



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

► **FILE #:** 5-B-21-SC

**AGENDA ITEM #:** 6

**AGENDA DATE:** 5/13/2021

► **APPLICANT:** RICHARD CLARK

TAX ID NUMBER: 120 N/A  
JURISDICTION: Council District 2  
SECTOR PLAN: Northwest City  
GROWTH POLICY PLAN: N/A (within City limits)  
ZONING: N/A  
WATERSHED: Ten Mile Creek

[View map on KGIS](#)

► **RIGHT-OF-WAY TO BE CLOSED:** Glenmore Dr.

► **LOCATION:** Between its southeast terminus at West Hills Bynon Park and Bennington Drive

IS STREET:

(1) IN USE?: YES

(2) IMPROVED (paved)? YES

► **APPLICANT'S REASON FOR CLOSURE:** Due to current corner lot codes (Article 10.3.1 Fence and Article 10.3.2 Pool placement), the dead end street does not allow proper use of my property at 7916 Bennington Drive. Pool and fence applications were submitted but were denied due to current codes and street. Due to this hardship, I am asking for the closure of the dead end street of Glenmore Drive and down the street between 7916 Bennington and 8000 Bennington Drive.

DEPARTMENT-UTILITY REPORTS: The City's Engineering Department and KUB have requested to retain any easements that may be in place.

## STAFF RECOMMENDATION:

► Postpone this request for 30 days to be heard at the June 10, 2021 Planning Commission meeting.

## COMMENTS:

Postponement of 30 days will allow investigation of options for providing neighborhood residents access to the park.

If approved, this item will be forwarded to Knoxville City Council for action on 6/15/2021 and 6/29/2021. 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.



**5-B-21-SC  
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: Glenmore Dr.  
 To be closed from: Bennington Drive  
 To be closed to: Dead end at John Bynon West Hills Community Park

Original Print Date: 4/7/2021 Revised:  
 Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Clark, Richard

Map No: 120  
 Jurisdiction: City

0 100  
 Feet



**APRIL 9, 2021**

Knoxville Utilities Board  
Steve Borden, Regional Director, TN Dept. of Transportation  
Harold Cannon, Director, Department of Engineering  
Steve King, Department of Engineering  
Sonny Partin, Fire Marshall  
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 GLENMORE DR. BETWEEN ITS TERMINUS AT WEST HILLS BYNON PARK AND BENNINGTON DRIVE. COUNCIL DISTRICT 2, NORTHWEST CITY SECTOR. (5-B-21-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 May 13, 2021. A map showing the street or alley in question is attached for your information.

***PLEASE NOTE: Failure to reply to our office by Monday, April 26, 2021 will be considered as no objection by your agency.***

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

April 26, 2021

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 5-B-21-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 easements for its utility facilities.

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



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

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**Row closures for May 2021 5-A-21-AC, 5-B-21-SC, 5-C-21-SC and 5-D-21-SC**

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**Sonny Partin** <spartin@knoxvilletn.gov>

Mon, Apr 26, 2021 at 3:12 PM

To: Michelle Portier &lt;michelle.portier@knoxplanning.org&gt;

Cc: Dori Caron &lt;dori.caron@knoxplanning.org&gt;, Christian Wiberley &lt;Christian.Wiberley@kub.org&gt;, Shannon Sims &lt;ss3775@att.com&gt;, Steve Borden &lt;steve.borden@tn.gov&gt;, Levan King Cranston &lt;levan.cranston@knoxplanning.org&gt;, "amy.brooks@knoxplanning.org" &lt;amy.brooks@knoxplanning.org&gt;, Laura Edmonds &lt;laura.edmonds@knoxplanning.org&gt;

Michelle,

All four are approved by fire dept.

Sonny

Asst. Chief Sonny Partin C.F.P.S.

Fire Marshal

City of Knoxville Fire Dept.

City County Bldg.

[400 Main St. Suite 539](#)[Knoxville Tn. 37902](#)

865-215-2283 Office

[Quoted text hidden]

**5-B-21-SC**  
**Staff report forthcoming**



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

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**Row closures for May 2021 5-A-21-AC, 5-B-21-SC, 5-C-21-SC and 5-D-21-SC**

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

Thu, Apr 22, 2021 at 10:42 AM

Please find the following responses from TDOT District 18 Operations:

5-A-21-AC: No comment

5-B-21-SC: No comment

5-C-21-SC: No comment

5-D-21-SC: No comment



## 5-B-21-SC

**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)

## Staff report forthcoming

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**From:** Dori Caron <dori.caron@knoxplanning.org>

**Sent:** Friday, April 9, 2021 2:53 PM

**To:** Amy Brooks <amy.brooks@knoxplanning.org>; Ben Davidson <bdavidson@knoxvilletn.gov>; Charlotte Goforth <cgoforth@knoxvilletn.gov>; Christian Wiberley <Christian.Wiberley@kub.org>; 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>; Levan King Cranston <levan.cranston@knoxplanning.org>

**Subject:** [EXTERNAL] Row closures for May 2021 5-A-21-AC, 5-B-21-SC, 5-C-21-SC and 5-D-21-SC

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

[Quoted text hidden]

**5-B-21-SC**  
**Staff report forthcoming**



# CITY OF KNOXVILLE

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**Engineering**  
Benjamin D. Davidson, PLS  
Technical Services Administrator

April 21, 2021

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

SUBJECT: Closure of Glenmore Dr (dead-end)  
MPC File # 5-B-21-SC; City Block 37909

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,

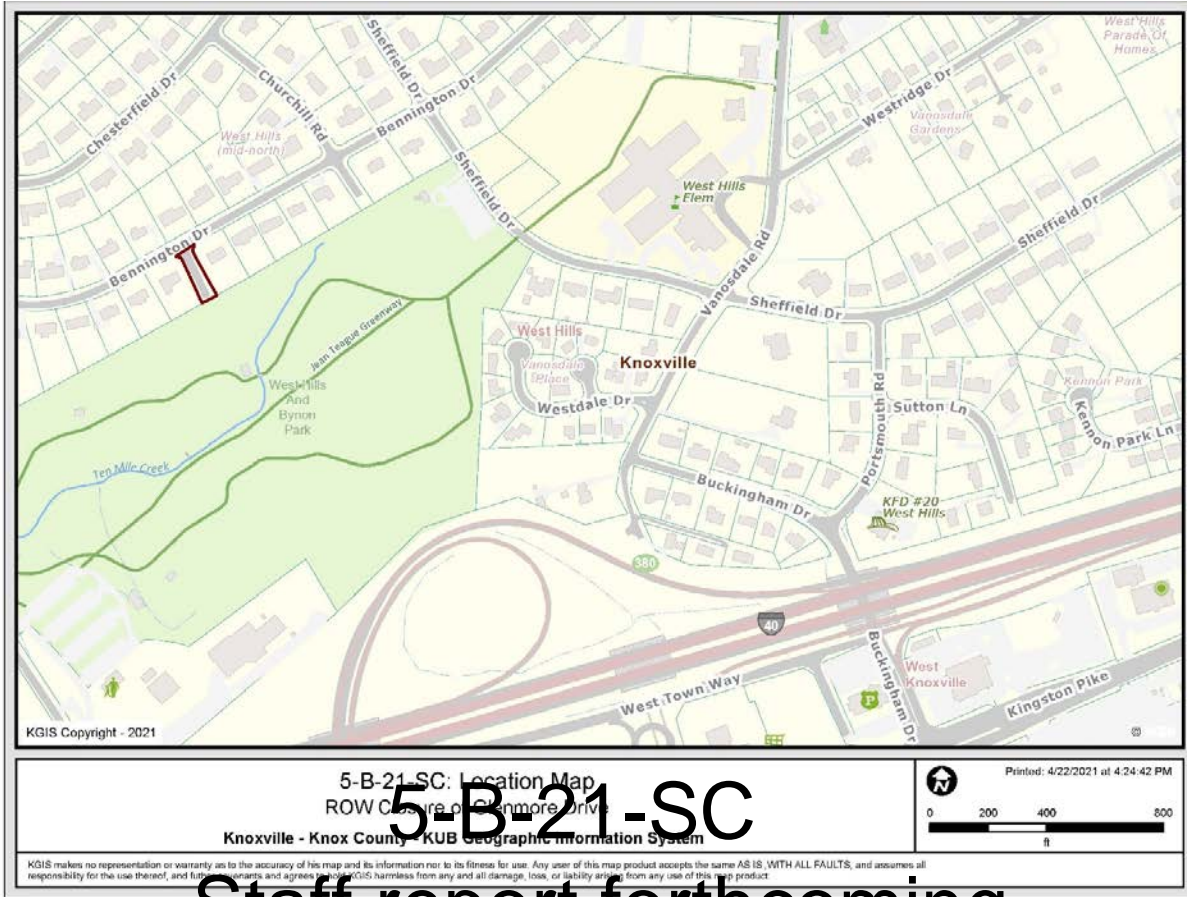
Benjamin D. Davidson, PLS, Technical Services Administrator  
Technical Services/Department of Engineering  
Ph: 865-215-2103

**5-B-21-SC**

**Staff report forthcoming**

5-B-21-SC

Exhibit A. Contextual Images

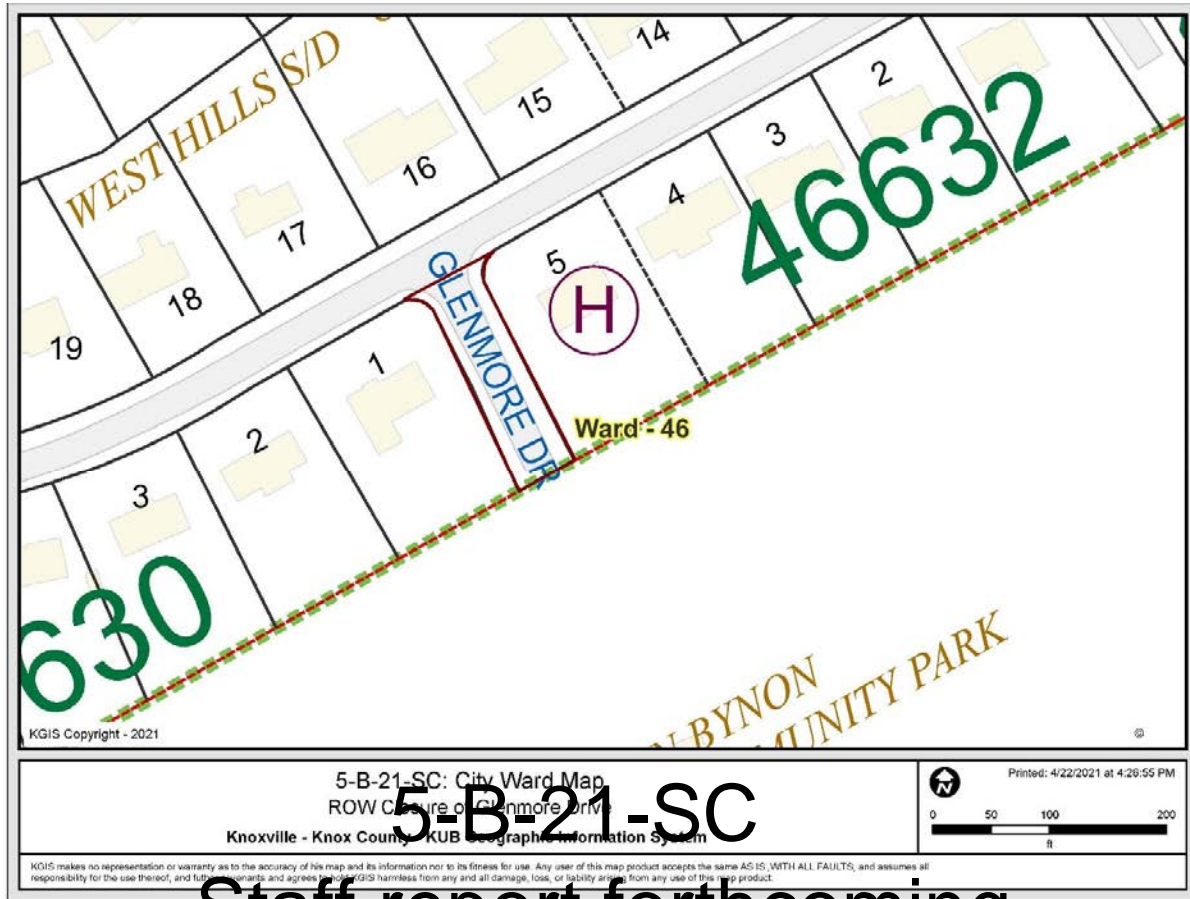


5-B-21-SC  
Staff report forthcoming



5-B-21-SC

Exhibit A. Contextual Images



5-B-21-SC  
Staff report forthcoming

Street view of Glenmore Drive and Bennington Drive





# RIGHT-OF-WAY CLOSURE

Name of Applicant: Richard Clark  
Date Filed: 3/26/21 Fee Paid: \$750.00 File Number: 5-B-21-SC  
Map Number: 120 Zoning District: RN-1 ☒ City ☐ County Sector: Northwest City  
Jurisdiction: ☒ City 2 Council District

## INFORMATION:

Name of Right-of-Way: Glenmore Dr Dead end Street  
Type of Right-of-Way: ☒ Street ☐ Alley  
Location of Right-of-Way:  
BETWEEN (City Block or Lot where appropriate) 7916 Bennington Dr Knoxville TN 37909  
AND (City Block or Lot where appropriate) 8000 Bennington Dr Knoxville, TN 37909  
Right-of-Way is: In Use ☒ Yes ☐ No Improved (example: paved) ☒ Yes ☐ No  
Reason for Closure: Due to Current Corner Lot Code (Artid 10.3.1 Fence) & (Artid 10.3.2) Pool  
placement. The dead end Street does not allow proper use of my property at 7916  
Bennington Dr. Pool & Fence Applications were submitted but were denied  
Due to current codes & Street. Due to this hardship, I am asking for the  
closure of the Dead end Street on Glenmore Dr. and domain the Street between  
7916 Bennington & 8000 Bennington Dr.

## TO BE CLOSED:

From: (Street, Alley, Other)

Bennington Dr

To: (Street, Alley, Other)

Dead end into greenway

Staff report forthcoming

## ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Richard Clark 7916 Bennington Dr Knoxville TN 37909 865-607-5964 f3spartan@gmail.com  
Name: (Print) Address City State Zip Phone Email

## 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: Richard Clark

Richard Clark 7916 Bennington Dr Knoxville TN 37909 865-607-5964 f3spartan@gmail.com  
Name: (Print) Address City State Zip Phone Email

## APPLICATION ACCEPTED BY:

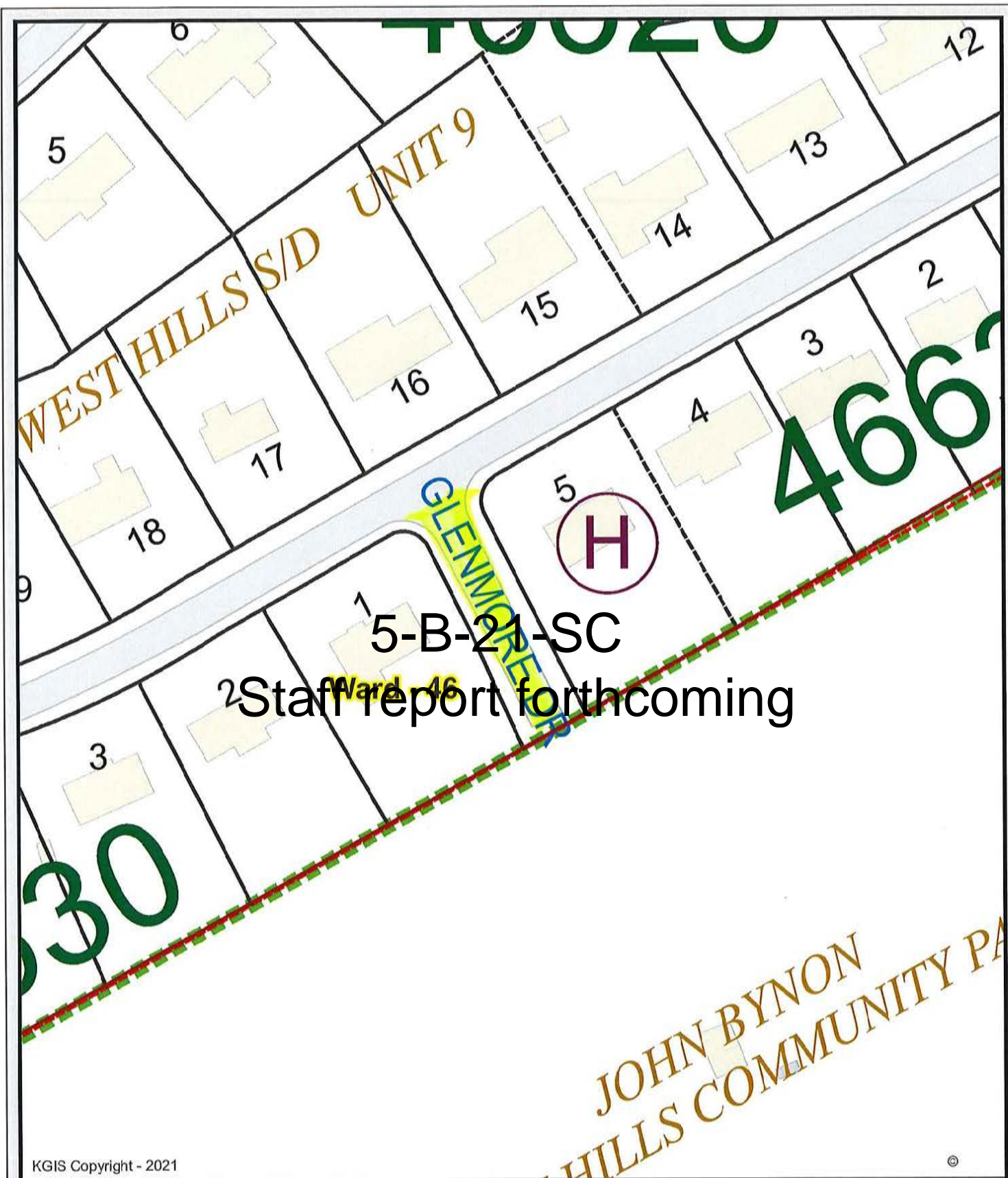
Sherry Michienzi

3/26/2021

[illegible]

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]



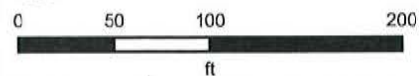
KGIS Copyright - 2021

Letter Portrait

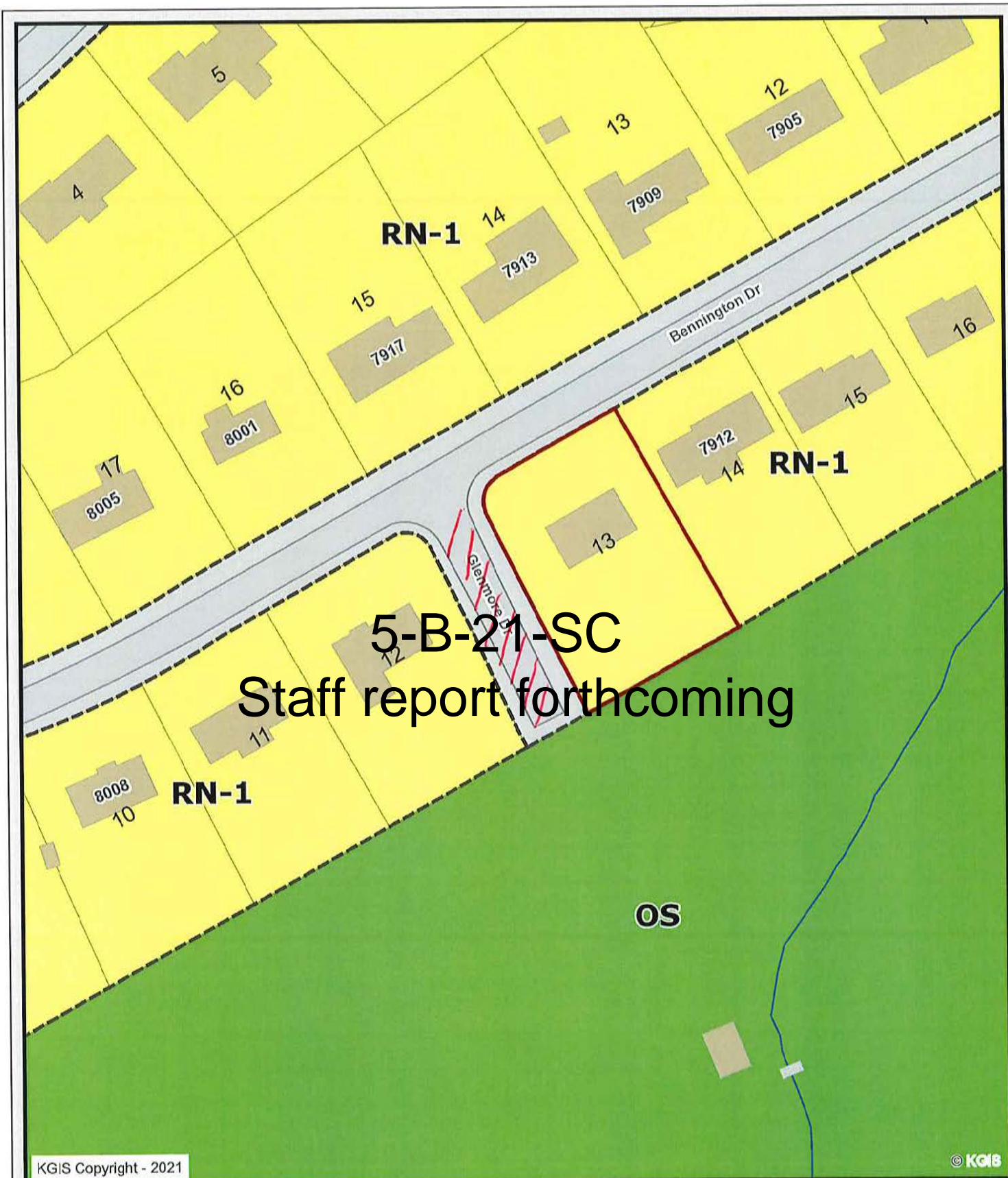
Knoxville - Knox County - KUB Geographic Information System



Printed: 3/26/2021 at 3:55:41 PM



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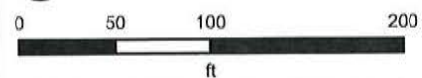


Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



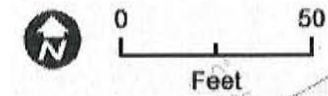
Printed: 3/26/2021 at 3:54:29 PM



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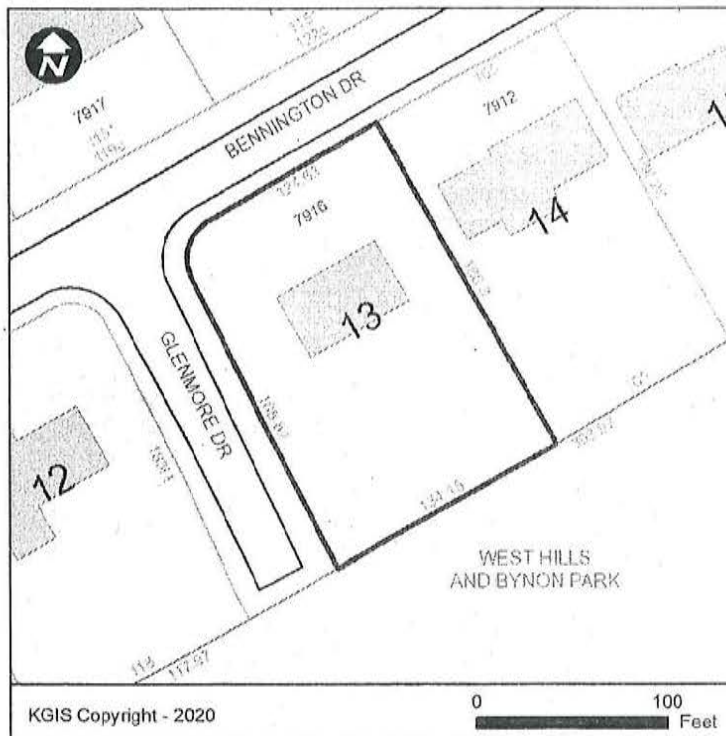


**KGIS Maps**  
a Kgis' website



Richard  
+ Dawn

## Parcel 120BF013 - Property Map and Details Report



## Property Information

Parcel ID: 120BF013  
 Location Address: 7916 BENNINGTON DR  
 CLT Map: 120  
 Insert: B  
 Group: F  
 Condo Letter:  
 Parcel: 13  
 Parcel Type: NORMAL  
 District:  
 Ward: 46  
 City Block: 46632  
 Subdivision: WEST HILLS UT 9  
 Rec. Acreage: 0  
 Calc. Acreage: 0  
 Recorded Plat: 23 - 136  
 Recorded Deed: 20050517 - 0092227  
 Deed Type: Legal Document:  
 Deed Date: 5/17/2005

## Address Information

Site Address: 7916 BENNINGTON DR  
 KNOXVILLE - 37909  
 Address Type: DWELLING, SINGLE-FAMILY  
 Site Name: WEST HILLS

## Owner Information

CLARK RICHARD A & DAWN M  
 7916 BENNINGTON DR  
 KNOXVILLE, TN 37909

The owner information shown in this section does **not** necessarily reflect the person(s) responsible for Last Year's property taxes. Report any errors to the County Property Assessor's Office at (865) 215-2365.

## Jurisdiction Information

County: KNOX COUNTY  
 City / Township: Knoxville

## MPC Information

Census Tract: 45  
 Planning Sector: Northwest City  
 Please contact Knox County Metropolitan Planning Commission (MPC) at (865) 215-2500 if you have questions.

## Political Districts

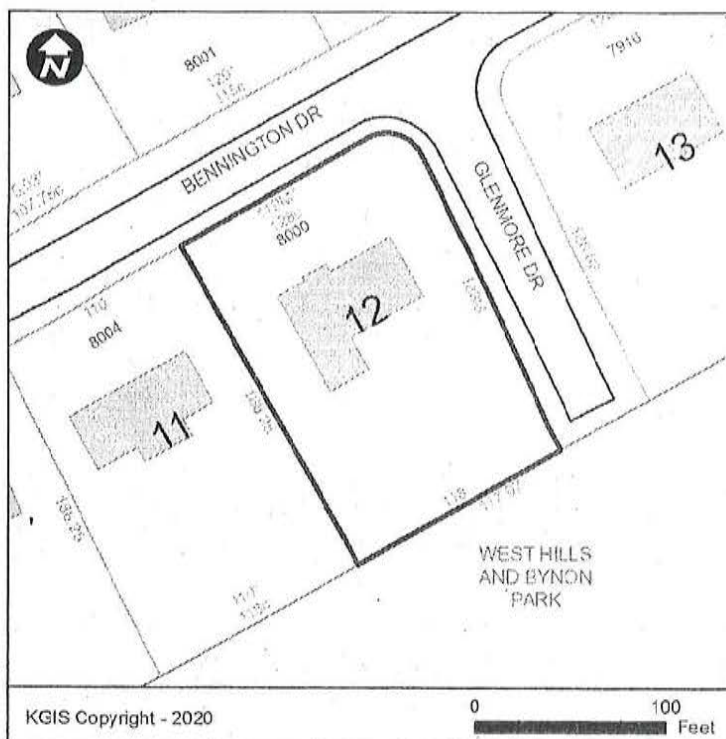
Voting Precinct: 46  
 Voting Location: Knoxville 1st Church of Nazarene  
 538 VANOSDALE RD  
 TN State House: 18 Martin Daniel  
 TN State Senate: 7 Richard Briggs  
 County Commission: 4 Hugh Nystrom  
 (at large seat 10) Larsen Jay  
 (at large seat 11) Justin Biggs  
 City Council: 2 Andrew Roberto  
 (at large seat A) Lynne Fugate  
 (at large seat B) Janet Testerman  
 (at large seat C) Amelia Parker  
 School Board: 4 Virginia Babb  
 Please contact Knox County Election Commission at (865) 215-2480 if you have questions.

## School Zones

Elementary: WEST HILLS ELEMENTARY  
 Intermediate:  
 Middle: BEARDEN MIDDLE  
 High: BEARDEN HIGH  
 Please contact Knox County Schools Transportation and Zoning Department at (865) 594-1550 if you have questions.

**Disclaimer:** KGIS makes no representation or warranty as to the accuracy of this 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 damage, loss, or liability arising from any use of the map product. Independent verification of all information contained on this map should be obtained by any user.

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**Parcel 120BF012 - Property Map and Details Report****Property Information**

Parcel ID: 120BF012  
 Location Address: 8000 BENNINGTON DR  
 CLT Map: 120  
 Insert: B  
 Group: F  
 Condo Letter:  
 Parcel: 12  
 Parcel Type: NORMAL  
 District:  
 Ward: 46  
 City Block: 46630  
 Subdivision: WEST HILLS UNIT 9  
 Rec. Acreage: 0  
 Calc. Acreage: 0  
 Recorded Plat: 23 - 136  
 Recorded Deed: 20200720 - 0005432  
 Deed Type: Deed: Full Coven  
 Deed Date: 7/20/2020

**Address Information**

Site Address: 8000 BENNINGTON DR  
 KNOXVILLE - 37909  
 Address Type: DWELLING, SINGLE-FAMILY  
 Site Name: WEST HILLS

**Owner Information**

WEST AARON MATTHEW & WEST TONIA  
 8000 BENNINGTON DR  
 KNOXVILLE, TN 37909

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**Jurisdiction Information**

County: KNOX COUNTY  
 City / Township: Knoxville

**MPC Information**

Census Tract: 45  
 Planning Sector: Northwest City

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**Political Districts**

Voting Precinct: 46  
 Voting Location: Knoxville 1st Church of Nazarene  
 538 VANOSDALE RD  
 TN State House: 18 Martin Daniel  
 TN State Senate: 7 Richard Briggs  
 County Commission: 4 Hugh Nystrom  
 (at large seat 10) Larsen Jay  
 (at large seat 11) Justin Biggs  
 City Council: 2 Andrew Roberto  
 (at large seat A) Lynne Fugate  
 (at large seat B) Janet Testerman  
 (at large seat C) Amelia Parker  
 School Board: 4 Virginia Babb

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**School Zones**

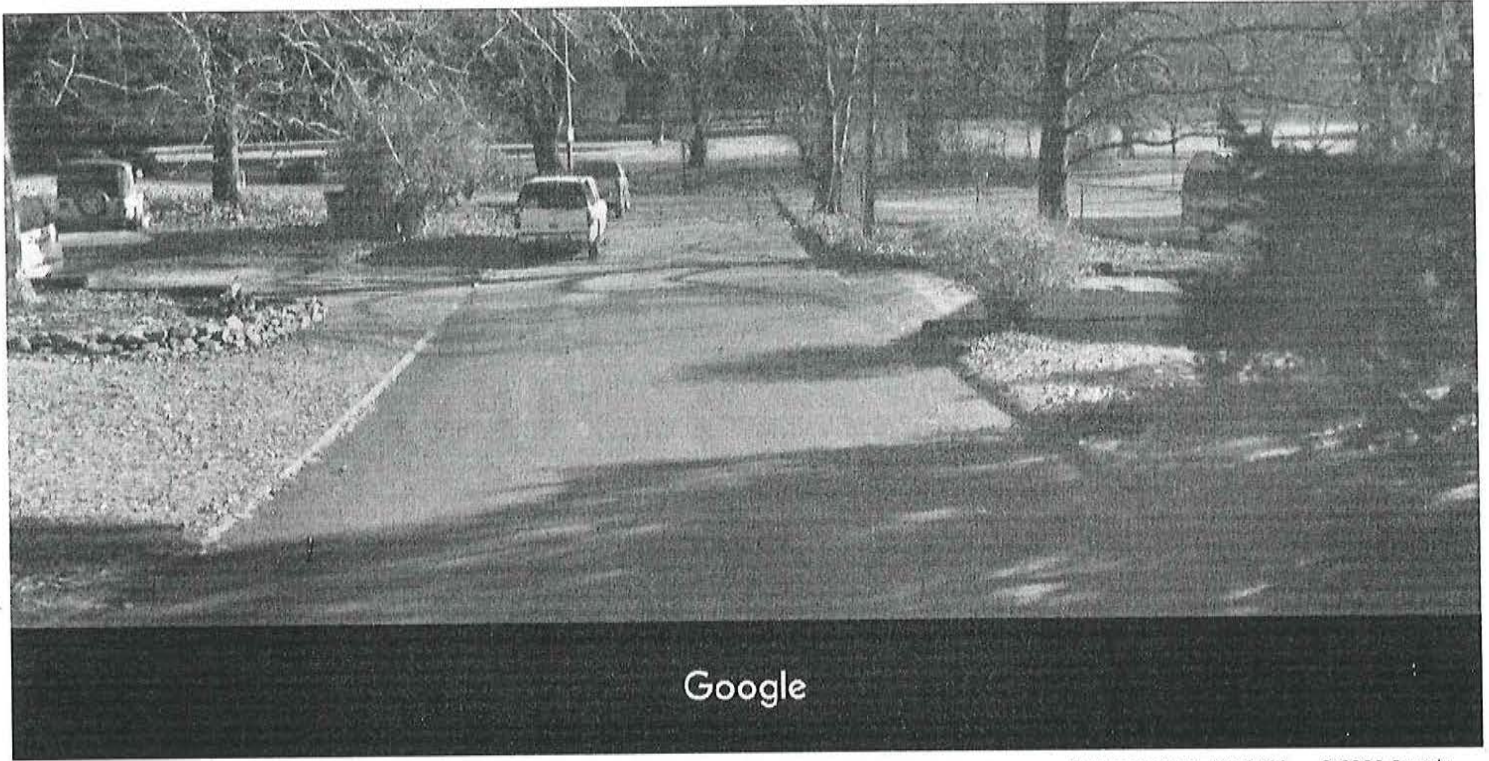
Elementary: WEST HILLS ELEMENTARY  
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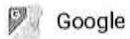
Google Maps 8000 Bennington Dr NW



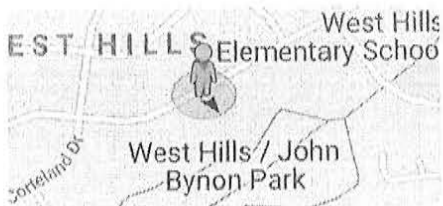
Google

Image capture: Jan 2018 © 2020 Google

Knoxville, Tennessee



Street View

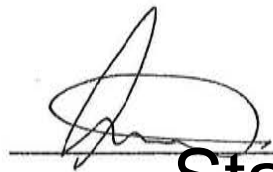


5-B-21-SC

Staff report forthcoming

Knoxville Board of Zoning Appeals

I Aaron and/or Tonia West residing at 8000 Bennington Dr. Knoxville TN 37909 have been notified about the application for the street closer of Glenmore Dr. and the variances that have been applied for. The variances will relieve the current difficulties and particular hardships that were caused by the current zoning. This will also help resolve current vehicle traffic issues that keeps increasing.



Signature:

5-B-21-SC

Staff report forthcoming

8/11/2010

Date:

Aaron W. West

Printed Name:

Knoxville Board of Zoning Appeals

I Kent and/or Melody Fugate residing at 7917 Bennington Dr. Knoxville TN 37909 have been notified about the application for the street closer of Glenmore Dr. and the variances that have been applied for. The variances will relieve the current difficulties and particular hardships that were caused by the current zoning. This will also help resolve current vehicle traffic issues that keeps increasing.

5-B-21-SC

Melody Fugate

Signature:

Staff report forthcoming

8-16-20

Date:

Melody Fugate

Printed Name:

Knoxville Board of Zoning Appeals

I Joe and/or Anita Sitver residing at 7913 Bennington Dr. Knoxville TN 37909 have been notified about the application for the street closer of Glenmore Dr. and the variances that have been applied for. The variances will relieve the current difficulties and particular hardships that were caused by the current zoning. This will also help resolve current vehicle traffic issues that keeps increasing.

Anita Kay Sitver **5-B-21-SC** 8/16/20  
Signature: **Staff report forthcoming** Date:

Anita Kay Sitver  
Printed Name:

Knoxville Board of Zoning Appeals


I James and/or Marilyn Moore residing at 7909 Bennington Dr. Knoxville TN 37909 have been notified about the application for the street closer of Glenmore Dr. and the variances that have been applied for. The variances will relieve the current difficulties and particular hardships that were caused by the current zoning. This will also help resolve current vehicle traffic issues that keeps increasing.

Marilyn Moore **5-B-21-SC** 8-16-2020  
Signature: **Staff report forthcoming** Date:

Marilyn Moore  
Printed Name:

Knoxville Board of Zoning Appeals

I Kenneth Spafford residing at 8001 Bennington Dr. Knoxville TN 37909 have been notified about the application for the street closer of Glenmore Dr. and the variances that have been applied for. The variances will relieve the current difficulties and particular hardships that were caused by the current zoning. This will also help resolve current vehicle traffic issues that keeps increasing.

 **5-B-21-SC** 8-16-20  
Signature: **Staff report forthcoming** Date:

Kenneth Spafford  
Printed Name:

Knoxville Board of Zoning Appeals

I Michael and/or Lisa Atkins residing at 7912 Bennington Dr. Knoxville TN 37909 have been notified about the application for the street closer of Glenmore Dr. and the variances that have been applied for. The variances will relieve the current difficulties and particular hardships that were caused by the current zoning. This will also help resolve current vehicle traffic issues that keeps increasing.

Mike Atkins **5-B-21-SC** 8-16-20  
Signature: **Staff report forthcoming** Date:

Mike Atkins  
Printed Name:

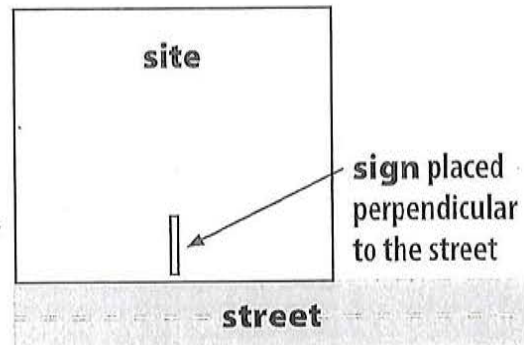
## REQUIRED SIGN POSTING AGREEMENT

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.

**5-B-21-SC**

**Staff report forthcoming**

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:

April 28<sup>th</sup> (Wed) and May 14<sup>th</sup> (Fri)  
(15 days before the Planning Commission meeting) (the day after the Planning Commission meeting)

Signature: [Signature]

Printed Name: Richard Clark

Phone: 865-607-5964 Email: F3Spartan@gmail.com

Date: 3/26/2021

File Number: 5B21-SC