

# 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  
400 Main Street  
Knoxville, Tennessee 37902  
865 • 215 • 2500  
F A X • 215 • 2068  
www.knoxmpc.org

**File Number:** 8-B-07-UR                      **Related File Number:**  
**Application Filed:** 7/2/2007              **Date of Revision:**  
**Applicant:** SCOTT M. CONNATSER

## PROPERTY INFORMATION

**General Location:** Southeast side of Lovell Rd., east end of Centerpoint Blvd.  
**Other Parcel Info.:**  
**Tax ID Number:** 118 H B 013                      **Jurisdiction:** County  
**Size of Tract:** 21800 square feet  
**Accessibility:** Access is via Lovell Rd., a minor arterial street with a 35' pavement width within a 70' right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Residence  
**Surrounding Land Use:**  
**Proposed Use:** Child Day Care Center                      **Density:**  
**Sector Plan:** Northwest County              **Sector Plan Designation:** Office  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** The proposed day care center is located near the intersection of Lovell Rd. and Pellissippi Parkway in an area that has a mix of business, institutional and residential uses.

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

**Street:** 1412 Lovell Rd  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** BP (Business and Technology) / TO (Technology Overlay)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** Property was rezoned to BP/TO in 1995.

## 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.):

DENY the request for an after school child day care center for up to 40 children at this location in the BP/TO zoning district.

Staff Recomm. (Full):

The proposed day care facility is not appropriate at this location since the access drive into the site conflicts with the dedicated turn lane on Lovell Rd into Centerpoint Blvd. and will create unsafe traffic conditions.

Comments:

The applicant is proposing to operate an after school day care facility in an existing residence on a 20,800 square foot lot located on Lovell Rd. The lot is located on the southeast side of Lovell Rd. opposite the intersection with Centerpoint Blvd. The proposed facility will serve an enrollment of up to 40 children with two employees. The existing residences has approximately 2800 square feet of useable floor space and meets the minimum indoor play area requirements for the children. A 4,500 square foot fenced in outdoor play area is also provided. The proposed parking area will include 7 parking spaces for employees and children drop-off/pick-up and 2 spaces for the vans that are used to pick up the children from school.

While the proposed facility meets the minimum requirements of the Knox County Zoning Ordinance regarding day care facilities, staff's concern is with the access for the site. The existing driveway for the residence is located at a point on Lovell that is off-set with the intersection of Centerpoint Blvd. While the access may function for a single residence, the increased traffic for the day care center has the potential of creating unsafe traffic movements.

If you refer to the enclosed aerial photograph you will see that there is a dedicated left turn lane into Centerpoint Blvd. that is located along the frontage of this site. Any south-bound vehicle trying to make a left turn into the site has to turn into the stacking lane for the dedicated turn lane. One or two vehicles in the turn lane will block access to the site. The vehicle trying to turn into the site will hold up south-bound traffic on Lovell Rd. which can block the entrance into Centerpoint Blvd. creating an interlock. This may also cause traffic to try to pass the vehicle on the right side creating a possible conflict with vehicles trying to exit from Centerpoint Blvd. While the Tennessee Department of Transportation's proposed improvements to Lovell Rd. may improve the situation by adding two additional through lanes, it is staff's position that access at this location is unsafe. A decision is expected at the end of August on the timing of the proposed improvements to Lovell Rd.

The site is located within the TO (Technology Overlay) zoning district and is subject to review and approval by the Tennessee Technology Corridor Development Authority (TTCDA). The TTCDA will consider this request on August 6, 2007.

### 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. It is the position of Planning Commission and Knox County Engineering Staff that the driveway for the proposed day care center is at an unsafe location near the intersection of Centerpoint Blvd and Lovell Rd. The proposed development layout will have a negative impact on the traffic flow on Lovell Rd.

### CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. While the proposed facility meets the minimum requirements of the Knox County Zoning Ordinance regarding day care facilities within the BP (Business and Technology) zoning district, the proposed use is not consistent with the general standards for uses permitted on review. Since the access drive into

the site conflicts with the dedicated turn lane on Lovell Rd into Centerpoint Blvd. the traffic generated by the proposed use will create unsafe traffic conditions.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Northwest County Sector Plan proposes office uses for this property.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan.

**MPC Action:** Denied

**MPC Meeting Date:** 8/9/2007

**Details of MPC action:**

**Summary of MPC action:** DENY the request for an after school child day care center for up to 40 children at this location in the BP/TO zoning district.

**Date of MPC Approval:**

**Date of Denial:** 8/9/2007

**Postponements:**

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:**

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knox County Board of Zoning Appeals

**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:**