

First Reading:_____

Second Reading:_____

MR 2015-076
Phillip M. Meyer, II
District 7

ORDINANCE NO. _____

AN ORDINANCE DENYING THE REQUEST OF PHILLIP M. MEYER, II, AGENT FOR THE OWNER OF THE ADJACENT PROPERTY, JOHN B. CUNNINGHAM, TO ABANDON THE RIGHT-OF-WAY OF THE OPEN ALLEY ADJACENT TO 3902 DODDS AVENUE, DETAILED ON THE ATTACHED MAP.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That the request be denied of Phillip M. Meyer, II, agent for the owner of the adjacent property, John B. Cunningham, to abandon the right-of-way of the open alley adjacent to 3902 Dodds Avenue, detailed on the attached map:

Abandonment of a 15' opened alley beginning at the northeast corner of Lot 1, James L Moore Subdivision, Plat Book 39, Page 116, ROHC, thence following the east line of said lot some 104 feet from East 39th Street. Said portion of alley separates Tax Map Nos. 168G-H-001 and 168G-H-015.

SECTION 2. 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 7, 2016

Preparer: Bertran Kuyrkendall

Department: Transportation

Brief Description of Purpose for Resolution/Ordinance: Res./Ord. # _____ Council District # 7

An ordinance denying the request of Philip M. Meyer II, agent for the owner of the adjacent property John B. Cunningham, to abandon the right-of-way of the open alley adjacent to 3902 Dodds Avenue, detailed on the attached map, as referenced in Case No. MR 2015-076

DENY

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 Fund _____	N/A
City Amount Funded \$ _____	Provide Cost Center _____	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.

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: 
DESIGNATED OFFICIAL/ADMINISTRATOR

Reviewed by: FINANCE OFFICE

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

Revised: October, 2011

Memorandum

To: Brandon Sutton *BS*
cc: Bert Kuyrkendall
Date: July 07, 2016
Re: Philip M. Meyer II for John B. Cunningham
Case No. MR 2015-076
Open alley off of 2800 block of East 39th Street.

RECOMMENDATION: APPROVAL WITH CONDITIONS

This application was received by the Chattanooga-Hamilton County Regional Planning Agency (RPA) from Philip M. Meyer II for property owner John B. Cunningham. The RPA Staff Recommendation was to deny the request, and the Planning Commission recommended that the request be denied at its June 08, 2015 meeting (see attached case report and resolution). The applicant is requesting the abandonment of the right-of-way of the open alley adjacent to 3902 Dodds Avenue.

As the attached Planning Commission Case Report states:

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 this right-of-way and that its abandonment is necessary to achieve a significant private or public interest.

After review, this abandonment request satisfies neither of those conditions, and granting this abandonment will conflict with the public's interest. The formative factors in this decision include but are not limited to:

- Connectivity of multiple City rights-of-way would be reduced or eliminated
- Access to adjacent properties would be reduced or eliminated

Therefore, I recommend the request for ***Abandonment of said portions of right-of-way be denied.***

RESOLUTION

WHEREAS, Philip M. Meyer, II and John B. Cunningham 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 2800 Block of East 39th Street.

Abandonment of a 15' opened alley beginning at the northeast corner of Lot 1, James L Moore Subdivision, Plat Book 39, Page 116, ROHC, thence following the east line of said lot some 104 feet from East 39th Street. Said portion of alley separates Tax Maps 168G-H-001 and 168G-H-015 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on June 8, 2015,

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

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 June 8, 2015, recommended to the Members of the City Council of the City of Chattanooga that this petition be denied.

Respectfully submitted,



John Bridger
Secretary



MR 2015-076 Abandonment of the Open Portion of an Alley in the 2800 blk of E 39th St

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. MR-2015-076:

Deny



100 ft



Chattanooga Hamilton County Regional Planning Agency



PLANNING COMMISSION CASE REPORT

Case Number: MR 2015-076

PC Meeting Date: 06-08-15

Applicant Request

Abandon Public Alley Right-of-Way between 39th Street and 40th Street east of Dodds Avenue

Property Location:	3902 Dodds Avenue
Property Owner:	John B. Cunningham
Applicant:	Philip M Meyer II

Project Description

- Proposal: Initially, the applicant was not very specific about how they intend to use their portion of the alley if it were to be abandoned and closed. They stated that they just want to close the alley.
- The applicant later stated that there was a portion of one of their buildings that was in the alley right-of-way and they would like to rectify that situation.
- The applicant said they spoke with a Chattanooga Department of Transportation staff person and were advised to apply at the RPA for the alley abandonment.

Site Analysis

Site Description

- Location: The 270-foot long right-of-way is located one-half block east of Dodds Avenue between 39th Street and the 40th Street right-of-way.
- Current Access: 39th Street. The 40th Street right-of-way is not physically open.
- Current Development form: This alley right-of-way is part of an urban neighborhood connected by an urban street grid network.
- Current Land Uses: Single-family homes to the north, east, and south; Businesses and warehouses to the west.

Right-Of-Way Abandonment Policy

- 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 this right-of-way and that its abandonment is necessary to achieve a significant private or public interest.

Other Plans/Policies/Regulations

- The Rossville Boulevard Community Plan (adopted by City Council in 2004) makes no *specific* recommendations regarding alleys and alley rights-of-way.

Key Findings

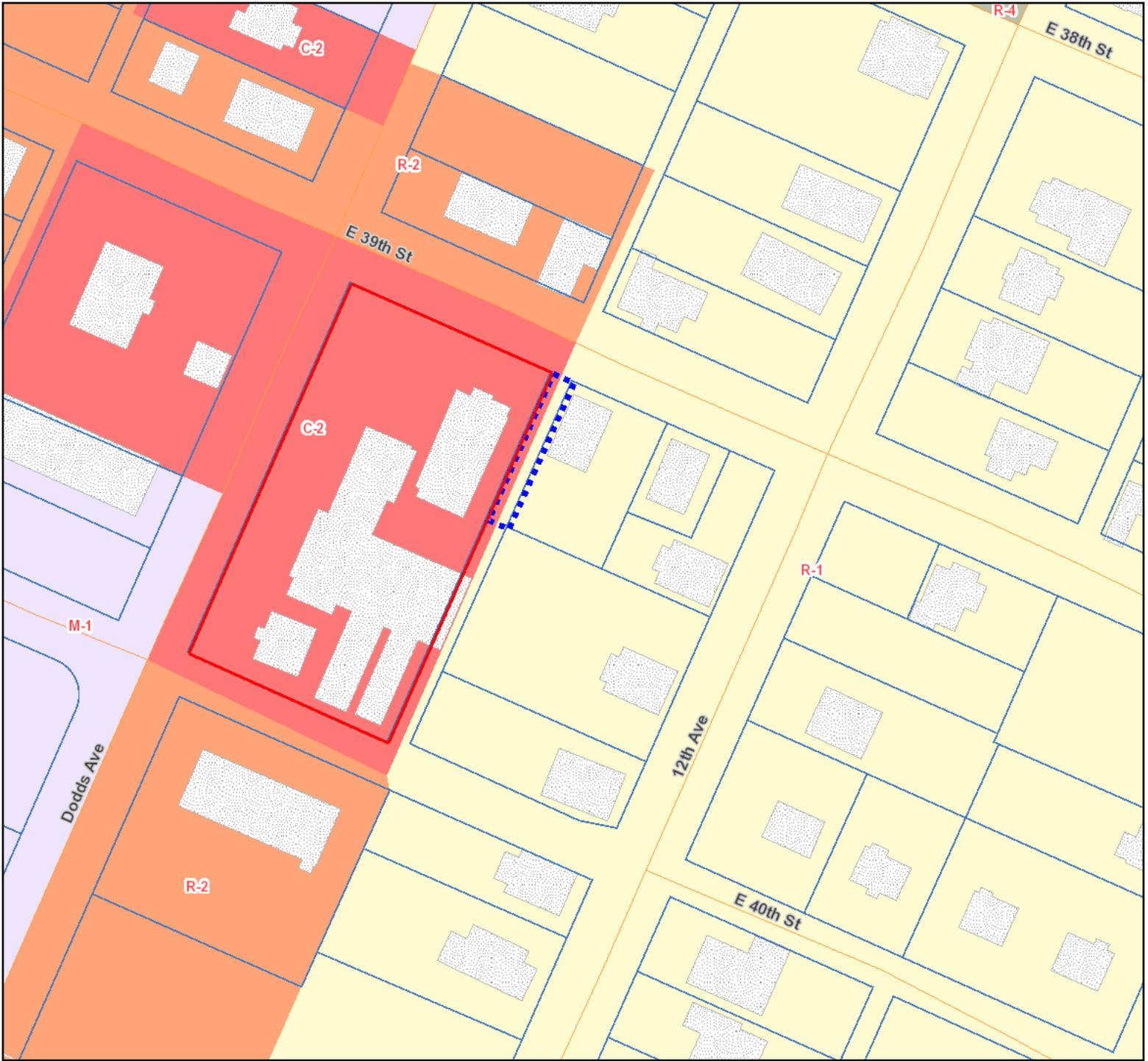
- The alley right-of-way is currently not (or partially) physically open and provides a limited level of service to the abutting property owners or to utilities (Tier 2).
- The proposal would limit or prohibit access to other existing lots.
- Any existing utility easements within the right-of-way should be retained or adequately relocated.
- A priority of the Rossville Boulevard Community Plan is to retain detached single-family residences within a large portion of the community.
- The southern portion of Dodds Avenue has an existing mixture of commercial and residential uses. The Community Plan encourages businesses to remain low-intensity operations to promote a continuation of the stable residential mix that creates the unique character for this area of East Lake.
- Given the large percentage of manufacturing within the study area, the Community Plan recommends that any manufacturing use abutting residential properties provide adequate landscape, site screening, and noise reduction buffers to reduce negative impacts to the surrounding neighborhood.

PLANNING COMMISSION CASE REPORT

- This alley may serve the Dodds Avenue commercial lot (block) more fully if redevelopment were to occur in the future.
- Alleys can serve as a buffer or transition area between commercial and residential uses, particularly if the commercial use is an outdoor storage or salvage yard.
- City of Chattanooga Transportation Department: “The City of Chattanooga Department of Transportation opposes the abandonment of this alleyway due to its value as a through connection towards unopened 40th Street and because it negates alley access to future redevelopment efforts in this community. Based on heavier traffic volumes along the Dodds frontage, this alleyway offers the best venue for rear access, and is currently only open from E 39th Street where the subject abandonment has been requested.”

Staff Recommendation

Deny.



MR 2015-076 Abandonment of the Open Portion of an Alley in the 2800 blk of E 39th St

This section contains an inset map of Tennessee in the bottom left corner, a north arrow in the top right corner, and a scale bar labeled "92 ft" below the north arrow. At the bottom center is the logo for the Chattanooga Hamilton County Regional Planning Agency, and at the bottom right is the logo for RPA (Regional Planning Agency).