

# Board of Zoning Adjustment

## Staff Report

June 17, 2019



<b>Case No:</b>	19CUP1074
<b>Project Name:</b>	Kennel Modification
<b>Location:</b>	7924 Vine Crest Avenue
<b>Owner:</b>	Golden Retriever Rescue & Adoption of Needy Dogs, Inc.
<b>Representative:</b>	Heritage Engineering
<b>Jurisdiction:</b>	City of Lyndon
<b>Council District:</b>	7 – Paula McCraney
<b>Case Manager:</b>	Steve Hendrix, Planning & Design Coordinator

### **REQUEST**

Modification of a Conditional Use Permit that allows a commercial kennel in an R-4 Zoning District.

### **CASE SUMMARY/BACKGROUND**

The approximate 3.00 acre site is located on the south side of Vine Crest Avenue and west of Lyndon Lane in the City of Lyndon. The existing "Special Use" was granted in 1947 for a dog kennel, 9-101-47. The applicant is proposing a dog day care within the 10,000 square foot "kennel building" that includes a 1,500 square foot office and two 120 square foot potty yards within the 4,000 square foot turf yard. The proposed 8,100 square foot building will have a 5,000 square foot turf yard and a 4,000 pavilion turf yard for the dog kennel. All of the turf yards will be screened by a minimum 6 foot high privacy fence.

### **STAFF FINDING / RECOMMENDATION**

The proposal meets the applicable policies of the Comprehensive Plan. There are six listed requirements of the conditional use permit and all have been met. 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 Land Development Code for a conditional use permit.

### **TECHNICAL REVIEW**

There are no outstanding technical review items.

### **INTERESTED PARTY COMMENTS**

Staff has not received any comments.

## **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 is consistent with the applicable policies of the Comprehensive Plan.

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 proposal is compatible with the general character of the surrounding neighborhood in terms of scale, intensity, traffic, noise, 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 MSD and Transportation Planning and both have approved the plan

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

### **4.2.17 Commercial Kennels**

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

## **NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
5/31/2019 6/6/2019	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 7
6/7/2019	Hearing before BOZA	Sign Posting

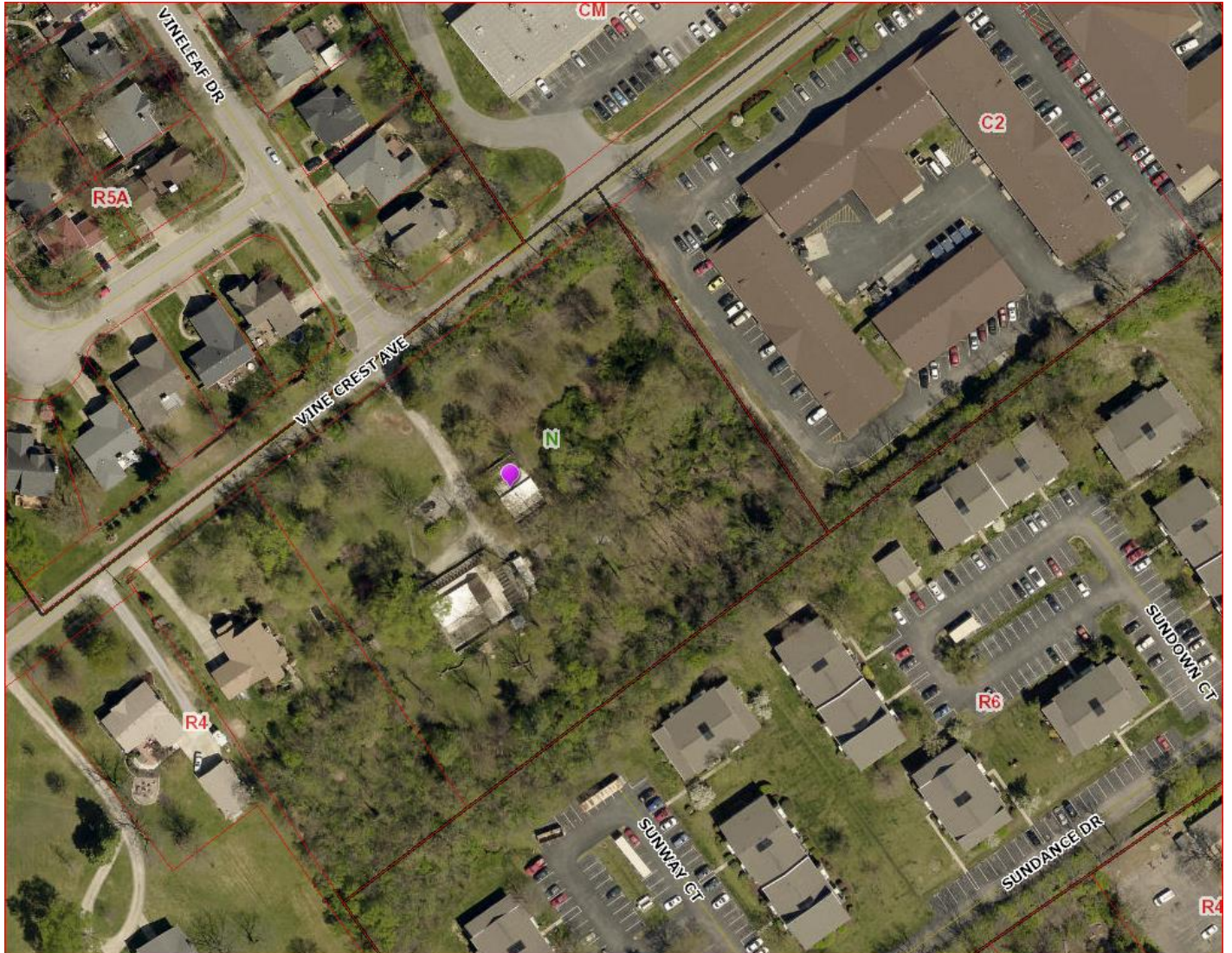
## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Explanation Letter
5. Conditions of Approval



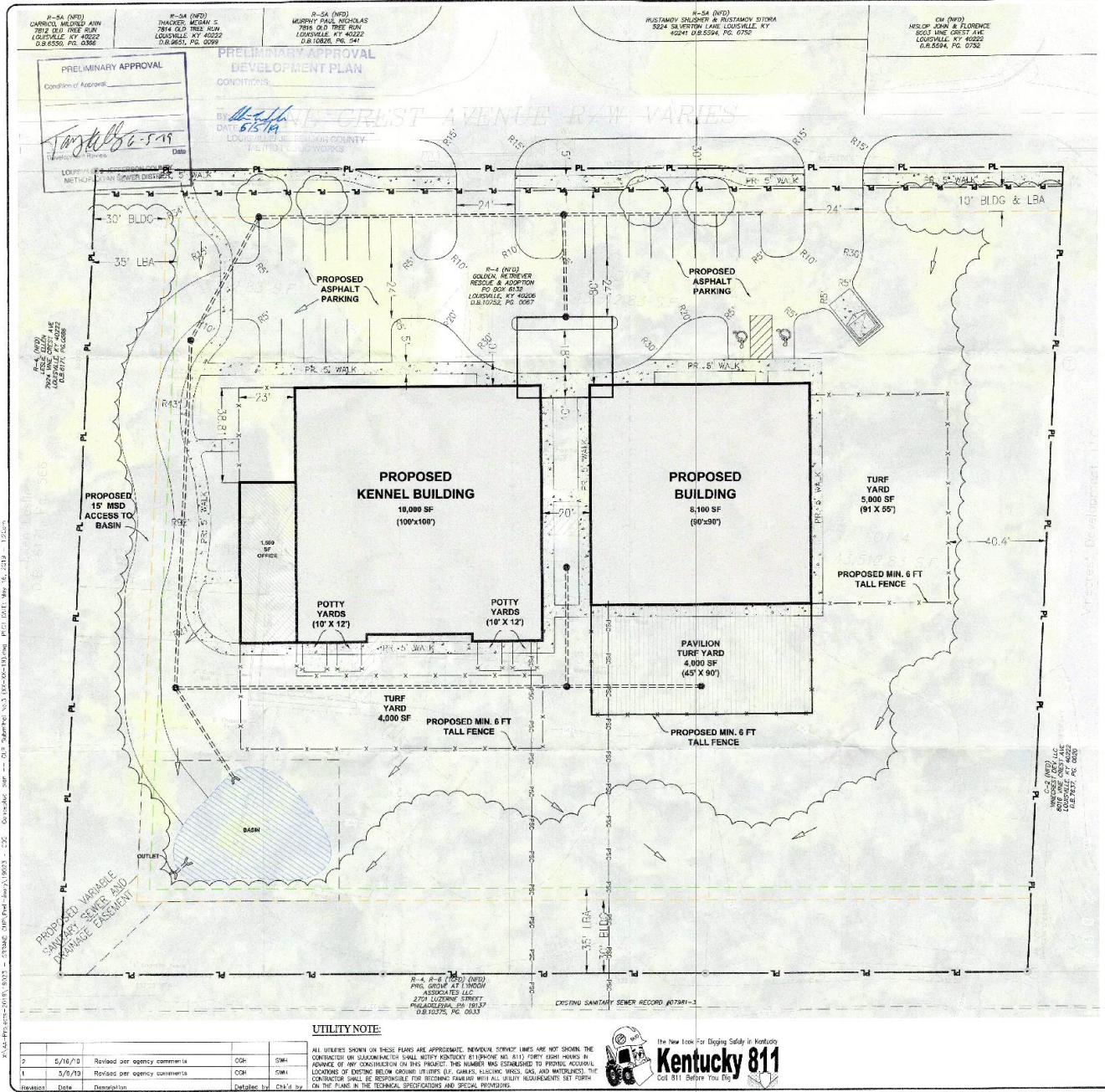


## 2. Aerial Photograph





## Site Plan



### **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.