

# Development Review Committee

## Staff Report

November 16, 2022



<b>Case No:</b>	22-DDP-0106
<b>Project Name:</b>	Bob Ray Co.
<b>Location:</b>	723 Lyndon Lane
<b>Owner(s):</b>	CHIP Investment Properties LLC
<b>Applicant:</b>	CHIP Investment Properties LLC
<b>Jurisdiction:</b>	City of Lyndon
<b>Council District:</b>	7- Paula McCraney
<b>Case Manager:</b>	Clara Schweiger, Planner I

### REQUEST(S)

- Revised Detailed District Development plan

### CASE SUMMARY/BACKGROUND

The applicant is proposing to construct a 6,000sf three-sided storage building within the existing storage and contractor's yard. The subject site was originally developed as a contractor's shop for tree care under case number 9-40-05. A conditional use permit for a storage and contractor's yard, waiver, and variance were granted under the same case number. Subsequently, the subject site was rezoned from R-4 to C-2 under case number 15ZONE1037.

### STAFF FINDING

The request is adequately justified and meets the standards of review.

### TECHNICAL REVIEW

Because a conditional use permit exists on the subject site a modified conditional use permit must be approved by the Board of Zoning Adjustment on December 5, 2022.

Land Development Code (2015) Lyndon

The applicant is working with Historic Preservation staff regarding compliance of binding element #17.

Transportation Planning and MSD have approved the preliminary development plan.

### INTERESTED PARTY COMMENTS

Staff has received no comments from interested parties concerning this request.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP 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 do 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: 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 except where waivers have been approved. Buildings and parking lots will meet all required setbacks except where variances have been approved.

- 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** that the City of Lyndon **APPROVE** or **DENY** the **Detailed District Development Plan**

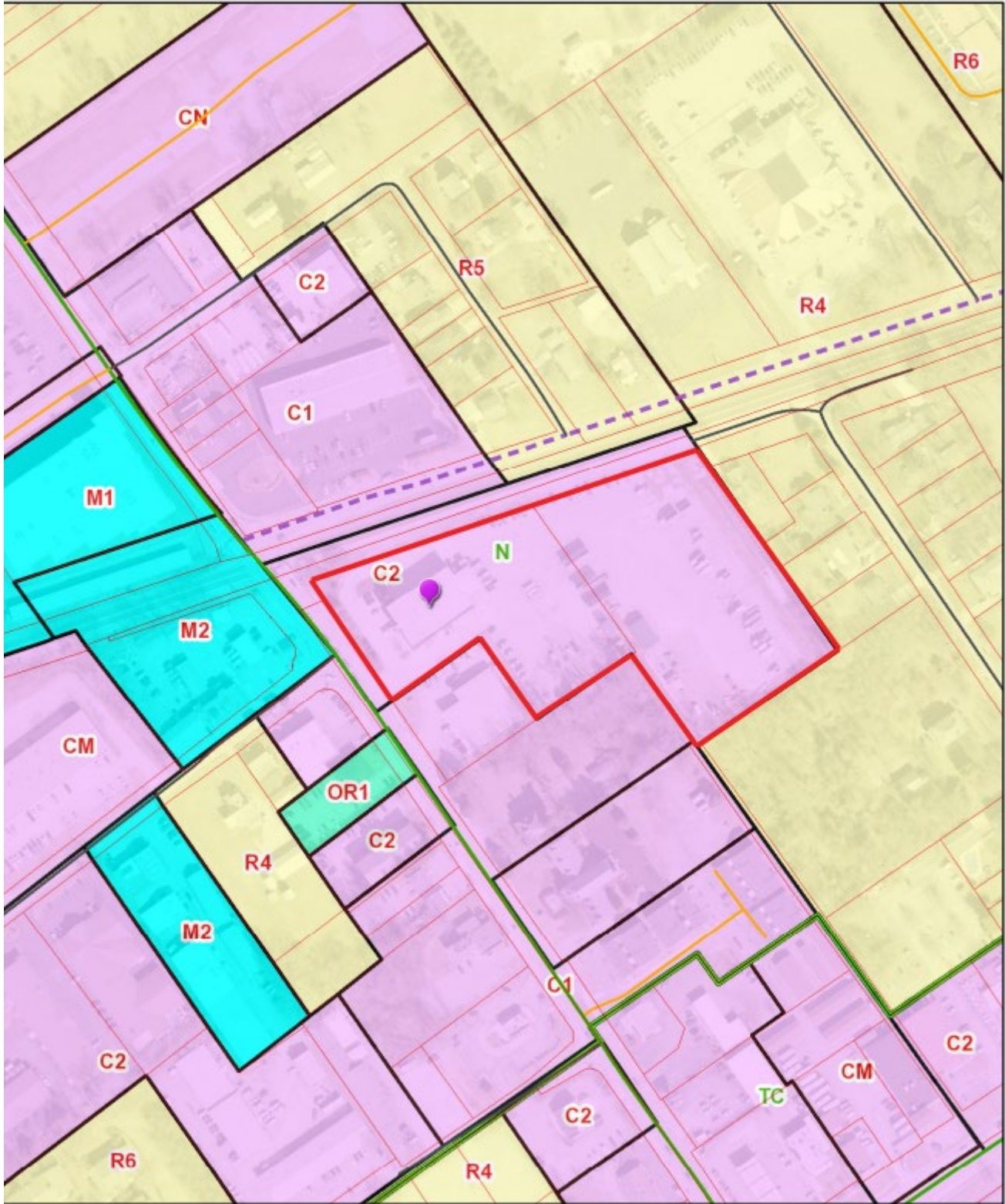
**NOTIFICATION**

Date	Purpose of Notice	Recipients
11/02/2022	Hearing before DRC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners and current residents Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 7

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements and Conditions of Approval

1. Zoning Map





2. Aerial Photograph



### 3. Existing Binding Elements and Conditions of Approval with Changes

#### 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. The development shall not exceed 13,057 square feet of gross floor area (including 5,095 square feet of office space, 831 square feet of 2<sup>nd</sup> floor mezzanine, and 7,131 square feet designated for vehicle maintenance and storage).~~
3. Signs shall be in accordance with Chapter 8 and as presented at the public hearing (80 square feet and 10 feet tall) or the City Lyndon sign regulation, if more restrictive.
4. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
5. 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 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.
6. 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 Develop Louisville Division of Construction Review and Transportation Planning Review 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.
  - ~~d. A road closure approval for Railroad Avenue shall be approved. (The alley closure is not essential prior to permit).~~
  - e. A 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.
  - ~~f. The appropriate variances and conditional use permit shall be obtained to allow the development as shown on the approved district development plan.~~
7. If a building permit is not issued within two years 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 and the City of Lyndon.

8. A certificate of occupancy must be received from the appropriate code enforcement department prior to occupancy of the new structure or land for the proposed new building and 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.
9. There shall be no outdoor PA system audible beyond the property line.
10. 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.
11. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the September 1, 2005 Planning Commission meeting **and the November 16, 2022 Development Review Committee meeting.**
12. No idling of trucks shall take place within 200 feet of single family residences. No overnight idling of trucks shall be permitted on-site.
- ~~13. Tree Canopy shall be met by working with the City of Lyndon to determine an alternative City of Lyndon site on which Tree Canopy requirements can be fulfilled.~~
14. A 25' wide landscape easement shall be located on the R4 property to the east. An existing garage is permitted to encroach into this area but no other structures may encroach. This area shall remain green space. Vegetation located in this 25' wide LBA shall meet Chapter 10 guidelines and must be maintained by the easement holder.
15. The property shall be surrounded with a black vinyl chain link fence, no less than six feet in height.
16. There shall be no vehicular access from the site to Grant Avenue or the unnamed alley at the south corner of the site.
17. The site will be documented at the National Register level. All documentation materials will be submitted to the Historic Preservation staff prior to ground disturbance.

**Conditions of Approval (CUP):**

- ~~1. The site shall be developed in strict compliance with the approved development plan (including all notes thereon). No further development shall occur on the site without prior review and approval by the Planning Commission.~~
- ~~2. The Conditional Use Permit shall be "exercised" as described in KRS 100.237 within two years of the Board's vote on this case. If the Conditional Use Permit is not so exercised, the site shall not be used for a contractor's storage yard without further review and approval by the Planning Commission.~~

