

Board of Zoning Adjustment

Staff Report

October 16, 2017



| | |
|--------------------------|--|
| Case No: | 17CUP1073 |
| Project Name: | Vehicular Parking and Maneuvering Area |
| Location: | 9808 Brownsboro Rd. |
| Owner(s): | Northeast Christian Church of Jefferson County |
| Applicant: | Jon Baker, Wyatt, Tarrant & Combs, LLC |
| Jurisdiction: | Louisville Metro |
| Council District: | 17 – Glen Stuckel |
| Case Manager: | Brian Mabry, AICP, Planning Supervisor |

REQUEST(S)

- Conditional Use Permit for off-street parking in an R-4 zoning district.
 - Variance from Section 5.3.3.C.2.b of the LDC to allow off-street parking to encroach into the required side and rear setbacks.

| | Requirement | Request | Variance |
|---------------------|-------------|---------|----------|
| East Property Line | 50' | 0' | 50' |
| West Property Line | 50' | 15' | 35' |
| South Property Line | 50' | 0' | 50' |

- Waiver from Section 10.2.4 to allow off-street parking to encroach into the required landscape buffer area along the perimeter of the site.

CASE SUMMARY

The property owner, Northeast Christian Church, proposes an off-street parking area with 167 spaces in an R-4 zoning district. The parking area is proposed to be adjacent to and integrated with the existing parking area of the church.

The subject property is 2.43 acres in area, lightly wooded, rectangular in shape, and occupied by a single-family residence, which is proposed to be demolished. It is surrounded on three sides by property owned by the church. The campus of the church is to the east and south. An active cemetery is to the west. To the north, across Brownsboro Road, is a drug store, bank and spa. The subject property has 194 feet of frontage along Brownsboro Road, a Minor Arterial and designated Parkway. The subject property and the surroundings on its side of Bardstown Road are zoned R-4 and are in the Regional Center form district. This form district requires a 50-foot side and rear setback, for structures and parking, where a nonresidential use is adjacent to a residential zoning district. In addition to the CUP for the off-street parking, the property owner requests a variance to this setback requirement. Landscape buffer areas apply along all four sides of the subject property. The property owner seeks a waiver of such requirements along the west, east, and south property lines, but not for the Parkway buffer along Bardstown Road.

STAFF FINDING / RECOMMENDATION

The proposal meets the applicable policies of the Comprehensive Plan. There are six specific standards required to obtain the Conditional Use Permit requested and all will be met except for the requirement related to setbacks. Based upon the information in the staff report, the testimony and

evidence provided at the public meeting, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the Land Development Code for a conditional use permit, variance, and landscape waiver.

BACKGROUND

The property owner requests the CUP for an off-street parking area in an R-4 zoning district in order to have more off-street parking for its increasing number of church members and guests, and for holidays or events for which the church has higher attendance than normal. In 2009, BOZA approved Northeast Christian Church’s Category 3 Development Plan and related variances and waivers to allow construction of its new worship center and supporting parking areas to the east and south of the subject property. The BOZA approved variances from LDC Section 5.3.3.C.2 to allow the church’s vehicular parking and maneuvering areas to encroach into the required 50-foot yards on the church campus’ northeast, south and west property lines.

TECHNICAL REVIEW

Table 9.1.2.G allows the Planning Director to determine the appropriate number of parking spaces for a religious building such as this one. The applicant is in the process of gathering information on the church’s historic, current, and projected parking demand for the Planning Director’s consideration.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on September 15, 2017 with two guests in attendance. One interested party comment is attached to this Staff Report.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT FOR OFF-STREET PARKING IN R-4

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with the applicable policies of the Comprehensive Plan. Aside from the requested waiver, the required landscaping and tree canopy will be provided.

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, appearance, etc?

STAFF: The proposal is compatible with the general character of the surrounding neighborhoods in terms of scale, intensity, traffic, noise, drainage and appearance.

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: The proposal has been reviewed by MSD and Transportation Planning and both have provided preliminary approval of the plan. The Louisville #17 Fire Protection District did not comment on the proposal.

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

An Off-Street Parking Area may be permitted in a district where it is ordinarily prohibited, provided it serves a use in a building for which insufficient off-street parking space is provided, and where the provision of such parking space will materially relieve traffic congestion on the streets and when developed in compliance with the listed requirements.

STAFF: There are six requirements and the proposal complies with all of them except for requirement C, which is related to the variance request.

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

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

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

STAFF: The applicant seeks a variance for the 50-foot side and rear setbacks required in the Regional Center form district where a nonresidential property abuts a residentially zoned property.

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

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

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.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM SECTION 5.3.3.C.2.b

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare because the proposed parking lot does not interfere with vision clearance on public rights-of-way or at intersections within the private property.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity. The appearance of the proposed parking area aligns with other parking areas in the general vicinity.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public. The subject property does not have direct access to the public right-of-way. In addition, Public Works has reviewed and preliminarily approved the proposal.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations. The church owns the property adjacent to the setbacks that are subject to the variance request.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone. The subject property is surrounded by property under the same ownership. No other known property in the vicinity is in a similar situation.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant. Under a strict application of Section 5.3.3.C.2.b, the property owner would be required to be setback from itself and as a result, lose needed parking spaces.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought. The parking area has not yet been constructed and the applicant is requesting the variance.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER FROM SECTION 10.2.4

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners. The subject property is surrounded by property owned by the church. In addition, existing vegetation is proposed to remain along the property line on the side of the cemetery owned by the church. The existing parking lot already buffers the new lot from the nearest residentially-used properties.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate specific guidelines and policies of Cornerstone 2020. Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when

appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 13, Policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. These guidelines are not violated because existing parking areas separate the new parking lot from the nearest residentially-used properties.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant. The site layout allows the minimum area needed to accommodate the parking area.

- (d) Either:
 (i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
 (ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant. Under a strict application of Section 10.2.4, the property owner would be required to buffer the parking area from itself and as a result, lose needed parking spaces.

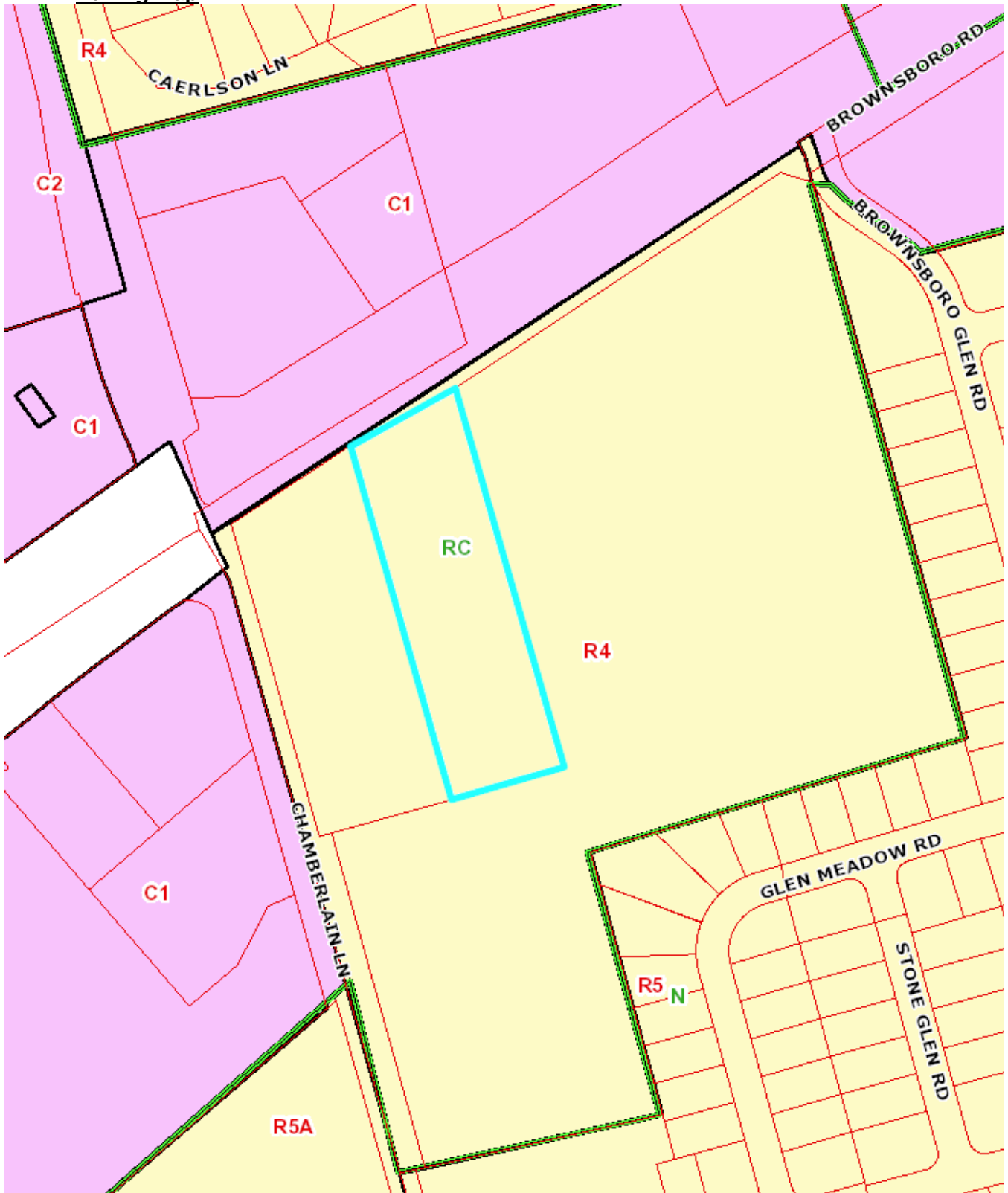
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|---------|---------------------|--|
| 9/28/17 | Hearing before BOZA | 1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 17 Notice posted on property |

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Staff Checklist Cornerstone 2020
4. Interested Party Comments
5. Proposed Conditions of Approval

1. Zoning Map



2. Aerial Photograph



3. Staff Checklist Cornerstone 2020

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

Regional Center: Non-Residential

| # | Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|---|---|--|---------------|---|
| 1 | Community Form/Land Use Guideline 1: Community Form | B.6: The proposal is of a moderate to high density consistent with the high intensity uses found in the Regional Center Form District. | | |
| 2 | Community Form/Land Use Guideline 1: Community Form | B.6: The proposal integrates civic uses such as branch libraries, community centers or government offices. | | |
| 3 | Community Form/Land Use Guideline 1: Community Form | B.6: The proposal contributes to the identity of the regional center as a focal point for transit from homes and workplaces. | | |
| 4 | Community Form/Land Use Guideline 1: Community Form | B.6: The proposal is compact and provides for efficient movement of pedestrians, vehicles, transit and bicycles through and around the site. | | |
| 5 | Community Form/Land Use Guideline 1: Community Form | B.6: The proposal supports a high level of transit access and connectivity. | | |
| 6 | Community Form/Land Use Guideline 1: Community Form | B.6: The proposal includes unified signs, and landscaping and building design that gives identity to the center and that provides a human scale, and includes an internal focal point. | | |
| 7 | Community Form/Land Use Guideline 1: Community Form | B.6: The proposal provides shared parking to avoid excessive impervious surface and to encourage customers to visit several establishments without moving their vehicles. | ✓ | Parking on the subject property will be used by members and guests of the church as well as by visitors to the adjacent cemetery. |
| 8 | Community Form/Land Use Guideline 2: Centers | A.1/7: The proposal, which will create a new center, is located in the Regional Center Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use. | | |

| # | Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|----|--|---|---------------|--|
| 9 | Community Form/Land Use Guideline 2: Centers | A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it. | ✓ | Although not a retail development, the proposed off-street parking is being proposed because the church has the membership numbers to support the use of a new parking lot. |
| 10 | Community Form/Land Use Guideline 2: Centers | A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment. | ✓ | The proposal will expand existing parking located to the south and east and 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. |
| 11 | Community Form/Land Use Guideline 2: Centers | A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place. | | |
| 12 | Community Form/Land Use Guideline 2: Centers | A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings. | | |
| 13 | Community Form/Land Use Guideline 2: Centers | A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element. | | |
| 14 | Community Form/Land Use Guideline 2: Centers | A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns. | ✓ | The proposal creates shared entrances and parking for the church and cemetery. |
| 15 | Community Form/Land Use Guideline 2: Centers | A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements. | | |
| 16 | Community Form/Land Use Guideline 2: Centers | A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities. | | |
| 17 | Community Form/Land Use Guideline 3: Compatibility | A.2: The proposed building materials increase the new development's compatibility. | | |

| # | Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|----|--|---|---------------|---|
| 18 | Community Form/Land Use Guideline 3: Compatibility | A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated. | ✓ | The proposal is less intense than a typical retail parking lot in that the proposed parking lot will mainly be used during the limited hours of church functions. |
| 19 | Community Form/Land Use Guideline 3: Compatibility | A.5: The proposal mitigates any potential odor or emissions associated with the development. | ✓ | The Air Pollution Control District did not comment on the proposal. |
| 20 | Community Form/Land Use Guideline 3: Compatibility | A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities. | ✓ | The proposal will provide relief to temporary traffic congestion occurring during those times when the church holds its services, particularly when the church services end and the members and guests are dismissed. |
| 21 | Community Form/Land Use Guideline 3: Compatibility | A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky. | ✓ | Lighting will comply with Metro requirements. |
| 22 | Community Form/Land Use Guideline 3: Compatibility | A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center. | | |
| 23 | Community Form/Land Use Guideline 3: Compatibility | A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements. | | |
| 24 | Community Form/Land Use Guideline 3: Compatibility | A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments. | ✓ | Although required perimeter landscape buffer areas are requested to be reduced, any perimeter buffers that are installed are only buffering the parking lot from property owned by the church itself. |

| # | Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|----|--|--|---------------|--|
| 25 | Community Form/Land Use Guideline 3: Compatibility | A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards. | | |
| 26 | Community Form/Land Use Guideline 3: Compatibility | A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians. | ✓ | The proposal is not directly adjacent to a residential area. |
| 27 | Community Form/Land Use Guideline 3: Compatibility | A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street. | ✓ | The proposal will provide the required enhanced buffer area along Brownsboro Road, a designated Parkway. |
| 28 | Community Form/Land Use Guideline 3: Compatibility | A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance. | | |
| 29 | Community Form/Land Use Guideline 3: Compatibility | A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings. | | |
| 30 | Community Form/Land Use Guideline 4: Open Space | A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space. | | |
| 31 | Community Form/Land Use Guideline 4: Open Space | A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District. | | |
| 32 | Community Form/Land Use Guideline 4: Open Space | A.5: The proposal integrates natural features into the pattern of development. | ✓ | A number of mature trees existing along the subject property's western shared property line with the cemetery will remain. |

| # | Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|----|--|--|---------------|--|
| 33 | Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources | A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems. | | |
| 34 | Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources | A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement. | | |
| 35 | Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources | A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion. | ✓ | LOJIC does not show any of these features on-site. |
| 36 | Marketplace Guideline 6: Economic Growth and Sustainability | A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern. | | |
| 37 | Marketplace Guideline 6: Economic Growth and Sustainability | A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs. | | |
| 38 | Marketplace Guideline 6: Economic Growth and Sustainability | A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas. | | |
| 39 | Marketplace Guideline 6: Economic Growth and Sustainability | A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street. | | |

| # | Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|----|---|--|---------------|--|
| 40 | Mobility/Transportation Guideline 7: Circulation | A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means. | ✓ | Public Works has provided preliminary approval of the proposal. |
| 41 | Mobility/Transportation Guideline 7: Circulation | A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation. | | |
| 42 | Mobility/Transportation Guideline 7: Circulation | A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads. | | |
| 43 | Mobility/Transportation Guideline 7: Circulation | A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development. | | |
| 44 | Mobility/Transportation Guideline 7: Circulation | A.10: The proposal includes adequate parking spaces to support the use. | ✓ | The proposal will expand existing parking located to the south and east and 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. |
| 45 | Mobility/Transportation Guideline 7: Circulation | A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites. | ✓ | The proposal will expand existing parking located to the south and east and 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. |
| 46 | Mobility/Transportation Guideline 8: Transportation Facility Design | A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land. | | |

| # | Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|----|--|---|---------------|---|
| 47 | Mobility/Transportation Guideline 8: Transportation Facility Design | A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance. | | |
| 48 | Mobility/Transportation Guideline 8: Transportation Facility Design | A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site. | | |
| 49 | Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit | A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity. | | |
| 50 | Livability/Environment Guideline 10: Flooding and Stormwater | The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices. | ✓ | MSD has provided preliminary approval of the proposal. |
| 51 | Livability/Environment Guideline 12: Air Quality | The proposal has been reviewed by APCD and found to not have a negative impact on air quality. | ✓ | The Air Pollution Control District did not comment on the proposal. |
| 52 | Livability/Environment Guideline 13: Landscape Character | A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration. | | |
| 53 | Community Facilities Guideline 14: Infrastructure | A.2: The proposal is located in an area served by existing utilities or planned for utilities. | ✓ | The proposal is located in an area served by existing utilities. |
| 54 | Community Facilities Guideline 14: Infrastructure | A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes. | | |

| # | Cornerstone 2020 Plan Element | Plan Element or Portion of Plan Element | Staff Finding | Staff Comments |
|----|---|---|---------------|--|
| 55 | Community Facilities Guideline 14: Infrastructure | A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams. | ✓ | MSD has provided preliminary approval of the proposal. |

4. Interested Party Comments

From: Dylan Ruston
To: [Allen, Ross](#); [Mabry, Brian K.](#)
Subject: Case No. 17CUP1073 and Project # 17DEVPLAN1163
Date: Friday, September 1, 2017 12:38:35 AM

Good morning,

I'm writing as a concerned citizen in the Brownsboro Glenn Subdivision which is adjacent to the applicants property. I realize the applicant is a major establishment with endless resources but I have genuine concerns with approving the rezoning and subsequent hard surface parking lot. My main concern is whether the drainage system can handle the added storm water from paving 20+ acres of green-space. It appears the grade of the proposed site does slope away from the development, but the large surface area will undoubtedly produce massive amounts of drainage that the system never encountered before. Can further assessment be required, and produced to ensure the drainage system can handle it?

My next concern is the amount of traffic. In the application, the applicant states that with the increasing size of the congregation and visitors to the cemetery, that they are deficient in parking space. While I can appreciate the applicant wanting to accommodate additional members, it's equally as important to consider the surrounding community. As it stands now, while an event is taking place there, traffic flow is extremely inefficient and poses significant safety risks. I ask that a traffic assessment be required and the parking waiver for additional parking from 801 to 965 be discouraged.

Thank you very much for hearing our concerns and I look forward to a solution.
If you are not the correct contact or case manager to receive this, please forward to them or reply with their name and contact information so I may contact them directly.

Concerned Citizen,

D. E. Ruston
843-425-0290

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 off-street parking without further review and approval by the Board.