

Board of Zoning Adjustment

Staff Report

June 21, 2021



Case No:	21-CUP-0034
Project Name:	Kindred Louisville Rehabilitation Hospital
Location:	5000 Chamberlain Lane
Owner(s):	KND Real Estate 33, LLC
Applicant:	KND Real Estate 33, LLC
Jurisdiction:	Louisville Metro
Council District:	16 – Scott Reed
Case Manager:	Jon Crumbie, Planning & Design Coordinator

REQUEST(S)

Conditional Use Permit to allow a hospital

CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a new 2-story, 55,363 square feet rehabilitation hospital.

STAFF FINDING / RECOMMENDATION

There are five listed standards and it appears all will be met. Based upon the information in the staff report and the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC for a Conditional Use Permit.

RELATED CASES

21-DDP-0029	A Revised Detailed District Development Plan to allow the construction of a new 2-story, 55,363 square feet inpatient rehabilitation hospital. This proposal was approved by the Development Review Committee on June 2, 2021.
16DEVPLAN1169	An application for a revised detailed district development plan to allow Angies Way to be extended and connect to Kindred Hospital site to the north and add a 8-foot multi-use trail. This proposal was approved by the DRC on October 19, 2016.
14CUP1014	An Conditional Use Permit to allow a nursing home in an OR-3 zoning district. This was approved by the BOZA on September 23, 2014.
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.
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 by the BOZA on August 3, 2009.
11489	An application for a revised detailed district development plan and modified conditional se permit for a medical facility, landscape buffer waiver along the west property line.
12018	An application for a revised detailed district development plan for Old Brownsboro Crossing Medical Office.
9-44-06	Original Rezoning

TECHNICAL REVIEW

A minor subdivision plat will be needed to move a lot line.

INTERESTED PARTY COMMENTS

A neighborhood meeting was held on March 3, 2021 and at least twelve people attended not including the applicant.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with applicable policies of the Comprehensive Plan?

STAFF: The proposal meets all applicable policies of the Comprehensive Plan.

2. Is the proposal compatible with surrounding land uses and the general character of the area including factors such as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting and appearance?

STAFF: When appropriately managed, the proposed use is compatible with surrounding development and land uses.

3. Are necessary on-site and off-site public facilities such as transportation, sanitation, water, sewer, drainage, emergency services, education and recreation adequate to serve the proposed use?

STAFF: The subject property is served by existing public utilities and facilities. Transportation Planning and MSD have reviewed and approved the proposal.

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:

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: A single monument style sign will be located adjacent to Chamberlain Lane on the property that will not exceed 80 square feet in area and 10 feet in height. The Board may discuss the attached signage if necessary.

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

STAFF: All buildings and structures will be located at least 30 feet from any property line.

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 proposal is not a medical clinic, but a waiting area will be provided to accommodate clients arriving for services.

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 proposal is not a medical clinic, but Transportation Planning has reviewed and approved the parking layout.

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

STAFF: Chamberlain Lane is considered a collector level street with reasonable access to public transportation.

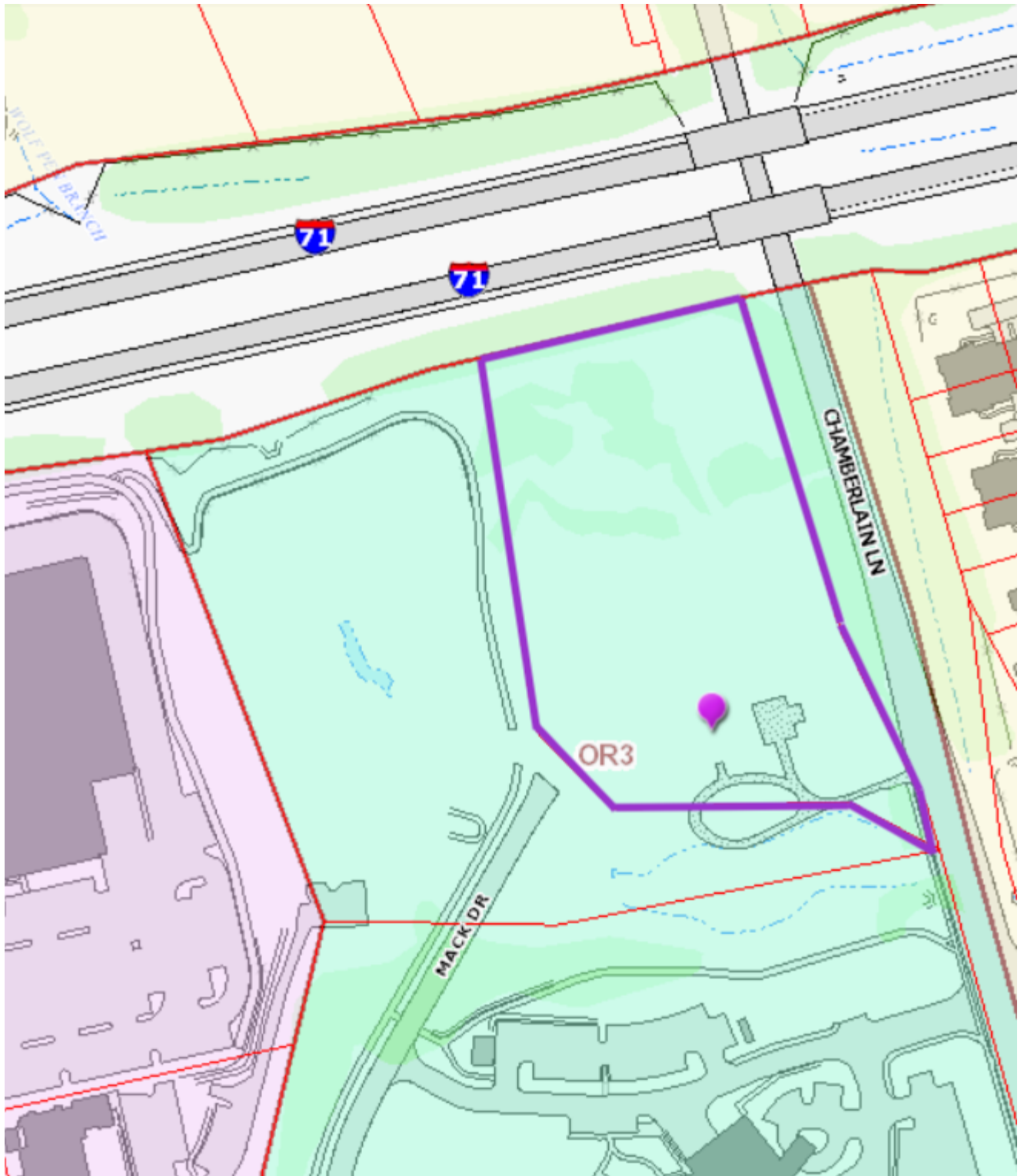
NOTIFICATION

Date	Purpose of Notice	Recipients
6/4/2021	Hearing before BOZA	1 st and 2 nd tier adjoining property owners Registered Neighborhood Groups in Council District 16
6/8/2021	Hearing before BOZA	Sign Posting

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. 2040 Checklist

Conditional Use Permit Checklist

+ Meet policy

- Does not meet policy

+/- Meets/Does not meet some portion of policy

NA – Not applicable

NIS – Information needed

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
Community Form – Goal 1			
4.	Ensure new development and redevelopment are compatible with the scale and site design of nearby existing development and with the desired pattern of development within the Form District. Quality design and building materials should be promoted to enhance compatibility of development and redevelopment projects.	+	The proposed development will be compatible with the scale and site design of nearby developments.
11.	Ensure setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet Form District guidelines.	+	Setbacks, lot dimensions, and building heights are compatible with nearby development.

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
12.	Design parking, loading and delivery areas located adjacent to residential areas to minimize adverse impacts from noise, lights, and other potential impacts. Ensure that parking, loading and delivery is adequate and convenient for motorists and does not negatively impact nearby residents or pedestrians. Parking and circulation areas adjacent to the street shall be screened or buffered. Use landscaping, trees, walls, colonnades or other design features to fill gaps along the street and sidewalk created by surface parking lots. Encourage the placement of parking lots and garage doors behind or beside the building rather than facing the street. The use of alleys for access to parking lots is encouraged, especially in Downtown Louisville, Urban Center Neighborhoods, Traditional Neighborhoods and Traditional Marketplace Corridors. Encourage elimination or reduction of parking minimums in areas readily accessible to transit routes.	+	Transportation Planning has reviewed and approved the proposal.
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).	+	The signage will be Land Development Code compliant.
17.	Mitigate adverse impacts of traffic from proposed development on nearby existing communities.	+	Transportation Planning has reviewed and approved the proposal.

Policy#	Plan Element or Portion of Plan Element	Staff Finding	Comments
18.	Mitigate adverse impacts of noise from proposed development on existing communities.	+	Noise ordinance will be followed.
19.	Mitigate adverse impacts of lighting from proposed development on nearby properties, and on the night sky.	+	Lighting is not shown on the site plan but will be Land Development Code compliant. A note was added to the site plan.
Goal 2 Community Facilities			
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).	+	MSD has reviewed and approved the proposal.

4. **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 hospital until further review and approval by the Board.