



SPECIAL USE REPORT

▶ **FILE #:** 3-C-25-SU

AGENDA ITEM #: 18

AGENDA DATE: 3/13/2025

▶ **APPLICANT:** NYAMBI SHOATES

OWNER(S): Nyambi Shoates

TAX ID NUMBER: 79 E F 020

[View map on KGIS](#)

JURISDICTION: City Council District 3

STREET ADDRESS: 6215 VANDEMERE DR

▶ **LOCATION:** Southwest quadrant of the intersection of LaSalle Ln and Vandemere Dr

▶ **APPX. SIZE OF TRACT:** 9,150 square feet

SECTOR PLAN: Northwest City

GROWTH POLICY PLAN: N/A (Within City Limits)

ACCESSIBILITY: Access is via Vandemere Drive, an unstriped local street ending in a cul-de-sac with 27-ft of pavement width within a right-of-way width that varies from 51-ft to 61-ft.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

FIRE DISTRICT: Knoxville Fire Department

WATERSHED: Third Creek

▶ **ZONING:** RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay), (C) (Previously Approved Plan District)

▶ **EXISTING LAND USE:** Single Family Residential

▶ **PROPOSED USE:** Daycare Home

HISTORY OF ZONING: In 1994 a rezoning request from A-1 (General Agricultural) to RP-1 (Planned Residential) up to 5 du/ac was approved for up to 3 du/ac (5-L-94-RZ). In 1994 the property was rezoned to increase the density from RP-1 (Planned Residential) up to 3 du/ac to up to 4 du/ac (10-Q-94-RZ).

SURROUNDING LAND USE AND ZONING: North: Single family residential - RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay), (C) former planned district

South: Single family residential - RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay), (C) former planned district

East: Single family residential - RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay), (C) former planned district

West: Single family residential - RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay), (C) former planned

district

NEIGHBORHOOD CONTEXT: The subject property is in a single-family neighborhood surrounded by other single-family subdivisions, rural residential uses, and undeveloped lots. The property is approximately a mile away from the commercial corridors along Clinton Highway and Merchant Drive. Pleasant Ridge Elementary, Northwest Middle, Apostolic Christian School, and Victor Ashe Greenway all lie approximately a mile to the east, and the surrounding area features some multifamily subdivisions.

STAFF RECOMMENDATION:

- ▶ **Approve the use of a daycare home because it is in harmony with the intent of the zoning code and compatible with the surrounding residential context.**

COMMENTS:

This request is for a daycare home, which would serve a maximum of 7 children, at an end lot within a residential subdivision.

STANDARDS FOR EVALUATING A SPECIAL USE (ARTICLE 16.2.F.2)

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

A. The use of a day care home, which is limited to the care of seven unrelated individuals who do not reside in the home, is consistent with the General Plan's Development Policy 1.1 to increase the competitive position of Knoxville for the retention and attraction of business activities. The American Planning Association published a policy guide on the provision of child care services, which is provided in Exhibit B. This policy guide makes the direct connection between the necessity for a range of childcare services in order to have a strong, sustainable and diverse workforce. This daycare home would provide an essential function for the local economy in alignment with General Plan goals.

B. The location of this daycare home is consistent with the One Year Plan's location criteria for educational facilities, which states that nursery schools should be located within or adjacent to residential areas on sites which are easily and safely accessible to through traffic. This home is located on a safe, local residential street that is quickly and easily accessible from Pleasant Ridge Road, a minor arterial street. With a capacity of no more than 7 children permitted per Department of Human Services (DHS) licensing regulations, this daycare home should not adversely affect surrounding properties.

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

A. The subject property is zoned RN-1 (Single-Family Residential Neighborhood) with a Previously Approved Planned District (C) designation reflecting its former RP-1 (Planned Residential) zoning district prior to the adoption of the current zoning code. Under the RN-1 district, this daycare home would not be required to come through Special Use review because it is a use permitted by right. However, because of the (C) designation, any change to a former planned district must be reviewed by the Planning Commission. The previously approved Greenbriar Place subdivision plan did not contemplate or prohibit the use of a daycare home, and the former RP-1 district permitted consideration of community facilities like a "private day nursery." The use of a daycare home at this location is consistent with the general intent of the zoning code.

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 applicant lives in the home where the daycare will operate and this accessory use of the property will not significantly alter the size or appearance of the house. The use of a small day care operation is compatible with the surrounding context of a residential neighborhood.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY OR BY NOISE, LIGHTS, FUMES, ODORS, VIBRATION, TRAFFIC, CONGESTION, OR OTHER IMPACTS DETRACT FROM THE IMMEDIATE ENVIRONMENT.

A. The scale and nature of this use is minimal and no adverse impacts to surrounding properties are anticipated. This use would have been permitted by right under the property's contemporary zoning district.

5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL

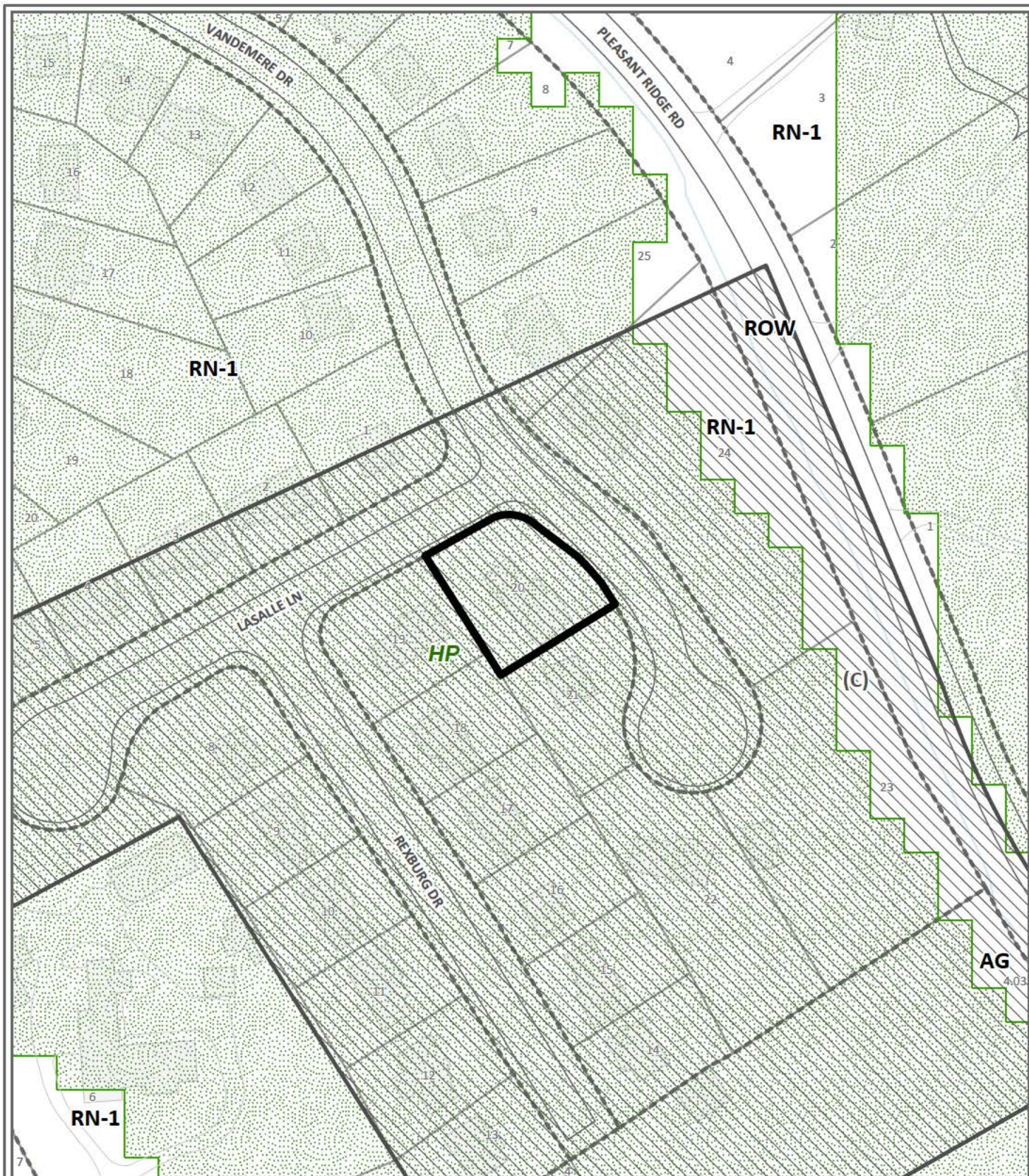
TRAFFIC THROUGH RESIDENTIAL STREETS.

A. A childcare operation for 7 children that is approximately 850 ft from a minor arterial street should not cause an undue burden on surrounding residential traffic.

ESTIMATED TRAFFIC IMPACT: Not required.

ESTIMATED STUDENT YIELD: Not applicable.

The Planning Commission'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.



SPECIAL USE

3-C-25-SU

Petitioner: Nyambi Shoates



In Home Daycare in RN-1 (Single-Family Residential Neighborhood), HP (Hillside Protection Overlay), (C) (Previously Approved Plan District)

Map No: 79
Jurisdiction: City

Original Print Date: 1/31/2025
Knoxville - Knoxville - Knoxville Planning Commission * City / County Building * Knoxville, TN 37902

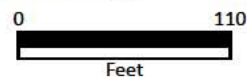
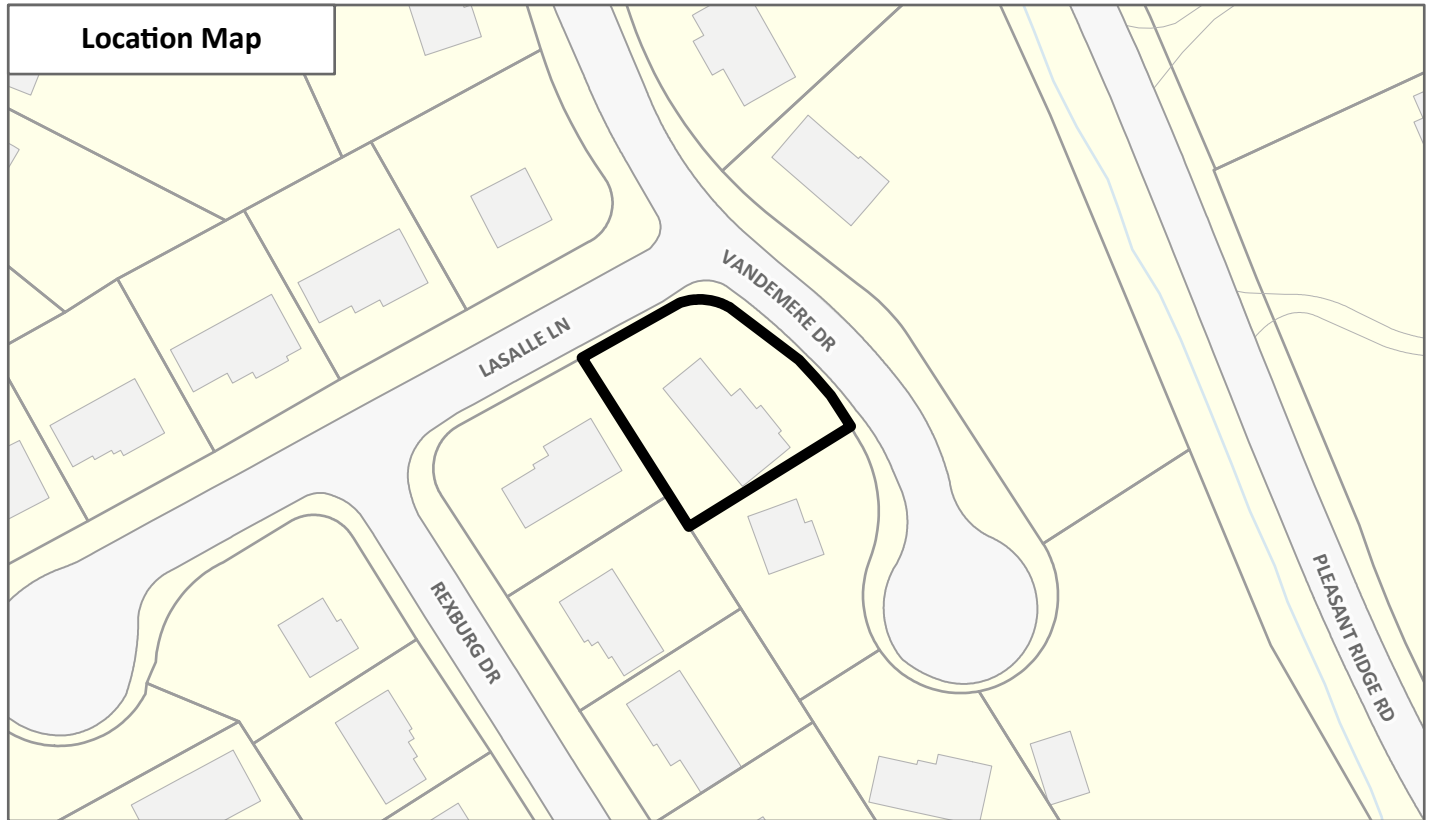


Exhibit A. Contextual Images

Location Map



Aerial Map

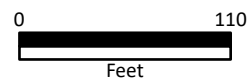


CONTEXTUAL MAPS 1

3-C-25-SU



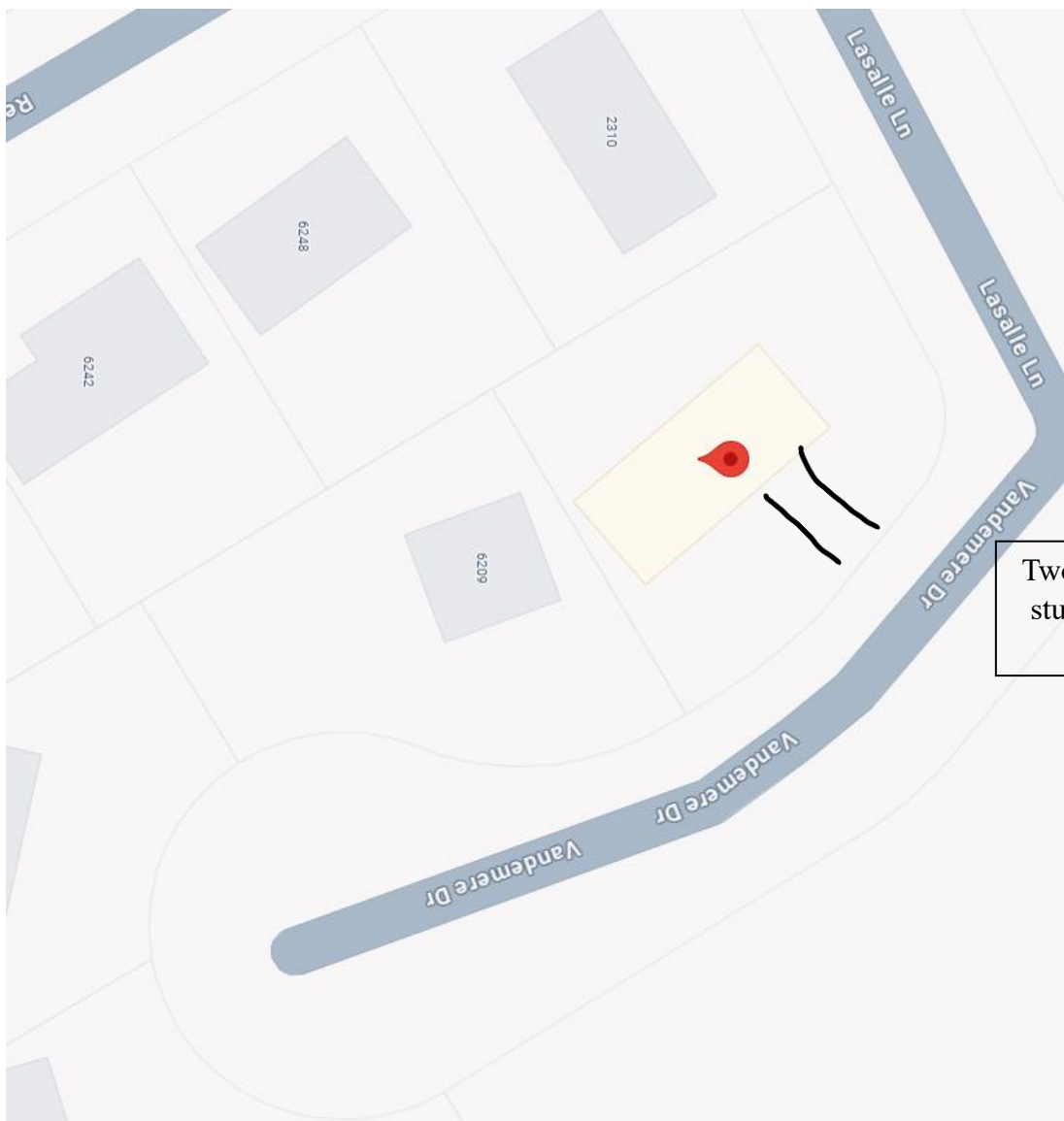
Case boundary



Happy Hollow Childcare- Special Use Request In-Home Daycare

Hours of operation: Monday through Friday 7:00am-5:00pm

- We will be licensed through Department of Human Services (DHS) to serve 7 children in our in-home daycare.
- We have two staff members that reside in the home, no other outside staff.





EALTOPS

Exhibit B: American Planning Association Policy Guide on Child Care



APA Policy Guide on the Provision of Child Care

Revised by the APA Legislative & Policy Committee, July, 1997

Adopted by the Chapter Delegate Assembly, September 20, 1997

Ratified by the Board of Directors, September 21, 1997

Statement of Issue and Findings

Affordable, conveniently located, quality child care is one of the most pressing concerns of contemporary family life. In the 1990s, 75 percent of women with school-aged children are in the labor force. According to the Census Bureau, in 1990, there were 19.2 million employed women with children under 15 years old living with them. Their 31 million children must be cared for while their mothers are at work.

The most rapid increase in the rate of labor force participation since 1970 has been among women with children under the age of three. In 1997, 62 percent of mothers with pre-schoolers are in the work force. Additionally, most of these mothers work full time.

In 1990, an estimated 1.6 million children 5 to 14 years old were "latchkey" children, i.e., left unsupervised for at least part of the day. Child care is clearly a national problem calling out for some form of federal support. In addition, there are numerous state and local level policies and actions which would enhance the provision of quality child care.

In 1990, a common type of arrangement chosen by working parents was family day care homes. It continues to be a preferred choice. Family day care is provided by an adult working in her or his home and typically caring for four to seven children. Local planners can play an important role in facilitating the provision of family day care by working to amend zoning to permit such a use by right in some residential districts. Local planners are also increasing the availability of child care by working with developers to provide affordable space. Child Care in the workplace as another convenient option for working parents.

Policy Positions

- 1. APA advocates the inclusion of child care policies as part of local planning policies.**
- 2. APA supports local or state legislation which provides for small child care homes as permitted land uses in all zoning districts, without the standard home occupation restrictions, but with reasonable compatibility standards; and further supports state preemption of local legislation which does not permit this type of child care home.**
- 3. APA encourages communities to consider amending local zoning ordinances to remove obstacles to the provision of regulated group and family child care in all zoning districts, in locations that are appropriate and safe for children.**
- 4. APA encourages communities to negotiate with developers and to offer incentives to provide space for child care in all types of projects, residential, office, mixed use, and commercial, including new construction and reuse.**

Reasons for these principles include:

The impact of child care shortages is most acutely felt at the local level. A survey of parents seeking child care in five counties in New York State showed the number one problem to be finding a center which was conveniently located. Many communities are already actively engaged in improving the availability of child care for their residents. For example, in Hartford, Connecticut, developers can receive a FAR bonus in exchange for providing space for day care. Prince George's County, Maryland, has amended its zoning to include a special exception for child care facilities in excess public school buildings undergoing adaptive reuse. Palo Alto, California, includes in its comprehensive plan a variance permitting expanded site coverage in industrial zones when the additional building space is used for child care. Tucson, Arizona, zoning regulations allow by right small child care homes and, conditionally, small child care centers in residential zones. The State of California requires local jurisdictions to classify family day care as a residential use and prohibits the imposition of licenses, fees, or zoning requirements on day care centers with 6 or fewer children. Local jurisdictions may require special use permits for facilities with up to 12 children, but limit local discretion to consideration of spacing, parking, traffic, and noise control, subject to the building meeting state building and fire safety requirements.

It should be noted that, although much attention is being focused on the provision of child care at work, surveys consistently show that most parents prefer that their children be in small facilities close to home. Parents are concerned not just about convenience of child care, but also the quality of child care. Child care for a limited number of children in a home is the preferred choice of many parents. Home occupation restrictions, such as limited use of floor space in the home and prohibitions on the use of outdoor space, unreasonably restrict child care in the home.

Some locations, such as high noise areas near airports and industrial areas with hazardous materials storage, may be inappropriate for child care. In addition, maintaining the quality of life in a neighborhood is important. Traffic and parking, waste disposal, and adequate sound control measures should be considered when providing for child care in a neighborhood. Licensing of child care to assure the quality of care and safety of children should be reasonable requirements.

5. APA supports legislation at the federal, state and local levels providing for child care needs assessment and planning to be performed at the state and local level.

6. APA supports local legislation (zoning ordinances) which provide for child care in locations convenient to neighborhoods and in public facilities such as schools, recreation and social service centers, and subsidized housing projects. Procedures to locate child care facilities should not be overly burdensome and should be related to size and land use impacts of the facility.

7. APA supports national and state legislation which moves toward the goal of providing adequate funding for safe, convenient and affordable child care opportunities for all children.

Reasons for these principles include:

The United States is the only industrialized nation which provides no job protection or child care support for working parents. American women have no statutory entitlement to job protection, health coverage for themselves and their newborn, or access to affordable, convenient and quality child care. The majority of women (80 percent, according to the National Commission on Working Women) work in low-paying, low status jobs. Nearly two thirds (63.6 percent) of all minimum wage earners are women. Twenty percent of mothers in the work force, or over 6 million women, are the sole support of their families. Without public policies in support of parents, we as a society run the risk that many of today's children will not receive the necessary care to grow into productive adults. Regulations which protect the safety of children, enhance the quality of care, or assure child care affordability are appropriate and will help to address concerns of parents and communities about child care.

Child care costs are most burdensome on low-income mothers. Women, especially women of color, are more likely to hold low-wage jobs. Child care costs approximately 27 percent of the monthly income for a family below poverty in 1991.

Increased zoning barriers add to the cost of child care and the lowering of quality of care. Typically, churches and schools are permitted in residential zones as uses that are compatible with and help support the viability of a neighborhood. Child care centers are usually considered commercial land uses, thus making the cost and convenience of child care greater for neighborhood residents.

Welfare reform's impact on the need for child care for low-income mothers has the potential to be significant. Public funding for day care (e.g. the provision of safe, affordable, child care at convenient locations) is essential to implementation of any federal or state program for welfare reform.

Note: The implementation of actions at the state level is at the initiative of the chapter taken in the legislative context particular to each state.

RESOURCES

Ann Cibulskis and Marsha Ritzdoft, *Zoning for Child Care*, Planning Advisory Service Report no. 422, 1989.

Bureau of Census, Statistical Briefs. *American Women: A Profile (SB/95-19); The Earnings Ladder (SB/94-3RV); Who's Minding The Kids? (SB/94-5)*

Abby Cohen, "Zoning For Family Day Care: Transforming a Stumbling Block Into A Building Block," *The Planning Commissioner's Journal*, Number 3, March/April 1992.





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

Nyambi Shoates

Applicant Name

Affiliation

01/20/2025

March 13, 2025

Date Filed

Meeting Date (if applicable)

File Number(s)

3-C-25-SU

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

Nyambi Shoates

Name

Company

6215 Vandemere Drive

Knoxville

TN

37921

Address

City

State

ZIP

470-535-7552

Phone

Email

CURRENT PROPERTY INFO

470-535-7552

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

6215 Vandemere Drive Knoxville, TN 37921

Property Address

Parcel ID

KUB

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.**

DEVELOPMENT REQUEST

Development Plan Use on Review / Special Use Hillside Protection COA
 Residential Non-Residential
Home Occupation (specify) In Home Daycare

Related City Permit Number(s)

Other (specify) _____

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 _____

Pending Plat File Number

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
 Amendment Request (*Comprehensive Plan*)

ADDITIONAL REQUIREMENTS

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

Fee 1	Total
	\$450.00
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 options holders, each additional individual must sign the Property Owners/Option Holders Form.


Applicant Signature

Nyambi Shoates
Print Name / Affiliation

01/20/2025
Date

470-535-7552
Phone Number


Email


Property Owner Signature

Nyambi Shoates
Please Print

1/27/2025, SG
Date Paid

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.

03/12/2025

03/14/2025

Date to be Posted

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



Nyambi Shoates

01/22/2025

Applicant Signature

Applicant Name

Date