

# Board of Zoning Adjustment Staff Report

September 21, 2015



<b>Case No(s):</b>	15CUP1028, 15CUP1032
<b>Project Name:</b>	Recovery on Clay
<b>Location:</b>	952, 953, 954 & 956 South Clay Street
<b>Owner(s):</b>	South Clay Properties, LLC
<b>Applicant(s):</b>	The Healing Place
<b>Representative(s):</b>	Kevin Young
<b>Project Area/Size:</b>	0.23 acres
<b>Existing Zoning District:</b>	UN, Urban Neighborhood
<b>Existing Form District:</b>	TN, Traditional Neighborhood
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – David Tandy
<b>Case Manager:</b>	Jon E. Crumbie, Planner II

## REQUEST

- Conditional Use Permit to allow a rehabilitation home in an UN Zoning District (15CUP1028)
- Conditional Use Permit to allow off-street parking in a UN Zoning District (15CUP1032)

## CASE SUMMARY/BACKGROUND

Recovery on Clay will provide recovery services to those who suffer from drug and/or alcohol addiction. The residential stage of the program will be approximately 30 to 45 days followed by an intensive out-patient monitoring stage consisting of weekly counseling, monitoring of meetings and support, drug screens and contact with family, employers and others. The facility will house 62 men in semi-private rooms. There will be two men per room. Parking will be provided for employees and visitors to the facility. The facility will have 3 people on site and be monitored around the clock every day.

## SITE CONTEXT

The rehabilitation home is located on the southeast corner of Speckert Court and South Clay Street. The structure is vacant and has residential uses to the north, east, and south. The off-street parking area is located to the west across South Clay Street and is currently vacant.

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

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Vacant	UN	TN
<b>Proposed</b>	Rehabilitation Home, Off-Street Parking	UN	TN
<b>Surrounding Properties</b>			
<b>North</b>	Residential	UN	TN
<b>South</b>	Vacant Commercial and Industrial	UN	TN
<b>East</b>	Residential	UN	TN
<b>West</b>	Residential	UN	TN

**PREVIOUS CASES ON SITE**

No previous cases on these sites.

**INTERESTED PARTY COMMENTS**

Staff did not receive any interested party comments.

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code

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

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

STAFF: The proposal preserves and renovates an existing structure and will incorporate building design that is consistent with the predominate neighborhood. All lighting and signage will be code compliant. No landscaping will be added to the rehabilitation home site, but the off-street parking site will have code compliant landscaping.

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 proposals are compatible with the general character of the surrounding neighborhoods in terms of height, scale, intensity, lighting, and appearance.

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

STAFF: The proposal has been reviewed by Public Works and MSD and both have approved the plan. The Louisville Fire District #2 did not comment on the proposal.

## 15CUP1028

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested? There are 5 items in the listed requirements for rehabilitation homes. Items A. and D. will be met. The applicant will be asking to modify item C. and item B. does not apply.

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. **Residents of the facility will not be allowed to have automobiles.**

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.

## 15CUP1032

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested? There are 6 requirements all will be met.

A. The area shall be located within 200 feet of the property on which the building to be served is located measured by the shortest walking distance (using sidewalks and designated crosswalks).

B. Walls, fences, or plantings shall be provided in a manner to provide protection for and be in harmony with surrounding residential property.

C. The minimum front, street side, and side yards required in the district shall be maintained free of parking.

D. The area shall be used exclusively for transient parking of motor vehicles belonging to invitees of the owner or lessee of said lot.

E. The approval of all plans and specifications for the improvement, surfacing, and drainage for said parking area will be obtained from the appropriate Director of Works prior to use of the parking area.

F. The approval of all plans and specifications for all entrances, exits, and lights shall be obtained from the department responsible for traffic engineering prior to the public hearing on the Conditional Use Permit.

## TECHNICAL REVIEW

There are no outstanding technical review items. Applicant will be asking to not add landscaping and buffering to the rehabilitation home site because the existing structure takes up the whole parcel.

