

Planning Commission

Staff Report

February 18, 2016



Case No:	15DEVPLAN1187
Project Name:	The Meadow Independent Living
Location:	200 Masonic Home Drive
Owners:	Masonic Homes of KY, Inc.
Applicant:	Masonic Homes of KY, Inc. – Gary Marsh
Representative(s):	QK4 – Ashley Bartley
Project Area/Size:	11.07 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

- **Revised Detailed District Development Plan (RDDDP)** for 124 unit Independent Living facility.
- **Waiver** of Land Development Code (LDC), section 10.2.4.B, to allow a utility easement to encroach more than 50% into the Landscape Buffer Area (LBA) along Frankfort Avenue.

CASE SUMMARY/SITE CONTEXT

This case was forwarded to the Planning Commission from the Development Review Committee meeting on January 20, 2016. The case was not heard by the committee.

The applicant proposes a 124 unit Independent Living facility on 11.07 acres of a Southeastern 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. There is currently no development on this portion of the Masonic Homes site. The independent living facility will provide 148 parking spaces surrounding the structure and an underground parking garage. The new facility will be a 3 story (45') predominately brick building with fiber cement siding totaling 202,005 sq. ft.; including a large central courtyard, balconies, and patio areas. No new access or changes to existing access to abutting streets is being requested.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Nursing, Assisted, and Independent Living	R-5A	C
Proposed	Independent 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 and 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 and Aged as an expansion to the existing CUP (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 vehicle/maintenance 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 and offices along Frankfort Avenue (approved 9/9/10).
<u>14226:</u>	Modified CUP for proposed Independent Living and cottage units in Southwest corner of Masonic Homes Development (approved 11-16-10).
<u>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>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 #3 to allow employees and residents site access from adjacent streets to the East (denied 7/28/14).
<u>15CUP1037:</u>	Modified CUP and Variance (15VARIANCE1092) for building height (approved 2/1/16).

INTERESTED PARTY COMMENTS

Staff communicated with Jack Ruf from the City of St. Matthews on the status and notification for the public hearing on this case.

Email correspondence was provided by Julie Leake outlining her conversations with MSD, specifically her concerns with the sewers along Elmwood Avenue. Her concerns included the capacity of the system, age, maintenance and repair, and drainage issues along this street.

Tracy Evans raised concerns about drainage on Ormond Rd. and wanted to know whether the development would tie into sewers on this street.

A letter was provided by Richard Tonini, Mayor of the City of St. Matthews, reiterating the City's position on connectivity to adjacent streets, as well as the findings and decision by the Planning Commission in case 14MOD1000. The letter continues into a discussion of the sewers along Elmwood Avenue and requests that the Planning Commission be satisfied that the existing sewers in the City of St. Matthews are in good serviceable condition now and in the future.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020

Land Development Code (revised December 2015)

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 proposed development does not appear to have any substantial negative impact on the existing natural resources as the proposed structure and associated parking are located in a primarily vacant grass covered section of the larger development site with little tree canopy coverage and no historic features. Minimum requirements for new tree canopy and landscaping will be provided.

- 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 the development is provided through an existing network of drives, walks, and parking lots. Through the entrance on Frankfort Avenue a sidewalk along the avenue provides pedestrian and vehicular access to the site and the nearby residential community and many commercial destinations. No new access or changes to existing access to abutting streets is being requested

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

STAFF: The open space to be provided on site meets the minimum requirements of the land Development Code. The large central courtyard and patio areas will add to the aesthetic experience of residents within the site, while the balconies allow this experience to project beyond the development site into the surrounding community.

- 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 designs (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. All required setbacks and LBA's are being provided. The predominantly brick structure appears to be compatible with the building material of structures within the development, as well as surrounding homes and businesses. The proposed land use is also compatible with the demographic trends of Jefferson County and provides a necessary service to our community's aging population; especially, to those aging individuals wishing to remain in more urbanized areas of the County with many neighborhood serving uses within walking distance.

- 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 requirements of the Land Development Code.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section
10.2.4 to allow a utility easement to encroach more than 50% into the LBA along
Frankfort Avenue.**

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

STAFF: The waiver will not adversely affect adjacent property owners as the 30' Louisville Water Company (LWC) easement existed prior to the development of this portion of the Masonic Homes. Required LBA's and new tree canopy are being provided. Additionally, along this boundary there is existing landscaping that buffers the site from the railroad and Frankfort Avenue.

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

STAFF: Guideline 3, policy 9 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. The proposed waiver is necessary to provide landscaping as required and fulfill listed guidelines and policies.

- (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 the 30' LWC easement existed prior to the proposed independent living facility.

- (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 create an unnecessary hardship as the 30' LWC easement existed prior to this development proposal and the applicant is providing the LBA as required by Chapter 10 of the LDC.

TECHNICAL REVIEW

- The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.
- A Minor Plat application has been filed to subdivide the development site from Residual 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 Variance (15Variance1092) to exceed the maximum permitted height of 35' was heard in conjunction with a request for a modified Conditional Use Permit (15CUP1037) and approved by the Board of Zoning Adjustment on February 1, 2016.
- In a follow-up to the concerns raised by Julie Leake, Joey Ashby, MSD, on January 17th stated, "I have spoken with and corresponded with Mrs. Leake. MSD does have capacity in the sewers for the new development. I am having the sewers tele-inspected and will review the video to make sure that they are in acceptable shape. If not, it will be MSD's responsibility to properly maintain them."

STAFF CONCLUSIONS

The Revised Detailed District Development Plan 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 Revised Detailed District Development Plan.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Revised Detailed District Development Plan.

NOTIFICATION

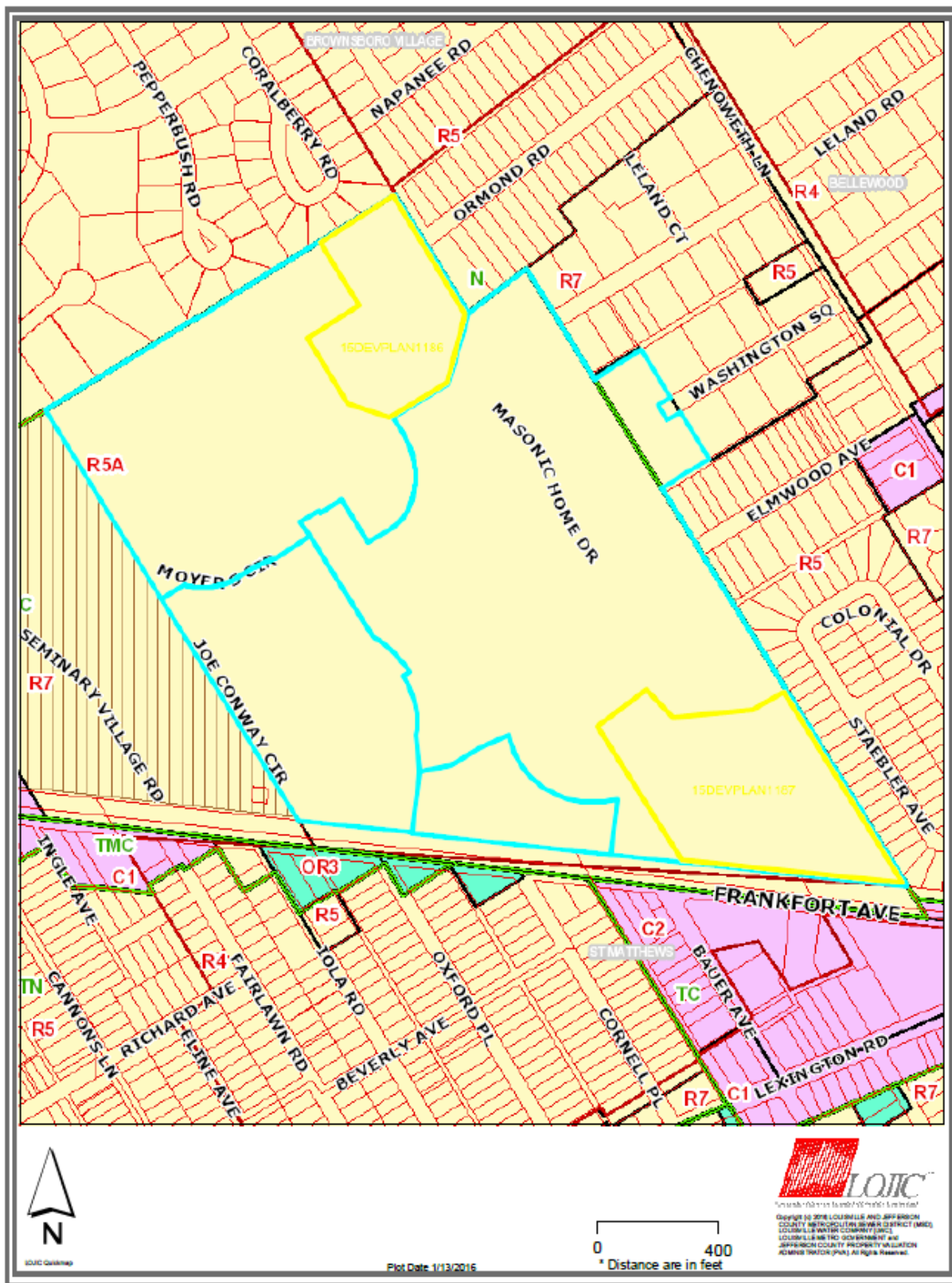
Date	Purpose of Notice	Recipients
1/8/16	DRC	408 Notices were sent for this case*

*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, and individuals who spoke at the Planning Commission hearing for rezoning 7/21/83. 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 January 13, 2016*.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Element Amendments

1. Zoning Map



2. Aerial Photograph



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 Department of Inspections, Permits and Licenses, 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. Proposed Binding Element Amendment

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 ~~Department of Inspections, Permits and Licenses~~ **Construction Review**, Louisville Metro Public Works and the Metropolitan Sewer District.