

MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT
OCTOBER 4, 2004

DOCKET NO. B-176-04

Owner: Triad Development/Alta Glyne, Inc.
Applicant: Ramsey Development
Agent: Greenebaum Doll & McDonald,
Engineer: Sabak Wilson & Lingo
Subject: An application for a Conditional Use Permit to allow an assisted living facility in an R-4 zoning district.
Premises affected: On property known as 6415 Billtown Road and being in Louisville Metro.

Appearances for Applicant:

Teresa Senninger, Greenbaum Doll & McDonald, 3300 National City Tower, 101 South 5th Street, Louisville, Kentucky 40202, who submitted a booklet with exhibits.

Steve Franklin, Sabak Wilson & Lingo, 315 West Market Street, Louisville, Kentucky 40202.

Appearances-Interested Party:

No one.

Appearances Against Applicant:

Mike Bannister, 6418 Billtown Road, Louisville, Kentucky 40299.

On August 25, 2004, Triad Development/Alta Glyne, Inc , filed an application for a Conditional Use Permit to allow an assisted living facility in an R-4 zoning district.

On October 4, 2004, a meeting of the Board, a hearing was held on the case. A drawing showing the premises affected and the existing and/or proposed construction was presented to each Board member.

In accordance with the Board Bylaws, the staff report prepared for this case was incorporated into the record. The Board members had received this report in

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advance of the hearing and it was available to any interested party prior to the public hearing. See Addendum for staff report in full.

A video of the site and surrounding area was shown

After the public hearing and a further discussion of the case by the members of the Board in open business session, on a motion by Member Stewart, seconded by Member Rhodes, the following resolution was adopted:

WHEREAS, the Board finds, from the file of this case, the staff report, and the evidence and testimony submitted at the public hearing to allow an assisted living facility in an R-4 zoning district; and

WHEREAS, the Board finds that the applicant is requesting a Conditional Use Permit to allow an assisted living facility in an R-4 zoning district; that the proposal includes 40 beds for skilled nursing patients, 40 beds for assisted living residents in the primary building, and 6 units for independent living residents in separate duplexes;

WHEREAS, the Board finds that the property is within a Neighborhood Form District Area; that the buildings will be one story in height and constructed of brick; that the residential character is compatible with adjacent residential areas; that the health care facility will be residential in nature, has a 30 foot setback from the property lines, that the facility will have buffering which will reduce the impact of the development; that the lighting will be directed down and away from adjacent properties; that the streetscape will change but the impact will be minimal because of the single story height of the building; and

WHEREAS, the Board finds the proposal to be in conformance with the Comprehensive Plan because it complies with all applicable guidelines, principles and objectives of the Comprehensive Plan, as it has received preliminary approval from the Louisville Metro Public Works Department and Louisville and Jefferson County Metropolitan Sewer District;

NOW, THEREFORE, BE IT RESOLVED, that the Conditional Use Permit is hereby **APPROVED ON CONDITION**.

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The conditions are as follows:

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.
2. A continuous evergreen hedge shall be installed by the entrance road that parallels Billtown Road.
3. Three trees per linear foot shall be installed along the perimeter of the property.
4. The Conditional Use Permit shall be "exercised" as described in KRS100.237 within one year of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for an assisted living facility without further review and approval by the Board.

The vote was as follows:

YES: Members Stewart, Rhodes, Crowder, Francis and Anderson.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: No one.

ABSTAINING: No one.



SABAK, WILSON & LINGO, INC.
ENGINEERS, LANDSCAPE ARCHITECTS & PLANNERS
315 WEST MARKET STREET • LOUISVILLE, KENTUCKY 40202
PHONE: 502-584-6271 • FAX 502-584-6292

February 11, 2005

Mr. Steve Hendrix
Louisville Metro Planning
& Design Services
444 South Fifth Street
Louisville, Kentucky 40202

Re: Modification of CUP
Billtown Rd. Assisted
Living Facility

Dear Mr. Hendrix:

Enclosed please find three stamped plans and the application documents for a Modification of Approved Conditional Use Permit. As we discussed, the Jeffersontown Fire Department feels very strongly about the need for a second entrance to the property (see attached e-mail). The owner agreed to eliminate one of the duplexes and reconfigure the rear parking areas to allow enough space to provide the additional entrance on Weather Vane Drive as shown.

Also, during the construction review process, the Kentucky Dept. of Highways requested that we move the original entrance on Weather Vane Drive away from Billtown Road to allow more stacking room for vehicles. The owner agreed to also reconfigure the front parking area to allow the entrance to be moved as shown.

The total number of proposed parking spaces is 76. All setbacks and buffers have been maintained.

Please schedule this modified plan for review at the next BOZA business session. Please call me if you have any questions.

Sincerely,

Steven S. Franklin,
Sabak, Wilson & Lingo, Inc.

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FEB 11 2005

**PLANNING &
DESIGN SERVICES**

MINUTES OF THE MEETING
OF THE
LOUISVILLE METRO BOARD OF ZONING ADJUSTMENT

FEBRUARY 21, 2005

DOCKET NO. B-176-04

Applicant: Ramsey Development

Subject: An application of a Modification of an approved Conditional Use Permit for an assisted living facility.

Premises affected: On property known as 6415 Billtown Road and being in Louisville Metro.

On February 11, 2005, a letter was received from the applicant requesting a modification of the approved Conditional Use Permit for an assisted living facility. The original hearing on this case was held on October 4, 2004 to allow an assisted living facility in an R-4 zoning district.

On February 21, the Louisville Metro Board of Zoning Adjustment approved the modification for an assisted living facility.

A motion was made by Member Stewart, seconded by Member Anderson, the following resolution was adopted:

WHEREAS, the Board finds the applicant requests a modification of an approved Conditional Use Permit to allow an assisted living facility in an R-4 zoning district; that the Kentucky Department of Highways requested that the original entrance on Weather Vane Drive be moved further away from Billtown Road to allow more stacking for vehicles; that the elimination of the duplexes and reconfiguring of the rear parking areas will allow enough space to provide the additional entrance on Weather Vane Drive; that the front parking area will be reconfigured to allow the entrance to be moved; that the setbacks and buffers have been maintained;

WHEREAS, the Board finds that the Jeffersontown Fire Department strongly felt the need for a second entrance off of Weather Van Drive; and

WHEREAS, the Board finds that the new number of parking spaces will be 76, which will meet the requirements; and

WHEREAS, the Board finds the proposal to be in conformance with the Comprehensive Plan because it complies with all appropriate guidelines, principles and objectives of the Comprehensive Plan, and that conditions

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previously attached to the permit will ensure compatibility with all the surrounding neighborhood, and the proposal will not adversely affect the public health, safety or general welfare, as it has received preliminary approval from all appropriate governmental agencies,

NOW, THEREFORE, BE IT RESOLVED, that the modification of the Conditional Use Permit is hereby **APPROVED**, to the reconfiguration of the site including moving the original entrance further away from Billtown Road, installing a second entrance off of Weather Van Drive, and the revision of the parking.

The vote was as follows:

YES: Members Anderson, Crowder, Rhodes, Francis and Stewart.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Member Grisanti.

ABSTAINING: No one.



SABAK, WILSON & LINGO, INC.
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PHONE: 502-584-6271 • FAX 502-584-6292

January 30, 2006

Stephen Hendrix
Metro Louisville Planning and Design Services
444 South 5th Street
Louisville, Kentucky 40202

RE: Billtown Road Assisted Living Facility
Modified Conditional Use Permit

Mr. Hendrix:

This letter is to initiate the modification of an approved Conditional Use Permit for Docket # B-176-04, approved on February 21, 2005. The approved application was to allow an assisted living facility use in an R-4 zoning. The original plan included an 80 bed primary building and 2 additional duplex units for independent living. Due to the increased demand for on site parking along with the decrease in demand for independent living units the attached modification removes the 2 duplex units in lieu of additional parking. The increased parking remains below the maximum parking allowed under the Development Code.

Sincerely,

Darrell Wittenauer

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JAN 30 2006

PLANNING &
DESIGN SERVICES

MINUTES OF THE MEETING
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FEBRUARY 20, 2006

DOCKET NO. B-176-04

Applicant: Billtown Road Assisted Living Facility

Subject: An application of a Modification of an existing Conditional Use Permit for an assisted living facility.

Premises affected: On property known as 6415 Billtown Road and being in Louisville Metro.

On January 30, 2006, the applicant requested a modification of the approved Conditional Use Permit for an assisted living facility. The original hearing on this case was held on September 21, 2004 to allow an assisted living facility in an R-4 zoning district.

On February 20, 2006, the Louisville Metro Board of Zoning Adjustment approved the modification for additional parking spaces.

A motion was made by Member Rhodes, seconded by Member Stewart, the following resolution was adopted:

WHEREAS, the Board finds the applicant requests a modification of an approved Conditional Use Permit for an assisted living facility; that due to the increased demand for on site parking and the decrease in demand for independent living units, the modification request removes the 2 duplex units in lieu of 30 additional parking spaces; that parking will still be within the minimum /maximum range (50/140);

WHEREAS, the Board finds the proposal to be in conformance with the Comprehensive Plan because it complies with all appropriate guidelines, principles and objectives of the Comprehensive Plan, and that conditions previously attached to the permit will ensure compatibility with all the surrounding neighborhood, and the proposal will not adversely affect the public health, safety or general welfare, as it has received preliminary approval from all appropriate governmental agencies,

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NOW, THEREFORE, BE IT RESOLVED, that the modification of the Conditional Use Permit is hereby **APPROVED** to allow 30 additional parking spaces.

The vote was as follows:

YES: Members Rhodes, Francis, Stewart and Queenan.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Members Grisanti, Anderson and Crowder.

ABSTAINING: No one.



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December 15, 2006

Mr. Steve Hendrix
Louisville Metro Planning and Design Services
444 South Fifth Street
Louisville, Kentucky 40202

Re: Billtown Road Assisted Living Facility
Modified Conditional Use Permit

Mr. Hendrix:

This letter is to initiate the modification of an approved Conditional Use Permit for Docket # B-176-04, last approved in February of 2006. The approved CUP allows an assisted living facility to be located in an R-4 zone. The approved plan includes an 80 bed primary building and 106 parking spaces. The modified plan shows only 101 parking spaces and reflects the parking lot and fence as it has been built. Specific changes to the parking lot are as follows:

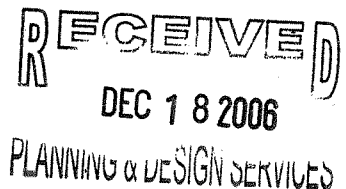
1. Several of the interior landscape areas shown on the previously approved CUP were not built, but instead paved and striped. This was done (1) per the request of the lessee and (2) to make snow and ice removal more feasible. Because this is an assisted living facility, snow and ice removal is very important. The amount of ILA area still exceeds Land Development Code Requirements.
2. The existing 6' solid wood fence was built further inside the property than originally shown along the northern property line due to a steep difference in grade on that side of the lot. This steep grade is also the reason for changing the parking lot. Because the subject lot is higher than the adjacent residential, the current location of the fence provides a better screen.

In addition, to answer a question posed by staff, the existing fence is built at 6' high because the CUP approved on 2/22/06 shows a 6' fence.

Please note that this plan still meets the requirements of the Land Development Code. Please contact me if you have any questions. I can be reached via phone at (502)584-6271 or via e-mail at kelli@swlinc.com.

Sincerely,

Kelli Jones
Landscape Architect



MINUTES OF THE MEETING
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JANUARY 22, 2007

BUSINESS SESSION:

DOCKET NO. B-176-04

Applicant:

Guy N. Ramsey
Ramsey G & L, LLC
804 7th Street
Tell City, IN 47586

Subject:

An application for the modification of an existing Conditional Use Permit for an assisted living facility to allow minor site plan revisions.

Premises Affected:

On property known as 6415 Calm River Way and being in the City of Jefferson town,
metro Louisville

On December 18, 2006, the applicant requested a Modification of the approved Conditional Use Permit to allow minor site plan revisions for an assisted living facility. The original hearing on this case was held on October 4, 2004 to allow an assisted living facility in an R-4 zoning district. On February 21, 2005 another hearing was held for a Modification of the Conditional Use Permit to allow minor site plan revisions and was approved.

On January 22, 2007, the Louisville Metro Board of Zoning Adjustment approved the modification for additional site plan revisions.

A motion was made by Member Stewart, seconded by Member Rhodes and the following resolution was adopted:

WHEREAS, the Board finds that the applicant has requested a modification of an approved Conditional Use Permit to allow several of the interior landscape areas (ILA's) to be paved and striped for easier snow and ice removal; and because the amount of ILA's still exceeds the requirements; and

WHEREAS, the Board finds that the existing 6-foot tall solid wood fence was built further inside the property than originally shown along the northern property line due to the steep difference in grade on that side of the lot; and because the placement of this fence at this location provides better screening for adjacent residences; and the applicant has also revised the plan to show the agreed upon horse fence in the front which was not previously illustrated;

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JANUARY 22, 2007

BUSINESS SESSION:

DOCKET NO. B-176-04

NOW, THEREFORE, BE IT RESOLVED, that the modification of the existing Conditional Use Permit is hereby **APPROVED**, to allow revisions to the site plan to allow several of the ILA's to be paved and striped; and to allow placement of the fence to be in an area that better screens adjacent residences; and that the horse fence is now shown on the plan.

The vote was as follows:

YES: Members Francis, Rhodes, Howard and Stewart.

NO: No one.

NOT PRESENT FOR THIS CASE AND NOT VOTING: Members Grisanti and Anderson.

ABSTAINING: No one.