

CASE SUMMARY

APPLICATION TYPE: ROW CLOSURE



File Number: 9-A-20-SC
Application Filed: 7/27/2020
Applicant: MIKE SOUEID

Related File Number:
Date of Revision:

PROPERTY INFORMATION

General Location:
Other Parcel Info.:
Tax ID Number: 107 N/A Jurisdiction: City
Size of Tract:
Accessibility:

GENERAL LAND USE INFORMATION

Existing Land Use:
Surrounding Land Use:
Proposed Use: Density:
Sector Plan: Central City Sector Plan Designation:
Growth Policy Plan: N/A (within City limits)
Neighborhood Context:

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

Street: Cate Ave.
Location: Between Pilkay Rd. and Third Creek
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: We are consolidating tiny lots and own both sides of this road. Its current layout is not conducive to development.

ZONING INFORMATION (where applicable)

Current Zoning: RN-2 (Single-Family Residential Neighborhood)
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.: We are consolidating tiny lots and own both sides of this road. Its current layout is not conducive to development.

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge: Michelle Portier

Staff Recomm. (Abbr.): Deny closure of the portion of Cate Avenue that runs from Pilkay Road to Third Creek since it could potentially serve surrounding properties upon their development.

Staff Recomm. (Full):

Comments:

1. This is an undeveloped right-of-way that runs from Pilkay Road to Third Creek at the back of the Marble City Neighborhood. This neighborhood dates back to the early 1900s and contains properties that were platted as far back as 1908. It is developed in a traditional grid layout with alleys running between the blocks. Many of the alleys are paved and provide rear access to structures and parking.
2. This closure request is related to two rezoning cases recently heard by the Planning Commission in July 2021 (Cases 1-A-21-RZ/1-A-21-PA/1-A-21-SP and 1-B-21-RZ/1-B-21-PA/1-B-21-SP). The applicant had requested the RN-6 (Multi-Family Residential Neighborhood) zone with plan amendments to the HDR (High Density Residential) land use classification for both the sector plan and One Year Plan. The cases were denied, and the zoning remains RN-1 and RN-2 for the various affected properties.
3. The right-of-way associated with this request runs through properties in one of the aforementioned rezoning cases. Since those rezoning cases have been denied, and no new plans for rezonings or development have been submitted, staff recommends retention of the right-of-way.
4. The properties on both sides of the undeveloped portion of Cate Street requested for closure are undeveloped. If these properties were to be developed under the current RN-2 zoning, they could be serviced by extending Cate Street in this location. Closure could be sought at the time of such development as long as access was provided to each lot meeting the requirements of the City of Knoxville Zoning Ordinance and the City of Knoxville Department of Engineering.
5. The following organizations and departments had these comments:
 - a. 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. Sewer – 7.5 feet on each side of the centerline of the sewer lines, 15 feet total width
 - ii. Gas – 7.5 feet on each side of the centerline of the gas lines, 15 feet total width
 - b. 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.
 - c. The City's Fire Department had no comments.
 - d. TDOT had no Comments as the right-of-way does not appear to affect state assets.
 - e. AT&T does not wish to relinquish any ROW or utility easements at this time.

Action: Denied

Meeting Date: 9/9/2021

Details of Action:

Summary of Action:

Deny closure of the portion of Cate Avenue that runs from Pilkay Road to Third Creek since it could potentially serve surrounding properties upon their development.

Date of Approval:

Date of Denial: 9/9/2021

Postponements:

09/20, 10/20, 11/20,
12/20, 03/21, &
06/21

Date of Withdrawal:

Withdrawn prior to publication?: **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

Date of Legislative Action:

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case:

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: