

Board of Zoning Adjustment

Staff Report

June 27, 2022



Case No:	22-CUP-0028
Project Name:	Pet Suites of America
Location:	9017 Taylorsville Road
Owner(s):	HMA Property Holdings, LLC
Applicant:	Keith Demchinski – Beta Equity Investments, LLC
Representative:	Jon Baker – Wyatt, Tarrant & Combs, LLP
Jurisdiction:	Louisville Metro
Council District:	11 – Kevin Kramer
Case Manager:	Zach Schwager, Planner I

REQUEST(S)

- **Conditional Use Permit for a commercial kennel**

CASE SUMMARY/BACKGROUND

The subject property is located on the east side of Taylorsville Road between S. Hurstbourne Parkway and Axminster Drive. It is zoned C-1 Commercial in the Suburban Marketplace Corridor Form District and is surrounded by C-1 and C-2, Commercial and R-4, Residential Single Family districts. The existing structure on site will be removed and replaced with an 11,000 sq. ft., one-story structure for a proposed commercial kennel with 20 parking spaces. The applicant proposes to include an outdoor activity area (pens/runs) for animals.

Associated Cases

16ZONE1071 – Change in zoning from OR-3 to C-1

17DEVPLAN1165 – A Revised District Development plan for a 756 sq. ft. addition

22-DDP-0018 - A Revised District Development plan for the proposed commercial kennel (approved by the Development Review Committee on 6/15/22)

STAFF FINDING

The revised detailed district development plan is adequately justified based on staff's analysis contained in the standard of review.

TECHNICAL REVIEW

- The plan has received preliminary approval from Transportation Planning and MSD.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with the Comprehensive Plan in that it is using an existing structure and does not create significant additional burdens on public infrastructure.

2. Is the proposal compatible with surrounding land uses and the general character of the area, including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The proposal is compatible with surrounding land uses.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: Public facilities are adequate to serve the site.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

4.2.54 Commercial Kennel

Commercial Kennels may be located in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, C-1, C-2, C- M, M-1, M-2, and M-3 Zoning Districts where such use is compatible with surrounding land uses upon the granting of a Conditional Use Permit when developed in compliance with the listed requirements.

A. Facilities Enclosed - All facilities, except parking, shall be within a totally enclosed building except where it can be demonstrated that a nuisance is not created thereby.

STAFF: The applicant will need relief from this requirement. Staff is supportive of the outdoor component.

B. Signs - Except in districts where signs are allowed, there shall be no more than one non-illuminated sign not to exceed 12 square feet in area and not to exceed 6 feet in height.

STAFF: This requirement will be met.

C. Fences - A continuous fence at least 6 feet high shall be erected around the portion of the site used for the kennel operation.

STAFF: This requirement will be met.

D. Screening – Any outdoor animal facilities shall be screened from view.

STAFF: This requirement will be met.

E. Noise - The design of the structures shall include features that acoustically shield any animal noises from surrounding property.

STAFF: This requirement will be met.

F. The applicant shall demonstrate adequate provisions to prevent surface water quality impacts due to animal wastes.

STAFF: This requirement shall be met.

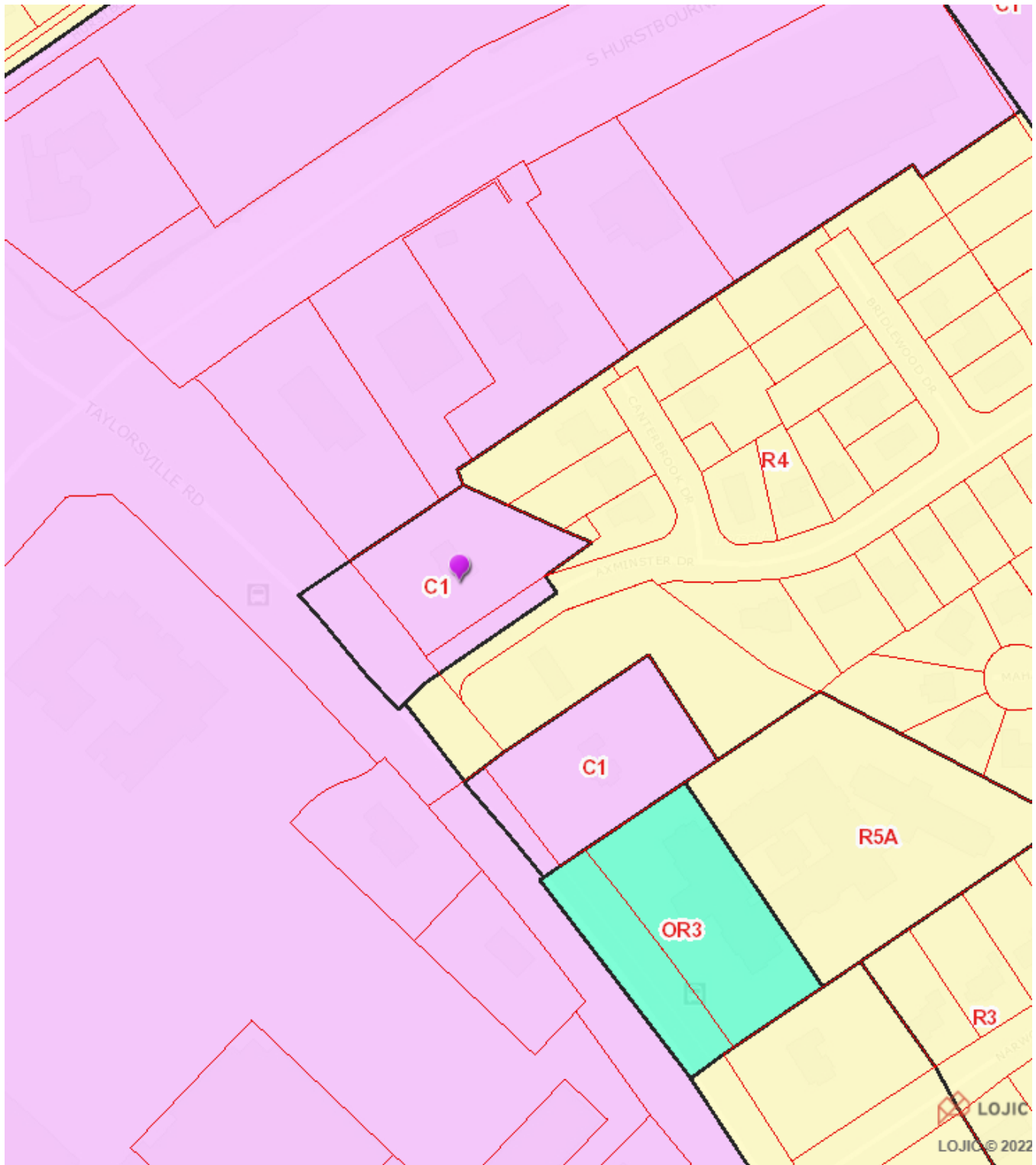
NOTIFICATION

Date	Purpose of Notice	Recipients
6/10/22	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 11
6/10/22 6/10/22	Hearing before BOZA	1st and 2nd tier adjoining property owners and residents Registered Neighborhood Groups in Council District 7 Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Plan 2040 Checklist
4. Proposed Conditions of Approval

1. **Zoning Map**



2. Aerial Photograph



3. Plan 2040 Checklist

Conditional Use Permit Checklist

+ Meet policy

- Does not meet policy

+/- Meets/Does not meet some portion of policy

NA – Not applicable

NIS – Information needed

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
Community Form – Goal 1			
4.	Ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects.	+	The proposal will be compatible with the existing scale and site design of nearby development.
11.	Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines.	+	Setbacks, lot dimensions and building heights are compatible with the existing scale and site design of nearby development.

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
12.	Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes.	+	Transportation Planning has reviewed and preliminarily approved the proposal.
14.	Ensure that signs are compatible with the Form District pattern and contribute to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials).	+	Signs will be Land Development compliant.
17.	Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	+	Transportation Planning has reviewed and preliminarily approved the proposal.

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
18.	Mitigate adverse impacts of noise from proposed development on existing communities.	+/-	The Board of Zoning Adjustment shall determine if the proposed use meets the noise ordinance.
19.	Mitigate adverse impacts of lighting from proposed development on nearby properties, and on the night sky.	+	Lighting will be Land Development Code compliant.
Goal 2 Community Facilities			
3.	Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	+	MSD has reviewed and preliminarily approved the proposal.

4. Proposed Conditions of Approval

- 1) The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a private institutional use until further review and approval by the Board.