

Board of Zoning Adjustment

Staff Report

October 2, 2023



Case No:	23-CUP-0216
Project Name:	Preston Street Rehabilitation Home
Location:	726 S Preston Street
Owner:	WW Spralding Rest Home & Mary E Spralding
Applicant:	Ladies and Gentlemen of Promise Ryan Fenwick
Jurisdiction:	Louisville Metro
Council District:	4 – Jecorey Arthur
Case Manager:	Molly Clark, Planner II

REQUEST

- Conditional Use Permit to allow a rehabilitation home (LDC) 4.2.31

CASE SUMMARY/BACKGROUND

The subject property is located near the intersection of Preston and E Jacob Streets. It is zoned C-2 Commercial and is in the Downtown Form District. There is an existing one-story commercial structure that is approximately 5,000 sq. ft. containing 4 bedrooms. The applicant is proposing to operate a rehabilitation home in the existing structure for 16 to 24 men and women. There will be 24-hour supervision with staff present. Services offered will include 24-hour residential treatment for 30 days or more including two hours of group therapy five days a week, one hour of individual therapy per week, family therapy, mental health and other prescription medicines. Residents will not be allowed to leave the facility while receiving treatment. The applicant will provide parking to the side of the building along E. Jacob Street.

STAFF FINDING

There are ten listed requirements under the Rehabilitation Home Conditional Use Permit. The applicant will be meeting all listed requirements except for standard A.

The applicant needs to provide the square footage of each bedroom.

TECHNICAL REVIEW

The plan has received preliminary approval from Louisville MSD and Transportation Planning.

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 consistent with applicable policies of the Comprehensive Plan.

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

STAFF: The proposed use is compatible with surrounding development and land uses. The applicant is providing adequate parking for employees and residents. The existing building is commercial in nature and is compatible with surrounding non-residential developments. There are no proposed exterior changes.

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 subject property is served by existing public utilities and facilities. Transportation Planning and MSD have reviewed and approved the proposal. There are several bus stops located on E Broadway and S Preston St that are within walking distance of the subject site.

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 zoning district upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. All bedrooms and sleeping areas shall meet the current occupancy limitations required in LMCO and any applicable building, fire, or life safety code.
- B. Nonresidential uses and services, excluding those that are accessory to the Rehabilitation Home use, shall not be carried out unless otherwise permitted and approved as a separate use.
- C. When reviewing a conditional use permit application for a Rehabilitation Home, the BOZA shall, to the best of its abilities, find that the establishment of the use will not result in harm to the health, safety, or general welfare of the surrounding neighborhood. The property on which a Rehabilitation Home is situated shall not be located closer than 1,000 feet (measured in a straight line from nearest property line to nearest property line) to any property on which another Commercial Boarding House, Rehabilitation Home, or Transitional Housing use that has been approved by a conditional use permit is situated.
- D. A Rehabilitation Home shall meet the health, sanitation, structural, property maintenance, fire, and life safety requirements of any currently applicable federal, state, and local laws.
- E. A Rehabilitation Home shall provide appropriate 24-hour supervision of its residents and adequate support services for its residents.

F. Additional Residential Zoning District Standards:

1. A Rehabilitation Home in a single-family residential zoning district (R-R, R-E, R-1, R-2, R-3, R-4, R-5, or U-N) shall have a maximum of four (4) residents. The maximum number of residents of a Rehabilitation Home in a multi-residential zoning district (R-5A, R-5B, R-6, R-7, or R-8A) shall be determined by the BOZA.
2. Any building in which the Rehabilitation Home use is situated shall be residential in design and appearance.
3. 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 established residential uses shall increase side yards by 10 feet for each story over two (2).
4. The required parking for the use is set forth in Chapter 9 of this Land Development Code. The BOZA may require additional parking if warranted.
5. Signage for the use is permitted in accordance with Chapter 8 of this Land Development Code. The BOZA may further restrict signage if warranted.

G. Additional Nonresidential Zoning District Standards:

1. The maximum number of residents of a Rehabilitation Home in a nonresidential zoning district shall be determined by the BOZA.
2. The parking requirements for the use are set forth in Chapter 9 of this Land Development Code. The BOZA may require additional or restrict parking if warranted.
3. Signage for the use is permitted in accordance with Chapter 8 of this Land Development Code. The BOZA may further restrict signage if warranted.

H. For a complete application submittal for any Rehabilitation Home conditional use permit, in addition to the documentation required of all conditional use permit applications, the following additional information shall be provided:

1. Type of resident population to be served, if any;
2. The maximum number of residents/beds and maximum number of employees;
3. Floor plans of any building subject to the use (showing the location and dimensions of all bedrooms and sleeping areas);
4. A written statement, plans, and/or permits indicating how any building subject to the application meets or will be adapted to meet all applicable building codes for the use if approved; and
5. Rules of conduct and management plan. In the event a conditional use permit for a rehabilitation home is approved, any change to the foregoing information must be approved by the BOZA as a modification pursuant to Section 11.5A.1 of this Land Development Code.

- I. If a Rehabilitation Home with an approved conditional use permit is subject to two (2) or more substantiated civil and/or criminal complaints within a 12 month period, the Planning Director may request that the BOZA revoke the conditional use permit in accordance with Section 11.5A.6 of this Land Development Code. Civil complaints include, but are not limited to, reported violations of building, safety, property maintenance, nuisance, health and sanitation, fire, electrical, plumbing, and mechanical codes. Criminal complaints include, but are not limited to, reported drug activity, theft and criminal mischief.
- J. An active license of the Rehabilitation Home, as required by LMCO Chapter 115, shall be maintained. No such housing may take place unless the license is active and in the name of the current operator and property owner. If the license is not renewed and lapses for six (6) months, or in the event of a change in ownership and/or operator, a new license is not issued within six (6) months from the date of the change, the conditional use permit shall become null and void. In order to recommence any Rehabilitation Home use, a new conditional use permit must be granted if required.

STAFF: The proposed rehabilitation facility will have up to 24 residents and will provide services to both men and women. There are no other approved group housing conditional use permits within 1000 feet of the subject site. There will be 24-hour staff supervision including a psychiatrist, licensed clinical social workers, nurse practitioner, licensed nurses, licensed medical tech, alcohol/drug counselors and overnight monitors. The applicant is proposing 10 staff members per shift. There are no exterior changes being proposed. The applicant is also meeting parking regulations set forth in chapter 9 of the LDC. The subject site is located in C-2 Commercial which is a non-residential zoning district. House rules and management plan have been provided by the applicant.

REQUIRED ACTION

- **APPROVE** or **DENY** the **CONDITIONAL USE PERMIT** to allow a rehabilitation home (LDC) 4.2.31

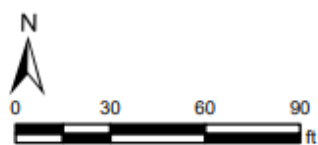
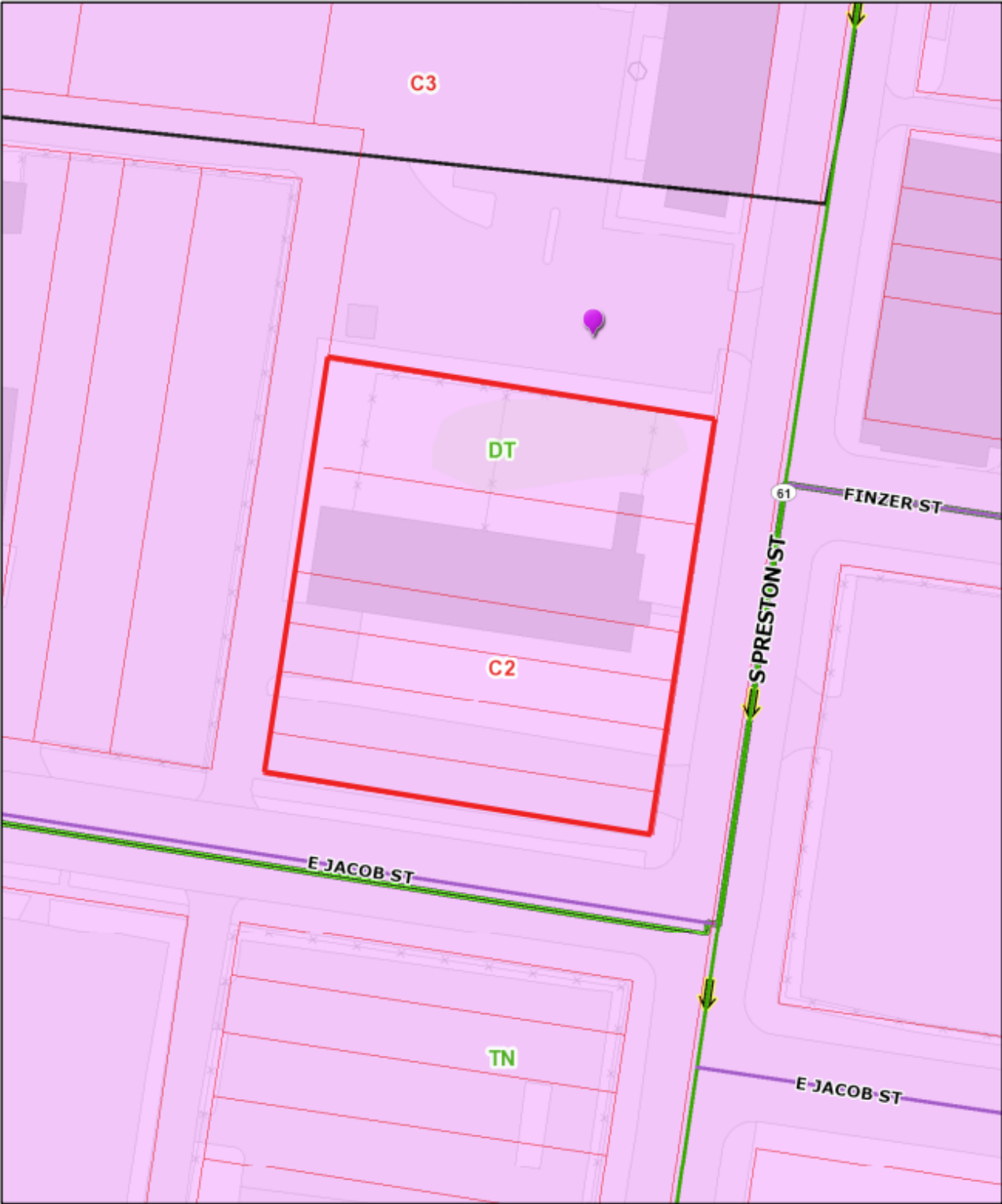
NOTIFICATION

Date	Purpose of Notice	Recipients
09-18-23	Hearing before BOZA	1 st and 2 nd tier adjoining property owners and residents Registered Neighborhood Groups in Council District 4
09-19-23	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Conditions of Approval

1. Zoning Map



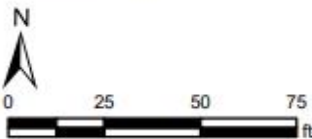
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2. Aerial Photograph



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3. 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 use until further review and approval by the Board.
3. Prior to lawful commencement of the rehabilitation home use the applicant shall obtain all permits and necessary approvals required by the Office of Construction Review and other governmental agencies.
4. Maximum full-time occupancy shall be limited to 24 residents.