

First Reading: _____

Second Reading: _____

MR 2016-074
Branch Acquisition Company, LLC
c/o Jack Haylett and
Gunbarrel Partners
District 2

ORDINANCE NO. _____

AN ORDINANCE CLOSING AND ABANDONING THE RIGHT-OF-WAY LOCATED IN THE 2400 BLOCK OF ELAM LANE AND THE 2500 BLOCK OF LIFE STYLE WAY, DETAILED ON THE ATTACHED MAP, FOR MIXED USE DEVELOPMENT AND ASSOCIATED INFRASTRUCTURES, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That the right-of-way located in the 2400 block of Elam Lane and the 2500 block of Life Style Way, detailed on the attached map, for mixed use development and associated infrastructures, be and is hereby closed and abandoned:

Abandonment of the 2400 block of Elam Lane beginning at its intersection with the north line of the 2500 block of Life Style Way thence some 867 feet northeast to a dead end. Said lane separates Lots 1, 13 and 14, Final Plat of Waterside Subdivision Lots 1, 13 and 14, Plat Book 97, Page 184, ROHC, Lot 4, Final Plat Waterside Subdivision Lots 4 and 6, Plat Book 92, Page 179, ROHC, Lot 6, Waterside Subdivision Life Style Center Lots 1, 4 and 6, Plat Book 88, Page 65, ROHC, from Lots 1 and 2, Donald E. Taylor Subdivision, Plat Book 69, Page 83, ROHC, Lot 3, Revised Lots 2 and 3 and Lot 4 Final Plat W. E. Bynum Resubdivision, Plat Book 44, Page 328, ROHC, and Parts of Lots 4 and 5, J. L Jenkins Subdivision, Plat Book 10, Page 49, ROHC. Tax Map 149A-B-007, 007.01, 008 thru 010 and 017.01, 149H-A-091 thru 019.09 as shown on the attached map.

Abandonment of the 2500 block of Life Style Way beginning at its intersection with the northeast corner of Tax Map 149H-A-019.03 thence northwestwardly, southwestwardly and southeastwardly some 1070 feet to the southeast corner of said parcel. Said way separates Lot 6, Waterside Subdivision Life Style Center Lots 1, 4 and 6, Plat Book 88, Page 65, Lot 4 and 8, Final Plat Waterside Subdivision Lots 4 and 6, Plat Book 92, Page 179, ROHC, Lot 10, Final Plat Waterside Subdivision Life Style Center Lot 10, Plat Book 95, Page 108, ROHC, and Lots 5 and 11, Final Plat

Waterside Subdivision Life Style Center Lots 5 and 11, Plat Book 96, Page 85, ROHC, from Lot 3, Revised Plat Waterside Subdivision, Plat Book 87, 181, ROHC. Tax Map 149H-A-019.01 thru 019.07

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; and
- 2) The abandonment shall be subject to the retention of a full-width utility easement(s) and the recommendations of said utilities, including City of Chattanooga Public Works, AT&T, Tennessee American Water, Chattanooga Gas, and Comcast.

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: July 1, 2016

Preparer: Bertran Kuyrkendall

Department: Transportation

Brief Description of Purpose for Resolution/Ordinance: **Res./Ord. #** _____ **Council District #** 4

An ordinance approving the request of Jack Haylett (Branch Acquisition Company LLC), agent for the owner of the adjacent property Gunbarrel Partners, to abandon the right-of-way of the 2400 block of Elam Lane and the 2500 block of Lifestyle Way, detailed on the attached map, for mixed use development and associated infrastructures, as referenced in Case No. MR 2016-074.

APPROVED WITH CONDITIONS

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

Revised: October, 2011

Memorandum

To: Brandon Sutton BS
cc: Bert Kuyrkendall
Date: June 28, 2016
Re: Jack Haylett (Branch Acquisition Company LLC) for Gunbarrel Partners
Case No. MR 2016-074
2400 block of Elam Lane and 2500 block of Life Style Way

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received by the Chattanooga-Hamilton County Regional Planning Agency (RPA) on March 24, 2016, from Jack Haylett (Branch Acquisition Company LLC) for property owner Gunbarrel Partners. The abandonment was approved by Planning Commission at its June 13, 2016 meeting (see attached case report and resolution). The applicant is requesting the abandonment of the right-of-way of the 2400 block of Elam Lane and the 2500 Block of Life Style Way.

