

Land Development & Transportation Committee

Staff Report

May 13, 2021



Case No:	21-DDP-0049
Project Name:	Norton Audubon Hospital
Location:	2355 Poplar Level Road
Owner(s):	Faulkner Hinton Audubon II LLC
Applicant:	Adam Lewis – Norton Hospitals, Inc.
Representative:	Chris Brown – BTM Engineering, Inc.
Jurisdiction:	Louisville Metro
Council District:	10 – Pat Mulvihill
Case Manager:	Zach Schwager, Planner I

REQUEST(S)

Revised District Development Plan for a new accessory structure and an addition to the existing hospital and replacement of an existing binding element.

CASE SUMMARY/BACKGROUND

The subject property is located on the east side of Poplar Level Road in between Thruston Avenue and Audubon Plaza Drive. It is zoned OTF Office/Tourist Facility in the Neighborhood Form District. There is 684,828 sq. ft. of existing hospital and office space and the applicant is proposing to construct a hazmat accessory structure and a new 2,350 sq. ft. addition for a new learning center.

STAFF FINDING / RECOMMENDATION

Based upon the information in the staff report and the testimony and evidence provided at the public hearing, the Land Development & Transportation Committee must determine if the proposal meets the standards established in the Land Development Code to approve the Revised District Development Plan and replacement of an existing binding element.

RELATED CASES

9-38-76 – Change in zoning
B-252-02 – Conditional Use Permit for off-street parking
15CUP1049 – Modified Conditional Use Permit for hospital
16CUP1016 – Modified Conditional Use Permit for hospital
21-MCUP – Modified Conditional Use Permit for hospital

TECHNICAL REVIEW

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

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR 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: There are no significant natural 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 have been provided around and within the proposed development. Transportation Planning 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 applicable to this 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 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 site design and land uses are compatible with the existing and future development of the area. Adequate screening and buffering is provided around the subject site

- 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 proposed development plan conforms to the Comprehensive Plan and the Land Development Code.

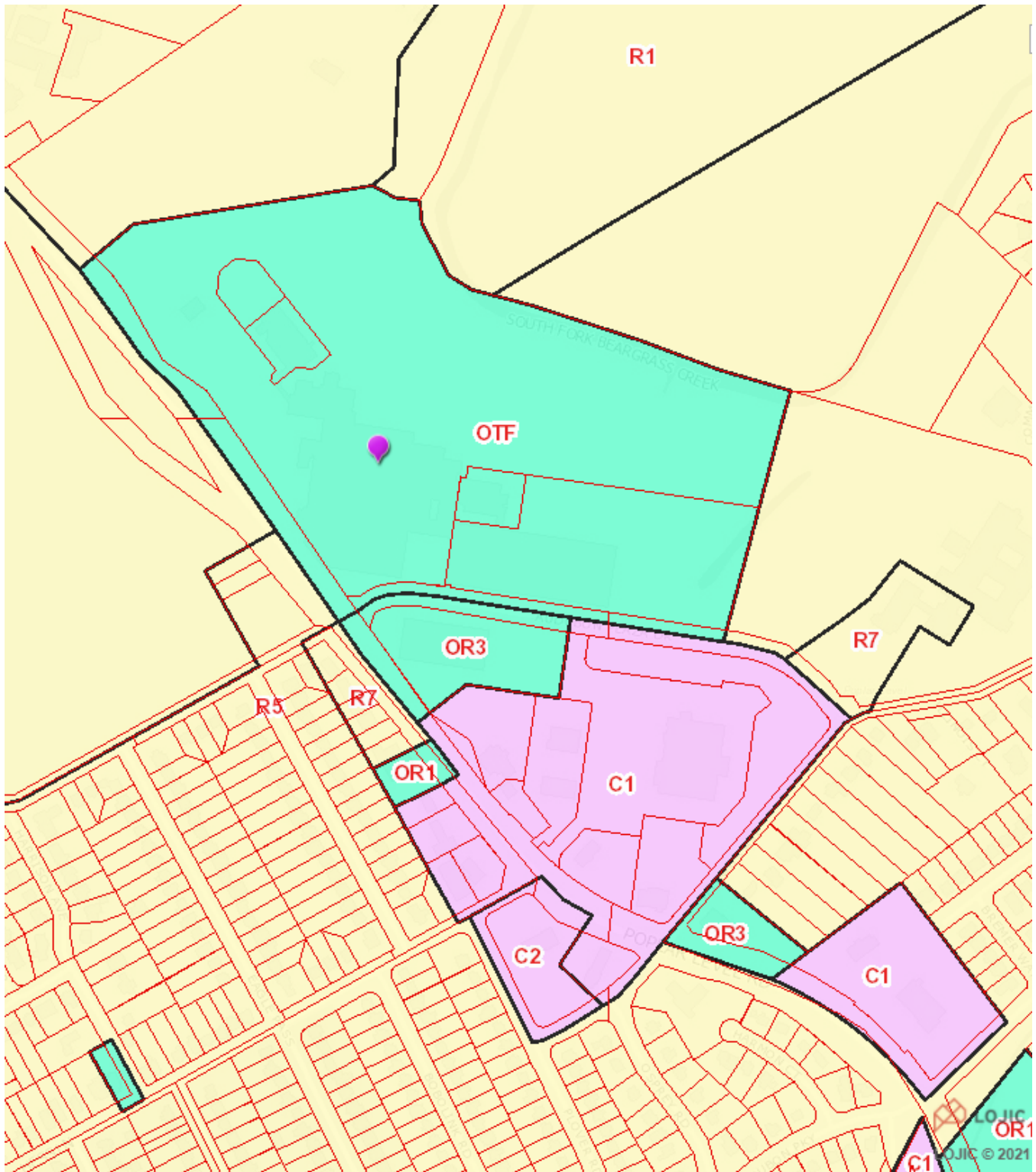
NOTIFICATION

Date	Purpose of Notice	Recipients
4/28/2021	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 10
N/A	Hearing before BOZA	Sign Posting

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Element
4. Binding Element to be Replaced

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements

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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
- 1a. Prior to development (includes clearing and grading) of each site or phase of this project, the applicant, developer, or property owner shall obtain approval of a detailed district development plan in accordance with Chapter 11, Part 6. Each plan shall be in adequate detail and subject to additional binding elements.
2. Use of the subject site shall be limited to a hospital. There shall be no other use of the property unless prior approval is obtained from the (Planning Commission/ LD&T Committee). Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The (Planning Commission/LD&T Committee) may require a public hearing on the request to amend this binding element.
3. ~~The development shall not exceed 488,721 square feet of gross floor area for lot 3.~~
4. 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.
5. 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 Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
 - b. The appropriate (variances (or conditional use permit) shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - 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.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
6. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper

placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.

7. 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.
8. A legal instrument providing for the long-term use of the (off-site parking spaces or joint-use parking spaces), as shown on the approved general district development plan and in accordance with (Section 9.1.5 Off-Site Parking or Section 9.1.6 Joint Use Parking), shall be submitted and approved by the Planning Commission legal counsel and recorded in the County Clerk's office. 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.
9. 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.
10. The site shall be developed in accordance with the woodland protection areas delineated on the site plan, tree preservation plan and related notes. Any modification of the woodland protection area requires notification of adjoining property owners and LD&T action.
11. The applicant shall provide deeds of restriction ensuring that WPAs will be permanently protected in a manner consistent with these binding elements and the approved plan. The form of the deed restrictions shall be approved by Planning Commission counsel. Deed Restrictions must be recorded prior to tree preservation approval. All plans setting out woodland protection areas must contain the following notes:
 - A. Woodland Protection Areas (WPAs) identified on this plan represent portions of the site on which (all existing vegetation; all trees greater than 2" in caliper; selected trees as shown on the plan) shall be permanently preserved. All clearing, grading, and fill activity in these areas must be in keeping with restrictions established at the time of development plan approval. No further clearing, grading, construction or other land disturbing activity shall take place within designated WPAs beyond pruning to improve the general health of the tree or to remove dead or declining trees that may pose a public health and safety threat. As trees are lost thru natural causes new trees shall be planted in order to maintain minimum tree canopy as specified in Chapter 10, Part 1 of the LDC and as shown on the approved Tree Canopy/Landscape Plan.
 - B. Dimension lines have been used on this plan to establish the general location of WPAs and represent the minimum boundary of the designated WPAs. The final boundary for each WPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.

- C. Tree protection fencing shall be erected adjacent to all WPAs prior to Site Disturbance Approval (Clearing & Grading) to protect the existing tree stands and their root systems. The fencing shall be located at least three (3) feet from the outside edge of the tree canopy and shall remain in place until all construction is completed.
 - D. No parking, material storage or construction activities are permitted within WPAs
 - E. During all construction activity (includes clearing, grading, building construction, and VUA construction) a copy of the approved Tree Preservation Plan shall be on-site.
 - F. The site shall be developed in accordance with the Woodland Protection Areas delineated on the site plan and related notes. Any modification of Woodland Protection Areas requires notification of adjoining property owners and LD&T action.
 - G. Prior to any site disturbance permit being issued and prior to any clearing, grading, or the issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
12. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 2, 2016 DRC Planning Commission meeting.
13. 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. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.

4. Binding Element to be Replaced

The existing binding elements shall remain in effect in addition to the following conditions.

3. The development shall not exceed 491,071 square feet of gross floor area for lot 3.