

Development Review Committee

Staff Report

February 17, 2016



Case No:	15DEVPLAN1205
Request:	Revised Detailed District Development Plan and Waiver
Project Name:	Glenmary Pointe Apartments
Location:	11304 Professional Park Drive
Owner:	Orthober Custom Homes
Applicant:	Jason Orthober, Orthober Custom Homes
Representative:	Christopher Crumpton, Bluestone Engineers
Jurisdiction:	Louisville Metro
Council District:	22 – Robin Engel
Case Manager:	Laura Mattingly-Humphrey, Planner I

REQUEST

- Waiver
 1. 10.3.5.A: waiver to reduce the 75' parkway setback and 50' buffer area requirement along Bardstown Road to 30'
- Revised Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is requesting to construct apartment buildings on Tract 1, as well as create 3 new tracts of land on which there are existing office buildings. Tract 1 will have nine 2-story apartment buildings, each 9,672 SF with 8 units for a total of 87,048 SF and 72 apartment units. Three office condos already exist on site as well as the paved VUA area and parking for the office uses. The applicant will also be finishing the striping to provide the needed parking for the new apartment use.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Office/Vacant	OR-1	N
Proposed	Office/Apartments	OR-1	N
<i>Surrounding Properties</i>			
North	Single Family Residential	R-4	N
South	Single Family Residential	R-4	N
East	Office/Vacant	R-4	N
West	Patio & Single Family Homes	R-4	N

PREVIOUS CASES ON SITE

9-31-04: A re-zoning from R-4 Single Family Residential to OR-1, Office Residential was approved by the Planning Commission on September 2, 2004. The original proposal was for 14 one-story office buildings.

12659: Revised District Development Plan to combine two of the office buildings into one, approved by the Development Review Committee on June 24th, 2009.

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- 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: While there is very little existing vegetation on site due to the fact that it has already been graded for development, the proposal does include planting 39% tree canopy.

- 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 through the existing sidewalk along Old Bardstown Road and it's connectivity to and throughout the site. Metro Public Works has approved the preliminary development plan.

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

STAFF: The open space requirements have been exceeded for the residential portion of the proposal with 15% of the net lot area dedicated to open space, a portion of which contains a gazebo for passive recreation.

- 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 land uses are compatible with the existing and future development of the area. With the newer subdivisions and patio homes in this area, it appears that a medium density apartment development of this type is compatible and needed to fulfill the housing need. The proposal includes vegetative buffers and site and building design that aide in the transition from single family to office/multi-family.

- 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 does not conform to some requirements of the Land Development Code in regards to setbacks and buffers, although this is generally due to the new lot lines being drawn on a development that had been previously laid out in compliance with the zone and form district as one parcel.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER
Section 10.3.5 to allow a reduction in the 50' parkway buffer and 75'
parkway setback to 30'**

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

STAFF: The waiver will not adversely affect adjacent property owners as the parkway buffer is adjacent to the parkway only and has no effect on buffers or setbacks along the shared property lines.

- (b) The waiver will not violate specific guidelines of Cornerstone 2020; and

STAFF: Guideline 3, policies 21 and 22 call 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. While the proposed site design does not allow for the required residential setback and buffer along a parkway, this is justified by the existing conditions, making it unreasonable to adhere to the parkway buffer standards.

- (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 as the site layout already existed due to the previously approved office park proposal. This waiver is necessary in order to maintain the same site layout and comply with parking and other site requirements.

- (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 as the site layout would need to be completely changed and the mixed use proposal would not be possible for the applicant.

TECHNICAL REVIEW

- The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.
- A joint parking agreement will need to be submitted in order to satisfy the parking requirement for Tract 1.
- The required minor plat to create the new tracts has been submitted by the applicant and is currently under staff review.

STAFF CONCLUSIONS

The Revised Detailed District Development Plan and Waiver request appear to be adequately justified and generally meets 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 hearing, the Development Review Committee must determine if the proposal meets the standards for granting LDC Waiver and a RDDDP established in the Land Development Code.

REQUIRED ACTIONS

- **APPROVE** the RDDDP on condition that a Joint Parking Agreement be submitted or **DENY** the RDDDP
- **APPROVE** or **DENY** the waiver to reduce the 75' parkway setback and 50' parkway buffer to 30'

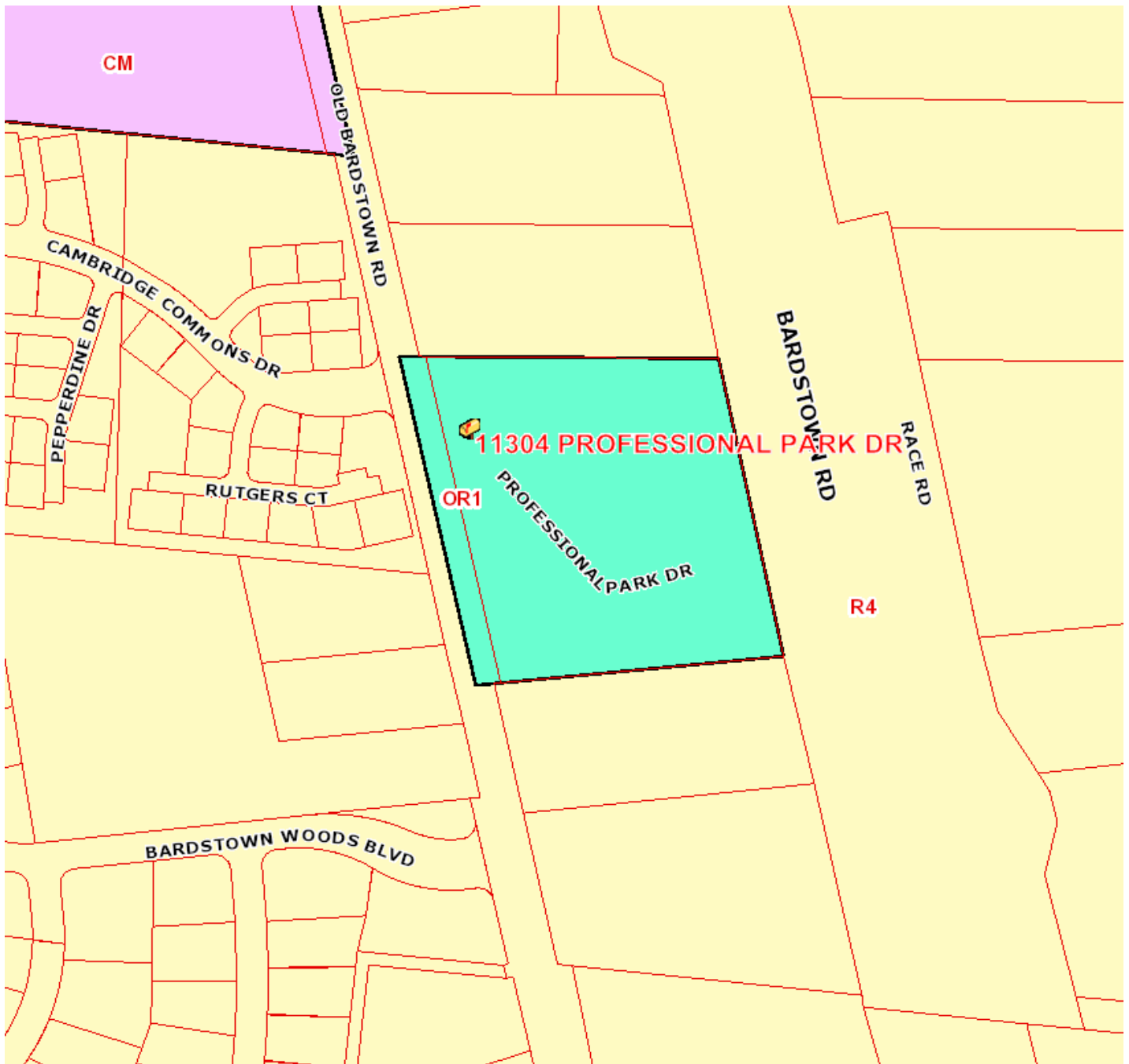
NOTIFICATION

Date	Purpose of Notice	Recipients
1/19/2016	Early Notification of Filing	1 st tier adjoining property owners
1/28/2016	Public Hearing - DRC	Neighborhood notification recipients
1/29/2016	Public Hearing - DRC	1 st tier adjoining property owners

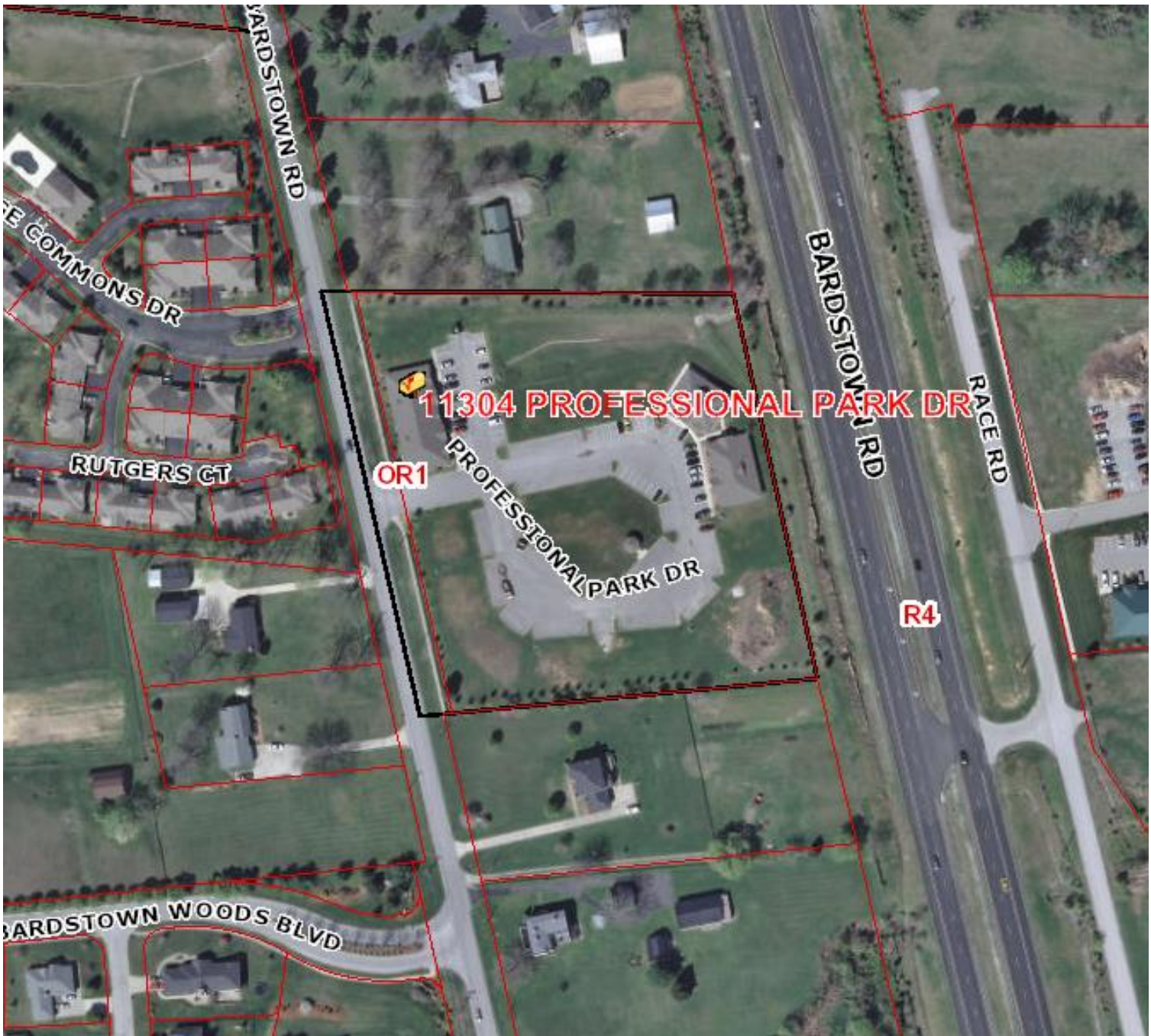
ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. **Existing Binding Elements**

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. The development shall not exceed 45,000 square feet of gross floor area.
3. Signs shall be in accordance with Chapter 8.
4. 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.
5. 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 Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works 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.
6. If a building permit is not issued within one year of the date of approval of the plan or rezoning, whichever is later, the property shall not be used in any manner unless a revised district development plan is approved or an extension is granted by the Planning Commission.
7. 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.
8. The materials and design of proposed structures shall be substantially the same as depicted in the renderings as presented at the September 2, 2004 Planning Commission meeting.
9. The applicant shall provide documentation showing that the development complies with all the regulations from Chapter 4, Part 1, Section 3, Lighting, prior to the issuance of a construction permit. These regulations include the following items: Mounting Height Limit, Luminaire Shielding, Canopy Lighting Level, and Light Trespass.
10. All street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.
11. Sink holes, if any on site, shall be further identified by a licensed professional engineer and certified in writing to the Planning Commission. If same are found to exist, recommendations for addressing same, as set forth in the geotechnical study presented at the September 2, 2004 public hearing, shall be followed during construction.

4. Proposed Amendment to Binding Element

2. The development shall not exceed ~~45,000~~ **99,900** square feet of gross floor area.
8. The materials and design of proposed structures shall be substantially the same as depicted in the renderings as presented at the ~~September 2, 2004 Planning Commission~~ **February 17th Development Review Committee** meeting.