First Reading:\_\_\_\_\_ Second Reading:\_\_\_\_\_

MR-2015-103 Smyrna Ready Mix Concrete/ Jag Realty, LLC/ RDP Properties District 8

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE CLOSING AND ABANDONING TWO ALLEY RIGHTS-OF-WAY OFF OF 2510, 2560, 2614, AND 2700 ASBURY PARK TO DEVELOP THE PROPERTY FOR A CONCRETE PLANT, SUBJECT TO CERTAIN CONDITIONS.

SECTION 1. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF

CHATTANOOGA, TENNESSEE, That two alley rights-of-way off of 2510, 2560, 2614, and

2700 Asbury Park to develop the property for a concrete plant, more particularly described

herein, and as shown on the maps attached hereto and made a part hereof by reference, be and is

hereby closed and abandoned:

Abandonment of an unopened alley beginning with its intersection with the north line of Tax Map 155E-B-001 thence southeast some 920 feet to its intersection with the south line of said property. Said alley vertically bisects Tax Map No. 155E-B-001.

Abandonment of an unopened alley beginning with its intersection with the south west line of Tax Map 155E-B-001 thence northeast some 890 feet to its intersection with the east line of said property. Said alley horizontally bisects Tax Map No. 155E-B-001.

SECTION 2. BE IT FURTHER ORDAINED, That this abandonment shall be subject to

the following conditions:

- (1) The applicant shall obtain necessary permits and approvals from the City of Chattanooga Land Development Office;
- (2) Compliance with the recommendations of the Planning Commission;
- (3) Subject to the retention of a full-width utility easement, specifically for the twenty foot (20') storm drainage easement for the City Public Works Department.

SECTION 3. BE IT FURTHER ORDAINED, That this Ordinance shall take effect two

(2) weeks from and after its passage.

Passed on second and final reading:\_\_\_\_\_

CHAIRPERSON

APPROVED:\_\_\_\_ DISAPPROVED:\_\_\_\_

MAYOR

/mem

City of Chattanoog Resolution/Ordinance Reques		SEAL SEAL			
Date Prepared: November 12, 2015		TEN			
Preparer: Bertran Kuyrkendall	Departme	nt: Transportation			
Brief Description of Purpose for Resolution	on/Ordinance: Res./Ord. #	#Council Distric	:t #8		
An ordinance approving the request of Smyrna Re					
adjacent properties to abandon two alley rights-of-					
levelop the property for a concrete plant, as refere					
terelep the property for a soliditions plant, as refere	inced in Case No. Mix 2015-105.	·····			
	<u></u>		······		
PPROVED WITH CONDITIONS					
Name of Vendor/Contractor/Grant, etc.	Neu		N1/A		
		v Contract/Project? (Yes or No) s Budgeted? (YES or NO)	N/A N/A		
Total City of Chattanooga Portion \$		Provide <u>Fund</u>			
City Amount Funded \$		Provide Cost Center			
New City Funding Required \$	Proposed P	unding Source if not budgeted			
City's Match Percentage %		Grant Period (if applicable)			
ist all other funding sources and amount f					
Amount(s)		Grantor(s)			
	· · · · · · · · · · · · · · · · · · ·				
gency Grant Number					
gency Grant Number FDA Number if known	contractor, and other informatio	on useful in preparing resolution)			
		on useful in preparing resolution) 1 by:			

#### RESOLUTION

WHEREAS, Smyrna Ready Mix Concrete/Jag Realty LLC & RDP Properties petitioned the Chattanooga-Hamilton County Regional Planning Commission to recommend to the Members of the City Council of the City of Chattanooga granting approval of a Mandatory Referral pursuant to T.C.A. 13-4-104 for the abandonment of two (2) alleys off of 2510, 2560 and 2700 Asbury Park.

Abandonment of an unopened alley beginning with its intersection with the north line of Tax Map 155E-B-001 thence southeast some 920 feet to its intersection with the south line of said property. Said alley vertically bisects Tax Map 155E-B-001 as shown on the attached map.

Abandonment of an unopened alley beginning with its intersection with the south west line of Tax Map 155E-B-001 thence northeast some 890 feet to its intersection with the east line of said property. Said alley horizontally bisects Tax Map 155E-B-001 as shown on the attached map.

AND WHEREAS, the Planning Commission held a public hearing on this petition on September 14, 2015,

AND WHEREAS, the Planning Commission heard and considered all statements regarding the petition,

AND WHEREAS, no one was present in opposition to the petition,

AND WHEREAS, the Planning Commission has studied the existing pattern of development.

NOW THEREFORE, BE IT RESOLVED that the Planning Commission, on September 14, 2015, recommended to the Members of the City Council of the City of Chattanooga that this petition for abandonment for proposed manufacturing development be approved.

Respectfully submitted. John Bridge Secretary

# Memorandum

To: Brandon Sutton BS

From: Kari Lawman

- cc: Bert Kuyrkendall
- Date: November 6, 2015
- Re: Smyrna Ready Mix Concrete, for Jag Realty, LLC & RDP Properties (Property Owners) Case No. MR 2015-103 Alleys off of 2510, 2560, 2614, 2700 Asbury Park

## **RECOMMENDATION: APPROVAL WITH CONDITIONS**

This application was received on September 14, 2015, from Smyrna Ready Mix Concrete, on behalf of Jag Realty LLC and RDP Properties, owners of the adjacent properties. The business is requesting the abandonment of the alleyways, as reflected on the attached map, in order to develop the property for a concrete plant.

After review, granting this Abandonment does not conflict with the public's interest.

Therefore, I recommend the request for Abandonment of said portions of right-of-way be granted with the following conditions:

- The applicant shall obtain necessary permits and approvals from the City of Chattanooga Land Development Office.
- Compliance with the recommendations of the Planning Commission.
- Subject to the retention of a full-width utility easement, specifically for the 20' storm drainage easement for the City Public Works Department.

Chattanooga-Hamilton County Regional

## PLANNING COMMISSION CASE REPORT

ase Number: MR 2015-103		PC Meeting Date: 09-14-15		
Applicant Request				
Mandatory Referral: Aba	ndonment of 2 Alley Ways			
Property Location:	2510, 2560, 2614 & 2700 Asbury Park			
Property Owner:	Jag Realty, LLC			
Applicant:	Smyrna Ready Mix Concrete			
Project Description	, , , , , , , , , , , , , , , , , , ,			

- Proposal: Abandon two alley rights-of-way in order to develop the property for a concrete plant.
- Proposed Access: Asbury Park Road.

#### Site Analysis

#### Site Description

- Location: The rights-of-way are on an 18-acre vacant site located on the west side of Asbury Park and an active rail line running parallel to Asbury Park. One right-of-way runs east and west and is 15 feet wide and approximately 875 feet long. Another right-of-way runs north and south and is 15 feet wide and approximately 905 feet long.
- Current Access: Asbury Park
- Current Land Uses: Properties to the west and north are wooded and vacant. Properties to the east and south are industrial and warehouse uses.

#### **Zoning History**

- The site is currently zoned M-1 Manufacturing.
- Adjacent properties in all directions are zoned M-1 Manufacturing.
- There has been no recent zoning activity on this site.

#### **Right-Of-Way Abandonment Policy**

It is the policy of the Regional Planning Agency and other public agencies to retain rights-of-way for
public use and only to recommend the permanent closure and abandonment of rights-of-way when
it is concluded that the public has no further need to retain this right-of-way and that its
abandonment is necessary to achieve a significant private or public interest.

#### Other Plans/Policies/Regulations

 The Rossville Boulevard Area Land Use Plan (adopted by City Council in 2004) recommends Heavy Industrial uses.

#### **Key Findings**

- The proposal for industrial use is supported by the recommendations of the adopted Land Use Plan.
- The public has no further need to retain these alley rights-of-way and their abandonment is necessary to implement a development permitted by the current zone.
- An alley is a way which affords only secondary means of access to abutting property.
- There is no primary street network currently in this area for the alley rights-of-way to connect to.
- These rights-of-way are classified as Tier 3 per the 2005 City of Chattanooga Right-of-Way Closure and Abandonment Policy (Resolution 24532) which means they are not currently physically open or maintained.

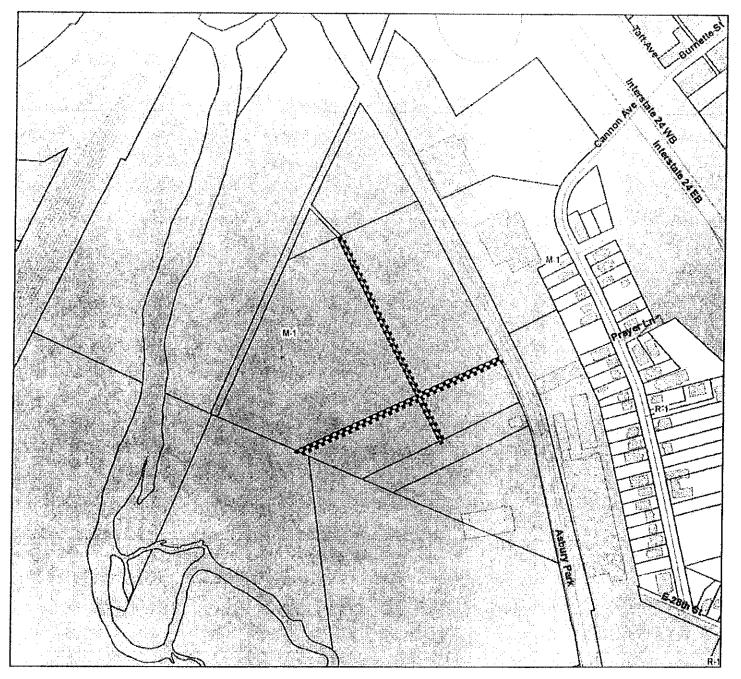
#### Staff Recommendation

Approve.

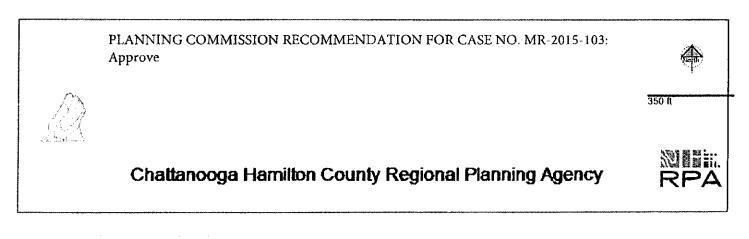
### Chattanooga-Hamilton County Regional Planning Agency

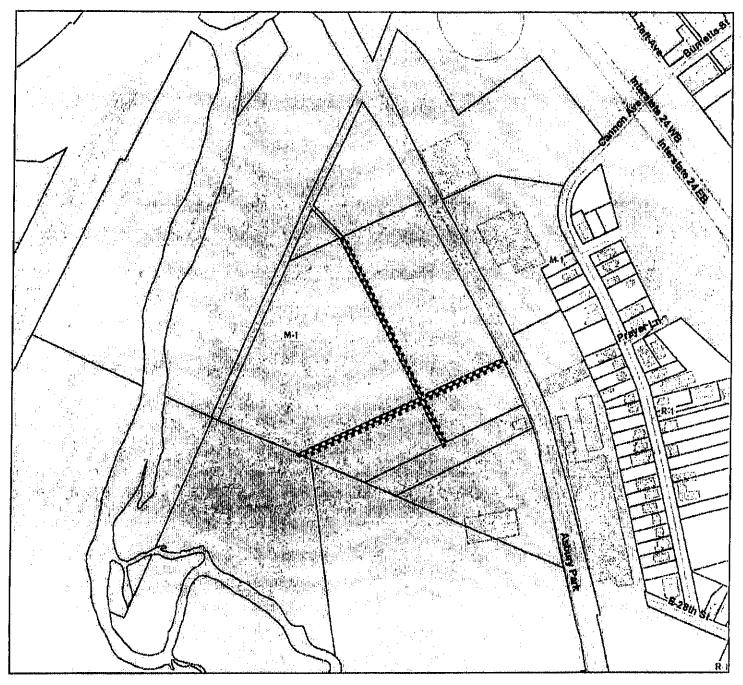
# **CLOSURE/ABANDONMENT APPLICATION FORM**

CASE NUMBER:	-   N	1R 2015	-103		Date S	ubmitted:	09-14-2015
(Sections 1-6 b	pelow	to be fille	d out by	Applicant- R	PA staff will a	assist, if ne	eded)
l Applicant Request	(Ma	indatory R	eferral p	er TCA 13-4-	104)		
Closure/Abandonment		Alley		Street	Sew		Other
	Na	ime of Stre	et or Rig	ht-Of-Way:			·····
		Open	×	Unopened	Length x10'W	/Width: 92	20'L x10W/880'L
	Be	ginning: Fr	om Asbu	ury Park in a	SW direction	to end ap	proximately 880'
	En	ding: From	n lot 8 go	ing in a NW	direction to l	ot 21 appr	oximately 920'
2 Property Information							
Property Address:					4 & 2700 Asb		
Property Tax Map							
Number(s):		5E-8-001,					
Proposed Development							
Reason for Request and/or							
Proposed Use:	Pro	oposed ma	nufactu	ring develop	ment		
Site Characteristics							
Current Zoning:	M-	-1					
Current Use:	Un	developed	<u> </u>	· · · · · · · · · · · · · · · · · · ·			
djacent Uses:	Un	developed	l & Manu	Ifacturing			
Applicant Information	vith t	he Applica	ား. lf the	applicant is	not the prop	erty owne	r, the RPA
Applicant Information	vith t	he Applica	ား. lf the	applicant is	not the prop	erty owne	r, the RPA
Applicant information All communication will be v equires a letter from the p application on his/her beha	with t roper ilf.	he Applica ty owner(	ား. lf the	applicant is ning that the	not the prop e applicant h	erty owne as permiss	r, the RPA
Applicant information All communication will be v equires a letter from the p pplication on his/her beha lame: Smyrna Ready Mix C	with t roper ilf.	he Applica ty owner(s	nt. If the s) confirr	applicant is ning that the Address: 1:	not the prop	erty owne as permiss	r, the RPA
Applicant information All communication will be v equires a letter from the p application on his/her beha Name: Smyrna Ready Mix C Check one:	with t roper ulf. Concre	he Applica ty owner(	nt. If the s) confirr	applicant is ning that the Address: 1:	not the prop e applicant h 136 2ª Avenu	erty owne as permiss ie N	r, the RPA
Applicant information Il communication will be v equires a letter from the p pplication on his/her beha lame: Smyrna Ready Mix C theck one: ity: Nashville State	with taroper roper If. Concro	he Applica ty owner(s ete I am the p Zip	nt. If the s) confirm property Code: 3	applicant is ning that the Address: 1: owner	not the prop e applicant ha 136 2™ Avenu x lam no	erty owne as permiss ie N at the prop	r, the RPA ion to file this
Applicant information Il communication will be v equires a letter from the p pplication on his/her beha lame: Smyrna Ready Mix C heck one: ity: Nashville State	with taroper roper If. Concro	he Applica ty owner(s ete I <b>am</b> the p Zip	nt. If the s) confirm property Code: 3	applicant is ning that the Address: 1: owner	not the prop applicant h 136 2 <sup>m</sup> Avenu x lam no Email: jerei	erty owne as permiss ie N ot the prop ny@smyrr Fax:	r, the RPA ion to file this erty owner hareadymix.com
Applicant information           Il communication will be vequires a letter from the p           pplication on his/her beha           Iame: Smyrna Ready Mix C           heck one:           ity: Nashville           State           hone 1: 615-355-1028           Property Owner Information	with t roper ilf. Concro e: TN Phone	he Applicate ty owner(st ete I am the p Z: 615-213 if not appli	nt. If the s) confirm property Code: 3 8-1465	applicant is ning that the Address: 1: owner 7208	not the prop applicant h 136 2 <sup>m</sup> Avenu x lam no Email: jerei	erty owne as permiss ie N ot the prop ny@smyrr Fax:	r, the RPA ion to file this erty owner hareadymix.com
Applicant information Il communication will be v equires a letter from the p pplication on his/her beha lame: Smyrna Ready Mix C heck one: Ity: Nashville State hone 1: 615-355-1028 P Property Owner Informat	with t roper ilf. Concro e: TN Phone	he Applicate ty owner(st ete I am the p Z: 615-213 if not appli	nt. If the s) confirm property Code: 3 8-1465	applicant is ning that the Address: 1: owner 7208 Phone 3:	not the prop applicant h 136 2 <sup>m</sup> Avenu x lam no Email: jerei	erty owne as permiss le N ot the prop my@smyrr Fax:	r, the RPA ion to file this perty owner nareadymix.com
Applicant information         All communication will be very equires a letter from the period point of the period	with troper alf. Concre e: TN Phone tion (	he Applica ty owner(s ete I am the p Zip 2: 615-21 f not appli perties	nt. If the s) confirm property Code: 3 8-1465 cant)	applicant is ning that the Address: 1: owner 7208 Phone 3:	not the prop e applicant h 136 2 <sup>™</sup> Avenu X I am no Email: jerei	erty owne as permiss le N ot the prop my@smyrr Fax:	r, the RPA ion to file this perty owner nareadymix.com
Applicant Information         All communication will be very         requires a letter from the p         application on his/her beha         Name: Smyrna Ready Mix C         Check one:         City: Nashville         State         Phone 1: 615-355-1028         Property Owner Informat         Name: Jag Realty LLC & RDF         Address: 1721 Gray Road Ch	with ta roper alf. Concre e: TN Phone tion ( P Prop hatta	he Applicat ty owner(s l am the p 2: 615-21 f not appli perties nooga, TN	nt. If the s) confirm property Code: 3 8-1465 cant) 37421	applicant is ning that the Address: 1: owner 7208 Phone 3: Phone: 42	not the prop applicant h L36 2 <sup>m</sup> Avent x Lam nc Email: jeren 23-280-2022/	erty owne as permiss le N ot the prop my@smyrr [ Fax: 423-280-2	r, the RPA ion to file this perty owner nareadymix.com 024
Applicant Information         All communication will be vequires a letter from the pepplication on his/her beha         Ame: Smyrna Ready Mix C         Check one:         City: Nashville       State         Property Owner Informat         Iame: Jag Realty LLC & RDF         Address: 1721 Gray Road Ch	with ta roper alf. Concre e: TN Phone tion ( P Prop hatta	he Applicat ty owner(s l am the p 2: 615-21 f not appli perties nooga, TN	nt. If the s) confirm property Code: 3 8-1465 cant) 37421	applicant is ning that the Address: 1: owner 7208 Phone 3: Phone: 42	not the prop applicant h L36 2 <sup>m</sup> Avent x Lam nc Email: jeren 23-280-2022/	erty owne as permiss le N ot the prop my@smyrr [ Fax: 423-280-2	r, the RPA ion to file this perty owner nareadymix.com 024
Applicant Information         All communication will be vequires a letter from the peplication on his/her beha         Idame: Smyrna Ready Mix C         Idame: Jag Realty LLC & RDF         Iddress: 1721 Gray Road C         Idame: District 8C	with t roper alf. Concre e: TN Phone tion ( P Prop hatta	he Applicative ty owner(sete I am the p 2: 615-210 If not application perties nooga, TN	nt. If the s) confirm property Code: 3 8-1465 cant) 37421	applicant is ning that the Address: 1: owner 7208 Phone 3: Phone: 42	not the prop applicant h 136 2 <sup>nd</sup> Avenu x 1 am no Email: jeren 23-280-2022/	erty owne as permiss ie N ot the prop ny@smyrr Fax: 423-280-2	r, the RPA ion to file this herty owner hareadymix.com 024
Applicant information         Il communication will be vequires a letter from the p         equires a letter from the p         pplication on his/her beha         fame: Smyrna Ready Mix C         heck one:         ity: Nashville         State         hone 1: 615-355-1028         Property Owner Informat         ame: Jag Realty LLC & RDF         ddress: 1721 Gray Road Ch         amilton Co. Comm. District 4	with t roper ilf. Concre e: TN Phone tion ( P Prop hatta	he Applica ty owner(s ete I am the p Zip 2: 615-21 f not appli perties nooga, TN	nt. If the s) confirm oroperty Code: 3 8-1465 cant) 37421	applicant is ning that the Address: 1: owner 7208 Phone 3: Phone 3: Phone: 42	not the prop applicant hi L36 2 <sup>nd</sup> Avenu x   1 am no Email: jerer 23-280-2022/ 8002 CNAC/ICI	erty owne as permiss le N ot the prop my@smyrr [Fax: 423-280-2 fton Hills r r Municipa	r, the RPA ion to file this perty owner nareadymix.com 024
Applicant information         Il communication will be vequires a letter from the p         equires a letter from the p         pplication on his/her beha         iame: Smyrna Ready Mix C         heck one:         ity: Nashville       State         hone 1: 615-355-1028       P         Property Owner Informat         ame: Jag Realty LLC & RDF         ddress: 1721 Gray Road Ch         amilton Co. Comm. District A         aff/Ree         PC Action	with t roper ilf. Concre e: TN Phone tion ( P Prop hattai	he Applica ty owner(s ete I am the p Zip 2: 615-21 f not appli perties nooga, TN	nt. If the s) confirm oroperty Code: 3 8-1465 cant) 37421 ti Counci	applicant is ning that the Address: 1: owner 7208 Phone 3: Phone 3: Phone: 42 Neigndorh Committee Districti 8	not the prop applicant hi L36 2 <sup>nd</sup> Avenu x   1 am no Email: jerer 23-280-2022/ dod: CNAC/ICI	erty owne as permiss le N ot the prop ny@smyrr Fax: 423-280-2 fton Hills r r Municipa ice:	r, the RPA ion to file this perty owner nareadymix.com 024
Applicant information         Il communication will be vequires a letter from the p         equires a letter from the p         pplication on his/her beha         Iame: Smyrna Ready Mix C         heck one:         ity: Nashville       State         hone 1: 615-355-1028       P         Property Owner Informat         ame: Jag Realty LLC & RDF         ddress: 1721 Gray Road Ch         amilton co. Comm. District / aff.Rec         amilton co. Comm. District / aff.Rec	with taroper alf. Concre e: TN Phone tion ( Prop hatta	he Applicative ty owner(state) I am the p 2: 615-213 f not appli perties nooga, TN	nt. If the s) confirm property Code: 3 8-1465 cant) 37421 37421	applicant is ning that the Address: 11 owner 7208 Phone 3: Phone 3: Phone: 42 Neignborh Committee District 8 stative Action	not the prop applicant hi L36 2 <sup>rd</sup> Avenu x Lam no Email: jerei 3-280-2022/ 3668:CNAC/Cl 23-280-2022/ 0688:CNAC/Cl 20166 Date/Ordinar	erty owne as permiss le N ot the prop ny@smyrr [Fax: 423-280-2 fton Hills r fton Hills r r Municipa tee:	r, the RPA ion to file this perty owner nareadymix.com 024
Applicant Information         All communication will be vequires a letter from the peplication on his/her beha         Idame: Smyrna Ready Mix C         Property Owner Informat         Idame: Jag Realty LLC & RDF         Iddress: 1721 Gray Road C	with taroper alf. Concre e: TN Phone tion ( P Prop hatta	he Applicative ty owner(state) am the p 2: 615-213 finot appli perties nooga, TN	nt. If the s) confirm property Code: 3 8-1465 cant) 37421 ti Counci Legi If cation	applicant is ning that the Address: 11 owner 7208 Phone 3: Phone 3: Phone: 42 Neignborh Committee District: 8 stative Action	not the prop applicant hi L36 2 <sup>rd</sup> Avenu x   1 am no Email: jerei 23-280-2022/ 3668: CNAC/CI 23-280-2022/ 000: CNAC/CI 2006: CN	erty owne as permiss le N ot the prop ny@smyrr [Fax: 423-280-2 fton Fills r fton Fills r r Municipa ice:	r, the RPA ion to file this perty owner nareadymix.com 024 nprovement ity:
Applicant Information         All communication will be vequires a letter from the pepplication on his/her beha lame: Smyrna Ready Mix C         Idea in the intervention on his/her beha lame: Smyrna Ready Mix C         Idea intervention on his/her beha         Idea intervention	with troper alf. Concre e: TN Phone tion ( Prop hatta	he Applicative ty owner(sector) am the p Zip 2: 615-213 f not application f not appl	nt. If the s) confirm property Code: 3 8-1465 cant) 37421 37421 tl Counci Legi If Cation be consid	applicant is ning that the Address: 1: owner 7208 Phone 3: Phone 3: Phone: 42 Neignoorh Committee Districti 8 Stative Action	not the prop applicant hi 136 2 <sup>rd</sup> Avent x   1 am no Email: jerei 3-280-2022/ 30d: CNAC/Cl 23-280-2022/ 30d: CNAC/Cl 23-280-2022/ 00d: CNAC/Cl 2006: CNAC/C	erty owne as permiss le N ot the prop my@smyrr Fax: 423-280-2 fton Fills r 423-280-2 fton Fills r r Municipa ice:	r, the RPA ion to file this perty owner nareadymix.com 024 024 ith dimensions ats if applicable
Applicant Information All communication will be v requires a letter from the p application on his/her beha Name: Smyrna Ready Mix C Check one: City: Nashville Chone 1: 615-355-1028 Property Owner Informat Name: Jag Realty LLC & RDP Address: 1721 Gray Road Ch Isnning District Rec. Isnni	with t roper ilf. Concre e: TN Phone tion ( P Prop hatta Date ( Oate Coate Date Date Date Date Date	he Applica ty owner(s ete I am the p Z: 615-213 if not appli perties nooga, TN	nt. If the s) confirm property Code: 3 8-1465 cant) 37421 (Counci (Leg) (fication bejconsid	applicant is ning that the Address: 1: owner 7208 Phone 3: Phone 3: Phone: 42 Netenborh Committee District 8 Sative Action at wap of ered)	not the prop applicant ha 136 2 <sup>md</sup> Avenu x 1 am no Email: jeren 3-280-2022/ 300: CNACICI Che Date/Ordinar Proposed Zor x Deeds	erty owne as permiss le N ot the prop my@smyrr Fax: 423-280-2 fton Fills fr 423-280-2 fton Fills fr r Municipa ice:	r, the RPA ion to file this perty owner nareadymix.com 024 024 hprovement 024 hprovement ith climensions ats: if applicable
Applicant Information All communication will be v requires a letter from the p application on his/her beha Name: Smyrna Ready Mix C Check one: City: Nashville City: Nashville State Chone 1: 615-355-1028 P Property Owner Informat Name: Jag Reaity LLC & RDF Address: 1721 Gray Road Ch Checkist Application Complete X Site plan: If required	with t roper ilf. Concre e: TN Phone tion ( P Prop hattai () hattai () a t () a () a	he Applica ty owner(s ete I am the p Zip 2: 615-21 f not appli perties nooga, TN	nt. If the s) confirm oroperty Code: 3 8-1465 cant) 37421 37421 ti Council Leg Iffcation be consid	applicant is ning that the Address: 1: owner 7208 Phone 3: Phone 3: Phone: 42 Phone: 42 Neighborh Committee District: 8 stative Action ered: x Map of ered:	not the prop applicant hi L36 2 <sup>nd</sup> Avenu x 1 am no Email: jerer 23-280-2022/ 3002 CNAC/IC/ 23-280-2022/ 3002 CNAC/IC/ 23-280-2022/ 3002 CNAC/IC/ 23-280-2022/ 3002 CNAC/IC/ 23-280-2022/ 3002 CNAC/IC/ 23-280-2022/ 3002 CNAC/IC/ 23-280-2022/ 3002 CNAC/IC/ 23-280-2022/ 3002 CNAC/IC/ 24-20-2022/ 3002 CNAC/IC/ 3002 C	erty owne as permiss le N ot the prop ny@smyrr [ Fax: 423-280-2 fton Hills r r Municipa ice: [] ng Area w [] x Pi [] Numbero	r, the RPA ion to file this perty owner nareadymix.com 024 024 ith dimensions ats if applicable fNotice Signs: 1



MR 2015-103 Abandonment of 2 Alleys off of 2510, 2560, 2614 and 2700 Asbury Park





MR 2015-103 Abandonment of 2 Alleys off of 2510, 2560, 2614 and 2700 Asbury Park

