

Development Review Committee

Staff Report

February 17, 2021



Case No:	20-DDP-0057/20-WAIVER-0125
Project Name:	LDG Good Samaritan
Location:	3500 Good Samaritan Way
Owner(s):	Jeffersontown PropCo LLC
Applicant:	LDG Development LLC
Representative(s):	Dinsmore & Shohl
Jurisdiction:	Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Waivers**
 1. **Waiver** of Jeffersontown Land Development Code (LDC), section 10.2.4.B to allow more than a 50% overlap between a required Landscape Buffer and a Sewer and Drainage Easement along Bluebird Ln.
 2. **Waiver** of Jeffersontown Land Development Code (LDC), section 10.2.9 to eliminate the Vehicle Use Area Landscape Buffer Area adjacent to Good Samaritan Way.
 3. **Waiver** of Jeffersontown Land Development Code (LDC), section 5.4.1.E and 5.9.2.C.4 to allow parking and drive aisles in front of the building within the Town Center form district.
- **Revised Detailed District Development Plan** with replacement of existing binding elements.

CASE SUMMARY

The applicant is proposing to construct an age-restricted multifamily development with 110 dwelling units. The subject site is approximately 5.5 acres in the R-7 zoning district and the Town Center form district within the City of Jeffersonville. The subject site is part of a larger site developed as a nursing home facility with a Conditional Use Permit under docket 9-53-79.

STAFF FINDING

Waivers 1 and 3 are adequately justified and meet the standards of review. Waiver 2 is not adequately justified and does not meet the standards of review. The full waiver of requirements for the Vehicle Use Area Landscape Buffer Area adjacent to Good Samaritan Way exceeds the minimum encroachments necessary to accommodate the development. Staff recommends that required screening and buffering still be provided within the buffer area to justify encroachment of the parking lot and drive aisles into the buffer. The Revised Detailed District Development Plan is generally in keeping with the Comprehensive Plan and development in the area. It will provide additional housing variety and opportunities for aging in place in support of the housing goals of the Comprehensive Plan. However, staff has concerns that adequate screening and buffering will not be provided around the subject site per the aforementioned waiver request.

TECHNICAL REVIEW

The Applicant has requested 3 variances that will need to be reviewed by the Jeffersontown Board of Adjustment.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 1

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

STAFF: The waiver will not adversely affect adjacent property owners as all required planting and screening will still be provided within the buffer area.

- (b) The waiver will not violate specific guidelines of the Comprehensive Plan; and

STAFF: The waiver will not violate specific guidelines of the Comprehensive Plan. The applicant can still provide all planting and screening within the buffer area to help buffer between the subject site and adjacent roadways.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as all required screening and plantings will be provided.

- (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 would deprive the applicant of the reasonable use of the land, as the easement already exists in the area of required buffer.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 2

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

STAFF: The waiver will adversely affect adjacent property owners as adequate screening and buffering will not be provided adjacent to the existing roadway and development on the subject site.

- (b) The waiver will not violate specific guidelines of The Comprehensive Plan; and

STAFF: The waiver will violate specific guidelines of the Comprehensive Plan. Community Form Goal 1 Policies 12 and 23 require design of parking facilities to include adequate landscape buffer areas to protect residential uses from the adverse impacts of light and noise that are associated with roadways. The full waiver of the requirements of this part would violate these provisions.

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

STAFF: The extent of the waiver of the regulation is not the minimum necessary to afford relief to the applicant as all required screening and plantings could be provided on the subject site.

- (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 would not deprive the applicant of the reasonable use of the land, as there is adequate space to provide require screening and planting around the subject site without significantly impacting the development potential of the site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER 3

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

STAFF: The waiver will not adversely affect adjacent property owners as adequate planting and screening will still be provided along the front of the subject site.

- (b) The waiver will not violate specific guidelines of the Comprehensive Plan; and

STAFF: The waiver will not violate specific guidelines of the Comprehensive Plan, as adequate screening will be provided along the front of the property. The proposed development is in keeping with the development pattern of the area and supports the housing goals of the Comprehensive Plan to provide a variety of housing types in the area.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as other parking areas are in the side and rear of the proposed development.

- (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 would not deprive the applicant of the reasonable use of the land, as the site could be redesigned to move more parking to the rear of the building. Adequate screening and buffering will be provided in the front of the development to minimize adverse impacts on the surrounding area.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DETAILED DISTRICT DEVELOPMENT PLAN

- 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 are no significant natural or historic resources on the subject site, however existing mature trees are shown to be removed along the area of requested waiver #2..

- 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 have been provided around and within the proposed development. Transportation Planning has approved the preliminary development plan.

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

STAFF: Required open space including recreational open space is being provided on the subject site.

- 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. Adequate screening and buffering has not been provided adjacent to Good Samaritan Way.

- 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 proposed development plan generally conforms to the Comprehensive Plan and the Jeffersonville Land Development Code, except for the area of requested Waiver #2.

REQUIRED ACTIONS

- **RECOMMEND** the City of Jeffersontown **APPROVE** or **DENY** the **Waivers**
- **RECOMMEND** the City of Jeffersontown **APPROVE** or **DENY** the **Revised Detailed District Development Plan** with replacement of existing Binding Elements

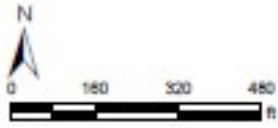
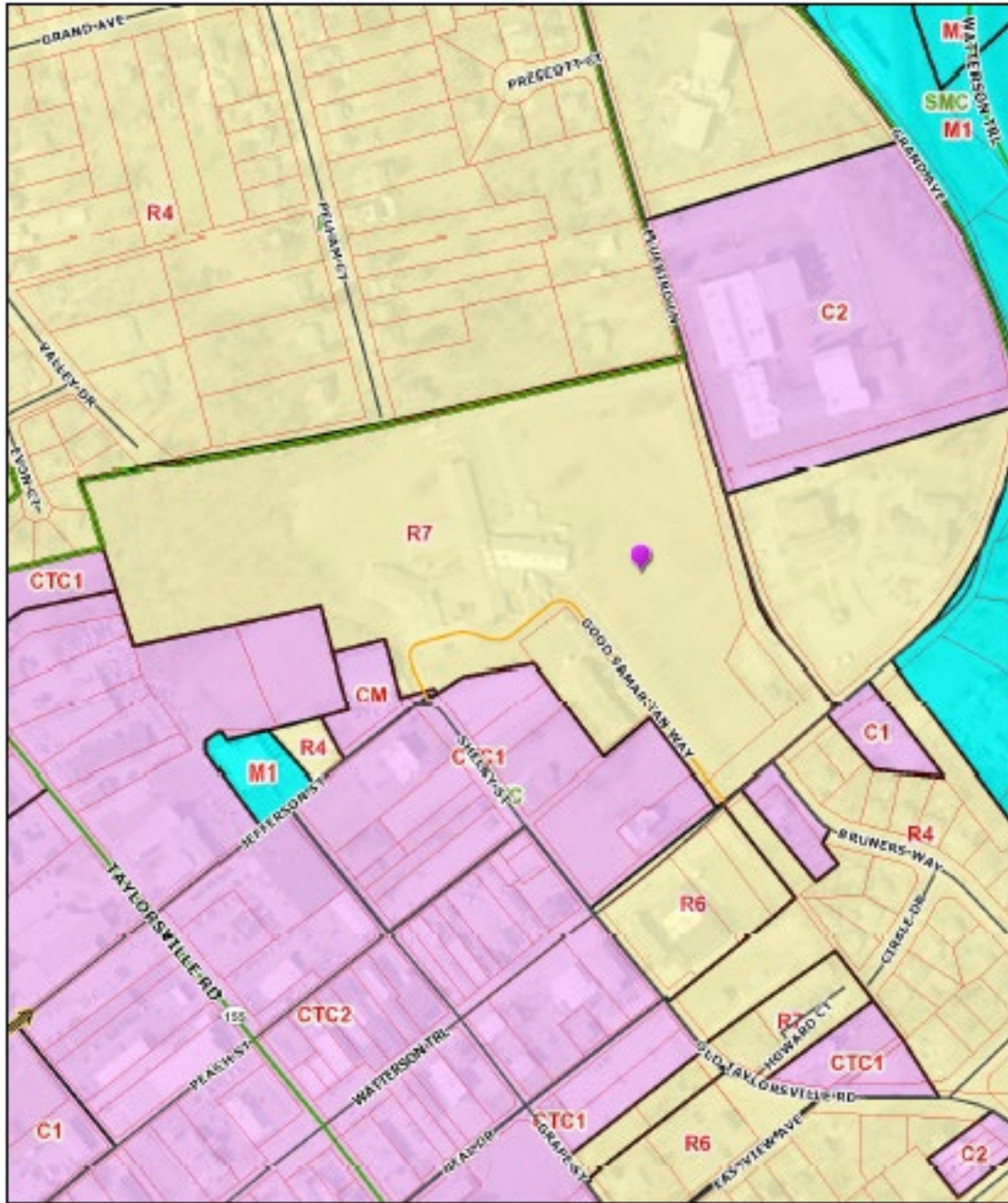
NOTIFICATION

Date	Purpose of Notice	Recipients
2-3-21	Hearing before DRC	1 st tier adjoining property owners Registered Speakers at previous public hearings Registered Neighborhood Groups in Council District 11

ATTACHMENTS

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

1. Zoning & Form Map



20-DDP-0057

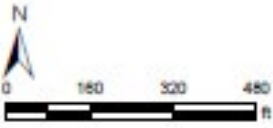
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2. Aerial Photograph



20-DDP-0057

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3. Existing Binding Elements to be replaced

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 Permitting, Planning and Code Enforcement, Jeffersontown Public Works and the Metropolitan Sewer District.~~
 - b. ~~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.~~~~
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.~~
7. ~~The size and location of any proposed freestanding sign must be in compliance with the City of Jeffersontown Sign Ordinance.~~
8. ~~All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.~~

~~9. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a Certificate of Occupancy. Such a plan shall be implemented prior to occupancy of the site and maintained hereafter.~~

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes, additions or alterations of any binding element(s) shall be submitted to the Planning Commission and to the city of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The size and location of any proposed freestanding sign must be in compliance with the City of Jeffersontown Sign Ordinance.
3. Any area proposed to be used for outdoor sales, display or storage in accordance with Section 4.4.8 shall be accurately delineated on the development plan.
4. Outdoor lighting (for parking lot illumination and security) shall meet the requirements of Section 4.1.3 of the Land Development Code.
5. 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.
6. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the City of Jeffersontown (10416 Watterson Trail) and the Metropolitan Sewer District (700 West Liberty).
 - b. The appropriate variances shall be obtained from the Jeffersontown Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - c. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
7. Prior to a Certificate of Occupancy being requested the property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
8. If a building permit is not issued within two years of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission and the City of Jeffersontown.
9. 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 and City of Jeffersontown.

10. 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.
11. All off-street parking areas shall be permanently and continually maintained in good condition and free from potholes, weeds, dirt, trash and other debris.