

Louisville Metro Planning Commission

April 7, 2016

Docket No. 15ZONE1066

Change in zoning from R-5 to OR to allow office condos on property
located at 504, 506, 508, 510 and 516 Lyndon Lane



Attorneys: Bardenwerper Talbott & Roberts, PLLC

Land Planners, Landscape Architects & Engineers: Mindel Scott & Associates

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Tab 1

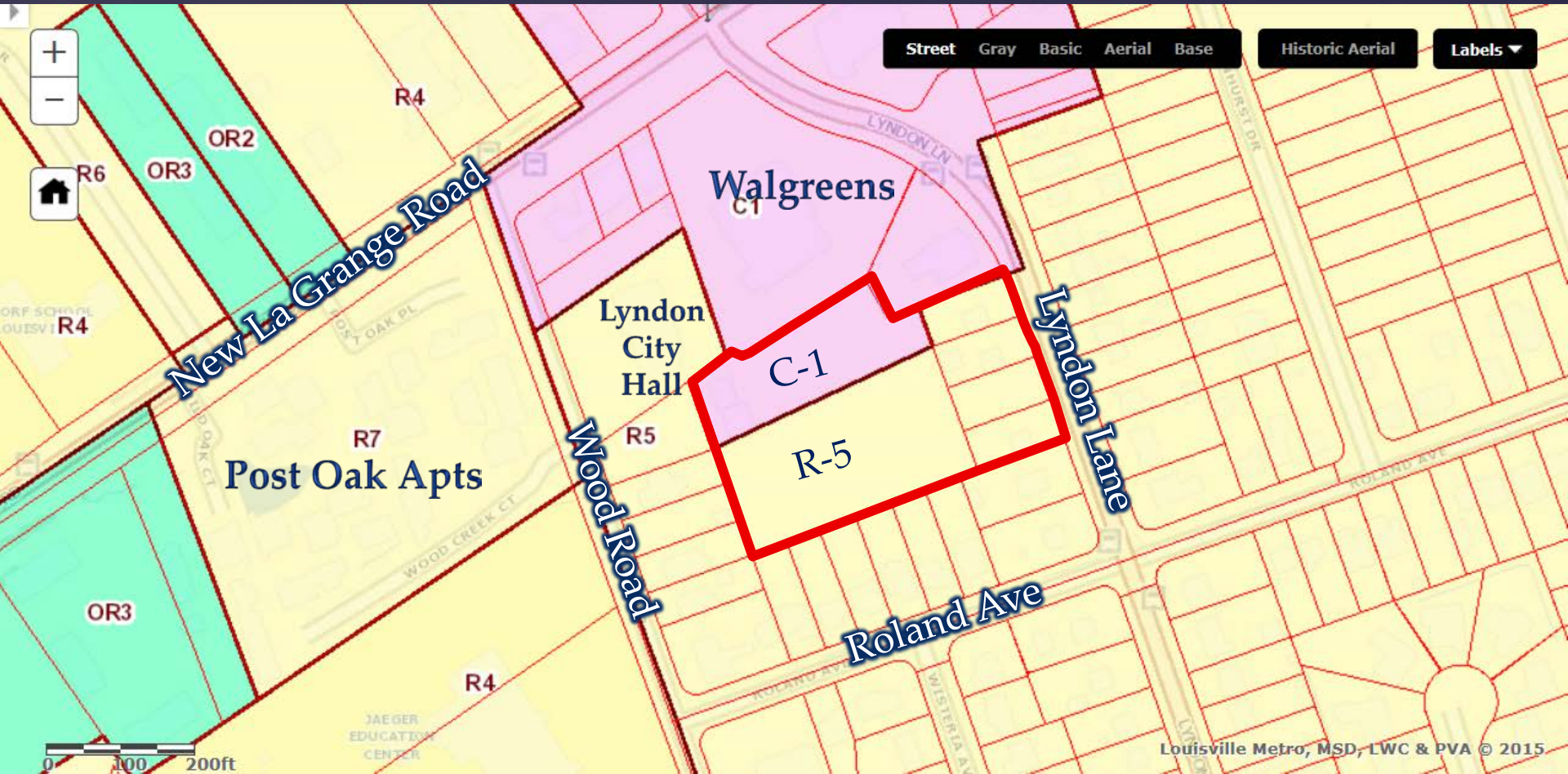
LOJIC Zoning Map



Street Gray Basic Aerial Base

Historic Aerial

Labels ▾



Tab 2

Aerial photograph of the site
and surrounding area



Street Gray Basic **Aerial** Base

Historic Aerial

Labels ▼

New La Grange Road

Walgreens

Lyndon
City
Hall

Post Oak Apts

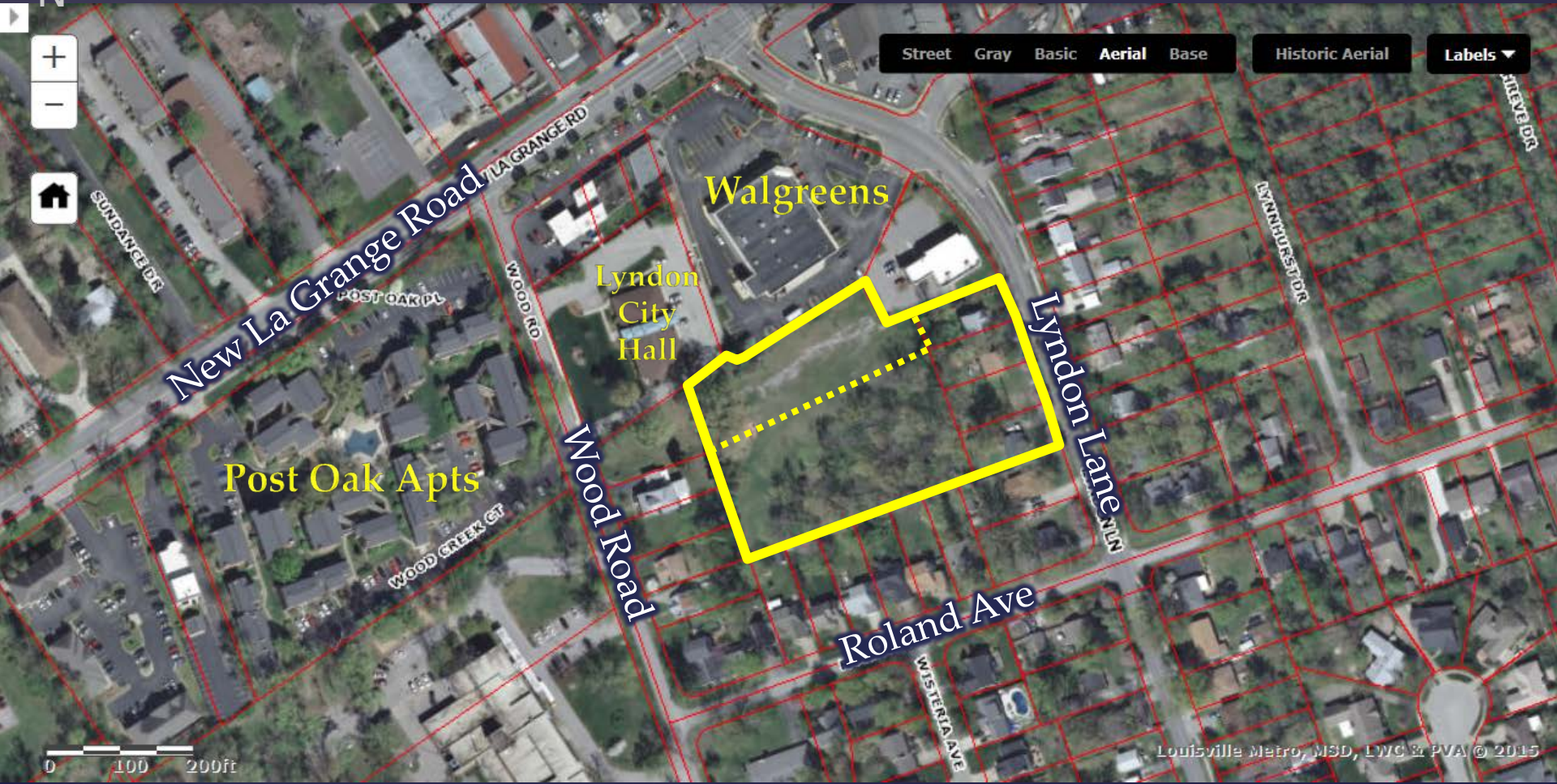
Wood Road

Lyndon Lane

Roland Ave

0 100 200ft

Louisville Metro, MSD, LWC & PVA © 2015



Tab 3

Ground level photographs of
the site and surrounding area



Lyndon Lane

Google

View from Lyndon Lane of site and adjoining Sam Meyers store. Rental homes to be removed.



Lyndon Lane

View from Lyndon Lane of existing rental homes.

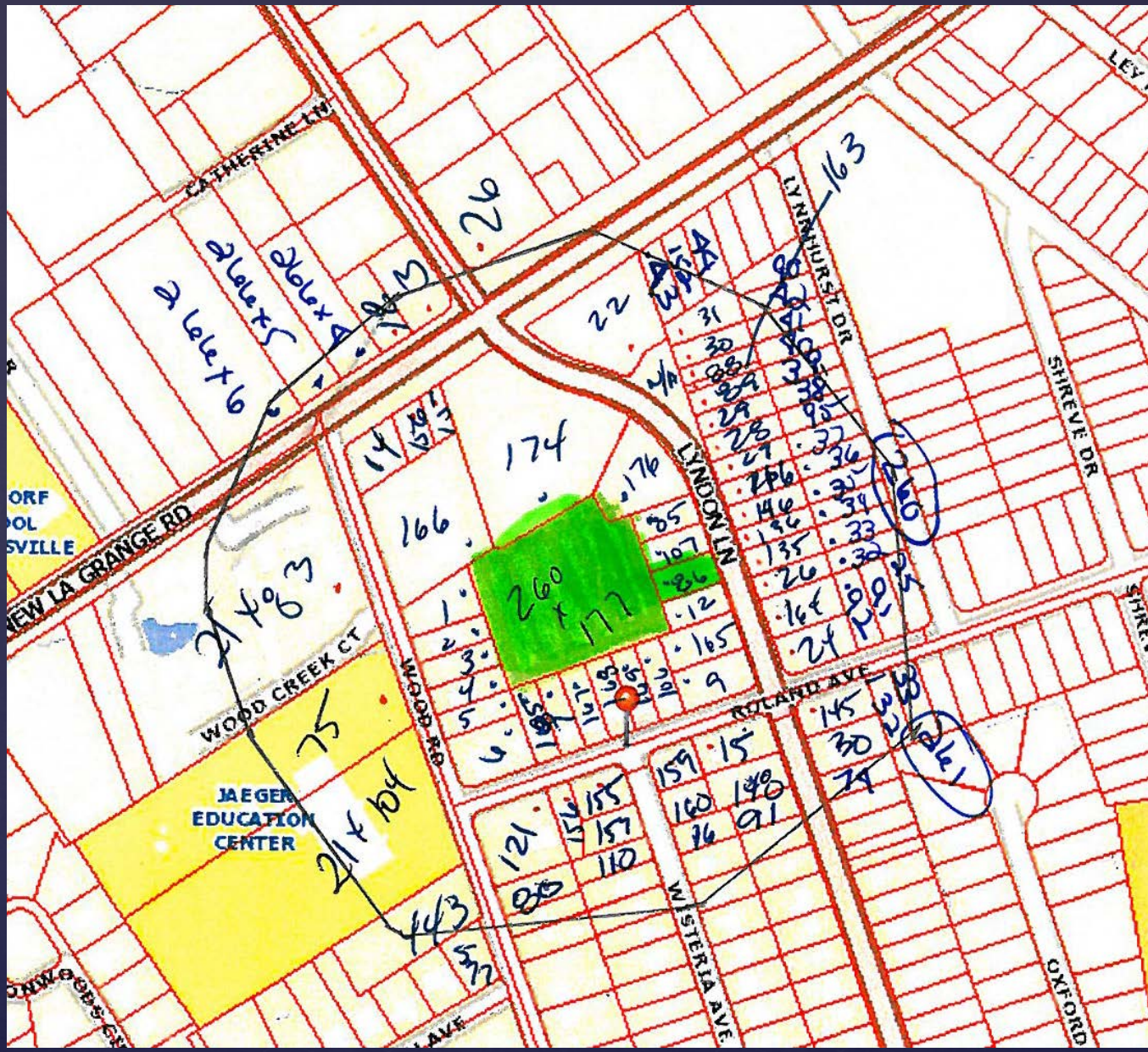


View from Lyndon Lane of existing rear vacant lot and rental homes.

Tab 4

Neighborhood Meeting notice
list map, letter to neighbor
inviting them the meeting and
summary of meeting

Neighborhood Meeting notice list map inviting 80 neighbors to the neighborhood meeting



PINNACLE PROPERTIES

PO Box 43957

Louisville, KY 40253

Phone: (502) 245-0543 (x18)

November 18, 2015

Dear Neighbor,

RE: Proposed change in zoning from R-5 & C-1 to OR and detailed district development plan to allow office condos on approximately 2.3 +/- acres on property located to the south of the Walgreens store at 504, 506, 508, 510 and 516 Lyndon Lane

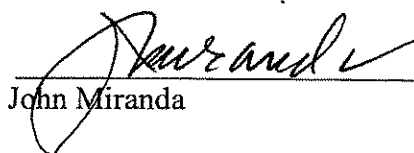
We are writing to invite you to a meeting we have scheduled to present neighbors with our rezoning and detailed district development plan at the location above.

Accordingly, we have filed a plan for pre-application review with the Division of Planning and Design Services (DPDS) that has been assigned case number **15ZONE1065** and case manager Chris Brown. We would like to show and explain this plan to neighbors so that we might hear what thoughts, issues and perhaps even concerns you may have. In that regard, a meeting will be held on **Wednesday, December 2nd at 7:00 p.m.** at the **Lyndon City Hall** located at **515 Wood Road** (*Please enter through the rear door*).

If you cannot attend the meeting but have questions or concerns, please call me, my attorney Bill Bardenwerper at 426-6688, or my land planning and engineering firm representative David Mindel at 485-1508.

We look forward to seeing you.

Sincerely,



John Miranda

cc: Hon. Susan Barto, Mayor, City of Lyndon
Hon. Marilyn Parker, Metro Councilwoman, District 18
Bill Bardenwerper, attorney with Bardenwerper, Talbott & Roberts, PLLC
David Mindel, land planner with Mindel, Scott & Associates, Inc.
Chris Brown, case manager with Division of Planning & Design Services



Pinnacle Properties of Louisville, LLC

PO Box 43957

Louisville, KY 40253

502-245-0543 X 18

January 12, 2016

Dear Neighbor:

My name is John Miranda, a partner in Pinnacle Properties of Louisville, LLC, a local commercial development and homebuilding company. Chris Knopf, my partner, and I have been involved in developing and building several quality commercial communities in the metro area for over 25 years. Some of our office projects include Blankenbaker Centre Office Park (120,000 square feet in 18 buildings as well as neighborhood retail on Blankenbaker Parkway, across from Southeast Christian Church), Eastpoint Park Offices (twelve 6,000 square foot buildings on 5 acres in Eastpoint), Eastgate Professional Park (155,000 square feet in 19 buildings in Middletown), Evergreen Office Park (across the street from the Middletown Post Office), and Springhurst Office condos (located next to Tinseltown Cinemas in Springhurst)

As you may remember, on December 2nd we met with several neighbors to discuss our plans for a small office park off Lyndon Lane (5 buildings totaling 33,500sf) on the property behind the Walgreens. At the time of the meeting, we discussed that this plan was still preliminary, and we were conducting a market study to determine the feasibility of the original planned five building office park. Because of some issues raised as a result of the market study, we needed to expand the office park to encompass the three rental houses in front of the property.

Because we are changing the plan somewhat, we want to, once again, meet with you in order to discuss the plan and answer any questions you may have. There is a neighborhood meeting planned on **Thursday, January 21st at 6:30 PM at the Lyndon City Hall, 515 Wood Road**. If you cannot make the meeting, I will be happy to answer any questions via phone or in person (502-664-7848).

Of course, before we can begin construction, we need to go through the normal review processes, and ultimately, receive all the necessary approvals from the local utility companies, the Metro Planning Commission and the City of Lyndon. This process will take several months and you will be notified as we progress. Thank you.

With regards,

A handwritten signature in blue ink that reads "John J. Miranda".

John J. Miranda

Site Plan & Typical Office Elevation for LYNDON PLACE OFFICE PARK



Some of the Features of our Office Park

- Number of Office Buildings** - 5 Office Buildings (6,100 sq. ft. each)
- 2 Office Buildings (7,500 sq. ft. each)
- Total Acreage of Site** - approximately 2.8 acres
- Amenities Planned:**
- Landscaped Signature Entrance
 - Enhanced Landscape along the perimeter and within the office park
 - Enhanced drainage addressing existing drainage issues
 - Irrigated Common Areas
 - Underground Utilities
 - Street Lights and sidewalks



John Miranda
(502) 664-7848

john@pinnacleproperties.com

NEIGHBORHOOD MEETING SUMMARY

The neighborhood meeting was called to order by Bill Bardenwerper, counsel for the applicant, Pinnacle Properties, Inc. He showed a PowerPoint presentation of the site, which included LOJIC map, aerial photographs, the prior apartment proposals and the current office condo building site plan with pictures of concept office buildings.

He next explained the process, beginning with some further determinations by the client as to building and entrance designs, plus what goes into the perimeter buffer areas. After that, and official filing will occur, followed by DPDS and other government agency case management review, followed by Planning Commission LD&T meeting, then Public Hearing, then final review and vote by the Lyndon City Council.

If approved, the development would probably get started next summer/fall with it 1 to 3 year completion timeframe.

David Mindel with Mindel-Scott and Associates, Inc. next described the development plan, including setbacks, two entrance-ways, and differences between the heights of the former proposed apartment buildings and these two-story office condo buildings and relative smaller sizes of these 5 proposed office condo buildings versus previously proposed 2 apartment buildings. He also explained in some detail storm water management and water quality, especially how detention will be provided and that peak rates of runoff will not post-development exceed predevelopment conditions. Mr. Bardenwerper further explained how that works. Mr. Mindel also generally described water quality measures

Then John Miranda with Pinnacle Properties Inc. explained his company's history, what they have done before with office condo projects around Metro Louisville and where, the types of tenants and potential designs of these buildings, which he is still working on.

Most of the questions then asked were about drainage, because the area is flat and especially west of this site there appears to be standing water problems in a drainage system that doesn't sound like it completely operates correctly. Mr. Mindel tried to explain why this may be, what might be done and how he will investigate this further. Mr. Miranda explained how he always tries to over-detain on his projects. He gave neighbors present the locations of some of his recent office condo building projects for them to take a look at.

There were also comments about peak hour traffic in and around Lyndon Lane. Mr. Bardenwerper explained that, while that is so, especially when trains back up traffic, fortunately there are lots of ways to maneuver in and around the intersection with good cross connecting streets and connected parking lots.

Overall, while area residents especially along Roland Ave and to a lesser extent Wood Rd are concerned about the type of screening and buffering and mitigation of drainage issues, the view was positive relative to previous proposals on this site. Mr. Miranda and Mr. Mindel particularly agreed to walk along the Roland Avenue rear property line with residents to determine what, if any, trees can be retained and how, perhaps better, to install a drainage ditch and new landscaping.

Tab 5

Development Plan

Current overall proposed development plan

Phase 1, outlined in red, is the DDDP portion of the site that was approved at the March 2, 2016 DRC hearing and at the March 28, 2016 Lyndon City Council meeting.

Proposed zone change from R-5 to OR is Phase 2.



Overall development plan of site



Lyndon Ln

Sam Meyers

Walgreens

Lyndon City Hall

Lyndon Ln

Roland Ave

New LaGrange Road



Tab 6
Building Elevation

Proposed elevation of office building (except this one will have a shingle roof), which is very similar to the office buildings the applicant built at Blankenbaker Center.



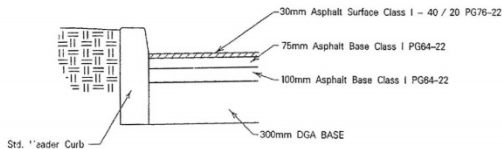
Photograph of office building the applicant built at Blankenbaker Center, which is similar (although the one at this site will have a shingle roof) to what is being proposed at this site.



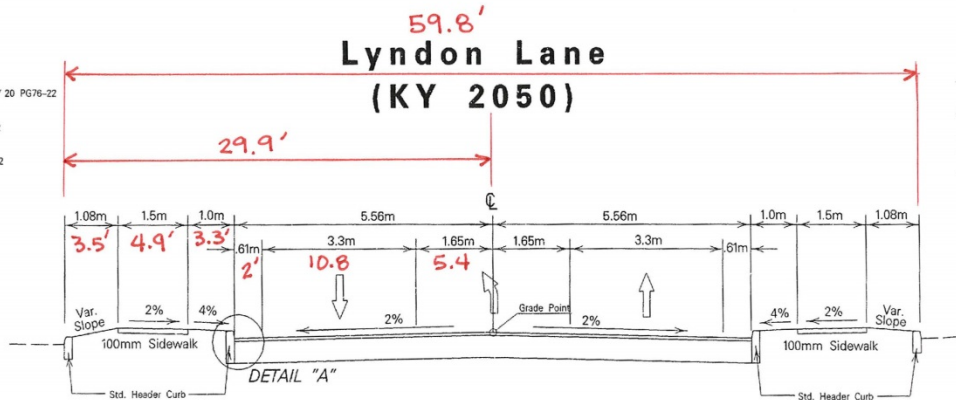
Tab 7

Roadway cross-section and road
improvements

TYPICAL SECTION

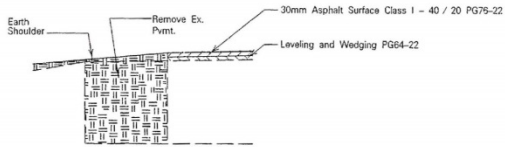


DETAIL "A"
STA. 4+000 TO 4+125

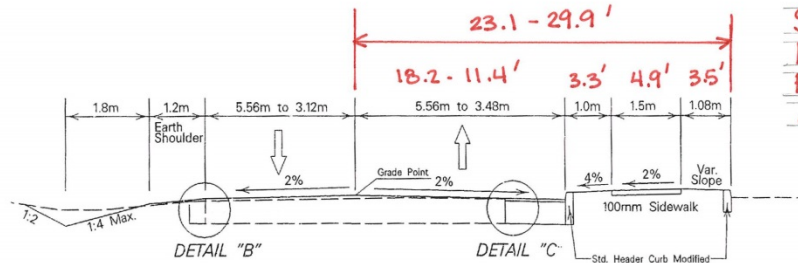


SECTION FROM LAGRANGE RD. NORTH (ACROSS WALGREENS) TO STA. 4+125±

NOTE: See cross-sections for slopes outside the limits of the shoulder or berm.

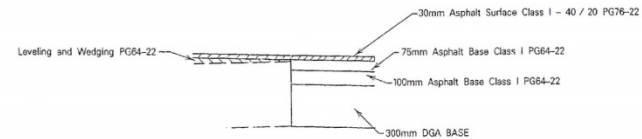


DETAIL "B"
STA. 4+125± TO 4+178



SECTION ROUGHLY ACROSS LOT 176 (SAM MEYERS) TRANSITIONS FROM 3 TO 2 LANES, FROM 60'± TO 50' R/W.

NEW CONSTRUCTION - FULL PAVEMENT
NEW CONSTRUCTION - FLEXIBLE PAVEMENT
STA. 4+125± TO 4+178



DETAIL "C"

Commercial Entrance

- Asphalt
- DGA Base 300mm Depth
- Asphalt Base Class I PG64-22 175mm Depth
- Asphalt Surface Class I-40/20 PG76-22 30mm Depth

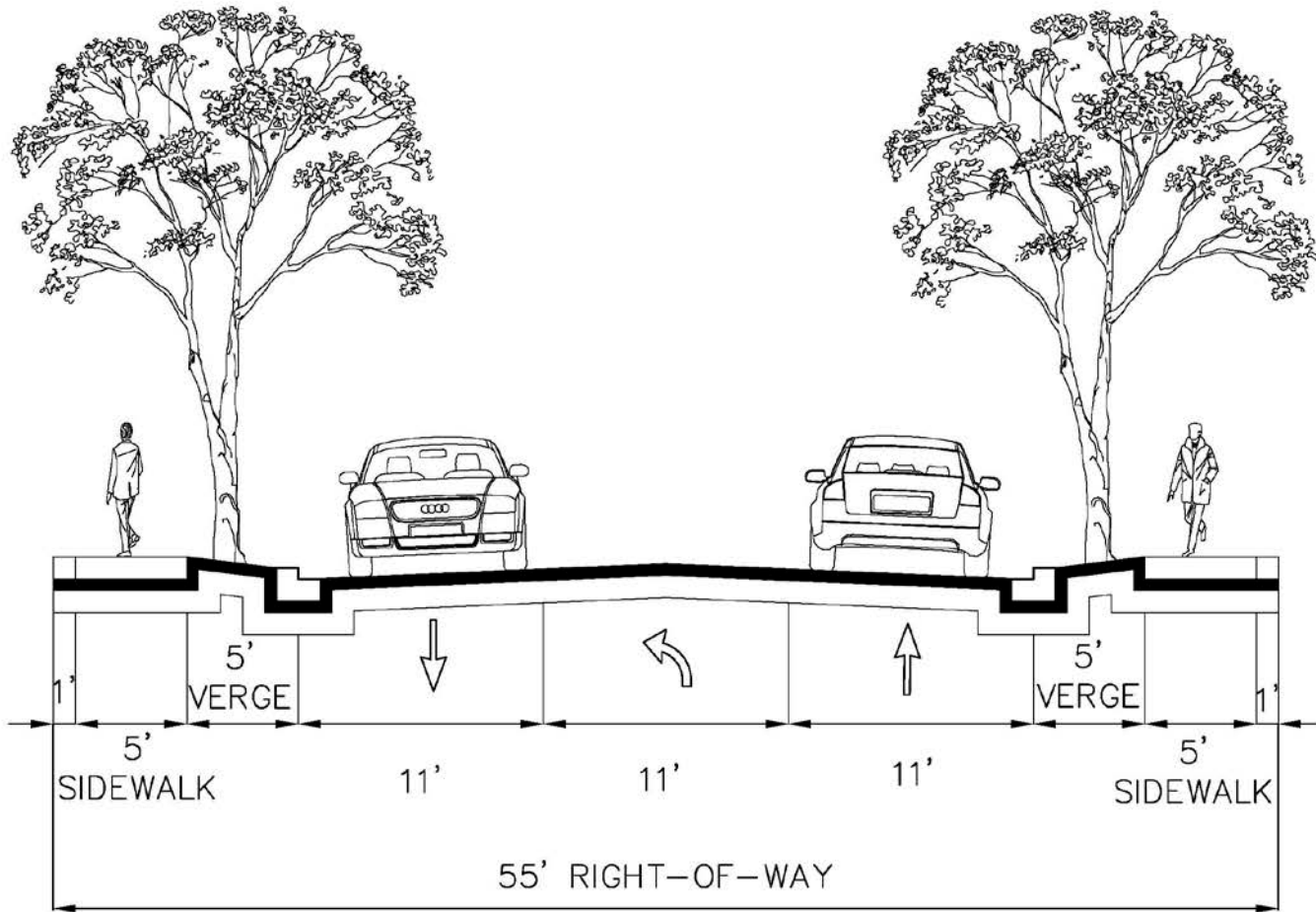
Residential Entrances

- Asphalt
- DGA Base 100mm Depth
- Asphalt Base Class I PG64-22 50mm Depth
- Asphalt Surface Class I-40/20 PG76-22 30mm Depth

Lyndon Lane
NEW CONSTRUCTION: FLEXIBLE PAVEMENT
USING

- Dense Grade Aggregate Base 300mm Depth
- Leveling & Wedging PG64-22 est. at 6mm
- Asphalt Base Class I PG64-22 175mm Depth(1-100mm Course; 1-75mm Courses)
- Asphalt Surface Class I - 40 / 20 PG76-22 30mm Depth

3



Legend
Site Boundary

Lyndon Office Centre
South of LaGrange Rd on the west side of Lyndon Lane. Existing Lyndon Lane currently transitions from 3 lanes at LaGrange Rd to 2 lanes in front of site and southward.



100 ft



Tab 8

Statement of Compliance filed with the original zone change application with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan and Waiver Justification

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • WWW.BARDLAW.NET

STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant: Pinnacle Properties of Louisville, LLC

Owner: Sydney & Elsie Wright

Location: 504, 506, 508, 510, 516 Lyndon Lane

Proposed Use: Office condos

Request: Zone change from R5 to OR in conjunction with revised detailed district development plan (RDDDP) for C-1 portion of overall office condominium site

Engineers, Land Planners and
Landscape Architects: Mindel Scott & Associates, Inc.

INTRODUCTION

A portion of this overall site was rezoned in 1987 when the Walgreens store was approved in conjunction with redevelopment of the old Country Key Market shopping center site and redirection of Lyndon Lane so as to create a “t” intersection at New LaGrange Road. The portion zoned C-1 at that time is the portion that is the subject of the above-referenced RDDDP where two of the proposed seven office buildings will be located. The remaining portion of the presently vacant site plus four single-family lots being proposed for rezoning from R-5 to OR are where the other five office buildings are proposed to be located. The applicant entity has had great success with relatively small, residential-style office condo buildings in and around Lyndon, Middletown, Blankenbaker Parkway and elsewhere and so feels that this site, partly within and partly on the edge on the Lyndon Town Center Form District, is a good site for office buildings of a similar size, style and design that has proved successful for it and the communities in which it has built these office buildings elsewhere. The portion of the overall site presently devoted to four single-family lots is proposed to serve as the primary signature entrance point to this proposed office condominium community. Three small single-family homes on these four lots will be eliminated, partly because they are not in a great state of repair and partly because these lots serve as a better point of access in terms of aesthetic and traffic management to this office condominium community.

GUIDELINE 1 – COMMUNITY FORM

This application complies with this Guideline because the Suburban Neighborhood Form District, like the Town Center Form District, is characterized by both residential and a mix of compatible commercial uses.

GUIDELINE 2 - CENTERS

This application complies with the Intents and applicable Policies 1, 2, 4, 5, 7, 9, 11, 13, 14 and 15 of the Guideline as follows.

The portion of this overall site that is the subject of the rezoning looks and feels very much like the balance of the site that is already zoned C-1 and subject of the RDDDP application. Utilities are available at property lines. The Lyndon Town Center has proven to be a good location for office condominiums because of the significant intensity of residential uses and several high density apartment communities located in and around it and also because of the variety of retail uses located in and around the Lyndon Town Center as well – all making use of the kinds of office tenants who typically locate in these kinds of office condominium buildings. Locating these office condominium buildings as proposed at this site does help reduce vehicle miles traveled and further improves the vitality and sense of place of the Lyndon Town Center core. The proposed development serves to revitalize a portion of the Lyndon Town Center and immediate surroundings that are presently underutilized and in need of rejuvenation.

Further, this office condominium community constitutes a compact development of seven relatively small, residential style office buildings, no more than two stories in height, which is similar to some nearby two-story homes. The parking lot for all seven buildings will be shared, and buildings will be located around the perimeter of the parking located at the center of the site. In this way, the buildings screen the parking, and the buildings are easily accessible to the parking.

GUIDELINE 3: COMPATIBILITY

This application complies with the Intents and applicable Policies 1, 2, 4, 5, 6, 7, 8, 9, 21, 22, 23, 24 and 29 of this Guideline as follows.

As referenced above, the proposed buildings are residential in style and design, two stories in height of brick construction. In addition to these aesthetic factors, office condo buildings do not create odors or noise. Lighting will be directed down and away from nearby residential properties and will be in compliance with lighting restrictions of the Land Development Code (LDC).

Previous to the present office condominium plan, the owners of the subject property had planned for large, three-story apartment buildings on this overall site. Nearby residents expressed opposition to these buildings mostly because of their size and scale, which they felt were out of character, and thus incompatible, with adjoining residential properties. At the neighborhood meeting pertaining to this application, neighbors present expressed a preference for these proposed office condominium buildings over the previous apartment proposal and over anything retail. They liked the smaller buildings, lesser hours of operation and the proposed transitions in terms of setbacks, screening and buffering, which will likely involve mostly new, instead of retained, trees and other plant materials.

The applicant agreed to meet with neighbors again once the building designs and landscape buffer plan were finally prepared.

GUIDELINE 6: ECONOMIC GROWTH AND SUSTAINABILITY

This application complies with the Intents and applicable Policies 2, 3, 5, 6, 7 and 11 of this Guideline as follows.

As referenced above, this is a mostly vacant site, although partly occupied by three insubstantial residential structures. The Lyndon Town Center has proven to be a great location for office condo buildings of this kind because it is a center of fairly intense residential and commercial activity. Therefore, redeveloping this overall site will lead to a continuing revitalization of the Lyndon Town Center.

GUIDELINES 7, 8 AND 9: CIRCULATION; TRANSPORTATION FACILITY DESIGN; AND BICYCLE, PEDESTRIAN AND TRANSIT

This application complies with the Intents and applicable Policies 1, 2, 3, 4, 6, 10, 11, 12, 13, 14, 16 and 18 of Guideline 7; Policies 7, 9, 10 and 11 of Guideline 8; and Policies 1, 2, 3 and 4 of Guideline 9 as follows.

In addition to the signature entrance on Lyndon Lane, which appears to be an adequate distance from other commercial points of access along this active collector level roadway, the office condo development will have another point of access from the rear of the existing Walgreens store and from the adjoining small retail building housing a dry cleaner and tax corporation service. It provides for excellent cross-connectivity and helps address issues of traffic congestion in the Lyndon Town Center at peak hours and during times of CSX train traffic.

Furthermore, the detailed district development plan (DDDP) accompanying this zoning application and the related RDDDP must receive the preliminary stamps of approval from Metro Transportation Planning and Public Works, in consultation with the Lyndon City Engineer, prior to docketing of this application for any Planning Commission public review. Those agency reviews will look at the proposed points of access and connections as well as corner clearances, site distances, median opening and adequacy of parking. These agencies will also likely require some level of traffic analysis in order to determine impacts on local road systems levels of service.

Transit is available in the area. Sidewalks will be provided where required. Bicycle parking will be accommodated.

GUIDELINE 10: FLOODING, STORMWATER

This application complies with Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 as follows.

On-site detention will be provided such that post-development rates of runoff do not exceed pre-development conditions. Additionally, because area residents have advised the applicant of drainage problems in the area, the applicant has promised to have his engineer review these drainage conditions and advise MSD of them so as to determine whether reasonable repairs

and/or mitigation measures can be made to existing storm water systems in association with this proposed office condominium development.

GUIDELINE 11: WATER QUALITY

This application complies with the Intents and applicable Policies 1, 3 and 5 of this Guideline as follows.

At time of construction, the developer of this site will be required to comply with MSD's soil erosion and sedimentation control regulations. Also, new water quality standards have been implemented by MSD which must be addressed as well at time of construction plan approval.

GUIDELINE 12: AIR QUALITY

This application complies with the Intents and applicable Policies 1, 2, 3, 6, 7, 8 and 9 of this Guideline as follows.

As referenced above, this proposed office condominium community is located at the heart of the Lyndon Town Center, thus reducing vehicle miles traveled for people already engaged in commerce and residing in this area. Reduced miles traveled leads to improved air quality.

GUIDELINE 13: LANDSCAPE CHARACTER

This application complies with the Intents and applicable Policies 1, 2, 4, 5 and 6 of this Guideline as follows.

The LDC requires tree canopies as well as both perimeter and interior landscaping of all sites. This application will comply with LDC standards, and indeed it will exceed those standards because of the enhanced setback together with good plan for screening and buffering as promised nearby residents as explained above.

* * *

For all of the above-stated reasons, plus those that will be further explained at the LD&T meeting and Planning Commission public hearing, this application complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan.

Respectfully submitted,

William B. Bardenwerper
Bardenwerper Talbott & Roberts, PLLC
Building Industry Association of Greater Louisville Building
1000 N. Hurstbourne Parkway, Second Floor
Louisville, KY 40223

General Waiver Justification:

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer all of the following questions. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

Waiver of: Section 10.2.4 to eliminate the LBA between the C-1 and OR zoned property

Explanation of Waiver:

1. The waiver will not adversely affect adjacent property owners because it only pertains to the area between the two zoning districts internal to the proposed development.
2. The waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application.
3. The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because it only pertains to the internal landscape area otherwise required between two different zoning districts which is internal to the development and not only cannot be, but also should not be, required in this unique situation because the landscape buffer would serve no purpose.
4. Strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because, if the landscape buffer were provided, it would disrupt the connectivity and the land plan, building layout, and building architecture involved in this office condo project.

Tab 9

Proposed findings of fact
pertaining to compliance with the
Comprehensive Plan and Waiver
criteria

BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG • 1000 N. HURSTBOURNE PARKWAY • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223
(502) 426-6688 • WWW.BARDLAW.NET

PROPOSED FINDINGS OF FACT REGARDING COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

<u>Applicant:</u>	Pinnacle Properties of Louisville, LLC
<u>Owner:</u>	Sydney & Elsie Wright
<u>Location:</u>	504, 506, 508, 510, 516 Lyndon Lane
<u>Proposed Use:</u>	Office condos
<u>Request:</u>	Zone change from R5 to OR in conjunction with revised detailed district development plan (RDDDP) for C-1 portion of overall office condominium site
<u>Engineers, Land Planners and Landscape Architects:</u>	Mindel Scott & Associates, Inc.

The Louisville Metro Planning Commission, having heard testimony before its Land Development & Transportation Committee, in the Public Hearing held on April 7, 2016 and having reviewed evidence presented by the applicant and the staff's analysis of the application, make the following findings:

INTRODUCTION

WHEREAS, a portion of this overall site was rezoned in 1987 when the Walgreens store was approved in conjunction with redevelopment of the old Country Key Market shopping center site and redirection of Lyndon Lane so as to create a "t" intersection at New LaGrange Road; the portion zoned C-1 at that time is the portion that is the subject of the above-referenced, recently approved RDDDP where two of the proposed seven office buildings will be located; the remaining portion of the presently vacant site plus four single-family lots being proposed for rezoning from R-5 to OR are where the other five office buildings are proposed to be located; the applicant entity has had great success with relatively small, residential-style office condo buildings in and around Lyndon, Middletown, Blankenbaker Parkway and elsewhere and so feels that this site, partly within and partly on the edge on the Lyndon Town Center Form District, is a good site for office buildings of a similar size, style and design that has proved successful for it and the communities in which it has built these office buildings elsewhere; the portion of the overall site presently devoted to four single-family lots is proposed to serve as the primary signature entrance point to this proposed office condominium community; and three small single-family homes on these four lots will be eliminated, partly because they are not in a great state of repair and partly because these lots serve as a better point of access in terms of aesthetic and traffic management to this office condominium community; and

GUIDELINE 1 – COMMUNITY FORM

WHEREAS, this application complies with this Guideline because the Suburban Neighborhood Form District, like the Town Center Form District, is characterized by both residential and a mix of compatible commercial uses; and

GUIDELINE 2 - CENTERS

WHEREAS, this application complies with the Intents and applicable Policies 1, 2, 4, 5, 7, 9, 11, 13, 14 and 15 of the Guideline as follows; and

WHEREAS, the portion of this overall site that is the subject of the rezoning looks and feels like the balance of the site that is already zoned C-1; utilities are available at property lines; the Lyndon Town Center has proven to be a good location for office condominiums because of the significant intensity of residential uses and several high density apartment communities located in and around it and also because of the variety of retail uses located in and around the Lyndon Town Center as well – all making use of the kinds of office tenants who typically locate in these kinds of office condominium buildings; locating these office condominium buildings as proposed at this site does help reduce vehicle miles traveled and further improves the vitality and sense of place of the Lyndon Town Center core; and the proposed development serves to revitalize a portion of the Lyndon Town Center and immediate surroundings that are presently underutilized and arguably in need of rejuvenation; and

WHEREAS, this office condominium community constitutes a compact development of seven relatively small, residential style office buildings, no more than two stories in height, which is similar to some nearby two-story homes; the parking lot for all seven buildings will be shared, and buildings will be located around the perimeter of the parking located at the center of the site; and in this way, the buildings screen the parking, and the buildings are easily accessible to the parking; and

GUIDELINE 3: COMPATIBILITY

WHEREAS, this application complies with the Intents and applicable Policies 1, 2, 4, 5, 6, 7, 8, 9, 21, 22, 23, 24 and 29 of this Guideline as follows; and

WHEREAS, as referenced above, the proposed buildings are residential in style and design, two stories in height of brick construction; in addition to these aesthetic factors, office condo buildings do not create odors or noise; and lighting will be directed down and away from nearby residential properties and will be in compliance with lighting restrictions of the Land Development Code (LDC); and

WHEREAS, previous to the present office condominium plan, the owners of the subject property had planned for large, three-story apartment buildings on this overall site; nearby residents expressed opposition to these buildings mostly because of their size and scale, which they felt were out of character, and thus incompatible, with adjoining residential properties; at the neighborhood meetings pertaining to this application, neighbors present expressed a preference for these proposed office condominium buildings over the previous apartment proposal and over anything retail; and they liked the smaller buildings, lesser hours of operation

and the proposed transitions in terms of setbacks, screening and buffering, which will likely involve mostly new, instead of retained, trees and other plant materials; and

WHEREAS, the applicant met with neighbors again once the building designs and landscape buffer plan were finally prepared; and

GUIDELINE 6: ECONOMIC GROWTH AND SUSTAINABILITY

WHEREAS, this application complies with the Intents and applicable Policies 2, 3, 5, 6, 7 and 11 of this Guideline as follows; and

WHEREAS, as referenced above, this is a mostly vacant site, although partly occupied by three insubstantial residential structures; the Lyndon Town Center has proven to be a great location for office condo buildings of this kind because it is a center of fairly intense residential and commercial activity; and therefore, redeveloping this overall site will lead to a continuing revitalization of the Lyndon Town Center; and

GUIDELINES 7, 8 AND 9: CIRCULATION; TRANSPORTATION FACILITY DESIGN; AND BICYCLE, PEDESTRIAN AND TRANSIT

WHEREAS, this application complies with the Intents and applicable Policies 1, 2, 3, 4, 6, 10, 11, 12, 13, 14, 16 and 18 of Guideline 7; Policies 7, 9, 10 and 11 of Guideline 8; and Policies 1, 2, 3 and 4 of Guideline 9 as follows; and

WHEREAS, in addition to the signature entrance on Lyndon Lane, which appears to be an adequate distance from other commercial points of access along this active collector level roadway, the office condo development will have another point of access from the rear of the existing Walgreens store and from the adjoining small retail building housing a dry cleaner and tax corporation service; and it provides for excellent cross-connectivity and helps address issues of traffic congestion in the Lyndon Town Center at peak hours and during times of CSX train traffic; and

WHEREAS, the detailed district development plan (DDDP) and the approved RDDDP received the preliminary stamps of approval from Metro Transportation Planning and Public Works, prior to docketing for the Development Review Committee (DRC) and Planning Commission public review; those agency reviews looked at the proposed points of access and connections as well as corner clearances, site distances, median opening and adequacy of parking; and those agencies also required some level of traffic analysis in order to determine impacts on local road systems levels of service; and

WHEREAS, transit is available in the area; sidewalks will be provided where required; and bicycle parking will be accommodated; and

GUIDELINE 10: FLOODING, STORMWATER

WHEREAS, this application complies with Intents and applicable Policies 1, 3, 6, 7, 10 and 11 of Guideline 10 as follows; and

WHEREAS, on-site detention will be provided such that post-development rates of runoff do not exceed pre-development conditions; because area residents advised the applicant of drainage problems in the area, the applicant had its engineer review these drainage conditions and advise MSD of them so as to determine whether reasonable repairs and/or mitigation measures can be made to existing storm water systems in association with this proposed office condominium development; and

GUIDELINE 11: WATER QUALITY

WHEREAS, this application complies with the Intents and applicable Policies 1, 3 and 5 of this Guideline as follows; and

WHEREAS, at time of construction, the developer of this site will be required to comply with MSD's soil erosion and sedimentation control regulations; and new water quality standards have been implemented by MSD which must be addressed as well at time of construction plan approval; and

GUIDELINE 12: AIR QUALITY

WHEREAS, this application complies with the Intents and applicable Policies 1, 2, 3, 6, 7, 8 and 9 of this Guideline as follows; and

WHEREAS, as referenced above, this proposed office condominium community is located at the heart of the Lyndon Town Center, thus reducing vehicle miles traveled for people already engaged in commerce and residing in this area; and reduced miles traveled leads to improved air quality; and

GUIDELINE 13: LANDSCAPE CHARACTER

WHEREAS, this application complies with the Intents and applicable Policies 1, 2, 4, 5 and 6 of this Guideline as follows; and

WHEREAS, the LDC requires tree canopies as well as both perimeter and interior landscaping of all sites; this application complies with LDC standards, and indeed it will exceed those standards because of the enhanced setback together with good plan for screening and buffering as promised nearby residents as explained above; and

* * * * *

WHEREAS, for all the reasons explained at LD&T and the Planning Commission public hearing and also in the public hearing exhibit books and on the approved detailed district development plan, this application also complies with all other applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby recommends to the City of Lyndon that it rezone the subject property from R-5 and OR to C-1 and approve the Detailed District Development Plan.

Waiver Findings of Fact

Waiver of Section 10.2.4 to eliminate the LBA between the C-1 and OR zoned property

WHEREAS, the waiver will not adversely affect adjacent property owners because it only pertains to the area between the two zoning districts internal to the proposed development; and

WHEREAS, the waiver will not violate the Comprehensive Plan for all the reasons set forth in the Detailed Statement of Compliance with all applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan filed with the original rezoning application; and

WHEREAS, the extent of waiver of the regulation is the minimum necessary to afford relief to the applicant because it only pertains to the internal landscape area otherwise required between two different zoning districts which is internal to the development and not only cannot be, but also should not be, required in this unique situation because the landscape buffer would serve no purpose; and

WHEREAS, strict application of the provisions of the regulation would deprive the applicant of a reasonable use of the land or would create an unnecessary hardship on the applicant because, if the landscape buffer were provided, it would disrupt the connectivity and the land plan, building layout, and building architecture involved in this office condo project;

NOW, THEREFORE, the Louisville Metro Planning Commission hereby approves this Waiver.