

PLANNING COMMISSION CASE REPORT

Case Number: MR 2016-124

PC Meeting Date: 09-12-16

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

Property Location:	100 block of Oak Street
Property Owner:	Richard & Peggy Horne
Applicant:	Richard & Peggy Horne

Project Description

- Proposal: Applicant is requesting closure and abandonment of unopened right-of-way to provide enough square footage through subdivision for a buildable lot.

Site Analysis**Site Description**

- Location: The unopened alley portion being requested for closure and abandonment starts at the intersection of unnamed alley and Oak Street heading northeast for approximately 200'.
- Tiers: The unnamed alley is an unopened right-of-way which is categorized as a Tier 3. Tier 3 is defined as, *"Rights-of-way which are not currently opened or which have never been opened."*

Plans/Policies/Regulations

- There is no land use plan for 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.
- The proposal would not set a precedent for future requests.

Staff Recommendation

Approve