

# Board of Zoning Adjustment

## Staff Report

October 16, 2017



<b>Case No:</b>	17VARIANCE1040
<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**

Variance from LDC 5.3.1 (Table 5.3.2) to permit a building height of 45 ft

Location	Requirement	Request	Variance
Height of 54,000 sq ft office building	35 ft	45 ft	10 ft

**CASE SUMMARY**

The applicant proposes to develop an office and retail center to include one three-story single-tenant office building with a 54,000 sq ft floor area and one single-story retail building with a 8,400 sq ft floor area, for a total floor area of 62,400 sq ft. 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.

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 FINDING**

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standards for granting a variance of LDC 5.3.1 (Table 5.3.2) to permit a building height of 45 ft.

## **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.

**17DEVPLAN1128:** LD&T Committee review of the proposed Detailed District Development Plan for the site on October 12, 2017.

## **TECHNICAL REVIEW**

All technical review comments have been resolved.

## **INTERESTED PARTY COMMENTS**

Staff has received no comments from any interested parties.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE FROM LDC 5.3.1 (Table 5.3.2)**

(a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The additional building height will not deprive adjacent properties or the public right-of-way of light, air or privacy.

(b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The request will result in a three-story structure, as compared to the two-story structures on an adjoining parcel. There is, however, another three-story structure currently under construction on a nearby site included as part of the General Development Plan for the Old Henry Crossings development (Case No. 09-099-98).

(c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The request will not cause a public hazard or nuisance through excessive noise, vibration, odor or light.

(d) The requested variance will not allow an unreasonable circumvention of zoning regulations.

STAFF: As there is another three-story structure currently under construction on a nearby site included as part of the General Development Plan for the subject site (Case No. 09-099-98), the request is not unreasonable.

## **ADDITIONAL CONSIDERATIONS:**

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: There are no special circumstances on the land in this site which would necessitate this variance request.

2. 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.

STAFF: The site could be developed with a building that would not exceed height requirements.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The zoning regulation from which relief is being sought was in place before the applicant proposed this development.

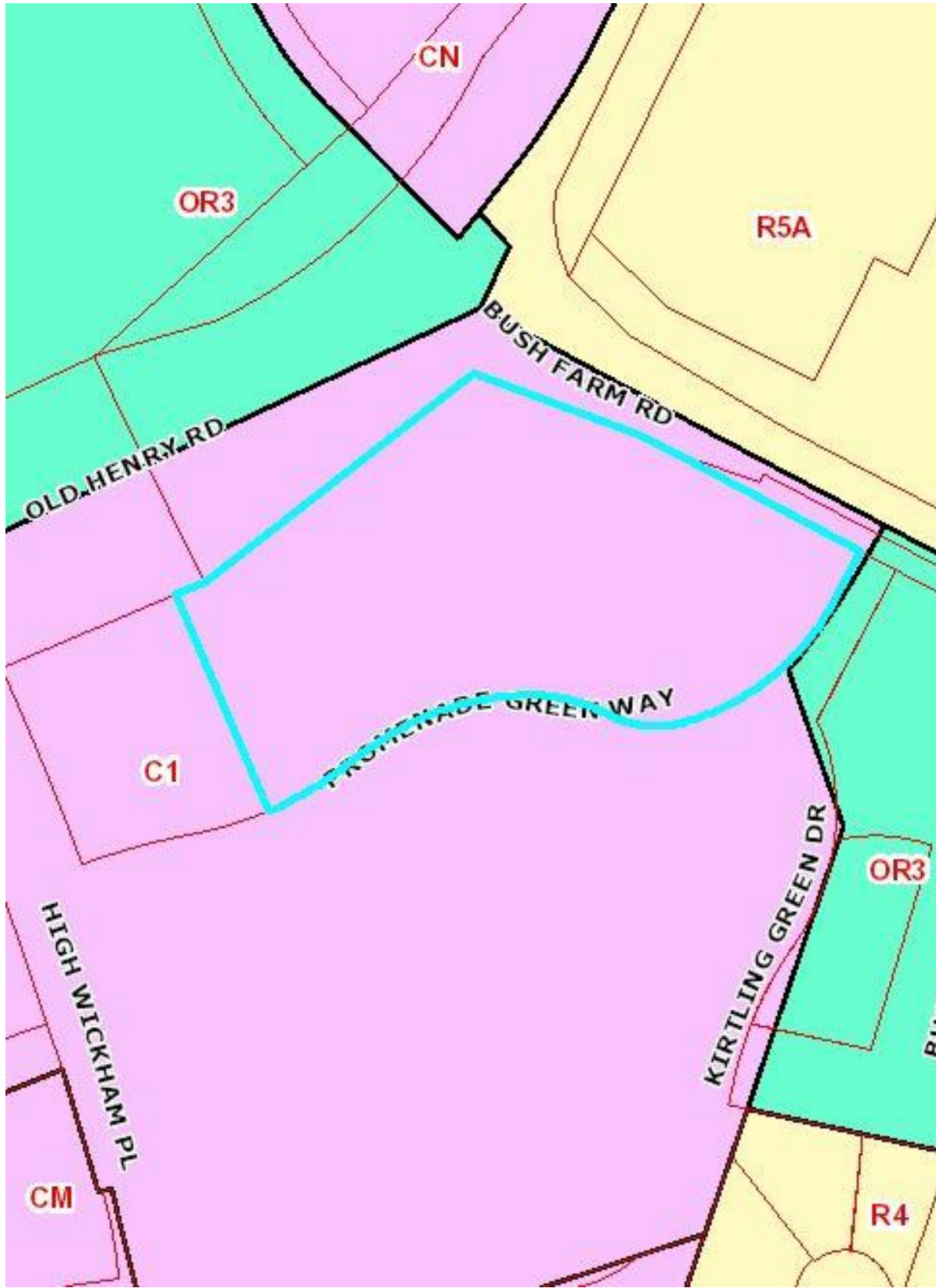
**NOTIFICATION**

Date	Purpose of Notice	Recipients
8/29/2017	Notice of Application Filed	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 19
9/28/2017	Notice of BOZA Hearing	1st and 2nd tier adjoining property owners Registered Neighborhood Groups in Council District 19
		Sign Posting

**ATTACHMENTS**

- 1. Zoning Map
- 2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

