



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

▶ **FILE #:** 8-F-15-RZ
8-B-15-SP

AGENDA ITEM #: 47
AGENDA DATE: 8/13/2015

▶ **APPLICANT:** HERBERT TOLLIVER, JR.
OWNER(S): Herbert Tolliver, Jr.

TAX ID NUMBER: 17 PTS OF 04101 & 04102 MAP ON FILE AT MPC [View map on KGIS](#)

JURISDICTION: Commission District 7

STREET ADDRESS: 1957 E Raccoon Valley Dr

▶ **LOCATION:** Northwest side E. Raccoon Valley Dr., east of I-75

▶ **TRACT INFORMATION:** 10 acres.

SECTOR PLAN: North County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via E. Raccoon Valley Dr., a minor arterial street with 36' of pavement width within 100' of right-of-way.

UTILITIES: Water Source: Hallsdale-Powell Utility District

Sewer Source: Hallsdale-Powell Utility District

WATERSHED: Bullrun Creek

▶ **PRESENT PLAN DESIGNATION/ZONING:** MU-SD (Mixed Use Special District) (MU-CO5) / CA (General Business)

▶ **PROPOSED PLAN DESIGNATION/ZONING:** MU-SD (Mixed Use Special District) (MU-CO5) with Heavy Industrial / I (Industrial)

▶ **EXISTING LAND USE:** Vacant land

▶ **PROPOSED USE:** Stone quarry expansion

EXTENSION OF PLAN DESIGNATION/ZONING: Yes

HISTORY OF ZONING REQUESTS:

SURROUNDING LAND USE, PLAN DESIGNATION, ZONING

North: Mining / I (Industrial)
South: Rural residential - Restaurant / CA (General Business)
East: Vacant land / RB (General Residential) & OB (Office, Medical and Related Services)
West: Mining / I (Industrial)

NEIGHBORHOOD CONTEXT: The I-75/Raccoon Valley Drive interchange currently has a low intensity of development but on the east side where the subject property is located there is an active quarry, truck stop and a restaurant. The sector plan proposes that this area develop with industrial and warehouse/distribution related uses.

STAFF RECOMMENDATION:

▶ **ADOPT RESOLUTION #8-B-15-SP, amending the North County Sector Plan to HIM (Mining) and recommend that Knox County Commission also adopt the sector plan amendment. (Applicant requested Mixed Use Special District [NCO-5] with I [Industrial].)**

The expansion of HIM (Mining) land use designation is appropriate for the requested portion subject properties and is compatible with the existing and proposed land uses in the area. The staff recommendation is to remove the NCO-5 special mixed use district and replace it with the HIM district, instead of allowing Mining uses within the entire NCO-5 district which is not appropriate nor the intention of the applicant.

▶ **RECOMMEND that County Commission APPROVE I (Industrial) zoning.**

The recommended I (Industrial) zoning is compatible with surrounding development and zoning, and the surrounding NCO-5 special mixed use district that recommends light industrial and warehouse/distribution uses. In addition, all mining operations are required to receive approval of a conditional use permit by both the Planning Commission and County Commission to ensure compliance with the 'Standards Governing Surface Mining and Mineral Extraction' of the zoning ordinance (Article 4.50.02).

COMMENTS:

SECTOR PLAN REQUIREMENTS FROM GENERAL PLAN (May meet any one of these):

CHANGES OF CONDITIONS WARRANTING AMENDMENT OF THE LAND USE PLAN:

INTRODUCTION OF SIGNIFICANT NEW ROADS OR UTILITIES THAT WERE NOT ANTICIPATED IN THE PLAN AND MAKE DEVELOPMENT MORE FEASIBLE:

1. N/A

AN OBVIOUS OR SIGNIFICANT ERROR OR OMISSION IN THE PLAN:

1. The NCO-5 mixed use special district recommends the light industrial and warehousing/distribution uses for the area around the I-75 / Raccoon Valley Drive interchange.
2. The property is currently zoned CA (General Commercial) which would allow the development of the property without protections for the hillside area.
3. The Hillside and Ridgetop Protection Plan (HRPP) recommends that commercial and industrial development locate on slopes less than 15 percent. When such development extends into slopes exceeding 15 percent, slope restoration and reforestation of cut-and-fill areas should be accomplished to minimize the long term impact to water quality and lessen forest canopy loss in the hillside and ridgetop protection area.
4. The HRPP recommends against the practice of using hillside area for borrow pits but it does not address mining operations.
5. The active quarry to the west and north is classified HIM (Mining) by the sector plan, which is the only land use classification that allows mining operations. To allow the expansion of the quarry, the subject properties must be designated HIM. Rather than amending the NCO-5 mixed use district to allow mining, which would allow the use for the entire district, it is recommended that the subject properties be removed from the NCO-5 district and the HIM expanded.

CHANGES IN GOVERNMENT POLICY, SUCH AS A DECISION TO CONCENTRATE DEVELOPMENT IN CERTAIN AREAS:

1. The expansion of existing quarries, when they do not encroach on sensitive uses such as residential neighborhoods, is preferable to the development of new mining operations in another part of the county.

TRENDS IN DEVELOPMENT, POPULATION OR TRAFFIC THAT WARRANT RECONSIDERATION OF THE ORIGINAL PLAN PROPOSAL:

1. N/A

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. The law now 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.

REZONING REQUIREMENTS FROM ZONING ORDINANCES (must meet all of these):

THE PROPOSED AMENDMENT SHALL BE NECESSARY BECAUSE OF SUBSTANTIALLY CHANGED OR CHANGING CONDITIONS IN THE AREA AND DISTRICTS AFFECTED, OR IN THE CITY/COUNTY GENERALLY:

1. I (Industrial) is appropriate for this site because it will allow the expansion of the adjacent mining operation and it is compatible proposed land use plan for the area the recommends light industrial and warehouse/distribution uses.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH THE INTENT AND PURPOSE OF THE APPLICABLE ZONING ORDINANCE:

1. I 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.
2. All mining operations (new and expansions of existing) are considered a "use permitted on review" and must be approved on use-on-review by both the Planning Commission and County Commission.
3. Surface mining operations are subject the 'Standards Governing Surface Mining and Mineral Extraction' (Article 4.50.02) of the zoning ordinance.

THE PROPOSED AMENDMENT SHALL NOT ADVERSELY AFFECT ANY OTHER PART OF THE COUNTY, NOR SHALL ANY DIRECT OR INDIRECT ADVERSE EFFECTS RESULT FROM SUCH AMENDMENT:

1. I zoning will allow the expansion of the existing quarry and will not adversely effect the surrounding area, which the sector plan recommends for light industrial and warehouse/distribution uses.
2. Before any mining facility can begin operating, a conditional use permit must be approved by the Planning Commission and County Commission, which is a separate approval process if this rezoning request is approved.

THE PROPOSED AMENDMENT SHALL BE CONSISTENT WITH AND NOT IN CONFLICT WITH THE GENERAL PLAN OF KNOXVILLE AND KNOX COUNTY, INCLUDING ANY OF ITS ELEMENTS, MAJOR ROAD PLAN, LAND USE PLAN, COMMUNITY FACILITIES PLAN, AND OTHERS:

1. The General Plan recommends protecting residential neighborhoods from encroachment of industrial (and commercial) uses. The proposed quarry expansion does not encroach upon a residential neighborhood.
2. The Hillside and Ridgetop Protection Plan (HRPP) recommends that commercial and industrial development locate on slopes less than 15 percent, however, it does not specifically address mining operations such as stone quarry.
3. The North County Sector Plan recommends warehouse/distribution and light industrial uses in this area, however, this was intended to encourage such uses on the flat portions of property and did not anticipate the expansion of the quarry. If the sector plan is amended as recommended to the HIM (Mining) land use classification, the Industrial (I) zoning can be considered for the subject property.

Upon final approval of the rezoning, the mining company will be required to submit an application for a conditional use permit that must be approved by MPC and County Commission. An operating plan is required to demonstrate conformance with the 'Standards Governing Surface Mining and Mineral Extraction' in the Knox County Zoning Ordinance as part of this application. Grading and drainage plans may also be required at this stage, if deemed necessary by Knox County Engineering and MPC staff.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 9/28/2015. 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.