

Development Review Committee
Staff Report
August 5, 2015



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| Case No: | 15DEVPLAN1080 |
| Request: | Revised Detailed District Development Plan and Binding Elements for an office building |
| Project Name: | Hunnington Centre, Tract 4A |
| Location: | 1701 Hunnington Place |
| Owner: | 1701 Hunnington Place, LLC |
| Applicant: | 1701 Hunnington Place, LLC |
| Representative: | Mindel, Scott & Associates, Inc. |
| Jurisdiction: | Hurstbourne Acres |
| Council District: | 18 – Marilyn Parker |
| Case Manager: | David B. Wagner – Planner II |

REQUEST

- Revised Detailed District Development Plan
- Binding Elements

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The subject site is a vacant parcel of 1.25 acres. It fronts Bunsen Parkway which it accesses through a recorded private crossover access easement named Hunnington Place. If Blowing Tree Way is ever extended to Bunsen Parkway, the site will have a second street frontage on its northwestern lot line, shown as a reserved area on the plan and referenced in Note 23.

The applicant proposes to build a 2-story office building for a total of 15,024 SF. It closely resembles the previous approval for the same building. That plan has since expired and needs to be approved again in order to proceed with construction.

Existing Zoning District: OR-3, Office/Residential
Proposed Zoning District: N/A
Form District: Campus
Existing Use: Vacant
Proposed Use: Office
Minimum Parking Spaces Required: 43
Maximum Parking Spaces Allowed: 75
Parking Spaces Proposed: 54

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

| | Land Use | Zoning | Form District |
|--------------------------------------|--------------------------|--------|---------------|
| <i>Subject Property</i> | | | |
| Existing | Vacant | OR-3 | C |
| Proposed | Office | OR-3 | C |
| <i>Surrounding Properties</i> | | | |
| North | Office | OR-3 | C |
| South | Office | OR-3 | C |
| East | Multi-Family Residential | R-6 | C |
| West | Agricultural | R-4 | C |

PREVIOUS CASES ON SITE

- 9-14-85/10-3-85: Rezoning from R-4 to R-6, R-9 (OR-3), and C-2 for Retail Center, Apartments, Retirement Community and Office, General District Development Plan, Binding Elements, and a Preliminary Major Subdivision Plan
- 10632: Detailed District Development Plan and Binding Elements for the currently proposed office

INTERESTED PARTY COMMENTS

- Staff has not received any inquiries from interested parties.

APPLICABLE PLANS AND POLICIES

- Cornerstone 2020
- Land Development Code

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. Sidewalks and vehicular access have been provided along Bunsen Parkway via Hunnington Place. Cross connectivity and shared parking have been established through a recorded legal instrument.

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

STAFF: Since open space is not required for this proposal, appropriate open space has been provided for this development as required by LDC regulations.

- 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 help 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. The site design is compatible with the existing office park development. It is almost an identical proposal to the previously approved development plan.

- 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. The site is located within a large office park and was previously approved for the same office building. Adequate buffering to mitigate nuisances to abutting property owners has been provided and appropriate access has been provided for cyclists, pedestrians, and vehicles by the surrounding transportation network.

TECHNICAL REVIEW

- The proposal complies with the requirements of the LDC.
- MSD and Transportation Review have given preliminary approval for the plan.
- The proposed binding elements are the updates to reflect the standard binding elements staff currently uses. The existing binding elements are mostly redundant and covered under the General District Development Plan binding elements which will continue to apply to the site.

STAFF CONCLUSIONS

Revised Detailed District Development Plan and Binding Elements

Staff analysis in the standard of review section of the staff report indicates the proposed RDDDP and Binding Elements are justified.

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 for granting an RDDDP and Binding Elements established in the Land Development Code.

Required Actions

- Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must **APPROVE** or **DENY** the Revised Detailed District Development Plan and Binding Elements listed in the staff report.

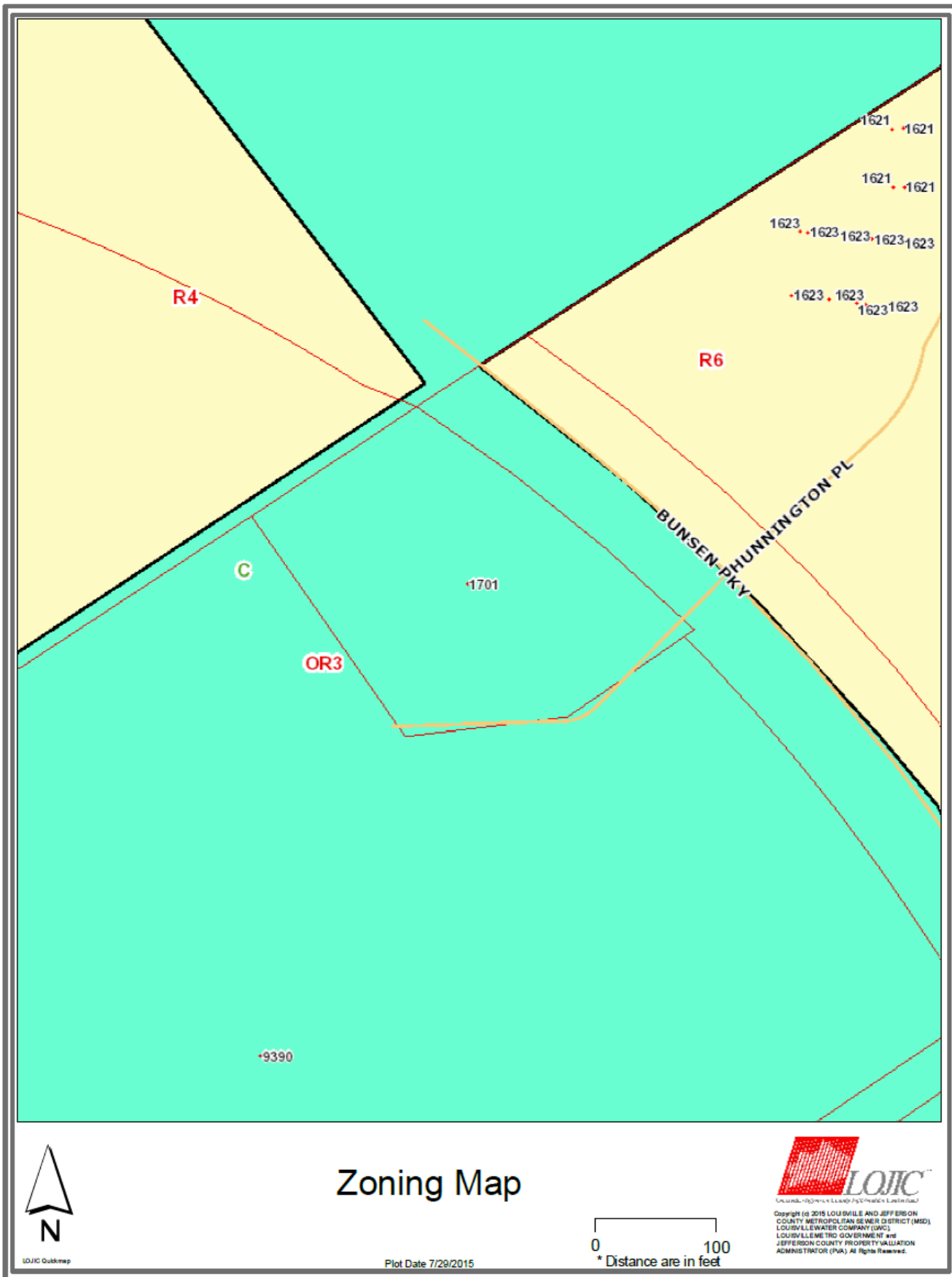
NOTIFICATION

| Date | Purpose of Notice | Recipients |
|---------|--------------------|--|
| 7/24/15 | Meeting before DRC | 1 st tier adjoining property owners Speakers at Planning Commission public hearing Subscribers to Council District 18 Notification of Development Proposals |

