

# CASE SUMMARY

APPLICATION TYPE: ROW CLOSURE



File Number: 3-B-21-SC                      Related File Number:  
Application Filed: 1/25/2021              Date of Revision:  
Applicant: BOBBY C. SMELCER

## PROPERTY INFORMATION

General Location:  
Other Parcel Info.:  
Tax ID Number: 109 N/A                      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: N/A  
Neighborhood Context:

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

Street: McCarty Ave.  
Location: Between northwest corner of 109IH014 and northwest corner of 109IH008  
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: Never was open to Blount Avenue and the east end hasn't been in use for over 50 years. I am the property owner on both sides of this closed road but the right-of-way is still open.

## ZONING INFORMATION (where applicable)

Current Zoning: N/A  
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.:** Never was open to Blount Avenue and the east end hasn't been in use for over 50 years. I am the property owner on both sides of this closed road but the right-of-way is still open.

## **PLANNING COMMISSION ACTION AND DISPOSITION**

**Planner In Charge:** Michelle Portier

**Staff Recomm. (Abbr.):** Approve closure of the eastern portion of McCarty Avenue that runs from the northwest lot line of parcel 109IH014 to the northwest lot line of parcel 109IH008, subject to any required easements, since it is undeveloped, does not provide access to any lots, and staff has received no objections.

**Staff Recomm. (Full):**

**Comments:**

1. The applicant is requesting to close all of McCarty Avenue except a small portion abutting 721 Baldwin Avenue (parcel 109IH105), as he has been unable to acquire their signature. Therefore, the request to close McCarty is separated into two requests - the eastern and western ends of McCarty Avenue to either side of 721 Baldwin Avenue.
2. This request is to close the eastern portion of McCarty Avenue from the northwest lot line of parcel 109IH014 to the northwest lot line of parcel 109IH008. There is a small portion at the end of McCarty Avenue that was included on the application. However, this section was closed per Ordinance 6198 and has been removed from the applicant's request. The KGIS map does not show the closure, but the City's Ward Map does (Exhibit A).
3. 721 Baldwin Avenue is accessed off of Baldwin Avenue and does not utilize McCarty Avenue for access.
4. McCarty Avenue has never been developed and remains wooded land.
5. Staff has received no objections, but the following departments and organizations had these comments:
  - The City Engineering Department has no objections to close the above described 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.
  - The City's Fire Department had no comments.
  - TDOT had no Comments.
  - AT&T does not wish to relinquish any ROW or utility easements at this time.
  - 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.

**Action:** Approved

**Meeting Date:** 3/11/2021

**Details of Action:**

**Summary of Action:**

Approve closure of the eastern portion of McCarty Avenue that runs from the northwest lot line of parcel 109IH014 to the northwest lot line of parcel 109IH008, subject to any required easements, since it is undeveloped, does not provide access to any lots, and staff has received no objections.

**Date of Approval:** 3/11/2021

**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:** 4/6/2021

**Ordinance Number:**

**Disposition of Case:** Approved

**If "Other":**

**Amendments:**

**Date of Legislative Appeal:**

**Date of Legislative Action, Second Reading:** 4/20/2021

**Other Ordinance Number References:** O-51-2021

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

**If "Other":**

**Amendments:**

**Effective Date of Ordinance:**