



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

▶ **FILE #:** 6-B-15-UR

AGENDA ITEM #: 32

AGENDA DATE: 6/11/2015

▶ **APPLICANT:** DAMON A. FALCONNIER, NCARB

OWNER(S): Kim Watkins

TAX ID NUMBER: 95 A H 023

[View map on KGIS](#)

JURISDICTION: City Council District 6

STREET ADDRESS: 211 Harriet Tubman St

▶ **LOCATION:** West side of Harriett Tubman St., south of McCalla Av.

▶ **APPX. SIZE OF TRACT:** 3.68 acres

SECTOR PLAN: Central City

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

ACCESSIBILITY: Access is via Harriett Tubman St., a minor collector street with 40' of pavement width within 50' of right-of-way. The site also backs up to S. Bell St., a local street with 26' of pavement width within 45' of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: First Creek

▶ **ZONING:** C-6 (General Commercial Park)

▶ **EXISTING LAND USE:** Church

▶ **PROPOSED USE:** Child day care center for up to 74 children

HISTORY OF ZONING: The property was rezoned from I-2 to C-6 in 2013 to permit a church to occupy the building

SURROUNDING LAND USE AND ZONING: North: Machine shop / offices / I-2 industrial

South: Warehouse / I-2 industrial

East: Residences / R-1 residential

West: Business / I-2 industrial

NEIGHBORHOOD CONTEXT: The area surrounding this site is developed with various types of light industrial and commercial businesses under I-2 and C-3 zoning.

STAFF RECOMMENDATION:

▶ **APPROVE the request for a child day care center to serve up to 74 children as shown on the site plan with the following 4 conditions**

1. Meeting all applicable requirements of the Knoxville Zoning Ordinance or obtaining all required variances.
2. Installation of a safety barrier, such as a guard rail, along the Harriett Tubman and southern frontage of the proposed outdoor play area
3. Meeting all applicable requirements of the Knoxville Department of Engineering.
4. Obtaining and maintaining all required licenses/permits from the State of Tennessee needed in order to operate a day care center

With the condition noted, this plan meets the requirements for approval in the C-6 zoning district and the other criteria for approval of a use on review.

COMMENTS:

In 2013 this site was rezoned from I-2 (Restricted Manufacturing and Warehousing and Industrial to C-6 in order to permit a church to be located in the existing building. Since that time the church has done extensive improvements to the building and parking area. It is now their wish to establish a child day care center that will serve up to 74 children. The proposed day care center will be an addition to the ministry of the church and will serve a need in the immediate community. The plan as submitted does not meet the city's minimum standards for a day care facility of the size proposed. However, they do propose to meet the minimum required standards as required by the State of Tennessee. For this type use the City's standards are more restrictive than the State's. The church has obtained approval for the less stringent standards from the Knoxville Board of Zoning Appeals. Due to the close proximity of the proposed outdoor play area to Harriett Tubman St., staff will required that a safety barrier be erected. The barrier may be a guard rail or some other safety device as approved by the City Engineering Dept.

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

1. The day care center impact on local services since all utilities are in place to serve this site.
2. Granting this request should have little impact on adjoining property

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

- 1.The proposed day care center is consistent with standards for development within the C-6 (General Commercial Park) District and all other requirements of the Zoning Ordinance.
2. The request 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.

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

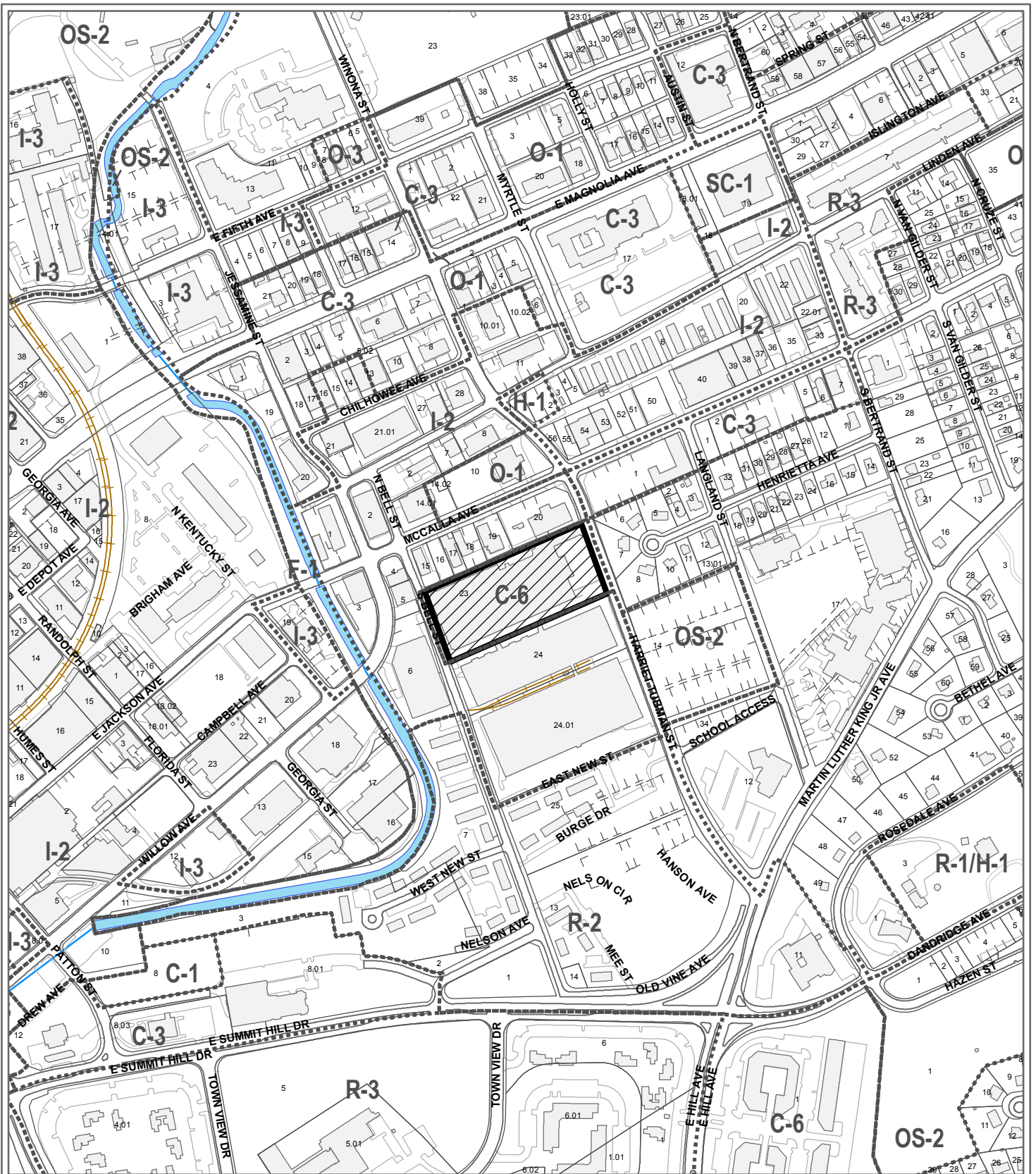
1. The Central City Sector Plan designates this property for mixed uses.
2. The site is located inside the city within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT: 183 (average daily vehicle trips)

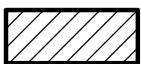
Average Daily Vehicle Trips are computed using national average trip rates reported in the latest edition of "Trip Generation," published by the Institute of Transportation Engineers. Average Daily Vehicle Trips represent the total number of trips that a particular land use can be expected to generate 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.



**6-B-15-UR
USE ON REVIEW**



Child day care center in C-6 (General Commercial Park)

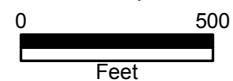
Original Print Date: 5/21/2015
 Metropolitan Planning Commission * City / County Building * Knoxville, TN 37902

Revised:

Petitioner: Damon A. Falconnier, NCARB

Map No: 95

Jurisdiction: City



DAY CARE CENTER REVIEW

Case No. : G-B-15-UR

Applicant : Damon Falconnier

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

• **Minimum Lot Size**

Required: 15,000 sq. ft.

Request: 3.28 ^{Acres} ~~sq. ft.~~

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

Required: 9400 sq. ft. (4000 sq. ft. for first 20 children; 100 sq. ft. per each additional child)

Request: 4557 sq. ft.

• **Minimum Building Area**

Required: 2590 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: 2300 sq. ft.

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

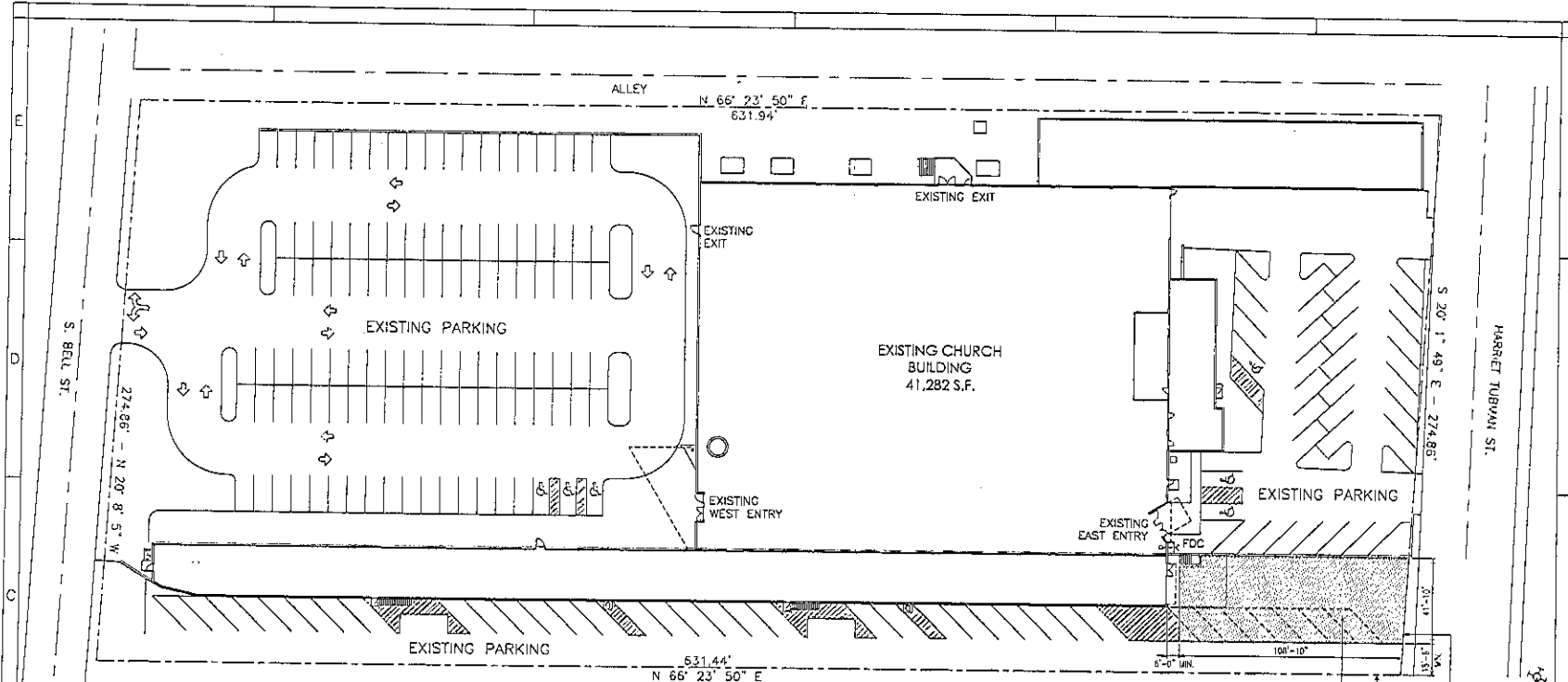
Required: _____ teacher/employee spaces (two (2) parking spaces per three (3) teachers and employees)

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

Request: _____ teacher/employee spaces

10+ off street loading spaces

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VARIANCE REQUESTS:

- SEE FLOOR PLAN A-1
- City of Knoxville Zoning Ordinance Article V, Section 4, F. (b)(1)(c): Request that sections (b) and (c) be deleted in their entirety and replaced with the minimum standards stated in the rules of the Tennessee State Department of Human Services (Chapter 1240-04-03-.12 (9)) which requires 50 square feet of useable play space for each child using the area at one time. The proposed plan shows an area of 4,557 square feet adequate for 92 children at any one time per the State standard. This request also includes the reduction of the setback from a street right of way from 35'-0" to zero. See Variance 3.
- City of Knoxville Ordinance Article V, Section 7: Request that the number of required parking spaces for this building be reduced from 184 (with 6 accessible) (established via Variance 6208813VA 4) to 179 (with 6 accessible). The creation of an outdoor play space will require the use of space currently used for parking.

PROPOSED OUTDOOR PLAY AREA:
 4,557 SQ.FT. w/
 4'-0" (MIN) HIGH FENCE
 VARIANCE REQUEST 2

EXISTING PROPERTY LINES
 VARIANCE REQUEST 3

EXISTING FIRE HYDRANT

6-B-15-UR
4/20/2015

NOTES:

- THIS SUBMITTAL IS ONLY FOR USE IN VARIANCE REQUESTS AND USE-ON-REVIEW.
- THIS PLAN IS NOT PART OF A SUBMITTAL FOR A BUILDING PERMIT AND SHALL NOT BE USED NOR CONSTRUED AS SUCH.
- THE CHURCH UNDERSTANDS THAT THIS USE IS CONSIDERED A "CHANGE OF OCCUPANCY" (A-3 TO I-4) PER THE 2012 INTERNATIONAL BUILDING CODE. THIS WILL REQUIRE PLANS SUBMITTAL TO:
 - THE TENNESSEE STATE FIRE MARSHAL'S OFFICE AND
 - CITY OF KNOXVILLE CODE ENFORCEMENT PRIOR TO OCCUPANCY AS A DAY CARE.

USE ON REVIEW FOR "PRIVATE DAY NURSERY"

OVERSIGHTING DELIVERING CHURCH
 211 HARRIET TURMAN ST.
 KNOXVILLE, TN 37915

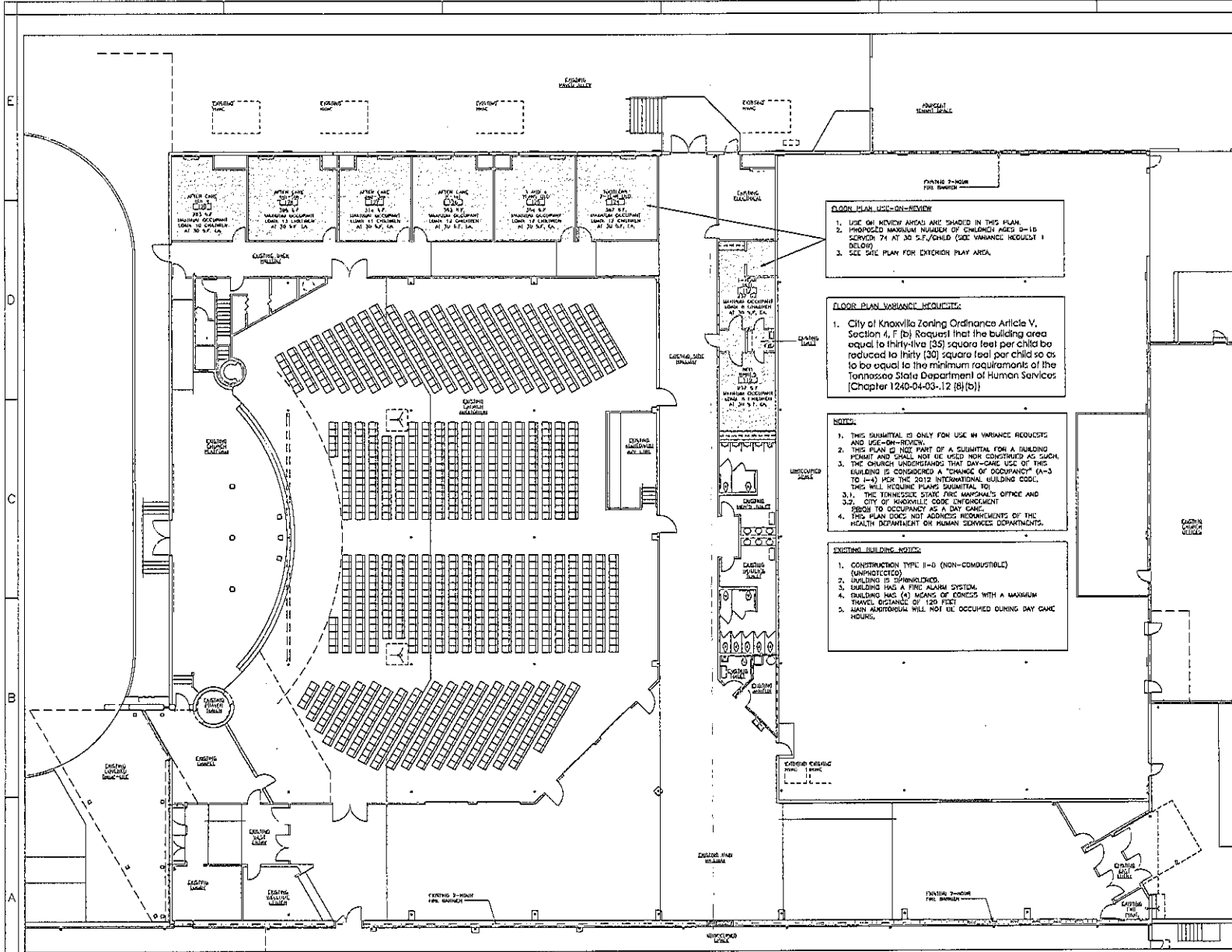
PROPOSED SITE PLAN

ALL INFORMATION OF RECORD, TITLE, RIGHTS AND INTERESTS HEREIN IS TO BE OBTAINED BY THE USER AND THE USER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION AND THE USER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION AND THE USER SHALL BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION.

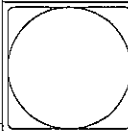
DRAWN BY	GHF
CHECKED BY	GHF
DATE	04/20/15
REVISED BY	
DATE	
FILED	2015-04-11

A1 USE ON REVIEW SITE PLAN
MPC June 11, 2015

A3 LOCATION PLAN
 NO SCALE



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 fcdco@gmail.com
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FLOOR PLAN USE-ON-REVIEW

1. USE ON REVIEW AREAS ARE SHADDED IN THIS PLAN.
2. PROPOSED MAXIMUM NUMBER OF CHILDREN AGES 0-18 SERVED IN AT 30 S.F./CHILD (SEE VARIANCE REQUEST 1 BELOW)
3. SEE SITE PLAN FOR EXTENDED PLAY AREA.

FLOOR PLAN VARIANCE REQUESTS:

1. City of Knoxville Zoning Ordinance Article V, Section 4, F (b) Request that the building area equal to thirty-five (35) square feet per child be reduced to thirty (30) square feet per child so as to be equal to the minimum requirements of the Tennessee State Department of Human Services [Chapter 1240-04-03-.12 (b)].

NOTES:

1. THIS SUBMITTAL IS ONLY FOR USE IN VARIANCE REQUESTS AND USE-ON-REVIEW.
2. THIS PLAN IS NOT PART OF A SUBMITTAL FOR A BUILDING PERMIT AND SHALL NOT BE USED NOR CONSIDERED AS SUCH.
3. THE CHURCH UNDERSTANDS THAT DAY-CARE USE OF THIS BUILDING IS CONSIDERED A "CHANGE OF OCCUPANCY" (A-3 TO I-4) PER THE 2012 INTERNATIONAL BUILDING CODE. THIS WILL REQUIRE PLANS SUBMITTAL TO:
 - 3.1. THE TENNESSEE STATE FIRE MARSHAL'S OFFICE AND
 - 3.2. CITY OF KNOXVILLE CODE ENFORCEMENT
 BEFORE TO OCCUPANCY AS A DAY CARE.
4. THIS PLAN DOES NOT ADDRESS REQUIREMENTS OF THE HEALTH DEPARTMENT OR HUMAN SERVICES DEPARTMENTS.

EXISTING BUILDING NOTES:

1. CONSTRUCTION TYPE II-B (NON-COMBUSTIBLE) UNREINFORCED
2. BUILDING IS UNREINFORCED
3. BUILDING HAS A FIRE ALARM SYSTEM.
4. BUILDING HAS (4) MEANS OF EGRESS WITH A MAXIMUM TRAVEL DISTANCE OF 120 FEET.
5. MAIN AUDITORIUM WILL NOT BE OCCUPIED DURING DAY CARE HOURS.

USE-ON-REVIEW FOR "PRIVATE DAY NURSERY"

OVERCOMING BELIEVERS CHURCH
 211 HARRIS TURMAN ST.
 KNOXVILLE, TN 37915

EXISTING BUILDING FLOOR PLAN

A BUILDING OR STRUCTURE SHALL BE CONSIDERED TO BE UNDER CONSTRUCTION IF THE PERMITS OF ANY TYPE ARE IN THE PROCESS OF OBTAINING. CONSTRUCTION SHALL BE DEFINED AS THE ACT OF ERECTING, REPAIRING, ALTERING, ENLARGING, OR ADDING TO ANY BUILDING OR STRUCTURE. THIS PLAN IS NOT TO BE USED FOR ANY PURPOSES WITHOUT THE EXPRESS WRITTEN PERMISSION OF THE ARCHITECT. THE ARCHITECT SHALL BE NOTIFIED BY MAIL, AFTER THE DATE OF THE LAST REVISION, IF THE BUILDING IS TO BE OCCUPIED FOR ANY PURPOSES OTHER THAN THAT FOR WHICH IT WAS DESIGNED.

DATE: 04/20/15	BY: [Signature]	
PROJECT: [Project Name]	SCALE: [Scale]	
REVISIONS:		
NO.	DATE	DESCRIPTION