

# Development Review Committee

## Staff Report

March 4th, 2015



<b>Case No:</b>	<b>15DEVPLAN1012</b>
<b>Request:</b>	<b>Revised Detailed District Development Plan with Binding Element Amendments</b>
<b>Project Name:</b>	<b>8311 Shelbyville Road</b>
<b>Location:</b>	<b>8311 Shelbyville Road</b>
<b>Owner:</b>	<b>Lynhursh Real Estate Investment Inc</b>
<b>Applicant:</b>	<b>Bill Bardenwerper</b>
<b>Representative:</b>	<b>Bill Bardenwerper</b>
<b>Jurisdiction:</b>	<b>Lyndon</b>
<b>Council District:</b>	<b>18 – Marilyn Parker</b>
<b>Case Manager:</b>	<b>Christopher Brown, Planner II</b>

### REQUEST

- Binding Element Amendments
- Revised Detailed District Development Plan

### CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: OR-1  
 Existing Form District: Neighborhood  
 Existing Use: Vacant Office  
 Proposed Use: Permitted OR-1 Uses  
 Minimum Parking Spaces Required: 16  
 Maximum Parking Spaces Required: 40  
 Parking Spaces Proposed: 25  
 Plan Certain Docket #: 9-2-92

The applicant is proposing to reuse the existing structure on site for an OR-1 use. As part of the change in use the applicant is proposing to add pavement to increase the parking on site to 25 total spaces. Interior landscaping and VUA buffering will be added with the changes to the parking areas. All setbacks will be followed along Shelbyville Road and Lyndon Lane. Cross access to the adjacent property will remain. The applicant is requesting to eliminate binding elements regarding the adjacent access point and the limit of OR-1 uses on the site.

### LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
<b><i>Subject Property</i></b>			
<b>Existing</b>	Vacant Office	OR-1	N
<b>Proposed</b>	OR-1 Use	OR-1	N
<b><i>Surrounding Properties</i></b>			
<b>North</b>	Vacant	R-5	N
<b>South</b>	Residential	R-4	N
<b>East</b>	Office	OR-3	N
<b>West</b>	Office	OR-1	N

## PREVIOUS CASES ON SITE

9-2-92: The subject site was rezoned from R-5, residential to office under the OR-1 zoning category.

## INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

## APPLICABLE PLANS AND POLICIES

2006 Land Development Code  
Cornerstone 2020

### STANDARD OF REVIEW AND STAFF ANALYSIS FOR DEVELOPMENT PLAN 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, and Metro Public Works and the Kentucky Transportation Cabinet 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: Sufficient open space is being provided 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 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 roadways. Parking lots will meet all required setbacks and the building will remain as existing.

- 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 2006 Land Development Code.

### TECHNICAL REVIEW

- The recommendation of DRC requires final approval by the City of Lyndon.

### STAFF CONCLUSIONS

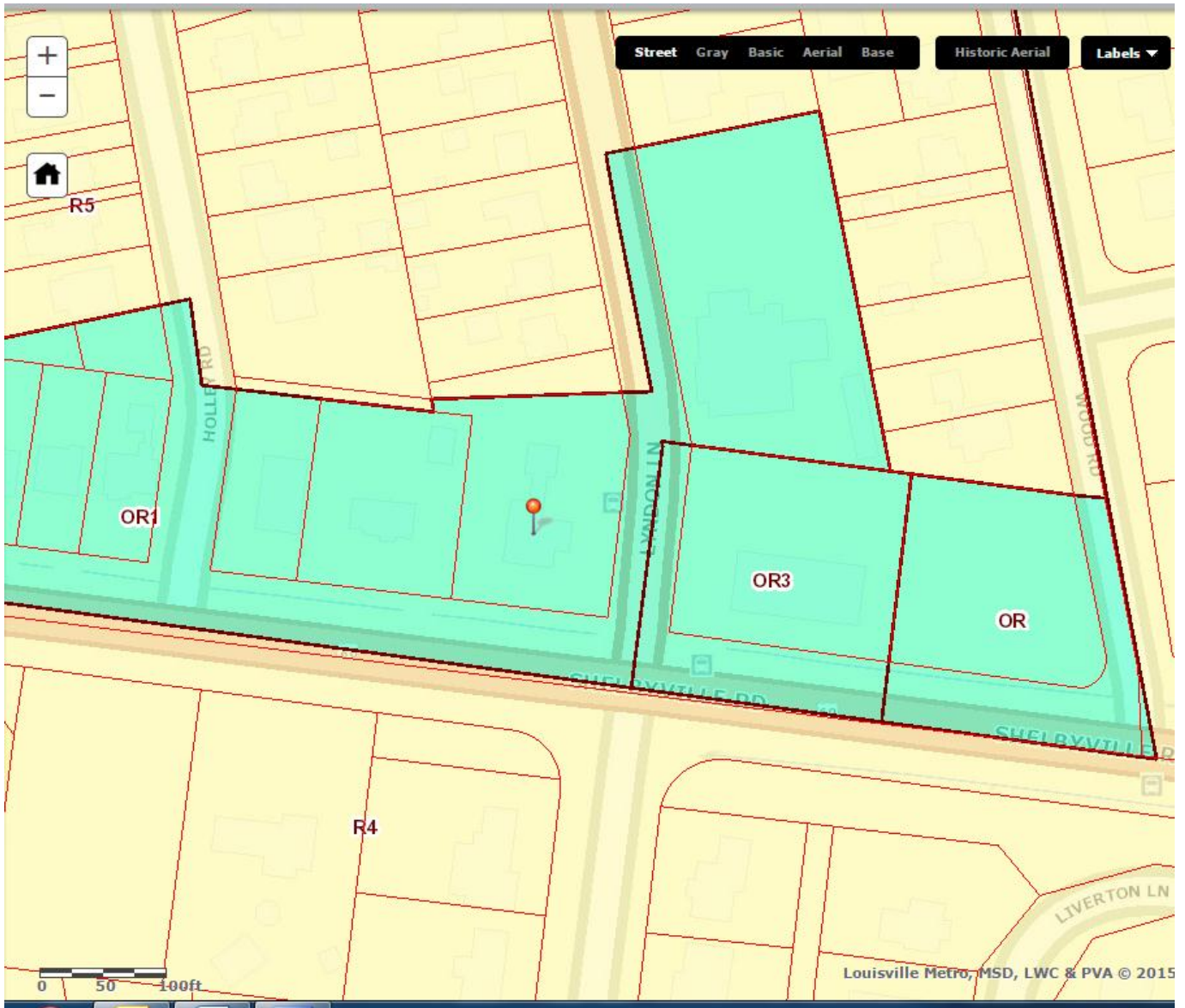
The standard of review for the proposal has been met. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Development Review Committee must determine if the proposal meets the standards for granting a revised detailed district development plan as established in the Land Development Code.

### NOTIFICATION

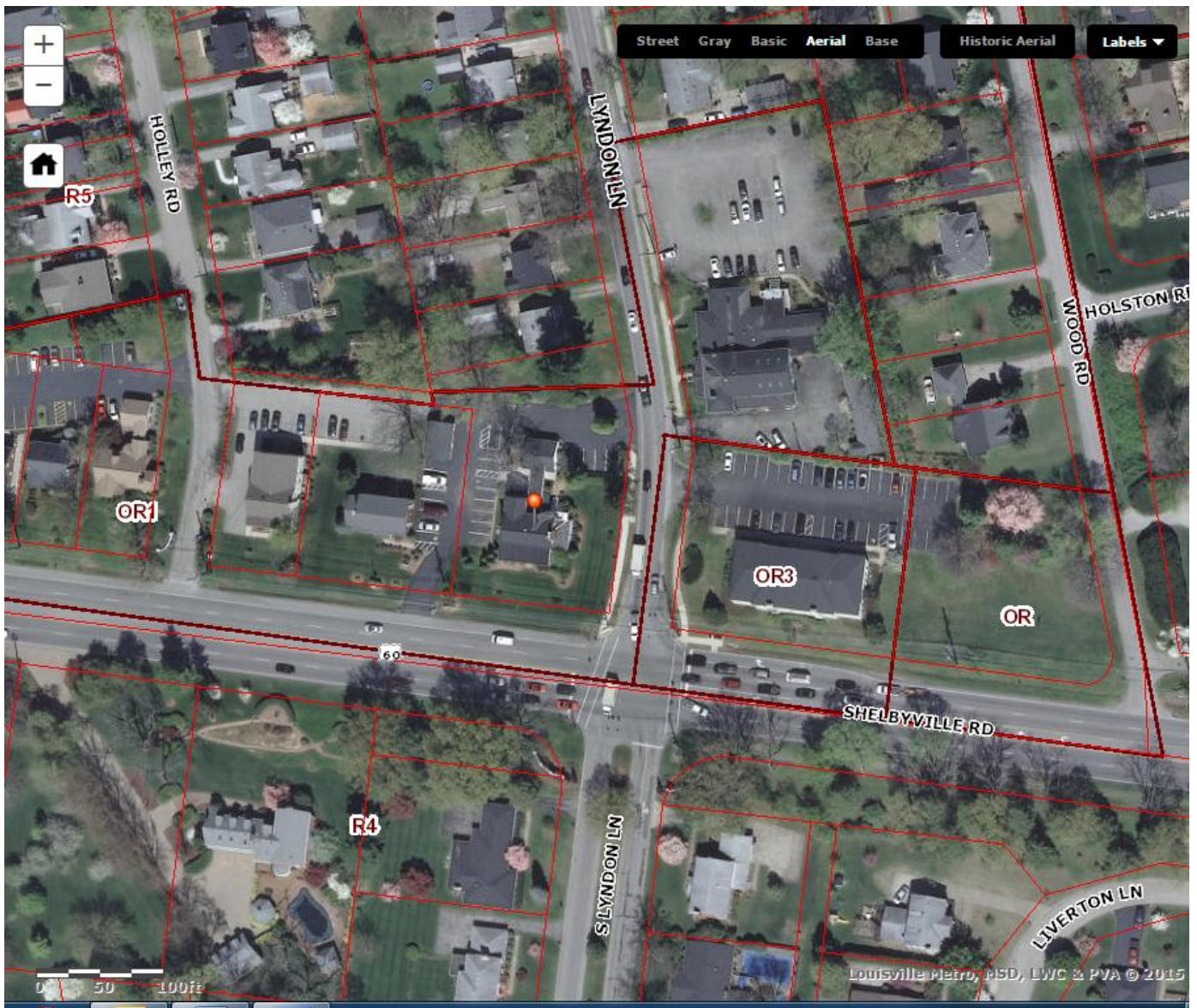
Date	Purpose of Notice	Recipients
2/18/15	Hearing before DRC	1 <sup>st</sup> tier APO of subject property Registered Interested Parties for Council District 18 Individuals that spoke at previous public hearings

# ATTACHMENTS

## 1. Zoning Map



## 2. Aerial Photograph



## 3. Existing Binding Elements

1. The development shall be in accordance with the approved district development plan. Any changes/additions/alterations of any binding elements shall be referred by the Planning Commission to the City of Lyndon for approval, and any changes/additions/alterations not so referred shall not be valid.
2. No residential structure shall be removed and each structure shall retain its residential appearance. Exterior additions or alterations shall not be made without approval of the Planning Commission's Land Development and Transportation Committee and the City of Lyndon.
3. The development shall not exceed 3,926 square feet of gross floor area.
4. The property shall be used as an office for one of the professions listed as permitted uses in the OR-1 Office/Residential District (Article 5, Section 5.2 of the Zoning District Regulations 1991) except for medical offices, barber shops or beauty shops.

5. The access to US 60 shall remain until the access is open between Holley Avenue and Lyndon Lane.
6. The property owner shall grant, without compensation of any kind, to properties located on Shelbyville Road, between Holley Road and Lyndon Lane, which are used for non-residential purposes an easement of ingress and egress to, onto and through all portions of the applicant's access ways for the express purpose of ingress and egress to the applicable properties. The instrument shall be signed and submitted to the Planning Commission at the public hearing for recording prior to the granting of an occupancy permit.
7. Before a building or alteration permit and/or a certificate of occupancy is requested:
  - a) The development plan must be reapproved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.
  - b) Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
  - c) A minor subdivision plat will be recorded dedicating additional right-of-way to Lyndon Lane to provide a total of 32.5 feet from the centerline. The deed book and page number of the recorded instrument shall be submitted to the Planning Commission.
  - d) The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Additional landscaping requirements may be imposed by the Planning Commission's landscape architect in order to retain a residential appearance. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.
  - e) A minor plat or legal instrument will be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Planning Commission.
8. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.
9. If a certificate of occupancy [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.
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.
11. The above binding elements may be amended as provided for in the Zoning District Regulations.

#### **4. Proposed Binding Elements**

- ~~4. The property shall be used as an office for one of the professions listed as permitted uses in the OR-1 Office/Residential District (Article 5, Section 5.2 of the Zoning District Regulations 1991) except for medical offices, barber shops or beauty shops.~~
- ~~5. The access to US 60 shall remain until the access is open between Holley Avenue and Lyndon Lane.~~