

## **CONDITIONAL USE PERMIT JUSTIFICATION STATEMENT**

### **THE PET STATION COUNTRY CLUB**

**14310 & 14314 OLD HENRY ROAD**

**23-CUPPA-0203**

**July 31, 2023**

The Applicant, The Pet Station Holdings, LLC (“Applicant”) is requesting a conditional use permit pursuant to Section 4.2.17 of the Land Development Code for all of Louisville – Jefferson County, Kentucky (“LDC”) to allow the Applicant to build and operate a neighborhood-serving commercial kennel to be known as The Pet Station Country Club on just over 4 acres across two parcels of property, both of which are zoned R-4, Single-Family Residential (the “Proposal”) and located at 14310 and 14314 Old Henry Road, Louisville, Kentucky 40245 (the “Property”). The Property is within the Neighborhood Form District positioned to the east of a Suburban Workplace that envelops properties on all quadrants of the Old Henry Road and Gene Snyder Freeway interchange. 14310 is currently owned by John and Cathy Wilhoit, while 14314 Old Henry Road is currently owned by Brent and Cindy Phillips (each party is an “Owner,” while both owners are “Owners”).

The Property fronts the western/northwestern side of Old Henry Road, a minor arterial roadway, where one access point to Old Henry Road will serve the Proposal. This section of Old Henry Road, heading north/northwest, forks into Factory Lane and Old Henry Road – at the fork, Factory Lane turns west and eventually intersects with the southern frontage of Old La Grange Road, while Old Henry Road, branches off at its intersection with Factory Lane and heads north into Oldham County. This section of Old Henry Road is subject to significant improvements planned by KYTC, which includes a multi-use pathway that is planned to traverse the front of the Property, along its Old Henry Road frontage. Adjacent to the north of the Property is vacant, unused property owned by KYTC, and property adjacent to the south of the Property is also vacant, unused at this time. Behind the Property are larger lot properties zoned R-4, single-family residential. Directly across Old Henry Road from the Property are more residentially-zoned and used properties, including R5-A, Multi-Family and R-4, Single-Family.

The proposed CUP to operate a commercial kennel is in agreement with all applicable policies of Plan 2040, the LDC, and the Old Henry Subarea Plan because it is an appropriate neighborhood-serving commercial use for the Property, the pet-owning residents living within the large Neighborhood Form in which the Property is located, and for the employees with pet needs who work in the adjacent Suburban Workplace Form. The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas. The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages, incomes and abilities. New neighborhoods are encouraged to incorporate

these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to, large lot single family developments with cul-de-sacs, traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family housing. The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods.

Here, if approved, the Pet Station will establish and operate a successful, neighborhood-serving use on the Property for residents with pet needs living in the nearby area. The Proposal fits within the surrounding area because the improvements proposed for the Property will be constructed with quality, compatible building materials and within any and all dimensional standards and setbacks applicable to the Property. The Pet Station currently operates two County Club locations in similar contexts to the Property subject of this CUP application. Indeed, the Pet Station has achieved great successes at its 4802-4804 Murphy Lane and 7924 Vine Crest Avenue locations, both of which operate on properties zoned R4, Single-Family Residential and within the Neighborhood Form District adjacent to neighboring properties zoned and used as single-family residential. The Pet Station has proven it can successfully run its Country Club commercial kennel within residential areas, near their customers, without causing disruption to the existing residential uses. In fact, the residential homes located next to Pet Station's Murphy Lane and Vine Crest Avenue locations are nearer to the commercial kennel facility than the residential homes located near the Property on Old Henry Road will be. Pet Station prides itself on being a great neighbor and the use of various materials as well as design of their facilities take into prioritizes suppression and mitigation of noises generated by dogs to ensure noise will not cause disruption to neighboring properties.

Adjacent to the south and north of the Property are vacant, R-4, Single-Family properties without structures. It is believed a Montessori school is locating on the property to the south, while the property to the north is owned by the Commonwealth of Kentucky Transportation Cabinet, which it uses in various ways in support of its significant roadway improvement project currently underway along Old Henry Road and Factory Lane. To the west of the Property is large lot single-family property that is one of three contiguous properties owned by the same individual owner. Across Old Henry Road from the Property is the Falls at Old Henry, a multi-family development built as a horizontal property owners' regime. In short, there are a considerable number of residential rooftops in this immediate area, with a number of new residential developments currently under construction. The Applicant's Proposal will be in great position to serve this growing residential population and address their pet needs.

The Proposal conforms to Plan 2040's Community Form Plan Element, its Goals, Objectives and Policies because it is proposed for Property that is located along a minor arterial roadway that is currently being improved with a center turn lane and pedestrian connections – both a sidewalk along the eastern frontage and a multi-use pathway along

the western frontage (across the front of the Property) – that serves multiple nearby residential communities. As a result, the Pet Station Country Club will be a popular neighborhood-serving use to help out the established and proposed neighborhood residents. The Proposal will have a building with designed with residential architectural cues and building materials and the areas where pets will be allowed outside will be screened by an 8' privacy fence and supplemented with various plantings. The Pet Station Country Club will have 19,600 square feet in area and will meet applicable height and setback restrictions required by the Land Development Code. Therefore, the Proposal is compatible in bulk, height and scale with the surrounding properties, notably the Falls across Old Henry Road, which have dwelling units sharing interior walls, which, together, creates the visual impression of a larger structure fronting Old Henry Road and across from the Proposal. The Applicant will work on its signage to reduce the size of the signs used at the Pet Stations' other two locations. During the neighborhood meeting, a number of attendees voiced their preferences for a smaller sign and the Applicant wishes to accommodate those preferences. The sign will be reflective, but not illuminated at night so that light pollution is reduced.

Consistent with Neighborhood Form District policies and Plan 2040 Mobility's Plan Element and its applicable Policies, the Proposal will furnish safe and efficient mobility options for all Pet Station customers. Currently, there are two curb cuts that serve the property from Old Henry Road – a residential driveway for each property. The Proposal will drop one of these access points and have just one curb cut to Old Henry Road, which will be positioned directly opposite Old Henry Road from the access point serving the Falls at Old Henry. A pedestrian connection will be provided across the eastern side of Old Henry Road and a multi-use pathway will be constructed across the frontage of the Property as part of KYTC's Old Henry Road improvements. To promote bicyclists use of the multi-use pathway, the Proposal will have bicycle parking available onsite. TARC maintains no transit routes along Old Henry at this time, as no route serves outside the Gene Snyder in this area. The Proposal will have an appropriate level of parking for the use of the site, with forty-one (41) parking spaces that includes two (2) ADA parking spaces.

The Proposal meets Plan 2040's Community Facilities and Livability Plan Elements and all of their applicable Objectives, Goals and Policies because the Property will be served by existing utilities and will have an adequate supply of potable water and water for fire-fighting purposes; similarly the Property and the Pet Station Country Club will have properly functioning sewage treatment and disposal to protect public health. The Proposal will observe all required setbacks and the 30' Old Henry Road Parkway buffer. No streams – intermittent or blueline, ponds, bodies of water or hydric soils exist on the Property, nor do steep slopes or unstable soils occupy portions of the Property. Stormwater drainage facilities will be designed to meet MSD requirements and sufficiently accommodate stormwater runoff from the site without negatively impacting neighboring properties. To this end, a detention basin is proposed for the front left corner of the Property, where, given the topography of the Property, water naturally drains.

Though the Proposal is not expected to generate high volumes of traffic, it is located along a minor arterial roadway currently undergoing major upgrades, including the

addition of a center turn lane and pedestrian/multi-use connections. And although the Proposal is not for housing, it will support housing in the area by providing nearby necessary pet care for residents, as well as employment options. From its market data generated from its existing locations on Murphy Lane and Vine Crest Avenue, Pet Station knows that it has a strong customer base within the area surrounding the Property. Should this location be approved, a number of Pet Station's customers will enjoy a much shorter commute to take their pets to daycare or short-term boarding, which a number of customers use on a daily basis. Moreover, when the roadway and pedestrian connection improvements to Old Henry Road and Factory Lane are finished, some customers will be able to walk their pets to the Property. Therefore, the Proposal is in agreement with Plan 2040's Economic Development and Housing Plan Elements and all applicable Goals and Policies.

The conditional use permit application for a Pet Station Country Club on the Property complies with Section 4.2.17 of the Land Development Code and complies with all applicable guidelines of Plan 2040, A Comprehensive Plan for Louisville Metro ("Plan 2040") and the listed requirements as more fully set forth below:

**A. FACILITIES ENCLOSED:** The Pet Station Country Club is a true pet resort of the highest quality accommodations for pets offering daycare, overnight boarding, grooming and training for animals where the animals will be under supervised care by staff 24 hours a day, 365 days a week and can have access to private rooms, shared rooms, various play areas and a pool for pets who want to swim. The proposed indoor portion of the facility will be located in a totally enclosed building but will have fenced-in outdoor areas to allow dogs outside the facility for short periods of time to play, walk, socialize with other dogs, exercise and go to the bathroom. The building's interior will also contain pet play areas for dogs and cats to run around and be active, while other interior areas will be designated for short-term and longer-term boarding of dogs and cats, and spaces where pet grooming will take place. Other than during times when customers are delivering or picking up their pets at the front door of the facility, the entire time the pets are to be outside, the pets will be within areas completely enclosed by fencing. The animals will be supervised at all times, and will be separated during outdoor play times based upon the sizes and behaviors of the dogs. Prior to any dog being accepted for a stay with the Pet Station, Pet Station employees interview each dog to ascertain the dog's particular behaviors and overall personality to ensure the dog is well behaved enough to interact with the other dogs and staff at the facility. Problem dogs will not be accepted.

**B. SIGNS:** A sign is proposed in the front of the property along Old Henry Road, shown on the development plan. Signage will comply with applicable LDC signage requirements.

**C. FENCES:** An eight foot (8') fence is proposed to border all dog yard areas on the Property as shown on the development plan.

**D. SCREENING:** Pet Station will comply with this condition by surrounding all outdoor areas dog will have supervised access to with an eight foot (8') privacy fence, as displayed on the Plan. The fence will be erected on the property in a location that includes no area of the front yard. Various plantings will be installed between the privacy fence and

the property line, thereby softening the appearance of a fence line. Landscaping will also be planted throughout the site.

**E. NOISE:** The interior to the Pet Station's Country Club kennel will be fully insulated to ensure sounds from pets are attenuated and will not cause disruption or annoyance to adjoining property owners. An 8-foot privacy fence and plantings are proposed along all areas in the side and rear yards of the Property where dogs will be outside to play, get exercise and use the restroom with supervision from Pet Station staff members. With construction of the previous two Pet Station County Club locations, the applicant has worked with architects and construction contractors to identify and incorporate various building materials into the construction of the facility that are designed and manufactured to attenuate sound and keep it from trespassing outside the exterior walls of the facility. In addition, Pet Station employs a larger staff to keep their staff-to-pet ratio low, which is a purposeful component of Pet Station's plan to reduce barking behaviors in the dogs they serve on the Property.

**F. ADEQUATE PROVISIONS TO PREVENT SURFACE WATER QUALITY IMPACTS DUE TO ANIMAL WASTES:** This condition will be met, because the Pet Station has proper protocols in place so that animal waste will be properly disposed of on a routine basis, ensuring that surface water quality is not adversely impacted and that no offensive smells or health issues are created by improper or negligent management of pet wastes. The site is free of any environmental constraints. There are no steep slopes, hydric or unstable soils, and the site is not located within the 100-year floodplain.

For all the reasons cited hereinabove, the request by the Applicant for a conditional use permit to operate a commercial kennel on property located at 9017 Taylorsville Road will not adversely affect neighboring properties, complies with the goals and plan elements of Plan 2020 and requirements of Section 4.2.17 of the Land Development Code, and will promote the public health, safety and general welfare of Jefferson County residents in one or more zones. Therefore, the application for the conditional use permit should be approved.