



USE ON REVIEW REPORT

▶ **FILE #:** 11-C-23-UR

AGENDA ITEM #: 38

AGENDA DATE: 11/9/2023

▶ **APPLICANT:** STEPHEN STEELE

OWNER(S): Jason McMahan

TAX ID NUMBER: 122 K C 033

[View map on KGIS](#)

JURISDICTION: County Commission District 9

STREET ADDRESS: 1733 MARYVILLE PIKE

▶ **LOCATION:** Northwest side of Maryville Pike, southwest of Woodson Drive

▶ **APPX. SIZE OF TRACT:** 0.57 acres

SECTOR PLAN: South County

GROWTH POLICY PLAN: Urban Growth Area (Outside City Limits)

ACCESSIBILITY: Access is via Maryville Pike, a minor arterial street with a 26-ft pavement width within a 58-ft of right-of-way.

UTILITIES: Water Source: Knoxville Utilities Board

Sewer Source: Knoxville Utilities Board

WATERSHED: Tennessee River

▶ **ZONING:** CA (General Business)

▶ **EXISTING LAND USE:** Office

▶ **PROPOSED USE:** Animal training facility

HISTORY OF ZONING: This property was rezoned from RA (Low Density Residential) to CA (General Business) in 2000 (2-G-00-RZ).

SURROUNDING LAND USE AND ZONING: North: Agriculture/forestry/vacant - RA (Low Density Residential)

South: Industrial - CB (Business and Manufacturing)

East: Agricultural/forestry/vacant - CA (General Business)

West: Office - CA (General Business)

NEIGHBORHOOD CONTEXT: This section of Maryville Pike is largely commercial and industrial. There are residential subdivisions, which include multifamily and single family residential, north of this property.

STAFF RECOMMENDATION:

▶ **Approve the request for a dog training facility with approximately 5,000 sq ft of floor area and an adjacent 1,300 sq ft fenced outdoor gravel area and overnight kenneling for up to 18 dogs, subject to 3 conditions.**

1) Meeting all applicable requirements of the Knox County Department of Engineering and Public Works, including a Special Pollution Abatement Permit (SPAP) for extended overnight animal stay, which requires controls in place to collect animal waste and properly treat or dispose of it.

- 2) Meeting all applicable requirements of the Knox County Zoning Ordinance, including but not limited to the outdoor lighting and landscape screening standards in Section 4.10.
- 3) The Planning Commission must approve the similar use determination (11-A-23-OB).

With the conditions noted, this plan meets the requirements for approval of a dog training facility with kenneling in the CA (General Business) zone and the criteria for approval of a use on review.

COMMENTS:

This request is for a dog training facility and kenneling with approximately 5,000 sq ft of floor area and 1,300 sq ft fenced outdoor gravel area. The applicant anticipates having a maximum total of 32 dogs coming and going per day from 7am to 8pm with a maximum of 18 dogs kenneled overnight.

DEVELOPMENT STANDARDS FOR USES PERMITTED ON REVIEW (ARTICLE 4.10 - SECTION 2)

The planning commission, in the exercise of its administrative judgment, shall be guided by adopted plans and policies, including the general plan and the following general standards:

1) THE PROPOSED USE IS CONSISTENT WITH THE ADOPTED PLANS AND POLICIES, INCLUDING THE GENERAL PLAN AND SECTOR PLAN.

A. The South County Sector Plan recommends general commercial uses for this site. The property is zoned CA (General Business), which is an allowed zoning district in the General Commercial land use classification. The sector plan does not recommend extending commercial corridors but prefers redevelopment. The applicant will be renovating an existing office/warehouse to allow for this new use.

B. General Plan Policies: Policy 8.12 -- When commercial uses abut residential property, ordinance provisions or use-on-review conditions requiring fencing, landscaping screens, earth berms, height restrictions, and/or deeper than usual building setbacks can improve land use transitions. Per the Knox County Zoning Ordinance, any business shall plant and maintain a Type "A" landscape screen within a landscape buffer strip a minimum of fifteen (15) feet in width adjacent to property developed for residential use or office use. There is a residential subdivision adjacent to the rear of the property. The applicant has stated the existing vegetation of deciduous trees and shrubs averages 22-ft in width and will remain undisturbed.

2) THE USE IS IN HARMONY WITH THE GENERAL PURPOSE AND INTENT OF THE ZONING ORDINANCE.

A. The CA zone is for general retail business and services but not for manufacturing or for processing materials other than farm products. The CA zone allows consideration for veterinary clinics and animal hospitals as a use permitted on review. Since dog training facilities are not identified in the zoning ordinance, a similar use determination application (11-A-23-OB) is being reviewed simultaneously. Because it is similar to veterinary clinics and animal hospitals, it is the opinion of the staff that a dog training facility and kennel maintains the intent of the CA zoning district and should be considered a use permitted on review.

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 existing one-story metal warehouse/office is compatible with the commercial/industrial corridor section of Maryville Pike.

4) THE USE WILL NOT SIGNIFICANTLY INJURE THE VALUE OF ADJACENT PROPERTY.

A. There will be a fenced in outdoor area for dogs at the rear of the building. When the dogs are outside, they will be supervised, and disruptors will be used to help train the dogs not to bark. The rear property line will maintain the existing vegetation, which includes mature trees approximately 22-ft in width. The gravel outdoor area is 250 ft from the closest residence.

B. The business will use the existing lighting on the building, which includes downlights over the entries and 3 wall packs on the east side of the building. The property to the east is currently vacant. However, it is zoned CA, it is likely to eventually be developed as a commercial property, so the subject lighting should not negatively impact the adjacent property.

C. Kennels require a Special Pollution Abatement Permit. (Knox County Tennessee Stormwater Management Manual Vol. 2, Chapter 10, 10.2) That requires animal waste shall be prevented from entering streams, sinkholes, wetlands, ponds or any other component of the storm drain system. Controls shall be instituted to collect the animal waste and properly treat or dispose of it. The Special Pollution Abatement Permit (SPAP) will be reviewed during the design phase. The applicant has stated they will bag and dispose of waste immediately.

5) THE USE WILL NOT DRAW ADDITIONAL TRAFFIC THROUGH RESIDENTIAL AREAS.

A. This site is located on a minor arterial with a mix of office, commercial, and industrial uses.

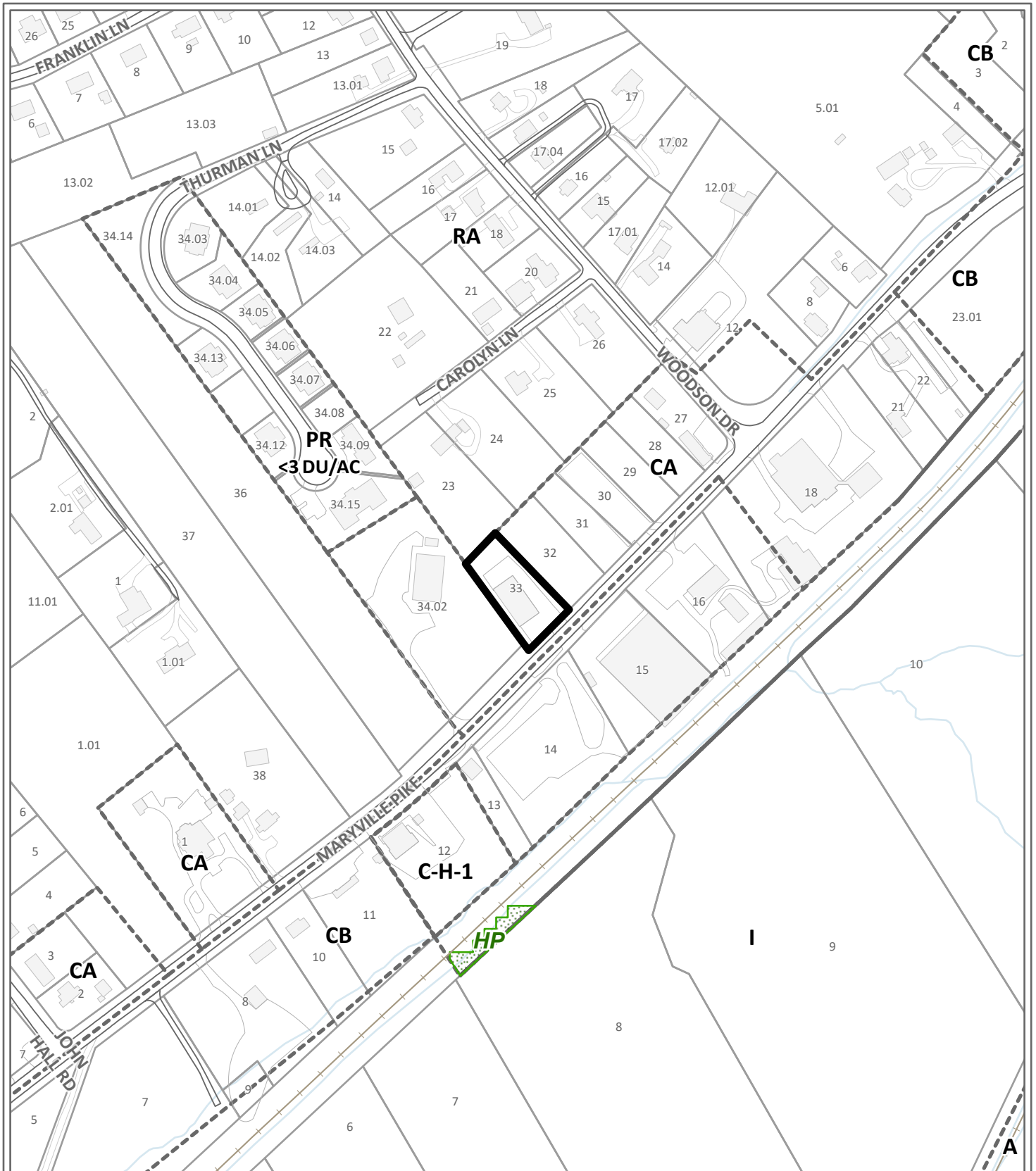
6) THE NATURE OF DEVELOPMENT IN THE SURROUNDING AREA IS NOT SUCH AS TO POSE A POTENTIAL HAZARD TO THE PROPOSED USE OR TO CREATE AN UNDESIRABLE ENVIRONMENT FOR THE PROPOSED USE.

A. There are no known uses in the area that could be a potential hazard or create an undesirable environment for the proposed uses within the development.

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 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.



USE ON REVIEW

11-C-23-UR

Petitioner: Stephen Steele



Animal training facility in CA (General Business)

Map No: 122

Jurisdiction: County

Original Print Date: 10/4/2023

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

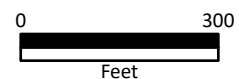
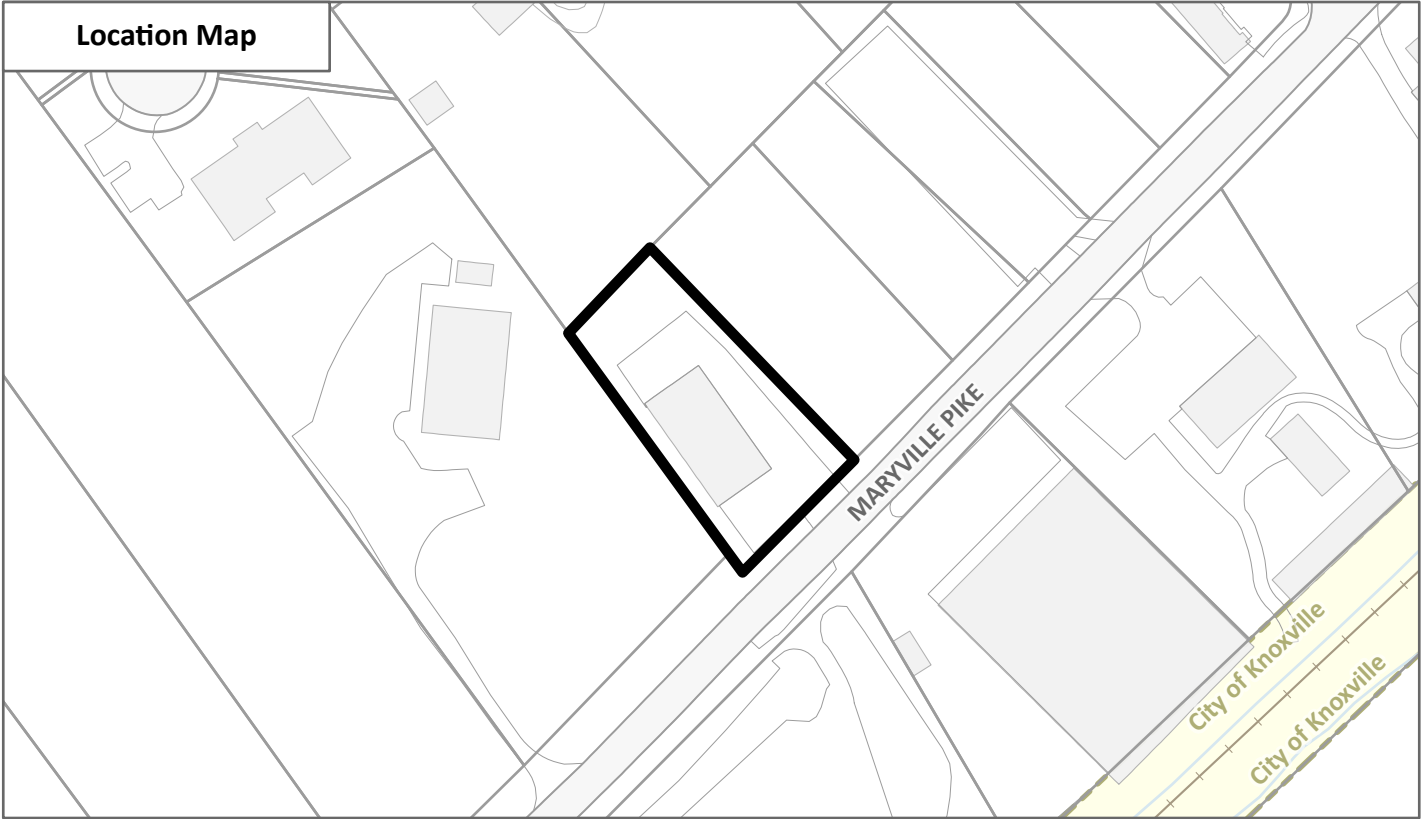


Exhibit A. Contextual Images

Location Map



Aerial Map

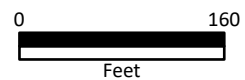


CONTEXTUAL MAPS 1

11-C-23-UR



Case boundary





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

Stephen Steele

Applicant Name

~~8/29/2023~~ 9-25-23

Affiliation

11/9/2023

File Number(s)

Date Filed

Meeting Date (if applicable)

11-C-23-UR

CORRESPONDENCE

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

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

Trent Steele

Smoky Mountain Dog Training LLC DBA The Dog Wi

Name

Company

488 Raccoon Valley Rd.

Powell

TN

37849

Address

City

State

ZIP

865-437-6377

trent.steele@thedogwizard.com

Phone

Email

CURRENT PROPERTY INFO

Jason McMahan

1335 Mimosa Dr Louisville, TN 37777

Property Owner Name (if different)

Property Owner Address

Property Owner Phone

1733 Maryville Pike Knoxville 37920

122kc033

Property Address

Parcel ID

KUB

KUB

Y

Sewer Provider

Water Provider

Septic (Y/N)

STAFF USE ONLY

General Location

Tract Size

City County

District

Zoning District

Existing Land Use

Planning Sector

Sector Plan Land Use Classification

Growth Policy Plan Designation

May 1, 2023

DEVELOPMENT REQUEST

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

Related City Permit Number(s)

Home Occupation (specify)

Other (specify)

SUBDIVISION REQUEST

Related Rezoning File Number

Proposed Subdivision Name

Unit / Phase Number
 Combine Parcels
 Divide Parcel
 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)

STAFF USE ONLY

PLAT TYPE

- Staff Review
 Planning Commission

ATTACHMENTS

- Property Owners / Option Holders
 Variance Request

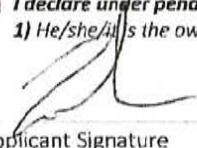
ADDITIONAL REQUIREMENTS

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

Fee 1	Total
0405 \$1600.00	
Fee 2	
Fee 3	\$1600.00

AUTHORIZATION

I declare under penalty of perjury the foregoing is true and correct:
 1) He/she/it is the owner of the property AND 2) The application and all associated materials are being submitted with his/her/its consent



Stephen Steele

8/29/30

Applicant Signature

Please Print

Date

865-437-6377

trent.steele@thedogwizard.com

Phone Number

Email

09/26/2023, SG



Jason McMahon

8-30-23

Property Owner Signature

Please Print

Date Paid



Development Request

DEVELOPMENT

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

SUBDIVISION

- Concept Plan
- Final Plat

ZONING

- Plan Amendment
 - Sector Plan
 - One Year Plan
- Rezoning

Stephen Steele

Applicant Name

Affiliation

9/26/2023

Date Filed

11/9/2023

Meeting Date (if applicable)

11-C-23-UR

File Number(s)

CORRESPONDENCE

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

Trent Steele

Name / Company

488 Racoon Valley Road Powell TN 37849

Address

865-437-6377 / trent.steele@thedogwizard.com

Phone / Email

CURRENT PROPERTY INFO

Jason McMahan

Owner Name (if different)

1335 Mimosa Dr Louisville TN 37777

Owner Address

Owner Phone / Email

1733 MARYVILLE PIKE

Property Address

122 K C 033

Parcel ID

0.57 acres

Tract Size

Part of Parcel (Y/N)?

Knoxville Utilities Board

Sewer Provider

Knoxville Utilities Board

Water Provider

Septic (Y/N)

STAFF USE ONLY

Northwest side of Maryville Pike, Southwest of Woodson Drive

General Location

City **Commission District 9** **CA (General Business)**

Office

County District Zoning District

Existing Land Use

South County **GC (General Commercial)**

Urban Growth Area (Outside City Limit)

Planning Sector Sector Plan Land Use Classification

Growth Policy Plan Designation

DEVELOPMENT REQUEST

<input type="checkbox"/> Development Plan <input type="checkbox"/> Planned Development <input checked="" type="checkbox"/> Use on Review / Special Use	Related City Permit Number(s)
<input type="checkbox"/> Hillside Protection COA <input type="checkbox"/> Residential <input type="checkbox"/> Non-residential	
Home Occupation (specify) _____	
Other (specify) Animal training facility	

SUBDIVISION REQUEST

Proposed Subdivision Name	Related Rezoning File Number
Unit / Phase Number	
Additional Information	Total Number of Lots Created
<input type="checkbox"/> Attachments / Additional Requirements	

ZONING REQUEST

<input type="checkbox"/> Zoning Change	Proposed Zoning	Pending Plat File Number
<input type="checkbox"/> Plan Amendment		
Proposed Plan Designation(s)		
Proposed Density (units/acre) Previous Zoning Requests		
Additional Information		

STAFF USE ONLY

PLAT TYPE

- Staff Review Planning Commission

ATTACHMENTS

- Property Owners / Option Holders Variance Request

ADDITIONAL REQUIREMENTS

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

Fee 1	Total
\$1,600.00	
Fee 2	
Fee 3	

AUTHORIZATION

- I declare under penalty of perjury the foregoing is true and correct: 1) He/she/it is the owner of the property, AND 2) the application and all associated materials are being submitted with his/her/its consent.

Applicant Signature	Stephen Steele Please Print	9/26/2023 Date
---------------------	---------------------------------------	--------------------------

Phone / Email		
Property Owner Signature	Jason McMahan Please Print	9/26/2023 Date



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

Stephen Steele

Applicant Name

~~8/29/2023~~ 9-25-23

Affiliation

11/9/2023

File Number(s)

Date Filed

Meeting Date (if applicable)

11-C-23-UR

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Attachments / Additional Requirements

ZONING REQUEST

Pending Plat File Number

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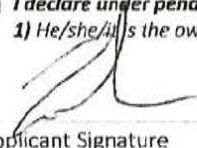
ADDITIONAL REQUIREMENTS

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

Fee 1	Total
0405 \$1600.00	
Fee 2	
Fee 3	\$1600.00

AUTHORIZATION

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Stephen Steele

8/29/30

Applicant Signature

Please Print

Date

865-437-6377

trent.steele@thedogwizard.com

Phone Number

Email

09/26/2023, SG



Jason McMahon

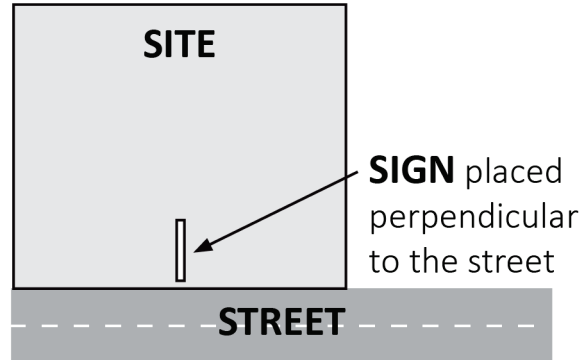
8-30-23

Property Owner Signature

Please Print

Date Paid

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:

_____ 10/27/2023 _____ and _____ 11/10/2023 _____
 (applicant or staff to post sign) (applicant to remove sign)

Applicant Name: Stephen Steele

Date: 09/26/2023

File Number: 11-C-23-UR

- Sign posted by Staff
- Sign posted by Applicant

Knoxville NEWS SENTINEL

PART OF THE USA TODAY NETWORK

KNOX CTY METRO PLAN COMMIS
 400 W MAIN ST # 403
 KNOXVILLE TN 37902--242

<u>Account</u>	<u>AD#</u>	<u>Order Amount</u>	<u>Tax Amount</u>	<u>Total Order Amount</u>	<u>Payment Method</u>	<u>Order Payment Amount</u>	<u>Order Amount Due</u>
1317419	0005839542	\$390.96	\$0.00	\$390.96	Invoice	\$0.00	\$390.96

Sales Rep: KSchmidt

Order Taker: KSchmidt

Order Created 10/03/2023

<u>Product</u>	<u># Ins</u>	<u>Start Date</u>	<u>End Date</u>
KNS-knoxnews.com	1	10/06/2023	10/06/2023
KNS-Knoxville News Sentinel	1	10/06/2023	10/06/2023

* ALL TRANSACTIONS CONSIDERED PAID IN FULL UPON CLEARANCE OF FINANCIAL INSTITUTION

PUBLIC NOTICE

Knoxville-Knox County Planning Commission will consider the items specified below on November 9, 2023 at 1:30 p.m. in the Main Assembly Room, City County Bldg., 400 Main St., Knoxville, TN. For detailed information related to these items, visit KnoxPlanning.org/agenda or call (865) 215-2500. Full copies of each application can be viewed on the website or at the Knoxville-Knox County Planning offices located at 400 Main St., Suite 403, Knoxville, TN. Copies of the preliminary meeting agenda are also available at each Knox County branch library approximately three weeks before the meeting. Planning does not discriminate on the basis of disability in its provision of services, programs, activities, or benefits. If you need assistance or accommodation for a disability, please contact Planning at (865) 215-2500, and we will work with you to satisfy any reasonable request. A review meeting on these items will be held November 7 at 11:30 a.m. in the Main Assembly Room of the City County Bldg.

STREET / ALLEY CLOSURES

11-A-23-SC - ANDREW BYRD - Request closure of unnamed St. between Richmond Avenue and Joseph Schofield Street.

STREET NAME CHANGES

11-A-23-SNC -CITY OF KNOXVILLE - Request to change the street name of a portion of Pelham Rd. to Rock Pointe Dr. between Rutledge Pike and the current western terminus of Rock Pointe Dr.

PLAN

AMENDMENTS/REZONINGS

11-A-23-RZ - JOHN SEVIER JOINT VENTURE & RED DOOR HOMES - 0 E GOVERNOR JOHN SEVIER HWY (2 PARCELS). Property located southeast side of E Governor John Sevier Hwy, west of Arthur Herman Rd. Proposed rezoning.

11-B-23-RZ - ZIGGURAT DEVELOPMENT LLC/JANET PLONT - 3710 NEAL DR. Proposed rezoning.

11-C-23-RZ - JAN MULLINS - 5030 AND 0 SULLIVAN RD. Proposed rezoning.

11-D-23-RZ - NORTHSHORE CONSTRUCTION, INC. - 4501 LONAS DR. Proposed rezoning.

11-E-23-RZ - SERGIO ALMENDARO - 2414 ROBINSON RD. Proposed rezoning.

11-F-23-RZ - KEITH FOSTER - 1124,1126, 1128 AND 1130 TRIGG ST. Proposed rezoning.

11-A-23-SP AND 11-G-23-RZ - SYNERGY GOLF GROUP, LLC AND RON WATKINS - 913 AND 0 GETTYSVUE DR. Proposed sector plan amendment, proposed rezoning.

11-H-23-RZ - NED FERGUSON - 112 VERTON DR. Proposed rezoning.

11-B-23-SP AND 11-I-23-RZ - NATURE'S BEST ORGANICS OF TN LLC/BRIAN DEVELOPMENT, LLC - 0 W EMORY RD, 0, 8703 AND 8707 JOE DANIELS RD. Proposed sector plan amendment, proposed rezoning.

11-J-23-RZ - RON WORLEY - 6925 BALL RD. Proposed rezoning.

CONCEPTS AND DEVELOPMENT PLANS

11-SA-23-C AND 11-B-23-DP - BABELAY SUBDIVISION - 0 (2 PARCELS) AND 6513 BABELAY RD. Proposed concept plan and development plan.

11-SB-23-C AND 11-C-23-DP - ARCADIA - 2482 ARCADIA PENINSULA WAY. Proposed concept plan and development plan.

11-SC-23-C AND 11-D-23-DP - ELA'S PLACE - 4900 E EMORY RD. Proposed concept plan and development plan.

11-SG-23-C - BROWNVUE ROAD DEVELOPMENT - 0 BROWNVUE RD. Property located east side of Brownvue Rd. at its terminus. Proposed concept plan.

CONCEPTS AND SPECIAL USES

11-SD-23-C AND 11-C-23-SU - HIGHLANDS AT CLEAR SPRINGS - 0 GLEN CREEK RD. Property located south side of Glen Creek Dr., south of Autumn Creek Dr. Proposed concept plan and special use.

11-SE-23-C - WESTERN HEIGHTS - 1500 FORT PROMISE DR., 1101, 1203 AND 1331 W OLDHAM AVE. Proposed concept plan.

CONCEPTS AND USES ON REVIEW

11-SF-23-C AND 11-A-23-UR -

DUTCHTOWN WEST 2 - 9805, 9813 AND 9821 DUTCHTOWN OVERLOOK WAY, 811 AND 817 BOB KIRBY RD. Proposed concept plan and use on review.

USES ON REVIEW

11-B-23-JR - SAMUEL HARWARD - 8117 RIVER DR. Proposed use on review.

11-C-23-UR - STEPHEN STEELE - 1733 MARYVILLE PIKE. Proposed use on review.

SPECIAL USES

11-A-23-SU - SHANNON HARPER - 0 PARKSIDE DR. Property located southeast side of Parkside Dr., southwest of Wakefield Rd. Proposed special use.

11-B-23-SU - JAY PATEL - 0 LONAS DR. Property located east side of Lonas Dr., south side of Middlebrook Pk., north side of Kim Watt Dr. Proposed special use.

DEVELOPMENT PLANS

11-A-23-DP - DAVID HURST - 9900 AND 9902 GEORGE WILLIAMS RD. Proposed development plan.

11-E-23-DP - RETREAT AT HARDIN VALLEY - 2122 SCHAEFFER RD. Proposed development plan.

11-F-23-DP - GARRY BURKE - 0 (2 PARCELS) AND 7717 FREEWAY HEIGHTS DR. Proposed development plan.

11-G-23-DP - KNOX HOUSING PARTNERSHIP - 6011 AND 6010 CLAYBERRY Dr., 7000 WILLOW BEND WAY.

Proposed development plan.

FINAL SUBDIVISIONS

11-SA-23-F - CARTER RIDGE PHASE V LOTS 248 TO 269 AND LOT 311 TO 321 - 0 Madison Oaks Rd. Property located southeast of Carter Mill Dr., west of Carter Ridge Dr.

PLANNED DEVELOPMENTS

11-A-23-PD - DAVID COCKILL - 1834 BEECH ST. Proposed planned development final plan.

OTHER BUSINESS

11-A-23-OB - TRENT STEELE - 1733 MARYVILLE PK. - Proposed Special Use Determination.

11-B-23-OB - KNOXVILLE-KNOX COUNTY PLANNING - Consideration of amendments to the Knoxville-Knox County Subdivision Regulations.