

Board of Zoning Adjustment

Staff Report

November 19, 2018



Case No:	18CUP1141
Project Name:	Centerstone
Location:	801 Mary Street
Owner(s):	JECBLA, LLC
Applicant:	Centerstone
Jurisdiction:	Louisville Metro
Council District:	4 – Barbara Sexton Smith
Case Manager:	Jon Crumbie, Planning & Design Coordinator

REQUEST(S)

Modified Conditional Use Permit to amend the existing conditions of approval.

CASE SUMMARY/BACKGROUND

The previous case (9106) approved an existing multi-family apartment building conversion into a rehabilitation home. The home is operated pursuant to a contract with the Commonwealth of Kentucky, Department of Corrections, to house qualifying adult male parolees who need support to more effectively transition back into community life. The modification proposes to allow the rehabilitation home to operate without a contract with the Commonwealth of Kentucky, Department of Corrections.

STAFF FINDING / RECOMMENDATION

There are five listed requirements for a rehabilitation home. Items A., C., and D. will be met. Item B. does not apply. Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the Development Code for a Conditional Use Permit and landscape waiver.

RELATED CASES

- 9106** A request for a Conditional Use Permit to allow a rehabilitation home in an OR-2 zoning district on property know as 801 Mary Street. **(The case was approved by the Louisville Metro Board of Zoning Adjustment on December 3, 2007).**

TECHNICAL REVIEW

There are no outstanding technical review items.

INTERESTED PARTY COMMENTS

A neighborhood meeting was not required for this proposal.

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 proposal is consistent with the applicable policies 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 proposal is compatible with the general character of the surrounding neighborhoods in terms of scale, intensity, traffic, noise, drainage and appearance.

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

STAFF: The previous proposal has been reviewed by MSD and Transportation Planning and both have approved the plan. The plan did not change with the current modification.

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

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.

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

NOTIFICATION

Date	Purpose of Notice	Recipients
11/14/18	Hearing before BOZA	Registered Neighborhood Groups in Council District 4

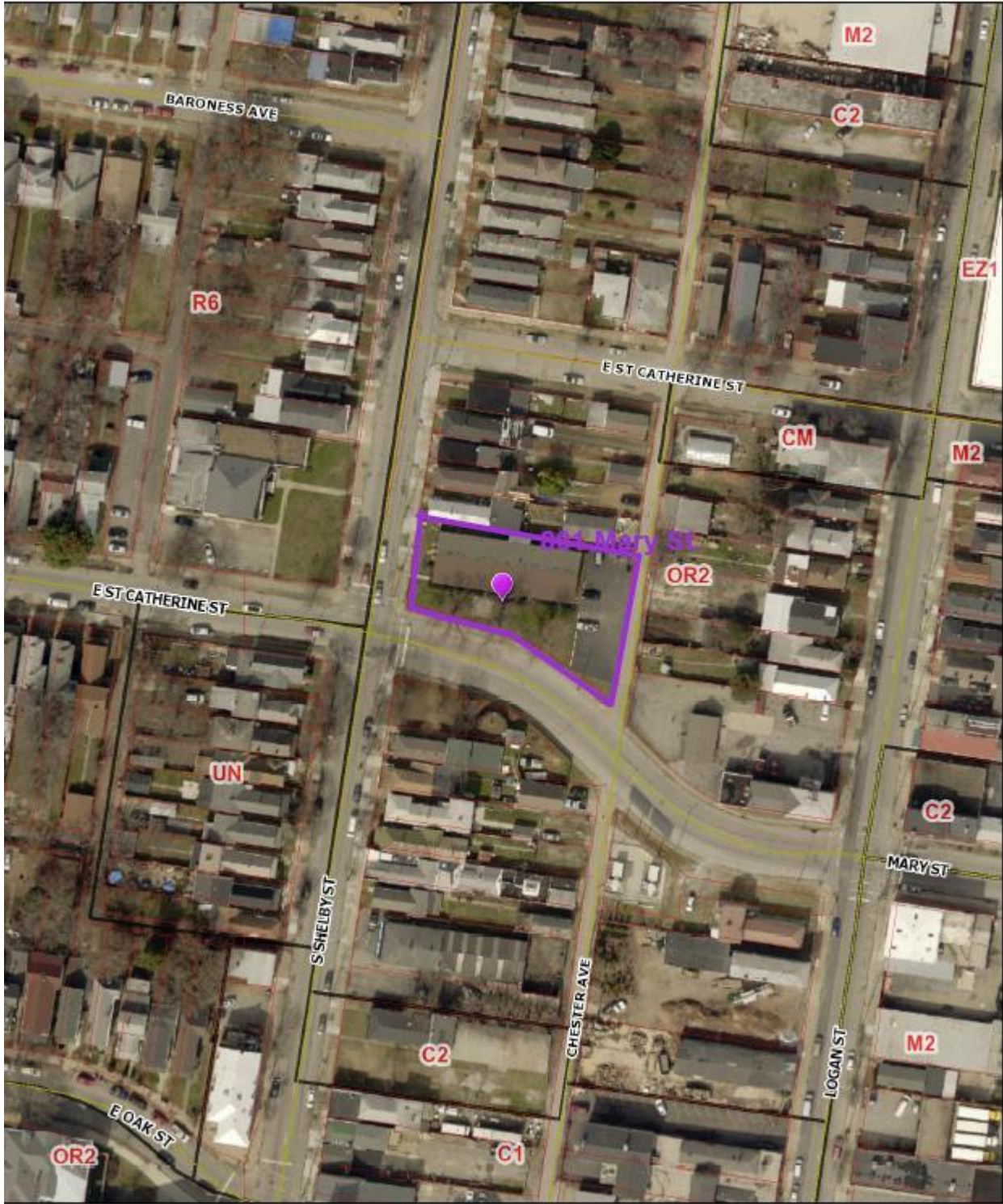
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Conditions of Approval
4. Proposed Conditions of Approval

1. **Zoning Map**



2. Aerial Photograph



4. **Existing 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 at any given time shall be 30.
4. There shall be one staff person on site at all times.
5. The rehabilitation facility shall enter into a contract with the Commonwealth Kentucky State of Corrections and this contract be granted.
6. The rehabilitation facility shall be gender specific.
7. The dumpster as shown on the plan shall be enclosed.
8. Deliveries that support the rehabilitation facility shall be limited to the hours of 7:00 a.m. to 6:00 p.m.

5. **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. The maximum number of residents at any given time shall be 30.
4. There shall be **at least** one-staff person on site at all times.
5. The rehabilitation facility shall enter into a contract with the Commonwealth Kentucky State of Corrections and this contract be granted – **except for when the rehabilitation facility operates a rehabilitation home – as defined by the Land Development Code – where entering into and maintaining a contract with the Commonwealth of Kentucky Department of Corrections is not required. In the future, should residents of the rehabilitation facility change where requiring a contract is necessary or, in the alternative, where a change in residents of the rehabilitation home no longer requires a contract with the Commonwealth of Kentucky Department of Corrections, the property owner shall provide written notice to BOZA and BOZA staff.**

6. The rehabilitation facility shall be gender specific.
7. The dumpster as shown on the plan shall be enclosed.
8. Deliveries that support the rehabilitation facility shall be limited to the hours of 7:00 a.m. to 6:00 p.m.