



# USE ON REVIEW REPORT

▶ **FILE #:** 7-A-20-UR **AGENDA ITEM #:** 30  
 POSTPONEMENT(S): 7/9/2020 **AGENDA DATE:** 8/13/2020  
 ▶ **APPLICANT:** BENJAMIN C. MULLINS OBO CRIPPEN GAP, LLC  
 OWNER(S): Crippen Gap, LLC

TAX ID NUMBER: 48 C A 002 & 00201 [View map on KGIS](#)  
 JURISDICTION: County Commission District 7  
 STREET ADDRESS: 3700 3702, 3704 & 3815 Shotsman Ln.  
 ▶ **LOCATION:** North of Mynatt Rd., west of Maynardville Pk., off Shotsman Ln.  
 ▶ **APPX. SIZE OF TRACT:** 8.42 acres  
 SECTOR PLAN: North County  
 GROWTH POLICY PLAN: Urban Growth Area  
 ACCESSIBILITY: Access is via Shotsman Ln, a local street with 20' of pavement width within 40' of right-of-way.  
 UTILITIES: Water Source: Hallsdale-Powell Utility District  
 Sewer Source: Hallsdale-Powell Utility District  
 WATERSHED: Beaver Creek

▶ **ZONING:** I (Industrial)  
 ▶ **EXISTING LAND USE:** Commercial & Office  
 ▶ **PROPOSED USE:** Recycling Facility

HISTORY OF ZONING: The portion of the property zoned CA was rezoned to Industrial (I) to match the rest of the property.  
 SURROUNDING LAND USE AND ZONING: North: Business, Self-storage / I (Industrial) & LI (Light Industrial)  
 South: Mobile home park, Commercial / CA (General Business)  
 East: Commercial / I (Industrial) & CA (General Business)  
 West: Single family, Mobile home park / RB (General Residential)  
 NEIGHBORHOOD CONTEXT: The area lies between the commercial corridor along Maynardville Pike and single family residential neighborhoods. Industrial and light industrial zoning are also to the commercial corridor.

### STAFF RECOMMENDATION:

▶ **APPROVE the request for a Solid Waste Processing Facility as shown on the development plan, subject to 6 conditions.**

1. Meeting all applicable requirements of the Knox County Health Department.
2. Providing a minimum 50' non-disturbance area along the west, south and east property lines to retain the existing vegetation.
3. Providing a 300' setback from the residentially zoned property along west property line, in accordance with

section 5.61.03 (Uses permitted on review) of the I (Industrial) zone, unless a reduction of this setback is approved by the Board of Zoning Appeals or it is determined that the setback is not applicable because of the preexisting use.

4. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
5. Meeting all requirements of the Knox County Zoning Ordinance.
6. The site is not approved for the storage of vehicles for automobile or truck salvage.

With the above conditions, this request meets all requirements for approval of a use on review in the I (Industrial) zoning district.

#### **COMMENTS:**

This proposal is to formally approve a metal recycling facility that is currently operating on this 8.42 acre site. Similar business uses have existed on this site dating back to the 1960's. A portion of the property was recently rezoned from CA (General Business) to I (Industrial) to allow the facility to be considered for Use Permitted on Review approval by the Planning Commission.

The Knox County Zoning Ordinance requires landscape screening and fencing when adjacent to residential zoning, and a 100' setback from outside property boundaries for the processing of materials (Section 4.95 - Standards for the use-on-review approval of solid waste processing facilities). Because this use will be a continuance of established uses on this site, the 100' setback is only being applied to the west, south and east property boundaries, excluding parcel 048CA002 with the buildings which has historically been zoned I (Industrial) and is internal to the processing facility. Within the 100' setback shown on the development plan, the applicant proposes to retain a minimum of 50' of the existing vegetation/trees as a buffer to the adjacent residential uses to the west and south and the stream to the east. A vegetative buffer with trees is not possible in the TVA powerline easement that runs through the middle of the property but there is an existing fence that will be retained and there is some short vegetation on the hillside that helps visually buffer this area.

The I (Industrial) requires that all uses that are listed as a Use Permitted on Review "may be permitted, provided, that no such use shall be located nearer than three hundred (300) feet to a public park, school, church, hospital, sanitarium, residential zone, or subdivided land restricted to residential uses". This setback is for the actual use and does not include things such as drive aisles. For the proposed metal recycling facility, the areas used for storage of scrap material must remain 300' from the residentially zoned property. Staff is recommending a condition that this setback be provided unless a variance is approved by the Board of Zoning Appeals or it is determined that the use is legally preexisting at the 300' setback does not apply.

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

1. Public water is available to serve the site. Sanitary sewer is not currently available in the area, but could be extended, if necessary, to serve this site.
2. The proposal will have no impact on schools and the traffic impact should be minimal since there are only two other businesses that access Shotsman Lane, one of which is a self-storage facility.
3. The proposed use is consistent with the historic use of the site as a metal scrap yard or salvage yard.
4. The 50' wide vegetative preservation area will visually buffer the proposed use from adjacent properties and will reduce noise and dust that may cross the property boundary.

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

1. The proposed facility with the recommended conditions meets the standards for development within the I (Industrial) zoning district and the standards for the use-on-review approval of solid waste processing facilities, as well as all other requirements of the Zoning Ordinance.
2. With the recommended conditions, the proposed development is 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 neighborhood 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.

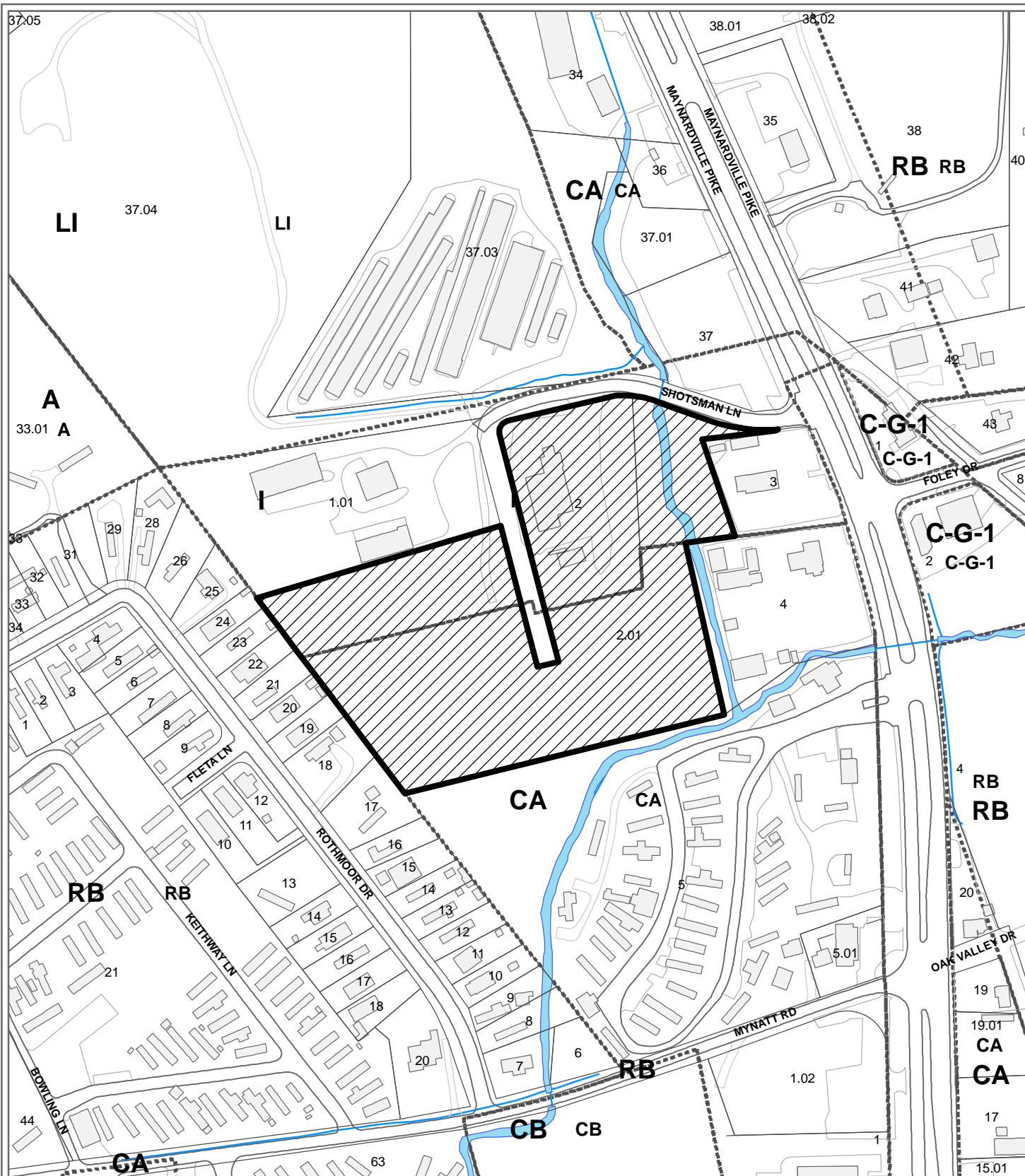
#### **CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS**

1. The North County Sector Plan proposes LI (Light Industrial) uses for the site which is consistent with the zoning and proposed use.
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.

The Planning Commission'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 a Planning Commission decision in the County.



**7-A-20-UR  
USE ON REVIEW**



Recycling Facility in I (Industrial) - pending

Original Print Date: 6/16/2020      Revised:  
 Knoxville - Knox County Planning Commission \* City / County Building \* Knoxville, TN 37902

Petitioner: Benjamin C. Mullins obo  
 Crippen Gap, LLC

Map No: 48  
 Jurisdiction: County







# Request to Postpone • Table • Withdraw

Name of Applicant: Benjamin C. Mullins, Esq. o/b/o Crippen Gap, LLC

AS IT APPEARS ON THE CURRENT PLANNING COMMISSION AGENDA

Original File Number(s): 7-A-20-UR

Date Scheduled for Planning Review: July 9, 2020

Date Request Filed: June 23, 2020

Request Accepted by: \_\_\_\_\_

## REQUEST

**Postpone**

Please postpone the above application(s) until:

August 13, 2020

DATE OF FUTURE PUBLIC MEETING

**Table**

Please table the above application(s).

**Withdraw**

Please withdraw the above application(s).

### State reason for request:

Additional time needed to address items raised by Planning Department during development review.

**Eligible for Fee Refund?**  Yes  No

Amount: \_\_\_\_\_

Approved by: \_\_\_\_\_

Date: \_\_\_\_\_

## APPLICATION AUTHORIZATION

I hereby certify that I am the property owner, applicant, or applicant's authorized representative.

Signature: \_\_\_\_\_

PLEASE PRINT

Name: Benjamin C. Mullins, Esq. o/b/o Crippen

Address: P.O. Box 39; Knoxville, TN 37902

City: Knoxville State: TN Zip: 37901

Telephone: (865) 546-9321

Fax: (865) 637-5249

E-mail: bnullins@fmsllp.com

## PLEASE NOTE

Consistent with the guidelines set forth in Planning's *Administrative Rules and Procedures*:

### POSTPONEMENTS

Any first time (new) Planning application is eligible for one automatic postponement. This request is for 30 days only and does not require Planning approval if received no later than 3:30 p.m. on the Friday prior to the Planning Commission meeting. All other postponement requests must be acted upon by Planning before they can be officially postponed to a future public meeting.

### TABLINGS

Any item requested for tabling must be acted upon by the Planning Commission before it can be officially tabled.

### WITHDRAWALS

Any item is eligible for automatic withdrawal. A request for withdrawal must be received no later than 3:30p.m. on the Friday prior to the Planning Commission meeting. Withdrawal requests that do not meet these guidelines must be acted upon by Planning Commission before they can be officially withdrawn.

Any new item withdrawn may be eligible for a fee refund according to the following:

Application withdrawal with fee refund will be permitted only if a written request is received prior to public notice. This request must be approved by either the Executive Director, or the Planning Services Manager. Applications may be withdrawn after this time, but without fee refund.





# DEVELOPMENT REQUEST

## DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use

## SUBDIVISION

- Concept Plan
- Final Plat

## ZONING

- Plan Amendment
- Rezoning

Benjamin C. Mullins o/b/o Crippen Gap LLC

Applicant Name

May 5, 2020

Date Filed

July 9, 2020

Meeting Date (if applicable)

Owner

Affiliation

7-A-20-UR  
File Numbers(s)

## CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- Applicant
- Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Benjamin C. Mullins

Name

550 West Main Street, Suite 500

Address

865-546-9321

Phone

Frantz, McConnell & Seymour, LLP

Company

Knoxville

City

TN

State

37902

Zip

bmullins@fmsllp.com

Email

## CURRENT PROPERTY INFO

Crippen Gap, LLC

Owner Name (if different)

1328 Bullrun Valley RD., Heiskell, TN 37754 865-679-9950

Owner Address

Owner Phone

3700, 3702, 3704, and 3815 Shotsman Lane

Property Address

048CA002 and 048CA00201

Parcel ID

North of Mynatt Rd and west of Maynardville Pike off Shotsman Lane

General Location

1.82 and 6.6 (8.42 acres total)

Tract Size

Knox County District 7

Jurisdiction (specify district above)

- City
- County

I (Industrial) pending

Zoning District

North County

Planning Sector

Industrial

Existing Land Use

Commercial  
Office

LI (Light Industrial) and SP (Stream Protection) pending

Sector Plan Land Use Classification

N

Septic (Y/N)

Hallsdale Powell

Sewer Provider

Urban Growth

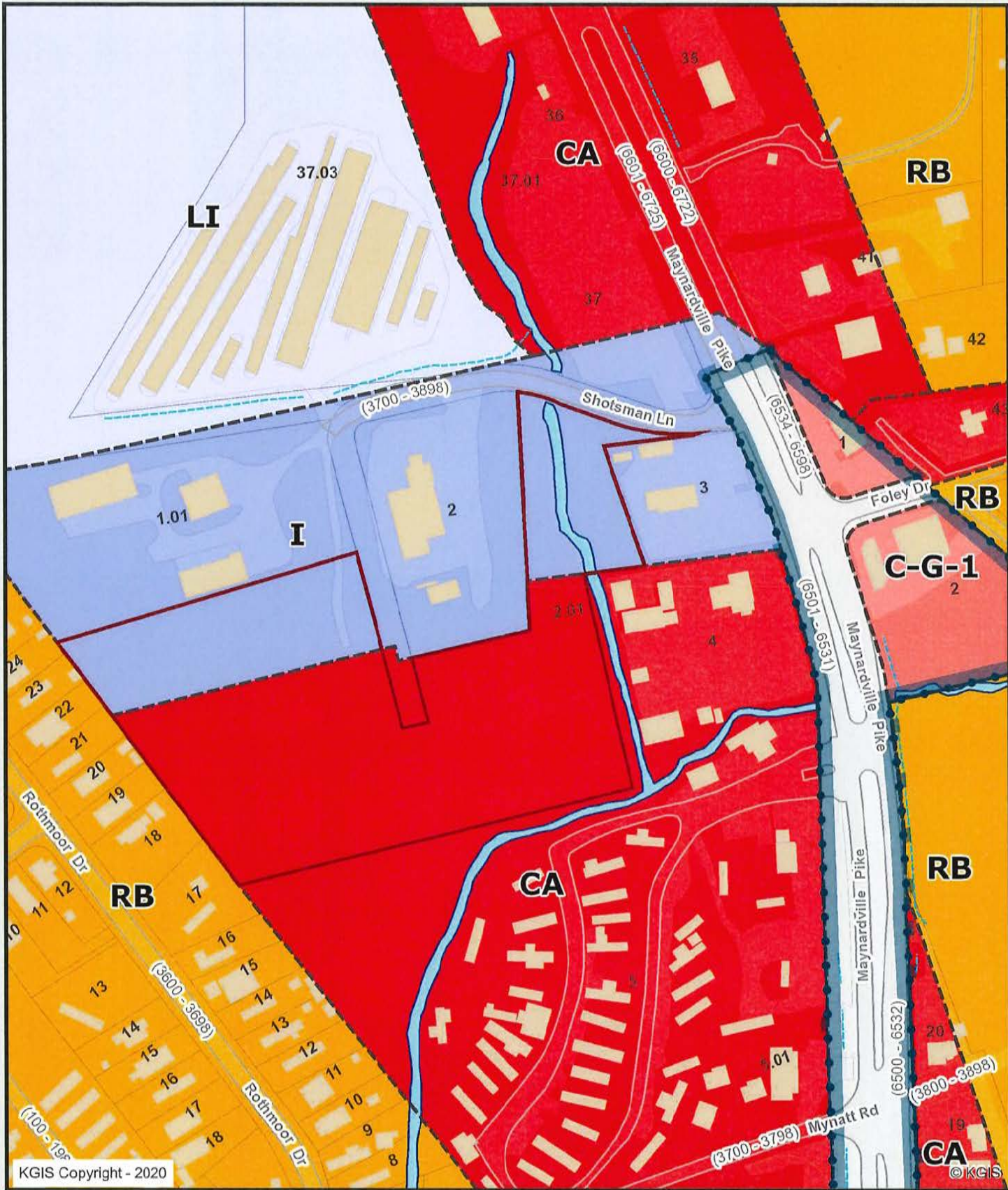
Growth Policy Plan Designation

Hallsdale Powell

Water Provider







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### Letter Portrait

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