

# CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



**File Number:** 6-F-20-UR                      **Related File Number:**  
**Application Filed:** 4/27/2020              **Date of Revision:**  
**Applicant:** EAST KNOXVILLE STONE

## PROPERTY INFORMATION

**General Location:** South side of Julian Ln., north side of Flint Gap Rd., east side of Kennedy Rd  
**Other Parcel Info.:**  
**Tax ID Number:** 97 148,150, 154, & 155                      **Jurisdiction:** County  
**Size of Tract:** 31.9 acres  
**Accessibility:** Access is via Flint Gap Rd, a minor collector street with approximately 20' of pavement width within a 40' right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant & house  
**Surrounding Land Use:**  
**Proposed Use:** Mining Operation                      **Density:**  
**Sector Plan:** East County                      **Sector Plan Designation:** AG (Agricultural) & HP (Hillside Protection)  
**Growth Policy Plan:** Rural Area  
**Neighborhood Context:** The subject property is located within the Marbledale community that is developed predominantly with single family and rural residential house lots developed in the RA and A zones. The Marbledale Baptist Church is also located at the intersection of Thorn Grove Pike and Kennedy Road. Agricultural uses are primarily located to the north along Kennedy Road and south along Thorn Grove Pike. The nearby properties used for mining operations, or similar uses, have access to or are near Governor John Sevier Hwy and predominantly zoned I (Industrial) but also A and CB.

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

**Street:** 2514 Julian Ln., 0 Flint Gap & 0 Kennedy 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:** None

**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.:

**PLANNING COMMISSION ACTION AND DISPOSITION**

**Planner In Charge:** Mike Reynolds

**Staff Recomm. (Abbr.):** DENY the request for a mining and mineral extraction operation, and the associated Mining Plan of Operations, because the use will have an adverse impact on the character of the neighborhood in which the site is located and significantly injure the value of adjacent property by noise, lights, fumes, odors, vibration, traffic congestion or other impacts which may detract from the immediate environment.

**Staff Recomm. (Full):** According to Article 4.10. -- Section 2 of the Knox County Zoning Ordinance (Development Standards for Uses Permitted on Review), the proposed use "must be specially placed into the development pattern which exists at the time of their arrival." Because this site was abandoned as a mining operation, its mining pit filled for reuse of the site, and the previous and current ownership not being mining operators, the use of this site for an expanded mining operation is out of character with the neighborhood in which it is located and does not fit within the development (use) pattern which exists today.

**Comments:** Approval Process for Mining Operations

All new or expanded mining operations must have their Plan of Operation approved by both the Planning Commission and County Commission. In the A (Agricultural) zone, mining operations are a "use permitted on review" (UOR) which is another level of review by the Planning Commission only and if the Planning Commission denies the UOR, the appeal goes to the Board of Zoning Appeals.

The mining operation will be screened from adjacent properties and roadways according to the Standards Governing Surface Mining and Mineral Extraction (Section 4.50.02 of the Knox County Zoning Ordinance) and the Landscape Screening standards of the Performance Standards for Commercial and Industrial Uses (Section 4.10.11). The landscape screening will use existing vegetation where it exists and supplement with new landscaping as shown in Figure 4 of the Mining Plan of Operations.

**History of the Abandoned Quarry**

There is little information readily available about this small quarry but from historic USGS maps and aerial photography it can be determined that quarry was in operation in 1940 (USGS map), was still active in 1959 (aerial), and was inactive by 1969 (aerial). It appears the quarry may have become active again by 1985 but if so, it does not appear to have expanded much. By 2003 the quarry had become a site to dump fill dirt and it appears to have been used as a storage site for rock and other similar construction material until sometime between 2010 and 2015. In 1980 the quarry was purchased by Johnson & Galyon construction company and subsequently purchased by Sandra Keck, who started the business Keck Enterprises with one of the East Knoxville Stone co-owners, Ted Hunsaker. The quarry has not been actively mined since the 1980's and possibly not since the 1960's. Based on records available, the quarry has not been owned by a mining company since at least 1980, if not before.

**Surrounding Area**

The proposed mining operation is located in the community of Marbledale which stretches along Thorn Grove Pike and is lined predominantly with residential uses and has historically been home to several quarries. Many of them are no longer active with exception of the large mining operation at the Governor John Sevier Hwy and Asbury Road intersection. The area immediately around the Thorn

Grove Pike and Flint Gap Road intersection has been anchored by Marbledale Baptist Church since 1910 and has a large cluster of residential houses. The residential uses along Flint Gap Pike are more dispersed but consistent along south side of the road. Julian Lane is a short residential street with several houses that borders the proposed mining operation to the north. The closest traditional residential subdivision is Riverdale Heights which is approximately .3 miles southeast along Thorn Grove Pike and was developed in 1969.

#### Proposal

The applicant proposes an extension of an old 3.5 acre abandoned quarry by adding 28.4 acres to west of the site (31.9 acres total). The total area available for mining is 16.4 acres including the old quarry. The existing access for the old quarry, which is approximately 1750 feet east of the Thorn Grove Pike intersection, will be reused and improved by adding acceleration and deceleration lanes. The location of the old quarry will be used as the yard area for processing equipment, conveyors, stockpiles, office, scales, parking, fueling and a sediment pond. The mining phases will process west on the site toward Kennedy Road (see Figure 4 of the Mining Plan of Operations). Blasting will be used to allow the excavation of rock material and will only be conducted on weekdays during daylight hours. Emissions of dust from crushers, screens, stockpiles, and roadways can be managed by water spray nozzles and water trucks.

#### Access

The existing access for the old quarry off of Flint Gap Road will be reused and improved by adding acceleration and deceleration lanes. The entrance is approximately 1750 feet east of the Thorn Grove Pike intersection and approximately 1.6 miles east of Governor John Sevier Hwy. Flint Gap Road is a minor collector street that is approximately 20' wide but is a curvy rural road that is largely without improved shoulders. Flint Gap Road comes into the Thorn Grove Pike intersection at a very sharp angle and some improvements to the intersection markings may be necessary. Thorn Grove Pike is a minor arterial street that is approximately 20' wide. If approved, the mining operation must verify that the road surface is a minimum of 20' wide, or widen it to that minimum, from their entrance to Governor John Sevier Hwy.

#### Reviewing Uses Permitted on Review

Section 6.50 (Procedure for authorizing uses permitted on review) states that uses listed in a zone district as a use permitted on review "may only be established and maintained with the approval of the metropolitan planning commission (NKA -- Knoxville-Knox County Planning Commission). This review and approval process is intended (1) to provide for uses which are beneficial to the community but that may involve a potential hazard to the development of an area unless appropriate provisions are made for their impacts, and (2) to integrate properly the uses permitted on review with other uses located in the district." This section goes on to say that "the planning commission may approve a ... use permitted on review where it can be shown that the proposed plan or use is in harmony with the general purpose and intent of the zoning ordinance ... and is reasonably necessary for the convenience and welfare of the community" and ... "the planning commission may deny a ... use permitted on review where the above cannot be shown or where it can be shown that approval would have an adverse impact on the character of the neighborhood in which the site is located."

Section 4.10. - Section 2 (Development Standards for Uses Permitted on Review) goes into further detail on how to evaluate such applications and states that "it is necessary to give special consideration to certain uses because they are unique in nature, require large land areas, are potentially incompatible with existing development, or because the effects of such uses cannot definitely be foreseen... Therefore, these uses must be specially placed into the development pattern which exists at the time of their arrival."

The general standards are as follows: [staff notes for this specific case follow in brackets]

4.10.14. The use is consistent with adopted plans and policies, including the general plan and the sector plans.

[The AG land use classification does specifically allow mining operations, however, the A (Agricultural) zone allows it as a use permitted on review. In the recent past, expansions of mining operations in the A zone and the AG land use classification have not been required to amend the sector plan to HIM (Mining) because it would introduce the potential for the I (Industrial) zone into areas of the county where heavy industrial manufacturing type uses are not appropriate.]

4.10.15. The use is in harmony with the general purpose and intent of these zoning regulations.

[The proposed Mining Plan of Operations is in general conformance with the standards for mining operations in the zoning ordinance, it is the opinion of Planning staff that this request is not appropriate for this specific location when taking into consideration the duration the mining operation has been abandoned, the surrounding uses, and the distance that large trucks must travel from a major arterial

roadway.]

4.10.16. The use is compatible with the character of the neighborhood where it is proposed, and with the size and locations of buildings in the vicinity.  
[Section 6.50 (Procedure for authorizing uses permitted on review) states that the planning commission can deny a use permitted on review application where it can be shown that approval would have an adverse impact on the character of the neighborhood in which the site is located. The use is not compatible with the character of the neighborhood because of the industrial nature of the business and the longstanding, continued use of nearby properties for residential, agricultural and religious uses.]

4.10.17. The use will not significantly injure the value of adjacent property by noise, lights, fumes, odors, vibration, traffic congestion or other impacts which may detract from the immediate environment.  
[There is reason to believe the adjacent properties will be significantly injured if a mining operation is permitted on this site.]

4.10.18. The use is not of a nature or so located as to draw substantial additional traffic through residential streets.  
[The road the property accesses and uses to get to the major arterial roadway system are classified as collectors or arterials streets by the Major Road Plan, so the traffic will not be drawn through residential streets. However, Flint Gap Road especially and Thorn Grove Pike to some degree, are not well suited for frequent trips by large, heavy trucks because of the minimally satisfactory road widths and intermittent lack of adequate shoulders.]

4.10.19. The nature of development in the surrounding area is not such as to pose a potential hazard to the proposed use or to create an undesirable environment for the proposed use.  
[The surrounding uses will not pose a risk to the proposed mining operation.]

**Action:** Denied **Meeting Date:** 6/11/2020

**Details of Action:**

**Summary of Action:** DENY the request for a mining and mineral extraction operation, and the associated Mining Plan of Operations, because the use will have an adverse impact on the character of the neighborhood in which the site is located and significantly injure the value of adjacent property by noise, lights, fumes, odors, vibration, traffic congestion or other impacts which may detract from the immediate environment.

**Date of Approval:** **Date of Denial:** 6/11/2020 **Postponements:**

**Date of Withdrawal:** **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:**