



# District Development Plan Application

Louisville Metro Planning & Design Services

Case No.: 15DEVELOP/1009 Intake Staff: KMC

Date: 6/29/15 Fee: 366.50

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5<sup>th</sup> Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

### Project Information:

Application Type:  Detailed District Development Plan  Revised District Development Plan  General District Development Plan

Project Description (e.g., retail center and office development, etc.): Kroger Grocery and Fuel expansion with construction of 6,600 sf retail bldg.

Project Name: Tyler Retail Center – Kroger L-743 Expansion

Primary Project Address: 12611 Taylorsville Road

Additional Address(es): 12613, 12605, 12607 Taylorsville Road & 12623 Stone Lakes Drive

Primary Parcel ID: Tax Block 3700, Lot 1

Additional Parcel ID(s): Tax Block 3700, Lots 3, 4, 8, 11, 13, 14 & 15

# of Residential Units: N/A Commercial Square Footage: 149,295 SF

Proposed Use: Commercial Existing Use: Commercial

Existing Zoning District: C-1 Existing Form District: TCFD

Deed Book(s) / Page Numbers<sup>2</sup>: 8583/950 10272/124 8803/79 8817/229

The subject property contains +/- 14.79 acres. Number of Adjoining Property Owners: 11

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*<sup>1</sup>  Yes  No

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If yes, please list the docket/case numbers:

Docket/Case #: 9-12-04WPW Docket/Case #: 10-7-04

Docket/Case #: \_\_\_\_\_ Docket/Case #: \_\_\_\_\_

In order to justify approval of any district development plan, the Planning Commission considers the following criteria. Please answer all of the following items. Use additional sheets if needed. A response of yes, no, or N/A is not acceptable.

1. Are there any natural resources on the property, including trees and other living vegetation, steep slopes, water courses, flood plains, soils, air quality, scenic views, and historic sites? And are these natural resources being preserved?

The property is an existing retail center and does not contain any natural resources.

2. Is safe and efficient vehicular and pedestrian transportation provided both within the development and the community?

The property improvements will maintain existing vehicular and pedestrian access into and within the development.

3. Is sufficient open space (scenic and recreational) to meet the needs of the proposed development being provided?

The property and area is developed with an enhanced design that provides sufficient open space for a retail center.

4. Are provisions for adequate drainage facilities provided on the subject site in order to prevent drainage problems from occurring on the subject site or within the community?

The property is developed in a way that provides and will provide provisions for adequate detention and green infrastructure.

5. Is the overall site design (location of buildings, parking lots, screening, landscaping) and land use or uses compatible with the existing and projected future development of the area?

The property as developed and proposed improvements is designed in a way that is compatible with both the existing and future development within the area.

6. Is the proposal in conformance with the Comprehensive Plan and Land Development Code?

The proposed improvements will be in conformance with the Comprehensive Plan and Land Development Code.

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**Contact Information:**

Owner:  Check if primary contact

Applicant:  Check if primary contact

Name: \_\_\_\_\_

Name: Jim Calvery

Company: Kroger Limited Partnership I

Company: Nicklies Development

Address: 1600 Ormsby Station Court

Address: 6060 Dutchmans Lane, Suite 110

City: Louisville State: KY Zip: 40223

City: Louisville State: KY Zip: 40205

Primary Phone: 502 423-4929

Primary Phone: 502 515-1919

Alternate Phone: \_\_\_\_\_

Alternate Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Email: jcalvery@nicklies.com

Owner Signature (required): *David W. Nicklies*

Attorney:  Check if primary contact

Plan prepared by:  Check if primary contact

Name: \_\_\_\_\_

Name: John Campbell

Company: \_\_\_\_\_

Company: Heritage Engineering, LLC.

Address: \_\_\_\_\_

Address: 642 South 4th Street, Suite 100

City: \_\_\_\_\_ State: \_\_\_\_\_ Zip: \_\_\_\_\_

City: Louisville State: KY Zip: 40202

Primary Phone: \_\_\_\_\_

Primary Phone: 502 562-1412

Alternate Phone: \_\_\_\_\_

Alternate Phone: \_\_\_\_\_

Email: \_\_\_\_\_

Email: jcampbell@heritageeng.com

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**Certification Statement:** A certification statement must be submitted with any application in which the owner(s) of the subject property is (are) a limited liability company, corporation, partnership, association, trustee, etc., or if someone other than the owner(s) of record sign(s) the application.

I, David W. Nicklies, in my capacity as other, hereby  
*representative/authorized agent/other*

certify that Kroger Limited Partnership I is (are) the owner(s) of the property which  
*name of LLC / corporation / partnership / association / etc.*

is the subject of this application and that I am authorized to sign this application on behalf of the owner(s).

Signature: *David W. Nicklies* Date: 6-26-15

I understand that knowingly providing false information on this application may result in any action taken hereon being declared null and void. I further understand that pursuant to KRS 523.010, et seq. knowingly making a material false statement, or otherwise providing false information with the intent to mislead a public servant in the performance of his/her duty is punishable as a Class B misdemeanor.

*ISPENRANW1099*



# General Waiver Application

Louisville Metro Planning & Design Services

Case No.: 15DEVPLAN1099 Intake Staff: SQH

Date: 7-29-15 Fee: \$215.00

Applications are due on Mondays at 2:00 p.m. in order to be processed that week. Once complete, please bring the application and supporting documentation to: Planning and Design Services, located at 444 South 5<sup>th</sup> Street, Suite 300. For more information, call (502) 574-6230 or visit <http://www.louisvilleky.gov/PlanningDesign>.

## Project Information:

Application is hereby made for one or more of the following waivers of the Land Development Code:

- Landscape Waiver of Chapter 10, Part 2
- Other: Waiver of Section Multiple – See letter

*A General Waiver Application is not required for Sidewalk or Tree Canopy Waivers. If applicable, please submit a "Sidewalk Waiver Application" or "Tree Canopy Waiver Application" instead.*

Explanation of Waiver: Waiver to allow expansion of a Kroger and construction of a general retail building.

Primary Project Address: 12611 Taylorsville Road

Additional Address(es): 12613, 12605, 12607 Taylorsville Road & 12623 Stone Lakes Drive

Primary Parcel ID: Tax Block 3700, Lot 1

Additional Parcel ID(s): Tax Block 3700, Lots 3, 4, 8, 11, 13, 14 & 15

Proposed Use: Commercial Existing Use: Commercial

Existing Zoning District: C-1 Existing Form District: TCFD

Deed Book(s) / Page Numbers<sup>2</sup>: 8583/950 10272/124 8803/79 8817/229

The subject property contains +/- 14.79 acres. Number of Adjoining Property Owners: 11

Has the property been the subject of a previous development proposal (e.g., rezoning, variance, appeal, conditional use permit, minor plat, etc.)? *This information can be found in the Land Development Report (Related Cases)*<sup>1</sup>  Yes  No

If yes, please list the docket/case numbers.

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Docket/Case #: 15DEVPLAN1099 Docket/Case #: 9-12-04WPW

Docket/Case #: 10-7-04 Docket/Case #: \_\_\_\_\_

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**General Waiver Justification:**

In order to justify approval of any waiver, the Planning Commission or Board of Zoning Adjustment considers four criteria. Please answer **all** of the following questions. Use additional sheets if needed. **A response of yes, no, or N/A is not acceptable.**

**1. Will the waiver adversely affect adjacent property owners?**

See attached letter

**2. Will the waiver violate the Comprehensive Plan?**

See attached letter

**3. Is extent of waiver of the regulation the minimum necessary to afford relief to the applicant?**

See attached letter

**4. Has either (a) the applicant 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 would (b) the strict application of the provisions of the regulation deprive the applicant of the reasonable use of the land or would create an unnecessary hardship on the applicant?**

See attached letter

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15DEVPLAN1099

# HERITAGE ENGINEERING, LLC

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July 27, 2015

Planning and Design Services  
Metro Government  
444 South Fourth Street  
Louisville, Kentucky 40202

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**Re: Waiver Request – Letter of Explanation**

Dear Staff:

On behalf of The Kroger Company and Nicklies Development we are submitting the attached waiver request for a proposed general retail building and Kroger Marketplace Grocery expansion at the Tyler Retail Center located at 12611, 12613, 12605, 12607 Taylorsville Road & 12623 Stone Lakes Drive.

