

Board of Zoning Adjustment Staff Report

September 11, 2023



Case No:	23-MCUP-0005
Project Name:	Greater Galilee Off-street Parking
Location:	4000 W. Broadway
Owner(s):	Greater Galilee Church of Louisville
Applicant:	Eric A. Johnson
Representative:	Ashley Bartley, QK4
Jurisdiction:	Louisville Metro
Council District:	5 – Donna Purvis
Case Manager:	Amy Brooks, Planner I

REQUEST(S)

- **Modified Conditional Use Permit** for off-street parking area (LDC 4.2.39)
- **Waiver** of Land Development Code (LDC), Section 10.2.10 to omit the 5' Vehicle Use Area (VUA) landscape buffer area (LBA) along 40th Street.

CASE SUMMARY

The applicant has requested a modification to a conditional use permit (CUP) for an off-street parking area along W. Broadway that serves the Greater Galilee Church, a private institutional use located on the opposite side of 40th Street from the subject property. Under the original CUP, thirteen parking spaces and a free-standing canopy that would allow for recreational activities were granted by the Board of Zoning Adjustments with relief provided from lettered standards 'C' and 'D'. Additionally, variances and waivers were approved under that original CUP to allow encroachment into required yards and landscape buffer areas. The applicant is now proposing to extend the parking lot an additional five feet towards S. 40th St. thereby omitting the required 5 ft. VUA LBA. Street trees in an equivalent number to what would be required within the LBA will be provided.

Related Cases

22-CUP-0233: conditional use permit for off-street parking

STAFF FINDING

The proposal appears to meet all standards of the conditional use permit, except those which were granted relief under the original CUP. The waiver appears to be adequately justified based on the staff's analysis contained in the standard of review.

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 was formerly a service station. Impervious surfaces, gravel, and structures occupied most of the lot. Structures have been removed. The lot has served as an area for transient, vehicular parking for institutional use across 40th Street prior to removal of the station and continues to serve that function.

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?

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 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).
- B. Walls, fences, or plantings shall be provided in a manner to provide protection for and be in harmony with surrounding residential property.
- C. The minimum front, street side, and side yards required in the district shall be maintained free of parking.
- D. The area shall be used exclusively for transient parking of motor vehicles belonging to invitees of the owner or lessee of said 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.
- 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: The off-street parking area is immediately opposite 40th Street from the institutional use it is proposed to serve. A safe crossing is available at 40th Street where it intersects Broadway. A 3 ft. masonry wall with plantings will be provided to delineate the space from the public sidewalk and provide safety to pedestrians while the parking area is in use. A variance has been granted to allow for encroachment into multiple yards. While not in use for parking, the development will also allow

for the institution to use the space for recreational activities, including basketball, and be covered for these activities. Plans have been preliminarily approved by Louisville MSD and Transportation Planning.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners as the encroachments formalize the space and provide proper functioning of the parking spaces and drive lanes.

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of Plan 2040. Community form Goal 1, Policy seeks to ensure an appropriate transition between uses that are substantially different in scale and intensity or density of development. The transition may be achieved through methods such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions and setback requirements. Policy 12 calls for the parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. The applicant is providing screening from the public sidewalk in the form of a three-foot masonry wall with planters on top, and six street trees along 40th Street.

- (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 and all required trees will be provided in the street

- (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 an unnecessary hardship on the applicant as the request does not violate Plan 2040 or adversely impact adjacent property owners.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the **Modified Conditional Use Permit** for off-street parking area (LDC 4.2.39)
- **APPROVE** or **DENY** the **Waiver** of Land Development Code (LDC), Section 10.2.4 to waive the landscape buffer area along 40th Street

