



USE ON REVIEW REPORT

▶ **FILE #:** 8-B-23-UR

AGENDA ITEM #: 33

AGENDA DATE: 8/10/2023

▶ **APPLICANT:** MARIAH JACKSON

OWNER(S): 0328 LLC

TAX ID NUMBER: 32 017.01

[View map on KGIS](#)

JURISDICTION: County Commission District 8

STREET ADDRESS: 10015 RUTLEDGE PIKE

▶ **LOCATION:** Northwest side of Rutledge Pike, northeast of Idumea Rd

▶ **APPX. SIZE OF TRACT:** 5.01 acres

SECTOR PLAN: Northeast County

GROWTH POLICY PLAN: Rural Area

ACCESSIBILITY: Access is via Rutledge Pike, a median divided major arterial within a right-of-way width of 257-ft.

UTILITIES: Water Source: Northeast Knox Utility District

Sewer Source:

WATERSHED: Flat Creek

▶ **ZONING:** CA (General Business), A (Agricultural)

▶ **EXISTING LAND USE:** Office

▶ **PROPOSED USE:** Daycare center

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Rural residential - A (Agricultural)

South: Single family residential - A (Agricultural)

East: Single family residential, rural residential - A (Agricultural)

West: Rural residential, single family residential - A (Agricultural), CA (General Business)

NEIGHBORHOOD CONTEXT: The is rural area with a small commercial node to the west. It is mostly agricultural and with some single family residences.

STAFF RECOMMENDATION:

▶ **Approve the request for a child day care center subject to 5 conditions.**

1. Meeting all applicable requirements of the Knox County Zoning Ordinance, including but not limited to Section 4.91, Requirements for child day care centers and group day care homes.
2. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
3. Meeting all applicable requirements of the Tennessee Department of Transportation.
4. Meeting all applicable requirements of the Knox County Fire Prevention Bureau.
5. Meeting all applicable requirements of the Tennessee Department of Human Services Division of Child Care.

With the conditions noted, this plan meets the requirements for approval of a day care facility in the CA (General Business) zone and the criteria for approval of a use on review.

COMMENTS:

This development request is for a child day care center to be located on a property that is zoned CA (General Business). This day care will serve no more than 60 children.

DEVELOPMENT STANDARDS FOR USES PERMITTED ON REVIEW (ARTICLE 4.10 - SECTION 2).

The Planning Commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the following general standards:

1) THE USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND SECTOR PLAN.

A. The General Plan's development policy 9.12 provides guidance regarding the location of day care centers. It states that such establishments should be located at the edges of neighborhoods or in village centers, and that freestanding facilities serving six or more children should be on arterial or collector streets, in a manner which will not adversely affect surrounding properties. This property is located on Rutledge Pike, a major arterial.

B. The Northeast County Sector Plan land use classification for this property is AG (Agricultural), which does not allow consideration of commercial uses. Though, the location criteria for a day care are met. The day care is located with frontage on Rutledge Pike and the scale of the development is consistent with the adjacent commercial and office uses.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE.

A. A child daycare center is a use permitted on review in the CA (General Business) zone.

B. The site plan and location for the preschool are consistent with Article 4.91 of the zoning ordinance, which provides specific requirements for child day care centers when considered as a use permitted on review. These standards include a minimum lot area of 10,000 sq-ft, which is met by the lot's 4.98-acre size. The building must also provide a minimum area of 30 sq-ft of usable indoor play space per child. The floor plan indicates that each child will have at least 36 sq-ft of play space when the school is at maximum capacity. The fenced in play area outside must meet the minimum requirement of at least 2,500 sq-ft, 35-ft from the public right of way and 4-ft in height. Sufficient parking (14 spaces) has been provided and all requirements of 3.50 Off-Street parking requirements have been met.

3) THE USE IS COMPATIBLE WITH THE CHARACTER OF THE NEIGHBORHOOD WHERE IT IS PROPOSED, AND WITH THE SIZE AND LOCATION OF BUILDINGS IN THE VICINITY.

A. The proposed day care center is to be located in a small strip office center. Adjacent tenants do not pose a risk to the day care business, and the property's location is ideal for convenient access along a major arterial for the rural community. There are two driveways into the strip center. TDOT will require only one driveway to have full access and the other one to be exit only.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY.

A. The proposed use is not anticipated to injure the value of adjacent property, and should provide an asset to the residential communities nearby.

5) THE USE WILL NOT DRAW ADDITIONAL TRAFFIC THROUGH RESIDENTIAL AREAS.

A. The day care has only one point of access and it's to Rutledge Pike, a major arterial.

6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for the proposed use.

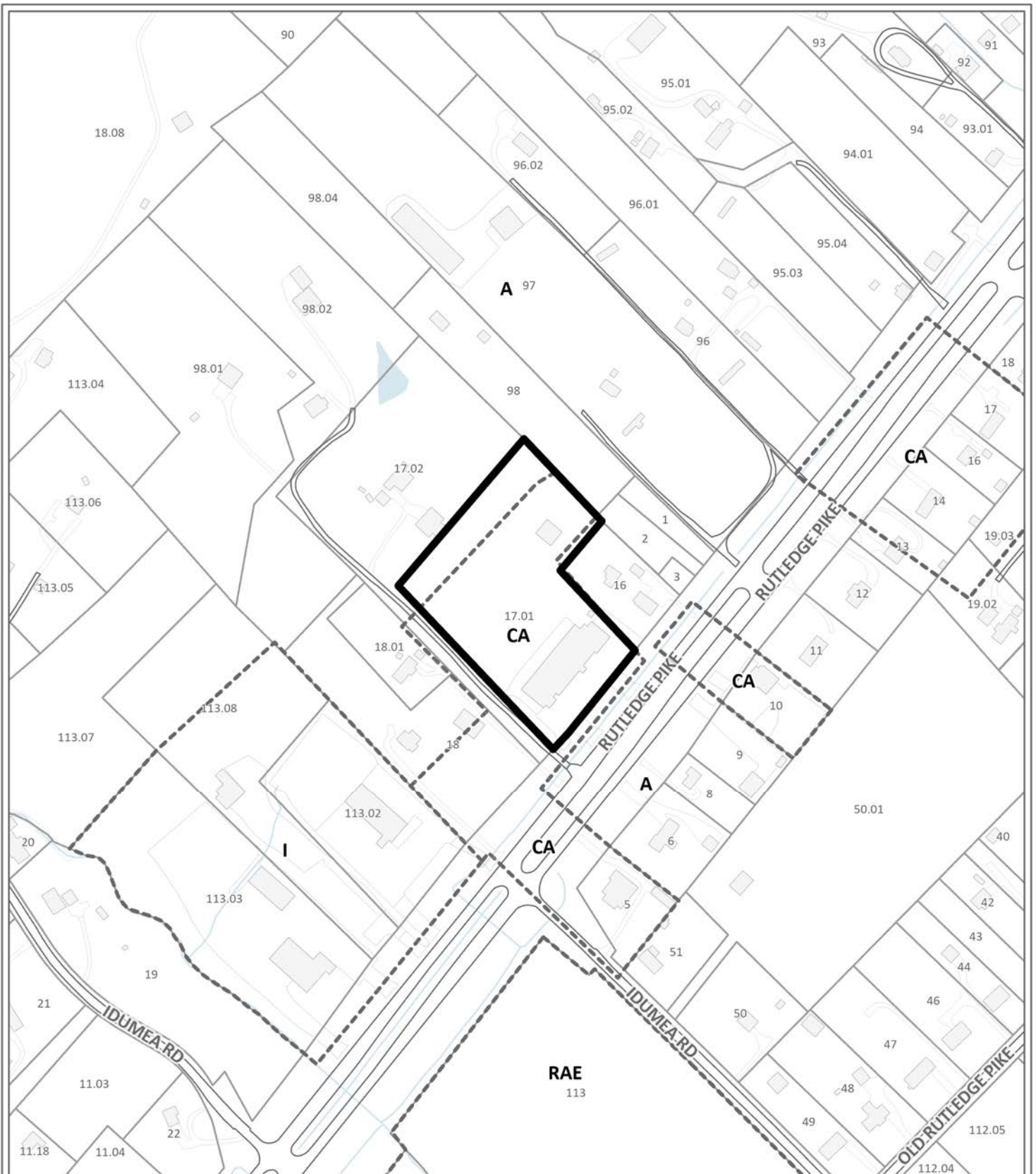
ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

Schools affected by this proposal: East Knox County Elementary, Carter Middle, and Carter High.

- Potential new school population is estimated using locally-derived data on public school student yield generated by new housing.
- Students are assigned to schools based on current attendance zones as determined by Knox County Schools. Students may request transfers to different zones, and zone boundaries are subject to change.
- Estimates presume full build-out of the proposed development. Build-out is subject to market forces, and timing varies widely from proposal to proposal.
- Student yields from new development do not reflect a net addition of children in schools. Additions occur incrementally over the build-out period. New students may replace current population that ages through the system or moves from the attendance zone.

The Planning Commission's approval or denial of this request is final, unless the action is appealed to the Knox County Board of Zoning Appeals. The date of the Knox County Board of Zoning Appeals hearing will depend on when the appeal application is filed.



USE ON REVIEW

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Petitioner: Mariah Jackson



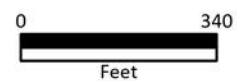
Daycare center in CA (General Business), A (Agricultural)

Map No: 32

Jurisdiction: County

Original Print Date: 7/18/2023

Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902



10015 Rutledge Pike Knox Co. Use on Review Application

Day Care Center- Mariah Jackson
June 15, 2023

5.11.02.L RA Low Density Residential Zone - *Uses permitted*

L. Day care homes and group day care homes, *if the provider lives in the home*, subject to the following

conditions:

1. The total lot area shall not be less than ten thousand (10,000) square feet.
2. The building must provide thirty (30) square feet per child of usable indoor play space, not including halls, kitchen, or office space.
3. A fenced play area of not less than two thousand five hundred (2,500) square feet shall be provided. No portion of the fenced play area shall be closer than thirty-five (35) feet to any public right-of-way. The minimum height of the fence shall be four (4) feet.
4. Off-street parking, as regulated in [section 3.50](#), "Off-street parking requirements." In addition, parking and loading areas shall be designed for safe off-street loading and unloading of children, as well as safe and convenient ingress and egress to and from the site. The off-street parking and circulation plan shall be designed to meet the requirements of the department of engineering and public works. 2

Definitions used by TN DHS Child Care Licensing Rules

Educator. An individual, whether paid or unpaid, including the Primary Educator, who is responsible for meeting the supervision, protection, and basic needs of the child, and who is used to meet the adult:child ratios required by these rules. For the purposes of these rules the term educator is equivalent to caregiver as defined by T.C.A. § 71-3-501.

Group Child Care Home. (Group Day Care Home) Any place or facility operated by any person or entity that provides child care for three (3) or more hours per day for at least eight (8) children who are not related to the primary educator, but not more than twelve (12) children or fifteen (15) children if approved for three (3) additional school-agers.

Operator/Owner. The licensee for the child care agency which assumes, or is legally required to assume, ultimate legal and administrative responsibility for the management and control of a child care agency.

Primary Educator. The adult on site at a family or group child care home who is directly responsible for care, education, and supervision of children in a child care home and for the daily operation of a child care home. For the purpose of these rules the term primary educator is equivalent to primary caregiver as referenced in T.C.A. § 71-3-501.

School-Age Child. A child who has entered kindergarten through seventeen (17) years of age.

☐ Concept Plans for 10015 Rutledge Pike Daycare Center

A TN Department of Human Services licensed Day Care Center will be operating out of 10015 Rutledge Pike in Knox County TN with the current opening date being proposed for September 1st, 2023 pending final TN DHS Child Care licensing inspections and approval.

The proposed capacity is for 60 infants to preschool age children between the ages of 6weeks-6-years of age.

The owner/operator of the day care center, Mariah Jackson will be responsible for the day-to-day operations and maintaining regulations set forth by TN DHS Child Care Licensing. Eight additional employees and a director will be onsite as the primary educators for the day care center when the owner/operator is not on site

Concept Plans 10015 Rutledge Pike Daycare Center

At this time the director will assume the direct responsibility for care, education, and supervision of children and daily operations of the day care center, and 6-8 additional employees hired during the initial months of operating the child care license will begin employee responsibilities. The owner/operator Mariah Jackson will begin responsibilities of overseeing the operations of the daycare center as owner/operator.

The child care operating hours are being proposed for 6am - 6 pm.

The proposed number of employees on site shall be 9 employees with an additional employee to cover shift hours outside of an 8 hour working day.

Child to adult ratios will be followed at all times according to [TN DHS Child Care licensing regulations](#).

Use on Review Application for 10015 Rutledge Pike Daycare Center

5.11.03.C. Group day care homes, *if the provider does not live on site*, provided they meet the requirements of [section 4.91](#), "Requirements for child day care centers and group day care homes, when considered as uses permitted on review," and child day care centers, provided they meet the requirements of

4.91 Requirements for child day care centers and group day care homes, when considered as uses permitted on review.

This section prescribes conditions under which child day care facilities and group day care homes, when considered as uses permitted on review, may be permitted.

A. - F. to follow

4.91.01.A. - Requirements for child day care centers and group day care homes, when considered as uses permitted on review.

A. The total lot area shall not be less than ten thousand (10,000) square feet.

Lot is 15,275 sqft = 4.98 acres

4.91.01.B - Requirements for child day care centers and group day care homes, when considered as uses permitted on review.

B. The building must provide thirty (30) square feet per child of usable indoor play space, not including halls, kitchen, or office space.

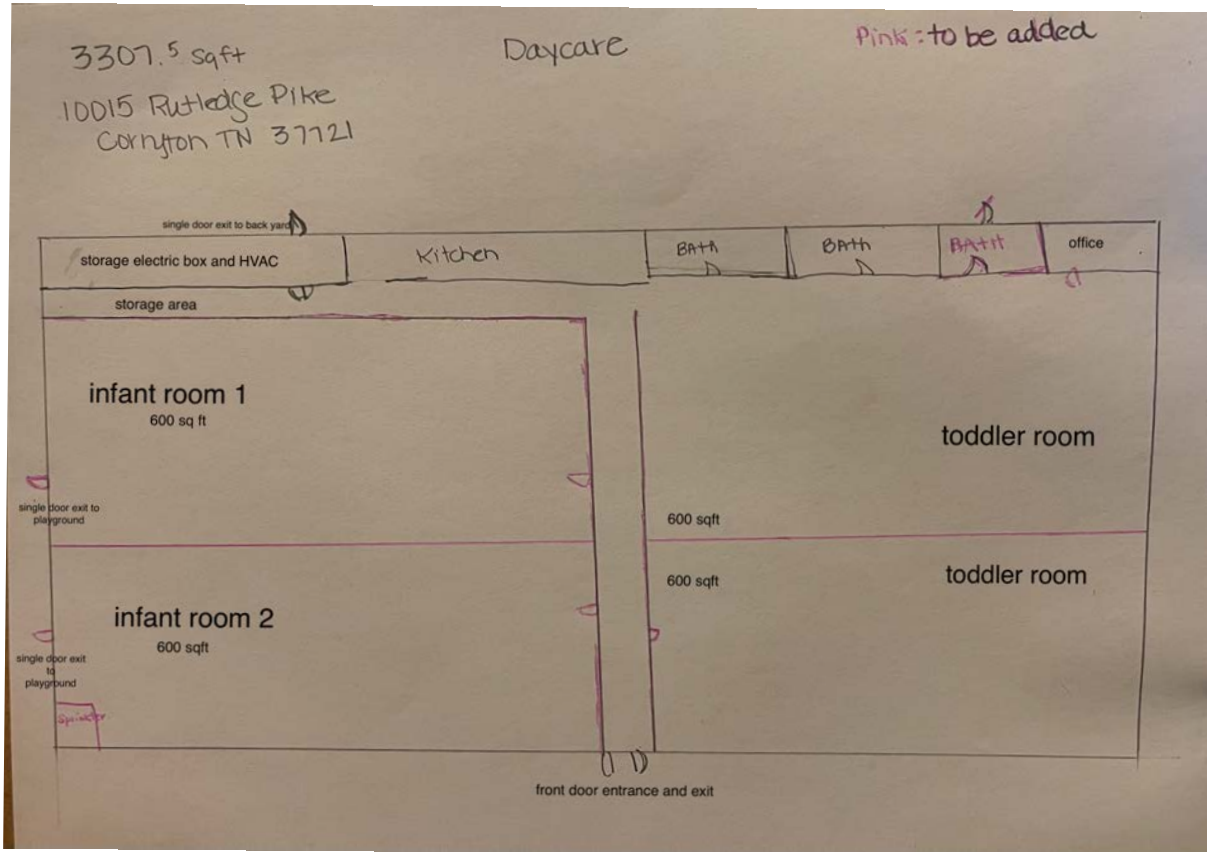
- **infant rooms ~ 1200 sqft**
- **Including cribs, play area, and changing area**

- **toddler rooms ~ 1200 sqft**
- **Including eating area, sectioned play stations, sleeping area, and storage**

- **Usable indoor play space includes over 2200 sqft.**

- **60 children = 76 sqft of space per child (TN DHS Child Care Licensing allowed capacity)**

4.91.01.B. Layout and Sq. Footage



Development Plans

4.91.01. C. A fenced play area of *not less than two thousand five hundred (2,500) square feet for the first twenty (20) children* shall be provided. For every additional child, an additional one hundred (100) square feet shall be provided. *No portion of the fenced play area shall be closer than thirty-five (35) feet to any public right-of-way. The minimum height of the fence shall be four (4) feet.*

Total proposed fencing will be 2500 sqft

Maximum proposed capacity is 20 children.

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6/26/2023

- ❑ Fence height shall be between 4ft-5ft in height.
- ❑ Distance from fencing is approximately 147ft from public right of way to street in front of the property, and approximately 61 ft from public right of way to street beside the property.

❑ Development Plans 4.91.01. C - Fenced play area



Development Plans 4.91.01. D - Off-street parking

D. Off-street parking, as regulated in [section 3.50](#), "Off-Street parking requirements." In addition, parking and loading areas shall be designed for safe off-street loading and unloading of children, as well as safe and convenient ingress and egress to and from the property. The off-street parking and circulation plan shall be designed to meet the requirements of the department of engineering and public works.

Development Plans 3.50. - Off-street parking requirements.

3.50.01 Off-street parking for other than residential use shall be either *on the same lot* or within two hundred (200) feet of the building it is intended to serve measured from the nearest point of the building to the nearest point of the off-street parking lot, without crossing any major thoroughfare;

3.50.02 Residential off-street parking space shall consist of a *parking lot, drive way, garage, or combination thereof* and shall be *located on the same lot with the residence*, or residences, it is intended to serve.

3.50.03 For uses not specifically mentioned herein, off-street parking requirements shall be interpreted by the board of zoning appeals.

3.50.04 Any area once designated as required off-street parking shall not be changed to any other use unless and until equal facilities are provided elsewhere.

3.50.05 Off-street parking existing at the effective date of these regulations in connection with the operation of an existing building or use shall not be reduced to an amount less than hereinafter required for a similar new building or use.

3.50.06 Two(2) or more buildings or uses may collectively provide there required off-street parking in which case the required number of parking spaces shall be not less than the sum of the requirements for the several individual uses computed separately.

- **Development Plans 3.50. - Off-street parking requirements.**

- **3.50.07**

- A. Shall be a Class "A" facility as defined in [article 2](#), "Definitions," of these regulations except as hereinafter provided.

- B. Shall be located on *land owned* by, or under long-term lease to, the owner or owners of the principal use it is intended to serve. Where a long-term lease is involved such lease shall be approved by the county law director prior to approval of parking plans and issuance of building or occupancy permit. The storage of merchandise, motor vehicles for sale, or the repair of vehicles on required off-street parking facilities is prohibited. No variance of the requirements of this section shall be granted.

- **3.50.08** Every company car, truck ,tractor and trailer normally stored at the plant site shall be provided with off-street parking space in an area reserved for their use. N/A

- **3.50.09.** In cases of dual functioning of off-street parking where operating hours do not overlap, the board of zoning appeals may grant an exception. N/A

- **3.50.10.** The minimum number of off-street parking spaces shall be determined in accordance with the following, unless otherwise specified in the applicable zoning district or as permitted in **3.50.11**:

Development Plans 3.50. - Off-street parking requirements.

3.50.1. The minimum number of off-street parking spaces shall be determined in accordance with the following, unless otherwise specified in the applicable zoning district or as permitted in 3.50.11:

Day care homes, Group day care homes, and Child day care centers.

- Two(2)off-street parking spaces per three(3)employees,
- plus one(1)off-street loading space for every eight(8)children.

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6/26/2023

3.50.11 - Off-street parking requirements. Group Day care homes - Two (2) off-street parking spaces per three (3) employees,

3.50.11 Off-street parking requirements - Group day care homes. One (1) off-street loading space for every eight (8) children



4.91.01.E - Requirements for child day care centers and group day care homes, when considered as uses permitted on review.

E. When child day care centers are proposed in commercial or industrial areas, the planning commission shall consider the nature of the surrounding land use and zoning pattern with regard to traffic, noise, pollution, or other hazards that could endanger the health, safety, and welfare of the children. N/A

4.91.01.F - Requirements for child day care centers and group day care homes, when considered as uses permitted on review.

F. The planning commission shall consider the above requirements and other information about the site including the functional street classification of the street accessing the site, and the character of surrounding development in determining whether to deny or approve a request. Any approval shall state the maximum number of children to be kept at the facility.

4.91.01. F Functional Street Classification



Rutledge Pike



Development Request

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - Sector Plan
 - One Year Plan
- Rezoning

Mariah Jackson

Applicant Name

Affiliation

6/26/2023

Date Filed

8/10/2023

Meeting Date (if applicable)

8-B-23-UR

File Number(s)

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

Mariah Jackson

Name / Company

7485 Rutledge Pike Rutledge TN 37861

Address

865-368-0319 / msheab@icloud.com

Phone / Email

CURRENT PROPERTY INFO

0328 LLC

Owner Name (if different)

8320 Millertown Pike Knoxville TN 37924

Owner Address

812-528-8254

Owner Phone / Email

10015 RUTLEDGE PIKE

Property Address

32 017.01

Parcel ID

5.01 acres

Tract Size

Part of Parcel (Y/N)?

Northeast Knox Utility District

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

Northwest side of Rutledge Pike, northeast of Idumea Rd

General Location

City **Commission District 8 CA (General Business), A (Agricultural)**

Office

County District Zoning District

Existing Land Use

Northeast County AG (Agricultural), HP (Hillside Protection)

Rural Area

Planning Sector Sector Plan Land Use Classification

Growth Policy Plan Designation

DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan <input type="checkbox"/> Planned Development <input checked="" type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input type="checkbox"/> Hillside Protection COA <input type="checkbox"/> Residential <input type="checkbox"/> Non-residential	
Home Occupation (specify) _____	
Other (specify) Daycare center	

SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number	
Additional Information	Total Number of Lots Created
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input type="checkbox"/> Zoning Change	Proposed Zoning	Pending Plat File Number
<input type="checkbox"/> Plan Amendment		
Proposed Plan Designation(s)		
Proposed Density (units/acre) Previous Zoning Requests		
Additional Information		

STAFF USE ONLY

PLAT TYPE

Staff Review Planning Commission

ATTACHMENTS

Property Owners / Option Holders Variance Request

ADDITIONAL REQUIREMENTS

- COA Checklist (Hillside Protection)
 Design Plan Certification (Final Plat)
 Site Plan (Development Request)
 Traffic Impact Study
 Use on Review / Special Use (Concept Plan)

Fee 1	Total
\$1,600.00	
Fee 2	
Fee 3	

AUTHORIZATION

I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

Applicant Signature	Mariah Jackson Please Print	6/26/2023 Date
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Property Owner Signature	0328 LLC Please Print	6/26/2023 Date
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Development Request

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - SP OYP
- Rezoning

Maniah Jackson

Applicant Name

Affiliation

6/15/23

Date Filed

8/10/2023

Meeting Date (if applicable)

File Number(s)

8-B-23-UR

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- Applicant
- Property Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Maniah Jackson

Name

Company

7485 Rutledge Pike

Address

Rutledge

City

TN

State

37821

ZIP

865-368-0319

Phone

msheab@icloud.com

Email

CURRENT PROPERTY INFO

0328 LLC

Property Owner Name (if different)

8320 Millertown Pike

Property Owner Address

812-528-8254

Property Owner Phone

10015 Rutledge Pike, Corydon Twp

Property Address

032 01701

Parcel ID

Septic

Sewer Provider

North East Knox

Water Provider

Septic (Y/N)

STAFF USE ONLY

General Location

Tract Size

City County

District

Zoning District

Existing Land Use

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

May 1, 2023

DEVELOPMENT REQUEST

- Development Plan
- Use on Review / Special Use
- Hillside Protection COA
- Residential
- Non-Residential

Home Occupation (specify) _____

Other (specify) **Child Daycare Center**

Related City Permit Number(s) _____

SUBDIVISION REQUEST

Proposed Subdivision Name _____

Related Rezoning File Number _____

Unit / Phase Number Combine Parcels Divide Parcel Total Number of Lots Created _____

- Other (specify) _____
- Attachments / Additional Requirements _____

ZONING REQUEST

- Zoning Change
Proposed Zoning
- Plan Amendment Change
Proposed Plan Designation(s)

Pending Plat File Number _____

Proposed Density (units/acre) _____ Previous Rezoning Requests _____

- Other (specify) _____

STAFF USE ONLY

PLAT TYPE

- Staff Review
- Planning Commission

ATTACHMENTS

- Property Owners / Option Holders
- Variance Request

ADDITIONAL REQUIREMENTS

- Design Plan Certification (Final Plat)
- Use on Review / Special Use (Concept Plan)
- Traffic Impact Study
- COA Checklist (Hillside Protection)

Fee 1	Total
Fee 2	
Fee 3	

I declare under penalty of perjury the foregoing is true and correct
 1) he/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent

Mariah Jackson
 Applicant Signature

Mariah Jackson
 Please Print

6/15/23
 Date

Phone Number _____

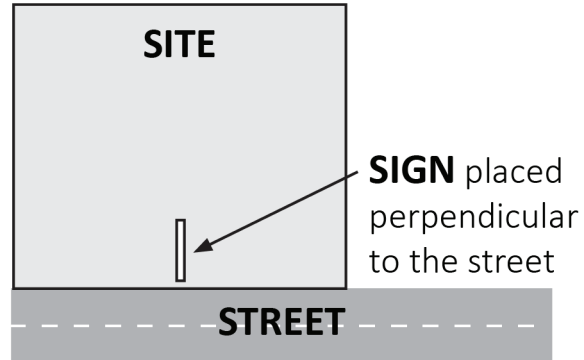
Email _____

Rosie Kemp
 Property Owner Signature

Rosie Kemp
 Please Print

Date Paid _____

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.

TIMING

The sign(s) must be posted **not less than 12 days prior to the scheduled Planning Commission public hearing** and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

_____ July 28, 2023 _____ and _____ August 11, 2023 _____
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Mariah Jackson

Date: 6/26/2023

File Number: 8-B-23-UR



Sign posted by Staff



Sign posted by Applicant