

**MEMPHIS AND SHELBY COUNTY OFFICE OF PLANNING AND DEVELOPMENT**  
**STAFF REPORT** **# 5**

**CASE NUMBER:** SUP 14-223 CO      **L.U.C.B. MEETING:** August 14, 2014

**LOCATION:** 3925 Kerr Road  
South side of Kerr Road, 2,769 feet west of Quito Road

**COUNCIL DISTRICT:** NA

**COMMISSION DISTRICT:** 4

**OWNER OF RECORD / APPLICANT:** Corbin Reynolds

**REPRESENTATIVE:** Tim McCaskill, McCaskill & Associates, Inc.

**REQUEST:** Animal Boarding and Kennel

**AREA:** 7.99 Acres

**EXISTING LAND USE & ZONING:** Single-family detached house and an existing metal building in the Conservation Agriculture (CA) Districts

**OFFICE OF PLANNING AND DEVELOPMENT RECOMMENDATION**

**Approval with 13 Conditions**

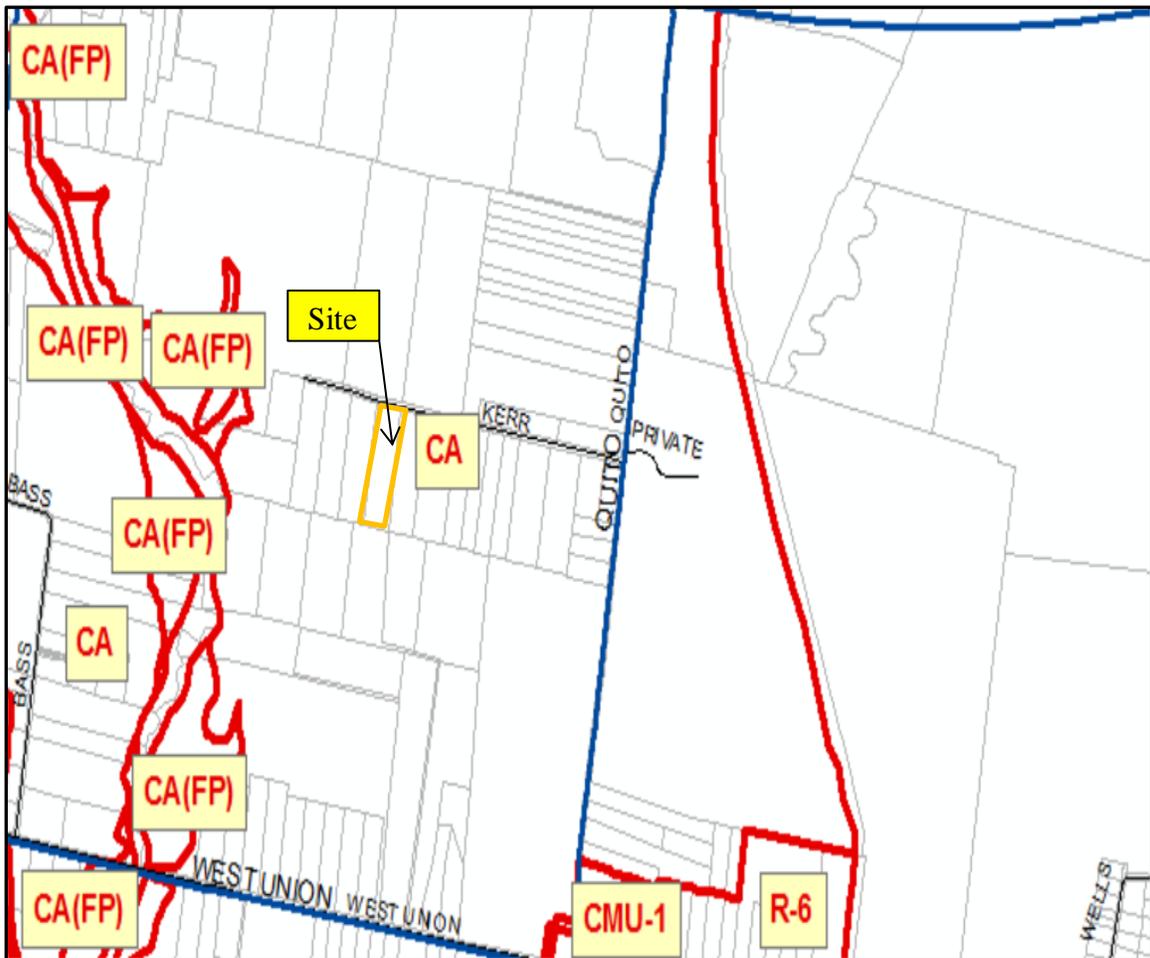
**CONCLUSIONS**

1. The animal boarding and kennel operation will be located on the portion of 3925 Kerr Road in and near the existing metal building that is located toward the rear of the 7.99 acre site.
2. 3925 Kerr Road is located in unincorporated Shelby County and in the Millington Annexation Reserve Area, near the Tipton County Line.
3. The animal boarding and kennel as conditioned will meet the use standards and the Special Use Permit Approval Criteria contained in the "Memphis and Shelby County Unified Development Code".

Staff: Marion Jones

email: [marion.jones@memphistn.gov](mailto:marion.jones@memphistn.gov)

### AERIAL PHOTOGRAPH WITH ZONING MAP



#### SURROUNDING USES AND ZONING:

**North:** Farmland in the Conservation Agriculture (CA) District.

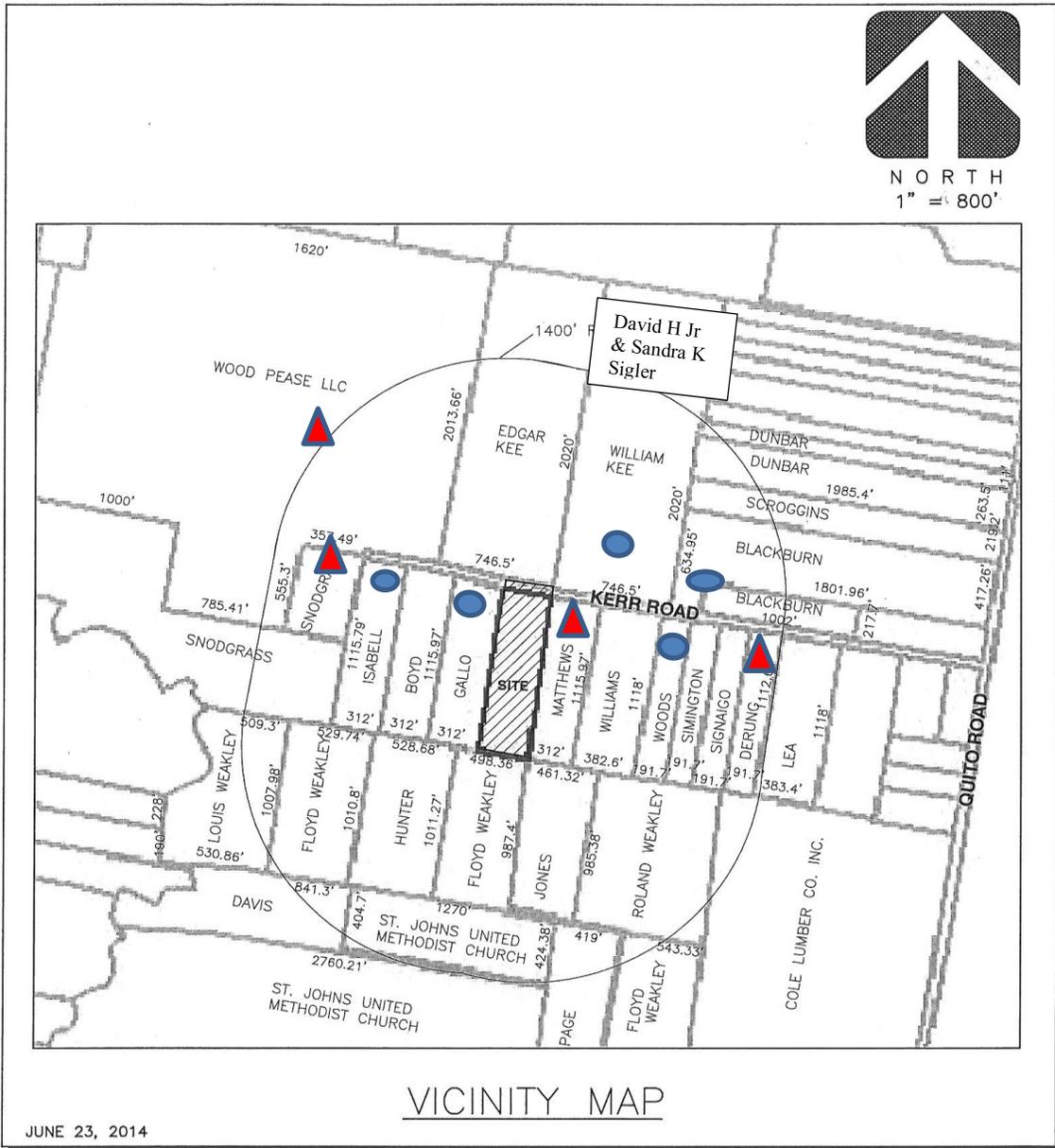
**South:** Farmland in the Conservation Agriculture (CA) District.

