

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: 3-I-17-UR **Related File Number:**
Application Filed: 1/23/2017 **Date of Revision:**
Applicant: NANA'S HOUSE LEARNING CENTER

PROPERTY INFORMATION

General Location: North side of E. Magnolia Ave., west of Austin St.
Other Parcel Info.:
Tax ID Number: 82 P L 016 **Jurisdiction:** City
Size of Tract: 7255 square feet
Accessibility: Access is via E. Magnolia Ave., a major arterial street with a 5 lane section and a 52' pavement width within a 100' of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Daycare center
Surrounding Land Use:
Proposed Use: Daycare center **Density:** NA
Sector Plan: Central City **Sector Plan Designation:** Mixed use
Growth Policy Plan: Urban Growth Area (Inside City Limits)
Neighborhood Context: This site is located along E. Magnolia Ave., which has developed with a mix of residential, institutional and commercial uses under O-1, C-3 and SC-1 zoning.

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

Street: 1711 E Magnolia Ave
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: O-1 (Office, Medical, and Related Services)
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:

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 child day care center with a maximum enrollment of up to 16 children at this location subject to the following 5 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. Maintaining the existing fenced outdoor play space.
4. Meeting all applicable requirements of the Knoxville Department of Engineering.
5. Meeting all other applicable requirements of the Knoxville Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval in the O-1 (Office, Medical, and Related Services) District and the general criteria for approval of a Use-on-Review.

Comments:

The applicant is requesting approval of this existing day care center that is located on the north side of E. Magnolia Ave., west of Austin St. There had been a child day care center at this location prior to the applicant opening Nana's House Learning Center in 2010. The applicant was not aware of the fact that there had not been a use-on-review approval for a child day care facility. Approval had been granted from the State to operate the facility which will serve up to 16 children.

In reviewing the site it was determined that four variance were required from the Knoxville Zoning Ordinance to allow the facility. The variances were for minimum lot size, minimum size of the fenced outdoor play area, minimum setback for the outdoor play area, and the number of required parking spaces. While the four variances were granted by the Knoxville Board of Zoning Appeals (BZA) on March 16, 2017 (see attached BZA Decision), the action of the Board was appealed to Knoxville City Council. On April 25, 2017, Knoxville City Council denied the appeal, upholding the action of the BZA.

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 all utilities are in place to serve this development.
2. The proposed child day care center will have minimal impact on traffic since the facility is located on an arterial street. While there is limited on-site parking, on-street parking is allowed along E. Magnolia Ave.
3. The proposed use is consistent with the mix of residential and non-residential development in the area.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE

1. The proposed child day care center meets all of the requirements of the Knoxville Zoning Ordinance with the approved variances and recommended conditions.
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 Central City Sector Plan and the Knoxville One Year Plan identify the site as being within the

Magnolia Gateways Mixed Use District and recommend a mix of uses including office, commercial, institutional and residential development. The existing facility conforms with the Plan recommendations.

2. The site is located within the Urban Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

Action: Approved **Meeting Date:** 5/11/2017

Details of Action:

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. Maintaining the existing fenced outdoor play space.
4. Meeting all applicable requirements of the Knoxville Department of Engineering.
5. Meeting all other applicable requirements of the Knoxville Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval in the O-1 (Office, Medical, and Related Services) District and the general criteria for approval of a Use-on-Review.

Summary of Action: APPROVE the request for a child day care center with a maximum enrollment of up to 16 children at this location subject to the following 5 conditions:

Date of Approval: 5/11/2017 **Date of Denial:** **Postponements:** 3/9/2017-4/13/2017

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:**