

First Reading: 2/10/15
Second Reading: _____

2014-139
The Broadway Group, LLC/
Joseph E. Proctor
District No. 2
Planning Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 6514 AND 6518 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL 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 properties located at 6514 and 6518 Shallowford Road, more particularly described herein:

Lots 4 and 5 of the Osborne Building Corporation Subdivision, Plat Book 15, Page 56, ROHC, being the properties described in Deed Book 8210, Page 43, ROHC. Tax Map Nos. 148C-A-054 and 055.

and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone to C-2 Convenience Commercial Zone.

SECTION 2. BE IT FURTHER ORDAINED, That this rezoning shall be approved

subject to the following conditions:

- (1) Except for the drive accessing the property, there shall be green space (no paving) to be planted with grass up to a minimum depth of forty (40) feet from the public right of way;
- (2) The property will provide the following landscape material that meets or exceeds the current City landscaping requirements:
 - (a) Street yard – in addition to the street tree requirements, the applicant will provide a total of thirty-two (32) shrubs. Any planted street locations will comply with the city landscape ordinance and located to avoid sight distance hazards as determined by City staff;
 - (b) Rear landscape buffer will include a total of five (5) shade trees and nineteen (19) evergreen trees;
 - (c) West landscape buffer side yard will include a total of nine (9) shade trees and thirty-five (35) evergreen trees; and
 - (d) East landscape buffer side yard will include a total of nine (9) shade trees and thirty (30) evergreen trees.
- (3) Provide a six (6) feet tall wooden, opaque privacy fence running parallel to all shared property lines, and located on the interior property side of the side and rear planted buffers; the fence will not extend past the front façade of the proposed building towards the street. In addition to the buffering plant material noted in Condition 1, six (6) evergreen trees and sixteen (16) evergreen shrubs will be provided in the privacy fence area;
- (4) As required by City code, all exterior light fixtures will have full cut-offs. Applicant will submit a lighting plan to the LDO staff for review to ensure no light spillage onto adjoining properties;
- (5) Driveway entrance shall be located to align as closely as possible with Mark Lane;

- (6) Provide a monument sign that shall not exceed six (6) feet in height or ten (10) feet in width. Maximum sign size is sixty (60) square feet. Height is measured from the top of the sign to the lowest point of the ground upon which the proposed sign is to be located. Materials for the sign will match the materials of the associated building. Signs shall be illuminated by indirect lighting;
- (7) Dumpster pick-up shall be limited to the hours between 8:00 a.m. and 10:00 p.m. sequentially;
- (8) The property shall maintain a "No Loitering" sign that is clearly visible in the parking area; and
- (9) Building shall have a brick exterior on all sides.

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

/mem

First Reading: _____
Second Reading: _____

2014-139
The Broadway Group, LLC/
Joseph E. Proctor
District No. 2
Applicant Version

ORDINANCE NO. _____

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE PROPERTIES LOCATED AT 6514 AND 6518 SHALLOWFORD ROAD, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-1 RESIDENTIAL ZONE TO C-2 CONVENIENCE COMMERCIAL ZONE.

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and as shown on the maps attached hereto and made a part hereof by reference, from R-1 Residential Zone to C-2 Convenience Commercial 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

/mem

2014-139 City of Chattanooga
December 8, 2014 (Deferred)
January 12, 2015 (Action Taken)

RESOLUTION

WHEREAS, The Broadway Group, LLC/Joseph E. Proctor 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-1 Residential Zone to C-2 Convenience Commercial Zone, Properties located at 6514 and 6518 Shallowford Road.

Lots 4 and 5 of the Osborne Building Corporation Subdivision, Plat Book 15, Page 56, ROHC, being the properties described in Deed Book 8210, Page 43, ROHC. Tax Maps 148C-A-054 and 055 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on December 8, 2014, at which time hearing was deferred until January 12, 2015,

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

AND WHEREAS, there was opposition present 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 January 12, 2015, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved, subject to the following conditions: 1) Except for the drive accessing the property, there shall be green space (no paving) to be planted with grass up to a minimum depth of 40 feet from the public right of way; 2) The property will provide the following landscape material that meets or exceeds the current City landscaping requirements: (a) Street yard – in addition to the street tree requirements, the applicant will provide a total of 32 shrubs. Any planted street locations will comply with the city landscape ordinance and located to avoid sight distance hazards as determined by City staff (b) Rear landscape buffer will include a

total of 5 shade trees and 19 evergreen trees (c) West landscape buffer side yard will include a total of 9 shade trees and 35 evergreen trees (d) East landscape buffer side yard will include a total of 9 shade trees and 30 evergreen trees; 3) Provide a six feet tall wooden, opaque privacy fence running parallel to all shared property lines, and located on the interior property side of the side and rear planted buffers; the fence will not extend past the front façade of the proposed building towards the street. In addition to the buffering plant material noted in Condition 1, 6 evergreen trees and 16 evergreen shrubs will be provided in the privacy fence area; 4) As required by City code, all exterior light fixtures will have full cut-offs. Applicant will submit a lighting plan to the LDO staff for review to ensure no light spillage onto adjoining properties; 5) Driveway entrance shall be located to align as closely as possible with Mark Lane; 6) Provide a monument sign that shall not exceed 6 feet in height or 10 feet in width. Maximum sign size is 60 square feet. Height is measured from the top of the sign to the lowest point of the ground upon which the proposed sign is to be located. Materials for the sign will match the materials of the associated building. Signs shall be illuminated by indirect lighting; 7) Dumpster pick-up shall be limited to the hours between 8am and 10pm sequentially; 8) The property shall maintain a "No Loitering" sign that is clearly visible in the parking area; and 9) Building shall have a brick exterior on all sides.

Respectfully submitted,

John Bridger
Secretary

PLANNING COMMISSION CASE REPORT**Case Number: 2014-139****PC Meeting Date: 01-12-15****Applicant Request****Rezone from R-1 Residential Zone to C-2 Convenience Commercial Zone**

Property Location:	6514 and 6518 Shallowford Road
Property Owner:	Joseph E. Proctor
Applicant:	The Broadway Group, LLC

Project Description

- The applicant is proposing to construct a 9,000 square foot retail store on Shallowford Road just west of the intersection of Mae Dell Road.

Site Analysis**Site Description**

- The 1.45 acre site consists of two parcels of property, one vacant and the other a small single family residence.
- The area has a mix of residential uses and church facilities.
- The property is approximately one-third of a mile from the Hickory Valley and Lee Highway commercial node.

Zoning History

- The property is currently zoned R-1 Residential Zone and is surrounded on all sides by single-family residences.
- In 2012 Planning Commission recommended approval of Case 2012-001, a rezoning to R-4 Special Zone with the following conditions:
 - 1) A 50' undisturbed natural buffer along the southern property line with supplemental planting as required by the Land Development Office
 - 2) The front building setback shall be consistent with the front building setback of the existing nearest residences to the east and west; + or - 5 feet.
 - 3) The building height shall not exceed 25 feet.
 - 4) The building shall maintain a residential appearance as indicated in the front elevation drawing submitted by the applicant.
- However, that application was withdrawn at the March 20, 2012 City Council meeting by the applicant.
- There has been no recent zoning activity involving this property.
- The southwest corner of Shallowford Road and Hickory Valley Road (1/3-mile east of this site) was rezoned to C2 Convenience Commercial in 2007, conditioned to a drug store use only (Ordinance 12018).
- In 2013, the C2 zoning condition at the southwest corner of Shallowford Road and Hickory Valley Road was amended to lift the drug store use condition, but included 4 additional conditions regarding detailed landscaping and signage requirements (Ordinance 12775).

Plans/Policies

- 2005- The Shallowford Road- Lee Highway Area Plan recommended single-unit residential for this area.
- 2008- Due to the widening of the roadway, the Chattanooga-Hamilton County Regional Planning Commission asked the Regional Planning Agency to review this area for potential uses other than those recommended by the 2005 plan.
- 2009- Chattanooga City Council adopted the Shallowford Road: Standifer Gap Road to Hickory Valley

PLANNING COMMISSION CASE REPORT

Road Corridor Policy which recommends that the properties in question are more appropriate for a moderate-density residential use or non-residential development with uses similar to those found in the O-1 Office Zone or R-4 Special Zone.

- The 2009 Corridor Policy further states that O-1 and R-4 uses can be accommodated in this area because the majority of these lots front on Shallowford Road have curb cuts onto the roadway, and they have the depth to accommodate more intense development while still mitigating the impact of such on adjoining property.

Key Findings

- The proposal is not supported by the Shallowford Road Corridor Policy which supports O1 or R4 uses as a buffer between the residential properties.
- The proposal is not in keeping with the adjacent and nearby residential uses.
- A commercial use at this location could negatively impact the nearby residential areas in terms of noise associated with dumpster activity and deliveries.
- Denial of this rezoning reinforces the recommendations of the plan and avoids the extension of a higher-intensity commercial use into a single-family residential area.
- Approval of this request would set a precedent for additional commercial zoning along this section of Shallowford Road.

Staff Recommendation

Deny

NOTE: At the December 8th Planning Commission meeting, the Planning Commission deferred action for 30 days and asked the RPA staff to review the conditions language (submitted by the applicant) for clarification regarding enforcement and legality before the next meeting. Staff has since met with the applicant and the revised proposed conditions by the applicant are attached as an addendum to this report.

Planning Commission Recommendation

Approve, subject to the following conditions:

1. Except for the drive accessing the property, there shall be green space (no paving) to be planted with grass up to a minimum depth of 40 feet from the public right of way.
2. The property will provide the following landscape material that meets or exceeds the current City landscaping requirements:
 - a. Street yard – in addition to the street tree requirements, the applicant will provide a total of 32 shrubs. Any planted street tree locations will comply with the city landscape ordinance and located to avoid sight distance hazards as determined by City staff.
 - b. Rear landscape buffer will include a total of 5 shade trees and 19 evergreen trees.
 - c. West landscape buffer side yard will include a total of 9 shade trees and 35 evergreen trees.
 - d. East landscape buffer side yard will include a total of 9 shade trees and 30 evergreen trees.
3. Provide a six feet tall wooden, opaque privacy fence running parallel to all shared property lines, and located on the interior property side of the side and rear planted buffers; the fence will not extend past the front façade of the proposed building towards the street. In addition to the

PLANNING COMMISSION CASE REPORT

buffering plant material noted in Condition 1, 6 evergreen trees and 16 evergreen shrubs will be provided in the privacy fence area.

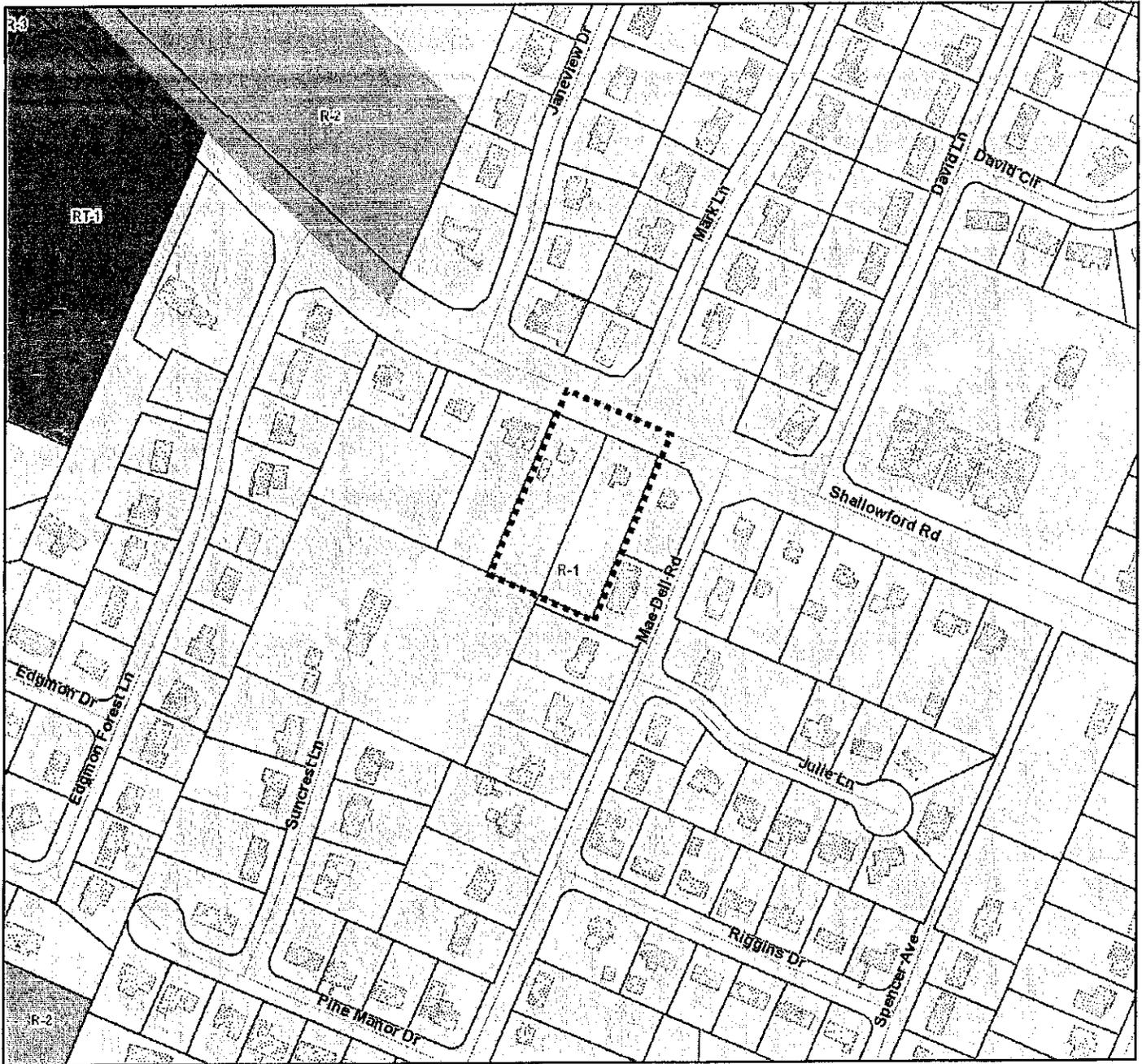
4. As required by City code, all exterior light fixtures will have full cut-offs. Applicant will submit a lighting plan to the LDO staff for review to ensure no light spillage onto adjoining properties
5. Driveway entrance shall be located to align as closely as possible with Mark Lane
6. Provide a monument sign that shall not exceed 6 feet in height or 10 feet in width. Maximum sign size is 60 square feet. Height is measured from the top of the sign to the lowest point of the ground upon which the proposed sign is to be located. Materials for the sign will match the materials of the associated building. Signs shall be illuminated by indirect lighting.
7. Dumpster pick-up shall be limited to the hours between 8am and 10pm sequentially.
8. The property shall maintain a "No Loitering" sign that is clearly visible in the parking area.
9. Building shall have a brick exterior on all sides.

NOTES:

- There was opposition *and* support present at the Planning Commission meeting.
- Councilwoman Berz was present and made comments.
- The Planning Commission recognized that the zoning request goes *against* the land use policy for the area.
- The Planning Commission also felt that the community expressed general support for the proposal as long as certain conditions were in place.
- The Planning Commission felt that the conditions supplied by the applicant were adequate and would help to make the proposed commercial project a good addition to the community.

ZONING APPLICATION FORM

CASE NUMBER:	2014-139	Date Submitted:	10/27/2014
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
1 Applicant Request			
Zoning	From: R-1	To: C-2	
Total Acres in request area: 1.45 Acres			
2 Property Information			
Property Address:	6514 and 6518 Shallowford Road		
Property Tax Map Number(s):	148C-A-054 and 148C-A-055		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Construct Commercial Retail Store		
4 Site Characteristics			
Current Zoning:	R-1		
Current Use:	Vacant Land		
Adjacent Uses:	R-1		
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: The Broadway Group, LLC		Address: 132 Holmes Avenue	
Check one:	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am not the property owner	
City: Huntsville	State: AL	Zip Code: 35801	Email: melissa.ballard@broadwaygroup.net
Phone 1: 256-533-7287	Phone 2: 256-424-2567	Phone 3:	Fax:
6 Property Owner Information (if not applicant)			
Name: Joseph E. Proctor		Phone: 423-400-3153	
Address: P.O. Box 91465, Chattanooga, Tn. 37412			
Office Use Only:			
Planning District:		Neighborhood (NAC, Friends of East Brainerd Community Council, and Shepherd Community Action Council)	
<input type="checkbox"/> Hamilton Co. Comm. District 5	<input type="checkbox"/> City Council District 6	<input type="checkbox"/> Other Municipality	
<input type="checkbox"/> Staff Rec	<input type="checkbox"/> PC Action/Date:	<input type="checkbox"/> 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: 1.45 Acres	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plans, if applicable
Deed Book(s): 3210-13			
Plan Book/Page: 13-59		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 1
<input checked="" type="checkbox"/> Filing Fee: \$635.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check	Check Number: 18210
Planning Commission meeting date: 12-3-2014		Application processed by: Trevor Slayton	



2014-139 Rezoning from R-1 to C-2

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2014-139:
 Approve, subject to conditions listed in the Planning Commission Resolution.

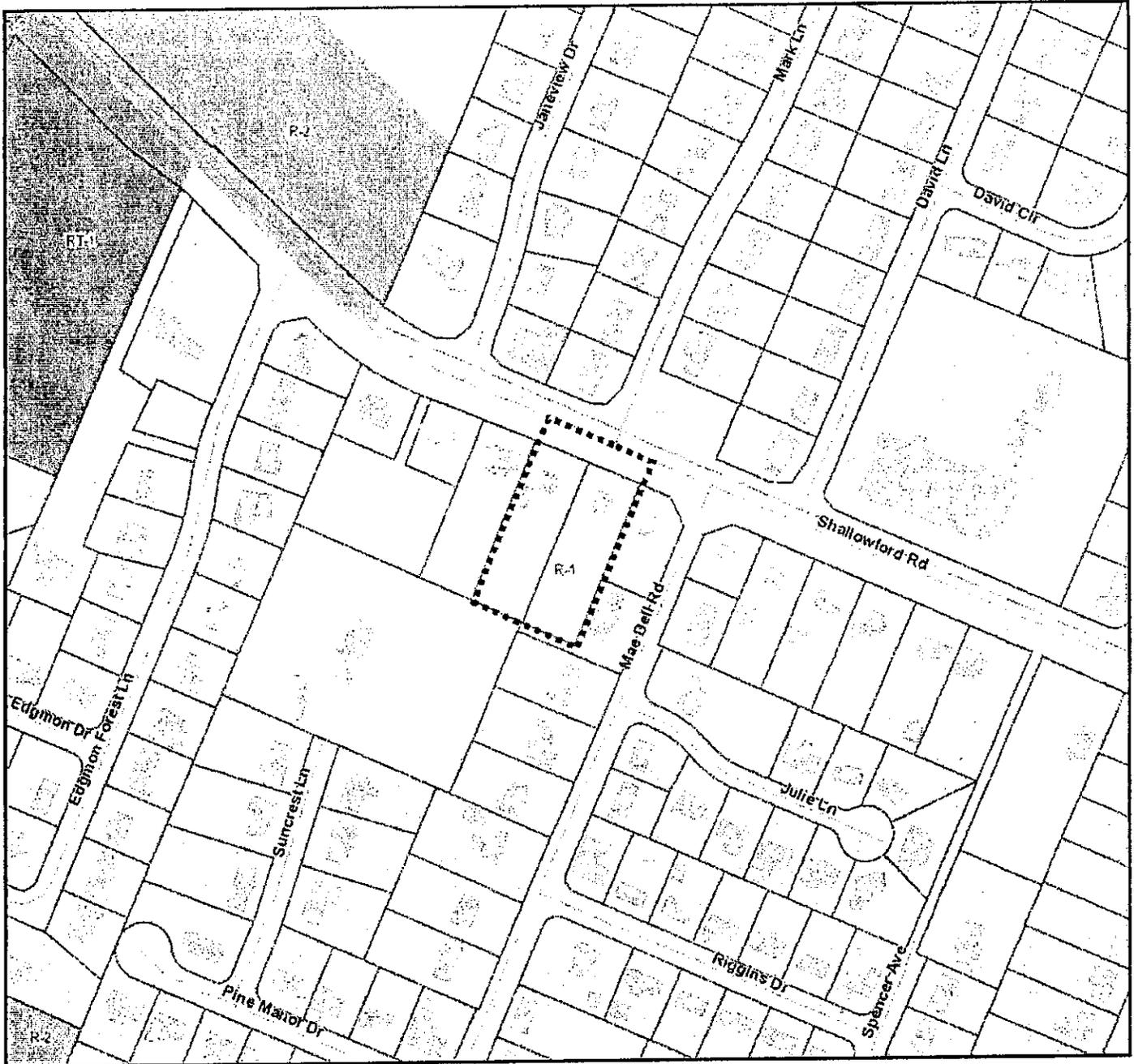


250 ft



Chattanooga Hamilton County Regional Planning Agency





2014-139 Rezoning from R-1 to C-2

250 ft

Chattanooga Hamilton County Regional Planning Agency

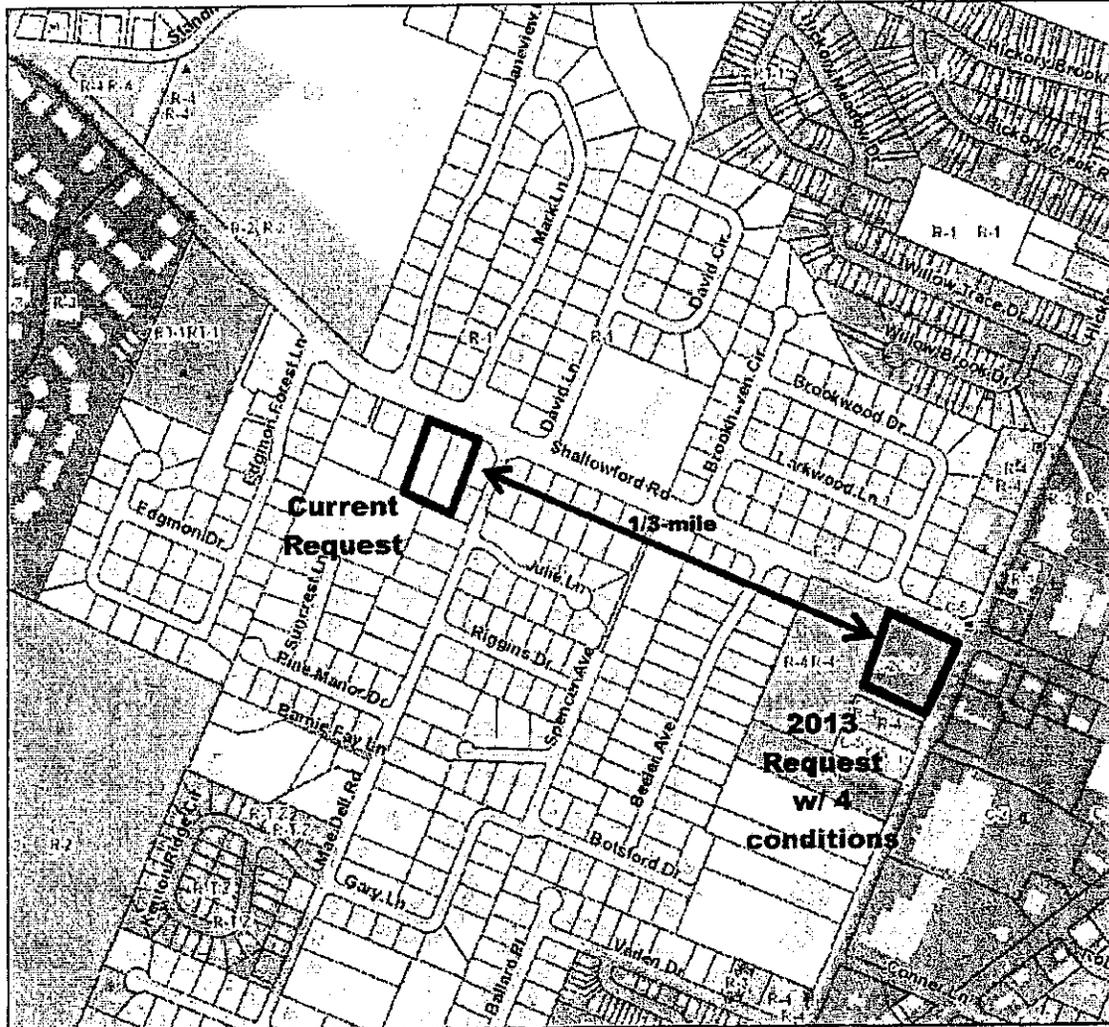
**CASE 2014-139 / APPLICANT'S CONDITIONS REVIEWED BY RPA STAFF AS DIRECTED BY THE
CHATTANOOGA-HAMILTON COUNTY REGIONAL PLANNING COMMISSION AT THE
DECEMBER 8, 2014 MEETING**

As discussed please attach the following conditions to the staff report as an addendum for Case 2014-139. Note in the addendum that these conditions will be shared by the applicant with the residents; additional modifications may be made, but the applicant will send any changes to us in writing or bring them to the PC meeting.

- 1) Except for the drive accessing the property, there shall be green space (no paving) to be planted with grass up to a minimum depth of 40 feet from the public right of way.
- 2) The property will provide the following landscape material that meets or exceeds the current City landscaping requirements:
 - a. Street yard – in addition to the street tree requirements, the applicant will provide a total of 32 shrubs. Any planted street tree locations will comply with the city landscape ordinance and located to avoid sight distance hazards as determined by City staff.
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- 7) Dumpster pick-up shall be limited to the hours between 8am and 10pm sequentially.
- 8) The property shall maintain a "No Loitering" sign that is clearly visible in the parking area.

**JOHN BRIDGER
EXECUTIVE DIRECTOR**

Chattanooga-Hamilton County
Regional Planning Agency
1250 Market Street, Suite 2000
Chattanooga, TN 37402



Zoning Map showing proximity of the current request (Case 2014-139) to the 2013 C2 request with conditions (Case 2013-084) at the corner of Hickory Valley Road. The conditions for Case 2013-084 are as follows:

1. An unpaved 40-foot wide landscape area shall be installed along the Shallowford Road right-of-way.
2. Within this landscape area and in addition to the required street yard trees, the following shall be installed at a minimum:
 - (a) Brick, stucco, or stone walls (concrete block can only be used when faced with said materials) installed at a minimum of eight (8) feet from the right of-way at a height of three (3) feet above grade along the entire length of the landscape area; and

(b) Landscaping shall be provided within the area between the right-of-way and the wall. This area shall be fully landscaped with trees, shrubs and groundcovers to completely fill in within three years.

3. No freestanding pole signs are allowed on the site. The "on premise trademark sign" as shown on the site plan shall be a monument sign. For the purposes of this condition, monument signs are defined as a horizontally-oriented sign that does not exceed 6' in height or 10' in width.

Additionally:

- a. Maximum sign size is 60 square feet (6' height x 10' width). Height is measured from the top of the sign to the lowest point of the ground cover which the proposed sign is to be located.
 - b. Monument signs may not be located in the clear vision triangle or otherwise obstruct lines of sight for vehicular or pedestrian traffic.
 - c. Monument signs shall not be closer than ten (10') to any right-of-way. Any monument sign area larger than 40' square feet shall not be closer than fifteen (15') feet to any street right-of-way.
 - d. A landscaped area including planting beds and/or shrubs shall be provided and maintained around the monument sign.
4. The 20' buffer as shown on the site plan running along the western property line shall be developed with City of Chattanooga Screening Type B per Section 38-595(4).

NOTICE

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

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

2015-006 Belle Investment Company/Travis Fuller/Grider/GVH Shall Jen Association. 7810 and 7816 Shallowford Road, 2237 and 2241 Jenkins Road, and 2306 and 2338 Grider Way, from R-2 Residential Zone and C-2 Convenience Commercial Zone to R-3 Residential Zone.

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

2014-139 The Broadway Group, LLC/Joseph E. Proctor. 6514 and 6518 Shallowford Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions.

2015-001 Frank Goodwin/Hard Luck Land & Cattle Company. 500 Whitehall Road, from R-3 Residential Zone to RZ-1 Zero Lot Line Residential Zone, subject to certain conditions.

2015-002 Yun Tibbitts. 4411 13th Avenue, from R-1 Residential Zone to R-2 Residential Zone, subject to certain conditions.

2015-004 Charles M. Rogers. 3913 6th Avenue, from R-1 Residential Zone to R-2 Residential Zone, subject to certain conditions.

2015-005 Allen Jones/Alton Properties, LLC. 510 East Main Street, from C-2 Convenience Commercial Zone to C-3 Central Business Zone, subject to certain conditions.

2015-007 David Hudson/New Home Missionary Baptist Church. 1001 and 1019 McCallie Avenue, from M-1 Manufacturing Zone, C-2 Convenience Commercial Zone, and R-4 Special Zone to C-3 Central Business Zone, subject to certain conditions.

2015-009 Choo Choo Partners, LP. 1400 Market Street, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions.

2015-010 Phil Whitfield/Capitol Toyota. 211 and 301 Chickamauga Road, from R-1 Residential Zone to C-2 Convenience Commercial Zone.

3. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following condition to be lifted be denied:

2015-008 Joseph Ingram/Chris Paty. 1000 block of Dallas Road, lifting the condition from Resolution No. 27748 with regard to sidewalks being required on properties located along the stretch.

4. The Chattanooga-Hamilton County Regional Planning Commission has recommended that the following amendments be made to the Chattanooga City Code, Part II, Chapter 38, known as the Chattanooga Zoning Ordinance by:

- (a) Adding a new definition in alphabetical order to Article II, Section 38-2, entitled "Alternative Financial Service.
- (b) Adding a new subsection (4), entitled "Alternative Financial Services" to Article V, Division 13, C-2 Convenience Commercial Zone, Section 38-185, Uses permitted as special exceptions by the City Council.
- (c) Striking Article V, Division 14, UGC Urban General Commercial Zone, Section 38-205, Uses permitted as special exceptions by the City Council, and inserting a new Section in lieu thereof.
- (d) Adding a new subsection (3), entitled "Alternative Financial Services" to Article V, Division 15, C-3 Central Business Zone, Section 38-224, Uses permitted as special exceptions by the City Council.
- (e) Adding a new subsection (3), entitled "Alternative Financial Services" to Article V, Division 16, C-4 Planned Commerce Center Zone, Section 38-246, Uses permitted as special exceptions by the City Council.

- (f) Adding a new subsection (9) and renumbering old subsection (9) and adding subsection (10), Article V, Division 17, C-5 Neighborhood Commercial Zone, Section 38-266, Prohibited uses and structures.
- (g) Striking subsection (2), Article V, Division 18, C-7 North Shore Commercial/Mixed Use Zone, Section 38-289, Uses which require a special permit, and inserting a new subsection in lieu thereof.
- (h) Adding a new subsection (5), entitled "Alternative Financial Services" to Article V, Division 19, M-1 Manufacturing Zone, Section 38-303, Uses permitted as special exceptions by the City Council.
- (i) Striking subsection (7) of Article V, Division 10, MXU Mixed Use Zone, Section 38-134, General Function (Permitted Uses), and inserting a new subsection in lieu thereof.
- (j) Adding a new Article VI, Division 2, Section 38-529, Exception Permit for Alternative Financial Services Establishment.

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,

February 10, 2015

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 _____, 2015.

Nicole Gwyn
Clerk to the City Council