

▶ **FILE #:** 4-A-12-UR

AGENDA ITEM # 45

AGENDA DATE: 4/12/2012

▶ **APPLICANT:** LOUISE FLETCHER

OWNER(S): Louise Fletcher

TAX ID NUMBER: 81 K C 041

JURISDICTION: City Council District 5

▶ **LOCATION:** Northwest side of E. Oak Hill Ave., southwest side of Cornelia St.

▶ **APPX. SIZE OF TRACT:** 7468.5 square feet

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via E. Oak Hill Ave., a local street with a 29' pavement width within a 50' right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

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

▶ **EXISTING LAND USE:** Residence

▶ **PROPOSED USE:** Child Day Care Center

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Residences / R-1 (Low Density Residential) / IH-1 (Infill Housing Overlay)

South: Residences / R-2 (General Residential) / IH-1 (Infill Housing Overlay)

East: Residences / R-1 (Low Density Residential) / IH-1 (Infill Housing Overlay)

West: Former school site / R-2 (General Residential) / IH-1 (Infill Housing Overlay)

NEIGHBORHOOD CONTEXT: The property is located in an established residential neighborhood adjacent to a former school site.

STAFF RECOMMENDATION:

▶ **APPROVE the request for a child day care center for up to 7 children in the R-1 zoning district, subject to 5 conditions**

1. Meeting all applicable requirements of the Knox County Health Department.
2. Meeting all applicable requirements of the Knoxville Zoning Ordinance.
3. Obtaining the additional variances from the Knoxville Board of Zoning Appeals as identified in the comment section below.
4. Meeting all applicable requirements of the Knoxville Department of Engineering.
5. Meeting all applicable requirements of the Tennessee Department of Human Services for a family child

care home.

With the conditions noted above, this request meets all requirements of the PR 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 center for up to 7 children to be operated at an existing residence located at the northwest corner of the intersection of E. Oak Hill Ave. and Cornelia St.. The applicant is licensed by the Tennessee Department of Human Services to operate a family child care home, providing child care for 5-7 children. The Knoxville Zoning Ordinance requires use on review approval for child day care center in the R-1 zoning district if care is provided for six or more children.

Being a smaller inner City lot, the applicant had requested variances from four of the Zoning Ordinance standards for child day care centers. On March 15, 2012, the Board of Zoning Appeals (BZA) had approved two of the variances and postponed two of the variances until the April 19, 2012 meeting. The approved variances included a reduction of the minimum required lot area from 15,000 square feet to 7,500 square feet, and a reduction of the number of required on-site parking spaces from 4 to 0. The two postponed variances are related to the fenced outdoor play area. See the attached public notice for the BZA meeting of April 19, 2012 regarding the two remaining variances.

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

1. Public water and sewer utilities are available to serve the site.
2. Since the primary use of the site is a residence, and the child day care use is small in scale with a maximum of seven children, there should be minimal impact on neighboring residences and traffic patterns.
3. The proposal will have no impact on schools.

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

1. With the recommended conditions, 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. Due to the limited number of children, 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 substantial additional traffic through residential areas due to the limitation of only seven children. No surrounding land uses will pose a hazard or create an unsuitable environment for the proposed use.
2. With the approved variances, the proposal meets all requirements of the R-1 zoning district and all other applicable requirements of the Knox County Zoning Ordinance.

CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

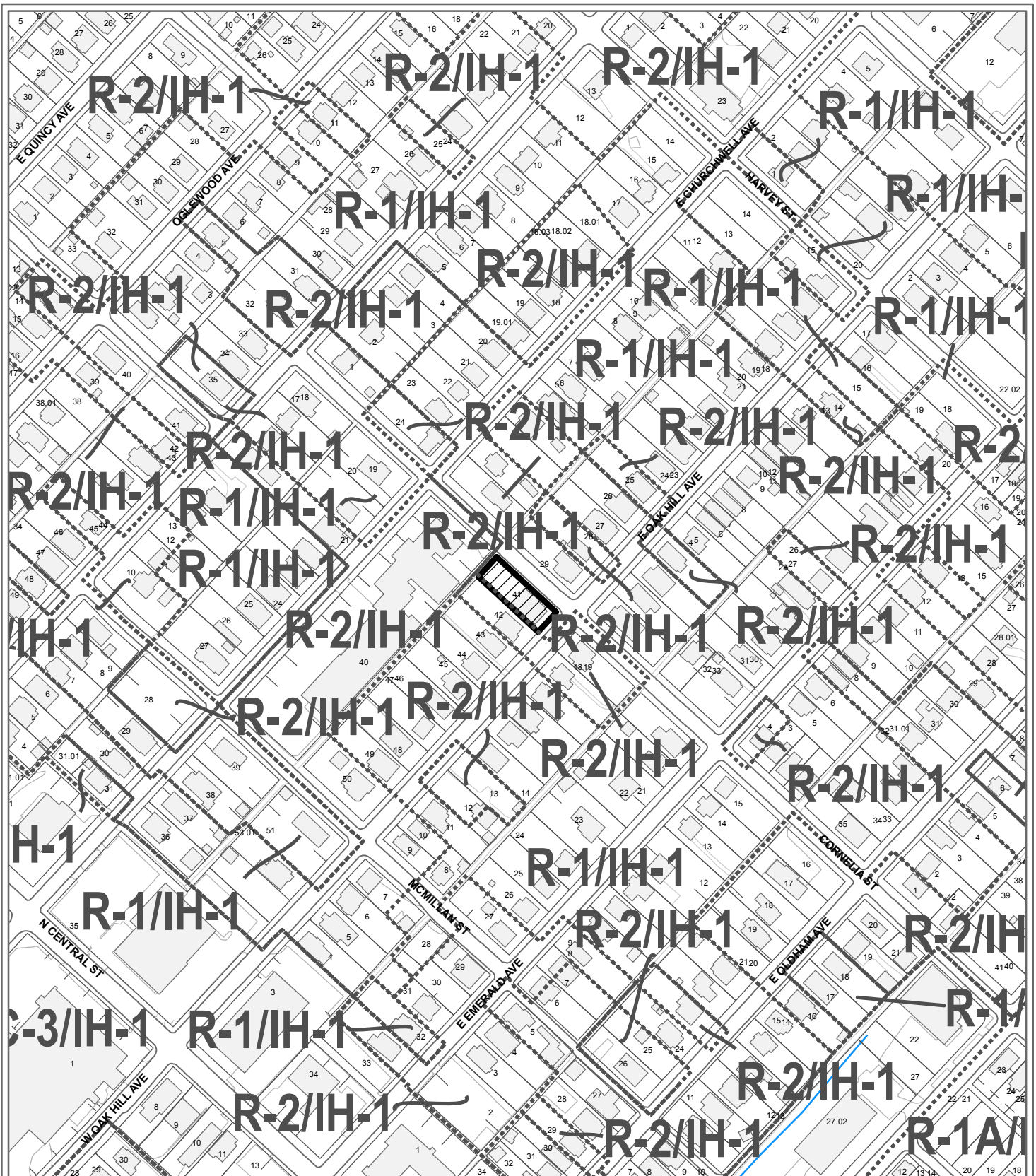
1. The Central City Sector Plan propose low density residential use for this site. Since the primary use of the site will still remain as a residence and a child day care center may be permitted in this district through the use on review process, the proposed use conforms with the sector plan.
2. The site is located within the Urban Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan.

ESTIMATED TRAFFIC IMPACT 54 (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.

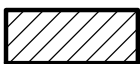
ESTIMATED STUDENT YIELD: Not applicable.

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.



**4-A-12-UR
USE ON REVIEW**

Petitioner: Fletcher, Louise



Child Day Care Center in R-1 (Low Density Residential) / IH-1 (Infill Housing Overlay)

Map No: 81
Jurisdiction: City



Original Print Date: 3/21/2012
Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

DEVELOPMENT PLAN

Proposed Use: To continue Family Child Care in my home which is currently licensed for seven (7) children.

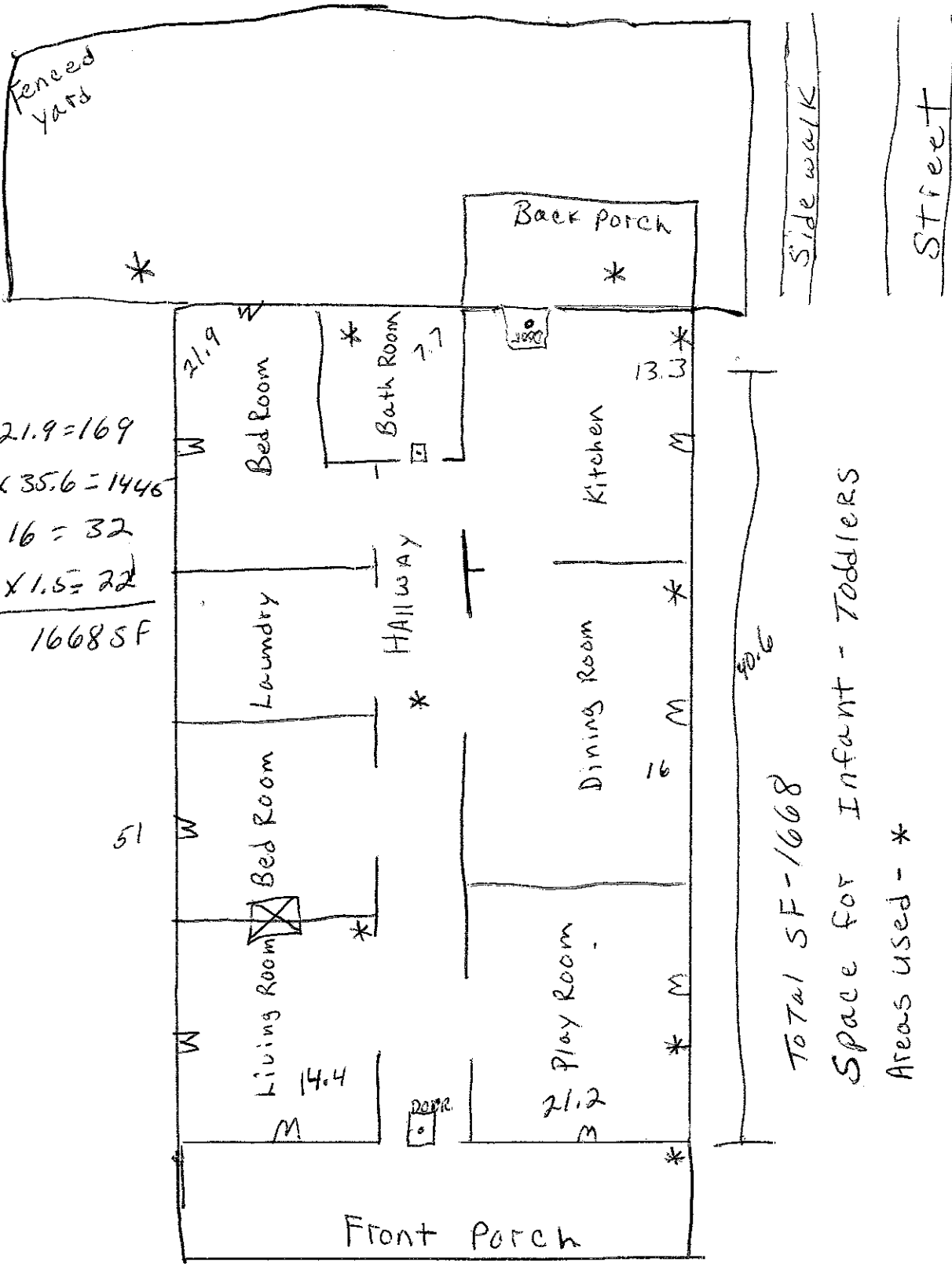
At this time there is not off street parking I have requested to reduce the minimum required off street parking from two (2) spaces to zero (0) spaces. Parking consist of approximately thirty (30) to forty-five (45) minutes total for drop of and pick up combined. Children are not all dropped off or picked up at the same time. I do not have delivery trucks loading or unloading.

All play area is fenced. While the fence it self is not thirty-five (35) feet from street, the play structures and equipment are. The yard and home were approved by department of Human services prior to my becoming licensed as a Family Child Care Home. At the time operation began, was not required to have any other approval.

There is no longer signage on the property, mail facility plan and amenities plan remain the same as with any residential property.

Garbage dumpster: There is none because it is residential property. Garbage cans used as other residential properties.

My child care has no significant impact on the traffic.



$7.7 \times 21.9 = 169$
 $10.6 \times 35.6 = 1446$
 $2 \times 16 = 32$
 $4 \times 4 \times 1.5 = 22$

 Total 1668 SF

51
 30.6
 Total SF - 1668

Space for Infant - Toddlers
 Areas used - *

DAY CARE CENTER REVIEW

Case No. : 4-A-12-UR

Applicant : Louise Fletcher

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

• **Minimum Lot Size**

Required: 15,000 sq. ft.

Request: 7500 sq. ft. *see variances*

• **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: 2850 sq. ft. *see variances*

• **Minimum Building Area**

Required: 245 sq. ft. (35 sq. ft. per child, with not less than 75% of this space (7 children) provided in the primary care area of the building)

Request: 675 sq. ft.

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

Required: 1 teacher/employee spaces (two (2) parking spaces per three (3) teachers and employees)

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

Request: 0 teacher/employee spaces

0 off street loading spaces

} *see variances*

PUBLIC NOTICE

The City Board of Zoning Appeals will consider the following petitions for variances of requirements of the City of Knoxville Zoning Ordinance at their April 19, 2012, meeting at 4:00 p.m. in the Small Assembly Rm., City/County Bldg., 400 Main St., Knoxville, TN. Data pertinent to this amendment may be seen in the office of City of Knoxville Inspections Bureau, 5th Fl of the City/County Bldg., Main St., Knoxville, TN. If you need assistance or accommodation for a disability, please contact the City ADA coordinator at 215-2104.

An agenda review meeting is held at 3:00 p.m. in Room 511 of the City/County Bldg., prior to the regular meeting.

DEMPSTER MACHINE SHOP, INC. (1950 Laurans Av.) 1) Reduce the minimum required Laurans Av. front yard setback from 75 ft. to 27 ft. 3in. (Art. 4 Sec. 2.3.3.E.2.), 2) reduce the minimum required James White Parkway front yard setback from 75 ft to 28 ft 10 in (Art. 4. Sec. 2.3.3.E.2), and 3) reduce the north side yard setback from 50 ft. to 19 ft 7 in. (Art. 4. Sec. 2.3.3.E.3). As per site plan to permit construction of a new commercial building in an I-4 (Heavy Industrial) District, 6th Council District (095GR01402)



LOUISE FLETCHER (239 E. Oakhill Av.) 1) Reduce the minimum required fenced play area from 4,000 sq. ft. to 2,850 sq. ft. (Art 5 Sec. 3 F.4.c.). 2) Reduce the minimum required setback for the fenced play area from a public street from 35 ft to 0 ft. (Art. 5 Sec. 3 F.4.c.). As per site plan to permit a child day care center pending use on review approval in an R-1/IH-1 (Low Density Residential / Infill Housing) Districts, 5th Council District (081KC041)

NIKI MARTIN (2907 Hackman St.) Reduce the minimum required lot area for a child day care center from 15,000 sq. ft. to 11,312 sq. ft. (Art. 5 Sec. 3.F.4.a.). As per site plan to permit a child day center for up to 30 children in an R-1 (Low Density Residential) District, 1st Council District (109CG010)

GEORGE ARMOUR EWART, ARCHITECT (8511 Walbrook Dr.) Reduce the minimum required drive aisle width for 90 degree parking from 26 ft. to 25 ft. (Art. 5 Sec. 7.4 a.2. table) As per site plan to permit reconfiguration and addition to an existing parking lot in a C-3 (General Commercial) District, 2nd Council District (119LA00105)

ROBERT SCHUTT (809 Willow Av.) Reduce the minimum required Willow Av. front yard setback from 25 ft. to 10 ft. (Art. 4 Sec. 2.3.1.E.2.) As per site plan to permit an addition to an existing building in an I-2 (Restricted Manufacturing and Warehousing) District, 6th Council District (095AK020)

NEON SERVICE CO. / PILOT 7 FLYING J (5508 Lonas Dr.) 1) Increase the maximum number of permitted wall signs from 1 to 4 (Art. 5 Sec. 10.D.4 b.) 2) Increase the maximum size permitted for a wall sign from 20 sq. ft. to 30.4 sq. ft. for "DRIVER" letter set and from 20 sq. ft. to 31.1 sq. ft. for "Driven" letter set (Art. 5 Sec. 10.D.4.b.). As per site plan to permit installation of two additional wall signs in an O-3 (Office Park) District, 2nd Council District (107IB01703)