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June 23, 2018

Mr. Steve Hendrix
Louisville Metro Planning & Design Services
444 S. 5th Street, 3rd Floor
Louisville, KY 40202

RE: CASE # 18CUP1073
Proposed Kingdom Center Church
13913 & 13985 Poplar Lane

Mr. Hendrix,

Enclosed please find a Conditional Use Permit application and supporting documentation for the above mentioned project. The applicant plans to build a 25,300 SF Church building on this R-4 zoned site in the Neighborhood Form District. The neighborhood meeting for this project was held on July 12th and the pre-application conference was held on July 13th.

Along with this CUP request, the applicant is requesting two Variances from Section 5.3.1.C.5 to allow the building to be set back beyond the maximum setback and to exceed the maximum building height. Due to the shape of the site it is impossible to construct the church within 80 of the street right-of-way. The proposed building height of 32 feet is just slightly above the maximum building height of 30 feet.

The applicant is also requesting a Waiver of Section 5.8.1.B to provide no sidewalks along Poplar Lane and Old Poplar Lane. Due to the remote nature of the site and the proximity to the Interstate, sidewalks will likely never be constructed on adjoining properties.

The applicant is also asking for relief from the CUP to allow some parking in front of the church building. Due to the existing site constraints, such as topography and proximity to the interstate, and the nature of Church operations, parking in front of the Church is important. All other CUP requirements are being met.

Please note, sanitary sewer access is not available for this site so there will be an on-site sewage disposal system. We are currently working out the details with the Louisville Metro Health Department.

Please schedule this matter for the next available BOZA meeting. For questions I can be reached at 502-584-6271 or kelli.jones@swlinc.com.

Thank you.

Kelli Jones, RLA

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PATRICK R. DOMINIK, Landscape Architect • DAVID J. SEDLAR, Civil Engineer • DENNIS L. KRAUS, Land Surveyor
ERIC W. PENLAND, Civil Engineer • JOSEPH S. MARSHALL, Civil Engineer • DAVID W. SIPES, Civil Engineer

Neighborhood Meeting #1

Case #18CUP1073

Thursday, July 12, 2018

5:27 PM

1. INTRODUCTION of Team Members & WELCOME
 - a. Sabak Wilson Lingo Team
 - b. Pastor Ronnie Harrison
 - c. Elder Greg Wellman, Director of Operations
2. OVERVIEW OF PROJECT & Vision (Pastor Ronnie Harrison & Elder Greg Wellman)
 - a. Pastor gave the Vision of The Kingdom Center Church and explained that due to growth of the congregation, the Church need to expand to a new property.
 - b. Due to some recent confusion among nearby neighbors, Elder Greg Wellman confirmed that English Estates Tract 6 is NOT a part of the Project.
 - c. Elder Wellman then reviewed the building size, primary operating hours [8am - Noon on Sunday; 6pm to 9pm Wednesday], and proposed site layout.
3. REVIEW OF CUP PROCESS (Kelli)
 - a. Ms. Jones explained the process for approvals including pre-app submittal, neighborhood meeting, formal filing, BOZA meeting and then construction plan submittal and approval. She also confirmed that this meeting was held very early in the process.
 - b. She noted that everyone who received notice of the neighborhood meeting along with all those who signed in on the provided form would receive notice of the BOZA meeting.
 - c. She mentioned that the plan that was presented is slightly different than the plan that was submitted as a part of the pre-application submittal because the building has been shifted to the west based on some conversations with various agencies.
 - d. She also provided contact numbers for both Public Works and Planning and Design Services and suggested that they call their councilperson to discuss traffic concerns.
4. Questions / Answers
 - Q. What are you going to do about traffic? (This or similar questions were voiced over and over.) People have noticed a dramatic increase in traffic after the development of several nearby apartment complexes, subdivisions and Christian Academy. Many people mentioned having trouble getting out of their driveways. Many people said drivers speed around the curve and sight distance is poor.
 - A. We will work with Public Works to determine what is required as a part of this development. We will also research other measures that can be taken to improve the safety of this area. Also, our peak hours will be different than typical rush hour peak times. Our peak hours will be Sunday mornings and Wednesday evenings.
 - Q. Has a traffic study had been done?
 - A. No. We have been asked to provide trip generation and distribution, but no traffic study has been requested.

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Q. Will there be sanitary sewer?

A. No. We will be using an on-site disposal system.

Q. How many parking spaces will you have?

A. We are showing 274 spaces.

Q. Is this a done deal?

A. No. We are very early in this process. The church has the property under contract, but is not currently the owner. We have to get approval of this CUP but then we will also have to get construction plan approvals.

Q. What about safety? Can a fire truck access the site?

A. Yes. The entrance drive will be at least 24' wide. It is actually wider at the road because it has two lanes to exit. This is plenty of room for a fire truck to access the site.

Meeting began at 6:35 pm and Ended at about 7:40 pm

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**KINGDOM CHURCH
TRIP GENERATION SUMMARY**

| Land Use | Size | Weekday 7 PM | | | Sunday | | |
|--------------|------------------------|--------------|-----|-------|--------|-----|-------|
| | | IN | OUT | Total | IN | OUT | Total |
| 560 – Church | 802 Seats | 245 | 245 | 490 | 245 | 245 | 490 |
| | 1500 Seats (Future) | 458 | 458 | 916 | 458 | 458 | 916 |

Source: ITE Trip Generation Manual 9th Edition

ITE LAND USE 560 - CHURCH

Weekday (Based on Number of Seats)

Rate average = 0.61 trips per seat

Trips = 0.61 x 802 seats = 489 say 490 trips

Sunday (Based on Number of Seats)

Trips = 0.61 x 802 seats = 489 say 490 trips

TRIP DISTRIBUTION & TRAFFIC ASSIGNMENT

Trips IN to site (assumptions based on the fastest routes from I-64 and Jeffersontown)

- 50% come from the west on Poplar Lane from South Pope Lick Road distributed 50% south and north along South Pope Lick.
- 50% come from the east on Poplar Lane from English Station Road distributed 50% south and north along English Station.

Trips OUT of site (assumptions based on the fastest routes from I-64 and Jeffersontown)

- 50% come from the west on Poplar Lane from South Pope Lick Road distributed 50% south and north along South Pope Lick.
- 50% come from the east on Poplar Lane from English Station Road distributed 50% south and north along English Station.

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**CONDITIONAL USE PERMIT JUSTIFICATION
THE KINGDOM CENTER CHURCH, INC., APPLICANT
13913 and 13985 POPLAR LANE**

1. THE PROPOSAL CONFORMS TO THE PURPOSE AND INTENT AND ALL OTHER REQUIREMENTS OF THE LAND DEVELOPMENT CODE.

The Proposal meets or exceeds all requirements of the Land Development Code, except for:

- (1) Variances from LDC §5.3.1.C.5 to allow the building to set back beyond the maximum setback; and to allow the proposed building height (32 feet) to exceed the maximum building height of 30 feet; and
- (2) A waiver of LDC §5.8.1.B to provide no sidewalks along Poplar Lane and Old Poplar Lane due to the remote nature of the site.

2. THE PROPOSAL IS CONSISTENT WITH THE APPLICABLE POLICIES OF THE COMPREHENSIVE PLAN.

The Proposal is consistent with the applicable policies of the Comprehensive Plan. Applicable Policies and a statement of consistency are set forth below.

Community Form Guideline 1. The Proposal conforms to Community Form Guideline 1 and Policy 1.B.3 ("Neighborhood") because the Proposal lies within the Neighborhood Form District. The proposed Kingdom Center Church building, at 25,300 square feet, is appropriately sized and has the appropriate character to be located in this vicinity.

Compatibility Guideline 3. The Proposal conforms to Compatibility Guideline 3 and all applicable Policies adopted thereunder, including Policies 1, 2, 5, 6, 7, 8, 9, 12, 21, 22, 23 and 28. Building materials will be primarily EIFS with brick wainscot and a standing seam metal roof as shown on the submitted architectural rendering prepared by Don Kimble, Architect. The building design is compatible with homes in the general vicinity. The proposed use of this property will generate no odors or air quality emissions. Church activities will not generate excessive volumes of traffic or cause noise in the community. All Land Development Code requirements regarding outdoor lighting will be observed and there will be no adverse visual impacts from the Proposal. Landscaping in conformance with the Land Development Code will be provided. All setbacks will be observed except where variances and a waiver have been granted [one setback variance and one height variance, and a waiver request not to have sidewalks along Poplar Lane and Old Poplar Lane]. Adequate parking pursuant to the Land Development Code has been provided.

Natural Areas and Scenic and Historic Resources Guideline 5. The Proposal conforms to Natural Areas and Scenic and Historic Resources Guideline 5 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 5, 6 and 7. There are no natural features on

the site worthy of special protection. Moreover, there are no historic or distinctive cultural resources on the site. Soils are not wet or highly permeable. The site has no archaeological features thereon.

Circulation Guideline 7. The Proposal conforms to Circulation Guideline 7 and all applicable Policies adopted thereunder, including Policies 1, 2, 3, 9 and 10. Poplar Lane and the surrounding street network have adequate capacity to handle all traffic volumes from the Proposal. Right-of-way will be dedicated to Poplar Lane as requested by the Department of Public Works. Adequate parking pursuant to the Land Development Code has been proposed, as shown on the Conditional Use Permit plan, because 282 spaces are proposed [minimum: 270 spaces; maximum: 337 spaces]. It is anticipated that the Louisville Department of Public Works or the Transportation Review Section will approve the Proposal.

Bicycle, Pedestrian and Transit Guideline 9. The Proposal conforms to Bicycle, Pedestrian and Transit Guideline 9 and all applicable Policies including Policies 1, 2 and 4 because most Church members will arrive via motor vehicle and will walk into the Church via pedestrian walkways. Bicycle storage facilities will be located within the Church building. There is no transit service in the vicinity due to low ridership demand.

Flooding and Stormwater Guideline 10. The Proposal conforms to Flooding and Stormwater Guideline 10 and all applicable Policies adopted thereunder, including Policies 1, 2, 6, 7, 10 and 11. A stormwater assessment of the proposed site was conducted using MSD watershed plans as a guideline for development. Adequate detention facilities and an on-site sewage disposal system have been proposed as shown on the Conditional Use Permit Plan. The proposed on-site drainage system will protect “through” drainage systems based on a fully developed watershed. Peak stormwater runoff rates or volumes after development will be consistent with regional and watershed plans or will be mitigated on-site. Post-development run-off rates will not exceed pre-development rates.

Air Quality Guideline 12. The Proposal conforms to Air Quality Guideline 12 and all applicable Policies adopted thereunder, including Policy 1. The proposed land use will not be a source of ambient air quality degradation. It is anticipated that the Louisville Air Pollution Control District will approve the Proposal.

Landscape Character Guideline 13. The Proposal conforms to Landscape Character Guideline 13 and all applicable Policies adopted thereunder, including Policies 1, 2, 5 and 6. The Proposal will meet tree canopy requirements and adequate landscaping will be provided on site. Trees and other plant materials will be native species.

Infrastructure Guideline 14. The Proposal conforms to Infrastructure Guideline 14 and all applicable Policies adopted thereunder, including Policies 2, 3, 4, 6 and 7. The development will be served by existing utilities. An adequate supply of potable water and water for fire-fighting purposes will be provided via facilities of the Louisville Water Company. On-site sewage facilities will be provided in accordance with directions of the Louisville Department of Public Health [there are no sewers in the general vicinity].

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Utilities and utility easements will be situated where designated by each utility agency or company.

Community Facilities Guideline 15. The Proposal conforms to Community Facilities Guideline 15 and all applicable Policies adopted thereunder, including Policy 9 because the site is adequately served by fire protection services by the Anchorage-Middletown Fire Protection District.

The Proposal conforms to all other applicable Policies of the Comprehensive Plan.

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VARIANCE JUSTIFICATIONS

The applicant is requesting two variances from LDC Chapter 5.3.1.C.5 as follows:

Maximum Building Setback – Due to the shape and topography on the subject property, the applicant is requesting a variance from the 80' Maximum Setback requirement. The proposed church building is set back 926' from Poplar Lane. Part of the applicant's draw to this property was the beautiful scenery and ideal visibility from the interstate. The applicant's vision for this property includes a scenic drive up to the grand Church on the hill.

Building Height – The applicant is requesting a variance from the maximum building height for this property. Portions of the structure will meet the requirements, but other parts will be up to 32' in height. This is 2' higher than the permitted height. With the large setback from both adjoining properties and Poplar Lane, this increase of 2' will be insignificant.

With regard to the justification for these variances, please note the following:

- 1. Explain how the variance will not adversely affect the public health, safety or welfare.**
These variances are internal to the site and the building is set back from the adjacent properties on all sides. Therefore, it will have no bearing on the public health, safety, or welfare.
- 2. Explain how the variance will not alter the essential character of the general vicinity.**
This area is characterized by large lot residential development with homes of varying sizes. The subject property is flanked on two sides by the interstate. The proposed structure is tucked back on the site which will protect the character of the area along Old Poplar Lane. The small increase in building height won't even be perceptible with this large setback. Therefore, this variance will not alter the character of the general vicinity.
- 3. Explain how the variance will not cause a hazard or a nuisance to the public.**
Tucking the church back against the interstate will actually decrease the impact to the public because it will lessen the impact on Poplar Lane and it will be a great addition to the viewshed along the interstate. Therefore, it will not cause a hazard or nuisance to the public.
- 4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.**
The increased setback is driven by existing property constraints and the building height is mitigated by the increased setback, therefore this is not an unreasonable circumvention of the requirements of the zoning regulations.

Additional Consideration:

- 1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify)**
The setback variance arises due to the shape and topography of the subject property. With very narrow street frontages and challenging topography in these areas, the building cannot be built within 80' of the street. The building height variance is due to the design of the church building. This is a non-residential structure in a residential zone. Both of these are circumstances that don't generally apply to land in the general vicinity.

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10:00 AM

2. **Explain how 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.**

The strict application of the regulations would make this property unbuildable and would require the Church to reduce the ceiling height in their sanctuary, thereby creating an unnecessary hardship.

3. **Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relieve is sought?**

No. The circumstances are the result of existing property constraints and the applicant's desire to maximize the height of their sanctuary, and are in no way the result of actions of the applicant.

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SIDEWALK WAIVER JUSTIFICATION

The applicant is requesting a sidewalk waiver from LDC 5.8.1.B to provide no sidewalks along Poplar Lane and Old Poplar Lane. Due to the remote nature of the site and the proximity to the Interstate, sidewalks will likely never be constructed on adjoining properties. In addition, existing roadside conditions and required drainage structure improvements would make the construction of this sidewalk very expensive.

1. How does the proposed waiver conform to the Comprehensive Plan and the intent of the Land Development Code?

There are no bus stops, schools, services, large subdivisions or other places to walk within the immediate vicinity and existing topography and character in the area is not conducive to sidewalks, so this waiver does not violate the Comprehensive Plan or the intent of the Land Development Code.

2. Why is compliance with the regulations not appropriate, and will granting of the waiver result in a development more in keeping with the Comprehensive Plan and the overall intent of the Land Development Code?

Again, there is no place to walk within the immediate vicinity. This area is very rural in nature and sidewalks are not appropriate. Protecting the rural character of the road is more in keeping with the Comprehensive Plan and intent of the Land Development Code.

3. What impacts will granting of the waiver have on adjacent property owners?

There will be no impact on adjoining property owners because there are no existing sidewalks in the area and there are no services in close proximity to which someone would need to walk.

4. Why would strict application of the provision of the regulations deprive you of reasonable use of the land or create an unnecessary hardship for you?

Due to existing site constraints such as topography and drainage structures, the strict application of the provisions of the regulations would cause a great cost to the applicant.

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