

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW

KNOXVILLE-KNOX COUNTY

M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N

T E N N E S S E E

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
F A X • 215 • 2068
w w w • k n o x m p c • o r g

File Number: 1-A-14-UR **Related File Number:**
Application Filed: 11/7/2013 **Date of Revision:**
Applicant: JACOYIA WAKEFIELD

PROPERTY INFORMATION

General Location: North side of Green Valley Dr., west of Sundew Rd.
Other Parcel Info.:
Tax ID Number: 71 N F 019 **Jurisdiction:** City
Size of Tract: 34850 square feet
Accessibility: Access is via Green Valley Dr., a local street with a pavement width of 16' within a 50' wide right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Detached dwelling
Surrounding Land Use:
Proposed Use: **Density:**
Sector Plan: East City **Sector Plan Designation:** LDR (Low Density Residential)
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context: The site is located in the interior of an establish low density residential neighborhood. Zoning in the area is EN-1 (Established Neighborhood) District.

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

Street: 5711 Green Valley Dr
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: EN-1 (Established Neighborhood)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: None noted

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.:

MPC ACTION AND DISPOSITION

Planner In Charge:

Dan Kelly

Staff Recomm. (Abbr.):

APPROVE the request of the applicant to provide child care for up to 4 children as a home occupation, subject to the following 9 conditions

Staff Recomm. (Full):

1. Meeting all requirements of Article 5, Section 12 of the Knoxville Zoning Ordinance (attached)
2. Maintaining the appropriate license from the State of Tennessee Dept. of Human Services
3. Provision of a total of 4 off-street parking spaces (2 for the dwelling and 2 for the business)
4. Limiting the hours of operation of the home occupation to 7:00 AM to 7:00 PM
5. This use on review for a home occupation shall terminate at the time this applicant vacates the premises. No other home occupation may be conducted at this location unless approved by MPC through the use on review process
6. No signage will be permitted.
7. Meeting all other applicable requirements of the Knoxville Zoning Ordinance
8. Meeting all applicable requirements of the Knoxville Engineering Dept.
9. Failure to adhere to these conditions of approval and all other applicable requirements of the Knoxville Zoning Ordinance will, after due process, result in revocation of the approval of this use on review for a home occupation

With the conditions noted, the request meets the requirements for approval in the R-1 zone and the other criteria for approval of a use on review

Comments:

Ms. Wakefield is requesting approval of a home occupation that consists of her providing care for up to 4 children in her home. She states in the information provided with the application that she will meet all of the requirements of a home occupation contained in the Zoning Ordinance.

The Knoxville Zoning Ordinance does not classify a child care facility as a "daycare" until six or more children are being cared for. Previous to this request, the City Chief Building official has opined that caring for less than six children was a permitted use in any residential zone. Due to concerns from area residents the Chief Building Official has now stated that if a caretaker is being paid to care for children in their home it would constitute a home occupation. As such, to operate such a business will require MPC approval.

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

1. The proposal will have no impact on schools.
2. Public water and sewer utilities are available to serve the site
3. The property is located along a local street. No negative traffic impact is anticipated.
5. The applicant will be required to provide off-street parking for both the dwelling and the home occupation.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE

1. The proposed home occupation is consistent with the general standards for uses permitted on review: The proposed use is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is 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 will not significantly injure the value of adjacent property. The use will draw a minimal amount of additional traffic through this residential area.
2. The proposal meets all relevant requirements of the EN-1 zoning district, as well as other criteria for approval of a use-on-review.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The use is in conformity with the East City Sector Plan and One Year plan for the area which proposes LDR (Low Density Residential)

Action: Approved

Meeting Date: 1/9/2014

Details of Action:

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Summary of Action:

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Date of Approval: 1/9/2014

Date of Denial:

Postponements:

Date of Withdrawal:

Withdrawn prior to publication?: **Action Appealed?:** 1/22/2014

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

Date of Legislative Action: 2/18/2014

Date of Legislative Action, Second Reading:

Ordinance Number:

Other Ordinance Number References:

Disposition of Case: Approved

Disposition of Case, Second Reading:

If "Other":

If "Other":

Amendments:

Amendments:

Approved appeal - use on review denied.

Date of Legislative Appeal:

Effective Date of Ordinance: