

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: 11-H-04-UR **Related File Number:**
Application Filed: 10/11/2004 **Date of Revision:**
Applicant: T & J'Z KID'Z KONNECTION
Owner:

PROPERTY INFORMATION

General Location: North side E. Fifth Ave., east side Polk St.
Other Parcel Info.:
Tax ID Number: 82 O B 31,31.01 **Jurisdiction:** City
Size of Tract: 13340 square feet
Accessibility: Access is via E. Fifth Av., a local street at this location with a pavement width of 31' within a 60' right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: One single family dwelling and a vacant lot
Surrounding Land Use:
Proposed Use: Day care for up to 20 children **Density:**
Sector Plan: Central City **Sector Plan Designation:**
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context: The property in the area is zoned R-2 residential. Development in the area consists of multi-family dwellings that are located in converted single family houses and other single family dwellings.

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

Street: 2041 E Fifth Ave
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: R-2 (General Residential)
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 to serve up to 12 children (the applicant requested 20 children) subject to 8 conditions

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
2. Provide the minimum outdoor fenced play area as required by the Knoxville Zoning Ordinance.
3. Obtaining a lot area variance from the Knoxville Board of Zoning Appeals.
4. Combining parcels 31 and 31.01 into one piece of property via the Administrative Plat process
5. Meeting all applicable requirements of the Knoxville Engineering Division.
6. Meeting all applicable requirements and obtaining all required permits from the Tenn. Dept. of Human Services.
7. Meeting all applicable requirements of the Knox County Health Department.
8. A revised site plan reflecting the conditions of approval must be submitted to MPC staff prior to issuance of any building permits.

With the conditions noted above, this request meets all requirements of the R-2 (General Residential) zoning district, as well as other criteria for approval of a use on review.

Comments:

The applicant has requested consideration of a child day care center to serve up to 20 children at this location. It has been a practice of the MPC to permit day care centers in residential areas but limit their enrollment to 12 children. This limitation is thought to reduce the impact of the use on the surrounding residences while providing a needed service within the neighborhood.

The site contains 13,340 square feet. The Knoxville Zoning Ordinance requires a day care center to be located on a lot that contains a minimum 15,000 square feet. The applicant will have to obtain a lot area variance from the Knoxville Board of Zoning Appeals. Additionally, the plan as submitted does not show the required 4000 square feet of fenced outdoor play area. This will have to be provided or a variance will have to be granted to this requirement.

The site is made up of two parcels. These parcels will have to combined via the Administrative Plat process. This process will eliminate the property line between the two parcels and put the proposed day care center on one piece of property.

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. Approximately 40 -50 trips per day could be generated by this development, including drop-off and pick-up of children, as well as staff trips. E. Fifth Av. is adequate to handle the additional traffic and has excellent sight distance in both directions from the proposed access drive.
2. Public water and sewer utilities are available to serve the development.

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

1. The proposed day care 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. The proposal meets all requirements of the R-2 zoning district, and with the needed variances will meet the minimum requirements of Knoxville Zoning Ordinance Article 5, Section 3, G4 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 Central City Sector Plan proposes low density residential uses for this site.

MPC Action:

Approved as Modified

MPC Meeting Date: 11/10/2004

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 to serve up to 20 children subject to 8 conditions

Date of MPC Approval:

11/10/2004

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: