

CASE SUMMARY

APPLICATION TYPE: ROW CLOSURE



File Number: 6-A-23-SC
Application Filed: 4/24/2023
Applicant: LISA OLIVER

Related File Number:
Date of Revision:

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: Eakers St.

Location: Between the northeast property line of parcel 109GE028 and its southern terminus

Proposed Street Name:

Department-Utility Report: KUB and the City's Engineering Department have requested to retain any easements that may be in place.

Reason: The road has been a dead-end for years.

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.: The road has been a dead-end for years.

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge: Michelle Portier

Staff Recomm. (Abbr.): Approve the request to close the portion of Eakers Road fronting parcel 109GE029, retaining all easements, since the closure would not adversely affect surrounding properties.

Staff Recomm. (Full):

Comments:

1. This request is to close the Eakers Road right-of-way in front of the last 2 properties on Eakers Road, from the northeastern lot line of parcel 109GE028 to its southern terminus. Eakers Road is a public, dead-end street that only runs from its intersection with Haywood Avenue to a point 3 parcels to the south.
2. The applicant is also working with the City to obtain both halves of the portion of Eakers Road to be closed since the property on the other side of the right-of-way is not privately owned.
3. Approval of the closure as requested would create a nonconforming condition that could present a hardship at a future date. The applicant owns the 2 parcels fronting the portion of Eakers Road requested for closure. Upon approval of requested closure, the southernmost property, parcel 109GE029, would no longer have road frontage, so it would not have a legal means of access. The Subdivision Regulations require all properties to either have road frontage or another legal means of access (e.g., an access easement), so approval of the closure as requested would create a nonconforming situation.
4. Therefore, Planning recommends closure of only the portion of the right-of-way fronting the southernmost lot. Once quit claim deeded to the applicant, the closed portion of the Eakers Road right-of-way would become part of that property and it would have road frontage at the new southern edge of Eakers Road. The vacant parcel, 109GE028, would retain its frontage along Eakers Road since that portion of the street would remain open.
5. The land-locked status of parcel 109GE029 may not present a logistical issue for the property owner while the owner owns both parcels. However, should the requested portion of ROW be closed, and the owner decide to sell that lot in the future, the owner would need to plat the property to create an approvable means of access to serve parcel 109GE029. There is not a means to enforce or regulate this in the eventuality of a sale, so there is no guarantee that, even if a condition were attached to the approval of this request, that future creation of a means of access would occur.
6. Planning cannot recommend approval of a request that would create a nonconforming condition or present a hardship at a future date.
7. The following departments and organizations had these comments:
 - a. The City Engineering Department:
 - i. Should this right-of-way be closed, the City will reserve easements for the following drainage facilities and utilities, if there are any current facilities, located in the property 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.
 - ii. We hereby put the owner on notice that the current applicant's properties with Tax I.D. 109GE028 and 109GE029 currently utilize this closure as public access and connection to the nearest intersecting public right-of-way of Haywood Ave. The owner would have to provide approvable access to Haywood Dr in the event of any future conveyances. City Engineering will not approve any future public access for these properties to Sevierville Pike, which lies south of the properties.
 - b. 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.

i. Water: 7.5 feet on each side of the centerline of the water line, 15 feet total width

8. The following agencies had no comments:

i. TDOT

ii. The City of Knoxville Fire Department

iii. AT&T

Action: Approved

Meeting Date: 6/8/2023

Details of Action:

Summary of Action: Approve the request to close the portion of Eakers Road fronting parcel 109GE029, retaining all easements, since the closure would not adversely affect surrounding properties.

Date of Approval: 6/8/2023

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: 7/11/2023

Date of Legislative Action, Second Reading: 7/25/2023

Ordinance Number:

Other Ordinance Number References: O-106-2023

Disposition of Case: Approved

Disposition of Case, Second Reading: Approved

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: