

# Board of Zoning Adjustment Staff Report

August 15, 2016



<b>Case No(s):</b>	16CUP1022
<b>Project Name:</b>	Volunteers of America
<b>Location:</b>	1025 S. 2 <sup>nd</sup> St.
<b>Owner(s):</b>	Planned Parenthood of Kentucky
<b>Applicant(s):</b>	Volunteers of America of Kentucky
<b>Representative(s):</b>	Jeff Rawlins, Architectural Artisans
<b>Project Area/Size:</b>	3,000 SF addition
<b>Existing Zoning District:</b>	TNzd – Mapped Institutional
<b>Existing Form District:</b>	TN, Traditional Neighborhood Form District
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	6 – David James
<b>Case Manager:</b>	Brian Mabry, AICP, Planning & Design Supervisor

## REQUESTS

- Conditional Use Permit to allow a rehabilitation home

## CASE SUMMARY/BACKGROUND

The applicant is requesting to remodel the existing building and to add approximately 3,000 square feet to the rear of the building for an in-patient rehabilitation home. In addition, the applicant proposes to reduce off-street parking from 16,847 square feet to 11,497 square feet. The proposed rehabilitation home will house 16 women and will have a small education and community room. In the Land Development Code, a rehabilitation home requires a Conditional Use Permit in any zoning district and is defined as follows: A building or group of buildings providing residence for persons recovering from the effects of drug or alcohol abuse, psychiatric disorders, or as a condition of their parole or probation. Such homes may provide counseling in educational, vocational, or other areas by a paid or volunteer staff and generally have 24-hour-a-day supervision. A rehabilitation home is not transitional housing. This definition does not apply to residential care facilities regulated by KRS 100.982.

The applicant has also submitted a revised development plan and a waiver request from Section 2.7.5.D.2 which requires that the sole access to all off-street surface parking be from the alley where an alley abuts the lot. In addition, binding elements related to square footage of the building on-site will need to be amended. The Development Review Committee or Land Development and Transportation Committee will make decisions on these requests.

## SITE CONTEXT

The property is located in a Traditional Neighborhood Form District in the Old Louisville / Limerick Traditional Neighborhood Zoning District, on S. 2nd Street, between Kentucky Street to the north and E. Saint Catherine Street to the south. The building on site has most recently been used as a Planned Parenthood office and clinic.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Clinic / Offices	TNZD – General – Mapped Institutional	TN
<b>Proposed</b>	Clinic / Rehabilitation Home	Same	TN
<b>Surrounding Properties</b>			
<b>North</b>	Multifamily and play area (separated by alley)	TNZD – General – Mapped Multifamily	TN
<b>South</b>	Residential	TNZD – General	TN
<b>East</b>	Elementary school (separated by alley)	TNZD – General – Mapped Institutional	TN
<b>West</b>	Off-street parking	TNZD – General	TN

**PREVIOUS CASES ON SITE**

Docket No. 9-37-89 – Board of Aldermen approved a rezoning from R-7 to OR-3 with binding elements on October 24, 1989. The most notable binding elements included a maximum gross floor area of 8,400 square feet and a requirement that the only permitted free-standing sign on the site shall not exceed nine square feet and 2.75 feet in height.

In addition, the subject property was part of an areawide rezoning from various zoning districts to the Traditional Neighborhood Zoning District in 2002.

**INTERESTED PARTY COMMENTS**

Staff has received some feedback as to whether a rehabilitation facility is indeed allowed in the Traditional Neighborhood Zoning District; however, staff has not received comments related to this specific proposal.

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
 Amendments to the Old Louisville / Limerick Neighborhood Plans  
 Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS  
 FOR CONDITIONAL USE PERMITS**

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

**STAFF:** The proposal preserves and renovates an existing structure and will incorporate building design that is consistent with the predominate neighborhood and the structure being renovated, as demonstrated in the applicant’s submitted elevations. All lighting will be code compliant. Amendments to the Old Louisville / Limerick Neighborhood Plan are silent on rehabilitation homes, specifically, but contain general criteria for consideration of Conditional Use Permits. They are:

- Operations or secondary impacts such as, parking, traffic circulation, noise and other incidental impacts shall not negatively affect either the adjoining properties or the character of the historic structure/site.
- Applicable code requirements (building & fire) shall be complied with to be compatible with the historic character of the structure as determined by the appropriate reviewing body.

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, appearance, etc?

STAFF: The proposal is compatible with the general character of the surrounding neighborhoods in terms of height, scale, intensity, lighting, and appearance.

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: The proposal has been reviewed by MSD and both have approved the plan. The Louisville Fire District #2 did not comment on the proposal. See the Technical Review note below for issues related to Public Works.

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

STAFF: There are 5 items in the listed requirements for rehabilitation homes. Items C. and D. will be met. Items A. and B. do not apply because the proposal is not using an existing residential building, construction is not within the front setback and is not greater than 2 stories. Item D. does not apply because a new sign is not proposed.

A. If using an existing residential building constructed contemporaneously with the surrounding neighborhood, its exterior appearance shall not be substantially altered.

B. New construction within an area having an established front building setback shall be constructed at the average setback line or the minimum front yard of the form district, whichever is less. Structures adjacent to residential uses or zoning districts shall increase side yards by 10 feet for each story over two.

C. One parking space on site shall be provided for each staff person, plus two spaces for each five residents, or five clients served by the rehabilitation home. Parking shall be reduced to one space per five residents/clients if the rehabilitation home serves persons with disabilities that preclude operation of an automobile.

D. One freestanding sign not to exceed 10 square feet and 4 feet in height shall be allowed.

E. The Board shall add any additional restrictions necessary to mitigate nuisances or adverse effects.

### **TECHNICAL REVIEW**

At the time of publication of this Staff Report, the existing driveway onto S. 2<sup>nd</sup> Street was still under review by Public Works. Their access management regulations require removal of the driveway where an expansion such as the one on the subject property is proposed. Unlike the Standard in LDC Section 2.7.5.D.2, which is eligible for a waiver by BOZA or the Planning Commission, access management standards are only eligible for a waiver by the Director of Public Works. If this item is not resolved by the date of the public hearing, then Staff recommends that the BOZA continue the public hearing to a certain date.

### **STAFF CONCLUSIONS**

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, BOZA must determine if the proposal meets the standards for granting the Conditional Use Permit as established in the LDC.

## NOTIFICATION

Date	Purpose of Notice	Recipients
7/29/16	APO Notice	First tier adjoining property owners Neighborhood notification recipients
7/29/16	Sign Posting	Subject Property

## ATTACHMENTS

1. Zoning Map
2. Aerial Map
3. Map of Similar Uses Within ½ Mile Radius
4. Justification Statement/Business Plan
5. Neighborhood Meeting
6. Additional Submittals from Applicant
7. Conditions of Approval