

# CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



**File Number:** 9-A-24-UR                      **Related File Number:**  
**Application Filed:** 7/25/2024              **Date of Revision:**  
**Applicant:** UJESH PATEL

## PROPERTY INFORMATION

**General Location:** South side of Middlebrook Pike, southeast of Ball Camp Pike  
**Other Parcel Info.:**  
**Tax ID Number:** 104 8602                      **Jurisdiction:** County  
**Size of Tract:** 5.94 acres  
**Accessibility:** Access is via Middlebrook Pike, a major arterial street with a 60-ft pavement width within a 96-ft right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Agriculture/Forestry/Vacant Land  
**Surrounding Land Use:**  
**Proposed Use:** Child Day Care Center                      **Density:**  
**Planning Sector:** Northwest County              **Plan Designation:** CMU (Corridor Mixed-use), SP (Stream Protection)  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** This area is developed primarily with single-family and attached residences. The subject property is part of a minor commercial node around the intersection of Middlebrook Pike and Schaad/Lovell Road. Nicholas Ball Park is across the street and Ball Camp Elementary School is nearby to the northwest.

## ADDRESS/RIGHT-OF-WAY INFORMATION (where applicable)

**Street:** 9714 MIDDLEBROOK PIKE  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** CA (General Business)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** A rezoning from A (Agricultural) to CA (General Business) was approved in 2006 (3-F-06-RZ).

## PLAN INFORMATION (where applicable)

**Current Plan Category:**

Requested Plan Category:

**SUBDIVISION INFORMATION (where applicable)**

Subdivision Name:

No. of Lots Proposed:

No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

**OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

**PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge:

Jessie Hillman

Staff Recomm. (Abbr.):

Approve the request for a child day care center in the CA (General Business) zone subject to 5 conditions.

Staff Recomm. (Full):

- 1) Meeting all applicable requirements of the Knox County Zoning Ordinance, including the supplementary regulations for a day care center in Article 4.91.
- 2) Meeting all applicable requirements of the Tennessee Department of Human Services for a child care facility.
- 3) Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
- 4) If any significant changes are made to the site plan in response to permitting requirements, the revised plans will be provided to Planning staff for review and may be subject to the Use on Review revision process before the Planning Commission.
- 5) If during design plan approval or construction of the development, it is discovered that unforeseen off-site improvements within the right-of-way are necessary, the developer will either enter into an MOU with the County for these improvements or reimburse the County for their direct expenses (if completed by County crews) to make corrections deemed necessary.

Comments:

This request is for the Children's Lighthouse Child Care Facility, which has an 11,911 sq ft building with a capacity for up to 200 children and 35 staff. The proposed development features three fenced outdoor playgrounds totalling 21,427 sq ft. The parking lot provides 52 spaces, 25 of which are loading spaces for drop-off and pick-up. More details provided by the applicant regarding the daycare operations plan can be found in Exhibit B.

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:

THE USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES, INCLUDING THE COMPREHENSIVE PLAN.

A. The proposed use of a day care center on the subject property is consistent with land uses intended for the CMU (Corridor Mixed-Use) designation in the Knox County Comprehensive Plan. The CMU place type describes commercial operations as a primary use and civic establishments as a secondary use. A private day care facility could fall under both of these use categories.

B. The transportation section of the CMU place type describes how parking should be located to the side or rear of buildings, and this is not reflected in the site plan. However, in this circumstance where the development proposal is designed for a capacity of 200 small children, having the building set further back from Middlebrook Pike, a 5-lane major arterial street, is appropriate. The parking lot in front of the building provides safe and efficient loading areas for parents and children, and it allows the playgrounds to be set further back from the busy street.

C. A day care business at this location aligns with the Comprehensive Plan's Implementation Policy 3 to encourage infill and redevelopment of underutilized commercial land. This property has never had a permanent structure on it according to historical aerial maps. A day care center would provide an important service to surrounding residents on an underutilized commercial lot.

D. The proposed development is also consistent with Implementation Policy 4 to incentivize walkable, mixed-use centers, corridors, and neighborhood service nodes as the preferred form of commercial development. This section of Middlebrook Pike has sidewalks on both sides. The subject property is across the street from Nicholas Ball Park, which is an expansive recreational area with sports fields, a walking trail and a playground. This property is also part of a commercial and civic node at the intersection of Middlebrook Pike and Schaad Road. This node will inevitably grow with the completion of the Schaad Road expansion that is under construction. A day care center at this location provides an important neighborhood service in an area that will become increasingly walkable.

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

A. Article 4.91 of the zoning ordinance provides supplementary regulations for day care centers when considered as a use on review. All the requirements listed in the code have been met or exceeded by the applicant. The site plan and floor plan reflect ample indoor and outdoor play areas for the maximum number of children anticipated. The parking meets the minimum off-street parking requirements and provides a loading area

B. One provision specific to day care centers proposed in the CA (General Business) zone is that surrounding land uses and zoning should not endanger the welfare of children. The building and play areas are set far back from the car wash business to the west, and development is hindered to the east and south by stream and wetland conditions. This flood-prone area provides a scenic and natural setting for the day care, and Knox County Engineering and Public Works will require that the development be consistent with local stormwater and FEMA floodplain standards to mitigate flooding risk to the proposed building.

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 architectural elevations for the proposed day care reflect an attractive and cohesive site design that is compatible with the surrounding area. The height and scale of the one-story building is consistent with surrounding building heights.

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

A. A day care center will likely increase the desirability of surrounding residential properties, since it provides an important service for young families. The development could also become an anchor business that fosters more service-oriented commercial development and pedestrian infrastructure within this underutilized commercial node.

B. The property is in a sensitive, flood-prone area. At the permitting stage, the development will be required to comply with all applicable engineering standards including the minimum floor elevation, the no-fill line, and proper stormwater detention to ensure there is no undue runoff impacting other properties.

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

A. The subject property is in an ideal location for accessible pick-up and drop-off on a major arterial street that is designed to manage more traffic.

**Action:** Approved with Conditions **Meeting Date:** 9/12/2024

**Details of Action:**

**Summary of Action:** Approve the request for a child day care center in the CA (General Business) zone subject to 5 conditions.

**Date of Approval:** 9/12/2024 **Date of Denial:** **Postponements:**

**Date of Withdrawal:** **Withdrawn prior to publication?:**  **Action Appealed?:**

**LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:**

**Date of Legislative Action:** **Date of Legislative Action, Second Reading:**

**Ordinance Number:** **Other Ordinance Number References:**

**Disposition of Case:** **Disposition of Case, Second Reading:**

**If "Other":** **If "Other":**

**Amendments:** **Amendments:**

**Date of Legislative Appeal:** **Effective Date of Ordinance:**