

Board of Zoning Adjustment

Staff Report

June 8, 2020



Case No.	20-MCUP-0009
Project Name	1001 Breckenridge Lane
Location	1001 Breckenridge Lane
Owner/Applicant	Andrew M. McCarthy, Norton Properties, Inc.
Representative	Glenn Price, Frost Brown Todd LLC
Jurisdiction	Louisville Metro
Council District	26 – Brent Ackerson
Case Manager	Lacey Gabbard, AICP, Planner I

REQUEST

- **Modification of a Conditional Use Permit** to allow parking in an R-4 zone (LDC 4.2.39)

CASE SUMMARY/BACKGROUND

The applicant is requesting a Modified Conditional Use Permit to allow parking in the R-4 zoned portion of the parcel. The Conditional Use Permit was approved by the Board of Zoning Adjustment on March 7, 2018 and the first extension will expire on March 7, 2020. The applicant now requests a second extension for the Conditional Use Permit, to expire June 8, 2022. Development of the site was previously put on hold due to economic uncertainties regarding the local healthcare industry.

There is an associated case, 20-EXTENSION-0004, requesting an extension of the development plan, 15DEVPLAN1202, for a three story, 83,880 square foot medical office building on 10.2 acres. This request was heard by the Planning Commission on May 21, 2020. The Board of Zoning Adjustment does not act upon this request.

STAFF FINDING

The request is necessary to complete a previously-approved operation on the site. The site is currently developed and the businesses on the site have been using the R-4 zoned portion as parking for years.

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 the standards for granting a Conditional Use Permit as established by the Land Development Code.

TECHNICAL REVIEW

No technical issues remain to be resolved.

INTERESTED PARTY COMMENTS

No comments have been received.

PREVIOUS AND ASSOCIATED CASES ON SITE

- 9-54-79: Change in zoning from R-4 Residential to C-2 Commercial
- 9-47-92: Change in zoning from C-1 Commercial to C-2 Commercial
- 15DEVPLAN1202: Proposed three story, 83,880 square foot medical office building on 10.2 acre site. The first extension will expire on March 22, 2020.
- 15CUP1046: Conditional Use Permit to allow the use of an R-4 zoned section of parcel for parking. The first extension will expire on March 7, 2020.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

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

STAFF: The proposed modification is consistent with the Comprehensive Plan.

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 proposed modification is compatible with surrounding uses and with the general character of the area.

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 proposed development is consistent with expectations for the property and does not substantially increase demands on public infrastructure and facilities. The proposed modification has received preliminary approval from MSD and Transportation Planning.

4. Does the proposal comply with the specific standards required to obtain the requested Conditional Use Permit?

4.2.39 Off-Street Parking Areas

An Off-Street Parking Area may be permitted in a district where it is ordinarily prohibited, provided it serves a use in a building for which insufficient off-street parking space is provided, and where the provision of such parking space will materially relieve traffic congestion on the streets and when developed in compliance with the listed requirements.

- A. The area shall be located within 200 feet of the property on which the building to be served is located measured by the shortest walking distance (using sidewalks and designated crosswalks).
- B. Walls, fences, or plantings shall be provided in a manner to provide protection for and be in harmony with surrounding residential property.
- C. The minimum front, street side, and side yards required in the district shall be maintained free of parking.
- D. The area shall be used exclusively for transient parking of motor vehicles belonging to invitees of the owner or lessee of said lot.
- E. The approval of all plans and specifications for the improvement, surfacing and drainage for said parking area will be obtained from the appropriate Director of Works prior to use of the parking area.

- F. The approval of all plans and specifications for all entrances, exits, and lights shall be obtained from the department responsible for transportation planning prior to the public hearing of the Conditional Use Permit.

STAFF: The request is associated with 4.2.39.A and 4.2.39.D.

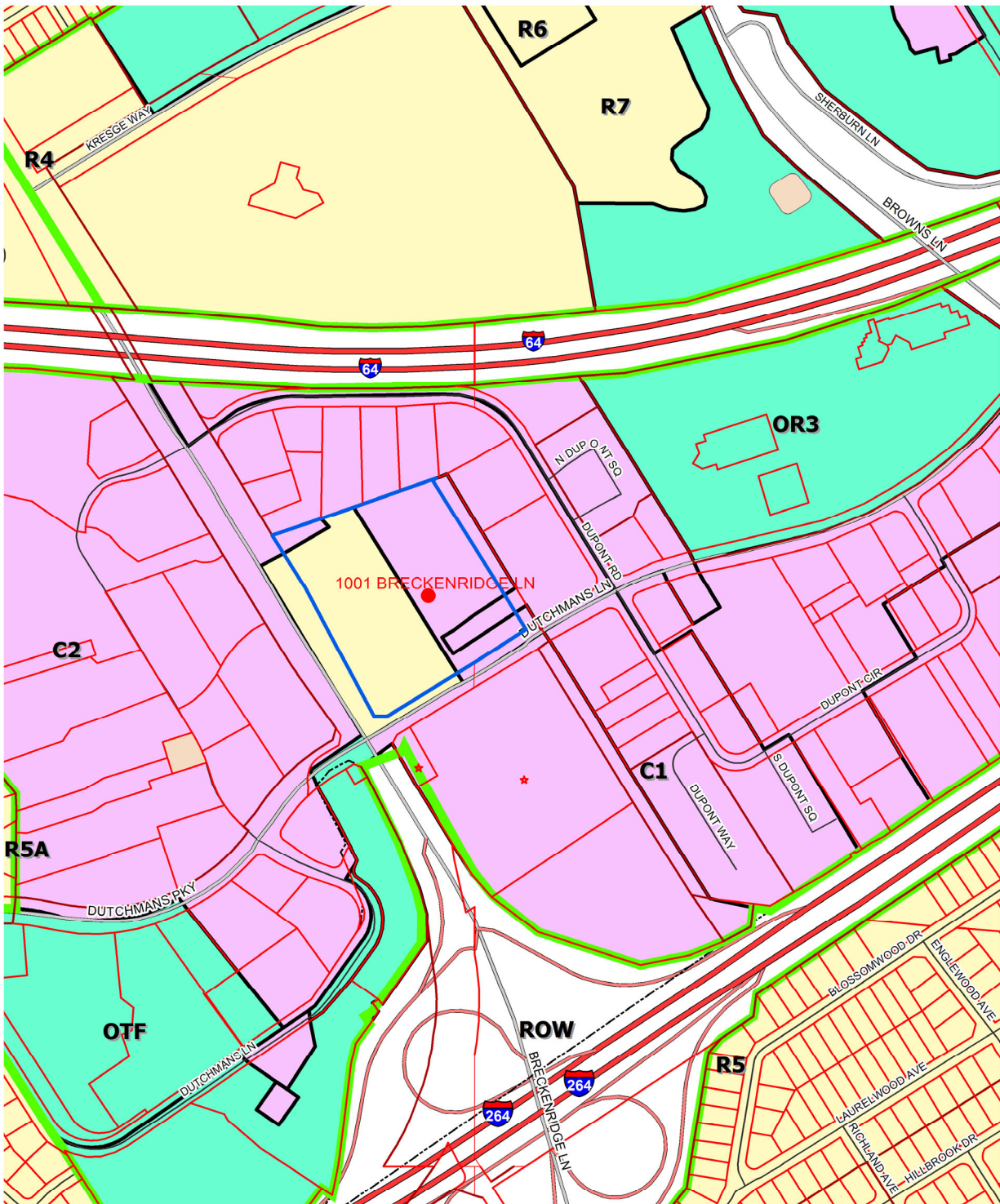
NOTIFICATION

Date	Purpose of Notice	Recipients
6/8/2020	BOZA hearing	Business Session

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Conditions of Approval

1. Zoning Map



1001 BRECKENRIDGE LANE

feet
480

Map Created: 4/28/2020



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2. Aerial Photograph



1001 BRECKENRIDGE LANE

feet



480

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3. Conditions of Approval

1. The site shall be developed in strict accordance 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 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 off-street parking without further review and approval by the Board.