



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

► **FILE #:** 10-A-22-SC **AGENDA ITEM #:** 5

POSTPONEMENT(S): 10/6/2022, 11/10/2022 **AGENDA DATE:** 12/8/2022

► **APPLICANT:** EAST TN CHILDREN'S HOSPITAL

TAX ID NUMBER: 108 C B 021 [View map on KGIS](#)

JURISDICTION: Council District 1

SECTOR PLAN: Central City

GROWTH POLICY PLAN: N/A (Within City Limits)

ZONING: INST (Institutional)

WATERSHED: Third Creek

► **RIGHT-OF-WAY TO BE
CLOSED:** S. Twenty First St.

► **LOCATION:** Between White Ave and Clinch Ave

IS STREET:

(1) IN USE?: Yes

(2) IMPROVED (paved)?: Yes

► **APPLICANT'S REASON
FOR CLOSURE:** Applicant is requesting closure of this section of S. Twenty First Street due to safety concerns since it is the owner on either side of the street. Applicant has a high volume of pedestrian traffic crossing this section of the street. There is also a high volume of pedestrian traffic consisting of students.

DEPARTMENT-UTILITY
REPORTS: The City of Knoxville Engineering objects to the proposed closure; City Fire has no objections; KUB has existing utilities within the subject right-of-way and retain all easements and rights.

STAFF RECOMMENDATION:

► **Deny closure of the right-of-way for S. Twenty First Street between Clinch Avenue and White Avenue due to traffic volume and layout of the adjacent streets in this busy area of the neighborhood.**

COMMENTS:

1. Planning staff recommends denial of closure of the right-of-way because it provides connectivity for both vehicles and pedestrians in the Fort Sanders neighborhood. This right-of-way lies within the Fort Sanders Medical District, a mixed use special district comprised of medical buildings surrounded by a residential neighborhood. The purpose of the district, which was adopted in 2019 includes preservation of accessible pedestrian connections among the different structures in the district and to the surrounding community as the district develops and new facilities are constructed. The description of the district also notes that providing for and preserving adequate access for all vehicles, from private automobile to emergency vehicles to transit, must be a priority as the district develops.

2. The City Engineering Department does not support closure of this right-of-way due to the traffic volume and layout of other adjacent streets in this busy area neighborhood. Removal of this area of vehicular travel

would present a more challenging navigation path than already exists for the community and the varied uses in the vicinity.

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. Gas - 7.5 feet on each side of the centerline of the gas line, 15 feet total width

b. Sewer - 7.5 feet on each side of the centerline of the sewer line, 15 feet total width

c. Water - 7.5 feet on each side of the centerline of the water line, 15 feet total width

4. The City of Knoxville Fire Department has no objections to the closure.

5. TDOT District 18 Operations did not have any comments regarding the requested right-of-way closure.

If approved, this item will be forwarded to Knoxville City Council for action on 1/10/2023 and 1/10/2023. 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.

AUGUST 31, 2022

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
James W. Wagner, AT&T
Ben Davidson, Department of Engineering
Charlotte Goforth, Department of Engineering

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

RE: REQUEST CLOSURE OF A SECTION OF S. TWENTY FIRST ST. BETWEEN CLINCH AVE. AND WHITE AVE. (10-A-22-SC)

Please give us the following information in writing regarding this proposed closure, adding 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** If closed (vacated), would easements meet your needs?
- 5** If easement will meet needs, please state easements required.
- 6** If your department opposes vacating the ROW, please indicate the rationale.

This request will be considered by the Knoxville-Knox County Planning Commission on October 6, 2022. A map showing the street or alley in question is attached for your information.

PLEASE NOTE: Failure to reply to our office by Monday, September 19, 2022 will be considered as no objection by your agency.

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



Dori Caron <dori.caron@knoxplanning.org>

URGENT: 10-A-22-SC KFD comments?

Sonny Partin <spartin@knoxvilletn.gov>

Tue, Dec 6, 2022 at 10:50 AM

To: Dori Caron <dori.caron@knoxplanning.org>, Liz Albertson <liz.albertson@knoxplanning.org>

Yes, we have approved the closure and asked them to resubmit with the changes we agreed upon.



Asst. Chief Sonny Partin, CFPS
Fire Marshal
Knoxville Fire Dept
400 Main St. Suite 446
Knoxville, TN 37902
(865) 215-2283 Work

From: Dori Caron <dori.caron@knoxplanning.org>**Sent:** Tuesday, December 6, 2022 10:22 AM**To:** Liz Albertson <liz.albertson@knoxplanning.org>**Cc:** Sonny Partin <spartin@knoxvilletn.gov>**Subject:** Re: URGENT: 10-A-22-SC KFD comments?

Sonny,

Me again! We have updated the staff report noting that fire does not have any objections to this closure but upon checking our emails, we can't find yours on this one! Can I trouble you resend it so we have it for our records? Thank you!

Dori Caron

Senior Administrative Assistant

Direct Line: 865-215-2694

Email: dori.caron@knoxplanning.org

Knoxville-Knox County Planning | Knoxville Regional TPO

400 Main Street, Suite 403 | Knoxville, TN 37902

On Tue, Dec 6, 2022 at 9:06 AM Liz Albertson <liz.albertson@knoxplanning.org> wrote:

Hi Sonny -

We're going into our agenda review meeting at 11:30 and the ROW closure for case **10-A-22-SC** will be the first item we discuss. Taylor Forrester, representing ETCH sent me an email saying that KFD is now in support of the closure.

Could you respond to this email and let me know? City Engineering objects to this closure.

Thank you for a quick response.

-Liz Albertson

--



Liz Albertson, AICP

Principal Planner

865-215-3804

liz.albertson@knoxplanning.org

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CITY OF KNOXVILLE

Engineering
Benjamin D. Davidson, PLS
Technical Services Administrator

September 19, 2022

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

SUBJECT: Closure of right-of-way request
Planning File # 10-A-22-AC

The City Engineering Department does not support closure of this right-of-way due to the traffic volume and layout of other adjacent streets in this busy area neighborhood. Removal of this area of vehicular travel would present a more challenging navigation path than already exists for the community and the varied uses in the vicinity.

Sincerely,

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



Dori Caron <dori.caron@knoxplanning.org>

ROW closure request 10-A-22-SC

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

Thu, Sep 29, 2022 at 2:53 PM

Disapproved by fire



Asst. Chief Sonny Partin, CFPS
Fire Marshal
Knoxville Fire Dept
400 Main St. Suite 446
Knoxville, TN 37902
(865) 215-2283 Work

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

Sent: Wednesday, August 31, 2022 11:12 AM

To: Charlotte Goforth <cgoforth@knoxvilletn.gov>; Steve Borden <steve.borden@tn.gov>; Michelle Portier <michelle.portier@knoxplanning.org>; Christian Wiberley <Christian.Wiberley@kub.org>; Jay B. Frazier <jf092g@att.com>; Chris Howley <chowley@knoxvilletn.gov>; WAGNER, JAMES W <JW904s@att.com>; Steve King <sking@knoxvilletn.gov>; Ben Davidson <bdavidson@knoxvilletn.gov>; Harold Cannon <hcannon@knoxvilletn.gov>; Sonny Partin <spartin@knoxvilletn.gov>; Jessica Kitts <jessica.kitts@knoxplanning.org>; amy.brooks@knoxplanning.org

Subject: ROW closure request 10-A-22-SC

Good morning,

One request for October. Thank you!

Dori Caron

Senior Administrative Assistant

Direct Line: 865-215-2694

Email: dori.caron@knoxplanning.org



September 16, 2022

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 10-A-22-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.

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

Water – 7.5 feet on each side of the centerline of the water line, 15 feet total width

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

Sincerely,

A handwritten signature in black ink, appearing to read "C. Wiberley", is written over a light blue horizontal line.

Christian Wiberley, PE
Engineering

CGW

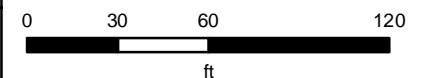


File No. 10-A-22-SC (Gas)

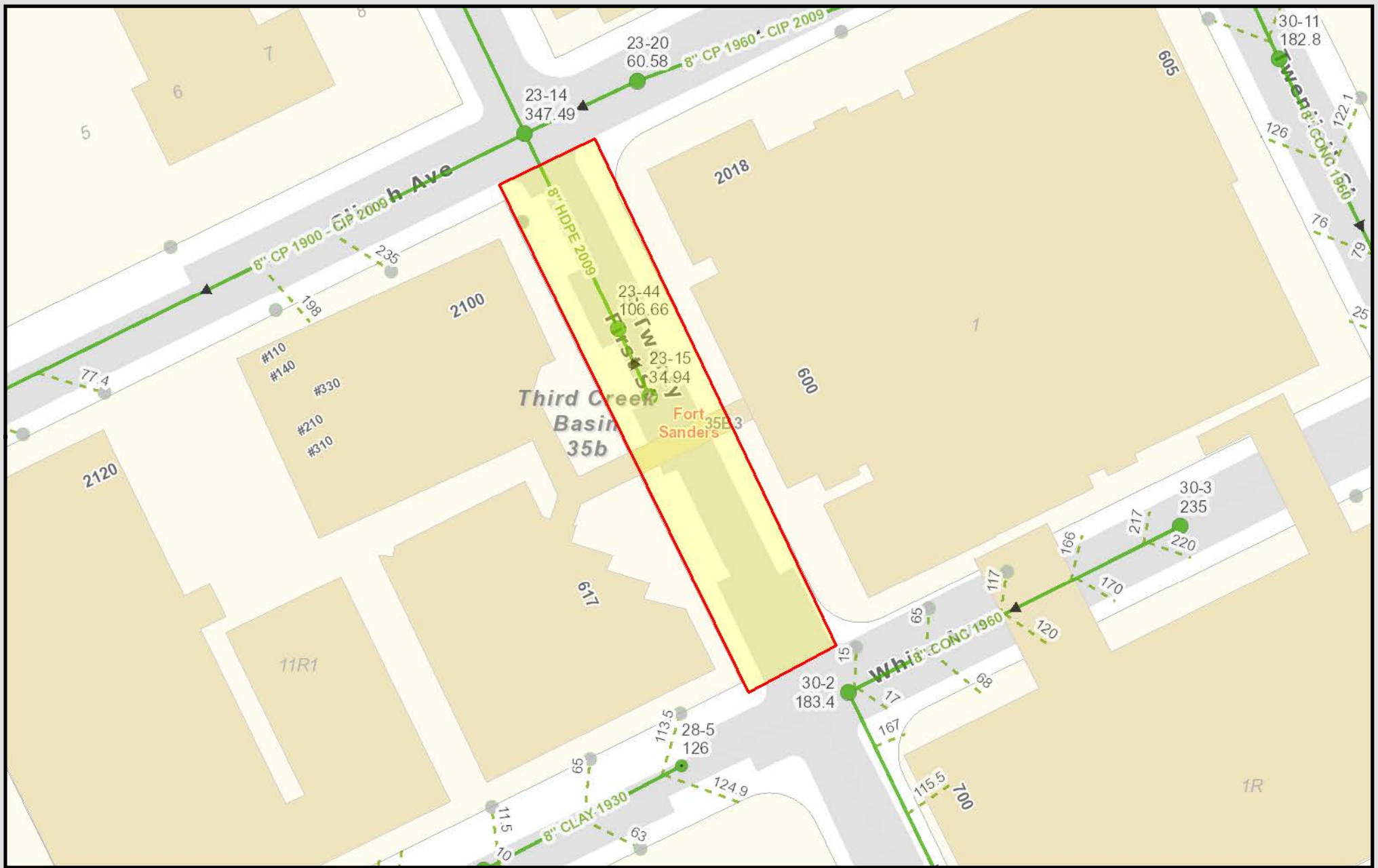
Knoxville Utilities Board



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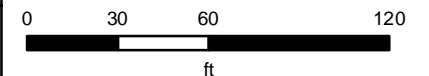
File No. 10-A-22-SC (Sewer)

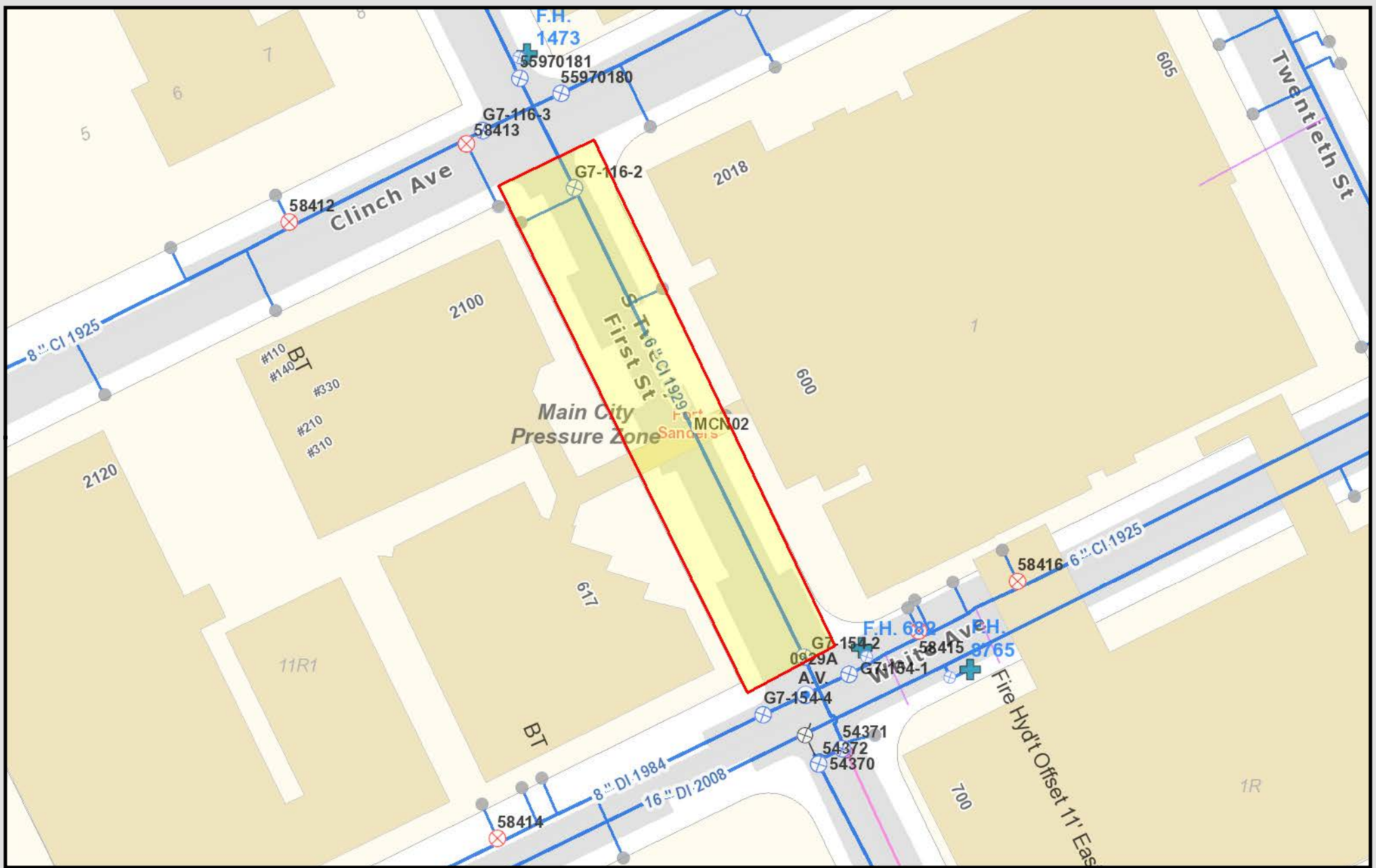
Knoxville Utilities Board

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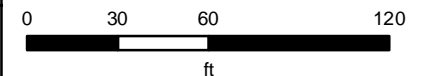
File No. 10-A-22-SC (Water)

Knoxville Utilities Board

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Dori Caron <dori.caron@knoxplanning.org>

ROW closure request 10-A-22-SC

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

Tue, Sep 13, 2022 at 9:40 AM

Dori,

TDOT District 18 Operations has no comments regarding the ROW closure request 10-A-22-SC.

Steve



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 31, 2022 11:12 AM

To: Charlotte Goforth <cgoforth@knoxvilletn.gov>; Steve Borden <Steve.Borden@tn.gov>; Michelle Portier <michelle.portier@knoxplanning.org>; Christian Wiberley <Christian.Wiberley@kub.org>; Jay B. Frazier <jf092g@att.com>; Chris Howley <chowley@knoxvilletn.gov>; WAGNER, JAMES W <JW904s@att.com>; Steve King <sking@knoxvilletn.gov>; Ben Davidson <bdavidson@knoxvilletn.gov>; Harold Cannon <hcannon@knoxvilletn.gov>; Sonny Partin <spartin@knoxvilletn.gov>; Jessica Kitts <jessica.kitts@knoxplanning.org>; Amy Brooks <amy.brooks@knoxplanning.org>

Subject: [EXTERNAL] ROW closure request 10-A-22-SC

***** 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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5

P30

Request to Postpone • Table • Withdraw

East TN Children's Hospital

11/3/2022

Applicant Name (as it appears on the current Planning Commission agenda)

Date of Request

November 10, 2022

Scheduled Meeting Date

File Number(s)

10-A-22-SC

POSTPONE

- ☒ **POSTPONE:** All applications are eligible for postponement if the request is received in writing and paid for by noon on Thursday the week prior to the Planning Commission meeting. All requests must be acted upon by the Planning Commission, except new applications which are eligible for one 30-day automatic postponement. If payment is not received by the deadline, the item will be tabled.

SELECT ONE: ☒ 30 days ☐ 60 days ☐ 90 days

Postpone the above application(s) until the December Planning Commission Meeting.

WITHDRAW

- ☐ **WITHDRAW:** Applications may be withdrawn automatically if the request is received in writing no later than noon on Thursday the week prior to the Planning Commission meeting. Requests made after this deadline must be acted on by the Planning Commission. Applicants are eligible for a refund only if a written request for withdrawal is received prior to public notice and the request is approved by the Executive Director or Planning Services Manager. **The refund check will be mailed to the original payee.*

TABLE

- ☐ **TABLE:** Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled. There is no fee to table or untable an item.

AUTHORIZATION

By signing below, I certify I am the property owner, and/or the owners authorized representative.

Taylor D. Forrester

Digitally signed by Taylor D. Forrester
DN: cn=Taylor D. Forrester, o=Knox County, ou=Knox County, email=TForrester@lrwlaw.com, c=US
Date: 2022.11.03 15:30:30

Taylor D. Forrester

Applicant Signature

Please Print

865-584-4040

TForrester@lrwlaw.com

Phone Number

Email

STAFF ONLY

M. Jones
Staff Signature

Missy Jones
Please Print

11-3-22
Date Paid

☐ No Fee

Eligible for Fee Refund? ☐ Yes ☒ No

Amount:

mg
Approved by:

11/3/22
Date:

Payee Name

Payee Phone

Payee Address

February 2022



Request to Postpone • Table • Withdraw

East TN Children's Hospital

10/3/2022

Applicant Name (as it appears on the current Planning Commission agenda)

Date of Request

October 6, 2022

Scheduled Meeting Date

File Number(s)

10-A-22-SC

POSTPONE

☒ **POSTPONE:** All applications are eligible for postponement if the request is received in writing and paid for by noon on Thursday the week prior to the Planning Commission meeting. All requests must be acted upon by the Planning Commission, except new applications which are eligible for one 30-day automatic postponement. If payment is not received by the deadline, the item will be tabled.

SELECT ONE: ☒ 30 days ☐ 60 days ☐ 90 days

Postpone the above application(s) until the November Planning Commission Meeting.

WITHDRAW

☐ **WITHDRAW:** Applications may be withdrawn automatically if the request is received in writing no later than noon on Thursday the week prior to the Planning Commission meeting. Requests made after this deadline must be acted on by the Planning Commission. Applicants are eligible for a refund only if a written request for withdrawal is received prior to public notice and the request is approved by the Executive Director or Planning Services Manager. **The refund check will be mailed to the original payee.*

TABLE

☐ **TABLE:** Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled. There is no fee to table or untable an item.

AUTHORIZATION

By signing below, I certify I am the property owner, and/or the owners authorized representative.

Applicant Signature

Taylor D. Forrester

Please Print

865-584-4040

TForrester@lrwlaw.com

Phone Number

Email

STAFF ONLY

Staff Signature

Elizabeth Albertson

Please Print

Date Paid

☐ No Fee

Eligible for Fee Refund? ☐ Yes ☒ No

Amount: \$75.00

Approved by:

Date:

Payee Name

Payee Phone

Payee Address

February 2022



400 Main Street, Suite 403
Knoxville, Tennessee 37902
865-215-2500
www.knoxplanning.org

RIGHT-OF-WAY CLOSURE

Date Filed: 8/22/2022

Name of Applicant: EAST TN CHILDREN'S HOSPITAL

Jurisdiction: City Council District 1

Sector: Central City

Growth Policy Plan: N/A (Within City Limits)

Zoning District: INST (Institutional)

File Number: 10-A-22-SC

Meeting Date: 10/6/2022

Fee Amount: \$1,000.00

INFORMATION:

Tax ID: 108 C B 021

Add'l. Tax ID Info.:

Name of Right-of-Way: S. Twenty First St.

Type of Right-of-Way: Street

Location of Right-Of-Way:

BETWEEN (City Block or Lot, where appropriate): White Ave

AND (City Block or Lot, where appropriate): Clinch Ave

Is ROW in use (yes/no)?: yes

Is ROW improved (e.g. paved) (yes/no)?: yes

Reason for Closure: Applicant is requesting closure of this section of S. Twenty First Street because of safety concerns and because it is the owner on either side of the street. Applicant has a high volume of pedestrian traffic crossing this section of the street. There is also a high volume of pedestrian traffic consisting of students.

TO BE CLOSED:

From: (Street, Alley, Other)

White Ave

To: (Street, Alley, Other)

Clinch Ave

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE DIRECTED TO:

Taylor D. Forrester Long, Ragsdale and Waters, PC

1111 N. Northshore Dr. Dr. Suite S-700

Knoxville, TN 37919

Telephone: 865-584-4040

Fax:

Email: tforrester@lrwlaw.com

AUTHORIZATION OF APPLICATION:

I hereby certify that I am the authorized applicant, representing ALL property owners involved in this request or holders of option on same, as listed on the next page of this form.

East Tennessee Children's Hospital East Tennessee Children's

Signature: _____

2018 Clinch Ave.

Knoxville, TN 37916

Telephone:

Fax:

Email:

APPLICATION ACCEPTED BY: Andrea Kupfer

9/7/2022 9:01:22 AM

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.



RIGHT-OF-WAY CLOSURE

Name of Applicant: East Tennessee Children's Hospital
Date Filed: 8-22-2022 Fee Paid: \$1000 File Number: 10-A-22-SC
Map Number: 108 Zoning District: INST ☒ City ☐ County Sector: MU-SD
Jurisdiction: ☒ City 1st Council District Central City

INFORMATION:

Name of Right-of-Way: S. Twenty First Street
Type of Right-of-Way: ☒ Street ☐ Alley
Location of Right-of-Way:
BETWEEN (City Block or Lot where appropriate) _____
AND (City Block or Lot where appropriate) _____
Right-of-Way is: In Use ☒ Yes ☐ No Improved (example: paved) ☒ Yes ☐ No
Reason for Closure: Applicant is requesting the closure of this section of S. Twenty First Street (between Clinch Ave and White Ave) because of safety concerns and because it is the owner on either side of the street. Applicant has a high volume of pedestrian traffic crossing this section of street. There is also high volume pedestrian traffic consisting of students.

TO BE CLOSED:

From: (Street, Alley, Other)

White Ave

To: (Street, Alley, Other)

Clinch Ave

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Taylor D. Forrester - 1111 N. Northshore, Ste S700, Knoxville, TN 37919 (865) 584-4040
Name: (Print) Address • City • State • Zip • Phone • Email TForrester@lrwlaw.com

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: _____

Taylor D. Forrester - 1111 N. Northshore Dr, Ste S700, Knoxville, TN 37919 (865) 584-4040 • TForrester@lrwlaw.com
Name: (Print) Address • City • State • Zip • Phone • Email

