

Board of Zoning Adjustment

Staff Report

May 3rd, 2021



Case No:	20-MCUP-0016
Project Name:	Creekside Cottages
Location:	1704 The Meadow Road
Owner:	Creekside Whipps Mill LLC
Applicant:	Nick Pregliasco
Jurisdiction:	Louisville Metro
Council District:	7 --- Paula McCraney
Case Manager:	Rachel Mandell, AICP, Planner I

REQUEST

Modification of a Conditional Use Permit of a Nursing Home & Home for the Infirmed or Aged under the continuum of care provision to construct 29 independent living residential cottages.

CASE SUMMARY/BACKGROUND

The subject site is 2.7 acres, is zoned R-4 and is in the Neighborhood Form District. The site is immediately adjacent to Creekside on Whipps Mill, which has a conditional use permit for a nursing home. The applicant is proposing 29 independent living cottages as a continuum of care for the existing facility. The new development will be adding land to the existing conditional use permit and is on a separate lot.

The site currently consists of a single-family residence. The historic preservation team has noted that this structure is over 50 years old and has recommended adaptive reuse. This structure is proposed to be demolished, however the applicant has indicated that design elements from the home will be implemented into the development.

The property is in the jurisdiction of Louisville Metro; however, the portion of Whipps Mill Road fronting the proposed development is maintained by the city of Lyndon.

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 modified Conditional Use Permit.

TECHNICAL REVIEW

There are no technical review items.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on December 9, 2020.

An e-mail of support was received from an adjoining property owner.

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. The proposal will increase housing diversity and type which is in line with the Neighborhood Form District.

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: Yes. The proposed cottage homes will implement design features from surrounding structures and is compatible in scale to the adjoining nursing home and condominium complex to the South.

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 has received preliminary approvals from applicable utility sources and Metro Emergency Services. The development will provide the required 8,500 SF of recreational open space.

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

STAFF: No. The applicant is requesting relief from condition 4.2.38.A that requires all buildings and structures be at least 30 feet from the property line. The applicant has submitted a letter requesting relief from this requirement to allow a 20ft setback from the Southern and Eastern property lines.

Section 4.2.38 Conditional Uses

Nursing Homes & Homes for the Infirm or Aged

Nursing Homes & 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.

- 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 Adjustment shall add any restrictions to mitigate nuisances or adverse effects.

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 proposed Creekside Cottages (1704 The Meadow Road) and Creekside on Whipps Mill (9701 Whipps Mill Road) are functionally related through a program of continuum of care which for the purposes of this condition is defined as 'a variety of senior care services focused on the stages of aging.' If this program of continuum of care is discontinued, then an application for a modified conditional use permit shall be submitted to the Board of Zoning Adjustment. If the Board finds that the continuum of care program is no longer in place, then the independent living facility must qualify for a zoning classification which permits the intended use or must apply for a rezoning to a residential multifamily zoning classification.
3. The Modified 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 Modified Conditional Use Permit is not so exercised, the modification will become null and void.
4. When The Meadow Road is constructed to Whipps Mill Road and open as a public road, the Applicant shall provide a vehicular connection from its property to said road per specifications approved by Metro Public Works.

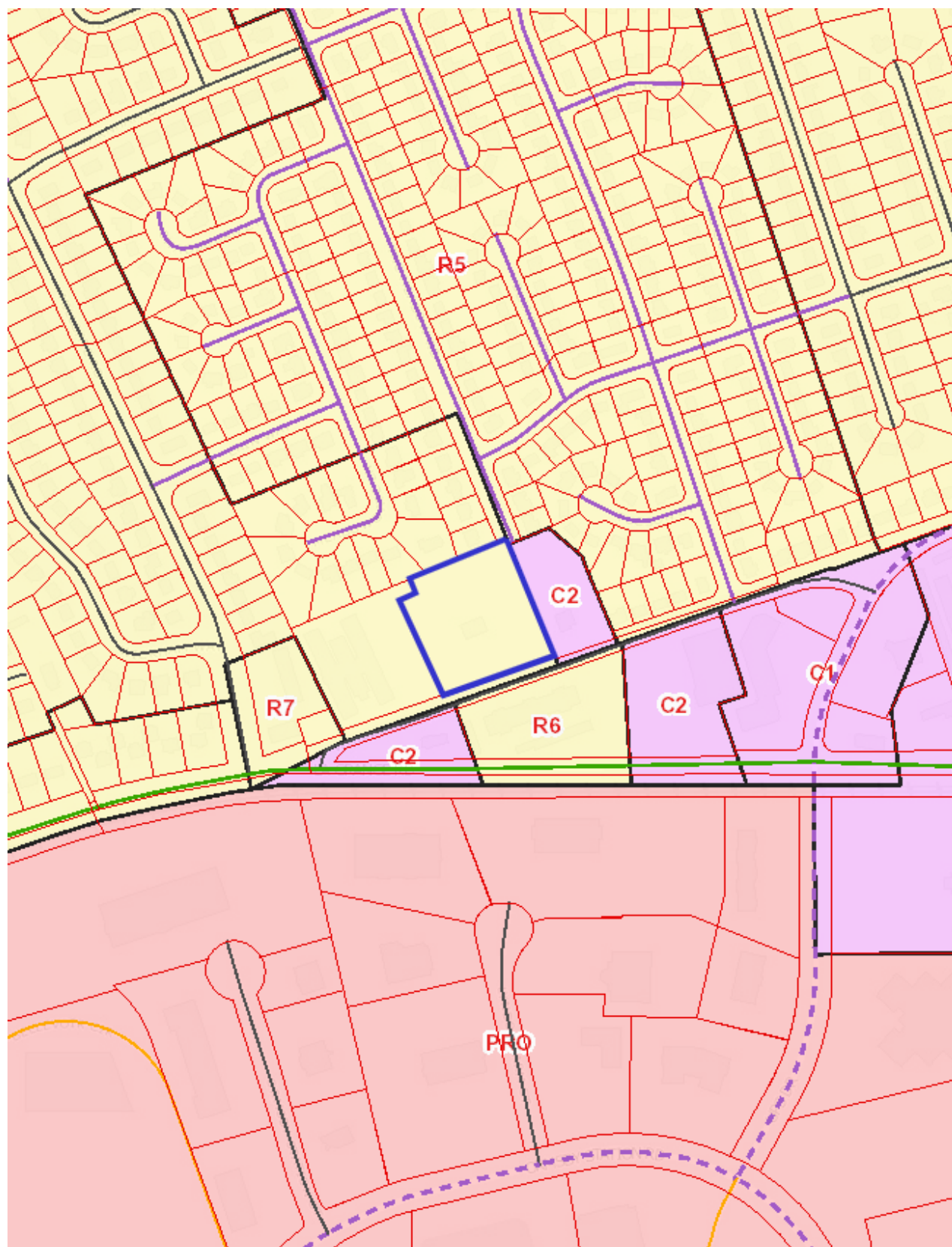
NOTIFICATION

Date	Purpose of Notice	Recipients
04/16/2021	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District # 7
04/20/2021	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Plan 2040 Checklist

Zoning Map



Aerial Photograph



Site Plan



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 Creekside Cottages is compatible in scale and site design with nearby existing development. There is a multifamily development to the South and design elements from existing structures will be implemented.
11.	Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines.	+	The setbacks are compatible with nearby development.

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 proposed cottages will have independent drive ways and private garages.
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).	+	Sign design will meet the restrictions in 4.2.38 and Chapter 8 of the Land Development Code.
17.	Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	+	Transportation has given preliminary approval with a condition to provide access to The Meadow Road if ever extended to Whipps Mill Road.

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
18.	Mitigate adverse impacts of noise from proposed development on existing communities.	+	Landscape buffers will be provided.
19.	Mitigate adverse impacts of lighting from proposed development on nearby properties, and on the night sky.	+	All lighting will be directed down and away from residences.
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 has given preliminary approval.