

▶ **FILE #:** 11-A-14-SC **AGENDA ITEM #:** 5
 POSTPONEMENT(S): 11/13/14, 5/10/2018 **AGENDA DATE:** 6/14/2018

▶ **APPLICANT:** TREVOR HILL

TAX ID NUMBER: 94 L L 001 [View map on KGIS](#)
 JURISDICTION: Council District 1
 SECTOR PLAN: Central City
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
 ZONING: C-3 (General Commercial)
 WATERSHED: Second Creek

▶ **RIGHT-OF-WAY TO BE CLOSED:** Forest Ave
 ▶ **LOCATION:** Between eastern edge of Twelfth St. right-of-way and southwestern edge of World's Fair Park Dr. right-of-way

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

▶ **APPLICANT'S REASON FOR CLOSURE:** The City Engineering office suggested the closure.

DEPARTMENT-UTILITY REPORTS: Several City of Knoxville departments have submitted correspondence objecting to this proposed street closure.

STAFF RECOMMENDATION:

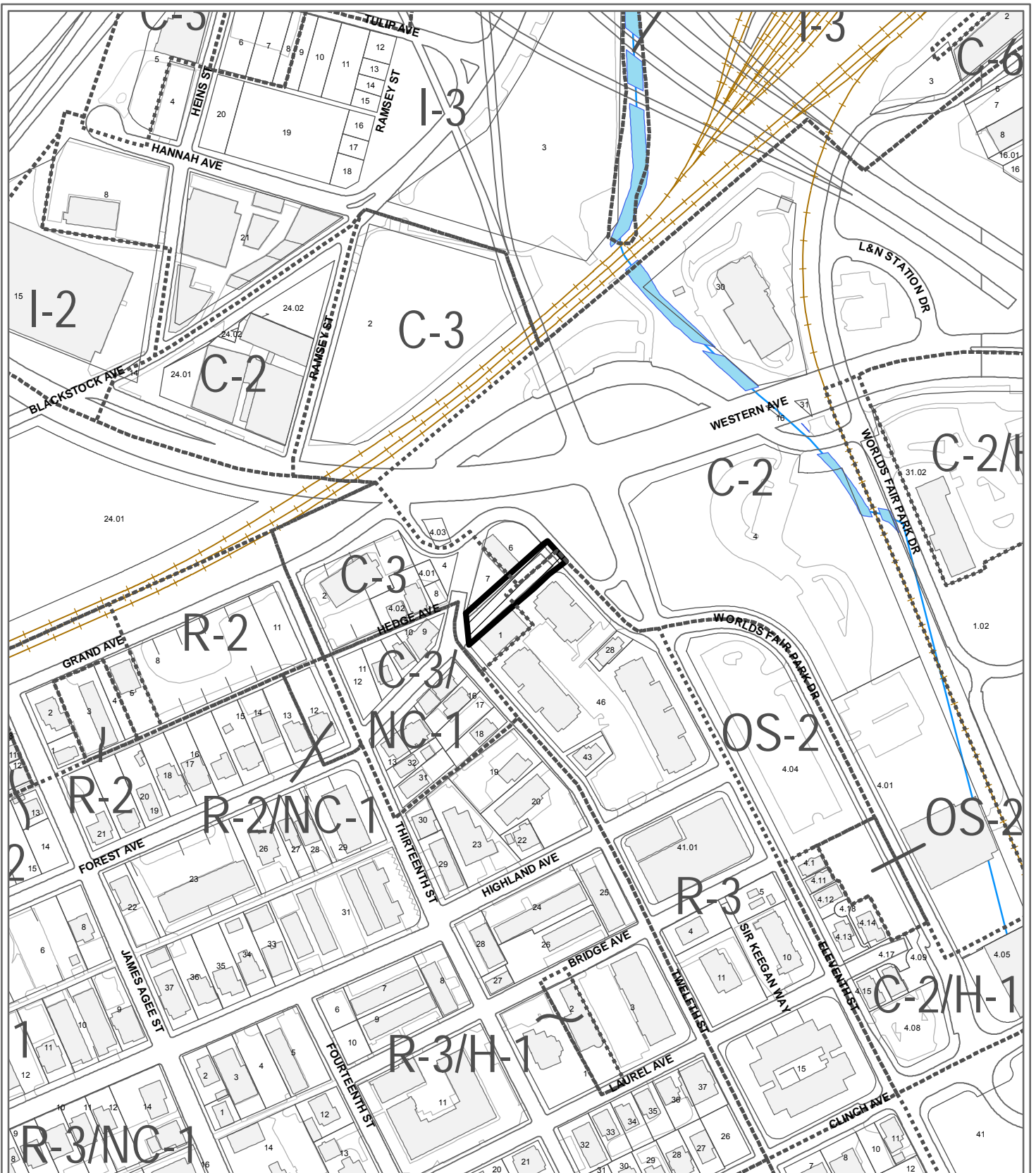
▶ **DENY the proposed closure of a portion of Forest Avenue.**

The City of Knoxville Engineering, Police and Fire Departments are all objecting to this proposed street closure. All have submitted attached correspondence stating their objections to the proposed closure.

COMMENTS:

Without the support of the reviewing City departments, MPC staff can not support this proposed street closure.

If approved, this item will be forwarded to Knoxville City Council for action on 7/17/2018 and 7/31/2018. 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.



**11-A-14-SC
CLOSURE OF PUBLIC RIGHT OF WAY**

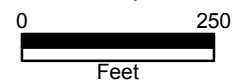
Name of Street or Alley: Forest Ave
 To be closed from: eastern edge of Twelfth St. right-of-way
 To be closed to: southwestern edge of World's Fair Park Dr. right-of-way

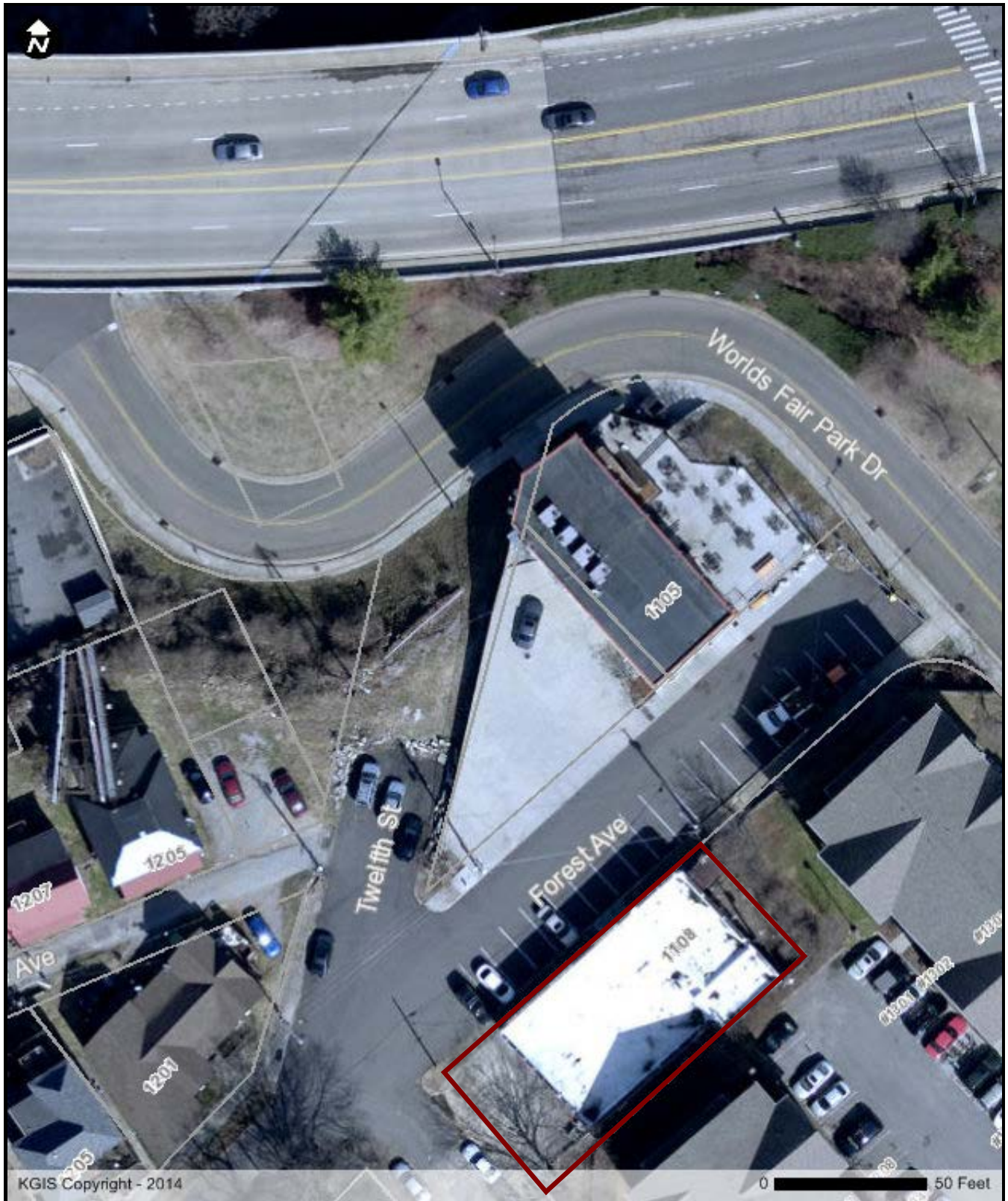
Original Print Date: 10/27/2014 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Hill, Trevor

Map No: 94

Jurisdiction: City





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0 50 Feet

KGIS - 606 Main St - Suite 150 - Knoxville, TN 37902 - www.kgis.org

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11-A-14-SC



11-A-14-SC_photo2



11-A-14-SC - cor - City Eng

CITY OF KNOXVILLE



CITY OF KNOXVILLE
BILL HASLAM, MAYOR

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

June 1, 2018

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

SUBJECT: Proposed Closure of a Portion of Forest Ave Running from Twelfth St to World's Fair Park Dr
MPC File # 11-A-14-SC; Adjacent City Block 10143

Mr. Brusseau:

The City Engineering Department objects to closing all of the portion of Forest Avenue as shown on MPC File No. 11-A-14-SC citing pedestrian connectivity concerns along the south side of the right-of-way where there is an existing sidewalk. However, City Engineering would support a partial closure of this area, whereby a 10 foot wide portion along the southern side of Forest Ave would remain an open public right-of-way for pedestrian connectivity and maintenance thereof.

Sincerely,

Benjamin D. Davidson, PLS, Technical Services Administrator, Department of Engineering
Ph: 865-215-2148

C: Christopher S. Howley, P.E., Engineering Planning Chief



CITY OF KNOXVILLE

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



October 28, 2014

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

SUBJECT: Proposed Closure of a Portion of Forest Ave Running from Twelfth St to World's Fair Park Dr
MPC File # 11-A-14-SC; Adjacent City Block 10143

Mr. Brusseau:

The City Engineering Department has no immediate or future plans to support closing this portion of right-of-way. The area currently supports pedestrian connectivity from the neighborhood to World's Fair Park Dr and there is also an intersecting open public right-of-way that would be landlocked by this closure.

In addition to these reasons, City Engineering has also been informed that the Knoxville Fire Department, "KFD", and Knoxville Police Department, "KPD", have stated reasons for not supporting this closure area as well. The KFD states accessibility concerns and the KPD's response was summarized in a letter sent to MPC, dated October 31, 2014, signed by David B. Rausch, Chief of Police.

Sincerely,

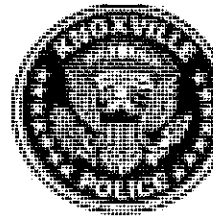
Benjamin D. Davidson, PLS, Technical Services Administrator, Department of Engineering
Ph: 865-215-2148

C: Brentley J. Johnson, P.E., R.L.S., Engineering Planning Chief
Christopher S. Howley, P.E., Plans Review and Development Inspections

11-A-14-SC - cor-KPD



KNOXVILLE POLICE DEPARTMENT
THE CITY OF KNOXVILLE, TENNESSEE



MAYOR MADELINE ROGERO

CHIEF DAVID B. RAUSCH



October 31, 2014

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

SUBJECT: Proposed Closure of a Portion of Forest Ave Running from Twelfth St to
World's Fair Park Dr
MPC File # 11-A-14-SC; Adjacent City Block 10143

Mr. Brusseau:

The Knoxville Police Department is in opposition to any immediate or future plans to close this portion of right-of-way. The area currently supports pedestrian connectivity from the neighborhood to World's Fair Park Dr and there is also an intersecting open public right-of-way that would be landlocked by this closure. In addition to these reasons, the Knoxville Police Department has concerns about access to the area and the ability to turn vehicles. We also have concerns about prior commercial use of the area without proper authorization. This includes the improper removal of restrictive parking signage, the painting of parking lines on the roadway, and the practice of charging the public to park in what is a restricted roadway owned by the City of Knoxville.

Respectfully,

David B. Rausch
Chief of Police
865-215-7229



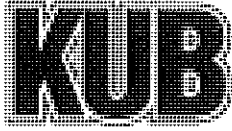
Fire Prevention Bureau

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

Memorandum

Date: November 6, 2014
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. Twelfth St.	Disapproved	We are unfamiliar with this project and it appears to restrict access to businesses.
2. Forest Ave.	Disapproved	We are unfamiliar with this project and it appears to restrict access to businesses.



Knoxville Utilities Board

11-A-14-SC - cor - KUB



October 16, 2014

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 11-A-14-SC
Block No. 10143 & 10146
CLT No. 94
Parcel No. 7**

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.

- Electric – 10 feet on each side of the centerline of the electric line, 20 feet total width
- Gas – 7.5 feet on each side of the centerline of the gas line, 15 feet total width
- Sewer – 7.5 feet on each side of the centerline of the wastewater line, 15 feet total width
- Water – 7.5 feet on each side of the centerline of the water line, 15 feet total width

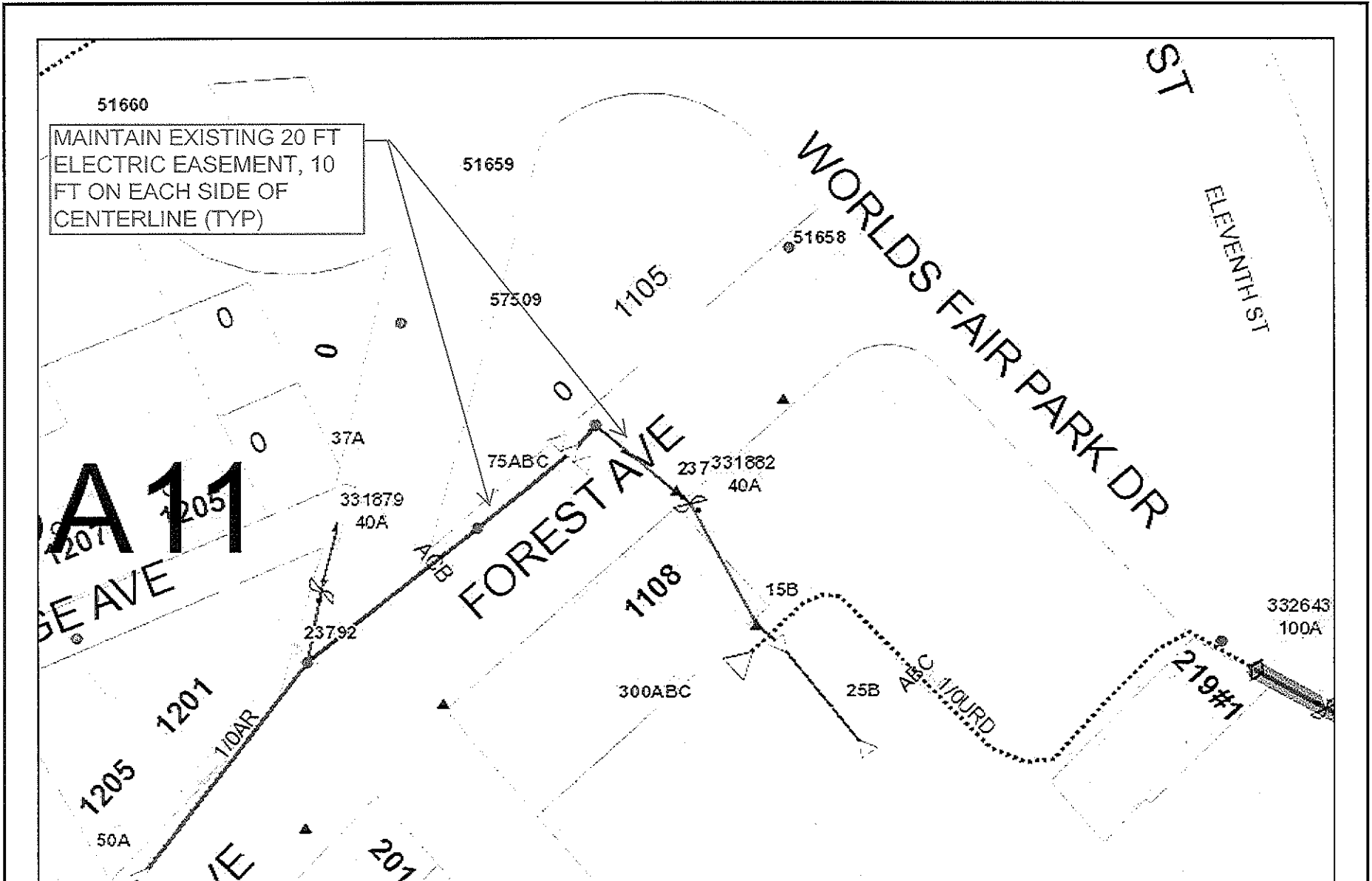
So long as these conditions are met, KUB has no objection to the closure of this right-of-way. If you have any questions regarding this matter, please call me at (865) 558-2291.

Sincerely,

Greg L. Patterson, P.E.
Engineering

GLP/ggt

Enclosure



File No. 11-A-14-SC Forest Avenue (Street Closure) ELECTRIC

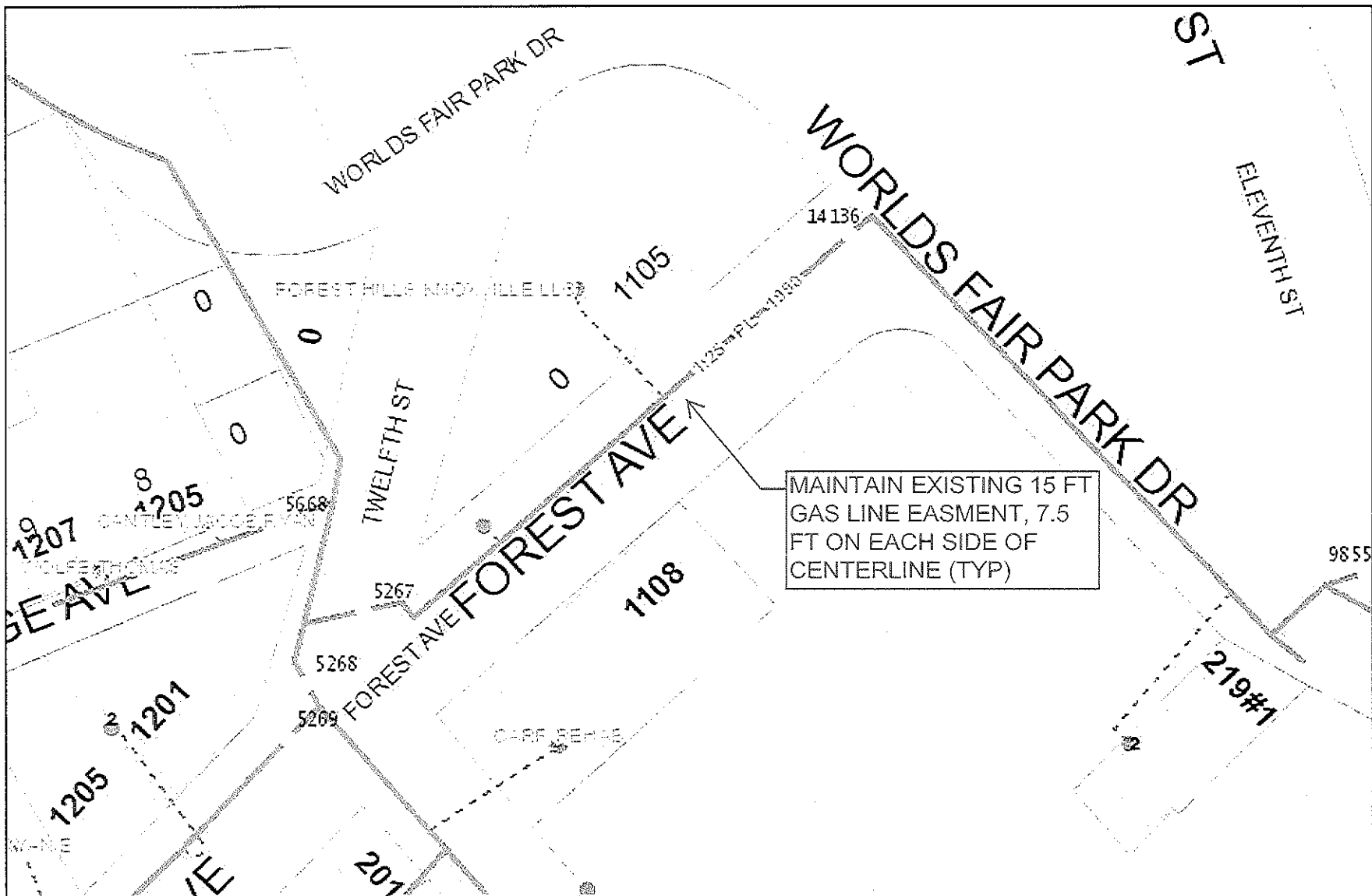
Printed: 10/18/2014 8:18 AM

MAP #94 CITY BLOCK #10143 & 10146 PARCEL #7



Knoxville Utilities Board

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File No. 11-A-14-SC

Forest Avenue (Street Closure)

GAS

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MAP #94

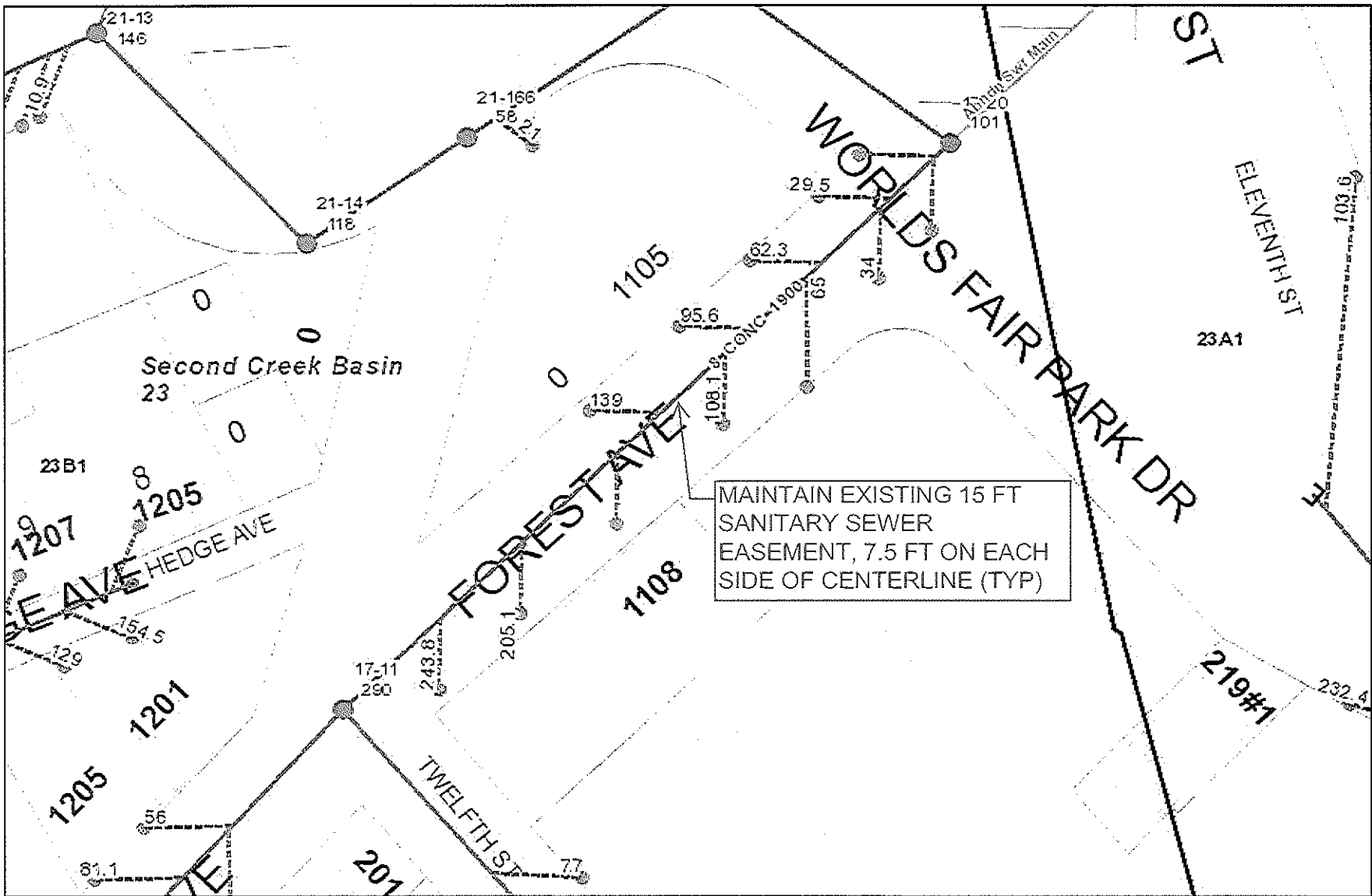
CITY BLOCK #10143 & 10146 PARCEL #7



Knoxville Utilities Board



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Knoxville Utilities Board

File No. 11-A-14-SC

Forest Avenue (Street Closure)

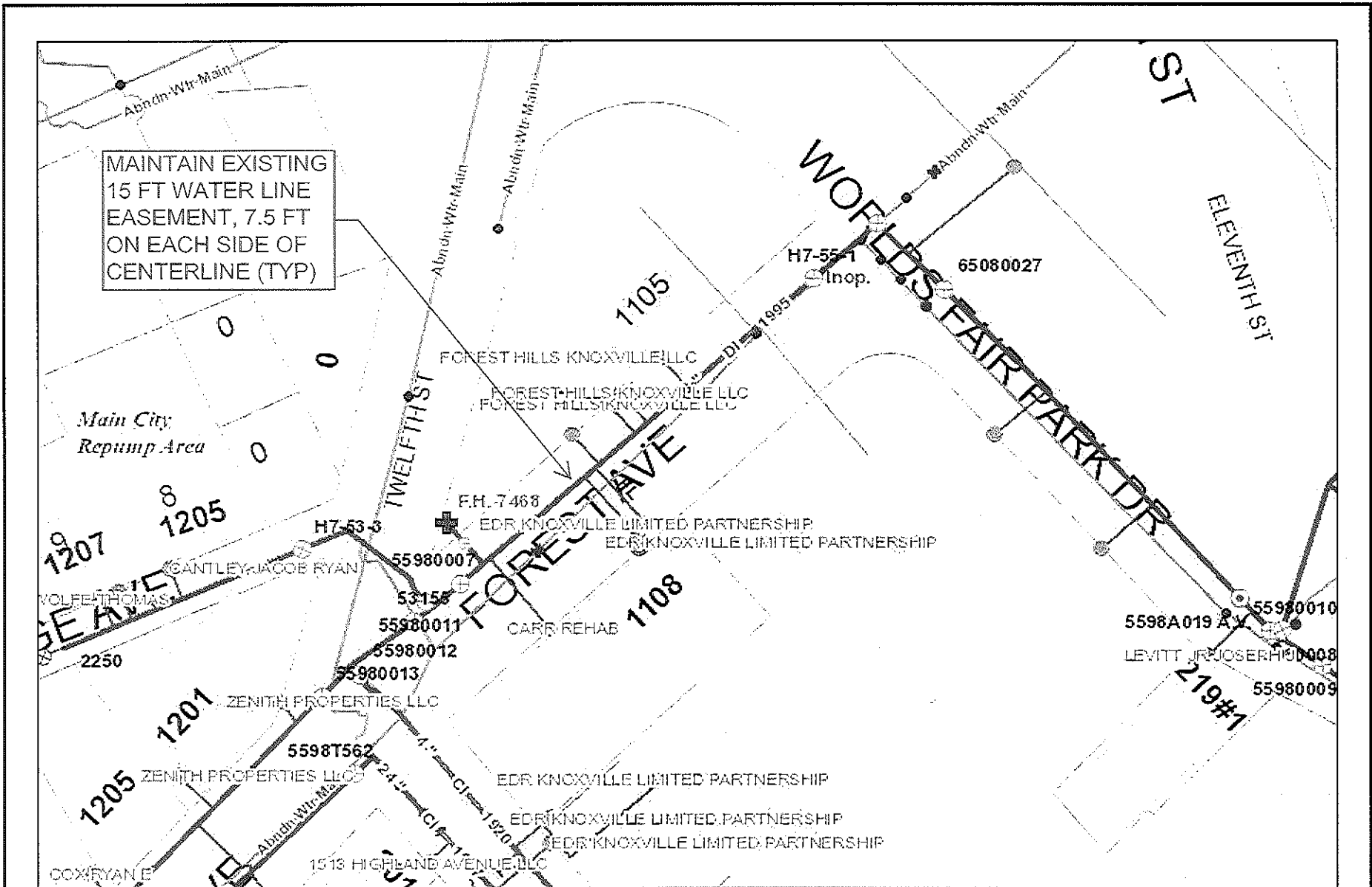
SEWER

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MAP #94 CITY BLOCK #10143 & 10146 PARCEL #7



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Knoxville Utilities Board

File No. 11-A-14-SC

MAP #94

Forest Avenue (Street Closure)

CITY BLOCK #10143 & 10146 PARCEL #7

Water

Printed: 10/18/2014 8:18 AM



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KNOXVILLE-KNOX COUNTY

Request to Postpone • Table • Withdraw

M P C

METROPOLITAN
P L A N N I N G
C O M M I S S I O N

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2000
FAX • 215 • 2000
www.knoxmpc.org

Name of Applicant: Trevor Hill
AS IT APPEARS ON THE CURRENT MPC AGENDA

Original File Number(s): 11-B-14-SC

Date Scheduled for MPC Review: March 12, 2015

Date Request Filed: 3/6/15 Request Accepted by: Brusseau

REQUEST

Postpone

Please postpone the above application(s) until:

DATE OF FUTURE MPC PUBLIC MEETING

Table

Please table the above application(s).

Withdraw

Please withdraw the above application(s).

State reason for request:

To have the adjacent alley boarded then to reapproach once the issues have been addressed

Eligible for Fee Refund? Yes No

Amount: _____

Approved by: _____

Date: _____

APPLICATION AUTHORIZATION

I hereby certify that I am the property owner, applicant, or applicant's authorized representative.

Signature: Trevor Hill

PLEASE PRINT
Name: Trevor Hill

Address: 1105 Forest Ave

City: Knoxville State: TN Zip: 37916

Telephone: 865-546-1011

Fax: N/A

E-mail: trevor.hill@gnat.com

PLEASE NOTE

Consistent with the guidelines set forth in MPC's Administrative Rules and Procedures:

POSTPONEMENTS

Any first time (new) MPC application is eligible for one automatic postponement. This request is for 30 days only and does not require MPC approval if received by MPC no later than 3:30 p.m. on the Monday prior to the MPC meeting. All other postponement requests must be acted upon by MPC before they can be officially postponed to a future MPC public meeting.

TABLINGS

Any item requested for tabling must be acted upon by MPC before it can be officially tabled.

WITHDRAWALS

Any MPC item is eligible for automatic withdrawal. A request for withdrawal must be received by MPC no later than 3:30 p.m. on the Monday prior to the MPC meeting. Withdrawal requests that do not meet these guidelines must be acted upon by MPC before they can be officially withdrawn.

Any new item withdrawn may be eligible for a fee refund according to the following:

Application withdrawal with fee refund will be permitted only if a written request is received by MPC prior to public notice. This request must be approved by either the Executive Director, or the Development Services Manager. Applications may be withdrawn after this time, but without fee refund.

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.knoxmpc.org

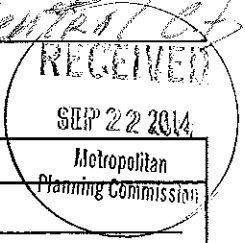
RIGHT-OF-WAY CLOSURE

Name of Applicant: Trevor Hill

Date Filed: 9/22/14 Fee Paid: 250.00 File Number: 11-A-14-56

Map Number: 094 Zoning District: 2-3 City County Sector: Central City

Jurisdiction: City 1 Councilmanic District



INFORMATION:

Name of Right-of-Way: Forest Ave

Type of Right-of-Way: Street Alley

Location of Right-of-Way:
 BETWEEN (City Block or Lot where appropriate) 10143
 AND (City Block or Lot where appropriate) 10146

Right-of-Way is: In Use Yes No Improved (example: paved) Yes No

Reason for Closure: The City Engineers office thinks its a good idea.

TO BE CLOSED:

From: (Street, Alley, Other) <u>East Row of Twickell St</u>	To: (Street, Alley, Other) <u>Western Row of Worlds Fair Park Dr</u>
--	---

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Trevor Hill 1105 Forest Ave Knoxville TN 37916 (540-1011)

Name: (Print) Address City State Zip Phone Fax

AUTHORIZATION OF APPLICATION:

I hereby certify that I am the authorized applicant, or representing the applicant and ALL property owners involved in this request or holders of option on same.

Signature: [Signature]

Trevor Hill 1105 Forest Ave Knoxville TN 37916 (540-1011)

Name: (Print) Address City State Zip Phone Fax

APPLICATION ACCEPTED BY: DA

ARTHUR G. SEYMOUR, JR.
ROBERT L. KAHN
REGGIE E. KEATON
DONALD D. HOWELL
DEBRA L. FULTON
MICHAEL W. EWELL
JOHN M. LAWHORN
JAMES E. WAGNER
BEVERLY D. NELMS
MARY ELIZABETH MADDOX
BENJAMIN C. MULLINS
RICHARD T. SCRUGHAM, JR.
MATTHEW A. GROSSMAN
SHARON POTTER
KEVIN A. DEAN
TAYLOR D. FORRESTER

