

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
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
F A X • 215 • 2068
www.knoxmpc.org

File Number: 3-Q-06-UR **Related File Number:**
Application Filed: 2/16/2006 **Date of Revision:**
Applicant: WESTLAKE BAPTIST CHURCH
Owner:

PROPERTY INFORMATION

General Location: Northwest side of Westland Drive, southwest side of Emory Church Road
Other Parcel Info.:
Tax ID Number: 144 030.02 **Jurisdiction:** County
Size of Tract: 28.4 acres
Accessibility: Access is via Westland Drive, a minor arterial with an 88' right of way and 20' pavement width, and Emory Church Road, a minor collector with a 60' right of way and 22' pavement width.

GENERAL LAND USE INFORMATION

Existing Land Use: Church
Surrounding Land Use:
Proposed Use: Day Care Facility **Density:**
Sector Plan: Southwest County **Sector Plan Designation:** Public Institution
Growth Policy Plan: Planned Growth Area
Neighborhood Context: The proposed use will be housed in a portion of the Westlake Baptist Church. The site is located in an established low density residential area at the intersection of Interstate 140 and Emory Church Road.

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

Street: 9635 Westland Dr
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: PR (Planned 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:

Kelley Schlitz

Staff Recomm. (Abbr.):

APPROVE the request for a day care facility for up to 90 children at this location subject to the following 8 conditions:

Staff Recomm. (Full):

1. Adherence to all stipulations of the attached development plans and other materials, as submitted by the applicant (attached).
2. Meeting all applicable requirements of the Knox County Health Department
3. Meeting all applicable requirements and obtaining all required permits from the Tennessee Department of Human Services.
4. Obtaining the necessary fenced play area variance from the Knox County Board of Zoning Appeals.
5. Meeting all applicable requirements of the Knox County Department of Engineering.
6. The outdoor play area will have to be fenced and improved per the plans submitted by the applicant.
7. The outdoor play area will have to have suitable surface material to prevent injuries - unitary materials or loose-fill materials.
8. Meeting all other applicable requirements of the Knox County Zoning Ordinance.

Comments:

The applicant is proposing to relocate the existing day care facility at the Ebenezer Methodist Church to the Westlake Baptist Church to serve up to 90 children. The use will occupy a portion of the existing church (2,764 square feet out of the church's 27,000 square feet). The site is zoned PR, and day care facilities are considered as a use on review in the PR zone. The application meets all of the requirements for a day care except that it does not provide sufficient outdoor play space. A variance to this requirement will have to be granted by the Knox County Board of Zoning Appeals prior to the issuance of building permits. The applicant's request will be heard at the March 22, 2006 Knox County Board of Zoning Appeals meeting. The building which will house the day care is well removed from both Westland Drive and Emory Church Road. The church has enough parking to satisfy the needs of the day care facility.

With the conditions noted, the request meets the requirements for approval of a day care facility in the PR zone as a use on review.

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

1. The proposed day care center will have minimal impact on local services since all utilities are in place to serve this site.
2. The proposed day care will have minimal impact on traffic because the facility's hours of operation and the number of children being cared for throughout the course of a business day.
3. The proposed use is consistent with other residential development found in the area.

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

1. The proposed day care center meets all of the requirements of Article 4, Section 4.91.01 the Knox County Zoning Ordinance, except for the outdoor play area which the applicant is requesting a variance to address this issue.
2. The proposed 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 draw additional traffic through residential areas.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Southwest County Plan identifies the property for Public Institutional. The proposed development is consistent with this use because day care facilities are allowed as a use permitted on review in the PR zoning designation.

MPC Action: Approved

MPC Meeting Date: 3/9/2006

Details of MPC action:

1. Adherence to all stipulations of the attached development plans and other materials, as submitted by the applicant (attached).
2. Meeting all applicable requirements of the Knox County Health Department
3. Meeting all applicable requirements and obtaining all required permits from the Tennessee Department of Human Services.
4. Obtaining the necessary fenced play area variance from the Knox County Board of Zoning Appeals.
5. Meeting all applicable requirements of the Knox County Department of Engineering.
6. The outdoor play area will have to be fenced and improved per the plans submitted by the applicant.
7. The outdoor play area will have to have suitable surface material to prevent injuries - unitary materials or loose-fill materials.
8. Meeting all other applicable requirements of the Knox County Zoning Ordinance.

Summary of MPC action: APPROVE the request for a day care facility for up to 90 children at this location subject to the following 8 conditions:

Date of MPC Approval: 3/9/2006

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: