

**PLANNING COMMISSION CASE REPORT**

Case Number: MR 2016-133

PC Meeting Date: 09-12-16

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

<b>Property Location:</b>	<b>Unnamed Alley between West 21<sup>st</sup> Street and West 20<sup>th</sup> Street</b>
<b>Property Owner:</b>	<b>Susan L. Fogo</b>
<b>Applicant:</b>	<b>Susan L. Fogo</b>

**Project Description**

- Proposal: Applicant would like to close and abandon unopened alley as they are maintaining it and the city has no plans to open the alley.

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

- Location: Closure and Abandonment of entire alley from the intersection of unnamed alley and West 21<sup>st</sup> Street heading north for approximately 80 feet to the intersection at West 20<sup>th</sup> Street.
- Tiers: The right-of-way is unopened and provides limited access to the public placing this requested portion in tier 2. Tier 2 is defined as, *"Rights-of-way which are not currently opened or only partially opened but which provide a limited level of service to the abutting property owners or to utilities."*

**Plans/Policies/Regulations**

- 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