LAW OFFICES
FRANTZ, McCONNELL & SEYMOUR LLP
ESTABLISHED 1902

Email: bmullins@fmsllp.com
Direct Fax: 865-541-4609

650 W. MAIN STREET
SUITE 500
P.O. Box 39
KNOXVILLE, TENNESSEE 37901
TELEPHONE: 865-546-9321
FACSIMILE: 865-637-5249
WEB SITE: WWW.FMSLLP.COM

OF COUNSEL:
FRANCIS A. CAIN
IMOGENE A. KING

July 31, 2014

Via First Class Mail
& *E-mail: hankhill@epbfi.com*

Hank Hill, Esq.
701 Cherry Street, Suite 200
Chattanooga, TN 37402

Re: Purchase of 219 12th Street, Knoxville, TN

Dear Mr. Hill:

I am enclosing a revised Letter of Intent, which incorporates the changes you suggested in your July 29, 2014, letter. As a condition to this change, we want to clarify Condition No. 2. Based on my review of the Knox County ordinances, we believe a long-term lease for the parking would be the best method of operation, and we want to make sure that as part of our leasing the property back from Mr. Hill that we are indemnified and held harmless from any code violations and/or nuisances present on the non-leased portion of the property and that our right to utilize the property as extra parking for our tenants will not be interrupted during any construction activities on the remaining parcel of the property. I think that was the intent behind my conversation with Trevor Hill, but we did not work out all the details. Obviously, more details will need to be addressed, but we do want at least get these basic understandings memorialized so we can move forward. If you have any questions, please feel free to call me.

Sincerely,


Benjamin C. Mullins
FRANTZ, McCONNELL & SEYMOUR, LLP

BCM:erl
Enc.

cc: Trevor Hill (via e-mail)
Elizabeth L. Keough, Esq. (via e-mail)
Ms. Scarlet Stomieroski (via e-mail)

ARTHUR G. SEYMOUR, JR.
ROBERT L. KAHN
REGGIE E. KEATON
DONALD D. HOWELL
DEBRA L. FULTON
MICHAEL W. EWELL
JOHN M. LAWHORN
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MATTHEW A. GROSSMAN
SHARON POTTER
KEVIN A. DEAN
TAYLOR D. FORRESTER

LAW OFFICES
FRANTZ, McCONNELL & SEYMOUR LLP
ESTABLISHED 1902

Email: bmullins@fmsllp.com
Direct Fax: 865-541-4609

550 W. MAIN STREET
SUITE 500
P.O. Box 39
KNOXVILLE, TENNESSEE 37901

TELEPHONE: 865-546-9321
FACSIMILE: 865-637-5249
WEB SITE: WWW.FMSLLP.COM

OF COUNSEL:
FRANCIS A. CAIN
IMOGENE A. KING

July 31, 2014

Via First Class Mail
& E-mail: trevor.hill1@gmail.com

Mr. Trevor Hill
THE HILL BAR
1105 Forest Ave.
Knoxville, TN 37916

Re: Purchase of 219 12th Street, Knoxville, Tennessee

Dear Trevor:

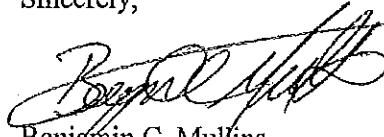
This letter is to memorialize our intent to sell to you, and your intent to purchase, the residence at 219 12th Street, Knoxville, Tennessee, subject to the following conditions:

1. \$5,000.00 cash at closing;
2. All the existing parking, and access to parking, shall remain in its current configuration and be leased to The Commons at Knoxville, or its successors-in-interest, under a long-term ground lease for \$1.00 per year. Said ground lease shall secure uninterrupted access to the parking, even during periods of construction, and provide an indemnification and hold harmless clause holding The Commons at Knoxville, or its successors-in-interest, harmless for any code violations or nuisances that occur on the unleased portions of the property;
3. The Commons at Knoxville will quit-claim to you any interests it has in Forest Avenue;
4. You will pay for all the title work and related expenses performed in the closing of this sale;
5. You will take the property as-is and subject to all codes violations and orders, indemnifying and holding The Commons at Knoxville or its successors-in-interest harmless from any future codes violations of the property; and
6. You will reasonably and timely undertake renovations of the property to bring it in compliance with the Knox County code and make it suitable for human habitation so long as the final cost of the same is not economically prohibitive and is physically viable according to architectural and engineering standards.

Mr. Trevor Hill
Re: Purchase of 219 12th Street, Knoxville, Tennessee
July 31, 2014
Page 2

If these conditions meet your approval, please sign where indicated at the bottom of this letter of intent so we can begin the process of preparing the appropriate documents and closing on this property.

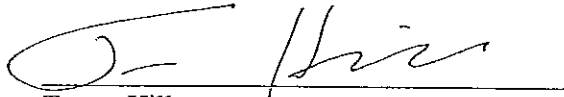
Sincerely,



Benjamin C. Mullins
FRANTZ, McCONNELL & SEYMOUR, LLP

BCM:erl

cc: Elizabeth L. Keough, Esq. (via e-mail)
Ms. Scarlet Stomieroski (via e-mail)



Trevor Hill

9-10-14
Date