

▶ **FILE #:** 3-E-10-UR **AGENDA ITEM #** 50

POSTPONEMENT(S): 3/11/2010-6/10/2010 **AGENDA DATE:** 8/12/2010

▶ **APPLICANT:** THE PAVILION AT HUNTER VALLEY FARM, LLC

OWNER(S): HUNTER VALLEY, LLC

TAX ID NUMBER: 155 PORTION OF 044.06 MAP ON FILE AT MPC

JURISDICTION: County Commission District 4

▶ **LOCATION:** Northwest side Hunter Valley Ln., northeast of Keller Bend Rd.

▶ **APPX. SIZE OF TRACT:** 3.42 acres

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Rural Area

ACCESSIBILITY: Access is via Hunter Valley Ln., a local street with a 23' pavement width located within the right-of-way of Interstate 140.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: Septic System

WATERSHED: Tennessee River

▶ **ZONING:** T (Transition) with conditions, A (Agricultural) & F (Floodway)

▶ **EXISTING LAND USE:** Event facility/pavilion, equestrian facility/horse farm and parking lot

▶ **PROPOSED USE:** Event facility/pavilion, equestrian facility/horse farm and parking lot
 NA

HISTORY OF ZONING: Portion of the property (3.42 acres) rezoned T (Transition) with conditions by Knox County Commission on 10/26/2009.

SURROUNDING LAND USE AND ZONING: North: Bluegrass Lake and commercial uses / F (Floodway) & CA (General Business)

South: Equestrian facility/horse farm and Interstate 140 / A (Agricultural) & OS-1 (Open Space)

East: Equestrian facility/horse farm and residences / A (Agricultural)

West: Residence / A (Agricultural)

NEIGHBORHOOD CONTEXT: This area is developed with rural residential and agricultural uses under A zoning. Some commercial uses are located within view of the site to the north across Bluegrass Lake, zoned CA, along S. Northshore Dr.

STAFF RECOMMENDATION:

▶ **APPROVE the request for an event facility/pavilion in the T (Transition) zoning district, subject to 11 conditions:**

1. Obtaining approval of the rezoning (8-E-10-RZ) of the additional property into the T (Transition) zoning district by Knox County Commission.
2. Meeting all applicable requirements of the Knox County Health Department.
3. Meeting all applicable requirements of the Knox County Zoning Ordinance.
4. Meeting all applicable requirements of the Knox County Fire Marshal's Office.

5. Obtaining all applicable building permits from Knox County.
6. Meeting all applicable requirements and obtaining all required permits from the Tennessee Valley Authority.
7. Obtaining a street connection permit from the Tennessee Department of Transportation for the proposed driveway that will serve the event facility/pavilion.
8. Final grades and pavement requirements for the access drive and parking lot are subject to approval by the Knox County Department of Engineering and Public Works
9. Meeting all other applicable requirements of the Knox County Department of Engineering and Public Works.
10. Installation of landscape screens 1 and 2 as shown on the Plan Detail sheet (for the access driveway for the event facility) prior to completion of the access driveway. A "Type A" landscape screen shall be provided (See attached information sheet). Landscape screen #2, which is located closest to the residence on the property to the west, shall be installed in the fall of 2010. Landscape screen #1, which is adjacent to the western side of the access driveway, shall be installed upon completion of the grading for the access driveway. The applicant shall be responsible for maintaining the landscape screening.
11. The required improvements for the access driveway and parking lot for the event facility/pavilion shall be installed and approved by the Knox County Department of Engineering and Public Works prior to January 1, 2011. If these improvements are not completed by that date, this use on review approval shall automatically be revoked and shall terminate without any further action being required by the Planning Commission. If the use on review approval is revoked and terminated, any use of the event facility/pavilion shall immediately cease.

With the conditions noted above, this request meets all requirements of the T (Transition) zoning district, as well as other criteria for approval of a use on review.

COMMENTS:

The applicant is requesting approval of an event facility/pavilion on a site located on the north side of Hunter Valley Ln. east of Keller Bend Rd. The 51.16 acre site includes an existing equestrian facility/horse farm located within the A (Agricultural) zoning district and an existing 6000 square foot pavilion located on a 3.42 acre portion of the site that is zoned T (Transition).

The Planning Commission recommended approval of the rezoning of 3.42 acre portion of the site to T (Transition) on September 10, 2009 (5-A-09-RZ). The Knox County Commission approved the rezoning on October 26, 2009 conditioned to limited use as an event facility, subject to a use determination and use on review development plan approval of the facility by the Planning Commission. A use determination (3-A-10-OB) was approved by the Planning Commission on March 11, 2010 which determined that an event facility and associated parking can be considered as a use permitted on review in the T (Transition) zone. The Planning Commission is also considering a rezoning request at this meeting (8-E-10-RZ) for an expansion of the T (Transition) zone to approximately 6 acres in order to cover the pavilion and associated parking.

The applicant has been operating an event facility at this location for approximately two years without any approvals. It has been over a year since the applicant started the process to have the property rezoned for the event facility and obtain other approvals including this use on review request. Over the past couple of months the Knox County Fire Prevention Bureau has issued two citations for the use of the facility without required approvals.

One major issue that the applicant has had to address is the access and vehicular circulation for the site. The existing driveway that serves the equestrian facility and residences is not adequate for serving the event facility. Staff has discussed several alternatives for access to the site including a proposed driveway adjacent to the residential property on the western side of the property. The neighbor has objected to that driveway location and it is staff's position that considering the size of the applicant's property, the neighbor should not be subjected to the impacts generated by the access drive. Staff has met with the applicant and neighbor to try and work out a solution that will work for both parties. The proposed access drive that is now before the Planning Commission is supported by staff (See the attached Site Overview plan). The proposed driveway will be approximately 255' from the adjoining residence and 175' from the property line at that location. The driveway will connect to Hunter Valley Ln. approximately 105' from the neighbor's driveway. A street connection permit is required from the Tennessee Department of Transportation for the proposed driveway. To further reduce the impact of the driveway on the adjoining property, a "Type A" landscape screen shall be installed at the locations shown on the driveway/landscaping detail sheet. The access driveway and parking lot are required to be paved.

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

1. The facility will have minimal impact on local services since most utilities are available to serve this site. Approval is required from the Tennessee Valley Authority regarding the use of lake water for fire protection purposes.
2. With the central location of the facility on this 51 acre tract the use is compatible with the scale and intensity of the surrounding development and zoning pattern. The facility is also appropriate at this location which faces commercial uses on the opposite side of Bluegrass Lake to the north (about 400 feet).
3. The proposed driveway access with associated landscape screening should have minimal impact on the adjacent property.

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

1. With the recommended conditions, the event facility/pavilion meets the standards for development within the T (Transition) Zone and all other requirements of the Zoning Ordinance.
2. The proposed facility 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. With the recommended conditions, the use will not significantly injure the value of adjacent property. At the proposed location, the facility will not draw additional traffic through residential neighborhoods.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Southwest County Sector Plan proposes agricultural and rural residential uses and stream protection for this site. Through the previous T (Transition) zone approval it was determined that T zone uses could be considered on a case by case basis within this plan designation.
2. This site is located within the Rural Area on the Knoxville-Knox County-Farragut Growth Policy Plan.

ESTIMATED TRAFFIC IMPACT: Not calculated.

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.