



**KNOXVILLE/KNOX COUNTY METROPOLITAN PLANNING COMMISSION
USE ON REVIEW REPORT**

▶ **FILE #:** 3-Q-06-UR

AGENDA ITEM #: 82

AGENDA DATE: 3/9/2006

▶ **APPLICANT:** WESTLAKE BAPTIST CHURCH

OWNER(S): WESTLAKE BAPTIST CHURCH

TAX ID NUMBER: 144 030.02

JURISDICTION: County Commission District 5

▶ **LOCATION:** Northwest side of Westland Drive, southwest side of Emory Church Road

▶ **APPX. SIZE OF TRACT:** 28.4 acres

SECTOR PLAN: Southwest County

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Westland Drive, a minor arterial with an 88' right of way and 20' pavement width, and Emory Church Road, a minor collector with a 60' right of way and 22' pavement width.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

▶ **ZONING:** PR (Planned Residential)

▶ **EXISTING LAND USE:** Church

▶ **PROPOSED USE:** Day Care Facility

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Low Density Residential / A (Agriculture)

South: Low Density Residential / A (Agriculture)

East: Low Density Residential / A (Agriculture)

West: Single Family Residential / PR (Planned Residential)

NEIGHBORHOOD CONTEXT: The proposed use will be housed in a portion of the Westlake Baptist Church. The site is located in an established low density residential area at the intersection of Interstate 140 and Emory Church Road.

STAFF RECOMMENDATION:

▶ **APPROVE** the request for a day care facility for up to 90 children at this location subject to the following 8 conditions:

1. Adherence to all stipulations of the attached development plans and other materials, as submitted by the applicant (attached).
2. Meeting all applicable requirements of the Knox County Health Department
3. Meeting all applicable requirements and obtaining all required permits from the Tennessee Department of Human Services.
4. Obtaining the necessary fenced play area variance from the Knox County Board of Zoning Appeals.
5. Meeting all applicable requirements of the Knox County Department of Engineering.
6. The outdoor play area will have to be fenced and improved per the plans submitted by the applicant.

7. The outdoor play area will have to have suitable surface material to prevent injuries - unitary materials or loose-fill materials.
8. Meeting all other applicable requirements of the Knox County Zoning Ordinance.

COMMENTS:

The applicant is proposing to relocate the existing day care facility at the Ebenezer Methodist Church to the Westlake Baptist Church to serve up to 90 children. The use will occupy a portion of the existing church (2,764 square feet out of the church's 27,000 square feet). The site is zoned PR, and day care facilities are considered as a use on review in the PR zone. The application meets all of the requirements for a day care except that it does not provide sufficient outdoor play space. A variance to this requirement will have to be granted by the Knox County Board of Zoning Appeals prior to the issuance of building permits. The applicant's request will be heard at the March 22, 2006 Knox County Board of Zoning Appeals meeting. The building which will house the day care is well removed from both Westland Drive and Emory Church Road. The church has enough parking to satisfy the needs of the day care facility.

With the conditions noted, the request meets the requirements for approval of a day care facility in the PR zone as a use on review.

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

1. The proposed day care center will have minimal impact on local services since all utilities are in place to serve this site.
2. The proposed day care will have minimal impact on traffic because the facility's hours of operation and the number of children being cared for throughout the course of a business day.
3. The proposed use is consistent with other residential development found in the area.

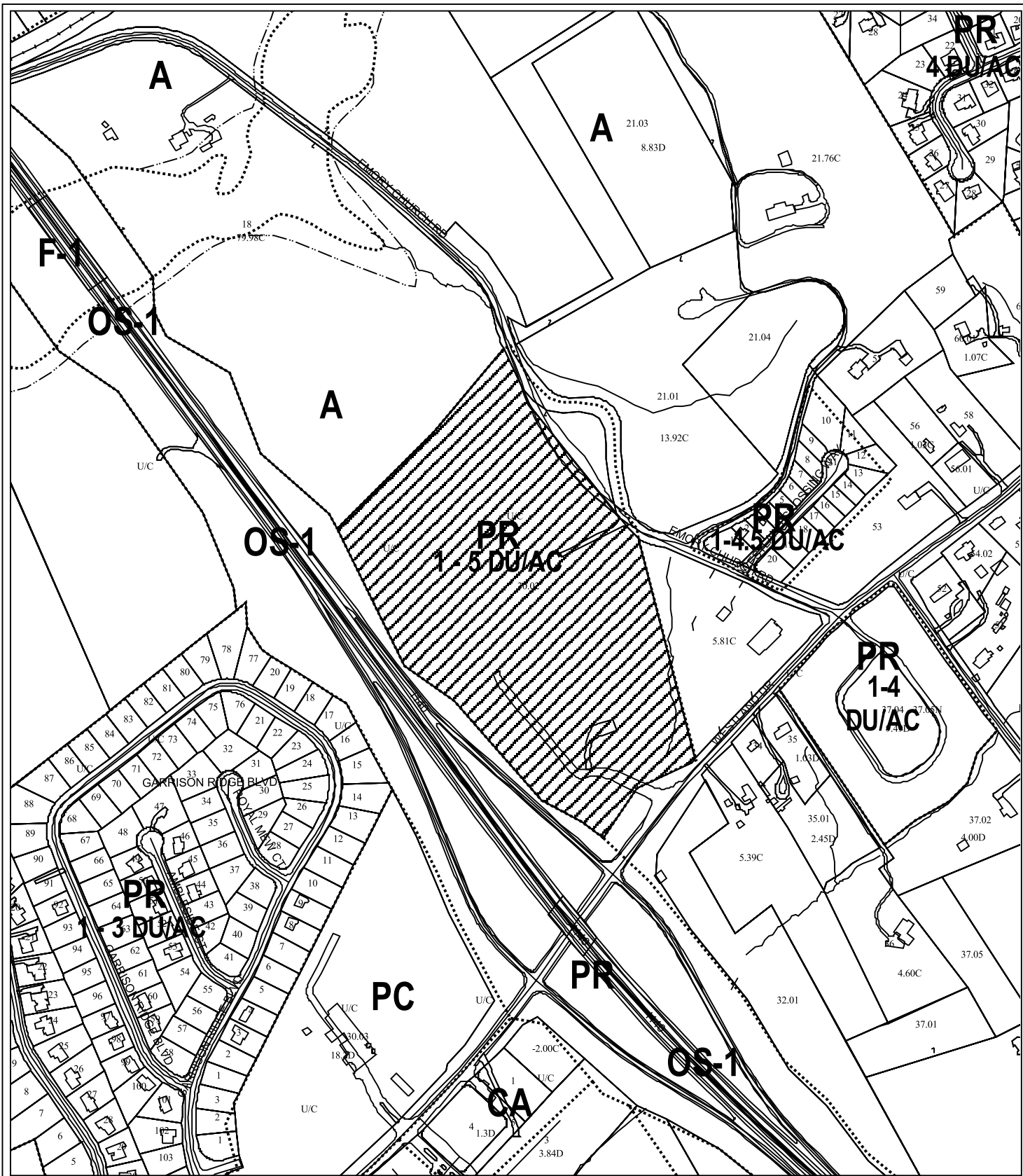
CONFORMITY OF PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. The proposed day care center meets all of the requirements of Article 4, Section 4.91.01 the Knox County Zoning Ordinance, except for the outdoor play area which the applicant is requesting a variance to address this issue.
2. The proposed 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. The use is compatible with the character of the neighborhoods 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.


CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Southwest County Plan identifies the property for Public Institutional. The proposed development is consistent with this use because day care facilities are allowed as a use permitted on review in the PR zoning designation.

MPC's approval or denial of this request is final, unless the action is appealed to the Knox County Board of Zoning Appeals. The date of the Knox County Board of Zoning Appeals hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.



3-Q-06-UR
 USE ON REVIEW

 Day Care Facility in PR (Planned Residential)

Original Print Date: 02/23/06 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Westlake Baptist Church

Map No: 144

Jurisdiction: County



DAY CARE REVIEW

#82

Case No. 3-Q-06 UR

Applicant Westlake Baptist Church

ZONING ORDINANCE REQUIREMENTS (Article 4, Section 4.91)

• **Minimum Lot Size**

Required: 10,000 sq. ft.

Request: 28.40 acres

• **Minimum Size for Fenced Outdoor Play Area**

Required:: 9,500 sq. ft. (2500 sq. ft. for first 20 children; 100 sq. ft. per each additional child)

Request: 5,250 sq. ft.

• **Minimum Building Area**

Required: 2,700 30 square feet per child

Request: 2,764 sq. ft.

• **Minimum Off-Street Parking (Article 3, Section 3.50)**

Required: 12 teacher/employee spaces (two (2) parking spaces per three (3) teachers and employees)

12 off-street loading spaces (one (1) off-street loading space per eight (8) pupils)

Request: 12 teacher/employee spaces

12

off-street loading spaces



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**STATE OF TENNESSEE
DEPARTMENT OF HUMAN SERVICES**

**ADULT & CHILD CARE LICENSING
531 HENLEY STREET, SUITE 524
KNOXVILLE, TENNESSEE 37902
Phone: 865-594-0000 Fax: 865-594-7156**

**PHIL BREDESEN
GOVERNOR**

**VIRGINIA T. LODGE
COMMISSIONER**

February 14, 2006

Metropolitan Planning Commission
Suite 403 City Council Building
400 Main Street
Knoxville, TN 37902

To Whom It May Concern,

This letter is composed in reference to Ebenezer United Methodist Church Child Care moving to Westlake Baptist Church located on 9635 Westland Drive, Knoxville. The existing fenced outside playspace is approximately 50X50 making the total square footage of 2500. According to your rules only 20 children can use playground at one time. I have assurance from the Director, Mary Lindahl, that only one classroom at a time will be in fenced outside playspace. There will be no more than 13 children out at any one time as I have measured each classroom for the number of children allowed and no classroom can have more than 13 children. This program has always been well received in the community and has been compliant with all child care licensing rules and laws. As an added assurance, I will check outside playspace for compliance with rules at each unannounced visit or more if deemed necessary. Thank you for your prompt action in this matter as the child care program at Ebenezer United Methodist needs to be out by 5/31/06.

Sincerely,

Cassandra Bloom, Program Evaluator

Jan Bailey, Child Care Services Supervisor



February 25, 2006

Mr. Ewing M. Johnson, AICP
Deputy Executive Director
Metropolitan Planning Commission
Suite 403 City-County Building
400 Main Street
Knoxville, TN 37902

Subject: RE: Review comments for file #3-Q-06-UR

Dear Mr. Johnson,

The current day care at Ebenezer Methodist Church has 108 students that attend at various times and days. They never have more than 65 students at any one time which is their current approved limit at their current location. DHS has approved the WestLake Baptist Church facility for 90 full time students based on current finished square footage proposed (2764 sq ft in 7 classrooms) to be used. If additional students were enrolled for partial time such as mother's day out or after-school care, we will not exceed the 90-child limit.

1. Again the 90 child limit will require 2700 sq ft of indoor classroom space. New drawings are provided which clearly show the space usage and square footage of each classroom. There are potentially an additional seven similarly sized rooms in the basement that could be finished. We will also provide additional space for the office/sick child area.
2. There are currently 200 spaces in the parking lot on the North side of the building, given the current use of the building only 20-40 spaces are routinely used at any time during weekdays. All spaces are in close proximity to the drop-off lane which has sidewalks to each side door and the front door on the upper level allowing children to be dropped off safely. We have provided at least 14 spaces for children drop off required in the lot closest to the playground. These will be marked for daycare drop-off only and a sidewalk will be provided to access the three building entrances upstairs so that no child will have to cross any traffic pathway. The remainder of the lot should provide more than the 12 spaces for employee parking.



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3. We will post spaces for drop off and ensure a safe traffic flow pattern and directions are given to church members, parents, and staff to ensure children's safety. If a lower level drop off is used then an additional paved circle and parking spaces would be added.
4. The outdoor fenced playground is actually 70' by 75' which equates to 5250 sq ft, not the 2500 sq ft estimated by DHS by stepping it off. We would never anticipate having all 90 children outside on the playground at any given time. Classes would be scheduled to use the playground at various times of the day to ensure activities could occur safely and with proper supervision. We will request a variance from the Board of Zoning Appeals at this time but may consider additional space in the future. A platoon schedule is attached.
5. We anticipate the hours of operation are from 7:15 am to 6 pm, Monday – Friday, ages of children are infants to pre-K and potentially after-school care for grades K-5. An estimated enrollment breakdown is enclosed with maximums for each classroom; these are also indicated on the drawings, which we currently estimate at 86. We will not exceed 90 at any time.

Thank you for your review and comments on our request for approval of this exciting new ministry for WestLake. We apologize for any confusion since we are still finalizing plans and options but we are committed to providing safe and excellent daycare for the families we will serve.

Sincerely,

Jeffrey D. Slack
President, WestLake Church Stewardship Team

Westlake Child Care
Class Enrollment

3-D-06-UR

7:15 – 1:00

Class A	Infants	6 wks – 15 mo	12 children	418 sq ft
Class B	Toddlers	16 mo – 2 years	12 children	414 sq ft
Class C	Threes	Three years	12 children	375 sq ft
Class D	Fours	Four years	10 children	318 sq ft
Class E	Fours	Four years	11 children	354 sq ft
Class F	Pre K	Pre K	13 children	401 sq ft

TOTAL PRESCHOOL (9:00 – 1:00) CHILDREN : 70

1:00 – 6:00:

Classes A ,B, C & D	Preschool Full Day	46 children	see above
Class G	After School (K-5)	16 children	484 sq ft
Classes E & F	After School	24 children	see above

46 Preschoolers
40 After Schoolers

TOTAL (1:00 – 6:00) CHILDREN: 86

Preschool Hours: 9:00 – 1:00

Day Care Hours: 7:15 – 6:00

After school Hours (Grades K – 5): 1:00-6:00

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Westlake Preschool Playground Time Schedule

<u>Class</u>	<u>Morning</u> <u># of Children at a time</u>	<u>Time</u>
A & B	24 children max	10:00 – 10:30 11:30 – 12:00
C & D	22 children max	10:30 – 11:00 12:00 – 12:30
E & F	24 children max	11:00 – 11:30 12:30 – 1:00

<u>Class</u>	<u>Afternoon</u> <u># of Children at a time</u>	<u>Time</u>
(after 1:00 p m.: Preschool Total – 46 children; After School Total – 40 children)		
A & B	24 children max	4:00 – 4:30
C & D	22 children max	4:30 – 5:00
After School (E, F & G)	40 children max	3:00 – 4:00