

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

MR-2014-011  
Erin Simpson  
Keller Williams Realty  
Planning Version

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

AN ORDINANCE CLOSING AND ABANDONING AN  
UNOPENED UNIT BLOCK OF CHAMBLISS STREET.

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SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That the unopened unit block of Chambliss 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 a six (6) feet width along the south line of the unopened unit block of Chambliss Street, beginning at the east line of the 600 block of North Market Street thence east 183 feet to the west line of the 700 block of Hamilton Avenue. The six (6) feet in width portion of the unopened street to run parallel with Tax Map No. 135D-D-013, shown as part of Lot 23 of the North Chattanooga Land Company Subdivision, Plat Book 1, Page 28, ROHC. Tax Map No. 135D-D-013 as shown on the attached map.

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

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

MR-2014-011  
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Keller Williams Realty  
Staff Version

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Passed on second and final reading:\_\_\_\_\_

\_\_\_\_\_  
CHAIRPERSON

APPROVED:\_\_\_\_ DISAPPROVED:\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
MAYOR

/mem

# City of Chattanooga



## Resolution Request Form

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

Date: July 15, 2014

Preparer: Bert Kuyrkendall

Department: Transportation

### Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council):

DISTRICT 2

A City Council Action is requested to approve the request of Erin Simpson/Keller Williams Realty, for the abandonment of the unopened unit block of Chambliss Street as referenced in Case No. 2014-011.

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

New Contract/Project? (Yes or No) \_\_\_\_\_ N/A  
Funds Budgeted? (YES or NO) \_\_\_\_\_ N/A  
Provide Fund \_\_\_\_\_ N/A  
Provide Cost Center \_\_\_\_\_ N/A  
Proposed Funding Source if not budgeted \_\_\_\_\_ 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:** Fritz Brogden *FB*  
**From:** Ed Bowen *EB*  
**cc:** Bertran Kuyrkendall; Brandon Sutton *BS*  
**Date:** June 30, 2014  
**Re:** Erin Simpson/Keller Williams Realty  
Case No. MR 2014-011  
703 Hamilton Avenue (District 2)

## Recommendations Regarding Abandonment Request

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I have completed the review of Erin Simpson's request for abandonment of the unopened unit block of Chambliss Street, beginning at the east line of the 600 block of North Market Street, thence east 183 feet to the west line of the 700 block of Hamilton Avenue. The unopened street separates lot 23 of the North Chattanooga Land Company Subdivision, Plat Book 1, Page 28, ROHC, from lots 1 & 2 of the Map of Land of J. H. Coker, Plat Book 1, Page 3, ROHC. Tax Maps 135D-D-013 through 016 as shown on the attached map. My comments are as follows:

- The city of Chattanooga has no sanitary sewer infrastructure in the subject portion of the unopened alley.
- The Transportation Department objects to the abandonment.
- Utilities object to the abandonment. (Chattanooga Gas Company, Comcast Cable, E.P.B.)
- The Planning Commission recommends approval of closure for only a portion identified as a 6' width of the unopened unit block of Chambliss Street.

Therefore, I recommend the following: The request for abandonment of said portion of right-of-way is approved with these conditions:

- The recommendation of the Planning Commission be followed:  
Approve a portion 6' wide by 136' long (for an area of approximately 816 square feet).
- Subject to the retention of a full-width utility easement for the said utilities.

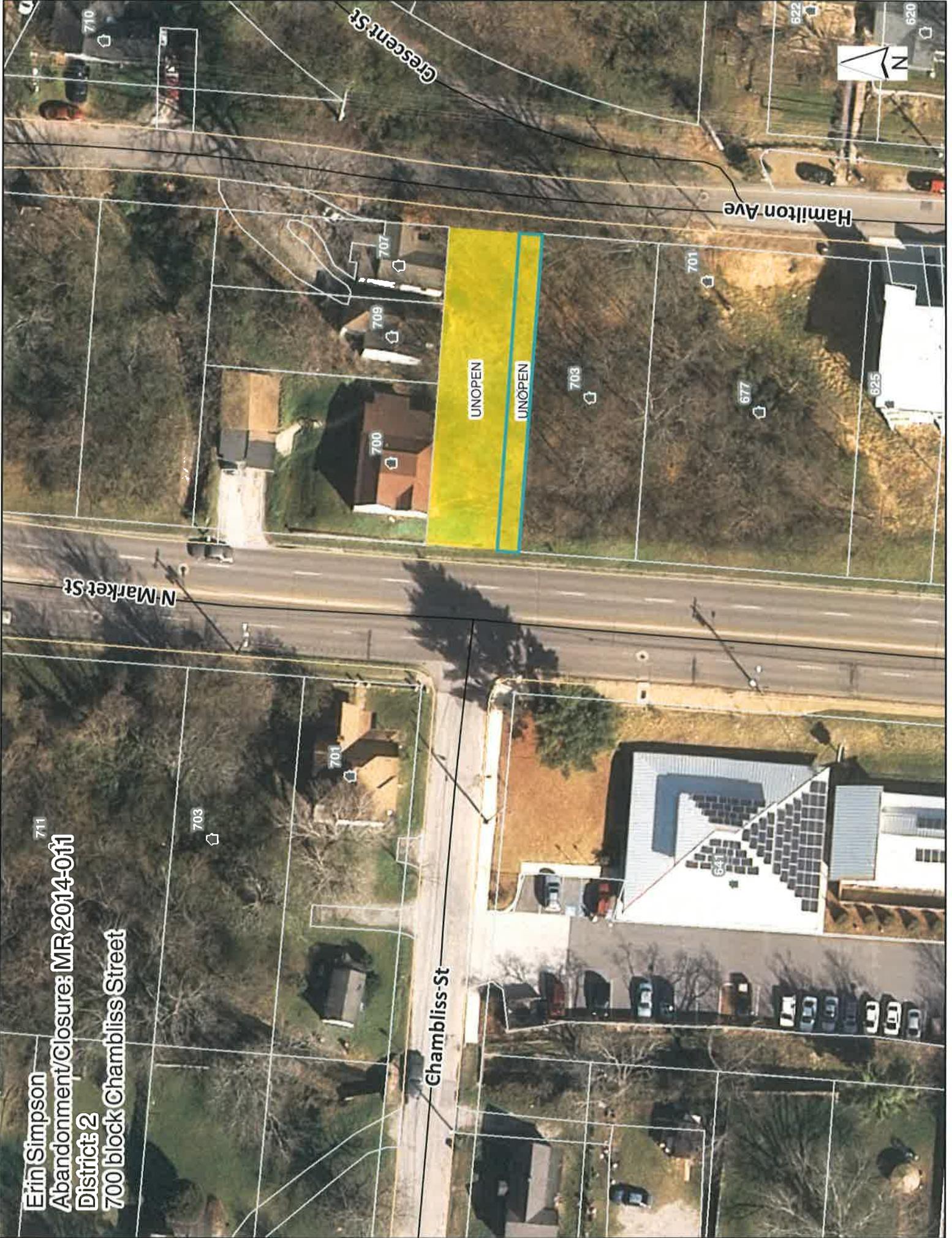
NO# 128026

Chattanooga-Hamilton County Regional Planning Agency

**CLOSURE/ABANDONMENT APPLICATION FORM**

<b>CASE NUMBER: MR 2014-011</b>		Date Submitted: 12-19-2013	
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)			
<b>1 Applicant Request (Mandatory Referral per TCA 13-4-104)</b>			
Closure/Abandonment	Alley <input type="checkbox"/>	Street <input checked="" type="checkbox"/>	Sewer <input type="checkbox"/> Other <input type="checkbox"/>
Name of Street or Right-Of-Way: part of unit block of Chambliss St			
	Open <input checked="" type="checkbox"/>	Unopened <input type="checkbox"/>	Length/Width: 183 feet
Beginning: at the east line of the 600 block of N. Market St			
Ending: at the west line of the 700 block of Hamilton Ave			
<b>2 Property Information</b>			
Property Address:	703 Hamilton Ave		
Property Tax Map Number(s):	135D-D-013 thru 016		
<b>3 Proposed Development</b>			
Reason for Request and/or Proposed Use:	To combine with property to give enough square footage to build a duplex on property		
<b>4 Site Characteristics</b>			
Current Zoning:	R-2		
Current Use:	Vacant		
Adjacent Uses:	Residential and Commercial		
<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: Erin Simpson		Address: 949 Lula Lake Rd	
Check one:	I am the property owner <input checked="" type="checkbox"/>		I am not the property owner <input type="checkbox"/>
City: Lookout Mtn	State: TN	Zip Code: 37350	Email: erins026@gmail.com
Phone 1: 423-834-5454	Phone 2:	Phone 3:	Fax:
<b>6 Property Owner Information (if not applicant)</b>			
Name: Sigfrid Cabrera		Phone: 407-973-0548	
Address: 1920 Ernest St, Kissimmee FL 34741			
<b>Office Use Only:</b>			
Planning District: 88		Neighborhood: North Shore Nbrhd, Hill City	
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"/>	Map of Proposed Zoning Area with dimensions	<input checked="" type="checkbox"/>	Site Plan, if required
<input checked="" type="checkbox"/>	Total Acres to be considered:	<input checked="" type="checkbox"/>	Deeds
<input checked="" type="checkbox"/>	Plats, if applicable	<input checked="" type="checkbox"/>	Notice Signs
Deed Book(s): 3194/550, 7536/304, 7827/145		Number of Notice Signs: 2	
Plat Book/Page: 1/3, 1/28		<input checked="" type="checkbox"/>	Cash
<input checked="" type="checkbox"/>	Filing Fee: 350.00	<input checked="" type="checkbox"/>	Check
Planning Commission meeting date: 02/10/2014		Check Number: 829	
Application processed by: Jennifer Ware			

Erin Simpson  
Abandonment/Closure: MR 2014-01f1  
District 2  
700 block Chambliss Street



MR-2014-011 City of Chattanooga  
February 10, 2014 (Deferred)  
March 10, 2014 (Action Taken)

## RESOLUTION

WHEREAS, Erin Simpson/Keller Williams Realty/Sigfrid Cabrera 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 unit block of Chambliss Street.

### **Staff Recommendation:**

Abandonment of the unopened unit block of Chambliss Street, beginning at the east line of the 600 block of North Market Street, thence east 183 feet to the west line of the 700 block of Hamilton Avenue. The unopened street separates lot 23 of the North Chattanooga Land Company Subdivision, Plat Book 1, Page 28, ROHC, from lots 1 & 2 of the Map of Land of J.H. Coker, Plat Book 1, Page 3, ROHC. Tax Maps 135D-D-013 through 016 as shown on the attached map.

### **Planning Commission Recommendation:**

Abandonment of a six (6) feet width of the unopened unit block of Chambliss Street.

Abandonment of a six (6) feet width along the south line of the unopened unit block of Chambliss Street, beginning at the east line of the 600 block of North Market Street thence east 183 feet to the west line of the 700 block of Hamilton Avenue. The six (6) feet in width portion of the unopened street to run parallel with tax parcel 135D-D-013, shown as part of Lot 23 of the North Chattanooga Land Company Subdivision, Plat Book 1, Page 28, ROHC. Tax Map 135D-D-013 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on February 10, 2014, at which time action was deferred until March 10, 2014,

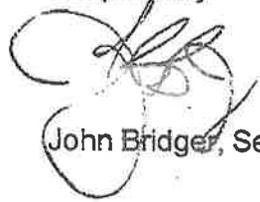
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

AND WHEREAS, there was opposition present to the petition,

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

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on March 10, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved for closure of only a portion identified as a 6' width of the unopened unit block of Chambliss Street.

Respectfully submitted

A handwritten signature in black ink, appearing to read 'John Bridge', written in a cursive style.

John Bridge, Secretary

## STAFF CASE REPORT TO PLANNING COMMISSION

Case Number:	MR 2014-011	PC Meeting Date:: 3-10-2014
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**STAFF RECOMMENDATION: DENY**

**Land Use & Transportation  
Comments**

Planning Staff:

**Applicant Request Overview**

The applicant is requesting the closure of a portion of Chambliss Street beginning at the east line of the 600 block of North Market Street and ending at the west line of the 700 block of Hamilton Avenue.

**Plans/Policies**

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.

Review of rights-of-way for closure is based on a tiered classification. This right-of-way is Tier 2, rights-of-way which are not currently opened or only partially opened but which provide a limited level of service to the abutting property owners or to utilities. Applications for closure and abandonment on Tier 2 rights-of-way are reviewed using the adopted review factors and according to the tenets of this policy.

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

1. Width of the ROW is 40 feet +/-.
2. Presence of a 2 inch natural gas main, active cable service, and electrical and communications facilities in the ROW.
3. Currently not open to traffic.
4. Presence of a staircase in the ROW that provides pedestrian access to the adjacent parcel 135D D 016. Potential for future use of the entire length of the ROW as a pedestrian connection in the long, approximately 1,300 foot block of Hamilton Avenue.
5. Street is unpaved and forested.
6. The closure would landlock the adjacent parcel 135D D 015 thereby preventing access and required street frontage to Chambliss Street.
7. The applicant is applying for the closure to provide enough square footage to build a duplex on the property.

**Infrastructure & Operational  
Comments**

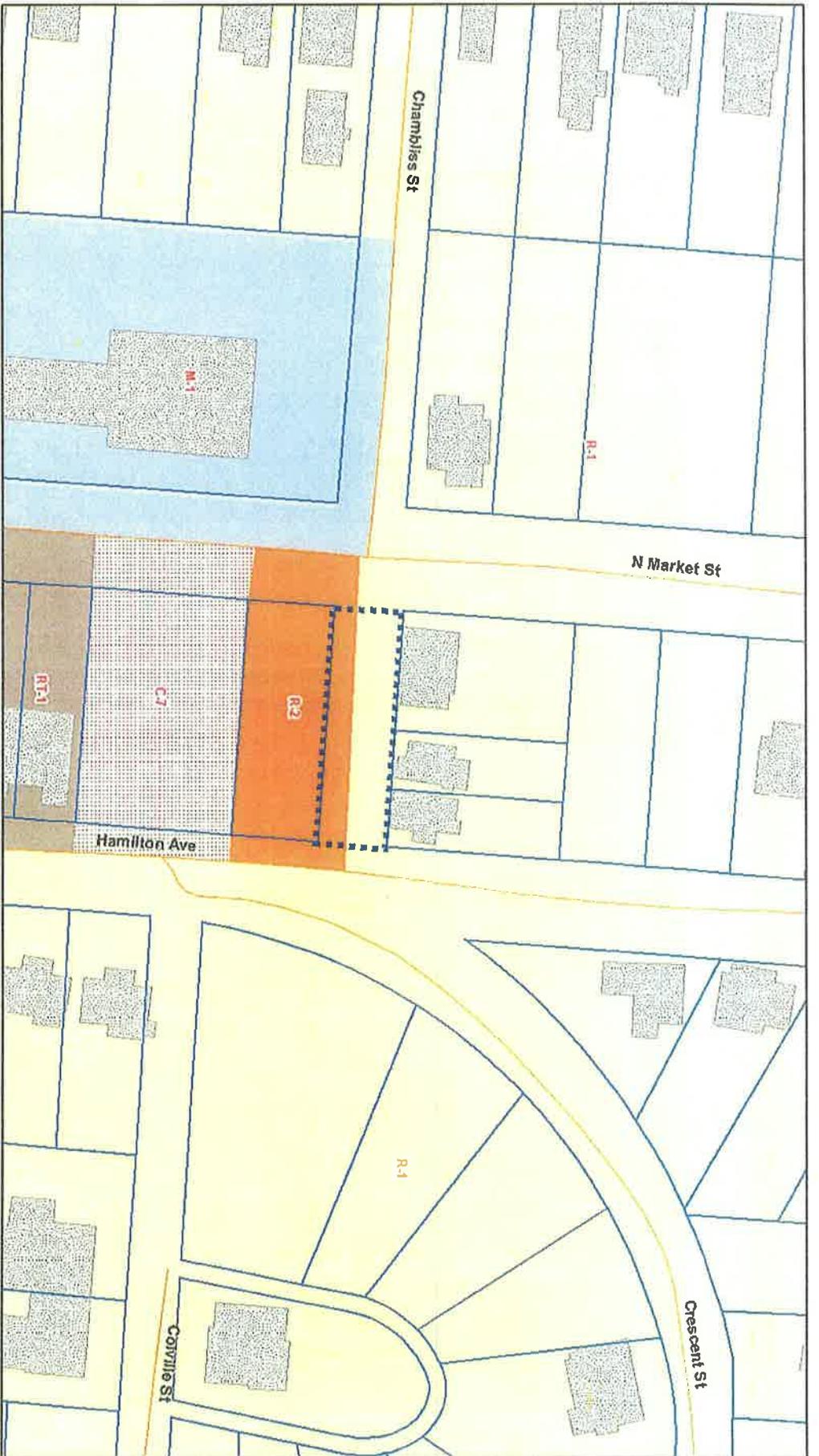
All land development projects are reviewed by City Engineering & Water Quality staff, Traffic Engineering & Operations staff, and the Land Development Office staff. In addition to the requirements of the City of Chattanooga Zoning Ordinance, all land development is further required to comply with current City of Chattanooga traffic regulations, building and development codes, storm water/water quality regulations, and

