

# Board of Zoning Adjustment

## Staff Report

September 25, 2023



<b>Case No:</b>	23-MCUP-0009
<b>Project Name:</b>	Golden Retriever Rescue & Adoption
<b>Location:</b>	7924 Vine Crest Avenue
<b>Owner(s):</b>	Golden Retriever Rescue & Adoption of Needy Dogs
<b>Applicant:</b>	Heritage Engineering
<b>Jurisdiction:</b>	Lyndon
<b>Council District:</b>	7 – Paula McCraney
<b>Case Manager:</b>	Molly Clark, Planner II

### REQUEST(S)

- **Modified Conditional Use Permit** for a commercial kennel expansion (LDC 4.2.17)

### CASE SUMMARY

The subject site is in the R-4 single family residential zoning district and Neighborhood Form District within the City of Lyndon. The property contains 2.73 acres and has an existing commercial dog kennel on site. The applicant is propose to expand the existing surface parking lot from 24 spaces to 37 spaces.

This site is related to a “special use permit” granted in 1947 under 9-101-47 for a dog kennel. This special use permit was modified under case number 19CUP1074 and was approved at the Board of Zoning Adjustment meeting on June 17, 2019.

### STAFF FINDING

The applicant is not proposing any changes to the allowed uses. The modification is to only expand the existing parking to accommodate the existing employees. The proposal is meeting all the standards of the commercial kennel conditional use permit.

### TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the development plan.

### INTERESTED PARTY COMMENTS

All comments received have been placed in the record and made available to the Board in advance of the public hearing.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT**

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

STAFF: The proposal meets all applicable policies of the Comprehensive Plan.

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 proposed expansion of the parking spaces remains compatible with surrounding land uses and the general character of the area.

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: The subject property is served by existing public utilities and facilities. Transportation Planning and MSD have reviewed and approved the proposal.

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 waste.

STAFF: The existing commercial kennel is compatible with the general character of the surrounding neighborhood in terms of scale, intensity, traffic, noise, drainage and appearance. The proposed surface parking expansion will still follow all required landscaping buffers found in Chapter 10 of the Land Development Code. The expansion in the parking lot will allow for adequate parking for the employees of this facility.

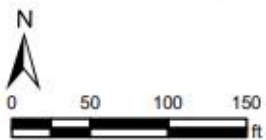
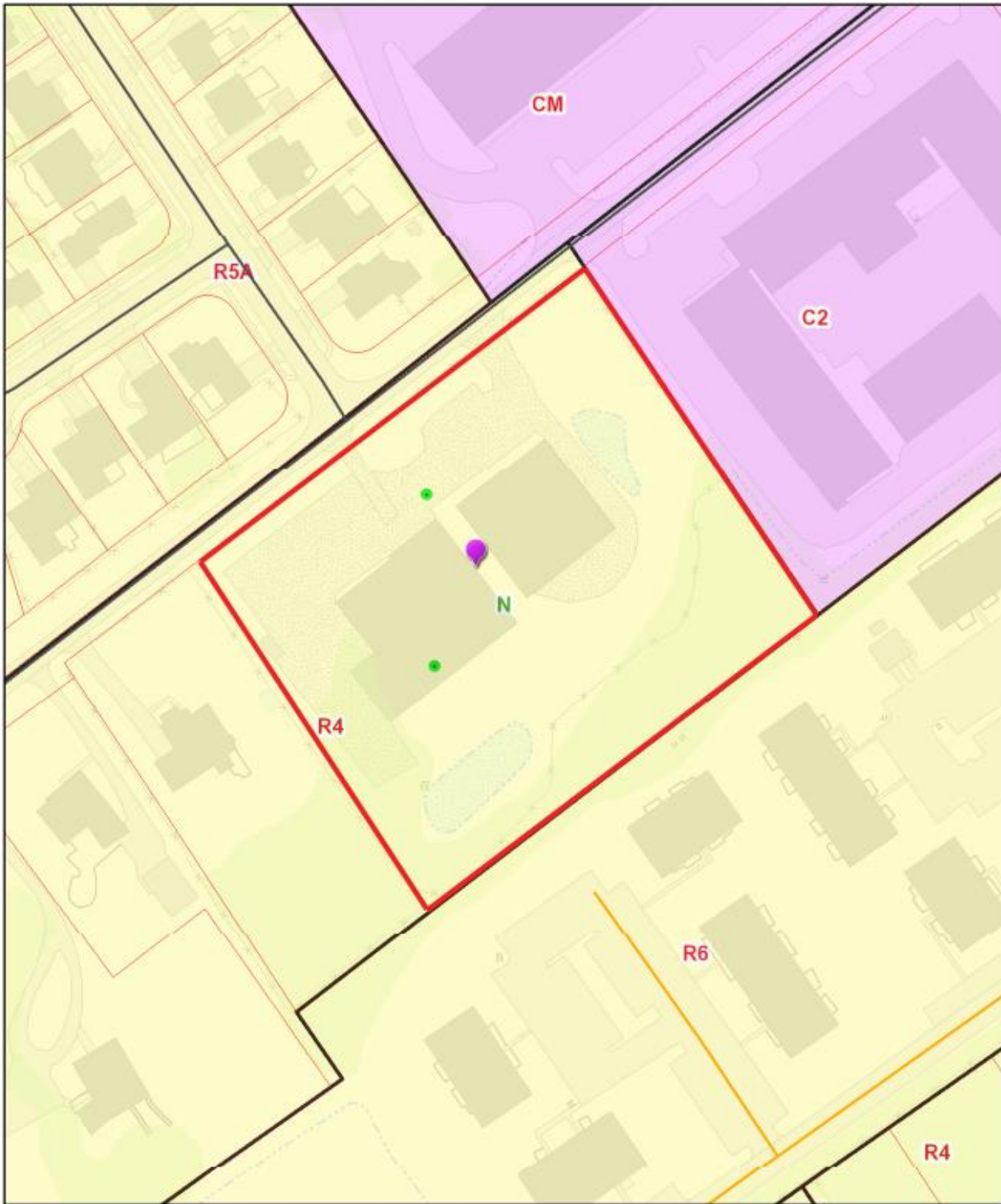
**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **MODIFIED CONDITIONAL USE PERMIT** for a Commercial Kennel expansion (4.2.17).

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing Conditions of Approval

1. **Zoning Map**



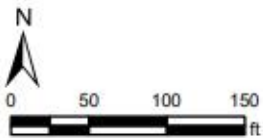
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2. Aerial Photograph



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**3. Existing Conditions of Approval (No Proposed Changes)**

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.