

CASE SUMMARY

APPLICATION TYPE: ROW CLOSURE



File Number: 5-D-21-SC Related File Number:
Application Filed: 4/5/2021 Date of Revision:
Applicant: BOBBY 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 (within City limits)
Neighborhood Context:

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

Street: Whaley St.
Location: Between Wrinkle Avenue and Northeast terminus of Whaley Street
Proposed Street Name:
Department-Utility Report: The City's Engineering Department and KUB have requested to retain any easements that may be in place.
Reason: ROW no longer needed - I own both properties.

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.: ROW no longer needed - I own both properties.

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge: Michelle Portier

Staff Recomm. (Abbr.): Approve closure of Whaley Street from its intersection with Wrinkle Avenue to its northeast terminus point, subject to any required easements, since it is not needed for access and staff has received no objections.

Staff Recomm. (Full):

Comments:

1. Whaley Street runs along the western boundary of parcel 109IA011. The applicant had previously requested closure of Whaley Avenue as part of the application for Case 3-A-21-SC. However, the KGIS map showed Whaley Avenue as being closed, and staff sought confirmation of this via a copy of the City Ordinance to that effect (Ordinance # 6199 on October 5, 1976). Staff subsequently struck Whaley Avenue from the request, believing the right-of-way to have been closed previously.
2. A plat of the property from 2016 (Exhibit B) shows that at one time there were two rights-of-way in a similar location and with a similar shape, both of which were named Whaley Avenue. The ordinance from 1976 closed the westernmost Whaley Avenue, and it is not depicted on today's KGIS maps. The existing right-of-way designated Whaley Avenue was erroneously depicted as being closed instead, and that error persists in today's maps.
3. Due to the mapping error and the removal of Whaley Street from the applicant's closure request by staff in March 2021, Whaley Street still needs to be closed.
4. The right-of-way is undeveloped and does not provide access to any properties.
5. Staff has received no objections, but the following departments and organizations had these comments:
 - a. 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. 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.
 - b. The City's Fire Department had no comments.
 - c. TDOT had no Comments.
 - d. 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:

 - Water: 7.5 feet on each side of the centerline of the water line, 15 feet total width
 - Gas: 7.5 feet on each side of the centerline of the gas line, 15 feet total width
 - Electric: 10 feet on each side of the centerline of the electric line, 20 feet total width
 - e. AT&T did not submit any comments.

Action: Approved

Meeting Date: 5/13/2021

Details of Action:

Summary of Action: Approve closure of Whaley Street from its intersection with Wrinkle Avenue to its northeast terminus point, subject to any required easements, since it is not needed for access and staff has received no

objections.

Date of Approval:

5/13/2021

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: 6/15/2021

Date of Legislative Action, Second Reading: 6/29/2021

Ordinance Number:

Other Ordinance Number References: O-90-2021

Disposition of Case: Approved

Disposition of Case, Second Reading: Approved

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: