

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: 3-D-15-UR **Related File Number:**
Application Filed: 1/26/2015 **Date of Revision:**
Applicant: THE MULCH COMPANY KNOXVILLE, LLC

PROPERTY INFORMATION

General Location: Southeast side of S. Northshore Dr., just north of Bickerstaff Blvd.
Other Parcel Info.:
Tax ID Number: 145 028 **Jurisdiction:** County
Size of Tract: 3.37 acres
Accessibility: Access is via S. Northshore Dr., a major arterial street with a 22' pavement width within a 60' right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Nursery
Surrounding Land Use:
Proposed Use: Commercial mulching operation **Density:**
Sector Plan: Southwest County **Sector Plan Designation:** LDR & STPA
Growth Policy Plan: Planned Growth Area
Neighborhood Context: This site is in an area of low density residential subdivisions and larger residential tracts that have developed under PR (Planned Residential), RB (General Residential), RA (Low Density Residential) and A (Agricultural) zoning.

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

Street: 8718 S Northshore Dr
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: None noted

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.:

MPC ACTION AND DISPOSITION

Planner In Charge: Tom Brechko

Staff Recomm. (Abbr.): WITHDRAW the request for a commercial mulching operation at this location as requested by the applicant in a letter dated March 23, 2015.

Staff Recomm. (Full): Staff had recommended denial of the request in the staff report for the March 12, 2015 meeting based on the following:

1. The proposed facility would have an adverse impact on the neighboring homes due to the increase in noise generated by the mulch grinding operation and odors that would result from the amount of mulch storage on site.
2. The proposed driveway location being offset from Bickerstaff Blvd. has the potential of creating additional traffic conflicts on S. Northshore Dr. due to the geometrics of the intersection.
3. The proposed development plan modifies the approved plan for Creekside Nurseries that identified this portion of the site as a growing area and meadow.
4. The sale of over half of the Creekside Nursery property for the commercial mulching operation will make the site even more nonconforming to the minimum lot size requirement of 10 acres.

The Planning Commission and Staff have received over 50 emails in opposition to the request.

Comments: The applicant is proposing to develop 3.37 acres of the Creekside Nursery site (presently 5.8 acres) into a commercial mulching operation. The property which is zoned A (Agricultural) allows consideration of such a facility through the use on review process. The Knox County Zoning Ordinance includes standards for the use on review approval of commercial mulching operations (Section 4.96 - copy included in the packet).

When Creekside Nursery was approved in 2002 there were no minimum lot size requirements in the Zoning Ordinance for the facility. An amendment to the Zoning Ordinance in January 2014 established a minimum lot size of 10 acres making the nursery a legally established nonconformity. By selling off the 3.37 acres, the owner will make the nursery more nonconforming and potentially impact the legal nonconforming status. The 3.37 acres also includes growing area that is one of the components for a nursery in the Agricultural district. A copy of the report of action and site plan for the Creekside Nursery use on review approval (12-B-01-UR) is included in the packet for reference.

The proposed commercial mulching operation will include an office, six parking spaces, a raw material storage area, grinding operation area, sample area and eight stockpile areas for the finished mulch. They are proposing four 30' L x 10' W x 9' H storage areas, and four 50' L x 20' W x 13.5' H storage areas. Proposed access for the site will be located across from Bickerstaff Blvd. slightly offset to the northeast. A copy of the applicant's operation plan is included in the packet.

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

1. While a commercial mulching operation may be acceptable on a major arterial road in a more rural area, or adjoining commercial or industrial property, it is not appropriate in an area that is primarily residential development.
2. The proposed entrance for the facility will be located across from Bickerstaff Blvd. with a slight offset to the northeast. That intersection offset in combination with the turn lanes on S. Northshore Dr. has the potential of creating additional traffic conflicts on S. Northshore Dr.
3. The noise associated with the grinding operation for processing the mulch and the odors that will be associated with the eight stockpiles of mulch will have a negative impact on the established residential neighborhoods.

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

1. The proposed commercial mulching operation does not meet the use on review standard on minimizing the adverse impact on neighboring property.
2. The proposed facility will impact the existing use on review approval for the nursery by making that site more nonconforming to the Zoning Ordinance requirements.
3. The proposed development is not consistent with the general standards for uses permitted on review: The proposed development is not consistent with the adopted Sector Plan. The use is not in harmony with the general purpose and intent of the Zoning Ordinance. The use is not compatible with the character of the residential neighborhood where it is proposed. The proposed use could have negative impacts on the value of adjacent property. With direct access to an arterial street, the proposed use will not draw additional traffic through residential neighborhoods.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Southwest County Sector Plan designates this property for low density residential use and stream protection area. While the A (Agricultural) district allows consideration of the proposed commercial mulching operation, the proposed use is not consistent with sector plan designation.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

Action: Denied (Withdrawn) **Meeting Date:** 4/9/2015

Details of Action:

Summary of Action: WITHDRAW the request for a commercial mulching operation at this location as requested by the applicant in a letter dated March 23, 2015.

Date of Approval: **Date of Denial:** **Postponements:**

Date of Withdrawal: 4/9/2015 **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:**