

# Land Development & Transportation Committee

## Staff Report

October 12, 2017



|                          |                                 |
|--------------------------|---------------------------------|
| <b>Case No:</b>          | 17DEVPLAN1128                   |
| <b>Project Name:</b>     | Office and Retail Center        |
| <b>Location:</b>         | 13905 Promenade Green Way       |
| <b>Owner:</b>            | Oreo 4 LLC                      |
| <b>Applicant:</b>        | Schulte Design and Construction |
| <b>Jurisdiction:</b>     | Louisville Metro                |
| <b>Council District:</b> | 19 – Julie Denton               |
| <b>Case Manager:</b>     | Beth Jones, AICP, Planner II    |

### **REQUEST**

Detailed District Development Plan for an office and retail center

### **CASE SUMMARY**

The applicant proposes to develop an office and retail center to include one single-tenant office building and one single-story retail building. The 4.359 acre site is located at the south corner of the intersection of Bush Farm Road and Old Henry Road. It is zoned C-1 in a Neighborhood form district and is currently vacant.

Adjacent parcels to the north are vacant; north is zoned C-N, northwest is OR-3 and northeast is R5-A. Two adjoining C-1 parcels to the south and southwest are also vacant. The remaining adjoining parcel to the southeast is developed with one and two-story office buildings zoned OR-3.

Proposed development consists of a three-story, single-tenant office building totaling 54,000 sq ft and a one-story retail building of 8,400 sq ft for a total floor area of 62,400 sq ft. The proposed office building exceeds height standards; a variance request (17VARIANCE1040) will be heard by BOZA on 10/16/2017.

The site will be accessed at two points via Promenade Green Way, an existing private street. The western access point will be shared with an adjoining vacant 1.129 acre parcel. A sidewalk will be installed along the Bush Farm Road and Old Henry Road and connected to the main entrance of each of the proposed buildings. Parking meets all requirements for vehicles and bicycles, including ADA accessible spaces.

Required ILAs are provided. A landscaping plan, including tree canopy requirements, will be developed by the Applicant prior to the issuance of building permits.

### **STAFF FINDINGS**

The detailed district development plan appears to be adequately justified and meets the standard of review based on staff analysis in the staff report.

## **CASE BACKGROUND**

**09-099-98:** Change in zoning from R-4 Residential Single Family to R-5A Residential multi-family (30.28 acres), OR-3 Office-Residential (45.58 acres), OTF Office Tourist Facility (4.9 acres), C-1 Commercial (23.06 acres) and C-M Commercial Manufacturing (10.65 acres) on property located at 14100 Old Henry Road containing 120.38 acres, also having a subdivision know as Old Henry Crossing, 10-48-98, being in unincorporated Jefferson County.

## **TECHNICAL REVIEW**

All technical review comments have been resolved.

## **INTERESTED PARTY COMMENTS**

Staff has not received comments from any interested parties.

## **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: These conditions do not appear to be in existence on this site.

- b. The provisions for safe and efficient vehicular and pedestrian transportation both within the development and the community;

STAFF: The site will be accessed at two points via Promenade Green Way, an existing private street. The western access point will be shared with an adjoining vacant 1.129 acre parcel. A sidewalk will be installed along the Bush Farm Road and Old Henry Road and connected to the main entrance of each of the proposed buildings. Parking meets all requirements for vehicles and bicycles, including ADA accessible spaces.

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

STAFF: Open space is not required for the subject site.

- 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 provision of adequate drainage facilities on the subject site.

- e. The compatibility of the land use or uses and overall site design, including location of buildings, parking lots, screening, landscaping, with 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 and in compliance with the approved General Development Plan (Case No. 09-099-98).

- 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 and to requirements of the Land Development Code.

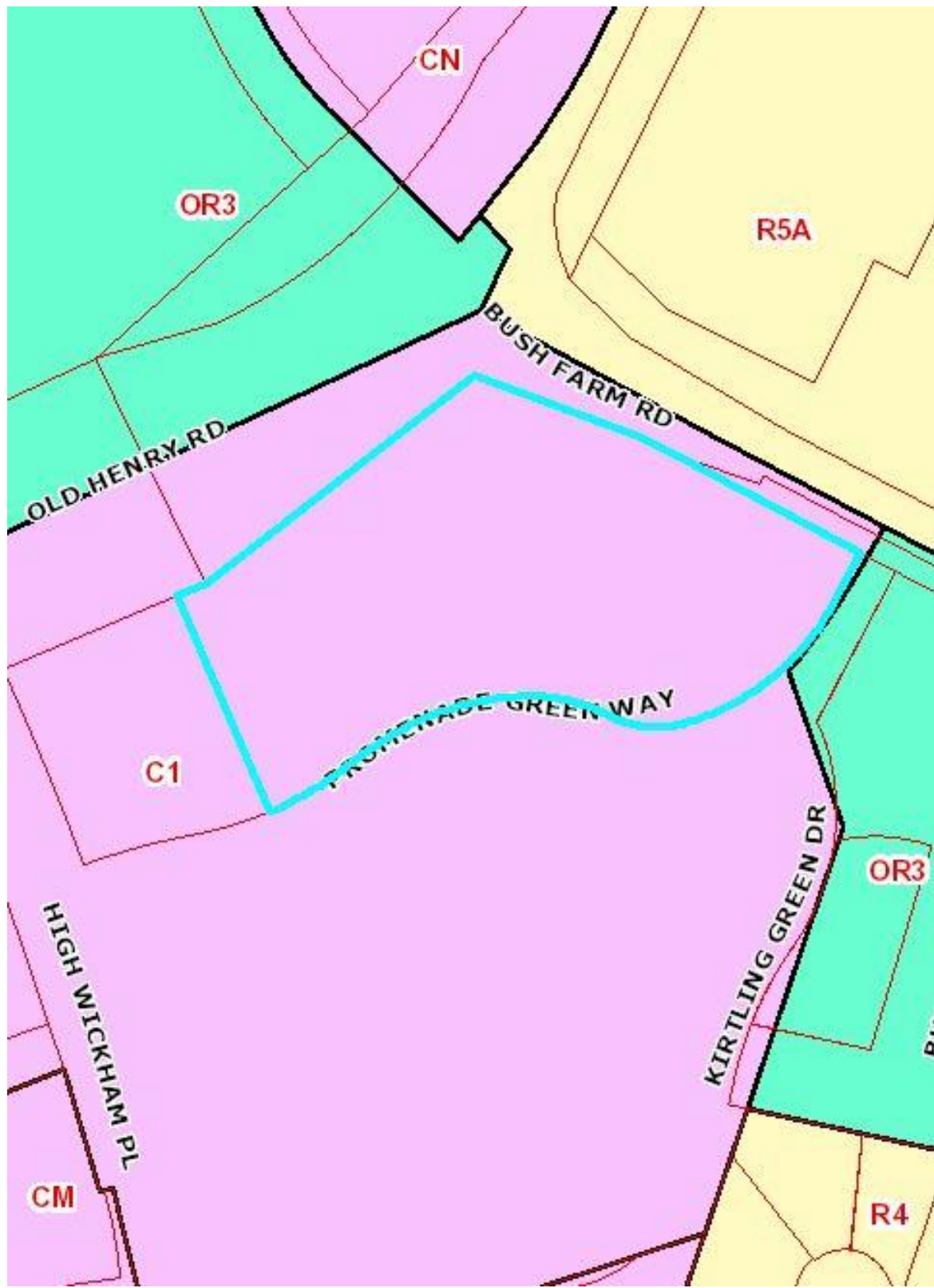
#### **NOTIFICATION**

| <b>Date</b> | <b>Purpose of Notice</b> | <b>Recipients</b>                                                                                   |
|-------------|--------------------------|-----------------------------------------------------------------------------------------------------|
| 9/28/2017   | Hearing before LD&T      | 1st and 2nd tier adjoining property owners<br>Registered Neighborhood Groups in Council District 19 |
| 9/28/2017   | Hearing before BOZA      | 1st and 2nd tier adjoining property owners<br>Registered Neighborhood Groups in 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 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 LDC. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Signs shall be in accordance with LDC Chapter 8.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons or banners shall be permitted on the site.
4. Construction fencing shall be erected when off-site trees or tree canopy exists within 3 feet of a common property line. Fencing shall be in place prior to any grading or construction, 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 activity is 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, is requested:
  - a. The development plan must receive full construction approval from Develop Louisville, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.
  - b. Encroachment permits must be obtained from the Kentucky Transportation Cabinet.
  - c. A minor subdivision plat shall be recorded dedicating additional right-of-way as needed to provide a total of 40 feet from the centerline of Bush Farm Road. 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 and or landscaping as described in LDC 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 Tree Preservation Plan and a Tree Canopy Plan in accordance with LDC Chapter 10 shall be approved prior to obtaining approval for site disturbance.
  - f. A reciprocal access and crossover easement agreement in a form acceptable to Planning Commission legal counsel shall be created and recorded; a copy of the recorded instrument shall be submitted to the Planning and Design Services Department of Develop Louisville.
6. If a building permit is not issued within one year of the date of approval of the plan, the property shall not be used in any manner unless a district development plan is approved or an extension is granted by the Planning Commission.
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 them. 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 LD&T meeting on October 12, 2017.
10. Facade design shall be in accordance with applicable form district standards and shall be approved by PDS staff prior to construction permit approval.
11. No idling of trucks shall take place within 200 feet of single-family residences.
12. The applicant shall provide documentation showing that the development complies with LDC 4.1.3 lighting regulations prior to issuance of a construction permit. These include regulations regarding mounting height limits, luminaire shielding, canopy lighting levels and light trespass.
13. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.