Site improvements include a partial demolition of 12,000 sf of an existing 32,800 sf general retail building and an expansion of the existing Kroger Grocery into a larger Kroger Marketplace Grocery with an expanded Fuel Center. Demolition of the existing general retail building is necessary to provide an expansion area for the existing grocery. Replacement of the eliminated general retail space onto Lot 5B and expansion of the Kroger Grocery is subject to approval of multiple waivers from the Land Development Code. Specifically as noted below:

- 1) Section 5.5.1.A.3 of the Land Development Code to allow parking in front of a structure.
- 2) Section 5.12.1.B.1.e.iv of the Land Development Code to waive the requirement that 40% building area be located on a second or above floor.
- 3) Section 5.9.2.A.1.b.i of the Land Development Code to not provide a direct walk connection to the public sidewalk.
- 4) Section 10.2.12.B of the Land Development Code to allow more than 120-feet between Landscape Islands within the existing parking lot.

Justifications for the requested waivers are:

- The requested waivers will not adversely affect adjacent property owners because granting of the waiver will 1) allow for expansion of the existing Kroger Grocery with expanded fuel center, including reconstruction of a general retail building onto a vacant outlot that was previously designed in a manner that promotes a Town Center feel while providing parking in front of the existing structures as originally planned as part of the original Tyler Center Design. It will 2) also allow for expansion of the existing Kroger Grocery without the requirement to introduce a 2<sup>nd</sup> floor or above building area of 40% which is not feasible as part of a grocery expansion in this location. The adjacent property owners would 3) not be impacted by the waiver of the walk connection since the original design included an internal walk network that provides a direct walk connection to adjacent businesses' and an indirect walk connection to Taylorsville Road therefor minimizing the impact of the landscape streetscape design that was implemented with the

642 S. 4<sup>TH</sup> STREET, SUITE 100  
LOUISVILLE, KENTUCKY 40202  
PHONE: 502-562-1412 FAX: 502-562-1413

603 N. SHORE DR., UNIT 204  
JEFFERSONVILLE, INDIANA 47130  
PHONE: 812-280-8201 FAX: 812-280-8281

15DEVPLAN/099

# HERITAGE ENGINEERING, LLC

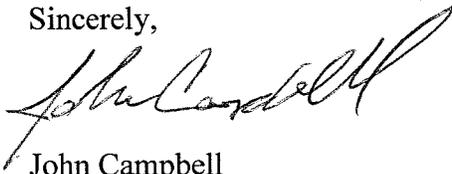
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original design that included an internal walk system that both provides access between businesses as well as a central access point to Taylorsville Road. Lastly, granting of the waiver will 4) allow for minimum disruptions to the existing parking areas which included enhanced landscape with larger than typical islands. Proposed parking areas fully comply with the maximum 120-foot separation requirement of the Land Development Code.

- The waivers requested will not violate the Comprehensive Plan as it will not alter the essential character of the general vicinity since the proposed improvements as described above will be compatible with nearby businesses, maintaining the existing developed pattern of one story commercial buildings with a central walk network that serves not only the Tyler Retail Center but also the nearby community. In addition the original design as previously approved included a central parking area for the Kroger Grocery with parking areas that exceeded the maximum 120-foot rule by providing larger than typical landscape islands as allowed by code.
- Granting of the waivers is the minimum necessary to afford relief to the applicant since the existing development pattern as previously approved with a Neighborhood Form District allowed for the improvements to occur as proposed and if required to follow all Town Center Form District requirements the overall design cohesion would be drastically compromised.
- The development as proposed with the requested waivers will allow for the property to be enhanced with an expanded grocery, fuel center and rebuilt general retail building that would otherwise not occur due to the existing layout of the property and limited uses that could occur on the subject property. In addition, strict application of the provisions would limit the improvements of the property and not allow for the expanded Kroger Marketplace Grocery to be constructed.

Thank you for your consideration; please advise us immediately if any additional information is needed.

Sincerely,



John Campbell

Encl. Application  
Development Plan

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