

▶ **FILE #:** 8-E-10-RZ

AGENDA ITEM # 44

AGENDA DATE: 8/12/2010

▶ **APPLICANT:** HUNTER VALLEY FARM

OWNER(S): HUNTER VALLEY LLC

TAX ID NUMBER: 155 PORTION OF 04406 MAP ON FILE AT MPC

JURISDICTION: County Commission District 4

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

▶ **APPX. SIZE OF TRACT:** 2.566 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)

▶ **ZONING REQUESTED:** T (Transition)

▶ **EXISTING LAND USE:** Event facility and parking

▶ **PROPOSED USE:** Event facility and parking

EXTENSION OF ZONE: Yes, extension of conditional T zoning from the north.

HISTORY OF ZONING: MPC approved conditional T zoning for the site to the north on 9/10/09 (5-A-09-RZ).

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

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

East: Residences / A (Agricultural)

West: Residence 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 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 associated parking, with the approval of 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 with parking, which is not in conformance with the current Agricultural and Transition 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 includes 2.566 acres on which the parking for the event facility is located out of the 35 acre parcel. This area will be added to the originally rezoned area to make a total of about 6 acres zoned Transition. 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 and parking. It will, however, require MPC approval a use on review, to approve the specific development plan with parameters for enforcement. The applicant has submitted a development plan for MPC consideration as a use on review (3-E-10-UR). The use on review request has been postponed since March of 2010. A use determination was approved by MPC on 3/11/10 (3-A-10-OB), which determined that an event facility and associated parking is a use permitted on review in the T (Transition) zone,

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. The use on review development plan (3-A-10-UR) has been submitted and has been postponed since March of 2010. One of the requirements of this plan review resulted in the need to expand the T zoning to include the parking areas shown on the plans. This use on review is also on this August 12, 2010 MPC agenda.

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 are 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 total of 6 acres, which is being requested for or is already zoned T, is surrounded by 40 or more acres of land that is owned by the applicant or family. The event facility structure, if approved, would not be any closer than about 700 feet from the nearest residential property owned by others. The access drive could, however, be located closer to adjacent residences.
4. As part of the use on review process, staff and MPC will have the opportunity to impose conditions on the development which will help to minimize the impact to adjacent properties.

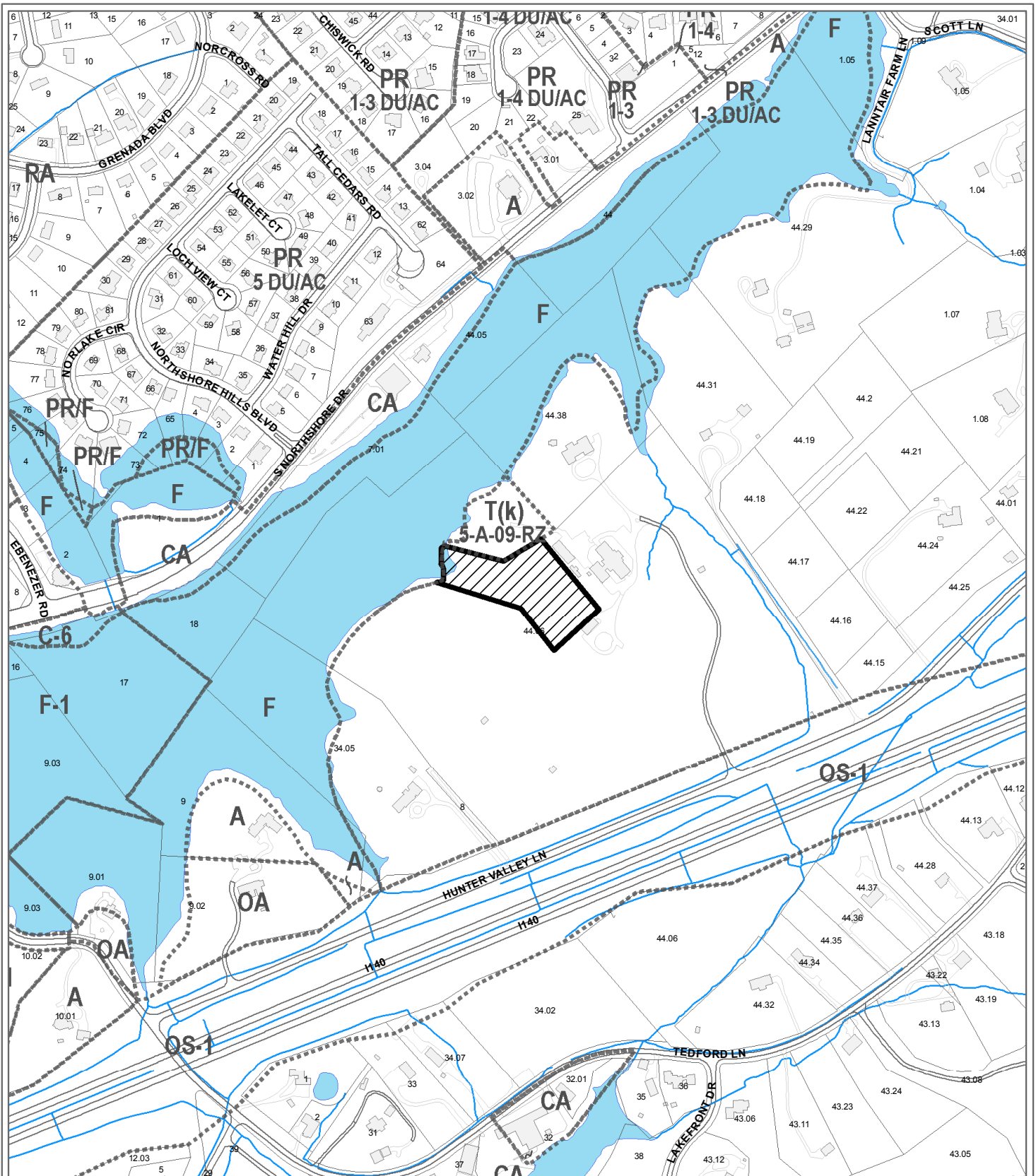
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

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 9/27/2010. 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.



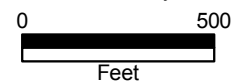
**8-E-10-RZ
REZONING**



From: A (Agricultural)
To: T (Transition)

Petitioner: Hunter Valley Farm

Map No: 155
Jurisdiction: County



Original Print Date: 7/21/2010
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902