

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

▶ **FILE #:** 12-B-11-SC (REVISED) **AGENDA ITEM #:** 6

POSTPONEMENT(S): 12/8/11, 9/13/12-1/10/13 **AGENDA DATE:** 2/14/2013

▶ **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 081PK029

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 from any departments or utilities have been received by staff as of the date and time of this report.

STAFF RECOMMENDATION:

▶ **POSTPONE the request at least 30 days until the March 14, 2013 meeting, or longer, if necessary.**
 Postponement will allow discussions to continue between the applicant and the City to establish an agreement regarding the proposed greenway alignment and buffering for the adjacent neighborhood. It also will allow time for the applicant to negotiate with the property owner of parcels 27 and 28 to obtain those parcels, allowing the closure of the full block of Ely Ave., from Stonewall St. to Bragg St. In addition, the need for a turnaround, as approved last month on the attached concept plan (2-SA-12-C) would not be necessary and there would be more area available for Gerdau to implement expansion plans, while requiring less new pavement to be installed.

COMMENTS:

Since this case was untabled at the August 9 MPC meeting, the applicant has revised the application to expand the proposed closure of Ely Ave. about 150 feet to the northeast to include three more parcels, which Gerdau now owns.

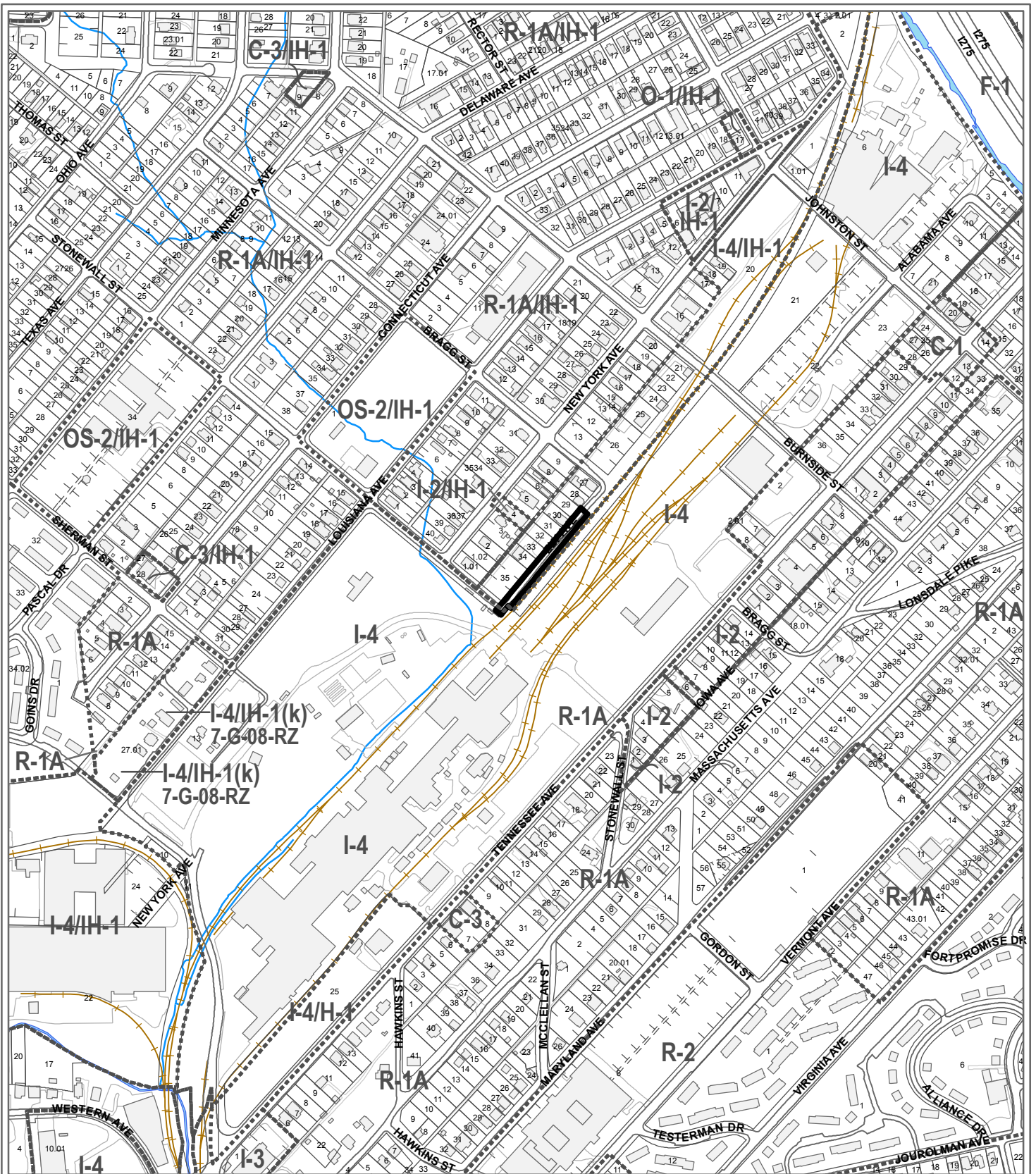
The attached concept plan (2-SA-12-C) was approved by MPC at the September 13, 2012 meeting that extended the parallel alley north of Ely Ave. from its proposed new terminus northwest to connect it with New York Ave. It also provides a turnaround at the new proposed end of Ely Ave., which is currently proposed just beyond the first two parcels southwest of Bragg St.

Several years ago, there were discussions between the City of Knoxville and Gerdau regarding installation of a greenway and landscape buffers or berms between the Gerdau property and the adjacent neighborhood. It is staff's understanding that these discussions are continuing currently, but that final plans have not been agreed upon. Attached are documents showing the possible location of the greenway through this parcel and the construction of a landscaped berm to provide a buffer between the Gerdau property and facilities and the adjacent neighborhood to the north. Currently, none of these improvements appear to have been made. Staff would expect that any previous or future agreements between the City and Gerdau would be honored by both parties.

If this closure is recommended for approval by MPC, a condition should be included that states "The five conditions included in the attached letter from City of Knoxville Engineering (dated October 30, 2012) must be addressed to the satisfaction of that department."

Staff is not in agreement with allowing the closure of this partial section of Ely Ave. at this time, as it could allow expansion of Gerdau operations prior to an agreement being reached between the City and Gerdau regarding the provision of space for a neighborhood buffering and a proposed greenway. In addition, from the time of original application, staff has maintained to both the applicant and the property owner of parcels 27 and 28 that approval of the closure of Ely Ave. would not be recommended until Gerdau gains control of all the parcels fronting on Ely Ave. between Stonewall St. and Bragg St. This would allow closure of the entire block, rather than a portion of it, as currently proposed. Staff continues to maintain that position.

If approved, this item will be forwarded to Knoxville City Council for action on 3/19/2013 and 4/2/2013. 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.



**12-B-11-SC
CLOSURE OF PUBLIC RIGHT OF WAY**

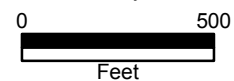
Name of Street or Alley: Ely Ave
 To be closed from: Stonewall Street
 To be closed to: northeast property line of parcel 081PK029

Original Print Date: 11/21/2011 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Gerdau

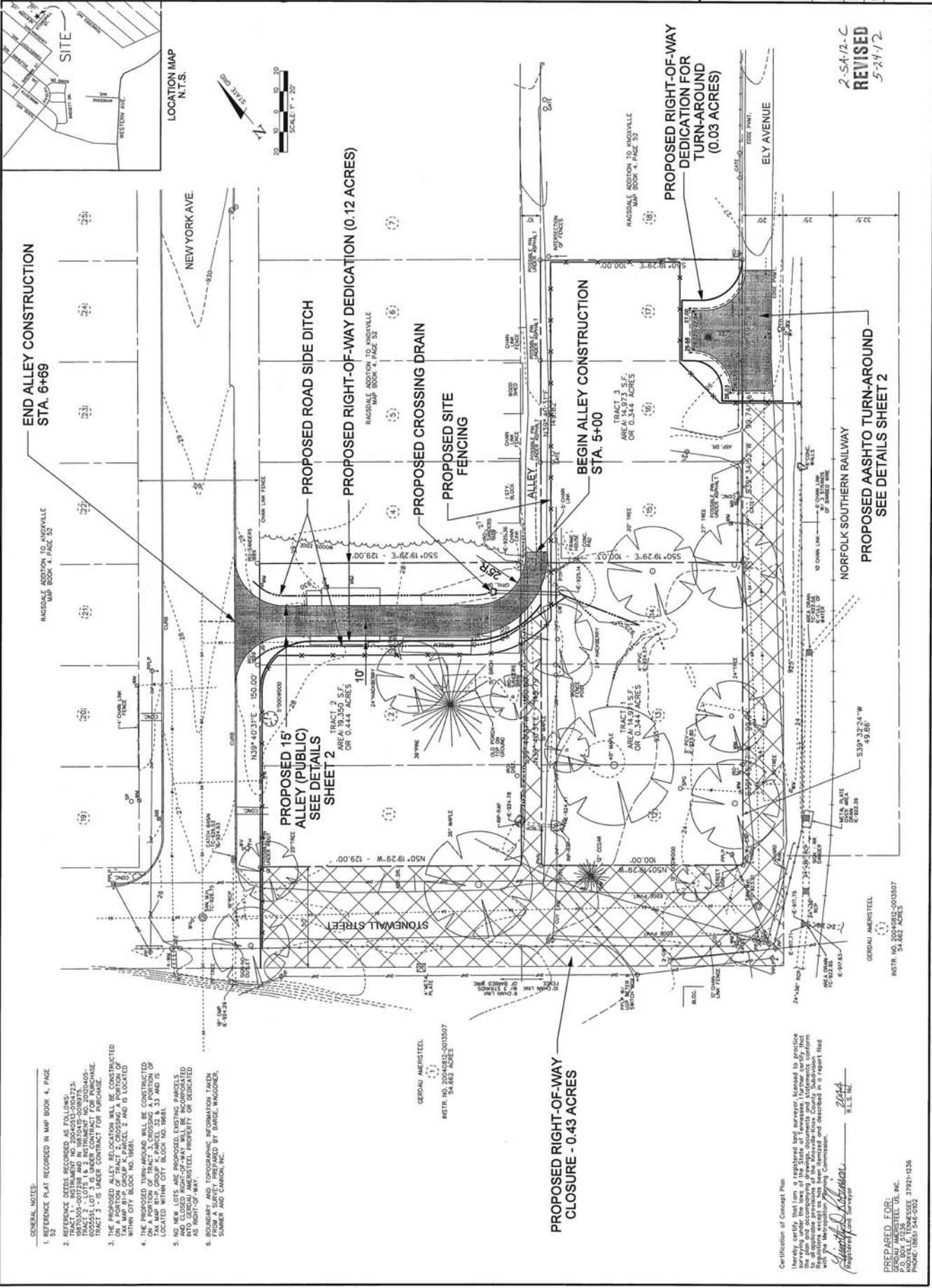
Map No: 81

Jurisdiction: City





CONCEPT PLAN OF PROPOSED R.O.W. CLOSURE



END ALLEY CONSTRUCTION
 STA. 6+69

RACEDALE ADDITION TO KNOXVILLE
 MAP BOOK 4, PAGE 52

NEW YORK AVE

PROPOSED 15' ALLEY (PUBLIC)
 SEE DETAILS
 SHEET 2

PROPOSED ROAD SIDE DITCH

PROPOSED RIGHT-OF-WAY DEDICATION (0.12 ACRES)
 RACEDALE ADDITION TO KNOXVILLE
 MAP BOOK 4, PAGE 52

PROPOSED CROSSING DRAIN

PROPOSED SITE FENCING

BEGIN ALLEY CONSTRUCTION
 STA. 5+00

RACEDALE ADDITION TO KNOXVILLE
 MAP BOOK 4, PAGE 52

PROPOSED RIGHT-OF-WAY DEDICATION FOR TURN-AROUND (0.03 ACRES)

ELY AVENUE

PROPOSED AASHTO TURN-AROUND
 SEE DETAILS SHEET 2

REVISED
 2-24-12
 5-24-12

- GENERAL NOTES:**
1. REFERENCE PLAT RECORDED IN MAP BOOK 4, PAGE 52.
 2. REFERENCE DEEDS RECORDED AS FOLLOWS: 1997045-007288 AND IN 1997045-009775, 005554-00151, 005554-00152, 005554-00153, 005554-00154, 005554-00155, 005554-00156, 005554-00157, 005554-00158, 005554-00159, 005554-00160, 005554-00161, 005554-00162, 005554-00163, 005554-00164, 005554-00165, 005554-00166, 005554-00167, 005554-00168, 005554-00169, 005554-00170, 005554-00171, 005554-00172, 005554-00173, 005554-00174, 005554-00175, 005554-00176, 005554-00177, 005554-00178, 005554-00179, 005554-00180, 005554-00181, 005554-00182, 005554-00183, 005554-00184, 005554-00185, 005554-00186, 005554-00187, 005554-00188, 005554-00189, 005554-00190, 005554-00191, 005554-00192, 005554-00193, 005554-00194, 005554-00195, 005554-00196, 005554-00197, 005554-00198, 005554-00199, 005554-00200.
 3. THE PROPOSED ALLEY RELOCATION WILL BE CONSTRUCTED INTO GERDAU AMERISTEEL PROPERTY OR DEDICATED TO CITY BLOCK NO. 19681.
 4. THE PROPOSED TURN-AROUND WILL BE CONSTRUCTED INTO GERDAU AMERISTEEL PROPERTY OR DEDICATED TO CITY BLOCK NO. 19681.
 5. NO NEW LOTS ARE PROPOSED EXISTING PARCELS TO BE DIVIDED OR SPLIT INTO GERDAU AMERISTEEL PROPERTY OR DEDICATED TO CITY BLOCK NO. 19681.
 6. FROM A-S TO A-B PREPARED BY GABRIEL WAGNER, SUMNER AND CANNON, INC.

GERDAU AMERISTEEL
 INSTR. NO. 2004082-001307
 34,662 ACRES

PROPOSED RIGHT-OF-WAY CLOSURE - 0.43 ACRES

Certification of Concept Plan
 I hereby certify that I am a registered land surveyor licensed to practice the art and profession of land surveying in the State of Tennessee, and that I have prepared this plan and accompanying drawings, computations and statements conform to the laws of Tennessee and the rules and regulations of the Board of Surveyors and that the information herein is true and correct to the best of my knowledge and belief.

Shirley D. Johnson
 Registered Land Surveyor
 2044
 T.L.S. No.

GERDAU AMERISTEEL
 INSTR. NO. 2004082-001307
 34,662 ACRES

PREPARED FOR:
 GERDAU AMERISTEEL U.S. INC.
 1000 BRADLEY BLVD
 KNOXVILLE, TENNESSEE 37921-1216
 PHONE (615) 548-0002



CITY OF KNOXVILLE

Engineering
James R. Hagerman, P.E.
Director of Engineering

October 30, 2012

Mr. Mike Brusseau, AICP, Senior Planner
Knoxville-Knox County Metropolitan Planning Commission
City-County Building, Suite 403
Knoxville, Tennessee 37902



SUBJECT: Request to Close a Portion of Ely Ave (a public street)
MPC File # 12-B-11-SC/City Blocks 19681 and 19524

Mr. Brusseau:

The City Engineering Department has no objections to close the above described right-of-way provided the following conditions are met:

1. The property owner shall complete the platting process, based upon the revised and approved concept plan bearing MPC File No. 2-SA-12-C, and record a subdivision plat that combines all resulting land-locked properties in such a way that all have legal access to a public road.
2. The resulting dead-end right-of-way shall terminate only with a dedicated public turn-around bonded and approved by the City Engineering Department, as shown on the above mentioned approved concept plan.
3. The subdivision plat must be recorded within one (1) year upon the final approval by City Council. Otherwise, this process will be deemed to be null and void and of no effect.
4. The closing ordinance shall state that the closure shall become effective only after the Department of Engineering has provided written verification to the City Recorder that all conditions have been met to its satisfaction.
5. Property Owner(s) must also dedicate, per plat, a 20 foot wide public greenway easement, approved by City Engineering, being generally described as follows:

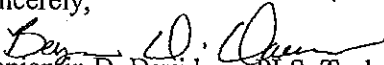
Beginning at the northeast corner of Lot 17, also being the southeast corner to Lot 18 and in the northern right-of-way line of Ely Ave, being 20 feet in width, lying on the south side and running parallel to the following 3 general calls:

1. Northwesterly with the line of Lot 17 and 18 to a point in the southern right-of-way line of an unnamed 10 foot alley;
2. Southwesterly with the lines of Lots 17, 16, 15, and the unnamed 10 foot alley, to a point in the southern proposed right-of-way line of a new public alley;
3. Northwesterly with the southern line of the proposed public alley to the southern right-of-way line New York Avenue, as shown on the revised and approved concept plan bearing MPC File No. 2-SA-12-C.

Should this right-of-way be closed, the City will reserve easements for all drainage facilities and utilities, if any, located in or within five (5) feet of the property described herein.

If you have any questions, please call. You can reach me at 215-4615.

Sincerely,


Benjamin D. Davidson, PLS, Technical Services Administrator

C: James R. Hagerman, P.E., Director of Engineering
Brently J. Johnson, P.E., R.L.S., Engineering Planning Chief
Christopher S. Howley, P.E., Plans Review and Development Inspections

MPC February 14, 2013

Agenda Item # 6

ARTHUR G. SEYMOUR, JR.
ROBERT L. KAHN
REGGIE E. KEATON
DONALD D. HOWELL
DEBRA L. FULTON
MICHAEL W. EWELL
JOHN M. LAWHORN
JAMES E. WAGNER
BEVERLY D. NELMS
MARY ELIZABETH MADDOX
BENJAMIN C. MULLINS
RICHARD T. SCRUGHAM, JR.
MATTHEW A. GROSSMAN
SHARON POTTER
KEVIN A. DEAN
TAYLOR D. FORRESTER

LAW OFFICES
FRANTZ, McCONNELL & SEYMOUR LLP
ESTABLISHED 1902

Email: ajseymour@fmsllp.com
Direct Fax: 865-541-4612

550 W. MAIN STREET
SUITE 500
P.O. Box 39
KNOXVILLE, TENNESSEE 37901
TELEPHONE: 865-546-9321
FACSIMILE: 865-637-5249
WEB SITE: WWW.FMSLLP.COM

OF COUNSEL:
FRANCIS A. CAIN
IMOGENE A. KING

January 7, 2013

Becky Wade, Deputy Director
City of Knoxville, Community Development
P. O. Box 1631
Knoxville, TN 37901

Re: Gerdau Street Closures

Dear Becky:

Following up on our conversation this morning, Gerdau will support the dedication of the outer or northwestern portion of the property acquired via street closures and other property acquisitions, to a greenway easement for the benefit of the City of Knoxville. The easement is described in the Engineering Department's letter of October 30, 2012 addressed to the MPC.

This is conditioned on the following:

1. There will be a fence along the edge of the Gerdau side of the property with plantings and a walking trail on the northern side.
2. Once the greenway is completed, the property would be deeded by Gerdau to the City of Knoxville.
3. The property will be used for no purpose other than a greenway.
4. If Gerdau acquires further property, the greenway can be relocated at Gerdau's election and expense.

If you have any questions, please let me know.

Very truly yours,


Arthur G. Seymour, Jr.
FRANTZ, McCONNELL & SEYMOUR, LLP

AGSJ:libb

cc: Mr. Randy Atchley

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

Fwd: Gerdau

1 message

Sarah Powell <sarah.powell@knoxmpc.org>
 To: "Mahan, Betty Jo" <bettyjo.mahan@knoxmpc.org>

Tue, Oct 9, 2012 at 7:53 AM

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

From: **aetalgo** <aetalgo@aqm.co.knox.tn.us>

Date: Mon, Oct 8, 2012 at 1:21 PM

Subject: Gerdau

To: contact@knoxmpc.org

Cc: "Lynne A. Liddington" <laliddington@aqm.co.knox.tn.us>, Daniel Garver <Garver.Daniel@epamail.epa.gov>, Darren Palmer <Palmer.Darren@epamail.epa.gov>

In regard to files number: 12-A-11-SC, 12-B-11-SC, 10-A-12-AC

The Knox County Department of Air Quality Management(KCDAQM) installed an ambient air monitor in January of 2011 on Stonwall St. at the corner of Stonwall St and Ely Ave. This monitor was placed in this location at the instruction of the U.S Environmental Protection Agency to monitor the emissions of Lead from the Gerdau plant. In March and April of 2011 and March 2012, violations of the National Ambient Air Quality Standard(NAAQS) were observed by this monitor. The NAAQS is a health based standard established by the U.S Environmental Protection Agency. This said, it is imperative that the monitor remain at the point of closest public access. Knox County Department of Air Quality Management request that the right-of-way the monitor is located on be retained by the City of Knoxville until the completion of the roadway construction Gerdau proposes in the concept plan, and access to the monitor is uninhibited.

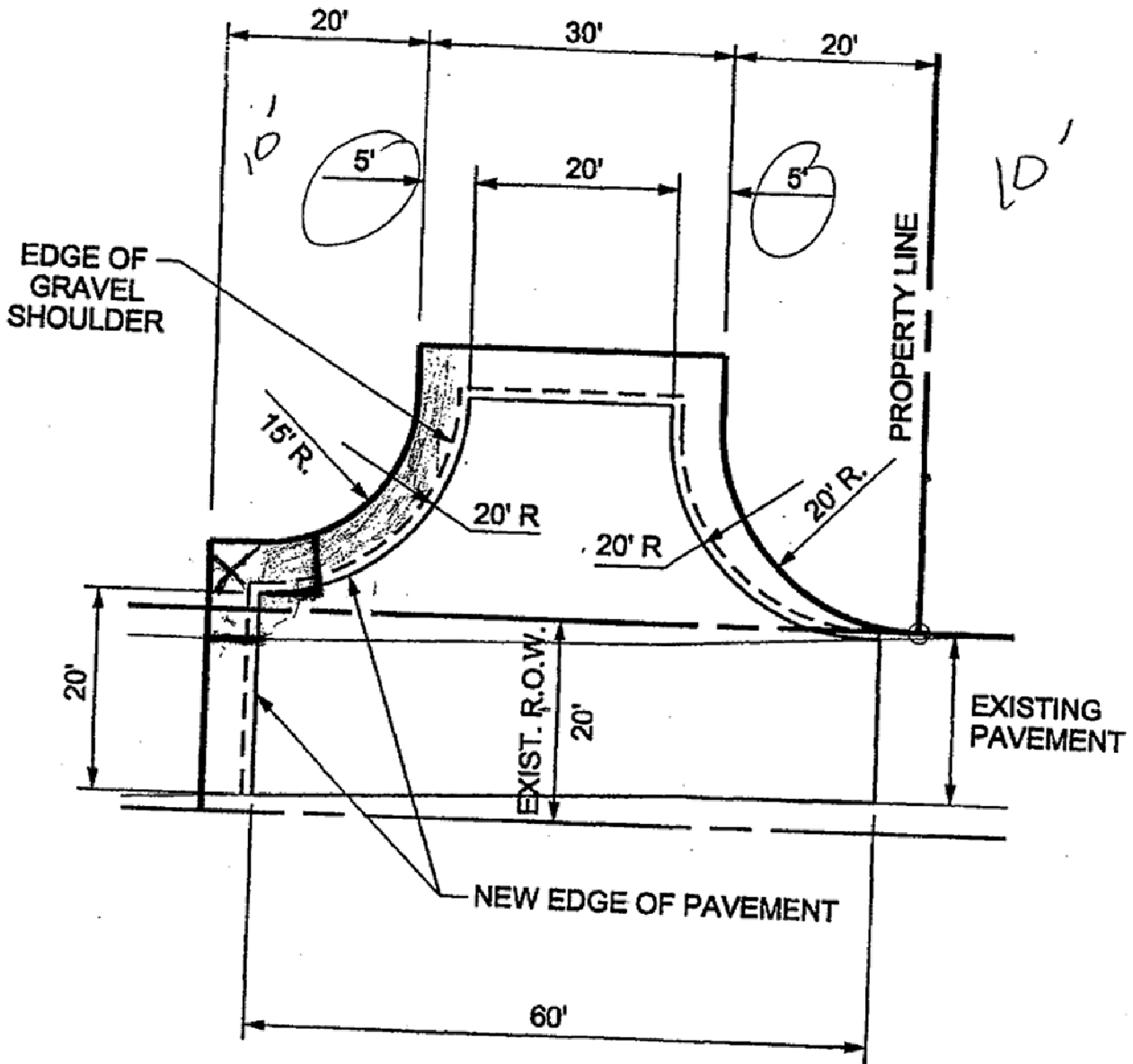
In March 2012, Knox County Department of Air Quality Management obtained a permit to relocate the monitor to the proposed hammer head turnaround once it was completed. This permit was obtained using the previous concept plan. Knox County Department of Air Quality Management is willing to relocate the monitor to the closest point of public accesses once construction of the roadway is complete and another permit from the City of Knoxville is obtained.

*Amber Talgo**Air Monitoring Program Manager**Knox County**Air Quality Management*[865-215-5942](tel:865-215-5942)

From: "aetalgo" <aetalgo@aqm.co.knox.tn.us>
Date: Wednesday, March 28, 2012 3:23 PM
To: "Miles, Chris" <Chris.Miles@gerdau.com>
Cc: "Stacy Harder" <Harder.Stacy@epa.gov>; "Lynne Liddington" <lalidding@aqm.co.knox.tn.us>
Subject: Pb site relocation
Chris,

I got approval from the city to build a new air monitoring site in the right-of-way of the hammer head turnaround that Gerdau is proposing to build in order to close the existing right-of-way. Below is a copy of the proposed turnaround. Our proposed site is indicated by the X.

PAVEMENT SECTION
N.T.S.



LAYOUT PLAN

1"=20'

Amber Talgo

10/3/2012

Knox County Department of
Air Quality Management
865-215-5942 office



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:

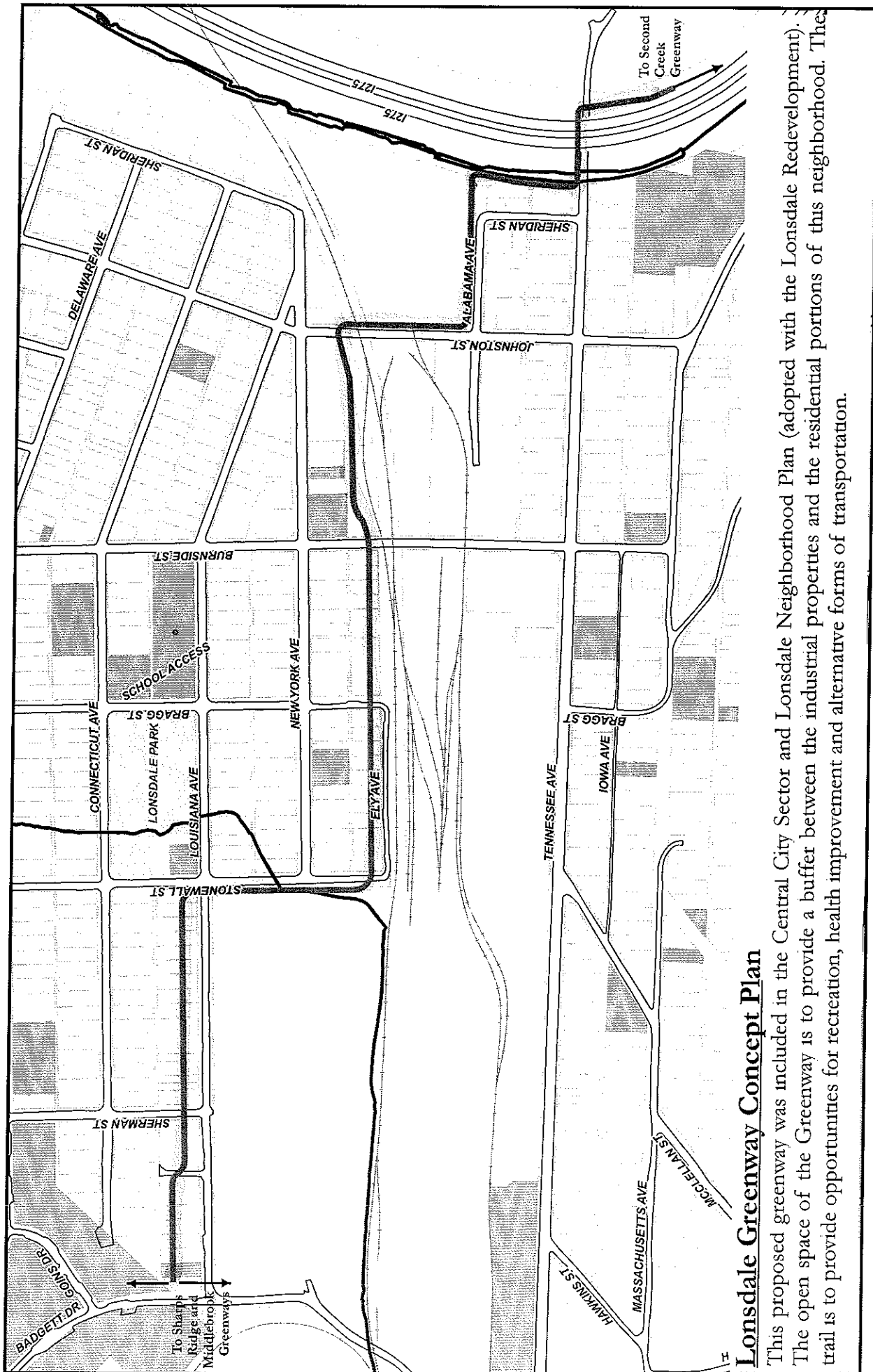
neeley.doug@epa.gov

US EPA Region 4

Atlanta Federal Center

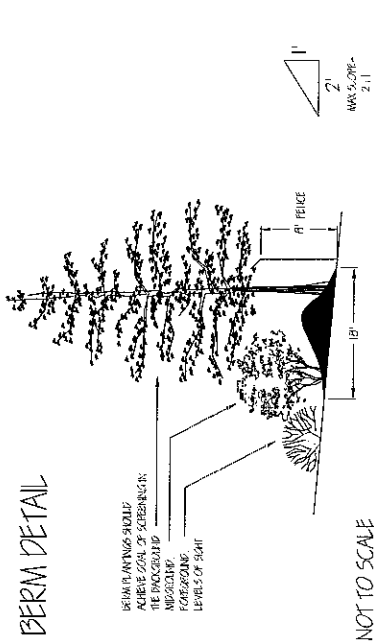
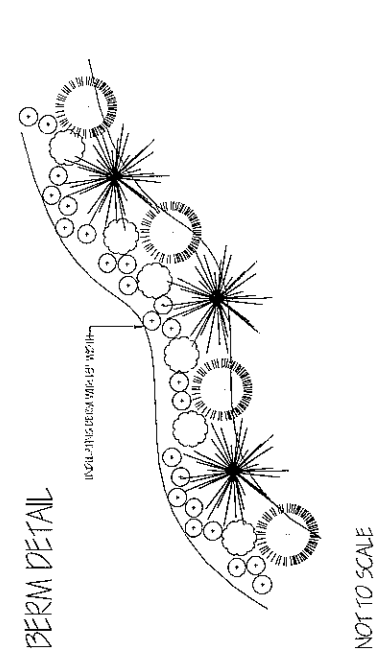
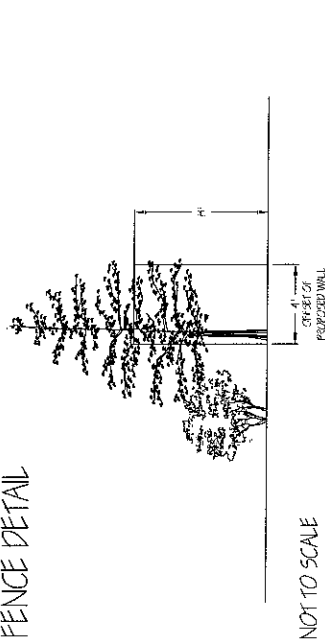
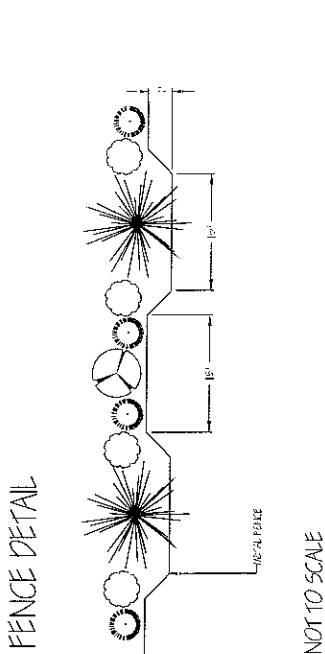
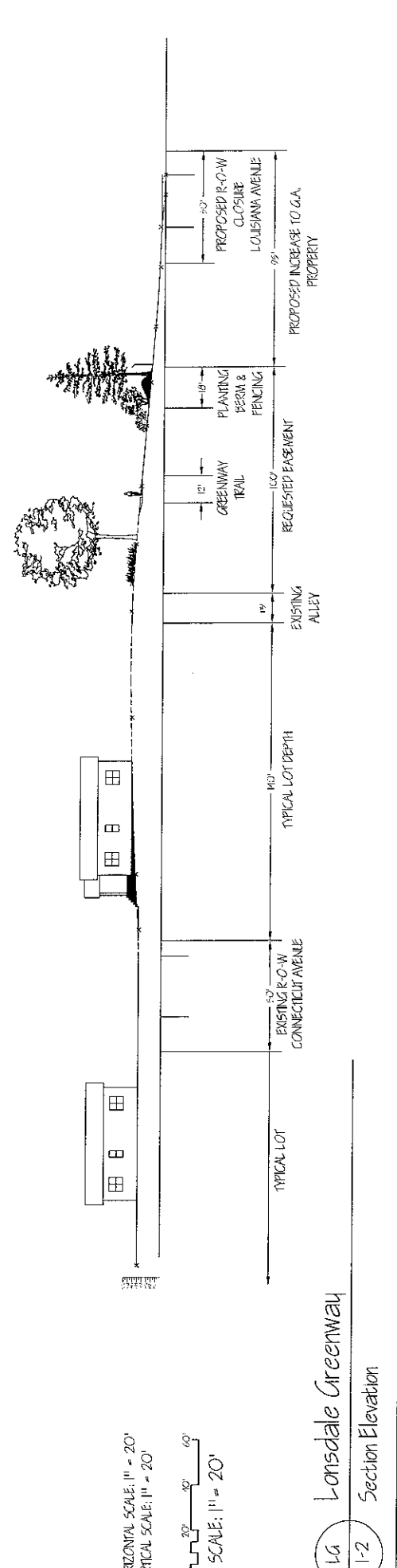
61 Forsyth Street,

Atlanta, Georgia 30303



Lonsdale Greenway Concept Plan

This proposed greenway was included in the Central City Sector and Lonsdale Neighborhood Plan (adopted with the Lonsdale Redevelopment). The open space of the Greenway is to provide a buffer between the industrial properties and the residential portions of this neighborhood. The trail is to provide opportunities for recreation, health improvement and alternative forms of transportation.





SCREENING ALTERNATIVES	ELEVATION DETAILS	PLAN DETAILS
<p>ALTERNATIVE 1: BERM WITH FENCE</p> <ul style="list-style-type: none"> - HEIGHT OF BERM VARIES FROM 4 TO 6 FEET, - 2:1 SLOPE WITH NATURAL COVER: "ENGINEERED CELLS" IF STEEPER 	<p>BERM DETAIL</p>  <p>NOT TO SCALE</p>	<p>BERM DETAIL</p>  <p>NOT TO SCALE</p>
<p>ALTERNATIVE 2: METAL OR MASONRY WALL WITH LANDSCAPING</p> <ul style="list-style-type: none"> - FOR EXAMPLE, BORROWING FROM AN "AMERISTEEL THEME," A CORRUGATED METAL WALL WITH LANDSCAPING 	<p>FENCE DETAIL</p>  <p>NOT TO SCALE</p>	<p>FENCE DETAIL</p>  <p>NOT TO SCALE</p>
 <p>HORIZONTAL SCALE: 1" = 20' VERTICAL SCALE: 1" = 20'</p> <p>SCALE: 1" = 20'</p> <p>L6 1-2 Lonsdale Greenway Section Elevation</p>		

Lonsdale Greenway

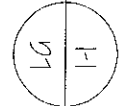
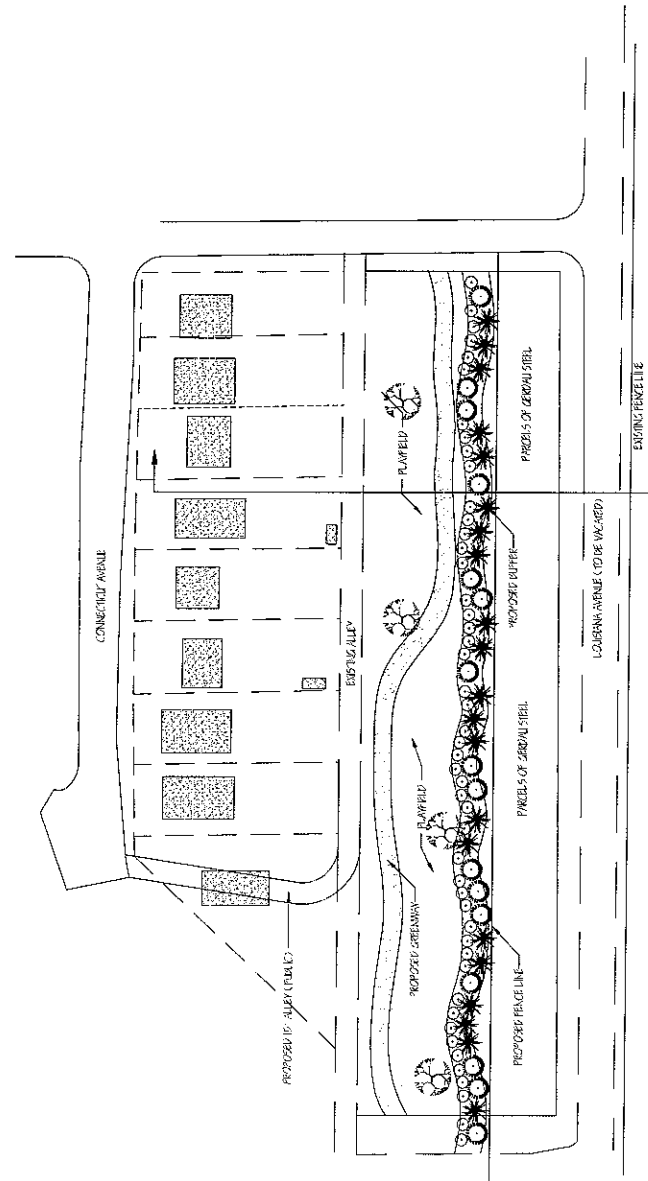
CONCEPTS:

- VARIATION IN BERM OR WALL DESIGN TO APPEAR NATURAL AND ATTRACTIVE
- SHRUBS AND TREES AT THREE LEVELS TO CREATE A SCREEN, YET SEPARATED ENOUGH TO AVOID HIDING PLACES
- VARIATION IN TRAIL LOCATION TO ALLOW OPEN SPACES FOR PLAY

PLANT KEY

	LOW EVERGREEN SHRUB
	MEDIUM EVERGREEN TREE
	LARGE EVERGREEN TREE
	EXISTING TREE

KCDC'S LONSDALE HOMES



Lonsdale Greenway

Concept Plan

Lonsdale Greenway Vision

Ideal Setting:

- Natural setting
- Provision of open space for recreation activities
- Connectivity beyond neighborhood



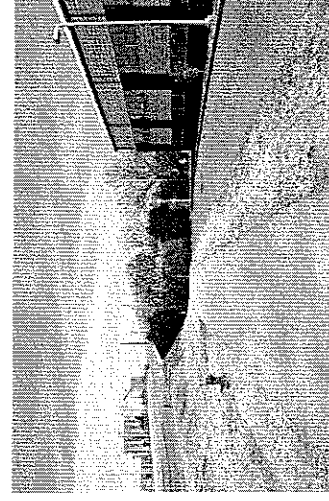
Compromise Setting:

- Narrower than ideal but nicely designed
- Sense of open space and natural setting retained



Settings To Avoid:

- Too narrow a corridor
- Aesthetics lacking
- Wedged too close to alley, roads, and buildings



Recommendations:

1. Provide a combination of varying widths of open space, (minimum 50 feet wide) stretching to 100 feet or more in some locations
2. Landscape at alley and along fence line, yet leave open space for aesthetic and safety purposes

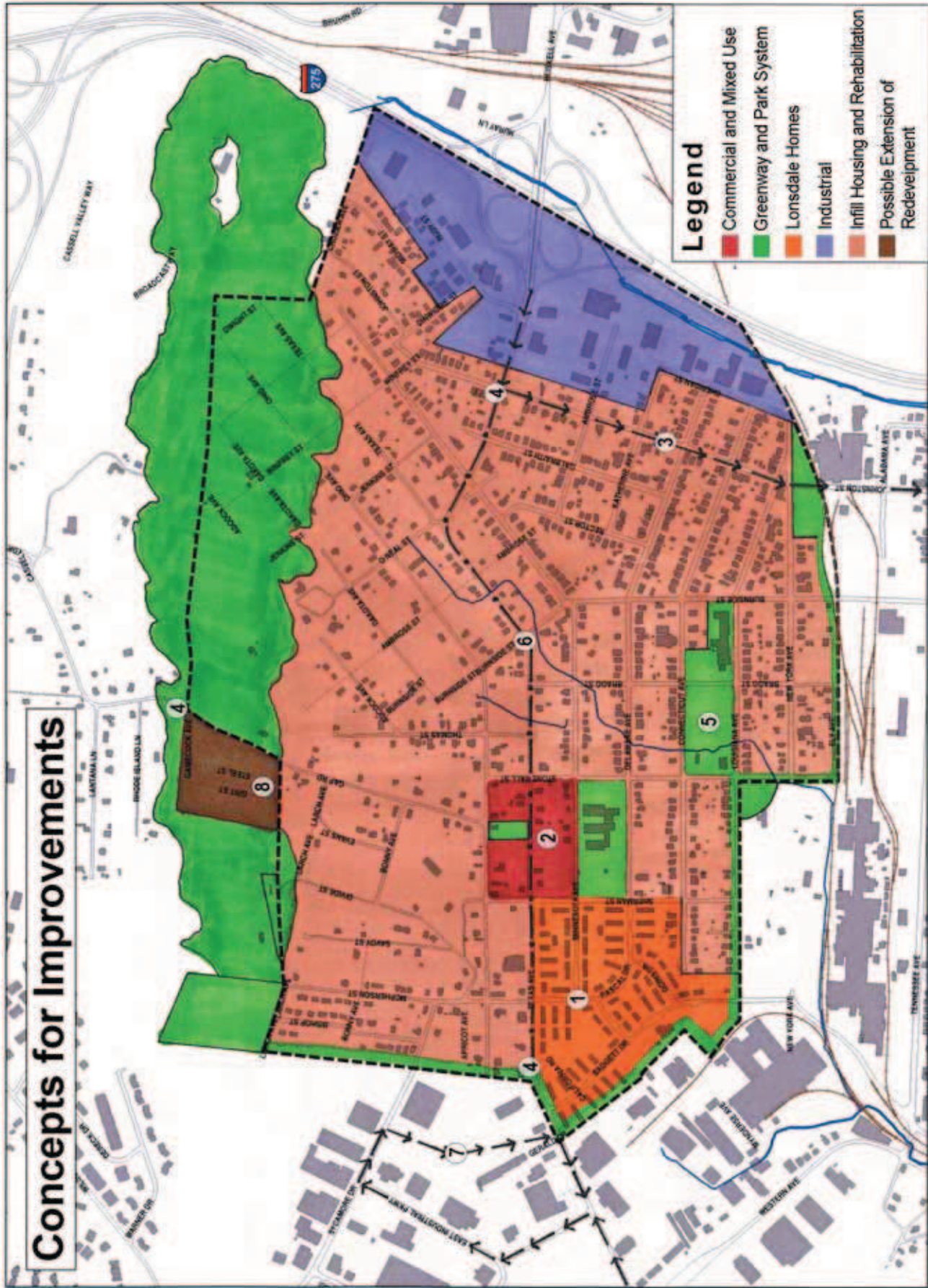
LONSDALE REDEVELOPMENT AND URBAN RENEWAL PLAN



KNOXVILLE, TENNESSEE
November 2005

Prepared by: Knoxville's Community Development Corporation

Concepts for Improvements



- Legend**
- Commercial and Mixed Use
 - Greenway and Park System
 - Lonsdale Homes
 - Industrial
 - Infill Housing and Rehabilitation
 - Possible Extension of Redevelopment



Knoxville Utilities Board

November 10, 2011

Mr. Mike Brusseau
Knoxville-Knox County
Metropolitan Planning Commission
Suite 403, City-County Building
Knoxville, Tennessee 37902

Dear Mr. Brusseau:

**Re: Right-of-Way Closure Request 12-B-11-SC
Block No. 19851
CLT No. 81
Parcel No. 35**

We have reviewed our records and find that we have existing utility facilities located within the subject right-of-way. The approximate location of these facilities is 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 facility.

Sewer – 7.5 feet on each side of the centerline of the wastewater line, 15 feet total width
Water – 7.5 feet on each side of the centerline of the water line, 15 feet total width

So long as these conditions are met, KUB has no objection to the closure of this right-of-way. If you have any questions regarding this matter, please call me at (865) 558-2291.

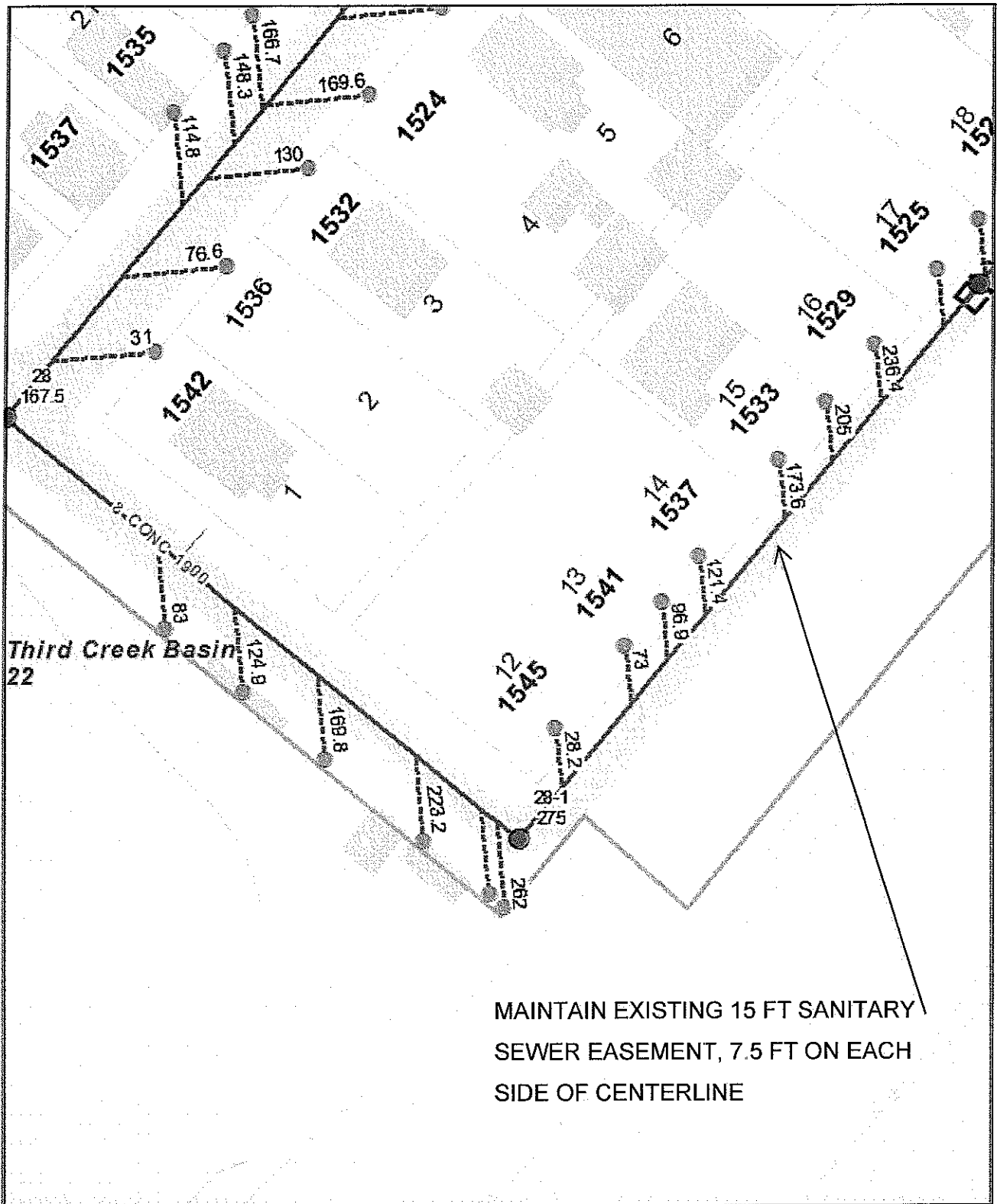
Sincerely,

A handwritten signature in cursive script that reads 'Greg L. Patterson'.

Greg L. Patterson, P.E.
Engineering

glp/ggt

Enclosure



MAINTAIN EXISTING 15 FT SANITARY SEWER EASEMENT, 7.5 FT ON EACH SIDE OF CENTERLINE



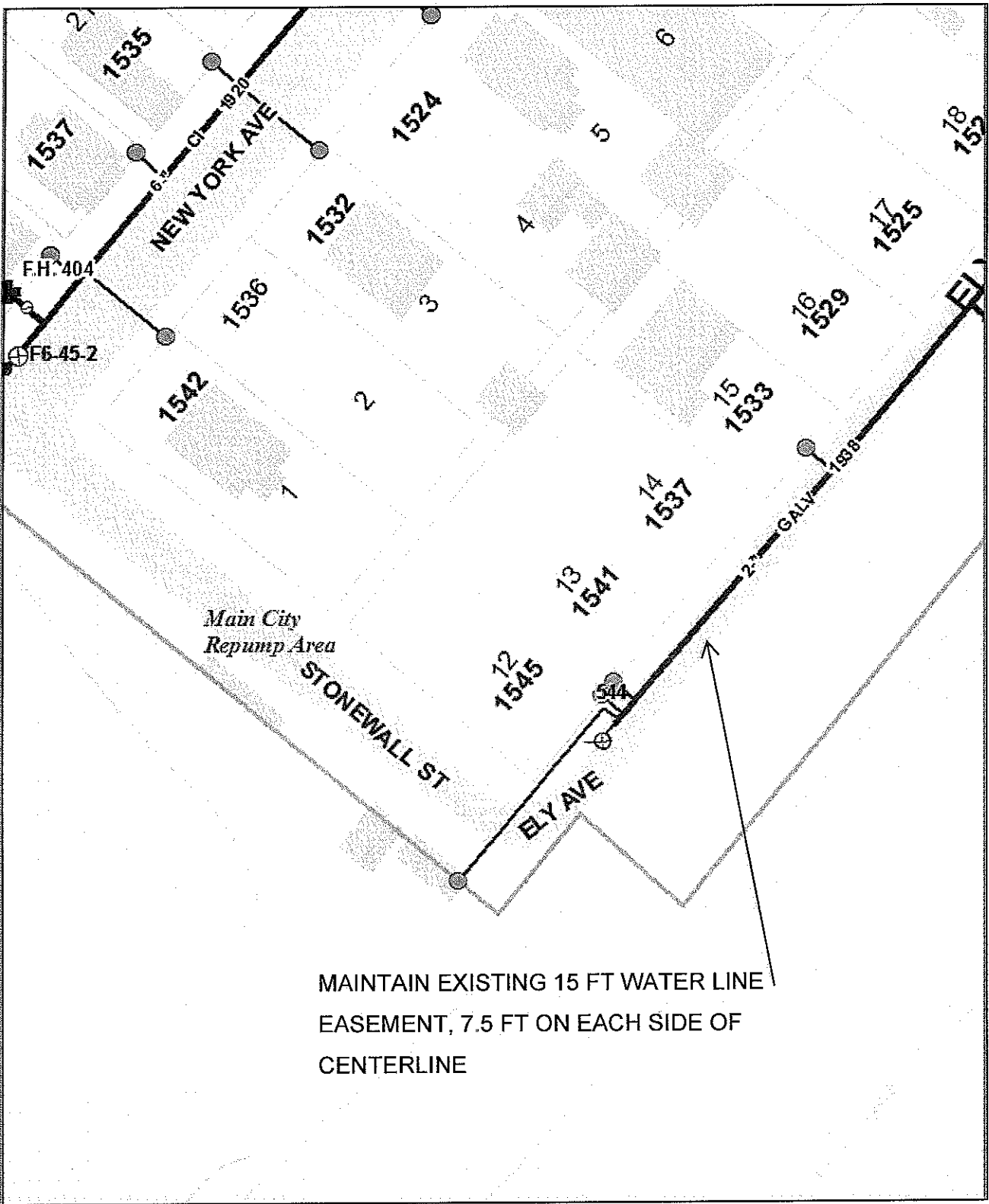
File No. 12B-11-SC Closure of Ely Avenue

11/10/2011 10:21 AM

155 ft from intersection City Block #19851 CLT Map#31 Parcel #35 1537 Ely Ave



Product Warning: This map was produced from the Landbase Information System maintained by KUB. This map should not be relied on for engineering, design, or surveying work or other similar type uses. The information on this map is dated and has no warranty of merchantability or warranty for fitness of use for a particular purpose, express or implied. This map is produced, printed, and distributed as is, with all faults.



MAINTAIN EXISTING 15 FT WATER LINE
EASEMENT, 7.5 FT ON EACH SIDE OF
CENTERLINE



File No. 12B-11-SC Closure of Ely Avenue

11/13/2011 10:21 AM

155 ft from intersection City Block #19861 CLT Map#81 Parcel #35 1537 Ely Ave

Monroeville Utilities Board



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