

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



File Number: 5-C-23-UR **Related File Number:**
Application Filed: 3/27/2023 **Date of Revision:**
Applicant: BENEFIELD RICHTERS COMPANY

PROPERTY INFORMATION

General Location: South side of Kingston Pike, east of Lovell Heights Rd, west of Lovell Center Dr
Other Parcel Info.:
Tax ID Number: 131 N B 002.01 **Jurisdiction:** County
Size of Tract: 3.11 acres
Accessibility: Access is via Kingston Pike, a major arterial street with a 58-ft pavement width within an 80-ft right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Commercial
Surrounding Land Use:
Proposed Use: Drop-in child day care center **Density:**
Sector Plan: Southwest County **Sector Plan Designation:** GC (General Commercial)
Growth Policy Plan: Urban Growth Area (Outside City Limits)
Neighborhood Context: This property is part of the Lovell Heights shopping center. Current neighboring businesses include a café bakery, a karate studio, a pizza restaurant and a pet supply store. The broader area includes several multifamily and single family neighborhoods outside of the commercial corridor along Kingston Pike.

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

Street: 10420 KINGSTON PIKE
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: CA (General Business)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: None noted

PLAN INFORMATION (where applicable)

Current Plan Category: GC (General Commercial)

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 drop-in child day care center with a floor area of 3,080 square feet, subject to 4 conditions.

- Staff Recomm. (Full):
1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
 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

With the conditions noted above, this request meets all requirements for approval in the CA (General Business) zone, as well as the criteria for approval of a use on review.

Comments: This proposal is for a drop-in child day care center named Kids Cove to be located in a commercial shopping center. A drop-in day care is not a traditional child care facility and operates under a different set of licensure rules by the State of Tennessee Department of Human Services. The purpose of these facilities is to provide short-term child care solutions, and attendance is not to exceed 14 hours per week and 7 hours per day.

Kids Cove will provide child care services to children aged 6 months to 12 years. The anticipated maximum number of children at once is 25, though that could increase over time within the parameters of qualifying floor area standards. Initial staffing will include one full-time director, two part-time leads and four part-time team members.

The anticipated hours of operation are as follows:
Monday - Thursday: 8 AM to 10 PM
Friday - Saturday: 9 AM to 11 PM
Sunday: 10 AM to 6 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 GC (General Commercial)
 - B. The CA (General Business) zone is permissible in the GC classification, and the proposed child care center is a use permitted on review in the CA 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. The subject property is located in an easily accessible commercial node on a major arterial street surrounded by single family and multifamily neighborhoods.

- 2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE
 - A. The proposed drop-in day care fits within the broad definition of a child care center in the zoning ordinance. A child care center is described as an agency or organization licensed by the state department of human services to provide care, protection and supervision for 13 or more children in a group center, preschool or extended day care facility. Although it fits within this definition, a drop-in

center is unique in that it is designed to be a back-up, emergency or occasional child care support only. Children are permitted to arrive at irregular, non-scheduled times.

B. Article 4.91 of the zoning ordinance describes the requirements for a child day care center when considered as a use permitted on review. The application meets most of the minimum requirements except it does not include a fenced play area. Considering the ad hoc/ short-term nature of the facility's services, the 1,901 square foot "Main Area" as shown on the floor plan is a sufficient play area. Two of the walls in the Main Area are majority window, providing ample natural light.

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 applicant states that there will be no changes to the exterior of the storefront aside from signage. The proposed use will provide a valuable service for the densely populated surrounding neighborhoods.

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

A. The use is compatible with adjacent stores and services, which include a bakery/café, a karate studio, a sit-down family pizza restaurant and a pet supply store. The influx of child care traffic could bring more attention to these businesses.

B. The drop-in center should not create high traffic volumes for pick-up or drop-off because the daily pattern would vary from day to day.

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

A. This location will not bring additional traffic through residential streets.

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. Although this property is in a highly trafficked area commercial area, the subject property is set far back from the street, and adjacent businesses are compatible with a child-oriented establishment.

B. There are no other known environmental factors that should pose a potential hazard to the proposed day care facility.

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

Details of Action:

Summary of Action: Approve the request for a drop-in child day care center with a floor area of 3,080 square feet, subject to 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: