

MEMORANDUM

TO: Knoxville-Knox County Planning Commission
FROM: Jessie Hillman, AICP | Principal Planner
DATE: November 4, 2024
SUBJECT: **9-A-24-HPA** Agenda Item #9
Level II Certificate of Appropriateness review for 3330 W Governor John Sevier Highway
Article 8.9: HP Hillside Protection Overlay Zoning District
Article 16.8.A.4 & B.4: Overlay Districts – Certificates of Appropriateness, Purpose and
Applicability & Process for HP Overlay

STAFF RECOMMENDATION:

Staff recommends that the Planning Commission approve the Level II Certificate of Appropriateness (COA) request to exceed the permitted disturbance by 1.23 acres within the HP (Hillside Protection) Overlay Zoning District, subject to the condition that at least 1.23 acres of the subject property be reforested and maintained by Calvary Chapel in coordination with the City of Knoxville Urban Forestry Division. A planting plan and maintenance agreement, to be developed in consultation with the City's Urban Forester, is required prior to permitting.

BACKGROUND:

The [Hillside and Ridgetop Protection Plan](#) was adopted by the City of Knoxville in 2011 to provide the vision and means for protecting hillsides and hillside development while minimizing offsite environmental damage. The basis for the plan stems from a recognition that forested ridges and hillsides are a defining characteristic of the region's natural heritage and a primary contributor to maintaining long-term property values, clean air and water, and wildlife protection.

The plan is codified in Knoxville's Zoning Ordinance in Articles 8.9 and 16.8, which provide the regulatory framework and enforcement procedures for maintaining the HP Overlay District. Article 8.9 describes standards for how the overlay is to be applied and delineates disturbance and density limitations based on the severity of slopes. Disturbance is defined in the Hillside and Ridgetop Protection Plan as, "any activity that results in a change in existing soil, topography, or vegetation."

Article 16.8 describes how disturbance limitations are enforced via a COA which is administered by Knoxville-Knox County Planning staff. However, if a COA request requires a deviation from the applicability and/or disturbance standards of Article 8.9, the Planning Commission will evaluate whether the request is to be approved, approved with conditions, or denied.

This codified enforcement of the Hillside and Ridgetop Protection Plan is supported by multiple Development Policies in the adopted [General Plan](#):

- Policy 3.5: Conserve the natural assets that make this region attractive and enhance quality of life.
- Policy 6.2: Compliment natural landforms when grading and minimize grading on steep slopes and within floodways.
- Policy 6.3: Encourage development in areas with the fewest environmental constraints.
- Policy 6.10: Develop a metropolitan forestry program to conserve and reestablish trees and woodlands.
- Policy 7.2: Protect water resources by reducing pollution and retaining trees and ground cover on ridges and near streams, rivers, lakes and sinkholes.
- Policy 9.2: Encourage development practices that respect and fit the natural landscape, minimizing the loss of trees, woodlands and wildlife habitat.

STAFF ANALYSIS:

The applicant submitted a Special Use request (9-G-24-SU) to expand upon Calvary Chapel with a building addition, new structured parking, and a secondary access to the main driveway on the property. The permitted disturbance budget provided by the slope analysis is 14.1 acres, and the proposed development would increase disturbance within the HP Overlay District to 15.33 acres, exceeding permitted disturbance by 1.23 acres.

Beginning in 2016, over 3 acres within the HP Overlay were cleared and graded to accommodate a gas utility easement. This disturbance was outside of Calvary Chapel's control and is unbuildable land on the property.

While a primary goal of the Hillside and Ridgetop Protection Plan is to conserve existing forest, page 43 of the Plan also provides reforestation and restoration guidance for properties that have already been cleared and graded. More detailed instructions are provided in Appendix D.

There are several acres of the subject property that have been cleared for grading within the HP Overlay and left as turf. Specifically, there are two satellite parking lots along the driveway between W Governor John Sevier Highway and the chapel where the surrounding areas were deforested and remain today as fields of manicured grass. These areas provide an opportunity for reforestation, especially the eastern-most clearing south of the driveway and abutting DeArmond Spring.

Staff recommend approving the COA for 1.23 acres of excess disturbance within the HP Overlay, considering the utility easement's outsized impact on the disturbance budget, subject to 1 condition. That condition is the reforestation of at least 1.23 acres of HP area on the subject property per the instruction of the City of Knoxville's Urban Forestry Division. An early estimate by the Forestry Division is that 860 tree seedlings are appropriate for 1.23 acres of restoration. As part of this effort, a contractual maintenance agreement will be developed in consultation with the Forestry Division, and this will be required before permitting the church expansion. This condition is consistent with the goals and strategies of the City's new [Urban Forest Master Plan](#), the Hillside and Ridgetop Protection Plan, the General Plan and the City's Tree Protection Ordinance.