

# Board of Zoning Adjustment

## Staff Report

December 16, 2019



<b>Case No:</b>	19-CUP-0193
<b>Project Name:</b>	Pure Life Renal
<b>Location:</b>	3935 Taylorsville Road
<b>Owner:</b>	McMahan Plaza, by DiAnne Hutcherson
<b>Applicant:</b>	Pure Life Renal, by Orestes L. Lugo
<b>Representative:</b>	Chris Brown, BTM Engineering Inc.
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	26 – Brent Ackerson
<b>Case Manager:</b>	Steve Hendrix, Planning & Design Coordinator

### **REQUEST**

Conditional Use Permit for a dialysis medical clinic, LDC.4.2.29, with relief from the listed requirement concerning building distance from the property line.

### **CASE SUMMARY/BACKGROUND**

The applicant is proposing a dialysis medical clinic in an existing 8,479 square foot space that is part of the McMahan Center, which is located on the north side of Taylorsville Road between Yorkshire Boulevard and Richland Avenue in the Hikes Point Neighborhood. The property is zoned C-1, Commercial and is within a Regional Center Form District. The retail center was built in 1955 and has a variety of establishments, such as a Dollar General, Mattress & More, El Nopal and a Baskin Robbins. A Heine Brothers coffee shop is located on an out parcel at the corner of Taylorsville Road and Richland Avenue. The clinic will be replacing the Aaron's Rental which was on the western side of the stores.

The hours of operation will be Monday, Wednesday and Friday from 6:00 am to 6:00 pm and on Tuesdays and Thursdays from 8:00 am to 5:00 pm. The maximum number of clients and employees will vary depending on patient census, but is estimated to be at any given time no more than twenty-five.

The applicant is requesting relief from Item B. of the listed requirements which requires all buildings and structures to be at least 30 feet from any property line. As mentioned above, the center was built in 1955 and has been five feet from the property line since that time. A thirty foot alley is located between that property line and the neighboring property.

The applicant will have attached signage that meets the regulations and will simply be a replacement for the spaces on the multi-tenant signs.

### **STAFF FINDING / RECOMMENDATION**

The development plan conforms to applicable guidelines and policies of the Comprehensive Plan and requirements of the Land Development Code with relief from the distance requirement. Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Board

of Zoning Adjustment must determine if the proposal meets the standards established in the Land Development Code for the Conditional Use Permit.

**Related Cases:** None

**TECHNICAL REVIEW**

There are no outstanding technical review items.

**INTERESTED PARTY COMMENTS**

Neighborhood meeting was held on October 2, 2019, no invitees were in attendance.

**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.

**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 and general character of the area with respect to height, bulk, scale, intensity, traffic, noise, drainage, 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 proposal has been reviewed and approved by the Metropolitan Sewer District and Transportation Planning.

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

**4.2.29 Hospitals and Medical Clinics** Hospitals and medical clinics may be allowed in any district upon the granting of a Conditional Use Permit and compliance with the listed requirements:

The application meets the listed requirements, except for Item B.

A. In form districts where nonresidential freestanding signs are not permitted, a single freestanding on-premise sign, not exceeding 80 square feet in area and not exceeding 10 feet in height, may be placed at each major entrance. Attached signs shall be designed in accordance with form district requirements, but the Board reserves the right to approve the size and location of all attached signs.

STAFF: Attached signage will meet regulations and signage on the multi-tenant signs will simply be a replacement.

B. All buildings and structures shall be at least 30 feet from any property line.

STAFF: The shopping center was built in 1955 and has been five feet from the property line since that time. A 30-foot-wide alley is between that property line and the neighboring property.

C. Medical clinics shall provide an indoor waiting area(s) for clients. The waiting area shall be large enough to accommodate the clients arriving for services.

STAFF: The clinic is 8,479 square feet.

D. Parking for medical clinics shall be adequate to accommodate the maximum number of clients expected to be at the site at one time.

STAFF: The proposed location is within an existing commercial center, additional accessible spaces have been added.

E. Such facilities shall be located on or near a collector or arterial street with reasonable access to public transportation.

STAFF: The shopping center faces Taylorsville Road.

NOTE: The provisions of this Section 4.2.29 do not apply to Medical Offices as such are defined in this Land Development Code.

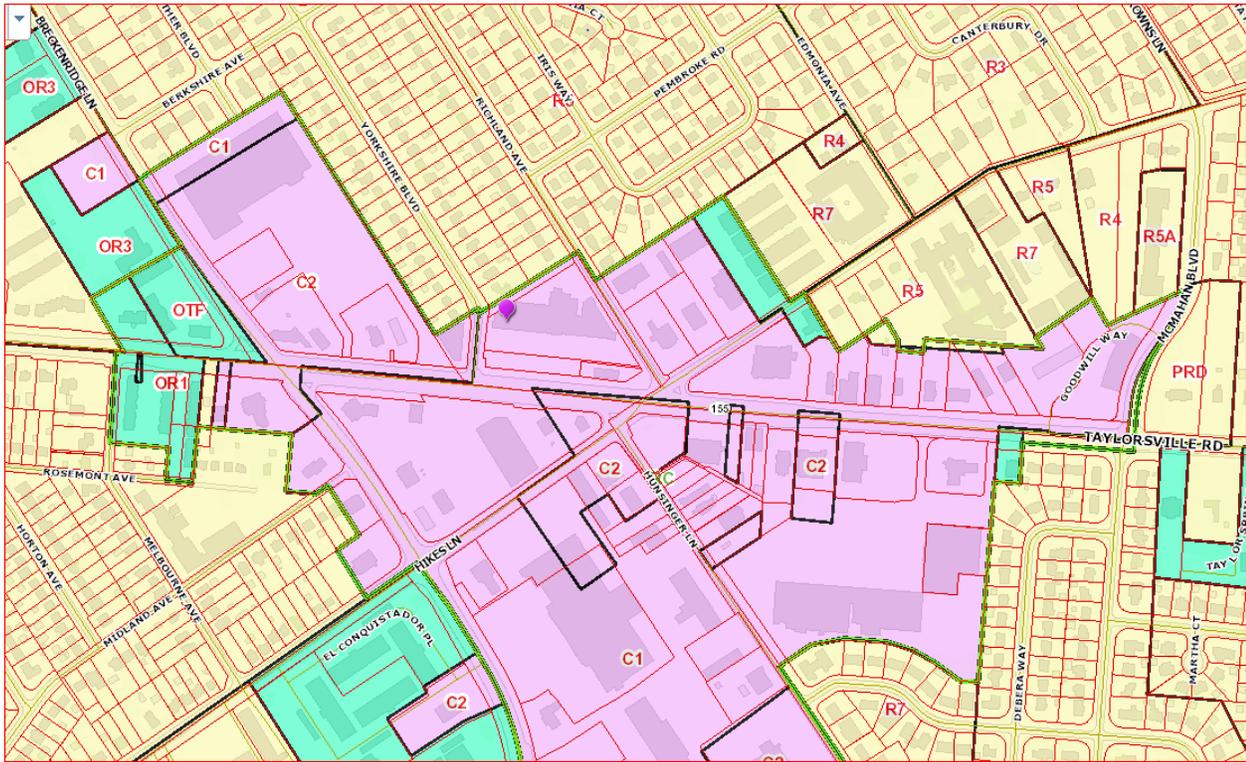
## **NOTIFICATION**

<b>Date</b>	<b>Purpose of Notice</b>	<b>Recipients</b>
11/26/2019	Hearing before BOZA	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners
11/25/2019		Registered Neighborhood Groups in Council District 26
12/05/2019	Hearing before BOZA	Sign Posting

## **ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Site Plan
4. Plan 2040 Checklist
5. Conditions of Approval

1. Zoning Map



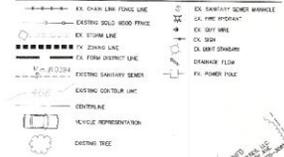
2. Aerial Photograph



**GENERAL NOTES**

1. CONSTRUCTION SHALL BE ACCORDING TO THE CITY OF LOUISIANA AND STATE OF LOUISIANA CODES AND ORDINANCES.
2. DRAINAGE PATTERNS SHALL BE DETERMINED BY THE CITY ENGINEER'S OFFICE. DRAINAGE PATTERNS SHALL BE DETERMINED BY THE CITY ENGINEER'S OFFICE. DRAINAGE PATTERNS SHALL BE DETERMINED BY THE CITY ENGINEER'S OFFICE.
3. ALL APPROVED EXISTING UTILITIES AND STRUCTURES SHALL REMAIN UNLESS OTHERWISE NOTED. ALL APPROVED EXISTING UTILITIES AND STRUCTURES SHALL REMAIN UNLESS OTHERWISE NOTED.
4. EXISTING UTILITIES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD. EXISTING UTILITIES SHALL BE PROTECTED AND MAINTAINED THROUGHOUT THE CONSTRUCTION PERIOD.
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**LEGEND**



**SITE DATA**

SITE AREA	1.50 ACRES (64,583 S.F.)
LOT 1	6,479 S.F.
LOT 2	3,380 S.F.
LOT 3	5,549 S.F.
TOTAL LOT AREA	15,408 S.F.
EXISTING BUILDING AREA	10,859 S.F.
PROPOSED BUILDING AREA	10,859 S.F.
PROPOSED USE	PROPOSED USE
PROPOSED ZONING	PROPOSED ZONING
PROPOSED DISTRICT	PROPOSED DISTRICT
PROPOSED MAP NO.	PROPOSED MAP NO.
PROPOSED DATE	PROPOSED DATE
PROPOSED ENGINEER	PROPOSED ENGINEER
PROPOSED CITY	PROPOSED CITY
PROPOSED STATE	PROPOSED STATE
PROPOSED COUNTY	PROPOSED COUNTY
PROPOSED PARISH	PROPOSED PARISH
PROPOSED TOWNSHIP	PROPOSED TOWNSHIP
PROPOSED RANGE	PROPOSED RANGE
PROPOSED SECTION	PROPOSED SECTION
PROPOSED QUARTER	PROPOSED QUARTER
PROPOSED BLOCK	PROPOSED BLOCK
PROPOSED SUBDIVISION	PROPOSED SUBDIVISION
PROPOSED PROJECT	PROPOSED PROJECT
PROPOSED PHASE	PROPOSED PHASE
PROPOSED SHEET	PROPOSED SHEET
PROPOSED TOTAL SHEETS	PROPOSED TOTAL SHEETS



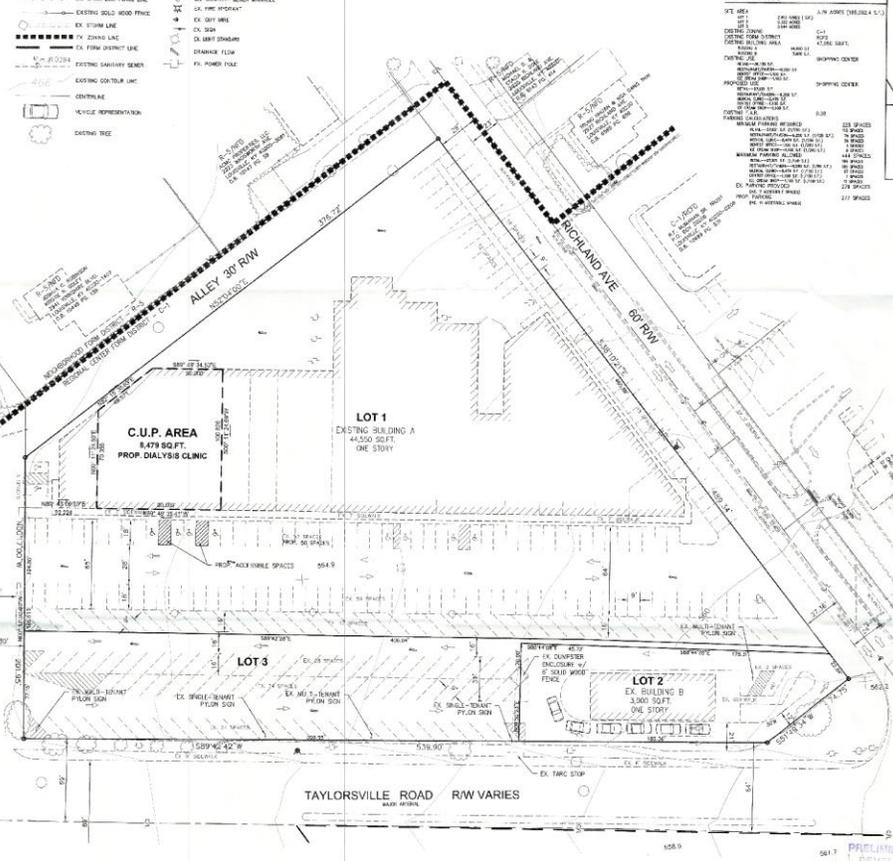
**LANDSCAPE REQUIREMENTS**

LANDSCAPE REQUIREMENTS

**CONDITIONAL USE PERMIT**

CONDITIONAL USE PERMIT

**CONDITIONAL USE PERMIT PLAN**



**FOR REVIEW ONLY**

FOR REVIEW ONLY

**RECEIVED**

RECEIVED

19-CUPPA-0135  
MSD WM #XXXX

1.00

## PLAN 2040 CHECKLIST

- + Meets policy
- Does not meet policy
- +/- Meets/does not meet some portion of policy
- NA Not applicable
- INS Addl information needed

Policy	Plan Element or Portion of Plan Element	Staff Finding	Comments
Community Form: Goal 1			
2.1	Evaluate the appropriateness of a land development proposal in the context of: 2.1.1. the description, character and function of the Form District designated for the area in which the subject site is located; 2.1.2. the intensity and density of the proposed land use or mixture of land uses; 2.1.3. the effect of the proposed development on the movement of people and goods; and 2.1.4. the compatibility of the proposed use or uses with surrounding uses including the relationship of the use, mass, scale, height, materials, building footprint, orientation, setback and design of the proposed building or buildings with that of surrounding buildings.	+	Within an existing shopping center.
3.1.6	Regional Centers (1.3.1.6, page 42-43)	*	
14.	Ensure that signs are compatible with the Form District pattern and contribute to the visual quality of their surroundings. Promote signs of a size and height adequate for effective communication and conducive to motor vehicle safety. Encourage signs that are integrated with or attached to structures wherever feasible; limit freestanding signs to monument style signs unless such design would unreasonably compromise sign effectiveness. Give careful attention to signs in historic districts, parkways, scenic corridors, design review districts and other areas of special concern. For freestanding signs in multi-lot the number of signs by including signage for each establishment on the same support structure and encourage consistent design (size, style, and materials).	+	Attached signs will meet regulations
Community Facilities: Goal 2			
1.	Locate development in areas served by existing utilities or capable of being served by public or private utility extensions.	+	Existing
2.	Ensure that all development has an adequate supply of potable water and water for fire-fighting purposes. Locate only very low-density land uses on sites that use on-lot sewage disposal systems or on a private supply of potable water.	+	Existing
3.	Ensure that all development has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams as determined by the Metropolitan Sewer District (MSD).	+	Existing

### **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 a medical clinic without further review and approval by the Board.