

Development Review Committee

Staff Report

December 19, 2022



Case No:	22-DDP-0094
Project Name:	Baptist Health Freestanding Emergency Room
Location:	7702 Bardstown Road
Owner(s):	Will Realty, LLC
Applicant:	Land Design and Development
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Molly Clark, Planner II

REQUEST(S)

Conditional Use Permit to allow a hospital/medical clinic in a C-1 Commercial zoning district (Land Development Code (LDC) 4.2.29)

CASE SUMMARY/BACKGROUND

This site is zoned C1 in the Neighborhood Form District. The applicant is proposing a 11,350 sf free standing emergency room on 1.44 acres. The site is currently vacant.

This case is related to a rezoning from R-4 to C-1 under case number 12734. The associated revised detailed district development plan with waivers and binding elements was heard and approved at the November 16th 2022 Development Review Committee meeting.

STAFF FINDING

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

Transportation Planning and MSD have preliminarily approved the proposal the revised detailed district development plan.

INTERESTED PARTY COMMENTS

Staff received a phone call from Councilperson Robin Engel's office in support of this proposal.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

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

STAFF: The applicant has requested two waivers regarding tree canopy and building design, which were approved at the November 16, 2022 Development Review Committee.

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 proposed development is compatible with surrounding land uses as the subject property is bound by an expressway to the north and a minor arterial street to the east. The residential land uses to the west could be served by the proposed land use.

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. Transportation Planning, KYTC, and MSD have reviewed and approved the proposal.

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

4.2.29 Hospitals and medical clinics may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements:

- A. In form districts where nonresidential freestanding signs are not permitted, a single freestanding on-premise sign, not exceeding 80 square feet in area and not exceeding 10 feet in height, may be placed at each major entrance. Attached signs shall be designed in accordance with form district requirements, but the Board reserves the right to approve the size and location of all attached signs.

STAFF: All signage will meet chapter 8 requirements according to the applicant.

- B. All buildings and structures shall be at least 30 feet from any property line.

STAFF: The proposed structure will be about 46 ft. from the nearest property line.

- C. Medical clinics shall provide an indoor waiting area(s) for clients. The waiting area shall be large enough to accommodate the clients arriving for services.

STAFF: This requirement will be met.

- D. D. Parking for medical clinics shall be adequate to accommodate the maximum number of clients expected to be at the site at one time.

STAFF: The proposed parking meets the minimum requirements for a hospital.

- E. E. Such facilities shall be located on or near a collector or arterial street with reasonable access to public transportation.

STAFF: Bardstown Road is a major arterial.

NOTE: The provisions of this Section 4.2.29 do not apply to Medical Offices as such are defined in this Land Development Code.

REQUIRED ACTIONS:

APPROVE or **DENY** the **CONDITIONAL USE PERMIT** to allow a hospital/freestanding emergency room in a C-1 Commercial zoning district (Land Development Code (LDC) 4.2.29)

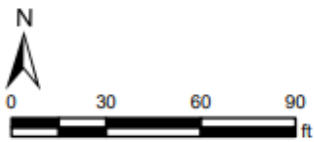
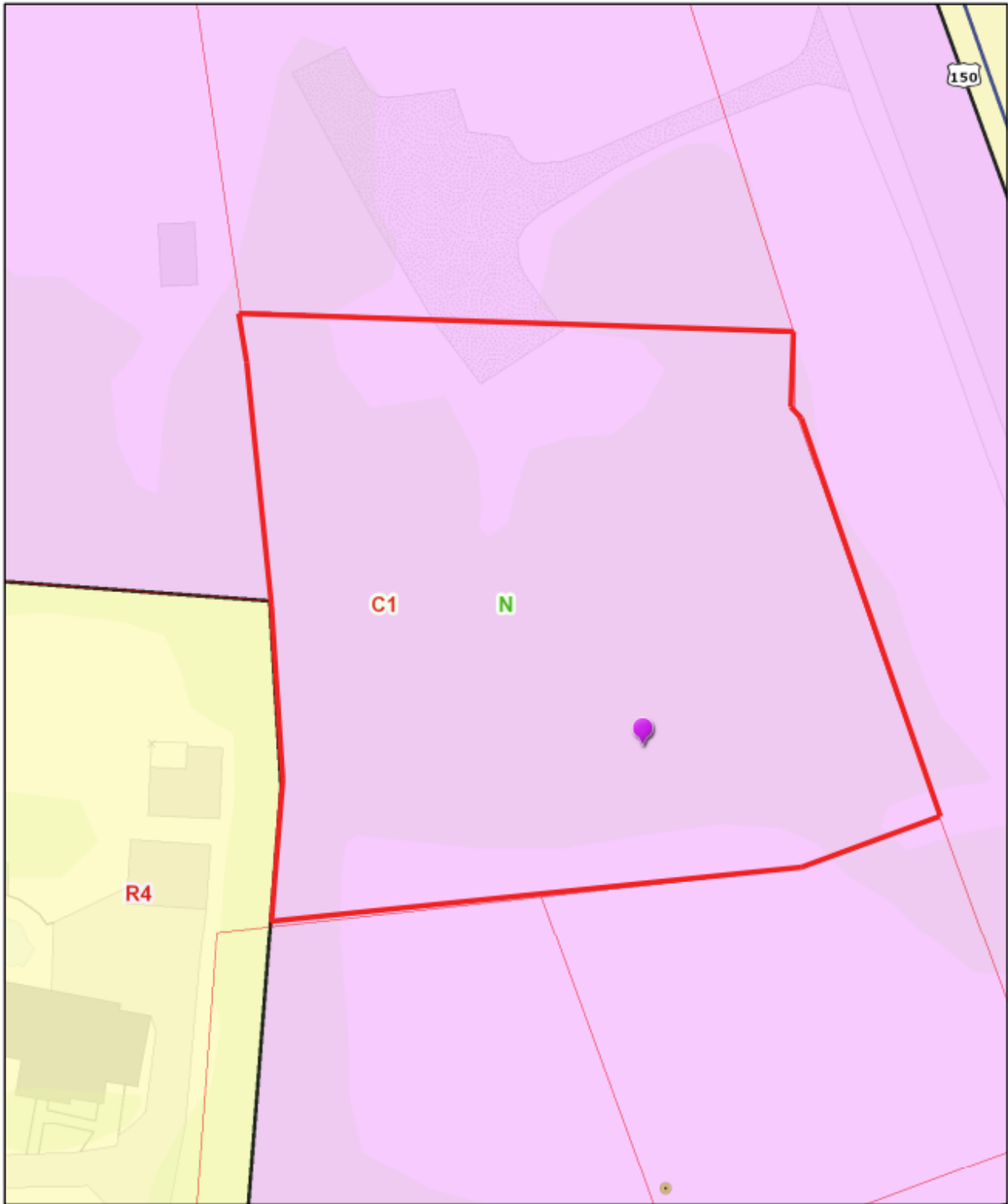
NOTIFICATION

Date	Purpose of Notice	Recipients
12/2/22	Hearing before BOZA	1 st tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 22
12/06/22	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Conditions of Approval
4. 2040 Checklist

1. Zoning Map



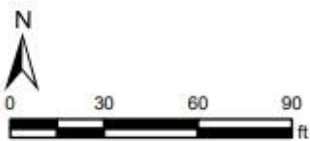
Monday, November 14, 2022 | 5:09:25 PM



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2. Aerial Photograph



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3. Proposed 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 hospital use without further review and approval by the Board.
3. Prior to lawful commencement of the hospital the applicant shall obtain all permits and necessary approvals required by the Office of Construction Review and other governmental agencies.

4. 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 proposed development will be compatible with the scale and site design of nearby developments.
11.	Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines.	+	The proposal is meeting all required setbacks.
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.	+	Transportation Planning has given preliminary approval.

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
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 not reviewed as part of this proposal.
17.	Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	+	Transportation Planning and KYTC have given preliminary approval.
18.	Mitigate adverse impacts of noise from proposed development on existing communities.	+	Noise ordinance will be followed.
19.	Mitigate adverse impacts of lighting from proposed development on nearby properties, and on the night sky.	+	Lighting will be Land Development Code compliant.
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.