**East:** Single family detached houses in the Conservation Agriculture (CA) Districts.

**West:** Single-Family detached houses in the Conservation Agriculture (CA) District.

### Vicinity Map with Names

V

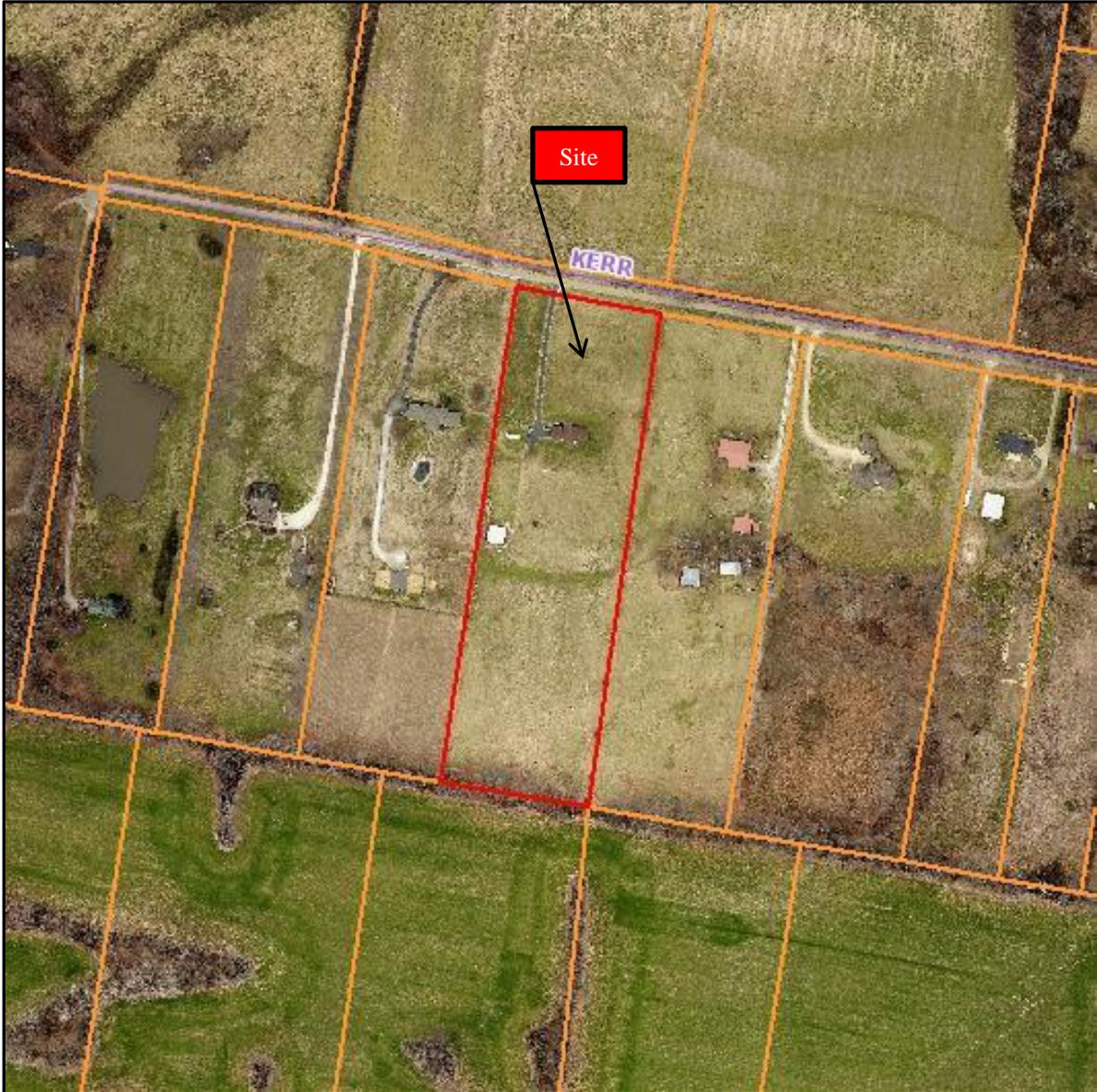


  
McCaskill & Associates, Inc.  
Land Surveying    Civil Design    Mapping

7891 Stage Hills Blvd., Suite 112  
Bartlett, Tennessee 38133  
E-Mail address: [Temccaskill@AOL.com](mailto:Temccaskill@AOL.com)  
(901) 382-2577    FAX (901) 385-1813

- Legend**
-  Responded to the Neighborhood Meeting Notice (Refer to page 2x)
  -  Letters of opposition

### Aerial Photographs from the Assessor's Website



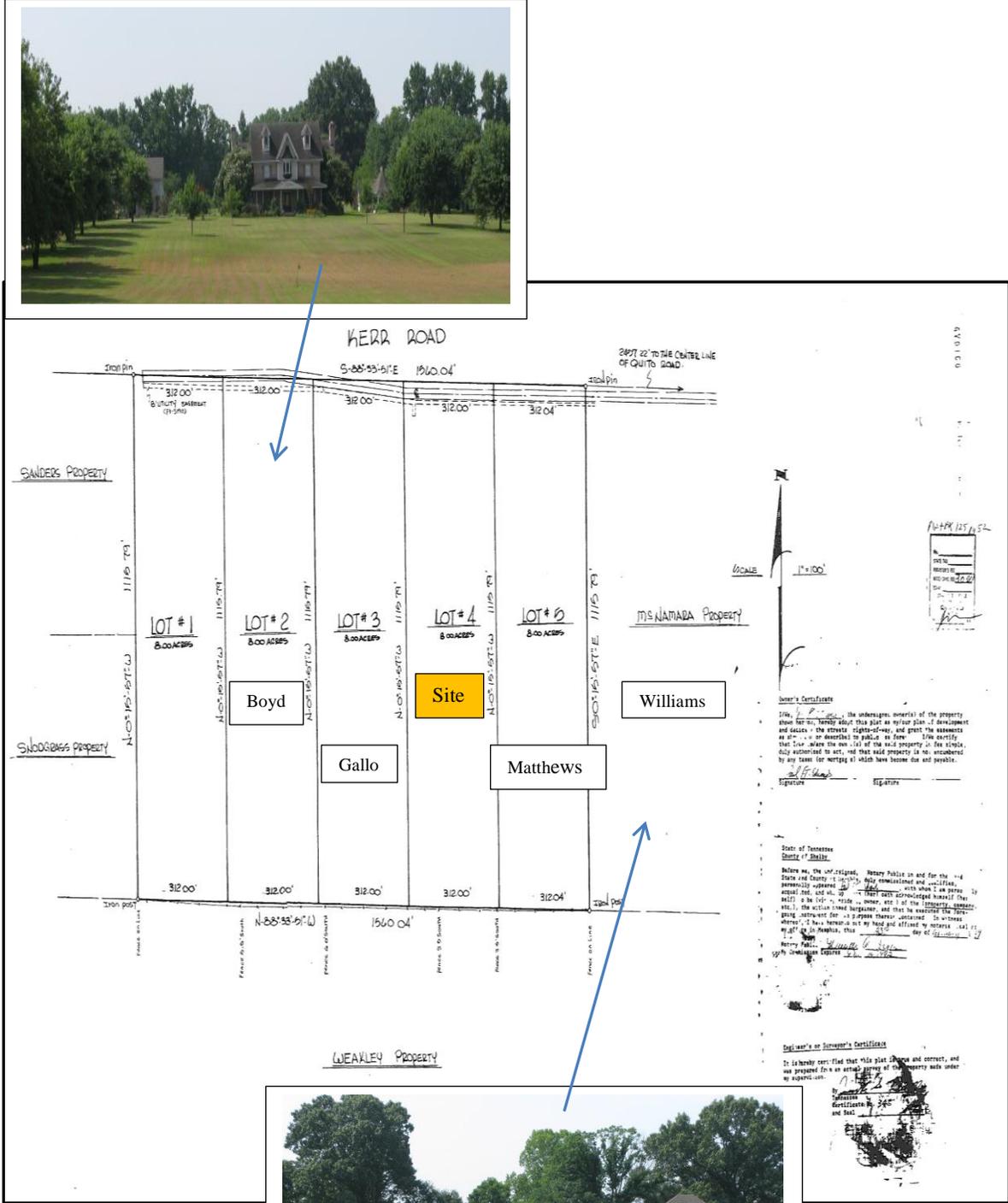


Gallo's home

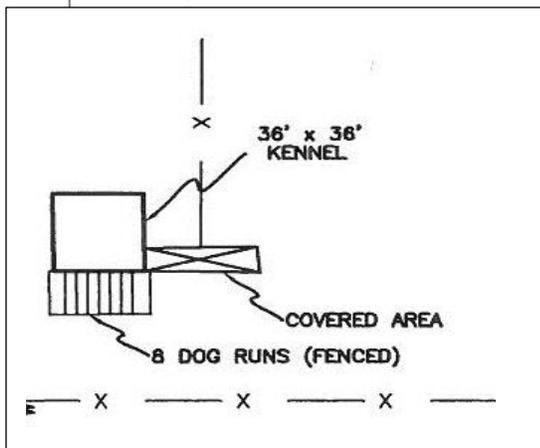
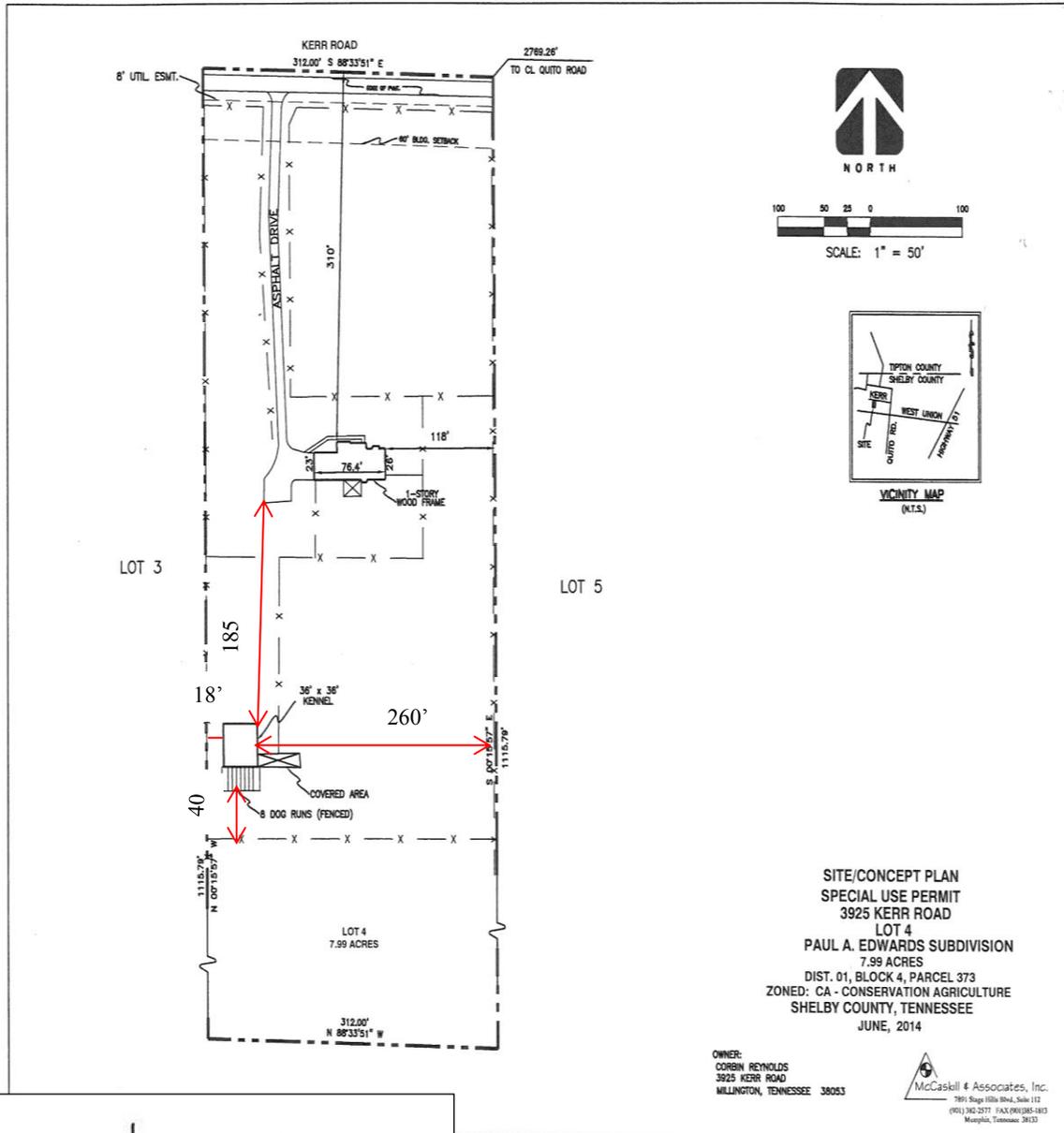


Matthews' home

### Paul A. Edwards Subdivision



### Site Plan



## Photographs of the Site

### 3925 Kerr Road

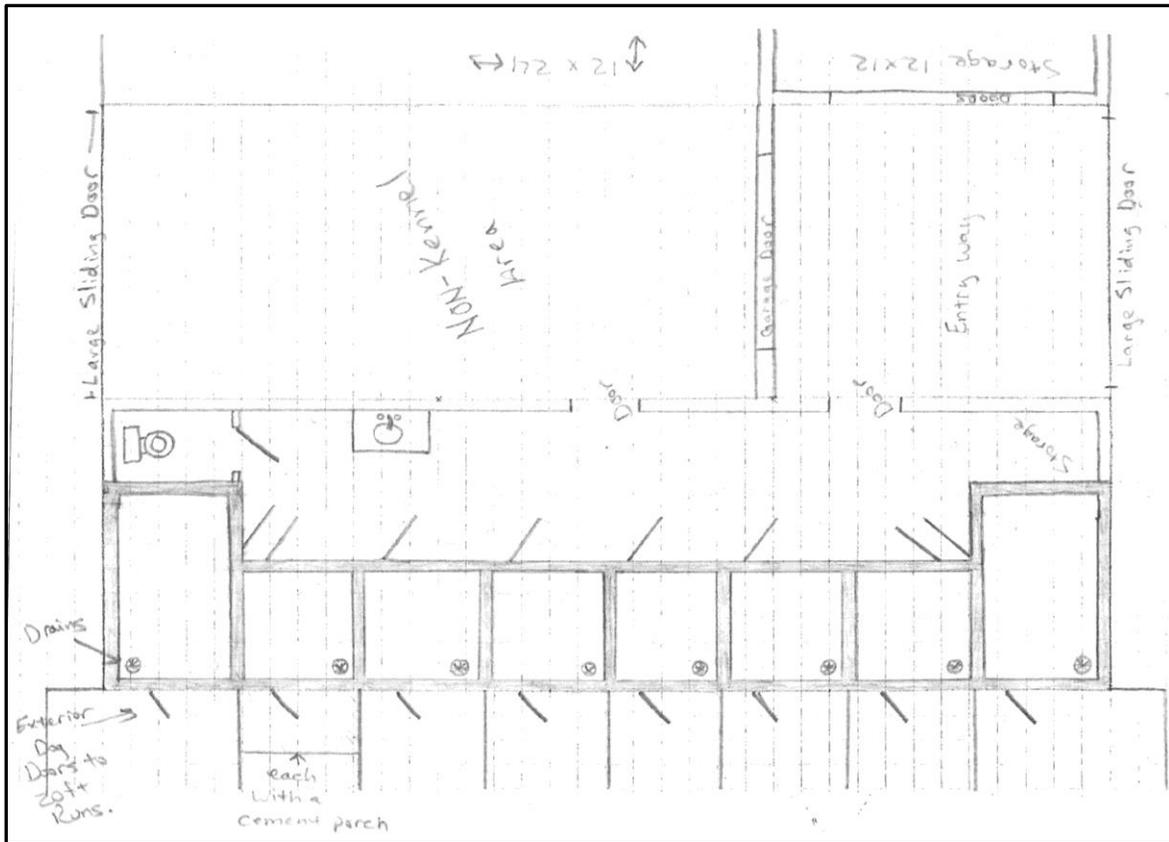


### Photographs of the house taken from Kerr Road



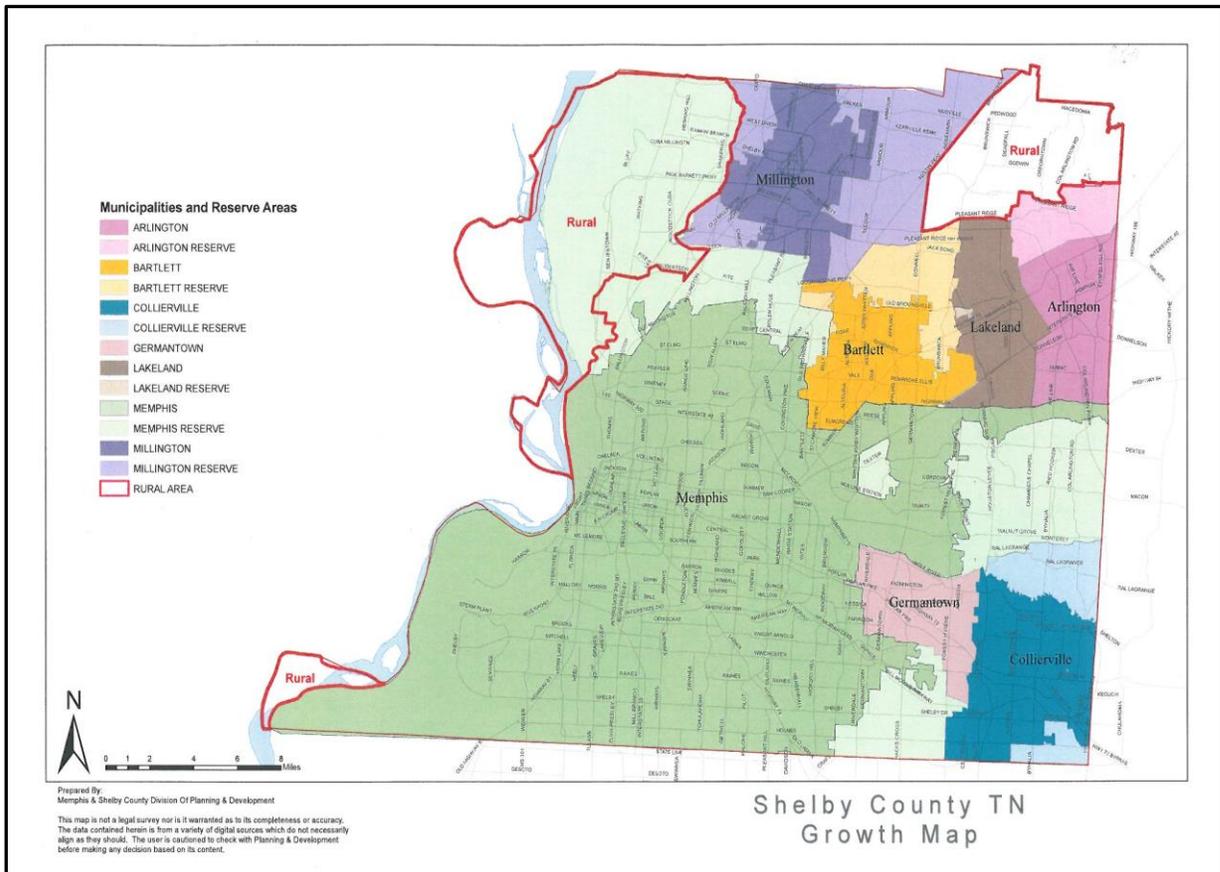
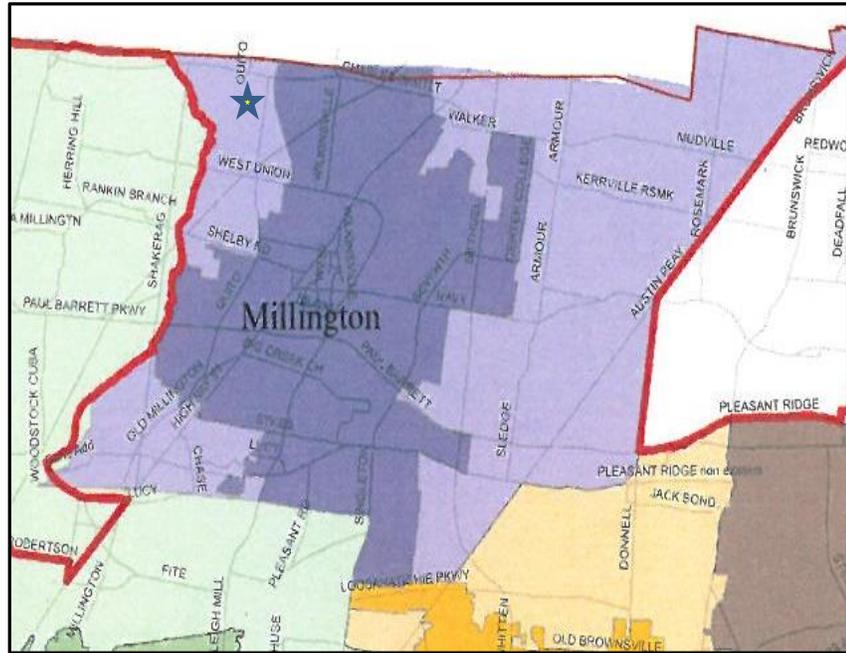
### Building for animal boarding and kennel

### Floor Plan and Picture of Building Interior



Mr. Reynolds explained in his email dated Tuesday, August 2, 2014 that each square on the drawing represents 1 foot. "Each kennel is approximately 4 x 5 except the 2 end kennels which are about 8 x 4 for larger dogs."

### Annexation Map with Insert of City of Millington and Its Reserve Area



## **STAFF ANALYSIS**

The site is located at 3925 Kerr Road in unincorporated Shelby County. The site is north of the City of Millington in the Millington Reserve Area, close to the Tipton County line. It is located on a narrow paved, dead-end street that provides access to approximately 16 homes and/or lots. The area is rural in character-the lots are served by septic tank and Kerr Road is a rural road. To the north and south of the single family homes is farmland. The immediate area contains a mixture of large tracts and tracts that have been divided into smaller acreage over the years.

3925 Kerr Road is Lot 4 of the A.E. Edwards Subdivision. The A.E. Edwards Subdivision is a 5 lot subdivision created by deed in 1989 with lots of 8 acres each. It was recorded in Plat Book 125, page 52. 3925 Kerr Road contains a single family detached house and an existing metal building.

### **Site Plan**

The site plan shows a single-family detached house that is setback 310 feet from Kerr Road with an asphalt driveway that terminates into an area for additional parking and also curves into the garage. The driveway is approximately 330 feet from Kerr Road to the additional paved parking area.

The proposed animal boarding and kennel operation will be located approximately 185 feet from the paved area for additional parking and 18-20 feet from the Gallo property line on Lot 3 and 260 feet from the Matthews property line on Lot 5. The existing metal building is 36 feet x 36 feet or 1,296 feet. It contains two large sliding doors for access on each end. There is also a covered metal area that is approximately 46 feet long x 16 feet wide.

### Animal Boarding and Kennel Area

The applicant's drawing shows the proposed interior layout of the metal building. Approximately, half of the interior of the building will be used for the animal boarding and kennel operation. There is a 24 feet long x 12 wide feet area labelled non-kennel area and a 12 feet x 12 feet area labelled storage. Access to the animal boarding and kennel operation appears to be through these two non-kennel areas. After entering the door through the entry way, there is approximately 6 ½ -7 feet of common area in the kennel so that the dogs can be loaded and unloaded into the interior kennel doors. This common area also contains a sink, a small room with a commode and area marked as storage.

The applicant states the six interior kennels are 4 feet wide x 5 feet long. The two end kennels are 4 feet wide x 8 feet long. Each kennel contains a drain with an exterior door to the fenced runs and a cement porch. The six exterior runs are approximately 5 feet wide and 20 feet long. The two end runs are approximately 10 feet wide x 20 feet long.

