

Board of Zoning Adjustment Staff Report

December 5, 2016



Case No:	16CUP1045
Project Name:	None
Location:	1971 Richmond Drive
Owners:	NCS Properties III, LLC
Applicant:	NCS Properties III, LLC
Representative(s):	Gordon Rose, Ann Richard
Project Area/Size:	0.26 acres
Existing Zoning District:	R-5, Residential
Existing Form District:	TN, Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	8 – Tom Owen
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

Continued from November 7, 2016 Public Hearing

REQUEST

- Modified Conditional Use Permit to amend condition of approval #4

CASE SUMMARY/BACKGROUND

In 1992, the Calvary Evangelical Lutheran Church Council, the prior owner of the property, applied for a Conditional Use Permit and Variance to allow an off-street parking lot. In its application, the church stated that the parking lot would be used “exclusively for and by individuals attending various church sponsored activities when such are scheduled.” However, the church indicated it would allow neighboring commercial users to also utilize the lot when such activities were not scheduled as the church and nearby commercial users “do not generally operate during the same hours.” As a result the following condition was approved:

4. The off-street parking lot shall be used only by the members and guests of the Calvary Evangelical Lutheran Church, and businesses in the 1900 block of the west side of Bardstown Road.

In 2016, NCS purchased the property as well as 1838 Bardstown Road upon which the church building is located. NCS desires to redevelop the church building as a mixed residential and commercial development containing 3,025 square feet of restaurant space and 9 units of residential space. As a result, NCS desires to amend condition of approval number 4 to state:

4. The off-street parking lot shall be used only by the tenants and occupants of 1838 Bardstown Road, and their respective customers and invitees.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Off-Street Parking	R-5	TN
Proposed	Off-Street Parking	R-5	TN
Surrounding Properties			
North	Various Commercial	C-2	TN
South	Residential	R-5	TN
East	Residential	R-7, C-2	TN
West	Residential	R-5	TN

SITE CONTEXT

The site is rectangular in shape and fronts on the northwest side of Richmond road approximately 74 feet, and extends to a depth of approximately 155 feet. The rear portion of the site fronts on a 14 foot existing paved alley.

PREVIOUS AND ASSOCIATED CASES ON SITE

B-71-87 and B-72-87 Conditional Use Permit for off-street parking and variance for yard encroachment by the applicant on 1971 and 1973 Richmond Drive. The Board denied requests on May 18, 1987.

B-19-92 and B-20-92 Conditional Use Permit for off-street parking and variance for yard encroachment by the applicant on 1971 and 1973 Richmond Drive. The Board approved requests on March 2, 1992.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on August 31, 2016. All property owners adjoining the subject property, as well as those businesses operating in the 1900 block of the west side of Bardstown road, were notified of the meeting by regular mail. At the meeting, attendees commented favorably about the proposed redevelopment of the building. However, concerns were expressed about additional parking demands that could be placed upon Richmond Drive. With regard to the proposed revision to the condition of approval, Fred Levein of B450 Properties indicated he would oppose the request as the church has allowed the customers of the nearby businesses to park in the lot for over twenty years. Kevin Oetken of Nance Realty also stated he would oppose the request, as he had relied on the condition of approval when he purchased the property at 1904 – 1908 Bardstown Road.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS
FOR CONDITIONAL USE PERMITS**

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

STAFF: The proposal is consistent with the Comprehensive Plan since the parking area is paved and striped to meet Land Development Code requirements.

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 surrounding land uses with respect to scale, intensity, traffic, drainage. The site has been used for parking for a number of years.

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: Transportation Planning and the Metropolitan Sewer District have reviewed and approved the plan. The Louisville Fire District #4 did not provide comments 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. There are six requirements and all have been met.

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.

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.

TECHNICAL REVIEW

There are no outstanding technical review items.

STAFF CONCLUSIONS

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, BOZA must determine if the proposal meets the standards for granting the modified CUP as established in the LDC.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the modified Conditional Use Permit

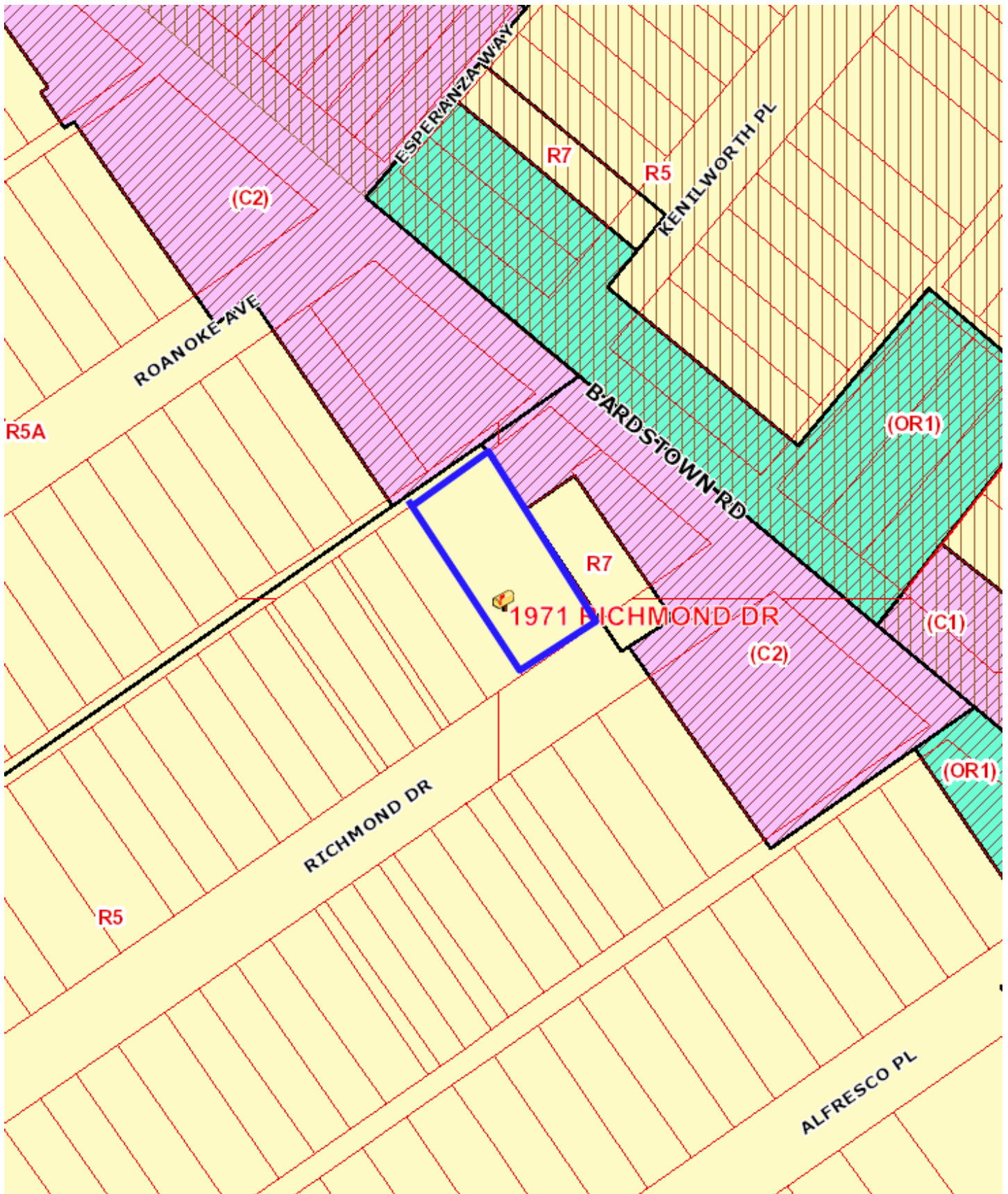
NOTIFICATION

Date	Purpose of Notice	Recipients
10/13/16	Notices	Adjoining Properties
10/14/16	Post the Sign	Site

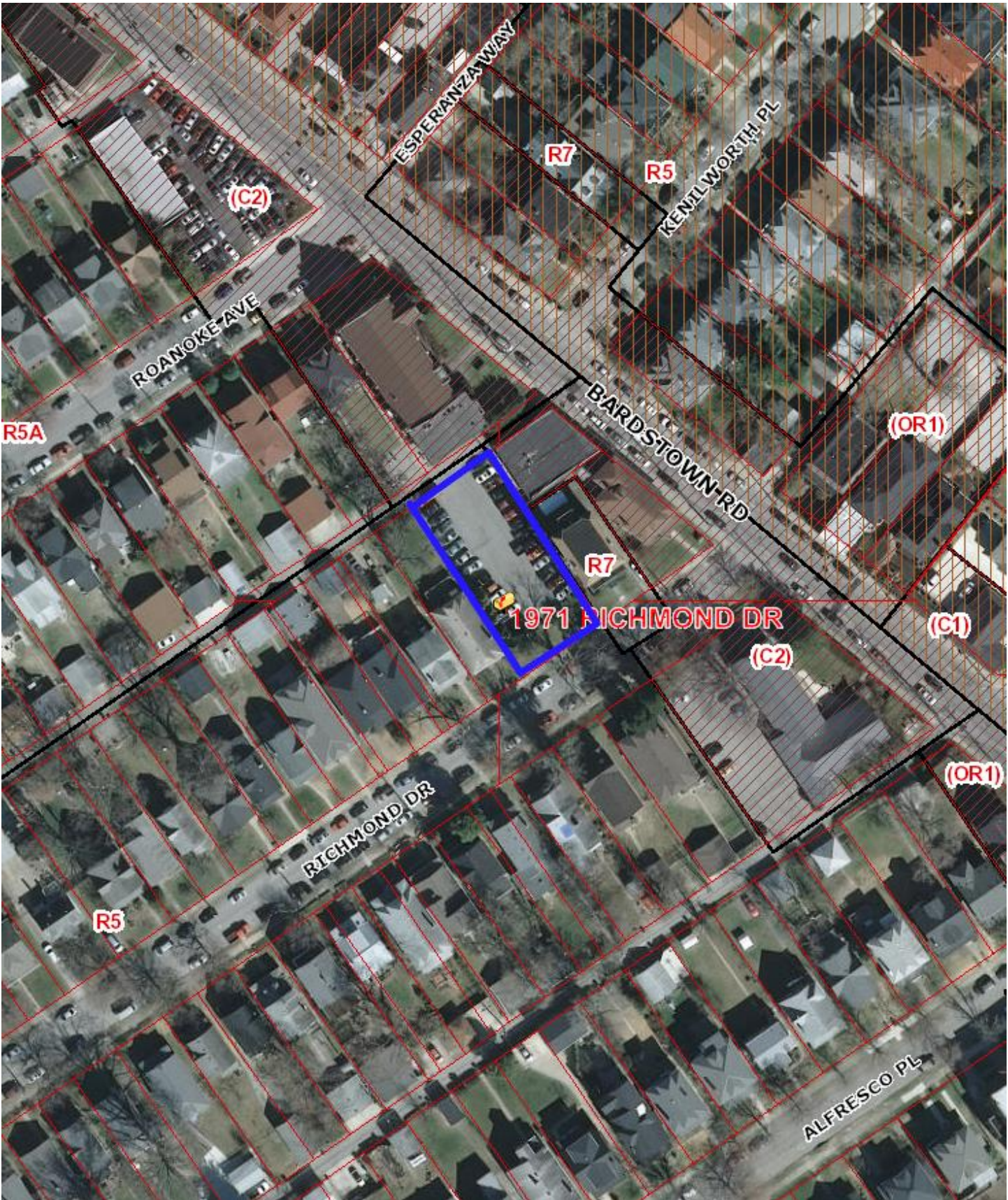
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Conditions of Approval

1. Zoning Map



2. Aerial Photograph



3. Existing Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan. No further development shall occur on the site without prior review and approval by the Board.
2. No site preparation or construction of the off-street parking lot shall begin until the applicant obtains construction approval from the Metropolitan Sewer District.
3. Prior to the use of the site for an off-street parking lot, the applicant shall consolidate the two parcels by appropriate legal means.
4. The off-street parking lot shall be used only by the members and guests of the Calvary Evangelical Lutheran Church, and businesses in the 1900 block of the west side of Bardstown Road.
5. The off-street parking area shall be landscaped in accordance with the provisions of Article 12 of the Zoning district Regulations. A landscaped plan for this site shall be approved by the staff landscape architect prior to construction of the off-street parking lot.
6. The conditional Use Permit shall be "exercised" as described in KRS.100.237 within one year of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for an off-street parking lot without further review and approval by the Board.
7. The parking area shall not extend beyond the front building lines of the existing housing on the street.
8. There shall be no removal of trees along the front property line.
9. The dirt shall be replaced on the green space area.
10. There shall be no curb cut, or any entrance or exit for vehicles on Richmond Drive.
11. Bushes shall be placed at the rear of the lawn area to screen the new parking area.
12. Steps shall be provided for Richmond Drive onto the parking area.
13. Lighting for the parking area shall be controlled from the church and will not remain on all night.
14. Any landscape waivers required shall be approved by the Land Development and Transportation committee of the Planning Commission.