

# Board of Zoning Adjustment

## Staff Report

February 18, 2019



<b>Case No:</b>	18CUP1167
<b>Project Name:</b>	Existing Church Campus
<b>Location:</b>	9900 Brownsboro Road
<b>Owner/Applicant :</b>	Northeast Christian Church, Rhonda Lamb-Laguna
<b>Representative:</b>	Sarah Beth Sammons, RLA, Land Design & Development, Inc.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	#17 – Markus Winkler
<b>Case Manager:</b>	Steve Hendrix, Planning & Design Coordinator

### REQUEST:

Conditional Use Permit to allow a Private Institutional Use in a Single Family Zoning District, Land Development Code 4.2.65., which became effective August 2017, with the relief of listed requirement 4.A. (off-street parking to be at least 30 feet from residential use or residential zoning district). The final request mentioned the removal of the house facing Chamberlain Lane, but that does not require a Conditional Use Permit. The site will be subject to the requirements of the Wrecking Ordinance Subsection 150.110 and a potential 30 day hold on the permit.

### **CASE SUMMARY/BACKGROUND**

The 18.83 acre Northeast Christian Church site is located on the southeast corner of the Chamberlain Lane/Brownsboro Road intersection in an R-4 Zoning District and Regional Center Form District. The proposal is simply to bring the church property into compliance as a private institutional use in a single family zoning district. The campus contains a 44,271 square foot worship center, a 52,700 square foot student center and youth ministries building, a 3,600 square foot metal office building and an 800 square foot metal storage building. The residential looking structure facing Chamberlain Lane is vacant and will eventually be removed. The property also contains 942 parking spaces. Old Brownsboro Crossing is northwest of the church property, Chamberlain Pointe is west of the subject property, Brownsboro Glen subdivision is south and east of the church and retail stores are north of the site across Brownsboro Road.

### **STAFF FINDING / RECOMMENDATION**

There are 5 listed requirements and all have been met, except 4.A. Off-street parking is only 15 feet along the eastern and southern property lines of the southwestern parking lot off of Chamberlain Lane.

The proposal meets the requirements of the Land Development Code and guidelines of the Comprehensive Plan, specifically Regional Center.

Based upon the information in the staff report, 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 Land Development Code for a Conditional Use Permit to allow a Private Institutional Use in a Single Family Zoning District.

### **RELATED CASES**

#### **B-12065-09**

Category 3 Review, variances and waivers to allow a church expansion.  
Approved by the Louisville Metro Board of Zoning Adjustment on December 15, 2008.

#### **17CUP1073**

Conditional Use Permit, variance and landscape buffer area waiver for off-street parking in an R-4 zoning district. 9808 Brownsboro Road. (Eastern parking)  
Approved by the Board of Zoning Adjustment on October 16, 2017.

### **TECHNICAL REVIEW**

None

### **INTERESTED PARTY COMMENTS**

A neighborhood meeting was held on December 18, 2018.  
There were two residential attendees at the meeting.  
An additional Chamberlain Lane entrance/exit was discussed at this meeting, but has been eliminated from the current request.

### **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 is consistent with the applicable policies of the Comprehensive Plan, in particular the Regional Center Form District.

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 is compatible with the surrounding land uses and the general character of the area, since the buildings are generally concentrated away from the residential 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: Transportation Planning and MSD have given preliminary approval.

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

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. Applicant is requesting relief from this requirement since the southern and eastern portions of the southwest parking lot has parking spaces approximately 15 feet from the residentially zoned Brownsboro Glen subdivision.

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

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.

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

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.

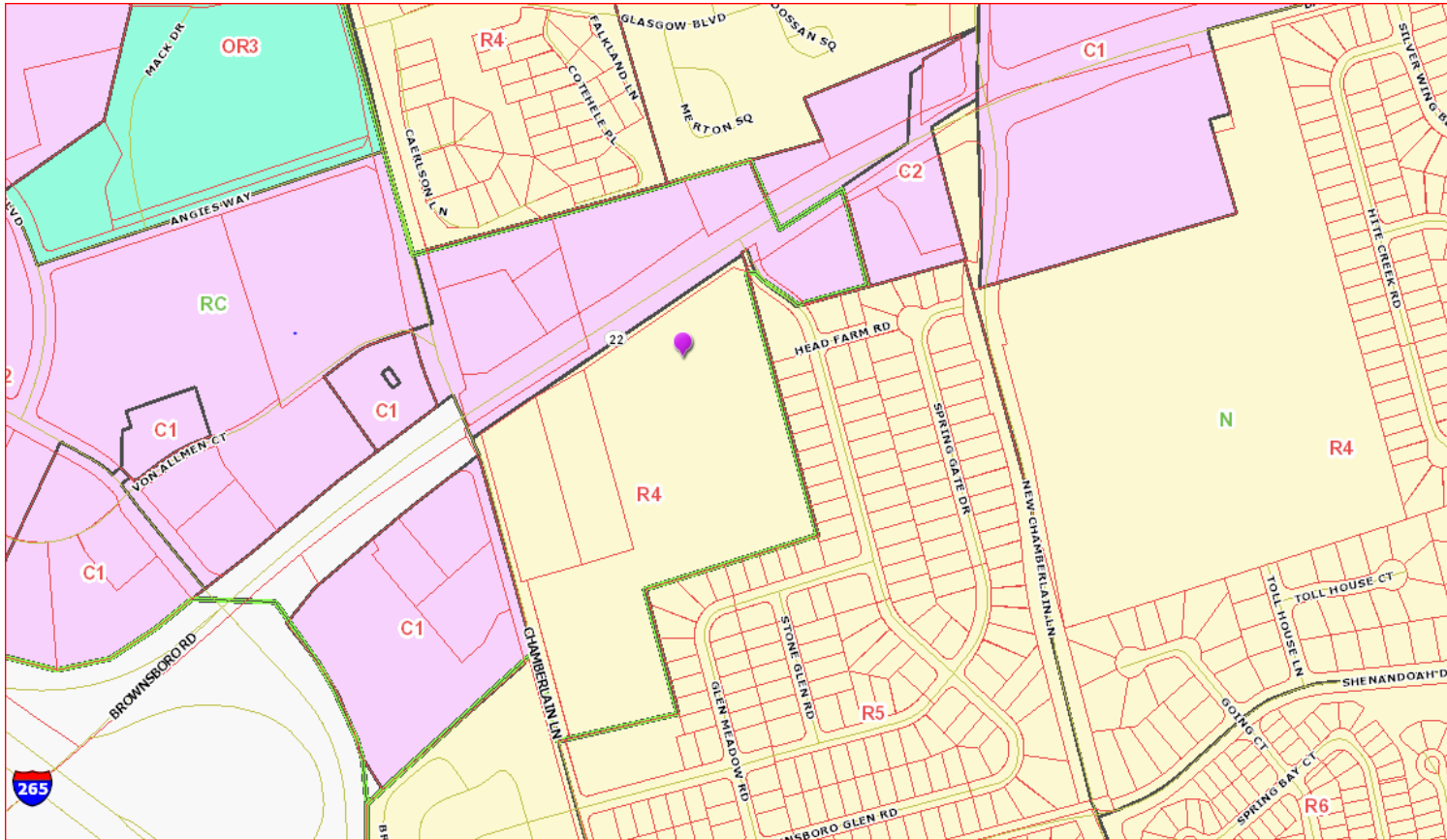
**NOTIFICATION**

Date	Purpose of Notice	Recipients
02/04/2019 02/06/2019	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 17
02/08/2019	Hearing before BOZA	Sign Posting

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Comprehensive Plan
4. Conditions of Approval
5. Site Plan
6. House
7. Neighborhood Meeting Letter, Minutes, Final Request

# Zoning Map



# Aerial Map



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			
2.1	Evaluate the appropriateness of a land development proposal in the context of: 2.1.1. the description, character and function of the Form District designated for the area in which the subject site is located; 2.1.2. the intensity and density of the proposed land use or mixture of land uses; 2.1.3. the effect of the proposed development on the movement of people and goods; and 2.1.4. the compatibility of the proposed use or uses with surrounding uses including the relationship of the use, mass, scale, height, materials, building footprint, orientation, setback and design of the proposed building or buildings with that of surrounding buildings.	+	The church property is part of the Regional Center that includes Old Brownsboro Crossing, Chamberlain Pointe and the commercial space north across Brownsboro Road.
3.1.6	Regional Centers – see 1.3.1.6 – page 42-43	+	Same as above

### **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 in a single family residential zoning district without further review and approval by the Board.

Brownsboro Road View





Chamberlain Lane View of Storage Building & Vacant House



View from Brownsboro Road & Chamberlain Lane

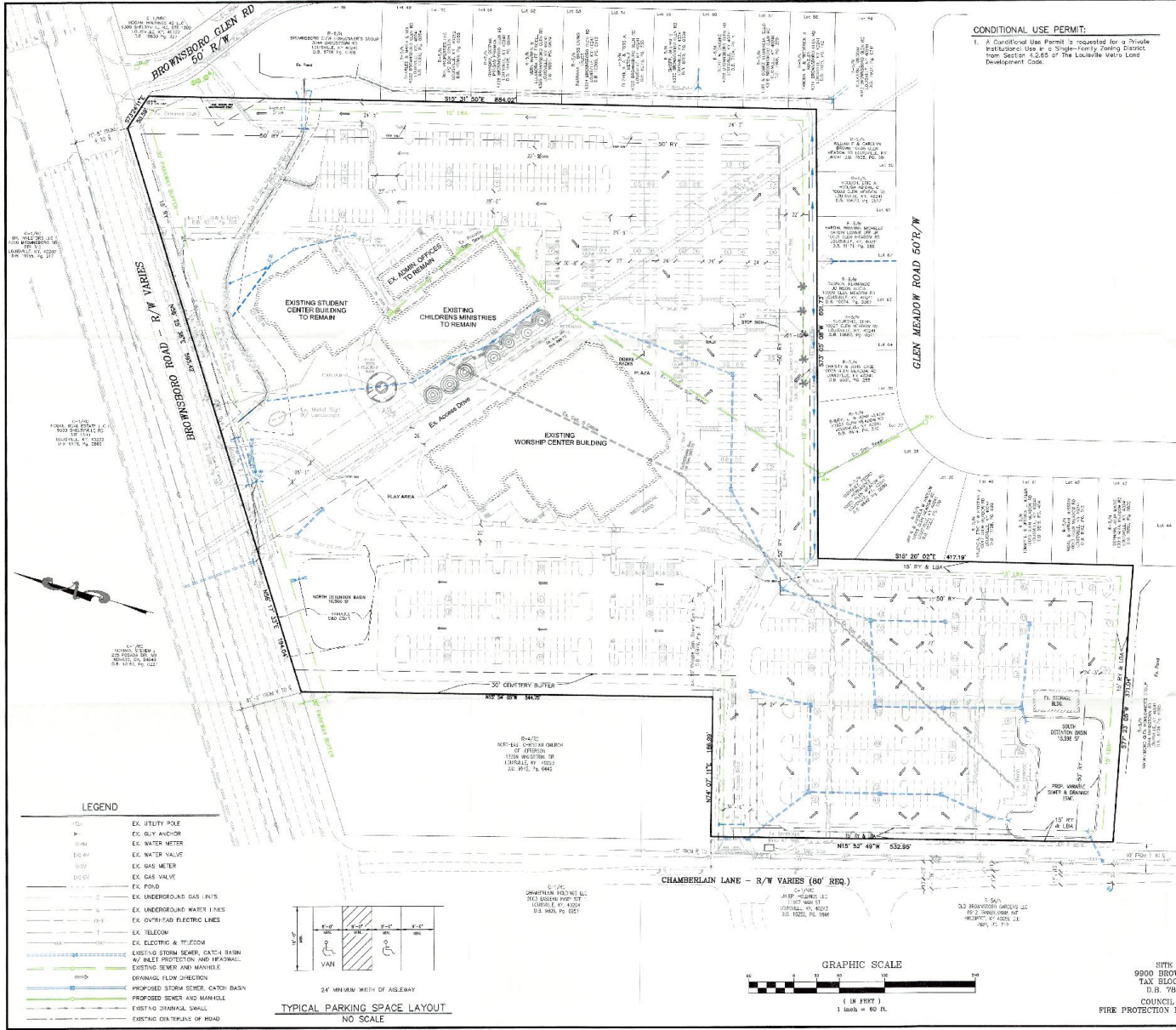


Looking north toward Brownsboro Road from southeast side parking lot.



From east side parking toward Student Center/office.





Hendrix, Steve

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**From:** Gorman, Becky  
**Sent:** Wednesday, December 19, 2018 3:50 PM  
**To:** Hendrix, Steve  
**Subject:** RE: 18CUP1167

Is it this house? I tried that address in PVA but it didn't come up. Anyway, it would be subject to the wrecking ordinance. This structure is potentially eligible for the National Register of Historic Places. This site will be subject to the requirements of the Wrecking Ordinance Subsection 150.110 and a potential 30-day hold on the permit.



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**From:** Hendrix, Steve  
**Sent:** Wednesday, December 19, 2018 2:39 PM  
**To:** Gorman, Becky  
**Subject:** 18CUP1167

9900 Brownsboro Road



Land Design & Development, Inc.

November 29, 2018

Dear Neighbor,

You are invited to a Neighborhood Meeting on a proposed Conditional Use Permit for Northeast Christian Church, 9900 Brownsboro Road, Louisville, Ky. Northeast Christian Church is proposing to add an entrance/exit to Chamberlain Lane in response to neighbors' concerns about traffic. The proposed entrance will be one way in before church services and one way, exiting southbound, after services.

This will be an informal meeting to give you the opportunity to review the proposed plan and discuss the proposal with the developer and their representative. This meeting will be held in addition to the established public meeting procedures of the Planning Commission and the Board of Zoning Adjustment.

Date: Tuesday, December 18<sup>th</sup>, 2018 at 5:30 p.m.  
Location: Northeast Christian Church  
9900 Brownsboro Road  
Student Center Room #201  
Louisville, KY 40241

The Conditional Use Permit Pre-Application was filed with the department of Louisville Metro Planning & Design Services on November 26<sup>th</sup>, 2018.

Case number: 18CUP1167  
Case Manager: Steve Hendrix  
Metro Development Center, 444 S. 5<sup>th</sup> Street, 3<sup>rd</sup> Floor, Louisville, KY 40202  
Phone: 502.574.6230  
Email: [Steve.hendrix@louisvilleky.gov](mailto:Steve.hendrix@louisvilleky.gov)

If you cannot attend the meeting but have questions or concerns, please call our land planning and engineering firm representatives Sarah Beth Sammons, RLA or Kevin Young, RLA at 502.426.9374.

We look forward to seeing you.

Sincerely,  
Northeast Christian Church of Jefferson County  
Wehr Construction  
Land Design & Development, Inc.

503 Washburn Avenue, Suite 101 • Louisville, KY 40222 • 502.426.9374 • [idd-inc.com](http://idd-inc.com)

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18 CUP 1167







Land Design & Development, Inc.

## Neighborhood Meeting Minutes

Project: 02014LA Northeast Christian Church – Chamberlain Lane Entrance

Presenters: Sarah Beth Sammons, PLA - Land Design & Development, Inc.

Date: December 18 at 5:30 p.m.

Location: Northeast Christian Church, 9900 Brownsboro Road, Student Center Room 201

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A representative from Land Design & Development, Inc. conducted a Neighborhood Meeting, required by Louisville Metro Planning and Design Services, to discuss the proposed Conditional Use Permit and the proposed entrance drive off Chamberlain Lane. The following are notes from that presentation and the subsequent questions posed by the attendees and discussion of the proposed project:

Sarah Beth Sammons, RLA discussed the proposal with the two neighbors in attendance and discussed the site's proposal:

- The Conditional Use Permit application and process was discussed.
- The proposed drive from the existing parking lot to Chamberlain Lane was pointed out on the site plan overlay on an aerial of the site.
- Traffic before and after church services was discussed and explanation of how the proposed entrance will help alleviate the traffic backups.
  - The owner discussed how their current traffic flows in and out of the site, directed by Louisville Metro Police Officers.
  - The proposed drive will allow church goers to only enter the parking lot by turning left into the existing park lot from Chamberlain Lane's northbound traffic.
  - After services the drive will become one way, right out, to allow church traffic to go south on Chamberlain Lane, taking the burden off the Chamberlain Lane/Brownsboro Road intersection.
- Neighbor Vijay Addala asked if the proposed construction would affect the Brownsboro Glen Neighborhood.
  - The proposed construction's location and impact to the surrounding landscape was discussed.
- Both neighbors verbally stated they were not in opposition to the entrance or demolition of the existing house.
- Meeting concluded at 5:47 p.m.

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Land Design & Development, Inc.

**Conditional Use Permit Application  
Letter of Explanation  
February 7, 2019  
Northeast Christian Church  
9900 Brownsboro Road, Louisville, KY  
Related Cases: 18CUP1167**

A Conditional Use Permit is requested for the subject site, per the Louisville Metro Land Development Code, Section 4.2.65: Private Institutional Use in a Single-Family Zoning District and a proposal to demolish an existing residential structure at the southwest corner of the subject site.

All other plan elements remain the same as depicted on the previously approved plans: B-12065, 17DEVPLAN1163, & 17CUP1073. The property is zoned R-4 and is located in the Regional Center Form District.