

Board of Zoning Adjustment

Staff Report

August 21, 2023



Case No:	22-CAT3-0019 & 23-CUP-0097
Project Name:	Okolona Center
Location:	4101 Outer Loop & 7800 Carol Avenue
Owner(s):	The Nance Realty Co.
Applicant:	Land Development & Design
Jurisdiction:	Louisville Metro
Council District:	13 – Dan Seum Jr.
Case Manager:	Molly Clark, Planner II

REQUEST(S)

- **Conditional Use Permit (CUP)** for off-street parking areas in R-4 residential zoning district (LDC 4.2.39)
- **Category 3 Development Plan**

CASE SUMMARY

The subject site is zoned C-1 Commercial and R-4 Residential in the Neighborhood and Suburban Marketplace Corridor Form Districts. The property is vacant as the former shopping center has been demolished. There is a recently constructed CVS pharmacy at the corner of Outer Loop and Preston Highway and located on a separate lot. The applicant proposes to construct 4 restaurants with drive through facilities and 1 building for commercial-retail use, along with associated parking. The requested CUP is in the northwest section of the site and will contain only parking facilities to serve the center.

Associated Case

- 23-STRCLOSURE-0018: Closure of a portion of an unnamed alley. Recommended to Metro Council for approval by the Planning Commission on August 3, 2023.

STAFF FINDING

With the addition of connectivity to the north and removal of non-permitted structures in an R-4 zoning district, the category 3 development plan complies with the Land Development Code. Further, the conditional use permit appears to be adequately justified based on staff's analysis contained in the standard of review.

TECHNICAL REVIEW

- Transportation Planning and MSD have preliminarily approved the proposal.
- **Cross-connectivity.** LDC, Section 5.9.2 provides that "abutting non-residential uses shall provide for vehicular and pedestrian circulation between their sites, through parking lot or alley connections, hard surface walkways, and similar measures." Connectivity must be maintained and provided from the development site to the property at 7707 Preston Highway.

- No structures supporting commercial use of the property shall be in the area of the CUP, including amenities for employees or other users of the proposed center.
- A Category 3 development plan must comply with the LDC to receive approval. Once approved, permits may only be issued based on that approval. Any deviation from the approved plan requires a new application and review in accordance with LDC, Section 11.6.4. Individual development sites may be reviewed independently for changes based on the thresholds for review established in the form district regulations, but still requires a new application and review.

INTERESTED PARTY COMMENTS

All comments received have been placed in the record and made available to the Board in advance of the public hearing.

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 use is compatible with surrounding development and land uses as the area contains a variety of uses and site designs.

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??

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 following listed requirements:

- 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).

STAFF: The proposed off-street parking area is located across the street from the existing hospital it will be serving. Pedestrian connection is being provided via sidewalks and a designated crosswalk within the development.

- B. Walls, fences, or plantings shall be provided in a manner to provide protection for and be in harmony with surrounding residential property.

STAFF: The applicant is providing all the required landscaping per Chapter 10 of the Land Development Code including but not limited to planting 35% tree canopy.

C. The minimum front, street side, and side yards required in the district shall be maintained free of parking.

STAFF: The proposal is meeting all required setbacks.

D. The area shall be used exclusively for transient parking of motor vehicles belonging to invitees of the owner or lessee of said lot.

STAFF: The proposal will be serving the proposed commercial uses directly next door.

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.

STAFF: Proposal has received preliminary approval from Transportation Planning

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.

STAFF: Proposal has received preliminary approval from Transportation Planning.

G. Heavy truck parking/storage is not permitted under this section. This provision shall not be waived.

STAFF: Applicant is not proposing any heavy truck parking or storage.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Conditional Use Permit** for off-street parking areas in R-4 residential zoning district (LDC 4.2.39)
- **APPROVE** or **DENY** the **Category 3 Development Plan**

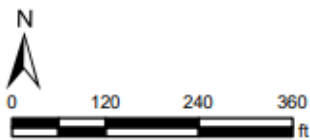
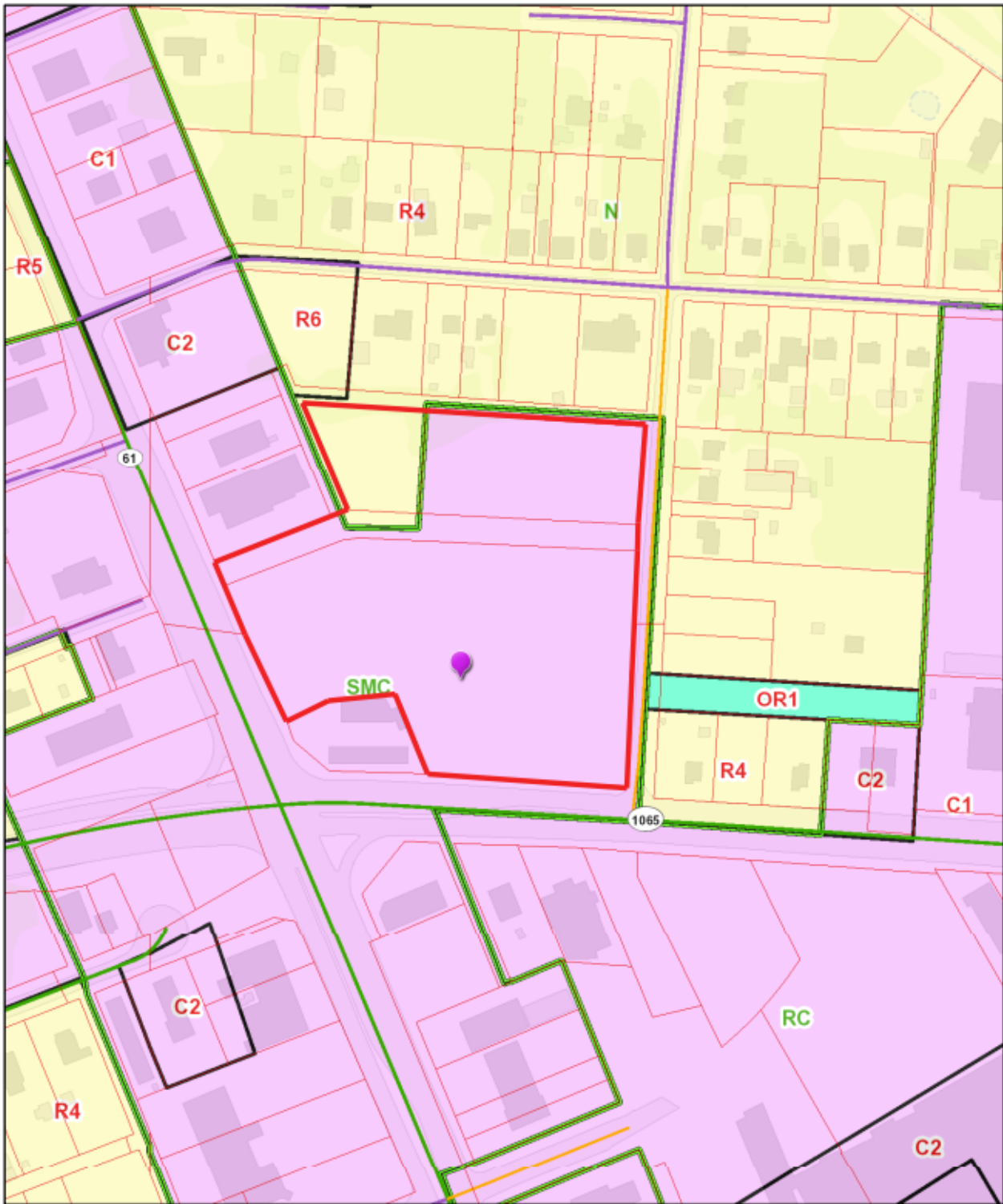
NOTIFICATION

Date	Purpose of Notice	Recipients
08-04-2023	Hearing before BOZA	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 13
08-04-2023	Hearing before PC	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Conditions of Approval (CUP)

1. **Zoning Map**



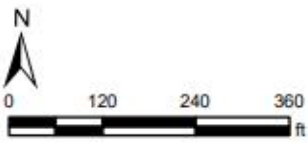
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2. Aerial Photograph



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3. Proposed Conditions of Approval (CUP)

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. Upon written application, filed at least thirty calendar days prior to said expiration date, the Board may, for cause shown, renew such Conditional Use Permit for one period of up to one year. If the Conditional Use Permit is not so exercised, the site shall not be used for off street parking without further review and approval by the Board.
3. The number of vehicles permitted within the boundaries of the CUP shall not exceed 36.