

Land Development & Transportation Committee

Staff Report

September 8, 2016



Case No:	16DEVPLAN1071
Project Name:	4208 Simcoe Lane
Location:	4208 Simcoe Lane
Owner(s):	Jaytee Springhurst, LLC
Applicant(s):	Same
Representative(s):	Glenn Price, Frost Brown Todd, LLC
Project Area/Size:	6.32 acres
Existing Zoning District:	Office Tourist Facility
Existing Form District:	Neighborhood
Jurisdiction:	Louisville
Council District:	17 – Glen Stuckel
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Revised Detailed District Development Plan review for medical/office development.

CASE SUMMARY/SITE CONTEXT

The proposed development is for two 2-story medical office buildings on two parcels equaling a total building area of 40,800 square feet. The site is located south of the intersection of I-265 and Brownsboro Road, in northeast Louisville. The proposal includes 201 parking spaces for the office buildings and 77 parking spaces being provided via shared parking agreement for the property to the west. This site will be accessed from an existing curb cut from Simcoe Lane through the property to the west.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant/Parking	OTF	N
Proposed	Medical Offices	OTF	N
Surrounding Properties			
North	Interstate	NA	NA
South	Single Family Residential/Recreational Facility	R-4	N
East	Single Family Residential/Condos	R-4	N
West	Offices	C-1	RC

PREVIOUS CASES ON SITE

15835: Rezoning request from R-4, Single Family Residential to OTF, Office/Tourist Facility for two office buildings and a variance request from 5.3.1.C.5, Table 5.3.2 of the Land Development Code to allow two proposed buildings to exceed the 80' maximum front setback requirement.

INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- 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: LOJIC does not indicate any environmental constraints on the site. Tree canopy requirements of the Land Development Code will be provided on the subject site by providing 54,886 square feet or 20% of the site area in tree canopy.

- 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 and around the development and the community have been provided through the proposed vehicular crossover access and the proposed sidewalk network throughout the development and connecting to the adjacent property to the west.

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

STAFF: There is no open space requirement with 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 land uses are compatible with the existing and future development of the area, as office and commercial uses have become characteristic of this area surrounding Brownsboro Road.

- 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: This development conforms to the Land Development Code and the Comprehensive Plan as all requirements have been met.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

TECHNICAL REVIEW

This proposal has received preliminary approvals from both MSD and Transportation.

STAFF CONCLUSIONS

The Revised Detailed District Development plan is in order and the standard of review has been met.

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

REQUIRED ACTIONS

- **APPROVAL** or **DENIAL** the Revised Detailed District Development Plan

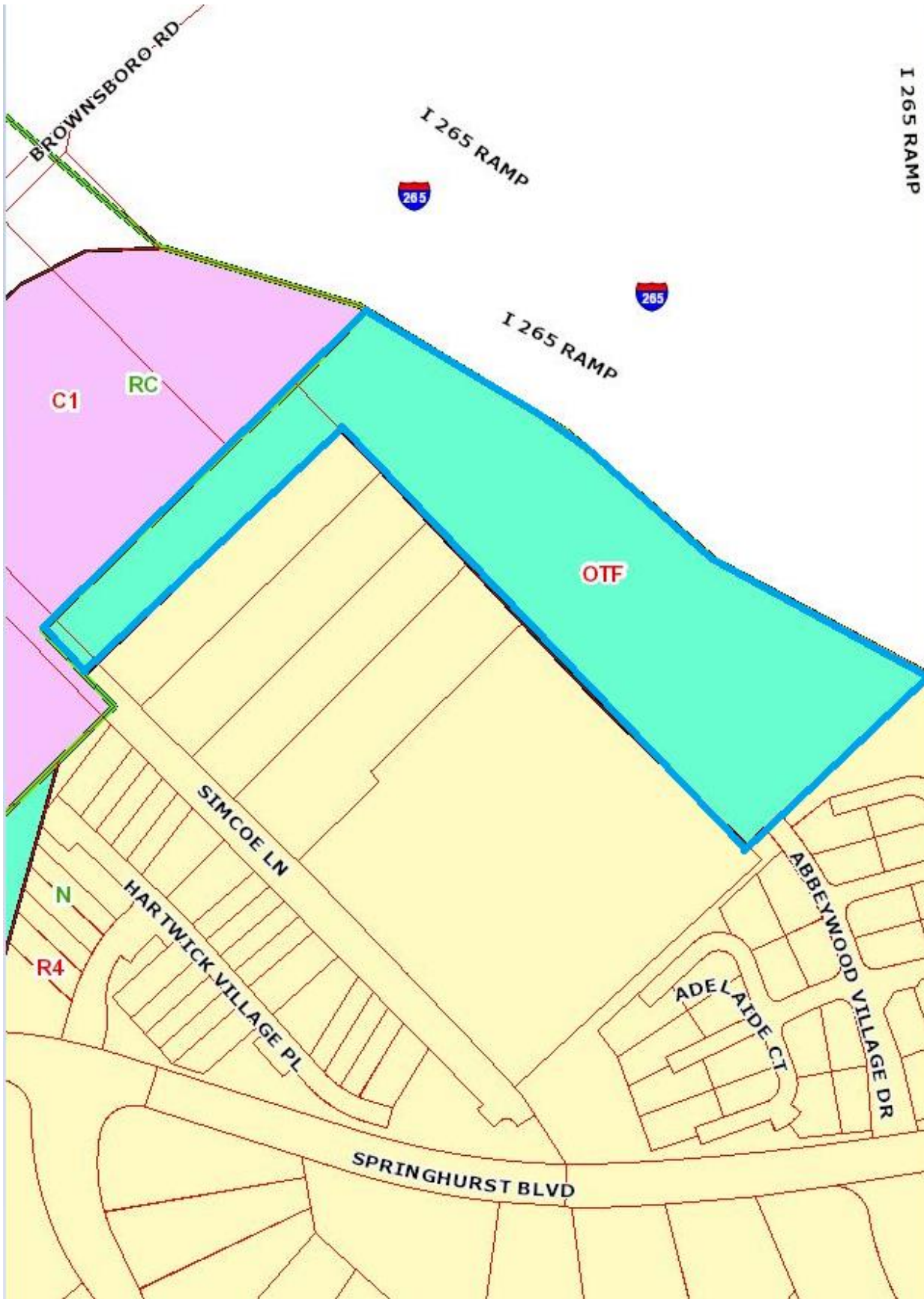
NOTIFICATION

Date	Purpose of Notice	Recipients
August 29, 2016	APO Notice of Public Meeting	First tier adjoining property owners
August 26, 2016	Notice of Public Meeting	Registered neighborhood groups

