

# Board of Zoning Adjustment Staff Report

November 7, 2016



<b>Case No(s):</b>	15CUP1039
<b>Project Name:</b>	Poe's Pet Depot
<b>Location:</b>	291 North Hubbards Lane
<b>Owner(s):</b>	Oakland Limited Partnership
<b>Applicant(s):</b>	Robert Poe
<b>Representative(s):</b>	Robert Poe
<b>Project Area/Size:</b>	16.76 acres
<b>Existing Zoning District:</b>	C-2, Commercial
<b>Existing Form District:</b>	SMC, Suburban Marketplace Corridor
<b>Jurisdiction:</b>	St. Matthews
<b>Council District:</b>	7 – Angela Leet
<b>Case Manager:</b>	Jon E. Crumby, Planning and Design Coordinator

## REQUEST

- Conditional Use Permit to allow a commercial kennel in a C-2 Zoning District.

## CASE SUMMARY/BACKGROUND

Poe's Pet Depot is a full service pet store located in the Woodlawn Shopping Center. The current size of the location is 6,600 square feet. Poe's currently offers pet food, treats, toys and many other supplies for dogs, cats, small animals, reptiles, fish, and birds. Also pet grooming and doggie day care are offered.

Poe's is proposing to build indoor kennels for overnight dog and cat boarding within the existing structure. Nine kennels that range in size from 3' x 6' to 4' x 6' will be built out of James Hardie Board for durability and sound deadening purposes. The kennels will also be walled in by rafter high wall in order to keep barking sounds to a minimum. The wall will not be covered in a ceiling in order for better ventilation for the kennels.

Any waste created by the animals will be picked up and disposed in waste bags in the outdoor dumpsters or washed down the existing large three drain sink with a hose. There will be no additional signs except a window poster indicating that overnight boarding is offered.

Poe's currently has four employees and one addition employee will be hired as a kennel attendant to concentrate on cleaning, care, and walking of dogs.

**SITE CONTEXT**

The site is irregular in shape and located on the west side of Murphy Lane. The property slopes downward from front to the existing residence and then levels off.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Commercial	C-2	SMC
<b>Proposed</b>	Commercial	C-2	SMC
<b>Surrounding Properties</b>			
<b>North</b>	Walden School	R-4	SMC
<b>South</b>	Commercial	C-2	SMC
<b>East</b>	Residential Single Family	R-4	N
<b>West</b>	Commercial	C-2	SMC

**PREVIOUS CASES ON SITE**

**12542**

A Revised District Development Plan and amendment to binding elements on property located at 291 North Hubbards Lane (Woodlawn Center); and being in the City of St. Matthews. This request was approved by St. Matthews.

**INTERESTED PARTY COMMENTS**

A neighborhood meeting was held on July 23, 2016. There were five people in attendance including the owners Robert and Lisa Poe. The applicant explained how the store was going to be built out. Also quashed concerns about building outside of the existing store. Addressed questions concerning where the dogs will be walked and how the waste will be disposed. Explained blue prints in depth about how kennels will be built and how to keep down noise from the dogs barking.

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS  
FOR CONDITIONAL USE PERMITS**

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

STAFF: The proposal meets all applicable policies of the Comprehensive Plan. A landscape plan has been approved under case number 13219.

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, appearance, etc?

STAFF: The subject site will be compatible with the surrounding land uses with respect to scale, height, drainage, dust, and appearance.

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

STAFF: The proposal has been reviewed by Public Works and MSD and both have approved the plan.

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

Commercial kennels may be located in the R-R, R-E, R-1, R-2, R-3, R-4, C-1, C-2, C-M, M-1, M-2 or M-3 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. There are 6 requirements for a commercial kennel and five will be met. Item e. does not apply since there will be no outdoor facilities.

- a. All facilities, except parking, shall be at least thirty feet from any property line.
- b. All facilities, except parking, shall be within a totally enclosed building except where it can be demonstrated that a nuisance is not created thereby.
- c. Except in districts where signs are allowed, there shall be no more than one non-illuminated sign not to exceed twelve square feet in area and not to exceed six feet in height.
- d. All roads and parking areas shall be surfaced with a hard and durable material and properly drained.
- e. A woven wire fence at least six feet high shall be erected around the portion of the site used for the kennel operation.
- f. Off-street parking spaces shall be provided in the ratio of one space for every 1 1/2 employees plus six spaces for visitors.

### **TECHNICAL REVIEW**

There are no outstanding technical review items.

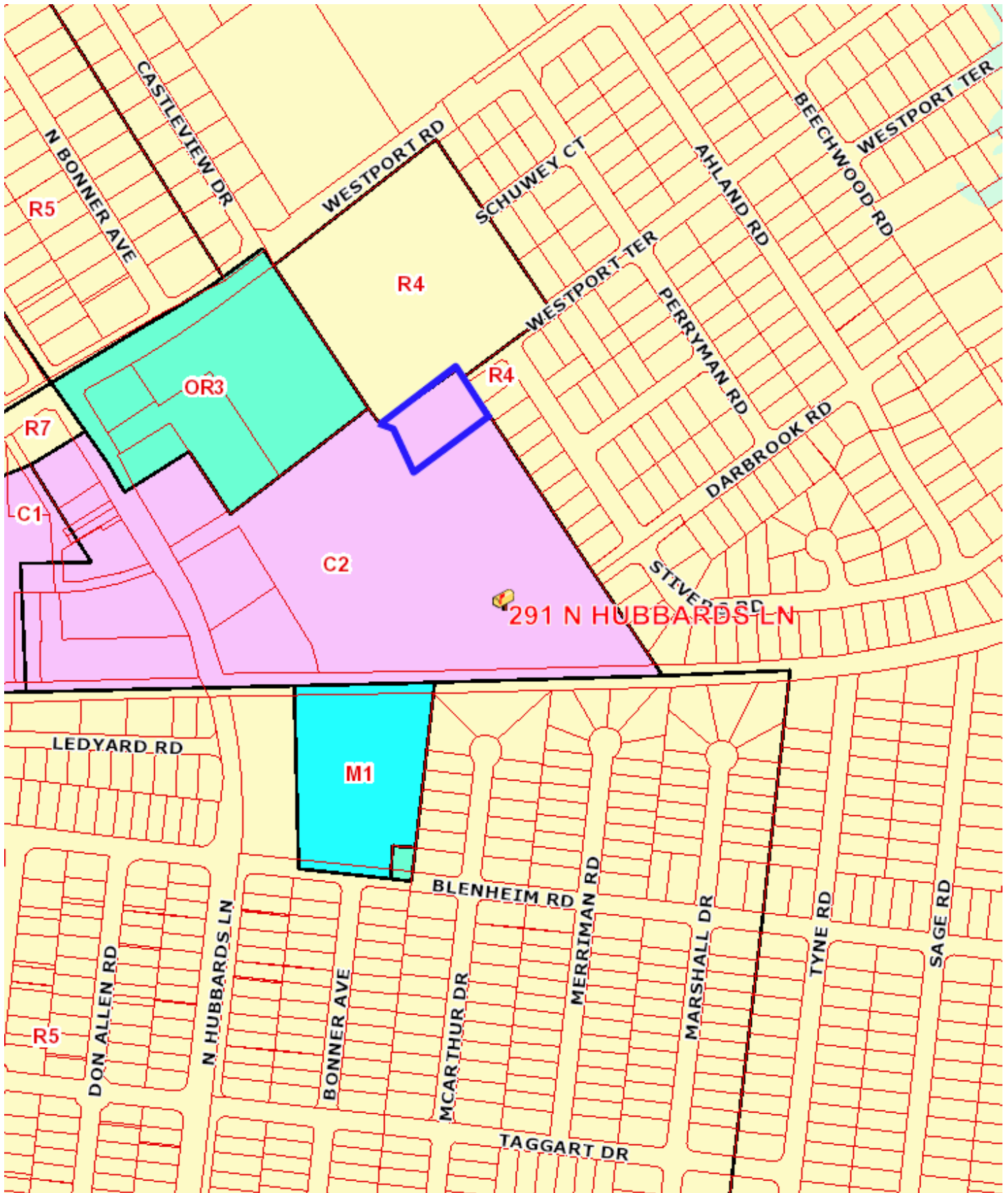
### **STAFF CONCLUSIONS**

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, BOZA must determine if the proposal meets the standards for granting the Conditional Use Permit as established in the LDC.

### **ATTACHMENTS**

- 1. Zoning Map
- 2. Aerial Photograph
- 3. Conditions of Approval

- 1. Zoning Map



2. Aerial Photograph



### 3. 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 commercial kennel without further review and approval by the Board.

