

Board of Zoning Adjustment

Staff Report

August 17, 2020



Case No:	20-CUP-0083
Project Name:	Lakewood Baptist Church
Location:	13803 Shelbyville Road
Owner:	Lakewood Baptist Church, Inc. by John Shaw, Chairman of Trustees
Applicant:	Richard Moore, P.E.
Jurisdiction:	Louisville Metro
Council District:	# 19 – Anthony Piagentini
Case Manager:	Steve Hendrix, Planning & Design Coordinator

REQUESTS:

Conditional Use Permit to allow the expansion of a private institutional use, (church) in a single family zoning district, R-4, a variance (20-Variance-0058) to allow the buildings to exceed the maximum setback and waivers, (20-Waiver-0046) for certain landscaping requirements.

CASE SUMMARY/BACKGROUND

The existing church is located on approximately 19 acres in eastern Jefferson County within an R-4 zoning district and a Neighborhood Form District adjacent to Lake Forest. The church has sold approximately 4.58 acres on the northern most part of their property, since the application was submitted, with single family homes being proposed. This leaves approximately 14.52 acres which includes the 2.5 acre pond.

Ascension Lutheran Church is west of the church entrance, with apartments and single family residences along the western property line further north. The entrance drive to Lake Forest is east of the church entrance.

The church intends removal of two buildings, retaining the worship building and with the new construction have a total of 15,296 square feet. Parking will increase from 66 spaces to 104 spaces. Plans include a playground and basketball court.

STAFF FINDING / RECOMMENDATION

There are five listed requirements of the Land Development Code, 4.2.65 all have been met, except item C., parking is located in front of the building. The applicant has requested relief from this requirement. Based upon the information in the staff report and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit.

RELATED CASES

B-18588-13—Addition to the existing church facility with variance and waivers.

TECHNICAL REVIEW

None.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on March 12 ,2020. Discussion was mainly about landscaping and Lake Forest Lane.

Letters of support have been submitted from the Beckley Woods Residents Association, Inc., the Lake Forest Community Association and Trilogy Equities II, LLC., the company that purchased the northern 4.5 acres of the property.

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 meets all applicable policies of the Comprehensive Plan.

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

STAFF: The proposal includes a 8,962 square foot addition to the existing church campus, which has been at this location since 1986.

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: Yes, MSD and Transportation have stamped the plan.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested? Yes, except item C.

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.
The requirement has been met.
- B. The applicant must demonstrate that the impact of the traffic generated by the use can be mitigated.
Transportation has stamped the plan.
- 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.

Parking is located in front of the building. The applicant has submitted a letter requesting relief from this requirement.

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

The applicant has been informed of this requirement.

- 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.

The applicant has been informed of this requirement.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM TABLE 5.3.2

Location	Requirement	Request	Variance
Shelbyville Road	Maximum 80 feet	530 feet	450 feet

- (a) The requested variances will not adversely affect the public health, safety or welfare.

STAFF: The requested variances will not adversely affect the public health, safety or welfare, since MSD and Transportation have signed the submitted site plan.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity, since the church has been at this location for some time.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public, since residential uses are not immediately adjacent.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations, since the church has been at this location for some time and the expansion is minor.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone, due to the shape and size of the lot.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, since the expansion is proposed to connect to another church building.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought as the applicant is requesting the variances and has not begun construction.

WAIVER REQUESTS

North Perimeter Landscape Buffer

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The waiver will not adversely affect adjacent property owners since the church building will be more than 480 feet from the adjacent property owner and is separated by three acres of wooded area and the pond. The Trilogy property is also 10 to 15 feet below the grade of the proposed building.

- b. The waiver will not violate the Comprehensive Plan; and

STAFF: The waiver will not violate the comprehensive plan, due to the existing wooded area and the pond being between the church and residential uses.

- c. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant; and,

STAFF: The extent of the waiver of the regulation is the minimum when taking into account the existing wooded area, the pond and the distance and elevation from the residential uses.

