

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: 2-J-08-UR **Related File Number:**
Application Filed: 1/14/2008 **Date of Revision:**
Applicant: ODLE & YOUNG ARCHITECTS, INC.

PROPERTY INFORMATION

General Location: South side of Bexhill Dr., east side of Ebenezer Rd., north side of Gatwick Dr.
Other Parcel Info.:
Tax ID Number: 144 L B 003 **Jurisdiction:** County
Size of Tract: 2.51 acres
Accessibility: Access is via Bexhill Dr. a local street with a pavement width of 30'-42' within a 50' right-of-way and Ebenezer Rd. a minor arterial street with a five lane pavement section with a required right-of-way of 100'.

GENERAL LAND USE INFORMATION

Existing Land Use: Vacant land
Surrounding Land Use:
Proposed Use: Child Day Care Center for up to 150 children **Density:**
Sector Plan: Southwest County **Sector Plan Designation:** LDR
Growth Policy Plan: Planned Growth Area
Neighborhood Context: The site is located in an area along Ebenezer Rd. that has developed as low density residential subdivisions under RA, PR and A zoning.

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

Street: 1401 Bexhill Dr
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: PC (Planned Commercial) & RA (Low Density Residential)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: Property zoned to PC (Planned Commercial) in the 1970's

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: Tom Brechko

Staff Recomm. (Abbr.): APPROVE the request for a day care facility for up to 150 children at this location subject to the following 8 conditions

Staff Recomm. (Full):

1. Connecting the development to sanitary sewer, as well as meeting other applicable requirements of the Knox County Health Department.
2. Meeting all applicable requirements of the Knox County Zoning Ordinance.
3. Meeting all applicable requirements and obtaining all required permits from the Tennessee Department of Human Services.
4. Installation of a sidewalk meeting American Disability Act requirements along the Bexhill Dr. street frontage that ties into the existing sidewalk along Ebenezer Rd. The sidewalk design and installation is subject to approval by the Knox County Department of Engineering and Public Works and shall be in place prior to issuance of an occupancy permit for the center.
5. As recommended by the Traffic Impact Study, trim and/or remove the vegetation overgrowth (south side of the intersection of Bexhill Dr. and Ebenezer Rd.) that restricts the driver's line of sight of a vehicle stopped at the stop bar looking left from the Bexhill Drive approach at its intersection with Ebenezer Rd.
6. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
7. Installing all landscaping, as shown on the landscape plan, within six months of issuance of an occupancy permit for the project, or posting a bond with the Knox County Department of Engineering and Public Works, to guarantee such installation. A Type "A" landscape screen (see attachment), between the fenced play area and the adjoining residential lots to the east, shall be installed prior to issuance of an occupancy permit. Landscaping at all intersections shall be installed so as not to interfere with the sight triangles and visibility along public streets.
8. Restrictive covenants, meeting the requirements of the PC zoning district, shall be recorded prior to the Planning Commission Staff's certification of the approved child day care center development plan for a building permit application.

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

Comments: The applicant is proposing to develop a child day care center on approximately 1.4 acres of a 2.51 acre parcel at the entrance to Bexhill Subdivision off of Ebenezer Rd. While the majority of the property was rezoned to PC (Planned Commercial) in the 1970's, a small area along the eastern side of the site is zoned RA (Low Density Residential). A child day care center can be considered through the use-on-review process in both the PC and RA zoning districts. Development of the remaining 1.1 acres is subject to a separate use-on-review application.

The proposed facility will serve an enrollment of up to 150 children with a maximum of 24 employees. The 8000 square foot building includes 5,555 square feet of indoor play area for the children. A 15,500 square foot fenced in outdoor play area is also provided. The site will have 35 parking spaces for employees and children drop-off. The proposed facility complies with the minimum standards for a child day care center in the Knox County Zoning Ordinance.

This proposed development will have a street connection to both Ebenezer Rd. and Bexhill Dr. While a traffic impact study is not required for a facility of this size, Staff requested that a study be prepared to evaluate the impact of the facility on the intersection of Bexhill Dr. and Ebenezer Rd. A copy of the report is attached. One of the main concerns was that the entrance from the site onto Bexhill Dr. would not have a negative impact on the turning movements at the intersection and the expected queue lengths. It was concluded that the proposed driveway spacing of 121 feet from the intersection was

acceptable. The study also included a recommendation to trim and/or remove the vegetation overgrowth (south side of the intersection of Bexhill Dr. and Ebenezer Rd.) that restricts the driver's line of sight of a vehicle stopped at the stop bar looking left from the Bexhill Drive approach at its intersection with Ebenezer Rd.

Staff is also recommending the installation of a sidewalk meeting American Disability Act requirements along the Bexhill Dr. street frontage that ties into the existing sidewalk along Ebenezer Rd. The sidewalk will allow for safer access along this commercial site to the existing sidewalk on Ebenezer Rd. A sidewalk along Gatwick Dr. should be required with any development approval of the remaining 1.1 acres.

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

1. Having direct access to Ebenezer Rd., a minor arterial street, and with the existing turn lanes and proposed driveway spacing on Bexhill Dr. the existing street improvements have adequate capacity for the proposed facility.
2. Public water and sewer utilities are available to serve the development.
3. The proposal will have no impact on schools.

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 since it is located at the entrance of the subdivision and also has direct access to Ebenezer Rd. a minor arterial street.
2. The proposal meets all requirements for approval of a day care facility in the PC (Planned Commercial) zoning district.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Southwest County Sector Plan proposes low density residential uses for this site. While the sector plan does not recognize the PC zoning for this site, a child day care center may be allowed in residential areas through a use-on-review.
2. The site is located within the Planned Growth Area of the Knoxville-Knox County-Farragut Growth Policy Plan.

MPC Action:

Approved

MPC Meeting Date: 2/14/2008

Details of MPC action:

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Summary of MPC action: APPROVE the request for a day care facility for up to 150 children at this location subject to the following 8 conditions

Date of MPC Approval: 2/14/2008

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: