

Development Review Committee

Staff Report

November 15, 2017



Case No:	17DEVPLAN1174
Project Name:	Sproutlings Day Care
Location:	330 Masonic Home Drive
Owner(s):	Masonic Homes of KY, Inc.
Applicant:	Masonic Homes of KY, Inc.
Representative(s):	Dinsmore & Shohl, LLP – Clifford Ashburner
Project Area/Size:	3.53 acres
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Joel P. Dock, Planner II

REQUEST(S)

- **Waiver** of Land Development Code (LDC), section 10.2.10 to reduce and/or eliminate landscape buffers, plant material, or screening
- **Revised Detailed District Development Plan**

CASE SUMMARY

The existing daycare with associated offices is proposing an expansion of 10,200 square feet with a net increase of twenty-seven parking spaces. Existing rain gardens are also present on the site. As a result, the layout of parking facilities are changing to accommodate the building and parking expansion, as well as the existing rain gardens; leading to encroachments into multiple setbacks and buffers. Dimensional relief and modification to the approved conditional use permit plan has been requested and will be heard by the Board of Zoning Adjustment on Monday, November 20, 2017. Landscape waivers requested before this committee are as follows: parking lot encroachment into the 15' VUA LBA along Frankfort Avenue; elimination of the 15' VUA LBA abutting, crossing, and opposite the West property line adjacent to and located upon the Miralea property for parking lot expansion; parking lot encroachment into the 15' VUA LBA abutting Tom Larimore Lane; and a parking lot encroachment into the 15' VUA LBA along Masonic Home Drive.

Associated Cases

- 13371: CUP/RDDDP for daycare and offices (approved 9/9/10)
- 17CUP1084/17VARIANCE1078: CUP and variances to be heard at BOZA on 11/20/17.
- A full listing of cases on the Masonic Homes property is provided as *Attachment 4*.

STAFF FINDING

The revised detailed district development plan and landscape waivers appear to be adequately justified and meet the standard of review based on staff analysis in the staff report.

TECHNICAL REVIEW

There do not appear to be any outstanding technical review items. All agency approvals have been received.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVERS

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as the Masonic Homes property is an integrated development with mixed-uses, shared parking facilities, internal drives, and open space. Frankfort Avenue is screened and buffered with existing vegetation and the proposed parking encroaching towards this public way would not appear to reduce or eliminate the existing vegetation, and this encroachment is for a minimal distance.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as sufficient buffering and screening is currently provided to protect the aesthetic quality of public ways and to separate incompatible uses.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as all required plantings and screening will be provided, except where not possible along the West property line between the subject site and Miralea facility due to the parking spaces.

- (d) Either:

(i) The applicant has 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

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as parking facilities are being provided to accommodate the building expansion and at locations to avoid any adverse impact on drainage and water quality facilities (rain gardens). Existing screening is provided along Frankfort Avenue to protect the aesthetic quality of this way from the minimal encroachment of parking.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR REVISED DETAILED DISTRICT DEVELOPMENT PLAN AND/OR 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: The proposed improvements preserve previously installed rain gardens, existing vegetative screening and appear to have no impact on the existing tree canopy.

- 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 and the community are provided as the Masonic Homes property is an integrated development with mixed-uses, shared parking facilities, internal drives, and open space.

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

STAFF: Open space is being provided to meet the needs of the development as the subject site contains significant areas of undisturbed or natural areas and an outdoor play area.

- 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 that contains a mix of residential and non-residential uses. The building design is consistent with the existing structure on the subject site, throughout the Masonic Homes property, and within the area. The rendering provided by the applicant are compliant with the Land Development Code.

- 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 conforms to applicable guidelines and policies of the Comprehensive Plan and to the requirements of the Land Development Code with the exception of requested waivers and variances which do not violate the guidelines of Cornerstone 2020 and meet the appropriate standards of review.

REQUIRED ACTIONS

- **APPROVE or DENY** the following **Waivers** of LDC, section 10.2.10: parking lot encroachment into the 15' VUA LBA along Frankfort Avenue; elimination of the 15' VUA LBA abutting, crossing, and opposite the West property line adjacent to and located upon the Miralea property for parking lot expansion; parking lot encroachment into the 15' VUA LBA abutting Tom Larimore Lane; and a parking lot encroachment into the 15' VUA LBA along Masonic Home Drive
- **APPROVE or DENY** the **Revised Detailed District Development Plan** subject to subject to existing binding elements

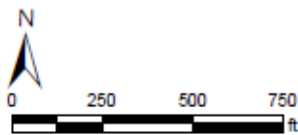
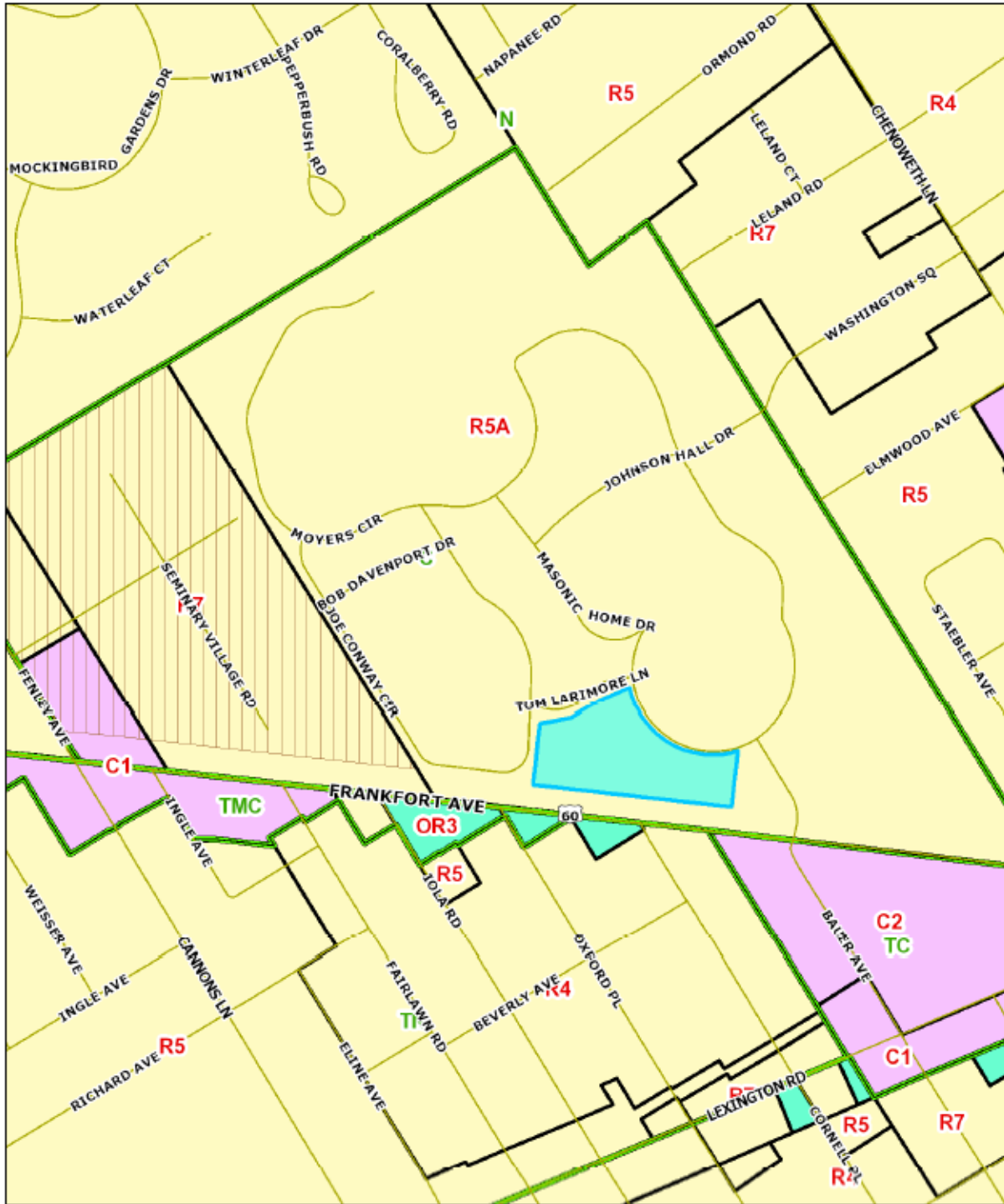
NOTIFICATION

Date	Purpose of Notice	Recipients
11/2/17	Hearing before DRC	1 st tier adjoining property owners, attendees of neighborhood meeting, and others. Registered Neighborhood Groups in Council District 9

ATTACHMENTS

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

1. **Zoning Map**



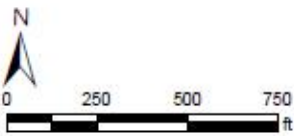
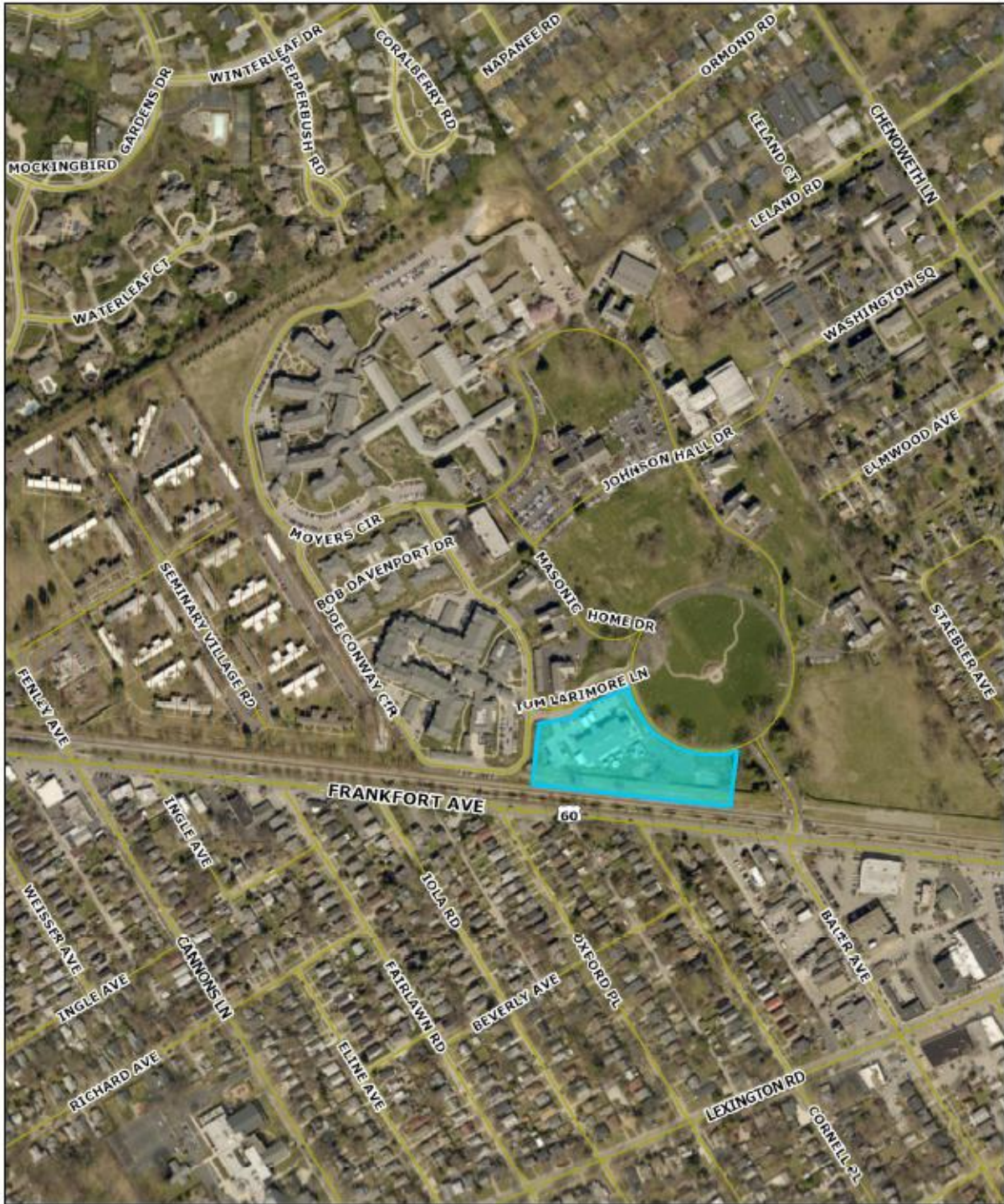
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This map is not a legal document and should only be used for general reference and identification.

2. Aerial Photograph



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3. Existing Binding Elements

1. The maximum density permitted for the Masonic Homes campus, being that as described in deed book 9046 page 151, and being in the R-5A zoning district, shall be 12.01 dwelling units per acre (946 units on 78.82 acres) as permitted in R-5A zoning district.
2. Prior to any building permits being issued for the development of lots 2 through 7 detailed district development plans will be submitted to the Planning Commission for approval. These development plans will be subject to all agency approvals and additional binding elements.
3. There shall be no access to this site from Napanee, Ormond, and Leland Roads and Elmwood Avenue. In the event of an emergency Washington Square will provide access to the site. Washington Square will not be used for access except in emergency and safety situations and during the annual Masonic Picnic.
4. 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 Louisville Metro Construction Review, Louisville Metro Public Works, and the Metropolitan Sewer District.
 - b. The size and location of any proposed development identification signs must be approved by the Planning Commission.
 - c. A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. The appropriate variances and modification to conditional use permit shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
5. Retention basins are shown for general location purposes only. The configuration and size of each basin will be determined prior to approval of the detailed district development plan for the area for which they are shown.
6. Storm water retention shall be provided to maintain runoff at present rates.
7. Construction of retention facilities are waived for any new structures on Lot 1.
8. Off-site drainage improvements in lieu of retention basins may be required for development in Lot 7.
9. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of a structure or land for the proposed use.
10. These binding elements may be amended as provided for in the Zoning District Regulations.
11. A stub connection shall be provided along the western property line of this site as shown in case 14169 unless other access is provided elsewhere on the western campus boundary. Access through the campus shall utilize existing and currently planned road infrastructure to service emergency access.

4. Associated Cases

- B-11-79: CUP for Home for Infirm or Aged (approved 3/5/79).
- 9-19-83/10-5-83: Change-in-zoning from R-1 and R-5 to R-5A, multi-family residential, and Major Preliminary Subdivision Plan for Masonic Village (approved 7/21/83). The rear of the Masonic Village proposal, Lots 3-7, was later subdivided to become Mockingbird Gardens Subdivision, docket 10-39-88.
- B-65-88: CUP for Home for Infirm or Aged as an expansion to B-11-79 (approved 5/16/88).
- B-184-03: CUP for off-street parking at the dead-end of Washington Square in the City of St. Matthews (approved 12/9/03).
- 10164: Modified CUP for 136 bed nursing home facility to replace previous facility located towards the Northwest in the Masonic Homes development site (approved 2/20/08).
- 10911: RDDDP for 136 bed nursing home facility located towards the Northwest in the Masonic Homes development site and other minor modifications across the Masonic Homes site (approved 5/7/08).
- 11444: Minor Subdivision Plat of record in PB 53, PG 14 creating two tracts from one; subsequently, separating the Masonic Homes R-5A site into two sections (recorded 7/18/08).
- 12293: RDDDP for accessory building and temporary doctor's office (approved 5/7/09).
- 13106: Modified CUP for vehicle/maintenance building and temporary doctor's office (approved 12/29/09).
- 13371: CUP for proposed daycare with offices along Frankfort Avenue (approved 9/9/10).
- 14169: RDDDP for Independent Living and Cottage Units in Southwest Corner and Amendment to Binding Element 1, 4, 5, 6, and 11, with an addition of Binding Element 14 (approved 10/27/10).
- 14226: Modified CUP for proposed Independent Living and cottage units in Southwest corner of Masonic Homes Development (approved 11-16-10).
- 15987: RDDDP for proposed revisions to Independent Living and cottage units in the Southwest section of the Masonic Homes development site (approved 6/30/11).
- 16769: Sign Plan with Variance (approved 1/24/12).
- 13DEVPLAN1105: RDDDP for Independent Living in Southwest section of the Masonic Homes development site (approved 2/5/14).
- 13CUP1022: Modified CUP for Independent Living in Southwest section of the Masonic Homes development site (approved 2/24/14).
- 14MOD100: Amendment to Binding Element to allow employees and residents site access from adjacent streets to the East (denied 7/28/14).
- 15CUP1036: Modified CUP associated with this RDDDP request (approved 2/1/16)
- 15DEVPLAN1186: RDDDP for 72 unit assisted living facility (approved 2/18/16)
- 15DEVPLAN1187: RDDDP for 124 independent living units (approved 2/18/16)
- 16DEVPLAN1145: RDDDP for revisions to approved plan in 15DEVPLAN1186 (approved 8/4/16 on condition that the CUP is abandoned where it is no longer needed.
- 16VARIANCE1055: Variance associated with 16DEVPLAN1145 for building connection along Western P/L (approved 8/15/16)
- 17CUP1084/17VARIANCE1078: CUP and variances to be heard at BOZA on 11/20/17.