

**PLANNING COMMISSION CASE REPORT**

Case Number: 2015-009

PC Meeting Date: 01-11-16

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

<b>Property Location:</b>	<b>2900 Block of Yerbey Drive</b>
<b>Property Owner:</b>	<b>Furrow Family Partnership</b>
<b>Applicant:</b>	<b>Peter Ludman</b>

**Project Description**

- Proposal: Close and abandon an approximately 425-foot long section of the public street between properties owned by the applicant to “join and maximize the use of two pieces of property” (quote from application).
- Proposed Access: Hamilton Park Drive and Yerbey Drive.
- Proposed Development Form: Not shown by applicant.
- Proposed Density: Not applicable.

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

- Location: Yerbey Drive is located on the east side of Lee Highway approximately 250 feet south of the Lee Highway and Bonny Oaks intersection.
- Tennessee Department of Transportation Functional Classification: Lee Highway is an Urban Principal Arterial but Yerbey Drive is not classified.
- Current Development form: Yerbey Drive connects Lee Highway and Hamilton Park Drive within this suburban commercial business park. The Yerbey Drive right-of-way is 50 feet wide. The right-of-way length from Lee Highway to Hamilton Park Drive is approximately 690 feet.
- Current Land Uses: The properties on both sides of Yerbey Drive (owned by the applicant) are used for auto sales and service. All other surrounding properties are also used for commercial businesses.
- Current Density: Not applicable

**Zoning History**

- All properties adjacent to Yerbey Drive are zoned C-2 Convenience Commercial.
- There has been no recent zoning activity near this site.

**Plans/Policies/Regulations**

- The Shallowford Road-Lee Highway Area Plan (adopted by City Council in 2005) recommends Heavy Business Mix.
- Mandatory Referrals: 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 Right-Of-Way Closure and Abandonment 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**

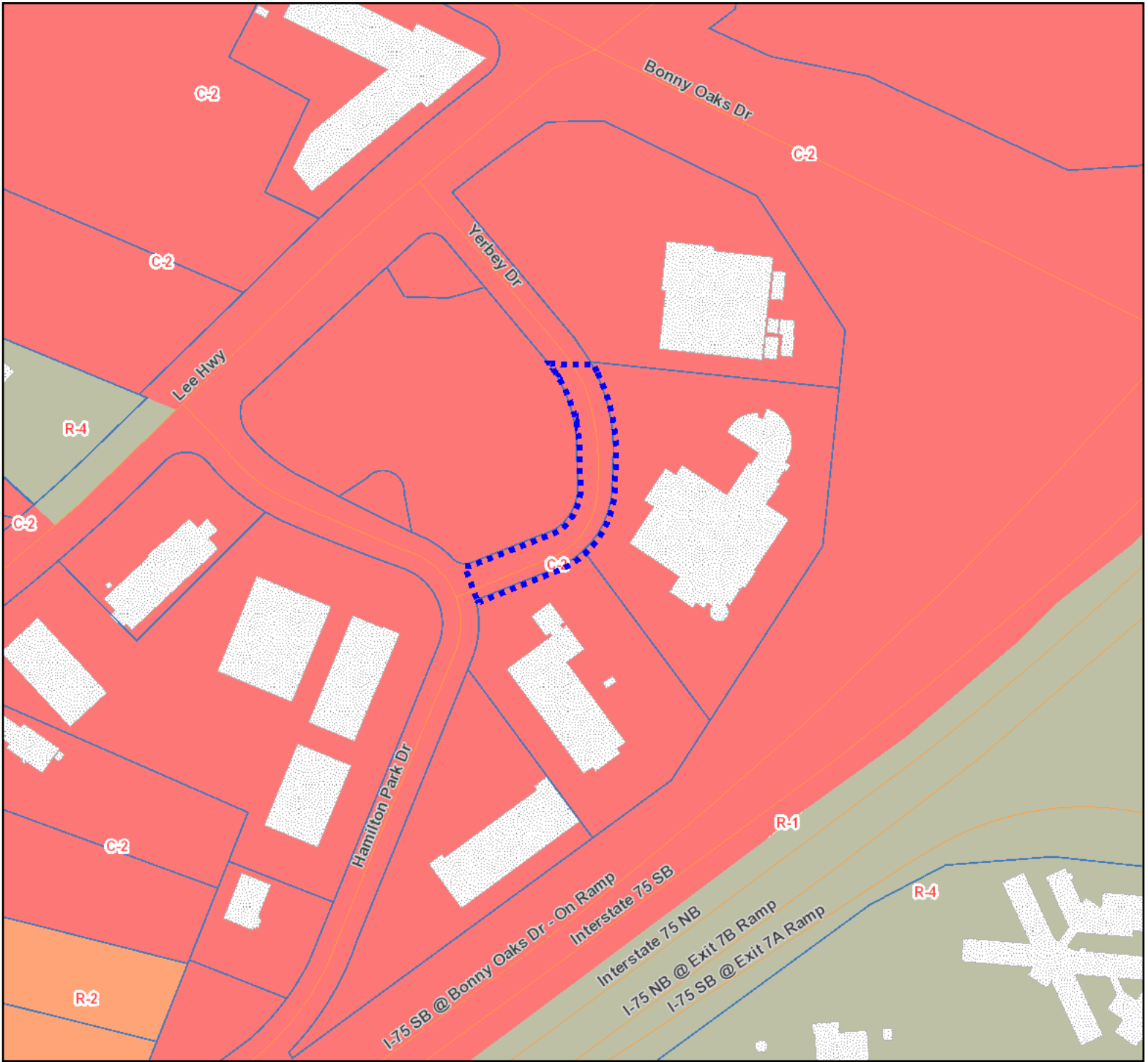
- Yerbey Drive is an open, maintained public street.
- Yerbey Drive is a Tier 1 Right-of-way per the 2005 City of Chattanooga Right-of-Way Closure and Abandonment Policy (Resolution 24532) which means that it is in use by the public. The policy recommends that these rights-of-way not be closed unless a suitable replacement is provided.

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- Public rights-of-way are a public resource and an integral element in shaping the community. Rights-of-way contain roads and other public services, allow access to, and servicing of, individual properties along its frontage, and provide shape and form to our neighborhoods and to commercial and industrial areas. It is the policy of the Regional Planning Agency 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.

### Staff Recommendation

Deny.



## MR 2016-009 Abandonment of a Portion of the 2900 blk of Yerbey Dr

193 ft

**Chattanooga Hamilton County Regional Planning Agency**