# CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



File Number:	9-E-07-UR	Related File Number:
Application Filed:	8/3/2007	Date of Revision:
Applicant:	DOLLAR & EWERS ARCHITECTURE, INC. BRIAN EWERS	

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#### PROPERTY INFORMATION

General Location:	Southwest side of Fountainhead Ln., northwest of Lindsey Blair Ln. and Tazewell Pike.		
Other Parcel Info.:			
Tax ID Number:	49 02302	Jurisdiction: County	
Size of Tract:	4.67 acres		
Accessibility:	Access is via Fountainhead Ln., a local street with a 26' pavement width within a 50' right-of-way.		

### GENERAL LAND USE INFORMATION

Existing Land Use:	Residence		
Surrounding Land Use:			
Proposed Use:	After school day care program for up to 99 students		Density:
Sector Plan:	North City	Sector Plan Designation: LDR	
Growth Policy Plan:	Urban Growth Area		
Neighborhood Context:	The site is located in an area along Tazewell Pike that has developed with a mix of low density residential housing.		

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

Street:

5267 Fountain Head Ln

Location:

**Proposed Street Name:** 

**Department-Utility Report:** 

Reason:

#### ZONING INFORMATION (where applicable)

**Current Zoning:** RA (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 after school day care program for up to 99 children at this location subject to the following 5 conditions
Staff Recomm. (Full):	<ol> <li>Meeting all applicable requirements of the Knox County Health Department.</li> <li>Meeting all applicable requirements of the Tennessee Department of Education.</li> <li>Installing a type "A" landscape screen (see attachment) around the fenced enclosure for the outdoor play area within six months of issuance of occupancy permit for the project.</li> <li>Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.</li> <li>Meeting all applicable requirements of the Knox County Zoning Ordinance.</li> </ol>
	With the conditions noted above, this request meets all requirements of the RA (Low Density Residential) zoning district, as well as other criteria for approval of a use on review.
Comments:	The Smithwood Learning Center is proposing to locate to this 4.67 acre site and operate a school and after school day care program. The Smithwood Learning Center is regulated by the Tennessee Department of Education (see attached correspondence) and not by the Tennessee Department of Human Services as is the case for a day care center. Under the Knox County Zoning Ordinance, a school is a permitted use within the RA (Low Density Residential) zoning district. Since the after school day care program will serve up to 99 children from the Shannondale and Fountain City Elementary Schools it was determined that the after school program would require a use-on-review approval.
	The proposed site for the facility is an existing residence on 4.67 acres located off of Tazewell Pike. Access to the site is from Fountainhead Ln., a local public street that also serves Fountainhead Condominiums which are located on the south and east sides of the project site. Fountainhead Condominiums were approved by the Planning Commission in 2003 for a total of 51 attached residential units. While not a part of the 2003 approval, the site plan for the condominiums identified additional units proposed on the north side of the project site.
	The proposed after school day care facility will serve an enrollment of up to 99 children with a maximum of 12 teachers. The existing building will have approximately 3500 square feet of indoor play area for the children. A 25,000 square foot fenced in outdoor play area is also provided. The site far exceeds the minimum requirements of the zoning ordinance for a day care facility.
	EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTIES AND THE COMMUNITY AS A WHOLE
	<ol> <li>To help reduce the noise impact from the outdoor play area, Staff is recommending a condition that a type "A" landscape screen (see attachment) be installed around the fenced enclosure for the outdoor play area.</li> <li>Public utilities are available to serve the development.</li> <li>While the average daily trips for a day care facility of this size is estimated at 272, the actual trips should be a lot less since the children will be bused to the site after school.</li> </ol>
	CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE
	1. The proposed day care 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.

2. The proposal meets all requirem Residential) zoning district.	nents for approval of a day	care facility in the RA (Low Density	
CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS			
<ol> <li>The North City Sector Plan proposes low density residential uses for this area. The Kno Zoning Ordinance allows schools as a permitted use within the RA zoning district and allows consideration of child day care facilities.</li> <li>The site is located within the Urban Growth Area of the Knoxville-Knox County-Farragut Policy Plan.</li> </ol>			
Denied		MPC Meeting Date: 9/13/2007	
Deny request for after school day care program for up to 99 students.			
Date of Deni	<b>al:</b> 9/13/2007	Postponements:	
Withdrawn p	prior to publication?:	Action Appealed?:	
LEGISLATIVE ACTI	ON AND DISPOSIT	ION	
Knox County Board of Zoning Appeals			
Date of Legislative Action, Second Reading:			
Other Ordinance Number References:			
Disposition of Case, Second Reading:			
	Disposition of Case, Se	cond Reading:	
	Disposition of Case, Se If "Other":	econd Reading:	
	Residential) zoning district. CONFORMITY OF THE PROPOSA 1. The North City Sector Plan prop Zoning Ordinance allows schools a consideration of child day care facil 2. The site is located within the Urb Policy Plan. Denied Deny request for after school day c Date of Deni Withdrawn p LEGISLATIVE ACTION	CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PL 1. The North City Sector Plan proposes low density residenti Zoning Ordinance allows schools as a permitted use within th consideration of child day care facilities. 2. The site is located within the Urban Growth Area of the Kn Policy Plan. Denied Deny request for after school day care program for up to 99 s Date of Denial: 9/13/2007 Withdrawn prior to publication?:  LEGISLATIVE ACTION AND DISPOSIT Knox County Board of Zoning Appeals Date of Legislative Action	

Effective Date of Ordinance:

Date of Legislative Appeal: