1ST READING	11-47-10
ZND READING	-
MOEX NO.	

2010-130 W. C. Helton

ORDINANCE NO.	12449

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 38, ZONING ORDINANCE, SO AS TO REZONE A TRACT OF LAND LOCATED AT 200 EAST 37TH STREET, MORE PARTICULARLY DESCRIBED HEREIN, FROM R-4 SPECIAL 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:

Lot 1, Final Plat of the John P. Franklin Middle School, Plat Book 63, Page 173, ROHC, Deed Book 8925, Page 20, ROHC. Tax Map 155M-C-003.

and as shown on the maps and drawings attached hereto and made a part hereof by reference, from R-4 Special Zone to C-2 Convenience Commercial Zone.

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

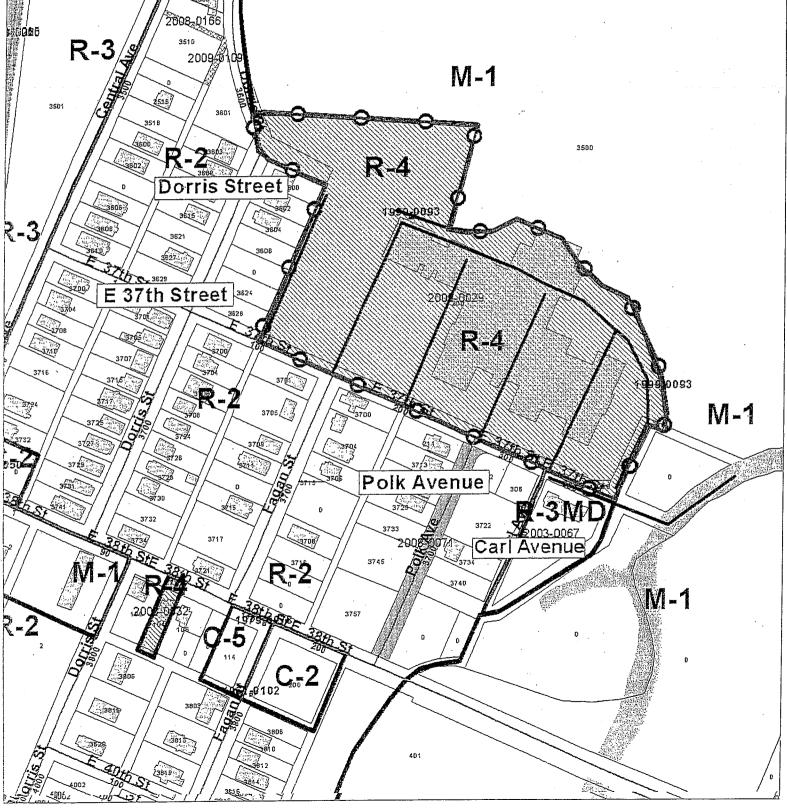
- 1. Truck deliveries only between the hours of 8:00 a.m. and 8:00 p.m.;
- 2. If former school building is demolished, the square footage of the footprint of the new building shall not exceed 125% of the existing building's footprint;
- 3. The following uses are prohibited:
 - a) Vehicular repair facilities and washes and new and used dealerships and repair facilities;

- b) Commercial signs and billboards;
- c) Motels and Hotels; and
- d) Cash advance businesses, which include "Deferred Presentment Services" as defined at T.C.A. § 45-17-102 or "Title Pledge Lenders" as defined at T.C.A. § 45-15-103 or "Pawnbrokers" as defined at T.C.A. § 45-6-203 or any combination of these within a single business location which include, but are not limited to, "Deferred Presentment Services", "Title Pledge Lenders", and/or "Pawnbrokers." This shall not include banks, savings and loan institutions, and credit unions.

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	1/1/2//
November 30 , 2010.	CHAIRPERSON
	APPROVED: X DISAPPROVED:
	DATE: ///30 3, 2010
	tunt
	MAYOR
mms/add	

* CHATTANOOGA - MAMILTON COUNTY KEGIONAL PLANNING AGENCY CHATTANOOGA CASE NO: 2010-0130 PC MEETING DATE: 10/11/2010 FROM: R-4 TO: M-1 1 in. = 200.0 feet M-1 Dorris Street E 37th Street 3524 **R-4**



CHATTANOOGA - HAMILTON COUNTY REGIONAL UPLANNING AGENCY

CHATTANOOGA

CASE NO: 2010-0130

PC MEETING DATE: 10/11/2010

FROM: R-4

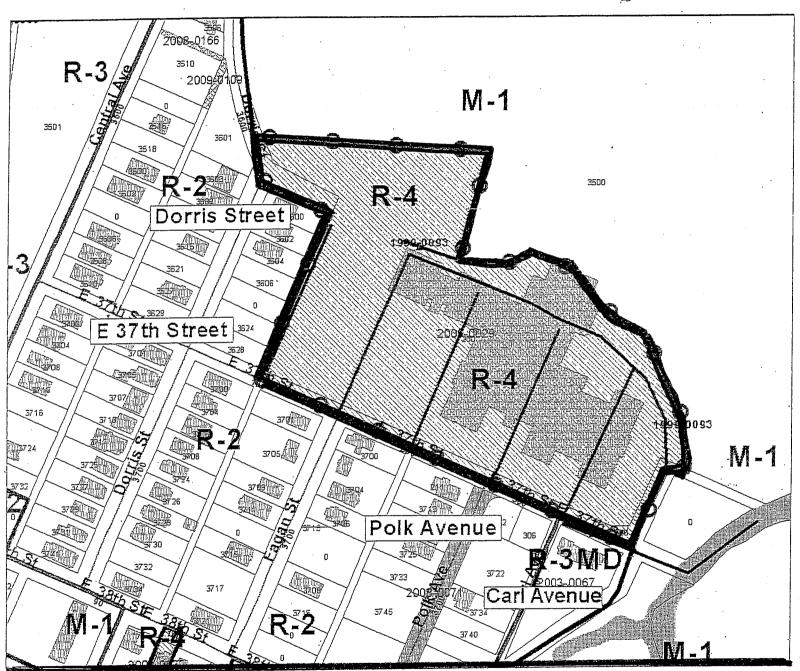
TO: M-1



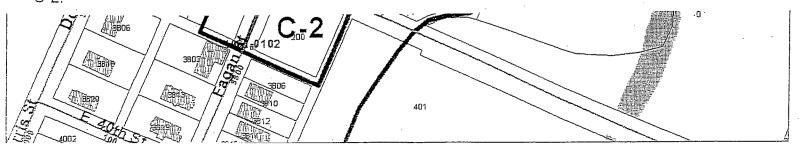


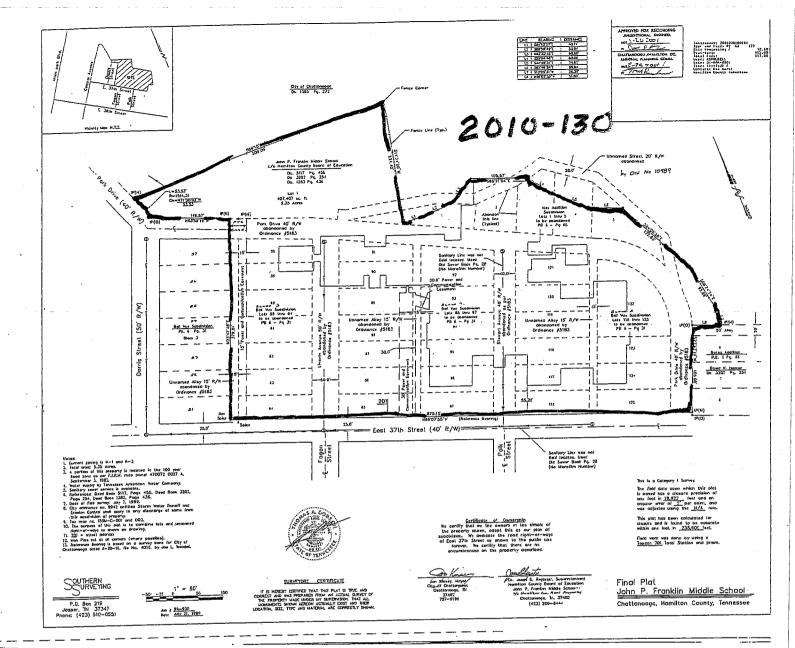
1 in. = 200.0 feet



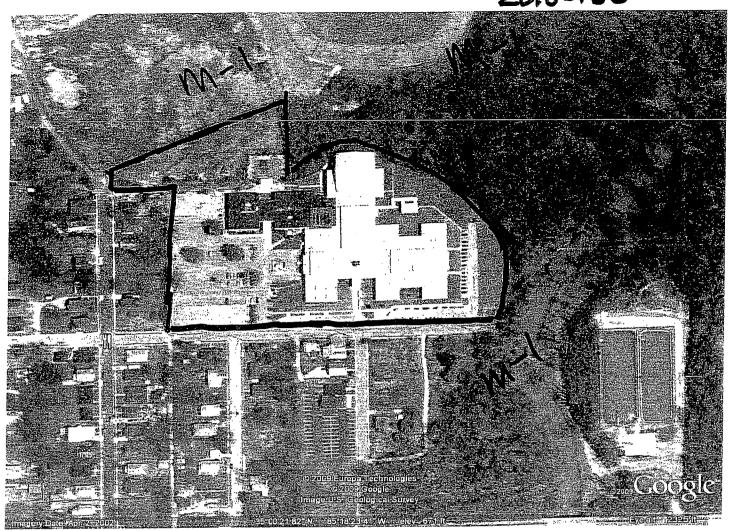


PLANNING COMMISSION RECOMMENDATION FOR CASE NO. 2010-130: Deny M-1; Approve C-2.





SD Plet



N K

NOTES!

1. CURRENT ZONING -R-4 WCONGITIONS NOT TO BE USED AS PREK-12

2. 9+ LCRES

3. REGITTER OF DEEDS PACE: 20
BOOK: 8925 PACE: 20

THE FOLLOWING COMMUNITY LEADERS HAVE BEEN CONTACTED AND THEY ENDOWSE THIS ZONING CHANGE TO M-1:

1) MARIA KOEL 2) LARONDE JENNINGS.

1ST READING	11-23-10
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INDEX NO.	the state of the s

ORDINANCE NO. 12450

