

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: 7-B-10-UR

Related File Number:

Application Filed: 5/24/2010

Date of Revision:

Applicant: APAC ATLANTIC, INC.

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: 216 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: To amend 10-H-06-UR and 6-H-09-UR to permit asphalt plant operations 24 hours per day as required by public contracts

Density:

Sector Plan: North County

Sector Plan Designation: Agricultural / Rrural Residential

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 approved by MPC on 10/12/2006 and revised on 6/11/09 to permit limited night time operation

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 and 6-H-09-UR to permit night time operation of an asphalt mixing plant at this location as required by government contracts subject to 7 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 required by 6-H-09-UR as contained in "Information Regarding Operation of Asphalt Plant at Raccoon Valley Quarry of USA Aggregates" prior to continued night time operations
7 Meeting all applicable requirements of the Knox County Dept. of Engineering and Public Works.

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 permit operations throughout the night. At the time the asphalt mixing plant was approved in 2006, a condition was place 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 APAC Atlantic, Inc. to be able to bid on these projects, they must be able to operate at night. MPC approved a similar request at its June, 2009 meeting. At that time MPC approved their request but conditioned the approval by requiring that all night operations were to cease by 9/30/2009.

Prior to seeking the first approval, the applicant operated at night and was cited to court. As part of the process, the applicant agreed to a number of measures to lessen the noise impact of the operation on the adjoining properties. The applicant has submitted a letter as part of this request outlining the measures they have taken to lessen the impact on the area. Staff is recommending they be permitted to operate at night when required by contracts through local, state or federal government agencies.

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. The required 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.

Action: Approved

Meeting Date: 7/8/2010

Details of Action:

Summary of Action: APPROVE the amendment to 10-H-06-UR and 6-H-09-UR to permit night time operation of an asphalt mixing plant at this location as required by government contracts subject to 7 conditions

Date of Approval: 7/8/2010

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: