



**SABAK, WILSON & LINGO, INC.**  
 ENGINEERS, LANDSCAPE ARCHITECTS & PLANNERS  
 THE HENRY CLAY • 608 S. THIRD STREET  
 LOUISVILLE, KY 40202  
 PHONE : (502) 584-6271 • FAX : (502) 584-6292

**WAIVER JUSTIFICATION**

**The Healing Place Men’s Campus – Administration Building**

**APPLICANT: THE HEALING PLACE, Inc.**  
**LDC CHAPTER 5.5.1.A.1.b.**  
**LDC CHAPTER 10.2.4.B.**

**RECEIVED**  
 NOV 14 2016  
 PLANNING &  
 DESIGN SERVICES

November 14, 2016  
 Case # 16DEVPLAN1194

The intent of this project is to demolish an existing asphalt parking lot and construct a two story administration building for the Healing Place Men’s Campus. The subject property is located on the northeast corner of 11<sup>th</sup> and Market Streets. (See Exhibits ‘A’ & ‘B’ below)



Exhibit 'A'- Aerial Photograph Existing Condition



Exhibit 'B'- Aerial Photograph Proposed Condition

The Healing Place is improving their men’s campus which is located on Market Street between 10<sup>th</sup> and 11<sup>th</sup> Streets. These improvements were approved under case #14CUP1026. At that time the intent was to demolish an existing building at the northwest corner of Chapel and Market Street and construct a new administration building. Since that time, the Healing Place has acquired additional property at the northeast corner of 11<sup>th</sup> and Market Streets and propose building their administration building at this location instead. (See Exhibit ‘C’ below)

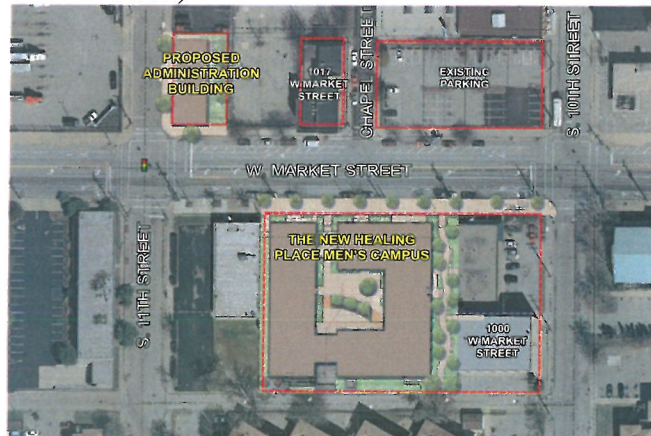


Exhibit 'C'- Aerial Photograph Proposed New Campus

RECEIVED  
NOV 14 2016  
PLANNING &  
DESIGN SERVICES

Under the current Metropolitan Land Development Code this area is in the Traditional Workplace Corridor Form District and the subject property is zoned C-1. The Traditional Workplace Corridor Form District requires that buildings be placed at the right of way lines of corner lots and that an entrance be placed facing the primary street and an entrance placed facing the secondary street, or instead of two entrances, a single corner entrance. Per Comprehensive Plan – Guideline 3.1 the proposed plan is compatible with the surrounding development and per Guideline 6.3 is a re-investment in an older neighborhood west of 9<sup>th</sup> Street. The proposed building is a two story brick building and has been placed at the right of way lines of 11<sup>th</sup> and Market Streets per LDC 5.5.1.A.2. Architectural detail and emphasis has been provided on the two primary facades with the placement of two-story glazing at the building corner. The glazing wraps the corner and defines the importance of street intersection. The proposed building is for a single-use tenant who requires and desires only one entrance to the building. Security is of paramount concern of The Healing Place and, through the nature of their business, controlled and limited access is very important to THP to maintain a safe working environment for staff. (See Exhibit 'D' & 'E' below)



Exhibit 'D' – Existing Condition.



Exhibit 'E' – Proposed Administration Building.

The subject property which is currently an existing asphalt parking lot was part of a much larger parking lot that extends to the north. The subject property is zoned C-1 and the adjacent property to the north is zoned EZ-1. Per LDC 10.2.4.B. a 5 foot landscape buffer that includes a 3 foot screen and 2 large trees per 100 feet of perimeter would be required on the property with the higher intensity activity. In this case, the property to the north is the higher intensity use but due to its existing condition, has technically already been developed and did not provide the required buffer. Therefore, the subject property, which is the lower intensity use, is required to provide the landscape buffer. The intent of the buffer is to benefit the lower intensity use from screening the higher intensity use and in this case, the applicant is asking to waive this buffer of the adjacent parking lot. In addition, the proposed building's north façade does not contain windows, which helps in blocking the views north to the adjacent parking lot. Per Comprehensive Plan – Guideline 10.3 the applicant's proposal mitigates the removal of the 5 foot landscape buffer by increasing the overall pervious area of the site by nearly 40%, installing trees & shrubs within the lawn area and proposes to install street trees along 11<sup>th</sup> and Market Streets. In order to meet the intent of the design for the administration building, the applicant is requesting the following waivers:

- A. A Waiver from LDC 5.5.1.A.1.b to not provide the required building entrance along the secondary street or a corner entrance.
- B. A Waiver from LDC 10.2.4.B to not provide the required 5 foot landscape buffer along the north property line.

With regard to the justification statements for these waivers, please note the following:

**1. Will the waivers adversely affect adjacent property owners?**

- A. No. The proposed building is a two story brick building and has been placed at the right of way lines of 11<sup>th</sup> and Market Streets per LDC 5.5.1.A.2. The primary entrance is located on Market Street and a secondary entrance is on the north facade of the building facing an adjacent parking lot. Architectural detail and emphasis has been provided on the two primary facades with the placement of two-story glazing at the building corner. The glazing wraps the corner and defines the importance of the street intersection. The two existing buildings located on the southeast and southwest corners of 11<sup>th</sup> and Market Street do not have entrances on each street. The proposed building will only enhance the streetscape character of the area.
- B. No. The subject property is a lower intensity use and would not warrant a buffer from the adjacent higher intensity use if the project was reversed. The proposed building's north façade does not contain windows, which helps in blocking the views north to the adjacent parking lot. Per Comprehensive Plan – Guideline 10.3 the applicant's proposal mitigates the removal of the 5 foot landscape buffer by increasing the overall pervious area of the site by nearly 40%, installing trees & shrubs within the lawn area and proposes to install street trees along 11<sup>th</sup> and Market Streets. These mitigating factors only enhance and improve the areas streetscape.

**2. Will the waiver violate the Comprehensive Plan?**

- A. No. Per Guideline 3.1 the proposed plan is compatible with the surrounding development and per Guideline 6.3 is a re-investment in an older neighborhood west of 9<sup>th</sup> Street. The new building will provide a much needed architectural corner to the existing intersection of 11<sup>th</sup> and Market Streets and help balance the existing two buildings on the southeast and southwest corners. Therefore, this waiver will not violate the Comprehensive Plan.
- B. No. The required buffer is intended to benefit the proposed project, however, due to the buildings proximity to the rear property line, the needed secondary access and the removal of windows along the north building façade the buffer is not needed. Per Guideline 10.3 the applicant's proposal mitigates the removal of the 5 foot landscape buffer by increasing the overall pervious area of the site by nearly 40%, installing trees & shrubs within the lawn area and proposes to install street trees along 11<sup>th</sup> and Market Streets. Therefore, this waiver will not violate the Comprehensive Plan.

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

- A. Yes. This waiver will allow the applicant to construct their administration building that meets their particular security needs and meet the intent of the Land Development Code by implementing an architectural detail that emphasizes and strengthens the street corner.
- B. Yes. The required buffer is intended to benefit the proposed project but the applicant would prefer to waive the buffer and mitigate for its removal by increasing the overall pervious area of the site by nearly 40%, installing trees & shrubs within the lawn area and proposes to install street trees along 11<sup>th</sup> and Market Streets.

4. *Has either (a) the applicant incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect) or would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?*
- A. The strict application of the provisions of the regulations would require the applicant to either add an entrance on the 11<sup>th</sup> Street façade, which would require re-design of the building's interior, as well as, increase security issues due to multiple entry points or install a single entrance at the corner of the building which would require a re-design of the building's interior and lower the building's finish floor elevation in order to provide accessibility. This would create an unnecessary hardship on the applicant. The applicant proposes a primary entrance with a canopy & signage on Market Street and the placement of two-story glazing at the building corner. The glazing wraps the corner and defines the importance of the street intersection.
- B. The applicant has proposed to mitigate for the removal of the required landscape buffer by increasing the overall pervious area of the site by nearly 40%, installing trees & shrubs within the lawn area and proposes to install street trees along 11<sup>th</sup> and Market Streets.

RECEIVED  
NOV 14 2015  
PLANNING &  
DESIGN SERVICES