

# 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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Knoxville, Tennessee 37902  
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**File Number:** 2-M-03-UR                      **Related File Number:**  
**Application Filed:** 1/13/2003              **Date of Revision:**  
**Applicant:** BLUEGRASS ANIMAL HOSPITAL P.C.  
**Owner:**

## PROPERTY INFORMATION

**General Location:** West side Ebenezer Road, South of Highbridge Dr.  
**Other Parcel Info.:**  
**Tax ID Number:** 144 95    **Jurisdiction:** County  
**Size of Tract:** 3.87 acres  
**Accessibility:** Access is via Ebenezer Rd., a minor arterial street, with a five lane configuration within a 70-80' right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Child day care center (now vacant)  
**Surrounding Land Use:**  
**Proposed Use:** Veterinary clinic and kennel    **Density:**  
**Sector Plan:** Southwest County              **Sector Plan Designation:**  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** The site is located in an area of predominantly low density residential development. The property to the south, which includes residences on average two acre lots, also includes the Bluegrass Elementary School.

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

**Street:** 1439 Ebenezer Rd  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** A (Agricultural)  
**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:

Surveyor:

No. of Lots Proposed:                      No. of Lots Approved: 0

Variances Requested:

S/D Name Change:

**OTHER INFORMATION (where applicable)**

Other Bus./Ord. Amend.:

**MPC ACTION AND DISPOSITION**

Planner In Charge: Tom Brechko

Staff Recomm. (Abbr.): APPROVE the development plan for the veterinary clinic and kennel for up to 40 animals in the A (Agricultural) zoning district, subject to 11 conditions:

- Staff Recomm. (Full):
1. Connecting the veterinary clinic and the kennel building to sanitary sewer, as well as meeting any other applicable requirements of the Knox County Health Department.
  2. Hours of operation (dropping off or picking up dogs) is limited to 7:00 am to 7: 00 p.m., Monday through Friday, and from 7:00 am to 2:00 p.m. on Saturday.
  3. No dogs are to be left unattended outside on the property at any time, or left outside after business hours.
  4. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.
  5. Revising the landscape plan to include a row of Leyland Cypress, Red Cedar, or other similar species of trees approved by Staff, set on 10' centers around the outside of the wood fence enclosures for the exercise yards, as identified on "Attachment A". The installed tree height shall be 6'.
  6. Installing all landscaping, as shown on the revised development/landscape plan, within six months of the time the veterinary clinic business occupies the building, or posting a bond with the Knox County Department of Engineering and Public Works to guarantee such installation.
  7. Maintaining the existing vegetative buffer that is located around the perimeter of the property.
  8. Adhering to all stipulations of the attached development plan and other materials, as submitted by the applicant. Miller & Associates, PLLC.
  9. Locating the proposed monument sign in accordance with Knox County Zoning Ordinance or obtaining a setback variance from the Board of Zoning and Appeals.
  10. Meeting all applicable requirements of the Knox County Zoning Ordinance.
  11. A revised site plan reflecting the conditions of approval must be submitted to MPC staff prior to issuance of any building permits.

With the conditions noted above, this request meets all requirements of the A (Agricultural) zoning district, as well as other criteria for approval of a Use-on-Review.

Comments: The applicant has recently purchased the Groves Animal Hospital business located at the intersection of Ebenezer Rd. and S. Peters Rd. This purchase was for the business rights and did not include the real estate at that location, therefore, the applicant is looking to relocate the business to a new site on Ebenezer Rd. The applicant is proposing to operate the veterinary clinic and kennel on a 3.87 acre site just north of Bluegrass Elementary School. The site was previously used as a child day care center. There are two existing access drives off of Ebenezer Rd. to serve the business.

As proposed, the veterinary clinic would be located in the main building on the site (building 1 on the site plan). This building would be used for the treatment and grooming of animals. On average, 20 to 30 animals would be treated per day. There is an animal exercise yard proposed behind the clinic building. This exercise yard will be enclosed with opaque fencing.

The applicant is proposing to use building 2 (see site plan) on the site as a kennel for the boarding of an average of 40 animals per day. Dog runs would be located inside the building. There is also an animal exercise yard proposed behind the kennel building. This exercise yard will be enclosed with opaque fencing. The exercise areas for both buildings will not be used at night. The applicant is planning to insulate the kennel building by adding acoustic plaster and overhead noise abatement baffles to reduce any noise impact. Waste management for the kennel will include a hopper that will be connected to the public sanitary sewer system.

The applicant has sent a letter to adjoining property owners concerning the locating of the business at this site. She has also spoken directly to a few of the neighbors. The plan shows supplemental landscaping to be installed along the northern and southern property lines. There is an existing treeline located along the western property line and at the northwest corner.

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

1. The proposed use will have minimal impact on local services since facilities (water, sewer and street access) are already in place to serve this site.
2. The proposal will allow reuse of the subject property, which was previously used as child day care center. The traffic generated by the animal clinic and kennel should not be as concentrated in the a.m. and p.m. peak hours as occurred with the child day care center.
3. The kennel building is located at approximately 130 feet to the nearest residence. With the additional landscaping (including the landscape screening around the fence enclosure), noise reduction measures within the kennel building, dog runs located inside the kennel building and opaque fencing around the exercise yards, the impact to the adjoining properties should be significantly reduced.

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

1. The proposed animal clinic and kennel is consistent with the general standards for uses permitted on review.
2. The Knox County Zoning Ordinance does not contain any specific standards for regulation of animal clinics and kennels. The plan as presented meets the requirements of the Knox County Zoning Ordinance.

#### CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The Agricultural zone is consistent with the Southwest County Sector Plan's designation of low density residential for the site. The Agricultural zone allows dog kennels to be considered as a use on review and approved by the Planning Commission.
2. The site is designated as a Planned Growth Area by the Growth Policy Plan.

#### ADDITIONAL COMMENTS FOLLOWING THE 2/7/2003 STAFF REPORT

The applicant has submitted additional documentation following Staff's initial report. We have received proposed sign plans that meet the requirements of the Zoning Ordinance (see attached sign drawing). The applicant is requesting that the sign be allowed at the location of the existing sign on the site. The ordinance would require a setback from the right-of-way of 25'. Staff is recommending approval of the sign subject to meeting the locational requirements or obtaining a locational variance from the Board of Zoning and Appeals.

A revised site plan has been submitted that identifies all of the existing fencing around the buildings to be removed. The two animal exercise yards have been reduced in size and will be surrounded by wood fencing. In response to the revised site plan, Staff has revised the landscaping condition (#5) to require the evergreen screen only around the two animal exercise yards (see revised Attachment A).

A letter has also been submitted by the First Utility District in support of the proposed waste management system for the kennel (copy attached).

#### **MPC Action:**

Approved

**MPC Meeting Date:** 2/13/2003

#### **Details of MPC action:**

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7. Maintaining the existing vegetative buffer that is located around the perimeter of the property.

8. Adhering to all stipulations of the attached development plan and other materials, as submitted by the applicant. Miller & Associates, PLLC.
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**Summary of MPC action:** APPROVE the development plan for the veterinary clinic and kennel for up to 40 animals in the A (Agricultural) zoning district, subject to 11 conditions:

**Date of MPC Approval:** 2/13/2003                      **Date of Denial:**                      **Postponements:**  
**Date of Withdrawal:**                      **Withdrawn prior to publication?:**  **Action Appealed?:**

## **LEGISLATIVE ACTION AND DISPOSITION**

**Legislative Body:**

<b>Date of Legislative Action:</b>	<b>Date of Legislative Action, Second Reading:</b>
<b>Ordinance Number:</b>	<b>Other Ordinance Number References:</b>
<b>Disposition of Case:</b>	<b>Disposition of Case, Second Reading:</b>
<b>If "Other":</b>	<b>If "Other":</b>
<b>Amendments:</b>	<b>Amendments:</b>
<b>Date of Legislative Appeal:</b>	<b>Effective Date of Ordinance:</b>