

# 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  
4 0 0 M a i n S t r e e t  
Knoxville, Tennessee 37902  
8 6 5 • 2 1 5 • 2 5 0 0  
F A X • 2 1 5 • 2 0 6 8  
w w w • k n o x m p c • o r g

**File Number:** 6-C-12-UR  
**Application Filed:** 4/30/2012  
**Applicant:** BEVERLY HOLLAND

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

## PROPERTY INFORMATION

**General Location:** Southeast side of Holston Dr., northwest side of Speedway Circle.  
**Other Parcel Info.:**  
**Tax ID Number:** 82 D C 012 **Jurisdiction:** City  
**Size of Tract:** 37341 square feet  
**Accessibility:** Access is via Holston Dr., a minor collector street with a minimum pavement width of 28' within a required 70' right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant commercial building  
**Surrounding Land Use:**  
**Proposed Use:** Child Day Care Center - up to 100 children **Density:**  
**Sector Plan:** East City **Sector Plan Designation:** Mixed Use - Magnolia Avenue Corridor Plan  
**Growth Policy Plan:** Urban Growth Area (Inside City Limits)  
**Neighborhood Context:** The proposed child day care site is located in a transition area between an older commercial area to the north and an established residential neighborhood to the south.

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

**Street:** 4004 Holston Dr  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** C-3 (General Commercial)  
**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 100 children in the C-3 zoning district, subject to 6 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 Knoxville Zoning Ordinance variances from the Knoxville Board of Zoning Appeals as identified in the comment section below.
4. Revising the development plan to identify the fence location on all four sides of the outdoor play area, correcting the square footage for the outdoor play area, removing parking spaces 3 and 11 and identifying the new curb line along the alley between parking spaces #7 and #18.
5. Meeting all applicable requirements of the Knoxville Department of Engineering.
6. Meeting all applicable requirements of the Tennessee Department of Human Services for a child care center.

With the conditions noted above, this request meets all requirements of the C-3 zoning district, as well as other criteria for approval of a use on review.

Comments:

The applicant is proposing to utilize an existing building at the intersection of Holston Dr. and Martin Luther King Jr. Ave. for a child day care center for up to 100 children. The proposal includes conversion of a portion of the existing parking lot for the fenced outdoor play area. As proposed, two variances will be needed from the Knoxville Zoning Ordinance for the fenced in play area. A variance is needed to allow a reduction of the total area from 12,000 square feet to approximately 6,380 square feet and to reduce the required street (Speedway Circle) setback for the fenced area from 35 feet to 12 feet.

The main access for the site will be off of Speedway Circle. The existing driveway cut along the southwestern corner of the property will be closed with the addition of curbing. While that access point is paved out to Martin Luther King Jr. Ave., the access is to the alley, that by City ordinance, runs southwest away from Martin Luther King Jr. Ave. The existing pavement crosses private property.

There will be up to 15 employees at the center. A total 23 parking spaces are required for the center with 25 spaces being shown. Staff is recommending removal of two parking spaces (#'s 3 and 11) to improve site circulation.

**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 proposed day care center will be located on commercial property there should be minimal impact on the nearby commercial and residential uses
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. No surrounding land uses will pose a hazard or create an unsuitable environment

for the proposed use.

2. With the approval of the two variances, the proposal meets all requirements of the C-3 zoning district and all other applicable requirements of the Knoxville Zoning Ordinance.

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

1. The East City Sector Plan and One Year Plan designate the site as being within a mixed use area as identified in the Magnolia Avenue Corridor Plan.
2. The site is located within the Urban Area on the Knoxville-Knox County-Farragut Growth Policy Plan.

**Action:** Approved **Meeting Date:** 11/8/2012

**Details of Action:**

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2. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
3. Obtaining the Knoxville Zoning Ordinance variances from the Knoxville Board of Zoning Appeals as identified in the comment section below.
4. Revising the development plan to identify the fence location on all four sides of the outdoor play area, correcting the square footage for the outdoor play area, removing parking spaces 3 and 11 and identifying the new curb line along the alley between parking spaces #7 and #18.
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**Summary of Action:** APPROVE the request for a child day care center for up to 100 children in the C-3 zoning district, subject to 6 conditions

**Date of Approval:** 11/8/2012 **Date of Denial:** **Postponements:** 6/14/2012-10/11/2012

**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:**