



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

▶ **FILE #:** 3-D-15-UR

AGENDA ITEM #: 31

AGENDA DATE: 4/9/2015

▶ **APPLICANT:** THE MULCH COMPANY KNOXVILLE, LLC

OWNER(S): LLL Enterprises LLC

TAX ID NUMBER: 145 028

[View map on KGIS](#)

JURISDICTION: County Commission District 4

STREET ADDRESS: 8718 S Northshore Dr

▶ **LOCATION:** Southeast side of S. Northshore Dr., just north of Bickerstaff Blvd.

▶ **APPX. SIZE OF TRACT:** 3.37 acres

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via S. Northshore Dr., a major arterial street with a 22' pavement width within a 60' right-of-way.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Tennessee River

▶ **ZONING:** A (Agricultural)

▶ **EXISTING LAND USE:** Nursery

▶ **PROPOSED USE:** Commercial mulching operation

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Residences / PR (Planned Residential) and A (Agricultural)

South: Residences / A (Agricultural)

East: Residences / PR (Planned Residential)

West: Residences / RB (General Residential) & PR (Planned Residential)

NEIGHBORHOOD CONTEXT: This site is in an area of low density residential subdivisions and larger residential tracts that have developed under PR (Planned Residential), RB (General Residential), RA (Low Density Residential) and A (Agricultural) zoning.

STAFF RECOMMENDATION:

▶ **WITHDRAW the request for a commercial mulching operation at this location as requested by the applicant in a letter dated March 23, 2015.**

Staff had recommended denial of the request in the staff report for the March 12, 2015 meeting based on the following:

1. The proposed facility would have an adverse impact on the neighboring homes due to the increase in noise generated by the mulch grinding operation and odors that would result from the amount of mulch storage on site.

2. The proposed driveway location being offset from Bickerstaff Blvd. has the potential of creating additional traffic conflicts on S. Northshore Dr. due to the geometrics of the intersection.
3. The proposed development plan modifies the approved plan for Creekside Nurseries that identified this portion of the site as a growing area and meadow.
4. The sale of over half of the Creekside Nursery property for the commercial mulching operation will make the site even more nonconforming to the minimum lot size requirement of 10 acres.

The Planning Commission and Staff have received over 50 emails in opposition to the request.

COMMENTS:

The applicant is proposing to develop 3.37 acres of the Creekside Nursery site (presently 5.8 acres) into a commercial mulching operation. The property which is zoned A (Agricultural) allows consideration of such a facility through the use on review process. The Knox County Zoning Ordinance includes standards for the use on review approval of commercial mulching operations (Section 4.96 - copy included in the packet).

When Creekside Nursery was approved in 2002 there were no minimum lot size requirements in the Zoning Ordinance for the facility. An amendment to the Zoning Ordinance in January 2014 established a minimum lot size of 10 acres making the nursery a legally established nonconformity. By selling off the 3.37 acres, the owner will make the nursery more nonconforming and potentially impact the legal nonconforming status. The 3.37 acres also includes growing area that is one of the components for a nursery in the Agricultural district. A copy of the report of action and site plan for the Creekside Nursery use on review approval (12-B-01-UR) is included in the packet for reference.

The proposed commercial mulching operation will include an office, six parking spaces, a raw material storage area, grinding operation area, sample area and eight stockpile areas for the finished mulch. They are proposing four 30' L x 10' W x 9' H storage areas, and four 50' L x 20' W x 13.5' H storage areas. Proposed access for the site will be located across from Bickerstaff Blvd. slightly offset to the northeast. A copy of the applicant's operation plan is included in the packet.

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

1. While a commercial mulching operation may be acceptable on a major arterial road in a more rural area, or adjoining commercial or industrial property, it is not appropriate in an area that is primarily residential development.
2. The proposed entrance for the facility will be located across from Bickerstaff Blvd. with a slight offset to the northeast. That intersection offset in combination with the turn lanes on S. Northshore Dr. has the potential of creating additional traffic conflicts on S. Northshore Dr.
3. The noise associated with the grinding operation for processing the mulch and the odors that will be associated with the eight stockpiles of mulch will have a negative impact on the established residential neighborhoods.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. The proposed commercial mulching operation does not meet the use on review standard on minimizing the adverse impact on neighboring property.
2. The proposed facility will impact the existing use on review approval for the nursery by making that site more nonconforming to the Zoning Ordinance requirements.
3. The proposed development is not consistent with the general standards for uses permitted on review: The proposed development is not consistent with the adopted Sector Plan. The use is not in harmony with the general purpose and intent of the Zoning Ordinance. The use is not compatible with the character of the residential neighborhood where it is proposed. The proposed use could have negative impacts on the value of adjacent property. With direct access to an arterial street, the proposed use will not draw additional traffic through residential neighborhoods.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

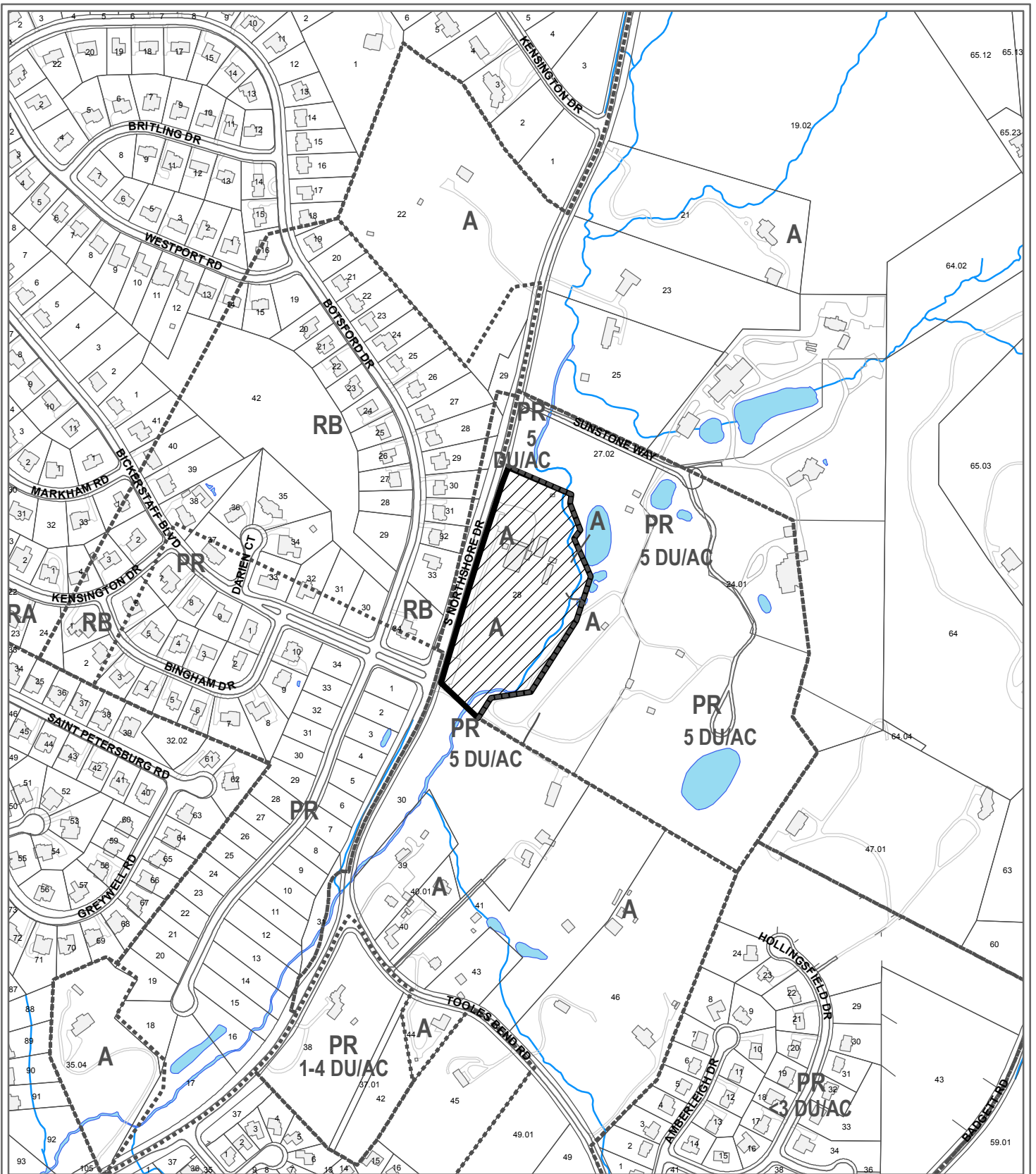
1. The Southwest County Sector Plan designates this property for low density residential use and stream protection area. While the A (Agricultural) district allows consideration of the proposed commercial mulching operation, the proposed use is not consistent with sector plan designation.

2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT: Not required.

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.



**3-D-15-UR
USE ON REVIEW**



Commercial mulching operation in A (Agricultural)

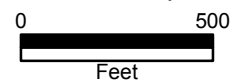
Original Print Date: 2/20/2015
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: The Mulch Company Knoxville, LLC

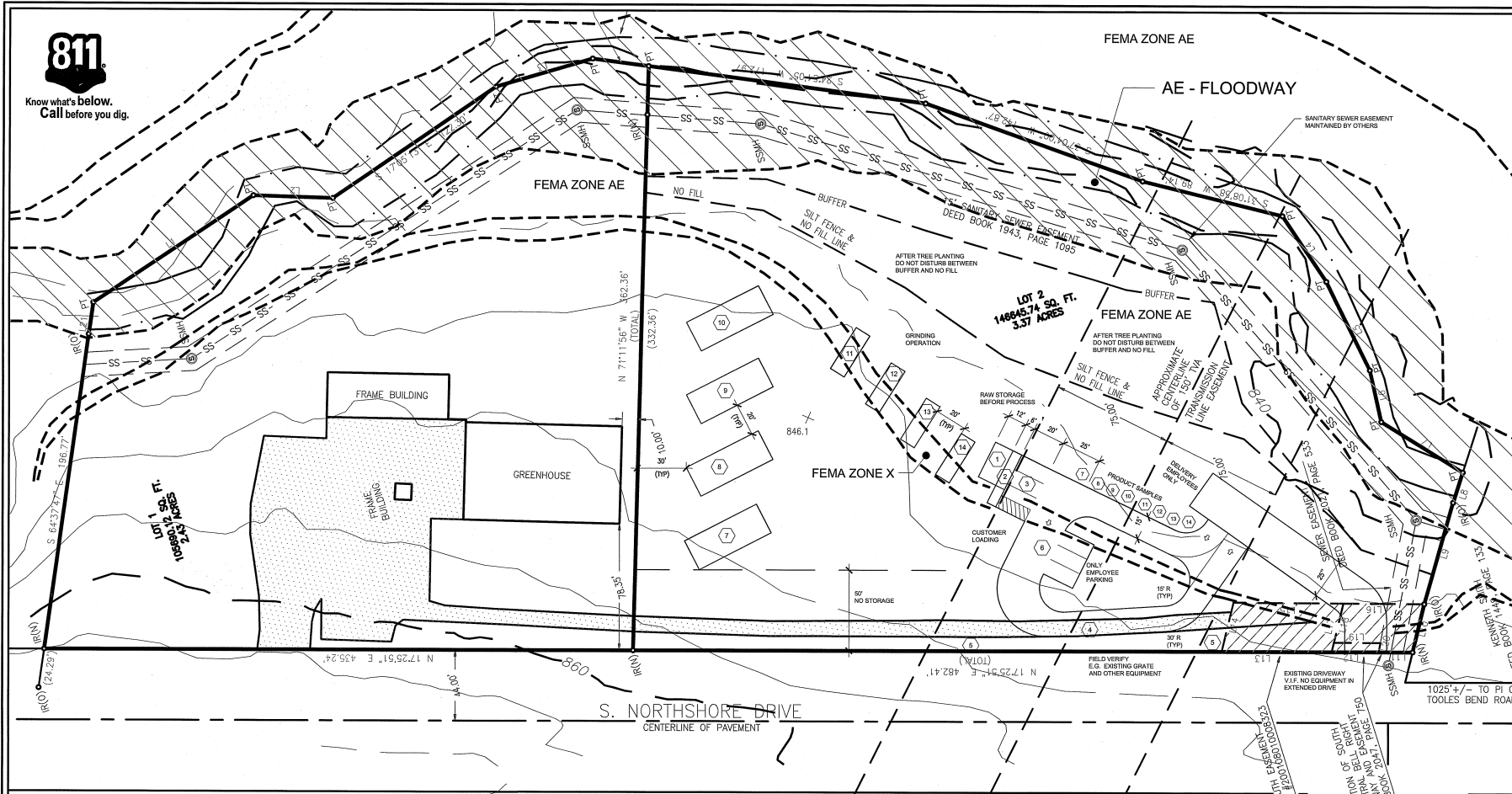
Map No: 145

Jurisdiction: County





Know what's below.
Call before you dig.



MARK V GRAHAM
ENGINEERING CONSULTANTS, LLC

PHONE: 865.712.6910
PO BOX 83131
KNOXVILLE, TN 37965

REVISIONS	
NO.	DESCRIPTION
1	IPC COMMENTS



NOT FOR CONSTRUCTION

THE MULCH COMPANY
8718 SOUTH NORTSHORE DRIVE
KNOXVILLE, TENNESSEE

SITE PLAN

DATE: 01/26/15

C0.1

SHEET 1 OF 2

PROJ. NO. 15103

OWNER:
ML ENTERPRISES, LLC
8718 S. NORTSHORE DRIVE
KNOXVILLE, TN 37904
865.414.6556

SITE ACREAGE:
PHASE 1 1.96 ACRES
PHASE 2 1.38 ACRES
TOTAL 3.37 ACRES

DISTURBED:
PHASE 1 1.23 ACRES +/-
PHASE 2 1.0 ACRES +/-

ADDED IMPERVIOUS 8,818 SQ FT

PROPERTY INFORMATION:
CITY BLOCK NUMBER 28221
DISTRICT 08
WARD 26

CLT:
MAP 146
PARCEL 028.00

VERTICAL DATUM KQIG NAVD83

PROPERTY BOUNDARIES, SITE DETAILS FROM SURVEY BY PROTH SURVEYING, 2014

FEMA BOUNDARIES AND TOPOGRAPHY FROM NGS. ACTUAL GROUND TOPOGRAPHY WILL REPLACE KQIG ONCE SURVEY IS COMPLETE.

SITE PLAN NOTES

HOURS OF OPERATION:
MONDAY - FRIDAY
MARCH 1 - JULY 4 8 AM - 6 PM
JULY 4 - THANKSGIVING 8 AM - 5 PM
THANKSGIVING - FEB 28 9 AM - 5 PM
CHRISTMAS/NEW YEAR'S DAY CLOSED

SATURDAY
8 AM - 3 PM
8 AM - 1 PM
CLOSED

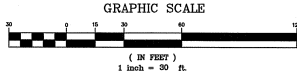
RESTRICTIONS: PROHIBITED TO OPERATE AT ALL TIMES

AREA BETWEEN NO FILL AND BUFFER WILL REMAIN UNDISTURBED.

THIS AREA WILL CONTAIN AT LEAST 8 SWEET GUM AND OTHER WET TOLERANT, NATIVE SPECIES.

SANITARY SEWER EASEMENT IS MAINTAINED BY OTHERS

ALL TREES RETAINED ON NEW SHALL BE PROPERLY MAINTAINED TO ENSURE THEIR SURVIVAL FOR 18 MONTHS AFTER DATE OF SUBSTANTIAL COMPLETION. ANY TREE WHICH FAILS TO SURVIVE AFTER 18 MONTHS SHALL BE REPLACED WITHIN 12 MONTHS OF LOSS.



SITE PLAN
SCALE: 1" = 30'-0"

GENERAL NOTES

GENERAL NOTES
THE OWNER IS SOLELY RESPONSIBLE FOR ALL JOBSITE SAFETY, INCLUDING BUT NOT LIMITED TO COMPLIANCE WITH ALL APPLICABLE OSHA REGULATIONS.

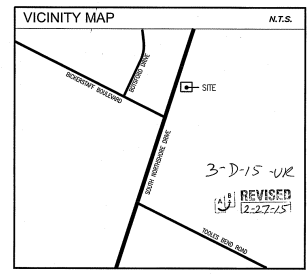
ANY BUILDINGS SHOWN IN THE CIVIL PLANS ARE FOR GENERAL PURPOSES AND SHOULD NOT BE USED TO LOCATE, CONFIRM ALL STRUCTURES ARE BEYOND REQUIRED SETBACKS.

OWNER IS TO COORDINATE THE EXISTING BUILDING FOUNDATION WITH THE PROPOSED PLAN. VERIFY ALL DIMENSIONS AND ELEVATIONS PRIOR TO CONSTRUCTION AND NOTIFY ENGINEER OF ANY DISCREPANCIES BEFORE START OF CONSTRUCTION.

CONFIRM LOCATIONS OF WATER LINES AND SANITARY SEWER LINES.

OWNER IS TO COORDINATE ALL SITE GRADING AND DRAINAGE WITH OWNER AND ENGINEER TO ENSURE PROPER SITE DRAINAGE.

- SITE KEYED NOTES**
- | | | |
|---|------------------|-------------------------------------|
| 1 12' X 24' MODULAR OFFICE 840.00 MIN FEE OR EXISTING CREKESIDE BUILDING TO BE MOVED PUBLIC WATER & SEWER | 7 MIDNIGHT | NO STRUCTURES STOCKPILES |
| 2 ACCESSIBILITY RAMP 1:12, 30 FT MAX RUN | 8 MOCHA | 30' L X 20' W X 13' H MULCH STORAGE |
| 3 VAN ACCESSIBLE PARKING WITH ASSOCIATED ASBLE | 9 CHOCOLATE CHIP | 30' L X 10' W X 6' H MULCH STORAGE |
| 4 EXISTING 1/2 ASPHALT DRIVE - REMOVE | 10 AUTUMN RED | |
| 5 PROPOSED EVERGREEN LANDSCAPE BUFFER, 6 FT HIGH MINIMUM | | |
| 6 LIGHT DUTY ASPHALT PAVING | | |



4.96 STANDARDS FOR THE USE-ON-REVIEW APPROVAL OF COMMERCIAL MULCHING OPERATIONS

Commercial mulching operations are permitted as uses on review in the A, Agricultural, Zone and CA, General Business, Zone. These operations are subject to the requirements of Sections 4.10.14 through 4.10.19, "Development Standards for Uses Permitted on Review", and 6.50 "Procedures for Authorizing Uses Permitted on Review". These facilities are also subject to the following standards and requirements:

4.96.01 Minimum Requirements

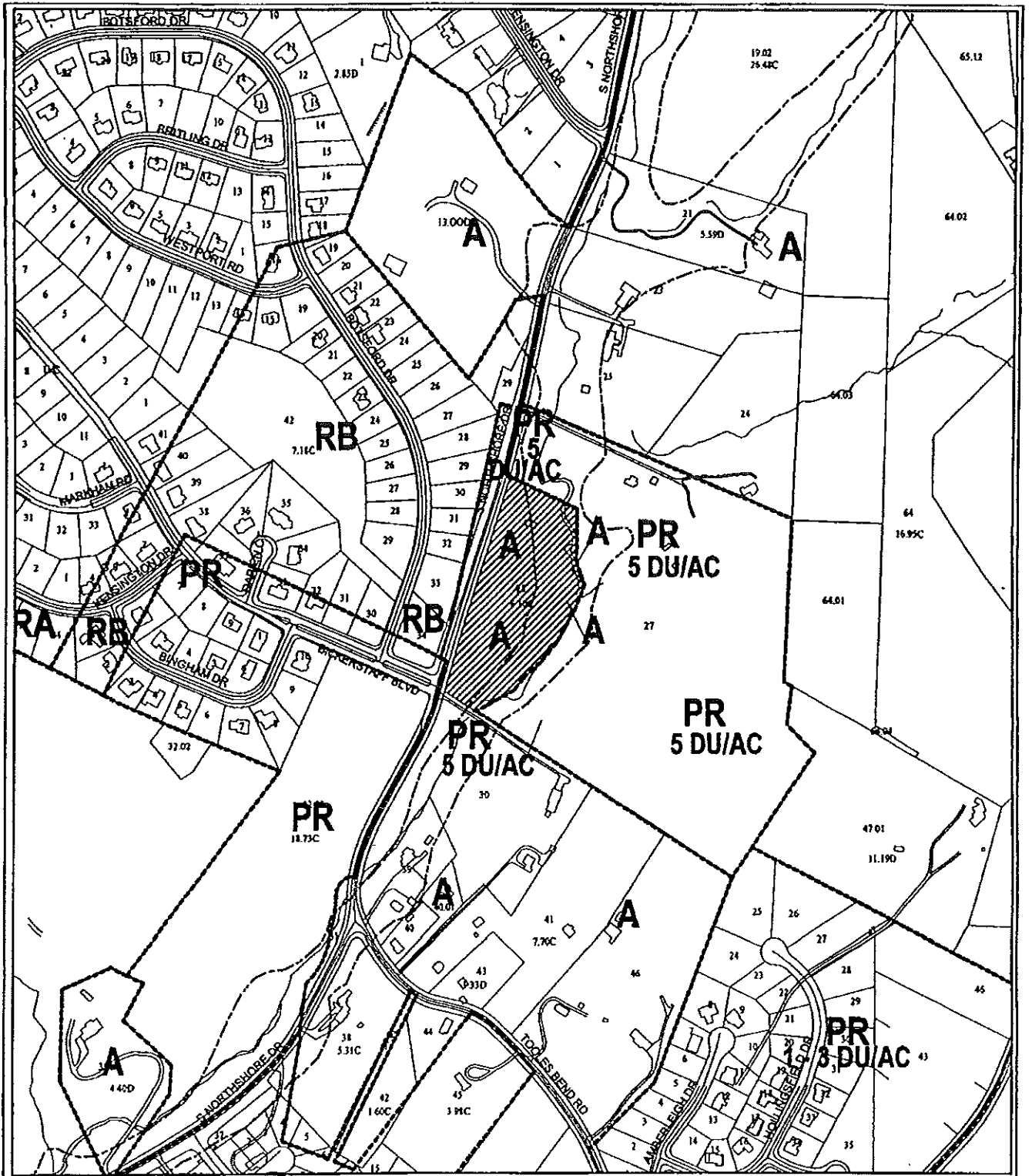
- A. The site for a commercial mulching operation shall be located on an arterial street, as defined by the *Major Road Plan for Knoxville & Knox County, Tennessee*, or on a major collector street, as defined by the *Major Road Plan for Knoxville & Knox County, Tennessee*, that has acceptable, direct access to an arterial street.
- B. A Use-on-Review application, or building permit application, for a commercial mulching operation shall include the following:
 - 1. A scaled site plan that shows the following information:
 - a. Storage areas for materials before and after they are processed.
 - b. Location of all permanent structures on the site.
 - c. Vehicular and pedestrian circulation, including points of access to the site, loading and unloading areas, and areas for employee and customer parking.
 - d. Proposed landscaping and buffer areas.
 - 2. A description of the procedures needed to minimize any noise, litter, lighting, or odors created by the proposed operation that may have an adverse impact on nearby properties.
- C. A commercial mulching operation shall also comply with the following requirements:

1. No structure or area where mulch materials are to be processed or stored shall be located closer than fifty (50) feet to the boundary of the proposed site. Within this setback, a landscape buffer shall be required where the proposed commercial mulching operation shares a common boundary with property zoned residential or agricultural. The landscape buffer shall be a minimum six (6)-foot high, continuous evergreen screen. The landscape buffer may be waived or reduced by the Planning Commission, or by the Director of Code Administration and Enforcement, if they find that the screening is not needed.
2. All access roads and parking areas are to be constructed so as to be accessible in all weather conditions.
3. Prior to the issuance of building permits, the plan for the proposed commercial mulching operation shall be reviewed and approved by the Knox County Health Department and the Knox County Solid Waste Division, consistent with their application and permitting procedures.

COMMENTS:

This six-acre site is developed with a 6,000 sq. ft. green house and a 1,000 sq. ft. office/service area that has been approved by Knox County Code Enforcement for wholesale agricultural production with the present access driveway and the existing sign identifying the business . None of the property outside of the greenhouses is presently used for growing products, although the attached plan does propose some area around the greenhouse for agricultural products. The revised plan incorporates the elements needed to show compliance with the Agricultural zoning ordinance requirements for incidental retail sales related to this horticultural production.

3/1/02 09:11 AM



12-B-01-UR
USE ON REVIEW



Retail nursery sales facility in an Agricultural zone. in A (Agricultural)

Original Print Date: 11/19/01 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Dennis L Nagley dba
Creskide Nurseries

Map No: 145

Jurisdiction: County



Creekside Nurseries



TreeLine

S. Northshore Drive

West Gate Entry - Improvements by Bell South
(Approved to be completed ASAP by Contractor)

East Gate Entry - Improvements by Owner
(approved - to be completed ASAP by Contractor)

Poss driveway extension

30'

Tree Removed

Fenceline

6.2060 Acres

Meadow

Tree Stump

TreeLine for Screening

Growing Area
Shrubs
Flowers

gravel parking area appx 120' x 150'
add't mowed grass 10,000 sq ft

Meadow

Greenhouses/
Growing Area

Open Sales Area 12'x30'

Tree

Tree

TreeLine for Screening

Fenceline

Growing Area Office Trailer

handicapped parking w/ sign

150' (approx)

Storage

Vacant Land

TreeLine for Screening

Creek

Fenceline

Creek

8718 S. Northshore Drive, Knoxville, TN 37922

Conceptual Land Use Plan - Not to Scale

Drafter dsl 01/12/02

Vacant Land

Vacant Land