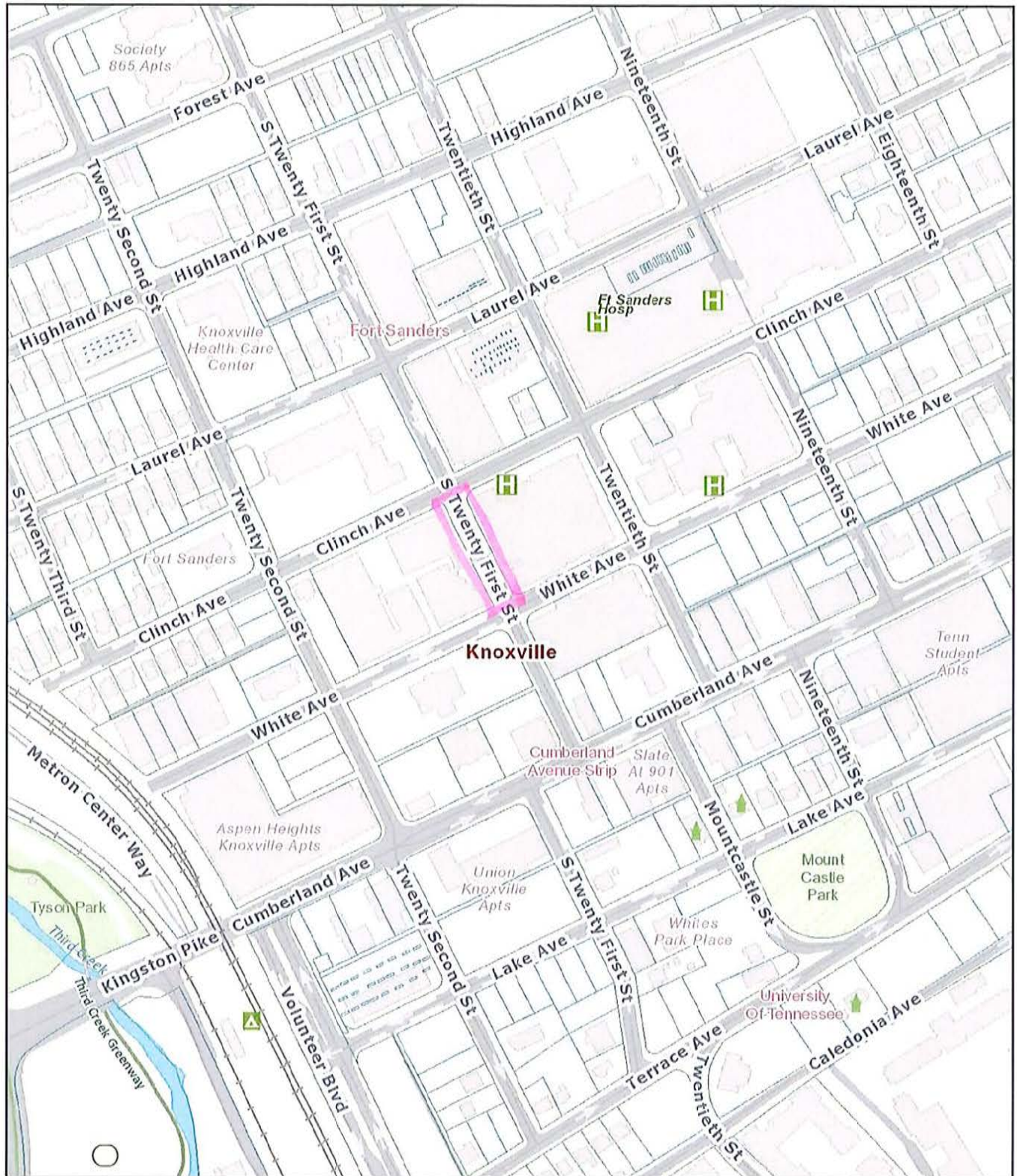
APPLICATION ACCEPTED BY:

Andrea Kupfer

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]

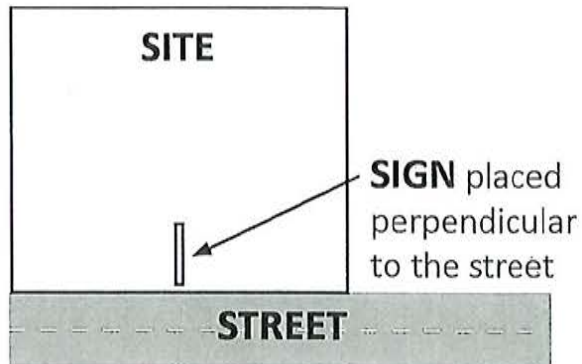


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Printed: 8/22/2022 4:00:09 PM

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, 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 **not less than 12 days prior to 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 not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

_____ 9/24/2022 _____ and _____ 10/7/2022 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: East Tennessee Children's Hospital

Date: 8/22/2022

File Number: 10-A-22-SC



Sign posted by Staff



Sign posted by Applicant