



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

► **FILE #:** 11-B-20-SC

AGENDA ITEM #: 8

AGENDA DATE: 11/12/2020

► **APPLICANT:** MATT BRAZILLE / CIVIL & ENVIRONMENTAL CONSULTANTS, INC.

TAX ID NUMBER: 95 N/A

[View map on KGIS](#)

JURISDICTION: Council District 6

SECTOR PLAN: Central City

GROWTH POLICY PLAN: Within City limits

ZONING: RN-6 (Multi-Family Residential Neighborhood)

WATERSHED: First Creek

► **RIGHT-OF-WAY TO BE CLOSED:** Martin Luther King Jr. Ave. (eastern portion of ROW beginning behind sidewalk 10' from curb)

► **LOCATION:** Between Harriet Tubman St. and E. Summit Hill Dr.

IS STREET:

(1) IN USE?: No

(2) IMPROVED (paved)?: No

► **APPLICANT'S REASON FOR CLOSURE:** For continued redevelopment of the KCDC Austin Homes site. Per the approved Concept Plan for the development, the slip ramp from MLK to Summit will be removed and converted to a traditional right turn. The proposed right-of-way line will be placed at the back of the sidewalk (10' from curb) along the length of the closure.

DEPARTMENT-UTILITY REPORTS: The City's Engineering Department, AT&T, and KUB have requested to retain any easements that may be in place.

STAFF RECOMMENDATION:

► **Approve closure of a portion of Martin Luther King Jr. Drive right-of-way as described, subject to any required easements, because staff has received no objections and it will enable redevelopment of this area, subject to one condition.**

The applicant must have a plan approved by City Engineering showing the alignment of the new proposed right-of-way and provide a boundary map and/or written property description of the area of right-of-way that is to be closed. The boundary map and description should be certified by a TN registered land surveyor and must be supplied prior to the closure being considered at City Council as the closure area must be described in the closing ordinance documents.

COMMENTS:

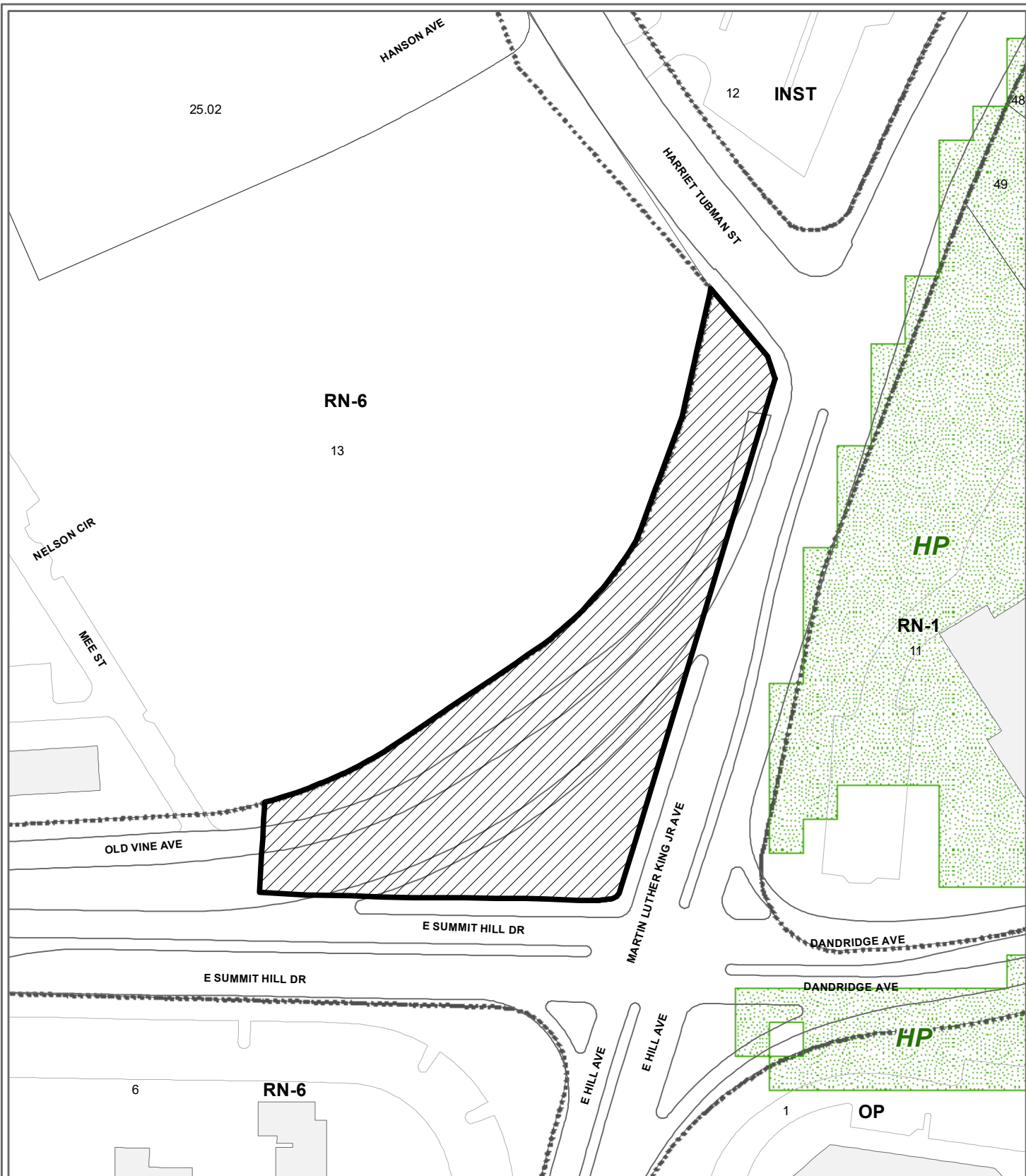
This request includes the portion of the right-of-way west of the paved portion of Martin Luther King Jr Avenue but will also include the channelized right-turn lane, or slip lane, from Martin Luther King Jr Avenue to E. Summit Hill Avenue that is currently in use. The portion of the right-of-way to be closed would begin 10 feet from the street curb, behind the sidewalk. The sidewalk would remain in the Martin Luther King Jr Avenue right-of-way. However, Martin Luther King Jr Avenue sits atop an embankment that separates it from the property being developed by the applicant's client, Knoxville's Community Development Corporation (KCDC), and the

embankment is part of the portion proposed for closure. Upon approval of this request, ownership of the embankment would convert to KCDC via quit claim deed, and KCDC would then be responsible for any repairs needed for the embankment. The applicant has stated his client is aware of this situation. The closure of this portion of the right-of-way would convert this intersection to a standard 4-point intersection.

Staff has received no objections, but the following departments and organizations had these comments:

1. The City's Fire Department has no issues with this request.
2. KUB: We have reviewed our records and, as far as we have been able to determine, KUB has no existing utility facilities located within the subject rights-of-way and we have no objection to the requested closures. However, KUB does not release and hereby retains all easements and rights for existing facilities, whether or not identified in our research.
3. AT&T does not wish to relinquish any ROW or utility easements at this time.
4. TDOT has no comments, as this closure does not affect any state owned rights-of-way.
5. The City Engineering Department has the following comments:
 - Per the standard process, should this right-of-way be closed, the City will reserve easements for all drainage facilities and utilities, if there are any current facilities, located in or within five (5) feet of the property described herein. No easements are reserved if there are no current facilities within the closure area. If any existing facilities or utilities are found not feasible to the site development or use, they may be removed and relocated, subject to City Engineering and/or other applicable easement holder review and approval.
 - We have no objections to close the above described right-of-way area, subject to the following condition being met:
 - 1) The applicant must have a plan approved by City Engineering showing the alignment of the new proposed right-of-way and provide a boundary map and/or written property description of the area of right-of-way that is to be closed. The boundary map and description should be certified by a TN registered land surveyor and must be supplied prior to the closure being considered at City Council as the closure area must be described in the closing ordinance documents.

If approved, this item will be forwarded to Knoxville City Council for action on 12/15/2020 and 1/12/2021. 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-B-20-SC
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: Martin Luther King Jr. Ave. (eastern portion of ROW beginning behind sidewalk 10' from curb)
 To be closed from: Harriet Tubman St.
 To be closed to: E. Summit Hill Dr.

Original Print Date: 10/21/2020 Revised:
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Brazille / Civil & Environmental Consultants, Inc., Matt

Map No: 95
 Jurisdiction: City

0 100
 Feet



OCTOBER 9, 2020

Knoxville Utilities Board
Danny Beeler, Fire Marshal
Steve Borden, Regional Director, TN Dept. of Transportation
Harold Cannon, Director, Department of Engineering
Steve King, Department of Engineering
Sonny Partin, Plans Reviewer, Fire Department
Shannon Sims, AT&T
Ben Davidson, Department of Engineering
Charlotte Goforth, Department of Engineering

From: Michelle Portier, Senior Planner, Knoxville-Knox County Planning

RE: REQUEST CLOSURE OF MARTIN LUTHER KING JR. AVE. (EASTERN PORTION OF ROW BEGINNING BEHIND SIDEWALK 10' FROM CURB) BETWEEN HARRIET TUBMAN ST. AND E. SUMMIT HILL DR. COUNCIL DISTRICT 6, CENTRAL CITY SECTOR. (11-B-20-SC)

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 12, 2020. A map showing the street or alley in question is attached for your information.

PLEASE NOTE: Failure to reply to our office by Monday, October 26, 2020 will be considered as no objection by your agency.

C: Amy Brooks, Interim Executive Director, Knoxville-Knox County Planning
Attachment: Application



Dori Caron <dori.caron@knoxplanning.org>

November ROW closures 11-A-20-SC and 11-B-20-SC

Sonny Partin <spartin@knoxvilletn.gov>
To: Dori Caron <dori.caron@knoxplanning.org>

Mon, Oct 26, 2020 at 8:48 AM

Dori,

We have approved the ROW closures.

Sonny

Asst. Chief Sonny Partin, CFPS**Deputy Fire Marshal****Knoxville Fire Department****400 Main St. Suite 462****Knoxville, Tn. 37902****865-215-2283 Office****From:** Dori Caron <dori.caron@knoxplanning.org>**Sent:** Friday, October 9, 2020 5:20 PM**To:** amy.brooks@knoxplanning.org; Ben Davidson <bdavidson@knoxvilletn.gov>; Charlo e Goforth <cgoforth@knoxvilletn.gov>; Chris an Wiberley <Christian.Wiberley@kub.org>; Danny Beeler <dbeeler@knoxvilletn.gov>; Harold Cannon <hcannon@knoxvilletn.gov>; Laura Edmonds <laura.edmonds@knoxplanning.org>; Michelle Portier <michelle.portier@knoxplanning.org>; Shannon Sims <ss3775@att.com>; Sonny Partin <spartin@knoxvilletn.gov>; Steve Borden <steve.borden@tn.gov>; Steve King <sking@knoxvilletn.gov>**Subject:** November ROW closures 11-A-20-SC and 11-B-20-SC

Well,

[Quoted text hidden]



CITY OF KNOXVILLE

Engineering
Benjamin D. Davidson, PLS
Technical Services Administrator

October 23, 2020

Knoxville-Knox Planning
City-County Building, Suite 403
Knoxville, Tennessee 37902

SUBJECT: Closure of a portion of MLK Jr Ave
Planning File # 11-B-20-SC

The City Engineering Department has no objections to close the above described right-of-way area, subject to the following condition being met:

1. The applicant must have a plan approved by City Engineering showing the alignment of the new proposed right-of-way and provide a boundary map and/or written property description of the area of right-of-way that is to be closed. The boundary map and description should be certified by a TN registered land surveyor and must be supplied prior to the closure being considered at City Council as the closure area must be described in the closing ordinance documents.

Per the standard process, should this right-of-way be closed, the City will reserve easements for all drainage facilities and utilities, **if there are any current facilities**, located in or within five (5) feet of the property described herein. No easements are reserved if there are no current facilities within the closure area. If any existing facilities or utilities are found not feasible to the site development or use, they may be removed and relocated, subject to City Engineering and/or other applicable easement holder review and approval.

Sincerely,

Benjamin D. Davidson, PLS, Technical Services Administrator
Technical Services/Department of Engineering
Ph: 865-215-2103

a

October 26, 2020

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

Dear Ms. Portier:

Re: Right-of-Way Closure Requests 11-A-20-SC and 11-B-20-SC

We have reviewed our records and, as far as we have been able to determine, KUB has no existing utility facilities located within the subject right-of-ways and we have no objection to the requested closures. However, KUB does not release and hereby retains all easements and rights for existing facilities, whether or not identified in our research.

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

Sincerely,



Christian Wiberley, PE
Engineering

CGW



Dori Caron <dori.caron@knoxplanning.org>

November ROW closures 11-A-20-SC and 11-B-20-SC

Steve Borden <Steve.Borden@tn.gov>
To: Dori Caron <dori.caron@knoxplanning.org>

Tue, Oct 20, 2020 at 4:30 PM

TDOT District 18 Operations does not have any comment on either of the cases.



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: Friday, October 9, 2020 5:20 PM

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[Quoted text hidden]



Dori Caron <dori.caron@knoxplanning.org>

November ROW closures 11-A-20-SC and 11-B-20-SC

SIMMS, SHANNON R <ss3775@att.com>
To: Dori Caron <dori.caron@knoxplanning.org>

Tue, Oct 13, 2020 at 8:10 AM

Dori,

AT&T does not wish to relinquish any existing ROWs in this area at this time.

Thanks,

Shannon R. Simms

MANAGER OSP PLANNING & ENGINEERING DESIGN

Access Construction & Engineering

Tennessee/Kentucky District

AT&T – BellSouth Telecommunications, LLC

9733 Parkside Dr, Knoxville, TN 37922

M: 865-566-7068 | ss3775@att.com

O: 865-539-8596 (**Try Mobile First**)

[Quoted text hidden]

2 attachments**ROW Package 11-A-20-SC_.pdf**

2999K

**ROW Package 11-B-20-SC.pdf**

3000K



400 Main Street
Suite 403
Knoxville, TN 37902
P: 865.215.2507
F: 865.215.2237

Addressing Department Review and Comments

File #: 11-B-20-SU
Tax Parcel ID: 107KE011
Subdivision: N/A
Owner: Blankenship
Applicant: Michaela Stanfill
Company: Studio Four Design
Email: mstanfill@s4dinc.com

Date Submitted: 9/24/20
Review Type: Sp Use
Unit or Phase:
Phone:
Office: 865.523.5001
Cell:
Fax:

Visit our website: <http://www.knoxplanning.org/addressing> for a list of existing and available street names.

All subdivision and street names must conform to the Knoxville/Knox County Street Uniform Naming and Addressing Ordinance, Subdivision Regulations and the Administrative Rules of the Planning Commission.

Proposed and/or Existing Subdivision or Street Names	Results of Review, Corrections, and Comments (date subdivision or street name reserved)	Approved, Pending, Denied, Revise, Note
	Proposed use should not have an impact of the existing address	
	If approved we will update site name	

Comments may be modified based on new information from updated plans, field reviews or other agencies.

Andrea Kupfer (865.215.3797) andrea.kupfer@knoxplanning.org	1st Review	Donna Hill (865.215.3872) donna.hill@knoxplanning.org	2nd Review
	10/5/2020		10.13.20



RIGHT-OF-WAY CLOSURE

Name of Applicant: Matt Brazille

Date Filed: 9/28/20 Fee Paid: _____ File Number: ~~11-A-20-SC~~
11-B-20-SC

Map Number: 095 Zoning District: RW-6 ☒ City ☐ County Sector: _____
Jurisdiction: ☒ City 6 Council District _____

(2 rights-of-way; separating into 2 applications)

INFORMATION:

Name of Right-of-Way: Portion of Summit Hill Drive, Portion of MLK Jr. Avenue (Old Vine Av.)

Type of Right-of-Way: ☒ Street ☐ Alley

Location of Right-of-Way: E. Summit Hill Dr.

BETWEEN (City Block or Lot where appropriate) South Bell Street (closed) / SW Corner of Parcel 095H6001

AND (City Block or Lot where appropriate) Harriet Tubman Street Western ROW Extends

Right-of-Way Is: In Use ☒ Yes ☐ No Improved (example: paved) ☒ Yes ☐ No

Reason for Closure: For continued redevelopment of the KDC Austin Homes site. Per the approved concept plan for the development, the slip ramp from MLK to Summit will be removed and converted to a traditional right turn. The proposed ROW line will be placed at the back of sidewalk (10' from curb) along the length of the closure.

TO BE CLOSED:

From: (Street, Alley, Other)

S. Bell St. (closed) / SW Corner of Parcel 095H6001
E. Summit Hill Dr. (to a point behind sidewalk 10' from curb)

To: (Street, Alley, Other)

Harriet Tubman Street Western ROW Line

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Matt Brazille 2704 Cherokee Farm Way, Suite 101 Knoxville, TN 37920 (865) 340-4945

Name: (Print) Address • City • State • Zip • Phone • Email

AUTHORIZATION OF APPLICATION:

mbrazille@cecinc.com

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.

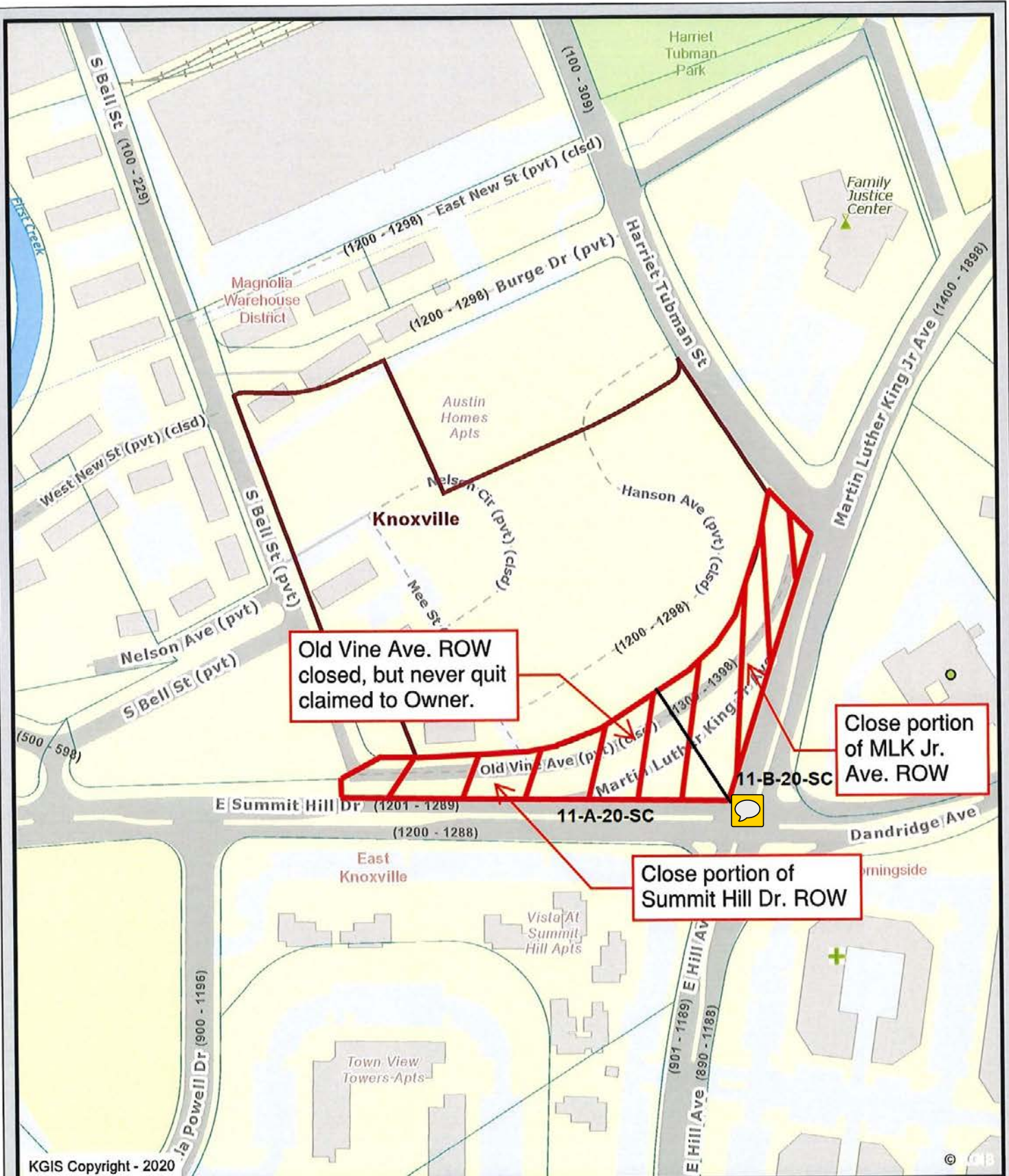
Signature: Matt W. Brazille, P.E.
2704 Cherokee Farm Way

Matt Brazille Suite 101 Knoxville TN 37920 865-340-4945 mbrazille@cecinc.com

Name: (Print) Address • City • State • Zip • Phone • Email

APPLICATION ACCEPTED BY:

Sherry Michenji



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©

KCDC Austin Homes

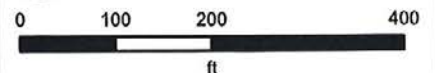
Right-of-Way Closure

Summit Hill Drive and MLK Jr. Avenue

Knoxville - Knox County - KUB Geographic Information System



Printed: 9/22/2020 at 10:24:48 AM



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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]

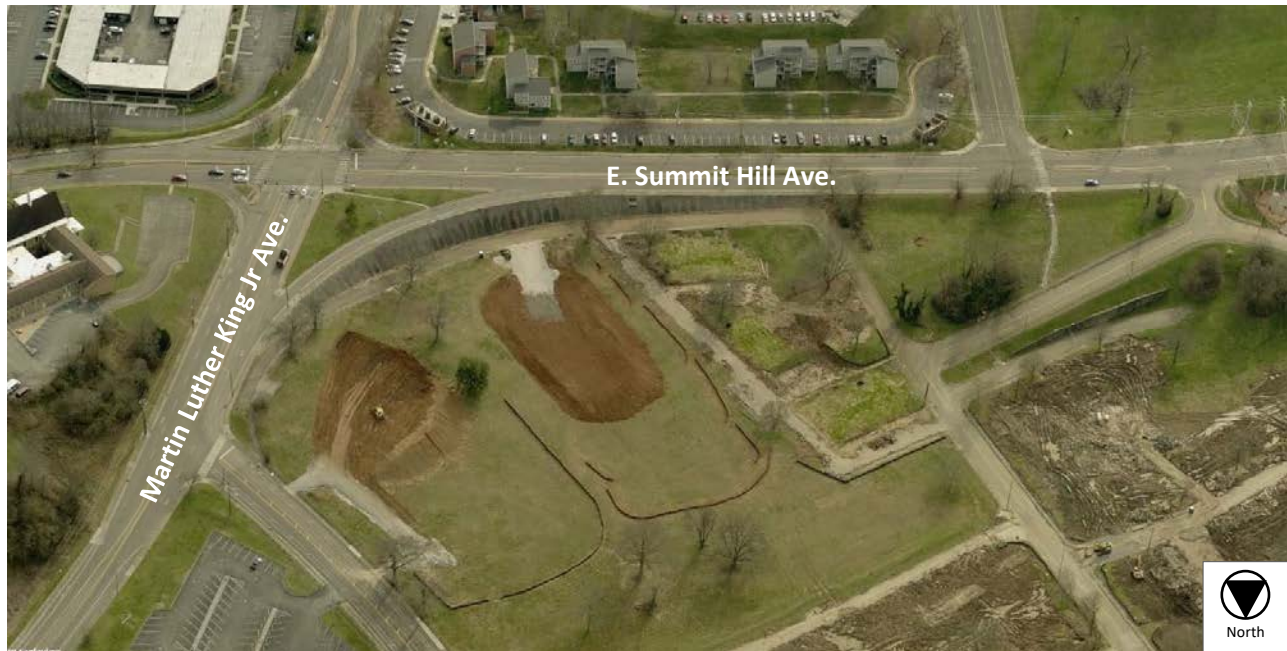
Source: KGIS

09/22/2020

<https://www.kgis.org/parcelreports/ownercard.aspx?id=095GA013>

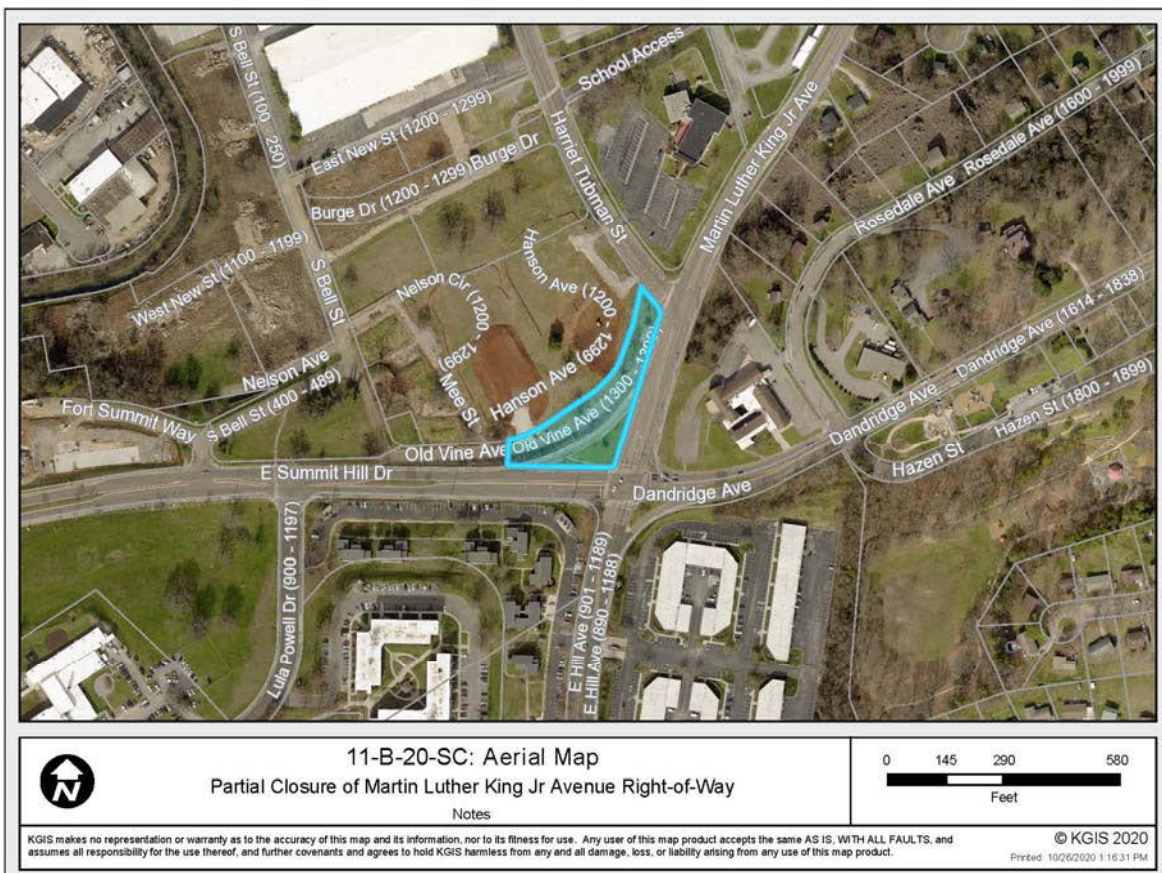
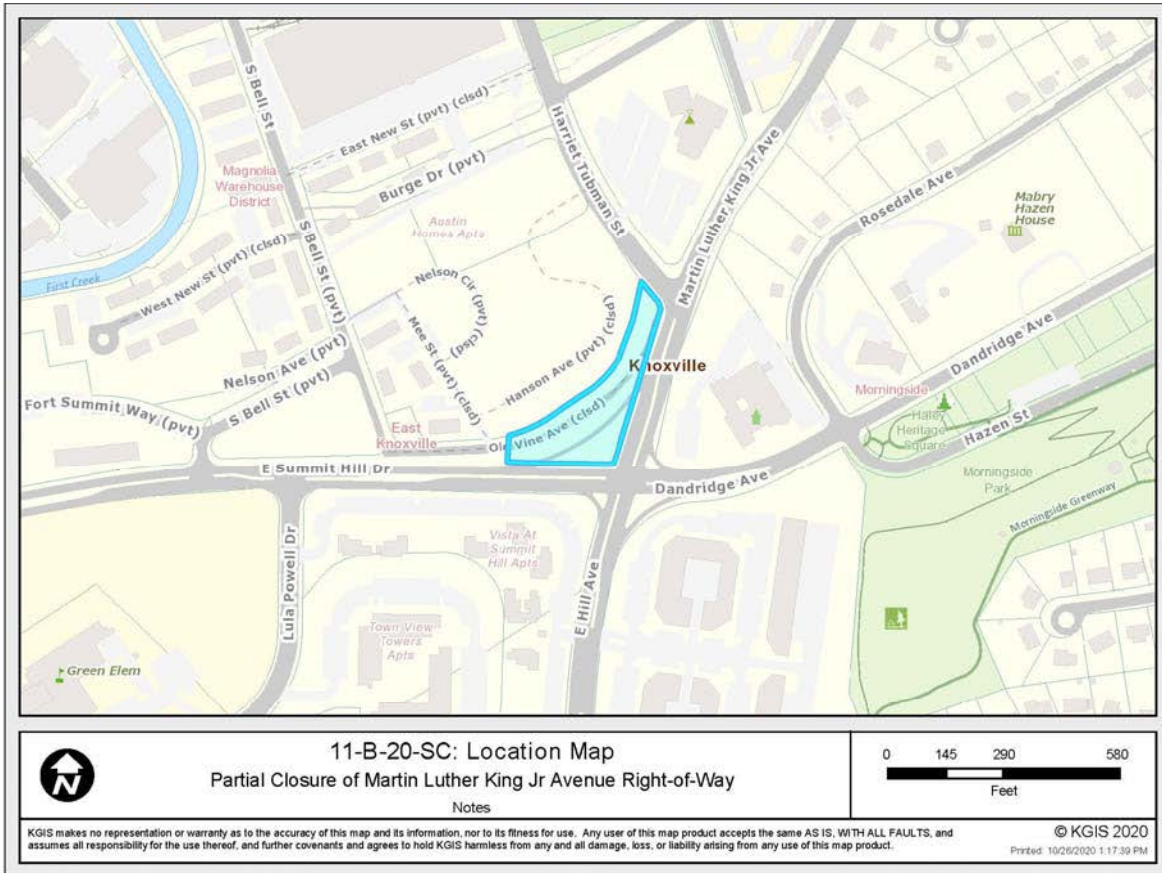
11-B-20-SC

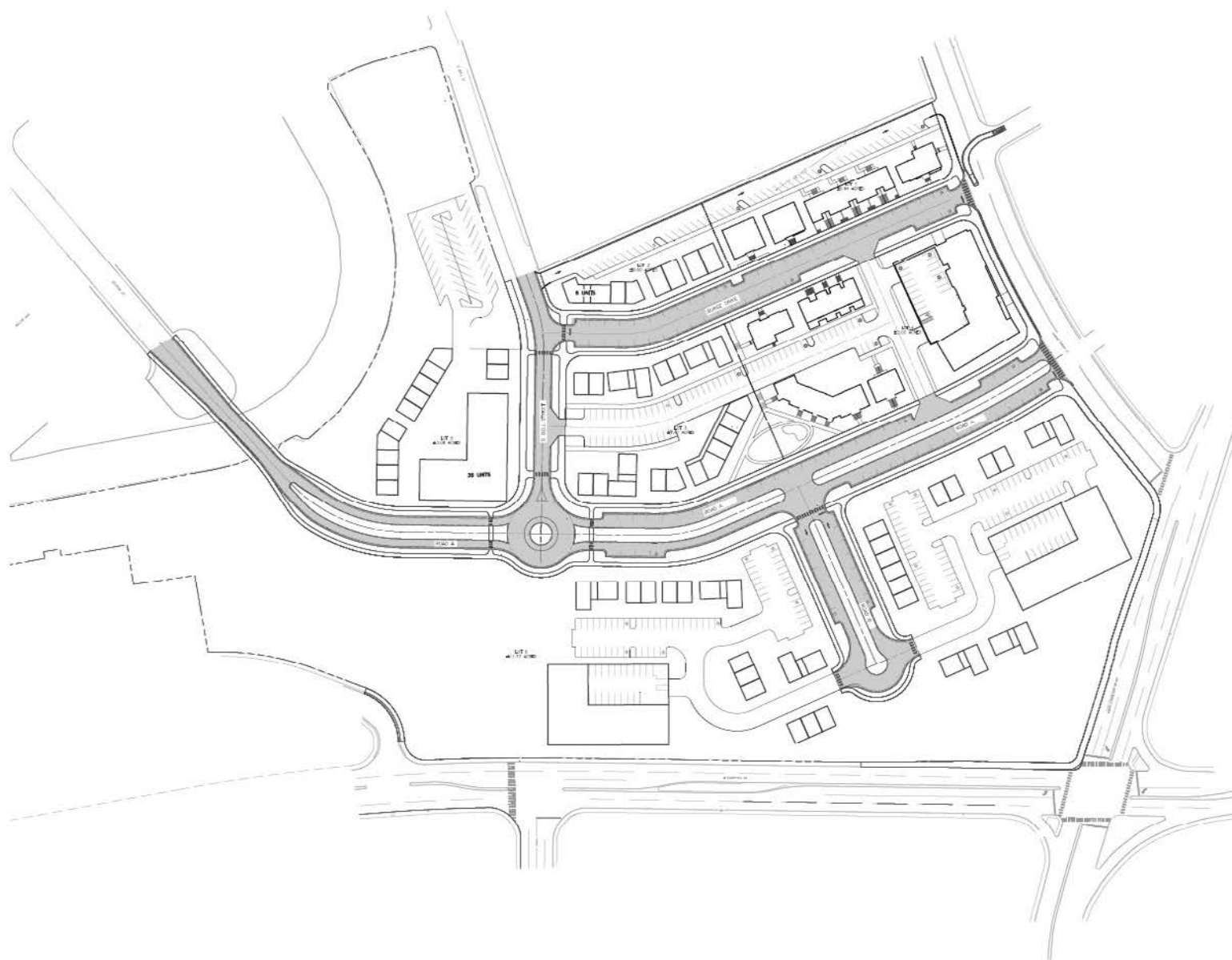
Exhibit A. Contextual Images



11-B-20-SC

Exhibit A. Contextual Images





Revised: 12/20/2019
PLANNING COMMISSION NUMBER:
 12-SF-19-C

PRELIM.
FOR
REVIEW

CP204

CONCEPT SITE LAYOUT PLAN

DECEMBER 1, 2019	TRANSITION	GRU MINUTARI
AS BOUND	CHUCKED IN	MWB
		1 set of 60

KNOXVILLE'S COMMUNITY
DEVELOPMENT CORPORATION
AUSTIN HOMES
INFRASTRUCTURE IMPROVEMENTS
KNOXVILLE, KNOX COUNTY, TN

CEL
Civil & Environmental Consultants, Inc.
2704 Cherokee Farm Way • Suite 101 • Knoxville, TN 37120
PH: 865.977.5697 • FAX: 865.977.3819

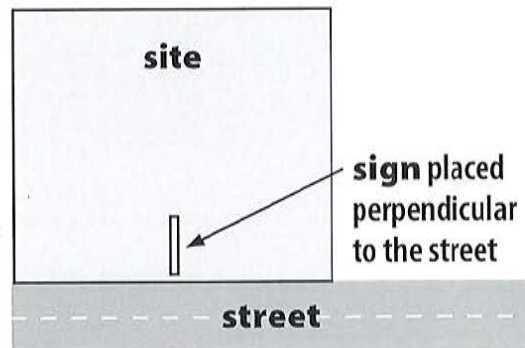
REQUIRED SIGN POSTING AGREEMENT

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 28th (Wed) and Nov 13th (Fri)
 (15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: Matt W. Brazille

Printed Name: Matt Brazille

Phone: 865-340-4945 Email: mbrazille@cecine.com

Date: 9-28-20

File Number: 11-A-20-SC



RIGHT-OF-WAY CLOSURE

Name of Applicant: Matt Brazille

Date Filed: 9/28/20 Fee Paid: _____ File Number: 11-A-20-SC

Map Number: 095 Zoning District: RW-6 ☐ City ☐ County Sector: _____

Jurisdiction: ☒ City 6 Council District

INFORMATION:

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Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) South Bell Street (closed) / SW Corner of Parcel 095HC001
 AND (City Block or Lot where appropriate) Harriet Tubman Street Western ROW Extents

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

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From: (Street, Alley, Other)

S. Bell St. (closed) / SW Corner of Parcel 095HC001

To: (Street, Alley, Other)

Harriet Tubman Street Western ROW Line

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Matt Brazille 2704 Cherokee Farm Way, Suite 101 Knoxville, TN 37920 (865) 340-4945

Name: (Print) Address • City • State • Zip • Phone • Email

AUTHORIZATION OF APPLICATION:

mbrazille@cecinc.com

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.

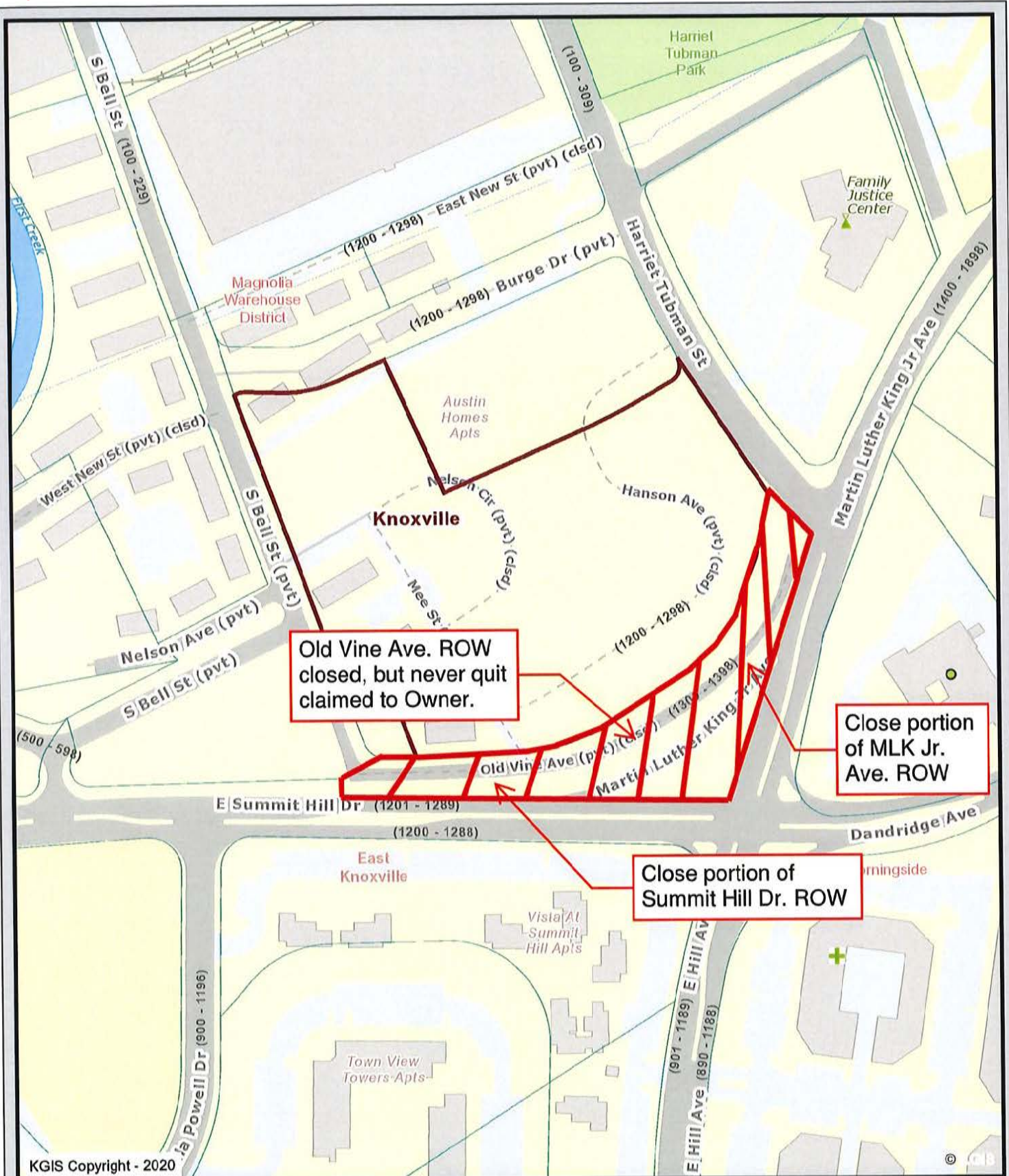
Signature: Matt W. Brazille, P.E.

Matt Brazille 2704 Cherokee Farm Way Suite 101 Knoxville TN 37920 865-340-4945 mbrazille@cecinc.com

Name: (Print) Address • City • State • Zip • Phone • Email

APPLICATION ACCEPTED BY:

Sherry Michener



KCDC Austin Homes

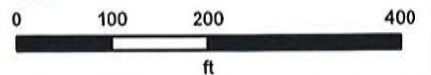
Right-of-Way Closure

Summit Hill Drive and MLK Jr. Avenue

Knoxville - Knox County - KUB Geographic Information System



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