

AGENDA FOR TUESDAY, AUGUST 9, 2005

- I. Call to Order.
- II. Pledge of Allegiance/Invocation (Councilman Robinson).
- III. Minute Approval.
- IV. Special Presentations.
- V. Ordinances – Second Reading:
 - a) MR-2005-064 Thomas B. and Janis A. Wilkey (Close & Abandon). An ordinance closing and abandoning the part of the unopened 400 block of Noll (Old Union) Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions.
 - b) MR-2005-104 Barbara Reedy (Close & Abandon). An ordinance closing and abandoning an unopened portion of Poplar Street and an unnamed street located east of the east line of the 5600 block of Dayton Boulevard, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions.
- VI. Ordinances – First Reading:
 - a) An ordinance hereinafter also known as “The Fiscal Year 2005-2006 Budget Ordinance”, to provide revenue for the fiscal year beginning July 1, 2005, and ending June 30, 2005, and appropriating same to the payment of expenses of the municipal government; fixing the rate of taxation on all taxable property in the City, and the time taxes and privileges are due, how they shall be paid, when they shall become delinquent; providing for interest and penalty on delinquent taxes and privileges, and to amend Part II, Chattanooga City Code, Sections 2-285, 7-1, 7-8, 18-103, 18-105, 18-123, 18-124, 31-36, 31-41, and 31-43. **(Added by permission of the Legal and Legislative Committee.)**
 - b) An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, by amending Article V, Sections 120, 150, 160, 253, 403, and 410 relative to Residential Planned Unit Development (P.U.D.) approval by special exceptions permit in Residential zones.
 - c) 2005-092 DL Enterprises (from R-4 to C-2). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 5540 Highway 153, more particularly described herein, from R-4 Special Zone to C-2 Convenience Commercial Zone, subject to certain conditions. **(Not recommended for approval by Planning or Staff – see alternate versions.)**

2005-092 DL Enterprises (from R-4 to C-2). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone **a portion of** a tract of land located at 5540 Highway 153, more particularly described herein, from R-4 Special Zone to C-2 Convenience Commercial Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

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2005-092 DL Enterprises (from R-4 to C-5). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 5540 Highway 153, more particularly described herein, from R-4 Special Zone to **C-5 Neighborhood Commercial Zone**, subject to certain conditions. **(Recommended for approval by Staff.)**

- d) 2005-098 Earlene P. Stewart (from R-2 to R-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 2510 Laura Street, more particularly described herein, from R-2 Residential Zone to R-3 Residential Zone, subject to certain conditions. **(Deferred from 7-12-05. Not recommended for approval by Planning. Recommended for denial by Staff.)**

2005-098 Earlene P. Stewart (from R-2 to R-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 2510 Laura Street, more particularly described herein, from R-2 Residential Zone to R-3 Residential Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- e) 2005-125 Chattanooga Development, LLC (from M-1 to C-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 509 Riverfront Parkway, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions. **(Not recommended for approval by Planning – see alternate version.)**

2005-125 Chattanooga Development, LLC (from M-1 to C-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 509 Riverfront Parkway, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- f) 2005-126 Thomas Charles Reese (from R-1 to C-2). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 704 Ashland Terrace, more particularly described herein, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions. **(Not recommended for approval by Planning – see alternate version.)**

2005-126 Thomas Charles Reese (from R-1 to C-2). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone **a portion of** a tract of land located at 704 Ashland Terrace, more particularly described herein, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- g) 2005-131 Bobby Fairbanks (Lift Conditions). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to lift Condition 4 imposed in Ordinance No. 11246 on a tract of land located at 7371 Applegate Lane, being more particularly described herein, subject to certain conditions. **(Not recommended for approval by Planning – see alternate version. Recommended for denial by Staff.)**

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2005-131 Bobby Fairbanks (Lift Conditions). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to lift Conditions **2 and 4** imposed in Ordinance No. 11246 on a tract of land located at 7371 Applegate Lane, being more particularly described herein, subject to certain conditions. **(Recommended for approval by Planning.)**

VII. Resolutions:

- a) 2005-034 DMW Group, LLC – Dave Pearson (Preliminary PUD). A resolution approving a Preliminary Planned Unit Development Special Exceptions Permit for a proposed planned unit development known as Petty Crossing Planned Unit Development, on tracts of land located at 1700 and 8600 Petty Road, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference, subject to certain conditions. **(Recommended for approval by Planning.)**
- b) A resolution authorizing the Chief of the Chattanooga Police Department to enter into a Lease Agreement with Eastgate Town Center, LLC, relative to the lease of certain space in Eastgate Mall for continued use as a precinct station.
- c) A resolution authorizing an agreement and easement for Chattanooga Development, LLC in consideration of the recipient building a street, extending the Riverwalk, and building and maintaining an amphitheater near 509 Riverfront Parkway. **(Added by permission of Council Chairman Robinson.)**
- d) A resolution authorizing the Administrator of the Department of Public Works to execute a parking agreement with Hamilton County government, in the form attached hereto and made a part hereof by reference, relative to property owned by the City of Chattanooga located at 507 East 4th Street, Tax Map No. 135M-J-017. **(Added by permission of Council Chairman Robinson.)**

VIII. Overtime Report.

IX. Departmental Reports:

- a) Department of Human Services.
- b) Department of Parks and Recreation.
- c) Department of Public Works.
- d) Department of Neighborhood Services.
- e) Department of Education, Arts and Culture.
- f) Fire Department.
- g) Police Department.
- h) Department of Personnel.
- i) Department of Finance and Administration
- j) City Attorney.

