



SPECIAL USE REPORT

▶ **FILE #:** 12-B-21-SU

AGENDA ITEM #: 27

AGENDA DATE: 12/9/2021

▶ **APPLICANT:** HANNA BOYER
OWNER(S): Steven W. Kilpatrick

TAX ID NUMBER: 94 D K 019 [View map on KGIS](#)

JURISDICTION: City Council District 4

STREET ADDRESS: 601 Lamar St.

▶ **LOCATION:** West side of Lamar Street, north side of E. Fourth Avenue

▶ **APPX. SIZE OF TRACT:** 20000 square feet

SECTOR PLAN: Central City

GROWTH POLICY PLAN: N/A (Within City limits)

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.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Second Creek

▶ **ZONING:** DK-E (Downtown Knoxville Edge Subdistrict)

▶ **EXISTING LAND USE:** Vacant office building

▶ **PROPOSED USE:** Small animal care facility with a bar serving canned beverages

HISTORY OF ZONING: None noted.

SURROUNDING LAND USE AND ZONING: North: Offices - DK-E (Downtown Edge)

South: Multifamily - DK-E (Downtown Edge and Historic Overlay)

East: Vacant land and office building - C-G-2 (General Commercial)

West: Office buildings and multifamily building - DK-E (Downtown Edge)

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.

STAFF RECOMMENDATION:

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

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.

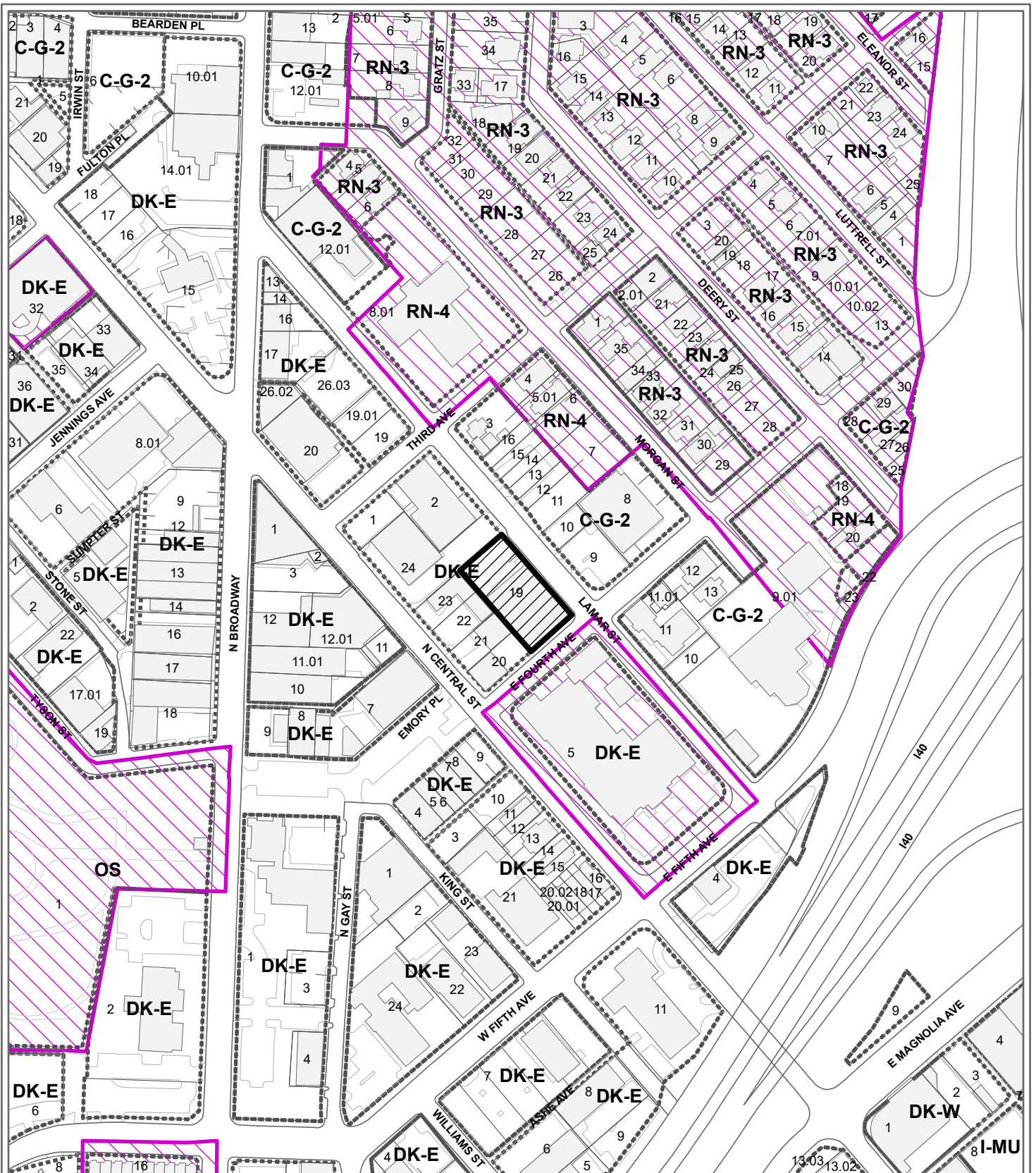
6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. There are no known uses in the area that would cause a potential hazard or create an undesirable environment for the proposed use.

ESTIMATED TRAFFIC IMPACT: Not required.

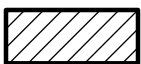
ESTIMATED STUDENT YIELD: Not applicable.

The Planning Commission's approval or denial of this request is final, unless the action is appealed to the Knoxville City Council. The date of the Knoxville City Council hearing will depend on when the appeal application is filed. Appellants have 15 days to appeal a Planning Commission decision in the City.



**12-B-21-SU
SPECIAL USE**

Petitioner: Boyer, Hanna



in DK-E (Downtown Knoxville Edge Subdistrict)

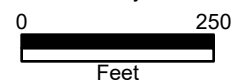
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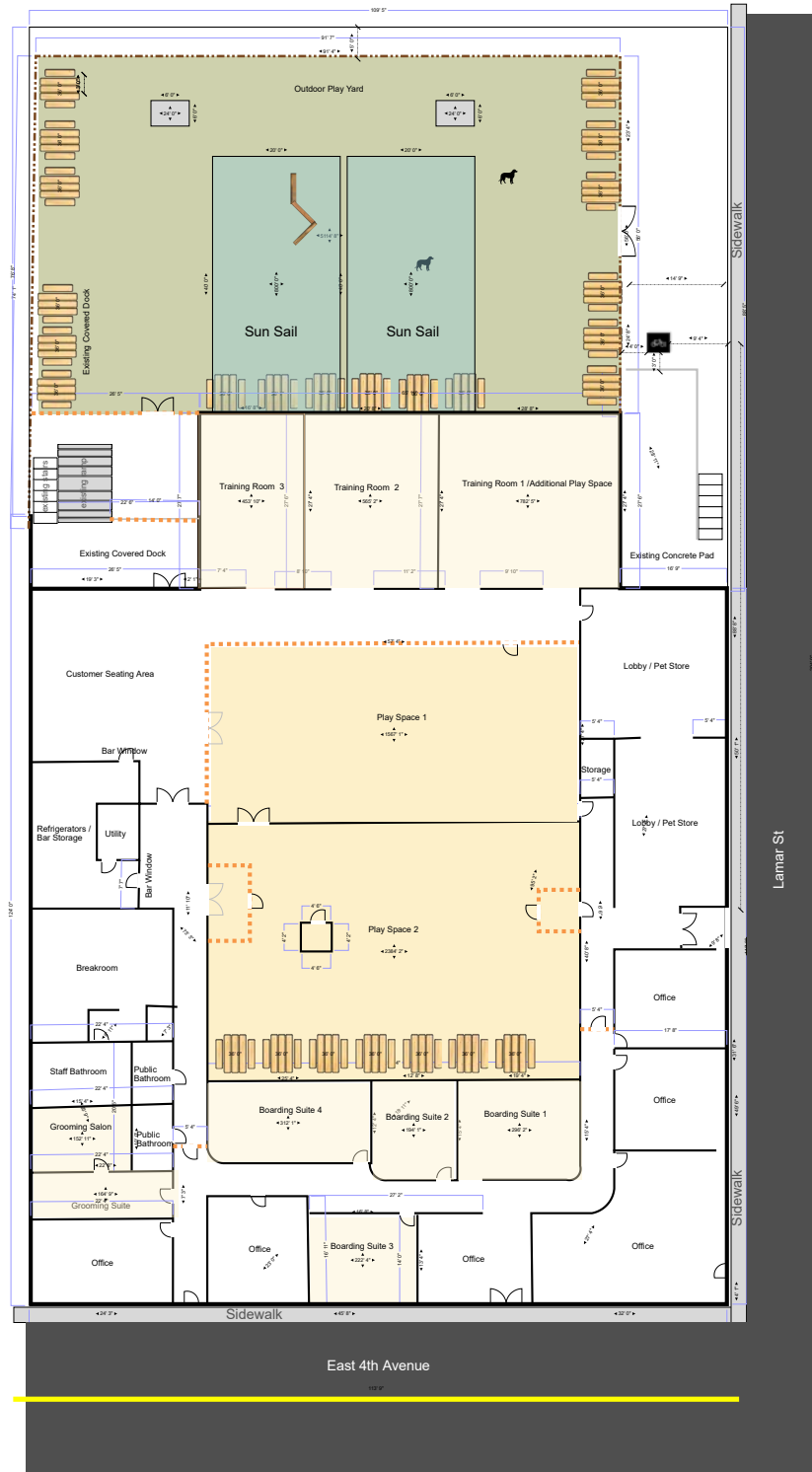
Jurisdiction: City

Original Print Date: 11/15/2021

Revised:

Knoxville - Knox County Planning Commission * City / County Building * Knoxville, TN 37902





The Bark Knoxville - 601 Lamar st.
 Special Use Application 12-B-21-SU
 Latest Revision Date - 10-22-2021

- 11-22-2021 Revision Notes:
 (a) Artificial turf color corrected to match color in legend.
 (b) Exterior building lines thickened
 (c) Lamar st and East Fourth Avenue added
 (d). Dimensions added for distance from propos outdoor play yard to fence on east lot line.
 (e) Bicycle parking added.

	SunShade Sail 20' x 40' 800 sq ft of shelter/shade Will require posts at front corners
	Wooden Tent (See Figure 1) 16 sq ft of shades/shelter each
	Balance Beam
	6 ft Wood Privacy Fencing (See Figure 2)
	Artificial Turf
	Picnic Tables 36 sq ft of shade each
	See Through Fencing (See figure 3)
	Bike Parking - 5 spots added (see figure 4)

Size of play yard	5116 sq ft
Shade/Shelter Required	1535 Sq ft
Shade Shelter Provided	2080 sq ft

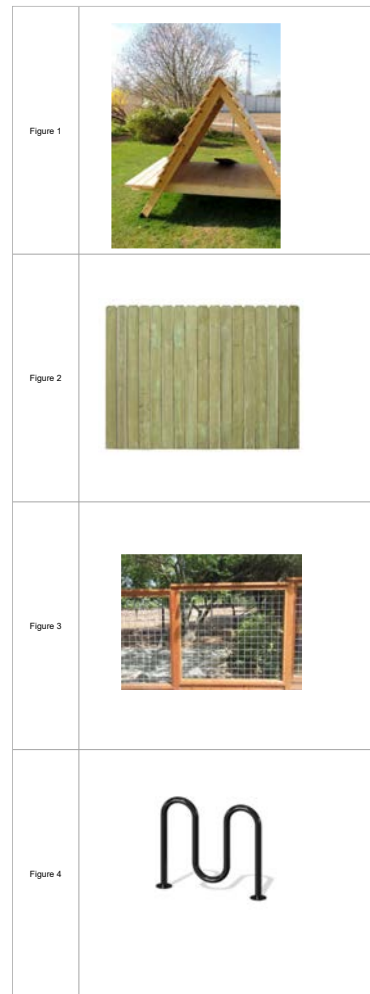


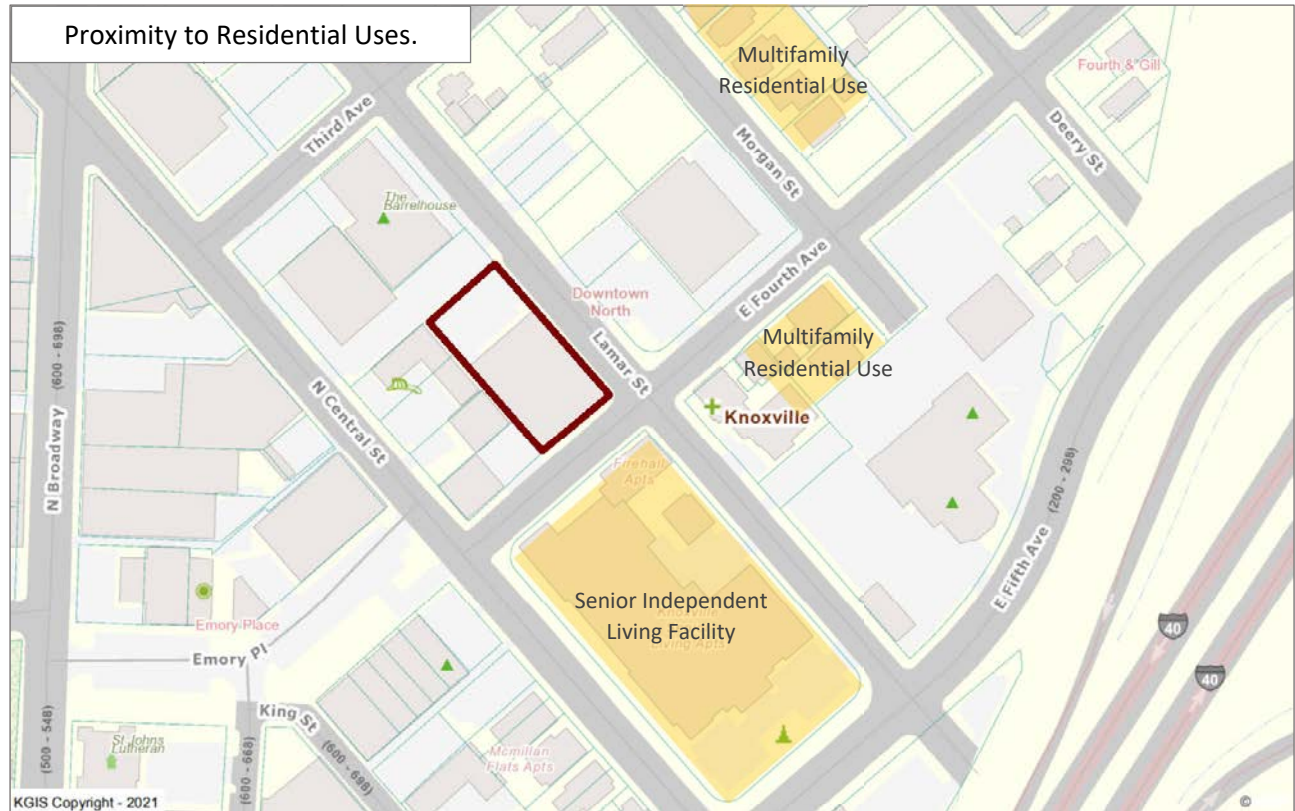
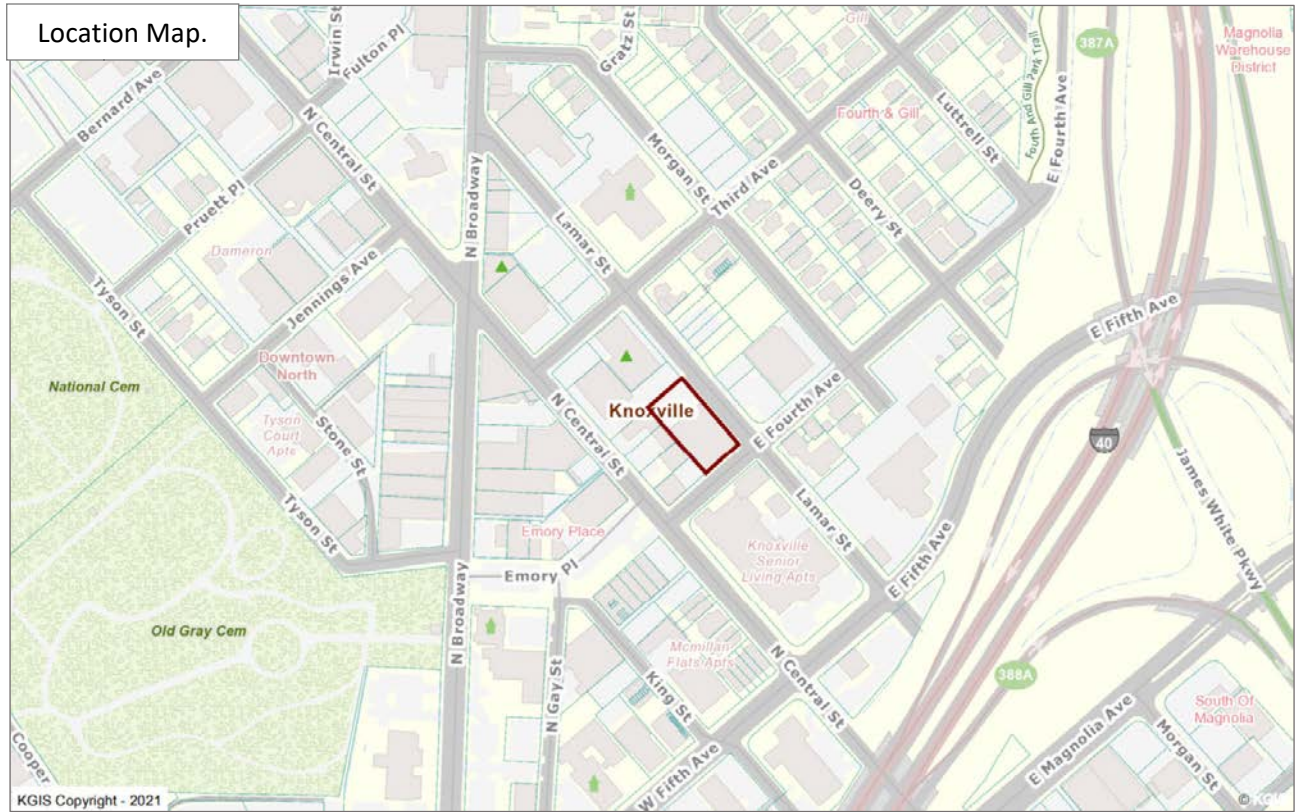
Figure 1

Figure 2

Figure 3

Figure 4

12-B-21-SU
EXHIBIT A. Contextual Images



12-B-21-SU
EXHIBIT A. Contextual Images

Aerial Map.



Eagle Eye View.



12-B-21-SU
EXHIBIT A. Contextual Images

Street View of Building from Lamar St.



Street View of Lamar St. at building.



Street View of E. Fourth Ave. at building.





Development Request

DEVELOPMENT

- Development Plan
- Planned Development
- Use on Review / Special Use
- Hillside Protection COA

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - SP
 - OYP
- Rezoning

Hanna Boyer

Applicant Name

Affiliation

10-25-2021

12-9-2021

Date Filed

Meeting Date (if applicable)

File Number(s)

12-B-21-5U

CORRESPONDENCE

All correspondence related to this application should be directed to the approved contact listed below.

- Applicant
- Owner
- Option Holder
- Project Surveyor
- Engineer
- Architect/Landscape Architect

Hanna Boyer c/o Richard Graves, Esq.

Name

Company

550 West Main Street, Suite 500

Knoxville, TN 37902 TN 37902

Address

City

State

ZIP

(865) 546-9321

rgraves@fmsllp.com

Phone

Email

CURRENT PROPERTY INFO

Steven W. Kilpatrick

1927 North Hills Blvd., Knoxville, TN 37917 865-207-3468

Owner Name (if different)

Owner Address

Owner Phone

601 Lamar Street, Knoxville, TN, 37917

094 DK 019

Property Address

Parcel ID

KUB

KUB

N

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

West side of Lamar St., North side E. Fourth Ave.

20,000 SQ FT +/-

General Location

Tract Size

City County

4th
District

DK-E
Zoning District

O.T.
Existing Land Use

Central City
Planning Sector

MU-SD MU-CC1
Sector Plan Land Use Classification

CITY
Growth Policy Plan Designation

DEVELOPMENT REQUEST

- Development Plan
 Use on Review / Special Use
 Hillside Protection COA
 Residential
 Non-Residential

Related City Permit Number(s)

Home Occupation (specify) _____

See attached sheet.

Other (specify) _____

SUBDIVISION REQUEST

Related Rezoning File Number

Proposed Subdivision Name _____

Combine Parcels
 Divide Parcel
 Unit / Phase Number _____

Total Number of Lots Created _____

Other (specify) _____

Attachments / Additional Requirements

ZONING REQUEST

Pending Plat File Number

Zoning Change _____
 Proposed Zoning _____

Plan Amendment Change _____
 Proposed Plan Designation(s) _____

Proposed Density (units/acre) _____ Previous Rezoning Requests _____

Other (specify) Special use application

STAFF USE ONLY

PLAT TYPE

- Staff Review
 Planning Commission

ATTACHMENTS

- Property Owners / Option Holders
 Variance Request

ADDITIONAL REQUIREMENTS

- Design Plan Certification (Final Plat)
 Use on Review / Special Use (Concept Plan)
 Traffic Impact Study
 COA Checklist (Hillside Protection)

Fee 1	Fee 2	Fee 3	Total
0401	1,500.00		
TK	TK		1,500.00
TK	TK		

AUTHORIZATION

By signing below, I certify I am the property owner, applicant or the owners authorized representative.

Hanna Boyer
Applicant Signature

Hanna Boyer

Please Print

10-25-2021

Date

805-227-7902
Phone Number

hanna@mycuriouscanine.com
Email

[Signature]
Staff Signature

Marc Payne
Please Print

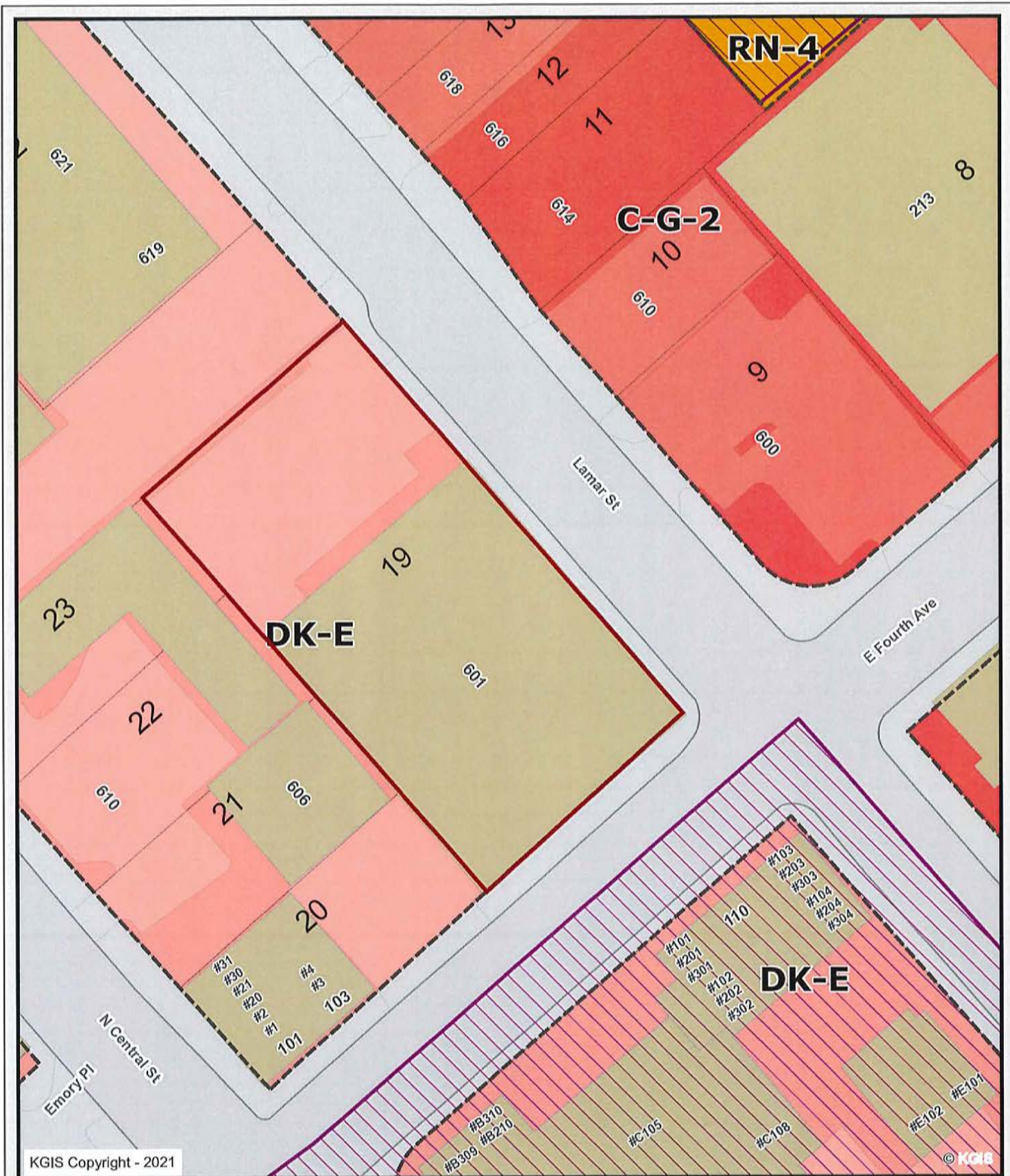
10/25/2021
Date

(Attached to Special Use Permit application for Hanna Boyer)

Intended use:

This application is for approval of an Animal Care Facility-Small Animal at the Subject Property. The Subject Property will contain an indoor/outdoor facility to be used as a doggie day care during daytime hours. The facility will also contain an indoor area for pet grooming as well as indoor facilities for the overnight boarding of up to four (4) dogs. In the evening hours, the facility will operate as a private dog park with an attached bar.

Please see attached KGIS aerial, site plan, and further description of the intended use.



Letter Portrait

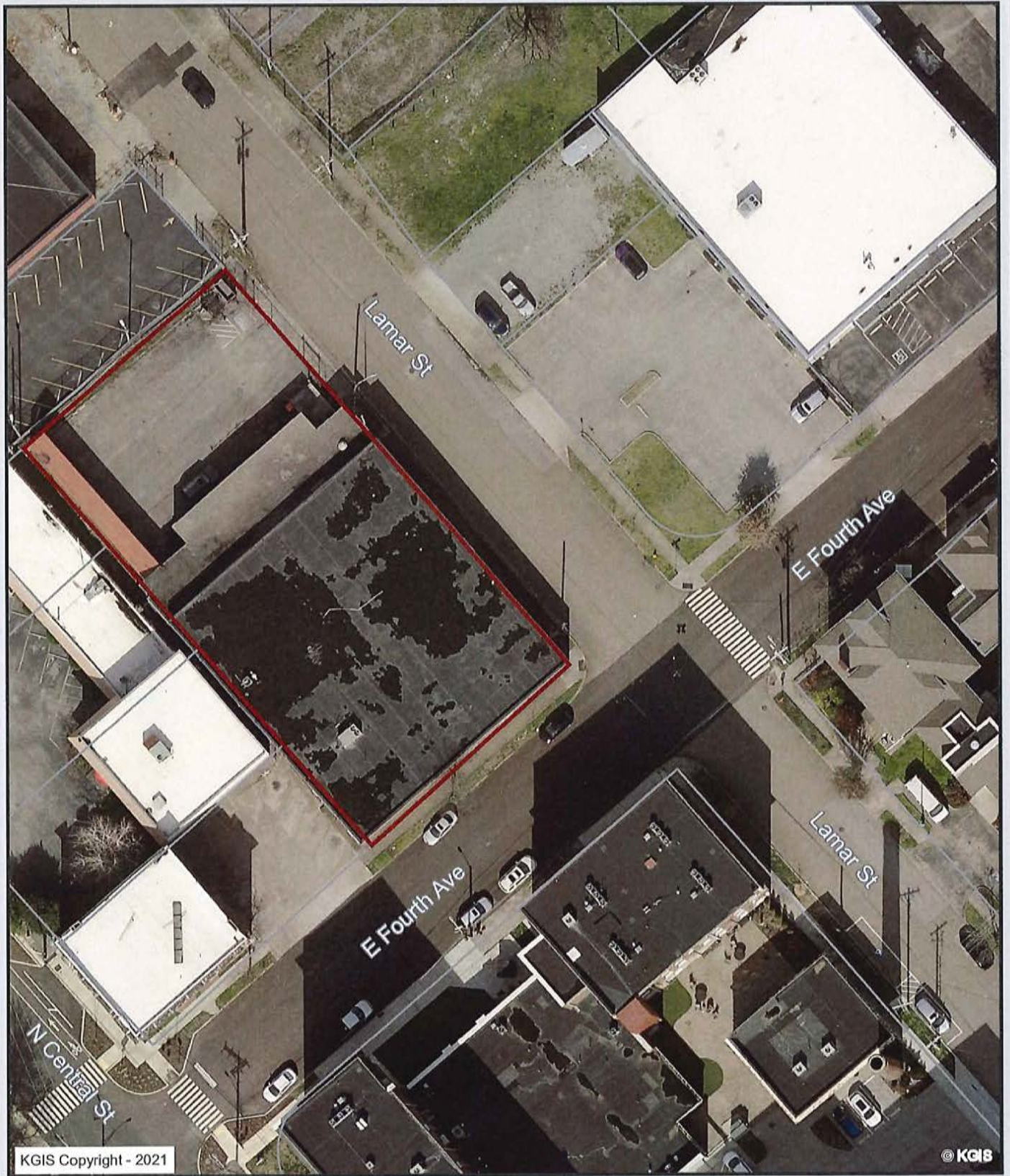


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Knoxville - Knox County - KUB Geographic Information System

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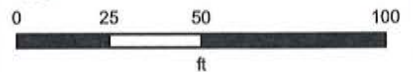


601 Lamar Street

Knoxville - Knox County - KUB Geographic Information System



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The Bark Knoxville
601 Lamar St

Dog ownership is on the rise! 53% of American households have at least one dog. Providing goods and care to American pets is a huge 93 billion dollar industry and growing. Our scruffy city of Knoxville is known as one of the dog friendliest cities in America. We have a huge dog population and they have needs we are ready to meet.

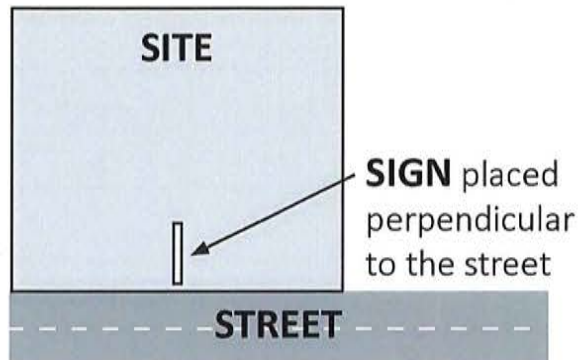
The Bark Knoxville will provide

- **Cage-Free Daycare** services for the Downtown, North Knox and University dog owners. Daycare will be available Monday-Friday 7am-6pm. Our downtown area does not have any doggie daycares to choose from and Knoxville as a whole sees a higher demand for doggie daycare than it is currently able to provide. We are excited to give Knoxville residents a positive cage-free option that is centrally located.
- **Positive reinforcement Dog Training** Our sister company My Curious Canine has been a respected positive dog training company in Knoxville since 2016. My Curious Canine will continue to offer their dog training services at the clients home and will begin offering lessons at The Bark. We are excited to be able to offer fun new group classes like Socializing Basics, Agility, and Scent Work. Our doggie daycare attendants will have the option to sign up for our new day training program, where dogs are trained by day and go home overnight.
- **Fear-Free Grooming.** Groomers are short supply in the Knoxville area. We will be offering a fear-free experience for pets suffering from anxiety based issues and for dog owners who value a positive grooming experience for their pets.
- **Dog Park and Beer Garden.** After daycare services are done for the day and on weekends we will open up our indoor and outdoor play spaces to Knoxville dog owners. Our play spaces will be monitored by dog professionals making it safer than your typical dog park. We will charge a small admission fee for use of the park or dog owners can choose a monthly or yearly membership. Areas will be separated as leashed and unleashed zones. Complete Immunization records and behavior evaluation will be required to enter. We also will sell cold drinks and canned beer from refrigerated cases at the register. Dogs and their owners will have the choice of two indoor play spaces which is great for staying out of extreme temperatures and weather, or they can choose our fenced outdoor play space that features a large artificial turf yard, tree, balance beam, and tent. Inside, want our play spaces to feel like any other dog park with cozy park benches, picnic tables, dog playground equipment, and fabricated trees. Indoor dog park hours will be available Monday - Thursday 7pm-10pm, Friday 7pm-11pm, Saturday 10am-11pm, and Sunday 10am-6pm.

We want the Bark to be a community space where dog owners can come together to socialize, learn more about their dogs, and improve their dogs day to day life. We intend to host fun community events to bring dog owners in Knoxville together. Summers we will have sprinklers, foam parties, and dog friendly ice cream socials. Our company has always worked closely with Young Williams Animal Center and other area rescue groups, we are very excited to offer up our space for adoption and fundraising events.

Our dog park plans have already been featured on WBIR, WATE, WVLT, The Knoxville News Sentinel, and various local radio stations. Knoxville dog owners have been asking for an indoor dog park for years and they are so excited it's finally in the works.

The Administrative Rules and Procedures of the Knoxville-Knox County Planning Commission require a sign to be posted on the property for each application subject to consideration by the Planning Commission, including the following applications: rezoning, plan amendment, concept plan, use on review/special use, planned development, right-of-way closure, and name change.



The required public notice sign(s) will be provided by Planning to the applicant when an application is submitted. If an application is submitted electronically, Planning staff will post the required sign. If a replacement sign(s) is needed, the applicant is responsible for picking up the new sign(s) from Planning and will be charged \$10 for each replacement.

LOCATION AND VISIBILITY

The sign must be posted on the nearest adjacent/frontage street and in a location clearly visible to vehicles traveling in either direction. If the property has more than one street frontage, the sign should be placed along the street that carries more traffic. Planning staff may recommend a preferred location for the sign to be posted at the time of application.

TIMING

The sign(s) must be posted **not less than 12 days prior to the scheduled Planning Commission public hearing** and must remain in place until the day after the meeting. In the case of a postponement, the sign can either remain in place or be removed and reposted not less than 12 days prior to the next Planning Commission meeting. The applicant is responsible for removing the sign after the application has been acted upon by the Planning Commission.

The individual below is responsible for posting and removing the sign(s) provided consistent with the above guidelines and between the dates of:

11/24/2021 and 12/10/2021
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Anna Boyer

Date: 10/25/2021

File Number: 12-B-21-5U

- Sign posted by Staff
 Sign posted by Applicant