

Land Development & Transportation Committee

Staff Report

March 9, 2017



Case No:	15DEVPLAN1208
Project Name:	Old Henry Crossings Lot 12
Location:	13906 Promenade Green Way
Owner(s):	OREO 3 LLC
Applicant(s):	OREO 3 LLC
Representative(s):	Vice Cox & Townsend PLLC; Land Design & Development
Project Area/Size:	1.44 Acres
Existing Zoning District:	C-1, Commercial
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	19 – Julie Denton
Case Manager:	Joel P. Dock, Planner I

REQUEST

- Detailed District Development Plan

CASE SUMMARY

The applicant is requesting the approval of a detailed district development on Old Henry Crossings Lot 12. A total of 126,810 square feet of office space is proposed across two three-story structures with 508 parking spaces. Access to the site is made via private roadways from Old Henry or Bush Farm Road.

Variances have been requested to allow for the structures to exceed the maximum setback from Promenade Green Way and High Wickham Place (private roadways) and to allow for the office building to exceed the maximum allowable height. The variances will be heard by the Board of Zoning Adjustment on March 20, 2017.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Vacant	C-1	N
Proposed	Offices	C-1	N
<i>Surrounding Properties</i>			
North	Vacant	C-1	N
South	Commercial	C-1/CM	N
East	Commercial/Office/Residential	OR-3/C-1	N
West	Commercial	C-1/C-2/CM	N

PREVIOUS CASES ON SITE

- 9-99-98: Rezoning from R-4 to R-5A, OR-3, OTF, C-1, & CM (approved 1/8/01).
- 15VARIANCE1090: Associated Variance to exceed maximum setback and height (scheduled for BOZA 3/20/17).

INTERESTED PARTY COMMENTS

Staff has not received any inquires or comments on the proposal.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- 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 do not appear to be any environmental constraints or other natural resources located on the 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 within the development and the community is provided through pedestrian connection to the public sidewalk, as well as proposed private roadways. An internal network of pedestrian connectivity through parking areas to proposed office building is also provided to provide for the safe movement of vehicles and pedestrians.

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

STAFF: All landscaping is being provided as required. A courtyard has been proposed that connects the primary entrances of the office buildings which provide a focal point and an area for outdoor amenity.

- 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 designs (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 as the site is surrounded by, and proposed to be surrounded by, a mixture of commercial and office uses within an activity center to which the architectural style of the proposed structure will be compatible.

- 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 applicable guidelines and policies of the Comprehensive Plan as Guideline 2, Policy 2 encourages non-residential development and mixed-uses to be developed in designated activity centers. Guideline 3, Policies 1 and 4 call for compatible development that does not expand into residential areas. The proposal is located in a designated activity center intended for a

mix of commercial, light industrial, office, and multi-family residential development with a defined boundary between these uses and adjacent single-family residential uses and the design of the proposed development is compatible with surrounding uses. The proposal complies with the requirements of the Land Development Code (LDC), with the exception of those requirements that will be reviewed by the BOZA on March 20, 2017.

TECHNICAL REVIEW

Variances will be heard by the Board of Zoning Adjustment on March 20, 2017.

STAFF CONCLUSIONS

The Detailed District Development Plan appears to be adequately justified and meets the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Land Development & Transportation must determine if the proposal meets the standards established in the LDC for approving a Detailed District Development Plan.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Detailed District Development Plan.

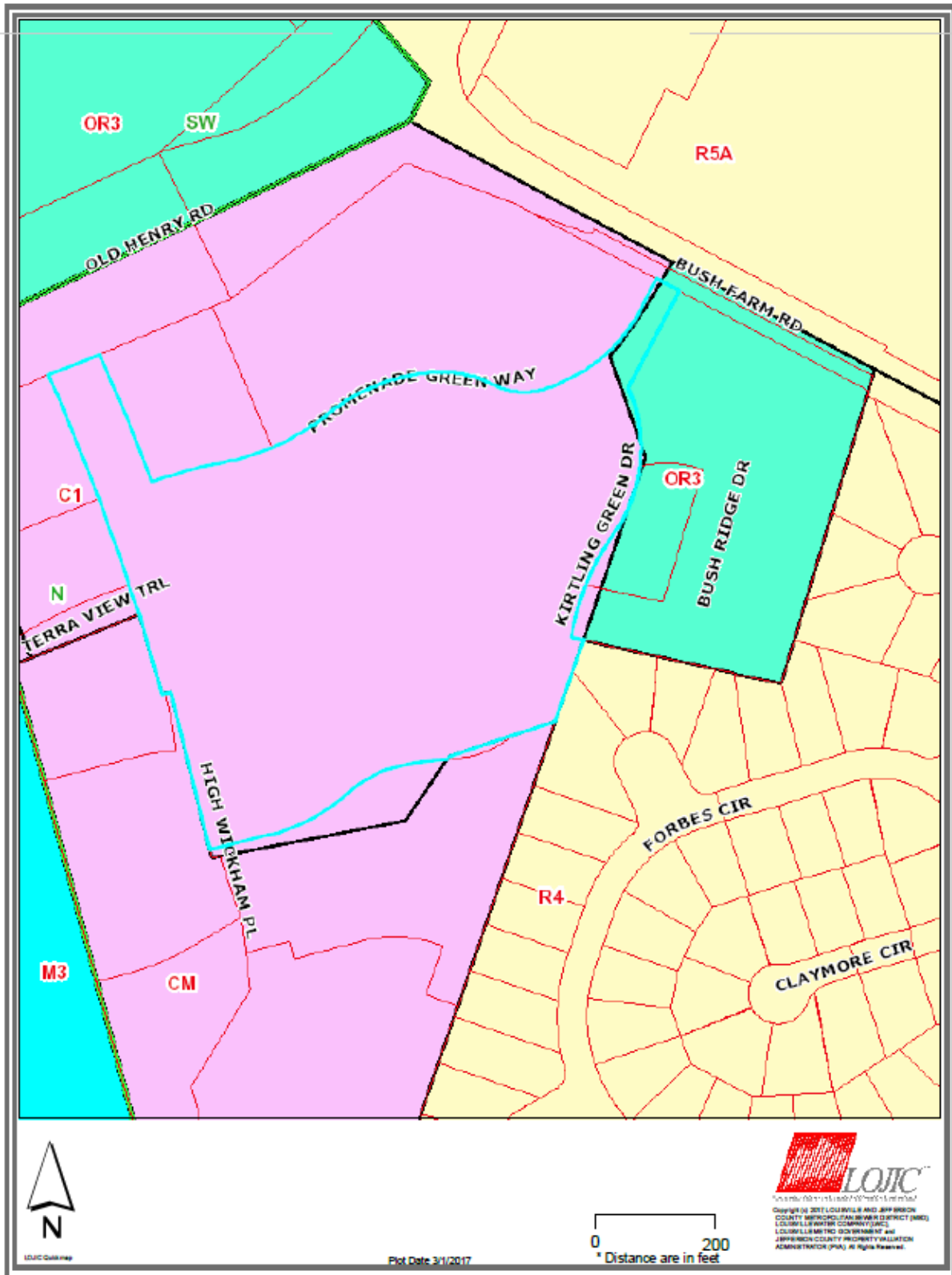
NOTIFICATION

Date	Purpose of Notice	Recipients
2/23/17	LD&T	Adjoining property owners, applicant, representative, case manager, and registered users of Council District 19.

ATTACHMENTS

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

1. **Zoning Map**



2. Aerial Photograph



3. Proposed Binding Elements

All binding elements from the approved General District Development Plan are applicable to this site, in addition to the following:

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 or the Planning Commission's for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. 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 or legal instrument shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services.
 - c. The appropriate variance shall be obtained to allow the development as shown on the approved district development plan.
 - d. 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.
5. 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.
6. 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.