

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



File Number: 5-A-24-UR
Application Filed: 3/20/2024
Applicant: ALEXIS PROFFITT

Related File Number:
Date of Revision:

PROPERTY INFORMATION

General Location: North of Ashville Highway, east of Cedar Ridge Road
Other Parcel Info.:
Tax ID Number: 62 210 **Jurisdiction:** County
Size of Tract: 1.33 acres
Accessibility: Access is via Ashville Hwy, a four-lane major arterial street with a divider median within 150 ft of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Office
Surrounding Land Use:
Proposed Use: Childcare Center **Density:**
Planning Sector: East County **Plan Designation:** MU-SD (Mixed Use Special District)
Growth Policy Plan: Planned Growth Area
Neighborhood Context: This property is on Asheville Hwy in the Carter community, surrounded by a mix of office, commercial, and residential uses.

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

Street: 8537 ASHEVILLE HWY
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: OB (Office, Medical, and Related Services)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: N/A

PLAN INFORMATION (where applicable)

Current Plan Category: MU-SD (Mixed Use Special District)
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.:

PLANNING COMMISSION ACTION AND DISPOSITION

Planner In Charge: Mike Reynolds

Staff Recomm. (Abbr.): Approve the request for a child daycare center for up to 54 children, subject to 4 conditions.

Staff Recomm. (Full):
1. Meeting all applicable requirements of the Knox County Zoning Ordinance, including but not limited to the minimum standards of Article 4, Section 4.91 (Requirements for child day care centers and group day care homes). The maximum number of children served by the daycare center shall be limited by the size of the usable indoor and outdoor play areas as shown on the plans approved for permitting.
2. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
3. Meeting all applicable requirements of the Knox County Fire Prevention Bureau.
4. Meeting all applicable requirements of the Tennessee Department of Human Services Division of Child Care and Community Services.

With the conditions noted, this plan meets the requirements for approval of a daycare facility in the OB (Office, Medical, and Related Services) zone and the criteria for approval of use on review.

Comments: This application was submitted prior to the adoption of the Knox County Comprehensive Land Use and Transportation Plan. The Knox County General Plan was the active plan at the time of the application. Therefore, this Use on Review request was reviewed under the policies of the General Plan.

This request is for a child daycare center in a 2,000 sqft converted office space in the OB (Office, Medical, and Related Services) zone. The daycare will initially serve up to 54 children.

DEVELOPMENT STANDARDS FOR USES PERMITTED ON REVIEW (ARTICLE 4.10 - SECTION 2). The Planning Commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the following general standards:

1) THE USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND SECTOR PLAN.

A. The General Plan's development policy 9.12 provides guidance regarding the location of daycare centers. It states that such establishments should be located at the edges of neighborhoods or in village centers and that freestanding facilities serving six or more children should be on arterial or collector streets in a manner that will not adversely affect surrounding properties. This property is located on Asheville Hwy in the Carter community. This proposed daycare center is not anticipated to impact the surrounding properties adversely.

B. The East County Sector Plan's land use classification is MU-SD (Mixed Use Special District), ECO-3 (Carter Town Center), which recommends low and medium residential uses and a mix of pedestrian-oriented commercial uses and vertical mixed uses. The proposed daycare center provides services consistent with the intent of this land use classification.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE

A. The site plan and location for the daycare center are consistent with Article 4.91 of the zoning ordinance, which provides specific requirements for child daycare centers when considered as a use permitted on review. These standards include the following:

1) The total lot area shall not be less than ten thousand (10,000) square feet. -- This site is approximately 1.3 acres.

2) The building must provide thirty (30) square feet per child of usable indoor play space, not including halls, kitchen, or office space.-- The classroom floor area is 1,613 square feet, which allows the requested 54 children.

3) A fenced play area of not less than two thousand five hundred (2,500) square feet for the first twenty (20) children shall be provided. For every additional child, an additional one hundred (100)

square feet shall be provided. No portion of the fenced play area shall be closer than thirty-five (35) feet to any public right-of-way. The minimum height of the fence shall be four (4) feet.-- The minimum size of the outdoor play area for 54 children is 5,900 sqft. The proposed outdoor play area is 8,307 sqft with a 4-ft tall chain link fence.

4) Off-street parking, as regulated in section 3.50, "Off-Street parking requirements." In addition, parking and loading areas shall be designed for safe off-street loading and unloading of children, as well as safe and convenient ingress and egress to and from the property. The off-street parking and circulation plan shall be designed to meet the requirements of the department of engineering and public works.-- The facility is in an office building with adequate parking and an area to safely drop off children.

5) When child day care centers are proposed in commercial or industrial areas, the planning commission shall consider the nature of the surrounding land use and zoning pattern with regard to traffic, noise, pollution, or other hazards that could endanger the health, safety, and welfare of the children.-- The subject site is an office building on the edge of a small commercial area along Asheville Hwy. The facility is located in the lower level of the building, which will reduce noise and visibility from the road, and provide at-grade access to the rear of the property where the outdoor play area is located. Residential uses are located behind the facility.

6) The planning commission shall consider the above requirements and other information about the site including the functional street classification of the street accessing the site, and the character of surrounding development in determining whether to deny or approve a request. Any approval shall state the maximum number of children to be kept at the facility.-- Asheville Hwy is a major arterial street. The daycare center is requesting a maximum of 54 children.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

A. The proposed daycare center is on the lower level of an existing two-story office building. The lower level has at-grade access to the rear of the building and access via stairs to the front. There will be no external changes to the building.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY.

A. The proposed use is not anticipated to injure the value of adjacent property and should provide an asset to the residential communities nearby.

5) THE USE WILL NOT DRAW ADDITIONAL TRAFFIC THROUGH RESIDENTIAL AREAS.

A. The daycare center is on an arterial street and will not draw traffic through residential areas.

6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. There are no aspects of the surrounding environment that should pose a risk for the proposed daycare.

Action: Approved with Conditions **Meeting Date:** 5/9/2024

Details of Action:

Summary of Action: Approve the request for a child daycare center for up to 54 children, subject to 4 conditions.

Date of Approval: 5/9/2024 **Date of Denial:** **Postponements:**

Date of Withdrawal: **Withdrawn prior to publication?:** **Action Appealed?:**

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body:

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: