

# Development Review Committee

## Staff Report

March 2, 2016



<b>Case No:</b>	15DEVPLAN1202
<b>Project Name:</b>	Norton Medical Office Building
<b>Location:</b>	1001 Breckenridge Lane
<b>Owners:</b>	Keges Realty Corp., Louges Investment Corp., Lumax Realty Corp., Tomlin Development Corp.
<b>Applicant:</b>	Norton Properties, Inc.
<b>Representative(s):</b>	Michael Tighe
<b>Project Area/Size:</b>	10.2 Acres
<b>Existing Zoning District:</b>	C-1, C-2, Commercial
<b>Existing Form District:</b>	RC, Regional Center
<b>Jurisdiction:</b>	St. Matthews
<b>Council District:</b>	26 – Brent Ackerson
<b>Case Manager:</b>	Jon E. Crumby, Planning & Design Coordinator

### REQUESTS

- **Revised Detailed District Development Plan (RDDDP)** for proposed 3-story, 83,880 square feet medical office building.
- **Waiver** to eliminate the required landscape buffer area and plantings along the R-4 and C-1 zoning line.

### CASE SUMMARY/SITE CONTEXT

The applicant is proposing to build a 3-story; 83,880 square feet medical office building that will replace an existing commercial retail center. The property is located within a floodplain, but Norton will implement several measures to mitigate and improve management of storm water. New green spaces will be placed along the interior and perimeter of the property. In addition a new retention basin will be built along the northern property line.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Commercial	C-1, C-2	RC
<b>Proposed</b>	Medical Office	C-1, C-2	RC
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Office	C-2	RC
<b>South</b>	Hospital	C-1, C-2	RC
<b>East</b>	Hospital	C-2	RC
<b>West</b>	Commercial	C-2	RC

### PREVIOUS AND ASSOCIATED CASES ON SITE

**15CUP1046**

Conditional Use Permit and variances to allow off-street parking in an R-4 zoning district.

- 9-47-92** Change-in-zoning from C-1 Commercial to C-2 Commercial on property known as 1001 Breckenridge Lane and being in the City of St. Matthews and containing binding elements. This request was approved by the City of St. Matthews on December 8, 1992.
- B-10-98** An Appeal of a decision issued by the Division of Planning and Development Services regarding construction of a convenience store in an r-4 residential zoning district based upon non-conforming rights. This was approved by the City of St. Matthews on January 16, 1999.
- 9-54-79** Change-in-zoning from R-4 Residential to C-2 Commercial on property known as 1001 Breckenridge Lane and being in the City of St. Matthews. This request was approved by the City of St. Matthews on January 22, 1980.
- 9-5-76** Change-in-zoning from C-1 Commercial to C-2 Commercial on property known as 1001 Breckenridge Lane and being in the City of St. Matthews. This request was approved by the City of St. Matthews on April 13, 1976.

### **INTERESTED PARTY COMMENTS**

Staff has not received any interested party comments.

### **APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Development Code

### **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: The proposed development is in a location of existing development and does not appear to have any substantial negative impact on the existing natural resources. The development provides all required LBA's.

- 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 the development is provided through an existing network of drives, walks, and parking lots. A sidewalk will be provided along Dutchmans Lane to tie into the existing sidewalk along Breckenridge Lane.

- c. The provision of sufficient open space (scenic and recreational) to meet the needs of the proposed development;

STAFF: Open space is not required for this proposal.

- 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 provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community. A new retention basin will be built.

- e. The compatibility of the overall site designs (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. All required setbacks and LBA's are being provided. Landscaping will exceed the Development Code requirements.

- 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 Development Code.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER (R-4/C-1 Zoning Line)**

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

STAFF: The waiver will not adversely affect adjacent property owners since the zoning line is located along the main drive lane to the office and parking.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants.

- (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 since it is simply a zoning line between the office and parking areas.

- (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 deprive the applicant of the reasonable use of the land because the drive isle and main access point would need to be reconfigured if possible.

### **TECHNICAL REVIEW**

There are no outstanding technical review items.

### STAFF CONCLUSIONS

The Revised Detailed District Development Plan and waiver appear to be adequately justified and meet the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the Development Code for approving a Revised Detailed District Development Plan and landscape waiver.

### REQUIRED ACTIONS

- **APPROVE** or **DENY** the Revised Detailed District Development Plan and landscape waiver.

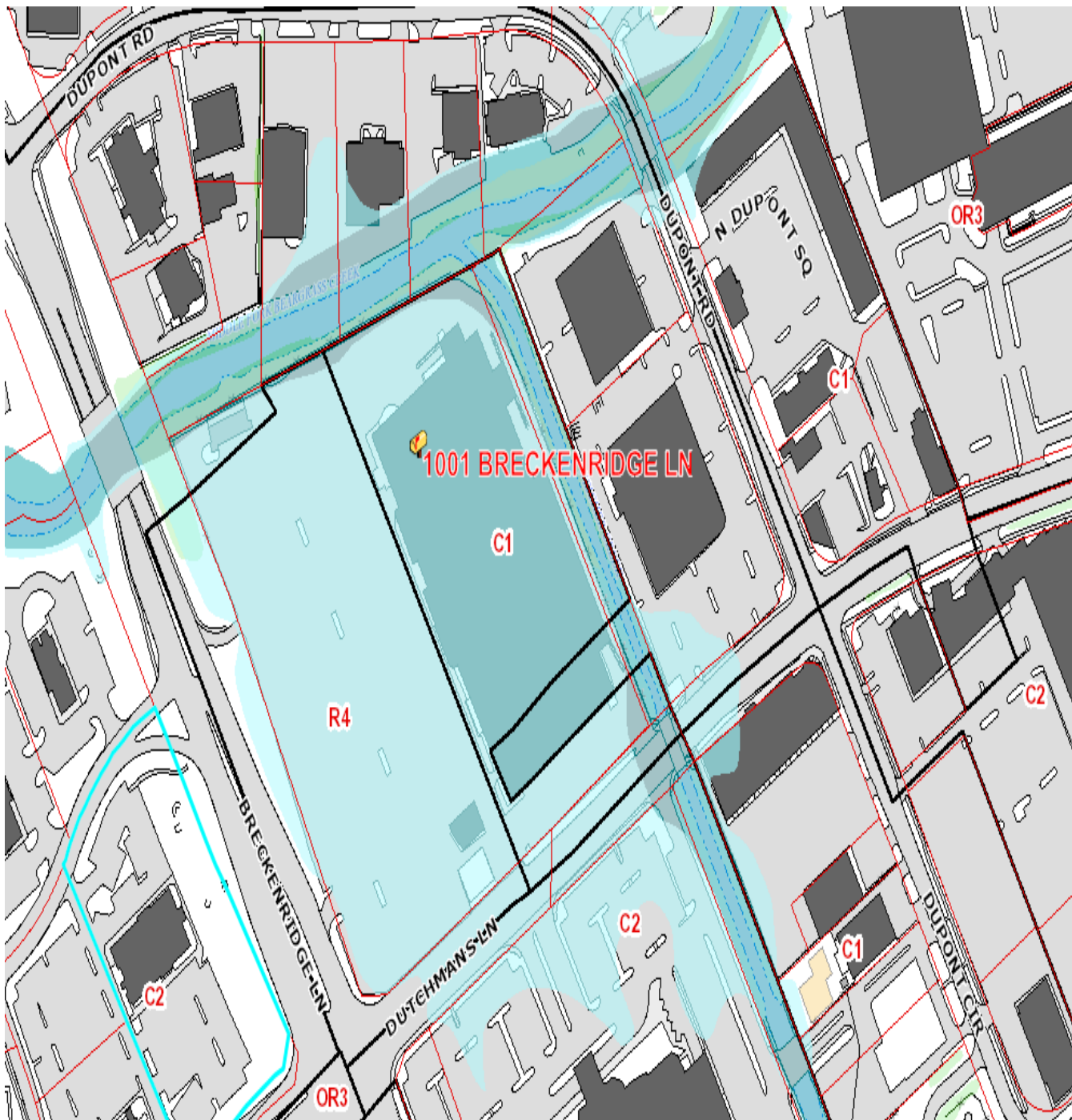
### NOTIFICATION

Date	Purpose of Notice	Recipients
2/12/16	DRC	Adjoining property owners

### ATTACHMENTS

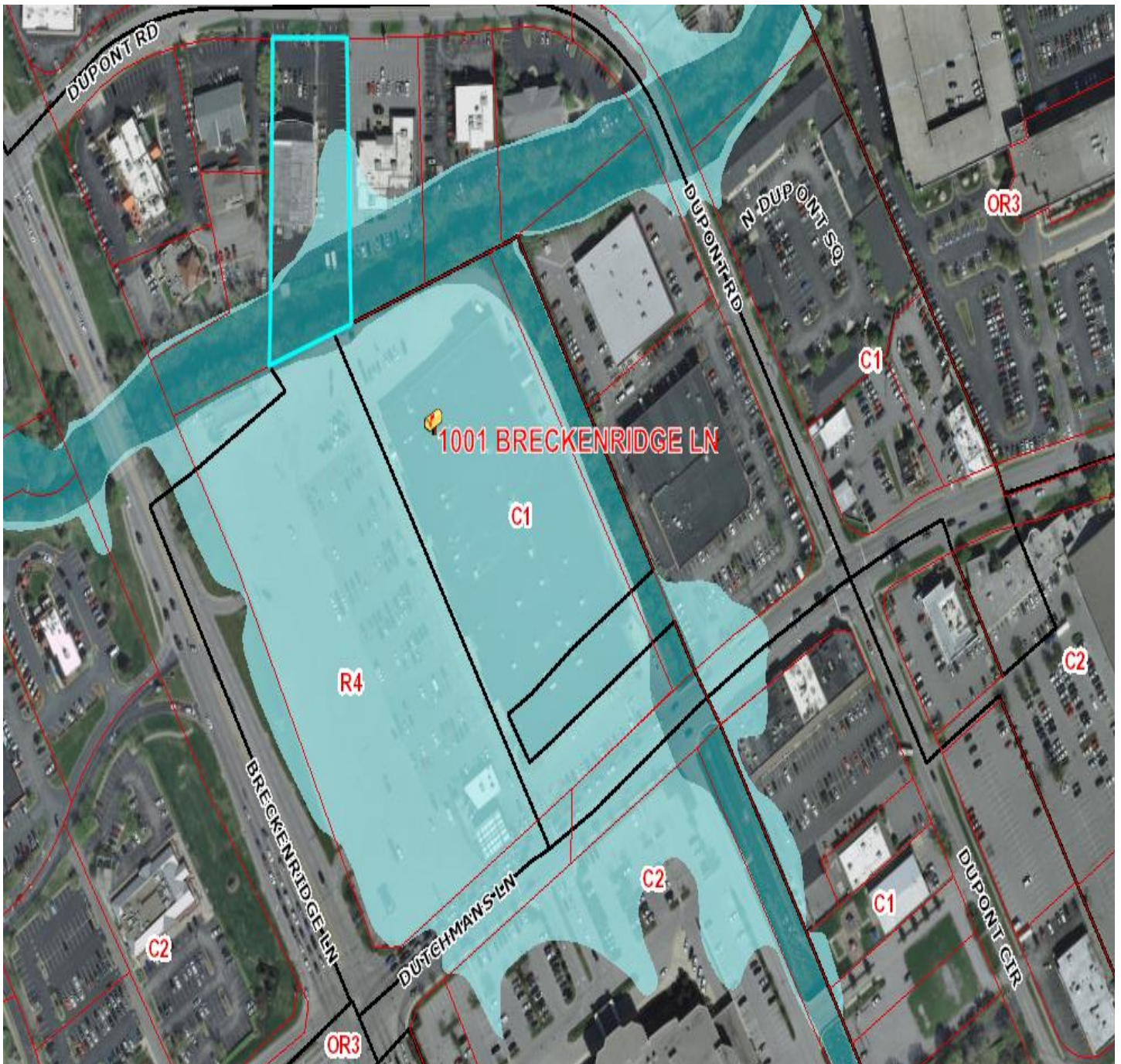
1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Element Amendments

1. **Zoning Map**



## 2. Aerial Photograph





### 3. Existing Binding Elements

### **Existing Conditions of Approval for 9-5-76 (Steak and Ale)**

1. One egress for a right turn only on Dupont Circle.
2. The property shall be used for the sale of food and beverages with entertainment furnished and C-1 uses.
3. The subject premises to be constructed shall not exceed 8,000 square feet.
4. The improvements on said land shall consist of a one-story building or a one-story with an upper level which will be open to the first floor.
5. Before a certificate of occupancy is issued for the use of said property, or any improvement thereon, under the zoning herein granted, the owner of said property shall submit plans and specifications for landscaping the property, which shall be approved by the City Council, or a person designated by it, and said landscaping shall be professionally and permanently maintained.

### **Existing Binding Elements approved by the City of St. Matthews for Docket No. 9-54-79 (Car Wash)**

- a. The development will be constructed in accordance with the approved detailed district development plan.
- b. There will be no direct access to Breckenridge Lane. Access will be via the existing parking lot access point to Breckenridge Lane and Dutchman's Lane.
- c. The site and location of any advertising sign for the car wash will be submitted to the Planning Commission and the St. Matthews City Council for approval prior to issuance of sign permits and there will be no sign except attached to the building.
- d. The plan must be reapproved by the Water Management Section of the Jefferson County Works Department, the Traffic Engineering Department, and the Fire Safety Officer before building permits are issued.
- e. The entire frontage of the property contiguous with the property described in Section 1 hereof and under common ownership therewith, and fronting on Breckenridge Lane, and on Dutchmans Lane, will be kept free of trash and debris and will be restored to its condition as it existed when the shopping center was developed, that is, with board fence and with rose bushes spaced and maintained no more than twenty (20) feet apart.
- f. Landscaping will be maintained around the car wash building to be built.
- g. Unless use in accordance with the approved plan and binding elements have been substantially established within one year from the date of approval of the plan or rezoning, whichever is later, the property may not be used in any manner until such time as a District Development Plan has been approved by the Planning commission and the City Council.
- h. The use of the property herein is limited to a car wash exclusively and in the event of an abandonment of the car wash operation for a period of one year, the zoning shall revert from C-2 Commercial to R-4 Residential, and any improvements located on the property shall be removed at the sole cost of the owner.

### **Existing Binding Elements approved by the City of St. Matthews for B-10-98 (Gas Station)**

1. There shall be no outside storage on site.

2. No sales shall be made from vehicles or trailers.
3. All parking spaces shall be keep free of storage items and shall be kept available for parking at all times.
4. Before a certificate of occupancy is requested approval of a detailed plan for screening (buffering/landscaping) by the landscape architect of the Planning Commission, as described in Article 12 shall be required. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
5. There shall be no freestanding sign permitted on site higher than 25 feet. No offsite signage is permitted. The Planning Commission or the City of St. Matthews may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
6. No outdoor displays of merchandise, advertising signs (billboards), small free-standing (temporary) signs, pennants, balloons, or banners shall be permitted on the site.
7. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
8. All commercial trash receptacles shall be enclosed to a height greater than the height of the commercial trash receptacle and permanently maintained.
9. Before any change in the use of the property is permitted, the proposal must first receive approval from the Planning Commission and the City of St. Matthews.
10. The Property owner/developer shall provide copies of these binding elements to tenants, constructors 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 ensure their compliance with the binding elements.
11. If a certificate of occupancy is not issued within one year the date hereof, 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 and the City of St. Matthews.
12. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land of 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 and the City of St. Matthews.
13. In connection with any approval of the proposed use, the Planning Commission, including LD & T and BOZA may provide that the property is subject to additional binding elements.
14. Nothing contained herein shall be construed to mandate the Planning Commission, including LD&T or BOZA, to approve the proposed use.



15. The above binding elements may be amended as provided for in the Zoning District Regulations, upon approval of the City Council.

**Existing Binding Elements approved by the City of St. Matthews for Docket No.9-47-92 (Auto Source, Inc.)**

1. The development shall be in accordance with the approved district development plan, land use and agreed upon binding elements unless amended pursuant to the Zoning District Regulations and approved by the City of St. Matthews. No further development shall occur without prior approval from the Planning Commission and the City of St. Matthews.
2. The development shall not exceed 16,900 square feet of gross floor area for 24 service bays.
3. The site shall only be used for multi-function automotive parts, sales, plus automotive maintenance and repair work and uses permitted in the C-1 District.
4. There shall be no freestanding sign permitted on site.
5. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants, balloons, or banners shall be permitted on the site.
6. There shall be no outdoor storage on the site.
7. Before a building or alteration permit and/or a certificate of occupancy is requested:
  - a) The development plan must be reapproved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.
  - b) The property owner/developer shall submit written documentation to the Planning Commission specifying measures for tire/oil disposal.
8. If a certificate of occupancy 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, and the City of St. Matthews.
9. 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 and the City of St. Matthews.

**Proposed Binding Elements (Medical Office Building)**

1. The development shall be in accordance with the approved district development plan, all applicable sections of the Land Development Code (LDC) and agreed upon binding elements unless amended pursuant to the Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission and the City of St. Matthews for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Use of the subject site shall be limited to a medical office building. There shall be no other use of the property unless prior approval is obtained from the (Planning Commission/ LD&T Committee). 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/LD&T Committee) may require a public hearing on the request to amend this binding element.
3. The development shall not exceed 83,880 square feet of gross floor 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 Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - d. The appropriate (variances (or 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. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 12 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
5. If a certificate of occupancy (building permit) is not issued within one (two) year(s) 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. 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 development of the site, shall be responsible for compliance with these binding elements.
8. The materials and design of the proposed structure shall be substantially the same as depicted in the rendering as presented at the March 2, 2016 DRC meeting.
9. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.