

Board of Zoning Adjustment Staff Report

September 12, 2016



Case No:	16CUP1029
Project Name:	Stonecrest Senior Living
Location:	1105 Dorsey Lane
Owners:	Hogan Holdings 42, LLC
Applicant:	NP Senior Living Development, LLC
Representative(s):	William Bardenwerper
Project Area/Size:	2.47 acres
Existing Zoning District:	C-1, Commercial
Existing Form District:	C, Campus
Jurisdiction:	Lyndon
Council District:	18 – Marilyn Parker
Case Manager:	Jon Crumbie, Planning & Design Coordinator

REQUEST

- Conditional Use Permit to allow a home for the infirmed and aged in a C-1 zoning district.
- Variance to allow proposed parking/maneuvering to encroach into the required Dorsey Lane street side yard.

Location	Requirement	Request	Variance
Dorsey Lane	25'	15'	10'

- Variance to allow proposed parking/maneuvering to encroach into the required Hurstbourne Parkway front yard.

Location	Requirement	Request	Variance
Hurstbourne Parkway	50'	31'	19'

CASE SUMMARY

Applicant is proposing to build a 3-story, 80,000 square feet home for the infirmed and aged that will consist of 84 rooms.

SITE CONTEXT

The site is irregular in shape and located on the northeast corner of Hurstbourne Parkway and Dorsey Lane. The proposal is located on tract 2 and 3. Tract 1 is not included in the proposal.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	C-1	C
Proposed	Home for the infirmed and aged	C-1	C
Surrounding Properties			
North	Multi-family	C-1, OR-3	C
South	Vacant	R-4	N
East	Vacant	C-1	C
West	Office	PRO	C

PREVIOUS AND ASSOCIATED CASES ON SITE

- 18806** Request for a revised plan, waivers, and binding element amendment was approved by LD&T on May 9, 2013.
- 8825** The City of Lyndon approved the rezoning of the subject site property from R-4 to C-1 on March 24, 2008 following a recommendation of approval from the Planning Commission.

INTERESTED PARTY COMMENTS

Staff did received one comment concerning the drainage and where it will end up.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS
FOR CONDITIONAL USE PERMIT**

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with the applicable policies of the Comprehensive Plan. Guideline 3, A.1, the proposal is generally compatible with the scale and site design of properties to the south and west of the site. Tree canopy and landscaping requirements will be met.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: The proposal is compatible with the surrounding land uses with respect to height, bulk, scale, drainage, lighting, and appearance.

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: MSD and Transportation Planning have reviewed and approved the plan. The Middletown Fire District did not provide comments.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

4.2.38 Nursing Homes and Homes for the Infirm or Aged may be permitted in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements. There are three requirements and item A. and B. will need to be modified.

A. All buildings shall be located at least 30 feet from any property line. **The structure will be 14 feet from the north property line.**

B. One sign, not to exceed 60 square feet and six feet in height, may be placed at each of the major entrances, except in districts where larger signs are allowed. **The applicant is proposing a sign at the main entrance and one near the intersection of Dorsey Lane and Hurstbourne Parkway for a total of two.**

C. The Board of Zoning Adjustments shall add any restrictions to mitigate nuisances or adverse effects.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES
(Dorsey Lane)**

(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 since Dorsey Lane has a surplus of unused right-of-way.

(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 since the parking area is at least 73 feet from the edge of pavement for Dorsey Lane.

(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 since the required landscaping and buffering will be provided along Dorsey Lane.

(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 since the site is elevated higher than Dorsey Lane and enhanced landscaping will be provided.

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 requested variance does arise from special circumstances which do not generally apply to land in the general vicinity or the same zone since the setback is an aesthetic issue in an area where the encroachment can be mitigated with enhanced landscape in areas where greater setback is provided.

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 since the parking is unable to use the northeast corner of the site because of the requirement in the area to provide a connection to the adjoining property to the east.

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 since a prior case from a different applicant was required to provide a connection to the adjoining property to the east.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCES (Hurstbourne Parkway)

- (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 since the diminished setback is an aesthetic one which can be mitigated with enhanced landscaping.

- (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 since the parking area is at least 50 feet from the edge of pavement for Hurstbourne Parkway.

- (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 since the required landscaping will be provided along Hurstbourne Parkway.

- (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 since the site is elevated higher than Dorsey Lane and enhanced landscaping will be provided.

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 requested variance does arise from special circumstances which do not generally apply to land in the general vicinity or the same zone since the setback is an aesthetic issue in an area where the encroachment can be mitigated with enhanced landscape in areas where greater setback is provided.

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 since parking/maneuvering would be greatly diminished.

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 since a prior case from a different applicant was required to provide a connection to the adjoining property to the east.

TECHNICAL REVIEW

There are no outstanding technical review items.

STAFF CONCLUSIONS

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Land Development and Transportation Committee must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit.

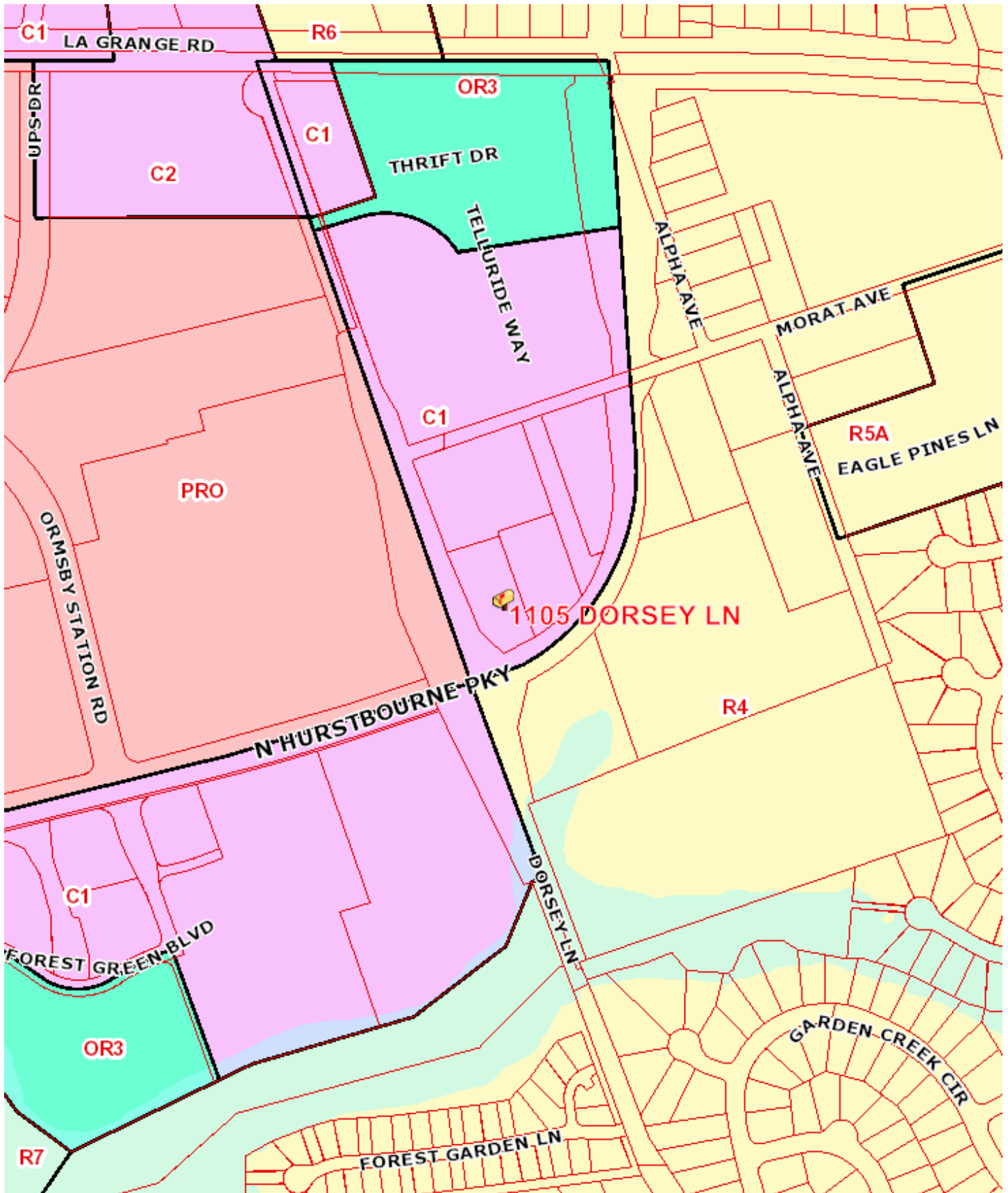
NOTIFICATION

Date	Purpose of Notice	Recipients
8/25/16	APO Notice	First tier adjoining property owners Neighborhood notification recipients
8/26/16	Sign Posting	Subject Property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Conditions of Approval

1. **Zoning Map**



2. **Aerial Photograph**



3. **Comments**

Conditions of Approval

1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Board.
2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a home for the infirmed and aged without further review and approval by the Board