

Board of Zoning Adjustment

Staff Report

August 15, 2016



Case No:	16VARIANCE1055
Project Name:	Grove Pointe Assisted Living
Location:	240 Masonic Home Drive
Owners:	Masonic Homes of KY, Inc.
Applicant:	Masonic Homes of KY, Inc. – Gary Marsh
Representative(s):	Dinsmore & Shohl LLP – Clifford Ashburner
Project Area/Size:	5.73 Acres
Existing Zoning District:	R-5A, Multi-Family Residential
Existing Form District:	C, Campus
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Joel P. Dock, Planner I

REQUEST

- **Variance** for proposed building connection from assisted living to adjacent nursing home facility.

CASE SUMMARY/SITE CONTEXT

The applicant proposes a 72 unit assisted living facility on 5.73 acres of a Northeastern portion in the Masonic Homes development. The Masonic Homes development site is located along Frankfort Avenue and West of the terminus of Frankfort Avenue at the intersection of Lexington Road and Shelbyville Road. The municipal boundaries of Louisville Metro and the City of St. Matthews are roughly coterminous with the Eastern property line of the site. Fifty parking spaces will be provided for the assisted living facility. An additional 46 spaces for campus staff are being provided to compensate for the loss of parking that is being displaced as a result of the proposed structure and associated vehicle use areas. The existing infirmary building will be demolished and the new facility will be a 2 story (35') brick building totaling 76,500 SF with 2 courtyards. No new access or changes to existing access to abutting streets has been requested.

A variance is required for the proposed assisted living facility to connect to the adjacent nursing home facility across the Western property line; a setback of 0' is being requested. The variance is necessary due to the required 5' side yard setback of Land Development Code, Table 5.3.1. The connection will allow for an integration of services and staff throughout the development.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Nursing, Assisted, and Independent Living	R-5A	C
Proposed	Assisted Living	R-5A	C
Surrounding Properties			
North	Single and multi-family residential	R-5A/R-5/R-7	N
South	Commercial/Office/Residential	OR-1/OR-3/ C-2/R-4	TMC,TC,TN
East	Single and multi-family residential	R-5/R-7	N
West	Multi-family residential	R-7	C

PREVIOUS AND ASSOCIATED CASES ON SITE

<u>B-11-79:</u>	CUP for Home for Infirm or Aged (approved 3/5/79).
<u>9-19-83/10-5-83:</u>	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.
<u>B-65-88:</u>	CUP for Home for Infirm or Aged as an expansion to B-11-79 (approved 5/16/88).
<u>B-184-03:</u>	CUP for off-street parking at the dead-end of Washington Square in the City of St. Matthews (approved 12/9/03).
<u>10164:</u>	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).
<u>10911:</u>	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).
<u>11444:</u>	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).
<u>12293:</u>	RDDDP for accessory building and temporary doctor's office (approved 5/7/09).
<u>13106:</u>	Modified CUP for vehicle/maintenance building and temporary doctor's office (approved 12/29/09).
<u>13371:</u>	CUP for proposed daycare with offices along Frankfort Avenue (approved 9/9/10).
<u>14169:</u>	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).
<u>14226:</u>	Modified CUP for proposed Independent Living and cottage units in Southwest corner of Masonic Homes Development (approved 11-16-10).
<u>15987:</u>	RDDDP for proposed revisions to Independent Living and cottage units in the Southwest section of the Masonic Homes development site (approved 6/30/11).
<u>16769:</u>	Sign Plan with Variance (approved 1/24/12).
<u>13DEVPLAN1105:</u>	RDDDP for Independent Living in Southwest section of the Masonic Homes development site (approved 2/5/14).
<u>13CUP1022:</u>	Modified CUP for Independent Living in Southwest section of the Masonic Homes development site (approved 2/24/14).
<u>14MOD100:</u>	Amendment to Binding Element to allow employees and residents site access from adjacent streets to the East (denied 7/28/14).
<u>15CUP1036:</u>	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 72 unit assisted living facility with reconfigured parking and tree preservation from the previous plan approved 2/18/16, case 15DEVPLAN1186 (approved 8/3/16)

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments associated with the variance request.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (July 2016)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety, or welfare as the proposed building connection has no impact on public facilities related to mobility or the environment. Construction will meet all applicable building and fire code standards as required by Develop Louisville, Construction Review Division. Furthermore, the connection enhances the safety of residents and their guests by providing an integrated passage of services and staff throughout the development.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity as the Masonic Homes' development and proposed structure is located in an area of mixed residential and commercial development with building materials similar to those proposed for the assisted living facility.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public as the proposed building connection does not hinder the safe movement of the public and is designed to be compatible with the Masonic Homes campus and surrounding uses.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations as the campus form district encourages that uses to be designed to serve the people who work or live on the Campus. The form should be compact and walkable, with substantial open space, central gathering areas, shared parking and signage, and an internal circulation system

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The variance arises from special circumstances that do not generally apply to the land in the general vicinity as the proposed use is residential; thus, requiring a 5 foot setback. The overall design of the Masonic Homes' campus integrates services and staff to better serve residents and guests.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or 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 as the proposed structure is compatible with surrounding uses and the connection will enhance care and services between facilities.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

TECHNICAL REVIEW

- A RDDDP was approved by planning Commission in case 16DEVPLAN1145 on August 3, 2016.
- A Minor Plat application has been filed to subdivide the development site from Tract 1 of record in PB 53, PG 14. Access to the site is provided via existing cross access agreement for Masonic Homes per DB 9691, PG 17.
- A wrecking permit, case 14WR1306, has been properly issued for the demolition of the existing building.
- The applicant must submit a modified conditional use permit for the subject site or pursue the abandonment of the conditional use permit as an assisted living facility no longer requires a conditional use permit.
- Residential developments within the campus form district are required by LDC 5.3.5.C.2 to meet the setback requirements of either the Neighborhood or Traditional Neighborhood form districts depending on the adjacent form districts. This development abuts the neighborhood form district; therefore, Table 5.3.1 for neighborhood form was applied.

STAFF CONCLUSIONS

The variance appears to be adequately justified and meets the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for approving a variance.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the variance to allow the proposed structure to connect to an adjacent facility and be 0' from the proposed West property line.

NOTIFICATION

Date	Purpose of Notice	Recipients
7/29/16	BOZA	370+ notices were sent for this review*

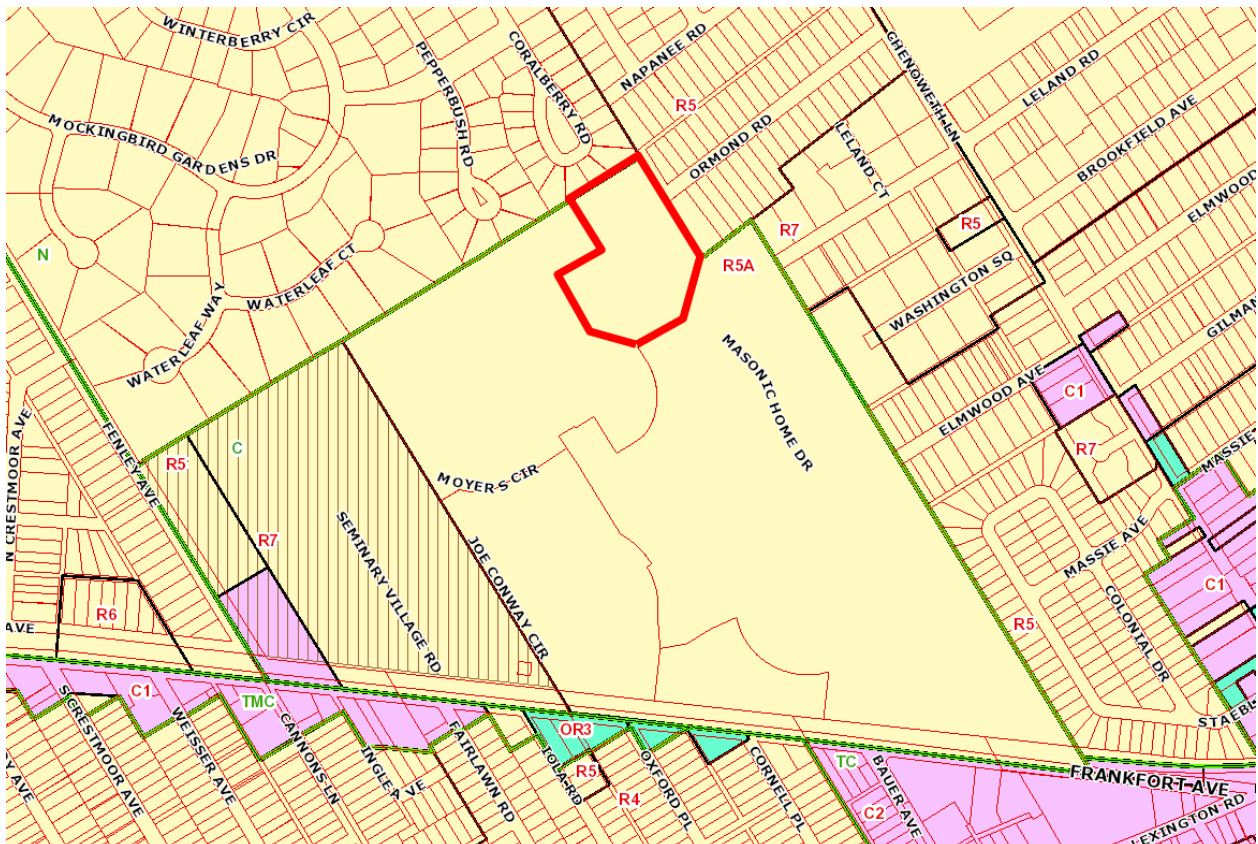
*Notification included all 1st tier owners of any property adjacent to Masonic Homes development site, City of St. Matthews and Jack Ruf, adjacent Homeowners Associations, individuals who spoke in favor or opposition of case 14MOD1000, individuals who spoke at DRC hearing 10/27/10, individuals who spoke at the Planning

Commission hearing for rezoning 7/21/83, and those who spoke at the Planning Commission hearing on 2/18/16. Notification also included all property owners of streets abutting and/or having their end-point at the Masonic Homes development site in the St. Matthews; including, Ormond, Leland, Washington, Elmwood, Staebler, and Colonial. A copy of those individuals notified is included in the case file and stamped *Received July 1, 2016*.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

