

# 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 40<sup>th</sup> Street east of Dodds Avenue**

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

## 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 39<sup>th</sup> Street and the 40<sup>th</sup> Street right-of-way.
- Current Access: 39<sup>th</sup> Street. The 40<sup>th</sup> 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

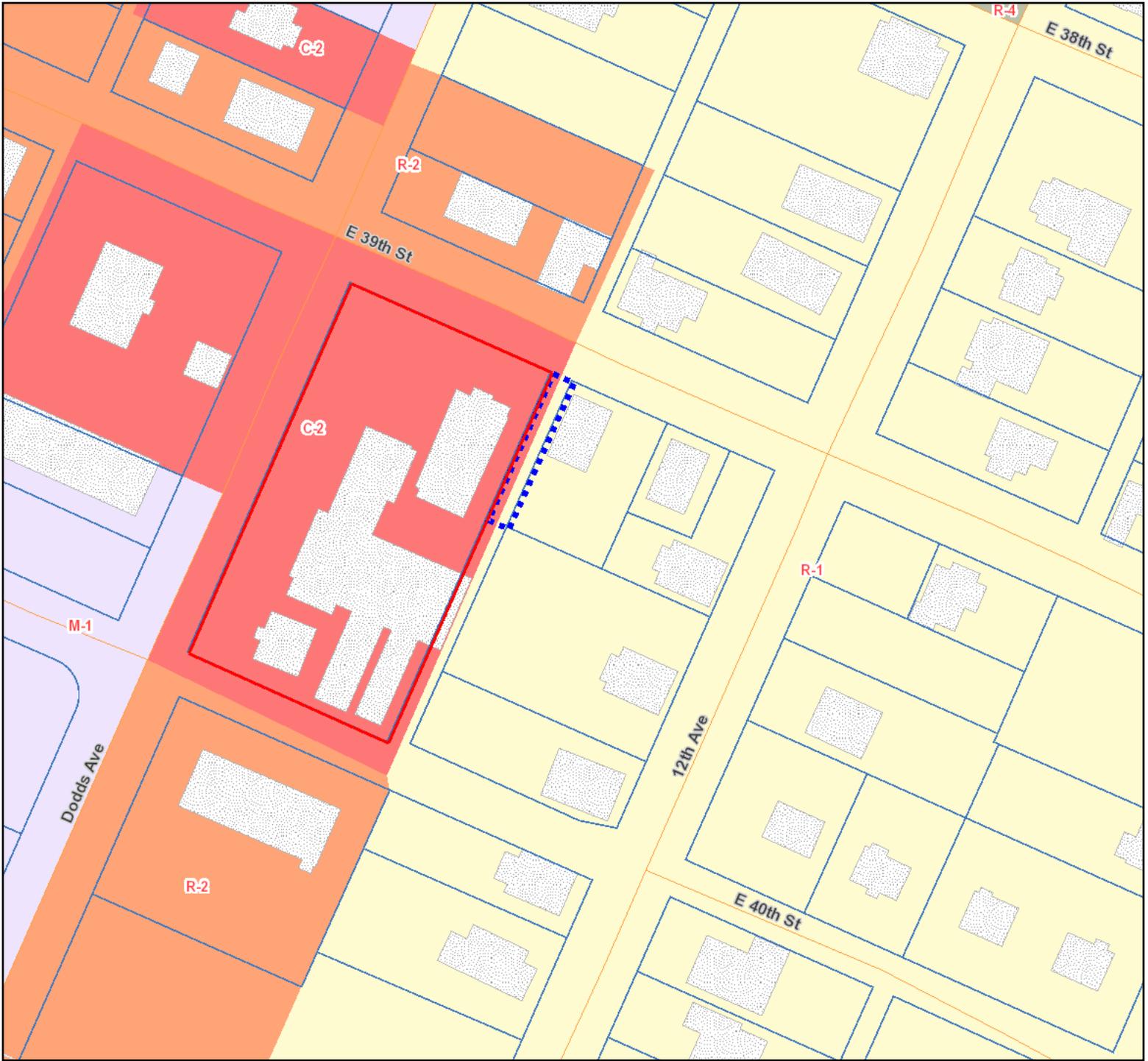
- The alley right-of-way is currently not (or partially) physically open and provides a limited level of service to the abutting property owners or to utilities (Tier 2).
- The proposal would limit or prohibit access to other existing lots.
- Any existing utility easements within the right-of-way should 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.

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- 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 40<sup>th</sup> 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 39<sup>th</sup> 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**



**Chattanooga Hamilton County Regional Planning Agency**

