

# CASE SUMMARY

APPLICATION TYPE: SPECIAL USE



**File Number:** 12-B-21-SU                      **Related File Number:**  
**Application Filed:** 10/25/2021              **Date of Revision:**  
**Applicant:** HANNA BOYER

## PROPERTY INFORMATION

**General Location:** West side of Lamar Street, north side of E. Fourth Avenue  
**Other Parcel Info.:**  
**Tax ID Number:** 94 D K 019                      **Jurisdiction:** City  
**Size of Tract:** 20000 square feet  
**Accessibility:** The property has frontage on Lamar Street and E. Fourth Avenue. Lamar Street is a local road with a 40-ft pavement width inside a 59-ft right-of-way. E. Fourth Avenue is also a local road, and has a 38-ft pavement width inside a 56-ft rightof-way. The plan proposes to convert the parking lot to a dog park, so there would no longer be vehicular access onto the site; pedestrian access to the building will be retained as is on both front facades of the building.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Vacant office building  
**Surrounding Land Use:**  
**Proposed Use:** Small animal care facility with a bar serving canned beverages              **Density:**  
**Sector Plan:** Central City              **Sector Plan Designation:** MU-SD, MU-CC1 (Mixed Use Special District, Dow  
**Growth Policy Plan:** N/A (Within City limits)  
**Neighborhood Context:** This property is at the eastern boundary of the Downtown Edge District. It is surrounded by mostly office uses, though there are several multifamily properties nearby. The Historic Fourth and Gill neighborhood is two blocks to the east.

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

**Street:** 601 Lamar St.  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** DK-E (Downtown Knoxville Edge Subdistrict)  
**Former Zoning:**  
**Requested Zoning:**  
**Previous Requests:**  
**Extension of Zone:**  
**History of Zoning:** None noted.

**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:

Michelle Portier

Staff Recomm. (Abbr.):

Approve the development plan for a small animal care facility in the DK-E zone, subject to four conditions.

Staff Recomm. (Full):

1. Meeting all applicable requirements of the City of Knoxville Zoning Ordinance.
2. Meeting all applicable requirements of the City of Knoxville Engineering Department.
3. Meeting all applicable requirements of the City of Knoxville Fire Marshall.
4. Any proposed signage will be required to meet all applicable requirements of the City of Knoxville Zoning Ordinance.

With the conditions noted, this plan meets the requirements for approval of a small animal care facility in the DK-E zone.

Comments:

This is a request for a doggie day care facility with indoor and outdoor play spaces proposed. The facility is exclusively for dogs and will offer grooming services, dog training, and boarding for up to 4 dogs in addition to the doggie day care service. There will also be a small bar inside the building offering cold drinks and canned beer, and there is additional seating outside at picnic tables lining the perimeter of the property. No food is proposed to be prepared or served on the property at this time. The request is being reviewed as a small animal care facility. Only the animal care facility is under review since a bar is a permitted use in the DK-E zone.

The subject property is at the northwest intersection of Lamar Street and E. Fourth Avenue and is zoned DK-E (Downtown Edge). Small animal care facilities are allowed as a special use in the DK-E zone, and Article 9.3.A contains supplemental criteria for this use in the City, which the proposal meets.

The applicant submitted a summary of their business model with the application. The listed business hours for the doggie day care (cage-free), which includes the grooming and training services, are provided in that summary. The summary lists business hours for the indoor dog park, but the outdoor dog park hours would be the same and would consist of evening/night hours during the work week and day to night hours on weekends. The outdoor dog park has the greatest potential for adverse impacts on nearby residences, so evenings and weekends are likely the times where barking and other noise might impact nearby residents. However, the summary states that, "play spaces will be monitored by dog professionals," so staff could presumably address any noise issues in real time.

The plan proposes to use the existing building, renovating the interior with a new floor plan and finishes. The outdoor play yard would replace the current parking lot and would be fenced in with a 6-ft privacy fence that encompasses the outdoor area. The outdoor play yard will consist of artificial turf with various activities for the animals to play and exercise. There would be two large fabric awnings erected in this area offering shade for adults and animals.

Businesses in the DK-E District are not required to provide parking. As stated previously, the proposed development plan proposes to convert the current parking into the outdoor play area, so there will be no off-street parking spaces provided with this business. On-street parking is available along Lamar Street and E. Fourth Avenue.

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 One Year Plan and Central City Sector Plan both have this property designated as MU-SD. CC1 (Downtown North Mixed Use District) which allows consideration of various commercial, office, and medium density residential uses.

B. The proposed animal care facility for small animals is consistent with the sector plan and One Year Plan.

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

A. The DK-E zone is intended to address areas of transition between the higher intensity environment of the Downtown and adjacent smaller-scale mixed-use areas.

B. The proposed animal care facility is considered a commercial use and is permitted in the DK-E zone as a Special Use.

C. Animal care facilities for small animals are subject to the principal use standards in Article 9.3.A. The proposal meets all of the standards, which are as follows:

1. Such facilities may only board five or more dogs and/or cats over the age of six months if the Animal Control Board approves a kennel, boarding facility, pet shop, or pet dealer permit.

2. Animal care facilities must locate exterior exercise areas to the side or rear of the building.

3. Exterior exercise areas must provide covered areas over a minimum of 30% of the exterior area to provide shelter against sun/heat and weather. A fence a minimum of six feet and a maximum of eight feet in height is required for all exterior exercise areas.

4. Animal care facilities must locate all overnight boarding facilities indoors.

5. All animal quarters and exterior exercise areas must be kept in a clean, dry, and sanitary condition.

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 proposed use would utilize the existing structure, and no exterior changes are proposed at this time. Therefore, the animal care facility will not substantially alter the visual character of the area.

B. The outdoor play yard has the potential to generate noise from dogs barking and playing. This could possibly cause conflicts with residents in nearby buildings.

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 development would be required to comply with Article 10 of the City of Knoxville Zoning Ordinance standards for the aforementioned impacts. Section 10.2 regulates lighting, while noise, dust and pollution, odors, fire hazards, and other similar concerns are regulated in Section 10.5.

5) THE USE IS NOT OF A NATURE OR SO LOCATED AS TO DRAW SUBSTANTIAL ADDITIONAL TRAFFIC THROUGH RESIDENTIAL STREETS.

A. Additional traffic will not be drawn through residential streets as the subject property is located one block east of E. Central Avenue, a minor arterial, near where it connects with N. Broadway Avenue, a major arterial. The surrounding streets contain mostly commercial buildings as this is a downtown district.

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 would cause a potential hazard or create an undesirable environment for the proposed use.

**Action:** Approved

**Meeting Date:** 12/9/2021

**Details of Action:**

**Summary of Action:**

**Date of Approval:** 12/9/2021

**Date of Denial:**

**Postponements:**

**Date of Withdrawal:**

**Withdrawn prior to publication?:**  **Action Appealed?:**

## **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:** Knoxville City Council

**Date of Legislative Action:**

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

**Ordinance Number:**

**Disposition of Case:**

**If "Other":**

**Amendments:**

**Date of Legislative Appeal:**

**Other Ordinance Number References:**

**Disposition of Case, Second Reading:**

**If "Other":**

**Amendments:**

**Effective Date of Ordinance:**