



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

▶ **FILE #:** 3-E-08-UR

AGENDA ITEM #: 68

AGENDA DATE: 3/13/2008

▶ **APPLICANT:** BRINA TATE / TATE'S TOTZ AND TEENS

OWNER(S): CARL CURTIS CONSTRUCTION CURTIS

TAX ID NUMBER: 68 N E 017

JURISDICTION: City Council District 5

▶ **LOCATION:** Northeast side of Clinton Plaza Dr., southeast of Merchant Dr.

▶ **APPX. SIZE OF TRACT:** 21000 square feet

SECTOR PLAN: Northwest City

GROWTH POLICY PLAN: Urban Growth Area (Inside City Limits)

ACCESSIBILITY: Access is via Clinton Plaza Dr., a local street with a pavement width of 26' within a 50' wide right-of-way

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

▶ **ZONING:** C-3 (General Commercial)

▶ **EXISTING LAND USE:** Vacant office building

▶ **PROPOSED USE:** Child day care facility for up to 50 children

HISTORY OF ZONING: The property was zoned C-3 (General Commercial) in 1998

SURROUNDING LAND USE AND ZONING: North: Offices / C-3 commercial

South: Offices / C-3 commercial

East: Retail / C-3 commercial

West: Vacant retail / C-3 commercial

NEIGHBORHOOD CONTEXT: Property in the area is zoned O-1 office, C-1, C-3 and SC-1 commercial. Development in the area consists of retail uses along Merchant Rd., professional and business offices are located along the side streets and Clinton Plaza Shopping Center fronting on Clinton Highway.

STAFF RECOMMENDATION:

▶ **APPROVE the request for a child day care center for up to 50 children at this location subject to 5 conditions**

1. Meeting all applicable requirements of the Knox County Health Department.
2. Meeting all applicable requirements and obtaining all required permits from the Tennessee Department of Human Services.
3. Installing the required fencing prior to operation of the day care center.
4. Meeting all applicable requirements of the Knoxville Engineering Dept.
5. Meeting all other applicable requirements of the Knoxville Zoning Ordinance.

With the conditions noted, the request meets the requirements for approval of a child day care center in the C-3 zone as a use-on-review.

COMMENTS:

The applicant is proposing to operate a day care facility to serve up to 50 children. The use will occupy a vacant office building located on Clinton Plaza Dr. The building is over five thousand square feet in size. There will be nine staff members for the day care center. The site which is zoned C-3 allows consideration of a child day care center as a use on review. The development plan presented by the applicant shows a fenced play area of 7250 square feet. The Knoxville Zoning Ordinance requires a fenced play area of 7000 square feet for the requested facility. The applicant will have to fence the required play area prior to commencing operation.

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

1. The proposed child day care center will have minimal impact on local services since all utilities are in place to serve this facility.
2. The proposed child day care center will have minimal impact on traffic since the facility is located on a local street with a number of other commercial/office uses.
3. The proposed use is consistent with the development found in the area.

CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOXVILLE ZONING ORDINANCE

1. With the recommended conditions, the proposed child day care center can meet all of the requirements of the Knoxville Zoning Ordinance.
2. The proposed child 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 neighborhood where it is proposed. The use will not significantly injure the value of adjacent property. The use will not have an impact on drawing traffic through residential areas since it is located on a collector street.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

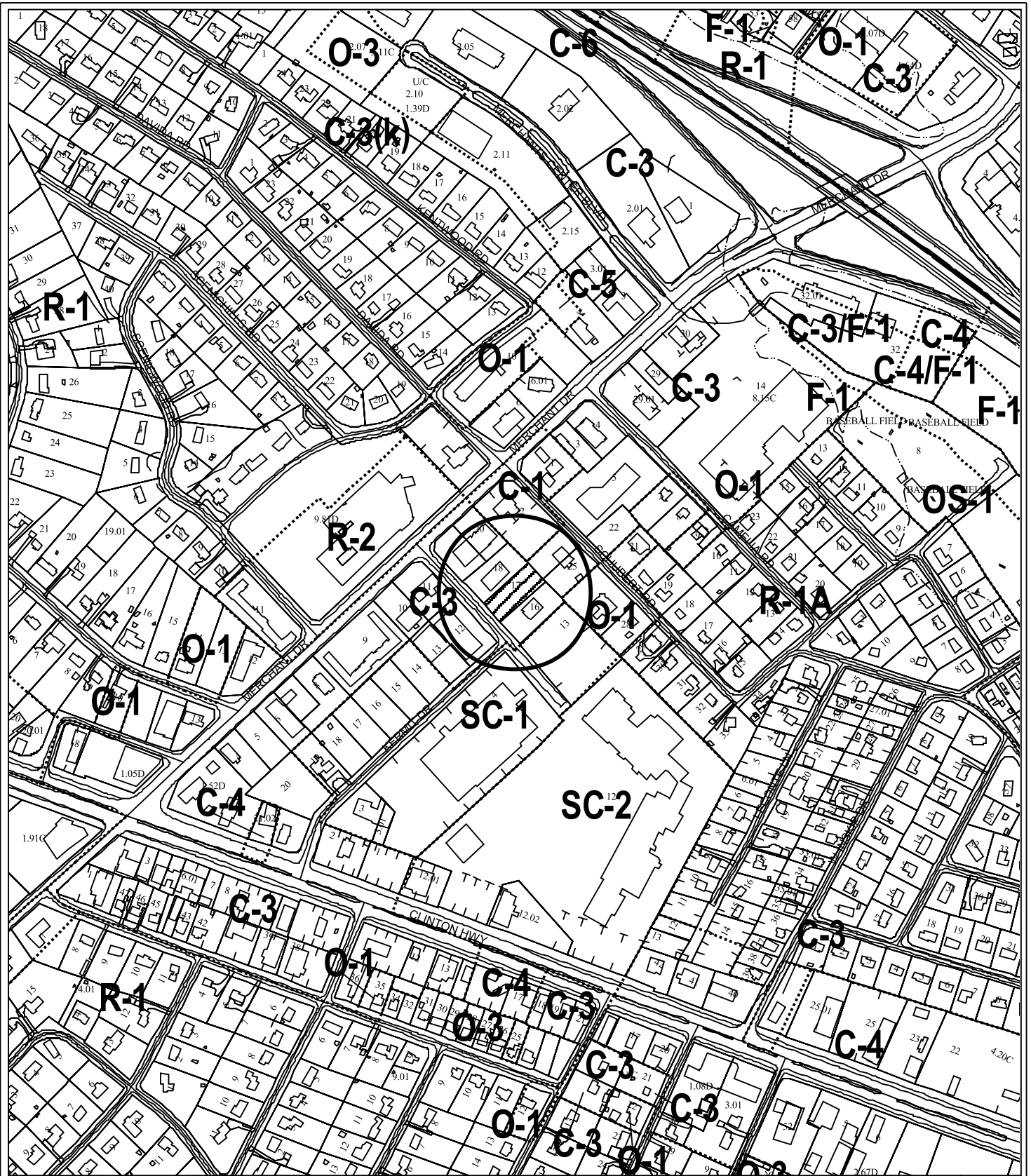
1. The Northwest City Sector Plan and the Knoxville One Year Plan identify the property for general commercial use. The proposed development is consistent with the plan because day care facilities are allowed as a use permitted on review in the C-3 zoning district.
2. The site is located within the Urban Growth Area Inside the City on the Knoxville-Knox County-Farragut Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT 139 (average daily vehicle trips)

Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate during a 24-hour day (Monday through Friday), with a "trip" counted each time a vehicle enters or exits a proposed development.

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.



3-E-08-UR
 USE ON REVIEW



Child day care facility for up to 50 children in C-3 (General Commercial)

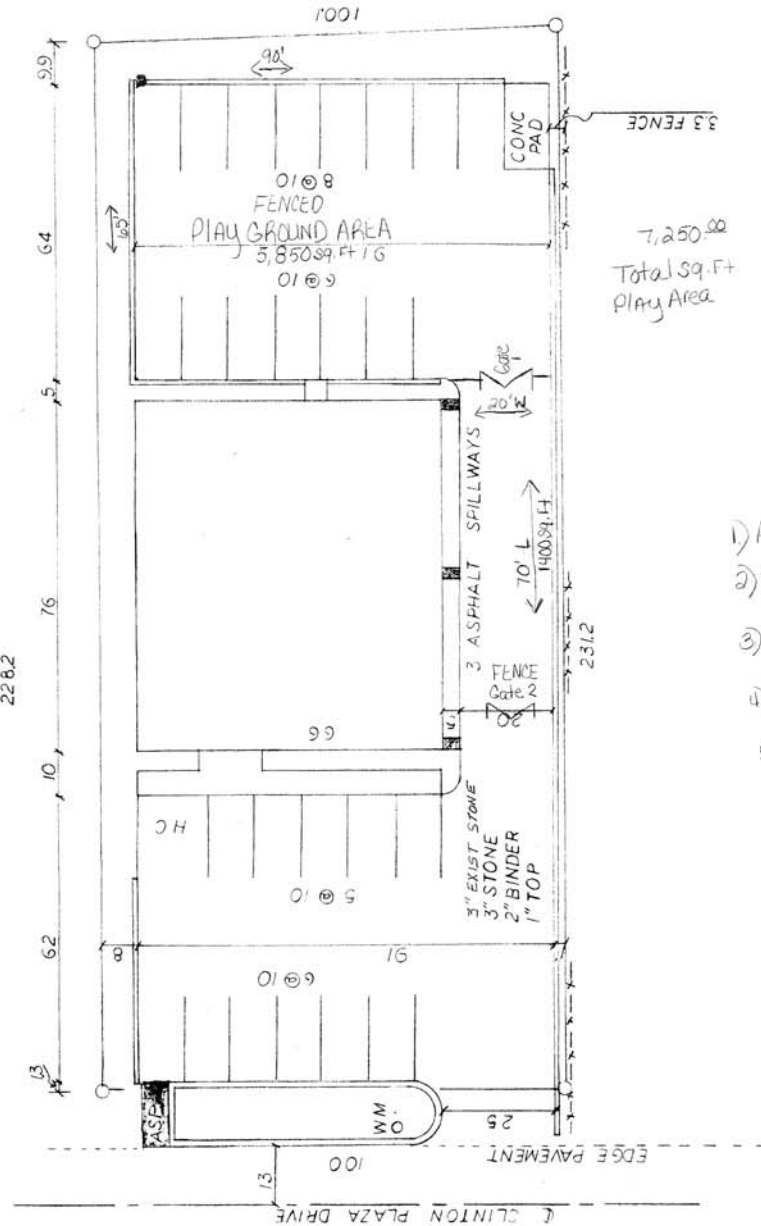
Original Print Date: 02/26/08 Revised:
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Petitioner: Brina Tate /
 Tate's Totz and Teens

Map No: 68

Jurisdiction: City





7,250.00
Total sq.ft
Play Area

- 1) Area lot is over 15,000 sq. ft
- 2) Building Area 5085 For occupancy of 50 children
- 3) Fenced outdoor play area is 7,250.00 sq. ft. Totalled. (resilient surface will be added to 5,850 sq. ft.)
- 4) Outdoor play area is located in back. (more than 35 sq. ft. from public street)
- 5) Total parking spaces - 12
Based on ratio for employees + parents
• we need - 3 For 9 employees
• we need - 9 For parents

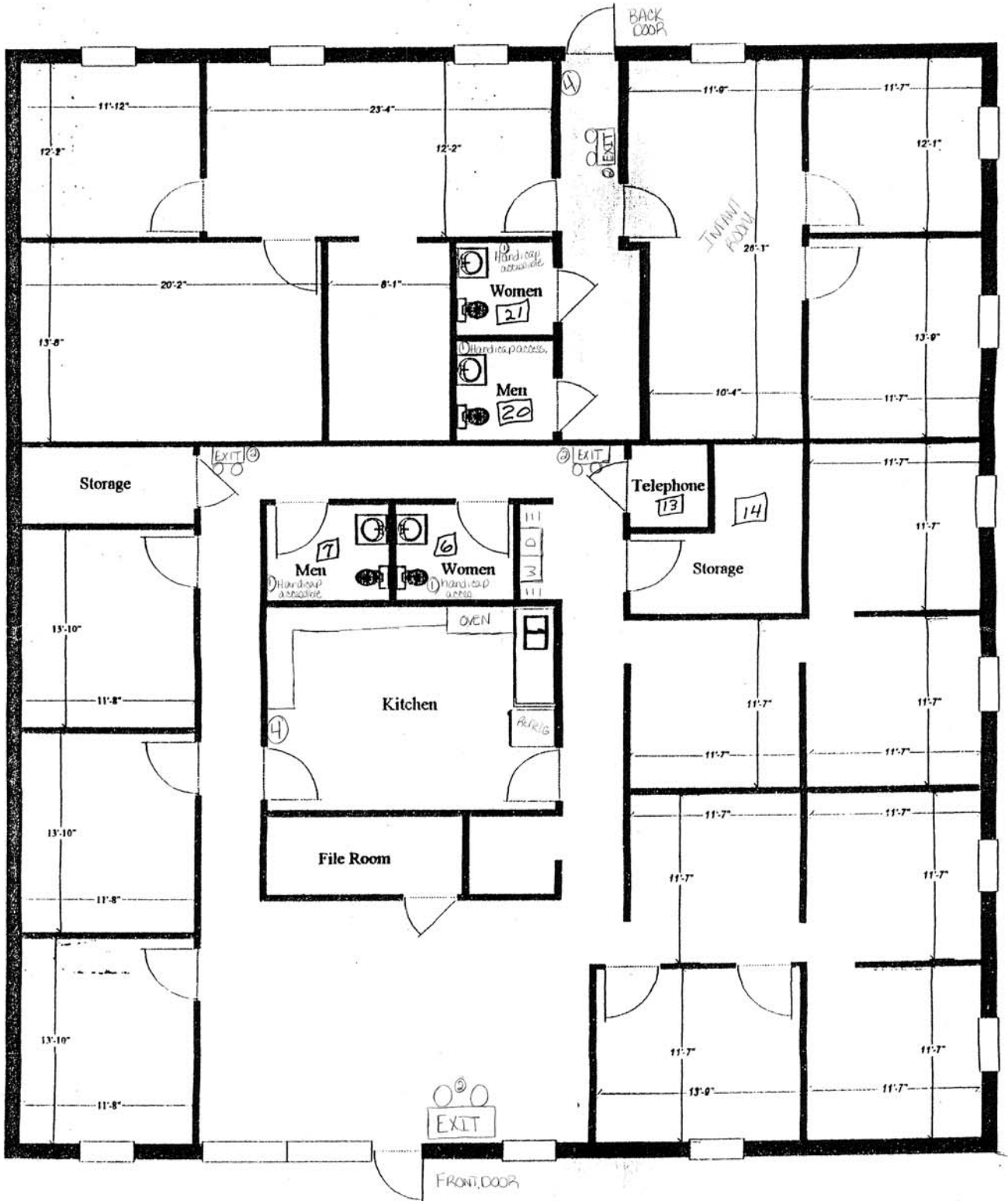
CLINTON PLAZA BUILDING	
SCALE: 1" = 20'	DRAWN BY: WR
DATE: JULY 4 '98	REVISION:
CURTIS CONSTRUCTION CO	
5304 CLINTON PLAZA DRIVE	

3-E-08-WR

2/4/08

5304 Clinton Plaza Dr

- ① Handicap accessible with Ramp, door, Toilets sink.
- ② EXIT SIGNS w/Embr. Lighting
- ③ Smoke Detectors
- ④ Fire extinguisher
- ⑤



3-E-08-WR 2/4/08

DAY CARE CENTER REVIEW

Case No. : 3-E-08-UR

Applicant : BRINA TATE / Totz & Teens

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

• **Minimum Lot Size**

Required: 15,000 sq. ft.

Request: 22,900 sq. ft.

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

Required: 7000 sq. ft. (4000 sq. ft. for first 20 children; 100 sq. ft. per each additional child)

Request: 7250 sq. ft.

• **Minimum Building Area**

Required: 1750 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: 5085 sq. ft.

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

Required: 6 teacher/employee spaces (two (2) parking spaces per three (3) teachers and employees)

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

Request: 6 teacher/employee spaces

6 off street loading spaces