

# STAFF CASE REPORT TO PLANNING COMMISSION

<b>Case Number:</b>	<b>MR-2014-104</b>	<b>PC Meeting Date: 10-13-14</b>
<b>Applicant Request:</b>	<b>Abandonment of portion of unopened street right-of-way</b>	
<b>Property Location:</b>	<b>11300 Block Bates Road</b>	
<b>Property Owner:</b>	<b>Ronnie L. Chapman</b>	
<b>Applicant:</b>	<b>Same</b>	
<b>Staff Recommendation:</b>	<b>APPROVE</b>	

## PROJECT ANALYSIS

### RPA Land Use & Transportation Comments

#### Project Description

The applicant requests abandonment of a leftover portion of Hamilton County unopened right-of-way to combine with adjacent State of Tennessee right-of-way currently under contract to purchase.

#### Site Description

The 1,115-square-foot site is a small, triangle-shaped tract and is surrounded by unopened State of Tennessee right-of-way. Adjacent to the unopened areas of state and county right-of-way are single-family residential uses which include the property owned by the applicant. The site is northeast of the intersection of Bates Road at Apison Pike.

#### Zoning History

This site was originally obtained approximately ten years ago by the State of Tennessee and Hamilton County for the widening of the intersection of Bates Road at Apison Pike.

#### Plans/Policies

There is no adopted land use plan for this site.

Right-of-way (ROW) Abandonment and Closure requests are reviewed using the Right-of-Way Closure and Abandonment Policy adopted by the Chattanooga-Hamilton County Regional Planning Commission in January 1997.

Review of rights-of-way for closure is based on a tiered classification. This right-of-way is Tier 3, rights-of-way which are not currently opened or which have never been opened. Applications for closure and abandonment on Tier 3 rights-of-way are reviewed using the adopted review factors and according to the tenets of this policy.

## STAFF CASE REPORT TO PLANNING COMMISSION

The staff recommendation for this request was based on an evaluation of the following review factors. Each factor is followed by staff's comments:

FACTOR	STAFF COMMENTS
1. Width of the ROW	Width of the ROW is 35 feet +/-
2. Presence of or potential for the location of utilities	EPB has electrical and communications facilities in the ROW; however, they will not object to the closure provided the ROW is reserved for the operation, maintenance, rebuilding, and replacement of these facilities and for ingress and egress to them.
3. Currently open to traffic	Currently not open to traffic
4. Potential for future use or which provide future connections to the existing street pattern or could provide needed services, and which are integral to the community's future development (i.e., access to abutting property, bypass for other streets, parking, etc.).	Limited potential for future use or future connections as the ROW is surrounded by State of Tennessee ROW, which the applicant is under contract to purchase
5. Type/condition of surface	ROW is unpaved and covered with grass.
6. Topography/grade – can it be built?	The existing topography does not preclude improvement of this ROW.
7. Will the closure and abandonment land-lock any property? If so, has a subdivision plat been submitted which eliminates this situation?	Adjacent properties will retain access on Bates Road.
8. Extenuating circumstances as specified by the applicant, e.g. necessary for expansion of a business or industry.	The applicant intends to combine the ROW, along with State ROW, which he is currently under contract to purchase, with the adjacent property which he owns.

### Hamilton County Infrastructure & Operational Comments

All land development projects are reviewed by Hamilton County Engineering & Water Quality staff. In addition to the requirements of the Hamilton County Zoning Regulations, all land development is further required to comply with current Hamilton County subdivision regulations, building and zoning codes, storm water/water quality regulations, and the landscape regulations.

Additional requirements, if needed, are indicated by department below either as comments or as conditions recommended to be attached to the final resolution.

### RPA Summary

The Regional Planning Agency is recommending approval of this closure request because adjacent properties will retain access on Bates Road. Furthermore, there is limited potential for future use of the right-of-way because it is surrounded by State of Tennessee right-of-way, which the applicant is under contract to purchase. Staff recommends, following Planning Commission action that the closure request

## **STAFF CASE REPORT TO PLANNING COMMISSION**

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should not be finalized by the County Commission until after the state right-of-way portion for this location has been purchased by the applicant.