RESOLUTION NO. 28030

A RESOLUTION AUTHORIZING WFM HOLDINGS, LLC C/O JOHN P. MCCLELLAN TO USE TEMPORARILY A DECK TO BE CONSTRUCTED ADJACENT TO THE BUILDING WITHIN THE ALLEYWAY LOCATED AT 538 CHEROKEE BOULEVARD, AS SHOWN ON THE PHOTOS AND DRAWINGS ATTACHED HERETO AND MADE A PART HEREOF BY REFERENCE, SUBJECT TO CERTAIN CONDITIONS.

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CHATTANOOGA, TENNESSEE, That WFM HOLDINGS, LLC C/O JOHN P. MCCLELLAN, (hereinafter referred to as "Temporary User") be and is hereby permitted to use temporarily a deck to be constructed adjacent to the building within the alleyway located at 538 Cherokee Boulevard, as shown on the photos and drawings attached hereto and made a part hereof by reference.

BE IT FURTHER RESOLVED, That said temporary usage shall be subject to the following conditions:

1.   Temporary User may execute the Indemnification Agreement prior to the granting of a temporary use by the City Council provided that any obligation to Indemnify and hold the City of Chattanooga, its officers, agents and employees harmless for any claims for damages for injuries to persons or property shall be void if the Temporary Use is not granted to applicant by the Chattanooga City Council. Temporary User agrees to comply with all terms and conditions of the Indemnification Agreement in the event a temporary use is granted by the City Council.

2.   Temporary User agrees to vacate the property and temporary use upon reasonable notice from the City to do so.

3.   Temporary User shall provide adequate access for maintenance of any utilities located within the easement.

4.   The deck is to be built per city codes and standards.

5.   Temporary User shall obtain necessary permits and approvals.

6.   Temporary User shall obtain a zoning variance regarding the front setback required by the property zoning.

ADOPTED: September 30, 2014

/mem

28030

Memorandum

To: Fritz Brogdon

From: Ed Bowen

cc: Bertran Kuyrkendall; Brandon Sutton

Date: August 27, 2014

Re: Temporary Usage Request #136403
538 Cherokee Blvd. (District 1)
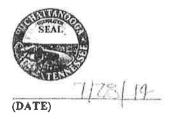John P. McClellan, WFM Holdings, LLC

Recommendations Regarding Temporary Usage Request

I have completed my review of Mr. McClellan's request regarding Temporary Usage at 538 Cherokee Blvd. to build a deck adjacent to this building within the alleyway as shown on the attached photos and drawings. My comments are as follows:

- The applicant wants the inside of the restaurant to be smoke free.
- The deck will serve customers of his restaurant.
- It will be approximately 8′ above ground level and will be approximately 42 ½′ long x 15′ wide.
- The applicant wants the deck to be substantial to avoid safety issues. Therefore, it will have concrete block foundation walls (free standing), a concrete deck floor, wood frame sound wall, and a metal shed roof.
- The city of Chattanooga has no sanitary sewer infrastructure in the subject portion of the alley.

After review, granting this Temporary Usage does not conflict with the public's interest. Therefore, I recommend that the request for *Temporary Usage be granted with these conditions:*

- The deck is to be built per city codes and standards.
- The applicant shall obtain necessary permits and approvals.
- The applicant shall obtain a zoning variance regarding the front setback required by the property zoning.

(DATE) 7/28/19

Bertran Kuyrkendall. P.E.
Transportation Engineer
Development Resource Center
1250 Market Street, Suite 3000
Chattanooga, Tennessee 37402

Re: Request for Temporary Usage

Dear Mr. Kuyrkendall:

This is a request for a temporary usage of _538 CHEROKEE BLVD - ALLEY TO EAST_
_42/2 X 15_

The reason for this request is as follows:
To BUILD A SMALL ADDMENT TO OUR BUILDING WITHIN THE
ALLEY WAY

In making this request: Temporary User agrees as follows:

1. Temporary User will defend, indemnify, and hold harmless the City of Chattanooga, Tennessee its officers, agents, and employees from any and all claims for damages for injuries to persons or property related to or arising out of the aforementioned temporary use.

2. Temporary user agrees to comply with any and all conditions recommended by the City Transportation Engineer and/or City Transportation Department and approved by the Chattanooga City Council during the review of this application. The failure to comply with any condition approved by the City Council may be grounds for revocation of this temporary use at any time after its approval

3. Temporary User will vacate the property and temporary use upon reasonable notice from the City to do so; the parties have to agree that reasonable notice shall be deemed to be thirty (30) days to restore the property to substantially the same condition that existed prior to granting the temporary use, including complying with any environmental regulations upon the request of the city to vacate the property and temporary use.

4. Temporary User will provide full access for maintenance of any utilities located within the easement.

5. Temporary User will obtain any and all other permits, variances, or approvals necessary to accommodate the temporary use.

6. Temporary user agrees to maintain the property in the condition equal to or better than the condition at the time the temporary use is granted.

7. If this request is for maintaining wells the applicant will upon satisfactory completion of use as determined by the Tennessee Department of Environment and Conservation, the wells will be abandoned using standard and acceptable practices, which shall include grouting from the bottom to top with a mixture of Portland cement and powdered bentonite and restoring the surface to its original condition as reasonably as possible.

My address and phone number is as follows: _538 CHEROKEE BLVD, CHATTANOOGA, TN 37405   423-667-7773_

(email address)

JOHN P MCLEMAN	_(signed)_	_7-28-14_
(Print) Applicant Name	(Sign) Applicant Name	Date
JOHN P. MCLEMAN	_(signed)_	_7-28-14_
(Print) Owner's Name	(Sign) Owner's Name	Date

This application must include the owner's signature and a site map of the referenced location to complete processing.

(Processing Fee of $110.00 payable to: City of Chattanooga)

John/WFM Holdings
538 Cherokee Blvd
District 1 Building deck into unopen alley

W Bell Ave

Cherokee Blvd

Gurley St

Stringer St

TEMPUSE

UNOPEN

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