AN ORDINANCE TO AMEND CHATTANOOGA CITY CODE, PART II, CHAPTER 24, ARTICLE XIV, SECTION 24-502, TO ESTABLISH SPECIFIC SPEED LIMITS ON DISCOVERY DRIVE AND VOLKSWAGEN DRIVE AND REVISING THE SPECIFIC SPEED LIMITS ON STATE ROUTE 153.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That Chattanooga City Code, Part II, Chapter 24, Article XIV, Section 24-502, be and is hereby amended by:

• Adding the following specific speed limits:

Discovery Drive, 45 miles per hour from Hickory Valley Road to Volkswagen Drive.

Volkswagen Drive, 45 miles per hour from Bonny Oaks Drive to 1 mile north of Discovery Drive.

Volkswagen Drive, 50 miles per hour from 1 mile north of Discovery Drive to Interstate 75.

• Revising the following specific speed limits:

State Route 153, 45 miles per hour from Dupont Parkway to Grubb Road.

State Route 153, 50 miles per hour from Grubb Road to Dodson Road.

State Route 153, 55 miles per hour from Dodson Road to Dayton Boulevard.

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	111/12
<u>November 30</u> , 2010.	CHAIRPERSON
	APPROVED: X DISAPPROVED:
	DATE: , 2010
	Hunt
/add	MAYOR

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ORDINANCE NO. 12451

AN ORDINANCE AMENDING ORDINANCE NO. 12300, ADOPTED OCTOBER 13, 2009, **EXTENDING** CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO CHANGE THE DESCRIPTION SO AS TO DELETE ONE (1) PARCEL OF CERTAIN PROPERTIES ADJACENT TO OLD LEE HIGHWAY, GREEN SHANTY LANE, CIRCLE, ROAD. REXWAY RANCO MAYWATER ROAD WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP.

WHEREAS, the City Council previously passed an annexation Ordinance No. 12300, extending the corporate limits of the City of Chattanooga to annex certain territory contiguous to the corporate limits of the City of Chattanooga, being certain properties adjacent to Old Lee Highway, Green Shanty Road, Rexway Lane, Ranco Circle and Maywater Road within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, as shown by the attached Ordinance and map; and

WHEREAS, the Plan of Services, which was attached to Ordinance No. 12300 was submitted to the Chattanooga Hamilton County Regional Planning Commission on August 10, 2009, and a written report was prepared and approved unanimously by the Chattanooga Hamilton County Regional Planning Commission on August 10, 2009, as required by law; and

WHEREAS, after approval and passage of Ordinance No. 12300, the City of Chattanooga was sued in a quo warranto action by the owners of one parcel in this annexation area in 2009 in an action in the Hamilton County Chancery Court styled: State of Tennessee ex rel Louise and Bobby Johnson v. City of Chattanooga, Tennessee, Inc., Civil Action No. 09-0909; and following the filing of this quo warranto action, the City has determined that it is in the best interest of the City of Chattanooga to delete this one tax parcel from this annexation ordinance so that all other parcels previously annexed in 2009 will become part of the City of

Chattanooga this year and this annexation lawsuit will become moot for this area and an Order dismissing this annexation lawsuit can be filed with the Hamilton County Chancery Court resolving this matter; and

WHEREAS, this amendment to the annexation boundaries of Ordinance No. 12300 and the revisions to said Ordinance adopted by the Chattanooga City Council, annexation of the hereinafter described territory is deemed necessary for the health, welfare and safety of the residents and property owners thereof, as well as the City of Chattanooga as a whole;

NOW, THEREFORE,

Section 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That under the authority conferred by Chapter 113, Public Acts of 1955, and the amendments thereto (T.C.A. § 6-51-101, et seq.), that there be and hereby is annexed to the City of Chattanooga, Tennessee, and included within the corporate boundaries of said City, certain parcels adjacent to Old Lee Highway, Green Shanty Road, Rexway Lane, Ranco Circle, and Maywater Road known as Area 10A, in Hamilton County, contiguous to the corporate boundaries of said City, which is more fully described as follows:

IN THE SECOND CIVIL DISTRICT OF HAMILTON COUNTY, TENNESSEE:

Beginning at a point in the current boundary of the City of Chattanooga at the northeast corner of property now or formerly owned by A C Development (139D-A-001) and the southern line of the Old Lee Highway right of way; thence following the boundary of property now or formerly owned by A C Development (139D-A-001) southward a distance of 534 feet, more or less, along the current City of Chattanooga boundary to the southeastern corner of property now or formerly owned by A C Development (139D-A-001); thence proceeding westward a distance of 1,770 feet, more or less, to the intersection of the southwestern corner of property now or formerly owned by James and Pearlene Smith (139-040.07) and the eastern line of property now or formerly owned by Diana Peterson (139-041.02) [excluding property now formerly-owned by Bobby Joe and Louise Lynn Johnson, Tax Parcel No. 139-046]; thence proceeding southward a distance of 234 feet, more or less, to the southeastern corner of property now or formerly owned by Diana Peterson (139-041.01); thence

proceeding northward a distance of 302 feet, more or less, following the boundary of property now or formerly owned by Diana Peterson (139-041.01) to the northwestern corner of property now or formerly owned by Diana Peterson (139-041.01) and the southern line of Old Lee Highway; thence proceeding eastward a distance of 2,125 feet, more or less, along the southern line of Old Lee Highway right of way to the point of beginning. References to parcel numbers in parenthesis above are based upon official Geographic Information System maps maintained by the Hamilton County GIS Department. All of this property lies within the Urban Growth Boundary of the City of Chattanooga as provided in the Master Interlocal Agreement between all municipalities within Hamilton County effective May 23, 2001. Included in this annexation are all tax parcels listed below and as shown on the attached map for Annexation Area 10A, with the exception of Parcel 139 046 which is deleted from this revised annexation area pursuant to this revised description.

139 041.01 139 045 139 047.04 139 041.02 139 040.07 139D A 001

Section 2. BE IT FURTHER ORDAINED, That residents of and persons owning property in the above-described territory, excluding the deleted tax parcel, shall be entitled to all the rights and privileges of citizenship in accordance with the provisions of the Charter of the City of Chattanooga, Tennessee, immediately upon annexation as though the above-described territory annexed has always been part of said City of Chattanooga, Tennessee.

Section 3. BE IT FURTHER ORDAINED, That the Plan of Services attached hereto and incorporated herein by reference, which was submitted to the Chattanooga Hamilton County Regional Planning Commission and upon the written report dated August 5, 2009 which was approved by the Chattanooga Hamilton County Regional Planning Commission on August 10, 2009, is adopted as the Plan of Services for this annexation, excluding the deleted tax parcel, and shall be implemented in accordance with the terms and methods of services contained therein.

Section 4. BE IT FURTHER ORDAINED, That this Ordinance shall become operative thirty (30) days from and after its passage, or as otherwise provided by the provisions of T.C.A. § 6-51-102(a).

Section 5. BE IT FURTHER ORDAINED, That this Ordinance shall take effect, as distinguished from becoming operative, immediately from and after its passage, the public welfare requiring it.

PASSED on Second and Final Reading	M = 0
November 30 , 2010.	CHAIRPERSON
	APPROVED: X DISAPPROVED:
	DATE:
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PAN/kac/mms	MAYOR

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ORDINANCE NO. 12452

AN ORDINANCE AMENDING ORDINANCE NO. 12301, ADOPTED OCTOBER 13, 2009, EXTENDING THE CORPORATE LIMITS OF THE CITY OF CHATTANOOGA, TENNESSEE, TO CHANGE THE DESCRIPTION SO AS TO DELETE TWO (2) PARCELS WITHIN THE ANNEXATION AREA OF ORDINANCE NO. 12301 AND WITHIN THE URBAN GROWTH BOUNDARY OF THE CITY OF CHATTANOOGA, IN HAMILTON COUNTY, TENNESSEE, AS SHOWN BY THE ATTACHED MAP.

WHEREAS, the City Council previously passed an annexation Ordinance No. 12301, extending the corporate limits of the City of Chattanooga to annex certain territory contiguous to the corporate limits of the City of Chattanooga, being certain properties adjacent to Old Lee Highway, Apison Pike, Pattentown Road and Woodland Drive, within the Urban Growth Boundary of the City of Chattanooga, in Hamilton County, Tennessee, as shown by the attached Ordinance and map; and

WHEREAS, the Plan of Services, which was attached to Ordinance No. 12301 was submitted to the Chattanooga Hamilton County Regional Planning Commission on August 18, 2009, and a written report was prepared and approved unanimously by the Chattanooga Hamilton County Regional Planning Commission on August 10, 2009, as required by law; and

WHEREAS, after approval and passage of Ordinance No. 12301, the City of Chattanooga was sued in a *quo warranto* action by the owners of two (2) parcels in this annexation area in 2009 in an action in the Hamilton County Chancery Court styled: *State of Tennessee ex rel James Atkins and Napoleon Custer v. The City of Chattanooga, Tennessee*, Civil Action No. 09-0908; and following the filing of this *quo warranto* action, the City has determined that it is in the best interest of the City of Chattanooga to delete these two (2) tax parcels from this annexation ordinance so that all other parcels previously annexed in 2009 will become part of the City of Chattanooga this year and this annexation lawsuit will become moot

for this area and an Order dismissing this annexation lawsuit can be filed with the Hamilton County Chancery Court resolving this matter; and

WHEREAS, this amendment to the annexation boundaries of Ordinance No. 12301 and the revisions to said Ordinance adopted by the Chattanooga City Council, annexation of the hereinafter described territory is deemed necessary for the health, welfare and safety of the residents and property owners thereof, as well as the City of Chattanooga as a whole;

NOW, THEREFORE,

Section 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That under the authority conferred by Chapter 113, Public Acts of 1955, and the amendments thereto (T.C.A. § 6-51-101, et seq.), that there be and hereby is annexed to the City of Chattanooga, Tennessee, and included within the corporate boundaries of said City, certain parcels adjacent to Old Lee Highway, Apison Pike, Pattentown Road and Woodland Drive, known as Area 10B, in Hamilton County, contiguous to the corporate boundaries of said City, which is more fully described as follows:

IN THE SECOND CIVIL DISTRICT OF HAMILTON COUNTY, TENNESSEE:

Beginning at a point in the current boundary of the City of Chattanooga on the southern right of way of Old Lee Highway and the northwest corner of property now or formerly owned by A C Development, Inc. (131P-A-015); thence continuing along the southern right of way boundary of Old Lee Highway and Apison Pike, a distance of 4,164 feet, more or less, [(excluding approximately 99 Feet of frontage on Apison Pike and the parcel currently owned by Napoleon Custer, et al, tax map parcel 140A-A-025) as described more fully in Book 6045 Page 37 in the Register's Office of Hamilton County, Tennessee,] to the intersection of Pattentown Road and Apison Pike, across from the northeast corner of property now or formerly owned by Pearline and Owen Jones (140A-A-027)]; thence proceeding southeasterly a distance of 550 feet, more or less, along the eastern right of way of Pattentown Road and following the eastern right of way of Pattentown Road southward to the northwest corner of property now or formerly owned by Wilzie Gandy (140-158); thence proceeding southeasterly and continuing to follow the property line of Wilzie Gandy (140-158) along the City of Collegedale's UGB and southwesterly to the south west corner back to the eastern boundary of Pattentown Road; thence southwesterly following the eastern

boundary of Pattentown Road to the northeast corner of property now or formerly owned by Theodore McGhee, Jr. (140-157); thence proceeding eastward along the northern boundaries of parcels 140-157, 140-157.03, 140-156 and along the northern boundary of parcel 140-155 a distance of 1745 feet, more or less, along the City of Collegedale's UGB to the northeast corner of property now or formerly owned by Vita Wilkins (140-155); thence proceeding generally southward to the intersection of Sanders Road and the southeast corner of property now or formerly owned by Vita Wilkins (140-155); thence proceeding northwesterly along the southern right of way line of Sanders Road, including the whole right of way, to the intersection of Sanders Road and Woodland Drive; thence proceeding northwesterly along the southern right of way of Woodland Drive, including the whole right of way, to the southwest corner of Parcel 140-157.03; thence proceeding northeasterly along the western boundary line of Parcel 140-157.03, a distance of 32 feet, more or less; thence proceeding generally westward across Pattentown Road to the southeast property line of property now or formerly owned by Peggy Sanders (140-013); thence proceeding generally westward along the southern boundary of Parcel 140-013 to the southwest corner of Parcel 140-013; thence proceeding northeasterly to the southeast corner of property now or formerly owned by Adamson Developers LLC (140-011); thence proceeding a distance of 2,115 feet, more or less, following the property line of Adamson Developers LLC (140-011); thence proceeding northeasterly, a distance of 650 feet, more or less, to the southeast corner of property now or formerly owned by Vicki Rosen (140-009); thence proceeding westward a distance of 385 feet, more or less, to the southeast corner of property now or formerly owned by Wilzie Gandy (140-008); thence proceeding westward a distance of 106 feet, more or less, to the southwest corner of property now or formerly owned by Henry Henderson (140-007); thence proceeding northwesterly a distance of 170 feet, more or less, to the southeast corner of property now or formerly owned by Henry Henderson (140-007.01); thence proceeding northwesterly a distance of 126 feet, more or less, to the southeast corner of property now or formerly owned by Geoffrey Ramsey (140-001.01); thence proceeding northwesterly a distance of 496 feet, more or less, to the southeast corner of property now or formerly owned by Geoffrey Ramsey (140-001); thence proceeding northwesterly a distance of 355 feet, more or less, to the southeast corner of property now or formerly owned by William Spurgeon (131P-A-032); thence proceeding northwesterly a distance of 170 feet, more or less, to the southwest corner of property now or formerly owned by William Spurgeon (131P-A-032) and crossing the Blue Bell Avenue right of way and following the southern boundary of property owned by A C Development Incorporated (131P-A-018); to the southeast corner of property now or formerly owned by A C Development Incorporated (131P-A-018); thence proceeding westward a distance of 160 feet, more or less, to the current boundary of the City of Chattanooga; thence proceeding northward a distance of 523 feet, more or less, along the current boundary of the City of Chattanooga to the point of beginning. Included in this annexation are all tax parcel numbers and road right of ways on the accompanying attached map for Annexation Zone 10B which excludes one (1) tax parcel owned by Napoleon Custer (140A-A-025) and one (1) tax parcel owned by James Atkins and wife Patricia Atkins (140-158.01) previously included in Ordinance No. 12301. All of this property lies within the

Urban Growth Boundary of the City of Chattanooga as provided in the Master Interlocal Agreement between municipalities within Hamilton County effective May 23, 2001. References to parcel numbers in parenthesis above are based upon official Geographic Information System maps maintained by the Hamilton County GIS Department.

