



SPECIAL USE REPORT

▶ FILE #:	12-B-23-SU	AGENDA ITEM #:	25
POSTPONEMENT(S):	12/14/2023, 2/8/2024	AGENDA DATE:	3/7/2024
▶ APPLICANT:	KAITY WOZEK / BATSON, HIMES, NORVELL & POE		
OWNER(S):	Brad Bassitt Calvary Chapel of Knoxville		
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TAX ID NUMBER:	147 030	View map on KGIS	
JURISDICTION:	City Council District 1		
STREET ADDRESS:	3330 W Governor John Sevier Hwy.		
▶ LOCATION:	South side of W Governor John Sevier Hwy, east side of Alcoa Hwy, north of Topside Rd		
▶ APPX. SIZE OF TRACT:	42 acres		
SECTOR PLAN:	South County		
GROWTH POLICY PLAN:	Urban Growth Area (Inside City Limits)		
ACCESSIBILITY:	Access is via W. Governor John Sevier Highway, a major arterial street with a 47 to 54-ft pavement width within an 84 to 136-ft right-of-way. Access is also via Topside Road, a minor collector street with an 18-ft pavement width within a 60-ft right-of-way.		
UTILITIES:	Water Source: Knox-Chapman Utility District Sewer Source: Knoxville Utilities Board		
WATERSHED:	Tennessee River		
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▶ ZONING:	RN-1 (C) (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)		
▶ EXISTING LAND USE:	Public / Quasi Public Land		
▶ PROPOSED USE:	New driveway on Topside Road and expansion of existing right turn lane on W Governor John Sevier Highway		
HISTORY OF ZONING:	A rezoning from E (Estates) and A (Agricultural) to PR (Planned Residential) up to 8 du/ac for most of the property was approved in 1982 (8-M-82-RZ). In 2002, the City of Knoxville rezoned the property to RP-1 (Planned Residential) upon its annexation (11-Y-02-RZ).		
SURROUNDING LAND USE AND ZONING:	North: Agriculture/forestry/vacant land, rural residential - RN-1 (Single-Family Residential Neighborhood), O (Office), HP (Hillside Protection Overlay) in the City South: Agriculture/forestry/vacant land, rural residential, single family residential - E (Estate), RAE (Exclusive Residential), PR (Planned Residential) up to 8 du/ac, A (Agricultural), RB (General Residential) in the County East: Single family residential - A (Agricultural) in the County West: Agriculture/forestry/vacant land - E (Estate) in the County		
NEIGHBORHOOD CONTEXT:	This property is located at the southeast corner of the Alcoa Highway and W		

STAFF RECOMMENDATION:

► **Approve the request for a driveway to Topside Road and a minor expansion of the right turn lane on the driveway to W Governor John Sevier Highway, subject to 6 conditions.**

- 1) Closing the Masterson Road right-of-way on the property before permitting the driveway to Topside Road.
- 2) Implementing all safety recommendations from the traffic study for both access points that are agreed upon by City of Knoxville Engineering and Knox County Engineering.
- 3) Any further disturbance within the HP (Hillside Protection) overlay that exceeds the disturbance budget will require a Level II HP Certificate of Appropriateness application.
- 4) Ensure that any lighting at the Topside Road entrance and driveway does not create a nuisance for surrounding residential properties. A lighting plan shall be reviewed by Planning staff prior to permitting.
- 5) Meeting all applicable requirements of the City of Knoxville Zoning Ordinance.
- 6) Meeting all applicable requirements of the City of Knoxville Engineering Department.

With conditions noted above, this request meets the requirements of the former RP-1 zoning district (current RN-1(C) / HP zoning district) and the criteria for approval of a Special Use for modifications to previously approved planned districts per Article 1.4.G.

COMMENTS:

History of requests: A Use on Review approval was granted by the Planning Commission in 2004 for the construction of Calvary Church as well as the accessory uses of an amphitheater and recreational fields. A driveway to Topside Road was approved on the condition that access be limited to Sundays and one midweek service, and that the driveway be gated and secured at all other times (11-G-03-UR). When the church was built in 2013, a driveway to W Governor John Sevier Highway was constructed, but not to Topside Road. The amphitheater and recreational fields were not constructed at that time.

In 2019, a Use on Review approval was granted for a parking lot expansion to 267 spaces, a children's play area south of the parking lot, and a prayer garden/gazebo and multi-use greenspace along the main driveway (4-H-19-UR). At that Planning Commission meeting, a condition was added to prohibit access to Topside Road in response to community concern about traffic impact. The Commissioners described how the condition could be removed through a separate Special Use request for access to Topside Road. After approval, the parking lot was expanded, and the multi-use greenspace was developed. The children's play area south of the parking lot was not constructed.

In 2021, Special Use approval was granted for a parking lot expansion to 304 spaces, which was the maximum permitted for the church's 607-seat sanctuary. Approval was also granted for a covered pavilion and an event quarters/ storage space in the multi-use greenspace area. These projects were constructed in 2022. The parking lot expansion took over the space previously approved for the children's play area.

In 2022, Special Use approval was granted for another parking lot expansion of 189 spaces to accommodate an anticipated 1,700-seat sanctuary expansion with the condition that only 304 spaces be accessible until the sanctuary expansion is reviewed through a separate Special Use case and subsequently constructed. The City permitted an additional pervious parking lot of 24 spaces long the driveway that was not included in the Special Use review and approval.

The current Special Use request is for driveway access to Topside Road and a minor expansion of the right turn lane on the driveway to W Governor John Sevier Hwy. Most of the proposed driveway to Topside Road will follow the old road bed of Masterson Road, a public right-of-way that will need to be closed before permitting. Since the church is expected to expand to 1,700 seats in the future, a traffic study was conducted for both access points and is included in this package. The site plan shows the anticipated church expansion and additional parking, but those aspects are not within the scope of this Special Use review.

STANDARDS FOR EVALUATING A SPECIAL USE (ARTICLE 16.2.F.2)

1) THE USE IS CONSISTENT WITH ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND THE ONE-YEAR PLAN.

A. The proposed driveway to Topside Road and minor expansion of the driveway to W Governor John Sevier Highway is consistent with the General Plan's development policy 10.3 to involve school, police and fire officials in land use planning at the sector, neighborhood, and site plan levels. The applicant consulted with the Knoxville Police Department, who determined that an additional entry and exit point is necessary to improve access in the event of an emergency. That report is attached as Exhibit A.

B. This request is supported by the One Year Plan's location criteria for cultural facilities. It states that churches

should be located throughout the community in close proximity to major residential areas, and that sites should afford safe and convenient access to both local and through traffic. The minor expansion of the driveway to W Governor John Sevier Highway, a major arterial street, and the additional driveway to Topside Road, a minor collector street, improve safety and convenience of access to and from the site. The traffic study did not indicate that through traffic on Topside Road would be significantly impacted, and focused instead on congestion concerns with the church's current access to W Governor John Sevier Highway.

C. A slope analysis was conducted in accordance with the Hillside and Ridgetop Protection Plan. The site has 30.1 acres within the HP (Hillside Protection) overlay and the maximum disturbance permitted is 14.1 acres. A gas easement through the property has disturbed a significant portion of the HP overlay. The majority of the proposed driveway to Topside Road will follow the previously disturbed path of Masterson Road. Considering the need for a Topside Road driveway to reduce safety and congestion concerns at the existing ingress and egress, as well as the property's zoning status as a previously approved planned district from a time when the HP overlay did not exist, the proposed disturbance of .81 acres is deemed acceptable. However, any future disturbance within the HP overlay that exceeds the limit of 14.1 acres will require a Level II HP COA application. This includes any disturbance from prior Special Use approvals that have not been implemented, such as the amphitheater and athletic fields approved in 2004.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THIS ZONING CODE.

A. The previously approved RP-1 (Planned Residential) zoning district is the operative zoning for the property, and it is intended to provide optional methods of land development which encourage more imaginative solutions to environmental design problems. Each planned development shall be compatible with the surrounding or adjacent districts.

B. Improving access to a church is consistent with the intent of the RP-1 zone to permit limited nonresidential uses that are compatible with the character of the district. The church property is wooded and provides a large buffer to the residential uses to the south and southeast. The new driveway would access Topside Road on the bed of an unused public right-of-way called Masterson Road, which is reflected and described in note 6 of the attached plat (Exhibit B). The proposed driveway could legally be redeveloped as a public street. Closing the public road and converting it to a private driveway is more compatible with the surrounding residential context.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

A. The church was built in 2013 and is an established and compatible use in the area. The sanctuary building is located near Alcoa Highway and has large forest buffers between it and surrounding residential properties.

B. Increasing access to the existing place of worship will improve emergency response capabilities and relieve some congestion and safety concerns at the W Governor John Sevier Highway ingress and egress.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY OR BY NOISE, LIGHTS, FUMES, ODORS, VIBRATION, TRAFFIC, CONGESTION, OR OTHER IMPACTS DETRACT FROM THE IMMEDIATE ENVIRONMENT.

A. Surrounding residents have expressed concern that the traffic generated by the Topside Road driveway will endanger the community and congest this narrow collector street. The traffic impact letter provides six recommendations on safety measures for the new driveway, which will be incorporated into the permitting review process with City and County Engineering.

B. The traffic report emphasizes congestion and safety concerns with the existing driveway to W Governor John Sevier Highway. It describes how access to Topside Road will alleviate vehicle delays and safety issues at that pinch point.

5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL TRAFFIC THROUGH RESIDENTIAL STREETS.

A. Topside Road is classified as a minor collector street, not a local residential street, which means it is used to connect neighborhoods to arterials or major collector streets. The Calvary Church's public calendar shows that church service does not occur during peak traffic times. Those service hours are Wednesday at 7pm, Saturday at 6pm and throughout Sunday. It is not anticipated that this secondary access point will significantly impact overall travel times on Topside Road.

6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. The proposed access to Topside Road will mitigate hazards for Calvary Church members by providing an alternative to entering and exiting on a major arterial street near an intersection with Alcoa Highway.

B. Beyond access, there are no other features of the property that pose an apparent risk to the existing use.

ESTIMATED TRAFFIC IMPACT: A traffic impact study was prepared by the applicant. The findings of that study were used in formulating the recommendations of this staff report.

ESTIMATED STUDENT YIELD: Not applicable.

The Planning Commission'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.