



CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

▶ FILE #: 11-A-22-AC

AGENDA ITEM #: 6

AGENDA DATE: 11/10/2022

▶ APPLICANT: JONATHAN WHITEHEAD & KIMBERLY ROBERTS

TAX ID NUMBER:	70 N/A	<u>View map on KGIS</u>
JURISDICTION:	Council District 4	
SECTOR PLAN:	East City	
GROWTH POLICY PLAN:	N/A (Within City Limits)	
ZONING:	N/A	
WATERSHED:	Love Creek	

▶ RIGHT-OF-WAY TO BE CLOSED: Unnamed alley

▶ LOCATION: Between Fountain Park Blvd. and Buffat Mill Rd.

IS ALLEY:

(1) IN USE?:	No
(2) IMPROVED (paved)?:	No

▶ APPLICANT'S REASON FOR CLOSURE: Add half of the right-of-way to the property belonging to the applicants to allow expansion of their house to meet the setback requirements of the parcel's RN-1 zoning.

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

STAFF RECOMMENDATION:

▶ Approve closure of the unnamed, unbuilt alley adjacent to parcels 070JE003 and 070JE002 between Buffat Mill Road and Fountain Park Boulevard, subject to any required easements, since it is not needed for access and staff has received no objections.

COMMENTS:

1. This request is to close the unnamed, unbuilt alley between parcels 070JE003 and 070JE002 between Buffat Mill Road and Fountain Park Boulevard. The alley is undeveloped and does not provide access to any properties.
2. This area is within a well connected residential area. An existing connection between Buffat Mill Road and Fountain Park Boulevard within approximately 100-ft of the requested alley closure at Hale Road.
3. Both abutting property owners are in agreement with the closure and staff has received no objections from the general public.
4. The following departments and organizations had these comments:
 - The City Engineering Department has no objections to close the above referenced 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.

- 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 right-of-way and we have no objection to the requested closure. However, KUB does not release and hereby retains all easements and rights for existing facilities, whether or not identified in our research.
- TDOT has no comments as this is not a state right-of-way.
- The Fire Department had no comments.

If approved, this item will be forwarded to Knoxville City Council for action on 12/13/2022 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.



**11-A-22-AC
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: Unnamed alley
 To be closed from: Fountain Park Blvd.
 To be closed to: Buffat Mill Rd.

Original Print Date: 10/17/2022 Revised:
 Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: & Kimberly Roberts, Jonathan Whitehead

Map No: 70
 Jurisdiction: City
 0 40
 Feet



SEPTEMBER 30, 2022

Knoxville Utilities Board
Steve Borden, Regional Director, TN Dept. of Transportation
Tom Clabo, 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 AN UNNAMED ALLEY BETWEEN FOUNTAIN PARK BLVD. AND BUFFAT MILL RD. (11-A-22-AC)

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 November 10, 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, October 17, 2022 will be considered as no objection by your agency.

C: Jeff Welch, Executive Director, Knoxville-Knox County Planning
Attachment: Application



Jessica Kitts <jessica.kitts@knoxplanning.org>

RE: ROW Closures for November 2022 - 11-A-22-AC, 11-A-22-SC, 11-B-22-SC, AND 11-C-22-SC

WAGNER, JAMES W <JW904s@att.com>
To: Jessica Kitts <jessica.kitts@knoxplanning.org>

Tue, Oct 18, 2022 at 2:22 PM

Ms. Kitts,

AT&T currently has facilities and will need to maintain facilities on Walden Dr, Pelham Rd and McCalla at Rutledge Pike, referenced in 11-A-22-SC, 11-B-22-SC, and 11-C-22-SC. We would request a utility easement in each of these locations.

Thank you,

James W. Wagner

Manager Outside Plant Planning & Engineering Design
AT&T Technology Operations

AT&T – BellSouth Telecommunications, LLC

9733 Parkside Drive, Knoxville, TN 37922
o 865.297.0886 | m 865.360.9737 | jw904s@att.com

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From: Jessica Kitts <jessica.kitts@knoxplanning.org>
Sent: Thursday, October 13, 2022 1:44 PM
To: WAGNER, JAMES W <JW904s@att.com>
Subject: Fwd: ROW Closures for November 2022 - 11-A-22-AC, 11-A-22-SC, 11-B-22-SC, AND 11-C-22-SC

Good afternoon James,

I'm forwarding this to you because Jay is out for Jury Duty and I need to make sure you all see these ROW Closure requests. I sent out a reminder today because we haven't received any responses back. Please let me know if you have

any questions.

Thank you,

Jessica Kitts

Jessica Kitts

Administrative Assistant II

Direct Line: 865-215-3810

Email: jessica.kitts@knoxplanning.org



Knoxville-Knox County Planning | Knoxville Regional TPO

400 Main Street, Suite 403 | Knoxville, TN 37902

[Quoted text hidden]



Jessica Kitts <jessica.kitts@knoxplanning.org>

RE: ROW Closures for November 2022 - 11-A-22-AC, 11-A-22-SC, 11-B-22-SC, AND 11-C-22-SC

Steve Borden <Steve.Borden@tn.gov>
To: Jessica Kitts <jessica.kitts@knoxplanning.org>

Mon, Oct 17, 2022 at 12:02 PM

Jessica,

Please find the following responses to the referenced ROW closure requests:

11-A-22-SC: operations has no comment.

11-B-22-SC: operations has no comment.

11-C-22-SC: operations has no comment.

11-A-22-AC: operations has no comment.



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: Jessica Kitts <jessica.kitts@knoxplanning.org>

Sent: Thursday, October 13, 2022 1:39 PM

To: Sonny Partin <spartin@knoxvilletn.gov>; Tom Clabo <tclabo@knoxvilletn.gov>; Dori Caron <dori.caron@knoxplanning.org>; Christian Wiberley <Christian.Wiberley@kub.org>; Charlotte Goforth <cgoforth@knoxvilletn.gov>; Chris Howley <chowley@knoxvilletn.gov>; James Wagner <JW904s@att.com>; Steve Borden <Steve.Borden@tn.gov>; Michelle Portier <michelle.portier@knoxplanning.org>; Jeff Welch <jeff.welch@knoxplanning.org>; Ben Davidson <bdavidson@knoxvilletn.gov>; Steve King <sking@knoxvilletn.gov>; Jay Frazier <jf092g@att.com>

Subject: [EXTERNAL] Re: ROW Closures for November 2022 - 11-A-22-AC, 11-A-22-SC, 11-B-22-SC, AND 11-C-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. *****

Good afternoon!

I have not received any responses for the attached November ROW Closure requests. Can you please make sure to get a response back to us by October 17, 2022?

Thank you,

Jessica Kitts

Jessica Kitts

Administrative Assistant II

Direct Line: 865-215-3810

Email: jessica.kitts@knoxplanning.org



Knoxville-Knox County Planning | Knoxville Regional TPO

400 Main Street, Suite 403 | Knoxville, TN 37902

On Mon, Oct 3, 2022 at 10:27 AM Jessica Kitts <jessica.kitts@knoxplanning.org> wrote:

Good morning!

My name is Jessica Kitts. I will be sending you our ROW closure requests going forward. I have four cases for your review for our November Planning Commission meeting. Please review the closure requests and let me know if you have any comments, concerns, or objections. Also, please note that we are requesting these responses back by October 17, 2022.

Thank you,

Jessica Kitts

Jessica Kitts

Administrative Assistant II

Direct Line: 865-215-3810



October 17, 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 11-A-22-AC

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-way and we have no objection to the requested closure. 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,

A handwritten signature in black ink, appearing to read "C. Wiberley".

Christian Wiberley, PE
Engineering

CGW



CITY OF KNOXVILLE

Engineering
Benjamin D. Davidson, PLS
Technical Services Administrator

October 13, 2022

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

SUBJECT: Closure of right-of-way request
Planning File # 11-A-22-AC

The City Engineering Department has no objections to close the above referenced 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

RE: ROW Closures for November 2022 - 11-A-22-AC, 11-A-22-SC, 11-B-22-SC, AND 11-C-22-SC

4 messages

Sonny Partin <spartin@knoxvilletn.gov>
To: Jessica Kitts <jessica.kitts@knoxplanning.org>

Thu, Oct 13, 2022 at 4:24 PM

Jessica,

All ROW closures approved except 11-C-22-SC, closure restricts fire dept access to building at 5711 Walden.



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

From: Jessica Kitts <jessica.kitts@knoxplanning.org>
Sent: Thursday, October 13, 2022 3:01 PM
To: Sonny Partin <spartin@knoxvilletn.gov>
Subject: Re: ROW Closures for November 2022 - 11-A-22-AC, 11-A-22-SC, 11-B-22-SC, AND 11-C-22-SC

Thank you! 😊

Jessica Kitts

Jessica Kitts

Administrative Assistant II

Direct Line: 865-215-3810

Email: jessica.kitts@knoxplanning.org

Knoxville-Knox County Planning | Knoxville Regional TPO

400 Main Street, Suite 403 | Knoxville, TN 37902

On Thu, Oct 13, 2022 at 2:59 PM Sonny Partin <spartin@knoxvilletn.gov> wrote:

Thanks for the reminder Jessica, I'll get with it!!



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

From: Jessica Kitts <jessica.kitts@knoxplanning.org>

Sent: Thursday, October 13, 2022 1:39 PM

To: Sonny Partin <spartin@knoxvilletn.gov>; Tom Clabo <tclabo@knoxvilletn.gov>; Dori Caron <dori.caron@knoxplanning.org>; Christian Wiberley <Christian.Wiberley@kub.org>; Charlotte Goforth <cgoforth@knoxvilletn.gov>; Chris Howley <chowley@knoxvilletn.gov>; James Wagner <JW904s@att.com>; Steve Borden <steve.borden@tn.gov>; Michelle Portier <michelle.portier@knoxplanning.org>; Jeff Welch <jeff.welch@knoxplanning.org>; Ben Davidson <bdavidson@knoxvilletn.gov>; Steve King <sking@knoxvilletn.gov>; Jay Frazier <jf092g@att.com>

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Good afternoon!

I have not received any responses for the attached November ROW Closure requests. Can you please make sure to get a response back to us by October 17, 2022?

Thank you,

Jessica Kitts

Jessica Kitts

Administrative Assistant II

Direct Line: 865-215-3810

Email: jessica.kitts@knoxplanning.org

Knoxville-Knox County Planning | Knoxville Regional TPO

400 Main Street, Suite 403 | Knoxville, TN 37902

On Mon, Oct 3, 2022 at 10:27 AM Jessica Kitts <jessica.kitts@knoxplanning.org> wrote:

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Jessica Kitts <jessica.kitts@knoxplanning.org>
To: Sonny Partin <spartin@knoxvilletn.gov>

Thu, Oct 13, 2022 at 4:24 PM

Thank you Sonny! Have a great weekend!!!!

Jessica Kitts

Jessica Kitts

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Direct Line: 865-215-3810

Email: jessica.kitts@knoxplanning.org



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[Quoted text hidden]

Ben Davidson <bdavidson@knoxvilletn.gov>

Fri, Oct 14, 2022 at 8:22 AM

To: Jessica Kitts <jessica.kitts@knoxplanning.org>, Sonny Partin <spartin@knoxvilletn.gov>, Tom Clabo <tclabo@knoxvilletn.gov>, Dori Caron <dori.caron@knoxplanning.org>, Chris Howley <chowley@knoxvilletn.gov>, Michelle

Portier <michelle.portier@knoxplanning.org>, Jeff Welch <jeff.welch@knoxplanning.org>, Steve King <sking@knoxvilletn.gov>

Please, see the attached engineering responses.

Sincerely,

Benjamin D. Davidson, PLS
TN Licensed Land Surveyor No. 2543
Technical Services Administrator
City of Knoxville, Department of Engineering
Phone: 865-215-4615
Email: bdavidson@knoxvilletn.gov

From: Jessica Kitts <jessica.kitts@knoxplanning.org>

Sent: Thursday, October 13, 2022 1:39 PM

To: Sonny Partin <spartin@knoxvilletn.gov>; Tom Clabo <tclabo@knoxvilletn.gov>; Dori Caron <dori.caron@knoxplanning.org>; Christian Wiberley <Christian.Wiberley@kub.org>; Charlotte Goforth <cgoforth@knoxvilletn.gov>; Chris Howley <chowley@knoxvilletn.gov>; James Wagner <JW904s@att.com>; Steve Borden <steve.borden@tn.gov>; Michelle Portier <michelle.portier@knoxplanning.org>; Jeff Welch <jeff.welch@knoxplanning.org>; Ben Davidson <bdavidson@knoxvilletn.gov>; Steve King <sking@knoxvilletn.gov>; Jay Frazier <jf092g@att.com>

Subject: Re: ROW Closures for November 2022 - 11-A-22-AC, 11-A-22-SC, 11-B-22-SC, AND 11-C-22-SC

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Jessica Kitts

Jessica Kitts
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Direct Line: 865-215-3810



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Thank you,

Jessica Kitts

Jessica Kitts
Administrative Assistant II
Direct Line: 865-215-3810
[Quoted text hidden]

4 attachments

-  **11-B-22-SC_Engineering Response_10-13-22.doc**
241K
-  **11-A-22-SC_Engineering Response_10-13-22.doc**
241K
-  **11-C-22-SC_Engineering Response_10-13-22.doc**
238K
-  **11-A-22-AC_Engineering Response_10-13-22.doc**
238K

Jessica Kitts <jessica.kitts@knoxplanning.org> Fri, Oct 14, 2022 at 8:31 AM
To: Ben Davidson <bdauidson@knoxvilletn.gov>
Cc: Sonny Partin <spartin@knoxvilletn.gov>, Tom Clabo <tclabo@knoxvilletn.gov>, Dori Caron <dori.caron@knoxplanning.org>, Chris Howley <chowley@knoxvilletn.gov>, Michelle Portier <michelle.portier@knoxplanning.org>, Jeff Welch <jeff.welch@knoxplanning.org>, Steve King <sking@knoxvilletn.gov>

Received, thank you. Have a great weekend!

Jessica Kitts

Jessica Kitts
Administrative Assistant II
Direct Line: 865-215-3810

Email: jessica.kitts@knoxplanning.org

Knoxville-Knox County Planning | Knoxville Regional TPO
400 Main Street, Suite 403 | Knoxville, TN 37902



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

RIGHT-OF-WAY CLOSURE

Date Filed: 9/27/2022

Name of Applicant: JONATHAN WHITEHEAD & KIMBERLY ROBERTS

Jurisdiction: City Council District 4

Sector: East City

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

Zoning District: N/A

File Number: 11-A-22-AC

Meeting Date: 11/10/2022

Fee Amount: \$500.00

INFORMATION:

Tax ID: 70 N/A

Add'l. Tax ID Info.:

Name of Right-of-Way: Unnamed alley

Type of Right-of-Way: Alley

Location of Right-Of-Way:

BETWEEN (City Block or Lot, where appropriate): Parcel 070JE002 (3233 Fountain Park Blvd)

AND (City Block or Lot, where appropriate): Parcel 070JE003 (3227 Fountain Park Blvd)

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

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

Reason for Closure: Add half of the right-of-way to the property belonging to the applicants to allow expansion of their house to meet the setback requirements of the parcel's RN-1 zoning.

TO BE CLOSED:

From: (Street, Alley, Other)

Fountain Park Blvd.

To: (Street, Alley, Other)

Buffat Mill Rd.

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE DIRECTED TO:

Jonathan Whitehead & Kimberly Roberts

3233 Fountain Park Blvd

Knoxville, TN 37917

Telephone: 515-201-5856

Fax:

Email: kimberlyroberts71@gmail.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.

Jonathan Whitehead & Kimberly Roberts

Signature: _____

3233 Fountain Park Blvd

Knoxville, TN 37917

Telephone: 515-201-5856

Fax:

Email: kimberlyroberts71@gmail.com

APPLICATION ACCEPTED BY: Michelle Portier

9/27/2022 2:54:28 PM

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.

File Number: 11-A-22-AC

Address	Signature	Owner/Tenant/ Option Holder	Agree/Disagree
3227 Fountain Park Blvd Knoxville, TN 37917			



RIGHT-OF-WAY CLOSURE

Name of Applicant: Johnathon Whitehead + Kimberly Roberts

Date Filed: 9/15/2022 Fee Paid: \$500 File Number: 11-A-22-AC

Map Number: 070 Zoning District: n/a City County Sector: East City

Jurisdiction: City 4th Council District

INFORMATION:

Name of Right-of-Way: Unnamed alley

Type of Right-of-Way: Street Alley

Location of Right-of-Way:

BETWEEN (City Block or Lot where appropriate) parcel 070JE002 (3233 Fountain Park Blvd)

AND (City Block or Lot where appropriate) parcel 070JE003 (3227 Fountain Park Blvd)

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

Reason for Closure: _____

TO BE CLOSED:

From: (Street, Alley, Other)

Fountain Park Blvd

To: (Street, Alley, Other)

Buffat Mill Rd.

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Johnathon Whitehead 3233 Fountain Park Blvd Knoxville, TN, 37917
Name: (Print) Address City State Zip Phone Email

kimberlyroberts71@gmail.com 515/201-5856
Email Phone

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.

Johnathon Whitehead

Signature: _____

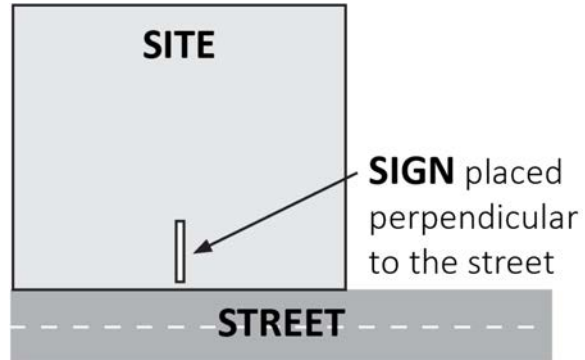
Kimberly Roberts 3233 Fountain Park Blvd, Knoxville TN 37917
Name: (Print) Address City State Zip Phone Email

kimberlyroberts71@gmail.com 515/201-5856
Email Phone

APPLICATION ACCEPTED BY:

Michelle Foster

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:

_____ 10/28/2022 _____ and _____ 11/11/2022 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Kimberly Roberts

Date: 9/15/22

File Number: 11-A-22-AC

- Sign posted by Staff
- Sign posted by Applicant