

**Board of Zoning Adjustment**  
**Staff Report**  
April 29, 2019



<b>Case No:</b>	19CUP1050
<b>Project Name:</b>	Artis Senior Living
<b>Location:</b>	4922 Brownsboro Road
<b>Owner(s):</b>	Artis Senior Living of Louisville
<b>Applicant:</b>	Artis Senior Living of Louisville
<b>Representative(s):</b>	Land Design and Development
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	7 – Paula McCraney
<b>Case Manager:</b>	Dante St. Germain, AICP, Planner II

**REQUEST(S)**

- **Modified Conditional Use Permit** for a nursing home and home for the infirm or aged, Land Development Code (LDC), section 4.2.38

**CASE SUMMARY**

A modified conditional use permit is being requested for a nursing home and home for the infirm or aged. The original CUP was granted in 2017 with zoning case 17ZONE1025 (approved 11-06-2017). The changes relate to the size of the structure. The original plan had a structure that was 34,369 sf in area. The new plan has a structure that is 36,000 sf in area, an increase of approximately 5%.

**Associated Cases**

17ZONE1025: Change in zoning from R-4 to CN on a portion of the site and a Conditional Use Permit for a nursing home and home for the infirm and aged  
19DEVPLAN1062: Revised Detailed District Development Plan pending approval of the modified CUP

**STAFF FINDING**

The conditional use permit appears to be adequately justified based on the staff analysis contained in the standard of review.

**TECHNICAL REVIEW**

Preliminary approvals have been received from MSD and Transportation Planning staff.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT**

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The Comprehensive Plan describes the Neighborhood form as containing diverse housing types to provide housing choice for differing ages, incomes and abilities. The proposal complies with this description. The site is located across Brownsboro Road from a Town Center form district with commercial uses. Community Form Goal 2 is to encourage sustainable growth and density around mixed-use centers and corridors. The proposal complies with policies under this goal.

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

STAFF: The proposal is compatible with surrounding uses and provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements. The proposal provides a transition between residential uses and commercial uses.

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: Necessary public facilities are available or being provided by the proposal as demonstrated on the detailed district development plan.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

Nursing Homes and Homes for the Infirm or Aged may be permitted in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements.

- A. All buildings shall be located at least 30 feet from any property line.
- B. One sign, not to exceed 60 square feet and six feet in height, may be placed at each of the major entrances, except in districts where larger signs are allowed.
- C. The Board of Zoning Adjustments shall add any restrictions to mitigate nuisances or adverse effects.

STAFF: The requested conditional use permit meets each of these standards.

## **REQUIRED ACTIONS**

- **APPROVE** or **DENY** the **Modified Conditional Use Permit** for a nursing home and home for the infirm or aged, Land Development Code, section 4.2.38.

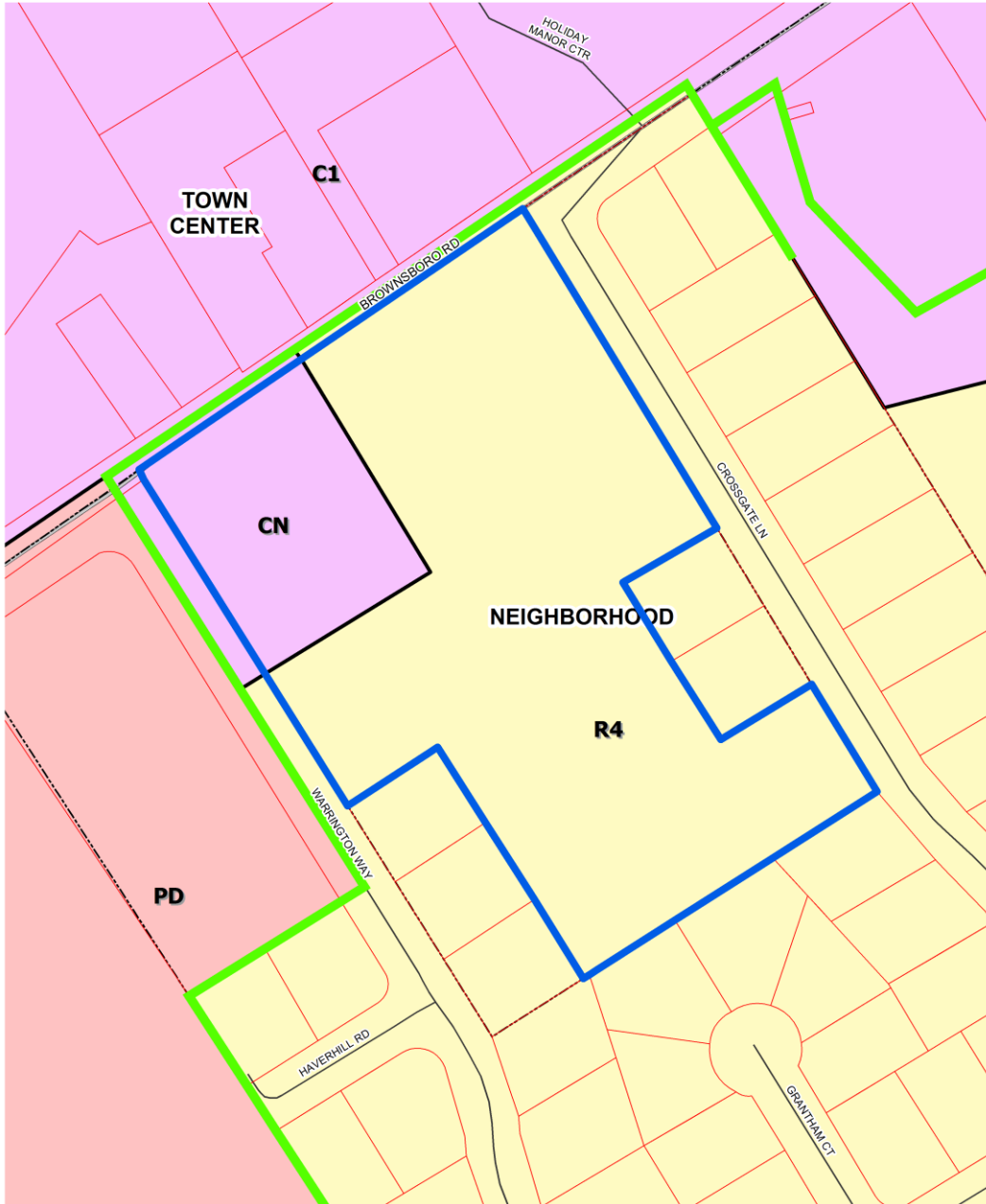
## **NOTIFICATION**

Date	Purpose of Notice	Recipients
04/29/2019	Hearing before BOZA	Not required for Business Session item

## **ATTACHMENTS**

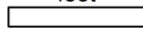
1. Zoning Map
2. Aerial Photograph

1. Zoning Map



4922 Brownsboro Road

feet



140

Map Created: 4/22/2019

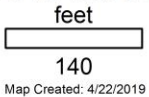


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2. Aerial Photograph



4922 Brownsboro Road



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