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**Letter of Explanation
Assumption High School
Modified Conditional Use Permit
and Revised Detailed District Development Plan
(March 11, 2019)**

The Applicant, Assumption High School, is proposing to expand their existing classroom, cafeteria space and parking area. The campus is located at 2140, 2162 and 2170 Tyler Lane. The subject sites are zoned R-5 (CUP with a request to modify with this application) and R-6. The sites are located in the Neighborhood Form District. The subject sites are Pre-Plan Certain because of a rezoning and a CUP.

Assumption organized a courtesy Neighborhood Meeting which was held on January 29, 2019 with the neighbors to introduce the proposal and to discuss the neighbors' concerns. The Neighborhood Meeting invite letter, APO matrix, sign in sheet and recap are a part of the application materials.

The Assumption campus is comprised of two existing tracts. There is existing daycare and parking on Tract 1. The existing daycare will be removed and the parking area will be expanded. The 25 ft. Landscape Buffer Area required adjacent to the west property line will be variable as permitted by Chapter 10 of the Land Development Code. The north westerly most portion of the proposed parking is closer than 25 ft to the west property line and the Landscape Buffer Area will be increased accordingly at the south east portion of the proposed parking lot. The landscaping and privacy fence required by Chapter 10 will be provided in the western property line Landscape Buffer Area. The required 15 ft side setback is being provided.

There is an existing Conditional Use Permit for off-street parking in a residential zone approved for Tract 1 by B-179 & 180-00 granted on September 18, 2000. A request to modify the CUP as shown on the Revised Development Plan is a part of this application.

Assumption's existing high school building is located on Tract 2. The existing convent on tract 2 will be removed to make room for the building expansion. The building expansion will take place in an area that is currently existing building and existing parking area.

There is a height variance request associated with the proposed building expansion. This is due to the need to maintain the existing building height in the expansion area. The existing high school building was constructed in 1955 at its current height. The original building height will be maintained in the area of the expansion.

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Upper Highlands Neighborhood Association Meeting Minutes

Time and Place: The Upper Highlands Neighborhood Association meeting was held in the cafeteria of Assumption High School on Tuesday, January 29, 2018 at 6:30 p.m.

Welcome and Opening Prayer: Mary Lang welcomed those in attendance and opened the meeting with a prayer. This was followed by introductions of Mark Trier from JRA Architects and Kevin Young from Land Development and Design.

Facilities Expansion History: Mary Lang gave a brief history of the process by which the decision was made to expand the current facility. The process began 5 years ago. Faced with being landlocked, cramped into the current space and the facility in need of updating; the idea of moving east and building was explored. Assumption was given gifts from the Sisters of Mercy of the convent located at 2169 Tyler Lane and the old Montessori located next to the convent. After additional purchases of property on Tyler Lane and the purchase of the American Legion, securing student parking, the decision was made to stay in the current facility and make improvements.

Reasons for Expansion: Mary Lang spoke about the reasons to expand, including:

- The need for a larger and updated cafeteria to accommodate 900 students in 3 lunch periods instead of 5 – allowing AHS to open master schedule and expand curriculum.
- Need for additional classrooms to expand curriculum including more STEM courses.
- Need for larger classrooms for STEM classes and project-based learning, allowing AHS to grow their curriculum.
- Mary Lang emphasized that we are not trying to grow our enrollment, we are trying to address our critical space needs.

Traffic Concerns: Mary Lang spoke about the traffic concerns that stem from having 5 schools located within such proximity of one another. She also spoke about the efforts that Assumption has made in an attempt help reduce the congestion associated with arrival and dismissal times:

- Removed student parking in front of school.
- Instituted the Carpool to School system for students.
- Providing bus transportation to the Assumption Green for practices, reducing the amount of parent pickups in the afternoon.
- Changed the start and end time for the school day, decreasing conflicts with St. Raphael.
- Participated in the Bardstown Road traffic study.

Site Plan: The site plan was presented by Kevin Young from Land Development and Design. Mr. Young reviewed the current properties, zoning and plan to remove the white house (2140 Tyler Lane) from the property. Removing the house and garage is necessary to address the current issues with traffic patterns and parking issues within the parking lot. The goal is to limit the points of conflict within the lot, making the lot safer, and increase parking. A request will be made to reduce the land buffer between the property and the homes on Eleanor from 25ft. to 10ft. A proposal of one uniform privacy fence will also be made. Specific landscaping requirements for the buffer were also discussed with the proposed plan as well as the need to increase the size and capacity of the retention pond located behind the homes on Eleanor.

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Facilities Expansion: Mark Trier from JRA Architects presented drawings of the current facility and drawings of the school with the proposed expansion. The addition would be a 33,000 sq. ft., steel frame, with brick veneer addition. It would include a two-story glass atrium with an open- air concept and would be handicap accessible. The project would take 16-18 months to complete.

Questions and Responses

1. Are there plans to make Tyler Lane a private road?
No, it will remain a public road.
2. What are the long- term plans for 2165, 2167 and 2169 Tyler Lane?
There are no formal plans at this time.
3. Concerns were raised over the removal of the white house (2140 Tyler Lane), the garage and over reducing the 25 ft. buffer between the Eleanor properties and the parking lot to 10ft. Additionally, there are concerns with the expansion parking and the impact of additional lighting in the parking lot.
Kevin Young promised to draw a detailed plan and work one on one with those residents to address their concerns.
4. Additional concerns were raised over drainage and flooding to basements of homes on Eleanor. Kevin Young addressed stating that yes, plans to increase the capacity of the retention pond are part of the project.
5. Are there future plans for the old American Legion building?
The property is currently being used for parking and as an indoor practice facility for sports. There are no formal plans for this property at this time.
6. Questions were raised about the impact to the neighborhood during the construction process, change in traffic patterns and presence of construction vehicles.
Mark Trier gave assurance that construction vehicles would not be allowed during the arrival and dismissal times, "Up Pacing" efforts would be made during summer and vacations periods and the focus would be on keeping everything in business without interruptions.

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Jan. 29, 2019 Neighborhood Mtg

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LOUISVILLE BOARD OF ZONING ADJUSTMENT

SEPTEMBER 18, 2000

DOCKET NO B-179-00 and B-180-00

Applicant: Rt. Rev. Thomas C. Kelly
Roman Catholic Bishop of Louisville

Subject: An application for a Conditional Use Permit to allow off-street parking in the R-5 zone and an application for a variance from the Zoning District Regulations to allow existing structures and off-street parking to encroach into the required yards.

Premises affected: On property known as 2140 Tyler Lane and property located at the west corner of Bardstown Road and Lancashire Avenue and being in the City of Louisville.

Appearances For Applicant:

Glenn Price, Jr., Greenebaum Doll and McDonald, 3300 National City Tower, Louisville, Kentucky 40202, who submitted a booklet with exhibits

Appearances Against Applicant:

John Eckerle, 2137 Tyler Lane, Louisville, Kentucky 40205

Mr. Price spoke in rebuttal.

Interested Parties:

No one.

On August 10, 2000, Rt. Rev. Thomas C. Kelly, the Roman Catholic Bishop of Louisville applied for a Conditional Use Permit to allow off-street parking in the R-5 zone and an application for variances from the Zoning District Regulations to allow existing structures and off-street parking to encroach into the required yards.

On September 18, 2000, at a meeting of the Board, a hearing was held on this case. A drawing showing the premises affected and the existing and proposed construction was presented to each Board member.

In accordance with the Board Bylaws, the staff report prepared for this case was incorporated into the record. The Board Members had received this report in advance of the hearing and it was available to any interested party prior to the public hearing. See Addendum for staff report in full.

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DOCKET NO. B-179-00 AND B-180-00 (continued)

A video of the site and surrounding area was shown.

Wendy McLaughlin, Court Reporter, recorded the testimony given in the public hearing.

After the public hearing and a further discussion of the case by the members of the Board in open executive session, on a motion by Member Griffin, seconded by Member Schnell, the following resolution was unanimously adopted:

WHEREAS, the Board finds that the applicant is requesting a Conditional Use Permit to allow existing off-street parking spaces on the St. Raphael Church property to continue to be leased to Assumption High School which is adjacent and on the corner of Tyler Lane and Bardstown Road; the site contains a church, school, rectory, day care center, and 255 parking spaces at various locations; the site is only required to have 118 parking spaces and 137 will be used by Assumption High School; the majority of the parking is located in the interior of the lot and not along the street or adjacent residential property; the provision of this parking will materially relieve traffic congestion on the streets because without the parking provided on the St. Raphael property, student parking might otherwise occur on adjacent Tyler Lane or other nearby residential streets; the applicant has requested a waiver Article 15, D., 15, c. to the extent that parking is located in required yards; the need for off-street parking on the joint St. Raphael – Assumption campuses is desirable to protect surrounding property owners; a related variance to allow the setback lines for parking spaces to remain as they current exist has been approved; therefore, the proposal is in compliance with Article 15, D., 15. and a waiver of item c. is justified; and

WHEREAS, the Board finds that the site is located in a Neighborhood Form Area in which civic uses such as schools, churches, and day care centers are permitted; parking for such uses are accessory and ancillary to the main use and are permitted; that much effort has been made to make traffic to, from and through the St. Raphael/Assumption campuses flow smoothly and to diminish impact to the surrounding street network; no new facilities are planned on the St. Raphael site; the existing parking surfaces are asphalt as will be the new parking areas; all existing trees and green spaces on the St. Raphael property will remain with the exception of those trees located in the proposed detention basin areas on the southwest portion of the site; the property has existed for many years and is compatible with residences in the area; most parking spaces are not located near residential properties adjoining the St. Raphael property; therefore, the proposal complies with the Louisville and Jefferson County Cornerstone 2020 Comprehensive Plan; and

WHEREAS, the Board finds that the proposal is in compliance with the Comprehensive Plan because it complies with all other applicable guidelines, principles and objectives

LOUISVILLE BOARD OF ZONING ADJUSTMENT

SEPTEMBER 18, 2000

DOCKET NO. B-179-00 AND B-180-00 (continued)

of the Comprehensive Plan, and that the conditions attached to the permit will ensure compatibility with the surrounding neighborhood, and

WHEREAS, the Board finds that the proposal will promote and will not adversely affect the public health, safety or general welfare, as it has received preliminary approval from the Jefferson County Department of Public Works and the Louisville and Jefferson County Metropolitan Sewer District;

NOW, THEREFORE, BE IT RESOLVED, that the Conditional Use Permit is hereby **APPROVED ON CONDITION**, and a **WAIVER** of Article 15, D., 15, c. is hereby **GRANTED**.

The conditions are as follows:

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 parking lot shall be used exclusively for transient parking of automobiles belonging to invitees of the school.
3. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within one year 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.

VARIANCES

After the public hearing and a further discussion of the case by the members of the Board in open executive session, on a motion by Member Griffin, seconded by Member Schnell, the following resolution was unanimously adopted:

WHEREAS, the Board finds that the existing configuration of the lot is a special circumstance which does not generally apply to land in the general vicinity or in the same zone, and

WHEREAS, the Board finds that the chief result of a denial of these variances would be that the applicant would have to remove the parking spaces that are affected by the setback requirements, therefore, the strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, and

LOUISVILLE BOARD OF ZONING ADJUSTMENT

SEPTEMBER 18, 2000

DOCKET NO. B-179-00 AND B-180-00 (continued)

WHEREAS, the Board finds that the applicant is not responsible for the existing configuration of the lot, therefore, such special circumstance is not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought, and

WHEREAS, the Board finds that the related Conditional Use Permit to allow off-street parking in the R-5 zone has been approved; the applicant is requesting variances to allow certain parking spaces to maintain their existing location; the parking is generally in the interior of the lot, so the existing buildings will help mitigate the visual impact; the garage located behind the house on Lancashire Avenue requires a side yard variance; the parcel supports numerous school and religious uses; the development plan demonstrates that the St. Raphael Property has adequate parking to serve its existing uses and can also provide additional off-site parking for Assumption High School, which adjoins the site; the leasing of off-site parking to Assumption High School benefits the surrounding area by reducing the number of cars which might have a tendency to be parked on neighboring residential streets; the existing structures and parking areas have been well established for many years and will not be substantially changed and do not adversely affect neighboring residential uses; the development plan has been reviewed and approved by the City of Louisville Department of Inspections, Permits, and Licenses to insure compliance with current parking design requirements; therefore, the granting of the variances will not adversely affect the public health, safety or welfare, will not alter the essential character of the general vicinity, will not cause a hazard or a nuisance to the public, and will not allow an unreasonable circumvention of the requirements of the zoning regulations,

NOW, THEREFORE, BE IT RESOLVED, that the variances are hereby **APPROVED ON CONDITION**.

The conditions are as follows:

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 parking lot shall be used exclusively for transient parking of automobiles belonging to invitees of the school.
3. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within one year 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.

LOUISVILLE BOARD OF ZONING ADJUSTMENT

SEPTEMBER 18, 2000

DOCKET NO. B-179-00 AND B-180-00 (continued)

The variances allow:

1. The parking spaces east of the day care center to be located 0 feet at the closest point from the side yard property line.
2. The parking spaces north of the multi-purpose building to be located 0 feet from the side property line.
3. Parking spaces between the rectory and the school to be located 0 feet from the Lancashire Avenue property line.
4. The garage to be located 0 feet from the rear property line.

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

The existing classroom building parallel to Tyler Lane is being expanded. The proposed building expansion is the same height as the existing classroom building.

2. Explain how the variance will not alter the essential character of the general vicinity.

The existing classroom building was constructed in 1955 and as such has played a role in establishing the essential character of the general vicinity.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The proposed building height will not be a nuisance or hazard to the public because it duplicates the existing situation. To date the existing bldg height has created any known hazards or nuisances to the public.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

The variance request is to retain the existing building height and is not an unreasonable request.

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 special circumstances are the variance is a request to retain the existing building height.

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 unnecessary hardship.

The strict application of the regulation would result in a variety of internal room heights.

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

The existing building was constructed in 1955.

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