

Louisville Metro Board of Zoning Adjustment – September 12, 2016
Louisville Metro Development Review Committee – September 14, 2016
Neighborhood Meeting - July 20, 2016

DOCKET NO. 16CUP1029 AND 16DEVPLAN1160

Proposed Conditional Use Permit (CUP), Relief from CUP requirements,
associated Revised Detailed District Development Plan (RDDDP) and
Variances to allow a senior living facility located at
1105 Dorsey Ln and 1520 N. Hurstbourne Pkwy.

The logo for Stonecrest Senior Living features the word "STONECREST" in a large, white, serif font on an orange rectangular background. Below it, the words "SENIOR LIVING" are written in a smaller, white, sans-serif font, flanked by two horizontal white lines.

STONECREST
SENIOR LIVING

Attorneys: Bardenwerper Talbott & Roberts, PLLC

Land Planners, Landscape Architects & Engineers: Mindel Scott & Associates

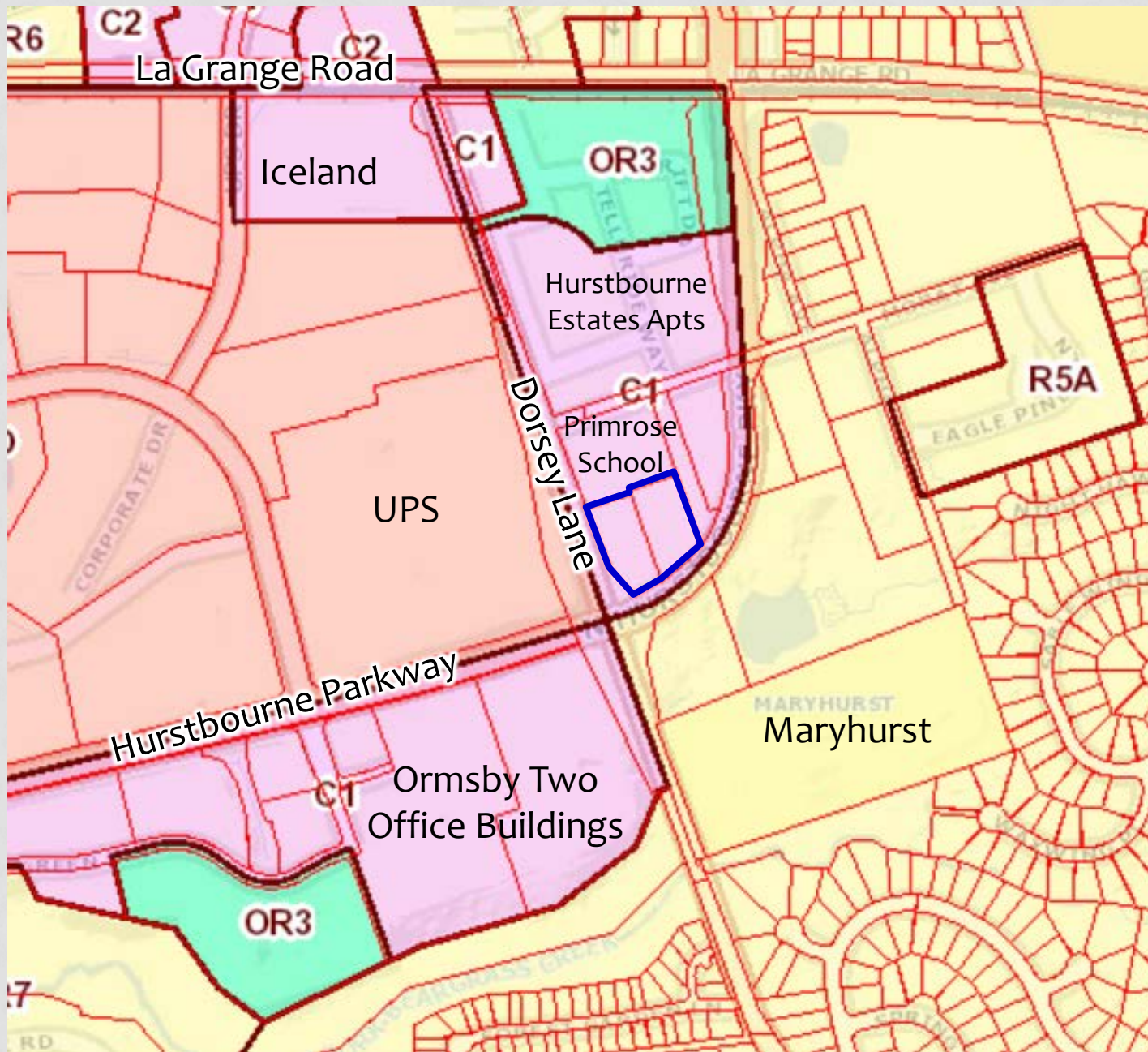
Architects: Roseman & Associates

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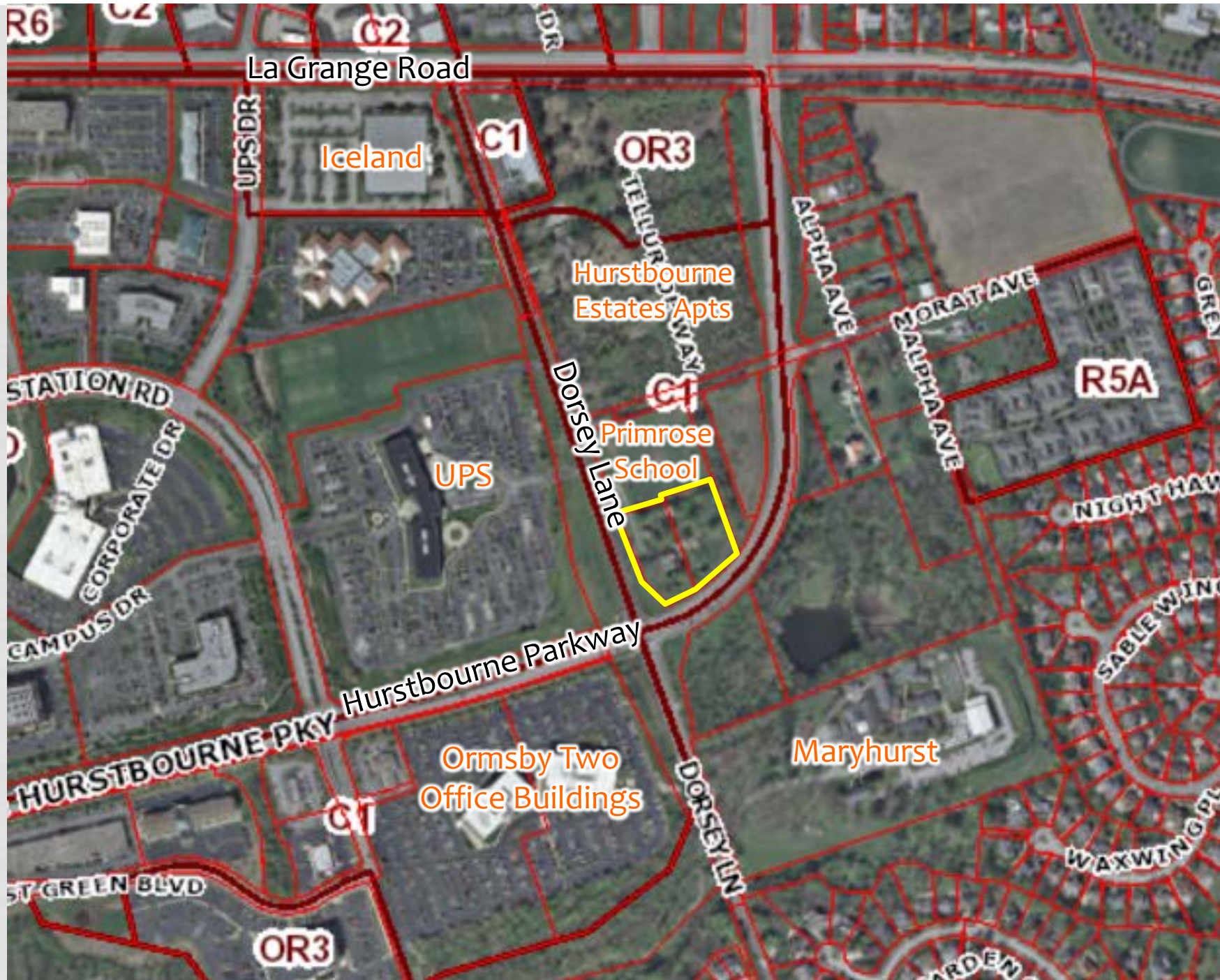
TAB 1

LOJIC ZONING MAP



TAB 2

AERIAL PHOTOGRAPH OF THE SITE AND
SURROUNDING AREA



TAB 3

GROUND LEVEL PHOTOGRAPHS OF THE SITE AND SURROUNDING AREA



View of Dorsey Lane, looking south towards N. Hurstbourne Parkway. Site is to the left.

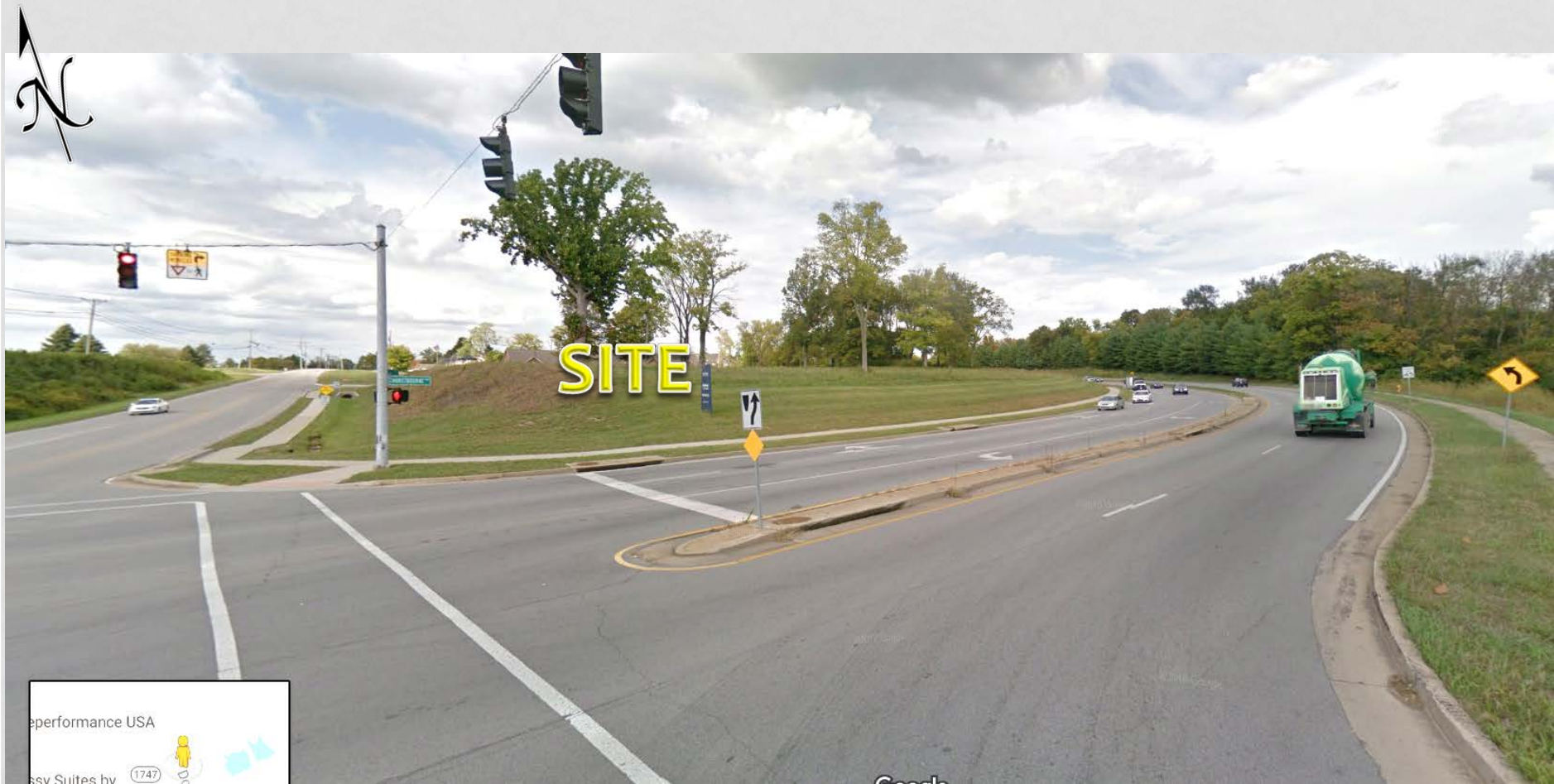


View of adjoining Primrose School, to the north of site. Site is to the right.

2



View of existing Primrose School entrance and curb cut on Dorsey Lane.



View of site from the southeast corner of Dorsey Lane and N. Hurstbourne Parkway.



View N. Hurstbourne Parkway looking northwesterly. Site is to the left.

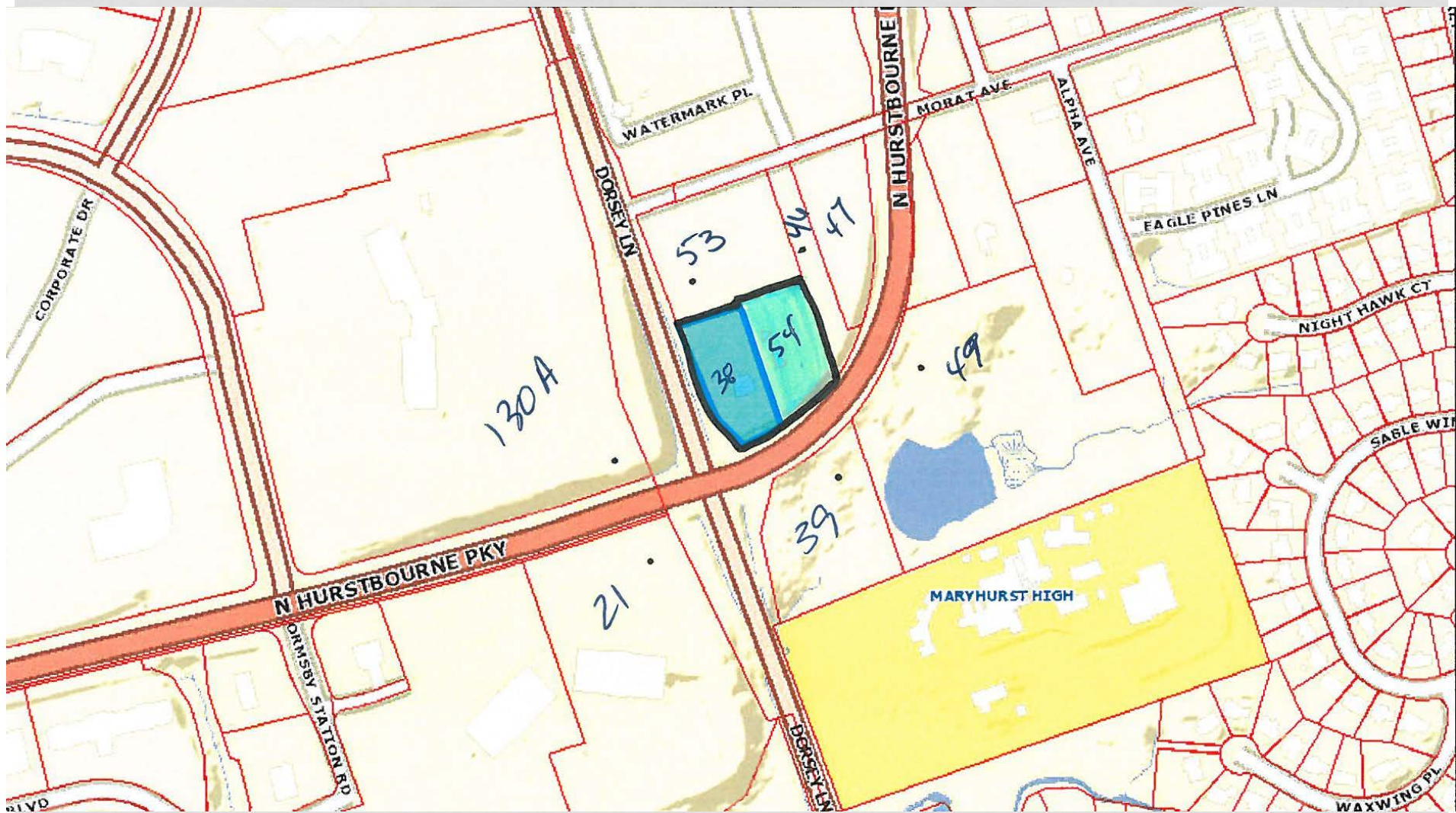


View of N. Hurstbourne Parkway, looking southeasterly. Site is to the right.

TAB 4

NEIGHBORHOOD MEETING NOTICE LIST MAP,
LETTER TO NEIGHBORS INVITING THEM TO THE
MEETING AND SUMMARY OF MEETING

Adjoining property owner notice list map wherein 13 neighbors were invited to the neighborhood meeting and the subsequent BOZA hearing and DRC meeting.



BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

William B. Bardenwerper
Direct dial: 426-0388, ext. 125
Email: WBB@BARDLAW.NET

July 5, 2016

Re: Proposed Conditional Use Permit (CUP) and associated Revised Detailed District Development Plan (RDDDP) to allow a senior living facility, on approximately 2.46 acres located just north of Hurstbourne Parkway, east of Dorsey Lane at 1105 Dorsey Lane and 1520 N. Hurstbourne Parkway

Dear Neighbor,

We are writing to invite you to a meeting we have scheduled to present neighbors with our CUP and RDDDP to allow a senior living facility to be located as above.

Accordingly, we have filed a plan for pre-application review on Friday, July 1st with the Division of Planning and Design Services (DPDS) that has been assigned case number **16CUP1029** and case manager, **Jon Crumbie**. We would like to show and explain to neighbors the plan so that we might hear what thoughts, issues and perhaps even concerns you may have.

In that regard, a meeting will be held on **Wednesday, July 20th at 7:00 p.m.** at the **Middletown Fire Station II** located at **10217 Shelbyville Road**.

If you cannot attend the meeting but have questions or concerns, please call me at 426-6688 or our clients land planning and engineering firm representatives Kevin Young or Ann Richard at 426-9374.

We look forward to seeing you.

Sincerely,



William B. Bardenwerper

Cc: Hon. Marilyn Parker, Councilwoman, District 18
Jon Crumbie, case manager with Division of Planning & Design Services
Dan Thies and Jed Momot, Stonecrest Senior Living Development, LLC, applicant
Kevin Young and Ann Richard land planners with Land Design & Development, Inc.
Nick Pregliasco, attorney with Bardenwerper, Talbott & Roberts, PLLC

Neighborhood Meeting Summary

A neighbor meeting was held pursuant to required notice on Wednesday, July 20, 2016, commencing at 7pm at the Middletown Fire Station at Dorsey Way and Shelbyville Rd.

Mr. Bardenwerper, counsel to the applicant, Ann Richard, land planner with Land Design and Development, and Dan Theis, the applicant's representative showed a PowerPoint presentation to the only neighbor who was present, to wit: the owner of the immediate adjoining commercially zone property and other residential property across Hurstbourne Parkway. He had no questions but carried on a friendly conversation, wanting to make sure he had access to his property, wondering about its development potential, and inquiring whether this applicant might be interested in purchasing his property and expanding its use on to it.

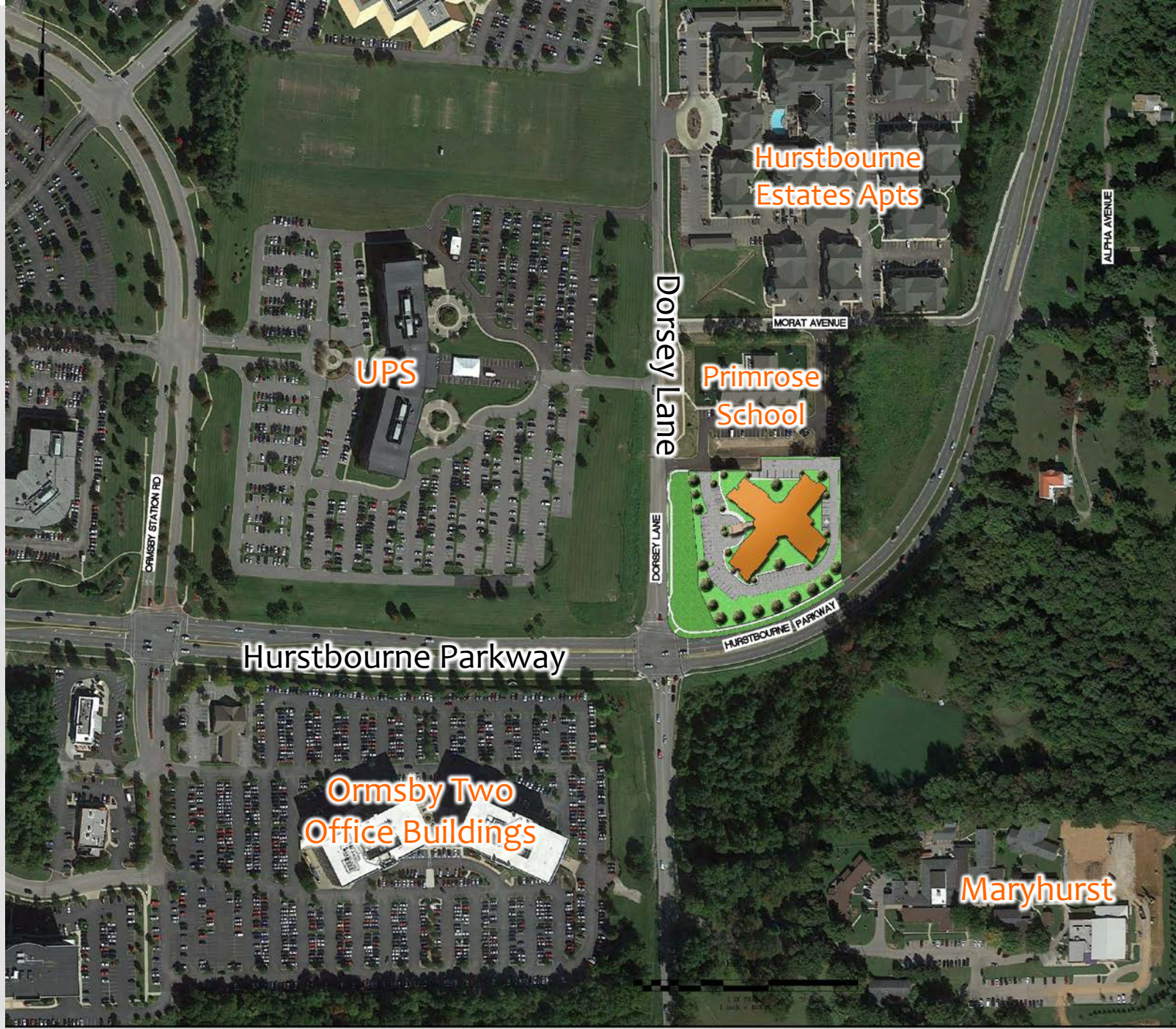
Respectfully submitted,

Bill Bardenwerper
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TAB 5

DEVELOPMENT PLAN



Hurstbourne
Estates Apts

Dorsey Lane

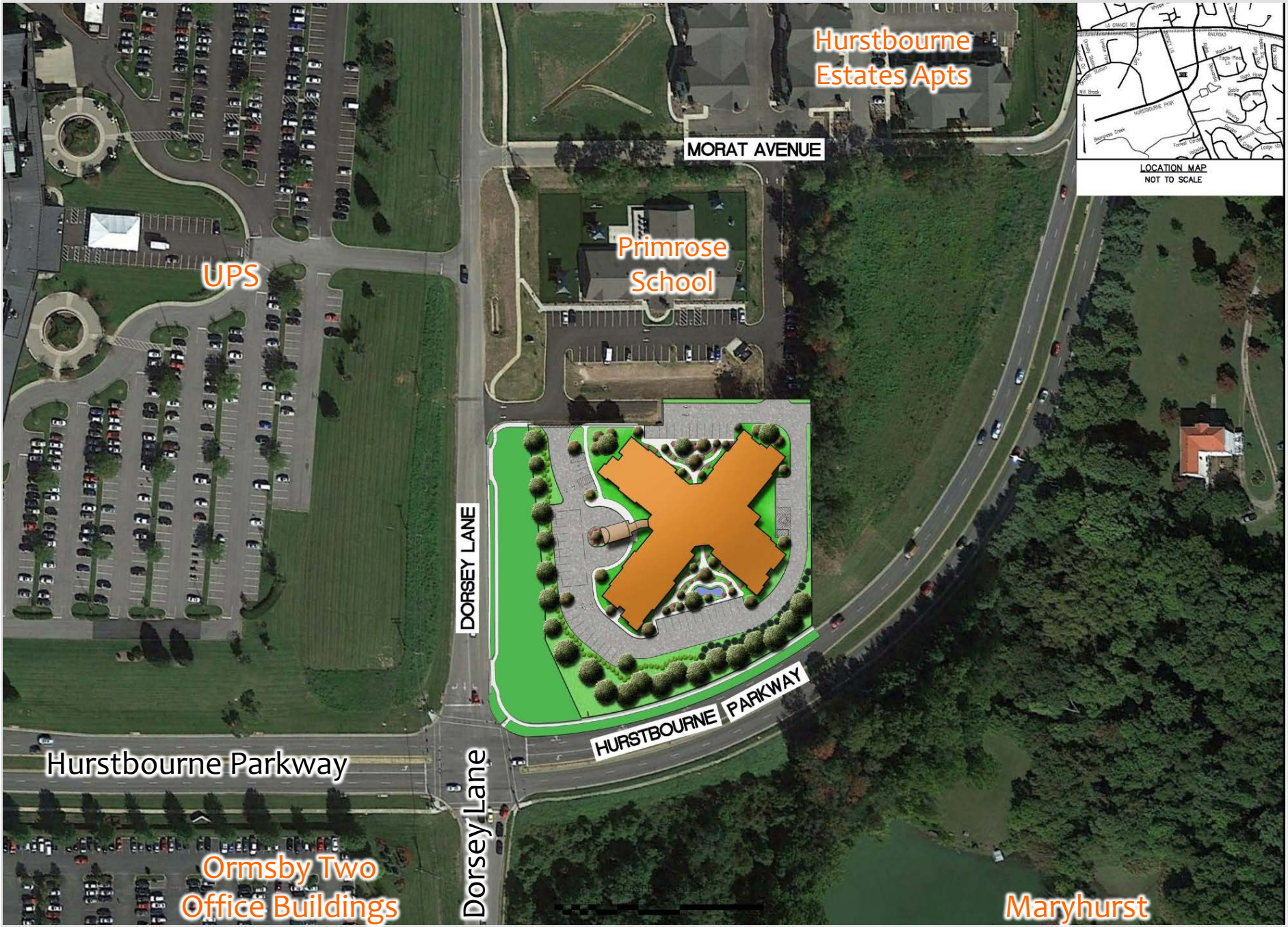
Primrose
School

UPS

Hurstbourne Parkway

Ormsby Two
Office Buildings

Maryhurst



Hurstbourne
Estates Apts

MORAT AVENUE

Primrose
School

UPS

DORSEY LANE

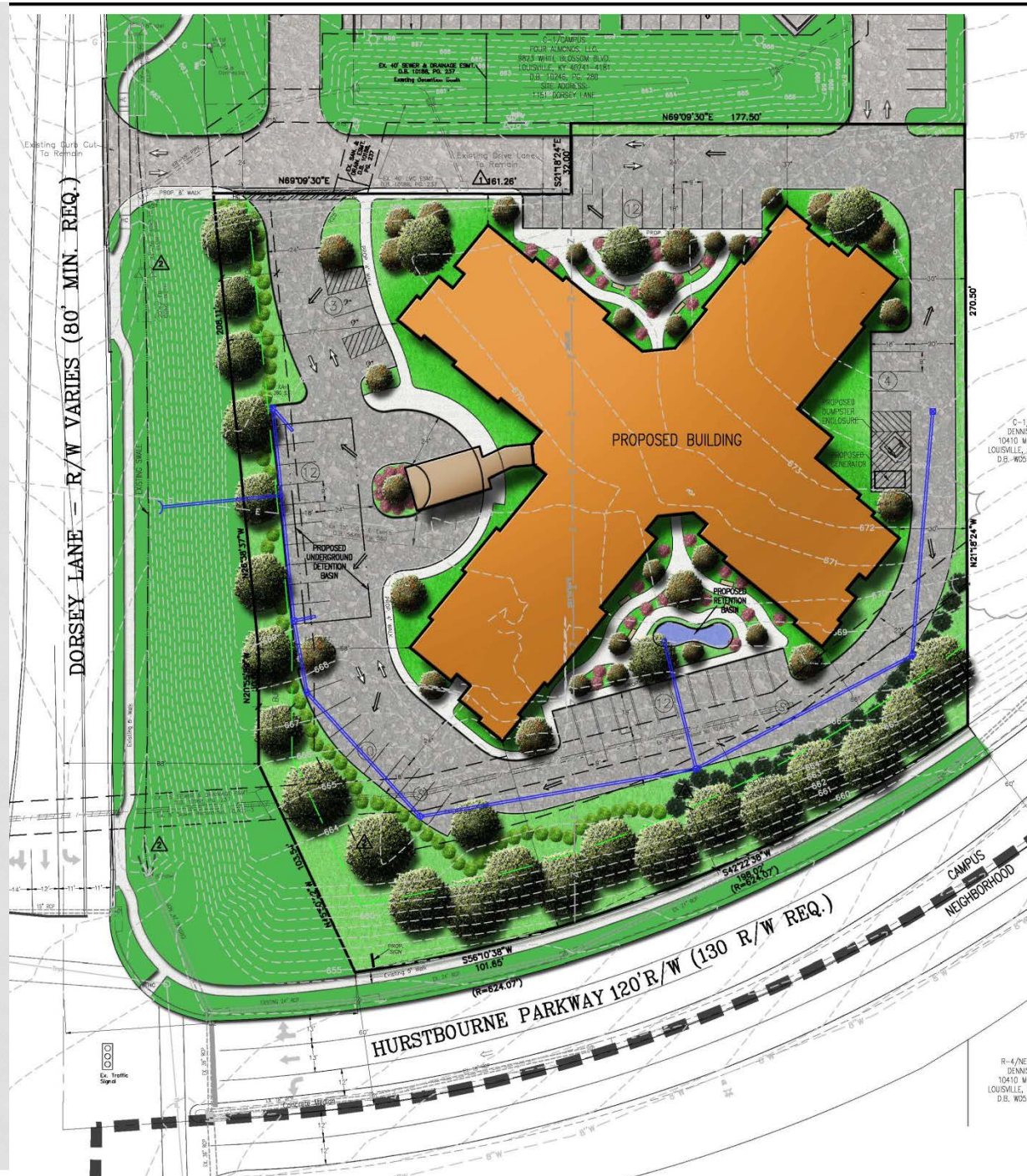
Hurstbourne Parkway

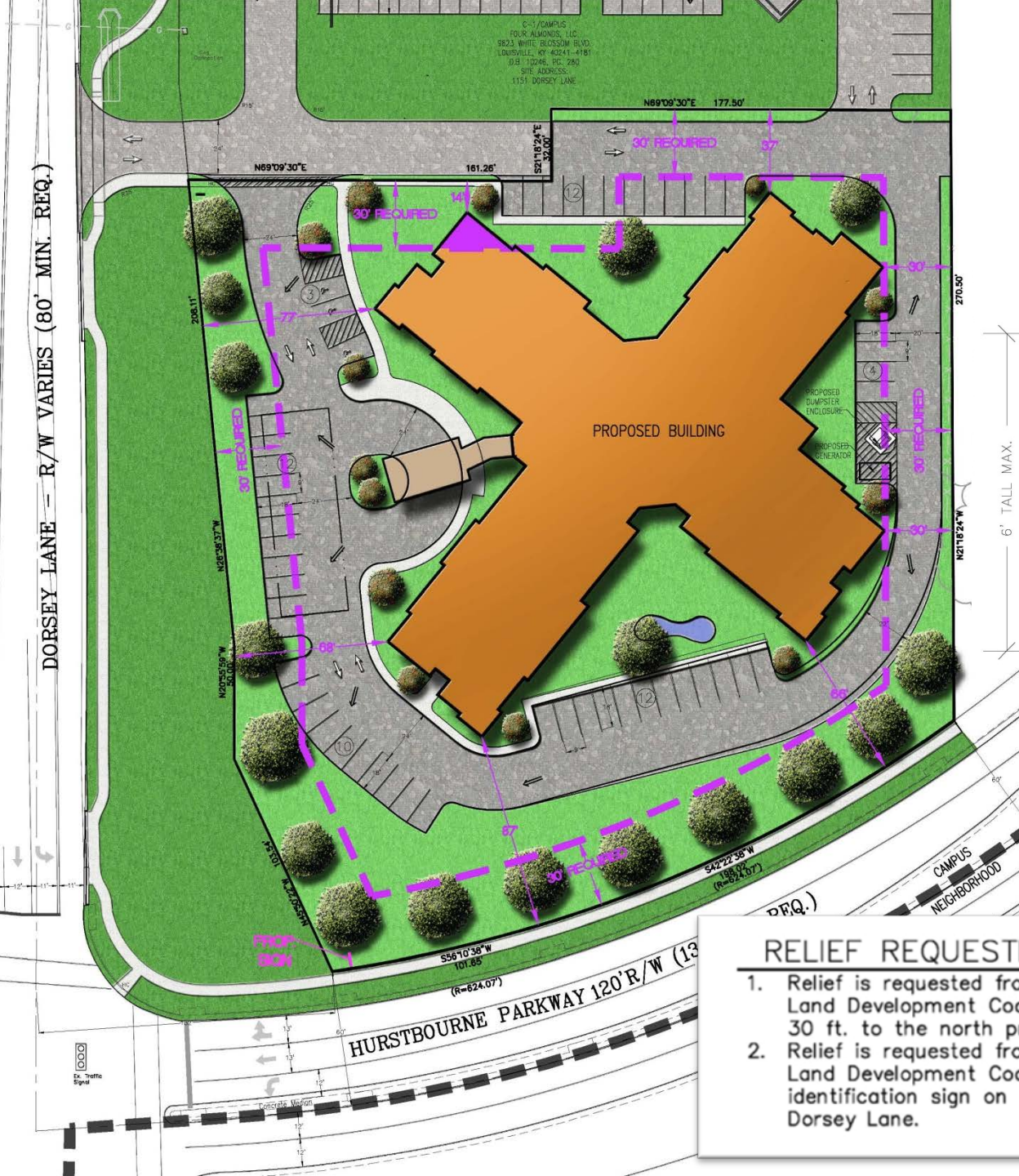
Ormsby Two
Office Buildings

Dorsey Lane

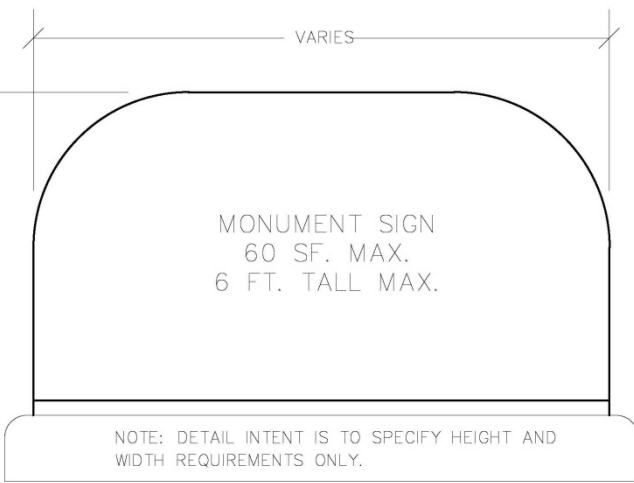
HURSTBOURNE PARKWAY

Maryhurst





Request for Relief from the CUP requirements



- RELIEF REQUESTED:**
1. Relief is requested from Section 4.2.38.A of the Louisville Metro Land Development Code for the proposed building to be closer than 30 ft. to the north property line.
 2. Relief is requested from Section 4.2.38.B of the Louisville Metro Land Development Code to permit a monument business identification sign on the subject site at Hurstbourne Parkway and Dorsey Lane.

Variances requested

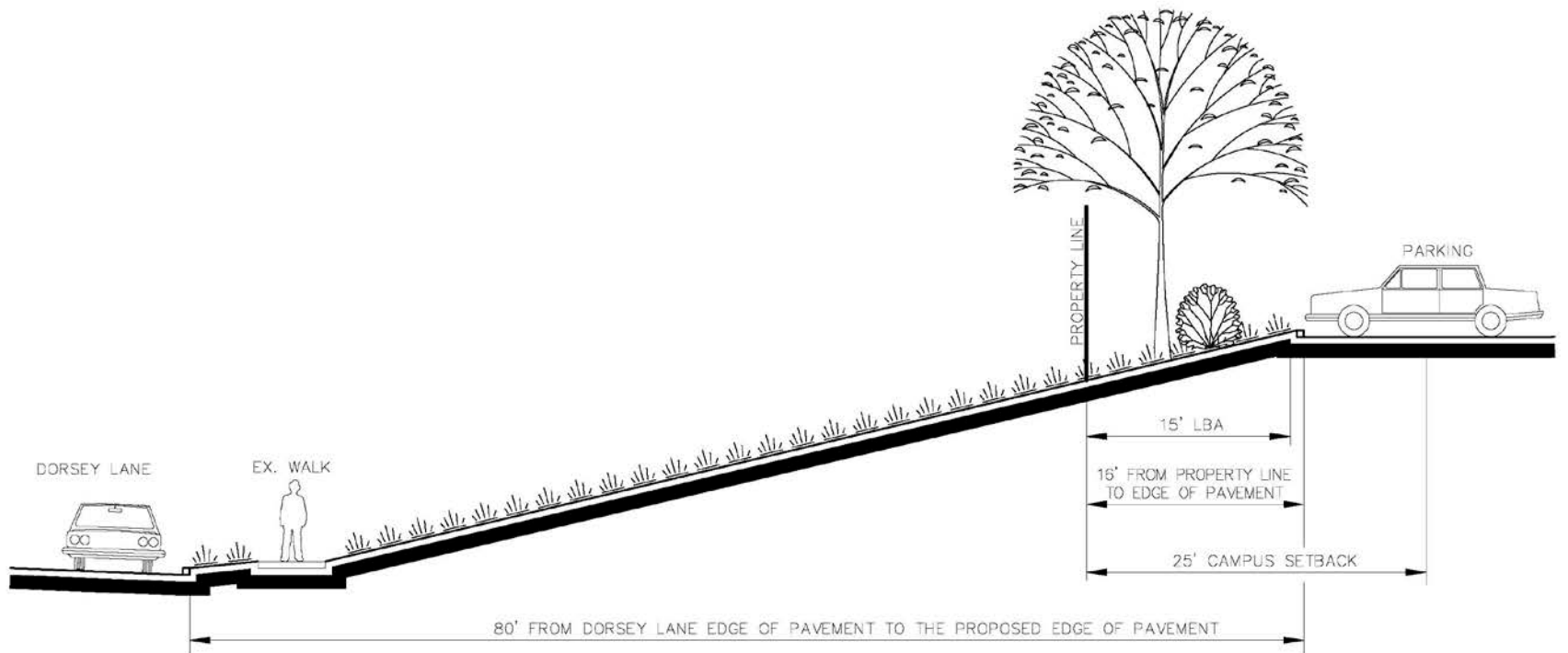


VARIANCES REQUESTED

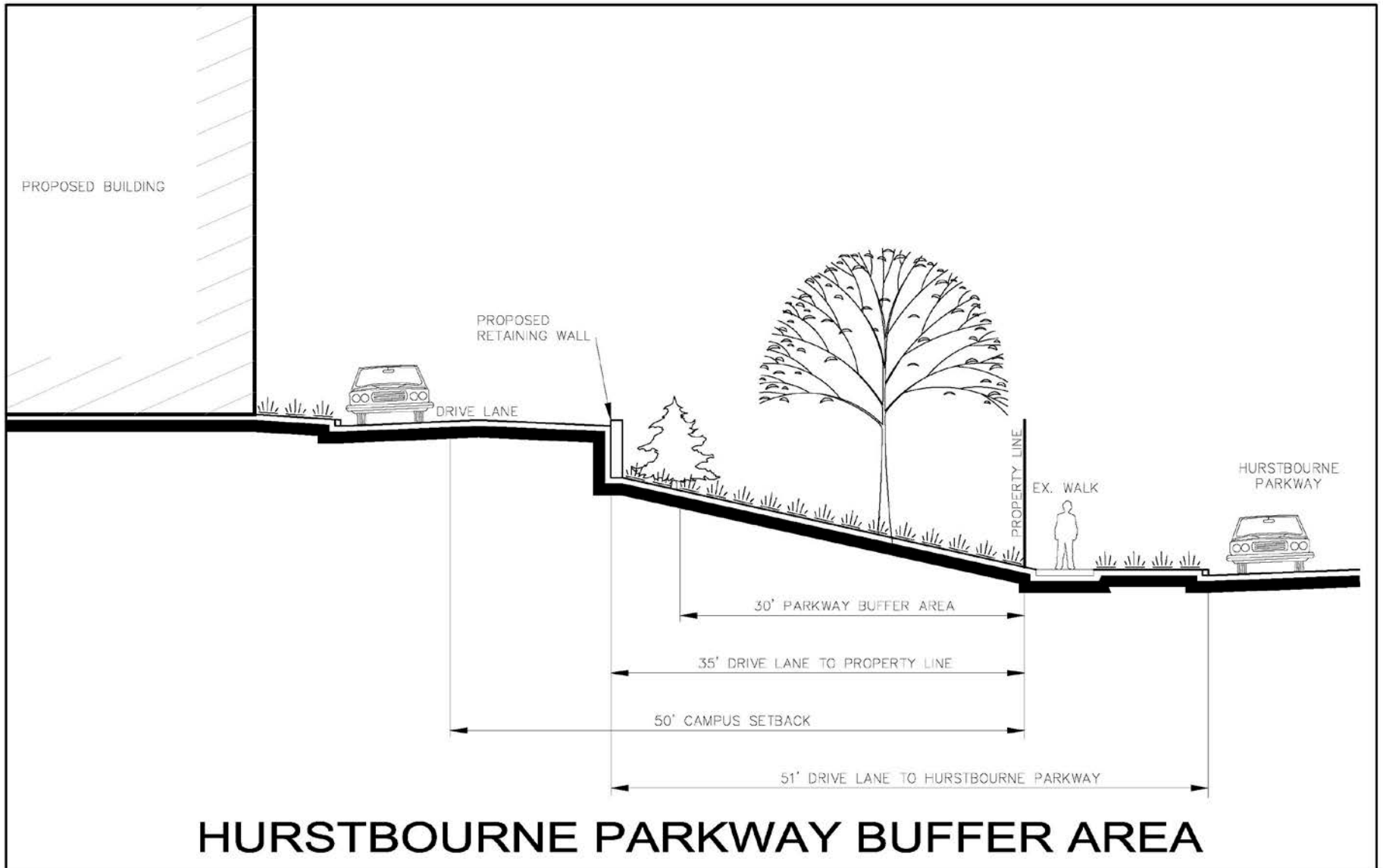
1. A Variance is requested from the Land Development Code from Section 5.3.5.C.3.a., to vary the 50' Campus Form District, North Hurstbourne Parkway setback for the proposed pavement encroachment.
2. A Variance is requested from the Land Development Code from Section 5.3.5.C.3.a., to vary the 25' Campus Form District, Dorsey Lane setback for the proposed pavement encroachment.

TAB 6

CROSS SECTIONS



DORSEY LANE



TAB 7

BUILDING ELEVATIONS



Similar style and design of the proposed Senior Living facility.



Similar style and design of the proposed Senior Living facility.



Similar style and design of the proposed Senior Living facility.



Similar style and design of the proposed Senior Living facility.

TAB 8

STATEMENT OF COMPLIANCE FILED WITH THE
ORIGINAL CUP APPLICATION WITH ALL
APPLICABLE GUIDELINES AND POLICIES OF THE
CORNERSTONE 2020 COMPREHENSIVE PLAN
AND VARIANCE JUSTIFICATIONS

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

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STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant: NP Senior Living Development, LLC, a Missouri limited liability company

Owner: Hogan Holdings 42, LLC

Location: 1105 Dorsey Lane, 1520 N. Hurstbourne Parkway

Proposed Use: Home for the infirmed and aged

Request: Conditional Use Permit (CUP) and revised detailed district development plan (RDDDP) plus binding element amendment and waiver to allow a home for the infirmed and aged

Engineers, Land Planners and
Landscape Architects: Land Design & Development, Inc.

SUMMARY STATEMENT

The subject property was previously rezoned as the proposed location for a fitness center and probable restaurant out-lot. Those uses never materialized.

With a new applicant and new proposed use, this location seems to appear to all involved and who have viewed this new plan to be ideal for the proposed new use. The location is just down Hurstbourne Parkway between Shelbyville Road and Westport Road adjacent to Forest Green and Hurstbourne Green, visible along a major traffic-carrying arterial and near significant residential support populations.

By introducing senior care living into the larger communities of Lyndon, Anchorage, Meadowvale and several other surrounding subdivisions, the larger community becomes more complete. For example, nearby residents may eventually move to this facility or move their elderly parents here.

As our local Comprehensive Plan is often termed an “impact mitigation” document, the rest of this Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan addresses, mostly same as before in the rezoning case, how the proposed Stonecrest facility complies with the Comprehensive Plan by way of mitigation of all potentially adverse impacts.

GUIDELINE 1 –COMMUNITY FORM

The Campus Form District is characterized by predominantly residential uses that vary from low to high density and that blend compatibility into the existing landscape and neighborhood areas. High density and intensity uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The proposed Stonecrest facility complies with this Guideline because it is a low to medium impact senior care facility, residential in nature, which is a permitted use within the Campus Form. The proposed Stonecrest facility's primary point of access is along Dorsey Lane, a collector level road. In that regard, it generates little traffic, and so impacts local roads nearly not at all.

GUIDELINE 2 - CENTERS

The Intents of this Guideline are to promote the efficient use of land and investment in existing infrastructure, to lower utility cost by reducing the need for extensions, to reduce commuting time and transportation related air pollution, to provide an opportunity for a mixture of residential development that includes housing types and building styles that accommodate people of different ages and incomes and that are compatible with the existing development pattern in the form district, to provide an opportunity for neighborhood centers and marketplaces that includes a diversity of goods and services, and to encourage vitality and a sense of place in neighborhoods and the community.

The proposed Stonecrest facility complies with all of these Intents of this Guideline for the following reasons.

As noted above, there are shopping and healthcare facilities located near by, and residents within Lyndon, Anchorage and the neighboring subdivisions will have short commuting distances to visit elderly parents who reside here. Also, this is a form of residential housing opportunity which is not already located nearby.

Policies 4, 5, 7 and 11 of Guideline 2 all pertain to uses of compact and mixed development as desirable uses in the design of Centers. The proposed Stonecrest facility adds to the compact nature of development along Hurstbourne Parkway. Thus, nearby tall office buildings and intense uses are located adjacent to and near one another as well as to the proposed Stonecrest facility. A low to moderately intense senior care facility is as desirable a use in an activity center as are these other adjacent and nearby significant mix of fairly intense uses.

As to the design of the Stonecrest facility, it appears aesthetically compatible with other attractive, well-built buildings presently found along N. Hurstbourne Parkway and in both Hurstbourne and Forest Green.

As to other design factors, the primary access point off Dorsey Lane will be shared, and Stonecrest will disperse its parking around its site for ease and convenience of resident and visitor access. Good connectivity has been created throughout the development, and sidewalks are planned throughout as well.

GUIDELINE 3: COMPATIBILITY

The Intents of Guideline 3 are to allow a mixture of land uses and densities near each other as long as they are designed to be compatible with each other and to preserve the character of existing neighborhoods. The proposed Stonecrest facility complies with the Intents of Guideline 3 because the building is set back from property lines, except to a limited extent within the Hurstbourne Parkway set so that almost no setback waivers or variances are necessary. The buildings have been designed with durable building materials, highly attractive on all sides. Parking is distributed around the buildings instead of one central location so that its impacts are also minimized. By designing this proposed Stonecrest facility the way that it has, it would have to be considered to be design-compatible in all respects with its surroundings.

Policies 1, 2 and 3 of Guideline 3 pertain to the issues of compatibility in terms of mass, scale, land and building design, building materials and mixture of densities, plus vegetative buffers, open space, interior landscaping and so on. The land development plan filed with this application makes it apparent on its face that the land plan takes into account issues of setbacks, vegetative buffers, open spaces as well as transitions from building to landscaping to parking to more landscaping and then to the single-family residential uses across Hurstbourne Parkway. The distances between these buildings and nearby single-family residential uses are significant. Building materials will be attractive. Lots of perimeter and interior landscaping is included. Height requires no variance.

Policies 5, 7 and 8 of Guideline 3 involve the typical impacts of odor, noise and lighting that always have to be mitigated. In point of fact, because the residents of this Stonecrest facility will be the most impacted by those offenses, there will be no odors or noise that will be any different than in any residential community, and lighting will be the same as the residential community nearby, or in event, may be even less an impact because it can be directed down and away instead of like normal subdivision lighting fixtures.

Policy 6 of this Guideline pertains to traffic, which is more fully discussed at Guidelines 7 and 8 of this Compliance Statement. Suffice it at this point to say that this proposed use generates very little peak hour traffic. The site plan includes a full-cut on Dorsey Lane, so most of the daily traffic comes and goes via Dorsey Lane, but the in and out traffic there is projected to be minimal.

Policy 9 of this Guideline pertains to visual impacts. The mitigation measures designed to address aesthetics have been fully described above and on the elevation renderings and perspectives shown at the neighborhood meeting and submitted as part of this application. The designs are beautiful, with interior amenity spaces and exterior landscaping, assuring a high aesthetic appeal of the overall Stonecrest facility.

Policies 10 and 11 pertain to the variety of housing types and higher densities in appropriate areas. This proposal complies with these Policies because elder care housing is important to round out the larger community with a greater mix of housing choices, assuring that young and old and people of varying incomes can live in close proximity, one with the other, sharing a sense of community.

Policies 12, 13, 14, 15 and 16 pertain to accessibility for people with disabilities as well as providing housing for the elderly, people with disabilities and assuring that communities are inclusive. Those forms of housing need to be designed appropriately. This proposal complies

with these Policies of this Guideline because this facility, after all, is intended for those requiring special care – both memory impaired and the elderly.

Policies 21, 22, 23 and 24 pertain to transitions, buffers, setbacks and means of minimizing the impacts of parking. As is evident on the site plan, elevations and perspectives filed with this application, good transitions are included such that buildings are set back from adjoining multi-family residential areas, buffers are significant and well-landscaped, and setbacks are such that limited setback waivers are required. Parking is distributed throughout the Stonecrest facility and landscaped throughout so that it has a minimal impact.

Policy 28 pertains to signage. This proposal will comply with that Policy of this Guideline because signage will be compliant with sign provisions of the Land Development Code.

GUIDELINE 6: ECONOMIC GROWTH AND SUSTAINABILITY

The Intents of this Guideline are to assure the availability of necessary usable land to support residential development and to reduce public and private costs for land development. The proposed Stonecrest facility complies with the Intents of this Guideline because it is taking a piece of unused land and proposing to convert it to a highly desirable and needed use. Infrastructure is already available or being improved to serve this facility.

GUIDELINES 7 AND 8: CIRCULATION AND TRANSPORTATION FACILITY DESIGN

The Intents of these Guidelines are to provide for safe and proper function of the street networks; to insure that new developments do not exceed the carrying capacity of streets; to insure that internal and external circulation of all new development provide safe and efficient travel movement by all types of transportation; to provide for the safe and convenient accommodation of the special mobility requirements of elderly and handicapped; and to provide for efficient, safe and attractive systems sidewalks, pathways and other appropriate routes for movement of people, goods and services. The proposed Stonecrest facility complies with the Intents of these Guidelines for a large number of reasons further discussed below. Compliance is mainly achieved because of the fact that circulation is provided via a full cut along Dorsey Lane, plus the provision of sidewalks throughout the development, and there will be little peak-hour traffic entering or exiting this senior care facility at those times of day.

Policies 1 and 2 of Guideline 7 sometimes require an evaluation of developments for their impacts on streets, road systems, air quality and to mitigate negative impacts to road improvements, acceleration and deceleration lanes, turning lanes, alternative transportation solutions, etc. As is evident from the site plan filed with this application, this application complies with these Policies of Guideline 7 because it provides for excellent access from Dorsey Lane and to and from other roads and to other developments nearby. It is not a significant traffic-generating use.

Policy 10 of Guideline 7 requires adequate parking. Parking at this Stonecrest facility has been provided in accordance with experiences regarding parking at senior care facilities.

Policies 11, 13, 14, 15 and 18 all pertain to specific design issues which the site plan engineers at Land Design & Development have assured compliance with. Included in those are the issues of connectivity, internal circulation and access. Comments from those agencies as well as from the public have been incorporated into design of the site plan accompanying this application.

Policies 5, 7, 8, 9, 10 and 11 of Guideline 8 also pertain to issues of adequate right of way, access and street compatibility with surrounding developments, stub connections, accessibility, site distances and internal circulation. As stated above, the site plan filed with this application was designed by engineering experts to assure that the development plan addressed all of the technical requirements of Metro Public Works and Transportation Planning as well as addressing all concerns, if any, of neighboring uses.

GUIDELINE 9: BICYCLE, PEDESTRIAN AND TRANSIT

The Intents and Policies of this Guideline are to promote air quality and recreational opportunities, to improve pedestrian access and to reduce major conflicts between vehicular, bicycle and pedestrian movements. The proposed Stonecrest facility has been designed with all these Intents and Policies in mind. Sidewalks are included throughout the development.

GUIDELINES 10 AND 11: FLOODING, STORMWATER, AND WATER QUALITY

The Intents and Policies of Guidelines 10 and 11 are to assure that flooding does not occur, that stormwater is fully and appropriately managed and that water quality is not damaged. The proposed Stonecrest facility complies with the Intents and Policies of these two Guidelines as follows. First of all, this is not an area where flooding occurs, so no special provisions are necessary as would be required in an area that is subject to flooding, such as along the Ohio River, along a major stream or in a low lying area. Secondly, stormwater will be handled through detention which will control run-off from this site and assure that post-development peak rates of runoff to not exceed pre-development conditions. Thirdly, any new detention basin will serve as a sediment basin during the term of construction, assuring full and complete compliance with the soil erosion and sedimentation control requirements of MSD throughout the construction process in order to protect water quality. Other water quality measures will be implemented to assure compliance with new MSD water quality regulatory requirements.

GUIDELIN 12: AIR QUALITY

The Intents and Policies of this Guideline are to minimize the impacts on air quality, and one way to do that is to reduce commuting/travel distances. Because the subject property is located in close proximity to a significant support population, major shopping locations and areas of employment, commuting distances between home and work will be reduced. Health care facilities and shopping are within close driving distances. This helps to reduce air quality problems.

GUIDELINE 13: LANDSCAPE CHARACTER

The Intents and Policies of this Guideline are to assure an adequate tree canopy and to enhance visual quality and buffers when uses are deemed incompatible. Landscaping exists through

parking lots that are dispersed around the proposed facility and along the edges, and all Land Development Code (LDC) requirements in this regard will be met.

GUIDELINES 14 AND 15: INFRASTRUCTURE AND COMMUNITY FACILITIES

The Intents and Policies of these two Guidelines are to insure that adequate infrastructure either exists or is provided to accommodate new development, and that community facilities, such as fire stations, hospitals, other healthcare facilities, schools, parks and recreation are also located nearby. The proposed Stonecrest facility complies with the Intents and Policies of these Guidelines for the above stated and following reasons. Adequate sanitary sewer, water and other utility infrastructure already exists or will soon exist at the site. Also, as stated, healthcare facilities as well as a fire station are located relatively close by. Included within the proposed Stonecrest facility itself will be recreational facilities, open spaces and sidewalks.

* * *

For all of the above-stated reasons, plus those that will be further explained at the BOZA and DRC public hearings, this application complies with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

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Louisville, KY 40223

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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.

Variance of: Section 5.5.3.C.3.a to vary the Campus Form District's 50 ft N. Hurstbourne Parkway setback for the proposed pavement.

1. The variance will not adversely affect the public health, safety or welfare because the diminished setback is an aesthetic, not public health, safety or welfare, one, which can be mitigated with enhanced landscaping.
2. The variance will not alter the essential character of the general vicinity because enhanced setbacks and landscaping off-set the diminished setback.
3. The variance will not cause a hazard or a nuisance to the public because the diminished setback is an aesthetic, not a nuisance, issue. Moreover, the development's pavement slightly closer to N. Hurstbourne Parkway in one small area than Code-allowed should not impact parkway aesthetics, especially since the subject property includes most of the required setback and will include enhanced landscaping.
4. The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations because the pavement being slightly closer to N. Hurstbourne Parkway than Code-allowed should not impact parkway aesthetics, especially since the subject property includes a 25 ft setback which will include enhanced landscaping.

Additional consideration:

1. The Variance arises from special circumstances, which do not generally apply to land in the general vicinity, but rather the diminished setback is an aesthetic issue in an area where this diminished setback pavement can be mitigated with enhanced landscape in areas where greater parkway setback is provided.

2. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create unnecessary hardship because the building needs to be a certain size with certain amenities and a certain minimum amount of parking, and in this instance, the diminished parkway setbacks are overcome by greater setbacks and enhanced landscaping along other portions of the Hurstbourne Parkway frontage.

3. The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the regulation, but rather are a result of the an even greater Hurstbourne Parkway setback Waiver previously granted in context in the prior approved Detailed District Development Plan.