

Board of Zoning Adjustment Staff Report

November 3, 2014



Case No:	14VARIANCE1088
Project Name:	Old Henry Crossing Lots 11C & D
Location:	2000-2020 High Wickham Place
Owners:	Guidance Property Management Group & OREO 2, LLC
Applicant:	OREO 2, LLC
Representative:	Sabak, Wilson & Lingo, Inc.
Project Area/Size:	7.587 acres
Existing Zoning District:	C-M, Commercial Manufacturing
Existing Form District:	N, Neighborhood
Jurisdiction:	Louisville Metro
Council District:	19 – Jerry Miller
Case Manager:	Matthew R. Doyle, Planner I

REQUEST

- Variance of section 5.3.1.C.5 to allow buildings three and four to exceed the maximum setback of 80 feet as shown on the development plan.

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The sites are plan certain approved in Docket 9-99-98.

The sites are located at the end of High Wickham Place and along what will be an extension of Kirtling Green Drive, both of which serve as internal roadways in Old Henry Crossing. Lot C abuts a quarry to the west and Lot D abuts a residential subdivision to the east and Stopher Elementary to the south.

The applicant proposes to construct 1, 2-story office building on Lot C and 2 office buildings on Lot D – one would be 2-stories and the other would be 3 stories. Total proposed square footage for the 3 office buildings is 93,480.

The Detailed District Development Plan was approved by the Land Development and Transportation Committee on October 23rd. A variance for buildings three and four to exceed the maximum setback of 80 feet is required to proceed. Building three would exceed the maximum setback by 30 feet and building four would exceed the maximum setback by 110 feet.

The current plan arranges the three buildings slightly different from the general plan. The three buildings on the general plan formed more of a V shape around the large interior landscape island, whereas the current plan has more of a J-shaped configuration around the island. Either way, a variance would likely be necessary to develop Lot 11 today like it was originally conceptualized on the general plan in 1998 because commercial lending practices by financial institutions have changed dramatically such that developments previously proposed on large tracts of land are being split into smaller tracts and the Land Development Code (LDC) changed dramatically as well with the adoption of form districts. Arguably, Old Henry Crossing would have been categorized in the Campus Form District rather than the Neighborhood Form District if it had been built out as shown on the general plan prior to the adoption of the current LDC. While the regulations of the two form districts differ in many ways, the one that is particularly relevant in the subject case is the maximum setback of 80 feet for buildings in the Neighborhood Form District. The applicants request relief from this regulation to proceed with the intent of the general plan.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Vacant	C-M	N
Proposed	Office	C-M	N
Surrounding Properties			
North	Office and vacant	C-M & C-1	N
South	Elementary school	R-4	N
East	Single family residential	R-4	N
West	Quarry lake	M-3	SW

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.

INTERESTED PARTY COMMENTS

Staff received a comment from the General Manager of the Lake Forest Community Association stating that "Residents do not want the office building closer to their lots in "The Highlands"."

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR A VARIANCE of section 5.3.1.C.5 to allow buildings three and four to exceed the maximum setback of 80 feet as shown on the development plan

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

STAFF: The requested variance will not adversely affect public health, safety or welfare since the proposed setbacks of the buildings are consistent with, and reflect the intent of, the approved general district development plan.

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

STAFF: The requested variance will not alter the essential character of the general vicinity since the proposed setbacks of the buildings are consistent with, and reflect the intent of, the approved general district development plan.

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

STAFF: The requested variance will not cause a hazard or nuisance to the public since the proposed setbacks of the buildings are consistent with, and reflect the intent of, the approved general district development plan.

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

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations since the proposed setbacks of the buildings are consistent with, and reflect the intent of, the approved general district development plan.

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: The applicant must request the variance to develop the subject sites as intended on the approved general district development plan.

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 strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land since the proposed setbacks of the buildings are consistent with, and reflect the intent of, the general district development plan, which was approved prior to the adoption of the current LDC that established form districts.

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 circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

TECHNICAL REVIEW

N/A

STAFF CONCLUSIONS

- The applicant proposes to construct 3 office buildings, 1 on Lot C and 2 on Lot D. Total proposed square footage is 93,480.
- The Detailed District Development Plan was approved by the Land Development and Transportation Committee on October 23rd.
- The requested variance for buildings three and four to exceed the maximum setback of 80 feet as shown on the development plan appear to be adequately justified based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public hearing, BOZA must determine if the proposal meets the standards for granting the variances as established in the LDC.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the variance of section 5.3.1.C.5 to allow buildings three and four to exceed the maximum setback of 80 feet as shown on the development plan.

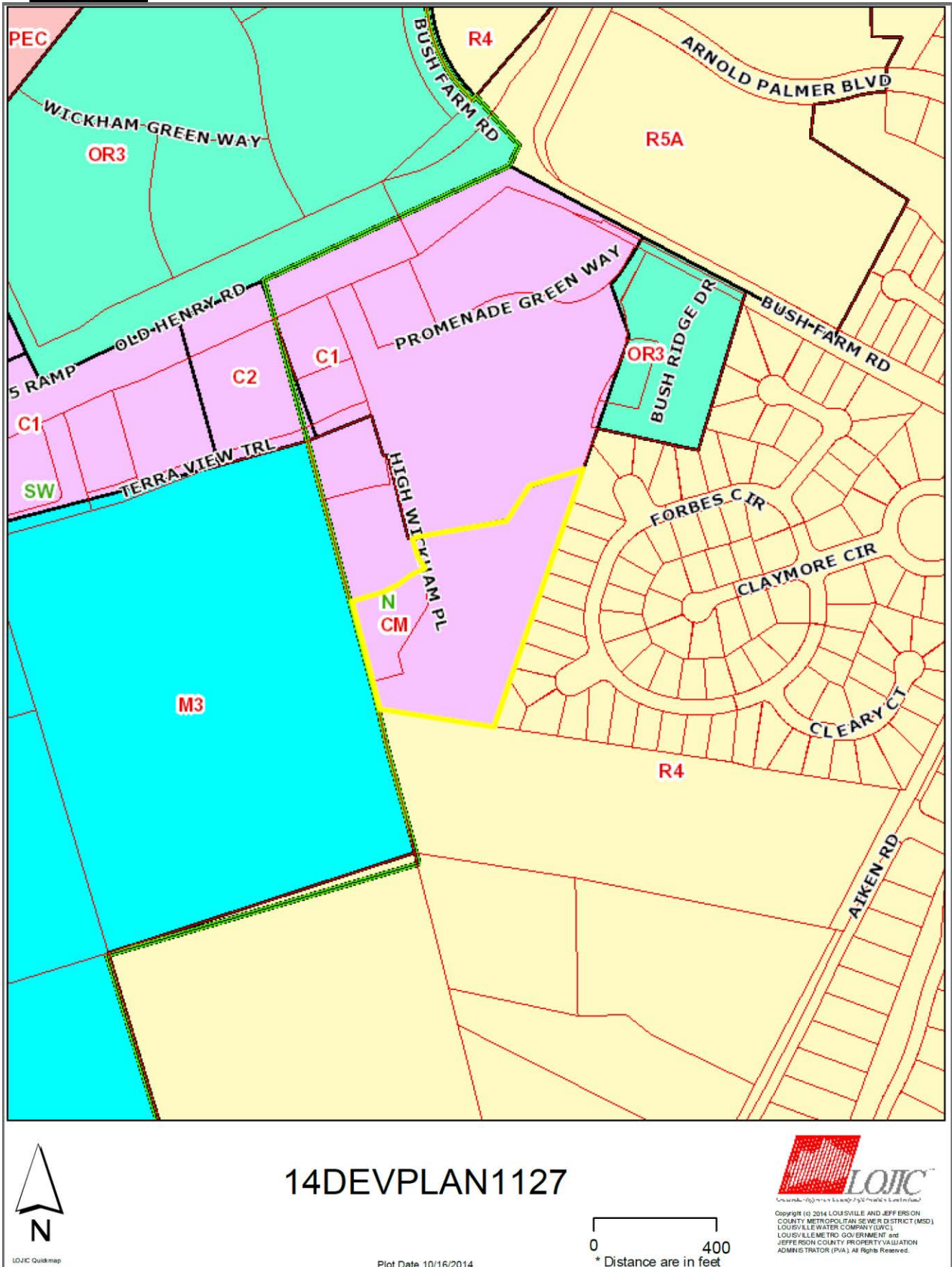
NOTIFICATION

Date	Purpose of Notice	Recipients
9/22/14	Hearing before BOZA	1 st tier adjoining property owners Registered neighborhood groups

ATTACHMENTS

1. Zoning Map
2. Aerial

1. Zoning Map



2. Aerial