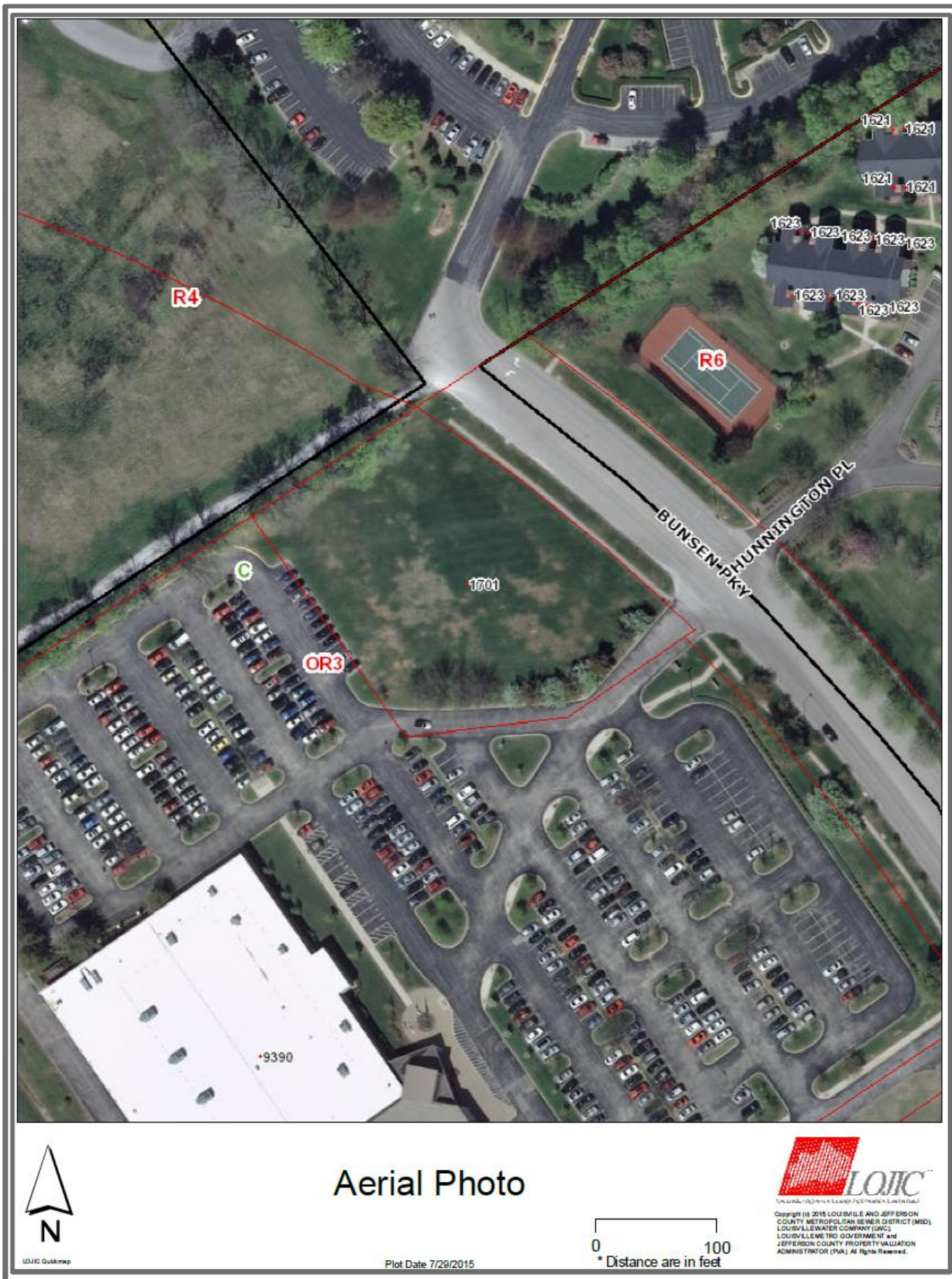
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

1. The building will be in accordance with the approved district development plan. No further development will occur.
2. The development will not exceed 281,112 sf of gross floor area.
3. The area designated as "office" on the District Development Plan shall be used only for business offices, governmental offices, and professional offices. The maximum height for any building constructed on this property shall be 3 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, dumpsters, 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 Area 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 designed 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 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 Adjustments.

4. Proposed Binding Elements

All binding elements from the approved General Development Plan are applicable to this site, in addition to the following:

1. 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. Construction fencing shall be erected when off-site trees or tree canopy exists within 3' of a common property line. Fencing shall be in place prior to any grading or construction to protect the existing root systems from compaction. The fencing shall enclose the entire area beneath the tree canopy and shall remain in place until all construction is completed. No parking, material storage or construction activities are permitted within the protected area.
3. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - c. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10 prior to requesting a building permit. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
 - d. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
4. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
5. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the structure or land for the proposed use. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waived by the Planning Commission.
6. The applicant, developer, or property owner shall provide copies of these binding elements to tenants, purchasers, contractors, subcontractors and other parties engaged in development of this site and shall advise them of the content of these binding elements. These binding elements shall run with the land and the owner of the property and occupant of the property shall at all times be responsible for compliance with these binding elements. At all times during development of the site, the applicant and developer, their heirs, successors; and assignees, contractors, subcontractors, and other parties engaged in development of the site, shall be responsible for compliance with these binding elements.
7. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the August 5, 2015 DRC meeting.