



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION  
CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY**

▶ **FILE #:** 2-A-13-SC **AGENDA ITEM #:** 5

POSTPONEMENT(S): 2/14/13 **AGENDA DATE:** 3/14/2013

▶ **APPLICANT:** ANTHONY P. CAPIELLO, JR. - ATTORNEY AT LAW

TAX ID NUMBER: 107 N J 002  
 JURISDICTION: Council District 2  
 SECTOR PLAN: West City  
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)  
 ZONING: C-3 (General Commercial)  
 WATERSHED: Fourth Creek

▶ **RIGHT-OF-WAY TO BE CLOSED:** Ben Atchley St  
 ▶ **LOCATION:** Between Kingston Pike and Homberg Drive

IS STREET:  
 (1) IN USE?: Yes  
 (2) IMPROVED (paved)?: Yes

▶ **APPLICANT'S REASON FOR CLOSURE:** Very sparsely used street. Closure will help adjacent owners redevelop adjacent parcels for new retail uses and allow for reconfiguration and sufficient parking to serve retailers as required by code. The closure will allow the right-of-way to return to the City and County tax rolls.

DEPARTMENT-UTILITY REPORTS: No objections from any departments or utilities have been received by staff as of the date of this report.

**STAFF RECOMMENDATION:**

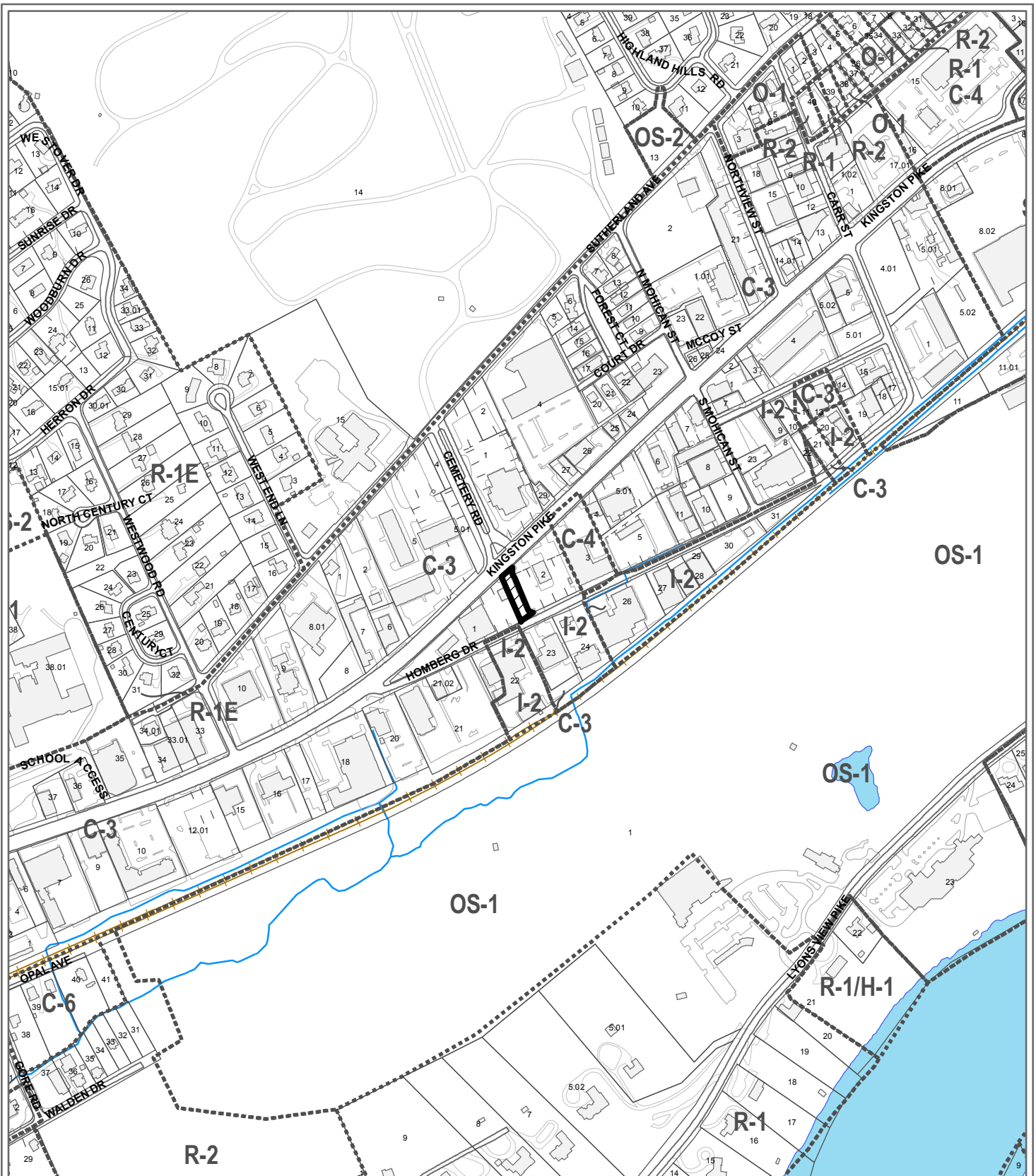
▶ **RECOMMEND** that City Council **APPROVE** the closure of Ben Atchley St., as requested, subject to any required easements.

Staff has received no objections from reviewing departments to this closure. The applicant has control of the two parcels to the east and west of the right-of-way.

**COMMENTS:**

The closure of the street, as proposed, will allow the two adjacent parcels to be combined into one larger site that would be more suitable for commercial development, as permitted by the zoning. Staff has received phone calls from an adjacent property owner on the south side of Homberg Dr., indicating opposition to the proposal. However, that property does not front on Ben Atchley St. The only two parcels that have frontage on Ben Atchley St. are controlled by the applicant.

If approved, this item will be forwarded to Knoxville City Council for action on 4/16/2013 and 4/30/2013. If denied, MPC's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



**2-A-13-SC  
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: Ben Atchley St  
 To be closed from: Kingston Pike  
 To be closed to: Homberg Drive

Original Print Date: 1/30/2013      Revised:  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Cappiello, Jr. - Attorney at Law,  
 Anthony P.

Map No: 107  
 Jurisdiction: City  
 0 500  
 Feet



2-A-13-SC000-CityEng



## CITY OF KNOXVILLE

Engineering  
James R. Hagerman, P.E.  
Director of Engineering

February 1, 2013

Mr. Mike Brusseau, AICP, Senior Planner  
Knoxville-Knox County Metropolitan Planning Commission  
City-County Building, Suite 403  
Knoxville, Tennessee 37902



SUBJECT: MPC File # 2-A-13-SC/ City Block 49420, 49410  
Request to close Ben Atchley Street from Kingston Pike to Homberg Drive.

Dear Mr. Brusseau:

The City Engineering Department has no objections to close the right-of-way as described above. Should this right-of-way be closed, the City will reserve easements for all drainage facilities and utilities, **if any**, located in or within five (5) feet of the property described herein.

If you have any questions, please call. You can reach me at 215-4615.

Sincerely,

A handwritten signature in cursive that reads "Benjamin D. Davidson".

Benjamin D. Davidson, PLS, Technical Services Administrator

C: Brently J. Johnson, P.E., R.L.S., Engineering Planning Chief

2-A-13-SC



## Fire Prevention Bureau

City of Knoxville  
400 Main Street, Suite 539  
Knoxville, TN 37902



### Memorandum

Date: January 22, 2013  
To: Mike Brusseau  
From: Sonny Partin, Deputy Fire Marshal  
Subject: Request for Information on Right of Way Closures, Fire Department Review

Road Name	Review Status	Comments
1. Ben Atchley St.	Approved	This road is not used to access any buildings.



Knoxville Utilities Board



January 9, 2013

Mr. Mike Brusseau  
Knoxville-Knox County  
Metropolitan Planning Commission  
Suite 403, City-County Building  
Knoxville, Tennessee 37902

Dear Mr. Brusseau:

**Re: Right-of-Way Closure Request 2-A-13-SC  
Block No. N/A  
CLT No. 107  
Parcel No. 1**

We have reviewed our records and find that we have existing utility facilities located within the subject right-of-way. The approximate location of these facilities is indicated on the enclosed prints. However, KUB does not release and hereby retains all easements and rights for existing utility facilities, whether or not shown on these prints.

Should this right-of-way be closed, KUB will require the following permanent easement for its utility facility.

Gas – 7.5 feet on each side of the centerline of the gas line, 15 feet total width

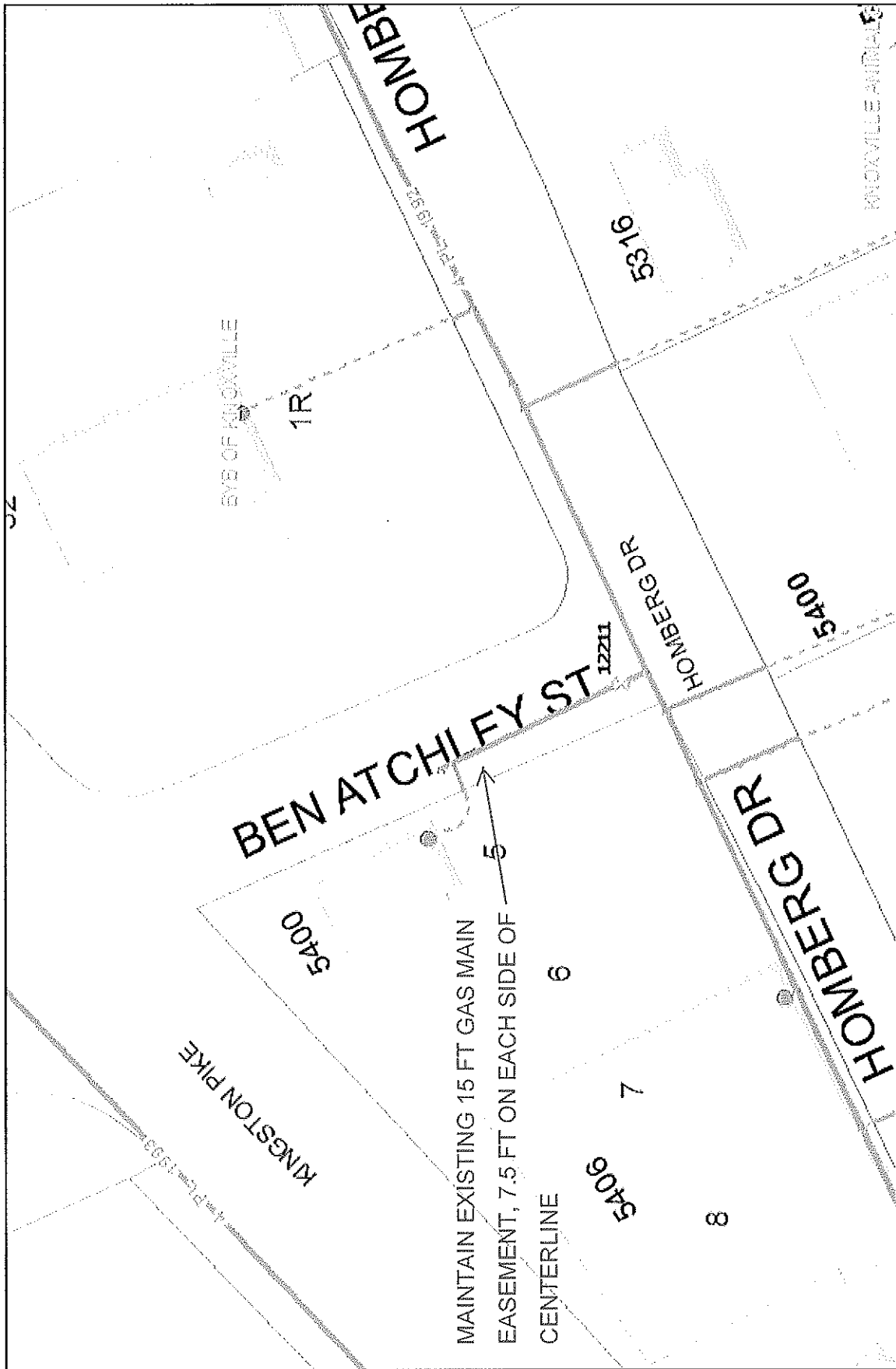
So long as these conditions are met, KUB has no objection to the closure of this right-of-way. If you have any questions regarding this matter, please call me at (865) 558-2291.

Sincerely,

Greg L. Patterson, P.E.  
Engineering

glp/ggt

Enclosure



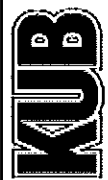
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**File No. 2-2A-13-SC Ben Atchley Street Closure (Gas)**

CLT MAP #107 PARCEL #1 CITY BLOCK #N/A

150 Feet



Knoxville Utilities Board

Product Warning: This map was produced from the Landbase information system maintained by KGIS. This map should not be relied on for engineering, design, or surveying work or other similar type uses. The information on this map is dated and has no warranty of merchantability or warranty for fitness of use for a particular purpose, express or implied. This map is produced, printed, and distributed as is, with all faults.