

Board of Zoning Adjustment

Staff Report

February 3, 2014



Case No:	13CUP1012
Project Name:	Louisville Center for Rehabilitative Medicine
Location:	1176 East Broadway
Owner(s):	Academy of Our Lady of Mercy
Applicant:	Simsbury Associates, Inc.
Representative(s):	William Giovannucci, Clifford F. Boyle
Project Area/Size:	1.7 acres
Existing Zoning District:	OR-3, Office Residential
Existing Form District:	Traditional Marketplace Corridor
Jurisdiction:	Louisville Metro
Council District:	4– David Tandy
Case Manager:	Jon E. Crumbie, Planner II

REQUEST

- Conditional Use Permit to allow a rehabilitation home in an OR-3 zoning district.

CASE SUMMARY/BACKGROUND

Simsbury Associates, Inc. is requesting a Conditional Use Permit to allow a rehabilitation home with 69 beds for rehabilitative medicine and 36 beds for detox. The facility will have a total of 105 rooms. The existing buildings will be updated and used.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant School	OR-3	TMC
Proposed	Rehabilitation Home	OR-3	TMC
<i>Surrounding Properties</i>			
North	Office	OR-3	TMC
South	Hospital	Or-3	TMC
East	Residential	OR-2, OR-3	TN, TMC
West	Hospital	OR-3	TMC

PREVIOUS CASES ON SITE

- B-137-87** An application for variances from the Zoning district Regulations to permit a proposed free-standing sign to exceed the maximum allowed height and encroach into the required front yard. This proposal was approved by the Louisville Board of Zoning Adjustment on August 17, 1987.
- B-156-98** An application for a variance from the Zoning district Regulations to allow a proposed structure to encroach into the side yard. This proposal was approved by the Louisville Board of Zoning Adjustment on July 20, 1998.

B-14260-10 An application for a variance from the Land Development Code to allow a reduction in the rear yard setback. This request was approved by the Board of Zoning Adjustment on June 7, 2010.

12650 Appeal to determine use listing within the LDC for a homeless shelter.

INTERESTED PARTY COMMENTS

Staff received several calls during the pre-application process but none after the formal filing.

SITE CONTEX

The site is irregular in shape and located on the south side of East Broadway and has frontage on Mercy Way. The property is elevated up from East Broadway. The property has office uses to the north, hospital uses to the south and west, and residential uses to the east.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code
Original Highlands Neighborhood Plan – November 2006
A Comprehensive Housing Strategy for Louisville Metro – March 2005

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 is consistent with the applicable policies of the Comprehensive Plan. Guideline 3, A.4/5/6/7 compatibility - the proposal is formally a school and will not be an expansion into a residential area. The lighting will be code compliant and the existing signage on site will be used. Traffic and noise will be minimal. Guideline 5, Plan element A.2/4 historic resources - the proposal includes the preservation, use and reuse of buildings and site that are recognized as having historical and architectural value in the community.

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 existing structures are compatible with the general character of the surrounding neighborhood in terms of height, scale, intensity, lighting, and appearance. The main building was built in the 1901.

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 Public Works and MSD and both have approved the plan. The Louisville Fire District has reviewed the proposal and did not have any comments.

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

STAFF: There are 5 requirements to allow a rehabilitation home and 2 have been met. Item B.and D. does not apply. Docket #B-137-87 allowed the proposed freestanding sign to be 2 feet from the front property line and 16' – 4" tall. This sign will be reused.

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.

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. **Docket #B-137-87 allowed the proposed freestanding sign to be 2 feet from the front property line and 16' – 4" tall. This sign will be reused.**

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

TECHNICAL REVIEW

If needed in the future the applicant will obtain a shared parking agreement with the adjacent hospital.

STAFF CONCLUSIONS

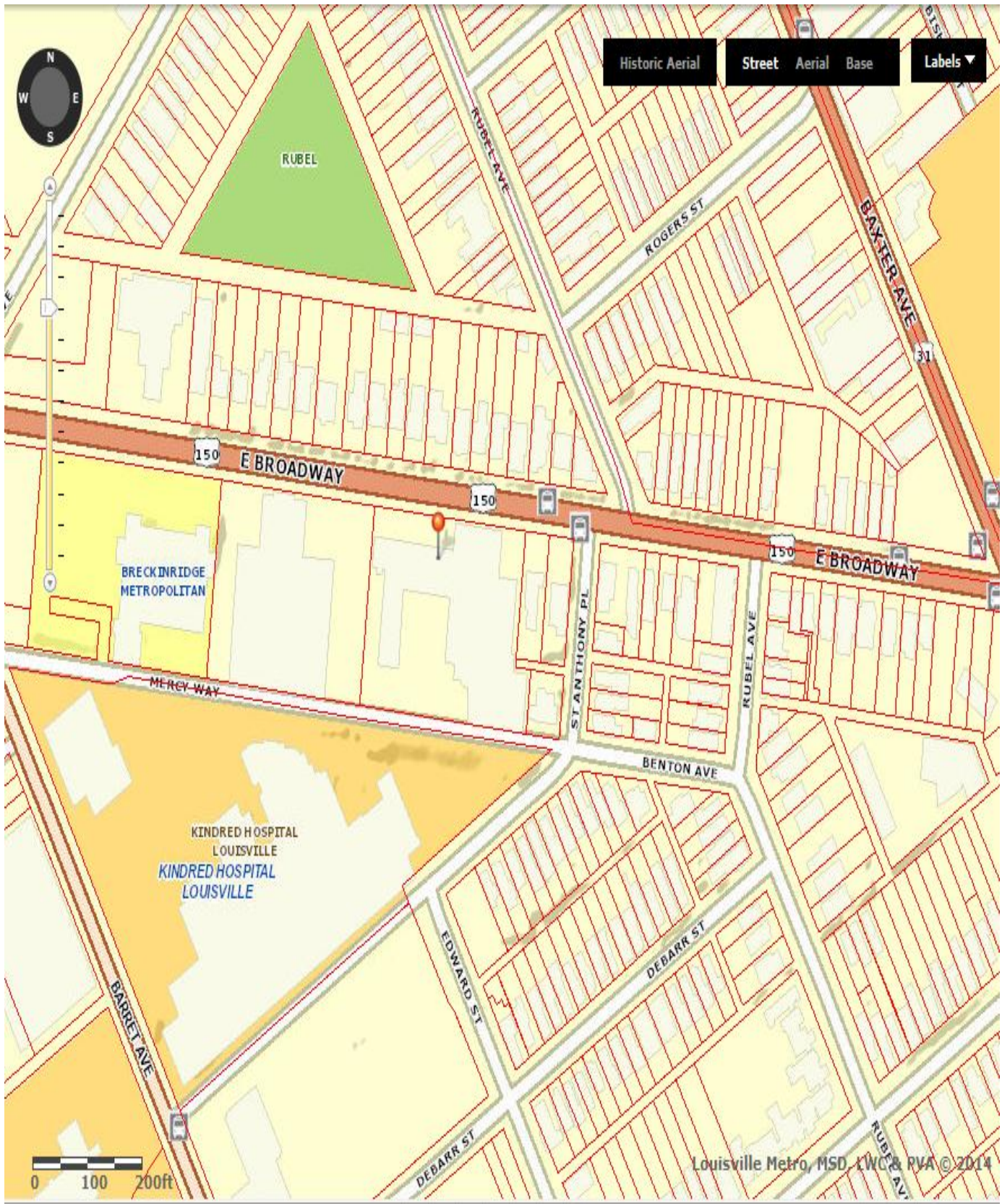
- The Board must decide if the existing landscaping on site is sufficient.
- The Board will need to take into account the location of other transitional housing, homeless shelter or rehabilitation homes in its analysis.
- Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standard for a Conditional Use Permit established in the Land Development Code.

NOTIFICATION

Date	Purpose of Notice	Recipients
01/17/2014	APO Notice	First tier adjoining property owners Neighborhood notification recipients
01/24/2014	Sign Posting	Subject Property Owner

ATTACHMENTS

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

#	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 F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal incorporates itself into the pattern of development, which includes a mixture of low to medium intensity uses such as neighborhood-serving and specialty shops, restaurants and services. Often, these uses include apartments or offices on upper floors.	√	The proposal will be in an existing structure which was formally a school.		
2	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal includes buildings that have little or no setback, and are oriented to the street. New development respects the predominate rhythm, massing and spacing of existing buildings.	√	The proposal will be in an existing structure which was formally a school.		
4	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal includes on-street parking or parking in lots at the rear of the building, and includes wide sidewalks, street furniture and shade trees.	√	Parking is located at the rear of the structure along Mercy Way which is an alley.		
5	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal's design is compatible with the scale and architectural style and building materials of existing developments in the corridor.	√	The proposal will be in an existing structure which was formally a school.		
6	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 1: Community Form	B.7: The proposal emphasizes compatibility of scale and the architectural style and building materials are compatible with nearby existing development.	√	The proposal will be in an existing structure which was formally a school.		
16	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	√	The proposal will be in an existing structure which was formally a school.		
17	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: 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.	+/-	The proposal will be in an existing structure which was formally a school, but staff has not been presented data on traffic, signs, lighting, noise, and impact of the surrounding neighborhood.	√	Traffic and noise will be less than a school. Signs and lighting will be code compliant.
19	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	√	APCD has reviewed and approved the proposal.		

20	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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 has not been shown on the proposal and staff has not received a lighting plan.	√	The lighting is shown on the plan and will be code compliant.
22	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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.	+/-	The site has some existing landscape area, but no LBA is shown along the alley.	-	The applicant will be asking the Board to not add additional buffering and landscaping.
23	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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.	+/-	The site has some existing landscape area, but no LBA is shown along the alley.	-	The applicant will be asking the Board to not add additional buffering and landscaping.
25	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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.	-	Transportation Planning has reviewed the proposal and has questions.	√	Transportation Planning has reviewed and approved the proposal.
26	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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 site has some existing landscape area, but no LBA is shown along the alley.	-	The applicant will be asking the Board to not add additional buffering and landscaping.
28	Form District Goals F1, F2, F3, F4, Objectives F1.1, F2.1-2.5, F3.1-3.2, F4.1-4.5	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.	-	Signage is not shown on the plan.	√	Signage is shown on the site plan.
40	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	+/-	TARC has reviewed the proposal.	√	TARC has reviewed the proposal and has no comments.

49	Livability, Goals B1, B2, B3, B4, Objectives B1.1-1.8, B2.1-2.7, B3.1-3.4, B4.1-4.3	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blueline streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	-	MSD has reviewed the proposal and has comments.	√	MSD has reviewed and approved the proposal.
50	Livability Goals C1, C2, C3, C4, all related Objectives	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	√	APCD has reviewed and approved the proposal.		
52	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	Existing utilities are located on site.		
53	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	The area is served by Louisville Fire district #4.		
54	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	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.	√	The site has adequate means of sewage treatment and disposal.		

4. Applicant's Justification Statement and Proposed Findings of Fact

December 12, 2013

TO:

Louisville-Jefferson County Metro Government
Department of Planning and Design services
444 S. 5th Street
Louisville, KY 40202

FROM:

Simsbury Associates, Inc. / Developer
14 Storrs Avenue
Braintree, MA 02184

JUSTIFICATION STATEMENT FOR CONDITIONAL USE PERMIT

LOUISVILLE CENTER FOR REHABILITATIVE MEDICINE (Proposed)
Former Mercy Academy Property
1176 East Broadway, Louisville, KY
Project Number 13CUP1012

BACKGROUND

Simsbury Associates, Inc. is requesting a Conditional Use Permit be approved for the campus located at 1176 East Broadway to allow a proposed adaptive reuse of the existing structures as a 105 Room Rehabilitative Medicine (69 Beds) and Detox (36 Beds) Residence. Presently, the property and those existing buildings formerly used for an educational institution by Academy of Our Lady of Mercy Academy, including a fairly recently added modern gymnasium and other improvements are vacant and left unused. The former operator Mercy Academy still owns the property. It has entered into a purchase agreement contract with the Massachusetts developer/operating company Simsbury Associates. Physical revitalization this property would obviously resolve the negative aspects of a large gap of underutilized land in the neighborhood. The proposed new use would also relive increasing pressure caused by a demand for this type of controlled-program housing that exists in the in the Louisville area. The property presents an excellent opportunity to both save an historic downtown site and provide much needed care services. Not at all minor is the job creation estimates that suggest a facility as planned by Simsbury will require on the order of 116 full and part time local employees.

CONCEPT

The Mercy Academy has long remained vacant and unused in the community. These unused buildings are a burden to maintain for the current owner. The condition of the property is presently OK. Physical plants and the site are still good candidates for an adaptive reuse program. Without such action, over time the envelopes of these structures will eventually be subject to continued deterioration. Some elements have minor issues now, with small roof leaks and interior finishes beginning to show the early signs of lacking benefits from long term financial security and the daily eyes and ears of a pervasive professional maintenance team. This project would inject millions of dollars into these old buildings and the existing site, reversing the negative potentials of a large vacant property and protect it from ever unintentionally becoming blight.

The current owner would also be relieved of the burden of carrying the property to protect the interim value of such an unoccupied asset. Mercy Academy would conceivably have the additional benefit of being more efficient with its present resources making likely to have greater opportunity providing for its own existing operation in the community. We are aware Mercy Academy has been a long time pillar in Louisville. Their former land and buildings have outlived usefulness for Mercy's mission. An adaptive reuse of this property now, while that remains financially viable, will secure its next important life, contributing to Louisville for years to come. The property will in fairly short order again become used and populated. There is also a significant potential to provide the community with scheduled access to the gymnasium and fitness facilities already constructed, as the project has no specific program demand requiring the repurposing of that building. The facility will of course utilize these facilities as designed only to the extent it is helpful to a new residential rehabilitative housing program, leaving flexibility to offer scheduled use to the community.

Simsbury Associates is an experienced real estate developer headed by Mr. Clifford Boyle. Since its founding in 1985, Simsbury Associates has developed a wide range of housing and retail projects with its seasoned in house development and management team. Currently it has more than 300 employees and approximately 450 residential assisted living or specialty housing under management. In all, more than 50 real estate developments have been completed under Mr. Boyle's direction. Well over 30 of which are projects with historic significance and have become listed on the National Register of Historic Places administered by the National Park Service. These include the conversions of the former Mother of Sorrows Passionist Monastery in West Springfield, Massachusetts, converted to a 105 unit assisted living facility. And, the abandoned Briscoe High School in Beverly, Massachusetts, converted into a 85 unit assisted

living facility. Although Simsbury does not propose a similar historic rehabilitation of the Mercy property, its experience in having sensitivity to the treatment of similar structures lends a very good fit. Simsbury certainly understands how to successfully rehabilitate this size and scope of urban site.

A nearly 30 year track record of successfully developing and managing specialty and health care housing derives from putting quality team members in place for each project. Simsbury most recently expanded its operational base by adding two additional health care facility operations and thus expanding to two more States in 2013. Each deal was specific to the asset repositioning requirements presented. In one case sale to a REIT in order to free up the property for a long term operational lease. Another was an acquisition of the land and business while taking on the role of landlord to an existing facility operator in an ad-value proposition. Simsbury will successfully operate this proposed project at the Mercy property as a proven company with multi-State experience running private pay residential health care facilities.

A residential reuse of the property as existing is not possible without major construction or even cost prohibitive removal of the structures. It may be that these buildings will remain ever vacant. They are currently maintained by the present owner, who does need to liquidate the asset and is working hard to responsibly preserve its present value in everyone's best interest. There is always the risk leaving such large buildings unoccupied for a long period of time will result in unintended additional deterioration and problematic code compliance issues that will make it ever more unaffordable to renovate down the road. Simsbury believes we have a relatively low impact specialty residential use that can financially support rehabilitation and continued use.

Individuals voluntarily seeking out compassionate care for destructive addiction problems are demanding more and more attention in American society in general. The greater Louisville area needs this demand for services as well. There is very little in the way of private pay, voluntary addiction and detox services to be found, despite many clinic type programs that do not fit a modern care model. The program planned is residential in nature and environment. Next step investigative and design phases will contemplate a residence segregated by gender and care type depending on the most advantageous use of the existing buildings and dining facilities. Clients will be privately referred from the health and wellness community. The facility is not at all intended to be a receiver or participant in programs serving legal mandates. This is a facility for people in the community taking a critical step in their choice to make a difference in and with their lives. It includes a medical stabilization for alcohol and pharmaceuticals requiring chemical detoxification. It is not a clinic for employment by the

criminal justice system or a psych treatment facility concept. It is compassionate care for area residents who ask for help.

The property will be alive, reoccupied with an active new role contributing to the community once again. A fully staffed professional building with a 24-hr 7day per week on site security presence is a significant improvement to the current daily condition at this location. Operations staff will be available to work within community and be available to neighborhood and City leadership to establish a good neighbor presence and true goodwill. The property will continue a spirit of nurturing the community Mercy Academy has always succeeded in contributing.

RECOMMENDATIONS

Simsbury Associates suggests approval of this CUP application for the interior rehab and site refurbishment for reuse of the Mercy property as a Rehabilitative Medicine and Detox Facility. The improvements made will include bringing the buildings up to modern standards, including life safety and handicapped access upgrades as well as refurbishing the existing site elements such as safety lighting and landscaping buffers at this prominent property. Parking and traffic for the proposed facility will be significantly less than previous uses, allowing the existing lots to remain unchanged. They will simply be put to use and maintained. Although by policy residents of the proposed facility will be dropped off and picked up and residents will not allowed to park vehicles on the property, Simsbury Associates does recognize under current statutes the proposed use category dictates roughly 79 parking spots. The site only supports about half of what it would need without administrative relief. However, the project only requires parking for those employees on an active shift, conservatively 50% of employees or less. It is presumed many factors such as an assigned staff parking schedule, public transportation availability, etc... may be utilized to reduce the demand enough that existing site parking would not be overwhelmed. There is also some street parking available in this neighborhood. More importantly, with an approval of this CUP the developer believes a lease terms to handle additional parking demand at peak times could easily be negotiated with the adjacent parking structure owner. Simsbury has confirmed Mercy Academy has successfully negotiated such lease terms in the past.

Simsbury will oversee roughly 5.4 MM in construction work at the property creating significant project based trade jobs for approximately one full year once all permits are secured. Senior project and construction management staff will oversee the entire project, and work with local construction subcontractors, design professionals and municipal leaders. Once the facility is open transition team will immediately begin hiring local employees for all departments from healthcare professionals and specialists to maintenance and housekeeping teams. In addition to the obvious property tax benefits to the City, estimated annual salaries that the facility

projects to provide to the community are on the order of 5 MM annually. Community businesses will see additional benefit from contracts for services and supplies.

CONCLUSIONS:

In short, Simsbury believes its proposal at the Mercy location is both a responsible and appropriate resolution where one is obviously needed. The demand for new and modern types of residential housing, especially in more densely populated locations will continue to grow to be a burden if not addressed with new ideas. Old structures and institutional campuses such as the Mercy property are unique opportunities to both save existing sites without the overwhelming financial obstructions that come with good faith, but often overly grand urban planning concepts that leave vacant blocks in our cities where good could be provided the community. Simsbury Associates development and operational/management experience is a unique fit to problematic sites such as the Mercy property. We believe it is a just cause and a good project we can add significant value to.

A handwritten signature in black ink, appearing to read 'Bill Giovannucci', is written over a horizontal line.

Bill Giovannucci, VP Development
Simsbury Associates, Inc.

PROPOSED PROGRAM OVERVIEW...

LOUISVILLE CENTER FOR REHABILITATIVE MEDICINE

“Becoming Well Again Through...”

Rehabilitative Medicine

Rehabilitative medicine involves the evaluation, diagnosis and treatment of patients with limitations as a result of a disease or treatments associated with a disease. The goal of rehabilitative medicine is to improve the health, independence, productivity, functional performance and participation in life’s activities for people who have disabling conditions and diseases.

Our mission is to help people rebuild their lives with hope, independence and dignity, advocating for their full inclusion in all aspects of community life.

What is rehabilitative medicine?

It’s a medical specialty with expertise in defining limitations in ability and restoring and enhancing function. It looks at all the individual’s conditions and the impact on the person’s over-all functional status — physical ability, adaptation for self-care, cognitive skills and behavioral performance. It’s mind-body integrative medicine. It considers the patient and the social supports – family and caregivers, and society.

It’s a growing medical specialty. What’s fueling growth?

Patients’ needs and demands are changing. They are looking for comprehensive care that is restorative and provides hope and healing, beyond just improvements in a functional ability.

Patients want to rebuild their lives with hope, independence and dignity, advocating for their full inclusion in all aspects of community life.

Facility Services & Programs

The facility will specialize in the delivery of state of the art “Inpatient” substance abuse and behavioral health treatment and rehabilitative services for individuals suffering from alcoholism, drug addiction and co-occurring disorders including depression, anxiety, and bi-polar disorder.

Our mission is to help people rebuild their lives with hope, independence, and dignity advocating for their full inclusion in all aspects of community life.

Our programs draw from a comprehensive curriculum and variety of holistic, traditional, and alternative treatment options to create a customized plan of care based on each individual’s specific clinical needs. These customized plans are developed through the collaborative efforts of our experienced

and dedicated multidisciplinary treatment team of psychiatrists, therapists, and physicians and may consists of group counseling services, individual counseling sessions, holistic therapy, twelve-step workshops, life skill workshops, educational seminars and other therapeutic offerings including but not limited to:

- Nutritional Counseling*
- Personal Trainer (2x / week)*
- Art Therapy*
- Group Emotional Intelligence*
- Mediation Groups*
- Family Therapy*
- Stress Management*
- Ropes Team Building Activities*
- Yoga*

By meeting each patient exactly where they are clinically and spiritually, our multidisciplinary treatment staff incorporates an eclectic approach to treatment resulting in patients and their families making the lifelong changes necessary to maintain health and wellness in all aspects of their lives.

Licensing:

The facility will be licensed by the State of Kentucky Cabinet for Health and Family Services with regard to requirements for staffing, patient care, and physical plant.

Accreditation:

In addition the facility will seek accreditation from the Joint Commission (JAHCO) and Carf International (CARF).

The Joint Commission is an independent, not-for-profit organization that accredits and certifies more than 19,000 health care organizations and programs in the United States. Joint Commission accreditation is recognized nationwide as a symbol of quality that reflects an organization's commitment to meeting certain performance standards.

The Commission on Accreditation (CARF) is an independent nonprofit accreditor of health and human services providers. The mission of CARF is to promote the quality, value, and optimal outcomes of services through a consultative accreditation process and continuous improvement of services that center on enhancing the lives of the persons served.



Proposal for Detox and Rehabilitation Center at Mercy Academy

Proposal:

Rehabilitate the approximately 80,000 square feet of buildings at the Mercy Academy site into a 69 bed drug and alcohol rehabilitation center, and a 36 bed detoxification center, with the existing gymnasium to remain.

Entitlements Requested:

Conditional use permit approval

Jobs:

116 permanent full time jobs, including entry level jobs with training, and six figure management positions.

\$5,401,224 in estimated annual salaries

***For more on estimated annual salaries please view Attachments 1 and 2 on pages 2-3**

Construction:

\$5,000,000 in estimated construction improvements

Attachment 1

Estimated annual salaries:

Rehab--69 beds			
Job Title	Total FTE's	Expected Salary	
Administrator	1	\$	150,000.00
Business Office Manager	1	\$	42,000.00
Business Office Assistant	1	\$	24,960.00
Intake Technicians	1.5	\$	29,120.00
Program Technicians	2	\$	24,960.00
Staff Doctor	1	\$	57,108.00
Physician's Assistant	1	\$	75,000.00
Registered Nurses	1	\$	60,000.00
Techs/CNAs	29.4	\$	27,040.00
Licensed Social Workers	3	\$	50,000.00
Occupational Therapist	1	\$	55,000.00
Director of Marketing	1	\$	115,000.00
Admissions Counselors	3	\$	50,000.00
Activities Director	1	\$	42,000.00
Activities Assistants	2	\$	29,120.00
Van Driver	1	\$	24,960.00
Facilities Director	1	\$	50,000.00
Housekeepers	2	\$	24,960.00
Dietary Director	1	\$	50,000.00
Dietary Aides	8	\$	24,960.00
		\$	
Total	62.9		2,242,444.00

Attachment 2

Estimated annual salaries:

Detox--36 Beds			
Total			
Job Title	FTE's	Expected Salary	
Admissions			
Counselors	3	\$	50,000.00
Medical Director	1	\$	115,000.00
Doctor	1	\$	165,000.00
Licensed Social Workers	2	\$	50,000.00
Registered Nurses	21	\$	60,000.00
Techs/CNAs	42	\$	27,040.00
Van Driver	1	\$	24,960.00
Intake Technicians	1.5	\$	29,120.00
Housekeepers	1	\$	24,960.00
Maintenance Assistant	1	\$	39,000.00
Family Liasons	1.5	\$	39,000.00
Discharge Planner	1	\$	42,000.00
		\$	
Total	77		3,158,780.00

**CUP PRE-APPLICATION
DEVELOPER'S LETTER OF EXPLANATION
September 2013**

PROPERTY ADDRESS...

MERCY ACADEMY PROPERTY
1176 East Broadway, Louisville KY 40204

EXISTING CONDITIONS...

THE PROPERTY

The property is currently owned by Academy of Our Lady of Mercy and the buildings improved upon it formerly operated as a religious school. The buildings at this property are currently no longer in use as a school.

SITE ELEMENTS

The existing site consists of 6 separate adjacent or contiguous structures, individually constructed in different periods, creating a courtyard style lawn area in front of the convent façade facing Mercy Way, together with accommodating site parking (approximately 60 spaces maybe). Primary access to the center buildings is from the parking lot entered via Mercy Way, as well as other sidewalk and walkway access points on East Broadway where parking is on the street.

1901 BUILDING

This structure was built at the turn of the century. It consists of approximately 5000 sf per floor plunked in the center of the site. There are 4 levels – top level has very high ceilings, perhaps 18 feet. Spaces have been modernized but are not new. The rooms are mostly former classrooms.

CONVENT (circa 1960's)

Built adjacent to the 1901 building, this by name presumes was the former convent housing and business offices for the order on site. The newer "Infirmarium" wraps around this building on two sides. We believe the floor levels align between the convent structure and the infirmarium, or could be easily made to.

INFIRMARY (circa 1970's?)

This structure's second and third floors currently have a typical hospital room layout, and a such would be very useful space as another medical housing facility. Some of the first floor is below grade and useful service space.

CAFETERIA (circa 1980's)

This is at minimum an adequate commercial kitchen layout. Equipment is dated and or missing but could be repurposed relatively easily. The cafeteria is large and will generously repurpose. Existence of a useful second level will need to be confirmed during design stages.

LIBRARY (circa 1980's)

The library is located directly in back of the gymnasium toward Broadway (contiguous to the 'Cafeteria' on Broadway side). This is a two-level space, presumably purpose built as a library, computer rooms and the like.

GYMNASIUM (1997)

The gymnasium is the most modern of the structures on this site, currently in good shape except for an isolated leak in the roof. It houses a full size basketball court and bleachers, along with an upper gym, common bathrooms and a lobby.

PROPOSED USE BY STRUCTURE...

SITE

Use of the existing site elements will remain as were their intended uses when these facilities were last in operation.

The parking lot will be used as existing for staff, visitors and possibly resident parking, (although it is anticipated there will be no residents requiring such accommodations). The operator will also seek to negotiate a contractual arrangement with the adjacent parking garage owner, as we understand was the case under previous use.

Reasonable and smart modifications for ADA accessibility, security and fire/emergency service access will be a primary consideration in construction designs. Egress upgrades will be integrated with design expertise, including preserving and embellishing the site's hardscape/landscaping so as to present an appealing curbside and neighborhood presence.

The existing structures will remain with largely in tact with system and cosmetic upgrades. Although this rehabilitative reuse project will not qualify or be purposed as an historic rehabilitation under National Park Service Standards (no new historic applications), the developer has extensive experience with historic rehabs, having developed nearly 40 historic properties currently listed on the National Register of Historic Places. Exterior elements will be as sensitive as is feasible to historic elements. The majority of construction will be interior only. The interior spaces of these structures will be rehabilitated to accommodate their specific new program uses. This interior construction will vary by age and use of structure to meet modern service needs and code compliance.

1901 BUILDING

This oldest of the structures will be repurposed as housing for the Medical Detox Services program to be licensed and staffed per all Local, State and Federal requirements of such a facility. Existing space within will be modified to secure separate male and female sleeping quarters, as well as adequate program space to operate the facility. Modifications will be made to egress as required to allow access directly from outside without going through either program. Restricted access will be coordinated in the plans to secure this program from other programs on the campus.

CONVENT & INFIRMARY

The developer will combine the Convent and Infirmary structures to be repurposed as housing for Rehabilitative Medicine Treatment Program to be licensed and staffed under all Local, State and Federal requirements of such a facility. Existing space within will be modified to secure separate male and female sleeping quarters, as well as adequate program space to operate the facility.

Modifications will be made to egress as required to allow access directly from outside without going through either program. Restricted access will be coordinated in the plans to secure this program from other programs on the campus.

CAFETERIA

The cafeteria will be outfitted with new equipment to operate a modern meals program, and to meet modern building and use codes. This space will be repurposed to dually serve the two primary (Detox and Rehabilitative Medicine) programs. The populations of these programs will not mix and the cafeteria will be subdivided to achieve separation in a way that respects egress and ADA requirements.

LIBRARY

The library building will be renovated to accommodate various program needs of the campus, including a possible dining area, library and interfaith Chapel. A primary architectural design challenge will be to subdivide the space so as to achieve separation in a way that respects egress and ADA requirements, as well as augments the program space needs of either or both of the (Detox and Rehabilitative Medicine) programs.

GYMNASIUM

The gymnasium and basketball courts will be heavily utilized for a host of recreation programs, and the intention is to also be able to lease regularly scheduled use of the recreation facility, or parts thereof to the community as a good faith gesture to the residents of Louisville.

FUTURE CHAPEL

We look to establish an interfaith chapel somewhere within the primary structures on the site possibly the library but exploratory design work will likely determine its final location. If proper separation between programs can be achieved we may be able to allow use of both programs to use this, though we would not mingle the two.



SIMSBURY
ASSOCIATES

REAL ESTATE DEVELOPMENT

14 STORRS AVE.
BRAINTREE, MA 02184
TEL: 781•849•7722
FAX: 781•849•0111

October 07, 2013

RE: Conditional Use Permit for Louisville Center for Rehabilitative Medicine located and Private Detox located on approximately 1.63 +/- acres on the South side of East Broadway Street, just North of Mercy Way and West of St Anthony Place at 1116 – 1172 East Broadway Street.

Dear Neighbor,

We are writing to invite you to a meeting we have scheduled to present neighbors with our preliminary plan for Louisville Center for Rehabilitative Medicine and Private Detox to be located within the existing buildings at the former Mercy Academy School campus on East Broadway.

A Meeting will be held on **Thursday, October 17th at 6:00 PM** at the **Air Pollution Control Board Room**, located on the First Floor at 850 Barret Ave to discuss the plan with interested neighbors.

If you cannot attend the meeting but have questions or concerns, please call our attorney Robert Maddox at Dinsmore and Shohl LLP at (502) 540-2341, or our development representative Bill Giovannucci at (781) 849-7722, x109.

Best,

A handwritten signature in dark ink, appearing to read 'Clifford F. Boyle', is written over a horizontal line.

Clifford F. Boyle, President
Simsbury Associates, Inc.

Cc: David Tandy, 4th District Metro Council
Tom Owen, 8th District Metro Council
Jon Crumpie, Case Manager Louisville Metro Planning and Design Services
Robert Maddox, Partner with Dinsmore and Shohl, LLP
Bill Giovannucci, VP Development for Simsbury Associates Inc.

**Original Highlands Neighborhood Association
Presentation by Simsbury and Associates
October 17, 2013**

The Original Highlands Neighborhood Board hosted a Neighborhood meeting to hear a presentation by Clifford F. Boyle of Simsbury and Associates in the Air Pollution Control Board building at 6:05 pm.

Simsbury and Associates wishes to purchase the Mercy Academy property in the 1100 block of East Broadway for use as a Drug Detoxification Unit. 40+ individuals were in attendance, which included OHNA Board members, Simsbury Chairman of the Board Clifford F. Boyle, Tom Owen - District 8 Councilman, Tom Bowen, Phoenix Hill Neighborhood Association President, local news media, Mercy Academy officials, architects and consultants.

1. **Introduction by Clifford Boyle**– OHNA President Jackie Leslie introduced Simsbury Chairman of the Board Clifford F. Boyle to the group. Mr. Boyle explained that Simsbury's intent was to design and run projects to help addicts fight drug addiction. The program would have 2 divisions, one being 30 days or less housing and a medical detox housing unit of 3-7 day duration. The facility would be a "private pay" facility, which would not take court-mandated, State pay or Medicaid-paid individuals.
2. **Mercy Academy** – Sister Paul Ann Diebold, a 50 year graduate of Mercy Academy and a former "Sister of the Poor". She stated that she is distressed at the amount of money that has been spent for upkeep in the past 7 years the Mercy Property has been vacant. She is excited at the proposed continuation of Mercy's original intent by giving people a second chance. She stated that the 100+ year old Mercy property used for this purpose says many things positive about the neighborhood as well as Mercy Academy. Michael Johnson, Principal of Mercy Academy also stated that he supports the plans for the property and the continuation of the Mercy tradition of helping others.
3. **Architect** – The architect, ????? stated that the Mercy building exteriors would stay the same, but be cleaned and maintained. The entry to the facility would be to re-orient to the back parking lots along the one-way Mercy Way alley. The architect stated that the entry would be controlled on a 24/7 basis by personnel.
4. **Consultant John Walsh** – John Walsh is a local drug addiction professional that has been coordinating care for drug-addicted people for over 40 years. He is the founder of the Morton Center in 1984, which has an out-patient drug addiction center. He stated that he is glad that Louisville will finally have an in-patient quality drug addiction treatment program. Mr. Walsh stated that since Louisville has no program of this type, all local referrals require that the patient be sent to cities such as Nashville, Indianapolis or St. Louis. Mr. Walsh explained that the proposed Detox Unit would not be a drop-in facility, but all clients would be admitted on an appointment basis. Since the program is privately paid, clients would not be wandering around the Mercy property after the program ends. Mr. Walsh also stated there would be family involvement and support, which would

continue through the course of the care. Mr. Walsh stated that the proposed residential model would be based on 28 days or less. All clients are supervised, which include a 7 am until 11:30 pm day. The clients have a structured schedule which does not give time to get into trouble.

5. Mercy property renovation proposal – Clifford Boyle stated that private funds in excess of \$5,000,000 are ready to purchase and renovate the Mercy property. No debt will be incurred, and funding is also in place to operate the facility for the first six months. Mr. Boyle stated that the renovation of the Mercy property would have a positive impact on local property values, add lighting and staff to the building, and create 144 jobs in excess of \$5,500,000 for salaries. Mr. Boyle estimated that most of the jobs would be full-time.

6. Tom Owen - District 8 Councilman - Tom Owen questioned if a conditional use permit would be created. Mr. Boyle stated that a Conditional Use Permit would be created. Tom Owen then stated that subsequent Louisville Metro meetings, a public hearing, voting would be required for the Conditional use Permit.

7. Other information

69 Residential Beds (a maximum of 28 day stay)
36 Detox Beds (3-6 day stay)

Not a Methadone or Ciboxin clinic

The Mercy Academy gym and auditorium will not be used for the drug addiction programs, so they could be made available to local groups and organizations.

7. Special Meeting Adjourned – This special meeting of the Original Highlands Neighborhood Association was adjourned at 8:00 pm.

EXECUTIVE SUMMARY

ORIGINAL HIGHLANDS NEIGHBORHOOD PLAN

Louisville Metro Planning & Design Services (P&DS) has worked over the past year with a Neighborhood Planning Task Force designated by Mayor Jerry Abramson to create a Neighborhood Plan for the Original Highlands neighborhood. The plan has been developed consistent with the principles of Louisville Metro's Comprehensive Plan, Cornerstone 2020, and P&DS's adopted Neighborhood Planning guidelines.

This is the Executive Summary for the Original Highlands Neighborhood Plan. It includes the vision statement adapted by the neighborhood and recommendations relevant to Cornerstone 2020 and the Land Development Code. Figure ES-1 and Table ES-1 present the recommendations relevant to Cornerstone 2020 in the Plan.

Vision Statement

In the year 2020, the Original Highlands maintains its strong sense of pride as one of Louisville's first neighborhoods, and continues to build on its legacy of being a diverse and affordable mixed-use neighborhood. The neighborhood has strengthened its sense of community through neighborhood programs and activities that promote a more livable traditional neighborhood that welcomes people of all ages and all walks of life. Alley and streetscape enhancements have contributed to the safe feeling of the neighborhood and have increased the neighborhood's appeal.

Baxter Avenue and Barret Avenue are vibrant commercial corridors, with shops, galleries, restaurants and other unique uses, that make this neighborhood a city destination, enhancing the quality of life without intruding into the neighborhood's predominantly single-family residential fabric. Parking solutions have been implemented to lessen the negative impacts of visitors to the corridors.

New development and redevelopment respects the mass, scale and architecture of the neighborhood. Existing institutional structures have been adaptively and creatively reused in ways that create new neighborhood assets and are neighborhood-compatible. All new neighborhood uses strive to maintain and enhance the valuable historic personality of the Original Highland recommendations relevant to Cornerstone 2020 and the Land Development Code.

Figure ES-1

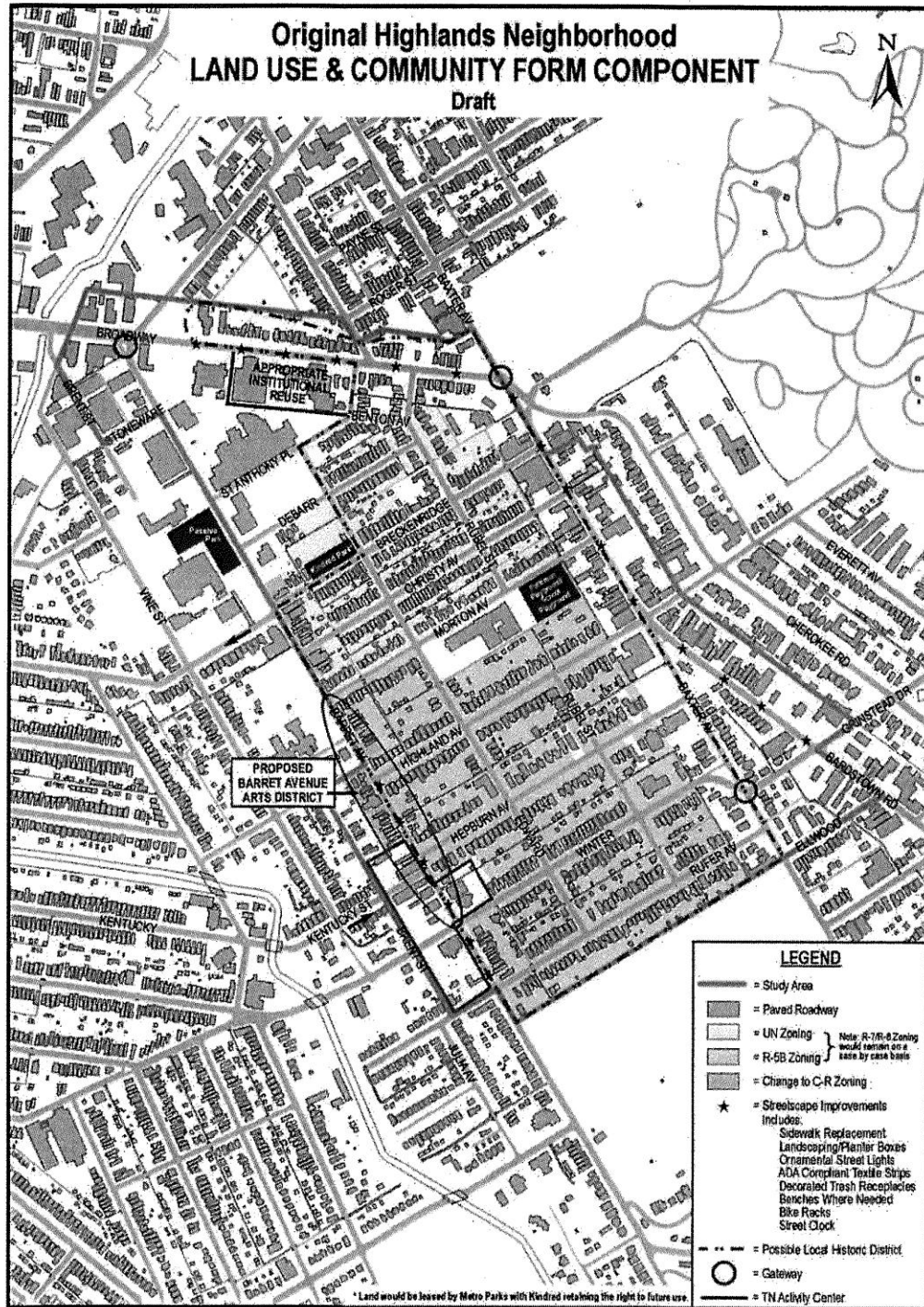


Table ES-1
Original Highlands Neighborhood Plan
Cornerstone 2020/Land Use Development Code Resolutions

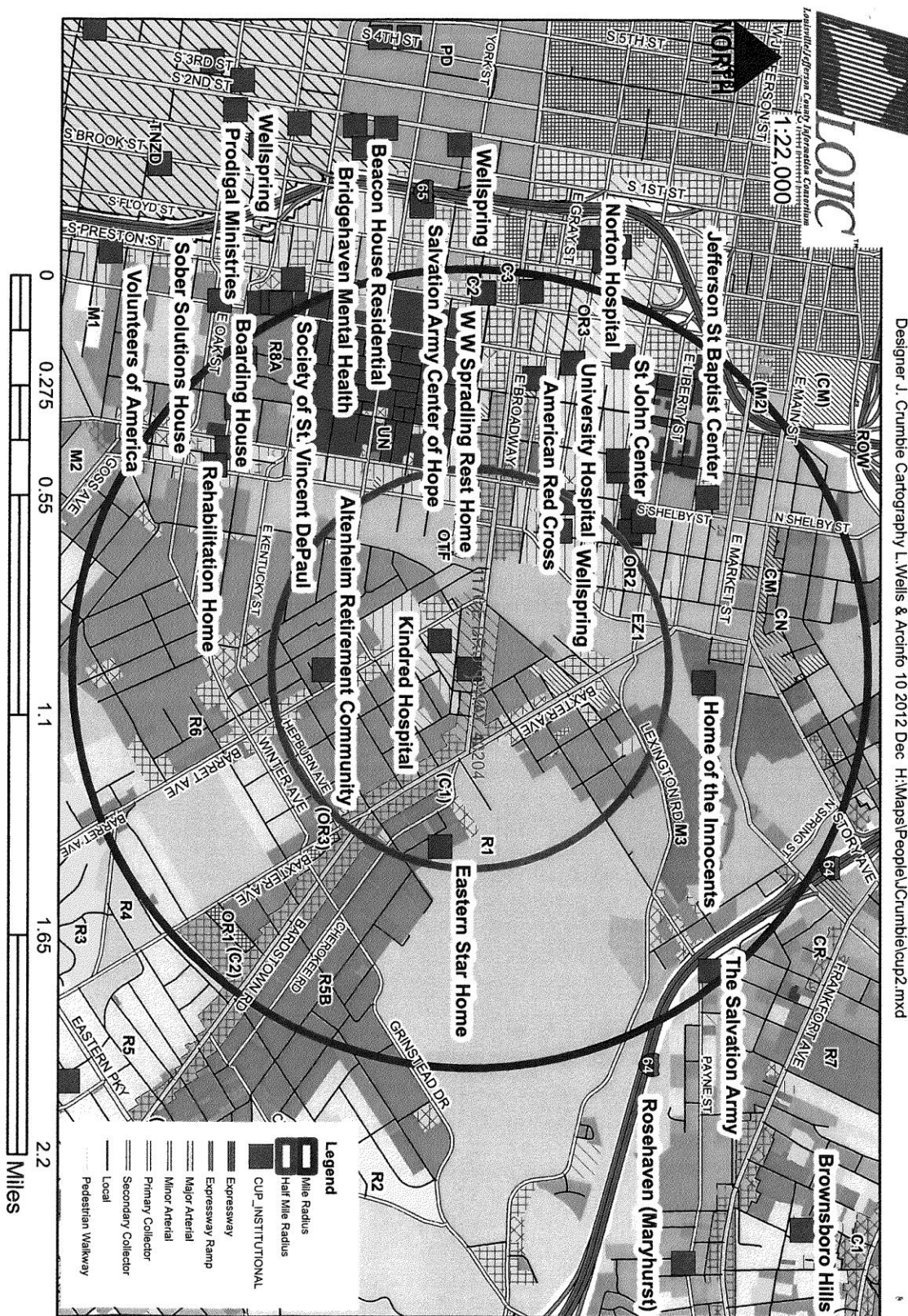
Recommendation	Implementation Responsibility	Cost	Timeframe
Cornerstone 2020/LDC			
LU1 – Rezone area of neighborhood north of Morton to UN Zoning. As shown in Figure 4-1.	Louisville Metro Planning Commission	Staff Time	Short, < 1 year*
LU2 – Revise the UN district ordinance to allow for greater neighborhood involvement in the process for planned development options (the only mechanism for creating multi-family development in the UN district).	Louisville Metro Planning Commission	Staff Time	Short, < 1 year*
LU3 – Rezone area of neighborhood south of Morton to R-5B. As shown in Figure 4-1.	Louisville Metro Planning Commission	Staff Time	Short, < 1 year
LU4 – Rezone appropriate portion of Barret Avenue corridor to C-R. As shown in Figure 4-1.	Louisville Metro Planning Commission	Staff Time	Medium, 1 to 3 years
LU5 – Designate properties on Barret from Lynn's Café (984 Barret Ave) to one block south of Winter as Traditional Neighborhood Activity Center. As shown in Figure 4-1.	Louisville Metro Planning Commission	Staff Time	Short, < 1 year
LU6 – Any proposed re-use of the Mercy Academy and Breckenridge Metropolitan High School campuses should be focused on condominium or mixed professional office/residential uses, and/or consistent with the uses allowed in their existing underlying zoning district, unless it can be demonstrated that a proposed change of use is compatible with the surrounding neighborhood and the intent of the Traditional Neighborhood Form District.	Louisville Metro Planning Commission	Staff Time	Ongoing
LU7 – Revise Land Development Code to add to permitted use list for the C-R Zoning District: Studios for artists, designers, and similar professionals; art galleries and shops; and other appropriate neighborhood-serving commercial uses or Conditional Uses.	Louisville Metro Planning Commission	Staff Time	Ongoing
LU8 – Per Cornerstone 2020, Baxter Avenue is a Traditional Marketplace corridor and encourages a mix of land uses compatible with the form. An over abundance of any one use is not consistent with Cornerstone 2020. Additional bars or restaurants with liquor licenses over and above the current density should be discouraged.	Louisville Metro Planning Commission	Staff Time	Ongoing
M1 – Review any applications for parking waivers against the Bardstown Road Parking Study, May 5, 2006 Final Report, prepared for Parking Authority of River City (PARC), or subsequent parking study addressing the same geographic area and content. Any parking waiver request must demonstrate parking deficits in the area, as discussed in the Bardstown Road Parking Study, or a subsequent parking study of the area, are not further increased by waiving the parking requirements.	Louisville Metro Planning Commission	PDS Staff Time	Ongoing

Timeframe for recommendations could be increased or decreased depending on unforeseen circumstances.

* Refer to Figure ES-1

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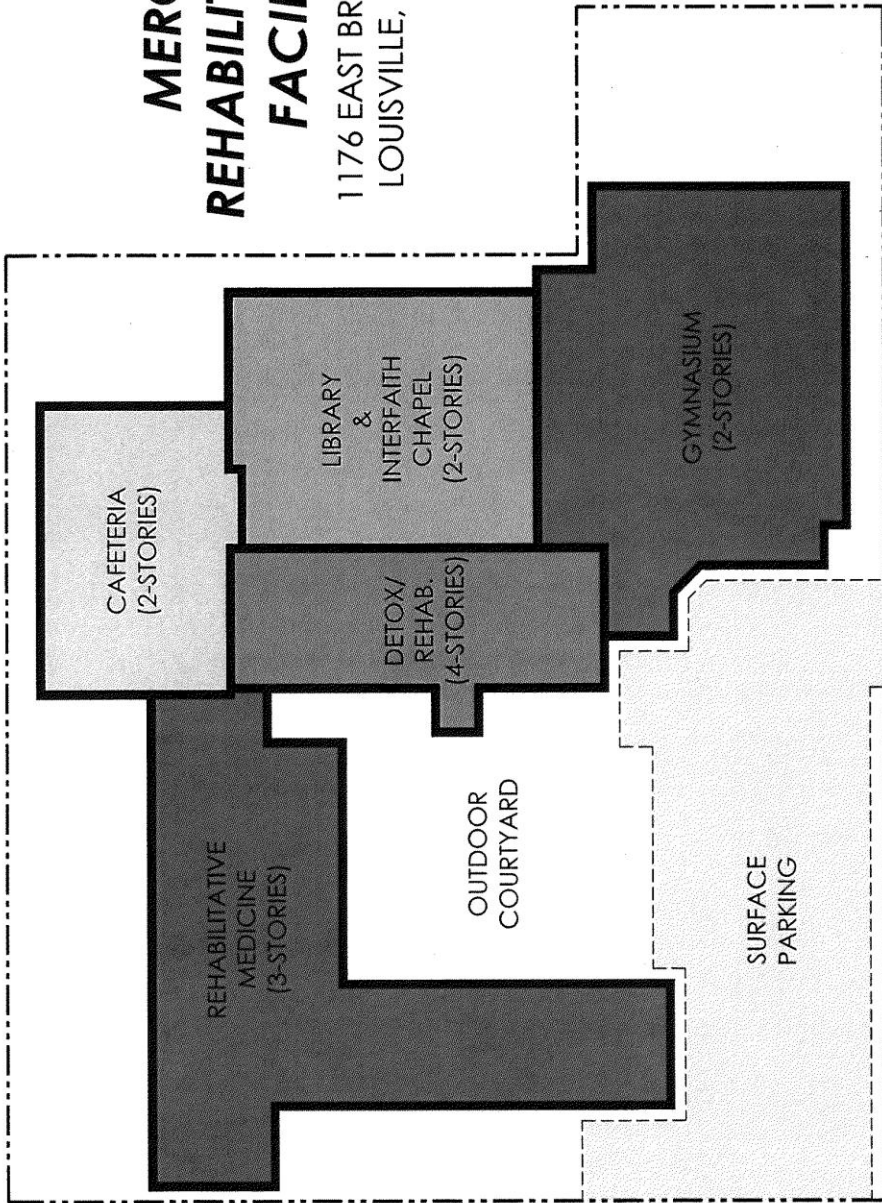
Designer: J. Crumble Cartography L. Wells & Arcinfo 10 2012 Dec H:\Maps\People\Crumble\cup2.mxd



BROADWAY STREET

MERCY REHABILITATION FACILITY

1176 EAST BROADWAY
LOUISVILLE, KY 40204



MERCY WAY



F S M Y
ARCHITECTS ■ PLANNERS
FALKANGER SNYDER MARTINEAU YATES

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JEFF FALKANGER, DOUG SNYDER
LARRY MARTINEAU, JIRO YATES

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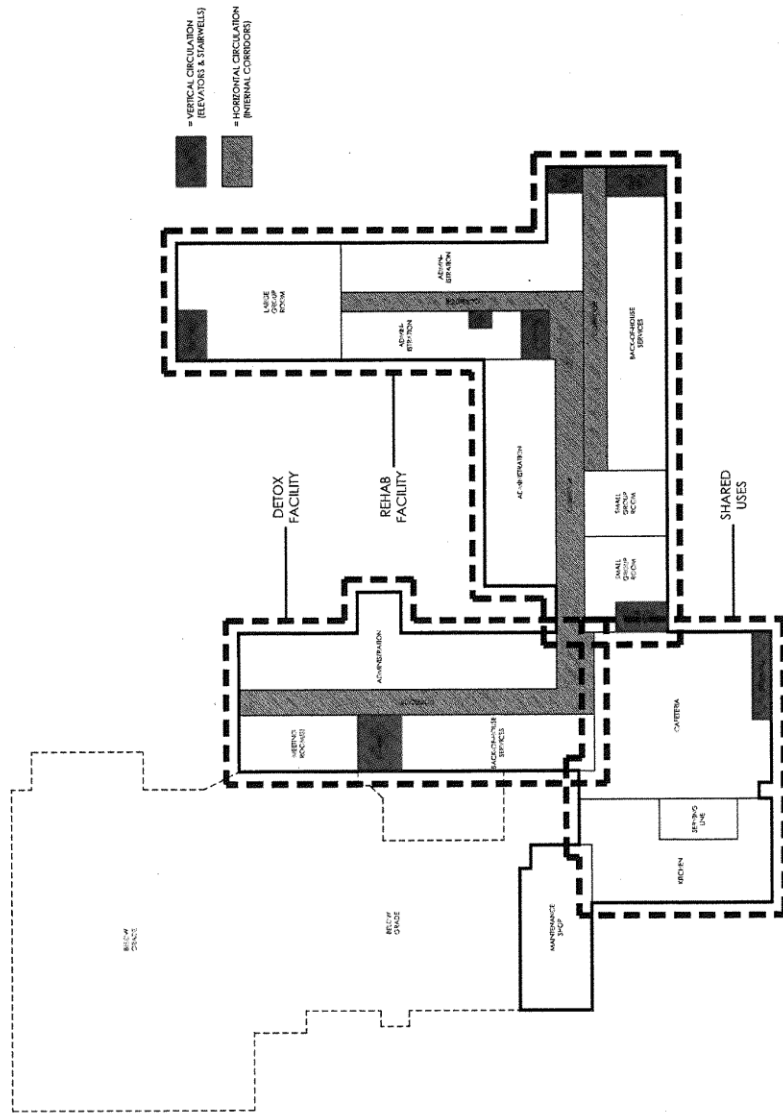
CA # A0000447

Received: September 12, 2013

13cup1012

ENGINEERING & SURVEYING
 1000 WEST 10TH AVENUE, SUITE 100
 DENVER, CO 80202
 TEL: 303.733.1100
 FAX: 303.733.1101
 WWW.ESANDS.COM

PROJECT: MERCY DETOX / REHAB FACILITY AND COMMUNITY CENTER
 LOCATION: 17TH & BROADWAY, LOUISVILLE, KY 40203
 CLIENT: MERCY HEALTHCARE
 DATE: 08 SEP 2013
 DRAWN BY: J. J. JACOBSON
 CHECKED BY: A.C.A.



REVISIONS

DESIGNED	DRAWN	CHECKED
ACA	ACA	ACA
DATE	08 SEP 2013	DATE
		T.B.D.
MERCY DETOX / REHAB FACILITY AND COMMUNITY CENTER 17TH & BROADWAY LOUISVILLE, KY 40203		

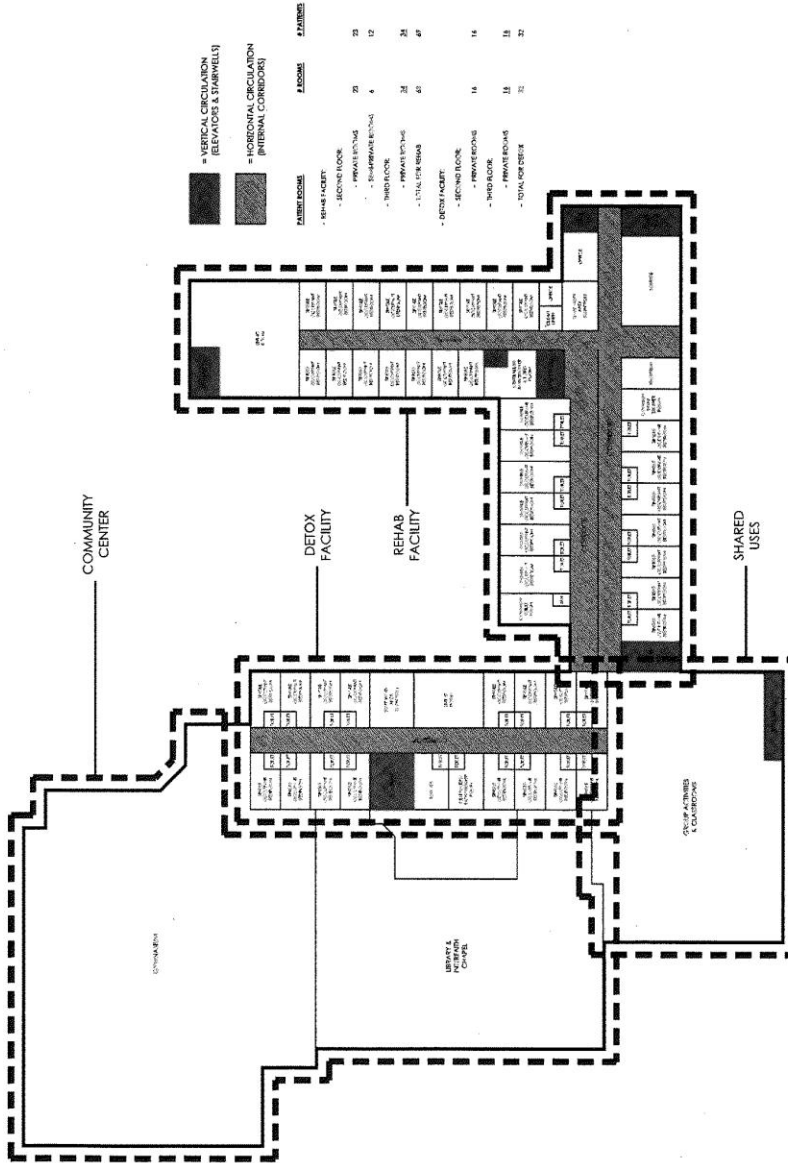
OVERALL FIRST FLOOR PLAN
A-101



OVERALL FIRST FLOOR PLAN
SCALE: 1/16" = 1'-0"

Received: September 12, 2013

13cup1012

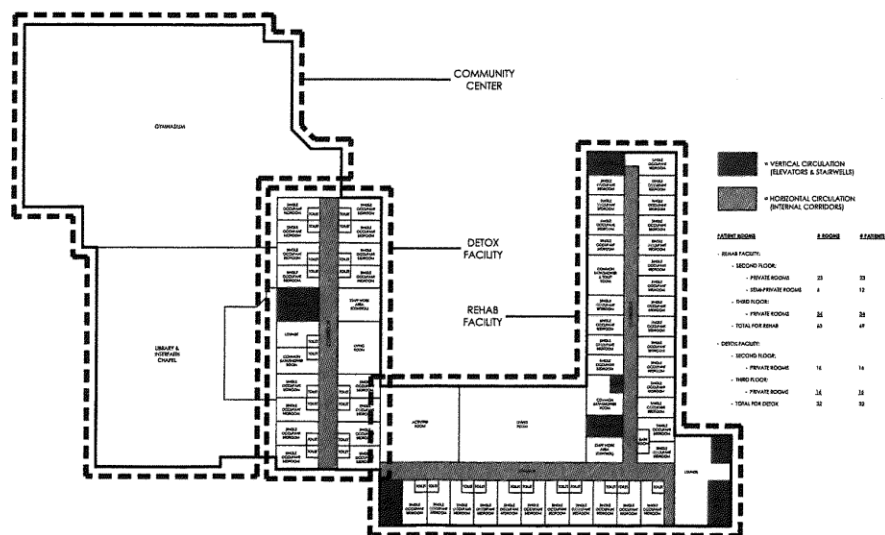


Revisions

REVISION	DATE	BY	CHKD
1	03 SEP 2013	COM	TED

MERCY
 DETOX / REHAB
 FACILITY AND
 COMMUNITY
 CENTER
 117E EAST BROADWAY
 PHILADELPHIA, PA 19107

FSM
 800 SOUTH LAMAR AVENUE, SUITE 200
 ST. LOUIS, MISSOURI 63101
 (314) 241-4500 FAX (314) 241-4501
 JEFF HALLMAN, DODD DAVIS
 LARRY HARTFIELD, JIM WATTS
 PROJECT: 1178 EAST BROADWAY
 1178 EAST BROADWAY
 ST. LOUIS, MO 63104



Revisions

DESIGNED: A.C.A. DRAWN: A.C.A. CHECKED: A.C.A.
 DATE: 03 SEP, 2013 DRAWN: T.B.D.
 MERCY
 DETOX / REHAB
 FACILITY AND
 COMMUNITY
 CENTER
 1178 EAST BROADWAY
 LOUISVILLE, KY 40204

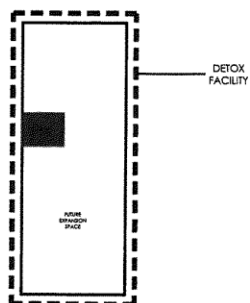
OVERALL THIRD FLOOR PLAN
 SCALE: 1/16" = 1'-0"



OVERALL THIRD FLOOR PLAN
 CONCEPTUAL PHASE

A-103

FSTW
 FOSTER SMITH TUCKER WATSON
 200 SOUTH LEXINGTON AVE. SUITE 200
 FORT LINDSEY, ALABAMA 36731
 PHONE: 205/441-4470 FAX: 205/441-4472
 200 FALKLAND, SUITE 200
 LEBANON, TENNESSEE 37036
 PHONE: 615/441-4470 FAX: 615/441-4472
 WWW.FSTW.COM
 IN A HURRY?



- VERTICAL CIRCULATION
(ELEVATORS & STAIRWELLS)
- HORIZONTAL CIRCULATION
(INTERNAL CORRIDORS)

Revisions

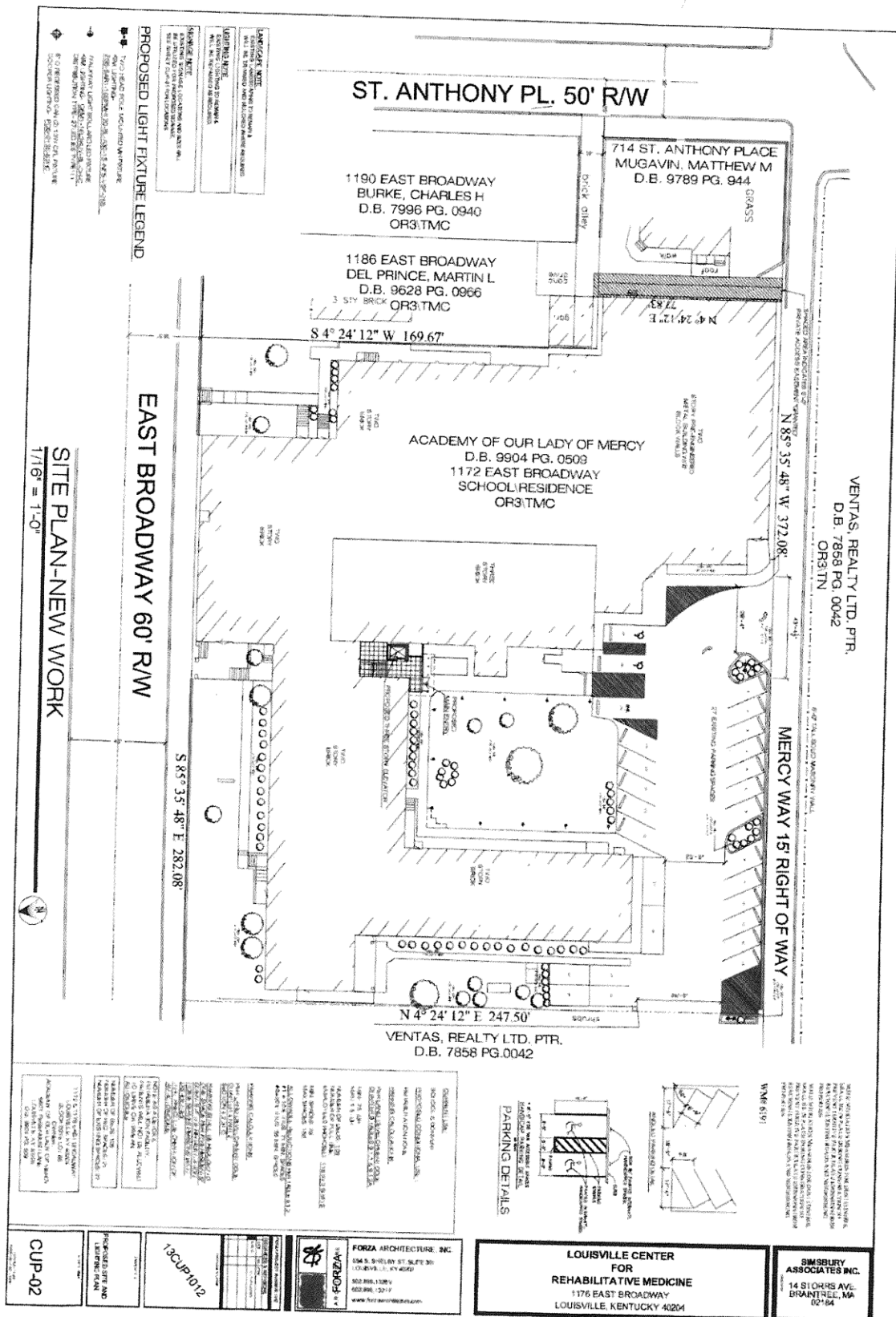
DESIGNED A.C.A.	DRAWN A.C.A.	CHECKED A.C.A.
DATE: 03 SEP. 2013	CONTR. T.B.D.	
MERCY DETOX / REHAB FACILITY AND COMMUNITY CENTER 1178 EAST BROADWAY LOUISVILLE, KY 40204		

OVERALL FOURTH FLOOR PLAN
 SCALE: 1/8" = 1'-0"



OVERALL FOURTH FLOOR PLAN
 CREDIT: FSTW

A-104



13CUP1012

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. The maximum number of residents shall be 105.
4. The maximum number of employees on any given shift shall be 39.