

Board of Zoning Adjustment

Staff Report

June 27, 2022



Case No.	21-MCUP-0007
Project Name	Portland Christian School
Location	8507 Westport Road
Owner	Portland Christian School System
Applicant	Mark Madison – Milestone Design Group, Inc.
Jurisdiction	Louisville Metro
Council District	7 – Paula McCraney
Case Manager	Zach Schwager, Planner I

REQUEST

Modified Conditional Use Permit to allow for additions to the principal existing structure and 45 new parking spaces.

CASE SUMMARY / BACKGROUND

The site is located on the north side of Westport Road between Japonica Way and Redleaf Drive. It is in the R-4 Residential Single Family Zoning District and Neighborhood Form District and is surrounded by R-4, R-5 Single Family, and R-6 Residential Multi-Family properties. A Conditional Use Permit was approved by the Board of Zoning Adjustment on April 15, 2019 for a private institutional use. The applicant is proposing an 15,000 sq. ft. addition and 45 new parking spaces; therefore, a Modified Conditional Use Permit is required.

STAFF FINDINGS

There are five listed requirements and the applicant will be requesting relief from items A. and C. 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 Conditional Use Permit and Landscape Waivers.

RELATED CASES

18CUP1121 – Conditional Use Permit for a private institutional use in a single-family residential zoning district.

TECHNICAL REVIEW

Transportation Planning and MSD have reviewed and preliminarily approved the plan.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

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 Comprehensive Plan policies.

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 and appearance?

STAFF: The proposal is compatible with surrounding 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 does not appear to create substantial additional requirements for the site.

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

4.2.65 Private institutional uses, except for such uses specifically regulated elsewhere in this LDC, may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N zoning districts upon the granting of a Conditional Use Permit and compliance with the listed requirements:

A. Except in the R-R zoning district, all structures, except fencing, and all off-street parking shall be at least 30 feet from any property line adjacent to an existing residential use or residential zoning district. In the R-R zoning district all structures, except fencing, shall be at least 150 feet from any property line and all off-street parking shall be at least 30 feet from any property line.

STAFF: The applicant will need relief from this requirement as the proposed east side addition and parking will be within 30 ft. of the existing property lines. Staff is supportive of this request because the conditions are existing.

B. The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated.

STAFF: Transportation Planning has preliminarily approved the plan.

C. Off-street parking not located within a driveway shall be located to the side or rear of the building(s). The number of required off-street parking spaces shall be determined by the Planning Director in consultation with the Director of Public Works based on the standards for the closest comparable use and on the particular parking demand and trip generation characteristics of the proposed use.

STAFF: There is existing parking in front of the existing structure. The applicant will need relief from this requirement. Staff is supportive of this request because the conditions are existing.

D. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).

STAFF: This item must be met.

E. The Board of Zoning Adjustment may set hours of operation for the institutional use in order to minimize potential negative impacts on surrounding residential properties.

STAFF: The Board must determine whether hours of operation are appropriate for this use and location.

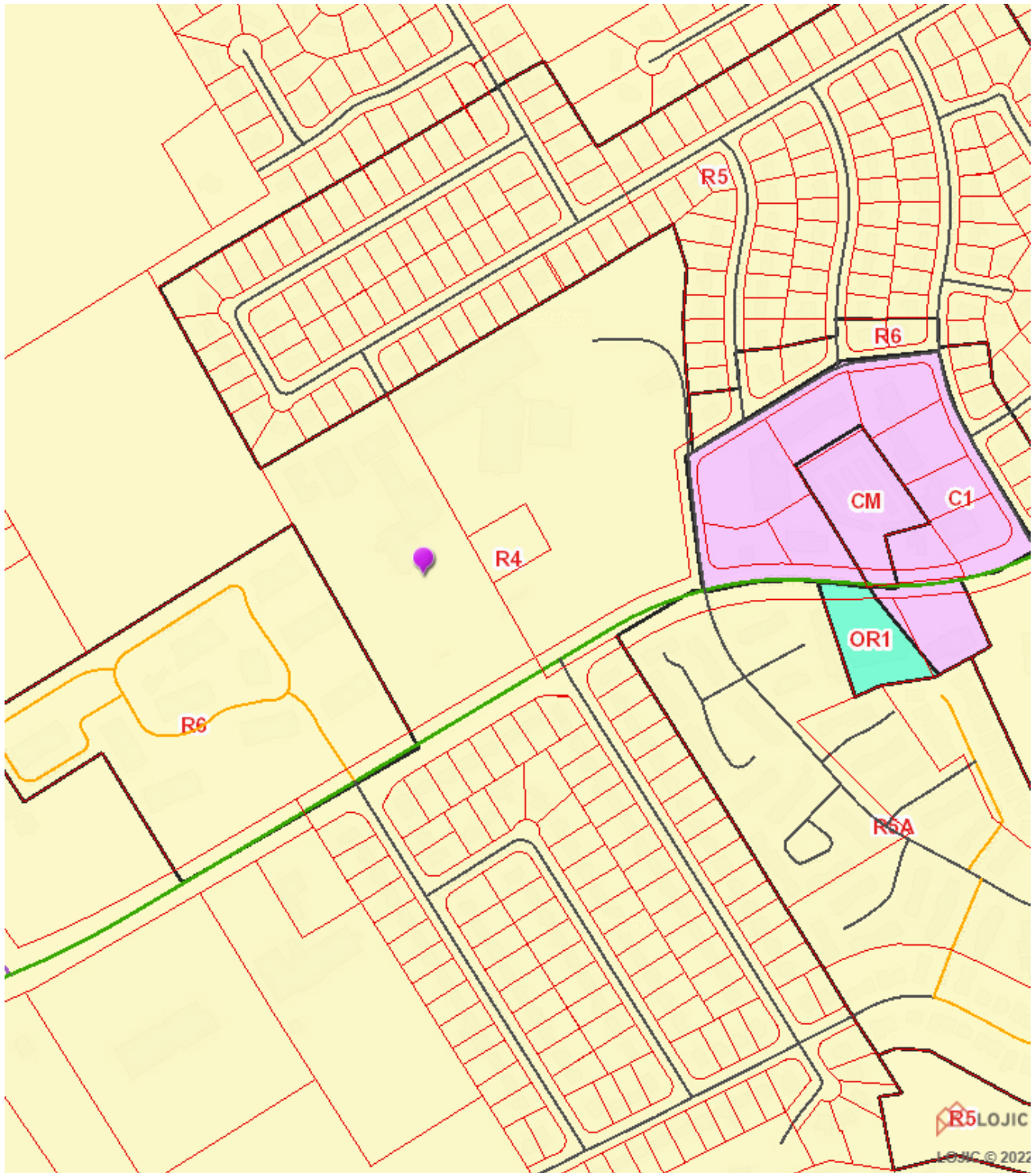
NOTIFICATIONS

Date	Purpose of Notice	Recipients
10/13/21	Neighborhood Meeting	1st and 2nd tier adjoining property owners and residents Registered Neighborhood Groups in Council District 7
6/9/2022 6/10/2022	Hearing before BOZA	1st and 2nd tier adjoining property owners and residents Registered Neighborhood Groups in Council District 7 Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Plan 2040 Checklist
4. Existing Conditions of Approval
5. Proposed Conditions of Approval

1. **Zoning Map**



2. Aerial Photograph



3. Plan 2040 Checklist

Conditional Use Permit Checklist

+ Meet policy

- Does not meet policy

+/- Meets/Does not meet some portion of policy

NA – Not applicable

NIS – Information needed

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
Community Form – Goal 1			
4.	Ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects.	+	The proposal will be compatible with the existing scale and site design of nearby development.
11.	Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines.	+	Setbacks, lot dimensions and building heights are compatible with the existing scale and site design of nearby development.
12.	Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes.	+	Transportation Planning has reviewed and preliminarily approved the proposal.

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
14.	Ensure that signs are compatible with the Form District pattern and contribute to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials).	+	Signs will be Land Development compliant.
17.	Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	+	Transportation Planning has reviewed and preliminarily approved the proposal.
18.	Mitigate adverse impacts of noise from proposed development on existing communities.	+	The proposal will follow the noise ordinance.
19.	Mitigate adverse impacts of lighting from proposed development on nearby properties, and on the night sky.	+	Lighting will be Land Development Code compliant.
Goal 2 Community Facilities			
3.	Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	+	MSD has reviewed and preliminarily approved the proposal.

4. 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 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 private institutional use until further review and approval by the Board.

5. Proposed 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 private institutional use until further review and approval by the Board.