

Development Review Committee

Staff Report

March 15, 2017



Case No:	16DEVPLAN1242
Project Name:	2200 Stony Brook
Location:	2200 Stony Brook Drive
Owner(s):	Hurstbourne Care Centre at Stonybrook
Applicant:	DMK Development Group, LLC
Representative(s):	Bardenwerper, Talbott, & Roberts, PLLC
Project Area/Size:	5.86 acres
Existing Zoning District:	R-7, Multi-Family Residential
Existing Form District:	N, Neighborhood
Jurisdiction:	City of Jeffersontown
Council District:	11 – Kevin Kramer
Case Manager:	Joel P. Dock, Planner I

REQUEST

- **Revised Detailed District Development Plan (RDDDP)**
- **Landscape Waiver** of Land Development Code (LDC), section 10.2.4 to reduce required 35' Landscape Buffer Area (LBA) to the dimensions as shown on the development plan (West)
- **Landscape Waiver** of LDC, 10.2.4 to reduce required 20' LBA to dimensions as shown on the development plan (North)
- **Landscape Waiver** of LDC, 10.2.10 to reduce required 10' vehicle use are (VUA) LBA to dimensions as shown on the development plan (Stony Brook Drive)
- **Landscape Waiver** of LDC, 10.2.4.B.3 to allow more than 50% overlap of utility easement with 10' VUA LBA as shown on the development plan (Wooded Trail Court)
- **Landscape Waiver** of LDC, 10.2.4.B.3 to allow more than 50% overlap of utility easement with two LBAs as shown on the development plan (Northwest)

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing an 83,794 square foot, two-story, one-hundred twenty-nine bed nursing home and home for infirmed or aged to replace the existing facility on-site. The subject site is located along Stony Brook Drive in the City of Jeffersontown with access from Taylorsville Road or Hurstbourne Parkway, roughly 1.5 miles West from Interstate-64. Two-points of vehicular access are proposed to the site with one pedestrian walkway to the public sidewalk. Internal sidewalks and courtyard amenity areas are provided for guests and residents of the development.

Several landscape waivers have been requested to reduce the buffering dimensions; though, all plantings, screening, and tree canopy required will be provided. A modified conditional use permit and variances will be heard by the City of Jeffersontown Board of Adjustments.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Nursing Home	R-7	N
Proposed	Nursing Home	R-7	N
Surrounding Properties			
North	Multi-family	R-7	N
South	Single-family	R-7	N
East	Multi-family	R-7	N
West	Agriculture	R-4	N

PREVIOUS CASES ON SITE

9-17-86: Change in zoning from R-4 to C-1, C-2, R-7 and R-9 (GDDP approved 6/19/86); DDDP 4/27/89; RDDDP 7/12/90, 8/11/94, & 3/23/95.

B-39-89: Conditional use Permit for Convalescent Home (Nursing Home)

INTERESTED PARTY COMMENTS

Staff and the applicant consulted with Councilman Kramer's office concerning the preservation of trees and landscaping areas. Primary concern was meeting tree canopy requirements and maintaining scenic corridor appeal along Stony Brook Drive.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER(S)

LDC section 10.2.4 to reduce required 35' LBA to the dimensions as shown on the development plan (West) **and** reduce required 20' LBA to dimensions as shown on the development plan (North)

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

STAFF: The waivers will not adversely affect adjacent property owners as all required planting, screening, and tree canopy will be provided.

(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. The waiver will not violate specific guidelines of Cornerstone 2020 as the proposed nursing facility is replacing an existing nursing facility. It would not appear that the new facility would create a greater nuisance needing to be screened beyond what existed previously as parking areas, loading, and orientation are similar to the previous facility. Screening, planting, and tree canopy will be provided as required by Chapter 10 of the Land Development Code, only the dimension will vary. Refuse collection areas and accessory structures will also be screened as required by Chapter 10.

- (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 waivers of the regulation is the minimum necessary to afford relief to the applicant as the building design and layout in relation to the shape and size of the lot creates a need to have varying dimensions of the LBA, while providing all required plantings, screening, and tree canopy.

- (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 minimums of the district and compensate for non-compliance with the requirements to be waived as all required plantings, screening, and tree canopy will be provided as required by the Land Development Code. Interior Landscape Areas exceed the minimum requirement as well.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER(S)

LDC, 10.2.10 to reduce required 10' VUA LBA to dimensions as shown on the development plan (Stony Brook Drive)

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

STAFF: The waiver will not adversely affect adjacent property owners as all required planting, screening, and tree canopy will be provided. The drive lane causing the conflict along the property line meanders in-and-out of the buffer and the encroachment is minimal.

- (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. The impact of the drive lane in the VUA LBA is minimal. In those areas outside of the encroachment the drive lane is setback in excess of 15 feet. The applicant has agreed to a 1.5 planting density multiplier within the areas of encroachment to minimize the impact of the encroachment along the public roadway and sidewalks.

- (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 as the building design and layout in relation to the shape and size of the lot creates a need to have varying dimensions of the LBA, while providing all required plantings, screening, and tree canopy.

- (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 minimums of the district and compensate for non-compliance with the requirements to be waived as the applicant has agreed to a 1.5 planting density multiplier within the areas of encroachment to minimize the impact along the public roadway and sidewalks.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER(S)

LDC, 10.2.4.B.3 to allow more than 50% overlap of utility easement with 10' VUA LBA as shown on the development plan (Wooded Trail Court) **and** two LBAs as shown on the development plan (Northwest)

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

STAFF: The waivers will not adversely affect adjacent property owners as all required planting, screening, and tree canopy will be provided. The overlap will not reduce the transition between uses or landscaping able to be provided. The Southeastern overlap, specifically, is in a large open area that aids the transition between the proposed use and the roadway serving single-family residential uses.

- (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. The waiver will not violate specific guidelines of Cornerstone 2020 as all required planting,

screening, and tree canopy will be provided. Additionally, appropriate transition between uses, parking areas, and drive lanes are being maintained at all points where the overlap is created.

- (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 waivers of the regulation is the minimum necessary to afford relief to the applicant as drainage must be appropriately controlled and the building design and layout in relation to the shape and size of the lot creates a need to have varying dimensions of the LBA which have created the conflict with drainage easements, while providing all required plantings, screening, and tree canopy and appropriate transitions between uses.

- (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 application of the provisions of the regulation would create an unnecessary hardship on the applicant as all required planting, screening, and tree canopy will be provided and the overlap will not reduce appropriate transition between uses or landscaping able to be provided.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- (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: There does not appear to be any environmental constraints or historic resources on the subject site.

- (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 and around the development and the community has been provided. Two points of vehicular access have been provided to serve the development and pedestrian connection to the public sidewalk has been made. In addition to the se public connections an internal network of sidewalks and courts connect residents and guests to entrances from parking areas.

- (c). The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development has been provided as the proposed plan includes multiple areas for outdoor leisure that are safely protected by being internal to the structure and setback from parking lot walkways.

- (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 and the City of Jeffersontown 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 design (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. The site design is compatible with existing multi-family, office, and commercial development within the immediate vicinity. While dimensions of landscaping buffering will vary, the required plantings will be provided.

- (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 proposal complies with the applicable guidelines of the Comprehensive Plan as Guideline 3, policy 12 & 13 call for accessible and appropriately located housing for the elderly or people with disabilities. The facility replaces an existing nursing home facility and is located to allow for convenient access to services and amenities. Guideline 2, Policy 2 calls for non-residential development to be located an activity centers. The subject site is located in area with a mixture of residential, commercial, and office uses; an area that contains a high concentration of uses along major transportation corridors.

TECHNICAL REVIEW

Revisions were made to the plan presented before the committee today that differed from the original approval granted by the Metropolitan Sewer District (MSD); therefore, MSD was unable to give final preliminary approval on the plan, but was OK with proceeding to a hearing today. MSD had the following comments:

- Add Note: No increase in velocity at the point of discharge at the property line.
- Remove both proposed basin outlets that by pass the revised basin location
- Basin outlet must be a minimum of 15' from property line
- Conceptually verify the basin size; it appears to be a tick under sized.

City of Jeffersontown Board of Adjustments approval is required for the modified conditional use permit and any variance requests.

STAFF CONCLUSIONS

The Revised Detailed District Development Plan and Landscape Waivers appear to be adequately justified and meet 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 and a Sidewalk Waiver.

REQUIRED ACTIONS

- Recommend that the City of Jeffersontown **APPROVE** or **DENY** the **LANDSCAPE WAIVERS** of LDC section 10.2.4 to reduce required 35' LBA to the dimensions as shown on the development plan (West) **and** reduce required 20' LBA to dimensions as shown on the development plan (North)
- Recommend that the City of Jeffersontown **APPROVE** or **DENY** the **LANDSCAPE WAIVER** of LDC, 10.2.10 to reduce required 10' VUA LBA to dimensions as shown on the development plan (Stony Brook Drive)
- Recommend that the City of Jeffersontown **APPROVE** or **DENY** the **LANDSCAPE WAIVERS** of LDC, 10.2.4.B.3 to allow more than 50% overlap of utility easement with 10' VUA LBA as shown on the development plan (Wooded Trail Court) **and** two LBAs as shown on the development plan (Northwest)
- Recommend that the City of Jeffersontown **APPROVE** or **DENY** the Revised Detailed District Development Plan

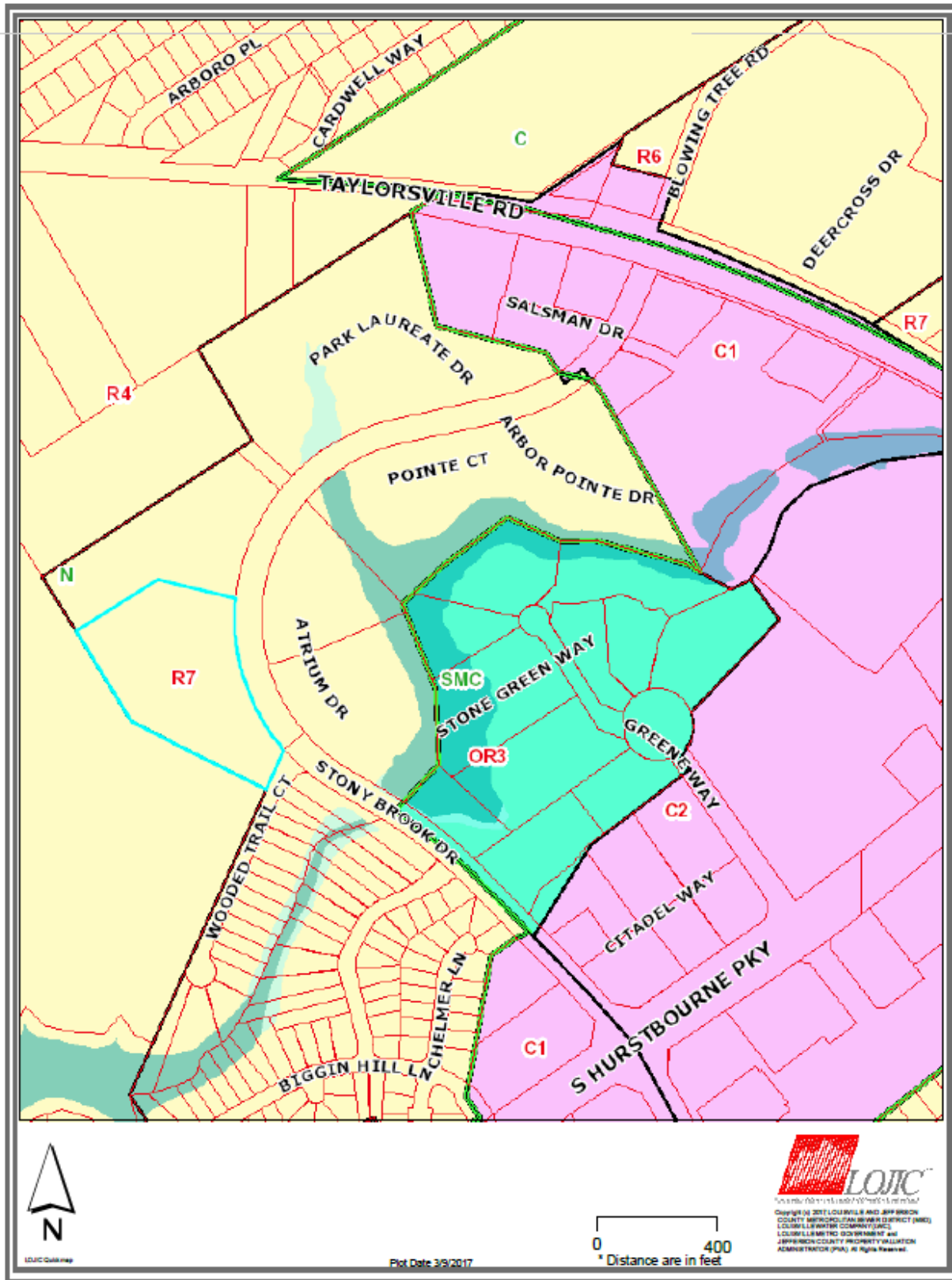
NOTIFICATION

Date	Purpose of Notice	Recipients
3/3/17	Hearing before DRC	Adjoining property owners, applicant, owner, and registered users of Council District 11.

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Elements

1.



2. Aerial Photograph



3. Existing Binding Elements (9-17-86 DDDP for Lot 15)

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

1. The development will be in accordance with the approved district development plan. No further development will occur without prior approval from the Planning Commission.
2. The development shall not exceed 69,500 square feet of gross floor area.
3. Before a building permit is requested:
 - a) The development plan must be reapproved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.
 - b) The lot shall be legally created and documentation of the creation of that lot shall be submitted to the staff of the Board of Zoning Adjustment.
 - c) The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.
 - d) All necessary recording fees shall be paid.
4. The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed 60 square feet in area and 6 feet in height. The detailed sign plan shall be submitted to and approved by the County Board of Zoning Adjustment.
5. If a building permit is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
6. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements must be implemented prior to requesting issuance of the certificate.
7. The above binding elements may be amended as provided for in the Zoning District Regulations.

4. Proposed Binding Elements (16DEVPLAN1242)

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

- ~~1. The development will be in accordance with the approved district development plan. No further development will occur without prior approval from the Planning Commission.~~
1. **The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee and to the City of Jeffersontown for review and approval; any changes/additions/alterations not so referred shall not be valid.**
2. The development shall not exceed ~~69,500~~ **83,794** square feet of gross floor area.
3. Before a building permit is requested:

- a) ~~The development plan must be approved~~ **receive full construction approval by the Jefferson County Department of Public Works and Transportation City of Jeffersontown** and the Metropolitan Sewer District.
 - b) ~~The lot shall be legally created and documentation of the creation of that lot shall be submitted to the staff of the Board of Zoning Adjustment.~~
 - c) ~~The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.~~
 - c) **The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter**
 - d) ~~All necessary recording fees shall be paid.~~
 - d) **A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.**
4. ~~The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed 60 square feet in area and 6 feet in height. The detailed sign plan shall be submitted to and approved by the County~~ **City of Jeffersontown Board of Zoning Adjustment.**
5. If a building permit is not issued within ~~one~~ **two**-years of the date of approval of the plan, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
6. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use. All binding elements must be implemented prior to requesting issuance of the certificate.
7. ~~The above binding elements may be amended as provided for in the Zoning District Regulations.~~