

Board of Zoning Adjustment
Staff Report
April 1, 2019



Case No:	18CUP1197
Project Name:	Kennel
Location:	3017 Hunsinger Lane
Owner:	Louisville Realty Holdings LLC, Arthur Migirov
Representative:	Howellco Garage Builders, Steven Howell
Jurisdiction:	Louisville Metro
Council District:	11 – Kevin Kramer
Case Manager:	Steve Hendrix, Planning & Design Coordinator

REQUEST

Conditional Use Permit to allow an existing Commercial Kennel in a C-1 Zoning District.

CASE SUMMARY/BACKGROUND

The 0.225 acre site is located on the east side of Hunsinger Lane near its intersection with Taylorsville Road and Hikes Lane within the Hikes Point neighborhood. The property is zoned C-1 and is within a Regional Center Form District. Mr. Migirov purchased the property with the kennel already in operation. He is requesting to bring the dog kennel into compliance. The kennel is open 7 days a week and offers grooming, daycare and boarding for approximately 15-20 dogs. They have not received any complaints about the business. Adjacent land uses include a vacant Rite-Aid to the north, which is also the closest building, but still over 80 feet from the subject site. A hair and nails shop is northeast of the kennel. South of the site is parking, a vacuum store and smoke shop. Across Hunsinger Lane is an appliance parts store, an automotive repair shop and Mr. Transmission. All of these uses are either within a C-1 or C-2 zoning district and all are within a Regional Center Form District.

STAFF FINDING / RECOMMENDATION

The proposal meets the applicable policies of the Comprehensive Plan. There are six listed requirements of the conditional use permit and all have been met. Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the Land Development Code for a conditional use permit.

TECHNICAL REVIEW

There are no outstanding technical review items.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on February 19, 2019. No one was in attendance except the property owner and his representative.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

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

STAFF: The proposal is consistent with the applicable policies of the Comprehensive Plan.

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 proposal is compatible with the general character of the surrounding neighborhood in terms of scale, intensity, traffic, noise, drainage and appearance. This is an existing building that is now being used as a kennel.

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 MSD and Transportation Planning and both have approved the plan

