

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

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www.knoxmpc.org

File Number: 10-C-04-UR **Related File Number:**
Application Filed: 9/12/2004 **Date of Revision:**
Applicant: JENNIFER TATE
Owner:

PROPERTY INFORMATION

General Location: North side of Middlebrook Pk., west side of N. Twenty First St.
Other Parcel Info.:
Tax ID Number: 94 J H 040 **Jurisdiction:** City
Size of Tract: 13700 square feet
Accessibility: Access is via Middlebrook Pk., a four lane arterial street.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant commercial building
Surrounding Land Use:
Proposed Use: Child day care center for 20 to 25 children **Density:**
Sector Plan: Central City **Sector Plan Designation:**
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context: The site is located in an area where redevelopment has occurred in recent years. The predominant uses in the area are the Coca Cola distributorship and a large heating and air conditioning dealer. Housing is located in the area to the north of Western Av.

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

Street: 2115 Middlebrook Pike
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: C-3 (General Commercial)
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:

Surveyor:

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 for a child day care center at this location as shown on the development plan for up to 21 children subject to 6 conditions

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the Knoxville Engineering Division.
3. Meeting all applicable requirements of the Knox County Health Dept.
4. Obtaining the required lot area variance from the Knoxville Board of Zoning Appeals.
5. To prevent injuries from falls, cover the playground with a suitable shock absorbing material as required by the Tenn. Dept. of Human Resources.
6. Meeting all applicable requirements and obtaining all required permits from the Tenn. Dept. of Human Services.

With the conditions noted, this plan meets the requirements for approval in the C-3 district and the other criteria for approval of a use on review.

Comments: The applicant is requesting approval of a child day care center for 20 to 25 children to be located at the corner of Middlebrook Pk. and N. Twenty-first St. The existing building on the site was most recently used as a restaurant. The site does not meet the minimum lot area requirement of the Knoxville Zoning Ordinance. The applicant will have to request approval of a variance from the required 15,000 square feet to the 13,700 square feet of lot area this site contains. Staff will recommend approval of this use at this location subject to enrollment not exceeding twenty one children. This recommendation corresponds with the required amount of outdoor play area that is being proposed by this applicant. The proposed play area is presently a paved parking lot. The applicant will be required to provide shock absorbing material on the play area to lessen the risk of injuries due to falls.

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

1. Public water and sewer are available to serve the site.
2. Middlebrook Pk. has sufficient capacity to handle the additional traffic which will be generated by this development.
3. This request will have no impact on schools and minimal impact on adjacent properties.

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

1. The proposal is consistent with all requirements of the C-3 zoning district, as well as other criteria for approval of a use on review.
2. The proposed use is consistent with 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 in harmony with the general purpose and intent of the Zoning Ordinance. The plans include appropriate setbacks to minimize the impact to surrounding properties. The use should not significantly injure the value of adjacent property. The use will not draw substantial additional traffic through residential areas. No surrounding land uses will not pose a hazard or create an unsuitable environment for the proposed use.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Central City Sector Plan proposes commercial uses for this property.
2. The site is located within the Urban Growth Area - inside the City of Knoxville as shown on the Knoxville-Knox County-Farragut Growth Policy Plan.

MPC Action: Approved **MPC Meeting Date:** 10/14/2004

- Details of MPC action:**
1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
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Summary of MPC action: APPROVE the request for a child day care center at this location as shown on the development plan for up to 21 children subject to 6 conditions

Date of MPC Approval: 10/14/2004 **Date of Denial:** **Postponements:**

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville City Council

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: **Amendments:**

Date of Legislative Appeal: **Effective Date of Ordinance:**