

Commission, Board or Committee Staff Report

Date: November 17th, 2021



Case No:	21-DDP-0102
Project Name:	Baptist Health Medical Building
Location:	11701 Bluegrass Parkway
Owner(s):	Baptist Healthcare Systems, INC.
Applicant:	Ann Richard – Land Design & Development
Jurisdiction:	Jeffersontown
Council District:	20 – Stuart Benson
Case Manager:	Molly Clark, Planner I

REQUEST(S)

- **Waivers:**
 - **Waiver from 10.2.4. B.3 to allow a utility easement to encroach more than 50% into the landscape buffer area (21-WAIVER-0133)**
- **(Revised) Detailed District Development plan with Amendment to Binding Elements**

CASE SUMMARY/BACKGROUND

This site is located in the City of Jeffersontown; zoned PEC in the Suburban Workplace Form District; and was formally a restaurant called Ruby Tuesdays. The applicant is proposing to tear down the existing restaurant structure and build a 2 story 12,150 SF Medical building that will consist of medical offices and an emergency room. This use will require a Conditional Use Permit from the City of Jeffersontown Board of Zoning Adjustment which has been filed with the City of Jeffersontown. This site is related to the plan certain case number under 9-41-78.

STAFF FINDING

The Revised Detailed District Development Plan and waiver requests are adequately justified and meet the standard of review.

TECHNICAL REVIEW

This proposed development is located in Jeffersontown.

The approval is on condition that the Jeffersontown Board of Zoning Adjustment approves the associated Conditional Use Permit.

Transportation Planning, Kentucky Transportation Cabinet and MSD have preliminarily approved the revised detailed district development plan.

INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of section 10.2.4. to allow a utility easement to encroach more than 50% into the landscape buffer area:

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since the applicant is still going to provide all the required plantings.

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

STAFF: Community Form Goal 1, Policy 4 calls for the proposal to 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. Community Form Goal 1, Policy 10 calls to mitigate the impacts caused when incompatible developments unavoidably occur adjacent to one another. Buffers should be used between uses that are substantially different in intensity or density. Buffers should be variable in design and may include landscaping, vegetative berms and/or walls and should address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Community Form Goal 1, Policy 12 calls for the proposal to 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. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes. Community Form Goal 1, Policy 20 calls to mitigate adverse visual intrusions when there are impacts to residential areas, roadway corridors, and public spaces. Economic Development goal 2 policy 3 calls to Encourage design elements that address the urban heat island effect and energy efficiency, such as the planting and preservation of trees, cool roofs and green infrastructure, for new development. Livability Goal 1 Goal 5 calls to encourage development that recognizes and incorporates the unique characteristics of identified general landscape types and native plant communities (e.g., upland hardwood forest) throughout Louisville Metro. Livability Goal 1 Goal 6 calls to encourage the natural process of landscape succession by adding to and connecting a system of natural corridors that can provide habitat areas and allow for migration. The applicant is proposing a development that is consistent with the parkway standards that apply to Blankenbaker Road and Bluegrass Parkway.

- (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 because the other option would be to relocate existing easements. The applicant is also going to be providing all the required plantings for this site.

- (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 because the applicant has enough area to provide all the required plantings.

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;

STAFF: 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 and the Kentucky Transportation Cabinet have 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

- **RECOMMEND APPROVAL** or **DENIAL** of the **WAIVER** to allow the Landscape buffer area to have over a 50% overlap with a utility easement **(21-WAIVER-0133)**
- **RECOMMEND APPROVAL** or **DENIAL** of the **REVISED DETIALED DISTRICT DEVELOPMENT PLAN with AMENDED BINDING ELEMENTS:**
 - **ON CONDITION** that the **CONDITIONAL USE PERMIT** is **APPROVED** by Jeffersontown Board of Zoning Adjustment.