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

4.2.17 Commercial Kennels

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

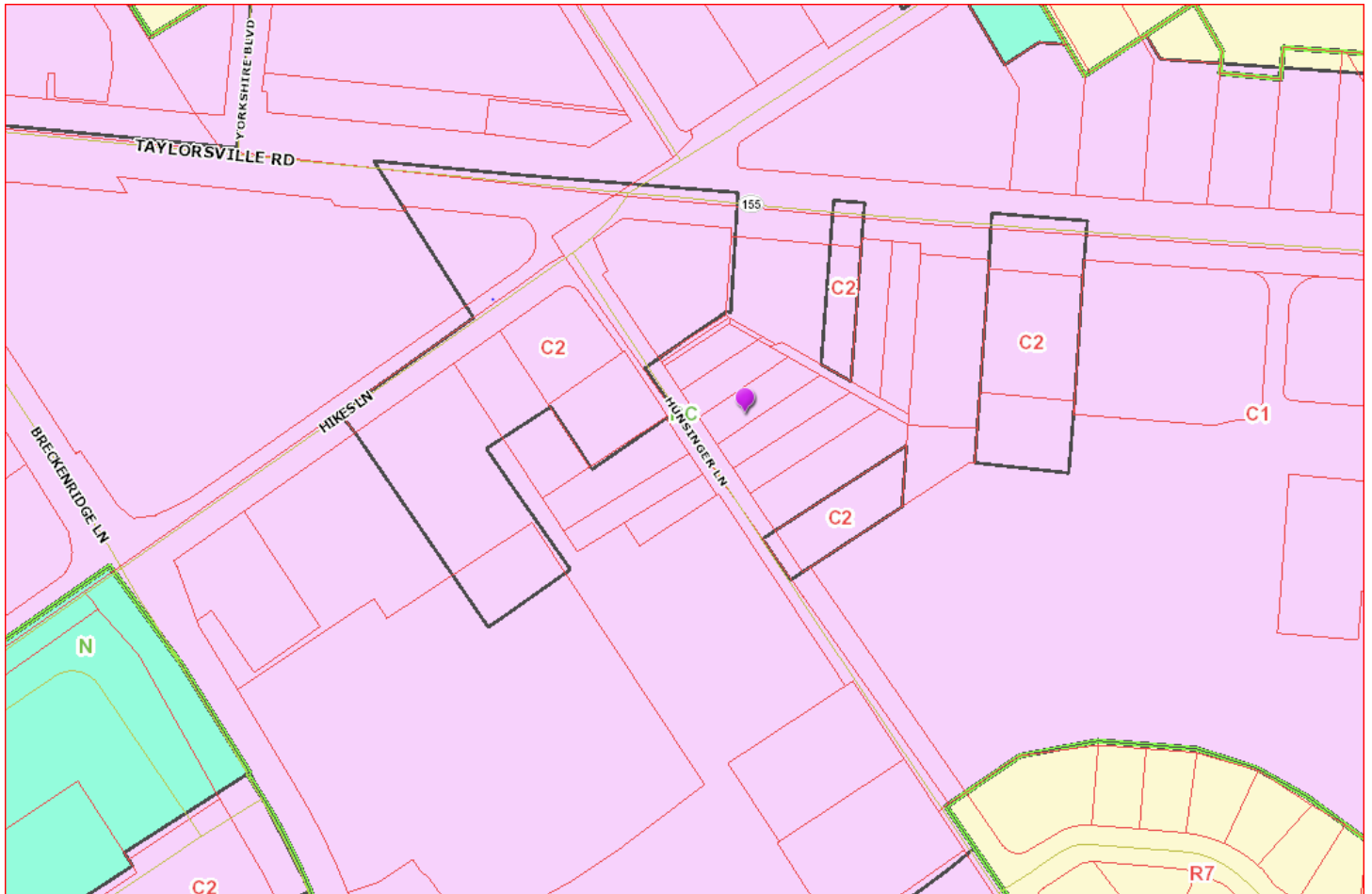
NOTIFICATION

Date	Purpose of Notice	Recipients
3/15/2019 3/15/2019	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 2
3/22/2019	Hearing before BOZA	Sign Posting

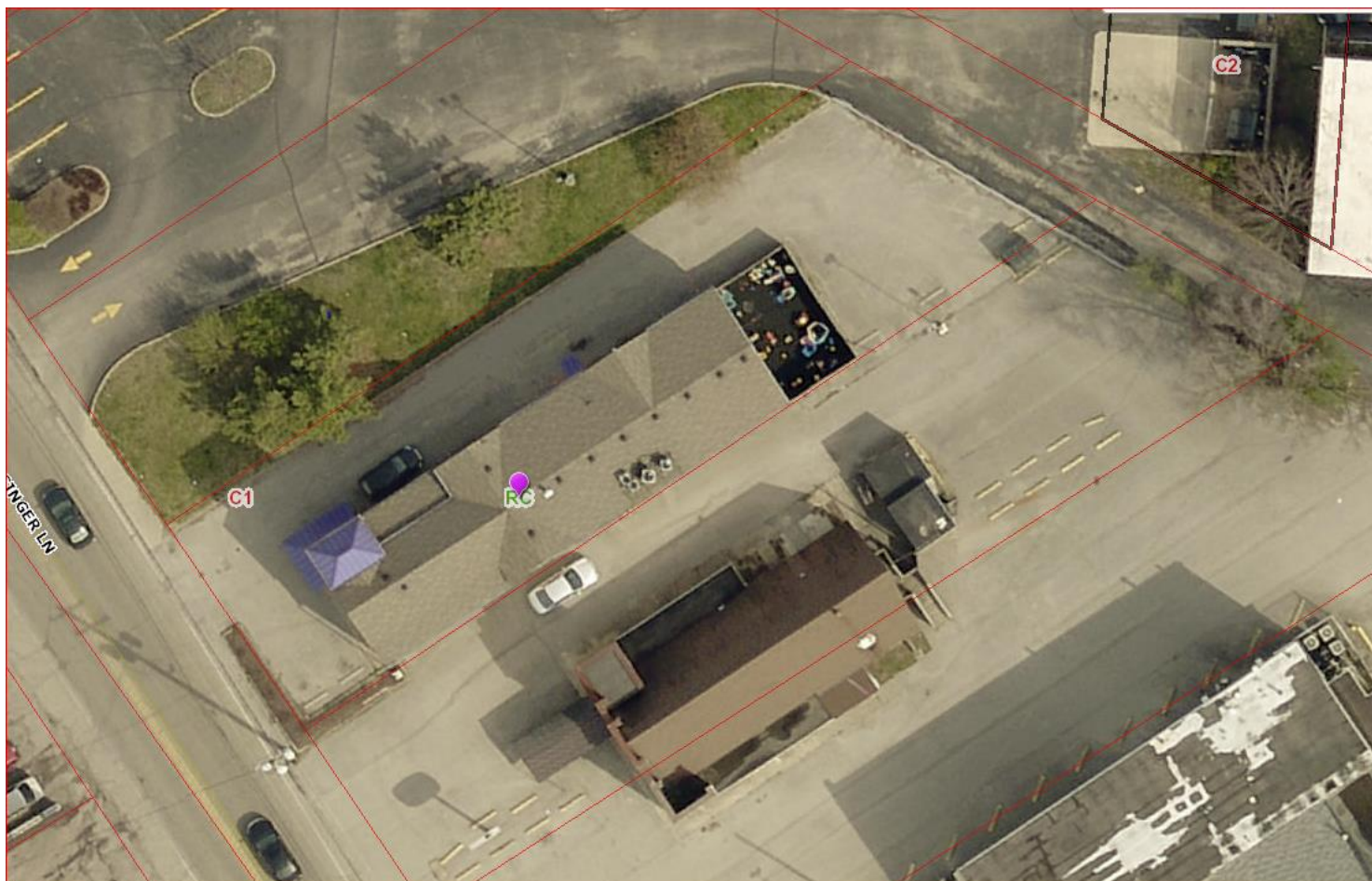
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Explanation Letter
5. Neighborhood Meeting
6. Conditions of Approval
7. Plan 2040 Checklist

1. Zoning Map



2. Aerial Photograph



PET GROOMING ÷ KENNELS:
 MINIMUM:
 3 SPACES, plus 1 for each 2
 employees on maximum shift

1/20

3071 HUNSINGER LANE
 SCALE: 1" = 20'
 C1 COMMERCIAL

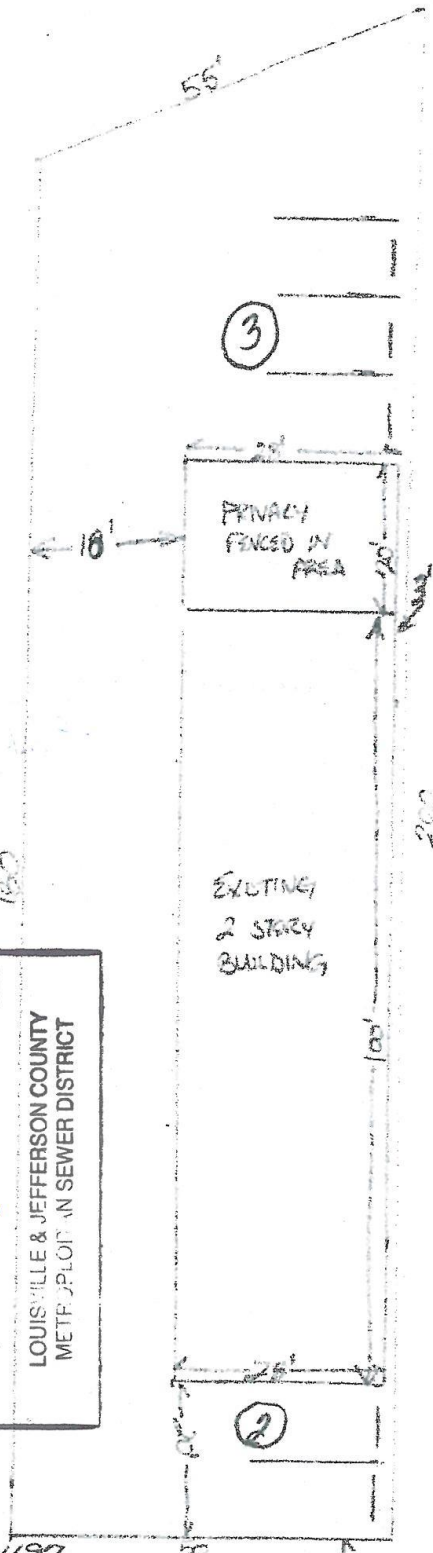
RECEIVED

MAR 04 2019
 PLANNING &
 DESIGN SERVICES

RECEIVED

JAN 02 2019
 PLANNING &
 DESIGN SERVICES

PRELIMINARY APPROVAL
Condition of Approval:
<i>NOSITE CONST.</i>
Development Review:
<i>Tony Kelly 3-10-19</i>
Date:
LOUISVILLE & JEFFERSON COUNTY METRO PLAN IN SEWER DISTRICT



HUNSINGER LANE

1800UP 1197

1800UP 1197


[Signature]

Planning and Design Services,

It has come to our attention that the present use for the property located at 3017 Hunsinger Lane is listed with the city as a daycare facility. My client, Artur Migirov, closed on the purchase of this property on November 5, 2018. There is a current tenant that has been operating a dog grooming and boarding service for over two years. While the property is zoned C1 which allows for grooming, the proper Conditional Use Permit has not been submitted or issued. Mr. Migirov wishes to correct this situation and get the proper documentation in order. Attached is the application for a Conditional Use Permit for the property located at 3017 Hunsinger Lane.

