

Board of Zoning Adjustment

Staff Report

December 19, 2022



Case No:	22-CUP-0271
Project Name:	Down Syndrome of Louisville Expansion
Location:	5001 S Hurstbourne Pwy
Owner(s):	Down Syndrome of Louisville Education Foundation, INC.
Applicant:	AL Engineering, INC
Jurisdiction:	Louisville Metro
Council District:	26 – Brent Ackerson
Case Manager:	Molly Clark, Planner II

REQUEST(S)

Conditional Use Permit to allow a private institutional use to construct a detached multipurpose room, an addition to the existing structure and a detached garage.

CASE SUMMARY/BACKGROUND

The subject site is zoned R4 single family residential in the Neighborhood Form District. The applicant is proposing to construct detached 9,852 SF multipurpose room, a 4,276 SF addition to the existing structure and a 1,792 SF detached garage.

STAFF FINDING / RECOMMENDATION

The conditional use permit is limited to the proposed pavilion based on the development plan submitted with the application. There are five listed requirements for the private institution use. The applicant will need relief from item A since the existing and proposed parking are closer than 30 feet to the northern, eastern and southern property line. Items B, C., and D. will be met. Item E. can be discussed by the Board. 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

None

TECHNICAL REVIEW

No outstanding technical issues.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

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 meets all applicable policies of the Comprehensive Plan.

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 proposed improvements are 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. Transportation Planning and MSD have reviewed and approved the proposal.

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.

Although the existing/proposed structures are more than 30 feet from the residential uses and residential zoning along the north and east property line, the off street parking is closer than 30 ft along the northern, easter, and southern property line. The applicant will need relief from this standard.

B. The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated. ***A traffic study was not required by Transportation Planning.***

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. ***There is existing off-street parking on the site. Transportation Planning has reviewed and approved the parking numbers.***

D. All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99). ***The proposal will comply with the Metro Noise Ordinance.***

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. ***Hours of***

operation has not been provided by the applicant. The board should discuss whether hours of operation are needed for the use.

2040 Checklist

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			
4.	Ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects.	+	The new development is compatible with the scale and site design of the existing development.
11.	Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines.	+	The proposed building will not cause an issue with setbacks.

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
12.	<p>Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes.</p>	+	Transportation Planning has reviewed and approved the proposal.
14.	<p>Ensure that signs are compatible with the Form District pattern and contribute to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials).</p>	+	Signage is not proposed for this use.
17.	<p>Mitigate adverse impacts of traffic from proposed development on nearby existing communities.</p>	+	Transportation Planning has reviewed and approved the proposal.

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
18.	Mitigate adverse impacts of noise from proposed development on existing communities.	+	The proposal will follow the noise ordinance.
19.	Mitigate adverse impacts of lighting from proposed development on nearby properties, and on the night sky.	+	Lighting will be Land Development Code compliant.
Goal 2 Community Facilities			
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).	+	MSD has reviewed and approved the proposal.

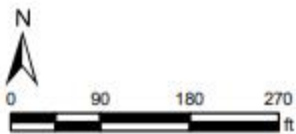
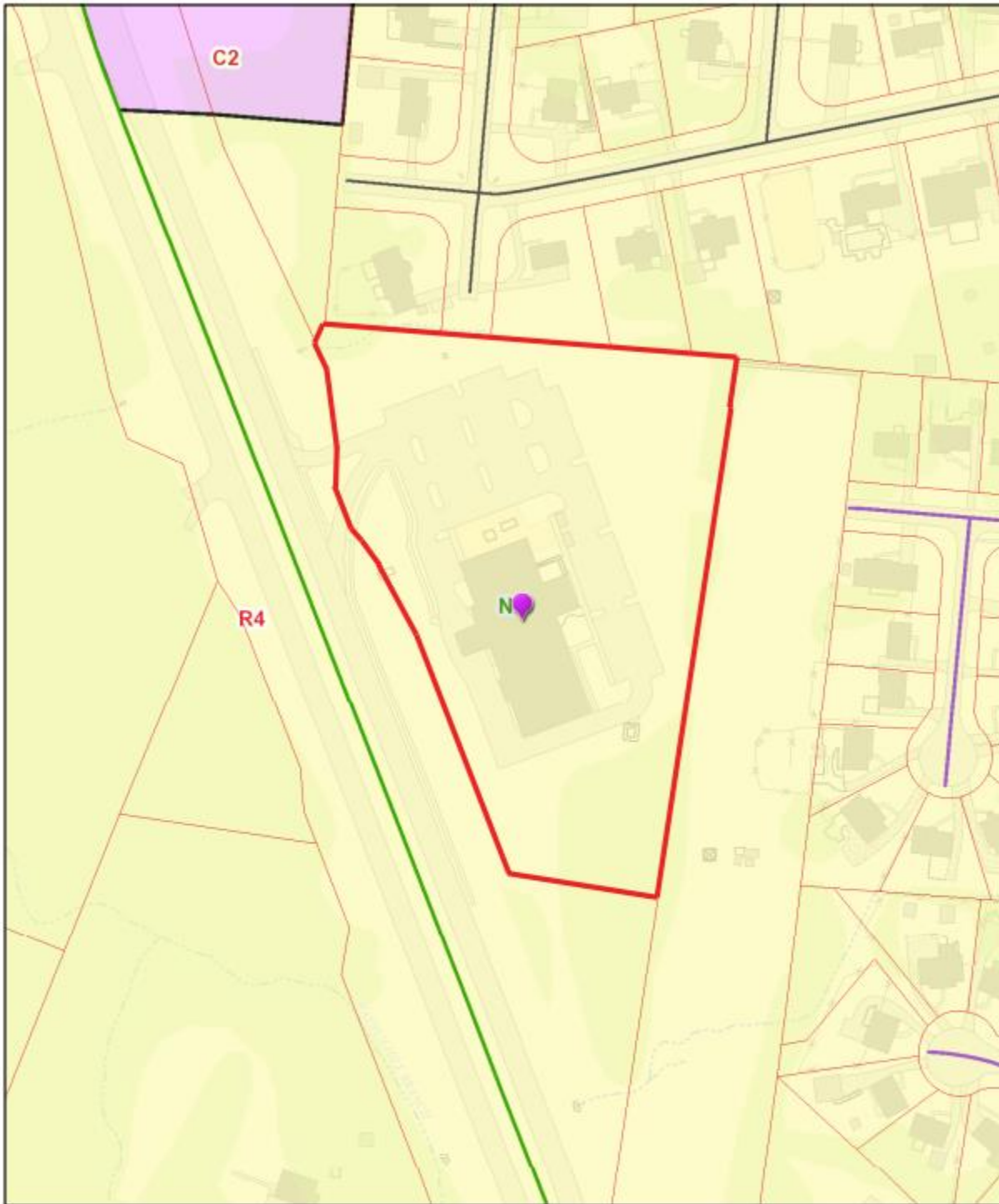
NOTIFICATION

Date	Purpose of Notice	Recipients
11/30/2022	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 23
12/06/2022	Hearing before BOZA	Sign Posting

ATTACHMENTS

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

1. Zoning Map



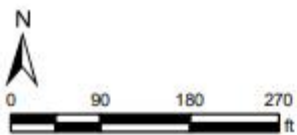
Monday, December 12, 2022 | 6:57:02 AM



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

2. Aerial Photograph



Monday, December 12, 2022 | 6:54:13 AM



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3. 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 until further review and approval by the Board.