



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.