

# CASE SUMMARY

**APPLICATION TYPE: ROW CLOSURE**



**File Number:** 2-A-14-SC      **Related File Number:**  
**Application Filed:** 12/19/2013      **Date of Revision:**  
**Applicant:** CLAUDE ROGER RILEY JR.

## PROPERTY INFORMATION

**General Location:** Driveway between lots 10 and 11 of 515 Post Oak Drive  
**Other Parcel Info.:**  
**Tax ID Number:** 123 D A 00401      **Jurisdiction:** City  
**Size of Tract:**  
**Accessibility:**

## GENERAL LAND USE INFORMATION

**Existing Land Use:**  
**Surrounding Land Use:**  
**Proposed Use:**      **Density:**  
**Sector Plan:** South City      **Sector Plan Designation:**  
**Growth Policy Plan:** Urban Growth Area (Inside City Limits)  
**Neighborhood Context:**

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

**Street:** Unnamed street  
**Location:** Between Post Oak Lane and northern terminus  
**Proposed Street Name:**  
**Department-Utility Report:** No objections from any departments or utilities have been received by staff as of the date of this report.  
**Reason:** Street not used since conception and potential new owner wishes to consolidate lots 8, 9, 10 and 11.

## ZONING INFORMATION (where applicable)

**Current Zoning:** R-1 (Low Density Residential)  
**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.: Street not used since conception and potential new owner wishes to consolidate lots 8, 9, 10 and 11.

**PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge: Michael Brusseau

Staff Recomm. (Abbr.): RECOMMEND that City Council DENY the closure of this unnamed street, based on the following:

Staff Recomm. (Full): Although no objections from reviewing departments and utilities have been received, the staff has concern that public access through this street should be maintained to continue to provide future access to the large undeveloped properties to the north.

Comments: The purpose of this closure is to consolidate the properties owned by the applicant, one of which is split by this right-of-way, within which a private driveway is currently located. Although the properties to the north also have access to E. Red Bud Rd. or possibly May Apple Dr., the access to those properties through the subject right-of-way has the least topographic constraints. The most developable portion of the properties to the north is the area just north of the end of this right-of-way. The portions of that site adjacent to E. Red Bud Rd. and May Apple Dr. are much steeper. As lots along Post Oak Ln. were created in 1956, this subject right-of-way was likely included on the subdivision plat to provide access to the larger property to the north for possible future development. The reasoning for the creation of this "stub street" is sound and is still applicable today, despite changes in ownership over the years. If the properties to the north were to be developed in the future, the subject right-of-way would be appropriate to provide access, to promote connectivity and to minimize the need for extensive grading in order to gain access to E. Red Bud Rd. and/or May Apple Dr. Connectivity would mean access to Post Oak Ln., in addition to possible access to one of the other public streets to the north and west. The subject right-of-way is a little more than 40 feet in width, which meets Subdivision Regulations to provide access for up to 5 lots by way of a private Joint Permanent Easement. However, the right-of-way is currently public, so if it were improved/paved to meet City Engineering requirements for public streets, more lots could be considered, based on the property's R-1 zoning.

All owners of property adjacent to the subject right-of-way (based on the City Ward Map), including the property owners of the large tract to the northwest (123DA008), have signed the owner canvassing form, indicating agreement with the proposed closure. Staff has not received a signature of agreement from the property owner of the tract to the northeast (123DA009), who also could be impacted, but technically does not have access to the subject right-of-way, based on the City Ward Map. This owner was not required to sign the application. A sign was posted on Post Oak Ln., at its intersection with this alley and an ad was placed in the newspaper, providing notice of this proposal. Postcards are not mailed out for right-of-way closures. As of the date of this report, staff has not heard of any opposition to the proposed closure.

Action: Denied

Meeting Date: 2/13/2014

Details of Action:

Summary of Action: DENY the closure of this unnamed alley

Date of Approval:

Date of Denial: 2/13/2014

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?:  Action Appealed?: 2/28/2014

**LEGISLATIVE ACTION AND DISPOSITION**

Legislative Body: Knoxville City Council

Date of Legislative Action: 4/1/2014

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Tabled

Disposition of Case, Second Reading:

**If "Other":**

**Amendments:**

**Date of Legislative Appeal:**

**If "Other":**

**Amendments:**

**Effective Date of Ordinance:**