

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



File Number: 7-C-23-UR **Related File Number:**
Application Filed: 5/30/2023 **Date of Revision:**
Applicant: DORIS KARINA ESTRADA-AGUILAR

PROPERTY INFORMATION

General Location: East side of Durwood Road, south of Kingston Pike
Other Parcel Info.:
Tax ID Number: 131 N C 009.17 **Jurisdiction:** County
Size of Tract: 15726 square feet
Accessibility: Access is via Durwood Road, a local street with a 34-ft pavement width within a 49-ft right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Office
Surrounding Land Use:
Proposed Use: Child daycare center **Density:**
Sector Plan: Southwest County **Sector Plan Designation:** GC (General Commercial)
Growth Policy Plan: Urban Growth Area (Outside City Limits)
Neighborhood Context: This area has a mix of development including office, commercial and multifamily residential uses. There is a large physical rehabilitation facility being constructed on the property behind the subject building.

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

Street: 120 DURWOOD RD
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 child day care center 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.

With the conditions noted, this plan meets the requirements for approval of a day care facility in the CA (General Business) zone and the criteria for approval of a use on review.

Comments:

This development request is for a child day care center called "inicios1.2.3 Language Learning Center," to be located on a property that is zoned CA (General Business). This bilingual preschool will serve no more than 24 children in a 1,000 sf converted office. On May 24, the Knox County Board of Zoning Appeals (BZA) granted zoning variances to enable a reduction in the outdoor fenced play area from 2,900 sf to 600 sf, and a reduction in required parking from 7 to 5 spaces. The basis for granting the waivers was that the property was meeting state requirements for a day care facility.

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 day care 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 which will not adversely affect surrounding properties. This property is located at the edge of several townhome communities, where land uses transition from residential to commercial and office buildings. Although the property is not located on a classified street, it is less than 500 ft from Kingston Pike, a major arterial street, to the north. All lots in between Kingston Pike and the subject property are commercial and office properties. This proposed day care center is not anticipated to bring additional traffic into the residential neighborhoods to the south, and its location at the edge of these neighborhoods is consistent with the intent of the General Plan's policy.

B. The Southwest County Sector Plan's land use classification for this property is GC (General Commercial), which permits the existing CA (General Business) zone. A child day care center is a use permitted on review in the CA zone.

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

A. The site plan and location for the preschool are consistent with Article 4.91 of the zoning ordinance, which provides specific requirements for child day care centers when considered as a use permitted on review. These standards include a minimum lot area of 10,000 sf, which is met by the lot's 15,726 sf size. The building must also provide a minimum area of 30 sf of usable indoor play space per child. The floor plan indicates that each child will have at least 34 sf of play space when the school is at maximum capacity. The other standards regarding outdoor play space and off-street parking were approved by BZA.

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 day care center is to be located in the modest Durwood Offices park, which has four 1,000 sf office spaces for lease. Adjacent tenants do not pose a risk to the day care business, and the property's location is ideal for convenient access by the townhomes communities to the south. The adjacent commercial and office uses to the north do not conflict with the proposed use, and access to the office park provides safe ingress and egress for drop off and pick up.

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 day care center is not anticipated not cause a significant increase in traffic, and the most convenient access from Kingston Pike does not enroach into the portion of the street that is used primarily by residents.

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 to the surrounding environment that should pose a risk for the proposed day care center.

Action: Approved with Conditions

Meeting Date: 7/13/2023

Details of Action:

Summary of Action: Approve the request for a child day care center subject to 4 conditions.

Date of Approval: 7/13/2023

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: