

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: 6-C-01-UR **Related File Number:**
Application Filed: 5/7/2001 **Date of Revision:**
Applicant: GENERAL SHALE PRODUCTS CORP.
Owner:

PROPERTY INFORMATION

General Location: North side of Millertown Pike, east of Harris Rd.
Other Parcel Info.:
Tax ID Number: 50 210 & 217 **Jurisdiction:** County
Size of Tract: 107 acres
Accessibility: Access is via Millertown Pk. , an arterial street with a pavement width of 19' to 21' within a 40' right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant
Surrounding Land Use:
Proposed Use: Mining and mineral extraction expansion (Total site area 107 acres -- expansion area 48 acres) **Density:**
Sector Plan: Northeast County **Sector Plan Designation:**
Growth Policy Plan: Rural Area
Neighborhood Context: The site is located on the north side of Millertown Pk., east of Silver Creek Rd. The surrounding property is all zone A agricultural. Existing development in the area consists of single family dwellings and a church. Growth through the development process has been very limited in this general area until very recently.

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: Mining has occurred on this site for over 30 years

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: dk

Staff Recomm. (Abbr.): APPROVE the request to expand the existing mining operation as shown on the development plan and limit the new area to be mined to the 24.72 acres permitted by the State of Tennessee, subject to 9 conditions

Staff Recomm. (Full):

1. Meeting all requirements of the Knox County Health Dept.
2. Approval of the development plan and mining permit by the Knox County Commission.
3. Provision of a copy of the site restoration plan approved by the State of Tenn. prior to commencing any excavation on the expanded site.
4. Restoring the property per the State approved plan if operations are discontinued for a period of one year.
5. Provision of the air quality permit which establishes the standards the mine operator's must comply with.
6. Meeting all applicable requirements and obtaining all required permits from the Tenn. Dept. of Environment and Conservation dealing with the mining operation and water quality permits.
7. Meeting all requirements of the Knox County Dept. of Engineering and Public Works.

General Shale Products Corp.
6-C-01-UR
Page 2

8. Obtaining approval of another Use on Review if the mining area is to be expanded beyond the State approved 24.72 acres or if it takes more than fifteen years to mine the permitted area as called for in the Plan of Operation.
9. Meeting all applicable requirements including Sections 4.10 and 4.50 of the Knox County Zoning Ordinance.

Comments: General Shale Products Corp. is proposing to expand an existing mining operation located on Millertown Pk. The total site contains approximately 107 acres which includes the expansion area. The expansion tract contains 47 acres. The State of Tennessee has already approved a mining permit for 24.72 acres of the expansion site. However, mining cannot commence on the site until MPC and The Knox County Commission approve this request.

The mining plan as submitted by the applicant addresses every point raised in the Knox County Zoning Ordinance. The plans as submitted meet the requirements of the Zoning Ordinance for a surface mining operation. However, staff believes that additional information regarding dust control and site restoration should be submitted as part of the plan. The applicant has stated that the proposed mining operation will comply with the required performance standards for dust control as contained in the Zoning Ordinance. The performance standards they must meet are part of the Air Quality Permit that is issued by Knox County. Secondly, they state that the Tennessee Dept. of Environment and Conservation has approved their restoration plan and that the required bonds have been posted. Staff will require that a copy of the approved plan be submitted and made part of this approval before

excavation commences on the site. If the mining operation ceases for a period of one year, the operator will be required to restore the site at that time according to the approved plan.

The State has also issued a NPDES permit for this site. A NPDES permit addresses the quality of the water running off of this site. It establishes water quality standards which are checked on a periodic basis by the State. A drainage plan will have to be approved by the Knox County Dept. of Engineering and Public Works to control the rate at which stormwater leaves this site. If the detention standards required by the State are less than those required by Knox County, the County standards will have to be met.

The current surface mine has been operating at this location for over 30 years. General Shale does not intend to change its operating methods if this plan is approved. The material will be removed by trucks using their present route which is east on Millertown Pk., south on Brandville Rd., to Rutledge Pk., to the processing plant. They state the operation will generate a total of 15 truck trips per day for the removal of material. These truck trips occur during the operating hours of 7:30 AM to 4:30 PM. Most of the traffic generated by this facility will be occurring at non-peak times.

The Northeast County Sector Plan designates this area for low density residential use and the ridge is designated for slope protection. The sector plans do not address mining operations. A surface mining operation falls into a class of land uses which are not readily accepted within a community. However, mining needs to occur where the raw material is available. In this case, the mining operation has been ongoing for the past 30 years. Expansion of a facility by a known operator with an existing operating record is preferred by the staff. We would prefer to see the expansion of an existing facility rather than the opening of a new facility in a new area. While the sector plan proposes other uses for this site, the staff believes that mining is a use that must be accommodated in this County. The staff will support the expansion of this facility because the plans and materials submitted show the operation can meet the requirements for a surface mining operation contained in the Knox County Zoning Ordinance with minimal additional impact on the surrounding area.

MPC Action:

Approved as Modified

MPC Meeting Date: 7/12/2001

Details of MPC action:

1. Meeting all requirements of the Knox County Health Dept.
2. Approval of the development plan and mining permit by the Knox County Commission.
3. Provision of a copy of the site restoration plan approved by the State of Tenn. prior to commencing any excavation on the expanded site.
4. Restoring the property per the State approved plan if operations are discontinued for a period of one year.
5. Provision of the air quality permit which establishes the standards the mine operator's must comply with.
6. Meeting all applicable requirements and obtaining all required permits from the Tenn. Dept. of Environment and Conservation dealing with the mining operation and water quality permits.

General Shale Products Corp.
6-C-01-UR
Page 2

7. Meeting all requirements of the Knox County Dept. of Engineering and Public Works.
8. Obtaining approval of another Use on Review if the mining area is to be expanded beyond the State approved 24.72 acres or if it takes more than fifteen years to mine the permitted area as called for in the Plan of Operation.
9. Meeting all applicable requirements including Sections 4.10 and 4.50 of the Knox County Zoning Ordinance.
10. (Added by MPC) Applicant will begin reclamation of the eastern portion of the existing mine site except for the stockpile area which is actively utilized within six (6) months of beginning operation of this mine site.

Summary of MPC action:

APPROVE the request to expand the existing mining operation as shown on the development plan and limit the new area to be mined to the 24.72 acres permitted by the State of Tennessee, subject to 10 conditions

Date of MPC Approval:

7/12/2001

Date of Denial:

Postponements: 6/14/2001

Date of Withdrawal:

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: County Commission

Date of Legislative Action: 6/25/2001

Ordinance Number:

Disposition of Case: Postponed

If "Other":

Amendments:

Date of Legislative Appeal:

Date of Legislative Action, Second Reading: 7/23/2001

Other Ordinance Number References:

Disposition of Case, Second Reading: Denied

If "Other":

Amendments:

Denied plan of operation/conditional use permit

Effective Date of Ordinance: