

Board of Zoning Adjustment Staff Report

May 15, 2017



Case No:	16CUP1072
Project Name:	Essex Nursing and Rehabilitation Center
Location:	9600 Lamborne Boulevard
Owners:	Hillco, Ltd.
Applicant:	CMW, Inc.
Representative(s):	Adam Bender-Saunders
Project Area/Size:	3.9 acres
Existing Zoning District:	R-6, Residential Multi-Family
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	25 – David Yates
Case Manager:	Jon E. Crumby, Planning & Design Coordinator

REQUESTS

- Modified Conditional Use Permit to allow an addition to an existing nursing home and reconfigure the parking in the R-6 zoning district.
- A request to allow the required landscape buffer area along the north and south property line to be reduced.

Location	Requirement	Request	Waiver
North Property Line	15'	7'	8'
South Property Line	15'	5'	10'

CASE SUMMARY/BACKGROUND

The Essex Nursing Center requests a modified Conditional Use Permit for a building addition/renovation and parking renovations. These renovations are meant to bring an outdated building and site up to code, as well as create more private rooms. The existing building has 64 semi-private rooms and the new building will have 44 private rooms and 42 semi-private rooms. The number of beds will remain the same (128). Better accessibility around the building is also requested. The original number of parking spaces was 56 and the modification will increase the number to 103 spaces. The maximum number of employees on site will be 70.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Nursing Home	R-6	N
Proposed	Nursing Home	R-6	N
<i>Surrounding Properties</i>			
North	Ball Fields (Church)	R-4	N
South	Railroad Right-of-Way		
East	Residential Multi-Family	R-6	N
West	Undeveloped Land	R-6	N

SITE CONTEXT

The site is irregular in shape and located on the west side of Lamborne Boulevard, 800 feet more or less south of Third Street Road. Valley View Baptist Church ball fields are located the north, rail road right-of-way to the south, apartments to the east, and undeveloped to the west.

PREVIOUS AND ASSOCIATED CASES ON SITE

16MINORPLAT1152

A Minor Subdivision Plat to add additional property to the site. The plat was approved on February 10, 2017.

B-150-77

An application for a Conditional Use Permit for a nursing home in an R-6 zoning district on property know as 9600 Lamborne Boulevard and being in unincorporated Jefferson County. The proposal was approved by the Board of Zoning Adjustment on January 3, 1978.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on January 4, 2017. The minutes of that meeting are in your packet.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

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

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

STAFF: The waiver will not adversely affect adjacent property owners since the existing location of the drive along the north property line will not change. The church on the adjacent property to the north is approximately 600 feet from the property line. The south property line is adjacent to a rail road track. The north and south property lines will be screened by an 8 feet tall privacy fence as well as large and medium trees.

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

STAFF: Guideline 3, Policy 9 of Cornerstone 2020 calls for protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigation when appropriate. Guideline 3, Policies 21 and 22 call for appropriate transitions between uses that are substantially different in scale and intensity or density, and mitigation of 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 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 airborne and waterborne 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 reduced landscape buffer area along the north property line is an existing condition. The new design will allow parking near the building for accessibility. The reduced landscape buffer area along the south property line will allow for a looped drive around the site as well as improve an area where parking is already in use, but not paved or maintained.

- (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. The required 15 feet landscape buffer area along the west property line will be increased to 35 feet. Open space is nearly double the required amount. Strict application of the regulation would create an unnecessary hardship. The site is locked between a rail road, a floodplain and an existing ballfield. Expansion is limited by these existing conditions.

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 proposal is consistent with the applicable policies of the Comprehensive Plan.

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 surrounding land uses with respect to height, bulk, scale, intensity, traffic, noise, 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 Metropolitan Sewer District and Transportation Planning have approved the proposal. The Pleasure Ridge Park Fire Protection 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?

Nursing Homes and Homes for the Infirm or Aged may be permitted in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements. Item A. and B. will be met.

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.

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

TECHNICAL REVIEW

The applicant will need to seek approval from the State Division of Water and then the Metropolitan Flood Board to allow development into the 25-foot conveyance zone.

STAFF CONCLUSIONS

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 modified CUP and landscape waivers as established in the Land Development Code.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the modified Conditional Use Permit
- **APPROVE** or **DENY** the landscape waivers along the north and south property lines

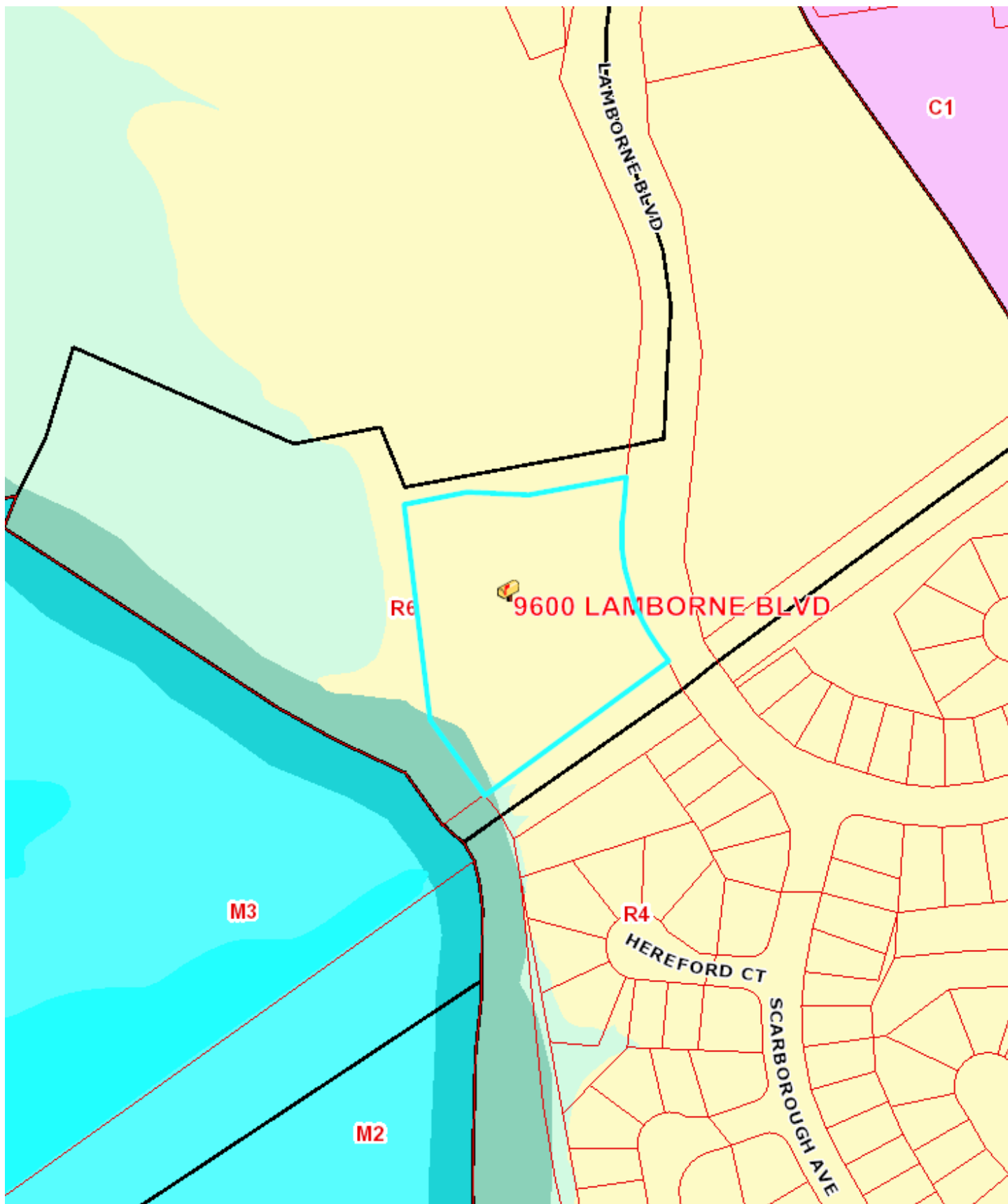
NOTIFICATION

Date	Purpose of Notice	Recipients
4/20/17	Notices	Adjoining Properties
4/28/17	Post the Sign	Site

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Conditions of Approval

1. **Zoning Map**



2. Aerial Photograph



3. 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.