

**Board of Zoning Adjustment**  
**Staff Report**  
October 21, 2019



<b>Case No.</b>	19-CUP-0050
<b>Project Name</b>	Private Non-Profit Club
<b>Location</b>	3835 Hale Avenue
<b>Owner/Applicant</b>	Elmer Lucille Allen
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	1 – Jessica Green
<b>Case Manager</b>	Beth Jones, AICP, Planner II

**REQUEST**

**Conditional Use Permit** for a Private Non-Profit Club (LDC 4.2.43)

**CASE SUMMARY/BACKGROUND**

The subject site is located at the northeast corner of Hale Avenue and S. 40th Street. It consists of two parcels currently developed with a single-family residence.

The 739 sf. ft. residence has been renovated to a floor plan for non-residential use. According to the applicant, the property is rented for \$1.00/month to the West Louisville Women’s Collaborative LLC (WLWC). According to its website, this group consists of a diverse group of women who “desire to see West Louisville prosper”. WLWC hosts “community conversations and creative arts activities” to promote a positive identity for Louisville’s West End.

LDC standards credit the site with nine on-street parking spaces. Transportation Planning has determined that number to be sufficient to serve the proposed use.

The site and adjoining sites to the north, east and west are zoned R-5 Single-Family Residential; the property to the south is zone R-1 Single-Family Residential. All are within a Traditional Neighborhood form district. Adjoining properties to the north and east are vacant. The adjoining property to the west is occupied by a church and, to the south, by a cemetery. Other developed properties in the vicinity are in single-family residential and similar uses.

**STAFF FINDINGS**

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 technical issues 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**

### 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 increase demands on public infrastructure and facilities.

### 4. Does the proposal comply with the specific standards required to obtain the requested Conditional Use Permit? 4.2.43 Private Non-Profit Clubs

**Private Non-Profit Clubs** may be located in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, U-N, R-5A, R-5B, R-6, R-7, R-8A, OR-1, OR-2, C-R or PTD Districts where such use is compatible in size and scale with surrounding land uses upon the granting of a Conditional Use Permit.

A. All new buildings, structures, and facilities (except parking) shall be at least 30 feet from any property line.

STAFF: No new buildings, structures or facilities are proposed.

B. Outdoor swimming pools shall be enclosed within a fence at least six feet high.

STAFF: No outdoor swimming pool exists or appears to be proposed.

C. All recreation areas or play fields and parking lots shall be separated from adjacent properties by a solid fence or dense evergreen shrubbery plantings at least five feet high.

STAFF: No recreation areas, play fields or parking lots are proposed.

D. One sign only may be permitted showing the name and address of the club. An attached sign shall not exceed 30 square feet in area, shall be attached flat to the face of the building, and shall not project more than 18 inches from the face of the building. A free-standing sign shall not exceed 20

square feet in area per side, shall not have more than two sides, and shall not exceed a height of six feet. Either an attached sign or a free-standing sign may be permitted, more than two sides, and shall not exceed a height of six feet. Either an attached sign or a free-standing sign may be permitted, but not both. No sign shall project into any required yard. The sign may be illuminated but non-flashing.

STAFF: Existing signage meets this requirement.

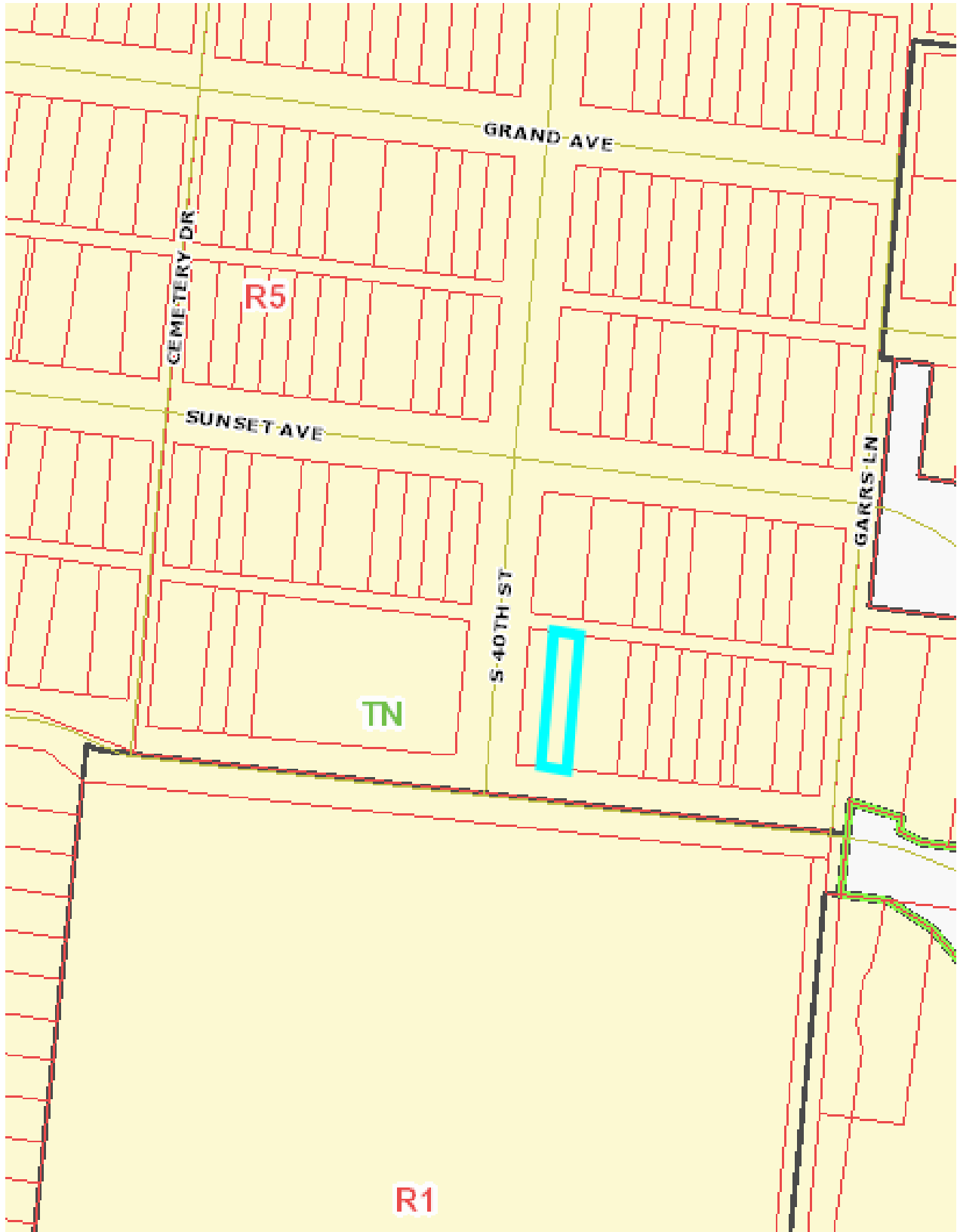
**NOTIFICATION**

Date	Purpose of Notice	Recipients
6/25/2019	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 1
10/7/2019	Notice of BOZA Hearing	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 1 Sign Posting

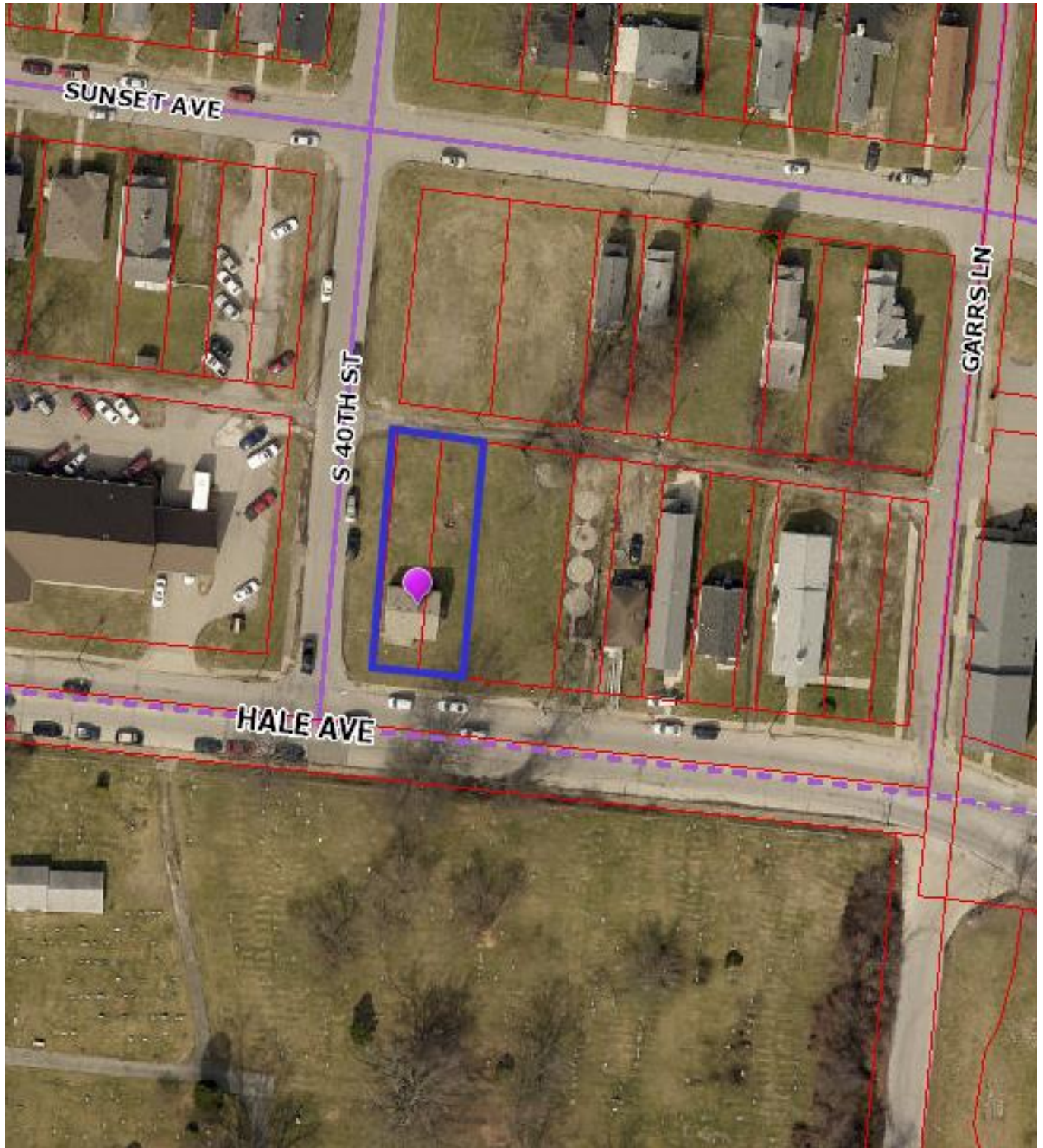
**ATTACHMENTS**

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

1. Zoning Map



2. Aerial Photograph



### 3. Plan 2040 Checklist

- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
<b>Community Form: Goal 1</b>			
3.1.2	Traditional Neighborhood (1.3.1.2, page 40-41)	✓	
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.	✓	
5.	Allow a mixture of densities as long as their designs are compatible. Adjacent residential areas in different density categories may require actions to provide an appropriate transition between the areas. Examples include vegetative buffers, open spaces, landscaping and/or a transition of densities, site design, building heights, building design, materials and orientation that is compatible with those of nearby residences.	✓	
6.	Discourage non-residential expansion into existing residential areas unless applicant can demonstrate that any adverse impact on residential uses will be mitigated. Evaluation of impacts may include, but not be limited to, displacement of residents, loss of affordable housing units, traffic, parking, signs, lighting, noise, odor, and stormwater. Appropriate transitions from non-residential to residential uses should depend on the pattern of development of the Form District and may include natural vegetative buffers, landscaping or the use of higher density residential between lower density residential and/or non-residential.	✓	
11.	Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines.	✓	
12.	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.	✓	
17.	Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	✓	
<b>Community Form: Goal 2</b>			
4.	Allow non-residential development within the Neighborhood, Traditional Neighborhood and Village Form Districts to occur only at locations with appropriate access and connectivity.	✓	
6.	Encourage a more compact development pattern in activity centers that result in efficient land use and cost-effective infrastructure investment.	NA	
7.	Encourage activity centers to include a mixture of compatible land uses in order to reduce traffic congestion by requiring fewer trips, support and enhance alternative modes of travel, and encourage vitality and a sense of place.	NA	
9.	Encourage new development and rehabilitation of buildings that provide commercial, office and/or residential uses.	✓	

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
<b>Community Form: Goal 3 NA</b>			
<b>Community Form: Goal 4 NA</b>			
<b>Mobility: Goal 1</b>			
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.	✓	
<b>Mobility: Goal 2</b>			
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.	✓	
<b>Mobility: Goal 3 NA</b>			
<b>Community Facilities: Goal 1 NA</b>			
<b>Community Facilities: Goal 2 NA</b>			
<b>Community Facilities: Goal 3 NA</b>			
<b>Economic Development: Goal 1 NA</b>			
<b>Economic Development: Goal 2 NA</b>			
<b>Livability: Goal 1 NA</b>			
<b>Housing: Goal 1 NA</b>			
<b>Housing: Goal 2</b>			
1.	Encourage inter-generational, mixed-income and mixed-use development that is connected to the neighborhood and surrounding area.	✓	
<b>Housing: Goal 3 NA</b>			

#### **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 Non-Profit Club without further review and approval by BOZA.