## STAFF CASE REPORT TO PLANNING COMMISSION

	<p>the landscape ordinance. Additional comments are indicated by department below.</p>
<b>Transportation Department Staff:</b>	<p>The right-of-way should be maintained for future pedestrian connection and access to the landlocked parcel.</p>
<b>Land Development Office Staff:</b>	<p>If the entire roadway was abandoned, it would pose a problem for parcel 135D D 015. That property would not be allowed to change the footprint of the house as it now exists and would only be allowed to build back the footprint that exists if the house was destroyed by fire.</p> <p>Abandoning only the southern half of the ROW may not be an acceptable option from a cost standpoint. Abandoning the southern half of the ROW would probably require that the steps up to parcel 135D D 016 be reconstructed because the steps appear to be on the southern portion of the ROW.</p> <p>The applicant could apply to rezone the property to R-3 Residential Zone. According to Section 38-507 of the Chattanooga City Code, if the property is zoned R-3 or R-4, the required size of the lot is 5,000 square feet.</p>
<b>Summary</b>	<p>The Regional Planning Agency is recommending denial of the closure request because abandoning the right-of-way would landlock the adjacent parcel 135D D 015. Furthermore, the right-of-way provides pedestrian access to the adjacent parcel 135D D 016, and in the future the entire length of the ROW has the potential to serve as a pedestrian connection between Hamilton Avenue and North Market Street.</p>

## PLANNING COMMISSION RECOMMENDATION TO CITY COUNCIL

<b>Case Number:</b>	MR 2014-011	<b>PC Meeting Date:</b> 3-10-2014
<b>PC RECOMMENDATION:</b>	<b>APPROVE A PORTION 6-FEET WIDE BY 136-FEET LONG</b>	
<b>Reason(s) for Recommendation</b>	<ul style="list-style-type: none"> <li>❖ Approving only a portion will allow the applicant to add to lot area and build a duplex while leaving the remaining right-of-way at a width of 34 feet to be used for potential future vehicular and/or pedestrian access.</li> </ul>	
<b>Additional PC Comments/Notes</b>	<ul style="list-style-type: none"> <li>❖ The City of Chattanooga Transportation Department will review this request and the Planning Commission recommendation to determine appropriateness.</li> <li>❖ The Land Development Office should review the Planning Commission recommendation to determine if a 34-foot right-of-way is satisfactory for parcel 135D-D-015.</li> <li>❖ The applicant should explore the possibility of placing an easement on their property for City use.</li> </ul>	
<b>Applicant Present at PC Meeting?</b>	Yes	
<b>Opposition Present at PC Meeting?</b>	Yes- Jim Wilson; 615 Hamilton Avenue. He is the owner of 709 Hamilton Avenue	



**MR 2014-011 Abandonment of the Unopened Unit Block of Chambliss Street**



Chattanooga Hamilton County Regional Planning Agency

80 ft

