

# Development Review Committee

## Staff Report

October 6, 2021



<b>Case No:</b>	21-DDP-0075
<b>Project Name:</b>	Kentucky Back and Neck Institute
<b>Location:</b>	1601 S Preston St
<b>Owner(s):</b>	Jupiter Management, LLC
<b>Applicant:</b>	Jupiter Management, LLC
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	4 – Jecorey Arthur
<b>Case Manager:</b>	Jay Lockett, AICP, Planner I

### REQUEST(S)

- **Revised Detailed District Development Plan** with replacement of existing Binding Elements

### CASE SUMMARY/BACKGROUND

The applicant is proposing to renovate an existing vacant office building for a medical office. The site shares parking and access with a larger site that is used for automobile parking and fleet maintenance. The site is zoned C-2 in the Traditional Neighborhood form district. The applicant proposes 945 SF of expansion and minor alterations to the existing parking area. The subject property was rezoned under docket 9-21-89 for the existing office development. The larger site is not Plan Certain, and there are no proposed changes other than the proposed property line.

### STAFF FINDING

The Detailed District Development Plan is in conformance with the Land Development Code and the Comprehensive Plan. It will allow for the re use of an existing office building within an appropriate zoning district.

### TECHNICAL REVIEW

The plan has received preliminary approval from MSD and Transportation Planning staff.

### INTERESTED PARTY COMMENTS

Staff has received no comments concerning this proposal.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP**

- 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: There do not appear to be any environmental constraints or historic resources on the subject site.

- 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 and around the development and the community has been provided, and Metro Public Works and has approved the preliminary development plan.

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

STAFF: There are no open space requirements pertinent to the current 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 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.

- e. The compatibility of the overall site design (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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways, except where waivers are approved. Buildings and parking lots will meet all required setbacks.

- 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 Land Development Code.

**REQUIRED ACTIONS:**

- **APPROVE** or **DENY** the **Revised Detailed District Development Plan** with replacement of binding elements.

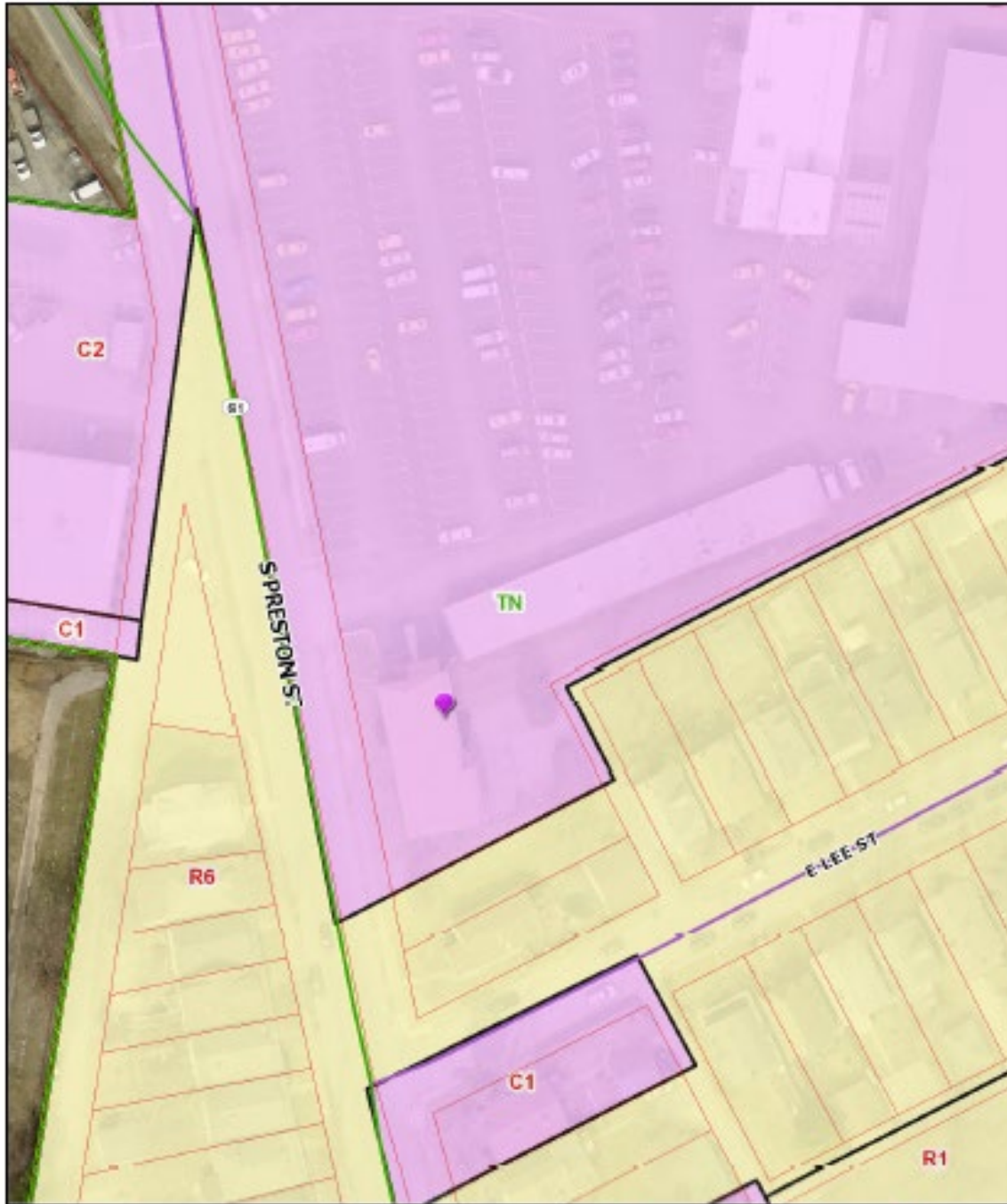
**NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
<b>9-15-21</b>	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners and residents Registered Neighborhood Groups in Council District 4

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements with proposed changes
4. Proposed Binding Elements

1. Zoning Map



**21-DDP-0075**

Tuesday, September 28, 2021 | 3:52:25 PM



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

2. Aerial Photograph



**21-DDP-0075**

Tuesday, September 28, 2021 | 3:51:24 PM



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

**3. Existing Binding Elements to be Replaced**

1. The development will be in accordance with the approved district development plan. No further development will occur without prior approval from the Planning Commission.
2. There will be no vehicular access to Preston Street.
3. The development shall not exceed 4,420 square feet of gross floor area.
4. Before a building permit is requested:
  - a) The development plan must be reapproved by the City of Louisville Department of Inspections, Permits and Licenses and the Metropolitan Sewer District.
  - b) The size and location of any proposed sign must be approved by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.
  - c) The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be implemented. prior to requesting a certificate of occupancy and maintained thereafter.
  - d) A minor plat or legal instrument shall be recorded consolidating the subject property. A copy of the recorded instrument shall be submitted to the Planning Commission.
  - e) All necessary recording fees shall be paid.
5. No outdoor advertising signs (billboards) and no small freestanding (temporary) signs will be permitted on the site.
6. Proposed plantings adjacent to alley shall be moved out of sight distance triangle.
7. If a building permit 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.
8. 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 must be implemented prior.to requesting issuance of the certificate.
9. The above binding elements may be amended as provided for in the Zoning District Regulations.

**4. Proposed Binding Elements**

**Applicable only to portion of the site Plan Certain under 9-21-89**

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 or the Planning Commission's designee-for review and approval; any changes/additions/alterations not so referred shall not be valid.

2. 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 Construction Review, Louisville Metro Public Works, and the Metropolitan Sewer District.
  - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A shared parking and reciprocal access and crossover easement agreement in a form acceptable to Planning Commission legal counsel shall be secured from the adjoining property-owner and recorded prior to construction approval. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
  - d. A minor subdivision plat or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services prior to obtaining a building permit.
3. Signs shall be in accordance with Chapter 8. Any portion of the existing sign in the right-of-way must be relocated onto the subject site unless the Kentucky Transportation Cabinet agrees to a license agreement for the sign to remain.
4. 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.