

Development Review Committee

Staff Report

October 19, 2016



Case No:	16DEVPLAN1128
Project Name:	Norton Pediatric Outpatient Center Site Improvements
Location:	4910 Chamberlain Lane
Owners:	Norton Hospitals, Inc.
Applicant:	Norton Hospitals, Inc.
Representative(s):	Michael F. Tigue
Project Area/Size:	10.39 acres
Existing Zoning District:	OR-3, Office Residential
Existing Form District:	RC, Regional Center
Jurisdiction:	Louisville Metro
Council District:	16 – Kelly Downard
Case Manager:	Jon Crumby, Planning & Design Coordinator

Continued from the October 5, 2016 Development Review Committee meeting

REQUESTS

- Revised Detailed District Development Plan
- Landscape waiver to allow parking to encroach into the required 15 feet Vehicle Use Area along the proposed access road
- Landscape waiver to allow the proposed multi-use trail and access road to encroach into the required 15 feet Landscape Buffer Area along the western property perimeter.

CASE SUMMARY/BACKGROUND

The current proposal does not change or affect the footprint of the existing 62,000 square feet pediatric outpatient center or the previously approved 33,000 square feet medical office building. The current proposal eliminates an area of parking along the access road and relocates it to the northeastern corner as an extension of the existing rear parking area. The access road from Angies Way is proposed to be extended and connect with the recently approved Kindred Hospital site to the north. An 8 feet multi use trail is proposed along the extended access drive and the rear of the site. The multi-purpose trail will connect with other proposed trail portions to create a complete pedestrian link from Chamberlain Lane, around the proposed relocated basin area and towards the existing multi-use trail at Old Brownsboro Crossing.

SITE CONTEXT

This site is located south of Interstate 71 and north of Brownsboro Road. It is accessed off of Chamberlain Lane and Angie's Way. It is west of Cobblestone Subdivision.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Pediatric Outpatient Center	OR-3	RC
Proposed	Pediatric Outpatient Center and Medical Office	OR-3	RC
<i>Surrounding Properties</i>			
North	Vacant	OR-3	RC
South	Various Commercial	C-2	RC
East	Single-family residential	R-4	N
West	detention basin for commercial & office sites	OR-3 & C-2	RC

PREVIOUS AND ASSOCIATED CASES ON SITE

- 12018** Revised Detailed District Development Plan. The applicant is proposing 2, 3-story, 75,000 sf medical office buildings totaling 150,000 sf. This proposal was approved by DRC on August 19, 2009.
- 11489** The applicant is requesting approval of a Revised Detailed District Development Plan of Docket Number 9-44-06 for Norton Healthcare Pediatric Outpatient Center and Medical Office Building, Modification of the Conditional Use Permit for a Medical Facility, and a Waiver of a 15-foot perimeter Landscape Buffer Area along a portion of the west property line. This proposal was approved by DRC on November 19, 2008.

INTERESTED PARTY COMMENTS

Staff has received comments from Alice Gunnison concerning the watershed.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners since both waivers will be interior to the larger Old Brownsboro Crossing development along the access road as extended from the existing Angies Way curb cut. All required plantings will be provided.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: The waiver will not violate Guideline 3, Compatibility, of Cornerstone 2020, which calls for the protection of roadway corridors and public areas from visual intrusions, for mitigation of parking areas so as not to negatively impact nearby residents and pedestrians, and for screening and buffering of parking areas adjacent to streets. The waiver will not violate Guideline 13, Landscape Character, which calls for the protection of parkways through standards for buffers, landscape treatment, lighting and signs. The purpose of vehicle use area landscape buffer areas is to improve the appearance of vehicular use areas and property abutting public rights-of way.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant since all the required plantings will be provided as required by the Land Development Code.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of land and would create an unnecessary hardship on the applicant by not allowing the location of the access road within the proposed 30 feet access easement as an extension from the existing curb cut along Angies Way and the 8 feet multi-use path along the western side of this access road to create a unified multi-modal circulation path for the subject site.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR REVISED DETAILED DISTRICT DEVELOPMENT PLAN

- 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: Tree canopy requirements will be met on the subject site. The proposed 8 feet multi-use trail will be located to prevent adverse effect upon the existing intermittent stream.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: Both pedestrian and vehicular transportation will be enhanced. Full multi-modal access will be provided to the Kindred property to the north with the creation of the access road and trail. Pedestrian access will be improved with a second pedestrian connection point along Chamberlain Lane with the multi-use trail along the rear of the site.

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

STAFF: Open space will be provided along with recreational connections along the property with the multi-use trail.

- 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 given preliminary approval and will ensure the provisions 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 land uses are compatible with the existing and future development of the area. Buildings and parking lots meet all required setbacks. Appropriate landscape buffering and screening will be provided to help mitigate any nuisance to adjacent properties and roadways.

- 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 requirements of the Land Development Code with the exception of the requested waivers that meet their own standard of review. The proposal creates more unified access and circulation and further encourages pedestrian activity as described within the community form of the Regional Center.

TECHNICAL REVIEW

Minor Subdivision Plat will be needed.

STAFF CONCLUSIONS

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for a revised development plan and landscape waivers.

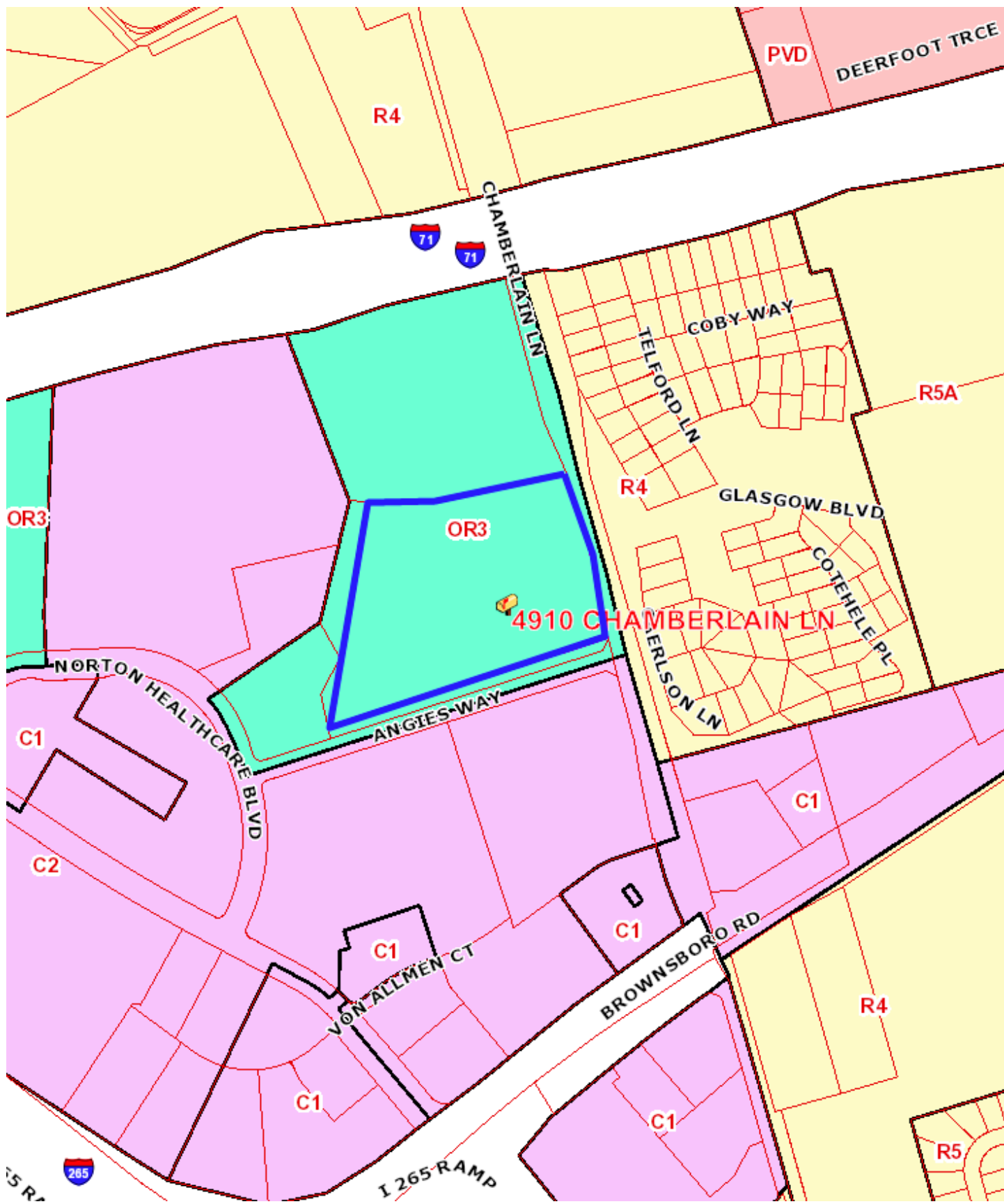
NOTIFICATION

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

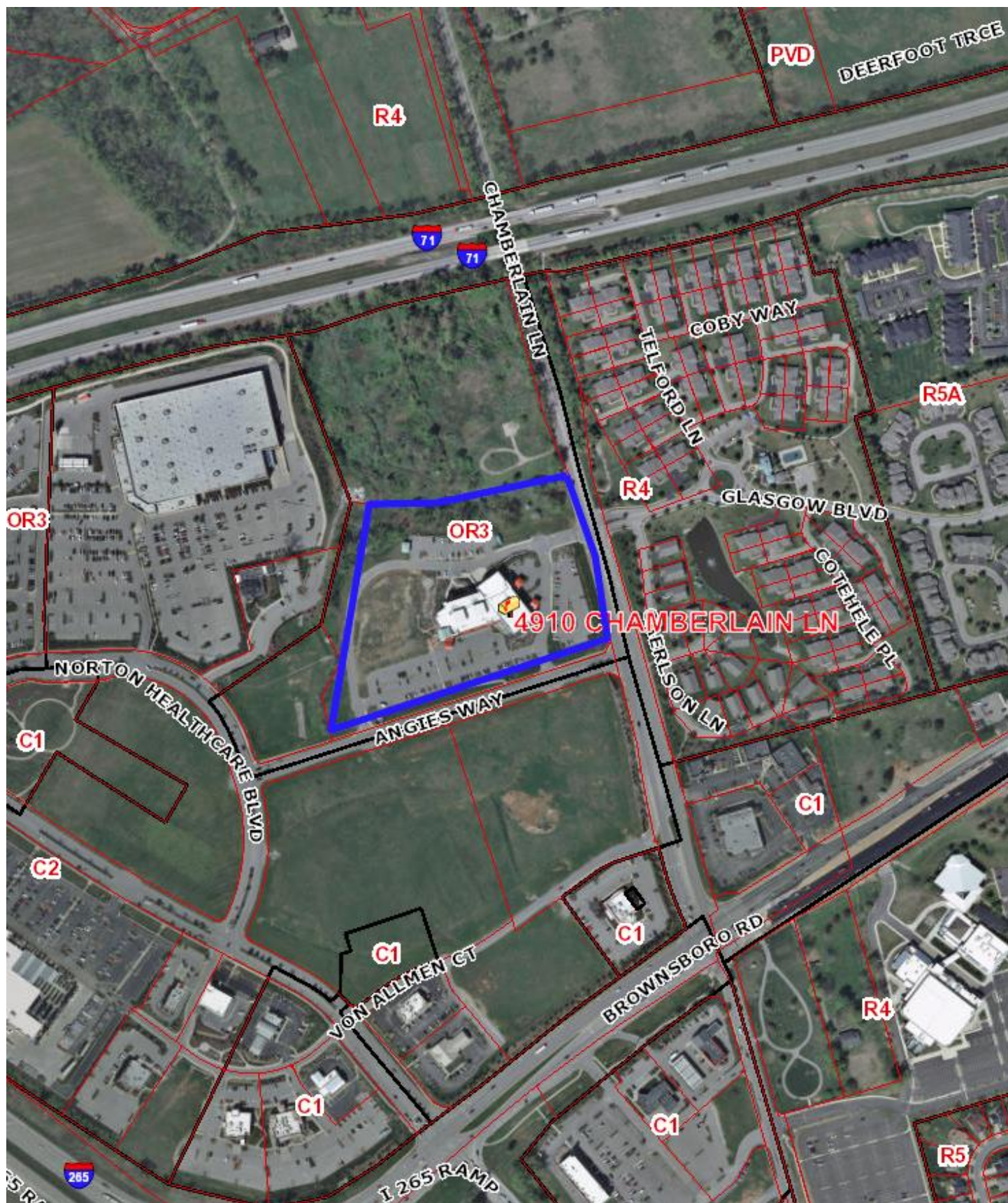
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements

1. Developer of Phase 1, as shown on the development plan approved by the Planning Commission on March 15, 2007, shall improve Chamberlain Lane and entrance intersection to provide a north-bound left-turn storage lane and a south-bound right-turn lane per Metro Public Works requirements. Sidewalks shall be placed as required to be a minimum of 6' in width if it is integral with the curb. Developer shall be responsible for utility relocations, final surface overlay, and striping associated with required road improvements. Sidewalk shall use Old Louisville Mix along Chamberlain Lane.
2. Access provided from Angie's Way permitted by note #12 on Plat Book 50, Page 65. "Future access shall be provided from Angie's Way across lot 16 to the Kim property on the northerly side of lot 16". Access easements shall be recorded prior to construction permit approval.
3. Developer shall contribute \$1.50 x total building square footage to the KY 22/Brownsboro Road area road improvement project. Contribution shall be required to be paid to Metro Public Works prior to their construction approval for each building.
4. 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.
5. Phase 1 development shall not exceed 62,000 square feet of gross floor area for the Pediatric Outpatient Center and 33,000 square feet of gross floor area for the Medical Office Building. Phase 2 development shall not exceed 150,000 square feet of gross floor area.
6. Signs shall be in accordance with Chapter 8. The monument signs shown on the development plan at the entrances on Angie's Way and Chamberlain Lane shall be externally illuminated. Attached signage (not including attached directional signage) shall be backlit.
7. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
8. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
9. 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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat shall be recorded creating the lot lines and sidewalk easement along Chamberlain Lane as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - c. 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.
 - d. A reciprocal access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created between the adjoining property owners and recorded. A copy of the recorded instrument shall be submitted to the Division of Planning and

Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.

10. 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.
11. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
12. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the November 19, 2008 Development Review Committee meeting.

The materials and design of proposed structures in Phase 2 shall be substantially the same as depicted in the rendering as presented at the August 19, 2009 Development Review Committee meeting.

14. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
15. Developer shall re-stripe Chamberlain Lane to provide left-turn lanes at entrance and bike lanes per Louisville Metro Public Works and Assets requirements, standards and approved schematics. Pressure-washing shall be used to remove the existing stripes. If existing striping cannot be adequately removed by pressure-washing, pavement area of re-striping is to be overlaid. Construction plans, bond and encroachment permit are required prior to Metro Public Works construction approval.
16. Developer shall not request construction approval for the 33,000 square-foot medical office building in Phase 1 until Phase II of the Brownsboro Road improvements have been funded for construction.
17. A Crossover Access Easement for secondary vehicular access between the properties will be granted by both property owners prior to construction plan approval, provided primary access is provided to the north property from Chamberlain Lane. Norton will construct the vehicular and sidewalk connections as shown on its approved detailed development plan and the adjacent property owner to the north will construct the remainder of the vehicular and sidewalk connections at such time as the property to the north is developed. An additional cross access easement shall be provided in the western area of the properties if determined to be necessary by Louisville Metro Public Works and Assets.
18. LIGHTING for Phase 2, as shown on the development approved by the Planning Commission on March 15, 2007. Parking lot lighting shall be "Dark Sky" compliant. Light poles/stanchions shall not exceed 27 ½ feet in total height. The lamps shall be fully shielded with a 90 degree cut-off. All lighting shall otherwise comply with the Land Development Code.

19. LANDSCAPING for Phase 2, as shown on the development approved by the Planning Commission on March 15, 2007. Native plant materials shall be utilized to replace vegetation removed along Chamberlain Lane in connection with the installation of sidewalks, parking and the entrance to the site. Wolf Pen Preservation Association shall be consulted to prepare the final landscape plan.
20. SIGNAGE for Phase 2, as shown on the development approved by the Planning Commission on March 15, 2007. The offices shall utilize a monument style sign at the Chamberlain Lane entrance which shall be externally illuminated, directed down and away from the residences across Chamberlain Lane. Any signage attached to the buildings shall be at the first story level.
21. Developer of Phase 2, as shown on the development plan approved by the Planning Commission on March 15, 2007, shall widen and restripe Chamberlain Lane at the proposed entrance to provide a northbound left turn lane storage and bike lanes as shown on the development plan and per Metro Public Works requirements. Proposed integral sidewalks along Chamberlain shall be a minimum of 6' in width. Sidewalks along Chamberlain Lane shall use the Old Louisville Mix. Developer shall be responsible for any required utility relocations, final surface overlay, signage, and striping associated with required road improvements to Chamberlain Lane. Construction plans, bond, and permit are required prior to construction approval by Metro Public Works. Developer shall not request a certificate of occupancy until road improvements are complete.