



USE ON REVIEW REPORT

▶ **FILE #:** 1-B-25-UR

AGENDA ITEM #: 37

AGENDA DATE: 1/9/2025

▶ **APPLICANT:** ALEXIS PROFFITT

OWNER(S): Richard Torbett

TAX ID NUMBER: 62 210

[View map on KGIS](#)

JURISDICTION: County Commission District 8

STREET ADDRESS: 8537 ASHEVILLE HWY

▶ **LOCATION:** North side of Asheville Hwy, west of Arms Rd

▶ **APPX. SIZE OF TRACT:** 1.44 acres

GROWTH POLICY PLAN: Planned Growth Area

ACCESSIBILITY: Access is via Asheville Highway, a TDOT-owned, four-lane, major arterial street with a divider median within 150 ft of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

FIRE DISTRICT: Rural Metro Fire

WATERSHED: Lyon Creek

▶ **ZONING:** OB (Office, Medical, and Related Services)

▶ **EXISTING LAND USE:** Office

▶ **PROPOSED USE:** Childcare center expansion

HISTORY OF ZONING: In 1995 the property was rezoned from A (Agricultural) to OB (Office, Medical, and Related Services) (case # 9-B-95-RZ) (the applicant had requested CA (General Business)).

SURROUNDING LAND USE AND ZONING: North: Single-family residential, agriculture/forestry/vacant land - A (Agricultural)

South: Single-family residential - A (Agricultural)

East: Commercial, single-family residential - CA (General Business), A (Agricultural)

West: Single-family residential - OB (Office, Medical, and Related Services)

NEIGHBORHOOD CONTEXT: This property is on Asheville Highway in the Carter community, surrounded by a mix of office, commercial, and residential uses.

STAFF RECOMMENDATION:

▶ **Approve the request for an upper floor expansion to an existing child day care center, subject to 4 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 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 daycare facility in the OB (Office, Medical, and Related Services) zone and the criteria for approval of use on review.

COMMENTS:

This request is for an expansion of an existing child daycare center from 2,000 sq ft to 3,514 sq ft in the OB (Office, Medical, and Related Services) zone. The daycare has been serving 54 children and will now serve 109 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 PROPOSED USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND SECTOR PLAN.

A. CMU (Corridor Mixed-Use) areas are appropriate for moderate-scale walkable mixed-use development occurring along major corridors. These areas may incorporate office, retail, civic, residential, and community gathering spaces both vertically and horizontally and shall provide connectivity to nearby neighborhoods. The proposed daycare center provides services consistent with the intent of this land use classification.

B. Implementation Plan 5 -- Create neighborhoods with a variety of housing types and amenities in close proximity. This daycare is located within 0.25 miles of two rural crossroad areas, Four Way In and Carter Community, as identified as a development area in the East Knox Community Plan (pg. 49).

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

A. The OB zone is intended to provide areas for professional and business offices and related activities that require separate buildings and building groups surrounded by landscaped yards and open areas. The intent herein is to provide centralized, compact locations for business offices, clinics, medical, and dental offices near residential neighborhoods. The OB zone allows consideration for child day care centers 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."

1. The total lot area shall not be less than ten thousand (10,000) square feet. --This site is approximately 1.3 acres and will not be increasing or decreasing.
2. The building must provide thirty (30) square feet per child of usable indoor play space, not including halls, kitchen, or office space.-- The upper floor will have 1,643 sq ft of usable floor space and a maximum of 52 children. The square footage allows up to 54 children.
3. 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. -- The playground is 8,307 sq ft. This is more than large enough for the 30 children on the playground at one time.
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 property. The off-street parking and circulation plan shall be designed to meet the requirements of the department of engineering and public works. --The facility is in an office building with adequate parking and an area to safely drop off children.
5. 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.-- The subject site is an office building on the edge of a small commercial area along Asheville Highway. The facility is located in the lower level of the building, which will reduce noise and visibility from the road, and provide at-grade access to the rear of the property where the outdoor play area is located. Residential uses are located behind the facility.
6. 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. -- Asheville Highway is a major arterial street. The daycare center is requesting a maximum of 54 children.

The proposed day care facility meets the general purpose and intent of the Knox County Zoning Ordinance as a permitted use on review.

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. Only the interior of the building is changing. The playground and parking areas will remain the same.

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 continue to provide an asset to the residential communities nearby.

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

A. The daycare center is on an arterial street and will not draw traffic through residential areas.

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.

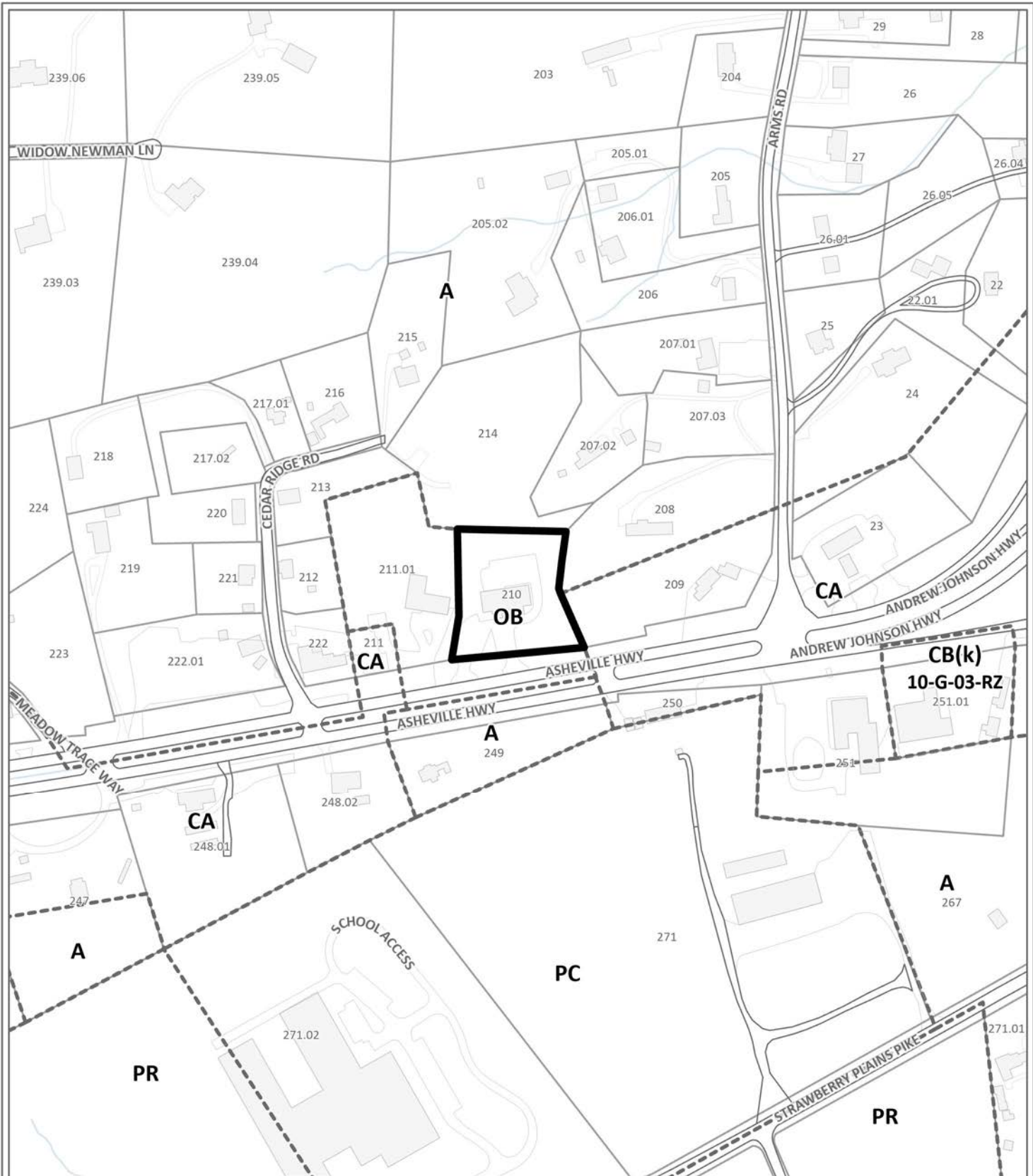
A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for the proposed uses within the development.

ESTIMATED TRAFFIC IMPACT: 188 (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 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

1-B-25-UR

Petitioner: Alexis Proffitt



Childcare center expansion in OB (Office, Medical, and Related Services)

Map No: 62

Jurisdiction: County

Original Print Date: 12/4/2024

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

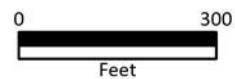
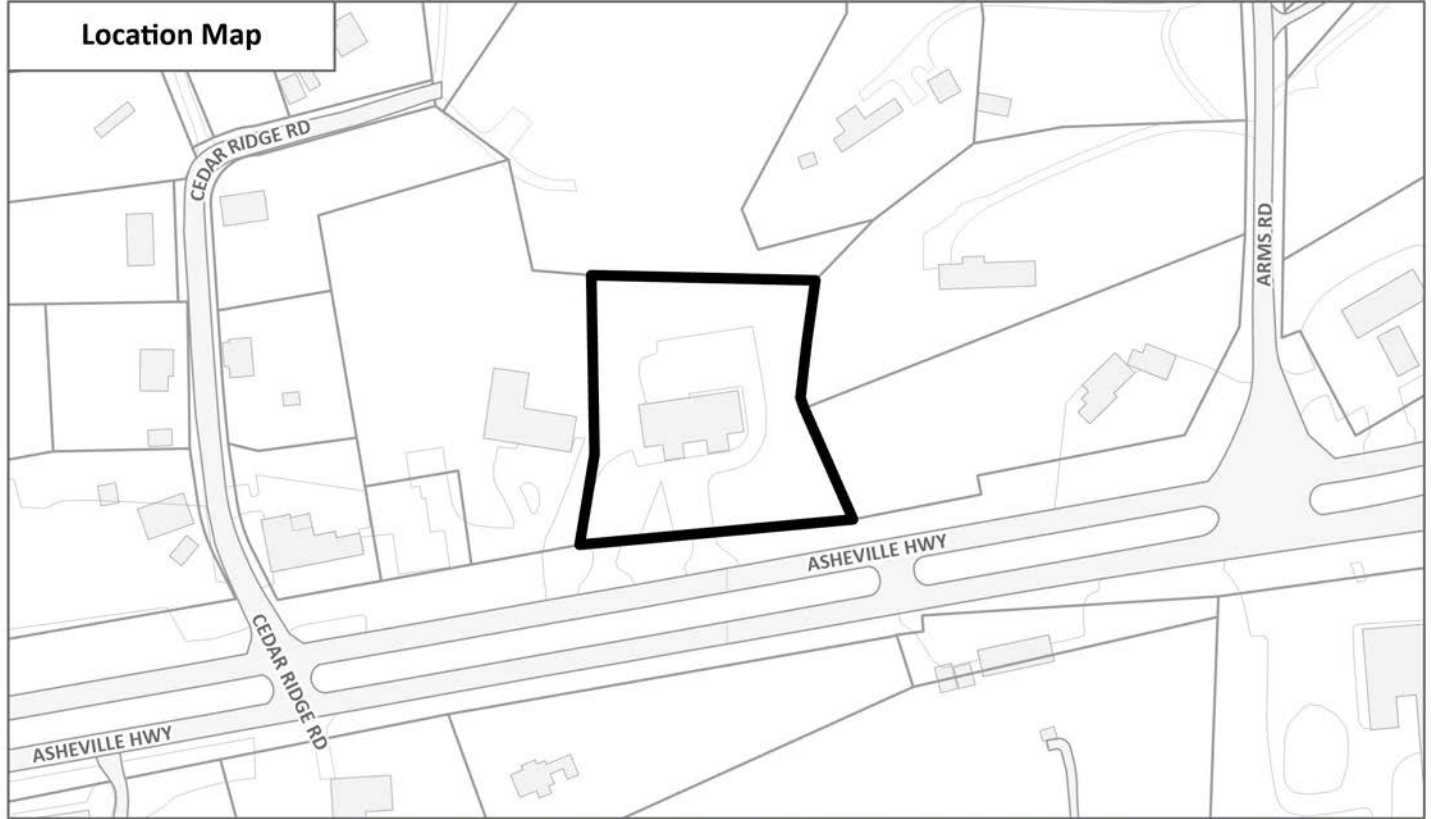


Exhibit A. Contextual Images

Location Map



Aerial Map

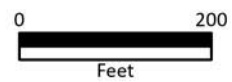


CONTEXTUAL MAPS 1

1-B-25-UR



Case boundary





Playground Schedule

1's:

- 10:30–11:00
- 3:00–3:30

2's:

- 9:30–10:00
- 3:30–4:00

3-5:

- 10:00–10:30
- 4:00–4:30

Afterschool:

- 4:30–5:00

Infants:

- babies go out anytime between

11-2

(depends on daily daycare schedule)



Development Request

DEVELOPMENT

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

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Rezoning
- Plan Amendment
- Sector Plan
- City OYP / County Comp Plan

Alexis Proffitt

Applicant Name Affiliation

11/25/2024

1/9/2025

1-B-25-UR

Date Filed Meeting Date (if applicable) File Number(s)

CORRESPONDENCE

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

- Applicant
- Owner
- Option Holder
- Surveyor
- Engineer
- Architect

Alexis Proffitt AP Legacy LLC

Name / Company

8537 Ashville Hwy Knoxville TN 37924

Address

865-455-0898 / Ap@thelegacyservices.org

Phone / Email

CURRENT PROPERTY INFO

Richard Torbett **801 Hunting HI** **423-791-0240**

Owner Name (if different) Owner Address Owner Phone / Email

8537 ASHEVILLE HWY

Property Address

62 210 **1.44 acres**

Parcel ID Part of Parcel (Y/N)? Tract Size

Knoxville Utilities Board **Knoxville Utilities Board** **No**

Sewer Provider Water Provider Septic (Y/N)

COMMUNITY ENGAGEMENT

*Sign and return the **Public Notice and Community Engagement** form with this application.*

*Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s). **We require applicants to acknowledge their role in this process.***

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) Childcare center expansion	

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 Plan Designation(s)	
Proposed Density (units/acre) Previous Rezoning Requests		
Additional Information _____		

STAFF USE ONLY

PLAT TYPE

- Staff Review Planning Commission

ATTACHMENTS

- Property Owners / Option Holders Variance Request
 Amendment Request (Comprehensive Plan)

ADDITIONAL REQUIREMENTS

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

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

AUTHORIZATION

By signing below, 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. If there are additional owners or option holders, each additional individual must sign the Property Owners/Option Holders Form.

Applicant Signature	Alexis Proffitt Please Print	11/25/2024 Date
---------------------	--	---------------------------

Phone / Email

Property Owner Signature	Richard Torbett Please Print	11/25/2024 Date
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(1) Download and fill out this form at your convenience. (2) Sign the application digitally (or print, sign, and scan). (3) Either print the completed form and bring it to the Knoxville-Knox County Planning offices OR email it to applications@knoxplanning.org



Development Request

DEVELOPMENT

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

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - SP
 - PA
- Rezoning

Alexis Proffitt

AP Legacy LLC

Applicant Name

Affiliation

11/25/24

1/9/2025

File Number(s)

Date Filed

Meeting Date (if applicable)

1-B-25-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

Alexis Proffitt

AP Legacy LLC-legacy Childcare

Name

Company

8537 Asheville Highway

Knoxville

TN

37924

Address

City

State

ZIP

865-455-0898

Ap@thelegacyservices.org

Phone

Email

CURRENT PROPERTY INFO

Richard Torbett

801 hunting hill rd

4237910240

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

8537 asheville highway

062-210

Property Address

Parcel ID

Knoxville kub

Knoxville kub

N

Sewer Provider

Water Provider

Septic (Y/N)

COMMUNITY ENGAGEMENT

Sign and return the **Public Notice & Community Engagement** form with this application.

Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s). **We require applicants to acknowledge their role in this process.**

[View Form](#)

JULY 2024

DEVELOPMENT REQUEST

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

Home Occupation (specify) _____

Childcare center expansion

Other (specify) _____

Related City Permit Number(s)

SUBDIVISION REQUEST

Proposed Subdivision Name

Unit / Phase Number
 Combine Parcels
 Divide Parcel

Total Number of Lots Created

Other (specify) _____

Attachments / Additional Requirements

Related Rezoning File Number

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
 Amendment Request (*Comprehensive Plan*)



ADDITIONAL REQUIREMENTS

- Use on Review / Special Use (*Concept Plan*)
 Traffic Impact Study
 COA Checklist (*Hillside Protection*)

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

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	Alexis Proffitt	11/25/24
Applicant Signature	Print Name / Affiliation	Date
8654550898	Ap@thelegacyservices.com	
Phone Number	Email	
	Richard L Torbett II	11/25/2024,SG
Property Owner Signature	Please Print	Date Paid



Public Notice and Community Engagement

Sign Posting and Removal

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.

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.

Community Engagement

Planning strives to provide community members with information about upcoming cases in a variety of ways. In addition to posting public notice signs, our agency encourages applicants to provide information and offer opportunities for dialogue related to their upcoming case(s).

Acknowledgement

By signing below, you acknowledge that public notice signs must be posted and visible on the property consistent with the guidelines above and between the dates listed below.

12/27/2024
Date to be Posted

01/10/2025
Date to be Removed

Have you engaged the surrounding property owners to discuss your request?

Yes No

No, but I plan to prior to the Planning Commission meeting

Applicant Signature

Alexis Proffitt
Applicant Name

11/26/2024
Date

1-B-25-UR
FILE NUMBER