



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

▶ FILE #:	9-A-20-SC	AGENDA ITEM #:	6
POSTPONEMENT(S):	09/10/2020, 10/08/2020, 11/12/2020, 12/10/2020, 3/11/2021, 06/10/2021	AGENDA DATE:	9/9/2021
▶ APPLICANT:	MIKE SOUEID		
TAX ID NUMBER:	107 N/A	View map on KGIS	
JURISDICTION:	Council District 6		
SECTOR PLAN:	Central City		
GROWTH POLICY PLAN:	N/A (within City limits)		
ZONING:	RN-2 (Single-Family Residential Neighborhood)		
WATERSHED:	Third Creek		
▶ RIGHT-OF-WAY TO BE CLOSED:	Cate Ave.		
▶ LOCATION:	Between Pilkay Rd. and Third Creek		
IS STREET:			
(1) IN USE?:	No		
(2) IMPROVED (paved)?:	No		
▶ APPLICANT'S REASON FOR CLOSURE:	We are consolidating tiny lots and own both sides of this road. Its current layout is not conducive to development.		
DEPARTMENT-UTILITY REPORTS:	The City's Engineering Department and KUB have requested to retain any easements that may be in place.		

STAFF RECOMMENDATION:

- ▶ **Deny closure of the portion of Cate Avenue that runs from Pilkay Road to Third Creek since it could potentially serve surrounding properties upon their development.**

COMMENTS:

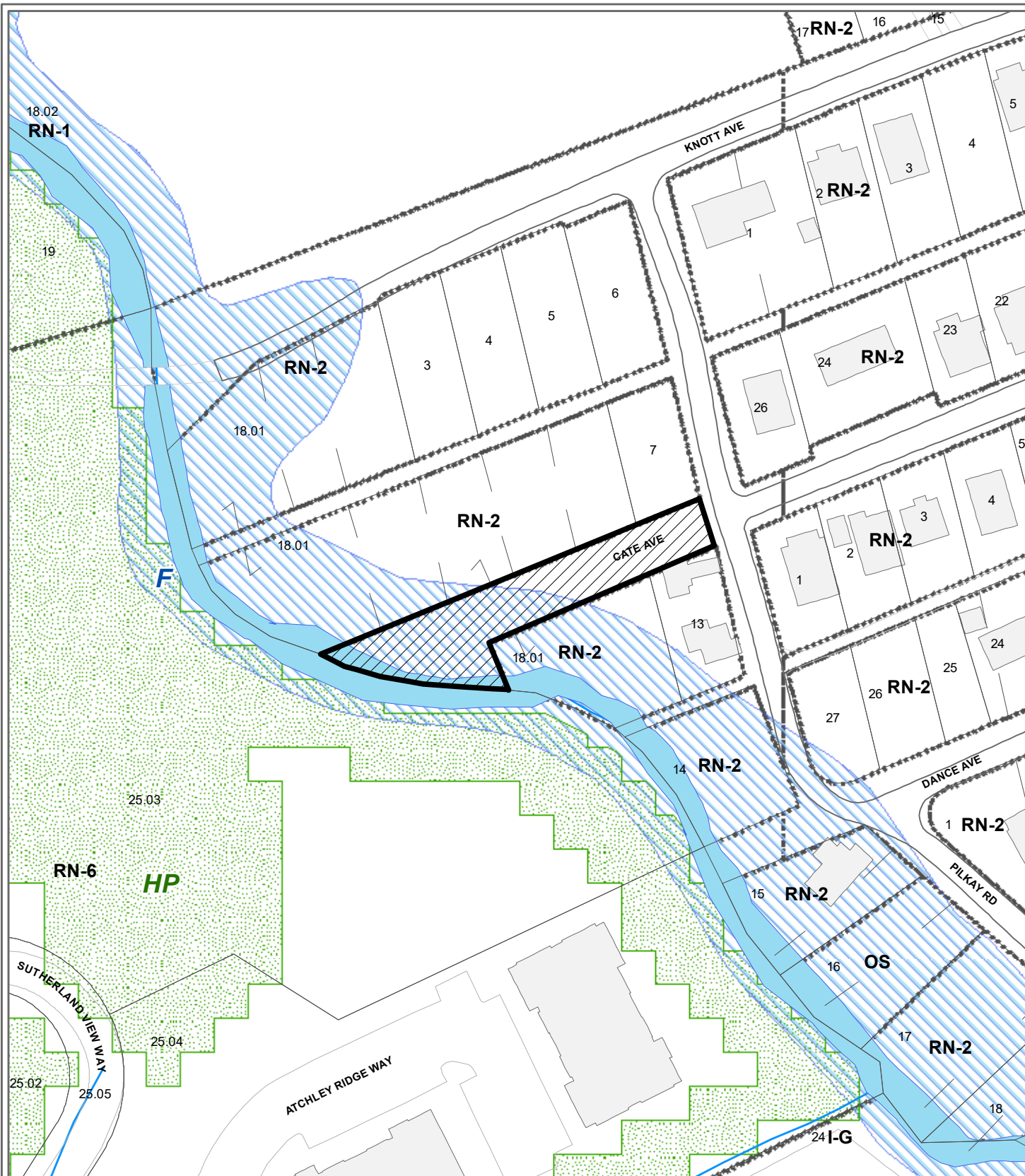
1. This is an undeveloped right-of-way that runs from Pilkay Road to Third Creek at the back of the Marble City Neighborhood. This neighborhood dates back to the early 1900s and contains properties that were platted as far back as 1908. It is developed in a traditional grid layout with alleys running between the blocks. Many of the alleys are paved and provide rear access to structures and parking.
2. This closure request is related to two rezoning cases recently heard by the Planning Commission in July 2021 (Cases 1-A-21-RZ/1-A-21-PA/1-A-21-SP and 1-B-21-RZ/1-B-21-PA/1-B-21-SP). The applicant had requested the RN-6 (Multi-Family Residential Neighborhood) zone with plan amendments to the HDR (High Density Residential) land use classification for both the sector plan and One Year Plan. The cases were denied, and the zoning remains RN-1 and RN-2 for the various affected properties.
3. The right-of-way associated with this request runs through properties in one of the aforementioned rezoning cases. Since those rezoning cases have been denied, and no new plans for rezonings or development have been submitted, staff recommends retention of the right-of-way.
4. The properties on both sides of the undeveloped portion of Cate Street requested for closure are

undeveloped. If these properties were to be developed under the current RN-2 zoning, they could be serviced by extending Cate Street in this location. Closure could be sought at the time of such development as long as access was provided to each lot meeting the requirements of the City of Knoxville Zoning Ordinance and the City of Knoxville Department of Engineering.

5. The following organizations and departments had these comments:

- a. KUB: 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:
 - i. Sewer – 7.5 feet on each side of the centerline of the sewer lines, 15 feet total width
 - ii. Gas – 7.5 feet on each side of the centerline of the gas lines, 15 feet total width
- b. 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.
- c. The City's Fire Department had no comments.
- d. TDOT had no Comments as the right-of-way does not appear to affect state assets.
- e. AT&T does not wish to relinquish any ROW or utility easements at this time.

If approved, this item will be forwarded to Knoxville City Council for action on 10/5/2021 and 10/19/2021. 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.



**9-A-20-SC
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: Cate Ave.
To be closed from: Pilkay Rd.
To be closed to: Third Creek

Original Print Date: 8/13/2020
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: Mike Soueid

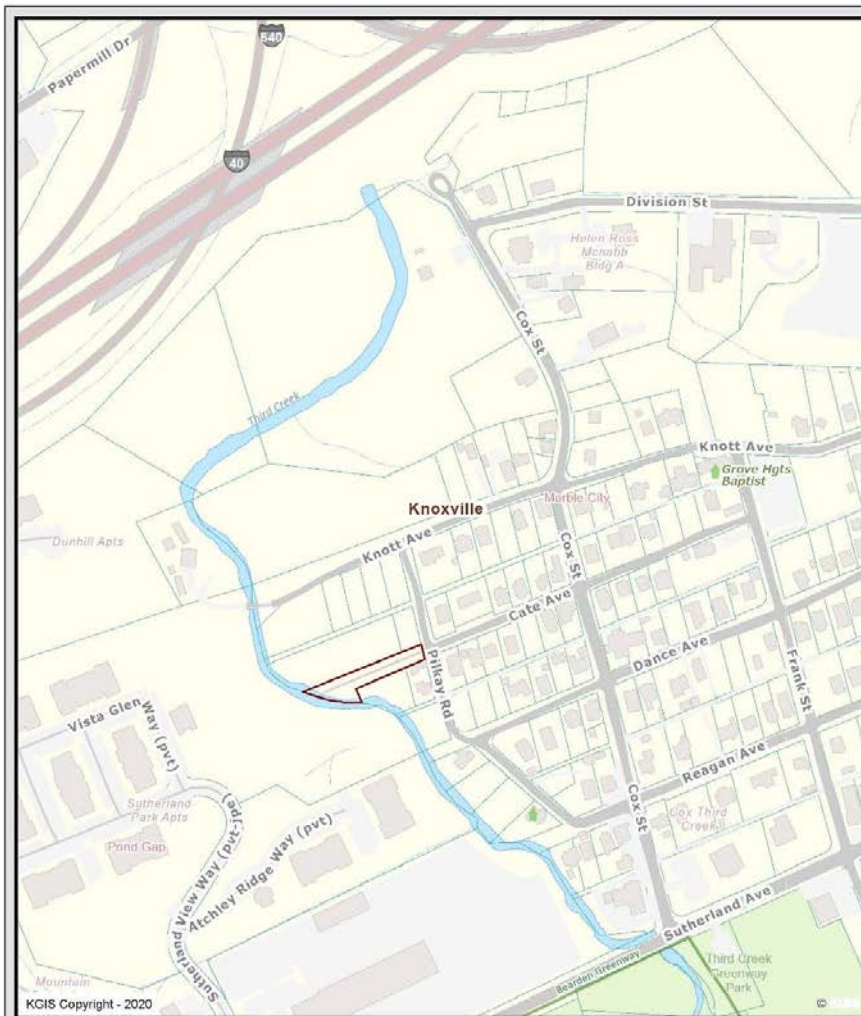
Map No: 107

Jurisdiction: City



9-A-20-SC

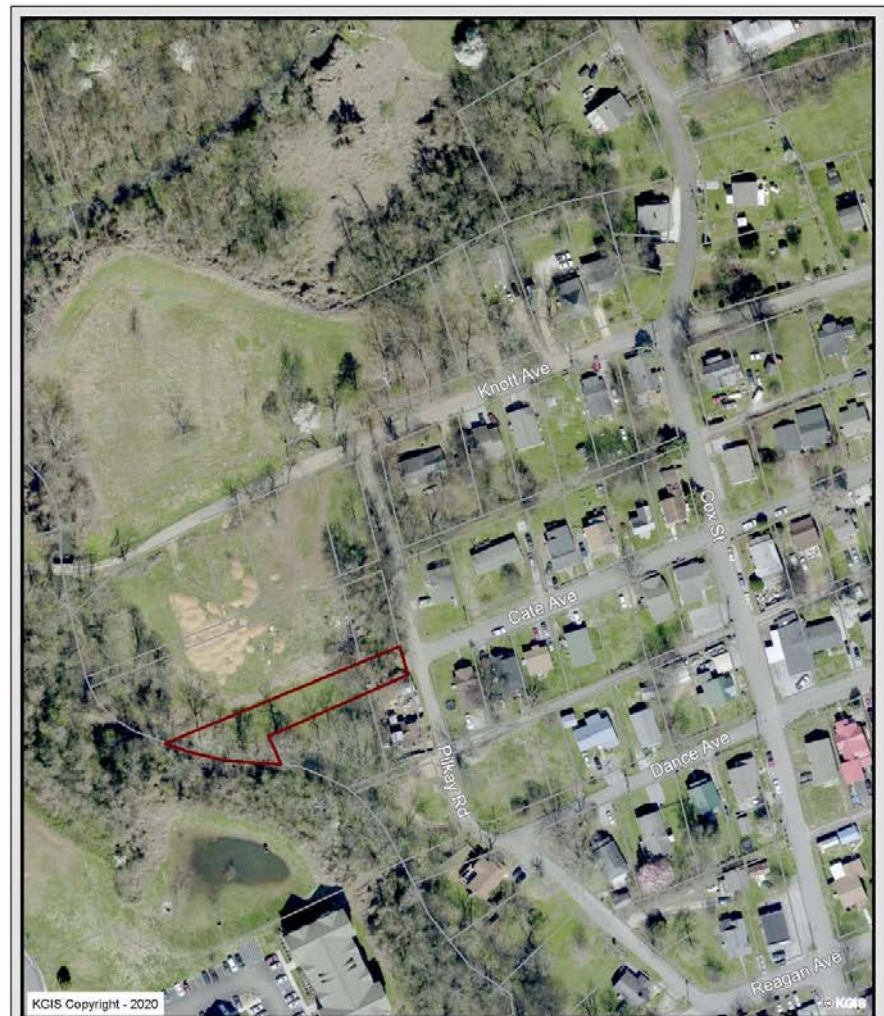
Exhibit A. Contextual Images



9-A-20-SC: Location Map
Cate Avenue Closure
Knoxville - Knox County - KUB Geographic Information System

Printed: 8/13/2020 at 3:19:13 PM
0 135 270 540
ft

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9-A-20-SC: Aerial Map
Cate Avenue Closure
Knoxville - Knox County - KUB Geographic Information System

Printed: 8/13/2020 at 3:21:56 PM
0 65 130 260
ft

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Michelle Portier <michelle.portier@knoxplanning.org>

[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>

Fri, Aug 21, 2020 at 10:01 AM

To: Timothy J Howell <tim@tnlds.com>

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>

Fri, Aug 21, 2020 at 10:04 AM

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

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](#)

[Quoted text hidden]

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](#)

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[Quoted text hidden]

Michelle Portier <michelle.portier@knoxplanning.org>

Fri, Aug 21, 2020 at 10:53 AM

To: Timothy J Howell <tim@tnlds.com>

Yes, that's fine. Thank you.

[Quoted text hidden]

Michelle Portier <michelle.portier@knoxplanning.org>

Mon, Aug 31, 2020 at 2:36 PM

To: Timothy J Howell <tim@tnlds.com>

Mr. Howell,

Any progress on that signature? Our documentation gets uploaded to the website and packets go out to Commissioners this Friday. Do you think you can send it to me by this Thursday?

Thank you,
Michelle

[Quoted text hidden]

Timothy J Howell <tim@tnlds.com>

Mon, Aug 31, 2020 at 3:15 PM

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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[Quoted text hidden]

Timothy J Howell <tim@tnlds.com>

Tue, Sep 1, 2020 at 8:10 AM

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

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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TN Rule 31 Listed General Civil Mediator
[Tennessee Land Development Services](#)
mobile (865) 742-2557
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On 8/31/2020 2:36 PM, Michelle Portier wrote:

[Quoted text hidden]

2 attachments



Rezone RN-1.pdf
2879K



Rezone RN-2.pdf
2852K

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>

Tue, Sep 1, 2020 at 11:33 AM

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
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[Quoted text hidden]

2 attachments

 **Rezone RN-1.pdf**
2938K

 **Rezone RN-2.pdf**
2911K

Michelle Portier <michelle.portier@knoxplanning.org>
To: Timothy J Howell <tim@tnlds.com>
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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[Quoted text hidden]

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,

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 applications and have approved for fire dept access.

Sonny

Asst. Chief Sonny Partin, CFPS**Deputy Fire Marshal****Knoxville Fire Department****400 Main St. Suite 462****Knoxville, Tn. 37902****865-215-2283 Office**

[Quoted text hidden]

a

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

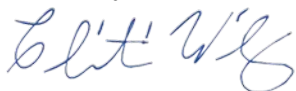
We have reviewed our records and find that we have existing utility facilities located within the subject right-of-way. The approximate locations of these facilities are indicated on the enclosed prints. However, KUB does not release and hereby retains all easements and rights for existing utility facilities, 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,



Christian Wiberley, PE
Engineering

CGW



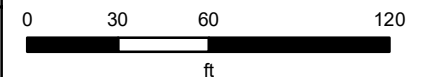
File No. 9-A-20-SC (Sewer)

Knoxville Utilities Board

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Printed: 8/24/2020 at 11:30:46 AM





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

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[Quoted text hidden]



RIGHT-OF-WAY CLOSURE

Name of Applicant: Mike Soueid

Date Filed: 7/27/2020 Fee Paid: \$750 File Number: 9-A-20-SC

Map Number: 107 Zoning District: RN-2 ☒ City ☐ County Sector: Central City

Jurisdiction: ☒ City 6th Council District

INFORMATION:

Name of Right-of-Way: Cate Ave

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

Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) 50810 & 50830

AND (City Block or Lot where appropriate) 50830

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

Reason for Closure: We are consolidating a bunch of tiny lots and own both sides of this road. Its current layout is not conducive to development.

TO BE CLOSED:

From: (Street, Alley, Other)

Pikay Rd

To: (Street, Alley, Other)

third creek

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Tim Howell 1707 N Ridge Ct Sevierville, TN 37862 865-742-2557 tim@tnrds.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.

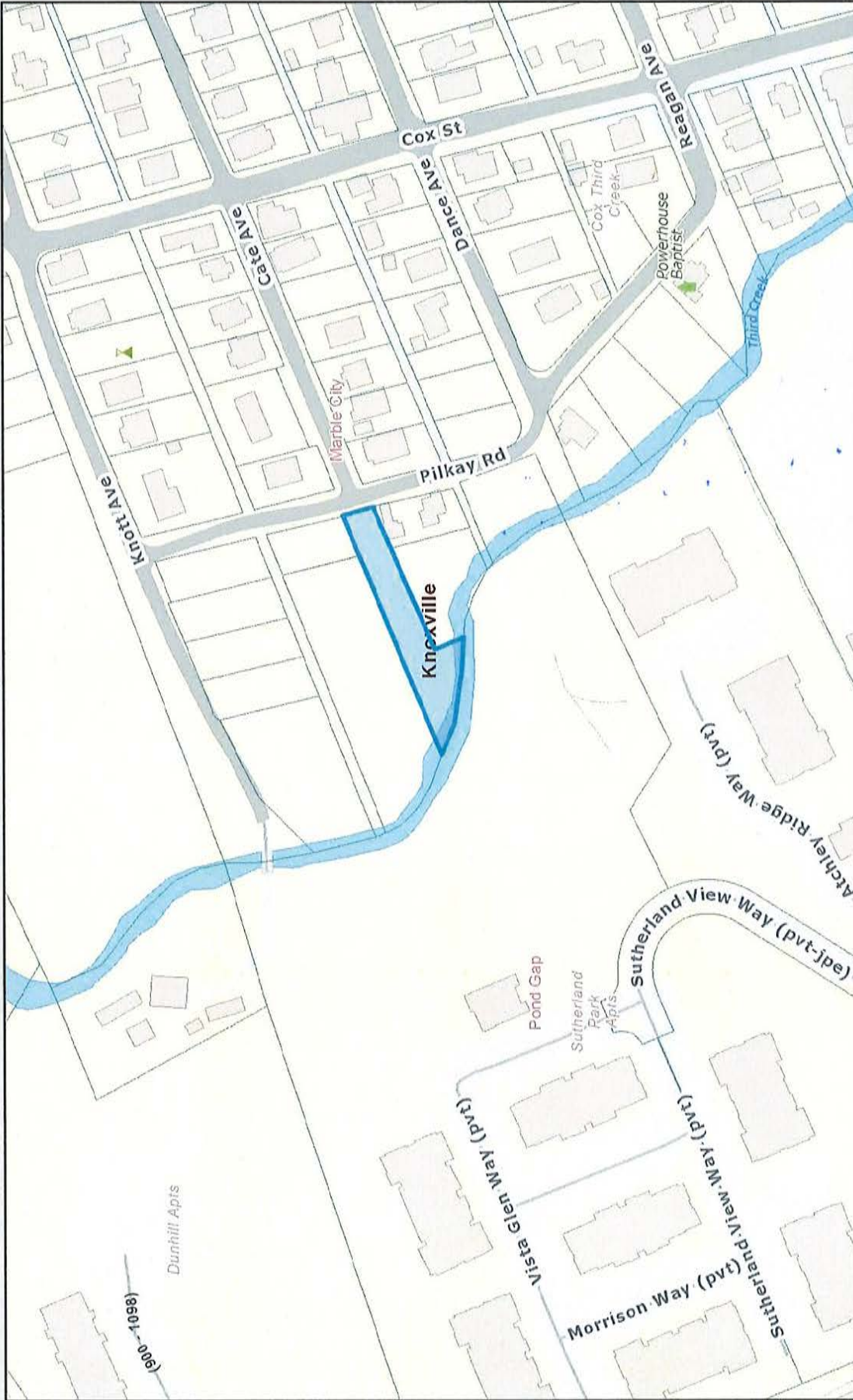
Signature: [Signature]

Mike Soueid 6684 Girazda Cir Boca Raton, FL 33433 561-271-8800 mike.soueid@gmail.com
Name: (Print) Address City State Zip Phone Email

APPLICATION ACCEPTED BY: Michelle Portier

Michelle Portier

[illegible][illegible][illegible]



Closure request of undeveloped portion of Cate Avenue

Subtitle

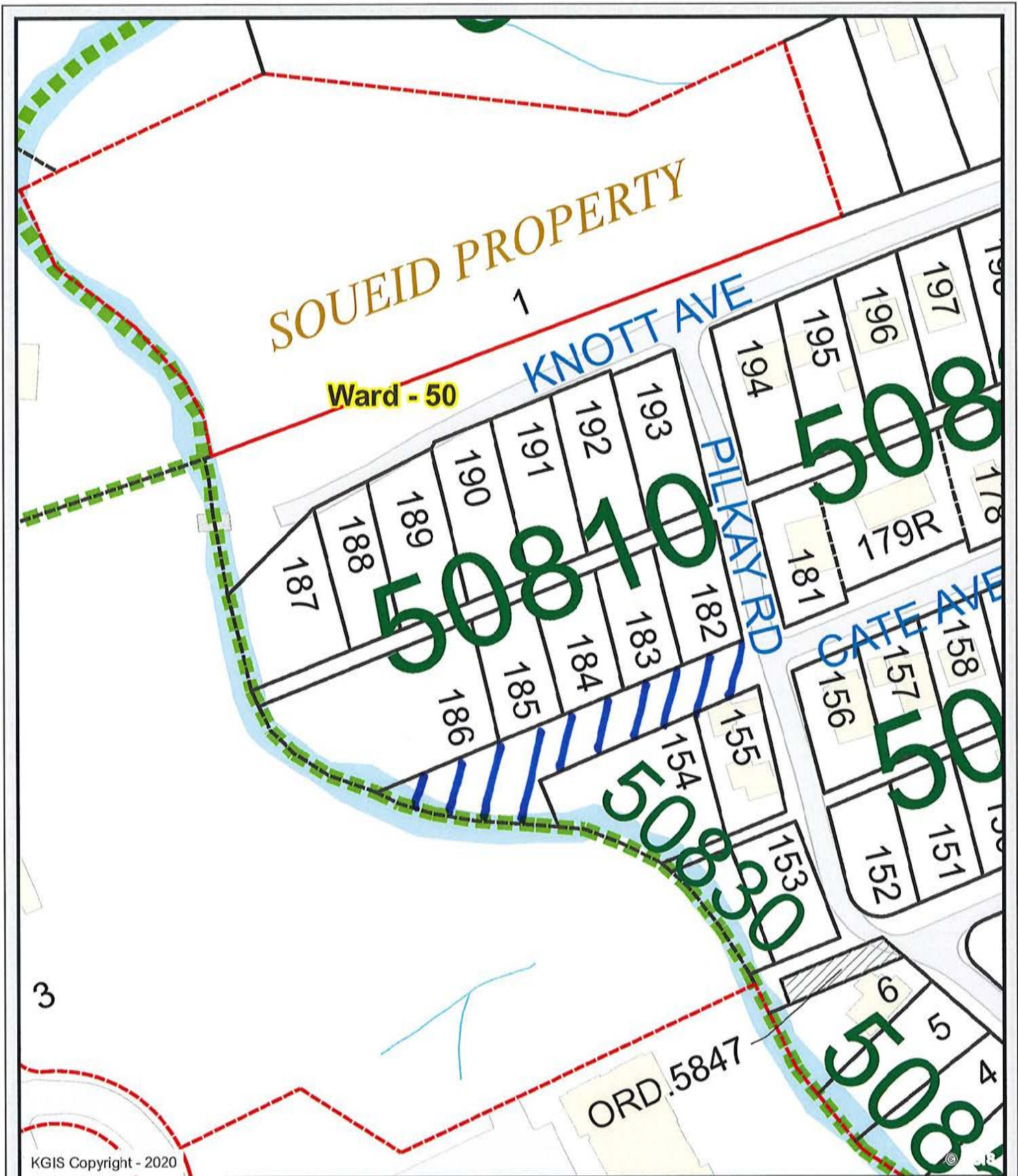
Notes



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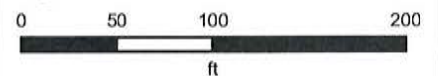
Letter Portrait

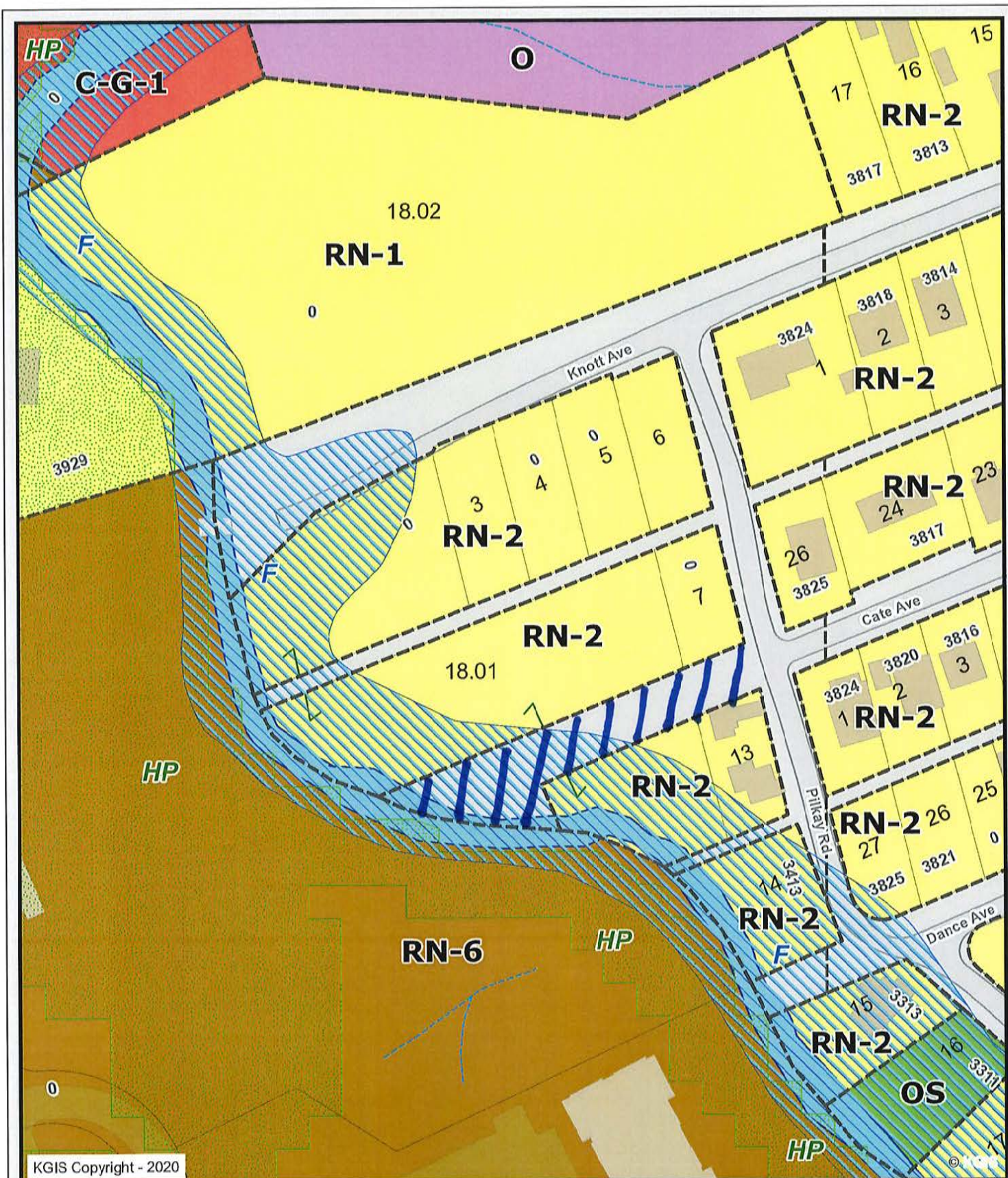
Knoxville - Knox County - KUB Geographic Information System

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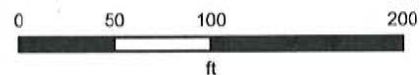


Letter Portrait

Knoxville - Knox County - KUB Geographic Information System



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