



USE ON REVIEW REPORT

▶ **FILE #:** 7-C-23-UR

AGENDA ITEM #: 48

AGENDA DATE: 7/13/2023

▶ **APPLICANT:** DORIS KARINA ESTRADA-AGUILAR

OWNER(S): Wallace & Patsy McClure

TAX ID NUMBER: 131 N C 009.17

[View map on KGIS](#)

JURISDICTION: County Commission District 5

STREET ADDRESS: 120 DURWOOD RD

▶ **LOCATION:** East side of Durwood Rd, south of Kingston Pk

▶ **APPX. SIZE OF TRACT:** 15,726 square feet

SECTOR PLAN: Southwest County

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

ACCESSIBILITY: Access is via Durwood Road, a local street with a 34-ft pavement width within a 49-ft right-of-way.

UTILITIES: Water Source: First Knox Utility District

Sewer Source: First Knox Utility District

WATERSHED: Sinking Creek

▶ **ZONING:** CA (General Business)

▶ **EXISTING LAND USE:** Office

▶ **PROPOSED USE:** Child daycare center

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Office - CA (General Business) in the County

South: Transportation/communications/utilities - CA (General Business) in the County

East: Agriculture/forestry/vacant - CA (General Business) in the County

West: Commercial, multifamily - C-G-1 (General Commercial) in the City, PR (Planned Residential) up to 14 du/ac in the County

NEIGHBORHOOD CONTEXT: This area has a mix of development including office, commercial and multifamily residential uses. There is a large physical rehabilitation facility being constructed on the property behind the subject building.

STAFF RECOMMENDATION:

▶ **Approve the request for a child day care center subject to 4 conditions.**

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
2. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
3. Meeting all applicable requirements of the Knox County Fire Prevention Bureau.
4. 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 called "inicios1.2.3 Language Learning Center," to be located on a property that is zoned CA (General Business). This bilingual preschool will serve no more than 24 children in a 1,000 sf converted office. On May 24, the Knox County Board of Zoning Appeals (BZA) granted zoning variances to enable a reduction in the outdoor fenced play area from 2,900 sf to 600 sf, and a reduction in required parking from 7 to 5 spaces. The basis for granting the waivers was that the property was meeting state requirements for a day care facility.

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 at the edge of several townhome communities, where land uses transition from residential to commercial and office buildings. Although the property is not located on a classified street, it is less than 500 ft from Kingston Pike, a major arterial street, to the north. All lots in between Kingston Pike and the subject property are commercial and office properties. This proposed day care center is not anticipated to bring additional traffic into the residential neighborhoods to the south, and its location at the edge of these neighborhoods is consistent with the intent of the General Plan's policy.

B. The Southwest County Sector Plan's land use classification for this property is GC (General Commercial), which permits the existing CA (General Business) zone. A child day care center is a use permitted on review in the CA zone.

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

A. 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 sf, which is met by the lot's 15,726 sf size. The building must also provide a minimum area of 30 sf of usable indoor play space per child. The floor plan indicates that each child will have at least 34 sf of play space when the school is at maximum capacity. The other standards regarding outdoor play space and off-street parking were approved by the BZA.

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 the modestly-sized Durwood Offices park, which has four 1,000 sf office spaces for lease. Adjacent tenants do not pose a risk to the day care business, and the property's location is ideal for convenient access by the townhome communities to the south. The adjacent commercial and office uses to the north do not conflict with the proposed use, and access to the office park provides safe ingress and egress for drop off and pick up.

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 center is not anticipated to cause a significant increase in traffic, and the most convenient access from Kingston Pike does not encroach into the portion of the street that is used primarily by residents.

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 aspects to the surrounding environment that should pose a risk for the proposed day care

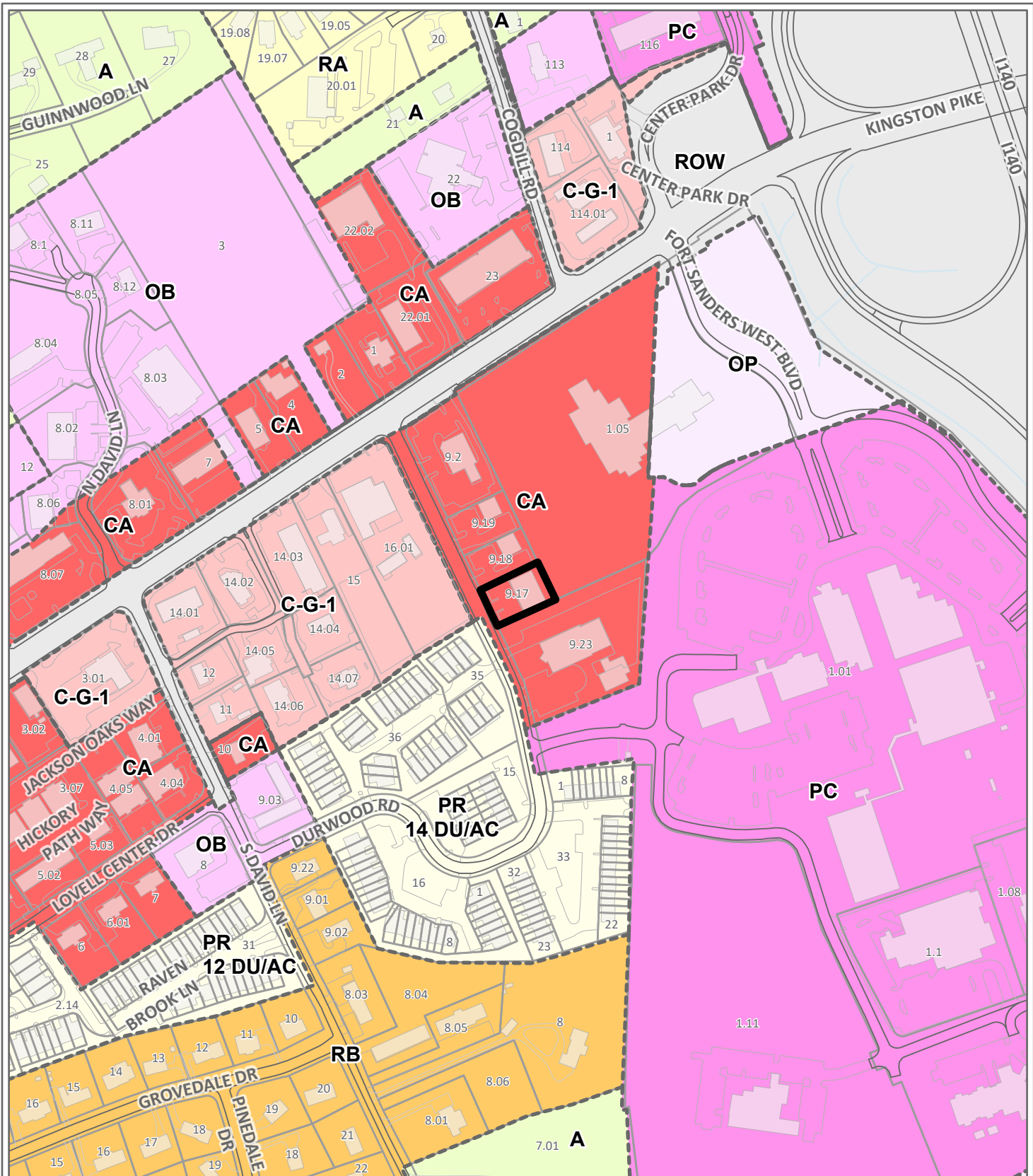
center.

ESTIMATED TRAFFIC IMPACT: 48 (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.

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



USE ON REVIEW

7-C-23-UR

Petitioner: Doris Karina Estrada-Aguilar



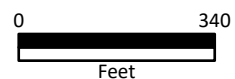
Daycare center in CA (General Business)

Map No: 131

Jurisdiction: County

Original Print Date: 6/9/2023

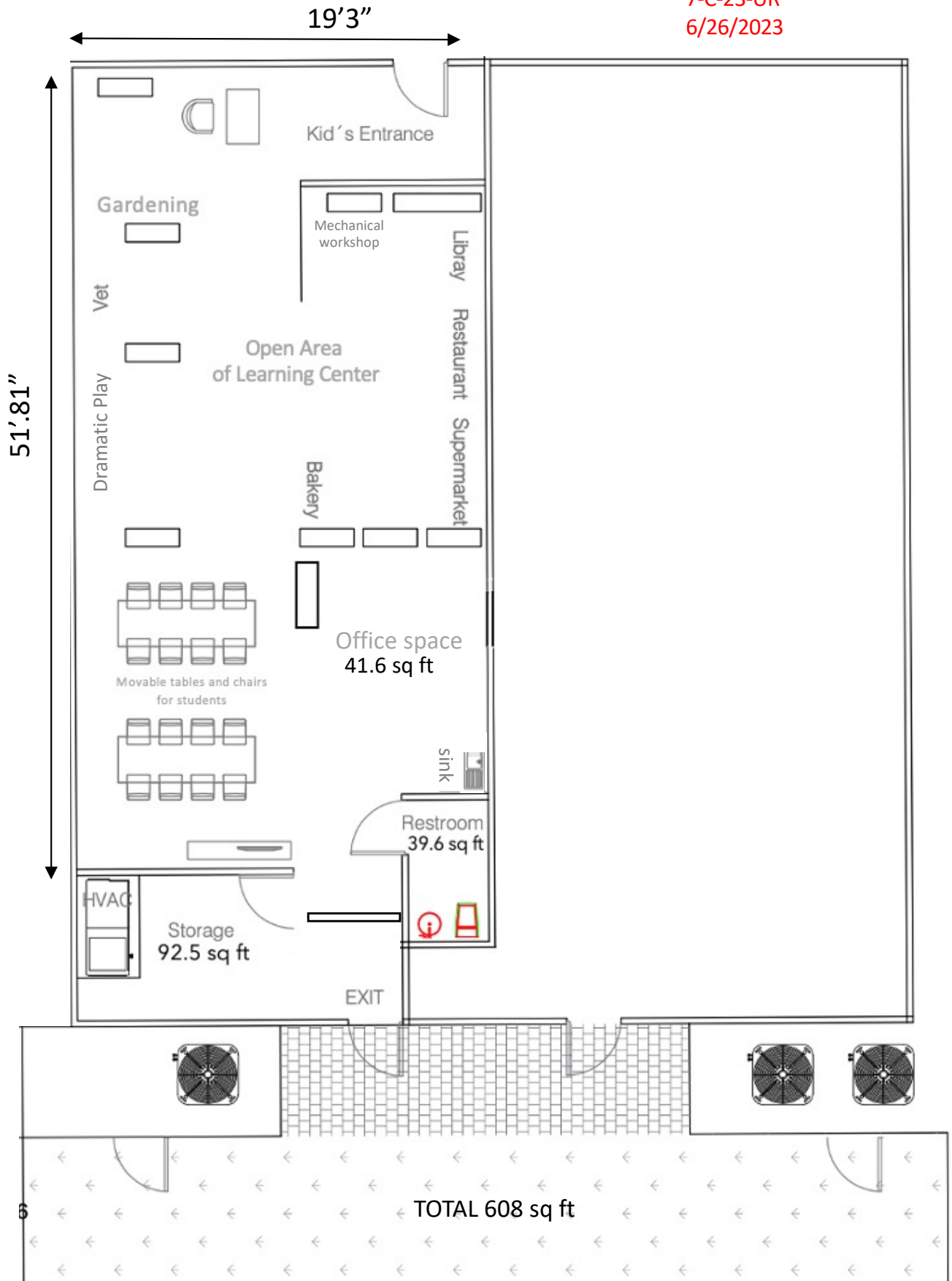
Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902



