

Land Development and Transportation Committee Staff Report

August 27th, 2015



Case No:	15DEVPLAN1096
Request:	Revised Detailed District Development Plan with Landscape Waiver
Project Name:	Hunnington Place Tract 5C-2
Location:	9396 Bunsen Pky
Owner:	Silverlake Outparcels LLC
Applicant:	Silverlake Outparcels LLC
Representative:	Land Design and Development Inc
Jurisdiction:	Hurstbourne Acres
Council District:	18 – Marilyn Parker
Case Manager:	Christopher Brown, Planner II

REQUEST

- Waiver #1: Landscape waiver from Chapter 10.2.4.B of the Land Development Code to allow utility easements to overlap the required 10' VUA LBA along Bunsen Pky by more than 50%
- Binding Element Amendment
- Revised Detailed District Development plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: OR-3
Existing Form District: Campus
Existing Use: Vacant/Parking
Proposed Use: Office
Minimum Parking Spaces Required: 37
Maximum Parking Spaces Allowed: 65
Parking Spaces Proposed: 37
Plan Certain Docket #: 9-14-85

The applicant is proposing to construct a 2 story, 13,000 SF office building on Tract 5C-2 of the Hunnington Park development. Access will be granted from an existing access easement that connects to Bunsen Parkway. A previous variance was granted to allow parking to be located within the required rear yard setback. Along Bunsen Parkway, the required 10' VUA LBA will be provided but it overlaps existing utility easements by more than 50%. The applicant has requested a waiver to allow the overlap. They will provide the required landscaping materials. All other Land Development Code requirements are being met on the site. The binding elements are being proposed to be amended to account for the square footage of the building as well as clarifying binding element #3 to allow all offices permitted in OR-3 to be located within the office zoned sites.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant/Parking	OR-3	C
Proposed	Office	OR-3	C
Surrounding Properties			
North	Office	OR-3	C
South	Office	OR-3	C
East	Multi-Family Residential	R-6	C
West	Office	OR-3	C

PREVIOUS CASES ON SITE

- 9-14-85: Rezoning approved from R-4 to OR-3.
- B-164-04: Board of Zoning Adjustment approved a variance to allow parking to be located within the required 20' rear yard setback.

INTERESTED PARTY COMMENTS

No comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER

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

STAFF: The waiver will not adversely affect adjacent property owners since the required planting and screening material will be provided on the site.

- (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 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. 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. The required planting and screening materials will be provided to meet the intent 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 since the utility easements were existing on the site prior to the proposal and the required planting materials will be provided by the applicant.

- (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 by requiring removal of parking and putting the proposal below the minimum required parking for the use.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and AMENDMENT TO BINDING ELEMENTS

- 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: There does not appear to be any environmental constraints or historic resources on the subject site. Tree canopy requirements of the Land Development Code will be provided on the subject site.

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

STAFF: Provisions for safe and efficient vehicular and pedestrian transportation within and around the development and the community has been provided, and Metro Public Works and the Kentucky Transportation Cabinet have approved the preliminary development plan.

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

STAFF: There are no open space requirements with the current proposal.

- 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 provisions of adequate drainage facilities on the subject site in order to prevent drainage problems from occurring on the subject site or within the community.

- e. The compatibility of the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses with the 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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks.

- 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.

TECHNICAL REVIEW

- No outstanding technical review issues need to be addressed.

STAFF CONCLUSIONS

The standard of review has been met for the requested waiver, binding element amendments and proposed revised plan. Action is required by the City of Hurstbourne Acres in accordance with the existing binding elements. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Land Development & Transportation Committee must determine if the proposal meets the standards for granting a landscape waiver, binding element amendments and revised plan as established in the Land Development Code.

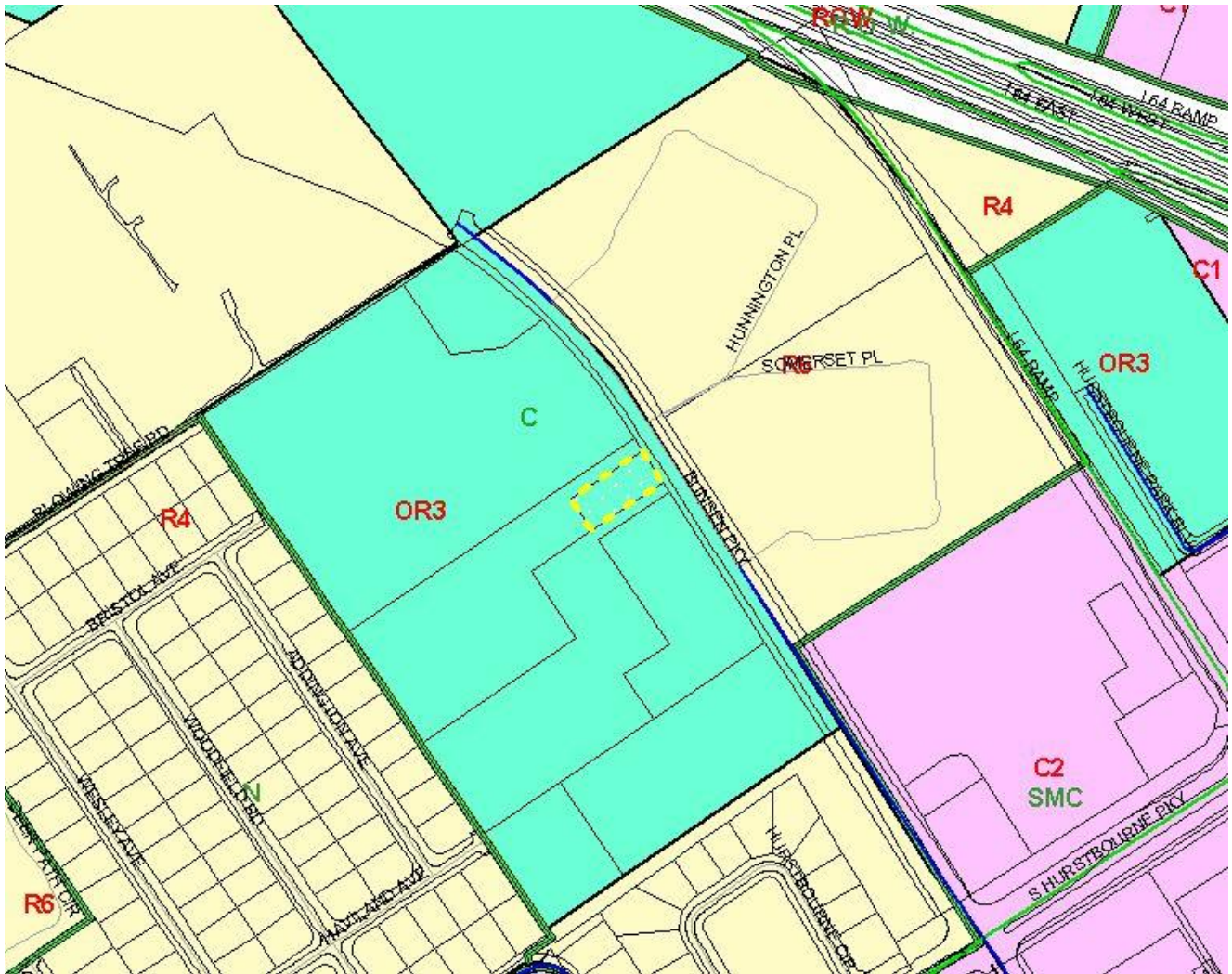
NOTIFICATION

Date	Purpose of Notice	Recipients
8/13/15	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 18 Notification of Development Proposals

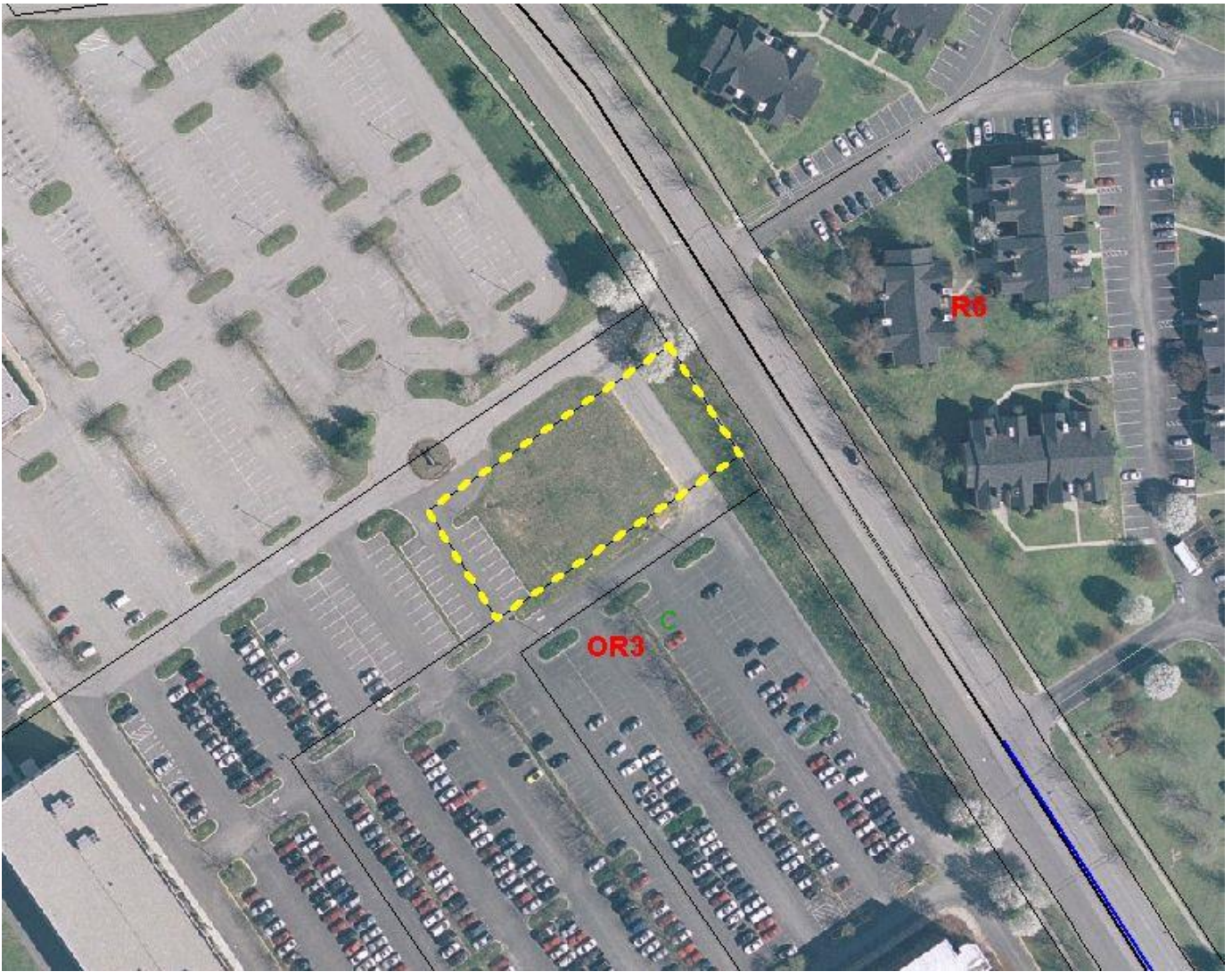
ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Elements

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements

1. The development will be in accordance with the approved district development plan. No further development will occur.
2. The development shall not exceed 216,000 sq. ft. of gross floor area.
3. The area designated as "office" on the District Development Plan shall be used only for business office, governmental offices, and professional offices. The maximum height for any building construct on this property shall be three stories. The minimum setback requirement between the property's southern boundary and buildings constructed on this property shall be 225 feet. The minimum setback requirement between the rear property lines of the lots located on Hurstbourne Circle (adjacent to the tract) and any building constructed on this property shall be 325 feet. The setback area shall be landscaped with trees and shrubs and maintained regularly thereafter by the respective owners of the property. No parking areas and garbage cans, dumpster or other refuse collection devices shall be located between the buildings on the property and the south and east property lines.
4. The area designated as "Water Retention and Park" on the District Development Plan (although some of this area may be a part of the office tract) shall be used only for landscaping, open space, or park area, including a retention basin which may be designated to serve all the property described in the application. The area shall be properly landscaped with trees and shrubs pursuant to a landscaping plan approved by the staff of the Louisville and Jefferson County Planning Commission. Any retention basin shall be maintained by applicant until the completion of the office buildings to be located on the "Office Tract" or until July 1, 1989, whichever first occurs. Thereafter the obligation to maintain a retention basin thereon shall be that of the City of Hurstbourne Acres.
5. The capacity of any retention basin cannot be altered without written approval from the Jefferson County Public Works and Transportation Cabinet.
6. If the owner of a tract fails to keep the grass mowed to a maximum height of six inches, then the City of Hurstbourne Acres, its successors or assigns, may (but shall be under no obligation to) enter upon the open areas and mow and/or trim. This paragraph is not applicable to the James Graham Brown Foundation.
7. Before building permits are issued the development plan must be reapproved by the Jefferson County Department of Transportation.
8. A crossover easement agreement between all three property owners will be approved by the Planning Commission Counsel and recorded to allow joint parking areas and access. The deed book and page number of the recorded instrument shall be submitted to the Planning Commission.
9. The entrance sign may be located as shown on the approved district development plan, if variances are granted from the Board of Zoning Adjustment. The sign shall not exceed 28 square feet in area and 7 feet in height as shown on the attached sign plan.
10. A certificate of occupancy must be received from the appropriate code enforcement office prior to occupancy of the structure or land for the proposed use.
11. The appropriate variances must be received from the Jefferson County Board of Zoning Adjustment.
12. The above binding elements may be amended as provided for in the Zoning District Regulations, provided that some of the above binding elements are a part of separate agreements with the City of Hurstbourne Acres, and these binding elements may be amended only by action of both the

Commission's Land Development & Transportation Committee and the City Commission of Hurstbourne Acres.

4. Proposed Binding Elements

1. ~~The development will be in accordance with the approved district development plan. No further development will occur.~~ **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 Land Development Code. Any changes/additions/alterations of any binding element(s) shall be submitted to the Planning Commission or the Planning Commission's designee for review and approval; any changes/additions/alterations not so referred shall not be valid.**
2. The development shall not exceed ~~246,000~~ **266,112** sq. ft. of gross floor area.
3. ~~The area designated as "office" on the District Development Plan shall be used only for business office, governmental offices, and professional offices.~~ The maximum height for any building construct on this property shall be three stories. The minimum setback requirement between the property's southern boundary and buildings constructed on this property shall be 225 feet. The minimum setback requirement between the rear property lines of the lots located on Hurstbourne Circle (adjacent to the tract) and any building constructed on this property shall be 325 feet. The setback area shall be landscaped with trees and shrubs and maintained regularly thereafter by the respective owners of the property. No parking areas and garbage cans, dumpster or other refuse collection devices shall be located between the buildings on the property and the south and east property lines.
5. The capacity of any retention basin cannot be altered without written approval from the ~~Jefferson County Public Works and Transportation Cabinet~~ **Metropolitan Sewer District.**
7. Before building permits are issued the development plan must ~~be reapproved by the Jefferson County Department of Transportation~~ **receive full construction approval from Louisville Metro Department of Develop Louisville Construction Permits and Transportation Planning Review and the Metropolitan Sewer District..**