

KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION PLAN AMENDMENT/REZONING REPORT

► **FILE #:** 6-B-11-RZ

AGENDA ITEM # 29

6-A-11-SP

AGENDA DATE: 7/14/2011

POSTPONEMENT(S): 6/9/11

► **APPLICANT:** PSC METALS, INC.

OWNER(S): Vance Link

TAX ID NUMBER: 131 088

JURISDICTION: Commission District 6

► **LOCATION:** Northeast side Cogdill Rd., southeast of Starkey Ln.

► **TRACT INFORMATION:** 11.56 acres.

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Cogdill Rd., a minor collector street with 26' of pavement width within 50' of right-of-way.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Turkey Creek

► **PRESENT PLAN DESIGNATION/ZONING:** LI (Light Industrial) / RA (Low Density Residential)/TO (Technology Overlay) and CB (Business and Manufacturing)/TO (Technology Overlay)

► **PROPOSED PLAN DESIGNATION/ZONING:** HI (Heavy Industrial) / I (Industrial) /TO (Technology Overlay)

► **EXISTING LAND USE:** Existing industrial use

► **PROPOSED USE:** Automobile and metals salvage yard

EXTENSION OF PLAN DESIGNATION/ZONING: No

HISTORY OF ZONING REQUESTS: None noted

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING North: Construction equipment/trailer storage / LI / I (Industrial)/ TO (Technology Overlay)

South: Businesses / LI / PC (Planned Commercial) /TO

East: Averitt Express trucking / LI / PC-2 (Retail & Distribution Park) / TO-1 (Technology Overlay)

West: Cogdill Rd. - Warehouses / LI / CB (Business & Manufacturing)/ TO

NEIGHBORHOOD CONTEXT: This area is developed with commercial, light industrial and heavy industrial uses under PC, CB, I and OB zoning.

STAFF RECOMMENDATION:

- **ADOPT RESOLUTION #6-A-11-SP, amending the Northwest County Sector Plan to HI (Heavy Industrial) and recommend that Knox County Commission also adopt the sector plan amendment. (See attached resolution, Exhibit A.)**

Several of the properties surrounding the subject parcel are used for heavy industrial type uses, under various zones. The property to the north is zoned Industrial. An industrial designation will allow the current and proposed use for a salvage yard. The site meets the locational criteria for the HI designation in the sector plan, as well as certain criteria for amending the sector plan. The heavy industrial designation must be approved in order to consider Industrial zoning for the site.

- **RECOMMEND that County Commission APPROVE I (Industrial) / TO (Technology Overlay) zoning, subject to one condition.**

1. Uses listed under Industrial zoning shall be allowed, except those listed under Sections D. (Mining Related Uses) and F. (Waste Handling Uses) of Uses Permitted (5.61.02).

Limited industrial zoning is appropriate for this site, given the area's mixed zoning pattern, and will bring the site's current and proposed use as a salvage yard into compliance. The proposal is an extension of zoning from the north and is compatible with surrounding land uses. The permitted uses identified as "mining related uses" and "waste handling uses", however, would not be appropriate at this location due to their potential negative impacts on the surrounding area, which includes some planned commercial, office and institutional development.

COMMENTS:

SECTOR PLAN REQUIREMENTS:

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

NEW ROAD OR UTILITY IMPROVEMENTS:

No road or utility improvements have been made recently in the area, but Cogdill Rd is a minor collector street capable of handling the traffic generated from the proposed use of the site.

ERROR OR OMISSION IN CURRENT PLAN:

The current sector plan proposes light industrial uses for the area, which is not consistent with the current use of several of the surrounding properties for heavier industrial uses. The sector plan does not recognize the existing Industrial zoning to the north or some of the existing uses in the area.

CHANGES IN GOVERNMENT POLICY:

The recommended HI designation will bring the plan designation into consistency with the current and proposed use for this site and surrounding uses.

CHANGE IN DEVELOPMENT, POPULATION OR TRAFFIC TRENDS:

Some development in the area could be classified as heavy industrial uses. Historically, manufacturing, warehousing and assembling uses have been located in this area. Some of the sites in the area probably should be designated HI on the sector plan.

REZONING REQUIREMENTS:

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

1. The applicant proposes to improve the site for continued use as a salvage yard, but by a different operator. The proposed I zoning would bring the current and proposed use into compliance with zoning.
2. The proposal is an extension of zoning from the north and is compatible with surrounding land uses. Several of the surrounding land uses may be more compliant with zoning if zoned Industrial.
3. A salvage yard type business is already in operation at the site, so the impact of this zoning change should be minimal.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. Industrial zoning provides areas in which the principal use of land is for manufacturing, assembling, fabrication and for warehousing and other uses which have heavy impacts and adverse effects on surrounding property. These uses do not depend primarily on frequent personal visits of customers or clients, but usually require good accessibility to major rail, air or street transportation routes. Such uses are not properly associated with, nor compatible with residential, institutional and retail commercial uses. In this case, however, the list of permitted uses should be limited because of the negative impact that mining

related and waste handling uses could have on the area's mixed development pattern.

2. Based on the above description of the requested zoning, the subject property is appropriate for the requested Industrial zoning.

THE EFFECTS OF THIS PROPOSAL

1. Public water and sewer utilities are available to the site.
2. The proposal would have no impact on schools and a minimal impact on streets. The proposed zoning is appropriate for the current and proposed use of the property.
3. There will be a minimal impact on surrounding properties, as the basic use will not change.
4. The applicant will be required to submit a development plan for use on review approval by MPC prior to making site improvements. During this review, issues such as traffic circulation, landscaping, access and other development concerns may be addressed. This will also provide the opportunity for public comments at MPC's public meeting.
5. All new development is subject to review and approval of a development plan by MPC, as well as the Tennessee Technology Corridor Development Authority (TTCDA), since it is located in the TO overlay.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. With the recommended plan amendment to HI (Heavy Industrial), Industrial zoning as conditioned, is consistent with the Northwest County Sector Plan.
2. This site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.
3. Approval of Industrial zoning for this site could lead to future similar requests in the area, which would also require sector plan amendments.
4. During the next update of the Northeast County Sector Plan, this area should be evaluated to determine if the current LI (Light Industrial) plan designation is still appropriate, or if certain areas should be redesignated for heavy industrial uses.
5. Because of the property's location within the TO (Technology Overlay), the TTCDA will need to approve a Certificate of Appropriateness for this rezoning from the TTCDA. This was approved, as requested by the applicant by TTCDA on Mon., June 6, 2011 (6-A-11-TOR)..

