

Land Development and Transportation Committee

Staff Report

November 30, 2017



Case No:	17DEVPLAN1189
Project Name:	Bee Hive Homes
Location:	8401 La Grange Road
Owner(s):	Flip Flop Land, LLC
Applicant:	Flip Flop Land, LLC
Representative:	Civil Design, Inc
Jurisdiction:	City of Lyndon
Council District:	7 – Angela Leet
Case Manager:	Laura Mattingly, AICP, Planner II

REQUEST(S)

- Revised Detailed District Development Plan

CASE SUMMARY/BACKGROUND

The subject property is located in the City of Lyndon in eastern Jefferson County. The applicant has proposed three building additions to an existing assisted living facility for the purpose of adding four bedrooms to the facility. Two of the additions are on the east side of the building along the alley and comply with side setbacks. The addition on the west side of the building, facing Etawah Ave is an extension of the existing façade which is currently setback 17' front the right-of-way. A street-side yard variance was granted for the existing building in 2005 and a variance for the addition along Etawah Ave was approved by the Board of Zoning Adjustment on November 20, 2017 under case number 17VARIANCE1085.

Previous Cases:

9-60-03: Change in Zoning from R-5 to R-5A and a waiver to allow the proposed building to encroach into the required 15' LBA. Approved March 18, 2004.

B-112-05: Variance for street side yard encroachment. Approved July 18, 2005.

STAFF FINDING

The proposal is in compliance with the Land Development Code and meets the standard of review. The proposal is preserving the existing tree canopy. Provisions for safe and efficient vehicular and pedestrian traffic were provided upon original construction and will not be negatively impacted by the additions. Adequate drainage facilities are provided and the overall character of the site will remain consistent with surrounding land uses.

TECHNICAL REVIEW

- Preliminary approvals have been given by MSD and Transportation

INTERESTED PARTY COMMENTS

Staff has not received any comments from interested parties.

STANDARD OF REVIEW AND STAFF ANALYSIS FOR RDDDP

- 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: LOJIC has not identified any hydric soils, karst terrain or steep slopes at this site. The proposal will be preserving the two large trees and meeting tree canopy requirements.

- 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 has approved the preliminary development plan. Five-foot sidewalks along both frontages were provided with the original construction and there is a TARC stop at the corner of La Grange and Etawah.

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

STAFF: There is no open space requirement with this plan and existing landscaping aides in maintaining the scenic view from La Grange Road.

- 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 remaining relatively the same and are compatible with the existing and future development of the area. Existing landscaping is in character with the surrounding homes and the additions will not alter the overall character of the site.

- 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 side yard setback variance which appeared justified and was approved by the Board of Zoning Adjustment.

REQUIRED ACTIONS

- **RECOMMEND** to the City of Lyndon **APPROVAL or DENIAL** of the Detailed District Development Plan

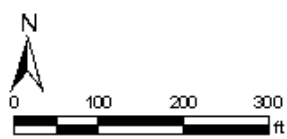
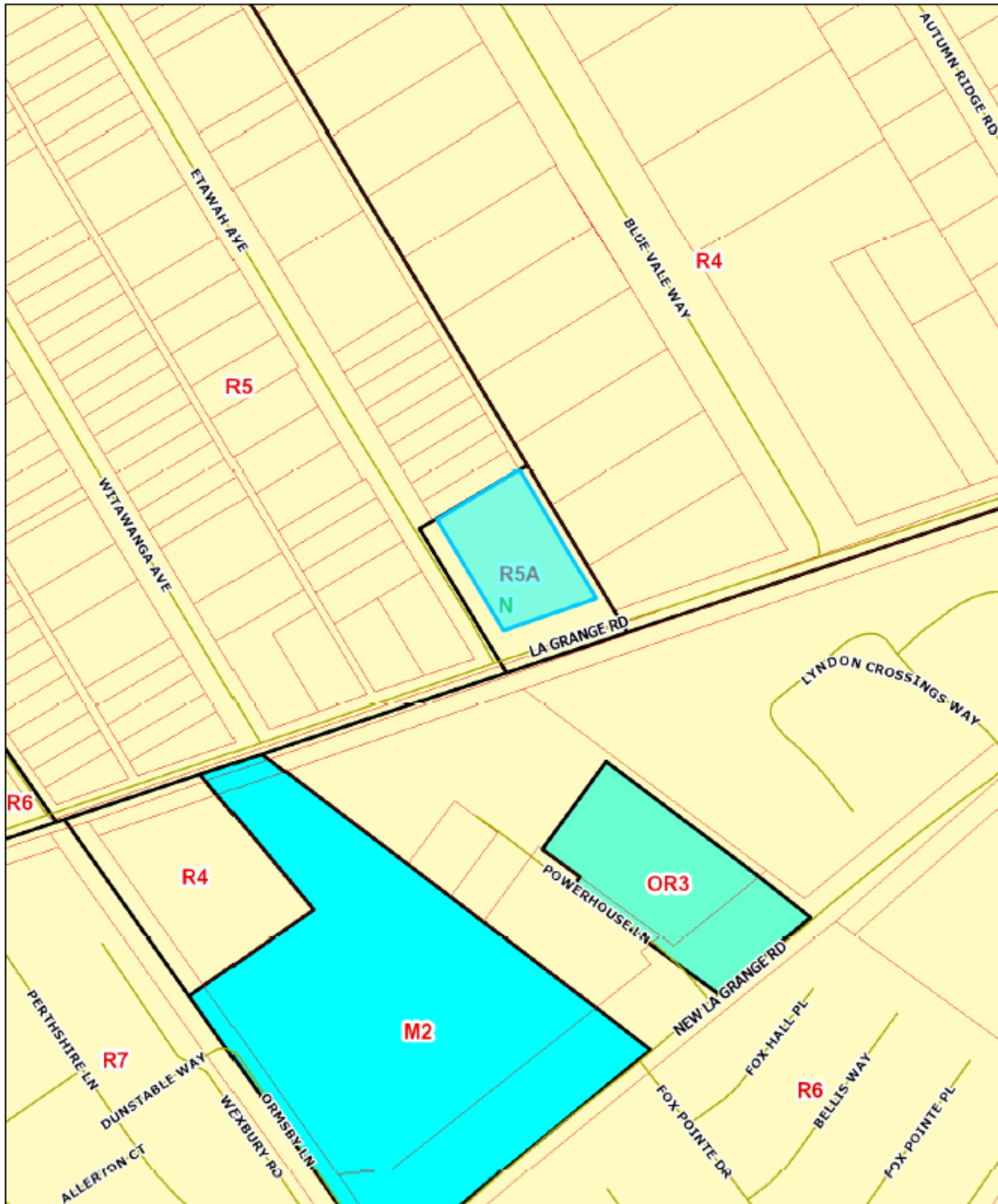
NOTIFICATION

Date	Purpose of Notice	Recipients
11/10/17	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Registered Neighborhood Groups in Council District 7

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Proposed Binding Elements

1. Zoning Map



Bee Hive Homes

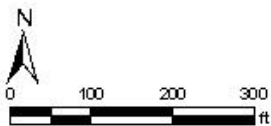
Monday, November 13, 2017 | 10:55:50 AM



LOJIC © 2017

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

2. Aerial Photograph



Bee Hive Homes

Monday, November 13, 2017 | 10:57:13 AM



LOJIC ©2017

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

3. 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 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. Use of the subject site shall be limited to assisted living residence. There shall be no other use of the property unless prior approval is obtained from the Planning Commission/ LD&T Committee. Notice of a request to amend this binding element shall be given in accordance with the Planning Commission's policies and procedures. The Planning Commission/LD&T Committee may require a public hearing on the request to amend this binding element.
3. The density of the development shall not exceed 1.43 dwelling units per acre (one unit with 14 bedrooms on 0.51 acres).
4. The development shall not exceed 7,187 square feet of gross floor area.
5. There shall be no direct vehicular access to LaGrange Road. The existing access points are to be closed and access to the site be made from the new curb cuts as shown on the development plan.
6. Signs shall be in accordance with Chapter 8 or as presented at the public hearing (12 sq. ft. and no more than 6 ft. tall).
7. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
8. 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.
9. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) 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. A minor subdivision plat shall be recorded dedicating additional right-of-way to Lagrange Road and Etawah Avenue to provide a total of 40/30 feet from the centerline. 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 minor plat 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.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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 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.
 12. 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.
 13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 18, 2004 Planning Commission meeting.
 14. The applicant shall provide documentation showing that the development complies with all the regulations from *Chapter 4, Part 1, Section 3*, Lighting, prior to the issuance of a construction permit. These regulations include the following items: Mounting Height Limit, Luminaire Shielding, Canopy Lighting Level and Light Trespass
 15. The address number shall be displayed on a structure prior to requesting a certificate of occupancy for that structure.

16. The site shall be developed in accordance with the tree preservation areas delineated on the site plan and related notes. Any modification of the tree preservation plan requested by the applicant may be approved by the designated DPDS staff if the changes are in keeping with the intent of the approved tree preservation plan.

All plans setting out tree preservation areas must contain the following notes:

1. Tree preservation areas (TPAs) identified on this plan represent portions of the site the developer has designated to be left undisturbed during the development of roadways, utilities and similar infrastructure. These are not permanent preservation areas. Tree in these areas may be removed during construction of homes or buildings on individual lots.
 2. Dimension lines have been used on this plan to establish the general location of TPAs and represent minimum distances. The final boundary for each TPA shall be established in the field by the applicant, developer, or property owner to include canopy area of all trees at or within the dimension line.
 3. Tree protection fencing shall be erected around all TPAs prior to site disturbance (except as provided in these notes) to protect the existing tree stands and their root systems. The fencing shall be located at least 3 feet beyond the edge of the tree canopy and shall remain in place until all construction is completed. When trees must be removed in a TPA, the fence shall be relocated to protect all remaining trees within that TPA. When a tree mass contains both WPAs and TPAs, fencing shall only be required at the outer most perimeter of that tree mass.
 4. No parking, material storage, or construction activities are permitted within the TPAs beyond that allowed for preliminary site investigation work.
 5. Clearing necessary to provide access for survey work, rock soundings or other usual and customary site investigations shall be permitted prior to Site Disturbance Approval. Preliminary site investigations shall be carefully planned to minimize the amount of clearing required. Clearing should follow proposed roadway centerlines and should not result in a clear access way of more than twenty (20) feet in width. Cleared access ways beyond proposed roadways to assess individual lots shall not exceed 12 feet in width or encroach into any proposed open space lots. No trees exceeding eight (8) inches in diameter measured at a height of four and one-half feet above ground level shall be removed without prior approval by DPDS.
17. No dumpsters allowed on the property.
 18. Trash cans must be enclosed with a privacy fence or enclosed within the property.

19. No 24-hour lighting on the back or sides of the building and parking lot.
20. No regular deliveries.
21. Air conditioning units must have a landscape buffer.
22. The residents of the assisted living residence shall have no more than three vehicles parked on the site.

4. **Proposed Binding Elements**

3. The density of the development shall not exceed 1.43 dwelling units per acre (one unit with 44 **18** bedrooms on 0.51 acres).
- ~~4. The development shall not exceed 7,187 square feet of gross floor area.~~
9. Before any permit (including but not limited to building, parking lot, change of use, site disturbance) is requested:
 - a. The development plan must receive full construction approval from *Louisville Metro Department of Inspections, Permits and Licenses, Louisville Metro Public Works* **Develop Louisville** and the Metropolitan Sewer District.
 - ~~b. A minor subdivision plat shall be recorded dedicating additional right-of-way to Lagrange Road and Etawah Avenue to provide a total of 40/30 feet from the centerline. 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.~~
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13. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the March 18, 2004 Planning Commission **November 30, 2017 Land Development & Transportation** meeting.