

# Development Review Committee

## Staff Report

June 15, 2022



<b>Case No:</b>	22-DDP-0018
<b>Project Name:</b>	Pet Suites of America
<b>Location:</b>	9017 Taylorsville Road
<b>Owner(s):</b>	HMA Property Holdings, LLC
<b>Applicant:</b>	Keith Demchinski – Beta Equity Investments, LLC
<b>Representative:</b>	Jon Baker – Wyatt, Tarrant & Combs, LLP
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	11 – Kevin Kramer
<b>Case Manager:</b>	Zach Schwager, Planner I

### REQUEST(S)

- Revised Detailed District Development Plan

### 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 which requires modification of binding element #9 beginning on page 9 of this report.

#### Associated Cases

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

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

### 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.
- Existing binding elements 10,11, and 13 are proposed to be removed and binding element 9 is proposed to be modified.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN**

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: There are no significant natural or historic resources on the subject site.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation have been provided around and within the proposed development. Transportation Planning has approved the preliminary development plan.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: There are no open space requirements applicable to this proposal.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Adequate screening and buffering will be provided around the subject site.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The proposed development plan conforms to the Comprehensive Plan and the Land Development Code.

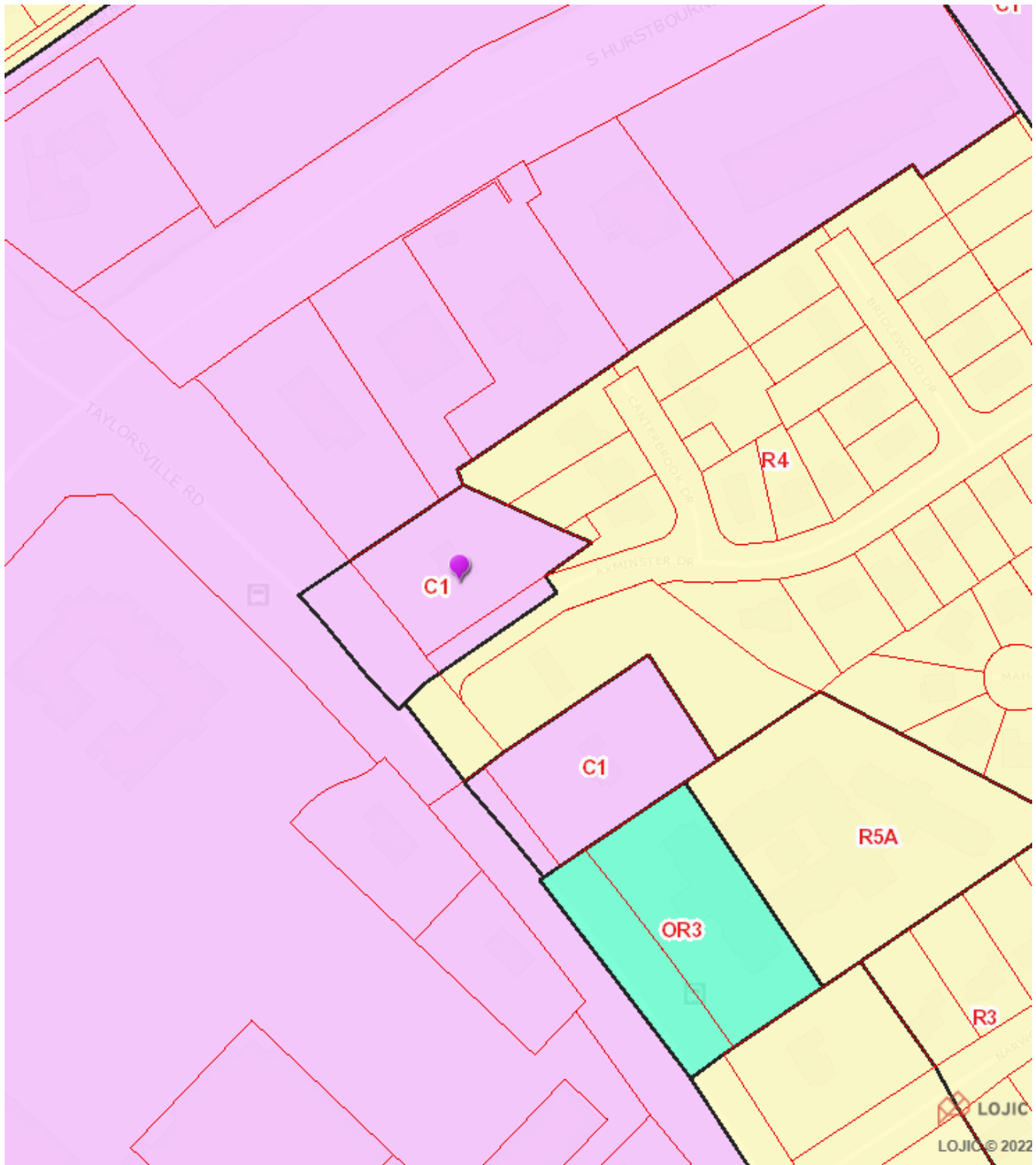
## **NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
6/3/2022	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 11
N/A	Hearing before BOZA	Sign Posting

## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Elements

1. **Zoning Map**





## 2. Aerial Photograph



### **3. Existing Binding Elements**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed-upon binding elements unless amended pursuant to the LDC. Any changes/additions/alterations to any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted on the site.
3. There shall be no vehicular or pedestrian access from Axminster Drive to the subject property.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
5. Before any permit is requested, including but not limited to permits for building, parking lot, change of use, site disturbance, alteration or demolition:
  - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District,
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet, and
  - c. The property owner/developer must obtain approval of a detailed plan for screening/buffering/landscaping as described in LDC Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
6. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy unless specifically waived by the Planning Commission.
7. The applicant, developer or property owner shall provide copies of these binding elements to all tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of their content. The binding elements shall run with the land, and the owner and the occupant of the property shall at all times be responsible for compliance with them. At all times during development of the site, the applicant and developer, their heirs, successors and assignees, contractors, subcontractors and all other parties engaged in development of the site shall be responsible for compliance with these binding elements.
8. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 15, 2022 Development Review Committee meeting.
9. The subject property shall be restricted to the following uses permitted under C-1 Commercial zoning:

- Antique shops
- Art galleries
- Athletic facilities
- Audio/video recording studios, providing the building is soundproofed
- Bakeries, retail; all products produced to be sold on-premises only
- Barber shops
- Bed and Breakfasts
- Bicycle sales and service
- Bookstores
- Catering kitchen/bakery preparing food and meals for sale or consumption elsewhere
- Clothing, dry goods and notions stores
- Clubs, private, non-profit or proprietary
- Colleges, schools and institutions of learning
- Community residences
- Community Service Facility
- Computer sales (hardware and software) and programming services
- Confectionery, ice cream or candy stores, retail; no more than 50% of the floor area shall be used for production of food items for off-premise sale
- Convents and monasteries
- Country clubs
- Dance Instruction; excludes adult entertainment uses as defined within LMCO Chapter 11
- Day care centers, day nurseries, nursery schools and kindergartens
- Department stores
- Dressmaking or millinery shops
- Drugstores
- Dwelling, Multi-family
- Dwelling, Single-family
- Dwelling, Two-family
- Electric appliance stores
- Extended stay lodging
- Family care home (mini-home)
- Florist shops
- Funeral homes
- Furniture stores
- Hardware and paint stores
- Health spas
- Home occupations
- Hotels and motels, including ancillary restaurants and lounges enclosed in a structure in which dancing and other entertainment (not including adult entertainment activities as defined in LDC 4.4.1) may be provided
- Interior decorating shops
- Jewelry stores
- Libraries, museums, historical buildings and grounds, arboretums, aquariums and art galleries
- Medical laboratories
- Music stores
- Office, business, professional and governmental
- Parks, playgrounds, and community centers

- Pet grooming, obedience training and related pet activities, provided the operation is conducted within a soundproofed building, ~~no animals are boarded, and there are no runs or pens outside of the building~~
- Pet shops
- Photocopying, duplicating, paper folding, mail processing and related services
- Photographic shops
- Photography studios
- Picture Framing
- Radio and television stores
- Religious buildings
- Rental businesses offering items whose sale is a permitted use in this district, videocassette and similar products, rental and sales but not constituting an adult video cassette rental center
- Residential care facilities
- Shoe repair shops
- Shoe stores
- Stationery stores
- Tailors
- Tanning salons
- Temporary buildings, the uses of which are incidental to construction operations being conducted on the same or adjoining lot or tract and which shall be removed upon completion or abandonment of such construction or upon the expiration of a period of two years from the time of erection of such temporary buildings, whichever is sooner
- Tents, air structures and other temporary structures intended for occupancy by commercial activities including but not limited to sales, display and food services, provided that applicable building and fire safety codes are met and provided further that such structures may not be installed for a period or periods totaling more than ten (10) days during a calendar year
- Toy and hobby stores
- Variety stores
- Veterinary hospital, provided the operation is conducted within a sound-proofed building, ~~no animals are boarded, and there are no runs or pens outside of the building~~

~~10. The proposed martial arts studio shall be located on the first floor with the second floor only used as ancillary to the first floor use or in connection with the first floor use.~~

~~11. A sidewalk along the frontage of Axminster Drive shall be prohibited.~~

12. The existing four-board fence along Axminster Drive shall be repaired prior to the issuance of the Certificate of Occupancy and maintained in good condition.

~~13. While the property is used for a martial arts studio, school or other training use, such use shall create and use a student pick-up and drop-off management plan designating a central point for same on site, and inform the clients in writing at least annually that no pick-ups or drop-offs are permitted on Axminster Drive.~~

14. The hours of operation for any use on the subject property shall be limited to 6 a.m. to 10 p.m.



#### **4. Proposed Binding Elements.**

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