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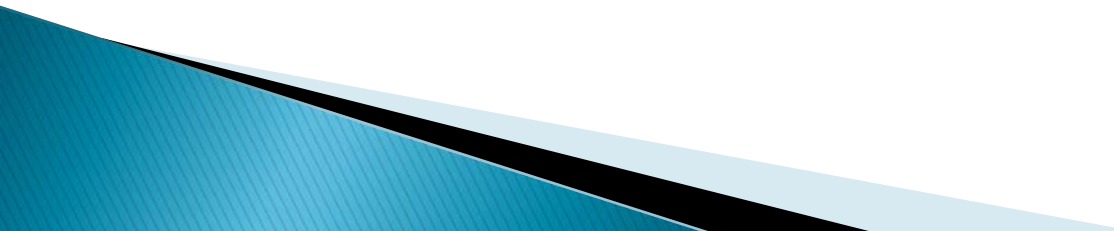
A Category 3 Development Plan with variances and waiver
to allow an apartment community at the former Mercy
Academy at 1170 and 1172 E. Broadway



EDWARDS COMMUNITIES

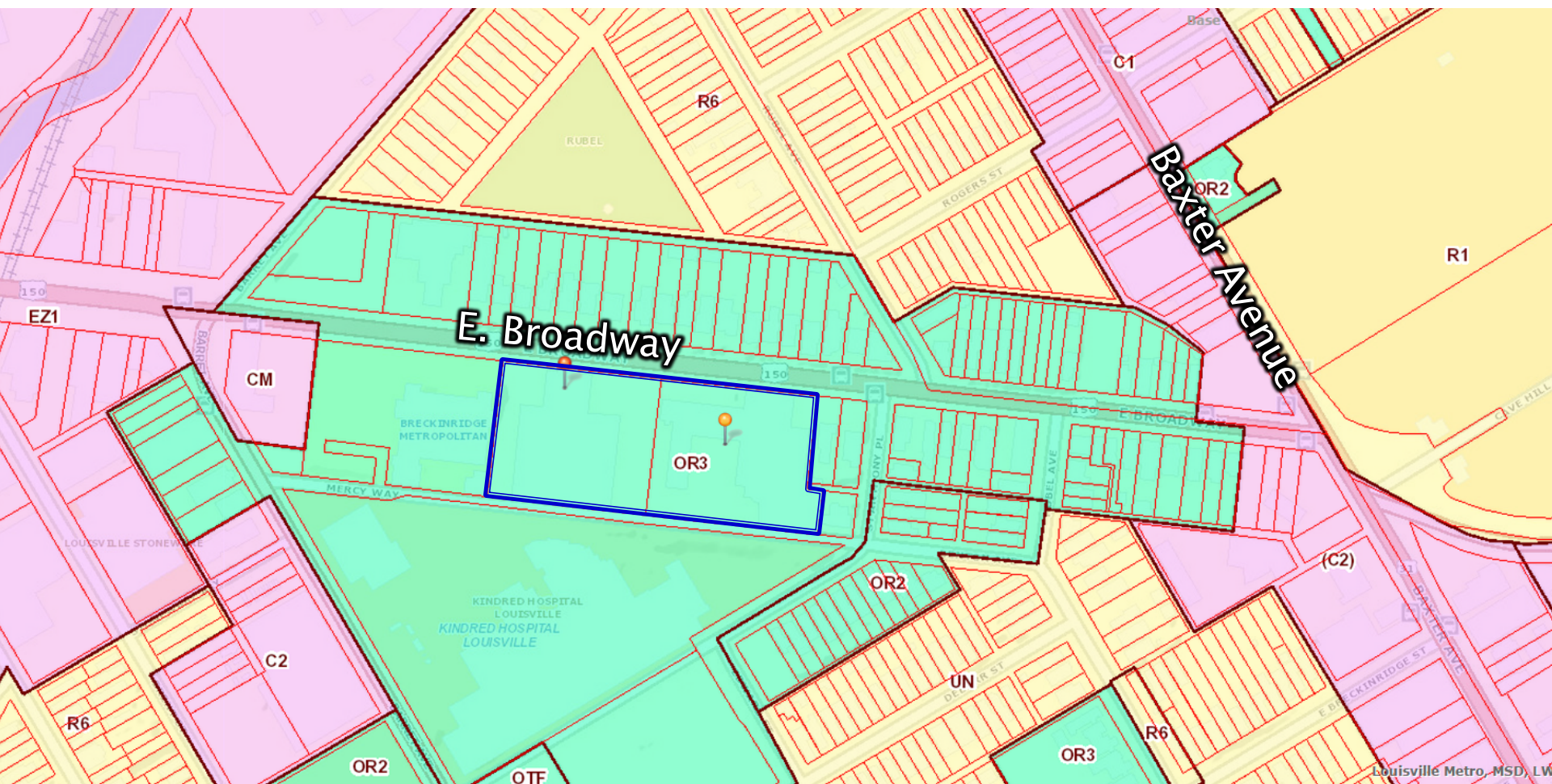
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Tab 1

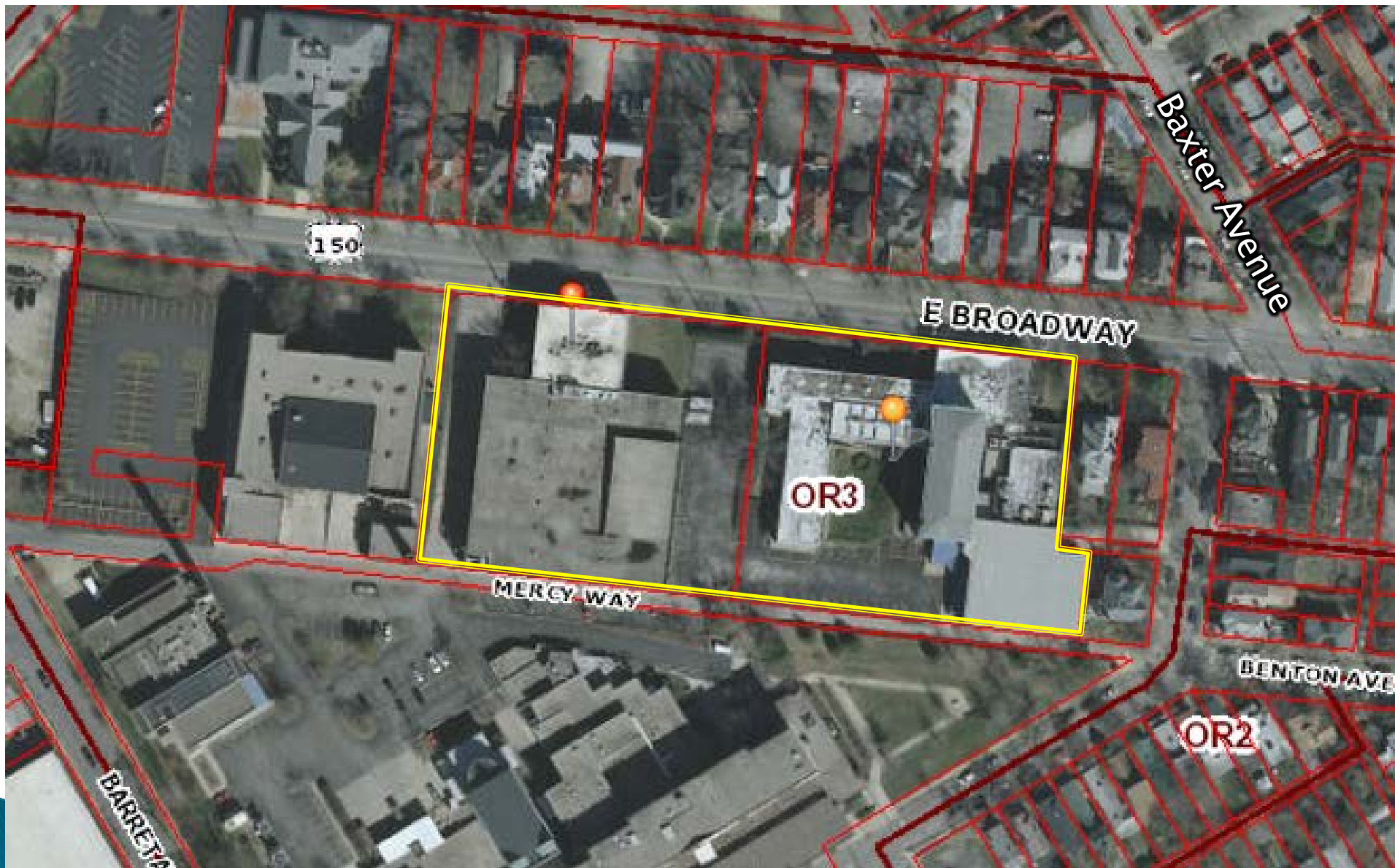
LOJIC ZONING MAP



Tab 2

Aerial photograph of the site and
surrounding area







E BROADWAY

LANDSCAPED
GREENSPACE

E BROADWAY

RUBEL AVENUE

EXISTING
MEDICAL
BUILDING

EXISTING 5-STORY
PARKING GARAGE

CLUBHOUSE
& LEASING

LANDSCAPED
COURTYARD

POOL

LANDSCAPED
COURTYARD

4-STORY APARTMENTS

MERCY WAY

KINDRED HOSPITAL
LOUISVILLE

ST ANTHONY PLACE



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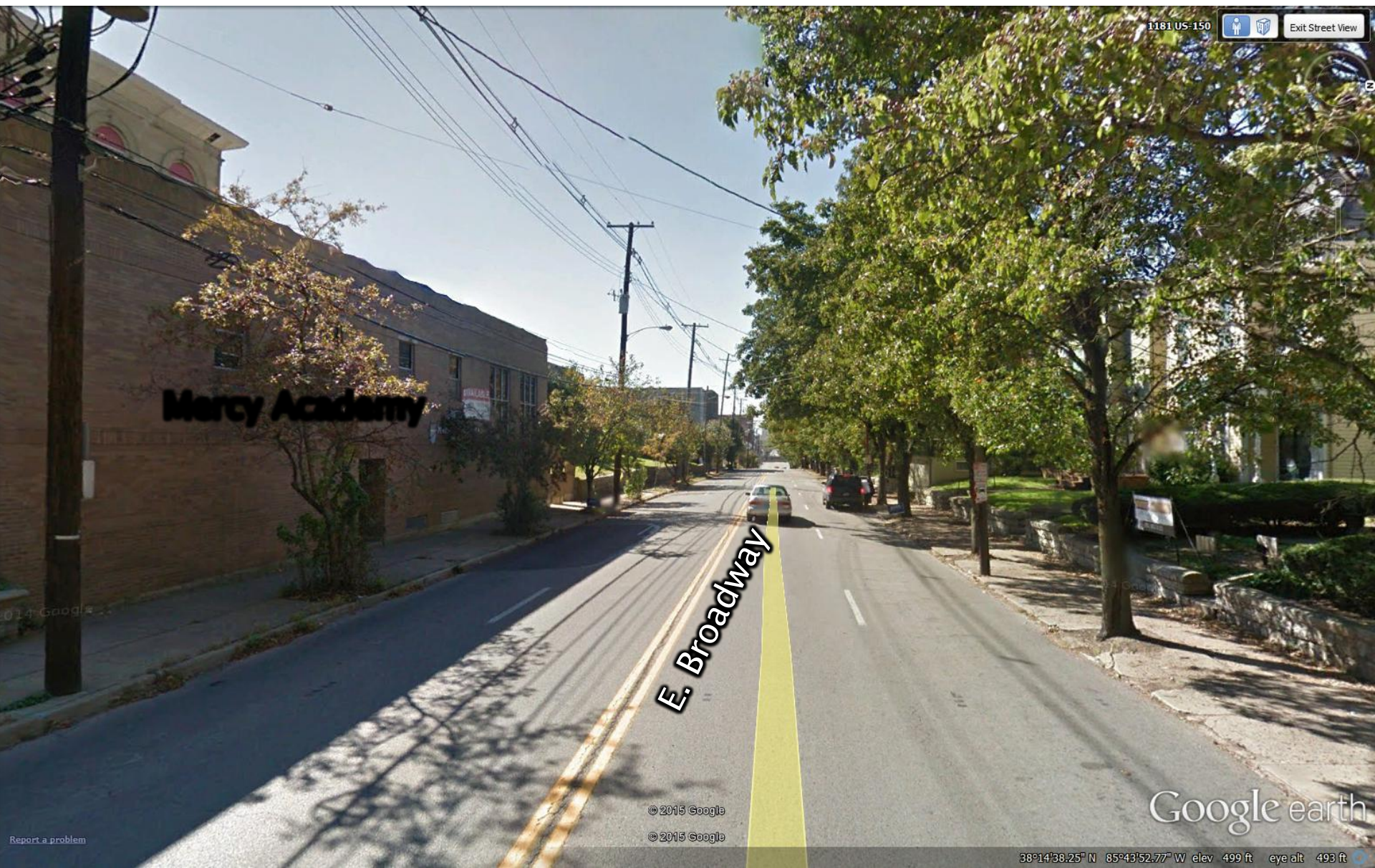
Google earth

Imagery Date: 9/22/2014 38°14'37.28" N 85°43'53.99" W elev 482 ft eye alt 929 ft

Tab 3

Ground level photographs of the site and
surrounding area

Looking west down E. Broadway. Mercy is to the left.



View of Mercy from E. Broadway.



1178 US-150



Exit Street View

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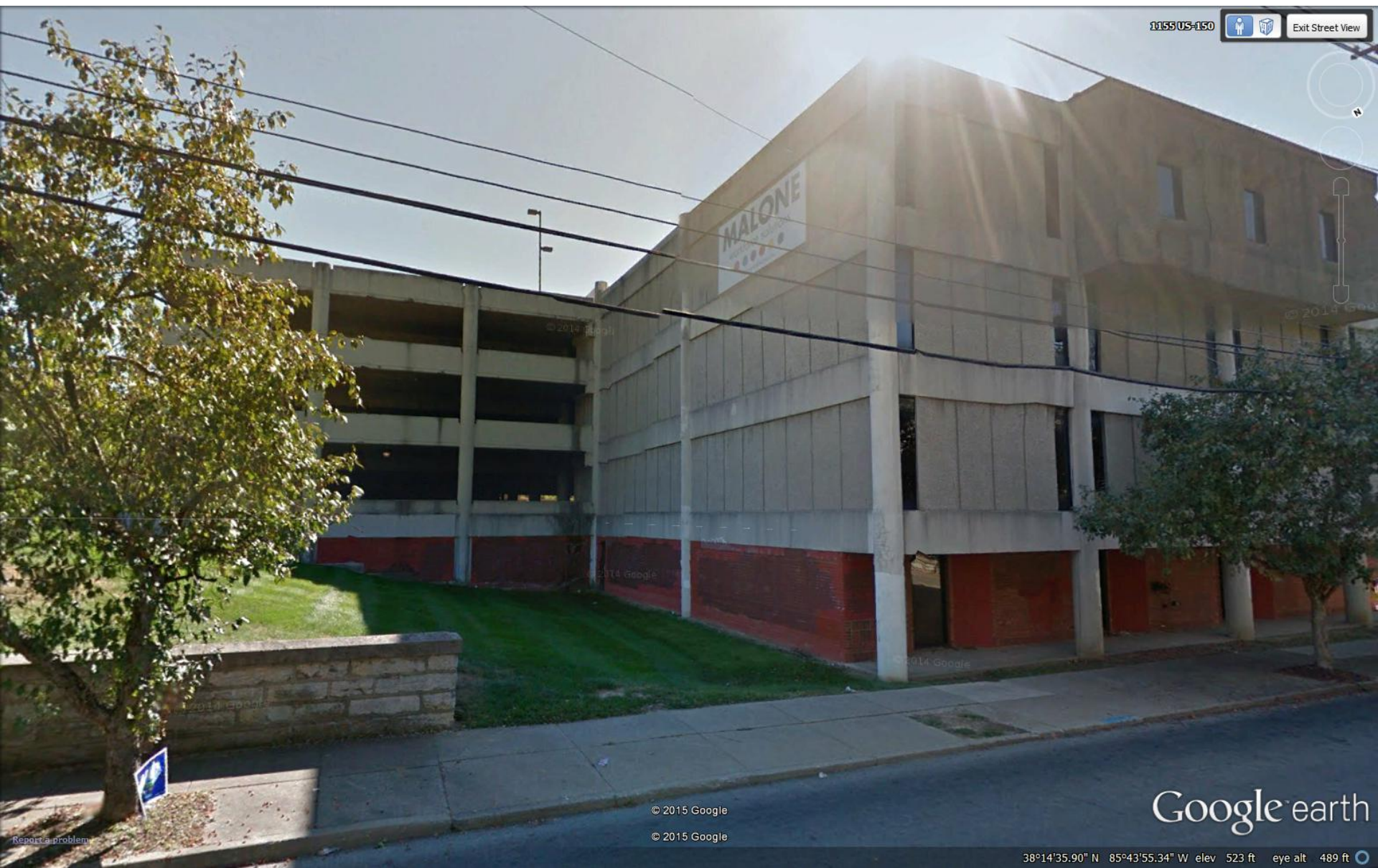
© 2015 Google

Google earth

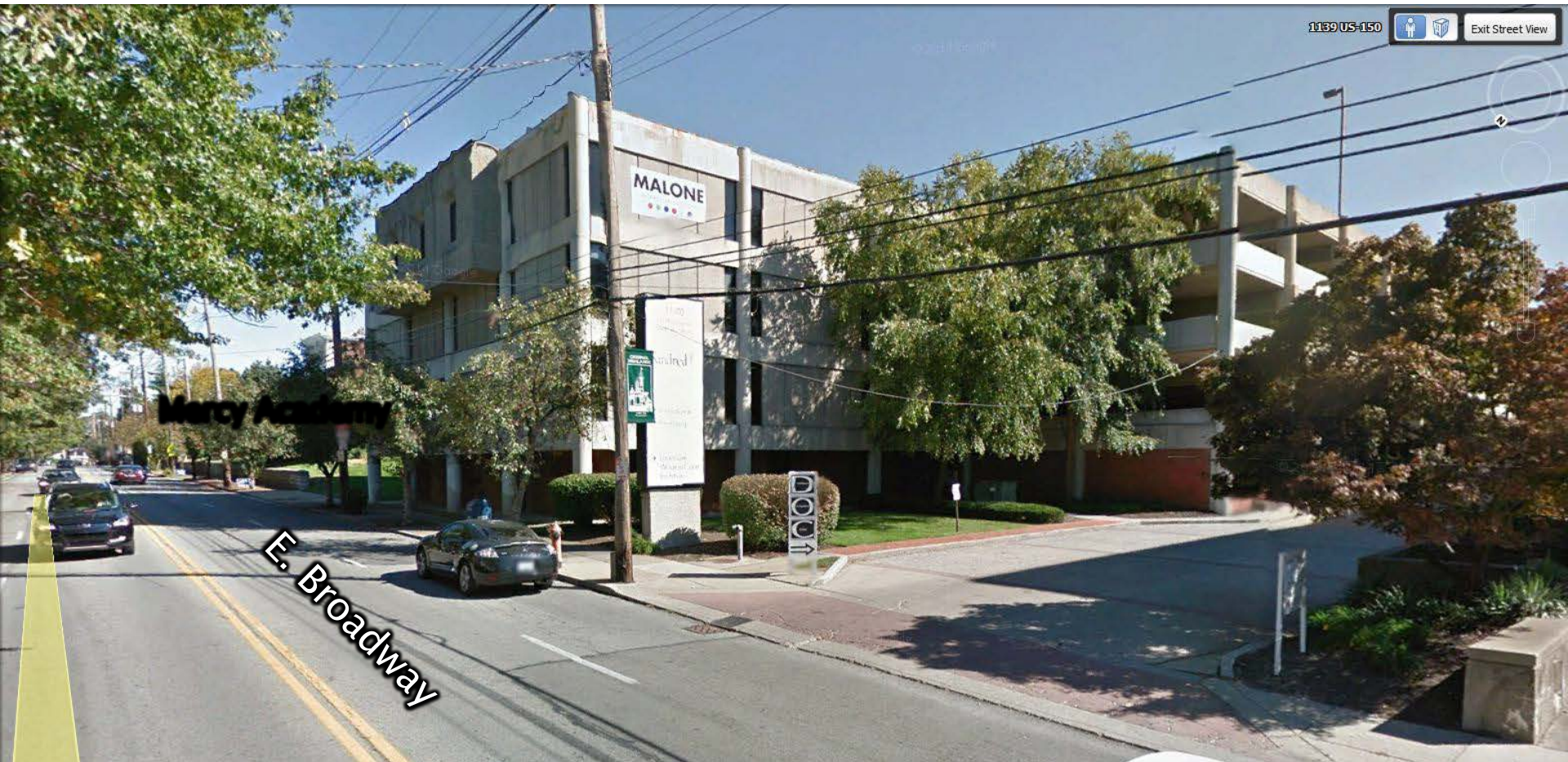
38°14'37.77" N 85°43'50.82" W elev 501 ft eye alt 492 ft

Report a problem

View of existing medical offices and parking garage just west of Mercy.



Looking east down E. Broadway towards the medical offices.



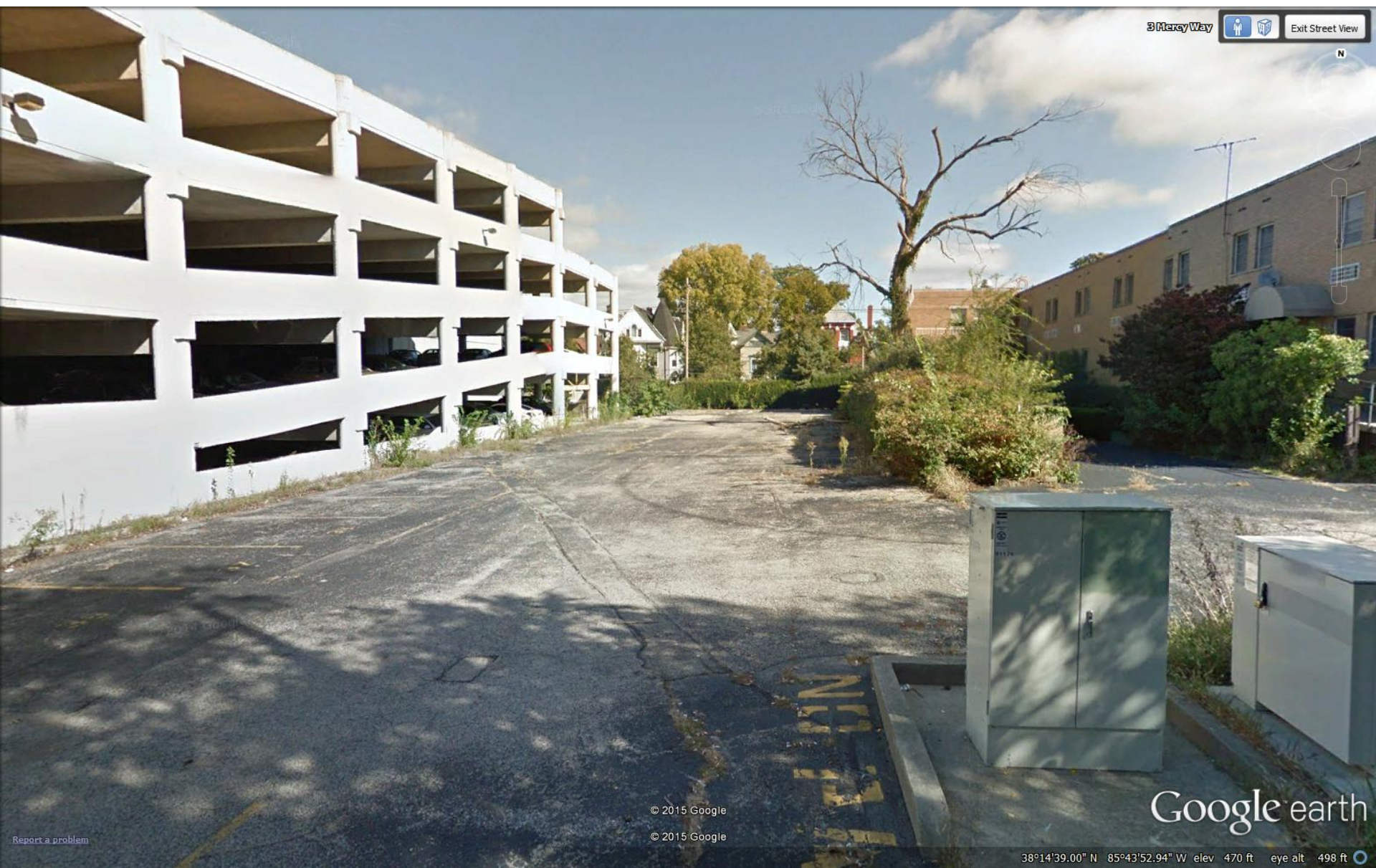
Looking at the rear of Mercy Academy from Mercy Way.



Looking west down Mercy Way towards the medical offices. Mercy Academy is to the right.



Looking north from Mercy Way with the medical office parking garage to the west and Mercy Academy to the east.



3 Mercy Way



Exit Street View

N

© 2015 Google

© 2015 Google

Google earth

38°14'39.00" N 85°43'52.94" W elev 470 ft eye alt 498 ft

Report a problem

Looking northeast towards Mercy Academy from Mercy Way.



3 Mercy Way

Exit Street View

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Google earth

38°14'36.33" N 85°43'51.73" W elev 502 ft eye alt 498 ft

Interior view of Mercy Academy.



View of damaged soffit.





View of damaged soffit.



Tab 4

Site plan showing location of Variances

Tab 5

Building elevations



PAUL W. KELLEY





NORTH ELEVATION

SCALE: 1/16" = 1'-0"



SOUTH ELEVATION

SCALE: 1/16" = 1'-0"



EAST ELEVATION

SCALE: 1/16" = 1'-0"



WEST ELEVATION

SCALE: 1/16" = 1'-0"

Tab 6

Variances and Waiver Justification Statements

Variance of: Section 5.2.2, Table 5.2.2, to allow the building height to be 4-stories 60 ft, measured from the street entrance off Broadway.

1. The variance will not adversely affect the public health, safety or welfare because height is aesthetic issue, but in any event the adjoining existing parking garage and medical office building are also 4-stories, and the existing Mercy Academy building on site to the eave is approximately 53 ft above lowest adjacent grade, meaning top of the wall or about 56 ft measured from the street entrance off Broadway.
2. The variance will not alter the essential character of the general vicinity for the reasons set forth above, meaning that the height variance is for a new apartment building keeping with adjoining structures.
3. The variance will not cause a hazard or a nuisance to the public because this height variance does not represent a nuisance issue, but rather an aesthetic one.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this height variance is a very modest one, mostly reflecting the fact of higher ceilings in newer as opposed to in older buildings.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because, as referenced above, the adjoining medical office building and parking garage are nearly the same height or higher and because of higher ceilings in modern day buildings.
2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because it would have to decrease floor heights in the building or eliminate a story, making the project impractical or financially infeasible.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation but rather are the result mostly of modern day building conditions which call for higher ceilings than in the past and also the result of compatibility with adjoining medical office building and parking garage structures.

Variance of: Section 5.2.3.D.b to allow the side yard to be reduced from 5ft to 0 ft for Lot 1, Medical Office building on the east side as a consequence of subdividing the medical office building from the parking garage into one lot and consolidating the parking garage and new apartment building into another lot.

1. The variance will not adversely affect the public health, safety or welfare because this variance is internal to the overall development, having no impact on any other properties.
2. The variance will not alter the essential character of the general vicinity because this variance is internal to the overall development, having no impact on any other properties.
3. The variance will not cause a hazard or a nuisance to the public because this variance is internal to the overall development, having no impact on any other properties.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this variance is internal to the overall development, having no impact on any other properties.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because this variance is internal to the overall development, having no impact on any other properties.
2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because this variance is internal to the overall development, having no impact on any other properties. Disallowing this variance would render the project impractical.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because this variance is internal to the overall development, having no impact on any other properties.

Variance of: Section 5.2.3.D.c.ii to allow the rear yard to be reduced from 5ft to 0 ft for Lot 1, Medical Office building on the east side as a consequence of subdividing the medical office building from the parking garage into one lot and consolidating the parking garage and new apartment building into another lot.

1. The variance will not adversely affect the public health, safety or welfare because this variance is internal to the overall development, having no impact on any other properties.
2. The variance will not alter the essential character of the general vicinity because this variance is internal to the overall development, having no impact on any other properties.
3. The variance will not cause a hazard or a nuisance to the public because this variance is internal to the overall development, having no impact on any other properties.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because this variance is internal to the overall development, having no impact on any other properties.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because this variance is internal to the overall development, having no impact on any other properties.
2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because this variance is internal to the overall development, having no impact on any other properties. Disallowing this variance would render the project impractical.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because this variance is internal to the overall development, having no impact on any other properties.

Variance of: Section 5.4.E.2 to allow the existing parking garage to encroach 3.5 ft into the required 5 ft rear yard.

1. The variance will not adversely affect the public health, safety or welfare because the encroachment of the existing garage into its rear yard does not change the present circumstance. As stated, this variance is to accommodate an already built structure where it currently exists.
2. The variance will not alter the essential character of the general vicinity because the encroachment of the existing garage into its rear yard does not change the present circumstance. As stated, this variance is to accommodate an already built structure where it currently exists.
3. The variance will not cause a hazard or a nuisance to the public because the encroachment of the existing garage into its rear yard does not change the present circumstance. As stated, this variance is to accommodate an already built structure where it currently exists.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the encroachment of the existing garage into its rear yard does not change the present circumstance. As stated, this variance is to accommodate an already built structure where it currently exists.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because the encroachment of the existing garage into its rear yard does not change the present circumstance. As stated, this variance is to accommodate an already built structure where it currently exists.
2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the applicant would have to remove some or all of the presently existing garage structure, which it can't do.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation because the encroachment of the existing garage into its rear yard does not change the present circumstance. As stated, this variance is to accommodate an already built structure where it currently exists.

Waiver from the 5.4.1 Traditional Form District requirements as respects the typical requirement to satisfy the four basic components of a lot or building site, to wit: the public realm area, the principal area, the private yard area, and the accessory/use structure area whereby new and infill context development in the Traditional Forms are supposed to maintain this pattern except for non-residential and “mixed use” site design, which prior to this specific waiver application, this applicant thought applied instead because of the office building component of this apartment building/garage structure/office building development plan.

1. The waiver will not adversely affect the public health, safety or welfare because the location of the structures and open yard areas are not public health, safety or welfare issues but rather aesthetic ones that are fully addressed in the plans and building elevations submitted with this overall application.
2. The waiver will not alter the essential character of the general vicinity because the existing long-vacant structures being replaced with this apartment community, which includes parking and office buildings, do not comply with this 5.4.1 design scheme, and neither do the hospital buildings which exist to the west of this site.
3. The waiver will not cause a hazard or a nuisance to the public because the location of the structures and open yard areas are not nuisance issues but rather aesthetic ones that are fully addressed in the plans and building elevations submitted with this overall application.
4. The waiver will not allow an unreasonable circumvention of the requirements of the zoning regulations because the site plan was designed as if it complied with the mixed use site design standards, which presumably this would be but for the lot lines around the office building, although the office building is a part of the development plan submitted with this overall application.

Additional consideration:

1. The waiver arises from special circumstances, which do not generally apply to land in the general vicinity because this development plan is a great improvement over the long-vacant hodge-podge of buildings that have been constructed on this site over decades, which buildings also do not currently satisfy these Form District site design requirements, and neither do the hospital buildings next door.
2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the applicant would be unable to construct its apartment community in the sensible manner that it has already designed them based on its understanding and belief that the mixed use site design standards should apply instead.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation but rather are a result of a late DPDS staff interpretation that the mixed use design standards of Section 5.5.1 do not apply but apparently rather do the residential design standards of Section 5.4.1. Also, the circumstances of the present development of this site should have an influence on the granting of this waiver for this improved use and design of this long-vacant site.

Variance from Table 5.2.2 Traditional Form District Dimensional Standards as respects the typical requirement to satisfy the four basic components of a lot or building site, to wit: the public realm area, the principal area, the private yard area, and the accessory/use structure area whereby new and infill context development in the Traditional Forms are supposed to maintain this pattern accept for non-residential and “mixed use” site design, which prior to this specific variance application, this applicant thought applied instead because of the office building component of this apartment building/garage structure/office building development plan.

1. The variance will not adversely affect the public health, safety or welfare because the location of the structure relative to the supposed required front setback is not a public health, safety or welfare issue but rather an aesthetic one that is fully addressed in the plans and building elevations submitted with this overall application.
2. The variance will not alter the essential character of the general vicinity because the existing long-vacant structures being replaced with this apartment community, which includes parking and office buildings, do not comply with this 5.4.1 design scheme, and neither do the hospital buildings which exists to the west of this site.
3. The variance will not cause a hazard or a nuisance to the public because the front setback location of the structures are not nuisance issues but rather aesthetic ones that are fully addressed in the plans and building elevations submitted with this overall application.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the site plan was designed as if it complied with the mixed use site design standards, which presumably this would be but for the lot lines around the office building, although the office building is a part of the development plan submitted with this overall application. The proposed front setback is not different than other buildings along this section of Broadway.

Additional consideration (Cont. from Variance from Table 5.2.2):

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity because this development plan is a great improvement over the long-vacant hodge-podge of buildings that have been constructed on this site over decades, which building also do not currently satisfy these Form District site design requirements, and neither to the hospital buildings next door. The front setback proposed for this project is similar to that of other buildings along Broadway.
2. Strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship because the applicant would be unable to construct its apartment community in a sensible manner that it has already designed them based on its understanding and belief that the mixed use site design standards should apply instead.
3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation but rather are a result of a late DPDS staff interpretation that the mixed use design standards of Section 5.5.1 do not apply but apparently rather do the residential design standards of Section 5.4.1. That apparently results in a 15 ft setback which is greater than the site design proposed. Also, the circumstances of the present development of this site should have an influence on the granting of this variance for this improved use and design of this long-vacant site.