- d. Either: 1. The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); or 2. 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 on the applicant

STAFF: The applicant will be using the existing natural buffer of 3 acres of wooded area, the pond, the distance and elevation of the proposed residences.

West Perimeter Landscape Buffer

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The waiver will not adversely affect adjacent property owners since the Beckley Woods Residents Association is in support with the condition that the Lakewood Baptist Church plant 2 large (Type A) or medium (Type B) trees per 100 linear feet – 22 trees. This allows the adjacent property owners to enjoy the space and the view of the pond.

- b. The waiver will not violate the Comprehensive Plan; and,

STAFF: The waiver will not violate the comprehensive plan since the church intends to use the existing trees along with planting additional trees without constructing a fence.

- c. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant; and,

STAFF: The extent of the waiver of the regulation is the minimum, when taking into account the existing wooded area, the pond, the additional tree planting and the request of the neighbors.

- d. Either: 1. The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); or 2. 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 on the applicant

STAFF: The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived due to the additional tree planting and the natural view that will be maintained without the screening by a fence.

East Perimeter Landscape Buffer

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The waiver will not adversely affect adjacent property owners since the existing view will be maintained by the existing trees without the construction of a fence. The Lake Forest Homeowners Association is in support of the waiver.

- b. The waiver will not violate the Comprehensive Plan; and,

STAFF: The waiver will not violate the comprehensive plan, since the existing trees and the distance from the new construction is 160 feet.

- c. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant; and,

STAFF: The extent of the waiver of the regulation is the minimum necessary when taking into account the existing trees, the distance and the support of the waiver from the association.

- d. Either: 1. The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); or 2. 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 on the applicant

STAFF: The strict application of the provisions of the regulation would create an unnecessary hardship on the applicant, since there are many mature trees and some would have to be removed for the fence. The neighborhood association is in support of the waiver.

Elimination of Berm in Parkway Buffer

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The waiver will not adversely affect adjacent property owners since this is located at the entrance to the church which already has a stone entrance wall and a four board fence.

- b. The waiver will not violate the Comprehensive Plan; and,

STAFF: The waiver will not violate the comprehensive plan, since the stone entrance wall, the board fence and being more than 435 feet from the vehicle use area already provide a screen.

- c. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant; and,

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant, since the stone entrance wall, the board fence, the distance from the parking area and the with the fact that trees will be planted along the Parkway buffer.

- d. Either: 1. The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); or 2. 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 on the applicant

STAFF: The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived such as the stone entrance wall, the board fence and the tree planting, along with the distance from the front of the property to the parking area.

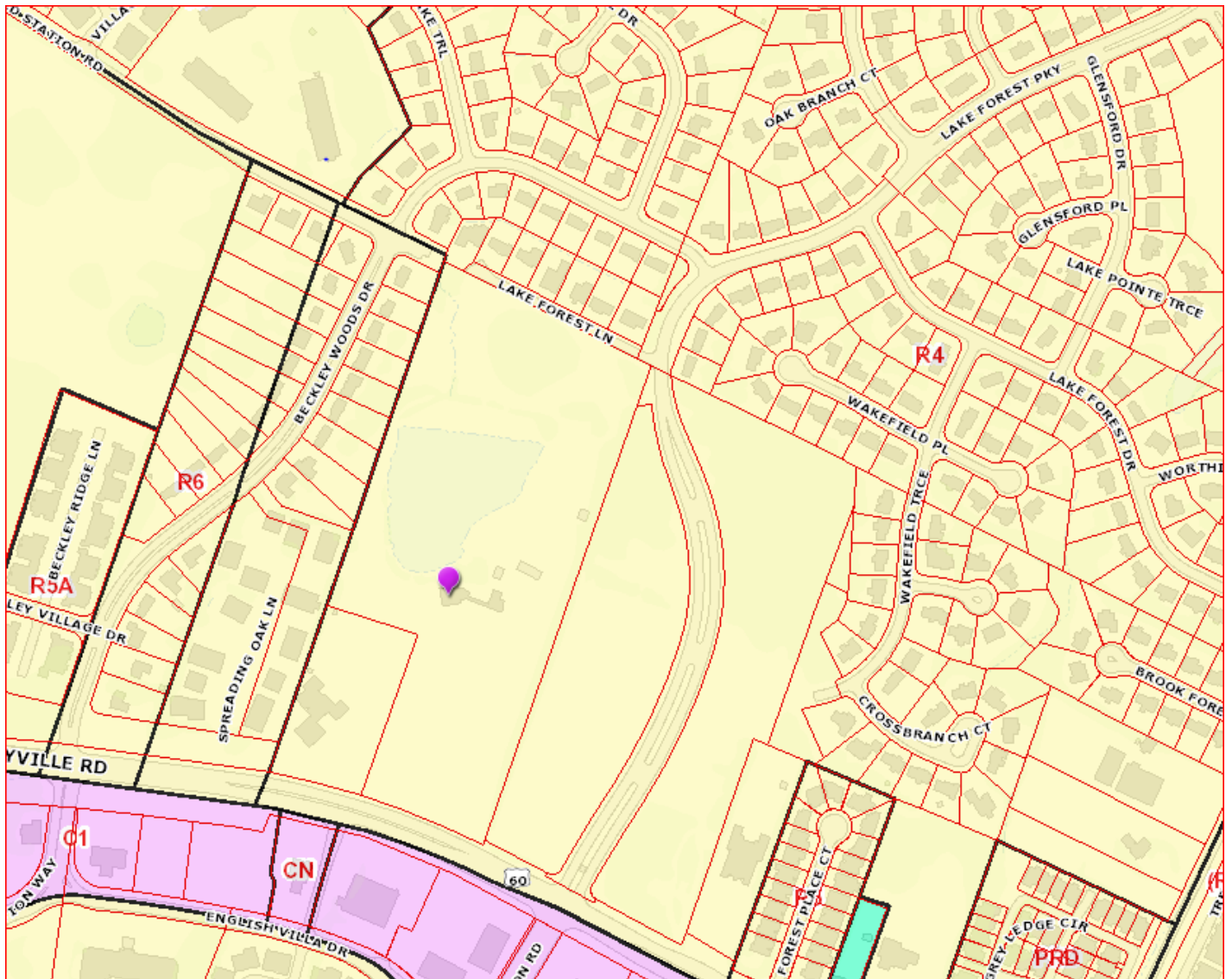
NOTIFICATION

Date	Purpose of Notice	Recipients
07/30/2020	Hearing before BOZA	1 st and 2 nd tier adjoining property owners
07/30/2020		Registered Neighborhood Groups in Council District 8
08/04/2020	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan (2)
4. 2040 Checklist
5. Conditions of Approval

1. Zoning Map



2. Aerial Photograph



4. 2040 Checklist

Conditional Use Permit Checklist

+ Meet policy

- Does not meet policy

+/- Meets/Does not meet some portion of policy

NA – Not applicable

NIS – Information needed

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
Community Form – Goal 1			
4.	Ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects.	+	Church expansion on a 14.5 acre site.
11.	Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines.	+	The church expansion will have a similar front setback.

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
12.	Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes.	+	Transportation Planning has reviewed and approved the proposal.
14.	Ensure that signs are compatible with the Form District pattern and contribute to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials).	+	Signage to meet Land Development Code.
17.	Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	+	Transportation Planning has reviewed and approved the proposal.

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
18.	Mitigate adverse impacts of noise from proposed development on existing communities.	+	Normal church usage.
19.	Mitigate adverse impacts of lighting from proposed development on nearby properties, and on the night sky.	+	Lighting will be Land Development Code compliant.
Goal 2 Community Facilities			
3.	Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	+	MSD has reviewed and approved the proposal.

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 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 a private institution until further review and approval by the Board.
3. The applicant will plant 2 large (Type A) or medium (Type B) trees per 100 linear feet -22 trees along the west property line.