



MEMORANDUM

TO: Knoxville-Knox County Planning Commission
FROM: Jessie Hillman, Principal Planner
DATE: November 10, 2025 (REVISED)
FILE #: **11-A-25-HPA** Agenda Item #13
SUBJECT: Request for 2.8 acres of disturbance within the Hillside Protection Overlay at 4136 McKamey Road

STAFF RECOMMENDATION:

Approve the applicant's Level II Certificate of Appropriateness request to disturb up to 2.8 acres within the HP (Hillside Protection Overlay) zoning district, subject to one condition that the limits of disturbance be clearly fenced to protect the "Critical Root Zone" of trees as defined in 14.1 of the Tree Protection Ordinance and subject to inspection before and during construction activities associated with this request.

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 through 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 it delineates disturbance limitations based on the steepness 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 Certificate of Appropriateness (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 will evaluate whether the request is to be approved, approved with conditions, or denied, per Article 16.8.B.4.d.

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:

Developers of this 3.9-acre parcel at 4136 McKamey Road submitted a Special Use request for a four-duplex subdivision in the RN-1 (Single-Family Residential Neighborhood) zone. During the review, staff discovered that extensive, unpermitted clearing and grading had occurred on the site in preparation for residential development. Approximately 95% of the subject property is in the Hillside Protection Overlay, and the slope analysis conducted by staff indicates that 2.61 acres is the maximum area that can be disturbed on the parcel. The applicant is requesting to disturb 2.8 acres within the HP Overlay.

There is a TVA overhead utility easement that crosses the middle of this parcel from east to west and has resulted in approximately .84 acres of land being disturbed within the HP Overlay. This area is unbuildable due to easement restrictions. The requested excess disturbance of .19 acres by the applicant is proportional to limitations on the site due to the utility easement.

Considering the unpermitted disturbance that has already occurred on site, staff recommend a condition for approval that the limits of disturbance be clearly fenced and defined for inspection and approval by the City's Landscape Reviewer and Inspector prior to any further construction activity. This will ensure that the remaining .89 acres in the HP Overlay remain undisturbed and protected.

