

▶ **FILE #:** 5-A-09-RZ (REVISED) **AGENDA ITEM #:** 29
 POSTPONEMENT(S): 5/14/2009-8/13/2009 **AGENDA DATE:** 9/10/2009

▶ **APPLICANT:** THE PAVILION AT HUNTER VALLEY FARM, LLC
 OWNER(S): HUNTER VALLEY, LLC

TAX ID NUMBER: 155 PART 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 23' of pavement width within the larger right of way of the adjacent Interstate 140.

UTILITIES: Water Source: First Knox Utility District
 Sewer Source: N/A

WATERSHED: Tennessee River

▶ **PRESENT ZONING:** A (Agricultural) & F (Floodway)

▶ **ZONING REQUESTED:** T (Transition) & F (Floodway)

▶ **EXISTING LAND USE:** Event facility and horse arena

▶ **PROPOSED USE:** Event facility and horse arena

EXTENSION OF ZONE: No

HISTORY OF ZONING: None noted

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

South: Horse farm and Hunter Valley Ln. / A (Agricultural)

East: Residences / A (Agricultural)

West: Residences and vacant land / 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:

▶ **RECOMMEND that County Commission APPROVE T (Transition) zoning, limited to use as an event facility, subject to use determination and use on review development plan approval of the use by MPC.**

Transition zoning would allow the continued use of this property as an event facility, with the approval of a use determination and a use on review by MPC to bring the current use into compliance with zoning. The transition zone requires use on review approval for all development. This will offer the opportunity for public comment on this use.

COMMENTS:

An event facility, which is not in conformance with the current Agricultural zoning, is currently located on this site. The pavilion and parking area were constructed and the use was initiated without obtaining proper County permits. This application was filed by the owners of the property, in order to attempt to bring the use into

conformance with zoning. To staff's knowledge, events have been held at this facility for at least two years and possibly longer. This application has been revised several times since the original May submittal. The application includes 3.42 acres on which the event facility is located out of the 35 acre parcel. The remaining acreage will remain zoned Agricultural, which allows the horses and equestrian related uses. It has been determined that the Transition zone, which is allowable in the Rural Area on the Growth Policy Plan, could accommodate the current use of the site as an event facility. It will, however, require MPC approval of a use determination to allow the use to be considered, and a use on review, to approve the specific development plan with parameters for enforcement.

NEED BASED ON SUBSTANTIALLY CHANGED/CHANGING CONDITIONS IN THE AREA OR THE COUNTY GENERALLY:

1. The proposed T zoning is compatible with the scale and intensity of the surrounding development and zoning pattern.
2. T zoning is appropriate at this location which faces commercial uses on the opposite side of Bluegrass Lake to the north (about 400 feet).
3. T zoning requires use on review approval for all development, so the applicant will have to apply for use on review approval of a development plan for the site, in order to bring the use into compliance with zoning. This will provide the opportunity for staff to review the plan and address issues such as traffic circulation, layout, signage, drainage and other potential development concerns. It will also give the opportunity for public comment at the MPC meeting.

CONSISTENCY WITH INTENT AND PURPOSE OF THE ZONING ORDINANCE:

1. The T (Transition) zone, as described in the zoning ordinance, is intended to insure the development of land adjacent to residential areas into a transition zone between other types of commercial and residential classifications and which will promote the public health, safety, morals, and general welfare of the citizens of Knox County.
2. Further, the purpose is to allow types of commercial uses which are not major traffic generators, and would not open the area to objectionable types of commercial uses, as well as have a transition zone that will be compatible with adjacent residential areas.
3. Based on the above general intent, this site is appropriate for Transition zoning. The site is located within view of commercial development to the north and near office development to the west. This use of the site for an event facility would appear to be an appropriate transitional use.

THE EFFECTS OF THE PROPOSAL:

1. Water utilities are in place to serve this site. Sanitary sewer is not available.
2. The proposal would have no impact on schools. The impact on the street system is minimal, as increased traffic will only be apparent when there is an event being held.
3. The current use has been occurring at this site for a least two years now, with no complaints from adjacent property owners. If the rezoning and use on review is approved, it will provide a basis for enforcement of the use, so that it does not get large enough that it starts to have a negative impact on adjoining properties. It should also be noted that the 3.42 acres, which is being requested for T zoning, is surrounded by 40 or more acres of land that is owned by the applicant or family. The event facility, if approved, would not be any closer than about 700 feet from the nearest residential property owned by others.
4. As part of the use on review process, staff could recommend some conditions as to how often events can be held, as well as establish some limits on times of the day that events can be held. Staff and MPC will have the opportunity to impose conditions on the development which will help to minimize the impact to adjacent properties.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

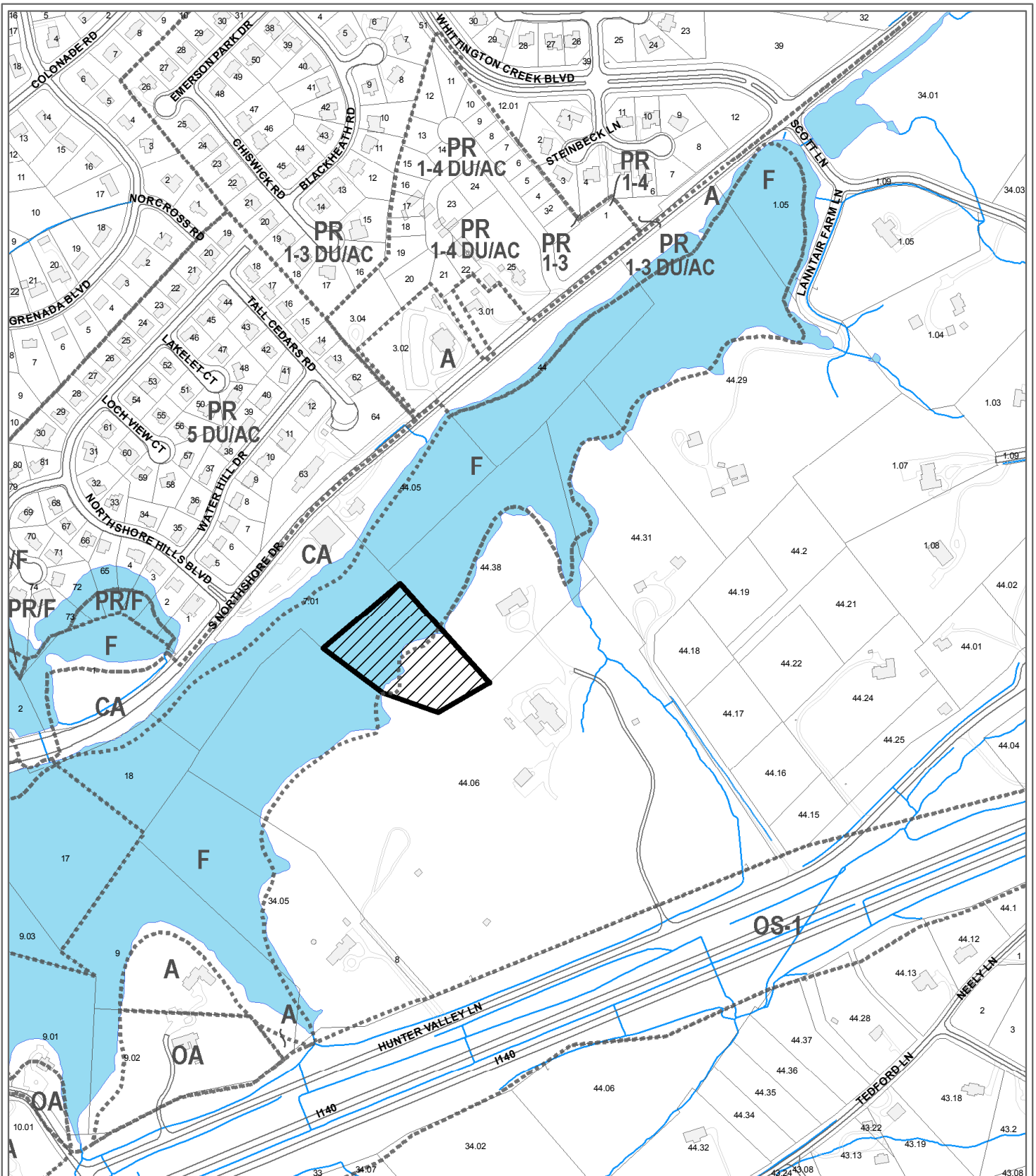
1. The Southwest County Sector Plan proposes agricultural and rural residential uses and stream protection for this site. Staff has determined that the Transition zone may be considered on a case by case basis within this plan designation without a plan amendment.
2. This site is located within the Rural Area on the Knoxville-Knox County-Farragut Growth Policy Plan. The Transition zone is an acceptable zone to be considered within the Rural Area.
3. Approval of this request could lead to future requests for Transition zoning in the area. These applications would be reviewed on a case by case basis.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

If approved, this item will be forwarded to Knox County Commission for action on 10/26/2009. If denied, MPC's action is final, unless the action to deny is appealed to Knox County Commission. The date of the

appeal hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



**5-A-09-RZ
REZONING**

From: A (Agricultural) & F (Floodway)

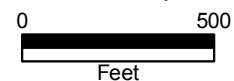
To: OB (Office, Medical, and Related Services) & F (Floodway)



Petitioner: The Pavilion at Hunter Valley Farm, LLC

Map No: 155

Jurisdiction: County



Original Print Date: 4/17/2009
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised: