

**Board of Zoning Adjustment**  
**Staff Report**  
March 20, 2017



<b>Case No:</b>	15VARIANCE1090
<b>Project Name:</b>	Old Henry Crossings Lot 12
<b>Location:</b>	13906 Promenade Green Way
<b>Owner(s):</b>	OREO 3 LLC
<b>Applicant(s):</b>	OREO 3 LLC
<b>Representative(s):</b>	Vice Cox & Townsend PLLC; Land Design & Development
<b>Project Area/Size:</b>	1.44 Acres
<b>Existing Zoning District:</b>	C-1, Commercial
<b>Existing Form District:</b>	N, Neighborhood
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	19 – Julie Denton
<b>Case Manager:</b>	Joel P. Dock, Planner I

**REQUEST**

- **Variance** of Land Development Code (LDC), section 5.3.1.C.5 for structure on lot 12A to exceed the maximum setback; a variance of 210' on Promenade Green Way and 76' along High Wickham Place
- **Variance** of LDC section 5.3.1.C.5 for structure on lot 12B to exceed the maximum setback; a variance of 43' on Promenade Green Way and 205' along High Wickham Place
- **Variance** of LDC section 5.5.6 to exceed the maximum height allowed per building height incentive; resulting in a total height of 48'

**CASE SUMMARY**

The applicant requested the approval of a detailed district development on Old Henry Crossings Lot 12 from the Land Development and Transportation Committee on March 9, 2017. A total of 126,810 square feet of office space was proposed across two three-story structures with 508 parking spaces. Access to the site is made via private roadways from Old Henry or Bush Farm Road. The development plan was approved at the meeting.

Variances are being requested to allow for the structures to exceed the maximum setback (80') from Promenade Green Way and High Wickham Place (private roadways) and to allow for the office buildings to exceed the maximum allowable height. Setbacks established for front and street side yards apply to both public and private roadways. In this case all roads from which relief is requested are private and interior to the development from Old Henry and Bush Farm Roads. The applicant is utilizing a building height incentive that allows an increase of one-story to the maximum height (30') if the building meets two of the design criteria listed under Building Design Criteria within Appendix 5A of the LDC. The applicant is proposing to meet building design criteria items 2 & 6:

2. *Use roofing materials having a Solar Reflectance Index (SRI) equal to or greater than the values in the 11 below for a minimum of 75% of the roof surface.*
6. *Provide up to 60% with a minimum of 30% glazing on three sides of building facades to provide natural light to the interior of the building.*

After the application of LDC 5.5.6 an additional three feet is being requested for the design; resulting in a maximum height of forty-eight feet.

**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>	Vacant	C-1	N
<b>Proposed</b>	Offices	C-1	N
<b>Surrounding Properties</b>			
<b>North</b>	Vacant	C-1	N
<b>South</b>	Commercial	C-1/CM	N
<b>East</b>	Commercial/Office/Residential	OR-3/C-1	N
<b>West</b>	Commercial	C-1/C-2/CM	N

**PREVIOUS CASES ON SITE**

- 9-99-98: Rezoning from R-4 to R-5A, OR-3, OTF, C-1, & CM (approved 1/8/01).
- 15DEVPLAN1208: Detailed District Development Plan for Lots 12A & 12B of Old Henry Crossing (approved by LD&T 3/9/17).

**INTERESTED PARTY COMMENTS**

Staff has not received any inquires or comments on the proposal.

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE(S)**

Section 5.3.1.C.5 for structures on lots 12A & 12B to exceed the maximum setback

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the proposal is within an area of planned mixed-use development being served by private roadways and interconnected with adjacent development. All required screening/buffering is being provided from adjacent streets and residential property.

- (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 as the proposal is within an area of planned mixed-use development and the layout and design of the proposed buildings are consistent within the context of the surrounding non-residential development.

- (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 as the proposal is for office uses within an area of planned mixed-use development and the design is consistent with surrounding development.

- (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 as the roadways are private and the proposed setback is consistent with surrounding development patterns.

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 variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as those setbacks which apply to the subject site apply to surrounding development in the same form district. However, the interwoven design of the proposed office development across the two lots creates a conflict with the zoning district regulations.

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 as the proposed development is consistent with the surrounding development pattern within the planned mixed-use development. It does not appear that the proposal adversely affects the public health, safety, or welfare and no apparent nuisance or hazard would be created by the requested variances.

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.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE(S)**

Section 5.5.6 to exceed the maximum height allowed per building height incentives

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

STAFF: The requested variance will not adversely affect the public health, safety or welfare as the proposal is within an area of planned mixed-use development and the request is for minimal height increase. All required screening/buffering is being provided from adjacent streets and residential property.

- (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 as the proposal is within an area of planned mixed-use development and the layout and design of the proposed buildings are consistent within the context of the surrounding non-residential development.

- (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 as the proposal is for office uses within an area of planned mixed-use development and the design is consistent with surrounding development.

- (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 as the requested height increase is minimal, does not impact scenic corridors, and does not significantly increase the obstruction of any views beyond what is ordinarily permitted.

#### 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 variance does not arise from special circumstances which do not generally apply to land in the general vicinity or the same zone as those maximum heights which apply to the subject site apply to all surrounding development in the same form district.

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 as the proposed development is consistent with the surrounding development pattern within the planned mixed-use development. It does not appear that the proposal adversely affects the public health, safety, or welfare and no apparent nuisance or hazard would be created by the requested variance.

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**

There are no technical review items to be discussed at this time.

#### **STAFF CONCLUSIONS**

The variances appear to be adequately justified and meet the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Board of Zoning Adjustment must determine if the proposal meets the standards established in the LDC for approving a variance(s).

#### **REQUIRED ACTIONS**

- **APPROVE** or **DENY** the **Variance** of LDC, section 5.3.1.C.5 for structure on lot 12A to exceed the maximum setback; a variance of 210' on Promenade Green Way and 76' along High Wickham Place
- **APPROVE** or **DENY** the **Variance** of LDC, section 5.3.1.C.5 for structure on lot 12B to exceed the maximum setback; a variance of 43' on Promenade Green Way and 205' along High Wickham Place
- **APPROVE** or **DENY** the **Variance** of LDC, section 5.5.6 to exceed the maximum height allowed per building height incentive; resulting in a total height of 48'

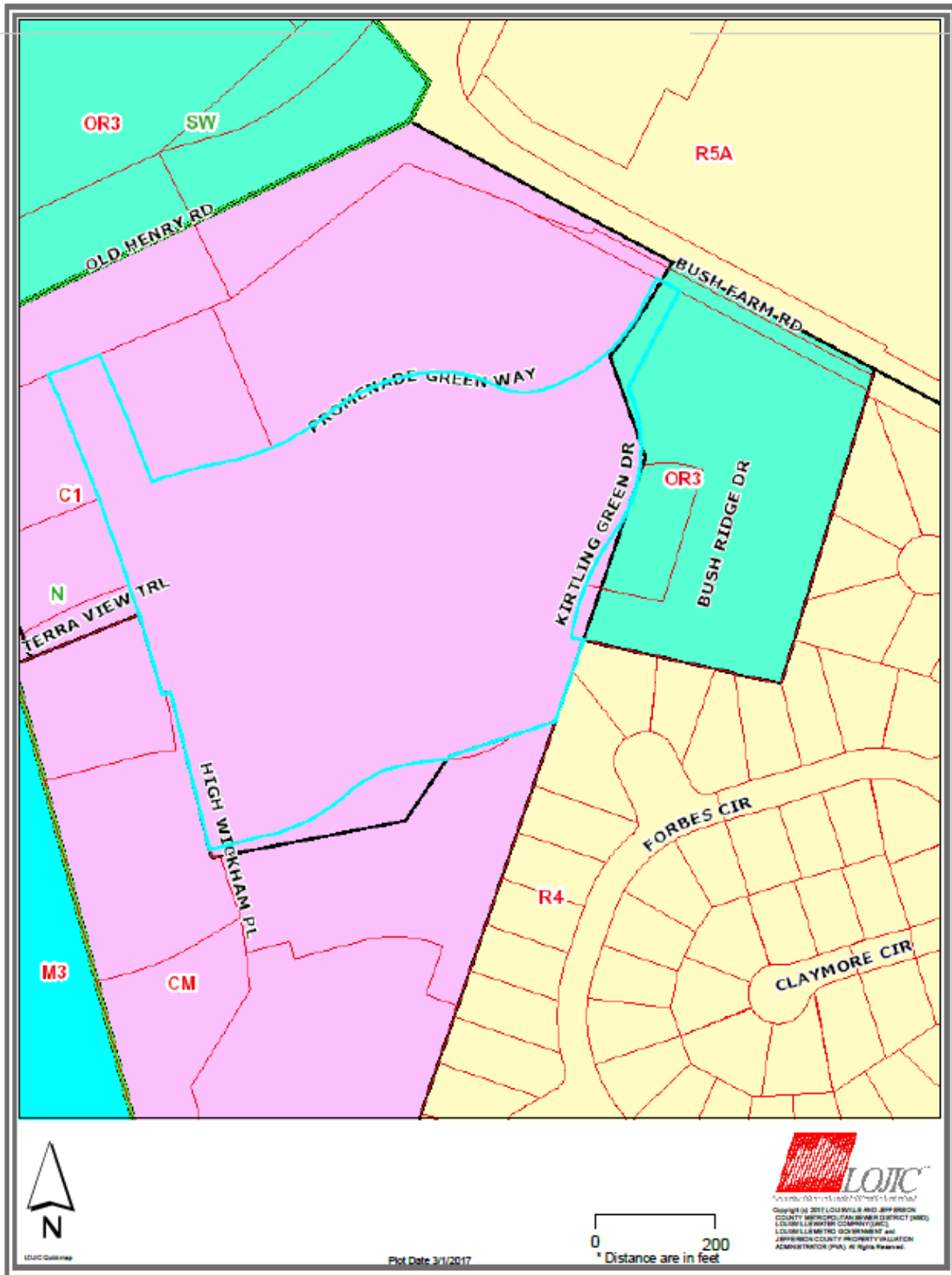
### NOTIFICATION

Date	Purpose of Notice	Recipients
3/1/17	LD&T	Adjoining property owners, applicant, representative, case manager, and registered users of Council District 19.

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph

1. **Zoning Map**



2. Aerial Photograph

