

**Board of Zoning Adjustment  
Staff Report**  
October 18, 2021



<b>Case No.</b>	21-CUP-0109
<b>Project Name</b>	OVEC
<b>Location</b>	1816 Rangeland Road
<b>Owner</b>	Roman Catholic Bishop of Louisville
<b>Applicant</b>	Jason Adkins – Ohio Valley Educational Cooperative
<b>Jurisdiction</b>	Louisville Metro
<b>Council District</b>	2 – Barbara Shanklin
<b>Case Manager</b>	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 76 children from birth to five years old and have 28 staff members. The existing property is used for St. Ignatius Martyr Catholic Church and the applicant is proposing to use an existing 5,400 sq. ft. building to the rear of the church for the community service facility. The two-story building will be expanded by 292 sq. ft. for a gross floor area of 5,692 sq. ft. The subject property currently contains a 154-space parking lot and the plan indicates it will remain at 154 spaces.

The subject property is located on the south side of Rangeland Road between Robinwood Road and Shepherdsville Road. The subject property is zoned R-4 Residential Single Family and the adjoining properties are zoned R-4, R-7 Residential Multi-Family, and M-2 Industrial. The subject property and properties to the west are in the Neighborhood Form District and the properties to the east are in the Suburban Workplace Form District.

**STAFF FINDINGS**

There are eight listed requirements and all will be met except for B.4, which the applicant will need relief from. 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, and Louisville Metro Emergency Services.

**RELATED CASES**

None.

## **INTERESTED PARTY COMMENTS**

No interested party comments have been received by staff.

## **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 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 #2 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.

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.

**B. Conditional Use Standards – Single Family Zoning Districts Only:**

1. Signs - There shall be allowed one non-illuminated sign identifying the name and use, which sign shall be limited in size to four square feet and be placed on the building.

STAFF: The applicant is not proposing any new signage.

2. Residential Structure - The structure shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential.

STAFF: The existing structures on site are the church and associated buildings, which are not residential in character. The structure that is proposed to be used as the community service facility will have the same design as the existing structure.

3. Alterations or Improvements to the Structure - Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time.

STAFF: The structure that is proposed to be used as the community service facility has not been used as a residence.

4. Off-street parking not located within a drive-way shall be located to the side or rear of the building(s).

STAFF: The existing off-street parking is in the front, to the side, and to the rear of the existing structures. The applicant needs relief from this standard.

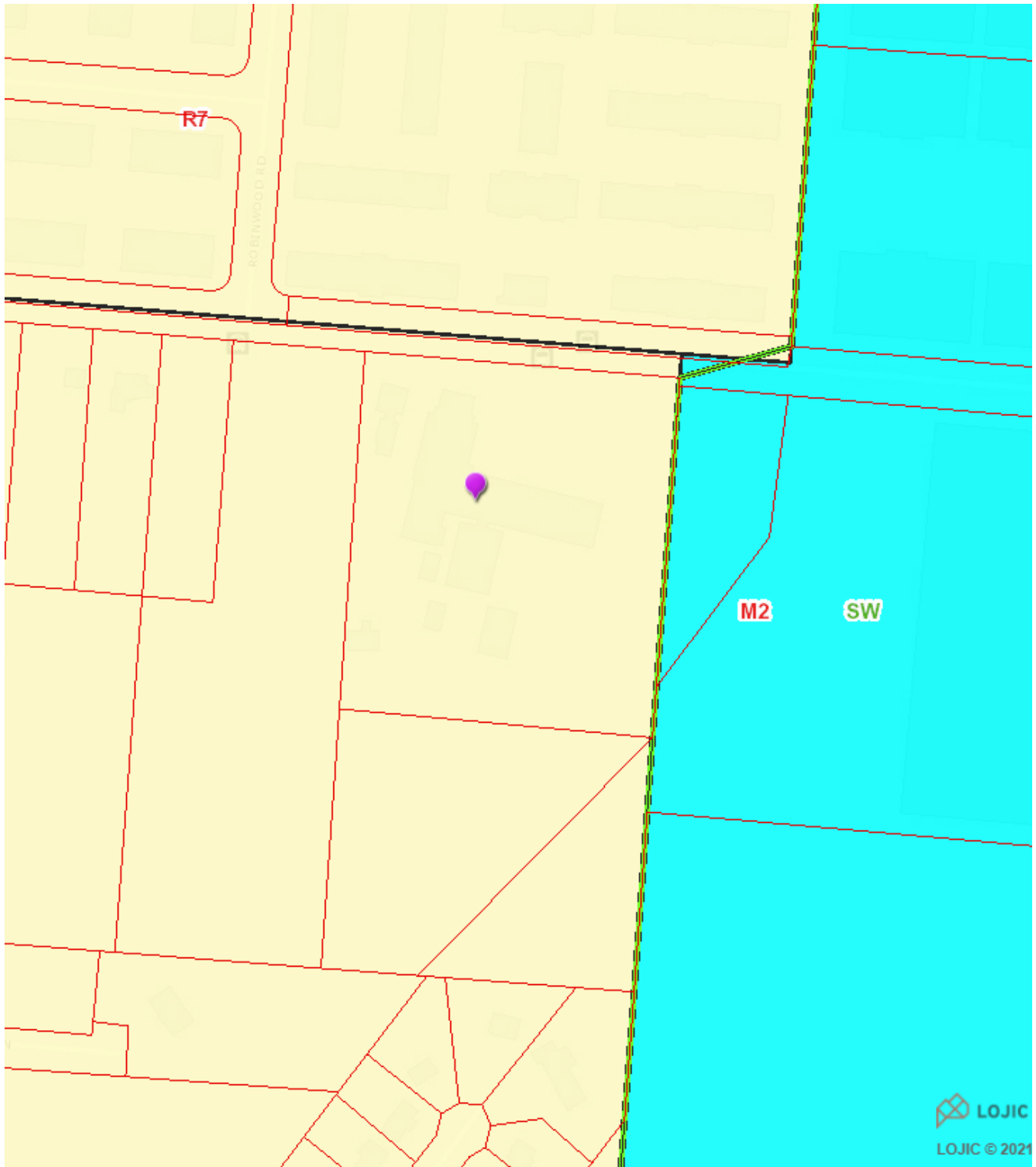
**NOTIFICATIONS**

Date	Purpose of Notice	Recipients
7/21/2021	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups for Council District 2
9/30/2021 10/1/2021	Hearing before BOZA	1st and 2nd tier adjoining property owners Registered Neighborhood Groups for Council District 2 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.