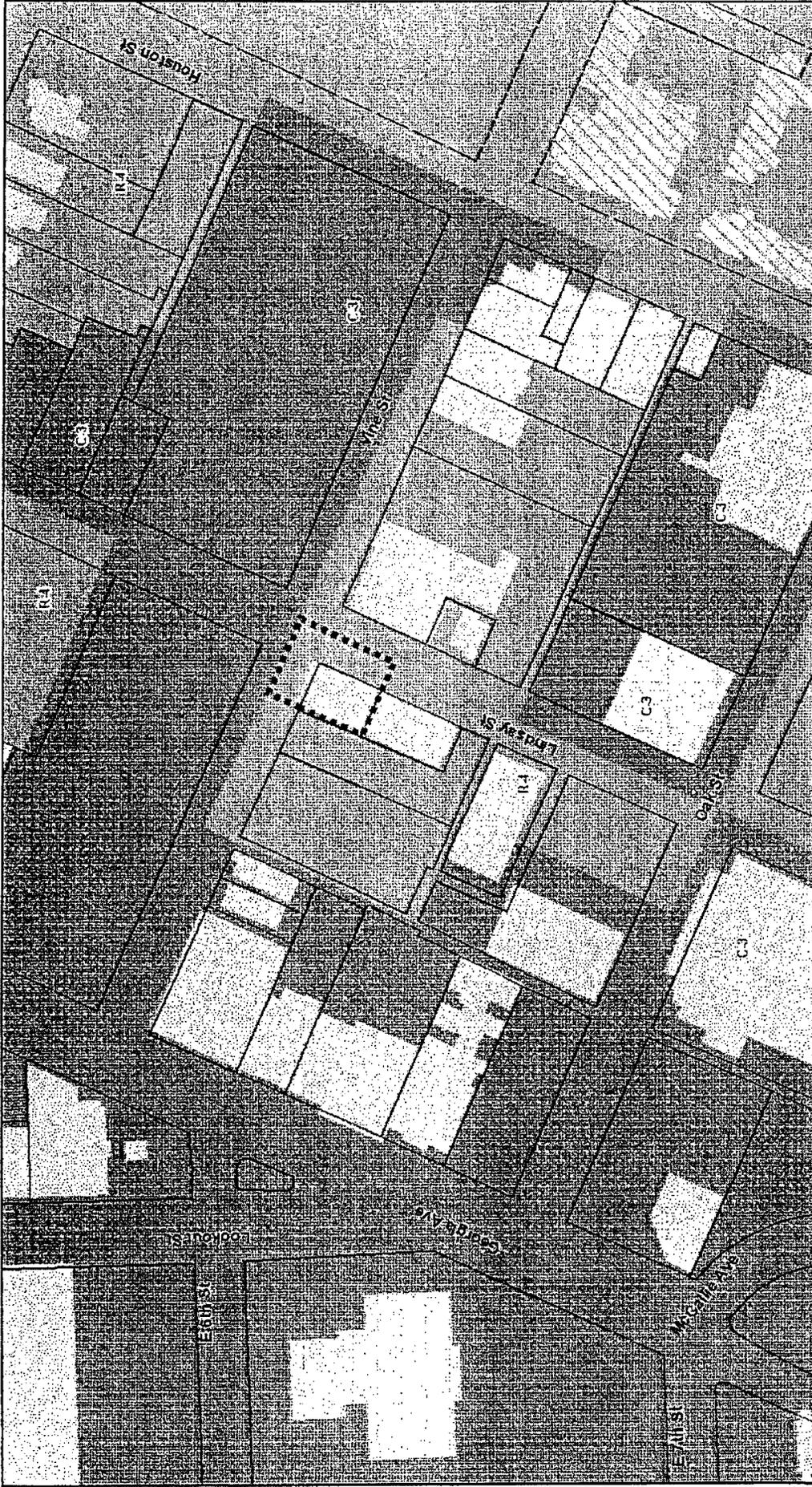
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 - b) A decorative metal fence with landscaping a

STAFF RECOMMENDATION (Rezoning, Special Permits & Mandatory Referrals)

| | |
|---|---|
| | <p>minimum of 3 feet in height at maturity, providing a year-round near opaque screen; or</p> <ul style="list-style-type: none"> c) An evergreen hedge, with a minimum height at maturity of 3 feet. d) Highway-style guardrails or security fencing (e.g. chain link) shall not be permitted. <p>B. Ground floor openings (doors and windows) shall constitute a minimum of 50 percent of the ground floor façade area for new non-residential buildings.</p> <p>C. No security-type roll up metal doors shall be newly installed where they would front streets other than interior block alleys.</p> <p>D. All dumpsters and mechanical equipment shall be placed to the rear of the property and shall be screened from all public rights-of-way.</p> |
| <p>Infrastructure & Operational Comments</p> | <p>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.</p> <p>Additional requirements, if needed, are indicated by department below either as comments or as conditions recommended to be attached to the final ordinance.</p> |



2013-130 Rezoning from R-4 to C-3



140 ft

Chattanooga-Hamilton County
RPA
 Regional Planning Agency

Chattanooga Hamilton County Regional Planning Agency

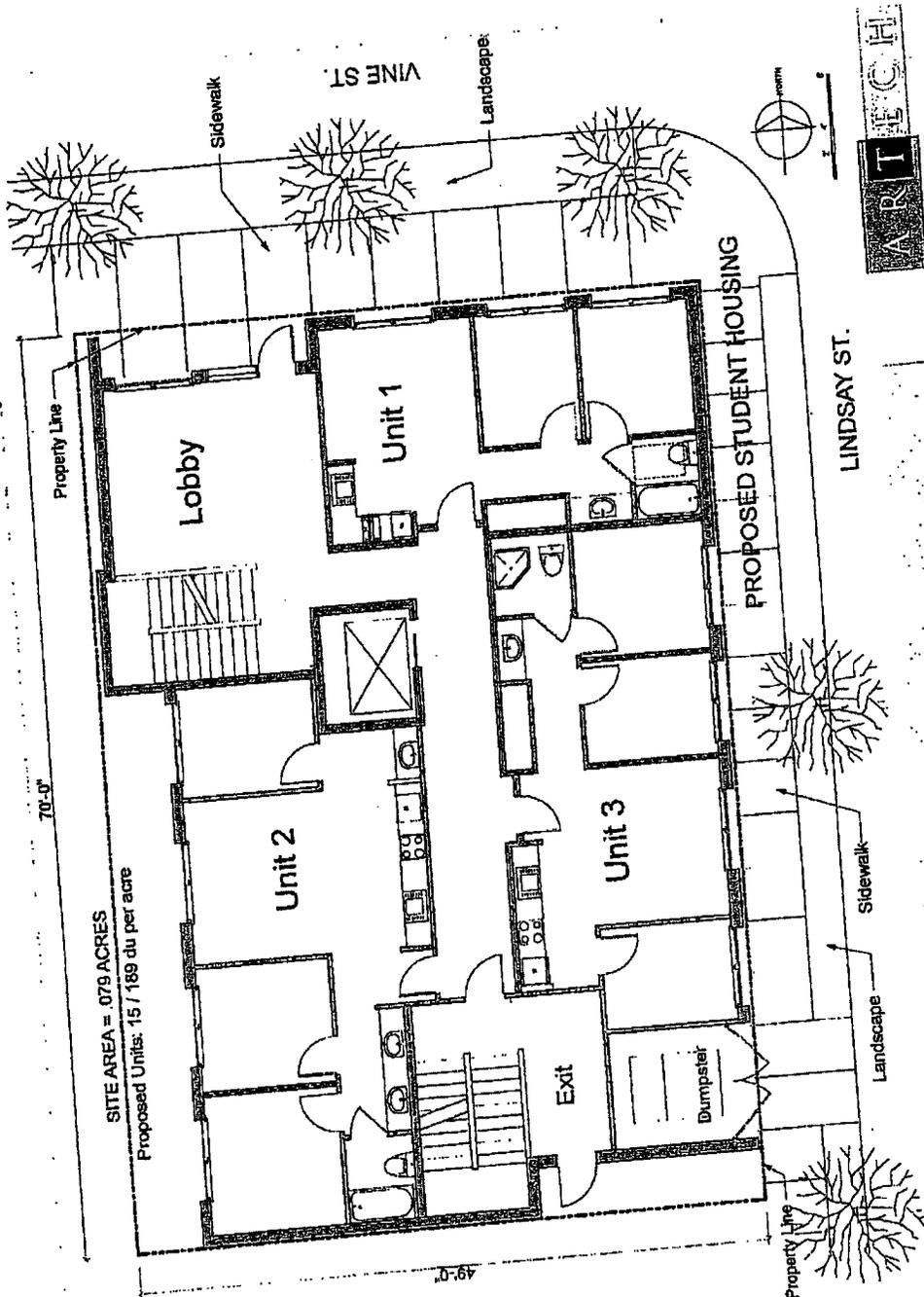


2013-130 Rezoning from R-4 to C-3

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2013-130: Approve, subject to the list of conditions in the Planning Commission Resolution.



140 ft



SITE AREA = 0.79 ACRES
 Proposed Units: 15 / 189 du per acre

70'-0"

49'-0"

GREEN STREET HOLDINGS LLC
 63 North Ocoee St.
 Cleveland, TN 37311
 adam.green@greengroupin.com
 423-509-8888

324 VINE STREET

CHATTANOOGA, TN
 SITE PLAN 9-11-2013

ART EC H



Lobby

Unit 1

Unit 2

Unit 3

Exit

Dumpster

PROPOSED STUDENT HOUSING

LINDSAY ST.

VINE ST.

Sidewalk

Landscape

Sidewalk

Landscape

Property Line

Property Line

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:

2013-119 Jack Edwards. 7630 Bonnie Drive, from R-1 Residential Zone to R-2 Residential Zone, subject to certain conditions.

2013-128 Aaron White/Vulcan Lands, Inc. 556 Molly Lane, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2013-130 Green Real Estate Group, LLC/David Devaney. 324 Vine Street, from R-4 Special Zone to C-3 Central Business Zone, subject to certain conditions.

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

2013-127 Clara Edwards/Tommye Montgomery. 1503 Taylor Street for a Residential Home for Handicapped and/or Aged Persons Operated on a Commercial Basis.

2013-137 Richard Burbano. 4038 Smith Lane for a Single-Wide Manufactured Home.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following conditions be lifted and approved:

2013-129 Jack Killian. 2857 Northpoint Boulevard, to lift Conditions 1 and 2 of Ordinance No. 11533 of previous Case No. 2004-031.

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,

November 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.

Sandra Freeman
Clerk to the City Council