

First Reading: _____
Second Reading: _____

MR-2014-059
Christy P. McCain

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND ABANDONING AN OPENED AND UNOPENED STREET IN THE 1400 BLOCK OF GLEN HAVEN PLACE BEGINNING AT A POINT ALONG THE EAST PROPERTY LINE, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That an opened and unopened street in the 1400 block of Glen Haven Place beginning at a point along the east property line, more particularly described herein, and as shown on the maps attached hereto and made a part hereof by reference, be and are hereby closed and abandoned:

Abandonment of part of an opened and unopened street beginning at a point along the east property line of Tax Map 127O-C-006.02 some 60 feet northwest of its southeastern corner thence continuing northwest some 212 feet along said property line and ending at a dead-end and the north line of the previous closure of Center Street as shown in Case MR #2003-052. Tax Map Nos. 127O-C-006.02, 008, 010, 010.02, and 011.

SECTION 2. BE IT FURTHER ORDAINED, That this abandonment shall be subject to a full-width utility easement as requested by the Electric Power Board.

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:_____

CHAIRPERSON

APPROVED:____ DISAPPROVED:____

MAYOR

/mem

City of Chattanooga



Resolution Request Form

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

Date: January 27, 2015

Preparer: Bert Kuyrkendall *BK*

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 Christy P. McCain, for the abandonment of the opened and unopened street beginning at a point along the east property line. See attached map.

APPROVED WITH CONDITION

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

Reviewed by: FINANCE OFFICE

DESIGNATED OFFICIAL/ADMINISTRATOR

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

Memorandum

To: Brandon Sutton
From: Ed Bowen
cc: Bertran Kuyrkendall; Brent Derrick
Date: January 16, 2015
Re: Christy P. McCain
Case No. MR 2014-059
1400 Block of Glen Haven Place (District 2)

Recommendations Regarding Abandonment Request

I have completed the review of Ms. McCain's request for abandonment of an opened and unopened street beginning at a point along the east property line of Tax Map 127O-C-006.02 some 60 feet northwest of its southeastern corner thence continuing northwest some 212 feet along said property line and ending at a dead-end and the north line of the previous closure of Center Street as shown in Case MR #2003-052. Tax Maps 127O-C-006.02, 008, 010,010.02, and 011 as shown on the attached map.

My comments are as follows:

- The subject property is approximately 40' wide by 212' in length for an area of approximately 8,480 sq. ft.
- Abandonment is requested because the closed road is not in use.
- The Planning Commission recommends that this petition be approved to close only a portion beginning at the northern edge of the Center Street right-of-way and ending 50' northwest of the southeastern property line of 1622 Edgewood.

Therefore, I recommend the following: The request for abandonment of said portion of right-of-way recommended by the Planning Commission is approved with this condition:

- A full-width utility easement is requested by the Electric Power Board.



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: July 14th, 2014

TIME: 1:00 PM

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

CASE NO. MR 2014-059

JURISDICTION: Chattanooga

APPLICANT: Christy P. McCain

TYPE OF CHANGE: Abandonment of the unopened portion of Glen Haven Place beginning at a point along the east property line of Tax Map 1270-C-006.02 some 60 feet northwest of its southeastern corner thence continuing northwest some 212 feet along said property line and ending at a dead-end & north line of previous closure MR 2003-052

LOCATION: 1400 block of Glen Haven Place

(SEE MAP ON REVERSE SIDE)

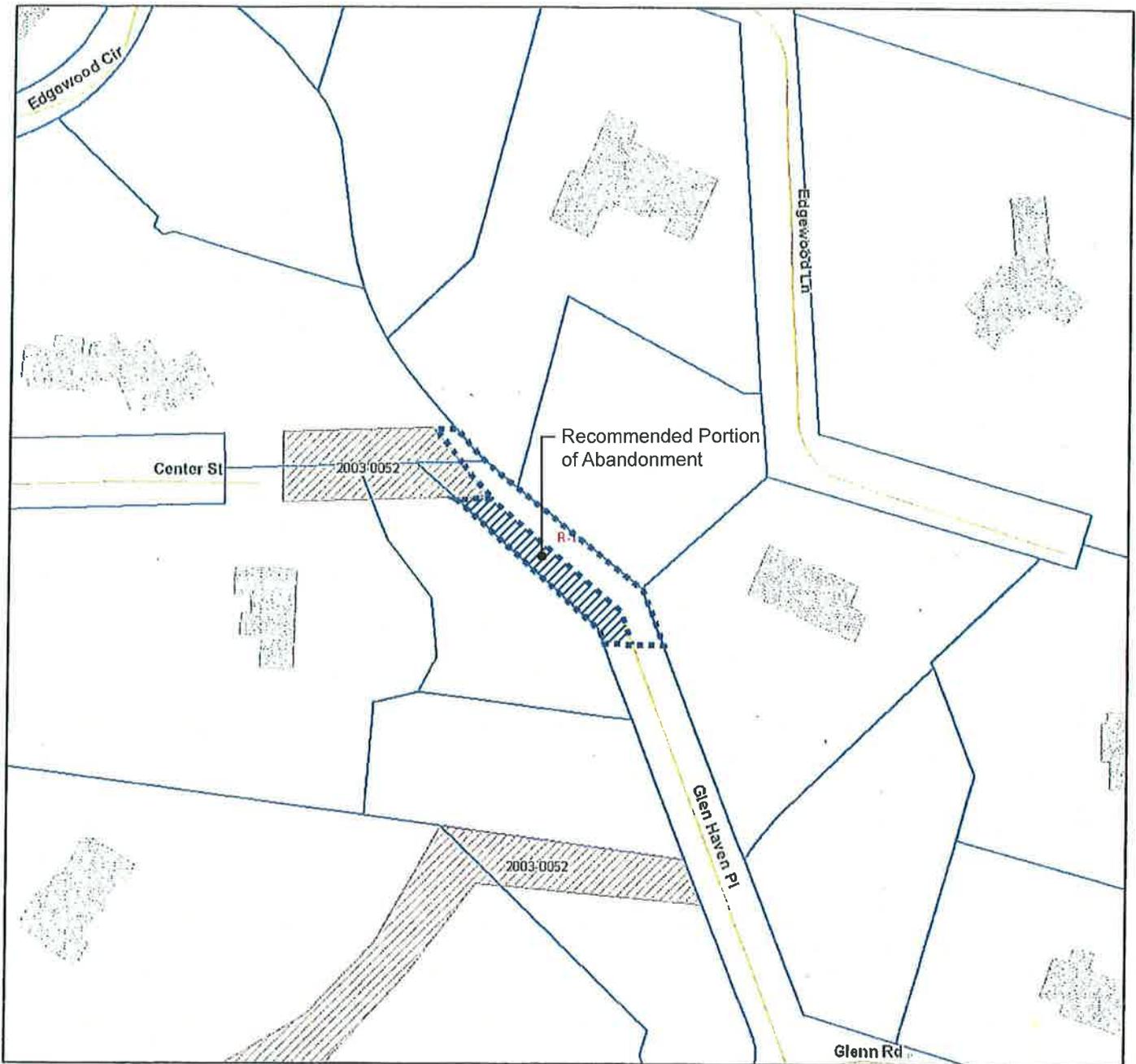
WO#134893

Chattanooga-Hamilton County Regional Planning Agency

CLOSURE/ABANDONMENT APPLICATION FORM

CASE NUMBER:	MR 2014-059	Date Submitted:	5-28-2014
(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	<input type="checkbox"/> Alley	<input checked="" type="checkbox"/> Street	<input type="checkbox"/> Sewer
	Name of Street or Right-Of-Way: Glen Haven Place		
	<input checked="" type="checkbox"/> Open	<input checked="" type="checkbox"/> Unopened	Length/Width: Maintain 60' Road Frontage
	Beginning: At a point along the east property line of Tax Map 1270-C-006.02 some 60 feet northwest of its southeastern corner thence continuing northwest some 212 feet along said property line and		
	Ending: at a dead-end and north line of the previous closure of Center Street as shown in Case MR 2003-052		
2 Property Information			
Property Address:	Part of the opened and unopened 1400 block of Glen Haven Place		
Property Tax Map Number(s):	1270-C-006.02, 008, 010, 010.02 and 011		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Closed road that is not in use nor ever will be due to prior closure/abandonments,		
4 Site Characteristics			
Current Zoning:	R-1		
Current Use:	Residential		
Adjacent Uses:	Residential Houses		
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: Christy P. McCain		Address: 1416 Winding Way, Chattanooga, 37405	
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: tmccain@ctandg.com
Phone 1: 1-423-605-6361	Phone 2: 1-423-653-5585	Phone 3: 1-423-643-4001	Fax: 1-423-643-4002
6 Property Owner Information (if not applicant)			
Name:		Phone:	
Address:			
Office Use Only:			
Planning District: 8B		Neighborhood: North Shore Neighborhood	
Hamilton Co. Comm. District: 6	Chatt. Council District: 2	Other Municipality:	
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	Total Acres to be considered:	<input checked="" type="checkbox"/> Deeds	<input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 1462-0092, 5502-0593, 8753-0252 & 9626-0926			
Plat Book/Page: 6-63, 72-85, 95-31 & 96-24		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 1
<input checked="" type="checkbox"/> Filing Fee: \$350	Cash	<input checked="" type="checkbox"/> Check	Check Number: 2840
Planning Commission meeting date: July 14, 2014		Application processed by: Trevor Slayton	





MR 2014-059 Abandonment of a Portion of the 1400 Block of Glen Haven Place



Chattanooga Hamilton County Regional Planning Agency



100 ft



STAFF CASE REPORT TO PLANNING COMMISSION

Case Number:	MR-2014-059	PC Meeting Date: 08-11-14
Applicant Request:	Close/Abandon portion of street right-of-way	
Property Location:	1400 block Glen Haven Place	
Property Owner:	Christy P. McCain	
Applicant:	Same	
Staff Recommendation:	APPROVE, only a portion of the applicant's request	

PROJECT ANALYSIS

RPA Land Use & Transportation Comments

Project Description

The applicant asks for closure of a portion of road, approximately 212 feet in length, currently not in use.

Site Description

The site includes both open and unopened portions of the 1400 block of Glen Haven Place. The site abuts the applicant's property at 1435 Glen Haven Place. The opposite side of the site abuts property at 1622 Edgewood Lane as well as portions of properties at 1616 Edgewood Lane and 1700 Edgewood Lane.

Closure/Abandonment History

This street right-of-way is adjacent to a 2003 closure case (2003-052), Ordinance #11433, which closed and abandoned an unopened portion of Center Street to the west, an unopened, unnamed alley to the northwest and an unopened part of East Street to the southwest.

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 staff recommendation for this request was based on an evaluation of the following review factors. Each factor is followed by staff's comments:

FACTOR	STAFF COMMENTS
1. Width of the ROW	Width of the ROW is 40 feet +/-
2. Presence of or potential for the location of utilities	As part of the closure review process, this will be reviewed by the Transportation Department following Planning Commission action
3. Currently open to traffic	Currently not open to traffic except for first 25 feet +/- of proposed closure
4. Potential for future use or which provide future connections to the	Due to a closure in 2003 that would have connected this right-of-way to Center Street, the current right way offers

STAFF CASE REPORT TO PLANNING COMMISSION

<p>existing street pattern or could provide needed services, and which are integral to the community's future development (i.e., access to abutting property, bypass for other streets, parking, etc.).</p>	<p>limited network connectivity to the overall street system. However, staff has to also consider the degree to which the closure impacts potential future accessibility/use by adjoining property owners. RPA staff did receive an email from the property owner at 1622 Edgewood Lane communicating their desire to keep this right-of-way open for future access to their property. After visiting the site and reviewing Hamilton County topography maps, staff noted that due to the steep slope running from Edgewood Lane to this right-of-way, access from Edgewood Lane is likely to be more challenging. It would be preferable to keep both access options available to this lot.</p>
<p>5. Type/condition of surface</p>	<p>Street is unpaved and forested except for first 25 feet +/- of proposed closure.</p>
<p>6. Topography/grade – can it be built?</p>	<p>The existing topography does not preclude improvement of this right-of-way.</p>
<p>7. Will the closure and abandonment land-lock any property? If so, has a subdivision plat been submitted which eliminates this situation?</p>	<p>Closure of the alley would not landlock (referring to a parcel of real property which has no physical access or egress (entry or exit) to a public street) any parcels. All adjacent particles would retain access on Glenhaven Place or Edgewood Lane.</p>
<p>8. Extenuating circumstances as specified by the applicant, e.g. necessary for expansion of a business or industry.</p>	<p>The applicant noted in their application that they are requesting the closure because the right-of-way is not in use.</p>

City Departmental Infrastructure & Operational Comments

All land development projects are reviewed by City Engineering & Water Quality staff, Transportation Department 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.

Transportation Department

The Transportation Department recommends leaving open a section of the ROW for future connection to the lot that borders Edgewood Lane. The owner of that lot has expressed concern of losing potential driveway access from Glen Haven Place for future construction of a house on the site. Rear access is generally more desirable from the City's perspective for aesthetic and functional reasons, and is especially true in this case due to challenges to driveway construction on the front of the lot including a steep grade and the narrowing of the lot.

RPA Summary

Based on the above factors, staff recommends approving a partial closure beginning at the northern edge of the Center Street right-of-way and ending 50 feet northwest of the southeastern property line of 1622 Edgewood. The partial closure would still allow 1622 Edgewood Lane to retain access on Glen Haven Place, while also considering the applicant's request.

MR-2014-059 City of Chattanooga
July 14, 2014 (Deferred)
August 11, 2014 (Action Taken)

RESOLUTION

WHEREAS, Christy P. McCain 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 part of the opened and unopened 1400 block of Glen Haven Place.

Abandonment of part of an opened and unopened street beginning at a point along the east property line of Tax Map 127O-C-006.02 some 60 feet northwest of its southeastern corner thence continuing northwest some 212 feet along said property line and ending at a dead-end and the north line of the previous closure of Center Street as shown in Case MR #2003-052. Tax Maps 127O-C-006.02, 008, 010, 010.02, and 011 as shown on the attached map.

Staff Recommendation:

Abandonment of a portion of the 1400 Block of Glen Haven Place. Abandonment of part of an unopened street beginning 50 feet northwest of the southernmost corner of 1622 Edgewood Lane and ending at a dead-end and the north line of a previous closure of Center Street as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on July 14, 2014, at which time action was deferred to August 11, 2014,

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

AND WHEREAS, the applicant was not present,

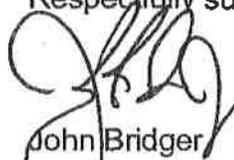
AND WHEREAS, there was opposition present to the petition,

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

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on August 11, 2014, recommended to the Members of the City Council of the City of

Chattanooga that this petition be approved to close only a portion beginning at the northern edge of the Center Street right-of-way and ending 50 feet northwest of the southeastern property line of 1622 Edgewood.

Respectfully submitted,



John Bridger
Secretary