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October 11, 2017

Louisville Metro Planning and Design Services
444 S. Fifth Street, 3rd Floor
Louisville, KY 40202

Re: Northeast Christian Church/Wehr Construction Company
Amended Letter of Explanation for Conditional Use Permit, Case No. 17CUP1073
9808 Brownsboro Road, Louisville, Kentucky 40241

To Brian Mabry, Louisville Metro Planning and Design Services Staff Case Manager:

This firm represents Northeast Christian Church ("NECC") with respect to its submittal of a formal application for approval of a Conditional Use Permit, pursuant to Land Development Code Section 4.2.39, to allow an off-street parking area on property located at 9808 Brownsboro Road in Louisville Metro ("Subject Property"). The Subject Property is zoned R-4 Single Family and within the Regional Center Form District. NECC's CUP Application proposes 176 new parking spaces to serve the needs of its campus located at 9900 Brownsboro Road, which currently has insufficient parking to meet the demand of its growing congregation.

NECC has already filed with Louisville Metro Planning and Design Services applications for variance relief from the required 50-foot side and rear yards, as well as for waiver relief to not provide the perimeter landscape buffer areas along the Subject Property's western, southern and eastern property lines, which area all shared with property NECC owns. Accordingly, please note NECC's request for variance relief from the required yards also triggers a modification from listed condition "C" as set forth in Land Development Code Section 4.2.39.

Please let me know if you have questions or need any additional information.

Sincerely,

WYATT, TARRANT & COMBS, LLP

Jon Baker

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CONDITIONAL USE PERMIT JUSTIFICATION STATEMENT

NORTHEAST CHRISTIAN CHURCH
9808 BROWNSBORO ROAD
CASE NO. 17CUP1073

September 18, 2017

Northeast Christian Church ("NECC") is requesting a conditional use permit for an off-street parking and maneuvering area under Section 4.2.39 of the Land Development Code. The subject property is zoned R-4 Single Family Residential and is located along a minor arterial within the Regional Center Form District ("Subject Property"). The Subject Property is surrounded by Brownsboro Road to the north, an active cemetery owned and operated by NECC to the west, and NECC's campus immediately adjacent to the east and south. The Subject Property currently has a vacant house located on it, which will be removed.

NECC's existing parking area is insufficient to serve the demands of its growing congregation and the subject property, due to its next-door location, is an ideal spot to expand its campus parking area. The surrounding area is situated just east of the Gene Snyder Freeway and contains a mixture of zoning and densities, including fairly intense C-1 and C-2 Commercial properties located across both Chamberlain Lane to the west and Brownsboro Road to the north, and within the same Regional Center Form as the Subject Property. Brownsboro Glen, an R-5 single-family residential neighborhood, is located to the south and east of the existing NECC campus. NECC was first built in 1983, prior to the development of Brownsboro Glen.

NECC's conditional use permit request complies with the applicable policies of the Cornerstone 2020 Comprehensive Plan because the Regional Center Form District encompasses the community's major shopping facilities, where medium and high intensity commercial development serving a regional market are found, and where a wide range of related uses, including residential, office, civic and institutional development, is strongly encouraged. NECC's proposed parking expansion on the Subject Property is consistent and compatible with the immediate surrounding properties and with other properties in the general area that were developed in the Regional Center Form, which encourages development of residential, office and institutional uses. Parking in Regional Centers is provided on a shared basis. Accordingly, NECC proposes shared parking on the Subject Property to serve its worship center located immediately to the east and its cemetery grounds on adjacent property to the west.

NECC's proposal will simply expand existing parking located to the south and, once completed, will operate as a unified vehicular parking and maneuvering area for its campus and cemetery. Consequently, overall circulation on site is being improved for both vehicles and pedestrians. Access to the Subject Property will be from NECC's existing vehicular parking and maneuvering areas located to the south and east. Access will not be directly available from Brownsboro Road. Moreover, NECC's proposed parking expansion will provide relief to temporary traffic congestion on the streets during those times when NECC

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holds its services because the added parking will allow more efficient vehicle access to and from the parking stalls, reducing the time it takes for vehicles to enter and exit the site from Chamberlain Ln. and Brownsboro Rd. Furthermore, unlike other commercial uses that typically locate on property in the Regional Center Form, NECC's vehicular parking areas will not be utilized daily and only during times of worship and special events.

A number of mature trees existing along the Subject Property's western shared property line with the cemetery will remain and provide a nice canopy for both the proposed parking area and cemetery, which will help screen the proposed parking from Chamberlain Lane. NECC will provide the necessary landscaping along its Brownsboro Road frontage and intends to plant type-A trees in this area to bolster the screening of its new parking area from the arterial road. Tree plantings will be provided within the interior of the vehicle parking and maneuvering areas per the LDC requirements, which will improve the overall aesthetic appearance of the site and aid drainage of runoff storm water. The Subject Property is located above the 100-year floodplain, does not contain steep slopes, unstable soils, or blue-line streams and, as a result, there are no environmental constraints that would affect the development of the property. Onsite stormwater detention and a water quality unit will be provided to ensure proper stormwater handling, filtration, and release management that will not adversely affect adjacent or nearby properties. The drainage plans are required to receive approval from MSD prior to beginning construction. In addition, an Erosion Prevention and Sediment Control Plan utilizing best management practices as recommended by MSD will be implemented prior to commencing construction of the development. Interior landscape areas and tree canopy will meet or exceed Land Development Code requirements and will break up the parking areas and enhance the overall aesthetics of the site. All necessary public utilities are available and the property is served by the Worthington Fire Department. Therefore, the proposed conditional use permit will promote the general health, safety and welfare, and will not have a negative effect on neighboring properties.

The listed requirements in Section 4.2.39 of the Land Development Code are addressed as follows:

A. The area shall be located within 200 feet of the property which the building to be served is located measured by the shortest walking distance (using sidewalks and designated crosswalks).

NECC's proposed parking and maneuvering area is adjacent to 9900 Brownsboro Road, the property on which the NECC campus is located.

B. Walls, fences, or plantings shall be provided in a manner to provide protection for and be in harmony with surrounding residential property.

NECC owns all of the properties immediately adjacent to the Subject Property, which will be developed to appear and function in harmony with these surrounding properties. Existing trees and new plantings will be utilized inside and around the parking area to provide screening and tree canopy.

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C. The minimum front, street side, and side yards required in the district shall be maintained free of parking.

The applicant is requesting a modification of this listed requirement to locate some of the parking area within Subject Property's side and rear yards. The applicant has applied for a variance to permit this encroachment. As further reasoning for modification of this listed requirement, the applicant references its variance justification and incorporates said justification as if it was set forth herein.

D. The area shall be used exclusively for transient parking of motor vehicles belonging to invitees of the owner or lessee of said lot.

Applicant's use of the proposed vehicular parking area will comply with this requirement.

E. The approval of all plans and specifications for the improvement, surfacing, and drainage for said parking area will be obtained from the appropriated Director of Works prior to use of the parking area.

Applicant will comply with this listed requirement.

F. The approval of all plans and specifications for all entrances, exits, and lights shall be obtained from the department responsible for transportation planning prior to the public hearing on the Conditional Use Permit.

Applicant will comply with this listed requirement.

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