

McMahan Holdings, LLC

Proposed Rezoning from R-4 to OR-3

5220 Chamberlain Lane, 8720 and 8804 Wolf Pen Branch Road

Justification Statement

Introduction

McMahan Holdings, LLC (the “Applicant”) proposes to rezone the property located at the northwest corner of the intersection of Chamberlain Lane and I-71 to allow the construction of three office buildings. The proposed rezoning is from R-4 Single Family Residential to OR-3-Office-Residential. The subject property is a triangle-shaped property with approximately 3,000 feet of frontage on I-71, 800 feet of frontage on Chamberlain Lane, and a little more than 800 feet of frontage on Wolf Pen Branch Road. The subject property is located in the Neighborhood Form District and is surrounded by Old Brownsboro Crossing to the south, an assisted living campus to the east, and single-family residential to the north. The subject property is located in an area covered by the Wolf Pen Neighborhood Plan, which was most recently updated in 2012.

The proposed development will include three office buildings, with two of the proposed buildings being two stories in height and the one at the corner of I-71 and Chamberlain Lane being four stories. The proposed development will have its main access from Chamberlain Lane, with an emergency access proposed on Wolf Pen Branch Road at the location of an existing access road for the existing communications tower on the subject property. The proposed development will preserve the vast majority of the tree canopy on the subject property, including a large area along Wolf Pen Branch Road. The proposed development will also include walking trails and other amenities in a park-like setting.

The Wolf Pen Neighborhood Plan

The subject property is mapped in the Wolf Pen Branch Neighborhood Plan as an area appropriate for extremely low to very low density residential, in spite of its long frontage on I-71. Also according to the Wolf Pen Branch Neighborhood Plan, there should be no attached residential housing and no use other than single-family residences anywhere in the entire neighborhood. But conditions surrounding the subject property have changed, along with the community’s vision for development, as expressed in Plan 2040.

While there are many areas where Plan 2040 and the Wolf Pen Branch Neighborhood Plan do not agree, there are also significant areas where they do, including a desire to protect the natural environment, preserve and enhance tree canopy, preserve stream buffers and water

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quality. The proposed development complies with these objectives of the Wolf Pen Branch Neighborhood Plan and with the Policies and Objectives of the Plan 2040 Comprehensive Plan.

Plan 2040

Community Form.

The proposed development is located in the Neighborhood Form District, a form district that contemplates predominantly residential development of a variety of densities as well as office uses at appropriate locations. Non-residential uses adjacent to residential uses are appropriate where potentially adverse impacts can be mitigated. Here, the proposed development will contain significant buffers between the proposed office buildings and the adjacent residential properties and Wolf Pen Branch Road itself. This extensive buffering and distance will mitigate any adverse impacts from light and noise generated by the comings and goings of workers and visitors to the office buildings. In addition, offices and residential uses are often found adjacent to one another because of their offset peak occupancy times.

Further, the proposed development will preserve the vast majority of the tree canopy on the subject property, including a large swath adjacent the stream that crosses the subject property. The applicant proposes to use an existing gravel drive as a walking path that will be part of a site-wide walking path system.

Mobility.

The proposed development complies with the Goals and Policies of the Mobility plan element. The subject property is located along Chamberlain Lane between I-71 and Wolf Pen Branch Road. The proposed development will have a primary entrance from Chamberlain Lane, including a planned left turning lane northbound into the subject property. In addition, the proposed development will have an emergency access located in the same location as the existing access road to the communications tower on the subject property. The proposed development will also include sidewalks and walking paths for pedestrians. The proposed development will also include required bicycle parking.

Community Facilities.

The proposed development complies with the Goals and Policies of the Community Facilities plan element. The proposed development has adequate access to all utilities. The subject property will have adequate fire and emergency protection, as well, given the proximity to fire and medical facilities.

Economic Development.

The proposed development complies with the Goals and Policies of the Economic Development plan element. The proposed development's location near a significant number of

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residential units in the nearby Norton Commons and in the neighborhoods off Wolf Pen Branch Road demonstrates compliance with this plan element. The location will allow people to work closer to their homes, and will provide opportunities for businesses to locate in the busy northeast corner of Louisville Metro. There are a variety of service and retail establishments surrounding the subject property, too, making it particularly attractive as an office location. In addition, the proposed development respects the unique characteristics of Wolf Pen Branch Road through the retention of significant tree stands and buffer areas along Wolf Pen Branch Road.

Livability.

