

Development Review Committee

Staff Report

January 18, 2023



Case No:	22-DDP-0115/22-WAIVER-0228
Project Name:	Hosparus
Location:	2900, 2902, 2903, 2904, 2905 Stonehaven Ct; 3522, 3524, 3526, 3528, 3532 Ephraim McDowell Dr; 2917 Abigail Dr
Owner(s):	Hosparus, Inc.
Applicant:	Hosparus, Inc.
Jurisdiction:	Louisville Metro
Council District:	8 – Cassie Chambers Armstrong
Case Manager:	Jay Lockett, AICP, Planner II

REQUEST(S)

- **Waiver** of Land Development Code section 10.2.10 to allow parking areas to encroach into the required 15-foot Vehicle Use Area Landscape Buffer Area as shown on the development plan.
- **Revised Detailed District Development Plan** with revisions to Binding Elements

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a hospital and medical office facility with associated accessory structures and parking on approximately 4.16 acres. The site is zoned OR-3 in the Neighborhood form district.

STAFF FINDING

The requests are adequately justified and meet the standards of review.

TECHNICAL REVIEW

MSD and Transportation Planning have approved the preliminary development plan.

The Board of Zoning Adjustment will review a Conditional Use Permit request for the hospital use as well as a variance at the February 6, 2023 meeting.

INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

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 as the applicant will still provide all required planting and screening around the subject site..

- (b) The waiver will not violate specific guidelines of Plan 2040; and

STAFF: The waiver will not violate specific guidelines of Plan 2040 as all required planting and screening will be provided on site.

- (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.

- (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 the lot is narrow and irregularly shaped with a long road frontage, making it difficult to fit all of the site elements without encroachment. The applicant is providing buffer and open space areas in excess of the minimum width on other areas of the site.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Waiver**
- **APPROVE** or **DENY** the **Revised Detailed District Development Plan** with revisions to binding elements.

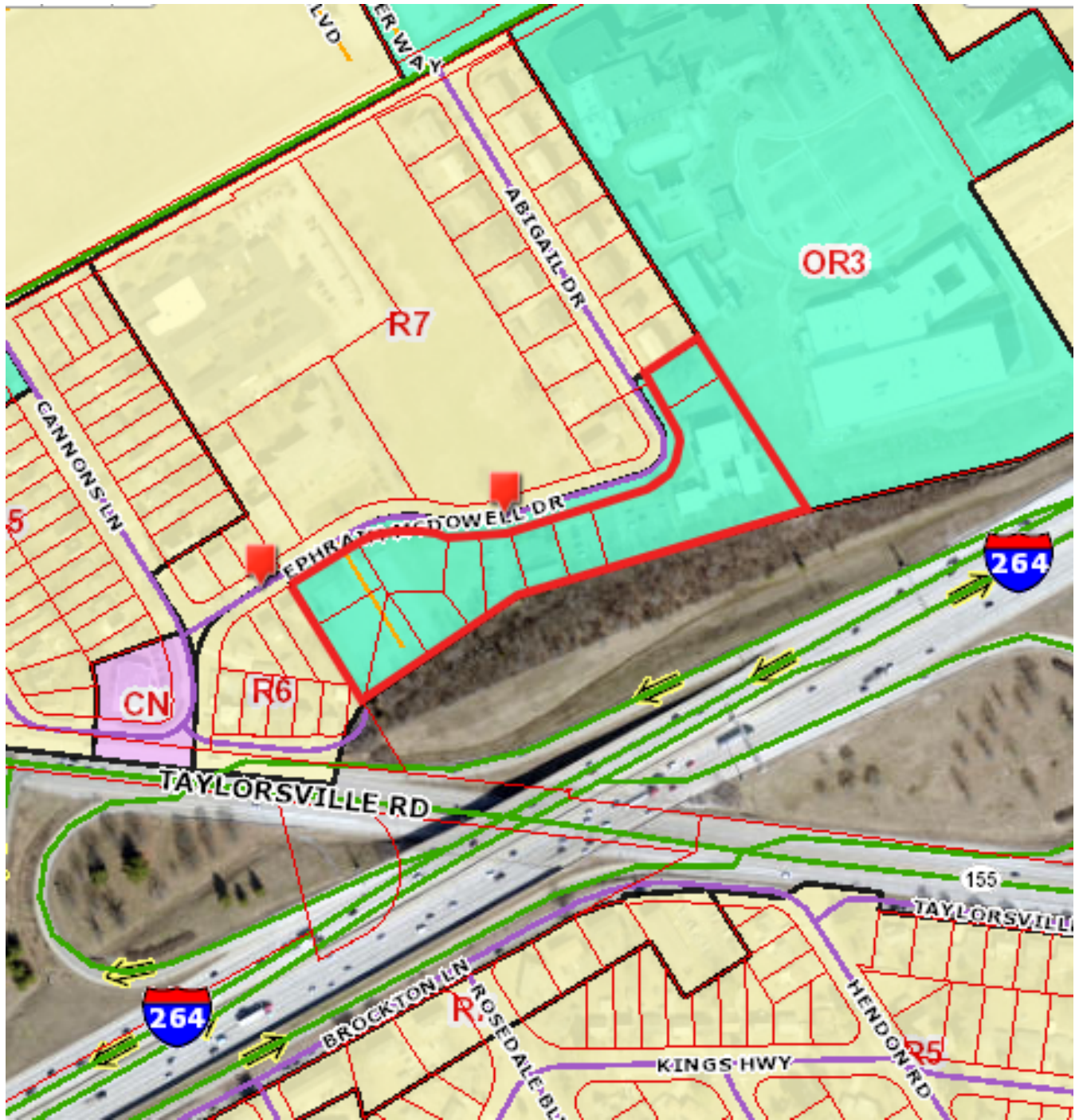
NOTIFICATION

Date	Purpose of Notice	Recipients
1-5-23	Hearing before DRC	1 st tier adjoining property owners and residents Registered Neighborhood Groups in Council District 8

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements with proposed revisions

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/ alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
- ~~2. The development shall not exceed 59,150 square feet of gross floor area.~~
- ~~3. The only permitted freestanding signs shall be monument style signs, located as shown on the approved development plan. Two signs are shown on the plan. The total dimensions shall not exceed 40 square feet in area and 4 feet in height. One signs 32 square feet in area and 4 feet in height The other sign is 8 square feet in area and 3 feet in height No sign shall have more than two sides~~
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site .
6. Outdoor lighting shall be directed down and away from surrounding residential properties.
7. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line . Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities are permitted within the protected area.
8. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from Metro Public Works; ~~Inspections, Permits, & Licenses~~ **Construction Review**; and the Metropolitan Sewer District.
 - b. 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.
 - c. A minor subdivision plat or other legal instrument shall be recorded creating the lot lines as shown. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.**
 - d. The appropriate variance and conditional use permit shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.**
 - e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.**
9. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.

10. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assigns, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
11. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
- ~~12. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 5, 2009, Planning Commission public hearing.~~
- ~~13. If sidewalks are ever installed on Ephraim McDowell Drive, the applicant shall install them on this site.~~
14. During construction, following preliminary grading, the developer will meet on site with PDS landscape staff to determine if additional plantings are required to fill gaps in the Expressway LBA Screening and supplement the existing right-of-way vegetation. All screening and vegetation requirements in the Expressway LBA. required by (LDC 10.2.7) as in effect on the date hereof, beyond the before mentioned, shall be deferred, as long as the existing right-of-way vegetation provides screening. However, if the existing vegetation is removed from the right-of-way, the required plantings per (LDC 10.2.7) as in effect on the date hereof, shall be provided by the property owner. A revised landscape plan shall be submitted for approval within six months of the existing right-of-way vegetation removal with. installation of the new approved plantings being completed by the end of the next planting season.

4. Proposed Binding Elements

1. The development shall be in accordance with the approved district development plan and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. Any changes/additions/ alterations of any binding element(s) shall be submitted to the Planning Commission for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. There shall be no outdoor storage on the site .
4. Outdoor lighting shall be directed down and away from surrounding residential properties.
5. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line . Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage, or construction activities are permitted within the protected area.
6. Before any permit (including but not limited to building, parking lot, change of use or alteration permit) is requested:
 - a. The development plan must receive full construction approval from Metro Public Works; Construction Review; and the Metropolitan Sewer District.
 - b. 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.
 - c. A minor subdivision plat or other legal instrument shall be recorded creating the lot lines as shown. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
 - d. The appropriate variance and conditional use permit shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - e. Final elevations/renderings shall be submitted for review and approval by Planning Commission staff. A copy of the approved rendering shall be available in the case file on record in the offices of the Louisville Metro Planning Commission.
7. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
8. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assigns, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.

9. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
10. During construction, following preliminary grading, the developer will meet on site with PDS landscape staff to determine if additional plantings are required to fill gaps in the Expressway LBA Screening and supplement the existing right-of-way vegetation. All screening and vegetation requirements in the Expressway LBA. required by (LDC 10.2.7) as in effect on the date hereof, beyond the before mentioned, shall be deferred, as long as the existing right-of-way vegetation provides screening. However, if the existing vegetation is removed from the right-of-way, the required plantings per (LDC 10.2.7) as in effect on the date hereof, shall be provided by the property owner. A revised landscape plan shall be submitted for approval within six months of the existing right-of-way vegetation removal with. installation of the new approved plantings being completed by the end of the next planting season.