

Board of Zoning Adjustment Staff Report

July 10, 2017



Case No:	17CUP1028
Project Name:	Competitive Edge Agility & Dog Sports
Location:	4600 Shepherdsville Road
Owners:	Pinehurst Properties, LLP.
Applicant:	Competitive Edge
Representative(s):	Chris Brown, Tanner Nichols
Project Area/Size:	10,500 square feet
Existing Zoning District:	M-1, Industrial
Existing Form District:	SWC, Suburban Workforce Corridor
Jurisdiction:	Louisville Metro
Council District:	2 – Barbara Shanklin
Case Manager:	Jon Crumby, Planning & Design Coordinator

REQUEST

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

CASE SUMMARY

The applicant is proposing to continue the operation of a dog training facility in an M-1 zoning district. The proposal is located in an existing office/warehouse facility and consists of 10,500 square feet. The activities are as follows:

Classes start about 11 a.m. and end at 9 p.m. with an average of 6 dogs in an hour long class. There are never dogs in the facility without their owners controlling them. The only times dogs are off leash are the two to five minutes they are in the fenced indoor ring and the owner is directing them in the ring. No dogs are housed in the building overnight.

Members are provided with keyed access to the building so they may practice and train their dogs during non-business hours. There are strict rules regarding member use including maintaining leashed and controlled dogs. Cameras are located in the building and a member access log is maintained. There can be 1 to 5 dogs with their owners in the building during non-business hours.

Agility and obedience trials are held with people coming from the surrounding Ohio, Tennessee, and Indiana areas. These events usually happen on Saturday and Sunday and run from 8 a.m. to 5 p.m. During that time there may be 40 to 50 dogs and owners in the building. The same rules apply to these events. Attendees often stay in area motels and hotels and eat/shop in the Buechel area.

Rumpke does the waste removal for the facility. When owners walk their dogs they are required to pick up pet waste; bags and a pet waste station are placed outside against the building. The facility has been in use almost four years.

The building has special and expensive competition flooring and requires special maintenance. Competitions class members may be fined and or banned from the building for accidents indoors and for not picking up pet

waste outdoors This is common in the competition and training industry so this group of people have well-trained and controlled companion animals.

Furthermore, the business helps reduce unwanted companion animals being turned in to Metro Animal Control shelter. By working with owners and their pets to train and recognize their dogs natural desire to learn using all positive training methods we ensure the pair bonds. Owners are trained to tell their dogs what they want them to do so avoids problematic behavior.

SITE CONTEXT

The Conditional Use Permit site is rectangular in shape and is part of an existing six building office/warehouse development. The proposal has office/warehouse uses to the north, south, and west. Residential uses are located to the east of the proposal across Shepherdsville Road.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Office/Warehouse	M-1	SWC
Proposed	Commercial kennel	M-1	SWC
<i>Surrounding Properties</i>			
North	Office/Warehouse	M-1	SWC
South	Office/Warehouse	M-1	SWC
East	Residential	R-4	SWC
West	Office/Warehouse	M-1	SWC

PREVIOUS AND ASSOCIATED CASES ON SITE

- 9-62-94** R-4 to M-1 at 3803 Newburg Road. Planning Commission recommended approval. Fiscal Court approved.
- 9-56-92** R-4 to M-1 at 4620 Shepherdsville Road for repackaging of paper gift wrap, warehouse, and related office. Planning Commission recommended approval. Fiscal Court approved.
- 9-45-91** R-4 to M-2 at 4500 Shepherdsville Road for security screen door fabrication and assembly and warehouse. Planning Commission recommended approval. Fiscal Court approved.
- 9-12-88** R-4 to C-2 at 3905 Newburg Road for auto guard and expansion. Planning Commission recommended approval. Fiscal Court approved.

- 9-78-87** R-4, R-6 and C-2 to M-1 at 4510 Shepherdsville Road for manufacturing, storage sales and distribution. Planning Commission recommended approval. Fiscal Court approved.
- 9-5-81** R-4 to M-1 on property located on the west side of Newburg Road, about 670 feet south of Indian Trail, for printing and coating storage and distribution. Planning Commission recommended approval. Fiscal Court approved.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on May 11th, 2017. Two neighbors attended the meeting and had no concerns with the requested commercial kennel.

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 six requirements and five will be met. Item e. does not apply since all activity is located inside the facility.

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

16PM27668 Notice of Violation issued for the operation of a kennel without the required Conditional Use Permit.

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 Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit

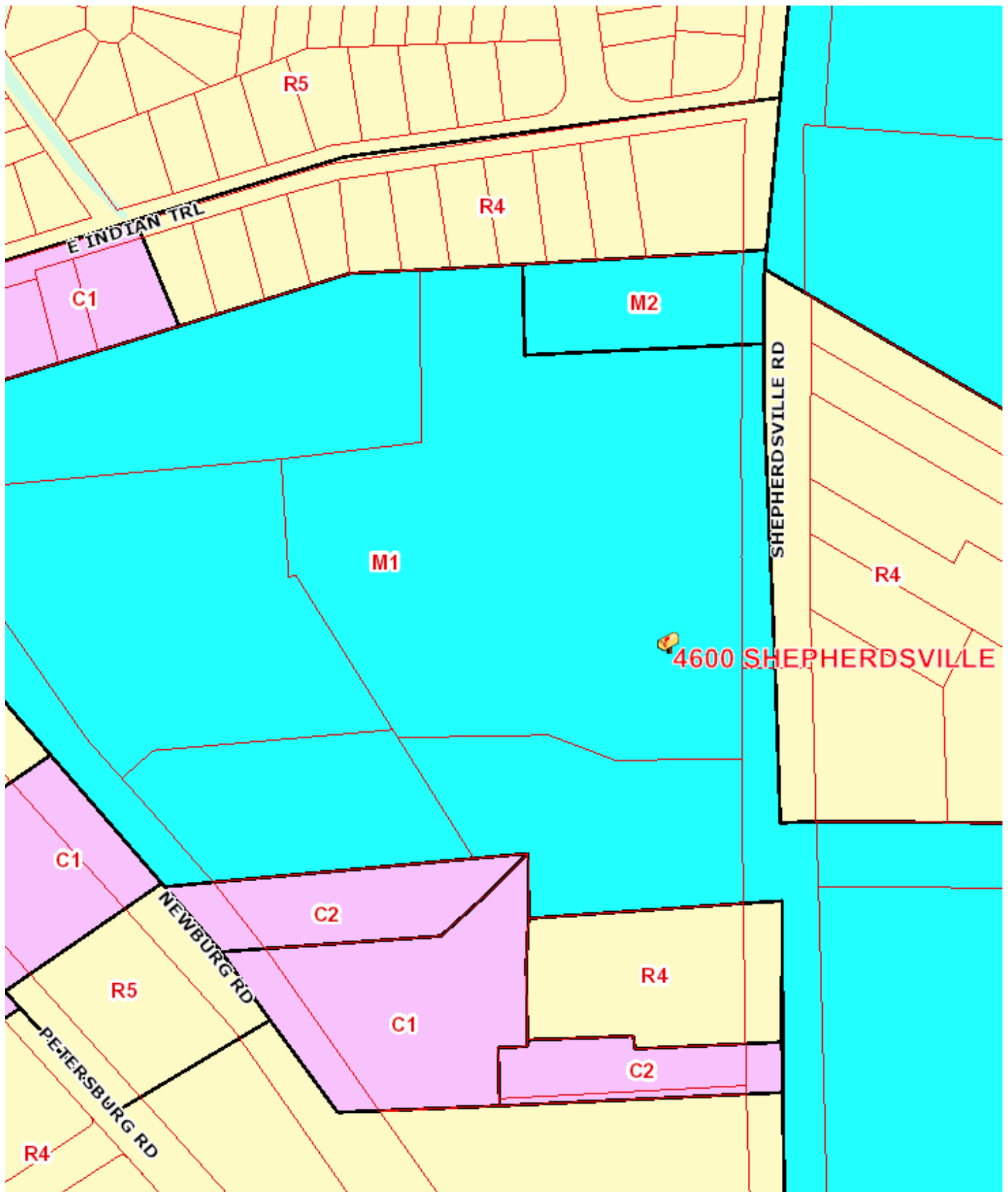
NOTIFICATION

Date	Purpose of Notice	Recipients
6/22/1017	APO Notice	First tier adjoining property owners Neighborhood notification recipients
6/23/2017	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 as commercial kennel (dog training facility) without further review and approval by the Board.