

# Board of Zoning Adjustment

## Staff Report

February 1, 2021



<b>Case No:</b>	20-CUP-0142
<b>Project Name:</b>	Grandview Care Inc. Retreat Center
<b>Location:</b>	990 Evergreen Road
<b>Owner/Applicant:</b>	Grandview Care Inc. by Neil Ramsey
<b>Representative:</b>	Cliff Ashburner
<b>Jurisdiction:</b>	City of Anchorage
<b>Council District:</b>	# 17 – Markus Winkler
<b>Case Manager:</b>	Steve Hendrix, Planning & Design Coordinator

### **REQUESTS**

Conditional Use Permit to allow a private non-profit club in a Residential Estate zoning district.  
Waiver to eliminate the required landscaping and the 6 foot screen along the perimeter property lines.

### **CASE SUMMARY/BACKGROUND**

The approximately 20 acre site is located in the City of Anchorage. The property contains an existing barn that includes a garage, basement and second floor and the 3,900 square foot event venue. The owner wanted to have a place where he could have fund raisers and meetings that would help charities that he and his wife personally support. The site was formerly part of their residential property, but was transferred to the Grandview Care Incorporated.

### **STAFF FINDING / RECOMMENDATION**

Based upon the information in the staff report and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit.

### **TECHNICAL REVIEW**

There are no technical review items.

### **INTERESTED PARTY COMMENTS**

A neighborhood meeting was held on September 24, 2020. Minutes are attached.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT**

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: The proposal does not conflict with Comprehensive Plan policies.

2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: The existing barn is compatible with surrounding development and land uses.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: The subject property is served by existing public utilities and facilities. The proposal will not create additional requirements for the site.

4. Does the proposal comply with the specific standards required to obtain the requested conditional use permit?

STAFF: Yes.

Article 15., Conditional Uses D. 11. Private non-profit clubs.

Private non-profit clubs may be located in the R-R, R-E, R-1, R-2, R-3, R-4, R-5, RRD, R-5A, R-5B, R-6, R-7, R-8A, OR-1, OR-2, or C-R Districts where such use is compatible in size and scale with the surrounding land uses upon the granting of a Conditional Use Permit.

- a. All new buildings, structures, and facilities (except parking) shall be at least 30 feet from any property line.
- b. Roads and parking spaces shall be surfaced with a hard and durable material and properly drained.
- c. A minimum of one off-street parking space shall be provided for every 5 members,
- d. Swimming pools shall be enclosed within a fence at least six feet high.
- e. All recreation areas or play fields and parking lots shall be separated from adjacent properties by a solid fence or dense evergreen shrubbery plantings at least 5 feet high.
- f. One sign only may be permitted showing the name and address of the club. An attached sign shall not exceed 30 square feet in area, shall be attached flat to the face of the building and shall not project more than 18 inches from the face of the building. A free-standing sign shall not exceed 20 square feet in area per side, shall not have more than two sides, and shall not exceed a height of six feet. Either an attached sign or a freestanding sign may be permitted, but not both. No sign shall project into any required yard. The sign may be illuminated but not flashing.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER**

- a. The waiver will not adversely affect adjacent property owners; and,

STAFF: The waiver will not adversely affect adjacent property owners since the existing view will be maintained by the existing trees and vegetation without the construction of a fence.

- b. The waiver will not violate the Comprehensive Plan; and,

STAFF: The waiver will not violate the comprehensive plan, since the existing barn is approximately 140 feet from the nearest property line and the existing landscaping including the trees and vegetation along the property line will remain in a natural setting.

- c. The extent of 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 when taking into account the existing trees/vegetation and the distance from the nearest property line.

- d. Either: 1. 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 2. 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, since there are many trees/vegetation that might have to be removed in order to install the fence.

## **REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Waiver**

## 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.
2. The Conditional Use Permit shall be “exercised” as described in KRS 100.237 within two years of the Board’s vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a private non-profit club until further review and approval by the Board.

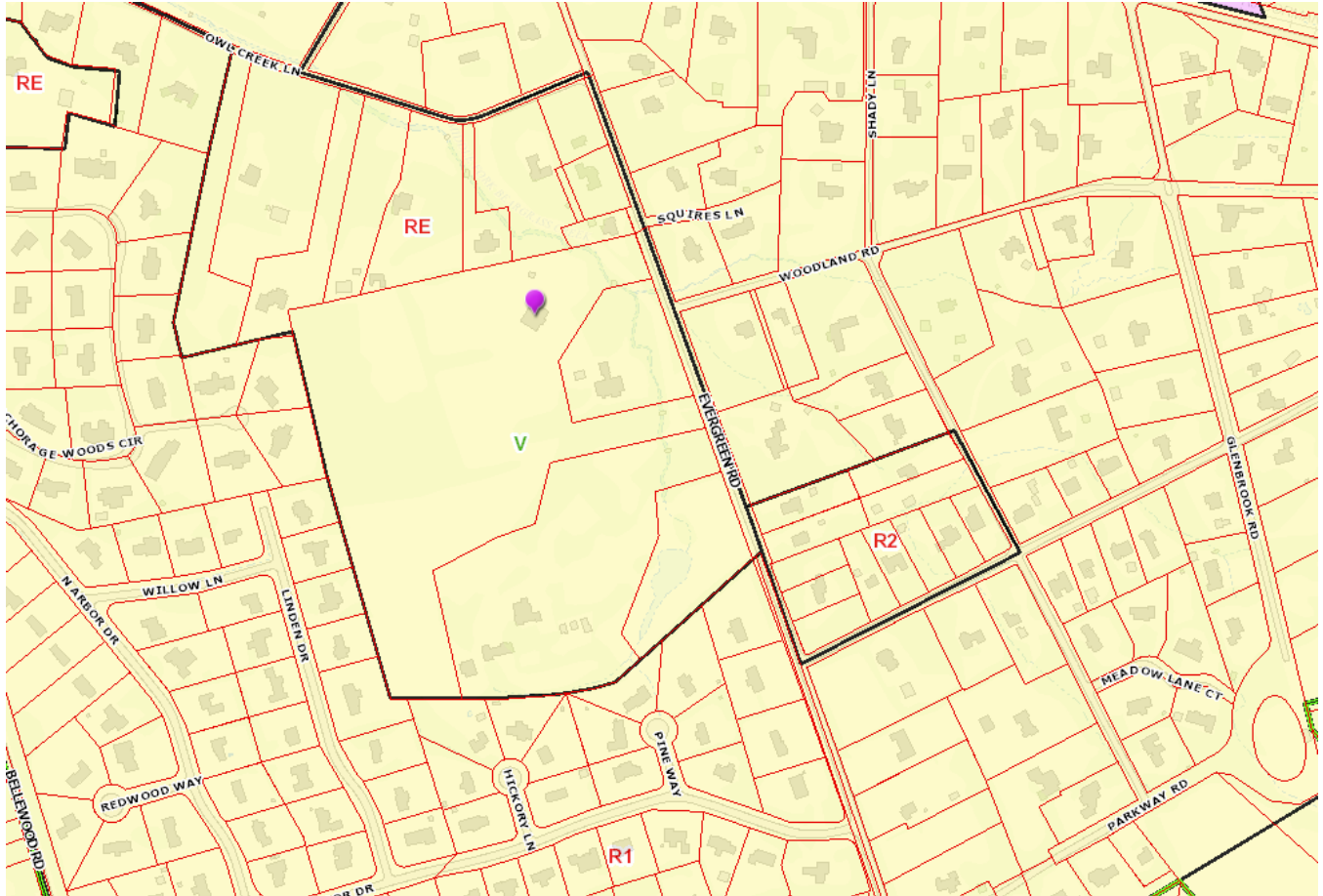
## NOTIFICATION

Date	Purpose of Notice	Recipients
01/14/2021 01/15/2021	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Registered Neighborhood Groups in Council District # 17
01/19/2021	Hearing before BOZA	Sign Posting

## ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Neighborhood Meeting Minutes
5. Plan 2040 Checklist

## Zoning Map



## Aerial Photographs





within one (1) ft. Landscape buffer Area adjacent to the perimeter property lines.



The subject site is located in the City of Anchorage and is subject to the Development Code for the city of Anchorage, Kentucky April 2001.

#### CONDITIONAL USE PERMIT REQUESTED

1. A Conditional Use Permit is requested for a Private Non-Profit Club by Article 15.11 of the Development Code for the city of Anchorage, Kentucky.

#### PROJECT DATA

TOTAL SITE AREA	= 20.98± AC. (896,620 SF)
EXISTING ZONING	= RE (C.U.P. requested)
FORM DISTRICT	= VILLAGE
EXISTING USE	= BARN
PROPOSED USE	= PRIVATE NON-PROFIT CLUB
EXISTING BARN BUILDING AREA	= 5,554 S.F. (INCLUDES GARAGE, BASEMENT AND SECOND FLOOR)
EVENT AREA WITHIN THE EX. BARN	= 3,900 S.F. (EVENT AREA)
PARKING REQUIRED	= 39 SPACES
3900 SF/100	= 39 (INCLUDES 2 ADA SPACES)
PARKING PROVIDED	= 5,410 S.F.
AREA OF DISTURBANCE	= 15,074 S.F.
EXISTING IMPERVIOUS	= 15,074 S.F.
PROPOSED IMPERVIOUS	= 15,074 S.F.

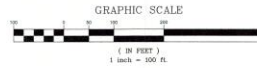
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#### GENERAL NOTES:

1. All parking and driving surfaces to be hard and durable.
2. Construction fencing shall be erected prior to any construction or grading activities preventing compaction of root systems of trees to be preserved. The fencing shall enclose the area beneath the drip line of the tree canopy and shall remain in place. No parking, material storage, or construction activities shall be permitted within the fenced area.
3. Mitigation measures for dust control shall be in place during construction to prevent fugitive particulate emissions from reaching existing roads and neighboring properties.
4. Boundary per deed & does not constitute a survey. Topography L.O.J.C.
5. This plan requires approval from the City of Anchorage.
6. Tree limbs must be trimmed up to allow for 13'-0" clearance. To allow access to Fire Department tallest trucks.
7. Construction plans, bond, and permit are required by Metro Public Works prior to construction plan approval.
8. All roadway and entrance intersections shall meet the requirements for turning areas as set by Metro Public Works.
9. Entry drive width shall be 18 ft wide.
10. Access assessment to be recorded prior to MPW construction approval.

#### MSD NOTES:

1. Sanitary sewer service is provided by connection by MSD's Anchor Estates Pump Station 1 & 2 elimination contract No. 381,808 / Record No. 361,806.
2. No portion of the site is within the 100 year flood plain per FIRM Map No. 21111 C 0032 E dated December 5, 2006.
3. Drainage pattern depicted by arrows (==>) is for conceptual purposes. Final configuration and size of drainage pipes and channels shall be determined during the construction plan design process. Drainage facilities shall conform to MSD requirements.
4. Erosion & Silt Control shown is conceptual only, and final design will be determined on construction plans. Prior to any construction activities on the site a Erosion & Silt Control Plan shall be provided to MSD for approval.
5. A Downstream Capacity Request was approved by MSD letter dated December 3, 2020.
6. All retail shops must have individual connections per MSD's fats, oil and grease policy.
7. Previous pavers installation for the proposed parking spaces is the only construction proposed.
8. MSD site disturbance permit required prior to issuance of any permits.



TYPICAL 90 DEGREE PARKING SPACE LAYOUT  
NO SCALE

TYPICAL 60 DEGREE PARKING SPACE LAYOUT  
NO SCALE

OWNER:  
GRANDVIEW CARE INC.  
1515 ORMSBY STATION CT. STE B  
LOUISVILLE, KY 40263

SITE ADDRESS:  
990 EVERGREEN ROAD  
TAX BLOCK 0022, LOT 0648  
D.B.11585 / PG. 839

CASE: 20-CUP-0142

NO.	DATE	DESCRIPTION	APPROVED
1	11/26/20	ADDRESS SUBJECT COMMENTS	
2	12/16/20	MSD & MPW COMMENTS	
3	01/26/21	MSD COMMENTS	
4	01/27/21	APPROVED FOR REVIEW	
5	01/27/21	APPROVED FOR REVIEW	

REVISIONS	PROJECT DATA	ENGINEER'S SEAL
FILE NAME: 20-0142-01	DATE: 01/27/2021	
FILE: 20-0142-01	SCALE: AS SHOWN	
CREATED BY: JVC	CHECKED BY: JVC	

CONDITIONAL USE PERMIT	OWNER/DEVELOPER	SURVEYOR'S SEAL
990 EVERGREEN ROAD	GRANDVIEW CARE, INC.	
	1515 ORMSBY STATION CT. STE B	
	LOUISVILLE, KY 40223	

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**NEIGHBORHOOD MEETING NOTES**

**APPLICANT: Grandview Care**

**PROPERTY: 99½ Evergreen**

The meeting was held virtually through Webex on September 24, 2020 at 6:30 p.m. The meeting was hosted by the applicant's attorney, Clifford Ashburner of Dinsmore & Shohl, LLP, and the applicant, Grandview Care, Inc. ("Grandview"), was represented by Neil Ramsey. Landscape Architect Kevin Young of Land Design and Development, Inc. was also present to answer questions.

Clifford Ashburner began the meeting with an overview of the meeting process and introduction of the representatives present at the meeting. Mr. Ashburner then explained that in order for Grandview to hold events for the non-profit organization on the property it would need to obtain a Conditional Use Permit ("CUP") from Jefferson County Board of Zoning Adjustment ("BOZA"). The property is currently zoned RE (Residential Estate). The current zoning includes permitted uses like golf courses, libraries, college/institution of learning, and parks.

Mr. Ramsey then explained the current situation of the property, stating that he first built the barn because he wanted a barn, and because he wanted a place where he could hold fund raisers and meetings, etc., that would help the charities he and his wife personally support. He did have a wedding for a daughter, but other than that, he has used the barn for the charities. After doing this for approximately 2 ½ years, he made the decision to transfer ownership of a portion of his real property, that included the barn, to his foundation that he used for the charity support functions, Grandview Care, Inc. The reason the CUP request is now needed is because the barn is no longer an accessory of Mr. Ramsey's personal residence, but now requires a CUP for use as a "Private Club, not-for-profit," as use that is permitted in the RE zoning area with approval from the Louisville Board of Zoning Adjustment.

Mr. Ramsey went on to further explain that he does not have a liquor license, that no changes would be made to the current kitchen in the barn and the structure itself would remain the same, although, it was stated that there would be some changes made to parking, buffers, etc. The use of the barn will remain substantially the same as used in the past 2 plus years, but it will now through the current owner of the property, Grandview Care, Inc. The property will remain private and will not be available for rent by the public.

The meeting was then opened up for the attendees to voice concerns and ask questions, as summarized below:

MOTIVATION OF TRANSFER; Several people voiced concerns over the reason/motivation that the Ramseys had to transfer a good portion of their property/barn to this Foundation. It was also asked as to how much acreage was transferred to Grandview Care, Inc.

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20 - NEW CUP - 0142



Answer: It was explained that Mr. Ramsey wanted to add assets to his foundation. In addition, and probably more important, he wanted to protect the land for the long term. His family has no plans on leaving the area and putting the property in the Foundation would keep it as undeveloped land in the City of Anchorage. The amount of acreage transferred was 22 acres. Neil Ramsey is the founder and President of Grandview Care, Inc.

MODIFICATIONS OF PLANS/CUP: Concerns were voiced regarding future changes to the plans and uses of the property. Questions were also asked as to whether any other CUPs were granted in Anchorage.

Answer: It was explained that for every CUP, conditions/restrictions and a plan are attached as a part of the approval. If there are any changes to the plans, or changes of use of the property, then Grandview Care would have to again go before BOZA to request approval of those changes again. It was explained that the CUP would run with the land and if someone else owned this property, they could use it in the same way with the same restrictions imposed by the CUP. It is not thought that Anchorage has granted other CUPs similar to this because this use/request is different from what anybody else is doing.

OCCUPANCY: Questions were asked about the occupancy limits of the barn.

Answer: The Fire Marshall would set a limit and that number is currently unknown. Mr. Ramsey stated that the bulk of his functions would involve around 120 people. He thought that for sit-down dinners he would have around 120 and for events with standing room only, he would have around 200.

TAX RATES/IMPLICATIONS FOR THE CITY OF ANCHORAGE: Several participants wanted to know if this transfer of property would lessen the amount of taxes collected by Anchorage and whether the events would be taxed.

Answer: It was stated that Grandview Care would eventually file for tax exemption.

CHANGE TO RESIDENTIAL/SMALL CITY FEEL: Several attendees voiced concerns about this change and think that it is contrary to the spirit of Anchorage. It is believed that this is the first step in changing the area from non-profit uses to profit and that it would change the complexion of the community to a commercial venture. It was voiced that once changes are made, it opens the door to other changes in the community in reference to zoning and land use.

Answer: It was explained that this was a way for the Ramseys to keep doing good for the community and the causes they support. It is a way they give their time and money. It is very important to them to not impact their neighbors in any way, and that the right restrictions should be placed on the CUP to protect those neighbors and the surrounding community. It was explained several times that the CUP could not be changed without additional approval from BOZA in the future. It was also stated that most activities would be held inside the barn that would minimize any noise or light issues with the surrounding properties.

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TRAFFIC: Concerns were raised regarding the impact of the additional traffic and whether there would be a traffic study performed.

Answer: Public Works has reviewed the Plans and application and so far the comments have not required a traffic study. Traffic Studies are usually reserved for land uses that would have high traffic demands during the high traffic peak times. Renee Major, City of Anchorage administrator, stated that during the last 2 ½ years that the Ramseys have been holding these fund raising events, the City has not received any complaints or concerns regarding traffic issues. Several neighbors voiced that they did not even know that the events were being held.

FUTURE PLANS OF PROPERTY: A questions was asked concerning future uses of the property, if there were any other plans.

Answer: Mr. Ramsey joked that he just plans on keeping the grass mowed. In seriousness, he stated that there were no future plans. He stated that he has lived in this area for 30 years and wants to keep the land a valuable piece of Anchorage.

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20 - CUP 1 - 0142

## 5. 2040 Checklist

### Conditional Use Permit Checklist

+ Meet policy

- Does not meet policy

+/- Meets/Does not meet some portion of policy

NA – Not applicable

NIS – Information needed

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
Community Form – Goal 1			
4.	Ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects.	+	The existing barn is in scale with the development and site design of nearby development due to its distance from property lines, the type of exterior material and overall construction.
11.	Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines.	+	Setbacks have been met.

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
12.	Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes.	+	The existing barn has a circular driveway that is shared with owner. Due to the angle of the parking and distance from the property lines, the impact to neighbors should be minimal.
14.	Ensure that signs are compatible with the Form District pattern and contribute to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials).	+	Signage will meet code.
17.	Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	+	Transportation approval.

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
18.	Mitigate adverse impacts of noise from proposed development on existing communities.	+	Events to be inside.
19.	Mitigate adverse impacts of lighting from proposed development on nearby properties, and on the night sky.	+	No new lighting is proposed.
Goal 2 Community Facilities			
3.	Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	+	MSD approval.