



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

▶ **FILE #:** 9-Q-07-UR

AGENDA ITEM #: 94

AGENDA DATE: 9/13/2007

▶ **APPLICANT:** KAMILLAH CHAVEZ

OWNER(S): EKUA DAVIS

TAX ID NUMBER: 93 H B 043

JURISDICTION: City Council District 3

▶ **LOCATION:** Northeast side of Mascarene Rd., northwest side of Rendava Ln.

▶ **APPX. SIZE OF TRACT:**

SECTOR PLAN: Northwest City

GROWTH POLICY PLAN: Urban Growth Area

ACCESSIBILITY: Access is via Mascarene Rd., a local street with a 23' pavement width within a 50' right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

▶ **ZONING:** R-1 (Low Density Residential)

▶ **EXISTING LAND USE:** Residence

▶ **PROPOSED USE:** Residence and day care facility for up to 10 children

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Residences / R-1 (Low Density Residential) & RP-1 (Planned Residential)

South: Residences / R-1 (Low Density Residential)

East: Residences / R-1 (Low Density Residential)

West: Residences / R-1 (Low Density Residential)

NEIGHBORHOOD CONTEXT: This area has developed with residential uses under R-1 and RP-1 zoning.

STAFF RECOMMENDATION:

▶ **APPROVE** the request for a day care facility for up to 10 children at this location subject to the following 6 conditions:

1. Meeting all applicable requirements of the Knox County Health Department
2. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
3. Obtaining all necessary variances from the Knoxville Board of Zoning Appeals.
4. The outdoor play area will be required to provide suitable surface material to prevent injuries - unitary materials or loose-fill materials.
5. Meeting all applicable requirements of the Knoxville Department of Engineering.
6. Meeting all applicable requirements and obtaining all required permits from the Tenn. Dept. of Human Services.

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

COMMENTS:

The applicant is proposing to operate a day care facility out of their residence on Mascarene Rd. The proposed day care will serve an enrollment up to 10 children and have up to 2 instructors. The site is zoned R-1 (Low Density Residential) and day care facilities are a use permitted on review. The use will occupy an existing house which is approximately 1,008 square feet in size and a 4,000 square foot outdoor fenced play area. The applicant will be required to obtain variances from the Knoxville Board of Zoning Appeals regarding lot area and parking requirements. The Knoxville Zoning Ordinance requires that the minimum lot size for a day care facility be 15,000 square feet and this request requires 6 off-street parking spaces. This lot is only 13,300 square feet and is only able to accommodate 2 parking spaces. These variances are scheduled to be heard by the Knoxville Board of Zoning Appeals on 9/20/2007.

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. This request will have a minimal impact on street traffic due to the small number of children being served.
3. Public water and sewer utilities are available to serve the development.

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 properties due to the small number of children being served.
2. With the approved variances, the proposal meets all requirements of the R-1 zoning district (See the attached Day Care Review sheet).

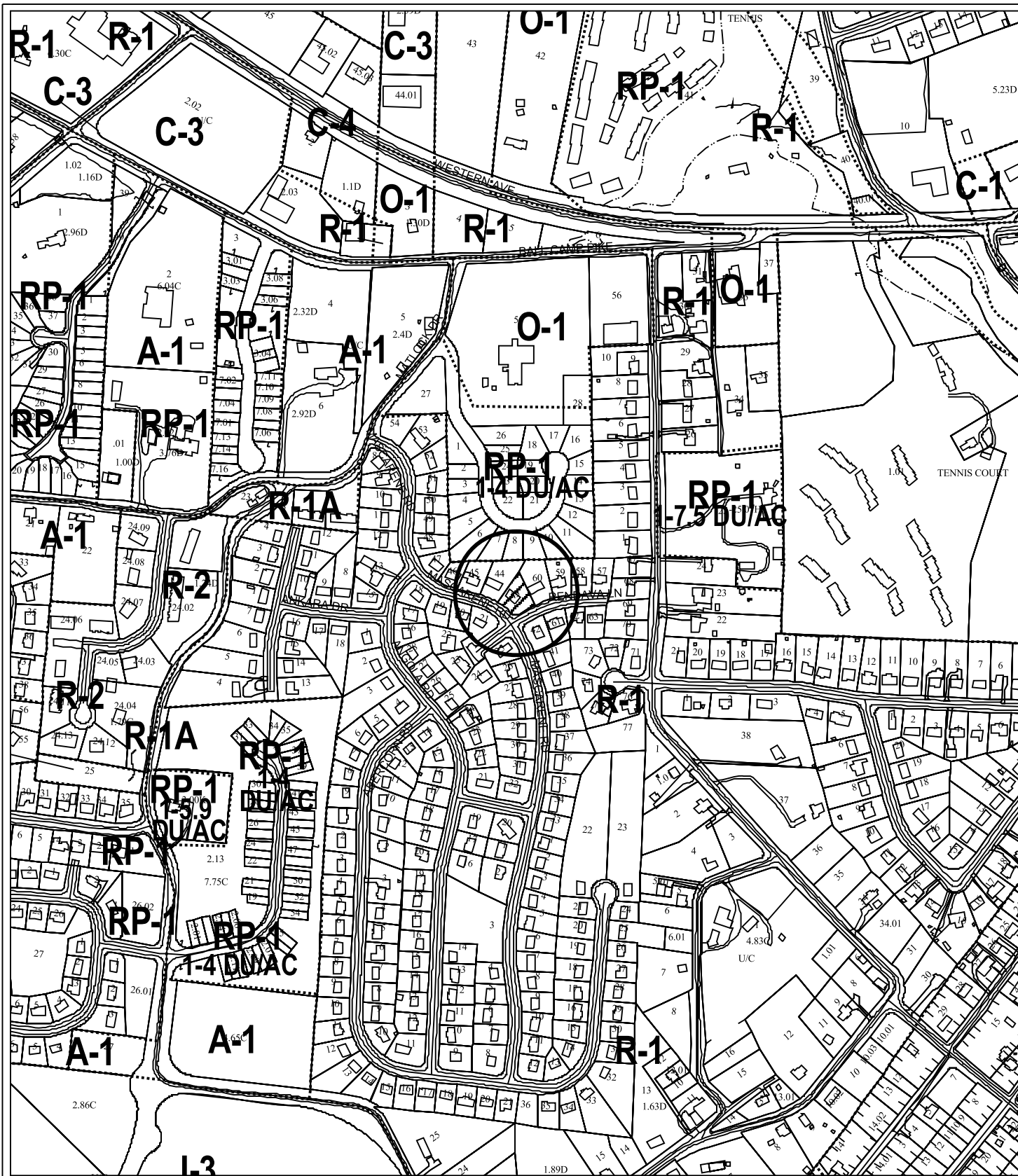
CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Northwest City One Year Plan proposes low density residential uses for this site.
2. The site is located within the Urban Growth Area of the Knoxville-Knox County-Farragut Growth Policy Plan.


ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

MPC's approval or denial of this request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal an MPC decision in the City.



9-Q-07-UR
 USE ON REVIEW

 Day care facility for up to 10 children in R-1 (Low Density Residential)

Original Print Date: 08/28/07 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Kamillah Chavez

Map No: 53

Jurisdiction: City



DAY CARE CENTER REVIEW

Case No. : 9-Q-07-WR

Applicant : Kamillah Chavez

Zoning Ordinance Requirements (Article 5, Section 3, G.4)

• **Minimum Lot Size**

Required: 15,000 sq. ft.

Request: 13,300 sq. ft.

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

Required: 4,000 sq. ft. (4000 sq. ft. for first 20 children; 100 sq. ft. per each additional child)

Request: 4,000 sq. ft.

• **Minimum Building Area**

Required: 350 sq. ft. (35 sq. ft. per child, with not less than 75% of this space provided in the primary care area of the building)

Request: 1,008 sq. ft.

• **Minimum Off-Street Parking (Article 5, Section 7)**

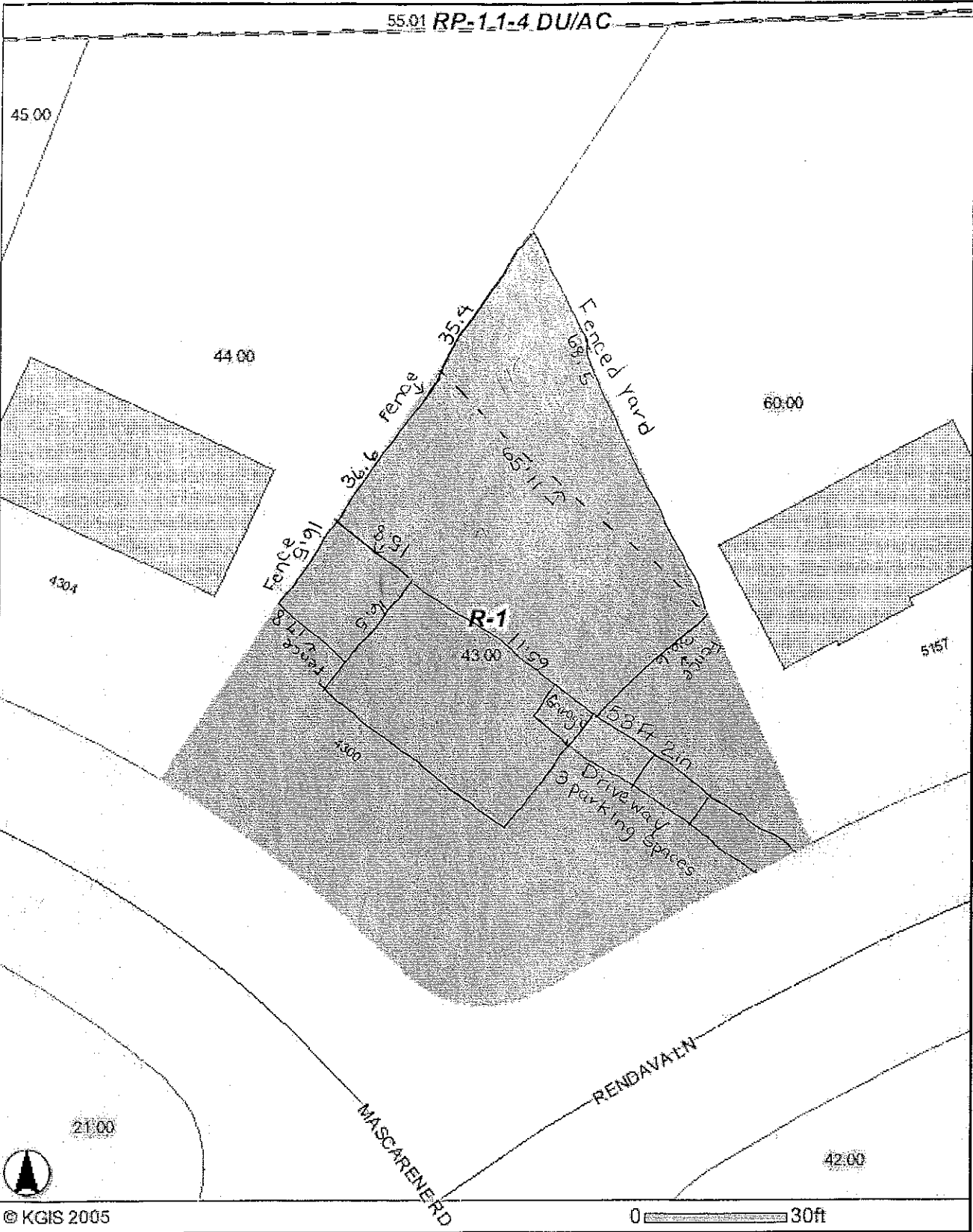
Required: 4 teacher/employee spaces (two (2) parking spaces per three (3) teachers and employees) 2 parking spaces for the residence.

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

Request: 1 teacher/employee spaces + Residence

1 off street loading spaces

9-9-07-UR



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0 30ft

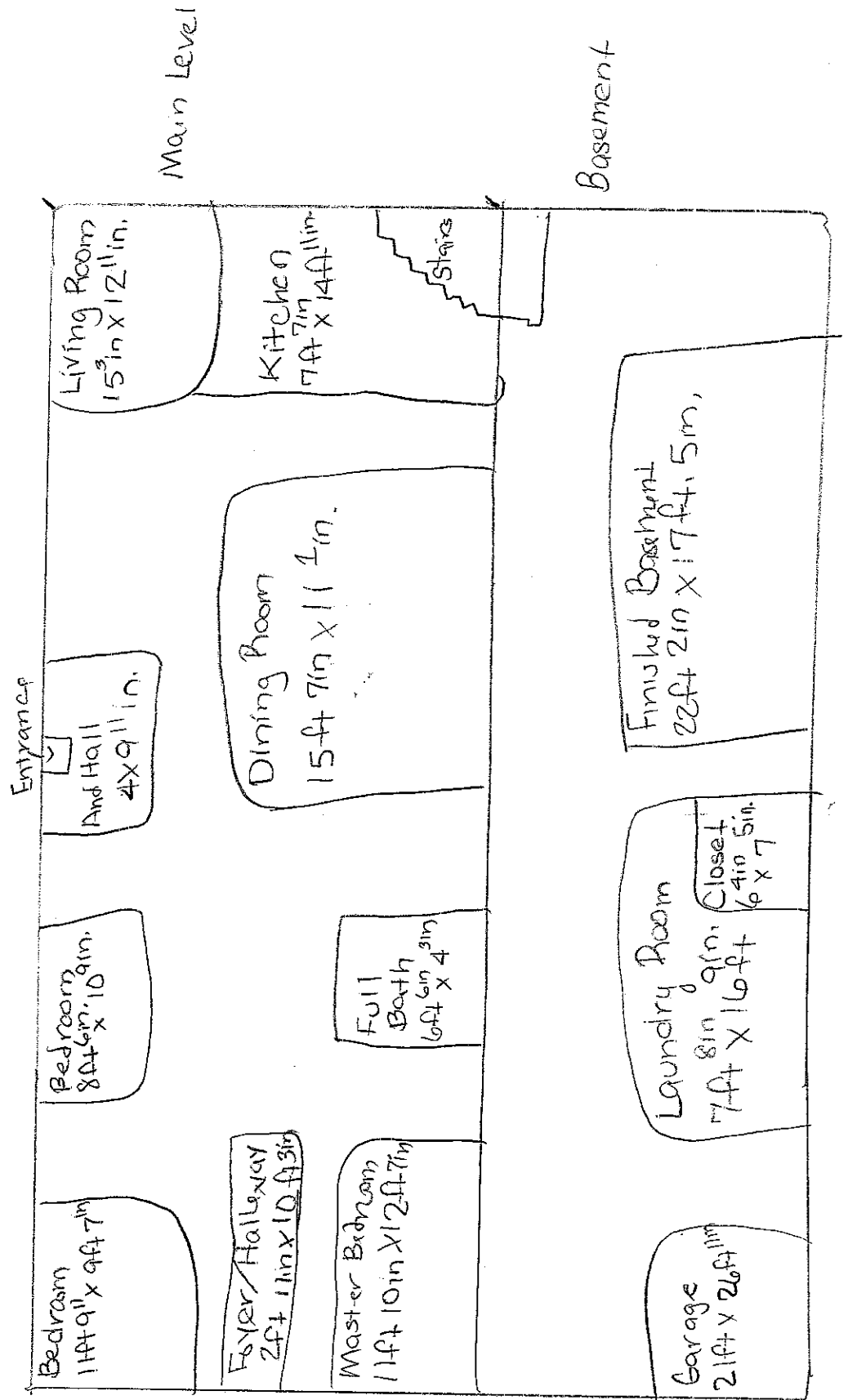
KGIS Map

KGIS - 606 Main St - Suite 150 - Knoxville, TN 37902 - www.kgis.org

Printed: Wed Nov 23 2005

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9-Q-07-UR



August 29, 2007



MPC
400 Main Street
Suite 403
Knoxville, TN 37902

RE: File #9-Q-07-UR

To Whom It May Concern:

We are writing to express our concern over the application for use on review for 4300 Mascarene Road, Knoxville, TN 37921. Our understanding is that this is a request for a daycare to be increased to allow 10 children. This residence is next door to us. They are already using this as a daycare. When you consider the fact that this family has 4 children of their own, we are actually talking about a total of 14 children. We have already noticed an increase in the noise level when the children are outside playing. There is also the issue of more traffic and parking in front of the house. Obviously, with an increase in the number of children, these issues will also increase.

The stretch of road in front of our house and at 4300 Mascarene is already a problem for the flow of traffic without adding several cars parked in front of this house. It is a heavy traffic area and on a curved part of the road where vehicles often drive too fast around the corner. We have actually had a vehicle rear ended while it was parked in front of our house.

While, we don't want to hinder someone's ability to provide for their family, we are very concerned over the impact this will have on our neighborhood, particularly the area right around 4300 Mascarene Road.

Thank you for taking into consideration our concerns over this use on review. Since we are neighbors, we ask that you do not disclose our names.

Sincerely,

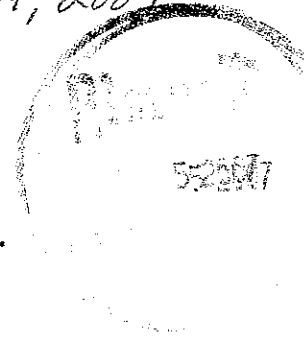
Dan & Cheryl Longnecker

Dan and Cheryl Longnecker
4304 Mascarene Road
Knoxville, TN 37921

Schlitz

5209 Hendrix Lane
Knoxville, TN 37921
Sept. 4, 2007

MPC
400 Main St.
Suite 403
Knoxville, TN 37902



Greetings,

This letter is response to the application being made for a day care to care for ten children at 4300 Mascarene Road. I am very opposed to this application, as well as any type of business operating in this residential community.

It should be noted that Mascarene Road is the main road into the Mascarene sub-division. It is uphill and curvy, and no sidewalks. Cars park on the street creating blind spots to traffic.

4300 Mascarene Road is a corner lot within a curve. There is no driveway onto the property from Mascarene Road. A fire hydrant is located on the property. One or more cars park on the street in front of this property.

In the morning a traffic congestion is created as cars park in front of the property unloading children apparently to be cared for during the day. Many residents are leaving for work and have to wait until traffic clears up.

I can just imagine what would happen with ten vehicles trying to drop off children with people going to work and school. What if a child got loose from a parent and dashed into the street?

No, please deny this application for the sake of these children as well as the residents.

Sincerely
Mabel H. Vasey

P.S. I plan on attending the meeting on Sept. 13th

From: "Janice Woodard" <JWoodard@cityofknoxville.org>
To: <contact@knoxmpc.org>
Date: 9/6/2007 1:09:56 PM
Subject: Kamilla Chavez

This e-mail is being sent concerning the MPC File # 9-1-07-UR, a request for a residence and day care facility for up to 10 children in R-1 District. I am vehemently opposed to this request. This house is located at the corner of the busiest street in the neighborhood. It is also on the side where street parking is allowed all the way down Mascarene Road. Allowing a day care facility at this location is very dangerous as this is also the main access road in the neighborhood. Our neighborhood is one way in and one way out. There have already been a head on accident, a parked car hit by a driver, and several near misses involving automobiles. Additional congestion in this area caused by people dropping off children would make it even more dangerous than it currently is. Currently there is a speeding problem, school buses barely make it through this street, and there is a curve before it in one direction and a hill in the other.

I also oppose a residence facility in this neighborhood. We have already had one horrible experience with a prior neighbor who ran a residence home out of her home. We want to stay a family neighborhood and do not want small businesses operating in this capacity. As I live two houses down from this location, I am very concerned about this request. They already have at least two elderly residents and several kids they babysit who are constantly in and out the house, in the street all hours of the day/night, and they also have several children of their own in the house.

Thank you for your consideration of this letter. I hope you deny this request. If you need additional information or have any requests from me, please feel free to call me at 766-7660, 215-7099, or 584-2523.