

▶ **FILE #:** 6-H-09-UR

**AGENDA ITEM #:** 53

**AGENDA DATE:** 6/11/2009

▶ **APPLICANT:** HARRISON CONSTRUCTION

OWNER(S): HARRISON CONSTRUCTION

TAX ID NUMBER: 17 01801

JURISDICTION: County Commission District 7

▶ **LOCATION:** North side of E. Raccoon Valley Dr., northeast of I-75

▶ **APPX. SIZE OF TRACT:** 11 acres

SECTOR PLAN: North County

GROWTH POLICY PLAN: Rural Area

ACCESSIBILITY: Access is via E. Raccoon Valley Rd., an arterial street with a pavement width of 26' within a 100' right-of-way.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source:

WATERSHED: Bullrun Creek

▶ **ZONING:** I (Industrial)

▶ **EXISTING LAND USE:** Asphalt mixing plant

▶ **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

HISTORY OF ZONING: The development plan for the existing asphalt mixing plant was proved by MPC on 10/12/2006

SURROUNDING LAND USE AND ZONING:  
 North: Quarry operation, vacant land and residences / I industrial & A agricultural  
 South: Quarry operation & highway oriented commercial / I industrial & CA commercial  
 East: Vacant land & residences ? A agricultural  
 West: Interstate 75 / A agricultural

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.

**STAFF RECOMMENDATION:**

▶ **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

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.

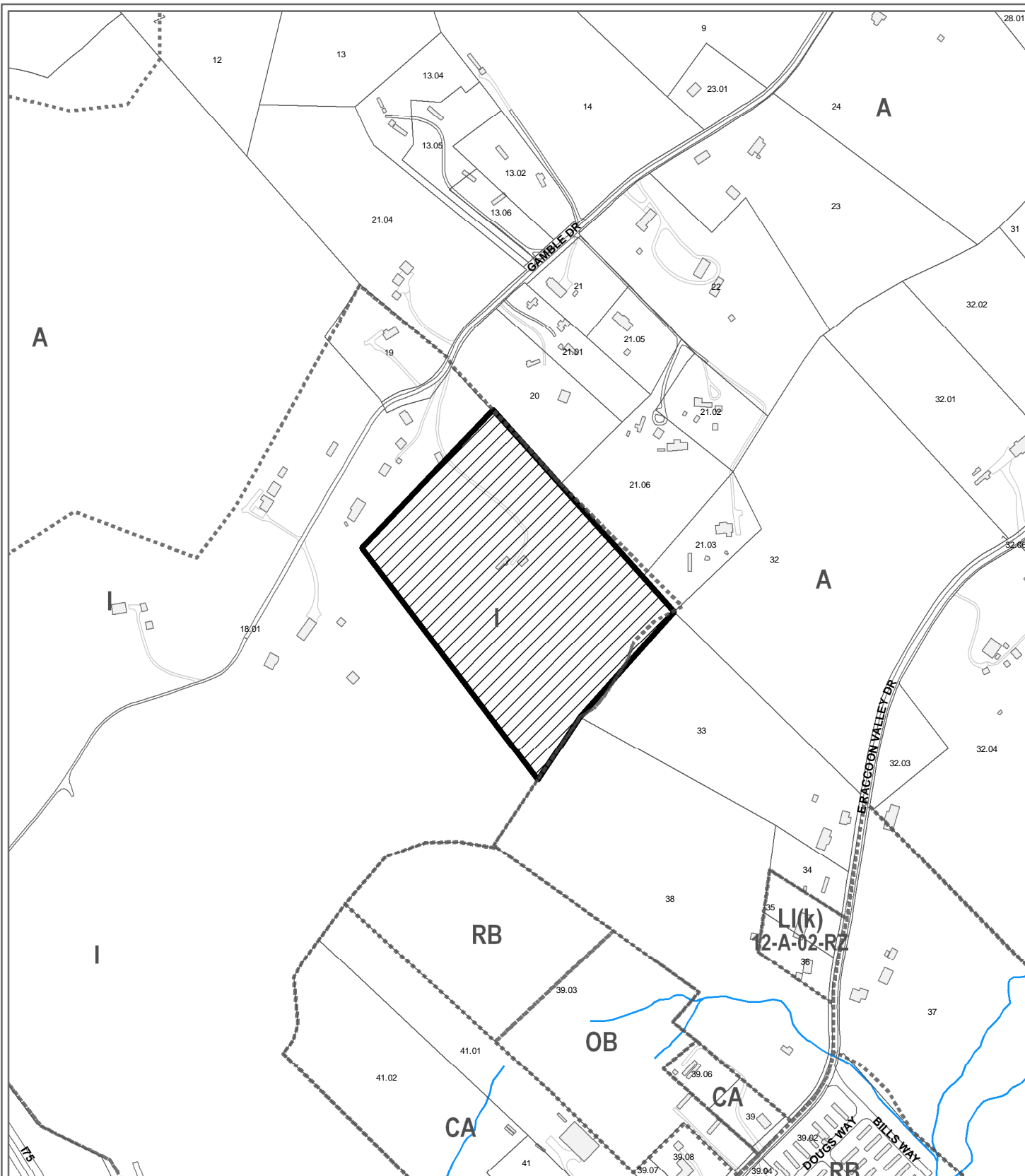
**CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS**

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.

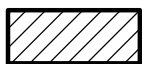
ESTIMATED TRAFFIC IMPACT: Not calculated.

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.



**6-H-09-UR  
USE ON REVIEW**



Revision to 10-H-06-UR plan for an asphalt mixing plant to permit operations at night when required by the Tennessee Department of

Original Print Date: 5/20/2009  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Revised:

Petitioner: Harrison Construction

Map No: 17

Jurisdiction: County



S-H-09-UR

INFORMATION REGARDING OPERATION OF ASPHALT PLANT AT  
RACCOON VALLEY ROAD QUARRY OF USA AGGREGATES



**Complaint Issues from Resident at 2305 Gamble Road**

Back up alarm on the front end loader.

Noise from the bulldozer tracks as the machine was working at plant.

Tailgates on trucks "banging" in order to clear asphalt from the truck beds.

Plant personnel were using Gamble Road to access the plant site.

*START-UP OF EXHAUST FAN - SOUNDS LIKE A JET ENGINE*

**Harrison Construction Company addresses concerns by:**

Disable back up alarm at night and substitute either strobe light or air woofer instead.

Substitute a rubber tired machine to work at night instead of a metal track machine.

Eliminate banging of truck tailgates.

Instructed plant personnel to use the entrance off of Raccoon Valley Road.

Would only work at night when required by TDOT contracts, typically 2-3 per season.

Will monitor noise levels during operations both during day and night. Will also check noise levels during full foliage seasons versus times when the leaves are gone.

Will seek assistance from Astec noise abatement experts to lessen noise impacts from plant.

Explore any additional engineering possibilities that could either eliminate or potentially lessen the amount of noise from generated from the plant and trucking operation.

Maintain good communication with nearby residents with respect to schedule of operations.