CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY

FILE #: 9-A-20-SC AGENDA ITEM #: 6
POSTPONEMENT(S): 9/10/2020, 10/8/2020, 11/12/2020 AGENDA DATE: 12/10/2020

APPLICANT: MIKE SOUEID

TAX ID NUMBER: 107  N/A JURISDICTION: Council District 6
ZONING: RN-2 (Single-Family Residential Neighborhood) SECTOR PLAN: Central City
GROWTH POLICY PLAN: Inside City limits
Watershed: Third Creek

RIGHT-OF-WAY TO BE CLOSED: Cate Ave.
LOCATION: Between Pilkay Rd. and Third Creek

IS STREET:
(1) IN USE?: No
(2) IMPROVED (paved)?: No

APPLICANT'S REASON FOR Closure: We are consolidating tiny lots and own both sides of this road. Its current layout is not conducive to development.

DEPARTMENT-UTILITY REPORTS: The City's Engineering Department and KUB have requested to retain any easements that may be in place.

STAFF RECOMMENDATION:
Postpone this application for 90 days to the March, 2020 Planning Commission meeting.

This right-of-way closure request is related to an application for a rezoning, sector plan amendment, and One Year Plan amendment affecting several parcels spanning two city blocks that will be heard at the January 10, 2021 Planning Commission meeting. If the rezonings and plan amendments are approved, they will proceed to City Council in February, with the second reading taking place at the end of the month. Postponing the right-of-way closure request until the March meeting allows the applicant more time to acquire the final signature needed on the canvass form. If the rezonings and plan amendments are denied, the right-of-way closure requests could be subsequently withdrawn or denied.

If approved, this item will be forwarded to Knoxville City Council for action on 1/12/2021 and 1/26/2021. If denied, Knoxville-Knox County Planning Commission's action is final, unless the action to deny is appealed to Knoxville City Council. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.
9-A-20-SC
CLOSURE OF PUBLIC RIGHT OF WAY

Name of Street or Alley: Cate Ave.
To be closed from: Pilkay Rd.
To be closed to: Third Creek

Petitioner: Mike Soueid

Map No: 107
Jurisdiction: City

Original Print Date: 8/13/2020
Revised: 

Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902
Hi Timothy,

Both of these rezonings will require sector plan amendments as well. The current sector plan (a.k.a. future land use map) has these properties designated as TDR, which does not allow RN-6 zoning.

To include the sector plan amendment, you can check that box on the top of the application (right above where you have checked Rezoning), and fill out the sector plan area (also with the rezoning) on the 2nd page of the application. RN-6 is only allowed in the HDR (High Density Residential) land use class, so you will need to ask for that, and put something in there about multifamily development and the density you are looking for.

Also, for the ROW closures you are requesting in September, we are missing the signature of the development on the other side of the creek to the west (Sutherland Park). You can add that name and signature to the existing page 2 with the rest of the signatures, assuming you still have a copy of that. Let me know if you don't.

If you have any questions, please let me know.

Michelle

On Sat, Aug 15, 2020 at 6:55 AM Timothy J Howell <tim@tnlds.com> wrote:
[Quoted text hidden]

[Quoted text hidden]

Timothy,

I wanted to reach out regarding the signatures on the ROW closure cases to make sure you saw that in my last email. Let me know if you have any questions on that or the application.

Michelle

[Quoted text hidden]

I did see it. I have been dealing with a lot here but I will see if I still have the paper copies to get it signed. If not, can print the signature page, have the owner to get it signed, then bring it send it to you to attach to the original?

Respectfully,

Timothy J Howell

TN Registered Land Surveyor #2263
TN Rule 31 Listed General Civil Mediator
Tennessee Land Development Services
mobile (865) 742-2557
Twitter | Linkedin | facebook
Michelle Portier <michelle.portier@knoxplanning.org>  
To: Timothy J Howell <tim@tnlds.com>  
Fri, Aug 21, 2020 at 10:53 AM

Yes, that's fine. Thank you.

Michelle Portier <michelle.portier@knoxplanning.org>  
To: Timothy J Howell <tim@tnlds.com>  
Mon, Aug 31, 2020 at 2:36 PM

Mr. Howell,

Any progress on that signature? Our documentation gets uploaded to the website and packets go out to Commissioners this Friday. Do you think you can send it to me by this Thursday?

Thank you,
Michelle

Timothy J Howell <tim@tnlds.com>  
To: Michelle Portier <michelle.portier@knoxplanning.org>  
Mon, Aug 31, 2020 at 3:15 PM

I am reaching out to my client now to see if he has had any luck getting the signature.

Respectfully,

Timothy J Howell

TN Registered Land Surveyor #2263  
TN Rule 31 Listed General Civil Mediator  
Tennessee Land Development Services  
mobile (865) 742-2557

Timothy J Howell <tim@tnlds.com>  
To: Michelle Portier <michelle.portier@knoxplanning.org>  
Tue, Sep 1, 2020 at 8:10 AM

With few exceptions, scheduling a survey is more putting the job in a queue rather than fitting it into a time slot on a specific day.

Click here to understand scheduling  
Click here for what is included in a land survey

This transmission, regardless of modality, may contain confidential information and may be subject to protection under the law. If you are not the intended recipient, or an authorized agent for the intended recipient, you are hereby notified that use, such as but not limited to disclosure, copying, or distribution, is prohibited. Please destroy any and all copies immediately and notify the sender of this erroneous receipt.
I hope to have you that signature(s) soon.

Attached are the rezoning requests (along with sector change requests).

You had specified that I needed to request it to be HDR, but I matched the adjoining MDR/RN-6 property (to avoid pocket zoning/sectoring). If this will not meet our request, please let me know and I will make it HDR instead.

Respectfully,

Timothy J Howell

TN Registered Land Surveyor #2263
TN Rule 31 Listed General Civil Mediator
Tennessee Land Development Services
mobile (865) 742-2557
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On 8/31/2020 2:36 PM, Michelle Portier wrote:
[Quoted text hidden]

2 attachments

Rezone RN-1.pdf
2879K

Rezone RN-2.pdf
2852K

Michelle Portier <michelle.portier@knoxplanning.org>  Tue, Sep 1, 2020 at 10:36 AM
To: Timothy J Howell <tim@tnlds.com>

The MDR land use does not support the RN-6 zone. There are some anomalies out there from when we adopted a new zoning ordinance that took effect on January 1, 2020, and that is the case in this situation. You will need to request the HDR land use classification.
[Quoted text hidden]

Timothy J Howell <tim@tnlds.com>  Tue, Sep 1, 2020 at 11:33 AM
To: Michelle Portier <michelle.portier@knoxplanning.org>

Ok, here are the apps with HDR

Respectfully,

Timothy J Howell

TN Registered Land Surveyor #2263
TN Rule 31 Listed General Civil Mediator
Tennessee Land Development Services
mobile (865) 742-2557
Twitter | Linkedin | facebook

With few exceptions, scheduling a survey is more putting the job in a queue rather than fitting it into a time slot on a specific day.
Michelle Portier <michelle.portier@knoxplanning.org>  
To: Timothy J Howell <tim@tnlds.com>  
Bcc: Amy Brooks <amy.brooks@knoxplanning.org>

Mr. Howell,

Regarding the requests to close the rights-of-way, we will need to recommend postponement of both requests since we do not yet have the last signature on the canvass form. It would be heard at the October meeting.

Thank you,
Michelle

Timothy J Howell <tim@tnlds.com>  
To: Michelle Portier <michelle.portier@knoxplanning.org>

Thanks. We have been having trouble tracking down an actual person who can sign.

Respectfully,

Timothy J Howell

TN Registered Land Surveyor #2263  
TN Rule 31 Listed General Civil Mediator  
Tennessee Land Development Services  
mobile (865) 742-2557  
Twitter | Linkedin | facebook

With few exceptions, scheduling a survey is more putting the job in a queue rather than fitting it into a time slot on a specific day.
AUGUST 5, 2020

Knoxville Utilities Board
Danny Beeler, Fire Marshal
Steve Borden, Regional Director, TN Dept. of Transportation
Harold Cannon, Director, Department of Engineering
Steve King, Department of Engineering
Sonny Partin, Plans Reviewer, Fire Department
Shannon Sims, AT&T
Ben Davidson, Department of Engineering
Charlotte Goforth, Department of Engineering

From: Michelle Portier, Senior Planner, Knoxville-Knox County Planning

RE: REQUEST CLOSURE OF CATE AVE. BETWEEN PILKAY RD. AND THIRD CREEK, BETWEEN CITY BLOCKS 50810 AND 50830, COUNCIL DISTRICT 6, CENTRAL CITY SECTOR. (9-A-20-SC)

Please give us the following information in writing regarding this proposed closure if your agency has an objection, or any conditions you wish considered with this request:

1. Is there any present or anticipated future need for this street/alley which in your opinion would warrant retaining it for public use?
2. What present use does it serve?
3. What future use is anticipated?
4. Do you oppose closing (vacating) it?
5. If closed (vacated), would easements meet your needs?
6. If easement will meet needs, please state easements required.

This request will be considered by the Knoxville-Knox County Planning Commission on September 10, 2020. A map showing the street or alley in question is attached for your information.

PLEASE NOTE: Failure to reply to our office by Monday, August 24, 2020 will be considered as no objection by your agency.

C: Amy Brooks, Interim Executive Director, Knoxville-Knox County Planning
Attachment: Application
August 20, 2020

Knoxville-Knox Planning
City-County Building, Suite 403
Knoxville, Tennessee 37902

SUBJECT: Closure of a portion of Cate Ave running west from Pilkay Rd to terminus at Third Creek
MPC File # 9-A-20-SC; City Block 50830

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.

Sincerely,

Benjamin D. Davidson, PLS, Technical Services Administrator
Technical Services/Department of Engineering
Ph: 865-215-2103
Dori Caron <dori.caron@knoxplanning.org>


Sonny Partin <spartin@knoxvilletn.gov>  To: Dori Caron <dori.caron@knoxplanning.org>  Wed, Aug 5, 2020 at 2:57 PM

Dori,

Our office has reviewed the two applications and have approved for fire dept access.

Sonny

Asst. Chief Sonny Partin, CFPS
Deputy Fire Marshal
Knoxville Fire Department
400 Main St. Suite 462
Knoxville, Tn. 37902
865-215-2283 Office

[Quoted text hidden]
August 24, 2020

Michelle Portier  
Knoxville-Knox County  
Metropolitan Planning Commission  
Suite 403, City-County Building  
Knoxville, Tennessee 37902

Dear Ms. Portier:

Re: Right-of-Way Closure Request 9-A-20-SC

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 easement for its utility facilities.

   Sewer – 12.5 feet on each side of the centerline of the sewer line, 25 feet total width

If you have any questions regarding this matter, please call me at (865) 558-2483.

Sincerely,

Christian Wiberley, PE
Engineering

CGW

Steve Borden <Steve.Borden@tn.gov>  
To: Dori Caron <dori.caron@knoxplanning.org>

TDOT D18 Operations has no comment on either one.

Steven M. Borden, P.E. | Director/Assistant Chief Engineer

TDOT – Region 1  
7345 Region Lane  
Knoxville, TN  37914  
(865) 594-2400  
Steve.Borden@tn.gov  

From: Dori Caron <dori.caron@knoxplanning.org>  
Sent: Wednesday, August 5, 2020 9:20 AM

[Quoted text hidden]
9-A-20-SC
Exhibit A. Contextual Images
RIGHT-OF-WAY CLOSURE

Name of Applicant: Mike Soueid

Date Filed: 7/27/2020  Fee Paid: $750  File Number: 9-A-20-SC

Map Number: 107  Zoning District: RN-2 ✅ City  County Sector: Central City

Jurisdiction: ✗ City  6th Council District

INFORMATION:

Name of Right-of-Way: Cate Ave
Type of Right-of-Way: ✗ Street  ☐ Alley
Location of Right-of-Way:
BETWEEN (City Block or Lot where appropriate)  S0810-S0830
AND (City Block or Lot where appropriate)  S0830

Right-of-Way is: In Use ☐ Yes ✗ No  Improved (example: paved) ☐ Yes ✗ No

Reason for Closure: We are consolidating a bunch of tiny lots and own both sides of this road. Its current layout is not conducive to development.

TO BE CLOSED:

From: (Street, Alley, Other) Pilkay Rd
To: (Street, Alley, Other) Third Creek

ALL CORRESPONDENCE RELATING TO THIS APPLICATION SHOULD BE SENT TO:

Tim Howell  1707 N Ridgecrest Sevierville, TN 37862  865-742-2557  time@tlchs.com

Name: (Print) Address  City  State  Zip  Phone  Email

AUTHORIZATION OF APPLICATION:

I hereby certify that I am the authorized applicant, or representing the applicant and ALL property owners involved in this request or holders of option on same.

Signature:

Mike Soueid  6689 Girasola Cir  Boca Raton, FL 33498  561-371-8800  mike.soueid@gmail.com

Name: (Print) Address  City  State  Zip  Phone  Email

APPLICATION ACCEPTED BY: Michelle Portier
**RIGHT-OF-WAY CLOSURE CANVASS FORM**

All owners and holders of option on property abutting the proposed closure must sign the list below and express their opinion about this closure. A map showing the location and addresses of these properties must accompany this application.

<table>
<thead>
<tr>
<th>ADDRESS</th>
<th>SIGNATURE</th>
<th>Agree</th>
<th>Disagree</th>
</tr>
</thead>
<tbody>
<tr>
<td>3415 Pilkay Rd</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 Pilkay Rd</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>0 Knott Ave</td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>