

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

Suite 403 • City County Building
400 Main Street
Knoxville, Tennessee 37902
865 • 215 • 2500
F A X • 215 • 2068
www.knoxmpc.org

File Number: 8-E-08-UR **Related File Number:**
Application Filed: 7/7/2008 **Date of Revision:**
Applicant: BYRD & COOPER ARCHITECTS BARRY BYRD

PROPERTY INFORMATION

General Location: Southeast side of Old Maynardville Pike, southeast of Cline Rd.
Other Parcel Info.:
Tax ID Number: 20 032 & 038.01 **Jurisdiction:** County
Size of Tract: 14 acres
Accessibility: Access is via Old Maynardville Pk., a local street with a pavement width of 20' within a 40' wide right-of-way

GENERAL LAND USE INFORMATION

Existing Land Use: Dog training center, kennel & detached dwelling
Surrounding Land Use:
Proposed Use: Dog training center and kennel **Density:**
Sector Plan: North County **Sector Plan Designation:** AG/RR
Growth Policy Plan: Rural Area
Neighborhood Context: Property in the area is zoned A agricultural and CA commercial. Development in the area consists of detached dwellings on parcels generally greater than one acre in size. The commercially zoned property in the area is mostly undeveloped.

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

Street: 8324 Old Maynardville Pike
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:

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: Dan Kelly

Staff Recomm. (Abbr.): APPROVE the request for a boarding kennel for up to forty-five dogs and a dog training facility subject to 10 conditions

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Zoning Ordinance
2. Meeting all applicable requirements of the Knox County Health Dept.
3. Relocating the existing kennel buildings to the area directly behind or beside the existing garage that is located behind Ms. Pope's dwelling. Provide roofs over the outside kennels. Provide a combination of a vegetative buffer and fencing to act as a sound barrier around the entire kennel area
4. Installing a six foot high wood privacy fence along the northern boundary of the Webb property (020 IA 004) as shown on the development plan. At the time a house is built on the Cox property (020 IA 003) the fence will be extended along their common boundary within six months of the completion of the dwelling.
5. Provide the landscaping as shown on the development plan for the area directly behind the Webb property that is used as the dog training ground. In addition to the landscaping, provide a six foot high security fence around the dog training area.
6. Design and construct a parking lot that is located in close proximity to the relocated kennel buildings. Strictly prohibit parking outside of the area designated for parking.
7. Limiting the hours of the kennel operation as noted on "Exhibit A" and all dog training classes are to be concluded by 8:30 PM. All outdoor lighting in the area of the training ground must be shut off no later than 9:00 PM
8. Elimination of the shows or competitions that involve dogs that are not being trained by the applicant's client
9. A revised site plan reflecting the conditions of approval must be submitted to MPC staff prior to commencing any construction as required by this approval
10. Meeting all conditions of approval within six months from the date of approval by the MPC

Comments: The applicant is representing Sandra Pope who owns and resides at 8324 Old Maynardville Pk. Ms. Pope has operated a dog training center and kennel at this location for a number of years without approval by MPC through the use on review process as required by the Knox County Zoning Ordinance. The Zoning Ordinance states that it is "necessary to give special consideration to certain uses because they are unique in nature, require large land areas, are potentially incompatible with the existing development, or because the effect of such uses cannot definitely foreseen. The uses listed under the various zones as Uses Permitted on Review are so classified because they more intensely dominate the area in which they are located than do other uses permitted in the zone. Therefore, these uses must be specially placed into the development pattern which exists at the time of arrival."

With proper planning and management a dog kennel is the type of use than can be accommodated with little impact on the surrounding area. A kennel can also be a real nuisance to the adjoining property owners if provisions are not made to control noise, sanitation, security, lighting, operating hours and parking.

Ms. Pope has operated the kennel and dog training facility for a number of years. This business has two primary missions. First, it operates as a boarding kennel that can accommodate up 45 dogs. The second portion of the business is dog training. In most cases the animals that are being trained are not being boarded a the kennel. The dogs are brought to the site for training classes and then leave. Many different types of training are provided at this location. As with most successful businesses, it has grown over the years. As a result, additional buildings have been added to accommodate increased number of animals for boarding. A training ground has been graded and constructed and lighting has been added. While the business has grown so has the impact on the surrounding residents. The noise has increased over the years. The training ground has been in use more frequently. Parking for the

training classes has been permitted in very close proximity to the neighbors. Competitions have been held at this site that attract other dogs and their trainers and pet owners to this site.

It is the opinion of staff that the growth of this business has had an increasing negative impact on the adjoining residents. However, staff is also of the opinion that the proposed use can be accommodated on the site with a decreased impact on the neighbors. First, and foremost, the staff will recommend the kennel buildings be relocated to a more central location on the site. At present, the kennels are located closer to the adjoining property owner's home than to Ms. Pope's dwelling. The kennels are presently located near the high point of the site. If the kennels are moved as recommended, they will be located at a lower elevation. This change in elevation along with the required landscaping and fencing will result in less noise leaving the site. Second, limiting the hours of operation of both the kennel and the training classes will reduce the amount of activity on the site which in turn will reduce the amount of time the dogs are active. Additionally, a well defined parking area will keep the activity away from the adjoining property owners.

The neighbors have stated throughout the review process that they have no desire to put Ms. Pope out of business. They have stated that their primary goal is to be able to enjoy being outside on their property without having to listen to the loud and prolonged barking of dogs. Simply stated they want a "little peace and quiet."

Staff believes that our recommendation will permit Ms. Pope to continue her business and it will permit the neighbors to enjoy a little tranquility.

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

1. The proposed development will have minimal impact on local services since all required utilities are in place to serve this development.
2. The plan for the kennel and training facility as recommended by staff will decrease the negative impact on the surrounding property by increasing the distance between the kennels and the adjoining properties, by requiring plantings and fencing to further decrease noise levels, by adding fencing to improve security, by better defining the permitted parking areas and by limiting the hours of operation..

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

1. As recommended the proposed kennel and training facility meet the requirements for approval in the A Agricultural Zone and all other relevant requirements of the Zoning Ordinance.
2. As recommended the proposed kennel and training facility is consistent with the general standards for uses permitted on review: The proposed development will be consistent with the adopted plans and policies of the General Plan and Sector Plan. The use will be in harmony with the general purpose and intent of the Zoning Ordinance. The use will be compatible with the character of the neighborhood where it is proposed. The use will not significantly injure the value of adjacent property. .

CONFORMITY OF THE PROPOSAL TO ADOPTED PLANS

1. The North County Sector Plan identifies this property as being within an agricultural / rural residential area.
2. The site is located within the Rural Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

MPC Action: Postponed

MPC Meeting Date: 10/9/2008

Details of MPC action:

Summary of MPC action:

Date of MPC Approval:

Date of Denial:

Postponements: 8/14/2008-9/11/2008

Date of Withdrawal:

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

LEGISLATIVE ACTION AND DISPOSITION

Legislative Body: Knox County Board of Zoning Appeals

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":

Amendments:

Date of Legislative Appeal:

If "Other":

Amendments:

Effective Date of Ordinance: