



# CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

► **FILE #:** 11-A-19-AC **AGENDA ITEM #:** 5  
**POSTPONEMENT(S):** 12/12/2019 **AGENDA DATE:** 1/9/2020

► **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 objects to this proposed closure; AT&T states they do not release and thereby retain all easements and rights to utility facilities

## 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.**

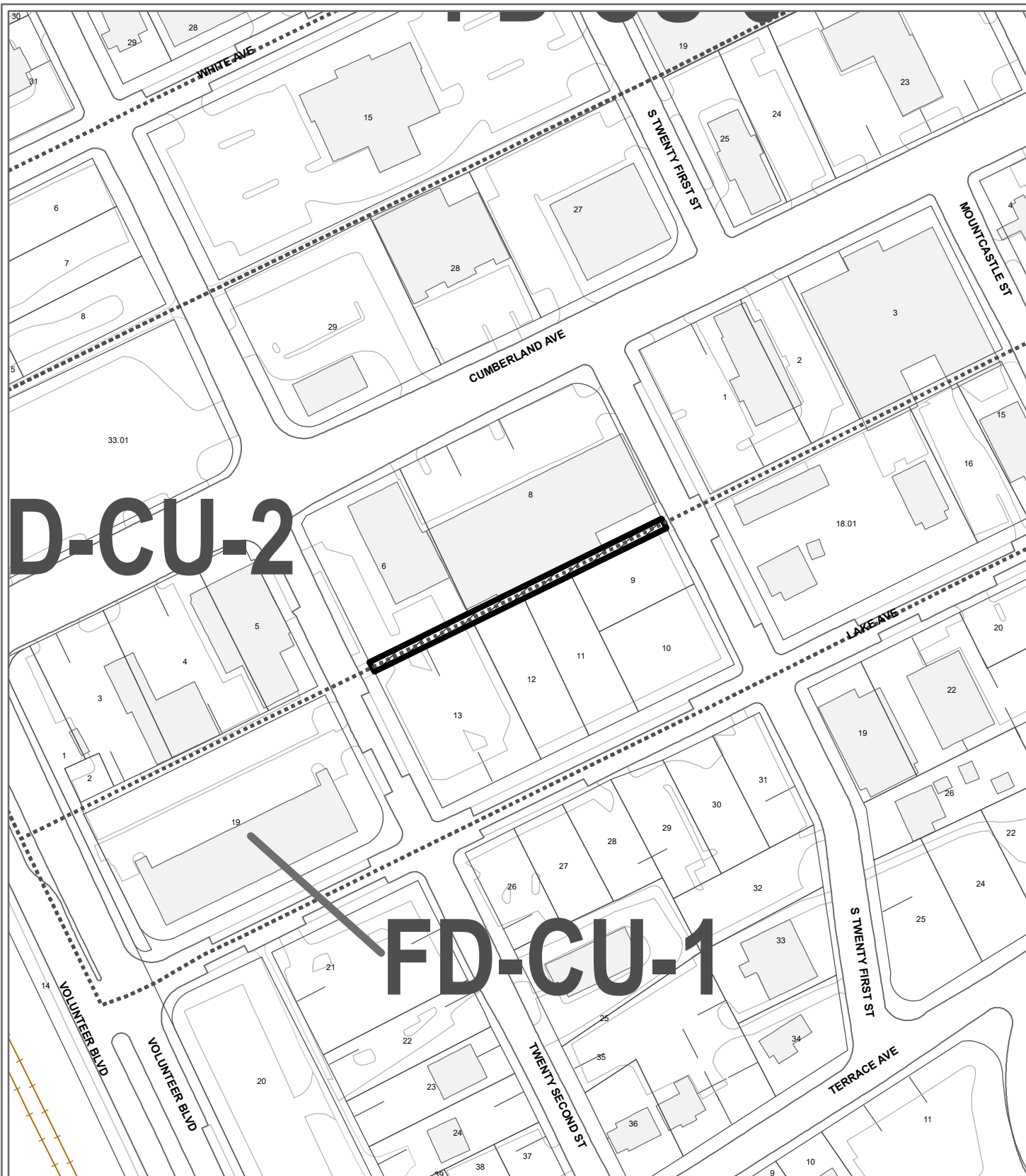
## COMMENTS:

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 2/11/2020 and 2/25/2020. 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.



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

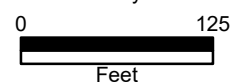
Name of Street or Alley: Unnamed alley  
 To be closed from: S. Twenty First Street  
 To be closed to: Twenty Second Street

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

Petitioner: Gray, Aaron M.

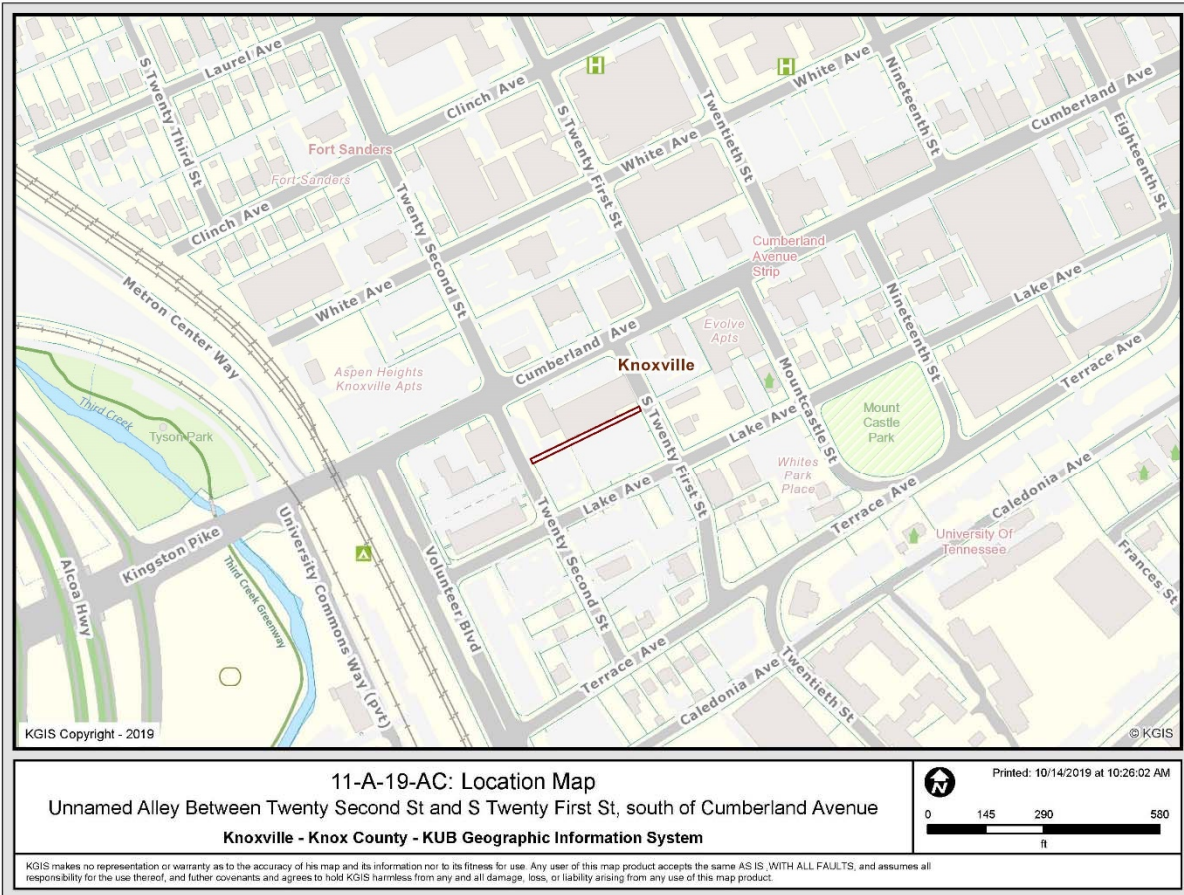
Map No: 108

Jurisdiction: City



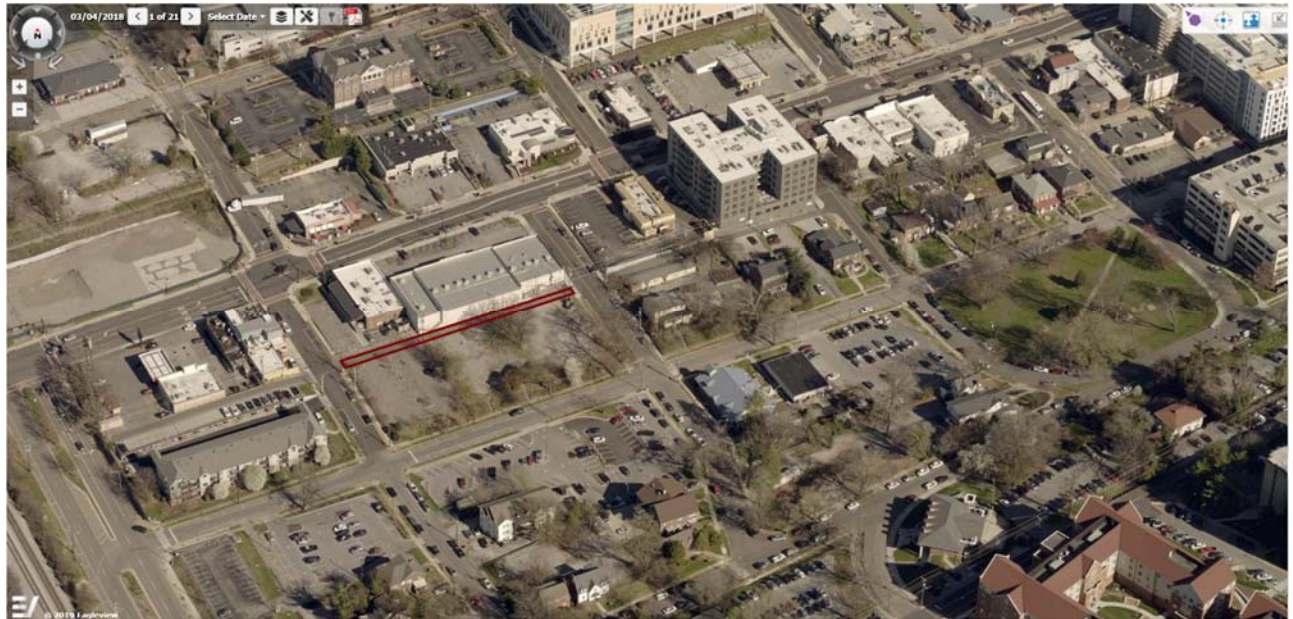
# 11-A-19-AC

## Exhibit A. Contextual Images

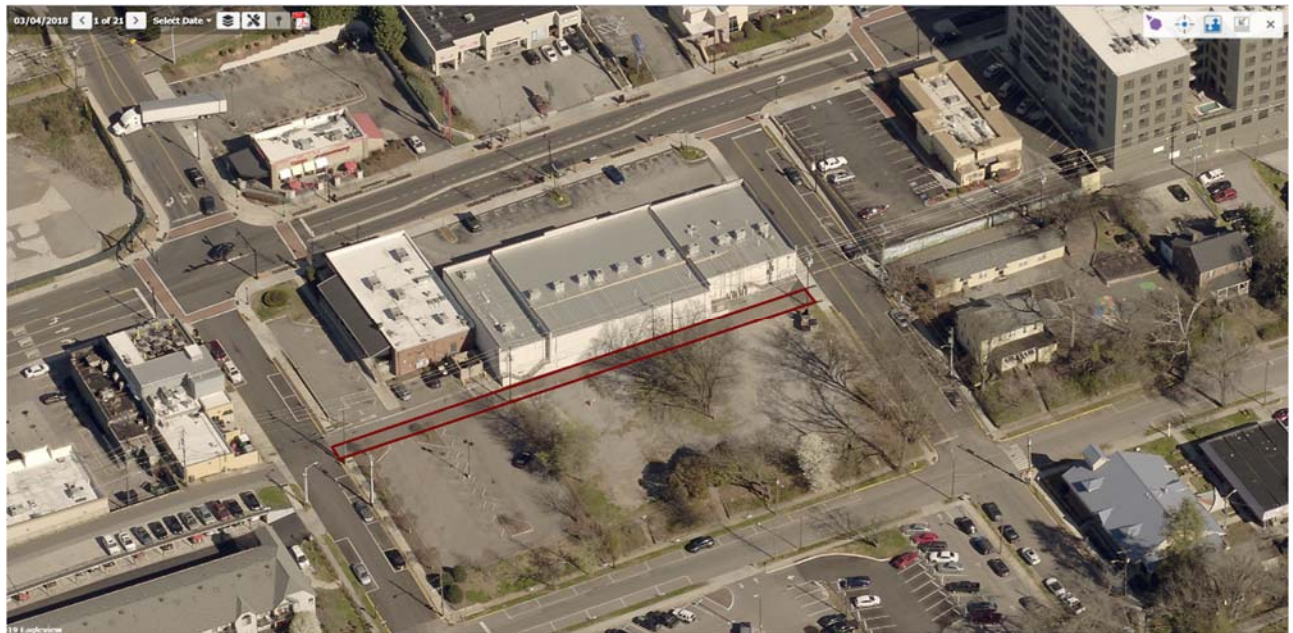


11-A-19-AC

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*

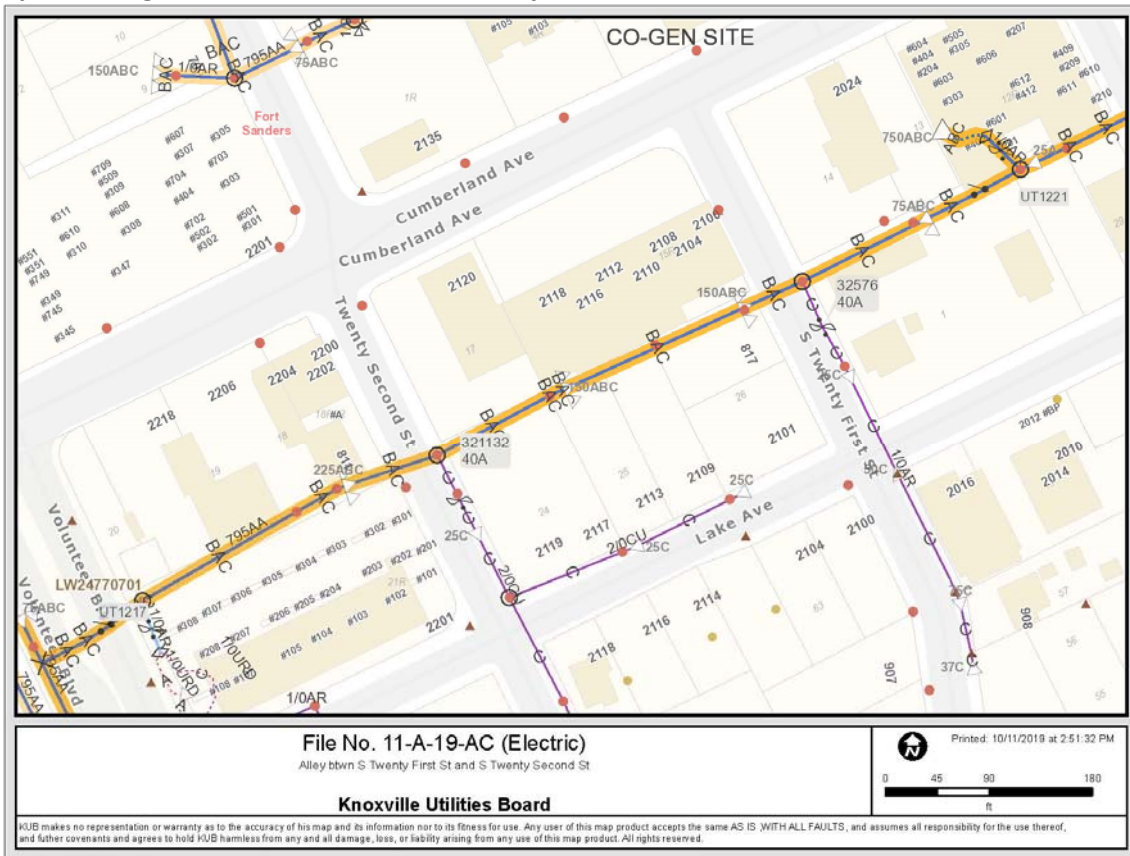


*Street view of the alley's connections to Twenty Second Street*

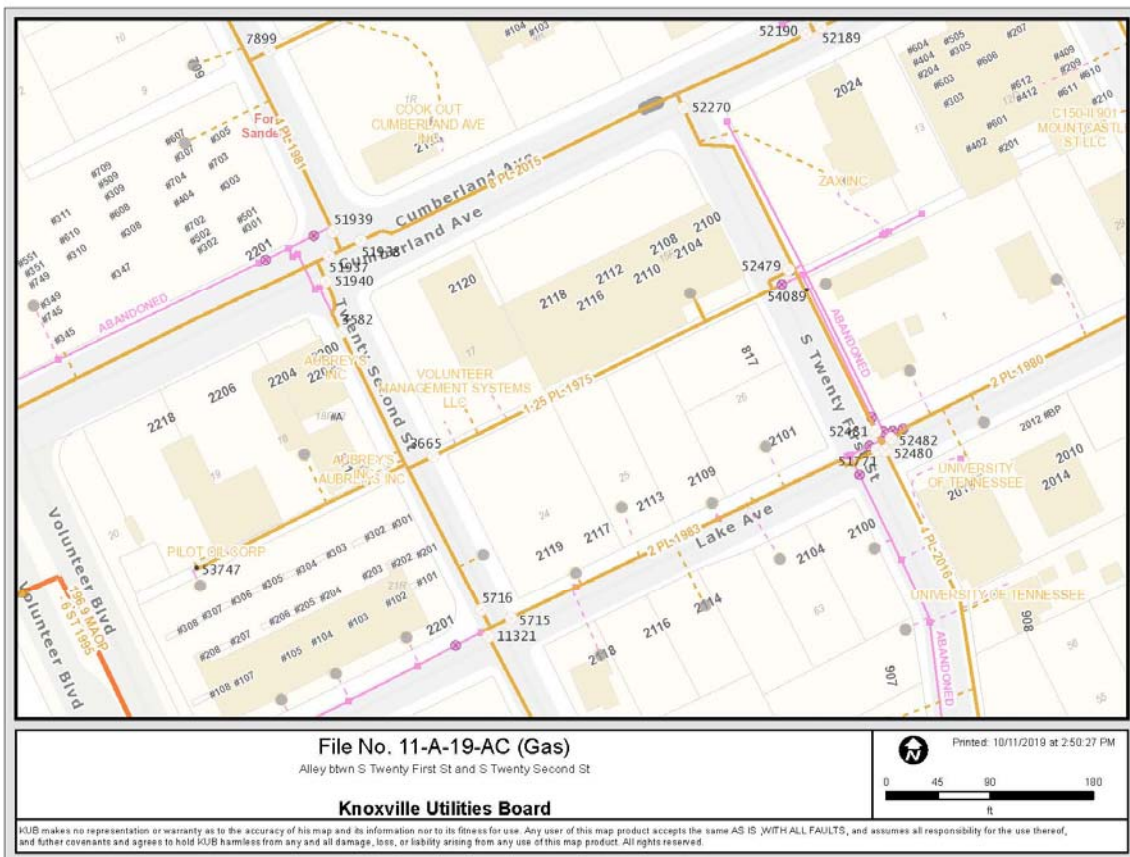
## 11-A-19-AC

### Exhibit A. Contextual Images

KUB Maps showing locations of their various utility lines.



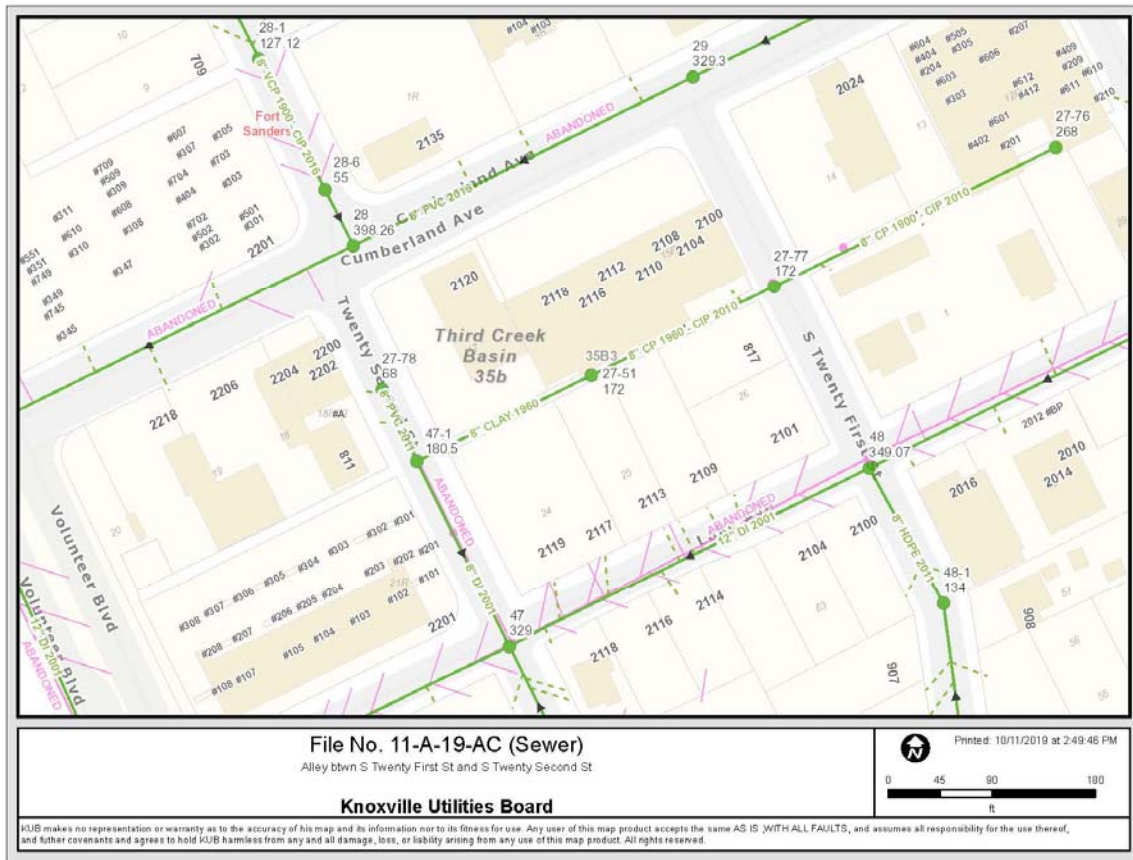
Created By: Christian Wiberley



Created By: Christian Wiberley

# 11-A-19-AC

## Exhibit A. Contextual Images





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

Dori Caron &lt;dori.caron@knoxplanning.org&gt;

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

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**Michelle Portier** <michelle.portier@knoxplanning.org>

Tue, Nov 12, 2019 at 9:02 AM

Reply-To: michelle.portier@knoxplanning.org

To: Commission &lt;commission@knoxplanning.org&gt;

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 &lt;michelle.portier@knoxplanning.org&gt;

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Mike Reynolds, AICP  
Senior Planner  
865.215.3827



Knoxville-Knox County Planning | [KnoxPlanning.org](http://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](mailto: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](mailto:gray@fulghummacindoe.com)

[www.FulghumMacIndoe.com](http://www.FulghumMacIndoe.com)

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**Michelle Portier, AICP**

Planner

865.215.3821



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400 Main Street, Suite 403 | Knoxville, TN 37902

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This message was directed to [commission@knoxplanning.org](mailto:commission@knoxplanning.org)

## 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



Dori Caron &lt;dori.caron@knoxplanning.org&gt;

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## 11-A-19-AC Objection Letter

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**Michelle Portier** <michelle.portier@knoxplanning.org>

Tue, Dec 31, 2019 at 9:55 AM

To: Laura Edmonds &lt;laura.edmonds@knoxplanning.org&gt;, Dori Caron &lt;dori.caron@knoxplanning.org&gt;

I heard back from Engineering that they are still in opposition to this request. I've updated the staff report and it's ready to go on dev serve. So all of mine are uploaded now.

Thanks!  
Michelle

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

From: **Ben Davidson** <[bdavidson@knoxvilletn.gov](mailto:bdavidson@knoxvilletn.gov)>

Date: Tue, Dec 31, 2019 at 9:19 AM

Subject: RE: 11-A-19-AC Objection Letter

To: Michelle Portier <[michelle.portier@knoxplanning.org](mailto:michelle.portier@knoxplanning.org)>

Hello Michelle, you are not a thorn!

We are still stating objection to this closure per the original 11-A-19-AC letter.

Thanks!

Sincerely,

Benjamin D. Davidson, PLS

TN Licensed Land Surveyor No. 2543

Technical Services Administrator

City of Knoxville, Department of Engineering

Ph: 865-215-2103; email: [bdavidson@knoxvilletn.gov](mailto:bdavidson@knoxvilletn.gov)

Technical Services Staff are: Donna Redden, Billy Dalton, Sandra Schade,

Vicky Harrell, Charlotte Goforth, and Matthew Plyler

**From:** Michelle Portier [mailto:[michelle.portier@knoxplanning.org](mailto:michelle.portier@knoxplanning.org)]

**Sent:** Monday, December 30, 2019 2:51 PM

**To:** Ben Davidson <[bdavidson@knoxvilletn.gov](mailto:bdavidson@knoxvilletn.gov)>

**Subject:** Re: 11-A-19-AC Objection Letter



# CITY OF KNOXVILLE

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**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:**      Objection 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

	<b>Road Name</b>	<b>Review Status</b>	<b>Comments</b>
1.	11-A-19-AC	Approved	None

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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

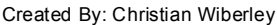
If you have any questions regarding this matter, please call me at (865) 558-2483.

Sincerely,

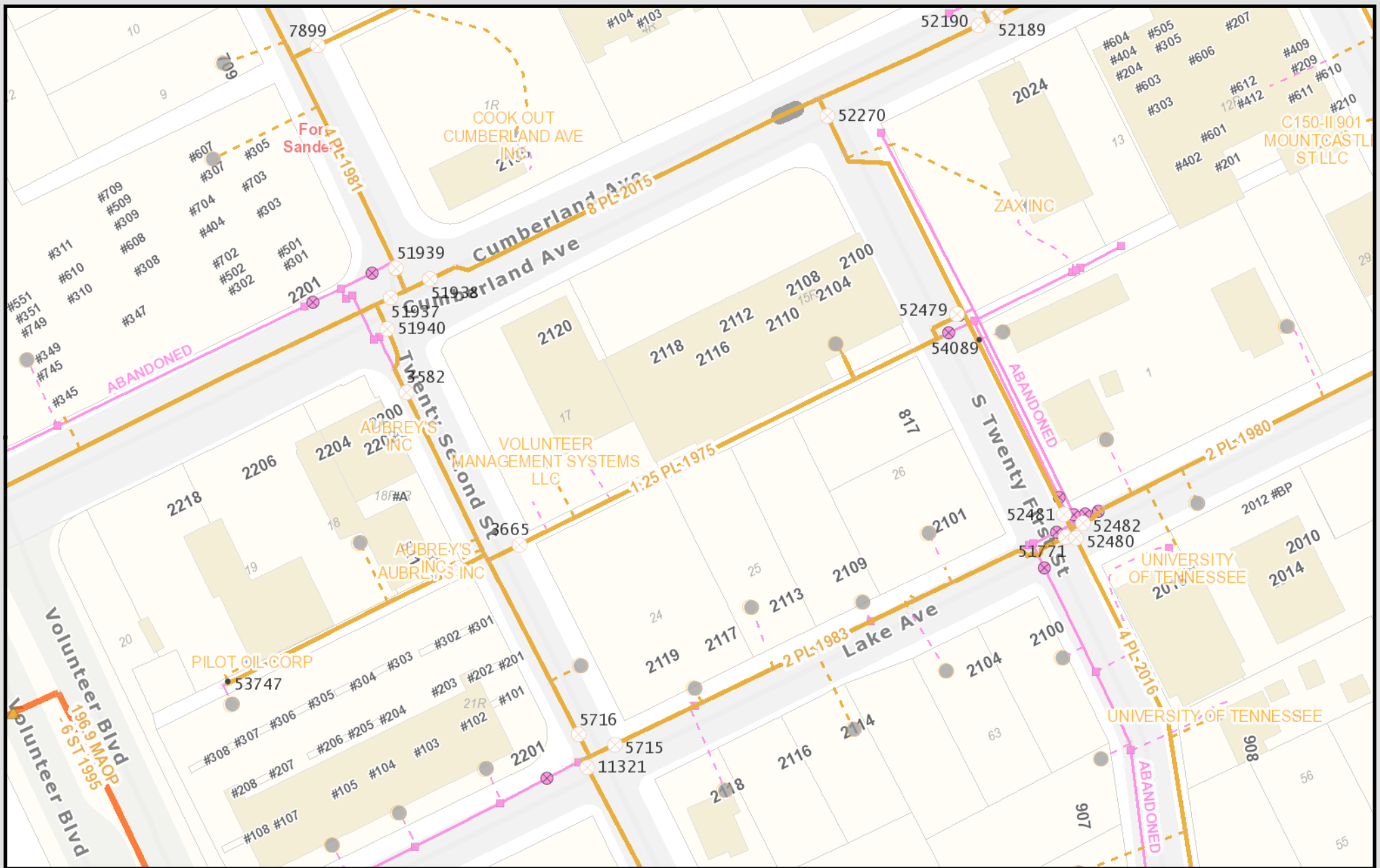


Christian Wiberley, PE  
Engineering

CGW



A horizontal number line with tick marks at 0, 45, 90, and 180. The segment between 45 and 90 is highlighted in white, while the rest of the line is black. The unit 'ft' is written below the line.



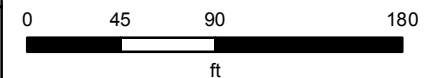
File No. 11-A-19-AC (Gas)

Alley btwn S Twenty First St and S Twenty Second St

**Knoxville Utilities Board**



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Dori Caron &lt;dori.caron@knoxplanning.org&gt;

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## November Alley Closure 11-A-19-AC

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**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](mailto:Steve.Borden@tn.gov)[tn.gov/tdot](http://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)	To: (Street, Alley, Other)
<u>Alley south of Cumberland Avenue from</u>	<u>S. Twenty First Street</u>
<u>Twenty Second 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:

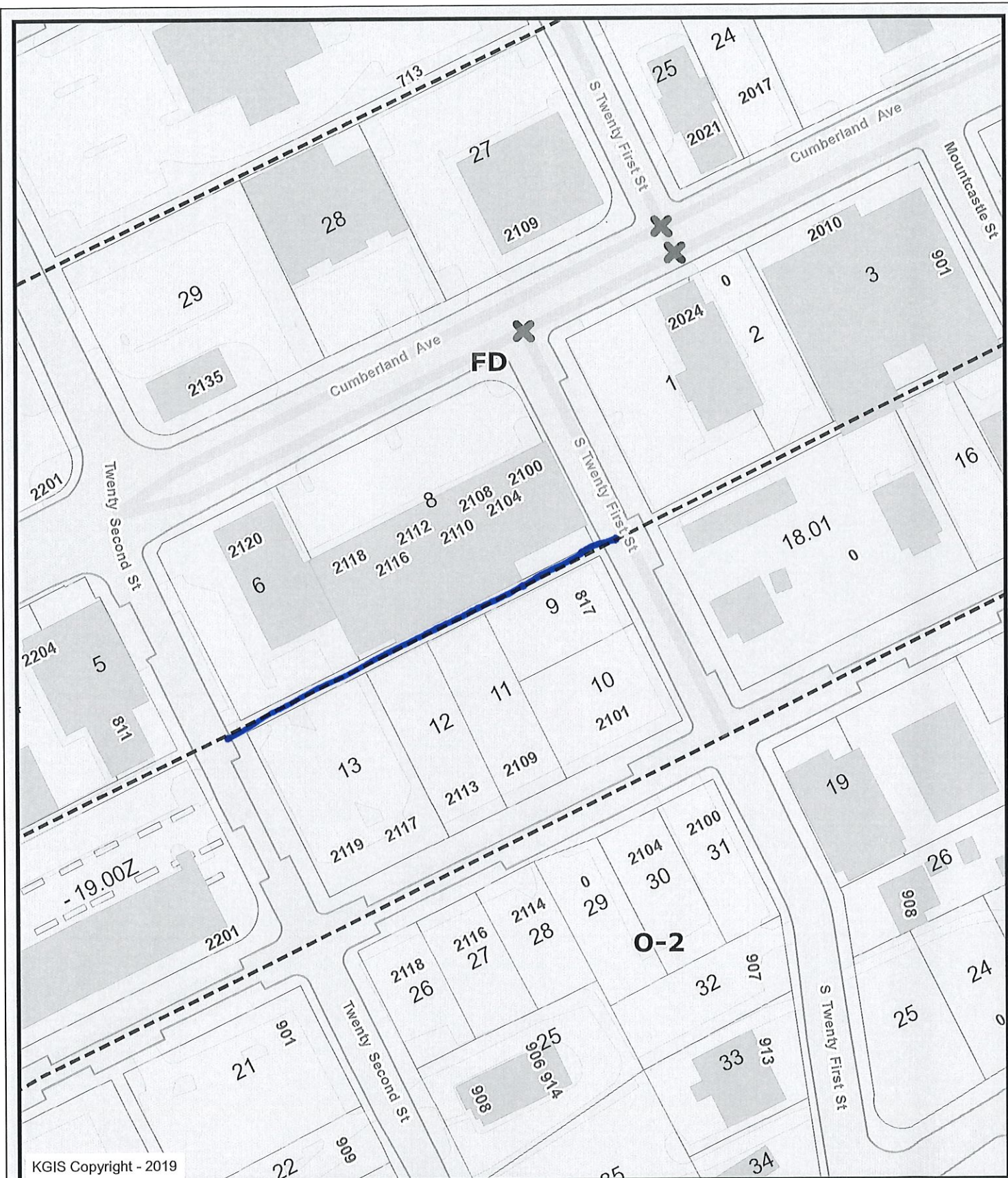
Aarron M. Gray 10330 Hardin Valley Road, Suite 201, Knoxville, TN 37932 (865) 690-6419  
Name: (Print) Address • City • State • Zip • Phone • Fax

APPLICATION ACCEPTED BY:

# RIGHT-OF-WAY CLOSURE CANVASS FORM

All owners and holders of option on property abutting the proposed closure must sign the list below and express their opinion about this closure. A map showing the location and addresses of these properties must accompany this application.

[illegible]



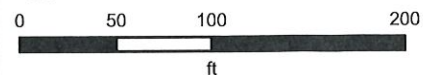
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## Letter Portrait

### Knoxville - Knox County - KUB Geographic Information System



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KGIS makes no representation or warranty as to the accuracy of his map and its information nor to its fitness for use. Any user of this map product accepts the same AS IS, WITH ALL FAULTS, and assumes all responsibility for the use thereof, and further covenants and agrees to hold KGIS harmless from any and all damage, loss, or liability arising from any use of this map product.

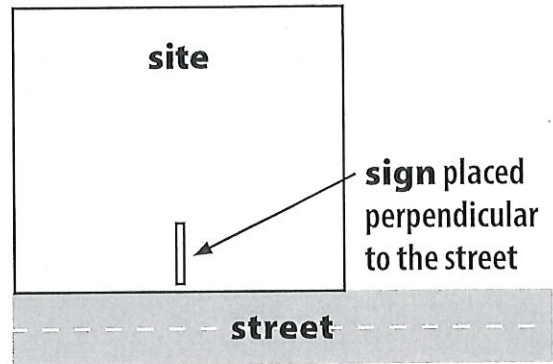
## REQUIRED SIGN POSTING AGREEMENT

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@fulghummacindoe.com

Date: 10/4/19

File Number: 11-A-19-AC