

▶ **FILE #:** 1-A-14-UR

AGENDA ITEM #: 32

AGENDA DATE: 1/9/2014

▶ **APPLICANT:** JACOYIA WAKEFIELD

OWNER(S): Carl Cook

TAX ID NUMBER: 71 N F 019

JURISDICTION: City Council District 4

STREET ADDRESS: 5711 Green Valley Dr

▶ **LOCATION:** North side of Green Valley Dr., west of Sundew Rd.

▶ **APPX. SIZE OF TRACT:** 34850 square feet

SECTOR PLAN: East City

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

ACCESSIBILITY: Access is via Green Valley Dr., a local street with a pavement width of 16' within a 50' wide right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Holston and French Broad

▶ **ZONING:** EN-1 (Established Neighborhood)

▶ **EXISTING LAND USE:** Detached dwelling

▶ **PROPOSED USE:** Child care for up to 4 children

HISTORY OF ZONING: None noted

SURROUNDING LAND USE AND ZONING: North: Detached dwellings / EN-1 residential

South: Detached dwellings / EN-1 residential

East: Detached dwellings / EN-1 residential

West: Detached dwellings / EN-1 residential

NEIGHBORHOOD CONTEXT: The site is located in the interior of an establish low density residential neighborhood. Zoning in the area is EN-1 (Established Neighborhood) District.

STAFF RECOMMENDATION:

▶ **APPROVE** the request of the applicant to provide child care for up to 4 children as a home occupation, subject to the following 9 conditions

1. Meeting all requirements of Article 5, Section 12 of the Knoxville Zoning Ordinance (attached)
2. Maintaining the appropriate license from the State of Tennessee Dept. of Human Services
3. Provision of a total of 4 off-street parking spaces (2 for the dwelling and 2 for the business)
4. Limiting the hours of operation of the home occupation to 7:00 AM to 7:00 PM
5. This use on review for a home occupation shall terminate at the time this applicant vacates the premises. No other home occupation may be conducted at this location unless approved by MPC through the use on review process

6. No signage will be permitted.
7. Meeting all other applicable requirements of the Knoxville Zoning Ordinance
8. Meeting all applicable requirements of the Knoxville Engineering Dept.
9. Failure to adhere to these conditions of approval and all other applicable requirements of the Knoxville Zoning Ordinance will, after due process, result in revocation of the approval of this use on review for a home occupation

With the conditions noted, the request meets the requirements for approval in the R-1 zone and the other criteria for approval of a use on review

COMMENTS:

Ms. Wakefield is requesting approval of a home occupation that consists of her providing care for up to 4 children in her home. She states in the information provided with the application that she will meet all of the requirements of a home occupation contained in the Zoning Ordinance.

The Knoxville Zoning Ordinance does not classify a child care facility as a "daycare" until six or more children are being cared for. Previous to this request, the City Chief Building official has opined that caring for less than six children was a permitted use in any residential zone. Due to concerns from area residents the Chief Building Official has now stated that if a caretaker is being paid to care for children in their home it would constitute a home occupation. As such, to operate such a business will require MPC approval.

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. Public water and sewer utilities are available to serve the site
3. The property is located along a local street. No negative traffic impact is anticipated.
5. The applicant will be required to provide off-street parking for both the dwelling and the home occupation.

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

1. The proposed home occupation is consistent with the general standards for uses permitted on review: The proposed use 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 draw a minimal amount of additional traffic through this residential area.
2. The proposal meets all relevant requirements of the EN-1 zoning district, as well as other criteria for approval of a use-on-review.

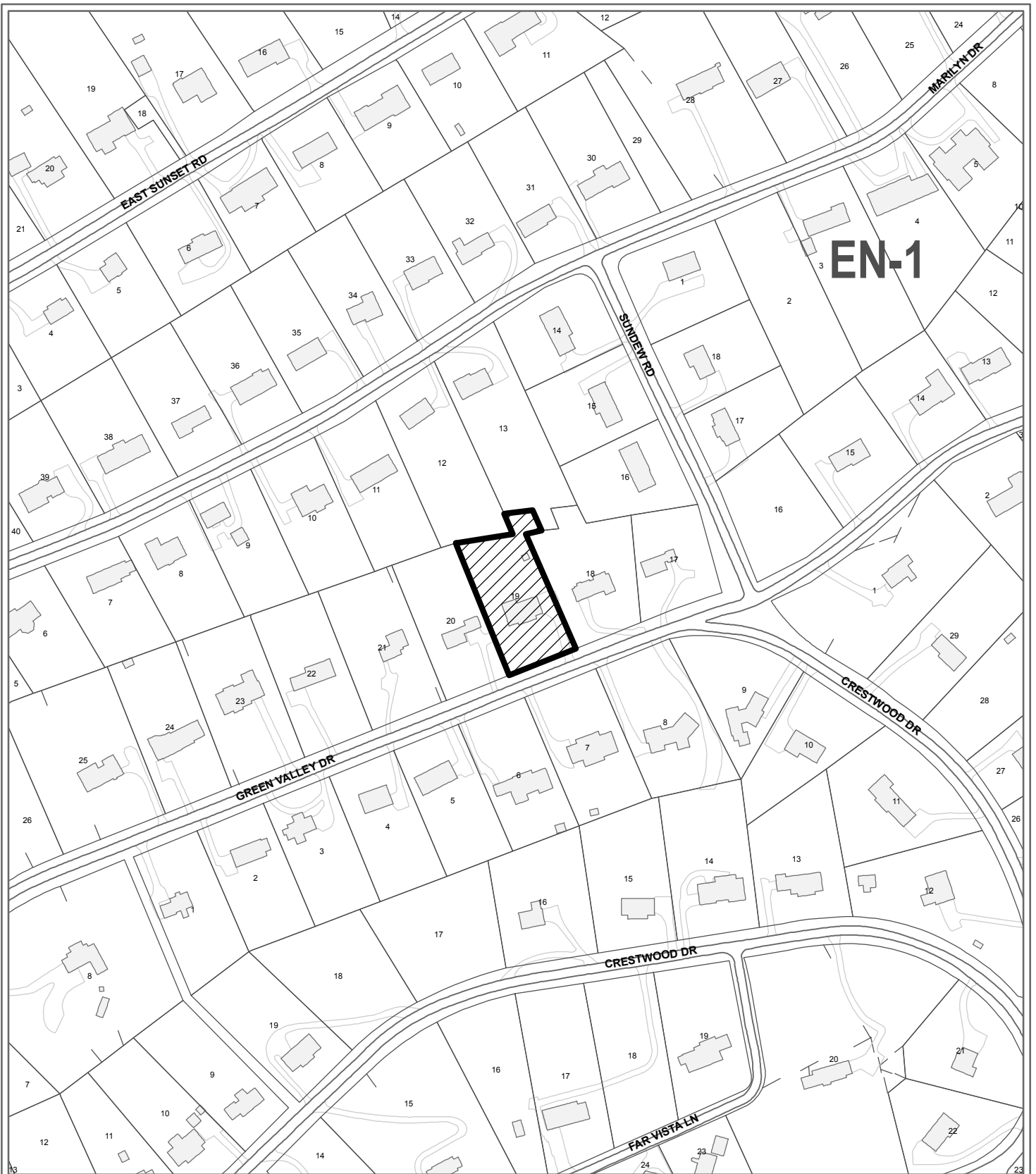
CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The use is in conformity with the East City Sector Plan and One Year plan for the area which proposes LDR (Low Density Residential)

ESTIMATED TRAFFIC IMPACT: Not required.

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.



**1-A-14-UR
USE ON REVIEW**

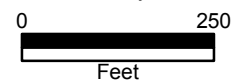


Home Occupation in EN-1 (Established Neighborhood)

Petitioner: Wakefield, Jacoyia

Map No: 71

Jurisdiction: City



Original Print Date: 12/20/2013 Revised:
Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Article 5

**SECTION 12
HOME OCCUPATIONS**

This section defines home occupations and prescribes the conditions under which such occupations may be permitted.

A. A home occupation is a gainful occupation conducted in a dwelling unit by a resident thereof, provided that:

1. No more than one person other than members of the household residing on the premises shall be engaged in such occupation.
2. The use of the dwelling unit for the home occupation shall be clearly incidental and subordinate to its use for residential purposes by its occupants, and not more than twenty-five percent of the floor area of the dwelling unit shall be used in the conduct of the home occupation.
3. There shall be no change in the outside appearance of the building or premises, nor outdoor storage of anything, or other visible evidence of the conduct of such home occupation other than one sign, not exceeding two square feet in area, non-illuminated, and mounted flat against the wall of the principal building.
4. No home occupation shall be conducted in any accessory building.
5. There shall be no sales in connection with such home occupation other than sales of services and products produced on the premises.
6. No traffic shall be generated by such home occupation in greater volumes than would normally be expected in a residential neighborhood, and any need for parking generated by the conduct of such home occupation shall be off the street and other than in a required front yard.
7. No equipment or process shall be used in such home occupation which increases noise, vibration, glare, fumes, odors, or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a house, or outside the dwelling unit if conducted in other than a house. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises, or causes fluctuations in the line voltage off the premises.

5.12-1

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B. The following occupations, subject to the requirements of the above section, may be permitted as home occupations:

1. Artist, sculptor, author.
2. Barber shop and beauty shop.
3. Dressmaker, milliner, seamstress, tailor, interior decorator.
4. Professional office of a physician, dentist, lawyer, engineer, architect or accountant.
5. Teaching, including tutoring, musical instruction or dancing, but limited to one pupil per teacher at any given time.
6. Computer programming and word processing.
7. Telephone answering.
8. Cooking and preserving.
9. Any other similar use which the Planning Commission deems to be a home occupation.

C. The following are prohibited as home occupations:

1. Tea rooms.
2. Tourist homes.
3. Real estate offices.
4. Convalescent homes.
5. Mortuary establishments.
6. Animal hospitals.
7. Repair shops.
8. Catering services.

D. Stores, trades or business of any kind not herein excepted shall not be deemed to be home occupations.

Use on Review Application

Development Plan

APPLICANT: Jacoyia Wakefield

5711 Green Valley Drive
Knoxville, TN 37914
(865) 437-7444
highhopesknox@gmail.com

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II. Proposed Use

The proposed use on review is for an off-site nanny of no more than four (4) children. The number of children in care will be below six (6), therefore the request does not fit the definition of a private day nursery or daycare and is being applied for as a home occupation. The hours of care are between 7:15 AM and 5:30 PM. There are no employees beyond the individual applicant. There will be no physical changes to the property and approval will not injure the value of adjacent properties. The children in care are residents of the subdivision; as such, the proposal is directly beneficial to the community.

III. Topographic Information

There will be no alterations to the natural terrain of the property. (Topographical map shown below)



IV. Off-Street Parking Plan

Off-street parking of the location meets all requirements of Article 3 Section 3.50

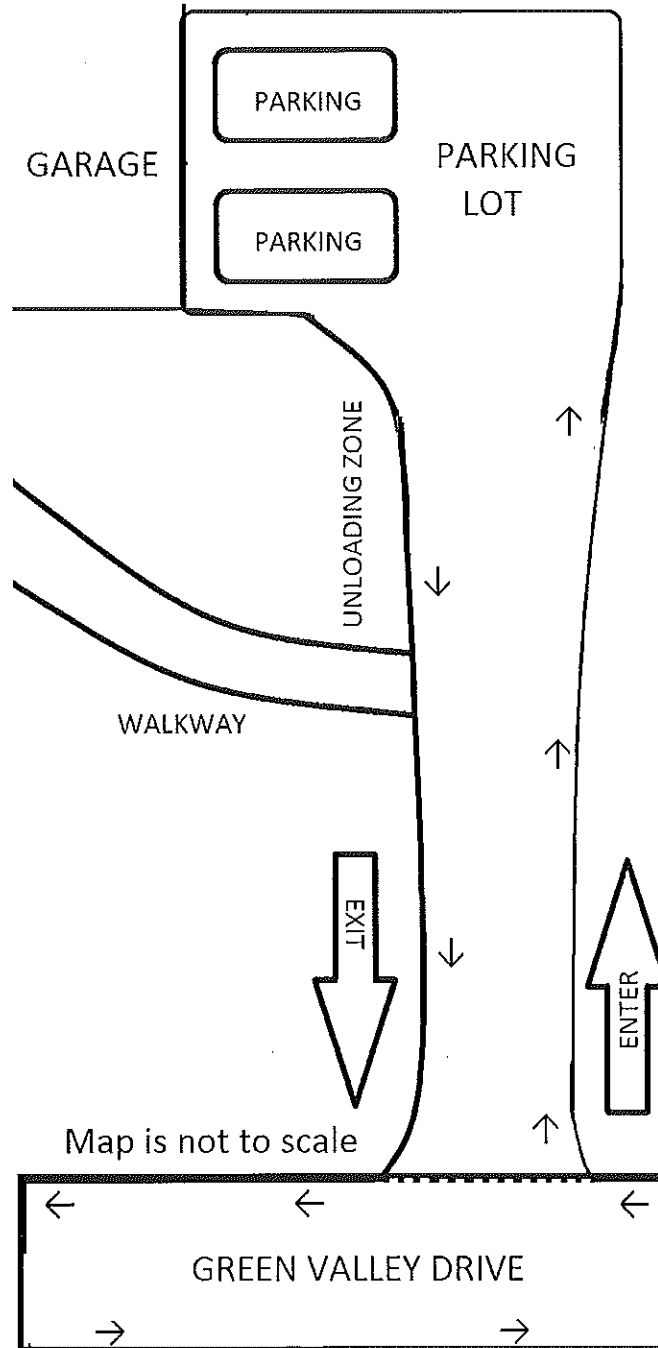
Support:

- (1) Parking is located on the same lot as the building it is intended to serve with a total size of approximately 2,180 ft²
- (2) There is one employee with a designated parking space in the 2-car garage of the building
- (3) There are an additional 2 spaces of over than 200 square feet provided for parking/loading
- (4) The width of the concrete paved driveway is 36 feet at its' widest point and 22 feet at the opening of the property line; both of which are adequate for providing maneuvering space within the lot and meet the general provisions for both driveways and lots
- (5) There are no commercial vehicles, recreational vehicles or trailers on the property



V. Circulation Diagram

The diagram below illustrates ingress and egress as well as the movement of vehicles and people. Pickups and drop-offs are staggered from 7:15 AM – 9 AM and 4 – 5:30 PM to eliminate any traffic.



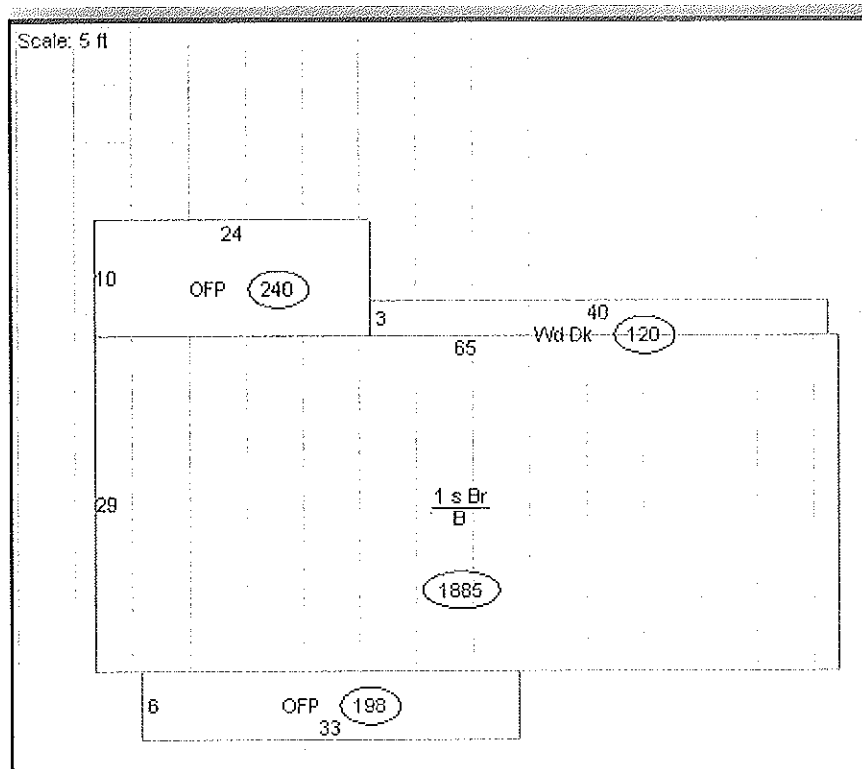
VI. Landscape Plan

There will be no changes to the existing landscape of the property in order to maintain compatibility with the character of the neighborhood.

VII. Building Footprint and Layout

The property has a total of 3,770 ft² of floor space of which 900 ft² of the basement is being requested for the home occupation.

Description	Gross Area
Floor Level	1,885
Basement	1,885
Open Frame Porch (Front)	198
Open Frame Porch (Rear)	240
Wood Deck	120



X. Conformance and Drainage Plan

The building is in compliance with all dimension and density regulations as described in Article IV, Section 2.1.4.: EN-1 established neighborhood districts. There will be no changes to the preliminary drainage plan as required by the City Engineering Department.

XI. Mail Facilities, Amenities and Dumpster Location

Operation will not alter the normal pattern for mail or garbage disposal of the residence. There will be no changes made to the current mailbox, system, amenities or waste contract.