

Board of Zoning Adjustment Staff Report

October 16, 2023



Case No:	23-CUP-0285
Project Name:	Meredith Dunn School
Location:	3023 Melbourne Ave
Owner(s):	Meredith Dunn School, Inc
Applicant:	Alex Rosenberg, AL Engineering
Jurisdiction:	Louisville Metro
Council District:	26- Brent Ackerson
Case Manager:	Amy Brooks, Planner I

REQUEST(S)

- **Conditional Use Permit** for private institutional use (LDC 4.2.65).

CASE SUMMARY

The applicant is requesting a conditional use permit for a private institutional use for the Meredith Dunn School. The subject site is located a block southwest of the Breckenridge Lane and Taylorsville Rd intersection. The school presently serves students in grades K-8 who have been identified with learning differences. Under the requested CUP, the applicant is proposing to construct a 11,644 addition onto the existing main building. The purpose of the addition is to replace the outdated office and classroom space. Several of the existing buildings and the addition will be located closer than 30 feet to the property line. This will require relief from item 'A' of the CUP standards. Due to an existing-off street parking area on Midland Avenue, relief is also necessary from item 'C.' The conditional use permit is required to allow for the proposed expansion of this private institutional use and will allow for future expansions to be permitted as modifications.

Related Cases

14VARIANCE1051- to allow parking in the street side yard setback.

STAFF FINDING

The proposal appears to be adequately justified for approval, including relief, and appears to meet all other standards of the conditional use permit.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMITS

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

STAFF: The proposal is consistent with applicable policies of the Comprehensive Plan, Plan 2040.

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 proposal is 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. The site is located in an area that is surrounded by commercial and residentially zoned properties. To mitigate the impact on the neighborhood, the school has provided plantings along its property perimeters.

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: All 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 are available or will be provided.

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

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.

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

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.

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

E. The Board of Zoning Adjustment may set hours of operation for institutional use in order to minimize potential negative impacts on surrounding residential properties.

STAFF: The existing buildings and proposed addition will be located closer than 30 feet to the property line in areas that are adjacent to residential properties. However, the subject site has an existing tree canopy that provides buffering and screening to mitigate the impact of the use on the properties to the north and west of the subject site. The proposed addition will not generate any new parking requirements. In fact, the proposed building will replace thirteen parking spaces and screen more of the off-street parking lot from the residential properties located across Midland Avenue. There is off-street parking on the southeastern property line that was approved under 14VARIANCE1051. The proposal would not appear to create any impacts beyond what is typical for schools and other private institutions, such as pick-up/drop-off or evening activities.

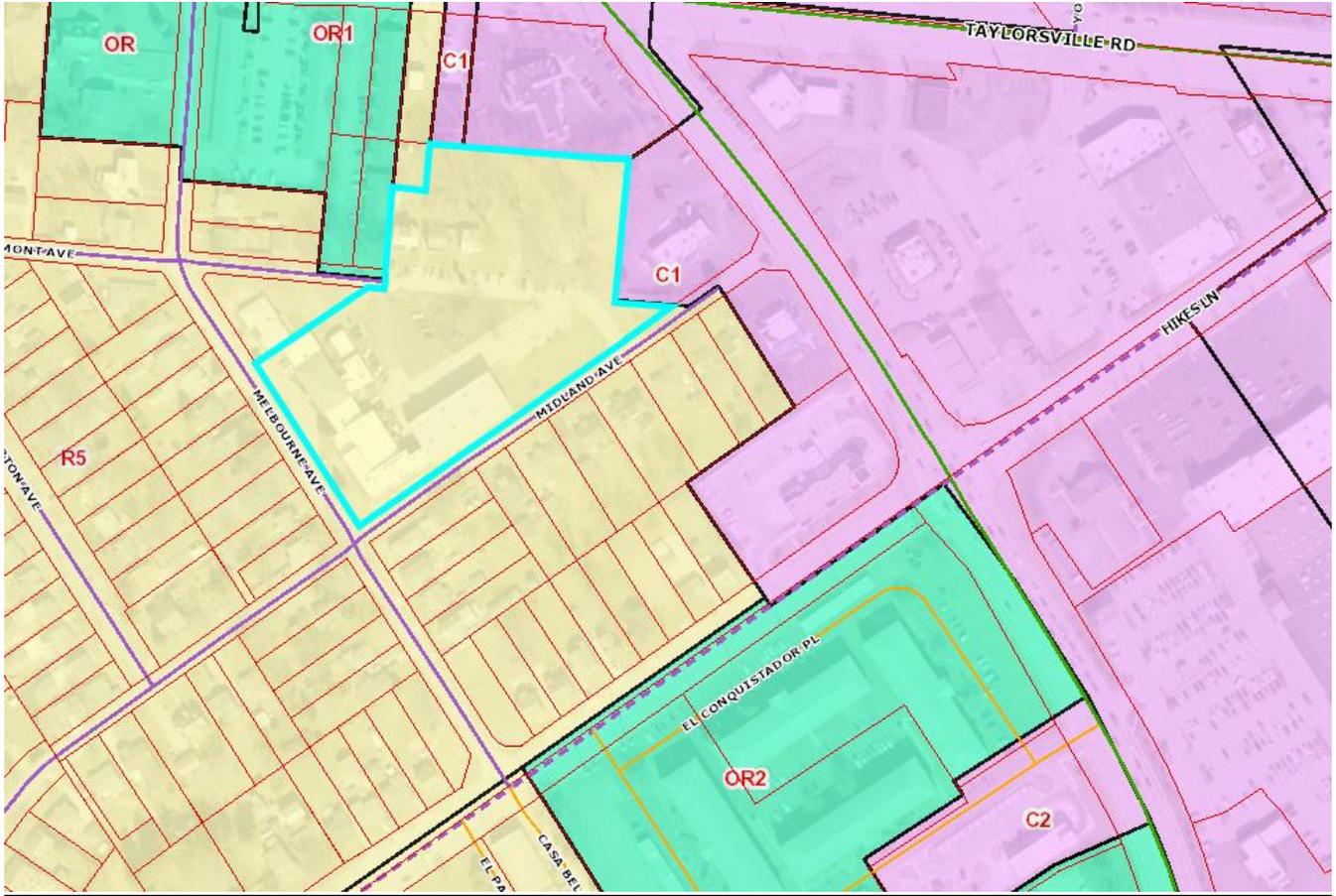
REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Modified Conditional Use Permit** for a private institutional use with relief from items 'A' & 'C'(LDC 4.2.65).

ATTACHMENTS

1. Zoning Map
2. Aerial Map
3. Proposed Conditions of Approval

1. Zoning Map



2. Aerial Map



3. 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 institutional use until further review and approval by the Board.