

**First Reading:** \_\_\_\_\_

**Second Reading:** \_\_\_\_\_

MR 2016-088  
River Street Architecture/  
Gary E. and Virginia Marie Ivey  
District 2

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CLOSING AND ABANDONING A PORTION OF THE 1600 BLOCK OF HILLCREST ROAD AT 1692 RIVERVIEW ROAD, DETAILED ON THE ATTACHED MAP, TO ALLOW FOR ALIGNMENT WITH ADJACENT PROPERTY SETBACK AND TO CONSTRUCT A RETAINING WALL, SUBJECT TO CERTAIN CONDITIONS.

---

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That a portion of the 1600 block of Hillcrest Road at 1692 Riverview Road, detailed on the attached map, to allow for alignment with adjacent property setback and to construct a retaining wall, be and is hereby closed and abandoned:

Abandonment of an 8 foot portion of the eastern right-of-way of the 1600 block of Hillcrest Road beginning at the northwest corner of Tax Map 136B-B-019 thence southwest some 180 feet to the southwest corner of said parcel. Tax Map No. 136B-B-019.

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

- 1) The right-of-way will not be closed along any portion of Hillcrest Road, nor will right-of-way be reduced below fifty (50') feet at any point along Hillcrest Road;
- 2) 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 EPB, Chattanooga Gas, AT&T, 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 #** 2

An ordinance approving the request of River Street Architecture, LLC, agent for the owner of the adjacent property Gary E. & Virginia Marie Ivey, to abandon a portion of the 1600 block of Hillcrest Road at 1692 Riverview Road, detailed on the attached map, to allow for alignment with adjacent property setback and to construct a retaining wall, as referenced in Case No. MR 2016-088.

**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: River Street Architecture LLC for Gary E. & Virginia Marie Ivey  
Case No. MR 2016-088  
1600 block of Hillcrest Road

## RECOMMENDATION: APPROVAL WITH CONDITIONS

---

This application was received by the Chattanooga-Hamilton County Regional Planning Agency (RPA) on April 12, 2016, from River Street Architecture, LLC for property owners Gary E. & Virginia Marie Ivey. 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 a portion of the right-of-way of the 1600 block of Hillcrest Road.

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:***

- Right-of-way will not be closed along any portion of Hillcrest Road, nor will right-of way be reduced below 50 feet at any point along Hillcrest Road.
- 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 EPB, Chattanooga Gas, AT&T, and Comcast, as attached in the following package.

**CLOSURE/ABANDONMENT APPLICATION FORM**

|   |   |  |
|---|---|--|
| <b>CASE NUMBER:</b>   | MR 2016-088   | <b>Date Submitted:</b> 4-12-2016   |
| (Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)  |   |  |
| <b>1 Applicant Request</b> (Mandatory Referral per TCA 13-4-104)  |   |  |
| <b>Closure/Abandonment</b>  | <input type="checkbox"/> Alley  | <input checked="" type="checkbox"/> Street   |
|   | <input type="checkbox"/> Sewer  | <input type="checkbox"/> Other   |
| Name of Street or Right-Of-Way: Hillcrest Road  |   |  |
|   | <input checked="" type="checkbox"/> Open  | <input type="checkbox"/> Unopened  |
| Length/Width: 180' x 8'   |   |  |
| Beginning: 8' wide strip along entire frontage of Hillcrest Road  |   |  |
| Ending: at corner of property adjoining Lexington Road. Extended alleyway   |   |  |
| <b>2 Property Information</b>   |   |  |
| Property Address:   | 1600 block of Hillcrest Road  |  |
| Property Tax Map Number(s):   | 136B-B-019  |  |
| <b>3 Proposed Development</b>   |   |  |
| Reason for Request and/or Proposed Use:   | Allow for alignment with adjacent property setback and to construct a safety retaining wall to protect residents from Lexington Road intersection traffic while using the pool deck |  |
| <b>4 Site Characteristics</b>   |   |  |
| Current Zoning:   | R-1   |  |
| Current Use:  | Single Family Residence   |  |
| Adjacent Uses:  | Single Family Residence   |  |
| <b>5 Applicant Information</b>  |   |  |
| 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: River Street Architecture, LLC  | Address: 714 Cherry Street  |  |
| Check one:  | <input type="checkbox"/> I am the property owner  | <input checked="" type="checkbox"/> I am <b>not</b> the property owner                             |
| City: Chattanooga   | State: TN   | Zip Code: 37402  |
| Email: twbarker@rsa.archi   |   |  |
| Phone 1: 423-634-0806   | Phone 2: 423-432-3734   | Phone 3:<br>Fax: 423-752-8499  |
| <b>6 Property Owner Information (if not applicant)</b>  |   |  |
| Name: Gary E & Virginia Marie Ivey  | Phone: 423-267-8313   |  |
| Address: 514 Gentlemens Ridge Road Signal Mountain TN 37377   |   |  |
| <b>Office Use Only:</b>   |   |  |
| Planning District: INS  | Neighborhood: CNAC, N. Shore Neighborhood, Riverview  |  |
| Hamilton Co. Comm. District: 6  | Chatt. Council District: 2  | Other Municipality:  |
| Staff Rec:  | PC Action/Date:   | Legislative Action/Date/Ordinance:   |
| <b>Checklist</b>  |   |  |
| <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): 8601-528  |   |  |
| Plat Book/Page: 103-132   | <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: 10918   |   |  |
| Planning Commission meeting date: 6-13-2016   |   | Application processed by: M Parker & J Ware  |

MR-2016-088 City of Chattanooga  
June 13, 2016

RESOLUTION

WHEREAS, River Street Architecture, LLC/Gary E & Virginia Marie Ivey 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 street closure of the 1600 block of Hillcrest Road.

Abandonment of an 8 foot portion of the eastern right-of-way of the 1600 block of Hillcrest Road beginning at the northwest corner of Tax Map 136B-B-019 thence southwest some 180 feet to the southwest corner of said parcel. Tax Map 136B-B-019 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on June 13, 2016,

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

AND WHEREAS, there was opposition present 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 to abandon to allow for alignment with adjacent property setback be approved.

Respectfully submitted,



John Bridger  
Secretary



## MR 2016-088 Abandonment

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. MR-2016-088: Approve



245 ft



# PLANNING COMMISSION CASE REPORT

Case Number: MR 2016-088

PC Meeting Date: 06-13-16

## Applicant Request

### Mandatory Referral for Abandonment of Street Right-of-Way

|                    |                                |
|--------------------|--------------------------------|
| Property Location: | 1692 Riverview Road            |
| Property Owner:    | Gary E & Virginia Marie Ivey   |
| Applicant:         | River Street Architecture, LLC |

### Project Description

- Proposal: Abandonment of a portion of Hillcrest Road to allow for alignment with adjacent property setback and to construct a safety retaining wall.

## Site Analysis

### Site Description

- Location: An 8 foot wide strip of right-of-way along the entire frontage of Hillcrest Road for the property.

### Plans/Policies/Regulations

- There is no Land Use Plan for the area.
- 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

- Chattanooga Department of Transportation has no plans to use the area proposed for abandonment
- The request does not negatively impact the access of existing properties.

## Staff Recommendation

Approve.



## MR 2016-088 Abandonment





245 ft 

**Chattanooga Hamilton County Regional Planning Agency**





May 3, 2016



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

RE: Case No. 2016-088

Dear Mr. Haynes:

EPB has located within the petitioned right-of-way, electrical and communications facilities which must be maintained for the use and benefit of our customers. We will not object to the closure, however, provided the entire petitioned right-of-way is reserved as an easement for the operation, maintenance, rebuilding, and replacement of these facilities and for ingress and egress to them.

Thank you for the courtesy notice.

Sincerely,

A handwritten signature in blue ink that reads 'Billy McGhee'.

William McGhee  
Right-of-Way Agent  
EPB



Chattanooga Gas™

An **AGL Resources** Company

2207 Olan Mills Drive  
Chattanooga, TN 37421

866 643-4138 phone  
www.chattanoogagas.com

May 12, 2016

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

Dear Sir:

Re: MR 2016-088

There is a conflict with the proposed abandonment 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



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

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

May 17, 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 MR2016-088

Dear Mr. Haynes:

In regards to Case Number MR2016-088 for the June 13<sup>th</sup>, 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 black ink, appearing to read "Roger L. Flood".

Roger L. Flood  
Area Manager OSP Planning & Engineering Design

cc: RPC File

*(c) AT&T Knowledge Ventures. All rights reserved. AT&T, AT&T logo, BellSouth and BellSouth logo are trademarks of AT&T Knowledge Ventures and/or AT&T affiliated companies.*



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

May 27, 2016

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

RE:Case # MR 2016-088

Dear Marcia:

Comcast does not concur to the closure case(s) in the 1600 block of Hillcrest Road. 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

Comcast Cable I.V.  
Roger Spain / James Paffy

### Abandonment/Closure Cards

| Case No.    | Closure O.K. |                                     |
|-------------|--------------|-------------------------------------|
|             | Yes          | No                                  |
| MR 2016-088 |              | <input checked="" type="checkbox"/> |
|             |              |                                     |
|             |              |                                     |
|             |              |                                     |
|             |              |                                     |
|             |              |                                     |
|             |              |                                     |
|             |              |                                     |
|             |              |                                     |
|             |              |                                     |

