

Board of Zoning Adjustment

Staff Report

February 2, 2015



Case No:	14CUP1026
Project Name:	The Healing Place Men's Campus
Location:	1020-1030 W. Market St.
Owner(s):	The Healing Place, Inc.
Applicant:	Same
Representative(s):	T. Gregory Ehrhard, Stites & Harbison
Project Area/Size:	0.983 Ac. (CUP area)
Jurisdiction:	Louisville Metro
Council District:	4 – David Tandy
Case Manager:	Latondra Yates, Planner II

REQUEST

- Conditional Use Permit (CUP) under Sec. 4.2.31 of the Land Development Code (LDC) to allow a rehabilitation home.
- Variance of Sec. 5.2.5.C.3.C. of the LDC to allow the proposed building to encroach into the required 20-ft. rear yard. The requested setback is 15 ft., a variance of 5 ft.
- Variance of Sections 5.2.5.C.3.D. of the LDC to allow the proposed building to exceed the maximum 45-ft., 3-story height. The proposed height is 56 feet, 4 stories, a variance of 11 feet.
- Waiver of Sec.10.2.4 of the LDC to not provide the trees within the required rear LBA.

Variance

Location	Requirement	Request	Variance
Rear yard (south property line)	20 ft.	15 ft.	5 ft.
Proposed building	45 ft.	56 ft.	11 ft.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The CUP, variance and waiver are for an expansion to the Healing Place Men's campus that includes demolition of approximately 13,439 sf. in footprint of existing buildings, including a 1-story brick administrative office (1030 W. Market St.) and 2-story brick dormitory building (addressed as 1020 and 1028 W. Market St.), and construction of a 4-story, 24,540 sf. footprint building. The building will wrap around an internal courtyard. The existing number of beds on the campus is 224. The proposed is 471, an increase of 247 beds.

The applicant has submitted elevations that meet building and site design requirements. Parking will be provided through a combination of on street and on-street, across W. Market St. The 10% tree canopy requirement will be met, including planting of street trees along W. Market St. A TARC shelter, bench and

trash receptacle are proposed. The applicant states that the waiver to not provide the trees within the 15-ft. LBA at the rear is because the primary electric power to the site runs underground through this same area. The propose development is separated from the adjacent multi-family residential to the rear by Congress St., which functions as an alley. An 8-ft. fence is proposed as the screening.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

The site is located on W. Market St. between 10th and 11th Streets. It is zoned C-2 in the Traditional Workplace Form District. Part of the men’s campus, which includes an existing administration building and parking lot? (the parking lot is under the ownership of FBM Properties), is also to the north, across W. Market St. Old 502 Winery is located to the northeast, adjacent to the rear of the parking lot. There is an industrial use to the northwest also adjacent to the rear of the parking lot. The site transitions to the Traditional Neighborhood Form District to the south, across Congress Alley, where there is multi-family residential zoned R-7. To the east, across S. 10th St. is the Metro Police Officer’s Credit union with apartments to the rear of it. To the west is a 1-story fish market, zoned C-2.

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Institutional	C-2	TW
Proposed	Institutional	C-2	TW
<i>Surrounding Properties</i>			
North	Institutional	C-2	TW
South	Multi-family residential	R-7	TN
East	Commercial	C-2	TW
West	Commercial	C-2	TW

PREVIOUS CASES ON SITE

9-103-67 Change in zoning from M-2 to C-2 as part of a change in zoning of the West Downtown Renewal Area, Urban Renewal Project KY R-10. Approved by the Planning Commission June 1,1967.

The site was previously zoned J (light industrial) in 1931. J became M-2 in 1963.

No record of a CUP was found.

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020 – See checklist attached.
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

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

STAFF: The proposed development meets the applicable sections of 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, appearance, etc?

STAFF: The proposed development is compatible in height, scale, design and intensity of some of the taller buildings in surrounding area and the neighboring Downtown Form District. The project will continue to be a low traffic generator as many of the residents don't drive.

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 plan has preliminary approval from the Transportation Planning Review Team and MSD, and is subject to construction approval.

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

4.2.31 Rehabilitation Home

Rehabilitation homes may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements.

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

STAFF: N/A

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.

STAFF: N/A. No residential uses adjacent to the sides.

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.

STAFF: The minimum parking requirement will be met.

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

STAFF: Sign details will need to be provided, when known, to determine compliance.

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

- **Variance of Sec. 5.2.5.C.3.C. of the LDC to allow the proposed building to encroach into the required 20-ft. rear yard. The requested setback is 15 ft., a variance of 5 ft.**

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The variance will not adversely affect the public health, safety or welfare because the majority of the setback will be observed, there will be screening provided between the proposed building and adjacent property, and the adjacent property is separated from the proposed development by an alley.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The variance will not alter the essential character of the general vicinity because there are other structures in the area that observe similar rear setbacks.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The variance will not cause a hazard or nuisance to the public because the proposed setback allows the development to meet the required front setback; and will also allow for the larger building needed for this use.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The variance will not allow an unreasonable circumvention of the zoning regulations because the variance request is a small one. The majority of the setback will be provided.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The variance arises from the request to construct the proposed building.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict provision of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because of the need for the larger building for the existing use.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are the result of the request to construct the proposed building.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

- **Variance of Sections 5.2.5.C.3.C. and 5.7.1.B.1. of the LDC to allow the proposed building to exceed the maximum 45-ft., 3-story height. The proposed height is 56 feet, 4 stories, a variance of 11 feet.**

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The variance will not adversely affect the public health, safety or welfare because the building will be similar in height to other buildings in the area, and will be adequately screened from residential at the rear.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The variance will not alter the essential character of the general vicinity because of the compatibility of the proposed building with others in the area.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The variance will not cause a hazard or nuisance to the public because it will allow for the larger building needed for this use.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The variance will not allow an unreasonable circumvention of the zoning regulations because of the compatibility of the proposed building with others in the area.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The variance arises from the request to construct the proposed building.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant.

STAFF: The strict provision of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant because it would not allow for the larger building needed for this use.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are the result of the request to construct the proposed building.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS

- **Waiver of Sec.10.2.4 of the LDC to not provide the trees within the required rear LBA.**

(a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners because the proposed development is separated from adjacent residential to the rear by an alley, and the required screening will be provided.

(b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: The waiver meets the applicable guidelines of Cornerstone 2020.

(c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant because of the underground electrical in this area.

(d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); **OR**

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship because of the underground electrical in this area.

TECHNICAL REVIEW

No outstanding technical review items.

STAFF CONCLUSIONS

The Conditional Use Permit, variances and waiver meet the standards of review and applicable guidelines of the comprehensive plan. The proposed building is compatible in height, scale and design to other buildings in the area. The variances will allow the proposed building to observe the required front setback and minimal rear-yard encroachment that will be screened by an 8-ft. fence. The variances will also allow for the larger building needed to serve this use. The trees at the rear of the property are being waived due the existing electrical at the rear of the lot. Additional conditions of approval, including hours of operation, security and supervision, may need to be considered.

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 CUP, variance and waiver as established in the Land Development Code.

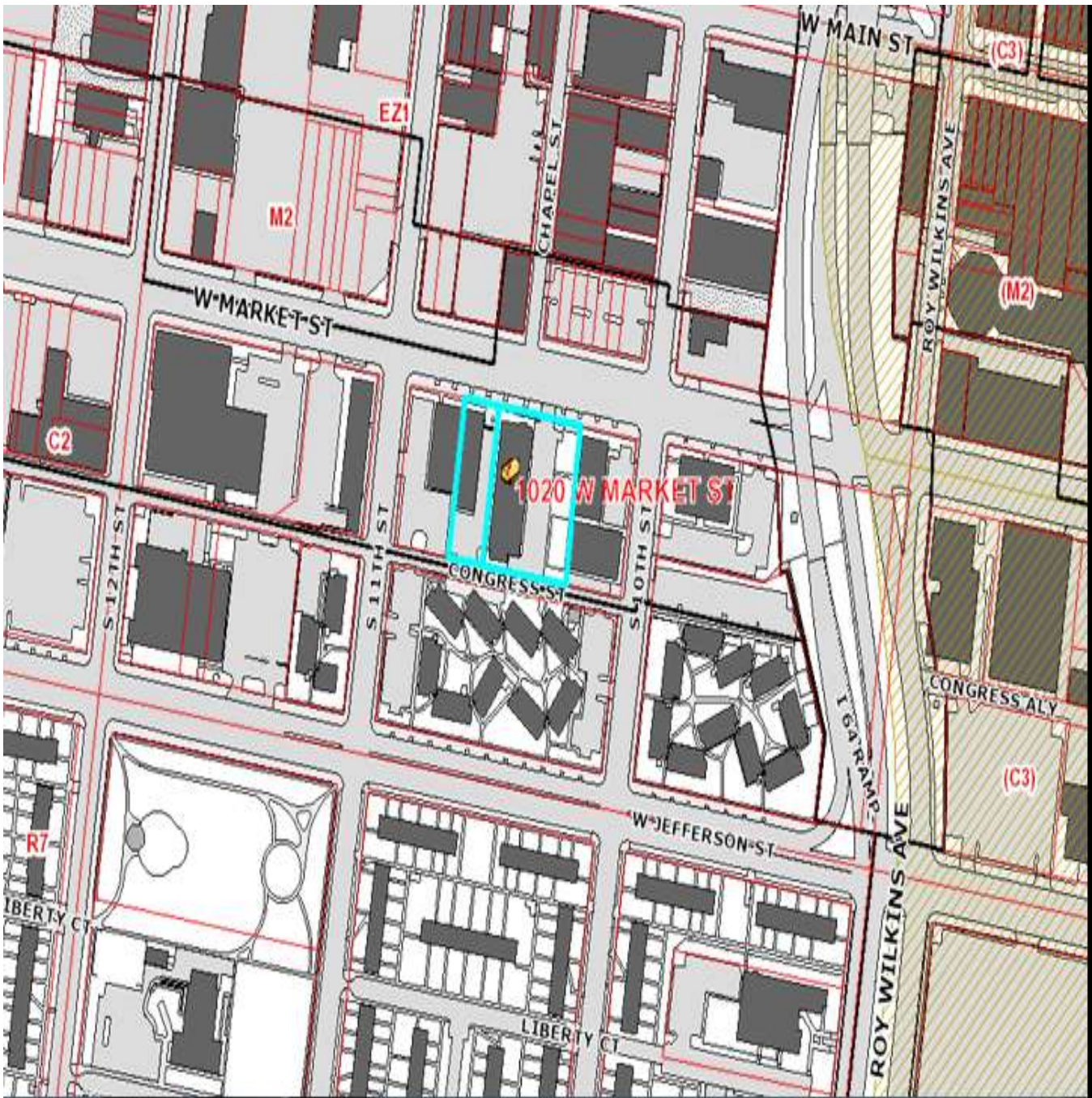
ATTACHMENTS

1. Proposed Conditions of Approval
2. Zoning Map
3. Aerial Map
4. Site Plan
5. Elevations
6. Neighborhood meeting documents
7. Cornerstone 2020 Comprehensive Plan Checklist
8. Applicant's justification statements

1. Proposed 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 rehabilitation home without further review and approval by the Board.
3. Type of security, if any----are residents free to come and go?
4. The facility shall house no more than residents.
5. Supervision- Will there be 24 hour supervision?
6. Visitation- Will residents be allowed to have visitors?
7. Hours of operation.

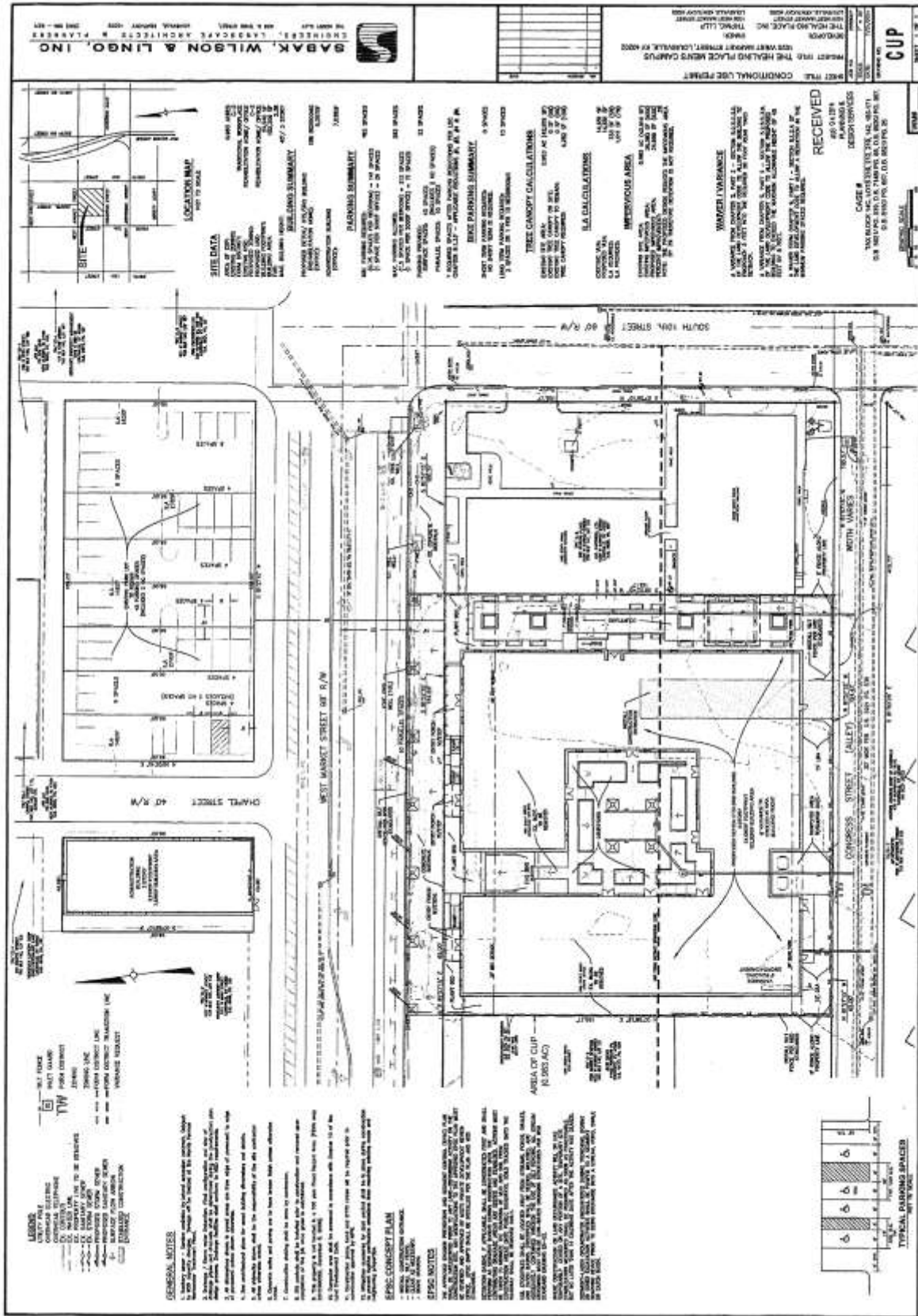
2. Zoning Map



3. Aerial Photo



4. Site Plan



5. Elevations

The Healing Place
Men's Campus Master Plan

1020 West Avesek Street
Louisville, KY 40202

NO.	DATE	DESCRIPTION

ARCHITECT:
BRIDGE
ASSOCIATES ARCHITECTURAL
100 West Market Street
Louisville, KY 40202
502.582.2200

ENGINEER:
TALAMON CONSULTANTS, INC.
1101 Grady Street
Louisville, KY 40203
502.426.4747

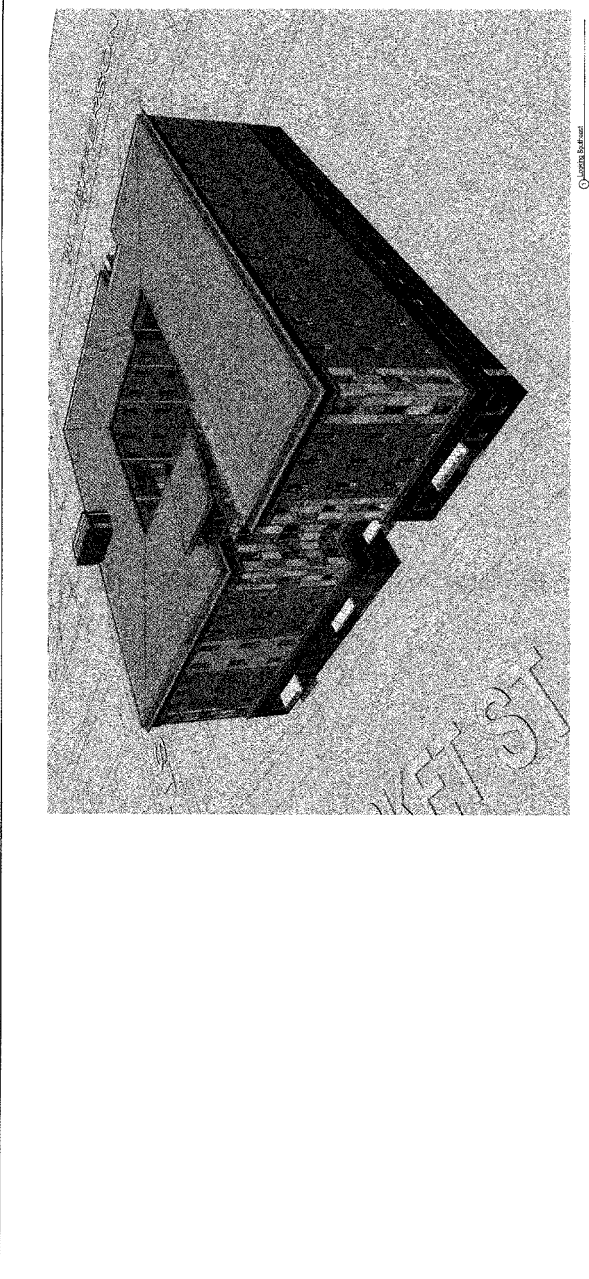
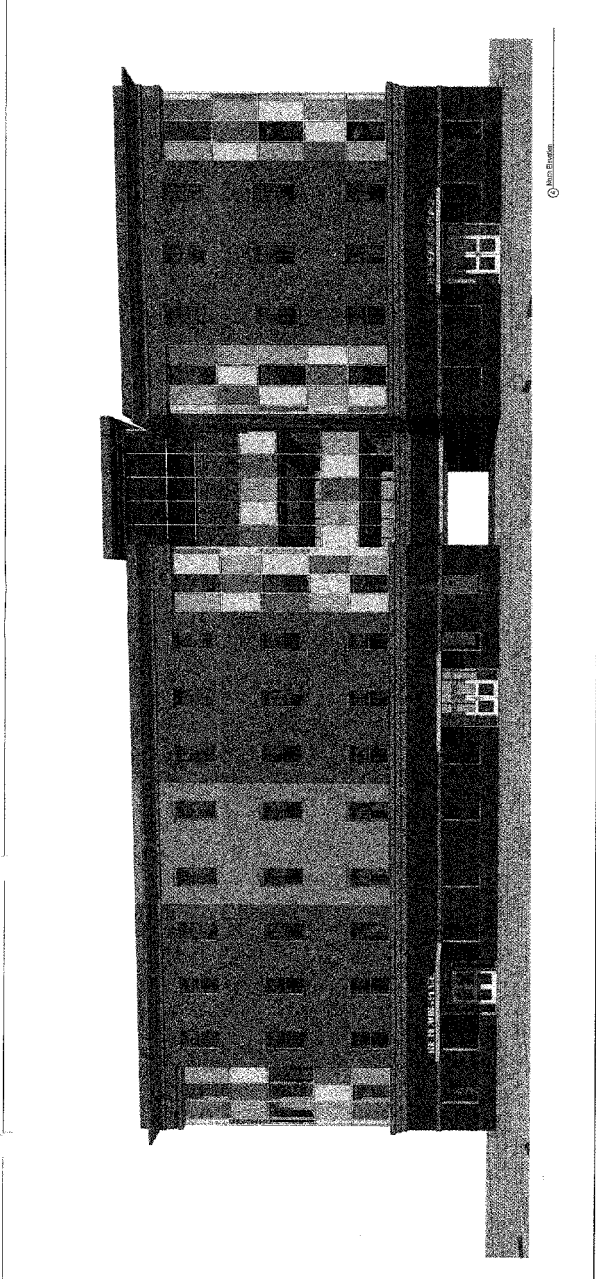
STRUCTURAL ENGINEER:
STRUCTURAL SERVICES, INC.
1121 Franklin Road
Louisville, KY 40209
502.792.7700

CLA ENGINEER:
LORD, INC.
698 E. Third Street
Louisville, KY 40202
502.254.7777

Sheet Title: 3d Views
Project Number: 1102290
Drawn By:
Author:
Approval:
Date:
Revision:

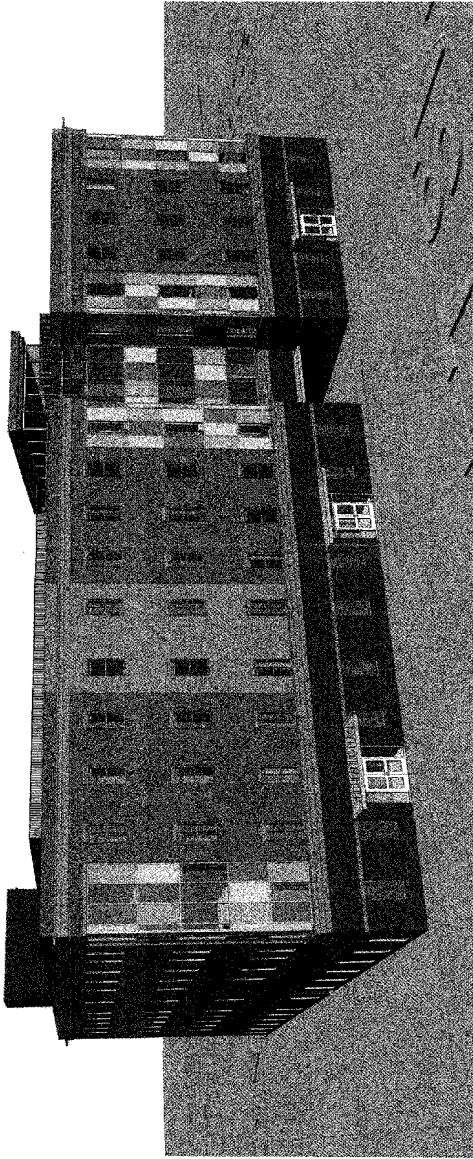
Rendering 01

09-29-14 09:04 Design Development Preliminary S&P

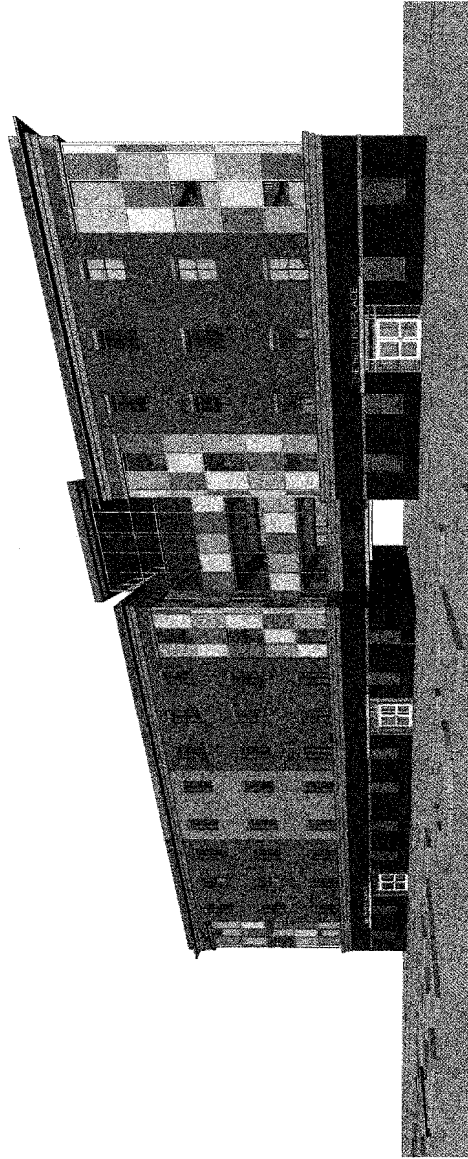


The Heating Place
Men's Campus Master Plan

1000 West Market Street
 Louisville, KY 40202



① - University Entrance



② - University Entrance (Opposite View)

NO.	DESCRIPTION	DATE	BY

Architect:
 K. WYNANT ARCHITECTS PLLC
 411 N. Main Street
 Louisville, KY 40202
 502.502.3300

Engineer:
 KIRBY-ORRILLIARD ENGINEERS, INC.
 2000 Chestnut Street
 Louisville, KY 40203
 502.451.8677

Structural Engineer:
 HOK, Inc.
 1000 Convention Center Blvd.
 Louisville, KY 40203
 502.271.7000

Civil Engineer:
 SAHA, WEIZEN & SANDOZ, INC.
 10000 Shelbyville Road
 Louisville, KY 40220
 502.534.4571

Sheet Title: 3d Views

Project Number: 1110230
 Date by: [Blank]
 Author: [Blank]
 Approver: [Blank]
 Date: 08-28-14

Rendering 02

08/28/14 14:52:19 PM

08-29-14 3:06 PM Design Development Preliminary Set

6. **Neighborhood Meeting Documents**

Neighborhood Meeting Notification Letter

October 10, 2014

To the Adjoining Property Owners, Neighborhood Group Representatives expressing interest in this area and Metro Councilperson for the 4th District:

The Healing Place, Inc., plans to submit a development proposal to request a conditional use permit for a rehabilitation home at 1020 and 1030 West Market Street, Louisville, Kentucky, 40202. This property is currently the site of The Healing Place's men's campus. The Healing Place intends to tear down the existing structures and build the enhanced facility, which will continue to serve adults with substance dependencies. Residents of the project will go through the substance abuse programs designed to provide the tools for recovery and a return to productive lives.

In accordance with the procedures of Louisville Metro Planning and Design Services, we have been directed to invite you to discuss this proposal before an application can be filed. This will be an informal meeting to give you the opportunity to review the proposed plan and discuss the proposal with The Healing Place and its representatives. This meeting will be held in addition to the established public meeting procedures of the Planning Commission and/or the Board of Zoning Adjustment.

The meeting to discuss this development proposal will be held at **6:00 p.m. on Monday, October 20, 2014, at 1000 West Market Street, Louisville, Kentucky, 40202.**

At this meeting, The Healing Place will explain the proposal and then discuss any concerns you have. We encourage you to attend this meeting and to share your thoughts.

Sincerely,

The Healing Place, Inc.

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Louisville Metro Housing Authority
420 S. 8th Street
Louisville, KY 40203-1906

Louisville & Jefferson County
Metro Government
527 W. Jefferson Street
Louisville, KY 40202-2814

Citizens Housing Corp of Louisville
430 W. Muhammad Ali Blvd.
Louisville, KY 40202-2370

PSC GP INC
1100 W. Market Street
Louisville, KY 40203-1438

Mercer Transportation
P.O. Box 35610
Louisville, KY 40232-5610

Julie S. & David W. Davis
14100 Harbour Place
Louisville, KY 40059-8007

H P Partners LTD
1020 W. Market Street
Louisville, KY 40202-2630

Louisville Police Officers Credit
Union
900 W. Market Street
Louisville, KY 40202-2600

FBM Properties LLC
333 Guthrie St. Ste.100
Louisville, KY 40202-1877

Bernard J. & Patricia M. Queen
Revocable Living Trust
302 W. Brannon Rd.
Nicholsville, KY 40356-8847

Kentucky Lottery Corporation
6040 Dutchmans Lane
Louisville, KY 40205-3305

The Main Street Trust
822 W. Main Street
Louisville, KY 40202-2620

Kentucky Lottery Corporation
1101 W. Main St.
Louisville, KY 40202-2623

The Healing Place Inc.
1020 W. Market St.
Louisville, KY 40202-2630

JFN, LLC
P.O. Box 1248
New Albany, IN 47151-1248

Councilman David Tandy
Metro Council District 4
601 W. Jefferson Street
Louisville, KY 40202

Laura Grabowski
Community Services & Revitalization
810 Barret Avenue
Louisville, KY 40204

Latondra Yates
Dept. of Codes & Regulations
Metro Development Center
444 South 5th Street, Suite 300
Louisville, KY 40202

Scott Love
Economic Development Manager
Metro Government Center
444 South 5th Street, Suite 600
Louisville, KY 40202

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**Neighborhood Meeting Attendance Sheet
The Healing Place, Inc.
Monday, October 20, 2014
6:00 P.M.**

Name	Street Address	Zip	Phone	Email
Julie Davis	1032 W. Market Street	40202	581-0100	JDAVISLHT@aol.com

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W.C.P.1026

**Neighborhood Meeting Summary
The Healing Place, Inc.
Monday, October 20, 2014**

A neighborhood meeting was held at 1000 West Market Street, Louisville, KY 40202. A copy of the notice of the meeting is attached hereto as Exhibit A. The notice was sent to the addresses listed on Exhibit B attached hereto. A copy of the sign-up sheet from the meeting is attached hereto as Exhibit C.

The meeting began at 6:05 p.m. with only one neighbor in attendance. The Healing Place representatives gave the PowerPoint presentation attached hereto as Exhibit D and explained the details of the proposed CUP plan.

Ms. Julie Davis asked when construction might begin. The Healing Place's representative responded that it would begin as soon as possible following the closing on the construction financing, and that it is hoped that closing would occur by the end of 2014 or early 2015.

Ms. Davis asked about the corridor running from Market Street to Congress Street between her property at 1032 Market Street and the subject property. The Healing Place 's representative explained that the corridor would be gated and landscaped.

The meeting concluded at approximately 6:25 p.m.

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1001221-1-LOUISVILLE

7. **Cornerstone 2020 Comprehensive Plan Checklist**

Case No. 13CUP1026
Staff Findings

Cornerstone 2020
Checklist

Traditional Workplace
Form District

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments	Final Finding	Final Comments
1	Form District Goals G1, G2, G3, G4 Objectives G1.1, G2.1 2.5, G3.1-3.3, G4.1- 4.4	Community Form/Land Use Guideline 1: Community Form	B.9: The proposal respects the existing grid street pattern and provides for alley access if consistent with adjacent development.			✓	Existing grid street pattern will be preserved. Congress Alley will be utilized, it appears, at least for trash collection.
2	Form District Goals G1, G2, G3, G4 Objectives G1.1, G2.1 2.5, G3.1-3.3, G4.1- 4.4	Community Form/Land Use Guideline 1: Community Form	B.9: The proposal supports access to public transportation.			✓	The site is served by sidewalks and mass transit.
3	Form District Goals G1, G2, G3, G4 Objectives G1.1, G2.1 2.5, G3.1-3.3, G4.1- 4.4	Community Form/Land Use Guideline 1: Community Form	B.8: The proposal includes on-street or rear parking areas.			✓	The proposal includes on-street parking.
4	Form District Goals G1, G2, G3, G4 Objectives G1.1, G2.1 2.5, G3.1-3.3, G4.1- 4.4	Community Form/Land Use Guideline 1: Community Form	B.9: The proposal provides adequate buffering between potentially incompatible non-residential uses where necessary.			✓	The required LBA is proposed along the alley.
5	Form District Goals G1, G2, G3, G4 Objectives G1.1, G2.1 2.5, G3.1-3.3, G4.1- 4.4	Community Form/Land Use Guideline 1: Community Form	B.9: The proposal includes buildings that have little or no setback from the street, and that are integrated with surrounding housing, if present.			✓	Distance proposed building to property lines. Proposed building does not exceed max. 25-ft. setback. There is no minimum setback.
6	Form District Goals G1, G2, G3, G4 Objectives G1.1, G2.1 2.5, G3.1-3.3, G4.1- 4.4	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.			+/-	Building elevations needed to determine compliance.
7	Form District Goals G1, G2, G3, G4 Objectives G1.1, G2.1 2.5, G3.1-3.3, G4.1- 4.4	Community Form/Land Use Guideline 3: Compatibility	A.4(b)(7): The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.			✓	Proposed building footprint and height will be significantly larger and taller than the previous structures. However, proposed development backs up to an alley, and the adjacent multi-family structures have their backs to this development. The required LBA along Congress Alley is proposed.

+ exceeds guidelines
✓ meets guidelines
+/- more information needed

- does not meet guidelines
NA not applicable

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments	Final Finding	Final Comments
8	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1, 2.5, G3.1-3.3, G4.1- 4.4	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.			√	APCD has no comments.
9	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1, 2.5, G3.1-3.3, G4.1- 4.4	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.			+/-	See Transportation Planning Review Team comments.
10	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1, 2.5, G3.1-3.3, G4.1- 4.4	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.			+/-	Lighting details should be provided, if proposed.
11	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1, 2.5, G3.1-3.3, G4.1- 4.4	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.			√	Proposed development located along a transit corridor and near an activity center.
12	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1, 2.5, G3.1-3.3, G4.1- 4.4	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.			+/-	Variance to exceed the maximum height proposed. Elevations needed to determine compliance with building and site design standards. The applicant should explain how the proposed development is compatible with that of surrounding uses. The required LBA is proposed along the alley.
13	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1, 2.5, G3.1-3.3, G4.1- 4.4	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.			+/-	Applicant should explain the relationship/function of the proposed building with the adjacent 1-story commercial to the west. The required LBA is proposed along the alley.

+ exceeds guidelines
√ meets guidelines
+/- more information needed

- does not meet guidelines
NA not applicable

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments	Final Finding	Final Comments
14	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1, 2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.			+/-	Variance to exceed the maximum building height proposed. The applicant should explain the compatibility of the proposed development with its surroundings.
15	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1, 2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.			+/-	Provide elevations and labeling on the plant that identify where loading will take place and the methods of screening. Lighting details should also be provided. Will there be certain hours of operation/courtesy for the residents?
16	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1, 2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.			✓	The required WJA LSA is proposed along the alley.
17	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1, 2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.			NA	
18	Form District Goals G1, G2, G3, G4, Objectives G1.1, G2.1, 2.5, G3.1-3.3, G4.1-4.4	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.			+/-	Sign details should be provided, when known.
19	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.23/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.			NA	
20	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.			NA	

+ exceeds guidelines
✓ meets guidelines
+/- more information needed

- does not meet guidelines
NA not applicable

#	Comerstone 2020 Guidelines & Policies	Comerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments	Final Finding	Final Comments
21	Livability Goals H3 and H4, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.			NA	
22	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems. A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.			NA	
23	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.			NA	
24	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: Limit land uses in workplace districts to those land uses necessary to meet the needs of the industrial subdivision or workplace district and their employees.			+/-	Subject to MSD review.
25	People, Jobs and Housing Goal K4, Objective K4.1	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.			NA	
26	People, Jobs and Housing Goal K4, Objective K4.1	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.			✓	Redevelopment of an existing use proposed.
27	Marketplace Strategy Goal A1, Objectives A1.3, A1.4, A1.5	Marketplace Guideline 6: Economic Growth and Sustainability				NA	

+ exceeds guidelines
✓ meets guidelines
+/- more information needed

- does not meet guidelines
NA not applicable

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments	Final Finding	Final Comments
28	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.			NA	
29	Land Use and Transportation Connection Goal E1, Objectives E1.1 and E1.3	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.			NA	
30	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.12: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.			✓	See Transportation Planning Review Team comments.
31	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.34: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.			✓	The site is served by sidewalks and mass transit. Bicycle parking is proposed. Additional review comments by TARC will be provided when available.
32	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through" roads.			NA	

+ exceeds guidelines
✓ meets guidelines
+/- more information needed

- does not meet guidelines
NA not applicable

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments	Final Finding	Final Comments
33	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.			+/-	See Transportation Planning Review Team comments.
34	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.			+/-	Parking waiver to be requested. Parking calculations should be broken down to specify minimum and maximum parking requirements. Parking reductions to be utilized should also be written out on the plan. Parking waiver submittal needed.
35	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.			NA	
36	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.			NA	
37	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.			NA	
38	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.			NA	
39	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connectors to adjacent developments and to transit stops, and is appropriately located for its density and intensity.			√	The site is served by sidewalks and mass transit. Bicycle parking is proposed. Additional review comments by TARC will be provided when available.

+ exceeds guidelines
√ meets guidelines
+/- more information needed

- does not meet guidelines
NA not applicable

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments	Final Finding	Final Comments
40	<p>Livability, Goals B1, B2, B3, B4, Objectives B1.1-4.B, B2.1-2.7, B3.1-3.4, B4.1-4.3</p>	<p>Livability/Environment Guideline 10: Flooding and Stormwater</p>	<p>The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid line-line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating wetstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.</p>			+/-	Subject to MSD construction review.
41	<p>Livability Goals C1, C2, C3, C4, all related Objectives</p>	<p>Livability/Environment Guideline 12: Air Quality</p>	<p>The proposal has been reviewed by APCD and found to not have a negative impact on air quality.</p>			NA	APCD has no comments.
42	<p>Livability, Goals F1 and F2, all related objectives</p>	<p>Livability/Environment Guideline 13: Landscape Character</p>	<p>A.3: The proposal includes additions and connectors to a system of natural corridors that can provide habitat areas and allow for migration.</p>			NA	
43	<p>Quality of Life Goal J1, Objectives J1.1-1.2</p>	<p>Community Facilities Guideline 14: Infrastructure</p>	<p>A.2: The proposal is located in an area served by existing utilities or planned for utilities.</p>			√	Site served by existing utilities.
44	<p>Quality of Life Goal J1, Objectives J1.1-1.2</p>	<p>Community Facilities Guideline 14: Infrastructure</p>	<p>A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.</p>			+/-	Subject to construction review.
45	<p>Quality of Life Goal J1, Objectives J1.1-1.2</p>	<p>Community Facilities Guideline 14: Infrastructure</p>	<p>A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.</p>			+/-	Subject to construction review.

+ exceeds guidelines
√ meets guidelines
+/- more information needed

- does not meet guidelines
NA not applicable

8. Applicant's Justification Statements

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

Allowing the new building to exceed the maximum height by 11 and to encroach 5 feet into the rear yard will not cause adverse affects to public health, safety or welfare because these are dimensional requirements that have no impact on health, safety, or welfare.

2. Explain how the variance will not alter the essential character of the general vicinity.

The property is located just a block from the central business district, where there are many buildings much taller than the one proposed here. The rear yard abuts Congress Street, which a local road similar to an alley and is not a heavily travelled thoroughfare.

3. Explain how the variance will not cause a hazard or a nuisance to the public.

There are no airspace issues at this property that would cause the building's height to create a hazard or nuisance. Even with the 5' encroachment into the rear yard, there will still be ample room for screening and buffering from adjoining properties.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Even with the variances, the purposes of the zoning regulations will be served because the building will conform to the character of the area and will not create adverse impacts.

Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

This property has been the location of The Healing Place's men's campus for many years. The need for the services provided there has exploded, and the size of the facility must be increased in order to accommodate that demand. The variances are needed in order to enable the building to fit site.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

Without the variances, the building would need to be smaller, resulting in fewer clients being served and less funding for the expansion and programming.

3. Are the circumstances are the result of actions of the applicant taken subsequent to the adoption of the regulation which relief is sought?

The circumstance creating the need for more space is the widespread problem of addiction. That circumstance is not the result of The Healing Place's actions. The Healing Place's mission is to help people overcome addiction.

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

1. Will the waiver adversely affect adjacent property owners?

LDC Chapter 10.2.4 requires 3 type A trees per 100 linear feet and an 8 foot high screen at the rear property line. The applicant is requesting a waiver of the tree planning requirement. The applicant is going to provide the 8 foot high screen by installing a wood fence. However, the trees cannot be installed because the primary electric power to the site runs underground through this same area. The rear yard faces an alley, and the fence will provide adequate screening.

2. Will the waiver violate the Comprehensive Plan?

No, because the rear yard will still contain the 8 foot high screen, and because planting the trees in this area would not produce the desired screening benefits because the rear yard adjoins an alley.

3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?

Yes, because the required 8 foot tall screen is still being provided in the form of the new wooden fence.

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4. Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?

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