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.
- Subject to the retention of a full-width utility easement(s) and the recommendations of said utilities, including City of Chattanooga Public Works, AT&T, Tennessee American Water, Chattanooga Gas, and Comcast, as attached in the following package.

CLOSURE/ABANDONMENT APPLICATION FORM

CASE NUMBER:	MR 2016-074	Date Submitted: 3-24-2016	
(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: Lifestyle Way & Elam Lane & Dead End		
	<input checked="" type="checkbox"/> Open	<input type="checkbox"/> Unopened	Length/Width: 1070' x 50' & 867' x 50'
	Beginning: 1. In the 2500 block of Lifestyle Way going in a North East direction & 2. Beginning in the 2400 block of Elam Lane going in a North East direction		
	Ending: 1. at Elam Lane & 2. Elam Lane to end.		
2 Property Information			
Property Address:	2500 block of Lifestyle Way & 2400 block of Elam Lane		
Property Tax Map Number(s):	149H-A-019 and 019.01 thru 019.09, 149A-B-007, 007.01, 008 thru 010 and 017.01		
3 Proposed Development			
Reason for Request and/or Proposed Use:	Mixed use and associated infrastructures		
4 Site Characteristics			
Current Zoning:	C-4 & MXU		
Current Use:	Mixed Use		
Adjacent Uses:	Residential & Commercial		
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: Branch Acquisition Company LLC – Jack Haylett		Address: 3340 Peachtree Road NE Suite 600	
Check one:	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am not the property owner	
City: Atlanta	State: GA	Zip Code: 30326	Email: jhaylett@branchprop.com
Phone 1: 404-832-8931	Phone 2: 404-428-8958	Phone 3:	Fax:
6 Property Owner Information (if not applicant)			
Name: Gunbarrel Partners		Phone:	
Address: 801 Broad Street Suite 200 Chattanooga, TN 37402			
Office Use Only:			
Planning District: 11		Neighborhood: CNAC, BEBC	
Hamilton Co. Comm. District: 8		Chatt. Council District: 4	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): 9433-409			
Plat Book/Page: 20-73, 82-59		<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 3
<input checked="" type="checkbox"/> Filing Fee: 350.00	Cash	<input checked="" type="checkbox"/> Check	Check Number: 48845
Planning Commission meeting date: May 9 th , 2016		Application processed by: Pattie Dodd, Jen Ware	

MR-2016-074 City of Chattanooga
May 9, 2016(Deferred)
June 13, 2016(Action)

RESOLUTION

WHEREAS, Branch Acquisition Company LLC c/o Jack Haylett & Gunbarrel Partners petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga to grant approval of a Mandatory Referral pursuant to T.C.A. 13-4-104 for abandonment of the 2400 block of Elam Lane and the 2500 block of Life Style Way.

Abandonment of the 2400 block of Elam Lane beginning at its intersection with the north line of the 2500 block of Life Style Way thence some 867 feet northeast to a dead end. Said lane separates Lots 1, 13 and 14, Final Plat of Waterside Subdivision Lots 1, 13 and 14, Plat Book 97, Page 184, ROHC, Lot 4, Final Plat Waterside Subdivision Lots 4 and 6, Plat Book 92, Page 179, ROHC, Lot 6, Waterside Subdivision Life Style Center Lots 1, 4 and 6, Plat Book 88, Page 65, ROHC, from Lots 1 and 2, Donald E. Taylor Subdivision, Plat Book 69, Page 83, ROHC, Lot 3, Revised Lots 2 and 3 and Lot 4 Final Plat W. E. Bynum Resubdivision, Plat Book 44, Page 328, ROHC, and Parts of Lots 4 and 5, J. L. Jenkins Subdivision, Plat Book 10, Page 49, ROHC. Tax Map 149A-B-007, 007.01, 008 thru 010 and 017.01, 149H-A-091 thru 019.09 as shown on the attached map.

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AND WHEREAS, the Planning Commission held a public hearing on this petition on May 9, 2016, at which time hearing was deferred to June 13, 2016,

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

AND WHEREAS, no one was present in opposition to the petition,

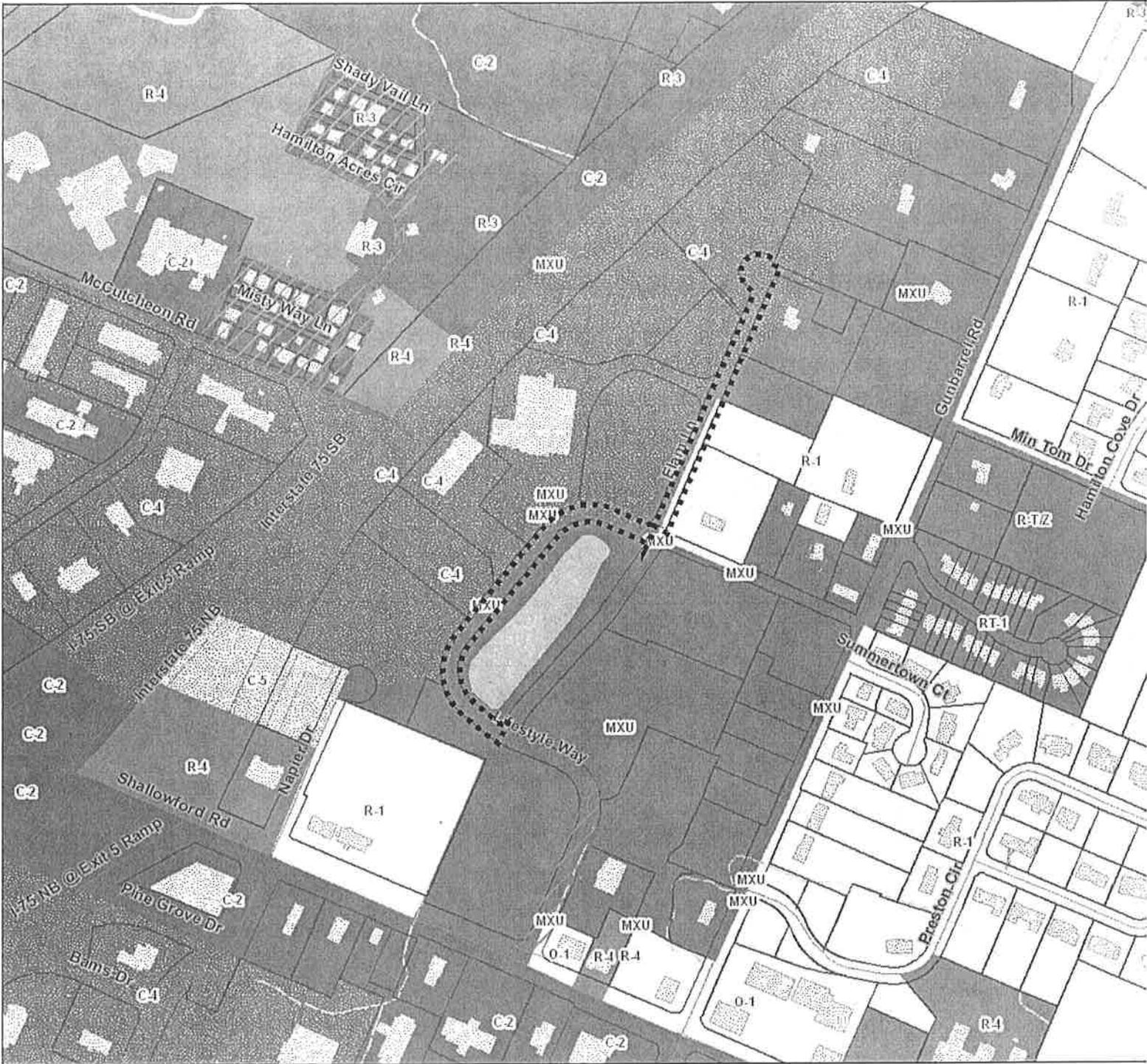
AND WHEREAS, the Planning Commission has studied the petition in relation to existing zoning and land use and potential patterns of development,

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on June 13, 2016, recommended to the Members of the City Council of the City of Chattanooga that this petition for a Mandatory Referral for abandonment of street right-of-way for mixed use & associated infrastructures be approved.

Respectfully submitted,



John Bridger
Secretary



MR 2016-074 Abandonment

PLANNING COMMISSION RECOMMENDATION FOR
CASE NO. MR-2016-074: Approve



420 ft



PLANNING COMMISSION CASE REPORT

Case Number: MR2016-074

PC Meeting Date: 06-13-16

Applicant Request

Mandatory Referral for Abandonment of Street Right-Of-Way

Property Location:	2500 block of Lifestyle Way & 2400 block of Elam Lane
Property Owner:	Gunbarrel Partners
Applicant:	Branch Acquisition Company LLC – Jack Haylett

Project Description

- Proposal: Abandonment of right-of-ways within project area for new development as proposed in associated rezoning Case #2016-060.

Site Analysis

Site Description

- Location: In the 2500 block of Lifestyle Way going in a northeast direction to Elam Lane and beginning in the 2400 block of Elam Lane going in a northeast direction to the end of Elam Lane.

Plans/Policies/Regulations

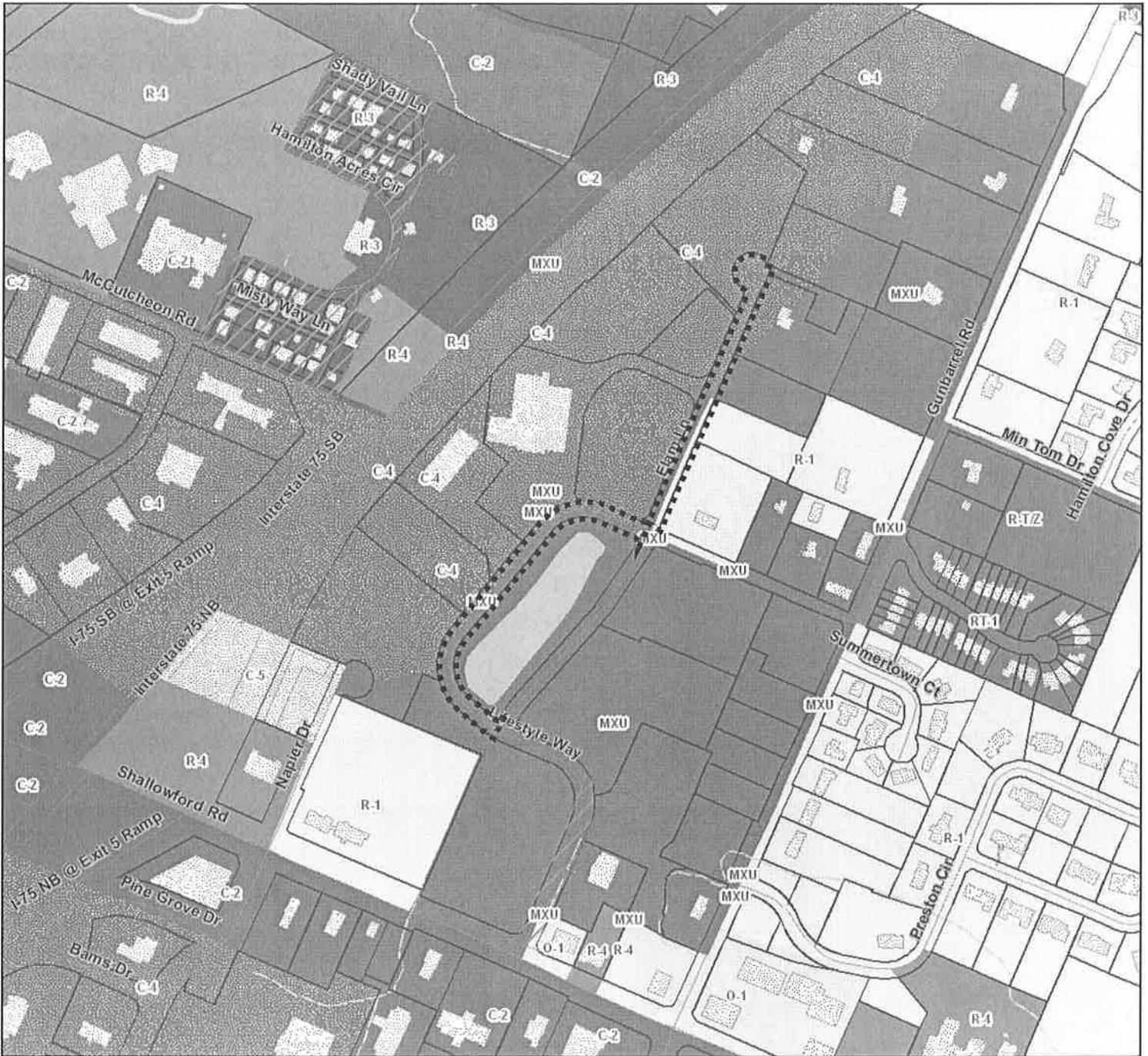
- The 2001 Hamilton Place Community Plan (adopted by City Council in 2001) recommends medium and high density residential development for the site.
- Tennessee Code Annotated (13-4-104) requires the Planning Commission to review the widening, narrowing, relocation, vacation, change in use, acceptance, 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.
- 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

- Lots 1, 3, 4, 6, 11, 13, 14 of Waterside subdivision along with 2416, 2418, 2424 and 2428 Elam Lane would become landlocked by this request.
- The proposal would set a precedent for future requests by allowing lots to be landlocked.
- The landlocked issue could be mitigated by combining several lots with access to public roads.
- This request is in association with rezoning request #2016-060 which is recommended by staff to be deferred until an updated traffic study can be completed by the applicant.
- Mandatory Referrals cannot be deferred by RPA staff or the Planning Commission unless the *applicant* requests a deferral. Therefore, a recommendation must be given by staff and the Planning Commission.

Staff Recommendation

Approve.



MR 2016-074 Abandonment

Chattanooga Hamilton County Regional Planning Agency

420 ft

RPA



AT&T – Tennessee
300 East ML King Blvd
Chattanooga, TN 37403

T: (423)423-9133
F: (423)423-0210
rl7928@att.com

April 13, 2016

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 Number MR2016-068, MR2016-072, MR2016-074 & MR2016-075

Dear Mr. Haynes:

In regards to Case Number MR2016-068, MR2016-072, MR2016-074 and MR2016-075 for the May 9th, 2016 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 cursive script, appearing to read "Roger L. Flood".

Roger L. Flood
Area Manager OSP Planning & Engineering Design

cc: RPC File

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TENNESSEE
AMERICAN WATER

Megan Catalina
Tennessee American Water
Engineering Department
1500 Riverside Drive
Chattanooga, TN 37406

P 423-771-4777
F 423-267-9384

April 6th 2016

Chattanooga/Hamilton County Regional Planning Commission
1250 Market St, Suite 2000
Chattanooga, TN 37402

Re: Closure and Abandonment Case No. MR 2016-074

To Director Greg L Haynes,

Tennessee American Water request that an easement be retained in the full width of the abandonment beginning in the 2500 block of Lifestyle Way going in a North East direction approximately 1070' and beginning in the 2400 block of Elam Lane going in a North East direction approximately 867'.

Sincerely,

Megan Catalina
GIS Supervisor
Tennessee American Water



Chattanooga Gas™

An **AGL Resources** Company

2207 Olan Mills Drive
Chattanooga, TN 37421

866 643-4138 phone
www.chattanoogagas.com

April 20, 2016

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

Dear Sir:

Re: MR 2016-068, MR 2016-072 and MR 2016-074

There are conflicts with the proposed abandonment due to natural gas mains in these areas.

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

Sincerely,

Harold Hyde
Operations Foreman

Enclosures

HH/kbd



Comcast Communications
2030 East Polymer Drive
P. O. Box 182249
Chattanooga, Tennessee 37422
423-855-3900

April 27, 2016

Regional Planning Agency
1250 Market Street
Suite 2000 Development Resource Center
Chattanooga, Tennessee 37402

RE:Case # MR 2016-074

Dear Marcia:

Comcast does not concur to the closure case(s) in the 2500 block of Lifestyle Way & 2400 block of Elam Lane. Comcast has active service, on a portion of the proposed closure. Comcast would agree to the closure if an alternate route was provided and the rerouting of existing plant was performed at no cost to Comcast.

Sincerely,

Roger Spain
Construction Specialist 2

Abandonment/Closure Cards

CITY Engineer
Bill Payne

Case No.	Closure O.K.	
	Yes	No
MR 2016-068	✓ (+)	
MR 2016-072	✓ (X)	
MR 2016-074	✓ (X) (+)	
MR 2016-075	✓	
⊕ RETAIN 20' SANITARY SEWER EASEMENT		
⊕ RETAIN 20' STORM SEWER EASEMENT		

* Comments forthcoming

Abandonment/Closure Cards

E.P.B.
Billy McGehee

Case No.	Closure O.K.	
	Yes	No
MR 2016-068		✓
MR 2016-072		✓
MR 2016-074	✓	
MR 2016-075		✓

* Comments forthcoming

Abandonment/Closure Cards

Chattanooga Gas Co.
Harold Hyde

Case No.	Closure O.K.	
	Yes	No
MR 2016-068 Gas main in area		X
MR 2016-072 " " "		X
MR 2016-074 " " "		X
MR 2016-075	✓	
Harold Hyde 4-6-16		

* Comments forthcoming

643-5918

Abandonment/Closure Cards

TN American Water Co.
Meagan Catalina

Case No.	Closure O.K.	
	Yes	No
MR 2016-068	X	
MR 2016-072		X
MR 2016-074		X
MR 2016-075	X	

* Comments forthcoming

Abandonment/Closure Cards

DEPT. OF TRANSPORTATION
 Ms. Sadie Wolfe

Case No.	Closure O.K.	
	Yes	No
MR 2016-068	✓	
MR 2016-072	✓	
MR 2016-074	✓	
MR 2016-075	✓	

* Comments forthcoming

Abandonment/Closure Cards

CITY POLICE DEPT.
 Lt. David Gibbo

Case No.	Closure O.K.	
	Yes	No
MR 2016-068	✓	
MR 2016-072	✓	
MR 2016-074	✓	
MR 2016-075	✓	

* Comments forthcoming

Abandonment/Closure Cards

DEPT OF TRANSPORTATION
 Amy Zuckner

Case No.	Closure O.K.	
	Yes	No
MR 2016-068	✓	
MR 2016-072	✓	
MR 2016-074	✓	
MR 2016-075	✓	

* Comments forthcoming

Abandonment/Closure Cards

Bell South
 Jon Mounts

Case No.	Closure O.K.	
	Yes	No
MR 2016-068		✓
MR 2016-072		✓
MR 2016-074		✓
MR 2016-075		✓

* Comments forthcoming

Abandonment/Closure Cards

Chattanooga fire Dept.
Randall Herron

Case No.	Closure O.K.	
	Yes	No
MR 2016-068	RH	
MR 2016-072	RH	
MR 2016-074	RH	
MR 2016-075	RH	

* Comments forthcoming

Abandonment/Closure Cards

Comcast Cable
James Patterson/Roger Spain

Case No.	Closure O.K.	
	Yes	No
MR 2016-068		✓
MR 2016-072		✓
MR 2016-074		✓
MR 2016-075		✓

* Comments forthcoming

Abandonment/Closure Cards

WVTA
Cleveland Grimes

Case No.	Closure O.K.	
	Yes	No
MR 2016-068	✓	
MR 2016-072	✓	
MR 2016-074	✓	
MR 2016-075	✓	

* Comments forthcoming

Abandonment/Closure Cards

Dobson Engineering Division
Brandon Sutton

Case No.	Closure O.K.	
	Yes	No
MR 2016-068	✓	
MR 2016-072	✓	
MR 2016-074	✓	
MR 2016-075	✓	

* Comments forthcoming