

PLANNING COMMISSION CASE REPORT

Case Number: MR 2016-120

PC Meeting Date: 09-12-16

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

Property Location:	Parts of the 300 blocks of Mixson Street and Peak Street
Property Owner:	James Havron
Applicant:	James Havron

Project Description

- Proposal: Applicant is requesting the closure and abandonment of two different Right-Of-Way portions between two parcels owned by the applicant. These abandonment begins in the 300 block of Mixson Street going westward for approximately 182' and in the 300 block of Peak Street Going westward for approximately 180'.

Site Analysis**Site Description**

- Location: The first Right-Of-Way is an unimproved segment of Peak Street which ends into property at 892 High Ridge Drive. The second Right-Of-Way is an unimproved segment which branches off Mixson Street due west.
- Improvements: Both segments being requested for abandonment and closure are unimproved and heavily vegetated.
- Tiers: Both segments in the request fall under Tier 3: *"Rights-of-way which are not currently opened or which have never been opened."*

Plans/Policies/Regulations

- The Hill City – Northside Plan (adopted by City Council in 2003) recommends urban to medium residential at this area.
- 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 proposal is consistent with the development form of the area based on the inability for this right-of-way to continue transportation grid for the area.
- The proposal would not set a precedent for future requests.

Staff Recommendation

Approve