

# 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  
w w w • k n o x m p c • o r g

**File Number:** 4-A-12-UR  
**Application Filed:** 2/16/2012  
**Applicant:** LOUISE FLETCHER

**Related File Number:**  
**Date of Revision:**

## PROPERTY INFORMATION

**General Location:** Northwest side of E. Oak Hill Ave., southwest side of Cornelia St.  
**Other Parcel Info.:**  
**Tax ID Number:** 81 K C 041 **Jurisdiction:** City  
**Size of Tract:** 7468.5 square feet  
**Accessibility:** Access is via E. Oak Hill Ave., a local street with a 29' pavement width within a 50' right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Residence  
**Surrounding Land Use:**  
**Proposed Use:** Child Day Care Center **Density:**  
**Sector Plan:** Central City **Sector Plan Designation:** Low Density Residential  
**Growth Policy Plan:** Urban Growth Area (Inside City Limits)  
**Neighborhood Context:** The property is located in an established residential neighborhood adjacent to a former school site.

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

**Street:** 239 E Oak Hill Ave  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** R-1 (Low Density Residential) / IH-1 (Infill Housing Overlay)  
**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 for up to 7 children in the R-1 zoning district, subject to 5 conditions

- Staff Recomm. (Full):
1. Meeting all applicable requirements of the Knox County Health Department.
  2. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
  3. Obtaining the additional variances from the Knoxville Board of Zoning Appeals as identified in the comment section below.
  4. Meeting all applicable requirements of the Knoxville Department of Engineering.
  5. Meeting all applicable requirements of the Tennessee Department of Human Services for a family child care home.

With the conditions noted above, this request meets all requirements of the PR zoning district, as well as other criteria for approval of a use on review.

Comments: The applicant is requesting approval of a use on review for a child day care center for up to 7 children to be operated at an existing residence located at the northwest corner of the intersection of E. Oak Hill Ave. and Cornelia St.. The applicant is licensed by the Tennessee Department of Human Services to operate a family child care home, providing child care for 5-7 children. The Knoxville Zoning Ordinance requires use on review approval for child day care center in the R-1 zoning district if care is provided for six or more children.

Being a smaller inner City lot, the applicant had requested variances from four of the Zoning Ordinance standards for child day care centers. On March 15, 2012, the Board of Zoning Appeals (BZA) had approved two of the variances and postponed two of the variances until the April 19, 2012 meeting. The approved variances included a reduction of the minimum required lot area from 15,000 square feet to 7,500 square feet, and a reduction of the number of required on-site parking spaces from 4 to 0. The two postponed variances are related to the fenced outdoor play area. See the attached public notice for the BZA meeting of April 19, 2012 regarding the two remaining variances.

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

1. Public water and sewer utilities are available to serve the site.
2. Since the primary use of the site is a residence, and the child day care use is small in scale with a maximum of seven children, there should be minimal impact on neighboring residences and traffic patterns.
3. The proposal will have no impact on schools.

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

1. With the recommended conditions, 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. Due to the limited number of children, 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 substantial additional traffic through residential areas due to the limitation of only seven children. No surrounding land uses will pose a hazard or create an unsuitable environment for the proposed use.
2. With the approved variances, the proposal meets all requirements of the R-1 zoning district and all other applicable requirements of the Knox County Zoning Ordinance.

**CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS**

1. The Central City Sector Plan propose low density residential use for this site. Since the primary use of the site will still remain as a residence and a child day care center may be permitted in this district through the use on review process, the proposed use conforms with the sector plan.
2. The site is located within the Urban Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan.

**Action:** Approved **Meeting Date:** 4/12/2012

- Details of Action:**
1. Meeting all applicable requirements of the Knox County Health Department.
  2. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
  3. Obtaining the additional variances from the Knoxville Board of Zoning Appeals as identified in the comment section below.
  4. Meeting all applicable requirements of the Knoxville Department of Engineering.
  5. Meeting all applicable requirements of the Tennessee Department of Human Services for a family child care home.

With the conditions noted above, this request meets all requirements of the PR zoning district, as well as other criteria for approval of a use on review.

**Summary of Action:** APPROVE the request for a child day care center for up to 7 children in the R-1 zoning district, subject to 5 conditions

**Date of Approval:** 4/12/2012 **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:**