

Board of Zoning Adjustment
Staff Report
July 24, 2023



Case No:	23-MCUP-0006
Project Name:	Louisville Memorial Gardens East Mausoleum Expansion
Location:	11601 Ballardsville Road
Owner(s):	Saber Management Kentucky, LLC
Applicant:	Coldspring USA
Jurisdiction:	Louisville Metro
Council District:	17 – Markus Winkler
Case Manager:	Molly Clark, Planner II

REQUEST(S)

- **Modified Conditional Use Permit** for (LDC 4.2.22).

CASE SUMMARY

A conditional use permit (CUP) for a cemetery and mausoleum was previously granted for the property by the Planning Commission on June 12, 2012 under docket number 09-17018-12 in conjunction with a rezoning from R-4 to OR-1 for a small portion of the site.

The applicant is proposing to construct a 52.05 x 25.11 ft mausoleum that will fit 330 crypts and 160 niches for urns. Due to the size of the expansion this case qualifies for business session in accordance with the BOZA bylaws. The applicant is proposing to expand the conditional use permit area to include the area of the proposed mausoleum.

STAFF FINDING

The modified conditional use permit is adequately justified for approval based on staff's analysis contained in the standard of review.

TECHNICAL REVIEW

Transportation Planning and MSD have preliminarily approved the plans.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR MODIFIED CONDITIONAL USE PERMIT

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

STAFF: The modification to the conditional use permit is consistent with land use and development 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: No improvements are being made that reduce compatibility with surrounding land uses or the general character of the area.

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: Necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, and emergency services are adequate to serve the proposed use are available.

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

STAFF: The modified conditional use permit remains compliant with the standards required to obtain the conditional use permit and all conditions of approval.

4.2.13 Cemeteries and Mausoleums

Cemeteries, Mausoleums, and Crematories may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the following requirements:

A. Fences - A fence, with a minimum height of 6 feet, shall be erected around the premises with openings only for ingress and egress to a public way.

STAFF: Application meets this requirement.

B. Required Yards - No required yard shall be occupied by graves. There shall be a 30 foot landscaped or open space buffer between the property line and any building, structure, or gravesite. No gravesites shall be placed closer than 30 feet from any property line and at least 30 feet from the right-of-way line for existing and planned public streets. This shall not apply to roads designed for internal circulation within the cemetery, mausoleum or crematory property.

STAFF: Application meets this requirement.

C. All roads used solely for internal circulation shall have a minimum pavement width of 16 feet and a minimum shoulder width of 6 feet on each side of the pavement. Roads providing access to chapels or offices shall have minimum pavement width of 20 feet.

STAFF: Application meets this requirement

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Modified Conditional Use Permit** for a Mausoleum/Cemetery (4.2.13)

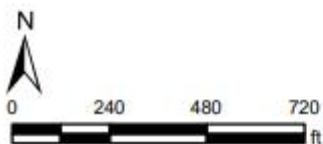
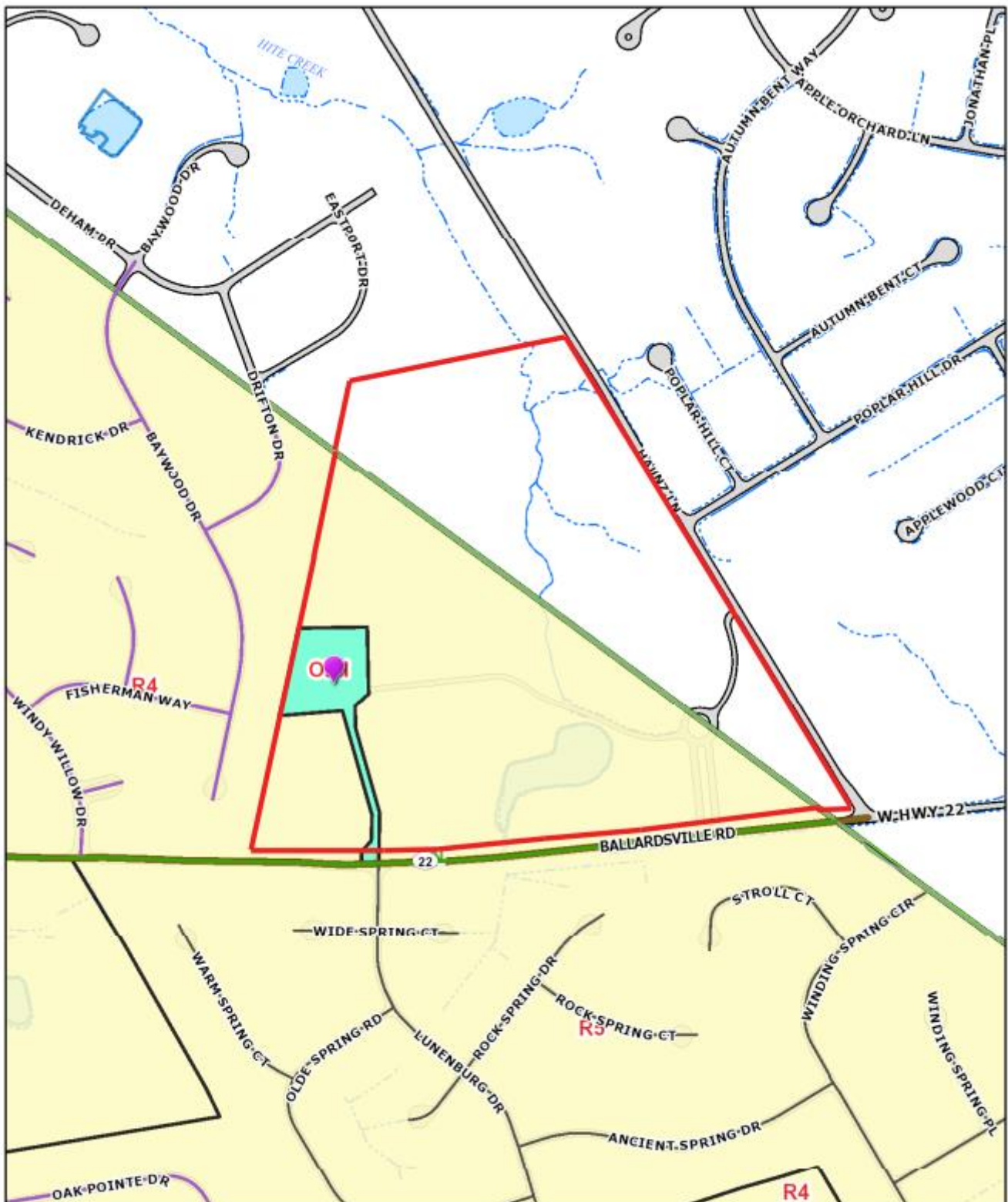
NOTIFICATION

Date	Purpose of Notice	Recipients
N/A	Hearing before BOZA	Registered Neighborhood Groups in Council District

ATTACHMENTS

1. Zoning Map
2. Aerial Map
3. Site Plan
4. Renderings/Elevations
5. Existing Conditions of Approval
6. Proposed Conditions of Approval

1. Zoning Map



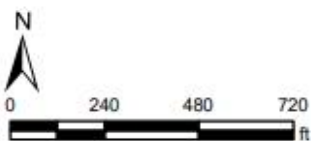
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This map is not a legal document and should only be used for general reference and identification

2. Aerial Map



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Area of Modified Conditional Use Permit

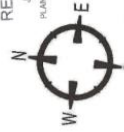


3. Site Plan

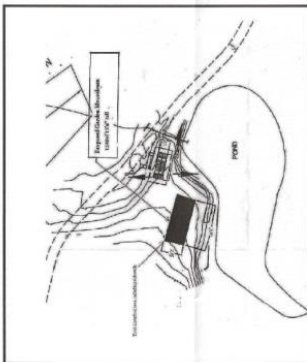


- Construction plans and documents shall comply with Louisville and Jefferson County Metropolitan Sewer District's Design Manual and Standard Specifications and other local, state and federal ordinances.
- Total Site disturbance 2723sf (includes sidewalks)
- Existing impervious 1.78 Acres
- Proposed impervious .063 acres
- 3.4 % increased impervious surface
- This project is subject to MSA Water Quality Regulations once the incremental area of disturbance sums equal to or greater than 1 acre of disturbance. Per this preliminary development plan, the area of disturbance is 2723 sf.
- An EPSC plan shall be developed and approved in accordance with MSD Design Manual and Standard Specifications prior to construction plan approval.
- Site is subject to regional facility fee's, any further development of this site may require storm water mitigation or evaluation.
- MSD site disturbance permit required prior to issue of permits.

RECEIVED
JUL 14 2023
PLANNING & DESIGN
SERVICES



WM440647



Data:	22.57 Acres
Total Site Area	1.78 Acres
Existing CUP	98-1-1.78 Acres
Existing Zoning CUP	98-1-1.78 Acres
Existing Zoning Remaining	98-1-1.78 Acres
Existing Form District	NFD
Existing Use	Cemetery
Existing Building Area	1414 SF
Existing Building Area	305 SF
Existing Building Area	805 SF
Existing Building Area	1318 SF
Existing Building Area	1350 SF
Existing Building Area	2615 SF
Existing Building Area	1450 SF
Existing Building Area	1340 SF
Existing Building Area	122%
Percent of Increase	2723 SF
Total Site Disturbance	

Dust Mitigation Plan
-Reduce excavation during windy conditions
-Cover stockpiles as needed that do not receive vehicle traffic
-Very low vehicle speeds in construction areas.

4. Renderings/Elevations



5. Existing Conditions of Approval

1. This Conditional Use Permit shall be exercised within one (1) year and under the following conditions which are applied to this approval:
 - a. The funeral home shall abut on a major or minor arterial roadway as designated may the Comprehensive Plan
 - b. One non-flashing identification sign, not to exceed 48 square feet in area and not to exceed 10 feet in height, may be allowed if such sign is not in or over a required yard
 - c. The main building shall be located at least 30 feet from any property line.

7. Proposed Revision to Conditions of Approval

1. This Conditional Use Permit shall be exercised within one (1) year and under the following conditions which are applied to this approval:
 - a. The funeral home shall abut on a major or minor arterial roadway as designated by Plan 2040 Core Graphic 11: Roadway Classification.
 - b. One non-flashing identification sign, not to exceed 48 square feet in area and not to exceed 10 feet in height, may be allowed if such sign is not in or over a required yard
 - c. The main building shall be located at least 30 feet from any property line.