

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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400 Main Street
Knoxville, Tennessee 37902
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www.knoxmpc.org

File Number: 7-I-03-UR **Related File Number:**
Application Filed: 6/9/2003 **Date of Revision:**
Applicant: WALKER CONSTRUCTION
Owner:

PROPERTY INFORMATION

General Location: South of Old Rutledge Pk., west of Ellistown Rd.
Other Parcel Info.:
Tax ID Number: 51 PT. 106 & PT. 107.12 **Jurisdiction:** County
Size of Tract: 64.3 acres
Accessibility: Access is via Old Rutledge Pk., a collector street with a pavement width of 24' - 25' within a 40' right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Landfill
Surrounding Land Use:
Proposed Use: Expansion of demolition landfill **Density:**
Sector Plan: Northeast County **Sector Plan Designation:**
Growth Policy Plan: Urban Growth Area
Neighborhood Context: Property to the north and west of the site has been previously used for landfilling. The residences along Ellistown road to the east are generally separated topographically from this site. The Norfolk Southern's Sevier Yard is located to the west and south of this site. The Northeast Utility District Water Plant is located at the eastern boundary of this site.

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

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

ZONING INFORMATION (where applicable)

Current Zoning: I (Industrial), I (Industrial) pending & A (Agricultural)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: Demolition landfill approved in 1994 with an expansion in 2000.

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: Dan Kelly

Staff Recomm. (Abbr.): APPROVE the request to expand the existing Poplar View Demolition Landfill as permitted in Article 4, Section 4.80 of the Knox County Zoning Ordinance as shown on the development plan subject to 10 conditions

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
2. Meeting all applicable requirements of the Knox County Dept. of Engineering and Public Works.
3. Meeting all applicable requirements of the Knox County Health Dept.
4. Meeting all applicable requirements and obtaining all required permits from the Tenn. Dept. of Environment and Conservation.
5. No land disturbance beyond the previously permitted demolition landfill borders until approval of the remediation plan for the Old City Landfill by Tenn. Dept. of Environment and Conservation.
6. No landfilling on top of the Old City Landfill until the approved remediation plan has been implemented.
7. No landfilling beyond the previously permitted demolition landfill borders until the buffer area along the eastern boundary has been legally created through the recording of the appropriate documents at the Knox County Register Deeds.
8. The landfill will be specifically limited to the area depicted on the site plan prepared by Environmental Systems Corporation, dated 7/8/2003.
9. Within one year of the closure of the landfill, a survey will be recorded that specifically defines the area of the site that has been landfilled.
10. Prior to commencing landfilling over the Old City Landfill provide MPC staff with evidence that the required bond has been posted with the State of Tennessee.

With the conditions noted, this plan meets the requirements for approval in the I (Industrial) and A (Agricultural) and the other criteria for approval of a use on review.

Comments: The applicant is proposing to expand the existing Poplar Creek Demolition Landfill. The original approval for this facility was in 1995. It was expanded in 2000. This expansion proposes to extend the fill area over the old City of Knoxville landfill. This is being done in conjunction with the remediation plan for the City landfill. Since the area of expansion involves the former municipal landfill site, the City and County Law Departments have determined that approval of the expanded landfill by the County legislative body is not required.

The Old City of Knoxville Landfill, located south of Old Rutledge Pk., was in operation in the 1970's to the early 1980's. The landfill predates the regulations adopted by the State that regulate landfill operations. The Old City Landfill was constructed and operated using what were acceptable standards at the time it was in operation. Since the closure of the landfill problems with methane gas migration and leachate have been identified. Additionally, there has been an ongoing concern about water percolating through the site and contaminating the groundwater in the area.

If approved, this applicant has an agreement with the City of Knoxville to seek approval of a remediation plan for the Old City Landfill. The remediation plan must be approved by the Tenn. Dept. of Environment and Conservation. They are also responsible for monitoring the implementation of the plan. The applicant will not be allowed to commence placing demolition material on top of the Old City Landfill until the remediation plan has been implemented.

The proposed demolition landfill expansion will be on top of the Old City Landfill. The applicant has designated an area along the eastern boundary of the site in the vicinity of Legg Creek as a buffer. The applicant's attorney is preparing the legal documents that will specifically describe the buffer area and state that existing vegetation in the area is to remain and no activity related to the landfill operation will be permitted in the area. The creation of the proposed buffer will permanently separate the landfill site from the dwellings located along Ellistown Road.

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

1. The proposed demolition landfill development will have minimal impact on local services since all utilities are in place to serve this development.
2. The proposed use is consistent with the commercial and industrial uses found in the area.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. The proposed demolition landfill development meets the standards for development within the I (Industrial) and A (Agricultural) Zones and all other requirements of the Zoning Ordinance.
2. The proposed demolition landfill 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 neighborhood 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.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Northeast County Sector Plan identifies this property for heavy industrial use. A demolition landfill is a use permitted on review in the industrial and agricultural zones. The proposed development is consistent with the Sector Plan.
2. Access will be via the existing driveway from Old Rutledge Pk. The expanded landfill is not expected to generate any additional traffic beyond what is now traveling to and from the site.

MPC Action:

Approved

MPC Meeting Date: 8/14/2003

Details of MPC action:

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3. Meeting all applicable requirements of the Knox County Health Dept.
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Summary of MPC action:

APPROVE the request to expand the existing Poplar View Demolition Landfill as permitted in Article 4, Section 4.80 of the Knox County Zoning Ordinance as shown on the development plan subject to 10 conditions

Date of MPC Approval:

8/14/2003

Date of Denial:

Postponements: 7/10/2003

Date of Withdrawal:

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

Date of Legislative Action:

Ordinance Number:

Disposition of Case:

If "Other":

Amendments:

Date of Legislative Appeal:

Date of Legislative Action, Second Reading:

Other Ordinance Number References:

Disposition of Case, Second Reading:

If "Other":

Amendments:

Effective Date of Ordinance: