

# Development Review Committee

## Staff Report

August 16, 2017



<b>Case No:</b>	17DEVPLAN1153
<b>Project Name:</b>	Primrose School
<b>Location:</b>	1151 Dorsey Lane
<b>Owner(s):</b>	Four Almonds, LLC
<b>Applicant:</b>	Four Almonds, LLC
<b>Representative(s):</b>	Bardenwerper, Talbott, & Roberts PLLC
<b>Project Area/Size:</b>	2.2 acres
<b>Jurisdiction:</b>	City of Lyndon
<b>Council District:</b>	18 – Marilyn Parker
<b>Case Manager:</b>	Joel P. Dock, Planner II

### REQUEST(S)

- **Waiver** of Land Development Code (LDC), section 5.5.2.C.2.a to allow parking in a required rear yard setback
- **Revised Detailed District Development Plan** for parking expansion

### CASE SUMMARY

The existing daycare facility is planning an expansion of twelve parking spaces along the Eastern property line. The site is built-out as proposed on previous develop plans. A waiver is needed to allow the parking in a setback, similarly to the existing eleven spaces along this property line.

### Previous Cases

- 8825: Change-in-zoning from R-4 to C-1
- 18806/18807: DDDP with waivers and variances

### STAFF FINDING

The revised detailed district development plan and waiver appear to be adequately justified and meets the standard of review based on staff analysis in the staff report.

### TECHNICAL REVIEW

There do not appear to be any outstanding technical review items to be discussed.

### INTERESTED PARTY COMMENTS

Staff has not received any interested party comments.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER**

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

STAFF: The waiver will not adversely affect adjacent property owners as the immediately abutting property is zoned for commercial use and no conflict between incompatible uses is apparent.

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

STAFF: The waiver will not violate specific guidelines of Cornerstone 2020 as sufficient parking is being provided to accommodate for the use.

- (c) The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant.

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant as the site is built-out and parking elsewhere on the site would impede on daycare activities.

- (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 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 as sufficient parking is being provided to accommodate for the use and no conflict between incompatible uses is apparent along this property line.

## **STANDARD OF REVIEW AND STAFF ANALYSIS FOR DISTRICT DEVELOPMENT PLAN AND/OR 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 have previously been provided.

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

STAFF: Open space requirements will be met on the site.

- 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 that contains a mix of residential and non-residential uses. Appropriate landscape buffering will be provided along the adjacent roadways. Buildings and parking lots will be located appropriately on the site to allow proper internal connections for both vehicular and pedestrian traffic.

- 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 with exception of the requested waivers which do not violate the guidelines of Cornerstone 2020 and meet the appropriate standards of review.

**REQUIRED ACTIONS**

- **APPROVE or DENY** the **Waiver** of Land Development Code (LDC), section 5.5.2.C.2.a to allow parking in a required rear yard setback
- **APPROVE or DENY** the **Revised Detailed District Development Plan** for parking expansion

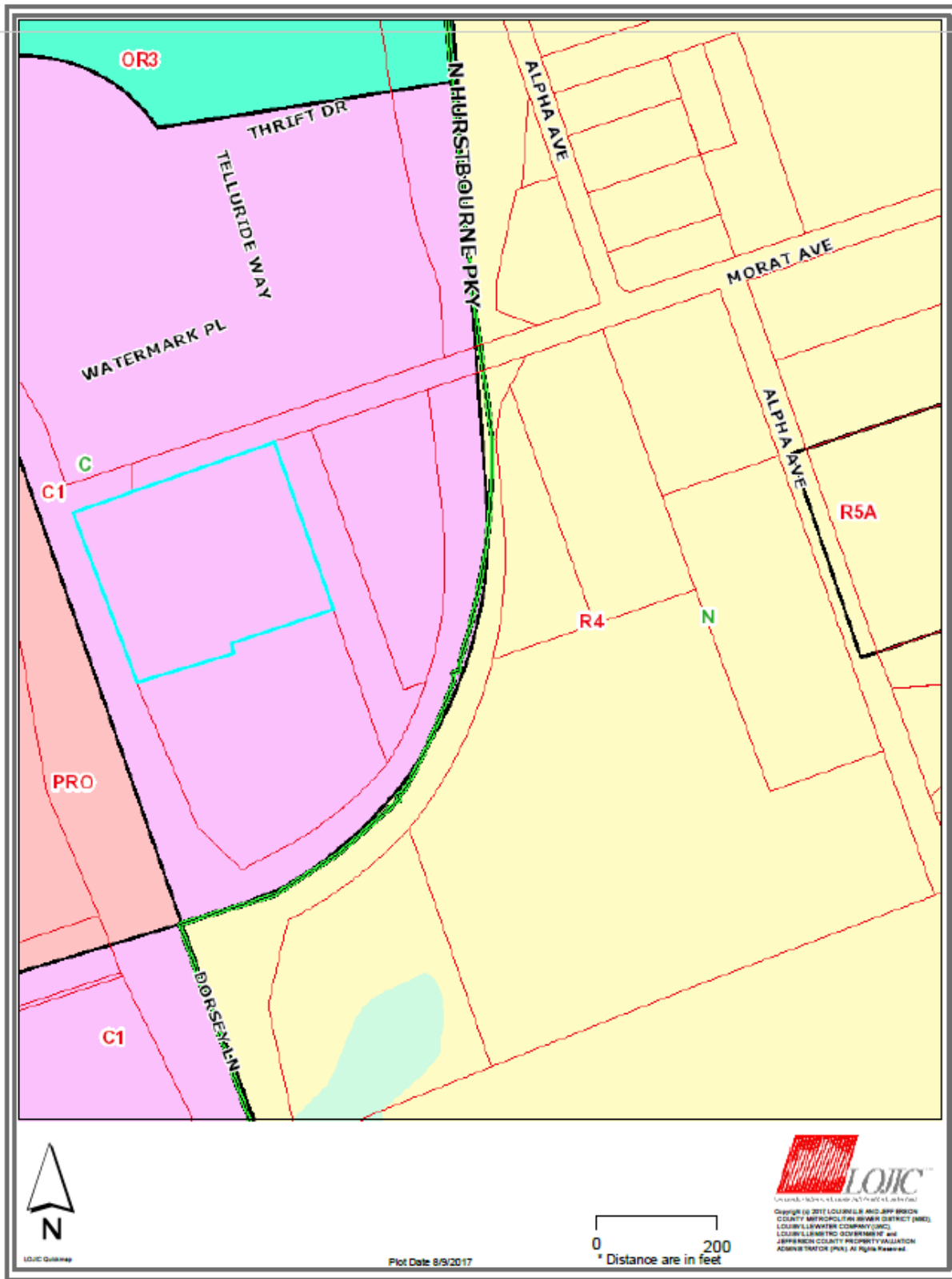
**NOTIFICATION**

Date	Purpose of Notice	Recipients
8/4/17	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 18

**ATTACHMENTS**

1. Zoning Map
2. Aerial Photograph
3. Existing 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 binding elements unless amended pursuant to the Land Development Code. Modifications to the binding element(s) shall be submitted to the Planning Commission or its designee for review and approval; any modifications not so referred shall not be valid.
2. The Floor Area Ratio of the development shall not exceed 0.15 for Tract 1 and 0.15 for Tract 2.
3. Signs shall be in accordance with Chapter 8 of the LDC.
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 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.
6. Prior to issuance of a permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit):
  - a. The development plan must receive full construction approval from Louisville Metro Department of Codes and Regulations Construction Permits and Transportation Planning Review and the Metropolitan Sewer District.
  - b. The property owner/developer shall obtain approval of a detailed plan for screening (buffering/landscaping) as described in Chapter 10. Such plan shall be implemented prior to occupancy of the site and shall be maintained thereafter.
  - c. A minor plat shall be recorded creating the property lines and dedicating right-of-way per the development plan.
  - d. The appropriate variances shall be obtained from the Board of Zoning Adjustment to allow the development as shown on the approved district development plan.
7. 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.
8. 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.

9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the May 9<sup>th</sup>, 2013 Land Development and Transportation meeting.
10. At the time a building permit is requested, the applicant shall submit a certification statement to the permit issuing agency, from an engineer, or other qualified professional stating that the lighting of the proposed development is in compliance with Chapter 4 Part 1.3 of the land development code and shall be maintained thereafter. No building permits shall be issued unless such certification statement is submitted. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code. Lighting shall be maintained on the property in accordance with Chapter 4 Part 1.3 of the land development code.
11. Street name signs shall be installed prior to requesting a certificate of occupancy for any structure. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.