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140A-A-010
 131P-A-016
                     140A-A-009
 131P-A-015
                     140A-A-008
 131P-A-017
                     140A-A-013
 131P-A-018
                    140A-A-013.01
131P-A-036
131P-A-035
                    140A-A-023
                    140A-A-014
131P-A-033
                    140A-A-007
131P-A-034
                    140A-A-015
131P-A-032
                    140A-A-016
131P-A-037
131P-A-038
                    140A-A-019
                    140A-A-021
140-001
                    140A-A-022.01
140-001.01
140-002.02
                    140A-A-022
                    140A-A-020
140-002.01
                    140A-A-029
140-007.01
                    140A-A-030
140-007
                    140A-A-031
140-008
140-009
                    140A-A-032.01
140-011
                    140A-A-032
140-011.10
                    140A-A-034
140A-A-001
                    140A-A-032.02
                    140A-A-035
140A-A-002
                    140-012
140A-A-003
                    140-012.01
140A-A-005
                    140-157
140A-A-005.01
                    140-157.03
140A-A-004
140A-A-006
140A-A-017
140A-A-018
140A-A-033
140-012.02
140-013
140-157.01
140-157.02
140-156
140-155
140-158
140-159
140A-A-028
140A-A-027
140A-A-026
140A-A-026.01
140A-A-024
140A-A-012
140A-A-011
140A-A-011.01
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Section 2. BE IT FURTHER ORDAINED, That residents of and persons owning property in the above-described territory, excluding the two (2) deleted tax parcels, shall be

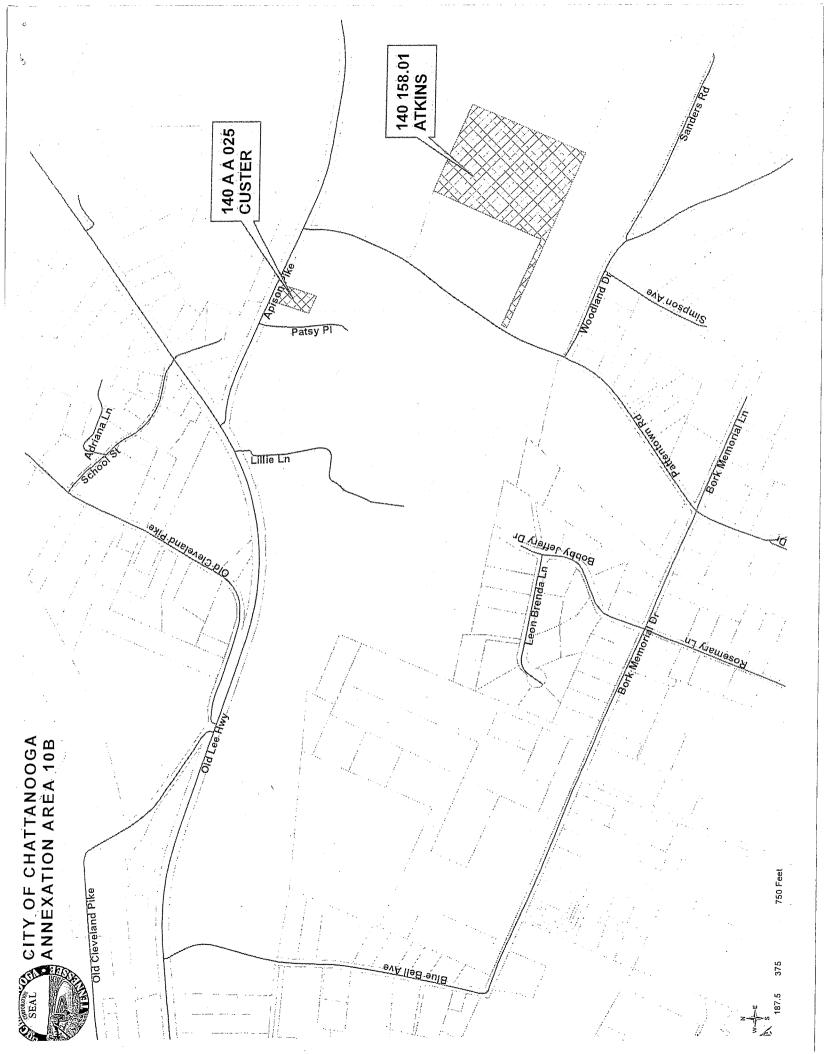
entitled to all the rights and privileges of citizenship in accordance with the provisions of the Charter of the City of Chattanooga, Tennessee, immediately upon annexation as though the above-described territory annexed has always been part of said City of Chattanooga, Tennessee.

Section 3. BE IT FURTHER ORDAINED, That the Plan of Services attached hereto and incorporated herein by reference, which was submitted to the Chattanooga Hamilton County Regional Planning Commission and upon the written report dated August 10, 2009 which was approved by the Chattanooga Hamilton County Regional Planning Commission on August 18, 2009, is adopted as the Plan of Services for this annexation, excluding the two (2) deleted tax parcels, and shall be implemented in accordance with the terms and methods of services contained therein.

Section 4. BE IT FURTHER ORDAINED, That this Ordinance shall become operative thirty (30) days from and after its passage, or as otherwise provided by the provisions of T.C.A. § 6-51-102(a).

Section 5. BE IT FURTHER ORDAINED, That this Ordinance shall take effect, as distinguished from becoming operative, immediately from and after its passage, the public

welfare requiring it.	
PASSED on Second and Final Reading	
<u>November 30</u> , 2010.	CHAIRPERSON
	APPROVED: X DISAPPROVED:
	DATE:
	MAYOR
PAN/kac	IVIAII OR



RESOLUTION NO.	26461
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A RESOLUTION AUTHORIZING THE FATHER PETER KANYI ON BEHALF OF TAKE ROOT GARDENS TO USE TEMPORARILY CHATTANOOGA HUMAN SERVICES PROPERTY FOR COMMUNITY GARDEN AND OFFICE SPACE, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That the Father Peter Kanyi on behalf of Take Root Gardens, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily Chattanooga Human Services property for community garden and office space.

BE IT FURTHER RESOLVED, That said temporary usage shall be subject to the following conditions:

- 1. Temporary User shall execute the Indemnification Agreement attached hereto in favor of the City of Chattanooga, its officers, agents and employees for any and all claims for damages for injuries to persons or property related to or arising out of the temporary usage.
- 2. Temporary User agrees to vacate the property and temporary use upon reasonable notice from the City to do so.
- 3. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.

ADOPTED:	October 12	, 2010
/mms/add	.*	

INDEMNIFICATION AGREEMENT

This Indemnification Agreement is entered into by and between THE CITY OF CHATTANOOGA, TENNESSEE (hereinafter the "City"), and FATHER PETER KANYI on behalf of TAKE ROOT GARDENS (hereinafter "Temporary User"), this 12th day of October , 2010.

For and in consideration of the granting of the temporary usage of Chattanooga Human Services property for community garden and office space, the receipt of which is hereby acknowledged, Temporary User agrees as follows:

- 1. Temporary User shall defend, and hold harmless the City of Chattanooga, Tennessee, its officers, agents and employees from any and all claims for damages for injuries to persons or property related to or arising out of the aforementioned temporary use.
- 2. Temporary User shall vacate the property and temporary use upon reasonable notice from the City to do so; the parties hereto agree that "reasonable notice" shall be deemed to be thirty (30) days. Temporary User shall restore the property to its original condition when it is returned to the City.
- 3. Temporary User shall provide adequate access for maintenance of any utilities located within the easement.

Wow 10, 2010, 2010 Date	BY: Father Peter Kanyi
	CITY OF CHATFANOOGA, TENNESSEE BY: Roy Littlefield, Mayor