

**Board of Zoning Adjustment
Staff Report**
June 15, 2015



Case No(s):	14CUP1048
Project Name:	Pet Station Country Club
Location:	4802 and 4804 Murphy Lane
Owner(s):	Richard Watson, Jr., Leonard Watson, Sr., Harold Watson, Marcella Watson, and Lenora Watson
Applicant(s):	DF Development, LLC
Representative(s):	John Campbell
Project Area/Size:	6.08 acres
Existing Zoning District:	R-4, Residential Single Family
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	17 – Glen Stuckel
Case Manager:	Jon E. Crumbie, Planner II

REQUESTS

- Conditional Use Permit to allow a commercial kennel in an R-4 Zoning District.

CASE SUMMARY/BACKGROUND

The applicant is proposing a commercial kennel that will be located on 6+ acres. Improvements to the site include demolition of an existing vacant home with construction of a new 11,500 square foot structure to house the indoor kennel operation with private suites for canine boarding. Amenities also include an indoor/outdoor dog park area with a 6-foot high solid fence. The kennel operation, including the kennel structure, indoor/outdoor dog park area (excluding parking) will only use 2 acres of the 6 total acres onsite.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant Residential	R-4	N
Proposed	Commercial Kennel	R-4	N
Surrounding Properties			
North	Church	R-4	N
South	Residential Single Family	R-4	N
East	Residential Single Family	R-4	N
West	Residential Single Family	R-4	N

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.

PREVIOUS CASES ON SITE

There are no previous cases on this site.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land 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. Lighting plan has not been designed. A 35-foot landscape buffer area is proposed along the north, south, and west property lines.

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. The adjacent church, barns, and fire house are the largest structures in the general area.

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. The Worthington Fire Protection Districts did not comment on the proposal.

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

There are 6 requirements and 5 have been met. Item E. will need to be discussed in detail.

Commercial Kennels may be located in the R-4 Zoning District 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.

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. **Sign is not shown on the plan but will be code compliant as mentioned in the justification statement.**

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

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

E. Noise - The design of the structures shall include features that acoustically shield any animal noises from surrounding property. **Mitigation measures will need to be discussed.**

F. The applicant shall demonstrate adequate provisions to prevent surface water quality impacts due to animal wastes. **MSD has reviewed and approved the proposal.**

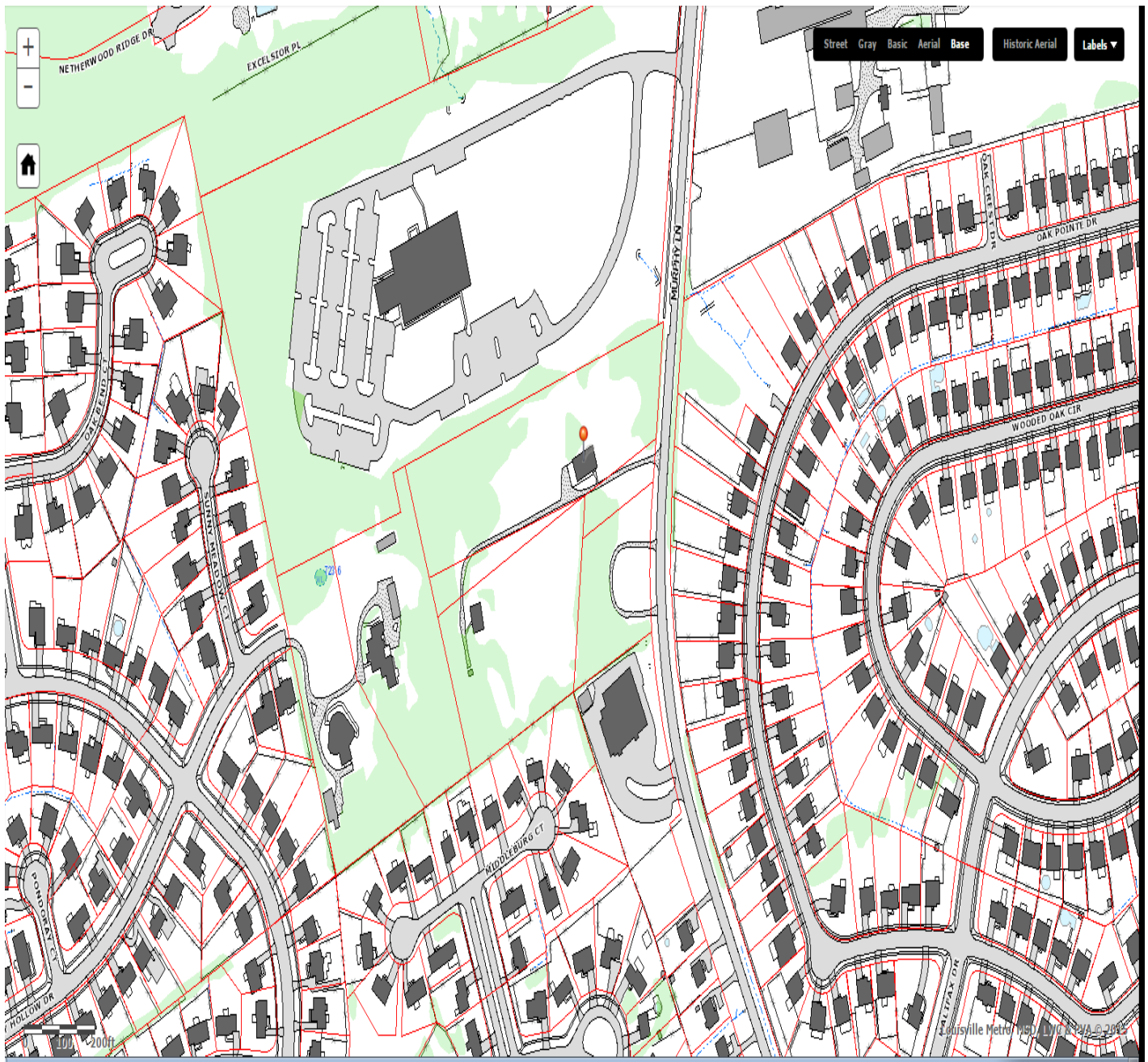
TECHNICAL REVIEW

There are no outstanding technical review items.

