

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

► FILE #: 9-A-20-SC		AGENDA ITEM #: 6
POSTPONEMENT(S):	9/10/20, 10/8/20, 11/12/20, 12/10/20, 3/11/20	AGENDA DATE: 6/10/2021
► APPLICANT:	MIKE SOUEID	
TAX ID NUMBER:	107 N/A	View map on KGIS
JURISDICTION:	Council District 6	
SECTOR PLAN:	Central City	
GROWTH POLICY PLAN:	Inside City limits	
ZONING:	RN-2 (Single-Family Residential Neighbo	rhood)
WATERSHED:	Third Creek	
► RIGHT-OF-WAY TO BE	Cate Ave.	
CLOSED:		
CLOSED: LOCATION:	Between Pilkay Rd. and Third Creek	
	Between Pilkay Rd. and Third Creek	
► LOCATION:	Between Pilkay Rd. and Third Creek	
LOCATION:     IS STREET:		
<ul> <li>LOCATION:</li> <li>IS STREET:</li> <li>(1) IN USE?:</li> </ul>	No	

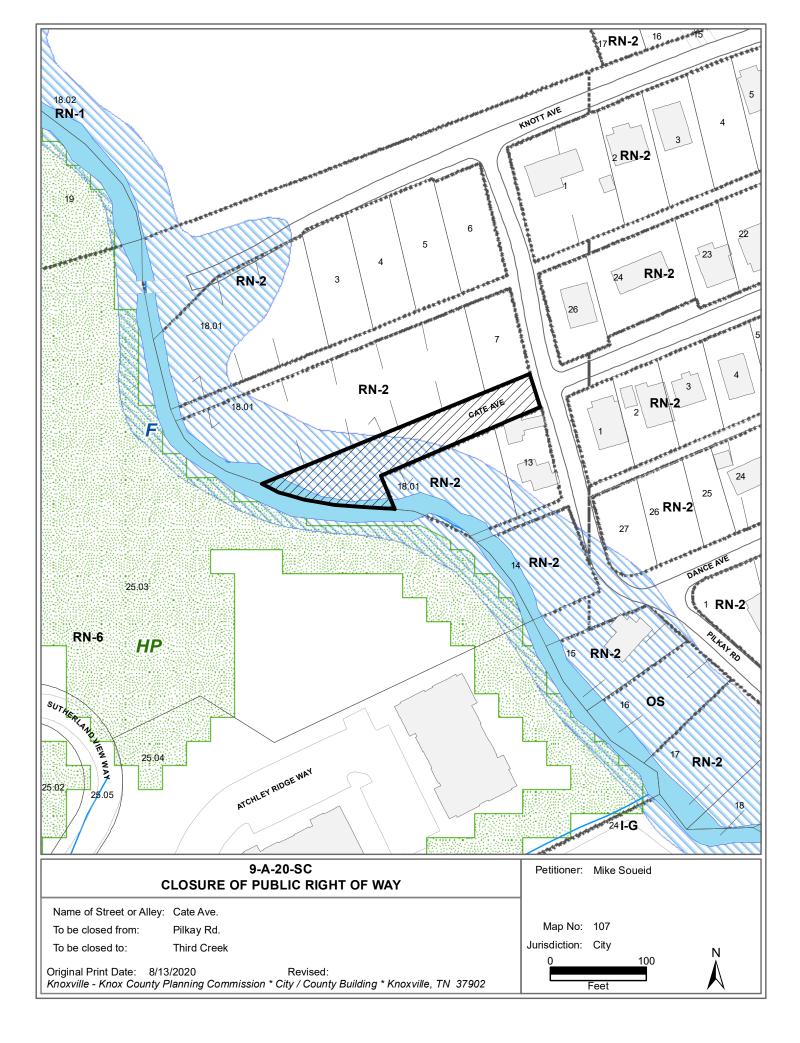
#### STAFF RECOMMENDATION:

# Postpone this application for 90 days to be heard at the September 9, 2021 Planning Commission meeting.

This right-of-way closure request is related to an application for a rezoning, sector plan amendment, and One Year Plan amendment affecting several parcels spanning two city blocks that will be heard at the July 8, 2021 Planning Commission meeting. If the rezonings and plan amendments are approved, they will proceed to City Council in August 2021, with the second reading taking place at the end of the month. Postponing the right-of-way closure request until the September meeting leaves the option to retain the alleys open pending those case outcomes. Planning staff would like to retain the alleys in case future development on these parcels would utilize the alleys in their site design. Should the rezoning and plan amendment cases, pass, staff can assess the alley closures at that time. If the rezonings and plan amendments are denied, the right-of-way closure requests could be subsequently withdrawn or denied.

If approved, this item will be forwarded to Knoxville City Council for action on 7/13/2021 and 7/27/2021. 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.

AGENDA ITEM #: 6	FILE #: 9-A-20-SC	6/3/2021 03:41 PM	MICHELLE PORTIER	PAGE #:	6-1





## [Planning Applications] Rezoning Request

Fri, Aug 17, 2020 at 2:12 PM

20 messages

**Michelle Portier** <michelle.portier@knoxplanning.org> To: Timothy J Howell <tim@tnlds.com>

Hi Timothy,

Both of these rezonings will require sector plan amendments as well. The current sector plan (a.k.a. future land use map) has these properties designated as TDR, which does not allow RN-6 zoning.

To include the sector plan amendment, you can check that box on the top of the application (right above where you have checked Rezoning), and fill out the sector plan area (also with the rezoning) on the 2nd page of the application. RN-6 is only allowed in the HDR (High Density Residential) land use class, so you will need to ask for that, and put something in there about multifamily development and the density you are looking for.

Also, for the ROW closures you are requesting in September, we are missing the signature of the development on the other side of the creek to the west (Sutherland Park). You can add that name and signature to the existing page 2 with the rest of the signatures, assuming you still have a copy of that. Let me know if you don't.

If you have any questions, please let me know. Michelle

On Sat, Aug 15, 2020 at 6:55 AM Timothy J Howell <tim@tnlds.com> wrote: [Quoted text hidden]

[Quoted text hidden]

**Michelle Portier** <michelle.portier@knoxplanning.org> To: Timothy J Howell <tim@tnlds.com> Fri, Aug 21, 2020 at 10:01 AM

#### Timothy,

I wanted to reach out regarding the signatures on the ROW closure cases to make sure you saw that in my last email. Let me know if you have any questions on that or the application.

Michelle [Quoted text hidden]

**Timothy J Howell** <tim@tnlds.com> To: Michelle Portier <michelle.portier@knoxplanning.org> Fri, Aug 21, 2020 at 10:04 AM

I did see it. I have been dealing with a lot here but I will see if I still have the paper copies to get it signed. If not, can print the signature page, have the owner to get it signed, then bring send it to you to attach to the original?

Respectfully,

**Timothy J Howell** 

TN Registered Land Surveyor #2263 TN Rule 31 Listed General Civil Mediator *Tennessee Land Development Services* mobile (865) 742-2557 Twitter | Linkedin | facebook With few exceptions, scheduling a survey is more putting the job in a queue rather than fitting it into a time slot on a specific day.

#### Click here to understand scheduling Click here for what is included in a land survey

This transmission, regardless of modality, may contain confidential information and may be subject to protection under the law. If you are not the intended recipient, or an authorized agent for the intended recipient, you are hereby notified that use, such as but not limited to disclosure, copying, or distribution, is prohibited. Please destroy any and all copies immediately and notify the sender of this erroneous receipt.

Any progress on that signature? Our documentation gets uploaded to the website and packets go out to Commissioners

[Quoted text hidden]

**Michelle Portier** <michelle.portier@knoxplanning.org> To: Timothy J Howell <tim@tnlds.com>

#### Yes, that's fine. Thank you.

[Quoted text hidden]

Mr. Howell,

Thank you, Michelle

[Quoted text hidden]

Michelle Portier <michelle.portier@knoxplanning.org> To: Timothy J Howell <tim@tnlds.com> Mon, Aug 31, 2020 at 2:36 PM

Fri, Aug 21, 2020 at 10:53 AM

Mon, Aug 31, 2020 at 3:15 PM

Timothy J Howell <tim@tnlds.com>

this Friday. Do you think you can send it to me by this Thursday?

To: Michelle Portier <michelle.portier@knoxplanning.org>

I am reaching out to my client now to see if he has had any luck getting the signature.

Respectfully,

#### **Timothy J Howell**

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I hope to have you that signature(s) soon.

Attached are the rezoning requests (along with sector change requests).

You had specified that I needed to request it to be HDR, but I matched the adjoining MDR/RN-6 property (to avoid pocket zoning/sectoring). If this will not meet our request, please let me know and I will make it HDR instead.

Respectfully,

#### **Timothy J Howell**

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On 8/31/2020 2:36 PM, Michelle Portier wrote: [Quoted text hidden]

#### 2 attachments

Page 2879K

Bezone RN-2.pdf

**Michelle Portier** <michelle.portier@knoxplanning.org> To: Timothy J Howell <tim@tnlds.com> Tue, Sep 1, 2020 at 10:36 AM

The MDR land use does not support the RN-6 zone. There are some anomalies out there from when we adopted a new zoning ordinance that took effect on January 1, 2020, and that is the case in this situation. You will need to request the HDR land use classification.

[Quoted text hidden]

**Timothy J Howell** <tim@tnlds.com> To: Michelle Portier <michelle.portier@knoxplanning.org>

Ok, here are the apps with HDR

Respectfully,

#### **Timothy J Howell**

TN Registered Land Surveyor #2263 TN Rule 31 Listed General Civil Mediator *Tennessee Land Development Services* mobile (865) 742-2557 Twitter | Linkedin | facebook

With few exceptions, scheduling a survey is more putting the job in a queue rather than fitting it into a time slot on a specific day

Tue, Sep 1, 2020 at 11:33 AM

#### Click here to understand scheduling Click here for what is included in a land survey

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[Quoted text hidden]

2 attachments	
<mark>™ Rezone RN-1</mark> . 2938K	pdf
► Rezone RN-2. 2911K	pdf
Michelle Portier <mi< td=""><td>chelle.portier@knoxplanning.org&gt;</td></mi<>	chelle.portier@knoxplanning.org>

Bcc: Amy Brooks <amy.brooks@knoxplanning.org>

Thu, Sep 3, 2020 at 4:34 PM

Mr. Howell,

Regarding the requests to close the rights-of-way, we will need to recommend postponement of both requests since we do not yet have the last signature on the canvass form. It would be heard at the October meeting.

Thank you, Michelle [Quoted text hidden]

**Timothy J Howell** <tim@tnlds.com> To: Michelle Portier <michelle.portier@knoxplanning.org> Thu, Sep 3, 2020 at 5:06 PM

Thanks. We have been having trouble tracking down an actual person who can sign.

Respectfully,

#### **Timothy J Howell**

TN Registered Land Surveyor #2263 TN Rule 31 Listed General Civil Mediator *Tennessee Land Development Services* mobile (865) 742-2557 Twitter | Linkedin | facebook

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# Memo

## AUGUST 5, 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 CATE AVE. BETWEEN PILKAY RD. AND THIRD CREEK, BETWEEN CITY BLOCKS 50810 AND 50830, COUNCIL DISTRICT 6, CENTRAL CITY SECTOR. (9-A-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 September 10, 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, August 24, 2020 will be considered as no objection by your agency.

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



# CITY OF KNOXVILLE



Engineering Benjamin D. Davidson, PLS Technical Services Administrator

August 20, 2020

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

SUBJECT: Closure of a portion of Cate Ave running west from Pilkay Rd to terminus at Third Creek MPC File # 9-A-20-SC; City Block 50830

The City Engineering Department has no objections to close the above described right-of-way area. However, 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,

Bangami Q. Davidor

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



Dori Caron <dori.caron@knoxplanning.org>

### September 2020 ROW closures: 9-A-20-AC and 9-A-20-SC

**Sonny Partin** <spartin@knoxvilletn.gov> To: Dori Caron <dori.caron@knoxplanning.org> Wed, Aug 5, 2020 at 2:57 PM

Dori,

Our office has reviewed the two applica ons and have approved for fire dept access.

Sonny

Asst. Chief Sonny Par n, CFPS

**Deputy Fire Marshal** 

**Knoxville Fire Department** 

400 Main St. Suite 462

Knoxville, Tn. 37902

865-215-2283 Office

August 24, 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 Request 9-A-20-SC

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 easement for its utility facilities.

Sewer - 12.5 feet on each side of the centerline of the sewer line, 25 feet total width

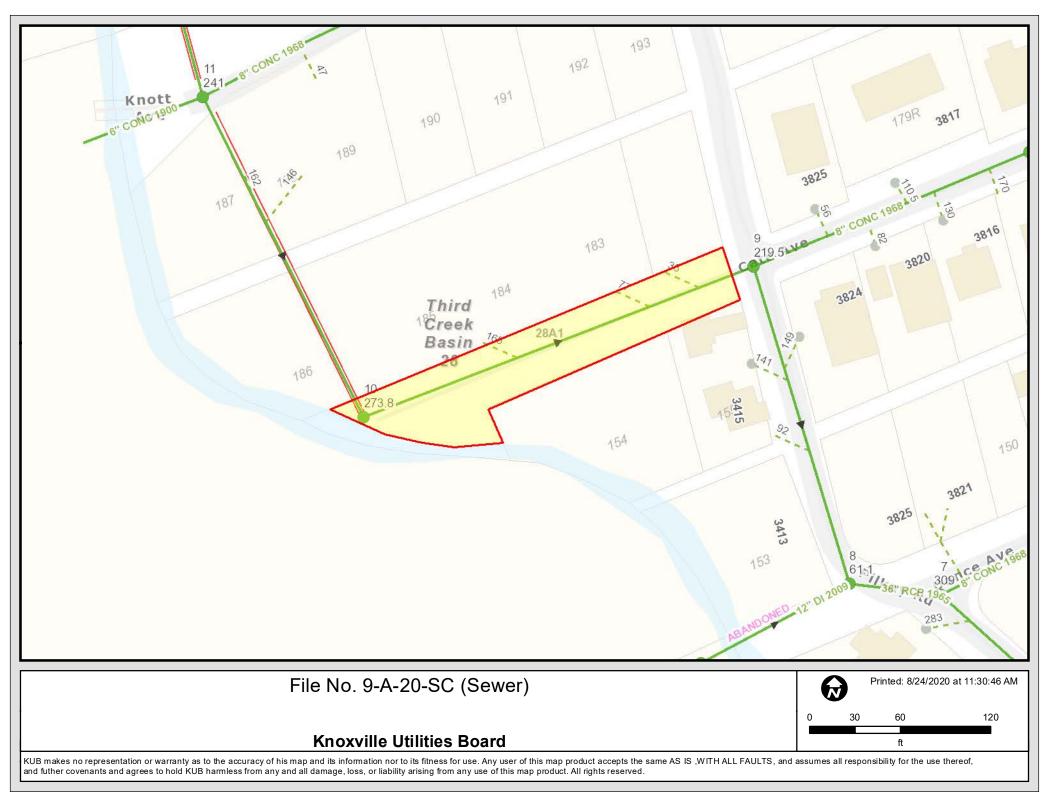
If you have any questions regarding this matter, please call me at (865) 558-2483.

Sincerely,

Eliti Will

Christian Wiberley, PE Engineering

CGW





Dori Caron <dori.caron@knoxplanning.org>

## September 2020 ROW closures: 9-A-20-AC and 9-A-20-SC

**Steve Borden** <Steve.Borden@tn.gov> To: Dori Caron <dori.caron@knoxplanning.org> Tue, Aug 18, 2020 at 4:22 PM

TDOT D18 Operations has no comment on either one.



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

TDOT – Region 1

7345 Region Lane

Knoxville, TN 37914

(865) 594-2400

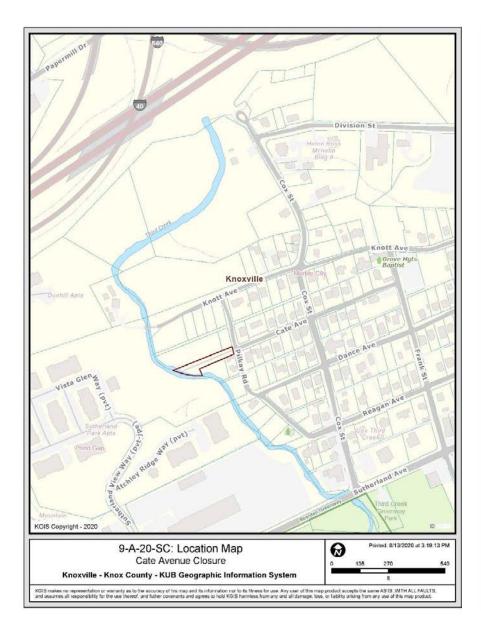
Steve.Borden@tn.gov

tn.gov/tdot

From: Dori Caron <dori.caron@knoxplanning.org> Sent: Wednesday, August 5, 2020 9:20 AM

[Quoted text hidden]

# 9-A-20-SC Exhibit A. Contextual Images





	MARKA MARKA	Sound
Planning	Name of Applicant: <u>Mike</u>	
KHOXVILLE   KNOX COUNTY	Date Filed: 7/27/2020	Fee Paid: <u>\$750</u> File Number: <u>9-A-20-SC</u>
	Map Number: 107 Zoning	District: RN-2 🛛 City 🗌 County Sector : Central City
	Jurisdiction: 🕅 City6th	Council District
INFORMATION:		
Name of Right-of-Way	: CATE AVE	
Type of Right-of-Way:		
Location of Right-of-W	/ay:	18-00-
	or Lot where appropriate) 508	0 50050
	where appropriate) 5083	
Right-of-Way is: In	We are consolidation a	ed (example: paved) Tyes KNo bunch of fine lots and own
both sides of	this road. Its a	bunch of finy lots and own urrent Layout is not condusive
to developme		
TO BE CLOSED:		
From: (Street, Alley, Oth	ner)	To: (Street, Alley, Other) Hird Creek
PILKAY Rd		HOUCE PROOF
icu		- Triji a Creen
	E RELATING TO THIS APPLICATIO	
ALL CORRESPONDENC		IN SHOULD BE SENT TO:
ALL CORRESPONDENCE Tim Howel) 170	MRidge Ct Sevierville, T	IN SHOULD BE SENT TO:
ALL CORRESPONDENC Tim Howell 170 Name: (Print) A	ddress • City • S	IN SHOULD BE SENT TO: H , 37867 865-742-2557 timetalds.com
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ALL CORRESPONDENCE Tim Howel) 170 Name: (Print) A AUTHORIZATION OF A I hereby certify that I a in this request or hold Mile Squeid 669t	APPLICATION: am the authorized applicant, or re- ers of option on same. Signature:	IN SHOULD BE SENT TO: IN SHOULD BE SENT TO: State · Zip · Phone · Email presenting the applicant and ALL property owners involved W, FL 73473 56-571-8800 mike. Soueid@qm
ALL CORRESPONDENCE Tim Howel) 170 Name: (Print) A AUTHORIZATION OF A I hereby certify that I a in this request or hold Mille Squeid 669t	APPLICATION: am the authorized applicant, or re- ers of option on same. Signature: I Girazda Cir Boch Rafe	Presenting the applicant and ALL property owners involved

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.						
ADDRESS	SIGNATURE	Agree	Disagree			
3415 PilkAurd	de ADa.					
Ø Pilkay Rd	MikesouEio					
O Knott Ave	CALL .					
3415 Pilkay rd Ø Pilkay Rd Ø Knott Aue 510 Vista Glea Way	Scal John ling Member Birther und Prink LP.					
1	Surtifier June PARK LP.					
	Paul Murphy					
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