

Board of Zoning Adjustment Staff Report

February 20, 2017



Case No:	16CUP1078
Project Name:	Dogtopia
Location:	219 South Hurstbourne Parkway
Owners:	Frank and Jane Schmitt
Applicant:	Sirius Holdings, LLC
Representative(s):	Nicholas R. Pregliasco
Project Area/Size:	0.6 acres
Existing Zoning District:	C-1, Commercial
Existing Form District:	SMC, Suburban Marketplace Corridor
Jurisdiction:	Louisville Metro
Council District:	18 – Marilyn Parker
Case Manager:	Jon Crumby, Planning & Design Coordinator

REQUEST

- Conditional Use Permit to allow a commercial kennel in a C-1 zoning district.

CASE SUMMARY

The proposal involves an established national chain offering dog grooming, spa, daycare and boarding. All dogs will be inside except for the times they go outside to the proposed fenced in area to play. The applicant will install significant noise abatement improvements as part of the build-out as well as odor abatement systems as part of the HVAC system and process.

SITE CONTEXT

The site is rectangular in shape and located near the northeast corner of Vieux Carre Drive and South Hurstbourne Parkway. The site is located in the Suburban Marketplace Corridor which allows for a compact mixture of medium to high intensity, with buildings generally oriented toward and located near the primary street.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Commercial	C-1	SMC
Proposed	Commercial/Dog Kennel	C-1	SMC
<i>Surrounding Properties</i>			
North	Apartments	R-6	SMC
South	Restaurant/Commercial	C-1, C-2	SMC
East	Commercial	C-1, C-2	SMC
West	Commercial	C-1	SMC

PREVIOUS AND ASSOCIATED CASES ON SITE

- 9-34-79** A request for a change in zoning from R-4 residential to C-1 commercial at the northeast corner of Hurstbourne Lane and Vieux Carre Drive, and being in the unincorporated area of Jefferson County. This proposal was approved by Fiscal court on August 28, 1979.
- 9-34-79** A request for a revised district development plan was approved by the Planning Commission on August 6, 1987.
- 9-48-87** A request for a change in zoning from R-4 residential to C-1 commercial at 219 and 221 Hurstbourne Lane, and being in the unincorporated area of Jefferson County. This proposal was approved by Fiscal court on September 22, 1987

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on December 20th. Only one neighbor attended the meeting, Jamie Beck the manager of the adjoining District at Hurstbourne apartments. She stated that the District Apartments were one of the few in Louisville who allow large dogs over 40 pounds. She was in support of the Conditional Use permit.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

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 meets all applicable policies of the Comprehensive Plan. Landscaping was approved under prior development plans.

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 subject site will be compatible with the surrounding land uses with respect to scale, height, drainage, and appearance.

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 Public Works and MSD and both have approved the plan.

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, C-1, C-2, C-M, M-1, M-2 or M-3 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. There are 6 requirements for a commercial kennel and five will be met. Item e. does not apply since there will be no outdoor facilities.

a. All facilities, except parking, shall be at least thirty feet from any property line.

b. All facilities, except parking, shall be within a totally enclosed building except where it can be demonstrated that a nuisance is not created thereby.

c. Except in districts where signs are allowed, there shall be no more than one non-illuminated sign not to exceed twelve square feet in area and not to exceed six feet in height.

d. All roads and parking areas shall be surfaced with a hard and durable material and properly drained.

e. A woven wire fence at least six feet high shall be erected around the portion of the site used for the kennel operation.

f. Off-street parking spaces shall be provided in the ratio of one space for every 1 1/2 employees plus six spaces for visitors.

TECHNICAL REVIEW

The applicant will need to submit and obtain approval for a Revised Detailed District Development Plan.

STAFF CONCLUSIONS

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Land Development and Transportation Committee must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit.

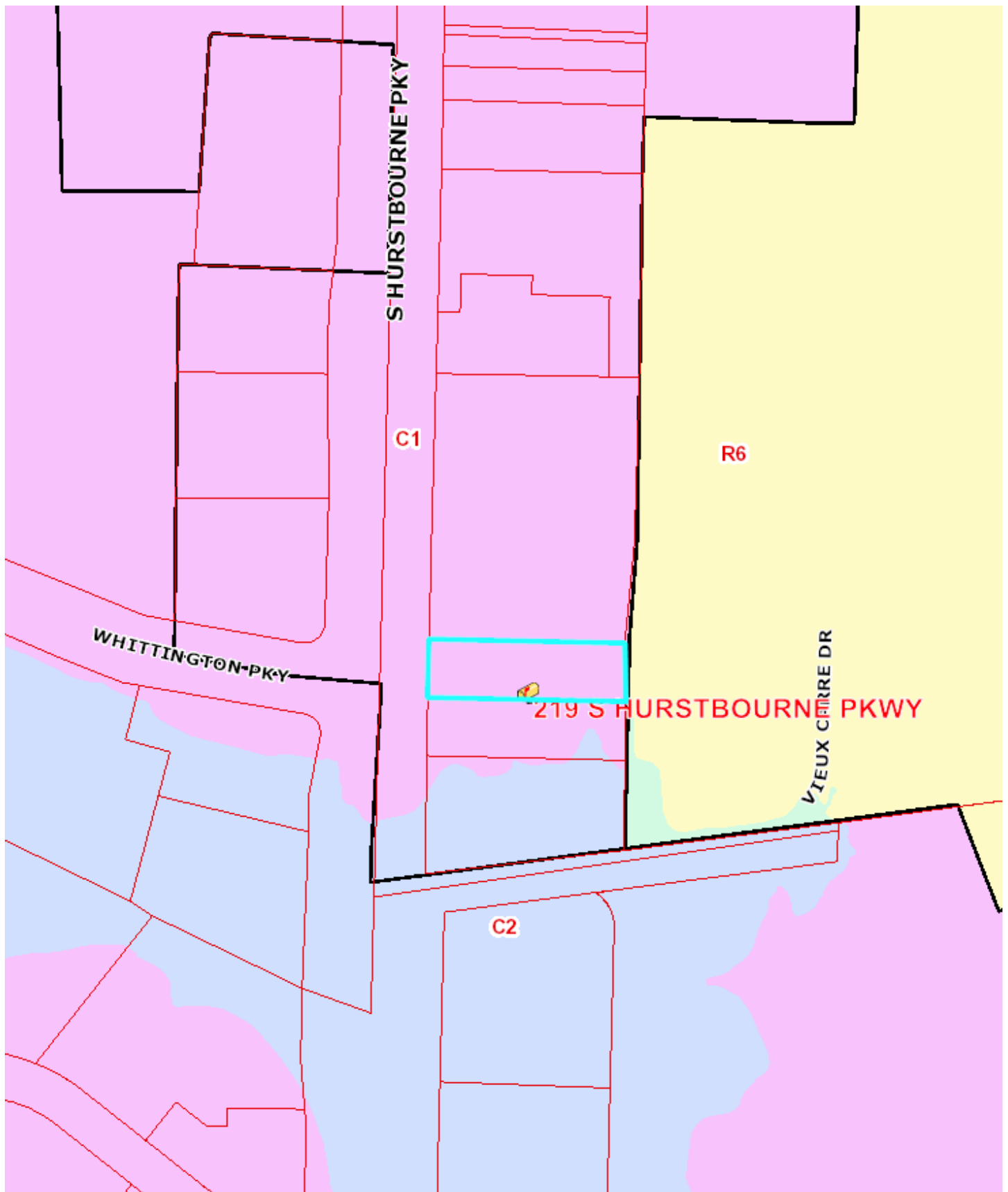
NOTIFICATION

Date	Purpose of Notice	Recipients
2/2/1017	APO Notice	First tier adjoining property owners Neighborhood notification recipients
2/3/2017	Sign Posting	Subject Property

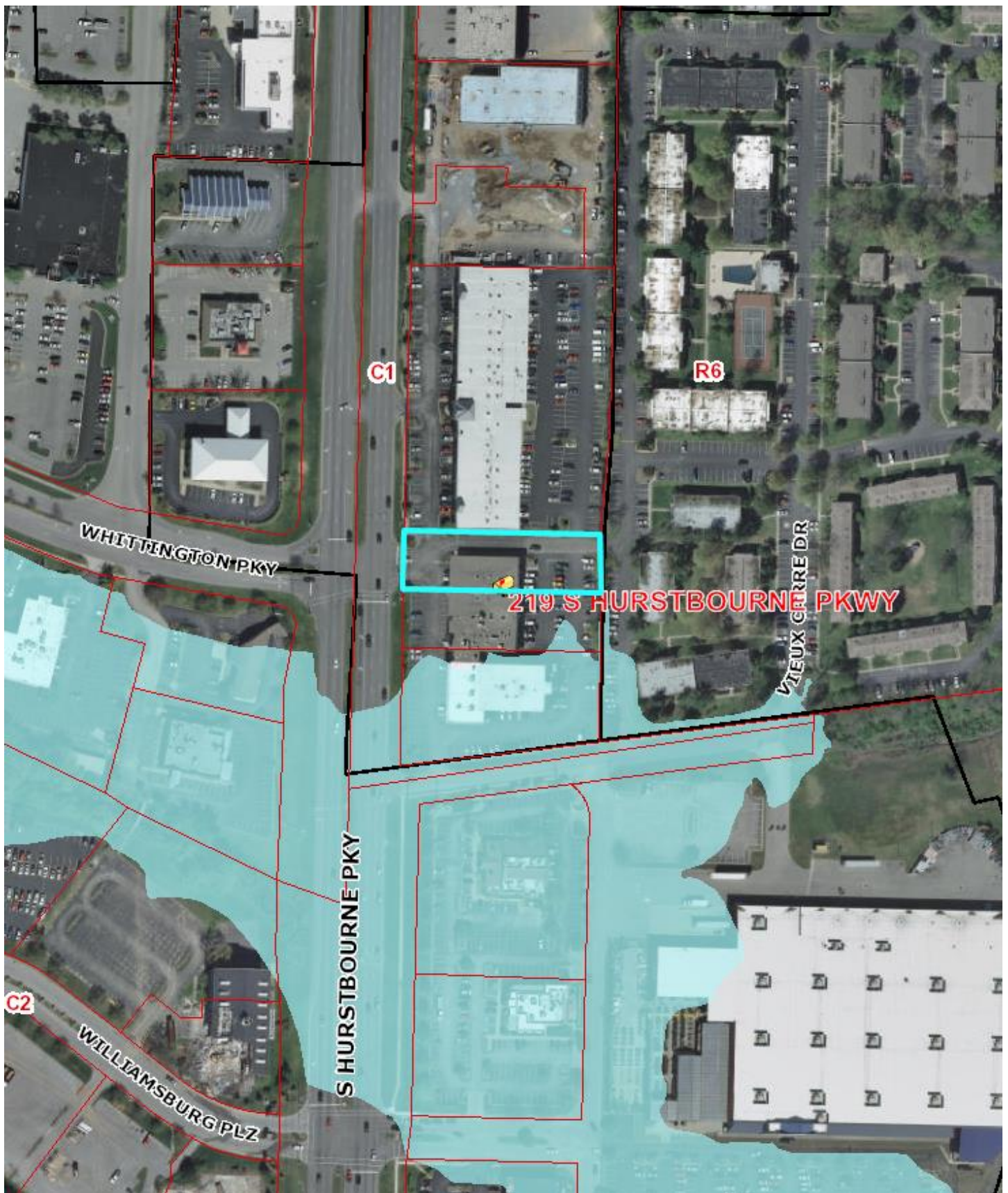
ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



3. **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.