

Board of Zoning Adjustment
Staff Report
August 21, 2023



Case No:	23-MCUP-0002
Project Name:	Proposed Dental Office
Location:	5300 Preston Highway
Owner(s):	SK Development, LLC
Applicant:	Ashley Bartley – QK4
Jurisdiction:	Louisville Metro
Council District:	21 Betsy Ruhe
Case Manager:	Molly Clark, Planner II

REQUEST(S)

- **Modified Conditional Use Permit** for off-street parking areas in R-5 residential zoning district (LDC 4.2.39)

CASE SUMMARY

The subject site is zoned C-1 Commercial and R-5 Residential in the Neighborhood and Suburban Marketplace Corridor Form District. The property is currently vacant. The applicant is proposing to construct a 2 story 15,300 SF building with a 9,320 building footprint for a proposed Dental Office and General Offices.

This site is also plan certain under case number 11209 and this proposal is related to Revised Detailed District Development Plan for the proposed dental office/office building. The related Revised Detailed District Development Plan is docketed for the August 16, 2023 Development Review Committee meeting.

STAFF FINDING

The proposal meets the standards for an off-street parking conditional use permit. The applicant is providing all required landscaping around the proposed parking areas adjacent to residential.

TECHNICAL REVIEW...

- Transportation Planning and MSD have preliminarily approved the proposal.

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?

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 on the same lot as the proposed dental office/offices.

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 proposed parking area 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 Dental Office/Offices on the same lot.

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 **MODIFIED CONDITIONAL USE PERMIT** from section 4.2.39 for off-street parking areas in R-5 zoning district with **CONDITIONS OF APPROVAL**

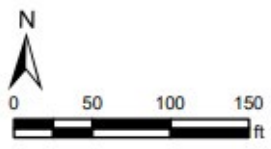
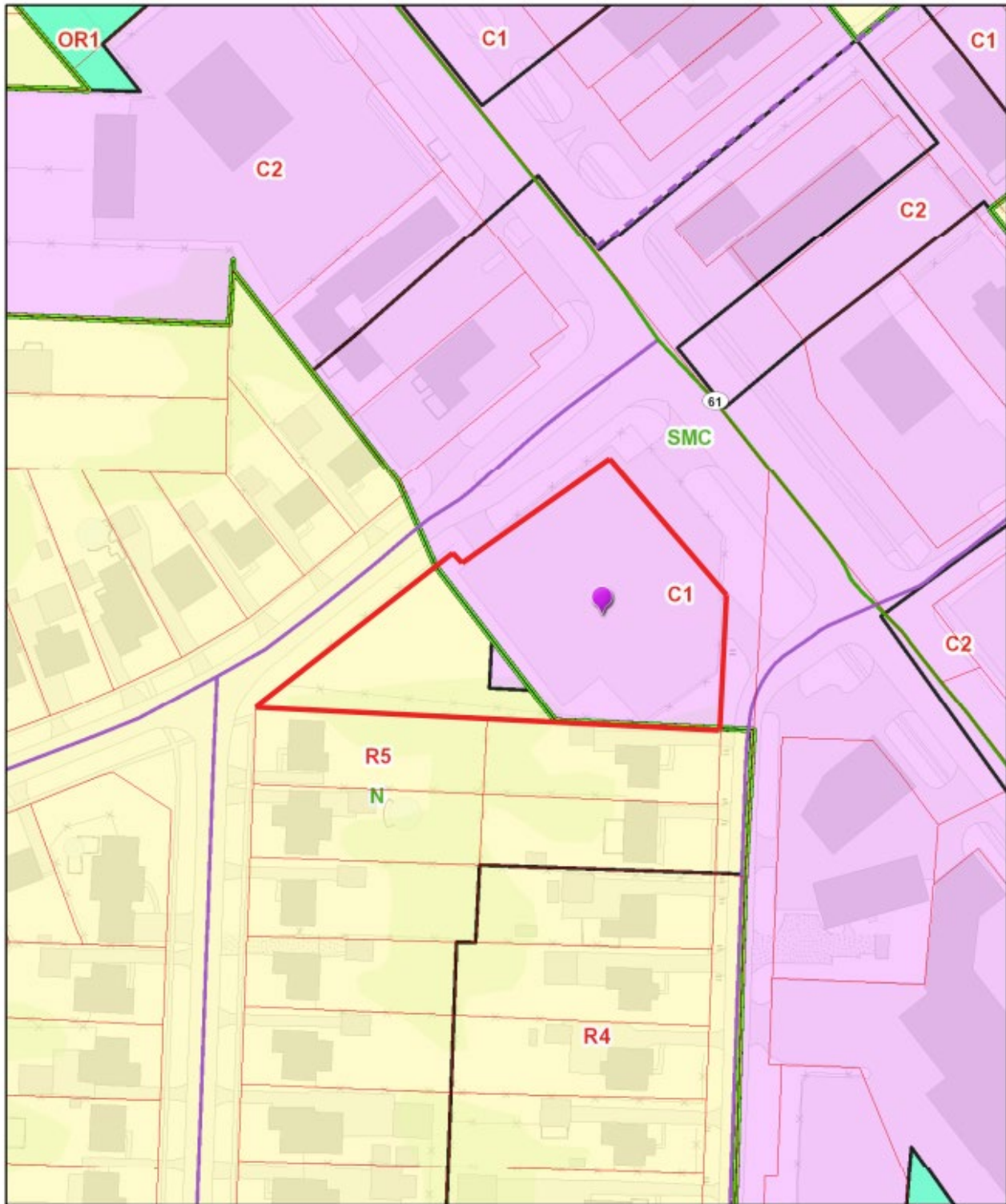
NOTIFICATION

Date	Purpose of Notice	Recipients
08-03-23	Hearing before BOZA	1 st and 2 nd tier adjoining property owners and current residents Registered Neighborhood Groups in Council District
08-04-23	Hearing before BOZA	Sign Posting on property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Photos
4. Existing Conditions of Approval
5. Proposed Conditions of Approval

1. **Zoning Map**



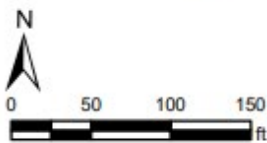
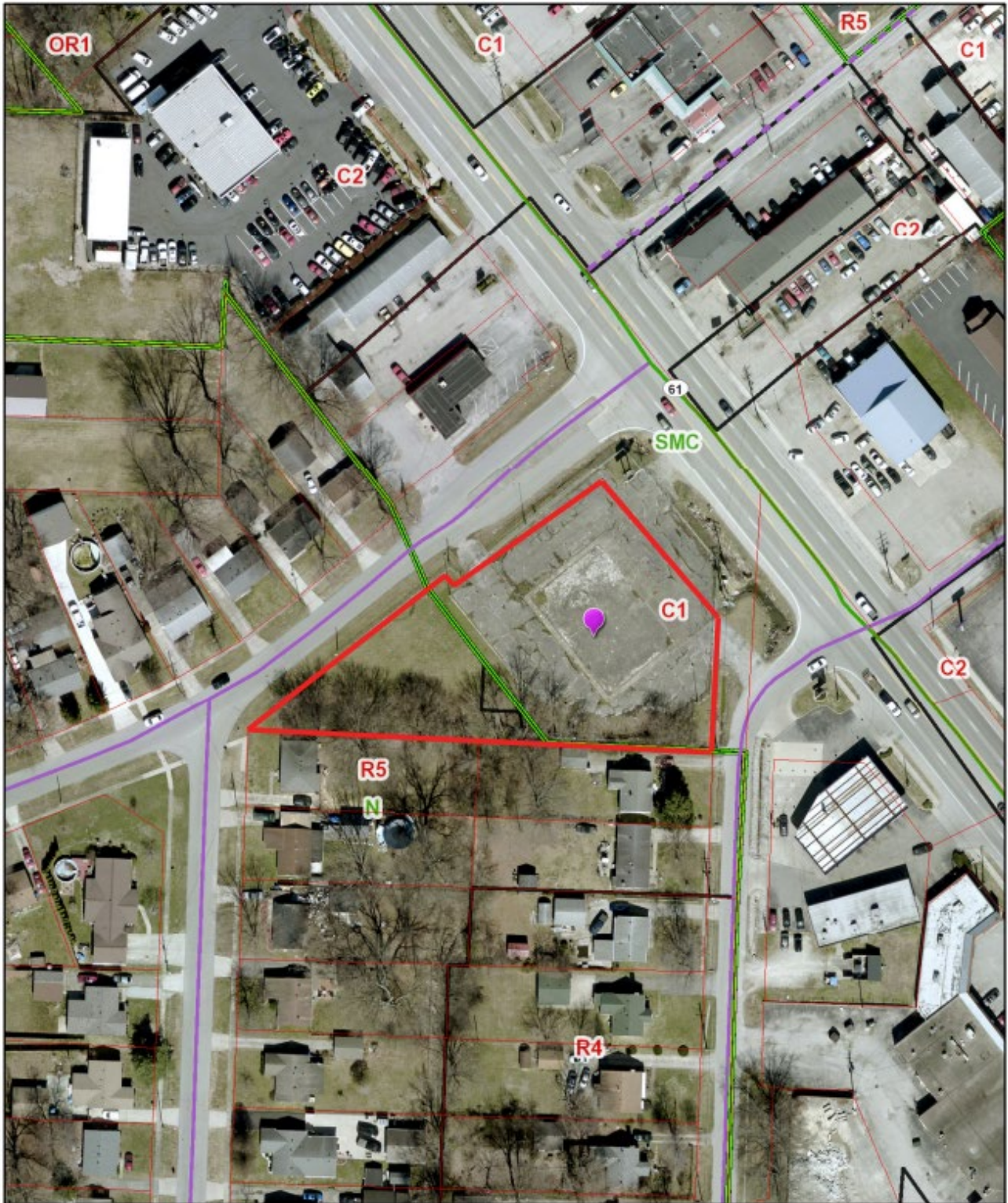
Wednesday, August 9, 2023 | 4:04:47 PM



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This map is not a legal document and should only be used for general reference and identification

2. **Aerial Photograph**



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3. Site Photos

View of Subject site from the corner of Preston Highway and Park Brook Lane:



View of subject site from Park Brook Lane:



View of properties across the street on Park Brook Lane:



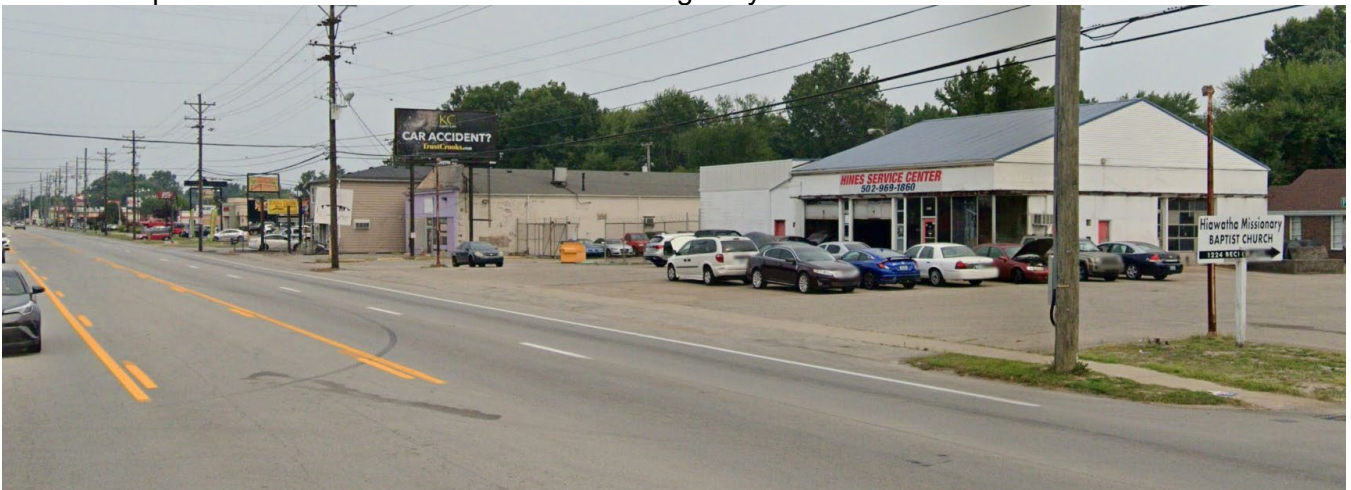
View of Subject Site from Loretta Street:



View of gas station across the street from Loretta Street



View of Properties across the street from Preston Highway



4. Existing Conditions of Approval

1. The number of vehicles parked on the CUP site shall be limited to 16. ~~The CUP use is limited to parking only.~~

5. Proposed 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 off street parking without further review and approval by the Board.
3. Proposal is subject to full construction plans being submitted to the Department of Public Works for traffic and MSD for storm water approvals. Once those have been approved, the plan is subject to Inspections, Permits and Licenses for building/parking permits.
4. The number of vehicles parked on the CUP site shall be limited to 16.