

Development Review Committee

Staff Report

February 3, 2021



Case No:	20-DDP-0074
Project Name:	Joes Older than Dirt
Location:	8131 New LaGrange Rd
Owner(s):	Lyndon Leasing LLC
Applicant:	Lyndon Leasing LLC
Jurisdiction:	Lyndon
Council District:	18 – Marilyn Parker
Case Manager:	Jay Lockett, AICP, Planner I

REQUEST(S)

- **Revised Detailed District Development** plan with amendments to binding elements.

CASE SUMMARY/BACKGROUND

The applicant is proposing to install an awning over a portion of an existing outdoor patio for an existing restaurant. The subject site is zoned C-1 and C-2 in the Town Center form district within the City of Lyndon. No changes to the existing square footage or parking is proposed with this development.

STAFF FINDING

The requests are adequately justified and meet the standards of review. The proposed changes to an existing commercial site are minimal and allow the restaurant to accommodate greater capacity in outdoor seating areas during inclement weather.

TECHNICAL REVIEW

The existing square footage of the site exceeds what was allowed by binding elements under 9-46-94. Staff recommends updating binding elements to bring the site into compliance.

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 are not required for this proposal.

- 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.

- 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. The proposal will allow for continued operation of a commercial site in an established activity area.

REQUIRED ACTIONS:

- **RECOMMEND** the City of Lyndon **APPROVE** or **DENY** the **Revised Detailed District Development Plan with Amendments to Binding Elements**

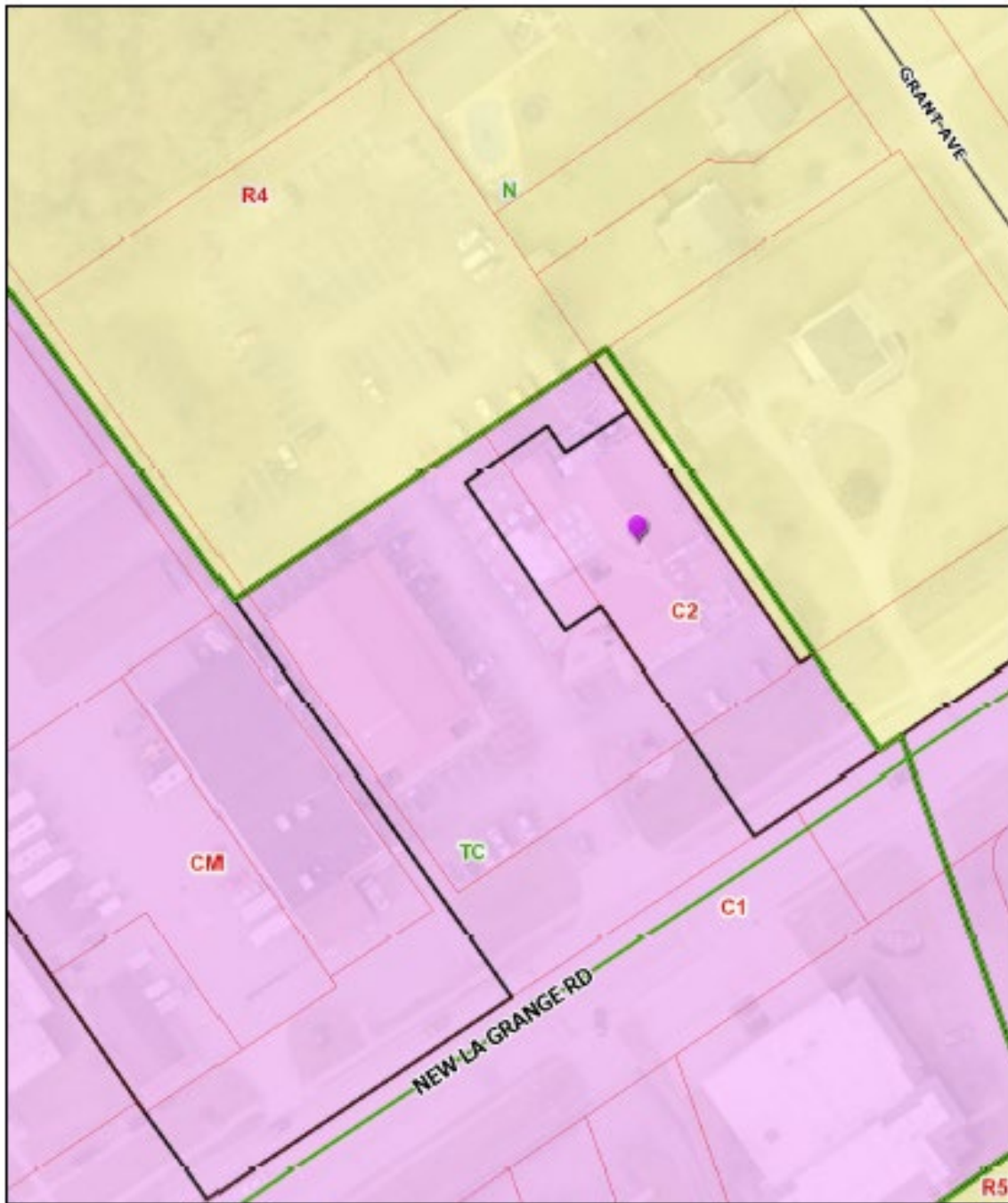
NOTIFICATION

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

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements with proposed changes
4. Proposed Binding Elements

1. Zoning Map



20-DDP-0074

Tuesday, January 26, 2021 | 3:40:18 PM



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This map is not a legal document and should only be used for general reference and identification.

2. Aerial Photograph



20-DDP-0074

Tuesday, January 26, 2021 | 3:41:21 PM



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This map is not a legal document and should only be used for general reference and identification.

3. Existing Binding Elements with proposed changes

1. ~~The development shall be in accordance with the approved district development plan, land use and agreed upon binding elements unless amended pursuant to the Zoning District Regulations. No further development shall occur without prior approval from the Planning Commission.~~ 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 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 8,850 square feet of gross floor area for restaurant (includes indoor and outdoor restaurant areas) and 6,000 square feet for retail uses.~~
3. The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed 40 square feet in area and eight feet in height and must be approved by the City of Lyndon.
4. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.
5. There shall be no outdoor storage on the site.
6. Outdoor lighting shall be directed down and away from surrounding residential properties.
7. There shall be no outdoor music (live, piped, radio or amplified), outdoor entertainment or outdoor PA system permitted on the site.
8. ~~The retail sale of Christmas trees shall be permitted on Tract B until the proposed building is constructed.~~
9. Before a building or alteration permit and/or a certificate of occupancy is requested:
 - a) The development plan must be re-approved 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) The property owner/developer must obtain approval of a detailed plan for screening (buffering/landscaping) as described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.
 - d) An access and crossover easement agreement shall be executed to permit access to the restaurant and parking lot. A copy of the recorded instrument shall be submitted to the Planning Commission counsel.
 - e) A legal instrument providing for the restaurant's long-term (minimum 30 years) use of the off-street parking lot (Tract C), as shown on the approved general district development plan, shall be submitted to and approved by the Planning Commission counsel and recorded in the County Clerk's office. A copy of the recorded instrument shall be submitted to the Planning Commission.

- ~~10. If a 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.~~
11. 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 of occupancy, unless specifically waived by the Planning Commission.

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 to the City of Lyndon for review and approval; any changes/additions/alterations not so referred shall not be valid.
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 - a) The development plan must be re-approved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.
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 - d) An access and crossover easement agreement shall be executed to permit access to the restaurant and parking lot. A copy of the recorded instrument shall be submitted to the Planning Commission counsel.
 - e) A legal instrument providing for the restaurant's long-term (minimum 30 years) use of the off-street parking lot (Tract C), as shown on the approved general district development plan, shall be submitted to and approved by the Planning Commission counsel and recorded in the County Clerk's office. A copy of the recorded instrument shall be submitted to the Planning Commission.

8. 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 of occupancy, unless specifically waived by the Planning Commission.