

Board of Zoning Adjustment

Staff Report

October 16, 2017



Case No:	17CUP1082
Project Name:	Trinity House Volunteer Project
Location:	4106 Greenwood Ave
Owner(s):	Trinity House Child Care, Inc.
Applicant:	Scott Shaver
Jurisdiction:	Louisville Metro
Council District:	1 – Jessica Green
Case Manager:	Brian Mabry, AICP, Planning & Design Supervisor

REQUEST

- Modification of an approved Conditional Use Permit to allow a playground for a day care facility in an R-5 zoning district.

CASE SUMMARY

Trinity House Child Care, Inc. wishes to remove approximately 5,900 square feet of paved parking in order to establish an outdoor play area which will be approximately 9,200 square feet in area. The existing outdoor play area is approximately 1,700 square feet.

No building expansions are proposed as part of this project, which General Electric is taking on as a charitable undertaking. No changes to the existing Conditions of Approval are requested (see Related Cases).

As a result of the proposed playground construction, the existing seven conventional and three accessible parking spaces are proposed to be moved to a different location on-site. The proposed parking will consist of nine conventional spaces and two accessible spaces along with the required pick-up and drop-off area. The proposed spaces will be accessed from the alley to the west of the subject property.

STAFF FINDING / RECOMMENDATION

The proposal meets the applicable policies of the Comprehensive Plan and there are 10 specific use standards that apply. Based upon the information in the staff report and 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 Land Development Code for a Conditional Use Permit.

BACKGROUND

Related Cases

B-203-01 & B-204-01

An application for a Conditional Use Permit to allow a day care center in an R-5 zoning district and a Variance to allow off-street parking to encroach into the front setback and existing buildings to encroach into the rear and street side

setbacks. The requests were approved by the City of Louisville Board of Zoning Adjustment on October 1, 2001. No one spoke in opposition to the request.

8418 & B-203-01 An application for Conditional Use Permit for a day care to expand into an existing barber shop on-site and a modification of an approved Conditional Use Permit for the day care center to change hours of operation and to reduce parking spaces. The requests were approved by the Louisville Metro Board of Zoning Adjustment. No one spoke in opposition to the request.

TECHNICAL REVIEW

There are no outstanding technical review items.

INTERESTED PARTY COMMENTS

Staff has not received any comments from any interested person or neighborhood group. A neighborhood meeting was not required for this proposal.

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.

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 general character of the surrounding neighborhoods in terms of scale, intensity, traffic, noise, drainage and appearance. The proposal consists of removing existing parking, replacing the paved area with a playground, and relocating the parking elsewhere on-site.

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: The proposal has been reviewed by MSD and Transportation Planning and both have approved the plan. In addition, the site has functioned for years and utilized such public facilities.

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

STAFF: The proposal meets the standards below.

4.2.19 Day Care Facilities (providing care for more than 6 children)

Day Care Facilities may be allowed in the R-R, R-E, R-1, R-2, R-3, U-N, R-5A, R-5B, R-6, and R-7 districts upon the granting of a Conditional Use Permit and in compliance with the listed requirements.

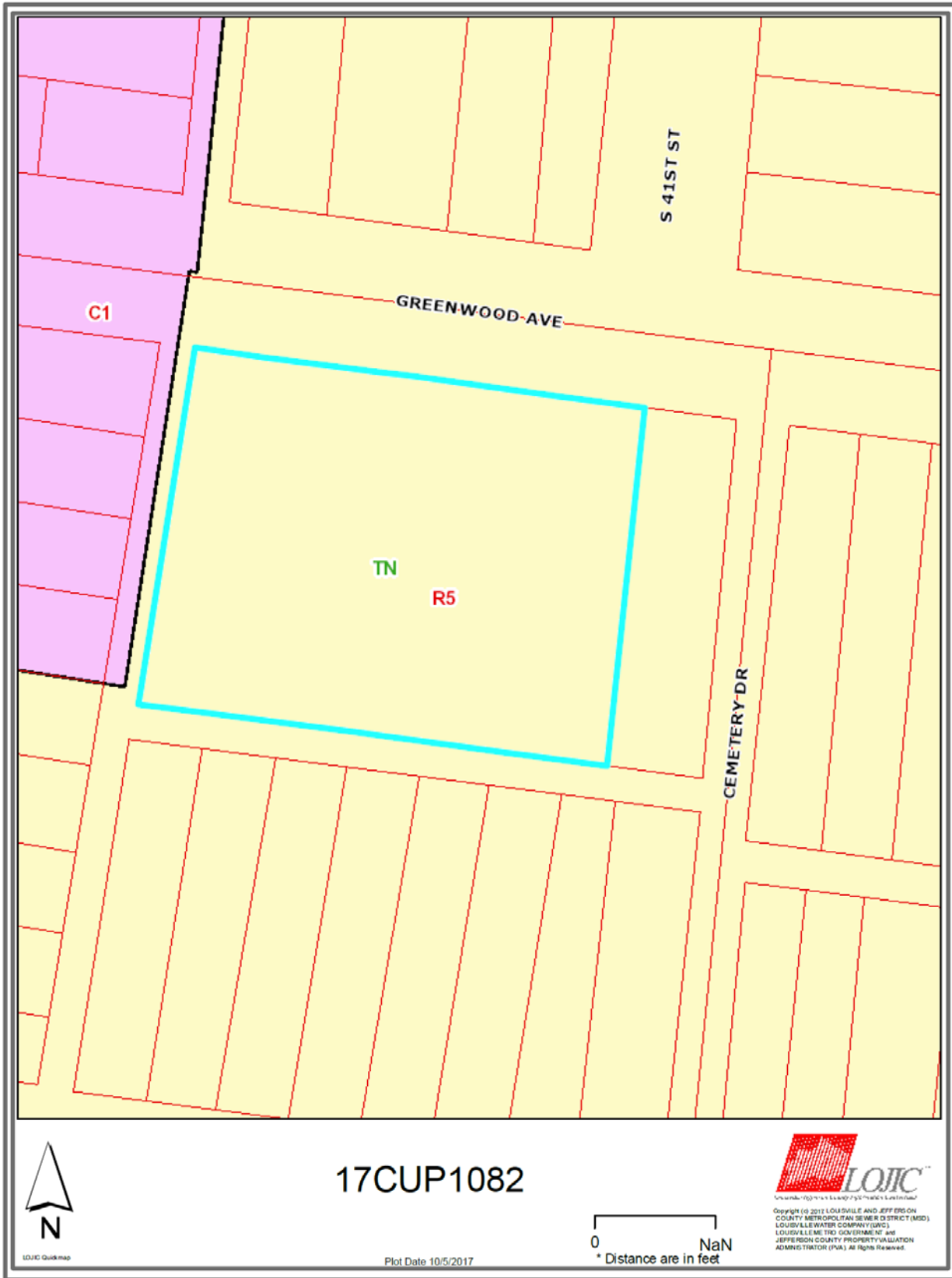
- A. Signs - There shall be allowed one non-illuminated sign identifying the name and use, which sign shall be limited in size to four square feet and be placed on the building.
- B. Residential Structure - The structure shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential (except for the sign).
- C. Alterations or Improvements to the Structure - Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time.
- D. On-Site Drop-off and Pick-up Area - An on-site area shall be provided where passengers from automobiles may safely exit the automobile and enter the building and vice versa. The design of this area must be approved by the appropriate agency responsible for transportation planning.
- E. Parking Spaces - The appropriate number of parking spaces shall be provided for members of the day care center staff. The number of parking spaces required pursuant to this section shall be determined by the Board of Zoning Adjustment, and may thereafter be modified by the Board of Zoning Adjustment by petition from the owner of the premises granted a Conditional Use Permit or upon recommendation from the zoning inspector or other authorized personnel after an annual inspection of the premises or other such inspection. The parking layout must be approved by the appropriate agency responsible for transportation planning.
- F. Drainage Control - The development plan shall have the approval of the appropriate agency responsible for surface drainage control.
- G. All buildings and structures shall conform to the requirements of the zoning and form district in which they are located.
- H. Fence - A fence with a minimum height of 4 feet shall be erected around the outdoor play area.
- I. Alterations or Improvements to the Property – Where such a use is permitted on a lot with an existing residential structure; the residential character of the lot shall not be disturbed by exterior changes to the property that are visible from the public street. Off-street parking shall not be located within the front and/or street-side yards. Drop-off and pick-up shall not be located in front yard and/or street-side yard of the existing residential structure, except for driveways approved by Metro Public Works.
- J. Conditional use permits for Day Care Facilities in R-4 and R-5 zoning districts issued prior to the effective date of this ordinance (March 9, 2011) may continue to operate as

authorized under the approved conditional use permit. Upon request by an applicant, such conditional use permits may be modified in any manner the Board determined, in its discretion, to be appropriate.

ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



3. Existing 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 modification 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 day care center without further review and approval by the Board.
3. The maximum number of employees on any given shift shall be 4.
4. The maximum number of children on any given shift shall be 31.
5. The maximum number of clients shall be limited to 69.
6. The maximum number of staff shall be limited to 11.
7. The day care will operate 24 hours, 7 days a week and have the following shifts: 6:00 a.m. - 2:00 p.m., 2:00 p.m. - 10:00 p.m., and 10:00 p.m. - 6:00 a.m.
8. Reduce the required parking from 10 to 8. Also, the location of the parking will change.