

First Reading: _____
Second Reading: _____

MR-2015-131
Paul Fuchar, Executive Director
Council for Alcohol and Drug Abuse Services
District 1

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND ABANDONING APPROXIMATELY ONE HUNDRED THIRTY (130') SQUARE FEET OF RIGHT-OF-WAY AT THE SOUTHEAST CORNER OF THE INTERSECTION OF WEST MANNING AND MINOR STREETS TO ACCOMMODATE CONSTRUCTION OF A NEW BUILDING TO THIS CORNER, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That approximately one hundred thirty (130') square feet of right-of-way at the Southeast corner of the intersection of West Manning and Minor Streets to accommodate construction of a new building to this corner, 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 southeast corner radius of West Manning and Minor Streets as drawn by AD Engineering Services, Inc. shown on sheet # Ex-2 and dated 7/21/2015 submitted in file. Tax Map No. 135F-E-002.

SECTION 2. BE IT FURTHER ORDAINED, That this abandonment shall be subject to the following conditions:

- (1) The applicant shall obtain necessary permits and approvals from the City of Chattanooga Land Development Office;
- (2) Compliance with the recommendations of the Planning Commission;
- (3) Subject to the retention of a full-width utility easement, including Chattanooga Gas and AT&T as attached.

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/Ordinance Request Form

Date Prepared: November 12, 2015

Preparer: Bertran Kuyrkendall

Department: Transportation

Brief Description of Purpose for Resolution/Ordinance: Res./Ord. # _____ Council District # 1

An ordinance approving the request of Paul Fuchar, Executive Director of Council for Alcohol and Drug Abuse Services, property owner of 120 West Manning Street, to abandon approximately 130 square feet of right-of-way at the southeast corner of the intersection of West Manning and Minor Streets to accommodate construction of a new building to this corner, as referenced in Case No. MR 2015-131.

APPROVED WITH CONDITIONS

Name of Vendor/Contractor/Grant, etc. _____
Total project cost \$ _____ -
Total City of Chattanooga Portion \$ _____ -
City Amount Funded \$ _____ -
New City Funding Required \$ _____ -
City's Match Percentage % 0%

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: Bertran Kuyrkendall
DESIGNATED OFFICIAL/ADMINISTRATOR

Reviewed by: FINANCE OFFICE

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

Revised: October, 2011

MR-2015-131 City of Chattanooga
October 12, 2015

RESOLUTION

WHEREAS, Council for Alcohol & Drug Abuses Services, Inc./Paul Fuchcar, Executive Director 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 southeast corner of West Manning and Minor Streets.

Abandonment of the southeast corner radius of West Manning and Minor Streets as drawn by AD Engineering Services, Inc. shown on sheet # Ex-2 and dated 7/21/2015 submitted in file. Tax Map 135F-E-002 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on October 12, 2015,

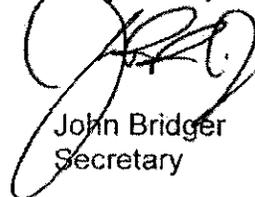
AND WHEREAS, the Planning Commission heard and considered all statements regarding the petition,

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 12, 2015, recommended to the Members of the City Council of the City of Chattanooga that this petition be approved.

Respectfully submitted,



John Bridger
Secretary

Memorandum

To: Brandon Sutton BS
From: Kari Lawman
cc: Bert Kuyrkendall
Date: November 6, 2015
Re: Council for Alcohol & Drug Abuse Services, Inc. (Paul Fuchar, Exec. Dir.)
Case No. MR 2015-131
South East Corner of W. Manning and Minor Streets

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received on August 24, 2015, from Paul Fuchar, Executive Director of Council for Alcohol and Drug Abuse Services. The business is requesting the abandonment of the corner radius, as reflected on the attached map, in order to place a new building at the corner. This abandonment will be consistent with the adjacent corner of W. Manning and Minor Streets.

After review, granting this Abandonment does not conflict with the public's interest.

Therefore, I recommend the request for ***Abandonment of said portions of right-of-way be granted with the following conditions:***

- The applicant shall obtain necessary permits and approvals from the City of Chattanooga Land Development Office.
- Compliance with the recommendations of the Planning Commission.
- Subject to the retention of a full-width utility easement, including Chattanooga Gas and AT&T as attached in the following package.

PLANNING COMMISSION CASE REPORT

Case Number: MR 2015-131

PC Meeting Date: 10-12-15

Applicant Request

Mandatory Referral: Abandonment of a Portion of Right-of-Way

Property Location:	120 West Manning Street at intersection with Minor Street
Property Owner:	Council for Alcohol & Drug Abuse Services, Inc./Paul Fuchcar Executive Director
Applicant:	Council for Alcohol & Drug Abuse Services, Inc./Paul Fuchcar Executive Director

Project Description

- Proposal: Abandon approximately 130 square feet of existing right-of-way at the southeast corner of West Manning Street and Minor Street and add to parcel 135F-E-002 so as to accommodate construction of a new building to this corner.
- Proposed Access: Not specified.
- Proposed Development Form: Not specified.

Site Analysis

Site Description

- Location: The 130 square foot (approximately) area is located on the southeast corner of West Manning Street and Minor Street in the Hill City neighborhood.
- Current Access: West Manning Street.
- Current Development form: There is a mixture of one and two-story buildings within a 500 foot radius of this urban site.
- Current Land Uses: A public baseball field is located across the street to the north. Parking lots are located to the east, south, and west of the site.

Zoning History

- The site is currently zoned C-7 North Shore Commercial/Mixed Use.
- The properties to the north are zoned R-1 Residential. The properties to the east, south, and west are zoned C-7 North Shore Commercial/Mixed Use.

Plans/Policies/Regulations

- The Hill City/Northside Land Use Plan (adopted by City Council in 2003) recommends business, office, and service uses for this area.
- The C-7 North Shore Commercial/Mixed Use permits commercial, office, residential, and mixed uses.
- MANDATORY REFERRALS- Tennessee Code Annotated (13-4-104) requires the Planning Commission to review the widening, narrowing, relocation, vacation, change in use, acceptance, acquisition, sale or lease of any street or public way, ground, place, property or structure. Failure of the Planning Commission to act within 30 days shall be deemed an approval.
- RIGHT-OF-WAY CLOSURE AND ABANDONMENT POLICY- This policy, adopted by the Planning Commission on January 13, 1997, gives guidance regarding alley and street right-of-way closure and abandonment requests. It is the policy of the Regional Planning Agency 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 the right-of-way and that its abandonment is necessary to achieve a significant private or public interest.

Key Findings

- The proposal is consistent with the development form of the area.
- The proposal is a reasonable request for the proposed development of this property.

Staff Recommendation

Approve.

CLOSURE/ABANDONMENT APPLICATION FORM

CASE NUMBER:	MR 2015-131	Date Submitted: 8-24-2015
(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 type="checkbox"/> Street <input checked="" type="checkbox"/> Sewer <input type="checkbox"/> Other <input type="checkbox"/>	
Name of Street or Right-Of-Way: South East corner of W. Manning & Minor Streets		
	<input checked="" type="checkbox"/> Open <input type="checkbox"/> Unopened	Length/Width:
Beginning:		
Ending:		
2 Property Information		
Property Address:	120 W. Manning Street at intersection with Minor Street	
Property Tax Map Number(s):	135F-E-002	
3 Proposed Development		
Reason for Request and/or Proposed Use:	Remove corner radius at corner of W. Manning & Minor Streets in order to place new building at the corner	
4 Site Characteristics		
Current Zoning:	C-7	
Current Use:	Parking lot	
Adjacent Uses:	C-7, businesses	
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: Council for Alcohol & Drug Abuse Services, Inc./Paul Fuchcar Executive Director	Address: 207 Spears Avenue	
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: 37405-3840 Email: paul.fuchcar@cdas.org
Phone 1: 423-756-7644	Phone 2:	Phone 3: Fax: 423-756-7646
6 Property Owner Information (If not applicant)		
Name: Same	Phone:	
Address:		
Office Use Only:		
Planning District: 8B	Neighborhood: CNAC, North Shore Neighborhood, Hill City, North Shore Merchants Collective, Northside-Cherokee Community Association	
Hamilton Co. Comm. District: 6	Chatt. Council District: 1	Other Municipality:
Staff Recd:	PG 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): 2327-34		
Plat Book/Page: 102-9	<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: 13909
Planning Commission meeting date: 10-12-2015	Application processed by: Marcia Parker & Pattie Dodd	



MR 2015-131 Abandonment

PLANNING COMMISSION RECOMMENDATION FOR CASE NO.
MR-2015-131: Approve

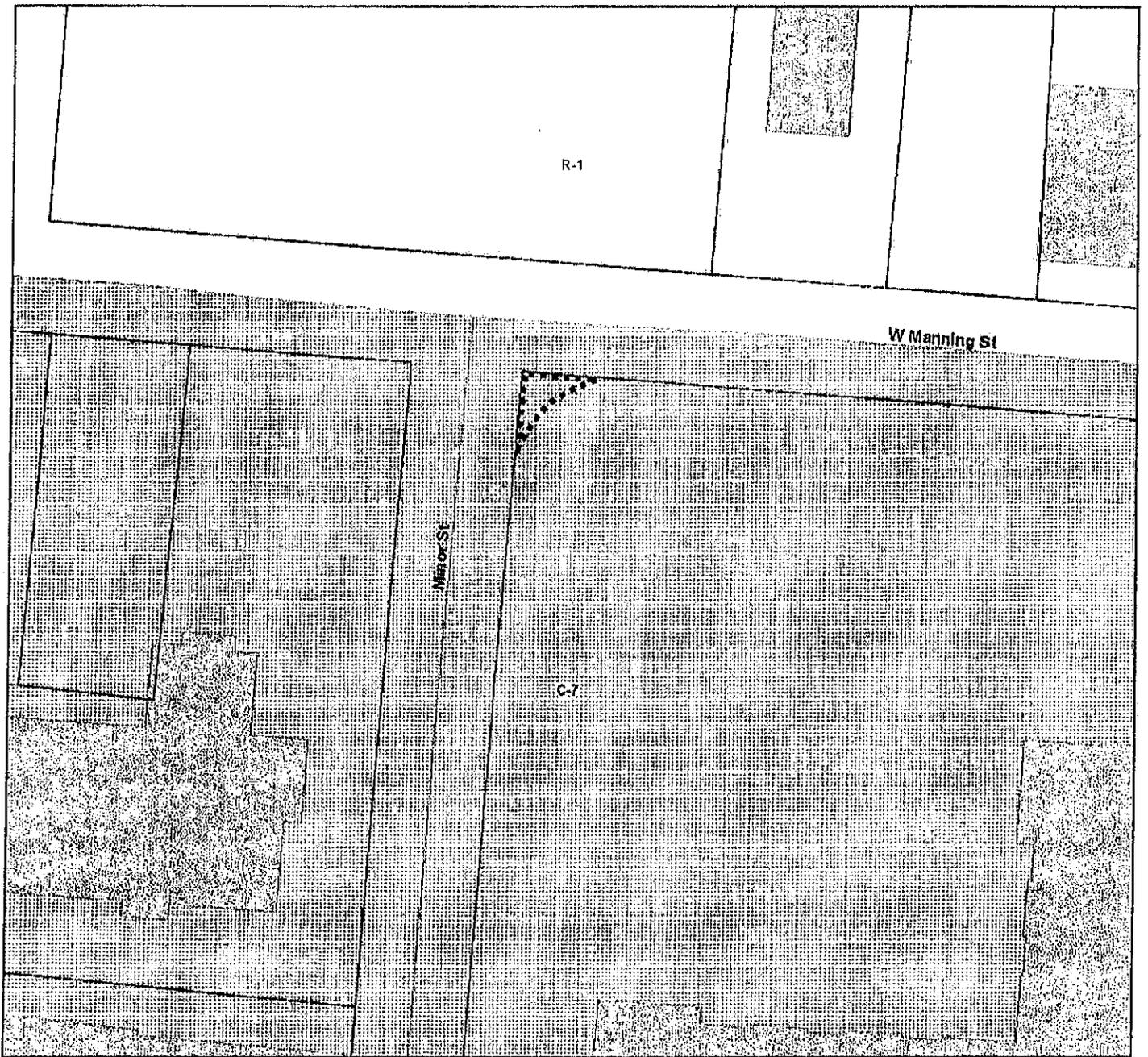


50 ft



Chattanooga Hamilton County Regional Planning Agency





MR 2015-131 Abandonment



Chattanooga Hamilton County Regional Planning Agency



80 ft



MR 2015-131

Council for Alcohol & Drug Abuse Services, Inc. (Paul Fuchar, Exec. Dir.)

South East Corner of W. Manning and Minor Streets





Chattanooga Gas™

An AGL Resources Company

2207 Olan Mills Drive
Chattanooga, TN 37421

866 643-4138 phone
www.chattanoogagas.com

September 21, 2015

Chattanooga Hamilton County Regional Planning Agency
1250 Market Street
Chattanooga, TN 37402

Dear Sir:

Re: MR 2015-116 and 2015-131

There are conflicts with the proposed abandonments due to natural gas mains in this area.

Please contact Harold Hyde with Chattanooga Gas at 423-490-4262 for additional information.

Sincerely,

Harold Hyde
Operations Foreman

Enclosures

HH/kbd



September 9, 2015

Mr. Greg L. Haynes, Director
Chattanooga-Hamilton County Regional Planning Agency
Development Resource Center
1250 Market Street, Suite 2000
Chattanooga, TN 37402

RE: Closures and Abandonment Case Numbers MR2015-131

Dear Mr. Haynes:

In regards to Case Number MR2015-131 for the October 12, 2015 Planning Commission Meeting Agenda, AT&T Southeast cannot agree to closure since facilities are in this area. Please reserve any existing or future utility easements inside the proposed abandonment areas.

If additional information is needed, please contact me at 752-9133.

Thank You,

A handwritten signature in black ink, appearing to read "Roger L. Flood".

Roger L. Flood
Area Manager OSP Planning & Engineering Design

cc: RPC File

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