

**First Reading:** \_\_\_\_\_  
**Second Reading:** \_\_\_\_\_

MR-2013-116  
Brandi O'Neal

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CLOSING AND ABANDONING AN ALLEY  
BETWEEN THE 400 BLOCK OF JADIE LANE AND THE 500  
BLOCK OF LYTLE STREET.

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SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That an alley between the 400 block of Jadie Lane and the 500 block of Lytle Street, more particularly described herein, and as shown on the maps attached hereto and made a part hereof by reference, be and is hereby closed and abandoned:

Abandonment of an unopened alley beginning at the east line of the 400 block of Jadie Lane thence northeast approximately 175 feet to the west line of the 500 block of Lytle Street. Said alley separates lot 80 from 81 of The North Side Land Company's Amended Subdivision, of Lot No. 1 of the Cowart Estate in the Third Civil District of Hamilton Co. Tennessee. Plat Book 4, Page 47, ROHC. Tax Map Nos. 135D-W-011 and 135D-W-012.

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

# City of Chattanooga



## Resolution Request Form

(This form is only required for resolutions requiring expenditure of City funds)

Date: November 8, 2013

Preparer: William C. Payne

Department: Public Works - Engineering

Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council): \_\_\_\_\_ District No. 2

A City Council Action is requested to deny the request of Brandi O'Neal for the abandonment of an alley between the 400 block of Jadie Lane and the 500 block of Lytle Street, as referenced in Case No. 2013-116.

Name of Vendor/Contractor/Grant, etc.	N/A	New Contract/Project? (Yes or No)	N/A
Total project cost \$	N/A	Funds Budgeted? (YES or NO)	N/A
Total City of Chattanooga Portion \$	N/A	Provide Fund	N/A
City Amount Funded \$	N/A	Provide Cost Center	N/A
New City Funding Required \$	N/A	Proposed Funding Source if not budgeted	N/A
City's Match Percentage %	N/A	Grant Period (if applicable)	N/A

List all other funding sources and amount for each contributor.

Amount(s)	Grantor(s)
_____	_____
_____	_____
_____	_____
\$ _____	_____

Agency Grant Number \_\_\_\_\_

CFDA Number if known \_\_\_\_\_

Other comments: (Include contingency amount, contractor, and other information useful in preparing resolution)

Approved by: \_\_\_\_\_

DESIGNATED OFFICIAL/ADMINISTRATOR

Reviewed by: FINANCE OFFICE

Please submit completed form to @budget, City Attorney and City Finance Officer

# Memorandum

**To:** Bill Payne  
**From:** Ed Bowen  
**cc:** Dennis Malone  
**Date:** October 28, 2013  
**Re:** Brandi O'Neal  
Case No. 2013-116  
500 Block of Lytle Street

## Recommendations Regarding Abandonment Request

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I have completed the review of Ms. O'Neal's request regarding abandonment of an unopened alley beginning at the east line of the 400 block of Jadie Lane thence northeast approximately 175 feet to the west line of the 500 block of Lytle Street. Said alley separates lot 80 from 81 of the North Side Land Company's Amended Subdivision, of Lot No.1 of the Cowart Estate in the Third Civil District of Hamilton Co. Tennessee. Plat Book 4, Page 47, ROHC. Tax Maps 135D-W-011 and 135D-W-012 as shown on the attached map. My comments are as follows:

1. The residents at 523 Lytle Street use the alley as access to the rear of their property.
2. The city of Chattanooga has sanitary sewer infrastructure in the subject portion of the alley.
3. The Planning Commission recommends denial.
4. Chattanooga Transportation Department recommends denial.

Therefore, I recommend the following: ***The request for abandonment of said portion of right-of-way is denied.***

**Brandi O'Neal**  
**Closure of Unopened Alley**  
**Case: MR 2013-116**



WO # 118904

**CLOSURE/ABANDONMENT APPLICATION FORM**

**CASE NUMBER: MR 2013-116** **Date Submitted: 08-09-2013**

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

<b>1 Applicant Request</b> (Mandatory Referral per TCA 13-4-104)	
<b>Closure/Abandonment</b>	<input checked="" type="checkbox"/> Alley <input type="checkbox"/> Street <input type="checkbox"/> Sewer <input type="checkbox"/> Other
Name of Street or Right-Of-Way: Unnamed Alley	
<input type="checkbox"/> Open	<input checked="" type="checkbox"/> Unopened         Length/Width: 175'/10'
Beginning: East line of the 400 blk of Jadie Ln then 175' +/- Northeast	
Ending: West line of the 500 blk of Lytle St	
<b>2 Property Information</b>	
Property Address:	Alley off 500 block of Lytle Street
Property Tax Map Number(s):	135D-W-011 and 012
<b>3 Proposed Development</b>	
Reason for Request and/or Proposed Use:	To stop skateboarding, bike traffic, control weeds, landscape and fence in
<b>4 Site Characteristics</b>	
Current Zoning:	R-2
Current Use:	Unopened alley
Adjacent Uses:	Residential
<b>5 Applicant Information</b>	
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: Brandi O'Neal	Address: 601 Lytle St
Check one:	<input checked="" type="checkbox"/> I am the property owner <input type="checkbox"/> I am not the property owner
City: Chattanooga	State: TN
Zip Code: 37405	Email: flatirondeli@gmail.com
Phone 1: 423-645-5232	Phone 2:
Phone 3:	Fax:
<b>6 Property Owner Information (if not applicant)</b>	
Name:	Phone:
Address:	
<b>Office Use Only:</b>	
Planning District: 8b	Neighborhood: North Shore Nbrhd & Merchants Collective
Hamilton Co. Comm. District: 6	Chatt. Council District: 2
Other Municipality:	
Staff Rec:	PC Action/Date:
Legislative Action/Date/Ordinance:	
<b>Checklist</b>	
<input checked="" type="checkbox"/> Application Complete	<input checked="" type="checkbox"/> Ownership Verification
<input checked="" type="checkbox"/> Site Plan, if required	<input checked="" type="checkbox"/> Map of Proposed Zoning Area with dimensions
<input checked="" type="checkbox"/> Total Acres to be considered: 0.00	<input checked="" type="checkbox"/> Deeds
<input checked="" type="checkbox"/> Plats, if applicable	
Deed Book(s): 7988/218 & 9972/841	
Plat Book/Page: 4/47	<input checked="" type="checkbox"/> Notice Signs
Number of Notice Signs: 2	
<input checked="" type="checkbox"/> Filing Fee: 350.00	<input checked="" type="checkbox"/> Cash
<input checked="" type="checkbox"/> Check	Check Number: 1718
Planning Commission meeting date: September 9, 2013	Application processed by: Jennifer & Trevor

RESOLUTION

WHEREAS, Brandi O'Neal petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga the abandonment of unopened alley off of the 500 block of Lytle Street.

Abandonment of an unopened alley beginning at the east line of the 400 block of Jadie Lane thence northeast approximately 175 feet to the west line of the 500 block of Lytle Street. Said alley separates lot 80 from 81 of The North Side Land Company's Amended Subdivision, of Lot No. 1 of the Cowart Estate in the Third Civil District of Hamilton Co. Tennessee. Plat Book 4, Page 47, ROHC. Tax Maps 135D-W-011 and 135D-W-012 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on September 9, 2013,

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

AND WHEREAS, opposition was 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 September 9, 2013, recommended to the Members of the City Council of the City of Chattanooga that this petition be denied.

Respectfully submitted,



John Bridger  
Secretary

**RPA STAFF RECOMMENDATION**

**Case Number: 2013-116 PC Meeting Date: 09-09-2013**

**STAFF RECOMMENDATION: DENY**

**Land Use & Transportation  
Comments**

**Planning Staff:**

**Applicant Request Overview**

The applicant is requesting closure of an unnamed alley beginning at the east line of the 400 block of Jadie Lane then 175' +/- northeast and ending at the west line of the 500 block of Lytle Street.

**Plans/Policies**

Right-of-way Abandonment and Closure requests are reviewed using the Right-of-Way Closure and Abandonment Policy adopted by the Chattanooga-Hamilton County Regional Planning Commission in January 1997 and the City of Chattanooga (Resolution 24532) in August 2005.

Review of rights-of-way for closure is based on a tiered classification. This right-of-way is Tier 3, rights-of-way which are not currently opened or have never been opened. Applications for closure and abandonment will be accepted on Tier 3 rights-of-way and reviewed using the adopted review factors and according to the tenets of this policy.

The evaluation of this right-of-way street closure was based on the following review factors:

1. The width of the ROW is 10 ft +/-
2. Presence of or the potential for the location of utilities.
3. Currently not open to automobile traffic.
4. Potential for future public use.
5. Surface is unpaved with gravel and grass.
6. Adjacent properties will retain access from Lytle Street and Jadie Lane.
7. The applicant intends to landscape and fence in the ROW.

**Staff Recommendation**

The Regional Planning Agency is recommending denial of the closure request because it serves as a pedestrian connector through the long 1,000 ft +/- blocks of Jadie Lane and Lytle Street. The alley provides pedestrian connections within the residential area and to the nearby neighborhood commercial area on Tremont Street.

**Infrastructure & Operational  
Comments**

All land development projects are reviewed by appropriate City of Chattanooga departments. In addition, all land development in City of Chattanooga is required to comply with current building codes, zoning regulations, water quality, and landscape regulations. Additional requirements, if needed, are indicated by the appropriate department below.

## RPA STAFF RECOMMENDATION

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**City of Chattanooga Staff:**

Fire Department

The Chattanooga Fire Department has no issue with the alley closure.

Department of Transportation

The Department of Transportation has no issue with the alley closure.

City Engineer

The City Engineer recommends approval of the closure as long as a 20' sanitary sewer easement is retained.



REGIONAL PLANNING AGENCY  
DEVELOPMENT RESOURCE CENTER  
DEVELOPMENT SERVICES 1250 MARKET ST.  
Chattanooga, Tennessee 37402  
423-668-2287

Dear Property Owner:

This notice is sent to you as a courtesy to inform you that an application has been made for a change in your neighborhood. A description of the proposed change is included below.

This notice does not require action on your part, nor is it a summons. However, if you wish to support or oppose the proposed change, you may want to attend a public hearing to be held by the Chattanooga-Hamilton County Regional Planning Commission.

The hearing will take place at **1:00 p.m. In County Commission Room, Hamilton County Court House, 4<sup>th</sup> Floor, 625 Georgia Avenue, Chattanooga, Tennessee.**

The Planning Commission recommendation will be sent to the local government having jurisdiction, for their action.

**Schedules of when cases will be heard by local governments (if not deferred at Planning Commission)**

**City of Chattanooga: Second Tuesday of the following month, 6:00 p.m. (closures will be placed on agenda by the City Engineers Office)**

**Hamilton County: Third Wednesday of the following month, 9:30 a.m.**

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**DATE OF PUBLIC HEARING: September 9<sup>th</sup>, 2013**

**TIME: 1:00 PM**

**LOCATION: County Commission Room, 4<sup>th</sup> Floor  
Hamilton County Court House  
625 Georgia Avenue  
Chattanooga, Tennessee 37402**

**CASE NO. MR 2013-116**

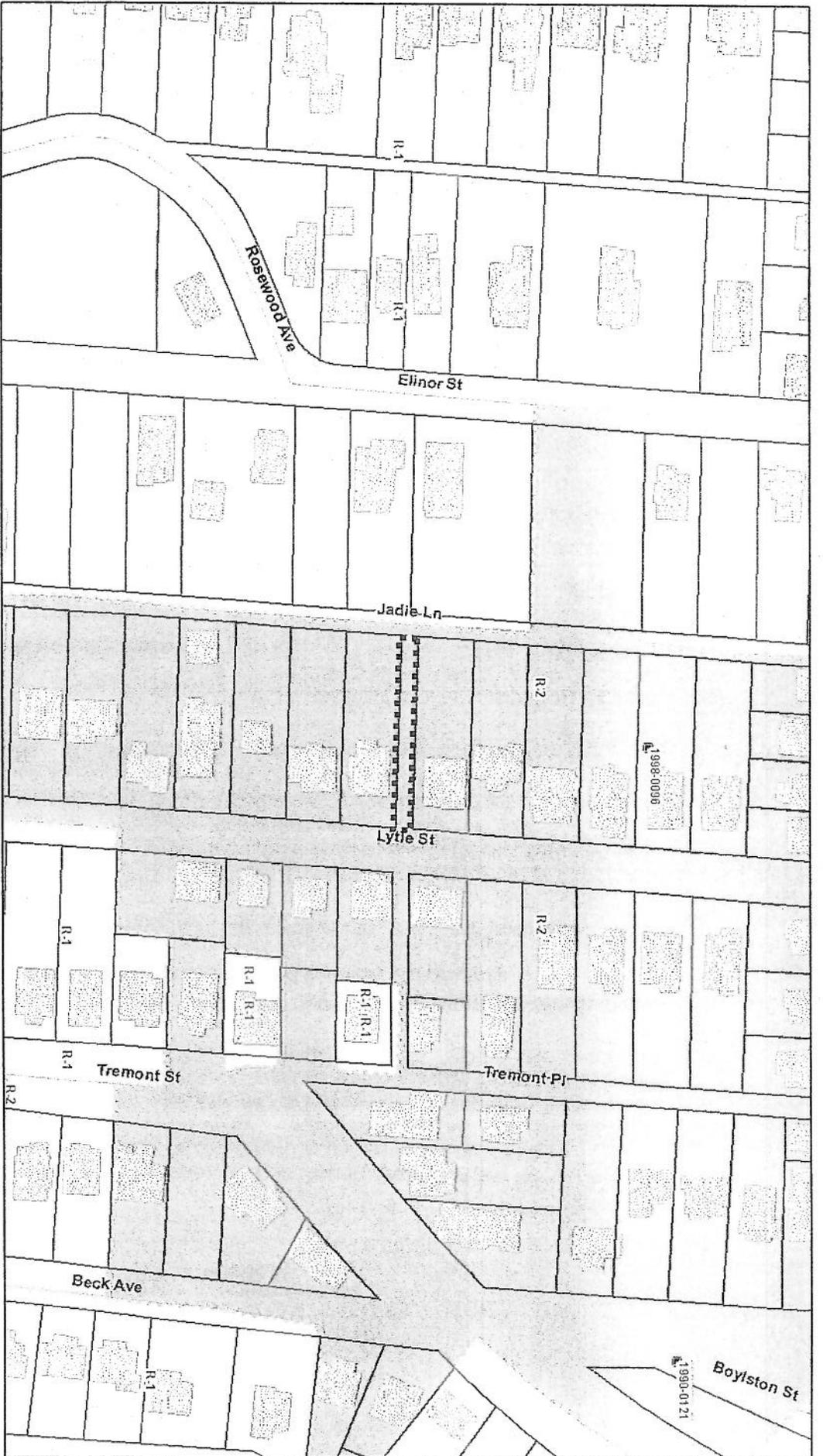
**JURISDICTION: Chattanooga**

**APPLICANT: Brandi O'Neal**

**TYPE OF CHANGE: Beginning at the East line of the 400 block of Jadie Lane then going Northeast approximately 175 feet plus or minus and ending at the West line of the 500 block of Lytle Street**

**LOCATION: Alley off of the 500 block of Lytle Street**

**(SEE MAP ON REVERSE SIDE)**



**MR 2013-116 Abandonment of an Unopened Alley in the 500 blk of Lytle St**



Chattanooga Hamilton County Regional Planning Agency

125 ft



**Brandi O'Neal  
Closure of Unopened Alley  
Case# MR 2013-116**



532

600

604

530

JADIE Ct

UNOPEN

603

601

605

607

519

517

521

523

LYTLE St

UNOPEN

600

522

520

518

516

606

604

OPEN

522

663

611

613

609

609

665

667

671

TREMONT St



BHD  
8/12/13

# Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-115	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2013-116	<input checked="" type="checkbox"/>	<input type="checkbox"/>
RETAIN CO' SANITARY SEWER EASEMENT		

B

\* Comments forthcoming

CH

Development Services

RE

CITY ENGINEER  
BILL HAYNES

MEMORANDUM

TO: All Utilities and Others Concerned with Closure and Abandonment

FROM: Greg L. Haynes, Director



**CITY OF CHATTANOOGA  
PUBLIC WORKS DEPARTMENT  
UNIFIED WORK ORDER**

Project/Funding:

Work Order Number: \* 1 1 8 9 0 4 \*



**Address: 500 BLOCK OF LYTLE STREET**

Tax Map/Grid: 145L

<b>Required Work Type:</b> ENG - RPA Cases		<b>Category:</b> ADMIN		<b>Date Needed:</b> 8/25/2013	<b>Status:</b> UNDINV
<b>WO Initiated:</b> 8/15/2013 1:58:36 PM	<b>Initiated By:</b> KING, CAROLA	<b>Requested By:</b>	<b>Priority:</b> 3	<b>District:</b> 8	<b>Transferred To/Submitted to:</b> BOWEN, EDWARD L - 8/15/2013 2:08:53 PM

**Instructions:**

**Comments:**  
By KING, CAROLA: 8/15/2013 2:09:04 PM  
To stop skateboarding, bike traffic, control weeds, landscape and fence in

**Date Completed:** \_\_\_\_\_ **Supervisor:** \_\_\_\_\_ **WO Closed:** \_\_\_\_\_

Associated Service Request(s), If Any:

SR#	Date/Time Init.	Priority	Description	Problem Address
			Customer Work Phone	Customer Zip
			BRANDI O'NEAL	37405
			423-645-5232	

**Work Comments/Results:** Flat IRONDELE@GMAIL.COM

Abandonment/Closure  
Transportation Dept. Review

2013-115 –

This alley appears land-locked, but it **does** connect to a private east/west drive that connects Willow to Kelly that actually could be a useful secondary street network one day. We think it is reasonable to request a site-plan to show how this alley is in the way for future development. If it does/is, then we could support abandonment.

2014-116 –

This alley could be useful as a pedestrian connector through these 1000' long blocks, and the Transportation Department does not recommend abandonment of even "unopened" alleys that are useful as secondary connections because of a perceived nuisance of "skateboarders and cyclists."

#### POLICY

Public rights-of-way are a public resource and an integral element in shaping the community. Rights-of-way contain roads and other public services, allow access to, and servicing of, individual properties along its frontage, and provide shape and form to our neighborhoods and to commercial and industrial areas. It is the policy of the Regional planning Agency and other public agencies to retain rights-of-way for public use and only to recommend the permanent closure and abandonment of rights-of-way when it is concluded t h a t the public has no further need to retain this right-of-way and that its abandonment is necessary to achieve a significant private or public interest.

9/4/13

### Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-115		
MR 2013-116		
<i>[Signature]</i>		

\* Comments forthcoming

City Police Dept  
David Frye

### Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-111		X
MR 2013-115	X	
MR 2013-114	X	

\* Comments forthcoming

In American water co.  
Robbie Harvey

### Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-111	✓	
MR 2013-115	✓	
MR 2013-114	✓	

\* Comments forthcoming

Dept of Installation  
Jackie White

### Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-115		RH
MR 2013-114		RH

\* Comments forthcoming

Chattanooga Fire Dept  
Randall Herron

# Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-111	✓	
MR 2013-115	✓	
MR 2013-114	✓	

\* Comments forthcoming

M.P. B. McShore  
 Billy McShore

CITY ENGINEER  
 BILL TAYNE

# Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-115	✓	
MR 2013-114	✓	
DETAIN 20' SANITARY SEWER EXPOSEMENT		

\* Comments forthcoming

4

# Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-111	✓	
MR 2013-115	✓	
MR 2013-114	✓	

\* Comments forthcoming

TOP OF TRANSFORMATION  
 Kay Kucher

# Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-115	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MR 2013-116	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Traffic Engineer  
John Vandinkie

\* Comments forthcoming - attached

Chattanooga Gas Co  
Harold Hyde

# Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-111 8" gas main	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MR 2013-115	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2013-116	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Hyde 8-26-13		

\* Comments forthcoming

643-59112

# Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-111	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MR 2013-115	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MR 2013-116	<input type="checkbox"/>	<input type="checkbox"/>

Comcast Cable T.V.  
Mike Gault

\* Comments forthcoming

Bell South  
Tom Mounts

# Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-111 2nd Bank	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
MR 2013-115	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2013-116	<input checked="" type="checkbox"/>	<input type="checkbox"/>

\* Please reserve any existing  
or future utility easements  
inside the proposed abandonment  
area.

\* Comments forthcoming