

Board of Zoning Adjustment Staff Report

August 15, 2016



Case No:	16CUP1000
Project Name:	Ratterman Funeral Home (Crematorium)
Location:	3800 Bardstown Road
Owners:	Pamela and James Ratterman
Applicant:	Ratterman and Sons, Inc.
Representative(s):	Kevin Young, Cliff H. Ashburner
Project Area/Size:	0.3 acres
Existing Zoning District:	C-1, Commercial
Existing Form District:	TC, Town Center
Jurisdiction:	Louisville Metro
Council District:	10 – Patrick Mulvihill
Case Manager:	Jon Crumbie, Planning & Design Coordinator

REQUESTS

- Conditional Use Permit to allow a crematorium in a C-1 zoning district.
- Request to waive future vehicular connections with adjacent properties.

CASE SUMMARY

The applicant is proposing to build a 3,100 square feet, one-story crematorium adjacent to the existing funeral home. The proposed structure will be constructed of brick to match the existing funeral home.

SITE CONTEXT

The site is irregular in shape and located on the south side of Bardstown Road. The property abuts the Buechel Bypass to the south.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Funeral Home	C-1	TC
Proposed	Funeral Home, Crematorium	C-1	TC
Surrounding Properties			
North	Commercial	R-4, R-5, C-1	TC
South	Buechel Bypass		
East	Church	C-1	TC
West	Commercial	C-1	TC

PREVIOUS AND ASSOCIATED CASES ON SITE

There are no previous cases on the site.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on February 2, 2016 at 6:00 p.m. Six people were present at the meeting. Neighbors asked questions about the cremation process and how many cremations are expected to take place per year. The applicant addressed the questions about the cremation process and anticipates up to 120 cremations per year.

A second neighborhood meeting was held on July 12, 2016 at 6:00 p.m. One person was present at the meeting who is a councilwoman for West Buechel, but was representing herself. She was in support of the proposal.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

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

STAFF: The proposal is consistent with the applicable policies of the Comprehensive Plan. Lighting will be code compliant. Community Form/Land Use Guideline 3: Compatibility A.2. The proposed building materials increase the new development's compatibility.

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, appearance, etc?

STAFF: The proposal is compatible with the surrounding land uses with respect to height, scale, noise, drainage, lighting and appearance.

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: Transportation Planning/Public Works and MSD have reviewed and approved the proposal. The Buechel Fire Protection District has reviewed the proposal but staff did not receive comments.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

Crematories may be allowed in any non-residential district, or as an accessory use to a cemetery within a residential district upon the granting of a Conditional Use Permit and compliance with the following requirements. Item A. is not needed and item B. will be met.

A. The site shall be reviewed by the Air Pollution Control Board (APCD), and a permit shall be obtained in conformance with APCD requirements.

B. The crematory operation shall be a minimum of 200 feet from property containing a residential use, or greater distance as required by the board.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of sections
5.5.1.A.3.d. to not provide vehicular connections between parking lots of
abutting developments:**

(a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since currently there is a church with no connection to the east and two connections already exist for the credit union to the west.

(b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 2, Policy 13 encourages adjacent development sites to share entrance and parking facilities in order to reduce the number of curb cuts and the amount of surface parking. Guideline 7, Policy 13 requires joint and cross access easements according to standards set forth in the Land Development Code to reduce traffic on major thoroughfares and to reduce safety hazards. Guideline 7, Policy 16 calls for the promotion of joint access and circulation systems for development sites comprised of more than one building site or lot. The purpose of the requirements to be waived are to allow similar, compatible non-residential and multi-family uses to access adjacent sites without use of the main road to reduce curb cuts, the amount of surface parking, and traffic on the main thoroughfare.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since currently the adjacent sites exist in harmony with each other with a minimum of conflicts concerning access.

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create a hardship on the applicant since two potentially high traffic uses could be using the same property for access at peak time for a funeral and/or church.

TECHNICAL REVIEW

Transportation Planning - The interconnectivity note is a place holder if the adjacent properties come in for re-development, there would be a requirement to then connect to the Ratterman Funeral Home property. The idea of this is to be able to visit multiple establishments without getting onto a collector level or higher road to park at and attend the next door facility. There are already two connection points to the property to the north, which is a credit union and no known conflicts are present that we've heard. Transportation Planning is not aware of an existing cross over agreement with this northern adjacent property. The most compelling argument not to connect as the requirement note would state, is the function of the Funeral Home and it's queuing for a funeral service. If the Funeral Home is never re-developed there could be some internal conflict with the use of this property and adjacent motorist's movement through. If this property (Ratterman's) is re-developed in the future, it would make the most sense to ask for the interconnectivity note at that time. The note should read as follows:

Upon development or redevelopment of adjacent properties, a unified access and circulation system shall be developed to eliminate preexisting curb cuts and provide for vehicular movement throughout adjacent sites as determined appropriate by the Department of Public Works. A cross access agreement to run with the land and in a form acceptable to Planning Commission legal counsel shall be recorded prior to the time of construction approval for the adjacent property to be developed.

STAFF CONCLUSIONS

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit and waiver.

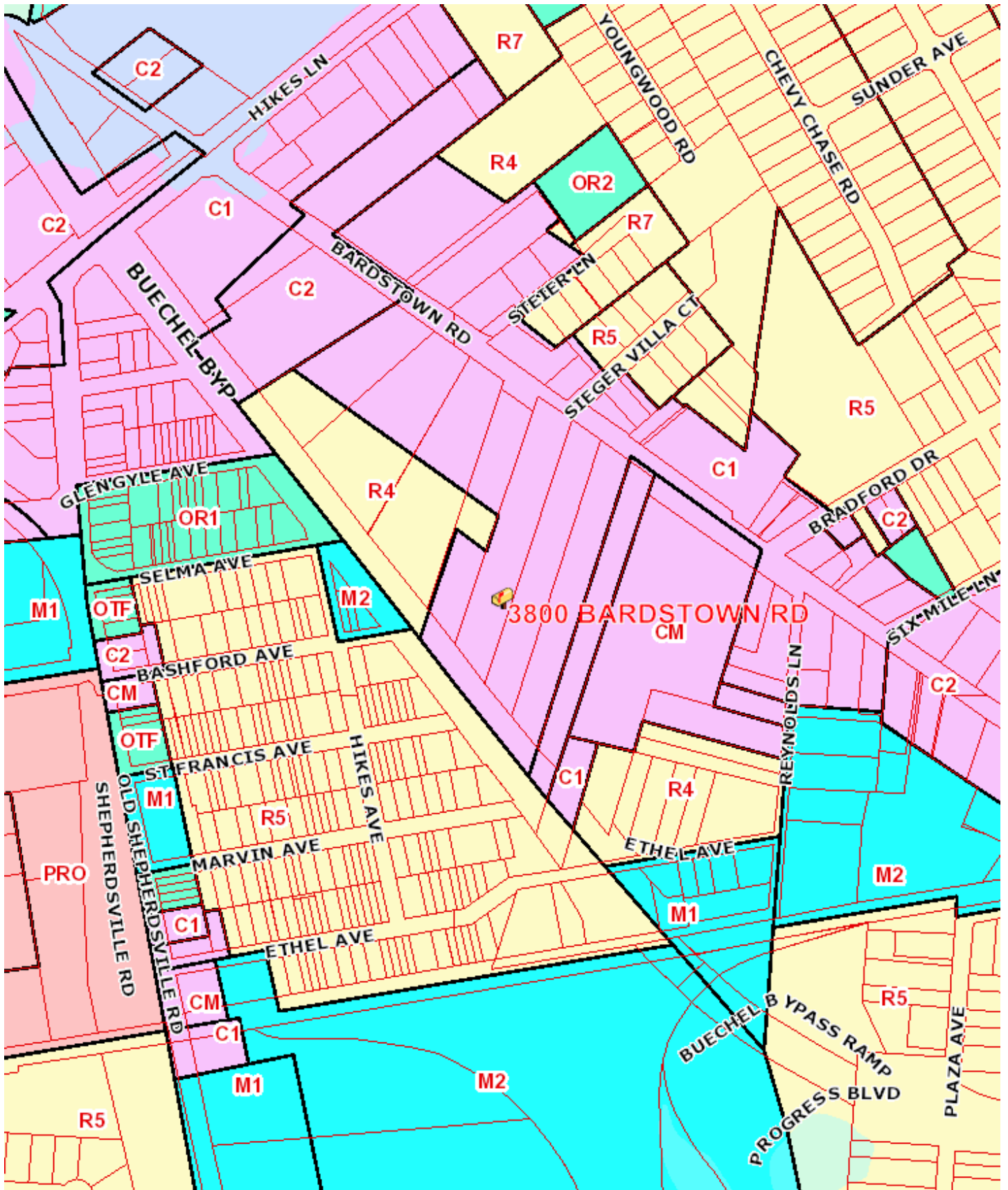
NOTIFICATION

Date	Purpose of Notice	Recipients
7/29/16	APO Notice	First tier adjoining property owners Neighborhood notification recipients
7/29/16	Sign Posting	Subject Property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Letter from Air Pollution Control
4. Conditions of Approval

1. **Zoning Map**



2. Aerial Photograph





AIR POLLUTION CONTROL DISTRICT
LOUISVILLE, KENTUCKY

GREG FISCHER
MAYOR

KEITH H. TALLEY, SR.
DIRECTOR

March 30, 2016

Alex Ratterman
Ratterman & Sons Funeral Home (ID# 1917)
3800 Bardstown Road
Louisville, KY 40218

Dear Mr. Ratterman:

After reviewing the equipment located at the Ratterman & Sons Funeral Home facility, 3800 Bardstown Road, Louisville, KY 40218, and in accordance with District Regulation 2.02 Section 2, it has been determined that the facility is exempt from permitting. If additional air pollution sources are to be installed that would increase potential emissions above the exemption thresholds of 5 tons per year of Criteria Pollutants or 1000 pounds per year of Hazardous Air Pollutants, please inform the District and submit a permit application.

Please feel free to contact me if you have any questions at 502-574-5141 or Narathip.Chitradon@louisvilleky.gov.

Sincerely,

Narathip Chitradon
Engineer I
Air Pollution Control District

RECEIVED

JUN 20 2016
PLANNING &
DESIGN SERVICES

www.louisvilleky.gov

WWW.LOUISVILLEKY.GOV/APCD 701 WEST ORMSBY AVENUE, SUITE 303 LOUISVILLE, KENTUCKY 40203-3137

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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 crematorium without further review and approval by the Board.