



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

▶ **FILE #:** 11-A-19-AC **AGENDA ITEM #:** 5
POSTPONEMENT(S): 11/14/2019 **AGENDA DATE:** 12/12/2019

▶ **APPLICANT:** AARON M. GRAY

TAX ID NUMBER: 108 N/A [View map on KGIS](#)
JURISDICTION: Council District 1
SECTOR PLAN: Central City
GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
ZONING: FD-CU-1 (Form District - Cumberland Avenue Corridor - Lake Avenue)
WATERSHED: Third Creek

▶ **RIGHT-OF-WAY TO BE CLOSED:** Unnamed alley
▶ **LOCATION:** Between S. Twenty First Street and Twenty Second Street, south of Cumberland Avenue

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

▶ **APPLICANT'S REASON FOR CLOSURE:** The intended development plans to utilize the entire block as part of the project. The applicant states that the concept would create a scenario where the alley would no longer be necessary for access to any of the parcels. The development would also create one lot out of the existing parcels and the abandoned alley.

DEPARTMENT-UTILITY REPORTS: The City of Knoxville Engineering Department has provided a memo (dated November 1, 2019) stating that they object to this proposed closure.

STAFF RECOMMENDATION:

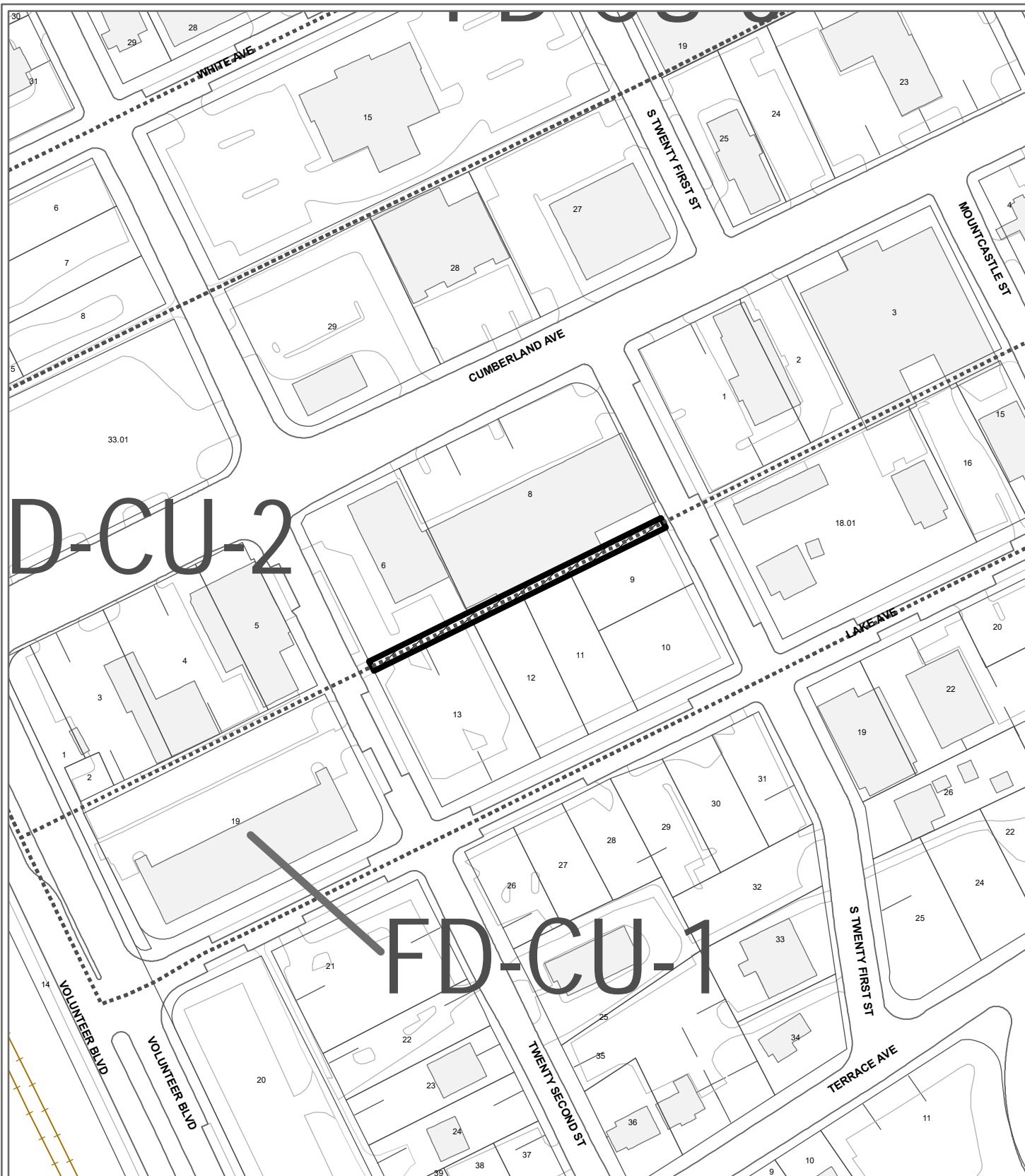
▶ **Deny closure of the unnamed alley south of Cumberland Avenue between S. Twenty First and Twenty Second Streets as it is an active alley that provides connectivity in an area of high congestion with several one-way streets and restricted turning options.**

COMMENTS:

1. Planning staff recommends denial of the alley as it is an active alley providing necessary connectivity in an area with one-way streets to the south and congestion on Cumberland to the north.
2. The City Engineering Department objects to the closure of the above referenced alley as it currently provides connectivity in an area of high congestion with several one-way streets and restricted turning options. Closure of this alley would be highly disruptive to the area. The applicant proposes a new development that requires closure of the alley in order to utilize the entire city block. However, at this time, the plans for development are still in the conceptual phase. City Engineering will require more detailed information to evaluate the overall feasibility of the proposed development and whether or not the completed development's public benefit would outweigh the current benefit of the alley.

3. KUB found there were existing utility facilities located within the subject right-of-way. The approximate locations of these facilities are 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 easements for its utility facilities:
 - a. Electric – 10 feet on each side of the centerline of the electric line, 20 feet total width
 - b. Gas – 7.5 feet on each side of the centerline of the gas line, 15 feet total width
 - c. Sewer – 7.5 feet on each side of the centerline of the sewer line, 15 feet total width
4. The City of Knoxville Fire Department did not have any comments or objections.
5. TDOT District 18 cited no issues with the requested alley closure.

If approved, this item will be forwarded to Knoxville City Council for action on 1/14/2020 and 1/28/2020. If denied, Knoxville-Knox County Planning Commission'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 a Planning Commission decision in the City.



D-CU-2

FD-CU-1

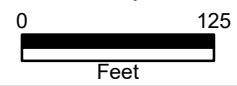
**11-A-19-AC
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: Unnamed alley
 To be closed from: S. Twenty First Street
 To be closed to: Twenty Second Street

Original Print Date: 10/11/2019 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Gray, Aaron M.

Map No: 108
 Jurisdiction: City





11-A-19-AC -pp- 11/14/19

Dori Caron <dori.caron@knoxplanning.org>

[Planning Commission Comment] Fwd: Cumberland Avenue @ 22nd Street Apartments

Michelle Portier <michelle.portier@knoxplanning.org>
Reply-To: michelle.portier@knoxplanning.org
To: Commission <commission@knoxplanning.org>

Tue, Nov 12, 2019 at 9:02 AM

Good morning everyone,

The applicant for item #5, the alley closure south of Cumberland Avenue between S. Twenty First Street and Twenty Second Street is requesting a 30-day postponement per the email below.

Thank you,
Michelle

----- Forwarded message -----

From: **Mike Reynolds** <mike.reynolds@knoxplanning.org>
Date: Tue, Nov 12, 2019 at 8:47 AM
Subject: Fwd: Cumberland Avenue @ 22nd Street Apartments
To: Michelle Portier <michelle.portier@knoxplanning.org>

Mike Reynolds, AICP
Senior Planner
865.215.3827



Knoxville-Knox County Planning | KnoxPlanning.org
400 Main Street, Suite 403 | Knoxville, TN 37902

----- Forwarded message -----

From: **Aarron Gray** <gray@fulghummacindoe.com>
Date: Mon, Nov 11, 2019 at 1:34 PM
Subject: Cumberland Avenue @ 22nd Street Apartments
To: mike.reynolds@knoxplanning.org <mike.reynolds@knoxplanning.org>

Mike...on behalf of the applicant (Greystar Worldwide, LLC), we would like to request that the alley closure request (11-A-19-AC) be postponed for 30 days to the December meeting. Please let me know if you have any questions or need any additional information. Thanks.

Aarron M. Gray, P.E.

Fulghum, MacIndoe, & Associates, Inc.

10330 Hardin Valley Road, Suite 201

Knoxville, TN 37932

Direct: 865.251.5071

Main: 865.690.6419

Cell: 865.386.3172

Email: gray@fulghummacindoe.com

www.FulghumMacIndoe.com

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Michelle Portier, AICP

Planner

865.215.3821

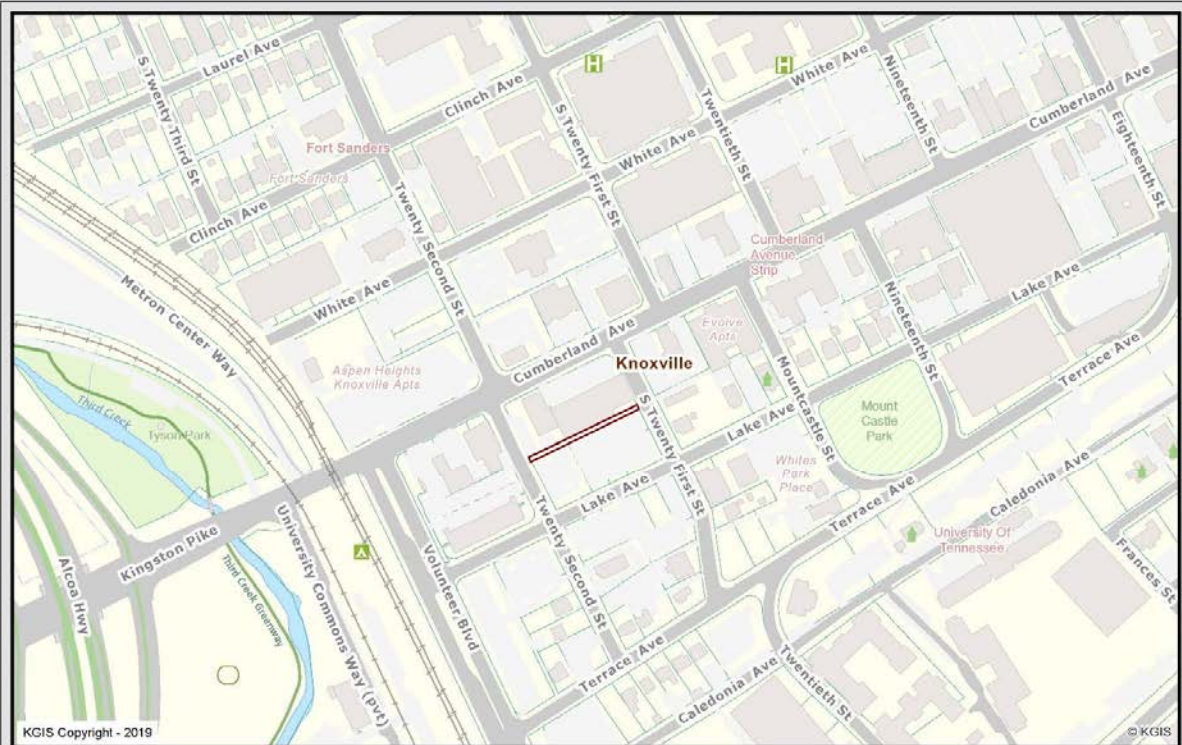


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This message was directed to commission@knoxplanning.org

11-A-19-AC
Exhibit A. Contextual Images



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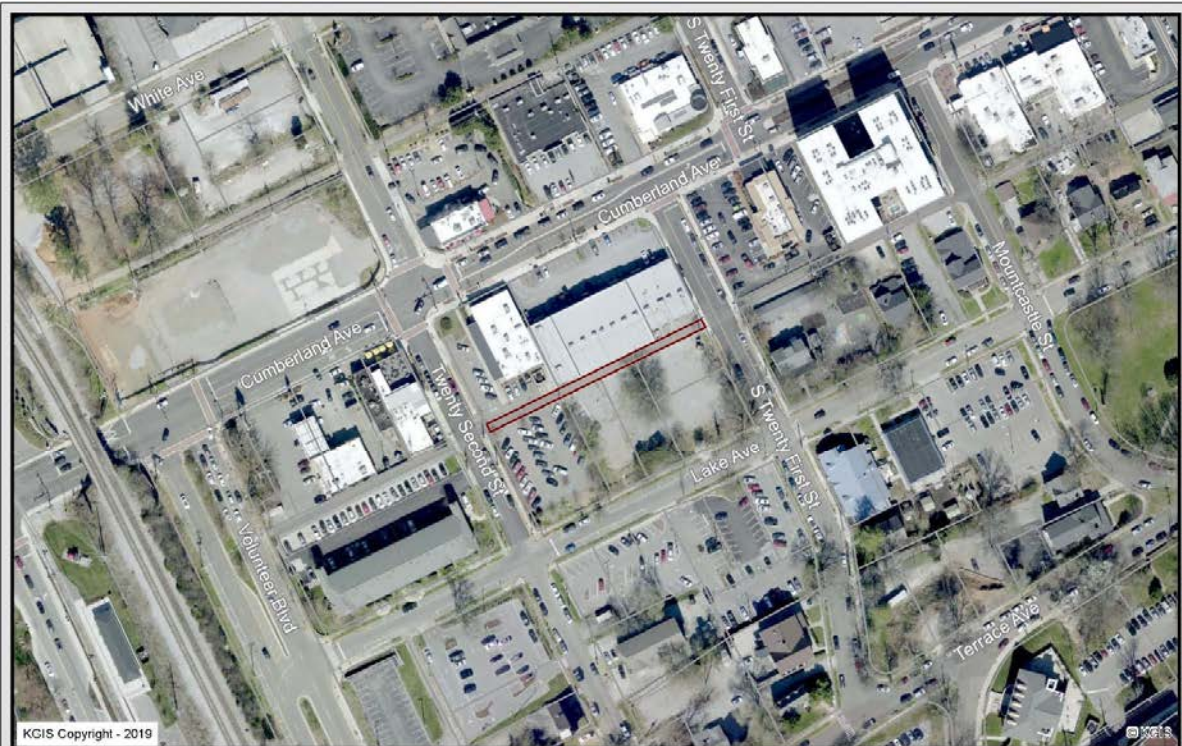
© KGIS

11-A-19-AC: Location Map
 Unnamed Alley Between Twenty Second St and S Twenty First St, south of Cumberland Avenue
 Knoxville - Knox County - KUB Geographic Information System

Printed: 10/14/2019 at 10:26:02 AM

0 145 290 500
ft

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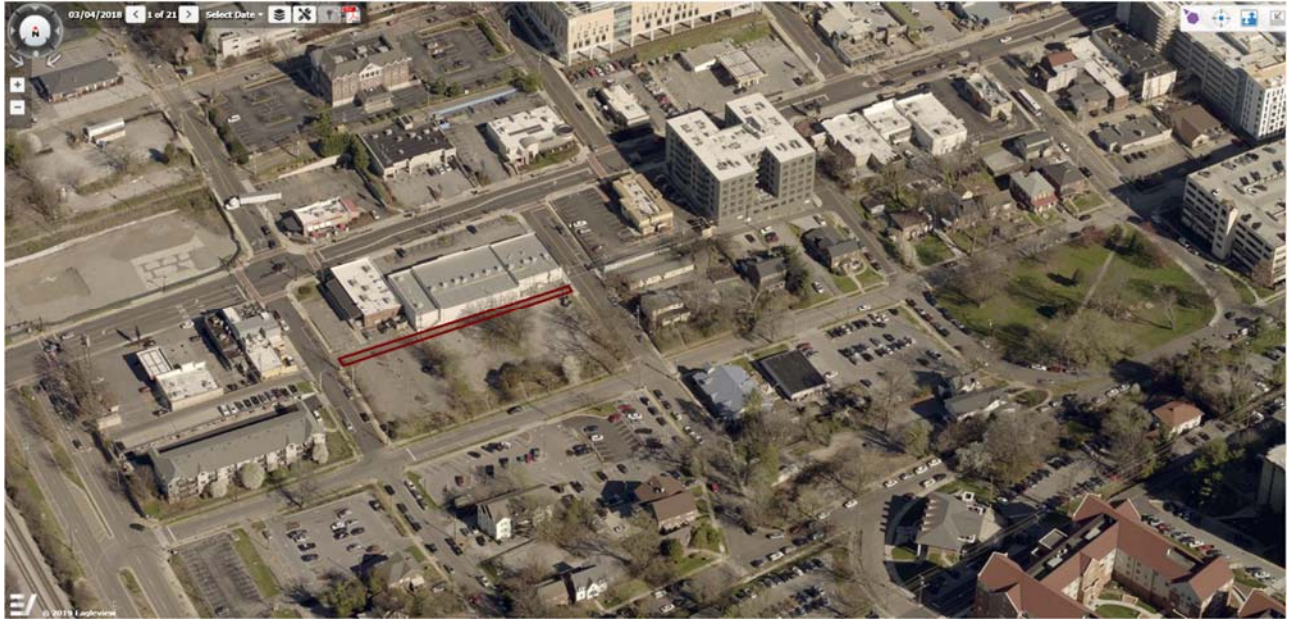
11-A-19-AC: Aerial Map
 Unnamed Alley Between Twenty Second St and S Twenty First St, south of Cumberland Avenue
 Knoxville - Knox County - KUB Geographic Information System

Printed: 10/14/2019 at 10:26:40 AM

0 70 140 280
ft

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11-A-19-AC
Exhibit A. Contextual Images



Birds eye view of the unnamed alley for which abandonment has been requested



Birds eye view of the portion of the unnamed alley for which abandonment has been requested

11-A-19-AC
Exhibit A. Contextual Images



Street view of the alley's connections to S. Twenty First Street

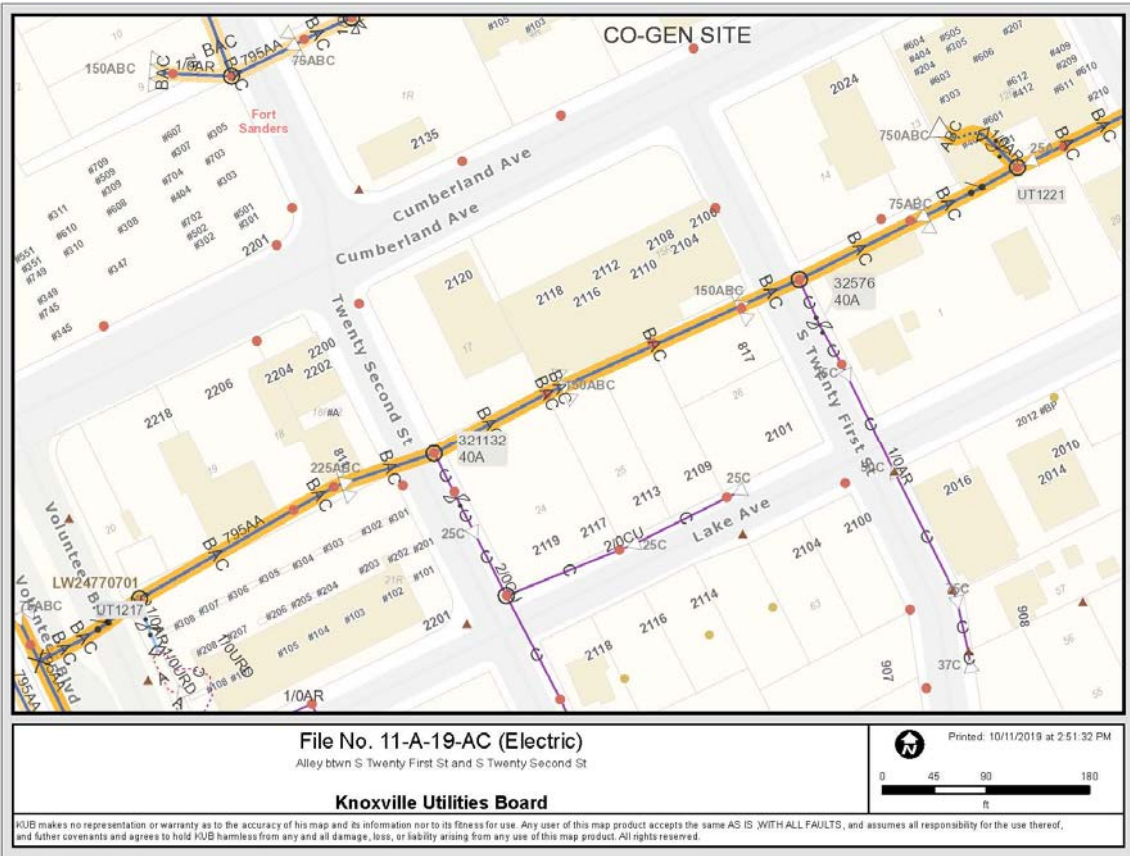


Street view of the alley's connections to Twenty Second Street

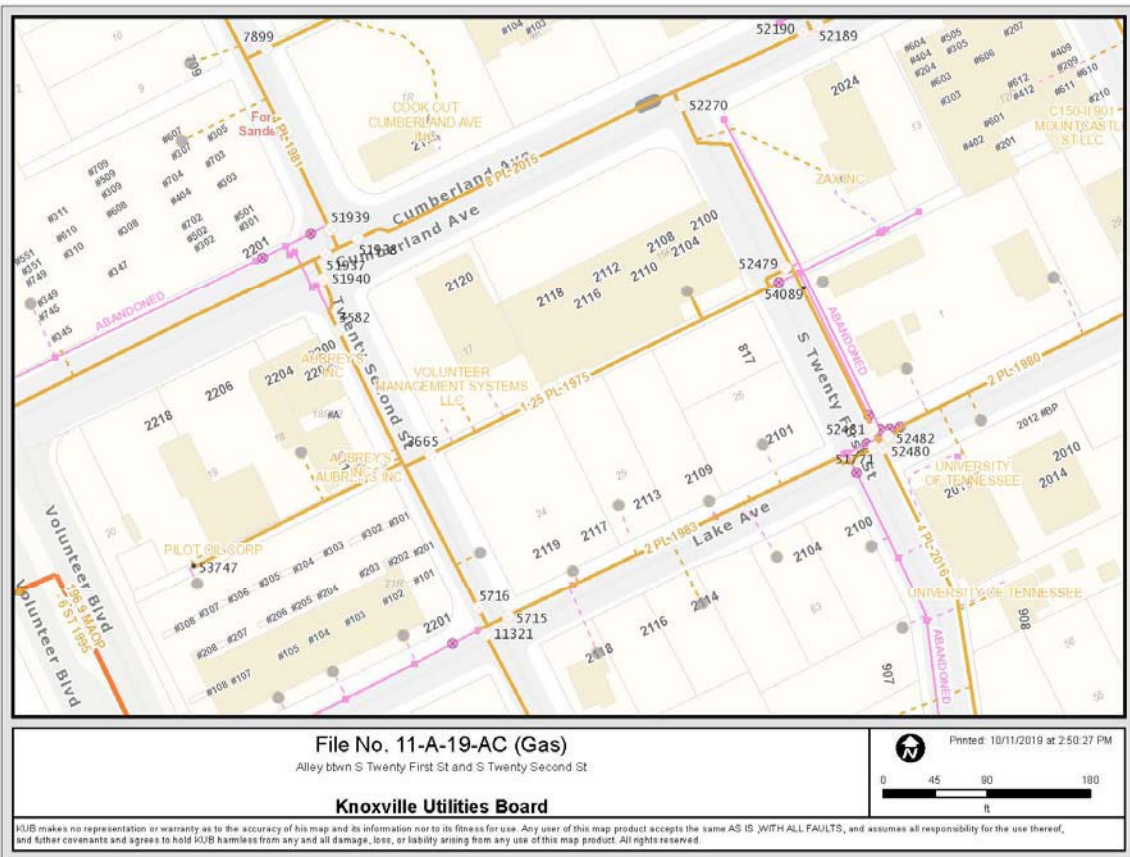
11-A-19-AC

Exhibit A. Contextual Images

KUB Maps showing locations of their various utility lines.



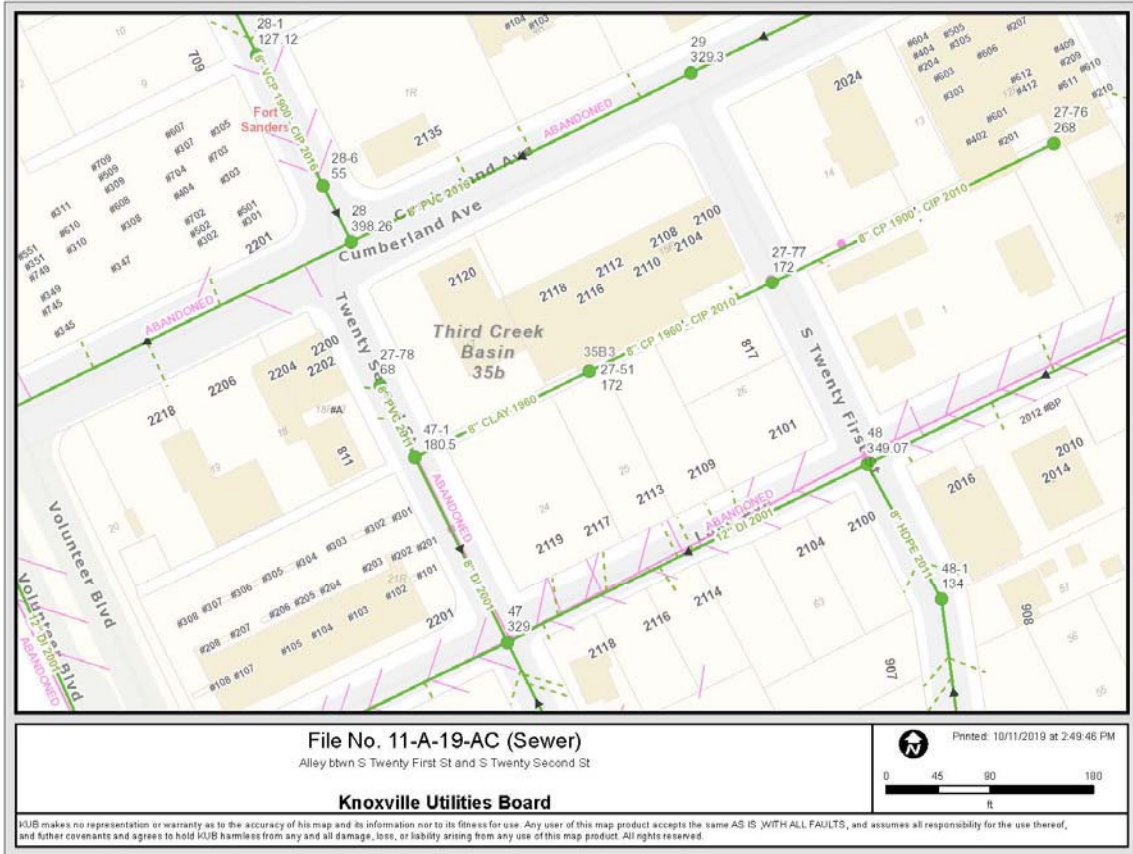
Created By: Christian Wiberley



Created By: Christian Wiberley

11-A-19-AC

Exhibit A. Contextual Images



Created By: Christian Wiberley

REQUEST FOR INFORMATION

RIGHT-OF-WAY CLOSURE

TO: Knoxville Utilities Board
Danny Beeler, Fire Marshal
Steve Borden, Regional Director, TN Dept. of Transportation
James R. Hagerman, P.E., Director of Engineering
Sonny Partin, Plans Reviewer, Fire Dept.
Kelly Parmain, AT&T
Shannon Sims, AT&T
Ben Davidson, Department of Engineering
Charlotte Goforth, Department of Engineering

FROM: Michelle Portier, AICP

DATE: October 8, 2019

SUBJECT: Request closure of Unnamed alley, south of Cumberland Avenue between S. Twenty First Street and Twenty Second Street, Council District 1. Central City Sector. 11-A-19-AC

Please give us the following information in writing regarding this proposed closure if your agency has an objection, or any conditions you wish considered with this request:

1. Is there any present or anticipated future need for this street/alley which in your opinion would warrant retaining it for public use?
2. What present use does it serve?
3. What future use is anticipated?
4. Do you oppose closing (vacating) it?
5. If closed (vacated), would easements meet your needs?
6. If easement will meet needs, please state easements required.

This request will be considered by the Knoxville-Knox County Planning Commission on November 14, 2019. A map showing the street or alley in question is attached for your information.

PLEASE NOTE: Failure to reply to our office by November 4, 2019 will be considered as no objection by your agency.

C: Amy Brooks, AICP

Attachment: Application



CITY OF KNOXVILLE

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

November 1, 2019

Michelle Portier, AICP
Knoxville-Knox County Metropolitan Planning Commission
City-County Building, Suite 403
Knoxville, Tennessee 37902

SUBJECT: Objecton to closure of an unnamed alley between S Twenty First St and Twenty Second St
File # 11-A-19-AC; City Block 10442

The City Engineering Department objects to the closure of the above referenced alley as it currently provides connectivity in an area of high congestion with several one-way streets and restricted turning options. Closure of this alley would be highly disruptive to the area.

The applicant proposes a new development that requires closure of the alley in order to utilize the entire city block. However, at this time, the plans for development are still in the conceptual phase. City Engineering will require more detailed information to evaluate the overall feasibility of the proposed development and whether or not the completed development's public benefit would outweigh the current benefit of the alley.