X. Other Business.

XI. Committee Reports.

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XII. Agenda Session for Tuesday, August 16, 2005.

XIII. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.

XIV. Adjournment.

XII. Agenda Session for Tuesday, August 16, 2005:

AGENDA FOR TUESDAY, AUGUST 16, 2005

1. Call to Order.
2. Pledge of Allegiance/Invocation (Councilman Page).
3. Minute Approval.
4. Special Presentations.
5. Ordinances – Second Reading:
 - a) An ordinance hereinafter also known as “The Fiscal Year 2005-2006 Budget Ordinance”, to provide revenue for the fiscal year beginning July 1, 2005, and ending June 30, 2005, and appropriating same to the payment of expenses of the municipal government; fixing the rate of taxation on all taxable property in the City, and the time taxes and privileges are due, how they shall be paid, when they shall become delinquent; providing for interest and penalty on delinquent taxes and privileges, and to amend Part II, Chattanooga City Code, Sections 2-285, 7-1, 7-8, 18-103, 18-105, 18-123, 18-124, 31-36, 31-41, and 31-43. **(Added by permission of the Legal and Legislative Committee.)**
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 - c) 2005-092 DL Enterprises (from R-4 to C-2). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 5540 Highway 153, more particularly described herein, from R-4 Special Zone to C-2 Convenience Commercial Zone, subject to certain conditions. **(Not recommended for approval by Planning or Staff – see alternate versions.)**

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2005-092 DL Enterprises (from R-4 to C-5). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 5540 Highway 153, more particularly described herein, from R-4 Special Zone to **C-5 Neighborhood Commercial Zone**, subject to certain conditions. **(Recommended for approval by Staff.)**

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- d) 2005-098 Earlene P. Stewart (from R-2 to R-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 2510 Laura Street, more particularly described herein, from R-2 Residential Zone to R-3 Residential Zone, subject to certain conditions. **(Deferred from 7-12-05. Not recommended for approval by Planning. Recommended for denial by Staff.)**

2005-098 Earlene P. Stewart (from R-2 to R-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 2510 Laura Street, more particularly described herein, from R-2 Residential Zone to R-3 Residential Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- e) 2005-125 Chattanooga Development, LLC (from M-1 to C-3). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 509 Riverfront Parkway, more particularly described herein, from M-1 Manufacturing Zone to C-3 Central Business Zone, subject to certain conditions. **(Not recommended for approval by Planning – see alternate version.)**

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- f) 2005-126 Thomas Charles Reese (from R-1 to C-2). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a tract of land located at 704 Ashland Terrace, more particularly described herein, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions. **(Not recommended for approval by Planning – see alternate version.)**

2005-126 Thomas Charles Reese (from R-1 to C-2). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to rezone a **portion of** a tract of land located at 704 Ashland Terrace, more particularly described herein, from R-1 Residential Zone to C-2 Convenience Commercial Zone, subject to certain conditions. **(Recommended for approval by Planning.)**

- g) 2005-131 Bobby Fairbanks (Lift Conditions). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to lift Condition 4 imposed in Ordinance No. 11246 on a tract of land located at 7371 Applegate Lane, being more particularly described herein, subject to certain conditions. **(Not recommended for approval by Planning – see alternate version. Recommended for denial by Staff.)**

2005-131 Bobby Fairbanks (Lift Conditions). An ordinance to amend Ordinance No. 6958, as amended, known as the Zoning Ordinance, so as to lift Conditions **2 and 4** imposed in Ordinance No. 11246 on a tract of land located at 7371 Applegate Lane, being more particularly described herein, subject to certain conditions. **(Recommended for approval by Planning.)**

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6. Ordinances – First Reading:

- a) An ordinance to amend Chattanooga City Code, Part II, Chapter 32, Article XII, Section 32-273(d), relative to street construction standards.
- b) MR-2005-1009 City of Chattanooga (Close & Abandon). An ordinance closing and abandoning the easternmost twenty feet (20') of a drainage detention easement which runs parallel to the west line of 652 East 10th Street, more particularly described herein and as shown on the map attached hereto and made a part hereof by reference.

7. Resolutions:

- a) A resolution authorizing the award of Contract E-04-022-201, 8th Street Improvements, to Yerbey Concrete Construction, for a total amount not to exceed \$133,039.75, including a contingency amount of \$10,000.00.
- b) A resolution authorizing the award of Contract No. W-05-004, Hixson Pike Sewer Replacement, to Talley Construction Company, Inc. for a total amount not to exceed \$398,162.63, including a contingency amount of \$25,000.00.
- c) A resolution authorizing Ken DeFoor to use temporarily a right-of-way along the 600 block of River Street to plant 19 trees and 76 bushes to enhance the proposed development and to meet the landscape ordinance requirements, as shown on the drawing attached hereto and made a part hereof by reference, subject to certain conditions.
- d) A resolution authorizing Christopher W. Chase to use temporarily Rowe Road to install a gate starting just past the fire hydrant at 306 Rowe Road to the dead end of the road, as shown on the drawings attached hereto and made a part hereof by reference, subject to certain conditions.

8. Overtime Report.

9. Departmental Reports:

- a) Department of Human Services.
- b) Department of Parks and Recreation.
- c) Department of Public Works.
- d) Department of Neighborhood Services.
- e) Department of Education, Arts and Culture.
- f) Fire Department.
- g) Police Department.
- h) Department of Personnel.
- i) Department of Finance and Administration
- j) City Attorney.

10. Other Business.

11. Committee Reports.

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12. Agenda Session for Tuesday, August 23, 2005.
13. Recognition of Persons Wishing to Address the Council on Non-Agenda Matters.
14. Adjournment.