

## Development Review Committee

### Staff Report

October 19, 2016



<b>Case No:</b>	16DEVPLAN1129
<b>Project Name:</b>	Chamberlain Lane Transitional Care Center Site Improvements
<b>Location:</b>	5000 Chamberlain Lane
<b>Owners:</b>	KND Real Estate 33, LLC
<b>Applicant:</b>	KND Real Estate 33, LLC
<b>Representative(s):</b>	Glenn Price
<b>Project Area/Size:</b>	3.89 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 Crumby, Planning & Design Coordinator

Continued from the October 5, 2016 Development Review Committee meeting

#### REQUEST

- Revised Detailed District Development Plan

#### CASE SUMMARY/BACKGROUND

The current proposal does not change or affect the footprint of the proposed 82,000 square feet transitional care center on lot 1. 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 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
<b>Subject Property</b>			
<b>Existing</b>	Vacant	OR-3	RC
<b>Proposed</b>	Detention Basin	OR-3	RC
<b>Surrounding Properties</b>			
<b>North</b>	I-71		
<b>South</b>	Pediatric Care Center	OR-3	RC
<b>East</b>	Single-family residential	R-4	N
<b>West</b>	Commercial	OR-3	RC

## PREVIOUS AND ASSOCIATED CASES ON SITE

- 14DEVPLAN1090** An application for a Revised Detailed District Development Plan and Binding Element Amendment to allow a nursing home. This proposal was approved by the Development Review committee on September 3, 2014.
- 14CUP1014** A Conditional Use Permit to allow a nursing home in an OR-3 zoning district. This proposal was approved by BOZA on September 23, 2014.
- 12761** An application for a variance from the Land Development Code to allow proposed parking and maneuvering areas to encroach into the required yards. This proposal was approved on August 3, 2009.

## 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 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: The existing trees and vegetation will not be removed at this time.

- 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.

- 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.

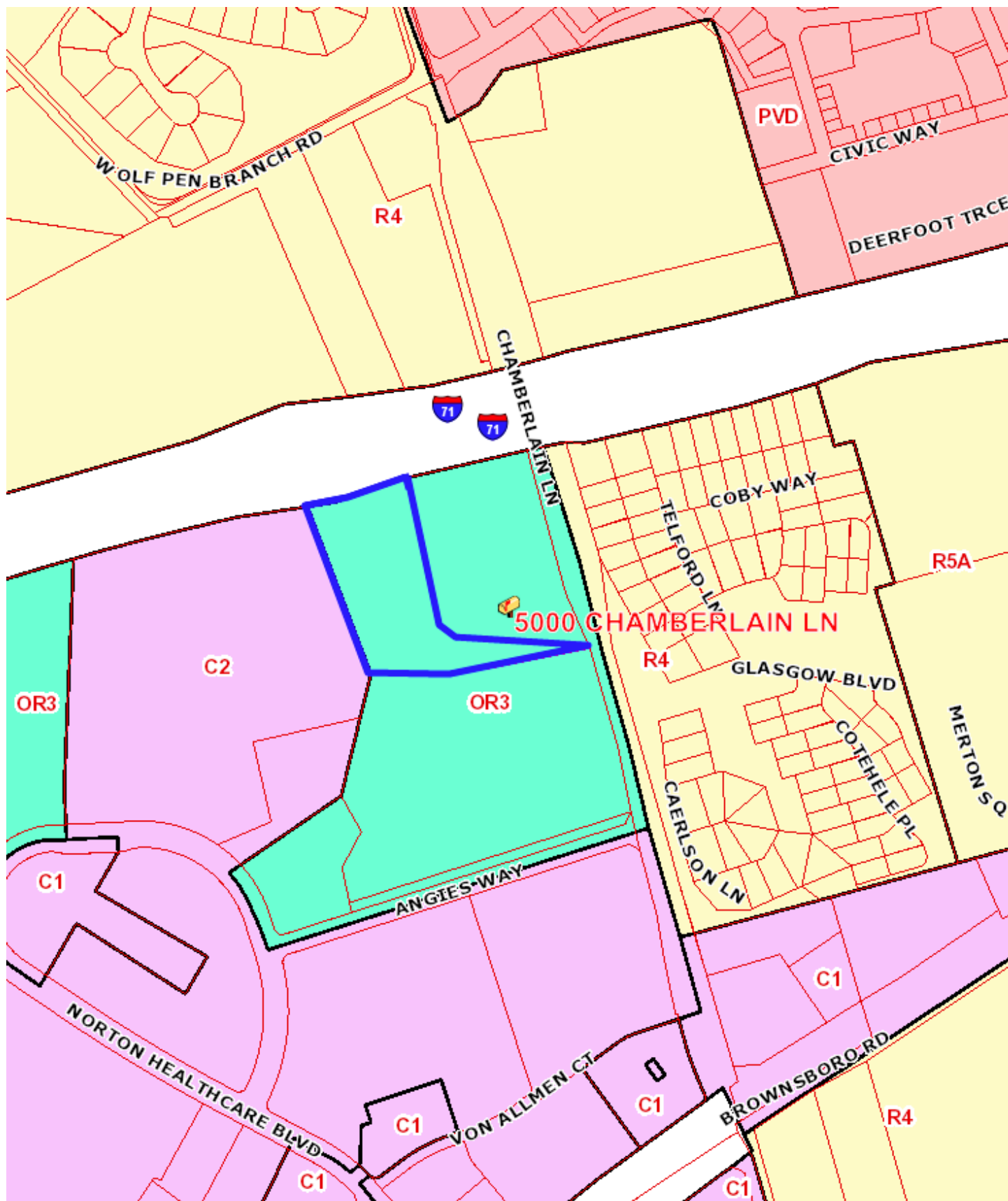
## NOTIFICATION

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

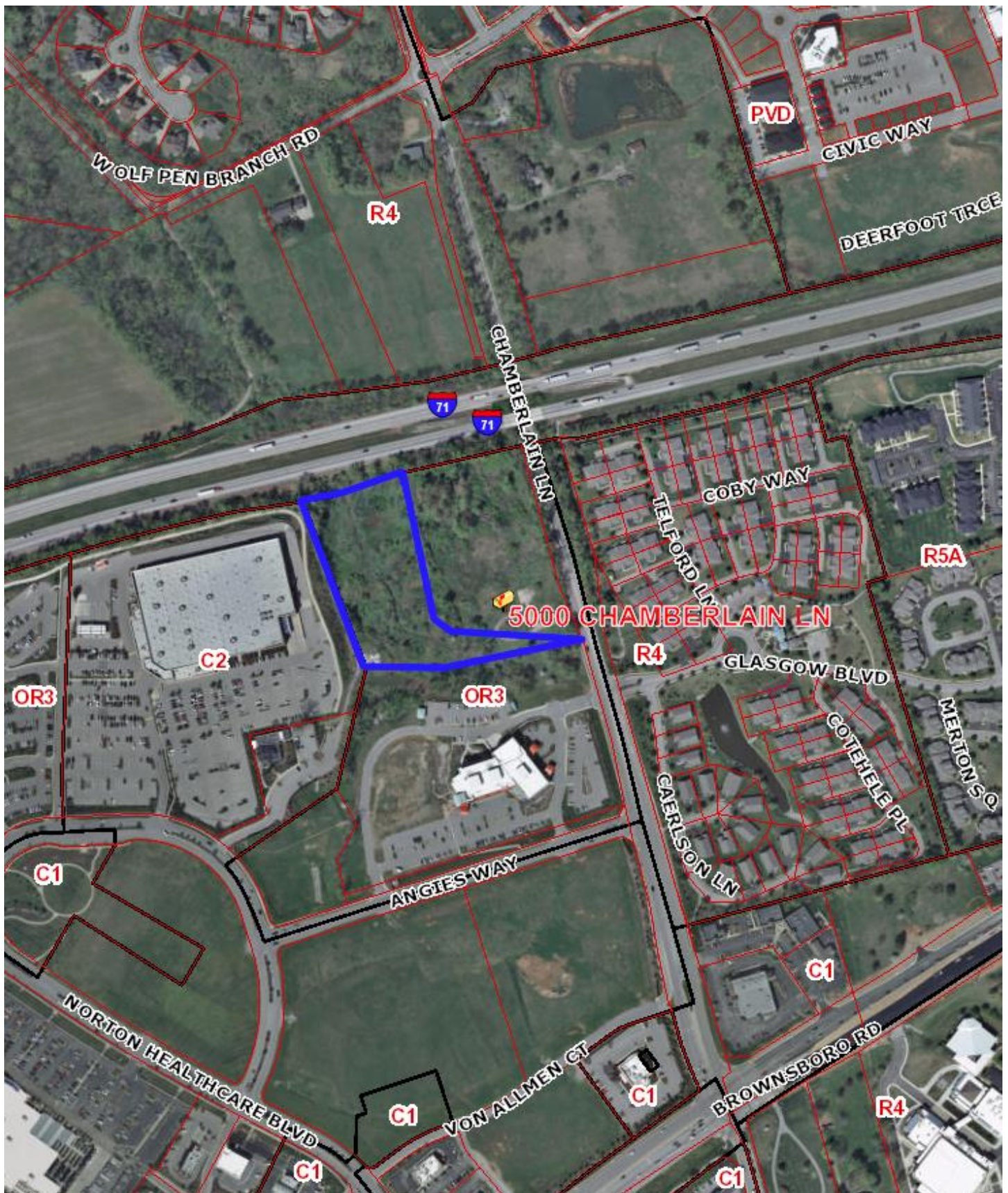
1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Elements

1. **Zoning Map**





2. Aerial Photograph



3. Existing Binding Elements



**BINDING ELEMENTS**  
**14CUP1014 and 14DEVPLAN1090**

1. Sidewalks shall be placed as determined by Metro Public Works. Sidewalk shall use Old Louisville Mix along Chamberlain Lane.
2. 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.
3. Development shall not exceed 82,000 sf as shown on the approved district development plan.
4. Signs shall be in accordance with Chapter 8.
5. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
6. 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.
7. 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. 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. An access and crossover easement agreement in a form acceptable to the Planning Commission legal counsel shall be created granting the adjoining property owners to the south and recorded by the developer of this property. 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.
8. 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.
9. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
10. 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.

11. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the September 3, 2014 Development Review Committee meeting.
12. 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.
13. To the extent required by Metro Transportation Planning and Public Works, 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.
14. A Crossover Access Easement for secondary vehicular access will be granted by the owner of the subject property 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.
15. LIGHTING for the subject property, as shown on the development approved by the Planning Commission on September 3, 2014, shall assure that parking lot lighting shall be "Dark Sky" compliant. Light poles/stanchions shall not exceed 27 % 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.
16. LANDSCAPING the subject property, as shown on the development approved by the Planning Commission on September 3, 2014, shall assure that native plant materials shall be utilized to replace vegetation removed, if any, 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.
17. SIGNAGE for the subject property, as shown on the development approved by the Planning Commission on September 3, 2014 shall be limited, in terms of free-standing signage, to a monument style sign 6' high by 60 sq ft in area at the Chamberlain Lane entrance which shall be externally illuminated, directed down and away from the residences across Chamberlain Lane.
18. Developer of the subject property, as shown on the development plan approved by the Planning Commission on September 3, 2014, shall make such road improvements to Chamberlain Lane, if any, as required by Metro Transportation Planning and Public Works requirements. Any required integral sidewalks along Chamberlain shall be determined by Metro Public Works. Sidewalks along Chamberlain Lane shall use the Old Louisville Mix. To the extent required above, 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.