

First Reading: _____
Second Reading: _____

MR-2014-126
Michael Doubleday

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND ABANDONING AN UNOPENED ALLEY BEGINNING AT THE 3000 BLOCK OF ALTON PARK BOULEVARD AND GOING NORTHWEST APPROXIMATELY 360 FEET TO THE 300 BLOCK OF WEST AVENUE, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That an unopened alleyway beginning at the 3000 block of Alton Park Boulevard and going northwest approximately 360 feet to the 300 block of West Avenue, 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 part of an unopened alleyway beginning at the 3000 block of Alton Park Boulevard and going northwest approximately 360 feet to the 300 block of West Avenue and the southwest corner of Tax Map No. 155F-F-001. Tax Map Nos. 155F-F-001, 017, and 155F-D-004.

SECTION 2. BE IT FURTHER ORDAINED, That this abandonment shall be subject to the retention of a full-width utility easement as requested by Tennessee American Water Company, AT&T, and 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

/vmm

City of Chattanooga



Resolution Request Form

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

Date: February 9, 2015

Preparer: Bert Kuyrkendall

Department: Transportation

Brief Description of Purpose for Resolution:

Resolution Number (if approved by Council):

District 7

A City Council Action is requested to approve the request of Michael Doubleday for abandonment of an unopened alley beginning at the 3000 block of Alton Park Boulevard and going northwest approximately 360 feet to the 300 block of West Avenue. As referenced in Case No. MR 2014-126.

RECOMMENDATION IS FOR APPROVAL WITH CONDITIONS .

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: _____

Reviewed by: FINANCE OFFICE

DESIGNATED OFFICIAL/ADMINISTRATOR

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

Memorandum

To: Brandon Sutton *BS*
From: Kari Lawman
cc: Bertran Kuyrkendall
Date: February 6, 2015
Re: Mike Doubleday/R&D Properties
Case No. MR 2014-126
3015 Alton Park Boulevard (District 7)

Abandonment Request: **RECOMMENDATION FOR APPROVAL W/ CONDITIONS**

I have completed the review of Mike Doubleday's request for abandonment of the unopened alleyway beginning off the 3000 block of Alton Park Boulevard and going northwest approximately 360 feet to West Avenue at the 300 block and the southwest corner of Tax Map 155F-F-001. Tax maps 155F-F-001, 017, and 155F-D-004 as shown on the attached map.

My comments are as follows:

- The City of Chattanooga has no conflicting sewer infrastructure in the subject portion of the unopened alley.
- The Chattanooga Department of Transportation approves of the abandonment.
- Utilities object to the abandonment. (TN American Water, AT&T, EPB,)
- The Planning Commission recommends approval of closure of the unopened alleyway as described.

Therefore, I recommend approval of the aforementioned Abandonment Request, with the following condition(s):

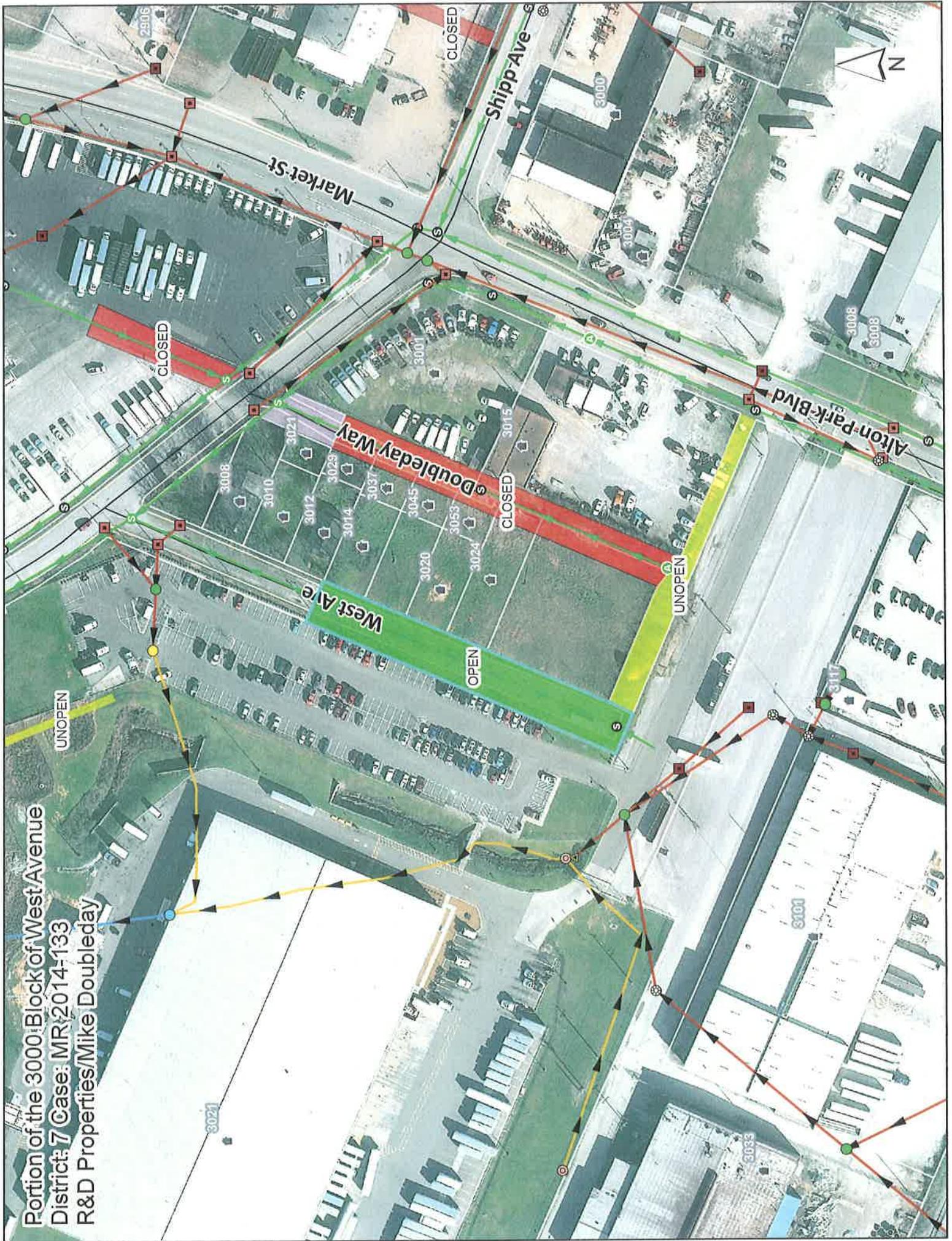
- Subject to the retention of a full-width utility easement for the said utilities.

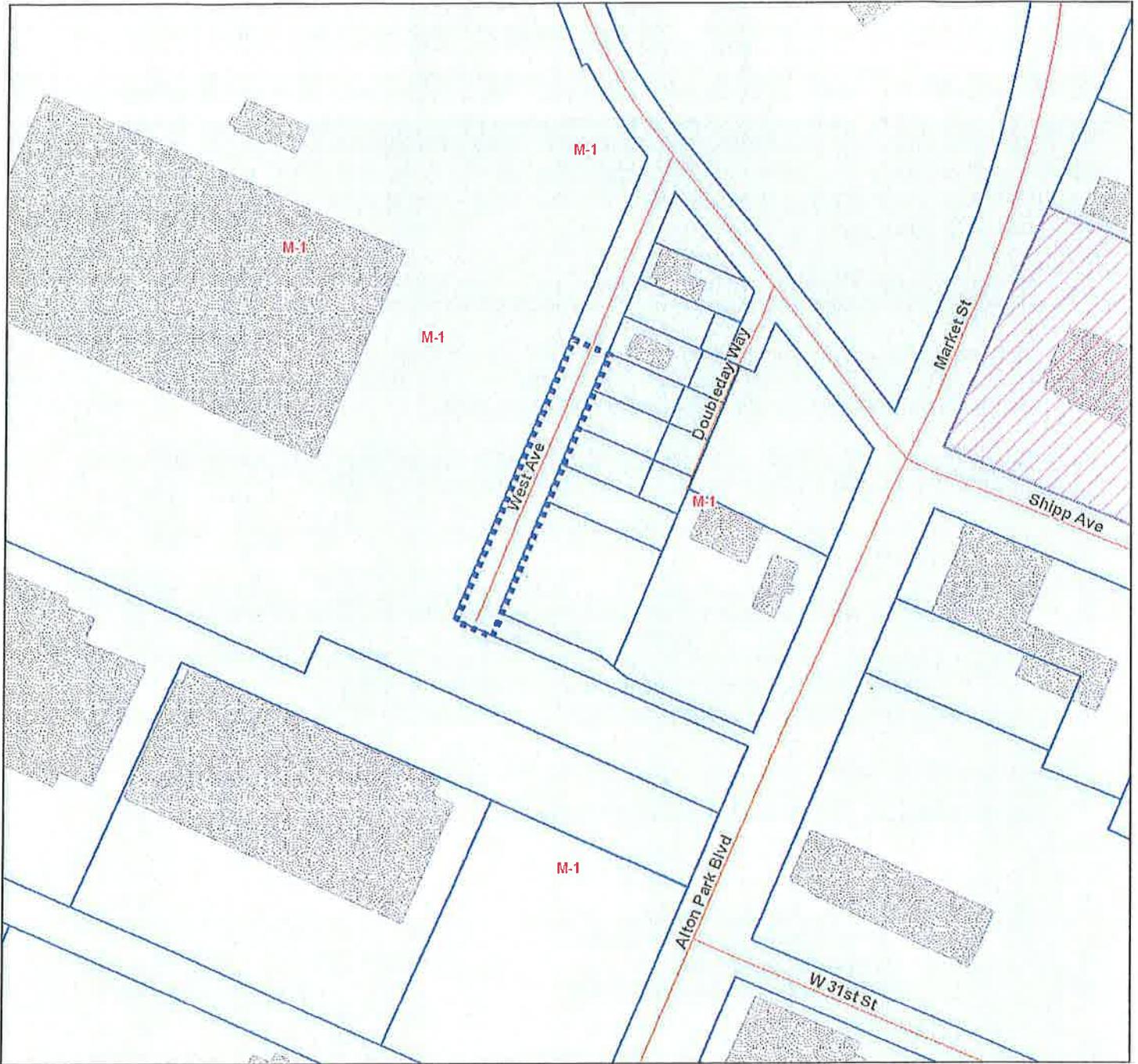
WC# 142257

CLOSURE/ABANDONMENT APPLICATION FORM

CASE NUMBER:	MR 2014-133	Date Submitted:	10-22-2014
(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: (part of) West Avenue		
	<input checked="" type="checkbox"/> Open	<input type="checkbox"/> Unopened	Length/Width: 380'/50'
	Beginning: at 3014 West Avenue going Southwest		
	Ending: approximately 380 feet plus or minus to end		
2 Property Information			
Property Address:	3000 block of West Avenue		
Property Tax Map Number(s):	155F-F-001 thru 005 & 155F-D-004		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Parking for Fed-Ex		
4 Site Characteristics			
Current Zoning:	M-1		
Current Use:	Unused R.O.W.		
Adjacent Uses:	Vacant & Fed-Ex		
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:	R & D Properties/Mike Doubleday	Address:	4228 Obar Drive
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:	37409	Email:	mdoubleday@epbf.com
Phone 1:	423-667-5995	Phone 2:	
Phone 3:		Fax:	
6 Property Owner Information (if not applicant)			
Name:	Same	Phone:	
Address:			
Office Use Only:			
Planning District:	8C	Neighborhood:	CNAC, South Broad Development, Alton Park
Hamilton Co. Comm. District:	4	Chatt. Council District:	7
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 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): 7405-910, 9267-743, 9369-377			
Plat Book/Page: 5-27, 89-97			
Number of Notice Signs:			
<input checked="" type="checkbox"/>	Filing Fee: 350.00	<input checked="" type="checkbox"/>	Cash
<input checked="" type="checkbox"/>	Check	<input checked="" type="checkbox"/>	Check Number: 6537
Planning Commission meeting date: 12-8-2014		Application processed by: Marcia Parker	

Portion of the 3000 Block of West Avenue
District: 7 Case: MR 2014-133
R&D Properties/Mike Doubleday





MR 2014-133 Abandonment of a Portion of the 3000 blk of West Avenue



176 ft

Chattanooga Hamilton County Regional Planning Agency



MR-2014-133 City of Chattanooga
December 8, 2014

RESOLUTION

WHEREAS, R & D Properties/Mike Doubleday 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 a right-of-way located on the 3000 Block of West Avenue.

Abandonment of a portion of the 3000 Block of West Avenue beginning at the northwest corner of Tax Map 155F-F-005 and going southwest approximately 380 feet to the property line of Tax Map 155F-D-004. Tax Maps 155F-F-001 thru 005 and 155F-D-004 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on December 8, 2014,

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 December 8, 2014, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved.

Respectfully submitted,



John Bridger
Secretary

STAFF CASE REPORT TO PLANNING COMMISSION

Case Number:	MR-2014-133	PC Meeting Date: 12-8-14
Applicant Request:	Abandonment of a portion of the 3000 block of West Avenue	
Property Location:	3000 Block of West Avenue	
Property Owner:	R&D Properties/Mike Doubleday	
Applicant:	R&D Properties/Mike Doubleday	
Staff Recommendation:	APPROVE	

PROJECT ANALYSIS

RPA Land Use & Transportation Comments

Project Description

The applicant requests abandonment of a portion of the 3000 block of West Avenue beginning at 3014 West Avenue and ending approximately 380 feet southwest.

Site Description

The right-of-way is surrounded by property zoned M-1 Manufacturing. Adjacent land uses include warehousing and distribution and vacant.

Zoning History

In 2008, ordinance 12177 closed and abandoned an alley extending west from the southern terminus of the right-of-way in question to the 2900 block of Alton Park Boulevard.

Plans/Policies

This site is within the Alton Park Master Plan.

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 1, rights-of-way currently open and in use by the public and which include any elements of a normal road including road pavement, sidewalks, curbs, storm drainage systems, sanitary drainage systems, water distribution systems, fire hydrants, utilities (electric, telephone, cable television, gas), provision for future utilities, streetlights, and trees. These rights-of-way will not be closed unless a suitable replacement is provided.

STAFF CASE REPORT TO PLANNING COMMISSION

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	50 feet +/-
2. Presence of or potential for the location of utilities	EPB has electrical and communications facilities within the ROW and requests that the entire petitioned ROW be reserved for the operation, maintenance, rebuilding, and replacement of these facilities and for ingress and egress to them. Comcast also has active service on a portion of the proposed closure and requests that an alternate route be provided and the rerouting of existing plant be performed at no cost to Comcast. AT&T has also located facilities in this area and requests that any existing of future utility easements inside the proposed abandonment area be reserved.
3. Currently open to traffic	Currently open to traffic.
4. Potential for future use or which provide future connections to the 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.).	Limited potential for future use or future connections.
5. Type/condition of surface	ROW is paved in good condition.
6. Topography/grade – can it be built?	The existing topography does not preclude improvement of this ROW.
7. Will the closure and abandonment land-lock any property? If so, has a subdivision plat been submitted which eliminates this situation?	If the ROW in question and the alley ROW proposed for abandonment in case MR 2014-126 are both closed, parcels 155F-F-001, 155F-F-002, 155F-F-003, 155F-F-004, and 155F-F-005 will be landlocked.
8. Extenuating circumstances as specified by the applicant, e.g. necessary for expansion of a business or industry.	The applicant intends to combine the ROW with his property to be used by Fed Ex for parking.

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.

STAFF CASE REPORT TO PLANNING COMMISSION

RPA Summary

The Regional Planning Agency is recommending approval of this closure request because there is limited potential for future use of the right-of-way. If the alley right-of-way proposed for abandonment in case MR 2014-126 is approved for closure, then this closure of a portion of the West Avenue right-of-way is only appropriate if all of the adjacent parcels owned by the applicant and the right-of-way are combined and replatted to ensure all lots have frontage on a public right-of-way.

During the review of this request, concerns arose regarding the impact to adjacent occupied residences. Due to the potential negative impact to these residences, RPA staff is suggesting the applicant consider retaining existing trees or providing landscaping on the northern border of the property at 3014 West Avenue to serve as a buffer between the proposed parking lot and the adjacent residence located at 3012 West Avenue. Conditions for such improvements cannot be placed on mandatory referrals, and thus RPA is only encouraging consideration of this action.