

# 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  
4 0 0 M a i n S t r e e t  
Knoxville, Tennessee 37902  
8 6 5 • 2 1 5 • 2 5 0 0  
F A X • 2 1 5 • 2 0 6 8  
w w w • k n o x m p c • o r g

**File Number:** 11-G-16-UR  
**Application Filed:** 9/28/2016  
**Applicant:** CHILD CREATIONS

**Related File Number:**  
**Date of Revision:**

### PROPERTY INFORMATION

**General Location:** Southeast side of W. Copeland Dr., south side of Heiskell Rd.  
**Other Parcel Info.:**  
**Tax ID Number:** 46 15702 **Jurisdiction:** County  
**Size of Tract:** 27000 square feet  
**Accessibility:** Access is via W. Copeland Dr., a collector street with a pavement width of 19' within a 70' wide right-of-way at this location

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Child daycare center  
**Surrounding Land Use:**  
**Proposed Use:** Day care center expansion for up to 72 children (revised) **Density:**  
**Sector Plan:** North County **Sector Plan Designation:** LDR (Low Density Residential)  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** This site is located at the intersection of W. Copeland Dr. and Heiskell Rd. Development in the immediate area consists primarily of detached dwellings on acreage tracts. The zoning in the area is A agricultural, CA commercial and RA residential.

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

**Street:** 102 W Copeland Dr  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** CA (General Business) & A (Agricultural)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** A use on review for expansion of the existing day care center to serve up to 70 children was approved by MPC on 4/14/16

### 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 to expand the existing day care center to serve up to 72 children as shown on the site plan subject to 5 conditions

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Health Department.
2. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
3. Meeting all applicable requirements of the Knox County Zoning Ordinance or obtaining variances as needed
4. Meeting all applicable requirements and obtaining all required permits from the Tennessee Department of Human Services.
5. A revised site plan reflecting the conditions of approval must be submitted to MPC staff for certification prior to obtaining any building permits.

With the conditions noted, this plan meets the requirements of the CA & A zones and the other general criteria for approval of a use on review

Comments: The request is to permit expansion of an existing day care center that has been in operation for over 30 years. At present the facility is licensed to serve up to 39 children. Approval as requested will permit up to 72 children to be enrolled at this facility. In order to accommodate the increased enrollment, the applicant will be making improvements to the on site parking and circulation, the outdoor play area, and will be increasing the size of the building. A different plan was approved by MPC earlier this year that would have allowed up to seventy children to be enrolled at this facility. Due to topographic constraints and the anticipated costs associated with implementing the approved plan, the applicant has now submitted a revised plan which will be more cost effective.

The new plan will require the proposed playground to encroach into the required setback. Approval of a variance by the Knox County Board of Zoning Appeals will be required in order to permit this encroachment. Due to the very large area shown as right-of-way adjoining the playground, staff believes the fenced play area will be setback from the existing road enough to not be a safety hazard. Additionally, the applicant will have to get a variance to permit the paved parking area to be located in the required setback. Otherwise, the site plan shows that the request will meet the other development standards contained in the Knox County Zoning Ordinance for a day care center. Staff does not anticipate any negative impact on the surrounding area if this day care center is allowed to expand as requested.

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

1. Public utilities are available to serve the site.
2. The proposed use of this site have minimal impact on the adjacent road system.

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

1. The proposed use is consistent with the general standards for uses permitted on review: The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use will not injure the value of adjacent property. The use will not draw substantial additional traffic through residential areas. No surrounding land uses will pose a hazard or create an unsuitable environment for the proposed use.

**CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS**

1. The North County Sector Plan proposes low density residential uses for this property. The day care center is consistent with the sector plan.
2. The site is located in the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan.

**Action:** Approved **Meeting Date:** 11/10/2016

- Details of Action:**
1. Meeting all applicable requirements of the Knox County Health Department.
  2. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
  3. Meeting all applicable requirements of the Knox County Zoning Ordinance or obtaining variances as needed
  4. Meeting all applicable requirements and obtaining all required permits from the Tennessee Department of Human Services.
  5. A revised site plan reflecting the conditions of approval must be submitted to MPC staff for certification prior to obtaining any building permits.

With the conditions noted, this plan meets the requirements of the CA & A zones and the other general criteria for approval of a use on review

**Summary of Action:** APPROVE the request to expand the existing day care center to serve up to 72 children as shown on the site plan subject to 5 conditions

**Date of Approval:** 11/10/2016 **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:**