

CONDITIONAL USE PERMIT JUSTIFICATION STATEMENT

PET SUITES OF AMERICA

9017 TAYLORSVILLE ROAD

21-CUPPA-0207

February 14, 2022

The applicant, Beta Equity Investments LLC (“Applicant”) is requesting a conditional use permit pursuant to Section 4.2.17 of the Land Development Code for all of Louisville – Jefferson County, Kentucky (“LDC”) to allow the Applicant on to build and operate a commercial kennel to be known as Pet Suites of America on 1.05 acres of property zoned C-1, Commercial (the “Proposal”) and located at 9017 Taylorsville Road, Louisville, Kentucky 40299 (the “Property”). The Property is within the large and very active Suburban Marketplace Corridor Form (SMCF) that stretches along South Hurstbourne Parkway and includes properties located at and around the intersection of South Hurstbourne Parkway and Taylorsville Road. the Property is currently owned by HMA Property Holdings, LLC (“Owner”).

The Property is located within the municipality of Forest Hills, which is a small city located to the east and northeast of the Property. More specifically, the Property fronts and has direct access to Taylorsville Road, a major arterial roadway, and is located just east of where Taylorsville Road intersects with South Hurstbourne Parkway, also a major arterial roadway. The Property also has frontage along Axminster Drive, a local roadway, but maintains no access to Axminster Drive. And the applicant is seeking no access to Axminster Drive, therefore vehicular access to and from the Property is limited solely to Taylorsville Road. Pedestrian connections are proposed to remain across the Property’s Taylorsville Road frontage. TARC operates routes on both South Hurstbourne Parkway and Taylorsville Road.

The proposed CUP to operate a commercial kennel is in agreement with all applicable policies of Plan 2040 and the LDC because it is an appropriate commercial use for the Property and the surrounding SMCF as the Proposal will be compatible with neighboring uses while also serving the needs of pet owners residing within the nearby Neighborhood Form districts and beyond. Suburban Marketplace Corridors are generally located along major roadways with well-defined beginning and ending points and established depths along the lengthy of the corridor; the pattern of development is distinguished by a mixture of medium-to-high intensity uses; proposed new commercial uses are encouraged to locate within the boundaries of existing corridors; reuse of locations within existing corridors is preferred over expansion of a corridor. Here, the Pet Suites will operate on Property that is currently the last property within the SMCF, as it extends eastward down the north side Taylorsville Road, just east of its intersection with S. Hurstbourne Parkway. Both Taylorsville Road and S. Hurstbourne Parkway are major arterial level roadways outfitted with multi-modal transportation options. Therefore, the

proposal will locate within the boundaries of the existing SMCF, which, as mentioned, is a large and active SMCF along South Hurstbourne Parkway and its various major intersections with other well-traveled corridors, such as Taylorsville Road. The Proposal fits within the current pattern of development within the SMCF and does not propose to extend the SMCF past its current terminus.

Adjacent to the west is a Discount Tire store operating on property zoned C-2, Commercial; on C-2, Commercial property located directly across Taylorsville Road and south of the Property is a large commercial activity center. To the north is an R-4, Single-Family neighborhood, which residential neighborhood properties comprise the small city of Forest Hills. Across Axminster Drive is property fronting Taylorsville Road and zoned R-4, Single-Family and is currently the subject of a pending zoning application; the property to the east of that property is zoned C-1, Commercial.

The Proposal conforms to Plan 2040's Community Form Plan Element, its Goals, Objectives and Policies because it is within an existing activity center and will be consistent with other neighborhood-serving commercial retail, restaurant and services already operating within the SMCF, and will provide appropriate screening and buffering – via the use of existing and new trees, fencing, a sound wall – to create an effective and protective transition from the Property and the encompassing SMCF to the less intense residential properties within the neighborhood form adjacent to the north and northeast of the Property. The Pet Suites building will be 10,935 square feet in area and twenty-seven feet in height, meet all setbacks applicable to the Property, and is therefore compatible in bulk, height and scale with the surrounding properties. Signage will meet LDC requirements and lighting onsite will be shielded and directed down so that no light pollution spills onto neighboring properties.

Consistent with SMCF policies and Plan 2040 Mobility's Plan Element and its applicable Policies, the Proposal will share joint access to/from Taylorsville Road thru an existing curb cut with the Discount Tires use next door to the west of the Property; and, other than the aforementioned curb cut to Taylorsville Road, the Proposal will require no new curb cuts to any right-of-way. The existing shared curb cut onto Taylorsville Road has proper sight distance for entering and exiting traffic to see oncoming traffic flow. TARC maintains transit routes along both S. Hurstbourne Parkway and Taylorsville Road, thereby access to transit is readily available from the site. A pedestrian connection will be provided across the Property, linking the existing sidewalk from the Discount Tires property to the west over to the existing sidewalk east of Axminster Drive. Taylorsville Road provides bike lanes for those customers and/or employees who wish to access the site via bicycle transportation. Additionally, the Proposal will have an appropriate level of parking for the use of the site, with nineteen (19) regular parking spaces and one (1) ADA parking space.

The Proposal meets Plan 2040's Community Facilities and Livability Plan Elements and all of their applicable Objectives, Goals and Policies because the Property will be served by existing utilities and will have an adequate supply of potable water and water for fire-fighting purposes; similarly the Property and the Pet Suites facility will have properly functioning sewage treatment and disposal to protect public health and the water quality of

the south fork of Beargrass Creek, which traverses the rear of the Property. The Proposal will observe the 25-foot streambank buffer setback and add only trees and plants to the area immediately near the streambank, thereby ensuring the protection of the South Fork of Beargrass Creek. Despite proximity to the stream, the Proposal will affect no floodplain areas. Stormwater drainage facilities will be designed to meet MSD requirements and sufficiently accommodate stormwater runoff from the site without negatively impacting neighboring properties.

Though the Proposal is not expected to generate high volumes of traffic, it is located along a major arterial roadway near its intersection with another major arterial providing convenient access for pet owners to the Property without affecting access to adjacent properties. Moreover, the Property is appropriately located in the SMCF, where it will receive strong street frontage presence to market accessible pet care services to surrounding residents or to customers who may work in the surrounding area, furnishing convenient accessibility to daily services for their dogs or cats. Accordingly, although the Proposal is not for housing, it will support housing in the area by providing nearby necessary pet care for residents, as well as employment options. Therefore, the Proposal is in agreement with Plan 2040's Economic Development and Housing Plan Elements and all applicable Goals and Policies.

The conditional use permit proposal complies with Section 4.2.17 of the Land Development Code and complies with all applicable guidelines of Plan 2040, A Comprehensive Plan for Louisville Metro ("Plan 2040") and the listed requirements as more fully set forth below:

A. FACILITIES ENCLOSED: Pet Suites of America is a pet resort offering daycare, overnight boarding, grooming and training for animals. The proposed kennel will be located in a totally enclosed building but will have fenced-in outdoor areas to allow dogs outside the building for short periods of time to play, walk and exercise and go to the bathroom. The building's interior will also contain dog runs and other areas for boarding dogs and cats. Outside the structure are fenced-in areas, where Pet Suite employees will escort the dogs, via use of leashes, before unleashing the dogs within the wholly contained areas; other than when customers are delivering their pets to the site, the entire time the dogs are outside, the dogs will be within areas enclosed by fencing. These areas will be used as dog-walk/exercise and play areas and areas to use the bathroom. The animals will be supervised at all times, and will be separated into enclosed outdoor areas based upon the size of the dog. The Applicant plans to install a fence to enclose the area as noted on the development plan and also will construct an 8-foot masonry wall along the rear of the facility to further mitigate any noise.

B. SIGNS: A sign is proposed in the front of the property along Taylorsville Road, shown on the development plan. Signage will comply with applicable C-1, SWFD signage requirements.

C. FENCES: A fence with a minimum height of 6 feet will be erected around the outdoor dog walk/exercise and outdoor bathroom areas as shown on the development plan.

D. SCREENING: Pet Suites will comply with this condition because, the outdoor dog walk/exercise area is located along the western side of the building; and fenced-in areas where dogs can be taken to use the bathroom are located along the northern side of the building. An eight-foot wall will be erected along the rear of the Property (north side) and trees will be planted between the wall and the rear property line to supplement the existing trees and plants in that area of the Property.

E. NOISE: The kennel will be fully insulated to ensure sound is attenuated so that adjoining properties are not adversely impacted by animal noises. An 8-foot wall is proposed along the rear of the facility to better protect the residential properties to the north. The applicant has worked with an acoustical engineer to produce a properly conducted noise study for the site, to ensure noise levels along the property line and outside of the property line will comply with all applicable laws, ordinances and regulations. The noise study, when finalized, will be submitted into the administrative record for this CUP application.

F. ADEQUATE PROVISIONS TO PREVENT SURFACE WATER QUALITY IMPACTS DUE TO ANIMAL WASTES: This condition will be met, because Pet Suites has proper protocols in place so that animal waste will be properly disposed of, ensuring that surface water quality is not adversely impacted. The site is free of any environmental constraints. There are no steep slopes, hydric or unstable soils, and the site is not located within the 100-year floodplain. As depicted on the revised detailed development plan submitted alongside the CUP application, the facility and all improvements thereto will be located outside of the required 25-foot stream buffer in place to protect the South Fork of Beargrass Creek.

For all the reasons cited hereinabove, the request by the Applicant for a conditional use permit to operate a commercial kennel on property located at 9017 Taylorsville Road will not adversely affect neighboring properties, complies with the goals and plan elements of Plan 2020 and requirements of Section 4.2.17 of the Land Development Code, and will promote the public health, safety and general welfare of Jefferson County residents in one or more zones. Therefore, the application for the conditional use permit should be approved.