

Development Review Committee

Staff Report

June 2, 2021



Case No:	20-DDP-0043
Project Name:	Assumption Greek Orthodox Church
Location:	930 Ormsby Ln
Owner(s):	Assumption Greek Orthodox Church
Applicant:	Assumption Greek Orthodox Church
Jurisdiction:	Lyndon
Council District:	18 – Marilyn Parker
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Revised Detailed District Development Plan** with replacement of existing binding elements

CASE SUMMARY/BACKGROUND

The applicant is proposing to expand an existing religious institution, with additions to existing structures as well as new structures and parking areas. Site uses proposed include classrooms, office and reception hall in addition to the existing chapel on site. The site is zoned R-4, R-5 and R-5a within the Neighborhood form district in the City of Lyndon. The R-5a portion of the site was previously rezoned as part of 9-39-85 and was originally proposed as part of a multifamily development. Most of the Plan Certain R-5a portion of the site is shown as a proposed detention basin with property perimeter buffers.

STAFF FINDING

The request is adequately justified and meets the standard of review. The Detailed District Development Plan is in conformance with the Comprehensive Plan and the proposed development is compatible with other development in the area. All required buffers will be provided adjacent to surrounding residential properties.

TECHNICAL REVIEW

The plan has received preliminary approval from MSD and Transportation Planning staff.

The Board of Zoning Adjustment will consider two variances for this development at the June 7, 2021 meeting.

INTERESTED PARTY COMMENTS

Staff has received no comments concerning this proposal.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR DDDP

- 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 do not appear to be any environmental constraints or historic resources 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, and Metro Public Works and KYTC have approved the preliminary development plan.

- 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 pertinent to 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 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.

- 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. Appropriate landscape buffering and screening will be provided to screen adjacent properties and roadways. Buildings and parking lots will meet all required setbacks except where variances have been requested.

- 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.

REQUIRED ACTIONS:

- **RECOMMEND** the City of Lyndon **APPROVE** or **DENY** the **Revised Detailed District Development Plan** with replacement of existing binding elements.

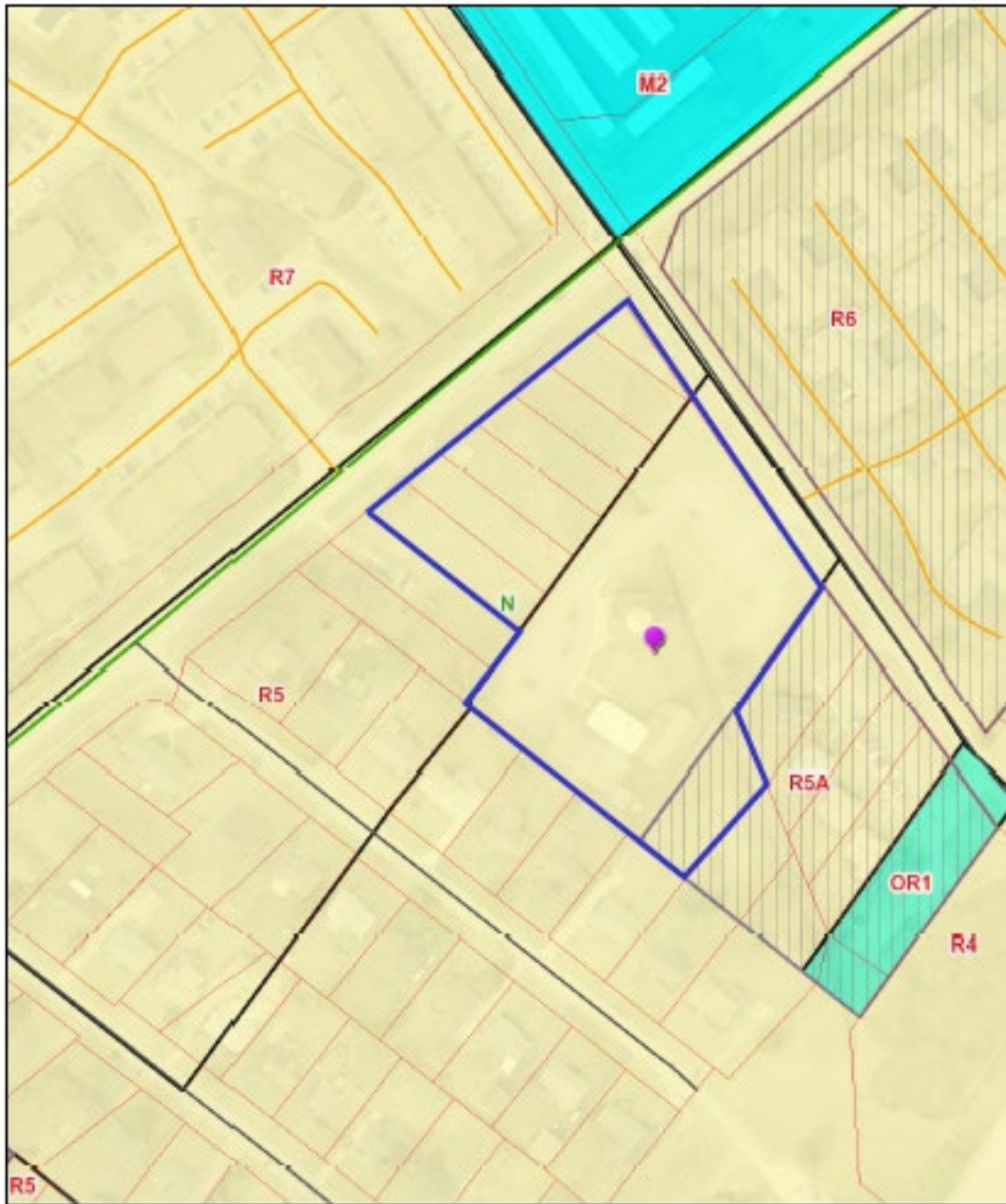
NOTIFICATION

Date	Purpose of Notice	Recipients
5-21-21	Hearing before DRC	1 st tier adjoining property owners Speakers at previous public hearings Registered Neighborhood Groups in Council District 18

ATTACHMENTS

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

1. Zoning Map



20-DDP-0043

Monday, May 24, 2021 | 1:55:08 PM



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2. Aerial Photograph



20-DDP-0043

Monday, May 24, 2021 | 1:38:49 PM



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3. Existing Binding Elements to be replaced

1. ~~The development will be in accordance with the approved district development plan. No further development will occur.~~
2. ~~The development in the OR-1 district will not exceed 3200 square feet of gross floor area.~~
3. ~~The development in the R-5A district shall not exceed 8 dwelling units per acre (8 units on .99 acre).~~
4. ~~Before a building permit is issued:~~
 - a. ~~the development plan must be reapproved by the Transportation Engineering, Water Management and Fire Safety Sections of the Jefferson County Public Works and Transportation Cabinet.~~
 - b. ~~the size and location of any proposed business identification signs must be approved by the Planning Commission. The Planning Commission may require that the signs be smaller than would otherwise be permitted by the Zoning District Regulations.~~
 - c. ~~the property owner or developer must obtain approval of a plan for screening (buffering landscaping) along the south and west property line(s). Such plan shall be implemented prior to occupancy and maintained thereafter.~~
 - d. ~~a minor subdivision plat shall be recorded dedicating additional right of way to Ormsby Lane to provide a total of 30 feet from the centerline. The deed book and page number of the recorded instrument shall be submitted to the Planning Commission.~~
5. ~~If building permits are 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.~~
6. ~~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, and all binding elements must be implemented prior to requesting issuance of the certificate.~~
7. ~~The use of the property in the R-5a shall only be used for duplex residential and the use of the property in the OR-1 zoning district shall be only for the two-story office building and garage, all as shown on the revised development plan.~~
8. ~~The above binding elements may be amended as provided for in the Zoning District Regulations.~~

4. Proposed 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 and to the City of Lyndon for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. 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 Construction Review, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
 - 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.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
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. 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.