

▶ **FILE #:** 1-A-13-UR

**AGENDA ITEM #:** 22

**AGENDA DATE:** 1/10/2013

▶ **APPLICANT:** SHEPHERD OF THE HILLS EVANGELICAL CHURCH

OWNER(S): Shepherd of the Hills Evangelical Luthern Church

TAX ID NUMBER: 118 177.02

JURISDICTION: City Council District 2

▶ **LOCATION:** Northeast side of Sherrill Blvd., south of Dutchtown Rd.

▶ **APPX. SIZE OF TRACT:** 2.4 acres

SECTOR PLAN: Northwest County

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access via Sherrill Blvd., a major collector street with a four lane pavement section with a required right-of-way of 100'.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Turkey Creek

▶ **ZONING:** BP-1 (Business and Technology Park) / TO-1 (Technology Overlay)

▶ **EXISTING LAND USE:** Church

▶ **PROPOSED USE:** Church expansion

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Vacant land / C-6 (General Commercial Park) / TO-1 (Technology Overlay)

South: Vacant land / C-6 (General Commercial Park) / TO-1 (Technology Overlay)

East: Vacant land and mixed businesses / BP-1 (Business and Technology Park) & C-6 (General Commercial Park) / TO-1 (Technology Overlay)

West: Pellissippi Parkway / BP-1 (Business and Technology Park) / TO-1 (Technology Overlay)

NEIGHBORHOOD CONTEXT: The site is located in an area along Pellissippi Parkway of mixed business park development.

**STAFF RECOMMENDATION:**

▶ **APPROVE** the proposed preschool education building addition to the existing church as shown on the development plan subject to 7 conditions.

1. Obtaining approval from the Tennessee Technology Corridor Development Authority (TTCCA) for the proposed development.
2. Obtaining approval from the Knoxville Board of Zoning Appeals for the expansion of the pre-existing non-conforming church use.
3. Connection to sanitary sewer and meeting any other relevant requirements of the Knox County Health

Department.

4. Meeting all applicable requirements of the Knoxville Department of Engineering.
5. Installation of landscaping as shown on the approved development plan within six months of the issuance of an occupancy permit for this project.
6. Meeting all applicable requirements of the Knoxville City Arborist.
7. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance.

With the conditions noted, the request meets all requirements for approval of a use-on-review in the BP-1 district.

**COMMENTS:**

The applicant is proposing a building addition of approximately 3,768 square feet to the existing church located on the northeast side of Sherrill Blvd., just south of Dutchtown Rd. The proposed addition will be used as a preschool education building and is considered to be an accessory use to the existing church.

The existing church is considered as a pre-existing nonconforming use in the BP-1 (Business and Technology Park) zoning district. The church, which was annexed in 1997, was a permitted use under the property's County zoning designation of BP (Business and Technology Park). The City of Knoxville's BP-1 zoning district does not list a church as a permitted use. The Knoxville Zoning Ordinance makes provision for the expansion of pre-existing non-conforming uses, with approval by the Knoxville Board of Zoning Appeals. The applicant could also request a rezoning of the property to C-6 (General Commercial Park) / TO-1 (Technology Overlay) which is the zoning district that adjoins the property on three sides. The C-6 zoning district allows churches as a permitted use.

The access to the 2.4 acre site will be from Sherrill Blvd. The new addition will be located behind the church in an area that is presently occupied by a residence. Site improvements will also include the addition of 13 parking spaces for a total of 62 spaces (60 spaces are required), and an enclosed outdoor play area.

The property is also located within the TO-1 (Technology Overlay) district and a Certificate of Appropriateness is required from the Tennessee Technology Corridor Development Authority (TTCDA). The proposed development will be reviewed by the TTCDA on January 7, 2013.

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

1. The proposed church addition will have minimal impact on traffic in the area since the expansion is not increasing the area of the church's sanctuary.
2. All utilities are in place to serve this site.
3. The use as proposed will have minimal impact on the surrounding business park development.

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

1. The proposed church expansion 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. Subject to approval by the Knoxville BZA for expansion of a pre-existing non-conforming use, the proposed addition 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. The use will not significantly injure the value of adjacent property. The use will not draw additional traffic through residential areas.
2. The plan meets all applicable requirements of the Zoning Ordinance.

**CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS**

1. The Northwest County Sector Plan and Knoxville One Year Plan identify this property for mixed use development.
2. The site is located within the Urban Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

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 Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.