

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW

KNOXVILLE-KNOX COUNTY

M P C
METROPOLITAN
P L A N N I N G
C O M M I S S I O N
T E N N E S S E E

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File Number: 10-F-02-UR **Related File Number:**
Application Filed: 9/9/2002 **Date of Revision:**
Applicant: HAPPY TAILS GROOMING AND BOARDING
Owner:

PROPERTY INFORMATION

General Location: Northwest side Ebenezer Rd., northeast of S. Peters Rd.
Other Parcel Info.:
Tax ID Number: 132 L A 7,8 **Jurisdiction:** County
Size of Tract: 2.31 acres
Accessibility: Access is via Ebenezer Rd., a major collector street with 20' of pavement width and 50' of right of way.

GENERAL LAND USE INFORMATION

Existing Land Use: House, paved parking area and tennis courts
Surrounding Land Use:
Proposed Use: Dog kennel (boarding and grooming) **Density:**
Sector Plan: Southwest County **Sector Plan Designation:** LDR and Stream Protection
Growth Policy Plan: Planned Growth Area
Neighborhood Context: This area has been developed with a veterinary clinic on one side of the subject property and a horse stable and pastures on the other side. The subject property was previously developed as a tennis training center. A floodway runs to the rear of these properties.

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

Street: 717 Ebenezer Rd
Location:
Proposed Street Name:
Department-Utility Report:
Reason:

ZONING INFORMATION (where applicable)

Current Zoning: A (Agricultural) & F (Floodway)
Former Zoning:
Requested Zoning:
Previous Requests:
Extension of Zone:
History of Zoning: MPC denied OB zoning for this property on 8/14/2000. (9-M-00-RZ)

PLAN INFORMATION (where applicable)

Current Plan Category:

also serve the exercise area in the middle of the floor space. The outer wall and ceiling of the new building will be soundproof, so barking will not be heard outside. The building will be climate controlled and have adequate air exchange for the health of the animals. Based on staff's research, completely indoor kennels are becoming more common in urban settings. Some of the Knox County Animal Center's dog boarding facilities are indoors only.

The applicant anticipates that on a typical business day, clients will be dropping off animals for grooming between 8am and 12pm and picking up animals between 10am-6pm. There will also be clients picking up or dropping off animals for boarding throughout the day. The on-site parking, which will be re-stripped and sized to meet Knox County standards, is more than adequate to support the proposed use. The existing curbcut and entrance driveway meets County standards. A licensed surveyor has certified that there is 300 feet of clear sight distance in both directions on Ebenezer Rd. from the existing curbcut (see attached letter, Exhibit B), as required on a street with a posted speed limit of 30 mph.

On August 14, 2000, MPC denied OB (Office, Medical & Related Services) zoning for this property (9-M-00-RZ). MPC staff had stated poor sight distance and detrimental impact on the Ten Mile Creek floodway to the rear as reasons for recommending denial. Since then, the sight distance has been improved through removal of vegetation and road improvements by the County. The applicant has provided a certification letter from a licensed surveyor indicating that adequate sight distance is available from the existing curbcut entrance to the site. It is staff's opinion that the proposed use of the property will not have any detrimental impact on the floodway. All dog waste and other potential contaminants will be disposed of properly through the public sewer system. There will be no areas where dogs will be outdoors for any length of time. In addition, Knox County Engineering has reviewed the plans and indicated that none of the new construction would take place within the No-fill Zone of this portion of the Ten Mile Creek flood fringe. No additional displacement of water will take place on this site and cause impact downstream. No new development is proposed within the area of the site zoned Floodway.

A. EFFECT OF THE PROPOSAL ON THE SUBJECT PROPERTY, SURROUNDING PROPERTY AND THE COMMUNITY AS A WHOLE

1. The proposal will allow reuse of the subject property, which was previously used as a tennis training facility. The additional traffic demands on the road should be minimal because Ebenezer Rd. is a major collector street that already has some office and commercial development. Public water and sewer utilities are available to the site. The applicant has specified that the development will connect to sanitary sewer.

2. The property is located between a veterinary clinic/boarding facility and a large parcel with a house and fenced horse pastures. Ten Mile Creek is located to the rear of the property, with a single family dwelling located north of the creek more than 400 feet from the new kennel. Condominiums are located across Ebenezer Rd. to the east. The new dog kennel building would be located at least 200 feet from the nearest residences, which would be the condos across the street. New landscaping is shown on the plans surrounding the front and side of the new building facing east toward Ebenezer Rd. and south. This will provide a full visual screen of the kennel building from the street and adjacent property to the south. There are currently at least 4 large evergreen trees located between the upper tennis court and Ebenezer Rd. The plans also show landscaping proposed along the back side of the lower tennis court to screen the view to the north across the creek. The new building and the house's front façades are proposed to be covered with a cream colored stucco to provide a consistent look to both structures.

B. CONFORMITY OF THE PROPOSAL TO CRITERIA ESTABLISHED BY THE KNOX COUNTY ZONING ORDINANCE

1. The proposal is consistent with general standards for uses permitted on review. The use is consistent with adopted plans and policies, as well as the intent of the zoning regulations. The 2.31 acre site is well above the minimum 1 acre lot size required by the Agricultural zone, which allows for sufficient setback of the business from adjacent properties. The use is compatible with the character of the surrounding area. Potential impacts such as noise from barking dogs, traffic and potential odors have been addressed sufficiently by the development plans and materials submitted by the applicant. Potential impacts to the floodway have been addressed to the satisfaction of the Knox County Engineering Department. No additional traffic will be drawn through residential streets as a result of this development. Sole access to the site is via Ebenezer Rd., a major collector street. The surrounding land uses and zoning pattern will not pose a significant threat to this proposed use.

2. The Knox County Zoning Ordinance does not contain any specific standards for regulation of dog kennels. The Knox County Health Department has reviewed the plans and required that it be connected to sanitary sewer (see attached letter from Mark Jones, dated Oct. 22, 2002, Exhibit B), but has no other approval authority. Staff has made use of all available resources, contacted persons involved in the dog boarding business, and drawn on past dog kennel cases to make these recommendations. Staff has attempted to address all potential issues that may arise by locating a dog kennel and grooming business at this site.

C. CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS

1. The Agricultural and Floodway zoning on the property will not change as a result of this request. These zones are consistent with the Southwest County Sector Plan's designations of low density residential and stream protection for the site. The Agricultural zone allows dog kennels to be considered as a use on review and approved by the Planning Commission.

MPC Action: Approved

MPC Meeting Date: 11/14/2002

Details of MPC action:

1. Adhering to all stipulations of the attached development plan and other materials, as submitted by the applicant.
2. The new kennel building must be constructed at the current location of the upper tennis court, closest to Ebenezer Rd., and must have a minimum floor elevation of 881.0 feet.
3. No retail sales of products will be permitted.
4. Maintaining the certified sight distance (see attached certification letter) as long as the business is in operation. This would include keeping vegetation from blocking the clear sight distance. In order to legally ensure this can be done, the applicant must obtain and record a line of sight easement across the parcel to the north (CLT #132LA006). This must be done prior to issuance of building permits for the new kennel building. A copy of the recorded document must also be submitted to MPC staff for the case file.
5. Hours of operation (dropping off or picking up dogs) is limited to 8am to 6pm, Monday through Friday and from 8am to 2pm on Saturday.
6. No dogs may be outside on the property at any time, other than for transfer from customers dropping off or picking up animals or for taking dogs from the private boarding rooms to the kennel building for exercise during regular hours of operation.
7. Installing all landscaping, as shown on the development plan, within six months of issuance of building permits for the new kennel building, or posting a bond with the Knox County Department of Engineering and Public Works to guarantee such installation.
8. Connecting the house and the new kennel building to sanitary sewer, as well as meeting any other applicable requirements of the Knox County Health Department.
9. Meeting all applicable requirements of the Knox County Zoning Ordinance.
10. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
11. Submitting a plat combining the two parcels (7 and 8) into one lot of record.
12. Restriping the parking lot and improving the parking lot to meet County standards. Each parking space must be 10' by 20' in size and the drive aisle between the 90 degree spaces must be a minimum of 25' in width.

Summary of MPC action:

APPROVE the request for dog boarding for up to 40 dogs at any one time, private dog boarding for up to 10 dogs at any one time and grooming for up to 25 dogs per day in the A and F zoning districts, subject to 12 conditions:

Date of MPC Approval: 11/14/2002

Date of Denial:

Postponements: 10/10/2002

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: