

▶ **FILE #:** 10-D-10-UR

**AGENDA ITEM #** 36

**AGENDA DATE:** 10/14/2010

▶ **APPLICANT:** RAY WALKER - WALKER TRUCKING CONTRACTORS, INC.

OWNER(S):

TAX ID NUMBER: 51 104

JURISDICTION: County Commission District 8

▶ **LOCATION:** North side of Rutledge Pike, east of Rosewood Road

▶ **APPX. SIZE OF TRACT:** 64 acres

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)

ACCESSIBILITY: Access is via Rutledge Pk. a four lane, median divided arterial road.

UTILITIES: Water Source: Northeast Knox Utility District

Sewer Source: NA

WATERSHED: Holston/French Broad & Legg Creek

▶ **ZONING:** PC (Planned Commercial)

▶ **EXISTING LAND USE:** Soil borrow pit

▶ **PROPOSED USE:** Mining and mineral extraction (soil removal) and crushed stone storage and distribution facility

HISTORY OF ZONING: The site was zoned PC (Planned Commercial in 2006 (2-A-06-RZ)

SURROUNDING LAND USE AND ZONING: North: Rural density residential / A agricultural

South: Low density residential / PR & RB residential

East: Mixed commercial and residential / A agricultural, RB residential, CB & SC-1 commercial

West: Mixed commercial and residential / A agricultural, RB residential, CA & CB commercial

NEIGHBORHOOD CONTEXT: The site is located on the north side of Rutledge Pk. in an area that is best characterized by its mixture of residential and commercial uses. Residential development in the area consists of detached dwellings on lots that range in size from .25 acre to large acreage tracts. Commercial development in the area consists of retail sales, equipment sales and service and trucking oriented businesses.

**STAFF RECOMMENDATION:**

▶ **APPROVE the request for a mining and mineral extraction facility and a stone/gravel storage and distribution operation as shown on the site plan subject to conditions.**

1. Meeting all requirements of Article 4 ,Section 4.50.02 Standards Governing Surface Mining and Mineral Extraction, Article 4, Section 4.10 Performance Standards for Commercial and Industrial uses and all other 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 and obtaining all required permits from the Tenn. Dept. of Environment and Conservation
4. Design and construction of the acceleration and deceleration lanes shown on the site plan per the approval of the Tenn. Dept. of Transportation. Construction of these facilities are to be completed within 12 months of the approval date of this request.
5. Construction of the 30' wide concrete driveway as shown on the site plan. This constructing of this driveway is to be completed within 6 months of the approval date of this request.
6. Commencing vegetative reclamation of the previously mined portion of the site that is within the required setbacks within six months after approval of this request of the Knox County Commission.
7. Reducing, if required, the area to be mined in a manner such that none of the excavated area will be visible by an individual standing on Rutledge Pike.
8. Providing MPC staff with a plan prepared by a registered landscape architect or other competent professional showing the final grading of the entire 64 acre site, creating slopes that will not exceed a 2 to 1 slope. The plan will include a reclamation plan that specifies the type and rate of use of ground cover plant materials and the proposed soil amendments that will be necessary to stabilize and support the landscaping of this site within two years after commencing the reclamation program.
9. Approval of the mining and mineral extraction portion of this request by the Knox County Board of Commissioners as required by Article 4 Section 4.50.02C of the Knox County Zoning Ordinance
10. A revised site plan reflecting the conditions of approval by MPC and the Knox County Board of Commissioners must be submitted to MPC staff for review and certification prior to obtaining a grading permit from Knox County

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

**COMMENTS:**

This is a 64 acre site on the north side of Rutledge Pk. The applicant is requesting two approvals for this site. First is a request to permit a mining operation for the purpose of removing fill material from the site. The second approval being sought is a request to operate a gravel and stone storage and distribution facility at this location. Initially, the applicant only applied for the storage and distribution facility. After visiting the site and discussing with the applicant their long term plans for the property, staff requested that the applicants add the mining and mineral extraction request to their application.

This applicant has been removing top soil and fill material from this site since 2004 and wishes to continue their present operation for many years to come. The Knox County Zoning Ordinance states that the removal of clay or earth for purposes other than those customarily involved in the grading of streets or other excavations necessary in preparing land for construction is a mining operation. It could be argued that this applicant is preparing this site for future commercial development. The use of this site for the gravel storage and distribution facility can be considered as the future commercial use of this site. However, under normal circumstance site preparation for development is done over a relatively short period of time. Typically the site would be brought to grade and construction of buildings and parking areas would commence or the site would be stabilized by over seeding. In this case the applicant proposes to continue to remove soil from this site for many years. Staff believes this constitutes a mining operation. By treating it as a mining operation, compliance with the standards contained in the Zoning Ordinance will be required. The standards address setbacks, hours of operation, restoration/reclamation, access, and noise and dust control. In the event the mining and mineral extraction portion of this request is denied, staff would recommend that the portion of the site not being used for the gravel storage be stabilized within one year of the date of denial.

The site plan presented with these requests shows that 41 acres of this 64 acre site will be disturbed. It is the intent of the applicant to maintain a large buffer on both the north and south sides of the site. By maintaining a large buffer on the north side of the property, all of the drainage will be confined to one drainage basin. This will eliminate the need for duplicating drainage and stormwater control features. Additionally, it provides for a undisturbed buffer area that is a minimum of 200' in depth. The buffer along the south side of the site which is adjacent to Rutledge Pk. is even larger than the buffer along the northern boundary of the site. Due to the existing topography of the site along Rutledge Pk., this operation is and will continue to be almost invisible from the road. The site rises sharply from Rutledge Pk. This area will be

maintained in it's heavily wooded state. The setbacks on the east and west sides of the site will meet the requirements of the Zoning Ordinance.

In order to provide access to and from the site improvements are planned to Rutledge Pk. Acceleration and deceleration lanes will be constructed at both the east and west approaches to the site. All work done within the Rutledge Pk. right-of-way will require Tenn. Dept. of Transportation approval. Additionally, a 30' wide concrete driveway will be constructed from the scales and truck wash area to the highway. This driveway will serves as a strong all weather access and will help in the applicant's efforts to control or eliminate mud and dust from leaving the site.

The applicant currently purchases gravel from the zinc mining operations in the Mascot area. At present this material is being transported to Jefferson County storage facility owned by this same applicant. It is the desire of this applicant to reduce the distance to their material source to their storage/distribution facility. The material will be brought to this site for storage and distribution only. No crushing, mixing or other processing of the gravel at this location will be permitted.

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

1. The proposed mining and gravel storage and distribution facility will have minimal impact on local services since all utilities are available to serve this site.
2. Roadway improvements are proposed that will enhance the safety and operation of this facility.
3. Development of this site for a mining and gravel storage and distribution facility will have minimal visual impact

#### CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE

1. With the recommended conditions, the proposed mining operation and gravel storage and distribution facility meets the standards for development within the PC zoning district and all other requirements of the Zoning Ordinance..
2. The proposed mining operation and gravel storage and distribution facility are 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.

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

1. The Northeast County Sector Plan identifies this property for low density residential use.

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.