

Planning Commission
Staff Report
June 4, 2020



Case No:	19-DDP-0077
Project Name:	FKC Dialysis Center
Location:	4730 Champions Trace Lane
Owner(s):	Mahesh Kumar Jindal, Two Beans Properties, LLC
Applicant:	Mahesh Kumar Jindal, Two Beans Properties, LLC
Jurisdiction:	West Buechel
Council District:	10 – Stuart Benson
Case Manager:	Lacey Gabbard, AICP, Planner I

REQUESTS:

1. **District Development Plan**

CASE SUMMARY/BACKGROUND

The subject site is zoned C-2 Commercial in the Neighborhood form district. It is located on the south side of Champions Trace Lane, north of Fountain Drive. The subject site is bordered on the west by a C-2 zoned parcel, to the south by an R-7 Residential Multi-Family parcel, and on the opposite side of Champions Trace Lane by a C-2 and OR-1 zoned parcels.

The applicant is proposing to construct a 7,435 square foot medical office building to be used primarily for dialysis. After discussions with the applicant, staff has determined that the proposal is for a medical office and not a medical clinic, so a Conditional Use Permit is not required.

There is an associated variance case, 19-VARIANCE-0076, to allow encroachment of the proposed pavement into the middle and outer portions of the 100 foot stream buffer. This request will be heard by the Board of Zoning Adjustment on June 1, 2020. The Planning Commission does not act upon this request.

Previous cases:

- 9-101-02: Change in zoning from R-7 Multi-Family Residential to C-2 Commercial, and a Conditional Use Permit for mini-warehouses.

The revised plan from 2006 also included variances and waivers. One variance allowed parking and proposed maneuvering to encroach into the Middle and Outer Zone of the 100 foot stream bank buffer area and a proposed drive lane to encroach into the 25 foot inner zone.

This case was originally docketed on the May 7, 2020 Planning Commission hearing. On the applicant's request, the case was continued to the June 4, 2020 Planning Commission hearing in order to allow the applicant to resolve an access issue with the neighboring property owner.

STAFF FINDINGS

The district development plan is adequately justified and meets the standard of review.

TECHNICAL REVIEW

Public Works and MSD have provided preliminary approval.

INTERESTED PARTY COMMENTS

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

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and AMENDMENT TO BINDING ELEMENTS

- (a) The conservation of natural resources on the property proposed for development, including: trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites;
1. STAFF: The applicant is requesting a variance (19-VARIANCE-0076), to be heard by the Board of Zoning Adjustment, to allow encroachment of the proposed pavement into the middle and outer portions of the 100 foot stream buffer. The Planning Commission does not act on this request. Other than the stream, there do not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.
- (b) The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;
- STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works has approved the preliminary development plan.
- (c) The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;
- STAFF: There are no open space requirements pertinent to the current proposal. Future multi-family development proposed on the subject site will be required to meet Land Development Code requirements.
- (d) The provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community;
- STAFF: The Metropolitan Sewer District has approved the preliminary development plan and will ensure the provision of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.
- (e) The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the existing and projected future development of the area;

STAFF: The overall site design and land uses are compatible with the existing and future development of the area. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks.

- (f) Conformance of the development plan with the Comprehensive Plan and Land Development Code. Revised plan certain development plans shall be evaluated for conformance with the non-residential and mixed-use intent of the form districts and comprehensive plan.

STAFF: The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

REQUIRED ACTIONS:

- **APPROVE** or **DENY** the **Revised Development Plan**

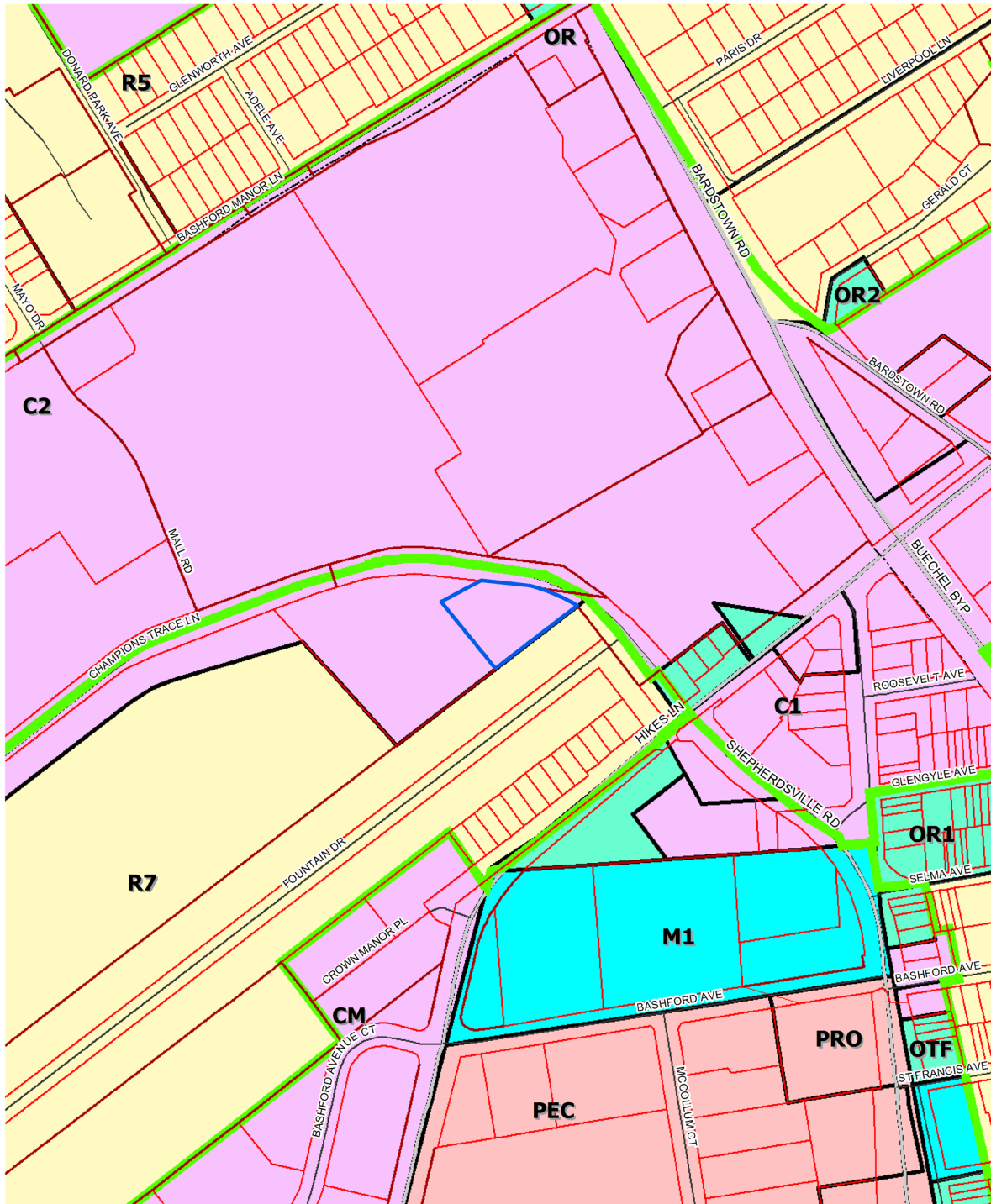
NOTIFICATION

Date	Purpose of Notice	Recipients
5-7-2020	Hearing before PC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 10
5-21-2020	Hearing before PC	1 st tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 10

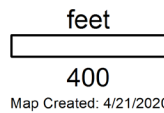
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Site Plan Binding Elements
4. Proposed Site Plan Binding Elements

1. **Zoning Map**



4730 CHAMPIONS TRACE LANE

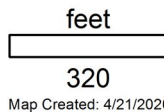


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2. **Aerial Photograph**



4730 CHAMPIONS TRACE LANE



Map Created: 4/21/2020



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3. Existing General Plan 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. There shall be no medical office or other uses requiring a parking ratio greater than one space per 400 square feet of floor area unless the applicant, property owner, or developer provides documentation for the DPDS file that parking can meet the requirement of the proposed use.~~

~~3. Use of the subject site shall be limited to restaurant and retail uses and other uses permitted in the C-2 zoning district. There shall be no other use of the property unless prior approval is obtained from the Planning Commission. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission may require a public hearing on the request to amend this binding element.~~

~~4. The development shall not exceed 7,476 square feet of gross floor area of office, 7,476 of retail and 7,476 square feet of restaurant space.~~

~~5. The only permitted freestanding sign shall be located as shown on the approved development plan/sign plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 10 feet to front property line. The sign shall not exceed 64 square feet in area per side and 6 feet in height. No sign shall have more than two sides.~~

~~6. The dumpster shall not be emptied between the hours of 10 p.m. and 7 a.m.~~

~~7. The BMAA shall be consulted concerning the design of the proposed building.~~

~~8. The retail/office building and the perimeter walls of the mini-warehouses shall be constructed of decorative block of brick like the new Target store on the Mall Road and at a sufficient height to shield the apartment dwellers from interior storage area traffic.~~

~~9. Applicant agrees to maintain buffers for woodland and stream protection consistent with the Comprehensive Plan and MSD guidelines for greenways and Best Management Practices will be utilized to preserve the Beargrass stream bank corridor.~~

~~10. No changes requiring Planning Commission or staff approval, including requests for changes to Commission approvals or permits, a copy of the filing is first served on the President of the Bashford Manor Area Association and on the Kentucky Resources Council, Inc.~~

~~11. A rendering depicting an exterior elevation of the mini-warehouses shall be submitted to Planning Commission staff for review and approval prior to transmittal of the plans. Staff shall review said elevation to determine that its design is consistent with the retail/office building and containing the following elements:~~

- ~~a. Using the same split face block face materials in alternating tan color tones as used in the retail/restaurant building.~~
- ~~b. The roofline to match the color of the roof and awnings or retail/restaurant building~~

~~12. Prior to the issuance of a building permit, a landscape plan shall be approved illustrating compliance with the conditions of approval set forth by BOZA under docket B-191-05.~~

~~13. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on this site.~~

~~14. Outdoor lighting (for parking lot illumination and security) shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90-degree cutoff and height of the light standard shall be set so that no light source is visible off-site. Light levels due to lighting on the subject site shall not exceed 0.5 foot candles measured at the property line. The applicant shall obtain certification by a qualified expert in measurement of lighting levels prior to requesting a certificate of occupancy. Such certification shall be maintained on-site at all times thereafter.~~

~~15. 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.~~

~~16. A Tree Preservation Plan (TPP) shall be approved by Planning Commission staff prior to transmittal to the office responsible for permit issuance. No clearing and/or grading activities may take place until a Tree Preservation Plan has been approved. The Tree Preservation Plan shall identify and submit for approval by designated DPDS staff, a plan showing the location of Tree Preservation Areas on site (exclusive of areas dedicated as public right-of-way) prior to beginning any construction procedure (i.e. clearing, grading, demolition). All construction shall be conducted in accordance with the approved Tree Preservation Plan. A partial plan may be submitted to delineate clearing necessary for preliminary site investigation. All Tree Preservation Plans must be prepared in accordance with the standard set forth by DPDS.~~

~~17. 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
 - ~~i. The Louisville Metro Department of Public Works (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).~~~~
- ~~b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12, prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.~~

~~18. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.~~

~~19. 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.~~

~~20. 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 the 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 assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.~~

~~21. 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.~~

~~22. The materials and design of the proposed structures shall be substantially the same as depicted in the rendering as presented at the April 3, 2003 Planning Commission meeting.~~

~~23. An original stamped copy of the approved Tree Preservation Plan shall be present on site during all clearing, grading, and construction activity and shall be made available to any DPDS inspector or enforcement officer upon request.~~

~~24. No adult entertainment uses will be allowed on the premises. Any amendments to this binding element shall require a public hearing before the Metro Planning Commission and approval by the Metro Council.~~

~~25. The Applicant will not seek any change to the currently applicable Neighborhood Form District.~~

5. Proposed Site Plan 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. 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.

4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:

- a. The development plan must receive full construction approval from Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
- b. The appropriate variance shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
- c. 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 plans shall be implemented prior to occupancy of the site and shall be maintained thereafter.
- d. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the June 4, 2020 Planning Commission meeting. A copy of the

approved rendering is available in the case file on record in the offices of the Louisville Metro Planning Commission.

5. If a certificate of occupancy (building permit) is not issued within two years of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
6. 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.
7. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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 assignees, contractors, subcontractors, and other parties engaged in the development of the site, shall be responsible for compliance with these binding elements.