

▶ **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 9 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. 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.

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.

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 is requesting that they be allowed to pave the parking lot in phases over the next three (3) years (see attached letter).

In consideration of the applicant's phasing request, Staff is recommending approval of a two phased paving plan as follows (see recommended conditions 6 and 7 for timing of the phases):

Phase One: The new access drive for the facility shall be paved as identified on the enclosed plans from the intersection with Hunter Valley Lane back to the driveway loop at the pavilion (also shown on Fire Truck Site Access Plan). All parking spaces that have direct access to this access drive (56 spaces) shall also be paved in this phase (see attached phasing plan).

Phase Two: The second phase of the paving plan shall include the parking lot (64 spaces) that is on the east side of the access drive, southeast of the pavilion and phase one parking (see attached phasing plan).

BACKGROUND:

The applicant is requesting 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 is now before the Planning Commission has only a couple of minor changes from the previous approval. The first change includes 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 is 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 impact on the approval is 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 is included in the packet and as proposed there will 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 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.
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.

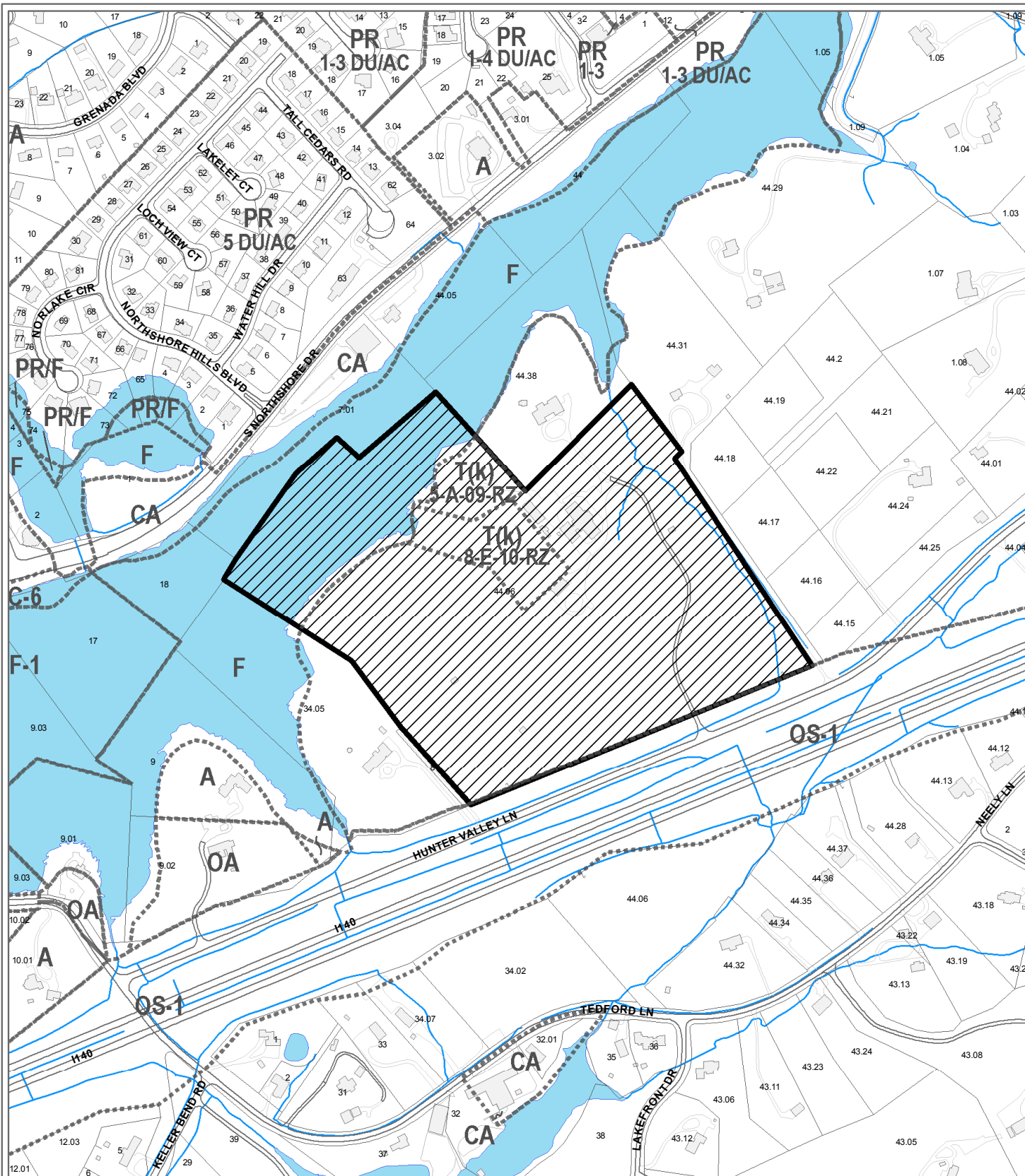
CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

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.

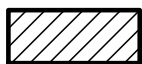
ESTIMATED TRAFFIC IMPACT: Not calculated.

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.



**8-C-11-UR
USE ON REVIEW**



Approval of pavilion and event facility in T (Transition) (k)

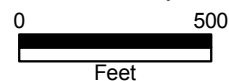
Original Print Date: 7/27/2011
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

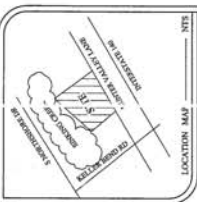
Revised:

Petitioner: The Pavilion at Hunter Valley Farm

Map No: 155

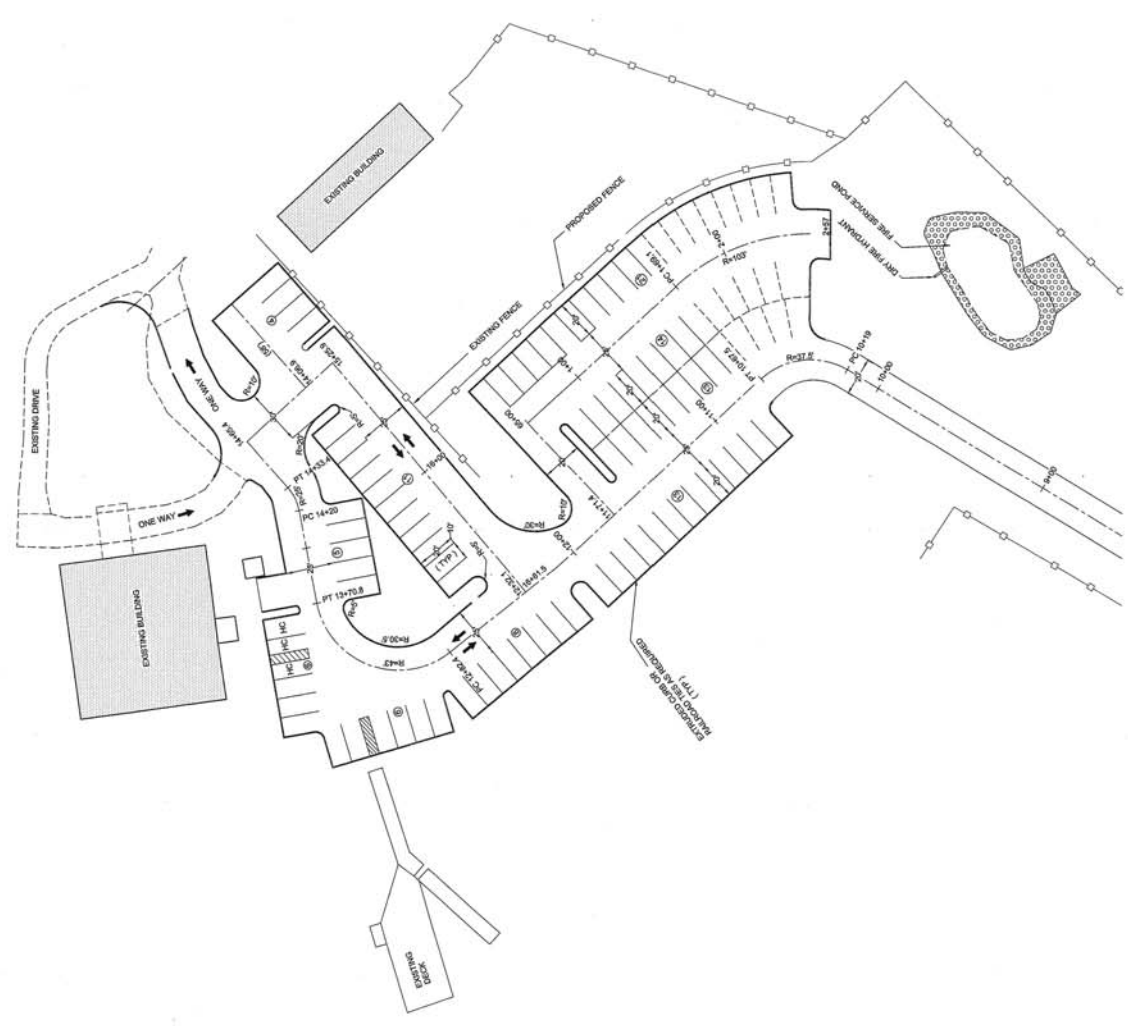
Jurisdiction: County



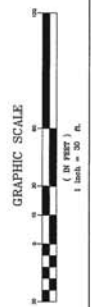


OWNER:
 HUNTER VALLEY FARMS
 HUNTER VALLEY FIELDS
 911 HUNTER VALLEY LANE
 KNOXVILLE, TN 37934-6694
 376-211-002

REVISED PAVING & PARKING PLAN
 SHEET 1 OF 3
 FOR:
HUNTER VALLEY FARMS
 SITE ADDRESS: 911 HUNTER VALLEY LANE
 DISTRICT 6 KNOX COUNTY - TENNESSEE
 MAP 58; PARCEL 06
 DATE: 08-25-2011
 PREPARED BY: [Signature]
 CHECKED BY: [Signature]
 SCALE: 1" = 20'

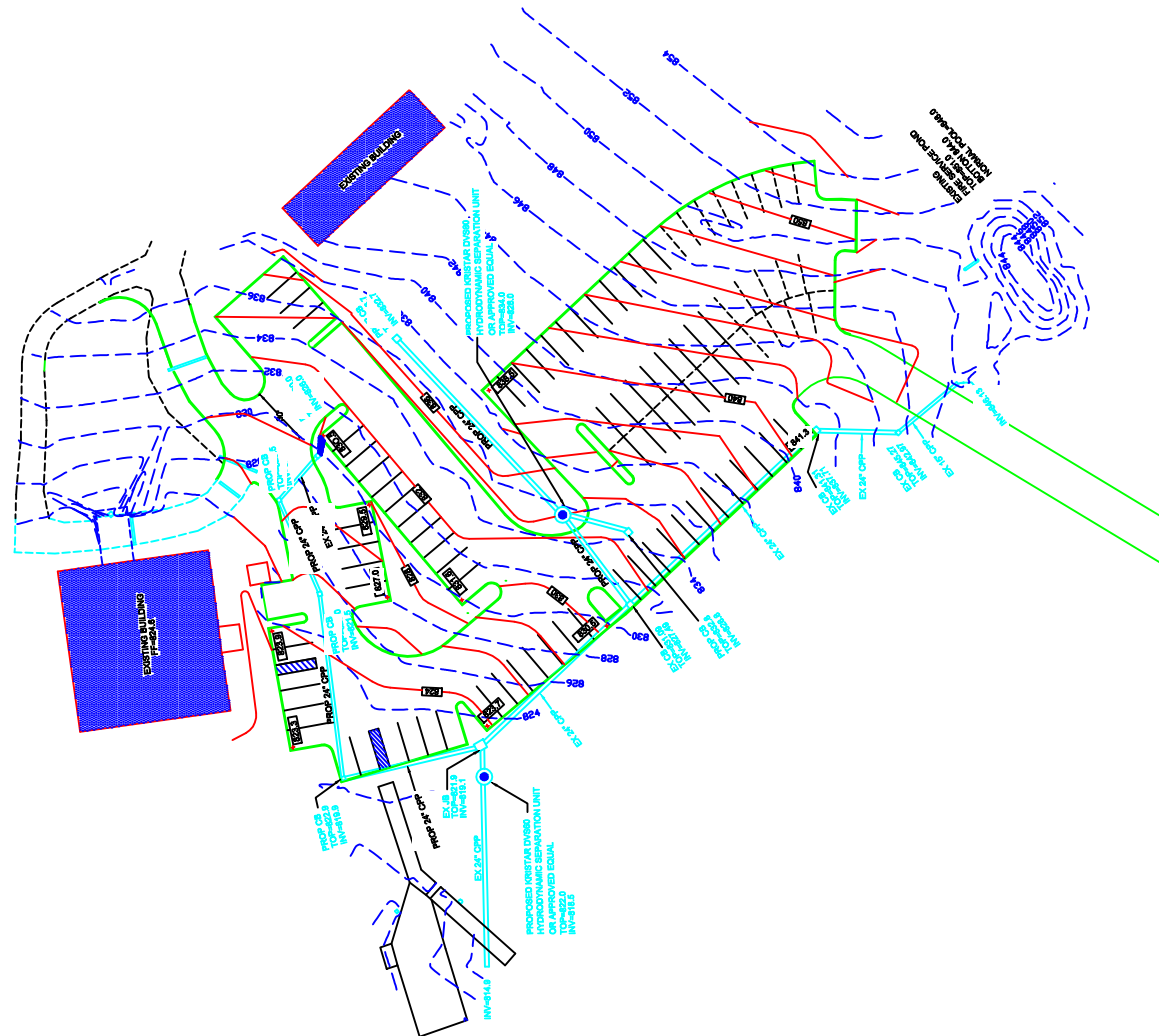
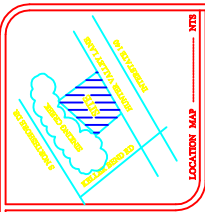


PH: 865-671-0183 FAX: 865-671-0213
 LeMAY AND ASSOCIATES 10816 KINGSTON PIKE
 CONSULTING ENGINEERS KNOXVILLE, TENNESSEE 37934



SITE NOTES

- VERIFY EXIST. SIZE, DEPTH AND LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.
- INSTALL ALL APPLICABLE EASEMENTS, SETBACKS AND RESTRICTIONS OF RECORD.
- ALL WORK AND MATERIALS SHALL COMPLY WITH KNOX COUNTY REGULATIONS.
- CONSTRUCTION DOCUMENTS TO FOLLOW LAYOUT APPROVAL.
- TOTAL PARKING SPACES SHOWN: 191



NOTE:
 GRADING AND EROSION CONTROL TO COMPLY WITH ALL
 LOCAL COUNTY AND TDC REQUIREMENTS.

SITE NOTES

- VERIFY EXISTING SITE AND LOCATION OF ALL UNDERGROUND UTILITIES PRIOR TO CONSTRUCTION.
- PROPERTY SUBJECT TO ALL APPLICABLE EASEMENTS, EASEMENTS AND RIGHTS OF WAY.
- ALL WORK AND MATERIALS SHALL COMPLY WITH HOOX COUNTY REGULATIONS.
- DIMENSIONS ARE TO FACE OF CURB UNLESS OTHERWISE NOTED.
- CONSTRUCTION DOCUMENTS TO FOLLOW LAYOUT APPROVAL.
- TOTAL FINISHED GRADE IS 101.00.

