

Board of Zoning Adjustment Staff Report

October 17, 2016



Case No:	16CUP1028
Project Name:	Medical Office Buildings
Location:	4915 Norton Healthcare Boulevard
Owners:	McMahan Holdings, LLC
Applicant:	McMahan Holdings, LLC
Representative(s):	Glenn Price
Project Area/Size:	8.90 acres
Existing Zoning District:	C-1, C-2, Commercial
Existing Form District:	RC, Regional Center
Jurisdiction:	Louisville Metro
Council District:	16 – Kelly Downard
Case Manager:	Jon Crumbie, Planning & Design Coordinator

Continued from the October 3, 2016 Public Hearing

REQUEST

- Conditional Use Permit to allow a medical facility (cancer center) which requires a certificate of need in a C-1 zoning district.

CASE SUMMARY

Applicant is proposing to build a 4-story medical office building (lot 2) that will consist of 101,204 square feet and a 3-story cancer center (lot 1) that will consist of 45,000 square feet along with the related parking and landscaping. The minimum parking required for the proposal is 525 and the maximum is 975. 560 spaces will be provided between the 2 lots.

SITE CONTEXT

The site is irregular in shape and currently serves as open space. The site is located along the interior of Norton Healthcare Boulevard.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Open space	OR-3	RC
Proposed	MOB	OR-3	RC
Surrounding Properties			
North	Retail	OR-3	RC
South	Retail	OR-3	RC
East	MOB	OR-3	RC
West	Retail	OR-3	RC

PREVIOUS AND ASSOCIATED CASES ON SITE

16DEVPLAN1132 Revised Detailed District Development Plan to allow a medical office building (cancer center) which requires a certificate of need. This proposal will be heard by the Development Review Committee on October 5, 2016.

9-55-01 Change in zoning from R-1 and R-4 Single Family Residential to OR-3 office/residential, OTF Office Tourist Facility, C-1 and C-2 Commercial on property located on the north side of Highway 22 (Brownsboro Road), west of chamberlain Lane and east of the Gene Snyder Freeway (“the Development”). This was approved by the Planning Commission on April 18, 2002.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on July 7, 2016. See attached comments from the meeting.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

**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. All landscaping 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 surrounding land uses with respect to height, bulk, scale, intensity, traffic, noise, lighting, 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 Metropolitan Sewer District and Transportation Planning have approved the proposal. The Worthington Fire Protection District did not comment on the proposal.

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

4.2.29 Hospitals, Clinics, and Other Medical Facilities 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. There are two listed requirements and all will be met.

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.

TECHNICAL REVIEW

There are no outstanding technical review items.

STAFF CONCLUSIONS

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Land Development and Transportation Committee must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit.

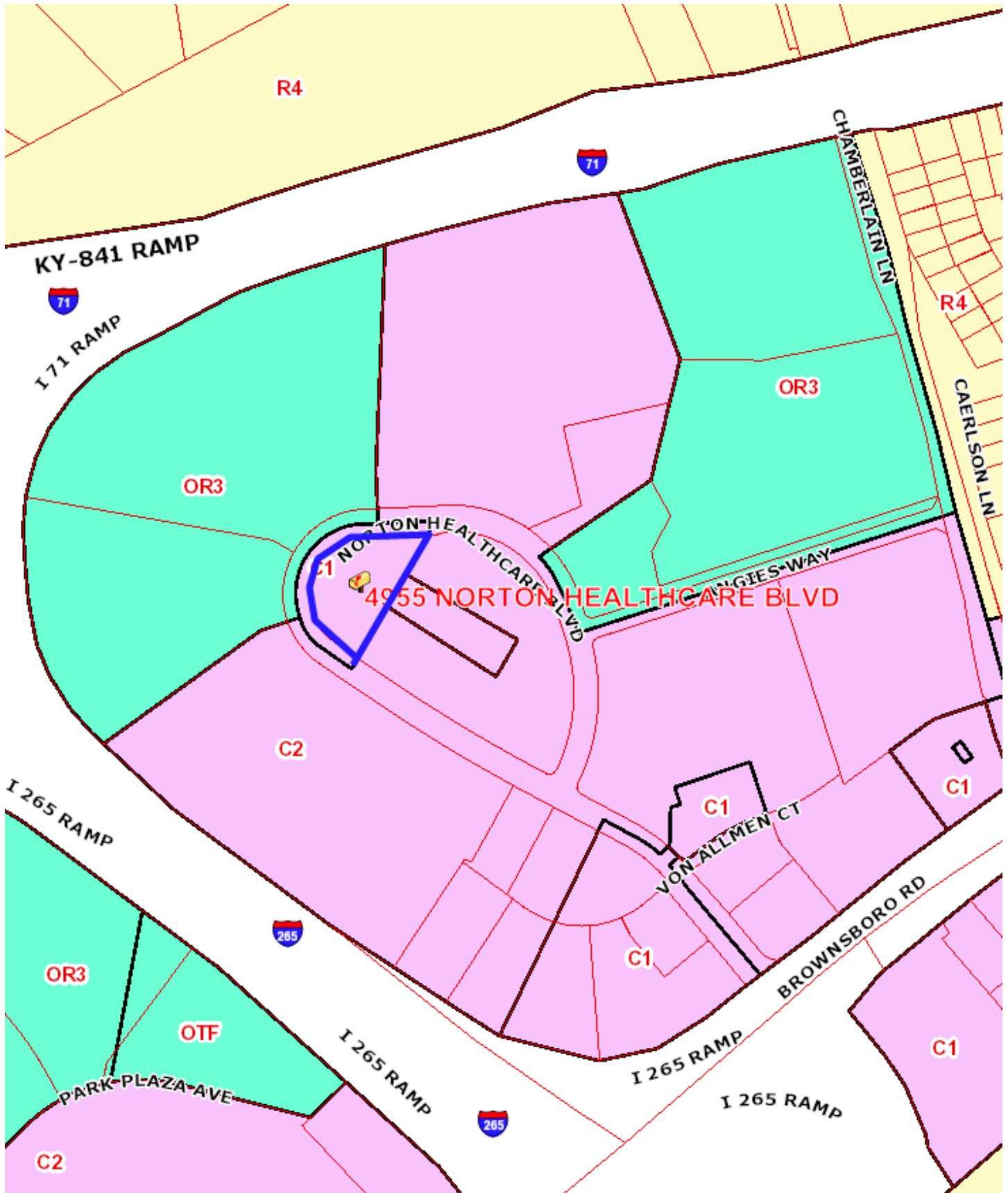
NOTIFICATION

Date	Purpose of Notice	Recipients
9/15/16	APO Notice	First tier adjoining property owners Neighborhood notification recipients
9/16/16	Sign Posting	Subject Property

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Neighborhood Meeting
4. Conditions of Approval

1. Zoning Map



2. Aerial Photograph



3. Neighborhood Meeting

SUMMARY OF NEIGHBORHOOD MEETING
OLD BROWNSBORO CROSSING
CONDITIONAL USE PERMITS & REVISED DETAILED DISTRICT DEVELOPMENT
PLANS
HELD ON JULY 7, 2016

On Thursday, July 7th, 2016, at 6:30 p.m. McMahan Holdings Group, LLC (the “Applicant”) hosted a Neighborhood Meeting to explain the proposals for Conditional Use Permits, Revised Detailed District Development Plans, and related Waivers on the property located at Old Brownsboro Crossing. The meeting was held at the Springdale Community Church on 4601 Springdale Road.

There were approximately 8 guests in attendance.

Those present on behalf of the applicant included:

Glenn Price, Frost Brown Todd LLC
Jonas Wilson, Frost Brown Todd LLC
John Addington, BTM Engineering, Inc.
Nathan Chappell, BTM Engineering, Inc.
Michael Tigue, Law Offices of Michael Tigue, PLLLC
Matt Miller, TEG Architects, LLC
Steve Lowry, McMahan Group, LLC
Jeremy Kirchner, McMahan Group, LLC
Emmett Ramser, Norton Healthcare, Inc.

RECEIVED
JUL 18 2016
PLANNING &
DESIGN SERVICES

Glenn Price introduced the team representing the applicant and briefly presented the overall proposal. After this brief overview, Emmett Ramser spoke about the history of Norton Healthcare and the new proposed buildings in Old Brownsboro Crossing.

Q: Will the new buildings be similar to the existing Norton buildings?

A: Yes, there will be a consistent look and feel throughout.

Q: Will there be any signage facing I71?

A: No, the current concepts keep signage to the west and south.

John Addington next presents the proposed changes to open space, pedestrian access, and detention basins.

Q: What is the open space requirement for Old Brownsboro Crossing?

A: The actual calculations are fairly complicated, but the green space in the current proposal is greater.

Q: Is the Kindred parcel included in the calculations of open space? Is it actually greater?

A: Yes, even taking the increased area of the Kindred parcel into account, the open space is approximately 2% larger.

Q: Would it be possible to return the open space to a natural-ish state?

A: Yes, at least some of the open space will be allowed to be "natural-ish."

Q: Will there be any lighting along the multi-use path?

A: None is currently proposed.

Q: Will any of the current water quality improvements around the Kosair building be effected?

A: No, and the multi-use path was planned to minimally impact the existing trees.

Nathan Chappell imparted to the attendees details about the basins and the increased MSD standards from the time of the original approvals.

Q: Is the Kindred site flat?

A: Somewhat, but a berm will be installed and the basin areas will be graded.

Q: Will the increased volume of water damage the mill on Wolf Pen Branch?

A: The basins should work to prevent such damage. Larger basins provide better management of water flow.

Q: Does the site capture water?

A: Yes, there is a large sinkhole where the new basin is proposed.

Q: Is placing stormwater into a sinkhole a good idea?

A: There are arguably some benefits, yes. Water table capture and some measure of filtration among them.

Q: What water quality improvements are part of this proposal?

A: The sites of new development will be required to install green infrastructure improvements. The new basins will also have to meet the newer and more stringent standards.

Q: Will the basin be lined with grass and plant materials?

A: Yes.

Q: How will the transition occur between the old basin and the new basins?

A: The new basins will have to be constructed prior to disturbing the existing basin.

Q: Has a downstream study been completed?

A: No such study was required.

Q: A study of the stream channel capacity and impacts to the mill should be made.

RECEIVED

JUL 18 2016

- 2 -

PLANNING &
DESIGN SERVICES

16 CUP 1027

Q: The proposed parking lot needs better water control.
A: Overall site standards have improved. The parking lot may include additional improvements beyond what is shown on these plans.

Q: Are the new detention basins designed to handle the entire site?
A: No. There is another existing detention basin to the west. However, the proposed basin significantly improves upon the existing basin.

Q: Please emulate the Kosair Children's Hospital improvements, such as the bio-swales and raingardens.
A: Norton Hospital understands the need for healthier environments and would like to make the site pleasant for everyone.

Q: When is the public hearing?
A: The public hearing has not been set, but everyone here will receive notice prior to that hearing.

Mr. Price thanked everyone for coming and provided information on how to keep track of the cases with Planning and Design Services. A copy of the presentation was made available to any interested parties. The meeting ended with the attendees breaking into smaller groups.

RECEIVED

JUL 18 2016
PLANNING &
DESIGN SERVICES

4. 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 as a medical facility (cancer center) without further review and approval by the Board.