### STAFF CONCLUSIONS

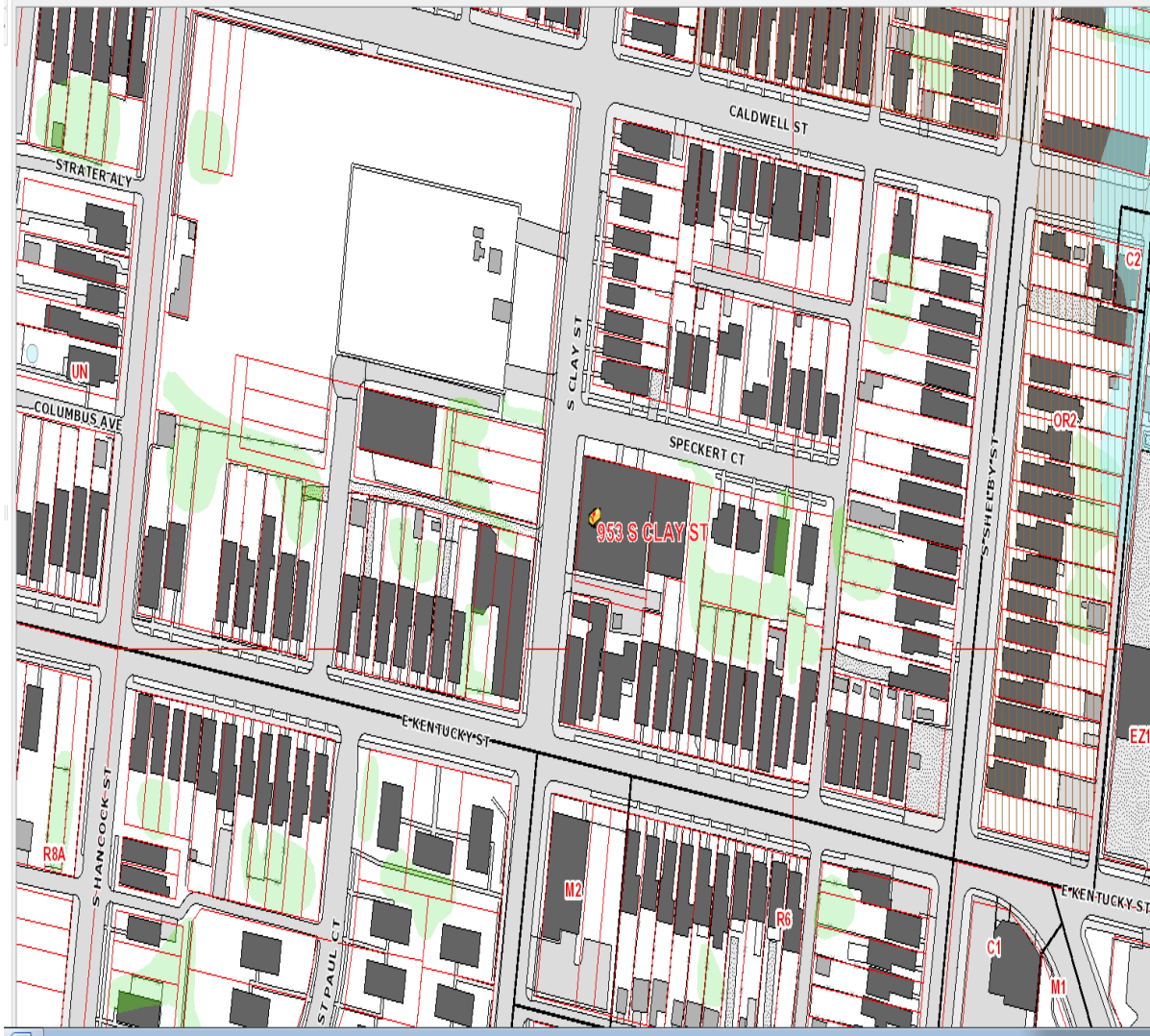
Based upon the information in the staff report, the testimony and evidence provided at the public hearing, BOZA must determine if the proposal meets the standards for granting the Conditional Use Permit as established in the LDC.

### NOTIFICATION

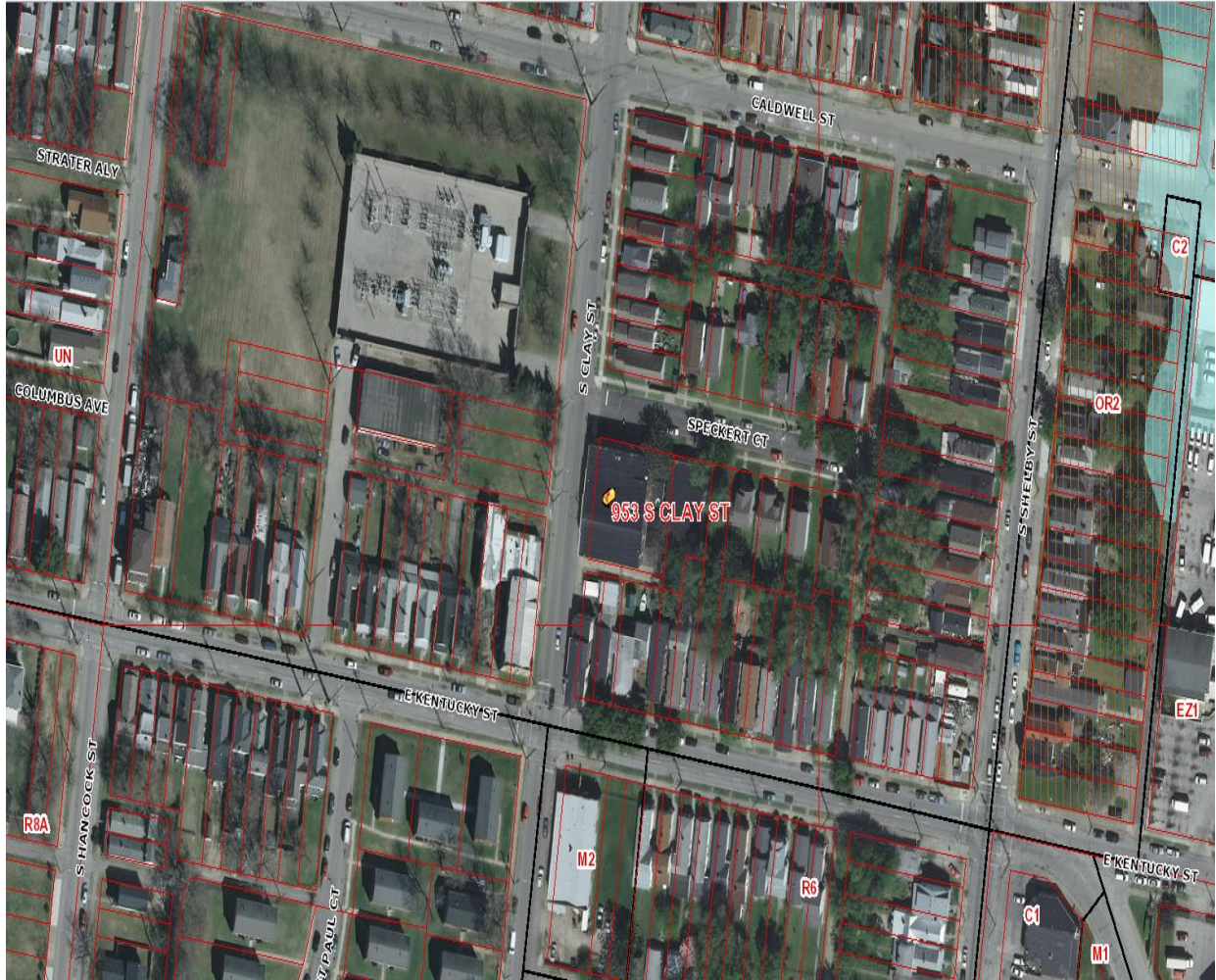
Date	Purpose of Notice	Recipients
8/31/15	APO Notice	First tier adjoining property owners Neighborhood notification recipients
8/28/15	Sign Posting	Subject Property

### ATTACHMENTS

1. Zoning Map



2. Aerial Photograph



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

**LAND DESIGN & DEVELOPMENT, INC.**  
ENGINEERING • SURVEYING • LANDSCAPE ARCHITECTURE  
503 Washburn Avenue, Suite 101  
Louisville, Kentucky 40222  
(502) 426-9374 FAX (502)426-9375

**The Healing Place  
Conditional Use Permits Letter of Explanation  
15CUP1028**

The Healing Place's "Recovery on Clay" is an innovated model offering recovery services to those who suffer from drug and/or alcohol addiction. In the past three years, our community has been overwhelmed with the surge in heroin addiction, particularly among 18 to 30 year old people. The Healing Place has designed the model program for Recovery on Clay to meet the needs of this population. The residential stage of the program will be approximately 30 to 45 days followed by an intensive out-patient monitoring stage consisting of weekly counseling, monitoring of meetings and support, drug screens and contact with family, employers and others. The total length of the program can be up to two years. The program will be a self-pay model with all residential costs included followed by a monthly monitoring fee. The programs boasts a successful peer-to-peer recovery model developed and refined over the past 25 years.

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July 10, 2015

Neighborhood Meeting Notification

To: David Tandy District 4 Metro Council Person, 1st and 2nd Tier adjoining property owners and Interested Parties.

From: The Healing Place

Re: Conditional Use Permits

Applications for Conditional Use Permits for a Rehabilitation Home and off-street parking are proposed to be filed with the Louisville Metro Planning and Design Services for The Healing Place for property located at 952, 953, 954 and 956 South Clay Street. We are inviting you to a Neighborhood Meeting to discuss the proposal.

This will be an informal meeting to give you an opportunity to view the proposed site layout and to discuss the proposal with the developer and their representative. The purpose of the meeting is to increase your understanding of the proposal and give you an opportunity to ask questions and share any concerns you may have about the proposal. The meeting is held in addition to the Louisville Metro Planning and Design Services Board of Zoning Adjustment meeting.

The Neighborhood Meeting will be held on:

**Date:** July 22, 2015  
**Time:** 6:00 p.m.  
**Where:** House of Ruth  
607 East St. Catherine Street  
Louisville, KY. 40203

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Please call Kevin Young or Ann Richard, Land Planners, Land Design & Development, Inc. (502) 426-9374 should you care to discuss prior to the meeting.

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503 Washburn Avenue, Suite 101  
Louisville, Kentucky 40222  
(502) 426-9374 FAX (502)426-9375

## Healing Place Meeting Minutes

Meeting was held at the House of Ruth, 607 E. Catherine Street on July 20th at 6:00 pm. Over 200 notices were mailed out to adjacent property owners. Three interested parties attended the meeting. A brief overview of the project was discussed. Everyone introduced themselves and explained their role in the project. Karyn Hascal, President of The Healing Place gave a detailed explanation of the operation. Neighbors asked questions about hours of operation, supervision, expected improvements to the existing building and what was the expected project time frame. Kevin Young, then explained the planning process and how they can continue to tract the plans process through the System Review Process.

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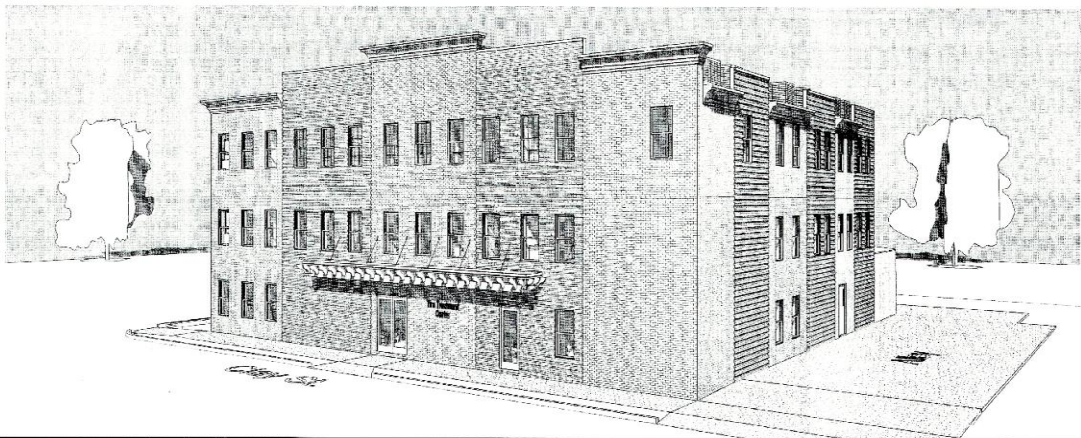
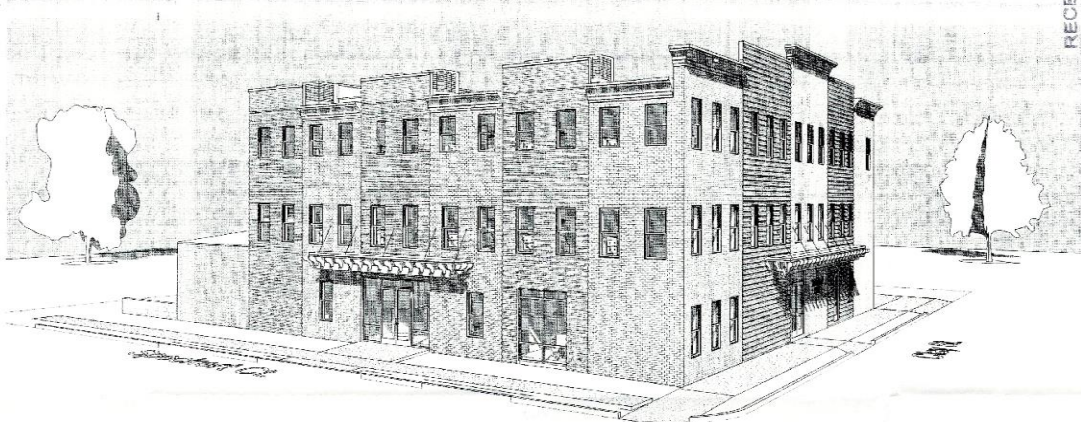
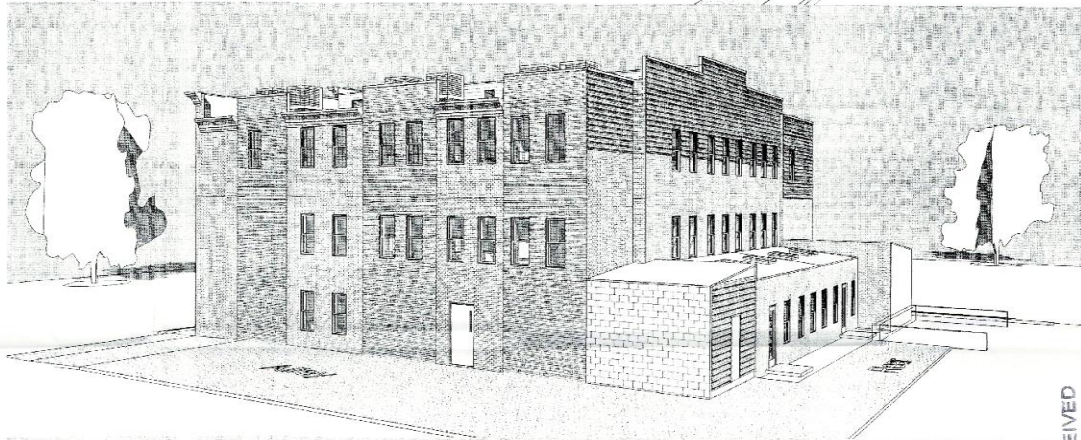
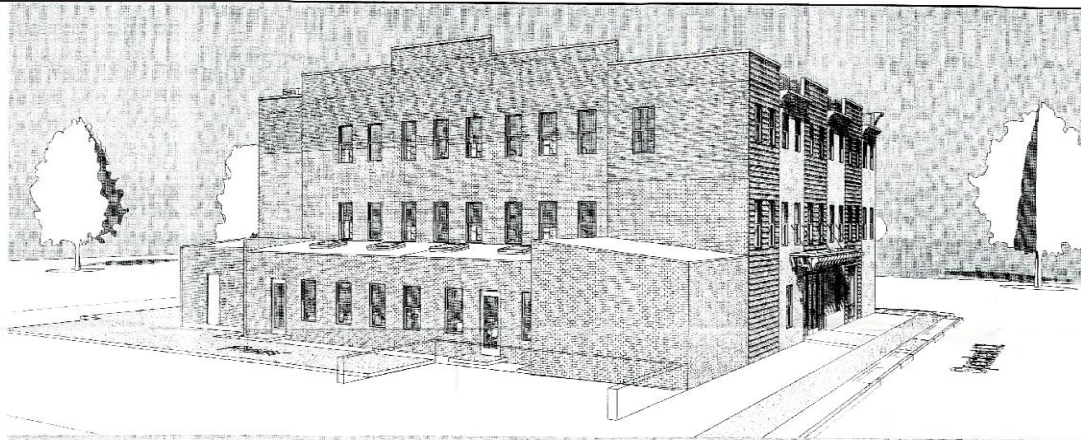
15CUP1028/32





# Renovation of Existing Facility For The Treatment Center

953 S. Clay St.  
Louisville, KY 40203



**Sheet Index**

- A1 Cover Sheet
- A2 Site Plan & Cellar
- A3 1st Floor Level
- A4 2nd Floor Level
- A5 3rd Floor Level
- A6 Exterior Elevations
- A7 Building Sections

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Renovation of Existing Facility For  
The Treatment Center  
953 S. Clay St.  
Louisville, KY 40203



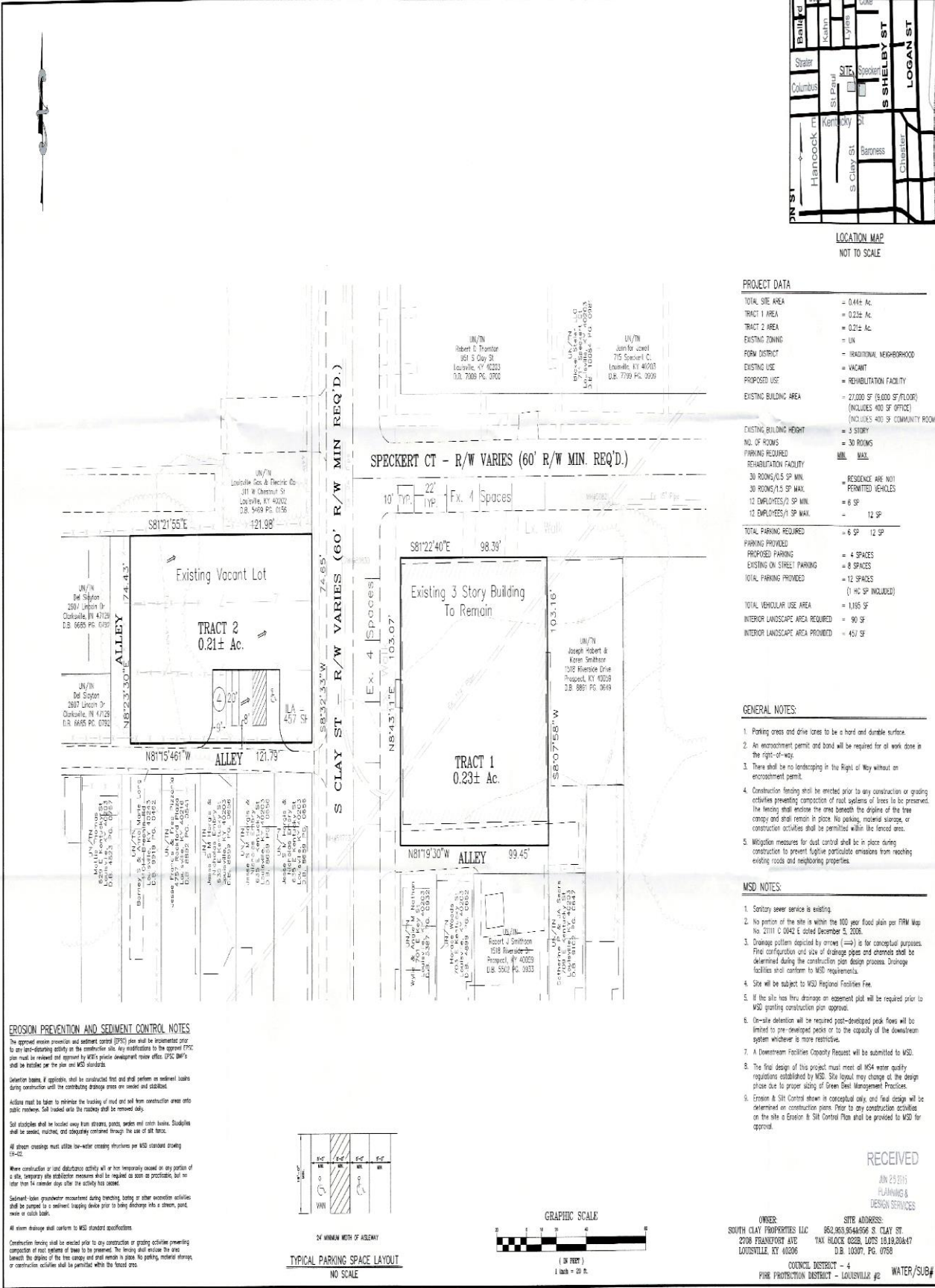
11248 Oak Hill Rd  
Louisville, KY 40258  
502.491.1111

Cover Sheet  
2/22/2015  
1507  
© 2015 EC Design

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15CUP1028/15CUP1032





**PROJECT DATA**

TOTAL SITE AREA	= 0.44± Ac.
TRACT 1 AREA	= 0.23± Ac.
TRACT 2 AREA	= 0.21± Ac.
EXISTING ZONING	= UN
FORM DISTRICT	= TRADITIONAL NEIGHBORHOOD
EXISTING USE	= VACANT
PROPOSED USE	= REHABILITATION FACILITY
EXISTING BUILDING AREA	= 27,000 SF (5,000 SF/FLOOR) (INCLUDES 400 SF OFFICE) (NO USES 400 SF COMMUNITY ROOM)
EXISTING BUILDING HEIGHT	= 3 STORY
NO. OF ROOMS	= 30 ROOMS
PARKING REQUIRED	MIN. WALL
REHABILITATION FACILITY	
30 ROOMS/0.5 SP MIN.	RESIDENCE ARE NOT PERMITTED VEHICLES
30 ROOMS/1.5 SP MAX.	
12 EMPLOYEES/2 SP MIN.	= 6 SP
12 EMPLOYEES/1 SP MAX.	= 12 SP
TOTAL PARKING REQUIRED	= 6 SP 12 SP
PARKING PROVIDED	
PROPOSED PARKING	= 4 SPACES
EXISTING ON STREET PARKING	= 8 SPACES
TOTAL PARKING PROVIDED	= 12 SPACES (1 HC SP INCLUDED)
TOTAL VEHICULAR USE AREA	= 1,195 SF
INTERIOR LANDSCAPE AREA REQUIRED	= 90 SF
INTERIOR LANDSCAPE AREA PROVIDED	= 45/ SF

- GENERAL NOTES:**
- Parking areas and drive lanes to be a hard and durable surface.
  - An encroachment permit and bond will be required for all work done in the right-of-way.
  - There shall be no landscaping in the Right of Way without an encroachment permit.
  - Construction fencing shall be erected prior to any construction or grading activities preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the drip-line of the tree canopy and shall remain in place. No parking, material storage or construction activities shall be permitted within the fenced area.
  - Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.

- MSD NOTES:**
- Sanitary sewer service is existing.
  - No portion of the site is within the 100 year flood plain per FRM Map No. 21111 C 0442 & dated December 3, 2008.
  - Drainage pattern depicted by arrows (→) is for conceptual purposes. Final configuration and size of drainage pipes and channels shall be determined during the construction plan design process. Drainage facilities shall conform to MSD requirements.
  - Site will be subject to MSD Regional Facilities Fee.
  - If the site has thru drainage an easement shall be required prior to MSD granting construction plan approval.
  - On-site detention will be required post-developed peak flows will be limited to pre-developed peaks or to the capacity of the downstream system whichever is more restrictive.
  - A Downstream Facilities County Request will be submitted to MSD.
  - The final design of this project must meet all MSA water quality regulations established by MSD. Site layout may change at the design phase due to proper siting of Green Best Management Practices.
  - Erosion & Silt Control shown in conceptual only, and final design will be determined on construction plans. Prior to any construction activities on the site a Erosion & Silt Control Plan shall be provided to MSD for approval.

**EROSION PREVENTION AND SEDIMENT CONTROL NOTES**

The approved erosion prevention and sediment control (EPSC) plan shall be implemented prior to any land-disturbing activity on the construction site. Any modifications to the approved EPSC plan must be reviewed and approved by the project development review office (PDRO) and shall be included on the plan and MSD standards.

Detention basins, if applicable, shall be constructed first and shall perform as retention basins during construction until the contributing drainage areas are seeded and stabilized.

Activities must be taken to minimize the tracking of mud and soil from construction areas onto public roadways. Soil tracked onto the roadway shall be removed only.

Soil stockpiles shall be located away from streams, ponds, wetlands and other sensitive areas. Stockpiles shall be seeded, mulched, and completely contained through the use of silt fence.

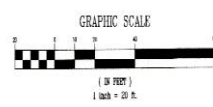
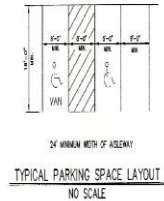
All stream crossings must utilize low-water crossing structures per MSD standard drawing 15-02.

When construction or land-disturbance activity will or has temporarily ceased on any portion of a site, temporary site stabilization measures shall be required as soon as practicable, but no later than 14 calendar days after the activity has ceased.

Sediment-laden groundwater encountered during trenching, boring or other excavation activities shall be pumped to a sediment trapping device prior to being discharge into a stream, pond, lake or catch basin.

All storm drainage shall conform to MSD standard specifications.

Construction fencing shall be erected prior to any construction or grading activities preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the drip-line of the tree canopy and shall remain in place. No parking, material storage, or construction activities shall be permitted within the fenced area.



**REVISIONS**

NO.	DATE	DESCRIPTION

**PROJECT DATA**

DATE: 5/27/15  
SCALE: AS SHOWN  
CHECKED BY: [Signature]  
CREATED BY: [Signature]

**LAND DESIGN & DEVELOPMENT, INC.**  
2708 FRANKFORT AVENUE  
LOUISVILLE, KY 40208  
TEL: 502.636.1234  
WWW.LDD&D.COM

**HEALING PLACE**  
OWNER/DEVELOPER:  
**SOUTH CLAY PROPERTIES LLC**  
2708 FRANKFORT AVENUE  
LOUISVILLE, KY 40208

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JUN 23 2015  
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**OWNER:** SOUTH CLAY PROPERTIES LLC 952.963.9448/956 S. CLAY ST. 2708 FRANKFORT AVE. LOUISVILLE KY 40208  
**SITE ADDRESS:** TAN HAZEL 0228, LOTS 18,19,20&47 D.B. 10007, PG. 0758

**COUNCIL DISTRICT - 4**      **WATER/SUBJ**

**NO. 15079**

**SHEET 1 OF 1**

[Signature]

## **15CUP1028 and 15CUP1032**

### **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 rehabilitation home (**15CUP1028**) and off-street parking (**15CUP1032**) without further review and approval by the Board.