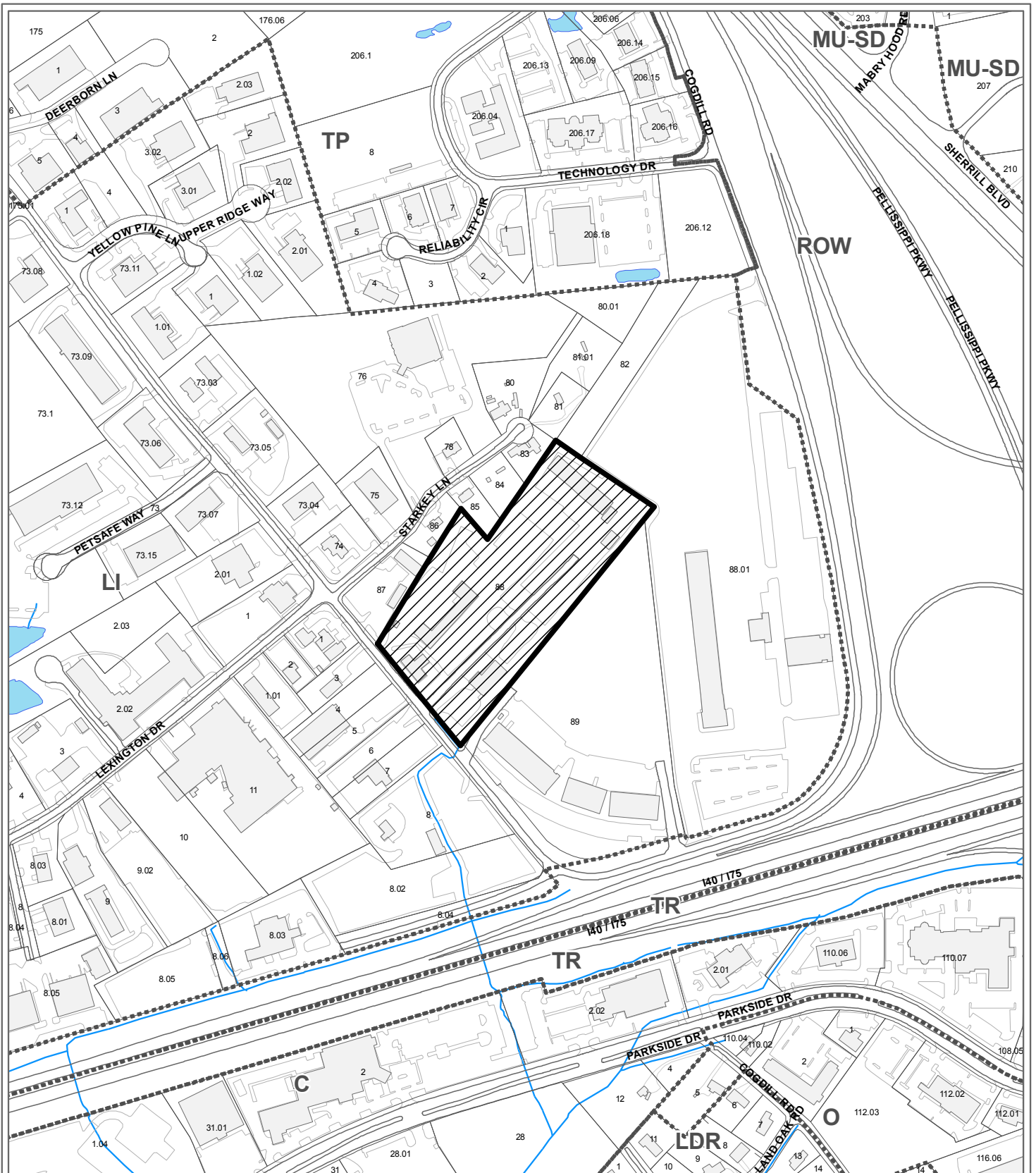
State law regarding amendments of the general plan (which include Sector Plan amendments) was changed with passage of Public Chapter 1150 by the Tennessee Legislature in 2008. New law provides for two methods to amend the plan at TCA 13-3-304:

1. The Planning Commission may initiate an amendment by adopting a resolution and certifying the amendment to the Legislative Body. Once approved by majority vote of the Legislative Body, the amendment is operative.
2. The Legislative Body may also initiate an amendment and transmit the amendment to the Planning Commission. Once the Planning Commission has considered the proposed amendment and approved, not approved, or taken no action, the Legislative Body may approve the amendment by majority vote and the amendment is operative.

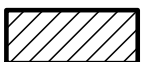
ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 8/22/2011. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



**6-A-11-SP / 6-B-11-RZ
NORTHWEST COUNTY SECTOR PLAN AMENDMENT**



From: LI (Light Industrial)
To: HI (Heavy Industrial)

Original Print Date: 5/19/2011
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

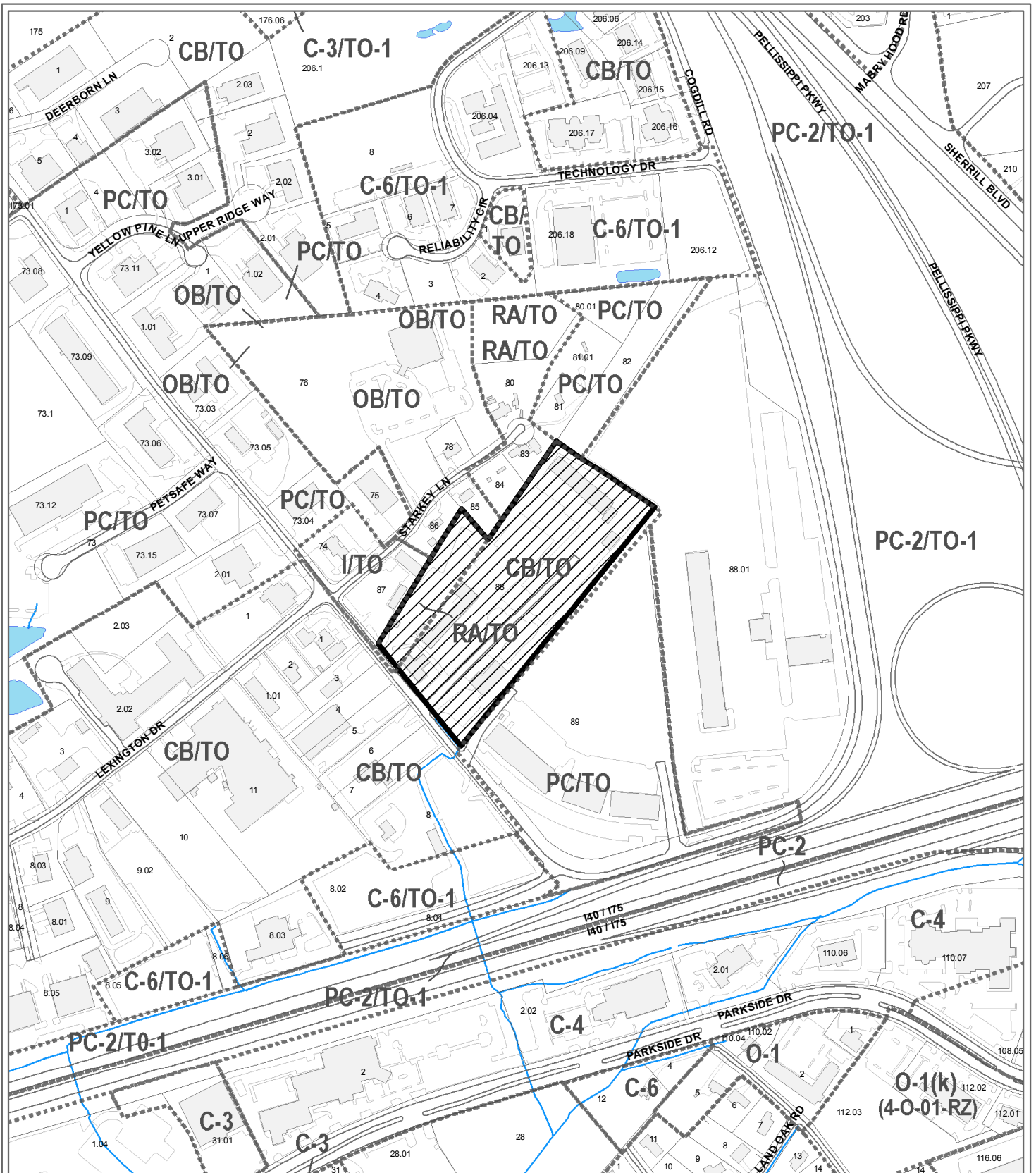
Revised:

Petitioner: PSC Metals, Inc.

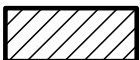
Map No: 131
Jurisdiction: County

0 500
Feet





**6-B-11-RZ
REZONING**



From: RA (Low Density Residential)/TO (Technology Overlay) and CB (Business and Manufacturing)/TO (Technology Overlay)
To: I (Industrial) /TO (Technology Overlay)

Original Print Date: 5/19/2011
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: PSC Metals, Inc.

Map No: 131

Jurisdiction: County

0 500
Feet



**KNOXVILLE-KNOX COUNTY
METROPOLITAN PLANNING COMMISSION
A RESOLUTION AMENDING THE NORTHWEST COUNTY SECTOR PLAN**

WHEREAS, the Knoxville-Knox County Metropolitan Planning Commission, a regional planning commission established pursuant to state statute, has the duty to make, adopt and amend plans for the physical development of Knoxville and Knox County; and

WHEREAS, the Metropolitan Planning Commission pursuant to state statute has prepared and adopted the Knoxville-Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Council of the City of Knoxville and the Commission of Knox County have adopted the Knoxville Knox County General Plan 2033, as the official comprehensive plan for Knoxville and Knox County; and

WHEREAS, the Metropolitan Planning Commission has prepared the Knox County Future Land Use Map, a portion of which is contained within the Northwest County Sector Plan, consistent with the requirements of the General Plan; and

WHEREAS, the Knoxville-Knox County General Plan 2033, provides criteria for periodic updates and amendments of the land use maps contained within sector plans initiated by the Planning Commission or in response to applications from property owners; and

WHEREAS, PSC Metals, Inc., has submitted an application to amend the Sector Plan from Light Industrial to Heavy Industrial for property described in the application; and

WHEREAS, the Metropolitan Planning Commission staff recommends approval of a revised amendment to the Northwest County Sector Plan, consistent with General Plan requirements that such amendment represents either a logical extension of a development pattern, or is warranted because of changing conditions in the sector as enumerated in the Plan; and

WHEREAS, the Metropolitan Planning Commission, at its regularly scheduled public hearing on June 9, 2011, after consideration of the staff recommendation and testimony from those persons in support and opposed to the sector plan amendment, approved the amendment for the subject property, as requested, and/or amended.

NOW, THEREFORE, BE IT RESOLVED BY THE KNOXVILLE-KNOX COUNTY METROPOLITAN PLANNING COMMISSION:

SECTION 1: The Planning Commission hereby adopts the revised amendment to the Northwest County Sector Plan, with its accompanying, staff report and map, file #6-A-11-SP.

SECTION 2: This Resolution shall take effect upon its approval.

SECTION 3: The Planning Commission further recommends that The Knox County Commission likewise consider this revised amendment to the General Plan 2033.

Date

Chairman

Secretary



Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>

Fwd: Opposition to rezoning and plan amendment PSC Metals

1 message

Mark Donaldson <mark.donaldson@knoxmpc.org>

Tue, Jun 7, 2011 at 2:50 PM

To: Buz Johnson <buz.johnson@knoxmpc.org>, Betty Jo Mahan <bettyjo.mahan@knoxmpc.org>, Mike Brusseau <mike.brusseau@knoxmpc.org>, Dan Kelly <dan.kelly@knoxmpc.org>

----- Forwarded message -----

From: **Donald White** <whiteappraisals@att.net>

Date: Tue, Jun 7, 2011 at 12:48 PM

Subject: Opposition to rezoning and plan amendment PSC Metals

To: mark.donaldson@knoxmpc.org

I am opposed to the approval of the following proposals:

23. PSC METALS, INC.

Northeast side Cogdill Rd., southeast of Starkey Ln., Commission District 6.

a. Northwest County Sector Plan Amendment 6-A-11-SP

From LI (Light Industrial) to HI (Heavy Industrial).

b. Rezoning 6-B-11-RZ

From RA (Low Density Residential)/TO (Technology Overlay) and CB (Business and Manufacturing)/TO (Technology Overlay) to I (Industrial) /TO (Technology Overlay)

The staff recommendation had a substantial factual error. It indicated that the surrounding properties were already used for light industrial and related uses. Starkey Lane has several businesses, including mine. I am a real estate appraiser, that abuts the property. The property next door to mine is a single family residence. The other property adjacent to mine on Starkey Lane is a telecommunications company. We are already being adversely affected by the current use of the property. I have registered a complaint with the code enforcement office for Knox County. The property is currently used for scrap metal and demolishing automobiles. They are noisy. In addition, one of their heavy machines cut an electrical line and caused us to lose power for half a day. It required additional time for our computers to reboot. in addition to the data lost.

I am not able to attend the MPC Commission meeting since I will be out of town when the meeting is held. I have contacted each of the MPC commissioners by e-mail to register my opposition and the reasons therefor. The verbage for heavy industrial use says something to the effect that the permitted uses will have adverse impact on adjacent properties.

Please review the staff recommendation carefully, in light of the proposed zoning, and I think you will see that the properties on Starkey Lane will be adversely impacted.

I am requesting that the MPC commissioners delay, postpone, or deny approval to these two changes.

Thank you for your attention to my concerns.

Donald W. White, MAI, SRA, CG-155

From: Garey Rittenhouse – PSC Metals Inc.

To: Arthur Seymour, Jr.

Date: 06/09/2011

Re: Draft Plan of Operations for Proposed PSC Metals Facility on Cogdill Road

Scope of Activity:

PSC Metals will engage in the purchase and consolidation of ferrous and non-ferrous scrap metals for later resale to end consumers of such materials. In doing so, PSC Metals will purchase scrap metals from the general public, smaller scrap metal dealers, and manufacturers within a reasonable distance of the Cogdill Road property. Examples of the material types purchased are listed below.

Ferrous Scrap Grades

Steel castings
Steel turnings
Steel sheet
Steel plate
Heavy Solids

Non-Ferrous Scrap Grades

Copper
Aluminum
Stainless Steel
Titanium
Nickel

Upon purchase and delivery to the Cogdill Road property, these material grades will be sorted by material type and consolidated for shipment to one of PSC's two other processing locations within the Knoxville metropolitan area. Ferrous products will be sent to our shredding facility located within Forks of the River industrial park. Non-ferrous products will be sent to our location on Central Street for processing.

Initial material sorting and processing will occur at the Cogdill Road property. For ferrous materials, processing will be done using equipment such as mobile shear, mobile logger, and mobile magnetic crane. Ferrous material will be loaded into roll-off containers and dump trailers for transport. For non-ferrous grades, most material will be sorted into roll-off containers and dump trailers shortly after purchase. In some cases, lighter weight or bulky sheet grades of aluminum and/or copper will be compacted via the use of a baler which will be located inside of the existing warehouse.

PSC's practice would be to have purchased material processed and transferred from the Cogdill Road location in an expeditious manner consistent with good business practices.

Abatement Activities:

It is PSC's intent and interest to be a good neighbor to all persons, businesses, and governmental agencies residing near the Cogdill Road property. In pursuit of doing so, PSC will engage in the following activities to assure such regard with our neighbors.

Noise:

PSC does not anticipate an increase in noise levels from current levels. It is possible that the level of noise produced as a result of daily operations may decrease as higher efficiency loading equipment is utilized and the unloading and loading areas are refined.

Dust:

The present property is primarily composed of a gravel surface material. As seasonally required, PSC may utilize environmentally permissible dust control techniques to assure that the generation of dust is kept to a minimum. These measures may include the addition of gravel and/or small stone materials, application of water, or the alteration of traffic flow patterns within the confines of the property.

Lighting:

PSC does not currently purchase or process scrap metals during non day light hours and thus does not require substantial lighting during or after our hours of operation. For security purposes, lighting may be engaged to assure the safety of the facility and/or inventory. As such, lighting if engaged would encompass the areas surrounding structures and areas of inventory storage. We do not envision any such lighting being of intensity or location as to cause concern with residents or businesses adjoining the properties.

Visibility:

It is PSC's intent to provide adequate screening of the property to assure that the property has a visually appealing presence within the community. Such screening will be in the form of opaque fencing as required under applicable ordinances, natural vegetation, and/or planned landscaping.

Hours of Operation:

PSC's initial planned hours of operation, subject to reasonable modifications, are:

Monday - Friday	7:30am - 4:00pm
Saturday	7:30am - 12:00pm
Sunday	Closed

Traffic Level & Flow:

Cogdill Road is planned as the means of ingress and egress for the property. The traffic flow pattern as specified on the site plan is designed to eliminate the potential of vehicles being congested at the entry and exit point of the property. Sufficient space exists within the confines of the property to allow us to reconfigure the traffic flow patterns as required to assure that traffic does not create a congestion area on Cogdill Road. Based on the present operation there are 50 + customers per day. That will fluctuate with the seasons and market conditions.

Security:

The facility will be secured via a perimeter fencing of the property, lighting, video surveillance, and the use of automated security systems. The security systems may include motion sensors, pressure plates, and heat sensors.

Environmental Compliance:

It is PSC's intent and mandate to be compliant with all applicable federal, state, and local environmental regulations and policies. As such, we have a staff of environmental engineers and compliance personnel that work collectively with officials from all levels of government to assure our compliance. With regard to the Cogdill Road property, we will evaluate the controls and compliance measures required for said property with the assistance of all associated levels of government agencies.