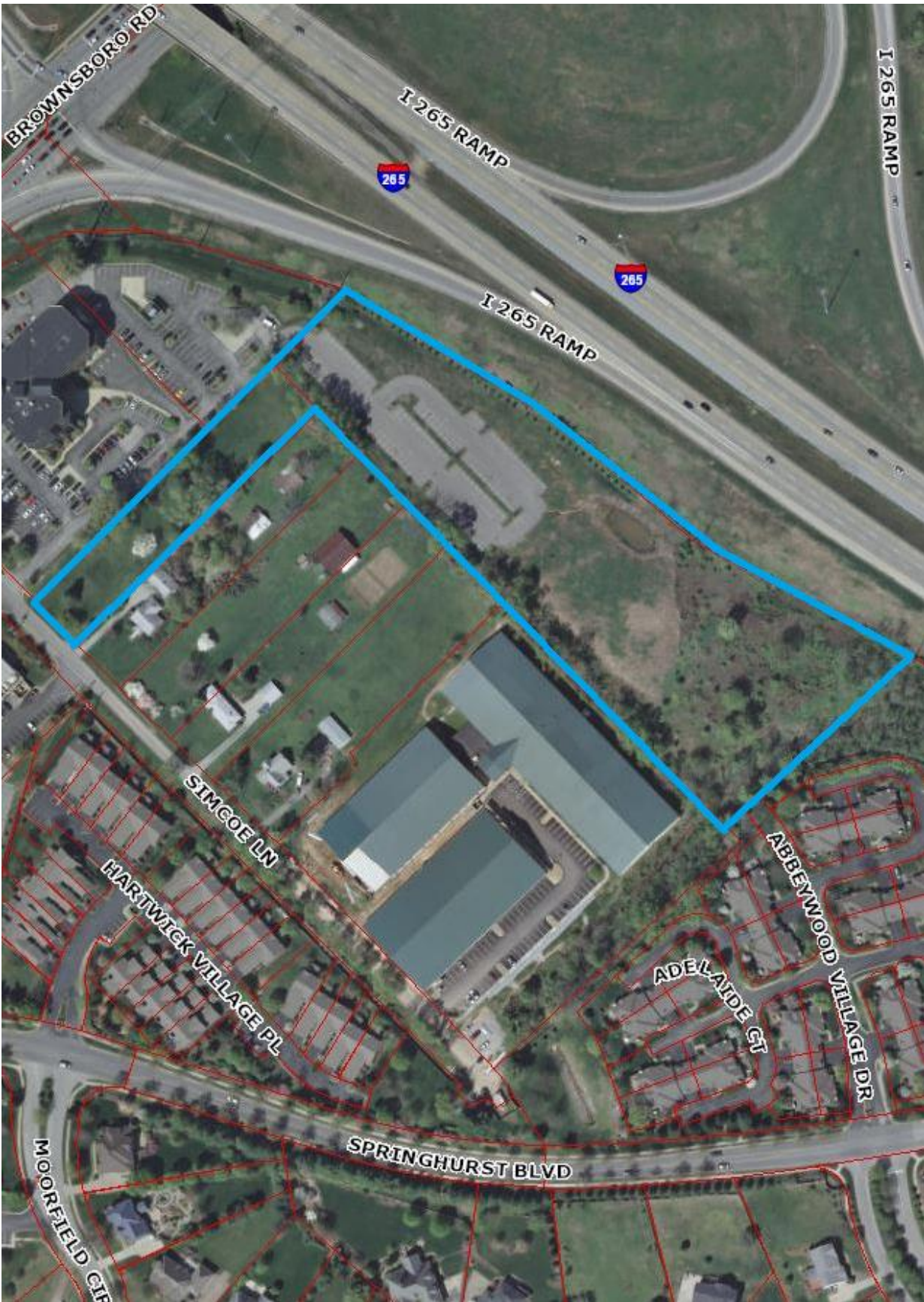
ATTACHMENTS

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

1. Zoning Map



2. Aerial Map



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 or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 40,800 square feet of gross floor area.
3. There shall be no direct vehicular access to Simcoe Lane.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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.
6. 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. Encroachment permits must be obtained from Louisville Metro Public Works.
 - c. A minor subdivision plat shall be recorded dedicating additional right-of-way to Simcoe Lane as shown on the approved 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.
 - 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.
 - e. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - f. 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.
 - g. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.

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. 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.

9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the 1/5/2012 Planning Commission meeting.

10. 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.

11. Upon development or redevelopment of the adjacent properties, a cross-access agreement and details thereof, and responsibilities for construction and maintenance of said cross-access agreement, shall be required. The appropriate location/s shall be mutually agreed upon by the property owners and Metro Public Works. In the event a location cannot be mutually agreed upon, the development plan shall be returned to the Planning Commission or its Committee designee thereof for final decision. Cross-access agreement to run with the land and in a form acceptable to the Planning Commission Legal Counsel shall be recorded prior to the time of construction approval for the adjacent property to be developed.

12. Prior to the first certificate of occupancy being issued for this site written proof confirming that the previous Conditional Use Permit for the parking lot (Case No. 9783) has been abandoned by action of the Board of Zoning Adjustments or its staff designee.

13. The applicant shall preserve existing trees and vegetation within the variable 25- to 35-foot area marked by green cross-hatching (the "Buffer Area") as shown on the Tree/Vegetation Buffer Exhibit immediately adjacent to property owned by Village of Abbeywood Residents Association, Inc. (DB 6792, P 0088), subject to (a) applicant's right to remove trees or vegetation as necessary to stabilize the slopes of the stream within the proposed 15-foot Sanitary Sewer & Drainage Easement shown on the Exhibit or to locate necessary utilities within the Buffer Area, and (b) the removal of any trees or branches within the Buffer Area which are dead, diseased or hazardous to the public.

14. A screen abutting 4206 Simcoe Lane shall be implemented pursuant to LDC 10.2.4 following a meeting between applicant's representatives and the owner of 4206 Simcoe Lane, subject to DPDS staff approval. Implementation shall occur prior to issuance of certificates of occupancy.

15. Perimeter screening abutting the rear property lines of 4206, 4200 and 4113 Simcoe Lane and abutting the rear property line of the Springhurst Tennis Club shall be implemented following a meeting between the owners of these abutting properties and representatives of the applicant, subject to DPDS staff approval. Implementation shall occur prior to issuance of certificate of occupancy.

4. Proposed Binding Elements

9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the ~~1/5/2012 Planning Commission meeting~~. **September 8, 2016 Land Development & Transportation Meeting.**

16. Developer shall construct intersection improvements at KY 22 & Simcoe Ln to prohibit left turn traffic from Simcoe to KY 22. Construction plans, bond & permit for the intersections improvements shall be completed prior to the issuance of building permit. Intersection improvements shall be constructed prior to the issuance of certificate of occupancy.