

# Board of Zoning Adjustment Staff Report

October 17, 2016



<b>Case No:</b>	16CUP1027
<b>Project Name:</b>	Off-Street Parking
<b>Location:</b>	Tax Block: 3172, Lot: 28, Northeast corner of Angies Way and Norton Healthcare Boulevard
<b>Owners:</b>	McMahan Holdings, LLC
<b>Applicant:</b>	McMahan Holdings, LLC
<b>Representative(s):</b>	Glenn Price
<b>Project Area/Size:</b>	2.24 acres
<b>Existing Zoning District:</b>	OR-3, Office Residential
<b>Existing Form District:</b>	RC, Regional Center
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	16 – Kelly Downard
<b>Case Manager:</b>	Jon Crumbie, Planning & Design Coordinator

Continued from October 3, 2016 Public Hearing

## REQUEST

- Conditional Use Permit to allow off-street parking in an OR-3 zoning district.

## CASE SUMMARY

Applicant is proposing to build a 144 space off-street parking lot that will serve the proposed Norton Cancer Center and Norton Medical Office building. The area will be within 200 feet of the buildings and be accessible by pedestrians via a marked crosswalk.

## SITE CONTEXT

The site is irregular in shape and currently serves as a retention basin. The basin will be moved to the northeast part of the property. The site is located on the northeast corner of Angies Way and Norton Healthcare Boulevard.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b><i>Subject Property</i></b>			
<b>Existing</b>	Vacant land/Retention Basin	OR-3	RC
<b>Proposed</b>	OR-3	R-6	RC
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Retail	OR-3	RC
<b>South</b>	Retail	OR-3	RC
<b>East</b>	Medical Office building	OR-3	RC
<b>West</b>	Medical Office building	OR-3	RC

**PREVIOUS AND ASSOCIATED CASES ON SITE**

**16DEVPLAN1131** A Revised Detailed District Development Plan to allow off-street parking. This proposal will be heard by the Development Review Committee on October 5, 2016.

**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 surrounding land uses with respect to appearance, lighting, and drainage. The detention basin will be moved to another part of the property.

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?

4.2.39 Off-Street Parking Areas An Off-Street Parking Area may be permitted in a district where it is ordinarily prohibited, provided it serves a use in a building for which insufficient off-street parking space is provided, and where the provision of such parking space will materially relieve traffic congestion on the streets and when developed in compliance with the listed requirements. There are six requirements and all will be met.

A. The area shall be located within 200 feet of the property on which the building to be served is located measured by the shortest walking distance (using sidewalks and designated crosswalks).

B. Walls, fences, or plantings shall be provided in a manner to provide protection for and be in harmony with surrounding residential property.

C. The minimum front, street side, and side yards required in the district shall be maintained free of parking.

D. The area shall be used exclusively for transient parking of motor vehicles belonging to invitees of the owner or lessee of said lot.

E. The approval of all plans and specifications for the improvement, surfacing, and drainage for said parking area will be obtained from the appropriate Director of Works prior to use of the parking area.

F. The approval of all plans and specifications for all entrances, exits, and lights shall be obtained from the department responsible for transportation planning prior to the public hearing on the Conditional Use Permit.

### **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.

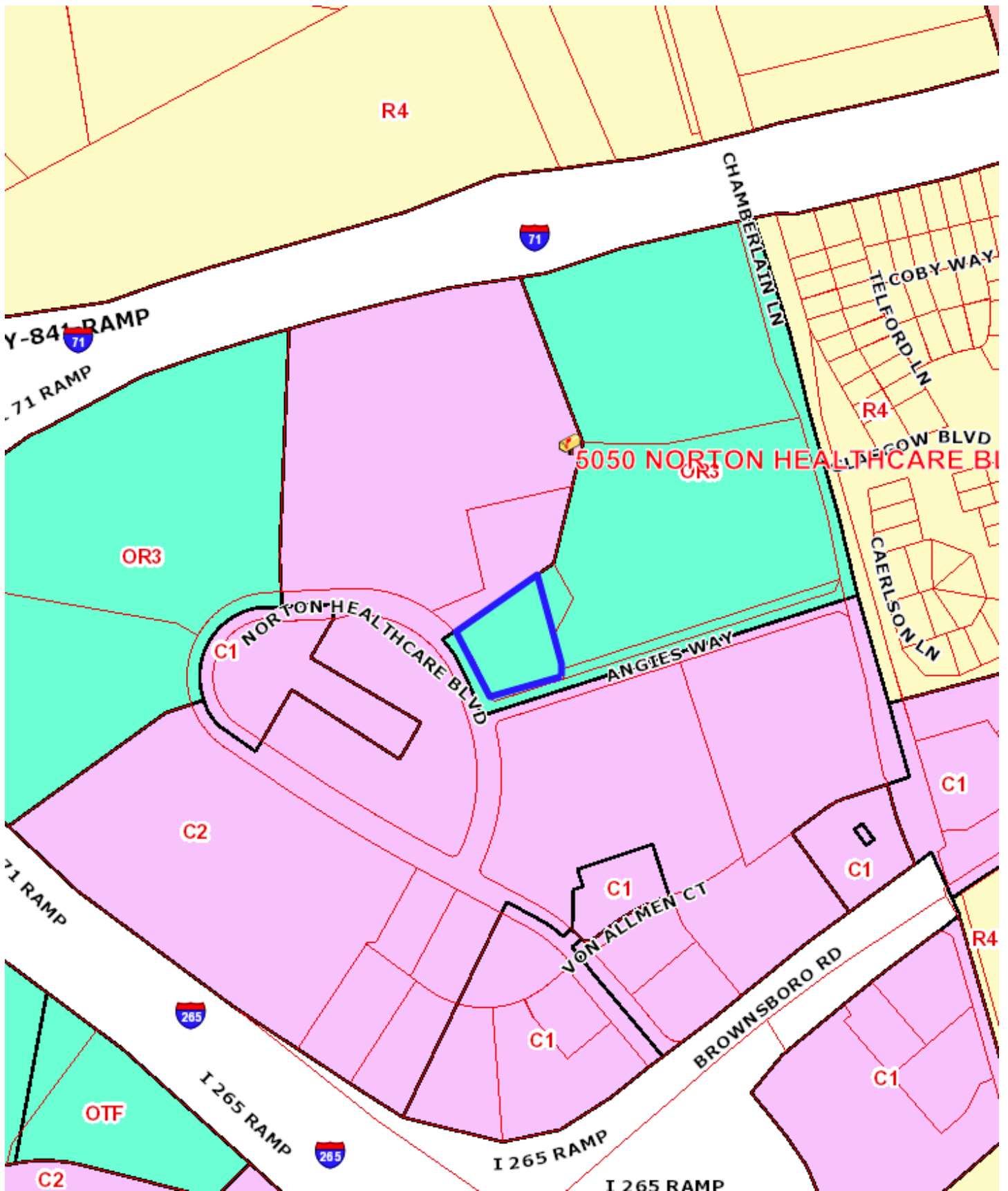
### NOTIFICATION

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 7<sup>th</sup>, 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.

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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.

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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.

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Neighborhood Meeting Attendance Sheet

Name	Street Address	Zip	Phone	Email
DAVID NOBERS	9597 BRAUNSPLOD RD.	40241	502 822-0548	david.nobers@dmyhotels.com
Alice Gunnison	4849 Wolf Pen Bar. Rd	40059	502 228-752	agunnisa@aol.com
Charles Weiter	471 W. Main St.	40202	502-584-3912	CWEITER@MSRINC
Ellen Potter	9507 Indian Pipe	40059	502 648 5809	potterel@bellsouth.net
Mike Potter	9507 Indian Pipe	40059	502 396-4086	
John Addington	3001 Taylor Springs Dr	40220	502 815 7553	jaddington@btmeny.com
MATT MURGE	903 SPARK ST.			
Nathan Chappell	3001 Taylor Springs Dr.	40220	502-815-7556	nchappell@btmeny.com
*BARBARA KELLY	6009 HUNT STREET BEAVER RD	40059	502-228-0075	ELZAR@ATT.NET
DAN GERBER	8711 Summit Road	40241		cheffgerber@aol.com
BOB McHUFFE	3527 FINANCIAL AVE	40267	502.664.3445	BOB@ELMCOURTMOJ.COM.

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#### **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 for off-street parking without further review and approval by the Board.