

**Board of Zoning Adjustment  
Staff Report  
February 4, 2019**



<b>Case No.</b>	18CUP1122
<b>Project Name</b>	Christian Academy Addition
<b>Location</b>	700 S. English Station Road
<b>Owner/Applicant</b>	Christian Academy of Louisville
<b>Representative</b>	Blomquist Design Group LLC
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	19 – Anthony Piagentini 20 – Stuart Benson
<b>Case Manager</b>	Beth Jones, AICP, Planner II

**REQUEST**

- Conditional Use Permit for Private Institutional Use in a Single-Family Zoning District (LDC 4.2.65)

**CASE SUMMARY / BACKGROUND**

The applicant proposes to construct a new Junior Academy school building and make several additions to the existing main school building on a 62.6 acre site. The site is currently developed with a 160,00 sq ft school building, multiple parking areas and outdoor athletic fields.

The site is located on the west side of S. English Station Road between English Station Way and Harkaway Avenue. It is adjoined on the north, south and east by R-4 Single-Family Residential uses and on the west by R-6 Multi-Family Residential uses and I-265. All are within a Neighborhood form district.

The proposed development consists of a single-story 11,000 sq ft building for the Academy's pre-school program, and includes a playground and a 58-space parking lot. This area of the site will be accessed via a new driveway that ties into an existing intersection at Redemption Way at its east end and the campus' existing internal circulation system at the west. The proposal also includes two additions to the existing school building, for a main foyer and a cafeteria, totaling 9,250 sq ft.

**STAFF FINDINGS**

The proposal meets the standard of review and fulfills the requirements of the requested CUP.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets standards as established by the Land Development Code for a CUP for Private Institutional Use in a Single-Family Zoning District

## **TECHNICAL REVIEW**

The proposal has received preliminary approval from Transportation Planning and MSD. No technical issues remain to be resolved.

## **INTERESTED PARTY COMMENTS**

A neighborhood meeting was held on November 27, 2018. No additional comments have been received.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT**

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

STAFF: The proposal is consistent with Comprehensive Plan policies regarding compatibility and efficient use of land and public infrastructure.

### **2. Is the proposal compatible with surrounding land uses and the general character of the area, including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?**

STAFF: The proposal is compatible with development in the vicinity and with surrounding uses.

### **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: The proposal is has received preliminary approval from Transportation Planning and MSD.

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

#### **4.2.65 Private Institutional Use in a Single-Family Zoning District**

Private institutional uses, except for such uses specifically regulated elsewhere in this LDC, may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, and U-N zoning districts upon the granting of a Conditional Use Permit and compliance with the listed requirements:

- 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.

STAFF: The proposal is in an R-4 Single-Family Residential zoning district and a Neighborhood form district and meets these requirements.

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

STAFF: The proposal has received preliminary approval from Transportation Planning.

- 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.

STAFF: The proposal has received preliminary approval from Transportation Planning.

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

STAFF: The proposal is not expected to significantly impact noise levels.

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

STAFF: Due to the nature of the proposed use, the hours of operation are not negotiable. Traffic impacts, which would be the most likely negative impact, are periodic in nature and mitigated by the alignment of the new driveway with existing public roadways and the site's internal circulation system.

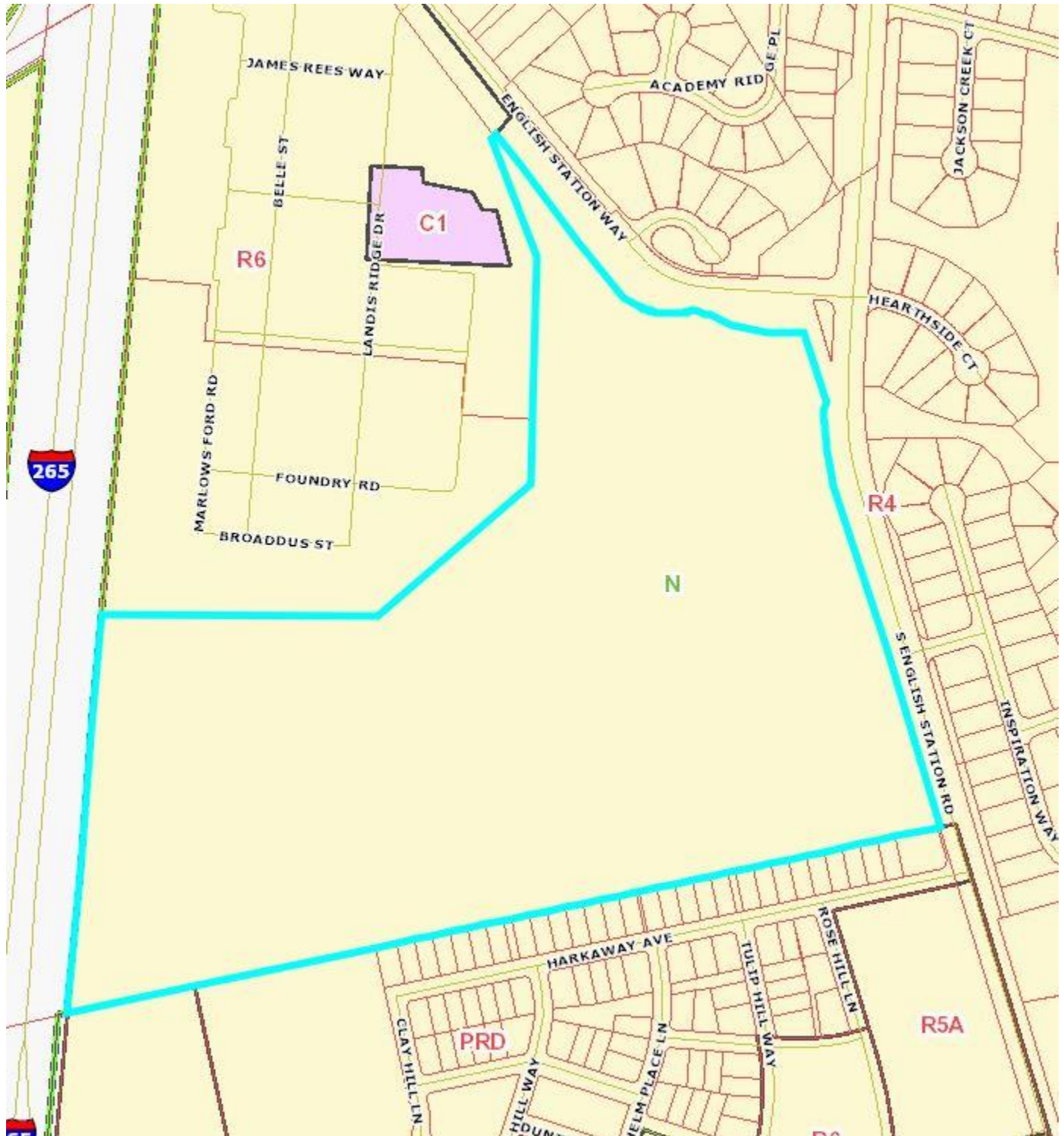
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
11/6/2018	Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups for Council Districts 19 and 20
1/18/2019	Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups for Council Districts 19 and 20
		Sign Posting

#### **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Detail Aerial Photograph
4. Cornerstone 2020 Checklist
5. Conditions of Approval

## 1. Zoning Map



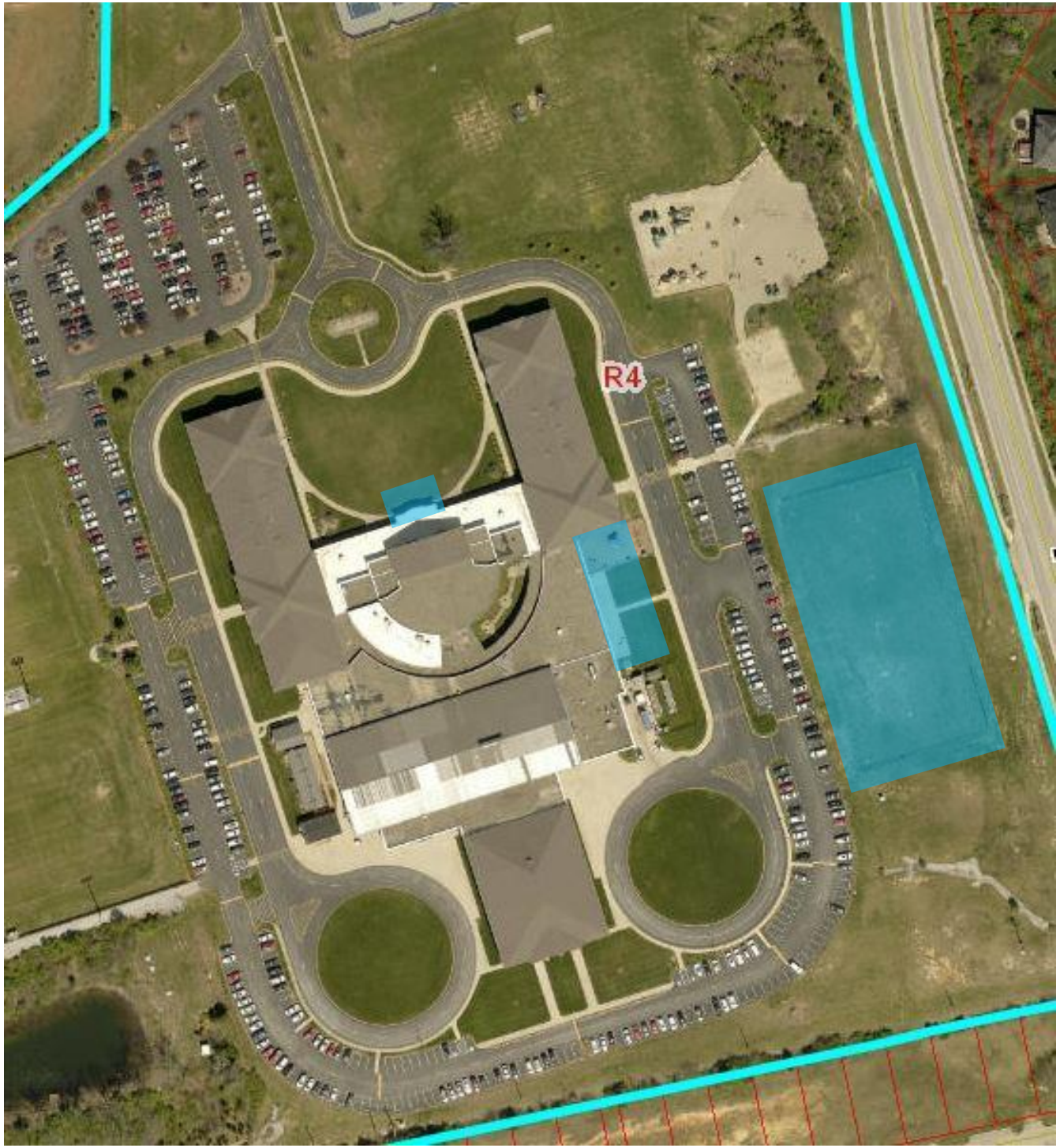


## 2. Aerial Photograph





### 3. Detail Aerial Photograph



#### 4. Cornerstone 2020 Checklist

+	Exceeds Guideline	+/-	More Information Needed
✓	Meets Guideline	NA	Not Applicable
-	Does Not Meet Guideline		

#### Neighborhood: Non-Residential

#	Cornerstone 2020 Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
Community Form/Land Use Guideline 1: Community Form			
1	B.3: The proposal is a neighborhood center with a mixture of uses such as offices, retail shops, restaurants and services at a scale that is appropriate for nearby neighborhoods.	NA	The proposal is not a neighborhood center.
2	B.3: If the proposal is high intensity, it is located on a major or minor arterial or an area with limited impact on low to moderate intensity residential uses.	NA	The proposal is not a neighborhood center.
Community Form/Land Use Guideline 2: Centers			
3	A.1/7: The proposal, which will create a new center, is located in the Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	NA	The proposal is not a neighborhood center.
4	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	NA	The proposal is not a neighborhood center.
5	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	NA	The proposal is not a neighborhood center.
6	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	NA	The proposal is not a neighborhood center.
7	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	NA	The proposal is not a neighborhood center.
8	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	The proposal is not a neighborhood center.
9	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	NA	The proposal is not a neighborhood center.
10	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	NA	The proposal is not a neighborhood center.
11	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	NA	The proposal is not a neighborhood center.

#	Cornerstone 2020 Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
Community Form/Land Use Guideline 3: Compatibility			
12	A.2: The proposed building materials increase the new development's compatibility.	✓	The new construction will blend with existing structures and will be compatible with surrounding uses.
13	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	As it is an expansion on an existing site, the proposal does not constitute a non-residential expansion into an existing residential area.
14	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	The proposal is not expected to result in potential odor or emissions.
15	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	Traffic impacts are periodic in nature and mitigated by the alignment of the new driveway with existing public roadways and the site's internal circulation system.
16	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	The proposal is not expected to result in adverse impacts of its lighting on nearby properties or on the night sky.
17	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	NA	The proposal is not a higher density or intensity use.
18	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	The proposal is subject to landscape design review and will be required to meet all LDC standards.
19	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	✓	The proposal is subject to landscape design review and will be required to meet all LDC standards.
20	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	The proposal meets all LDC requirements and is compatible with existing development on and off the site.
21	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	✓	The proposal is subject to landscape design review and will be required to meet all LDC standards.
22	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	✓	The proposal is subject to landscape design review and will be required to meet all LDC standards.
23	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	No parking garages are included in the proposal.
24	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	Signage is subject to review and will be required to meet all LDC standards.



Community Form/Land Use Guideline 4: Open Space			
25	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	✓	The site includes significant open space in the form of athletic fields and playgrounds.
26	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	✓	Open space is consistent with the site and surrounding development.
27	A.5: The proposal integrates natural features into the pattern of development.	NA	There are no such features on the site.
Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources			
28	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	NA	There are no such features on the site.
29	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.	NA	There are no such features on the site.
30	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	NA	There are no such features on the site.
Marketplace Guideline 6: Economic Growth and Sustainability			
31	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	The site is not located in a downtown area.
32	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	The use is not industrial in nature.
33	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	NA	The use is not commercial in nature.
34	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	The use is not industrial in nature.
Mobility/Transportation Guideline 7: Circulation			
35	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	NA	Roadway improvements and other services and public facilities are not anticipated.
36	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	The proposal is consistent with development in the area and has received preliminary approval from Transportation Planning.

37	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.	✓	The proposal is consistent with development in the area and has received preliminary approval from Transportation Planning.
38	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	The proposal has received preliminary approval from Transportation Planning.
39	A.10: The proposal includes adequate parking spaces to support the use.	✓	The proposal has received preliminary approval from Transportation Planning.
40	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	The proposal provides connections to internal circulation routes and public roadways.
Mobility/Transportation Guideline 8: Transportation Facility Design			
41	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	The proposal does not include the development of public roadways.
42	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	NA	The proposal does not require cross access through other development.
43	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	The proposal provides proper internal and external linkages.
Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit			
44	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The proposal has received preliminary approval from Transportation Planning.
Livability/Environment Guideline 10: Flooding and Stormwater			
45	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	The proposal has received preliminary approval from Transportation Planning.
Livability/Environment Guideline 12: Air Quality			
46	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	APCD has waived review of the proposal.
Livability/Environment Guideline 13: Landscape Character			
47	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	No such conditions exist on the site but does include significant open space.
Community Facilities Guideline 14: Infrastructure			
48	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The proposal is located in an area served by existing utilities or planned for utilities.
49	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.

50	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	The proposal has received preliminary approval from MSD.
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## 5. **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 by and approval of the Board.
2. The Modified 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 Proprietary Club without further review by and approval of the Board.