

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

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
F A X • 215 • 2068
www.knoxmpc.org

File Number: 6-H-09-UR **Related File Number:**
Application Filed: 5/1/2009 **Date of Revision:**
Applicant: HARRISON CONSTRUCTION

PROPERTY INFORMATION

General Location: North side of E. Raccoon Valley Dr., northeast of I-75
Other Parcel Info.:
Tax ID Number: 17 01801 **Jurisdiction:** County
Size of Tract: 11 acres
Accessibility: Access is via E. Raccoon Valley Rd., an arterial street with a pavement width of 26' within a 100' right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Asphalt mixing plant
Surrounding Land Use:
Proposed Use: Revision to 10-H-06-UR plan for an asphalt mixing plant to permit operations at night when required by the Tennessee Department of Transportation **Density:**
Sector Plan: North County **Sector Plan Designation:**
Growth Policy Plan: Rural Area
Neighborhood Context: The site for the asphalt mixing plant is within the boundary of the previously approved rock quarry site (4-F-00-UR). Property located to the south of the site is zoned CA commercial and has been developed with highway oriented commercial uses. The remainder of the surrounding area is zoned A agricultural and is occupied with residences on tracts that are generally larger than one acre.

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

Street:
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: I (Industrial)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: The development plan for the existing asphalt mixing plant was proved by MPC on 10/12/2006

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: Dan Kelly

Staff Recomm. (Abbr.): APPROVE the amendment to 10-H-06-UR to permit night time operation of an asphalt mixing plant at this location until 9/30/2009 subject to 8 conditions

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Health Dept.
2. No access from the asphalt mixing plant site to Gamble Rd.
3. The roadway providing access to this site will either be paved or constructed with an all weather driving surface. The paved section of the access road shall extend through the commercially zoned property.
4. Meeting all requirements and obtaining all required water and air quality permits from the applicable State and Federal agencies
5. Meeting all requirements of performance standards contained in Article 4.10 and all other applicable requirements of the Knox County Zoning Ordinance
6. Implementing the measures as noted on the "Information Regarding Operation of Asphalt Plant at Raccoon Valley Quarry of USA Aggregates" (attached) prior to commencing night time operations
7. Meeting all applicable requirements of the Knox County Dept. of Engineering and Public Works.
8. The asphalt mixing plant ceasing night time (after 9:00PM) operation on 9/30/2009 or receiving a separate use on review approval to continue night time operations beyond that date.

With the conditions noted, this plan meets the requirement in the I (Industrial) zone and the other criteria for approval of a use on review

Comments: The applicants requesting that the development plan that permitted the asphalt mixing plant at the Ready Mix USA quarry on E. Raccoon Valley Rd. be amended to temporarily permit operations throughout the night. At the time the asphalt mixing plant was approved in 2006, a condition was placed on the applicant that they could not operate after 9:00 PM. Since that time the Tennessee Department of Transportation has been specifying that certain paving jobs on the interstates and other major highways be done at night when traffic counts are less on those roads. In order for Harrison to be able to bid on these projects they must be able to operate at night.

Prior to seeking this approval, the applicant operated at night and was cited to court. The case is in mediation at this time. As part of the process, Harrison has agreed to a number of measures to lessen the noise impact of the operation on the adjoining properties. Staff is recommending they be permitted to operate at night through the end of September to permit time to see if the proposed remedial efforts are effective in decreasing the negative impact of the use. In order to operate at night beyond September 30, 2009, the applicant must obtain approval of another use on review.

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

1. The proposal will have no impact on schools.
2. The proposal will have minimal impact on street traffic.
3. Utilities are available to serve the development.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY

ZONING ORDINANCE

- 1. The proposed asphalt mixing plant is consistent with the general standards for uses permitted on review: The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the area where it is proposed. The use will not significantly injure the value of adjacent property. The use will not draw additional traffic through residential areas.
- 2. The proposal meets all relevant requirements of the I (Industrial) zoning district and a use on review.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

- 1. The North County Sector Plan proposes slope protection for this site.
- 2. The site is split between the Planned Growth and Rural Area on the Knoxville-Knox County-Farragut Growth Policy Plan.

MPC Action: Approved as Modified **MPC Meeting Date:** 6/11/2009

- Details of MPC action:**
- 1. Meeting all applicable requirements of the Knox County Health Dept.
 - 2. No access from the asphalt mixing plant site to Gamble Rd.
 - 3. The roadway providing access to this site will either be paved or constructed with an all weather driving surface. The paved section of the access road shall extend through the commercially zoned property.
 - 4. Meeting all requirements and obtaining all required water and air quality permits from the applicable State and Federal agencies
 - 5. Meeting all requirements of performance standards contained in Article 4.10 and all other applicable requirements of the Knox County Zoning Ordinance
 - 6. Implementing the measures as noted on the "Information Regarding Operation of Asphalt Plant at Raccoon Valley Quarry of USA Aggregates" (attached) prior to commencing night time operations
 - 7 Meeting all applicable requirements of the Knox County Dept. of Engineering and Public Works.
 - 8. The asphalt mixing plant ceasing night time (after 9:00PM) operation on 9/30/2009 or receiving a separate use on review approval to continue night time operations beyond that date.
 - 9. Limit nights of operation to 20 nights total (as added by Commission 6-11-2009).
- With the conditions noted, this plan meets the requirement in the I (Industrial) zone and the other criteria for approval of a use on review

Summary of MPC action: APPROVE the amendment to 10-H-06-UR to permit night time operation of an asphalt mixing plant at this location until 9/30/2009 subject to 9 conditions

Date of MPC Approval: 6/11/2009 **Date of Denial:** **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:**