The proposed development complies with the Goals and Policies of the Livability plan element. The proposed development has been designed with the environment in mind, specifically the tree canopy and stream corridor that exist on the subject property. The proposed development plan shows significant portions of the tree canopy left undisturbed, with a single road crossing through the stream corridor. In addition, the applicant will incorporate water quality and detention measures to ensure that water leaving the subject property will be clean and released at appropriate speeds. The proposed development will actually increase the tree canopy on the subject property once fully planted. Further, a portion of the subject property containing two residences will remain residentially zoned and used. This portion of the site, representing the vast majority of the subject property's frontage on Wolf Pen Branch Road, will act as a buffer along Wolf Pen Branch Road, protecting the road's unique appearance.

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VARIANCE JUSTIFICATION STATEMENT

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The proposed variance, which will permit the applicant to exceed the 35' maximum building height for only one of the three proposed office buildings to permit construction of a four-story office building, will not adversely affect the public health, safety or welfare. The applicant proposes to develop the subject property into a three-building office complex, with two two-story office buildings and one four/five-story office building near Chamberlain Lane and Interstate 71. The height variance is sought for the four/five-story office building, which will permit the applicant to minimize impacts on Wolf Pen Branch Road by putting one office building as close as possible to Interstate 71 and leave large open areas within the development, including significant wooded area, along Wolf Pen Branch Road. The requested variance will not result in any adverse impacts on public health, safety, for welfare.

The variance will not alter the essential character of the general vicinity as the proposed height variance will permit the applicant to construct a four/five-story office building near Interstate 71 and Chamberlain Lane while retaining the wooded-character of Wolf Pen Branch Road. The area includes other multi-story structures, including the three-story The Grand at Prospect retirement home across Chamberlain Lane from the subject property, and the Norton Brownsboro Hospital complex across Interstate 71.

The variance will not cause a hazard or nuisance to the public. The proposed variance will permit only one of the proposed office buildings to exceed the 35' maximum height to permit a fourth story (and fifth story, including a walkout). The variance will permit the applicant to minimize impacts on Wolf Pen Branch Road and leave as much open area as possible. The variance will not have any adverse impact on the sightlines of adjacent property owners as the four/five-story office building will be placed as close as possible to Interstate 71.

The variance will not allow an unreasonable circumvention of the requirements of the zoning regulations. The proposal will allow the applicant to exceed the maximum building height for only one of the three proposed office buildings in order to minimize impacts to Wolf Pen Branch Road and maximize open space.

The variance arises from special circumstances that do not generally apply to land in the vicinity of the project. The proposal calls for development of three tracts into three office buildings near the intersection of Chamberlain Lane and Wolf Pen Branch Road and adjacent to Interstate 71. The proposed development requires a small variance from the maximum building height to permit the office building closest to Interstate 71 to be four/five-stories tall, which will permit the applicant to limit the two other buildings closer to Wolf Pen Branch Road to two-stories and retain Wolf Pen Branch Road's wooded character.

The strict application of the regulations would create an unnecessary hardship because the applicant is requesting a small variance from the maximum building height to permit only

one of the three proposed office buildings to be four/five-stories tall. The other two proposed office buildings will be two stories. Strict application of the regulations would force the applicant to increase the height of the two two-story buildings along Wolf Pen Branch Road.

The circumstances are not the result of actions taken by the applicant subsequent to the adoption of the zoning ordinance as the applicant has not yet developed the subject property.

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WAIVER JUSTIFICATION STATEMENT

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The proposed waiver of the requirement that no more than 50% of a perimeter landscape buffer area contain utility easements will not adversely affect the adjacent property owners. The waiver is necessary because the property is adjacent to Interstate 71 and Louisville Water Company has an easement along the Interstate. There will be no adverse impact to adjacent property owners.

The proposed waiver will not violate the Comprehensive Plan. The properties are within the Neighborhood Form District, which the Comprehensive Plan states may include “neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services.” The waiver will permit the applicant to construct three office buildings on the site that are consistent with the goals and objectives of Plan 2040 for the Neighborhood Form District.

The extent of the proposed waiver is the minimum necessary to afford relief to the applicant. The proposed waiver will permit the applicant to fully utilize this property fronting along Interstate 71 at the intersection of Chamberlain Lane and Wolf Pen Branch Road while still providing the appropriate landscape buffer area.

The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land and would create an unnecessary hardship on the applicant as it would essentially prohibit the applicant from developing this property adjacent to Interstate 71 and the Louisville Water Company easements that run along it.

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