

Development Review Committee

Staff Report

June 15th, 2016



Case No(s): 16WAIVER1012
Project Name: Thorntons Office Landscape Waiver
Location: 13820 Old Henry Road
Owner(s): Ronnie Davis, Thorntons Inc
Applicant(s): Greg Theil, Thorntons Inc
Representative(s): Liz Mooney, Taylor Siefker Williams Design Group
Project Area/Size: 16.9 acres
Jurisdiction: Louisville Metro
Council District: 19 – Julie Denton
Case Manager: Laura Mattingly, Planner I

REQUEST

- Waiver of section 10.2.4.A. to eliminate the required landscape screening along the northern property line.

CASE SUMMARY/BACKGROUND

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant Land	OR-3	SW
Proposed	Office	OR-3	SW
Surrounding Properties			
North	Vacant	PEC	SW
South	Vacant	OR-3	SW
East	Vacant, Single Family Residential	PRD, R-4	N
West	Hospital/Nursing Home	OR-3	SW

SITE CONTEXT

This site is approximately 17 acres in size and irregularly shaped. It is located in eastern Louisville Metro, just east of I-265. This area is characterized by low density single family residential with scattered new office and commercial development along the Old Henry Road corridor.

PREVIOUS CASES ON SITE

9-99-98

Approval of a change in zoning from R-4 to R-5A, R-6, OR-3, C-1, C-2, and C-M, as well as the General District Development Plan.

15DEVPLAN1124

Detailed District Development Plan with LDC Waiver for 87,500 square foot office building with waiver to allow utility easement to encroach into required LBA by more than 50%.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER of Section 10.2.4.A to eliminate the required landscape screening along northern property line

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

STAFF: The waiver will not adversely affect adjacent property owners as the Landscape Buffer Area will still be provided. Screening is already provided by existing trees and elevation changes along the 20' multi-use path easement that runs between this property and the property to the north.

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

STAFF: Guideline 3, policy 9 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 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. The intent of landscape buffer areas 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. Vegetation already exists that meets the intent of the buffering requirement; therefore, the waiver will 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; and

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the applicant is providing the LBA, removing invasive honeysuckle from the LBA, and the addition of the screen would create safety and accessibility issues.

(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 addition of an 8' screen would decrease safety and accessibility to the multi-use path, which the applicant would like for an amenity for office workers.

INTERESTED PARTY COMMENTS

None Received

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

TECHNICAL REVIEW

There are no outstanding technical review items.

STAFF CONCLUSIONS

The standard of review has been met for the landscape waiver. Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for approving the requested landscape waiver.

REQUIRED ACTION

- **APPROVE** or **DENY** the Waiver of section 10.2.4.A. to eliminate the required landscape screening along the northern property line.

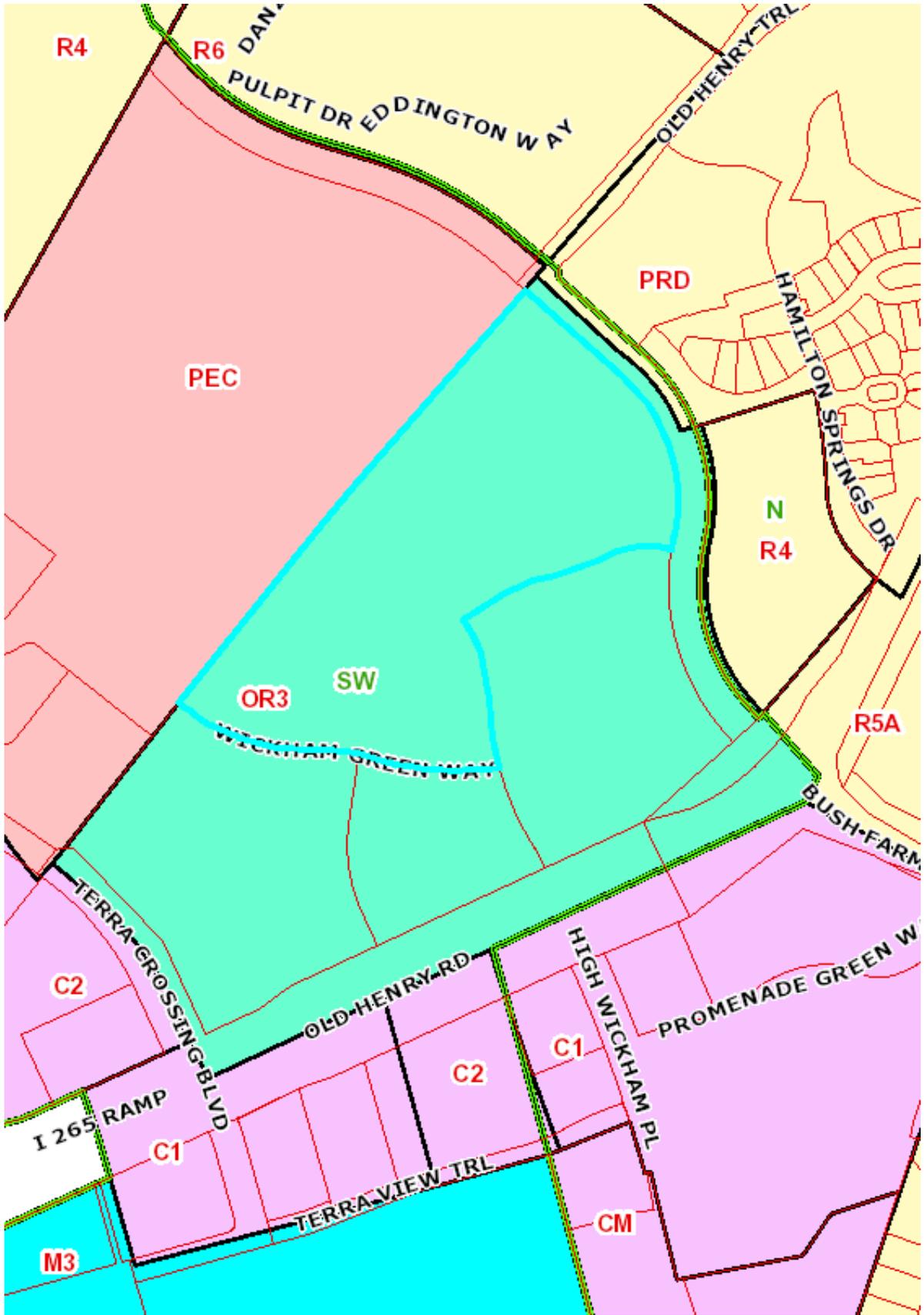
NOTIFICATION

Date	Purpose of Notice	Recipients
6/2/2016	Hearing before DRC	First tier adjoining property owners Neighborhood notification recipients

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. Zoning Map



2. Aerial Photograph

