

# Board of Zoning Adjustment

## Staff Report

August 21, 2023



<b>Case No:</b>	23-MCUP-0007
<b>Project Name:</b>	Norton Hospital
<b>Location:</b>	3 Audubon Plaza Drive
<b>Owner(s):</b>	Norton Hospital, INC.
<b>Applicant:</b>	Dinsmore & Shohl, LLP Sabak, Wilson & Lingo, INC.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	10 – Pat Mulvihill
<b>Case Manager:</b>	Molly Clark, Planner II

### REQUEST(S)

- **Modified Conditional Use Permit** for off-street parking areas in the OR-3 zoning district (LDC 4.2.39)

### CASE SUMMARY

The subject site is OR3 office residential zoning district in the Neighborhood Form District. The property is located on 2.73 acres and has an existing parking garage. The applicant is proposing to construct a 42,718 SF surface parking lot expansion to serve the existing hospital to the north of Audubon Plaza Drive.

This site is also plan certain under case number 09-39-04 and this proposal is related to Revised Detailed District Development Plan and vehicular connection waiver for the proposed parking expansion in OR3, case numbers 23-DDP-0055 and 23-WAIVER-0107. The related Revised Detailed District Development Plan and Waiver are docketed for the August 16, 2023 Development Review Committee meeting.

### STAFF FINDING

The applicant is not proposing any changes to the allowed uses. The modification is to only expand the existing parking. The proposal is meeting all the standards of the off-street parking conditional use permit.

### TECHNICAL REVIEW

Transportation Planning has preliminarily approved the proposal. Applicant is working with MSD for their downstream sanitary capacity facility request and awaiting preliminary approval.

### INTERESTED PARTY COMMENTS

All comments received have been placed in the record and made available to the Board in advance of the public hearing.

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

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

STAFF: The proposal meets all applicable policies of the Comprehensive Plan.

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: When appropriately managed, the proposed use is compatible with surrounding development and land uses.

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 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?

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 following listed requirements:

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).

STAFF: The proposed off-street parking area is located across the street from the existing hospital it will be serving. Pedestrian connection is being provided via sidewalks and a designated crosswalk on Audubon Plaza Drive.

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

STAFF: The applicant is providing all the required landscaping per Chapter 10 of the Land Development Code including street trees and planting 35% tree canopy. There is concern over the loss of the mature tree canopy on the site.

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

STAFF: The proposal is meeting all required setbacks.

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

STAFF: The proposal will be serving the existing hospital across the street on Audubon Plaza Drive.

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.

STAFF: Proposal has received preliminary approval from Transportation Planning

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.

STAFF: Proposal has received preliminary approval from Transportation Planning.

G. Heavy truck parking/storage is not permitted under this section. This provision shall not be waived.

STAFF: Applicant is not proposing any heavy truck parking or storage.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **MODIFIED CONDITIONAL USE PERMIT** from section 4.2.39 for off-street parking areas in OR-3 zoning district

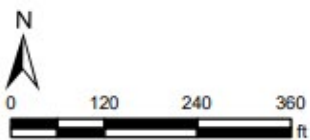
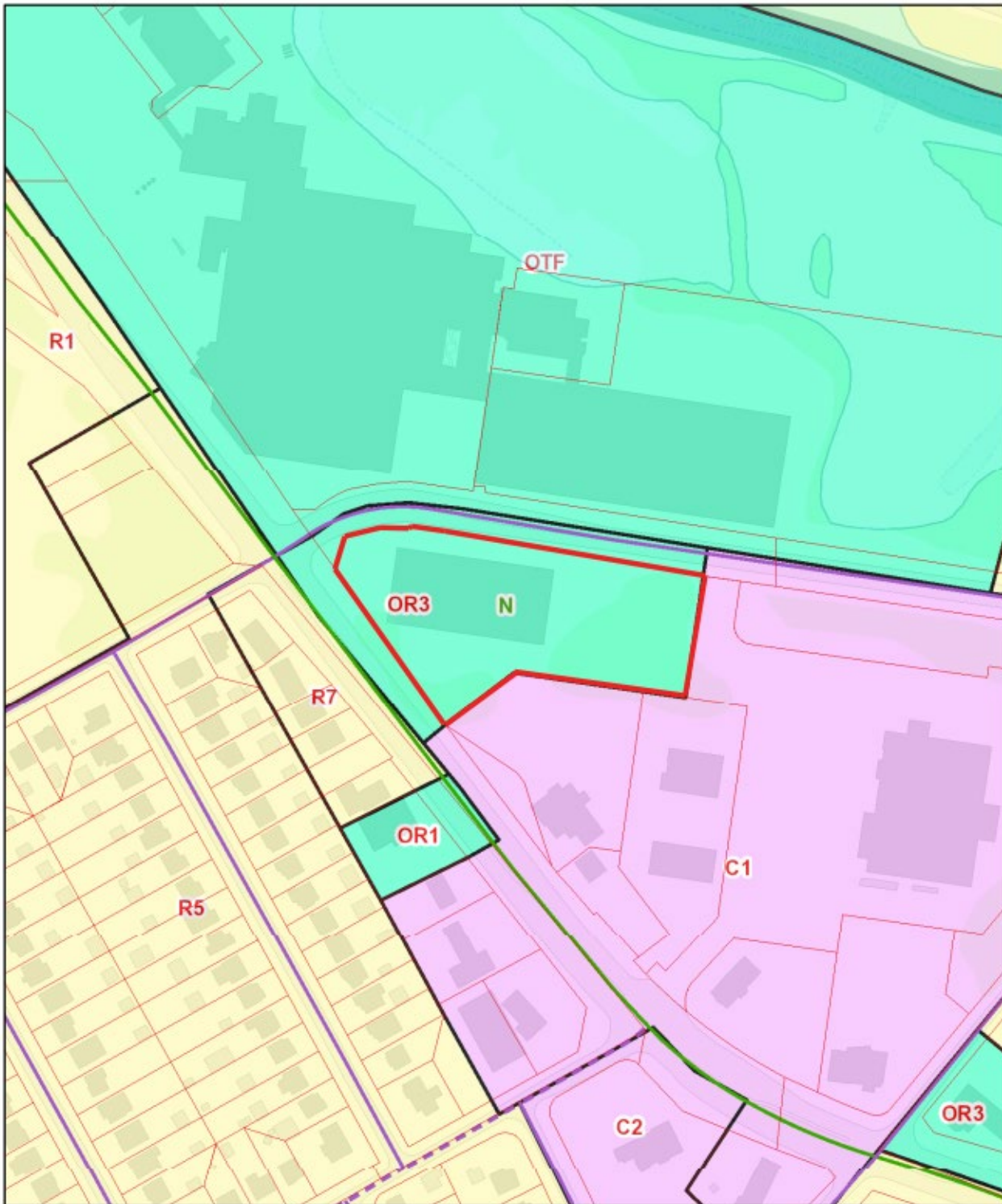
**NOTIFICATION**

Date	Purpose of Notice	Recipients
08-03-23	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and current residents Registered Neighborhood Groups in Council District 10
08-04-23	Hearing before BOZA	Sign Posting on property

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Photos
4. Existing Conditions of Approval
5. Proposed Conditions of approval

1. **Zoning Map**



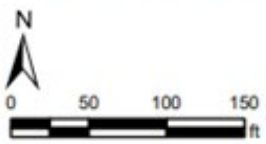
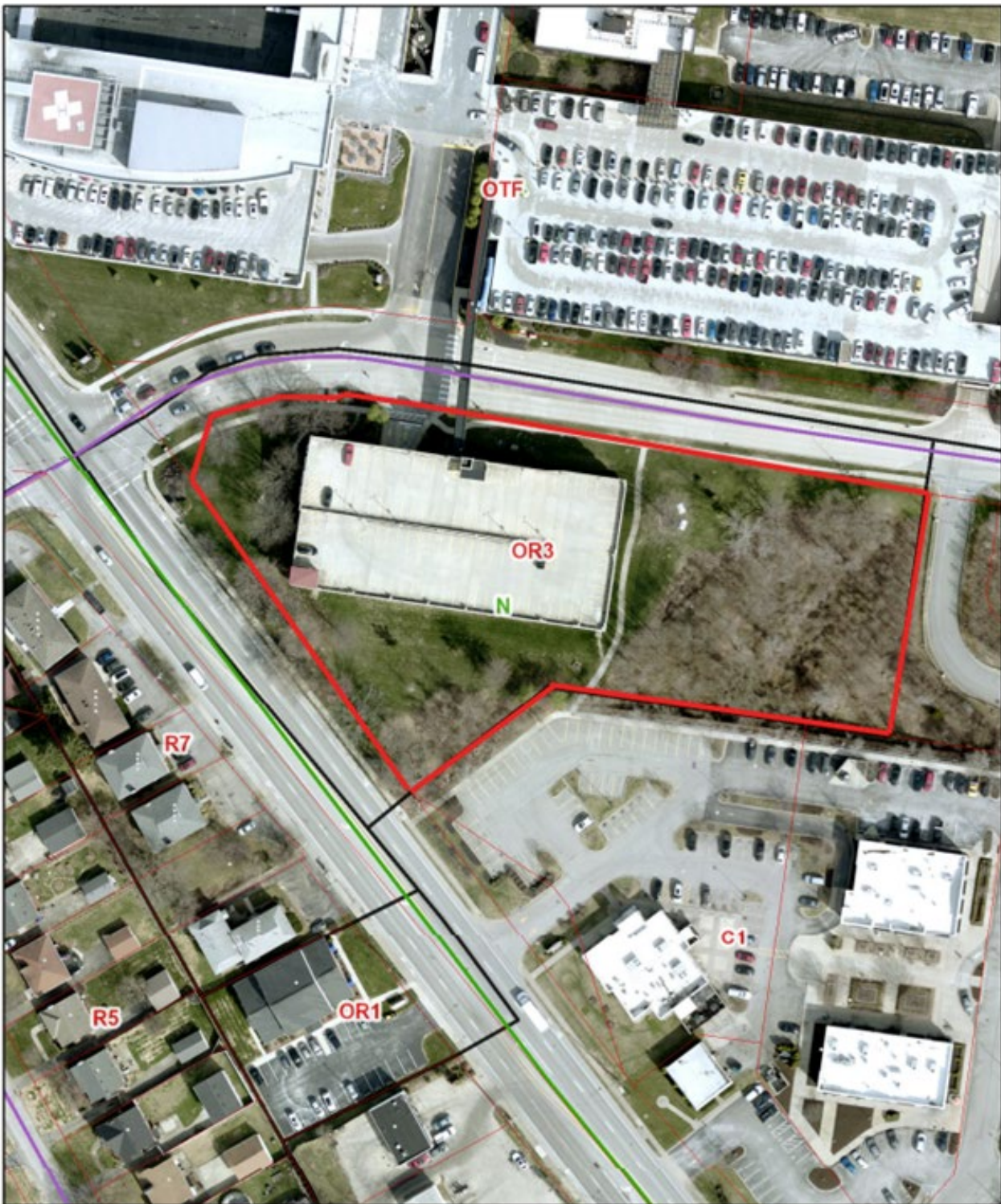
Wednesday, August 9, 2023 | 11:07:40 AM



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This map is not a legal document and should only be used for general reference and identification

2. Aerial Photograph



Wednesday, August 9, 2023 | 11:02:42 AM



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**3. Site Photos**

View of Subject site from Audubon Plaza Drive and Hess Lane:



View of existing parking garage on the subject site:



View of Existing Hospital across the street from the subject site:



**4. Existing Conditions of Approval**

1. The site shall be developed in strict compliance with the approved development plan. No further development shall occur on the site without prior review and approval by the Board.
2. Construction of the off-street parking lot shall not begin until the applicant obtains construction approval from the Metropolitan Sewer District.
3. The conditional use permit shall not be effective until an approved minor plat has been recorded that subdivides the property into two lots.
4. ~~The off-street parking area shall be landscaped in accordance with the provisions of Article 12 of the Zoning District Regulations.~~

**5. Proposed Conditions of Approval**

1. The site shall be developed in strict compliance with the approved development plan. No further development shall occur on the site without prior review and approval by the Board.
2. Construction of the off-street parking lot shall not begin until the applicant obtains construction approval from the Metropolitan Sewer District.
3. The conditional use permit shall not be effective until an approved minor plat has been recorded that subdivides the property into two lots.
4. 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.
5. 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.
6. Proposal is subject to full construction plans being submitted to the Department of Public Works for traffic and MSD for storm water approvals. Once those have been approved, the plan is subject to Inspections, Permits and Licenses for building/parking permits.