

Board of Zoning Adjustment
Staff Report
October 7, 2019



Case No.	19-CUP-0061
Project Name	Parking Addition
Location	14910 Taylorsville Road
Owner	Trustees of First Baptist Church
Applicant	Mindel Scott & Associates
Jurisdiction	Louisville Metro
Council District	20 – Stuart Benson
Case Manager	Beth Jones, AICP, Planner II

REQUEST

Conditional Use Permit (19-CUP-0061) for Private Institutional Use in a Single-Family Residential Zoning District (LDC 4.2.65)

Waiver (19-WAIVER-0031) of sidewalk requirement for south property frontage (LDC 5.8.1.B.)

CASE SUMMARY / BACKGROUND

The applicant proposes to add parking spaces to an existing parking lot for a church. The site is located between Taylorsville Road and Old Taylorsville Road, east of S. English Station Road. To the north, across Taylorsville Road, it is bordered by a railroad line.

The site and adjoining properties to the east and west are zoned R-4 Single-Family Residential; the adjoining sites are in single-family residential use. An additional parcel adjoining the northeast corner of the site contains a fire department facility. Properties to the north are zoned R-R Rural Residential and M-2 Industrial. Properties to the south are zoned R-4 in single-family residential and farmland use. All adjoining properties are in a Neighborhood form district.

The site is currently developed with a church structure consisting of two buildings connected by an enclosed breezeway. In addition, there are two residential structures and a detached garage, all of which are in use by the church for non-residential purposes. Existing parking is located on the north side of the site along Taylorsville Road, in front of the church building and to the east of one of the residences. The proposed new parking will extend the existing lot to the west toward the residence located to the west of the church structures. The proposed number of parking spaces meets requirements. Additional parking is located to the rear of the church structure.

Existing site development includes two access points from Taylorsville Road. One leads to the existing parking located at the front of the church structure at the eastern end of the site; the other leads to the existing residence and detached garage located to the west of the existing parking area. A third access point onto the site from Old Taylorsville Road leads to a parking area located at the rear of the church structure and a driveway which provides a connection to the front parking area.

Neither this rear parking area nor the access point meet LDC dimensional standards. Following review by Transportation Planning staff, the parking spaces are to remain, although because they do not meet LDC standards they may not be counted toward parking requirements for the site. The applicant is also required to remove existing pavement in this area as needed to bring the access point into compliance with LDC standards by reducing it to a width of 24 ft.

An existing sidewalk runs along the Taylorsville Road frontage from the eastern property boundary toward the west property line. Following Transportation Planning review, the applicant is being required to extend that sidewalk approximately 115 ft to connect with the existing driveway serving the existing residential structure. At such time as further development occurs on the site, extensions of the sidewalk on this property frontage will be required commensurate with the extent of the new development proposed.

This sidewalk extension is intended to eventually provide a connection to adjoining properties to the west, as per Floyds Fork Overlay requirements for pedestrian access. This includes a sidewalk currently under construction at a site located at the intersection of Taylorsville Road and S. English Station Road, approximately 685 ft to the west of the subject site.

The applicant is requesting a waiver of sidewalk requirements for the southern site frontage along Old Taylorsville Road.

RELATED CASES

The site is located within the Floyds Fork Review Overlay area and is subject to FFRO review (LDC 3.1). The proposed development was reviewed and approved by the DRC on 9/18/2019 (19-FFO-002). At such time as further development occurs on the site, additional reviews will be required in order to ensure that Overlay requirements are met.

STAFF FINDING

The proposal meets the requirements and standards of the requested CUP. The requested sidewalk waiver is adequately justified.

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 for granting a Conditional Use Permit as established by the Land Development Code.

TECHNICAL REVIEW

No outstanding technical review items remain to be addressed.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT (19-CUP-0061)

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

STAFF: The proposal is consistent with the Comprehensive Plan.

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 and appearance?

STAFF: The proposal is compatible with surrounding uses and with 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: The proposed development does not appear to substantially increase demands on public infrastructure and facilities.

4. Does the proposal comply with the specific standards required to obtain the requested Conditional Use Permit?

4.2.65 Private Institutional Use in a Single-Family Zoning District

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.

STAFF: The proposed new parking complies with this requirement; existing parking at the rear of the church structure does not. Following review by Transportation Planning staff, the parking spaces to the rear of the church structure are permitted to remain.

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

STAFF: The proposal has received preliminary approval from Transportation Planning staff.

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.

STAFF: The number of proposed parking spaces meeting LDC standards for the proposed use has been approved by the Planning Director.

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

STAFF: The applicant has been informed of this requirement.

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.

STAFF: The applicant has been informed of this requirement.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (19-WAIVER-0031) of requirement to provide a sidewalk along the southern site frontage on Old Taylorsville Road (LDC 5.8.1)

(a) How does the proposed waiver conform to the Comprehensive Plan and the intent of the Land Development Code?

STAFF: The waiver conforms to the Comprehensive Plan and the intent of the Land Development Code in that sidewalks will be provided elsewhere on the site in a more appropriate location.

(b) Why is compliance with the regulations not appropriate, and will granting of the waiver result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code?

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The proposed development provides for an extension of an existing sidewalk which ties into other existing and planned sidewalks along the Taylorsville Road site frontage.

(c) What impacts will granting of the waiver have on adjacent property owners?

STAFF: The waiver will not negatively impact adjacent property owners as the area is developed in large-lot residential and farmland uses and there is no existing sidewalk system in the area of the requested waiver.

(d) Why would strict application of the provision of the regulations deprive you of reasonable use of the land or create an unnecessary hardship for you?

STAFF: Application of the regulations would create an unnecessary hardship for the applicant in that sidewalks will be provided elsewhere on the site in a more appropriate location.

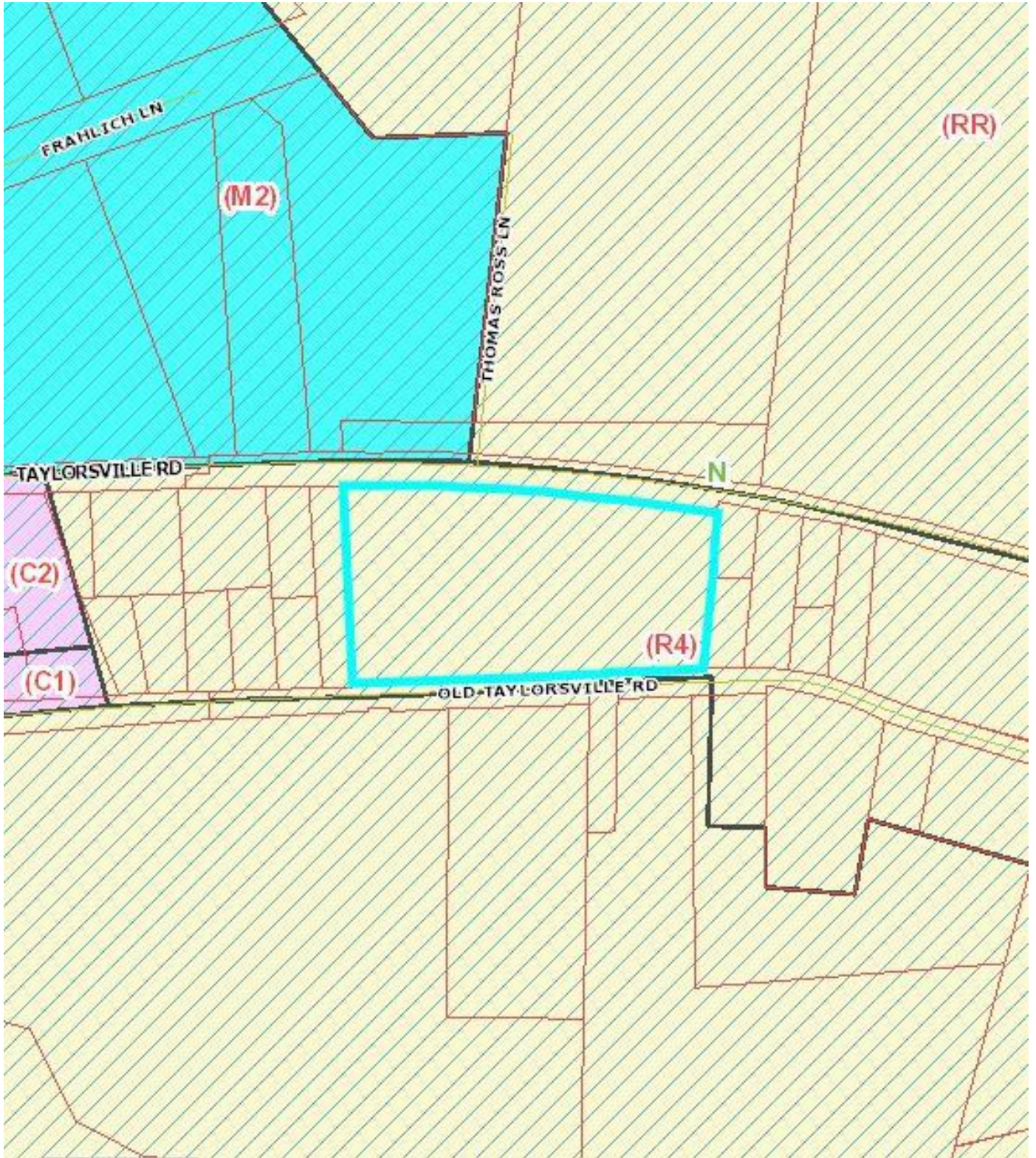
NOTIFICATION

Date	Purpose of Notice	Recipients
4/25/2019	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 20
9/23/2019	Notice of BOZA Hearing	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 20
9/30/2019		Sign Posting

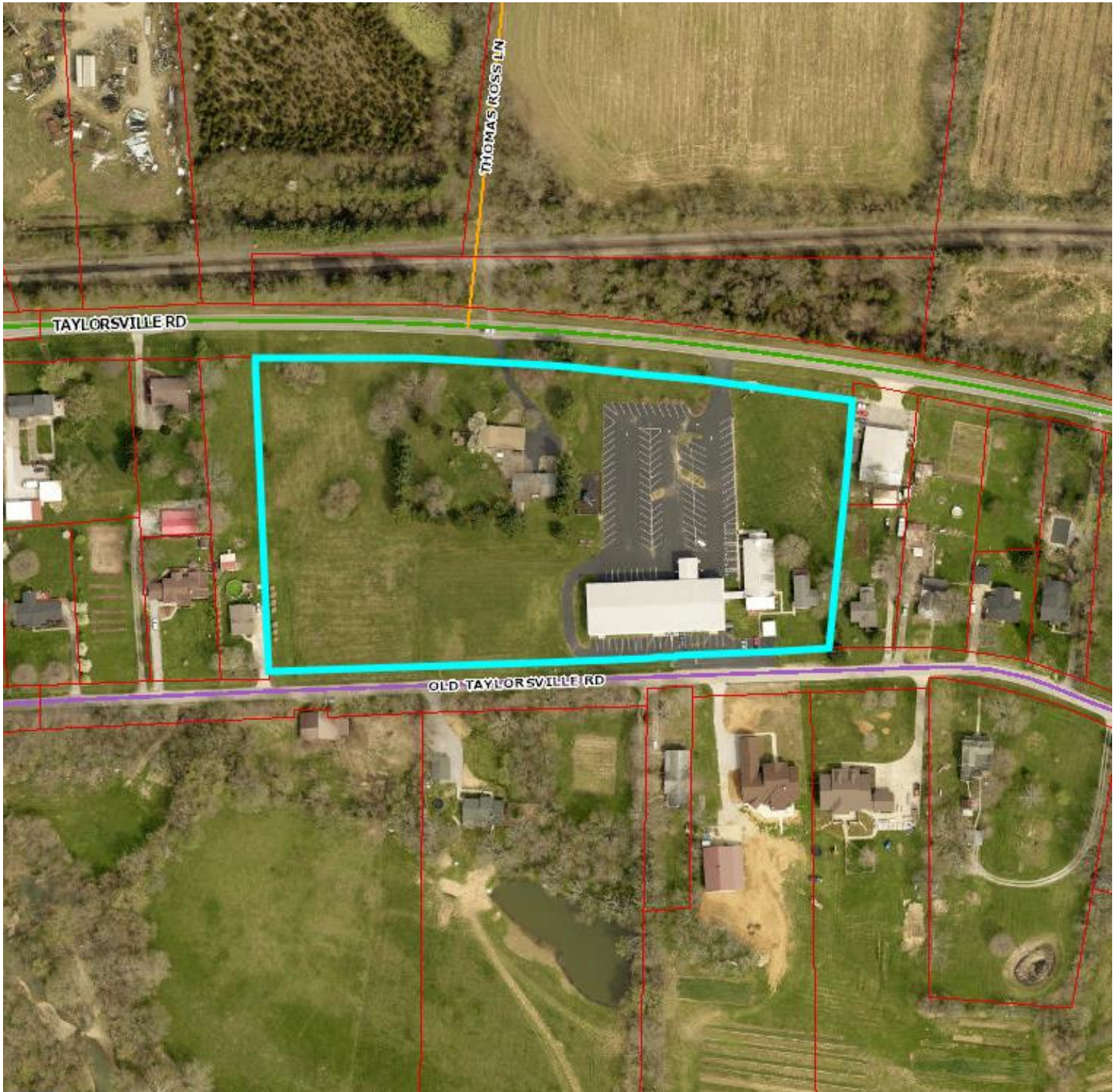
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Plan 2040 Checklist
4. Conditions of Approval

1. Zoning Map



2. Aerial Photograph



Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
17.	Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	✓	Rear access point to parking area to be modified to meet LDC standards.
23.	Mitigate adverse noise and lighting impacts and other nuisances of transportation facilities, services, and operations by considering site design solutions such as screening/ buffering, greater distance separation, changes in elevation such as placing the facility below grade. Establish and enforce accepted standards to protect residential areas from adverse impacts of noise, lighting and other nuisances. Design transportation facilities, including rail lines and aviation facilities, to mitigate adverse noise, lighting and other nuisance impacts on residential uses.	✓	Rear access point to parking area to be modified to meet LDC standards.
Community Form: Goal 3			
4.	Ensure that transitions between existing public parks and new development minimize impacts and provide access.	✓	Sidewalk improvements will increase pedestrian access to Floyds Fork.
5.	Provide access to greenways whenever possible.	✓	Sidewalk improvements will increase pedestrian access to Floyds Fork.
Mobility: Goal 1			
1.	To promote healthy lifestyles and reduce congestion, new development and redevelopment should provide for the movement of pedestrians, bicyclists and transit users, where appropriate, by including: 1.1. bicycle and pedestrian facilities between closely related land uses (e.g., from residential areas to neighborhood centers, recreation areas, greenways, schools, shopping facilities and from office/industrial and retail employment centers to retail/service uses); 1.2. pedestrian facilities between retail land uses and major concentrations of pedestrian activity, particularly in the Louisville Central Business District and other activity centers; 1.3. street-level pedestrian connections between all principal buildings within a unified development site including commercial to office and residential to commercial uses; 1.4. sidewalks along the streets of all developments; 1.5. walkways between residential areas and nearby neighborhoods, schools, public recreation facilities, parks, office/industrial and retail/ service uses; 1.6. direct, accessible walkways to public transportation stops; and 1.7. retail and office uses, especially in the Urban Center Neighborhood, Traditional Neighborhood, Village, Traditional Marketplace Corridor, Traditional Workplace Form Districts that are located close to the roadway to minimize the distance pedestrians and transit users have to travel.	✓	Improvement of existing sidewalk is required.
Mobility: Goal 2			
1.	Provide transportation facilities and systems that accommodate all users and allow for context-sensitive solutions that recognize the distinguishing characteristics of each of the Form Districts.	✓	
2.	Coordinate use of rights-of-way with community design policies. Ensure accessible rights-of-way to accommodate mobility needs of all transportation network users.	✓	
5.	Provide sight distances consistent with probable traffic speed, terrain, alignments and climatic extremes in road design.	✓	
10.	Ensure that necessary improvements occur in accordance with long-range transportation plans and level of mobility criteria for all modes of travel.	✓	
11.	Provide street improvements and/ or transit solutions to mitigate the impacts of development and redevelopment. Improvements may include, but not be limited to, the following: 11.1. on-site road system construction; 11.2. off-site shoulder improvements and pavement widening; 11.3. addition of acceleration and deceleration lanes; 11.4. addition of turn lanes or traffic signals on streets bordering the site to street; 11.5. intersection widening completely off-site; 11.6. right-of-way donation; 11.7. addition and/or widening of on-site or off-site sidewalks; 11.8. installation of bicycle facilities; 11.9. installation of new transit stops and amenities; and 11.10. improvement of existing transit stops and amenities.	✓	

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
12.	Ensure that transportation facilities of new developments are compatible with and support access to surrounding land uses and contribute to the appropriate development of adjacent lands. Where appropriate, provide at least one continuous roadway through the development to tie all local access roads or parking areas to the arterial street system. Adequate stub streets and pedestrian connections should be provided by developments.	✓	
Community Facilities: Goal 2			
1.	Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	✓	
2.	Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.	✓	
3.	Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	✓	
4.	Locate or expand community facilities in areas with a demonstrated or anticipated need for the facility, to avoid duplication of services, and to provide convenient access to the area that the facility is intended to serve.	✓	
5.	Locate, where possible, community facilities on a shared site with other compatible facilities and land uses.	✓	
Livability: Goal 1			
7.	Ensure appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas.	✓	
12.	Minimize impervious surface area and take advantage of soil saturation capacities.	✓	
15.	Ensure that standards for evaluating development proposals meet the water quality goals for the affected watershed. Encourage the use of green infrastructure to protect and enhance water quality	✓	
17.	Determine site susceptibility to erosion; identify the presence of on-site carbonate conditions and features that are vulnerable to site disturbance; identify the extent of existing groundwater use and the impacts of the project on groundwater resources, flow patterns, and existing and proposed surface drainage. Mitigate potential hazards to such systems resulting from the project.	✓	
28.	When development proposals increase runoff, provide onsite management and treatment of stormwater. Ensure that peak stormwater runoff rates or volumes after development are consistent with regional and watershed plans. If not, they are to be mitigated onsite. Encourage the use of green infrastructure practices to minimize runoff. Mitigation measures shall be implemented in a manner that is acceptable to the Metropolitan Sewer District.	✓	
30.	Use appropriate Best Management Practices (BMPs) that account for varied site conditions and construction activities to maintain appropriate water quality levels, prevent erosion, and control sedimentation.	✓	
31.	Consider the impact of traffic from proposed development on air quality	✓	
35.	Ensure critical connections are built and maintained in the pedestrian and bicycle networks including the development of sidewalks, bike lanes, shared use paths and walkways to promote the use of multimodal transportation options.	✓	

4. Conditions of Approval

1. All development shall be in accordance with the approved district development plan, including all notes thereon, and with all applicable sections of the Land Development Code (LDC). No further development shall occur on the site without prior review of and approval by the Board of Zoning Adjustment (BOZA).
2. The Conditional Use Permit shall be exercised as proscribed by KRS 100.237 within two years of BOZA approval. If it 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 BOZA.