

Development Review Committee

Staff Report

February 17, 2016



Case No:	15MOD1021
Project Name:	Kaiser Insurance
Location:	8307 Shelbyville Road
Owners:	Jack Kaiser
Applicant:	Rueff Sign Co. - Carl Rueff
Representative(s):	Rueff Sign Co. - Carl Rueff
Project Area/Size:	0.42 Acres
Existing Zoning District:	OR-1, Office-Residential
Existing Form District:	N, Neighborhood
Jurisdiction:	City of Lyndon
Council District:	18 – Marilyn Parker
Case Manager:	Joel P. Dock, Planner I

REQUEST

- **Sign Plan with Amendment to Binding Element** for Freestanding sign along Shelbyville Road.

CASE SUMMARY

The applicant proposes to construct a 32 sq. ft. columnar style sign that is 6' in height. It will have a perpendicular orientation with Shelbyville Road and be located with its leading edge approximately 25' from the edge of the right-of-way. The Land Development Code as adopted by the City of Lyndon allows a single-business sign along an arterial roadway to be as much as 80 sq. ft. and 10' in height. However, binding elements adopted under case 9-63-92 restrict the height to 4' and the area to 6 sq. ft. and require that the sign be located as shown on the development plan (sign plan required); therefore, an amendment to binding element (#7) for this sign plan is being requested. The existing binding element states:

The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed 6 square feet in area and 4 feet in height.

Proposed binding element:

Freestanding sign on-site shall not exceed 32 square feet in area and 6 feet in height.

The proposed binding element works to maintain the residential character of this portion of the corridor as prescribed by the rezoning of this site and surrounding properties previously rezoned, while eliminating the need to submit a sign plan in the future and allowing the proposed sign.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Office	OR-1	N
Proposed	Office	OR-1	N
Surrounding Properties			
North	Single family residential	R-5	N
South	Single family residential	R-4	N
East	Office	OR-1	N
West	Office	OR-1	N

PREVIOUS CASES ON SITE

9-63-92: Rezoning from R-5 to OR-1 (approved 1/21/93)

INTERESTED PARTY COMMENTS

Staff has not received any inquiries or comments on the proposal.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020

Land Development Code (March 2006)

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 does not appear to be any environmental constraints or historic resources on the subject site. The sign appears to have no impact on water courses, flood plains, soils, air quality, or scenic views.

- 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 will be provided. The sign does not impact mobility into, or around, the site.

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

STAFF: Provisions of sufficient open space will be provided and are not impacted by this 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 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. The proposed sign is compatible with adjacent, and nearby, signage and works to maintain the residential character of this portion of the corridor as prescribed by the rezoning of this site and surrounding properties previously rezoned.

- 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 sign plan conforms to applicable guidelines and policies of the Comprehensive Plan and to requirements of the Land Development Code.

TECHNICAL REVIEW

The proposed binding element works to maintain the residential character of this portion of the corridor as prescribed by the rezoning of this site and surrounding properties previously rezoned, while eliminating the need to submit a sign plan in the future and allowing the proposed sign; this meaning, future signage can be permitted in another location on-site without submitting a sign plan to for review by PDS staff so long as the sign is below or the same as the dimensions of the binding element and in compliance with Ch. 8 of the LDC as adopted by the City of Lyndon.

STAFF CONCLUSIONS

The Sign Plan with Amendment to Binding Element appears to be adequately justified and meets the standard of review based on staff analysis in the staff report.

Based upon the information in the staff report, the testimony and evidence provided at the public meeting, the Development Review Committee must determine if the proposal meets the standards established in the LDC for approving an Amendment to Binding Element.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Sign Plan with Amendment to Binding Element.

NOTIFICATION

Date	Purpose of Notice	Recipients
2/4/16	DRC	Adjoining property owners, applicant, representative, case manager, and neighborhood groups

ATTACHMENTS

1. Zoning Map
2. Aerial Photograph
3. Existing Binding Elements
4. Proposed Binding Element Amendment

1. Zoning Map



2. Aerial Photograph



3. Existing Binding Elements

1. The development shall be in accordance with the approved district development plan. Any changes/additions/alterations of any binding element(s) shall be referred by the Planning Commission to the City of Lyndon for approval, and any changes/additions/alterations not so referred shall not be valid.
2. No residential structure shall be removed and each structure shall retain its residential appearance. Exterior additions or alterations shall not be made without prior approval of the Planning Commission's Land Development and Transportation Committee and the City of Lyndon.
3. The property shall be used as an office for one of the professions listed as permitted uses in the OR-1 Office/Residential District (Article 5, Section 5.2 of the Zoning District Regulations 1991) except for medical offices, barber shops or beauty shops.
4. The development shall not exceed 2,554 square feet of gross floor area in the residential structure and 588 square feet of gross floor area in the garage for storage incidental to the office use. The garage shall not be used as an office.
5. The existing access to Shelbyville Road shall be closed before June 30, 1993.
6. Before a building, alteration or paving and parking permit and/or certificate of occupancy is requested, the property owner/developer shall submit to the Planning Commission, in form and substance satisfactory to Planning Commission staff or counsel, a cross-over buffer agreement demonstrating compliance with Article 12 of the Development Code.
7. The only permitted freestanding sign shall be located as shown on the approved district development plan. The sign shall not exceed 6 square feet in area and 4 feet in height.
8. The property owner shall grant, without compensation of any kind, to adjoining properties along Shelbyville Road which are used for non-residential purposes an easement of ingress and egress to, onto and through all portions of the applicant's access ways for the purpose of ingress and egress to the applicable properties. The instrument shall be signed and submitted to the Planning Commission counsel for approval prior to the granting of a building or an occupancy permit, whichever shall first occur.
9. All outdoor lighting shall be directed down and away from adjacent residential properties.
10. Before a building, alteration or paving and parking permit and/or a certificate of occupancy is requested:
 - a) The development plan must be reapproved by the Jefferson County Department of Public Works and Transportation and the Metropolitan Sewer District.
 - b) The property owner or developer must obtain approval of a detailed plan for screening (buffering/landscaping) described in Article 12. Such plan shall be implemented prior to requesting a certificate of occupancy and maintained thereafter.
 - c) A minor plat or legal instrument will be recorded consolidating the property into one lot. A copy of the recorded instrument shall be submitted to the Planning Commission.
 - d) A revised general district development plan for Docket No.9-2-92VLW shall be approved.
11. No outdoor advertising signs (billboards), small freestanding (temporary) signs, pennants or banners shall be permitted on the site.
12. If a certificate of occupancy or paving and parking 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.
13. 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.
14. The above binding elements may be amended as provided for in the Zoning District Regulations.

4. Proposed Binding Element Amendment

7. Freestanding sign on-site shall not exceed 32 square feet in area and 6 feet in height.