

Board of Zoning Adjustment

Staff Report

November 05, 2021



Case No.	21-MCUP-0005
Project Name	Fern Valley Rd Off Street Parking
Location	3609 R Fern Valley Road
Owner/Applicant	Baptist Healthcare System INC.
Representative	Mike Hill, LD&D, INC
Jurisdiction	Louisville Metro
Council District	2 – Barbara Shanklin
Case Manager	Heather Pollock, Planner I

REQUEST

- **Modification of a Conditional Use Permit** to allow parking in an R-4 single family zoning district. (LDC 4.2.39)

CASE SUMMARY/BACKGROUND

The applicant is requesting a Modified Conditional Use Permit to adjust the internal landscape areas for an existing 20,972 sq. ft. parking lot. This adjustment will reduce the number of parking spaces from 66 to 61. The original Conditional Use Permit to allow off-street parking in the R-4 zoning district was approved by the Board of Zoning Adjustment on April 06, 2009.

STAFF FINDING

The site is currently developed, and the parking is for the neighboring parcel 3609 Fern Valley Road, which was recently redeveloped under 21-DDP-0022 for a Baptist Health medical office.

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

The proposed modification has received preliminary approval from MSD, KYTC, Emergency Services, Urban Design, TARC, and Transportation Planning.

INTERESTED PARTY COMMENTS

No comments have been received.

PREVIOUS AND ASSOCIATED CASES ON SITE

- #12158- A conditional use permit for off-street parking.
- #12607- Landscape plan

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, KYTC, Emergency Services, Urban Design, TARC, 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.B.

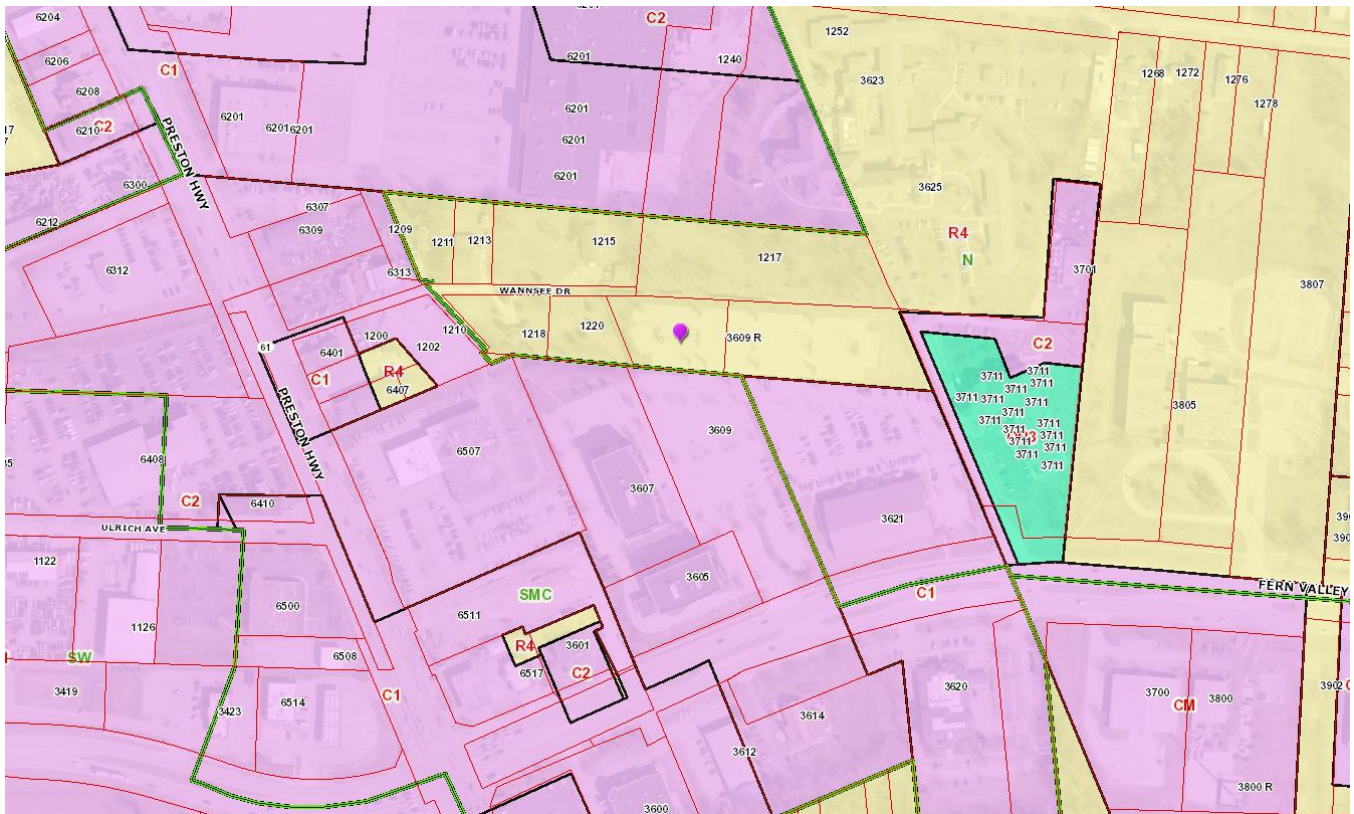
NOTIFICATION

Date	Purpose of Notice	Recipients
11/15/2021	BOZA hearing	Business Session

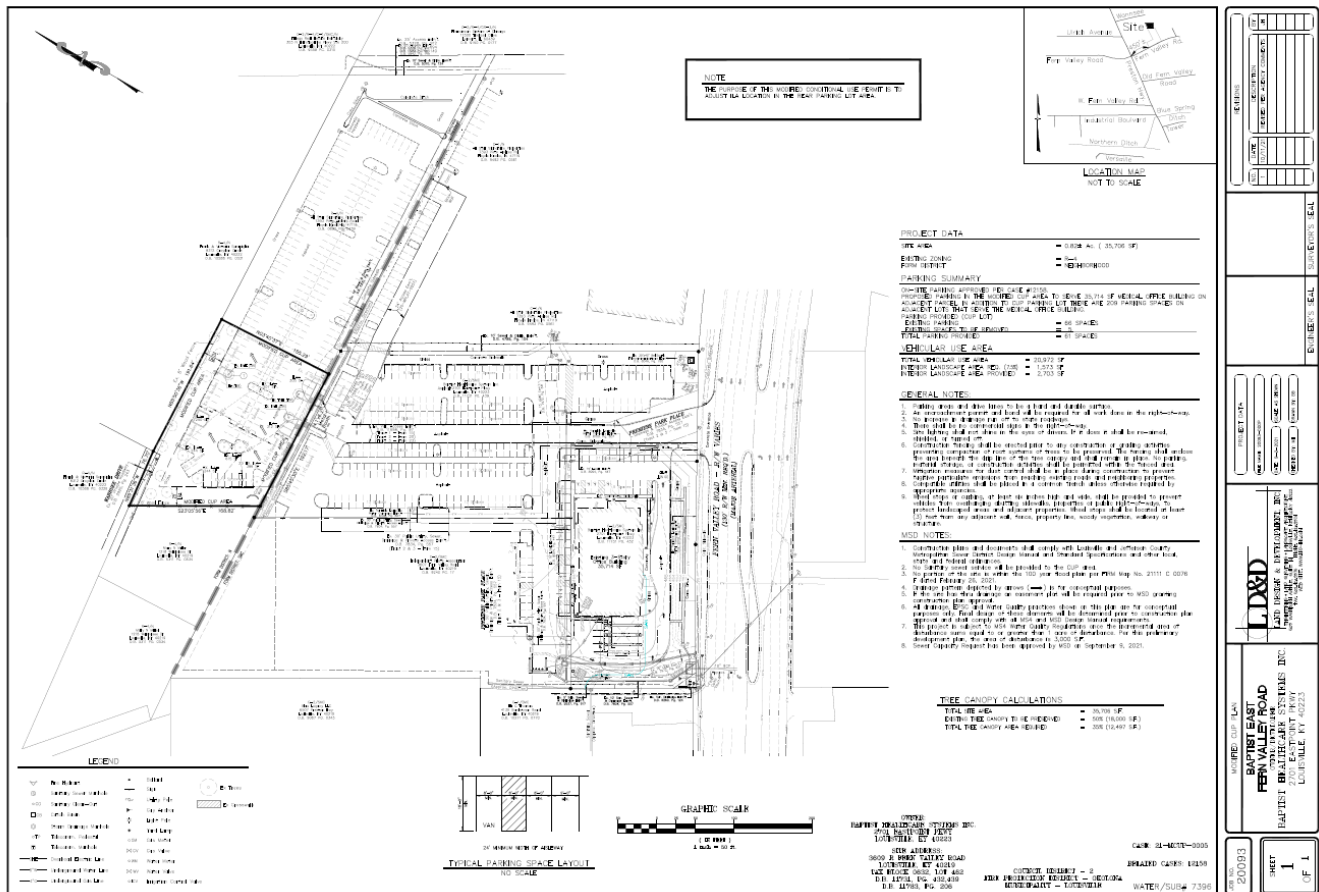
ATTACHMENTS

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

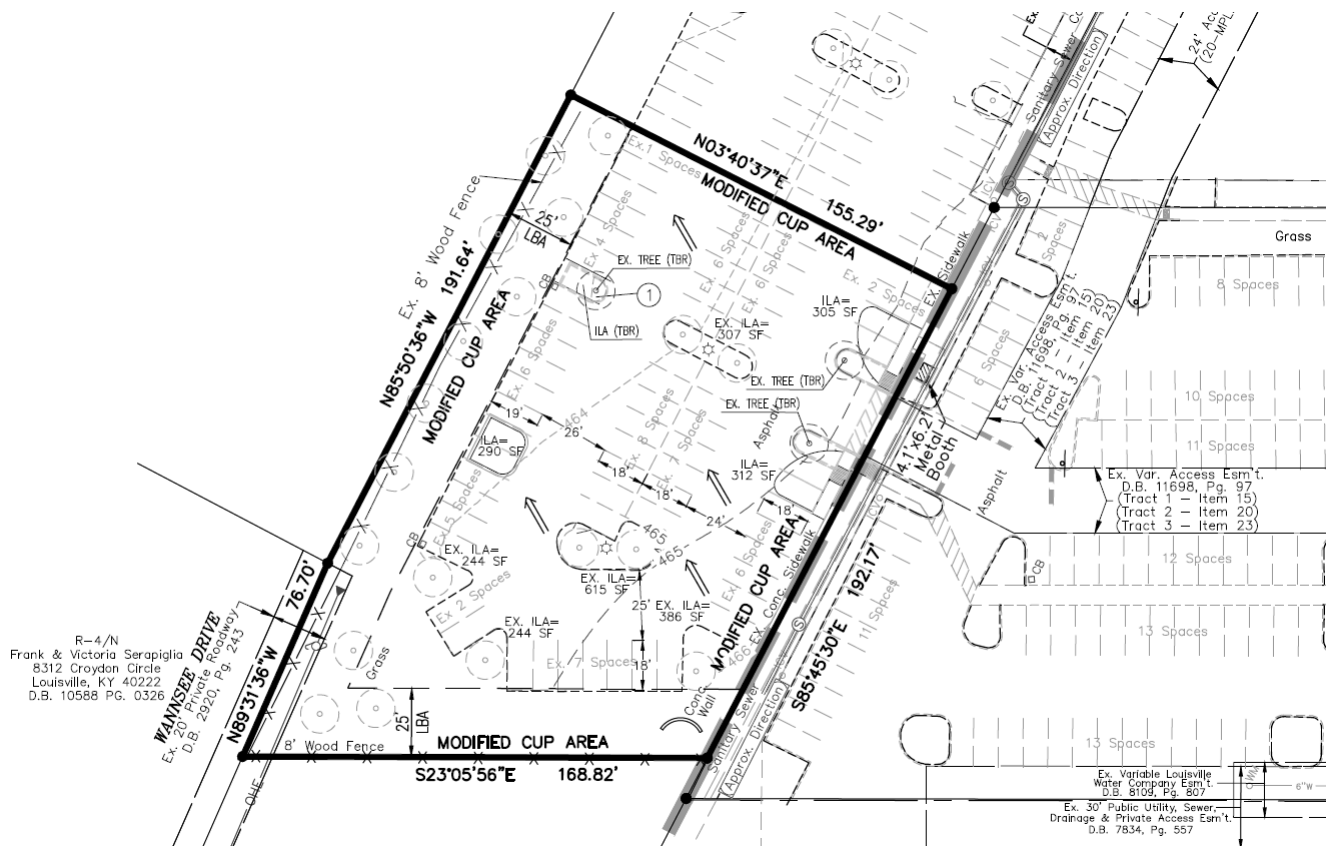
1. Zoning Map



3. Site Plan:



Modified CUP Area



4. 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 Revised Landscape Plan shall be approved prior to requesting a parking lot permit. Installation of the plantings, as shown on the approved revised landscape plan, shall to be completed within one year of approval and prior to use of the parking lot.
3. 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.