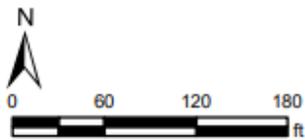
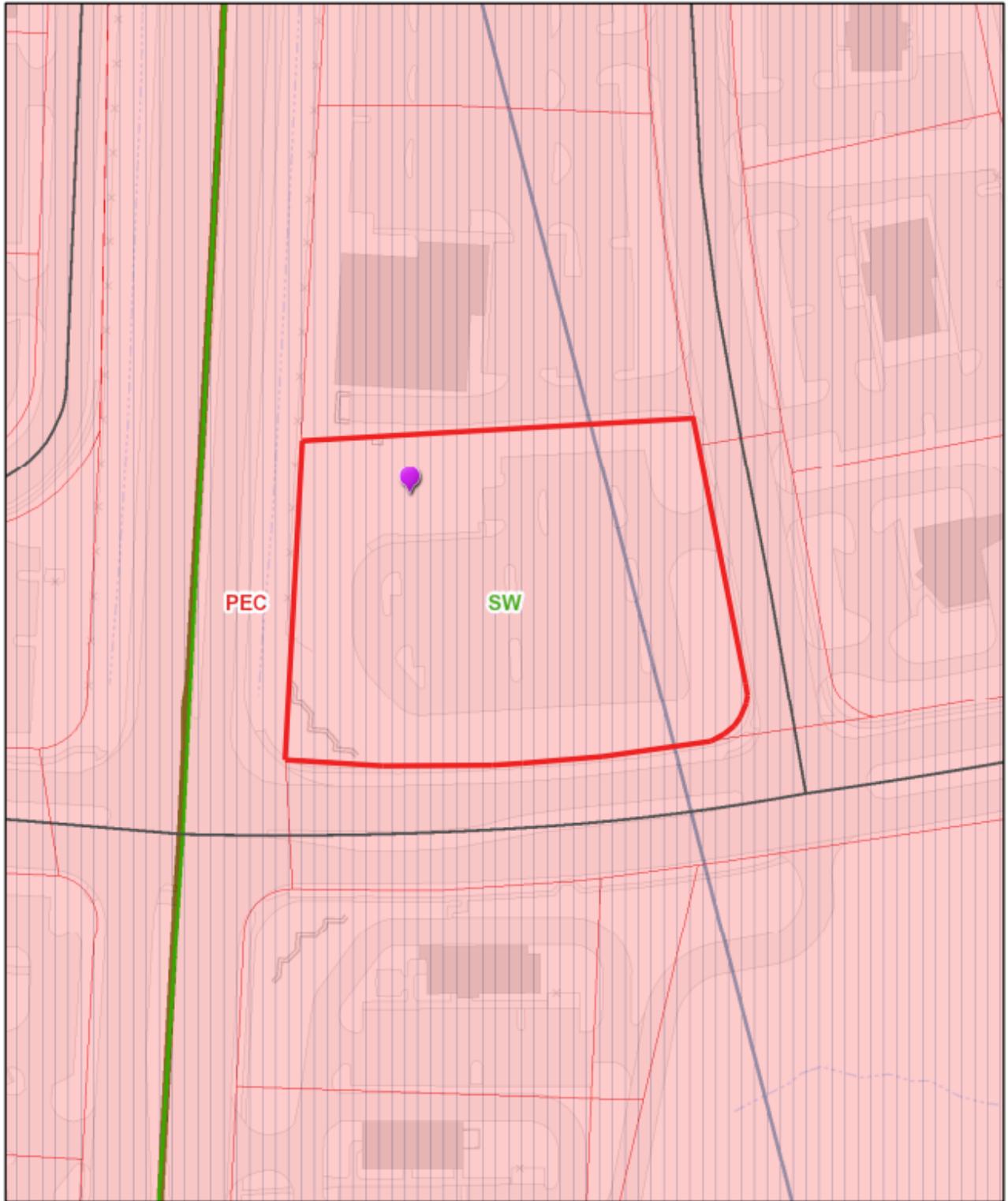
NOTIFICATION

Date	Purpose of Notice	Recipients
11-05-21	Hearing before 11-17-21	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 20

ATTACHMENTS

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

1. Zoning Map



Wednesday, November 10, 2021 | 11:32:26 AM



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This map is not a legal document and should only be used for general reference and identification

2. Aerial Photograph



3. Existing Binding Elements (9-41-78)

All applicable binding elements from the approved General Development Plan are applied to this site, in addition to the following:

- 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. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.
- ~~2) The development shall not exceed 4,890 square feet or gross floor area.~~
- 3) There shall be no direct vehicular access to Bluegrass Parkway nor New Blankenbaker Road.
- 4) The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 25 feet to front property line. The sign shall not exceed 40 square feet in area per side and 8 feet in height, no sign shall have more than two sides.
- 5) No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
- 6) There shall be no outdoor storage on the site.
- ~~7) There shall be no dining or alcoholic beverages served or consumed outside the restaurant.~~
- 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 the Jefferson County Department of Public Works and Transportation (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.
- 9) If a building permit is not issued within one year of the date of approval of the plan, 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.
- 10) A certificate of occupancy must be received from the appropriate code enforcement office 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.
- 11) There shall be no outdoor music (lived, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.
- 12) The property owner/developer shall provide copies of these binding elements to tenants, contractors and other parties engaged in development of this project, and shall inform them of the content of these binding elements, Further, the property owner/developer shall require contractors to similarly notify all of their sub-contractors whose duties relate to the binding elements. The property owner/developer shall require contractors to similarly notify all of their subcontractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.
- 13) 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.

4. Proposed Binding Elements

All applicable binding elements from the approved General Development Plan are applied to this site, in addition to the following:

- 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. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.
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