

# CASE SUMMARY

## APPLICATION TYPE: USE ON REVIEW



**File Number:** 12-E-18-UR **Related File Number:**  
**Application Filed:** 10/29/2018 **Date of Revision:**  
**Applicant:** MICHAEL BRADY INC.

### PROPERTY INFORMATION

**General Location:** Northwest side of S. Northshore Dr., southwest side of Cottingham Ln.  
**Other Parcel Info.:**  
**Tax ID Number:** 145 P M 025 **Jurisdiction:** County  
**Size of Tract:** 2 acres  
**Accessibility:** Access is via Cottingham Ln., and British Station Ln., local streets with a 26' pavement width within a 50' right-of-way.

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Residence  
**Surrounding Land Use:**  
**Proposed Use:** Detached Residential Subdivision **Density:** 2 du/ac  
**Sector Plan:** Southwest County **Sector Plan Designation:** LDR  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** The site is located in an area of low density residential subdivisions along the north side of S. Northshore Dr. that have developed under PR (Planned Residential) and RA (Low Density Residential) zoning.

### ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

**Street:** 1933 Cottingham Ln  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** PR (Planned Residential)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** Property was rezoned to PR (Planned Residential) at a density of up to 4 du/ac by Knox County Commission on August 23, 2004.

### PLAN INFORMATION (where applicable)

**Current Plan Category:**

Requested Plan Category:

### **SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

### **OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

### **PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge:

Tom Brechko

Staff Recomm. (Abbr.):

DENY the Use on Review request and proposed development plan for the reasons identified below.

Staff Recomm. (Full):

1. The letter from S&ME Inc. to Jim Snowden, Senior Director for the Knox County Department of Engineering and Public Works stated that it was their professional opinion that "this closed depression is related to sinkhole activity". It is also the opinion of S&ME Inc. that "development of the site not only places risk on the subject property but also has the potential to increase risk to the properties immediately adjacent if storm water is not properly managed".
2. It has been the practice of Planning staff to require all closed contours to be identified as sinkholes on a final plat and to not allow any building construction within the identified sinkhole. The northern portion of Lot 25 includes an area that was designated as a sinkhole on the recorded plat for the Cottingham Court Subdivision.
3. The Subdivision Regulations under Section 3.02.A.1.c includes a lot standard that "Lots shall contain adequate building sites outside of required riparian buffer zones and sinkholes and shall meet the required minimum building setbacks." The applicant has not provide clear documentation that this provision is met for the additional lots. It is staff's position that the three proposed new lots will not have adequate building sites outside of the sinkhole (includes a 5 foot easement outside of the closed contour) and required building setbacks.

Comments:

UPDATE:

The Knox County Department of Engineering and Public Works had requested their on call geotechnical experts at S&ME, Inc. to review all the geotechnical documentation that has been generated regarding the closed contour/sinkhole that was identified on the recorded plat for Cottingham Court Subdivision in the area of Lot 25, and to make a recommendation to Knox County regarding what is in the best interest of the public's health, safety, and welfare regarding the proposed resubdivision of Lot 25. The letter from S&ME Inc. to Jim Snowden, Senior Director for the Knox County Department of Engineering and Public Works (dated January 17, 2019), included the following Opinion:

"Based on the information provided, the history of the site, the boring data provided, and the karst geology of the site, it is our professional opinion this closed depression is related to sinkhole activity. Borings performed in and around the closed depression have material indicative of prior sinkhole activity and in general have a lower material consistency with depth. We understand there has been sinkhole remediation in and around the Cottingham Court neighborhood. Based on this previous sinkhole activity in the immediate area, it our opinion the risk of additional sinkhole activity at this site is greater than other similar areas without known sinkhole remediation or closed depressions in the immediate area. Development of the site not only places risk on the subject property but also has the potential to increase risk to the properties immediately adjacent if storm water is not properly managed." (The letter from S&ME to Jim Snowden is attached.)

BACKGROUND:

The applicant is proposing to develop this 2 acre lot (Lot 25) within Cottingham Court Subdivision into 4 lots for detached residences at a density of 2 du/ac. With this proposed subdivision, the overall density for Cottingham Court would be 2.69 du/ac which is within the zoning limitation of 4.0 du/ac.

The three additional lots proposed for subdivision are located on the northern portion of Lot 25 in an area that was designated as a sinkhole on the recorded plat for the Subdivision. The property owner has submitted to the Knox County Department of Engineering and Public Works a "Report of Limited Geotechnical Exploration" that was prepared by Geoservices, LLC and dated July 30, 2018 that

explored the sites subsurface conditions and provided geotechnical recommendations regarding the potential risk of sinkhole development and for development of the site. Additional documentation has been provided to staff by residents within Cottingham Court Subdivision regarding the geotechnical analysis and sinkhole activity within the Subdivision.

The Subdivision Regulations under Section 3.02.A.1.c includes a lot standard that "Lots shall contain adequate building sites outside of required riparian buffer zones and sinkholes and shall meet the required minimum building setbacks." The applicant must provide clear documentation that this provision is met for the additional lots.

#### EFFECT OF PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND THE COMMUNITY AS A WHOLE

1. The proposed development will have minimal impact on local services since utilities are available to serve this site.
2. The proposed low density residential development is compatible with other development that has occurred in this area.
3. The proposed development of the site in the area of the identified sinkhole has the potential of placing risk on the subject property and increasing the risk to the properties immediately adjacent to it if storm water is not properly managed.

#### CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. The proposed development does not meet the standards for development within a PR (Planned Residential) zone since the three proposed new lots do not have an adequate building site outside of the sinkhole and required building setbacks.
2. The proposed subdivision is not consistent with all of the general standards for uses permitted on review: The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is not in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the neighborhood where it is proposed. The use as proposed has the potential to significantly injure the value of adjacent property. The use will draw minimal traffic through residential areas.

#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Northwest County Sector Plan identifies this property as low density residential use. At a proposed density of 2 du/ac, the development is consistent with the approved zoning and Sector Plan.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan

#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Southwest County Sector Plan as amended, identifies the property for general commercial use. The proposed use and development plan are in compliance with the Sector Plan.
2. This site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

**Action:** Denied **Meeting Date:** 3/14/2019

**Details of Action:**

**Summary of Action:** DENY the Use on Review request and proposed development plan for the reasons identified below.

**Date of Approval:** **Date of Denial:** 3/14/2019 **Postponements:** 12/13/2018 - 2/14/2019

**Date of Withdrawal:** **Withdrawn prior to publication?:** ☐ **Action Appealed?:**

### LEGISLATIVE ACTION AND DISPOSITION

**Legislative Body:** Knox County Board of Zoning Appeals

**Date of Legislative Action:** **Date of Legislative Action, Second Reading:**

**Ordinance Number:** **Other Ordinance Number References:**

**Disposition of Case:** **Disposition of Case, Second Reading:**

**If "Other":** **If "Other":**

**Amendments:**

**Date of Legislative Appeal:**

**Amendments:**

**Effective Date of Ordinance:**