

**Board of Zoning Adjustment**  
**Staff Report**  
September 4, 2018



<b>Case No:</b>	18CUP1054
<b>Project Name:</b>	Bennett and Bloom Medical Office Building
<b>Location:</b>	9200 Leesgate Road
<b>Owner(s):</b>	Leesgate Holdings, LLC
<b>Applicant:</b>	Bennett & Bloom
<b>Jurisdiction:</b>	Hurstbourne
<b>Council District:</b>	18 – Marilyn Parker
<b>Case Manager:</b>	Jon Crumbie, Planning & Design Coordinator

**REQUEST(S)**

Modified Conditional Use Permit to allow a larger building addition, additional parking, and enhanced landscape plan

**CASE SUMMARY/BACKGROUND**

The previous plan (17CUP1045) approved an 8,000 square foot building addition with 34 additional parking spaces on the 2.6 acre site. The requested modification will allow a larger 9,788 square foot building addition with 44 additional parking spaces. The property owner/applicant will include an enhanced landscaping along the adjoining property owned by Richard McCord.

**STAFF FINDING / RECOMMENDATION**

The proposal meets the applicable policies of the Comprehensive Plan and there are two specific standards required to obtain the conditional use permit requested and all will be met. Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the Development Code for a Conditional Use Permit and landscape waiver.

## **RELATED CASES**

**17CUP1054** A request for a Conditional Use Permit to allow a medical office building/eye care surgery center in an OR-3 zoning district. Also a landscape waiver to reduce the required landscaping and buffering along the west property line. **(The case was approved by BOZA on September 11, 2017).**

**16DEVPLAN1137** Waiver of Section 5.5.1.A.3.a to allow parking to be located between the primary street and the façade of the building **(This waiver was approved by DRC on August 17, 2016).**

Waiver of Section 10.2.4.A to allow an existing drive to encroach into the required 20' property perimeter Landscape Buffer Area **(This waiver was denied on August 17, 2016).**

## **TECHNICAL REVIEW**

There are no outstanding technical review items.

## **INTERESTED PARTY COMMENTS**

A neighborhood meeting was not required for this proposal.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT**

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

STAFF: The proposal is consistent with the applicable policies of the Comprehensive Plan. The required tree canopy and landscape requirements will be met.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: The proposal is compatible with the general character of the surrounding neighborhoods in terms of scale, intensity, traffic, noise, drainage and appearance.

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: The proposal has been reviewed by MSD and Transportation Planning and both have approved the plan. The Lyndon Fire Protection District has reviewed the proposal for fire

protection and emergency access only. This proposal will require a detailed fire protection plan review.

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

Hospitals, Clinics, and Other Medical Facilities requiring a Certificate of Need issued by the Commonwealth of Kentucky, including hospitals, clinics, and other medical facilities, may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements:

A. Signs - One freestanding sign, not to exceed 80 square feet in area or 10 feet in height, may be placed at each of the major entrances, except in districts where signs are allowed. Attached signs may be located at any height. The Board shall determine the size of all attached signs.

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

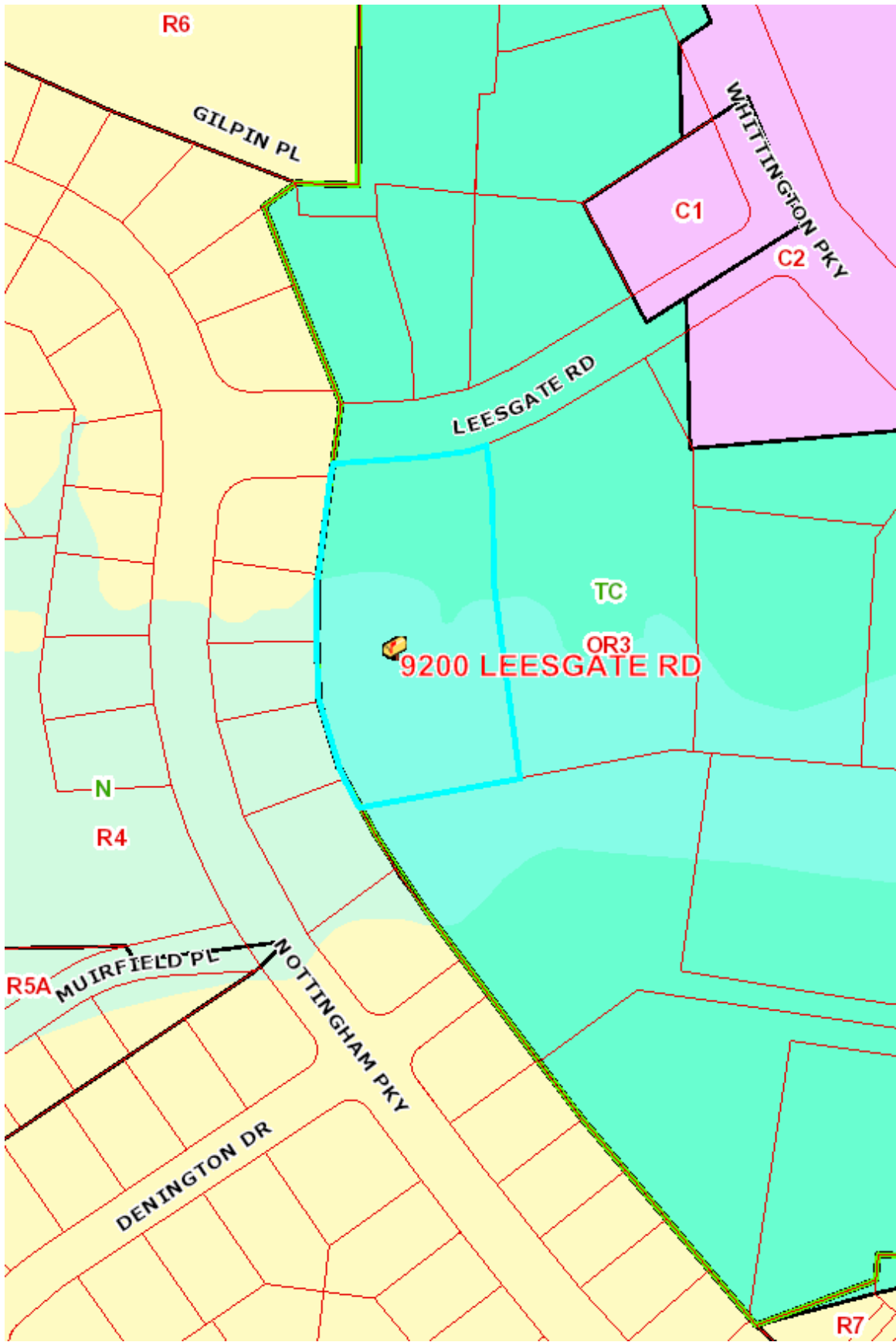
**NOTIFICATION**

Date	Purpose of Notice	Recipients
8/29/18	Hearing before BOZA	Registered Neighborhood Groups in Council District 18

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing Conditions of Approval
4. Proposed Conditions of Approval

1. **Zoning Map**



2. **Aerial Photograph**



**4. Existing 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 medical office building/eye surgery center without further review and approval by the Board.
3. A revised site plan shall be submitted to staff showing the driveway will be reduced to 16 feet.
4. There shall be an addition to the Landscaping Plan that will include double rows of arborvitae per the applicant's statement at the September 11, 2017 Board of Zoning Adjustment hearing.

**5. 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 medical office building/eye surgery center without further review and approval by the Board.
- ~~3. A revised site plan shall be submitted to staff showing the driveway will be reduced to 16 feet.~~
- ~~4. There shall be an addition to the Landscaping Plan that will include double rows of arborvitae per the applicant's statement at the September 11, 2017 Board of Zoning Adjustment hearing.~~  
The enhanced landscape plan shall conform to the conditions set forth in the signed letter agreement.