



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION  
USE ON REVIEW REPORT**

▶ **FILE #:** 4-B-09-UR **AGENDA ITEM #:** 43

POSTPONEMENT(S): 4/9/2009-6/11/2009 **AGENDA DATE:** 7/9/2009

▶ **APPLICANT:** VULCAN LANDS, INC.

OWNER(S): VULCAN MATERIALS CO.

TAX ID NUMBER: 129 080 & 08001

JURISDICTION: County Commission District 6

▶ **LOCATION:** West side of Graybeal Rd., south of Buttermilk Rd.

▶ **APPX. SIZE OF TRACT:** 138.5 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Rural Area

ACCESSIBILITY: Access is via Everette Rd., Access is via Everett Road, a minor collector street with a pavement width of 24' south of the site and 20'-22' north of the site.

UTILITIES: Water Source: West Knox Utility District

Sewer Source: NA

WATERSHED: Hickory Creek

▶ **ZONING:** A (Agricultural)

▶ **EXISTING LAND USE:** Existing quarry and open land

▶ **PROPOSED USE:** Mining and mineral extraction, quarry expansion

HISTORY OF ZONING: The existing quarry was originally approved by MPC January 1973 (73-A-1). An expansion of the facility was approved by MPC in November of 1996 (11-H-96-UR)

SURROUNDING LAND USE AND ZONING: North: Dwellings / A agricultural  
South: Commercial and dwellings / CB commercial and A agricultural  
East: Vacant land / PR residential  
West: Dwellings & vacant land / PC & CA commercial

NEIGHBORHOOD CONTEXT: Property in the area is zoned I industrial, PC and CB Commercial, A Agricultural and RA Residential. Development in the area consists of highway oriented commercial uses in the vicinity of Interstates40/75. Detached residences are located throughout the remainder of the area.

**STAFF RECOMMENDATION:**

▶ **APPROVE the request to expand the existing rock quarry as shown on their development plan subject to 12 conditions**

1. Meeting all applicable requirements of the Knox County Health Dept.
2. Meeting all applicable requirements of the Knox County Dept. of Engineering and Public Works
3. Meeting all applicable requirements of the Knox County Air Quality Management Division
4. Obtaining all necessary State and Federal permits before commencing any expansion of the rock quarry

5. Obtaining approval of this request by the Knox County Commission as required by the Knox County Zoning Ordinance
6. The crushing plant, stockpiles, access, offices, asphalt plants and scales remaining in the portion of the site that is zoned I (Industrial)
7. Berms shown on the development plan are to be constructed 100' from the property line as required by the Knox County Zoning Ordinance unless otherwise permitted to be closer to the boundary (4.50.02B.2.&3.). Construction of the berms are to be built in accordance with and completed per the schedule outlined in the notes on the revised (7/6/09) development plan and the letter from Tom Hale dated 7/7/09. Landscaping of the berms is to be in accordance with the attached drawings and per the previously noted letter. Landscaping is to be completed within six months of the construction of the berm. The construction of the berm is to be limited to the hours between 7:00AM and 6:00 PM
8. Where the natural vegetation has not already grown to a complete screening of the site, the applicant is to provide the landscaping on the existing berms per the landscaping standards contained in condition #7 on the existing berms along Buttermilk Rd. within six months of the approval of this request
9. All blasting associated with the quarrying operation shall be permitted between 9:00AM and 4:00 PM, Monday through Friday only
10. All other quarry operations within the portion of the site that is zoned A (Agricultural) must be limited to the hours of 7:00AM and 9:00 PM, Monday through Saturday
11. Compliance with all other stipulations and agreements contained in the July 7, 2009 letter from Tom Hale.
12. The land to the east of Graybeal Rd. that is owned by Vulcan is not to be used in any way associated with the quarrying operation unless a separate use on review has been approved permitting such use.

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

#### **COMMENTS:**

Since this matter appeared on MPC's agenda in April, the applicant has amended the request that the expanded quarrying operation be limited to the area west of Graybeal Rd. They have submitted a revised plan that reflects that change. The plan as submitted meets all requirements and the standards as contained in the Knox County Zoning Ordinance dealing with surface mining with one exception. The proposed berm which will be constructed from overburden removed from the quarry site is required to be setback 100' from the property line. The staff will recommend that the berm be constructed as required by the ordinance. In addition, staff will require that Vulcan limit the hours of various aspects of the operation in order to lessen the impact of this use on the surrounding area. Additionally, the applicant has noted in the recommendation that the proposed operation must comply with the performance standards contained in section 4.10 of the Zoning ordinance. These performance standards address noise and vibration among other things.

Staff is aware that a neighborhood group and the applicant are working together to come to an agreement on some issues that will make the use more palatable to the area residents. Some of the items that are being sought include blast surveys, seismic monitoring, off site landscaping and sound monitoring. The applicant has agreed to many of the requests of the community residents. At the time this report is being prepared the community organization has not specifically stated their agreement with the applicant's proposal. It is hoped that an agreement will be reached before the MPC meeting on July 9, 2009.

The proposed use is a basic industry that is needed in the community. There may be no locations in Knox County that the proposed use could be located and not have an impact on the surrounding area. Staff believes with the installation of the berms and the limitation of the noise and the hours of operation this use can be permitted to expand with little additional impact in the community. The Northwest Sector plan proposes this site for industrial use. The quarrying operation would be considered to be a use that would be compatible with the sector plan designation.

In addition to MPC action on this matter, the request will also have to be approved by the Knox County Commission. The matter has been scheduled for the County Commission's July 27, 2009 meeting. Anyone who is aggrieved by MPC's action on this matter has the right to appeal to the Knox County Board of Zoning Appeals.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

MPC's approval or denial of this request is final, unless the action is appealed to the Knox County Board of Zoning Appeals. The date of the Knox County Board of Zoning Appeals hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.