### Animal Boarding and Kennel Operation

OPD Staff asked the applicant several questions about the proposed operation. Below are the applicant's responses:

- 1) where the people will drop off and pick up their dogs. - customer entrance is indicated on the attached, it will have a gravel or rock drive
- 2) feeding schedule-once or twice daily - feeding twice a day or as indicated by owner, some dogs eat once a day
- 3) cleaning schedule - scooping outside runs once a day, each kennel as needed during stay, kennels washed out between occupants
- 4) ventilation and temperature inside the building - ventilation will be per code, spaces will be cooled and heated (details with code enforcement pending LUCB)
- 5) requirement for potential boarders (i.e. shots and request a Bordetella vaccination prior to boarding) - owners will attest to up to date records, full copies of shot records will not be required (specific legal terms pending LUCB)
- 6) exercise schedule for dogs - dogs can exercise on their own in their individual 20 ft x 4-5 ft runs, no kennel mandated exercise periods
- 7) type of resting accommodations (i.e. resting boards or bedding provided) - beds will be available (coverings can be laundered) at owners request
- 8) arrangements for veterinary services if required - owners will provide preferred vet name and contact info in case of injury or illness
- 9) grooming arrangements - no grooming, no bathing, no other services provided - boarding only

Facility details are conceptual only, pending any code enforcement requirements following plan review after the LUCB.

#### Adjacent Lots

OPD Staff looked at two lots on each side of the subject property since these are the residents that would be most affected by the kennel operation. Two, of the four lots have existing additional non-residential uses in operation. The Williams appear to have a family day care home. A family day care home allows the operator to keep 5-7 children by right in the Conservation Agriculture District without zoning approval. The second use is an existing kennel on the Gallo property. The mobile home on the Matthews' property was permitted by a Board of Adjustment variance. Thus, two of the four properties contain additional non-residential uses. This application, if approved, will be the third lot with non-residential uses approved. Although these are large lots, the addition of non-residential uses often changes the character and traffic patterns of a neighborhood or community. Kerr Road is a narrow dead end road with minimal pavement and narrow shoulders.

#### Subject Property

The subject property is a 7.99 acre lot. This lot is home to 3 horses, at least one large dog, and several chickens. The proposed kennel will bring additional dogs onto the site with a potential to increase the noise. The letter of intent does not provide a specific number of dogs requested. The site plan shows 8 runs. An email from the applicant

indicates the 2 larger, end runs are designed for larger dogs: as noted during the site visit, the larger run could also house 2 smaller dogs owned by the same boarder. OPD Staff is recommending a maximum of 10 dogs be approved for this kennel in the 8 runs and interior quarters requested in this application.

The 36 foot x 36 foot metal building is located approximately 185 feet south of the paved area for additional parking and 18 feet from the Gallo's property line. OPD Staff is recommending a gravel or rock drive 12 feet wide with a 33 foot radius be provided in front of the metal building from the paved area so the loading and pick up of dogs occurs in front of the proposed kennel. This will direct noise and traffic toward the rear of the lot and provide an all -weather surface for vehicular access. In addition, OPD Staff is recommending the pick-up and drop off hours be 8 A.M. to 8 P.M. on Monday through Saturday and 1 to 6 P.M. on Sunday. Given the close proximity of the proposed kennel to the Gallo's property line and the Gallo Kennel, OPD Staff is recommending a 6 foot high wooden sight-proof fence be constructed on the Reynold's property 20-30 feet from and the length of exterior dogs run and 40 feet along the north property line. This will provide a visual barrier between the dogs entering and leaving the Reynold's kennel and during their stay at the kennel. This may not stop the barking completely, but is intended to help separate the uses and reduce the noise and impact to the neighbors to the west.

### Signs

OPD Staff is recommending a detached, free-standing sign not to exceed 12 square feet in size similar in form to a real estate sign or the kennel sign next door in accordance with the sign regulations of the UDC. Although Lot 4 is 7.99 acres in size, the portion of the property designated exclusively for the kennel is smaller. The sign can be located at the front of the property outside of the right-of-way and positioned to provide clear sight distance. The applicant will provide season plantings, perennials, small evergreens or a mixture. Irrigation may include watering by a hose, yard sprinkler, etc.

Paragraph 4.9.6 N states:

1. The colors and material of which the sign structure is constructed shall be similar materials and complementary to the structure.
2. A landscaped area, combining a maximum equivalent to two times the area of the permitted sign, shall be installed around the immediate base of the sign. The maximum requirement for landscape area shall be five hundred (500) feet. If the sign is located in the within the landscaped area of streetscape plates S-7, S-8, S-9, S-10, S-11, or S-12, then the landscaping requirements of this sub-section shall be waived.
3. The landscaped area should be irrigated with an underground sprinkler system.

The Standards for Signs in the Open Districts, Residential Districts, and Residential Work (RW) Districts per Paragraph 4.9.7B(2) for Maximum Gross Surface Area states:

The maximum gross surface area of sign in the Open Districts, Residential Districts and Residential Work (RW) District may not exceed twelve (12) square feet, or twelve (12) square feet per acre of the lot, whichever is greater, up to a maximum of thirty-two (32) square feet per sign.

The signs are located in Zone 3 and will be further governed Section 4.9.14

### **Required Parking**

Animal boarding and kennels are classified in the Memphis and Shelby County Unified Development Code (UDC) as commercial land uses in the Retail Sales and Service use category.

### **Section 4.5.3 Parking Ratios**

Use Category	Specific Use	Minimum Parking Spaces
Retail Sales and Service	Furniture store	1.0 per 600 SF FA
	Art or photo studio, gallery	1.0 per 500 SF FA
	Retail sales with less than 4,000 SF FA	1.0 per 1,000 SF FA
SF=Square Feet FA=Floor Area	All other use	1.0 per 300 SF FA

As such, onsite parking is required. OPD Staff is recommending the gravel or rock drive and turnaround will provide adequate space to satisfy the UDC parking requirements.

### **Public Infrastructure**

3925 Kerr has all the required infrastructure for a house. To date, the metal building has electricity. If approved, plumbing, water, heating, ventilation, etc. will be provided as required by the Memphis and Shelby County Office of Construction Code Enforcement and the Shelby County Health Department.

### **9.6.9 Special Use Permit Approval Criteria**

No special use permit or planned development shall be approved unless the following findings are made concerning the application.

- The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety and general welfare (UDC Sub-section 9.6.9A).
- The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations (UDC Sub-section 9.6.9B).
- The project will be served by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services (UDC Sub-section 9.6.9C).

- The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance UDC Sub-section 9.6.9D).
- The project complies with all additional standards imposed on it by particular provisions authorizing such use (UDC Sub-section 9.6.9E).
- The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the character of existing standards for development of adjacent properties (UDC sub-section 9.6.9F).

### **Use Standards**

Under the Memphis and Shelby County Unified Development Code Sub-Section 2.6.3H Commercial Use Standards, the proposed Animal Boarding and Kennel are subject to certain Use Standards:

#### ***H. Animal Hospital, Veterinary Clinic, Pet Clinic, Animal Boarding, Animal Shelter, Kennel***

- 1. In the CA, CMU, EMP, WD, IH districts, outdoor runs are permitted.*
- 2. In all other districts, outdoor runs are not permitted. All overnight care of animals must be located within an enclosed building.*

The application as conditioned in this staff report meets the special use permit approval criteria and use standards.

### **RECOMMENDATION: Approval with 13 Conditions.**

#### **SITE PLAN CONDITIONS:**

1. The special use permit entitlement is to permit an animal boarding and kennel for 3925 Kerr Road. Any change in ownership shall require the filing of a Correspondence Item to be heard by the Memphis and Shelby County Land Use Control Board with an appeal to the Shelby County Board of Commissioners and the City of Millington if the property is annexed.
2. A maximum of 10 dogs shall be permitted to be boarded in the kennel at any one time. The kennel shall be used for dog boarding only.
3. Pick-up and drop-off hours shall be 8 A.M. to 8 P.M. on Monday through Saturday and 1 to 6 P.M. on Sunday.
4. A twelve foot wide drive with a 33 foot radius shall be provided in front of the metal building for drop-off and pick-up for the boarding and kennel operation. The drive shall be gravel, rock or an alternative approved by the Planning Director.
5. One detached, free-standing sign is permitted for the animal boarding and kennel operation. The sign shall be 12 square feet in size and be similar in terms of style to the kennel sign next door.
6. The applicant shall install and maintain a six foot sight-proof fence 20-30 feet from and the length of exterior dogs run, and 40 feet along the north property line or an equivalent alternative may be approved by Planning Director.
7. Exterior lighting for the animal boarding and kennel operation will be directed downward and away from the adjacent properties.
8. The location of all dumpsters and trash receptacles for the animal boarding and

kennel shall be shown on the site plan and the screening treatment shall be subject to the approval of the Planning Director of the Memphis and Shelby County Office of Planning and Development.

9. All improvements to the metal building for the animal boarding and kennel operation shall comply with all local codes, ordinances, regulation, laws, etc.
10. Subsurface sewage disposal systems for commercial usage must be an engineer deigned system.
11. A site plan shall be filed with the Office of Planning and Development within two years from the date this application was approved by the Shelby County Board of Commissioners. Time extensions may be granted by the Memphis and Shelby County Land Use Control Board with the filing of a Correspondence Item and full public notice.
12. No Use and Occupancy Permit shall be granted until the Site Plan is approved by the Office of Planning and Development and signed by the Planning Director.
13. Site Plan: The site plan will incorporate the conditions listed above and shall provide the following:
  - Provide the FEMA flood panel number, the limits of the floodplain, and the 100 foot building elevation.
  - Delineate and label all existing and proposed easements and indicate if the easement is public or private.
  - Provide the metal building elevation, building material, square footage for each designated use.

## **GENERAL INFORMATION**

<b>Street Frontage:</b>	312 feet along Kerr Road
<b>Planning District:</b>	Millington
<b>Census Tract:</b>	202.10
<b>Annexation Reserve Area:</b>	Millington
<b>Zoning Atlas Page:</b>	1140
<b>Parcel ID:</b>	D0104 00373
<b>Zoning History:</b>	N/A

## **DEPARTMENTAL COMMENTS**

The following comments were provided by agencies to which this application was referred:

<b>County Engineer:</b>	No comments received.
<b>Shelby County Fire Department:</b>	No comments received.
<b>Shelby County 911:</b>	No comments received.

**City/County Health Department-  
Water Quality Branch & Septic Tank Program:**

**OPD File # S.U.P. 14-223 CO  
3925 Kerr Road (Kennel Permit)**

1. Conventional subsurface sewage disposal statutory criteria T.C.A. 68-221-403 (c) which requires either a high intensity soils evaluation by a soil scientist certified by the State of Tennessee or a percolation test must be performed to verify that the soil is sufficiently permeable to allow proper absorption of the sewage into the soil. The soil mapping or percolation test must be performed as outlined in the Rules and Regulations to Govern Subsurface Sewage Disposal Systems Chapter 1200-1-6-.02 (3).
2. The minimum acreage for an existing lot to have a subsurface sewage disposal system is two (2) acres. If the lot has a proposal to be subdivided each of the subdivided lots **must** have a minimum of two (2) acres for the installation of a subsurface sewage disposal system.
3. This lot has an existing subsurface sewage disposal system which was installed in 1990 that shows five hundred (500') feet of field line and a one thousand (1000) galloon septic tank to provide service for a three bedroom house.
4. As outlined in Rules and Regulations to Govern Subsurface Sewage Disposal Systems Chapter 1200-1-6-.03, areas consisting of fill material shall be excluded from the area considered for the installation of the disposal field unless soil conditions provide for adequate filtration and will prevent outcropping of sewage effluent.
5. Subsurface sewage disposal systems or field lines cannot be installed within the designated boundaries of the 100-year floodplain or flood zone.
6. Subsurface sewage disposal systems for commercial usage **must** be an engineer designed system.
7. A design number for these proposed dogs care/grooming facility will be a minimum daily water usage of 20 gallons per day per employee (bathroom and sink facility) as well as 7.75 gallons per dog a day. For wash down and bathing purposes the water usage per dog would 15 gallons a day.
8. If any monitoring wells were installed as part of an environmental site assessment they must be filled as outlined in Section 6 of the Shelby County Well Construction Code.
9. In 1990 a water well was installed for residential usage at this site.
10. Should the water well present on this site be in an abandoned condition it must be properly filled and abandoned as outlined in Section 9 of the Shelby County Well Construction Code.

**Shelby County Schools:**

No comment received.

**Construction Code Enforcement:**

No comments received.

**Memphis Light, Gas and Water:**

MLGW has reviewed the referenced application, and has no objection, subject to the following conditions:

- **Street Names:** It is the responsibility of the owner/applicant to contact MLGW-Address Assignment @729-8628 and submit proposed street names for review and approval. Please use the link to MLGW Land & Mapping website for **Street Naming Guidelines** and the **Online Street Name Search:** <http://www.mlgw.com/builders/landmapping>

- **It is the responsibility of the owner/applicant** to identify any utility easements, whether dedicated or prescriptive (electric, gas, water, CATV, telephone, sewer, drainage, etc.), which may encumber the subject property, including underground and overhead facilities.
- **No permanent structures** will be allowed within any utility easements, without prior MLGW approval.
- **It is the responsibility of the owner/applicant** to contact **TN-1-CALL @ 1.800.351.1111**, before digging, and to determine the location of any underground utilities including electric, gas, water, CATV, telephone, etc.
- **It is the responsibility of the owner/applicant** to pay the cost of any work performed by MLGW to install, remove or relocate any facilities to accommodate the proposed development.
- **It is the responsibility of the owner/applicant** to comply with the **National Electric Safety Code (NESC)** and maintain minimum horizontal/vertical clearances between existing overhead electric facilities and any proposed structures.
- **It is the responsibility of the owner/applicant** to comply with the Memphis/Shelby County Zoning Ordinance-Landscape and Screening Regulations.
- **Street Trees are prohibited**, subject to review and approval of landscape plan by MLGW Engineering. It is the responsibility of the owner/applicant to submit a detailed landscape plan to MLGW Engineering.
- **It is the responsibility of the owner/applicant** to submit a detailed plan to MLGW Engineering for the purposes of determining the availability and capacity of existing utility services to serve any proposed or future development(s). Application for utility service is necessary before plats can be recorded.
  - All residential developers must contact MLGW's Residential Engineer at Builder Services: (901) 729-8675 to initiate the utility application process.
  - All commercial developers must contact MLGW's Builder Services line at 729-8630 (select option 2) to initiate the utility application process.
- **It is the responsibility of the owner/applicant** to pay the cost of any utility system improvements necessary to serve the proposed development with electric, gas or water utilities.

**AT&T/Bell South:**

No comments received.

**City of Millington:**

The next meeting of the Planning Commission is August 18. We can get you comments immediately following.

## Letter of Intent

### Letter Of Intent

This project is located on the South side of Kerr Road West of Quito Road. The street is a long cul de sac. An existing metal building will serve as a kennel for boarding dogs. Outside dog runs will be provided adjacent to the building on the West side. The customer base will be North Shelby and South Tipton counties.

McCaskill and Associates, Inc. has been retained for consultation and representation.

The kennel building is a substantial distance past the rear of the adjacent homes which should limit any impact to the neighbors. The house to the West already has a similar use in place.

Once approved, the applicant will improve the interior of the existing building and install the fences for the dog runs in order to be able to board animals.

### Application



**Memphis and Shelby County**  
**Office of Planning and Development**  
CITY HALL 125 NORTH MAIN STREET-SUITE 468 MEMPHIS, TENNESSEE 38103-2084 (901) 576-6619

**APPLICATION FOR SPECIAL USE PERMIT  
APPROVAL/AMENDMENT**

Date: 6/24/14

Case #: SUP 14-223C0

PLEASE TYPE OR PRINT

Property Owner of Record: CORBIN REYNOLDS Phone #: 873-1306  
Mailing Address: 3925 KERR ROAD City/State: MILLINGTON, TN Zip 38053  
Property Owner E-Mail Address: ingodwetrustrey7@hotmail.com  
Applicant: CORBIN REYNOLDS Phone # \_\_\_\_\_  
Mailing Address: 3925 KERR ROAD City/State: MILLINGTON Zip \_\_\_\_\_  
Applicant E-Mail Address: INGODWETRUSTREY7@HOTMAIL.COM  
Representative: TIM MCCASKILL Phone #: 901-382-2597  
Mailing Address: 7891 STAGE HILLS BLVD. SUITE 112 City/State: BARTLETT, TN Zip 38133  
Representative E-Mail Address: TEMCCASKILL@AOL.COM  
Engineer/Surveyor: MCCASKILL & ASSOCIATES, INC. Phone # 901-382-2597  
Mailing Address: 7891 STAGE HILLS BLVD. SUITE 112 City/State: BARTLETT, TN Zip 38133  
Engineer/Surveyor E-Mail Address: TEMCCASKILL@AOL.COM  
Street Address Location: 3925 KERR ROAD  
Distance to nearest intersecting street: 2769' WEST OF CENTERLINE OF QUITO ROAD

	Parcel 1	Parcel 2	Parcel 3
Area in Acres:	<u>7.99 AC.</u>	_____	_____
Existing Zoning:	<u>CA</u>	_____	_____
Existing Use of Property	<u>RESIDENTIAL</u>	_____	_____
Requested Use of Property	<u>ANIMAL BOARDING/ KENNEL</u>	_____	_____

**Amendment(s):** Any revision to an approved Special Use Permit that does not meet the provisions for Major or Minor Modifications shall be proposed as an amendment. Time extensions (see Subsection 9.6.14B of the UDC) to and requests to exceed 24-month limitation on discontinuance (see Subsection 9.6.14C) of approved special use permits shall be processed as major modifications, subject to the provisions of Chapter 9.16.

Yes \_\_\_ No \_\_\_

Pre-Application Conference held on: 6/13/14 with DON JONES

Neighborhood Meeting Requirement Met: Yes  No \_\_\_  
(If yes, documentation must be included with application materials)

**Variances:** If the Office of Planning and Development (OPD) determines your submitted site plan requires Board of Adjustment (BOA) action on a particular standard of the Unified Development Code, this application will not be heard by the Land Use Control Board (LUCB) until an application is submitted to the BOA. Once a BOA application is received by OPD, OPD will proceed to send any public notices, including neighborhood meeting notification, for the next available LUCB meeting. Notices will not be sent out prior to a BOA application being received. All neighborhood notification and public notices shall meet the timing provided in Sections 9.3.2 and 9.3.4 of the UDC. In lieu of a BOA application being filed, this application for a Special Use Permit may be replaced with an application for a Planned Development within 14 days of the filing deadline for this application, unless the site is located within the Medical Overlay District (see Sec. 8.2.2D of the UDC). If neither a Board of Adjustment nor a Planned Development application is received within 90 days of the filing deadline for this application, then this application shall be considered defective and withdrawn from any future consideration by the Land Use Control Board.

**I (we) hereby make application for the Special Use Permit described above and on the accompanying materials. I (we) accept responsibility for any errors or omissions which may result in the postponement of the application being reviewed by the Memphis & Shelby County Land Use Control Board at the next available hearing date. I (We), owner(s) of the above described property hereby authorize the filing of this application and the above named persons to act on my behalf.**

Carl M. Reynolds 6-28-14 \_\_\_\_\_  
Property Owner of Record                      Date      Applicant    Date

**REQUIREMENTS PRIOR TO APPLICATION SUBMISSION**

**PRE-APPLICATION CONFERENCE** - Not more than six (6) months nor less than five (5) working days prior to filing an application, the applicant shall arrange for a mandatory pre-application conference with OPD. After consultation with an OPD staff member and obtaining his/her signature on the application a full application may be submitted.

**NEIGHBORHOOD MEETING** – At least ten (10) days, but not more than 120 days, prior to a hearing before the Land Use Control Board, the applicant shall provide an opportunity to discuss the proposal with representatives from neighborhoods adjacent to the development site (Section 9.3.2).

The following documentation shall be provided to OPD to verify compliance with this requirement: A copy of the letter sent to neighborhood associations and abutting property owners and a copy of the mailing list used to send notice.

**SIGN POSTING** – A sign or signs shall be erected on-site no more than 30 days or less than 10 days prior to the date of the Land Use Control Board hearing. See Sub-Section 9.3.4C of the UDC for further details on sign posting.

## Special Use Permit Approval Criteria and Responses

### 9.6.9 Special Use Permit Approval Criteria

No special use permit or planned development shall be approved unless the following findings are made concerning the application:

Please address each sub-section below (Provide additional information on a separate sheet of paper if needed).

- The project will not have a substantial or undue adverse effect upon adjacent property, the character of the neighborhood, traffic conditions, parking, utility facilities and other matters affecting the public health, safety, and general welfare (UDC sub-section 9.6.9A).

THE PROJECT WILL NOT HAVE AN ADVERSE EFFECT UPON THE NEIGHBORHOOD.

- The project will be constructed, arranged and operated so as to be compatible with the immediate vicinity and not interfere with the development and use of adjacent property in accordance with the applicable district regulations (UDC sub-section 9.6.9B).

ADJACENT PROPERTY IS ALREADY DEVELOPED. THIS USE WILL NOT INTERFERE.

- The project will be served adequately by essential public facilities and services such as streets, parking, drainage, refuse disposal, fire protection and emergency services, water and sewers; or that the applicant will provide adequately for such services (UDC sub-section 9.6.9C).

THE PROJECT IS ADEQUATELY SERVED BY PUBLIC FACILITIES AND SERVICES.

- The project will not result in the destruction, loss or damage of any feature determined by the governing bodies to be of significant natural, scenic or historic importance (UDC sub-section 9.6.9D).

THERE ARE NO SIGNIFICANT NATURAL, SCENIC OR HISTORIC FEATURES IN THE PROJECT AREA

- The project complies with all additional standards imposed on it by any particular provisions authorizing such use (UDC sub-section 9.6.9E).

IT COMPLIES.

- The request will not adversely affect any plans to be considered (see UDC Chapter 1.9) or violate the character of existing standards for development of the adjacent properties (UDC sub-section 9.6.9F).

THE PROJECT IS IN CHARACTER WITH THE ADJACENT PROPERTIES AND WILL NOT ADVERSELY AFFECT THEM.

## Survey

Survey of Lot 4, Paul A. Edwards Subdivision, as recorded in Plat Book 125, Page 52, in the Shelby County Register's Office and being more particularly described as follows:

Beginning at the northeast corner of Lot 4 and the northwest corner of Lot 5 of the Paul A. Edwards Subdivision, a distance of 2767.26' west of the center line of Quito Road; thence S 00°15'57" E a distance of 1115.79' to the southwest corner of Lot 5 and the southeast corner of Lot 4; thence N 88°33'51" W a distance of 312.00' to the southwest corner of Lot 4 and the southeast corner of Lot 3; thence N 00°15'57" W a distance of 1115.79' to the northwest corner of Lot 4 and the northeast corner of Lot 3; thence S 88°33'51" E a distance of 312.00' to the point of beginning, containing 7.99 acres more or less.

Less and except the right of way for Kerr Road which is included in this description.



LEGAL DESCRIPTION  
LOT 4  
PAUL A. EDWARDS SUBDIVISION  
3925 KERR ROAD  
SHELBY COUNTY, TENNESSEE  
JUNE, 2014

### Neighborhood Meeting Information

NEIGHBORHOOD MEETING on LAND USE APPLICATION/CASE Number: SUP 14-223 C0      Date of Meeting: 8-4-14

Name	No Contest	Oppose	Sign/Initial	Comments
Gerald Blackburn				
James Boyd				
Wyatt Bunker				
Cole Lumber Co., Inc.				
Brian Davis				
Keith Derung	✓		<i>KD</i>	go for it
Leonard Dunbar				
Tony Gallo				
Claudia Gloria Jones				
Willie Hunter				
Calvin Isabell				
Edgar Kee				
William Kee (Estate of)				
Patricia Lea				
Pamela Matthews	✓		<i>pm</i>	via phone 7-27-14
James K. Page				
Terry Roland				
St. Johns United Methodist Church				
Alvin Scroggins				
Sharon Signaigo				
Betty Simington				
Robert Snodgrass	✓		<i>rs</i>	7-25-14
Chris Thomas				
Floyd Weakley				
Louis Weakley				
Roland Weakley				
Rhonda Williams				
Nancy Woods				
Wood Pease, LLC	✓		<i>wp</i>	7-25-14

## Correspondence Received for This Case

All,

I am **OPPOSED** to the Special Use Permit application for an animal boarding and kennel operation at the location of 3925 Kerr Road. There is already a commercial operation next to said property of the same use. If this is allowed then the noise level on Kerr Road will elevate more than it is now. This one lane road is busy enough with the existing boarding operation and the day care center being operated on the same road.

In looking on the website I could not find where a permit had ever been pulled for the existing structure that is on said property. The structure has already had an animal rescue operation. The noise level at that point was off the charts when the rescue operation allowed the animals out in addition to the existing kennel letting their animals out. It was a constant noise irritation to the residents. Mr. Mathews next door had to go over to that property to rescue the owner from being attacked. We were never advised that 3925 Kerr Road was an animal rescue operation.

The other reason we are **OPPOSED** to this is that at 4059 Kerr Road the resident has 8 to 12 dogs currently. These dogs are turned loose to roam up and down Kerr Road as they please. We contacted the Shelby County authorities in April. The authorities explained to the resident at 4059 Kerr Road that there is a leash law in Shelby County and the State of Tennessee. The resident assured the authorities that this would be taken care of immediately. Today is August 4<sup>th</sup>, and the resident is still not complying. So if you approve this application, the residents that live between 4059 Kerr Road and 3925 Kerr Road will have to deal with the animals constantly crossing their property to get at the animals at the new Animal Boarding and Kennel operation because it will put them closer in proximity to one another.

**We respectfully request that you deny this application.**

We also request the help of the Memphis & Shelby County Land Use Control Board, the Shelby County Board of Commissioners, and the Office of Planning & Development in contacting the Shelby County authorities on behalf of the residents on Kerr Road to enforce the leash laws of the county and state concerning the residents at 4059 Kerr Road. I would ask that the resident be cited immediately. I would ask if resident does not comply and put the dogs on a leash that they build a pen to keep the dogs on their property. If not then I am requesting that the animals be taken from the property for suitable adoption to responsible owners. The Shelby County Sheriff's office should patrol at certain times of the day to observe that this is the truth.

If not, then you are forcing the residence of Kerr Road to shoot and kill these animals when they cross their property line. This would not look appropriately on the Channel 5 news with Andy Wise doing a story of this since there is a day care of small children being operated on Kerr Road.

Thank you so much for allowing us to voice our concerns.

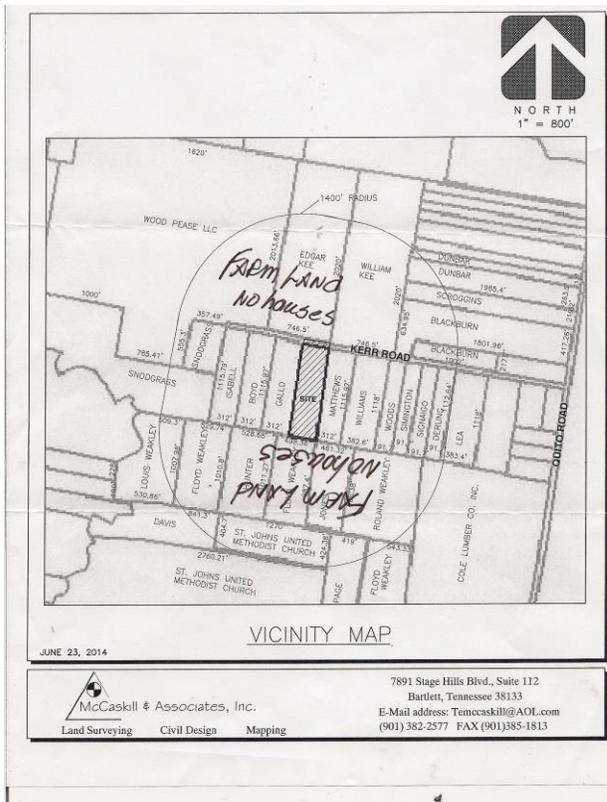
Charles and Nancy Woods  
4035 Kerr Road  
Millington, TN 38053

To Whom It May Concern:

I am the owner of Gallo Kennels. I have been in business 15 years. I have only had a couple of complaints about barking over that period of time. I try to keep the barking down by not having anyone come early or late night because when new dogs come in that is what causes the barking. I wasn't going to complain or express any concern until I had a few neighbors ask me if the kennel next to me (D&C Kennels LLC) was going to cause more barking. Their kennel would not be more than 50 yards from my kennel. The location of my kennel is 50 yard further back, and when people bring their dogs to my kennel or to their kennel, it is going to cause more barking because they can see each other all the time. My main concern is that it might cause me to lose my kennel if there are too many complaints. Right now my neighbors are satisfied with the way I am doing business. I do not want to put my business in jeopardy.

Sincerely,  
Sandra Gallo

Please see the attached document. Most of those properties are farmland and this would affect the opinions of those truly involved. Those that should be included are the people whom actually reside at those locations not the locations that are just farmland.



Regarding the Special Use Permit to put a kennel at 3925 Kerr Road, case SUP 14-223 CO...

Although we hold the Reynolds family in highest regard, and we generally hold dear the notion that land owners should be allowed to do with their property as they see fit, we regretfully feel it best to oppose the Reynolds' plan to engage in a kennel/dog-boarding operation at this time.

Kerr Road is a very short, one-lane road with homes along one side of it and woods and farmland on the other. We own part of and actively farm all of the row-crop farmland across the road from the property in question, and find ourselves driving the road often to attend to the crops and visit friends. At present, it is a tranquil location in which dogs sometimes bark, but the barking is always brief. The road carries only limited traffic, which is good because the road is so narrow. As is, it's a very nice, quiet, dead-end road that anyone would enjoy living on.

We affirm the voices of neighbors who believe this project will probably cause an unreasonable level of noise disruption, creating an unpleasant situation for all the neighbors. The proposed kennel is slated to be placed very close to a different neighbor's existing kennel. If one knows dogs and how they react to being confronted from without when they are behind a fence, it is easy to anticipate the barking that will take place, not just at feeding time, but all the time, when the dogs on each side can see, hear, and smell the others but cannot approach them. It is the nature of dogs; an instant recipe for incessant barking.

Sincerely,  
David and Sandra Sigler

I'm sending this email in hopes of trying to stop the opening of a new dog kennel at 3925 Kerr Rd. Millington, Tn. 38053. I live at 3835 Kerr Rd, lot #1. At the west side of my property is a tree line which will echo the sound of the dogs right back into my home even more that it does now. I'm will be putting my house up for sale soon. If you allow this kennel to open, it will affect the value of my property by a great deal. I have met the Reynolds and they seem to be very good people. However, I don't think they have thought this out. The noise level will hurt everyone on this street after this new kennel is up and running. Two kennels next door to each other on the same one lane street will also create so much traffic that the county will need to add another lane to our street just so we can get to our homes. Everyone on our little street try and get along with each other and I think that we do. But this will only hurt everyone on this street except the Reynolds. I am asking the board not to approve this permit. Thank you very much.  
Calvin C. Isabell, 3835 Kerr Rd, Millington, Tn. 38053.

August 7, 2014

Memphis and Shelby County Office of  
Planning and Development  
125 North Main Street, Room 468  
Memphis, TN

Attn: Marion Jones

RE: CASE NUMBER: SUP 14-223 CO.  
LOCATION: 3925 KERR ROAD  
REQUEST: ANIMAL BOARDING AND KENNEL

To Whom It May Concern:

As long time residents (20+ years) of the neighborhood in which the boarding kennel is proposed to be built, we wish to strongly voice our opposition to this re-zoning request. Our reasons are as follows:

- 1) We do not wish to be subjected the noise of additional barking dogs. There is currently a boarding kennel located on an adjacent property that we can hear at ALL hours. To put another kennel nearby will not only cause noise from the new kennel, but will cause more barking from the current kennel. Also, many of the neighbors have their own pet dogs and will also bark more in response to the barking dogs located at the kennels. We know this because it already happens on a daily and nightly basis. In a closed house with air conditioning running, you can hear them over our television.
- 2) Kerr Road is a NARROW, 1-1/2 lane road. Currently, when pass each other they must pull onto the shoulder and pass each other slowly. The road is not suitable for commercial traffic.
- 3) We know that our property values will be adversely affected by having this ADDITIONAL kennel in our neighborhood. The additional commercial business in a rural residential neighborhood and the noise problems that would be compounded by an additional kennel would be a deterrent for any prospective home buyer.

We ask that you not approve this re-zoning request and thank you for your consideration to our objections.

Sincerely,



Gerald D. Blackburn, DVM  
9261 Quito Road  
Millington, TN 38053  
(901)872-7095



Arlene Blackburn