

Land Development and Transportation Committee Staff Report

April 10, 2014



Case No:	13DEVPLAN1081
Request:	Revised Detailed District Development Plan and Amendment to Binding Elements for an addition to an existing nursing home
Project Name:	Post-Acute Care Center
Location:	3500 Good Samaritan Way
Owner:	The Evangelical Lutheran Good Samaritan Society
Applicant:	Prince Alexander Architects, Inc.
Representative:	Prince Alexander Architects, Inc.
Jurisdiction:	Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	David B. Wagner – Planner II

REQUEST

- Revised Detailed District Development Plan
- Amendment to Binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

This request is for the expansion of an existing nursing home to add a rehabilitation wing. An additional 12,068 SF will be added to the existing 43,503 SF of building footprint. Eight new parking spaces will be added, bringing the total provided parking up to 85 parking spaces. This amount is well within the required parking between 57 to 151 spaces. The required landscaping will be provided and the 30' minimum setback for nursing homes from any property line will be met. A sidewalk has also been added along Jefferson Street that will connect to an internal sidewalk to the expansion entrance. There is an approved Conditional Use Permit (CUP) on the site to allow the nursing home. Since that previous approval, the City of Jeffersontown has established a separate Board of Zoning Adjustment. That body will need to approve a Modified CUP Plan for the site.

Existing Zoning District: R-7, Multi-Family Residential
Proposed Zoning District: N/A
Existing Form District: Town Center
Existing Use: Nursing Home
Proposed Use: Nursing Home
Minimum Parking Spaces Required: 57
Maximum Parking Spaces Allowed: 151
Parking Spaces Proposed: 85

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Nursing Home	R-7	TC
Proposed	N/A	N/A	N/A
Surrounding Properties			
North	Single Family Residential	R-4	N
South	Church, Auto Service, Single Family Residential, Cemetery	R-4, R-6, CM	TC
East	Government, School	R-4, C-2	TC
West	Single Family Residential, Office, Retail	R-4, CN, C-2	TC, N

PREVIOUS CASES ON SITE

- 9-53-79: Re-zoning from R-4 to R-7, Detailed District Development Plan for Nursing Home and Elderly Housing
- B-76-79: CUP for a Nursing Home

INTERESTED PARTY COMMENTS

- Staff has not received any inquiries by interested parties.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and AMENDMENT TO BINDING ELEMENTS

- a. The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;

STAFF: There does not appear to be any environmental constraints or historic resources on the subject site. Additional landscaping will be provided along the southern boundary of the site and the existing tree coverage along the western boundary of the site will be left as is.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development has been provided. An entrance and sidewalk have been provided along Jefferson Street that will connect the building to the sidewalk via the internal walkways. Metro Public Works has approved the preliminary development plan on condition that the applicant submits revised plans showing the planned right-of-way dedication along Watterson trail.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Open Space is not required for this proposal.

- d. The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;

STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. The site is currently used as a nursing home and since the use will remain the same, no additional burden will be placed on adjoining property owners. Additional landscaping will be provided along the southern boundary of the site to help mitigate any concerns.

- f. Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan appears to conform to the intent of guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

TECHNICAL REVIEW

- This plan complies with the regulations within the Land Development Code except that the City of Jeffersontown Board of Zoning Adjustment must approve a Modified CUP Plan
- Revised plans showing the right-of-way dedication along Watterson Trail will need to be submitted before transmittal of the plans to the City of Jeffersontown.

STAFF CONCLUSIONS

The addition of the rehabilitation wing of the nursing home will continue the current use on the site. All regulations in the LDC have been complied with and any concerns by adjoining property owners should be mitigated by the additional landscaping being provided along the southern boundary.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Land Development and Transportation Committee must **RECOMMEND** to the City of Jeffersontown to **APPROVE** or **DENY** the proposal for a Revised Detailed District Development Plan and Amendment to Binding Elements **ON CONDITION** that the applicant submits revised plans showing the right-of-way dedication along Watterson Trail.

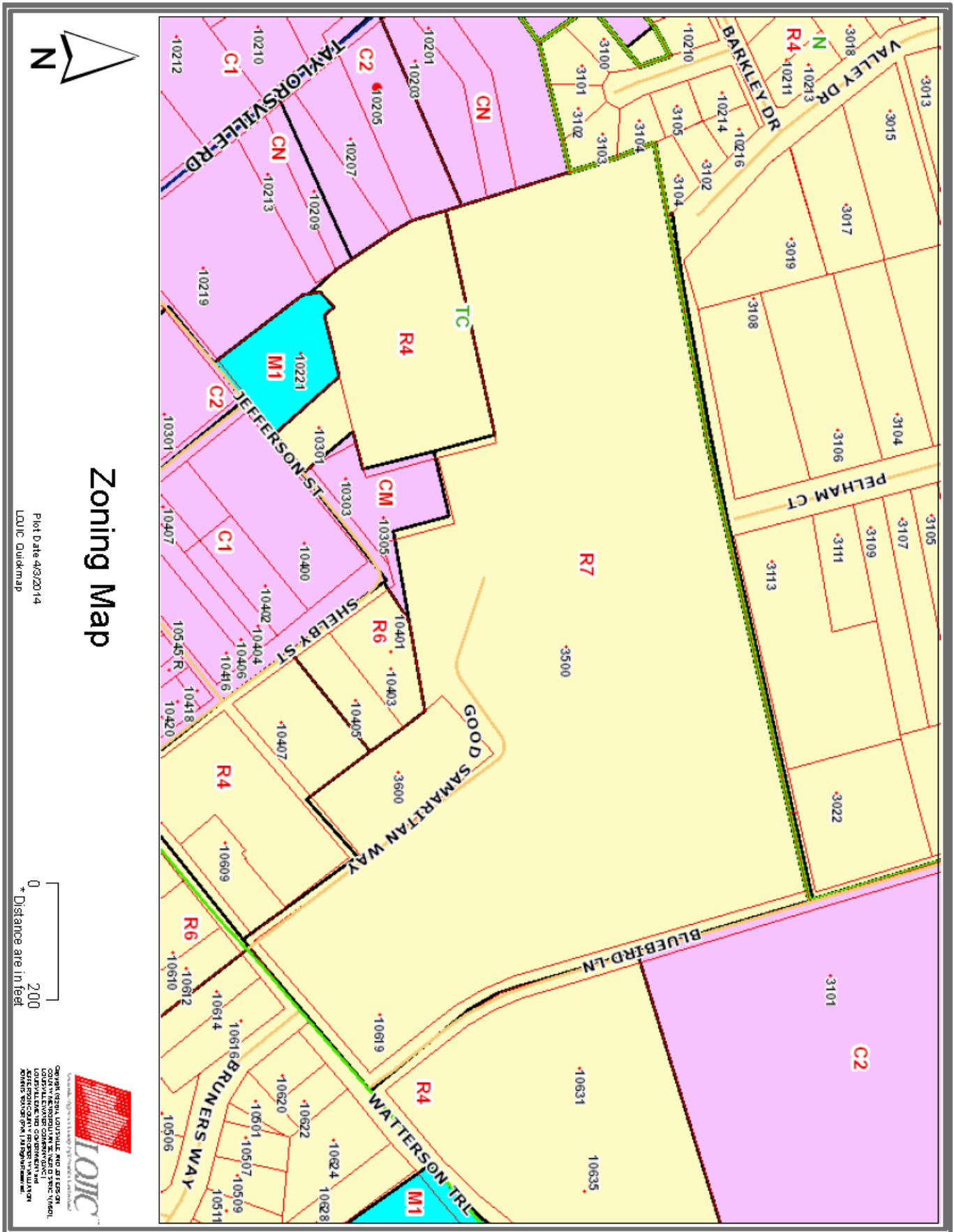
NOTIFICATION

Date	Purpose of Notice	Recipients
03/28/14	Meeting before LDT	1 st tier adjoining property owners Speakers at Planning Commission public hearing Subscribers to Council District 11 Notification of Development Proposals

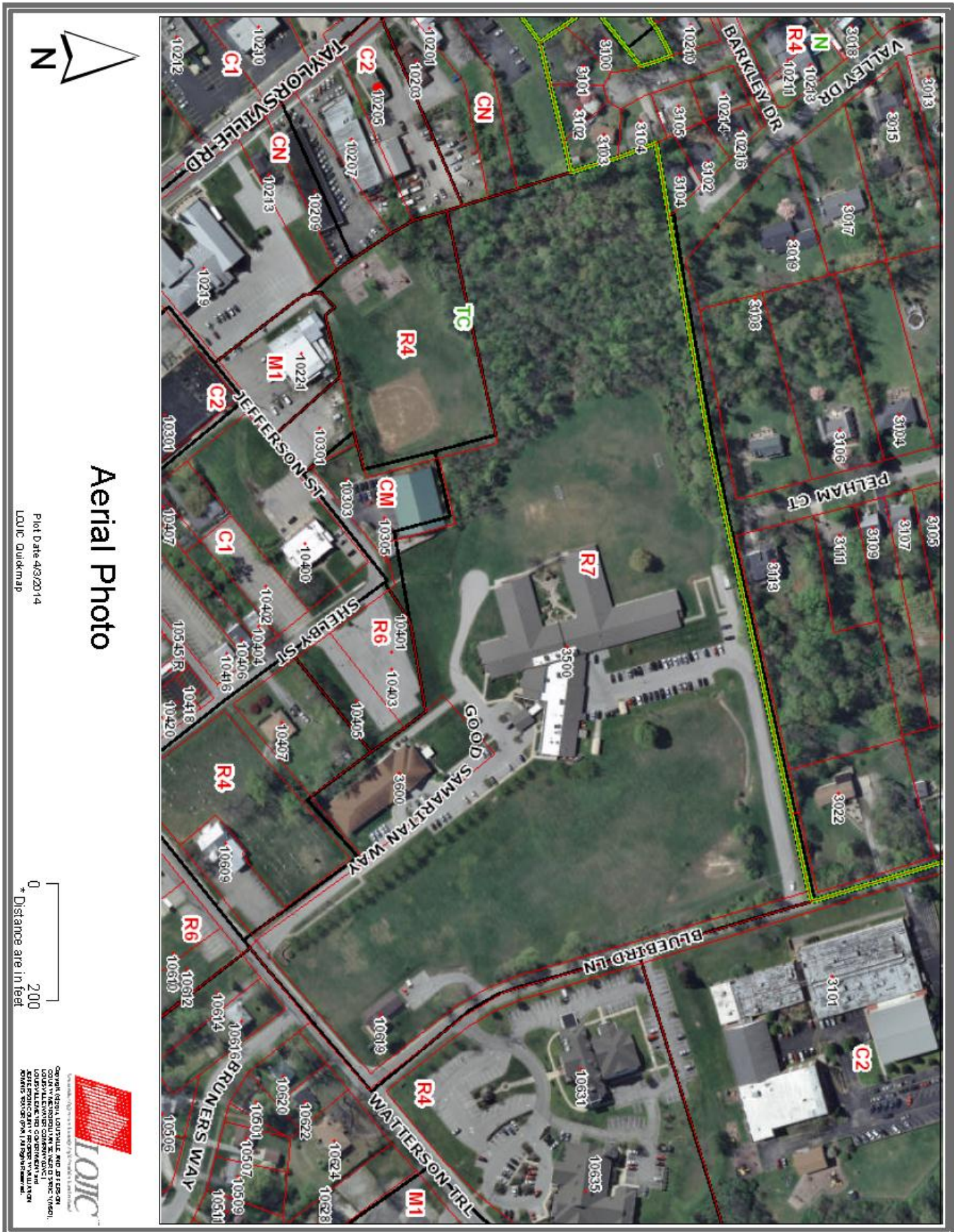
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Elements

1. **Zoning Map**



2. Aerial Photograph



3. Existing Binding Elements

1. The density of the development shall not exceed 12.98 units per acre (232 dwelling units on 17.876 acres).
2. Additional right-of-way will be dedicated to Watterson Trail to provide a total of 40 feet from the centerline along the frontage of this property. Additional right-of-way will be dedicated to Bluebird Lane to provide a total of 35 feet from the centerline along the frontage of this property.
3. A Conditional Use Permit will be obtained from the Board of Zoning Adjustment to allow the nursing home facility. If such a permit is not obtained, no building permits will be issued for that portion of the site until a revised district development plan is submitted to and approved by the Planning Commission.
4. Access to the site will be only at locations shown on the approved district development plan. A minimum of 271 off-street parking spaces will be provided.
5. The size and location of any advertising or identification signs will be submitted to the Planning Commission for review and approval prior to issuance of any sign permit.
6. The development will be constructed in accordance with the approved detailed district development plan.
7. The plan must be reapproved by the Water Management Section of the Jefferson County Works Department, the Traffic Engineering Department and the Fire Safety Officer before building permits are issued.
8. Unless use in accordance with the approved plan and binding elements have been substantially established within one year from the date of approval of the plan or rezoning whichever is later, the property may not be used in any manner until such time as a district development plan has been approved by the Planning Commission.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission, or the Planning Commission's designee, and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Jeffersontown Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.

- b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The appropriate conditional use permit shall be obtained from the Jeffersontown Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - d. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
4. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
 5. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
 6. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the April 10, 2014 LD&T Committee meeting.