

# Development Review Committee

## Staff Report

June 18, 2014



<b>Case No:</b>	14Devplan1057
<b>Project Name:</b>	Clarity Pointe
<b>Location:</b>	13700 English Villa Dr. and 101 English Station Wy.
<b>Owner(s):</b>	BDCD – BrightPointe, LLC.
<b>Applicant:</b>	GBS Engineering
<b>Representative(s):</b>	Bill Bardenwerper, Bardenwper, Talbott & Roberts
<b>Jurisdiction:</b>	Louisville Metro and Middletown
<b>Council District:</b>	19 – Jerry Miller 20 – Stuart Benson
<b>Case Manager:</b>	Latondra Yates, Planner II

### REQUEST

- Revised Detailed District Development Plan for a proposed nursing home.

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

The site was previously approved as the Villages of English Station II for condominium duplexes under docket No. 9-65-05 and 10-41-05. A 45,000 sf., 1-story, 60-room dementia care facility on 3.75 acres is now proposed. The plan indicates that there will be 60 rooms. The proposed 43 parking spaces is close to the 39-space minimum. The maximum allowed is 108 spaces. There are existing utility easements along English Villa Dr. that will encroach by more than 50% into the required 10-ft. VUA LBA.

A Conditional Use Permit for the nursing home, variances and waivers will be heard by BOZA Monday, June 16.

The site is zoned R-5A in the Neighborhood Form District (NFD). To the north, across English Villa Dr., is property zoned C-1 and C-N. To the south, east and west are property zoned R-5A (Landis Lakes Patio Homes and Condominiums).

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Vacant	R-5A	NFD
<b>Proposed</b>	Dementia care facility	R-5A	NFD
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Commercial	C-1	NFD
<b>South</b>	Multi-family residential	R-5A	NFD
<b>East</b>	Multi-family residential	R-5A	NFD
<b>West</b>	Multi-family residential	R-5A	NFD

## PREVIOUS CASES ON SITE

**14CUP1004**, the following will be heard by BOZA Monday, June 16:

- Conditional Use Permit (CUP) under Sec. 4.2.36 of the Land Development Code adopted by the City of Middletown to allow a nursing home.
- Variance of Sec. 5.3.1.C.5. of the LDC to allow the proposed structure to encroach into the required 50-ft. east side yard. The requested setback is 32.84 ft., at its closest point, a variance of 17.16. ft.
- Variance of Sec. 5.3.1.C.5. of the LDC to allow parking, maneuvering, a transformer pad and generator pad to encroach into the required 50-ft. west side yard. The requested setback is 30 ft., a variance of 20 ft.
- Variance of Sec. 5.3.1.C.5. of the LDC to allow the proposed structure, to encroach into the required 50-ft. rear yard. The requested setback is 38.04 ft., at its closest point, a variance of 11.96 ft.
- Variance of Sec. 5.3.1.C.5. of the LDC to allow the proposed dumpster and pavement to encroach into the required 50-ft. rear yard. The requested setback is 36 ft., a variance of 14 ft.
- Waiver of Sec. 10.2.4.B. of the LDC to allow more than a 50% encroachment of an LBA onto a utility easement along English Villa Dr.

**9-65-05 and 10-41-05**, Change in zoning from R-4 and C-1 to R-5A, C-1 and OR-3 and a subdivision (Villages of English Station II) for multi-family, office, bank, retail and veterinary office.

## INTERESTED PARTY COMMENTS

No interested party comments received.

## APPLICABLE PLANS AND POLICIES

Cornerstone 2020 Comprehensive Plan- See checklist attached.  
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: The required landscaping and tree canopy are proposed. MSD has also given preliminary approval.

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

STAFF: The plan has been reviewed by KDOT and the Transportation Planning Review team and has preliminary approval.

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

STAFF: No open space requirement for this development.

- 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 plan has MSD preliminary approval.

- 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 proposed use appears to be compatible with the surrounding mix of uses in scale and design. The required landscaping and tree canopy are proposed.

- 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 plan meets the applicable guidelines of the Comprehensive Plan. See checklist attached.

## TECHNICAL REVIEW

No outstanding technical review items.

## STAFF CONCLUSIONS

Staff's analysis of the standards of review support the granting of RDDDP.

Based upon the information in the staff report, the testimony and evidence provided, the Development Review Committee must determine if the proposal meets the standards for approval of a RDDDP as established in the Land Development Code.

## NOTIFICATION

Date	Purpose of Notice	Recipients
6/2/2014	DRC Meeting	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners

## ATTACHMENTS

1. Zoning Pre-App. Tax Map
2. Aerial Map
3. Site Plan
4. Elevations
5. Cornerstone 2020 Comprehensive Plan Checklist
6. Existing binding elements

1. **Zoning Map**



**2. Aerial Photo**



**3. Site Plan**



**4. Elevations**







**5. Cornerstone 2020 Comprehensive Plan Checklist**



















6. **Existing Binding Elements**

**Existing General/Detailed District Plan Binding Elements - Docket # 9- 65-05**

**All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:**

1. The development shall be in accordance with approved general and detailed district development plans, 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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The retail and restaurant detailed district development plan portions of the site shall not exceed 45,909 overall square feet and shall be limited to no more than 9,107.4 square feet of C-2, and the multi-family R-5A detailed district development plan portions of the site shall not exceed 6.5 dwelling units per acre (98 units on approximately 15.32 acres after right-of-way deductions).
3. Prior to development (including clearing and grading) of each commercial and office lot, the applicant, developer, or property owner shall obtain approval of the specific building design for conformance with the general design scheme and standards presented at the public hearing of January 5, 2006. Each plan shall be in adequate detail and may be subject to additional binding elements.
4. The materials and design of proposed residential condominium and office building structures shall be substantially the same as depicted in the renderings as presented at the January 5, 2006 Planning Commission meeting. In addition, the materials and design of the proposed banking facilities on Tracts 1 and 2, as well as the materials and design of the proposed retail structure on Tract 3 shall be substantially the same as depicted in the renderings as presented at the March 14, 2007 DRC Committee Meeting.
5. The façade elevations shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
6. A focal point in conformance with design materials presented at the January 5, 2006 public hearing shall be constructed in conjunction with residential patio home construction on the lot on which it exists.
7. Signs shall be in accordance with Chapter 8 of the Land Development Code or Middletown Sign Ordinance, as the case may be.
8. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
9. The sign package shall also be presented to LD&T for its approval, and signs located in Middletown shall require Middletown approval.
10. C-2 commercial uses shall be limited to C-1 uses, except as necessary to accommodate outdoor seating and sale of alcoholic beverages associated with restaurant uses.
11. Residential uses shall be limited to residential condominiums constructed under a horizontal property regime.
12. Landscaping, screening and buffering shall minimally be as shown on the colored site plan presented at the January 5, 2006 public hearing. All landscaped areas shall be irrigated.
13. 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.

14. 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 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 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.
15. If a clearing and grading permit is not issued within one year or a building permit within 2 years of the date of approval of the plan or rezoning, whichever is later, 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.
16. 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.
17. Dumpster and trash compactor pickups/emptying shall be limited to the hours of 7:00 a.m. to 7:00 p.m.
18. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer or other qualified professional, stating that the lighting of the proposed development is in compliance with Chapter 4, Part 1, Section 3, of the Land Development Code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted and lighting shall be maintained at all times in accordance therewith.
19. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
20. 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.
21. Construction plans shall include shared points of access between all adjoining retail and office lots.
22. Construction plans shall delineate cross walks in logical locations in such manner and with such materials and/or striping as to make them clearly visible.
23. At the same time as construction plans are prepared for lots 6 and 7, construction plans shall also be prepared for the "east-west connector road" curved connection to South English Station Way, as generally shown on the approved district development plan, such plans to also include grade and drain conditions for the road and the referenced lots. The curved road connection does not need to be

constructed by these applicants/developers, but construction plans for lots 6 and 7 shall not be approved until these road connection, grade and drain plans are also submitted and reviewed for approval.

24. A CORSIM analysis of the various U.S.60 intersections shall be completed and submitted to the Kentucky Transportation Cabinet District 5 Office prior to construction plan approval of any of the approved development.
25. A temporary fence to try to help control debris and dust from the Ray Barry property shall be installed during construction of the adjoining residential patio homes.

Binding Elements added by Metro Council

26. Prior to a certificate of occupancy on lot 13, a signature entrance wall shall be constructed at the intersection of U.S. 60 and South English Station Road, matching the entrance wall in the southeast quadrant of this intersection.
27. Changes to retail or restaurant uses, including the addition of drive-thrus not shown on the development plan for Villages of English Station II, shall require Metro Council approval.
28. The temporary intersection of English Station Way and existing English Station Way shall be a continuous roadway rather than a stop condition until such time as the "east-west connector road" curved to South English Station Way described in Binding Element no. 23 is constructed.
29. All binding elements, including the binding elements added by Metro Council in this ordinance, shall be applicable to the entire site covered by Docket No. 9-65-05.