

# CASE SUMMARY

APPLICATION TYPE: OTHER BUSINESS



File Number: 4-B-23-OB                      Related File Number:  
Application Filed: 3/1/2023                      Date of Revision:  
Applicant: TOMPAUL KNOXVILLE, LLC

## PROPERTY INFORMATION

General Location:  
Other Parcel Info.:  
Tax ID Number: 999 999                      Jurisdiction:  
Size of Tract:  
Accessibility:

## GENERAL LAND USE INFORMATION

Existing Land Use:  
Surrounding Land Use:  
Proposed Use:                      Density:  
Sector Plan:                      Sector Plan Designation:  
Growth Policy Plan:  
Neighborhood Context:

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

Street:  
Location:  
Proposed Street Name:  
Department-Utility Report:  
Reason: Similar Use Determination for a metal recycling business in the I (Industrial) zone.

## ZONING INFORMATION (where applicable)

Current Zoning:  
Former Zoning:  
Requested Zoning:  
Previous Requests:  
Extension of Zone:  
History of Zoning:

## 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.: Similar Use Determination for a metal recycling business in the I (Industrial) zone.

## **PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge: Mike Reynolds

Staff Recomm. (Abbr.): Approve the use classification for the metal recycling business, described in the "Description of Operations" (Exhibit A), as a Use Permitted on Review in the I (Industrial) zone.

Staff Recomm. (Full):

Comments: NOTE: The applicant's request is for the metal recycling use to be a Permitted use in the I (Industrial) zone as outlined in Exhibits A and B.

Staff is recommending the metal recycling business be considered a Use Permitted on Review in the I (Industrial) zone because it is most similar to the "Automobile wrecking, junk and salvage yards" and "Solid Waste processing facility" use classifications. If approved as recommended, Use on Review approval by the Planning Commission will be required.

This Similar Use Determination application for the metal recycling business, as described in the "Description of Operations" (Exhibit A), is to determine if the use is allowed as a Permitted use or a Use Permitted on Review. The I (Industrial) zone allows the most intensive land uses and is the most appropriate zoning district for the proposed use, but it is unclear how the use should be classified. If the Planning Commission identifies a specific use classification that this business fits under and that use has supplemental regulations in Article 4 of the zoning ordinance, then those standards apply to this business as well.

Three (3) residential properties are on the east side of Asbury Rd within 300 feet of the subject property. The properties are zoned I (Industrial) and are not part of a residential subdivision or restricted to residential uses, such as by covenants. In the I (Industrial) zone, uses listed as a Use Permitted on Review shall not be located nearer than 300 feet to a public park, school, church, hospital, sanitarium, residential zone, or subdivided land restricted to residential uses. The 300-ft setback does not apply in this situation.

Below is a list of similar uses in the I (Industrial) zone identified by the applicant and staff:

PERMITTED -- In the attached document titled "Similarity to Zoning Approved Uses" (Exhibit B), the applicant outlines how these uses are similar to the proposed use.

- 1) Waste handling uses -- [This is a general category that includes: off-site demolition landfills, solid and liquid waste transfer stations, and commercial mulching operations. Some of these uses are subject to supplemental standards in Article 4.]
- 2) Fabricated metal product manufacturing (NAICS 332)
- 3) Mining and mineral extraction -- [Subject to the standards in Section 4.50, "Standards for Mining and Mineral Extraction"]

USES PERMITTED ON REVIEW -- Identified by staff

- 1) Automobile wrecking, junk and salvage yards -- [Subject to the standards in Section 4.40, "Standards for Automobile, Wrecking, Junk and Salvage Yards, and Similar Uses"]
- 2) Solid waste processing facility and composting facility -- [Subject to the standards in Section 4.95, "Standards for the Use-On-Review Approval of Solid Waste Processing Facilities"]

The I (Industrial) zone provides a NAICS (North American Industry Classification System, 1997 edition) code for most of the uses listed as Permitted but not for those listed as Uses Permitted on Review. Any business listed under the NAICS classification for a Permitted use is considered permitted, provided all other zoning code requirements are fulfilled.

The NAICS use classification descriptions for the uses identified by staff as being similar to the proposed metal recycling business (automobile wrecking, junk and salvage yards, and solid waste processing facilities) are below:

a) Recyclable Material Wholesalers (NAICS 421930): establishments primarily engaged in wholesaling scrap from automotive, industrial, and other recyclable materials. Included in this industry are auto wreckers primarily engaged in dismantling motor vehicles for the purpose of wholesaling scrap.

--> Automobile wrecking, junk and salvage yards

b) Materials Recovery Facilities (NAICS 562920): establishments primarily engaged in (1) operating facilities for separating and sorting recyclable materials from nonhazardous waste streams (i.e., garage) and/or (2) operating facilities where commingled recyclable materials, such as paper, plastics, used beverage cans, and metals, are sorted into distinct categories.

--> Solid Waste Processing Facilities

The first two numbers of the NAICS code refer to the general industry sector, and each number after refers to a more specific sub-sector. The first two numbers of the Recyclable Material Wholesalers NAICS code (421930) indicate that this use is a sub-sector of the Wholesale Trade industry (NAICS 42). The third number, 1, indicates that the Recyclable Material Wholesalers use is more specifically in the Wholesale Trade, Durable Goods (Durable Goods) sub-sector (NAICS 421).

The I (Industrial) zone lists Durable Goods (NAICS 421) as a Permitted use. All sub-sectors of Durable Goods are also Permitted if the use meets all other zoning code requirements. The Automobile wrecking, junk and salvage use is in the Recyclable Material Wholesalers sub-sector (NAICS 421930). It would be permitted if it weren't listed as a Use Permitted on Review in the I (Industrial) zone. Unlike the other Durable Goods business, automobile wrecking, junk and salvage businesses need an additional level of review to determine if the location is appropriate before the use is established.

SUMMARY OF THE PROPOSED USE – See Exhibits A & B for a complete use description.

#### APPLICANT

Tompaul Knoxville, LLC is a metal recycling company proposed to locate at 2609 Asbury Road. The recycling operation processes downstream fines obtained from the recycling of various types and grades of ferrous and non-ferrous metals and aluminum, depending on market conditions.

#### DESCRIPTION OF PROCESS – SUMMARY (see attachment for full description)

The process involves proprietary separating technology applications for recovery, and sorting metal from fines by use of specialized industrial equipment and processes for the following applications:

- Car Shredder Residue
- Aluminum Shredder Residue
- Waste Electrical and Electronic Equipment (Electronics Recycling)
- Incinerator Ash
- Steel Making Industry (steel mills and ores processing)
- Municipal Recycling Facilities (MRFs)

In-feed material is in an open pile and transported into the reclamation building via front end loaders or similar. The material fed through various separating equipment processes. Once processed, a concentrate is formed, and a Coproduct is formed. Coproduct will be characterized and sent for further processing or to an appropriate landfill for disposal. Coproduct will be stored near the reclamation facility in a covered bunker for daily handling and shipping as required. The business anticipates processing 31,000-61,000 tons of material per month.

#### STORAGE

In-feed material is stored in an open pile. The coproduct (byproduct) is stored in a covered bunker.

#### VEHICLES/TRANSPORTATION

Material is transported to and from the facility in covered trucks. Material is transported on site with front end loaders or similar. The applicant estimates there will be 120 trucks coming and going from the facility daily.

#### DUST

Outdoor equipment and trucks may kick up dust if gravel is used in vehicular use areas, which is not unique to this proposed use. The equipment that sorts material by size and density uses a water-based system to control dust and will be located in an enclosed facility. The water is treated and reused in this system.

#### NOISE

A ball mill system is planned to grind and flatten materials to make metals recover more efficient. Ball mill operations can have noise levels between 90 to 120 decibels (dBs), however, engineering controls such as neoprene linings and noise screens can reduce noise levels. According to the American Academy of Audiology, decibels over 85 for extended periods can cause permanent hearing loss (see Exhibit C). The ball mill and material sorting equipment will be in an enclosed facility, which will help

reduce noise transmission to nearby properties.

**OPERATING HOURS**

The facility is anticipated to operate up to 24 hours / 7 days a week and have to up 40 employees.

**Action:** Approved **Meeting Date:** 4/13/2023

**Details of Action:**

**Summary of Action:** Approve the use classification for the metal recycling business, described in the "Description of Operations" (Exhibit A), as a Use Permitted on Review in the I (Industrial) zone.

**Date of Approval:** 4/13/2023 **Date of Denial:** **Postponements:**

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

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:**

**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:**