

# Planning Commission Staff Report

December 17th, 2015



<b>Case No:</b>	15ZONE1037
<b>Request:</b>	Rezoning from R-4 to C-2 for a Contractor's Yard, Conditional Use Permit for a Contractor's Yard, Waivers, Variances, Revised Detailed District Development Plan, and Binding Elements
<b>Project Name:</b>	Bob Ray Contractor's Yard
<b>Location:</b>	8120 Railroad Ave.
<b>Owner:</b>	Bob Ray Co., Inc.
<b>Applicant:</b>	Bob Ray Co., Inc.
<b>Representative:</b>	Bardenwerper, Talbott & Roberts, PLLC Land Design & Development, Inc.
<b>Jurisdiction:</b>	City of Lyndon
<b>Council District:</b>	18 – Marilyn Parker
<b>Case Manager:</b>	Christopher Brown – Planner II

## REQUEST

- Rezoning from R-4 to C-2 for a Contractor's Yard
- Conditional Use Permit for a Contractor's Storage Yard under 4.2.50 of the Land Development Code
- Variance #1: From LDC Table 5.3.2 to allow storage area and maneuvering within the required 25' setback adjacent to the CSX Railroad right-of-way
- Waiver #1: From LDC 10.2.4 to not provide the required 25' LBA and plantings adjacent to the CSX Railroad right-of-way
- Revised Detailed District Development Plan

## CASE SUMMARY/BACKGROUND/SITE CONTEXT

Existing Zoning District: R-4, Single Family Residential  
Proposed Zoning District: C-2, Commercial w/ CUP for Contractor's Yard  
Form District: Neighborhood  
Existing Use: Residential  
Proposed Use: Contractor's Yard  
Minimum Parking Spaces Required: N/A  
Maximum Parking Spaces Allowed: N/A  
Parking Spaces Proposed: N/A

The subject site for the rezoning is a 2.7 acre tract that would extend the current contractor's shop and yard to the east along Lyndon Lane. The required 25' LBA and setbacks are provided along the east side of the site which abuts single family residences. All existing structures and the Railroad Avenue access will be removed from the site. The proposed contractor's yard will be consolidated with the property at 723 Lyndon Lane, allowing for access to Lyndon Lane for the entire development. Railroad Avenue and an adjacent unimproved alley will be closed to create the complete site boundary. A CUP for the outdoor storage portion of the contractor's shop is required and since the railroad is within a residential zoning district, a waiver and variance are needed to allow encroachments into the 25' setback and LBA along the northern side of the parcel.

**LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE**

	<b>Land Use</b>	<b>Zoning</b>	<b>Form District</b>
<b>Subject Property</b>			
<b>Existing</b>	Residential	R-4	N
<b>Proposed</b>	Contractor's Yard	C-2 w/ CUP	N
<b>Surrounding Properties</b>			
<b>North</b>	Railroad	R-4	N
<b>South</b>	Single Family Residential, Retail	R-4, C-1, C-2	N
<b>East</b>	Single Family Residential	R-4	N
<b>West</b>	Retail, Service	C-1, C-2	N

**PREVIOUS CASES ON SITE**

- Plat Book 1, Page 102: Record Plat for Dr. W.E. Grantis Subdivision
- B-223-95: Appeal for non-conforming rights for a contractor's shop was upheld
- 9-40-05: Rezoning from R-4 to C-2 and CUP for a Contractor's Shop, Waivers, Variances, Detailed District Development Plan, and Binding Elements were approved

**APPLICABLE PLANS AND POLICIES**

Cornerstone 2020  
Land Development Code (Lyndon)

**STANDARD OF REVIEW FOR REZONING AND FORM DISTRICT CHANGES**

Criteria for granting the proposed form district change/rezoning: *KRS Chapter 100.213*

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; **OR**
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; **OR**
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

**STAFF ANALYSIS FOR REZONING AND FORM DISTRICT CHANGES**

Following is staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020.

The site is located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. New neighborhoods are encouraged to incorporate these

different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero-lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

Compliance with **Guideline 1 (Community Form)**, **Guideline 2 (Centers)** and **Guideline 3 (Compatibility)** has been found for this proposal. The site is located just north of a Town Center Form District along a minor arterial level street following consolidation with the existing identical use along Lyndon Lane. Most development along this section of Lyndon Lane is zoned for commercial or lighter industrial uses. Though the site backs up to single family residences, the required LBA, landscaping, and plantings are provided. No new buildings are proposed and stored materials will be limited to a height of 5' on the lot per the development plan.

The proposal complies with **Guideline 4 (Open Space)** as open space is not required for this development.

There are no natural areas or habitats to integrate on this site. However, there is a historically significant house on the site that is labeled to be removed. The site will be documented at the National Register level. All documentation materials will be submitted to Historic Preservation staff prior to ground disturbance; therefore, the proposal does not comply with **Guideline 5 (Natural Areas and Scenic and Historic Resources)**.

Compliance with **Guideline 7 (Circulation)**, **Guideline 8 (Transportation Facility Design)**, and **Guideline 9 (Bicycle, Pedestrian and Transit)** has been found for this proposal. Adequate access is possible for this site by car, bicycle, and pedestrians from the existing network along Lyndon Lane. The site will access the public road network through Tract 2 following consolidation. The main access will come from the road network along Lyndon Lane.

The proposal complies with **Guideline 10 (Flooding and Stormwater)**, **Guideline 12 (Air Quality)**, and **Guideline 14 (Infrastructure)** as APCD and MSD have given preliminary approval for the plan. However, the applicant will need to address all MSD comments in regards to sewer and drainage issues.

All other agency comments should be addressed to demonstrate compliance with the remaining Guidelines and Policies of Cornerstone 2020.

A checklist is attached to the end of this staff report with a more detailed analysis. The Louisville Metro Planning Commission is charged with making a recommendation to the City of Lyndon regarding the appropriateness of this zoning map amendment. The City of Lyndon has zoning authority over the property in question.

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR CONDITIONAL USE PERMIT

1. Is the proposal consistent with the applicable policies of the Comprehensive Plan?

STAFF: The proposal is consistent with the applicable policies of the Comprehensive Plan as identified within the staff analysis for the rezoning and Cornerstone 2020 checklist for the site.

2. Is the proposal compatible with surrounding land uses and the general character of the area including such factors as height, bulk, scale, intensity, traffic, noise, odor, drainage, dust, lighting, appearance, etc?

STAFF: The proposal will consolidate with the existing Tract 2 use of a contractor's shop and be consistent with that use and its access. The proposal provides appropriate transitions to adjacent residential uses through the utilization of the landscape buffer yards, setbacks and screening. The layout and scale of the proposal is compatible with nearby properties and the larger form district. Therefore, the proposal is compatible with surrounding uses and the general character of the area.

3. Are necessary public facilities (both on-site and off-site), such as transportation, sanitation, water, sewer, drainage, emergency services, education, recreation, etc. adequate to serve the proposed use?

STAFF: Improvements to the site and right-of-way made necessary by the proposed development, such as transportation and drainage, have been adequately provided to serve the proposed use.

4. Does the proposal comply with the following specific standards required to obtain the conditional use permit requested?

- A. Outdoor storage areas prohibited within form district transition zone.
- B. Stacked materials and equipment shall not exceed a height of five feet.
- C. Outdoor storage areas shall be screened from adjacent streets and properties.
- D. Storage of combustible materials shall conform to the requirements of NFPA Pamphlet 30 (information on NFPA pamphlet 30 may be obtained from local fire department).

STAFF: All listed requirements will be followed with appropriate storage material heights and screening being followed on the site. The site is surrounded by properties all within the Neighborhood form district.

## STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP and 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 on the subject site. The historic resources will be documented by the applicant prior to ground disturbance. 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 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 properties and roadways. Buildings and parking lots will meet all required setbacks with the exception of the requested relief which has been justified and met the standards of review.

- 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 the exception of the requested relief which has been justified and met the standards of review.

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

- (a) The requested variance will not adversely affect the public health, safety or welfare.

STAFF: The requested variance will not adversely affect the public health, safety or welfare since safe access is provided from the public rights-of-way to the site.

- (b) The requested variance will not alter the essential character of the general vicinity.

STAFF: The requested variance will not alter the essential character of the general vicinity since the area of encroachment is along the railroad ROW and follows a similar pattern as established by the adjacent tract that will be consolidated with the subject site.

- (c) The requested variance will not cause a hazard or nuisance to the public.

STAFF: The requested variance will not cause a hazard or nuisance to the public since safe vehicular maneuvering and access has been provided.

- (d) The requested variance will not allow an unreasonable circumvention of the zoning regulations.

STAFF: The requested variance will not allow an unreasonable circumvention of the zoning regulations since it follows an established pattern of encroachment along the railroad ROW.

ADDITIONAL CONSIDERATIONS:

1. The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone.

STAFF: The requested variance arises from special circumstances which do not generally apply to land in the general vicinity or the same zone since the property is along a railroad ROW with a pattern of encroachments and existing gravel or pavement.

2. The strict application of the provisions of the regulation would deprive the applicant of the reasonable use of the land or 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 create an unnecessary hardship on the applicant by not allowing the site to follow a similar setback established by the adjacent tract that will be consolidated with the subject site.

3. The circumstances are the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

STAFF: The circumstances are not the result of actions of the applicant taken subsequent to the adoption of the zoning regulation from which relief is sought.

**STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVERS**

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

STAFF: The waiver will not adversely affect adjacent property owners since the landscape buffer area is along an existing railroad ROW.

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

STAFF: Guideline 3, policy 9 of Cornerstone 2020 calls for the protection of the character of residential areas, roadway corridors and public spaces from visual intrusions and mitigate when appropriate. Guideline 3, policies 21 and 22 calls for appropriate transitions between uses that are substantially different in scale and intensity or density, and to mitigate the impact caused when incompatible developments occur adjacent to one another through the use of landscaped buffer yards, vegetative berms and setback requirements to address issues such as outdoor lighting, lights from automobiles, illuminated signs, loud noise, odors, smoke, automobile exhaust or other noxious smells, dust and dirt, litter, junk, outdoor storage, and visual nuisances. Guideline 3, policy 24 states that parking, loading and delivery areas located adjacent to residential areas should be designed to minimize the impacts from noise, lights and other potential impacts, and that parking and circulation areas adjacent to streets should be screened or buffered. Guideline 13, policy 4 calls for ensuring appropriate landscape design standards for different land uses within urbanized, suburban, and rural areas. Guideline 13, Policy 6 calls for screening and buffering to mitigate adjacent incompatible uses. The intent of landscape buffer areas is to create suitable transitions where varying forms of development adjoin, to minimize the negative impacts resulting from adjoining incompatible land uses, to decrease storm water runoff volumes and velocities associated with impervious surfaces, and to filter air borne and water borne pollutants. All screening and buffering will be provided along areas of adjacent residents creating an appropriate transition along those property perimeters; therefore, the waiver will not violate specific guidelines of Cornerstone 2020.

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

STAFF: The extent of the waiver of the regulation is the minimum necessary to afford relief to the applicant to allow the property to follow the pattern of encroachments on the adjacent tract that will be consolidated with the subject site.

(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 by not allowing the established pattern of the adjacent tract to be followed by the subject site.

### TECHNICAL REVIEW

- There are no outstanding technical review issues that need to be addressed.

### STAFF CONCLUSIONS

The proposed rezoning follows all applicable guidelines of Cornerstone 2020 as established within the staff report and attached checklist. The standard of review has been met for the requested Conditional Use Permit, landscape waiver and variance. Based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal is in conformance with the Comprehensive Plan; OR the existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR if there have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area. In addition, based upon the information in the staff report, the testimony and evidence provided at the public hearing, the Planning Commission must determine if the proposal meets the standards for granting a Landscape Waiver, Variance and Conditional Use Permit as established in the Land Development Code within the City of Lyndon. All actions should be made as recommendations to the City of Lyndon.

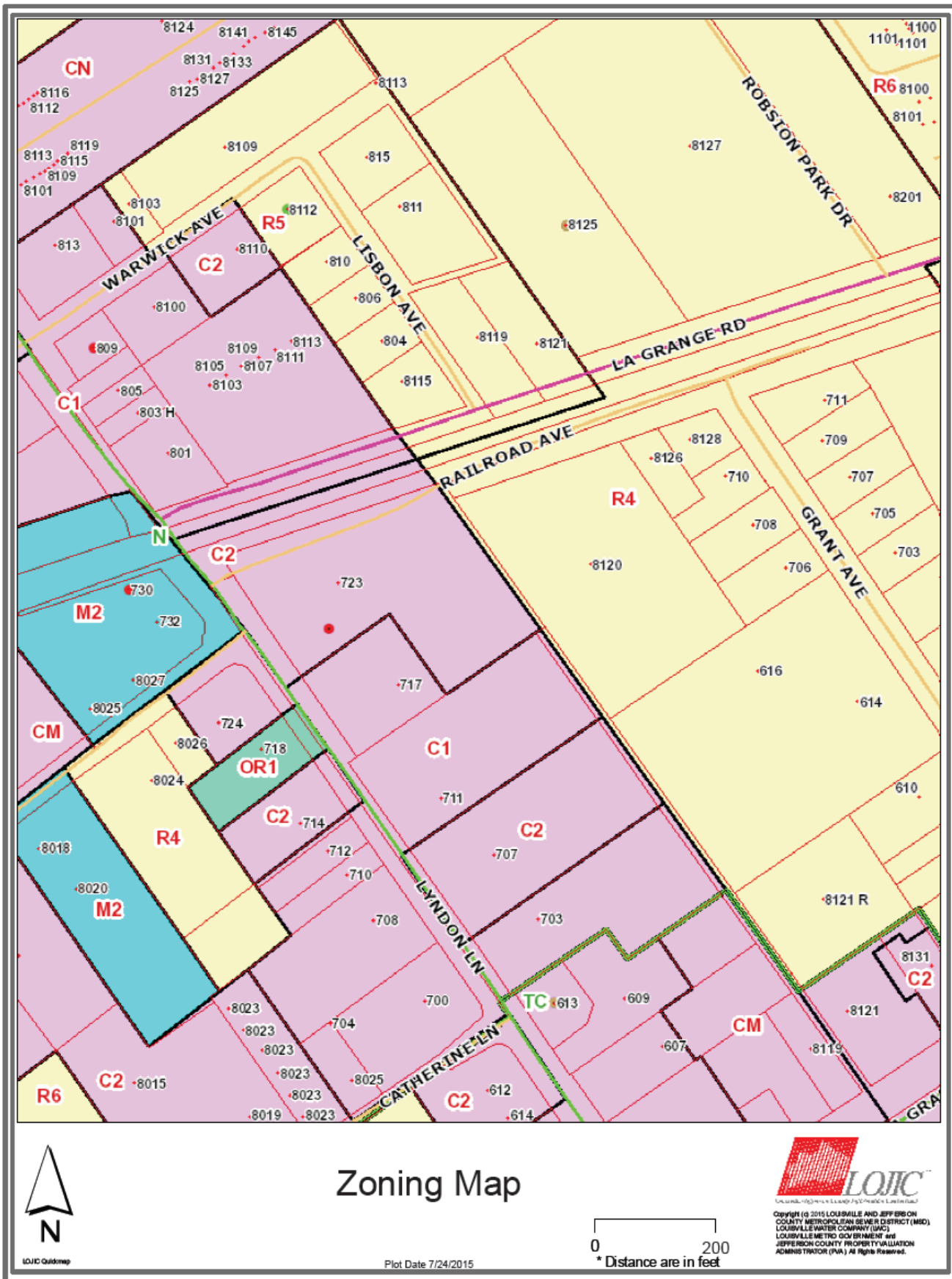
### NOTIFICATION

Date	Purpose of Notice	Recipients
10/28/15	Hearing before LD&T	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 18 Notification of Development Proposals
11/17/15	Hearing before PC	1 <sup>st</sup> and 2 <sup>nd</sup> tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 18 Notification of Development Proposals
11/17/15	Hearing before PC	Sign Posting on property
12/10/15	Hearing before PC	Legal Advertisement in the Courier-Journal

### ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Cornerstone 2020 Staff Checklist
4. Existing Binding Elements
5. Proposed Binding Elements and Conditions of Approval

1. **Zoning Map**





2. Aerial Photograph



### 3. Cornerstone 2020 Staff Checklist

- + Exceeds Guideline
- ✓ Meets Guideline
- Does Not Meet Guideline
- +/- More Information Needed
- NA Not Applicable

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
1	Community Form/Land Use Guideline 1: Community Form	B.3: The proposal is a neighborhood center with a mixture of uses such as offices, retail shops, restaurants and services at a scale that is appropriate for nearby neighborhoods.	✓	The proposal would be in a neighborhood center adjacent to other non-residential uses and close to a Town Center commercial development with a mixture of uses. Although the site abuts residential zoning, these sites will be buffered by the LBA, screening, and plantings provided and will access Lyndon lane instead of Grant Avenue to keep traffic off a local neighborhood street.
2	Community Form/Land Use Guideline 1: Community Form	B.3: If the proposal is high intensity, it is located on a major or minor arterial or an area with limited impact on low to moderate intensity residential uses.	✓	The proposal is a high intensity and located on a minor arterial level street.
3	Community Form/Land Use Guideline 2: Centers	A.1/7: The proposal, which will create a new center, is located in the Neighborhood Form District, and includes new construction or the reuse of existing buildings to provide commercial, office and/or residential use.	✓	The proposal will not create a new center but will be located in an existing activity center close to a Town Center Form District. It is within the Neighborhood Form District and includes construction to provide a commercial use.
4	Community Form/Land Use Guideline 2: Centers	A.3: The proposed retail commercial development is located in an area that has a sufficient population to support it.	NA	The proposal is not a retail commercial development.
5	Community Form/Land Use Guideline 2: Centers	A.4: The proposed development is compact and results in an efficient land use pattern and cost-effective infrastructure investment.	✓	The proposal is compact and utilizes existing infrastructure that is cost-effective.
6	Community Form/Land Use Guideline 2: Centers	A.5: The proposed center includes a mix of compatible land uses that will reduce trips, support the use of alternative forms of transportation and encourage vitality and sense of place.	✓	The proposal would be in a neighborhood center adjacent to other non-residential uses and would be an extension of the adjacent use.
7	Community Form/Land Use Guideline 2: Centers	A.6: The proposal incorporates residential and office uses above retail and/or includes other mixed-use, multi-story retail buildings.	NA	The proposal has no buildings and could not incorporate mixed-use structures.
8	Community Form/Land Use Guideline 2: Centers	A.12: If the proposal is a large development in a center, it is designed to be compact and multi-purpose, and is oriented around a central feature such as a public square or plaza or landscape element.	NA	The proposal is not a large development within a center.
9	Community Form/Land Use Guideline 2: Centers	A.13/15: The proposal shares entrance and parking facilities with adjacent uses to reduce curb cuts and surface parking, and locates parking to balance safety, traffic,	✓	The proposal shares the access drive with the adjacent use along Lyndon Lane and will utilize the existing curb cut and surface parking.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
		transit, pedestrian, environmental and aesthetic concerns.		
10	Community Form/Land Use Guideline 2: Centers	A.14: The proposal is designed to share utility hookups and service entrances with adjacent developments, and utility lines are placed underground in common easements.	✓	The proposal shares the access drive with the adjacent use along Lyndon Lane and will utilize the existing curb cut and surface parking.
11	Community Form/Land Use Guideline 2: Centers	A.16: The proposal is designed to support easy access by bicycle, car and transit and by pedestrians and persons with disabilities.	✓	The proposal allows easy access by bicycle, car, and pedestrians through roads and sidewalks.
12	Community Form/Land Use Guideline 3: Compatibility	A.2: The proposed building materials increase the new development's compatibility.	NA	The proposal has no buildings.
13	Community Form/Land Use Guideline 3: Compatibility	A.4/5/6/7: The proposal does not constitute a non-residential expansion into an existing residential area, or demonstrates that despite such an expansion, impacts on existing residences (including traffic, parking, signs, lighting, noise, odor and stormwater) are appropriately mitigated.	✓	The proposal would be in a neighborhood center adjacent to other non-residential uses and close to a Town Center commercial development with a mixture of uses. Although the site abuts residential zoning, these sites will be buffered by the LBA, screening, and plantings provided and will access Lyndon lane instead of Grant Avenue to keep traffic off a local neighborhood street.
14	Community Form/Land Use Guideline 3: Compatibility	A.5: The proposal mitigates any potential odor or emissions associated with the development.	✓	APCD has approved the proposal.
15	Community Form/Land Use Guideline 3: Compatibility	A.6: The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.	✓	The proposal mitigates any adverse impacts of its associated traffic on nearby existing communities.
16	Community Form/Land Use Guideline 3: Compatibility	A.8: The proposal mitigates adverse impacts of its lighting on nearby properties, and on the night sky.	✓	The proposal will comply with all regulations in regards to lighting.
17	Community Form/Land Use Guideline 3: Compatibility	A.11: If the proposal is a higher density or intensity use, it is located along a transit corridor AND in or near an activity center.	✓	The proposal would be in a neighborhood center adjacent to other non-residential uses and close to a Town Center commercial development with a mixture of uses. Although the site abuts residential zoning, these sites will be buffered by the LBA, screening, and plantings provided and will access Lyndon lane instead of Grant Avenue to keep traffic off a local neighborhood street.
18	Community Form/Land Use Guideline 3: Compatibility	A.21: The proposal provides appropriate transitions between uses that are substantially different in scale and intensity or density of development such as landscaped buffer yards, vegetative berms, compatible building design and materials, height restrictions, or setback requirements.	✓	The proposal would be in a neighborhood center adjacent to other non-residential uses and close to a Town Center commercial development with a mixture of uses. Although the site abuts residential zoning, these sites will be buffered by the LBA, screening, and plantings provided and will access Lyndon lane instead of Grant Avenue to keep traffic off a local neighborhood street.
19	Community Form/Land Use Guideline 3: Compatibility	A.22: The proposal mitigates the impacts caused when incompatible developments unavoidably occur adjacent to one another by using buffers that are of varying designs such as landscaping, vegetative berms and/or walls, and that	✓	The proposal would be in a neighborhood center adjacent to other non-residential uses and close to a Town Center commercial development with a mixture of uses. Although the site abuts residential zoning, these sites will be buffered by the LBA, screening, and plantings provided and will access Lyndon lane instead of Grant Avenue to keep traffic

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
		address those aspects of the development that have the potential to adversely impact existing area developments.		off a local neighborhood street.
20	Community Form/Land Use Guideline 3: Compatibility	A.23: Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.	✓	Setbacks, lot dimensions and building heights are compatible with those of nearby developments that meet form district standards.
21	Community Form/Land Use Guideline 3: Compatibility	A.24: Parking, loading and delivery areas located adjacent to residential areas are designed to minimize adverse impacts of lighting, noise and other potential impacts, and that these areas are located to avoid negatively impacting motorists, residents and pedestrians.	✓	The proposal would be in a neighborhood center adjacent to other non-residential uses and close to a Town Center commercial development with a mixture of uses. Although the site abuts residential zoning, these sites will be buffered by the LBA, screening, and plantings provided and will access Lyndon lane instead of Grant Avenue to keep traffic off a local neighborhood street.
22	Community Form/Land Use Guideline 3: Compatibility	A.24: The proposal includes screening and buffering of parking and circulation areas adjacent to the street, and uses design features or landscaping to fill gaps created by surface parking lots. Parking areas and garage doors are oriented to the side or back of buildings rather than to the street.	✓	The proposal would be in a neighborhood center adjacent to other non-residential uses and close to a Town Center commercial development with a mixture of uses. Although the site abuts residential zoning, these sites will be buffered by the LBA, screening, and plantings provided and will access Lyndon lane instead of Grant Avenue to keep traffic off a local neighborhood street.
23	Community Form/Land Use Guideline 3: Compatibility	A.25: Parking garages are integrated into their surroundings and provide an active, inviting street-level appearance.	NA	Parking garages are not proposed for this development.
24	Community Form/Land Use Guideline 3: Compatibility	A.28: Signs are compatible with the form district pattern and contribute to the visual quality of their surroundings.	✓	Any proposed sign must comply with all sign regulations.
25	Community Form/Land Use Guideline 4: Open Space	A.2/3/7: The proposal provides open space that helps meet the needs of the community as a component of the development and provides for the continued maintenance of that open space.	NA	Open space is not required for this proposal.
26	Community Form/Land Use Guideline 4: Open Space	A.4: Open space design is consistent with the pattern of development in the Neighborhood Form District.	NA	Open space is not required for this proposal.
27	Community Form/Land Use Guideline 4: Open Space	A.5: The proposal integrates natural features into the pattern of development.	NA	There are no natural features to integrate into the pattern of development.
28	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.1: The proposal respects the natural features of the site through sensitive site design, avoids substantial changes to the topography and minimizes property damage and environmental degradation resulting from disturbance of natural systems.	NA	There are no natural features to integrate into the pattern of development.
29	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.2/4: The proposal includes the preservation, use or adaptive reuse of buildings, sites, districts and landscapes that are recognized as having historical or architectural	✓	The site will be documented at the National Register level. All documentation materials will be submitted to Historic Preservation staff prior to ground disturbance,

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
		value, and, if located within the impact area of these resources, is compatible in height, bulk, scale, architecture and placement.		
30	Community Form/Land Use Guideline 5: Natural Areas and Scenic and Historic Resources	A.6: Encourage development to avoid wet or highly permeable soils, severe, steep or unstable slopes with the potential for severe erosion.	NA	There are no natural features to integrate into the pattern of development.
31	Marketplace Guideline 6: Economic Growth and Sustainability	A.3: Encourage redevelopment, reinvestment and rehabilitation in the downtown where it is consistent with the form district pattern.	NA	The site is not located in a downtown area.
32	Marketplace Guideline 6: Economic Growth and Sustainability	A.4: Encourage industries to locate in industrial subdivisions or adjacent to existing industry to take advantage of special infrastructure needs.	NA	The proposal is not an industrial use.
33	Marketplace Guideline 6: Economic Growth and Sustainability	A.6: Locate retail commercial development in activity centers. Locate uses generating large amounts of traffic on a major arterial, at the intersection of two minor arterials or at locations with good access to a major arterial and where the proposed use will not adversely affect adjacent areas.	NA	The proposal is not a retail commercial development.
34	Marketplace Guideline 6: Economic Growth and Sustainability	A.8: Require industrial development with more than 100 employees to locate on or near an arterial street, preferably in close proximity to an expressway interchange. Require industrial development with less than 100 employees to locate on or near an arterial street.	NA	The proposal is not an industrial use.
35	Mobility/Transportation Guideline 7: Circulation	A.1/2: The proposal will contribute its proportional share of the cost of roadway improvements and other services and public facilities made necessary by the development through physical improvements to these facilities, contribution of money, or other means.	✓	The proposal will contribute its proportional share of the cost of necessary infrastructure improvements.
36	Mobility/Transportation Guideline 7: Circulation	A.3/4: The proposal promotes mass transit, bicycle and pedestrian use and provides amenities to support these modes of transportation.	✓	The proposal allows easy access by bicycle, car, and pedestrians through roads and sidewalks.
37	Mobility/Transportation Guideline 7: Circulation	A.6: The proposal's transportation facilities are compatible with and support access to surrounding land uses, and contribute to the appropriate development of adjacent lands. The proposal includes at least one continuous roadway through the development, adequate street stubs, and relies on cul-de-sacs only as short side streets or where natural features limit development of "through"	✓	The proposal will have access to and through the adjacent parcel known as Tract 2 to the south which is the existing contractors shop.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
		roads.		
38	Mobility/Transportation Guideline 7: Circulation	A.9: The proposal includes the dedication of rights-of-way for street, transit corridors, bikeway and walkway facilities within or abutting the development.	✓	The proposal will contribute its proportional share of the cost of necessary infrastructure improvements.
39	Mobility/Transportation Guideline 7: Circulation	A.10: The proposal includes adequate parking spaces to support the use.	✓	The proposal includes adequate parking spaces to support the use.
40	Mobility/Transportation Guideline 7: Circulation	A.13/16: The proposal provides for joint and cross access through the development and to connect to adjacent development sites.	✓	The proposal provides cross access with adjacent sites where appropriate.
41	Mobility/Transportation Guideline 8: Transportation Facility Design	A.8: Adequate stub streets are provided for future roadway connections that support and contribute to appropriate development of adjacent land.	✓	The proposal provides cross access with adjacent sites where appropriate.
42	Mobility/Transportation Guideline 8: Transportation Facility Design	A.9: Avoid access to development through areas of significantly lower intensity or density if such access would create a significant nuisance.	✓	Access will be gained through the adjacent C-2 zoned property of similar use.
43	Mobility/Transportation Guideline 8: Transportation Facility Design	A.11: The development provides for an appropriate functional hierarchy of streets and appropriate linkages between activity areas in and adjacent to the development site.	✓	Access will be gained through the adjacent C-2 zoned property of similar use.
44	Mobility/Transportation Guideline 9: Bicycle, Pedestrian and Transit	A.1/2: The proposal provides, where appropriate, for the movement of pedestrians, bicyclists and transit users around and through the development, provides bicycle and pedestrian connections to adjacent developments and to transit stops, and is appropriately located for its density and intensity.	✓	The proposal provides for appropriate connectivity along Lyndon Lane with existing sidewalks that will connect to the consolidated lots of the existing contractor shop and proposed contractors yard.
45	Livability/Environment Guideline 10: Flooding and Stormwater	The proposal's drainage plans have been approved by MSD, and the proposal mitigates negative impacts to the floodplain and minimizes impervious area. Solid blue-line streams are protected through a vegetative buffer, and drainage designs are capable of accommodating upstream runoff assuming a fully-developed watershed. If streambank restoration or preservation is necessary, the proposal uses best management practices.	✓	MSD has approved the proposal.
46	Livability/Environment Guideline 12: Air Quality	The proposal has been reviewed by APCD and found to not have a negative impact on air quality.	✓	APCD has approved the proposal.
47	Livability/Environment Guideline 13: Landscape Character	A.3: The proposal includes additions and connections to a system of natural corridors that can provide habitat areas and allow for migration.	NA	There are no natural habitat features to integrate into the pattern of development.

#	Cornerstone 2020 Plan Element	Plan Element or Portion of Plan Element	Staff Finding	Staff Comments
48	Community Facilities Guideline 14: Infrastructure	A.2: The proposal is located in an area served by existing utilities or planned for utilities.	✓	The proposal is located in an area served by existing utilities or planned for utilities.
49	Community Facilities Guideline 14: Infrastructure	A.3: The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.	✓	The proposal has access to an adequate supply of potable water and water for fire-fighting purposes.
50	Community Facilities Guideline 14: Infrastructure	A.4: The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.	✓	The proposal has adequate means of sewage treatment and disposal to protect public health and to protect water quality in lakes and streams.

#### 4. Existing 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 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. 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 Department of Inspections, Permits and Licenses, Louisville Metro Public Works 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 shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
  - d. 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.
  - e. A road closure approval for Railroad Avenue shall be approved. (The alley closure is not essential prior to permit.)
6. 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.

7. 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.
8. There shall be no outdoor PA system audible beyond the property line.
9. 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.
10. 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.
11. No idling of trucks shall take place within 200 feet of single family residences. No overnight idling of trucks shall be permitted on-site.
12. 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.
13. 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.
14. The property shall be surrounded with a black vinyl chain link fence, no less than six feet in height.

**5. Proposed Binding Elements and Conditions of Approval**

**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 for review and approval; any changes/additions/alterations not so referred shall not be valid.~~ **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 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. 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 Department of Inspections, Permits and Licenses, Louisville Metro Public Works and the Metropolitan Sewer District.~~ **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. ~~A minor subdivision plat shall be recorded creating the lot lines as shown on the development plan. A copy of the recorded instrument shall be submitted to the Division of Planning and Design Services; transmittal of approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.~~
  - 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 or 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.**
6. If a building permit is not issued within ~~one~~ **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.**
7. 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.
8. There shall be no outdoor PA system audible beyond the property line.
9. 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.

10. 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.
11. No idling of trucks shall take place within 200 feet of single family residences. No overnight idling of trucks shall be permitted on-site.
12. 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.
13. 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.
14. The property shall be surrounded with a black vinyl chain link fence, no less than six feet in height.
15. **There shall be no vehicular access from the site to Grant Avenue or the unnamed alley at the south corner of the site.**
16. **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.