

**Board of Zoning Adjustment
Staff Report**
November 7, 2022



Case No:	22-CUP-0250
Project Name:	Happy Hounds Doggy Daycare and Boarding
Location:	201 Park Place Drive
Owner(s):	201 Park Place LLC
Applicant:	201 Park Place LLC
Jurisdiction:	City of Middletown
Council District:	19 – Anthony Piagentini
Case Manager:	Dante St. Germain, AICP, Planner II

REQUEST

- **Conditional Use Permit** for Commercial Kennel (4.2.16)

CASE SUMMARY

The subject site is located in the City of Middletown south of Shelbyville Road, and is the site of the current Renaissance Fun Park. The applicant requests a Conditional Use Permit in order to utilize a portion of the site as a commercial kennel.

The site on which the CUP area is proposed was rezoned, and is subject to binding elements, under docket 9-6-91. The site was R-4 and was rezoned to the current C-2 zoning district. A revised detailed district development plan to replace a bumper-boats facility with a laser-tag facility on the site, along with a modified CUP to include the laser-tag facility, was approved in 2003 by the Land Development and Transportation Committee and the City of Middletown.

STAFF FINDING

Based upon the information in the staff report and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit.

TECHNICAL REVIEW

Kennel, Commercial - Any lot, structure, premises, or establishment where one or more dogs or cats are kept for commercial purposes such as where dogs and/ or puppies or cats and/ or kittens are kept for the primary purpose of breeding, buying, selling, boarding, grooming, or training of such animals.

STANDARD OF REVIEW FOR CONDITIONAL USE PERMITS

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

Staff: The proposal is consistent with Plan 2040. Existing structures will be re-used. The site is connected to Shelbyville Road, a major arterial, via a longstanding private access easement.

2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

Staff: The proposal is compatible with the area and form district as the current use of the site is a small amusement center. The site is generally surrounded by existing non-residential development, although a residential use is being developed to the south. The kennel portion of the site will be buffered from the residential use by the continued use of a portion of the site as a mini-golf course and go-cart track.

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

Staff: MSD and Transportation Planning have approved the site plan prior to docketing of the case. A fire station is near the site and has access to the site via a private road (Marcus Avenue) without having to reach Shelbyville Road.

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, 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 wastes.

Staff: Existing structures are to be renovated to accommodate the proposed use. The applicant should address the other requirements and demonstrate compliance.

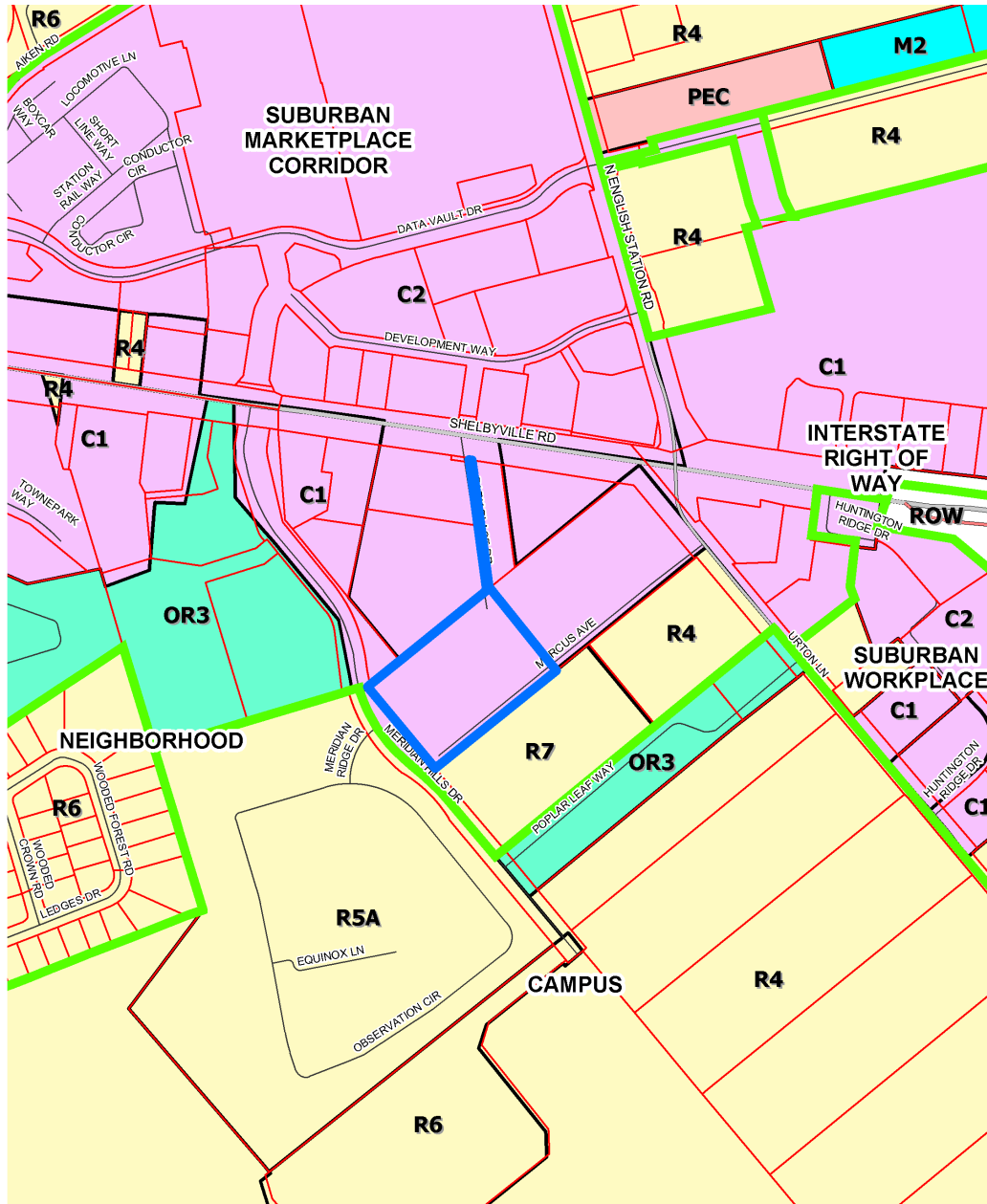
NOTIFICATION

Date	Purpose of Notice	Recipients
10/21/2022	Hearing before BOZA	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 19

ATTACHMENTS

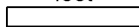
1. Zoning Map
2. Aerial Map
3. Proposed Conditions of Approval

1. Zoning Map



201 Park Place Drive

feet



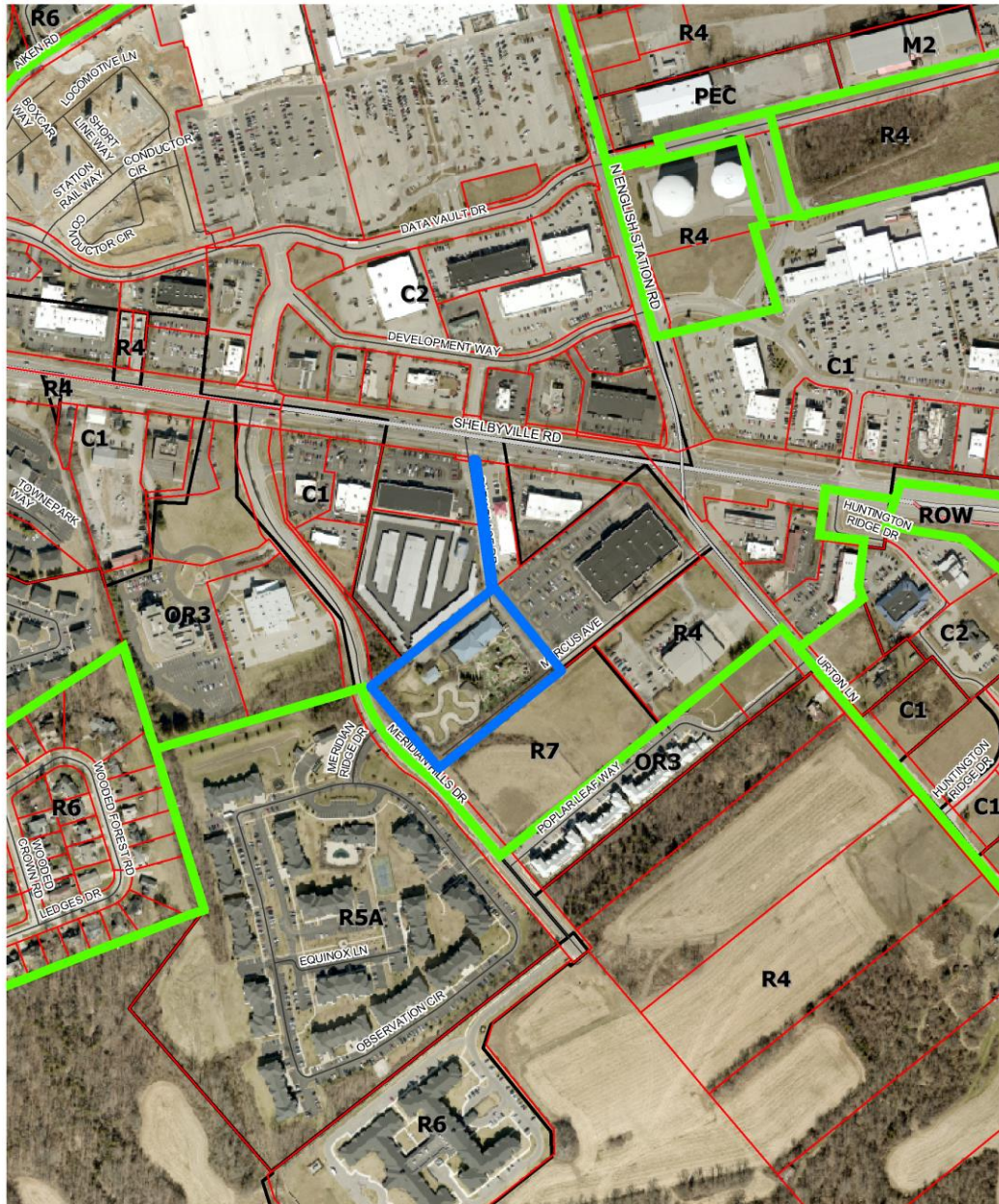
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Map Created: 8/16/2022

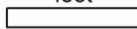


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2. Aerial Map



201 Park Place Drive
feet



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Map Created: 8/16/2022



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3. Proposed 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 until further review and approval by the Board.