

# Development Review Committee

## Staff Report

August 3rd, 2016



<b>Case No:</b>	16DEVPLAN1137
<b>Project Name:</b>	MFDH Parking Expansion
<b>Location:</b>	9200 Leesgate Road
<b>Owner(s):</b>	D. Paul Finn, BFW Partnership of KY
<b>Applicant(s):</b>	William Becknell, MFDH Properties, LLC
<b>Representative(s):</b>	Clifford Ashburner, Dinsmore & Shohl, LLP
<b>Project Area/Size:</b>	2.545 acres
<b>Existing Zoning District:</b>	OR-3, Office Residential
<b>Existing Form District:</b>	TC, Town Center
<b>Jurisdiction:</b>	Hurstbourne
<b>Council District:</b>	18 – Marilyn Parker
<b>Case Manager:</b>	Laura Mattingly, Planner I

### REQUEST

- Waiver of Section 5.5.1.A.3.a to allow parking to be located between the primary street and the façade of the building
- Waiver of Section 10.2.4.A to allow an existing drive to encroach into the required 20' property perimeter Landscape Buffer Area.

### CASE SUMMARY/SITE CONTEXT

This 2.545 acre site is currently occupied by a 25,600 square foot office building and 103 associated parking spaces. It is located less than half a mile southwest of the intersection of Shelbyville Road and South Hurstbourne Pkwy in the City of Hurstbourne. The applicant has proposed a parking expansion of 75 spaces to be located on the north side of the lot, along Leesgate Road, in order to accommodate an increase in employees due to a change in use from office to office/call center. This will be a 21,976 square foot (49%) increase in Vehicle Use Area for the site.

Approximately half of the site is located in the floodplain, although the proposed parking is not within this area. This site lies within a Traditional Form District, Town Center, and is not allowed to place parking in front of the principal structure. A waiver is being applied for in order to seek relief for this regulation. There is also an existing drive located along the west property line, which is shared with R-4 single family residences. This drive encroaches into the majority of the required 20' Landscape Buffer Area. The applicant is also applying for a waiver of this regulation.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Office	OR-3	TC
<b>Proposed</b>	Call Center/Office	OR-3	TC
<b>Surrounding Properties</b>			
<b>North</b>	Office	OR-3	TC
<b>South</b>	Office	OR-3	TC
<b>East</b>	Office	OR-3	TC
<b>West</b>	Single Family Residential	R-4	N

**PREVIOUS CASES ON SITE**

None

**INTERESTED PARTY COMMENTS**

Staff received a phone call from Mr. Richard McCord, 9101 Nottingham Pkwy, an adjoining property owner, in opposition to this project. Mr. McCord raised concerns about runoff issues with the increased impervious surface. He stated this area already has issues with flooding and runoff and this proposal would worsen these problems. He also had concerns about the change of use and the possibility of longer hours of operation and the noise and light impacts on his and surrounding properties.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR Waiver of Section 5.5.1.A.3.a to allow parking to be located between the primary street and the façade of the building**

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver will not adversely affect adjacent property owners as safe pedestrian access is provided from the public rights-of-way to the building entrance.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020.

STAFF: Guideline 2, Policy 15 encourages the design, quantity and location of parking in activity centers to balance safety, traffic, transit, pedestrian, environmental and aesthetic considerations. Guideline 3, Policy 1 ensures compatibility of all new development and redevelopment with the scale and site design of nearby existing development and with the pattern of development within the form district. Guideline 7, Policy 3 states to evaluate developments for their ability to promote mass transit and pedestrian use. Encourage higher density mixed use developments that reduce the need for multiple automobile trips as a means of achieving air quality standards and providing transportation choices. Guideline 9, Policy 1 states that new development and redevelopment should provide, where appropriate, for the movement of pedestrians, bicyclists and transit users with location of retail and office uses, especially in the Traditional Neighborhood, Village, Marketplace Corridor, Traditional Workplace Form Districts close to the roadway to minimize the distance pedestrians and transit users have to travel. The purpose of the requirement is to promote mass transit and pedestrian use and reduce vehicle trips in and around the site, and to reduce the distance pedestrians and transit users have to travel. The waiver is compatible with the surrounding office developments that have large parking areas adjacent to roadways. The applicant is also providing a safe pedestrian connection from

the public sidewalk on Leesgate Road to the entrance of the development; therefore this proposal does not violate specific guidelines of Cornerstone 2020.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant

STAFF: The extent of waiver of the regulation is the minimum necessary to afford relief to the applicant as the site constraints do not allow the parking to be proposed in any other area.

- (d) Either:

(i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR

(ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or create an unnecessary hardship on the applicant as the change in use requires expanded parking and there are no other options for the location of the parking area.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR Waiver of Section 10.2.4.A** to allow an existing drive to encroach into the required 20' property perimeter Landscape Buffer Area.

- (a) The waiver will not adversely affect adjacent property owners; and

STAFF: The waiver should not adversely affect adjacent property owners as the applicant is working with the abutting property owners to provide screening that would decrease the amount of light and noise from cars on the site.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer area is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. These policies are not violated as the applicant is working to provide screening and buffering that will accomplish the guidelines of the Comprehensive Plan by minimizing potential nuisances and providing a transition between uses that are different in intensity.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the drive was already in existence prior to the proposed parking expansion.

(d) Either:

- (i) The applicant has incorporated other design measures that exceed the minimums of the district and compensate for non-compliance with the requirements to be waived (net beneficial effect); OR
- (ii) The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant.

STAFF: The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant as the roadway would have to be removed and access to the site would be restricted to the crossover access easement from the property to the east.

### APPLICABLE PLANS AND POLICIES

Cornerstone 2020  
Land Development Code

### TECHNICAL REVIEW

This development is located partially within the floodplain. The appropriate MSD notes have been placed on the plan. The plan has also received preliminary approvals from MSD and Public Works.

### STAFF CONCLUSIONS

The Category 2b plan is in order and the waivers appear to be adequately justified. Staff recommends approval of the waiver of 10.2.4.A on the condition that screening is provided along the west property line.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for granting an LDC Waiver and Category 3 Development Plan approval established in the Land Development Code.

### REQUIRED ACTIONS

Recommend to the City of Hurstbourne:

- **APPROVAL** or **DENIAL** the waiver of Section 5.5.1.A.3.a
- **APPROVAL** or **DENIAL** the waiver of Section 10.2.4.A

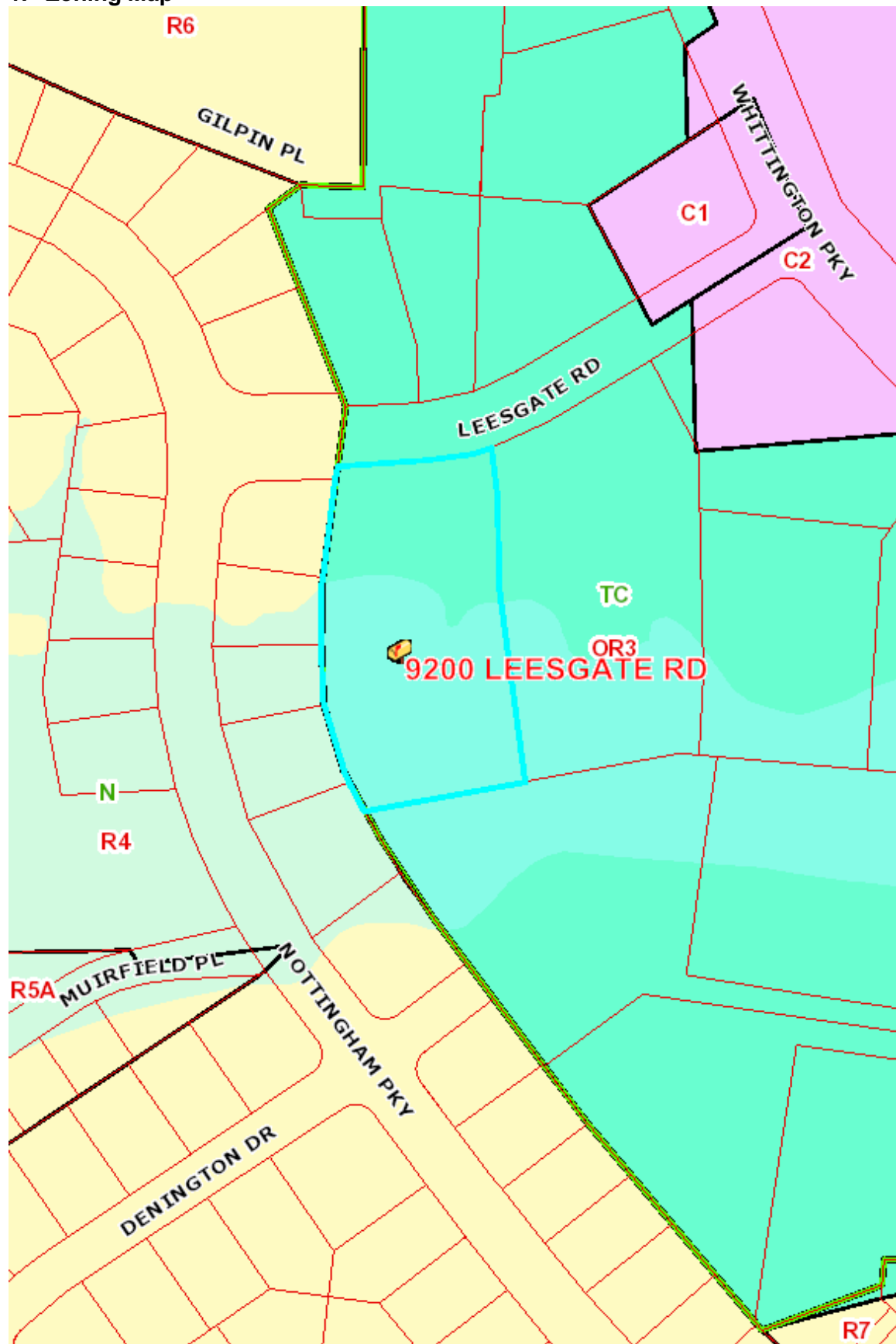
### NOTIFICATION

Date	Purpose of Notice	Recipients
07/21/16	APO Notice of hearing	First tier adjoining property owners
07/21/16	Notice of Hearing	Registered neighborhood groups

### ATTACHMENTS

1. Zoning Map
2. Aerial Map

1. Zoning Map



2. Aerial Map

