

# Planning Commission Staff Report

August 4, 2016



<b>Case No:</b>	16DEVPLAN1145
<b>Project Name:</b>	Grove Pointe Assisted Living
<b>Location:</b>	240 Masonic Home Drive
<b>Owners:</b>	Masonic Homes of KY, Inc.
<b>Applicant:</b>	Masonic Homes of KY, Inc. – Gary Marsh
<b>Representative(s):</b>	Dinsmore & Shohl LLP – Clifford Ashburner
<b>Project Area/Size:</b>	5.73 Acres
<b>Existing Zoning District:</b>	R-5A, Multi-Family Residential
<b>Existing Form District:</b>	C, Campus
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	9 – Bill Hollander
<b>Case Manager:</b>	Joel P. Dock, Planner I

## REQUEST

- **Revised Detailed District Development Plan (RDDDP)** for proposed 72 unit assisted living facility.

## CASE SUMMARY/SITE CONTEXT

The applicant proposes a 72 unit assisted living facility on 5.73 acres of a Northeastern 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. Fifty parking spaces will be provided for the assisted living facility. An additional 46 spaces for campus staff are being provided to compensate for the loss of parking that is being displaced as a result of the proposed structure and associated vehicle use areas. The existing infirmary building will be demolished and the new facility will be a 2 story (35') brick building totaling 76,500 SF with 2 courtyards. No new access or changes to existing access to abutting streets is being requested with this RDDDP.

A revised detailed district development plan for the subject site was approved by the Planning Commission on February 18, 2016 under case 15DEVPLAN1186. Revisions proposed on the current request include a reduction in the overall parking spaces by 39 and a reconfiguration of the vehicle use area resulting in the preservation of additional trees. Primary access to the assisted living facility parking area from within the Masonic Homes development will contain a central landscape island. Employees of the campus will access the displaced employee parking lot using a drive-lane abutting the assisted living parking area.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Nursing, Assisted, and Independent Living	R-5A	C
<b>Proposed</b>	Assisted Living	R-5A	C
<b>Surrounding Properties</b>			
<b>North</b>	Single and multi-family residential	R-5A/R-5/R-7	N
<b>South</b>	Commercial/Office/Residential	OR-1/OR-3/ C-2/R-4	TMC,TC,TN
<b>East</b>	Single and multi-family residential	R-5/R-7	N
<b>West</b>	Multi-family residential	R-7	C

**PREVIOUS AND ASSOCIATED CASES ON SITE**

- B-11-79: CUP for Home for Infirm or 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 or Aged as an expansion to B-11-79 (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 accessory 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 with offices along Frankfort Avenue (approved 9/9/10).
- 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).
- 14226: Modified CUP for proposed Independent Living and cottage units in Southwest corner of Masonic Homes Development (approved 11-16-10).

- 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 to allow employees and residents site access from adjacent streets to the East (denied 7/28/14).
- 15CUP1036: Modified CUP associated with this RDDDP request (approved 2/1/16)
- 15DEVPLAN1186: RDDDP for 72 unit assisted living facility (approved 2/18/16)
- 15DEVPLAN1187: RDDDP for 124 independent living units (approved 2/18/16)

### INTERESTED PARTY COMMENTS

A letter in opposition to the proposal was submitted by Ben Lowry, 3700 Napanee Road. The objection stated that the reconstructed employee parking will cause a nuisance to abutting properties due to increased exhaust fumes and noise from vehicles. He also raised concerns about the landscape berm generating storm water runoff into the backyards of residents. Lastly, procedural questions related to the type of plan submitted were discussed. Staff responded to procedural questions related to revised detailed district development plans. Comments and staff response have been included in the case file.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code (July 2016)

### 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 is in a location of existing development and does not appear to have any substantial negative impact on the existing natural resources. The development provides all required LBA's and permits appear to have been properly issued for the demolition. Parking has been reconfigured from an approval granted by the Planning Commission on February 18, 2016 under case 15DEVPLAN1186 to preserve additional trees.

- 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. Bike parking has been incorporated into the proposal to enhance mobility.

- 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 exceeds the minimum requirements of the Land Development Code.

- 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 proposed land use is also compatible with the demographic trends of Louisville-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 as Guideline 3, Policy 1, 3, 10, 11, 12, 13, & 14 encourage the compatibility of all new development within the context of the character of the surrounding neighborhood and to provide transition where necessary using landscaping, open spaces, and building design; the incorporation of a variety of housing options with varying densities that are appropriate and inclusive for all potential tenants; accessibility to individuals with disabilities; and the location of housing for the elderly and those with disabilities to be close to activities, services, and public transportation. The design and building material of the proposed development is compatible with the surrounding neighborhoods and Masonic Homes campus while also providing a housing option to the elderly or disabled that is not only accessible to the residents but their guests too. The development is within range of a wide variety of services and activities along a major transportation corridor.

### **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 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 wrecking permit, case 14WR1306, has been properly issued for the demolition of the existing building.

- The applicant must submit a modified conditional use permit for the subject site or pursue the abandonment of the conditional use permit as an assisted living facility no longer requires a conditional use permit.
- The Board of Zoning Adjustment will review a variance request for the building connection on the West side of the site prior to approval of construction permits.

**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**

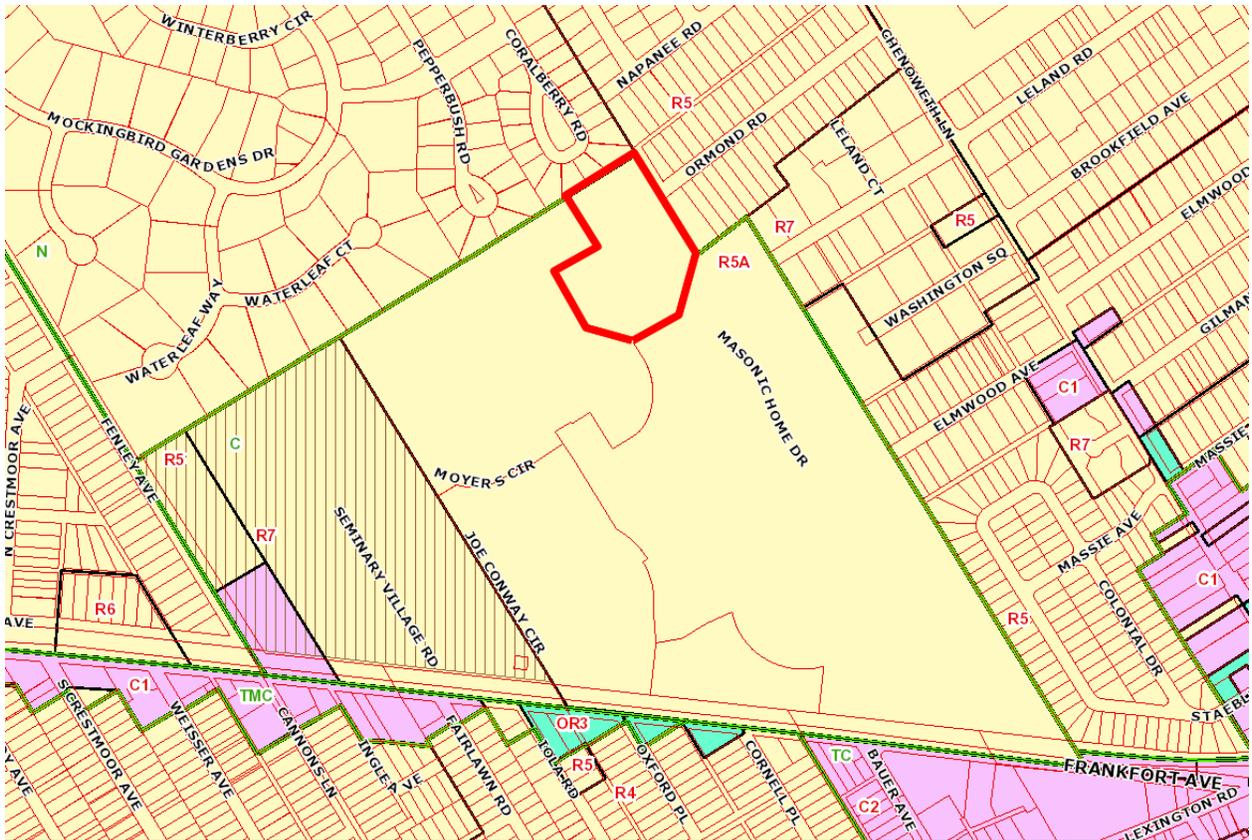
Date	Purpose of Notice	Recipients
7/19/16	Planning Commission	370+ notices were sent for this review*

\*Notification included all 1<sup>st</sup> 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, individuals who spoke at the Planning Commission hearing for rezoning 7/21/83, and those who spoke at the Planning Commission hearing on 2/18/16. 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 July 1, 2016*.

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Binding Elements

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 Construction Review, 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.