

Board of Zoning Adjustment Staff Report

November 2, 2020



Case No.	20-CUP-0100
Project Name	OVEC – 7304 Dixie Highway
Location	7304 Dixie Highway
Owner	William & Sarah Eriksen
Applicant	Jason Adkins – Ohio Valley Educational Cooperative
Jurisdiction	Louisville Metro
Council District	12 – Rick Blackwell
Case Manager	Zach Schwager, Planner I

REQUEST

Conditional Use Permit for a Community Service Facility, Land Development Code (LDC) 4.2.54

CASE SUMMARY / BACKGROUND

The applicant proposes to operate a community service facility that will serve 66 children ages six weeks to four years old. The existing building used to be Southwest Jefferson Community Hospital and is 3,578 sq. ft. The one-story building will be expanded by 1,700 sq. ft. for a gross floor area of 5,278 sq. ft. The subject property currently contains a 30-space parking lot and the plan indicates it will remain at 30 spaces; Transportation Planning has reviewed the plan and determined a parking study is not required and the existing parking is adequate to serve the proposed use.

The subject property is located on the west side of Dixie Highway between Rose Farm Drive and Greenwood Road. The subject property is zoned M-2 Industrial and the adjoining properties are zoned M-2 Industrial, C-2 Commercial, and R-4 Residential. All the properties are within the Suburban Marketplace Corridor Form District.

STAFF FINDINGS

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 for a community service facility as established by the Land Development Code.

TECHNICAL REVIEW

The plan has received preliminary approval from Transportation Planning, MSD, Louisville Metro Emergency Services, and the Kentucky Transportation Cabinet.

RELATED CASES

16VARIANCE1093 – Variance to allow pavement to encroach into the 100 ft. streambank buffer area.

INTERESTED PARTY COMMENTS

One adjoining property owner contacted staff to inquire about the proposed Conditional Use Permit. After discussion they had no opposition to the proposal

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 the Comprehensive Plan in that it is a reuse of an existing structure and does not create significant additional burdens on 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 includes an addition to the existing structure, which is consistent with the existing structure and 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: Public facilities are adequate to serve the site.

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

4.2.54 Community Service Facility

Community Service Facility may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, UN, R-5A, R-5B, R-6, R-7, R-8A, M-1, M-2, M-3, W-1, W-2, W-3, TNZD (Neighborhood General) districts upon the granting of a conditional use permit and compliance with the listed requirements.

A. General Standards – All Zoning Districts

1. Parking spaces shall be determined by the board of zoning based on the number of employees and the potential number of visitors to the site as described by the applicant in a parking study of similar uses.

STAFF: Transportation Planning has reviewed the plan and determined a parking study is not required and the existing parking is adequate to serve the proposed use.

2. Signage for community service facility shall be in accordance with chapter 8 of the LDC for nonresidential uses.

STAFF: General note #3 on the site plan states there shall be no commercial signs in the right-of-way. Any proposed signage will be in accordance with chapter 8 of the LDC.

3. All applicable land development code requirements including but not limited to floor area ratio, building setback, landscape buffers and building heights shall be maintained.

STAFF: The proposed plan meets all applicable LDC requirements. Case 16VARIANCE1093 permits the existing pavement to encroach into the 100 ft. streambank buffer area.

4. Conversion of Existing Structures: A report from the applicable fire official shall be provided to the Board outlining the necessary steps for compliance with fire code safety standards prior to establishing occupancy of the structure for the proposed use.

STAFF: The applicant has not gone through the change of occupancy process. They are aware of the need for the change of occupancy and any other building permits needed for interior work.

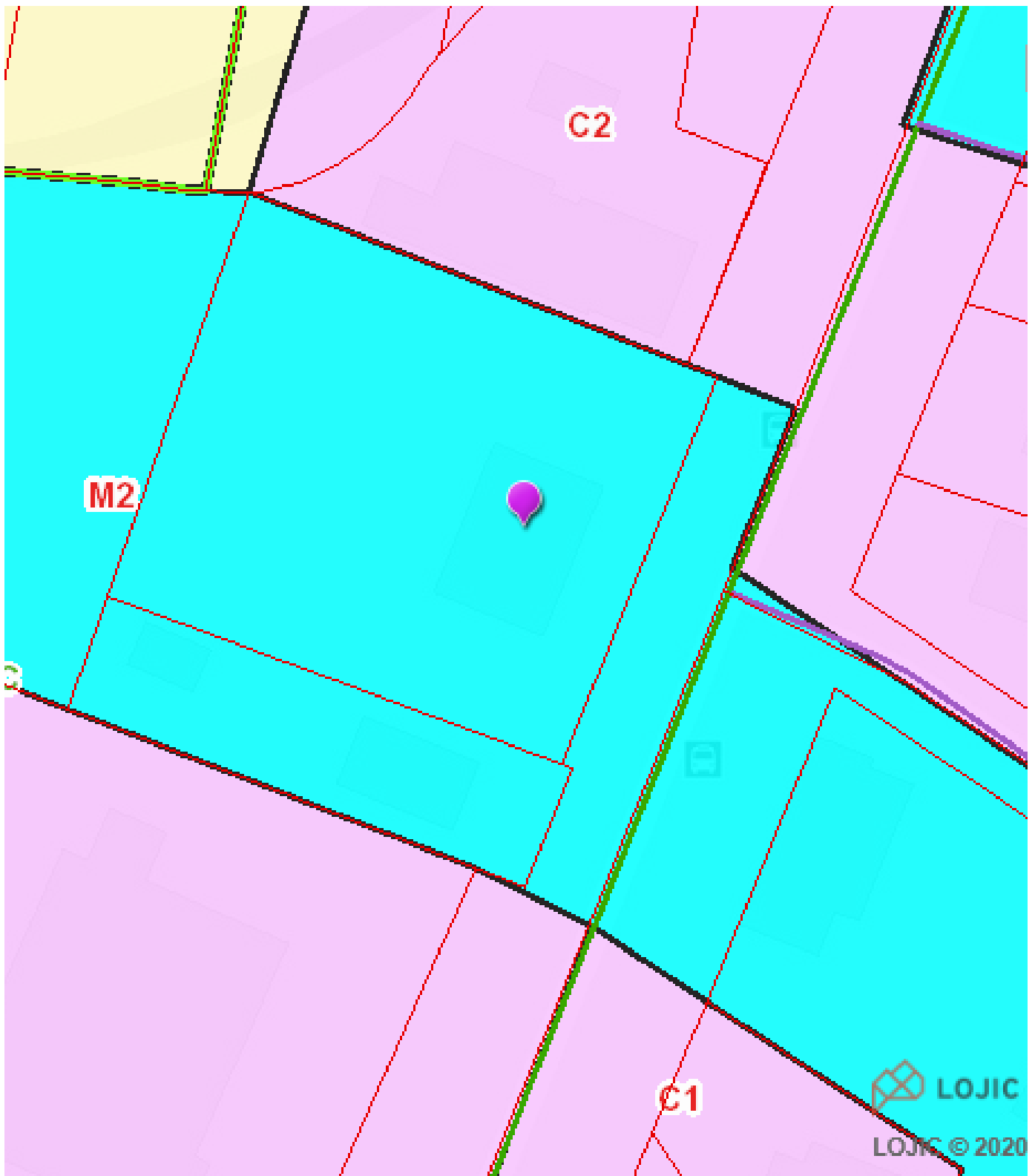
NOTIFICATIONS

Date	Purpose of Notice	Recipients
7/13/2020	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups for Council District 12
10/15/2020 10/20/2020	Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups for Council District 12
		Sign Posting

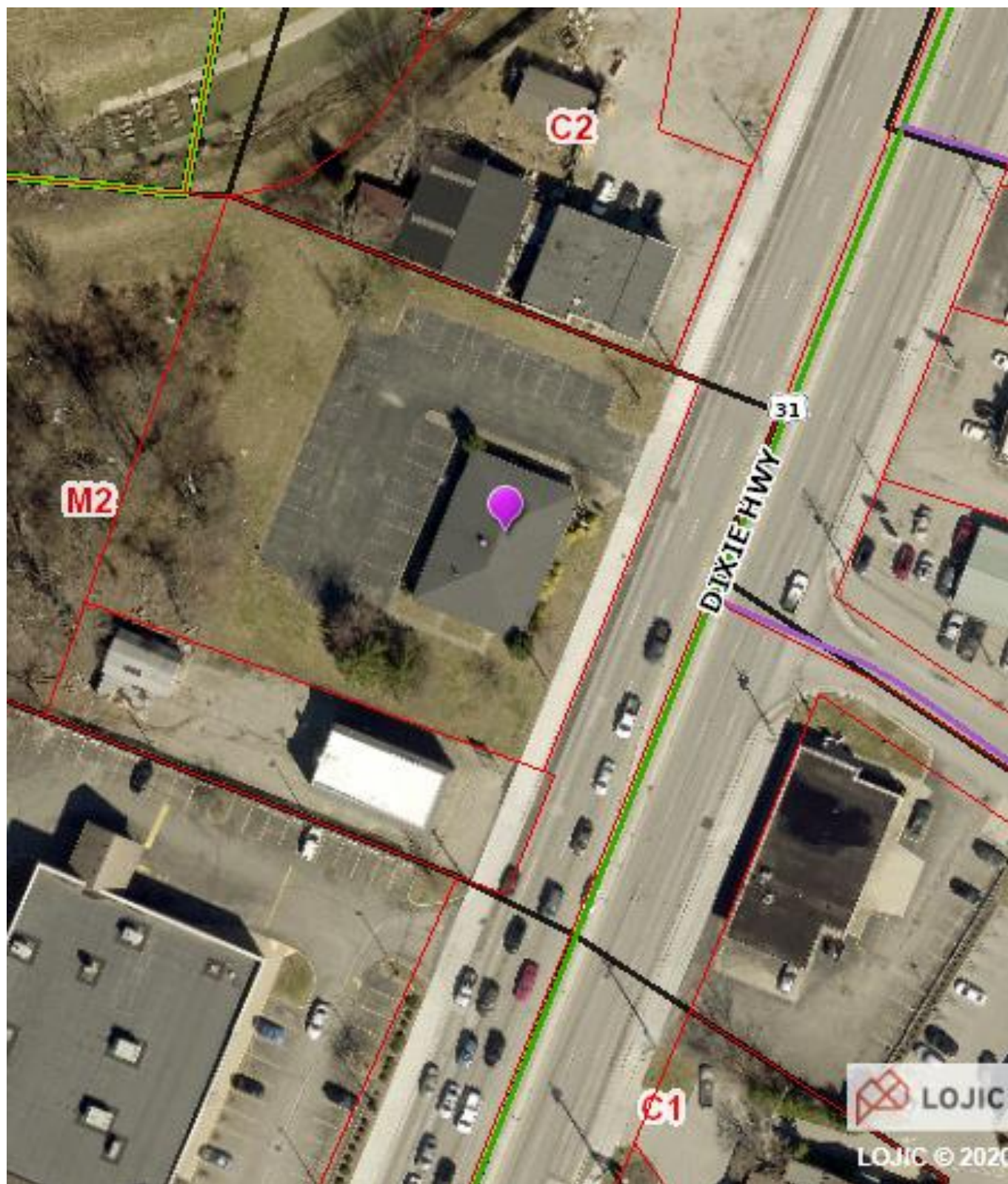
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. 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 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 as a community service facility without further review by and approval of the Board.
3. Prior to lawful commencement of the community service facility use the applicant shall obtain all permits and necessary approvals required by the Office of Construction Review and other governmental agencies.