



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
CITY OF KNOXVILLE CLOSURE OF PUBLIC RIGHT-OF-WAY**

▶ **FILE #:** 12-B-11-SC

AGENDA ITEM #: 11

AGENDA DATE: 12/8/2011

▶ **APPLICANT:** GERDAU

TAX ID NUMBER: 81 P K 035
 JURISDICTION: Council District 5
 SECTOR PLAN: Central City
 GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)
 ZONING: I-4 (Heavy Industrial) / IH-1 (Infill Housing Overlay)
 WATERSHED: Third Creek

▶ **RIGHT-OF-WAY TO BE CLOSED:** Ely Ave

▶ **LOCATION:** Between Stonewall Street and northeast property line of parcel 081PK035

IS STREET:
 (1) IN USE?: Yes
 (2) IMPROVED (paved)?: Yes

▶ **APPLICANT'S REASON FOR CLOSURE:** To enhance materials movement at plant and consolidate property.

DEPARTMENT-UTILITY REPORTS: No objections have been received by staff as of 12/1/11.

STAFF RECOMMENDATION:

▶ **DENY the closure of this portion of Ely Ave.**

In order to maintain street connectivity and the grid pattern that is currently in place, this request should be denied. There are established residences to the northeast along this section of Ely Ave., that would have more limited access if this closure were approved. It is not appropriate to close the street at this time. When and if Gerdau obtains ownership of the rest of the properties along Ely Ave., then the closure may be more appropriate. But closure of the streets in a piecemeal fashion is not recommended. Staff has received no objections to this closure. Gerdau owns all the property fronting along this right-of-way.

COMMENTS:

In addition to the above reasons for denial, staff is aware that, several years ago, there were discussions that took place between the City of Knoxville and Gerdau regarding installation of a greenway and buffers between the Gerdau property and the adjacent neighborhood. Some of these improvements were to be made on parcel 081PK035, which is the property owned by Gerdau that fronts on the two portions of Ely Ave. and Stonewall St. that are proposed to be closed. Attached are some documents showing the proposed location of the greenway through this parcel and the construction of a landscaped berm to provide a buffer between the Gerdau property and facilitates and the adjacent neighborhood to the north. Currently, none of these improvements appear to have been made. Staff would expect that any previous agreements between the City and Gerdau would be honored by both parties.

If this street closure is recommended for approval it should be subject to any required easements and subject to the 5 conditions listed in the attached letter from City of Knoxville Engineering, dated November 28, 2011. Consideration should also be given to requiring the necessary easement to facilitate construction of the proposed greenway.

If approved, this item will be forwarded to Knoxville City Council for action on 1/10/2012 and 1/24/2012. If denied, MPC'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 an MPC decision in the City.



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Fwd: Reference File Numbers 12-A-11-SC and 12-B-11-SC

1 message

Mike Brusseau <mike.brusseau@knoxmpc.org>**Wed, Dec 7, 2011 at 8:28 AM**

To: Buz Johnson <buz.johnson@knoxmpc.org>, Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Mark Donaldson <mark.donaldson@knoxmpc.org>, Dan Kelly <dan.kelly@knoxmpc.org>

----- Forwarded message -----

From: <Neeley.Doug@epamail.epa.gov>

Date: Tue, Dec 6, 2011 at 2:35 PM

Subject: Reference File Numbers 12-A-11-SC and 12-B-11-SC

To: mike.brusseau@knoxmpc.org

Mr. Brusseau,

I am writing to you from the U.S. Environmental Protection Agency, regarding the proposed road closures of Ely Avenue and Stonewall Streets, adjacent to the Gerdau Ameristeel facility in Knoxville, Tennessee. The reference file numbers are 12-A-11-SC and 12-B-11-SC. EPA has recently revised the national ambient air quality standards (NAAQS) for lead (Pb). In conjunction with the revised NAAQS, EPA also revised ambient air monitoring regulations found at 40 CFR Part 58. Pursuant to the implementing regulations of the Federal Clean Air Act, a monitoring station is required near the Gerdau Ameristeel facility under 40 CFR Part 58, appendix D, section 4.5 which requires "one source-oriented state or local air monitoring station site located to measure the maximum Pb concentration in ambient air resulting from each Pb source which emits 1.0 or more tons per year." As such, EPA directed the Knox County Air Quality Management to locate a lead monitor in the downwind vicinity of the facility, which became operational on January 2, 2011. In March of this year, the Gerdau Ameristeel facility violated the new health based standard for Pb. The facility's intention to close the road will inhibit Knox County's ability to properly monitor air quality in the immediate vicinity of the facility, and to protect the health of nearby public residents. EPA requests that MPC deny these road closures. Should you require additional information, please contact me at:

Douglas Neeley

Phone: [404-562-9097](tel:404-562-9097)

Chief, Air Toxic and Monitoring Branch

e-mail:

neeley.doug@epa.gov

US EPA Region 4

Atlanta Federal Center

61 Forsyth Street,

Atlanta, Georgia 30303

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Michael A. Brusseau, AICP, Senior Planner
Knoxville-Knox County Metropolitan Planning Commission
City-County Building, Suite 403
400 Main St.
Knoxville, TN 37902
Phone: [\(865\) 215-2500](tel:(865)215-2500)
Fax: [\(865\) 215-2068](tel:(865)215-2068)
www.knoxmpc.org
