

First Reading: _____
Second Reading: _____

MR-2014-133
Michael Doubleday

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND ABANDONING A
PORTION OF THE 3000 BLOCK OF WEST AVENUE,
SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That a portion of the 3000 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 a portion of the 3000 block of West Avenue, beginning at the northwest corner of Tax Map No. 155-F-F-005, and going southwest approximately 380 feet to the property line of Tax Map No. 155-F-D-004. Tax Map Nos. 155-F-F-001 through 005, and 155-F-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 Chattanooga Gas, Comcast, Bell South, 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 09, 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 the abandonment of a portion of the 3000 block of West Avenue at the northwest corner and going southwest 380 feet. As referenced in Case No. MR 2014-133.

RECOMMENDATION IS FOR APPROVAL WITH CONDITIONS.

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.

<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 *BS*
From: Kari Lawman
cc: Bertran Kuyrkendall
Date: February 6, 2015
Re: R&D Properties/Mike Doubleday
Case No. MR 2014-133
3000 Block of West Avenue (District 7)

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

I have completed the review of Mike Doubleday's request for 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 through 005 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. (Chattanooga Gas, Comcast, Bell South, TN American Water, EPB, AT&T)
- 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 conditions:

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

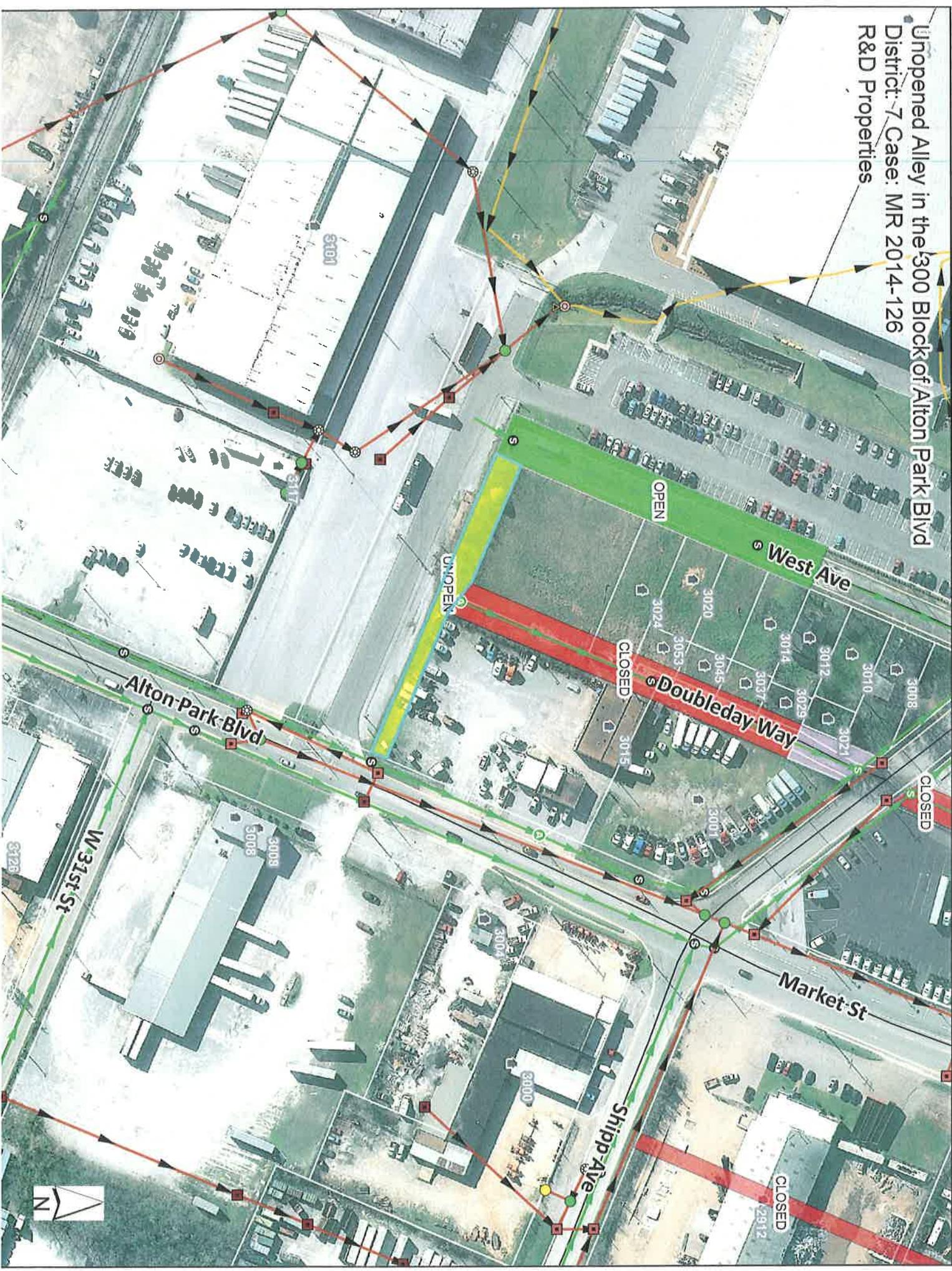
WVO # 143352

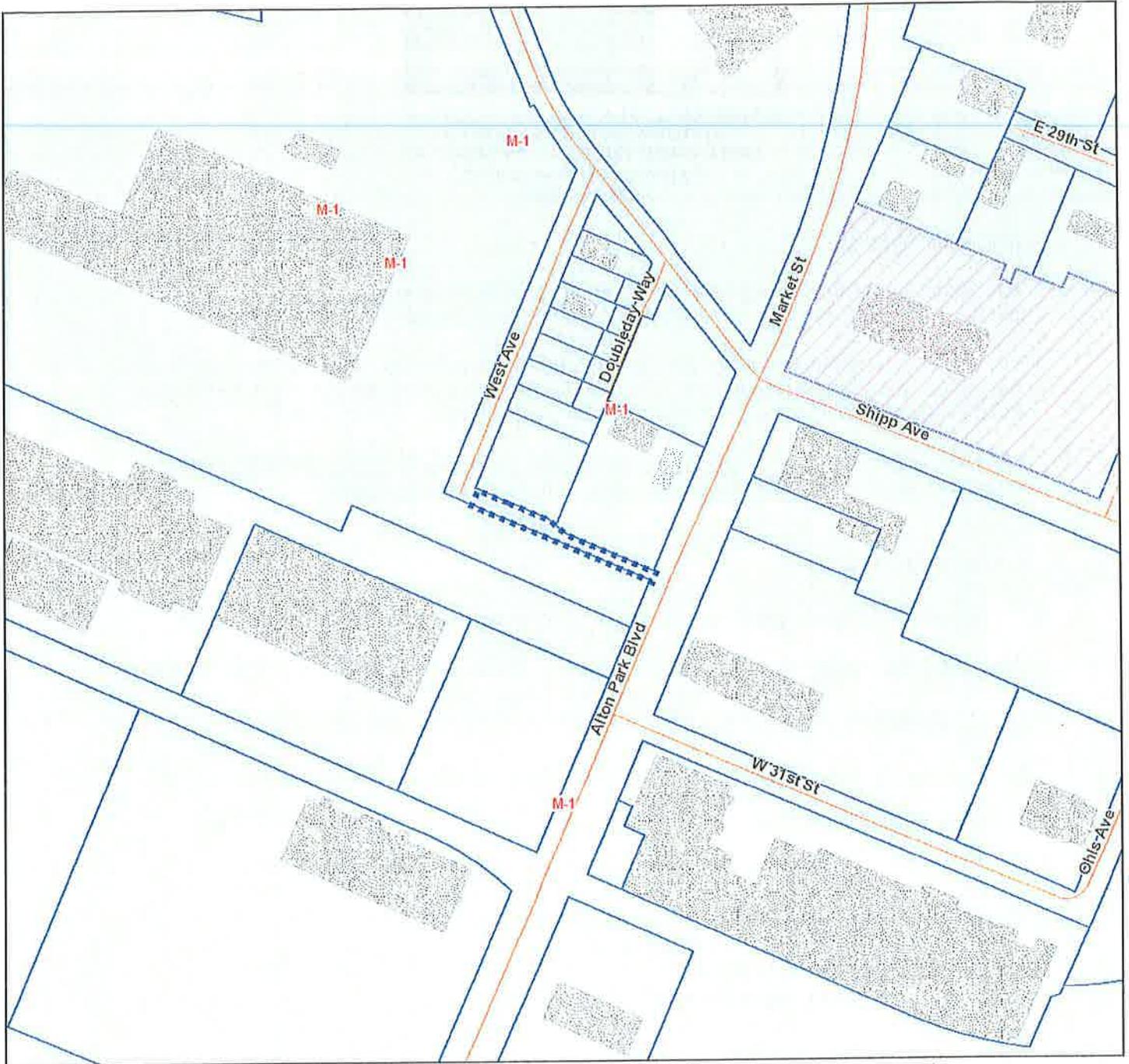
Chattanooga-Hamilton County Regional Planning Agency

CLOSURE/ABANDONMENT APPLICATION FORM

CASE NUMBER:	MR 2014-126	Date Submitted:	10-8-2014
(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 checked="" type="checkbox"/> Alley	<input type="checkbox"/> Street	<input type="checkbox"/> Sewer <input type="checkbox"/> Other
Name of Street or Right-Of-Way:			
	<input type="checkbox"/> Open	<input checked="" type="checkbox"/> Unopened	Length/Width: 360'L
Beginning: West Avenue going in a South East direction approximately 360'			
Ending: to Alton Park Boulevard			
2 Property Information			
Property Address:	3015 Alton Park Boulevard		
Property Tax Map Number(s):	155F-F-001, 017 & 155F-D-004		
3 Proposed Development			
Reason for Request and/or Proposed Use:	We have used & maintained property for years, it is an unopened alley & we want to asphalt entire property & include this area to be used by Fed Ex for parking		
4 Site Characteristics			
Current Zoning:	M-1		
Current Use:	Unopened Alley		
Adjacent Uses:	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: 731 Pineville Road	
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: 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
	Total Acres to be considered:	<input checked="" type="checkbox"/>	Deeds
		<input checked="" type="checkbox"/>	Plats, if applicable
Deed Book(s): 7405-910, 3673-136 & 9369-377			
Plat Book/Page: 5-27, 5-56, & 89-97		<input checked="" type="checkbox"/>	Notice Signs
			Number of Notice Signs: 2
<input checked="" type="checkbox"/>	Filing Fee: \$350.00	<input type="checkbox"/>	Cash
		<input checked="" type="checkbox"/>	Check
			Check Number: 1662
Planning Commission meeting date: December 8 th , 2014		Application processed by: Marcia Parker	

Unopened Alley in the 300 Block of Alton Park Blvd
District: 7 Case: MR 2014-126
R&D Properties





MR 2014-126 Abandonment of an Unopened Alley in the 3000 blk of Alton Park Blvd



Chattanooga Hamilton County Regional Planning Agency



250 ft



MR-2014-126 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 an alley located off of the 3000 block of Alton Park Boulevard.

Abandonment of an 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.

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

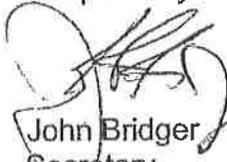
AND WHEREAS, the Planning Commission heard and considered all statements favoring the petition,

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-2014-126	PC Meeting Date: 12-8-14
Applicant Request:	Abandonment of unopened alley beginning at West Avenue and ending at Alton Park Boulevard	
Property Location:	Alley off of the 3000 Block of Alton Park Boulevard	
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 an unopened alley off of the 3000 block of Alton Park Boulevard, beginning at West Avenue and ending at Alton Park Boulevard.

Site Description

The alley is surrounded by property zoned M-1 Manufacturing Zone. Adjacent land uses include automotive retail, warehousing and distribution, and vacant property.

Zoning History

In 2007, Ordinance No. 12052 closed and abandoned a portion of the 3800 block of Baldwin Street terminating at the alley in question. In 2008, Ordinance No. 12177 closed and abandoned the northeastern portion of the alley in question from the 3000 block of West Avenue 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 3, rights-of-way which are not currently opened or which 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.

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	Ranges from 18 feet +/- at the intersection with Alton Park Boulevard to 30 feet +/- at the intersection with West Avenue.
2. Presence of or potential for the location of utilities	AT&T has located facilities in this area and requests that any existing or future utility easements inside the proposed abandonment area be reserved.
3. Currently open to traffic	Currently not 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 unpaved and grassy.
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 West Avenue ROW proposed for abandonment in case MR 2014-133 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 asphalt the entire property and include this area 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.

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 West Avenue right-of-way proposed for abandonment in case MR 2014-133 is approved for closure, then this closure of an unopened alley off of the 3000 block of Alton Park Boulevard 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.