Thank you for your consideration,

Steven T Howell Jr



Owner Representative

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FEB 21 2019
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DESIGN SERVICES

18CUP1197

2.19.19

NEIGHBORHOOD MEETING AGENDA

Welcome and Introduction

Reading of letter to Planning and Design Services

Questions and Answers

Closing comments

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FEB 21 2019
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DESIGN SERVICES

No Attendees


18CUP1197

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.

PLAN 2040 CHECKLIST

- + Meets policy
- Does not meet policy
- +/- Meets/does not meet some portion of policy
- NA Not applicable
- INS Additional information needed

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
Community Form: Goal 1			
2.1	Evaluate the appropriateness of a land development proposal in the context of: 2.1.1. the description, character and function of the Form District designated for the area in which the subject site is located; 2.1.2. the intensity and density of the proposed land use or mixture of land uses; 2.1.3. the effect of the proposed development on the movement of people and goods; and 2.1.4. the compatibility of the proposed use or uses with surrounding uses including the relationship of the use, mass, scale, height, materials, building footprint, orientation, setback and design of the proposed building or buildings with that of surrounding buildings.	+	The proposal is in an existing retail development within a Regional Center Form District.
2.4	Plans, studies and strategies legislatively developed subsequent to the adoption of Plan 2040 supplement and represent the specific application of Plan 2040 goals, objectives and policies. Specific recommendations found in plans and strategies adopted after Plan 2040 are intended to take precedence over more general guidelines of the Comprehensive Plan.	NA	
2.5	Plans, studies and strategies adopted subsequent to Cornerstone 2020 but prior to Plan 2040 may continue to represent specific application of Plan 2040. The Planning Director or their designee shall make a formal determination in cases where the plan has not been re-adopted by the affected legislative body.	NA	
2.6	Plans, studies and strategies adopted prior to the adoption of Cornerstone 2020 shall not be used as official policy until such plans are updated and re-adopted. However, such plans, studies and strategies may be used for planning evidence if no update has been completed or adopted.	NA	
3.1.1	Downtown (1.3.1.1, page 40)		
3.1.2	Traditional Neighborhood (1.3.1.2, page 40-41)		
3.1.3	Neighborhood (1.3.1.3, page 41)		
3.1.4	Village (1.3.1.4, page 41-42)		
3.1.5	Town Center (1.3.1.5, page 42)		
3.1.6	Regional Centers (1.3.1.6, page 42-43)	+	Existing
3.1.7	Traditional Marketplace Corridor (1.3.1.7, page 43)		
3.1.8	Suburban Marketplace Corridors (1.3.1.8, page 43-44)		
3.1.9	Traditional Workplace (1.3.1.9, page 44)		
3.1.10	Suburban Workplace (1.3.1.10, page 44)		
3.1.11	Campus (1.3.1.11, page 44)		
3.1.12	Urban Center Neighborhood (1.3.1.10, page 44-45)		
3.1.13	Conservation (3.1.13, page 45)		

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
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 is in an existing retail area that is within a Regional Center Form District.
5.	Allow a mixture of densities as long as their designs are compatible. Adjacent residential areas in different density categories may require actions to provide an appropriate transition between the areas. Examples include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	NA	
6.	Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential.	NA	
7.	Locate higher density and intensity uses near major transportation facilities and transit corridors, employment centers, in or near activity centers and other areas where demand and adequate infrastructure exists or is planned.	+	
8.	Encourage industries to locate in workplace Form Districts or in areas readily served by infrastructure and transportation facilities, including transit, rather than isolated industrial sites.	NA	
9.	Ensure an appropriate transition between uses substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements.	NA	
10.	Mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Residential uses that develop adjacent to agricultural land uses may be required to provide screening and buffering to protect both the farmer and homeowners.	NA	
11.	Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines.	+	Existing
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.	NA	
13.	Integrate parking garage facilities into their surroundings and provide an active, inviting street-level appearance.	NA	

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
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).	+	Existing
15.	When reviewing proposals for siting hazardous uses and uses with air, noise and light emissions, ensure disadvantaged populations are not disproportionately impacted.	NA	
16.	Consider impacts on human health, quality of life and the environment including prevailing meteorological conditions and the potential to transport noxious odors, particulates and emissions when reviewing new developments and redevelopments. Special attention should be paid to air and water quality when residences, schools, parks or vulnerable populations will be impacted. Mitigate impacts to areas that are disproportionately affected.	NA	
17.	Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	NA	
18.	Mitigate adverse impacts of noise from proposed development on existing communities.	NA	
19.	Mitigate adverse impacts of lighting from proposed development on nearby properties, and on the night sky.	NA	
20.	Mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces.	NA	
21.	Require that industries which handle hazardous or flammable materials or are potentially offensive such as junkyards, landfills and quarries are sited to protect public health, safety and welfare and are located away from residential areas and population centers.	NA	
22.	Require industrial development to store, handle and dispose of all hazardous materials in a safe and environmentally sound manner and to meet all air emission, industrial and solid waste disposal standards and to prevent contamination of groundwater and surface streams.	NA	
23.	Mitigate adverse noise and lighting impacts and other nuisances of transportation facilities, services, and operations by considering site design solutions such as screening/ buffering, greater distance separation, changes in elevation such as placing the facility below grade. Establish and enforce accepted standards to protect residential areas from adverse impacts of noise, lighting and other nuisances. Design transportation facilities, including rail lines and aviation facilities, to mitigate adverse noise, lighting and other nuisance impacts on residential uses.	NA	
28.	Promote mixed use development especially when redevelopment of large office and retail centers are being redeveloped. Redevelopment of these sites may include residential uses and prioritize pedestrians, bicyclists and transit users to minimize automobile usage	NA	
Community Form: Goal 2			
1.	Locate activity centers in appropriate areas in all Form Districts. Design and density should be compatible with desired form, adjacent uses, and existing and planned infrastructure.	NA	

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
2.	Encourage development of non-residential and mixed uses in designated activity centers provided: 2.1. proposed uses, density and design are compatible with adjacent uses and meets Form District guidelines; or 2.2. when a proposed use requires a special location in or near a specific land use, transportation facility, or when a use does not fit well into a compact center (e.g., car dealerships or lumberyards).	+	Existing
3.	Allow centers in new development in Traditional Neighborhood, Neighborhood and Village Form Districts that serve the day-to-day needs of nearby residents and are designed to minimize impacts on nearby residents.	NA	
4.	Allow non-residential development within the Neighborhood, Traditional Neighborhood and Village Form Districts to occur only at locations with appropriate access and connectivity.	NA	
6.	Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.	NA	
7.	Encourage activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place.	NA	
8.	Encourage residential land uses in designated centers. Encourage residential and office uses above retail and other mixed-use multistory retail buildings.	NA	
9.	Encourage new development and rehabilitation of buildings that provide commercial, office and/or residential uses.	+	Kennel replaced a day care facility.
10.	Encourage outlot development in underutilized parking lots of existing development to promote utilization of existing infrastructure, provided specific criteria for elements such as location, scale, signs, parking, lighting, and landscaping are met. Outlot development shall encourage street-level retail with residential units above. Ensure appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood, and Village Form Districts to ensure compatibility with nearby residences.	NA	
11.	Ensure appropriate placement, design and scale of centers in Traditional Neighborhood, Neighborhood and Village Form Districts to ensure compatibility with nearby residences.	NA	
12.	Encourage large developments in activity centers to be compact, multipurpose centers designed with public spaces including green spaces and plazas with artistic amenities.	NA	
14.	Encourage adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking.	NA	
15.	Parking in activity centers should reflect the area's associated Form District standards to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations	NA	
16.	Encourage activity centers to be easily accessible by bicycle, car, transit, and for pedestrians and people with disabilities. Large activity centers should be considered for designation as transit nodes.	NA	
17.	Design and locate utility easements to provide access for maintenance and repair. Encourage adjacent development sites to share site and building features such as utility hookups and service entrances. Place, to the extent possible, utility lines in common easements. Minimize the aesthetic and physical impacts of utilities, e.g., by placing utilities underground and screening utility equipment.	NA	
Community Form: Goal 3			
4.	Ensure that transitions between existing public parks and new development minimize impacts and provide access.	NA	
5.	Provide access to greenways whenever possible.	NA	