

# 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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**File Number:** 10-H-05-UR                      **Related File Number:**  
**Application Filed:** 9/6/2005                      **Date of Revision:**  
**Applicant:** ERIN PRESLEY  
**Owner:**

## PROPERTY INFORMATION

**General Location:** North side W. Emory Rd., northeast side Old Clinton Pike  
**Other Parcel Info.:**  
**Tax ID Number:** 67 A B 003                      **Jurisdiction:** County  
**Size of Tract:** 9.69 acres  
**Accessibility:** Access is via Old Clinton Pike, a local street with 22' of pavement width within 50' of right of way, or W. Emory Rd., a major arterial street with 50' of pavement width within 70' of right of way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Shopping center (vacant retail/office spaces)  
**Surrounding Land Use:**  
**Proposed Use:** Child day care center for up to 80 children                      **Density:**  
**Sector Plan:** North County                      **Sector Plan Designation:** Commercial  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** The proposed site for the daycare facility is within an existing shopping center, zoned SC. There is some residential to the north of the site, zoned A and RB. Commercial and institutional development is located to the south, east and west of the site, zoned CA, RB and OA.

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

**Street:** 3501 W Emory Rd  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** SC (Shopping Center)  
**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: Michael Brusseau

Staff Recomm. (Abbr.): APPROVE the request for a daycare facility for up to 80 children in the SC zoning district, subject to 6 conditions:

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
2. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
3. Meeting all child daycare licensing requirements of the State of Tennessee.
4. Meeting all applicable requirements of the Knox County Health Department.
5. Obtaining approval of a variance from the Knox County Board of Zoning Appeals (BZA) for a reduction in the required outdoor play area from 8,500 square feet to 8,098.5 square feet.
6. Adhering to all attached plans and stipulations, as submitted by the applicant for purposes of this review.

With the conditions noted above, this request meets all requirements of the SC zoning district, as well as other criteria for approval of a use on review.

Comments: The applicant is proposing a daycare facility for up to 80 children within an existing shopping center. The vacant commercial/office space is located in the corner of the Powell Shopping Center adjacent to some St. Mary's Healthcare medical offices. The proposal meets all Zoning Ordinance requirements, with the exception of the minimum outdoor play area requirement, for which the proposal is short 401.5 square feet. A condition of this approval has been included that the applicant must obtain a BZA variance to reduce that requirement. Because the indoor area proposed is substantially greater than what is required (exceeds requirement by 4,432 sq. ft.), the staff is in agreement with the reduced outdoor area, subject to BZA 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. The existing street system is adequate to handle the additional traffic that will be generated by this proposal.
2. Public water and sewer utilities are available to serve the development.
3. The location of the proposed daycare facility within an existing shopping center minimizes the impact of the proposed use on less intense uses.
4. The property is accessed from a major arterial street (W. Emory Rd.) and is near Clinton Hwy., another major arterial street, and meets the minimum Knox County Zoning Ordinance requirements for approval of a child care facility.

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

1. The proposed daycare facility 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 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 not draw additional traffic through residential areas.
2. With the exception of the required variance on the outdoor play area, the proposal meets all requirements of the SC zoning district, as well as the specific minimum requirements of Knox County Zoning Ordinance, Article 4, Section 4.91, regarding child day care centers as uses permitted on review. See the attached Day Care Review sheet.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The North County Sector Plan proposes commercial uses for this site.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan.

**MPC Action:** Approved

**MPC Meeting Date:** 10/13/2005

- Details of MPC action:**
1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
  2. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
  3. Meeting all child daycare licensing requirements of the State of Tennessee.
  4. Meeting all applicable requirements of the Knox County Health Department.
  5. Obtaining approval of a variance from the Knox County Board of Zoning Appeals (BZA) for a reduction in the required outdoor play area from 8,500 square feet to 8,098.5 square feet.
  6. Adhering to all attached plans and stipulations, as submitted by the applicant for purposes of this review.

**Summary of MPC action:** APPROVE the request for a daycare facility for up to 80 children in the SC zoning district, subject to 6 conditions:

**Date of MPC Approval:** 10/13/2005

**Date of Denial:**

**Postponements:**

**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:**

**Amendments:**

**Date of Legislative Appeal:**

**Effective Date of Ordinance:**