

Memorandum

TO: Knoxville-Knox County Planning Commission
FROM: Jessie Hillman, AICP, Principal Planner
DATE: July 1, 2024
SUBJECT: **7-A-24-HPA** Agenda Item #36
Level II Certificate of Appropriateness for 3.73 acres of excess disturbance in the Hillside Protection Overlay at 5233 McIntyre Rd, Parcel ID 060PA025
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 the HP Overlay Zoning District

STAFF RECOMMENDATION:

Deny the applicant's Level II Certificate of Appropriateness (COA) request because the sole basis for excess disturbance is development intent, and there are no extenuating circumstances on the property that make compliance a challenge.

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 Planning staff. However, if a COA request requires a deviation from the applicability and/or disturbance standards of Article 8.9, the Planning Commission is to evaluate whether the request is to be approved, approved with conditions, or denied (Article 16.8.B.4.d).

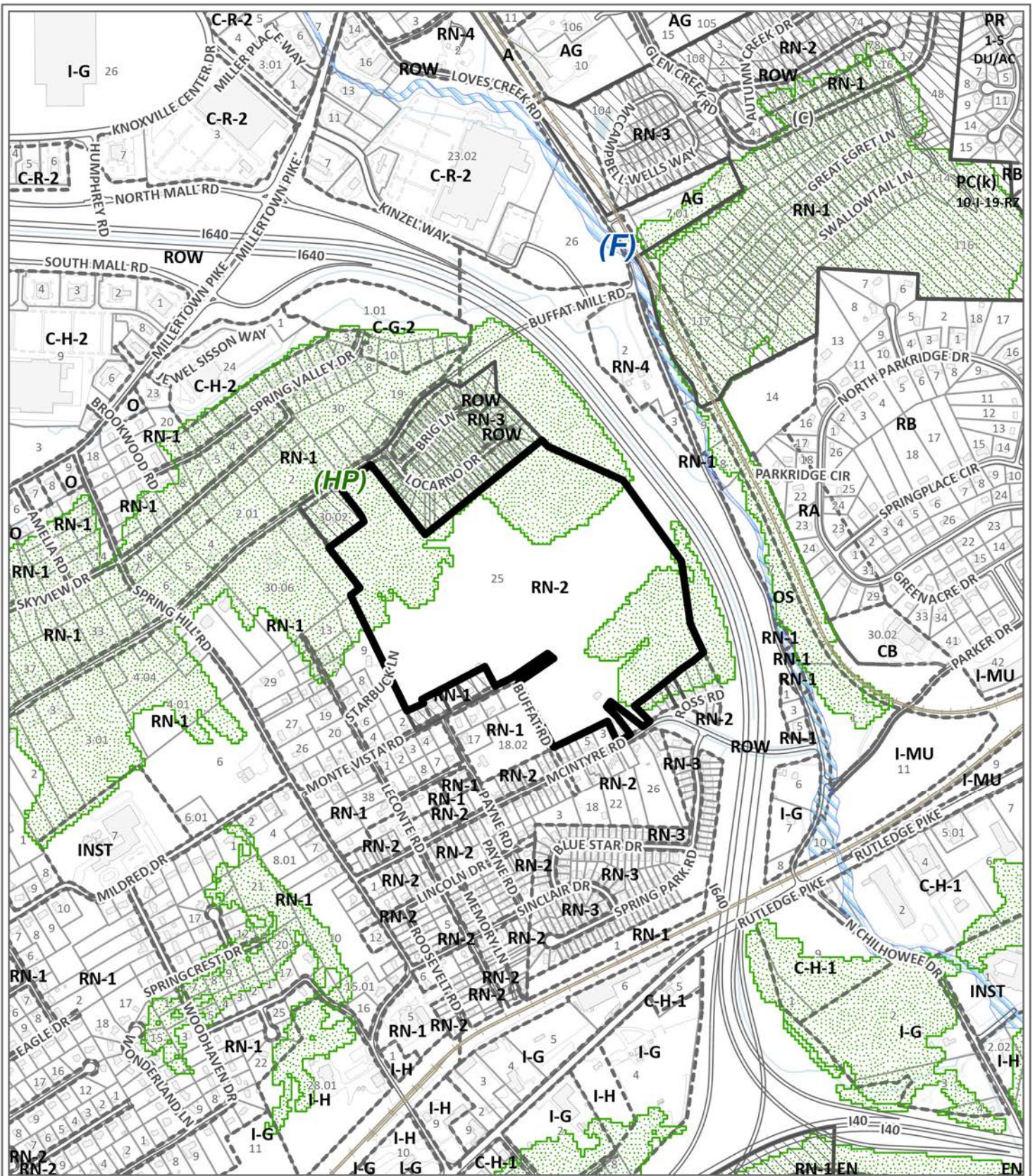
SUBJECT PROPERTY:

The applicant submitted a concept plan for 290 single-family lots on a 70.68-acre property that was reviewed by the Planning Commission May 11, 2023. The property is almost entirely forested with mature trees. Condition #7 for approval of the concept plan was that compliance with the land disturbance requirements within the HP (Hillside Protection Overlay) zone district be confirmed during the design plan phase.

The slope analysis for this property permits 19.13 acres of disturbance within the 28.02 acres of the lot that are in the HP district. In other words, approximately 70% of the HP area can legally be disturbed. There are 42.5 acres of the property that are not within the HP district and can be entirely disturbed.

During the design plan phase, it was discovered that the stormwater detention facility for the site was undersized and more detention was needed in order to accommodate the proposed extent of land disturbance and impervious surface creation. This expansion of the stormwater facility resulted in this request to disturb 22.86 acres within the HP district. This request exceeds the disturbance budget by approximately 3.73 acres or 11.5%

There is no hardship specific to the property which prevents compliance with disturbance standards, and complying with the standards does not deprive the owner of reasonable use of their land. Rather than exceed the disturbance budget, the development plan should be right-sized to ensure that no more than 19.13 acres are disturbed within the HP district.



HILLSIDE PROTECTION

7-A-24-HPA

Petitioner: Rand Partners, LLC



Case Boundary

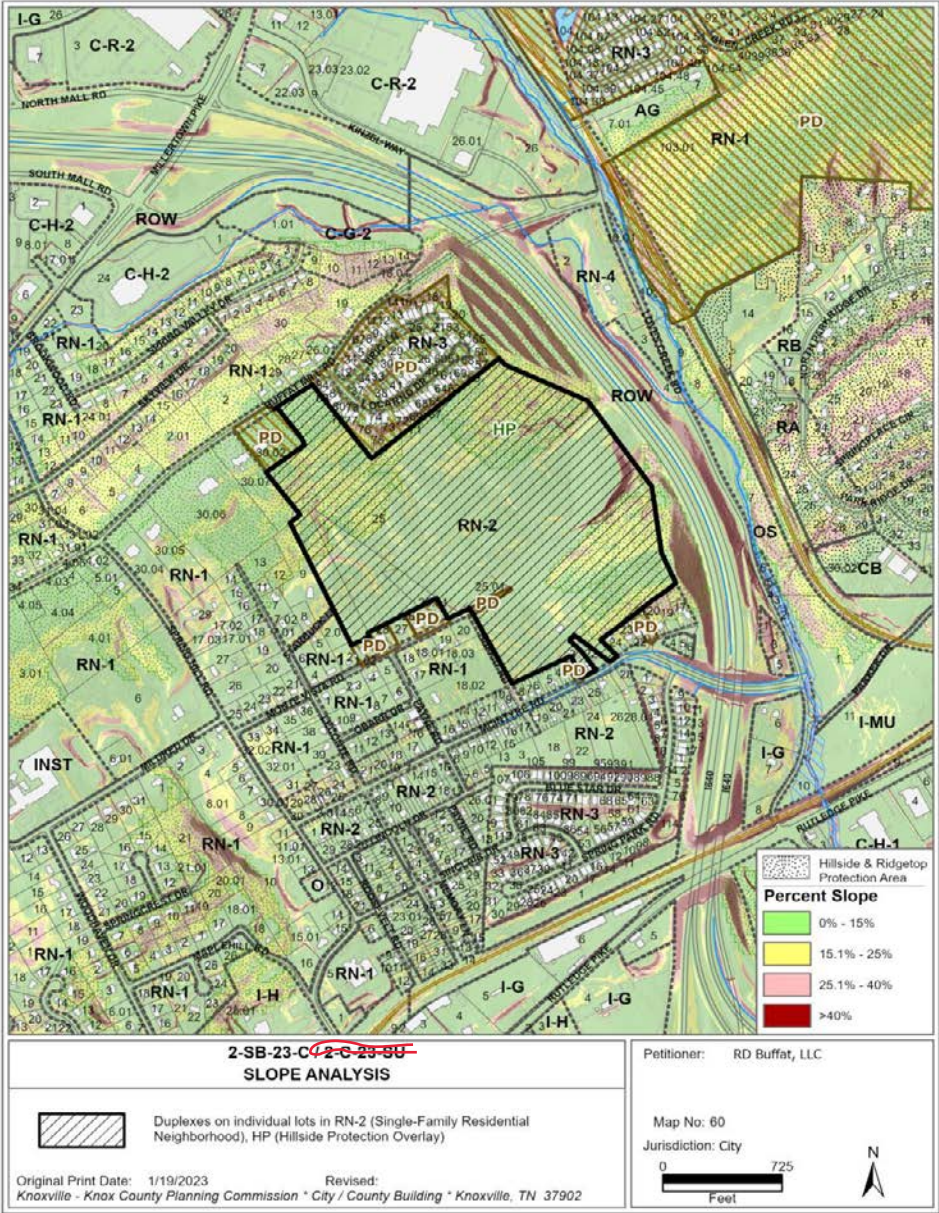
Original Print Date: 6/20/2024

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

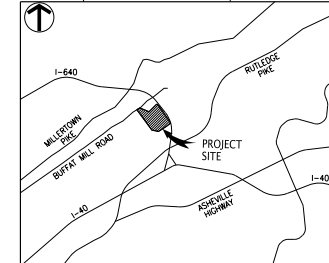
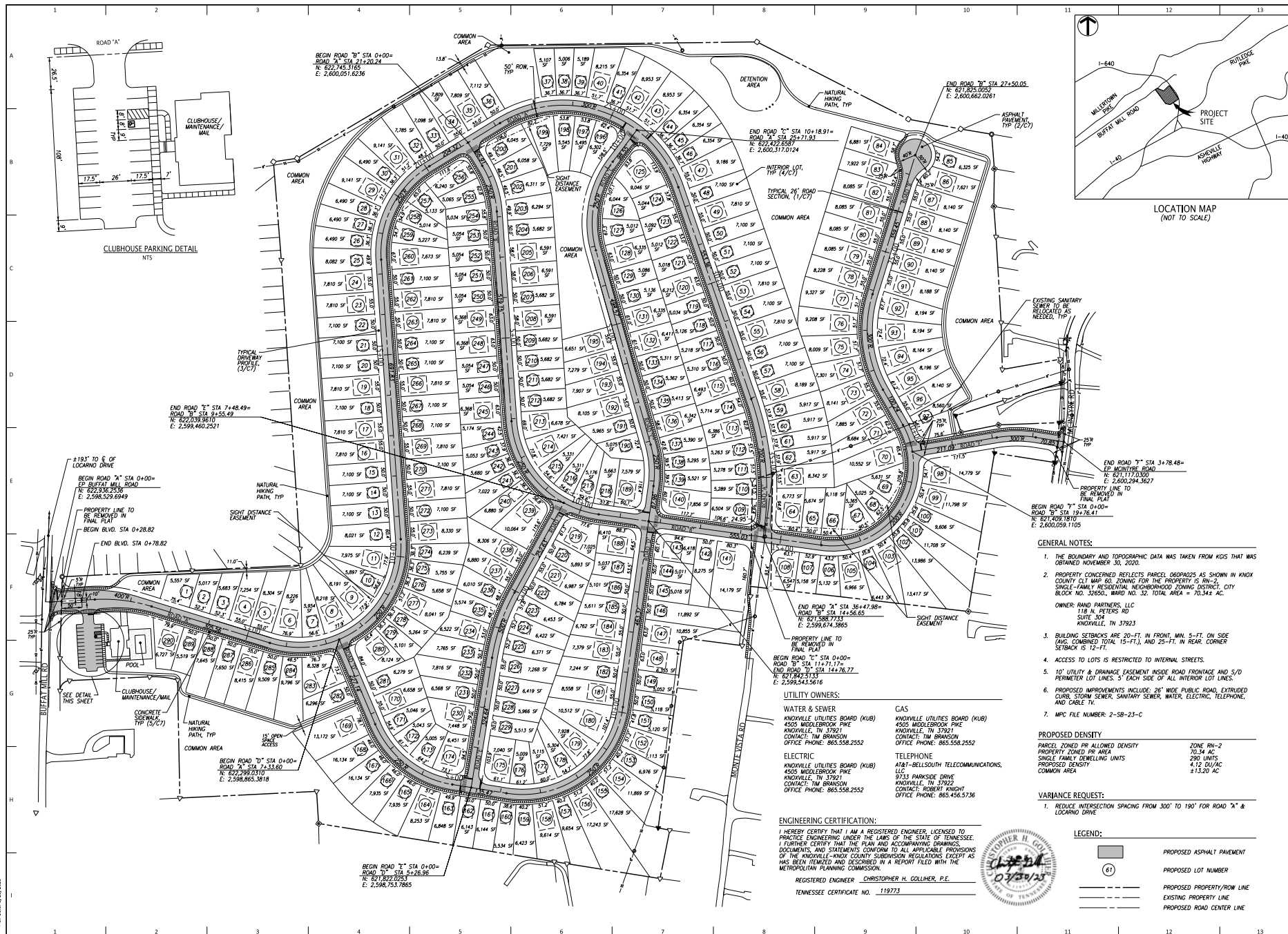
Map No: 60
Jurisdiction: City



CATEGORY	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Acres)
Total Area of Site	70.52		
Non-Hillside	42.50	N/A	
0-15% Slope	11.74	100%	11.74
15-25% Slope	13.90	50%	6.95
25-40% Slope	2.03	20%	0.41
Greater than 40% Slope	0.35	10%	0.04
Ridgetops			
Hillside Protection (HP) Area	28.02	Recommended disturbance budget within HP Area (acres)	19.13
		Percent of HP Area	0.7



File Name: J:\2020\2020\10051\10051\10051\10051.dwg
Plot Date: 12/13/2022



- GENERAL NOTES:**
1. THE BOUNDARY AND TOPOGRAPHIC DATA WAS TAKEN FROM KIDS THAT WAS OBTAINED NOVEMBER 30, 2020.
 2. PROPERTY CONCERNED REFLECTS PARCEL 0604020 AS SHOWN IN KNOX COUNTY CLT MAP 60. ZONING FOR THE PROPERTY IS RH-2 SINGLE-FAMILY RESIDENTIAL NEIGHBORHOOD ZONING DISTRICT, CITY BLOCK NO. 32650, WARD NO. 52. TOTAL AREA = 70.34 AC.
 3. BUILDING SETBACKS ARE 20'-FT. IN FRONT, MIN. 5'-FT. ON SIDE (AVG. COMBINED TOTAL 15'-FT.), AND 25'-FT. IN REAR. CORNER SETBACK IS 12'-FT.
 4. ACCESS TO LOTS IS RESTRICTED TO INTERNAL STREETS.
 5. 10' UTILITY & DRAINAGE EASEMENT INSIDE ROAD FRONTAGE AND S/D PERMITTER LOT LINES. 5' EACH SIDE OF ALL INTERIOR LOT LINES.
 6. PROPOSED IMPROVEMENTS INCLUDE: 26" WIDE PUBLIC ROAD, EXTRACTED CURB, STORM SEWER, SANITARY SEWER, WATER, ELECTRIC, TELEPHONE, AND CABLE TV.
 7. MPC NUMBER: 2-SB-23-C
- OWNER:** RAND PARTNERS, LLC
118 N. PETERS RD
SUITE 304
KNOXVILLE, TN 37923
- PROPOSED DENSITY:**
PARCEL ZONED RH-2
PROPERTY ZONED RH-2
SINGLE FAMILY DWELLING UNITS
PROPOSED DENSITY
COMMON AREA
- VARIANCE REQUEST:**
1. REDUCE INTERSECTION SPACING FROM 300' TO 190' FOR ROAD 'A' & LOCARDI DRIVE

ENGINEERING CERTIFICATION:
I HEREBY CERTIFY THAT I AM A REGISTERED ENGINEER, LICENSED TO PRACTICE ENGINEERING UNDER THE LAWS OF THE STATE OF TENNESSEE. I FURTHER CERTIFY THAT THE PLAN AND ACCOMPANYING DRAWINGS, DOCUMENTS, AND STATEMENTS CONFORM TO ALL APPLICABLE PROVISIONS OF THE KNOXVILLE-METROPOLITAN PLANNING COMMISSION. AS HAS BEEN REVIEWED AND DESCRIBED IN A REPORT FILED WITH THE METROPOLITAN PLANNING COMMISSION.

REGISTERED ENGINEER CHRISTOPHER H. COLLIER, P.E.
TENNESSEE CERTIFICATE NO. 119773



LEGEND:

	PROPOSED ASPHALT PAVEMENT
	PROPOSED LOT NUMBER
	PROPOSED PROPERTY/ROW LINE
	EXISTING PROPERTY LINE
	PROPOSED ROAD CENTER LINE

ARDURRA

COLLABORATE. INNOVATE. CREATE.

2160 Lakeside Center Way, Suite 201
Knoxville, TN 37922
Phone: (865) 690-6419
www.ardurra.com

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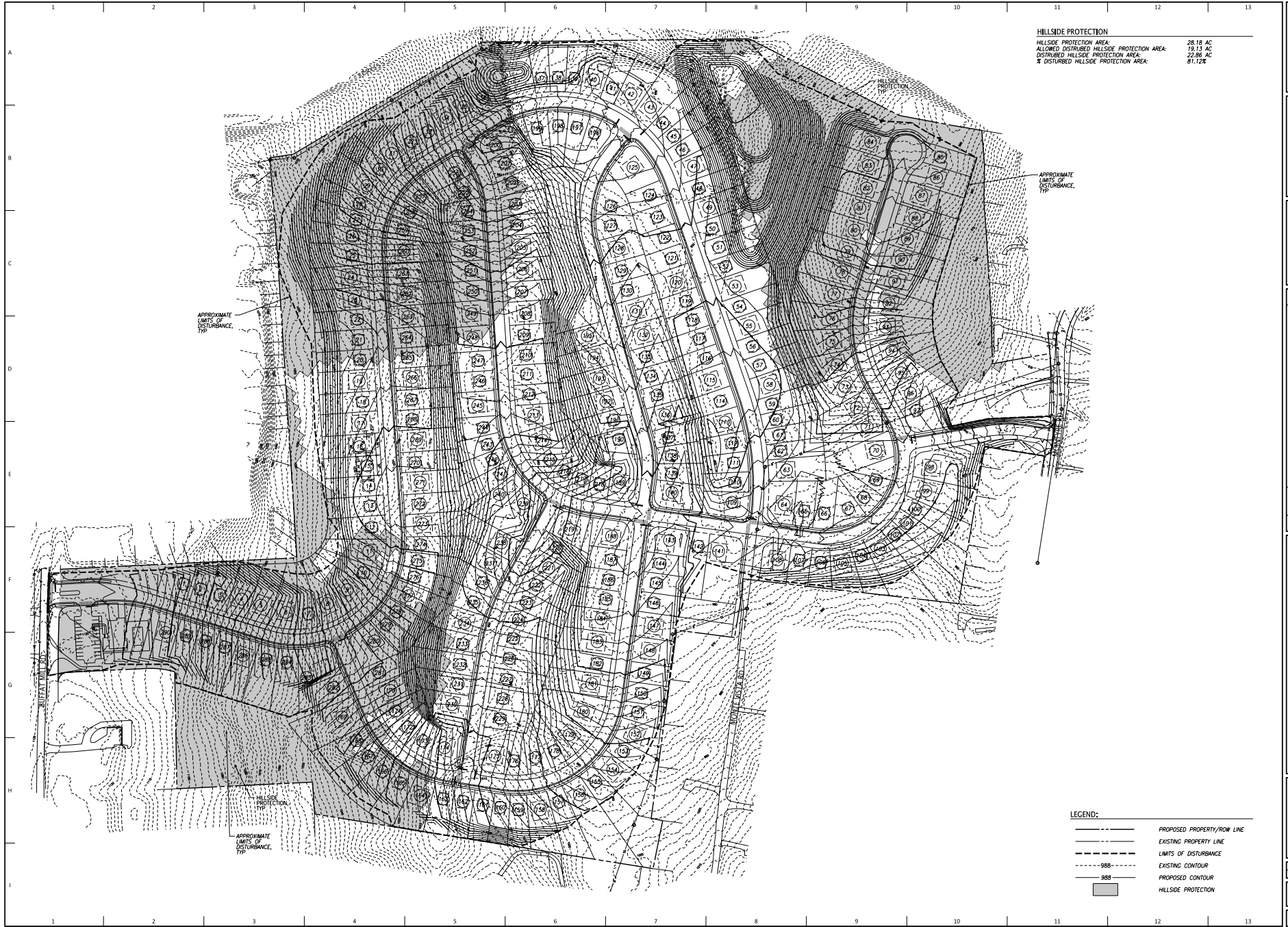
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PRELIMINARY
NOT FOR
CONSTRUCTION

C1

JOB NO: 220101
DATE: 12/13/2022

CONCEPT PLAN
12/13/2022



HILLSIDE PROTECTION
 HILLSIDE PROTECTION AREA: 28.18 AC
 ALLOWED DISTURBED HILLSIDE PROTECTION AREA: 19.13 AC
 DISTURBED HILLSIDE PROTECTION AREA: 22.86 AC
 % DISTURBED HILLSIDE PROTECTION AREA: 81.12%

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LEGEND:
 --- PROPOSED PROPERTY/ROW LINE
 --- EXISTING PROPERTY LINE
 --- LIMITS OF DISTURBANCE
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 --- PROPOSED CONTOUR
 --- HILLSIDE PROTECTION



RAND PARTNERS, LLC
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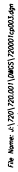
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BUFFAT MILL ESTATES
 5233 MCINTYRE ROAD
 KNOXVILLE, TN 37914
PRELIMINARY GRADING PLAN

**PRELIMINARY
 NOT FOR
 CONSTRUCTION**

JOB NO: 720.001
 DATE: 12/12/2022

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 12/12/2022



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B	03/30/23	REVISED FOR APC COMMENTS			
A	03/17/23	REVISED FOR CONVERTING DUPLEXES TO SINGLE FAMILY HOMES			

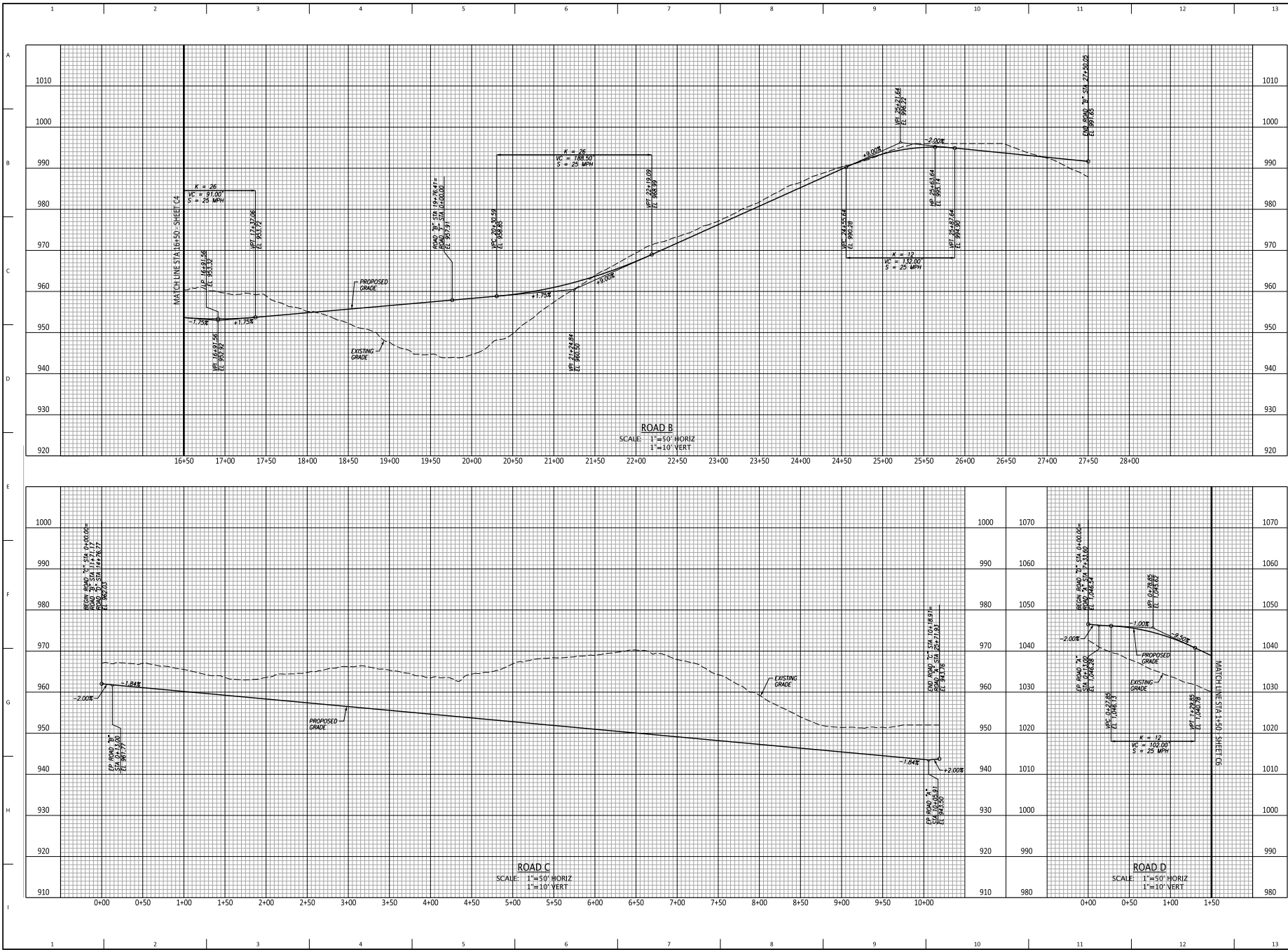
5233 MCINTYRE ROAD
KNOXVILLE, TN 37914

PRELIMINARY
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ISS NO:	720.007
DATE:	12/12/2021

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CONCEPT PLAN
12/12/2022



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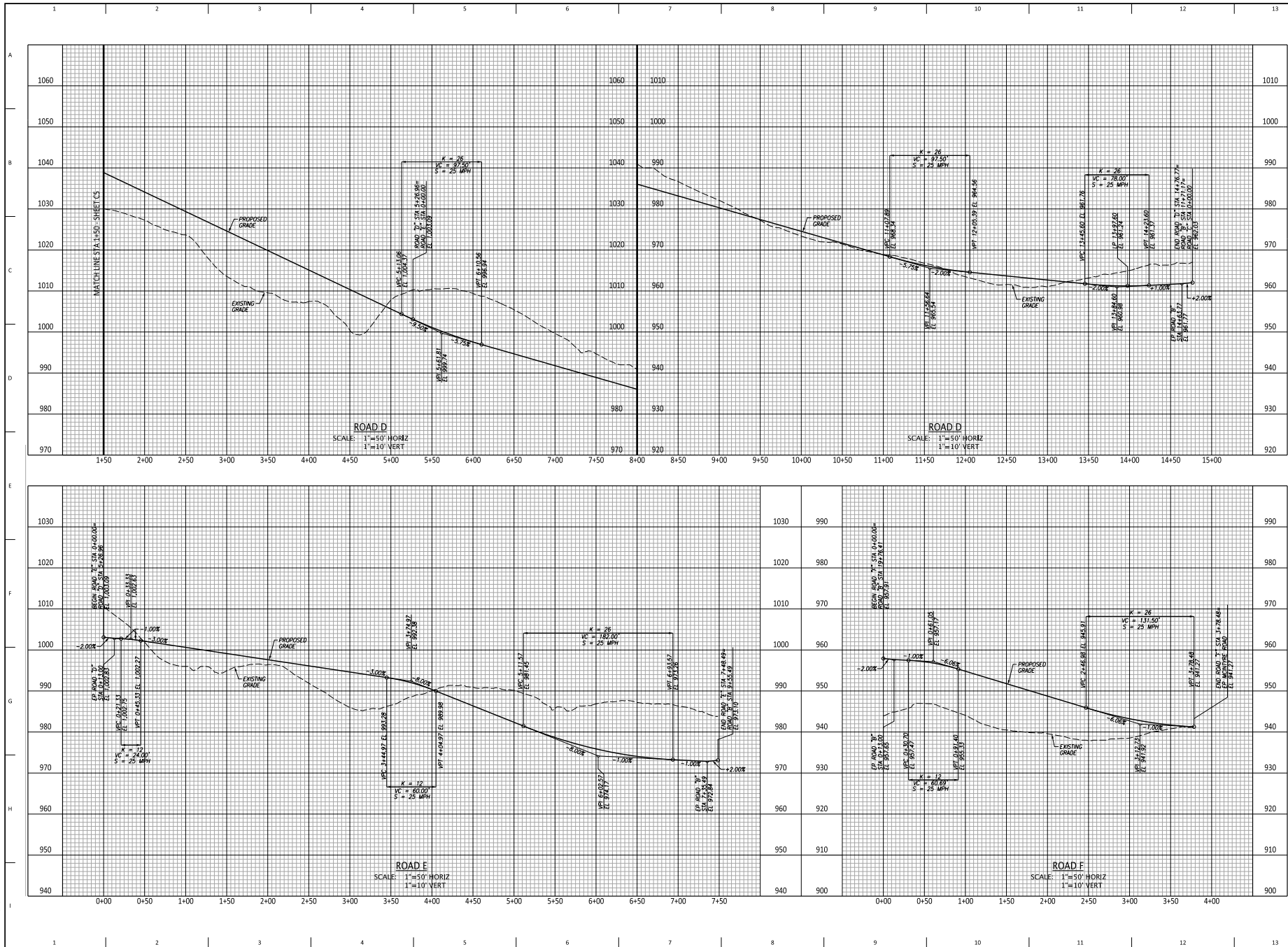
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BUFFETT MILL ESTATES
 5233 MCINTYRE ROAD
 KNOXVILLE, TN 37914
ROAD PROFILES

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C5
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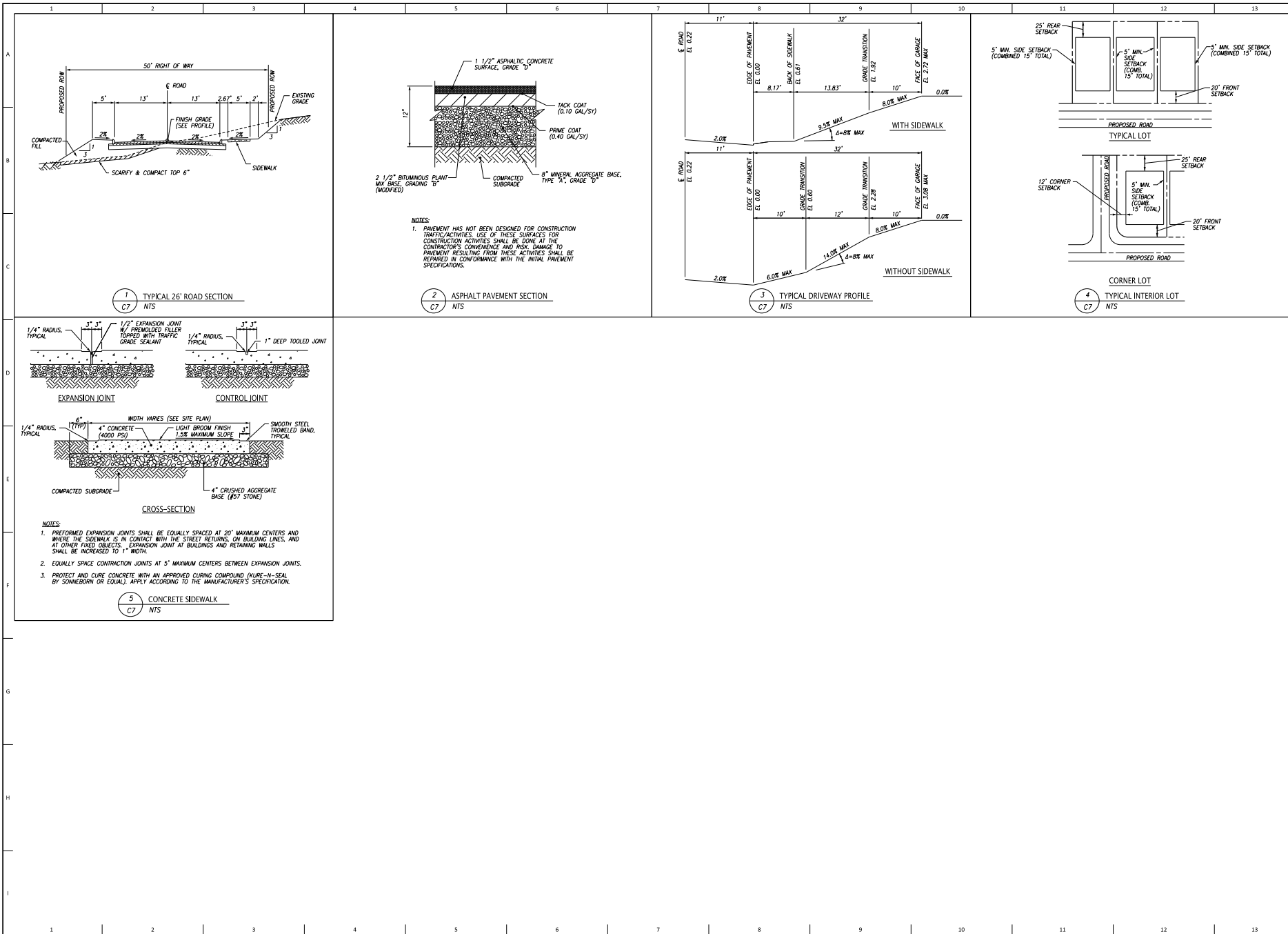
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5233 MCINTYRE ROAD
KNOXVILLE, TN 37914
ROAD PROFILES

PRELIMINARY
NOT FOR
CONSTRUCTION

JOB NO: 220101
DATE: 12/12/2022

C6
CONCEPT PLAN
12/12/2022



ARDURRA
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2160 Lakeside Center Way, Suite 201
Knoxville, TN 37922
Phone: (865) 690-6419
www.ardurra.com

RAND PARTNERS, LLC
118 N. PETERS RD
SUITE 304
KNOXVILLE, TN 37923
JAKE STENZIANO
STENZIANO@RANDP.COM
865-529-4796

NO.	DATE	REVISION
1	12/12/22	ISSUED FOR CONSTRUCTION
2	12/12/22	REVISED FOR CONSTRUCTION

BUFFAT MILL ESTATES
5233 MCINTYRE ROAD
KNOXVILLE, TN 37914

DETAILS

PRELIMINARY
NOT FOR
CONSTRUCTION

JOB NO: 720.001
DATE: 12/12/2022

C7

CONCEPT PLAN
12/12/2022

Project Name: Buffat Mill Subdivision

Date: June 25, 2024

Variances Requested:

- 1. Increase the allowable hillside protection disturbance from 19.13 acres to 22.86 acres.***

The existing topography of the site creates a drainage swale that accounts for ~80 acres of a watershed that flows down to the TDOT ROW. The low area on the site is the practical place for the detention basin. Due to the large drainage area and the inability to bypass the offsite drainage, the pond size gets large quickly. To fit an appropriately sized pond into this area, more of the southern slope needs to be disturbed than originally anticipated. This additional area resulted in the increase in hillside protection disturbance. An alternative of excavating more of the northern slope was looked at since it was being disturbed anyways, but the geotechnical report showed heavy rock in that area that would not be feasible for deep excavations. The most practical solution is to extend the disturbance into the southern slope resulting in the need for a variance for extra hillside protection allowance.



Development Request

DEVELOPMENT

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

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☐ Rezoning
☐ Plan Amendment
☐ Sector Plan
☐ City OYP / County Comp Plan

Rand Partners, LLC

Applicant Name

Affiliation

5/23/2024

Date Filed

6/13/2024

Meeting Date (if applicable)

7-A-24-HPA

File Number(s)

CORRESPONDENCE

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

Christopher Golliher, P.E. Ardurra

Name / Company

2160 Lakeside Centre Way Ste 101 Knoxville TN 37922

Address

865-251-5341 / cgolliher@ardurra.com

Phone / Email

CURRENT PROPERTY INFO

RD Buffat, LLC

Owner Name (if different)

118 N Peters Rd Suite 304 Knoxville TN 37923

Owner Address

585-329-4796

Owner Phone / Email

5233 MCINTYRE RD

Property Address

60 P A 025

Parcel ID

70.37 acres

Tract Size

Knoxville Utilities Board

Sewer Provider

Knoxville Utilities Board

Water Provider

Septic (Y/N)

STAFF USE ONLY

Southeast side of Buffat Mill Rd, west side of Interstate 640

General Location

☒ City

Council District 4

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

Agriculture/Forestry/Vacant Land

☐ County

District

Zoning District

Existing Land Use

East City

LDR (Low Density Residential)

N/A (Within City Limits)

Planning Sector

Land Use (City)/Place Type (County)

Growth Policy Plan Designation

DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan	<input type="checkbox"/> Planned Development	<input type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input checked="" type="checkbox"/> Hillside Protection COA	<input type="checkbox"/> Residential	<input type="checkbox"/> Non-residential	
Home Occupation (specify) _____			
Other (specify) Single-family residential subdivision			

SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number	
Total Number of Lots Created	
Additional Information	
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input type="checkbox"/> Zoning Change	Proposed Zoning	Pending Plat File Number
<input type="checkbox"/> Plan Amendment	Proposed Plan Designation(s)	
Proposed Density (units/acre) Previous Rezoning Requests		
Additional Information		

STAFF USE ONLY

PLAT TYPE

☐ Staff Review ☐ Planning Commission

ATTACHMENTS

☐ Property Owners / Option Holders ☐ Variance Request
☐ Amendment Request (Comprehensive Plan)

ADDITIONAL REQUIREMENTS

☐ Use on Review / Special Use (Concept Plan)
☐ Traffic Impact Study
☐ COA Checklist (Hillside Protection)

Fee 1	Total
\$500.00	
Fee 2	
Fee 3	

AUTHORIZATION

☐ I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

Applicant Signature	Rand Partners, LLC	5/23/2024
	Please Print	Date

Phone / Email

Property Owner Signature	RD Buffat, LLC	5/23/2024
	Please Print	Date



Development Request

DEVELOPMENT

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

SUBDIVISION

- ☐ Concept Plan
☐ Final Plat

ZONING

- ☐ Plan Amendment
☐ SP ☐ PA
☐ Rezoning

Rand Partners, LLC

Applicant Name

Affiliation

05/20/2024

07/11/24

Date Filed

Meeting Date (if applicable)

2-SB-23-C

File Number(s)

7-A-24-HPA

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

Christopher H. Golliher

Ardurra

Name

Company

2160 Lakeside Centre Way Suite 201

Knoxville

TN

37922

Address

City

State

ZIP

865-251-5341

cgolliher@ardurra.com

Phone

Email

CURRENT PROPERTY INFO

RD Buffat LLC

118 N. Peters Road STE 304 Knoxville, TN 585-329-4796

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

5233 McIntyre Road Knoxville, TN 37914

060PA025

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

General Location

Tract Size

☐ City ☐ County

District

Zoning District

Existing Land Use

Planning Sector

Land Use / Place Type
CITY COUNTY

Growth Policy Plan Designation

April 2024

DEVELOPMENT REQUEST

- ☐ Development Plan ☐ 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 _____

- ☐ Combine Parcels ☐ Divide Parcel

Total Number of Lots Created _____

☐ Other (specify) _____☐ Attachments / Additional Requirements _____

Related Rezoning File Number _____

ZONING REQUEST☐ Zoning Change

Proposed Zoning _____

☐ Plan Amendment Change

Proposed Plan Designation(s) _____

Pending Plat File Number _____

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
☐ Amendment Request (*Comprehensive Plan*)

ADDITIONAL REQUIREMENTS

- ☐ Use on Review / Special Use (*Concept Plan*)
☐ Traffic Impact Study
☐ COA Checklist (*Hillside Protection*)

Fee 1

Total

Fee 2

Fee 3

AUTHORIZATION

☒ I declare under penalty of perjury the foregoing is true and correct:

1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent

Applicant Signature

Rand Partners, LLC

Please Print

Date

Phone Number

Email

Property Owner Signature

Please Print

Date Paid



585-329-4796



Jake@randpartnersllc.com

Jake Stenziano

5/18/24

05/23/2024, SG

5/18/24