

Board Of Zoning Adjustment Staff Report

February 1, 2016



Case No:	15CUP1037/15VARIANCE1092
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:	9.37 Acres
Existing Zoning District:	R-5A, Multi-Family Residential
Existing Form District:	C, Campus
Jurisdiction:	Louisville Metro
Council District:	9 – Bill Hollander
Case Manager:	Jon Crumbie, Planning & Design Coordinator

REQUESTS

- Variance from the Land Development Code to allow a proposed structure to exceed the maximum height.

Location	Requirement	Request	Variance
Height	35'	41'	6'

- Modification of a Conditional Use Permit

CASE SUMMARY/SITE CONTEXT

The applicant proposes a 124 unit Independent Living facility on 9.37 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 146 parking spaces surrounding the structure and an underground parking garage. The new facility will be a 3 story (41') predominately brick building with fiber cement siding totaling 202,005 SF; including a large central courtyard, balconies, and patio areas. No new access or changes to existing access to abutting streets is being requested with this proposal.

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

- B-11-79: CUP for Home for Infirm and Aged (approved 3/5/79).
- 9-19-83/10-5-83: 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.
- B-65-88: CUP for Home for Infirm and Aged as an expansion to the existing CUP (approved 5/16/88).
- B-184-03: CUP for off-street parking at the dead-end of Washington Square in the City of St. Matthews (approved 12/9/03).
- 10164: 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).
- 10911: 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).
- 11444: 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).
- 12293: RDDDP for vehicle/maintenance building and temporary doctor's office (approved 5/7/09).
- 13106: Modified CUP for vehicle/maintenance building and temporary doctor's office (approved 12/29/09).
- 13371: CUP for proposed daycare and offices along Frankfort Avenue (approved 9/9/10).
- 14226: Modified CUP for proposed Independent Living and cottage units in Southwest corner of Masonic Homes Development (approved 11-16-10).

- 14169: 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).
- 15987: RDDDP for proposed revisions to Independent Living and cottage units in the Southwest section of the Masonic Homes development site (approved 6/30/11).
- 16769: Sign Plan with Variance (approved 1/24/12).
- 13DEVPLAN1105: RDDDP for Independent Living in Southwest section of the Masonic Homes development site (approved 2/5/14).
- 13CUP1022: Modified CUP for Independent Living in Southwest section of the Masonic Homes development site (approved 2/24/14).
- 14MOD100: Amendment to Binding Element #3 to allow employees and residents site access from adjacent streets to the East (denied 7/28/14).

INTERESTED PARTY COMMENTS

Staff communicated with one adjacent property owner who just wanted to make sure proposal would not open access to the adjoining neighborhood.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code (revised December 2015)

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES

(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 because the proposed structure height increase would not be noticeable from the street or adjacent properties.

(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 because the proposed structure will be compatible with the existing structures on site.

(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 because the proposed structure will be approximately 70 feet from the nearest residential property along Staebler Avenue.

(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 because the variance is internal to the site and will be in keeping with the existing historic campus setting.

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: There are no special circumstances, but the applicant is trying to be compatible with the existing architecture on site and also provide higher ceilings and utility/HVAC space.

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 create an unnecessary hardship on the applicant because the addition could not be built as shown and would need to be modified.

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 owner is trying to conform to the existing conditions on site.

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 will need to be 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.

STAFF CONCLUSIONS

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC for approving a variance and modified Conditional Use Permit.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the variance and modified Conditional Use Permit

NOTIFICATION

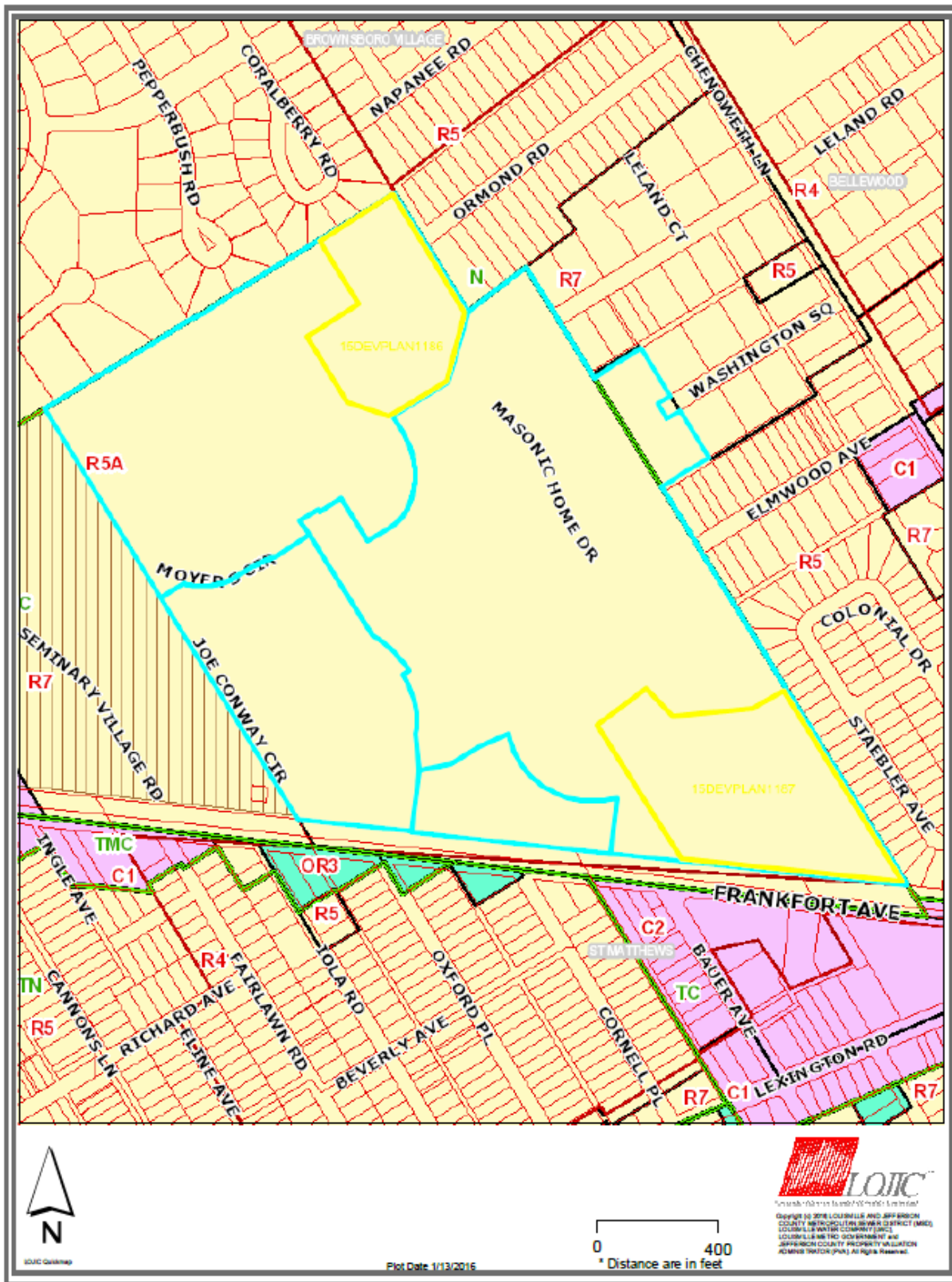
Date	Purpose of Notice	Recipients
1/15/16	BOZA	414 Notices were sent for this case*

*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

1. **Zoning Map**



2. Aerial Photograph





INDEPENDENT LIVING COMMONS PORTE COCHERE
The Meadows at Miralea
MAKING TRANS-GENERATIONS
LIFE BETTER, & 1



RECEIVED
DEC 28 2015
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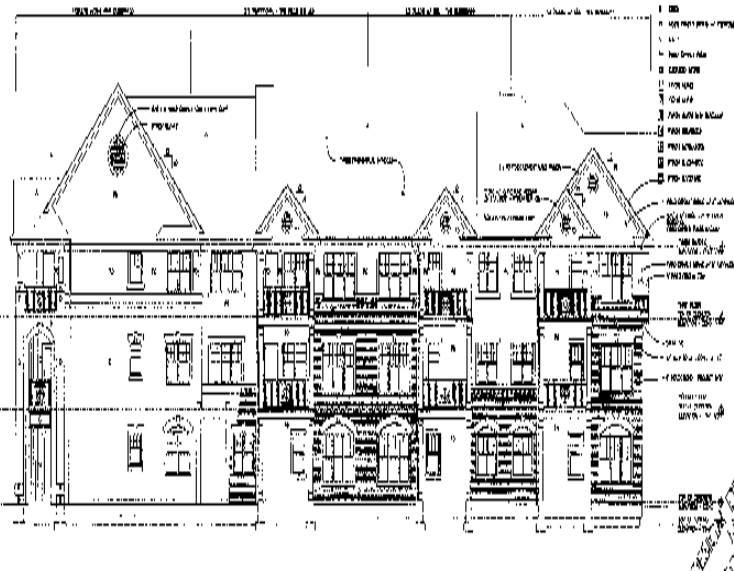
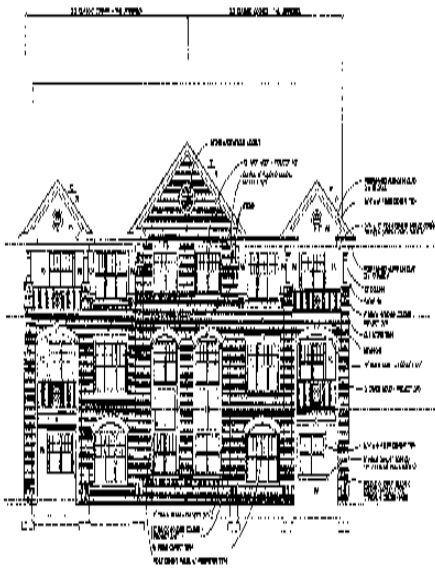
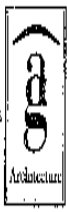
5700 Dupont Ave. # 577



Kentucky
 Louisville

GENERAL NOTES
 1. ALL WORK SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE BUILDING CODES AND SPECIFICATIONS.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS.
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.

EXTERIOR ELEVATION
 18" X 11"



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 18" X 11"

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 18" X 11"



RECEIVED
 DEC 28 2015
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 DESIGN SERVICES

18" EXTERIOR ELEVATIONS A1500

1/15/2016

Variance Justification:

In order to justify approval of any variance, the Board of Zoning Adjustment considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Explain how the variance will not adversely affect the public health, safety or welfare.

A building height increase of 6' will not have any adverse effect on health, safety or welfare as all applicable building codes are in compliance.

2. Explain how the variance will not alter the essential character of the general vicinity.

Masonic Homes campus has many three story buildings in approximate range of 40-55'. The most recent development t of Miralea is also three stories and building height of 45' (of which a variance was not requested by PDS).

3. Explain how the variance will not cause a hazard or a nuisance to the public.

The building is set back from the nearest single family residential property line at Staebler Avenue (east) is approximately 70' and only a 5' side setback is required.

4. Explain how the variance will not allow an unreasonable circumvention of the requirements of the zoning regulations.

Only a 6' building height variance is being requested and is consistent with the existing historic campus.

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Additional consideration:

1. Explain how the variance arises from special circumstances, which do not generally apply to land in the general vicinity (please specify/identify).

The proposed building is three stories. The architecture of the facility is "grand" and therefor provides taller than standard ceilings. Providing higher ceilings along with utility/HVAC space in three stories required a taller building than standard three story.

2. Explain how the strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create unnecessary hardship.

The higher ceilings and more grand scale would not be allowed or an entire story (and 1/3 of the units) would have to be omitted if height variance is not permitted.

3. Are the circumstances the result of actions of the applicant taken subsequent to the adoption of the regulation from which relief is sought?

No.

15 Variance 1092

