

Development Review Committee

Staff Report

May 18th, 2016



Case No:	16DEVPLAN1059
Request:	Revised Detailed District Development Plan and Waivers
Project Name:	Hurstbourne Green Office Park
Location:	9721 Ormsby Station Road
Owner:	RS Louisville Enterprises, LLC
Applicant:	RS Louisville Enterprises, LLC
Representative:	Kevin Young, Land Design & Development, Inc
Jurisdiction:	Lyndon
Council District:	18- Marilyn Parker
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Waivers
 1. Section 9.1.3.A to exceed the maximum number of parking spaces allowed by 73.
 2. Section 10.2.12.B to allow greater than 120 linear feet between ILAs in parking space rows from the closest curb edge of each ILA.
- Revised Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

The applicant is proposing a parking lot expansion to an existing office building, including a new parking lot located to the west of the building, as well as the removal of ILAs to make way for more parking spaces. The maximum allowed parking for this site is 500. The site currently has 505 spaces and would like to increase to 578 for a total increase of 73. The applicant has applied for a parking waiver for exceeding the maximum number of spaces in order to meet the parking demand. The applicant has also applied for a landscape waiver to allow the remaining ILAs to be further than 120 linear feet apart along the parking rows.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<i>Subject Property</i>			
Existing	Office	PRO	C
Proposed	Office	PRO	C
<i>Surrounding Properties</i>			
North	Office/Open Space	PRO	C
South	Office/Hotel	PRO	C
East	Office	PRO	C
West	Open Space	PRO	C

PREVIOUS CASES ON SITE

9-13-88 - Rezoning from R-4 to PRO for Hurstbourne Green Office Park. Revised Detailed District Development plan for office building and parking increase.

INTERESTED PARTY COMMENTS

None received.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDP

- 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 are several trees on site. The applicant is taking down some of the vegetation and greening by removing the ILAs, but still exceeds the ILA requirement by 50%.

- 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 have been provided with a new pedestrian connection from the public sidewalk along Ormsby Station Road to the existing walkways on the development site. Vehicular access is remaining unchanged from the previously approved plan. Public Works has reviewed the plan and has given their preliminary approvals.

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

STAFF: There are no open space requirements with the current proposal.

- 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 use and building design are compatible with the existing and future development of the area. This area was planned as an office park and is very vehicle oriented.

- 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 the Land Development Code and has applied for the appropriate waivers in order to provide relief for the deficiencies.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR LANDSCAPE WAIVER of section 10.2.12 to allow more than 120 feet between Interior Landscape Areas.

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

STAFF: The waiver will not adversely affect adjacent property owners as the property is providing the required LBAs and not significantly changing the site.

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

STAFF: Guideline 13, Policy 5 calls for standards to ensure the creation and/or preservation of tree canopy as a valuable community resource. The purpose of interior landscape areas is to break up large impervious areas and allow for a greater distribution of tree canopy coverage. This policy is violated due to the long rows of parking, one row being 72 spaces long that will no longer be broken up by the ILAs which provide shade, aesthetics and water retention. The applicant states that the trees removed will be replaced, but there would be approximately 11 large trees removed. The trees that would replace them would take at least 10-15 years to reach the current level of maturity of the trees on site.

- (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 not the minimum necessary to afford relief to the applicant as 48 spaces are being provided by the new parking area. There is nothing in the parking study to suggest that they need the additional parking spaces provided by the removal of the ILAs in addition to the new parking.

- (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 applicant has provided 50% more ILA square footage that what is required by the Land Development Code, but with the removal of a significant portion of the mature trees on site, this additional square footage does not mitigate adequately.

In granting a General Parking Waiver to allow 73 spaces over the maximum allowed, the Planning Commission must find that:

- a. The Parking Waiver is in compliance with the Comprehensive Plan; and

STAFF: This proposal is in compliance with Guideline 7, Policies 13 & 16 which state that proposals must provide adequate parking to support the use.

- b. The applicant made a good faith effort to provide as many parking spaces as possible on the site, on other property under the same ownership, or through joint use provisions;

STAFF: The applicant has stated that all efforts have been made to find parking through joint use agreements but was unsuccessful and has instead requested to maximize the parking on site.

- c. The requirements found in Table 9.1.2 do not allow the provision of the number of parking spaces needed to accommodate the parking needs of the proposed use; and

STAFF: Due to the parking lease agreement made with other leasers within the building, providing the required carpool and ADA accessible spaces, 172 spaces of the maximum allowed are reserved at all times. The remaining common spaces are not enough to fill the parking demand for the remaining offices within the building, which has increased since a call center for a Fortune 500 company moved into the building.

- d. The requested increase is the minimum needed to do so.

STAFF: The applicant has not provided the number that is needed to fulfill the parking demand, although the parking study does show that there is a need for more parking in addition to what exists.

TECHNICAL REVIEW

- The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.

STAFF CONCLUSIONS

The Revised Detailed District Development Plan and Parking Waiver requests appear to be adequately justified and meet the standard of review based on staff analysis in the staff report. The Landscape Waiver to allow the removal of ILAs is not justified due to the removal of mature tree canopy for parking that the applicant has not justified is needed. This is based on the standard of review and staff analysis.

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 Waivers and a RDDDP established in the Land Development Code.

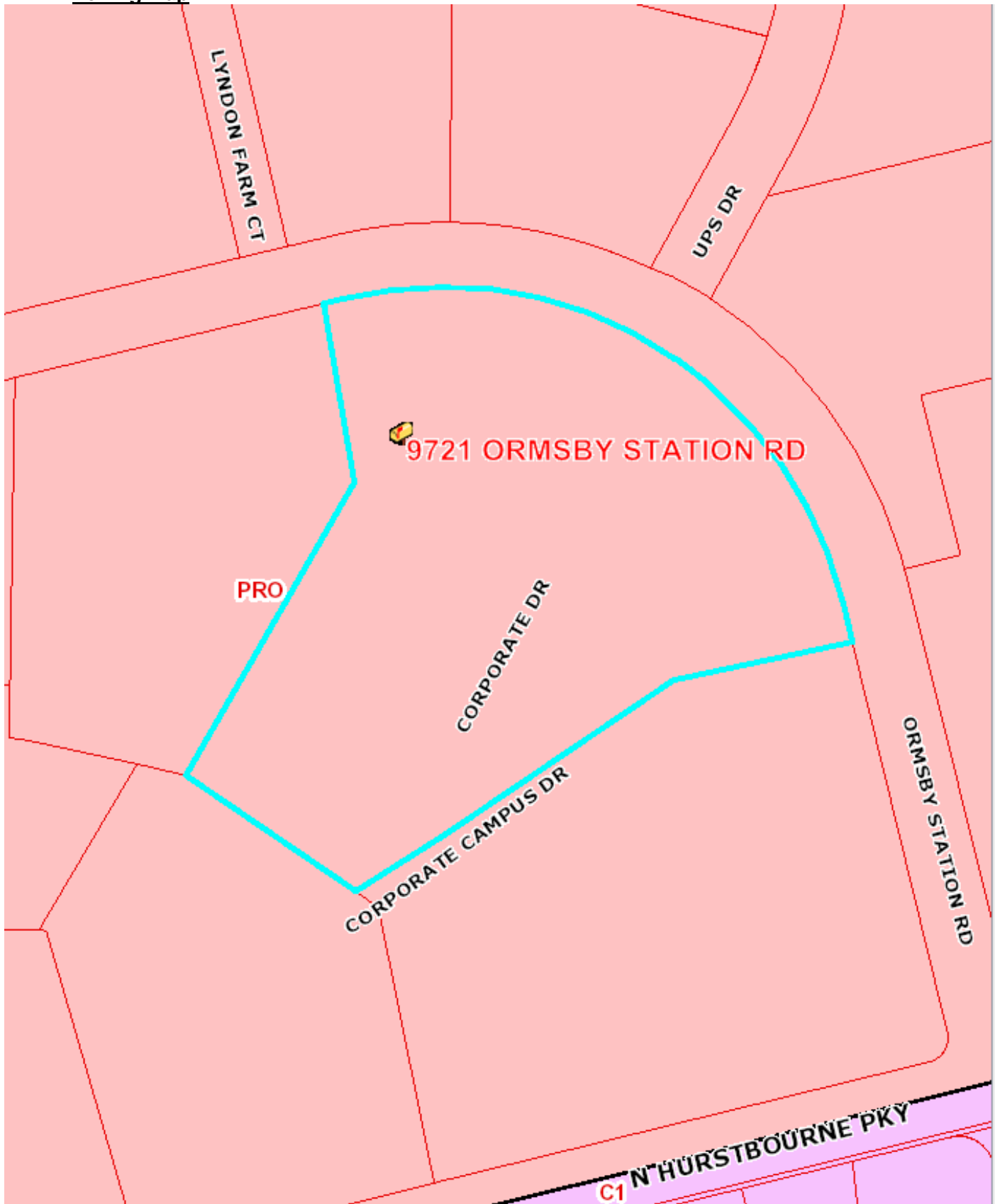
NOTIFICATION

Date	Purpose of Notice	Recipients
5/6/2016	Public Hearing - DRC	Neighborhood notification recipients
5/4/2016	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 and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission, except for land uses permitted in the established zoning district.
2. There shall be no medical offices or other uses requiring a parking ratio greater than one space per 400 square feet of floor area unless parking can meet the requirement of the proposed use.
3. The development shall not exceed 100,000 square feet of gross floor area.
4. The only permitted freestanding sign shall be a monument style sign, located as shown on the approved development plan. No portion of the sign, including the leading edge of the sign frame, shall be closer than 20 feet to from property line; The sign shall not exceed 50 square feet in area per side and 4 feet in height. No sign shall have more than two sides.
5. No outdoor advertising signs (billboards), small free-standing (temporary) signs, pennants balloons, or banners shall be permitted on the site.
6. There shall be no outdoor stage on the site.
7. Outdoor lighting shall be directed down and away from surrounding residential properties. Lighting fixtures shall have a 90 degree cutoff so that no light source is visible off-site. Lighting levels attributable to the fixtures located on the subject site shall not exceed two foot candles at the property line.
8. Before any permit (including but not limited to building, parking lot, change of use, or alteration permit) is requested:
 - a. The development plan must receive full construction approval from the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such a plan shall be implemented by October 28, 1999 and shall be maintained thereafter.
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. A minor subdivision plat shall be approved moving the building limit line to allow the proposed sign to be placed in its proposed location. A copy of the recorded minor plat shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument
 - e. The appropriate variances (or conditional use permit) shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
9. If a building permit is not issued within one year of the date of approval of the plan, 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.
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. All binding elements requiring action and approval must be implemented prior to requesting issuance of the certificate of occupancy, unless specifically waive by the Planning Commission.

11. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment, or outdoor PA system permitted on the site.
12. The property owner/developer shall provide copies of these binding elements to tenants, contractors, and other parties engaged in development of this project, and shall inform them of the content of these binding elements. Further, the property owner/developer shall require contractors to similarly notify all of the sub-contractors whose duties relate to the binding elements. The property owner/developer shall ensure their compliance with the binding elements.
13. If work is required within the easements causing removal or damage of landscape materials, the property owner shall be responsible for replacement of materials according to the approved landscape plan.
14. Construction trailers shall be removed by February 1, 2000.

4. Proposed Binding Elements

2. There shall be no medical offices or other uses requiring a parking ratio greater than one space per 400 **200** square feet of floor area unless parking can meet the requirement of the proposed use.
15. Before any permit (including but not limited to building, parking lot, change of use, or alteration permit) is requested:
 - a. The development plan must receive full construction approval from ~~the Jefferson County Department of Public Works and Transportation (400 Fiscal Court Building) and the Metropolitan Sewer District (700 West Liberty).~~ **Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.**
 - b. The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12 prior to requesting a building permit. Such a plan shall be implemented by October 28, 1999 and shall be maintained thereafter.
 - c. A minor plat or legal instrument shall be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - d. A minor subdivision plat shall be approved moving the building limit line to allow the proposed sign to be placed in its proposed location. A copy of the recorded minor plat shall be submitted to the Division of Planning and Design Services; transmittal of the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument
 - e. The appropriate variances (or conditional use permit) shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.

~~14. Construction trailers shall be removed by February 1, 2000.~~