

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



File Number: 11-G-20-UR **Related File Number:**
Application Filed: 9/28/2020 **Date of Revision:**
Applicant: STUART ANDERSON, AIA

PROPERTY INFORMATION

General Location: North side of Hardin Valley, northeast of Steele Road
Other Parcel Info.:
Tax ID Number: 117 031 **Jurisdiction:** County
Size of Tract: 3.1 acres
Accessibility: Access is via Hardin Valley Rd., a minor arterial street with 3 lanes, including a center turning lane, within 100' of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use:
Proposed Use: Child day care center **Density:**
Sector Plan: Northwest County **Sector Plan Designation:** MDR (Medium Density Residential)
Growth Policy Plan: Planned Growth Area
Neighborhood Context: The predominant land uses in this area are the Hardin Valley Schools. The closest developed commercial is the Food City center on the west side of Steele Rd., zoned CA, and there was a veterinary clinic approved on Hardin Valley Rd across from the elementary school. Other development in the area is agricultural or low density residential, zoned A or PR.

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

Street: 11333 Hardin Valley Rd.
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: CA (k) (General Business)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: The property was rezoned from A to CA(k) in 2017 (7-B-17-RZ) with a condition of using the landscape standards of the CN zone.

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: Mike Reynolds

Staff Recomm. (Abbr.): APPROVE the request for the child day care center for up to 63 children, excluding the school age children enrolled in the after school program, as shown on the development plan, subject to 9 conditions.

- Staff Recomm. (Full):
1. Meeting all applicable requirements of the Knox County Health Department.
 2. Meeting all applicable requirements and obtaining all required permits from the Tennessee Department of Human Services.
 3. Meeting all applicable requirements of the Knox County Department Engineering and Public Works.
 4. Meeting the minimum standards of Article 4, Section 4.91 (Requirements for child day care centers and group day care homes), including but not limited to the fenced play area standard of subsection 4.91.01.C. The maximum number of children served by the day care center shall be limited by the size of the outdoor play area as shown on the plans approved for permitting, however, the number of children permissible shall not be greater than 63 without a new Use on Review approval by the Planning Commission. The school age children enrolled in the after school program are not included in this stated maximum children served.
 5. The maximum number of school age children enrolled in the after school program shall be limited to the capacity of the facility or other applicable licensing requirements, whichever is less, and is permitted as an accessory use to the child day care center as part of this approval and not a standalone use.
 6. Installation of all sidewalks associated with the child day care facility, as identified on the development plan. Sidewalks shall meet all applicable requirements of the Americans with Disabilities Act (ADA) and the Knox County Engineering and Public Works.
 7. Installation of the landscaping shown on the Landscaping Plan within 6 months of the issuance of an occupancy permit for this project, or posting a bond with the Knox County Dept. of Engineering and Public Works to guarantee its installation.
 8. When the future commercial development on the front portion of the site submits an application to the Planning Commission for Use on Review approval or to Knox County for permitting, if the projected vehicle trips per day for the entire development is greater than 750, a transportation impact analysis may be required. This transportation impact analysis will be the responsibility of the property owner or
 9. Meeting all other applicable requirements of the Knox County Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval in the CA (General Commercial) District, the landscape standards of the CN (Neighborhood Commercial) District as required by the zoning condition, and the general criteria for approval of a Use-on-Review.

Comments: The applicant is requesting approval of a child day care center located on a property adjacent Hardin Valley Academy. The requested maximum enrollment the facility is 63 children, however, the proposed building is large enough to serve 100 children in the child care program, 22 school age children in the after school program, and have 23 employees. There are also two "future flex" spaces that could accommodate an additional 33 children. The reduced maximum enrollment for the facility of 63 is based on the size of the outdoor play area. The Knox County zoning standards for child care centers requires that "A fenced play area of not less than two thousand five hundred (2,500) square feet for the first twenty (20) children shall be provided. For every additional child, an additional one hundred (100) square feet shall be provided." The outdoor play area shown on sheet A1.1 is 6,837 sqft, which can accommodate a facility with 63 children. If during permitting the outdoor play area is reduced in size, the maximum children allowed to be served by the child day care center shall be reduced accordingly. If additional outdoor play area is provided or a variance is approved to reduce the required outdoor play area per child, a new Use on Review approval by the Planning Commission will be required to increase the maximum enrollment above 63, or as otherwise approved.

Access to the facility is through the future commercial development that will be on the front portion of the property. The driveway will be approximately 120 feet east of the eastern entrance to Hardin Valley Academy and Hardin Valley Middle School. A transportation impact analysis (TIA) is not required for the child day care facility alone, however, a TIA may be required when the future commercial development is proposed if the total vehicle trips per day for the entire development is projected to be more than 750. This determination will be made when the future development either applies for an approval through the Planning Commission or applies for permits with Knox County.

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

1. The proposed child day care center will have minimal impact on local services since utilities are available.
2. The proposed child day care center could have an impact on the traffic flow on Hardin Valley Road being so close to the main entrance to Hardin Valley Academy and Hardin Valley Middle School. Depending on the uses proposed in the future commercial phase of this development, improvements to Hardin Valley Road may be necessary or the access to the site may need to be limited. This will be determined when the future commercial development is proposed.
3. The proposed use is compatible with the adjacent schools and the residential uses in the area.

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

1. With the recommended conditions, the proposed child day care center meets all of the requirements of the Knox County Zoning Ordinance.
2. The proposed child day care center 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 neighborhoods where it is proposed. The use will not significantly injure the value of adjacent property. The use will not have an impact on drawing traffic through residential areas since it is located on an arterial street.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Northwest County Sector Plan identifies the site within the MDR land use classifications, which allows several residential zone districts. These residential zones would also list child day care centers as a use permitted on review, so the request is consistent with the sector plan designation.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

Action: Approved **Meeting Date:** 11/12/2020

Details of Action:

Summary of Action: APPROVE the request for the child day care center for up to 63 children, excluding the school age children enrolled in the after school program, as shown on the development plan, subject to 9 conditions.

Date of Approval: 11/12/2020 **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:**