

**Board of Zoning Adjustment**  
**Staff Report**  
December 7, 2020



<b>Case No:</b>	20-MCUP-0013
<b>Project Name:</b>	Pet Suites of America
<b>Location:</b>	1200 Avoca Station Court
<b>Owner(s):</b>	Pet Suites of America, LLC
<b>Applicant:</b>	Pet Suites of America, LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	19 – Anthony Piagentini
<b>Case Manager:</b>	Jon Crumbie, Planning & Design Coordinator

**REQUEST(S)**

Modified Conditional Use Permit to allow the construction of a shade structure over the existing outdoor play yard.

**CASE SUMMARY/BACKGROUND**

The applicant requests approval to construct a 1,764 square foot covered patio which will allow the dogs to play outside and be protected from the elements.

**STAFF FINDING / RECOMMENDATION**

There are six listed requirements, and five were met. The applicant received relief for item B. (See existing condition of approval no. 6). 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 modified Conditional Use Permit.

## **RELATED CASES**

- B-234-02** A request for a conditional use permit to allow a commercial kennel in an M-2 zoning district. This request was approved by the Board of Zoning Adjustment on November 4, 2002.
- B-234-02** A request for a modified conditional use permit to allow the reduction in size from 2.89 acres to 2.417 acres; the change from a septic field to sanitary lagoon; and the reduction in the size of the building from 20,250 square feet to approximately 14,000 square feet. This request was approved by the Board of Zoning Adjustment on December 16, 2002.
- 9103** A request for a modified conditional use permit to allow a proposed 6,264 square foot addition. This request was approved by the Board of Zoning Adjustment on July 16, 2007.

## **TECHNICAL REVIEW**

There are no outstanding technical review items.

## **INTERESTED PARTY COMMENTS**

A neighborhood meeting is not required for this proposal.

## **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 does not conflict with Comprehensive Plan policies.

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: When appropriately managed, the proposed use is compatible with surrounding development and land uses.

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. The proposal will not create substantial additional requirements for the site.

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

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.

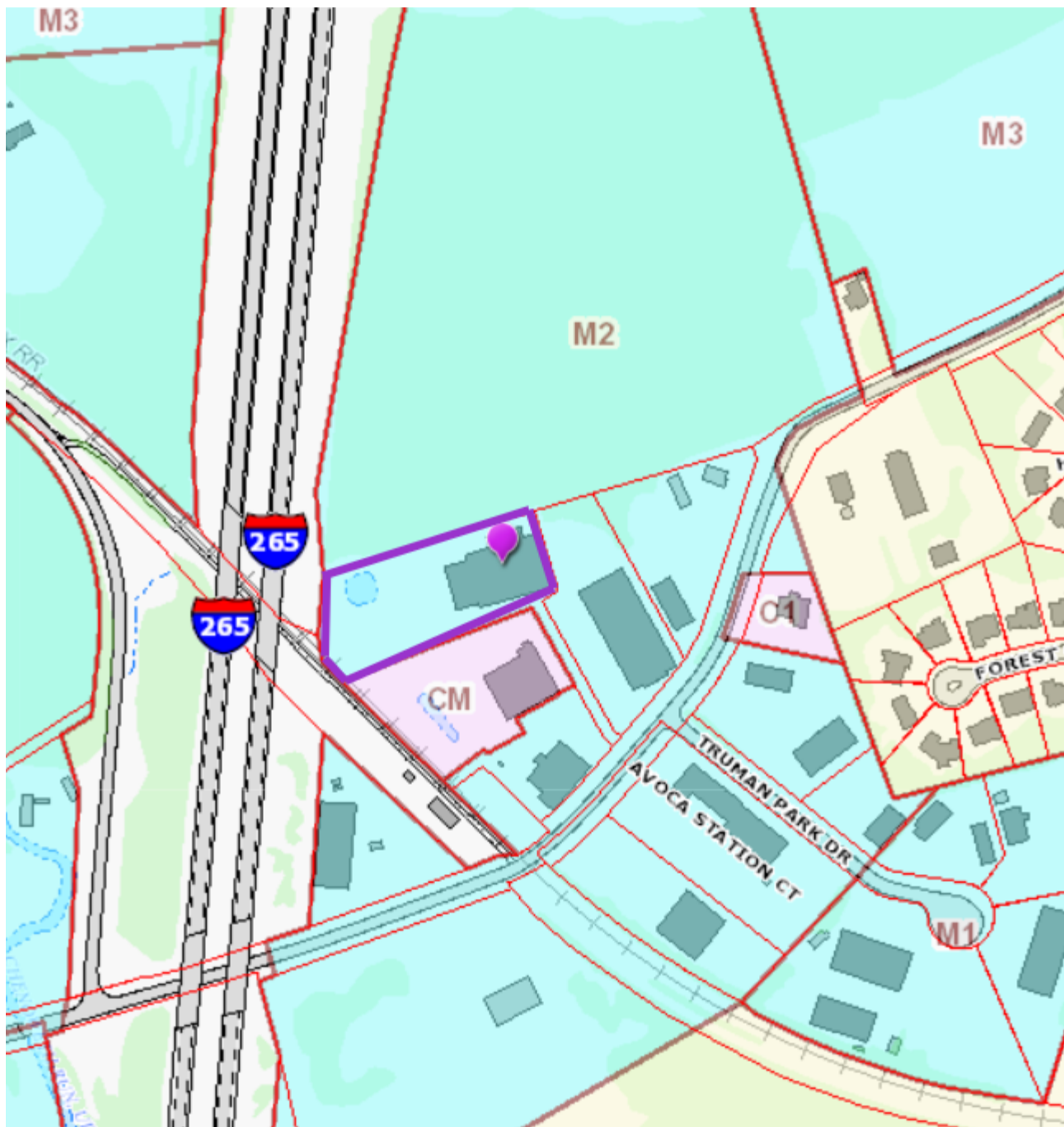
E. Noise - The design of the structures shall include features that acoustically shield any animal noises from surrounding property.

F. The applicant shall demonstrate adequate provisions to prevent surface water quality impacts due to animal wastes.

#### **ATTACHMENTS**

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

#### **1. Zoning Map**



2. Aerial Photograph



### 3. Existing 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 customer hours of operation shall be 7:00 a.m. to 8:00 p.m., 7 days a week.

3. An on-site veterinarian's office is not allowed.
4. The animals will be limited to cats and dogs.
5. The Conditional Use Permit shall not be effective until the applicant submits a copy of the recorded minor plat creating the property to the staff of the Board.
6. One free-standing sign not more than 80 square feet in area and 15 feet in height shall be permitted where shown on the development plan. This sign shall be illuminated only during customer hours of operation.
7. The conditional Use Permit shall be "exercised" as described in KRS 100.237 within one year of the Board's vote on this case. If the Conditional Use Permit is not exercised, the site shall not be used for a commercial kennel without further review and approval by the Board.

**4. Proposed Conditions of Approval**

1. The customer hours of operation shall be 7:00 a.m. to 8:00 p.m., 7 days a week.
2. An on-site veterinarian's office is not allowed.
3. The animals will be limited to cats and dogs.
4. The Conditional Use Permit shall not be effective until the applicant submits a copy of the recorded minor plat creating the property to the staff of the Board.
5. One free-standing sign not more than 80 square feet in area and 15 feet in height shall be permitted where shown on the development plan. This sign shall be illuminated only during customer hours of operation.
6. 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.
7. 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.