



# Change in Zoning / Form District Application

Louisville Metro Planning & Design Services

Case No.: 15ZONE1065 Intake Staff: A

Date: 3/21/16 Fee: \$3025.50

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:

Change in Zoning / Form District from R-4 & R-5A to C-1

Project Description (e.g., retail center and office development, etc.): Neighborhood grocery, hardware store and fuel station

Project Name: Crossroads IGA

Primary Project Address: 8001 Smyrna Parkway

Additional Address(es): \_\_\_\_\_

Primary Parcel ID: Block 654, Lot 25

Additional Parcel ID(s): \_\_\_\_\_

# of Residential Units: n/a Commercial Square Footage: \_\_\_\_\_

Proposed Use: Neighborhood grocery, hardware store & fuel station Existing Use: vacant

Existing Zoning District: R-4 & R-5A Existing Form District: Neighborhood

Deed Book(s) / Page Numbers<sup>2</sup>: Deed Book 9919, Page 599

The subject property contains 3.72 acres. The area to be rezoned contains 2.5 acres.

Number of Adjoining Property Owners (APOs): 88 (refer to tax map from PDS)

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:

Docket/Case #: 15ZONE11065 (Pre-App) Docket/Case #: \_\_\_\_\_

Docket/Case #: 9-41-06 Docket/Case #: \_\_\_\_\_

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**CONTACT INFORMATION:**

**Owner Information:**

Highview Fire  
Entity or Individual Name: Protection District  
By: \_\_\_\_\_  
Address 7308 Fegenbush Lane  
City Louisville State KY Zip Code 40228

Phone: \_\_\_\_\_  
E-mail: DGoldsmith@HighviewFire.com

Signature [Signature]  
Name & Title

**Applicant Information:**

Houchens Industries, Inc.  
Entity or Individual Name: Houchens Industries, Inc.  
By: Tim Rich  
Address 700 Church Street  
City Louisville State KY Zip Code 42101

Phone: \_\_\_\_\_  
E-mail: trich@houchensindustries.com

SIGN HERE

**Plan Prepared by:** Primary Contact \_\_\_\_\_

Print Name Brian Shirley  
Company Name: Arnold Consulting Engineering Services, Inc.

Address PO Box 1338  
City Bowling Green State KY Zip Code 42101

Phone: 270.780.9445  
E-mail: bshirley@a-ces.com

**Attorney:** Primary Contact X

Print Name William B. Bardenwerper  
Company Name: Bardenwerper Talbott & Roberts, PLLC

Address 1000 N. Hurstbourne Parkway 2<sup>nd</sup> floor  
City Louisville State KY Zip Code 40223

Phone: 502-426-6688  
E-mail: wbb@bardlaw.net

**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, DAVE Goldsmith in my capacity as Fire Chief  
Representative/authorized agent/other

hereby certify that Highview Fire Protection District is/are the owner(s) of the property which is the  
name of LLC / corporation / partnership / association / etc.

subject of this application, and that I am authorized to sign this application on behalf of the owner.

Signature: [Signature] Date: 11-16-15

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 duty is punishable as a Class B misdemeanor.

# CROSSROADS IGA

700 Church Street  
Bowling Green, KY 42101

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March 1, 2016

Dear Neighbor,

**RE: Follow-up meeting regarding our proposed zone change from R-4 residential to C-1 commercial to allow a combination Crossroads IGA grocery store with restaurant, hardware store and fuel pumps on approximately 2.5 +/- acres, to be located on the rear, northern portion of the Highview Fire Station at the northeast corner of Smyrna Parkway and Applegate Lane at 8001 Smyrna Parkway, Case No. 15ZONE1065**

We are writing to invite you to a follow-up meeting to the one we held on November 30<sup>th</sup> to again present neighbors with our plan for a combination Crossroads IGA grocery store with restaurant, hardware store and fuel pumps.

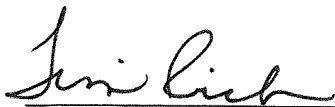
We previously filed a plan for pre-application review with the Division of Planning and Design Services (DPDS). It has been given DPDS Case No 15ZONE1065 and Brian Davis as its DPDS case manager. This follow-up meeting is for us to show and explain to neighbors our latest plans and traffic study so that we might hear what added thoughts, issues and perhaps continuing concerns you may have.

In that regard, a meeting will be held on **Wednesday, March 16, 2016 at 7:00 p.m.** at the **Jefferson County Central Government Center** located at **7201 Outer Loop**.

If you cannot attend the meeting but have questions or concerns, please call our local land use attorney Bill Bardenwerper at 426-6688, or our land planning and engineering firm representatives Jeff Arnold and Brian Shirley at 270-780-9445.

We look forward to seeing you.

Sincerely,



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Tim Rich

cc: Hon. James Peden, Metro Councilman, District 23  
Andrew Webb, Crossroads IGA  
Bill Bardenwerper, attorney with Bardenwerper, Talbott & Roberts, PLLC  
Jeff Arnold P.E, PLS and Brian Shirley RLA, land planners/engineers with Arnold  
Consulting Engineering Services  
Brian Davis, Planning & Design Services case manager

# BARDENWERPER, TALBOTT & ROBERTS, PLLC

ATTORNEYS AT LAW

1000 N. HURSTBOURNE PARKWAY • BUILDING INDUSTRY ASSOCIATION OF GREATER LOUISVILLE BLDG. • SECOND FLOOR • LOUISVILLE, KENTUCKY 40223  
(502) 426-6688 • (502) 425-0561 (FAX) • WWW.BARDLAW.NET

## STATEMENT OF COMPLIANCE WITH ALL APPLICABLE GUIDELINES AND POLICIES OF THE CORNERSTONE 2020 COMPREHENSIVE PLAN

Applicant: Houchens Industries

Owner: Highview Fire Protection District

Location: 8001 Smyrna Parkway

Proposed Use: Neighborhood Crossroads IGA, Ace Hardware and fuel station

Engineers, Land Planners and  
Landscape Architects: Arnold Consulting Engineering Service, Inc.

Request: Zone Change from R-4 and R-5A to C-1

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### SUMMARY STATEMENT

Houchens is the largest employee-owned company in the United States. It owns and operates various enterprises, and included among them are several hundred grocery stores. The grocery concept proposed for this location, Crossroads IGA, is a relatively new one in that involves a with product that includes fresh produce and meats at grocery, not convenience, store prices along with an Ace Hardware store and sit-down restaurant with drive-thru. The store will be of an upscale design tailor-made for this particular neighborhood with fewer fuel pumps than at Houchens' first Crossroads IGA store in this market, which is at US 60 and Beckley Station Road.

The site is at a "T" intersection of Smyrna Parkway and the westward extension of Applegate Lane. It is also just north of the "T" intersection of Smyrna Parkway and the eastward extension of Applegate Lane. Smyrna Parkway is a relatively heavily trafficked arterial roadway which would benefit from a traffic signal at one of its "T" intersections with west-bound Applegate Lane. The applicant conducted a Traffic Impact Study, which determined that a traffic signal at this location would make it possible to enter and exit the proposed facility while also improving current levels of service at Smyrna Parkway and west-bound Applegate Lane, specifically by making left-hand turns eastbound Applegate Lane to northbound Smyrna Parkway possible and by improving right-turn movements as well eastbound Applegate Lane to southbound Smyrna Parkway.

### GUIDELINE 1 – COMMUNITY FORM

The application complies with the Suburban Neighborhood Form District description of an area characterized by *predominantly* residential uses but that also includes, at appropriate locations, a mixture of uses, such as offices, retail shops, restaurants and services so long as these uses are at

a scale appropriate for the nearby neighborhoods. This proposal represents 21<sup>st</sup> Century version of the “corner grocery” and “neighborhood hardware” stores, which are ideally located in close proximity to large, fairly dense residential areas, which serve as the support population for this combination small grocery and hardware store.

### **GUIDELINE 2 – CENTERS**

The application complies with the Intents and applicable Policies 1, 2, 3, 4, 5, 7, 8, 9, 11, 13, 14 and 15 of this Guideline as follows.

This site is presently owned by the Highview Fire Department, representing excess land at the rear of an existing fire station. The fire station is located next door to one existing and one soon-under-construction residential condominium communities and across the eastward extension of Applegate Lane from the Smyrna Inn. As a consequence, this is an existing activity center, comprised of higher density residential, the institutional use of a fire station and a bar/restaurant. With this addition to the diversity of goods and services in close proximity to residential housing, this small grocery/hardware store/restaurant/fuel station adds to the vitality and sense of place among the mostly disconnected nearby neighborhoods, some of whose residents might decide to walk to this grocery.

As an “activity center”, it is appropriately located at the intersection of a collector and arterial street and is designed to be of intensity, density, size and mix of uses appropriate for a small neighborhood center. Everything within this small center is compact, and it includes four uses: a grocery, a hardware store, a small restaurant and a fuel station. They share parking and work off the same utility infrastructure.

### **GUIDELINE 3 – COMPATIBILITY**

The application complies with the Intents and applicable Policies 1, 2, 4, 5, 6, 7, 8, 9, 12, 20, 21, 22, 23, 24 and 28 of this Guideline as follows.

