

March 15

Land Development & Transportation Committee
Staff Report
February 8, 2018



Case No:	17ZONE1045
Request:	R-4 to C-2 with Conditional Use Permit
Project Name:	Smyrna Village
Location:	8912 Smyrna Pkwy
Owner:	David Will
Applicant:	David Will
Representative:	BTM Engineering
Jurisdiction:	Louisville Metro
Council District:	23 – James Peden
Case Manager:	Laura L. Mattingly, AICP, Planner II

REQUEST(S)

- Change in Zoning from R-4 to C-2 on 10.66 acres
- Conditional Use Permit for mini-storage on 2.28 acres with relief for the 30' setback on the east property line of Lot 4
- Variance of Section 5.3.1.C.5 to allow primary retail building to exceed the maximum 150' setback
- Variance from Section 5.3.1.C.5 to allow pavement within a portion of the non-residential to residential 50' setback - *3F setbacks applied to individual lots*
- Variance from Section 8.3.3.B.10.d to allow freestanding signs to be 120 square feet in area and 26 feet in height *1,2,3 only*
- Waiver of Section 5.8.1.B to omit a portion of sidewalk along Smyrna Pkwy
- Waiver of Section 10.2.4.B.3 to allow utility easements to encroach more than 50% into the required Landscape Buffer Area *along Smyrna restaurant frontage 100% overlap*
- Waiver of Section 10.3.5.A.1 to reduce the required 30' Parkway Buffer to 15' along a portion of Smyrna Pkwy
- Detailed District Development Plan with Binding Elements

CASE SUMMARY/BACKGROUND

This site is located in the Highview neighborhood, northwest of the I-265/Smyrna Parkway exchange. The applicant is proposing a mixed use development on 10.66 acres with two freestanding restaurants, a 35,200 square foot multi-tenant retail/restaurant building and four mini-storage buildings at the rear of the site. The proposal includes a total of 303 parking spaces and one main entrance from a frontage road off of Smyrna Parkway.

STAFF FINDINGS

Staff finds that the proposal is ready to be docketed for the next available Public Hearing.

TECHNICAL REVIEW

- MSD & Transportation have given preliminary approvals
- This site is located just outside the Highview Neighborhood Plan study area and is located in an area identified as an "Activity Center", where commercial activity is encouraged.

INTERESTED PARTY COMMENTS

None received.

STANDARD OF REVIEW FOR REZONING

Criteria for granting the proposed form district change/rezoning: KRS Chapter 100.213

1. The proposed form district/rezoning change complies with the applicable guidelines and policies Cornerstone 2020; OR
2. The existing form district/zoning classification is inappropriate and the proposed classification is appropriate; OR
3. There have been major changes of an economic, physical, or social nature within the area involved which were not anticipated in Cornerstone 2020 which have substantially altered the basic character of the area.

STAFF ANALYSIS FOR REZONING

Following is a summary of staff's analysis of the proposed rezoning against the Guidelines and Policies of Cornerstone 2020:

The site is located in the Neighborhood Form District

The Neighborhood Form is characterized by predominantly residential uses that vary from low to high density and that blend compatibly into the existing landscape and neighborhood areas. High-density uses will be limited in scope to minor or major arterials and to areas that have limited impact on the low to moderate density residential areas.

The Neighborhood Form will contain diverse housing types in order to provide housing choice for differing ages and incomes. New neighborhoods are encouraged to incorporate these different housing types within a neighborhood as long as the different types are designed to be compatible with nearby land uses. These types may include, but not be limited to large lot single family developments with cul-de-sacs, neo-traditional neighborhoods with short blocks or walkways in the middle of long blocks to connect with other streets, villages and zero lot line neighborhoods with open space, and high density multi-family condominium-style or rental housing.

The Neighborhood Form may contain open space and, at appropriate locations, civic uses and neighborhood centers with a mixture of uses such as offices, retail shops, restaurants and services. These neighborhood centers should be at a scale that is appropriate for nearby neighborhoods. The Neighborhood Form should provide for accessibility and connectivity between adjacent uses and neighborhoods by automobile, pedestrian, bicycles and transit.

Neighborhood streets may be either curvilinear, rectilinear or in a grid pattern and should be designed to invite human interaction. Streets are connected and easily accessible to each other, using design elements such as short blocks or bike/walkways in the middle of long blocks to connect with other streets. Examples of design elements that encourage this interaction include narrow street widths, street trees, sidewalks, shaded seating/gathering areas and bus stops. Placement of utilities should permit the planting of shade trees along both sides of the streets.

