

**PLANNING COMMISSION CASE REPORT**

Case Number: MR 2016-141

PC Meeting Date: 10-10-16

**Applicant Request****Mandatory Referral to Abandon and Close a Street Right-Of-Way**

<b>Property Location:</b>	<b>Intersection of 1600 block of Rossville Avenue and 200 block of E. 17th Street.</b>
<b>Property Owner:</b>	<b>Jamarillo Gilberto Para</b>
<b>Applicant:</b>	<b>Jamarillo Gilberto Para</b>

**Project Description**

- Proposal: Closure of right-of-way to construct new building fronting on the existing sidewalk edge. Current property line is a large radius and impedes placement of building on corner.

**Site Analysis****Site Description**

- Closure includes the corner which begins approximately 15' southwest of the intersection of E 17<sup>th</sup> Street and Rossville Avenue, travels the northeast along the corner, and ends southeast for 15'.

**Plans/Policies/Regulations**

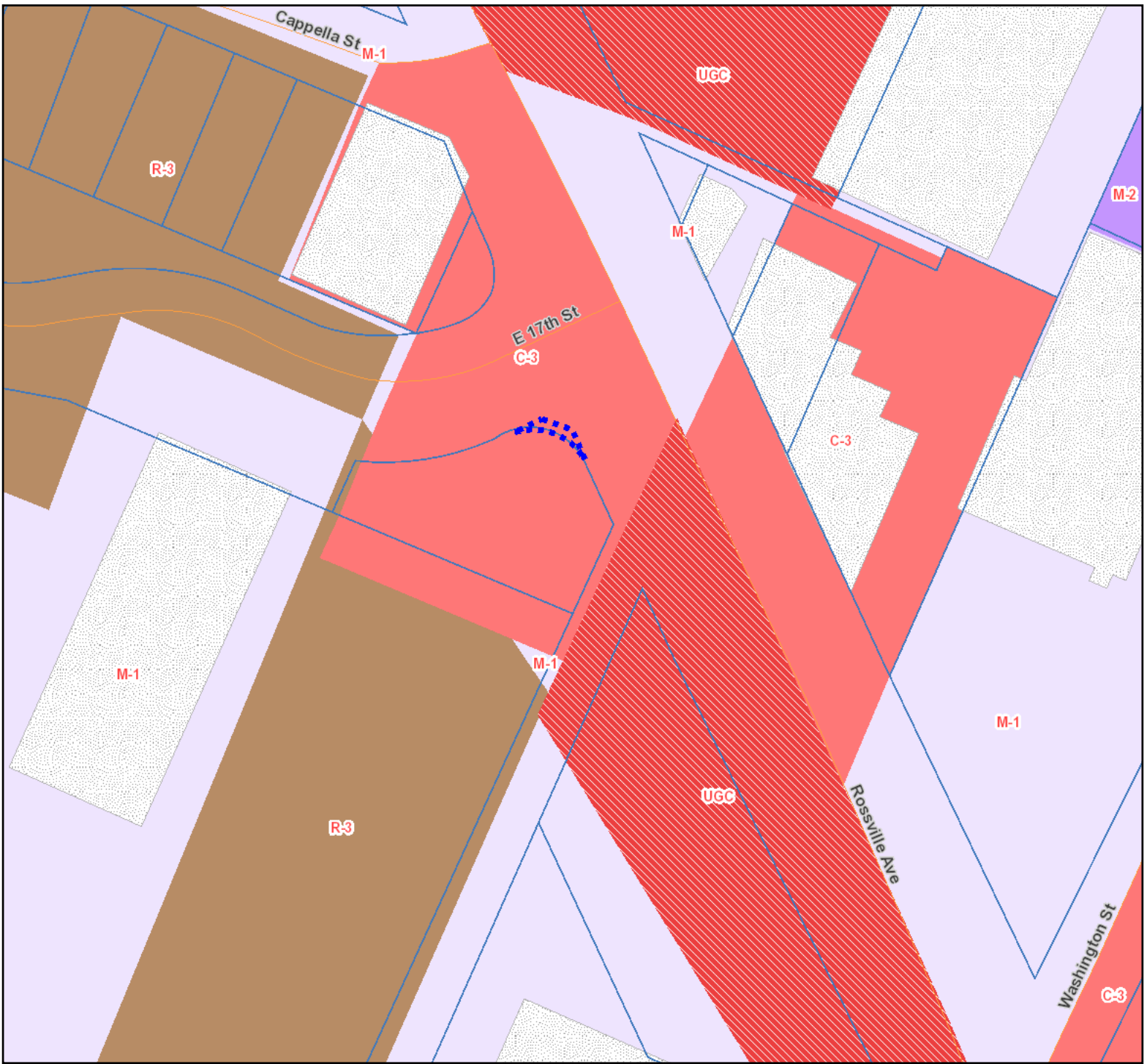
- Tiers: Review of rights-of-way for closures are based on a tiered classification system. This right-of-way is classified as a Tier 1. Rights-of-way currently open and in use by the public and which include any elements of a normal road including road pavement, sidewalks, curbs, storm drainage systems, sanitary drainage systems, water distribution systems, fire hydrants, utilities (electric, telephone, cable television, gas), provision for future utilities, streetlights, and trees. These rights-of-way will not be closed unless a suitable replacement is provided. Applications for closure and abandonment will be accepted rights-of-way and reviewed using the adopted review factors and according to the tenets of this policy.
- 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.
- The City of Chattanooga Right-Of-Way Closure and Abandonment Policy, adopted by the City Council on February 4, 1997 (Resolution #21267), gives guidance regarding alley and street right-of-way closure and abandonment requests. The intent of the policy is 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**

- The proposed closure does not impinge upon the sidewalk or street.
- The proposal is consistent with the development form of the area.
- Tennessee American Water requests an easement be provided to allow access to infrastructure.
- The closure will not land lock any parcels.

**Staff Recommendation**

Approve



## MR 2016-141 Abandonment

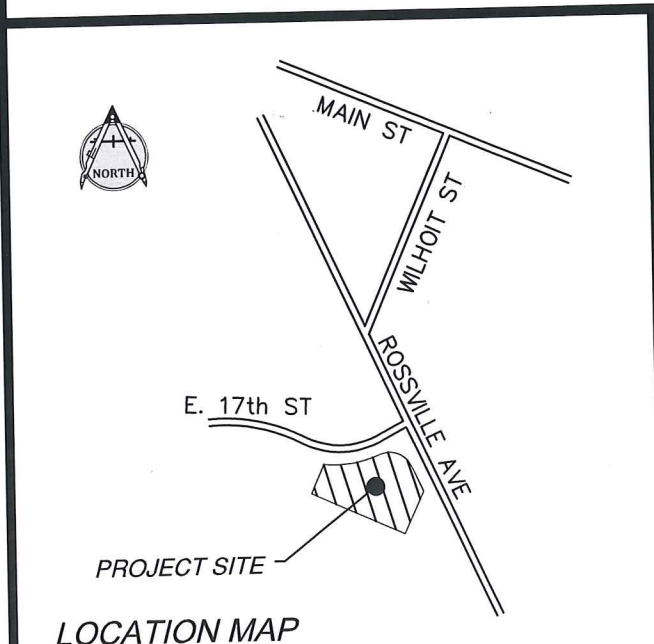
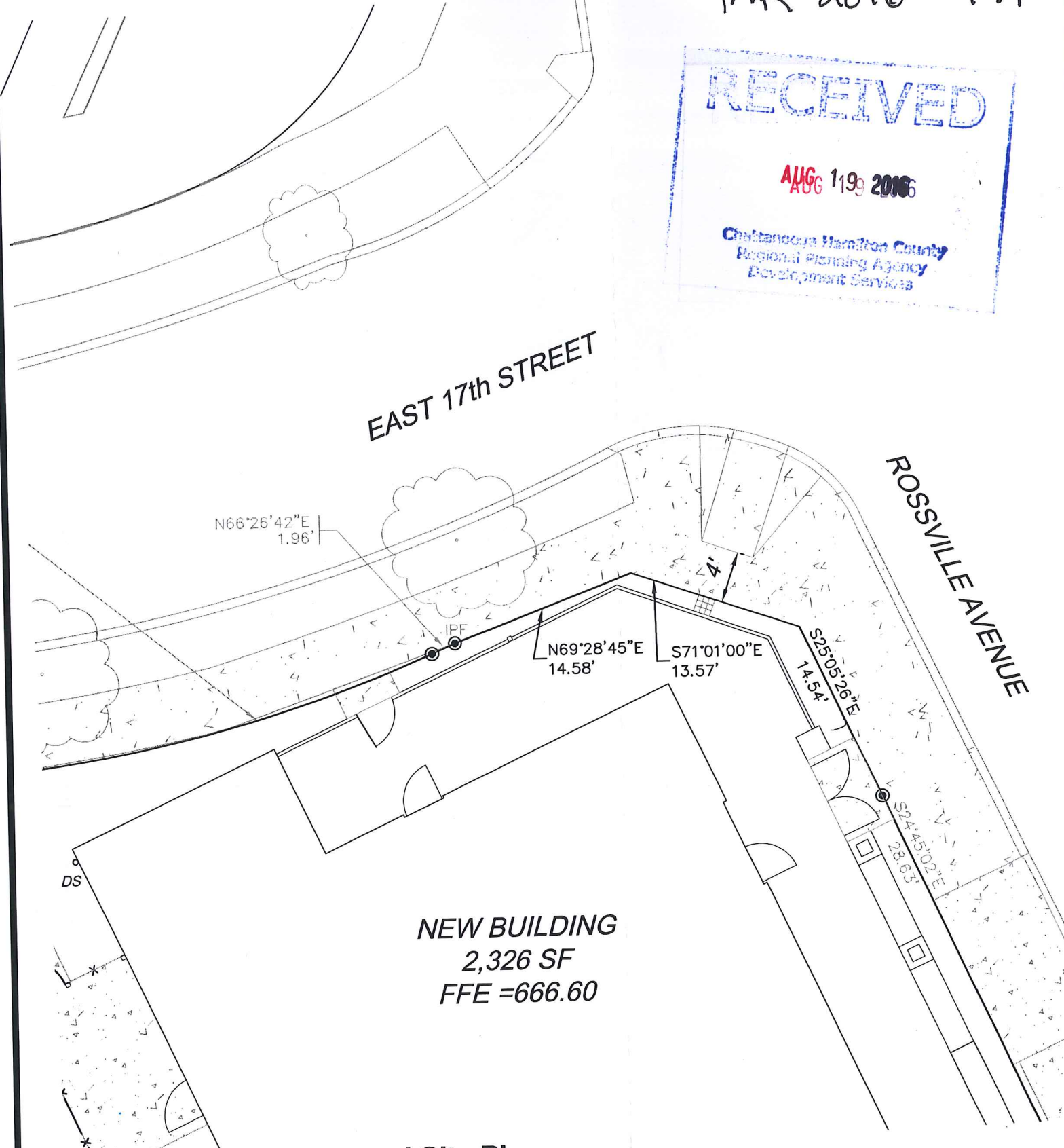
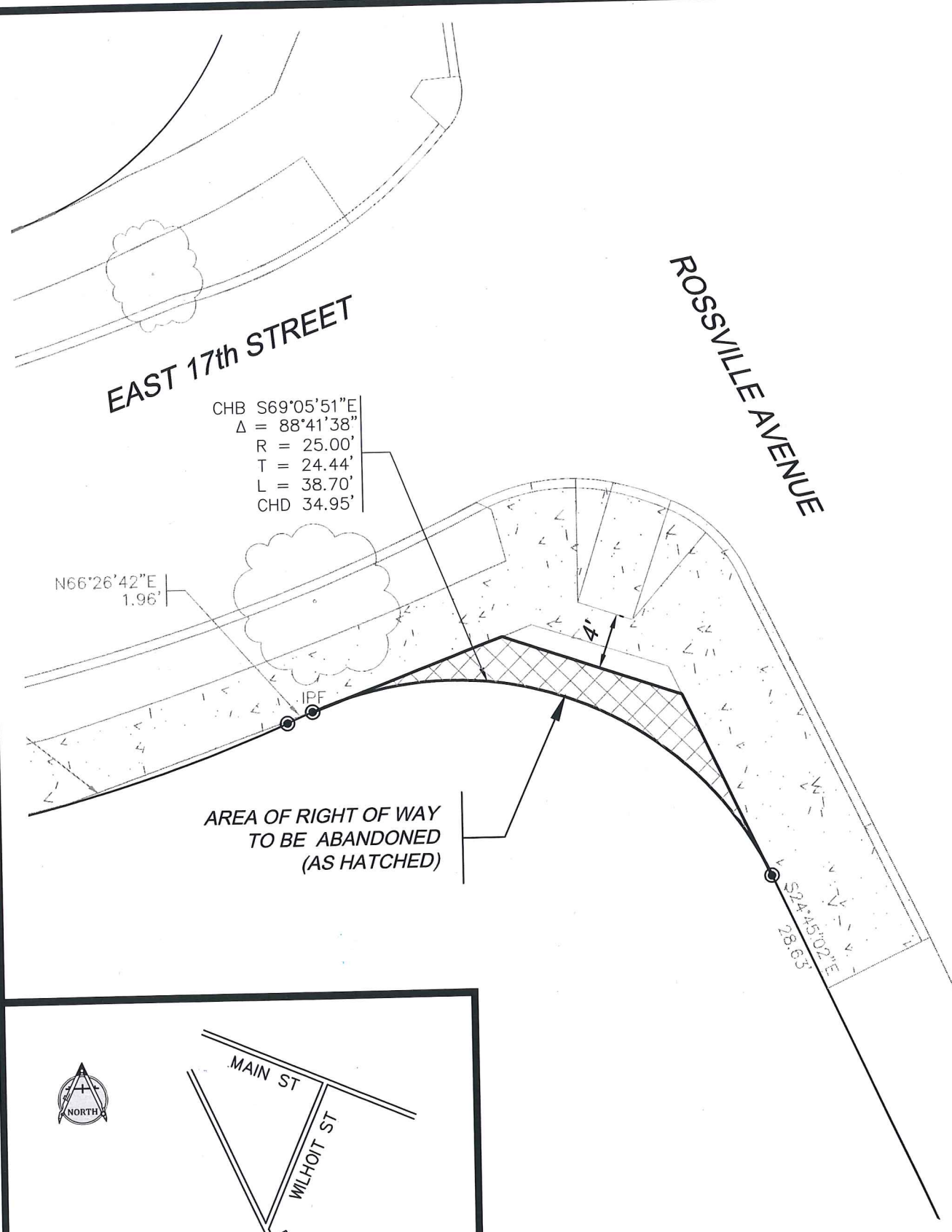
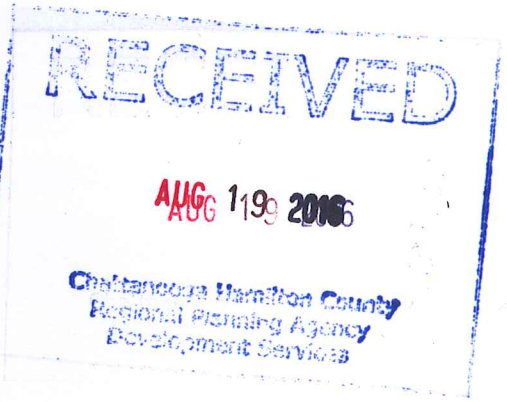


59 ft

Chattanooga Hamilton County Regional Planning Agency

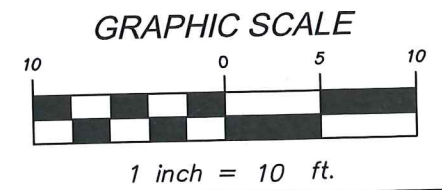
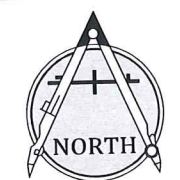


MK 2016-141



**Existing Conditions**

**Proposed Site Plan**



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 ADES Project # 16170

Mandatory Referral for  
**Taqueria Jalisco**  
 1639 ROSSVILLE AVENUE  
 CHATTANOOGA, TENNESSEE

Date: 08/17/2016  
 By: DJS  
 sheet #:  
**Ex-1**