



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

▶ **FILE #:** 9-B-09-UR

AGENDA ITEM #: 43

AGENDA DATE: 9/10/2009

▶ **APPLICANT:** EMILY S. JONES

OWNER(S): EMILY S. JONES

TAX ID NUMBER: 94 C Q 022

JURISDICTION: City Council District 5

▶ **LOCATION:** Northeast side of Mercer St., northwest of Baxter Ave.

▶ **APPX. SIZE OF TRACT:** 15173 square feet

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via Mercer St., a local street with a 22' pavement width within a 40' right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

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

▶ **EXISTING LAND USE:** Residence

▶ **PROPOSED USE:** Child day care for up to 16 children

HISTORY OF ZONING: None noted

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

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

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

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

NEIGHBORHOOD CONTEXT: The site is located in an established residential neighborhood just south of Beaumont Elementary Magnet School.

STAFF RECOMMENDATION:

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

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.

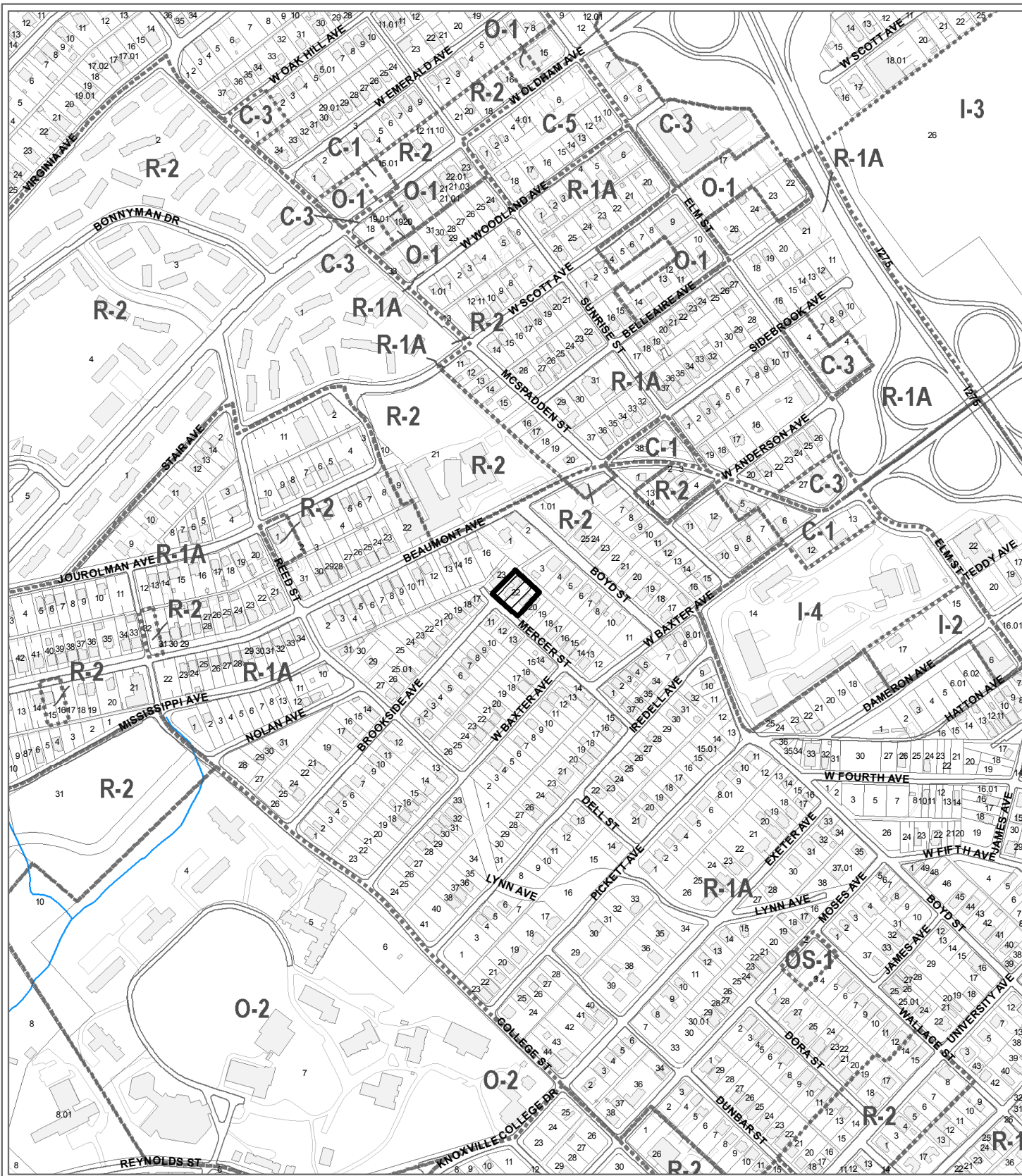
CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

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

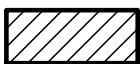
ESTIMATED TRAFFIC IMPACT: Not calculated.

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-B-09-UR
USE ON REVIEW**



Child day care for up to 16 children in R-1A (Low Density Residential)

Original Print Date: 8/24/2009
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

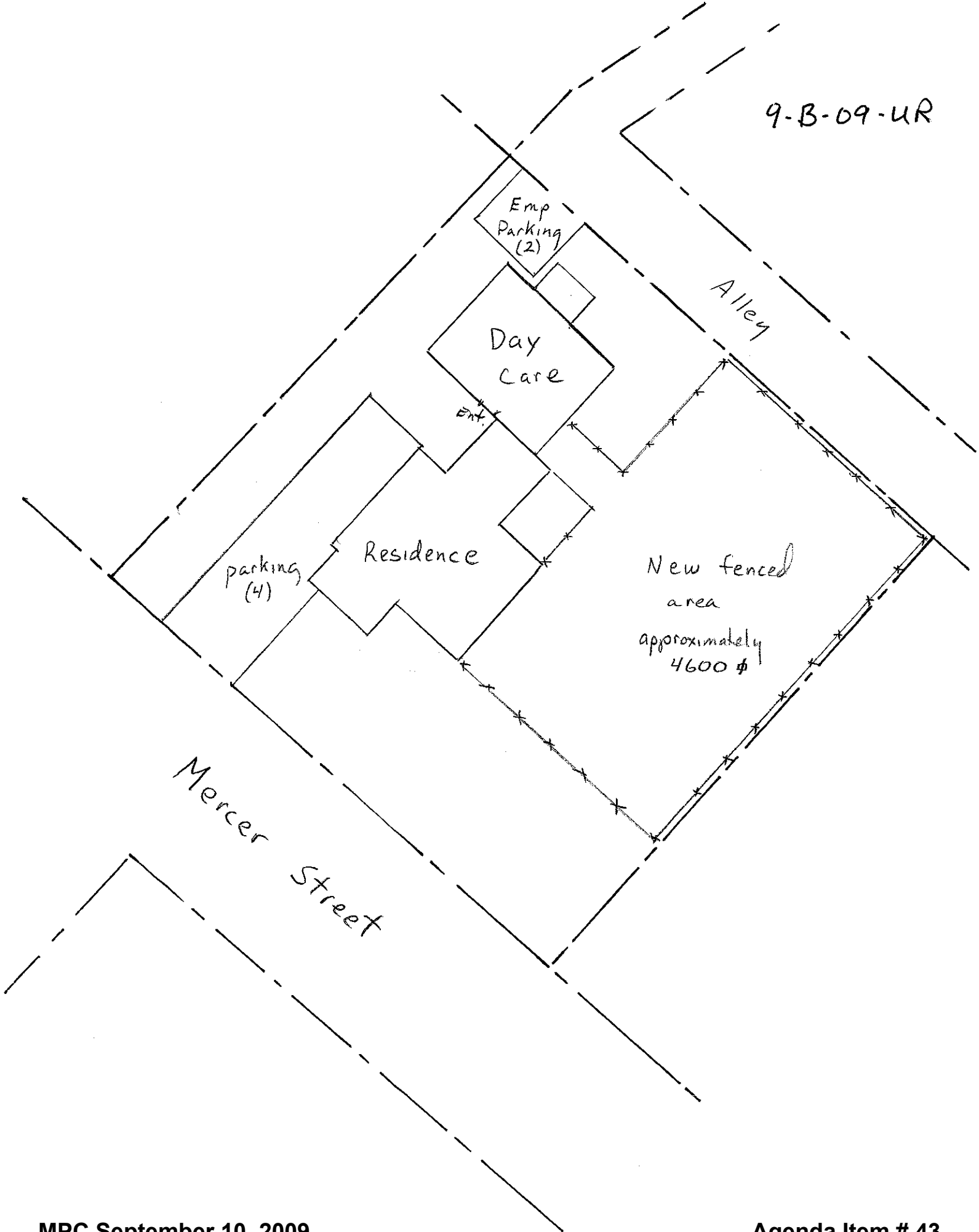
Petitioner: Jones, Emily S.

Map No: 94

Jurisdiction: City



9-B-09-UR

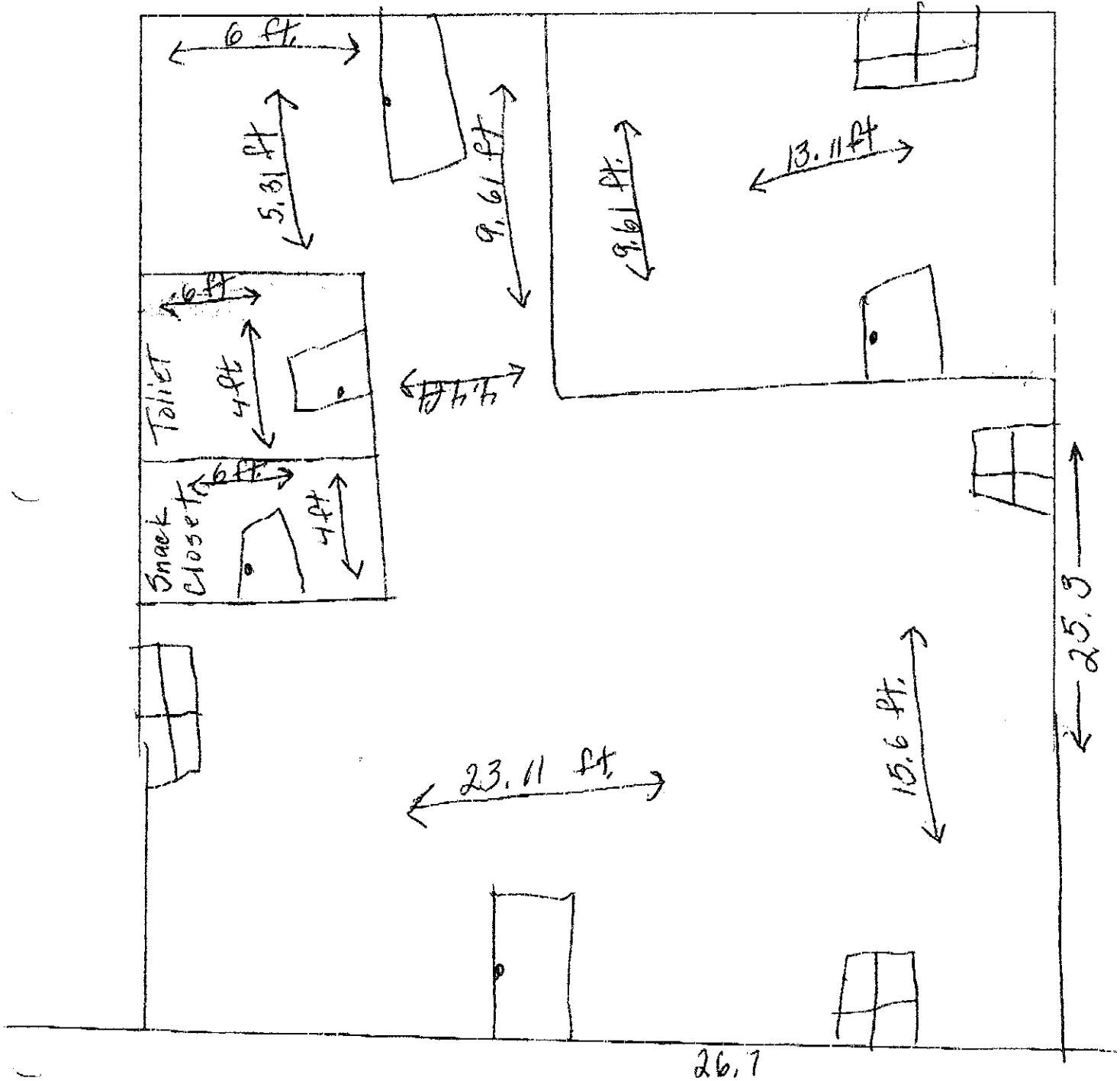


9-B-09-UR

1226 MERCER STREET #B

Exterior

26.7 x 25.3=675.51 sq. ft.



DAY CARE CENTER REVIEW

Case No. : 9-B-09-UR

Applicant : Emily S. Jones

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

• **Minimum Lot Size**

Required: 15,000 sq. ft.

Request: 15,170 sq. ft.

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

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

Request: 4600 sq. ft.

• **Minimum Building Area**

Required: 560 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: 600 sq. ft.

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

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

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

Request: 2 teacher/employee spaces

2 off street loading spaces