



# DEVELOPMENT PLAN REPORT

► **FILE #:** 9-E-22-DP

**AGENDA ITEM #:** 27

**AGENDA DATE:** 9/8/2022

► **APPLICANT:** BLUE WATER INDUSTRIES, LLC

**OWNER(S):** Blue Water Industries (FKA Aggregates USA (Midway) LLC)

**TAX ID NUMBER:** 43 020.01

[View map on KGIS](#)

**JURISDICTION:** County Commission District 8

**STREET ADDRESS:** 0 MASCOT RD

► **LOCATION:** North side of Mascot Road, west side of Immel Mine Road

► **APPX. SIZE OF TRACT:** 49.12 acres

**SECTOR PLAN:** Northeast County

**GROWTH POLICY PLAN:** Planned Growth Area

**ACCESSIBILITY:** Access is via Mascot Road, a local road with a 32-ft pavement width within 50-70 ft of right-of-way.

**UTILITIES:** Water Source: Northeast Knox Utility District

Sewer Source: Knoxville Utilities Board

**WATERSHED:** Holston and French Broad

► **ZONING:** I (Industrial)

► **EXISTING LAND USE:** Agriculture/Forestry/Vacant Land

► **PROPOSED USE:** Expansion of existing surface mine Plan of Operations

**HISTORY OF ZONING:** The property has been zoned Industrial since at least the 1950's according to historic zoning maps.

**SURROUNDING LAND USE AND ZONING:**  
North: Mining -- I (Industrial)  
South: Vacant land -- I (Industrial)  
East: Vacant land -- I (Industrial)  
West: Mining -- I (Industrial)

**NEIGHBORHOOD CONTEXT:** This property in Mascot, is east of the Eastbridge industrial park. There are active mining operations to the north and southwest.

## STAFF RECOMMENDATION:

► **Approve the request to expand the existing surface mining and mineral extraction operation as described in the Mining Plan of Operations (Amendment I) for BWI Midway Quarry, subject to 8 conditions.**

1. Providing the proposed 15-ft wide Type 'A' landscape screen along the Mascot Road frontage. The landscaping can consist of existing vegetation and new plantings, but the combination of vegetation must meet the intent of the Type 'A' landscape screen.
2. Meeting all other applicable requirements of the Knox County Zoning Ordinance, including but not limited to

all requirements set forth in Section 4.10, "Supplemental Regulations Applying to a Specific, to Several, or to All Zones", and Section 4.50, "Standards for Mining and Mineral Extraction, of the Knox County Zoning Ordinance.

3. Meeting all requirements of the Knox County Health Department.

4. Meeting all requirements of the Knox County Department of Engineering and Public Works.

5. Meeting all applicable requirements and obtaining all required permits dealing with water and air quality from the appropriate governmental agency.

6. Access to the subject site shall be through the existing approved and permitted parcel located to the west via the tunnel under Mascot Road, the existing gravel entranceway on the west parcel from Mascot Road, and the existing access point to the parcel from Immel Mine Road.

7. Posting of the required bond with Knox County or the State of Tennessee.

8. Approval of this Mining Plan of Operations (Amendment I) for BWI Midway Quarry application by Knox County Commission.

#### **COMMENTS:**

This proposal is to expand the existing Blue Water Industries (BWI) Midway quarry operation by approximately 49 acres, bringing the total acreage of the quarry to approximately 350 acres. The proposed use for the expansion site is for placement of overburden. It is not proposed for mineral extraction. A 15' Type 'A' landscape screen will be provided along the Mascot Road frontage. The landscape screen will be made up of existing vegetation and new plantings. There is a 100' KUB powerline easement between the area where overburden will be placed on the site and Mascot Road, so the fill on the site will be setback from the road frontage.

The exact height (final elevation) of the overburden on the site is unknown at this time but it could be up to approximately the 1120-ft elevation, which is 141 feet higher than the highest point on this parcel. This is equivalent to adding the Sterchi Lofts building on Gay Street to the highest point on this parcel. The overburden storage area "will be seeded as appropriate to retard erosion and provide good visual appearance." A similar practice has been utilized on other sites that BWI operate.

#### **DEVELOPMENT PLAN ANALYSIS PER ARTICLE 6, SECTION 6.50.06 (APPROVAL OR DENIAL)**

In the exercise of its administrative judgment, the Planning Commission shall determine if the proposed plan is in harmony with the general purpose and intent of the zoning ordinance and adopted plans.

##### **1) ZONING ORDINANCE**

I (Industrial):

a) The I (Industrial) zone is intended to provide 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.

b) Mining facilities must meet the performance standards of Section 4.10 of the Knox County Zoning Ordinance which establishes regulations and standards for the installation and operation of commercial and industrial uses based on consideration of the objectionable characteristics of such uses and the districts in which they are permitted. Further, this subsection prescribes the procedures and methods of measurement of industrial characteristics subject to the performance standards.

c) Mining facilities must meet the standards for mining and mineral extraction standards of Section 4.50 of the Knox County Zoning Ordinance. These standards are established because mineral extraction may involve differing processes and may seriously affect mined parcels and surrounding properties.

d) This proposal meets the standards of the I (Industrial) zone and the supplemental regulations for mining and mineral extraction.

##### **2) GENERAL PLAN - DEVELOPMENT POLICIES**

a) Discourage environmental nuisances in the vicinity of residential development, including rundown commercial development, noxious industrial uses, railroad tracks, noise and fumes from heavy traffic volumes, large storage tanks of gas, oil and other flammable materials, smoke, noise, offensive odors, vibrations, dust, or glare from nearby or distant uses. (Policy 11.3) -- The portion of the quarry that will be actively mined has already been approved and is not being modified by this expansion. The property to the north of the subject site is another mining operation.

##### **3) NORTHEAST COUNTY SECTOR PLAN**

a) The subject property is classified LI (Light Industrial). The LI land use allows consideration of the I (Industrial) zone, which allows mining operations as a "permitted use". The property has been zoned Industrial

since the 1950's. The current quarry operation opened in the late 1950's to early 1960's and an expansion to the north side of Mascot Road was approved in 1986.

4) KNOXVILLE - FARRAGUT - KNOX COUNTY GROWTH POLICY PLAN

a) The property is within the Planned Growth Boundary. The purposes of the Planned Growth Boundary designation are to encourage a reasonably compact pattern of development, promote the expansion of the Knoxville-Knox County economy, offer a wide range of housing choices, and coordinate the actions of the public and private sectors, particularly with regard to the provision of adequate roads, utilities, schools, drainage and other public facilities and services. The proposed development meets the relevant standards of the Growth Policy Plan.

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 Court of Competent Jurisdiction. The date of the Court of Competent Jurisdiction hearing will depend on when the appeal application is filed.