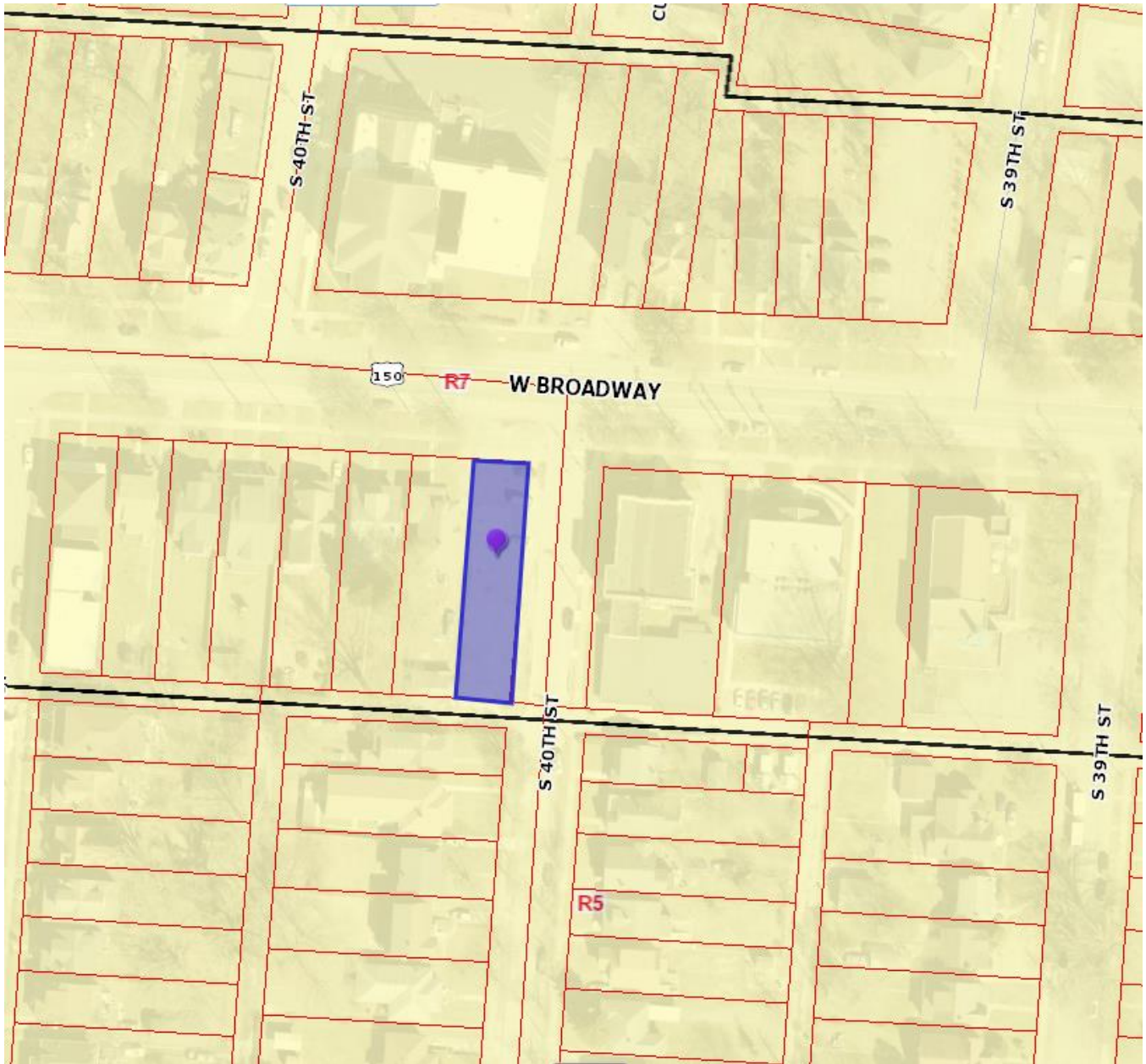
NOTIFICATION

Date	Purpose of Notice	Recipients
08/28/2023	Hearing before BOZA	1 st and 2 nd tier adjoining property owners and residents Registered Neighborhood Groups in Council District 5

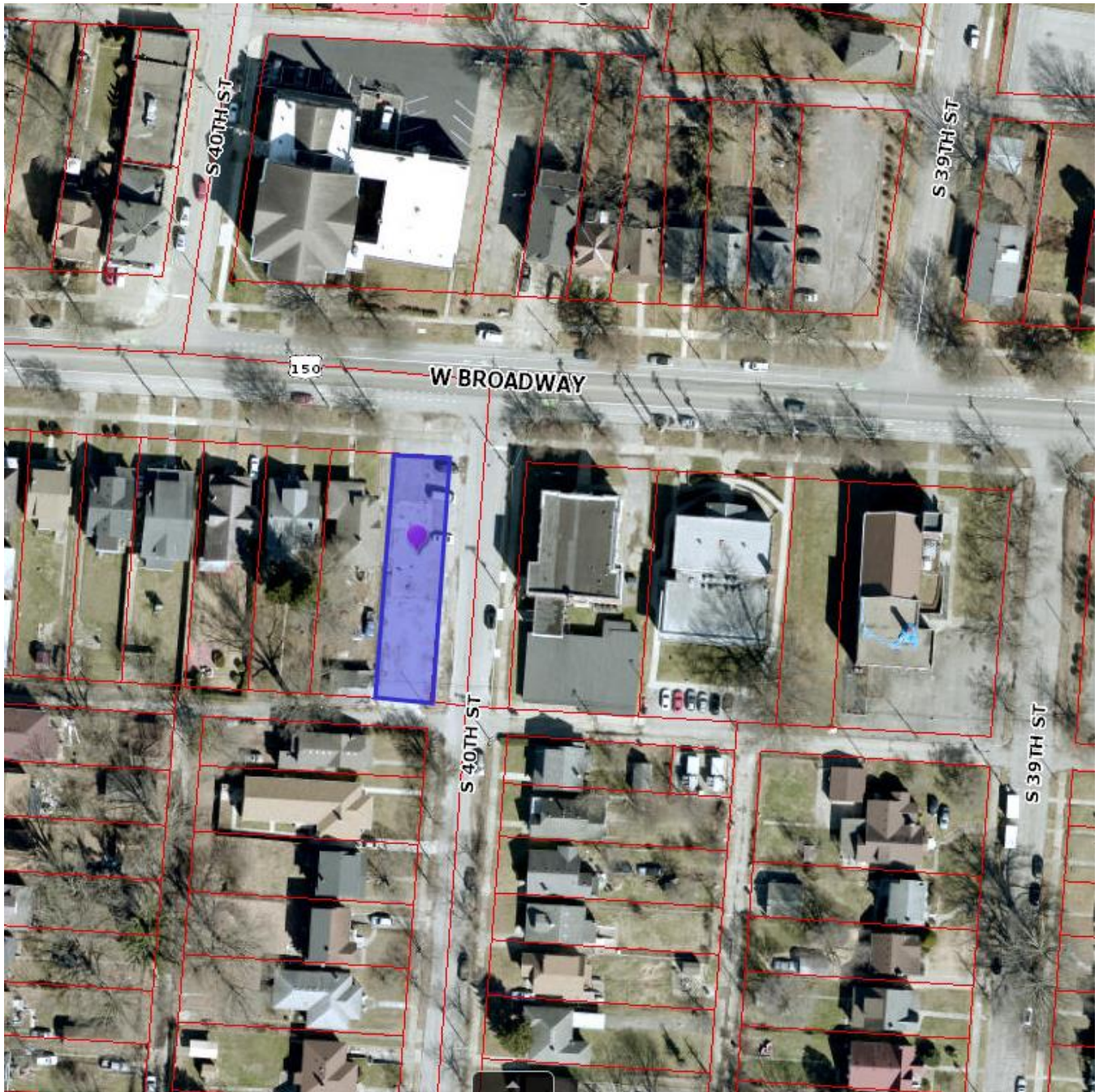
ATTACHMENTS

1. Zoning Map
2. Aerial Map
3. Existing 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 off-street parking until further review and approval by the Board.