

▶ **FILE #:** 7-B-10-UR

**AGENDA ITEM #** 36

**AGENDA DATE:** 7/8/2010

▶ **APPLICANT:** APAC ATLANTIC, INC.

OWNER(S): C/O ARTHUR G. SEYMOUR, JR. APAC ATLANTIC, INC.

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:** 216 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: NA

WATERSHED: Bullrun Creek

▶ **ZONING:** I (Industrial)

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

▶ **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

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

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 / 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 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

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.

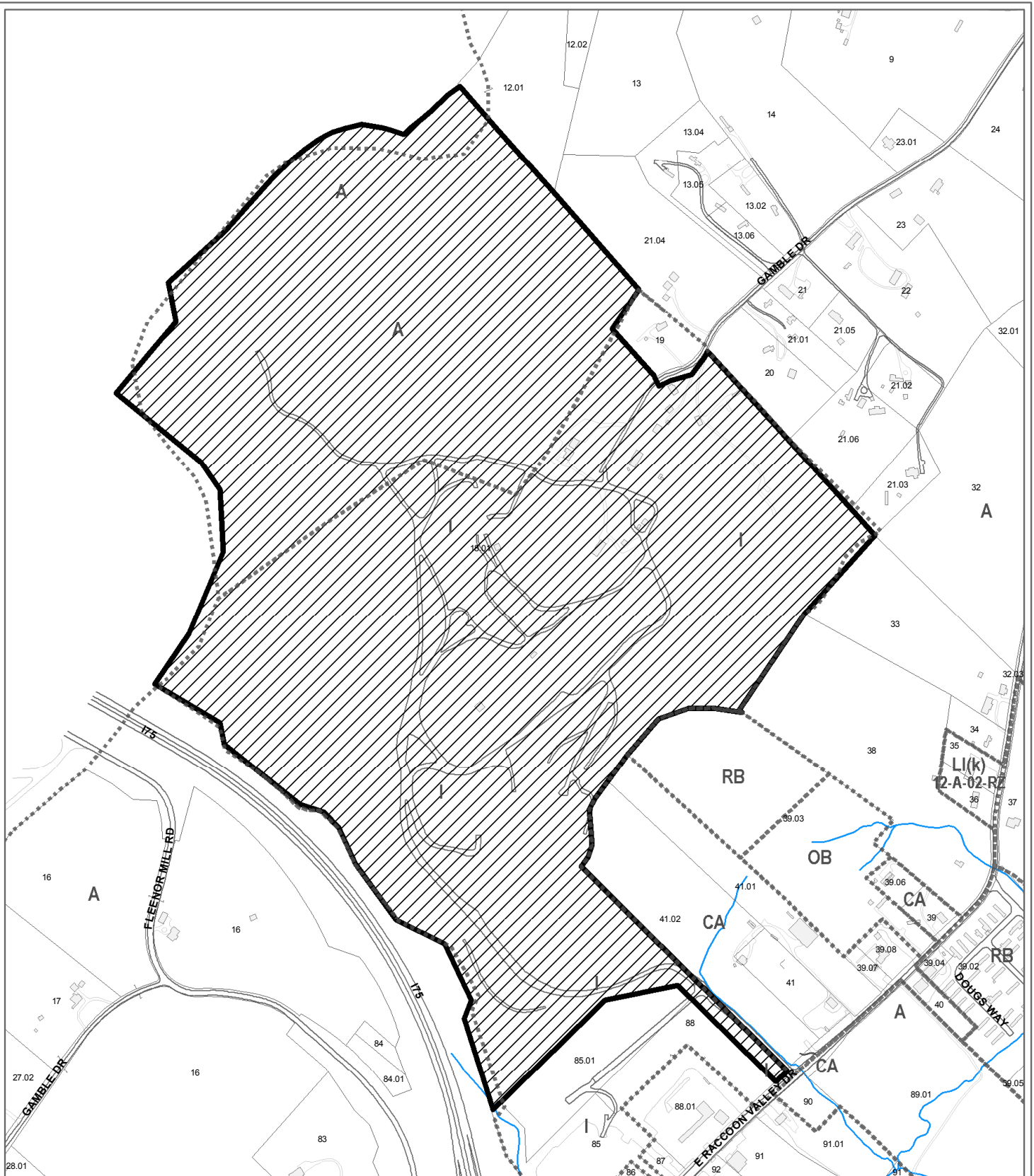
#### **CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS**

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.

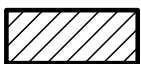
ESTIMATED TRAFFIC IMPACT: Not calculated.

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.



**7-B-10-UR  
USE ON REVIEW**

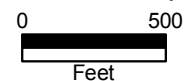


To amend 6-H-09-UR to permit asphalt plant operations 24 hours per day as required by public contracts in I (Industrial)

Petitioner: APAC Atlantic, Inc.

Map No: 17

Jurisdiction: County



Original Print Date: 6/23/2010  
 Metropolitan Planning Commission \* City / County Building \* Knoxville, TN 37902

Revised:

7-B-10-UR



STATE OF TENNESSEE  
DEPARTMENT OF TRANSPORTATION  
P.O. Box 58  
Knoxville, Tennessee 37901



GERALD F. NICELY  
COMMISSIONER

PHIL BREDESEN  
GOVERNOR

June 28, 2010

Apac-Atlantic, Incorporated  
Attention: Mr. Robert E. Hill  
Post Office Box 6357  
Knoxville, Tennessee 37914

Re: Work Restrictions

Dear Robert:

With respect to your inquiry concerning the time restrictions on certain Tennessee Department of Transportation projects, our current policy is to place the restrictions either in the Contract Proposal as Special Provision 108B and/or include the restrictions in the Special Notes in the contract plans.

Our current policy is that all Interstate resurfacing work will be performed at night, typically between Sunday night and Thursday night and the hours of operation will be 7:00 pm – 6:00 am. There could be occasions where lane reductions could start later than 7:00 pm, depending upon the volume of traffic. Additionally, on higher volume routes, such as Kingston Pike, Clinton Highway, Alcoa Highway, etc we will also include the daytime work restrictions and require these projects to be performed at night.

We have seen that the amount of traffic sitting in work zones has decreased by working at night and at this time, have no plans to alter our policy on work restrictions on high traffic volume roads at this time.

After your review, please contact me if you have any questions.

Sincerely yours,  
Tennessee Department of Transportation

Clinton C. Bane  
Regional Construction Supervisor

**APAC – ATLANTIC, INCORPORATED**

4817 Rutledge Pike Knoxville, Tennessee 37914  
Phone 865-546-3173 Fax 865-546-9744

7-B-10-UR

June 28, 2010

Metropolitan Planning Commission  
Attention: Mr. Dan Kelly, Technical Staff  
City County Building  
Knoxville, Tennessee 37901



Re: I-75 Asphalt Plant Operation

Dear Sir:

I would like to provide an update to MPC concerning the various steps and changes that we have made at our asphalt plant facility located on Raccoon Valley Road in the quarry of Aggregates USA. When we were issued a temporary operating permit last year, there was a list of items that we were prepared to address and implement and I will provide the following update.

Back up alarm on equipment – This issue was handled by substituting a “woofer” type of alarm, rather than the standard loud horn alert. The woofer is not as intrusive as the horn and still serves the same safety purpose of alerting workers that the machine is in reverse gear.

Noise from bulldozer tracks – This situation was remedied by bringing in a rubber tired loader, rather than running the bulldozer. The metal tracks can be quite loud when the machine is running. By using the rubber tired machine, this noise was eliminated.

Banging of Tailgates - We sent out flyers and also verbally told all of our truck drivers that they could not “bang” the tailgates of the dump truck. When the trucks would haul back asphalt that was milled up from the existing Interstate, when the truck beds got warmed up from hauling asphalt, the milled asphalt material would start sticking in the beds. Traditionally, drivers would sharply accelerate and abruptly stop the truck so that the tailgate would hit the bed of the truck and dislodge the milled asphalt material. This process works, but is very loud and abrupt. We told the drivers that if the asphalt started sticking, we would either wash out the material, or use a backhoe to reach in the truck bed and remove the material. We constantly reminded the drivers we were in a residential area.

Plant Personnel using Gamble Road – We told our personnel to use the quarry entrance as the only available entrance to the plant site. Since we have built the earthen berm, access by Gamble Road is now nearly impossible.

Start up of Exhaust Fan – We have constructed a sound barrier panel made up of plywood with insulation on the fan side, in order to muffle the sound of the exhaust fan on the baghouse. We looked at several options in configuring the exhaust stack, but our Air Quality Permit from Knox County is specific in this regard, so we tried to address a solution around the fan system.

June 28, 2010

Metropolitan Planning Commission  
Attention: Mr. Dan Kelly, Technical Staff  
City County Building  
Knoxville, Tennessee 37901

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In addition to the information above, we have coordinated an effort with Aggregates USA to construct an earthen berm between our asphalt plant facility and the residences on Gamble Road. The berm is nearly complete and then we will place vegetation on the sides and top of the berm to further inhibit the sound travelling from the plant site.

We also placed some sound panels at the top of the storage silos, where the drag conveyor brings the hot mix to the top of the silos. This is a chain driven conveyor, and therefore, there was some noise associated with that process. The addition of the sound panels has definitely muffled these sounds as well.

Finally, we have maintained contact with Mr. & Mrs. Meighan with respect to our ongoing plans for noise reductions, visit to our plant in order to see the process, and visits to their residence to hear the differences between our project from 2009, compared to the recent project.

It is my belief that we have succeeded in reducing the noise from the plant operation to a level that is tolerable for the neighbors. We will also complete the earthen berm in an effort to continue to minimize the noise from our operation, and continue to maintain good communication with the neighbors with respect to our schedule for operating the plant in the future.

After review of this information, please contact me if you need further information.

Sincerely yours,  
Apac-Atlantic, Incorporated



Robert E. Hill, P.E.  
Vice President