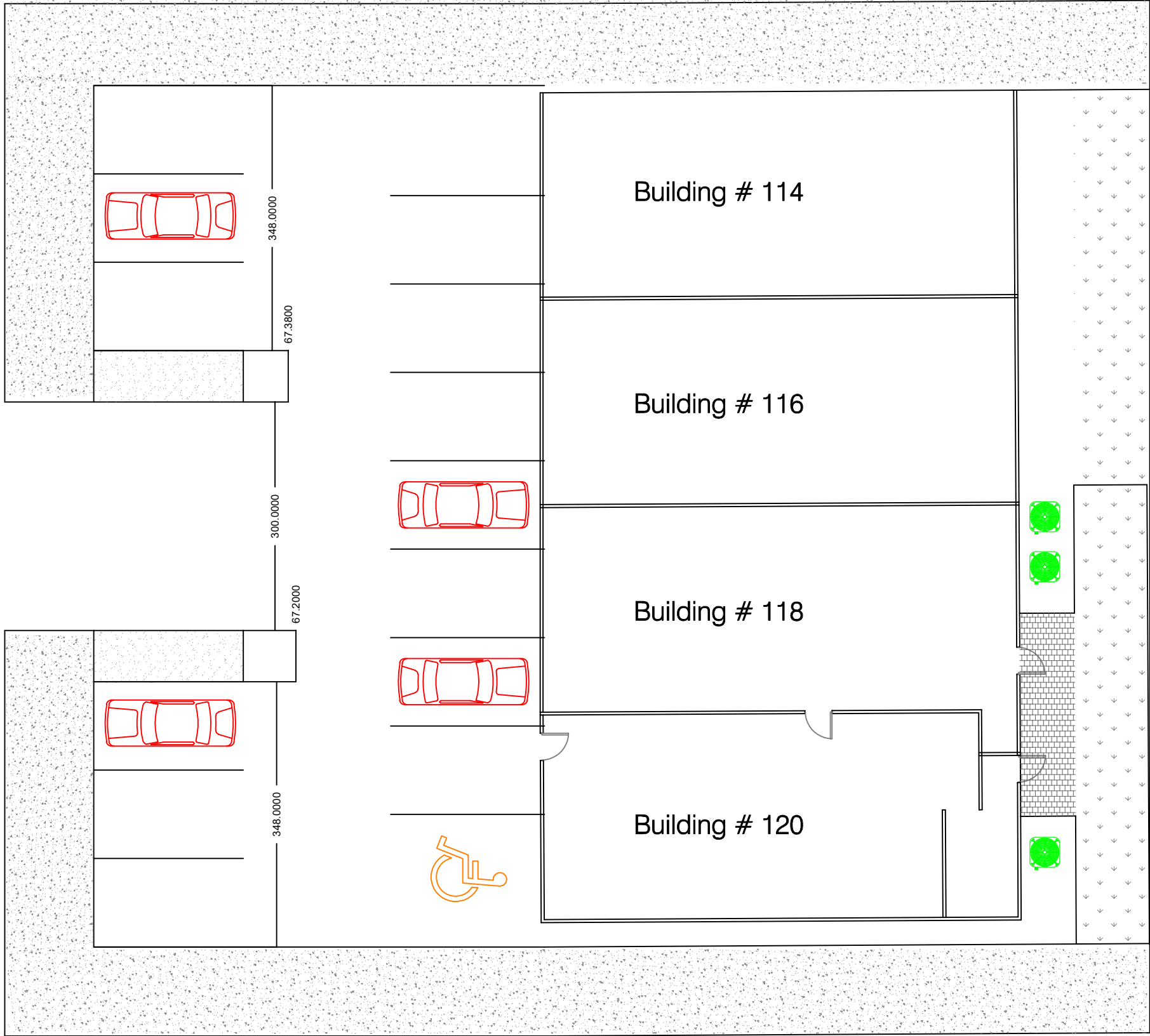
Note:

- 1,000sq ft office
- Up to 24 students as per the State Fire Marshall inspection
- Open space with movable tables and chairs for children, no walls or hallways
- Kitchen, bathroom and office space measurements are displayed on the plan.

7-C-23-UR
6/26/2023



7-C-23-UR
5-28-2023





ENGINEERING & PUBLIC WORKS

Knox County Board of Zoning Appeals Application

Reference Number: **23-20019**

Application Date: **5/8/2023**

Meeting Date: **Wednesday, May 24, 2023 13:30 PM**

The undersigned hereby petitions the Knox County Board of Zoning Appeals to grant the following request:

Request: **Waiver of fenced play area from 2900 square feet to 600 square feet and waiver of 7 parking spaces to 5 parking spaces.**

Regulation: **4.91, 3.50.10** Section: **C. & D.**

Reason: **To align with the state requirements.**

Property Address: **120 DURWOOD RD KNOXVILLE, TN 37922**

Subdivision:

Zone:	CA	Lot Size:	0.35 ac	Lot:	.35
CLT Map:	131	Group:	NC	Parcel:	00917

Applicant: **Doris Karina Estrada-Aguilar**

Address: **120 DURWOOD RD**

City, State, Zip: **KNOXVILLE 37922**

Telephone: **865-382-3142**

Notice: You or your representative must appear at the Board of Zoning Appeals ("BZA") on the hearing date before your request will be considered. Failure to appear may result in your request being denied. Appeals to the BZA must be filed with the office of Codes Administration within thirty (30) days from the date of the action causing such appeal. Appeals from BZA decisions must be filed in the appropriate court within sixty (60) days from the entry of BZA's order or judgment.

Applicant: Doris Karina Estrada-Aguilar

Signature:

Date: 05/11/23

Codes: Kim Jarnagin

Signature: Kim Jarnagin

Date: 5-8-2023



Owner Permission Letter for Use and Occupancy Permits

To whom it may concern,

RE: **inicios1.2.3 Language Learning Center**
120 Durwood Rd.
Knoxville, TN 37922

I, Mr. Wallace McClure, hereby grant permission for “inicios1.2.3 Language Learning Center”, Blanca Nelly Garcia Saldana and Doris Karina Estrada Aguilar, to lease and use my property located on Durwood Rd. Knoxville, TN 37922 as a Childcare Center (Spanish immersion and bilingual program for preschoolers) effective immediately. If you have any questions regarding this correspondence, please feel free to contact me.

Mr. Wallace McClure
114 Durwood Rd.
Knoxville, TN 37922

Sincerely,
Mr. Wallace McClure
Property Owner





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

Doris Karina Estrada-Aguilar

Applicant Name

Affiliation

5/30/2023

Date Filed

7/13/2023

Meeting Date (if applicable)

7-C-23-UR

File Number(s)

CORRESPONDENCE

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

Doris Karina Estrada-Aguilar inicios 1.2.3 Language Learning Center

Name / Company

120 Durwood Rd Knoxville TN 37922

Address

865-382-3142 / spanishforall@inicios123.com

Phone / Email

CURRENT PROPERTY INFO

Wallace & Patsy McClure

Owner Name (if different)

114 Durwood Rd Knoxville TN 37922

Owner Address

865-740-3004

Owner Phone / Email

120 DURWOOD RD

Property Address

131 N C 009.17

Parcel ID

Part of Parcel (Y/N)?

15726 square feet

Tract Size

First Knox Utility District

Sewer Provider

First Knox Utility District

Water Provider

Septic (Y/N)

STAFF USE ONLY

East side of Durwood Rd, south of Kingston Pike

General Location

City

Commission District 5

CA (General Business)

Office

County District

Zoning District

Existing Land Use

Southwest County

Planning Sector

GC (General Commercial)

Sector Plan Land Use Classification

Urban Growth Area (Outside City Limit)

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 _____	
<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 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: **Doris Karina Estrada-Aguilar** Please Print **5/30/2023** Date

Phone / Email _____
Property Owner Signature: **Wallace & Patsy McClure** Please Print **5/30/2023** Date

) Sign the application digitally (or print, sign, and scan).

Knoxville-Knox County Planning offices
OR email it to applications@knoxplanning.org

Reset Form



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

Doris Karina Estrada-Aguilar

Applicant Name

Affiliation

05/28/2023

07/13/2023

Date Filed

Meeting Date (if applicable)

File Number(s)

7-C-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

Doris Karina Estrada-Aguilar

inicios1.2.3 Language Learning Center

Name

Company

120 Durwood Rd

Knoxville

TN

37922

Address

City

State

ZIP

865-382-3142

spanishforall@inicios123.com

Phone

Email

CURRENT PROPERTY INFO

Wallace McClure

114 Durwood Rd. Knoxville, TN 37922 865-740-3004

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

120 Durwood Rd. Knoxville, TN 37922

131NC00917

Property Address

Parcel ID

First Utility District

First Utility District

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

East side of Durwood Rd, south of Kingston Pike

0.37 acres

General Location

Tract Size

City County

5th
District

CA
Zoning District

Office
Existing Land Use

Southwest County

GC
Sector Plan Land Use Classification

Urban Growth
Growth Policy Plan Designation

Planning Sector

DEVELOPMENT REQUEST

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

Related City Permit Number(s)

Home Occupation (specify) _____

Other (specify) ~~Looking forward to extend our services through a Bilingual Presol~~

Daycare center

SUBDIVISION REQUEST

Related Rezoning File Number

Proposed Subdivision Name _____

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

Other (specify) _____

Attachments / Additional Requirements

ZONING REQUEST

Pending Plat File Number

Zoning Change
 Proposed Zoning _____

Plan Amendment Change
 Proposed Plan Designation(s) _____

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	UOR - nonresidential	Total \$1,600
0405		
Fee 2		
Fee 3		

AUTHORIZATION

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



Doris Karina Estrada-Aguilar

5/28/2023

Applicant Signature

Please Print

Date

Doris Karina Estrada-Aguilar

spanishforall@inicios123.com

Phone Number

Email



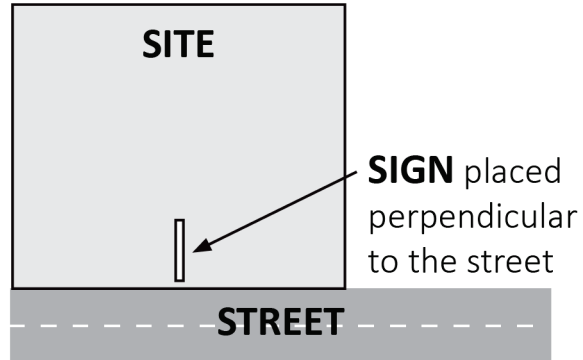
Wallace McClure

Property Owner Signature

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:

_____ June 30, 2023 _____ and _____ July 14, 2023 _____
(applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Doris Karina Estrada-Aguilar

Date: 5/30/2023

File Number: 7-C-23-UR



Sign posted by Staff



Sign posted by Applicant