

Board of Zoning Adjustment

Staff Report

May 01, 2023



Case No:	22-CUP-0376
Project Name:	UCHM Food Pantry
Location:	1815 Arlington Avenue
Owner/Applicant:	Franklin School Partners, LTD
Representative:	Becky Roehrig, River City Housing
Jurisdiction:	Louisville Metro
Council District:	9 – Andrew Owen
Case Manager:	Heather Pollock, Planner I

REQUEST

Conditional Use Permit for a Community Service Facility in R-7 zoning and Traditional Neighborhood form district.

CASE SUMMARY/BACKGROUND

The applicant proposes to use an existing building and existing parking for a food pantry. This use is currently operating on the adjacent parcel and the applicant proposes to repurpose the vacant boiler building on the subject property. The applicant proposes no external changes to the building or the property.

STAFF FINDING/RECOMMENDATION

There are eight listed requirements. Based upon the information in the staff report and 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 LDC for a Conditional Use Permit.

RELATED CASES

09-082-02: Rezoning from R5-A to R-7 multi-family zoning district.

TECHNICAL REVIEW

The plan has received preliminary approval from MSD and Transportation Planning.

INTERESTED PARTY COMMENTS

An interested party comment was received by staff and is attached to this agenda item.

A neighborhood meeting was held on November 30, 2022; there was one attendee.

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 does not conflict with Comprehensive Plan policies.

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: When appropriately managed, the proposed use is compatible with surrounding development and land 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: The subject property is served by existing public utilities and facilities. The proposal will not create substantial additional requirements for the site.

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

4.2.54. Community Service Facility may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, UN, R-5A, R-5B, R-6, R-7, R-8A, M-1, M-2, M-3, W-1, W-2, W-3, TNZD (Neighborhood General) districts upon the granting of a conditional use permit and compliance with the listed requirements.

A. General Standards – All Zoning Districts

1. Parking spaces shall be determined by the board of zoning based on the number of employees and the potential number of visitors to the site as described by the applicant in a parking study of similar uses. ***Staff does not know the number of employees; the applicant needs to address this at the public hearing. The pantry serves 140-150 households per month. There is an existing parking lot behind the structure. In addition, there is an existing shared parking agreement with the adjacent property to the north.***
2. Signage for community service facility shall be in accordance with chapter 8 of the LDC for nonresidential uses. ***Signage will be Land Development Code compliant.***
3. All applicable land development code requirements including but not limited to floor area ratio, building setback, landscape buffers and building heights shall be maintained. ***The community service facility will be located in an existing structure. The applicant proposes interior renovations only.***
4. Conversion of Existing Structures: A report from the applicable fire official shall be provided to the Board outlining the necessary steps for compliance with fire code safety standards prior to establishing occupancy of the structure for the proposed use. ***The community service facility will need to have the applicable fire code official's approval before occupancy.***

B. Conditional Use Standards – Single Family Zoning Districts Only:

1. Signs - There shall be allowed one non-illuminated sign identifying the name and use, which sign shall be limited in size to four square feet and be placed on the building. ***Signage will be Land Development Code compliant.***

2. Residential Structure - The structure shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential. ***The structure is not residential.***

3. Alterations or Improvements to the Structure - Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time. ***The structure is not residential.***

4. Off-street parking not located within a driveway shall be located to the side or rear of the building(s). ***The off-street parking will be located behind the existing structure.***

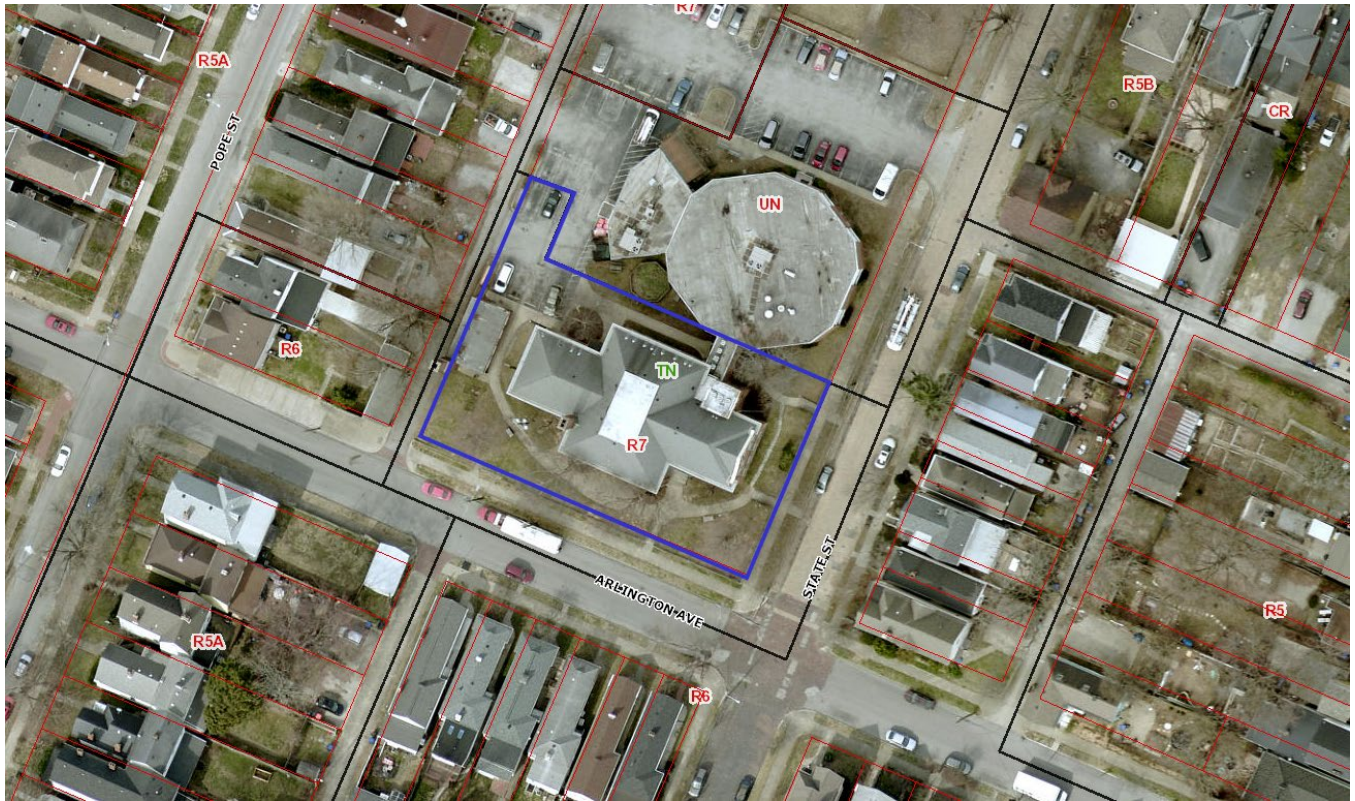
NOTIFICATION

Date	Purpose of Notice	Recipients
04/15/2023	Hearing before BOZA	1 st and 2 nd tier adjoining property owners and residents Registered Neighborhood Groups in Council District 9
04/19/2023	Hearing before BOZA	Sign Posting

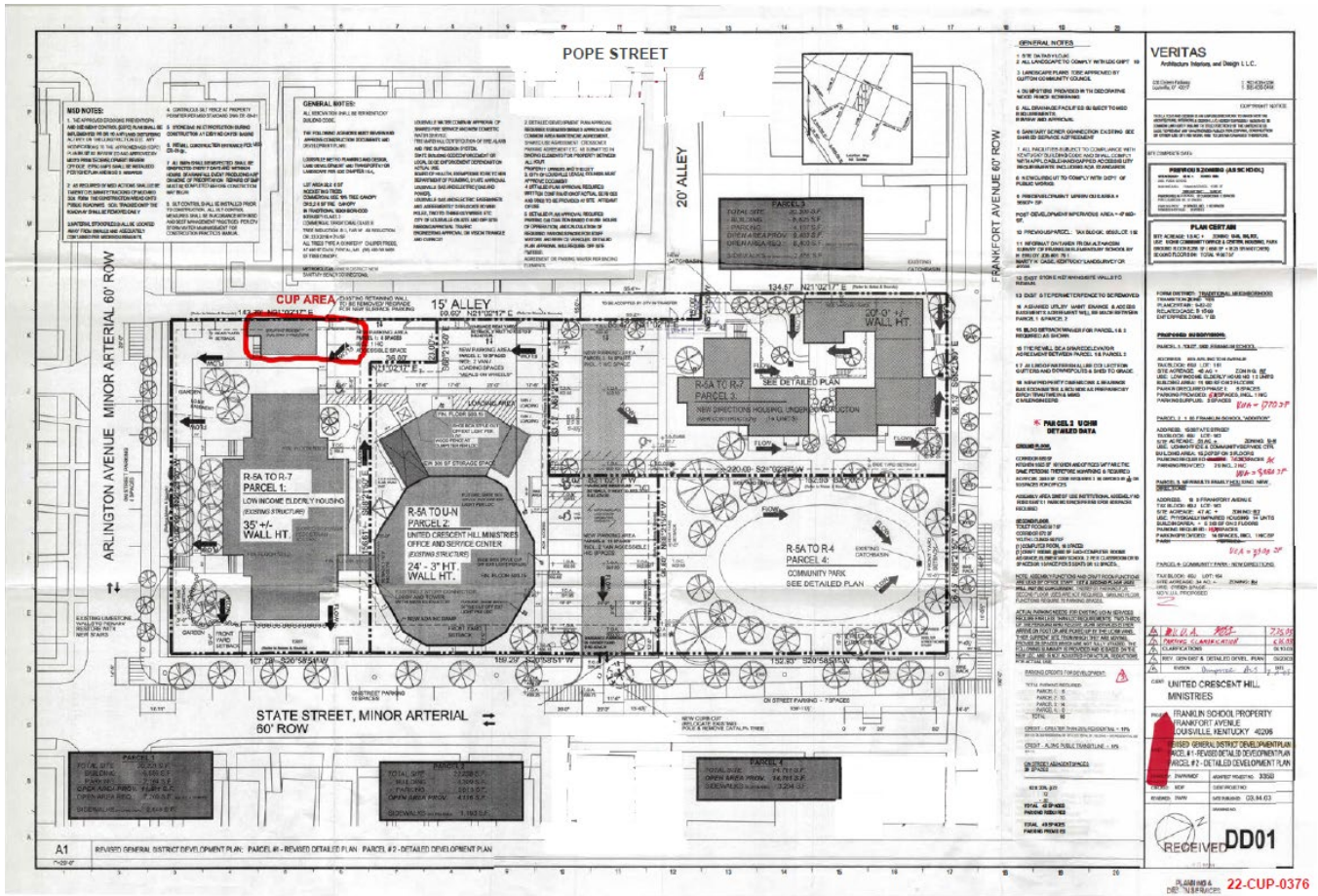
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Conditions of Approval
4. Site Plan
5. Site Photos

2. Aerial Photograph



3. Site Plan



4. 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 rehabilitation home use until further review and approval by the Board.
3. The existing parking agreement for the subject property shall remain in effect for the term of the conditional use permit.

5. **Site Photos**



View of boiler building looking south.



Primary structure on subject site, to the east of the boiler building.



Existing location of UCHM Food Pantry on adjacent parcel to the north.



Properties to west of subject site.



Across Arlington Ave from subject site.