\* Comments forthcoming

### Abandonment/Closure Cards

Chattanooga Gas CO  
Harold Hyde

| Case No.   | Closure O.K. |                                     |
|--|--------------|-------------------------------------|
|  | Yes          | No                                  |
| MR 2016-088 Gas main on this side. Harold Hyde 5-10-16 |              | <input checked="" type="checkbox"/> |
|  |              |                                     |
|  |              |                                     |
|  |              |                                     |
|  |              |                                     |
|  |              |                                     |
|  |              |                                     |
|  |              |                                     |
|  |              |                                     |
|  |              |                                     |

\* Comments forthcoming

F.P.B.  
Billy McEhee

### Abandonment/Closure Cards

| Case No.    | Closure O.K. |                                     |
|-------------|--------------|-------------------------------------|
|             | Yes          | No                                  |
| MR 2016-088 |              | <input checked="" type="checkbox"/> |
|             |              |                                     |
|             |              |                                     |
|             |              |                                     |
|             |              |                                     |
|             |              |                                     |
|             |              |                                     |
|             |              |                                     |
|             |              |                                     |
|             |              |                                     |

\* Comments forthcoming

### Abandonment/Closure Cards

Bell South  
Jon mounts

| Case No.    | Closure O.K. |                                     |
|-------------|--------------|-------------------------------------|
|             | Yes          | No                                  |
| MR 2016-088 |              | <input checked="" type="checkbox"/> |
|             |              |                                     |
|             |              |                                     |
|             |              |                                     |
|             |              |                                     |
|             |              |                                     |
|             |              |                                     |
|             |              |                                     |
|             |              |                                     |
|             |              |                                     |

\* Comments forthcoming

### Abandonment/Closure Cards

City Police Dept.  
Lt. David. Gibb

| Case No.    | Closure O.K. |    |
|-------------|--------------|----|
|             | Yes          | No |
| MR 2016-088 | ✓            |    |
|             |              |    |
|             |              |    |
|             |              |    |
|             |              |    |
|             |              |    |
|             |              |    |
|             |              |    |
|             |              |    |

\* Comments forthcoming

### Abandonment/Closure Cards

Dept. of Transportation  
Ray Rucker

| Case No.    | Closure O.K. |    |
|-------------|--------------|----|
|             | Yes          | No |
| MR 2016-088 | ✓            |    |
|             |              |    |
|             |              |    |
|             |              |    |
|             |              |    |
|             |              |    |
|             |              |    |
|             |              |    |
|             |              |    |

\* Comments forthcoming

### Abandonment/Closure Cards

Chattanooga Fire Dept.  
Randal L Herron

| Case No.    | Closure O.K. |    |
|-------------|--------------|----|
|             | Yes          | No |
| MR 2016-088 | RA           |    |
|             |              |    |
|             |              |    |
|             |              |    |
|             |              |    |
|             |              |    |
|             |              |    |
|             |              |    |
|             |              |    |

\* Comments forthcoming

### Abandonment/Closure Cards

Design Engineering Division  
Brandon Sutton

| Case No.    | Closure O.K. |    |
|-------------|--------------|----|
|             | Yes          | No |
| MR 2016-088 | ✓            |    |
|             |              |    |
|             |              |    |
|             |              |    |
|             |              |    |
|             |              |    |
|             |              |    |
|             |              |    |
|             |              |    |

\* Comments forthcoming

### Abandonment/Closure Cards

| Case No.    | Closure O.K.                        |                          |
|-------------|-------------------------------------|--------------------------|
|             | Yes                                 | No                       |
| MR 2016-088 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |

\* Comments forthcoming

W.W.T.A.  
Mark Harrison

### Abandonment/Closure Cards

| Case No.    | Closure O.K.                        |                          |
|-------------|-------------------------------------|--------------------------|
|             | Yes                                 | No                       |
| MR 2016-088 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |

\* Comments forthcoming

City Engineer  
Bill Payne

BMD  
4/26/16

### Abandonment/Closure Cards

| Case No.    | Closure O.K.                        |                          |
|-------------|-------------------------------------|--------------------------|
|             | Yes                                 | No                       |
| MR 2016-088 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |

\* Comments forthcoming

Dept of Transportation  
Jackie Wolfe

### Abandonment/Closure Cards

| Case No.    | Closure O.K.                        |                          |
|-------------|-------------------------------------|--------------------------|
|             | Yes                                 | No                       |
| MR 2016-088 | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |
|             |                                     |                          |

\* Comments forthcoming

TN American Water Co.  
Meagan Catalina