Sincerely,

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



Fire Prevention Bureau

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

Memorandum

Date: 10/17/2019

To: Dori Caron

From: Sonny Partin, Deputy Fire Marshal

Subject: Request for Information on Right of Way Closures, Fire Department Review

	Road Name	Review Status	Comments
1.	11-A-19-AC	Approved	None

a

October 11, 2019

Michelle Portier
Knoxville-Knox County
Metropolitan Planning Commission
Suite 403, City-County Building
Knoxville, Tennessee 37902

Dear Ms. Portier:

Re: Right-of-Way Closure Request 11-A-19-AC

We have reviewed our records and find that we have existing utility facilities located within the subject right-of-way. The approximate locations of these facilities are 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 easements for its utility facilities.

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 sewer line, 15 feet total width

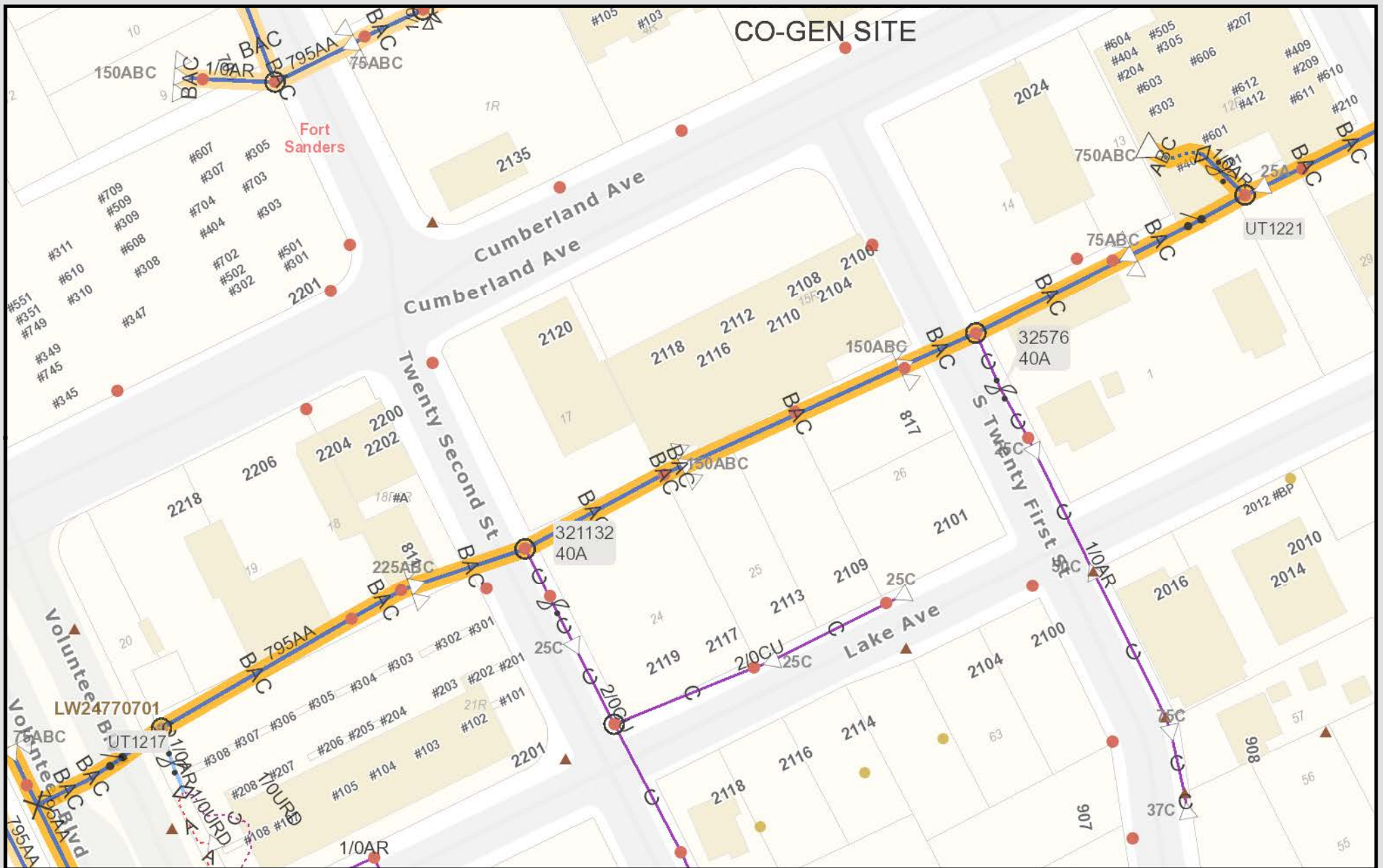
If you have any questions regarding this matter, please call me at (865) 558-2483.

Sincerely,



Christian Wiberley, PE
Engineering

CGW



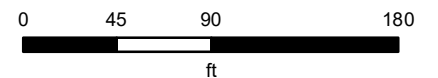
File No. 11-A-19-AC (Electric)

Alley btwn S Twenty First St and S Twenty Second St

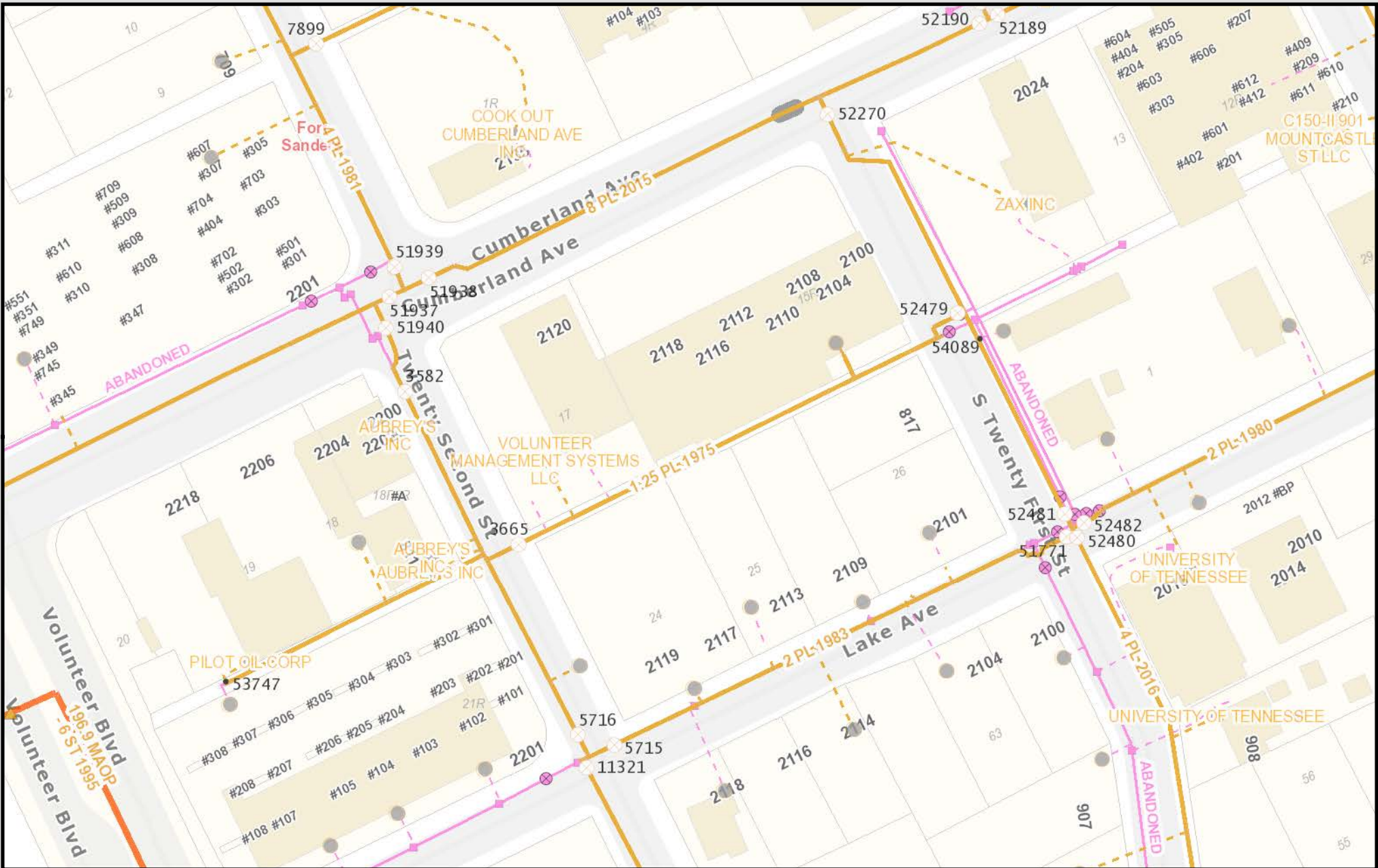
Knoxville Utilities Board



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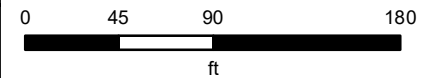
File No. 11-A-19-AC (Gas)

Alley btwn S Twenty First St and S Twenty Second St

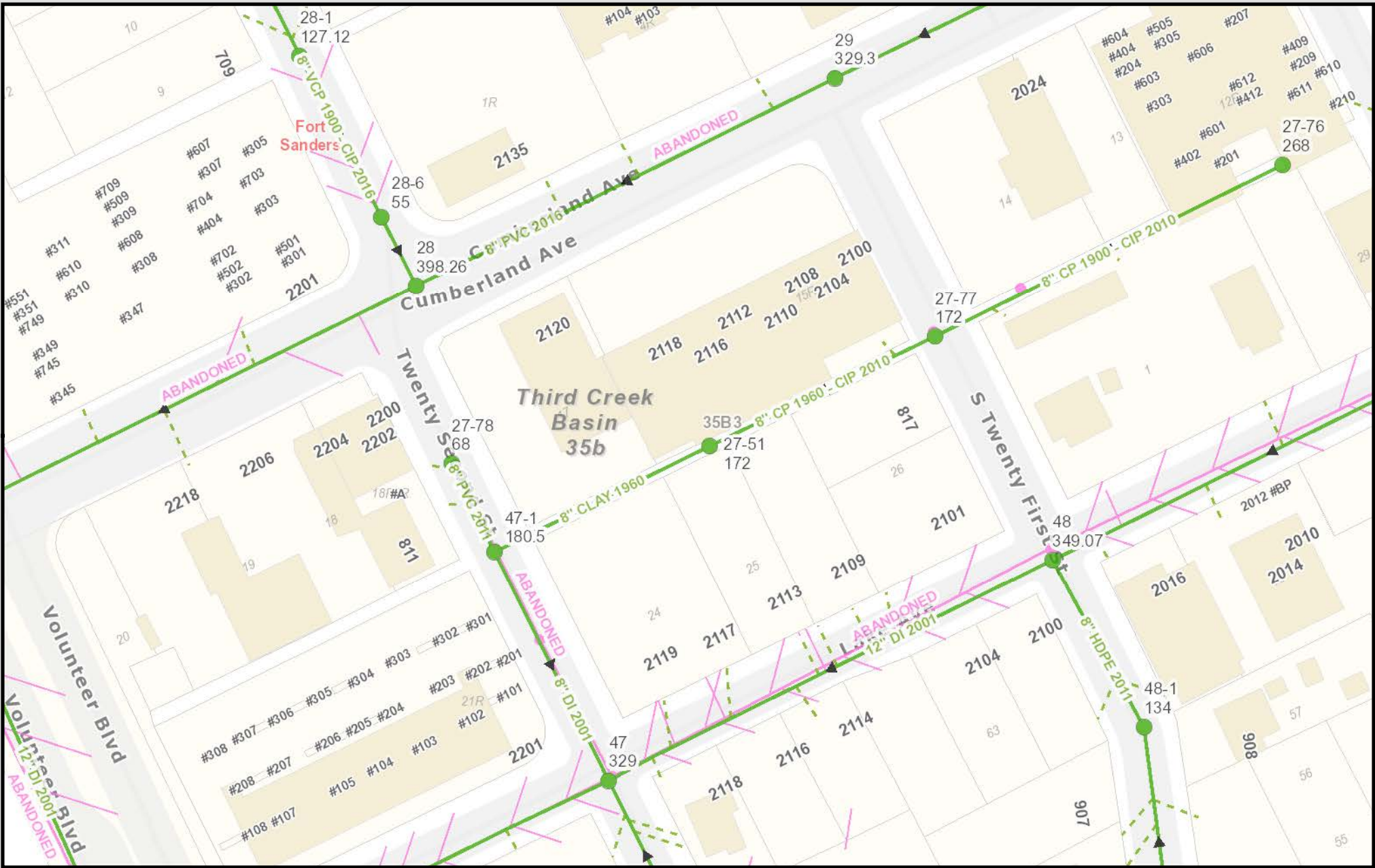
Knoxville Utilities Board



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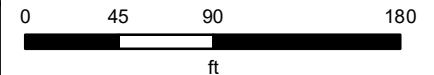
File No. 11-A-19-AC (Sewer)

Alley btwn S Twenty First St and S Twenty Second St

Knoxville Utilities Board



Printed: 10/11/2019 at 2:49:46 PM



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Dori Caron <dori.caron@knoxplanning.org>

November Alley Closure 11-A-19-AC

Steve Borden <Steve.Borden@tn.gov>

Wed, Oct 9, 2019 at 8:13 AM

To: Dori Caron <dori.caron@knoxplanning.org>, Amy Brooks <amy.brooks@knoxplanning.org>, Ben Davidson <bdavidson@knoxvilletn.gov>, Charlotte Goforth <cgoforth@knoxvilletn.gov>, Christian Wiberley <Christian.Wiberley@kub.org>, Danny Beeler <dbeeler@knoxvilletn.gov>, James Hagerman <jhagerman@knoxvilletn.gov>, Kelly Parmain <kp6012@att.com>, Michelle Portier <michelle.portier@knoxplanning.org>, Shannon Sims <ss3775@att.com>, Sonny Partin <spartin@knoxvilletn.gov>

TDOT District 18 has no issue with the requested Alley closure.

**Steven M. Borden, P.E.** | Director/Assistant Chief Engineer

TDOT – Region 1

7345 Region Lane

Knoxville, TN 37914

(865) 594-2400

Steve.Borden@tn.gov

tn.gov/tdot

From: Dori Caron <dori.caron@knoxplanning.org>**Sent:** Tuesday, October 8, 2019 4:04 PM**To:** Amy Brooks <amy.brooks@knoxplanning.org>; Ben Davidson <bdavidson@knoxvilletn.gov>; Charlotte Goforth <cgoforth@knoxvilletn.gov>; Christian Wiberley <Christian.Wiberley@kub.org>; Danny Beeler <dbeeler@knoxvilletn.gov>; James Hagerman <jhagerman@knoxvilletn.gov>; Kelly Parmain <kp6012@att.com>; Michelle Portier <michelle.portier@knoxplanning.org>; Shannon Sims <ss3775@att.com>; Sonny Partin <spartin@knoxvilletn.gov>; Steve Borden <Steve.Borden@tn.gov>**Subject:** [EXTERNAL] November Alley Closure 11-A-19-AC

***** This is an EXTERNAL email. Please exercise caution. DO NOT open attachments or click links from unknown senders or unexpected email - STS-Security. *****

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RIGHT-OF-WAY CLOSURE



Name of Applicant: GREYSTAR WORLDWIDE, LLC
 Date Filed: 10/4/19 Fee Paid: \$800 File Number: 10-A-19-AC
 Map Number: 108 Zoning District: CU-1 CU-2 City County Sector: MU-UC
 Jurisdiction: City 1 Council District

INFORMATION:

Name of Right-of-Way: Alley
 Type of Right-of-Way: Street Alley
 Location of Right-of-Way:
 BETWEEN (City Block or Lot where appropriate) Alley south of Cumberland Avenue between S. Twenty First Street
 AND (City Block or Lot where appropriate) Twenty Second Street
 Right-of-Way is: In Use Yes No Improved (example: paved) Yes No
 Reason for Closure: Proposed develop plans to utilize the entire block as part of the project. This concept would create a scenario where the alley would no longer be necessary for acces to any of the parcels. Also the proposed development would one-lot the existing 7 parcels into one property.

TO BE CLOSED:

From: (Street, Alley, Other) <u>Alley south of Cumberland Avenue from</u> <u>Twenty Second Street</u>	To: (Street, Alley, Other) <u>S. Twenty First Street</u>
--	--

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Matt Evans 1033 Demonbreun St., #300 , Nashville, Tennessee (931) 536-4001
 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]
Aarron M. Gray 10330 Hardin Valley Road, Suite 201, Knoxville, TN 37932 (865) 690-6419
 Name: (Print) Address • City • State • Zip • Phone • Fax

APPLICATION ACCEPTED BY: Jamer Reed

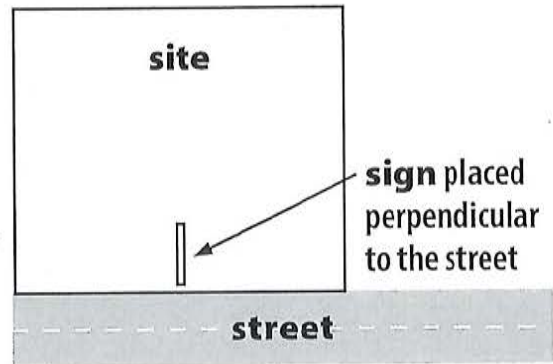
REQUIRED SIGN POSTING AGREEMENT

For all rezoning, plan amendment, concept plan, use on review, right-of-way closure, and street name change applications, a sign must be posted on the subject property, consistent with the adopted Administrative Rules and Procedures.

At the time of application, staff will provide a sign(s) to post on the property as part of the application process. If the sign(s) go missing for any reason and need to be replaced, then the applicant will be responsible for picking up a new sign(s) from the Planning offices. The applicant will be charged a fee of \$10 for each replacement sign.

LOCATION AND VISIBILITY

The sign must be posted in a location that is clearly visible from vehicles traveling in either direction on the nearest adjacent/frontage street. If the property has more than one street frontage, then the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.



TIMING

The sign(s) must be posted 15 days before the scheduled Planning Commission public hearing and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted 15 days before the next Planning Commission meeting.

I hereby agree to post and remove the sign(s) provided on the subject property consistent with the above guidelines and between the dates of:

Oct 30 and Nov 15
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: 

Printed Name: AARON M. GRAY

Phone: 865-251-5071 Email: gray@fwlghummacindoe.com

Date: 10/4/19

File Number: 11-A-19-AC