

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

File Number: 11-A-00-UR **Related File Number:**
Application Filed: 10/5/2000 **Date of Revision:**
Applicant: THOMAS P. LAMBERT
Owner:

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
FAX • 215 • 2068
www.knoxmpc.org

PROPERTY INFORMATION

General Location: West side of Edington Rd., south of Cherokee Trail
Other Parcel Info.:
Tax ID Number: 122 E A 001 **Jurisdiction:** County
Size of Tract: 10.852 acres
Accessibility: Access is via Cherokee Trl., and Edington Rd. both minor collector streets with 19' pavement widths within 40' rights-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Single Family Residential
Surrounding Land Use:
Proposed Use: Mining and mineral extraction **Density:** NA
Sector Plan: South County **Sector Plan Designation:**
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: 3925 Edington Rd
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: BK

Staff Recomm. (Abbr.): APPROVE the use on review for a mining and mineral extraction (soil excavation) operation at this location, subject to the Plan of Operations notes shown on the site plan dated January 5, 2001 and fifteen (15) conditions.

Staff Recomm. (Full):

- 1) Applicant will cease the excavation of soil, the import of soil, and the processing of soil on this site, except for purposes of reclamation, within ten (10) years from MPC approval of this Use on Review. (The applicant has - proposed a fifteen year timeline for excavation.) Any extensions of the excavation timeline will require the successful completion of a revised Use on Review. Application to extend the timeline is not a guarantee of approval.
- 2) Site reclamation as proposed, including the installation of landscaping required for final grading, will be complete within one year of the cessation of soil excavation.
- 3) No excavations will be allowed within the 100' and 200' setbacks as required by the zoning ordinance unless such excavation is necessary to achieve slope stability during final grading. The applicant has requested variances to the excavation setbacks at the north, south, and west property boundaries. The MPC staff does not support variances for excavation setbacks.
- 4) Any changes to the submitted site plan which propose the grading of slopes in excess of a 2:1 ratio, shall be reviewed and approved by Knox County Engineering and Public Works, based on written documentation from a geotechnical engineer justifying the increased slopes.
- 5) Applicant will make every reasonable effort to match grades with the adjoining surface mining operation (Hines Fine Soils) to the north so as to provide for a consistent grade between parcels.
- 6) Applicant will install chain link fencing, with a minimum height of six (6) feet, above all slopes with a grade of 1:1 or greater. This requirement will be in effect until the applicant has completed their final grading and has been released from their bond by Knox County Engineering.
- 7) A revised site plan reflecting the conditions of approval must be submitted to MPC prior to the issuance of building permits for the project.
- 8) Completion of reclamation in those areas where the applicant has excavated within the peripheral setbacks prescribed in the zoning ordinance (4.50.02), to include the 200' setback area at the southwestern corner of the property and the 200' setback area along Edington Rd. Reclamation and landscape buffering in the peripheral setbacks will be completed within twelve months of MPC approval of this use on review.
- 9) Posting a bond that in the judgement of the Director of Knox County Department of Engineering and Public Works will be sufficient to cover the costs of stabilization and reclamation of the site. Said bond shall be posted within thirty (30) days of MPC approval of this use on review.
- 10) Obtaining all necessary state water quality permits and maintaining conformance with state water quality requirements for the duration of the plan of operation.
- 11) Meeting all applicable requirements of the Tennessee Department of Environment and Conservation.
- 12) Meeting all applicable requirements of the Knox County Zoning Ordinance.
- 13) Meeting all applicable requirements of the Knox County Health Department.
- 14) Approval of this operation by the Knox County Commission.
- 15) Director of Knox County Engineering and Public Works shall order some or all operations to cease on the property immediately upon any noncompliance with the conditions of approval of this use on review, any conditions approved by the Knox County Commission, and the requirements of the zoning ordinance.

With the notes on the Plan of Operation and those conditions listed above, this request meets all requirements of a use-on-review for a surface mining operation in an agricultural zoning district.

Comments:

The applicant has submitted a site plan, which includes a Plan of Operations, both of which were developed under zoning ordinance requirements for a mining and mineral extraction operation. These requirements were used in the staff review of a similar Use on Review for the adjoining property (Hines Fine Soils 10-B-00-UR). In recommending approval of this use on review, the MPC staff has added fifteen (15) conditions to the notes listed on the Plan of Operations.

The applicant has also applied for variances to the peripheral setback on the north and south property lines (from 100' to 0') and at the southeast corner of the property (200' to 100'), and to the equipment setback (from 500' to 200'). The BZA has postponed their decision on the these setbacks, awaiting the use on review decision of the MPC.

The MPC staff supports the approval of the equipment setback variance, as this variance will allow the applicant to maintain equipment on the site during non-working hours. The MPC staff does not support the peripheral setback variances as the relief sought is due to a self-imposed hardship. In the opinion of MPC staff, the applicant is able to complete the use on review and plan of operation within the peripheral setbacks established by the zoning ordinance.

MPC Action:

Approved

MPC Meeting Date: 2/8/2001

Details of MPC action:

- 1) Applicant will cease the excavation of soil, the import of soil, and the processing of soil on this site, except for purposes of reclamation, within ten (10) years from MPC approval of this Use on Review. (The applicant has - proposed a fifteen year timeline for excavation.) Any extensions of the excavation timeline will require the successful completion of a revised Use on Review. Application to extend the timeline is not a guarantee of approval.
- 2) Site reclamation as proposed, including the installation of landscaping required for final grading, will be complete within one year of the cessation of soil excavation.
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- 4) Any changes to the submitted site plan which propose the grading of slopes in excess of a 2:1 ratio, shall be reviewed and approved by Knox County Engineering and Public Works, based on written documentation from a geotechnical engineer justifying the increased slopes.
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- 7) A revised site plan reflecting the conditions of approval must be submitted to MPC prior to the issuance of building permits for the project.
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- 9) Posting a bond that in the judgement of the Director of Knox County Department of Engineering and Public Works will be sufficient to cover the costs of stabilization and reclamation of the site. Said bond shall be posted within thirty (30) days of MPC approval of this use on review.
- 10) Obtaining all necessary state water quality permits and maintaining conformance with state water quality requirements for the duration of the plan of operation.
- 11) Meeting all applicable requirements of the Tennessee Department of Environment and Conservation.
- 12) Meeting all applicable requirements of the Knox County Zoning Ordinance.
- 13) Meeting all applicable requirements of the Knox County Health Department.
- 14) Approval of this operation by the Knox County Commission.
- 15) Director of Knox County Engineering and Public Works shall order some or all operations to cease on the property immediately upon any noncompliance with the conditions of approval of this use on review, any conditions approved by the Knox County Commission, and the requirements of the zoning ordinance.

With the notes on the Plan of Operation and those conditions listed above, this request meets all requirements of a use-on-review for a surface mining operation in an agricultural zoning district.

Summary of MPC action:

APPROVE the use on review for a mining and mineral extraction (soil excavation) operation at this location, subject to the Plan of Operations notes shown on the site plan dated January 5, 2001 and 15 conditions.

Date of MPC Approval:

2/8/2001

Date of Denial:

Postponements: 11/9/00, 12/14/00

Date of Withdrawal:

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: County Commission

Date of Legislative Action: 3/26/2001

Ordinance Number:

Disposition of Case: Approved

If "Other":

Amendments:

Date of Legislative Appeal:

Date of Legislative Action, Second Reading:

Other Ordinance Number References:

Disposition of Case, Second Reading:

If "Other":

Amendments:

Effective Date of Ordinance: