

MEMORANDUM

TO: Knoxville-Knox County Planning Commission
FROM: Jessie Hillman, Principal Planner
DATE: August 27, 2026
SUBJECT: **9-B-26-HPA**, Agenda Item #6
Request to exceed the 9,823.7 sq ft disturbance budget with 27,515.2 sq ft of total disturbance

STAFF RECOMMENDATION:

Approve the applicant's Level II Certificate of Appropriateness request to exceed the 9,823.7 sq ft disturbance budget for a total disturbance of 27,515.2 sq ft on parcels 094HC002, 01001, and 01002 on Richmond Avenue, subject to 2 conditions.

1. Reforesting approximately 10,870 square feet along the eastern side of the subject property with 135 native tree seedlings, as shown in Exhibit B.
2. A reforestation plan shall be subject to approval by the City of Knoxville Urban Forestry Division, and they shall be notified when planting is complete so a site inspection can occur. Reforestation shall not be considered complete until it is approved by the City Urban Forester or City Landscape Reviewer.

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 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:

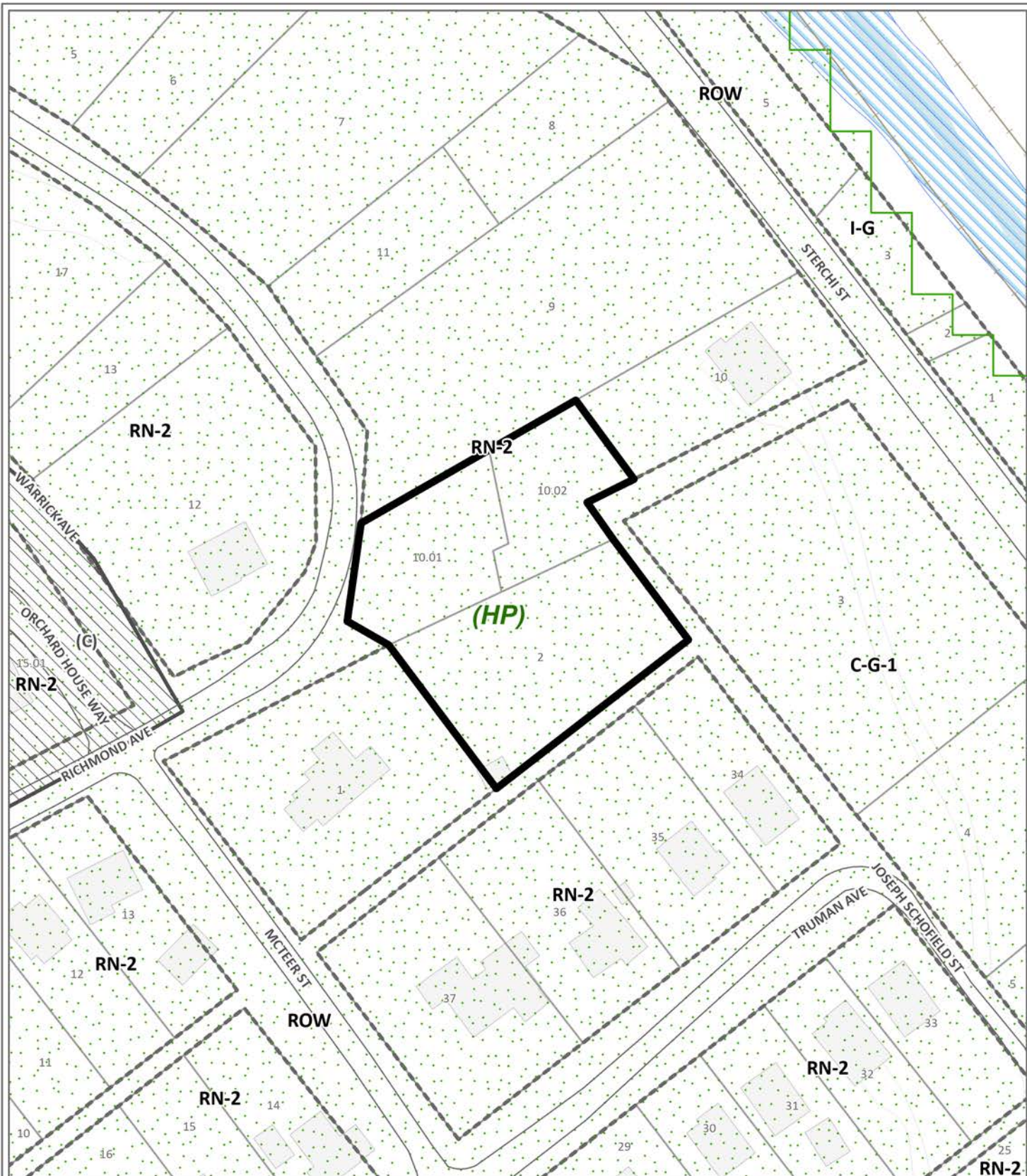
- Policy 3.5: Conserve the natural assets that make this region attractive and enhance quality of life.
- Policy 6.2: Compliment natural landforms when grading and minimize grading on steep slopes and within floodways.
- Policy 6.3: Encourage development in areas with the fewest environmental constraints.
- 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:

The subject property was cleared in 2023 without permits, which was discovered while evaluating a Special Use application for two duplexes in July (8-B-26-SU). The Special Use case is being postponed until a determination is made on conditions to be applied with regards to the violation of the Hillside Protection Ordinance.

While a primary objective of the Hillside and Ridgetop Protection Plan is to conserve existing forest, page 43 of the Plan also provides reforestation and restoration guidance for properties that have been cleared and graded. More detailed instructions are provided in Appendix D.

Planning staff consulted with the City of Knoxville Urban Forester on the recommended condition that approximately 10,870 square feet be reforested with 135 seedlings. There is a utility easement that runs east to west through the subject property, and this area was excluded from the reforestation requirement, as shown in Exhibit B. The reforestation area is the steepest area of the property and generally exceeds a 25% slope. This condition will help mitigate stormwater runoff and erosion stemming from future impervious development on the property. Because steeper slopes are more challenging to develop, the reforestation area does not appear to interfere with the proposed location of the duplexes. The replanting shall be planned in coordination with the Urban Forestry Division, and they shall be notified when the planting is complete so a site inspection can occur. This condition will not be considered complete until reforestation is approved after inspection.



HILLSIDE PROTECTION

9-B-26-HPA

Petitioner: Nestbuilt Development, LLC



Case Boundary

Original Print Date: 7/29/2026

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

Map No: 94

Jurisdiction: City

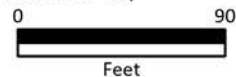
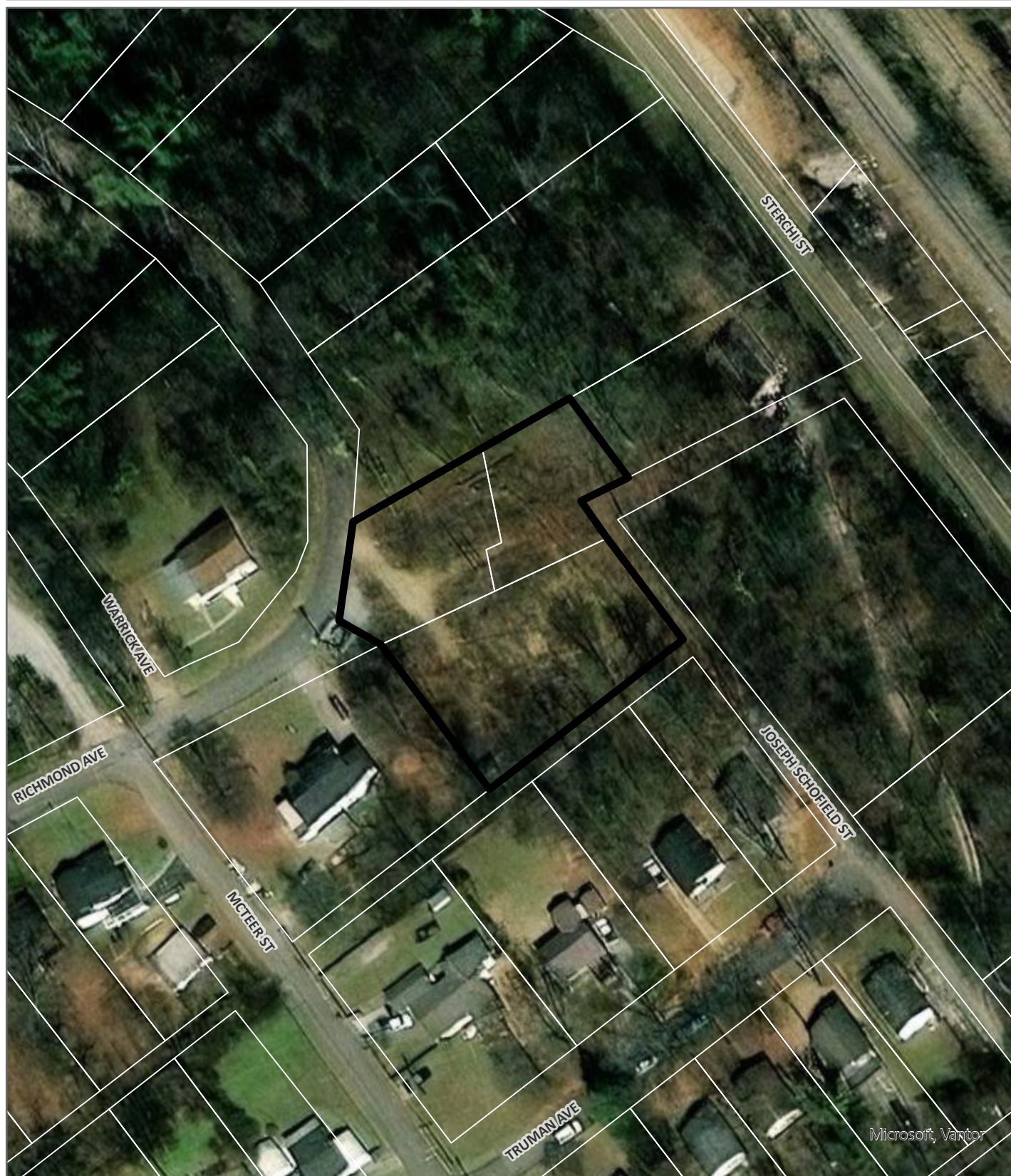


Exhibit A. Contextual Images



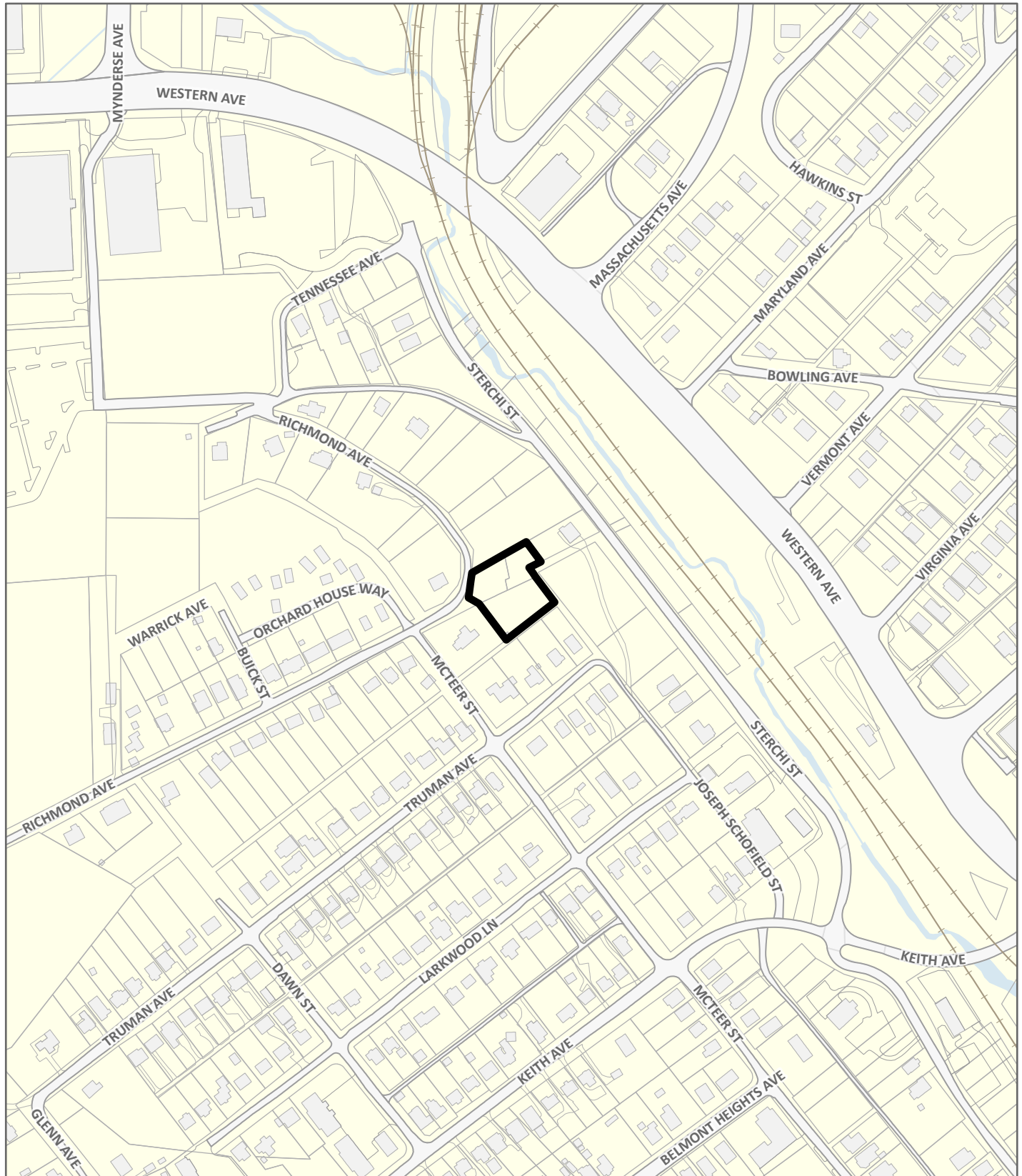
AERIAL MAP



Case boundary



Exhibit A. Contextual Images

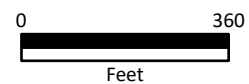


LOCATION MAP

9-B-26-HPA



Case boundary



CATEGORY	SQFT	ACRES	RECOMMENDED DISTURBANCE BUDGET (Percent)	DISTURBANCE AREA (Sqft)	DISTURBANCE AREA (Acres)
Total Area of Site	27,515.2	0.632			
Non-Hillside	0.0	0.000	N/A		
0-15% Slope	319.8	0.007	100%	319.8	0.007
15-25% Slope	13,716.1	0.315	50%	6,858.1	0.157
25-40% Slope	12,979.2	0.298	20%	2,595.8	0.060
Greater than 40% Slope	500.0	0.011	10%	50.0	0.001
Ridgetops					
Hillside Protection (HP) Area	27,515.2	0.632	Recommended disturbance budget within HP Area	9,823.7	0.226
			Percent of HP Area	35.7%	

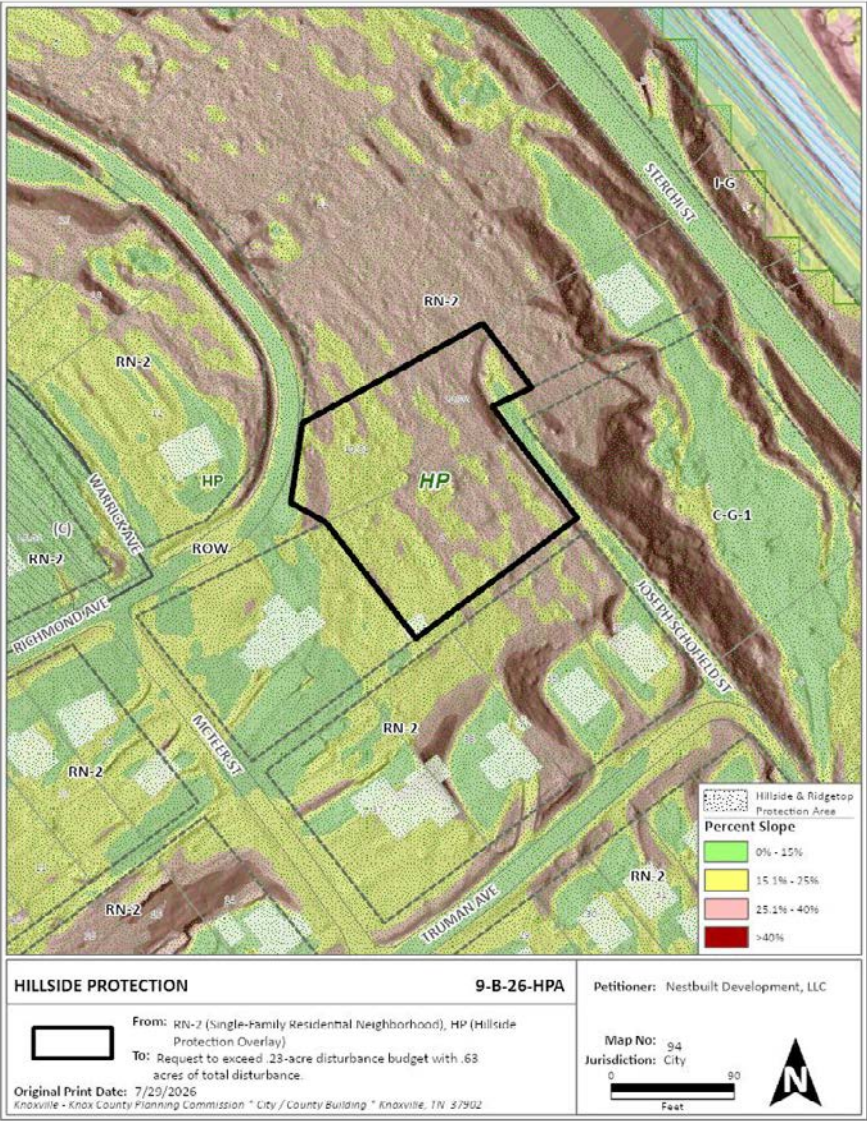




Exhibit B: Replantation Area

9-B-26-HPA

Petitioner: Nestbuilt Development, LLC



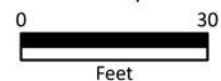
Case Boundary



Area to be replanted (10871.78 Sq. Ft.)

Map No: 94

Jurisdiction: City



Original Print Date: 9/1/2026

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Public Notice and Community Engagement

Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s). The contact information you provide in your application may be used for that purpose. We require applicants to acknowledge their role in this process.

Sign Posting and Removal

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.

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.

Acknowledgement

By signing below, you acknowledge that public notice signs must be posted and visible on the property consistent with the guidelines above and between the dates listed below.

8/29/26

9/11/26

Date to be Posted

Date to be Removed



Applicant Signature

Applicant Name

Date

Have you engaged the surrounding property owners to discuss your request?

☐ Yes ☐ No

☐ No, but I plan to prior to the Planning Commission meeting