

Board of Zoning Adjustment Staff Report

April 7, 2014



Case No(s):	13CUP1009
Project Name:	Morning Pointe
Location:	8300 Stillmeadow Drive
Owner(s):	Laurel Spring Development, LLC
Applicant(s):	Franklin Farrow
Representative(s):	Deborah Bilitski
Project Area/Size:	8.24 acres
Existing Zoning District:	R-4
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Jon E. Crumbie, Planner II

REQUESTS

- Conditional Use Permit to allow a nursing home in an R-4 zoning district.
- Waivers to allow an easement overlap of more than 50%.

Location	Requirement	Request	Waiver
North P/L	50%	100%	50%
South P/L	50%	100%	50%

CASE SUMMARY/BACKGROUND

Independent Healthcare Properties is requesting a Conditional Use Permit to allow a nursing home in an R-4 zoning district. The facility will contain a personal care facility with 80 apartment units and a second building with 45 units for patients with Alzheimer's disease. Access to the subject property will be from South Hurstbourne Parkway. A left turn lane will be constructed on southbound South Hurstbourne to ensure that traffic impacts are adequately mitigated. Parking spaces are provided on site to meet LDC requirements, including handicap-accessible spaces as required by the ADA.

SITE CONTEXT

The site is presently undeveloped, irregular in shape, and is elevated above South Hurstbourne Parkway. The property is located on the east side of South Hurstbourne Parkway, a major arterial, at its intersection with Stillmeadow Drive. There are residential uses to the north, east, and west. Vacant undeveloped land is located to the south.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	R-4	N
Proposed	Nursing Home	R-4	N
Surrounding Properties			
North	Single Family Residential	R-4	N
South	Vacant	R-4	N
East	Single Family Residential	R-4	N
West	Single Family Residential	R-4	N

PREVIOUS CASES ON SITE

None

INTERESTED PARTY COMMENTS

Staff did receive a letter dated February 13, 2014 objecting to the MSD project relating to the proposal. The letter is attached.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMITS

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

STAFF: The proposed development of the site will be consistent and compatible with the character of the area. The Neighborhood Form District is characterized by predominantly residential uses that vary from low to high density and blend compatibly into the existing landscape and neighborhood areas. The Neighborhood Form District should contain diverse housing types in order to provide housing choices for differing ages and incomes, as well as provide for accessibility and connectivity between adjacent uses and neighborhoods. The proposed buildings will be one story in height and residential in character. The site will incorporate low level lighting and adequate landscaping and buffering from adjoining properties to the east. A 30-foot parkway buffer will be provided along South Hurstbourne Parkway and will include a 4-board horse fence and landscape plantings in accordance with LDC requirements.

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 general character of the surrounding neighborhoods in terms of height, scale, intensity, 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: The proposal has been reviewed by Public Works and MSD and both have approved the plan. The Jeffersontown Fire District did not comment on the proposal.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested? There are 3 items in the listed requirements for nursing homes. Item A. will be met, but item B. will need to be modified to allow 2 signs at the entrance facing South Hurstbourne Parkway.

Nursing Homes may be permitted in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements.

A. All buildings shall be located at least 30 feet from any 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 2 sign at the entrance along South Hurstbourne Parkway. Freestanding signs on designated parkways with more than 600 feet of frontage can have an area of 81 square feet and be 12 feet in height. The site plan shows the signs will be 40 feet in area and 8 feet in height.**

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (North and East Property Lines)

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

STAFF: The waiver will not adversely affect adjacent property owners because the required 25-foot landscape buffer area is being provided along the north and east property lines and landscape plantings will be installed in accordance with Land Development Code requirements.

(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 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. 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.

(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 because the location of the sewer and drainage easement is mandated by MSD.

(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 applicant has incorporated other design features that exceed the minimums of the district and compensate for non-compliance of the requested regulation to be waived, including courtyards, large open space areas, low level lighting, residential building character, and architectural design features.

TECHNICAL REVIEW

There are no outstanding technical review items.

STAFF CONCLUSIONS

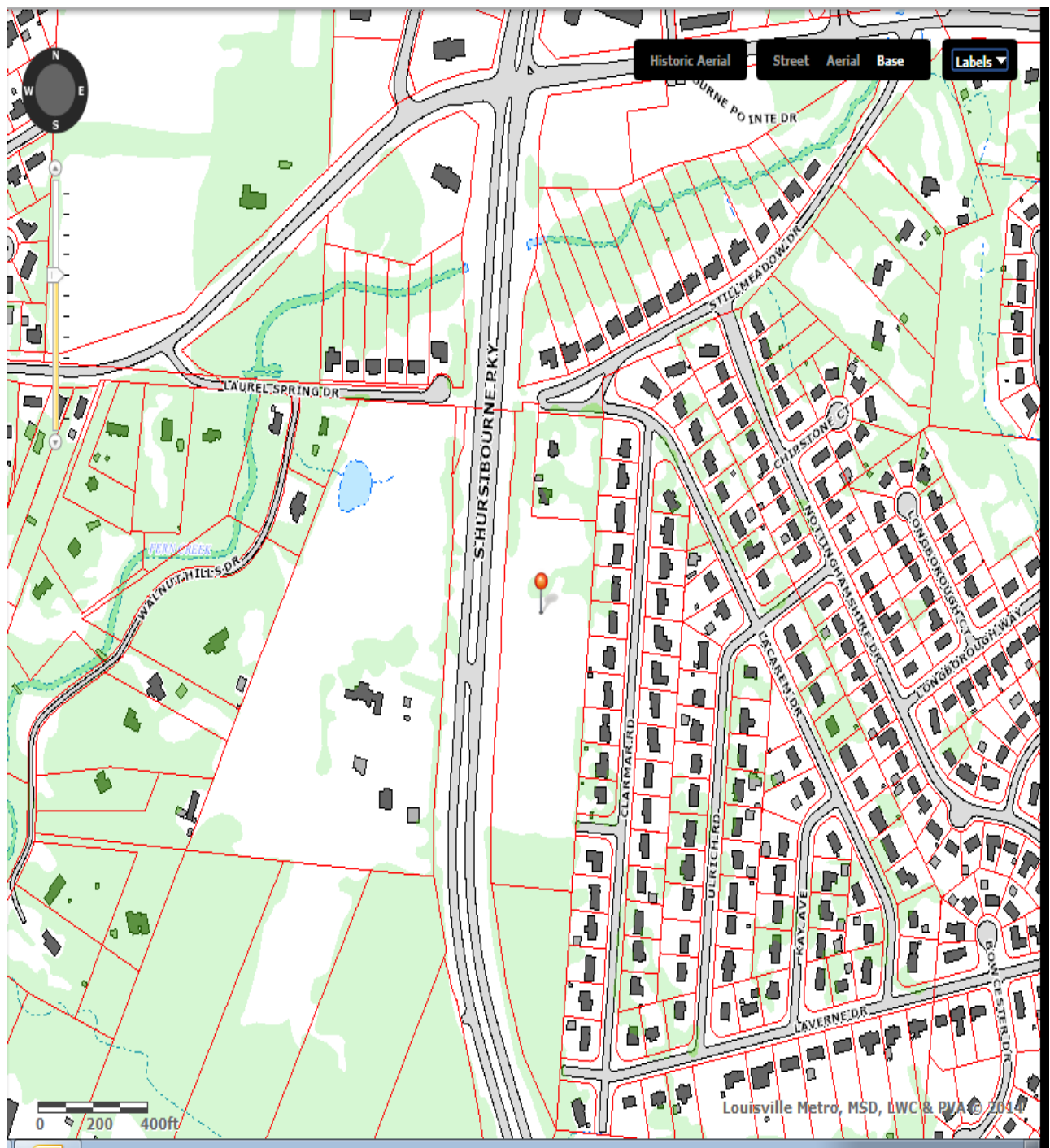
The proposal will be compatible with the surrounding residential development and will provide ample landscaping and buffering. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, BOZA must determine if the proposal meets the standards for granting the Conditional Use Permit and waivers established in the LDC.

NOTIFICATION

Date	Purpose of Notice	Recipients
3/20/14	APO Notice	First tier adjoining property owners Neighborhood notification recipients
3/28/14	Sign Posting	Subject Property

ATTACHMENTS

1. Zoning Map



2. Aerial Photograph



3. Cornerstone 2020 Staff Checklist

#	Cornerstone 2020 Guidelines & Policies	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Pre-App Finding	Pre-App Comments	Final Finding	Final Comments
1	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal is a neighborhood center with a mixture of uses such as offices, retail shops, restaurants and services at a scale that is appropriate for nearby neighborhoods.	+/-	The proposal will be a nursing home and assisted living facility that will located in a residential single family area.	√	The proposal is for a nursing home which will have a variety of uses for the residents.
2	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is high intensity, it is located on a major or minor arterial or an area with limited impact on low to moderate intensity residential uses.	√	The proposal is located along South Hurstbourne Parkway.		
5	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	+/-	There will be an entrance off of South Hurstbourne Parkway and minimum use of asphalt/parking.	√	The proposal has been reviewed and approved by Public Works.
10	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	+/-	There are utilities in the area but staff does not know if they will be underground or shared with the adjacent residential property.	√	Utilities will be provided and will link into the existing grid.
11	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	√	The site will have easy access by car and TARC is not recommending a boarding area.		
12	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	-	Elevations will need to be submitted to staff.	√	Elevations have been submitted and reviewed by staff.
13	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	-	Applicant will need to provide information demonstrating that any impacts will be mitigated.	√	Traffic, parking, sign, lighting, noise will be minimal.
14	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	√	APCD has reviewed and approved the proposal.		
15	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1-4.7	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	-	Transportation Planning has reviewed the proposal and has comments.	√	Public Works has reviewed and approved the proposal.

16	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	-	Lighting is not shown on the proposal.	√	Lighting will be low level and code compliant.
18	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	+/-	Landscape buffers are shown, but a landscape plan has not been submitted.	√	Landscaping requirements will be met or exceeded.
19	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that address those aspects of the development that have the potential to adversely impact existing area developments.	+/-	Landscape buffers are shown, but a landscape plan has not been submitted.	√	Landscaping requirements will be met or exceeded.
20	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	√	Setbacks, lot dimensions and building heights are code compliant.		
21	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	-	Transportation Planning has reviewed the proposal and has comments.	√	Public Works has reviewed and approved the proposal.
22	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	+/-	Landscape buffers are shown, but a landscape plan has not been submitted.	√	Landscaping requirements will be met or exceeded.
24	Form Districts Goals C1-C4, Objectives C1.1-1.2, C2.1-2.7, C3.1-3.7, C4.1.-4.7	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	-	Signage is not shown on the proposal.	-	There will be two sign at the entrance. Item B. will need to be modified.
27	Livability Goals H3 and H5, all related objectives	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	√	The entrance will have a rain garden.		

36	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	√	Transit amenities are not required by TARC at this time.		
38	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	-	Transportation Planning has reviewed the proposal and has comments.	√	Public Works has reviewed and approved the proposal.
39	Mobility Goals A1-A6, B1, C1, D1, E1, E2, F1, G1, H1-H4, I1-I7, all related Objectives	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	-	Transportation Planning has reviewed the proposal and has comments.	√	Public Works has reviewed and approved the proposal.
45	Livability, Goals B1, B2, B3, B4, Objectives B1.1-1.8, B2.1-2.7, B3.1-3.4, B4.1-4.3	Livability/Environment Guideline 10: Flooding and Storm water	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	-	MSD has reviewed the proposal and has comments.	√	MSD has reviewed and approved the proposal.
46	Livability Goals C1, C2, C3, C4, all related Objectives	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	√	APCD has reviewed and approved the proposal.		
48	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	√	Existing utilities are located in the area.		
49	Quality of Life Goal J1, Objectives J1.1-1.2	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	√	The site is located in the Jeffersontown Fire District.		
50	Livability Goal B1, Objective B1.3	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	√	Existing sewage treatment and disposal are located in the area.		

4. Applicant's Justification Statement and Proposed Findings of Fact

CONDITIONAL USE PERMIT JUSTIFICATION STATEMENT

INDEPENDENT HEALTHCARE PROPERTIES – MORNING POINTE OF LOUISVILLE
8300 STILLMEADOW DRIVE
CASE NO. 13CUP1009

NOVEMBER 25, 2013

Independent Healthcare Properties is requesting a conditional use permit under Section 4.2.39 of the Land Development Code to operate a personal care facility (nursing home) on the property located 8300 Stillmeadow Drive. The subject property is zoned R-4 Single Family Residential and is located in the Neighborhood Form District. The property is located on the east side of S. Hurstbourne Parkway, a major arterial, at its intersection with Stillmeadow Drive. The proposed facility will contain a personal care home with 80 apartment units, and a second building with 45 units for patients with Alzheimer's disease.

The proposed conditional use permit complies with the Cornerstone 2020 Comprehensive Plan because the Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. The Neighborhood Form should contain diverse housing types in order to provide housing choices for differing ages and incomes, as well as provide for accessibility and connectivity between adjacent uses and neighborhoods. The proposed development will provide an alternative housing option for seniors, which currently does not exist in the area. The facility will have a chapel, theater, dining room, courtyards, a coffee shop, an exercise area, and many activities which encourage independence and socialization. The buildings are compatible with the general character of the surrounding neighborhoods in terms of height, scale, intensity, lighting, and appearance. The proposed buildings will be one story in height and will be residential in character. The site will incorporate low level lighting and will be adequately landscaped and buffered from the adjoining residential neighborhood to the east. A 30-foot parkway buffer will be provided along S. Hurstbourne Parkway and will include a 4 board horse fence and landscape plantings in accordance with Land Development Code requirements.

Access to the subject property will be from S. Hurstbourne Parkway. A left turn lane will be constructed on southbound S. Hurstbourne to ensure that traffic impacts are adequately mitigated. Parking spaces are provided on site to meet Land Development Code requirements, including handicap-accessible spaces as required by the ADA. The subject property is located above the 100-year floodplain, does not contain steep slopes, unstable soils, or blueline streams and, as a result, there are no environmental constraints that would affect the development of the property. Onsite stormwater detention will be provided to ensure proper stormwater handling and release management that will not adversely affect adjacent or nearby properties. The drainage

plans are required to receive approval from MSD prior to beginning construction. In addition, an Erosion Prevention and Sediment Control Plan utilizing best management practices as recommended by MSD will be implemented prior to commencing construction of the development. Interior landscape areas and tree canopy will meet or exceed Land Development Code requirements and will break up the parking areas and enhance the overall aesthetics of the site. All necessary public utilities are available and the property is served by the Jeffersontown Fire Department. Therefore, the proposed conditional use permit will promote the general health, safety and welfare, and will not have a negative effect on neighboring properties.

The proposed development complies with the listed requirements in Section 4.2.39. of the Land Development Code because all buildings are located at least 30 feet from the property lines. In addition, the one sign proposed will be 40 square feet in area and 8 feet in height, which is within the parameters of what is allowed along major arterial roadways in the Neighborhood Form District.

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REVISED LANDSCAPE WAIVER JUSTIFICATION STATEMENT

**INDEPENDENT HEALTHCARE PROPERTIES – MORNING POINTE OF LOUISVILLE
8300 STILLMEADOW DRIVE
CASE NO. 13CUP1009**

MARCH 24, 2014

Independent Healthcare Properties, the applicant, is requesting a conditional use permit to operate a personal care facility on the property located at 8300 Stillmeadow Drive. In conjunction with the conditional use permit application, the applicant also requests a waiver of LDC Section 10.2.4.B. to allow a proposed sewer and drainage easement to encroach into the 25-foot landscape buffer area along the north and east property lines by more than 50%. As explained herein, the requested waiver complies with the criteria for granting waivers set forth in the Land Development Code and, therefore, should be approved.

The requested waiver will not adversely affect adjacent property owners because the required 25-foot landscape buffer area is being provided along the north and east property lines and landscape plantings will be installed in accordance with Land Development Code requirements. The requested waiver will not violate the Comprehensive Plan for all the reasons set forth in the justification statement for the conditional use permit, including that the development will be extensively landscaped throughout and will meet or exceed the minimum requirements of the Land Development Code in the vehicle use areas and adjacent to the existing residential uses.

The extent of the requested waiver is the minimum necessary to afford relief to the applicant because the location of the sewer and drainage easement is mandated by MSD. The development plan otherwise complies with all landscaping and tree canopy requirements of the Land Development Code requirements. The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance of the requested regulation to be waived, including courtyards, large open space areas, low level lighting, residential building character, and high quality architectural design features.

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RECEIVED
MAR 26 2014
PLANNING &
DESIGN SERVICES

13CUP1009



500 West Jefferson Street, Suite 2800
Louisville, Kentucky 40202-2898
502.589.5235
Fax: 502.589.0309

Deborah A. Bilitski
502.562.7297
dbilitski@wyattfirm.com

October 28, 2013

Dear Neighbor:

Independent Healthcare Properties is planning to file an application for a conditional use permit to operate a personal care facility on the property located at 8300 Stillmeadow Drive (at the intersection of Stillmeadow Drive and S. Hurstbourne Parkway). In accordance with the procedures of Louisville Metro Planning and Design Services, we are inviting adjoining property owners and neighborhood group representatives to discuss this proposal before filing the application. This will be an informal meeting to give you the opportunity to review the proposed plan and provide your comments to us. This meeting will be held in addition to the established procedures of the Board of Zoning Adjustment, including a public hearing.

The meeting to discuss this proposal will be held on **Tuesday, November 12 2013 at 6:00 p.m.** at the **Fern Creek Community Center Annex, 6104 Bardstown Road, Louisville, Kentucky.**

At this meeting, Independent Healthcare Properties and its representatives will explain the proposal and address any questions you may have. The purpose of this meeting is to increase your understanding of this case early in the process. We encourage you to attend this meeting and to share your comments on this proposal.

Best regards,

Deborah A. Bilitski

SUMMARY OF NEIGHBORHOOD MEETING

Meeting Date and Time: Tuesday, November 12, 2013 at 6:00 PM

Location of Meeting: Fern Creek Community Center Annex
6104 Bardstown Road
Louisville, KY

Subject Site Location: 8300 Stillmeadow Drive (at the intersection of
Stillmeadow Drive and S. Hurstbourne Parkway)

Attending on behalf of
the Applicant: Deborah Bilitski, Esq., Wyatt, Tarrant & Combs, LLP
Franklin Farrow, Independent Healthcare Properties, LLC
Greg Vital, Independent Healthcare Properties, LLC
Matt Fleece, Barrett Partners, Inc.
Tony Barrett, Barrett Partners, Inc.
Kevin Young, Land Design & Development
Wally Fluhr
Rob Taylor
Alan Cameron

Neighbors in Attendance: See attached sign-in sheet

Meeting Summary

Deborah Bilitski opened the meeting by introducing herself, Franklin Farrow, Greg Vital, Kevin Young, and Rob Taylor. Ms. Bilitski then explained the application for a conditional use permit to operate a personal care facility at 8300 Stillmeadow Drive.

Mr. Vital spoke about Independent Healthcare Properties and Morning Pointe. Independent Healthcare Properties has 24 facilities, mostly in Kentucky and Tennessee. Morning Pointe owns and operates the facilities. The companies employ over 850 people. We want to be a good corporate citizen and a good neighbor to adjoining property owners. The facility will have one access, which is off of Hurstbourne Parkway. The building will be one-story, which is preferred by senior citizens. Mr. Vital provided the website address for the company: www.morningpointe.com.

Mr. Vital described the facility's design, which will be constructed with wood and brick. The site will have low impact lighting and will be very well landscaped with beautiful scenery. We are proposing to have two buildings, the first being a personal care residence and the second for patients with Alzheimer's Disease. The personal care building will have 80 apartment units and the Alzheimer's building will have 45 units. Morning Pointe will have a chapel, theater, dining room, courtyards, a coffee shop, an exercise area, and many activities which encourage independence and socialization.

The meeting was opened for questions.

Question: Will there be a fence?

Answer: We are required to provide a buffer, which may include a fence plus vegetation or an evergreen hedge. We would like to hear neighbor input on what is preferred. Kevin Young addressed access, landscaping, utilities, detention and landscape buffer areas.

Question: How many employees will there be?

Answer: There will be 55 to 60 employees working three shifts. However, because this is a residential facility, it is very quiet between the hours of 9:00 PM and 6:30 A.M.

Question: Will there be lighting in the parking lot?

Answer: There will be some low level lighting in the parking lot for safety and security. We like to utilize bollard-style lighting where possible to retain the residential feel of the site.

Question: Are there dumpsters?

Answer: There will be dumpsters, but the regulations prohibit loading and unloading late at night within close proximity to residential uses.

Question: Tell us about the outside areas of the site.

Answer: Building renderings were shown and described. We plan to have a small community garden for the residents. The site will be well landscaped and maintained.

Question: When will construction begin?

Answer: The CUP approval process was explained, which will take approximately 2 to 3 months to complete. We expect construction to begin in mid-2014, and it will take approximately one year to complete the first building. Once the first building is completed and starts to become occupied, we will begin construction on the second building.

Question: Where are the sewers?

Answer: We are getting sewers from the Stillmeadow side of the site.

Mr. Vital then handed out a packet of information about Morning Pointe to the people in attendance, welcomed everyone to visit one of their other sites, and encouraged the neighbors to contact us if they have any follow up questions.

The meeting was adjourned.

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Neighborhood Meeting

Meeting Date and Time: Tuesday, November 12, 2013 at 6:00 PM

Location of Meeting: Fern Creek Community Center Annex
6104 Bardstown Road, Louisville, Kentucky

Description of Proposal: Application for a conditional use permit to operate a personal care facility

Subject Site Location: 8300 Stillmeadow Drive (at the intersection of Stillmeadow Drive and S. Hurstbourne Parkway)

Neighbors in Attendance

Name	Address	Zip Code	Phone # (optional)
Franklin Farrow	6020 Arbury	Oblatah 37363	JHP
Matt Fleece	209 E. High Street	Lexington KY 40507	
Donna Marie	8406 Harbourside Way	Louisville, KY 40291	
Patsy Martin	4710 Clairmont		499-1646

61062976.1
11/12/2013 2:30 pm

February 13, 2014

To whom it may concern:

On behalf of residents on Laurel Spring Drive, in Louisville, KY District 22, zip 40299, this letter is being written to make you aware of our strong opposition to a pending MSD project. It involves a new sewer line hook-up to an existing line running through our back yard properties, connecting to a new development. This new project, known as Morning Point, a personal care, assisted living services facility, will be developed at 8300 Still Meadow Lane in Southeast Jefferson County. We believe there are other options that MSD should pursue.

We are strongly opposed to the alignment of this MSD sewer connection due to the following concerns:

- Mature, valuable trees would be removed that would drastically affect the screening and shielding level of our privacy from Hurstbourne Parkway, which will greatly impact the noise level as well.
- Impact of our property home values
- Our homes sit on a rock shelf and blasting would have to occur to allow for this sewer connection. We have major concerns about settling and damage to our home foundations and outside driveways, sidewalks, patios, etc.
- Wildlife, such as otter, fox, deer, blue heron, ducks and all types of birds inhabit our backyard's "park-like" setting. Conservation and protection of wildlife are issues of major concern.
- Removal of trees would disrupt the water flow of Fern Creek, which runs through our backyards. Area is a flood plain, which brings great concerns for land erosion, flooding and run-off problems.
- Disruption of outdoor activities/quality of life while this work is being done.

Should this project be approved, as a whole, we will need binding elements as a condition. We would want screening, berms and new trees planted, as well as some type of policy in place for protection from foundation issues due to blasting.

We would also ask that MSD re-evaluate the creek bed and streamline to eliminate any land erosion or flooding issues that may arise impacting our properties.

Thank you,
Bill and Betty Wallen

8201 Laurel Spring Drive

Darryl and Judy Miller
502-572-4309

8203 Laurel Spring Drive

Ned and Penny Southwick

8204 Laurel Spring Drive

David and Eva Beaven
502-493-9447

8205 Laurel Spring Drive

Brian Goben and Pamela Case
502-777-1264

8207 Laurel Spring Drive

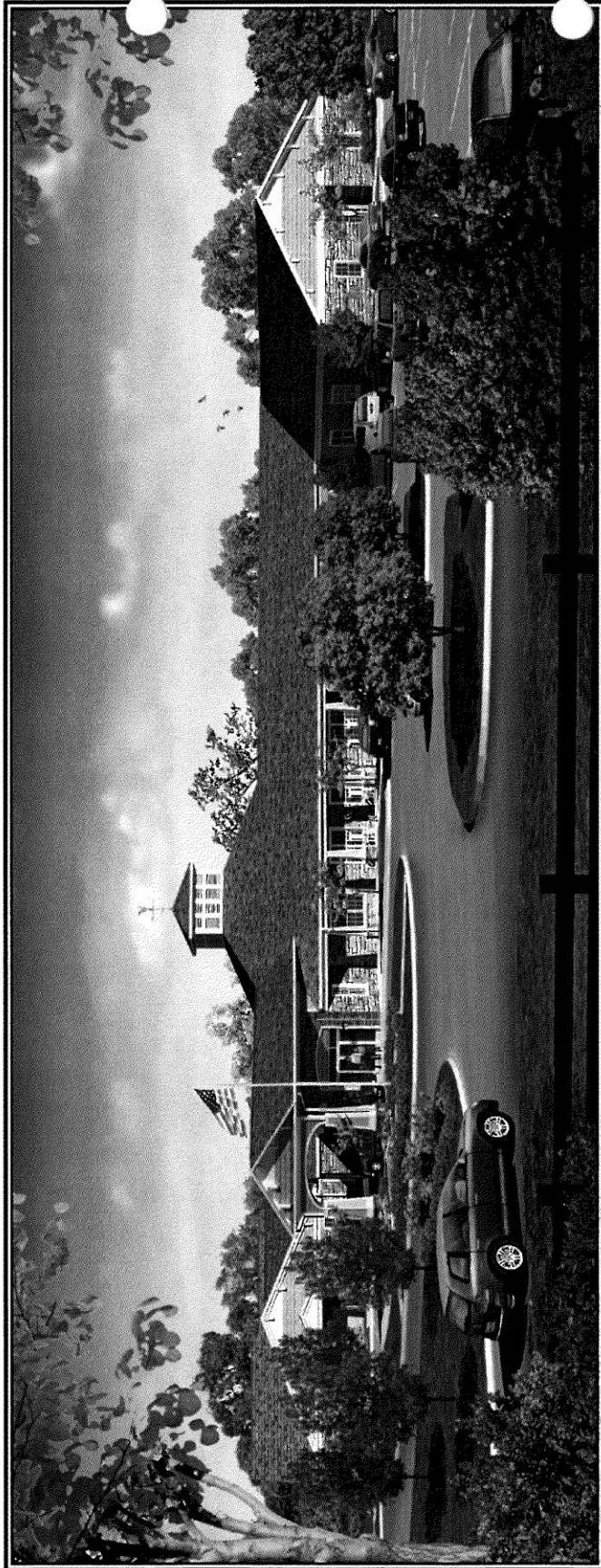
Dan and Jean Henle
502-499-0504

8209 Laurel Spring Drive

John Plymire
502-930-4550

8211 Laurel Spring Drive

Cc: District 11 Councilman Kevin Kramer/District 22 Councilman Robin Engel
Joey Ashby, MSD Engineer



Morning Pointe

13CUP1009

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 nursing home without further review and approval by the Board.

[illegible]