

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



File Number: 5-B-23-UR **Related File Number:**
Application Filed: 3/27/2023 **Date of Revision:**
Applicant: SARAH A. BERRY

PROPERTY INFORMATION

General Location: Northwest side of Ike Lane at its western terminus, west of Hurst Lane
Other Parcel Info.:
Tax ID Number: 47 N F 008 **Jurisdiction:** County
Size of Tract: 10312 square feet
Accessibility: Access is via Ike Lane, a local street with a 27-ft pavement width within a 50-ft right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Single Family Residential
Surrounding Land Use:
Proposed Use: Group day care home for a maximum of 15 children comprised of 12 preschool age children and 3 elementary school age children **Density:**
Sector Plan: North County **Sector Plan Designation:** LDR (Low Density Residential)
Growth Policy Plan: Planned Growth Area
Neighborhood Context: This property is at the end of a cul-de-sac in the Cedar Flats neighborhood, which is comprised of single family detached homes.

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

Street: 705 IKE LN
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: RA (Low Density Residential)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: None noted

PLAN INFORMATION (where applicable)

Current Plan Category: LDR (Low Density Residential)
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: Jessie Hillman

Staff Recomm. (Abbr.): Approve the request for a group day care home for no more than 8 children, subject to 4 conditions.

Staff Recomm. (Full):
1. Meeting all applicable requirements of the Knox County Zoning Ordinance, including the requirements for a group day care home in Article 4.91, the definition of a group day care home in Article 2.20, and the off-street parking requirements in Article 3.50.
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 Licensure Rules for Child Care Agencies, including rule 1240-04-02.d stating that the owner shall ensure a primary educator meeting all licensure qualifications is always on-site during operating hours.

With the conditions noted above, this request meets all requirements for approval in the RA zone, and the criteria for approval of a use on review.

Comments: This proposal is for a group day care home at a residence in the Cedar Flats neighborhood. The applicant is requesting permission for a maximum of 15 children, comprised of 12 preschool-age children (ranging from 2 to 6 years old) and 3 elementary school age children (5 to 12 years old). The elementary school children would be present during after-school hours and/or full days in summers and on school closure days. The maximum number of staff would be 3 child care providers. The operating hours would be from 7 AM to 5:30 PM, and outdoor play would occur between 9 AM and 4 PM.

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 North County Sector Plan land use designation for this property is LDR (Low Density Residential).
 - B. The RA (Low Density Residential) zone is permissible in the LDR classification, and the proposed group daycare home is a use permitted on review in the RA zone.
 - C. The General Plan's development policy 9.12 describes how day care centers should be located at the edges of neighborhoods or in village centers. Freestanding day care facilities serving six or more children should be on the perimeter of residential areas, on arterial or collector streets, in a manner which will not adversely affect surrounding properties. However, the Plan does not distinguish between a child day care center and a group day care home, as the zoning ordinance does. In the zoning ordinance, the former is a larger operation run by an agency or organization, while the latter is defined as a residence with a provider. A residence is generally located within a residential neighborhood.
 - D. The General Plan's first agenda item and principle is to invest in the infrastructure necessary to develop a strong economy. Adequate child care access is increasingly understood as a form of critical infrastructure. This is exemplified in the Tennessee Child Care and Development Fund Plan for fiscal year 2022-2024, which includes a disaster preparedness and response plan for rebuilding and restoring "child care infrastructure" as an "essential service" (excerpt provided in Exhibit A).

- 2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE
 - A. The zoning ordinance defines a group day care home as a residence licensed by the state department of human services in which care, protection, and supervision are regularly provided for at least 8 children but no more than 12 children (Article 2.2). The proposed maximum capacity of 15

children is prohibited.

B. A group day care home is permitted by right anywhere that there is RA zoning, if the provider lives in the home and meets certain area and off-street parking conditions. It is only when the provider does not live in the home that it becomes a use-on-review with additional criteria for approval.

C. Article 4.91 describes the requirements for group day care homes when considered as a use permitted on review. The plans and operations summary submitted by the applicant meet or exceed all applicable requirements.

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 recently renovated one-story residence where the daycare would be located is comparable in scale, size and design to the other residences in the neighborhood.

B. A small day care operation provides family services that are compatible with a residential neighborhood.

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

A. A 2-space parking pad is proposed to be added to the front of the house for staff, and 3 existing spaces in the rear will accommodate pickup and drop off, per the off-street parking requirements in Article 3.50. With the recommended maximum of 8 children, this parking total could be reduced so that the parking pad in front is not needed. This could mitigate the potentially negative aesthetic impact of developing parking in front of the house.

B. A backyard fence between 4 and 5 feet in height will be added to meet the standards for an outdoor play area.

C. These modest exterior changes and the proposed operating hours should not cause injury to the value of adjacent property. A group day care home could potentially be viewed as an asset for the neighborhood.

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

A. The proposed group day care home will draw minimal additional traffic through the Cedar Flats neighborhood with adherence to the condition that no more than 8 children be enrolled at one time. If the provider were living in the residence, a total of 12 children would be permitted by right.

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 environmental or development factors surrounding the property that would pose a potential hazard to the proposed use.

Action: Approved with Conditions **Meeting Date:** 5/11/2023

Details of Action: Approve the request for 12 regularly attending children of preschool age and 3 children of elementary school age [irregular attendance], subject to the 4 conditions.

Summary of Action: Approve the request for 12 regularly attending children of preschool age and 3 children of elementary school age [irregular attendance], subject to the 4 conditions.

Date of Approval: 5/11/2023 **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: