



MEMORANDUM

TO: Knoxville-Knox County Planning Commission
FROM: Jessie Hillman, AICP | Principal Planner
DATE: December 12, 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.

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. Staff recommend approving the COA for 1.23 acres of excess disturbance within the HP Overlay due to the utility easement's outsized impact on the disturbance budget.