

# CASE SUMMARY

APPLICATION TYPE: ROW CLOSURE



File Number: 3-C-21-SC Related File Number:  
Application Filed: 1/26/2021 Date of Revision:  
Applicant: BOBBY SMELCER C.

## 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: Western end of McCarty Ave.  
Location: Between W. Blount Ave. and northeast corner of parcel 109IH017  
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: This portion was never open to Blount Ave. 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 ROW 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.: This portion was never open to Blount Ave. 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 ROW is still open.

## **PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge: Michelle Portier

Staff Recomm. (Abbr.): Approve closure of the western portion of McCarty Avenue that runs from the W. Blount Avenue to the northeast lot line of parcel 109IH017, 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 western portion of McCarty Avenue from W. Blount Avenue to the northeast property line of parcel 109IH017.
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 western portion of McCarty Avenue that runs from the W. Blount Avenue to the northeast lot line of parcel 109IH107, 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-53-2021

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

**If "Other":**

**Amendments:**

**Effective Date of Ordinance:**