

Board of Zoning Adjustment
Staff Report
August 5, 2019



Case No.	19CUP1124
Project Name	Calvary Cemetery
Location	1600 and 1740 Newburg Road
Owner	Roman Catholic Bishop of Louisville
Applicant	Catholic Cemeteries
Representative	Bardenwerper Talbott & Roberts PLLC
Project Area	206.96 acres
Council District	8 – Brandon Coan, 10 – Pat Mulvihill
Case Manager	Beth Jones, AICP, Planner II

REQUEST

- Modification of Conditional Use Permit for Cemeteries and Mausoleums (LDC 4.2.13)

CASE SUMMARY / BACKGROUND

The 206.96 acre project site consists of two parcels: the Calvary Cemetery (203.97 acres) and the Carmelite Convent (2.99 acres). The applicant proposes to incorporate the convent into the cemetery. A portion of the convent site at the rear of the parcel will be used for in-ground burial and the existing chapel will be used for burial services.

The site is located on the west side of Newburg Road between Eastern Parkway and Speed Avenue. It is zoned R-1 within a Neighborhood form district. The site is surrounded by single and multi-family residential and public/semi-public uses; a few adjacent small commercial uses are located on the opposite side of Newburg Road.

The previously approved interior two-way vehicular roadway connecting an existing roundabout on the cemetery site to the existing convent site will remain. The residential portion of the convent at the north end of the existing structure is to be removed and the parking area shown on the previously approved CUP site plan will be relocated to that area. The proposed parking area will span the common property line between the convent and cemetery sites. An existing brick wall along the convent property line will be partially removed along the north and west sides to accommodate the proposed parking area.

On the convent site, the two existing direct access points to Newburg Road will remain closed; the proposed vehicle circulation roadway within the site from the front to the rear has been eliminated. The proposal will result in a reduction of the proposed grade change, both in length and height. The proposed retaining wall and fence height will be reduced from a maximum of 17 ft above the level of the sidewalk along the Newburg Road property boundary to a maximum of 10 ft. This will include a retaining wall of no more than 4 ft, topped by a decorative iron fence of 6 ft. The previously

approved variance and waiver for the fence height and retaining wall location (17CUP1114) are sufficient to accommodate the new development plan.

RELATED CASES

17CUP1114: vehicular connection of convent site to cemetery site, closure of Newburg Road access to convent site, addition of parking area to front, side and rear; variance for fence height; waiver for placement of retaining wall

CUP B-8-74: construction of a mausoleum complex

Case No. 10268: 80 acre cemetery expansion

Case No. 17823: 4,000 sq ft cemetery expansion

STAFF FINDING

The use of the site is compatible with surrounding land uses and meets all CUP requirements. The proposed parking at the north side of the convent site will require lower grade changes, retaining wall heights and fence heights along the Newburg Road property line adjoining the public sidewalk.

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 modifying the existing Conditional Use Permit.

TECHNICAL REVIEW

There are no outstanding technical items to be addressed.

INTERESTED PARTY COMMENTS

No comments have been received.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT LDC 4.2.13

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

STAFF: The proposal is consistent with Comprehensive Plan policies.

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 use of the property is compatible with the surrounding area. The new proposal reduces the adverse impact of the project on public sidewalks.

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 site is served by public facilities and the proposal is not expected to create significant additional service requirements.

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

4.2.13 Cemeteries and Mausoleums

Cemeteries, Mausoleums, and Crematories may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the following requirements:

- A. Fences - A fence, with a minimum height of 6 feet, shall be erected around the premises with openings only for ingress and egress to a public way.

STAFF: The proposal meets this requirement.

- B. Required Yards - No required yard shall be occupied by graves. There shall be a 30 foot landscaped or open space buffer between the property line and any building, structure, or gravesite. No gravesites shall be placed closer than 30 feet from any property line and at least 30 feet from the right-of-way line for existing and planned public streets. This shall not apply to roads designed for internal circulation within the cemetery, mausoleum or crematory property.

STAFF: The proposal meets these requirements.

- C. All roads used solely for internal circulation shall have a minimum pavement width of 16 feet and a minimum shoulder width of 6 feet on each side of the pavement. Roads providing access to chapels or offices shall have minimum pavement width of 20 feet.

STAFF: The proposal meets these requirements.

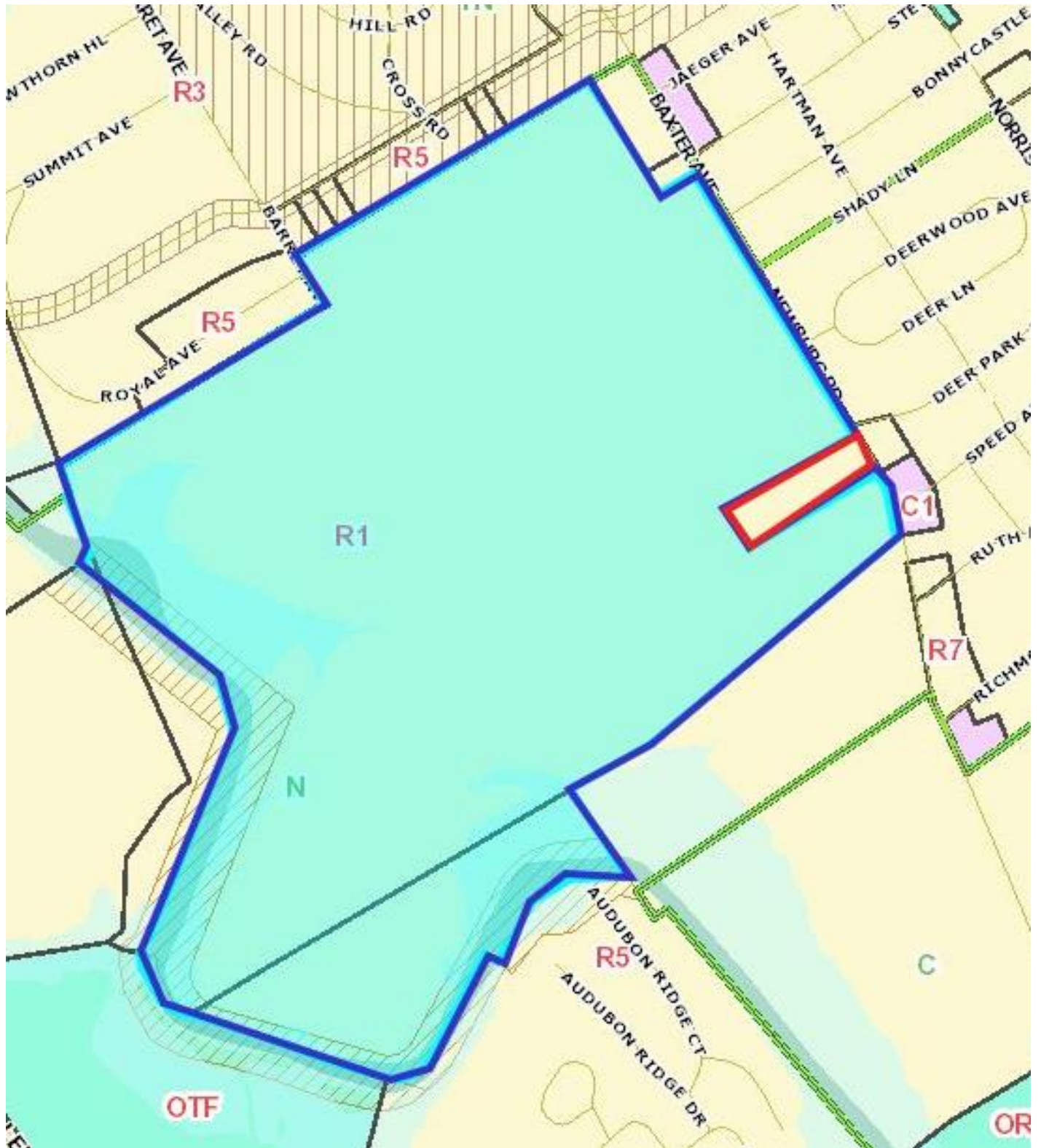
NOTIFICATION

Date	Purpose of Notice	Recipients
NA	Hearing before BOZA (Variance request)	1st and 2nd tier adjoining property owners Registered Neighborhood Groups for Council Districts 8 and 10
NA	Hearing before BOZA (CUP modification request)	1st and 2nd tier adjoining property owners Registered Neighborhood Groups for Council Districts 8 and 10 Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph 1
3. Aerial Photograph 2
4. Development Plan
5. Conditions of Approval

1. Zoning Map



2. Aerial Photograph 1



3. Aerial Photograph 2



3. Development Plan

LOST IN ACCELA. IN PROCESS OF BEING UPLOADED.

4. 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 Cemeteries and Mausoleums without further review by and approval of the Board.
3. Reconstruction and repair of the existing Newburg Road sidewalk shall be completed as needed to meet current MPW standards and shall be inspected prior to final bond release.
4. A crossover access and parking agreement shall be executed prior to construction plan review.