

# Board of Zoning Adjustment Staff Report August 1, 2016



<b>Case No:</b>	16VARIANCE1052
<b>Project Name:</b>	Chamberlain Pointe
<b>Location:</b>	4640 Chamberlain Lane
<b>Owner(s):</b>	Julep Holdings LLC
<b>Applicant(s):</b>	Julep Holdings LLC
<b>Representative(s):</b>	Bardenwerper, Talbott & Roberts, PLLC
<b>Project Area/Size:</b>	10.2 Acres
<b>Existing Zoning District:</b>	C-1, Commercial
<b>Existing Form District:</b>	RC, Regional Center
<b>Jurisdiction:</b>	Louisville Metro
<b>Council District:</b>	17 – Glen Stuckel
<b>Case Manager:</b>	Joel P. Dock, Planner I

## REQUEST

- **Variance** from the Land Development Code (LDC), section 5.7.1.B.1 to allow the height of a proposed structure to exceed the maximum requirement within a transition zone.

Location	Requirement	Request	Variance
Height (transition zone)	Max. 45'	58'	13'

## CASE SUMMARY

The applicant proposes to construct a 3-story, 84,352 SF medical office in a remaining vacant space of a development site at the intersection of Chamberlain Lane and Brownsboro Road; abutting the East right-of-way of the Gene Snyder Expressway. Parking will be provided to meet the needs of the proposed office and the development site, including surface and underground parking spaces. A cross access agreement will unify the parking facilities and vehicular circulation within the development site. Portions of the development site lie within the form district transition zone. The maximum permitted height within a form district transition zone from Neighborhood to Regional Center is 45 feet; therefore, a variance is required for the building to exceed this limit and be a maximum of 58 feet in height. Roughly half the front façade of the structure is located within the transition zone. The façade and building will be oriented towards Brownsboro Road and Chamberlain Lane serving as the focal point for the development. The neighborhood form district containing residential uses is located to the rear and Southeast of the site.

This request is associated with a revised detailed district development plan, case 16DEVPLAN1057, to be reviewed by the Development Review Committee on August 3<sup>rd</sup>.

## LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b>Subject Property</b>			
<b>Existing</b>	Mixed commercial/office	C-1	RC
<b>Proposed</b>	Medical Office	C-1	RC
<b>Surrounding Properties</b>			
<b>North</b>	Mixed commercial/office	C-1	RC
<b>South</b>	Multi-family Residential	R-5A	N
<b>East</b>	Religious Building	R-4	RC
<b>West</b>	Mixed commercial/office	C-1/C-2	RC

## PREVIOUS CASES ON SITE

<u>9-110-77:</u>	Change-in-zoning from R-4 to C-1 for landscaping/nursery
<u>9-18-95:</u>	Change-in-zoning from R-4 to C-1
<u>9-21-05:</u>	Change-in-zoning from R-4 & OR-3 to C-1 with parking waiver and
<u>15CUP1027:</u>	Conditional use Permit for outdoor alcohol sales for building B.
<u>15DEVPLAN1092:</u>	Detailed development plan for buildings F & E.

## INTERESTED PARTY COMMENTS

Staff spoke with Connie Cheak, President of Old Brownsboro Crossing Condominiums, on March 29, 2016. Her primary concern was related to blasting for construction and the related impacts to the foundations of adjacent residential structures. A response by the applicant was provided on March 31<sup>st</sup> which summarized the procedures of the blast contractor and provided a link to the Kentucky blasting standards.

## APPLICABLE PLANS AND POLICIES

Land Development Code (April 2016)

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR VARIANCE

- (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 proposed additional height does not appear to impact site lines for safe pedestrian or vehicular movement on nearby roadways.

- (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 site is surrounded by a mixture of commercial and office uses of a variety of heights to which the architectural style of the proposed structure will be compatible. The proposed office building will also serve as a focal point for the development site.

- (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.

- (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 proposed structure is compatible with surrounding commercial and offices uses along Brownsboro Road which is a high traffic commercial corridor. A 3-story office building will also provide a density of office uses to be accessed from the Gene Snyder Freeway and public transportation.

## 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 arises from special circumstances that do not generally apply to the land in the general vicinity as the proposed use is located at the periphery of the Regional Center form district abutting a neighborhood 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 structure is compatible with surrounding uses and will serve as a focal point for this commercial and office development. Additionally, the proposed height does not create any adverse risk to the public health, safety, or welfare or cause a nuisance to the public

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

Transition zones have been established to ensure compatibility of adjacent form districts of differing intensities. A transition zone is an area located at the edge of a form district where transitional design standards would be applied to building height, setback, buffer yard and other requirements. The non-transition zone maximum height within the regional center form district is 150 feet. The applicant has requested 58 feet.

### STAFF CONCLUSIONS

The variance request appears to be adequately justified and meets the standard of review. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Board of Zoning Adjustment must determine if the proposal meets the standard for granting a variance established in the Land Development Code.

#### Actions

- **APPROVE** or **DENY** the variance from LDC, section 5.7.1.B.1 to allow the height of the proposed medical office building to be a maximum of 58 feet within the form district transition zone.

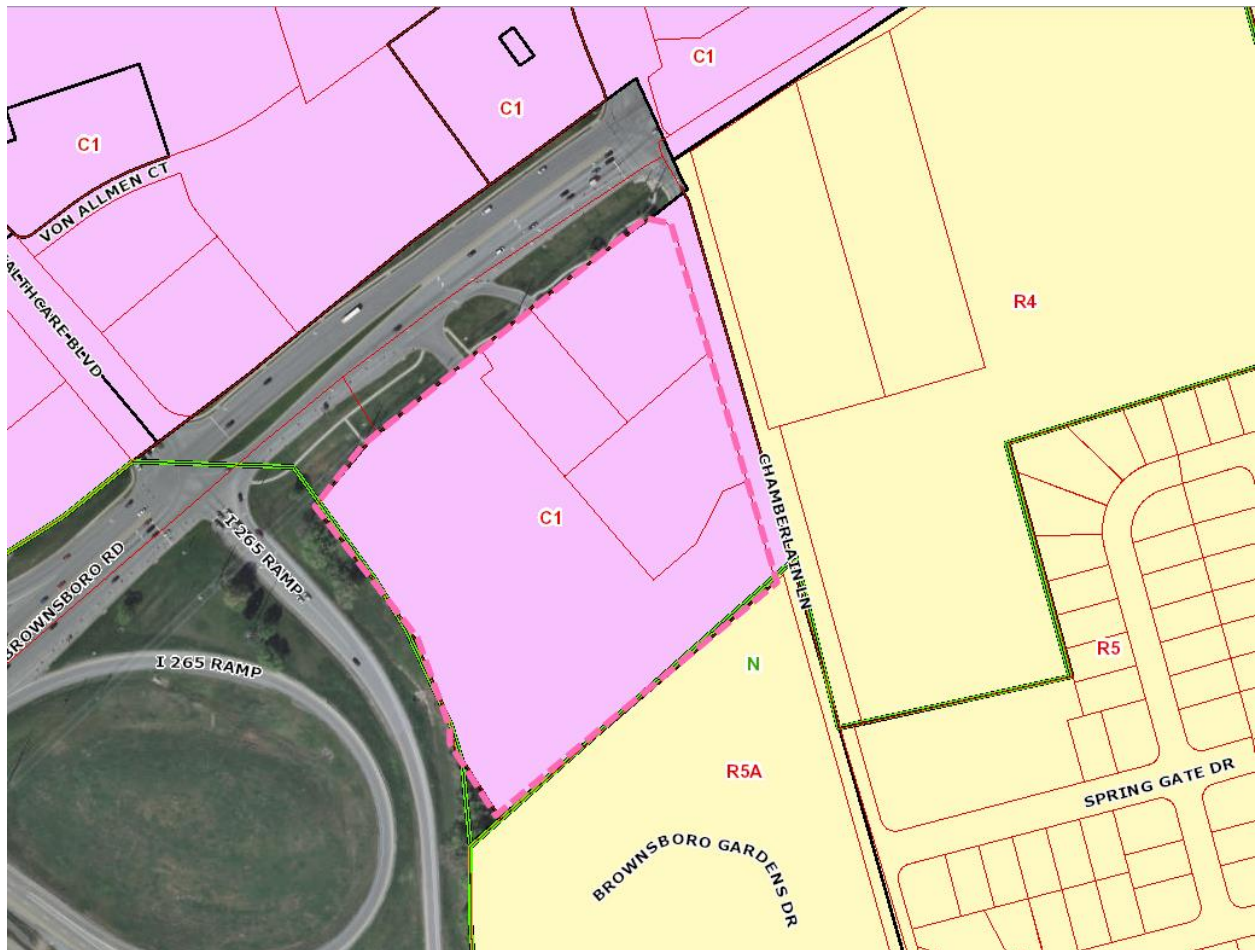
### NOTIFICATION

Date	Purpose of Notice	Recipients
7/15/16	BOZA	Adjoining property owners, applicant, representative, case manager, and registered users of Council District 17.

### ATTACHMENTS

1. Zoning and Form District Map
2. Aerial Photograph

1. **Zoning and Form District Map**



2. Aerial Photograph

