

▶ **FILE #:** 10-A-12-AC **AGENDA ITEM #:** 6
 POSTPONEMENT(S): 10/11/12-11/8/12 **AGENDA DATE:** 1/10/2013

▶ **APPLICANT:** GERDAU

TAX ID NUMBER: 81 P K 00102
 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:** Unnamed alley
 ▶ **LOCATION:** Between Stonewall Street and northeast property line of parcel 081PK00102

IS ALLEY:
 (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:

▶ **RECOMMEND** that City Council **APPROVE** the closure of the proposed portion of the unnamed alley, subject to any required easements and subject to the following condition:

1. 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.

With the above condition included, staff has received no objections to this closure. The applicant owns all the private property adjacent to this right-of-way.

COMMENTS:

The applicant requested a 60-day postponement at the November 8, 2012 MPC meeting, which was approved to place this item on this agenda. The applicant owns all the property adjoining the right-of-way. The closure of this portion of the alley does not leave any landlocked properties. Each lot along the alley currently has alternative access to another public street. If and when portions of Stonewall St. and Ely Ave. are closed, then all parcels owned by the applicant should be combined with the larger Gerdau tract, in order to avoid the creation of any landlocked lots. Portions of Stonewall St. (12-A-11-SC) and Ely Ave. (12-B-11-SC) are also proposed for closure and are to be considered by MPC at this January 10, 2013 meeting. There may be neighborhood or other opposition to these requests.

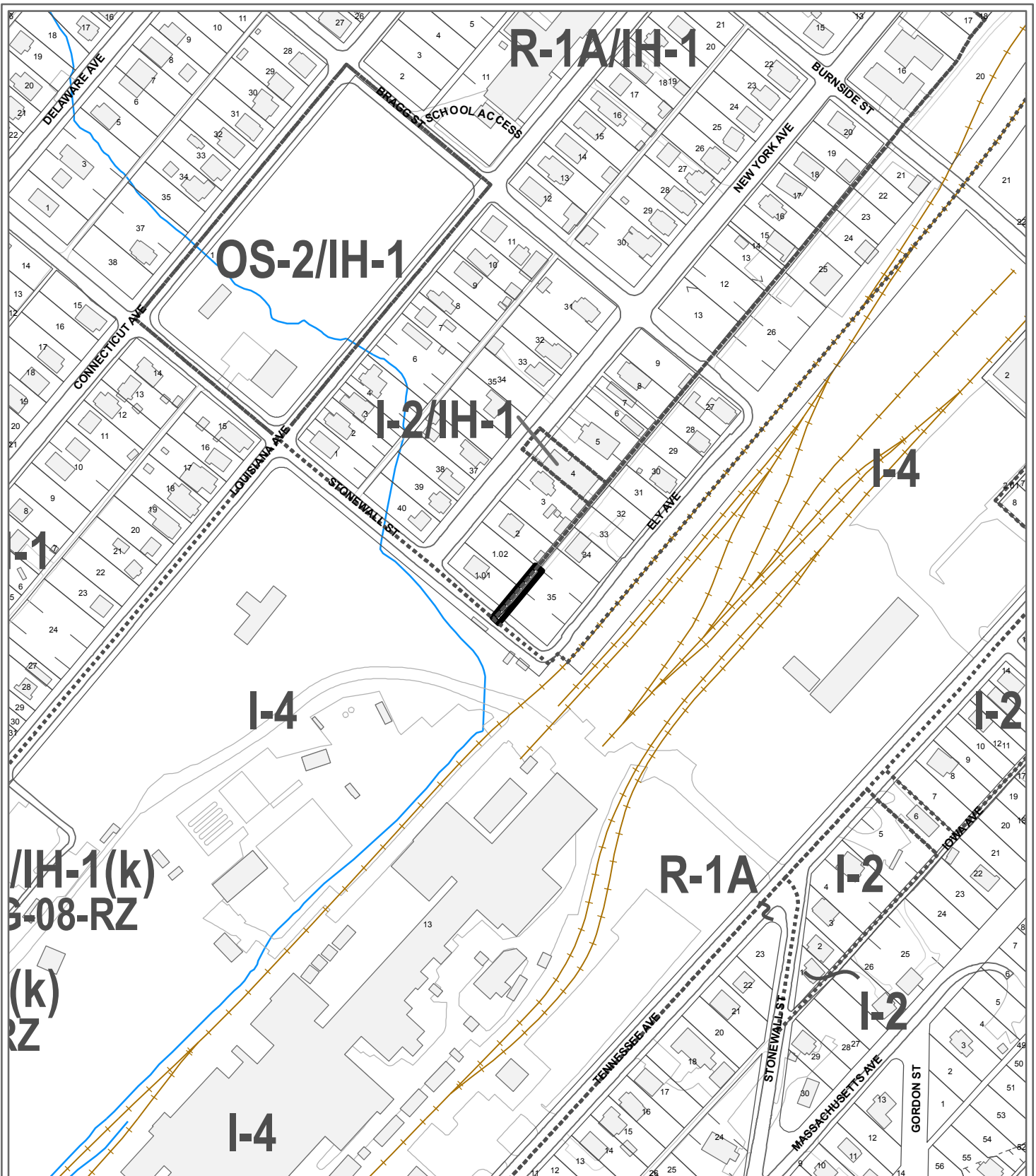
The attached concept plan (2-SA-12-C) was approved by MPC at the September 13, 2012 meeting that

extended the parallel alley north of Ely Ave. from its proposed new terminus northwest to connect it with New York Ave. It also provided 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 a possible location of a greenway through this parcel and the construction of a landscaped berm to provide a buffer between the Gerdau property 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.

The closure of this alley portion would have a minimal impact on the implementation of future greenway/buffer plans, only minimally affects connectivity in the area, and does not leave any landlocked parcels, as long as Ely Ave. and New York Ave. remain open, as recommended. Staff supports this closure at this time.

If approved, this item will be forwarded to Knoxville City Council for action on 2/5/2013 and 2/19/2013. 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.



**10-A-12-AC
CLOSURE OF PUBLIC RIGHT OF WAY**

Name of Street or Alley: Unnamed alley
 To be closed from: Stonewall Street
 To be closed to: northeast property line of parcel 081PK00102

Original Print Date: 9/25/2012 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Gerdau

Map No: 81
 Jurisdiction: City



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 an unnamed alley (a public right-of-way), between Stonewall Street and northeast property line of parcel 081PK00102
MPC File # 10-A-12-AC/City Block 19681

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 the new dedicated public right-of-way connecting to New York Ave, 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 Bly 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



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.

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