

Development Review Committee

Staff Report

September 2, 2015



Case No:	15DEVPLAN1044
Project Name:	Christ Temple Apostolic Church
Location:	723 South 45 th Street
Owners:	Christ Temple Apostolic Church
Applicant:	Christ Temple Apostolic Church
Representative:	Evans/Griffin, Inc.
Project Area/Size:	3.48 ac.
Existing Zoning District:	R-5/ R-7, Single and multi-family residential
Existing Form District:	TN, Traditional Neighborhood
Jurisdiction:	Louisville Metro
Council District:	5 – Cheri Bryant Hamilton
Case Manager:	Matthew R. Doyle, Planner II

REQUESTS

- Category 3 Plan for construction of a building addition
- Sidewalk waiver

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is located in West Louisville near Shawnee Park. The lot is irregular in shape and has frontage on W. Broadway, S. 45th St., and Doerhoefer Ave. Christ the King Church abuts the site to the east.

The applicant proposes to remove an existing 6,800 sq. ft. accessory building and construct a 1-story, 18,833 sq. ft. addition to the existing church on the R-5 portion of the site. This would be considered a net increase of 12,833 sq. ft. for an expansion of 18.5%. The site would have a total of 139 parking spaces – 94 off-street, 26 on-street, and 19 shared – exceeding the minimum required by only 4 spaces. A cross-over access/parking agreement must be recorded prior to construction approval as noted on the development plan. A sidewalk waiver has been requested in the Doerhoefer Ave right-of-way. Both the Director of Public Works and Planning and Design Services waived the required 50' minimum right-of-way on Doerhoefer Ave to provide 30' of right-of-way.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Church	R-5/ R-7	TN
Proposed	Church w/ activities center	R-5/ R-7	TN
Surrounding Properties			
North	Multi-family residential	R-7	TN
South	Single family residential	R-5	TN
East	Church	R-5	TN
West	Single family residential	R-5	TN

PREVIOUS CASES ON SITE

B-217-06: An application for a variance from the Land Development Code to allow proposed signage to exceed the required area and height.

INTERESTED PARTY COMMENTS

N/A

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR A WAIVER of section 5.8.1.B. to not provide a sidewalk along Doerhoefer Ave:

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

STAFF: The waiver will not adversely affect adjacent property owners since the abutting right-of-way would remain in its current state with the grass verge and fully matured Oak trees.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 7, Policy 1 states that developments should be evaluated for their impact on the street and roadway system and to ensure that those who propose new developments bear or reasonably share in the costs of the public facilities and services made necessary by development. Guideline 9, Policy 1 states that new development should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with sidewalks along the streets of all developments where appropriate. The waiver would not violate specific guidelines of Cornerstone 2020 since the Doerhoefer Ave functions more like an alley than a local 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 since the proposed development meets or exceeds all other applicable regulations of the Land Development Code.

- (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 deprive the applicant of the reasonable use of land or create an unnecessary hardship since the proposed development meets or exceeds all other applicable regulations of the Land Development Code; the applicant would have to remove an existing area that buffers the adjacent property owners from the church parking; the applicant would be the only property owner to provide a sidewalk along this stretch of Doerhoefer Ave; and, to properly construct the sidewalk, the applicant would lose parking spaces necessary to meet the minimum required parking spaces.

TECHNICAL REVIEW

This property was listed in the National Register of Historic places in 1981. Guideline #5 under Community Form/Land Use (Table #3) in the Cornerstone 2020 Comprehensive Plan stresses the protection of historic resources. Historic Preservation staff recommends adaptive re-use of the structure instead of demolition.

STAFF CONCLUSIONS

- The sidewalk waiver appears adequately justified based on staff analysis in the standard of review.
- The proposed development meets or exceeds all other applicable regulations of the Land Development Code.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the sidewalk waiver.
- **APPROVE** or **DENY** the Category 3 Plan.

NOTIFICATION

Date	Purpose of Notice	Recipients
7/17/2015	Hearing before DRC	1 st tier adjoining property owners Registered neighborhood groups

ATTACHMENTS

1. Zoning Map
2. Aerial

1. **Zoning Map**



2. Aerial

