

CONDITIONAL USE PERMIT RELIEF JUSTIFICATION STATEMENT

631 South 28th Street (“Property”)

22-CUPPA-0370

THIS IS A CONDITIONAL USE PERMIT PURSUANT TO SECTION 4.2.19 OF THE LAND DEVELOPMENT CODE AND RELIEF FROM CERTAIN LISTED REQUIREMENTS TO ALLOW OPERATION OF AN ADULT CARE CENTER WITHIN AN R6 ZONE.

This Property is requesting a Conditional Use Permit (CUP) to allow the former Adult Care Center to resume operations. The Property also requests relief by the Board of Adjustments (“Board”) from listed requirements regarding building setbacks and signage. The site was formerly owned by the Commonwealth of Kentucky, Cabinet for Health and Family Services, and as such did not require a CUP to operate. ElderServe has acquired the property and is requesting the CUP to allow the same functions previously provided onsite. No new construction is proposed for the Property in connection with the requested CUP and relief, and no variances or waivers are proposed at this time. All requirements set by the Metro Land Development Code (LDC) are intended to be met.

Requested Relief from Items A, E, and G

The Applicant requests relief from Listed Item A (LDC §4.2.19) to allow the existing building to continue as a non-residential structure, as it was constructed. The Applicant requests relief from Listed Item E (LDC §4.2.19) to allow the existing brick monument signs to remain. The Applicant requests relief from Listed Item G (LDC §4.2.19) to allow the existing building to remain.

Conformance with Comprehensive Plan

Compliance with specific applicable plan elements, goals, objectives, and policies of the Plan 2040 Comprehensive Plan for Louisville Metro (“Plan”) are set forth in this Justification Statement.

Plan Element 4.1 Community Form. (Goals 1.a, b, c, f, 2.a, b, 3.a, d, 4a, b, c)

According to LOJIC Online the property currently lies within the Neighborhood Form District. The Neighborhood Form District is characterized by predominantly residential uses but allows for other uses that have limited impact on the surrounding areas. The Neighborhood Form District should have uses and services that serve the residents, with appropriately located and integrated neighborhood centers.

ElderServe's purpose for operating the facility and the building's prior usage justifies relief from the Board for the Property's setback and signage requirements. Although the building does not conform with building and signage requirements established in the Traditional Neighborhood Form District, relief is proper because the CUP is necessary only for operating the facility and no new construction is proposed, leaving the architectural design consistent with the description of a Traditional Neighborhood and in conformance with Community Form Goal 1, Objectives (a), (b), (c), and (f). The Property, including signage, setbacks, and dimensional requirements, requires a CUP to restart operations paused by the COVID-19 pandemic; and, since no new construction is proposed, the Property will remain compatible with the surrounding neighborhood and enable ElderServe to positively impact local elderly residents' health and quality of life, consistent with Policies 11, 14, and 16.

Goal 2 encourages sustainable growth and density of developments around mixed-use centers and corridors. Objective (b) encourages sustainable growth by promoting quality of place and walkability in all neighborhoods. Granting relief from signage and building requirements is proper because it allows ElderServe to restart operations without requiring new construction activity, resulting in an efficient and cost-effective development opportunity which ensures visual compatibility with surrounding structures and encourages vitality and sense of place for local elderly citizens, who may not otherwise have access to similar aging services in their neighborhood, consistent with Policies 1, 6, 7, and 11.

Broadly, Goal 4's objectives encourage the preservation of distinct places and structures while remaining architecturally and visually compatible with the surrounding landscape. By granting relief from signage and building requirements, ElderServe will be authorized to recommence its services at its historical location while preserving the Property's character, consistent with Goal 4, Objectives (a), (b), and (c). The Property will house an organization with over 60 years of providing critical services to the West End's aging community and nearly 30 years at its current location. The CUP authorizes ElderServe to resume providing critical aging care at the Property without requiring new construction. Because only revitalization of the Property is proposed, its existing architectural features will be preserved and remain compatible with the surrounding neighborhood, consistent with Policies 1, 2, and 3.

Plan Element 4.2 Mobility (Goals 2.a, 3.b, c)

The plan element of Mobility promotes effective connectivity through the community via a safe and effective transportation system.

The Property meets Goals 2 and 3 of this plan element. Goal 2 seeks a safe, accessible, and efficient transportation system. No new construction is planned for the Property, including additional parking. Thus, existing features of the transportation system will be preserved and allows maintenance of existing transportation infrastructure, consistent with Objective (a), Policies 7 and 7.2. Goal 3 encourages land use and transportation patterns which connects Louisville Metro

and supports future growth, particularly through its objectives promoting walkability, infill development, transportation access, and transportation facilities which support and enhance neighborhood character. Consistent with Objectives (b) and (c), the Property is accessible through multiple means of travel. According to LOJIC Online, the Property's existing parking lot is supplemented by its location along a Local TARC Bus Route and is bordered by sidewalks on all sides. The proposed CUP is required for operations and no new construction is proposed. Thus, granting relief from signage and building requirements will hasten resumption of critical services for local elderly residents while remaining accessible through multimodal means of travel.

Plan Element 4.3 Community Facilities (Goals 1.a, 2.a, b, f, i, 3.a, c)

The intent of the Community Facilities plan element is to frame the community's vision for facilities that are accessible, resilient, compatible, and meet anticipated growth.

Goal 1 seeks to ensure accessibility of community facilities. As noted above, the Property can be accessed through multiple means, consistent with Goal 1, Objective (a). Under Goal 2, community facilities should improve quality of life and meet anticipated growth. ElderServe has provided critical services to the aging community in West Louisville, including overcoming social isolation, promoting wellness, and supporting independence of seniors. Availability of these services directly impact the quality of life for these local seniors. The need to restart ElderServe's services, which were exacerbated by the COVID-19 pandemic, meets Objectives (b) and (i) of Goal 2. In addition, according to LOJIC Online, the Property is connected to MSD who will service the Property's sewer facilities, and is located outside the floodplain, consistent with Goal 2, Objective (f).

Goal 3 is to design community facilities to be resilient while maintaining compatibility with the surrounding area. Providing relief from building and signage requirements for the Property would not detract from the residential character of the immediate neighborhood since the Property operated for nearly 30 years in its current location to the benefit of the surrounding community's elderly residents. No new construction is proposed, so no changes in location design, scale, and intensity are expected, and the Property will remain compatible with the surrounding neighborhood, consistent with Goal 3, Objectives (a) and (c). Neighborhood resilience will be strengthened by enhancing the independence and quality of life of elderly residents through the aging care services provided at the Property. Put differently, granting relief from signage and building requirements will quicken ElderServe's ability to operate, and the area will become more resilient without detracting from the residential character of the neighborhood.

Plan Element 4.4 Economic Development (Goals 1.b, d, 2.a, d, e)

The intent of the Economic Development plan element is to provide a framework for a healthy economic climate. The goals, objectives, and policies advance Louisville Metro's economic development vision by encouraging investment in areas facing disinvestment. Affording the applicant relief from building and signage requirements supports the resumption of operations at the earliest possible date. As a facility specializing in aging care, the Property will host a business sector specifically targeted by Goal 1, Objective (b). In its current state, the building is underused. Granting relief from building and signage requirements will hasten the revitalization of the building and facilitate the redevelopment of underused land in accordance with Goal 1, Objective (d).

Goal 2 seeks to enhance Louisville Metro's attractiveness in order to retain and develop a highly skilled workforce. The Property meets this goal by meeting Objectives (a), (d), and (e). Objective (a) aims to enhance quality of life throughout Louisville Metro. As noted above, granting relief from the building and signage requirements hastens the ability of ElderServe to restart operations and enhance the quality of life of local seniors through the provision of elder care services. The Property is located in the historic Russell neighborhood, a historically underserved neighborhood, and targets its services toward the elderly, a vulnerable population. By granting relief from building and signage requirements, the Board will demonstrate regulatory flexibility for the otherwise compatible land uses, consistent with Policy 2 and Objectives (d) and (e).

Plan Element 4.5 Livability (Goal 2.a)

The intent of the Livability plan element is to provide guidance and direction for the provision and maintenance of resources necessary for the health and well-being of the citizens.

Goal 2 seeks equitable health and safety outcomes for all Louisville Metro residents. The Property is located in a historically underserved community and neighborhood. Granting relief from building and signage requirements would hasten the reopening of the senior care center by authorizing operations at the Property without additional construction requirements. In granting relief and hastening ElderServe's restart of operations thereby, local elderly residents can access critical services specifically tailored to their health and well-being, consistent with Objective (a).

Plan Element 4.6 Housing (Goals 1.b, 2.e)

The proposed CUP and requested relief would not displace any existing residence. This plan element seeks to enhance housing opportunities to all citizens of Louisville. Specifically, the project's requested relief supports Goal 1, Objective (b) and Policy 2 by quickening the timeline to reopen the senior care facility, thereby supporting residents' ability to age in place independently and with dignity, while preserving the character of the historic Russell neighborhood. The applicant aims to revitalize the property as opposed to constructing a new and potentially incompatibly designed structure.

Granting relief from building and signage requirements will also meet Goal 2 of this element by promoting infill development near Elliot Park as adaptive re-use as opposed to new construction, consistent with Objective (e). Finally, the project will revitalize an underused property forced to close due to COVID-19 by providing a gathering place for seniors to live independent and dignified lives while receiving necessary health, wellness, and social opportunities, consistent with Goal 3, Objective (a).

In sum, the structural characteristics of the building will appropriately retain its distinctive physical, historic, and cultural qualities while responding to the needs of a growing number of elderly residents as noted in the Plan's introduction. The consequences of nonconformance do not impact the land use policies or goals for the Form District or otherwise impair the Plan's evaluation of appropriateness for permitting ElderServe's proposed operations, while denying relief from building and signage requirements would impose additional construction requirements on the applicant and thereby impair the area's elderly residents' abilities to obtain critical aging care services by delaying recommencement of ElderServe's operations.

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