

# 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

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**File Number:** 9-B-09-UR  
**Application Filed:** 7/21/2009  
**Applicant:** EMILY S. JONES

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

### PROPERTY INFORMATION

**General Location:** Northeast side of Mercer St., northwest of Baxter Ave.  
**Other Parcel Info.:**  
**Tax ID Number:** 94 C Q 022 **Jurisdiction:** City  
**Size of Tract:** 15173 square feet  
**Accessibility:** Access is via Mercer St., a local street with a 22' pavement width within a 40' right-of-way.

### GENERAL LAND USE INFORMATION

**Existing Land Use:** Residence  
**Surrounding Land Use:**  
**Proposed Use:** Child day care for up to 16 children **Density:**  
**Sector Plan:** Central City **Sector Plan Designation:** LDR  
**Growth Policy Plan:** Urban Growth Area (Inside City Limits)  
**Neighborhood Context:** The site is located in an established residential neighborhood just south of Beaumont Elementary Magnet School.

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

**Street:** 1226 Mercer St  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

### ZONING INFORMATION (where applicable)

**Current Zoning:** R-1A (Low Density Residential)  
**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 16 children as shown on the development plan 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. Changing the fenced outdoor play area on site to the configuration as shown on the proposed site plan.
4. Meeting all other applicable requirements of the Knoxville Engineering Department.
5. Meeting all applicable requirements and obtaining all required permits from the Tenn. Department of Human Services.
6. Any expansion of the child day care facility above 16 children is subject to a new use on review approval.

With the conditions noted above, this request meets all requirements of the R-1A zoning district, as well as other criteria for approval of a use on review.

**Comments:** The applicant is requesting approval of a use on review for a child day care facility for up to 16 children. The property is located on the northeast side of Mercer St. at the intersection with Brookside Ave. approximately one block south of Beaumont Elementary Magnet School. The site includes two residential structures with the building closest to Mercer St. presently being used as a residence. The building located behind the residence will be the site of the proposed child day care facility. There is adequate parking on site with two employee spaces located adjacent to the facility off of the alley. The existing fenced area will have to be modified in order to comply with the 35' property line setback from Mercer St. required for outdoor play areas and to close off an area along the alley.

The applicant has indicated that in the future, the child day care facility may be expanded into the existing residence. This expansion will require a new use on review approval and may be limited by the area available for the outdoor play area and limitations on parking in the front yard.

**EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTIES AND THE COMMUNITY AS A WHOLE**

1. The proposal will have no impact on schools.
2. Mercer Street is a local street and it has adequate capacity to handle the traffic associated with the use.
3. Public water and sewer utilities are available to serve the use

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

1. The proposed daycare facility 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. 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 additional traffic through residential areas.
2. The proposal meets all requirements of the R-1A zoning district and all other applicable requirements of the Knoxville Zoning Ordinance.

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

1. The Central City Sector Plan and Knoxville One Year Plan propose LDR (Low Density Residential)

uses for this site. A child day care center may be permitted in an LDR area.  
2. The site is located within the City of Knoxville Urban Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan

**Action:** Approved **Meeting Date:** 9/10/2009

**Details of Action:**

1. Meeting all applicable requirements of the Knox County Health Department.
2. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
3. Changing the fenced outdoor play area on site to the configuration as shown on the proposed site plan.
4. Meeting all other applicable requirements of the Knoxville Engineering Department.
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With the conditions noted above, this request meets all requirements of the R-1A zoning district, as well as other criteria for approval of a use on review.

**Summary of Action:** APPROVE the request for a child day care center for up to 16 children as shown on the development plan subject to 6 conditions

**Date of Approval:** 9/10/2009 **Date of Denial:** **Postponements:**

**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:**

### **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knoxville City Council

**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:**