OWNER:
 HUNTER VALLEY LLC
 9107 HUNTER VALLEY LANE
 KNOXVILLE, TN 37934-6884

GRADING AND DRAINAGE PLAN-REVISED SHEET 3 OF 3

FOR:
HUNTER VALLEY FARMS

SITE ADDRESS: 9111 HUNTER VALLEY LANE
 DISTRICT 6 KNOX COUNTY * TENNESSEE MAP 155; PARCEL 06

DATE: 08-25-2011
 LATEST REVISION: 08-31-2011
 SCALE: 1"=20'

DRAWN BY: GMS
 CHECKED BY: REL
 DESIGNED BY: GMS
 PROJECT NUMBER: 3188

PH: 865-671-0183 FAX: 865-671-0213
 10816 KINGSTON PIKE
LeMay AND ASSOCIATES
 CONSULTING ENGINEERS
 KNOXVILLE, TENNESSEE 37934

8-C-11-UR



THE PAVILION AT
HUNTER VALLEY
Farm

9111 Hunter Valley Lane
Knoxville, IN 37922
www.huntermvalleyfarmtn.com
865.223.2758

Knoxville/Knox County Metropolitan Planning Commission
Suite 403, City/County Bldg
400 Main Street
Knoxville, IN 37902

To Whom It May Concern:

On behalf of The Pavilion at Hunter Valley Farm, I respectfully request to be granted the opportunity to pave our parking lot in phases over the next three (3) years.

Sincerely,

Nancy

Nancy Elmore
Vice President,
The Pavilion at Hunter Valley Farm, LLC

8-C-11-UR



JOSEPH G. JARRET
KNOX COUNTY LAW DIRECTOR

Kelly S. Johnson
Chief Deputy Law Director

Susan E. Crabtree
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Edith S. Willcox
Daniel A. Sanders
Charles F. Sterchi, III
Deputy Law Directors

Becky L. Wuethrich
Investigator

Caroline E. H. Sudlow, CIA
Certified Paralegal

April 20, 2011

Arthur G. Seymour, Jr., Esq.
550 West Main Street, Suite 500
Knoxville, TN 37902-2550

Re: Hunter Valley Farms, LLC - 9111 Hunter Valley Lane

Mr. Seymour:

Thank you for speaking with me on Friday, April 15, 2011. This letter will serve to confirm that you represent Hunter Valley Farms, LLC, and as notice of the following:

On February 10, 2011, the Knoxville-Knox County Metropolitan Planning Commission ("MPC") approved Hunter Valley Farms' use on review application for an event facility located at 9111 Hunter Valley Lane. MPC's approval required that nine conditions be met before the facility could be used by the public. I have enclosed a copy of the use on review report for your review.

County records indicate that many of the conditions required by the MPC have not been met. As evidenced by the enclosed article from *Knoxville Magazine*, it appears that Hunter Valley Farms has scheduled an event at 9111 Hunter Valley Lane for April 28, 2011. Please be advised that Knox County considers use of the event facilities at 9111 Hunter Valley Lane prior to final approval by Knox County to be unlawful and a public nuisance. The lack of access for emergency vehicles to a facility potentially hosting over 200 citizens is of special concern. If necessary, Knox County will seek to enjoin use of the facility prior to confirmation that all conditions have been met.

In summary, the facility located at 9111 Hunter Valley Lane may not be used to host events prior to meeting all MPC conditions. If you have any questions, please feel free to contact me.

Sincerely,

DANIEL A. SANDERS
Deputy Law Director

cc: Kathy Saunders, Knox County Fire Prevention
Dwight Van de Vate, Director of Engineering and Public Works
Mark Donelson, MPC

400 Main Street • Suite 612 City-County Bldg. • Knoxville, TN • 37902-2405
Phone: (865) 215-2327 • Fax: (865) 215-2936 • E-Mail: lawdir@knoxcounty.org

The Pavilion at Hunter Valley Farm LLC
9111 Hunter Valley Lane
Knoxville, TN 37922

Inspector: Derek Keck
Original Punch List: June 20, 2011
Inspection Date/Revised Punch List: August 1, 2011

The following items must be addressed before the project will be considered complete:

1. The approved design plan specifies that 35 LF of 18" RCP is to be installed for the driveway culvert; however, CMP material was used. In addition, the headwalls at the inlet and outlet of this driveway culvert were not installed as shown in the design plan.
- ~~2. The swale east of the driveway is eroding, allowing sediment to wash into the existing concrete swale on the ROW of Hunter Valley Lane. This swale should be stabilized to prevent erosion.~~
3. There is an area west of the driveway where small topsoil stockpiles once were. These stockpiles have recently been moved and the area has been graded to final grade. This area should be permanently stabilized. ←Grass is beginning to come up in this area.
4. No asphalt pavement has been installed as shown on the approved design plans. This includes concrete curbing (optional railroad ties), concrete sidewalks, landscape islands, etc.
5. The area around the Fire Service Pond is not properly stabilized. ←Grass is coming up here, but stabilization is currently inadequate.
6. The pond's emergency spillway drains to a 15" HDPE; however, the approved design plan shows the spillway draining into an existing 12" CMP. This must be installed as shown in the approved design plan, or the design plan must be revised to show this pipe as it is currently installed. Necessary drainage calculations must be included with any design plan revisions.
7. The area drain at the outfall of the 15" HDPE mentioned in item 6 of this list is not shown in the approved design plan for this project. This area drain ties into the parking lot's stormwater drainage system, carrying the water from the spillway, and any surface runoff from the grassed area adjacent to the area drain, into the parking lot's stormwater drainage system. However, the approved design plan shows the pond's spillway discharging into the grassed area west of the parking lot. This area drain must be removed, or the design plan must be revised to show this structure as it is currently installed. If revisions are submitted, the engineer will need to provide drainage calculations for the stormwater drainage system that account for the additional stormwater collected by this area drain.

8. The area drain installed in the southwest portion of the parking lot, near the driveway, is not shown in the approved design plan. It appears that this structure is intended to take the place of JB#2 (inv out 831.2), but it is not located in the correct location and it is an area drain, not a junction box. JB#2 (inv out 831.2) must be installed as shown in the approved design plan, or the design plan must be revised to show this structure as it is currently installed.
9. JB#2 (inv out 827.4) is not installed as shown in the approved design plan. An area drain grate is installed on this structure, not a manhole lid. This must be installed as shown in the approved design plan, or the design plan must be revised to show the structure as it is currently installed.
10. Detail #10 and detail #16 on sheet C-5 of the approved design plan specifies that all structures are to have a 4' minimum width or diameter. The structures installed at this facility are approximately 20"x30". These structures must be built as shown in the approved design plan.
11. Yard Inlet #1 has not been installed.
12. The enhanced dry swale has not been installed. This swale must be 276 LF with a 4" perforated subdrain throughout the length of the swale. This must be installed as part of the water quality requirements for this project.
13. The pipe from the existing drainage inlet (inv out 818.5) at the NW corner of the driveway to the larger existing inlet (inv out 818.1) is not installed as shown in the approved design plan. The plan specifies that an 18" CPP is to be installed, but the contractor has installed a 24" CPP. This must be installed as shown in the approved design plan.
14. The relocated existing inlet (inv out 818.1) has no permanent cover installed. The structure is currently covered with a piece of plywood.
15. The water quality unit for the project has not been installed. The plan specifies that a Kristar DVS60 unit should be installed. This must be installed as part of the water quality requirements for this project.
16. There are several small landscape drains (16"x16") that are currently installed in the parking lot. These drains do not tie into the designed stormwater drainage system, but instead are piped via 8" PVC directly into the lake. These landscape drains must be removed and all stormwater runoff from the parking lot must be piped into the designed stormwater drainage system, through the water quality unit, prior to discharge from the property.
17. Drop Inlet #1 and Drop Inlet #2 have not been installed. These must be installed as shown in the approved design plan.
18. The existing fire pit must be relocated outside of the 50' water quality buffer.
19. Covenants for Permanent Maintenance of Stormwater Facilities agreement must be recorded with the Knox County Register of Deeds.
20. The Operations & Maintenance plan has not been recorded with the Knox County Register of Deeds.
21. Development Certification (as-built) has not been submitted to Knox County Engineering for approval.
22. A plat has not been recorded with the Knox County Register of Deeds that shows the new detention, water quality and access easements with the Covenants agreement referenced.