

Board of Zoning Adjustment
Staff Report
November 1, 2021



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|--------------------------|---|
| Case No: | 21-CUP-0165 |
| Project Name: | Ninth & O Baptist Church |
| Location: | 4401 Breckenridge Lane |
| Owner(s): | Ninth & O Baptist Church |
| Applicant: | Larry Buchanan – Ninth & O Baptist Church |
| Jurisdiction: | Louisville Metro |
| Council District: | 22 – Robin Engel |
| Case Manager: | Zach Schwager, Planner I |

REQUEST

Conditional Use Permit to allow an addition to an existing private institutional use Land Development Code (LDC) 4.2.65.

CASE SUMMARY/BACKGROUND

The subject property is located on the east side of Breckenridge Lane in between Kromer Drive and Bardstown Road and is 18.2 acres. It is zoned R-4 Single Family Residential and is in the Neighborhood Form District. There is an existing private institutional structure and the applicant is proposing to construct a 1,500 sq. ft. open pavilion 150 ft. off of the rear property line. The Conditional Use Permit request is for the entire property.

STAFF FINDING / RECOMMENDATION

There are five listed requirements and the applicant will need relief from Item C. Item D. must be met and Item E. is to be determined by the Board of Zoning Adjustment. 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

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

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

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: 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. 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?

There are five listed requirements and the applicant will need relief from Item C. Item D. must be met and Item E. is to be determined by the Board of Zoning Adjustment. 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.

This item will be met.

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

Transportation Planning has preliminarily approved the plan.

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 parking in front of the existing structure. The applicant will need relief from this requirement.

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

This item must be met.

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.

The Board must determine whether hours of operation are appropriate for this use and location.

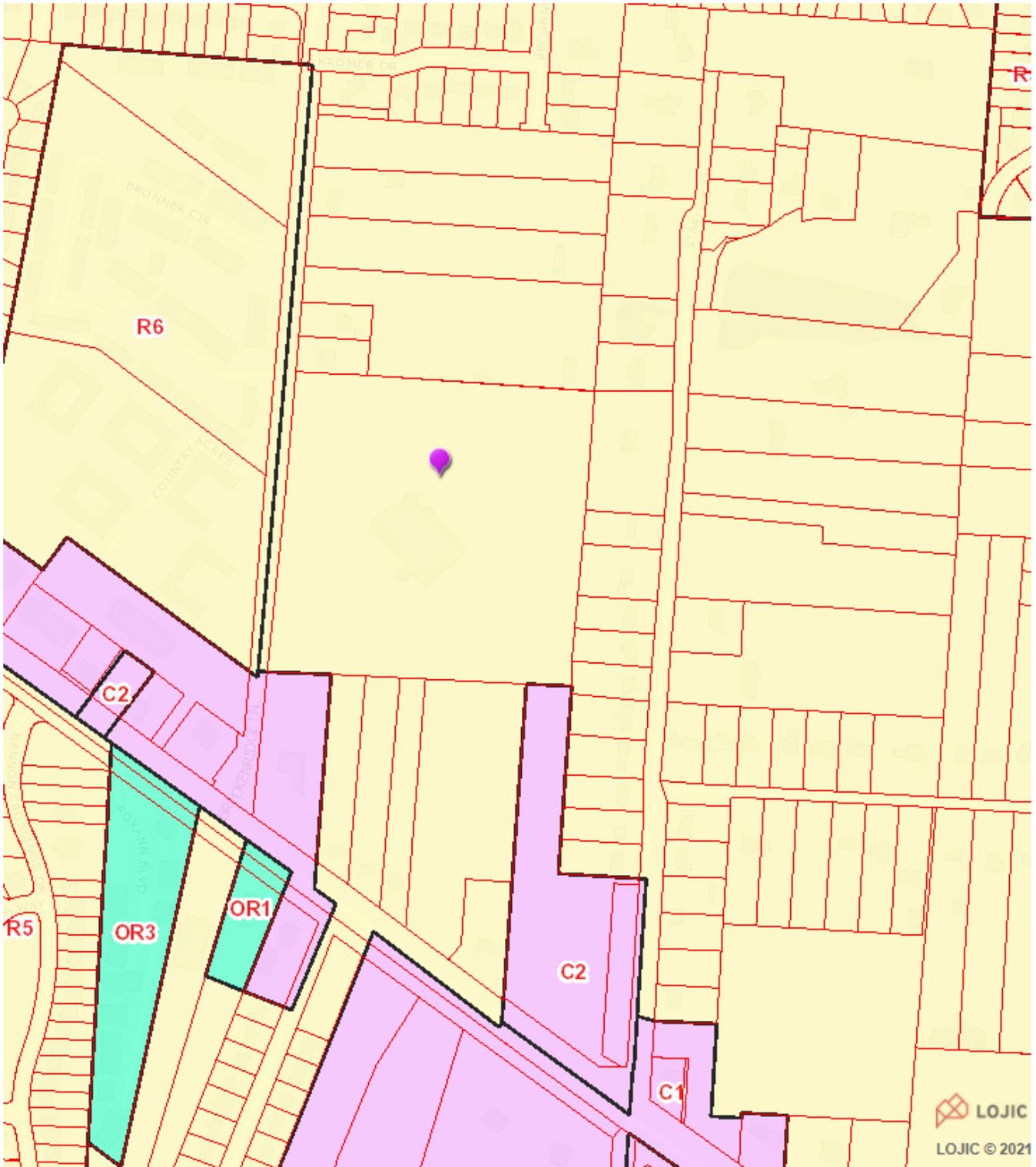
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|-------------|--------------------------|---|
| 8/27/2021 | Neighborhood Meeting | 1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 22 |
| 10/15/2021 | Hearing before BOZA | 1 st and 2 nd tier adjoining property owners and residents Registered Neighborhood Groups in Council District 22 |
| 10/19/2021 | Hearing before BOZA | Sign Posting |

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. 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 applicant is proposing to construct a 1,500 sq. ft. open pavilion. |
| 11. | Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines. | + | The applicant will need relief from one requirement and no variances or waivers are required. |

| Policy# | Plan Element or Portion of Plan Element | Staff Finding | Comments |
|---------|---|---------------|---|
| 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. | + | Transportation Planning has reviewed and approved the proposal. |
| 14. | 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). | + | No new signage is proposed. |
| 17. | Mitigate adverse impacts of traffic from proposed development on nearby existing communities. | + | 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. | + | All activities shall be in compliance with the Metro Noise Ordinance (LMCO Chapter 99). |
| 19. | Mitigate adverse impacts of lighting from proposed development on nearby properties, and on the night sky. | + | No new lighting is proposed. |
| 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. |

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 private institution until further review and approval by the Board.