

Commissioners:

Only having 5 minutes to make a statement at the meeting on 6/10/21 I had to submit this additional statement below.

Not real sure of the intentions of the planning staff over the past few weeks. I have tried to work with them on every detail of this case from the first contact on the afternoon on 4/30/21. Following all their recommendations and even agreeing to the postponement last month. I feel I have been misled and even lied to in some instances. The main example was being told I would be invited to a meeting on 5/21/21 to discuss the options for easements and other ideas such as a sliver of the street being deeded over to my property. I was then told the meeting was going to be internal and follow up would be done. There has been no follow up meeting only a new 9-page dump of information added to the case file.

With the planning staff's recommendation to deny closure because of future development statement was made public. This allowed more involvement from the neighborhood community and West Hills Community Association to be against any type of future development of the area. The new 8-point statements with multiple subsections were added recently to the case file. Not sure if it to drown me in me paperwork but it allowed me to develop an even more precise timeline and add information that led up to the current application for the Right -of-Way closure.

Planning staff in the statements below keep accusing me of coming up with new reasons for the closure. This is true, with each laver of the onion (Glenmore Dr.) being peeled back with added personal attacks by opposition, new nonissues being stated or planning having secret internal meetings, issues from the past must be told to fill in the gaps. Below I have tried to fill in the gaps of the missing information from planning staff.

I will be happy to answer any questions during the meeting on 6/10/21

STAFF RECOMMENDATION:

Deny closure of Glenmore Drive from its southern terminus point at West Hills and Bynon Park to its intersection with Bennington Drive since it provides public access to the park and leaves open the option for the park to develop in this area, possibly including a more defined public entry at this location. [The public entry and future development are discussed below. This new option is being meet with new public neighborhood opposition to any type of expansion.](#)

COMMENTS:

1. Glenmore Drive is a developed right-of-way that runs the length of one parcel and terminates at West Hills and Bynon Park. It is located midblock between Sheffield Drive and N. Winston Road and runs perpendicular to Bennington Drive. [Actually, Glenmore Dr. is midblock between Corteland Dr and Churchill Dr. Sheffield Dr and N. Winston Rd are the main boundaries to the West Hills Park to the East and West.](#)
2. Glenmore Drive is a developed right-of-way and provides a means of public access to the park. [It is also a no parking / tow away zone from top to bottom that is not enforced by KPD.](#)

3. Glenmore Drive also provides driveway access to both abutting properties. Should the right-of-way be closed, the paved portion would function as a shared driveway into those lots.

4. The application states the reason for the closure request is to allow the recently installed fence and pool to remain. Neither meets the zoning ordinance requirements regarding corner lot setbacks and fence height, so the applicant hopes to close this right-of-way to add half its width to his property. Yes, the ROW closure was suggested by Zoning staff during the BZA application process for a variance.

a. Once the surrounding residents began to express opposition, the applicant expanded the reason to include public safety as a reason for the closure. The objecting residents spreading misinformation a review of the past 20 years of issues that led up to me installing a fence needed to be explained. Closure would allow for more public safety. Example submitted that happened on the night of 6/5/21.

b. Once Planning notified the applicant of our recommendation to deny the closure request, the applicant expanded the reason for the closure to include flooding. Yes, flooding was included because the expansion and future development of the area and greenway by parks and recreation into the greenway would be affected. This needed to be discussed. Along with planning not mentioning the Pipeline that runs the entire length of the Greenway in most areas. Expansion would have to cross this pipeline and the cost would be outstanding. Once again if I had been allowed to attend the meeting on 5/21/21 this would have been addressed.

5. A brief history of the pool and fence installation:

a. The City's Plans Review and Inspections Department has a record of an unpermitted pool being installed in 2015. It was an above ground pool that was removed, and the matter was resolved and closed. Yes, this happened. It was a dog pool for my daughters 150+lbs. Great Pyrenees/Newfoundland dog. The \$10 used 10-foot round pool was removed because the zoning official said that I would have to put a fence around the pool to be able to keep it. The dog pool can be seen clearly in a google street view picture from Aug 2015. Pictures are attached below of this installed pool and dog playing in it.

b. In late July 2020, a Notice of Violation and a Stop Work Order were issued for unpermitted construction and/or installation of an above-ground pool, a fence and interior renovations. Yes, this is true. 2 individuals arrived within hours of each other 7/27/2021. First was Robert Clark with Zoning and gave me a Zoning Notice of Violation. Second was Darrell Ward from Neighborhoods Codes. He gave me a list of things to correct about the fence. While working on those corrections a 3rd unknown official arrived on 7/28/21 with a stop work order. That is when the confusion started, complete the corrections or stop work. That led me to contact my City Councilman referring me to Zoning and the BZA.

c. In early August 2020, the applicant submitted site plans for the pool, but plans were denied because it was located in the corner-side yard and did not meet the required corner yard setback. Additionally, the fence height exceeds the maximum allowed and is located in the right-of-way. Yes, this was done by request of Peter Ahrens, Director of Plans Review & Building Inspectors and Councilman Roberto to get a file started about the property and pool. Knowing it would be denied and a waste of \$35 the application and drawings were submitted because of their request.

d. In late August 2020, the applicant filed for a BZA variance to increase the height of the fence, but withdrew the application before the meeting. The notes for the BZA case state the application was being withdrawn so the applicant could pursue a ROW closure instead. To date, a variance has not been sought. Yes, the application for the variance was withdrawn because of the Zoning staff working on my file said the variance for the fence would be no problem. But it would be a waste of my application fees and time because the pool would still be in violation unless the street is closed. Zoning referred me across the hall to Planning. Which led to the current application 5-B-21-SC.

6. Staff has received multiple objections to this request, as neighbors use it to access the park. The park has official entries on its eastern boundary off of Sheffield Drive and its western boundary off of N. Winston Road. The park runs longer east to west, so these entries are located at the park's farthest points. There is no access from the south, as the park abuts the interstate. This right-of-way provides a closer point of entry for people living mid-block along Bennington Drive. The objections started with one neighbor deciding to rescind their past approval of the Variances and Street Closure. Then started a misinformation and slander campaign about me, my family and property to any neighbor that would listen. This led to my first contact with Michelle Portier in the planning office with a phone call in the afternoon of 4/30/21. That is when she advised me that adding a public easement to the application should appease most or all objections. It was added to the case notes: #2 An access easement shall be platted or deeded granting pedestrian access at a location within the closed right-of-way to West Hills Bynon Park. Personal follow up with surrounding neighbors led to more households agreeing with the closure.

7. Mr. Clark has stated he would be willing to provide an access easement to allow pedestrian access for people to cross the property and access the park. He submitted drawings for review (see Exhibit B), and Planning met with the City's Engineering, Plans Review and Inspections, and Parks and Recreation departments on 5/21/2021. Yes, I have always agreed to the easement because at no time were we ever trying to stop pedestrian traffic flow into the park, just unauthorized vehicles. A visible landscaped path was added and can clearly be seen in the KGIS photo being used to show my fence and pool. This meeting and request for options was the reason for the postponement of 30 days. It was stated in an email on 5/13/21 that stated if I do not agree to the postponement my application would be likely denied. Basically, making your vote for you on the board.

In an email from 5/11/21 it was stated that a meeting would be set up between Planning and Engineering to discuss options for the easement. The meeting was set for 5/21/21, on Monday 5/17/21 I was informed the meeting was now internal and would reach out to schedule something next week. To date nothing has been scheduled and if I were allowed to attend the meeting to discuss the options below a lot of time could have been saved.

a. Option 1 would propose new signs. The drawings are not labelled with what the signage would say, but presumably, the signage would notify drivers it was a private right-of-way. However, since no other physical changes are proposed and the paved surface would remain the same, it would likely do little to dissuade drivers from using the right-of-way. Not invited so could not explain.

b. Option 2 proposes painted patterns to denote a crosswalk for pedestrians. - ADA has regulations regarding the cross-slope of the path, the slope along the path of travel, and the width of the surface, and revising the existing pavement from its current street standards to ADA standards would cost well into the tens of thousands of dollars. - The Engineering staff has submitted this statement in review of

the various plans: In evaluating the proposed options for the Glenmore Drive closure, we would not support the proposed layouts. To create a safe and functional pathway for pedestrians that meets ADA standards, the pathway would need to be physically separated from vehicular traffic/vehicular use areas (i.e. a sidewalk located behind a curb, typically with a 2' grass strip). Given the existing constraints in the area, it would be difficult and costly to build a sidewalk without significantly impacting adjacent properties. Was told in an email from 5/21/21 that this option would cost tens of thousands of dollars. Unlike upwards of millions to develop the area into a park entrance with sidewalks to protect pedestrians using Bennington Dr and Glenmore Dr to walk into the greenway. The new traffic would cause a whole list of new issues.

c. Option 3 proposes bollards and Option 4 proposes a gate to prohibit vehicular travel past the driveways.- However, planning staff concludes it to be in the best interest of the community to leave the access to the park as is, which would preclude all options submitted.

In the email from 5/21/21 it was stated "Any of the options you suggested would be at you and your neighbor's expense since once the right-of-way is closed. the land would no longer be city property. The city does not install signs or bollards on private property."

8. Regarding the closure request, the following departments and organizations had these comments:

a. Planning does not believe closure of the right-of-way is in the public's best interest, as it provides public neighborhood access to the park and leaves open the option for the park to develop in this area, possibly including a more defined access point at this location. Planning consulted with the Parks and Recreation Department on this closure. This development option would have been address at the 5/21/21 meeting if I were allowed to attend. For the past 65+ years the area has not been developed for a list of reasons in historical order. 1. Gas Pipeline that runs the entire length of the greenway est. 1940's. 2. Flooding from all above grade properties runoff. (Pictures were submitted). 3. Previous total neighborhood objection to development of the area. This was within the past 30 years to present. 4. West Hills just completed traffic calming efforts last year with installation of speed humps and new signage. A new entrance or development of the greenway in this location would be detrimental to the current traffic calming efforts.

b. The City Engineering Department does not object to the right-of-way closure since it costs the city to maintain the right-of-way. 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. 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 this is not a state route.

e. 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.- Sewer: 7.5 feet on each side of the centerline of the sewer line, 15 feet total width f. AT&T did not submit any comments.

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.

View at end of Glenmore Drive to the park (prior to recent changes by resident) Bottom of page 26 taken in April 2016 in the timeframe between removal of the chain link fence and construction of new wooden fence in 2019.

Planning notes on page 27 are incorrect.

Images on page 29,30,31 and 32 were submitted before my invitation to the meeting held on 5-21 was withdrawn. If I had known the intention of not inviting me to the meeting on 5/21/21. I would have withheld the options and ideas for the easement until a meeting was held that I could attend. Like stated above, a lot of confusion and time wasted on rehashing same ideas from the past about development.

Pictures of the dog pool from planning note 5. a.

