

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

▶ **FILE #:** 4-I-18-UR **AGENDA ITEM #:** 45
 POSTPONEMENT(S): 4/12/2018 - 6/14/2018 **AGENDA DATE:** 7/12/2018
 ▶ **APPLICANT:** **BLOUNT EXCAVATING, INC.**
 OWNER(S): Martin Mill Partnership, LLC

TAX ID NUMBER: 136 058, 028, 028.01, 028.02 & 028.03 [View map on KGIS](#)
 JURISDICTION: County Commission District 9
 STREET ADDRESS: 6121 Martin Mill Pike
 ▶ **LOCATION:** **Northwest side W. Martin Mill Pike, north of Ridgewood Dr.**
 ▶ **APPX. SIZE OF TRACT:** **52 acres**
 SECTOR PLAN: South County
 GROWTH POLICY PLAN: Rural Area
 ACCESSIBILITY: Access is via W. Martin Mill Pike, a minor arterial street with a 22' of pavement width within a 50' right-of-way.
 UTILITIES: Water Source: Knoxville Utilities Board
 Sewer Source: Knoxville Utilities Board
 WATERSHED: Knob Creek

▶ **ZONING:** **A (Agricultural)**
 ▶ **EXISTING LAND USE:** **Vacant land & Single Family Residential**
 ▶ **PROPOSED USE:** **Construction/Demolition Waste Site**

 HISTORY OF ZONING: None noted.
 SURROUNDING LAND USE AND ZONING: North: Rural residential / A (Agricultural)
 South: Vacant, forested land / A (Agricultural)
 East: Rural residential, Martin Mill Pike, & Vacant, forested land / A (Agricultural)
 West: Single family residential, Agricultural / A (Agricultural)
 NEIGHBORHOOD CONTEXT: This property is located within an Agricultural/Forested and Rural residential area zoned A.

STAFF RECOMMENDATION:

▶ **DENY the request for a Demolition Landfill at 6121 Martin Mill Pike. (Applicant is requesting a 60 day postponement).**
 The applicant has requested a 60 day postponement to allow additional time to address comments from staff. The proposal as submitted does not meet the Knox County zoning regulations for Demolition Landfills and must either be revised or obtain approvals from the Board of Zoning Appeals. Staff is recommending denial of the request because the proposal does not meet the minimum standards of the Knox County Zoning Ordinance for demolition landfills (Article 4, Section 4.80.01.B).

This proposal has received a lot of interest from the community and they continue to follow this case closely. In

June staff stated that if the applicant does not show progress in either revising the plans to meet the zoning regulations or applying for the necessary variances, staff may recommend either the application be tabled or denied in July. The initial staff report for the July MPC meeting had recommended a 30 day postponement, however, staff is now recommending denial because the applicant has not shown progress in meeting the minimum zoning standards by applying for variances or revising the plan. In addition, staff has concerns with the large number of dump trucks that will continue to access the site on this curvy section of Martin Mill Pike. If this application is denied, the same request cannot be applied for for 1 year.

COMMENTS:

This proposal is for a "construction/demolition waste site" with the intent to accept concrete and asphalt demolition debris, and soil that is suitable for structural fill or similar materials. The Knox County Zoning Ordinance does not have a use classification that meets this exactly but does have a more broad use called "demolition landfill", which allows disposal of material from construction, land clearing, landscaping and demolition activity. The type of materials that the applicant intends to accept requires a Tennessee Multi-Sector Permit (Sector AF permit) from TDEC. In order to accept other materials allowed by a demolition landfill, a Class III (Construction/Demolition) permit must be approved by the state Division of Solid Waste Management (DSWM). The applicant does not intend to apply for a Class III permit from DSWM, nor do they want approval as part of this application to allow the site to become a Class III landfill.

Fill has been actively brought to this site since 2014 by the applicant. In 2015 a Notice of Violation was issued for grading without a permit. The fill was identified as coming from a single TDOT project. TDEC was consulted to determine if the site qualified as landfill at that time but it was determined to be just a fill site. A grading permit was issued in 2015 requiring appropriate erosion controls to be installed. Blount Excavating now wants to accept fill from multiple sites and expand the amount of fill that can be accepted on the site. TDEC has since determined that Blount Excavating needs a Tennessee Multi-Sector Permit (Sector AF permit) which is what triggered the need for use-on-review approval by MPC to become a demolition landfill in Knox County.

The applicant's engineer estimates that the proposed volume of fill is approximately 600,000 yards, which amounts to approximately 60,000 truck loads. This amount includes the fill that has already been dumped on the site since 2014. It's estimated that approximately half of the proposed fill volume has already been dumped on the site and there are approximately 30-40,000 truck loads of fill remaining if the proposal is approved.

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.