

CASE SUMMARY

APPLICATION TYPE: ROW CLOSURE



File Number: 11-A-20-SC **Related File Number:**
Application Filed: 10/1/2020 **Date of Revision:**
Applicant: MATT BRAZILLE / CIVIL AND ENVIRONMENTAL CONSULTANTS, INC

PROPERTY INFORMATION

General Location:
Other Parcel Info.:
Tax ID Number: 95 001 **Jurisdiction:** City
Size of Tract:
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use:
Surrounding Land Use:
Proposed Use: **Density:**
Sector Plan: Central City **Sector Plan Designation:**
Growth Policy Plan: Within city limits
Neighborhood Context:

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: E. Summit Hill Dr. (northern portion of ROW beginning behind sidewalk 10' from curb)
Location: Between S. Bell St. and Martin Luther King Jr Ave.
Proposed Street Name:
Department-Utility Report: The City's Engineering Department, AT&T, and KUB have requested to retain any easements that may be in place.
Reason: For continued redevelopment of the KCDC Austin Homes site. Per the approved Concept Plan for the development, the slip ramp from MLK to Summit will be removed and converted to a traditional right turn. The proposed right-of-way line will be placed at the back of the sidewalk (10' from curb) along the length of the closure.

ZONING INFORMATION (where applicable)

Current Zoning: RN-6 (Multi-Family Residential Neighborhood)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning:

PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.: For continued redevelopment of the KCDC Austin Homes site. Per the approved Concept Plan for the development, the slip ramp from MLK to Summit will be removed and converted to a traditional right turn. The proposed right-of-way line will be placed at the back of the sidewalk (10' from curb) along the length of the closure.

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge: Michelle Portier

Staff Recomm. (Abbr.): Approve closure of a portion of E. Summit Hill Avenue right-of-way as described, subject to any required easements, because staff has received no objections and it will enable redevelopment of this area, subject to one condition.

Staff Recomm. (Full): The applicant must have a plan approved by City Engineering showing the alignment of the new proposed right-of-way and provide a boundary map and/or written property description of the area of right-of-way that is to be closed. The boundary map and description should be certified by a TN registered land surveyor and must be supplied prior to the closure being considered at City Council as the closure area must be described in the closing ordinance documents.

Comments: This request includes the portion of the right-of-way north of the paved portion of E. Summit Hill Avenue and contains Old Vine Road, a developed right-of-way that was closed in 2004 (Case # 8-C-04-SC). The portion of the E. Summit Hill right-of-way to be closed would begin 10 feet from the street curb, behind the sidewalk. The sidewalk would remain in the E. Summit Hill Avenue right-of-way. However, E. Summit Hill Avenue sits atop an embankment that separates it from the property being developed by the applicant's client, Knoxville's Community Development Corporation (KCDC), and part of the embankment is included in the portion of the right-of-way proposed for closure. Upon approval of this request, ownership of the closed part of the embankment would convert to the KCDC via quit claim deed, and KCDC would then be responsible for any repairs needed for that part of the embankment. The applicant has stated his client is aware of this situation.

Staff has received no objections, but the following departments and organizations had these comments:

1. The City's Fire Department has no issues with this request.
2. 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 rights-of-way and we have no objection to the requested closures. However, KUB does not release and hereby retains all easements and rights for existing facilities, whether or not identified in our research.
3. AT&T does not wish to relinquish any ROW or utility easements at this time.
4. TDOT has no comments, as this closure does not affect any state owned rights-of-way.
5. The City Engineering Department has the following comments:
 - Per the standard process, 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.
 - We have no objections to close the above described right-of-way area, subject to the following condition being met:
 - 1) The applicant must have a plan approved by City Engineering showing the alignment of the

new proposed right-of-way and provide a boundary map and/or written property description of the area of right-of-way that is to be closed. The boundary map and description should be certified by a TN registered land surveyor and must be supplied prior to the closure being considered at City Council as the closure area must be described in the closing ordinance documents.

Action: Approved **Meeting Date:** 11/12/2020

Details of Action:

Summary of Action: Approve closure of a portion of E. Summit Hill Avenue right-of-way as described, subject to any required easements, because staff has received no objections and it will enable redevelopment of this area, subject to one condition.

Date of Approval: 11/12/2020 **Date of Denial:** **Postponements:**

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 12/15/2020 **Date of Legislative Action, Second Reading:** 1/12/2021

Ordinance Number: **Other Ordinance Number References:** O-2-2021

Disposition of Case: Approved **Disposition of Case, Second Reading:** Approved

If "Other": **If "Other":**

Amendments: **Amendments:**

Date of Legislative Appeal: **Effective Date of Ordinance:**