

PLANNING COMMISSION CASE REPORT

Case Number: MR2016-074

PC Meeting Date: 06-13-16

Applicant Request

Mandatory Referral for Abandonment of Street Right-Of-Way

Property Location:	2500 block of Lifestyle Way & 2400 block of Elam Lane
Property Owner:	Gunbarrel Partners
Applicant:	Branch Acquisition Company LLC – Jack Haylett

Project Description

- Proposal: Abandonment of right-of-ways within project area for new development as proposed in associated rezoning Case #2016-060.

Site Analysis

Site Description

- Location: In the 2500 block of Lifestyle Way going in a northeast direction to Elam Lane and beginning in the 2400 block of Elam Lane going in a northeast direction to the end of Elam Lane.

Plans/Policies/Regulations

- The 2001 Hamilton Place Community Plan (adopted by City Council in 2001) recommends medium and high density residential development for the site.
- 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

- Lots 1, 3, 4, 6, 11, 13, 14 of Waterside subdivision along with 2416, 2418, 2424 and 2428 Elam Lane would become landlocked by this request.
- The proposal would set a precedent for future requests by allowing lots to be landlocked.
- The landlocked issue could be mitigated by combining several lots with access to public roads.
- This request is in association with rezoning request #2016-060 which is recommended by staff to be deferred until an updated traffic study can be completed by the applicant.
- Mandatory Referrals cannot be deferred by RPA staff or the Planning Commission unless the *applicant* requests a deferral. Therefore, a recommendation must be given by staff and the Planning Commission.

Staff Recommendation

Approve.