

17CUP1073  
9808 Brownsboro Rd.



Louisville Board of Zoning Adjustment Public Hearing

Brian Mabry, AICP, Planning & Design Coordinator

October 16, 2017

# Requests

- Conditional Use Permit to allow off-street parking in an R-4 zoning district.
  - Variance from Section 5.3.3.C.2.b of the LDC to allow off-street parking to encroach into the required side and rear setbacks.

	Requirement	Request	Variance
East Property Line	50'	0'	50'
West Property Line	50'	15'	35'
South Property Line	50'	0'	50'

- Waiver from Section 10.2.4 to allow off-street parking to encroach into the required landscape buffer area along the perimeter of the site.

# Case Summary/Background

- Northeast Christian Church proposes an off-street parking area with 167 spaces in an R-4 zoning district.
- Total of 965 spaces for church campus.
- Subject property is 2.43 acres, lightly wooded, rectangular in shape, and occupied by a single-family residence, which is proposed to be demolished.
- Subject property has 194 feet of frontage along Brownsboro Rd, a Minor Arterial and designated Parkway.
- Regional Center form district requires a 50-foot side and rear setback for structures and parking adjacent to a residential zoning district.
- Landscape buffer areas apply along all four sides of the subject property. Waiver sought for sides and rear.

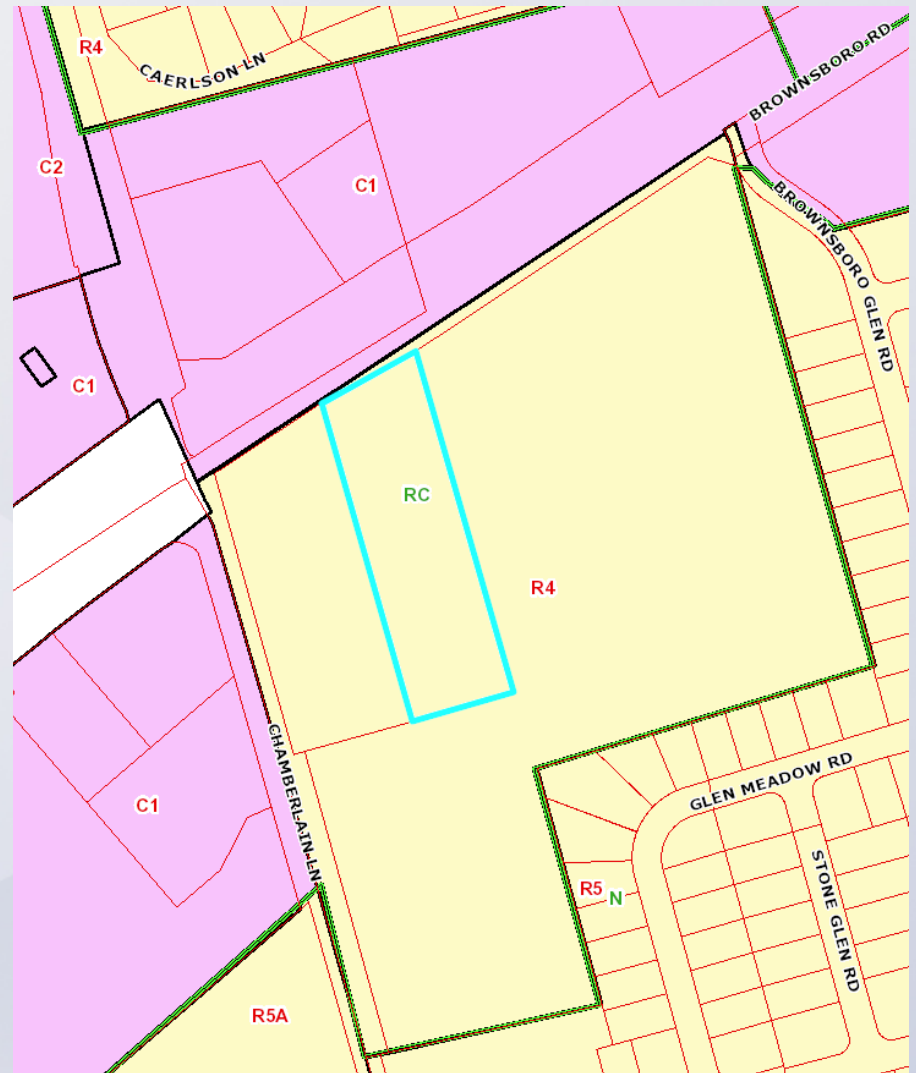
# Zoning/Form Districts

## Subject:

- Existing: R-4/RC
- Proposed: R-4/RC

## Surrounding:

- North: C-1/RC
- South: R-4/RC
- East: R-4/RC
- West: R-4/RC



# Aerial Photo/Land Use

## Subject:

- Existing: Residential
- Proposed: Off-Street Parking

## Surrounding:

- North: Retail
- South: Church parking
- East: Church campus
- West: Cemetery





09/28/2017 13:51

Subject Property Looking South

17CUP1073



09/28/2017 13:51

Retail Across Brownsboro Rd.

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Church campus to east

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Cemetery to west

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LOUISVILLE

Requested Variance and Waiver Areas to East & West

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Requested Variance and Waiver Area South

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# Site Plan



RECEIVED  
001 11 001  
Purchasing &  
DESIGN SERVICES

C-1/R/C  
Steven J. Scarpia  
235 Posada Del Sol  
Novato CA 94949  
D.B. 10167, Pg. 1022

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### CONDITIONAL USE PERMIT REQUESTED:

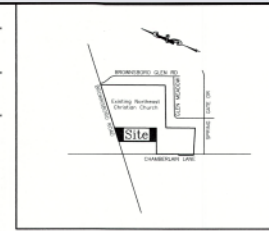
1. A Conditional Use Permit is requested from the Louisville Land Development Code Section 4.2.39 for Off-street Parking on 9808 Brownsboro Road.

### WAIVER REQUESTED:

1. A Waiver is requested from Section 10.2.4 of the Louisville Metro Land Development Code to waive the Landscape Buffer Area along the sides and rear property line.

### VARIANCE REQUESTED:

1. A Variance is requested from Section 5.3.3.C.2.b of the Louisville Metro Land Development Code to vary the 50' setback sides and rear property line.



NO.	DATE	DESCRIPTION	BY

REVISIONS

PROJECT DATA

FILE NAME: 1707-PLAN-1073-PLAN

DATE: 11-08-17

SCALE: AS SHOWN

DESIGNED BY: JST

CHECKED BY: JST

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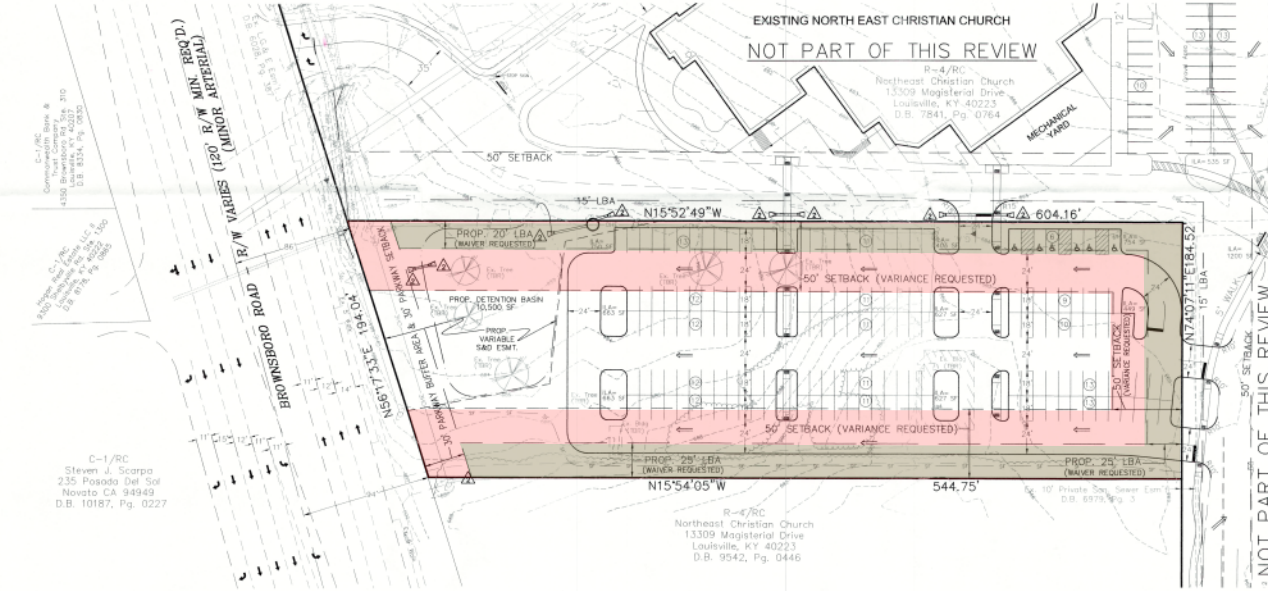
PROJECT DATA

CATEGORY 2B PLAN / C.U.P.

NORTHEAST CHRISTIAN CHURCH  
PARKING LOT  
NORTHEAST CHRISTIAN CHURCH  
13309 MAGISTERIAL DRIVE  
LOUISVILLE, KY 40223

1707-CP-1073

1707-CP-1073



### PROJECT DATA

TOTAL SITE AREA	= 2.4 AC (106,059 SF)
EXISTING ZONING	= R-4 (UNPRECEDENTED)
FORM DISTRICT	= REGIONAL CENTER
PROPOSED USE	= NORTH EAST CHRISTIAN CHURCH PARKING LOT
TOTAL PARKING PROVIDED	= 167 SPACES
	(6 HC SP INCLUDED)
REQUIRED PARKING	MIN. MAX.
COUNSELING CENTER (1904 SF)	= 7 SP
1904 SF/200 MAX.	= 10 SP
700 PERMANENT SEATS/3 MIN.	= 233 SP
233 SP(1250) MAX.	= 291 SP
ASSEMBLY AREA	= 400 SP
20,000 SF/50 SF MIN.	= 500 SP
400 SEATING	= 640 SP
TOTAL SPACES REQUIRED	= 801 SP

### PARKING PROVIDED

EXISTING PARKING PROVIDED	= 798 SPACES (INCLUDES 20 HC SPACES)
PROPOSED PARKING PROVIDED	= 167 SPACES (INCLUDES 6 HC SPACES)
TOTAL PARKING PROVIDED	= 965 SPACES (INCLUDES 26 HC SPACES)

### TOTAL VEHICULAR USE AREA

INTERIOR LANDSCAPE AREA PROVIDED	= 64,404 S.F.
INTERIOR LANDSCAPE AREA REQUIRED	= 4,830 S.F.
EXISTING IMPERVIOUS AREA	= 6,389 S.F.
PROPOSED IMPERVIOUS AREA	= 66,266 S.F. (89% INCREASE)

### GENERAL NOTES:

- Parking areas and drive lanes to be a hard and durable surface.
- A KYTC encroachment permit and bond will be required for any work performed in the Brownsboro Road right-of-way.
- Site lighting shall not shine in the eyes of drivers, if it does it shall be re-aimed, shielded, or turned off.
- Construction fencing shall be erected prior to any construction or grading activities preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the drip line of the tree canopy and shall remain in place. No parking, material storage, or construction activities shall be permitted within the fenced area.
- Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.
- There are no evident Karst Features per a site visit conducted by Ann Richard RLA on Sept. 6, 2017.

### MSD NOTES:

- No portion of the site is within the 100 year flood plain per FIRM Map No. 21111 C 0008 & 0018 E, dated December 5, 2008.
- Drainage pattern depicted by arrows (=>) is for conceptual purposes. Final configuration and size of drainage pipes and channels shall be determined during the construction plan design process. Drainage facilities shall conform to MSD requirements.
- If the site has thru drainage an easement plot will be required prior to MSD granting construction plan approval.
- On-site detention will be required post-developed peak flows will be limited to pre-developed peaks or to the capacity of the downstream system whichever is more restrictive.
- The final design of this project must meet all MSD water quality regulations established by MSD. Site layout may change at the design phase due to proper sizing of Green Best Management Practices.
- Erosion & Silt Control shown is conceptual only, and final design will be determined on construction plans. Prior to any construction activities on the site a Erosion & Silt Control Plan shall be provided to MSD for approval.
- KYTC approval required prior to MSD construction plan approval.
- MSD drainage bond required prior to construction plan approval.
- A Downstream Capacity Request has been submitted to MSD.

### EROSION PREVENTION AND SEDIMENT CONTROL NOTES

- The approved erosion prevention and sediment control (EPPSC) plan shall be implemented prior to any land-disturbing activity on the construction site.
- Any modifications to the approved EPPSC plan must be reviewed and approved by MSD's private development review office. EPPSC BMP's shall be installed per the plan and MSD standards.
- Detention basins, if applicable, shall be constructed first and shall perform as sediment basins during construction until the contributing drainage areas are seeded and stabilized.
- Actions must be taken to minimize the tracking of mud and soil from construction areas onto public roadways. Soil tracked onto the roadway shall be removed daily. Soil stabilizer shall be applied away from streams, ponds, swales and catch basins. Stockpiles shall be seeded, mulched, and adequately contained through the use of silt fence.
- All stream crossings must utilize low-water crossing structures per MSD standard drawing ER-02.
- Where construction or land disturbance activity will or has temporarily ceased on any portion of a site, temporary site stabilization measures shall be required as soon as practicable, but no later than 14 calendar days after the activity has ceased.
- Sediment-laden groundwater encountered during trenching, boring or other excavation activities shall be pumped to a sediment trapping device prior to being discharge into a stream, pond, wetland or catch basin. All storm drainage shall conform to MSD standard specifications.
- Construction fencing shall be erected prior to any construction or grading activities preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the drip line of the tree canopy and shall remain in place. No parking, material storage, or construction activities shall be permitted within the fenced area.

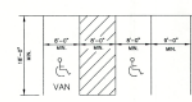
### DETENTION BASIN CALCULATIONS

X = Δ CRA/12  
 ΔC = 0.85 - 0.23 = 0.62  
 A = 2.4 ACRES  
 R = 2.8 INCHES  
 X = (0.62)(2.4)(2.8)/12 = 0.35 AC.-FT.  
 REQUIRED: X = 15,246 CU.FT.  
 PROVIDED: BASIN = 10,500 SQ.FT.  
 TOTAL = 10,500 SQ.FT. @ APPROX. 2 FT. DEPTH  
 = 21,000 CU.FT. > 15,246 CU.FT.

MSD STANDARD EROSION CONTROLS
STONE BAG CHECK DAM IN CONCRETE FLUMES
WINGED HEAVY-DUTY INLET PROTECTION
SILT FENCE

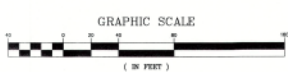
LEGEND

← PROPOSED STORM SEWER, CATCH BASIN



### TREE CANOPY CALCULATIONS (CLASS "C" 0%-40%)

TOTAL SITE AREA	= 106,059 S.F.
EXISTING TREE CANOPY	= 108 (100.66 S.F.)
TOTAL TREE CANOPY AREA REQUIRED	= 208 (21,212 S.F.)
EXISTING TREE CANOPY TO BE PRESERVED	= 0% (0 S.F.)
PROPOSED TREE CANOPY TO BE PLANTED	= 208 (21,600 S.F.)



SITE ADDRESS:  
 9808 BROWNSBORO ROAD  
 TAX BLOCK 0008, LOT 0022  
 D.B. 9468, PG. 0093

CASES: 17DEVPLAN 1163 & 17CUP1073  
 COUNCIL DISTRICT - 17  
 FIRE PROTECTION DISTRICT - WORTHINGTON  
 WM #2815

# Staff Findings

- The proposal meets the applicable policies of the Comprehensive Plan. There are six specific standards required to obtain the Conditional Use Permit requested and all will be met except for the requirement related to setbacks. 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 Land Development Code for a conditional use permit, variance, and landscape waiver.

# 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.

# Required Actions

## Approve or Deny:

- Conditional Use Permit to allow off-street parking in an R-4 zoning district.
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