

# CASE SUMMARY

**APPLICATION TYPE: USE ON REVIEW**

KNOXVILLE-KNOX COUNTY

**M P C**  
METROPOLITAN  
P L A N N I N G  
C O M M I S S I O N

T E N N E S S E E

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**File Number:** 10-I-05-UR

**Related File Number:**

**Application Filed:** 9/6/2005

**Date of Revision:**

**Applicant:** JANICE HINES

**Owner:**

## PROPERTY INFORMATION

**General Location:** Southwest side of Edington Rd., Northwest of Navy Dr.

**Other Parcel Info.:**

**Tax ID Number:** 122 E A 001

**Jurisdiction:** County

**Size of Tract:** 10.93 acres

**Accessibility:** Access is via Edington Rd. a minor collector street with 19' pavement widths within 40' rights-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Surface mining of soil for use in the on-site manufacture of topsoil

**Surrounding Land Use:**

**Proposed Use:** Revised development plan to add a building

**Density:**

**Sector Plan:** South County

**Sector Plan Designation:** Low density residential & slope protection

**Growth Policy Plan:** Urban Growth Area

**Neighborhood Context:** This property is within a rural and low density residential development pattern that has occurred along Cherokee Trail and Edington Rd.

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

**Street:**

**Location:**

**Proposed Street Name:**

**Department-Utility Report:**

**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** A (Agricultural)

**Former Zoning:**

**Requested Zoning:**

**Previous Requests:**

**Extension of Zone:**

**History of Zoning:** Rezoned from RA Low Density Residential to A Agricultural in October, 2000. Use on Review for mining and mineral extraction on adjacent parcel was approved by MPC at their November 9, 2000 meeting.

## PLAN INFORMATION (where applicable)

**Current Plan Category:**

Requested Plan Category:

**SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

Surveyor:

No. of Lots Proposed:                      No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

**OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

**MPC ACTION AND DISPOSITION**

Planner In Charge: Dan Kelly

Staff Recomm. (Abbr.): APPROVE the request to construct a storage shed as shown on the development plan as an amendment to the previously approved development plan approved by MPC on 2/8/2001 (11-A-00-UR) subject to 5 conditions

Staff Recomm. (Full):  
1. Meeting all applicable requirements of the Knox County Zoning Ordinance  
2. Meeting all requirements of the previously approved use on review for this site 11-A-00-UR  
3. Meeting all applicable requirements of the Knox County Dept. of Engineering and Public Works  
4. Removal of the existing pole building on the adjoining site (map 122 parcel 007) by 12/31/2008  
5. Maintaining the access to the site at the present gated location

With the conditions noted, this plan meets the requirements for approval in the PR zone and the other criteria for approval of a use on review

Comments: When MPC staff recommended approval of a rezoning of this parcel in 2000, the intent was make the surface mining operation at this site legal, thus providing the community and Knox County the possibility of reclamation. This site is a surface mine that was begun in the 1950's as a local borrow pit. The site was mined sparingly until 1994, at which time the Hines restarted regular excavation on an adjoining parcel. Since the Hines' started removing soil from this site, the magnitude of the mining operation has grown such that the community became concerned about issues of safety, runoff, and visual blight. This particular site was mined by Tom Lambert. He has since sold his interest to the Hines.

MPC staff felt that many of the issues concerning the environmental impacts of the topsoil mining/manufacturing could be more easily mitigated through the use on review process. The rezoning of the site to agricultural allowed the MPC to review the existing mining operation as a use on review. On December 18, 2000, MPC approved a use on review, subject to 14 conditions, that provided for the limited continuation of the mining operation for the adjoining site. A condition of the approved use on review stated that all mining operations must cease by December 31, 2005 on parcel 007. Additionally, MPC's approval stated that reclamation of that site must be completed by December 31, 2008.

As previously stated MPC approved a use on review request for Thomas Lambert on February 8, 2001 (11-A-00-UR). That use on review approval permits the mining operation to continue ten years from the date of approval on the subject parcel. The request to construct a storage shed on this site is to replace the existing shed on the adjoining site due to the requirements of the approved use on review. The existing building will be maintained until the adjoining site is reclaimed (12/31/2008) for the purpose of equipment storage only.

**EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND THE COMMUNITY AS A WHOLE**

1. The proposed building will have no additional impact on local services since it is replacing an existing building on an adjoining site.
2. The proposed building is consistent in use with the previously approved use on review.
3. The applicant will be required to maintain the existing gated driveway. Sight distance cannot be attained at the other proposed access point.

**CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE**

1. The proposed building and mining operation meets the standards for development within an A Zone and all other requirements of the Zoning Ordinance.
2. The proposed building and mining operation is consistent with the general standards for uses permitted on review: The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the neighborhood where it is proposed. The use will not significantly injure the value of adjacent property. The use will not draw additional traffic through residential areas.

**CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS**

1. The proposed development is consistent with the South County Sector Plan proposal of low density residential use. The A zoning approved for this site permits the mining operation as approved through the use on review process.

**MPC Action:** Approved **MPC Meeting Date:** 10/13/2005

- Details of MPC action:**
1. Meeting all applicable requirements of the Knox County Zoning Ordinance
  2. Meeting all requirements of the previously approved use on review for this site 11-A-00-UR
  3. Meeting all applicable requirements of the Knox County Dept. of Engineering and Public Works
  4. Removal of the existing pole building on the adjoining site (map 122 parcel 007) by 12/31/2008
  5. Maintaining the access to the site at the present gated location

With the conditions noted, this plan meets the requirements for approval in the PR zone and the other criteria for approval of a use on review

**Summary of MPC action:** APPROVE the request to construct a storage shed as shown on the development plan as an amendment to the previously approved development plan approved by MPC on 2/8/2001 (11-A-00-UR) subject to 5 conditions

**Date of MPC Approval:** 10/13/2005 **Date of Denial:** **Postponements:**

**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:**

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knox County Board of Zoning Appeals

**Date of Legislative Action:** **Date of Legislative Action, Second Reading:**

**Ordinance Number:** **Other Ordinance Number References:**

**Disposition of Case:** **Disposition of Case, Second Reading:**

**If "Other":** **If "Other":**

**Amendments:** **Amendments:**

**Date of Legislative Appeal:** **Effective Date of Ordinance:**