

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 Chattanooga



Resolution/Ordinance Request Form

Date Prepared: November 12, 2015

Preparer: Bertran Kuyrkendall

Department: Transportation

Brief Description of Purpose for Resolution/Ordinance: _____ Res./Ord. # _____ Council District # 8

An ordinance approving the request of Smyrna Ready Mix Concrete on behalf of Jag Realty LLC and RDP Properties, owners of the adjacent properties to abandon two alley rights-of-way off of 2510, 2560, 2614, and 2700 Asbury Park, detailed on the attached maps, to develop the property for a concrete plant, as referenced in Case No. MR 2015-103.

APPROVED WITH CONDITIONS

Name of Vendor/Contractor/Grant, etc. _____
Total project cost \$ _____ -
Total City of Chattanooga Portion \$ _____ -
City Amount Funded \$ _____ -
New City Funding Required \$ _____ -
City's Match Percentage % 0%

New Contract/Project? (Yes or No) _____ N/A
Funds Budgeted? (YES or NO) _____ N/A
Provide Fund _____ N/A
Provide Cost Center _____ N/A
Proposed Funding Source if not budgeted _____ N/A
Grant Period (if applicable) _____ N/A

List all other funding sources and amount for each contributor.

Amount(s)	Grantor(s)
_____	_____
_____	_____
_____	_____

Agency Grant Number _____

CFDA Number if known _____

Other comments: (Include contingency amount, contractor, and other information useful in preparing resolution)

Reviewed by: FINANCE OFFICE

Approved by: _____

DESIGNATED OFFICIAL/ADMINISTRATOR

Please submit completed form to @budget, City Attorney and City Finance Officer

Revised: October, 2011

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,

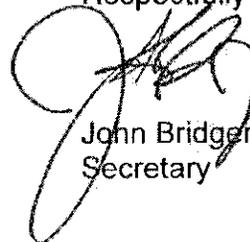
AND WHEREAS, the Planning Commission heard and considered all statements regarding the petition,

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 Bridger
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.

PLANNING COMMISSION CASE REPORT

Case Number: MR 2015-103

PC Meeting Date: 09-14-15

Applicant Request**Mandatory Referral: Abandonment 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

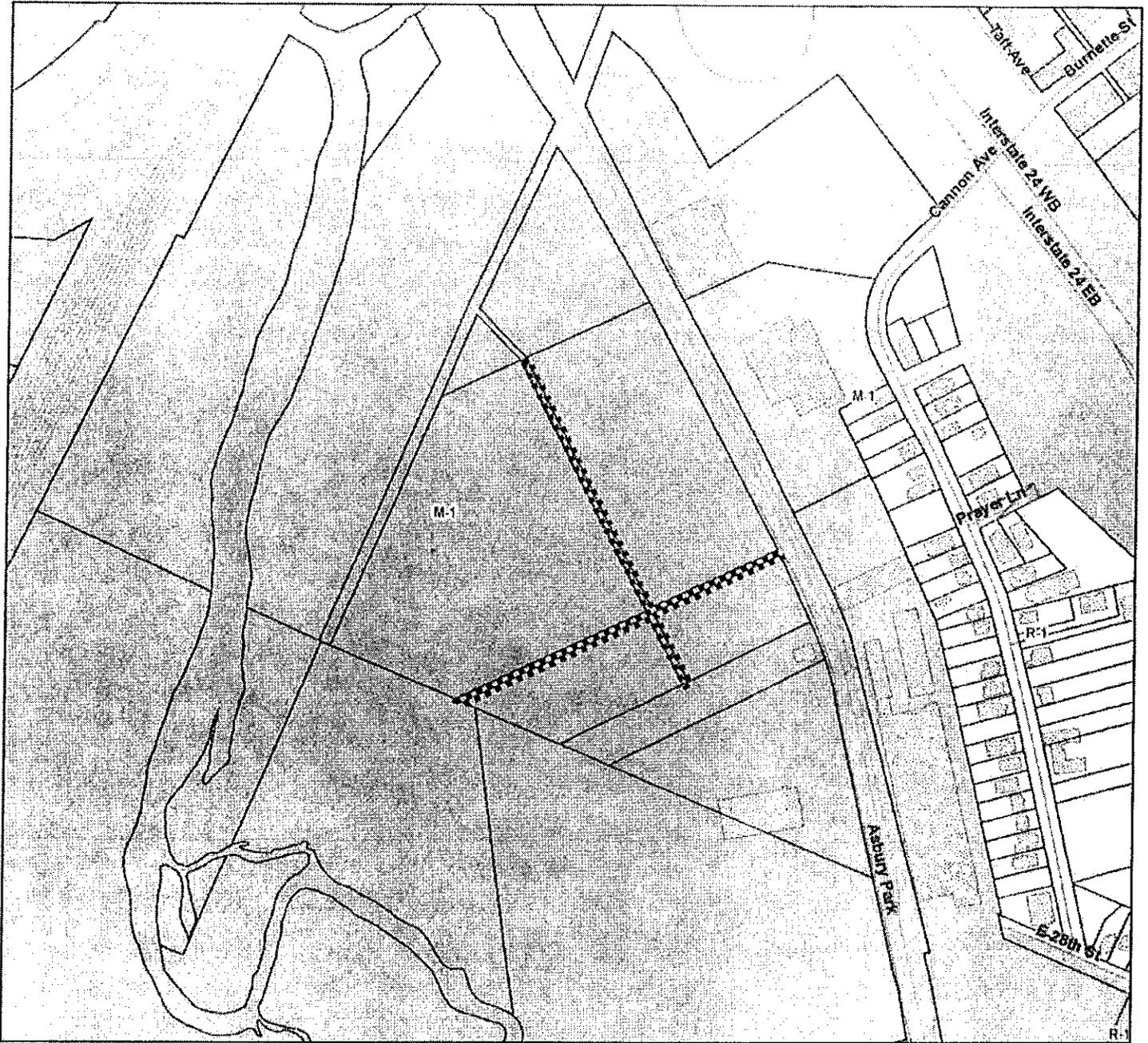
- The proposal for industrial use is supported by the recommendations of the adopted Land Use Plan.
- The public has no further need to retain these alley rights-of-way and their abandonment is necessary to implement a development permitted by the current zone.
- An alley is a way which affords only 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.

CLOSURE/ABANDONMENT APPLICATION FORM

CASE NUMBER:	MR 2015-103	Date Submitted: 09-14-2015
(Sections 1-6 below to be filled out by Applicant- RPA staff will assist, if needed)		
1 Applicant Request (Mandatory Referral per TCA 13-4-104)		
Closure/Abandonment	<input checked="" type="checkbox"/> Alley	<input type="checkbox"/> Street <input type="checkbox"/> Sewer <input type="checkbox"/> Other
Name of Street or Right-Of-Way:		
	<input type="checkbox"/> Open <input checked="" type="checkbox"/> Unopened	Length/Width: 920'L x10W/880'L x10'W
Beginning: From Asbury Park in a SW direction to end approximately 880'		
Ending: From lot 8 going in a NW direction to lot 21 approximately 920'		
2 Property Information		
Property Address:	Two alleys off of 2510, 2560, 2614 & 2700 Asbury Park	
Property Tax Map Number(s):	155E-8-001, 004, 005, & 006	
3 Proposed Development		
Reason for Request and/or Proposed Use:	Proposed manufacturing development	
4 Site Characteristics		
Current Zoning:	M-1	
Current Use:	Undeveloped	
Adjacent Uses:	Undeveloped & Manufacturing	
5 Applicant Information		
All communication will be with the Applicant. If the applicant is not the property owner, the RPA requires a letter from the property owner(s) confirming that the applicant has permission to file this application on his/her behalf.		
Name: Smyrna Ready Mix Concrete	Address: 1136 2 nd Avenue N	
Check one:	<input type="checkbox"/> I am the property owner	<input checked="" type="checkbox"/> I am not the property owner
City: Nashville	State: TN	Zip Code: 37208 Email: jeremy@smyrnareadymix.com
Phone 1: 615-355-1028	Phone 2: 615-218-1465	Phone 3: Fax:
6 Property Owner Information (if not applicant)		
Name: Jag Realty LLC & RDP Properties	Phone: 423-280-2022/423-280-2024	
Address: 1721 Gray Road Chattanooga, TN 37421		
Planning District: 8C Neighborhood: ONAC Clifton Hills Improvement Committee		
Hamilton Co. Comm. District: 4	Chatt. Council District: 8	Other Municipality:
Staff Rec. No.:	PC Action/Date:	Legislative Action/Date/Ordinance:
Checklist:		
<input checked="" type="checkbox"/> Application Complete	<input checked="" type="checkbox"/> Ownership Verification	<input checked="" type="checkbox"/> Map of Proposed Zoning Area with dimensions
<input checked="" type="checkbox"/> Site Plan, if required	Total Acres to be considered:	<input checked="" type="checkbox"/> Deeds <input checked="" type="checkbox"/> Plats, if applicable
Deed Book(s): 10103-406, 9841-931		
Plat Book/Page: 7-17	<input checked="" type="checkbox"/> Notice Signs	Number of Notice Signs: 1
<input checked="" type="checkbox"/> Filing Fee: 350.00	Cash	<input checked="" type="checkbox"/> Check Check Number: 5910
Planning Commission meeting date: 09-14-2015		Application processed by: Marcia Parker



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

PLANNING COMMISSION RECOMMENDATION FOR CASE NO. MR-2015-103:
Approve

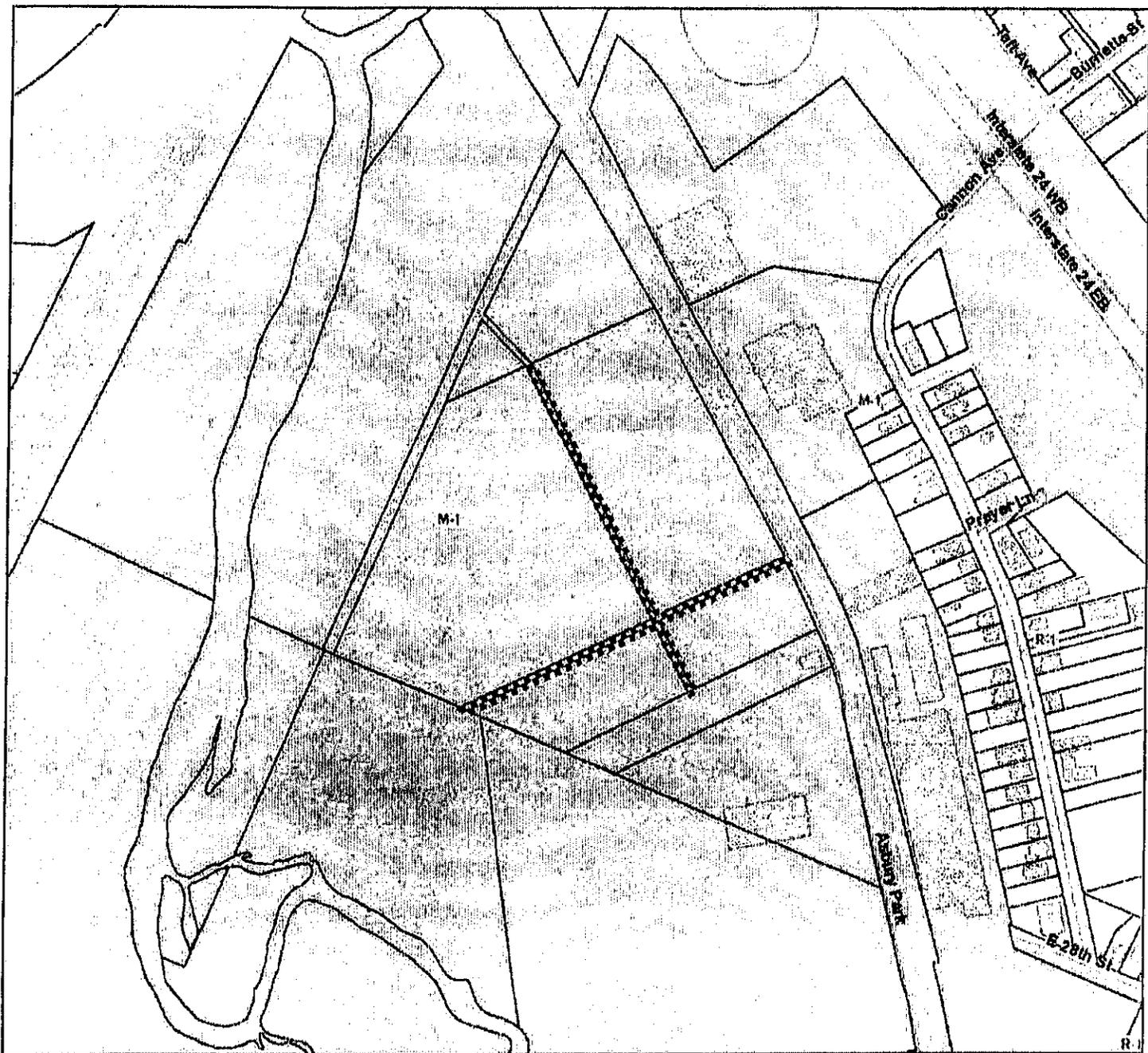


350 ft



Chattanooga Hamilton County Regional Planning Agency





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

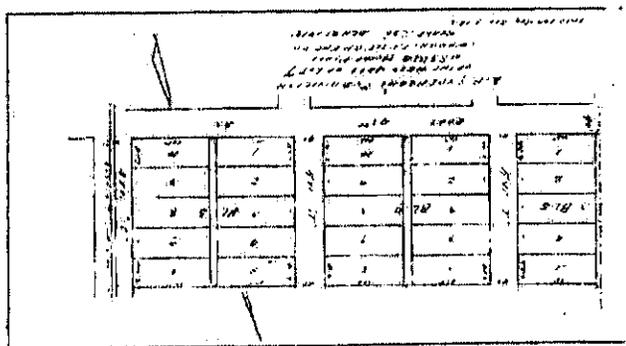
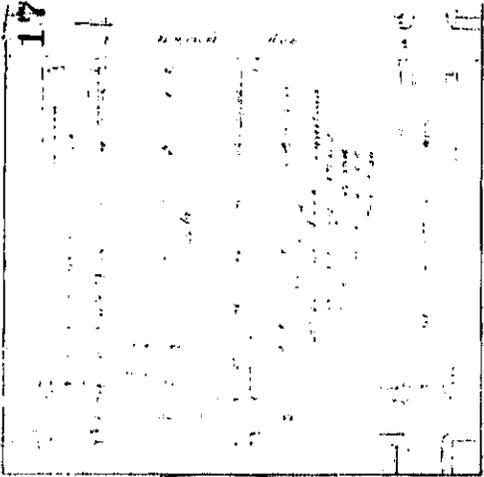


350 R

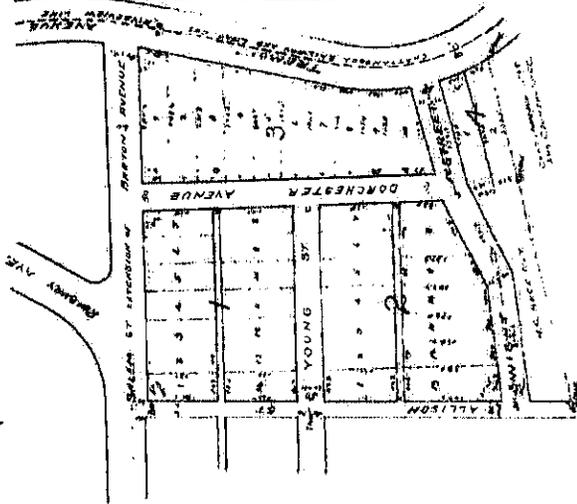
Chattanooga Hamilton County Regional Planning Agency



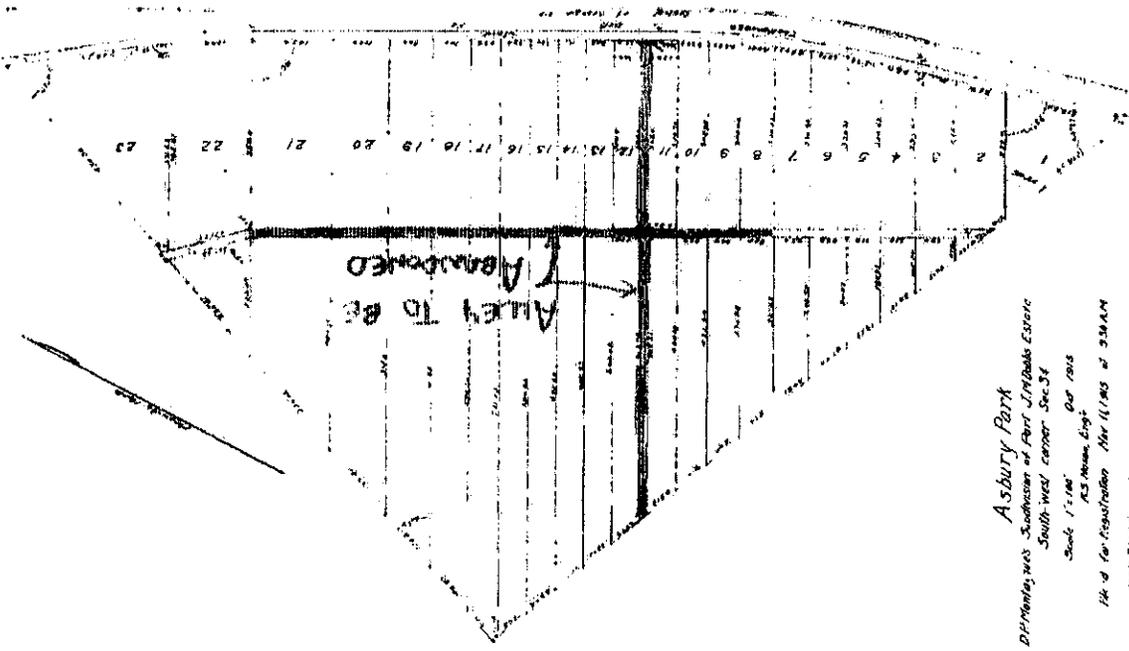




7-17



PLAN
 OF
 GAINES AND WIGHTS
 SUBDIVISION
 NORTH CHATTANOOGA
 HAMILTON COUNTY
 TENNESSEE
 BEALE & COMPANY
 ENGINEERS
 FILED FOR REGISTRATION APR 10 1925 9:42 AM



Asbury Park
 D.P. Minter, was Subdivided as Part of Mable Estate
 South-west corner Sec 34
 Scale 1" = 100'
 AS MEASURED BY
 14-8 for registration Mar 11 1925 at 5:34 AM