CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



File Number:4-B-09-URApplication Filed:2/20/2009Applicant:VULCAN LANDS, INC.

Related File Number: Date of Revision: C O M M I S S I O N T E N N E S S E E Suite 403 • City County Building 4 0 0 M a i n S t r e e t Knoxville, Tennessee 37902 8 6 5 • 2 1 5 • 2 5 0 0 F A X • 2 1 5 • 2 0 6 8 w w w • k n o x m p c • o r g

PROPERTY INFORMATION

General Location:	West side of Graybeal Rd., south of Buttermilk Rd.		
Other Parcel Info.:			
Tax ID Number:	129 080 & 08001	Jurisdiction:	County
Size of Tract:	138.5 acres		
Accessibility:	Access is via Everette Rd., Access is via Everett Road, a minor collector street with a pavement width of 24' south of the site and 20'-22' north of the site.		

GENERAL LAND USE INFORMATION

Existing Land Use:	Existing quarry and open land			
Surrounding Land Use:				
Proposed Use:	Mining and mineral extraction, quarry expansion	on Density:		
Sector Plan:	Northwest County Sector Plan Designa	tion: Light industrial and slope protection		
Growth Policy Plan:	Rural Area			
Neighborhood Context:	Property in the area is zoned 1 industrial, PC and CB Commercial, A Agricultural and RA Residential. Development in the area consists of highway oriented commercial uses in the vicinity of Interstates40/75. Detached residences are located throughout the remainder of the area.			

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

Street:

Location:

Proposed Street Name:

Department-Utility Report:

Reason:

ZONING INFORMATION (where applicable)

Current Zoning: Former Zoning:

g: A (Agricultural)

Requested Zoning:

Previous Requests:

Extension of Zone:

History of Zoning:

The existing quarry was originally approved by MPC January 1973 (73-A-1). An expansion of the facility was approved by MPC in November of 1996 (11-H-96-UR)

PLAN INFORMATION (where applicable)

Current 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:	Dan Kelly
Staff Recomm. (Abbr.):	APPROVE the request to expand the existing rock quarry as shown on their development plan subject to 12 conditions
Staff Recomm. (Full):	 Meeting all applicable requirements of the Knox County Health Dept. Meeting all applicable requirements of the Knox County Dept. of Engineering and Public Works Meeting all applicable requirements of the Knox County Air Quality Management Division Obtaining all necessary State and Federal permits before commencing any expansion of the rock quary Obtaining approval of this request by the Knox County Commission as required by the Knox County Zoning Ordinance The crushing plant, stockpiles, access, offices, asphalt plants and scales remaining in the portion of the site that is zoned 1 (Industrial) Berms shown on the development plan are to be constructed 100' from the property line as required by the Knox County Zoning Ordinance unless otherwise permitted to be closer to the boundary (4.50.02B.2.8.3). Construction of the berms are to be built in accordance with and completed per the schedule outlined in the notes on the revised (7/6/09) development plan and the letter from Tom Hale dated 7/7/09. Landscaping of the berms is to be in accordance with the attached drawings and per the previously noted letter. Landscaping is to be completed within six months of the construction of the berm. The construction of the berm is to be limited to the hours between 7:00AM and 6:00 PM Where the natural vegetation has not already grown to a complete screening of the site, the applicant is to provide the landscaping on the existing berms per the landscaping standards contained in condition #7 on the existing berms along Buttermilk Rd. within six months of the approval of this request All blasting associated with the quarrying operation shall be permitted between 9:00AM and 4:00 PM, Monday through Friday only All other quarry operations within the portion of the site that is zoned A (Agricultural) must be limited to the hours of 7:00AM and 9:00 PM, Monday through Saturday The land to the eas
	With the conditions noted, this plan meets the requirements for approval in the A (Agricultural) zone and meets the other criteria for approval of a use on review.
Comments:	Since this matter appeared on MPC's agenda in April, the applicant has amended the request that the expanded quarrying operation be limited to the area west of Graybeal Rd. They have submitted a revised plan that reflects that change. The plan as submitted meets all requirements and the standards as contained in the Knox County Zoning Ordinance dealing with surface mining with on exception. The proposed berm which will be constructed from overburden removed from the quarry site is required to be setback 100' from the property line. The staff will recommend that the berm be constructed as required by the ordinance. In addition, staff will require that Vulcan limit the hours of various aspects of the operation in order to lessen the impact of this use on the surrounding area. Additionally, the has noted in the recommendation that the proposed operation must comply with the performance standards contained section 4.10 of the Zoning ordinance. These performance standards address noise and vibration among other things.

Staff is aware that a neighborhood group and the applicant are working together to come to an agreement on some issues that will make the use more palatable to the area residents. Some of the

	items that are being sought include blast surveys, seismic monitoring, off site landscaping and s monitoring. The applicant has agreed to many of the requests of the community residents. At the this report is being prepared the community organization has not specifically stated their agreen with the applicant's proposal. It is hoped that an agreement will be reached before the MPC me July 9, 2009.				
	The proposed use is a basic industry that is needed in the community. There may be no locations in Knox County that the proposed use could located and not have an impact on the surrounding area. Staff believes with the installation of the berms and the limitation of the noise and the hours of operation this use can be permitted to expand with little additional impact in the community. The Northwest Sector plan proposes this site for industrial use. The quarrying operation would be considered to be a use that would be compatible with the sector plan designation.				
	In addition to MPC action on this matter, the request will also have to be approved by the Knox County Commission. The matter has been scheduled for the County Commission's July 27, 2009 meeting. Anyone who is aggrieved by MPC's action on this matter has the right to appeal to the Knox County Board of Zoning Appeals.				
Action:	Approved		Meeting Date:	7/9/2009	
Details of Action:					
Summary of Action:	APPROVE the request to expand the existing rock quarry as shown on their development plan subject to 12 conditions				
Date of Approval:	7/9/2009	Date of Denial:	Postponements:	4/9/2009-6/11/2009	
Date of Withdrawal:	Withdrawn prior to publication?: 🗌 Action Appealed?:				
	LEGISLA	TIVE ACTION AND DIS	SPOSITION		
Legislative Body:	Knox County Board of Zoning Appeals				
Date of Legislative Action:	7/27/2009	Date of Legislative Action, Second Reading:			
Ordinance Number:		Other Ordinan	ce Number References:		
Disposition of Case:	Approved	roved Disposition of Case, Second Reading:			
If "Other":		If "Other":			
Amendments:		Amendments:			

Effective Date of Ordinance:

To Obtain Conditional Use Permit

Date of Legislative Appeal: