

▶ **FILE #:** 8-C-11-UR **AGENDA ITEM #** 31

POSTPONEMENT(S): 8/11/2011 **AGENDA DATE:** 9/8/2011

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

OWNER(S): Becky Thornton

TAX ID NUMBER: 155 04406

JURISDICTION: County Commission District 4

▶ **LOCATION:** Northwest side Hunter Valley Lane, northeast of Keller Bend Road

▶ **APPX. SIZE OF TRACT:** 6 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: First Knox Utility District

WATERSHED: Tennessee River

▶ **ZONING:** T (Transition) (k)

▶ **EXISTING LAND USE:** Pavilion and event facility

▶ **PROPOSED USE:** Pavilion and event facility

HISTORY OF ZONING: Portion of the property (3.42 acres) rezoned T (Transition) with conditions by Knox County Commission on 10/26/2009. An additional 2.566 acres was rezoned to T (Transition) on 9/27/2010.

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 development plan for an event facility/pavilion in the T (Transition) zoning district, subject to 10 conditions:**

1. Meeting all applicable requirements of the Knox County Health Department.
2. Meeting all applicable requirements of the Knox County Zoning Ordinance.
3. Meeting all applicable requirements of the Knox County Fire Marshal's Office.
4. Obtaining all applicable building permits from Knox County.

5. Installation of the revised stormwater facilities as approved for this site by the Knox County Department of Engineering and Public Works.
6. The required paving for the access driveway and revised parking lot shall be completed by the applicant and approved by the Knox County Department of Engineering and Public Works.
7. Directional signage shall be changed to identify the new access drive off of Hunter Valley Lane as the entrance/exit for the event facility/pavilion.
8. Meeting all other applicable requirements of the Knox County Department of Engineering and Public Works.
9. Meeting the above conditions prior to the issuance of a Certificate of Occupancy for the pavilion.
10. The applicant shall be responsible for maintaining the two landscape screens (which have been installed) that are identified on the approved plans.

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:**

**UPDATE FROM MPC MEETING OF AUGUST 11, 2011:**

Site Design: The applicant has submitted a revised parking lot layout for the site that has been prepared by Lemay and Associates Consulting Engineers. The revised site plan includes a total of 101 parking spaces. The design capacity for the pavilion is under 300 patrons which would require a minimum of 100 parking spaces. The stormwater management plan has been revised to reflect the changes in the parking area.

Staff's Revised Conditions: After reviewing the revised site plan for the facility, Staff has proposed a revised recommendation that has no phasing plan or recommended dates for completion of the required improvements.

Enforcement Action: On August 26, 2011, on behalf of the Knox County Department of Engineering and Public Works, a Motion for Temporary Injunction was filed against Hunter Valley, LLC (d/b/a The Pavilion at Hunter Valley Farm), from further unlawful use of the property at 9111 Hunter Valley Lane in violation of the Knox County Zoning Ordinance. A hearing will be held upon the application for injunctive relief on September 15, 2011 at 9:30 a.m. before Daryl R. Fansler, Chancellor, Part II of the Chancery Court of Knox County, Tennessee.

**AUGUST 11, 2011 MEETING BACKGROUND (UPDATE FROM MPC USE ON REVIEW APPROVAL OF FEBRUARY 10, 2011):**

When the Planning Commission approved the second use on review approval (2-E-11-UR) for the Pavilion at Hunter Valley Farm on February 10, 2011, there was a condition that the site improvements were to be completed and approved by the Knox County Department of Engineering and Public Works prior to June 9, 2011. Failure to complete the improvements would result in the use on review approval being revoked. While the applicant had made progress on installing the required site improvements, the stormwater facilities have not been completed (a Bond has been posted with the County for completion of the stormwater facilities), and the new access drive and parking facilities were not completed which required paving to County standards.

Since the required improvements were not completed by the June 9, 2011 deadline, and the second use on review approval has been revoked, the applicant is back before the Planning Commission for a third time for a use on review approval. With this new application, the applicant requested that they be allowed to pave the parking lot in phases over the next three (3) years.

**FEBRUARY 10, 2011 MEETING BACKGROUND:**

The applicant requested a use on review 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 6.0 acre portion of the site that is zoned T (Transition).

A use on review approval was granted for this facility on August 12, 2010. One of the conditions of that

approval was that the required improvements for the access driveway and parking lot for the event facility/pavilion had to be installed and approved by the Knox County Department of Engineering and Public Works prior to January 1, 2011. If the improvements were not completed by that date, the use on review approval would automatically be revoked. Since the required improvements were not completed, that approval was revoked.

The application that was before the Planning Commission had only a couple of minor changes from the previous approval. The first change included the water source to be used for fire protection purposes. The original proposal was to pump water from Bluegrass Lake which required approval from the Tennessee Valley Authority. The revised plan was to pump water from a pond that is located on the south side of the parking lot for the event facility. The pond will be modified for that purpose. The second change that could have an impact on the approval was a proposed lot along the western property boundary that the property owner is offering for sale as a residential lot. Staff had requested that the proposed lot be shown on the landscape screening plan to make sure that the lot and proposed access would not interfere with the landscape screening that was being proposed in that area. A revised plan was included in the packet and as proposed there would be no conflict. If any change is made to the proposed lot that would interfere with the required landscape screening, a revised use on review application would be required.

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 also recommended approval of a rezoning request (8-E-10-RZ) on August 12, 2010 for an expansion of the T (Transition) zone to approximately 6 acres in order to cover the pavilion and associated parking. That rezoning was approved by Knox County Commission on September 27, 2010.

The proposed access drive that was before the Planning Commission was 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 was 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.
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.