

Board of Zoning Adjustment

Staff Report

October 19, 2021



Case No:	21-MCUP-0003
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:	Priscilla Bowman, Associate Planner

REQUESTS:

Modified Conditional Use Permit to increase the proposed building square footage of a private institutional use (church) from 8,962 square feet to **9,824 square feet**, in the R-4 single-family zoning district.

CASE SUMMARY/BACKGROUND

The existing church is located on approximately **14.50-acres** in eastern Jefferson County within an R-4 zoning district and a Neighborhood Form District adjacent to Lake Forest. At the time of their original Conditional Use Permit request (20-CUP-0083), the church had sold approximately 4.58 acres on the northern most part of their property, with single family homes being proposed. This left approximately 14.52 acres which included the 2.5-acre pond. The church is now requesting to subdivide and sell a 0.5829-acre portion on the north-west side of the property and a 0.855-acre portion on the west side of the property. This will leave approximately **13.08-acres** including 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 **16,158 square feet**. Parking will remain unchanged at **104 spaces**. Plans still 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 was granted relief from this requirement from BOZA on August 17, 2020.

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.

20-CUP-0083 – 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.

21-MPLAT-0098 – Minor Subdivision Plat to shift a property line.

TECHNICAL REVIEW

Minor Subdivision Plat will be needed to move one lot line.

INTERESTED PARTY COMMENTS

No comments have been received.

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 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 proposed modification includes a 9,824 square foot addition to the existing church campus, which has been at this location since 1986 and is compatible with surrounding land uses 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: 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 had 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.

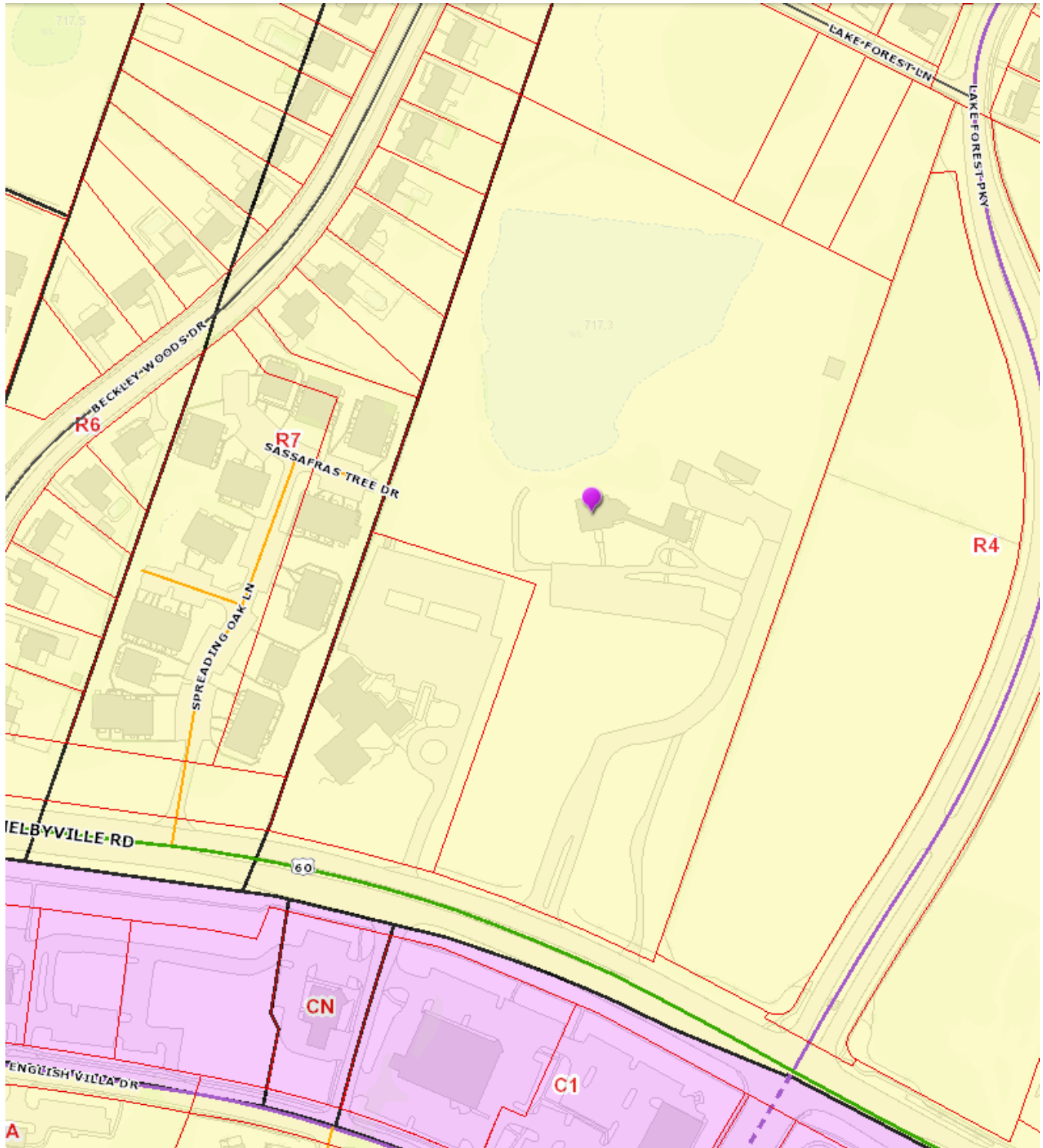
NOTIFICATION

Date	Purpose of Notice	Recipients
11/1/2021	BOZA Hearing	Business Session

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



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PLANNING & DESIGN SERVICES

21-MCUP-0003



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 shall submit a Minor Subdivision Plat application to Planning & Design Services to shift one property line containing approximately 0.42 acres. The Minor Subdivision Plat application must be submitted prior to the issuance of Certificate of Occupancy.