

# STAFF CASE REPORT TO PLANNING COMMISSION

<b>Case Number:</b>	<b>MR-2014-092</b>	<b>PC Meeting Date: 09-08-14</b>
<b>Applicant Request:</b>	<b>Mandatory Referral closure/abandonment of unopened street</b>	
<b>Property Location:</b>	<b>100 block Georgia Avenue (Town of Lookout Mtn., TN)</b>	
<b>Property Owner:</b>	<b>Warren Cole</b>	
<b>Applicant:</b>	<b>Same</b>	
<b>Staff Recommendation:</b>	<b>DENY</b>	

## PROJECT ANALYSIS

### RPA Land Use Comments

#### Project Description

The applicant requests a partial right-of-way closure for a portion of Georgia Avenue in order to maintain property and construct a dwelling that is compatible with existing houses.

#### Site Description

This portion of Georgia Avenue, located within the 100 block, is physically unused and unopened. The right-of-way is approximately 180 feet in length and 40 feet in width. The right-of-way is adjacent to property owned by the applicant, which intersects with Eastview Drive.

#### Zoning History

This unopened right-of-way is shown on a recorded subdivision plat (plat book 3, page 28) and is located within the Town of Lookout Mountain, TN.

#### Plans/Policies

This site is not within an adopted land use plan.

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. The resolution to adopt the policy included the Town of Lookout Mountain.

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.

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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 40 feet +/-
2. Presence of or potential for the location of utilities	Utilities are present.
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.).	Potential to provide a future connection to the existing street pattern between Eastview Drive and Glenview Street.
5. Type/condition of surface	Street is unpaved and forested.
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 off of Eastview Drive and South Watauga Lane.
8. Extenuating circumstances as specified by the applicant, e.g. necessary for expansion of a business or industry.	The applicant intends to build a house that is in line with the other homes on the block, not set back, and to maintain, seed, and beautify the unopened ROW.

The applicant's request, in part, is to "build a house that is in line with other houses, not set back". The applicant may consider pursuing a setback variance from the Board of Commissioners of the Town of Lookout Mountain.

### Town of Lookout Mountain Departmental Infrastructure & Operational Comments

All land development projects are reviewed by the Town of Lookout Mountain staff and the Building Official.

### RPA Summary

The Regional Planning Agency is recommending denial of the proposed closure as the RPA endorses the preservation of rights-of-way, there are utilities present in the right-of-way, and the right-of-way has the future potential to improve the connectivity of the existing street pattern.