

USE ON REVIEW REPORT

►	FILE #: 6-A-23-UR	AGENDA ITEM #: 41				
		AGENDA DATE: 6/8/2023				
►	APPLICANT:	TOMPAUL KNOXVILLE, LLC				
	OWNER(S):	Ray Burkhart				
	TAX ID NUMBER:	96 036.06 View map on KGIS				
	JURISDICTION:	County Commission District 9				
	STREET ADDRESS:	2609 ASBURY RD				
►	LOCATION:	Southwest side of Asbury Rd, north of North National Dr				
►	APPX. SIZE OF TRACT:	23.32 acres				
	SECTOR PLAN:	East County				
	GROWTH POLICY PLAN:	Planned Growth Area				
	ACCESSIBILITY:	Access is via Asbury Road, a major collector street with a 22-ft pavement width within a 40-ft right-of-way. Access is also via Chapman Highway, a major arterial street with a 48-ft pavement width within a 106-ft				
	UTILITIES:	Water Source: Knoxville Utilities Board				
		Sewer Source: Knoxville Utilities Board				
	WATERSHED:	Holston-French Broad				
►	ZONING:	l (Industrial)				
►	EXISTING LAND USE:	Agriculture/Forestry/Vacant Land				
►	PROPOSED USE:	Metal and plastics reclamation facility				
	HISTORY OF ZONING:	None noted				
	SURROUNDING LAND	North: Single family, Vacant, Quarry I (Industrial)				
	USE AND ZONING:	South: Industrial I (Industrial)				
		East: Trucking terminal I (Industrial)				
		West: Industrial, Vacant I (Industrial)				
	NEIGHBORHOOD CONTEXT:					

STAFF RECOMMENDATION:

Approve the request for a metals and plastics reclamation facility with approximately 60,000 sqft of processing area, as presented in the Description of Operations and shown on the development plan, subject to 4 conditions.

1) Meeting all applicable requirements of the Knox County Zoning Ordinance, including but not limited to the performance standards for commercial and industrial uses in Article 4.10, Section 1.

2) Meeting all applicable requirements of the Tennessee Department of Environment.

3) Meeting all applicable requirements of the Knox County Department of Public Works and Engineering.

4) Installing all required landscaping, including but not limited to the landscape screening standards in Article 4.10.11. Planning Commission staff must review and approve the landscape plan before issuing building permits.

With the conditions noted, this plan meets the requirements for approval of a metals and plastics reclamation facility in the I (Industrial) zone and the criteria for approval of a use on review.

COMMENTS:

This proposal is for a metals and plastics reclamation facility on approximately 15.7 acres of the 23.3-acre site.

In April 2023, the Planning Commission ruled in a Similar Use Determination case that a metals and plastics reclamation facility is a Use Permitted on Review in the I (Industrial) zone (4-B-23-OB). The attached Description of Operation has been revised from that presented as part of the Similar Use Determination application. The main difference is that the mechanical equipment is no longer inside a structure. The current proposal is for the reclamation equipment to be located on an unenclosed concrete pad that sits approximately 250 ft from Asbury Road, and is approximately 20 ft higher than the road.

This facility is currently proposed to have a ball mill, which can produce a lot of noise if no sound deadening is installed. This ball mill will have a neoprene liner that will significantly reduce noise levels. The applicant estimates that the worst-case scenario for the noise levels at the nearest property line is 67 decibels (db). The performance standards for noise in Article 4.10.01 establish maximum decibel levels at the property line based on the frequency of the sound. The 67 db complies with the noise levels if the frequency is less than 250 hertz (Hz). The normal speaking vocal range is 60 to 250 Hz. The lower the Hz, the lower the tone (bass).

DEVELOPMENT STANDARDS FOR USES PERMITTED ON REVIEW (ARTICLE 4.10 - SECTION 2). The Planning Commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the following general standards:

1) THE USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND SECTOR PLAN.

A. The site is within the East County Sector Plan, which proposes LI (Light Industrial) uses for the area. B. General Plan Policy 11.3, 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. – Three (3) residential properties are on the east side of Asbury Rd within 300 feet of the subject property. There are five (5) residential properties on the east side of Asbury Road that are within close proximity to this site. The closest is approximately 330 ft from the processing site. These properties are zoned I (Industrial) and appear to be used for residential purposes. C. General Plan Policy 11.9, Locate new industrial development primarily in industrial parks, business parks or other suitably planned settings of ten acres or greater, with locations for technology-based industry less restricted than general or heavy industry. – This site is located in the Forks of the River Industrial Park.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE

A. Three (3) residential properties are on the east side of Asbury Rd within 300 feet of the subject property. The properties are zoned I (Industrial) and are not part of a residential subdivision or restricted to residential uses, such as by covenants. In the I (Industrial) zone, uses listed as a Use Permitted on Review shall not be located nearer than 300 feet to a public park, school, church, hospital, sanitarium, residential zone, or subdivided land restricted to residential uses. The 300-ft setback does not apply in this situation.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

A. The only buildings proposed are two office trailers on the northeast portion of the site, near Asbury Road. B. Landscape screening is required between Asbury Road and the industrial use and the parking lot per Article 4.10.11.

C. The nearby industrial uses include a trucking terminal, a metal recycling facility, and a concrete plant.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY. A. The proposed use is similar in nature to nearby industrial uses.

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5) THE USE WILL NOT DRAW ADDITIONAL TRAFFIC THROUGH RESIDENTIAL AREAS. A. Access to the site is from Asbury Road, a major collector street.

6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for the proposed use.

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.









TOMPAUL KNOXVILLE, LLC for Facility at 2609 Asbury Road Knoxville, TN 37914

Description of Operations - Revised

This revised Description of Operations is being submitted to reflect a modification to the Facility. Originally the Site Plan and Description of Operations reflected the reclamation processing area being enclosed in a building. The Facility has been modified to have an openair reclamation processing area on a concrete pad.

TOMPAUL KNOXVILLE, LLC is a metal recycling company proposed to locate at 2609 Asbury Road. The recycling operation processes downstream fines obtained from the recycling of various types and grades of ferrous and non-ferrous metals and aluminum, depending on market conditions. This provides an important service in reclaiming metals both in terms of getting metals back into the consumer product stream and in keeping metals out of area landfills.

Note that this facility located at 2609 Asbury Road will be receiving materials from nearby SA Recycling. Though they are separately owned facilities, the operation at 2609 Asbury Rd will be a continuation of the recycling process. Its goal is to remove the excess heavy metals from "fines waste products" prior to going to landfill, thereby reducing the load of metals in the landfill. These metals are collected & processed and sent back to the refineries, which also reduces the load of metals being mined from the Earth.

TOMPAUL KNOXVILLE, LLC is a leading firm in separation technology for different industries and specializes in final metals removal of the smaller size fractions that other technologies miss and send to landfill.

Description of Process

The process involves proprietary separating technology applications for recovery, and sorting metal from fines by use of specialized industrial equipment and processes for the following applications:

- Car Shredder Residue
- Aluminum Shredder Residue
- Waste Electrical and Electronic Equipment (Electronics Recycling)
- Incinerator Ash
- Steel Making Industry (steel mills and ores processing)
- Municipal Recycling Facilities (MRFs)

The Facility's operation will include a truck scale, a reclamation processing area comprised of reclamation equipment on a concrete pad, an office trailer, and an employee break room/locker room trailer. In-feed material is in an open pile that is currently to the south of the reclamation facility. In-feed material will be transported to the reclamation processing area via front end loaders or similar. Material will be put in process and fed through various separating equipment systems. Once processed a concentrate is formed, and a Coproduct is formed. Coproduct will be characterized and sent for further processing or to an appropriate landfill for disposal. Coproduct

will be stored near the reclamation processing area in a covered bunker for daily handling and shipping as required.

Systems and equipment used in the Facility's operation will sort material by size and density. These systems are water-based to control dust emissions and do not create a significant impact to environmental noise. Systems currently planned for this Facility's operation include an infeed system with cut screens, a falling velocity system, and a 3-Density sorting system.

The ball mill system in the process will be comparable to a Metso or Dominion 11x14 overflow ball, which has been measured as contributing a worse-case scenario employee exposure of 89 decibels (dB) and uses a neoprene liner to dampen noise as a standard engineering control. This would result in the noise level at the nearest property border being below 67 dB as a worst-case scenario. Ball mills are used commonly in recycling operations to grind and flatten materials to make metals recovery more efficient. It should also be noted that the property directly adjacent to the subject site (SA Recycling) is operating equipment with higher noise levels than the ball mill. Employees working in the immediate area can wear noise reduction personal protection such as ear plugs as appropriate. The ball mill will be located far enough from neighboring properties that it will significantly impact environmental noise or dust. It should also be noted that the Company is currently assessing alternatives to the ball mill plant to further reduce noise levels, such as compression mills, however no determination of the effectiveness of any alternatives has been completed as of the date of this application.

Facility Operations

The Facility's reclamation processing area is anticipated to operate at up to a 24 hours /7 Days schedule working 12-hour shifts with up to approximately 40 employees. The facility is anticipated to process 31,000-61,000 tons of material per month.

Special Equipment and Controls

The Facility planners, designers, and engineers have taken care and consideration to identify potential environmental and health and safety concerns to implement mitigating and controlling factors preemptively. Special equipment and controls currently include but are not limited to:

• Material is transported to and from the Facility in covered trucks. The material being transported to and from the Facility does not pose a dust risk while on site or in process. Material is transported in covered vehicles, typically tarped coverings, to control dust emissions during transportation on public roadways to and from the Facility.

• The facility will utilize well water and a septic system. A process water treatment and recirculation system will be used to collect, treat, and reuse process water for the operation. This system will allow for the facility operation to draw less water from the well water supply by treating and recirculating water through the reclamation process systems and will prevent discharge of untreated process water.

• The processing concrete pad is a substantial engineering construct that provides over 400,000 gallons of secondary containment, enough to more-than-cover the 100-year rainfall event. 4 independent sump pumps will deliver that rainwater or any dripping water from equipment back into the process water system. When the clean water tank is full, it will overflow to the nearby emergency holding tanks that also have

a capacity of 400,000 gallons. The system is set up to utilize water from these storage tanks for all make-up water, and the well water is simply added to one of these tanks to keep a minimum water level in the bottom of the tank. This methodology prevents operators/technicians from bypassing or forgetting about the emergency storage tanks and keeps the bottom of these tanks free of particulate build-up. These methods give the benefit of always having active water movement and prevent any build-up of unwanted biological life.

• Coproduct material that has been processed will be stored in covered bunkers until it is either reprocessed or characterized and shipped to an appropriate landfill.

• The ball mill system, if used, will include a neoprene or similar lining to reduce noise. The ball mill will not contribute substantially to environmental noise for neighboring properties. Further noise controls including engineering controls such as noise screens and noise reduction personal protective equipment such as ear plugs will be implemented as appropriate for employee protection.

• The Facility will implement and maintain appropriate environmental and health and safety programs.

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Development Request

DEVELOPMENT

Development Plan

Planned Development
 Use on Review / Special Use

□ Hillside Protection COA

SUBDIVISION

Concept PlanFinal Plat

Plan AmendmentSector PlanOne Year Plan

🗌 Rezoning

ZONING

TomPaul Kno	xville, LLC					
Applicant Nar	ne		Affiliation			
4/25/2023		6/8/2023	6-A-23-	UR		
Date Filed		Meeting Date (if applicable) File Nur	nber(s)		
CORRESP	ONDENCE	All correspondence related to this a	oplication should be directe	ed to the approved contact listed below.		
Lydia Crabtre	e Industrial Enviro	nmental Consultants				
Name / Comp	bany					
2603 Fessy Pa	ark Rd #102 Nashvi	lle TN 37204				
Address						
615-202-131	L / lcrabtree@inde	nvconsultants.com				
Phone / Emai						
CURRENT	PROPERTY INFO					
Ray Burkhart		2435 Asbury Rd Knoxv	ille TN 37914			
Owner Name	(if different)	Owner Address		Owner Phone / Email		
2609 ASBUR	(RD					
Property Add	ress					
96 036.06				23.32 acres		
Parcel ID			Part of Parcel (Y/N)?	Tract Size		
Knoxville Uti	ities Board	Knoxville	e Utilities Board			
Sewer Provid	er	Water Pr	ovider	Septic (Y/N)		
STAFF US	ONLY					
Southwest si	de of Ashury Rd in	orth of North National Dr				
General Locat						
City Co	mmission District 9	l (Industrial)		Agriculture/Forestry/Vacant Land		
_ ' _	strict	Zoning District		Existing Land Use		
East County	LI	(Light Industrial)		Planned Growth Area		
Planning Sector		ctor Plan Land Use Classification		Growth Policy Plan Designation		

DEVELOPMENT REQUEST				
Development Plan Plann	ed Development	✓ Use on Review / Special Use	Related City	Permit Number(s)
Hillside Protection COA		🗌 Residential 🛛 🗌 Non-residential		
Home Occupation (specify)				
Other (specify) Metal and plastic	s reclamation fac	ility		
SUBDIVSION REQUEST				
			Related Rez	oning File Number
Proposed Subdivision Name				
Unit / Phase Number		Total Number of Lots Created		
Additional Information				
Attachments / Additional Requi	rements			
ZONING REQUEST				
Zoning Change			Pending I	Plat File Number
Proposed Zon	ing		_	
🗌 Plan				
Amendment Proposed Pla	an Designation(s)			
	revious Zoning Re	quests		
Additional Information				
STAFF USE ONLY				
PLAT TYPE		Fee 1	Fee 1 Tot	
Staff Review Planning	g Commission	\$1,600.0	00	
ATTACHMENTS				_
Property Owners / Option Hold ADDITIONAL REQUIREMEN		nce Request Fee 2		
COA Checklist (Hillside Protection				
Design Plan Certification (Final		Fee 3		_
Site Plan (Development Reques	t)			
 Traffic Impact Study Use on Review / Special Use (Column 1) 	oncept Plan)			
I declare under penalty of perjury all associated materials are being		ue and correct: 1) He/she/it is the owner of the p ;/her/its consent.	roperty, AND 2) t	he application and
	TomPaul k	(noxville, LLC		4/25/2023
Applicant Signature	Please Prir	ht		Date
Phone / Email				
	Ray Burkh	art		4/25/2023
Property Owner Signature	Please Prir	nt		Date

Property Owner Signature

RNOXVILLE I KNOX COUNTY TomPaul Knoxville, LLC	Development Development Plan Planned Developmer Use on Review / Spec Hillside Protection CO 	SUBD Col Dit Fin Cial Use	Eque IVISION ncept Plan Nal Plat	St ZONING Plan Amendment SP OYP Rezoning
Applicant Name			Affiliat	ion
4/24/2023	0/0/0000		Annia	
Date Filed	6/8/2023 Meeting Date (if appli	cable)		File Number(s)
CORRESPONDENCE	Il correspondence related to this			
Lydia Crabtree	er 🗌 Option Holder 🔲 Proj	ect Surveyor 🔳 Engi Industrial Envi		tect/Landscape Architect
Name		Company		
2603 Fessey Park Rd #102		Nashville	TN	37204
Address (615) 730-5059 or (615) 202	2-1311 Lydia@indenvcon	City sultants.com	State	ZIP
CURRENT PROPERTY INFO	Email			
Ray Burkhart	2435 Asbu	ry Road, Knoxville,	TN 37914	
Property Owner Name (if different) Property Own	er Address		Property Owner Phone
2609 Asbury Road, Knoxville	, TN 37914	096036	06	
Property Address		Parcel ID		
NA	NA	well water		Yes
Sewer Provider	Wate	r Provider		Septic (Y/N)
STAFF USE ONLY Southwest side of Asbury F General Location	d, north of North National E)r	23.35 a Tract Siz	and the second
City M County 9th	I (Industrial)	Agrici	ulture/forestry	/vacant
City X County District	Zoning District		Land Use	
East County	LI	-		ed Growth
Planning Sector	Sector Plan Land Use Cl	assification		Policy Plan Designation

DEVELOPMENT REQUEST				
 Development Plan Use on Review Residential Non-Resident Home Occupation (specify) 	w / Special Use 🔲 Hillside Pro ial		Related	City Permit Number(s)
	netal and plastics reclama			
SUBDIVISION REQUEST				
Proposed Subdivision Name	rcels 🗌 Divide Parcel —		Related I	Rezoning File Number
Unit / Phase Number		l Number of Lots	Created	
Attachments / Additional Requirements	5			
ZONING REQUEST				
Zoning Change Proposed Zoning			Pendin	g Plat File Number
Plan Amendment Change Proposed P	lan Designation(s)			
Proposed Density (units/acre)	Previous Rezoning Requests			
Other (specify)	0 - 1			
STAFF USE ONLY				
PLAT TYPE		Fee 1		Total
Staff Review Planning Commissi	on	405	Use on Review	
	Variance Request	Fee 2		
ADDITIONAL REQUIREMENTS Design Plan Certification (<i>Final Plat</i>)				\$1,600
 Use on Review / Special Use (Concept Pl Traffic Impact Study 	an)	Fee 3		
COA Checklist (Hillside Protection)			1	
AUTHORIZATION				
Tan Varia	TomPaul Knoxvil	le, LLC	4/19	1/22
Applicant Signature	Please Print Tom V		Date	/=>
404-519-5010 Phone Number	metaltekd Email		com	
Lease is provided and attached				
Property Owner Signature	Please Print		Date	

I declare under penalty of perjury the foregoing [i.e., he/she/they is/are the owner of the property and that the application and all associated materials are being submitted with his/her/their consent] is true and correct.

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Sign Posting & Removal Requirement

Revised April 2021

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.

TIMING

The sign(s) must be posted **not less than 12 days prior to the scheduled Planning Commission public hearing** and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

May 26, 2023	and	June 9, 2023
(applicant or staff to post sign)		(applicant to remove sign)
Applicant Name: TomPaul Knoxville, LLC		
Date: 4/24/2023		Sign posted by Staff
File Number: 6-A-23-UR		Sign posted by Applicant