

Board of Zoning Adjustment
Staff Report
October 5, 2020



Case No:	20-CUP-0104
Project Name:	Additional Parking
Location:	232 Carey Avenue
Owner:	Iglesia Bautista Cooper Chapel Inc. by Cesar Cano
Applicant:	Frank Sellinger, FStan Land Surveyors
Jurisdiction:	Louisville Metro
Council District:	#2 & #10 – Barbara Shanklin, Pat Mulvihill
Case Manager:	Steve Hendrix, Planning & Design Coordinator

REQUEST:

Conditional Use Permit to allow additional parking for a private institutional use, (church) in a single family zoning district.

CASE SUMMARY/BACKGROUND

The existing church is located on approximately 4.38 acres that is located north of Bardstown Road between Fegenbush Lane and Breckenridge Lane. The property is zoned R-4 and is within a Neighborhood Form District. The 10,468 square foot church has 48 existing parking spaces and is requesting an additional 22 spaces.

STAFF FINDING / RECOMMENDATION

There are five listed requirements of the Land Development Code, 4.2.65 all have been met. 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.

RELATED CASES

None

TECHNICAL REVIEW

MSD and Transportation are in the process of reviewing and stamping the plan.

INTERESTED PARTY COMMENTS

The neighborhood meeting was held on January 27, 2020 at the church. Nine interested parties were in attendance. Discussion included the need for the additional parking, appreciation for the church being in the neighborhood and drainage. There did not appear any opposition.

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 meets all applicable policies of Plan 2040.

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: The proposal includes adding 22 parking spaces to the existing church site.

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: Yes, MSD and Transportation are in the process of reviewing and stamping the plan.

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

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.
The requirement has been met.
- B. The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated.
Transportation is in the process of reviewing and stamping 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.
The proposed parking is on the west side of the property and to the side of the existing church.
- D. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99).
The applicant has been informed of this requirement.
- 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.
The applicant has been informed of this requirement.

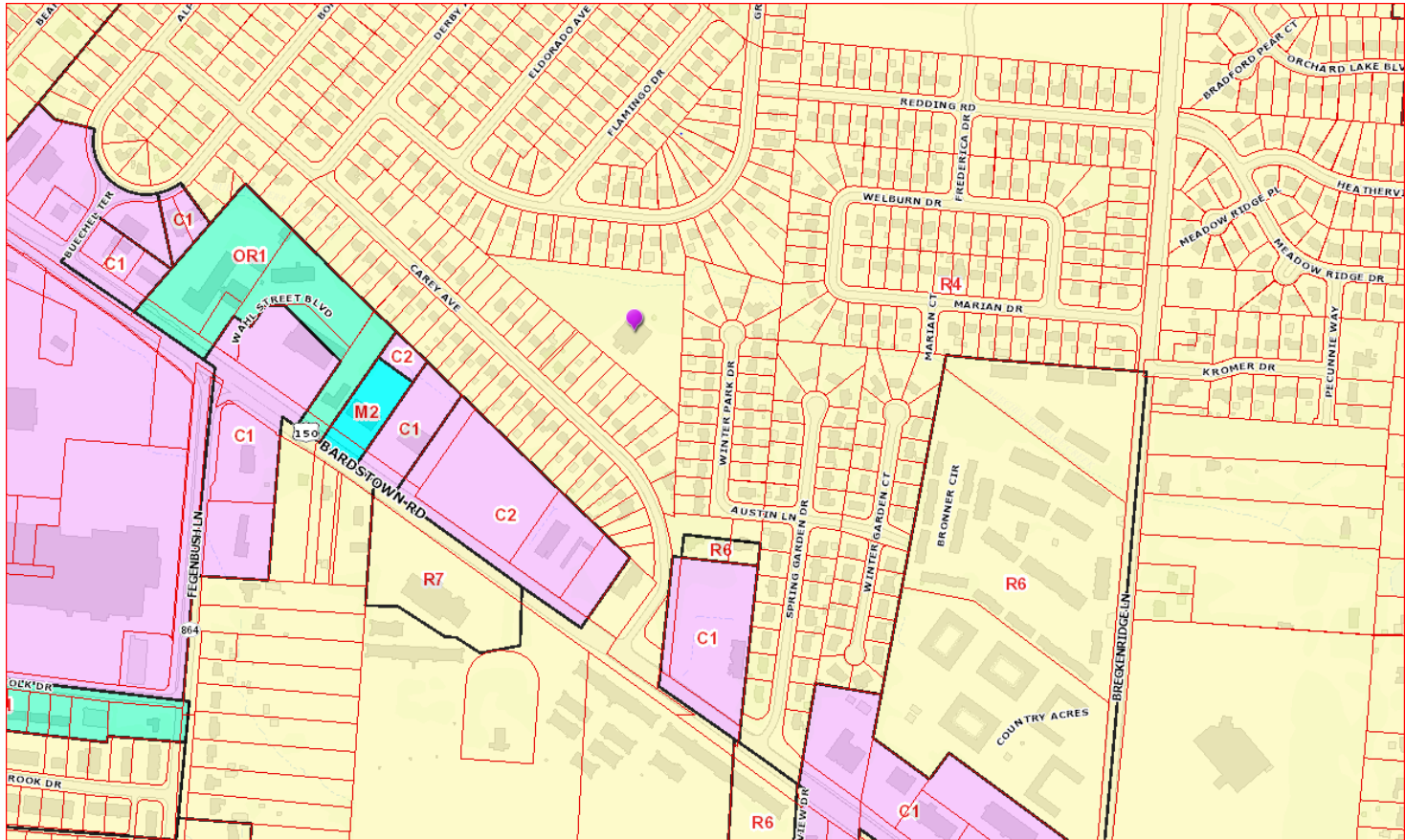
NOTIFICATION

Date	Purpose of Notice	Recipients
09/18/2020	Hearing before BOZA	1 st and 2 nd tier adjoining property owners
09/17/2020		Registered Neighborhood Groups in Council District 8
09/21/2020	Hearing before BOZA	Sign Posting

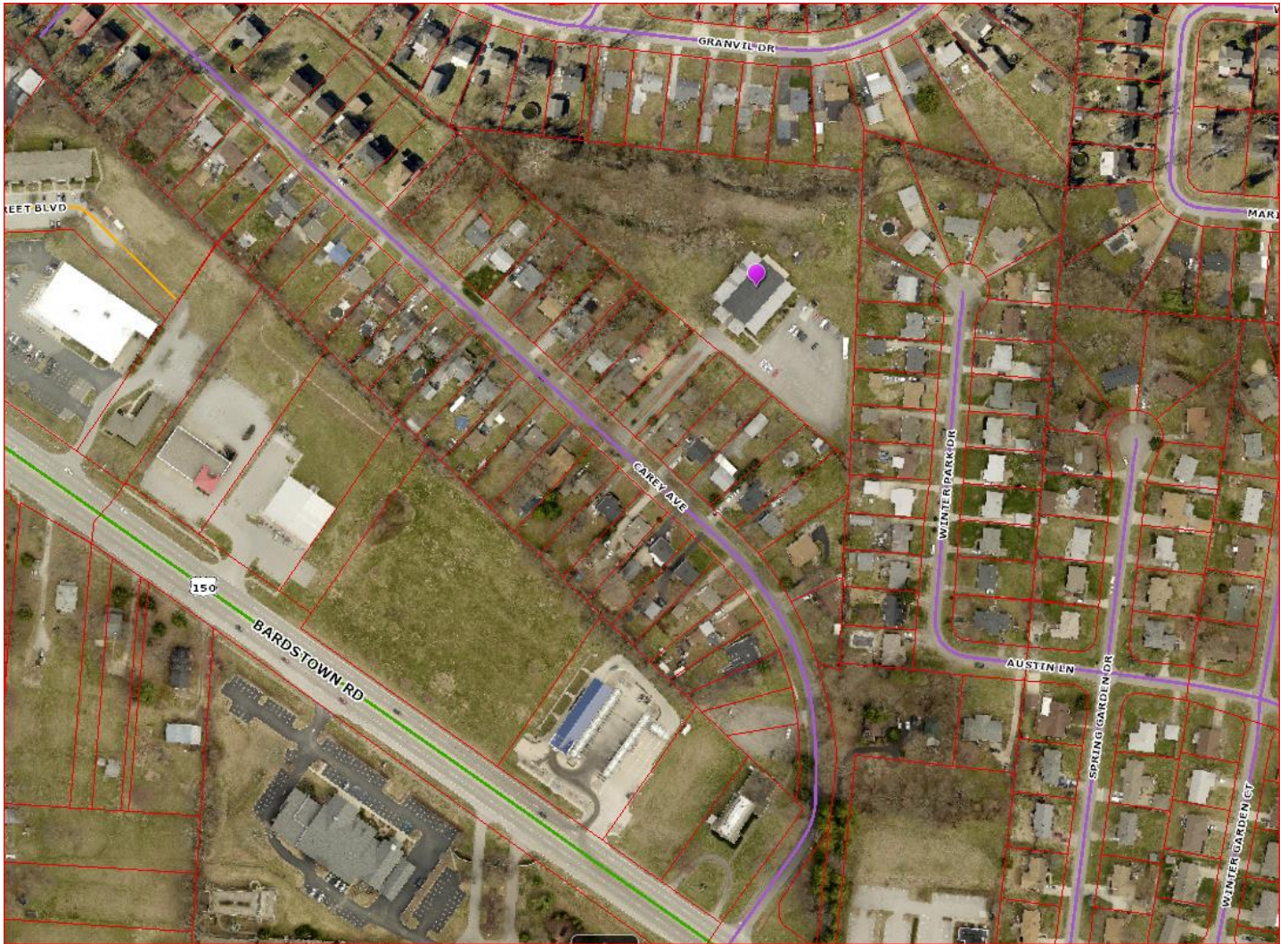
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. 2040 Checklist
4. Conditions of Approval

Zoning Map



Aerial Photograph



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.	+	Additional parking for existing church.
11.	Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines.	+	Setbacks have been met.

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
12.	<p>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.</p>	+	<p>Transportation Planning is in the process of reviewing and stamping the plan.</p>

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).	N	
17.	Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	+	Transportation Planning is in the process of reviewing and stamping the plan.
18.	Mitigate adverse impacts of noise from proposed development on existing communities.	+	Normal church usage.
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 is in the process of reviewing and stamping the 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 proposal shall not be used for additional parking until further review and approval by the Board.