

CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



File Number: 11-C-23-UR **Related File Number:**
Application Filed: 9/26/2023 **Date of Revision:**
Applicant: STEPHEN STEELE

PROPERTY INFORMATION

General Location: Northwest side of Maryville Pike, southwest of Woodson Drive
Other Parcel Info.:
Tax ID Number: 122 K C 033 **Jurisdiction:** County
Size of Tract: 0.57 acres
Accessibility: Access is via Maryville Pike, a minor arterial street with a 26-ft pavement width within a 58-ft of right-of-way.

GENERAL LAND USE INFORMATION

Existing Land Use: Office
Surrounding Land Use:
Proposed Use: Animal training facility **Density:**
Sector Plan: South County **Sector Plan Designation:** GC (General Commercial)
Growth Policy Plan: Urban Growth Area (Outside City Limits)
Neighborhood Context: This section of Maryville Pike is largely commercial and industrial. There are residential subdivisions, which include multifamily and single family residential, north of this property.

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

Street: 1733 MARYVILLE 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: This property was rezoned from RA (Low Density Residential) to CA (General Business) in 2000 (2-G-00-RZ).

PLAN INFORMATION (where applicable)

Current Plan Category: GC (General Commercial)

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: Whitney Warner

Staff Recomm. (Abbr.): Approve the request for a dog training facility with approximately 5,000 sq ft of floor area and an adjacent 1,300 sq ft fenced outdoor gravel area and overnight kenneling for up to 18 dogs, subject to 3 conditions.

Staff Recomm. (Full):
1) Meeting all applicable requirements of the Knox County Department of Engineering and Public Works, including a Special Pollution Abatement Permit (SPAP) for extended overnight animal stay, which requires controls in place to collect animal waste and properly treat or dispose of it.
2) Meeting all applicable requirements of the Knox County Zoning Ordinance, including but not limited to the outdoor lighting and landscape screening standards in Section 4.10.
3) The Planning Commission must approve the similar use determination (11-A-23-OB).

With the conditions noted, this plan meets the requirements for approval of a dog training facility with kenneling in the CA (General Business) zone and the criteria for approval of a use on review.

Comments: This request is for a dog training facility and kenneling with approximately 5,000 sq ft of floor area and 1,300 sq ft fenced outdoor gravel area. The applicant anticipates having a maximum total of 32 dogs coming and going per day from 7am to 8pm with a maximum of 18 dogs kenneled overnight.

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. The South County Sector Plan recommends general commercial uses for this site. The property is zoned CA (General Business), which is an allowed zoning district in the General Commercial land use classification. The sector plan does not recommend extending commercial corridors but prefers redevelopment. The applicant will be renovating an existing office/warehouse to allow for this new use.
B. General Plan Policies: Policy 8.12 -- When commercial uses abut residential property, ordinance provisions or use-on-review conditions requiring fencing, landscaping screens, earth berms, height restrictions, and/or deeper than usual building setbacks can improve land use transitions. Per the Knox County Zoning Ordinance, any business shall plant and maintain a Type "A" landscape screen within a landscape buffer strip a minimum of fifteen (15) feet in width adjacent to property developed for residential use or office use. There is a residential subdivision adjacent to the rear of the property. The applicant has stated the existing vegetation of deciduous trees and shrubs averages 22-ft in width and will remain undisturbed.
- 2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE.
A. The CA zone is for general retail business and services but not for manufacturing or for processing materials other than farm products. The CA zone allows consideration for veterinary clinics and animal hospitals as a use permitted on review. Since dog training facilities are not identified in the zoning ordinance, a similar use determination application (11-A-23-OB) is being reviewed simultaneously. Because it is similar to veterinary clinics and animal hospitals, it is the opinion of the staff that a dog training facility and kennel maintains the intent of the CA zoning district and should be considered a use permitted 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. The existing one-story metal warehouse/office is compatible with the commercial/industrial corridor

section of Maryville Pike.

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

A. There will be a fenced in outdoor area for dogs at the rear of the building. When the dogs are outside, they will be supervised, and disruptors will be used to help train the dogs not to bark. The rear property line will maintain the existing vegetation, which includes mature trees approximately 22-ft in width. The gravel outdoor area is 250 ft from the closest residence.

B. The business will use the existing lighting on the building, which includes downlights over the entries and 3 wall packs on the east side of the building. The property to the east is currently vacant. However, it is zoned CA, it is likely to eventually be developed as a commercial property, so the subject lighting should not negatively impact the adjacent property.

C. Kennels require a Special Pollution Abatement Permit. (Knox County Tennessee Stormwater Management Manual Vol. 2, Chapter 10, 10.2) That requires animal waste shall be prevented from entering streams, sinkholes, wetlands, ponds or any other component of the storm drain system. Controls shall be instituted to collect the animal waste and properly treat or dispose of it. The Special Pollution Abatement Permit (SPAP) will be reviewed during the design phase. The applicant has stated they will bag and dispose of waste immediately.

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

A. This site is located on a minor arterial with a mix of office, commercial, and industrial uses.

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.

Action: Approved with Conditions **Meeting Date:** 11/9/2023

Details of Action:

Summary of Action: Approve the request for a dog training facility with approximately 5,000 sq ft of floor area and an adjacent 1,300 sq ft fenced outdoor gravel area and overnight kenneling for up to 18 dogs, subject to 3 conditions.

Date of Approval: 11/9/2023 **Date of Denial:** **Postponements:**

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knoxville-Knox County Planning Commission

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:**