

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



File Number: 10-B-21-UR **Related File Number:**
Application Filed: 8/12/2021 **Date of Revision:**
Applicant: WALT HILLIS

PROPERTY INFORMATION

General Location: Southeast side of Asbury Road, east of South National Drive
Other Parcel Info.:
Tax ID Number: 111 003 (SEE ADD'L PARCELS) **Jurisdiction:** County
Size of Tract: 59.39 acres
Accessibility: Access is via E. Governor John Sevier Hwy, a major arterial street with 40-ft of pavement width within 110-ft of right-of-way; via Asbury Rd, a major collector street with 26-ft of pavement width within 50-ft of right-of-way; and via Water Plant Rd, a local street with 26-ft of pavement width within 40-ft of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: AgForVac (Agriculture/Forestry/Vacant Land), SFR (Single Family Residential) & M-L (Mining and Landfills)
Surrounding Land Use:
Proposed Use: Expansion of an existing surface mine and mineral extraction operation **Density:**
Sector Plan: East County **Sector Plan Designation:** HIM (Mining), LI (Light Industrial) & HP (Hillside Pr
Growth Policy Plan: Planned Growth Area
Neighborhood Context: The subject property is located in the Forks of the River Industrial park with a mix of industrial, commercial and office uses. The Asbury community is located to the northwest of the site.

ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

Street: 3121 Vaughn Ln.
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: I (Industrial)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: The new parcels being added to the mining facility along Vaughn Lane were rezoned from A (Agricultural) to I (Industrial) in 2020 (11-F-20-RZ).

PLAN INFORMATION (where applicable)

Current Plan Category:

Requested Plan Category:

SUBDIVISION INFORMATION (where applicable)

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

OTHER INFORMATION (where applicable)

Other Bus./Ord. Amend.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge: Mike Reynolds

Staff Recomm. (Abbr.): Approve the request to expand the existing surface mining and mineral extraction operation as described in the Mining Plan of Operations (Amendment II) for BWI Forks of The River Quarry and as shown in Appendix C, Plan of Operations Map South, subject to 11 conditions.

Staff Recomm. (Full):
1. Providing the proposed 15-ft wide Type 'A' landscape screen along the boundary of the development when adjacent to non-industrial zoned property and along public right-of-ways, excluding Vaughn Lane which is entirely surrounded by the quarry operation and must be closed and removed to expand the quarry as requested.
2. No landscape screening required by Article 4, Section 4.10.11 shall be removed unless replaced in-kind or to otherwise conform with required screening standards. The placement of the landscape screening and rock berms should take into account any potential utilities and access that may be needed around the external boundary of the property so the screening does not need to be disturbed.
3. No new or existing berm shall exceed the building height restrictions of the State of Tennessee Scenic Highway System Act of 1971 (TCA 54-17-115) as measured from E. Governor John Sevier Hwy. Existing berms that exceed this height restriction may remain at the current height but cannot be increased in height.
4. Meeting all requirements set forth in Section 4.10, "Supplemental Regulations Applying to a Specific, to Several, or to All Zones", and Section 4.50, "Standards for Mining and Mineral Extraction, of the Knox County Zoning Ordinance.
5. Meeting all other applicable requirements of the Knox County Zoning Ordinance.
6. Meeting all requirements of the Knox County Health Department.
7. Meeting all requirements of the Knox County Department of Engineering and Public Works.
8. Meeting all applicable requirements and obtaining all required permits dealing with water and air quality from the appropriate governmental agency.
9. All traffic involved in the sales and distribution of the stone produced on this site will be limited to using the existing driveways on E. Gov. John Sevier Hwy.
10. Posting of the required bond with Knox County or the State of Tennessee.
11. Approval of this Mining Plan of Operations (Amendment II) application by Knox County Commission.

With the conditions noted above, this request meets the requirements for approval in the I (Industrial) zoning district, as well as the criteria for approval of a use on review.

Comments: This proposal is to expand the existing Blue Water Industries quarry operation by approximately 25.55 acres and redesignating a portion of a 33.84-acre parcel. If approved, this request will result in the eventual closure and removal of Vaughn Lane and the quarry pit could extend to within 115-ft of Asbury Drive and South National Drive. A berm constructed of overburden will be created around the boundary of the quarry and the outside slopes of the berm will be seeded.

The new parcels being added to the mining facility that are located around Vaughn Lane were rezoned from A (Agricultural) and CA (General Business) to I (Industrial) in 2020 (11-F-20-RZ). Mining and mineral extraction facilities are a permitted use in the Industrial zone, which normally would not require Planning Commission approval, however, the supplemental regulations for mining facilities (Section 4.50) requires that the Planning Commission and Knox County Commission approve the Mining Plan of Operations.

DEVELOPMENT STANDARDS FOR USES PERMITTED ON REVIEW (ARTICLE 4.10 – SECTION 2)

The planning commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the following general standards:

1) THE PROPOSED USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND SECTOR PLAN.

A. The East County Sector Plan recommends HIM (Mining) and LI (Light Industrial) uses on the site. The LI land use allows consideration of the I (Industrial) zone which allows mining facilities as a permitted use, however, the mining plan of operations must be reviewed and approved by the Planning Commission and Knox County Commission.

B. The property is partially within the HP (Hillside Protection) area, however, most of the steep slopes on the properties appear to have been created by the mining activities on the site.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE.

A. The I (Industrial) zone is intended to provide areas in which the principal use of land is for manufacturing, assembling, fabrication and for warehousing and other uses which have heavy impacts and adverse effects on surrounding property. These uses do not depend primarily on frequent personal visits of customers or clients, but usually require good accessibility to major rail, air, or street transportation routes. Such uses are not properly associated with, nor compatible with residential, institutional and retail commercial uses.

B. Mining facilities must meet the performance standards of Section 4.10 which establishes regulations and standards for the installation and operation of commercial and industrial uses based on consideration of the objectionable characteristics of such uses and the districts in which they are permitted. Further, this subsection prescribes the procedures and methods of measurement of industrial characteristics subject to the performance standards.

C. Mining facilities must meet the standards for mining and mineral extraction standards of Section 4.50 with the stated purpose being that "It is recognized that the extraction of minerals is a basic industry within the area subject to these regulations. It is further recognized that the location of underground mineral deposits will not necessarily coincide with the zone boundaries established by this ordinance; therefore, the extraction of minerals is classified as a "use permitted on review." However, it is further recognized that mineral extraction may involve differing processes and may seriously affect mined parcels and surrounding properties.

D. With the recommended conditions, the proposed Mining Plan of Operations is in harmony with the general purpose and intent of the zoning ordinance.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

A. There are several mining operations in the general area.

B. The surrounding uses are primarily industrial in nature, however, most are indoor operations.

C. The proposed berm and landscaping around the boundary of the development will help visually screen the quarry property.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY.

A. Mining operations have been on the subject site since 1971 but active mining appears to have stopped in the mid-2000's when the active pit mining commenced on the northeast side of Governor John Sevier Highway.

B. Mining operations can impact the value of adjacent property, especially in regard to residential uses. The Asbury community, which still includes residences and churches, is located along the next block of Asbury Road to the west.

5) THE USE WILL NOT DRAW ADDITIONAL TRAFFIC THROUGH RESIDENTIAL AREAS.

A. The primary entrance for the mining facility is on Governor John Sevier Highway and the other secondary access points are from roads within the industrial park.

6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for the proposed mining facility.

THIS REQUEST MUST BE APPROVED BY KNOX COUNTY COMMISSION. IF APPROVED BY THE PLANNING COMMISSION, THE REQUEST WILL BE HEARD AT THE NOVEMBER 15, 2021 COUNTY COMMISSION MEETING.

Action: Approved **Meeting Date:** 10/14/2021

Details of Action:

Summary of Action: Approve the request to expand the existing surface mining and mineral extraction operation as

described in the Mining Plan of Operations (Amendment II) for BWI Forks of The River Quarry and as shown in Appendix C, Plan of Operations Map South, subject to 11 conditions.

Date of Approval: 10/14/2021

Date of Denial:

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?: **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Commission

Date of Legislative Action: 11/15/2021

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Approved

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Date of Legislative Appeal:

Effective Date of Ordinance: