



SPECIAL USE REPORT

▶ **FILE #:** 9-A-22-SU

AGENDA ITEM #: 10

AGENDA DATE: 9/8/2022

▶ **APPLICANT:** RD BUFFAT, LLC

OWNER(S): RD Buffat, LLC

TAX ID NUMBER: 60 P A 025

[View map on KGIS](#)

JURISDICTION: City Council District 4

STREET ADDRESS: 5233 MCINTYRE RD

▶ **LOCATION:** Northside of McIntyre Road, south of Buffat Mill Road

▶ **APPX. SIZE OF TRACT:** 70.37 acres

SECTOR PLAN: East City

GROWTH POLICY PLAN: N/A (Within City Limits)

ACCESSIBILITY: Access is via McIntyre Road, a local road, with a pavement width of 20-ft within a right-of-way width of 53-ft. Access is also via Buffat Mill Road, a major collector, with a pavement width of 20-ft within a right-of-way width of 60-ft.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Love Creek

▶ **ZONING:** RN-2 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

▶ **EXISTING LAND USE:** Agriculture/Forestry/Vacant Land, Single Family Residential

▶ **PROPOSED USE:** Removal of the previously approved planned district (C) designation under the former RP-1 Planned Residential zone district.

HISTORY OF ZONING: 3-N-80-RZ, 10-I-85-RZ, 11-M-88-RZ, 5-D-04-RZ, 5-J-07-RZ: R-1 to RP-1

SURROUNDING LAND USE AND ZONING: North: Single family residential - RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

South: Single family residential - RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

East: I-640 Right-of-Way - ROW (Right-of-Way), HP (Hillside Protection Overlay)

West: Agriculture/forestry/vacant, single family residential - RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

NEIGHBORHOOD CONTEXT: This area is largely forested and vacant with steep topography with a mix of single family and multi-family dwellings surrounding the site.

STAFF RECOMMENDATION:

▶ **Approve the request to remove the previously approved planned district (C) designation from the**

subject property, subject to 3 conditions:

1. Meeting all applicable requirements of the Knoxville Department of Engineering.
2. Meeting all other applicable requirements of the City of Knoxville Zoning Ordinance.
3. Meeting all the application requirements of the City of Knoxville Plans Review and Inspections Department.

With the conditions noted, this plan meets the requirements for removal of the previously approved planned district designation and the other criteria for approval of a special use.

COMMENTS:

Prior to the adoption of the new zoning code, the subject property was zoned RP-1 (Planned Residential District), with rezonings from the R-1 (Low Density Residential) for this area beginning in 1980 and continuing until as late as 2007 (Cases 3-N-80-RZ, 10-I-85-RZ, 11-M-88-RZ, 5-D-04-RZ, 5-J-07-RZ), with the majority of the site being RP-1 up to 5.99 du/ac. The Planned Residential zoning at that density could have resulted in a maximum of 327 dwellings. With the adoption of the City Zoning Ordinance and map on January 1, 2020, the subject property was assigned the RN-2 (Single-Family Residential Neighborhood Zoning) zone district but retained the previously approved planned district (C) designation.

Per Article 1.4.G. (Previously Approved Planned Districts) of the City of Knoxville Zoning Ordinance, all previously approved planned districts remain in effect and are subject to all plans, regulations, and/or conditions of their approval. The most recent approved use-on-review and concept plan for the site was a 2006 plan for 73 detached dwellings on individual lots and 81 attached residential condos, for a total of 154 dwellings on 54.9 acres (see Case 11-K-06-UR / 11-SF-06-C). The overall development would have resulted in a density of 2.81 du/ac. The plan was approved subject to 12 conditions. The conditions ranged from certification of sight distance on Buffat Mill Rd, development restrictions related to sinkholes, and sanitary sewer connection requirements. A large area on the south side of the proposed development, noted as lot 154 was to remain undeveloped, expect for one single family home.

If the former RP-1 zoning is removed from the site, the existing RN-2 and HP Overlay zoning would apply to any proposed development. Before plans can be approved for a change to the site or use, the "C" designation must be removed from the site via approval of a special use.

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

The planning commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the One Year Plan, and by the following general standards:

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

A. Removal of the previous planned district is not a use in and of itself. The land where the "C" designation exists would be subdivided and developed, and the determination of the use in the zone and it's consistency with the One Year Plan and the East City Sector Plan would be applicable at that time.

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

A. The City of Knoxville Zoning Ordinance describes the RN-2 Zoning as being intended to accommodate low density single-family residential development on relatively small lots with smaller setbacks within the City of Knoxville. Two-family dwellings may also be allowed by special use approval. The HP Overlay zoning is designed to mitigate potential serious consequences from developing on steep sloped and forested areas by establishing disturbance limitations.

B. Removal of the previously approved plan district would not cause nonconformance with the City of Knoxville zoning ordinance.

C. Any proposed development will be required to be consistent with the general purpose and intent of the zoning code.

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. This special use request is for the removal of a former planned district designation that exists on a previously zoned RP-1 up to 5.99 du/ac zoned area with a previously approved development plan that was approved in 2004. Since the request is not for a specific use, it is not out of compliance with this section of the zoning ordinance.

B. The suitability of the intended use will be determined as such time as a use is put forward.

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. Removal of the previous planned district is not a use in and of itself. As such, the removal of the designation will not significantly injure the value of adjacent property.

B. All properties are required to comply with the Article 10 of the City of Knoxville Zoning Ordinance, which regulates the aforementioned impacts. Section 10.2 regulates lighting, while noise, dust and pollution, odors, fire hazards, and other similar concerns are regulated in Section 10.5.

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

A. Removal of the previous planned district is not a use in and of itself. As such, the removal of the designation will not draw traffic.

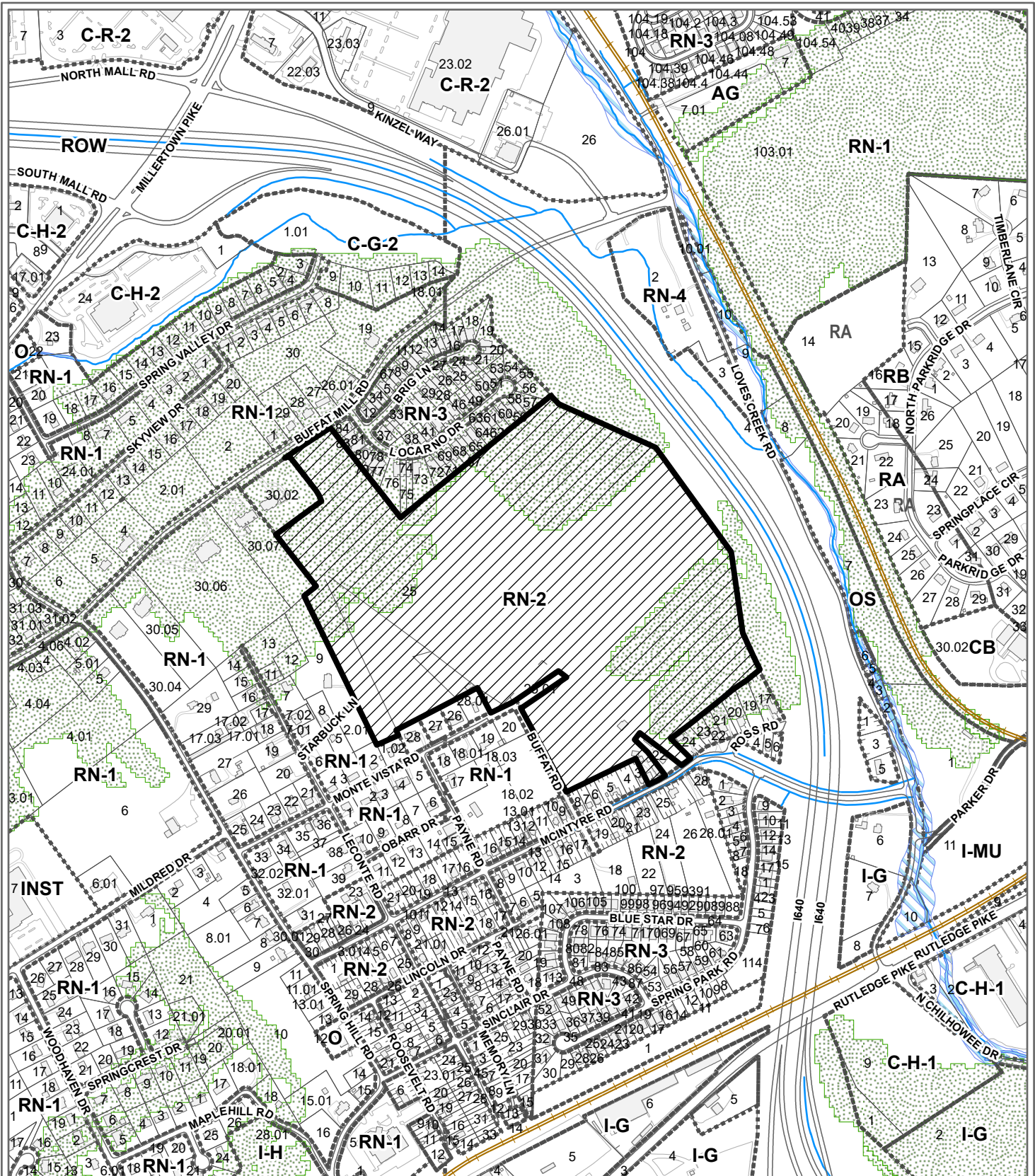
6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for future development anticipated to occur on this site.

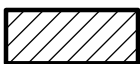
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

The Planning Commission's approval or denial of this request is final, unless the action is appealed to the . The date of the hearing will depend on when the appeal application is filed.



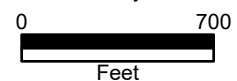
**9-A-22-SU
SPECIAL USE**



in RN-2 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)

Petitioner: RD Buffat, LLC

Map No: 60
Jurisdiction: City



Original Print Date: 8/16/2022

Revised:

Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902



Development Request

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - Sector Plan
 - One Year Plan
- Rezoning

RD Buffat, LLC

Applicant Name

7/20/2022

Date Filed

9/8/2022

Planning Commission Meeting (if applicable)

(10/4/2022) Knoxville City Council

Legislative Meeting (if applicable)

9-A-22-SU

File Number(s)

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

Benjamin C. Mullins Frantz, McConnell and Seymour, LLP

Name / Company

550 W. Main St. St. Suite 500 Knoxville TN 37922

Address

865-546-9321 / bmullins@fmsllp.com

Phone / Email

CURRENT PROPERTY INFO

RD Buffat, LLC

Owner Name (if different)

118 N Peters Rd Suite 304 Knoxville TN 37923

Owner Address

865-546-9321

Owner Phone / Email

5233 MCINTYRE RD

Property Address

60 P A 025

Parcel ID

70.37 acres

Tract Size

Part of Parcel (Y/N)?

Knoxville Utilities Board

Sewer Provider

Knoxville Utilities Board

Water Provider

Septic (Y/N)

STAFF USE ONLY

Northside of McIntyre Road, south of Buffat Mill Road

General Location

City **Council District 4** **RN-2 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay)** **Agriculture/Forestry/Vacant Land, Single Family Residential**

County District Zoning District Existing Land Use

East City **LDR (Low Density Residential), HP (Hillside and Ridgetop)** **N/A (Within City Limits)**

Planning Sector Sector Plan Land Use Classification Growth Policy Plan Designation

DEVELOPMENT REQUEST

- Development Plan Planned Development Use on Review / Special Use
 Hillside Protection COA Residential Non-residential

Home Occupation (specify) _____

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name

Unit / Phase Number

Total Number of Lots Created

Additional Information

- Attachments / Additional Requirements

Related Rezoning File Number

ZONING REQUEST

- Zoning Change

Proposed Zoning

Proposed Density (units/acre) Previous Zoning Requests

- Plan Amendment Change

Proposed Plan Designation(s)

Additional Information

Pending Plat File Number

STAFF USE ONLY

PLAT TYPE

- Staff Review Planning Commission

ATTACHMENTS

- Property Owners / Option Holders Variance Request

ADDITIONAL REQUIREMENTS

- COA Checklist (Hillside Protection)
 Design Plan Certification (Final Plat)
 Site Plan (Development Request)
 Traffic Impact Study
 Use on Review / Special Use (Concept Plan)

Fee 1

\$1,500.00

Fee 2

Fee 3

Total

AUTHORIZATION

By signing below, I certify that I am the property owner, applicant, or owner's authorized representative.

Benjamin C. Mullins Frantz, McConnell and Seymour, LLP, 550 W. Main St

7/20/2022

Application Authorized By

Affiliation

Date

865-546-9321 / bmullins@fmsllp.com

Phone / Email

Staff Signature

Please Print

Date Paid



Development Request

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - SP
 - OYP
- Rezoning

RD Buffat, LLC

Owner via attorney

Applicant Name

Affiliation

7-20-2022

September 8, 2022

File Number(s)

Date Filed

Meeting Date (if applicable)

9-A-22-SU

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- Applicant
- Property Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Benjamin C. Mullins

Frantz, McConnell & Seymour, LLP

Name

Company

550 West Main Street, Suite 500

Knoxville

TN

37922

Address

City

State

ZIP

865-546-9321

bmullins@fmsllp.com

Phone

Email

CURRENT PROPERTY INFO

RD Buffat, LLC

118 N. Peters Rd. St 304 Knoxville, TN 3792 865-546-9321

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

5523 McIntyre Rd.

060PA025

Property Address

Parcel ID

KUB

KUB

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

S. of Buffat Mill Rd, W. from intersection of Locarno Dr. N. of McIntyre Rd.

~70.39 acres

General Location

Tract Size

4

RN-2 (C)

City County

District

Zoning District

Existing Land Use

East City

LDR

NA (in City)

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

November 22, 2021

DEVELOPMENT REQUEST

- Development Plan
 Use on Review / Special Use
 Hillside Protection COA
 Residential
 Non-Residential

Related City Permit Number(s)

Home Occupation (specify) _____

Other (specify) Removal of Planned Development Overlay "(C)"

SUBDIVISION REQUEST

Related Rezoning File Number

Proposed Subdivision Name _____

Combine Parcels
 Divide Parcel

 Unit / Phase Number
 Total Number of Lots Created

Other (specify) _____

Attachments / Additional Requirements

ZONING REQUEST

Pending Plat File Number

Zoning Change

 Proposed Zoning

Plan Amendment Change

 Proposed Plan Designation(s)

Proposed Density (units/acre) Previous Rezoning Requests

Other (specify) _____

STAFF USE ONLY

PLAT TYPE

- Staff Review
 Planning Commission

ATTACHMENTS

- Property Owners / Option Holders
 Variance Request

ADDITIONAL REQUIREMENTS

- Design Plan Certification (*Final Plat*)
 Use on Review / Special Use (*Concept Plan*)
 Traffic Impact Study
 COA Checklist (*Hillside Protection*)

Fee 1

Total

Fee 2

Fee 3

AUTHORIZATION


 Applicant Signature

RD Buffat, LLC

7-20-2022

Please Print

Date

865-546-9321

bnullins@fmsllp.com

Phone Number

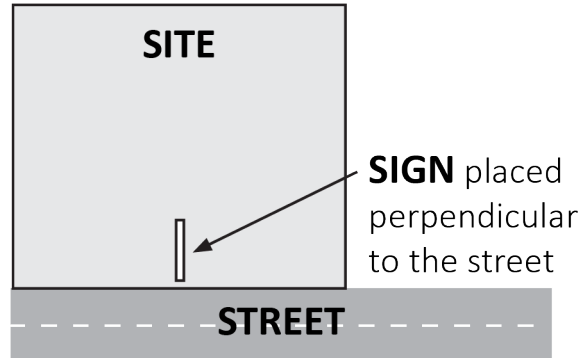
Email

Property Owner Signature

Please Print

Date

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.

TIMING

The sign(s) must be posted **not less than 12 days prior to the scheduled Planning Commission public hearing** and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

_____ and _____
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: _____

Date: _____

File Number: _____

- Sign posted by Staff
- Sign posted by Applicant