

# CASE SUMMARY

APPLICATION TYPE: USE ON REVIEW



**File Number:** 9-D-18-UR                      **Related File Number:**  
**Application Filed:** 7/27/2018              **Date of Revision:**  
**Applicant:** JENNIFER MCKINNEY

## PROPERTY INFORMATION

**General Location:** South side of E. Hendron Chapel Rd, west side of E. Circle Dr.  
**Other Parcel Info.:**  
**Tax ID Number:** 138 041                      **Jurisdiction:** County  
**Size of Tract:** 1 acres  
**Accessibility:** Access is via Hendron Chapel Rd., a two lane minor arterial street with 22' of pavement within a 35' right-of-way, and E. Circle Dr., a local street with 16' of pavement within a 32' right-of-way.

## GENERAL LAND USE INFORMATION

**Existing Land Use:** Landscape business  
**Surrounding Land Use:**  
**Proposed Use:** Dog kennel                      **Density:**  
**Sector Plan:** South County              **Sector Plan Designation:** GC (General Commercial) & LDR (Low Density Re  
**Growth Policy Plan:** Planned Growth Area  
**Neighborhood Context:** This site is located on the edge of established commercial and residential development that has occurred around the intersection of two arterial streets primarily within CA and A zoning. A self-storage facility has been approved in 2016 for the property zoned PC (immediately across Hendron Chapel Rd.) and is still planned for construction.

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

**Street:** 118 E Hendron Chapel Rd  
**Location:**  
**Proposed Street Name:**  
**Department-Utility Report:**  
**Reason:**

## ZONING INFORMATION (where applicable)

**Current Zoning:** CA (General Business) & 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.:

### **PLANNING COMMISSION ACTION AND DISPOSITION**

Planner In Charge: Mike Reynolds

Staff Recomm. (Abbr.): APPROVE the request for a dog kennel containing 1,970 square feet of floor area and approximately 1,600 square feet of fenced outdoor activity area, as shown on the development plan, subject to 7 conditions.

Staff Recomm. (Full):

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
2. Meeting all applicable requirements of the Knox County Department of Public Works.
3. Meeting all requirements of the Knox County Health Department.
4. Along the north and east sides of the fenced (outdoor activity) area, maintaining the existing landscaping and installing new landscaping to meet the intent of the Type "B" continuous landscape screening guidelines. See Exhibit A.
5. Meeting the off-street parking requirements (Art. 3, Section 3.50), as determined by Knox County Codes Administrator, and parking lot layout standards (Art. 3, Section 3.51) of the Knox County Zoning Ordinance.
6. Meeting all requirements of the sign regulations (Art. 3, Section 3.90) of the Knox County Zoning Ordinance for signs permitted in the A (Agricultural) district.
7. Removal of the driveways that extend onto adjacent properties, or obtaining easements from the adjacent property owners to allow the continued use of the driveways.

With the conditions noted, this plan meets the requirements for approval of a dog kennel in the A district and the other criteria for approval of a use-on-review.

Comments: The proposed site was formally used as a landscape business. The conversion of the site to a kennel will include internal renovations of the building and installation of a fenced area to the east of the building for an outdoor activity area for dogs. A new parking lot will be constructed which will reduce the size of the curb cut to Circle Drive, meeting the zoning requirements.

There are two nearby houses that could be affected by the proposed use. The house to the east (across Circle Drive) is approximately 70 feet from fenced outdoor activity area and the house to the southeast is approximately 160 feet away. Veterinary clinics and animal hospitals, which are also a use permitted on review in the Agricultural zone, require that no animals be kept outdoors within 100 feet of any residence and that the applicant shall demonstrate that the use of the property will not create nuisance conditions for adjoining properties due to noise, odor, or lack of adequate sanitation. Since kennels are considered a different use classification than a veterinary clinic, the 100-foot separation standard does apply. However, the outdoor activity area could be a nuisance to nearby residence so staff is recommending that a continuous evergreen landscape screen be installed along the outside boundary of the fenced area to limit disturbance.

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

1. The proposal will have no impact on schools.
2. No significant traffic will be added to the surrounding roads with the approval of this request.
3. There will be no impact on utility requirements in the area.
4. Staff is recommending that a continuous evergreen landscape screen be installed along the outside boundary of the fenced area to limit disturbance to the nearby residential uses.
5. The rear portion of the property is zoned CA which allows kennels as a permitted use.

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

1. The proposed kennel in the A zone district is consistent with the general standards for uses

permitted on review: The proposed development is consistent with the adopted plans and policies of the General Plan and Sector Plan. The use is in harmony with the general purpose and intent of the Zoning Ordinance. The use is compatible with the character of the neighborhood where it is proposed. The use will not significantly injure the value of adjacent property. The use will not draw additional traffic through residential areas.

2. The Agricultural zone allows consideration of a kennel as use permitted on review and the zoning ordinance has no specific standards for this use.

**CONFORMITY OF THE PROPOSAL TO ADOPTED MPC PLANS**

1. The South County Sector Plan proposes LDR (Low Density Residential) and GC (General Commercial) uses for the site. The kennel use is compatible with the sector plan designations.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

**Action:** Approved **Meeting Date:** 9/13/2018

- Details of Action:**
1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
  2. Meeting all applicable requirements of the Knox County Department of Public Works.
  3. Meeting all requirements of the Knox County Health Department.
  4. Along the north and east sides of the fenced (outdoor activity) area, maintaining the existing landscaping and installing new landscaping to meet the intent of the Type "B" continuous landscape screening guidelines. See Exhibit A.
  5. Meeting the off-street parking requirements (Art. 3, Section 3.50), as determined by Knox County Codes Administrator, and parking lot layout standards (Art. 3, Section 3.51) of the Knox County Zoning Ordinance.
  6. Meeting all requirements of the sign regulations (Art. 3, Section 3.90) of the Knox County Zoning Ordinance for signs permitted in the A (Agricultural) district.
  7. Removal of the driveways that extend onto adjacent properties, or obtaining easements from the adjacent property owners to allow the continued use of the driveways.

With the conditions noted, this plan meets the requirements for approval of a dog kennel in the A district and the other criteria for approval of a use-on-review.

**Summary of Action:** APPROVE the request for a dog kennel containing 1,970 square feet of floor area and approximately 1,600 square feet of fenced outdoor activity area, as shown on the development plan, subject to 7 conditions.

**Date of Approval:** 9/13/2018 **Date of Denial:** **Postponements:**

**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":** **If "Other":**

**Amendments:** **Amendments:**

**Date of Legislative Appeal:** **Effective Date of Ordinance:**