

Development Review Committee

Staff Report

April 20, 2016



Case No(s):	16WAIVER1003
Project Name:	Exceptional Senior Living
Location:	6909 Beech Avenue
Owner(s):	Exceptional Senior Living – Prospect LLC
Applicant(s):	Exceptional Living Centers
Representative(s):	Travis Edelen
Project Area/Size:	5.06 acres
Existing Zoning District:	R-4, Residential Single Family
Existing Form District:	V, Village Center
Jurisdiction:	Louisville Metro
Council District:	16 – Kelly Downard
Case Manager:	Jon E. Crumbie, Planning & Design Coordinator

Continued from April 6, 2016 DRC

REQUESTS

- Waiver of section 10.2.4.A. to eliminate the required landscaping and buffering along the south adjacent to the detention basin.
- Waiver of section 10.2.4.A. to eliminate the required landscaping and buffering along the north property line adjacent to the detention basin.
- Waiver of section 10.2.4.B. to allow an easement overlap of more than 50% along the north property line.

CASE SUMMARY/BACKGROUND

Exceptional Living Centers is proposing to operate a nursing home/home for the infirm and aged. The proposed facility will contain 85 apartment units, of which 24 units will be dedicated to memory care. The units will be a mixture of studio, one-bedroom, and two-bedroom apartments ranging in size from approximately 350 square feet to 800 square feet. The facility will employ approximately 25 people and will receive an average of 2 to 3 deliveries per week. During the Conditional Use Permit review the applicant thought they would be able to meet the landscaping requirements on the entire site, but now are asking for relief near the detention basin.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant Land	R-4	VC
Proposed	Detention Basin	R-4	VC
Surrounding Properties			
North	Residential	R-4	VC
South	Commercial	C-1	VC
East	Commercial	C-1	VC
West	Commercial	C-1	VC

SITE CONTEXT

The site is irregular in shape and located between US 42 and River Road immediately behind Prospect Plaza Shopping Center and across Carslaw Court from the rear of Prospect Village Shopping Center. The site is abutting residential uses to the north, commercial uses to the south, east, and west.

PREVIOUS CASES ON SITE

15CUP1010 Conditional Use Permit to allow a nursing home/home for the infirm and aged in an R-4 Zoning District. The proposal was approved by the Board of Zoning Adjustment on June 1, 2015.

INTERESTED PARTY COMMENTS

Staff received one phone call from a concerned neighbor who wanted to know what was going on and discuss his issues with the approved Conditional Use Permit.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 10.2.4.A. to allow the elimination of the required landscaping and buffering (South Property Line)

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

STAFF: The waiver will not adversely affect adjacent property owners since the area in question will be used for a detention basin for the previously approved Conditional Use Permit on the west side Beech Avenue.

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

STAFF: Guideline 3, policy 9 of Cornerstone 2020 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. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. 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 since there is existing vegetation along the south property line.

- (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 measures that exceed the minimum by adding nine evergreen trees.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section
10.2.4.A. to allow the elimination of the required landscaping and buffering
(North Property Line)**

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

STAFF: The waiver could adversely affect the adjacent property owner since currently there is no screening or buffering along the north property line to help mitigate the possible nuisance of the detention basin.

- (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 is not the minimum necessary since the intent of the landscape buffer area is to create suitable transitions between varying forms of development. Currently there is no landscaping between the adjacent property and the current vacant lot which will become a retention basin.

- (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 applications of the provisions of the regulation would not deprive the applicant of the reasonable use of land since the area has already been approved for a detention basin under the previous Conditional Use Permit plan.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section
10.2.4.B. to allow a utility easement to encroach more than 50% into the
landscape buffer area
(North Property Line)**

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

STAFF: The waiver will not adversely affect adjacent property owners since the area in question will be used for a detention basin for the previously approved Conditional Use Permit on the west side Beech 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 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 since the waiver would allow landscaping along the north property line.

- (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 measures that exceed the minimum by adding nine evergreen trees.

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 hearing, DRC must determine if the proposal meets the standards for granting the waivers as established in the LDC.

NOTIFICATION

Date	Purpose of Notice	Recipients
3/24/16	APO Notice	First tier adjoining property owners Neighborhood notification recipients

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph



