

# Development Review Committee

## Staff Report

May 23, 2018



<b>Case No:</b>	18DEVPLAN1032
<b>Project Name:</b>	Stewart Condos
<b>Location:</b>	703 Lyndon Ln
<b>Owner(s):</b>	Howard Enterprises, Inc.
<b>Applicant:</b>	Grady Stewart
<b>Jurisdiction:</b>	Lyndon
<b>Council District:</b>	18 – Marilyn Parker
<b>Case Manager:</b>	Jay Lockett, Planner I

### **REQUEST(S)**

- Waiver of Land Development Code (Lyndon) section 5.11.4 to not provide all of the required open space on site.
- Revised District Development Plan

### **CASE SUMMARY/BACKGROUND**

The applicant is proposing to demolish an existing single family residential structure on the site and construct 13 semi-detached multifamily units. The site is located in the city of Lyndon, and was rezoned from R-4 to C-1 under docket 9-59-82. Land Development Code regulations require 8,072 SF of open space to be provided on site. The applicant is proposing to provide 2,600 SF of private open space in the form of patios for each unit, and is requesting a waiver to not provide the rest of the required open space.

### **STAFF FINDING**

The requests are adequately justified and meet the standards of review.

### **TECHNICAL REVIEW**

There are no outstanding technical issues associated with this request.

### **INTERESTED PARTY COMMENTS**

Staff has received no comments from interested parties concerning this request.

### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR WAIVER OF LDC (LYNDON) SECTION 5.11.4 TO NOT PROVIDE ALL OF THE REQUIRED OPEN SPACE.**

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

STAFF: The requested waiver will not adversely affect adjacent property owners as they are mostly commercial uses that would not be affected by the presence of open space on the subject site.

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

STAFF: Guideline 1, Policy 3 states: the proposal supports the creation of a mix of residential housing choices and densities for the neighborhood, and: if the proposal introduces a new housing type to the neighborhood, it is designed to be compatible with nearby land uses. Guideline 2, Policy 4 states: Encourage a more compact development pattern that results in an efficient use of land and cost-effective infrastructure. Guideline 3, Policy 1 states: The proposal is generally compatible within the scale and site design of nearby existing development and with the form district's pattern of development. The proposed waiver will allow for the development of housing that increases the density and housing choice near an activity center.

- 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 not the minimum necessary to afford relief to the applicant since the applicant is providing some open space for the proposed units.

- 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, as all available space on the site is proposed to be occupied by required vehicle use areas, landscape buffers and a detention basin.

#### **STANDARD OF REVIEW AND STAFF ANALYSIS FOR (R)DDDP 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 do not appear to be any environmental constraints on the subject site. The existing structure has been previously documented as historic. Prior to demolition, the applicant should provide an updated Kentucky Historic Resources Survey form. 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: The applicant has requested a waiver from some of the open space requirements for 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 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. Buildings and parking lots will meet all required setbacks.

- 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.

#### **REQUIRED ACTIONS:**

- **RECOMMEND** that the City of Lyndon **Approve** or **Deny** the requested **Waiver**.
- **RECOMMEND** that the City of Lyndon **Approve** or **Deny** the **Revised District Development Plan**

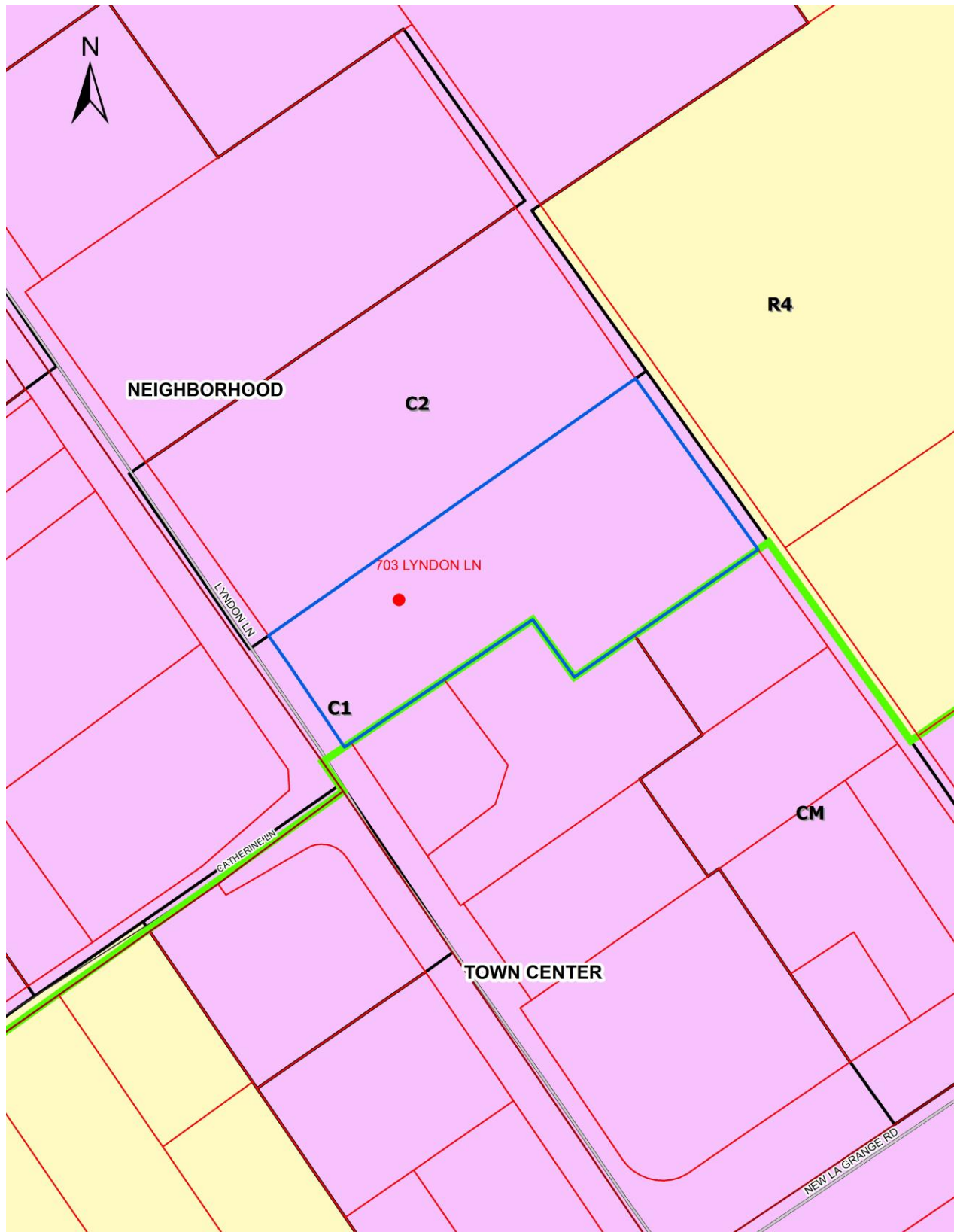
#### **NOTIFICATION**

Date	Purpose of Notice	Recipients
5-8-18	Hearing before DRC	1 <sup>st</sup> tier adjoining property owners Registered Neighborhood Groups in Council District 18

#### **ATTACHMENTS**

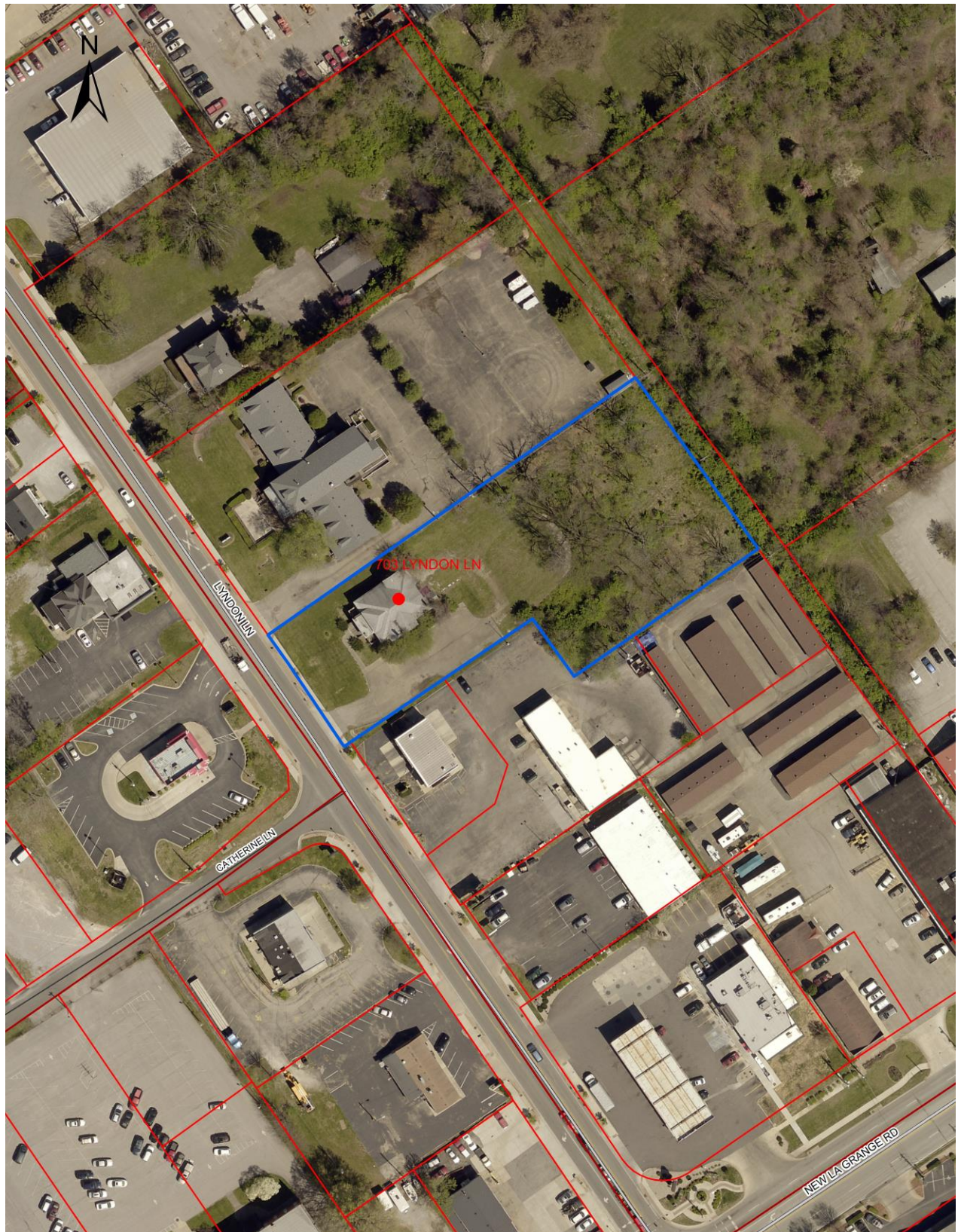
1. Zoning Map
2. Aerial Photograph
3. Existing and/or Proposed Binding Elements/Conditions of Approval

1. **Zoning Map**





2. **Aerial Photograph**



### **3. Existing Binding Elements**

1. ~~The development will be in accordance with the approved district development plan. No further development will occur.~~
2. ~~Before a certificate of occupancy is issued:~~
  - a) ~~The development plan must be reapproved by the Transportation Engineering, Water Management and Fire Safety Sections of the Jefferson County Department of Public Works and Transportation.~~
  - b) ~~Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.~~
  - c) ~~Additional right-of-way shall be dedicated to provide a total of forty feet from the centerline of Lyndon Lane. The developer shall provide the Planning Commission with the deed book and page number of the recorded instrument.~~
  - d) ~~Additional right-of-way shall be dedicated to provide a total of forty feet from the centerline of Lyndon Lane. The developer shall provide the Planning Commission with the deed book and page number of the recorded instrument.~~
3. ~~No certificate of occupancy may be issued more than 60 days from the date of approval of the plan or rezoning whichever is later or the property shall not be used in any manner.~~
4. ~~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.~~
5. ~~These binding elements may be amended as provided for in the Zoning District Regulations.~~

### **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 and to the City of Lyndon for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. Signs shall be in accordance with Chapter 8.
3. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
4. 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.

5. Before any 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 Develop Louisville 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 dedicating additional right-of-way to Lyndon Ln to provide a total of 40 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.
  - e. 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.
6. 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.
7. Prior to requesting a demolition permit for the existing structure on the site, the applicant shall provide to Planning and Design Services Historic Preservation Staff an updated Kentucky Historic Resources Survey to document the existing structures on site.
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.