As set forth above, this is a small neighborhood serving retail center. It will have the look and feel of the store already built at US 60 and Beckley Station Road, except at this one will involve fewer fuel pumps and will add a new hardware store. Elevation renderings are included in the neighborhood meeting PowerPoint presentation accompanying this application. Odors will be contained within the building, especially given that the type restaurant will be a Subway-type restaurant. Noise will not be a late evening/over night factor given that this store, except for the fuel pumps, will be closed during those hours. Lighting will follow restrictions of the Land Development Code (LDC) and thus be directed down and away from nearby residential properties, with a 90 degree cut-off at property lines. Transitions to adjoining properties to the north and east will be well screened and buffered in accordance with LDC requirements and in consultation with adjoining property owners. Parking will be shared. Loading and delivery will be located and/or screened so as to minimize impacts on any nearby residentially occupied properties. Signage will be in conformance with the LDC.

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**GUIDELINE 6 – ECONOMIC GROWTH AND SUSTAINABILITY**

The application complies with the Intents and applicable Policies 2, 3, 5, 6 and 11 of this Guideline as follows.

This proposed combination of four compatible uses constitutes a high quality, neighborhood activity center. It is located in the midst of fairly intense residential populations along Smyrna Parkway and Applegate Lane. Without this proposed development of the rear unutilized portion of the existing Highview Fire Station site, it is hard to envision what this site would otherwise be appropriate for – surely not single-family residential use.

**GUIDELINES 7, 8 AND 9 – CIRCULATION; TRANSPORTATION FACILITY DESIGN; AND BICYCLE, PEDESTRIAN AND TRANSIT**

The application complies with the Intents and applicable Policies 1, 2, 4, 6, 9, 10, 11, 12, 13, 14, 15, 16 and 18 of Guideline 7; Policies 1, 4, 5, 7, 9, 10 and 11 of Guideline 8; and Policies 1, 2, 3 and 4 of Guideline 9 as follows.

As mentioned above, the applicant conducted a TIS analyses and a signal warrant analysis. The conclusion of that analysis is set forth in the Summary Statement above. The proposed traffic signal at the entrance to this center will would move traffic much more efficiently along this very busy, peak-hour heavy arterial roadway. That is because what especially slows traffic and creates congestion are left and right turns from eastbound west Applegate Lane and attempted left turns from northbound Smyrna Parkway onto west Applegate Lane. Furthermore, the design of this small center, together with its points of access, take into account the standards promulgated by KTC and Metro Transportation Planning and Public Works. The latter will be required to review the detailed district development plan (DDDP) submitted with this application prior to time of LD&T and Planning Commission public reviews, or this application will not be publicly heard. That review and preliminary stamp of approval will assure that Transportation Planning and Public Works standards for corner clearances, access, connectivity, internal circulation and parking minimums are all satisfied. Additional right-of-way will be dedicated if required.

**GUIDELINE 10 - FLOODING AND STORMWATER**

The application complies with the Intents and applicable Policies 1, 3, 4, 6, 7, 10 and 11 of this Guideline as follows.

Small detention basins distributed at points on the DDDP, in compliance with MSD’s standards for storm water management will assure that post-development rates of runoff will not exceed pre-development conditions. MSD will be required to review the storm water management plan and give its preliminary stamp of approval to the DDDP prior to docketing for LD&T and Planning Commission public reviews.

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### **GUIDELINE 11 – WATER QUALITY**

The application complies with the Intents and applicable Policies 3, 5 and 8 of this Guideline as follows.

MSD has promulgated both soil erosion/sedimentation control regulations and even newer ones with respect to water quality. Construction plans for this center will require compliance with these regulations prior to obtaining building permits.

### **GUIDELINE 12 – AIR QUALITY**

The application complies with the Intents and applicable Policies 2, 4, 7 and 8 of this Guideline as follows.

By locating this small neighborhood center in close proximity to a large residential support population, notably along an already busy arterial road at its intersection with a busy collector level road, not only will vehicle miles traveled be reduced, but also customers already driving these road systems will be able to pop in and pop out of this center without having to travel greater distances for the exact same services.

### **GUIDELINE 13 – LANDSCAPE CHARACTER**

The application complies with the Intents and applicable Policies 1, 2, 4, 5 and 6 of this Guideline as follows.

Compliance with this Guideline is achieved by virtue of compliance with LDC requirements. But as stated above, landscaping, screening and buffering will exceed LDC requirements, as promised neighbors at the neighborhood meeting.

\* \* \*

For all the reasons listed above, the application complies with the listed and all other relevant and applicable Guidelines and Policies of the Cornerstone 2020 Comprehensive Plan and should be approved.

Respectfully submitted,

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