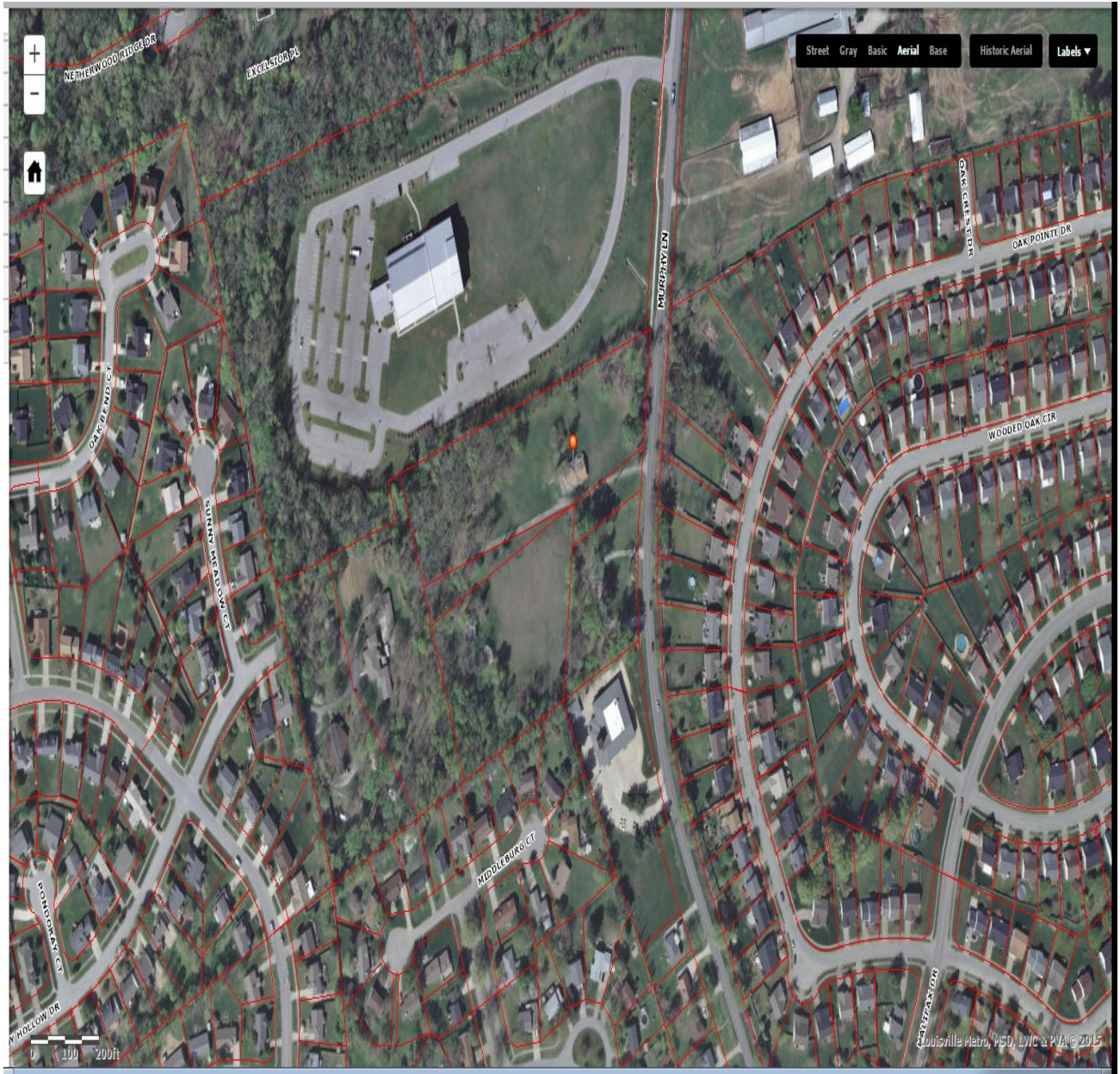
STAFF CONCLUSIONS

. 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.

1. Zoning Map



2. Aerial Photograph



3. Applicant’s Justification Statement and Proposed Findings of Fact

HERITAGE ENGINEERING, LLC

April 9, 2015

Planning and Design Services
Metro Government
444 South Fourth Street
Louisville, Kentucky 40202

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Re: Conditional Use Permit – Letter of Explanation

Dear Staff:

On behalf of DF Development, LLC, we are submitting the attached Conditional Use Permit Plan for a proposed Pet Station Country Club commercial kennel on a 6+/- acre parcel located at 4802 & 4804 Murphy Lane.

Improvements to the site include demolition of an existing vacant home with construction of a new 11,500 sf building to house the premier indoor kennel operation with private suites for canine boarding. Amenities also includes an indoor/outdoor dog park area with a 6-ft high solid fence. The kennel operation, including the kennel building, indoor/outdoor dog park area (excluding parking) will only use 2 acres of the 6 total acres onsite.

Compatibility with surrounding land uses and Comprehensive Plan as noted:

Use of the outdoor dog park will not create a nuisance to neighbors as measures are being implemented to ensure compatibility. The primary method to ensure compatibility is that the use of the outdoor dog park area will only occur during daytime hours with a staff person present at all times. Dogs using the kennel facility will not have free access to the fenced dog park area of the property unless being accompanied by a staff person. No dogs will use the outdoor dog park area during nighttime hours.

In addition to dogs having limited use of the outdoor dog park area, this section of Murphy Lane is already defined as an area with community services adjoining our property. This too will mitigate any adverse effects to residences in the area. Adjacent uses to our site include a church along the northern property line. A primary collector roadway (Murphy Lane) and a cemetery are located to the east of our property. A fire station and 4 single family homes are located along the southern property boundary with a single family home located on a larger wooded lot along the western boundary of our 6 acre property.

The proposed kennel building will house the upscale individual pet rooms for the dogs using the facility. Typical construction for this type of building will provide sound proofing to ensure neighbors are not affected of noise from the dogs housed overnight in this building. Business signage will be provided both attached and freestanding. All signage will comply with

642 S. 4TH STREET, SUITE 100
LOUISVILLE, KENTUCKY 40202
PHONE: 502-562-1412 FAX: 502-562-1413

603 N. SHORE DR., UNIT 204
JEFFERSONVILLE, INDIANA 47130
PHONE: 812-280-8201 FAX: 812-280-8281

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HERITAGE ENGINEERING, LLC

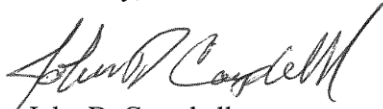
requirements of the Land Development Code including the CUP restriction of one non-illuminated sign not to exceed 12 square feet in area nor 6-ft in height.

A minimum 35' landscape buffer area that contains both existing vegetation and new evergreen plantings will be located adjacent to the cemetery and 5 residences that adjoin the property. A 6' high solid fence will enclose the area being used for the indoor/outdoor dog park. The landscape buffer and solid fence will provide a visual buffer to the kennel operation and mitigate noise from any dogs using the outdoor dog park area.

In addition to enhanced design elements, the surface water onsite will be collected into an onsite drainage system and detained within a proposed detention/green basin. The green basin will ensure no offsite water quality impacts to adjoining property owners. Animal waste will be collected and disposed of.

Thank you for your consideration; please advise us immediately if any additional information is needed.

Sincerely,



John D. Campbell

Encl. Application
Conditional Use Permit Plan

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**D.F. Development, LLC.
1473 South 4th Street
Louisville, KY 40208**

January 28, 2015

Re: The Pet Station Country Club located at 4802 & 4804 Murphy Lane

Dear Neighbor,

We are writing to invite you to a meeting we have scheduled to present neighbors with our plan for The Pet Station Country Club facility to be located as above. The owner is applying for a Conditional Use Permit to allow for a commercial kennel.

A meeting will be held on Monday, February 9th, at 7:00 p.m. in the community room of the Worthington Fire Department located at Norton Commons, 9514 Featherball Blvd to discuss the project with you.

As a neighbor, you are invited to this meeting so that we may show you what we plan and address any questions or concerns that you or your neighbors may have.

If you cannot attend the meeting but have questions or concerns, please call my project planner John Campbell at Heritage Engineering at 562-1412 x-245.

We look forward to seeing you.

Sincerely,


Paul Blackburn

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Cc: Hon. Glen Stuckel, Metro Councilman, District 17
Latondra Yates, Planner II, Metro Louisville Planning and Design Services
John Campbell, Land Planner, Heritage Engineering

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Neighborhood Meeting Summary
For
Pet Station Country Club
Conditional Use Permit

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Meeting

Larry Lander
4970 Murphy Lane
Louisville, KY 40241

Larry Lander is the pastor of Green Castle Baptist Church that directly adjoins our property and attended for informational reasons. He indicated that he did not have any concerns with the project.

Stewart Haag
4718 Oak Pointe Drive
Louisville, KY 40245

Stewart Haag is a 2nd tier property owner and attended the meeting to ask about what level of noise a dog kennel would generate and how that may impact his property. He expressed concerns that a neighbor has dogs that are frequently let out and when unattended they bark often.

Adam Barr
4617 Middleburg Court
Louisville, KY 40241

Adam Barr is a 1st tier property owner and attended the meeting for informational reasons. He did not have any objections to the kennels.

Phone Calls

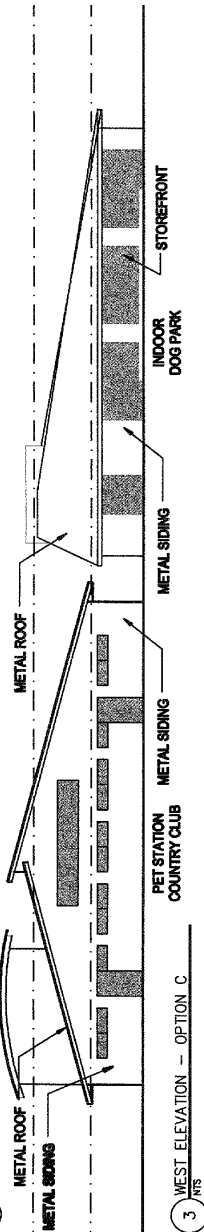
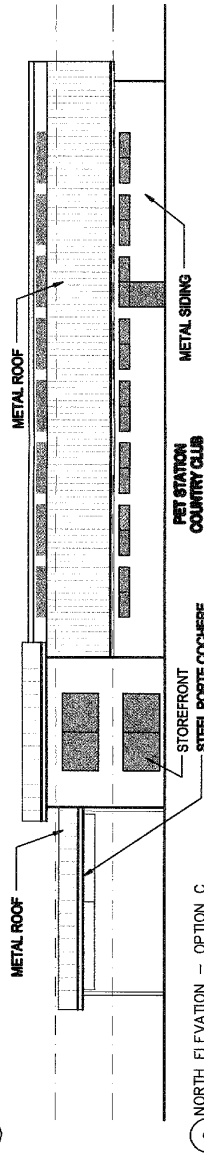
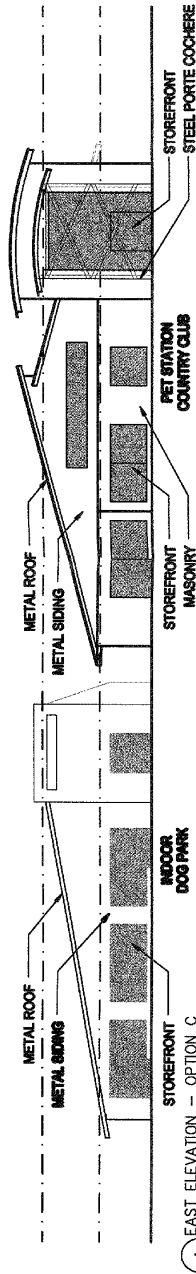
Carrol Chadwick
4701 Sunny Meadows Court

Carrol Chadwick is a 2nd tier property owner and was not able attend the meeting. She called to ask for an overview of what was presented. She inquired how far our property was from her house. She stated that her concerns with this project is that dogs will be outdoors, too many dogs and asked if blasting would occur during construction.

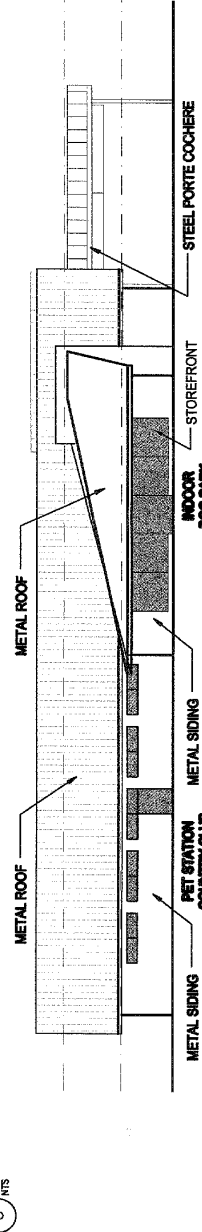
Emily Holt
4517 Shenandoah Drive

Emily Holt is a 2nd tier property owner and was not able to attend the meeting. She called to express her primary concerns that a kennel would generate an unacceptable amount of noise from barking dogs and stated that she felt the kennel should not be located at this location.

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	SPECTRUM "THE COMPLETE CONTRACTING FIRM"		PROJ #:	15604
	PET STATION COUNTRY CLUB		DATE:	05/12/15
	ELEVATION STUDY		DRAWN BY:	JH
	108 WIND HAVEN DRIVE, SUITE B - NICHOLASVILLE, KY 40356		A.2	SHEET NO: 39

146481048

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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.