

Board of Zoning Adjustment

Staff Report

November 19, 2017



Case No.	17CUP1081
Project Name	Intergenerational Life Center
Location	2233 Lower Hunters Trace
Owner	Harbor House of Louisville
Applicant	Harbor House of Louisville
Jurisdiction	Louisville Metro
Council District	12 – Rick Blackwell
Case Manager	Beth Jones, AICP, Planner II

REQUESTS

Conditional Use Permit for a Community Service Facility in an R-4 Single-Family Residential district (LDC 4.2.54)

Variance of the required west side yard setback from 50 ft to 30 ft (LDC Table 5.3.2)

Location	Requirement	Request	Variance
Side yard setback, west property line	50 ft	30 ft	20 ft

CASE SUMMARY

The applicant proposes to develop an Intergenerational Life Center on the 2.05 acre site. It and all adjoining properties are zoned R-4 Single-Family Residential in a Neighborhood form district and are currently in single-family residential use. A single parcel to the east and north of the site, at 2221 Lower Hunters Trace, is occupied by the Incarnation Catholic Church and the Harbor House of Louisville Training & Development Center.

The existing 7,800 sq ft Harbor House facility, which provides services for developmentally-challenged adolescents and adults, will be repurposed as a children’s daycare center. The proposed new facility, the Intergenerational Life Center, will enable Harbor House to expand its current services to include day care programs for children and the elderly and after-school care. It is to be constructed in two phases.

Phase 1 will include an art gallery, a bookstore, tutoring facilities, a café, an exercise room, a dining room with a commercial kitchen and a greenhouse, totaling 29,250 sq ft. Basic facilities for the elderly, to include rooms for bathing and for dental and medical services, will be provided with the intent of enabling program participants to continue to live in their private homes. Phase 2 will construct two Respite Houses, totaling 5,000 sq ft, which will be available for use by caregivers to Harbor House program participants for a period of up to three weeks.

A proposed walking path, to installed along the east property line of the adjoining church property, will be made available for the use of all Harbor House program participants.

The proposal includes the addition of 31 parking spaces, including three ADA spaces, some of which cross the property line with the adjoining church parcel. There is no direct access to the subject site from the public roadway. Internal access to the site will be from the church property at two points off an existing driveway and another at the northern end of the subject site. The church property has direct access to Lower Hunters Trace at the south and to Kraus Lane along the west property line. A Condition of Approval will require crossover access and shared parking agreements between subject site and adjacent site at 2229 Lower Hunters Trace to be recorded prior to final construction approval.

STAFF FINDING

The proposal meets requirements for the requested CUP for a Community Service Facility (LDC 4.2.54) and side yard setback variance.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a Conditional Use Permit as established by the Land Development Code.

TECHNICAL REVIEW

As per Condition of Approval 3., agreement(s) providing crossover access, shared parking and access to walking trail between subject site and adjacent site at 2229 Lower Hunters Trace must be submitted to PDS staff for review. Approved agreement(s) must be recorded prior to final construction approval.

No additional technical issues remain to be resolved.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on October 12, 2017. Staff has received no additional comments.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

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

STAFF: The proposal is consistent with Comprehensive Plan policies regarding Community Service Facilities.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The proposal is an expansion of similar existing uses and is compatible with surrounding land uses and the general character of the area.

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

STAFF: The site is adequately served by all required public facilities.

4. Does the proposal comply with the specific standards required to obtain the requested Conditional Use Permit?

4.2.54. Community Service Facility may be allowed in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, UN, R-5A, R-5B, R-6, R-7, R-8A, M-1, M-2, M-3, W-1, W-2, W-3, TNZD (Neighborhood General) districts upon the granting of a conditional use permit and compliance with the listed requirements.

A. General Standards – All Zoning Districts

1. Parking spaces shall be determined by the board of zoning based on the number of employees and the potential number of visitors to the site as described by the applicant in a parking study of similar uses.

STAFF: The proposal has received preliminary approval by Transportation Planning staff. According to the applicant, proposed parking will be used primarily by staff and by guests on occasion. Significant additional parking is available on the adjoining Church site; cross-access and shared parking agreements will be required by a Condition of Approval.

2. Signage for community service facility shall be in accordance with Chapter 8 of the LDC for nonresidential uses.

STAFF: The applicant has been informed of this requirement.

3. All applicable land development code requirements including but not limited to floor area ratio, building setback, landscape buffers and building heights shall be maintained.

STAFF: The proposal meets all such requirements with the exception of the west side yard setback; a variance has been requested.

4. Conversion of Existing Structures: A report from the applicable fire official shall be provided to the Board outlining the necessary steps for compliance with fire code safety standards prior to establishing occupancy of the structure for the proposed use.

STAFF: The proposal does not include conversions of existing structures.

B. Conditional Use Standards – Single Family Zoning Districts Only

1. Signs - There shall be allowed one non-illuminated sign identifying the name and use, which sign shall be limited in size to four square feet and be placed on the building.

STAFF: The applicant has been informed of this requirement.

2. Residential Structure - The structure shall remain or shall be constructed so that the exterior design and ornamentation is residential in character and compatible with the immediate neighborhood, so that there is no evidence from the street that the use is other than residential.

STAFF: The proposal does not include residential structures. The applicant has been informed of the character and compatibility requirements.

3. Alterations or Improvements to the Structure - Where such a use is permitted in a structure which has been used as a residence, the permittee shall make no substantial alterations or improvements to the structure which would impair the structure's use as a residence at a later time.

STAFF: The proposal does not include conversions of existing structures.

4. Off-street parking not located within a drive-way shall be located to the side or rear of the building(s).

STAFF: The proposal meets this requirement.

NOTIFICATION

Date	Purpose of Notice	Recipients
10/12/2017 5/9/2018	Neighborhood Meeting	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 12
11/2/2018	Notice of BOZA Hearing	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 12 Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Checklist
4. Conditions of Approval

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Checklist

- | | |
|--|---|
| <p>+ Exceeds Guideline
 ✓ Meets Guideline
 - Does Not Meet Guideline</p> | <p>+/- More Information Needed
 NA Not Applicable</p> |
|--|---|

NEIGHBORHOOD: NON-RESIDENTIAL

#	Cornerstone 2020 Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
Community Form/Land Use Guideline 1: Community Form			
1	B.3: The proposal is a neighborhood center with a mixture of uses such as offices, retail shops, restaurants and services at a scale that is appropriate for nearby neighborhoods.	NA	Proposal is not a center.
2	B.3: If the proposal is high intensity, it is located on a major or minor arterial or an area with limited impact on low to moderate intensity residential uses.	✓	Proposal is not high-intensity and is located on a primary collector.
Community Form/Land Use Guideline 2: Centers			
3	A.1/7: The proposal, which will create a new center, is located in the Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	NA	Proposal is not a center.
4	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	NA	Proposal is not a center.
5	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	NA	Proposal is not a center.
6	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	NA	Proposal is not a center.
7	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	NA	Proposal is not a center.
8	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	Proposal is not a center.
9	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic, transit, pedestrian, environmental and aesthetic concerns.	NA	Proposal is not a center.
10	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	NA	Proposal is not a center.
11	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	NA	Proposal is not a center.

#	Cornerstone 2020 Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
Community Form/Land Use Guideline 3: Compatibility			
12	A.2: The proposed building materials increase the new development's compatibility.	+/-	No elevations or information on building materials has been provided.
13	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 is a non-residential expansion but includes design elements that mitigate its impact on adjacent residential uses.
14	A.5: The proposal mitigates any potential odor or emissions associated with the development.	NA	No such emissions are expected.
15	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The proposal has received preliminary approval from Transportation Planning staff.
16	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	Lighting will meet LDC requirements.
17	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.	-	Proposal is higher intensity use but is not located along a transit corridor or near an activity center.
18	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.	✓	A variance is requested to reduce the west side property line setback requirement. A screening fence will be provided in the parking lot area and all associated landscaping requirements will be met.
19	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.	✓	A variance is requested to reduce the west side property line setback requirement. A screening fence will be provided in the parking lot area and all associated landscaping requirements will be met.
20	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Proposal meets lot dimension and building height requirements. A variance is requested for a side yard setback; mitigation is provided.
21	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.	NA	No such areas are located adjacent to residential uses and site accessed via existing access points.
22	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.	✓	No parking or circulation is adjacent to the street. Garage door is located toward rear of parcel.
23	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	The proposal does not include a parking garage.
24	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	Signage will be compatible with existing signage and meet additional requirements specific to the requested CUP.
Community Form/Land Use Guideline 4: Open Space			

#	Cornerstone 2020 Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
25	A.2/3/7: 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.	✓	Proposal includes a central open courtyard.
26	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	✓	Site design is consistent with adjacent non-residential uses.
27	A.5: The proposal integrates natural features into the pattern of development.	NA	
Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources			
28	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.	NA	The site does not include these features.
29	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	The site does not include these features.
30	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	NA	The site does not include these features.
Marketplace Guideline 6: Economic Growth and Sustainability			
31	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	The site is not located in a downtown area.
32	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	The proposal is not industrial in nature.
33	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.	✓	The proposal does not include retail development. The site is located on a primary collector between two arterials: Dixie Highway and Greenbelt Highway.
34	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	The proposal is not industrial in nature.
Mobility/Transportation Guideline 7: Circulation			
35	A.1/2: 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.	NA	The proposal will not require improvements in public facilities.
36	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	-	Proposal provides sidewalks for interior circulation; adjoining developed properties do not include sidewalks. It is not located along a transit route.

#	Cornerstone 2020 Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
37	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	Transportation facilities are compatible with surrounding land uses.
38	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	The proposal has received preliminary approval from Transportation Planning staff.
39	A.10: The proposal includes adequate parking spaces to support the use.	✓	The proposal has received preliminary approval from Transportation Planning staff.
40	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	The proposal has received preliminary approval from Transportation Planning staff.
Mobility/Transportation Guideline 8: Transportation Facility Design			
41	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	NA	The proposal does not include a street system.
42	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	The proposal has received preliminary approval from Transportation Planning staff.
43	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	The proposal does not include a street system.
Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit			
44	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 connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The proposal has received preliminary approval from Transportation Planning staff.
Livability/Environment Guideline 10: Flooding and Stormwater			
45	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue-line 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.	✓	The proposal has received preliminary approval from MSD.
Livability/Environment Guideline 12: Air Quality			
46	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	APCD has waived review of the proposal.
Livability/Environment Guideline 13: Landscape Character			
47	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	The site does not include these features.
Community Facilities Guideline 14: Infrastructure			
48	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The site is served by existing utilities.

#	Cornerstone 2020 Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
49	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	The site is served by existing utilities.
50	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 is served by existing utilities.

4. Conditions of Approval

1. All development shall be in accordance with the approved district development plan, including all notes thereon, and with all applicable sections of the Land Development Code (LDC). No further development shall occur on the site without prior review of and approval by the Board of Zoning Adjustment (BOZA).
2. The Conditional Use Permit shall be exercised as proscribed by KRS 100.237 within two years of BOZA approval. If it is not so exercised, the site shall not be used for a Community Service Facility without further review and approval by BOZA.
3. Agreement(s) providing crossover access, shared parking and access to walking trail between subject site and adjacent site at 2229 Lower Hunters Trace must be submitted to PDS staff for review. Approved agreement(s) must be recorded prior to final construction approval.