

First Reading: 1/21/14
Second Reading: _____

MR-2013-125
Tennessee Baptist Children's Home
c/o Dwyte Winningham

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND ABANDONING OF THE
UNOPENED 1900 BLOCK OF MAE DELL ROAD BEGINNING
AT THE CORNER OF BALLARD DRIVE.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF
CHATTANOOGA, TENNESSEE, That the unopened 1900 block of Mae Dell Road beginning
at the corner of Ballard Drive, 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 the unopened 1900 block of Mae Dell Road
beginning at the corner of Ballard Drive thence southwest some
140 feet to the dead end of Tennessee Baptist Children's Home
property line. Said unopened block separates Lot 1 of the D.D.
Gazaway Subdivison, Plat Book 17, Page 36, ROHC, from Lot 15
of the Patrick Subdivision, Plat Book 21, Page 61, ROHC. Tax
Map Nos. 148F-A-011 and 148F-A-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 15, 2013

Preparer: Blythe Bailey

Department: Transportation

Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council): DISTRICT 6

A City Council Action is requested to deny the request of Tennessee Baptist Children's Home c/o Dwyte Winningham for the abandonment of the unopened 1900 block of Mae Dell Road beginning at the corner of Ballard Drive, as referenced in Case No. 2013-125.

Name of Vendor/Contractor/Grant, etc.	<u>N/A</u>
Total project cost \$	<u>N/A</u>
Total City of Chattanooga Portion \$	<u>N/A</u>
City Amount Funded \$	<u>N/A</u>
New City Funding Required \$	<u>N/A</u>
City's Match Percentage %	<u>N/A</u>

New Contract/Project? (Yes or No)	<u>N/A</u>
Funds Budgeted? (YES or NO)	<u>N/A</u>
Provide Fund	<u>N/A</u>
Provide Cost Center	<u>N/A</u>
Proposed Funding Source if not budgeted	<u>N/A</u>
Grant Period (if applicable)	<u>N/A</u>

List all other funding sources and amount for each contributor.

<u>Amount(s)</u>	<u>Grantor(s)</u>

Agency Grant Number _____

CFDA Number if known _____

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

Approved by: Blythe Bailey

Reviewed by: FINANCE OFFICE

DESIGNATED OFFICIAL/ADMINISTRATOR

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

Memorandum

To: Bill Payne
CC: Dennis Malone, Ed Bowen
From: Blythe Bailey
Date: 11/26/2013
Re: Case No. 2013-125- Mae Dell Rd

I have completed the review of the case described herein. Portions of our alley abandonment tier system and policy are included here:

It is the policy of the RPA 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 that 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.

It is unclear what benefit would come from this abandonment at this time for the applicant. Certainly a connection directly to Mae Dell Road may be perceived to be undesirable for some imagined future use of the property. However, such a connection could just as likely be functional and useful one day in the future. Smart transportation planning urges secondary grid connections where possible. These secondary connections make safer and more viable multiple forms of travel mode. Additionally they can reduce congestion on our grid of major arterials.

The case has not been made that *the public has no further need to retain this right-of-way*, and it is unclear what *significant private or public interest* would come from permanent abandonment.

The Transportation Department objects to this request for abandonment.

Memorandum

To: Bill Payne
From: Ed Bowen
cc: Dennis Malone
Date: November 20, 2013
Re: Dwyte Winningham
Tennessee Baptist Children's Home
Case No. 2013-125
1900 Block of Mae Dell Road

Recommendations Regarding Abandonment Request

I have completed the review of Mr. Winningham's request regarding abandonment of the unopened 1900 block of Mae Dell Road beginning at the corner of Ballard Drive thence southwest some 140 feet to the dead end of Tennessee Baptist Children's Home property line. Said unopened block separates Lot 1 of the D.D. Gazaway Subdivision, Plat Book 17, Page 36, ROHC, from Lot 15 of the Patrick Subdivision, Plat Book 21, Page 61, ROHC. Tax Maps 148F-A-011 and 148F-A-012 as shown on the attached map. My comments are as follows:

1. The abandonment is to ensure that there will be no future development of right-of-way on Mae Dell Road between 6602 Ballard and 6514 Ballard and to accommodate any variance or structural setback requirements.
2. The city of Chattanooga has no sanitary sewer infrastructure in the subject portion of the alley.
3. The Planning Commission recommended approval.
4. No utility owners object to the proposed abandonment.
5. The Chattanooga Transportation Department objects to the abandonment.

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

Dwyte Washington, Senior VP
Case: MR 2013-125

To accommodate variance or structural setback requirements



WO# 12294

Chattanooga-Hamilton County Regional Planning Agency

CLOSURE/ABANDONMENT APPLICATION FORM

CASE NUMBER: MR 2013-125		Date Submitted: 09-06-2013	
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
1 Applicant Request (Mandatory Referral per TCA 13-4-104)			
Closure/Abandonment	Alley	<input checked="" type="checkbox"/> Street	Sewer
	Other	Name of Street or Right-Of-Way: Unopened 1900 blk of Mae Dell Rd	
	Open	<input checked="" type="checkbox"/> Unopened	Length/Width:
	Beginning: Corner of Ballard Drive southwest to end. Approximately 140'		
	Ending: Dead end of Tennessee Baptist Childrens Home Property Line		
2 Property Information			
Property Address:	Unopened 1900 block of Mae Dell Road		
Property Tax Map Number(s):	148F-A-011 & 148F-A-012		
3 Proposed Development			
Reason for Request and/or Proposed Use:	To ensure no future development of ROW on Mae Dell Road between 6602 Ballard and 6514 Ballard; and to accommodate any variance or structural setback requirements.		
4 Site Characteristics			
Current Zoning:	R-1		
Current Use:	Residential		
Adjacent Uses:	Residential		
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:	Dwyte Winningham, Senior VP		Address: P.O. Box 2206
Check one:	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am not the property owner	
City:	Brentwood	State:	Tn.
Zip Code:	37024		Email: dwinningham@tbch4kids.org
Phone 1:	615-376-3140	Phone 2:	
Phone 3:		Fax:	615-377-8521
6 Property Owner Information (if not applicant)			
Name:	Tennessee Baptist Children's Home		Phone: 615-376-3140; 615-377-8521 (fax)
Address: P.O. Box 2206, Brentwood, TN. 37024			
Office Use Only:			
Planning District:	10		Neighborhood: Friends of East Brainerd; Brainerd-East Brainerd Chamber; Shepherd Community Action Council
Hamilton Co. Comm. District:	5		Chatt. Council District: 6
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 type="checkbox"/> Site Plan, if required	<input type="checkbox"/> Total Acres to be considered:	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable:
Deed Book(s): 3058-0545 & 2258-0429			
Plat Book/Page:	21/62 & 17/36		<input checked="" type="checkbox"/> Notice Signs
			Number of Notice Signs: 1
<input checked="" type="checkbox"/> Filing Fee: \$350.00	<input type="checkbox"/> Cash	<input checked="" type="checkbox"/> Check	Check Number: 85685
Planning Commission meeting date: 10-14-2013		Application processed by: Trevor Slayton & Marcia Parker	



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, 4th 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.

DATE OF PUBLIC HEARING: October 14th, 2013

TIME: 1:00 PM

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

CASE NO. MR 2013-125

JURISDICTION: Chattanooga

APPLICANT: Dwyte Winningham, Senior VP

TYPE OF CHANGE: Beginning at Ballard Drive going in a Southwest direction approximately 140 feet plus or minus to end

LOCATION: 1900 block of Mae Dell Road

(SEE MAP ON REVERSE SIDE)

RPA STAFF RECOMMENDATION

Case Number:	MR 2013-125	PC Meeting Date: 10-14-2013
STAFF RECOMMENDATION:	APPROVE	
Land Use & Transportation Comments		
Planning Staff:	<p><u>Applicant Request Overview</u> The applicant is requesting the closure of the 1900 block of Mae Dell Road beginning at Ballard Drive and ending at the Tennessee Baptist Children's Home property line.</p> <p><u>Plans/Policies</u> Right-of-way (ROW) 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.</p> <p>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 which have never been opened. Applications for closure and abandonment accepted on Tier 3 rights-of-way are reviewed using the adopted review factors and according to the tenets of this policy.</p> <p>The evaluation of this right-of-way street closure was based on the following review factors:</p> <ol style="list-style-type: none"> 1. Width of the ROW is 50 feet +/-. 2. Presence of or potential for the location of utilities. 3. Currently not open to traffic. 4. Considerable potential for future use. 5. Street is partially paved and in poor condition. 6. Adjacent properties will maintain access off of Ballard Drive and Lee Highway. 7. The applicant hopes to ensure no future development of the right-of-way on Mae Dell Road between 6602 Ballard Drive and 6514 Ballard Drive and to accommodate any variance or structural setback requirements. <p><u>Staff Recommendation</u> The Regional Planning Agency is recommending approval of the closure request due to the limited capacity of the local street network to handle additional traffic that could occur from the future development potential of the adjoining 65-acre parcel zoned R-4 Special Zone.</p>	

RPA STAFF RECOMMENDATION

Infrastructure & Operational Comments	
	<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 the appropriate department below.</p>
Transportation Department Staff:	The Traffic Engineer has no issue with the proposed closure.
Public Works Staff:	Sewer is not located in the right-of-way.

MR-2013-125 City of Chattanooga
October 14, 2013

RESOLUTION

WHEREAS, Dwyte Winningham/TN Baptist Children's Home 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 the unopened 1900 block of Mae Dell Road.

Abandonment of the unopened 1900 block of Mae Dell Road beginning at the corner of Ballard Drive thence southwest some 140 feet to the dead end of Tennessee Baptist Children's Home property line. Said unopened block separates Lot 1 of the D.D. Gazaway Subdivision, Plat Book 17, Page 36, ROHC, from Lot 15 of the Patrick Subdivision, Plat Book 21, Page 61, ROHC. Tax Maps 148F-A-011 and 148F-A-012 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,

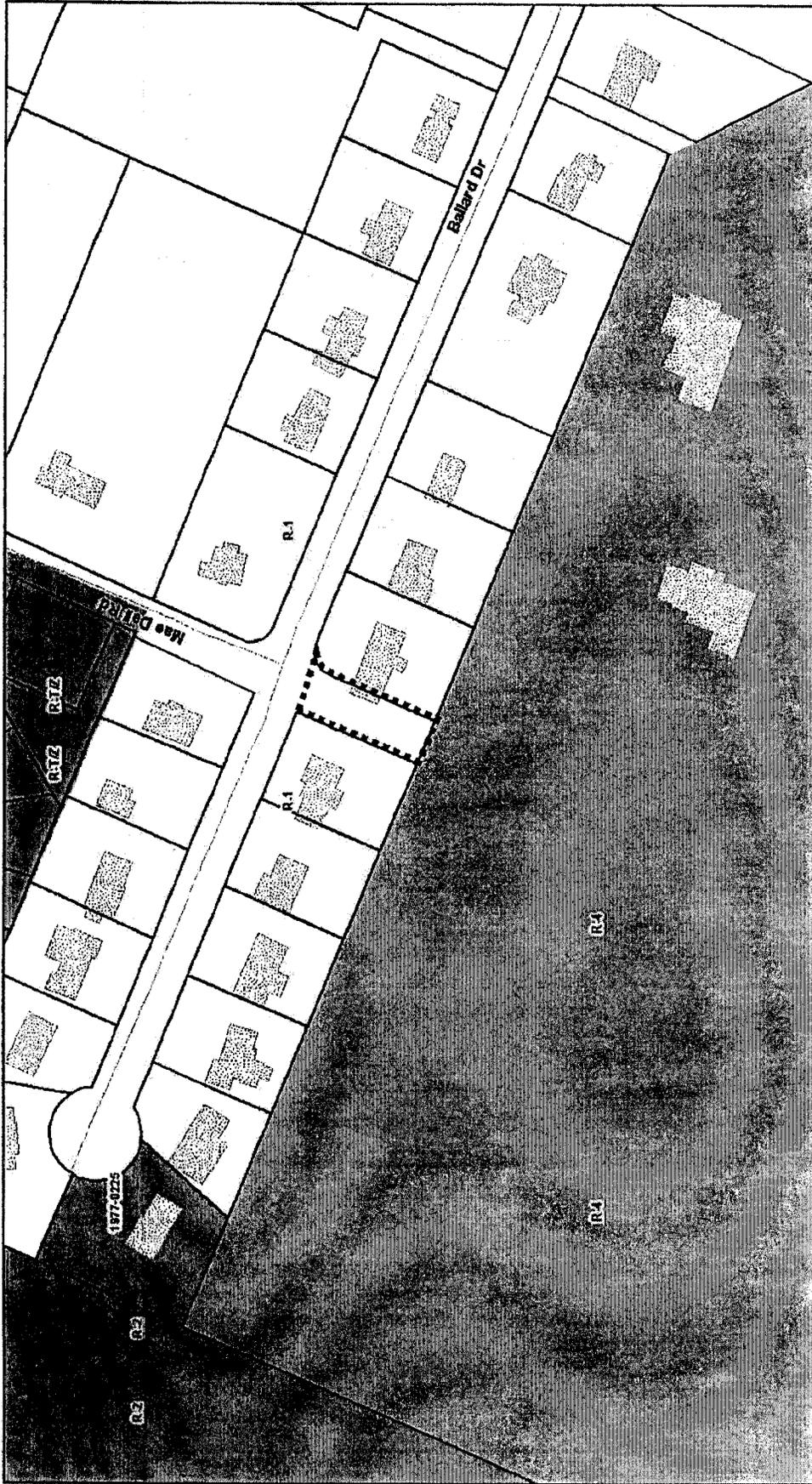
AND WHEREAS, the Planning Commission has studied the existing pattern of development.

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.

Respectfully submitted,



John Bridger
Secretary



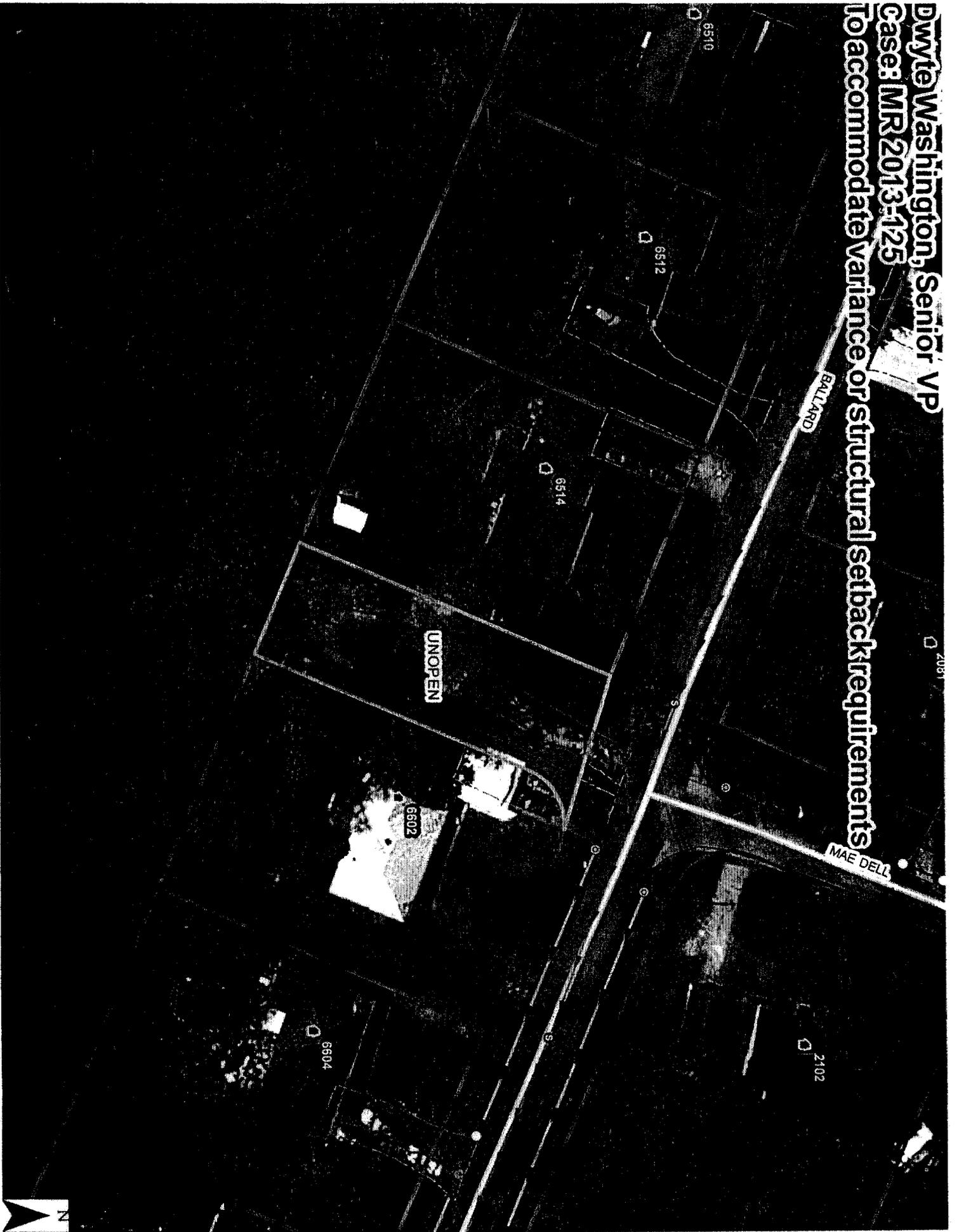
MR 2013-125 Abandonment of the Unopened 1900 blk of Mae Dell Rd

150 ft

Chattanooga-Hamilton County
RIPA
 Regional Planning Agency

Chattanooga Hamilton County Regional Planning Agency

Dwyte Washington, Senior VP
Case# MR 2013-125
To accommodate variance of structural setback requirements





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

Project/Funding:

Work Order Number: * 1 2 2 2 9 4 *



Address: 1900 BLOCK OF MAE DELL ROAD

Tax Map/Grid: 145L

Required Work Type: ENG - RPA Cases		Category: ADMIN		Date Needed: 10/27/2013	
WO Initiated: 10/17/2013 1:40:17 PM	Initiated By: KING, CAROLA	Requested By: BOWEN, EDWARD L	Priority: 3	District: 8	Transferred To/Submitted to: BOWEN, EDWARD L - 10/17/2013 1:41:54 PM
					Status: UNDINV

Instructions:

Comments:
By KING, CAROLA: 10/17/2013 1:46:46 PM
To ensure no future development of r.o.w. on Mae Dell Road between 6602 Ballard and 6514 Ballard; and to accommodate any variance or structural setback requirements.

Date Completed: _____ **Supervisor:** _____ **WO Closed:** _____

Associated Service Request(s), if Any:

SR#	Date/Time Init.	Priority	Description	Problem Address
Customer Name			Customer Work Phone	Customer Home Phone
				Customer Zip

Work Comments/Results: _____

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120	✓	
MR 2013-124	✓	
MR 2013-125	✓	

* Comments forthcoming

W.W.T.A.
Cleveland Times

Matthews Fire Dept
Kandall Heron

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120	OK	
MR 2013-124	OK	
MR 2013-125	OK	

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120	✓	
MR 2013-124	✓	
MR 2013-125	✓	

* Comments forthcoming

City Police Dept
David Frye

TN American Water Co
Robbie Thrive

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120	✓	
MR 2013-124	✓	
MR 2013-125	✓	

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120	X	
MR 2013-124		X
MR 2013-125	X	

Comcast Cable TV.
Mike Schulte

CH Engineer
Bill Payne

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120	✓	
MR 2013-124	✓	
MR 2013-125	✓	

Dept of Transportation
Mackie Wolff

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120	✓	
MR 2013-124	✓	
MR 2013-125	✓	
RETAIN CO' SOUTHWEST SECURITY SERVICES		

CHC
9/26/13

* Comments forthcoming

A

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120	✓	
MR 2013-124	✓	
MR 2013-125	✓	

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120		✓
MR 2013-124	✓	
MR 2013-125	✓	
* Allow Row center since the foundation of surrounding additional access to proposed residential Virginia Ave. toward Street Parkway.		

* Comments forthcoming

Matthew Engineer
John Vanwinkle

THOR
Billy McNeer

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120	✓	
MR 2013-124		✓
MR 2013-125	✓	

* Comments forthcoming

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120	✓	
MR 2013-124		✓
MR 2013-125	✓	
* Please reserve any existing or future utility easements inside the proposed abandonment area.		

* Comments forthcoming

Bill Smith
Don Manti

Chattanooga Gas Co
David Hyde

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120-Gas Main		✓
MR 2013-124	✓	
MR 2013-125	✓	
Revised Map 10.8.13		

* Comments forthcoming

043-5918

Abandonment/Closure Cards

Chattanooga Gas Co
Harold Hyde

Case No.	Closure O.K.	
	Yes	No
MR 2013-120-Gas Main	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2-12-124	<input checked="" type="checkbox"/>	<input type="checkbox"/>
MR 2013-125	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Harold Hyde 10-8-13	<input type="checkbox"/>	<input type="checkbox"/>
	<input type="checkbox"/>	<input type="checkbox"/>

* Comments forthcoming

643-5918

Abandonment/Closure Cards

Case No.	Closure O.K.	
	Yes	No
MR 2013-120		✓
MR 2013-124	✓	
MR 2013-125	✓	
* allay ROW could save the function of providing additional access to provide redesignment Virginia Ave. Shoreland Street/Birkenside		
* Comments forthcoming		

Trattic Engineer
John Vanwinkele

MAINTAINING VISUAL VALUE

Case No.	Change O.K.	
	Yes	No
MR 2013-120	✓	
*MR 2013-124		✓
MR 2013-125	✓	
* Please reserve any existing or future utility easements inside the proposed abandonment Area.		

* Comments forthcoming

Bill Smith
Don Martin