

Land Development & Transportation Committee

Staff Report

October 27, 2016



Case No:	16DEVPLAN1178
Request:	Revised Detailed District Development Plan
Project Name:	Kroger Outer Loop
Location:	4501 Outer Loop
Owner:	Jarrett D. Wallace, Weingarten Realty Investors
Applicant:	Danny Lethco, The Kroger Company
Representative:	John Campbell, Heritage Engineering
Jurisdiction:	Louisville Metro
Council District:	24 – Madonna Flood
Case Manager:	Laura Mattingly, Planner I

REQUEST

- Revised Detailed District Development Plan

CASE SUMMARY/BACKGROUND/SITE CONTEXT

This site is 9.807 acres in size and located in the Okolona neighborhood, about .3 miles east of the intersection of Preston Highway and Outer Loop. This is an existing 61,626 square foot Kroger and 50,453 square foot retail space in a developed neighborhood. The applicant is proposing a 1,090 square foot addition to the Kroger to add a Wine & Spirits shop, as well as a new fuel center located on the west side of the existing parking lot. All aspects of the proposal are in compliance with the Land Development Code.

LAND USE/ZONING DISTRICT/FORM DISTRICT TABLE

	Land Use	Zoning	Form District
Subject Property			
Existing	Grocery/Retail	C-2	RC
Proposed	Grocery/Retail	C-2	RC
Surrounding Properties			
North	Multi-Family Residential	R-6	N
South	Restaurant, Office	C-2, R-4	RC, N
East	Retail	C-2	RC
West	Retail	C-1	RC

PREVIOUS CASES ON SITE

9-58-80: Change in zoning from R-4, Single Family Residential, to C-2, Commercial. Building expansion of 575 square feet (Staff approved on 8/27/03), Sign plan and binding element proposal (Approved by LD&T on 6/24/2004).

INTERESTED PARTY COMMENTS

No interested party comments have been received by staff.

APPLICABLE PLANS AND POLICIES

Cornerstone 2020
Land Development Code

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: There does not appear to be any environmental constraints or historic resources 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 through the existing vehicular access, which is remaining unchanged, and the existing sidewalks along Noltemeyer Wynde and Outer Loop.

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

STAFF: Provisions for open space are not a requirement of this request.

- 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 land uses are compatible with the existing and future development of the area, as this area is an established commercial corridor with similar retail and restaurant uses.

- 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 proposal complies with the applicable guidelines of the Comprehensive Plan and Land Development Code.

TECHNICAL REVIEW

The proposed development plan is in order and has received preliminary approvals from Transportation Planning Review and the Metropolitan Sewer District.

STAFF CONCLUSIONS

The Revised Detailed District Development Plan 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 hearing, the Land Development & Transportation Committee must determine if the proposal meets the standards for granting approval for an RDDDP established in the Land Development Code.

REQUIRED ACTIONS

- **APPROVE** or **DENY** the Revised Detailed District Development Plan

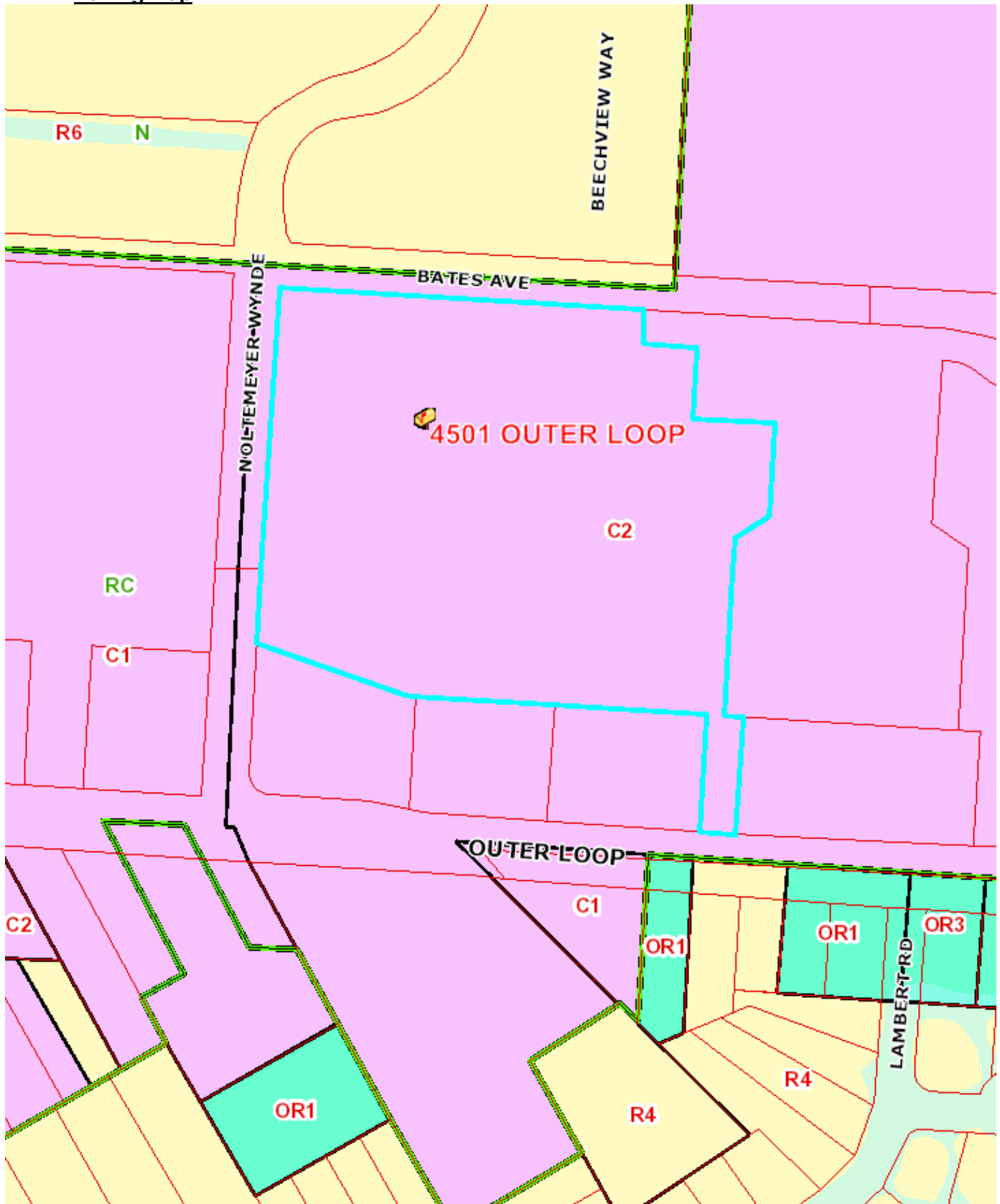
NOTIFICATION

Date	Purpose of Notice	Recipients
10/12/2016	Public Hearing - DRC	Neighborhood notification recipients
10/12/2016	Public Haring – DRC	1 st tier adjoining property owners

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. Proposed Binding Elements

All binding elements from the approved General Development Plan (9-58-80) are applicable to this site, in addition to the following.

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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. The development shall not exceed 113,369 square feet of gross floor area.
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) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. A minor subdivision plat or legal instrument 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 Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
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. There shall be no outdoor music (live, piped, radio or amplified) or outdoor entertainment or outdoor PA system audible beyond the property line.
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.

9. The materials and design of proposed structures shall be substantially the same as depicted in the rendering as presented at the October 27th, 2016 Land Development & Transportation meeting.
10. No idling of trucks shall take place within 200 feet of residential development. No overnight idling of trucks shall be permitted on-site.