

▶ **FILE #:** 6-G-10-UR

**AGENDA ITEM #** 36

**AGENDA DATE:** 6/10/2010

▶ **APPLICANT:** **JOLENE S. CLARK**

**OWNER(S):** MICHAEL & JOLENE CLARK

**TAX ID NUMBER:** 126 190.04

**JURISDICTION:** County Commission District 8

▶ **LOCATION:** **East side of Trundle Rd., south of Kimberlin Heights Rd.**

▶ **APPX. SIZE OF TRACT:** **10.4 acres**

**SECTOR PLAN:** South County

**GROWTH POLICY PLAN:** Rural Area

**ACCESSIBILITY:** Access is via Trundle Rd., a local street with a 13' pavement width within a 40' right-of-way.

**UTILITIES:** Water Source: Well

Sewer Source: Septic system

**WATERSHED:** Holston and French Broad

▶ **ZONING:** **A (Agricultural)**

▶ **EXISTING LAND USE:** **Vacant land**

▶ **PROPOSED USE:** **Dog Boarding Kennel**

**HISTORY OF ZONING:** None noted

**SURROUNDING LAND** North: Vacant land / A (Agricultural)

**USE AND ZONING:** South: Vacant land / A (Agricultural)

East: Vacant land / A (Agricultural)

West: Vacant land / A (Agricultural)

**NEIGHBORHOOD CONTEXT:** The site is located in rural agricultural area in southeast Knox County.

**STAFF RECOMMENDATION:**

▶ **APPROVE the request for a boarding kennel for up to 30 dogs as shown on the development plan subject to 7 conditions**

1. Meeting all applicable requirements of the Knox County Zoning Ordinance.
2. Meeting all applicable requirements of the Knox County Health Department.
3. Installing a landscape evergreen screen along the north side of the outdoor kennel area with a minimum installed height of 4 feet. The landscape screen shall be in place within three months of the issuance of the occupancy permit for this project.
4. Maintaining the mature tree stands on the property around the kennel facility to help reduce noise impacts.
5. All dogs are to be brought indoors before dark and no dogs are to be permitted in the outside dog runs before 7:00 AM.
6. Access drive and parking areas to meet the requirements of the Knox County Department of Engineering and Public Works.

7. Meeting all applicable requirements of the Knox County Department of Engineering and Public Works.

With the conditions noted above, the request meets all requirements for approval within the A (Agricultural) zoning district, as well as other criteria for approval of a use on review.

**COMMENTS:**

The applicant is requesting approval of a boarding kennel that will accommodate up to 30 dogs on a 10.4 acre site. The property is located on the east side of Trundle Rd. near the southern terminus of the road, approximately 0.6 miles south of Kimberlin Heights Rd. The property is one of 18 tracts of five acres or greater in size that were created by an exempt plat recorded on September 23, 2008. In addition to the kennel, the applicant will also be building their home on the property. Over 50% of the site is heavily wooded which will help reduce the impact of the facility on adjoining property. Trundle Rd. is a narrow street that is only 13' wide in the area of the property. Traffic impact from the proposed facility should be minimal. Staff does have concern over the limited sight distance that exists to the west at the intersection of Trundle Rd. and Kimberlin Heights Rd. (both County streets). The County currently has no plans for improving the sight distance at this intersection.

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 be 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 that 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.

**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 needed to serve this development.
2. The negative impacts of a kennel facility on surrounding property should be reduced by the applicant's proposal for operation and the recommended conditions by staff.

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

1. As recommended the proposed kennel will 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 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 proposed screening and measures for noise reduction 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 East County Sector Plan identifies this property as being within an agricultural / rural residential area.
2. The site is located within the Planned Growth Area on the Knoxville-Knox County-Farragut Growth Policy Plan map.

ESTIMATED TRAFFIC IMPACT: Not calculated.

ESTIMATED STUDENT YIELD: Not applicable.

MPC's approval or denial of this request is final, unless the action is appealed to the Knox County Board of Zoning Appeals. The date of the Knox County Board of Zoning Appeals hearing will depend on when the appeal application is filed. Appellants have 30 days to appeal an MPC decision in the County.