

**Chattanooga-Hamilton County Regional Planning Agency
PLANNING COMMISSION STAFF REPORT**

CASE NUMBER: 2018-0019	PC MEETING DATE: 01/08/2018	APPLICANT: Edward Frampton
PROPERTY OWNER: Int'l Bd of Jewish Missions	PROPERTY ADDRESS: Part of 5100 block of Genesis Lane	TAX MAP PARCEL ID: 110I-J-021.06 and 017.01
JURISDICTION: City of Chattanooga	SUMMARY OF REQUEST: Requesting the abandonment of an unused street right-of-way to create green space and parking.	

SITE PHOTOGRAPHS



View looking at requested abandonment as seen traveling down Genesis Ln.



View looking west down Genesis Ln.



View looking at requested abandonment as seen traveling down Genesis Ln.

PROPERTY DESCRIPTION

ROAD STATUS Partially Unopened The unopened right-of-way was dedicated to the City of Chattanooga in 2002 by the recording of Plat Book 68 Page 129.	IMPROVEMENT STATUS Partially Unimproved	LOCATION Beginning at the south line of a private drive off the 5100 block Genesis Ln. and ending 141.36 feet south at a dead end.
WIDTH OF R-O-W: Approximately 30' Ft.	NATURAL RESOURCES A small portion of the ROW is in the 500 Year Floodplain.	PRESENCE OF UTILITIES Unknown

ZONING, REGULATIONS & POLICIES

ZONING HISTORY	A portion of 5106 Genesis Lane located at the end of the cul-de-sac was rezoned from M-1 Manufacturing Zone to C-2 Convenience Commercial Zone by the Chattanooga City Council in 2014 (Ord. #12884).
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 within municipalities.
POLICIES	The City of Chattanooga Right-Of-Way Closure and Abandonment Policy, adopted by the City Council on November 8, 2016 (Resolution #28838), 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.

OTHER DEPARTMENT COMMENTS

<p>Chattanooga Dept. of Transportation</p>	<p>This request passed through the CDOT pre-application review. As a dead-end with no street in the ROW, it was determined to be inconsequential in terms of its abandonment. The applicant has been notified through that process that the abandonment will be conditional to ROW dedication for a new vehicular turnaround. ROW for the new cul-de-sac and pavement facilitating the turnaround will need to be provided meeting City standards in order to allow the abandonment.</p>
<p>AT&T</p>	<p>AT&T Southeast cannot agree to closure since facilities are in this area. Please reserve any existing or future utility easements inside the proposed abandonment areas.</p>
<p>EPB</p>	<p>EPB has located within the petitioned right-of-way, electrical and communications facilities which must be maintained for the use and benefit of our customers. We will not object to the closure, however, provided the entire petitioned right-of-way is reserved as an easement for the operation, maintenance, rebuilding and replacement of these facilities and for ingress and egress to them.</p>

DISCUSSION OF STAFF RECOMMENDATION

TIER CLASSIFICATION

Review of rights-of-way for closure will be based on a tiered classification.

Tier 2: 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. Applications for closure and abandonment will be accepted on Tier 2 rights-of-way and reviewed using the adopted review factors and according to the tenets of this policy

<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>DEMONSTRATED THE PUBLIC HAS NO FURTHER NEED OR INTEREST TO RETAIN R-O-W This ROW does not provide for any future transportation needs that cannot be met by existing infrastructure.</p>
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>ABANDONMENT OF R-O-W IS NECESSARY TO ACHIEVE A SIGNIFICANT PRIVATE OR PUBLIC INTEREST</p>
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>THE R-O-W PROVIDES EXISTING OR POTENTIAL SERVICE OR ACCESS TO ADJACENT PROPERTIES Access is provided by Genesis Lane and other private easements.</p>
<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>WILL THIS CLOSURE LAND-LOCK ANY PROPERTY This closure does not appear to landlock any property. Lot 4 of Northpark Office Center (PB 53-211), 1818 Hamill Road (Tax Map 110I-J-017.01) has access to Hamill Road by a private access easement per Deed Book 7043 Page 451. Commercially Zoned property does not have minimum lot frontage requirements. Commercial property can be accessed by private roads and/or access easements.</p>
<p><input checked="" type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> N/A</p>	<p>TOPOGRAPHY, GRADE OR OTHER NATURAL RESOURCES ON SITE A small portion of the ROW is in the 500 Year Floodplain.</p>

STAFF RECOMMENDATION

APPROVE