



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

▶ **FILE #:** 9-E-09-UR

AGENDA ITEM #: 46

AGENDA DATE: 9/10/2009

▶ **APPLICANT:** YVONNE K. ELIAZAR

OWNER(S): YVONNE K. ELIAZAR

TAX ID NUMBER: 81 P R 001 & 002

JURISDICTION: City Council District 3

▶ **LOCATION:** Southeast side of Ohio Av., west of McPherson St.

▶ **APPX. SIZE OF TRACT:** 18300 square feet

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via Ohio Av., local street with a pavement width of 20' within a 40' wide right-of-way

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Third Creek

▶ **ZONING:** R-1A (Low Density Residential) & IH-1 (Infill Housing Overlay)

▶ **EXISTING LAND USE:** Child day care center

▶ **PROPOSED USE:** Child day care center for up to 45 children

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Detached dwellings / R-1A/IH-1 Residential infill

South: Detached dwellings / R-1A/IH-1 Residential infill

East: Detached dwellings / R-1A/IH-1 Residential infill

West: Truck terminal / I-3 Industrial

NEIGHBORHOOD CONTEXT: The site is located at the dead end of Ohio St. Development in the area consists of detached dwellings. There are some newer homes in the same block as the proposed day care. A truck terminal is located to the west of this site.

STAFF RECOMMENDATION:

▶ **APPROVE the request for a child day care center for up to 45 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. Submitting a revised scaled site plan showing the 10 required off street parking spaces or obtaining a parking variance from the Knoxville Board of Zoning Appeals
4. Combining the two parcels into one via the Administrative Plat process
5. Meeting all other applicable requirements of the Knoxville Engineering Dept.
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-1A/IH-1 zoning districts, 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 that has been operating since 1982. The applicant applied for a building permit to upgrade the kitchen facilities, and it was discovered that the day care center had not been approved by MPC as required by the Knoxville Zoning Ordinance. The day care center presently has an enrollment of 45 children and has 6 teachers. The site is zoned R-1A (Low Density Residential and IH-1 (Infill Housing). The use will be located inside two existing houses. It is located at the dead end of Ohio Ave. The facility meets all of the requirements of the Knoxville Zoning Ordinance with the exception of the parking standards. Since the facility is located at the dead end of Ohio Ave., much of the parking has been on the street. The applicant will need to provide the required number of off street parking spaces or obtain a variance to the that requirement from the Knoxville Board of Zoning Appeals.

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. Ohio Avenue 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/IH-1 zoning districts with the exception of the parking requirement (See the attached Day Care Review sheet).

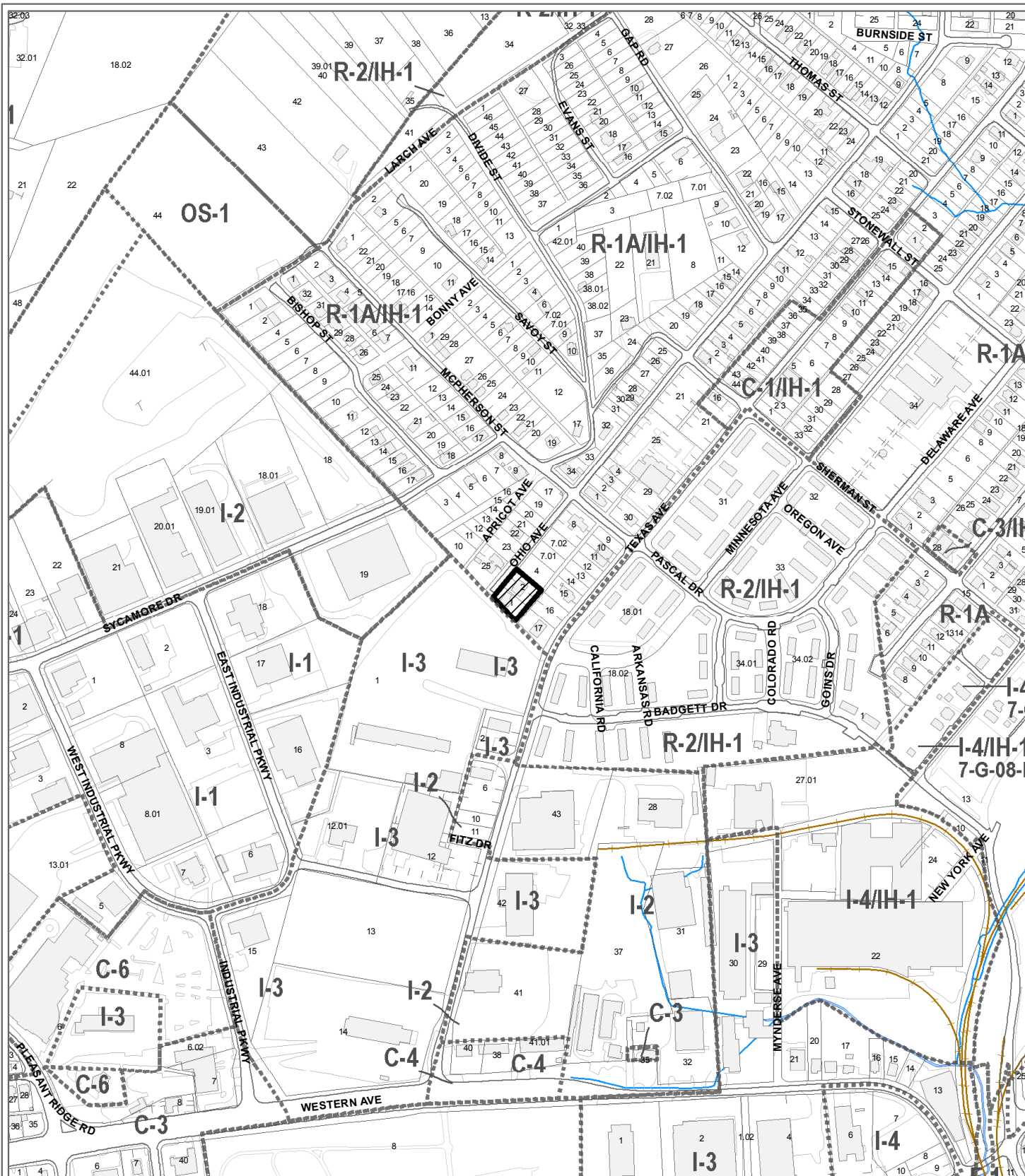
CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Central City Sector Plan 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 on the Knoxville-Knox County-Farragut Growth Policy Plan

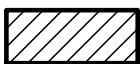
ESTIMATED TRAFFIC IMPACT: Not calculated.

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-E-09-UR
USE ON REVIEW**



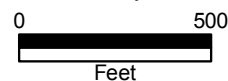
Child day care center in R-1A (Low Density Residential) & IH-1 (Infill Housing Overlay)

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

Revised:

Petitioner: Eliazar, Yvonne K.

Map No: 81
 Jurisdiction: City



DAY CARE CENTER REVIEW

Case No. : 9-E-09-4R

Applicant : JYONNE K. ELIZABETH

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

• **Minimum Lot Size**

Required: 15,000 sq. ft.

Request: _____ sq. ft.

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

Required: 6500 sq. ft. (4000 sq. ft. for first 20 children; 100 sq. ft. per each additional child)

Request: 11,600 sq. ft.

• **Minimum Building Area**

Required: 1575 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: 3279 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)

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

Request: _____ teacher/employee spaces

2 off street loading spaces