NOTIFICATION

Date	Purpose of Notice	Recipients
1/25/18	Hearing before LD&T	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 10 Notification of Development Proposals
	Hearing before PC / BOZA	1 st and 2 nd tier adjoining property owners Speakers at Planning Commission public hearing Subscribers of Council District 10 Notification of Development Proposals
	Hearing before PC / BOZA	Sign Posting on property
	Hearing before PC / BOZA	Legal Advertisement in the Courier-Journal

ATTACHMENTS

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

1. Zoning Map



2. Aerial Photograph



3. 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 for review and approval; any changes/additions/alterations not so referred shall not be valid.
2. No outdoor advertising signs, small freestanding signs, pennants, balloons, or banners shall be permitted on the site.
3. 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.
4. Before any permit (including but not limited to building, parking lot, change of use, site disturbance, alteration permit or demolition permit) is requested:
 - a. The development plan must receive full construction approval from Develop Louisville, Louisville Metro Public Works and the Metropolitan Sewer District.
 - b. Encroachment permits must be obtained from the Kentucky Department of Transportation, Bureau of Highways.
 - 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 legal instrument shall be recorded creating the property 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 the approved plans to the office responsible for permit issuance will occur only after receipt of said instrument.
 - e. A Tree Preservation Plan in accordance with Chapter 10 of the LDC shall be reviewed and approved prior to obtaining approval for site disturbance.
5. Prior to any site disturbance permit being issued and prior to any clearing, grading or issuance of a site disturbance permit, a site inspection shall be conducted by PDS staff to ensure proper placement of required tree protection fencing in accordance with the approved Tree Preservation Plan.
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 _____ Planning Commission meeting.

Chief asked about west elevations for PC

Mattingly, Laura L

From: Marconi, Andrea P
Sent: Friday, January 5, 2018 2:55 PM
To: Brown, Jeffrey E; Reverman, Joe; Johnson, Pat W; Keith, Stacy
Cc: Dutrow, Mark B; Shaw, Jeremeih; Mattingly, Laura L
Subject: RE: 8912 Smyrna Parkway

I have no major comments, just the diagram of the counts for the existing counts (which it is correct in the reports), and I would add only that I find that the trip distribution percentages for AM should differ from the PM considering the uses. (Figure 5 using 60% in and 40% out for both AM & PM); and also that the report showing the Smyrna & Manslick intersection is showing it as coordinated and it is not.

Thank you.
Andrea

From: Brown, Jeffrey E
Sent: Tuesday, January 02, 2018 10:00 AM
To: Reverman, Joe; Marconi, Andrea P; Johnson, Pat W; Keith, Stacy
Cc: Dutrow, Mark B; Shaw, Jeremeih; Mattingly, Laura L
Subject: RE: 8912 Smyrna Parkway

Here's the only comments I have:

1. The existing peak hour volumes figure (fig #2 on pg. 3) needs to show the correct traffic volumes. The volumes in the HCS tables are correct but the figure is wrong.
2. Traffic volumes in the Smyrna & Manslick 2017 AM HCS table don't match the turning movement count.

Pat, Andrea & Stacy, do you have anything to add?

Jeffrey Brown, PE

From: Reverman, Joe
Sent: Wednesday, December 20, 2017 1:33 PM
To: Brown, Jeffrey E
Cc: Dutrow, Mark B; Shaw, Jeremeih; Mattingly, Laura L
Subject: FW: 8912 Smyrna Parkway

Jeff, can you please forward this to Traffic Engineering and KYTC for review? Please ask them to get comments to me by January 3rd and I will forward to the applicant.

Laura, I also asked them to submit a hard copy to the 3rd floor

Joe

From: Diane Zimmerman [<mailto:dianeبزim@att.net>]
Sent: Tuesday, December 19, 2017 5:48 PM
To: Reverman, Joe
Cc: John Addington
Subject: 8912 Smyrna Parkway

Mattingly, Laura L

From: Brown, Jeffrey E
Sent: Tuesday, January 2, 2018 10:00 AM
To: Reverman, Joe; Marconi, Andrea P; Johnson, Pat W; Keith, Stacy
Cc: Dutrow, Mark B; Shaw, Jeremeih; Mattingly, Laura L
Subject: RE: 8912 Smyrna Parkway
Attachments: RE: 8912 Smyrna Parkway

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Subject: 8912 Smyrna Parkway

Joe,

Attached for Metro review is the Smyrna Parkway Traffic Impact Study.

I believe KYTC will want to review it also, as the frontage road is still a KYTC facility.

I'm attaching a compressed version, but I can also send a minimized one that the graphics start to get blurry.

Please contact me with questions or comments.

Diane B. Zimmerman, P.E.
Diane B. Zimmerman Traffic Engineering, LLC.
502.648.1858
dianeبزim@att.net